



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, SEPTEMBER 19, 2016

Call to Order and Closed Meeting
5:00 p.m.
Regular Open Meeting
7:00 p.m.

A G E N D A

CALL TO ORDER (5:00 P.M.)

1. CLOSED SESSION

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

- Human Resources Matter – s. 90(1)(c)
- Acquisition and disposition of property – s. 90(1)(e)

2. REGULAR MEETING (7:00 P.M.)

3. AGENDA APPROVAL

4. RISE AND REPORT

4.1. Rise and Report on items from the Closed Session as applicable.

5. MINUTES

5.1. Minutes of the Regular Meeting of Council held August 15, 20161 - 9

5.2. Minutes of the Special Meeting of Council held September 12, 201610

6. DELEGATIONS

6.1. Amy Melmock, Economic Development Manager, Cowichan Valley Regional District
Introduction and Community Outreach Update

7. PROCLAMATIONS – None

8. DEVELOPMENT APPLICATIONS

- 8.1. Development Variance Permit Application – MacCallum 11 - 18
Lot 1, DL 43, Oyster District, Plan 6424 (117 Clarke Road)**

Staff Recommendation:

That Council:

1. Consider issuing Development Variance Permit application 3090-16-04 for Lot 1, DL 43, Oyster District, Plan 6424 (117 Clarke Road) to vary:
 - a) *“Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834”* such that the required road right-of-way width is varied from 15.5 metres to 9 metres for that portion of Clarke Road fronting Lot 1, DL 43, Oyster District, Plan 6424; and
 - b) *“Town of Ladysmith Zoning Bylaw 2014, No. 1860”* such that proposed lot 3 has a frontage that is 17.64 metres in width.
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-16-04.

- 8.2. 520 Jim Cram Drive Official Community Plan Amendment and Zoning Bylaw Amendment..... 19 - 20**

Staff Recommendation:

That under the Bylaws section of tonight’s agenda, Council give third reading and final adoption to Bylaw 1913 and Bylaw 1914.

9. BYLAWS (OFFICIAL COMMUNITY PLAN AND ZONING)

- 9.1. Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 48) 2016, No. 1913..... 21 - 22**

Bylaw 1913 is the subject of a staff report earlier in the agenda. The purpose of Bylaw 1913 is to amend the Town’s Official Community Plan with respect to proposed development at 520 Jim Cram Drive.

Staff Recommendation:

That Council give third reading and final adoption to Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 48) 2016, No. 1913.

- 9.2. Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 6) 2016, No. 1914 23 - 24**

Bylaw 1914 is the subject of a staff report earlier in the agenda. The purpose of the Bylaw is to amend the Subdivision and Servicing Bylaw such that the timing of constructing a concrete curb, gutter, storm drainage and sidewalk is deferred to the issuance of a building permit.

Staff Recommendation:

That Council give third reading and final adoption to Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 6) 2016, No. 1914.

10. REPORTS

10.1. Vehicle Noise and Safety Concerns – Trans Canada Highway 25 - 27

S/Sgt. Ken Brissard of the Ladysmith RCMP Detachment is scheduled to be in attendance to respond to questions from Council on this matter.

Staff Recommendation:

That Council:

1. Direct staff to request a meeting with the Ministry of Transportation and Infrastructure to discuss:
 - Erecting highway noise barriers along the Trans Canada Highway through the Town of Ladysmith.
 - Additional speed studies along the Trans Canada Highway through the Town of Ladysmith.
 - Additional options to reduce engine brake use on the highway.
2. Direct staff to obtain a legal opinion on the enforcement of Town bylaws on Provincial Highways.

10.2. Recommendations from the Municipal Services Committee Meeting of September 12, 201628

Committee Recommendations:

That Council direct staff to :

1. Place an advertisement in local media congratulating the Lions Club on all they have achieved and contributed.
2. a) Proceed with replacing the Fire Hall roof in 2016; and
 - b) Authorize an increase of \$75,000 in the Fire Hall roof replacement project budget to \$225,000 with the additional funds to be drawn from the Capital Replacement Reserve.
3. Develop recommendations relating to the establishment of a new Parks, Recreation and Culture Advisory Committee.
4. Amend the 2016 Financial Plan by allocating \$11,300 from Parks Operations to the Capital Projects to fund the installation of the downtown garbage cans.

10.3. Revitalization Tax Exemption Agreement – 1036711 BC Ltd..... 29 - 41

Staff Recommendation:

That Council enter into a Revitalization Tax Exemption Agreement with 1036711 BC Ltd., for the property located at 1146 Rocky Creek Road (Folio 0905.018)

10.4. Properties on the Permissive Tax Exemption Bylaw for 2017 42 - 48

Staff Recommendation:

That Council give first three readings to Town of Ladysmith Permissive Tax Exemption Bylaw 2016, No. 1915 under the Bylaws portion of the agenda.

10.5. Proposed Two Per Cent Hotel Tax to Support Tourism Development in the Cowichan Region..... 49 - 55

Staff Recommendation:

That Council:

1. Support the application by the Cowichan Valley Regional District for a two per cent Municipal and Regional District Tax on accommodation in the region to support tourism marketing and development initiatives of the Tourism Cowichan Society; and
2. Direct staff to advise the Cowichan Valley Regional District of its support.

11. BYLAWS

11.1. Town of Ladysmith 2017 Permissive Tax Exemptions Bylaw 2016, No. 1915..... 56 - 64

Bylaw 1915 is the subject of a staff report earlier in the agenda. The purpose of Bylaw 1915 is to exempt certain properties from taxation as permitted by the *Community Charter*.

Staff Recommendation:

That Council give first three readings to Town of Ladysmith 2017 Permissive Tax Exemptions Bylaw 2016, No. 1915.

12. CORRESPONDENCE

Joe Barry, Cowichan Valley Regional District

CVRD Bylaw No. 4035 – Transit Service Amendment Bylaw 65 - 70

Regional District staff will be in attendance at the meeting to respond to questions from Council.

Staff Recommendation:

That the Town of Ladysmith consents to the adoption of CVRD Bylaw No. 4035 – Transit Service Amendment Bylaw, 2016.

**Megan Klitch, Jenny Byford, Canadian Cancer Society
Endorsement of Smoke and Vape-free Outdoor Public Places in B.C. 71 - 74**

Staff Recommendation:

That Council consider whether it wishes to endorse the recommendation of the Canadian Cancer Society for smoke and vape-free outdoor public places in British Columbia.

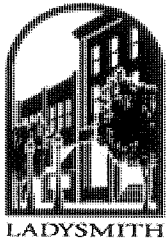
13. NEW BUSINESS

14. UNFINISHED BUSINESS – None

15. 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.

ADJOURNMENT



TOWN OF LADYSMITH
MINUTES OF A REGULAR MEETING OF COUNCIL
MONDAY, AUGUST 15, 2016
CALL TO ORDER 5:03 P.M.
COUNCIL CHAMBERS, CITY HALL

COUNCIL MEMBERS PRESENT:

Mayor Aaron Stone	Councillor Cal Fradin	Councillor Joe Friesenhan
Councillor Carol Henderson	Councillor Rob Hutchins	Councillor Duck Paterson

COUNCIL MEMBERS ABSENT:

Councillor Steve Arnett

STAFF PRESENT:

Guillermo Ferrero	Felicity Adams	Erin Anderson
Geoff Goodall	Clayton Postings	Joanna Winter
Sue Bouma		

CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 5:03 p.m.

CLOSED SESSION

CS 2016-269

Moved and seconded:

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

- the acquisition, disposition or expropriation of land (s.90(1)(e))
- Town Commissions and Committees (s. 90 (1)(a))

Motion carried.

RISE AND REPORT

Council rose from Closed Session at 6:25 p.m. with report on the following items:

- Resolution CE 2016-148, that Council reappoint the following individuals for terms ending June 30, 2017 to their respective Town Advisory Commissions:
 - Marnie Craig (Heritage Revitalization Advisory Commission)
 - Jennifer Robinson (Heritage Revitalization Advisory Commission)
 - D. Brian McLaurin (Advisory Planning Commission)
 - Resolution CE 2016-149, that Council reappoint the following individuals for terms ending June 30, 2018 to their respective Town Commissions:
 - Tamara Hutchinson (Heritage Revitalization Advisory Commission)
 - Ron Kinney (Advisory Design Panel)
 - Brian Childs (Advisory Design Panel)
-

- Bruce Laxdal (Advisory Planning Commission)
 - Tina Donovan (Advisory Planning Commission)
 - Mayo McDonough (Advisory Planning Commission)
- Resolution CE 2016-150, that Council appoint the following new applicants to terms ending June 30, 2018 to Town Advisory Commissions:
 - Heritage Revitalization Advisory Commission (four vacancies)*
 - Robert J. (Bob) Darling
 - Marina Sacht
 - Harald Cowie
 - Rob Johnson
 - Advisory Planning Commission (three vacancies)*
 - Linda Mix
 - Christy Villiers
 - Jon Steininger

REGULAR OPEN MEETING

Mayor Stone called this Regular Open Meeting to order at 7:00 p.m., recognizing the traditional territory of the Stz'uminus First Nation, acknowledging 5,500 years of history and stewardship and expressing gratitude to be here.

AGENDA APPROVAL

CS 2016-270

Moved and seconded:

That Council approve the agenda for this Regular Meeting of Council as amended by the following additions:

- Include the public submission from N. Salonen regarding the Temporary Use Permit Application – 631 First Avenue (agenda item 7.6)
- Appointment of delegates to Municipal Insurance Association of British Columbia Annual General Meeting (agenda item 10.5)

Motion carried.

MINUTES

CS 2016-271

Moved and seconded:

That Council approve the minutes of the Regular Meeting of Council held July 18, 2016.

Motion carried.

DELEGATIONS

Cindy Cawthra, Brittney Webber, Morgan McKenzie

Ladysmith Ambassadors and Committee Member

Introduction of 2016-2017 Ladysmith Ambassadors Team

Cindy Cawthra introduced 2016-2017 Ladysmith Ambassadors Brittney Weber and Morgan McKenzie. Ambassadors Webber and McKenzie provided an update for Council on their community activities since coronation. They thanked Council for the opportunity to represent the Town and updated them on past Ambassador Madeline Tremblay's succession to the BC Ambassadors' team. Council thanked the ambassadors for their support and contributions to the Town.

**Bill Drysdale, Ladysmith Expo Trail Stewardship Committee
Proposed improvements to the trail located between the Railway
Station and Expo Legacy Building (Machine Shop)**

Bill Drysdale provided an overview of the Ladysmith Expo Trail Stewardship Committee objectives, outlining improvements they propose for the trail located between the railway station and the Expo Legacy Building. He noted that the committee will liaise with the Island Corridor Foundation and the Town, and requested future support for initiatives such as signage.

Council thanked Mr. Drysdale for his presentation and offered to provide Council support when liaising with the Island Corridor Foundation.

CS 2016-272

Moved and seconded:

That Council refer the request from the Ladysmith Expo Trail Stewardship Committee for Town support of its initiatives to staff to assist with liaison with the Island Corridor Foundation, liability, and other matters including signage, lighting, repairs and restoration.
Motion carried.

**DEVELOPMENT
APPLICATIONS
CS 2016-273**

**Development Variance Permit Application – Oyster Cove Road (Lovely)
Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009**

Moved and seconded:

That Council:

1. Issue Development Variance Permit 3090-16-05 to vary the permitted front parcel line setback for the siting of the attached garage portion of a proposed single family dwelling on Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009 (Oyster Cove Road); and
2. Authorize the Mayor and Corporate Officer to sign the Development Variance Permit.

Motion carried.

CS 2016-274

**Development Permit Application – Oyster Cove Road (Lovely)
Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009**

Moved and seconded:

That Council:

1. Issue Development Permit 3060-16-09 for Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009 (Oyster Cove Road) to establish geotechnical conditions for the development of a single family residential dwelling; and
2. Authorize the Mayor and Corporate Officer to sign the Development Permit.

Motion carried.

**Development Variance Permit Application - 930 Ludlow Road (Galloway)
Lot 2, District Lot 24, Oyster District, Plan 45800, except that part in Plan VIP73654**

Moved and seconded:

CS 2016-275

That Council:

1. Issue Development Variance Permit application 3090-16-02 (930 Ludlow Road) for Lot 2, District Lot 24, Oyster District, Plan 45800, except that part in Plan VIP73654 (930 Ludlow Road) to vary the "The Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834" such that the timing of constructing a concrete curb, gutter, storm drainage and sidewalk along the frontage of proposed Lot 3 is deferred to the issuance of a building permit when the value of construction, as determined by the Building Bylaw, is greater than \$50,000; and
2. Authorize the Mayor and Corporate Officer to sign the Development Variance Permit.

Motion carried.

**Development Variance Permit Application - Oyster Cove Road (Buckles)
Strata Lot 9, District Lot 56, Oyster District, Strata Plan 2009**

Moved and seconded:

CS 2016-276

That Council:

1. Issue Development Variance Permit 3090-16-06 to vary the permitted front parcel line setback for the siting of the attached garage portion of a proposed single family dwelling on Strata Lot 9, District Lot 56, Oyster District, Strata Plan 2009 (Oyster Cove Road); and
2. Authorize the Mayor and Corporate Officer to sign the Development Variance Permit.

Motion carried.

Development Permit Application - Oyster Cove Road (Buckles)

Subject Property: Strata Lot 9, District Lot 56, Oyster District, Strata Plan 2009

Moved and seconded:

CS 2016-277

That Council:

1. Issue Development Permit 3060-16-07 for Strata Lot 9, District Lot 56, Oyster District, Strata Plan 2009 (Oyster Cove Road) to establish geotechnical conditions for the development of a single family residential dwelling; and
2. Authorize the Mayor and Corporate Officer to sign the Development Permit.

Motion carried.

**Temporary Use Permit Application – 631 First Avenue (BC Housing)
Lot 9 and 10, Block 8, District Lot 56, Oyster District, Plan 703**

Moved and seconded:

CS 2016-278

That Council:

1. Issue Temporary Use Permit 3340-16-01 to allow for an extreme weather shelter to be located at 631 First Avenue (Lot 9 and 10, Block 8, District Lot 56, Oyster District, Plan 703) for three years with one renewal, subject to the conditions of the Temporary Use Permit; and
2. Authorize the Mayor and Corporate Officer to sign Temporary Use Permit 3340-16-01.

Motion carried.

Opposed: Councillor Paterson

R. Morencie spoke against the location of Temporary Use Permit Application at 631 First Avenue.

**OCP and Rezoning Application – 520 Jim Cram Drive (Town-initiated)
Lot 2, District Lot 108, Oyster District, Plan VIP88238**

Moved and seconded:

CS 2016-279

That Council receive the report from the Director of Development Services regarding the neighbourhood information meeting held on July 25, 2016 about the proposed OCP amendment and rezoning of 520 Jim Cram Drive for small lot residential development.

Motion carried.

Liquor Primary Licence Application – Zack's Lounge (530 First Avenue)

Moved and seconded:

CS 2016-280

1. That Council recommend the issuance of a Liquor Primary Licence by the BC Liquor Control and Licensing Branch to Zack's Lounge to be located at 530 First Avenue for the following reasons:

- The property is zoned for neighbourhood pub use
- The hours of operation are proposed to be between 10 a.m. and 10 p.m. on Mondays, Tuesdays, Wednesdays, Thursdays, and Sundays; and between 10 a.m. and 11 p.m. on Fridays and Saturdays
- The limited 30 person capacity of the lounge
- The issuance of a Business Licence for Zack's Lounge will require the owner to adhere to Terms and Conditions for Liquor Licenced Establishments outlined in "Town of Ladysmith Liquor Licence Bylaw 2003, No. 1513", to participate in the "Bar Watch" program, and to enter into a Good Neighbour Agreement with the Town and the RCMP.

2. That Council has reviewed and endorses the comments about the Liquor Primary License prescribed criteria provided in the Staff Report dated August 15, 2016 from the Director of Development Services.

3. That Council considered without comment the letter received as a result of notification to the property owners, residents and businesses within 60 meters of 530 First Avenue, and the sign placed in the proposed establishment.

Motion carried.

Development Variance Permit Application - 117 Clarke Road (MacCallum)

Subject Property: Lot 1, District Lot 43, Oyster District, Plan 6424

Moved and seconded:

CS 2016-281

That Council direct staff to proceed with statutory notice to the neighbours for the modified DVP application 3090-16-04 (117 Clarke Road - MacCallum), and bring the application back to Council for deliberation at the end of the notice period.

Motion carried.

REPORTS

Municipal Services Committee Recommendations (Meeting of July 11, 2016).

Moved and seconded:

CS 2016-282

That Council:

1. Direct staff to:

- a. Enter into a memorandum of understanding (MOU) with the Ladysmith Arts Council (LAC) to manage the Julian North Art Collection;
- b. Reallocate \$3,500.00 from Parks, Recreation and Culture appropriated equity to fund the shipping and storage of the art collection, and amend the 2016-2020 financial plan;
- c. Include \$500.00 annually in the operational budget beginning in 2017, to manage the Julian North Art Collection on an ongoing basis;
- d. Provide a thank you letter from Council to Victoria Bellefeuille for her generous donation of the Reverend Julian North's artwork.

2. Proceed with recruiting representatives from community organizations having expressed interest in participating in the Canada 150 Community Committee, including Ladysmith Early Years Partnership, Ladysmith Chamber of Commerce, Ladysmith Arts Council, and the Ladysmith and District Historical Society.

Motion carried.

Protective Services Committee Recommendations (Meeting of July 11, 2016)

Moved and seconded:

CS 2016-283

That Council:

1. Request the RCMP and community policing to provide more speed watch and speed patrol on Dogwood Drive.

2. Request that Community Safety information outlets be combined with public events.
3. Encourage staff to consider including Firesmart Standards in the subdivision process.

Motion carried.

Council requested that staff provide information regarding FireSmart standards.

Moved and seconded:

CS 2016-284

That Council direct staff to report back to Council with recommendations regarding the suitability, location and message of drought/water restriction signs and their locations.

Motion carried.

Moved and seconded:

CS 2016-285

That Council direct staff to report back to Council with recommendations for enhanced speed control along Dogwood Drive, including moving signs, extension of playground zones, and other options to enhance pedestrian and traffic safety.

Motion carried.

Islander Pub Business Licence Application

Moved and seconded:

CS 2016-286

That, in accordance with Business Licence Bylaw 2003, No. 1513 as amended by Bylaw 1870, Council require the applicant for a business licence for the Islander Pub (Jason Robert Lawrence) to

- a) Participate in the Bar Watch Program and enter into a Good Neighbour Agreement; and
- b) Remove the graffiti on the building as previously directed by the Bylaw Enforcement Officer.

Motion carried.

CORRESPONDENCE

Isobel Mackenzie, Office of the Seniors Advocate

Request for Consideration of Increased Safety Initiatives for Senior Pedestrians

Moved and seconded:

CS 2016-287

That Council endorse in principle the request from the Office of the Seniors Advocate to consider increased safety initiatives targeted at senior pedestrians, including the lowering of speed limits in appropriate areas, and refer the matter to staff for investigation.

Motion carried.

Richard Tarnoff, Ladysmith Community Justice Program

Request for Town Liaison to the Community Justice Program

Moved and seconded:

CS 2016-288

That Council appoint Councillor Carol Henderson to be the Town of

Ladysmith liaison to the Ladysmith Community Justice Program.
Motion carried.

**Kathy Holmes, Arts Council of Ladysmith and District
Request for Letter of Support and Lease Confirmation**

Moved and seconded:

CS 2016-289

That Council:

1. Provide the Arts Council of Ladysmith and District with a letter of support for their application for funding under the Collaborative Spaces grant program; and
2. Confirm its lease commitment to the Arts Council of Ladysmith and District; and
3. Confirm its long-term commitment to Arts, Heritage and Culture at the Machine Shop site currently occupied by the Ladysmith and District Arts Council.

Motion carried.

Donald McInnes, Prostate Cancer Canada

Request for Support of Prostate Cancer Resolution and Awareness Initiatives

Moved and seconded:

CS 2016-290

That Council

1. Declare the month of September to be Prostate Cancer Awareness Month; and
2. Indicate its support of the resolution to the Union of British Columbia Municipalities requesting the provincial government to make PSA testing free for all in in the province to ensure all men have the opportunity to have their prostate cancer diagnosed as early as possible so that survival will be improved.

Moved and seconded:

CS 2016-291

That Council consider Resolution 2016-290 in two separate parts.

Motion carried.

Moved and seconded:

CS 2016-292

That Council declare the month of September to be Prostate Cancer Awareness Month.

Motion carried.

Moved and seconded:

CS 2016-293

That Council refer the request for support of the resolution to the Union of British Columbia Municipalities Annual General Meeting requesting that the provincial government make PSA testing free for all in in the province to the Town's delegates to vote as they so choose.

Motion carried.

Appointment of Delegates to Municipal Insurance Association of British Columbia Annual General Meeting

Moved and seconded:

CS 2016-294

That Council appoint Mayor Stone as the Town of Ladysmith delegate, and Councillors Arnett and Fradin as alternates, to the Municipal Insurance Association of British Columbia 2016 Annual General Meeting.

Motion carried.

BYLAWS

Town of Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905

Moved and seconded:

CS 2016-295

That Council adopt Town of Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905.

Motion carried.

QUESTION PERIOD

Members of the public enquired about the possibility of installing flashing crosswalk signs for pedestrian safety, water restriction signage, Council meeting video streaming, and the decision to sell 900 Russell Road as opposed to making it parkland.

ADJOURNMENT

Moved and seconded:

CS 2016-296

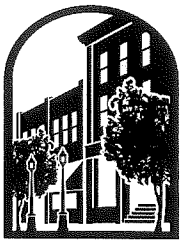
That this meeting of Council adjourn at 8:42 p.m.

Motion carried.

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (G. Ferrero)



LADYSMITH

MINUTES OF A SPECIAL MEETING OF
THE COUNCIL OF THE TOWN OF LADYSMITH
HELD IN COUNCIL CHAMBERS, CITY HALL ON
MONDAY, SEPTEMBER 12, 2016
CALL TO ORDER 6:00 P.M.

COUNCIL MEMBERS PRESENT:

Mayor Aaron Stone	Councillor Steve Arnett	Councillor Cal Fradin
Councillor Joe Friesenhan	Councillor Carol Henderson	Councillor Rob Hutchins
Councillor Duck Paterson		

STAFF PRESENT:

Guillermo Ferrero	Erin Anderson	Felicity Adams
Geoff Goodall	Clayton Postings	Joanna Winter
Sue Bouma		

CALL TO ORDER Mayor Stone called this Special Meeting of Council to order at 6:00 p.m., recognizing the traditional territory of the Stz'uminus First Nation, acknowledging 5,500 years of history and stewardship and expressing gratitude to be here.

AGENDA APPROVAL *Moved and seconded:*
CS 2016-297 That Council approve the agenda for this Special Meeting of September 12, 2016.
Motion carried.

CLOSED MEETING *Moved and seconded:*
CS 2016-298 That Council retire into closed session in order to consider the following items in accordance with Section 90(1) of the *Community Charter*:

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

Motion carried.

RISE AND REPORT Council rose without report.

ADJOURNMENT *Moved and seconded:*
CS 2016-299 That this Special Meeting of Council adjourn at 6:27 p.m.
Motion carried.

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (G. Ferrero)



Town of Ladysmith

STAFF REPORT TO COUNCIL

From: Felicity Adams, Director of Development Services
Date: September 19, 2016
File No: 3090-16-04

RE: Development Variance Permit Application – MacCallum
Subject Property: Lot 1, DL 43, Oyster District, Plan 6424 (117 Clarke Road)

RECOMMENDATION(S):

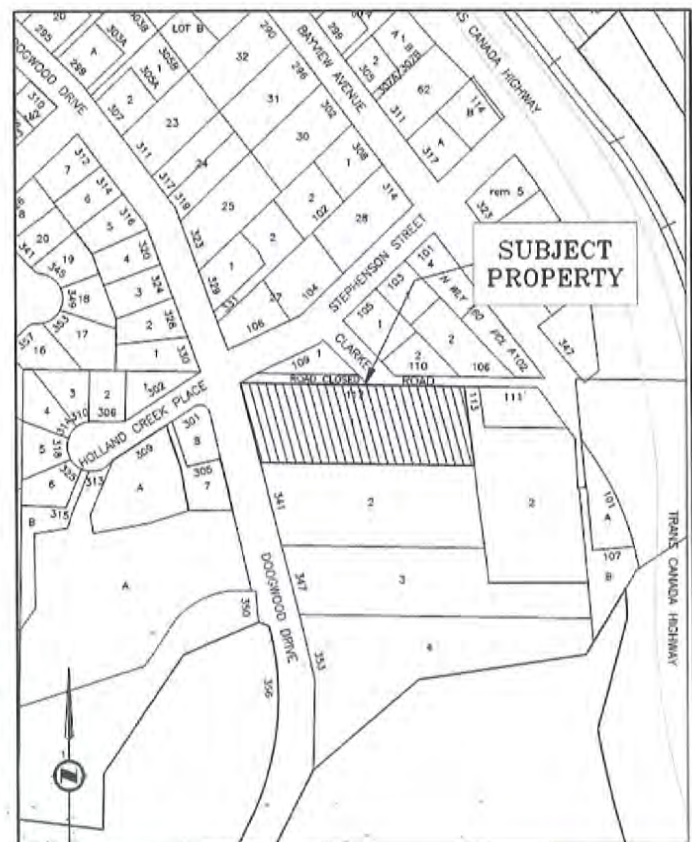
1. That Council consider issuing Development Variance Permit application 3090-16-04 for Lot 1, DL 43, Oyster District, Plan 6424 (117 Clarke Road) to vary:
 - a) "Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834" such that the required road right-of-way width is varied from 15.5 metres to 9 metres for that portion of Clarke Road fronting Lot 1, DL 43, Oyster District, Plan 6424; and
 - b) "Town of Ladysmith Zoning Bylaw 2014, No.1860" such that proposed lot 3 has a frontage that is 17.64 metres in width.
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-16-04.

PURPOSE:

The purpose of this staff report is to obtain Council direction regarding a development variance permit (DVP) application, related to a seven lot subdivision proposal for 117 Clarke Road, to vary "The Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834"; and the "Town of Ladysmith Zoning Bylaw 2014, No.1860".

INTRODUCTION/BACKGROUND:

The DVP application was presented to Council on June 20th, 2016 to seek direction for statutory notification. Council requested additional information and after discussion the applicant revised the variance proposal. The DVP revised application was presented to Council on August 15, 2016 at which time Council directed staff to proceed with notification. Notification was sent and delivered to the neighbours on September 1, 2016.



SCOPE OF WORK:

The current stage of this application is to seek Council’s consideration of the proposed DVP. The applicant has obtained a Preliminary Layout Approval (PLA) to subdivide the subject property into seven residential lots ranging in size from 668m² to 1428m². The proposed seven lot subdivision plan is shown in Figure 1, and the two proposed variances are described below:

- 1) The applicant is proposing one variance to the “Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834”, such that the required road right-of-way width is varied from 15.5 metres to 9 metres for that portion of Clarke Road fronting the subject property. If approved the highlighted portion of the Clarke Road Right-of-Way (shown below) would be widened by 2.8 metres.
- 2) The applicant is also proposing one variance to the “Town of Ladysmith Zoning Bylaw 2014, No.1860”, such that proposed lot 3 has a frontage that is 17.64 metres in width. The other six parcels will meet or exceed the minimum required parcel frontage width of 18.28 metres.

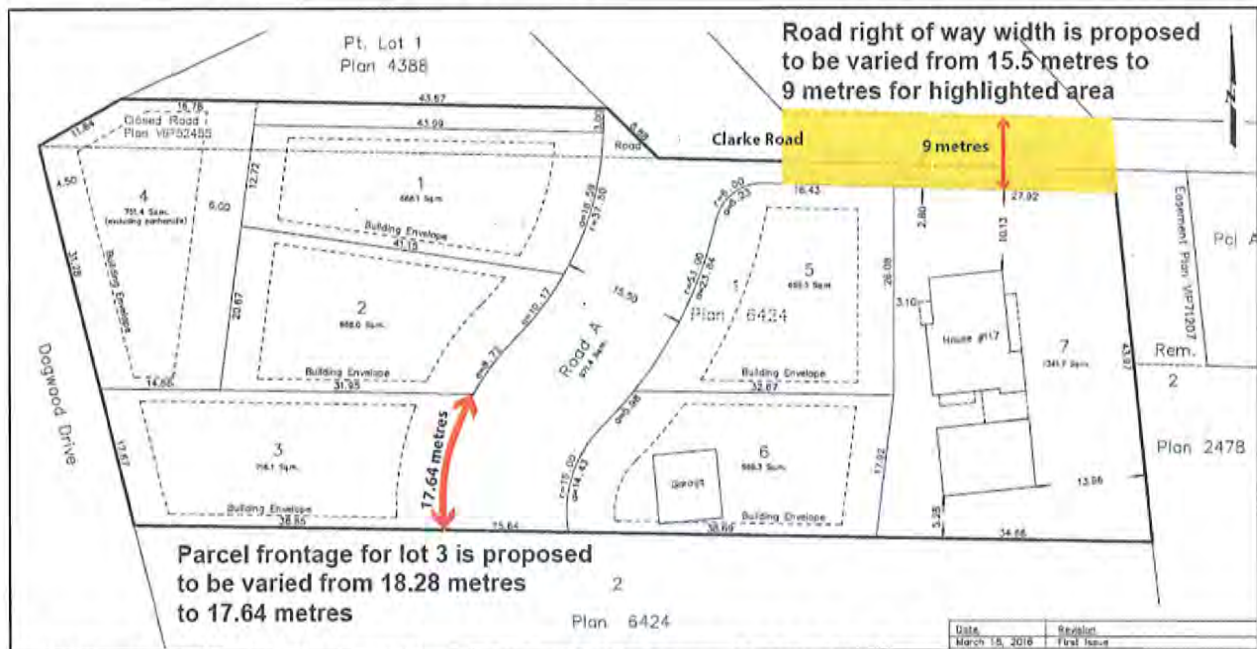


Figure 1: Subdivision Plan and Two Proposed Variances for 117 Clarke Road

ALTERNATIVES:

To not support DVP application 3090-16-04.

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS:

The Local Government Act enables Council to vary zoning regulations (except use and density) and bylaws that relate to subdivision and development requirements, through the issuance of a development variance permit. This is a discretionary decision of Council.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Town of Ladysmith notice regarding this DVP application was sent to neighbouring properties on September 1, 2016. At the time of writing this report there were two written

submissions regarding the proposed variances and several neighbours have inquired with the following questions and comments:

- Location of driveway access for proposed lot 7. *A driveway access permit will be required;*
- Concern regarding quality of road access to lands beyond in the future. *This matter was researched by staff in a previous staff report and considered by Council.*
- Emphasized the importance of a 'no parking' sign to be located on Clarke Road such that there is no parking in the public road right-of-way. *Installing a sign will be a requirement of the subdivision application.*
- Four property owners in the neighbourhood object to the road width variance.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Infrastructure Services staff have been facilitating the subdivision application process for the subject property.

RESOURCE IMPLICATIONS:

Processing Development Variance Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

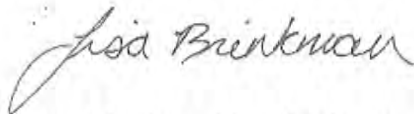
The Visioning Report states that "Ladysmith will create an efficient, low-impact, innovative transportation system that supports a significant shift away from reliance on the car towards human and environmentally friendly modes such as walking, cycling, public transit and small electric vehicles."

ALIGNMENT WITH STRATEGIC PRIORITIES:

Council strategic directions are 'effective land use planning and community design'.

SUMMARY:

Council may approve or not approve Development Variance Permit application 3090-16-04.



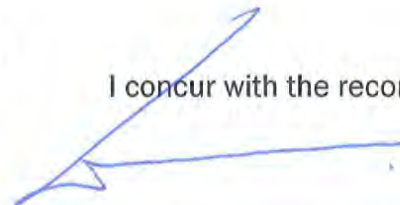
Report Author: Lisa Brinkman, Senior Planner

Reviewed By:



Felicity Adams, Director of Development Services

I concur with the recommendation.

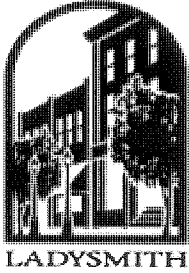


Guillermo Ferrero, City Manager

ATTACHMENT:

DVP 3090-16-04

Submissions Received (0)



TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 Local Government Act)

FILE NO: 3090-16-04

DATE: September 19, 2016

Name of Owner(s) of Land (Permittee): Robert H. MacCallum and Nicolette M. MacCallum

Applicant: Rob MacCallum (Boulder Point Holdings Ltd.)

Subject Property (Civic Address): 117 Clarke Road

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

Lot 1, District Lot 43, Oyster District, Plan 6424
PID: 005-838-592
3. Schedule E "Engineering Standards and Specifications" of the "Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834", as amended, is varied for the subject property as follows:
 - i) Section 7A.2 "Width of Right-of-Way" is varied such that the right-of-way width of that portion of Clarke Road fronting the Subject Property may be 9 metres.
4. Section 10.2(3) "Sizing and Dimension of Parcels" in the Single Dwelling Residential (R-1) Zone of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied for the subject property as follows:

From: No parcel shall be created which has a frontage less than 18.28 metres.

To: No parcel shall be created which has a frontage less than 18.28 metres; except that one parcel may have a frontage no less than 17.64 metres.
5. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
6. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (3090-16-04) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.

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

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL ON THE DAY OF 20 .

Mayor (A. Stone)

Corporate Officer (J. Winter)

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

Signed

Witness

Title

Occupation

Date

Date

Signed

Witness

Title

Occupation

Date

Date

To: Council of the Town of Ladysmith
City Hall, 410 Esplanade
Ladysmith BC V9G 1AZ

RECEIVED
SEP 13 2016

12 September 2016

From Residents of Clarke Road, Ladysmith BC as signed and attached on page 2

Regarding : Notice of Development Variance Permit:
DVP 16-4 (117 Clarke Road)
Subject Property: Lot 1 District Lot 43, Oyster District, Plan 6424
PID: 005-838-592

File DVP 3090-16-04

Dear Sir or Madam:

The notice dated 30 August 2016 received by the some owners of Clarke Road properties informs us of a current right-of-way of 9 meters less 2.8 meters.

What is not mentioned is that it is the developers obligation to upgrade the right-of-way and roadway of Clarke Road which adjoins the proposed subdivision to a minimum of 15.5 meters.

In the *Staff report to Council* dated 15 August 2016 under *Interdepartmental involvement/implications* it was written that "Staff indicate that if a Clarke Road variance is approved (i.e. Clarke Road is less than the required 15.5), *it would likely* result in the new road being named Clarke Road(Road A) and the narrower portion the road being renamed to Clarke Lane".

This is taken by us to mean that if the right is given up for a 15.5 meter right-of-way that Clarke Road will most likely be renamed Clarke Lane.

Within the town Definition in Bylaw 1834(2013) Clarke Road is not permitted to be a Lane.
- Part 1- interpretation in your bylaw 1834(2013) Clarke Road does not meet the definition of LANE.
("Lane" means a street intended to provide secondary access to parcels of land.)

The Town SUBDIVISION bylaw was written after years of thoughtful consideration for the residents of the Town of Ladysmith in order to ensure in part, that existing properties would be protected from unreasonable encroachment.

The developer had written in his letter dated 7 June 2016 addressed to Whom It May Concern that, "widening the portion of the laneway adjacent to the development property would be of no benefit to the Town". The developer should not assume that Clarke Road is already a lane regardless of the Staff report to Council dated 15 August 2016 or the fact that a lane is physically viable according to the Town's engineered drawing of the same date. Clarke Road does not meet the qualifications to be a lane.

It may be said "no benefit to the town" but it will surely have a negative impact on the properties below and 110 Clarke Road which is adjacent to the proposed Lot 7 and Lot 5.

The developer has indicated in his Variance letter PLA 117 Clarke Road letter dated 7 June 2016 that his concern is for the revenue to the Town but in fact his concern appears to be "the loss of 9.3 metres to the parent property".

We are adamantly opposed to any variance to the proposed subdivision that will affect us and/or any intent to rename the Clarke Road.

We reiterate that a new subdivision cannot be approved for the needs of a developer to the disregard of all current residents on Clarke Road.

We request a complete halt to any decision by the Council for a period of 90 days. Our intent is to get legal opinion.

Respectfully,

Cecilia and David Grimstead

[Redacted]

C Grimstead - Sept 12/16
D Grimstead - Sept 12/16

Laurie and Vic Davis

[Redacted]

Laurie Davis - Sept 12/16
Vic Davis - Sept 12/16

Jantzen/Fuller

[Redacted]

James Jantzen - Sept 12/16
Don Fuller " " "

Wendy R Craig and F. Bruce Waters

[Redacted]

Wendy Sept 12, 2016

F. Bruce Sept 12, 2016

To: Council of the Town of Ladysmith
City Hall, 410 Esplanade
Ladysmith BC V9G 1AZ

12 September 2016

From: Wendy R. Craig and F. Bruce Waters [REDACTED]

RECEIVED
SEP 13 2016

Re: your letter dated 30 August 2016, file DVP 309-16.04

In response to the Notice of Development Variance Permit:

DVP 16-4 (117 Clarke Road)

Subject Property: Lot 1 District Lot 43, Oyster District, Plan 6424

PID: 005-838-592

Dear Sir or Madam:

You may not be aware but our specific property of [REDACTED] abuts the roadway, no boulevard, no sidewalk, at the area you have yellowed out on the proposed plan for a seven lot subdivision of 117 Clarke Road.

We have had vehicles veering off the narrow roadway on occasions damaging the roadway and our trees. Police report file 2016-1656.

We are adamant that we have the right to the minimum of 15.5 meter right-of-way as afforded the newer upper portion of Clarke Road and the proposed Road A in the proposed Subdivision.

If we are denied our right-of-way of 15.5 meters, Lot 5 and Lot 7 will severely impact our right to enjoyment of our property. Lot 5 will be right in our face and Lot 7 will be accessed on an already grid-locked roadway which is a traffic disaster waiting to happen, regardless of the width of the roadway.

It does not appear that Road A is to be a Cul-de-sac but a dead end road and we have a concern of vehicles backing out into Clark Road.

We also envision the spill over of vehicles from Road A and Lot 7 and Lot 5 to impact negatively on the roadway.

We are afforded the same right to a 15.5 meter right-of-way as was done when redirecting Clarke Road at Stephenson and on Road A of the proposed new subdivision.

We recognize that the developer was aware before he made his application to subdivide the parcel that he would have to give up land on Clarke Road at lot 7 and lot 5 in order to facilitate the requirements set up by the Town of Ladysmith.

The developer has other means of accessing lot 7.

Please be advised by us, the home owners and residents of [REDACTED] that we do not approve the passing of this variance that directly impacts us and our portion of Clarke Road

Respectfully,



W.R. Craig and F. B Waters [REDACTED]



Town of Ladysmith

STAFF REPORT TO COUNCIL

From: Felicity Adams, Director of Development Services
Date: September 19, 2016
File No: 3360-16-01

RE: 520 Jim Cram Drive - Bylaws 1913 and 1914

RECOMMENDATION:

That under the Bylaws section of tonight's agenda, that Council give third reading and final adoption to Bylaw 1913 and Bylaw 1914.

PURPOSE:

The purpose of this staff report is to present Bylaws 1913 and 1914 for consideration of third reading and adoption.

INTRODUCTION/BACKGROUND:

The Public Hearing for Bylaws 1913 and 1914 was held on August 22, 2016. There were no members of the public in attendance.

SCOPE OF WORK:

The stage of this OCP amendment and rezoning application is the consideration of third reading and final adoption of Bylaws 1913 and 1914.

ALTERNATIVES:

That Council not adopt the bylaws.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

If adopted, the Bylaws have the effect of amending the OCP and Zoning Bylaw for the subject property – 520 Jim Cram Drive.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

As the Public Hearing is closed, no further input from members of the public or interested persons can be accepted by Council.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

None.

RESOURCE IMPLICATIONS:

None.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Visioning Report supports a range of densities in the Town. The proposed rezoning provides for density options within an area of mixed housing types.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

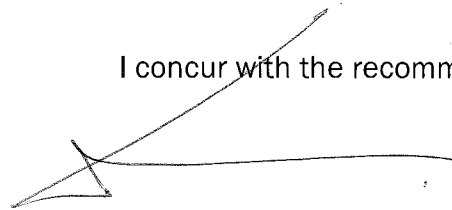
SUMMARY:

The Public Hearing has been held. No public were in attendance. At tonight's meeting, Council may consider third reading and final adoption of Bylaws 1913 and 1914.



Report Author: Felicity Adams, Director of Development Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT:

None.

TOWN OF LADYSMITH

BYLAW NO. 1913

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

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

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

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

- (1) "Official Community Plan Bylaw 2003, No. 1488", as amended, is further amended as shown in "Schedule 1" which is attached to and forms part of this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 48) 2016, No. 1913".

READ A FIRST TIME on the 20th day of June, 2016

READ A SECOND TIME on the 20th day of June, 2016

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

on the 22nd day of August, 2016

READ A THIRD TIME on the day of

ADOPTED on the day of

Mayor (A. Stone)

Corporate Officer (G. Ferrero)

“Schedule 1” of Bylaw No. 1913

1. Schedule “A” – “Town of Ladysmith Community Plan” is amended as follows:
 - (a) “OCP Map 1 - Land Use” is amended by removing “Multi-Family Residential” from the subject property legally described as Lot 2, District Lot 108, Oyster District, Plan VIP88238 (520 Jim Cram Drive) and replacing it with “Single Family Residential”.
 - (b) “OCP Map 2 - Development Permit Areas” is amended by removing “Multi-Unit Residential – DPA 4” from the subject property legally described as Lot 2, District Lot 108, Oyster District, Plan VIP88238 (520 Jim Cram Drive).

TOWN OF LADYSMITH

BYLAW NO. 1914

A bylaw to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Zoning Bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

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

- (1) Schedule B – Zoning Bylaw Map of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:
 - (a) By placing "Single Dwelling Residential – Small Lot B Zone (R-1-B)" on the subject property legally described as Lot 2, District Lot 108, Oyster District, Plan VIP88238 (520 Jim Cram Drive), as shown in 'Schedule 1' attached to and forming part of this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 6) 2016, No. 1914".

READ A FIRST TIME on the 20th day of June, 2016

READ A SECOND TIME on the 20th day of June, 2016

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

on the 22nd day of August, 2016

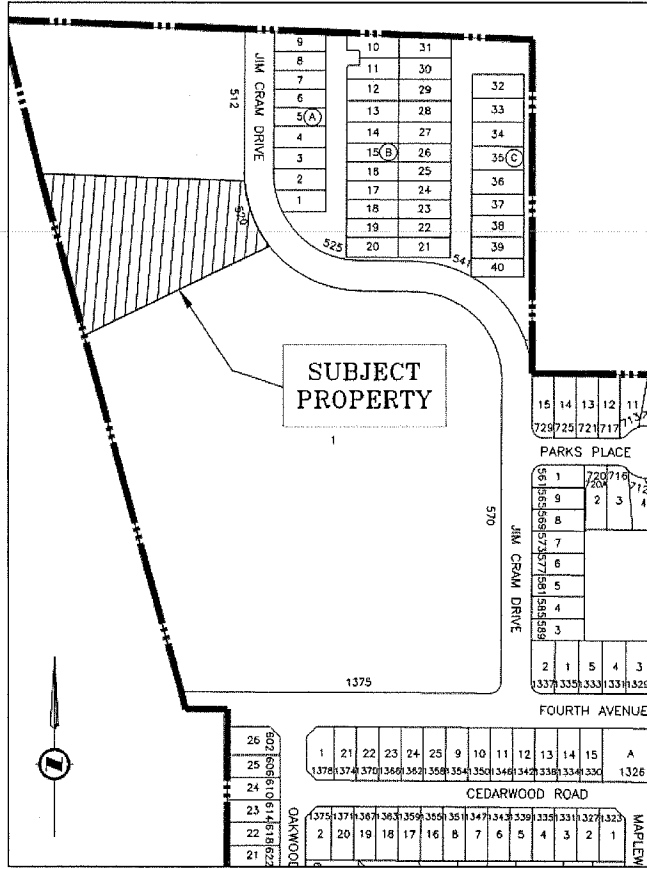
READ A THIRD TIME on the day of

ADOPTED on the day of

Mayor (A. Stone)

Corporate Officer (G. Ferrero)

Bylaw No. 1914 - Schedule 1





Town of Ladysmith

STAFF REPORT TO COUNCIL

From: Geoff Goodall, Director of Infrastructure Services.
Date: September 19, 2016
File No:

RE: VEHICLE NOISE AND SAFETY CONCERNS ON TRANS CANADA HIGHWAY THROUGH LADYSMITH

RECOMMENDATION:

That Council:

1. Direct staff to request a meeting with the Ministry of Transportation and Infrastructure to discuss:
 - Erecting highway noise barriers along the Trans Canada Highway through the Town of Ladysmith.
 - Additional speed studies along the Trans Canada Highway through the Town of Ladysmith.
 - Additional options to reduce engine brake use on the highway.
2. Direct staff to obtain a legal opinion on the enforcement of Town bylaws on Provincial Highways.

PURPOSE:

To provide an update to Council on the noise and safety concerns on the Trans-Canada Highway through the Town of Ladysmith.

INTRODUCTION/BACKGROUND:

The issue of excessive speed and noise on the Trans-Canada Highway through Ladysmith has been an ongoing concern of members of the Ladysmith community. There is considerable documentation related to these concerns and various efforts have been put forward by Council to address these issues.

In July Of 2014 Council forwarded a letter to concerned community members outlining steps that would be taken to address the issues. These steps were as follows:

1. Increase enforcement of speed limits with the assistance of the RCMP.
2. Enforce the ban on the use of engine breaks in Ladysmith contained in our noise Suppression Bylaw, with the assistance of the RCMP, the Commercial Vehicle Inspection Division of the Ministry of Transportation and Infrastructure and the B.C Truckers association.
3. Enforce the mandatory requirement for the use of mufflers in Ladysmith.
4. Request that the provincial government implement measures to ensure pedestrian safety at the intersection of North Davis Rd. and the Trans-Canada Highway,

including but not limited to reducing speed limits and increasing the length of the pedestrian crossing light to accommodate those with lower mobility.

5. Request that the Ministry of Transportation and Infrastructure consider options or a possible partnership for the erecting a noise barrier along the highway.

At the same time a letter was sent to the Hon. Todd Stone, MLA, Minister of Transportation and Infrastructure outlining the citizens' concerns and asking for assistance on the same 5 items.

Staff have recently reviewed progress that has been made in relation to these issues and provide the following update:

1. The RCMP has continued its efforts to enforce speed limits on the highway.
2. There seem to be some issues related with this item that may require some further confirmation. Currently MoTI has no bans on the use of engine brakes, the signs that are in place on the highway are advisory only and not subject to enforcement. Although the Town has bylaws specific to noise, there is a question as to the ability of these bylaws to be enforced on Provincial Highways. A legal opinion on this issue may be beneficial.
3. Staff were unable to gain any specific information pertaining to this issue and some additional information on the extent of this issue would be helpful.
4. MoTI has confirmed that the improvements specified for North Davis Road have been completed. Speed reductions on the highway within the Town of Ladysmith have been consistent for a number of years. No new speed studies have been completed since the 2007 study. There are currently no plans for MoTI to complete any additional studies in this area as they are focusing studies on areas where traffic speed changes have been made.
5. According to MoTI noise barriers are normally only placed along highway corridors at the time of highway expansion or change. Staff were unable to find any written correspondence from MoTI other than the Minister's letter, discussing the noise barriers. This may be an area that requires further investigation.

ALTERNATIVES:

N/A

FINANCIAL IMPLICATIONS:

There will likely be a small cost associated with the legal opinion

LEGAL IMPLICATIONS:

There are questions around the enforcement of Town bylaws on Provincial Highways. A legal opinion is recommended.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Issues around noise and safety on the Trans-Canada Highway persist in the community.



INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT


N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

N/A

SUMMARY:

The issue of noise and safety on the Trans-Canada Highway continues to be a concern of some community members. A number of efforts outlined in a July 2014 letter were put forward by Council to address these issues. Staff is providing an update on these efforts and making some recommendations to gain additional clarification that may be helpful in moving this issue forward.



Report Author: Geoff Goodall,
Director of Infrastructure Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

None



Town of Ladysmith

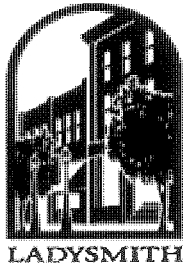
COMMITTEE REPORT

To: Mayor and Council
From: Councillor Steve Arnett
Chair, Municipal Services Committee
Date: September 13, 2016
File No: 0540-20

Re: **MUNICIPAL SERVICES COMMITTEE RECOMMENDATIONS**

At its September 12, 2016 meeting, the Municipal Services Committee recommended that Council direct staff to:

1. Place an advertisement in local media congratulating the Lions Club on all they have achieved and contributed.
2. a) Proceed with replacing the Fire Hall roof in 2016; and
b) Authorize an increase of \$75,000 in the Fire Hall roof replacement project budget to \$225,000 with the additional funds to be drawn from the Capital Replacement Reserve.
3. Develop recommendations relating to the establishment of a new Parks, Recreation and Culture Advisory Committee.
4. Amend the 2016 Financial Plan by allocating \$11,300 from Parks Operations to the Capital Projects to fund the installation of the downtown garbage cans.



Town of Ladysmith

STAFF REPORT TO COUNCIL

From: Erin Anderson, Director of Financial Services
Date: August 31, 2016
File No: 1970-04 Exemptions - Revitalization

RE: Revitalization Tax Exemption Agreement - 1036711 BC Ltd

RECOMMENDATION:

That Council enter a Revitalization Tax Exemption Agreement with 1036711 BC Ltd, Civic: 1146 Rocky Creek Road, Folio 0905.018.

PURPOSE:

To direct staff to sign a Revitalization Tax Exemption Agreement with the owner of the above noted property.

INTRODUCTION/BACKGROUND:

Tax Revitalization Programs are permitted under the *Community Charter* section 226. This section requires the municipality to establish a revitalization program bylaw that sets out goals and objects with the intended objects details of eligible properties that could qualify tax exemption.

In 2012, the Town established the "Town of Ladysmith Revitalization Tax Exemption - Economic Revitalization Bylaw 2012, No.1807". The purpose of this program is to encourage the commercial and industrial redevelopment of select areas in Town. The program also has the following objectives:

- 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.

The typical process for an economic revitalization exemption starts before the project commences. A number of conditions are usually added to ensure compliance with the program.

Recently, the Town received an application for this program from the owners of the building located 1146 Rocky Creek Road for the Ladysmith Auto Supply shop. This business moved locations from downtown Ladysmith to this new location and expanded its retail area as well as workforce.

In 2015, the property owner applied for a building permit in the amount of \$400,000. The threshold to qualify for this exemption is \$200,000.

Construction was completed in late 2015 and the new retail store is open for business.

The maximum term of the exemption is 5 years and it is only applicable on the properties assessment based value on the general assessment roll.

One other property, located at 1030 Oyster Bay Drive, currently receives this type of exemption, valued at approximately \$26k in forgone municipal taxation. This exemption expires in 2018.

SCOPE OF WORK:

Once the Agreement is signed, an Exemption Certificate will be issued and Town staff will contact BC Assessment to implement the assessment freeze; the assessment will remain at the 2015 level for calculating municipal taxes only.

ALTERNATIVES:

Not applicable.

FINANCIAL IMPLICATIONS:

The assessed value, prior to commencing the project was \$118,000 in 2015. In 2016, the total assessed value was \$260,000, which includes some of the construction value included in the building permit value.

With this exemption, the increase in assessed value will not be included in the new construction value for 2017.

LEGAL IMPLICATIONS:

The Exemption Certificate must be forwarded to BC Assessment by October 31st for the exemption to be in place for the following applicable years.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Not applicable.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Finance Department will work with the property owner regarding this matter.

RESOURCE IMPLICATIONS:

Finance staff will be responsible for executing the agreement and forwarding the information to BC Assessment.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

This aligns with Strategy #8 – Local, Diverse Economy.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This aligns with the Strategic Priority of Employment and Tax Diversity.

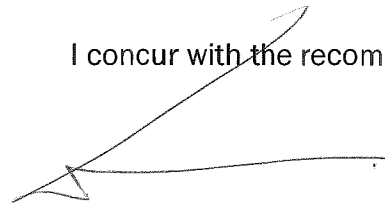
SUMMARY:

The Town is in receipt of an application for the Revitalization Tax Exemption – Economic Program. It is recommended that Council direct Staff to approve entering into a Revitalization Tax Exemption Agreement with 1036711 BC Ltd for the property at 1146 Rocky Creek Road.



Erin Anderson, Director of Financial Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT:

Revitalization Tax Agreement – 1146 Rocky Creek Road

Schedule "B"
Revitalization Tax Exemption - Economic Agreement

THIS AGREEMENT dated for reference the __ day of __, 2016 is

BETWEEN:

1036711 BC LTD
1739 Trevors Rd
Nanaimo, BC
V9X 0A8

(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 *1146 Rocky Creek Road* legally described as *Lot C, Plan EPP36585, District Lot 38, Land District 43* (the "Property");
- B. Council has established a revitalization tax exemption program within the Town of Ladysmith "Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012 No. 1807" (the "Bylaw") the designation of a land use zone which include the Parcel as a revitalization area; and
- C. This Agreement contains the terms and conditions respecting the granting of a municipal property tax exemption under the Bylaw;

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 most recent assessed value of the Parcel for land and improvement as determined by the BC Assessment Authority
“Baseline Assessment”	means the last published assessed value of the Parcel for land and improvements prepared by the BC Assessment Authority immediately before the commencement of the Project;
“Bylaw”	means Town of Ladysmith “Revitalization Tax Exemption – Economic Revitalization 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 the lands legally described as Lot C, Plan EPP36565, District Lot 38, Land District 43;
“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 the 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) Expanding retail space and encouraging employment

- (b) Promote commercial activity in the Rocky Creek area
 - (C) Promote higher standard of urban design by ensuring aesthetically pleasing building design.
-
- 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 Nov 15, 2015, and begin construction within one year on or before Nov 15, 2016;
 - (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 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 "B" and the Project must be inspected by the Town building inspector and certified complete on or before Nov 15, 2016;
 - (e) 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;

- (f) Variations from the original construction plan, Bylaw infractions or poor quality work may result in rescinding of the tax exemption approval;
 - (g) Any changes or upgrades made to the structure of the building due to the improvements must comply with all applicable bylaws;
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 on that part of Assessed Value calculated by deducting the Baseline Assessment from the current Assessed Value and multiplying the difference by 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 2017 to 2021, 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, or the like made under or pursuant to any such laws.
 8. **Effect of Strata Property Act Subdivision** – If the Property Owner subdivides the Parcel 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 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) or if the use of the building on the Property is discontinued for a period of more than three (3) months. 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 current year exemption received under this Agreement within 30 days of cancellation. If the amount is not paid within that 30 day period, 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: Director of Financial Services
- (ii) in the case of a notice to the Property Owner, at:

1036711 BC Ltd
1739 Trevors Rd
Nanaimo, BC V9X 0A8

Attention: Colin Newton

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:

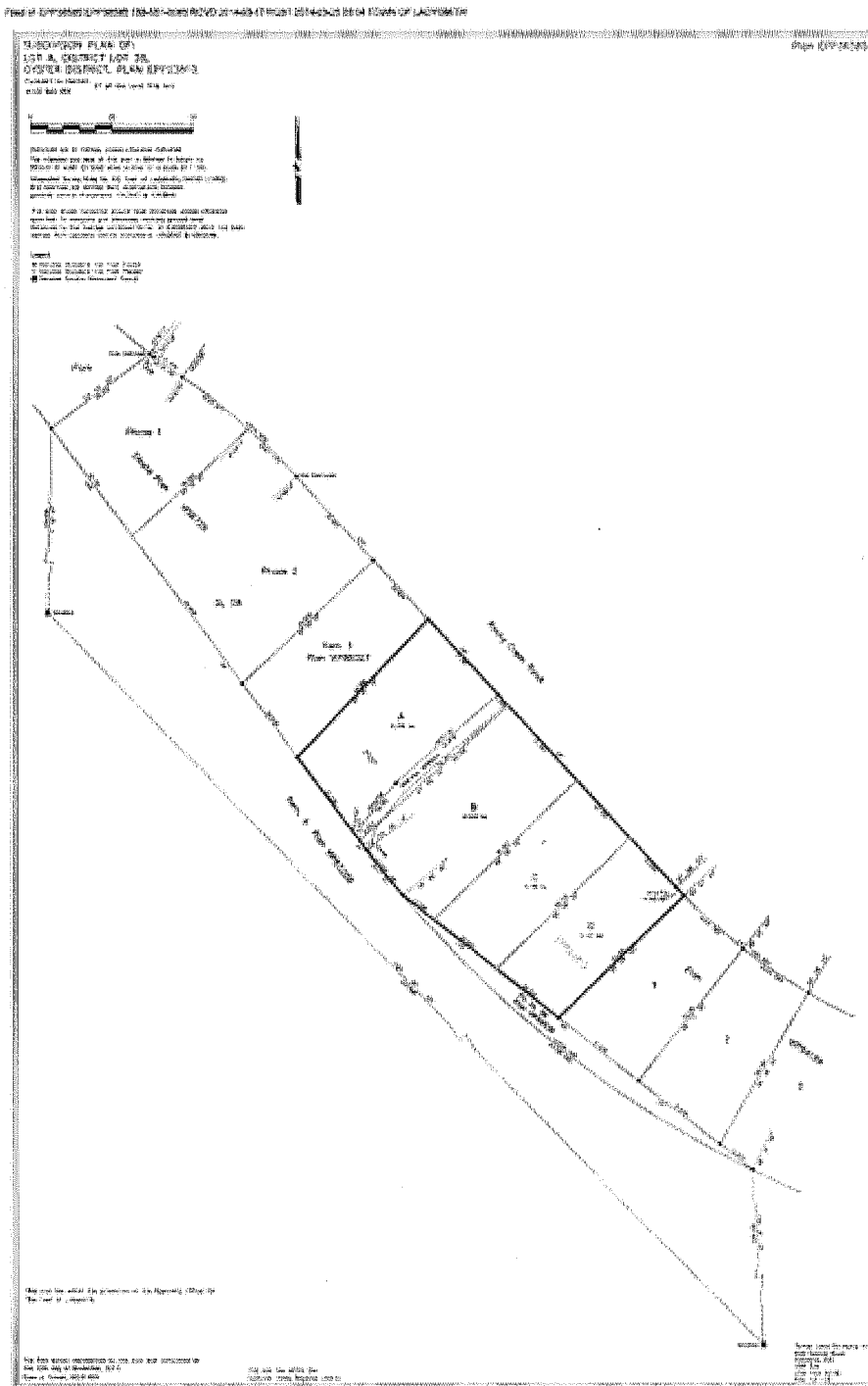
Mayor: Aaron Stone

Corporate Officer

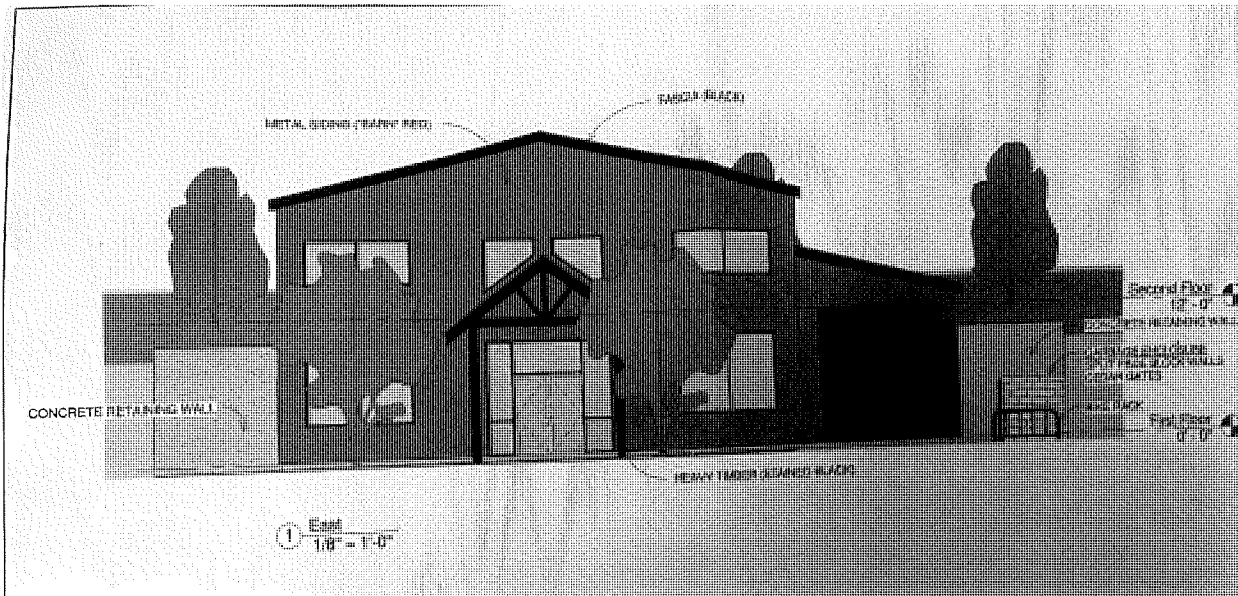
Signed, Sealed and Delivered by
by its authorized signatories:

Name: Colin Newton

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



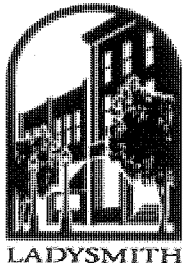
Appendix "B"
(Forms Part of Schedule B)
Plans & Specifications for the Project



Appendix "C"
(Forms Part of Schedule B)

Performance Criteria for the Project

n/a



Town of Ladysmith

STAFF REPORT TO COUNCIL

From: Erin Anderson, Director of Financial Services
Date: August 15, 2016
File No: 1970 - 04

RE: Properties on the Permissive Tax Exemption Bylaw

RECOMMENDATION(S):

That Council give first three readings to the bylaw titled "Town of Ladysmith 2017 Permissive Tax Exemptions Bylaw 2016, No. 1915" found later on tonight's agenda.

PURPOSE:

The purpose of this report is to provide background information regarding the properties to be included on the Permissive Tax Exemption bylaw for the tax year 2017.

INTRODUCTION/BACKGROUND:

Under Section 224 of the *Community Charter*, Permissive Exemptions are permitted to certain properties providing the property or property owner meets specific conditions. These conditions include ownership (not for profit organizations and charitable organizations) and specific use (care homes and recreational organizations). Many churches are already statutorily exempt for the building and footprint; the permissive tax exemption extends the exemption to the remaining portion of the property.

Each year, a permissive tax exemption bylaw is presented to Council. The adoption of the bylaw and corresponding advertisement must be completed prior to October 31 for the exemption to be in effect for the following taxation year.

In accordance with the Permissive Tax Exemption policy, 2016 was schedule as a 'Comprehensive Review' for all properties currently on the Permissive Tax Exemption bylaw. Staff worked with the property owners to ensure the properties continue to be eligible for an Exemption. The only property to be removed was St John's Anglican Church as it no longer qualifies as a place of worship. A summary of the organizations receiving exemptions are in Table 1.

Table 1 - Summary of Organizations included in the Permissive Tax Exemption Bylaw for 2017.

Type of Exemption	Organization (Owner)
<i>Buildings for Public Worship</i>	St. Mary's Catholic Church
	Pentecostal Assemblies of Canada
	United Church of Canada
	Ladysmith Fellowship Baptist Church
<i>Non-Profit</i>	Ladysmith Senior Citizens Housing Society
	Ladysmith & District Historical Society

Type of Exemption	Organization (Owner)
	Ladysmith Maritime Society
	Ladysmith Festival of Lights
	Ladysmith Health Care Auxiliary
	Arts Council of Ladysmith & District
<i>Recreational</i>	Ladysmith Golf Club Society
<i>Partnering Agreement</i>	Ladysmith & District Historical Society
	St John's Masonic Temple
	Jorjorian, P: Municipal Parking Lot

Once the bylaws are adopted, they will be forwarded to BC Assessment to ensure the exemption are included in the assessment roll for 2017.

Detailed application forms are available for review at City Hall.

ALTERNATIVES:

Option 1: No Exemptions. There is no requirement for Council to grant exemptions.

Option 2: Grant cash-in-lieu of exemptions. Instead of creating a bylaw, Council can grant exemptions in the actual taxation year. This option is not recommend as the Town would be paying for all other taxing agency levies, not just the foregone municipal taxes.

FINANCIAL IMPLICATIONS:

For each exemption granted, the exempted tax burden is passed on to other property owners in the municipality. There is no property tax revenue lost; just a shifting of the taxation dollars from each property to all the other taxable properties. The approximate value of this shifting is \$72k in municipal taxes.

Additional organization exempt on other bylaws are:

2010 Bylaw No. 1742

- Ladysmith Senior’s Centre & Ladysmith Resources Centre
- Boys and Girls club

2011 Bylaw No.1776:

- Island Corridor Foundation

LEGAL IMPLICATIONS:

The bylaw, in its entirety, is at risk if one of the properties on the bylaw is successfully challenged in the Courts.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Statutory notification will be published in the newspaper and the exemption notification will be forwarded to BC Assessment.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Corporate Services Department and the Financial Services Department will work together to complete the bylaw and all the statutory requirements.



RESOURCE IMPLICATIONS:

Not applicable.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

This aligns with the "Working Together" strategy.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This aligns with the strategic priority of Partnerships.

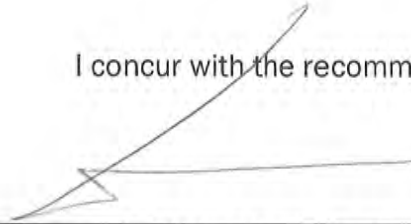
SUMMARY:

Council has previously granted permissive tax exemptions to specific organizations or properties within the Town boundary. Staff is requesting that Council give first three readings to the bylaw found later in tonight's agenda package.



Erin Anderson, Director of Financial Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT:

Permissive Tax Exemption Bylaw for the tax year 2017, 2016 No.1915 - A bylaw to exempt certain lands from Property Taxation.

05-1970-B Permissive Tax Exemption Policy

**TOWN OF LADYSMITH
POLICIES AND PROCEDURE MANUAL**

TOPIC:	PERMISSIVE TAX EXEMPTION POLICY	
APPROVED BY:	Council	DATE: Aug. 7, 2012
RESOLUTION #:	2012-274	
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		
<p>1. Council may designate only a portion of land/improvements as exempted where the following circumstances exist:</p> <ul 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.		
<p>2. Council may impose conditions on the exempted land/improvements with the applicant organization, including but not limited to:</p> <ul 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)		
<p>3. Council may impose penalties on an exempted organization for knowingly breaching conditions of exemption, including but not limited to:</p> <ul 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.		

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.

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.

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 COUNCIL

From: Joanna Winter, Manager of Administrative Services
Date: September 1, 2016
File No:

RE: **PROPOSED TWO PER CENT HOTEL TAX TO SUPPORT TOURISM DEVELOPMENT IN THE COWICHAN REGION**

RECOMMENDATION:

That Council:

1. Support the application by the Cowichan Valley Regional District for a two per cent Municipal and Regional District Tax on accommodation in the region to support tourism marketing and development initiatives of the Tourism Cowichan Society; and
2. Direct staff to advise the Cowichan Valley Regional District of its support.

PURPOSE:

The purpose of this report is to seek Council support of an initiative by the Cowichan Valley Regional District to secure provincial approval for a new, two per cent Municipal and Regional District Tax on Cowichan Region accommodations with four or more rooms. The taxes collected would support implementation of the Tourism Cowichan Society's strategic plan to increase tourism in the region.

INTRODUCTION/BACKGROUND:

Over the past 15 years, destination marketing to bring tourists to the Cowichan region has been coordinated as a function of Economic Development Cowichan (a department of the Cowichan Valley Regional District). To be more proactive and effective, the Cowichan Valley Regional District and Tourism Cowichan Society have entered into a service agreement which transfers the role of destination marketing to the society. This enables Tourism Cowichan to be an industry-led, properly funded organization which will significantly increase the Cowichan presence in the tourism marketplace.

Tourism Cowichan's current annual budget is \$220,000, made up of \$100,000 from local tourism industry partners and an annual Cowichan Valley Regional District requisition of \$120,000. Ladysmith contributes \$9,939 of this requisition each year. This is in addition to the \$32,093 Ladysmith contributes to the CVRD's \$388,000 annual Economic Development Function.

The CVRD is applying to a provincial program (the Municipal and Regional District Tax or MRDT) for the ability to initiate a new tax to raise funds for Tourism Cowichan. The intention of the tax is to help communities fund tourism marketing, programs and projects by imposing a voluntary tax of up to three per cent on certain types of accommodations. Funds from the MRDT program are intended to augment current funding and cannot be used to

replace existing sources of tourism funding in a community. Over 50 per cent of communities in BC currently charge this tax. It is estimated that the proposed new accommodation tax would generate an additional \$250,000 in revenues to support enhanced tourism development activities. This will significantly increase the presence and marketing ability of Cowichan's tourism industry, as indicated in the graphic below.



The proposed tax of two per cent will apply to accommodations with four or more rooms. Local accommodations have been consulted, including the proposed Microtel micro-hotel at the Oyster Quay Development, and the Holiday House in Ladysmith. According to Tourism Cowichan and Tourism Vancouver Island, both establishments have indicated that they are in support of the proposed tax.

Tourism Cowichan has indicated that a seat on its board of directors will be made available to a representative from Ladysmith's tourism industry. This will be important to ensure that the region has a presence in Tourism Cowichan's activities and initiatives.

SCOPE OF WORK:

Not applicable. As this is a CVRD/Tourism Cowichan initiative, all work involved in seeking approval for and administering the tax revenues will be carried out by those two organizations.

ALTERNATIVES:

Council can choose not to indicate its support for the proposed new accommodation tax.

FINANCIAL IMPLICATIONS:

None. The new tax is intended to augment and not replace Ladysmith's current contribution to regional tourism activities through a CVRD requisition.

LEGAL IMPLICATIONS:

The proposed new accommodation tax may only be imposed after provincial approval of an application under the Municipal and Regional District Tax program. The application process is rigorous and approval can take up to one year.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

While the proposed new tax will increase the cost of hotel room stays, it is not expected this will generate significant concern among potential visitors. The opportunity for increased marketing and tourism-related economic development is positive for the community.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

RESOURCE IMPLICATIONS:

The tax revenues will be administered by the Cowichan Valley Regional District.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Aligns with Sustainability Pillar No. 8 – Local, Diverse Economy.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Aligns with Strategic Priority – Employment and Tax Diversity.

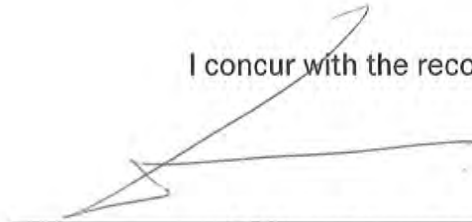
SUMMARY:

The Cowichan Valley Regional District is applying to the provincial government's Municipal and Regional District Tax program for a two per cent accommodation tax to support activities related to tourism marketing and product development. It is recommended that Council indicate its approval of the tax to the CVRD.



Joanna Winter, Manager of Administrative Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT:

Tourism Cowichan Strategic Plan



Tourism Cowichan
Strategic Plan
2017-2021

Developed by
Tourism Vancouver Island
On behalf of Tourism Cowichan Society

Cowichan

Fertile valleys, rolling mountains, undulating rivers, pristine lakes and calm seaside shores form the backdrop of the Cowichan region; a place of incredible beauty, timeless traditions and tidal rhythms. Nestled between the bustling cities of Victoria to the south and Nanaimo to the north, on Vancouver Island, British Columbia, the Cowichan region offers a wide choice of things to see and do throughout the year. Explore the wine country trails, engage in the rich cultural heritage and discover many historic sites and artists' galleries along the way. Enjoy unforgettable fishing, kayaking, hiking and golfing adventures.

Strengthening the Cowichan Region

Over the past 15 years, destination marketing for the Cowichan region has been coordinated as a function of Economic Development Cowichan.

To be more proactive/effective, the Cowichan Valley Regional District and Tourism Cowichan Society has entered into a service agreement which transfers the role of destination marketing to the Tourism Cowichan Society. This enables Tourism Cowichan Society to be an industry-led, properly funded society which will significantly increase the Cowichan presence in the marketplace. An application for the Municipal Regional District Tax (MRDT) program is in process – this, combined with the Regional District and private sector support, will add significant resources to achieve the Cowichan vision and mission.

MRDT Landscape

- Voluntary Tax – 51% Properties/51% Rooms
- Eligible Properties - 4+ Rooms
- Over 50% of BC Communities Collecting

On Vancouver Island

Parksville/Qualicum Beach	Courtenay
Victoria	Tofino
Ucluelet	Nanaimo
Mt. Waddington Regional District	Campbell River – In Progress

Vision

Tourism in the Cowichan Valley region is a significant contributor to the region's economic and social well being, with the region being recognized as a premier destination for leisure get-a-ways and vacations.

Mission

Contribute to increasing the economic and social benefits of a thriving tourism industry through focused, industry driven and professionally managed marketing and promotion of the region into the nearby markets; and supporting the efforts of regional, provincial and national destination marketing.

Strategic Goals

Goal 1: To increase visitation and expenditures of leisure travelers to the Cowichan Region

Tourism Cowichan enjoys a year-round mild climate with close proximity to bustling cities of Victoria and Nanaimo to capitalize on visitation to Vancouver Island. Objectives include increasing the Cowichan region's net promoter score, increasing the awareness and desirability of the Cowichan region, and increasing travel media engagement from key markets.

Marketing activities will be focused on BC, AB and WA as primary geographic markets while content will encourage overnight and extended stays. Branding will be refreshed and aligned with the BC Brand and the amplified use of EQ market segment tools will be implemented. Participation in the Destination BC led destination development strategy will be key, along with engagement with Tourism Vancouver Island and other DMOs for travel media support.

It will be important to build equity in the Cowichan brand in order to promote the region as a touring and exploring region encouraging overnight visitation. Media relations engagement and support in the primary markets will be encouraged and supported, while working with Tourism Vancouver Island and other DMOs in their travel media efforts. Content and story ideas will be developed to entice travel media to explore and experience Cowichan. Stakeholders will be educated on the value of supporting travel media visits with in-kind accommodation and services.

Goal 2: To be financially sustainable

Financial sustainability is an important strategic objective, and Tourism Cowichan seeks to accomplish this through increased MRDT revenues, increased private sector partnership revenue, achieving the annual forecasted net income, maintaining the CVRD tax requisition contribution, and maximizing Destination BC's coop funding.



In order to execute effective marketing activities that lead to increased overnight stays, the organization will implement marketing initiatives in the annual marketing plan, encourage accommodation operators to participate in coop marketing programs, and develop and utilize advertising creative that encourages overnight stays.

It will be crucial to build a high level of confidence and trust with the CVRD along with building greater community support for tourism in the Cowichan region. Activities include providing performance updates, Value of Tourism presentations, and marketing outputs to the CVRD and municipalities. In addition, it will be important to engage with chambers of commerce and other community organizations, residents, and local media on the Value of Tourism.



Photo credit: Economic Development Cowichan

Goal 3: To increase the effectiveness of Tourism Cowichan as a professional destination marketing organization

Primary accommodation*	BC residents	Other Canadians	US residents	Other international
Friends and family	53%	50%	39%	53%
Hotel	15%	23%	39%	32%
Motel	2%	3%	5%	3%
Other commercial fixed roof	4%	11%	7%	4%
Camping/RV parks	15%	5%	2%	8%

*Please note the sum will not equal 100% for each market as other non-paid accommodation is not included in the table.

In order to be regarded as a professional destination marketing organization, Tourism Cowichan will first ensure effective board and committees are established, increase effectiveness of program delivery, and improve the collaboration and alignment of tourism businesses, municipal government and relevant associations. In order to attract the best-in-class stakeholders to serve as members of the Society Board and Committees, the association will communicate the benefits of participation and promotion through town hall meetings,

newsletters and other opportunities. Effective governance policies will be developed along with code of conduct and conflict of interest guidelines, and governance orientation will be facilitated for board and committee members.

Effectiveness of program delivery will be obtained by maintaining a professional team of service providers including management services to provide strategy development, human resource management, and financial management oversight. Creative development firms that have a history of tourism marketing, brand alignment and Explorer Quotient will be sought. Stakeholders will be engaged in the development of annual marketing strategies utilizing Town Hall meetings to solicit input into the marketing direction.

Goal 4: To increase the relevance of the Tourism Cowichan Society in the eyes of the tourism businesses, local and provincial governments and the residents within the region

In order to raise the level of awareness of the value of tourism and the effectiveness of Tourism Cowichan, outreach programs with local government, residents and stakeholders will be conducted and consist of Value of Tourism presentations with customized materials with Cowichan region content. The Society will support collaboration between economic development and tourism communities to identify tourism product gaps, engage with the Cowichan region Economic Development Officer, and participate in Destination BC's Destination Development program.

MRDT Process

- 5-Year Strategic Plan and 1-Year Tactical Plan
Vision-Mission-Goals-Objectives-Strategies-Tactics
- Stakeholder Input and Support
- Eligible Accommodation Petitions
- CVRD Approval
- Municipal Bylaws
- Provincial Approval

8 to 12 Months for Approvals



Together with regional tourism partners and stakeholders – all under the steady guidance of an influential board and marketing committee – the association will strive to realize its goals of introducing the world to the Cowichan region as a highly desirable, preferred getaway destination.

TOWN OF LADYSMITH

BYLAW NO. 1915

A bylaw to exempt from taxation certain lands and buildings for the year 2017.

WHEREAS Section 224 and 225 of the *Community Charter* permits Council, by by-law, to exempt from taxation certain buildings, the lands on which the buildings stand and the lands surrounding certain buildings;

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

Part 1 – Church Properties Tax Exemption

All church halls and lands within the legal boundaries of those properties listed under Part 1 of Schedule ‘A’ are hereby exempted from taxation for the year 2017.

Part 2 – Charitable, Not-for Profit and Recreational Tax Exemption

All lands and improvements within the legal boundaries of those properties listed under and to the extent described Part 2 of Schedule ‘A’ are hereby exempted from taxation for the year 2017.

Part 3 – Partnering Exemption Authority

All lands and improvements within the legal boundaries of those properties listed under and to the extent described in Part 3 of Schedule ‘A’ are hereby exempted from taxation for the year 2017.

Schedules A through G, inclusive, which are attached hereto, form a part of this bylaw.

This bylaw may be cited as "2017 Permissive Tax Exemptions Bylaw 2016, No. 1915."

READ A FIRST TIME on the _____ day of _____, 2016

READ A SECOND TIME on the _____ day of _____, 2016

READ A THIRD TIME on the _____ day of _____, 2016

ADOPTED on the _____ day of _____, 2016

Mayor (A. Stone)

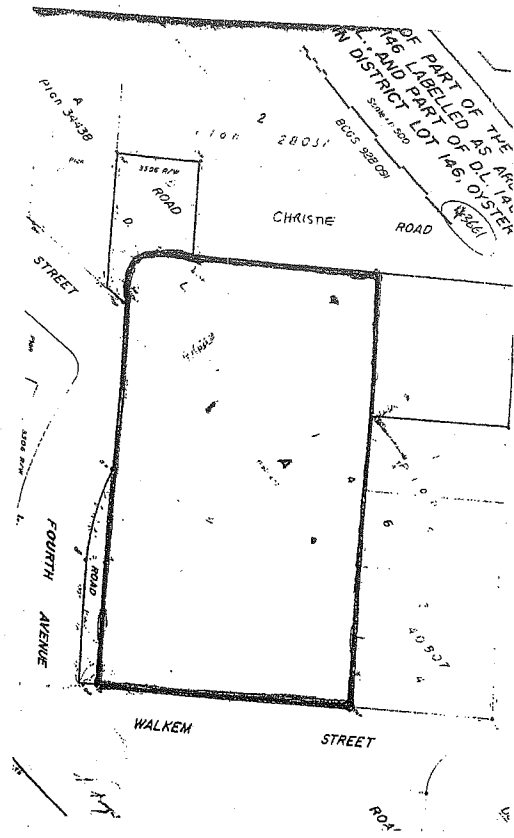
Corporate Officer (G. Ferrero)

This is Schedule "A" attached to and forming part of
Permissive Tax Exemption Bylaw 2016, No.1915

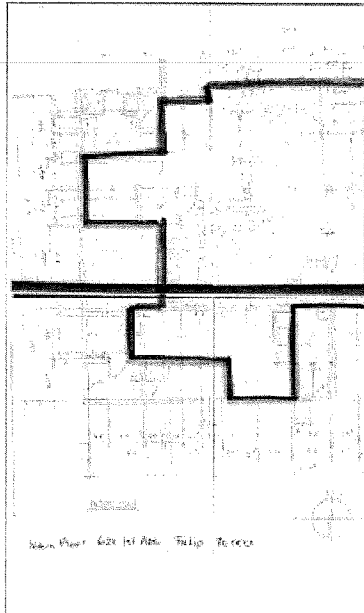
PROPERTY DESCRIPTION	
Part 1	
St. Mary's Catholic Church <i>224.2(f) Buildings for Public Worship</i>	1135 4th Ave Remainder of DL 145, LD43 Oyster Land District except Plans 33231 & VIP72186 (Specifically the area of land and buildings outlined in bold on Schedule 'B') Folio 1448.000
Pentecostal Assemblies of Canada <i>224.2(f) Buildings for Public Worship</i>	1149 4th Ave Lot A, DL146, LD43, Plan 46331 (Specifically the area of land and buildings outlined in bold on Schedule 'C') Folio 1449.080
United Church of Canada <i>224.2(f) Buildings for Public Worship</i>	232 High Street Lot A, Plan VIP63119, DL56 Oyster Land District Folio 327.010
Ladysmith Fellowship Baptist Church <i>224.2(f) Buildings for Public Worship</i>	381 Davis Rd Lot 1, Plan 43316, DL 43, LD43 Folio 1041.500
Part 2	
Ladysmith Senior Citizens Housing Society <i>224.2(a) Non-Profit</i>	101 1st Ave Lot 1, DL56, LD43, Plan 31443 Folio 1338.000
Ladysmith Senior Citizens Housing Society <i>224.2(a) Non-Profit</i>	207 Jamison Rd Lot 1, DL 56, LD 43, Plan 21490 (Specifically the area of land surrounding the building footprint as shown on Schedule D) Folio 1322.300
Ladysmith & District Historical Society <i>224.2(a) Non-Profit</i>	721 1st Ave (Museum) Lot 11, Blk 7, LD43, Plan 703 Folio 0055.000
Ladysmith & District Historical Society <i>224.2(a) Non-Profit</i>	612 & 614 Oyster Bay Dr (Roundhouse & Compound) Lot 4, DL56, LD43, Plan 45800 Folio 1109.320 (Parent parcel 1109.300)
Ladysmith Maritime Society <i>224.2(a) Non-Profit</i>	611 Oyster Bay Dr Blk C, DL2016, LD16, Foreshore Lease for Marina Lease/Permit #106431 As shown on Schedule "G", including the insert for the Visitors Centre Folio 1602.100
Ladysmith Maritime Society <i>224.2(a) Non-Profit</i>	Unit C, I & M - 610 Oyster Bay Dr Lot 4, DL56, LD43, Plan 45800 Folio 1109.317 (Parent parcel 1109.300)
Ladysmith Maritime Society <i>224.2(a) Non-Profit</i>	616 Oyster Bay Dr (Car Shop) Lot 4, DL56, LD43, Plan 45800 Folio 1109.316 (Parent parcel 1109.300)

Ladysmith Golf Club Society <i>224.2(i) Recreational</i>	380 Davis Rd DL43, LD43, except Plans 2478, 4670, 5873, 7527, 8922, 12027, 14051, 15693, 835R, 34197, 48247 & VIP57353. exc E&N R/W Pcl A (DD24404N) Pcl C (DD344431), VIP65242 Folio 1017.005
Ladysmith Festival of Lights <i>224.2(a) Non-Profit</i>	1163 4th Ave Lot A, DL146, LD43, Plan 34438 Folio 1449.200
Arts Council of Ladysmith & District <i>224.2(a) Non-Profit</i>	Units J, K & L - 610 Oyster Bay Rd Lot 4, DL56, LD43, Plan 45800 Folio 1109.328 (Parent Parcel 1109.300)
Eco-Tourism Building (mechanical room and public storage only) <i>224.2(a) Non-Profit</i>	200 Capt Tristan De Koninck Way (Transfer Beach) Lot 2, DL56, LD43, Plan 36262 (Specifically the area of land and buildings outlined in bold on Schedule 'E')
Ladysmith Health Care Auxiliary <i>224.2(a) Non-Profit</i>	910 1st Ave (Thrift Shop) Lot 1, Blk 30, DL24 & DL56, LD43, Plan 703A Folio 263.000
Canadian Legion Branch #171 <i>224.2(a) Non-Profit</i>	621 1st Ave Lot A, DL56, LD43, Blk 8, Plan 703 (except the section outlined in bold on Schedule 'F') Folio 70.000
Part 3	
St John's Masonic Temple Assoc (Leased by Town for parking lot) <i>225.2(a) Partnering Agreement</i>	26 Gatacre St Lot 9, Blk 9, LD43, Plan 703 Folio 85.000
Ladysmith & District Historical Society <i>224.2(a) Non-Profit</i>	1115A - 1st Ave (under Tim Horton's) (Archives) Lot 1, VIS5873, DL118, LD43 Folio 1373.010
Jorjorian, P: Municipal Parking Lot <i>225.2(a) Partnering Agreement</i>	17 & 25 Roberts St Lots 8 & 9, Blk 11, DL56, LD43, Plan 703A Folios 123.000 & 125.000

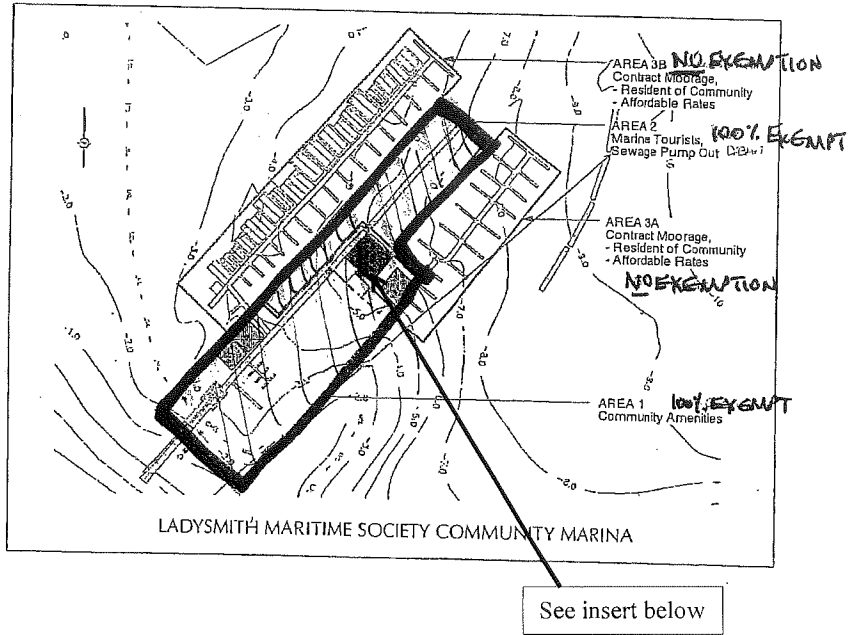
This is Schedule "C" attached to and forming part of
Permissive Tax Exemption Bylaw 2016, No.1915



This is Schedule "F" attached to and forming part of
Permissive Tax Exemption Bylaw 2016, No.1915

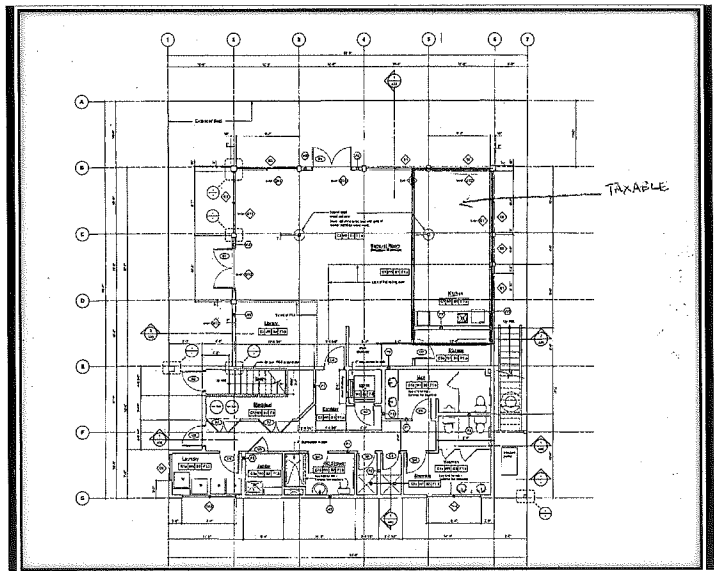


This is Schedule "G" attached to and forming part of
Permissive Tax Exemption Bylaw 2016, No.1915



See insert below

Insert:





175 Ingram Street
Duncan, BC V9L 1N8
www.cvrld.bc.ca

Office: 250.746.2500
Fax: 250.746.2513
Toll Free: 1.800.665.3955

August 23, 2016

File No.: Bylaw No. 4035

Town of Ladysmith
PO Box 220, Stn Main
LADYSMITH BC V9G 1A2



Attention: Guillermo Ferrero, City Manager/ Corporate Officer

Dear Mayor and Council:

Re: "CVRD Bylaw No. 4035 – Transit Service Amendment Bylaw, 2016"

The Board of Directors, at their regular meeting of August 10, 2016, granted first three readings to the attached Transit Service Amendment Bylaw.

Bylaw No. 4035 provides for an increase in the maximum annual tax requisition limit for the transit service. A copy of the Facilities & Transit Division's July 29, 2016 staff report explaining the rationale for increasing the maximum annual tax requisition limit is attached.

In order for the Board to consider adoption of Bylaw No. 4035, written consent must be obtained from the service area participants. Accordingly, the CVRD requests that the following resolution be considered and adopted by Council at its next regular meeting:

That the Town of Ladysmith consents to the adoption of "CVRD Bylaw No. 4035 – Transit Service Amendment Bylaw, 2016".

If you have any questions regarding the approval process for Bylaw No. 4035, contact myself at jbarry@cvrd.bc.ca or 250.746.2506. If you have any specific questions prior to your meeting regarding the proposed transit service improvements, contact Jim Wakeham, Manager, Facilities & Transit Division at jwakeham@cvrd.bc.ca or 250.746.2549.

Sincerely,

Joe Barry
Corporate Secretary

td
Enclosures

pc: Sharon Moss, Manager, Finance Division
Jim Wakeham, Manager, Facilities & Transit Division



STAFF REPORT TO THE BOARD

DATE OF REPORT July 29, 2016
MEETING TYPE & DATE Board Meeting of August 10, 2016
FROM: Facilities & Transit Division
Community Services Department
SUBJECT: Transit Service Amendment Bylaw No. 4035
FILE: Bylaw No. 4035

PURPOSE/INTRODUCTION

To introduce Transit Service Amendment Bylaw No. 4035 which would increase the maximum annual tax requisition limit for the transit service.

RECOMMENDED RESOLUTION

For Information.

BACKGROUND

On June 22, 2016 transit staff presented to the Transit Committee the proposed 3 year transit service expansion plan (2017/18 – 2019/20) for the Cowichan Valley with a total estimated additional cost of \$648,413 with the majority of the amount (\$507,356) being in years 2019/20. The Committee endorsed the plan and is recommending to the CVRD board to approve it at the August 10, 2016 board meeting.

On July 19, 2016 the Federal Government announced that the CVRD would receive \$12.33M in funding towards a \$15M new and expanded transit operations and maintenance facility. This significant funding will allow the Cowichan Valley to meet a growing demand for Transit in addition to improving the operational efficiency of the service.

On July 27, 2016 transit staff provided to the Regional Engineering Committee, an overview of the anticipated costs plus 2 supplemental items for the 2017 transit budgets to assist the committee in providing direction for the 2017 transit budgets. In addition, it was explained that with the forecasted service expansions, new operations and maintenance facility, anticipated BC Transit and CVRD yearly cost increases, upcoming fleet lease cost increases due to fleet replacements and other initiatives such as park and ride expansion, that the current annual tax requisition limit in the transit service establishment bylaw No. 1450 will need to be increased.

ANALYSIS

With the recent announcement of the significant federal and provincial funding for a new and expanded operations and maintenance facility, staff are expecting that in the very near future the CVRD will be required to formally commit to moving forward with the project as well as committing to the CVRD's share of the facility cost. That obligation, as well as the above noted service expansions and other service enhancements included in the Transit Future Plan, requires the CVRD to amend the Transit service bylaw to increase the annual tax requisition limit.

Staff has reviewed these projects and service improvements and have provided short term estimated costs for the next 3 years. The CVRD transit service will continue to be guided by the Transit Future Plan but beyond 2019 it is very challenging to predict service requirements and estimated costs. BC Transit has advised the CVRD, that an RFP is due to be held for the operation and maintenance of the transit service commencing 2019/20, and at this time the impact on the

CVRD cost is unknown.

FINANCIAL CONSIDERATIONS

As per the transit service establishment bylaw No. 1450, the current maximum annual tax requisition limit is the greater of \$2,000,000 or an amount that equals the amount raised by applying a property tax rate of \$.2118 per \$1,000 to the net taxable value of land and improvements in the service area. Based on 2016 assessment values the amount equates to \$2,556,392.

The 2016 tax requisition amounts for the transit service are: \$206,705 for Function 106 (Commuter service) plus \$2,247,053 for Function 107 (conventional and handyDART), for a total of \$2,453,758. Thus the capacity to increase the tax amount is limited to only \$2,556,392 - \$2,453,758 = \$102,634. The 2017 estimated transit budget cost increases including the 2 supplemental items for Functions 106 and 107 outlined at the July 27, 2016 Regional Engineering Committee meeting totals \$92,750.

Staff recommend proceeding to amend the transit service establishment bylaw No. 1450 as soon as possible to increase the annual tax requisition maximum limit amount by 35% to \$3,450,043 (an increase of \$893,651) or an amount equal to the amount that could be raised by the property value tax of \$.28584 per \$1,000 of net taxable value of land and improvements within the service area. By increasing the annual tax requisition amount in the bylaw, it does not mean the tax amount increases when amendment Bylaw No. 4035 is adopted, it just allows the CVRD the ability to fund the noted service improvements.

This bylaw change will allow the CVRD to commit its share of the funding of the new operations and maintenance facility, park and ride expansion, identified service expansions for the next 2 years of the 3 year plan and other anticipated regular costs associated with the service. See table below.

Description	Total Project Cost	Estimated CVRD Cost	Estimated CVRD annual cost Impact
New operations and maintenance facility	\$15,000,000	\$2,666,667 (capital only)	\$252,400 (capital & operating)
Park & ride expansion	\$1,070,000	\$567,100	\$34,450
Service expansion (2 years 2017-2018)	-	-	\$141,057
Estimated fleet lease and base service cost increases for 3 years 2017-2019	-	-	\$340,848
Estimated additional transit shelters/benches	-	-	\$50,000
Total additional CVRD annual cost impact	-	-	\$818,755
Requested increased tax requisition amount \$3,450,043 - \$2,556,392	-	-	\$893,651
Difference	-	-	\$74,896

COMMUNICATION CONSIDERATIONS

The approval process for Transit Service Amendment bylaw No. 4035 requires written consent for adoption from the CVRD Electoral Area directors and resolutions from the four municipalities who participate in the CVRD transit service function. In addition the bylaw also requires approval by the Province's Inspector of Municipalities.


STRATEGIC/BUSINESS PLAN CONSIDERATIONS

NA

Referred to (upon completion):

- Community Services (*Island Savings Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Public Safety, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Legislative Services, Information Technology*)
- Engineering Services (*Environmental Services, Capital Projects, Water Management, Recycling & Waste Management*)
- Planning & Development Services (*Community & Regional Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails*)
- Strategic Services

Prepared by:



Jim Wakeham
Manager

Reviewed by:

Not Applicable
Manager



Conrad Cowan
A/General Manager

Reviewed for Form and Content and Approved for Submission to the Board:

Chief Administrative Officer's Comments / Concurrence



Mark Kueber, CPA, CGA
A/CAO



COPY

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4035

A Bylaw to Amend Transit Service Establishment Bylaw No. 1450

WHEREAS the Board of the Cowichan Valley Regional District established the *Cowichan Valley Regional Transit System* under the provisions of Bylaw No. 1450, cited as "CVRD Bylaw No. 1450 - Transit Service Establishment Bylaw, 1993";

AND WHEREAS the Board deems it desirable to increase the maximum annual tax requisition to allow for the construction of a new maintenance and operations facility and service improvements according to the Transit Future Plan;

AND WHEREAS, pursuant to Section 349 of the *Local Government Act*, consent for adoption of this bylaw has been received from at least 2/3 of the participants;

NOW THEREFORE the Board of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 4035 – Transit Service Amendment Bylaw, 2016**".

2. **AMENDMENT**

Section 4 of Bylaw No. 1450 is hereby deleted and replaced with the following:

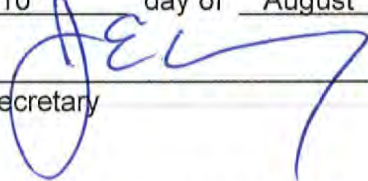
4. The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of \$3,450,043 or an amount equal to the amount that could be raised by a property value tax of \$0.28584 per \$1,000 of net taxable value of land and improvements within the service area.

READ A FIRST TIME this 10th day of August , 2016.

READ A SECOND TIME this 10th day of August , 2016.

READ A THIRD TIME this 10th day of August , 2016.

I hereby certify this to be a true and correct copy of Bylaw No. 4035 as given Third Reading on the 10th day of August, 2016.


Corporate Secretary

AUGUST 17, 2016
Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this _____ day of _____, 2016.

ADOPTED this _____ day of _____, 2016.

Chairperson

Corporate Secretary



Canadian Cancer Society
Société canadienne du cancer

August 12, 2016

His Worship, Mayor Stone of Ladysmith
410 Esplanade, PO Box 220
Ladysmith, BC V9G 1A2

Dear Mayor Stone and Ladysmith Council,

On behalf of the Canadian Cancer Society, BC and Yukon, we commend the Town of Ladysmith for your progress towards implementing a bylaw that protects your citizens from second-hand smoke and vapour in outdoor public places.

We are writing to invite the Town of Ladysmith to endorse the Society's recommendation that the BC government expand the scope of BC's *Tobacco and Vapour Products Control Act* to prohibit use in outdoor public places province-wide. We recommend that the province prohibit smoking and vaping at patios, parks, playgrounds and beaches, and include guidelines for post-secondary campuses.

We know that many BC municipalities are in favour of amendments to provincial tobacco legislation, as evidenced by the 68 communities currently sheltered with municipal or regional district tobacco bylaws, along with Resolution B92, endorsed by UBCM in 2012. Presently, a report is underway to evaluate the successes, issues and costs associated with BC's tobacco bylaws.

More than 1 million British Columbians in 125 communities do not have bylaws that prohibit smoking in outdoor public places. This patchwork contributes to tobacco-related health inequities; across the province, smoking rates in the various health service delivery areas vary from a low of 8.9% to a high of 33.6%. This exposure differential contributes to both health inequities and a larger provincial economic burden. In BC, the annual economic burden attributed to tobacco is \$2 billion.

In addition to protecting citizens from second-hand smoke exposure, smoke and vape-free outdoor places support people who want to quit smoking and provide positive role modeling for children and youth. A comprehensive provincial policy would help change social norms about tobacco use and provide equitable protection from second-hand smoke and vapour. Effective tobacco control measures save lives, financial resources and are vital to protecting the integrity of BC's healthcare system.

The Society believes that preventing half of all cancers is within our grasp and together we can support the vision to stop cancer before it starts. We ask that you send us your endorsement (found on the back side of this letter) to protect the health of all British Columbians, by October 31, 2016.

Sincerely,

Megan Klitch
Tobacco Lead
Canadian Cancer Society, BC and Yukon

Jenny Byford
Advocacy Lead
Canadian Cancer Society, BC and Yukon



Endorsement of Smoke and Vape-free Outdoor Public Places in BC

Smoke and vape-free outdoor public places legislation would prohibit smoking and vaping in BC’s outdoor public places, including restaurant and bar patios, playgrounds, parks and beaches, with ministry guidelines legislated for post-secondary campuses. “Smoking” would include burning a cigarette or cigar, or burning any substance using a pipe, hookah pipe, lighted smoking device or electronic smoking device, with some exemptions for the ceremonial use of tobacco in relation to traditional aboriginal cultural activities.

- Our community endorses a requirement in British Columbia for smoke and vape-free outdoor public places, as outlined above.

Or

- Our community endorses a requirement in British Columbia for smoke and vape-free outdoor public places, as outlined above, but with the following modifications (please list):

Name of Community: _____

Name of Mayor (or representative): _____

Title: _____

Signature: _____

Date: _____

Name, phone and email for community contact: _____

The names of communities that endorse this policy will be shared with the provincial government and may be used in communications with stakeholders and mass communications. Endorsement letters will be received by Megan Klitch, Tobacco Lead, Canadian Cancer Society, BC and Yukon Division, until October 31, 2016 via fax, email or mail.



PREVENT CANCER THROUGH HEALTHY PUBLIC POLICY

Key Facts

- Tobacco is a major health issue that needs the attention of political leaders.
- Almost 70 BC communities and three-quarters of BC's population are sheltered from tobacco modeling and exposure in outdoor public places. More than one million British Columbians remain unprotected.
- The Union of BC Municipalities supports smoke-free outdoor public places.

Rationale for outdoor smoke and vape-free policy

Protection from second-hand smoke

Secondhand smoke is extremely toxic. Studies of particulate matter have shown that in an outdoor setting, second-hand smoke can be as concentrated as in an indoor setting. Children experience greater impacts from second-hand smoke due to their developing immune and respiratory systems. Every year, more than 800 Canadians who don't smoke die from second-hand smoke exposure.

Increase motivation to quit smoking

People who smoke tend to respond to restrictions by cutting back or quitting. The majority (85.7%) of British Columbians do not smoke. Of the minority who do smoke, two-thirds want to quit and are looking for tools to help them. Several studies have shown that when smoking bans have been implemented, smokers have chosen to quit or cut back and that smoke-free patio regulations may help former smokers avoid relapse.

Equitable access to clean air for all British Columbians

To date, 68 communities in BC are sheltered by tobacco bylaws with stronger protections than BC's *Tobacco Control Act*. Approximately three quarters of these communities fall within the Lower Mainland and Southern Vancouver Island. Outside of these boundaries, more than 1 million British Columbians in 125 communities, many of which are rural and remote, remain unprotected from tobacco related exposure and role-modelling.

Recommended bylaws prohibit smoking and vaping:

- on restaurant and bar patios
- on city-managed properties: parks, playgrounds, trails, plazas, beaches, playing fields, recreation facilities and venues
- within a buffer zone of 7.5 metres of the above mentioned, as well as the doors, windows and air intakes of public buildings



Positive role modelling

Tobacco use is started and established primarily during adolescence. Since most smokers start before the age of 18, it is important to model healthy behaviours. Youth who do not see adults smoking or vaping will be less likely to view these as normal social behaviors and, thereby, are less likely to start themselves.

Consistency can improve compliance

With universal provincial policy and broad awareness measures, BC residents and tourists will be more aware of smoking restrictions. Research tells us that when people understand what tobacco restrictions are in place and why they have been implemented, they are more likely to comply, and are also more likely to speak up, encouraging others to comply. Evaluations have found that the fear of compliance issues exceeds the actual number of compliance issues that occur.

Canadian precedent

The majority of Canadian provinces and territories ban smoking on bar and restaurant patios and a growing number have recently expanded restrictions to other public outdoor places. Ontario, for example, banned smoking on restaurant/bar patios, playgrounds and sports fields, effective January 1, 2015. Smoking behaviour and exposure to secondhand smoke decreased within the first year of implementation at all affected venues, and compliance was perceived to be moderate to high with variations observed by the type of outdoor venue.

Public Support

A 2013 Angus Reid poll conducted on behalf of the Canadian Cancer Society revealed the following support for smoke-free places policy by British Columbians:

- **Bar and restaurant patios:** 66% of adults and 79% of youth
- **Children's playgrounds:** 91% of adults and 96% of youth
- **Parks and beaches:** 66% of adults and 80% of youth

Preventable risk factors such as **tobacco use and exposure**
cost **\$2 billion** per year in BC.

