



# TOWN OF LADYSMITH

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

MONDAY, APRIL 16, 2012  
Call to Order at 4:30 p.m.  
Regular Meeting Commences at 7:00 p.m.

## A G E N D A

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### CALL TO ORDER

#### 1. EXECUTIVE SESSION (4:30 P.M.)

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

##### Item One

90(1)(e) 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

90(1)(j) Information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*

90(1)(k) 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 Two

90(1)(e) 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 Three

90(1)(a) 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 Four

90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

##### Item Five

90(1)(g) Litigation or potential litigation affecting the municipality

#### 2. AGENDA APPROVAL – REGULAR MEETING (7:00 P.M.)

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	<u>Page</u>
<b>3. MINUTES</b>	
3.1. Minutes of the Regular Meeting of Council held April 2, 2012	<b>1 – 8</b>
3.2. Minutes of the Special Meeting of Council held April 10, 2012	<b>9 – 10</b>
<b>4. PUBLIC HEARING</b>	
None	
<b>5. DELEGATIONS</b>	
None	
<b>6. PROCLAMATIONS</b>	
6.1. Mayor Hutchins has proclaimed April 28, 2012 as “National Day of Mourning for Workers Killed or Injured on the Job” in the Town of Ladysmith	
<b>7. DEVELOPMENT APPLICATIONS</b>	
7.1. Development Permit Application – 322 Morgan Road Lot 1, District Lot 42, Oyster District, Plan 8270, Except Parts in Plans 44668, 47403, VIP57744, VIP78842 and VIP80930	<b>11 – 18</b>
<b>8. STAFF / ADVISORY COMMITTEE REPORTS</b>	
8.1. 2012 to 2016 Financial Plan (including Grants-in-Aid)	<b>19</b>
<b>9. CORRESPONDENCE</b>	
None	
<b>10. BYLAWS</b>	
10.1. Town of Ladysmith Water Parcel Tax Bylaw 2012, No. 1796 May be read a first, second and third time	<b>20</b>
<i>The purpose of Bylaw 1796 is to set the water parcel tax rates for 2012</i>	
10.2. Town of Ladysmith Sewer Parcel Tax Bylaw 2012, No. 1797 May be read a first, second and third time	<b>21</b>
<i>The purpose of Bylaw 1797 is to set the sewer parcel tax rates for 2012</i>	
<b>11. NEW BUSINESS</b>	
<b>12. UNFINISHED BUSINESS</b>	
None	

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**13. QUESTION PERIOD**

- A maximum of 15 minutes are allotted for questions.
- The Question Period will be comprised of two parts. The first part is reserved for questions directly related to items which appear on the agenda. If there is time remaining, questions during the second part can be on a matter of public interest under the jurisdiction of the Town.
- Each questioner will be allowed to ask one question plus a follow-up question related to the answer. If after all questioners have been heard and there is still time remaining, a questioner who has already spoken can ask one additional question plus a follow-up question related to the answer.
- Questions must be truly questions and not statements of opinions. Questioners are not permitted to make a speech.
- Questioners must avoid personal references; insinuations; violent, offensive or disrespectful remarks about another person; and unparliamentary language.
- Questions shall be addressed to the Chair.
- 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.

**14. ADJOURNMENT**





MINUTES OF A MEETING OF COUNCIL OF THE  
TOWN OF LADYSMITH  
HELD IN COUNCIL CHAMBERS AT CITY HALL ON  
MONDAY, APRIL 2, 2012

**COUNCIL MEMBERS PRESENT:**

Mayor Rob Hutchins  
Councillor Jillian Dashwood  
Councillor Duck Paterson

Councillor Steve Arnett  
Councillor Gord Horth

Councillor Bill Drysdale  
Councillor Glenda Patterson

**STAFF PRESENT:**

Ruth Malli  
Patrick Durban

Erin Anderson  
John Manson

Felicity Adams  
Joanna Winter

**CALL TO ORDER**

Mayor Hutchins called the Regular Council Meeting to order at 7:00 p.m.

**AGENDA APPROVAL**

**CS 2012-084**

It was moved, seconded and carried that the agenda for the Regular Session of Council for April 2, 2012 be approved as circulated.

**MINUTES**

**CS 2012-085**

It was moved, seconded and carried that the minutes of the Regular Meeting of Council held March 19, 2012 be approved as circulated.

**PROCLAMATIONS**

Mayor Hutchins proclaimed the week of May 20 to 26, 2012 as "National Public Works Week" in the Town of Ladysmith.

**DEVELOPMENT  
APPLICATIONS**

**Rezoning Application – 320 4<sup>th</sup> Avenue Extension**  
(Lot 5, District Lot 56, Oyster District, Plan 965, except part in Plan 31211)

Director of Development Services Felicity Adams introduced the rezoning application and indicated that recommendations before council reflect input from the Advisory Planning Commission. The Director of Development Services responded to questions from Council.

The proponent, Maureen Pilcher, was in attendance and responded to questions from Council.

**CS 2012-086**

It was moved, seconded and carried that staff be directed to

prepare a bylaw to amend Zoning Bylaw No. 1160 to permit a clustered development of 20 single family homes on the property legally described as Lot 5, District Lot 56 Oyster District, Plan 965, except part in Plan 31211 (320 4<sup>th</sup> Avenue Extension).

CS 2012-087

It was moved, seconded and carried that staff be directed to work with the applicant towards land-use agreements to the proposed development at 320 4<sup>th</sup> Avenue Extension, as follows:

- (a) *Driveway access easements shall be provided for 316 and 324 Fourth Avenue Extension.*
- (b) *A conservation covenant shall be provided to protect natural vegetation on a two metre wide area adjacent to the western property boundary.*
- (c) *A portion of land, containing a section of the Holland Creek Trail, be provided to the Town of Ladysmith.*
- (d) *A covenant be registered on title that provides a commitment to:*
  - *An amenity contribution of \$8000 (to be submitted prior to issuing a building permit for the first home on the property).*
  - *Tree protection measures as recommended by a certified arborist.*
  - *Homes shall be built to an Energuide 80 energy efficiency standard with non-fossil fuel heat sources.*
  - *Storm water shall be managed onsite.*
  - *At the time ten homes are constructed, the following site features must be completed (as shown on the site plan):*
    - i. *A common area 520m<sup>2</sup> in size,*
    - ii. *A pedestrian path for strata residents to access the Holland Creek Trail, and*
    - iii. *A minimum of 6 visitor parking stalls.*

#### **Strata Conversion of a Previously Occupied Building – 9 White Street**

(Lot A, District Lot 56, Oyster District, Plan VIP87173)

The Director of Development Services, F. Adams, provided Council with an overview of the proposed strata conversion of a property at 9 White Street and responded to questions from Council.

The proponent, Russ Jackson, was in attendance and indicated that he is prepared to comply with all conditions of the recommendations, including installation of a curb the length of the lane.

CS 2012-088

It was moved, seconded and carried that the strata conversion

application for the property located at 9 White Street proceed to step two of the application review process upon the applicant's written acceptance of the following preliminary terms and conditions:

- Completion of the landscape plan installation required by DP 09-09 prior to strata conversion approval.
- Entering into an agreement and provision of security for the completion of the lane on the full length of the west boundary of Lot A to the satisfaction of the Director of Infrastructure Services.
- At the cost of the applicant, preparation of discharge documents for covenant FB125840 and registration in the Land Title Office, if executed by the Town.
- Evidence that covenant FB326694 will be discharged by the Home Owner Protection Office and that the buyer will be provided with the industry standard 2-5-10 homeowner's protection warranty.

## **COUNCIL COMMITTEE REPORTS**

Mayor Hutchins circulated a summary of the proposed budget for the Cowichan Valley Regional District, indicating that the increase for the average home in Ladysmith would be approximately \$17.48 per year.

Mayor Hutchins congratulated the citizens of Ladysmith for helping to ensure that Ladysmith had the third highest reduction in electrical consumption in the province of B.C., and the highest reduction on Vancouver Island, during Earth Hour on Saturday March 31, 2012.

### **Trolley Committee Recommendations**

**CS 2012-089**

It was moved, seconded and carried that the advertising rates for advertising on the outside of the Ladysmith Trolley be reduced by 30 per cent (i.e., from \$300 to \$210 and from \$350 to \$245).

**CS 2012-090**

It was moved, seconded and carried that the trolley advertising program include one free month to advertisers who commit to four or more months of advertising on the outside of the trolley.

**CS 2012-091**

It was moved, seconded and carried that advertising rates for clients who reserve two or more advertising panels on the outside of the Ladysmith trolley be reduced by \$50 per month per panel.

**CS 2012-092**

**Mid Isle Soccer Association Vancouver Island Soccer Tournament**  
It was moved, seconded and carried that the Town of Ladysmith

provide the following assistance to the organizers of the Mini World Cup Soccer Tournament to be held in Ladysmith on May 12 and 13, 2012:

- Provision for recreational vehicle parking in the parking area above the Amphitheatre
- Provision for camping near the Horseshoe Pitch at Transfer Beach
- Arrangements for a \$2 Dive In Swim at the Frank Jameson Community Centre
- Use of the Town's plastic pylons for corner posts for the playing fields
- Installation of a banner across First Avenue
- Loan of the Town's garbage and recycling containers

CS 2012-093

It was moved, seconded and carried that the Town of Ladysmith provide the following assistance for the Mini World Cup Soccer Tournament, and that the Financial Plan be amended accordingly:

- Upgrades and improvements to the playing fields at Ladysmith Secondary School and Frank Jameson Community Centre, to a maximum amount of \$5,000
- Attendance of two Town of Ladysmith staff at the tournament.

CS 2012-094

It was moved, seconded and carried that Council approach the Chair and Executive of the Board of School District 68 with a strong request to assist the Town of Ladysmith in making improvements to the playing fields at Ladysmith Secondary School in time for the Mini World Cup Soccer Tournament on May 12 and 13, 2012.

CS 2012-095

It was moved, seconded and carried that the following items, for which financial assistance from the Town was requested, be referred to the Mid Isle Soccer Association for inclusion in the tournament budget:

- Rental of portable bathroom facilities for all venues
- Rental of the Town's trolley and driver for a shuttle service
- Event directional signage

#### **Government Services Committee Recommendations**

CS 2012-096

It was moved, seconded and carried that the correspondence from Sandra Taylor, received February 20, 2012, requesting installation of a sidewalk on the east side of Davis Road between Davis Road Elementary School and Hall road, be referred to staff for review and recommendation, including discussion with School District #68 regarding crosswalk supervision and other pedestrian safety measures.



**CS2012-097** It was moved, seconded and carried that the request from the Ladysmith Branch of the Royal Canadian Legion, dated February 16, 2012, for Permissive Property Tax Exemption in 2013 be referred to staff for review and recommendations.

**CS 2012-098** It was moved, seconded and carried that the Ministry of Transportation and Highways be requested to install advanced turn signals southbound at the intersection of Roberts Street and the TransCanada Highway, and northbound at the intersection of First Avenue and the Trans Canada Highway, in order to ensure the safety of resident of and visitors to the Town of Ladysmith.

**CS 2012-099** It was moved, seconded and carried that the following policing priorities for 2012 - 2013 be endorsed:

- Property crime reduction
- Prolific offenders
- Police visibility
- Traffic
- Community Policing

Members of Council congratulated the Ladysmith Chamber of Commerce for organizing a highly successful Home, Garden and Business Show, held March 30 and 31.

**STAFF / ADVISORY  
COMMITTEE REPORTS**

**2012-2016 Financial Plan Deliberations**

The City Manager provided Council with a summary of deliberations to date and requested that Council consider whether it wishes to maintain its policy of no increase to the industrial tax rate and maintaining any increase to the commercial tax rate at 50 per cent of the residential tax rate.

Council agreed to maintain the existing policy and recommended the following tax rate increases for 2012:

- Industrial – no increase
- Commercial – 2 per cent increase
- Residential – 5 per cent increase

**CS 2012-100** It was moved, seconded and carried that a provision for replacement of Fire Rescue vehicles be carried forward to the 2013 budget, and that staff be directed to develop a Vehicle Replacement Plan for all Town vehicles.

**CS 2012-101** It was moved, seconded and carried that a fence be constructed along three sides of the dog park at Transfer Beach, in accordance with portion A of the diagram circulated by the Director of Parks, Recreation and Culture, and that the funds be

included in the 2012 budget.

It was agreed that the Grant-in-Aid budget would be revisited at a Special Meeting of Council to be held on Tuesday, April 10 at 4:00 p.m.

Staff were requested to consider leasing rather than purchasing equipment where feasible.

It was agreed to continue discussions regarding the proposed reinstatement of the Economic Development Officer position until after the Cowichan Valley Regional District Economic Development Officer has met with Council at the April 16 Government Services Committee meeting.

*Public Input*

R. Johnson encouraged Council to review the Town's general operating costs for further reductions, and encouraged Council to review his correspondence dated March 19, 2012 on this matter.

**CORRESPONDENCE**

**CS 2012-102**

**Clayton Balabanov, Go Taxi**

**Recommendations regarding Ladysmith Trolley**

It was moved, seconded and carried that the correspondence from Clayton Balabanov of Go Taxi regarding options for a Ladysmith shuttle service be referred to BC Transit to determine how a shuttle service carried out by a taxi company is implemented in other jurisdictions.

**BYLAWS**

**CS 2012-103**

**Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299. Amendment Bylaw 2012, No. 1799**

It was moved, seconded and carried that Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299. Amendment Bylaw 2012, No. 1799 be adopted.

**CS 2012-104**

**Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298 Amendment Bylaw 2012, No. 1800**

It was moved, seconded and carried that Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298 Amendment Bylaw 2012, No. 1800 be adopted.

**QUESTION PERIOD**

R. Johnson requested that minutes recorded during questions related to the budget be recorded more as a public hearing format.

R. Johnson was advised that non-fossil fuels used for heating include natural gas.

## EXECUTIVE SESSION

CS 2012-105

It was moved, seconded and carried at 9:04 p.m. that Council retire into Executive Session after a three minute recess to consider the following items in accordance with Section 90(1) of the Community Charter:

Item 1: 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

Information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*

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 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: 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 4: 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

## ARISE AND REPORT

Council arose from Executive Session with report on the following item:

- Council accepted with regret the resignation of Lynne Brown from the Heritage Revitalization Advisory Commission.

**ADJOURNMENT**

**CS 2012-106**

It was moved, seconded and carried that this meeting of Council be adjourned at 10:22 p.m.

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Mayor (R. Hutchins)

**CERTIFIED CORRECT**

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Corporate Officer (S. Bowden)

Subject to Adoption



MINUTES OF A SPECIAL MEETING OF COUNCIL OF THE  
TOWN OF LADYSMITH  
HELD IN COUNCIL CHAMBERS AT CITY HALL ON  
TUESDAY, APRIL 10, 2012

**COUNCIL MEMBERS PRESENT:**

Mayor Rob Hutchins  
Councillor Gord Horth  
Councillor Glenda Patterson

Councillor Steve Arnett      Councillor Bill Drysdale  
Councillor Duck Paterson (entered later)

**COUNCIL MEMBERS ABSENT:**

Councillor Jill Dashwood

**STAFF PRESENT:**

Ruth Malli  
Sandy Bowden  
Joanna Winter

Erin Anderson  
Patrick Durban

Felicity Adams  
John Manson

**CALL TO ORDER**

Mayor Hutchins called the Special Council Meeting to order at 4:00 p.m.

**AGENDA APPROVAL**

CS 2012-107

It was moved, seconded and carried that the agenda for the Regular Session of Council for April 10, 2012 be approved as circulated.

**STAFF / ADVISORY  
COMMITTEE REPORTS**

**2012-2016 Financial Plan Deliberations**

The City Manager provided Council with a summary of deliberations to date and requested that Council confirm its previous direction to maintain its policy of no increase to the industrial tax rate and maintain any increase to the commercial tax rate at two per cent.

Councillor Paterson entered the meeting (4:15 p.m.)

The City Manager stated that in order to carry out the priorities that Council has set, the overall tax increase proposed is 2.58 per cent. This would be worked out at five per cent for the residential class, two per cent for the commercial class and no increase for the heavy industrial class.

CS 2012-108

It was moved, seconded and carried that staff be requested to research options for boulevard maintenance, including an alternative to grass, and to report back to Council.

It was agreed that the preliminary grants-in-aid recommendations as determined by Council at their meeting on March 5, 2012 will be discussed at the Council meeting on April 16, 2012.

It was further agreed that a Special Council Meeting will be held on Monday, April 23, 2012 for at which the Financial Plan Bylaws will be considered.

**QUESTION PERIOD**

P. Williams enquired whether the Town will be required to pay carbon offsets. He was advised that this is not applicable in 2012, but will be budgeted as necessary in future years.

P. Williams stated that there are errors in the calculations of the Town's greenhouse gas emissions in the community Energy Plan and was requested to communicate his concerns to staff.

P. Williams enquired whether there is any unfunded liability in the municipal pension plan that could affect the Town and was advised that any direction from the Municipal Pension Corporation in this regard will be included in future budgets.

R. Johnson read a letter outlining his concerns with respect to the Town's economy and urged Council to consider maintaining an economic developer officer position in the 2012 budget. He was advised that the provisional budget discussed by Council earlier in the meeting had included funding for the EDO position.

**ADJOURNMENT**

CS 2012-109

It was moved, seconded and carried that this Special Meeting of Council be adjourned at 5:02 p.m.

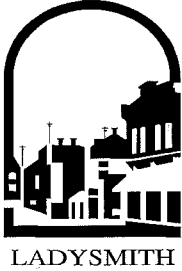
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Mayor (R. Hutchins)

**CERTIFIED CORRECT**

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Corporate Officer (S. Bowden)



Town of Ladysmith

**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: April 11, 2012  
File No: 3060-11-18

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Re: Development Permit Application – 322 Morgan Road  
Lot 1, District Lot 42, Oyster District, Plan 8270, Except Parts in Plans 44668,  
47403, VIP57744, VIP78842, and VIP80930

RECOMMENDATION(S):

That Council issue Development Permit 3060-11-18 to protect the streamside protection and enhancement area (SPEA) in relation to the subdivision of land and potential residential construction at 322 Morgan Road (Lot 1, District Lot 42, Oyster District, Plan 8270, Except Parts in Plans 44668, 47403, VIP57744, VIP78842, and VIP80930), subject to the applicant preparing a conservation covenant to protect the Russell Creek ravine riparian area;

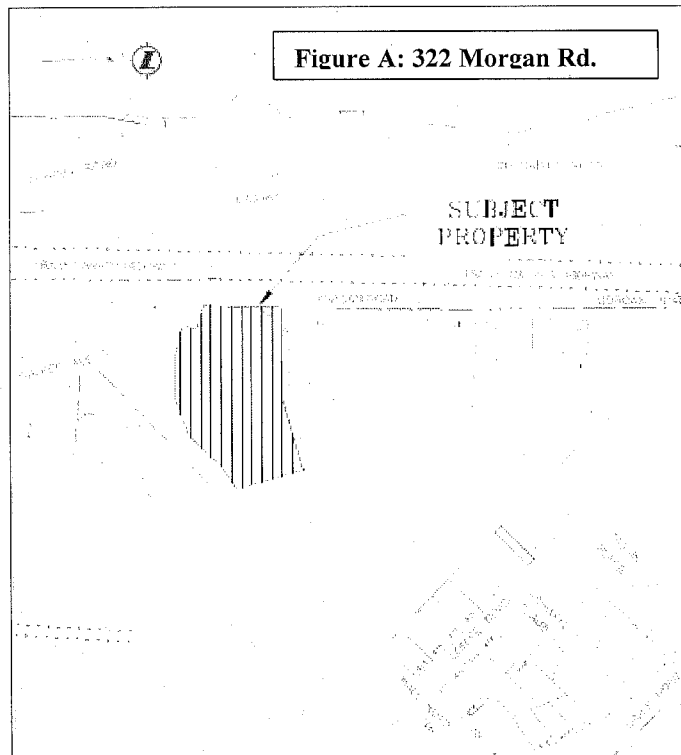
AND THAT the Mayor and Corporate Officer be authorized to sign the Development Permit and the Conservation Covenant.

PURPOSE:

The purpose of this report is to present a riparian development permit application for 322 Morgan Road.

INTRODUCTION/BACKGROUND:

The applicants, Mr. and Mrs. Coles have received Preliminary Layout Approval from the Subdivision Approving Officer for a two lot subdivision of 322 Morgan Road, subject to Council issuance of a Riparian Development Permit. In 2010 the applicant received a riparian area development permit for construction of a dwelling on the property. The subject property is shown in Figure A.



SCOPE OF WORK:

The subject property is zoned Suburban Residential Zone (R-1) and falls within Development Permit Area 6 – Riparian Development Permit Area (DPA6). The subject property is 15,124m<sup>2</sup> ( 3.7 acres) in size. The applicant is proposing to subdivide the land into two lots as is permitted in the R-1 zone. A significant portion of the property

contains the Russell Creek ravine. Schedule A of the attached DP 3060-11-18 shows the proposed lot layout and the ravine 'top of bank'.

The DPA 6 guidelines state that in addition to a development permit, registration of a conservation covenant over the riparian area is a recommended approach to confirm long-term protection of the riparian area. The applicant has agreed to place a conservation covenant on the title of the property such that future owners of the land would be obligated to protect the riparian area.

*Development Permit*

Consistent with the recommendations of the Riparian Area Assessment Report completed by Davey Consulting (2010), the Development Permit contains provisions for the protection of the streamside protection and enhancement area (SPEA), including the 10 metre upland SPEA, for the long term and during land development.

*Conservation Covenant*

The proposed covenant area is shown in Schedule A of the attached DP 3060-11-18. The covenant text will contain provisions requiring the long term protection of the ravine (consistent with the recommendations of the Riparian Area Assessment Report). The conservation covenant provisions will include ensuring that future landowners do not:

- Dig up, cut down or otherwise remove any trees, bushes, shrubs, or other vegetation;
- Remove any soil or other like material;
- Dump or otherwise dispose of any material, including without limiting the generality of the foregoing, any soil; tree, plant or shrub clippings; vegetation; or compost material;
- Construct any trails;
- Construct or otherwise erect any buildings or other structures.

It is recommended to support the Development Permit (3060-11-18) and to support a conservation covenant to protect the riparian area.

ALTERNATIVES:

To not support Development Permit application 3060-11-18 for reasons related to the DPA6 guidelines.

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS: n/a

CITIZEN/PUBLIC RELATIONS IMPLICATIONS: n/a

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Subdivision Approving Officer has issued a Preliminary Layout Approval for the proposed subdivision subject to the applicant meeting certain conditions, including obtaining a development permit.

RESOURCE IMPLICATIONS:

Processing Development Permit applications is within available staff resources.



ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Protection of ecosystems and biodiversity is identified as a core sustainability goal in the Visioning Report.

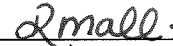
ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

It is recommended to support Development Permit 3060-11-18 and to support a conservation covenant to protect the Russell Creek ravine riparian area and the streamside protection and enhancement area.

I concur with the recommendation.



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Ruth Malli, City Manager

ATTACHMENTS:

DP Form 3060-11-18

TOWN OF LADYSMITH  
DEVELOPMENT PERMIT 3060-11-18  
(Section 920 *Local Government Act*)

DATE: April 16, 2012

TO: Gregory Peter Coles and Debera Lynn Coles  
(PERMITTEE)

Address: 10183 View Street  
Chemainus B.C.  
VOR 1K2

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

Lot 1  
District Lot 42  
Oyster District  
Plan 8270 (except parts in plans 44668, 47403, VIP57744, VIP78842, and VIP80930)  
PID# 005-093-996  
(322 Morgan Road)  
(referred to as the "Land")

3. This Permit has the effect of authorizing:
  - (a) an application for approval to subdivide the Land, subject to the requirements of the *Local Government Act* and the *Land Title Act*; and
  - (b) the alteration of land designated in the Official Community Plan under section 919.1(1)(a) or (b) of the *Local Government Act*;

subject to the conditions, requirements and standards imposed and agreed to in section 6 and 7 of this Permit.

4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw No. 1160.
5. This Permit replaces Development Permit 3060-10-01.

6. The Permittee, as a condition of the issuance of this Permit, agrees to protection of the Streamside Protection and Enhancement Area (SPEA), as determined pursuant to the Provincial *Riparian Areas Regulation*, which is identified on Schedule "A" to this Permit and includes the area 10 metres upland from the crest of the ravine slope along the full length of the ravine on the Land to Russell Creek,

Protection over the long term:

- (a) Long term SPEA protection measures for the area from the top of ravine slope to Russell Creek:
- (i) Registration of a Land Title Act, section 219 Covenant to protect, conserve and keep in its natural state all vegetation within the covenant area.
- (b) Long term SPEA protection measures for the area 10 metres upland from the top of the ravine slope:
- (i) No planting of vegetation other than moisture tolerant native trees and plants within the SPEA.
  - (ii) Trees that naturally become danger trees may be removed by competent practitioners and additional native, drought tolerant vegetation may be introduced to maintain soil stability where the tree was removed.
  - (iii) No construction of buildings, decks, or any projections from buildings within or into the SPEA.
  - (iv) No placement of debris of any kind within the SPEA.
  - (v) No disturbance of the soil within the SPEA.

Protection of SPEA during land development outside of the SPEA:

- (c) During development of the Land outside of the SPEA, the SPEA shall be protected by:
- (i) Engaging a Qualified Environmental Professional to review development plans, provide any additional mitigation measures and monitor the site prior to, during, and post construction and to report through the Riparian Areas Regulation Notification System.
  - (ii) Installing continuous fencing or ribbon marking the edge of the SPEA prior to development to keep the area clear of equipment or any material associated with the development of the land;
  - (iii) Placing signage on or near the fencing to advise contractors that the area is environmentally sensitive and not to be entered;
  - (iv) Ensuring that landscaping and movement of soil on the Land does not infringe upon the 10 metre SPEA (upland from the ravine slope) and that watering schemes do not impact the integrity of the land base.

7. The subdivision of the Land shall be substantially in accordance with Schedule "B" to this Permit.
8. 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 3060-11-18 or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
9. If the Permittee does not substantially complete the subdivision or start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
10. The plans and specifications attached to this Permit are an integral part of this Permit.
11. This Permit prevails over the provisions of the Bylaw in the event of conflict.
12. Despite issuance of this permit, subdivision required approval by the Town's Approving Officer and construction may not start without a Building Permit or other necessary permits.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2012.

\_\_\_\_\_  
MAYOR

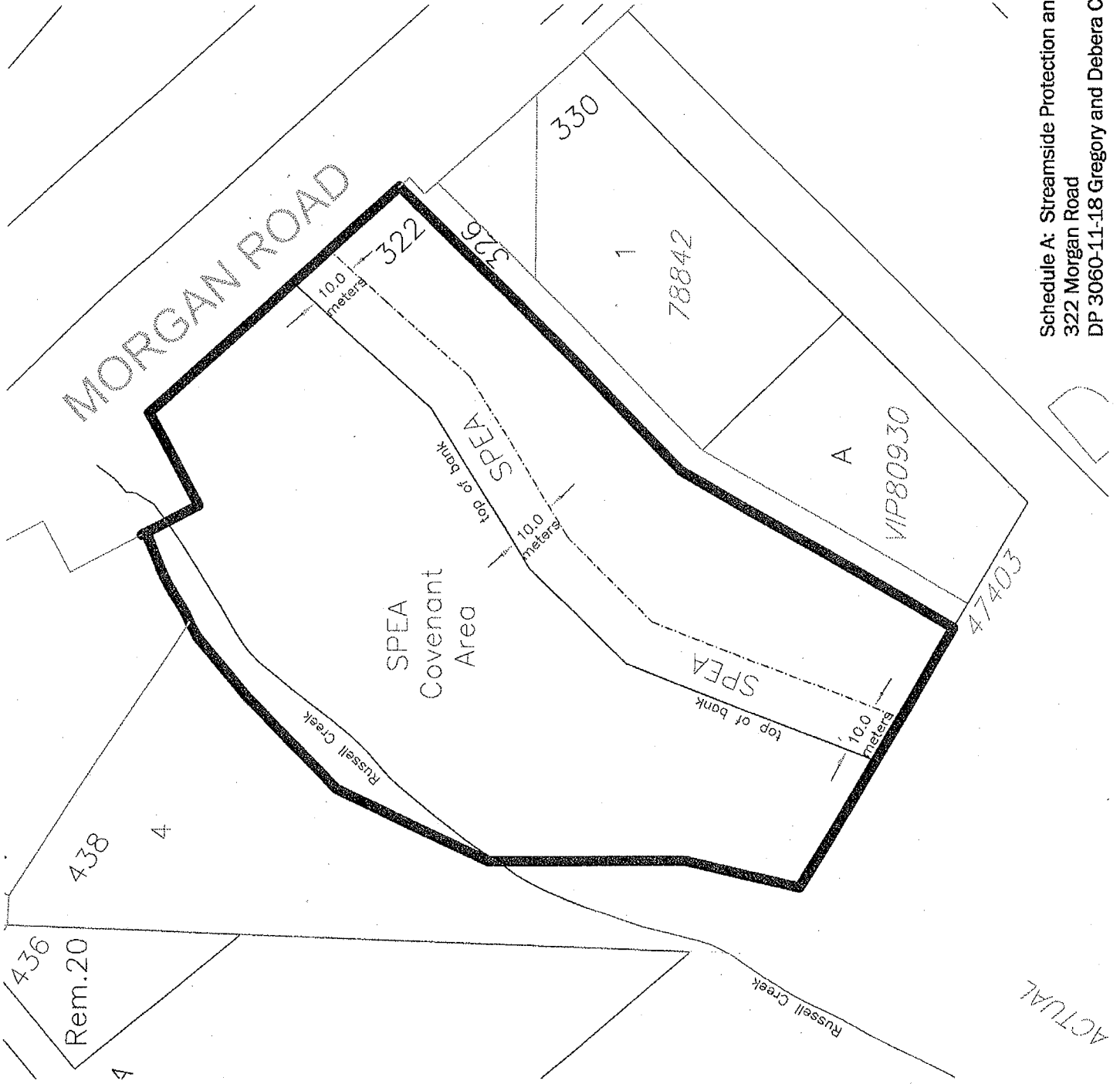
\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
OWNER

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

\_\_\_\_\_  
OWNER

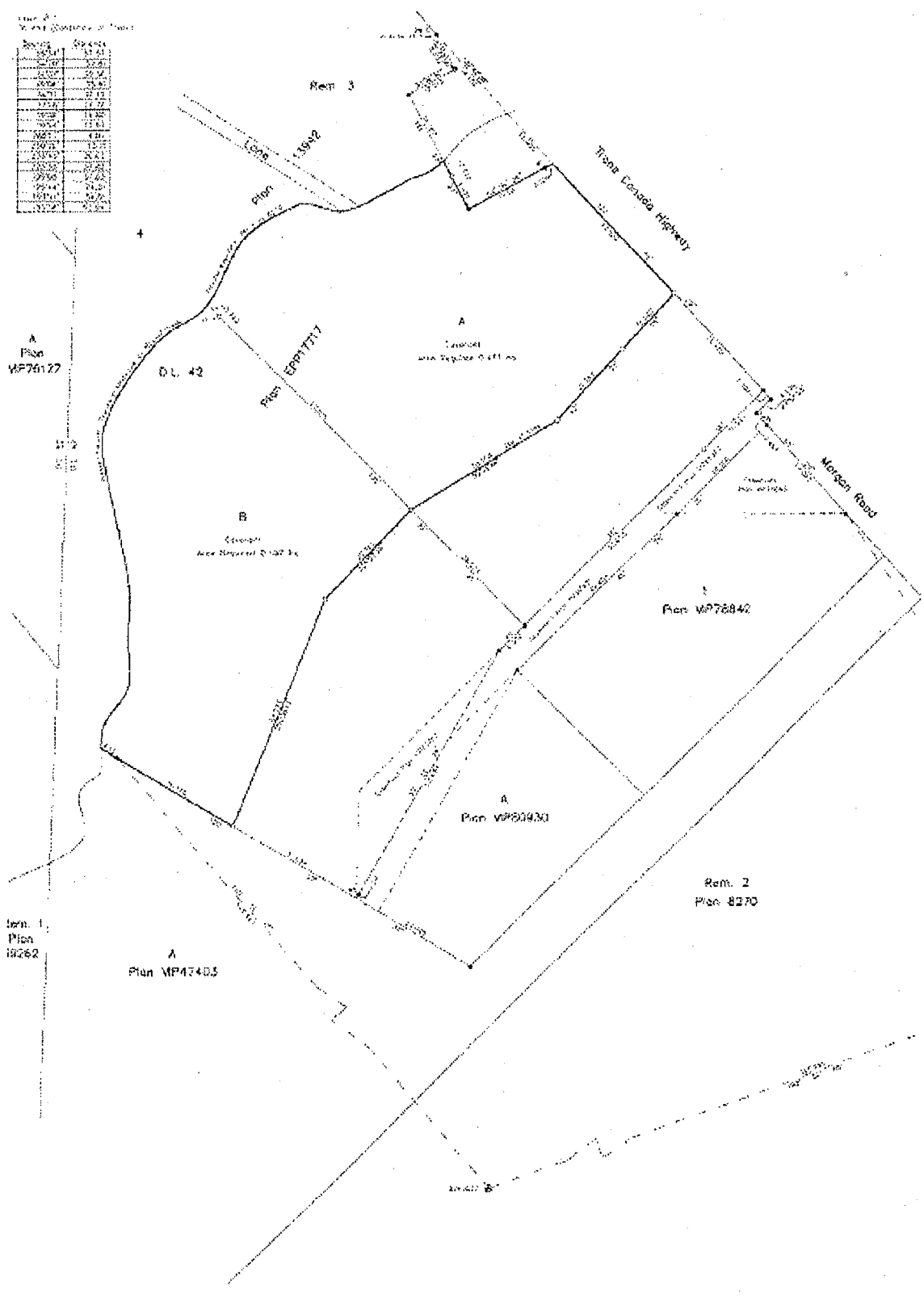
\_\_\_\_\_  
PLEASE PRINT NAME



Schedule A: Streamside Protection and Enhancement Area  
 322 Morgan Road  
 DP 3060-11-18 Gregory and Debera Coles

TABLE 2  
 YIELD SCHEDULES OF TRACTS

Tract	Area (Ac.)	Yield (Ac.)
1	10.00	10.00
2	10.00	10.00
3	10.00	10.00
4	10.00	10.00
5	10.00	10.00
6	10.00	10.00
7	10.00	10.00
8	10.00	10.00
9	10.00	10.00
10	10.00	10.00
11	10.00	10.00
12	10.00	10.00
13	10.00	10.00
14	10.00	10.00
15	10.00	10.00
16	10.00	10.00
17	10.00	10.00
18	10.00	10.00
19	10.00	10.00
20	10.00	10.00
21	10.00	10.00
22	10.00	10.00
23	10.00	10.00
24	10.00	10.00
25	10.00	10.00
26	10.00	10.00
27	10.00	10.00
28	10.00	10.00
29	10.00	10.00
30	10.00	10.00
31	10.00	10.00
32	10.00	10.00
33	10.00	10.00
34	10.00	10.00
35	10.00	10.00
36	10.00	10.00
37	10.00	10.00
38	10.00	10.00
39	10.00	10.00
40	10.00	10.00
41	10.00	10.00
42	10.00	10.00
43	10.00	10.00
44	10.00	10.00
45	10.00	10.00
46	10.00	10.00
47	10.00	10.00
48	10.00	10.00
49	10.00	10.00
50	10.00	10.00
51	10.00	10.00
52	10.00	10.00
53	10.00	10.00
54	10.00	10.00
55	10.00	10.00
56	10.00	10.00
57	10.00	10.00
58	10.00	10.00
59	10.00	10.00
60	10.00	10.00
61	10.00	10.00
62	10.00	10.00
63	10.00	10.00
64	10.00	10.00
65	10.00	10.00
66	10.00	10.00
67	10.00	10.00
68	10.00	10.00
69	10.00	10.00
70	10.00	10.00
71	10.00	10.00
72	10.00	10.00
73	10.00	10.00
74	10.00	10.00
75	10.00	10.00
76	10.00	10.00
77	10.00	10.00
78	10.00	10.00
79	10.00	10.00
80	10.00	10.00
81	10.00	10.00
82	10.00	10.00
83	10.00	10.00
84	10.00	10.00
85	10.00	10.00
86	10.00	10.00
87	10.00	10.00
88	10.00	10.00
89	10.00	10.00
90	10.00	10.00
91	10.00	10.00
92	10.00	10.00
93	10.00	10.00
94	10.00	10.00
95	10.00	10.00
96	10.00	10.00
97	10.00	10.00
98	10.00	10.00
99	10.00	10.00
100	10.00	10.00



Schedule B: 2 lot subdivision of 322 Morgan Road  
 Plan EPP17718  
 DP 3060-11-18 Gregory and Debera Coles

Town of Ladysmith  
Grants in Aid 2012 Requests

Organization	2011 Approved at Budget Time & Paid	2012 Requested	2012 Tentative Approvals
Arts on the Avenue	1,000	1,500	1,000
Ladysmith & District Historical Society	20,000	25,000	20,000
Ladysmith & District Historical Society Museum	-	12,000	10,000
Ladysmith Celebrations Society	8,000	8,000	8,000
Ladysmith Festival of Lights	12,000	22,000	18,000
Ladysmith Fire/Rescue Santa Parade	1,000	1,800	1,000
Ladysmith Show & Shine	-	1,000	500
<b>Total Celebrations</b>	<b>42,000</b>	<b>71,300</b>	<b>58,500</b>
Ladysmith & District Marine Rescue Society	1,500	1,500	1,500
Ladysmith Maritime Society Festival	1,500	5,000	1,500
Ladysmith Maritime Society Museum	1,000	5,000	1,000
<b>Total Harbour Functions</b>	<b>4,000</b>	<b>11,500</b>	<b>4,000</b>
Ladysmith Resources Centre Assn	8,000	17,860	8,000
Ladysmith Resources Centre Assn - Victim Service	11,000	17,000	11,000
Ladysmith Resources Centre Assn - Family Suppo	8,000	12,000	8,000
Ladysmith Resources Centre Assn - Youth at Risk	8,000	11,000	8,000
<b>Total Resource Centre</b>	<b>35,000</b>	<b>57,860</b>	<b>35,000</b>
Arts Council of Ladysmith & District	1,000	1,000	1,000
Cowichan Family Caregivers Support Society	750	-	-
Ladysmith Citizens of Patrol	1,500	1,500	1,500
Ladysmith Community Gardens Society	3,000	-	-
Ladysmith RCMP Community Policing	1,000	1,000	1,000
Ladysmith Sportsmen Club	500	500	500
Royal Canadian Legion #171	5,000	10,000	5,000
Cowichan & District SPCA	-	10,000	-
Ladysmith Senior Advisory Council	-	950	950
<b>Total Other</b>	<b>12,750</b>	<b>24,950</b>	<b>9,950</b>
Central Vancouver Island Crisis Society	500	1,000	500
<b>Total Social Services</b>	<b>500</b>	<b>1,000</b>	<b>500</b>
Ladysmith Ambassador Committee	1,000	2,500	1,000
Ladysmith Sec School - Frank Jameson Bursary	1,500	1,500	1,500
Ecole Davis Road Parents Advisory Council	-	2,000	1,500
Ladysmith Intermediate School PAC	-	5,000	-
Royal Canadian Air Cadets	-	3,000	1,000
Cowichan Therapeutic Riding Association	-	5,000	-
<b>Total Youth, Education &amp; Sport</b>	<b>2,500</b>	<b>19,000</b>	<b>5,000</b>
Ladysmith OPT Education	1,000	-	-
<b>Total applications received after deadline</b>	<b>1,000</b>	<b>-</b>	<b>-</b>
<b>TOTAL</b>	<b>97,750</b>	<b>185,610</b>	<b>112,950</b>

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**TOWN OF LADYSMITH  
BYLAW NO. 1796**

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

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**WHEREAS** the Council of the Town of Ladysmith is empowered by Section 200 of the *Community Charter* to impose and levy a water parcel tax to meet the cost of works and services that benefit land within the Municipality; and

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

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

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

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

"**Parcel**" means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2012 Revised Assessment Roll and all amendments thereto.

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

2. A water parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the water system of the Town, or which is deemed to abut on the said water system.
3. The annual water parcel tax shall be in the amount of One Hundred Dollars (\$100.00) per parcel or group of parcels.
4. The water parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the water parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes. The water parcel tax shall have the same rights and remedies as other real property taxes.
5. Every water parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter*.
6. The provisions of this Bylaw shall become effective and be in force as of the 1st day of January for the year 2012.
7. **REPEAL**  
"Water Parcel Tax Bylaw, 2011, No. 1758" is hereby repealed.
8. **CITATION**  
This bylaw may be cited as "Water Parcel Tax Bylaw 2012, No.1796".

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2012

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2012

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2012

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2012

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Mayor (R. Hutchins)

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Corporate Officer (S. Bowden)



**TOWN OF LADYSMITH  
BYLAW NO. 1797**

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

---

**WHEREAS** the Council of the Town of Ladysmith is empowered by Section 200 of the *Community Charter* to impose and levy a sewer parcel tax to meet the cost of works and services that benefit land within the Municipality; and

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

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

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

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

"Parcel" means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2012 Revised Assessment Roll and all amendments thereto.

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

2. A parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the sewer system of the Town, or which is deemed to abut on the said sewer system.

3. The annual sewer parcel tax shall be in the amount of Two Hundred Sixty-nine Dollars (\$269.00) per parcel or group of parcels.

4. The sewer parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes. The sewer parcel tax shall have the same rights and remedies as other real property taxes.

5. Every parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter*.

6. **REPEAL**  
"Sewer Parcel Tax Bylaw 2011, No. 1759" is hereby repealed.

7. The provisions of this bylaw shall become effective and be in force as of the 1st day of January for the year 2012.

9. **CITATION**  
This bylaw may be cited as "Sewer Parcel Tax Bylaw 2012, No. 1797".

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2012

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2012

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2012

**ADOPTED** on the \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2012

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Mayor (R. Hutchins)

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Corporate Officer (S. Bowden)