



TOWN OF LADYSMITH

A REGULAR MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
WILL BE HELD IN COUNCIL CHAMBERS AT CITY HALL ON
TUESDAY, OCTOBER 4, 2016

Call to Order and Closed Meeting
6:30 p.m.
Regular Open Meeting
7:00 p.m.

AGENDA

CALL TO ORDER (6:30 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:

- Status of sale of Town-owned properties and proposed property acquisitions

REGULAR MEETING (7:00 P.M.)

2. AGENDA APPROVAL

3. RISE AND REPORT – Items from Closed Meeting

4. MINUTES

- 4.1. Minutes of the Regular Meeting of Council held September 19, 20161 - 7

5. DELEGATIONS

- 5.1. Presentation: Citizen of the Year Award to Myf Plecas
- 5.2. Special Presentation to John Wilson, Retiring Chair of the Liquid Waste Management Committee
- 5.3. Community Living BC Central Upper Island Community Council
Mark Skelton and Jessica Humphrey
Introduction of the CLBC Central Upper Island Community Council

6. PROCLAMATIONS

- 6.1. Mayor Stone has proclaimed the month of October 2016 as “Small Business Month” in the Town of Ladysmith, recognizing the determination, commitment and contributions of all businesses in our community. **8**
- 6.2. Mayor Stone has proclaimed the month of October 2016 as “Community Living Month” in the Town of Ladysmith, in recognition that a thriving community requires the inclusion and participation of all its members..... **9**
- 6.3. Mayor Stone has proclaimed October 16 to October 22, 2016 as National Teen Driver Safety Week in the Town of Ladysmith, encouraging all citizens to help change road-related injury statistics by promoting and setting examples of non-distracted, safe driving..... **10**

7. DEVELOPMENT APPLICATIONS

- 7.1. **Neighbourhood Meeting Report: Development Variance Permit 16-04 (MacCallum) 11 - 15**
Subject Property: Lot 1, District Lot 43, Oyster District, Plan 6424 (117 Clarke Road)

Staff Recommendation:

That Council receive the neighbourhood information meeting staff report regarding Development Variance Permit application 3090-16-04 (117 Clarke Road).

- 7.2. **Zoning Bylaw Amendment Application – 630 Farrell Road (Schnurch)..... 16 - 18**
Subject Property: Lot 2, District Lot 41, Oyster District, Plan VIP79202

Staff Recommendation:

That Council consider directing staff to prepare a bylaw to amend the Zoning Bylaw to rezone the property legally described as Lot 2, District Lot 41, Oyster District, Plan VIP 79202 (630 Farrell Road) from the Rural Residential (RU-1) Zone to the Single Dwelling Residential (R-1) pursuant to:

- The applicant providing a report from a Certified Professional Geotechnical Engineer to confirm that there is a suitable building site available on each proposed lot, identify geotechnical hazards, demonstrate that access routes to proposed building sites can meet Town standards, and provide a stormwater management plan (in accordance with DAI Bylaw No. 1887);
- A voluntary \$5000 contribution to the community amenity fund from the applicant (in accordance with the CAC policy); and
- The applicant hosting a neighbourhood information meeting prior to the public hearing (as required by the Development Procedures Bylaw).

8. BYLAWS (OFFICIAL COMMUNITY PLAN AND ZONING) – None

9. COMMITTEE REPORTS

9.1. Mayor A. Stone

Cowichan Valley Regional District; Advisory Design Panel; Ladysmith Chamber of Commerce

9.2. Councillor R. Hutchins

Heritage Revitalization Advisory Commission; Liquid Waste Management Committee; Protective Services Committee; Stocking Lake Advisory Committee

9.3. Councillor C. Henderson

Community Health Advisory Committee/Interagency Group; Ladysmith Early Years Partnership; Social Planning Cowichan – Affordable Housing Directorate; Youth Advisory Committee

9.4. Councillor D. Paterson

Parks, Recreation and Culture Commission; Protective Services Committee; Festival of Lights Committee

9.5. Councillor J. Friesenhan

Liquid Waste Management Committee; Parks, Recreation and Culture Commission

9.6. Councillor C. Fradin

Community Safety Advisory Commission; Advisory Planning Commission; Liquid Waste Management Committee; Ladysmith Downtown Business Association

9.7. Councillor S. Arnett

Municipal Services Committee; Vancouver Island Regional Library Board; Stocking Lake Advisory Committee; Celebrations Committee

10. STAFF REPORTS

10.1. Dog Off-Leash Areas..... 19 - 25

Staff Recommendation:

That Council:

1. Confirm that it no longer wishes to pursue negotiations for a lease of the BC Hydro property at Sixth Avenue and Methuen Street for use as an off-leash dog park;
2. Direct staff to commence development of a fenced off-leash dog park at the Davis Road Elementary School site;
3. Construct a fenced barrier for the off-leash area at the Upper Transfer Beach area; and
4. Update dog-related signage at Transfer Beach as outlined in Appendix A to this report; and
5. Confirm proposed boundaries and install dog-related signage at the Davis Road Elementary School site as outlined in Appendix B to this report.

11. CORRESPONDENCE – None

12. NEW BUSINESS

12.1. Appointment of Officers

Staff Recommendation:

That, further to Council's recent direction with respect to changes to the Town's organizational structure, Council appoint Joanna Winter as Corporate Officer for the Town of Ladysmith, and Guillermo Ferrero and Erin Anderson as Deputy Corporate Officers for the Town of Ladysmith.

12.2. Notice of Motion – Status of Contaminated Site Profile Process

Councillor Paterson requests Council's consideration of the following motion:

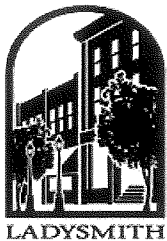
That Council direct staff to research the status of the provincial Site Profile Process for contaminated sites and report back to Council regarding the process and related options for the Town with regard to the former gas station at Trans Canada Highway and Strathcona Road.

13. UNFINISHED BUSINESS

14. 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, SEPTEMBER 19, 2016
CALL TO ORDER 5:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

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	Geoff Goodall
Clayton Postings	Joanna Winter	Lisa Brinkman
Sue Bouma		

CALL TO ORDER Mayor Stone called this Meeting of Council to order at 5:00 p.m.

CLOSED SESSION

CS 2016-300

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:

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

Motion carried.

REGULAR OPEN MEETING Mayor Stone called this Regular Open Meeting to order at 7:03 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 2016-301

Moved and seconded:

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

- 13.1. Dog signage at Transfer Beach
- 13.2. Update re best practices for Medical Marijuana Zoning Bylaws
- 13.3. Update on Watershed 2016
- 13.4. UBCM resolutions on the above items
- 13.5. Community Events
- Move item 12.1 "CVRD Bylaw No. 4035 – Transit Service Amendment Bylaw" to precede item 8.1 – "Development Variance Permit Application (117 Clarke Road)."

Motion carried.

MINUTES

CS 2016-302

Moved and seconded:

That Council approve the minutes of the Regular Meeting of Council held August 15, 2016.

Motion carried.

CS 2016-303

Moved and seconded:

That Council approve the minutes of the Special Meeting of Council held September 12, 2016.

Motion carried.

DELEGATIONS

Amy Melmock, Economic Development Manager, Cowichan Valley Regional District

Introduction and Community Outreach Update

CVRD Economic Development Manager, Amy Melmock, provided an overview of the Economic Development Outreach program, outlining the consultation process for the area, which will culminate in an Economic Development Strategy for the CVRD. She noted current areas of interest, such as signage, waterfront development, film, and emerging sectors such as green initiatives and technology. Ms. Melmock offered support in the Waterfront Area Plan, and recognized the need for affordable housing.

Ms. Melmock responded to questions from Council. Council thanked her for her informative presentation.

CORRESPONDENCE

Joe Barry, Cowichan Valley Regional District

CVRD Bylaw No. 4035 – Transit Service Amendment Bylaw

Erin Annis of the CVRD provided an overview of the Transit Service Amendment Bylaw. She noted that this bylaw would increase the annual CVRD requisition to cover upcoming transit expenses and fund service improvements.

CS 2016-304

Moved and seconded:

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

Motion carried.

DEVELOPMENT APPLICATIONS

CS 2016-305

Development Variance Permit Application – MacCallum

Lot 1, DL 43, Oyster District, Plan 6424 (117 Clarke Road)

Moved and seconded:

That Council:

1. Refer consideration of Development Variance Permit Application 3090-16-04 for 117 Clarke Road to the October 4th Council meeting.
2. Direct staff to host a neighbourhood meeting in the next two weeks.
3. Request that a report from the Chief of Ladysmith Fire/Rescue regarding access to all the lots be presented at the October 4th

Council meeting.
Motion carried.

520 Jim Cram Drive Official Community Plan Amendment and Zoning Bylaw Amendment

CS 2016-306

Moved and seconded:

That Council receive the staff report, dated September 19, 2016 requesting that under the Bylaws section of tonight's agenda, Council give third reading and final adoption to Bylaw 1913 and Bylaw 1914.
Motion carried.

**BYLAWS (OFFICIAL
COMMUNITY PLAN AND
ZONING**

Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 48) 2016, No. 1913

CS 2016-307

Moved and seconded:

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.
Motion carried.

Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 6) 2016, No. 1914

CS 2016-308

Moved and seconded:

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

Lisa Brinkman left the meeting.

REPORTS

Vehicle Noise and Safety Concerns – Trans Canada Highway

S/Sgt. Ken Brissard of the Ladysmith RCMP Detachment responded to questions from Council on the matter of vehicle noise and safety concerns with Trans Canada Highway traffic through Ladysmith, and Larry Blatchford, resident of Ladysmith, presented his concerns.

CS 2016-309

Moved and seconded:

That Council direct staff to:

1. 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. Obtain a legal opinion on the enforcement of Town bylaws on Provincial Highways.

3. Draft letters to trucking companies operating in the area requesting compliance with speed and engine brake regulations along the Trans Canada Highway through the Town of Ladysmith.
4. Draft letters to enforcement units including the RCMP South Island Traffic Section, the Integrated Road Safety Unit and the Commercial Vehicle Safety Enforcement branch regarding brake noise, speed and illegal roadside parking.
5. Draft a letter to the Ministry of Transportation regarding these issues.
6. Follow up if responses are not received within three months.
7. Bring this issue back to Council in four months.

Motion carried.

Recommendations from the Municipal Services Committee Meeting of September 12, 2016

Moved and seconded:

CS 2016-310

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.

Motion carried.

Revitalization Tax Exemption Agreement – 1036711 BC Ltd

Moved and seconded:

CS 2016-311

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).

AMENDMENT

Moved and seconded:

CS 2016-312

That Resolution No. CS 2016-311 be amended to read as follows:

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), and ensure compliance with Development Permit requirements included in Schedule C of the Revitalization Agreement.

Amendment carried.

Motion as amended carried.

Properties on the Permissive Tax Exemption Bylaw for 2017

Moved and seconded:

CS 2016-313

That Council receive the staff report dated August 15, 2016, requesting that under the Bylaws portion of the agenda, Council give first three readings to Town of Ladysmith Permissive Tax Exemption Bylaw 2016, No. 1915.

Motion carried.

Proposed Two Per Cent Hotel Tax to Support Tourism Development in the Cowichan Region

Moved and seconded:

CS 2016-314

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.

Motion carried.

BYLAWS

Town of Ladysmith 2017 Permissive Tax Exemptions Bylaw 2016, No. 1915

Moved and seconded:

CS 2016-315

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

Motion carried.

CORRESPONDENCE

Megan Klitch, Jenny Byford, Canadian Cancer Society

Endorsement of Smoke and Vape-free Outdoor Public Places in B.C

Moved and seconded:

CS 2016-316

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

Motion carried.

NEW BUSINESS

Dog Signage at Transfer Beach

Moved and seconded:

CS 2016-317

That Council direct staff to review signage regarding prohibition of dogs below Tristan de Konnick Way in Transfer Beach Park and report

back to Council.
Motion carried.

CS 2016-318

Staff update re best practices for Medical Marijuana Zoning Bylaws
Moved and seconded:

That Council direct staff to investigate and review best practices from other municipalities, including Vancouver, Victoria and Port Alberni, regarding medical marijuana zoning bylaws, to request feedback from the local RCMP detachment in this regard, and to bring their findings back to Council in a timely fashion.
Motion carried.

Update on Watershed 2016 follow up from 2014

Councillor Arnett requested an update on the Town's progress towards watershed protection. Mayor Stone provided an update on recent activities at the CVRD, noting that an upcoming pilot project is in the works.

UBCM Resolutions

Council discussed resolutions to be debated at the 2016 Union of British Columbia Municipalities Convention.

Community Events

Mayor Stone noted that he will follow up with staff regarding issuing congratulatory letters on behalf of Council to the many special event organizers in the community.

QUESTION PERIOD

Members of the public enquired about the official opening of the Waste Water Treatment Plant, marijuana bylaws, and the possibility of establishing public art that recognizes the mining, forestry and other significant historical industries of the Town.

CLOSED SESSION
CS 2016-319

Moved and seconded:
That Council resume Closed Session at 8:55 p.m.
Motion carried.

RISE AND REPORT

Council rose from Closed Session with report on the following items:

- Resolution CE 2016-166, that Council authorize the following staffing changes:
 1. The position of Director of Corporate Services will not be filled.
 2. Human Resources will report to Finance.
 3. The position of Manager of Administrative Services will be renamed Manager of Legislative Services, hold the position of Corporate Officer and report directly to the CAO.
 4. An exempt position of Executive Liaison will be posted and report directly to the CAO.
 5. A new half-time position (exempt or union) of Communications Advisor will be created and will report to the

Manager of Legislative Services.

- Resolution CE 2016-167 Item 1, that Council request that the Cowichan Valley Regional District make application to the Union of British Columbia Municipalities to approve the change in scope of the original bio-solids composting grant with respect to an alternative location for the Town of Ladysmith composting facility.
- Resolution CE 2016-169, that Council direct staff to list the Town-owned property at 900 Russell Road for sale, referencing the configuraton for park area percentage as laid out in the drawing dated June 7, 2011 and listed as option three in the staff report from the Director of Infrastructure Services dated September 19, 2016, and with a minimum of 15 per cent of the property to be preserved as open space.

ADJOURNMENT

CS 2016-320

*Moved and seconded:
That this meeting of Council adjourn at 8:42 p.m.
Motion carried.*

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (G. Ferrero)



TOWN OF LADYSMITH

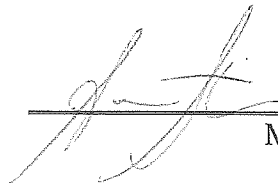
PROCLAMATION

WHEREAS: *Ladysmith's small business community is a major driving force in our community and provides jobs, economic growth and prosperity for our town, the province of B.C. and Canada; and*

WHEREAS: *the Town of Ladysmith recognizes the determination, commitment and contributions made by all businesses in our community, and wishes to help ensure that our local businesses can continue to compete, succeed and grow; and*

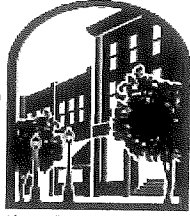
WHEREAS: *the Town of Ladysmith wishes to support and recognize Ladysmith's small business community for their achievements and contributions, and to celebrate the growth, innovation and prosperity of our local entrepreneurs;*

THEREFORE, *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim the month of October, 2016 as Small Business Month in the Town of Ladysmith, British Columbia.*



Mayor A. Stone

October 3, 2016



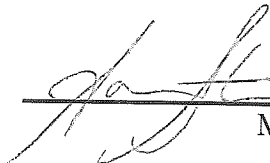
LADYSMITH

TOWN OF LADYSMITH

PROCLAMATION

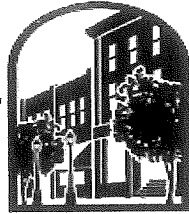
COMMUNITY LIVING MONTH

- WHEREAS:** *The Provincial Government proclaims October as Community Living Month every year; and*
- WHEREAS:** *Community Living Month is a celebration of community inclusion throughout the Province of British Columbia; and*
- WHEREAS:** *Canada ratified the United Nations' historic Convention on the Rights of Persons with Disabilities in 2010; and*
- WHEREAS:** *A thriving community requires the inclusion and participation of all its members; and*
- WHEREAS:** *The inclusion of individuals with developmental disabilities in all aspects of community enables all people to contribute their gifts, talents and abilities, and to secure their rightful place at home, at school, at work, and in the community; and*
- WHEREAS:** *Community Living BC, a provincial Crown corporation, will be celebrating Community Living Month in partnership with the Town of Ladysmith to raise public awareness about inclusion and support persons with diverse abilities to participate fully in societal life.*
- THEREFORE,** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim the month of October, 2016 as "Community Living Month" in the Town of Ladysmith, British Columbia.*



Mayor A. Stone

October 3, 2016



LADYSMITH

TOWN OF LADYSMITH

PROCLAMATION

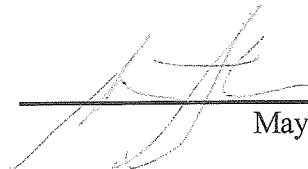
NATIONAL TEEN DRIVER SAFETY WEEK

WHEREAS: *Driving is an important and exciting rite of passage for youth. It is also one of the riskiest activities for young people to engage in; and*

WHEREAS: *Teen driver safety is a significant issue in Canada. Young drivers are over represented in all road-related injuries and fatalities; and*

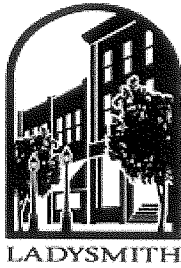
WHEREAS: *National Teen Driver Safety Week is a week dedicated to raising awareness and seeking solutions to preventable teen deaths on the road across Canada. Everyone has a role to play in creating change amongst their peers, in classrooms and in their communities.*

THEREFORE, *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim October 16th to October 22nd, 2016 as National Teen Driver Safety Week in the Town of Ladysmith, British Columbia. I encourage our citizens to help change road-related injury statistics by promoting and setting examples of non-distracted, safe driving.*



Mayor A. Stone

October 3, 2016



Town of Ladysmith

STAFF REPORT TO COUNCIL

From: Felicity Adams, Director of Development Services
Date: October 4, 2016
File No: 3090-16-04

RE: NEIGHBOURHOOD MEETING REPORT: DVP 16-04 MacCallum
Subject Property: Lot 1, DL 43, Oyster District, Plan 6424 (117 Clarke Road)

RECOMMENDATION(S):

That Council receive the neighbourhood information meeting staff report regarding DVP application 3090-16-04 (117 Clarke Road).

PURPOSE:

The purpose of this staff report is to report on the neighbourhood meeting held on Friday, September 23rd at 2pm at Clarke Road.

INTRODUCTION/BACKGROUND:

On September 19, 2016 Council directed staff to organize a neighbourhood meeting regarding the proposed variance application for 117 Clarke Road.

SCOPE OF WORK:

A neighbourhood meeting was held onsite on Friday, September 23, 2016 at 2pm. Notice regarding the meeting was delivered by hand to the immediate Clarke Road neighbourhood on Wednesday, September 21, 2016. Approximately 12 neighbours attended the meeting (including the applicant). Council members present were Mayor Stone and Councillor Paterson. The staff present were the City Manager, Director of Infrastructure Operations, Senior Engineering Technician and Senior Planner.

In general the meeting discussion focussed on the proposed variance for the road right-of-way width (in relation to the proposed seven lot subdivision application). Discussion and comments heard at the meeting include:

- Concern that there may be additional traffic on Clarke Road needing to turn around at the end of the road where no turnaround is provided. *A turnaround will be provided at the end of the new road A.*
- Concern that snow plowing on the new road A will direct piles of snow to 341 Dogwood Drive. *If an approved driveway is created from road A to 341 Dogwood Drive extra snow would not be piled on this driveway, except for the normal snow plowing practice for driveways.*
- The neighbourhood was clear that they do not wish their road name to be changed to Clarke Lane, they wish the road to remain as Clarke Road. *The new road A could be given a different name.*
- Would be nice to have a sign at the entry to Clarke Road with all addresses listed. *The Approving Officer could consider this request in the subdivision approval process.*

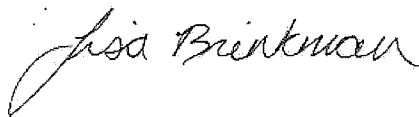
- May be good to put a sign at entry to Clarke Road such that it is clear it is a dead end road. *The Approving Officer could consider this request in the subdivision approval process.*
- Concern regarding the safety of the new intersection at the entry to new road A where driveways and roads will merge. *The new intersection will be designed by a Professional Engineer.*
- Concern regarding the finished elevation of the widened portion of Clarke Road. *The road will be designed by a Professional Engineer.*
- The location of the driveway to proposed lot 7 was discussed. *A driveway access permit will be required.*
- The importance of 'no parking' signs to be located on Clarke Road such that parking is not permitted along the sides of Clarke Road. *The applicant will be required to install 'no parking' signs.*

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Development Variance Permit application 16-04 was referred to the Fire Chief on August 23, 2016 for comment. The Fire Chief has no concerns with the proposed variance request.

SUMMARY:

A neighbourhood meeting was held on September 23, 2016 regarding the proposed variance application for 117 Clarke Road. Neighbours, staff and Council members discussed the proposed road width variance and other matters related to the seven lot subdivision application.



Report Author: Lisa Brinkman, Senior Planner

Reviewed By:



Felicity Adams, Director of Development Services

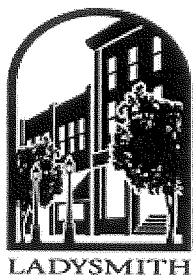
I concur with the recommendation.

Original reviewed and approved by G. Ferrero

Guillermo Ferrero, City Manager

ATTACHMENT:

none



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

DEVELOPMENT SERVICES REFERRAL

To: Ray Delcourt – Fire Chief

- | | |
|--------------------------------------------------------|----------------|
| <input type="checkbox"/> Infrastructure Services | Attention: N/A |
| <input type="checkbox"/> Building Inspector | Attention: N/A |
| <input type="checkbox"/> Parks | Attention: N/A |
| <input type="checkbox"/> Subdivision Approving Officer | Attention: N/A |

Date: August 23, 2016

File No: 3090-16-04 and 3320-16-01

Type of Application:

- | | |
|----------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> OCP Amendment | <input type="checkbox"/> Development Permit |
| <input type="checkbox"/> Rezoning | <input checked="" type="checkbox"/> Development Variance Permit |

Project Name/Applicant: Rob MacCallum

Civic Address: 117 Clarke Road

Legal Address: Lot 1, District Lot 43, Oyster District, Plan 6424

The following items are attached:

1. Subject Property Map with variance explanation
2. Proposed 7 lot subdivision layout with two proposed variances
- 3.
- 4.

The Development Services Department is referring this application to you to receive your comments on emergency service access on Clarke Road:

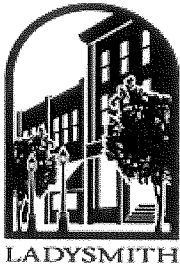
PLEASE BE ADVISED DUE TO THE CURRENT ACCESS
ROAD IS 9 METRES AND STILL ENABLES OUR EMERGENCY
VEHICLES TO GAIN ACCESS I FEEL THAT YES WE CAN
SAFELY ACCESS THIS AREA. SO I HAVE NO
PROBLEM WITH THE VARIANCE. FIRE CHIEF

Ray Delcourt

Please respond by: September 2, 2016

Contact: Lisa Brinkman Phone: 6410

Email: lbrinkman@ladysmith.ca



Town of Ladysmith

STAFF REPORT TO COUNCIL

From: Felicity Adams, Director of Development Services
Date: October 3, 2016
File No: 3360-16-02

RE: Zoning Bylaw Amendment Application – 630 Farrell Road (Schnurch)
Subject Property: Lot 2, District Lot 41, Oyster District, Plan VIP79202

RECOMMENDATION:

THAT Council consider directing staff to prepare a bylaw to amend the Zoning Bylaw to rezone the property legally described as Lot 2, District Lot 41, Oyster District, Plan VIP79202 (630 Farrell Road) from the Rural Residential (RU-1) Zone to the Single Dwelling Residential (R-1) pursuant to:

- The applicant providing a report from a Certified Professional Geotechnical Engineer to confirm that there is a suitable building site available on each proposed lot, identify geotechnical hazards, demonstrate that access routes to proposed building sites can meet Town standards, and provide a stormwater management plan (in accordance with DAI Bylaw No. 1887);
- A voluntary \$5000 contribution to the community amenity fund from the applicant (in accordance with the CAC policy); and
- The applicant hosting a neighbourhood information meeting prior to the public hearing (as required by the Development Procedures Bylaw).

PURPOSE:

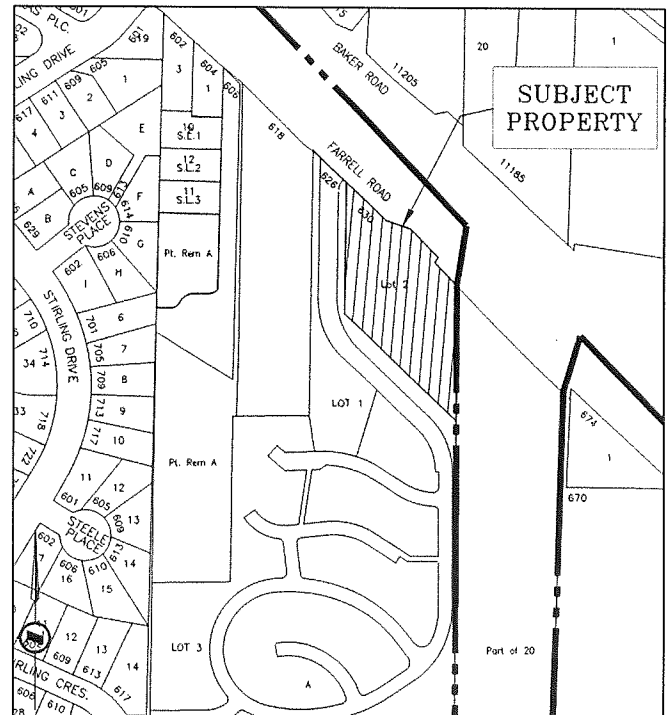
The purpose of this staff report is to introduce an application and seek direction from Council to prepare a bylaw to amend the Zoning Bylaw for the subject property at 630 Farrell Road.

INTRODUCTION/BACKGROUND:

The applicant, Mathew Schnurch, is proposing to amend the Zoning Bylaw by zoning the subject property to Single Dwelling Residential (R-1) to permit approximately six single family lots to be located on the property. The property is 0.5 hectares in size and slopes from the rear down to Farrell Road. The parcel is bounded by the Gales common access road to the west and south, Farrell Road to the north, and a rural parcel to the east.

SCOPE OF WORK:

The current stage of the application is to seek direction from Council to prepare a bylaw to amend the Zoning Bylaw.



Official Community Plan (OCP)

The subject property is designated as 'Single Family Residential' in the OCP. The Single Family Residential designation is applied to lower density residential areas found outside the downtown and waterfront. The OCP encourages promoting a range of housing types and densities; and supports infill in existing residential areas.

Zoning Bylaw

Currently the subject property is zoned 'Rural Residential' (RU-1) with a 0.4 hectare minimum parcel size. The applicant is requesting that the property be zoned to 'Single Dwelling Residential' (R-1) to permit approximately six single family lots. The minimum lot size in the R-1 zone is 668m² (7190ft²). The principle permitted use in the R-1 zone is 'single unit dwelling'. The maximum permitted height of a single unit dwelling in the R-1 zone is 9 metres.

	Current	Proposed
OCP	Single Family Residential	Single Family Residential
Zoning	Rural Residential (RU-1)	Single Dwelling Residential (R-1)
Minimum lot size	0.4 hectares	668m ²

Development Approval Information (DAI)

Bylaw 1887 establishes procedures and policies for requiring an applicant to provide development approval information when considering an amendment to a Zoning Bylaw. It is recommended to require the applicant to provide a report from a Certified Professional Geotechnical Engineer which addresses the relevant matters outlined in Covenant ET011012. Covenant ET011012, registered on the certificate of title of the subject property, contains a report from EBA Engineering Consultants Ltd. (January 2001) which provides a general outline of geotechnical aspects of the subject property (as well as 626 Farrell Road as these two parcels were originally one parcel). The EBA report recommends that a Certified Professional Geotechnical Engineer provide advice on whether there is a suitable building site available on each proposed lot, identify geotechnical hazards, review access routes to proposed building sites, and identify drainage and stormwater management strategies.

Community Amenity Contribution (CAC)

The objective of the CAC policy is to offer guidance for the provision of community amenity contributions when land is rezoned. The policy suggests a contribution of \$1000 per residential unit to be constructed in the development. One dwelling is currently permitted in the RU-1 zone, and rezoning to R-1 would permit approximately six dwellings, thus it is recommended to accept a CAC of \$5000 from the applicant for the Town of Ladysmith Amenity Fund.

ALTERNATIVES:

That Council not proceed with rezoning application 3360-16-02.

FINANCIAL IMPLICATIONS:n/a

LEGAL IMPLICATIONS:

A public hearing will be required to be held.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The applicant will be required to host a neighbourhood information meeting prior to the public hearing as required by the Development Procedures Bylaw. Council may direct that the subject application be referred to the Advisory Planning Commission, however the proposal is consistent with the Official Community Plan.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Infrastructure Services Department recommends: i) that the applicant demonstrate that the access routes to the proposed building sites can meet Town standards; and ii) that the applicant provide a stormwater management plan. If the rezoning is supported the applicant would be seeking a preliminary layout approval from the Approving Officer for a six lot subdivision application.

RESOURCE IMPLICATIONS:

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

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The applicant has completed a sustainable development checklist and indicates that the proposal is consistent with the Visioning Report in the following ways:

- The proposal increases density in the Town's existing neighbourhoods;
- The development is within the Town's urban containment boundary; and
- The proposal respects that natural topography of the site.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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


SUMMARY:

An application has been received to amend the Zoning Bylaw to rezone the property at 630 Farrell Road from RU-1 to R-1. Council may direct staff to prepare a bylaw to amend the zoning bylaw subject to the applicant providing a geotechnical report and hosting a neighbourhood information meeting prior to the public hearing. Council may also accept the community amenity contribution from the applicant.



Report Author: Lisa Brinkman, Senior Planner

Reviewed By:



Felicity Adams, Director of Development Services

I concur with the recommendation.

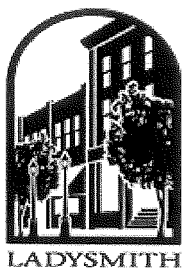
Original reviewed and approved by G. Ferrero

Guillermo Ferrero, City Manager

ATTACHMENT:

none





Town of Ladysmith

STAFF REPORT TO COUNCIL

From: Clayton Postings, Director of Parks, Recreation and Culture
Date: September 26, 2016
File No:

RE: DOG OFF LEASH AREAS

RECOMMENDATION(S):

That Council:

1. Confirm that it no longer wishes to pursue negotiations for a lease of the BC Hydro property at Sixth Avenue and Methuen Street for use as an off-leash dog park
2. Direct staff to commence development of a fenced off-leash dog park at the Davis Road Elementary School site;
3. Construct a fenced barrier for the off-leash area at the Upper Transfer Beach area; and
4. Update dog-related signage at Transfer Beach as outlined in Appendix A to this report; and
5. Confirm proposed boundaries and install dog-related signage at the Davis Road Elementary School site as outlined in Appendix B to this report.

PURPOSE:

The purpose of this report is to secure Council direction regarding location and signage of off-leash dog areas in Ladysmith.

INTRODUCTION/BACKGROUND:

The community has expressed over the years the desire to have a fenced off leash area for dogs to be able to safely exercise and socialize. Council has received a number of requests relating to this as well had numerous presentations.

Council directed staff to investigate options relating to suitable sites and many options have been reviewed over the years.

In 2015, Council passed the following resolution:

That Council approve a fenced dog park on the site of the BC Hydro property at 6th Avenue and Methuen Street, and direct staff to negotiate a lease for the property from BC Hydro.

The update to the Parks, Recreation and Culture Master Plan in 2016, provided an opportunity for a comprehensive review of options for an off-leash dog park. During the process, the community recommended that there be fenced sites at locations in the North and South of the community. The sites at Davis Road School and Transfer Beach were found to be the best options to meet the needs of the community.

The 2016 Parks, Recreation and Culture Master Plan recommendation:

- *Install a fenced, off leash area at Transfer Beach upper park area (currently used as off leash area) leaving the remaining area as on leash, or possibly off leash during winter months. Add maps and signage for the area describing the boundaries of off leash.*
- *Partner with School District 68 in creation of a temporary, fenced off leash dog exercise area at the former Davis Road Elementary School*

In July 2016, Council was able to secure a lease for the site of Davis Road School. The lease includes approval for the Town to use a portion of the site for the purpose of a fenced dog area. This lease will allow the Town to evaluate the fenced area during the term of the agreement and if changes are required in the future they can be looked at.

A portion of Transfer Beach Park is currently set aside as an off-leash area. However, due to the popularity of the site it has become very heavily used, which has created a number of challenges. These challenges mostly relate to conflict of use in the area for events and the fact there is not a defined barrier for the off-leash area.

At the September 19, 2016 Council meeting Council made the following resolution:

That Council direct staff to review signage regarding prohibition of dogs below Tristan de Koninck Way in Transfer Beach Park and report back to Council.

Included with the report are recommendations for the proposed signage in Transfer Beach Park and the Davis Road School site. Staff are seeking Council approval of the sites and the proposed signage. Once approval is received, Town staff will update the signage in the areas as it relates to dogs and approved access per the existing Bylaw.

SCOPE OF WORK:

Davis Road Site

Town staff will hire a fencing contractor to install black coated chain link fencing for the defined off leash dog area. Town staff will install garbage cans and dog bag dispenser in the area, and will also coordinate the installation of the signage as per the proposed signage plan.

Transfer Beach Site

Town staff will hire a fencing contractor to install split rail fencing for the defined off-leash dog area. Town staff will install garbage cans and dog bag dispenser in the area, and will also coordinate the installation of the signage as per the proposed signage plan.

Both sites require minimal development other than the installation of the fencing and equipment.

At both sites if funds are available, a bench will be installed.

ALTERNATIVES:

1. Council may direct staff to proceed with one of the fenced off leash dog park areas at this time.
2. Council may direct staff to not proceed with either of the fenced off leash dog park areas at this time.

FINANCIAL IMPLICATIONS:

As part of the 2016-2020 Financial Plan, \$25,000 is included for development and construction of a dog park. In addition, an additional \$10,000 is included for improving the upper beach area at Transfer Beach, which includes fencing and signage.

The two identified projects (Davis Rd. And Transfer Beach) have enough funding identified to complete the defined work.

In July of 2016 as part of the negotiations for the use of the Ecole Davis Road field site, Council also committed to a further \$15,000 to be allocated to the Parks Operation budget to maintain the field.

LEGAL IMPLICATIONS:

It has been recommended through the Town's insurer that the Transfer Beach off leash area requires some type of barrier from the roadway for the safety of the dogs using the site as well as the safety of other users of the park (Appendix C). The proposed fencing will meet this recommendation.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Council has been provided numerous presentations relating to the community's desire for a fenced dog park. The community also provided feedback and recommendations during the recent Parks, Recreation and Culture Master Plan process. The request by the community is to have a fenced dog park in the Town to allow dog owners to safely exercise and socialize their animals.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

RESOURCE IMPLICATIONS:

The construction of the fenced dog parks is included in the 2016 capital plan, meaning that both proposed locations are currently resourced and staff are prepared to commence the project.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Healthy Community

ALIGNMENT WITH STRATEGIC PRIORITIES:

Natural and Built Infrastructure

SUMMARY:

The Community has expressed a desire to see fenced off leash dog parks for some time. The Town has reviewed various options and has consulted the community through the Parks, Recreation and Culture master plan, as it relates to these type of facilities. The proposed sites for a fenced dog park at Davis Road School and Transfer Beach look to satisfy the expressed desire of the community, by creating a safe place for dog owners to exercise and socialize their pets.



Clayton Postings, Director of Parks, Recreation and Culture

I concur with the recommendation.

Original reviewed and approved by G. Ferrero

Guillermo Ferrero, City Manager

ATTACHMENT:

Appendix A - Transfer Beach site plan

Appendix B - Davis Road site plan

Appendix C - Municipal Insurance Association report summary – Transfer Beach Dog area

Appendix A - Transfer Beach Dog Park
 Fence: Cedar Split Rail



DOG OFF LEASH RULES

Dog Handler's Responsibility Code

1. Be respectful of other park users
2. Licence your dog
3. Keep your dog under visual and voice control at all times
4. Don't allow your dog to become a threat or nuisance to others
5. Pick up after your dog and dispose of waste properly

Parks Recreation & Culture



A

B

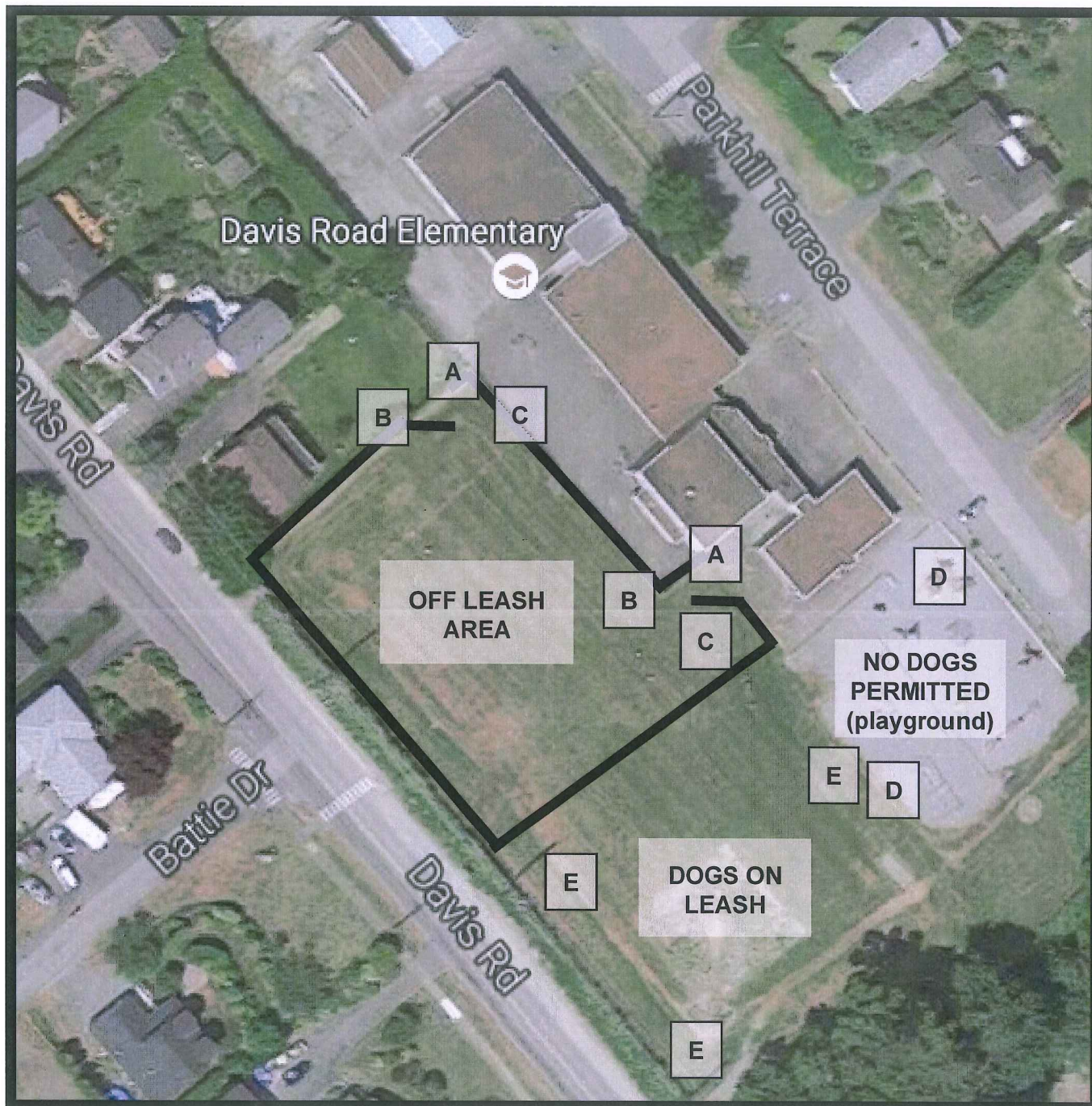
C

D

E

F

Appendix B - Davis Road Dog Park
 Fence: Chain Link



DOG OFF LEASH RULES
Dog Handler's Responsibility Code
 1. Be respectful of other park users
 2. License your dog
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 4. Don't allow your dog to become a threat or nuisance to others
 5. Pick up after your dog and dispose of waste properly

Parks
 Recreation
 & Culture



A

B

C

D

E



2.11 RECOMMENDATION



Hazard Description

The dog park area is not well defined and comes into contact with the Horseshoe play area.

Cause and Effect

There have been ongoing incidents of dogs running into the roadways and into the line of path of pedestrians walking along sidewalks and to the Horseshoe Pit area leading to liability issues.

Hazard Location

Dog Park

RECOMMENDATION REFERENCE ID

2014-11

RECOMMENDATION SUB-TYPE

RISK MGMT GENERAL

RECOMMENDATION

In order to reduce possible liability exposure from users of the dog park and the general public the following recommendations were made. It is recommended that the Dog Park area be officially defined with installed fencing and entrance and exit points along the fence that limit possible exposures between non-dog-park pedestrians and dogs leaving the dog park area. In addition, the fencing should allow for a pathway for users of the Horseshoe Pit to walk through the park without too much interference from the dogs in the park. These precautions may limit exposures between not only the general public, but also vehicle (as well as bikes) and the animals in the dog park area.

ADEQUACY OF EXISTING CONTROLS

LOW MEDIUM
 HIGH

CONSEQUENCE RATING

1 2
 3 4
 5

LIKELIHOOD RATING

1 2
 3 4
 5

RISK SCORE-LEVEL OF RISK

1-3 INSIGNIFICANT 3-5 LOW
 5-10 MEDIUM 10-15 HIGH
 15-25 EXTREME

RECOMMENDATION STATUS

OPEN NEW REPEAT
 PENDING IN PROGRESS
 CLOSED

CODE REFERENCE

Good loss control practice