



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, DECEMBER 7, 2009
at 7:00 p.m.

AGENDA

CALL TO ORDER

Page

1 **EXECUTIVE SESSION (5:45p.m.)**

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;

2 **RISE AND REPORT**

3 **CALL TO ORDER**

4 **AGENDA APPROVAL**

5 **MINUTES**

Adoption of following minutes:

- November 16, 2009

1 - 5

6 **PUBLIC HEARING**

6.1 Official Community Plan and Zoning Amendment Application 3360-09-03

Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 28), 2009, No. 1700
Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 77), 2009, No. 1701
315 Holland Creek Place – Lot 1, DL43, Oyster District, Plan 32981

6 - 14

7 **BYLAWS (OCP / ZONING)**

7.1 Official Community Plan and Zoning Amendment Application 3360-09-03

Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 28), 2009, No. 1700
Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 77), 2009, No. 1701
315 Holland Creek Place – Lot 1, DL43, Oyster District, Plan 32981

6 - 14

Re: Bylaw 1700 may be read a third time and adopted.

Bylaw 1701 may be read a third time and adopted.

8 **DELEGATIONS**

None

	Page
9 Council Appointments - 2010	
1. Appointment: Deputy Mayor	Mayor
2. Appointment: Parcel Tax Review Panel	Mayor
3. Appointment: CVRD Director	Resolution
4. Appointment: CVRD Alternate Director	Resolution
5. Appointment: V.I. Regional Library Board Director	Resolution
6. Appointment: Standing & Community Committees	Mayor
10 PROCLAMATIONS	
10.1 Mayor Hutchins has proclaimed: February 20, 2010 as Kinsmen and Kinettes Day and February 14 – 20, 2010 as Kinsmen and Kinettes Week in the Town of Ladysmith.	
11 DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS	
11.1 <u>Development Permit Application 3050-09-11 (Environmentally Sensitive Area)</u> S. and E Wilkinson - 547 Green Horn Place Lot C, District Lot 97, Oyster District, Plan VIP7364	15 - 19
12 COUNCIL COMMITTEE REPORTS	
12.1 <u>Mayor R. Hutchins</u> CVRD; Trolley Committee; Early Years Partnership	
12.2 <u>Councillor S. Bastian</u> Advisory Planning Commission; Protective Services Committee; Youth Advisory Committee	
12.3 <u>Councillor J. Dashwood</u> Liquid Waste Management Committee	
12.4 <u>Councillor S. Arnett</u> Economic Development Commission; Parks, Recreation & Culture Commission; Chamber of Commerce	
12.5 <u>Councillor D. Paterson</u> Government Services Committee; Parks, Recreation & Culture Commission; Celebrations Committee; Festival of Lights	
12.5.1 <u>Government Services Committee Recommendations</u> Recommendations from the meeting of November 16 and November 30, 2009.	20 - 21
12.6 <u>Councillor L. Evans</u> Heritage Revitalization Advisory Commission; Community Health Advisory Committee; Social Planning Cowichan	
12.7 <u>Councillor B. Whittington</u> Vancouver Island Regional Library Board; Advisory Design Panel; Environment Commission	
13 STAFF / ADVISORY COMMITTEE REPORTS	
13.1 <u>2010 Council Meeting Schedule</u>	22 - 23

	Page
13.2 <u>Transfer Beach Grill – Parking Covenant</u>	24 – 34
13.3 <u>Official Community Plan (OCP) Amendment and Rezoning Application 3360-09-08</u> 1237 4 th Avenue – Lot 1, District Lot 97, Oyster District, Plan VIP84065 M. Pilcher and Associates Inc.	35 – 43
14 CORRESPONDENCE	
14.1 <u>D. Parker, President and CEO – StrongWood Technologies Inc.</u> Re: Request for Letter of Support Staff Recommendation <i>That Council consider if it wishes to send a letter of support to Western Economic Diversification Canada for the establishment of a StrongWood Technologies facility in Ladysmith as per the sample submitted.</i>	44 – 46
14.2 <u>S. D. M. Thompson Nation President, Kin Canada</u> Re: Advertising – KIN Magazine Staff Recommendation: <i>That Council consider if it wishes to support Kin Canada through the annual “Message of Support” campaign and if support is authorized, Staff be directed to arrange for a 1/12 page ad at a cost of \$250.</i>	47 – 48
14.3 <u>H. Nyce, President, Union of British Columbia Municipalities</u> Re: Gas Tax Agreement Community Works Fund Payment Staff Recommendation: <i>That the correspondence be received.</i>	49
14.4 <u>R. Bonanno, Executive Director – Vancouver Island Regional Library</u> Re: Appointment to the 2010 Vancouver Island Regional Library Board Staff Recommendation: <i>That the VIRLB be advised of Council's appointment to the Board ratified earlier in the meeting.</i>	50
15 BYLAWS None	
16 NEW BUSINESS	
17 UNFINISHED BUSINESS	
17.1 <u>Proceeds from Sale of Dunsmuir’s Dream Books</u> Council will recall that at the meeting held on July 6, 2009 the following resolution was adopted: <i>"That Staff be directed to transfer the Town's complete inventory of the publications entitled 'Dunsmuir's Dream' and the 'Ladysmith Heritage Inventory' to the Ladysmith and District Historical Society (LDHS) to manage, and that the LDHS be advised that they may retain all financial proceeds from the sale of the books, and that the LDHS be further advised that they must continue to pay a \$5.00 per book donation from the sale of the "Ladysmith Heritage Inventory" books to the Knight family."</i>	

As directed by Council, Staff confirmed with the Heritage Revitalization Advisory Commission (HRAC) that it supports the transfer of \$4,810 currently in the "Dunsmuir's Dream" fund to the LDHS. Council's consideration of the following staff recommendation is requested:

That the \$4,810 currently in the "Dunsmuir's Dream" book fund be transferred to the Ladysmith and District Historical Society as soon as possible.

18 **QUESTION PERIOD**

ADJOURNMENT



Town of Ladysmith

Minutes of a meeting of Council of the Town of Ladysmith held in Council Chambers at City Hall on Monday, November 16, 2009 at 7:00 p.m.

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins	Steve Arnett
Scott Bastian	Jillian Dashwood
Lori Evans	Duck Paterson
Bruce Whittington	

STAFF PRESENT:

Ruth Malli	Sandy Bowden
Rebecca Kalina	

Mayor Hutchins called the meeting to order at 6:41 p.m.

EXECUTIVE SESSION

2009-565

It was moved, seconded and carried that this meeting retire into Executive Session (6:41 p.m.) pursuant to Section 90(1) of the Community Charter to consider the following items:

- 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;
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;
- labour relations or other employee relations;

The Regular Session of Council was called to order at 7:00 p.m.

AGENDA APPROVAL

The Mayor requested Council's consideration of the following additions to the agenda:

- 10.6 - Ladysmith Community Services Centre Construction Manager Contract
- 10.7 - Waterfront Environmental Assessment (Verbal Report)

2009-566

It was moved, seconded and carried that the agenda for the Regular Council meeting for Monday, November 16, 2009 be approved as amended.

MINUTES

2009-567

It was moved, seconded and carried that the Council minutes of November 2, 2009 be approved as circulated.

PUBLIC HEARINGS

PUBLIC HEARING - Bylaw 1696 and Bylaw 1697 - 208 High Street / 217 Buller Street

APPLICANT AGENT
Town of Ladysmith

PUBLIC ATTENDANCE: 4

A Public Hearing for Bylaw 1696 and Bylaw 1697 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Monday, November 16, 2009 at 7:01 p.m.

Mayor Hutchins welcomed the public and noted that the public input portion of the hearing would take place in two parts - Part 1 would entertain questions clarifying the project or bylaw and Part 2 would afford attendees an opportunity to provide comments to Council on the proposed development.

Felicity Adams, Manager of Development Services, provided an overview of the application submitted by the Town of Ladysmith for Block B, District Lot 56, Oyster District, Plan 6460, Except Part in Plan 13908 and VIP68919. She noted that the property is located at 208 High Street and 217 Buller Street and that the purpose of Bylaw 1696 is to amend the Official Community Plan to re-designate the subject property from Multi-Family Residential to Institutional and remove the property from Commercial Development Permit Area (DPA3); the purpose of Bylaw 1697 is to amend the Zoning Bylaw to rezone the subject property from Multi-Family Residential (R-3) to Institutional Zone (P-1) to permit a Community Services Centre/Civic Space. She stated that Bylaw 1697 would also add a definition for Park and Open Space and would amend the definition of Public Assembly Use to include outdoor market and permit offices associated with public assembly uses and would permit Park and Open Space use in all zones.

Ms. Adams advised that the Public Hearing notice was published in the Chronicle newspaper on November 3, 2009 and November 10, 2009 and posted on community notice boards through out Town and on the Town's website. Notices were also mailed and delivered to neighbouring property owners and a copy was made available at the front counter at City Hall for the two week notice period. She stated that a neighbourhood information meeting was held on October 6, 2009 and there were five members of the public in attendance. She noted that comments were supportive of the project and that two written submissions were received that provided the following comments.

- Support for the project;
- Concern about noise level and seniors' centre parking during construction;
- That the access to the food bank and resource centre needs to be at ground level;
- Concern about impact on view shed and height; noise during construction and potential extended hours for construction.

Ms. Adams advised that this application was reviewed by the Advisory Planning Commission (APC) at their October 8, 2009 meeting. The APC supported proposed Bylaws 1696 and Bylaw 1697 and encouraged green building design. She further commented that there was one written submission, one telephone call and two in-person enquiries received at City Hall in connection with this Public Hearing.

Mayor Hutchins called for questions a first time.

R. Jackson asked where the property in question is located.

Mayor Hutchins explained that the property is located at 208 High Street and 217 Buller Street.

Mayor Hutchins called for questions a second time.

Mayor Hutchins called for questions a third time.

No further questions were asked.

Mayor Hutchins called for comments a first time.

Mayor Hutchins called for comments a second time.

Mayor Hutchins called for comments a third time.

No comments were made.

Mayor Hutchins called for any written submissions. No letters were forthcoming.

Hearing no further comments, Mayor Hutchins declared that the Public Hearing for Bylaw 1696 and Bylaw 1697 was closed, (7:05 p.m.)

It was moved, seconded and carried that Town of Ladysmith Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 27), 2009 No. 1696 be read a third time and adopted;

And that Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 76), 2009, No. 1697 be read a third time and adopted.

**DEVELOPMENT
PERMITS /
DEVELOPMENT
VARIANCE PERMITS**

DEVELOPMENT PERMIT APPLICATION 3060-09-09

2009-569

It was moved, seconded and carried that Development Permit 3060-09-09 be approved for a parking variance and setback variances for 128, 134, 140 Esplanade Ave. and 9 White Street to permit an 11 unit multi-family development;

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

(Opposed Vote - Councillor Evans)

**COUNCIL / COMMITTEE
REPORTS**

OCP AMENDMENT AND REZONING APPLICATION 3360-09-07

2009-570

It was moved, seconded and carried that OCP Amendment and Rezoning Application No. 3360-09-07 (Proposed Lot 6 of Lot 1, D.L. 108, Oyster District, Plan 47290) be referred to the Advisory Planning Commission (APC) for review and comment prior to a public hearing pursuant to S. 897 of the Local Government Act;

AND THAT staff be directed to prepare bylaws to amend the Official Community Plan and Zoning Bylaw to permit a medium density residential development on proposed lot 6 of Lot 1, D.L. 108, Oyster District, Plan 47290;

AND THAT staff be directed to work with the developer towards a land-use agreement for the proposed development, which sets parameters regarding amenities to be offered (\$1,000 per residential unit); as well as site and building design guidelines (including build green commitments).

REPORTS

HERITAGE GRANT - HISTORIC PLACES INITIATIVE CONTRACT FOR 2009/10

2009-571

It was moved, seconded and carried that:

- a) the grant for the Historic Places Initiative Contract for 2009/10 in the amount of \$5,000 be received and that a letter of thanks for the grant be forwarded to the BC Ministry of Tourism, Culture and the Arts.
- b) the Mayor and Corporate Officer be authorized to sign the agreement on behalf of the Town.
- c) the 5-year Financial Plan be amended accordingly.

2009-572

It was moved, seconded and carried that the purchasing policy for the Historic Places Initiative Contract 2009/10 be waived to permit the contract to be awarded to heritage consultant Christine Meuntzner who previously prepared statements of significance for the Town.

2009-573

It was moved, seconded and carried that staff be directed to include a "values statement for the west-side First Avenue streetscape from High Street to Roberts Street" within the 5 community heritage register records to be created as part of the Historic Places Initiative Contract 2009/10, and to request the Heritage Revitalization Advisory Commission to make building recommendations.

ARCHAEOLOGICAL IMPACT ASSESSMENT REPORT

City Manager, R. Malli, reported that the Archaeological Impact Assessment on the Town-owned lands in Ladysmith Harbour prepared by Madrone Environmental Services Ltd. is complete and a copy of the report has been sent to Stz'uminus First Nation.

FIRE CHIEF'S REPORT

2009-574

It was moved, seconded and carried that the Fire Chief's Report for October, 2009 be received.

BUILDING INSPECTOR'S REPORT

2009-575

It was moved, seconded and carried that the Building Inspector's Report for October 2009 be received.

LADYSMITH COMMUNITY SERVICES CENTRE CONSTRUCTION MANAGER CONTRACT

2009-576

It was moved, seconded and carried that staff be authorized to issue a Request for Proposals for a Construction Manager and Landscape Architect, for the Community Services Centre project and that Council waive the purchasing policy in order to meet the project timelines; and that the Mayor and Corporate Officer be authorized to sign an agreement with D'Ambrosio Architects for architectural services associated with the project.

WATERFRONT ENVIRONMENTAL ASSESSMENT

2009-577

It was moved, seconded and carried that staff be authorized to add a \$20,000 contingency (2010 Budget) amount to the funding of the contract for an environmental and geotechnical evaluation of Town-owned lands between Transfer Beach and Williams Point along Ladysmith Harbour by Golder and Associates.

CORRESPONDENCE

POUND REPORT

2009-578

It was moved, seconded and carried that the Pound Report for October 2009 from Coastal Animal Control Services of BC Ltd. be received.

INFRASTRUCTURE PLANNING GRANT AWARD - ENVIRONMENTAL IMPACT STUDY

2009-579

It was moved, seconded and carried that:

- a.) the grant for the Environmental Impact Study in the amount of \$10,000 be received and that a letter of thanks for the grant be forwarded to Minister Bill Bennett, Ministry of Community and Rural development.
- b.) The Mayor and Corporate Officer be authorized to sign the agreement on behalf of the Town.
- c.) The 5 year financial plan be amended accordingly.

BYLAWS

2009-580

It was moved, seconded and carried that Town of Ladysmith Waterworks Regulation Bylaw 1999, No.1298, Amendment Bylaw 2009, Bylaw 1670 be adopted.

EXECUTIVE SESSION

The Executive Session of Council resumed at 7:35 p.m.

RISE AND REPORT

2009-581

It was moved, seconded and carried that the Executive Session of Council rise with report (9:45 p.m.) with the following resolutions:

- That staff be directed to work with legal counsel to prepare a covenant to address site and building design guidelines, including build green practices, for the DL108 multiple family development;
AND THAT the covenant be registered on the title of the Town's DL108 multiple family sites prior to marketing/sale.

- That the City Manager be authorized to hire an MPA student for 2010 and that the Financial Plan be amended accordingly (approximate cost of \$15,000).

- That Council accept the resignation of Dana McFarland from the Heritage Revitalization Advisory Commission, and that a letter of thanks be sent;

AND THAT staff be directed to advertise the vacancy on the HRAC.

- That the Manager of Development Services title be changed to Director of Development Services.

ADJOURNMENT

2009-582

It was moved, seconded and carried that the meeting be adjourned at 9:45 p.m.

CERTIFIED CORRECT:

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Manager of Development Services
Date: November 2, 2009
File No: 3360-09-03

Re: **OFFICIAL COMMUNITY PLAN (OCP) AMENDMENT & REZONING APPLICATION**
315 Holland Creek Place - Lot 1, DL 43, Oyster District, Plan 32981

RECOMMENDATION(S):

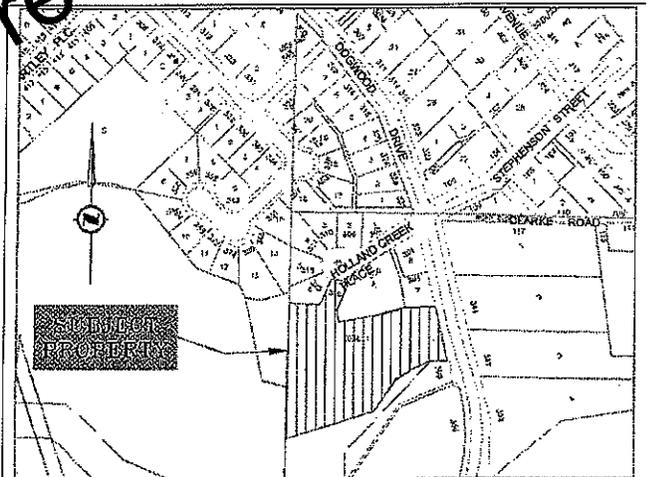
1. That Council give first and second reading to Bylaw 1700 cited as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No.28), 2009 No.1700" and Bylaw 1701 cited as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No.77), 2009, No.1701".
2. That a public hearing be scheduled for Bylaw 1700 and Bylaw 1701 on December 7, 2009.

PURPOSE:

The purpose of this report is to present Bylaw 1700 to amend the Official Community Plan and Bylaw 1701 to amend the Zoning Bylaw, and to seek direction to schedule a public hearing.

INTRODUCTION/BACKGROUND:

On October 19 Council passed a motion directing staff to prepare bylaws to amend the Official Community Plan and Zoning Bylaw to permit 13 residential units at 315 Holland Creek Place and to work with the developer towards a land-use agreement for the proposed development, such that the developer contributes \$5000 to the amenity fund, constructs a walkway from the east end of the site to the sidewalk at Dogwood Drive, protects the entire bank area with a restrictive covenant, and utilizes many 'build green' practices in the development of the 13 units.



such that the developer contributes \$5000 to the amenity fund, constructs a walkway from the east end of the site to the sidewalk at Dogwood Drive, protects the entire bank area with a restrictive covenant, and utilizes many 'build green' practices in the development of the 13 units.

SCOPE OF WORK:

Bylaw 1700 proposes to amend the Official Community Plan by:

- placing 'Multi-Family Residential' as a designation on the subject property;
- placing 'Development Permit Area 4 - DPA4' on the subject property; and
- amending the Holland Creek Area Plan by placing 'Multi-Family' on the buildable area of the subject property.

Bylaw 1701 proposes to amend the Zoning Bylaw by:

- adding a new zone 'Low Density Residential (R-3-B)'; and
- placing 'Low Density Residential (R-3-B)' on the subject property.

ALTERNATIVES:

That Council provide additional direction regarding OCP and Zoning Bylaw Amendment application 3360-09-03 (Holland Creek Holdings - Kolk).

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS:

If the application proceeds a public hearing is required.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

If the application proceeds the applicant will be required to hold a neighbourhood information meeting prior to a public hearing. The application has been referred to the Stz'uminus First Nation, the Advisory Planning Commission, and the Advisory Design Panel and their comments were previously provided to Council.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to the Engineering Department, Fire-Chief, and to the Subdivision Approving Officer for review and their comments have been incorporated into the proposal.

RESOURCE IMPLICATIONS:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

It is recommended to give first and second reading to Bylaw 1700 and 1701 and to set a public hearing date.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Bylaw 1700
Bylaw 1701

TOWN OF LADYSMITH

BYLAW NO. 1700

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) Bylaw No. 1488: Schedule "A" - Town of Ladysmith Community Plan Map 1 - Land Use is amended by placing "Multi-Family Residential" on Lot 1, District Lot 43, Oyster District, Plan 32981, Except Part in Plan 37237, 48015, VIP80990, VIP85254 (315 Holland Creek Place) as shown on Schedule 1 attached to this bylaw.
- (2) Bylaw No. 1488: Schedule "A" - Town of Ladysmith Community Plan Map 2 - Development Permit Areas is amended by placing "Development Permit Area 4 - (DPA4)" on Lot 1, District Lot 43, Oyster District, Plan 32981, Except Part in Plan 37237, 48015, VIP80990, VIP85254 (315 Holland Creek Place) as shown on Schedule 2 attached to this bylaw.
- (3) Bylaw No. 1488: Schedule "C" - Holland Creek Area Plan Figure 4 - Parks & Open Space, Land Use & Circulation is amended by placing "Multi-Family" on a portion of Lot 1, District Lot 43, Oyster District, Plan 32981, Except Part in Plan 37237, 48015, VIP80990, VIP85254 (315 Holland Creek Place) as shown on Schedule 3 attached to this bylaw.

CITATION

- (4) This bylaw may be cited for all purposes as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 28), 2009, No. 1700".

READ A FIRST TIME on the day of

READ A SECOND TIME on the day of

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

on the day of

READ A THIRD TIME on the day of

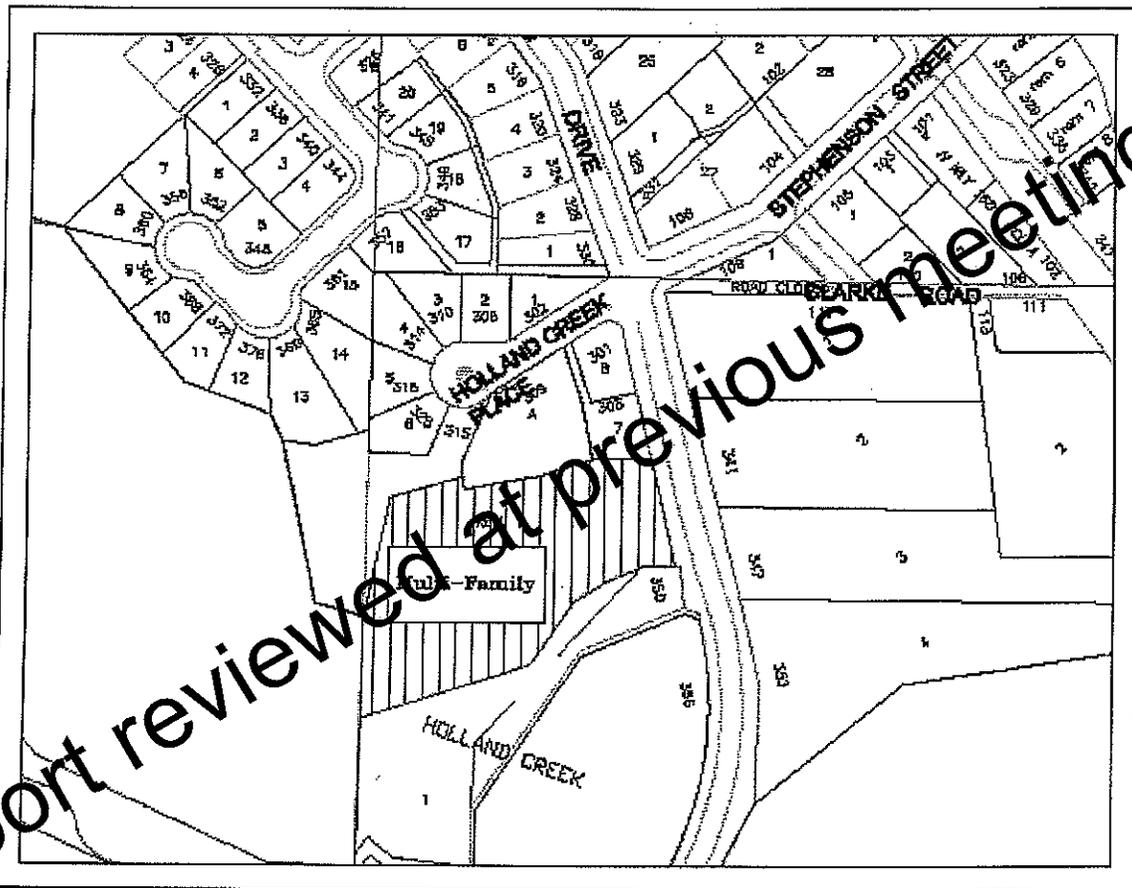
ADOPTED on the day of

Mayor (R. Hutchins)

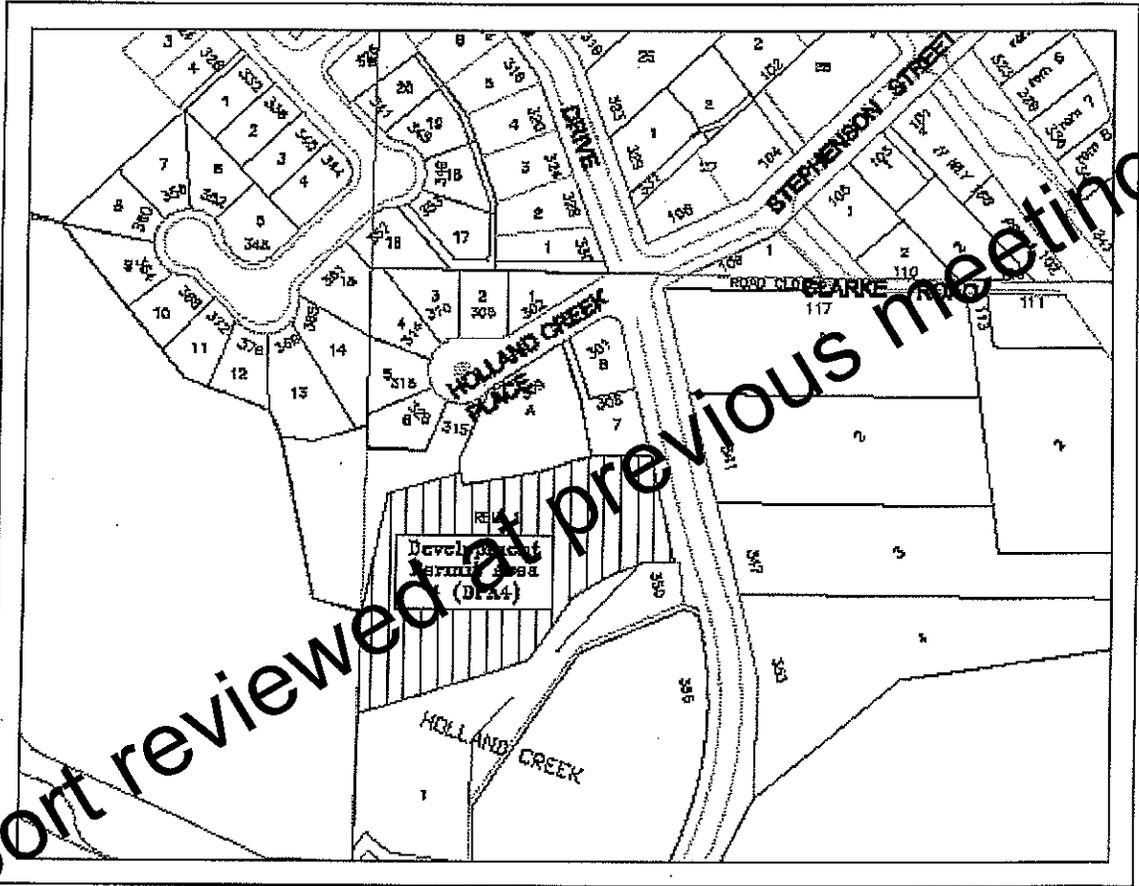
Corporate Officer (S. Bowden)

Report reviewed at previous meeting.

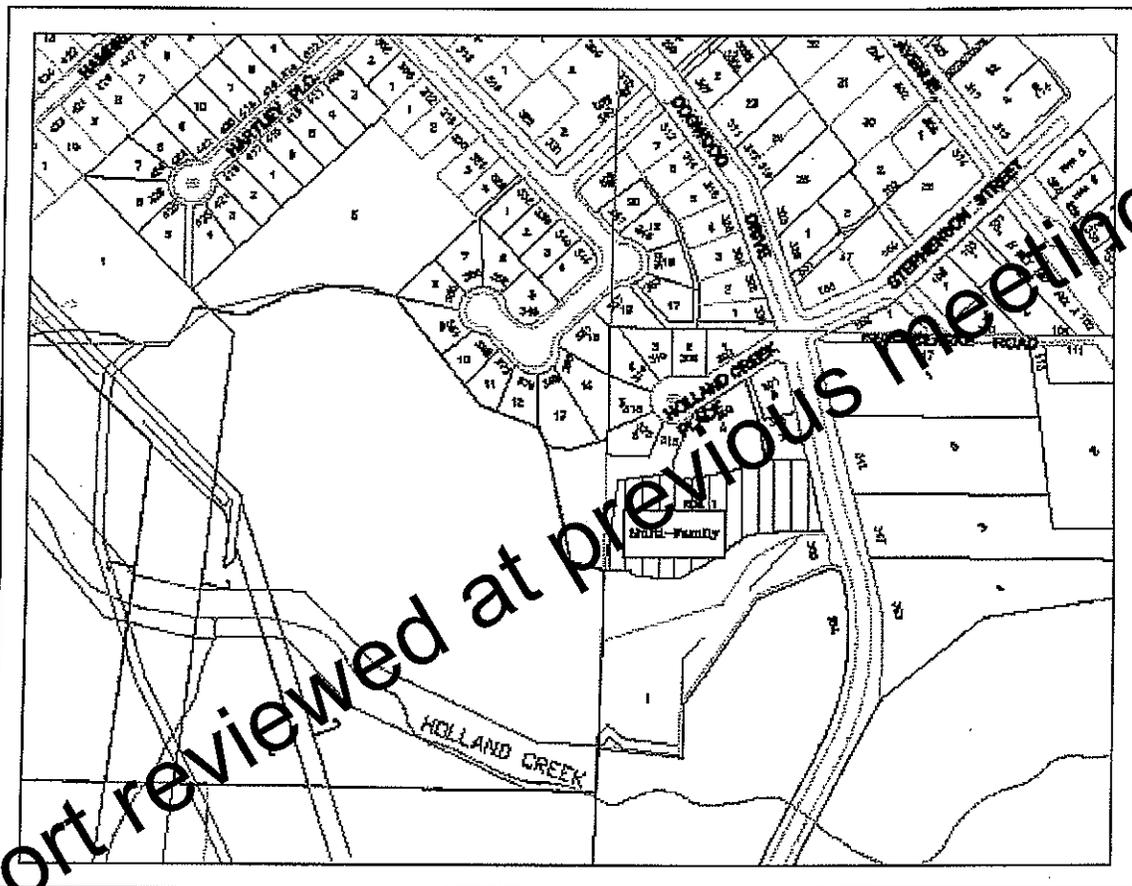
BYLAW No. 1700 - SCHEDULE 1



BYLAW No. 1700 - SCHEDULE 2



BYLAW No. 1700 – SCHEDULE 3



TOWN OF LADYSMITH

BYLAW NO. 1701

A bylaw to amend "Town of Ladysmith Zoning Bylaw, 1995, No. 1160"

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 1995, No. 1160";

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

- (1) The text of "Town of Ladysmith Zoning Bylaw 1995, No. 1160", as amended, is hereby further amended by adding a new zone "Low Density Residential (R-3-B)", as shown on Schedule 1 to this Bylaw.
- (2) The zoning map, being 'Schedule A' to "Town of Ladysmith Zoning Bylaw 1995, No. 1160", is hereby amended by placing "Low Density Residential (R-3-B)" on Lot 1, District Lot 43, Oyster District, Plan 32981, Except Part in Plan 7137, 48015, VIP80990, VIP85254 (315 Holland Creek Place) as shown on Schedule 1 to this Bylaw.

CITATION

- (3) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 77), 2009, No. 1701".

READ A FIRST TIME on the _____ day of _____

READ SECOND TIME on the _____ day of _____

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 (R. Hutchins)

Corporate Officer (S. Bowden)

BYLAW No. 1701 – SCHEDULE 1

13A.0 LOW DENSITY RESIDENTIAL ZONE (R-3-B)

13A.1 Permitted Uses

Subject to the conditions of use below, the following uses and no other uses are permitted in this Zone:

- (a) two family residential dwelling;
- (b) multi-family residential dwelling;
- (c) home occupation.

13A.2 Conditions of Use

- (1) The maximum parcel coverage shall not exceed 33.0 percent and the maximum floor space ratio is 0.66.
- (2) The height of a principal building shall not exceed 9.0 metres; except where a principal building roof pitch is less than 4:12, then the maximum height shall be 7.5 metres.
- (3) No buildings or structures located on a parcel within this zone shall be closer than:
 - (a) 6.0 metres to the front lot line;
 - (b) 3.0 metres to one side lot line and a minimum of 1.5 metres to the other side lot line;
 - (c) 1.5 metres to the rear lot line.
- (4) The maximum number of dwelling units permitted in this zone is 15 units per hectare of land. A parcel may contain more than one principal building.
- (5) Areas with a grade greater than 30% and sensitive natural areas shall be retained in their natural state.
- (6) The minimum finished floor area for each type of dwelling unit contained in a multi-family residential use building shall be in compliance with the requirements set out in the table below:

Type of Dwelling	Minimum Finished Floor Area Per Dwelling
Bachelor Dwelling Unit	32.0 square metres
One Bedroom Dwelling Unit	60.0 square metres
Two Bedroom Dwelling Unit	70.0 square metres
Three Bedroom Dwelling Unit	85.0 square metres
Townhouse	70.0 square metres

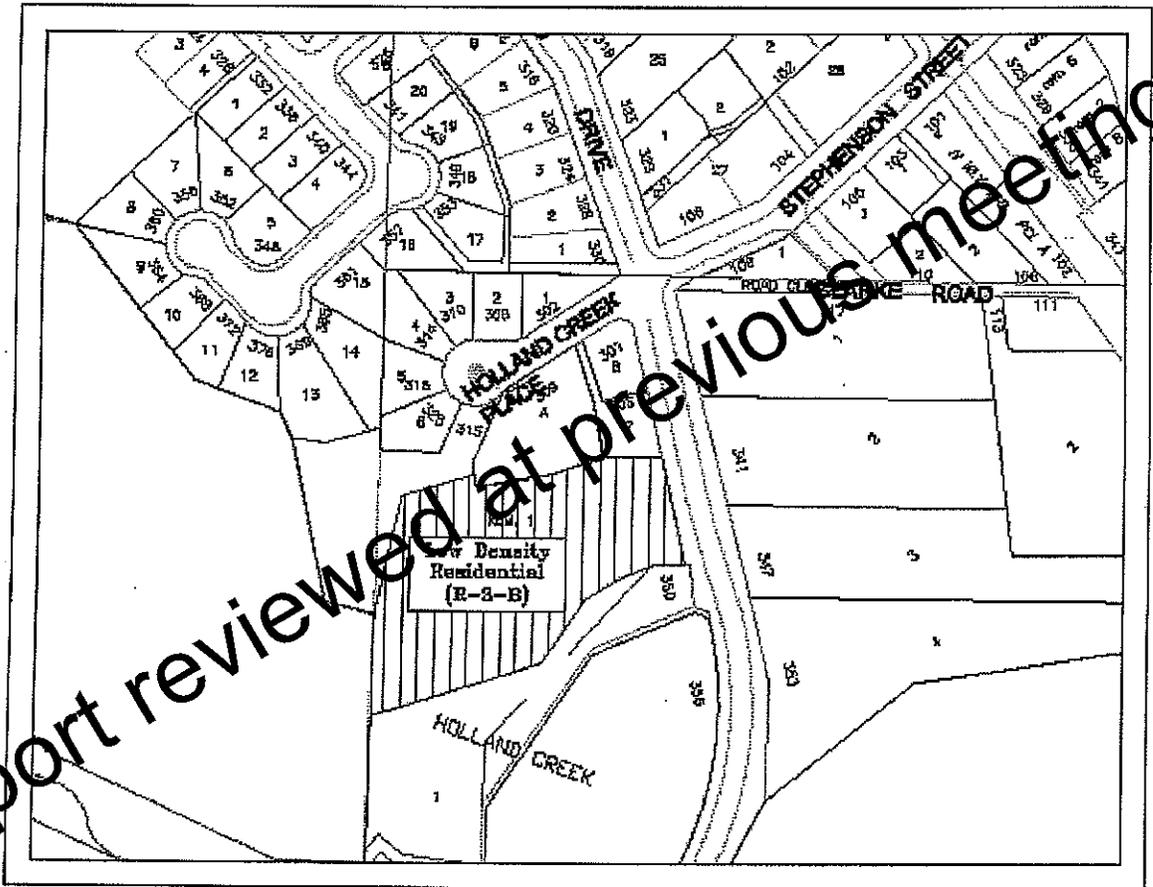
13A.3 Minimum Lot Size

- (1) All development must be connected to water and sewer services.
- (2) The minimum parcel size permitted shall not be less than 1334 square metres.

13A.4 Off Street Parking and Loading

Off street parking and loading must be provided as required by the Municipality's parking regulations.

BYLAW No. 1701 – SCHEDULE 2





Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: December 1, 2009
File No: 3060-09-11

Re: ENVIRONMENTALLY SENSITIVE AREA DEVELOPMENT PERMIT APPLICATION
547 GREENHORN PLACE – Lot C, District Lot 97, Oyster District, Plan
VIP67364

RECOMMENDATION(S):

That Council issue Environmentally Sensitive Area Development Permit 3060-09-11 for 547 Greenhorn Place (Lot C, District Lot 97, Oyster District, Plan VIP67364).

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

PURPOSE:

The purpose of this report is to present an Environmentally Sensitive Area (ESA) Development Permit Application for 547 Greenhorn Place. The applicant subdivided the property into two lots and wishes to construct a dwelling on each of the lots. An ESA Development Permit is needed prior to alteration of the land.

INTRODUCTION/BACKGROUND:

The property at 547 Greenhorn Place contains an unnamed tributary stream to Rocky Creek and for this reason the property falls within Development Permit Area 6 – Environmentally Sensitive Areas (DPA6). The objectives of DPA6 are to ensure protection of natural watercourses and their riparian corridors, estuaries, and terrestrial ecosystems. In addition, the provincial *Riparian Area Regulations* (RAR) apply to the property due to the watercourse onsite.

SCOPE OF WORK:

To address the RAR and DPA6 guidelines the applicant retained a 'Qualified Environmental Professional' (QEP) to complete a riparian assessment report.

The recommendations from the RAR report shall become the development permit requirements and shall be as follows:

- Apply RAR methodologies (listed in the RAR report and DP) to ensure there is no damage to trees within the Streamside Protection Enhancement Area (SPEA);
- Install a continuous fence or ribbon marking the SPEA area and sediment barrier along the length of the top of bank (on north side of creek) prior to site clearing and construction;

- The surface of the driveway that accesses the property shall be capped with course gravel or crush prior to and during construction;
- During construction all exposed soils must be protected from erosion during rainfall events;
- Upon completion of construction, temporary sediment control structures must be removed;
- Upon completion of construction, all exposed soils within the property shall be protected from erosion by either hard or soft methods to ensure sediment laden runoff into the SPEA does not occur.
- The applicant must retain a QEP to complete a post-development report to certify that the conditions set out have been properly implemented.

It is recommended that the DP require that both during and after construction the SPEA area be left in its natural state such that there be no vegetation removal, no soil removal, no dumping of yard clippings, no trails, and no buildings or structures in the SPEA area.

In addition, a covenant registered on title to the property as well as the Zoning Bylaw (Section 5.4) requires that dwellings be located 15 metres from the natural boundary of a watercourse (or high water mark).

ALTERNATIVES: n/a

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS: n/a

CITIZEN/PUBLIC RELATIONS IMPLICATIONS: n/a

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS: n/a

RESOURCE IMPLICATIONS:

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

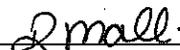
ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning is a Council strategic direction.

SUMMARY:

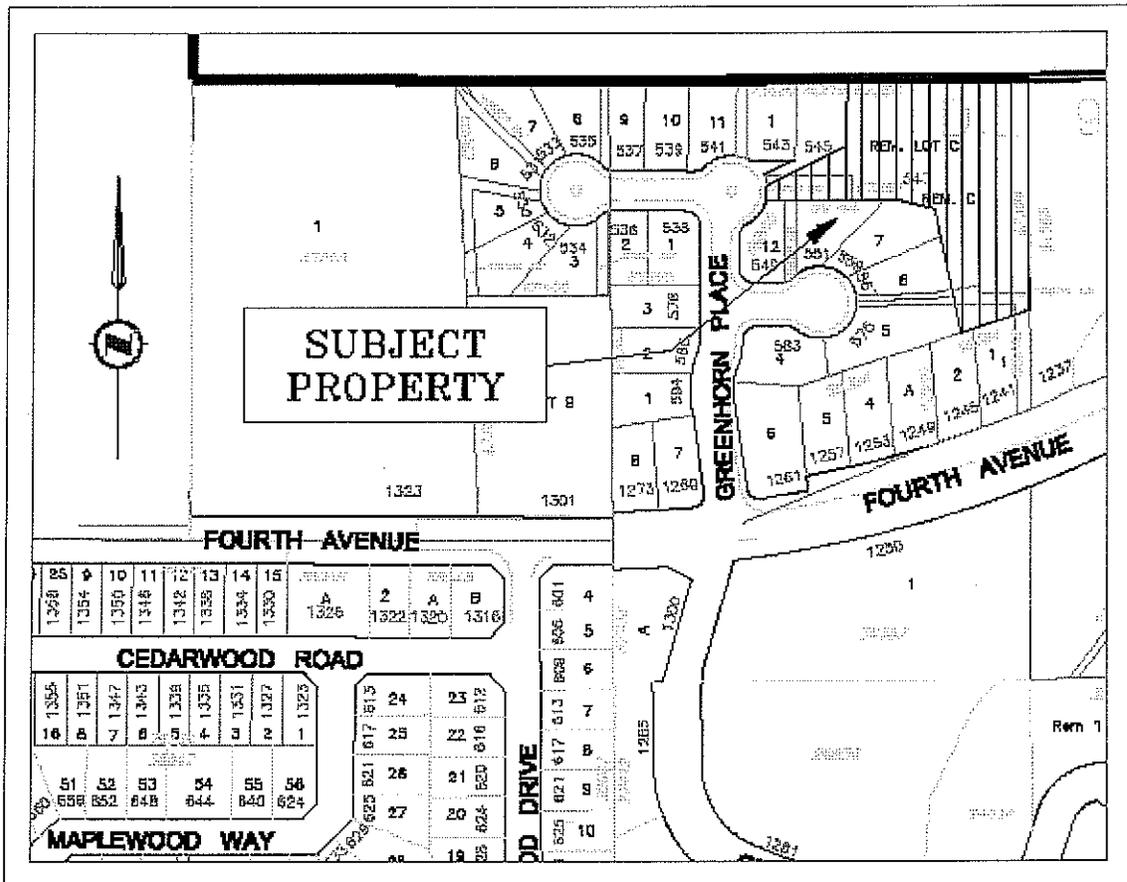
The applicant has applied to subdivide the property into two lots and wishes to construct a dwelling on each of the lots. The property contains a watercourse thus an ESA Development Permit is required.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:
DP 3060-09-11



TOWN OF LADYSMITH
DEVELOPMENT PERMIT 09-11
DATE: December 7, 2009

TO:	Steven Donald Wilkinson and Elaine Margaret Wilkinson
ADDRESS:	1130 Cloke Road P.O. Box 1105 Ladysmith, B.C. V9G 1A8

1. This Development Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings, structures and other development thereon:
Lot C, District Lot 97, Oyster District, Plan VIP67364, Except Part in Plans VIP69500, VIP73420 and VIP74219 - PID 024-186-392 (547 Greenhorn Place)
3. The Official Community Plan requires compliance with the **Development Permit Area 6 – Environmentally Sensitive Areas (DPA6)** as a condition for issuing a Development Permit for this property.
4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof including:
 - a) Temporary snow fencing or an appropriate alternative must be erected along the length of the top-of-bank or Streamside Protection Enhancement Area (SPEA) (whichever is further from the creek as per the site plan) on the north side of the creek prior to construction to prevent accidental encroachment by contractors.
 - b) The surface of the driveway that will access the property must not be left such that there is risk of fine sediments washing off the road and into the watercourse or the SPEA. As such, capping the road surface with coarse gravel or crush may be necessary prior to, during and after construction.
 - c) During construction, all exposed soils must be protected from erosion during rainfall events by covering with poly, tarps, or straw/hay mulch.
 - d) Upon completion of construction, all exposed soils within the property shall be protected from erosion by either hard (concrete, pavement, riprap, gravel, crush, etc) or soft (grass seed and straw/hay mulch, landscaping erosion control blankets etc.) methods to ensure sediment laden runoff into the SPEA does not occur.
 - e) Upon completion of construction, temporary sediment control structures must be removed.
 - f) Trees within the SPEA shall not be disturbed or damaged due to construction activities.
 - g) The Riparian Area Regulation requires that a post-development report be prepared by a Qualified Environmental Professional (QEP), and submitted to the Town of Ladysmith, to certify that the conditions set out in the assessment report have been properly implemented.
 - h) The SPEA area shall be left in its natural state such that no vegetation may be removed, no soil removed, no dumping of yard clippings, no trails, and no buildings or structures may be located in the SPEA area.
 - i) No building or structure may be located within 15 metres of the natural boundary of any watercourse.
5. If the Permittee does not commence the development permitted by this Permit within **twelve months** of the date of this Permit, the Permit shall lapse.
6. **THIS PERMIT IS NOT A BUILDING PERMIT.** No occupancy permit shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Corporate Officer.

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the Town of Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with **Steven Donald Wilkinson and Elaine Margaret Wilkinson** other than those contained in this permit.

Signed

Witness

Title

Occupation

Date

Date

Town of Ladysmith

COMMITTEE REPORT



To: Mayor and Council
From: Councillor Paterson, Chair, Government Services Committee
Date: November 20, 2009
File No: 0550-20

Re: GOVERNMENT SERVICES COMMITTEE - November 16, 2009

At its meeting on November 16, 2009 the Government Services Committee recommended to Council the following:

- 1) That staff prepare an amendment to Subdivision Control Bylaw No. 1115 to allow for a 17.5 metre 'Right of Way' standard for Urban Collector Roads.
- 2) That the Drinking Water Assessment report from Koers & Associates Engineering Ltd., dated September 21, 2009, be submitted to the Vancouver Island Health Authority as required under the Drinking Water Protection Act.
- 3) That Council authorize staff to provide a 4 litre "kitchen catcher" container and a 45 litre organics container for each new residence when the occupancy permit is issued, and that the costs for the containers be included in the building permit for the residence.
- 4) That Council authorize the expenditure of \$75,000 for the upgrades to the south end chlorinator with the funds to come from the water utility reserve.
- 5) That Council support in principle, subject to the reallocation of funding up to \$2,500, the Town entering into a partnership with Ladysmith Family and Friends (LaFF) for the purchase of a sound system for Aggie Hall and that the Mayor and Deputy Mayor be authorized to seek funding from the community at large to assist with this project.
- 6) That the correspondence from V. Devries expressing concern regarding smoke from wood burning fireplaces dated October 14, 2009 be referred to staff for review and recommendation.
- 7) That the correspondence from Mayor Roline, City of Merritt and Mayor Lantz from the City of Fort St. John expressing concern to the Minister of Public Safety and Solicitor General regarding the increase in user fees for the Police Records Management Environment of BC be referred to staff to provide further information regarding costs to Ladysmith at the December 21, 2009 meeting.
- 8) That the correspondence from Mr. Milne expressing concern about the litter in front of the Post Office on First Avenue be received and a letter be sent to Canada Post requesting that they reinstate the recycling container in the lobby of the Post Office.

Town of Ladysmith

COMMITTEE REPORT



LADYSMITH

To: Mayor and Council
From: Councillor Paterson, Chair, Government Services Committee
Date: December 02, 2009
File No: 0550-20

Re: GOVERNMENT SERVICES COMMITTEE - November 30, 2009

At its meeting on November 30, 2009 the Government Services Committee recommended to Council the following:

- 1) That the staff report dated November 10, 2009 by the Manager of Development Services regarding the Development Cost Charge (DCC) bylaw review be referred to a Special Government Services Meeting at the call of the Chair in December and that staff be requested to provide information at the meeting regarding specific projects covered by the DCC bylaw and that the waterfront projects be listed separately.



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Sandy Bowden, Director of Corporate Services
Date: December 1, 2009
File No:

Re: 2010 COUNCIL MEETING SCHEDULE

RECOMMENDATION(S):

That the following 2010 schedule of regular Council meetings be approved and that Staff be directed to advertise the schedule in accordance with Section 127 of the Community Charter:

January 4	May 3	September 7 (Tues.)
January 18	May 17	September 20
February 1	June 7	October 4
February 15	June 21	October 18
March 1	July 5	November 1
March 15	July 19	November 15
April 6 (Tues.)	August 3 (Tues.)	December 6
April 19	August 16	December 20

PURPOSE:

The purpose of this Staff report is to seek Council's approval of the proposed schedule of regular Council meetings for 2010 and to notify the public of the schedule in accordance with the Community Charter.

INTRODUCTION/BACKGROUND:

In accordance with the Town's Procedure Bylaw No. 1666, regular Council meetings are held on the first and third Monday of each month. The Community Charter requires a local government to notify the public of the schedule of meetings of regular Council meetings annually. Staff recommends publishing a notice in the December 15th and December 22nd editions of The Chronicle newspaper in accordance with the legislation and posting the notice on notice boards throughout the community. The notice will include reference to Government Services Committee meetings which are held on the third Monday of each month. Meetings may be cancelled or re-scheduled throughout the year as required provided that sufficient notice of the change in schedule is issued.

SCOPE OF WORK:

n/a

ALTERNATIVES:

Council could amend the schedule of meetings as deemed appropriate.

FINANCIAL IMPLICATIONS:

n/a

LEGAL IMPLICATIONS:

As noted, the Community Charter requires a local government to notify the public of the schedule of regular Council meeting annually.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

n/a

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

n/a

RESOURCE IMPLICATIONS:

n/a

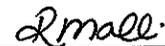
ALIGNMENT WITH STRATEGIC PRIORITIES:

n/a

SUMMARY:

The Community Charter requires that local governments notify the public of the schedule of regular Council meetings on an annual basis. The Town's Procedures Bylaw No. 1666 requires that regular Council meetings take place on the first and third Monday of each month. The proposed schedule is in accordance with the Community Charter and Procedures Bylaw No. 1666 and will be published in two consecutive editions of The Chronicle newspaper as statutorily required.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

None



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: December 3, 2009
File No: 2360-40- 340 and 422 Esplanade Ave.
(Transfer Beach Grill)

Re: Transfer Beach Grill – Parking Covenant

RECOMMENDATION(S):

That Council supports the Section 219 Covenants with James Brian Anderson and Lois Mary Anderson AND with Charles Garth Buffie and Bonnie Jean Buffie, subject to the Transferors signing the covenants, to permit the owner of Transfer Beach Grill to utilize 6 parking stalls at 340 Esplanade Ave. for an additional 23 restaurant seats at 422 Esplanade Ave.

AND THAT the Mayor and Corporate Officer be authorized to sign the covenants only after the Transferors sign the covenants.

PURPOSE:

The purpose of this report is to present two covenants that will allow the restaurant "Transfer Beach Grill" at 422 Esplanade Ave. to have an additional 23 seats every evening from 5:00pm to 2:00am.

INTRODUCTION/BACKGROUND:

The owners of the restaurant "Transfer Beach Grill" (422 Esplanade Ave) wish to renovate the restaurant such that one apartment is converted into a dining area for an additional 23 seats. The addition of 23 seats triggers the requirement for an additional 6 parking stalls.

SCOPE OF WORK:

The Zoning Bylaw specifically permits parking for commercial businesses to be located on a different lot (within 100 metres) subject to a covenant being registered on the title of the parcel on which the use is located and on the title of the parcel that contains the parking spaces.



The owner of the Transfer Beach Grill, George Liaros, has arranged for 6 parking stalls to be provided at 340 Esplanade Ave. (Post Office Antiques). The owner of the restaurant property at 422 Esplanade Ave. (Charles and Bonnie Buffie), and the owner of Post Office Antiques at 422 Esplanade (James and Lois Anderson) have agreed to the terms of the covenants.

The Zoning Bylaw requires that that the parking spaces be maintained and that the use (of an additional 23 restaurant seats) is not continued if the parking spaces are not provided.

ALTERNATIVES: n/a

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS:

The Zoning Bylaw states that the covenants must be in the favour of the Town of Ladysmith.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS: n/a

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Director of Public Works is supportive of the proposed parking arrangements for Transfer Beach Grill.

RESOURCE IMPLICATIONS:

Processing Zoning Bylaw parking covenants is a core function of the Development Services Department. Processing this request is within available staff resources.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning is a Council strategic direction.

SUMMARY:

It is recommended to support two covenants that will permit 6 parking stalls for the addition of 23 seats at the restaurant 'Transfer Beach Grill'.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Schedule A: Section 219 Covenant – Anderson and Town of Ladysmith

Schedule B: Section 219 Covenant – Buffie and Town of Ladysmith

**LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART I Province of British Columbia**

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Robson, O'Connor

Lawyers

PO Box 1890, 22 High Street

Ladysmith

BC V9G 1B4

FILE NO.: RR-09/8076

TELEPHONE: 250-245-7141

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

008-550-042 LOT 5, BLOCK 11, DISTRICT LOT 56, OYSTER DISTRICT, PLAN 703

STC? YES

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms D.F. No.

(b) Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

JAMES BRIAN ANDERSON AND LOIS MARY ANDERSON

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

**TOWN OF LADYSMITH, A MUNICIPALITY INCORPORATED UNDER THE LAWS OF
BRITISH COLUMBIA AND HAVING ITS OFFICES AT:**

410 ESPLANADE, PO BOX 220

LADYSMITH

BRITISH COLUMBIA

V9G 1A2

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Y	M	D
09		

Transferor(s) Signature(s)

JAMES BRIAN ANDERSON

LOIS MARY ANDERSON

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public take affidavits for use in British Columbia and certifies the matters set out in Part instrument.

Schedule A - Section 219 Covenant - Anderson and Town of Ladysmith

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Y	M	D
09		

Transferor / Borrower / Party Signature(s)

TOWN OF LADYSMITH, by its
authorized signatory(ies)

Name:

Name:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

SECTION 219 COVENANT

THIS COVENANT dated for reference the _____ day of November , 2009.

BETWEEN:

JAMES BRIAN ANDERSON and LOIS MARY ANDERSON
#1 - 345 Chemainus Road, Ladysmith, BC V9G 1J4

(the "Grantors")
OF THE FIRST PART

AND:

TOWN OF LADYSMITH, a municipality incorporated under the laws of British Columbia and having its offices at 410 Esplanade, P.O. Box 220, in the Town of Ladysmith, Province of British Columbia, V9G 1A2

(the "Grantee")
OF THE SECOND PART

WHEREAS:

- A. The Grantors are the registered owners in fee simple of:
PID: 008-550-042, Lot 5, Block 11, District Lot 56, Oyster District, Plan 703
(herein called the "**Land**")
- B. The Grantee is the Town of Ladysmith; and
- C. The Grantors agree to allow the patrons of a restaurant known as the Transfer Beach Grill located at a property legally described as PID: 000-425-524, Lot 3, Block 10, District Lot 56, Oyster District and civically described as 422 Esplanade in the Town of Ladysmith, Province of British Columbia (herein called the "Transfer Beach Grill") the exclusive use of six parking spaces located on the Land every day between the hours of 5:00 p.m. and 2:00 a.m. to allow an additional 23 restaurant seats for the Transfer Beach Grill pursuant to the zoning bylaws.

NOW THEREFORE, in consideration of the premises and the covenants herein contained and for other valuable consideration, receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto covenant and agree with the other as follows:

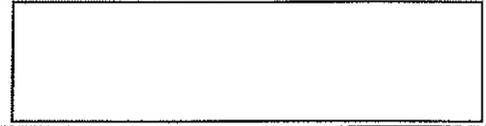
- 1. The Grantors covenant and agree that the six parking spaces on the Land will be available for the exclusive use of the patrons of the Transfer Beach Grill every day between the hours of 5:00 p.m. and 2:00 a.m. and agree to maintain the six parking spaces to the standards of the Town of Ladysmith. The Grantors further covenant and agree to allow appropriate signage to be placed on the Land regarding such parking availability and not to do anything to interfere with the use of the six parking spaces nor remove such signage, except with the written consent of the Grantee.

2. The Grantors and the Grantee agree that the enforcement of this Agreement shall be entirely within the discretion of the Grantee and that the execution and registration of this covenant against the title to the Land shall not be interpreted as creating any duty on the part of the Grantee to the Grantors or to any other person to enforce any provision or the breach of any provision of this Agreement.
3. Nothing contained or implied herein shall prejudice or affect the rights and powers of the Grantee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Land as if the Agreement had not been executed and delivered by the Grantors.
4. It is mutually understood, acknowledged and agreed by the parties hereto that the Grantee has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Grantors other than those contained in this Agreement.
5. This Agreement shall be registered as a second charge against the Land subject only to Undersurface Rights in favour of Her Majesty the Queen in right of Canada registered under number M76302 and the Grantors agree to execute and deliver all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
6. The Grantors covenant and agree for themselves, their heirs, executors, successors and assigns, that they will at all time perform and observe the requirements and restrictions hereinbefore set out and they shall be binding upon the Grantors as personal covenants only during the period of their respective ownership of any interest in the Land.
7. The restrictions and covenants herein contained shall be covenants running with the Land, shall be perpetual, and shall be registered in the Victoria Land Title Office pursuant to Section 219 of the *Land Title Act* as covenants in favour of the Grantee as a second charge against the Land. The Grantee covenants and agrees to discharge this Covenant from the title to the Lands in the Victoria Land Title Office if, for whatever reason, there is no longer any need for the use of the six parking spaces or if, for whatever reason, Georgios Liaros is no longer the owner and operator of the Transfer Beach Grill at 422 Esplanade, in the Town of Ladysmith in the Province of British Columbia and the seating capacity of the restaurant is limited to 15 seats.
8. This Agreement shall enure to the benefit of the Grantee and shall be binding upon the parties hereto and their respective heirs, executors, successors and assigns. Wherever the expressions "Grantor" and Grantee" are used herein, they shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C and Form D attached hereto.

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.



1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Robson, O'Connor
Lawyers
PO Box 1890, 22 High Street
Ladysmith BC V9G 1B4

FILE NO.: RR-09/8076
TELEPHONE: 250-245-7141

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] [LEGAL DESCRIPTION]
000-425-524 LOT 3, BLOCK 10, DISTRICT LOT 56, OYSTER DISTRICT, PLAN 703

STC? YES

3. NATURE OF INTEREST

CHARGE NO. ADDITIONAL INFORMATION

Covenant
Priority Agreement

EX115079

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms D.F. No.

(b) Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

CHARLES GARTH BUFFIE AND BONNIE JEAN BUFFIE AND
THE TORONTO-DOMINION BANK

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

TOWN OF LADYSMITH, A MUNICIPALITY INCORPORATED UNDER THE LAWS OF
BRITISH COLUMBIA AND HAVING ITS OFFICES AT:

410 ESPLANADE, PO BOX 220

LADYSMITH

BRITISH COLUMBIA

V9G 1A2

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Y	M	D
09		

Transferor(s) Signature(s)

CHARLES GARTH BUFFIE

BONNIE JEAN BUFFIE

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public take affidavits for use in British Columbia and certifies the matters set out in Pa instrument.

Schedule B - Section 219 Covenant - Buffie and Town of Ladysmith

SECTION 219 COVENANT

THIS COVENANT dated for reference the _____ day of November , 2009.

BETWEEN:

CHARLES GARTH BUFFIE and BONNIE JEAN BUFFIE
113 Bertram Place, Ladysmith, BC V9G 1T8

**(the "Grantors")
OF THE FIRST PART**

AND:

TOWN OF LADYSMITH, a municipality incorporated under the laws of
British Columbia and having its offices at 410 Esplanade, P.O. Box 220, in the
Town of Ladysmith, Province of British Columbia, V9G 1A2

**(the "Grantee")
OF THE SECOND PART**

WHEREAS:

- A. The Grantors are the registered owners in fee simple of:
PID: 000-425-524, Lot 3, Block 10, District Lot 56, Oyster District, Plan 703 civically
described as 422 Esplanade in the Town of Ladysmith, Province of British Columbia
(herein called the "**Land**")
- B. The Grantee is the Town of Ladysmith; and
- C. The owner of a restaurant known as the Transfer Beach Grill located on the Land (herein
called the "Transfer Beach Grill") has arranged the exclusive use of six parking spaces
located at a property legally described as PID: 008-550-042, Lot 5, Block 11, District Lot 56,
Oyster District and civically described as 340 Esplanade in the Town of Ladysmith, Province
of British Columbia (herein called "340 Esplanade") every day between the hours of 5:00
p.m. and 2:00 a.m. to allow an additional 23 restaurant seats for the Transfer Beach Grill
pursuant to the zoning bylaws.

NOW THEREFORE, in consideration of the premises and the covenants herein contained and for
other valuable consideration, receipt and sufficiency of which is hereby acknowledged by the parties,
the parties hereto covenant and agree with the other as follows:

- 1. The Grantors covenant and agree to do what the Grantors, as Landlord, can to ensure that the
seating capacity in use at the Transfer Beach Grill is no more than 15 seats in the event that,
for whatever reason, the six parking spaces at 340 Esplanade are not available for the
exclusive use of the patrons of the Transfer Beach Grill any day between the hours of 5:00
p.m. and 2:00 a.m. and agree to maintain the six parking spaces to the standards of the Town
of Ladysmith if the owner of 340 Esplanade does not. The Grantors further covenant and
agree to allow appropriate signage to be placed on the Land regarding such parking
availability and not to do anything to interfere with the use of the six parking spaces nor
remove such signage, except with the written consent of the Grantee.

2. The Grantors and the Grantee agree that the enforcement of this Agreement shall be entirely within the discretion of the Grantee and that the execution and registration of this covenant against the title to the Land shall not be interpreted as creating any duty on the part of the Grantee to the Grantors or to any other person to enforce any provision or the breach of any provision of this Agreement.
3. Nothing contained or implied herein shall prejudice or affect the rights and powers of the Grantee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Land as if the Agreement had not been executed and delivered by the Grantors.
4. It is mutually understood, acknowledged and agreed by the parties hereto that the Grantee has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Grantors other than those contained in this Agreement.
5. This Agreement shall be registered as a second charge against the Land, subject only the Exceptions and Reservations in favour of the Esquimalt and Nanaimo Railway Company registered under number M76300 in the Victoria Land Title Office and the Grantors agree to execute and deliver all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
6. The Grantors covenant and agree for themselves, their heirs, executors, successors and assigns, that they will at all times perform and observe the requirements and restrictions hereinbefore set out and they shall be binding upon the Grantors as personal covenants only during the period of their respective ownership of any interest in the Land.
7. The restrictions and covenants herein contained shall be covenants running with the Land, shall be perpetual, and shall be registered in the Victoria Land Title Office pursuant to Section 219 of the *Land Title Act* as covenants in favour of the Grantee as a second charge against the Land. The Grantee covenants and agrees to discharge this Covenant from the title to the Lands in the Victoria Land Title Office if, for whatever reason, there is no longer any need for the use of the six parking spaces or if, for whatever reason, Georgios Liaros is no longer the owner and operator of the Transfer Beach Grill at 422 Esplanade, in the Town of Ladysmith in the Province of British Columbia and the seating capacity of the restaurant is limited to 15 seats.
8. This Agreement shall enure to the benefit of the Grantee and shall be binding upon the parties hereto and their respective heirs, executors, successors and assigns.
9. Wherever the expressions "Grantor" and Grantee" are used herein, they shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

10. **Priority Agreement**

The Toronto-Dominion Bank, the registered holder of a charge by way of a mortgage against the within described property which said charge is registered in the Land Title Office at Victoria, British Columbia, under number EX115079, for and in consideration of the sum of One Dollar (\$1.00) paid by the Grantee to the said Charge Holder (the receipt whereof is hereby acknowledged), agrees with the Grantee, its successors and assigns, that the within Section 219 Covenant shall be an encumbrance upon the within described property in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charge.

IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C and Form D attached hereto.



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
 From: Felicity Adams, Director of Development Services
 Date: December 3, 2009
 File No: 3360-09-08

Re: OFFICIAL COMMUNITY PLAN (OCP) AMENDMENT & REZONING APPLICATION
1237 4th Avenue- Lot 1, District Lot 97, Oyster District, PlanVIP84065

RECOMMENDATION(S):

That Council supports the following Official Community Plan consultation pursuant to S. 879 of the Local Government Act for OCP and Zoning Bylaw amendment application 3360-09-08 (1237 4th Ave. - Pilcher):

- (i) Refer the application to the Advisory Planning Commission (APC) and the Advisory Design Panel (ADP) for review and comment prior to Council direction on the development of amending bylaws, and
- (ii) Refer the application to the Stz'uminus First Nation for comment given that the location of the subject property is in the vicinity of Rocky (Tyee) Creek.

PURPOSE:

The purpose of this report is to introduce an Official Community Plan (OCP) and rezoning application; and to seek direction regarding consultation.

INTRODUCTION/BACKGROUND:

An application has been received from M. Pilcher and Associates Inc. to amend the Official Community Plan and rezone 1237 Fourth Avenue to permit 48 multi-family units (16 townhomes and 32 condominium units). The subject property is 1.95 hectares in size and 48 units on this site would be a density of 25 units per hectare.

Table 1: Summary of OCP Amendment and Rezoning – 3360-09-08

	<i>Current</i>	<i>Proposed</i>
<i>OCP</i>	Single Family Residential	Multi-Family Residential and DPA 4
<i>Zoning</i>	R-1 "Suburban Residential"	Medium Density Residential
<i>Minimum lot size:</i>	668 m ²	To be determined
<i>Permitted uses:</i>	Single Family Residential	16 condo units and 32 townhouse units

SCOPE OF WORK:

The Official Community Plan designates the property as 'Single Family Residential' and the applicant is requesting to designate the property as 'Multi-Family Residential' and place the property in Development Permit Area 4 – Multi-Family Residential

(DPA4). The property is zoned 'Suburban Residential Zone (R-1)' and to accommodate the 48 unit proposal a multi-family zoning would be required.

South of the subject property is a 0.447 (1.1 acre) property (Lot 2, Plan VIP84065) which contains Rocky (Tyee) Creek and riparian area (this lot is owned by the same owner as the subject property). Across the road to the south is the multi-family development "Executive at the Creek" and to the west is a single family neighbourhood on Greenhorn Place. To the north is provincially owned forest land which falls within the Cowichan Valley Regional District. To the east is a treed Crown owned property (Lot A, Plan VIP66519) which falls in the Town of Ladysmith.

An arborist report supplied by the applicant states that the site was logged in the late 1980's. The trees onsite today include Maples, Fir, Cedar and Alder, and Balsam. A preliminary landscape statement supplied by the applicant states that to accommodate the proposed development the centre region of the site will need to be cleared. The landscape architect further states that along the property lines of the site a buffer of existing native trees and vegetation can be maintained. If the rezoning proceeds it is recommended to require the applicant to provide a tree protection management plan prior to development of the site to ensure the buffer of native trees and vegetation is maintained along the property boundaries.

The landscape architect further states that a Landscape Plan will pay special attention to utilizing native species (an inventory of site species was provided); protection of the riparian area (both during and post construction); and to stormwater management.

A 'Riparian Area Assessment' was completed for the site and the proposed site plan accommodates the recommendations from the assessment. The assessment also provides recommendations regarding protection of trees in the riparian area, sediment and erosion control, stormwater management, and environmental monitoring during construction. If the rezoning proceeds it is recommended to include the assessment recommendations in a land-use agreement (covenant).

Staff is working with the applicant toward an amenity contribution which may include donating to the Town the 0.447 (1.1 acre) property (lot 2, Plan VIP84065) which contains a portion of Rocky (Tyee) Creek. If this lot is transferred to the Town it is recommended to designate this lot as 'Parks and Open Space' and zone as 'Parks (P-2)'.

ALTERNATIVES:

That Council proceed no further with OCP and Zoning Bylaw Amendment application 3360-09-08 (1237 Fourth Avenue).

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS:

As this application proposes to amend the OCP, Council must:

1. Consider whether consultation on the OCP amendment should be early and on-going, and
2. Specifically consider whether consultation is required with:
 - (i) the boards of the CVRD and ~~36~~ RDN

- (ii) the council of a municipality adjacent to Ladysmith
- (iii) First Nations
- (iv) the school district, great boards or improvement district boards, and
- (v) the provincial or federal government and their agencies.

It is standard practice for Council to refer rezoning proposals to the Advisory Planning Commission at an early stage. Proposals that would result in a form and character development permit application may be referred to the Advisory Design Panel at the rezoning stage. Given the proximity of the subject property to Rocky Creek, Stz'uminus First Nation may be interested in the proposal. The Provincial archaeological database does not indicate any artefacts at this location. The proponent has completed the required Provincial requirements for riparian areas. The proposal does not appear to impact other agencies' interests.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

In addition to the OCP consultation, a neighbourhood information meeting and public hearing would be required if the application proceeds.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to the Director of Public Works and Director of Parks, Recreation, and Culture for review and comment.

RESOURCE IMPLICATIONS:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

An application has been received to amend the Official Community Plan and Zoning Bylaw to permit 48 units at 1237 4th Avenue. It is recommended to refer the application to the Advisory Planning Committee and Advisory Design Panel, and the Stz'uminus First Nation.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

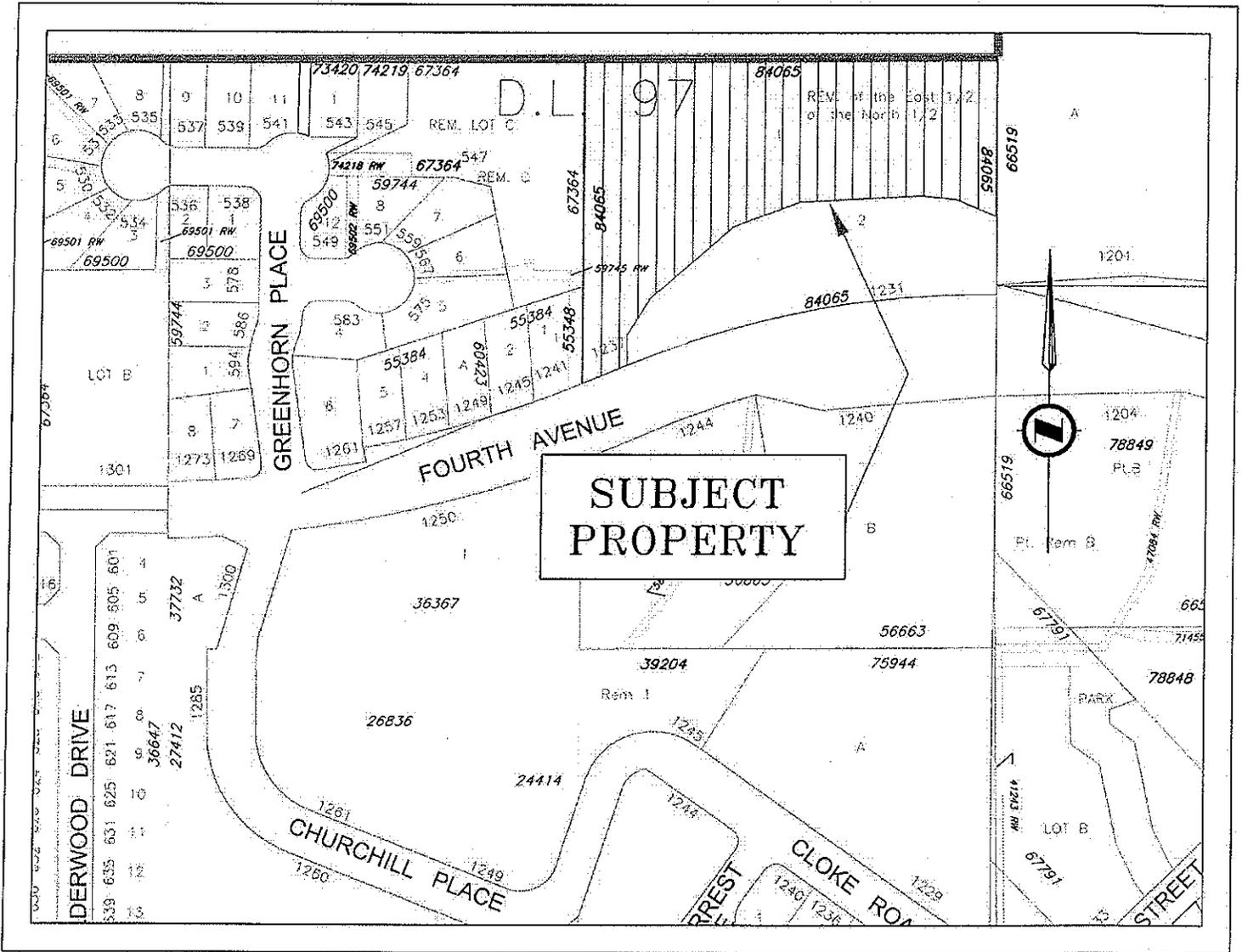
Schedule A: Subject Property Map

Schedule B: Design Rationale (Sept. 21, 2009 – delinea design consultants ltd.)

Schedule C: Site Plan – PR1 (Sept. 10, 2009 – delinea design consultants ltd.)

Schedule D: Exterior Elevation townhomes – PR2 (Sept. 10, 2009 – delinea design consultants ltd.)

Schedule E: Exterior Elevation condominiums – PR3 (Sept. 10, 2009 – delinea design consultants ltd.)

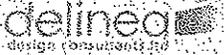


Schedule A - Subject Property Map

21 September 2009

MULTI FAMILY DEVELOPMENT
1237 FOURTH AVENUE
LADYSMITH B.C.

DESIGN RATIONALE



The subject property on 4th Avenue is a 1.95 ha. site with hilly terrain bound by Rocky Creek, crown land, park and a residential zoned undeveloped parcel.

This development proposal provides housing options in a naturally wooded site. Preservation and protection of the setting are key aspects of the design and recognized as the primary amenity and the projects greatest asset.

Design principles adopted to achieve this include:

- Protection of Rocky Creek by previous subdivision and separation from building sites.
- Minimize site disturbance with;
 - reduced building footprints / lot coverage
 - reduced width of private road network
 - component of underground and/or covered parking
- Significant buffering of adjacent properties; The Rocky Creek parcel itself is a significant separation of 4th Avenue and the building sites. Vegetation on the creek banks will provide a complete visual screen. Additionally, setbacks from the property boundaries to building sites are generous to create usable outdoor spaces, ensure privacy and develop or protect landscape features.

There are two distinct housing forms; condominiums units and clustered town homes. The design concepts for each are:

Condominiums:

- Based on the principal that equal densities can be achieved by building upward rather than outward with less site impact, these buildings are 4 storeys each with just 4 units per floor.
- Parking is located beneath the structure with a small node of surface visitor parking, common to both buildings
- Although not large, the height and scale of the building is further diminished by the backdrop of mature trees and relief from public streets. These are comparable in height to generic apartment blocks without the mass due to the reduced building area and limited number of units. Building elements will range in height from 10m (roof decks) to 12m (elevator shafts / clerestory glazed components) to 14m (peak of sloped roofs).

Cluster Housing:

- Units are typically 1 to 1 1/2 storeys in height.
- Again, the small floor plates and organizational relationships allow for offsetting of heights to relate to natural topography.
- Use of natural finish materials lends itself well to the environment and provides durability. Stone, concrete, timber, wood and composite cladding are materials of choice. Vinyl siding is not a consideration.

Green building strategies are also design considerations and are itemized on drawing PR2.



CONTRACTOR TO VERIFY ALL DIMENSIONS, LEVELS, SURVEY DIMENSIONS, LOCATION OF ALL BUILDINGS ON SITE AND LOCATION OF ALL SERVICES PRIOR TO CONSTRUCTION. ALL WORKS TO BE IN ACCORDANCE WITH THE B.C. BUILDING CODE CURRENT EDITION AND ALL LOCAL BUILDING BYLAWS.

CONTRACTOR RESPONSIBLE THESE PLANS ARE THE PROPERTY OF DELINEA DESIGN CONSULTANTS LTD. THEY ARE TO BE USED ONLY FOR THE PROJECT AND IN NO MANNER IS REPRODUCTION OR USE IN ANY MANNER IS NOT PERMISSIBLE.



4376 OUBURN ROAD LADYSMITH BC V0G 1G7
 Phone: 250.245.3894
 Fax: 250.245.3894
 Website: www.delinea.ca

REVISIONS:
 issued for review 07 January 2009
 issued for rezoning 10 September 2009

PROJECT:
Multi Family Residential Development
 1237 Fourth Ave. Ladysmith, BC

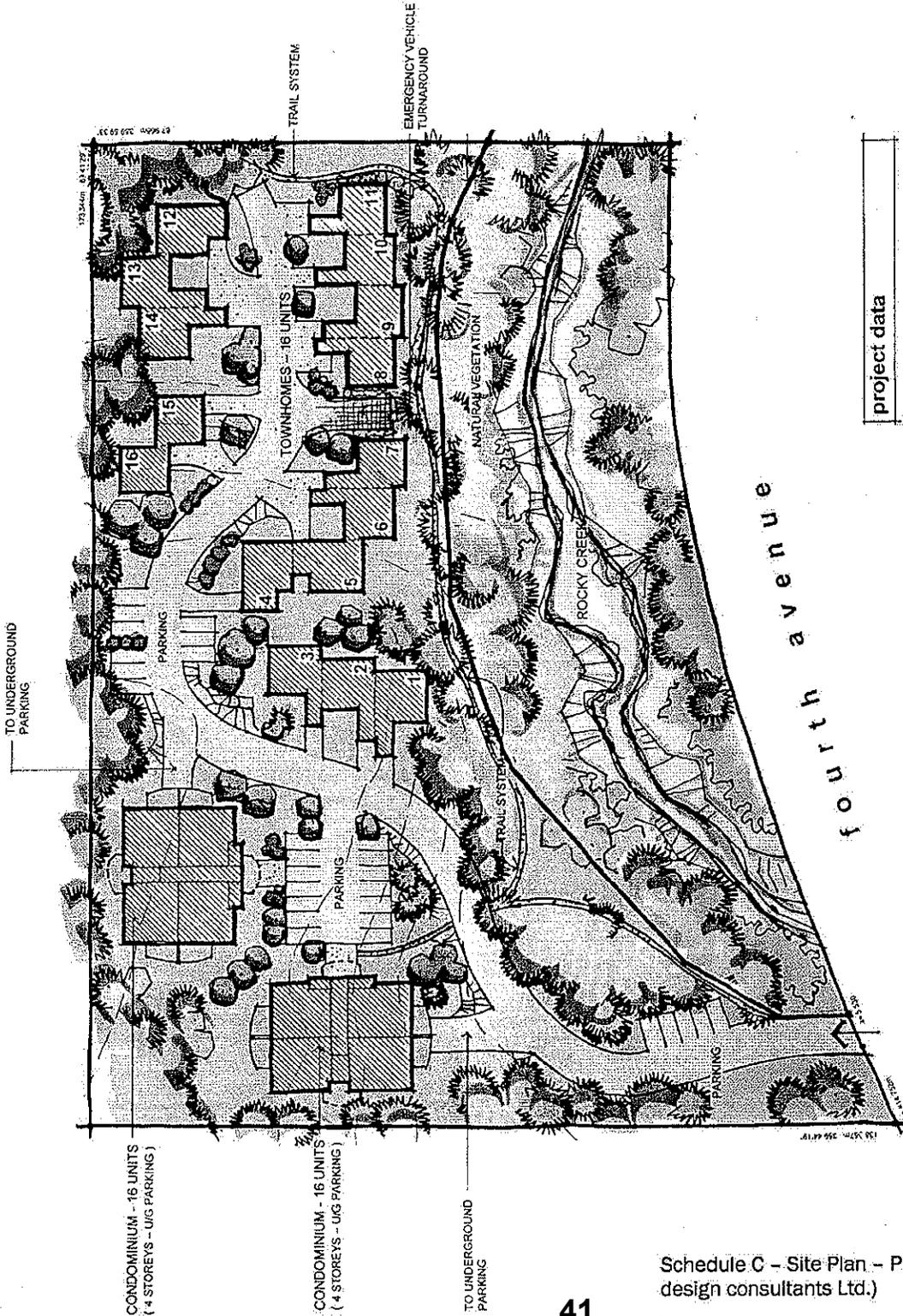
JOB NUMBER:
 4524.31.92

SCALE:
 as noted

DRAWN BY:
 C.M.

DRAWING TITLE:
 site plan

PAGE:
PR1



project data

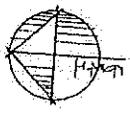
legal description:
 remainder of the east 1/2 of the north 1/4 of district lot 97, sybil district, except that part in plan VIP 36367

chic address:
 1237 fourth avenue, ladysmith, b.c.

zoning:
 existing R-1 suburban residential
 proposed R-3-A medium density residential

lot area:
 1.95 ha

land uses:
 townhomes 16 units
 4 storey condominium 32 units
 total 48 units



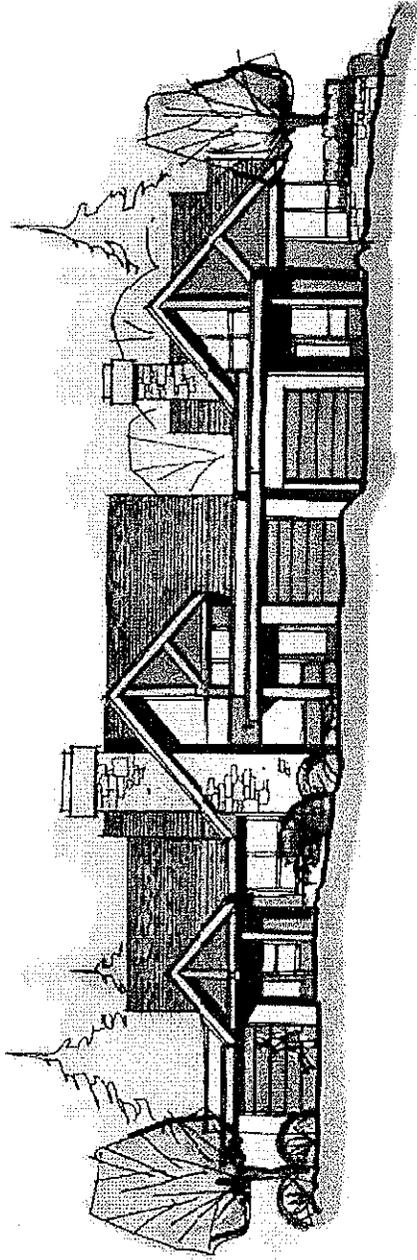
site plan
 SCALE: 1:1000

CONTRACTOR TO VERIFY ALLURES, LEVELS, DIMENSIONS AND LOCATION OF BUILDING ON SITE AND LOCATION OF SERVICES PRIOR TO CONSTRUCTION. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED. THE B.C. BUILDING CODE CURRENT EDITION AND ALL LOCAL BUILDING BYLAWS, ORDINANCES, REGULATIONS, AND BYLAWS. THESE PLANS AND SPECIFICATIONS ARE TO BE USED ONLY FOR THE PROJECT AND NOT FOR REPRODUCTION OR FOR ANY OTHER PROJECT. NOT PERMISSIBLE.



415 OBERLIN ROAD LADYSMITH BC V8S 0Z
 Will Melville
 designer 250.245.3494
 24 June 09
 issued for review 10 Sept 09

REVISIONS
 issued for review 10 Sept 09



exterior elevation - townhomes

GREEN BUILDING STRATEGIES

- SUSTAINABLE SITE:**
 - erosion and sediment control plan
 - protection of natural vegetation
 - minimize light trespass
 - storm water management
 - permeable surfaces for roads, parking areas, pathways etc.
- COURSE OF CONSTRUCTION PRACTICES:**
 - use of regional materials
 - divert construction waste from landfill
 - waste management
 - material re-use
- ENERGY:**
 - energy efficient windows
 - high insulation standards
 - energy efficient appliances (heat pumps, high efficiency furnaces, energy star, on demand hot water, etc.)

WATER:

- low-flow fixtures
- drought tolerant / native plant materials
- irrigation supplemented or eliminated with rain water collection system
- high fly ash content concrete
- renewable resources (cork, bamboo, wheat core etc.)
- use materials with a recycle content
- low VOC paints, sealants, adhesives etc.

MATERIALS:

PROJECT:
Multi-Family Residential Development
 1237 Fourth Ave, Ladysmith, BC
JOB NUMBER:
 4324.31.92
SCALE:
 as noted
DRAWN BY:
 C.M.
DRAWING TITLE:
 conceptual townhome exterior elevation
PAGE:

PR2

CONTRACTOR TO VERIFY ALL LEVELS, ELEVATIONS, DIMENSIONS AND LOCATIONS OF BUILDING ON SITE AND LOCATION OF SERVICES PRIOR TO CONSTRUCTION. ALL DIMENSIONS TO BE CORRELATED WITH THE B.C. BUILDING CODE, CURRENT EDITIONS AND ALL LOCAL BUILDING BYLAWS AND REGULATIONS.

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delinea
design consultants ltd

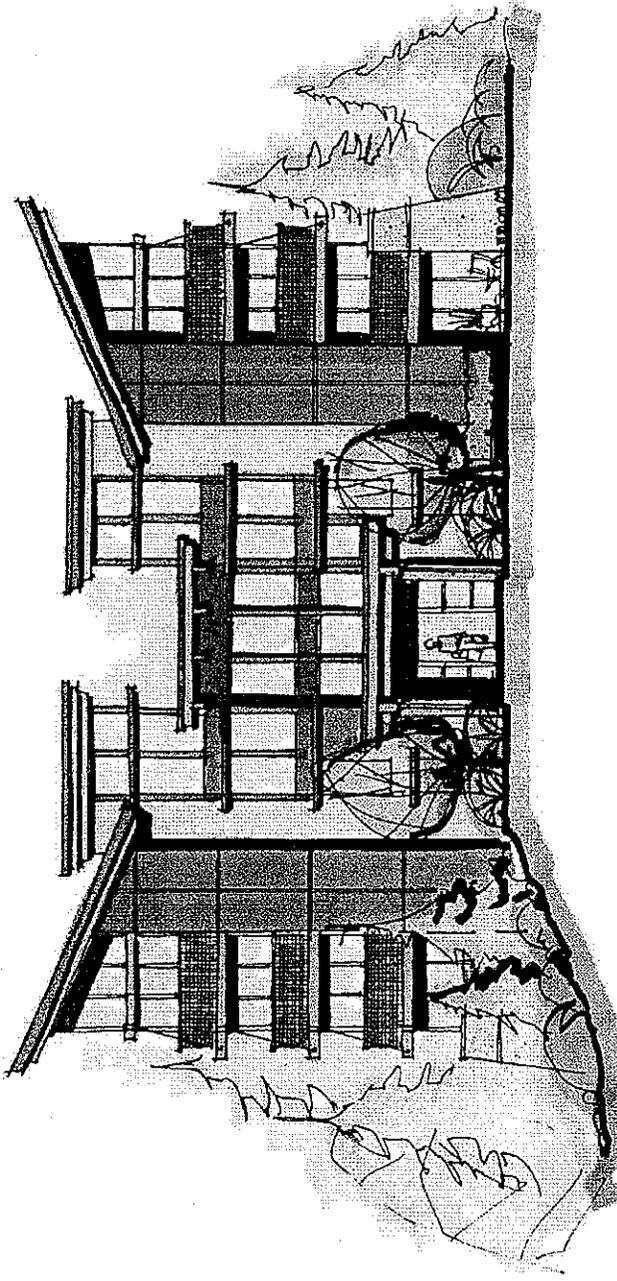
4750 CANTON ROAD, LADYSMITH BC V9C 1G2

Will McMillan
designer

Michelle
250.46.3884

REVISIONS:
24 June 09
10 Sept 09

Issued for review
Issued for rezoning



exterior elevation - condominiums

PROJECT:
Multi-Family Residential Development
1237 Fourth Ave., Ladysmith, BC

JOB NUMBER:
d324.31.92

SCALE:
as noted

DRAWN BY:
C.M.

DRAWING TITLE:
conceptual condominiums
exterior elevation

PAGE

PR3

Letter



To: Councillors and Mayor of the City of Ladysmith
From: David Parker, CEO StrongWood Technologies Inc. (STI)
Date: 16 November 2009
Subject: Request for a letter of support

Dear Ladies and Sirs,

Mayor Hutchins, on 24 June 2009 sent a letter to Western Economic Diversification Canada, in support of STI's application for a loan under the Community Adjustment Fund (CAF) program. Three other communities (Campbell River, Port Alberni, and Terrace) also sent letters of support. It is our plan to locate StrongWood plants in at least three and possibly four or more of the named communities. We have a three step program: 1) Complete a prototype lay-up trial, 2) Construct and operate the first StrongWood plant here on the coast of BC and 3) Expand production facilities as quickly as is possible and reasonable.

We have been informed that our application might be rejected because it indicates that the short term benefits would flow to New Westminster instead of one of the four communities I named. The only short term employment benefit would be 5 staff employed for about 3 months. However, the long run permanent employment would be 180 to 200 staff. The annual revenue flowing back to the plant would be \$170,000,000 with the associated taxes flowing to Ladysmith. In addition, the plant intends to use mainly Hemlock timber, currently underutilized here on the coast. The StrongWood process will yield more product per volume of timber used than does any other sawn lumber or engineered lumber process. This high yield will result in lowering the drain on our forests as well as increasing the potential product volume. We do not expect you to undertake an in-depth investigation, that is the job of Western Economic Diversification Canada. We do request that the offices of the Mayor and Councilors send a letter indicating that you would like Western Diversification to meet with the managers of STI to review our claims and proposed benefits to the local communities.

Thank you for considering our request. Mrs. Sandy Bowden is in possession of more explanatory material about StrongWood. If necessary, I would be pleased to travel to Ladysmith to meet with you.

Best regards,

David Parker, President and CEO
StrongWood Technologies Inc.
1003-235 Keith Road
West Vancouver, BC V7T 1L5
604 925-3550
parkerd7@shaw.ca

Draft Letter of Support

To: Western Economic Diversification Canada
From: Town of Ladysmith: City Council and Major's Office
Date: 16 November 2009
Subject: CAF Application (File No. 9938) by StrongWood Technologies
Attn: Miss Pacita Ho, Program Coordinator
Western Economic Diversification Canada
700 – 333 Seymour Street
Vancouver, BC V6B 5G9

The City Council and Mayors office of the town of Ladysmith would like to present our concern about the CAF application for a loan by StrongWood Technologies Inc.(STI). The current economic crisis and the downturn in the forest products industry is of great concern to us in Ladysmith. The possibility of having a StrongWood Plant constructed and operated in Ladysmith could make a substantial contribution to the economic welfare of our town and region. Having an increase to our employment of 180 to 300 persons within one year after financing is in place would be a substantial boost to our local economy as well as having \$170 million annually flowing back to the plant and the associated taxes flowing back to Ladysmith. It also appears that such a production facility would use underutilized Hemlock and therefore increase the value of this underused and undervalued abundant timber.

We have been informed that WD is concerned that the short run benefits of the StrongWood loan application would flow to New Westminster, where the capital equipment needed for their prototype lay-up trial is produced. The gain in employment for this trial is only about 5 persons for three months. Yes, we would like this small short run employment increase to flow to Ladysmith. However, our primary concern is increasing the long run revenue and employment base of the region. If the management of StrongWood Technologies is correct about the StrongWood opportunity, locating such a facility in Ladysmith would be very important to the economic health of our town and region.

We are not asking WD to approve the application by STI, we are not knowledgeable enough to know whether it should be approved or disapproved. However, we are asking WD to meet with the management of STI, to undertake either a due diligence activity or a fact finding activity prior to due diligence. If STI is able under such scrutiny to support their claims and plans, then we believe that local, provincial and federal governments must do whatever is possible to locate StrongWood production here in BC as quickly as possible.

Ladysmith has the talented labour force, the industrial land and the motivation to work closely with STI to ensure that a StrongWood plant is located in Ladysmith. The

StrongWood Plant would create synergies with existing veneer producers in the region and thereby form a nucleus of new innovative wood manufacturing operations that could catalyze a transformation of the coast forest sector in our region.

Therefore we respectfully request that WD explore opportunities with STI that will result in this technology being introduced on the BC Coast where new innovative wood manufacturing technologies are so desperately needed.

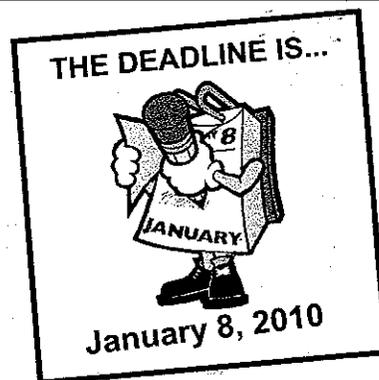


Kin Canada

Association of Kinsmen and Kinettes

Kin Canada National Headquarters

1920 Hal Rogers Dr., P.O. Box KIN Cambridge, ON N3H 5C6
(800) 742-5546, ext. 205 • Fax: (519) 650-1091 • www.kinCanada.ca



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Official Publication of Kin Canada



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**See reverse for
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1/6 Page	\$375	2.434"	4.937"
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Kin Canada

Association of Kinsmen and Kinettes

The Town of Ladysmith
Town Hall, PO Box 220
Ladysmith, BC, V9G 1A2

NOV 24 2009

November 16, 2009

Dear Mayor and Members of Council,

Kinsmen and **Kinettes** play a vital role in Canadian society by raising funds for worthy causes, large and small; undertaking ambitious projects to meet local community needs; and by offering leadership training to those who yearn to make a positive change.

Once a year, Kinsmen and Kinettes ask various municipal, provincial and federal representatives to help them maintain their high level of service by placing a 'Message-of-Support' in *KIN Magazine* (the magazine read by every member of our national community-benefit organization). These 'thank you' messages give you the opportunity to express your appreciation to Kin Canada members, who have raised funds and donated countless hours to serve the needs of fellow Canadians and the communities they call home. Without our clubs, communities would experience even greater demands on community resources.

Through a variety of service projects organized by clubs, Kin Canada has collectively helped thousands, possibly millions, of people in need. Last year, more than **\$14 million** was raised nationally. As well, Kin members can proudly say they have contributed more than **\$1 billion** to Canadian communities, including **\$37 million** for cystic fibrosis research and hundreds of millions for parks, playgrounds and community facilities.

By supporting Kin Canada through our annual 'Message-of-Support' campaign, you are ensuring this work continues on in your neighbourhood, community, and across the country. We ask that you please show your support and help us celebrate **our 90th anniversary** as an Association by completing the enclosed order form and returning it today. We thank you for your consideration.

Yours in Kin,

Sean D.M. Thompson
2009/10 National President
Kin Canada

UNION OF
BRITISH
COLUMBIA
MUNICIPALITIES

Administration provided
By UBCM

Funding provided by:
Government of Canada

Canada

In partnership with:



Gas Tax/ Public Transit
Management Services
Secretariat

Local Government House
525 Government
Victoria BC V8V 0A8

Phone: 250 356-2947
Fax: 250 387-4470

Website:

www.ubcm.ca
under
Funding Programs/
Gas Tax Fund/
Programs

Gas Tax/Public Transit Management Services

...delivering the federal gas tax and public transit agreement funding in British Columbia

November 20, 2009

Mayor Robert Hutchins and Council
Town of Ladysmith
PO Box 220
Ladysmith, BC V9G 1A2

NOV 24 2009

Dear Mayor Robert Hutchins and Council:

RE: GAS TAX AGREEMENT COMMUNITY WORKS FUND PAYMENT

I am pleased to advise that UBCM is in the process of distributing the second of two Community Works Fund (CWF) payments for fiscal 2009. An electronic transfer of \$127,947.15 is expected to occur on November 20, 2009. These payments are made in accordance with the payment schedule set out in your CWF Agreement with UBCM (see Addendum #1 of your Agreement).

CWF are made available to eligible local governments by the Government of Canada pursuant to the Agreement on the Transfer of Federal Gas Tax Revenues between UBCM and the governments of Canada and British Columbia. Funding under the program may be directed to local priorities that fall within one of the eligible project categories and that are in keeping with the Agreement's intended outcomes of reduced greenhouse gas emissions, cleaner air and cleaner water.

One of the recommendations arising from the national evaluation of the Gas Tax Fund was improved communications. In the interest of sustaining the program over the long term, local governments are encouraged to highlight the use of Community Works funds through earned media coverage and signage. UBCM has dedicated staff to help you identify opportunities, plan events or develop products. For more information, please contact Paul Taylor, Relationships and Communications Advisor at ptaylor@ubcm.ca or by phone at 250-356-2938.

Further details regarding use of CWF and project eligibility are outlined in your CWF Agreement and on our web site at www.ubcm.ca. Also included on our website is UBCM's Annual Expenditure Report for 2008-09 which you may find of interest.

For further information, please contact Brenda Gibson, General Manager, Victoria Operations, by e-mail at bgibson@ubcm.ca or by phone at 250-356-2947.

Sincerely,

Harry Nyce
President

pc: Mark Hermanson, Chief Financial Officer



CENTRAL SERVICES

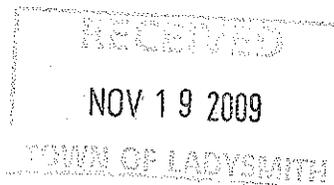
Box 3333, 6250 Hammond Bay Rd., Nanaimo BC, Canada V9R 5N3

Phone: (250) 758-4697 Fax: (250) 758-2482

Email: info@virl.bc.ca Web: www.virl.bc.ca

November 17, 2009

His Worship Robert Hutchins, Mayor
Town of Ladysmith
P.O. Box 220, Stn Main
Ladysmith, BC V9G 1A2



Mayor Hutchins and Councillors:

Re: Appointment to the 2010 Vancouver Island Regional Library Board

As cornerstones of their communities, our libraries connect people to each other, to their community and to their hopes and dreams. Libraries promote and enrich the democratic, cultural, educational and economic life of your residents.

With the new year not too far off, it is time to consider your appointment or reappointment to the Vancouver Island Regional Library Board. The position is one of great importance, as the Vancouver Island Regional Library is the ninth largest library system in Canada, and serves in excess of 420,000 island residents.

As per provincial legislation (Library Act [RSBC 1996] Chapter 264), certified resolutions must be submitted to the Vancouver Island Regional Library by December 15, 2009, along with specific information pertaining to the appointment or reappointment.

For your convenience we have included Board Member and Alternate Appointment Forms.

Please send the completed forms and certified copy of the appropriate resolution to the attention of Rosemary Bonanno, Executive Director, in the enclosed self-addressed envelope or by fax 250-758-2482, or email (koldham@virl.bc.ca).

Thank you for your continuing support!

Sincerely,

Rosemary Bonanno, BA, MLS
Executive Director

Enclosure...

c.c. – Ruth Malli, City Manager