

**PUBLIC HEARING AND SPECIAL MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
TO BE HELD AT THE LADYSMITH EAGLES HALL
921 1ST AVENUE, LADYSMITH
MONDAY, JUNE 25, 2018
7:00 P.M.**

A G E N D A

CALL TO ORDER

- 1. AGENDA APPROVAL**
- 2. RISE AND REPORT**
- 3. MINUTES**

3.1. Minutes of the Special Meeting of Council held June 18, 2018..... 1 - 6

4. BYLAWS (OFFICIAL COMMUNITY PLAN AND ZONING)

**4.1. Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 53) 2018, No. 1960; and
Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 15) 2018, No. 1961**

Ladysmith Marina, Rocky Creek Road - D. Strongitharm

Subject Properties:

- **901 Gladden Road** (legally described as Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537)
- **1301 Rocky Creek Road** (legally described as Lot 1, District Lots 81 and 86, Oyster District, Plan VIP88459)
- **1251 Rocky Creek Road** (legally described as Lot 2, District Lots 87 and 98, Oyster District, Plan VIP88459)
- **Provincial Lease Area** (legally described as VIP88459 Block C, District Lot 2054, Cowichan District, Plan EPC721).....**7 - 14**

With respect to measures to mitigate potential noise concerns identified at



the Public Hearing for Bylaws 1960 and 1961, staff confirm that as a condition of the subdivision of the property, the owner will be required to register a document on the title of the residential parcel regarding the existence of noise from the adjacent mill.

Staff Recommendation:

That Council adopt “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 53) 2018, No. 1960” and “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 15) 2018, No. 1961”.

- 4.2. Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 16) 2018, No. 1962**
Subject Property: 1280 Rocky Creek Road
(Lot 7, District Lot 38, Oyster District, Plan VIP73070)..... **15**

Staff Recommendation:

That Council adopt “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.16) 2018, No. 1962”.

- 4.3. Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.17) 2018, No.1963**
Subject Property: 431 1st Avenue (formerly known as Barb’s Kitchen) - AYPQ Architecture **16**

Staff Recommendation:

That Council adopt “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.17) 2018, No. 1963”.

5. PUBLIC HEARING AND SPECIAL MEETING

Outline of Public Hearing Process – Mayor Stone

- 5.1. Official Community Plan Amendment and Zoning Bylaw Amendment Bylaws 1965 and 1966**
Subject Property: 900 Russell Road
(Lot A, District Lot 67, Oyster District, Plan EPP24148)..... **17 - 31**

5.1.1. Introduction of Bylaw and Statutory Requirements – Director of Development Services

5.1.2. Short Presentation by the Applicant

5.1.3. Submissions

5.1.4. Call for Submissions to Council (Three Times) – Mayor Stone

5.1.5. Declaration that the Public Hearing for Bylaws 1965 and 1966 is Closed – Mayor Stone

6. BYLAWS (SUBJECTS OF PUBLIC HEARING)

- 6.1. Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 54) 2018, No. 1965; and
Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 18) 2018, No. 1966
Subject Property: 900 Russell Road
(Lot A, District Lot 67, Oyster District, Plan EPP24148)..... 32 - 39**

Staff Recommendation:

That, subject to any additional matters raised at the public hearing, Council:

1. Confirm the direction regarding a future traffic study for speed on Craig Road and potential traffic calming measures, if needed, to be addressed through a covenant as part of the Phase 1 subdivision approval to secure this future commitment by the owner.
2. Give third reading and final adoption to “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 54) 2018, No. 1965.”
3. Give third reading to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.18) 2018, No. 1966.”
4. Direct staff to refer Bylaw 1966 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

7. DELEGATIONS - None

8. PROCLAMATIONS - None

9. REPORTS

- 9.1. Unsightly Property Bylaw Complaints - 317 Dogwood Drive 40 - 41**

Staff Recommendation:

That Council receive for information the report by the Director of Development Services regarding unsightly property bylaw complaints at 317 Dogwood Drive.

10. BYLAWS

10.1. Election and Assent Voting Bylaw 1964 42 - 52

The purpose of Bylaw 1964 is to provide for the determination of various procedures for the conduct of elections and assent voting (referenda). The bylaw has been reviewed and updated with correct references to provincial legislation governing local government elections and assent voting.

Staff Recommendation:

That Council adopt “Town of Ladysmith Election and Assent Voting Bylaw 2018, No. 1964”.

11. CORRESPONDENCE

11.1. Ladysmith Celebrations Society Request for Municipal Insurance Association of BC Service Provider Agreement between the Town and the Celebrations Society..... 53 - 55

Staff Recommendation:

That Council approves the Service Provider Agreement between the Town of Ladysmith and Ladysmith Celebrations Society with the date as set out in the Service Provider Agreement.

12. NEW BUSINESS

13. UNFINISHED BUSINESS - None

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

**MINUTES OF A REGULAR MEETING OF COUNCIL
 MONDAY, JUNE 18, 2018
 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	Felicity Adams	Erin Anderson
Geoff Goodall	Sue Bouma	

CALL TO ORDER

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

CLOSED SESSION**CS 2018-197***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:

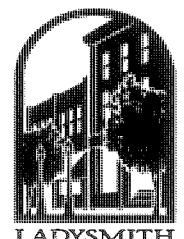
- information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*- section 90 (1) (j)
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose - section 90 (1) (i)

*Motion carried.***REGULAR MEETING**

Mayor Stone called this Open Session of Council to order at 7:00 p.m., recognizing the traditional territory of the Stz'uminus First Nation and the Coast Salish people and expressing gratitude to be here.

AGENDA APPROVAL**CS 2018-198***Moved and seconded:*

That Council approve the agenda for this Regular Meeting of Council for Monday, June 18, 2018.

Motion carried.

RISE AND REPORT

Council rose at 6:45 p.m. without report.

MINUTES

CS 2018-199

Moved and seconded:

That Council approve the minutes of the Special Meeting of Council held June 4, 2018.

Motion carried.

CS 2018-200

Moved and seconded:

That Council approve the minutes of the Public Hearing and Regular Meeting of Council held June 4, 2018.

Motion carried.

CS 2018-201

Moved and seconded:

That Council approve the minutes of the Special Meeting of Council held June 11, 2018.

Motion carried.

DELEGATION

**Marsh Stevens, Ladysmith Resources Centre Association (LRCA)
Ladysmith Resources Centre Association Service Agreement Annual Update**

Marsh Stevens, president of the Ladysmith Resources Centre Association Board, updated Council on the association's 2016 - 2017 program highlights and operating budget. He noted that the association is making a cultural shift - one that looks toward more preventative and proactive measures, while still offering programs to address the needs of the area.

Mr. Stevens responded to Council's questions regarding funding, fund-raising and demographic profiles, and informed Council that Christy Villiers would assume the position of Executive Director.

Council praised the LRCA for the services it provides to the community and thanked Mr. Stevens for his presentation.

DEVELOPMENT APPLICATIONS

CS 2018-202

**Temporary Use Permit Application – Glencar Consultants
Lot B, District Lot 24, Oyster District, Plan VIP83303
(941 Oyster Bay Drive**

Moved and seconded:

That Council direct staff to proceed with statutory notice for a Temporary Use Permit application (3340-18-01) to allow an applicant to obtain the necessary permits to locate a mobile home for residential use at 941 Oyster Bay Drive (Lot B, District Lot 24, Oyster District, Plan VIP83303).

Motion carried.

COMMITTEE REPORTS

CS 2018-203

Recommendations from the Municipal Services Committee (June 11, 2018)

Moved and seconded:

That Council:

1. Request staff to complete an analysis of the BC Hydro property at 6th Avenue and Methuen Street to determine if it is surplus to the Town's needs, and
2. Pending the outcome of the analysis, send a letter of support to Habitat for Humanity Mid-Vancouver Island regarding the acquisition of the BC Hydro property at 6th Avenue and Methuen Street to enable the construction of affordable housing in Ladysmith.

Motion carried.

CS 2018-204

Recommendations from the Interagency Committee (May 10, 2018)

Moved and seconded:

That Council accept recommendations to hold an Opioid Dialogue in Ladysmith, if requested.

Motion carried.

CS 2018-205

Recommendations from the Invasive Species Advisory Committee (May 9, 2018)

Moved and seconded:

That Council:

1. Review Invasive Species Advisory Committee restructuring by September.
2. Comment on the attached draft report (Invasive Species Strategy for Ladysmith).

CS 2018-206

AMENDMENT

Moved and seconded:

That Council amend item 2 in resolution CS 2018-205 to read as follows:

That Council refer the attached draft report (Invasive Species Strategy for Ladysmith) to the next Municipal Services Committee meeting for discussion and comment.

Motion carried.

Motion as amended carried.

Recommendations from the Protective Services Committee
Moved and seconded:

CS 2018-207

That Council direct staff to prepare the Approval in Principle Letter for 2018/2019 confirming an RCMP member strength of seven.
Motion carried.

REPORTS

Craig Road Traffic Calming Options

Moved and seconded:

CS 2018-208

That Council refer the consideration of the review of Craig Road traffic calming to staff so that the completion of a traffic study for speed would be conducted for Craig Road following the development of 900 Russell Road with the intention of recommended traffic calming measures being implemented, if needed, as a rezoning condition.

Motion carried.

Results of the Alternative Approval Process (AAP) for a Proposed Two Lot Boundary Extension

Moved and seconded:

CS 2018-209

That Council:

1. Confirm that it has obtained the assent of the electors to petition the Minister of Municipal Affairs and Housing to extend the boundary of the Town of Ladysmith as it appeared in the Ladysmith Chronicle newspaper on April 25 and May 2, 2018 and the BC Gazette on May 10, 2018;
2. Confirm that all legislative requirements pertaining to the municipal boundary extension have been completed; and
3. Direct that the two parcels to include in the boundary extension request are as shown on the map and legally described as:
 - Lot 20, District Lot 41, Oyster District, Plan 2519, except parts in Plans 8993, 43985 and EPP28332 (PID 006-356-362)
 - Lot 1, District Lot 41, Oyster District, Plan 8804 except part in Plans 43985 and VIP55838 and that part of Lot 17, District Lot 41, Oyster District, Plan 2519 lying to the west of westerly boundary of Plan 1057RW (PID 005-468-833, PID 000-424-862).

Motion carried.

Holland Creek Crossing

The developer, Mr. Eller, responded to questions from Council regarding the structure and landscaping of the potential crossing.

Moved and seconded:

CS 2018-210

That Council approve the proposed Holland Creek Crossing with two pedestrian tunnels, subject to:

1. A landscape plan for the bridge structure and area, including native plantings and associated landscape bond
2. Access to the trail at each end of the bridge to facilitate at-grade crossing; and
3. Aesthetic design of the entrance to the pedestrian tunnels in consultation with Town staff.

Motion carried.

Moved and seconded:

CS 2018-211

That Council:

1. Direct staff to prepare a communications plan regarding the history of the Holland Creek Local Area Plan and construction timing of the Holland Creek Crossing including any temporary trail closures or detours; and
2. Request the developer to host a public open house to present the selected option and details about the project.

Motion defeated unanimously

Moved and seconded:

CS 2018-212

That Council direct staff to work with the proponent to prepare a communications and engagement plan regarding the history of the Holland Creek Local Area Plan and construction timing of the Holland Creek Crossing, including any temporary trail closures or detours as well as form and character design.

Motion carried.

Grant Applications

Moved and seconded:

CS 2018-213

That Council direct staff to:

1. Apply for the Plan H Creating Healthy Places Grant (up to \$5,000)
2. Apply for New Horizons for Seniors Program - Community-Based Projects Grant (up to \$5,000)
3. Provide a letter of support for Ladysmith Family and Friends (LaFF) to apply for the New Horizons for Seniors Program - Community-Based Projects (up to \$25,000)

Motion carried.

BYLAWS

Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2018, No. 1968

Moved and seconded:

CS 2018-214

That Council adopt "Town of Ladysmith Community Centre and

Facilities Fees and Charges Bylaw 2018, No. 1968”.
Motion carried.

Election and Assent Voting Bylaw 1964

Moved and seconded:

CS 2018-215

That Council:

1. Rescind third reading of “Town of Ladysmith Election and Assent Voting Bylaw 2018, No. 1964”; and
2. Give third reading to “Town of Ladysmith Election and Assent Voting Bylaw 2018, No. 1964” as amended.

Motion carried.

CORRESPONDENCE

Royal Canadian Legion

Request to Waive the Permit Fee to Paint Building

Moved and seconded:

CS 2018-216

That Council:

1. In response to the Legion’s request to waive the \$100 permit fee for painting the building, allocate \$100 from the grants in aid budget to cover the fee.
2. Send a letter to the Royal Canadian Legion thanking them for improving the building.

Motion carried.

QUESTION PERIOD

Members of the public enquired whether Council had considered letting the province set the compensation rate for Mayor and Council, and if Council had a timetable for rezoning as it relates to the upcoming cannabis legislation.

ADJOURNMENT

Moved and seconded:

CS 2018-217

That this regular meeting of Council adjourn at 8:04 p.m.

Motion carried.

CERTIFIED CORRECT:

Mayor (A. Stone)

Deputy Corporate Officer (E. Anderson)

TOWN OF LADYSMITH

BYLAW NO. 1960

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 I" 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. 53) 2018, No. 1960".

READ A FIRST TIME on the 7th day of , May 2018

READ A SECOND TIME on the 7th day of , May 2018

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

on the 4th day of , June 2018

READ A THIRD TIME on the 4th day of , June 2018

ADOPTED on the day of , 2018

Mayor (A. Stone)

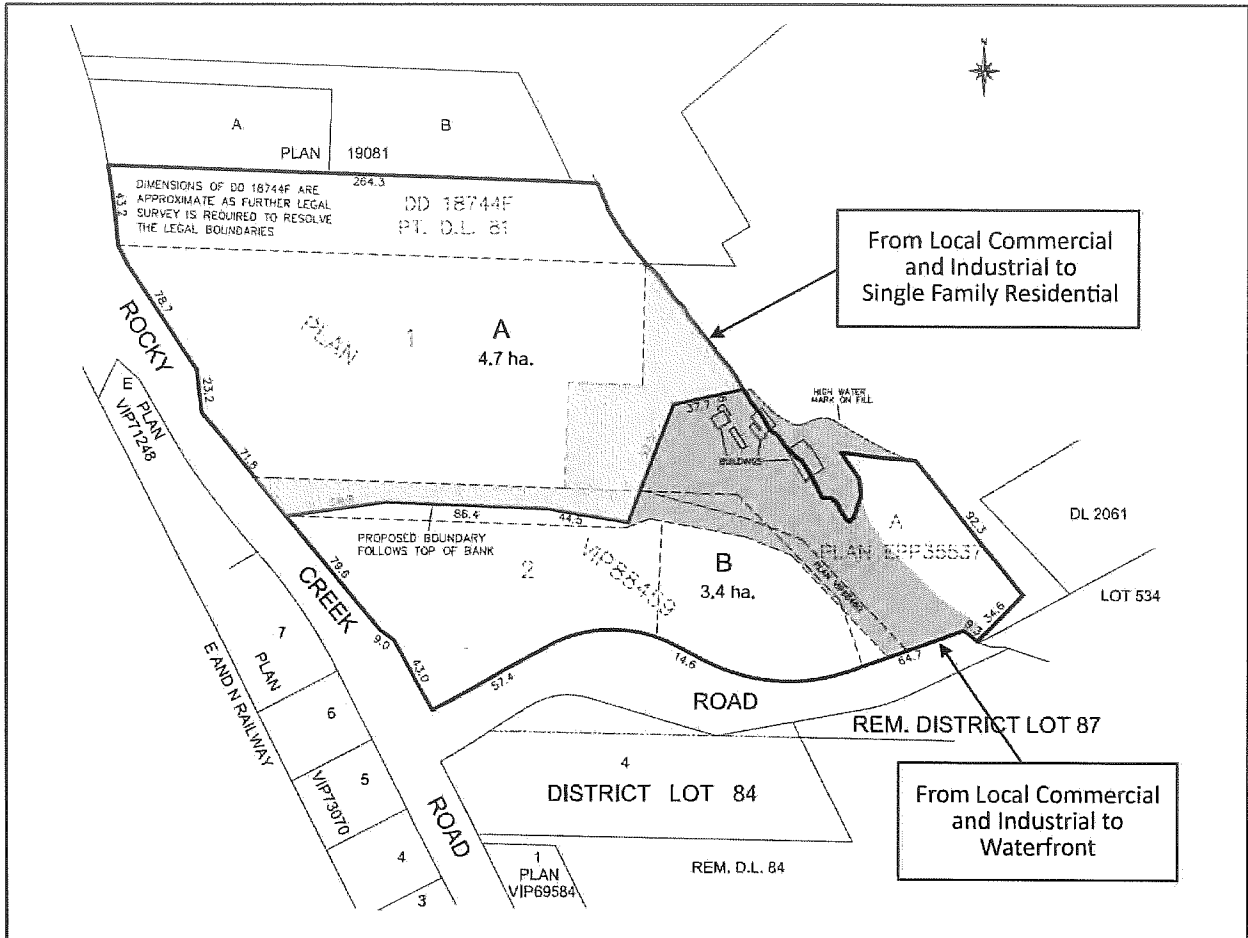
Corporate Officer (J. Winter)

Bylaw No. 1960 – Schedule I

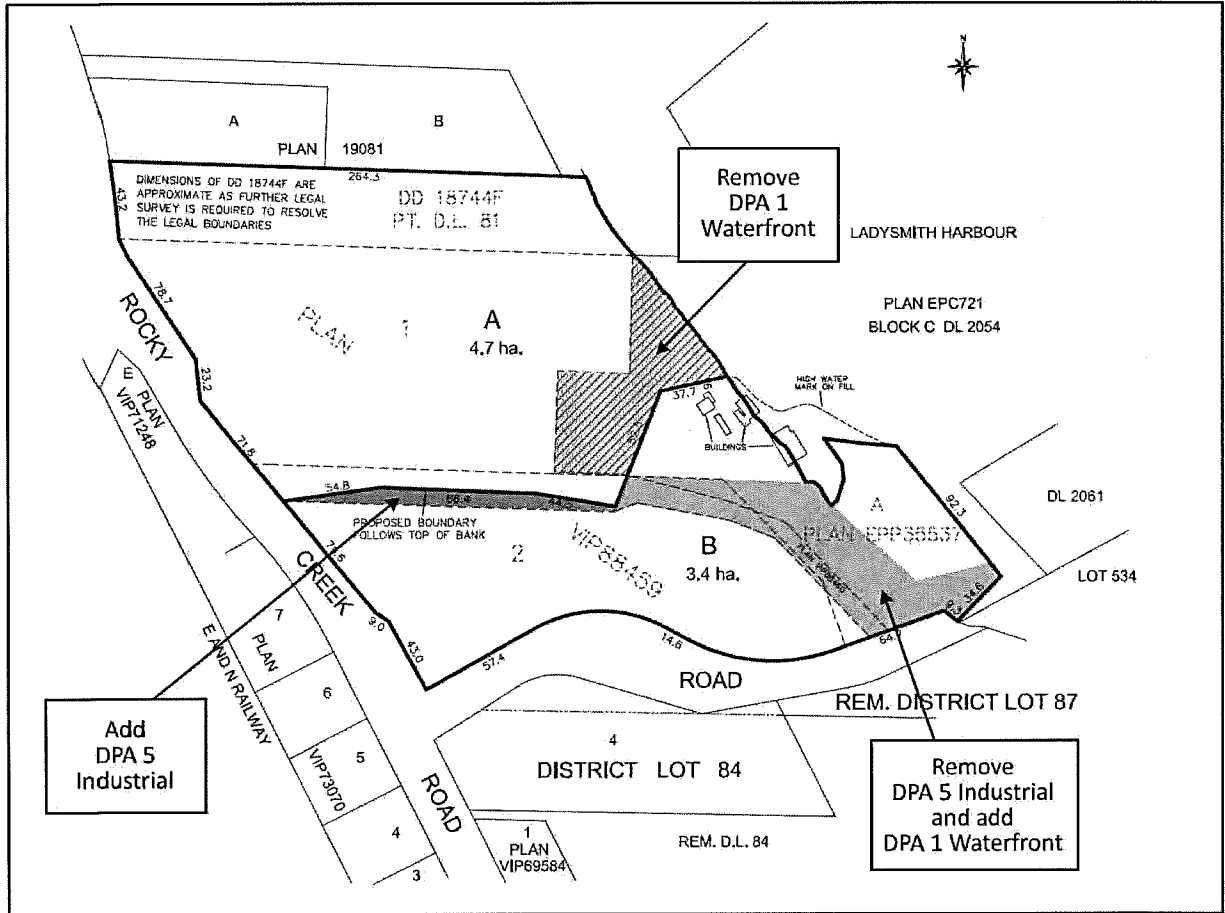
Schedule “A” – “Town of Ladysmith Community Plan” is amended as follows:

1. Amending Section 3.8.1 “Land Use Designations - Waterfront” by deleting the first sentence in the paragraph and replacing it with the following sentence:
“The Waterfront designation is applied to ocean and foreshore areas of the Ladysmith harbour and associated upland and is intended to provide for a range of marine oriented uses.”
2. Official Community Plan “Map 1 – Land Use” is amended by:
 - a) Removing “Local Commercial” and “Industrial” land use designations and placing the “Single Family Residential” land use designation on portions of the subject properties legally described as Lot A, District Lots 81, 86, 87, 98 Oyster District and District Lot 2054 Cowichan District, Plan EPP35537 and Lot 2, District Lots 87 and 98, Oyster District, Plan VIP88459 as shown on Schedule II attached to and forming part of this Bylaw.
 - b) Removing the “Local Commercial” and “Industrial” land use designation and placing the “Waterfront” land use designation on portions of the subject properties legally described as Lot A, District Lots 81, 86, 87, 98 Oyster District and District Lot 2054 Cowichan District, Plan EPP35537; Lot 2, District Lots 87 and 98, Oyster District, Plan VIP88459; and Block C, District Lot 2054, Cowichan District, Plan EPC721 as shown on Schedule II attached to and forming part of this Bylaw.
3. Official Community Plan “Map 2 – Development Permit Areas” is amended by:
 - a) Removing “DPA 1” from a portion of the subject property legally described as Lot A, District Lots 81, 86, 87, 98 Oyster District and District Lot 2054 Cowichan District, Plan EPP35537 as shown on Schedule III attached to and forming part of this Bylaw.
 - b) Removing “DPA 5” and placing “DPA 1” on portions of the subject properties legally described as Lot A, District Lots 81, 86, 87, 98 Oyster District and District Lot 2054 Cowichan District, Plan EPP35537 and Lot 2, District Lots 87 and 98, Oyster District, Plan VIP88459 as shown on Schedule III attached to and forming part of this Bylaw.
 - c) Placing “DPA 5” on a portion of the subject property legally described as Lot 2, District Lots 87 and 98, Oyster District, Plan VIP88459 as shown on Schedule III attached to and forming part of this Bylaw.

Bylaw No. 1960 - Schedule II



Bylaw No. 1960 - Schedule III



TOWN OF LADYSMITH

BYLAW NO. 1961

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 A – Zoning Bylaw Text of "Town of Ladysmith Zoning Bylaw 2014, No.1860" is hereby amended as follows:

(a) Section 4.1 is hereby amended as follows:

(i) Add a definition for "Marina Office" following the definition of "Marina" as follows:

"MARINA OFFICE: means premises used for the administrative functions of a *Marina* including charter, rental and boat brokerage services; and marine sales and service."

(b) Section 11.4 "Tourist Service Commercial (C-4)" is amended as follows:

(i) Section 11.4(8) "Other Regulations" is amended by adding the following to the end of Section 11.4(8):

"b) The following additional *Uses* are permitted on the C-4 zoned portion of the parcel illustrated in Figure 11.4.1: 1251 Rocky Creek Road:

1. Principal Uses

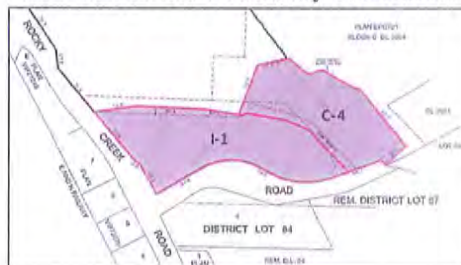
i) *Marina Office*, including *Assembly Use*

2. Accessory Uses

i) *Boat Launch*

ii) Marine fuel storage tanks for a *Marine Fuel Supply Station* on Block C, District Lot 2054, Cowichan District, Plan EPC721"

FIGURE 11.4.1: 1251 Rocky Creek Road



(c) Section 12.2 "Light Industrial (I-1)" is amended as follows:

(i) Section 12.2(1) "Principal Uses" is amended by adding the following to the end of Section 12.2(1):

"ee) Marine Sales and Service"

(ii) Section 12.2(9) "Site Specific Regulations" is amended by adding the following to the end of Section 12.2(9):

"b) The following additional *Uses* are permitted on the I-1 zoned portion of the parcel illustrated in Figure 12.1.1 1251 Rocky Creek Road:

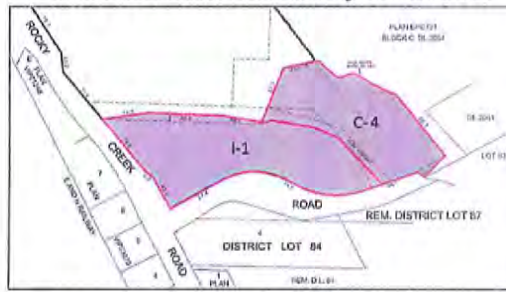
1. Principal Uses

i) Storage for *Boats* and *Boathouses*; and

ii) *Boathouse* Construction.

2. Accessory Uses
i) *Retail Sales*

FIGURE 12.1.1: 1251 Rocky Creek Road



(d) Schedule B - Zoning Bylaw Map of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:

- (a) By removing C-4 (Tourist Service Commercial) and placing R-1-B (Single Dwelling Residential - Small Lot B) on a portion of the property legally described as Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537 as shown on Schedule I attached to and forming part of this Bylaw.
- (b) By removing I-1 (Light Industrial) and placing R-1-B (Single Dwelling Residential - Small Lot B) on a portion of the property legally described as Lot 2, District Lot 87 & 98, Oyster District, Plan VIP88459 as shown on Schedule I attached to and forming part of this Bylaw.
- (c) By removing W-2 (Marina) and I-2 (Industrial) and placing C-4 (Tourist Service Commercial) on portions of the properties legally described as Lot 2, District Lot 87 and 98, Oyster District, Plan VIP88459; Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537; and Block C, District Lot 2054, Cowichan District, Plan EPC721 as shown on Schedule I attached to and forming part of this Bylaw.
- (d) By removing I-2 (Industrial) and placing I-1 (Light Industrial) on portions of the properties legally described as Lot 2, District Lot 87 and 98, Oyster District, Plan VIP88459 and Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537 as shown on Schedule I 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. 15) 2018, No. 1961".

READ A FIRST TIME on the 7th day of May , 2018

READ A SECOND TIME on the 7th day of May , 2018

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

on the 4th day of June , 2018

READ A THIRD TIME on the 4th day of June , 2018

APPROVED BY THE MINISTER OF TRANSPORTATION

on the day of , 2018

ADOPTED on the day of , 2018

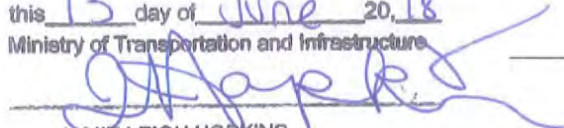
Approved pursuant to section 52(3)(a) of
the *Transportation Act*

this 13 day of June, 2018

Ministry of Transportation and Infrastructure

Mayor (A. Stone)

Corporate Officer (J. Winter)


JAMIE LEIGH HOPKINS
A Commissioner for taking affidavits
within the Province of British Columbia
2100 Labieux Road, Nanaimo BC V9T 8E9

TOWN OF LADYSMITH

BYLAW NO. 1962

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 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 A – Zoning Bylaw Text of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:
 - (a) Section 12.2(9) "Site Specific Regulations" is amended by adding the following to the end of Section 12.2(9):

"(c) For the Parcel legally described as Lot 7, District Lot 38, Oyster District, Plan VIP73070 (1280 Rocky Creek Road), Marshalling Yard is a permitted Accessory Use subject to the Marshalling Yard area having a hard surface of asphalt or similar and being graded to contain and dispose of surface water with an oil/water separator."

CITATION

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 16) 2018, No. 1962".

READ A FIRST TIME on the 7th day of May, 2018

READ A SECOND TIME on the 7th day of May, 2018

PUBLIC HEARING waived pursuant to s.464(2) of the Local Government Act

on the 7th day of May, 2018

READ A THIRD TIME on the 4th day of June, 2018

APPROVED BY THE MINISTER OF TRANSPORTATION


on the day of, 2018

ADOPTED on the day of, 2018

Approved pursuant to section 52(3)(a) of the Transportation Act

this 13 day of June 2018

Ministry of Transportation and Infrastructure



JAMIE LEIGH HOPKINS
A Commissioner for taking affidavits
within the Province of British Columbia
2100 Labeux Road, Nanaimo BC V9T 6E9

Mayor (A. Stone)

Corporate Officer (J. Winter)

TOWN OF LADYSMITH

BYLAW NO. 1963

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) Section 11.2 Downtown Commercial (C-2) Zone of Schedule A - Zoning Bylaw Text of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:

(a) Adding a new sub-section (f) to Section 10 "Site Specific Regulations:

"(f) For the Parcel legally described as Lot 10, Block 10, District Lots 56, Oyster District, Plan 703, except that part lying to the north west of a line drawn parallel to the north westerly boundary from a point on the south westerly boundary distant 63 feet from the most westerly corner thereof (431 First Avenue) the following site specific regulations shall apply:

- i) Despite Section 11.2(4)(a), the minimum Finished Floor Area for a one bedroom Dwelling Unit shall be 32.0 square metres.
ii) Despite Section 11.2(4)(b), the maximum number of Dwelling Units permitted is four.

CITATION

(2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 17) 2018, No. 1963".

READ A FIRST TIME on the 7th day of May, 2018

READ A SECOND TIME on the 7th day of May, 2018

PUBLIC HEARING held pursuant to the provisions of the Local Government Act on the 4th day of June, 2018

READ A THIRD TIME on the 4th day of June, 2018

APPROVED BY THE MINISTER OF TRANSPORTATION

Approved pursuant to section 52(3)(a) of the Transportation Act on the day of, 2018

this 13th day of June, 2018 ADOPTED on the day of, 2018
Ministry of Transportation and Infrastructure

[Handwritten signature of Jamie Leigh Hopkins]

JAMIE LEIGH HOPKINS
A Commissioner for taking affidavits
within the Province of British Columbia
2100 Lableux Road, Nanaimo BC V9T 6E9

Mayor (A. Stone)

Corporate Officer (J. Winter)

TOWN OF LADYSMITH

BYLAW NO. 1965

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. 54) 2018, No. 1965".

READ A FIRST TIME on the 4th day of June, 2018

READ A SECOND TIME on the 4th day of June, 2018

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

on the day of

READ A THIRD TIME on the day of

ADOPTED on the day of

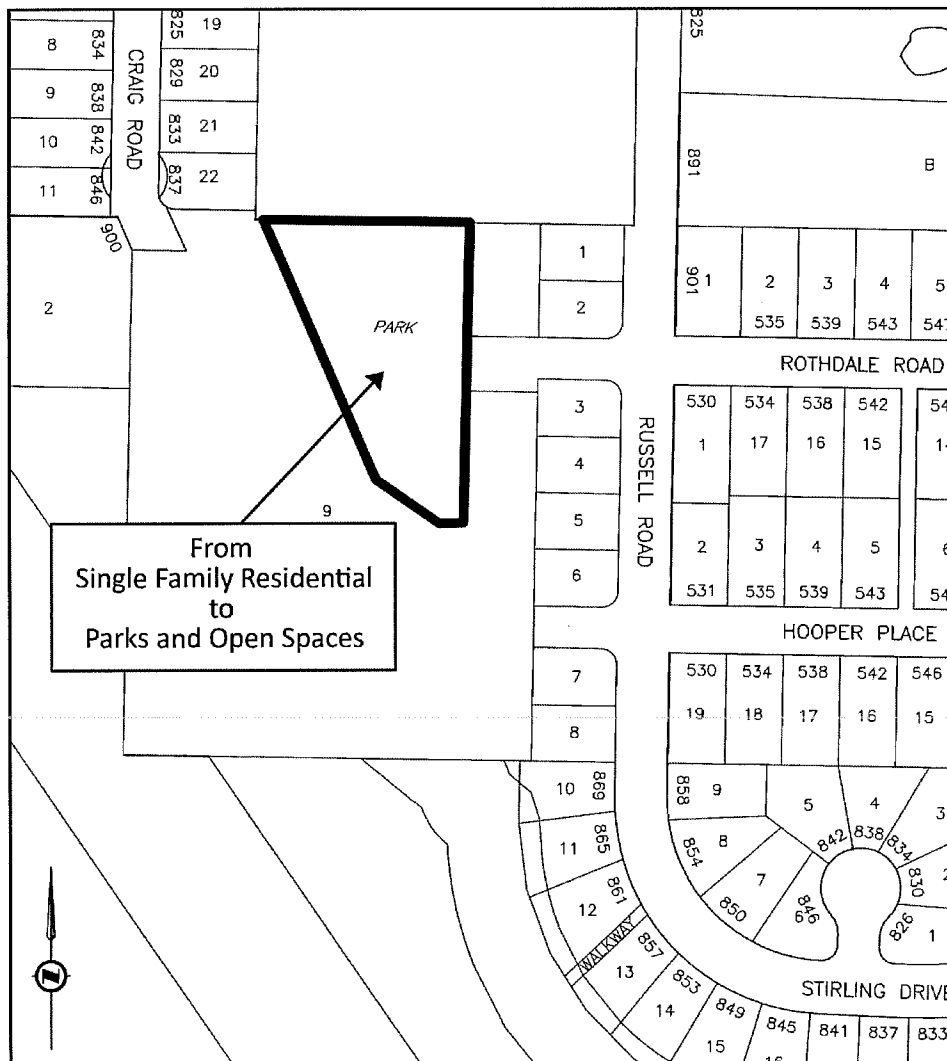
Mayor (A. Stone)

Corporate Officer (J. Winter)

Schedule I of Bylaw No. 1965

1. Official Community Plan "Map 1 – Land Use" is amended as follows:
 - (a) Placing the "Parks and Open Spaces" designation on a portion of the property legally described as Lot A, District Lot 67, Oyster District, Plan EPP24148 (900 Russell Road) as shown on Schedule II.

Schedule II of Bylaw No. 1965



TOWN OF LADYSMITH

BYLAW NO. 1966

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 A (R-1-A)" on a portion of the subject property legally described as Lot A, District Lot 67, Oyster District, Plan EPP24148 (900 Russell Road) as shown in Schedule I attached to and forming part of this Bylaw.
 - (b) By placing "Park and Recreation (P-2)" on a portion of the subject property legally described as Lot A, District Lot 67, Oyster District, Plan EPP24148 (900 Russell Road) as shown in Schedule I 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. 18) 2018, No. 1966".

READ A FIRST TIME on the 4th day of June, 2018

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APPROVED BY THE MINISTER OF TRANSPORTATION

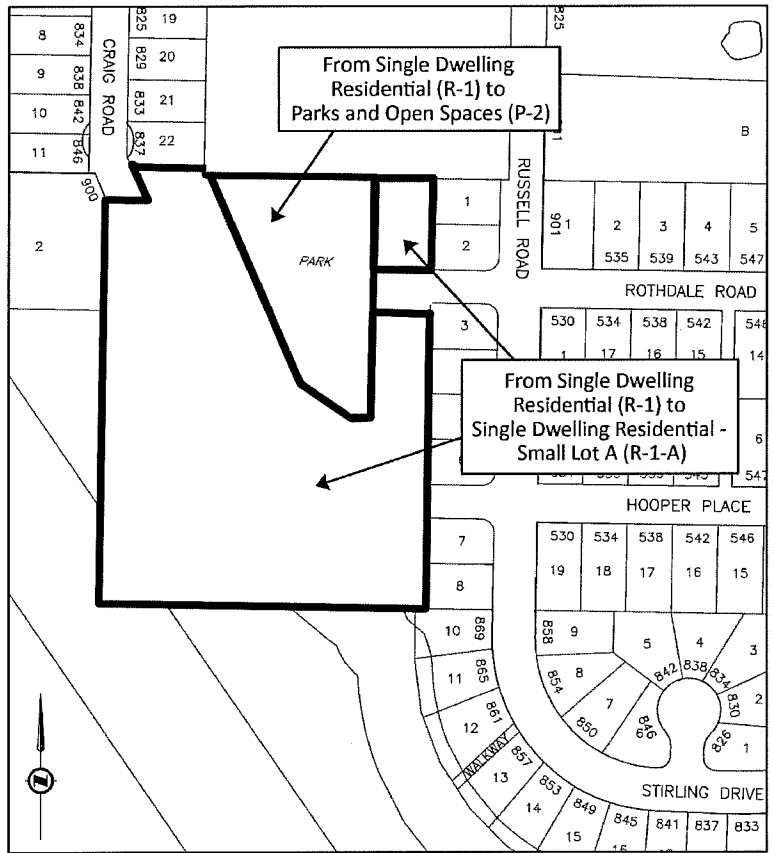
on the day of

ADOPTED on the day of

Mayor (A. Stone)

Corporate Officer (J. Winter)

Schedule I – Bylaw 1966



RECEIVED
May 9/18

Outside Circulation Area

To Whom It May Concern:

I am strongly opposed this proposal. Craig Road is virtually a one and half lane roadway. Virtually all residences, except four, access and egress their properties onto Craig Road unlike Russell Road which has perpendicular roadways that provide access to residential areas not on Russell Road. There are already two means of access and egress from Russell Road. The other being through Sea Scape subdivision. There is a steep hill on Craig Road that has a bad blind spot at the crest of the hill. Vehicles parked on the roadway and/or winter conditions make it worse. Creating a round-about between Russell Road and Craig Road will increase vehicular traffic and increase the risk of traffic accidents and access and egress by property owners. It will increase the risk to children playing on or near Craig Road and it will increase the risk of property crime, ie., vandalism and theft.

Sincerely,

Richard Dishan
830 Craig Road

Craig Road Connection

My Name is John McLean. I reside at 818 Craig Road.

We are opposed to having Craig road extended.

My wife and I purchased our house 5 years ago on Craig. We have 5 young kids (2, 4, 6, 12, and 16.) It is a quiet road with a cul de sac. We thought it was a safe area with a safe road. Our kids often play on the road in front of our house. It has been relatively safe for them to play hockey, basketball, and now the young ones learning how to ride their bikes.

We are worried at how busy this family oriented street will get if the road is connected. We often walk through the park and on to Russell. The amount of traffic on Russell is enough to scare me while trying to contain all the kids. I can't imagine Craig becoming more busy.

There are also other issues such as the blind hill and the overall width of Craig. I don't think the connection is necessary.

I beg that you reconsider connecting the roads. I want my kids to grow up in a safe, low traffic neighbourhood.

Thank you for your consideration.

John and Jenn McLean

RECEIVED
May 17, 18

Outside Circulation Area

Hi Lisa & Toby

Thank you for hosting the information session on May 16th.

As we were unable to stay longer to complete the feedback sheet, here are a few comments.

We have concerns about the configuration of the proposed park.

- With the development of phase 2, the park will be in the middle of many houses, which, unless there is a good buffer between the houses and the Park could invite minor conflicts. Residents, if they are not dog people, may not be too pleased about dog owners calling their dogs, throwing balls and generally just socialising at 7.30/8.00 am., or indeed at any time.
- Limited access to the Park, may imply private ownership and discourage area residents, or in fact anyone from using the Park.
- With all the development in the Russell area, is the Park space big enough to accommodate the needs of the growing neighbourhood? For future consideration, would it possible to extend the Park into the adjoining property if it should become available?
- Access to the Power line trails is quite important to many of the area residents and hopefully will not be restricted.

Use of the Park

- Mixed use would be preferable; i.e. dogs off leash, people walking, meditating, kids playing and exploring the hills and trails, riding bikes, making snowmen in the winter. Basically how it is currently being used. Leaving most of the older, larger trees would be great.
- Leaving the area in as natural a state as possible. People do need to get into the "wild".
- I (Gill) mentioned an old stone wall and if there may be any historical value to retaining it. I think it may actually be on the adjoining property, or on the property line. Just because I am rather partial to old stone walls, it would be great to keep this as a reminder of the Pioneers that farmed here many years ago, but I don't think this is under the current developers responsibility.

Thank you for your time.

Gill & Ted Fromson

537 Louise Road

We own a dog, and use the current field every morning.

RECEIVED
May 22/18

Opposition to extend Craig Road to Russell Road

We oppose the Craig Russell connection for multiple reasons. Feel free to call for specifics.

NOT NEEDED!

Bill CRUSSEN
602 CRAIG RD

LIKE A SPEEDWAY
Now.

to call for specifics.

...reasons. feel free

SINCE I LIVE ON THE HILL SECTION OF CRAIG RD, I NEED TO BACK IN MY VEHICLE INTO THE GARAGE (MAKING FOR A SAFER EXIT). IF MORE TRAFFIC IS PRESENT, MY CHANCE OF BEING HIT INCREASES. I OPPOSE TO EXTEND CRAIG RD TO RUSSELL RD.

SINCERELY ~~SIN MARSHALL~~ *

ERIN MARSHALL + FAMILY
111 CRAIG RD

Outside Circulation Area

RECEIVED
May 22/18

Opposition to extend Craig Road to Russell Road

We oppose the Craig Russell connection for multiple reasons. Feel free to call for specifics.


- > blindspot on hill -> safety danger
- > Kids playing on street.
- > Narrow Road

Harvey + Alicja Khun Khun
829 Craig

H. Khun

Opposition to extend Craig Road to Russell Road

We oppose the Craig Russell connection for multiple reasons. Feel free to call for specifics.

 - *Harlene C. Carty*

RECEIVED
May 22/18

Opposition to extend Craig Road to Russell Road

We oppose the Craig Russell connection for multiple reasons. Feel free to call for specifics.

We have lived on the corner of Craig and Hillcrest for almost 5 years. When we first moved to Ladysmith 42 years ago we lived on Rothdale just off of Russell Road and have watched the neighbourhood expand overtime. When Craig Rd was first built it served only a few houses yet as the neighbourhood expanded beyond this early development little thought was given to accomodating the increased density we now have. At the bottom, where Craig approaches Davis Rd there are still 2 blocks of mostly open ditches which causes the road to be too narrow to accomodate much traffic much less parking. Sidewalks are incomplete which creates safety concerns for pedestrians. Several houses on this street also have illegal suites with renters. This increased density created a need for more parking. The increase in the number of cars parked on the street is especially problematic

2) in winter when the snowploughs need access to keep our street clear, especially the steep hill. Lastly, we are hearing from neighbours on Russell Rd. that traffic from the newer subdivisions above them has increased in speed and number of vehicles to the point where they are also concerned about their safety and the quality of their neighbourhood environment. Extending Craig Rd. to Russell Rd without addressing these pre-existing concerns would only compound the problems. We know that new housing needs to be developed in Ladysmith, and that the illegal suites are providing needed rentals. We are not opposed to development but it needs to be well thought out and strategies to minimize impact must be in place first.

Marilyn & Cliff Simpson
599 A Hillcrest Ave.

Within Circulation Area

18th June 2018



Re: Proposed Re-zoning of 900 Russell Road

Dear Sir,

As the owner of the home at 837 Craig Road (Lot 22) my property is directly adjacent to this development and as such I have a vested interest in what is built alongside me.

This proposed development will connect Russell Rd., Stirling Drive and Craig Rd. together and all of which comprise R-1 size lots. Similar sized lots feature in the new Seascape and Sunset Wood sub-divisions and the older properties at Hooper Place and Rothdale Rd. Smaller lot sizes will be totally out of character with these residential areas which completely surround this future development. Apart from being detrimental to the areas attractiveness it also appears to have no positive benefits for the current local populace that I can see.

Having costed and successfully bid for this development lot on the basis of R-1 zoning what can be the reason/purpose behind the developers re-zoning request? Solely the prospect of making even more money from their investment I suspect.

With no apparent benefit to the existing community I am unable to support this amendment of the Official Community Plan with regard to R-1 to R-1-A re-zoning.

Yours sincerely,

A handwritten signature in black ink, appearing to be "RL" or similar initials.

Robert Lock

RECEIVED
June 19/18

From: jaforsyth
Sent: June 19, 2018 10:15 AM
To: Town of Ladysmith
Subject: 900 Russel Rd

Within Circulation Area

To whom it may concern

I live across the street from the park at 900 Russel rd. We moved here 15 years ago and have used the park everyday since, sometimes twice or three times a day. My dog has grown up there running everyday off leash! It's amazing for him and his dog friends, great socializing for dogs! He loves every one he meets. Not to mention the community interaction we get with our neighbors.

Our kids on the South end have a place to play too and meet other kids. Considering how hard it is to meet other kids when our neighborhood school is closed. The kids on my street go to about 6 different schools in the district because our local school closed. Talk about community. I fought for the school, and I will now fight for my park to stay the same.

I was told when we moved in that the park would always be there, that it was given to the community by Mr. Rutti, thank you Mr Rutti. If only he could see what's happening now.

I fought to keep Davis rd school open, I fought the sale of this property, it was never suppose to happen! Well you won, it sold and a tiny piece has been saved for a park. Did you that half of what was saved for park space floods in the winter? Well, it seems I have to fight again for this park, losing once already, to keep my dog free and off leash. The people who use this park are mostly off leash dog owners! I know because I'm there, and live across the street. Why would you take that away from us? Whats the reason? Who wants it leashed? Not the peolple there every morning at 8, nor the group at 10, not the lunch group or after dinner crowd. I know because im there everyday. It's perfect the way it is, and it's done, costs nothing!

I find living in the South end of town we have no open green space left . If you take this now, we will never get it back. Where are we suppose to go? Everyone moving here is trying to flee the cities and housing prices. If we develop it all, Ladysmith will be the same. It's already become unaffordable due to demand and influx of people coming here. Where will they go to school, where will they play? We'll have to reopen the Davis rd school, because all the schools are at capacity. Then that dog park will be closed too. It's all about money....Not community!

What about the people who made this community what it is, like Mr Rutti? Town council is ruining community for the South end. Keep our park the way it is, free and off leash PLEASE! Knowing how things operate around town, I'm sure it's already a done deal, and our days of freedom are numbered! See you on the 25th

Jen, Jeff, Lily and Murphy Forsyth

Sent from my Galaxy Tab® A

STAFF REPORT TO COUNCIL

From: Lisa Brinkman, Senior Planner
 Meeting Date: June 25, 2018
 File No: 3360-18-04
 RE: **Bylaws 1965 and 1966**
 Subject Property: 900 Russell Rd. (Lot A, District Lot 67, Oyster District, Plan EPP24148)

RECOMMENDATION:

That, subject to any additional matters raised at the public hearing, Council:

1. Confirm the direction regarding a future traffic study for speed on Craig Road and potential traffic calming measures, if needed, to be addressed through a covenant as part of the Phase 1 subdivision approval to secure this future commitment by the owner.
2. Give third reading and final adoption to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 54) 2018, No. 1965."
3. Give third reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.18) 2018, No. 1966."
4. Direct staff to refer Bylaw 1966 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

PURPOSE:

The purpose of this staff report is to present Council with recommendations regarding consideration of the amendment bylaws subject of the public hearing held earlier this evening.

PREVIOUS COUNCIL DIRECTION

Meeting Date/ Resolution	Resolutions Details
June 18, 2018 CS 2018-208	That Council refer the consideration of the review of Craig Road traffic calming to staff so that the completion of a traffic study for speed would be conducted for Craig Road following the development of 900 Russell Road with the intention of recommended traffic calming measures being implemented, if needed, as a rezoning condition.



<p>June 4, 2018</p> <p>CS 2018-182</p> <p>CS 2018-183</p>	<p>That Council</p> <ol style="list-style-type: none"> 1. Receive the report from the Neighbourhood Information Meeting for the 900 Russell Road rezoning proposal. 2. Give first and second readings to Bylaw 1965, cited as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 54) 2018, No. 1965. 3. Give first and second readings to Bylaw 1966, cited as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 18) 2018, No. 1966." 4. Refer Bylaws 1965 and 1966 to public hearing. 5. Accept the voluntary community amenity contribution of \$9,000 for improvements to the neighbourhood park, which is to be provided prior to the enactment of Bylaw 1966. 6. Direct staff to proceed with the Town's portion of the road improvement projects associated with the subdivision of 900 Russell Road and a 1.0 metre paved pedestrian path along the frontage between 700 and 900 Russell Road for a total cost up to \$100,000 with funding to come from the Road Development Cost Charges Reserve, Gas Tax Reserve, and Infrastructure Reserve and amend the Financial Plan accordingly. 7. Direct staff to investigate measures to mitigate neighbourhood concerns regarding traffic and pedestrian safety on Craig Road and report back to Council at the Public Hearing.
<p>May 7, 2018</p> <p>CS 2018-130</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1. Consider the application (3360-17-01) to amend: <ol style="list-style-type: none"> a) The Official Community Plan (OCP) by placing the "Parks and Open Spaces" designation on the dedicated parkland. b) The Zoning Bylaw by changing the zoning of a portion of the property at 900 Russell Road from 'Single Dwelling Residential' (R-1) to 'Single Dwelling Residential - Small Lot A' (R-1-A) and to add park zoning. for the property legally described as Lot A, District Lot 67, Oyster District, Plan EPP24148. 2. Having given consideration to s.475 of the Local Government Act (consultation during OCP development) direct staff to refer the proposed OCP amendment (3360-18-04) to the Stz'uminus First Nation, pursuant to the Town's Memorandum of Understanding. 3. Direct staff to work with the applicant regarding land use matters and a community amenity contribution; commence the preparation of the Official Community Plan (OCP) amendment bylaw and the Zoning Bylaw amendment bylaw for application 3360-18-04, and report the results of the Neighbourhood Information meeting to Council.

INTRODUCTION/BACKGROUND:

The current stage of this application is to: 1) consider comments received or heard at the public hearing; 2) consider further bylaw readings; and 3) receive direction to refer Bylaw 1966 to the Ministry of Transportation.

Bylaw 1965

Bylaw 1965 proposes to amend the Official Community Plan 'Land Use' map by designating a 0.5 ha (1.4 acres) portion of the subject property from 'Single Family Residential' to 'Parks and Open Spaces.'

Bylaw 1966

Bylaw 1966 proposes to amend the Zoning Bylaw Map by placing the 'Parks and Open Spaces (P-2)' Zone on a 0.5 ha (1.4 acres) portion of the subject property and the 'Single Dwelling Residential – Small Lot A (R-1-A)' Zone on a 2.4 hectare portion of the property, to permit residential parcels that are 460m² in size.

Table 1: Summary of Application 3360-18-04

	Current	Proposed
OCP	Single Family Residential Future Park	Single Family Residential Parks and Open Spaces
Zoning Bylaw	Single Dwelling Residential (R-1) Current zoning would permit approximately 32 R-1 zoned parcels (24 parcels + 8 parcels with PLA = 32).	<ul style="list-style-type: none">• 2.4 ha proposed to be zoned Single Dwelling Residential – Small Lot A (R-1-A), to permit approximately 33 parcels.• 0.5 ha proposed to be zoned for park use. Proposed zoning would permit approx. 33 R-1-A parcels plus Phase 1 of 8 parcels under the existing Single Dwelling Residential Zone (R-1) = 41.

Craig Road Traffic Calming

Subject to the input received at the public hearing, that Council confirm the direction regarding a future traffic study for speed and potential traffic calming measures, if needed, be addressed through a covenant as part of the Phase 1 subdivision approval to secure this future commitment by the owner.

ALTERNATIVES:

Council can choose to not proceed with Bylaw 1965 and 1966.

FINANCIAL IMPLICATIONS:

None

LEGAL IMPLICATIONS:

Following the close of the public hearing, Council may consider information received as part of the public hearing and determine if any changes are required to the proposal; this could initiate the requirement for a further public hearing.

Referral to the Ministry of Transportation and Infrastructure (MOTI) will be required for Bylaw 1966 as the subject property is within 800 metres of a controlled access highway. Following approval by MOTI and receipt of the voluntary community amenity contribution, Bylaw 1966 would be presented to Council for consideration of adoption.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

A public hearing for Bylaws 1965 and 1966 was held earlier this evening.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

None.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- Complete Community Land Use
- Green Buildings
- Innovative Infrastructure
- Healthy Community
- Not Applicable
- Low Impact Transportation
- Multi-Use Landscapes
- Local Food Systems
- Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

- Employment & Tax Diversity
- Watershed Protection & Water Management
- Communications & Engagement
- Natural & Built Infrastructure
- Partnerships
- Not Applicable

SUMMARY:

It is recommended that Council: 1) consider comments received or heard at the public hearing; 2) confirm the direction for the future traffic study for speed; 3) consider further readings of the bylaws; and 4) direct staff to refer Bylaw 1966 to the Ministry of Transportation and Infrastructure.

Reviewed by:

June 20, 2018



Felicity Adams, Director of Development Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

- Bylaw 1965
- Bylaw 1966

TOWN OF LADYSMITH

BYLAW NO. 1965

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. 54) 2018, No. 1965".

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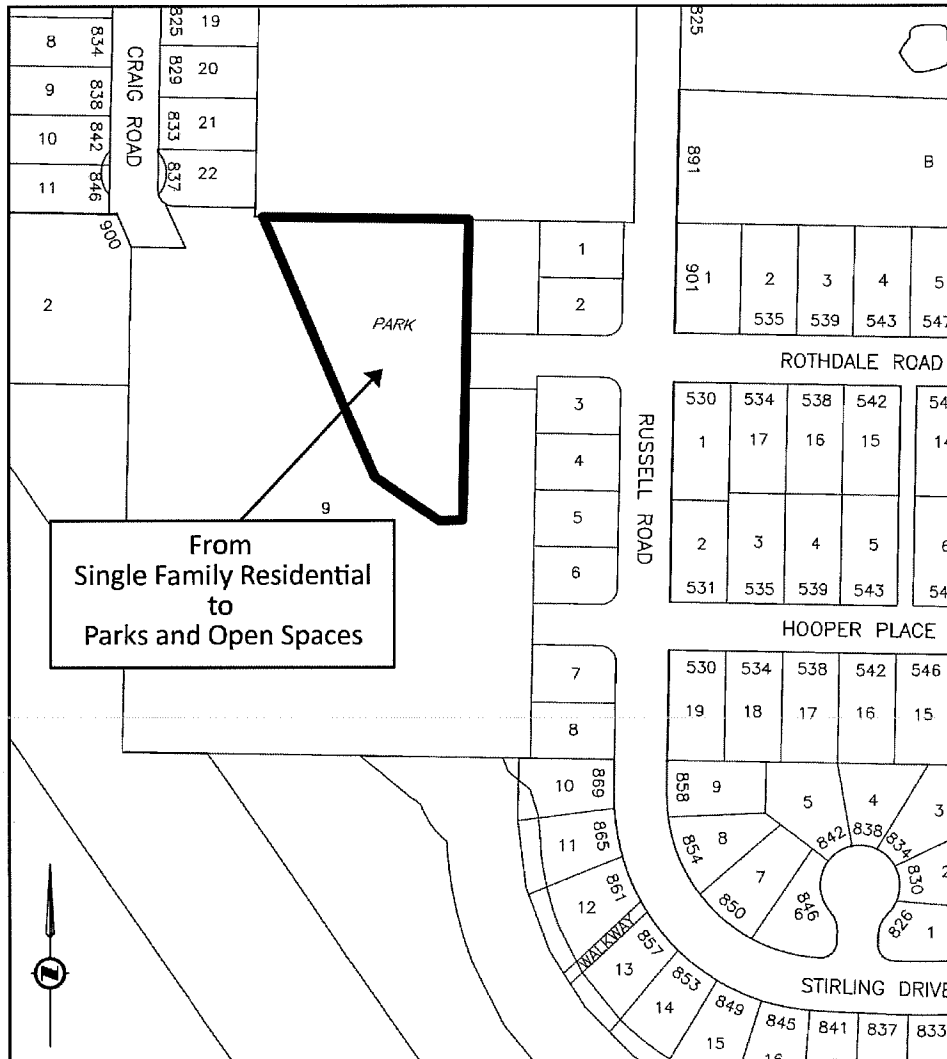
Mayor (A. Stone)

Corporate Officer (J. Winter)

Schedule I of Bylaw No. 1965

1. Official Community Plan “Map 1 – Land Use” is amended as follows:
 - (a) Placing the “Parks and Open Spaces” designation on a portion of the property legally described as Lot A, District Lot 67, Oyster District, Plan EPP24148 (900 Russell Road) as shown on Schedule II.

Schedule II of Bylaw No. 1965



TOWN OF LADYSMITH

BYLAW NO. 1966

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 A (R-1-A)" on a portion of the subject property legally described as Lot A, District Lot 67, Oyster District, Plan EPP24148 (900 Russell Road) as shown in Schedule I attached to and forming part of this Bylaw.
 - (b) By placing "Park and Recreation (P-2)" on a portion of the subject property legally described as Lot A, District Lot 67, Oyster District, Plan EPP24148 (900 Russell Road) as shown in Schedule I 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. 18) 2018, No. 1966".

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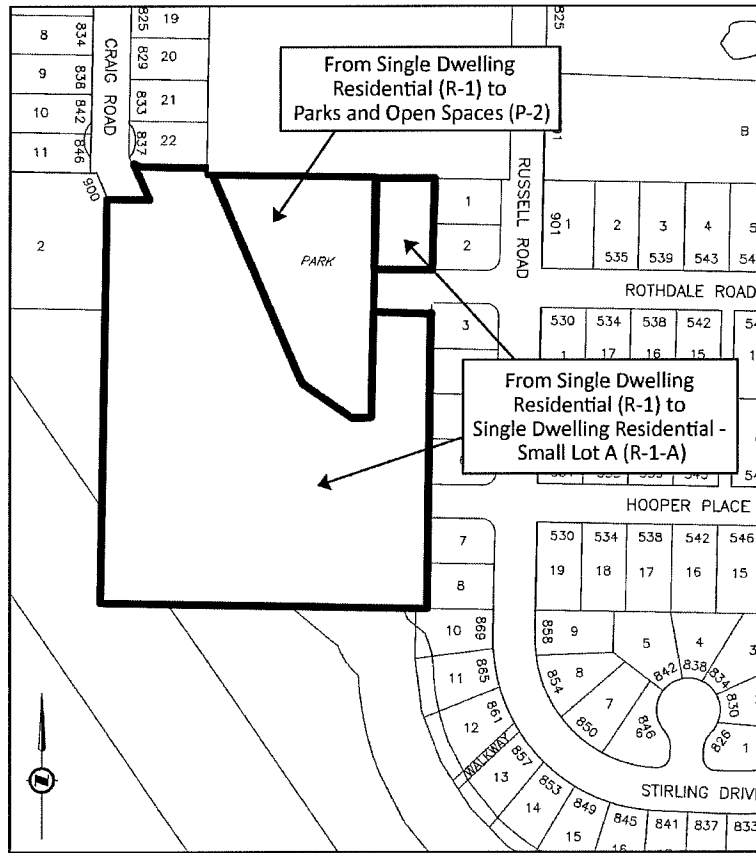
on the day of

ADOPTED on the day of

Mayor (A. Stone)

Corporate Officer (J. Winter)

Schedule I – Bylaw 1966



INFORMATION REPORT TO COUNCIL

From: Felicity Adams, Director of Development Services
Meeting Date: June 25, 2018
File No: 4020-20 Property Maintenance
RE: Unsightly Property Bylaw Complaints – 317 Dogwood Drive

RECOMMENDATION:

That Council receive the report for information.

PURPOSE:

The purpose of this report is to update Council regarding the status of a property maintenance bylaw file at 317 Dogwood Drive and to advise that staff will be seeking an order from Council under the Ladysmith Property Maintenance Bylaw 2015, No. 1894 (the Bylaw) to declare the property located at 317 Dogwood Drive as unsightly and to obtain a timeline for clean-up.

PREVIOUS COUNCIL DIRECTION

None.

DISCUSSION:

The Town has received several written complaints about the subject property. Town bylaw compliance staff have been working diligently with the property owner since January 2018 to deal with the property maintenance issues. Several tickets have been issued by the RCMP to the tenant for property maintenance offences under the Town's Bylaw. Despite these efforts, the property remains in an unsightly state. Staff will now be seeking an order from Council. In order to obtain that order, a hearing before Council is required for the owner and occupier. Once an order is issued, if the property owner does not complete the required work, the Town can arrange for a contractor to undertake the clean-up which ultimately will be charged to the property owner.

The Town does not have a role in addressing residential tenancy issues. That is an issue for the property owner who has been attempting to address that item since April 2018. The Town's bylaw addresses property maintenance. The bylaw compliance efforts have been directed towards working with the property owner to clean up the property.

SUMMARY POINTS

Staff have been advised by legal counsel that the next step in the property maintenance file is to provide the opportunity of the owner and occupier to have a hearing before Council which will be scheduled for the Council meeting of July 16, 2018.



Felicity Adams, Director of Development Services

June 20, 2018

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT(S)

None.

TOWN OF LADYSMITH

BYLAW NO. 1964

A bylaw to provide for the determination of various procedures for the conduct of elections and assent voting.

WHEREAS under the *Local Government Act* Council may, by bylaw, determine various procedures and requirements to be applied to the conduct of elections and assent voting;

AND WHEREAS Council wishes to establish voting procedures and requirements under that authority;

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

1. CITATION

This Bylaw may be cited for all purposes as "Town of Ladysmith Election and Assent Voting Bylaw 2018, No. 1964."

2. DEFINITIONS

In this Bylaw the following terms have the following meanings:

Acceptable mark means a mark which the **vote counting unit** is able to identify, which has been made by an elector in the space provided on the **ballot** opposite the name of any candidate or opposite either 'yes' or 'no' on any other voting question.

Automated vote counting system means a system that counts and records votes and processes and stores election or any voting results which comprises:

- (a) a number of **ballot scan vote counting units**, each of which rests on a two-compartment **ballot** box, one compartment of which is for:
 - (i) voted ballots; and
 - (ii) returned ballots which have been reinserted using the ballot override procedure;

and the other compartment is for the temporary storage of voted ballots during such time as the **vote counting unit** is not functioning; and

- (b) a number of **storage ballot compartments** into which voted **ballots** are deposited where a **vote counting unit** is not functioning or being used which will therefore be counted after the close of voting on general voting day.

Ballot means a single ballot card designed for use in an **automated vote counting system**, which shows:

- (a) the names of all of the candidates for each of the offices to be filled; and
- (b) all of the choices on all of the bylaws or other matters on which the opinion or assent of the electors is sought.

Ballot return override procedure means the use, by an election official, of a device on a **vote counting unit**, which causes the unit to accept a **returned ballot**.

Election headquarters means the Frank Jameson Community Centre, 810 6th Avenue, Ladysmith, B.C.

Memory pack means a computer software cartridge which is inserted into the **vote counting unit** and into which is pre-programmed the names of all the candidates for each

of the offices to be filled, and the alternatives of “yes” or “no” for each question on the **ballot**, and which records and retains information on the number of acceptable marks made for each.

Portable ballot box means a ballot box, for use in the election, where a **vote counting unit** is not being used at the time of voting.

Results tape means the printed record generated from a **vote counting unit** at the close of voting on general voting day, which shows the number of votes for each candidate for each of the offices to be filled, and the number of votes for and against each bylaw or other matters on which the opinion or assent of the electors is sought.

Returned ballot means a voted **ballot** which was inserted into the **vote counting unit**, but which was not accepted and which was returned to the elector with an explanation of the **ballot** marking error which caused the **ballot** not to be accepted.

Secrecy sleeve means an open-ended folder or envelope used to cover **ballots** to conceal the choices made by each elector.

Storage ballot compartment means a ballot box under each **vote counting unit** into which voted **ballots** are temporarily deposited in the event that the unit ceases to function.

Vote counting unit means the device into which voted **ballots** are inserted and which scans each **ballot** and records the number of votes for each candidate and for and against each question on which the opinion or assent of the electors is sought.

3. ACCESS TO NOMINATION AND ENDORSEMENT DOCUMENTS

As authorized under Section 89(7) of the *Local Government Act*, public access to nomination documents will be posted on the Town of Ladysmith website from the time of delivery until 30 days after the declaration of the election results under Section 146.

4. ELECTOR REGISTRATION

As authorized under Section 76 of the *Local Government Act*, for all elections and assent voting, the most current available Provincial list of voters prepared under the *Election Act* shall become the register of resident electors on the 52nd day prior to general voting day .

5. ADVANCE VOTING OPPORTUNITIES

5.1 Required Advance Voting

As required under Section 107 of the *Local Government Act*, in addition to the required advance voting opportunity on the 10th day before general voting day, the following day is hereby established as an advance voting opportunity for elections and assent voting:

The Wednesday immediately preceding general voting day, from 8:00 a.m.
to 8:00 p.m.

5.2 Additional Advance Voting

- (a) As authorized under Section 108 of the *Local Government Act*, the Council authorizes the Chief Election Officer to establish dates for additional voting opportunities to be held in advance of general voting day and to designate the voting places and set the voting hours for these voting opportunities.
- (b) Additional advance voting opportunities on the dates specified in subSection 5.2(a) shall be available at places and hours established by the Chief Election Officer.

6. SPECIAL VOTING OPPORTUNITIES

- (a) As authorized under Section 109 of the *Local Government Act*, special voting opportunities may be provided, and the Chief Election Officer is hereby authorized to establish the dates, locations, and voting hours within the limits set out in Section 99 of the *Local Government Act*, for the special voting opportunities.
- (b) The Chief Election Officer is authorized to limit the number of candidate representatives who may be present at the special voting opportunity.

7. MAIL BALLOT VOTING

7.1 General Provisions for Mail Ballot Voting

- (a) As authorized under Section 110 of the *Local Government Act*, voting and elector registration may be done by mail for those electors who meet the criteria in paragraph (b).
- (b) The following electors are permitted to vote by mail ballot and to register to vote by mail:
 - i. persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity;
 - ii. persons who expect to be absent from the Town of Ladysmith on general voting day and at the times of all advance voting opportunities;
- (c) The following procedures for voting and elector registration must apply:
 - i. Sufficient record will be kept by the Chief Election Officer so that challenges of the elector's right to vote may be made in accordance with the intent of Section 126 of the *Local Government Act*;
 - ii. a person exercising the right to vote by mail under the provisions of Section 110 may be challenged in accordance with, and on the grounds specified in Section 126 of the *Local Government Act*, until 4:30 p.m. two days before general voting day.
- (d) The time limits in relation to voting by a mail ballot will be determined by the Chief Election Officer, including the time limit to apply for a mail ballot package.
- (e) As provided in the *Local Government Act*, to be counted, a mail ballot must be received by the Chief Election Officer before the close of voting on general voting day.
- (f) A mail ballot package may be requested by an elector who is registered and who in person, by mail, by fax or by email, presents the Chief Election Officer or designate a written request by giving their name and address for such purpose.
- (g) The Chief Election Officer may deliver mail ballot packages by hand to electors who request a mail ballot package in person or the Chief Election Officer may deliver mail ballot packages to electors by mail for those electors who request the ballot package by mail, fax or email.
- (h) Upon receipt of a request for a mail ballot, the Chief Election Officer or designate shall in accordance with the time limits established by the Chief Election Officer:
 - i. make available to the applicant, a mail ballot package as specified in Section 110(7) of the *Local Government Act*, together with a statement advising the elector that the elector must meet one or more of the mail ballot criteria specified in Section 7.1(b) of this bylaw, and that they must attest to such fact; and
 - ii. immediately record and, upon request, make available for inspection:

1. the name and address of the person to whom the mail ballot package was issued; and
2. the number of the voting division in which the person is registered as an elector, or "new elector", if that person is not on the register of electors.

7.2 Mail Ballot Voting Procedure

- (a) To vote using a mail ballot, the elector shall mark the ballot in accordance with the instructions contained in the mail ballot package provided by the Chief Election Officer.
- (b) After marking the ballot, the elector shall:
 - i. place the ballot in the secrecy envelope provided and seal the secrecy envelope;
 - ii. place the secrecy envelope in the certification envelope, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
 - iii. place the certification envelope, together with a completed elector registration, if required, in the outer envelope, and then seal the outer envelope;
 - iv. mail, or have delivered, the outer envelope and its contents to the Chief Election Officer at the address specified so that it is received no later than the close of voting on general voting day.

7.3 Mail Ballot Acceptance or Rejection

- (a) In accordance with the time limits established by the Chief Election Officer, the Chief Election Officer or designate, upon receipt of a ballot package, shall immediately record the date of such receipt and shall then open the outer envelope and remove and examine the certification envelope and the completed elector registration application, if applicable, and if satisfied as to:
 - i. the identity and entitlement to vote of the elector whose ballot is enclosed; and
 - ii. the completeness of the certification; and
 - iii. the fulfillment of the requirements of Section 70 of the *Local Government Act* in the case of a person who is registering as a new elector;

the Chief Election Officer or designate shall mark the certification envelope as "accepted", and shall retain in his or her custody all such certification envelopes in order to deal with any challenges made in accordance with Section 7.4 of this bylaw and the voting book shall be marked to indicate that the elector has voted.

- (b) The unopened certification envelopes shall remain in the custody of the Chief Election Officer or designate until 4:00 pm on the Thursday two days before general voting day, at which time the certification envelopes containing the secrecy envelopes shall be opened in the presence of at least one other person, including any scrutineers present.
- (c) At 4:00 pm on the Thursday two days before general voting day, the Chief Election Officer or designate shall place all secrecy envelopes received up until that time into a ballot box specified for such purpose, where such secrecy envelopes were received from persons whose right to vote using a mail ballot has not been challenged, or where such challenge has been resolved and the challenged person permitted to vote.
- (d) Where an outer envelope and its contents are received by the Chief Election Officer or designate between 4:00 pm on the Thursday two days before general voting day and the close of voting on general voting day, the provisions of Section 7.3(a) of this bylaw with regard to ballot acceptance shall apply and the Chief Election Officer or designate shall retain such envelopes in their possession until the close of voting and at that time shall open such certification in the

presence of at least one other person, including any scrutineers present, and place the secrecy envelope containing the ballot into the ballot box containing the other unopened secrecy envelopes.

- (e) As soon as possible after all of the secrecy envelopes have been placed in the ballot box designated for that purpose, the ballot box shall be opened under the supervision of the Chief Election Officer or designate, and in the presence of at least one other person and any scrutineers present:
 - i. open the accepted certification envelopes;
 - ii. place the unopened secrecy envelopes together into a ballot box;
 - iii. open the secrecy envelope and remove the ballot within; and
 - iv. insert the ballot into the vote tabulating unit.

- (f) Where:
 - i. upon receipt of an outer envelope, the Chief Election Officer is not satisfied as to the identity of the elector whose ballot is enclosed; or
 - ii. in the case of a person required to complete an application for registration as an elector, such application has not been completed in accordance with Section 70 of the *Local Government Act*; or
 - iii. the outer envelope is received by the Chief Election Officer or designate after the close of voting on general voting day,

the certification envelope shall remain unopened and the Chief Election Officer shall mark such envelope as "rejected". And shall note the reasons therefore, and the ballot contained therein shall not be counted in the election.

- (g) Any certification envelopes and their contents rejected in accordance with Section 7.3(f) of this bylaw shall remain unopened and shall be subject to the provisions of Section 160 of the *Local Government Act* with regard to their destruction.

7.4 Challenge of Elector

- (a) A person exercising the right to vote under the provisions of this bylaw may be challenged in accordance with and on the grounds specified in Section 126 of the *Local Government Act*.
- (b) The provisions of Section 126(2) to (5) inclusive of the *Local Government Act* shall apply where a challenge of an elector using a mail ballot has been made.

7.5 Elector's Name Already Used

- (a) Where, upon receiving a request for a mail ballot, the Chief Election Officer determines that another person has voted or has already been issued a mail ballot in the elector's name, the provisions of Section 127 of the *Local Government Act* shall apply, so far as applicable.

7.6 Replacement of Spoiled Ballot

- (a) Where an elector unintentionally spoils a mail ballot before returning it to the Chief Election Officer, the elector may request a replacement ballot by advising the Chief Election Officer or designate of the ballot spoilage and by mailing or otherwise delivering by an appropriate means, the spoiled ballot package in its entirety to the Chief Election Officer or designate.
- (b) The Chief Election Officer shall, upon receipt of the spoiled mail ballot, record such fact, and proceed in accordance with Section 7.1(h) of this bylaw.

8. AUTOMATED VOTE COUNTING SYSTEM

8.1 Use of Voting Machines

Council hereby provides for the use of an **automated vote counting system**, under the provisions of Section 112 of the *Local Government Act* for the conduct of elections and voting on bylaws or other matters on which the opinion or assent of the electors is sought.

8.2 Automated Voting Procedures

- (a) The Presiding Election Official for the voting place and at each advance voting opportunity shall offer, and if requested, ensure that a demonstration of how to vote using an automated vote counting system is provided to an elector as soon as such elector enters the voting place and before a ballot is issued.
- (b) Upon completion of any voting demonstration, if any, the elector shall proceed as instructed to the election official responsible for issuing ballots who;
 - i. shall ensure that the elector
 - 1. is qualified to vote in the election; and
 - 2. completes the voting book as required by the *Local Government Act*;
 - ii. upon fulfillment of the requirements of subsection i) shall then provide a ballot to the elector, along with a secrecy sleeve if requested by the elector, the ballot marking pen, if applicable, and any further instructions the elector requests.
- (c) Upon being given a ballot the elector shall immediately proceed to a voting compartment to vote.
- (d) The elector may vote only by making an acceptable mark on the ballot;
 - i. beside the name of each candidate of choice up to a maximum number of candidates to be elected for each of the offices of Mayor, Councillor and School Trustee, if applicable; and
 - ii. beside either “yes” or “no” in the case of each question.
- (e) Once the elector has finished marking the ballot the elector must either;
 - i. place the ballot into the secrecy sleeve in the case of a two sided ballot; or
 - ii. turn the ballot upside down in the case of a single sided ballot; and

proceed to the vote counting unit and under the supervision of the election official in attendance insert the ballot directly into the vote counting unit without the acceptable marks on the ballot being exposed.
- (f) If, before inserting the ballot into the vote counting unit, an elector determines that a mistake has been made when marking the ballot or the ballot is inserted into the vote counting unit and returned, the elector may request a replacement ballot by advising the election official in attendance.
- (g) Upon being advised of the replacement ballot request the Presiding Election Official shall issue a replacement ballot to the elector and mark the returned ballot “spoiled” and shall retain all such spoiled ballots separately from all other ballots and they shall not be counted in the election.
- (h) If the elector declines the opportunity to obtain a replacement ballot and has not damaged the ballot to the extent that it cannot be reinserted into the vote counting unit, the election official shall, using the ballot return over-ride procedure, reinsert the returned ballot into the vote counting unit to count any acceptable marks.
- (i) Any ballot accepted by the vote counting unit is valid and any acceptable marks contained on such ballots will be counted in the election subject to any determination made under a judicial recount.

- (j) Once the ballot has been inserted into the vote counting unit and the unit indicates that the ballot has been accepted the elector must immediately leave the voting place.
- (k) During any period that a vote counting unit is not functioning, the election official supervising the unit shall direct electors to insert their ballots into the emergency ballot compartment on the understanding that if the vote counting unit:
 - i. becomes operational, or
 - ii. is replaced with another vote counting unit,
 the ballots in the emergency ballot compartment shall as soon as reasonably possible be removed by an election official and, under the supervision of the Presiding Election Official, shall be inserted into the vote counting unit to be counted.
- (l) Any ballots which were temporarily stored in the emergency ballot compartment during a period when the vote counting unit was not functioning which are returned by the vote counting unit when being counted, shall, through the use of a ballot return over-ride procedure, and under the supervision of the Presiding Election Official, be reinserted into the vote counting unit to ensure that any acceptable marks are counted.
- (m) A sample ballot that may be used in an election conducted under an automated vote counting system is attached as Schedule "A" to this bylaw.

8.3 Advance Voting Opportunity Procedures

- (a) Vote counting units shall be used at all advance voting opportunities and voting procedures at the advance voting opportunities shall follow, as closely as possible, those described in Section 5 of this Bylaw.
- (b) At the close of voting at each advance voting opportunity, the Presiding Election Official in each case shall ensure that:
 - i. no additional **ballots** are inserted in the **vote counting unit**;
 - ii. the **storage ballot compartment** is locked to prevent insertion of any **ballots**;
 - iii. the **results tapes** in the **vote counting unit** are not generated; and
 - iv. the **memory pack** of the **vote counting unit** is secured.
- (c) At the close of voting at the final advance voting opportunity, the Presiding Election Official shall:
 - i. ensure that any remaining **ballots** in the **storage ballot compartment** are inserted into the **vote counting unit**;
 - ii. secure the **vote counting unit** so that no more **ballots** can be inserted; and
 - iii. deliver the **vote counting unit** together with the **memory pack** and all other materials used in the election to the Chief Election Officer at **election headquarters**.

8.4 Special Voting Opportunity Procedures

- (a) Unless the Chief Election Officer determines it is practical to use a vote counting unit, a portable ballot box as defined herein, shall be used for all special voting opportunities. The Presiding Election Official appointed to attend at each special voting opportunity shall proceed in accordance with Sections 8.2(b), (c), (d) and (e) of this Bylaw so far as applicable, except that the voted ballots shall be deposited into the portable ballot box supplied by the Presiding Election Official.
- (b) The Presiding Election Official at a special voting opportunity shall ensure that the portable ballot box is secured when not in use and at the close of voting at the final special voting opportunity, the Presiding Election Official shall seal the portable

ballot box and return it together with all other election materials to the custody of the Chief Election Officer.

- (c) If a vote counting unit is in use at a special voting opportunity, the Presiding Election Official appointed to attend the special voting opportunity shall follow the procedures outlined in Section 8.3 of this Bylaw as if it were an advance voting opportunity.

8.5 Procedures After The Close Of Voting On General Voting Day

After the close of voting on general voting day the Chief Election Officer shall undertake all of the following generally in the order stipulated.

- (a) ensure that any remaining ballots in the emergency ballot compartment are inserted into the vote counting unit;
- (b) secure the vote counting unit so that no more ballots can be inserted;
- (c) generate two (2) copies of the results tape from the vote counting unit;
- (d) remove the memory from the vote counting unit;
- (e) account for the unused, spoiled and voted ballots and place them, packaged and sealed separately into the election materials box;
- (f) complete the ballot account and place the duplicate copy in the election materials box;
- (g) seal the elections material box;
- (h) place the voting books, the original copy of the ballot account, one (1) copy of the results tape and all completed administrative forms into the Chief Election Officer portfolio;
- (i) proceed with the advance voting opportunities ballots by opening all portable ballot boxes and following the procedures in accordance with c) to h) inclusive of this Section so far as applicable.

9. RECOUNT PROCEDURE

- (a) If a recount is required it shall be conducted under the direction of the Chief Election Officer using the automated vote counting system and generally in accordance with the following procedure;
 - i. the memory packs of all vote counting units will be cleared;
 - ii. vote counting units will be designated for the recount voting place;
 - iii. all voted ballots will be removed from the sealed election materials boxes, except spoiled ballots, and reinserted in the appropriate vote counting units under the supervision of the Chief Election Officer;
 - iv. any ballots returned by the vote counting unit during the recount process shall, through the use of the ballot return over-ride procedure, be reinserted into the vote counting unit to ensure that any acceptable marks are counted.

- (b) In the event of a tie vote after a judicial recount the tie vote will be resolved by conducting a Lot in accordance with the *Local Government Act*.

10. GENERAL

- (a) Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.

(b) If any part, Section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any 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 which shall continue in full force and effect and be construed as if the Bylaw had been adopted without the invalid portion.

11. REPEAL OF PREVIOUS BYLAW

Town of Ladysmith General Local Election Bylaw 1999, No. 1326, Town of Ladysmith Provincial Voters List Adoption Bylaw 1999, No. 1327 and Town of Ladysmith Election Procedures and Automated Voting Bylaw 1999, No. 1939, and all amendments thereto, are hereby repealed.

READ A FIRST TIME	on the	14th	day of	May,	2018
READ A SECOND TIME	on the	14th	day of	May,	2018
READ A THIRD TIME	on the	14th	day of	May,	2018
THIRD READING RESCINDED	on the	18th	Day of	June,	2018
READ A THIRD TIME AS AMENDED	on the	18th	Day of	June,	2018
ADOPTED	on the		day of		

Mayor (A. Stone)

Corporate Officer (J. Winter)

TOWN OF LADYSMITH
Municipal Election
Saturday, October xx, 2xxx

To Vote:

Completely fill in the oval beside the name(s) of the candidate(s) you wish to vote for.



Councillor
Vote for up to SIX(6)

- LAST, First
- LAST, First
- LAST, First
- LAST, First
- LAST, First
- LAST, First
- LAST, First
- LAST, First

Mayor
Vote for ONE (1)

- LAST, First
- LAST, First
- LAST, First

School Trustee
Vote for up to NINE(9)

- LAST, First
- LAST, First
- LAST, First
- LAST, First
- LAST, First
- LAST, First
- LAST, First
- LAST, First
- LAST, First
- LAST, First
- LAST, First
- LAST, First
- LAST, First

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Erin Anderson
Town of Ladysmith
Box 220
Ladysmith, BC V9G 1A2

Dear Mayor Stone and Council,

The Ladysmith Celebrations Society is requesting assistance from the Town of Ladysmith this year in obtaining liability insurance through the Municipal Insurance Authority (MIA) for the event that our volunteers put on for the community each year.

For decades the society has been organizing the summer weekend of fun for all, called "Ladysmith Days".

While the events during the weekend have changed many times over the years, it has always attracted many of Ladysmith residents as well as many 'out of towners'. Participation is open to everyone! The parade has been a source of pride for those participating and provided many smiles to our youngest in the local population. Sunny days at the beach with friendly competitions, music for all the generations, food vendors, and the culmination of the weekend – the spectacular fireworks – draw crowds from all over the island.

As with other committees in town, this festival is organized, run and held accountable with volunteers. Local businesses and individuals are involved by providing financial donations or purchased merchandise that help those volunteers ensure a fun and memorable weekend for as many who wish to participate. For years the response has always been tremendous and chronicled in the local media as such. Local citizens are encouraged to identify and then celebrate that one person – The Citizen of the Year - who has contributed much to the people or the town of Ladysmith.

This committee was not aware that there was a possibility of reducing the cost of insurance through the town, like the other committees have in the past. It would certainly help alleviate stress on the committee and allow more funds to go towards the event itself.

We hope that the Town of Ladysmith will lend assistance with the liability insurance that the Ladysmith Celebrations Society is required to purchase to provide this celebration of Ladysmith.

Thanking you in advance for what we hope will be a positive response and looking forward to what may be one of the best Ladysmith Days celebration ever!

If there should be any questions, please contact our President Barry Frech at his email, barryfrec@hotmail.com

PO Box 1273
LADYSMITH, BC V9G 1A9



MUNICIPAL INSURANCE ASSOCIATION
OF BRITISH COLUMBIA

SERVICE PROVIDER AGREEMENT

This Service Provider Agreement (the “Agreement”) is made and entered into this ____ day of

_____ by and in between:

The Town of Ladysmith (the “Local Government”)
and
Ladysmith Celebrations Society (the “Service Provider”).

The Service Provider agrees to provide the following services for or on behalf of the Local Government:

- Promote the Town of Ladysmith through the hosting of the community event called Ladysmith Days

The term of the Agreement is perpetual commencing the 26th day of June, 2018.

While providing the agreed service, the Service Provider agrees to comply with: all applicable laws, rules and regulations; the practices, procedures and policies of the Local Government; and any special instructions given to the Service Provider by representative(s) of the Local Government.

The Local Government agrees to obtain commercial general liability insurance coverage from the Municipal Insurance Association of British Columbia (MIABC) naming the Service Provider as an Additional Named Insured entitled to full coverage in the amount of \$5,000,000 with respect to third party liability claims arising from the provision of the agreed service. The Service Provider agrees to carry its own statutory worker’s compensation insurance and automobile liability insurance, if appropriate.

The Service Provider agrees to indemnify, defend and hold harmless the Local Government, its agents, servants, employees, trustees, officers and representatives from any liability, loss or damage which the Local Government may suffer as a result of any claims, demands, costs, actions, causes of actions, or judgments, including legal fees, asserted against or incurred by the Local Government arising out of, during, or as a result of the provision of services outlined in the Agreement except such liability, loss, or damage which is the result of, or arising out of, the sole negligence of the Local Government or that is covered by the MIABC liability insurance policy.

The Service Provider agrees to be responsible for any and all deductible amounts including any claim expenses incurred and policy premium payments.

The Local Government reserves the right to terminate this Agreement and the associated commercial general liability insurance coverage provided to the Service Provider by the MIABC at any time upon written notification to the Service Provider of the termination.

**ON BEHALF OF THE TOWN OF
LADYSMITH**

AARON STONE

Name

MAYOR

Title

Signature

Date

JOANNA WINTER

Name

CORPORATE OFFICER

Title

Signature

Date

**ON BEHALF OF THE LADYSMITH
CELEBRATIONS SOCIETY**

BARRY FRECH

Name

PRESIDENT

Title

Signature

Date