



## TOWN OF LADYSMITH

A regular meeting of the  
Council of the Town of Ladysmith  
will be held in Council Chambers at City Hall on

**MONDAY, FEBRUARY 16, 2009**  
at 7:00 P.M.

# AGENDA

### CALL TO ORDER

**Page**

1 **AGENDA APPROVAL**

2. **DELEGATIONS**

2.1 Bill Eller, Treeline Properties Limited

Re: Holland Creek Local area Plan and Infrastructure Requirements  
Transition from "Community Visioning" Project to Local Area Plan Review

**1 - 3**

2.2 Representatives from Small Craft Harbours (SCH) and Ladysmith Fishermen's Wharf

Re: West Coast Community Adjustment Program- Breakwater Project -  
Pedestrian Boardwalk

3 **BYLAWS (OCP / ZONING)**

None

4 **DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS**

None

5 **STAFF REPORTS / COMMISSION REPORTS**

5.1 Manager of Development Services

Re: Ladysmith Government Dock / Fishermen's Wharf - Breakwater Project

**5 - 11**

5.2 Parks, Recreation & Culture Commission

Re: Lights for Dunsmuir Walkway

**13 - 14**

5.3 Parks, Recreation & Culture Commission

Re: Olympic Torch Relay

**15**

5.4 Parks, Recreation & Culture Commission

Re: Tree Protection Bylaw

**17**

5.5 Parks, Recreation & Culture Commission

Re: Artificial Turf at Aggie Fields

**19**

6 **CORRESPONDENCE**

6.1 D. Bell, President - Ladysmith Maritime Society

Re: Request for Space in Machine Shop (Expo Legacy Building)

**21**

- 
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- 6.2 J. Manning, Director – MPH Holdings Ltd.  
Re: Ladysmith “Community Visioning” Report

**23 - 24**

7 **QUESTION PERIOD**

8 **EXECUTIVE SESSION (Following the Regular Session of Council)**

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

- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*];
- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;

9 **ARISE AND REPORT**

**ADJOURNMENT**



## TREELINE PROPERTIES LIMITED

#11 - 740 1<sup>st</sup> Avenue  
Ladysmith, B.C. V9T 3L3

Phone: (250)245-5590  
Cell: (250)744-7411

Mayor & Council  
Town of Ladysmith  
410 Esplanade  
P.O. Box 220  
Ladysmith, B.C. V9G 1A2

January 30, 2009

By e-mail to: [rmalli@ladysmith.ca](mailto:rmalli@ladysmith.ca), and  
[rhutchins@ladysmith.ca](mailto:rhutchins@ladysmith.ca)

Dear Mayor & Council,

Re: Ladysmith "Community Vision" Report

I would like to commend and congratulate the Mayor & Council, both past and present, for the success of their "Community Vision" for the Town of Ladysmith. The Report prepared by HB Lanarc Consultants Ltd., is a unique and highly professional approach to capturing the imagination of the Ladysmith community, and synthesizing the results arising from the extensive series of public involvement workshops.

I attended the workshops, which were well attended and attracted a diversity of the Ladysmith demographic, and I support and endorse the final Report as an accurate and comprehensive reflection of the expectations of the community of Ladysmith, in the context of the preferred form and character of the future evolution of its Waterfront, Downtown and Holland Creek areas.

In my observation, the "visioning initiative" has been extremely informative and has energized the community to the notion of utilizing their involvement to *actually participate* in the formulation of development policy and implementation. It has been an empowering experience for the community, and the momentum generated by this initiative should continue, if it is to achieve the greatest effect.

Accordingly, in my view, it's critically important to capture that energy of a now well-informed community, together with the "Community Vision" Report, to progress seamlessly into various Reviews of Local Area Plans.

As one of the development proponents for the east Holland Creek plateau [parent company to 1399 Developments, Inc.], shown in *pink* on the attached map, I consider the Holland Creek Local Area Plan, to be Ladysmith's highest planning priority. In my view, Ladysmith's Downtown and Waterfront, have well-understood and high-functioning Local Area Plans that will need to be brought into harmony with the "Community Vision". However, the Holland Creek Local Area Plan, and current zoning, are seriously out of date, and profoundly at odds with the "Community Vision".

It has been over six years since we first crafted, together with the Town of Ladysmith, Mayor and Council, the opportunity to jointly preserve 30 acres of the natural environment corridor for the Holland Creek Trail network, extending from the wooden footpath bridge located near the Town Reservoir, downstream for nearly a mile along Holland Creek, shown in *green* on the attached map.

Since that moment, we have been diligently and persistently encouraging the Town of Ladysmith to provide us with an appropriate regulatory planning environment, suitable zoning and the necessary approvals to proceed with our development. At present, we have blanket zoning for exclusively *single-family residential*.

For nearly four years, we have been openly supportive of co-funding a Holland Creek Local Area Plan Review, in hopes of accelerating an update to the development planning environment, while at the same time, mitigating the cost of such a planning exercise for the Town of Ladysmith.

Completion of the "Community Visioning" project report, now affords us with the perfect opportunity to make effective use of the energy, informed citizens and a well-articulated summary of the expectations of the community, to make an immediate and seamless transition into a Holland Creek Local Area Plan Review and companion update to the Land Use Bylaw.

I plead with the Town of Ladysmith, its Mayor & Council, to not procrastinate on this extraordinary and timely opportunity.

Thank you, for your patience and consideration.

Sincerely,

**TREELINE PROPERTIES LIMITED**  
**1399 DEVELOPMENTS, INC.**

  
William B. Eller, R.P.F. [Ret'd], Cert. ConRes.  
President

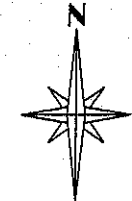
WBE/me

cc. John Manning - MPH Holdings Ltd.

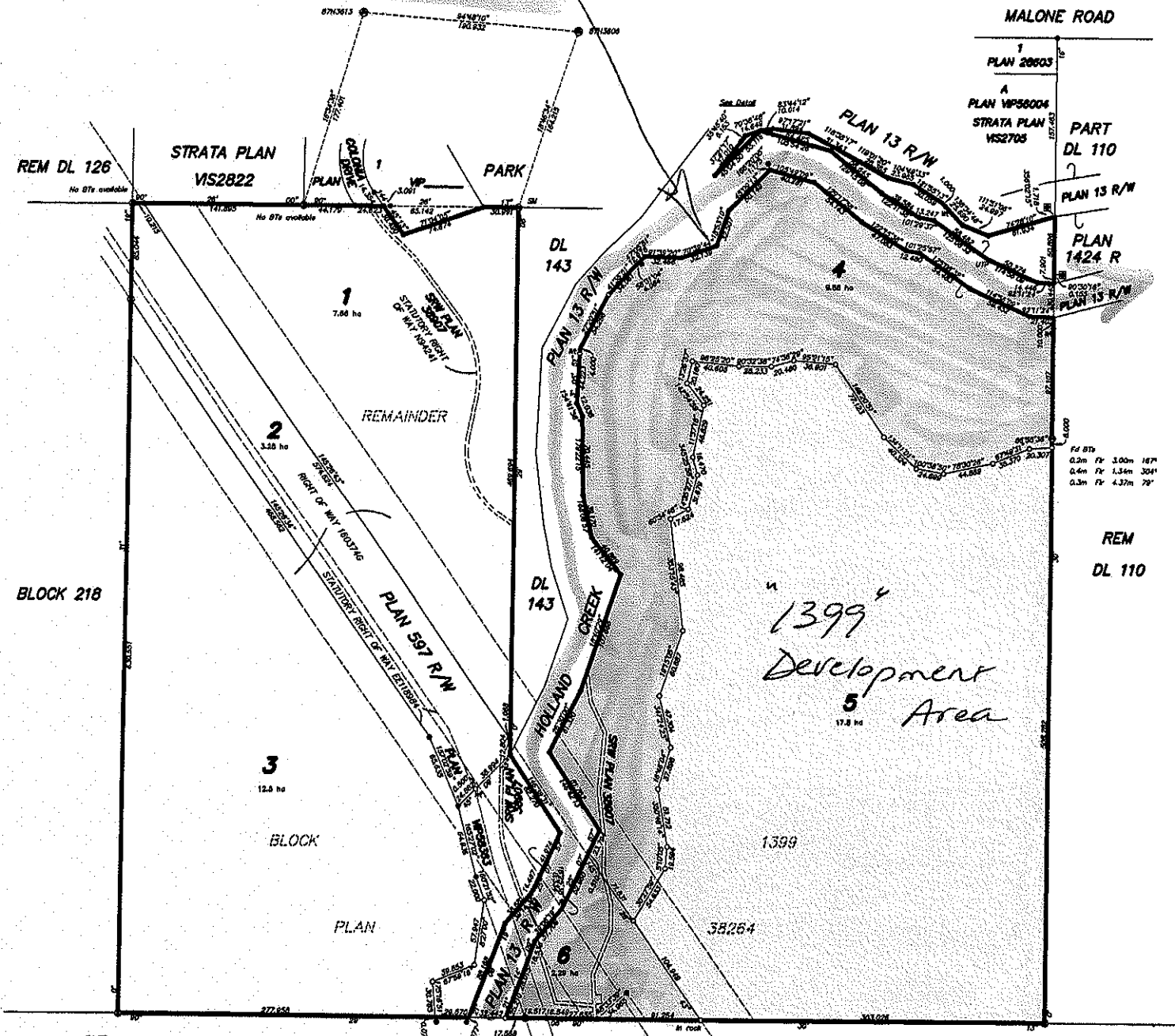
Detail  
(Not to scale)

PLAN 13 R/W

PLAN 13 R/W



Holland  
Creek Corridor



REM DL 126  
No BTs available

STRATA PLAN  
VS2822

PARK

MALONE ROAD

1  
PLAN 28603

A  
PLAN WP58004  
STRATA PLAN  
VS2705

PART  
DL 110

PLAN 13 R/W

PLAN 1424 R

PLAN 13 R/W

Fd BTs  
0.2m Fr 3.00m 187°  
0.4m Fr 1.34m 304°  
0.3m Fr 4.37m 79°

REM

DL 110

BLOCK 218

DL 143

DL 143

1399  
Development  
Area

1399

58264

BLOCK 192

Fd BTs  
0.2m Arbutus 3.22m 136° (Marked 18 Inches)  
0.2m Arbutus 3.40m 170°  
0.3m Arbutus 10.45m 337° (Marked 58 Inches)

Fd BTs  
0.15m Arbutus 2.09m 253°  
0.2m Arbutus 4.55m 346°  
0.3m Arbutus 3.61m 80°

Notarialis  
CANADIAN IMPERIAL BANK OF COMMERCE

Authorized Signatory

Authorized Signatory

Witness

Address

Occupation

Registered Owners  
1399 DEVELOPMENTS INC. B.C. NO. 842003

Authorized Signatory

Authorized Signatory

Witness

Address

Occupation

3

This Plan lies with the  
Creston Valley Regional District.

Files: 0137PB-00  
Archive: 00-FIBMAX-S0  
COWI & ASSOCIATES  
Land Surveying Ltd.  
1-16 Cordova Avenue  
Victoria, B.C. V8C 1T3  
Tel: 475-1515 FAX: 475-1516

I, Peter L. M. Brown, a British Columbia Land Surveyor of  
Victoria, in British Columbia, certify that I was present at  
and personally supervised the survey represented by this  
plan, and that the survey and plan are correct. The field  
survey was completed on the 18th day of June, 2003.  
The plan was compiled and checked, and the checklist  
filed under ECP-3230, on the 14th day of July, 2003.





## Town of Ladysmith

### **STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Manager of Development Services  
Date: December 8, 2008  
File No: 2380-20 (DL2106)

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Re: LADYSMITH GOVERNMENT DOCK / FISHERMEN'S WHARF - BREAKWATER PROJECT

#### RECOMMENDATION:

That Council support the request from Small Craft Harbours (SCH) that SCH, at its cost, make an application to ILMB to transfer a portion of Block C, DL 2106 to SCH for the construction of a rock breakwater structure to connect the existing breakwater to shore, as long as the breakwater structure is constructed in such a way as:

- to make possible vehicle access, pedestrian access and future use as a causeway / public access recreational opportunity, and
- to not impede or affect the existing boat ramp by this work now or in the future following completion of the project,

And further that the Chemainus First Nation be notified, for information purposes, of the proposal from SCH.

#### BACKGROUND / HISTORY:

At its meeting held December 17, 2007, Council supported a request from the Ladysmith Fishermen's Wharf Association (LFWA) and Small Craft Harbours (SCH) to transport material for the repair and extension of the LFWA breakwater through the Town's water lot, and for LFWA/SCH to undertake detailed studies on how to optimize the long-term use of this access and on-going upkeep of the government wharf (2007-624). Chemainus First Nation was informed of this project.

Since that time, the LFWA/SCH has undertaken to repair and extend the breakwater and this work is nearing completion. The SCH is now interested in discussing the potential of extending the breakwater to shore, including the potential for the construction to allow for future pedestrian access of the breakwater (causeway). The rock breakwater would be constructed in such a manner to permit flushing and fish movement. New fish habitat along the breakwater will be created as approved by Fisheries and Oceans Canada.

#### ANALYSIS:

The further development of the breakwater will require access to a portion of Block C, DL 2106 currently leased by the Town. The attached letter from SCH outlines the

request. Future pedestrian access has been designed into the project consistent with the Town's interest in enhanced pedestrian access to the foreshore. The breakwater would also provide additional protection to the boat launch, and recreational boat access to open water through the Ladysmith Fishermen's Wharf facility would continue.

I concur with the recommendation:



\_\_\_\_\_  
Ruth Malli, City Manager

**ATTACHMENTS:**

Letter from Fisheries and Oceans – Small Craft Harbours, (November 14, 2008).





Fisheries  
and Oceans

Pêches  
et Océans

Pacific Region  
Andrew Cornell, P.Eng  
Small Craft Harbours, Pacific Region  
Fisheries and Oceans Canada

November 14, 2008

Felicity Adams  
Manager of Development Services  
Town of Ladysmith  
410 Esplanade, PO Box 220  
Ladysmith BC  
V9G 1A2

Mrs. Adams,

DFO – Small Craft Harbours is in the process of upgrading the existing rock breakwater located at the Ladysmith harbour facility.

Significant public benefit could be realized if the scope of the project is increased to include connecting the breakwater to shore and preparing the surface for vehicle access.

These benefits may include: improved wave protection for the public harbour and boat launch, improved access to ocean resources, increased functionality of the fishing harbour for the purposes of loading and offloading, and the opportunity to integrate this facility with overall planning for the bay and make possible consideration for future public amenities.

Currently the property that would enable this amenity is under the control of the Corporation of the Town of Ladysmith. In order to make improvements to this property, Small Craft Harbours requests for your consideration the following proposal:

The Corporation of the Town of Ladysmith Agrees:

1. To support the transfer of the identified portion of Block C, DL 2106 to Small Craft Harbours.
2. That the purpose of this transfer would be to enable Small Craft Harbours to increase the scope of the current project to include construction of the rock breakwater structure to shore.

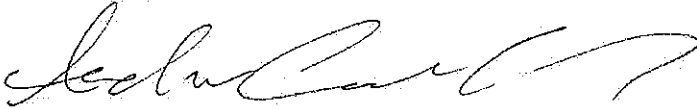
Canada

3. That the rock breakwater structure is to be constructed in such a way as to make possible vehicle access, pedestrian access, and future use as a causeway.
4. To consent, as upland owner, to this construction and operation.

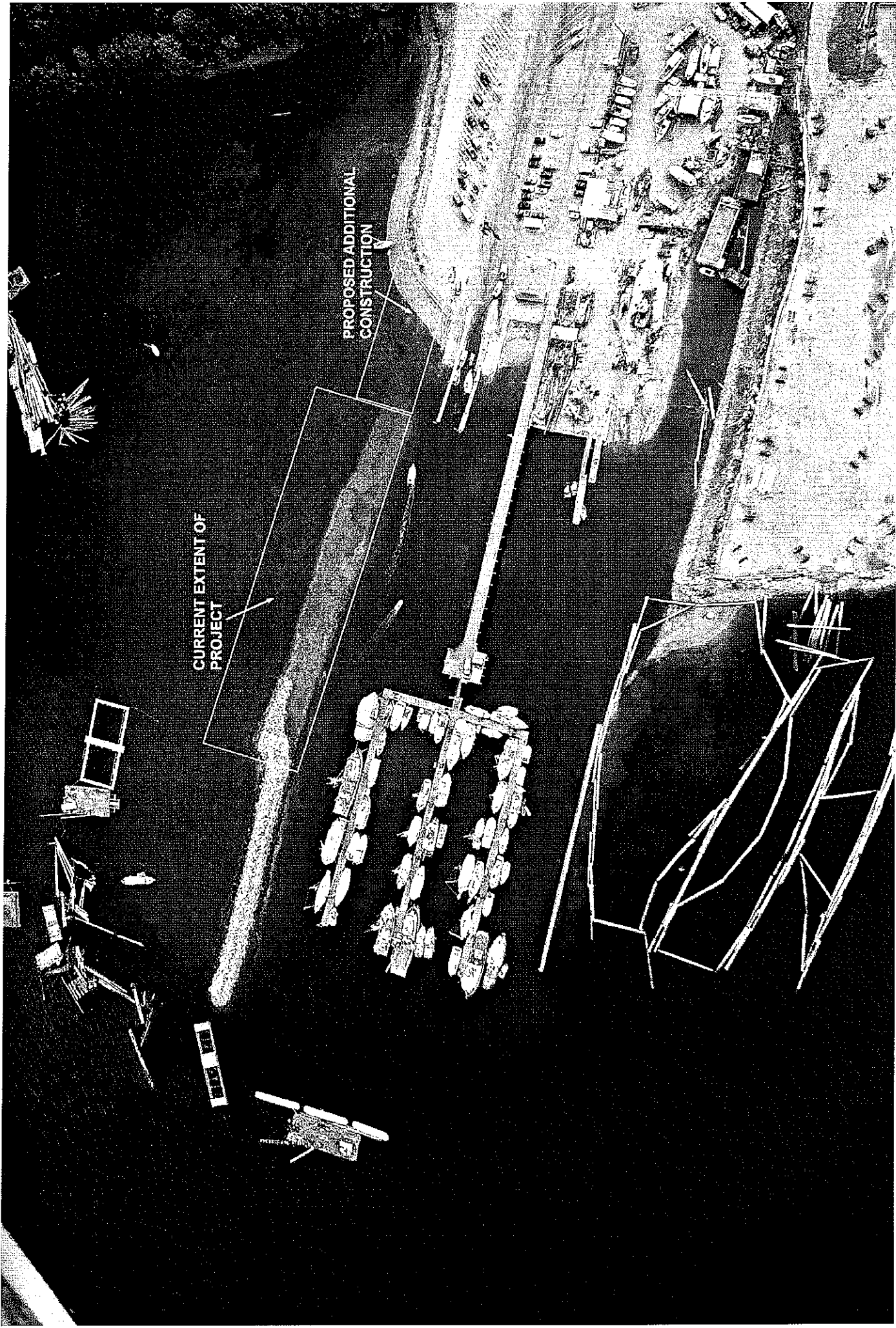
With the concurrence of the Corporation of the Town of Ladysmith, Small Craft Harbours will proceed with an application to ILMB. All costs, processes, and regulatory requirements for this transfer will be borne by Small Craft Harbours.

Thank you once again for your time and consideration on this project.

Sincerely yours,

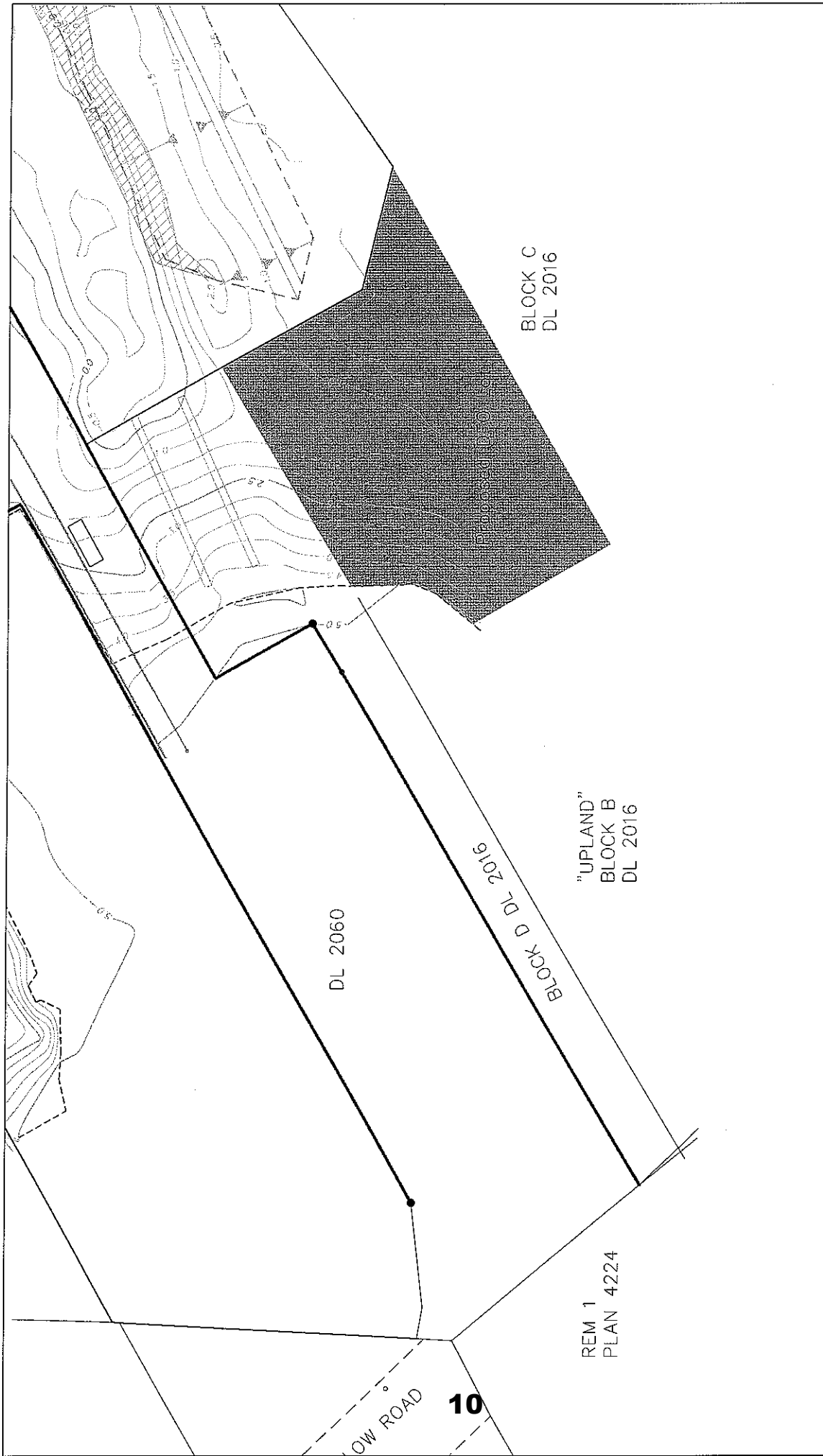
A handwritten signature in black ink, appearing to read "Andrew Cornell", written in a cursive style.

Andrew Cornell, P.Eng  
Small Craft Harbours, Pacific Region

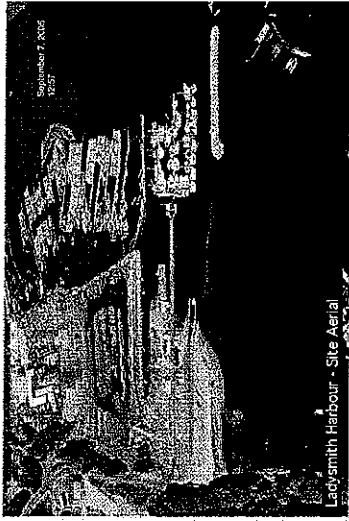


CURRENT EXTENT OF PROJECT

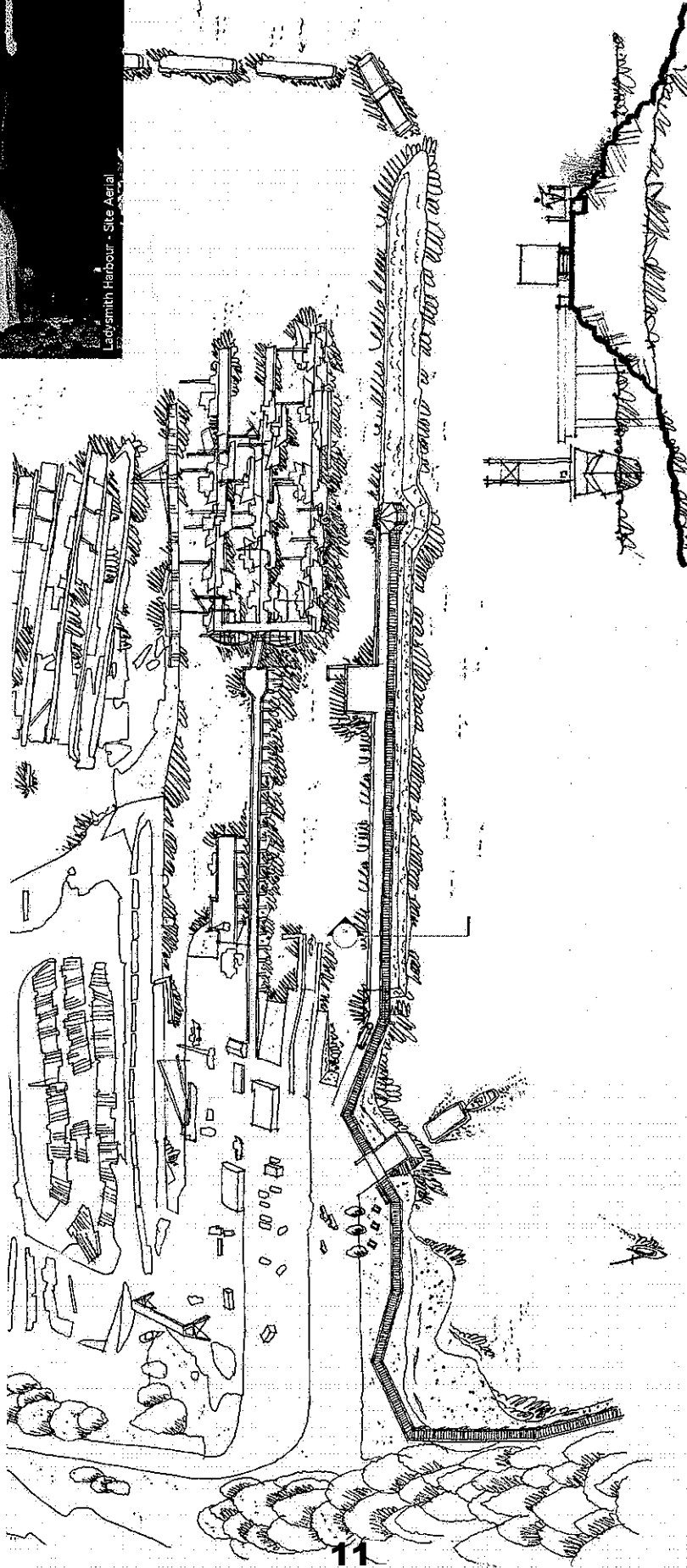
PROPOSED ADDITIONAL CONSTRUCTION



DEPARTMENT OF FISHERIES AND OCEANS SMALL CRAFT HARBOURS BRANCH	SCALE	DATE	REVISION
	LADYSMITH SMALL CRAFT HARBOUR Proposed Property Plan BASE PLAN	DATE MAY 2007 DRAWING NUMBER 01010608	
DESIGNED DRAWN CHECKED REVISIONS APPROVED		NO.	DATE
			REVISIONS
			NOTES
			REFERENCE DRAWINGS
			DATE



LadySmith Harbour - Site Aerial



1 Proposed

2 Existing Through City Centre



**SHARP & DIAMOND**  
 CONSULTANTS  
 10000 Highway 100  
 Suite 100  
 Richmond, BC V6V 2G9  
 Tel: 604-273-8888  
 Fax: 604-273-8889  
 Email: info@sharpanddiamond.com

**LADYSMITH FISHERMAN'S WHARF  
 ASSOCIATION - BREAKWATER REPAIRS**

No.	Date	By
1	2018	SHD
2	2018	SHD
3	2018	SHD

NO.	DATE	BY
1	2018	SHD
2	2018	SHD
3	2018	SHD

NO.	DATE	BY
1	2018	SHD
2	2018	SHD
3	2018	SHD

BREAKWATER REPAIRS  
 FUTURE YEARS  
**L 2.0**





## Town of Ladysmith

### **COMMISSION REPORT**

To: Mayor and Council  
From: Parks, Recreation & Culture Commission  
Date: January 22, 2009  
File No:

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#### **RE: LIGHTS FOR DUNSMUIR WALKWAY**

##### RECOMMENDATION

**THAT Council consider the installation of lights for the Dunsmuir walkway during the 2009 budget discussion;**

##### BACKGROUND

In 2005, many neighbours met with Council to detail the problems they have faced as a result of living near this walkway. An attempt by staff at Ladysmith Secondary School to encourage students to use this walkway in an appropriate manner provided some relief for these residents.

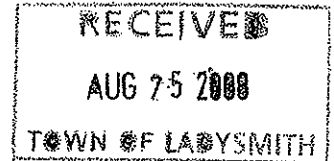
Since that time, there have been many additional complaints made by the residents who border this walkway particularly during times of school closures. A recent letter from the vice president of the Colonia Gardens Strata Council prompted the revisit of this issue. The Parks, Recreation & Culture Commission considered several options in an effort to discourage youth from loitering and causing mischief. It is the opinion of the Commission that lighting the pathway in the same manner as the surrounding street lights or with a motion sensor would be the best option. The cost of this project will be approximately \$6,000.

##### ATTACHMENTS:

Letter from Colonia Gardens Strata Council

August 14<sup>g</sup>.

# Colonia Gardens VIS 2165



Mr. Rob Hutchins, Mayor,  
and Ladysmith Town Council  
Municipal Hall  
410 Esplanade, P.O. Box 220  
Ladysmith, British Columbia  
V9G 1A2

Thursday, August 21, 2008

Dear Mr. Mayor and Town Councillors:

Re: Walkway between Ladysmith High School and Dunsmuir Crescent

The home owners alongside and adjacent to the walkway have been subjected to abuse and dangerous behaviour on three occasions this month.

Between 10:00 PM and midnight on August 15, a group of male and female teenagers were drinking alcohol and exploding fireworks in closed containers. Their language was foul and the noise was upsetting to the seniors who live in Colonia Gardens. More drinking and abusive behaviour occurred on the night of August 16, and on the night of August 17 rowdies scaled the fence between the school field and Unit 9 of Colonia Gardens. At this same time, rocks were throw against the sunroom at Unit 11 and against the wall of Unit 9.

Numerous complaints about destructive and inappropriate behaviours by teenagers have been lodged at City Hall by the unfortunate people who live alongside this particular walkway over the years. The on-going problems are directly related to the walkway's existence, and the fact that it is not policed on a regular basis. On behalf of the Colonia Gardens Strata Council, I request that you and Town Council seriously consider closing this walkway. There are many alternative routes to the two schools and to the recreation centre.

Sincerely yours,

A handwritten signature in cursive script that reads "Roy M. Hoggard".

Roy M. Hoggard

Vice President, Colonia Gardens VIS 2165

17—815 Dunsmuir Crescent

Ladysmith, British Columbia V9G 1R8

(250) 245-7128

cc. Kathy Holmes, C. Brunton, C. & B. Black, P. Wilde





## Town of Ladysmith

### **COMMISSION REPORT**

To: Mayor and Council  
From: Parks, Recreation & Culture Commission  
Date: January 22, 2009  
File No:

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#### **RE: OLYMPIC TORCH RELAY**

##### RECOMMENDATION

**THAT Council send a letter to the Olympic Relay Committee requesting that the relay be diverted through parts of Ladysmith or that Ladysmith become a Celebration Community.**

##### BACKGROUND

On October 31, 2009, the 2010 Olympic Torch Relay will be running through Ladysmith via the Trans Canada Highway. Ladysmith was not selected as a Celebration Community, which means the participants will not be stopping in Ladysmith.

##### ATTACHMENTS:





## Town of Ladysmith

### **COMMISSION REPORT**

To: Mayor and Council  
From: Parks, Recreation & Culture Commission  
Date: January 22, 2009  
File No:

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#### **RE: TREE PROTECTION BYLAW**

#### **RECOMMENDATION**

**THAT that Council request that Staff make the completion of the Tree Protection Bylaw a higher priority.**

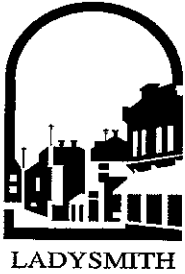
#### **BACKGROUND**

Since 2003 staff have been working with a committee comprised of two members of the Parks, Recreation & Culture Commission and two members of Advisory and Planning Committee as well as consultants to create a Tree Protection Bylaw. The first of seven drafts was completed in 2005 and the last was completed February 2007.

The Parks, Recreation & Culture Commission wish to request that Council direct staff to determine administrative requirements, including seeking legal counsel, submit to Council their recently requested report on the feasibility of implementing regulations pertaining to tree retention on bare land and anything else deemed necessary to ensure this bylaw is submitted to Council for consideration and possible adoption.

#### **ATTACHMENTS:**





Town of Ladysmith

**COMMISSION REPORT**

To: Mayor and Council  
From: Parks, Recreation & Culture Commission  
Date: January 22, 2009  
File No:

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**RE: ARTIFICIAL TURF AT AGGIE FIELDS**

RECOMMENDATION

**THAT Council direct Staff to continue to pursue funding opportunities for a multi-use artificial turf field at the Aggie field site.**

BACKGROUND

The Parks, Recreation & Culture Commission considered the benefits of installing a multi-use artificial turf field: approximately 85,000 litres of water saved per year; a reduction of urban runoff caused by irrigation; no fertilizer, pesticides or mowing; centrally located and accessible; availability during most conditions; and the ability to host year-round tournaments increasing patronage of restaurants, local accommodation, and other amenities.

ATTACHMENTS:





# Ladysmith Maritime Society

Box 1030, Ladysmith B.C., V9G 1A7 | www.ladysmithmaritimesociety.ca | 250.245.1146

February 9th, 2009

RECEIVED  
FEB 09 2009

Town of Ladysmith  
410 Esplanade, PO Box 220  
Ladysmith BC  
V9G 1A2

Attention: Mayor and Council

This letter is a follow-up to our April 10, 2008 letter requesting space in the Expo Legacy Building. We are seeking reconsideration of our original request for Unit C on the main floor as well as a portion of the space on the upper level.

Our request for reconsideration is based on the following:

- Significant increases in the costs associated with bringing unit M to a level acceptable for daily use.
- Recognition that this request is for a transition period until a Marine Tourism Centre is completed as part of the Community Marina implementation plan. This centre would contain visitor greeting areas, washrooms, showers, laundry facilities and space for administration functions. Costs for this facility are included in both our ICET and Community Futures applications.

Our primary focus for the Unit C space is to support our initiatives targeted at enhancing Ladysmith as a marine tourism destination by providing:

- Visitor moorage booking, on-the-water directions to Marina, slip assignment
- Information about regional events and activities
- Facilities for planning provisioning of vessels
- Hospitality centre for visitors to meet family and friends from the community and arrange transportation to visit other local attractions.
- Access to Internet, phone and fax
- Organization and booking of harbour tours

The space on the upper level would be used for festival preparation and planning and administration functions such as meeting room, telephone, internet, fax and filing.

In our original request, we identified the need to provide washroom and shower facilities for our Marine Tourism initiatives. Work is nearly complete on upgrading the washroom facilities.

Reconsideration of our request is appreciated.

Yours sincerely,

D.H. Bell  
President





*MPH Holdings Ltd.*

c/o 430 Wentworth Street  
Nanaimo, B.C.  
V9R 3E1

Telephone: (250) 753-6766  
Facsimilie: (250) 753-0080

Staff Recommendation

That the correspondence be received and referred to staff for review and inclusion in the visioning implementation strategy.

I concur with the recommendation:

*R. Malli*

R. Malli, City Manager

February 5, 2009

Via Email to: [rmalli@ladysmith.ca](mailto:rmalli@ladysmith.ca)  
[rhutchins@ladysmith.ca](mailto:rhutchins@ladysmith.ca)  
[fadams@ladysmith.ca](mailto:fadams@ladysmith.ca)

Town of Ladysmith  
410 Esplanade  
P.O. Box 220  
Ladysmith, B.C.  
V9G 1A2

Dear Mayor and Council:

**Re: Ladysmith "Community Vision" Report**

We are the owners of Lot A, District Lot 110 (the "MPH Lands"), a 43 acre piece of land in the Holland Creek Local Area Plan.

We have reviewed the draft of the Community Visioning Report prepared by HB Lanarc Consultants Ltd. (the "Report"). The Town of Ladysmith is to be commended for initiating the visioning process which resulted in the production of the Report. As the Town of Ladysmith moves forward to review its existing local area plans, the value of the Report to the community, the town council and developers will be significant, largely because of the extensive public input utilized by HB Lanarc prior to preparing the Report. The citizens have spoken, and it is incumbent upon Council and landowners to use their best efforts to continue to move the process forward.

As one of the largest landowners in the Holland Creek area, we are in support of the Town of Ladysmith commencing a review of the Holland Creek Local Area Plan as soon as practicable. In order to expedite the process, we are supportive of co-funding the costs of the Holland Creek Local Area Plan review on an equitable basis with the other landowners and the Town.

The community visioning project, and the Report, have created positive momentum at the grassroots community level. We urge the Mayor and Council to take advantage of this

momentum and energy, and initiate the review of the Holland Creek Local Area Plan at the earliest possible moment.

We trust that the foregoing is in order. If you have any questions or concerns, please do not hesitate to contact the writer.

Yours truly,

MPH HOLDINGS LTD.

Per:

John R. Manning  
Director

JRM/ot

cc. Mr. William Eller - 1399 Developments, Inc.

Encls.