



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 15, 2010
at 7:00 p.m.

A G E N D A

Page

CALL TO ORDER

1. EXECUTIVE SESSION (6:15 p.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;
- labour relations or other employee relations;

2. RISE AND REPORT

3. AGENDA APPROVAL

4. PUBLIC HEARING

None.

5. BYLAWS (OCP / ZONING)

- 5.1 Official Community Plan and Zoning Amendment Application 3360-09-03 **1 - 27**
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, DL 43, Oyster District, Plan 32981
- 5.2 Official Community Plan Amendment and Rezoning Application – 3360-09-07 **28 - 31**
Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 30), 2010, No. 1708
Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 79), 2010, No. 1709
Proposed Lot 6 of Lot 1, DL 108, Oyster District, Plan 47290
- 5.3 Official Community Plan Amendment and Rezoning Application – 3360-09-08 **36 - 51**
Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 29), 2010, No. 1705
Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 78), 2010, No. 1706
1237 4th Avenue – Lot 1, District Lot 97, Oyster District, VIP84065

6. MINUTES

Adoption of following minutes:

- February 1, 2010 **51 - 55**

7. DELEGATION

None

	<u>Page</u>
8. PROCLAMATIONS	
8.1 Mayor Hutchins has proclaimed: <ul style="list-style-type: none">• March , 2010 as “Easter Seals Month” in the Town of Ladysmith.	
9. DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS	
9.1 <u>Environmentally Sensitive Area Development Permit Application 3060-10-01</u> Lot 1, District Lot 42, Oyster District, Plan 8270, Except Parts in Plan 44668, 47403, VIP57744, and VIP 80930 – 322 Morgan Road (G. and D. Coles)	56 – 60
10. STAFF / ADVISORY COMMITTEE REPORTS	
10.1 <u>Annual Tender Awards 2010</u>	61 – 62
10.2 <u>Recommendation from the Environment Commission</u>	63
10.3 <u>Fire Chief’s Report – January, 2010</u>	64
10.4 <u>Building Inspector’s Report – January 2010</u>	65
10.5 <u>Trolley Report – January, 2010</u>	66
11. CORRESPONDENCE	
11.1 <u>D. Welch, Local Government Program Services</u> Re: Completion of Built Environment and Active Transportation Project (Phase 2) <u>Staff Recommendation:</u> That the correspondence be received.	67
11.2 <u>J. Barry, Corporate Secretary, Cowichan Valley Regional District (CVRD)</u> Re: Community Safety Advisory Committee Membership <u>Staff Recommendation:</u> That Council considers if it wishes to appoint a member of Council to the CVRD’s Community Safety Advisory Committee and the CVRD be so advised.	68 – 71
12. BYLAWS	
12.1 Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2010, No. 1707 Re: May be adopted.	72 - 73
13. NEW BUSINESS None.	
14. UNFINISHED BUSINESS None.	
15. QUESTION PERIOD	

ADJOURNMENT



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: February 8, 2010
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 third 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 Council accepts the attached two covenants prepared for rezoning application 3360-09-03 and authorizes the Mayor and Corporate Officer to execute the documents.

PURPOSE:

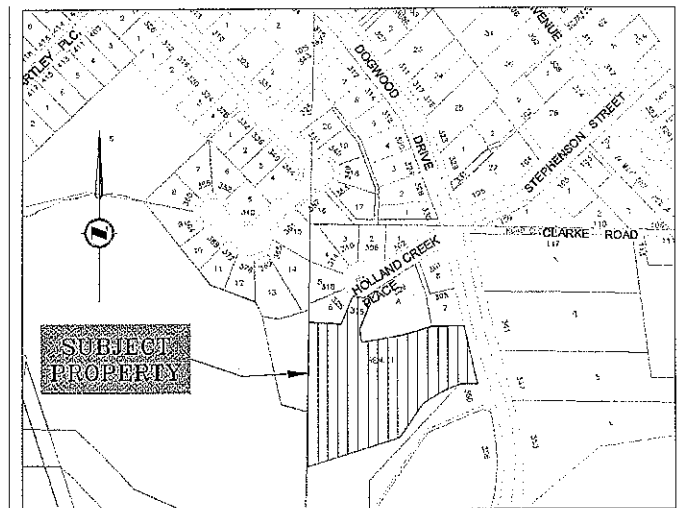
The purpose of this report is to present Bylaw 1700 and 1701 for consideration of third reading, and to present two covenants (related to the land-use agreement and rezoning of 315 Holland Creek Place).

INTRODUCTION/BACKGROUND:

On December 7, 2009 Council passed the following motion:

It was moved, seconded and carried that "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No.28), 2009 No.1700' and 'Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No.77), 2009, No.1701' (Application 3360-09-03) be referred to staff to work with the developer on the following possible accommodations:

- RV Parking;
- Emergency access to Dogwood Drive;
- Reduce units to 11 to accommodate amenity space;
- Snow removal and parking for residents in inclement weather; and restriction of the use of pesticides.



SCOPE OF WORK:

The attached letter from Delinea Design Consultants Ltd. (dated January 14, 2010) explains the applicant's response and accommodations to the issues raised at the December 7 public hearing.

Two covenants have been provided by the owner containing terms as previously directed by Council.

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:

A new public hearing will be required if new issues are introduced at this time.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

As requested by Council at the December 7, 2009 meeting, a letter was sent to residents of the immediate area on February 8, 2010 to notify them that Bylaws 1700 and 1701 are being considered by Council on February 15, 2010.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS: n/a

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:

Bylaws 1700 and 1701 are presented for consideration of third reading. Two land use covenants are also presented.

I concur with the recommendation.



10 Ruth Malli, City Manager

ATTACHMENTS:

Schedule A: 3360-09-03 Letter – Delinea, Will Melville – January 14, 2010
Schedule B: 3360-09-03 Site Plan, Holland Creek Place, 13 Units
Schedule C: 3360-09-03 Covenant to protect embankment area
Schedule D: 3360-09-03 Covenant to secure amenity and site plan features
Bylaw 1700
Bylaw 1701

14 January 2010

Town of Ladysmith
410 Esplanade
PO Box 220
Ladysmith B.C.
V9G 1A2



Attn: Felicity Adams / Lisa Brinkman

RE: PROPOSED MULTI FAMILY DEVELOPMENT, HOLLAND CREEK PLACE, LADYSMITH B.C.

Further to the Public Hearing held on 07 December 2009, we submit the following response to issues raised by Council.

- R.V. Parking – This is not a proposed use for this site. Although there is adequate parking to allow for smaller tent trailers, boats, golf carts etc., it is not the intent to provide parking for larger recreational vehicles. This is to be regulated by covenant.
- Emergency access to Dogwood Drive – Upon review, we maintain that grade between the buildable site area and Dogwood is too steep to permit access without significant regrading of the site and compromising accessibility to the proposed dwellings. The emergency vehicle turnaround has been previously reviewed and approved by the fire department. It is also designed in accordance with B.C. Building Code requirements.

Further, we believe the units facing Dogwood Drive make a greater contribution to the streetscape than a driveway.

- Reduced density – As part of the schematic and conceptual design process, various housing types and densities were considered. On the upper end of the scale, it was determined that the site could support 22 units. This proposal for 13 units was deemed to be optimal in terms of unit configuration, accessibility, amenity space, site lines, views, privacy etc. Effectively, the owner has already opted for a lighter density in the context of a multi-family residential development.
- Snow removal – This issue will be addressed by covenant and/or strata corporation bylaws to ensure that common driveways are kept clear and forego the need for parking on Holland Creek Place. Additionally, the

revised site plan has incorporated more parking at the site access for temporary and visitor parking.

- Restriction of herbicide use – This will also be identified as a prohibited use in covenant documents.

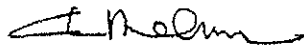
Please note the following features also contained in the amended site plan:

- Additional parking now increases the parking ratio to approximately 2.5 cars per unit. This is well in excess of the 1.5 per unit Bylaw requirement.
- Traffic calming (speed humps) has been identified in 2 locations.
- The subdivision boundary has been modified/enhanced to accommodate 2 separate panhandle access driveways negating the need to extend the public road and ensures that snow removal and maintenance will be the responsibility of the strata corporation.

Please find attached a revised site plan (04 January 2010).

I trust this addresses all concerns. Please feel free to contact us should you have any questions.

Regards,



per

Will Melville
Designer

LAND TITLE ACT
 FORM C
 (Section 233)
 Province of
 British Columbia

GENERAL DOCUMENT (This area for Land Title Office use) Page 1 of 7 pages

1. APPLICATION: (Name, address, phone number & signature of applicant, applicant's solicitor or agent).
 Johns, Southward, Glazier, Walton & Margetts
 151 Fourth Street, Michael H. Genge: _____
 Duncan, B.C. V9L 5J8 File No. 095542
 Ph. 746-8779

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND: *
 (PID) (LEGAL DESCRIPTION)
 000-222-267 Lot 1, District Lot 43, Oyster District, Plan 32981, Except Part in Plan 37237, 48015, VIP80990 and VIP85254

3. NATURE OF INTEREST: *	Document Reference	Person entitled to interest
Description	(page & paragraph)	
Section 219 Land Title Act Covenant	Entire Instrument	Transferee
Priority Agreement	Page 6	Transferee

4. TERMS: Part 2 of this instrument consists of (select one only):
 (a) Filed Standard Charge Terms } | D.F. No. (b) Express Charge Terms | x | Annexed as Part 2
 (c) Release } | There is no part 2 of this instrument
 A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in item 2.

5. TRANSFEROR(S): *
 HOLLAND CREEK HOLDINGS LTD. (Inc. no. 716456)
 LADYSMITH & DISTRICT CREDIT UNION (as to priority only)

6. TRANSFEREE(S): (Including postal address(es) & postal code(s) *
 TOWN OF LADYSMITH, P.O. Box 220, 410 Esplanade, Ladysmith, BC V9G 1A2

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	Transferor(s) Signature(s)
	Y M D	
	2010	HOLLAND CREEK HOLDINGS LTD., by its authorized signatory(ies):

 Name:

 Name:

(as to both signatures)

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.

** If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E
 If space insufficient, continue executions on additional page(s) in Form D.

Land Title Act
Form D

EXECUTIONS CONTINUED

Page 2 of 7 Pages

Officer Signature(s)	Execution Date Y M D	Transferor(s) Signature(s) LADYSMITH & DISTRICT CREDIT UNION, by is authorized signatory(ies):
_____		Name: _____
		Name: _____

(AS TO BOTH SIGNATURES)

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. 1979, c.116, 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.

Land Title Act
Form D

EXECUTIONS CONTINUED

Page 3 of 7 Pages

Officer Signature(s)	Execution Date	Transferees Signature(s) TOWN OF LADYSMITH, by its authorized signatory(ies):
<hr/>	Y / M / D	<hr/> Name:
		<hr/> Name:

(AS TO BOTH SIGNATURES)

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.

TERMS OF INSTRUMENT - PART 2

WHEREAS:

- A. The Grantor is the registered owner in fee simple of:
PID 000-222-267
Lot 1, District Lot 43, Oyster District, Plan 32981, Except part in Plan 37237,
48105, VIP80990 and VIP85254

(the "Lands");
- B. The Grantee is the Town of Ladysmith;
- C. The Grantor has made application to rezone the Lands so as to permit the development of thirteen (13) strata lots (the "Development");
- D. The Grantor and Grantee have agreed that certain restrictions be placed on the Lands within the area outlined in black in the reference plan drawn up by Gerald W. Lindberg BCLS and certified correct the ____ day of ____ 20___. (the "Covenant Area") and accordingly the Grantor has offered to grant this Covenant to be registered against title to the Lands pursuant to s. 219 of the *Lands Title Act* , and the Grantee has agreed to accept this Covenant.

NOW THEREFORE, in consideration of the payment of the sum of \$10.00 by the Grantee to the Grantor and 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 Grantor covenants and agrees that it shall not, within the Covenant Area:
- a. dig up, cut down or otherwise remove any trees, bushes, shrubs or other vegetation;
 - b. remove any soil or other like material;
 - c. dump or otherwise dispose of any material, including without limiting the generality of the foregoing, any soil, vegetation or compost material;
 - d. construct any trails; or
 - e. construct or otherwise erect any build or other structures;

unless the prior written consent of the Grantee is first obtained.

2. The Grantor 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 Lands shall not be interpreted as creating any duty on the part of the Grantee to the Grantor 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 Lands as if the Agreement had not been executed and delivered by the Grantor.
4. The Grantor hereby releases and forever discharges the Grantee, its officers, employees and agents, of and from any claim, cause of action, suit, demand, expenses, costs and expenses, and legal fees whatsoever which the Grantor can or may have against the said Grantee for any loss or damage or injury, including economic loss or deprivation, that the Grantor may sustain or suffer arising out of this Agreement, or the limitations on the use of the Lands resulting from this Agreement.
5. The Grantor covenants and agrees to indemnify and save harmless the Grantee, its officers, employees and agents, from any and all claims, causes of action, suits, demands, expenses, costs and expenses, and legal fees whatsoever that anyone might have as owner, occupier or user of the Lands, or by a person who has an interest in or comes onto the Lands, or by anyone who suffers loss or injury, including economic loss, or loss or damage to his person or property, that arises out of this Agreement, or the limitations on the use of the Lands resulting from this Agreement.
6. 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 Grantor other than those contained in this Agreement.
7. This Agreement shall be registered as a charge against the Lands and the Grantor agrees to execute and deliver all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
8. The Grantor shall pay the legal fees of the Grantee in connection with the preparation and registration of this Agreement. This is a personal covenant between the parties.
9. The Grantor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions hereinbefore set out and they shall be binding upon the Grantor as

personal covenants only during the period of its respective ownership of any interest in the Lands.

10. The restrictions and covenants herein contained shall be covenants running with the Lands and shall be perpetual, and shall continue to bind all of the Lands when subdivided, and shall be registered in the Victoria Lands Title Office pursuant to section 219 of the *Lands Title Act* as covenants in favour of the Grantee as a charge against the Lands.
11. 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.
12. 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.
13. The Grantor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
14. Time is of the essence of this Agreement.
15. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.

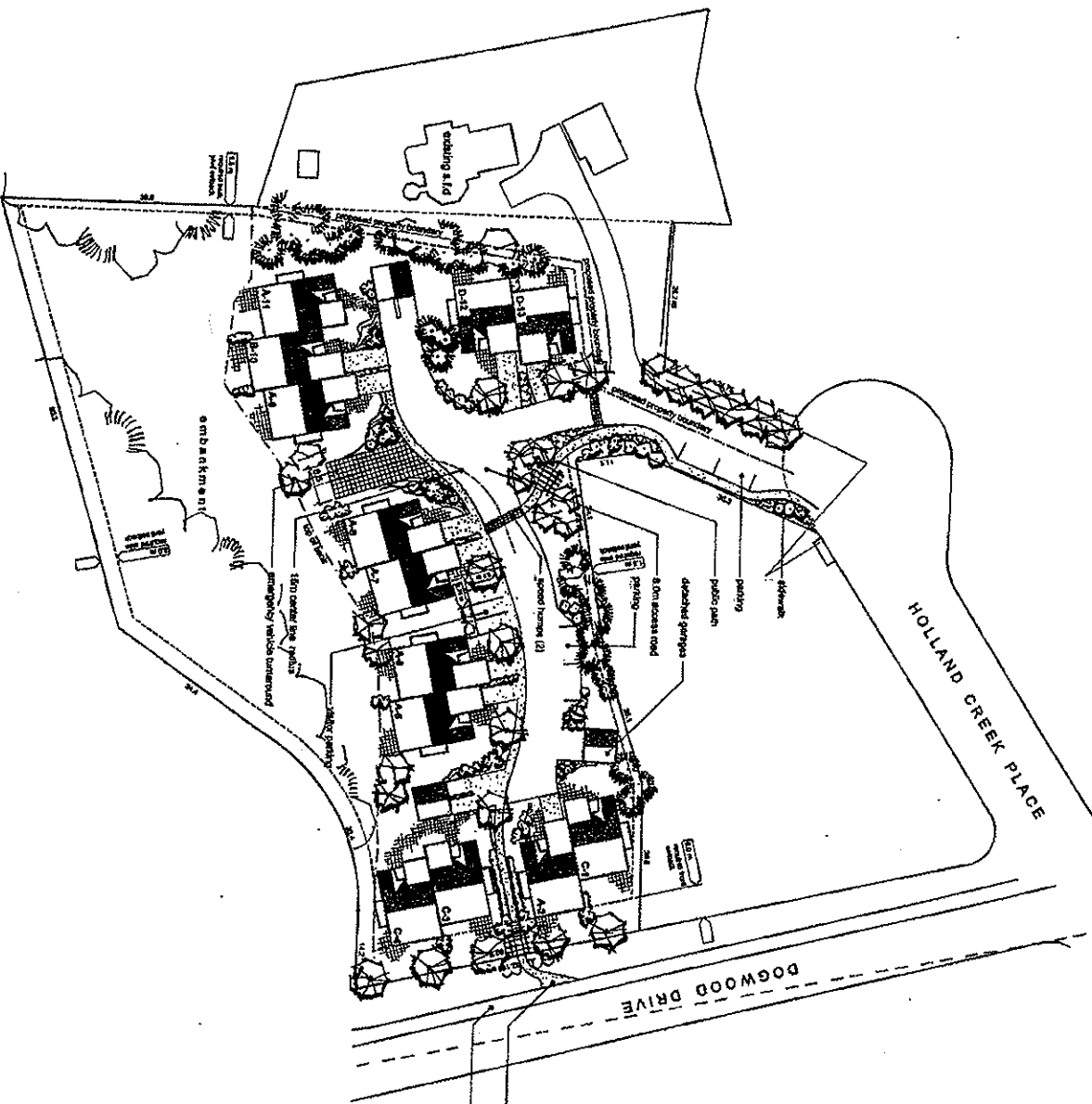
CONSENT AND PRIORITY

16. Ladysmith & District Credit Union, the registered holder of charges by way of a Mortgage and Assignment of Rents (collectively, the "**Charges**") against title to the Lands which charges are registered in the Lands Title Office at Victoria, British Columbia, under #EX22504 AND #EX22505 respectively, for and in consideration of the sum of One (\$1.00) Dollar paid by the Grantee to the said Chargeholder (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 Charges in the same manner and to the same effect as if it had been dated and registered prior to the Charges.

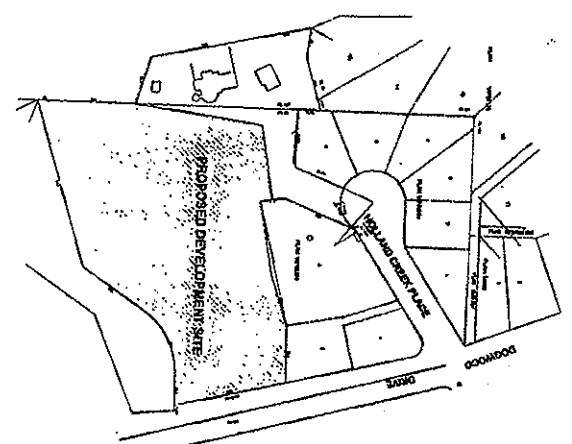
IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C (pages 1 and 2) attached hereto.



site plan
Scale: 1" = 30'-0"



location plan
Scale: 1" = 30'-0"



BUILDING STATISTICS - LOT 7

UNIT TYPE	CONSTRUCTION	SQ. FT. / UNIT	NUMBER OF UNITS	TOTAL SQ. FT.
1	1	1,200	1	1,200
2	1	1,200	1	1,200
3	1	1,200	1	1,200
4	1	1,200	1	1,200
5	1	1,200	1	1,200
6	1	1,200	1	1,200
7	1	1,200	1	1,200
8	1	1,200	1	1,200
9	1	1,200	1	1,200
10	1	1,200	1	1,200
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95	1	1,200	1	1,200
96	1	1,200	1	1,200
97	1	1,200	1	1,200
98	1	1,200	1	1,200
99	1	1,200	1	1,200
100	1	1,200	1	1,200

PROPOSED DATA - LOT 7

LEGAL DESCRIPTION:
 PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

delinea
 CONSULTANTS
 201 BROADWAY, SUITE 200
 NEW YORK, NY 10038
 TEL: 212 512 1234
 FAX: 212 512 1235
 WWW.DELINEA.COM

Project:
 Proposed construction development for
 Holland Canal Holdings Ltd.
 1000 Canal Street, New York, NY
 10038
 01/13/13 13:00
 Scale:
 as noted
 Drawing No:
 A.V.
 Revision:
 01/13/13
 Designer:
 01/13/13
 Checker:
 01/13/13
 Approver:
 01/13/13
 Proposed site plan
 Date:

LAND TITLE ACT
 FORM C
 (Section 233)
 Province of
 British Columbia

GENERAL DOCUMENT (This area for Land Title Office use) Page 1 of 8 pages

1. APPLICATION: (Name, address, phone number & signature of applicant, applicant's solicitor or agent).
 Johns, Southward, Glazier, Walton & Margetts
 151 Fourth Street, Michael H. Genge: _____
 Duncan, B.C. V9L 5J8 File No. 095542
 Ph. 746-8779

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND: *
 (PID) (LEGAL DESCRIPTION)
 000-222-267 Lot 1, District Lot 43, Oyster District, Plan 32981, Except Part in Plan 37237, 48015, VIP80990 and VIP85254

3. NATURE OF INTEREST: *

Description	Document Reference (page & paragraph)	Person entitled to interest
Section 219 Land Title Act Covenant Priority Agreement	Entire Instrument Page 7	Transferee Transferee

4. TERMS: Part 2 of this instrument consists of (select one only):
 (a) Filed Standard Charge Terms | | D.F. No. (b) Express Charge Terms | x | Annexed as Part 2
 (c) Release | | There is no part 2 of this instrument
 A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in item 2.

5. TRANSFEROR(S): *
 HOLLAND CREEK HOLDINGS LTD. (Inc. no. 716456)
 LADYSMITH & DISTRICT CREDIT UNION (as to priority only)

6. TRANSFEREE(S): (Including postal address(es) & postal code(s)) *
 TOWN OF LADYSMITH, P.O. Box 220, 410 Esplanade, Ladysmith, BC V9G 1A2

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 2010	Transferor(s) Signature(s) HOLLAND CREEK HOLDINGS LTD., by its authorized signatory(ies):
----------------------	---------------------------------	--

 Name:

 Name:

(as to both signatures)

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.
 * If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E
 ** If space insufficient, continue executions on additional page(s) in Form D.

Land Title Act
Form D

EXECUTIONS CONTINUED

Page 2 of 8 Pages

Officer Signature(s)	Execution Date Y M D	Transferor(s) Signature(s) LADYSMITH & DISTRICT CREDIT UNION, by its authorized signatory(ies):
<hr/>		<hr/> Name:
		<hr/> Name:

(AS TO BOTH SIGNATURES)

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. 1979, c.116, 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.

Land Title Act
Form D

EXECUTIONS CONTINUED

Page 3 of 8 Pages

Officer Signature(s)	Execution Date	Transferees Signature(s) TOWN OF LADYSMITH, by its authorized signatory(ies):
_____	Y / M / D	Name: _____
		Name: _____

(AS TO BOTH SIGNATURES)

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.

TERMS OF INSTRUMENT - PART 2

WHEREAS:

- A. The Grantor is the registered owner in fee simple of:
- PID 000-222-267
Lot 1, District Lot 43, Oyster District, Plan 32981, Except part in Plan 37237,
48105, VIP80990 and VIP85254
- (the "Lands");
- B. The Grantee is the Town of Ladysmith;
- C. The Grantor has made application to rezone the Lands so as to permit the development of thirteen (13) strata lots (the "Development");
- D. As a condition of the rezoning, the Grantee has requested of the Grantor, and the Grantor has agreed to comply, with the measures respecting the development of the Lands as set out in plans drawn up by Will Melville, of Delinea Design Consultants Ltd., which plans are attached to this Agreement as Schedule "A" together with the other restrictions set out herein and accordingly the Grantor has offered to grant this Covenant to be registered against title to the Lands pursuant to s. 219 of the *Lands Title Act* , and the Grantee has agreed to accept this Covenant.

NOW THEREFORE, in consideration of the payment of the sum of \$10.00 by the Grantee to the Grantor and 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 Grantor covenants and agrees that it shall not:
- (a) subdivide the Lands;
 - (b) construct any building or structures upon the Land, including but not limited to the development of the Lands; or
 - (c) take any proceedings to compel the Grantee to issue a building permit for any such construction;
- unless it has first paid to the credit of the Grantee's Development/Amenity Fund, the sum of **FIVE THOUSAND (\$5,000.00) DOLLARS**.
2. The Grantor covenants and agrees that it shall, in developing the Lands and constructing residences thereon:

- a. complete an erosion and sediment control plan for the Lands to the reasonable satisfaction of the Grantee;
 - b. use its best efforts to maintain water runoff levels from the Lands at or below pre-development rates;
 - c. use its best efforts to minimize the passage of light into adjacent properties and into the Holland Creek trail area;
 - d. install permeable surfaces, where reasonably possible, for roads, parking areas and patios;
 - e. the use, where reasonably possible, of regional materials, renewable materials, or materials with recycled content;
 - f. install in all residences constructed on the Lands, energy efficient windows, energy efficient appliances, high efficiency climate control systems, low water flow fixtures and demand hot water supplies;
 - g. use the services of a landscape ~~architect~~ ^{DESIGNER OR ARCHITECT} for site landscape design on the Lands and with the focuses of such landscape design to include:
 - (i) the use of drought tolerant plant material;
 - (ii) the installation of irrigation services, supplemented with a rain water collection system; and
 - (iii) the protection of the privacy of adjacent single family residential land uses.
 - h. construct a walkway from the east end of the Lands to the sidewalk adjacent to Dogwood Drive.
3. The Grantor covenants and agrees that it shall pass rules and regulations, or otherwise ensure, that the following is restricted or encouraged, whatever the case may be:
- a. the prohibition of the use of herbicides and pesticides;
 - b. no parking or storage of recreational vehicles on the Lands; and,
 - c. the timely clearing of snow on the roadways and parking areas on the Lands so as to discourage the parking of vehicles on Holland Creek Place.
4. The Grantor 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 Lands shall not be interpreted as creating any duty on the part of the Grantee to the Grantor or to any other person to enforce any provision or the breach of any provision of this Agreement.

5. 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 Lands as if the Agreement had not been executed and delivered by the Grantor.
6. The Grantor hereby releases and forever discharges the Grantee, its officers, employees and agents, of and from any claim, cause of action, suit, demand, expenses, costs and expenses, and legal fees whatsoever which the Grantor can or may have against the said Grantee for any loss or damage or injury, including economic loss or deprivation, that the Grantor may sustain or suffer arising out of this Agreement, or the limitations on the use of the Lands resulting from this Agreement.
7. The Grantor covenants and agrees to indemnify and save harmless the Grantee, its officers, employees and agents, from any and all claims, causes of action, suits, demands, expenses, costs and expenses, and legal fees whatsoever that anyone might have as owner, occupier or user of the Lands, or by a person who has an interest in or comes onto the Lands, or by anyone who suffers loss or injury, including economic loss, or loss or damage to his person or property, that arises out of this Agreement, or the limitations on the use of the Lands resulting from this Agreement.
8. 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 Grantor other than those contained in this Agreement.
9. This Agreement shall be registered as a charge against the Lands and the Grantor agrees to execute and deliver all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
10. The Grantor shall pay the legal fees of the Grantee in connection with the preparation and registration of this Agreement. This is a personal covenant between the parties.
11. The Grantor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions hereinbefore set out and they shall be binding upon the Grantor as personal covenants only during the period of its respective ownership of any interest in the Lands.

12. The restrictions and covenants herein contained shall be covenants running with the Lands and shall be perpetual, and shall continue to bind all of the Lands when subdivided, and shall be registered in the Victoria Lands Title Office pursuant to section 219 of the *Lands Title Act* as covenants in favour of the Grantee as a charge against the Lands.
13. 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.
14. 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.
15. The Grantor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
16. Time is of the essence of this Agreement.
17. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.

CONSENT AND PRIORITY

18. Ladysmith & District Credit Union, the registered holder of charges by way of a Mortgage and Assignment of Rents (collectively, the "**Charges**") against title to the Lands which charges are registered in the Lands Title Office at Victoria, British Columbia, under #EX22504 AND #EX22505 respectively, for and in consideration of the sum of One (\$1.00) Dollar paid by the Grantee to the said Chargeholder (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 Charges in the same manner and to the same effect as if it had been dated and registered prior to the Charges.

IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C (pages 1 and 2) attached hereto.

NOTHING IS TO BE CONSIDERED AS AN OFFER OF FINANCIAL ADVICE OR AN INVESTMENT RECOMMENDATION BY DELINEA CONSULTING, INC. OR ITS EMPLOYEES OR REPRESENTATIVES. ANY SUCH OFFER OR RECOMMENDATION SHALL BE MADE BY AN INVESTMENT ADVISER SEPARATELY EMPLOYED BY THE CLIENT. DELINEA CONSULTING, INC. IS NOT A FINANCIAL INSTITUTION OR FINANCIAL ADVISER.

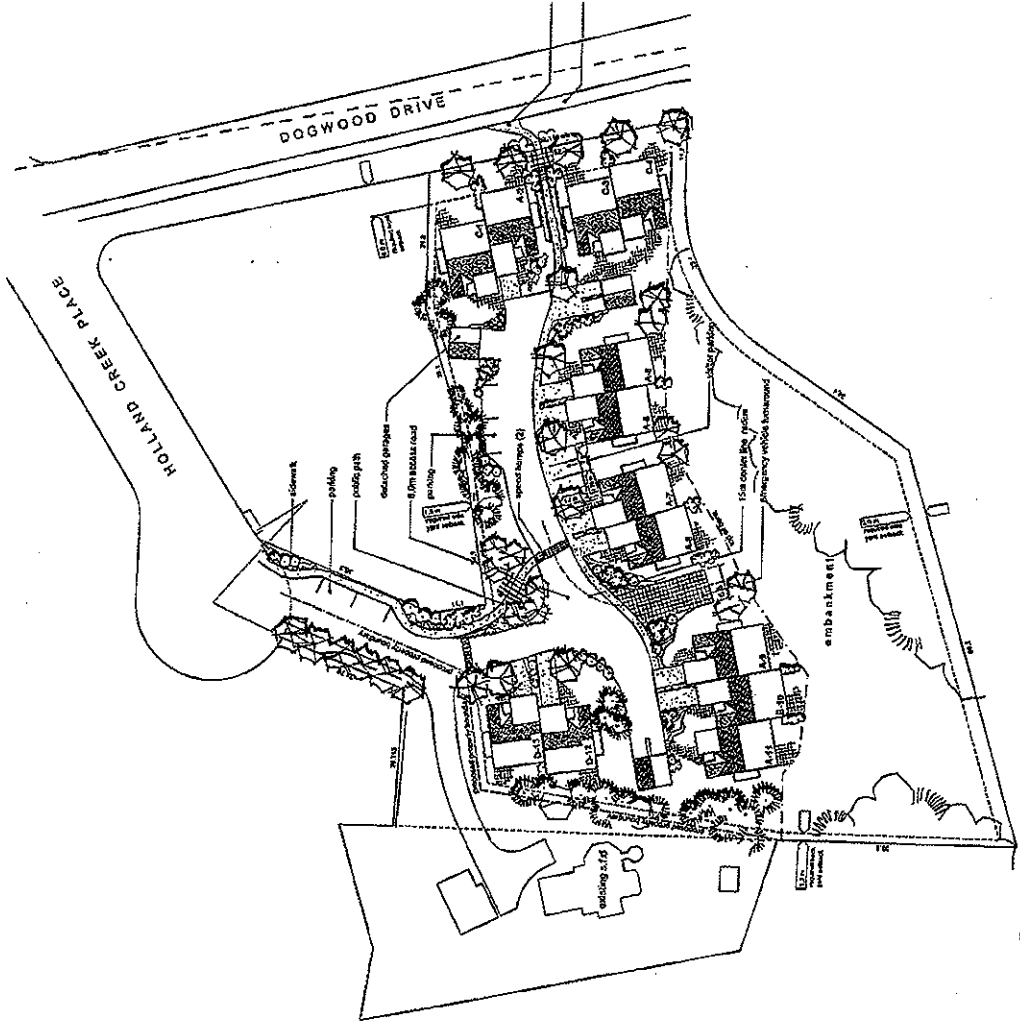
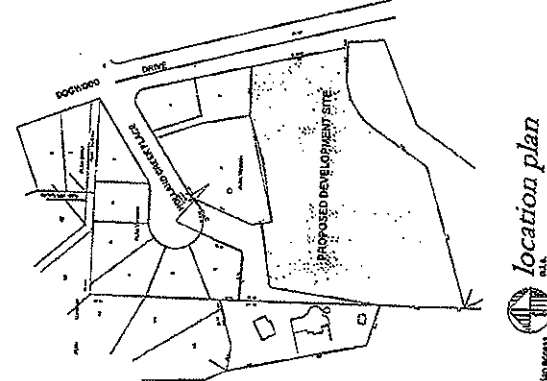
delinea
CONSULTING, INC.
11111 N. 130th St.
Suite 200
Omaha, NE 68131-1309
402.491.1313
www.delinea.com

PROJECT: Final Site Plan for development of
Holland Creek Holdings LLC
Holland Creek Holdings LLC
11111 N. 130th St., Suite 200
Omaha, NE 68131-1309
402.491.1313
www.delinea.com

REVISIONS LOG

NO.	DATE	DESCRIPTION	BY	APP.
1	11/21/18	ISSUED FOR PERMIT	AK	AK
2	12/18/18	REVISIONS FOR PERMIT	AK	AK
3	01/11/19	REVISIONS FOR PERMIT	AK	AK
4	02/13/19	REVISIONS FOR PERMIT	AK	AK
5	02/13/19	REVISIONS FOR PERMIT	AK	AK
6	02/13/19	REVISIONS FOR PERMIT	AK	AK
7	02/13/19	REVISIONS FOR PERMIT	AK	AK

Checked by: AK
Drawn by: AK
Scale: As Shown



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 2nd day of November, 2009

READ A SECOND TIME on the 2nd day of November, 2009

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

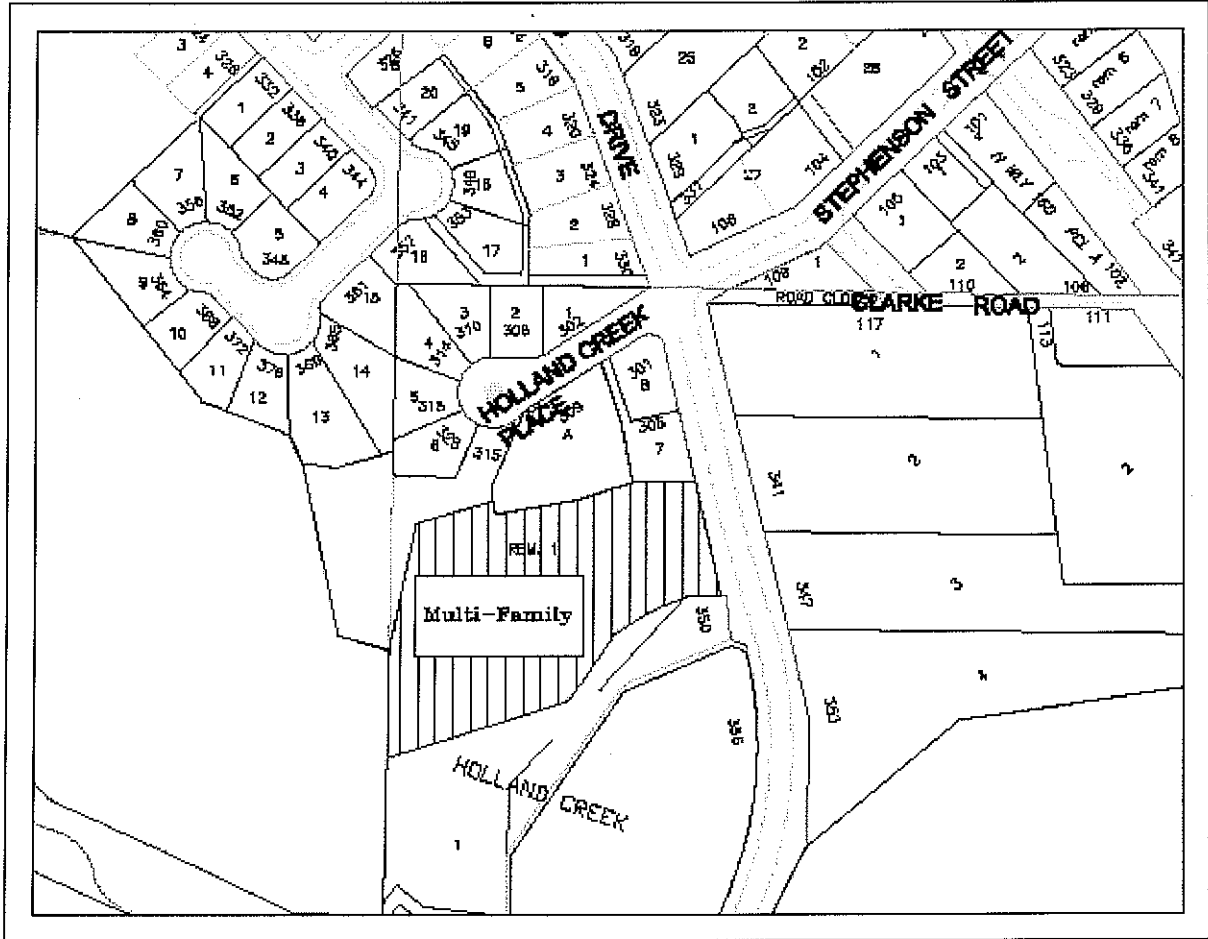
on the day of

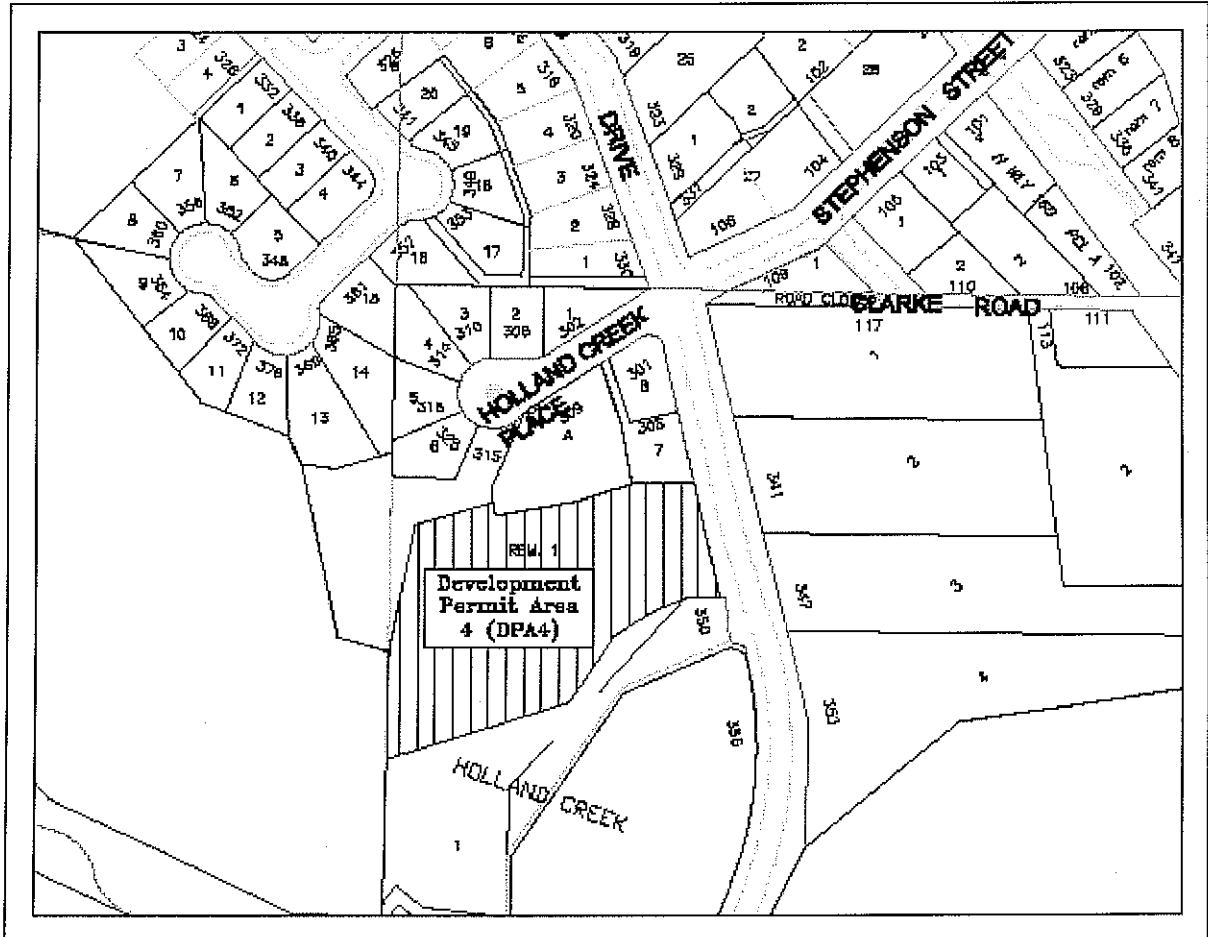
READ A THIRD TIME on the day of

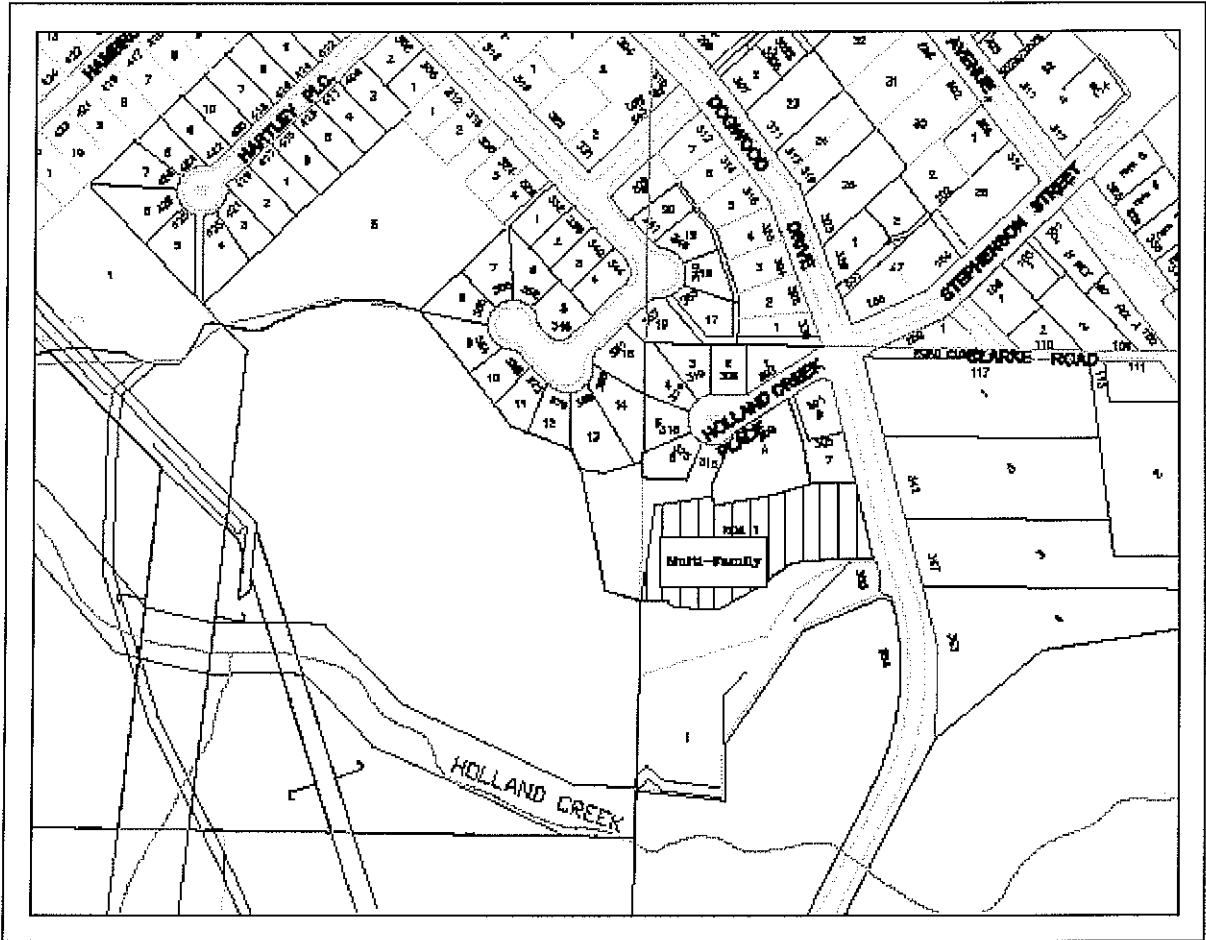
ADOPTED on the day of

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)







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 37237, 48015, VIP80990, VIP85254 (315 Holland Creek Place) as shown on Schedule 2 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 2nd day of November, 2009

READ A SECOND TIME on the 2nd day of November, 2009

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

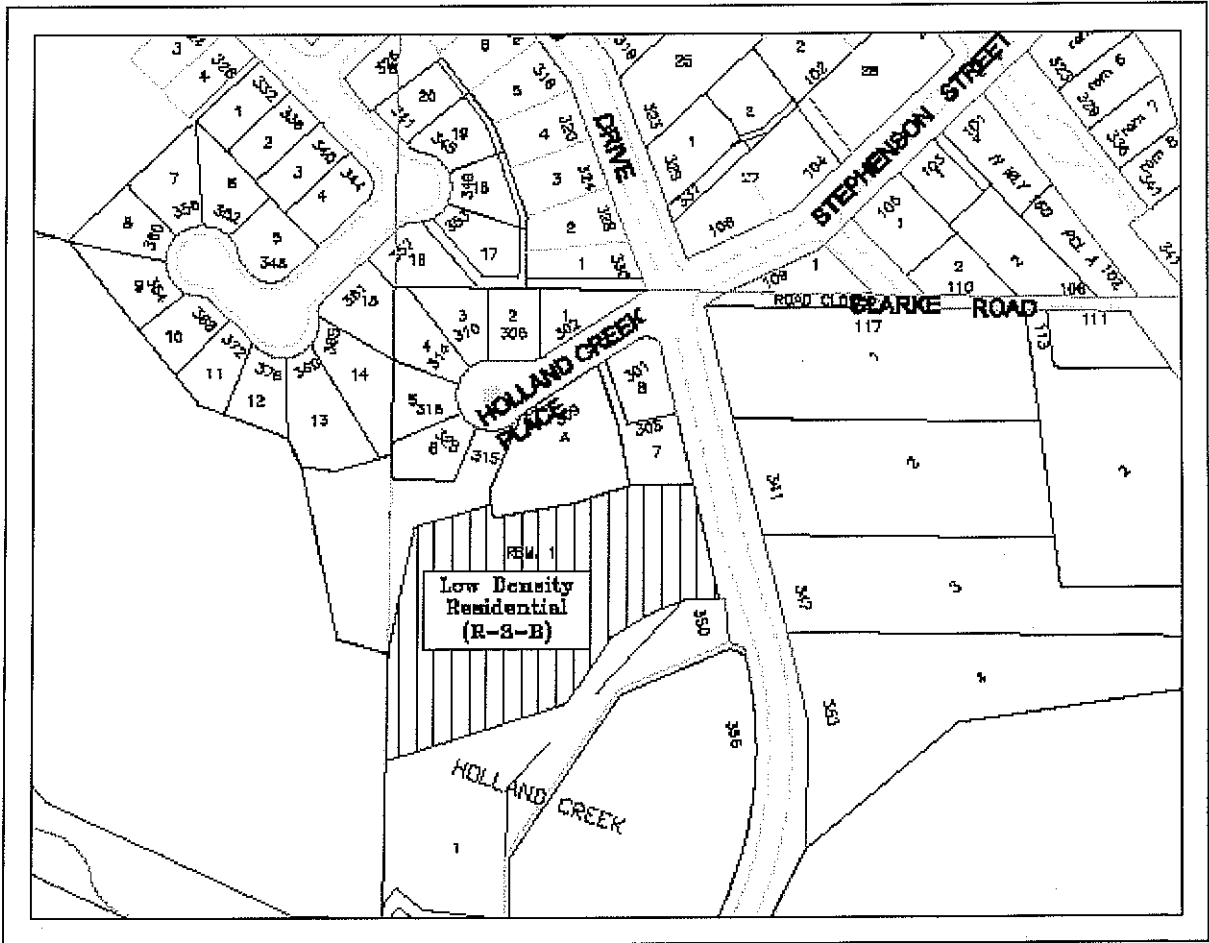
13A.3 Minimum Lot Size

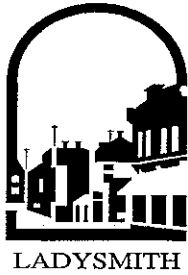
- (1) All development must be connected to water and sewer services.
- (2) The minimum parcel size permitted shall not be less than 1334 square metres.

13A.4 Off Street Parking and Loading

Off street parking and loading must be ~~26~~ 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, Manager of Development Services
Date: February 8, 2010
File No: 3360-09-07

Re: Official Community Plan Amendment & Rezoning Application - Fourth Avenue Seven Links Marketing and Development Ltd. (Proposed lot 6 of Lot 1, D.L. 108, Oyster District, Plan 47290)

RECOMMENDATION(S):

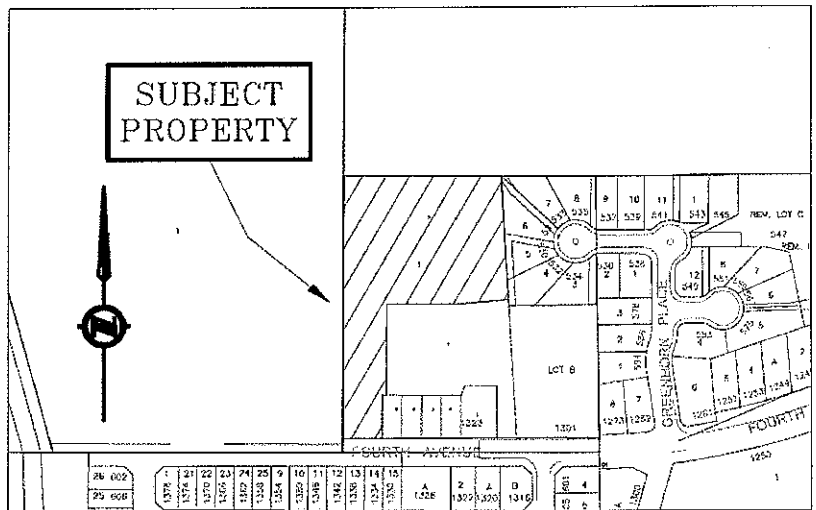
1. That Council give first and second reading to Bylaw 1708 cited as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No.30), 2010 No. 1708" and Bylaw 1709 cited as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No.79), 2010, No.1709" and that a public hearing be scheduled for Bylaw 1708 and Bylaw 1709.
2. That Council accepts the single family design guidelines to be prepared as a covenant for rezoning application 3360-09-07 and authorizes the Mayor and Corporate Officer to execute the documents.

PURPOSE:

The purpose of this report is to present a bylaw to amend the Official Community Plan (OCP) and a bylaw to amend the Zoning Bylaw to permit 24 single family lots on proposed lot 6 of Lot 1, D.L. 108, Oyster District, Plan 47290.

INTRODUCTION/BACKGROUND:

Currently the subject area is designated 'Urban Reserve' and zoned 'Agriculture Zone'. The applicant is proposing to designate the subject area as 'Single Family Residential' and rezone the area to 'Mobile Home Park Zone (MP-1)' to permit 24 single family lots.



On November 16, 2009 Council passed a motion directing staff to refer the application to the Advisory Planning Committee, to prepare bylaws to amend the OCP and Zoning Bylaw, and to work with the developer towards a land-use agreement.

SCOPE OF WORK:

The total area of proposed lot 6 is 12,418m². The subject site is relatively level and would be accessed from a new dedicated road. Land to the north is in the Cowichan Valley Regional District and is Crown owned land designated as park. To the south and east is single family development and to the west is the proposed sports fields of D.L. 108. In September 2009, the northern portion of D.L.108 was zoned to permit mobile homes and medium density residential units. Thus, a new neighbourhood with sports fields is evolving at the end of Fourth Ave.. If the subject rezoning proceeds it would add 24 single family lots to the neighbourhood.

The amendment to the OCP, Bylaw 1708 designates the subject area as 'Single Family Residential'. The amendment to the Zoning Bylaw, Bylaw 1709, changes the zoning of the subject area from 'Agriculture Zone (A-2)' to 'Mobile Home Park Zone (MP-1)'. For the subject area only Bylaw 1709 does not permit mobile homes and the density is amended to permit 19.4 single family units per hectare. The minimum lot size in the MP-1 zone is 372 square metres (4004 square feet).

Table 1: Summary of OCP Amendment and Rezoning – 3360-09-07

	<i>Current</i>	<i>Proposed</i>
<i>OCP</i>	Urban Reserve	Single Family Residential
<i>Zoning</i>	Agriculture Zone (A-2)	Mobile Home Park Zone (MP-1)
<i>Minimum lot size:</i>	0.4 hectares	372 m ²
<i>Permitted uses:</i>	one family residential unit and agriculture	24 single family lots

The proposed density of 19.4 units per hectare is considered 'intensive residential development'. The OCP defines 'intensive residential development' to include all forms of residential development that consists of densities that average 17.3 units per hectare (7 units per acre) or greater. The OCP requires that design guidelines be completed to guide the form and character of intensive residential development. The applicant has agreed to register a covenant on title which outlines design guidelines for the site as shown in *Schedule A: Small Lot Residential Development Design Guidelines*.

ALTERNATIVES:

That Council proceed no further with OCP and Zoning Bylaw Amendment application 3360-09-07 (Seven Links Marketing and Development Ltd).

FINANCIAL IMPLICATIONS:

n/a

LEGAL IMPLICATIONS:

It is recommended to hold a Public Hearing.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

If the application proceeds the applicant will be required to hold a neighbourhood information meeting.

It is recommended to refer the application to the Advisory Planning Commission prior to the Public Hearing.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to the Director of Public Works for review. The proposed lot is the subject of a subdivision application.

RESOURCE IMPLICATIONS:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

An OCP amendment and rezoning is proposed to permit 24 single family lots at the end of Fourth Avenue. It is recommended to support the rezoning and hold a public hearing regarding proposed bylaws 1708 and 1709.

I concur with the recommendation.



19 Ruth Malli, City Manager

ATTACHMENTS:

- Schedule A: Small Lot Residential Development Design Guidelines
- Bylaw 1708
- Bylaw 1709

3360-09-07 Schedule A:

Small Lot Residential Development Design Guidelines

In 2008 the Town of Ladysmith completed an 'experienced-driven' community planning "Visioning" process which identified a sustainability strategy for the Town and identified a preferred character for the community (Ladysmith: A Community Vision for a Sustainable West Coast Town).

The design guidelines listed below are consistent with the Official Community Plan (Bylaw 1488) and are intended to guide the form of small lot residential development towards the Ladysmith vision.

The objectives of the 'Small Lot Residential Development Design Guidelines' are to ensure that:

- (a) Site planning and building architectural elements are of a human scale, incorporate sustainable development practices and create a sense of neighbourhood identity through a coherent architectural language with regard to form, site orientation, landscaping, and streetscape elements; and
- (b) Building and site design strives to reduce energy consumption, water and material use, and impact on natural ecosystems.

The following guidelines apply to this development.

- The scale, bulk, mass, character shape and form of new development must relate positively to traditional architectural elements that draw from 'Colonial', 'Prairie Farmhouse', 'Pacific North West', or 'Craftsman' styles which are expressed through the following features.
 - The exterior design of individual residential units and clusters of residential units are to include façade modulation, attractive window patterns, roof line changes, alternating dormers, gables, stepped roofs, building plane material changes, and variations in colour.
 - Street front porches and patios are to be included as architectural features and useable private outdoor space.
 - The front building elevation should not be dominated by the garage.
 - Exterior building design elements, details, and materials shall create a well-proportioned and unified building form.
 - The exterior façade of the front elevations must be hardiplank or cedar siding. Stucco may only be used for minor accents.
 - All street elements shall have a form of stone or masonry detailing.
- Site planning will create a human scale, sustainable development with its own sense of neighbourhood identity by including consideration of:
 - Homeowner privacy, avoiding the casting of shadows on private outdoor space, and allowing for an engaging street presence.
 - Avoid side by side placement of identically designed homes.
 - Buildings oriented towards a public road.
 - Landscape design that includes the use of native, drought tolerant plants; on-site stormwater management, use of permeable driveways and walkways, where possible, to reduce surface run-off and to enhance landscaped areas.
 - Planting a minimum of two new trees on each single family lot.
 - Installing low flow plumbing fixtures and using energy efficient windows and appliances.

TOWN OF LADYSMITH

BYLAW NO. 1708

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) Schedule "A" - "Town of Ladysmith Community Plan" is amended by:
 - (a) Placing on Map 1 "Land Use" the designation "Single Family Residential" on the 'subject property' being proposed Lot 6, of Lot 1, District Lot 108, Oyster District, Plan 47290 as shown on Schedule 1 attached to this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No.30), 2010, No. 1708".

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*

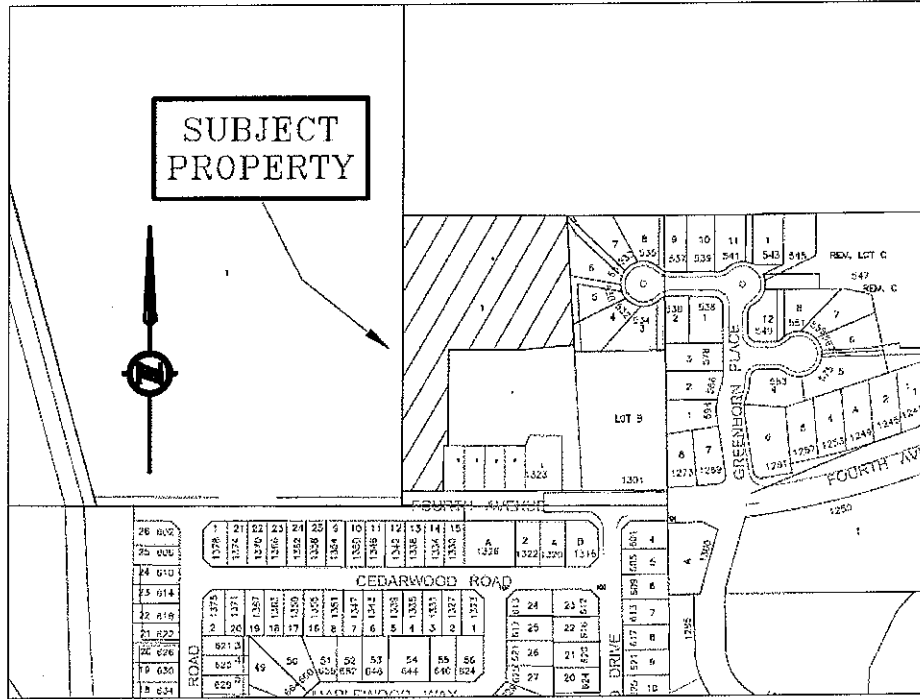
READ A THIRD TIME on the day of
 on the day of

ADOPTED on the day of

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

Bylaw 1708 - Schedule 1



TOWN OF LADYSMITH

BYLAW NO. 1709

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 the following site specific regulations to Section 15.0 Mobile Home Park Zone:
 - (a) "15.1 (d) Despite 15.1 (a) a mobile home park is not a permitted use on proposed lot 6 of Lot 1, District Lot 108, Oyster District, Plan 47290.
 - (b) "15.2 (1)(a) Despite 15.2(1) the maximum number of dwelling units permitted on proposed lot 6 of Lot 1, District Lot 108, Oyster District, Plan 47290 is 19.4 single family residential dwelling units per hectare of land."
- (2) The map, being 'Schedule A' to "Town of Ladysmith Zoning Bylaw 1995, No. 1160" is hereby amended by placing "Mobile Home Park (MP-1)" on the 'subject property' being proposed lot 6 of Lot 1, District Lot 108, Oyster District, Plan 47290 as shown on Schedule 1 attached 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.79), 2010, No. 1709".

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

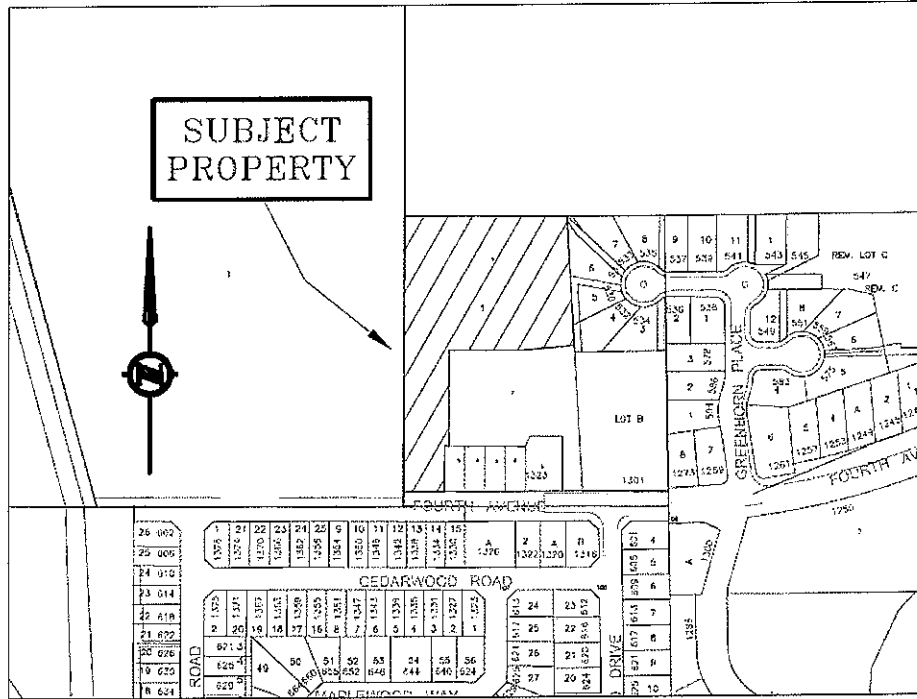
READ A THIRD TIME on the day of

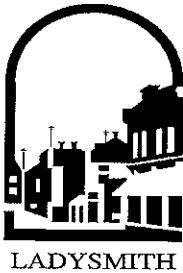
ADOPTED on the day of

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

Bylaw 1709 - Schedule 1





Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: February 10, 2010
File No: 3360-09-08

Re: OFFICIAL COMMUNITY PLAN (OCP) AMENDMENT & REZONING APPLICATION
1237 4th Avenue- Lot 1, District Lot 97, Oyster District, VIP84065

RECOMMENDATION(S):

1. That Council give first and second reading to Bylaw 1705 cited as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No.29), 2010 No. 1705" and Bylaw 1706 cited as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No.78), 2010, No. 1706" and that a public hearing be scheduled for Bylaw 1705 and Bylaw 1706.

2. That Council accepts the donation of land legally described as Lot 2, District Lot 97, Oyster District, Plan VIP84065 to the Town of Ladysmith AND that Council accepts the following land use agreement (covenant) for rezoning application 3360-09-08:
 - a) A maximum of 48 residential units on the subject property;
 - b) A commitment to the site plan developed by Delinea Design Consultants Ltd. and to the green building strategies indicated on the plans;
 - c) At the development permit stage: (i) a tree protection management plan; a landscape plan that pays special attention to utilizing native species, protection of the riparian area, and to stormwater management; (ii) a commitment to the recommendations of the Riparian Area Regulation report completed by Toth and Associates; and (ii) a public pedestrian right-of-way to Crown owned Lot A, VIP66519;and authorizes the Mayor and Corporate Officer to execute the necessary documents to secure these commitments.

PURPOSE:

The purpose of this report is to present Bylaw 1705 and 1706 for consideration of first and second reading and to present the amenity contribution land use agreement for a proposed 48 residential units at 1237 Fourth Avenue.

INTRODUCTION/BACKGROUND:

On January 18, 2010 Council directed staff to prepare bylaws for the proposed OCP amendment and rezoning of 1237 Fourth Avenue. The project is described in Schedules A to E attached to this report.

SCOPE OF WORK:

Bylaw 1705 proposes to amend the OCP by designating the subject property as 'Multi-Family Residential' and places the property in Development Permit Area 4 -

Multi-Family Residential (DPA4). Also, Bylaw 1705 proposes to designate the adjacent riparian area (Lot 2, VIP84065) as 'Park and Open Spaces'.

Bylaw 1706 proposes to amend the Zoning Bylaw by rezoning the subject property as Medium Density Residential (R-3-A) with a site specific amendment stating that a maximum of 48 units is permitted on the site, being a maximum of 25 units per hectare. Also, Bylaw 1706 proposes to zone the adjacent riparian area (Lot 2, VIP84065) as 'Park (P-2)'. The proposed height of the condominium building exceeds the permitted height in the R-3-A Zone thus the applicant will need to apply for a height variance at the development permit stage.

The applicant is offering to the Town the adjacent property, Lot 2, VIP84065, to ensure the protection of this section of the Rocky Creek riparian area. In 2009, the BC Assessment Authority assessed value of Lot 2, VIP84065 was \$75,400. The applicant has expressed a wish to place a conservation covenant on Lot 2, VIP84065 prior to donating the land to the Town to ensure that the riparian area is left in its natural state, with the exception of a possible public trail to be constructed in the future.

In addition, the applicant has agreed that a land use agreement (covenant) registered on the title of the subject property (Lot 1, VIP84065) will include:

- a) A statement that there will be a maximum of 48 residential units on the subject property;
- b) A commitment to the site plan developed by Delinea Design Consultants Ltd. and to the green building strategies indicated on the plans;
- c) At the development permit stage: (i) a tree protection management plan; a landscape plan that pays special attention to utilizing native species, protection of the riparian area, and to stormwater management; (ii) a commitment to the recommendations of the Riparian Area Regulation report completed by Toth and Associates; and (ii) a public pedestrian right-of-way to Crown owned Lot A, VIP66519;

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:

If the application proceeds a public hearing will be required.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

In addition to the OCP consultation already held, a neighbourhood information meeting 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 and their comments have been considered.

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 1705 and Bylaw 1706, to support the land use agreement and to forward the application to public hearing.

I concur with the recommendation.



RM Ruth Malli, City Manager

ATTACHMENTS:

Schedule A: Subject Property Map

Schedule B: Design Rationale - delineia (Sept. 21, 2009)

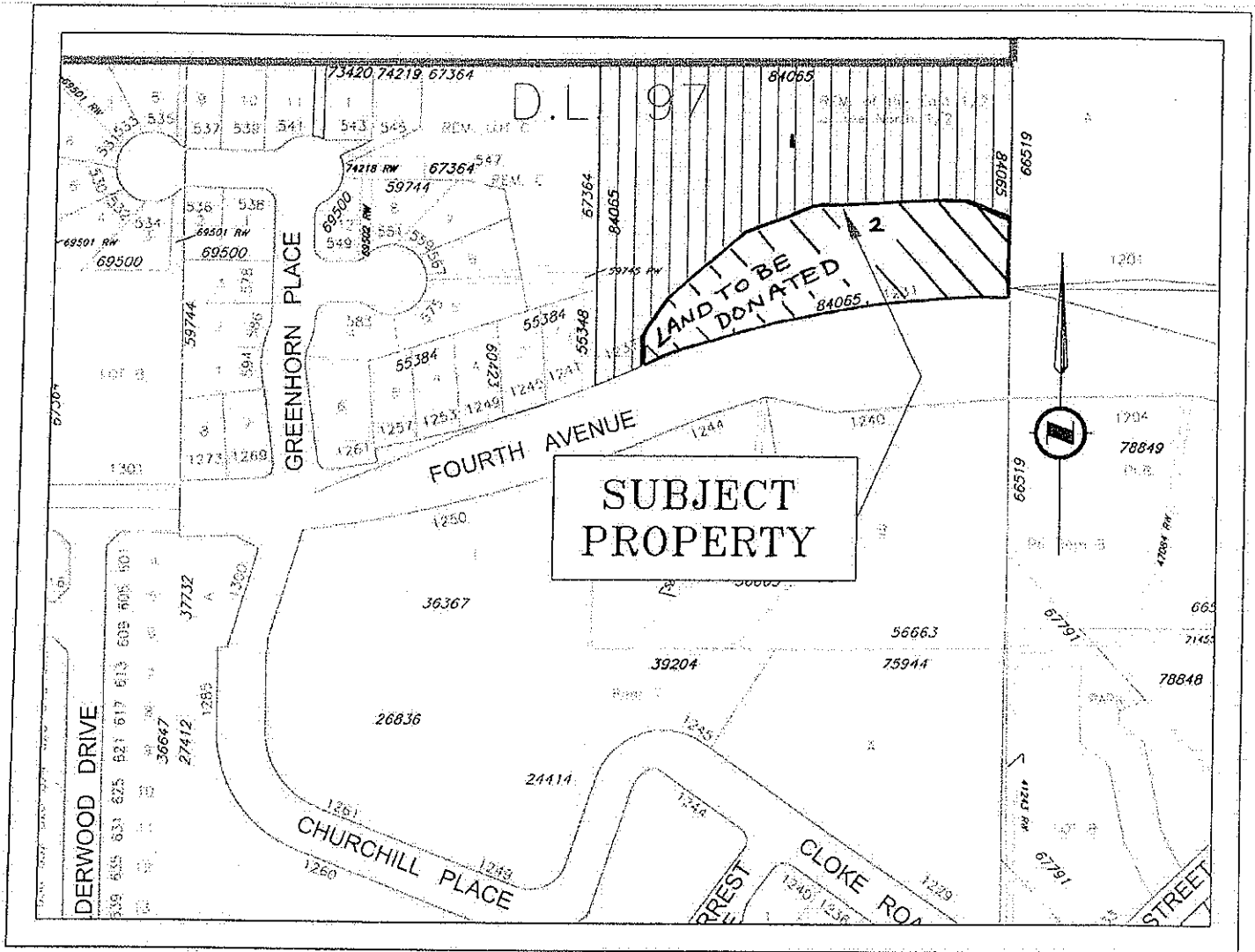
Schedule C: Site Plan - delineia

Schedule D: Exterior Elevation - Townhomes - delineia

Schedule E: Exterior Elevation - Condominiums - delineia

Bylaw 1705

Bylaw 1706



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).

4378 O'Brian Road
Ladysmith, BC
Canada V9G 1G2

P/F 250.245.3894

Schedule B - Design Rationale (Sept. 21, 2009 - delinea design consultants Ltd.)

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 LINES, LEVELS, SURVEYS, DIMENSIONS, LOCATION OF BUILDING ON SITE AND LOCATION OF ALL UTILITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND TO BE DONE IN ACCORDANCE WITH THE B.C. BUILDING CODE CURRENT EDITION AND ALL LOCAL BUILDING BYLAWS. CONTRACTOR TO VERIFY THESE DIMENSIONS ARE THE PROPERTY OF DELINEA DESIGN CONSULTANTS LTD. TO BE USED SOLELY FOR THE PROJECT AND NO REPRODUCTION OR USE IN ANY MANNER IS NOT PERMISSIBLE.



476 OUBURN ROAD, LADYSMITH BC V9S 1C2
 WILL MCHVILLE 878-6454
 250.246.3884
 DELINEA

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

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

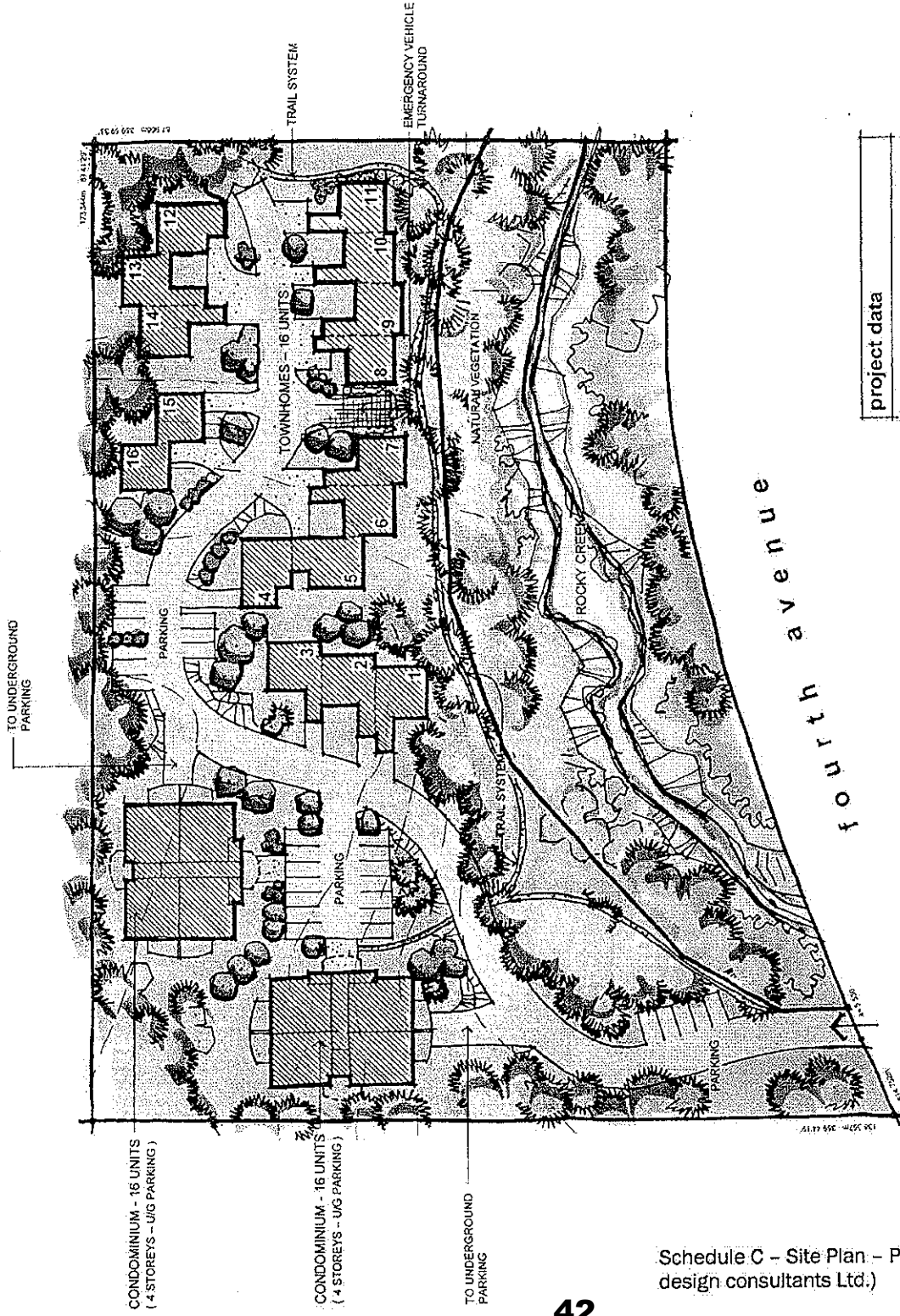
JOB NUMBER:
 0324.31.92

SCALE:
 AS NOTED

DRAWN BY:
 C.M.

DRAWING TITLE:
 site plan

PAGE
PR1



project data

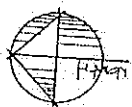
legal description:
 remainder of the east 1/2 of the north 1/2 of district lot 97, oyster district, except that part in plan VIP 36367

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

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

lot area:
 1.05 ha.

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



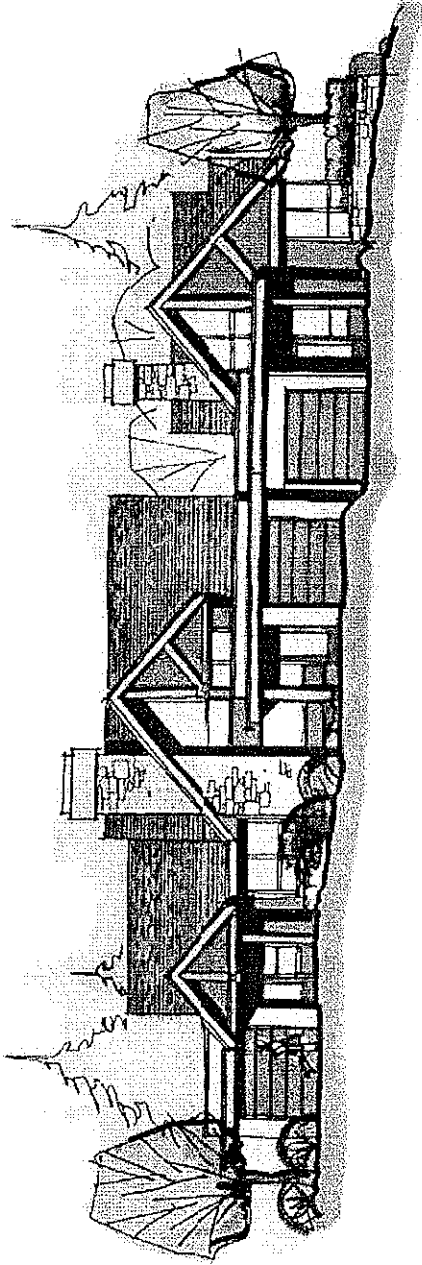
site plan
 SCALE: 1:40

CONTRACTOR TO VERIFY ALL LINES, LEVELS, DIMENSIONS AND LOCATION OF BUILDINGS ON SITE AND LOCATION OF SERVICES PRIOR TO CONSTRUCTION. ALL DIMENSIONS TO BE SHOWN WITHIN THE B.C. BUILDING CODE CURRENT EDITION AND ALL LOCAL BUILDING BYLAWS. CONTRACTOR TO VERIFY THESE PLANS AND SPECIFICATIONS WITH THE ARCHITECT PRIOR TO CONSTRUCTION. CONSULTANTS LTD. TO BE USED ONLY FOR REPRODUCTION OF THIS DRAWING. UNAUTHORIZED REPRODUCTION OR USE IN ANY MANNER IS NOT PERMISSIBLE.



409 OSWALD ROAD LADYSMITH BC V6C 1G2
will mcville
designer 250.253.3882

REVISIONS
issued for review 24 June 09
issued for rezoning 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

MATERIALS:

- high fly ash content concrete
- renewable resources (cork, bamboo, wheat core etc.)
- use materials with a recycle content
- low VOC paints, sealants, adhesives etc.

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 townhome exterior elevation

PAGE

PR2

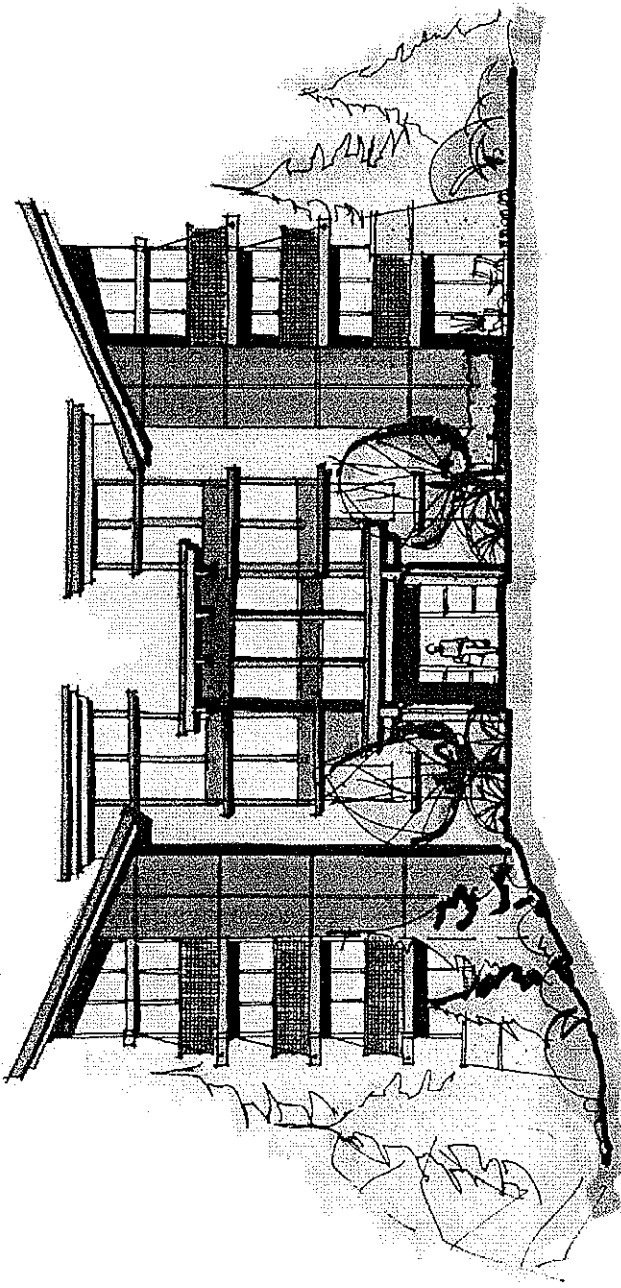
CONTRACTOR TO VERIFY ALL LINES, LEVELS, DIMENSIONS, LOCATION OF SERVICES PRIOR TO CONSTRUCTION. ALL WORKS TO BE DONE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND ALL LOCAL BUILDING BYLAWS.

COPYRIGHT RESERVED. THESE PLANS ARE THE PROPERTY OF DELINEA DESIGN CONSULTANTS LTD. NO PARTS OF THIS DRAWING FOR THE PROJECT SHOWN UNAUTHORIZED, NOT PERMISSIBLE. ANY USE IN ANY MANNER IS NOT PERMISSIBLE.

delinea
design consultants ltd

478 OBERON ROAD, LADYSMITH, BC V0J 1G3
 Will McEvilley phone/fax
 designer 253.245.3884

REVISED: 24 June 09
 issued for review 10 Sept 09



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

TOWN OF LADYSMITH

BYLAW NO. 1705

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) Schedule "A" - "Town of Ladysmith Community Plan" is amended by:
 - (a) Placing on Map 1 "Land Use" the designation "Multi-Family Residential" on Lot 1, District Lot 97, Oyster District, VIP84065 as shown on Schedule 1 attached to this Bylaw.
 - (b) Placing on Map 1 "Land Use" the designation "Parks and Open Spaces" on Lot 2, District Lot 97, Oyster District, VIP84065 as shown on Schedule 1 attached to this Bylaw.
 - (c) Placing on Map 2 "Development Permit Areas" "Development Permit Area 4 - Multi-Family Residential" on Lot 1, District Lot 97, Oyster District, VIP84065 as shown on Schedule 2 attached to this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No.29), 2010, No. 1705".

READ A FIRST TIME on the day of

READ A SECOND TIME on the day of

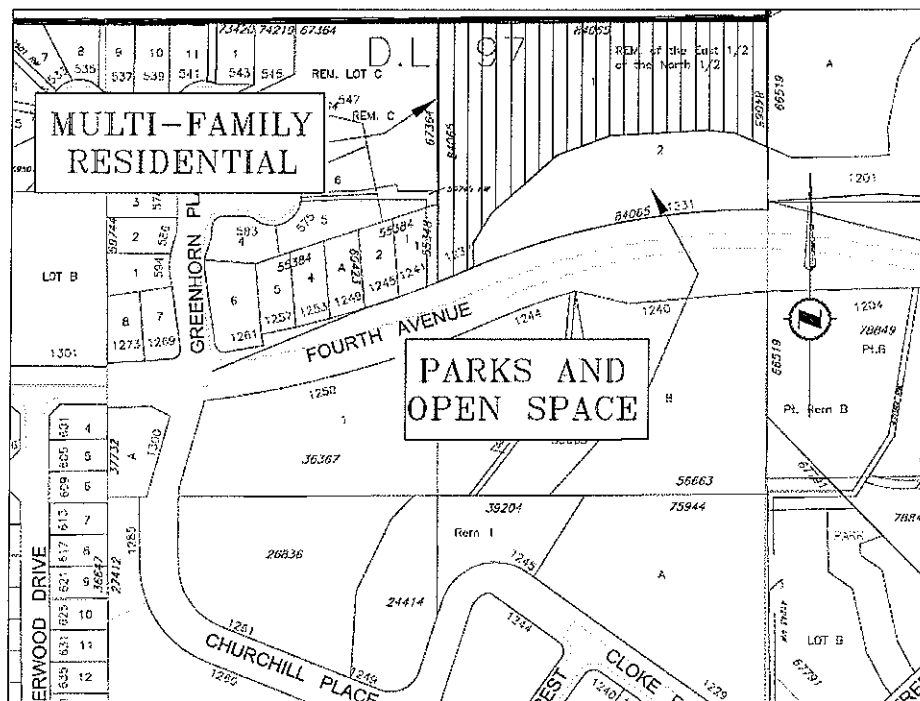
PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

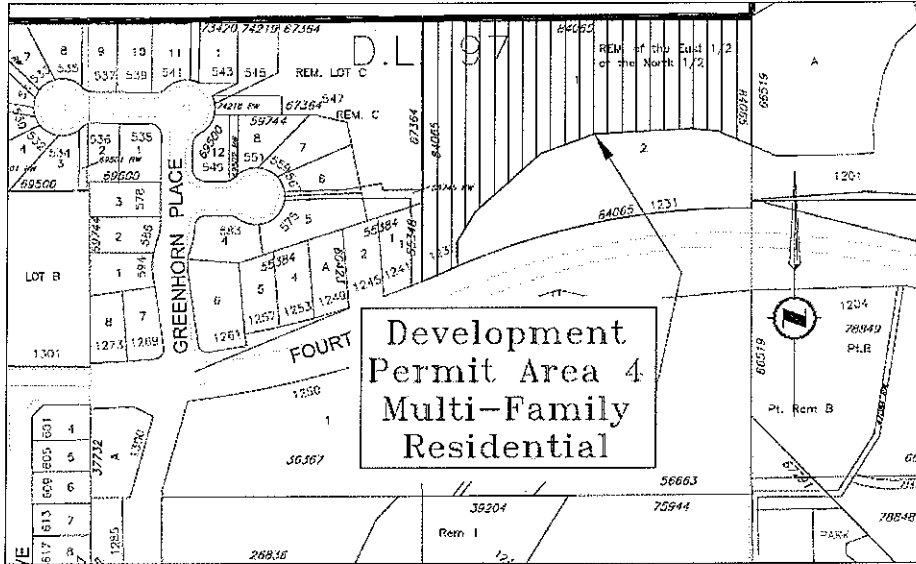
READ A THIRD TIME on the day of
on the day of

ADOPTED on the day of

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)





TOWN OF LADYSMITH

BYLAW NO. 1706

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 the following site specific regulations to Section 13.0 Medium Density Residential Zone:
 - (a) "13.2 (4)(b) Despite 13.2(4) the number of residential units located on Lot 1, District Lot 97, Oyster District, Plan VIP84065 shall not exceed 48 units (25 residential units per hectare)."
- (2) The map, being 'Schedule A' to "Town of Ladysmith Zoning Bylaw 1995, No. 1160" is hereby amended by placing "Medium Density Residential (R-3-A) Zone" on Lot 1, District Lot 97, Oyster District, Plan VIP84065 as shown on Schedule 1 attached to this Bylaw.
- (3) The map, being 'Schedule A' to "Town of Ladysmith Zoning Bylaw 1995, No. 1160" is hereby amended by placing "Parks (P-2)" on Lot 2, District Lot 97, Oyster District, Plan VIP84065 as shown on Schedule 2 attached to this Bylaw.

CITATION

- (4) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No.78), 2010, No. 1706".

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 _____

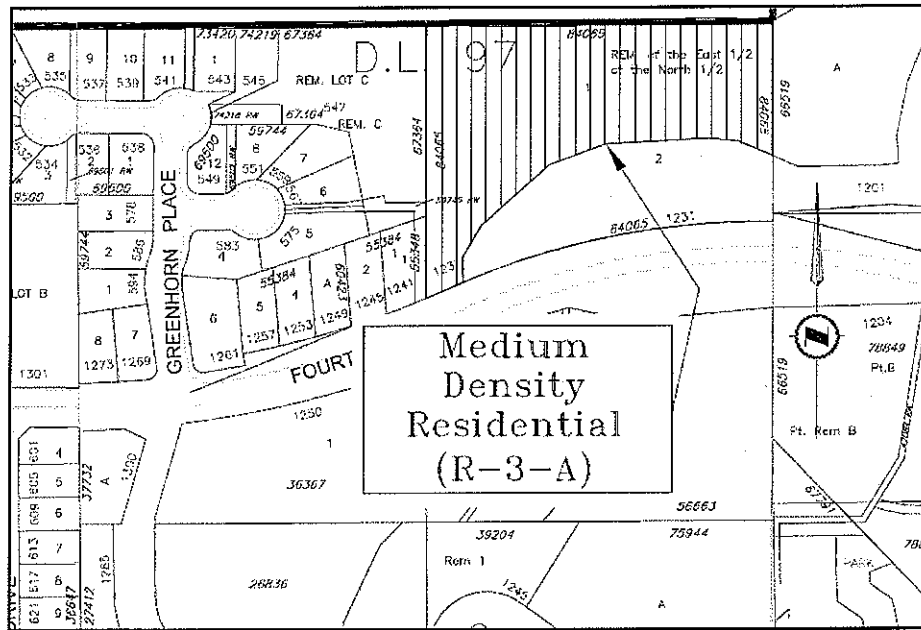
READ A THIRD TIME on the _____ day of _____

ADOPTED on the _____ day of _____

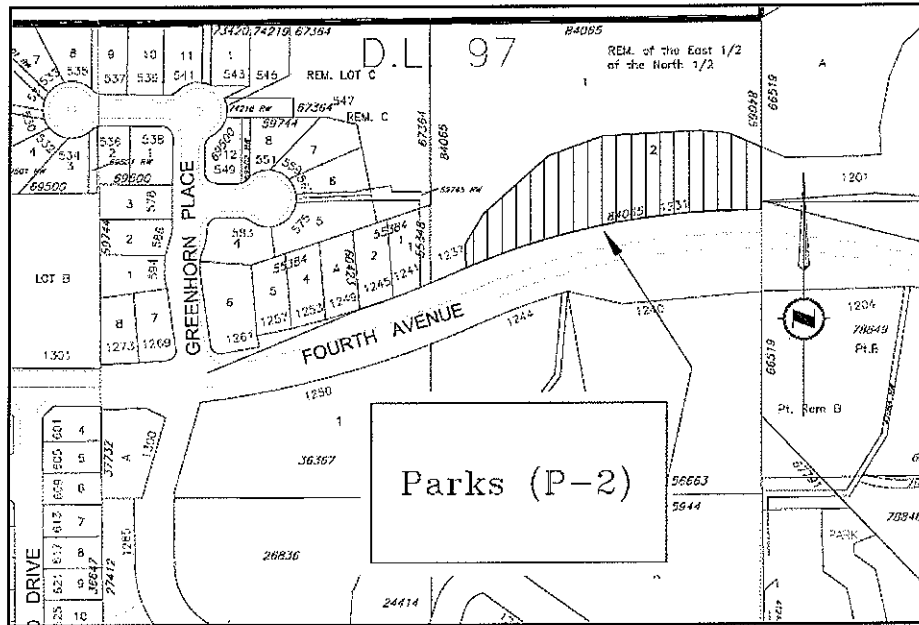
Mayor (R. Hutchins)

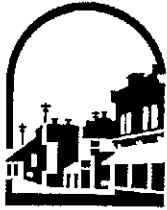
Corporate Officer (S. Bowden)

Bylaw 1706 - Schedule 1



Bylaw 1706 - Schedule 2





LADYSMITH

TOWN OF LADYSMITH
MINUTES OF A REGULAR SESSION OF COUNCIL
HELD MONDAY, FEBRUARY 1, 2010
7:00 P.M.

PRESENT:

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

ABSENT:

Councillor Scott Bastian

STAFF PRESENT:

Ruth Malli Sandy Bowden Rebecca Kalina

CALL TO ORDER

Mayor Hutchins called the meeting to order at 6:03 p.m.

EXECUTIVE SESSION

2010-045

It was moved, seconded and carried that this meeting retire into Executive Session at 6:03 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 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;

The Regular Session of Council began at 7:00 p.m.

AGENDA APPROVAL

2010-046

It was moved, seconded and carried that the agenda be adopted as circulated.

MINUTES

20101-047

It was moved, seconded and carried that the Council minutes of January 18 and 27, 2010 be adopted as circulated.

COUNCIL / COMMITTEE REPORTS

Councillor Dashwood reported that she attended the January meeting of the fire fighters and that they are pleased that an assessment of the fire hall will be completed in the near future.

Councillor Arnett advised that at the January Economic Development Commission meeting the Director of Development Services, F. Adams, presented the Commission with a retention and expansion package that can be distributed to businesses looking to locate in Ladysmith. He stated that representatives from Arts On the Avenue made a presentation to the Parks, Recreation and Culture Commission at their January meeting.

Councillor Paterson advised that the Parks, Recreation and Culture Commission recommends that the tree preservation bylaw be a priority in 2010. The Commission has also established a sub-committee to work on the replacement of the playground at Brown Drive Park. He also reported that the Spirit of BC Committee Olympics Celebration will kick off on February 12th at Aggie Hall. The schedule of all Spirit of BC Olympic events will be posted in the February 2nd edition of the Chronicle.

GOVERNMENT SERVICES COMMITTEE RECOMMENDATIONS

2010-048

It was moved, seconded and carried that the RCMP Fourth Quarter Report for 2009 be received.

2010-049

It was moved, seconded and carried that the letter dated December 30, 2009 from M. Mebs, Local Area Manager, Canada Post be received and that a representative of the Town meet with representatives of Ladysmith Canada Post Office to resolve the issue of the absence of a recycling bin in the post office and the proliferation of litter on First Avenue in the vicinity of the post office.

2010-050

It was moved, seconded and carried that staff be requested to prepare a report for the Government Services Committee regarding the provision of recycling containers in public areas within the Town.

Councillor Evans informed Council that the Heritage Revitalization Advisory Commission continues to look for grant funding to complete the Statements of Significance on heritage buildings in Ladysmith. The Commission is developing a brochure regarding Ladysmith's heritage. She further reported that Social Planning Cowichan continues to work on their strategic plan and that she has invited them to attend a meeting of Council.

Councillor Whittington reported that he attended his first Ladysmith Early Years meeting. He stated that the Environment Commission is working on a communication strategy to inform citizens on how to reduce energy consumption of heating and electrical use. He advised that the Vancouver Island Regional Library Board is requesting feedback on library services and that a questionnaire is available on their website.

Mayor Hutchins informed Council that residents of the Ivy Green Mobile Home Park met with developers and 28 homes will be moved to Lot 108. He also reported that the Nelson Trolley has passed inspection and staff will be planning for the transport of the Trolley to Ladysmith. The Mayor advised that the Field User Task Force met on January 26th and has established two sub-committees, one to deal with turf selection and one to look at fundraising opportunities.

2010-051

It was moved, seconded and carried that a letter of thanks be sent to the Rotary Club for their donation of a trolley stop shelter on First Avenue in front of the 49th Parallel grocery store.

STAFF REPORTS

HEADWORKS COMPLETION COSTS

2010-052

It was moved, seconded and carried that the contract for Rocky Point Metal Craft Ltd. for the construction of the headworks for the sewage treatment facility be increased by up to \$200,000 with the funds to come from grants, DCC's and sewer reserves.

SURVEYING SERVICES 2010

2010-53

It was moved, seconded and carried that the contract for annual survey services be extended for the 2010 construction season to McCallan Construction Surveys for the same rates as tendered in 2009.

CORRESPONDENCE

POUND REPORT

2010-054

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

LOCAL GOVERNMENT MANAGEMENT
INTERNSHIP PROGRAM

2010-055

It was moved, seconded and carried that:

- a) the grant for the Local Government Management Internship Program in the amount of \$36,000 be received and that a letter of thanks for the grant be forwarded to the Local Government Management Association of British Columbia.
- 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

2010-056

It was moved, seconded and carried that Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2010, No. 1707 be read a first, second and third time.

The Regular Session of Council recessed at 7:30 p.m. to resume the Executive Session of Council.

RISE AND REPORT

The Executive Session of Council rose with report on the following matter:

- That Brian Bancroft's resignation from the Environment Commission be accepted and that a letter of thanks be sent from Mayor and Council.

ADJOURNMENT

2010-057

It was moved, seconded and carried that the meeting be adjourned at 9:30 p.m.

Mayor (R. Hutchins)

CERTIFIED CORRECT

Corporate Officer (S. Bowden)



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: February 3, 2010
File No: 3060-10-01

Re: ENVIRONMENTALLY SENSITIVE AREA DEVELOPMENT PERMIT APPLICATION
322 Morgan Road – Lot 1, District Lot 42, Oyster District, Plan 8270, Except
Parts in Plans 44668, 47403, VIP57744, and VIP80930.

RECOMMENDATION(S):

That Council issue Environmentally Sensitive Area Development Permit 3060-10-01 for 322 Morgan Road (Lot 1, District Lot 42, Oyster District, Plan 8270).

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 as the applicant wishes to construct a dwelling at 322 Morgan Road.

INTRODUCTION/BACKGROUND:

The subject 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. On the north-western perimeter of the subject property is a ravine containing Russell Creek. A development permit is needed prior to alteration of the land.

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 report states that the Streamside Protection Enhancement Area (SPEA) is 10 metres from the crest of the slope of the ravine (for the full length of the ravine).

The recommendations from the RAR report are included in the development permit requirements as follows:

- No removal of existing vegetation on the slope surfaces within the SPEA.
- Establishment of additional high, moisture, tolerant vegetation within the SPEA.
- Trees that naturally become danger trees may be removed by competent practitioners and additional vegetation is to be reintroduced to maintain soil stability where the tree was removed.

- A yearly program of inspection of slope surfaces is to be conducted by qualified personnel.
- Ensure there is no damage to trees within the SPEA;
- Install a continuous fence or ribbon marking the SPEA prior to site clearing and construction so that no excavation occurs in the SPEA and so that soils and construction materials are not placed in SPEA area.
- Coordinate with appropriate regulatory and governing authorities to ensure that previously culverted sections of Russell Creek up and downstream are maintained in accordance with current standard practices and that sheet flow conditions are not allowed to be established which would precipitate scour of the existing watercourse bed and banks where Russell Creek is not currently culverted.

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 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 is a Council strategic direction.

SUMMARY:

The applicant wishes to construct a dwelling at 322 Morgan Road. The subject property contains Russell Creek thus an environmentally sensitive development permit is required.

I concur with the recommendation.



to Ruth Malli, City Manager

ATTACHMENTS:

DP 3060-10-01

TOWN OF LADYSMITH
DEVELOPMENT PERMIT 3060-10-01
(Section 920 *Local Government Act*)

DATE: February 15, 2010

To: Gregory Peter Coles and Debra Lynn Coles
Address: 10183 View Street
Chemainus B.C.
VOR 1K2

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

Lot 1
District Lot 42
Oyster District
Plan 8270, Except Parts in Plans 4468, 47403, VIP57744, VIP8842, and VIP80930
PID# 005-093-996
CIVIC ADDRESS: 322 Morgan Road
(referred to as the "Land")
3. This Permit has the effect of authorizing:

(a) the alteration of land designated in the Official Community Plan under section 919.1(1)(a) or (b) of the *Local Government Act*;

Subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw No. 1160.
5. The Permittee, as a condition of the issuance of this Permit, agrees to:
 - (a) Protection of the Streamside Protection Enhancement Area (SPEA) which is 10 metres from the crest of the slope of the ravine along the full length of the ravine as shown in Schedule A: 3060 10-01 - Site Plan (Hutchinson) attached to this permit.
 - (b) No removal of existing vegetation on the slope surface in the SPEA.
 - (c) Establishment of additional high, moisture tolerant vegetation within the SPEA.

- (d) Trees that naturally become danger trees may be removed by competent practitioners and additional vegetation is to be reintroduced to maintain soil stability where the tree was removed.
 - (e) A yearly program of inspection of slope surfaces is to be conducted by qualified personnel.
 - (f) Ensure there is no damage to trees within the SPEA;
 - (g) Install a continuous fence or ribbon marking the SPEA prior to site clearing and construction so that no excavation occurs in the SPEA and so that soils and construction materials are not placed in the SPEA.
 - (h) Coordinate with appropriate regulatory and governing authorities to ensure that previously culverted sections of Russell Creek up and downstream are maintained in accordance with current standard practices and that sheet flow conditions are not allowed to be established which would precipitate scour of the existing watercourse bed and banks where Russell Creek is not currently culverted.
6. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.927 of the *Local Government Act*, and upon such filing, the terms of this Permit 3060-10-01 or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
 7. If the Permittee does not substantially start any construction permitted by this Permit within two years of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
 8. The plans and specifications attached to this Permit are an integral part of this Permit.
 9. This Permit prevails over the provisions of the Bylaw in the event of conflict.
 10. This Permit is not a Building Permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH ON THE ____ DAY OF _____ 201__.

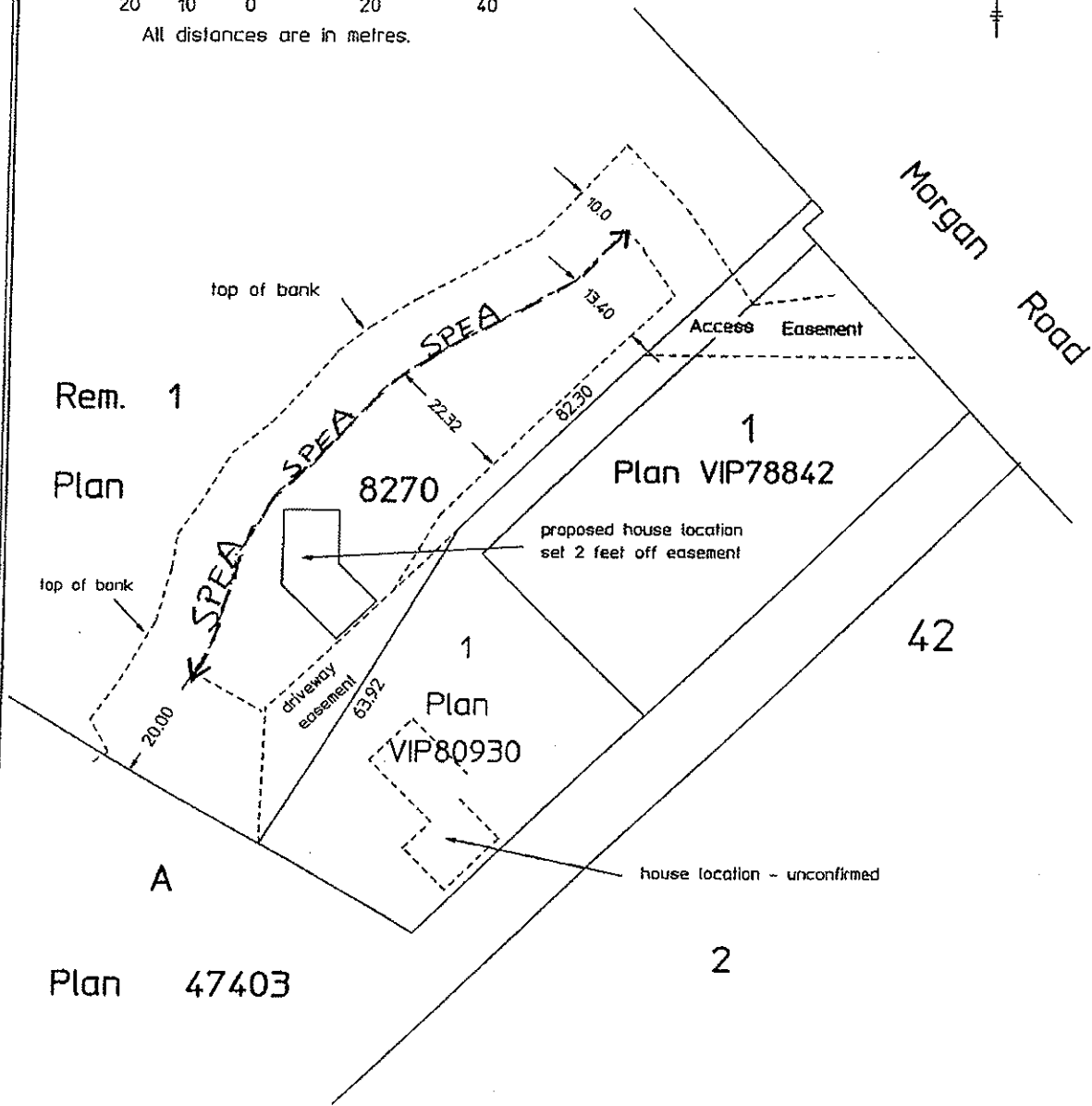
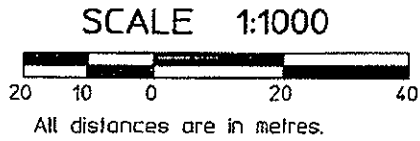
ISSUED THIS ____ DAY OF _____ 201__.

MAYOR

CORPORATE OFFICER

OWNER

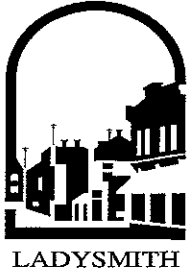
Proposed subdivision of part of the remainder
of Lot 1, District Lot 42, Oyster
District, Plan 8270.



W.R.Hutchinson
 Land Surveying Ltd.
 Box 459, 20 Warren St.,
 Ladysmith, B.C.
 V9G 1A9
 (250) 245-9777

File 0-42-9, 12

Schedule A - Site Plan (Hutchinson)
 DP 3060-10-01 - Gregory & Debra Coles



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Joe Friesenhan, Director of Public Works
Date: February 11, 2010
File No:

Re: ANNUAL TENDERS

RECOMMENDATION(S):

That Council award the annual tenders for materials and services to the following companies at the unit rates tendered being low tender in their area:

Asphalt Supply	Hub City Paving
Concrete Supply	Mayco Mix Ltd.
Chlorine & SO ₂	Clear Tech
Lab Testing	MB Laboratories Ltd.
Container Rental & Garbage Disp.	Waste Services Inc.
Septic Services	Save On Septic Services Inc.

PURPOSE:

To award the annual tenders for various services and materials.

INTRODUCTION/BACKGROUND:

Each year the Town advertises for various services and material supply for the year. Tenders were received up until 2:00 p.m. on February 11, 2010 for the following services:

- Asphalt supply
- Concrete supply
- Chlorine & SO₂ supply
- Lab Testing
- Container Rental and Garbage Disposal
- Septic Services

To ensure that all suppliers receive copies, all suppliers are phoned and sent packages for their respective services. The unit prices quoted remain in effect for the year.

SCOPE OF WORK:

ALTERNATIVES:

- Award annual tenders
- Tender each time service is required

FINANCIAL IMPLICATIONS:

The various services being tendered are budgeted in the various operational budgets.

LEGAL IMPLICATIONS:

The tenders follow the Town's purchasing policy

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

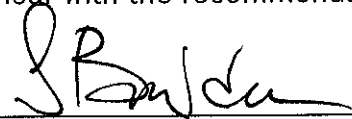
RESOURCE IMPLICATIONS:


ALIGNMENT WITH STRATEGIC PRIORITIES:

SUMMARY:

Annual tenders were received until 2:00 p.m. on February 11, 2010. The tender packages may be viewed at Corporate Services.

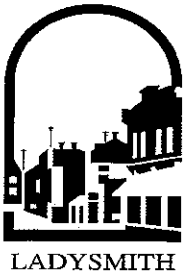
I concur with the recommendation.



 Ruth Malli, City Manager

ATTACHMENTS:

"None".



Town of Ladysmith

COMMISSION REPORT

To: Mayor and Council
From: Environment Commission
Date: February 3, 2010
File No:

Re: Recommendation from Environment Commission

At its meeting held January 20, 2010 the Environment Commission made the following recommendation:

That Council support a Cowichan Valley Regional District sponsored and managed rebate/distribution program to facilitate the use of rain barrels through the region.



Ladysmith Fire / Rescue

P.O. Box 760 Ladysmith, B.C. V9G 1A5
 Phone: 250-245-6436 • Fax: 250-245-0917



FIRE CHIEF'S REPORT

MONTH: **January**, 2010

TYPE OF CALL OUT	J	F	M	A	M	J	J	A	S	O	N	D	YEAR'S TOTALS
Alarms Activated: Pulled Station													
By mistake	1												1
Electrical problem													
Due to cooking													
Assistance													
Burning Complaint													
Fire: Structure	1												1
Chimney													
Interface / Bush													
Vehicle													
Other	1												1
Hazardous Materials													
Hydro Lines: Down / Fire													
Medical Aid													
Mutual Aid	2												2
MVI													
Rescue													
MONTH TOTALS (not incl. Practises)	5												5
Practises (Totals for each Month)	4												4

ALARMS ACTIVATED (location/owner):

- 963 Davidson Road
 (Department called by mistake by monitoring company.)

COMPARISONS:

Year to Date / 10 5 (excl. practises)
 Year to Date / 09 13 (excl. practises)
 Year to Date / 08 18 (excl. practises)

APPROVED:

Ray Delcourt
 Fire Chief

TOWN OF LADYSMITH
BUILDING PERMIT
SUMMARY REPORT
MONTH: JANUARY 2010

Commercial	Industrial	Institutional	(New) Residential	# Dwelling Units	Residential Adds / Renos	Permits This Month	Permits For Year To Date	Bldg & Pibg Permit Fees This Month	Permit Values This Month	Permit Values This Year
\$ 0	\$ 0	\$ 0	\$ 766,498	7	\$ 13,450	15	15	\$ 6,425	\$ 766,498	\$ 766,498

SUMMARY - YEAR TO DATE

	Commercial	Industrial	Institutional	(New) Residential	# Dwelling Units	Residential Adds / Renos	Permits This Month	Permits For Year To Date	Bldg & Pibg Permit Fees This Month	Permit Values This Month	Permit Values This Year
JAN	\$ 0	\$ 0	\$ 0	\$ 766,498	7	\$ 13,450	15	15	\$ 6,425	\$ 766,498	\$ 766,498
FEB	\$ 0	\$ 0	\$ 0	\$ 0	0	\$ 0	0	0	\$ 0	\$ 0	\$ 0
MAR	\$ 0	\$ 0	\$ 0	\$ 0	0	\$ 0	0	0	\$ 0	\$ 0	\$ 0
APR	\$ 0	\$ 0	\$ 0	\$ 0	0	\$ 0	0	0	\$ 0	\$ 0	\$ 0
MAY	\$ 0	\$ 0	\$ 0	\$ 0	0	\$ 0	0	0	\$ 0	\$ 0	\$ 0
JUN	\$ 0	\$ 0	\$ 0	\$ 0	0	\$ 0	0	0	\$ 0	\$ 0	\$ 0
JUL	\$ 0	\$ 0	\$ 0	\$ 0	0	\$ 0	0	0	\$ 0	\$ 0	\$ 0
AUG	\$ 0	\$ 0	\$ 0	\$ 0	0	\$ 0	0	0	\$ 0	\$ 0	\$ 0
SEP	\$ 0	\$ 0	\$ 0	\$ 0	0	\$ 0	0	0	\$ 0	\$ 0	\$ 0
OCT	\$ 0	\$ 0	\$ 0	\$ 0	0	\$ 0	0	0	\$ 0	\$ 0	\$ 0
NOV	\$ 0	\$ 0	\$ 0	\$ 0	0	\$ 0	0	0	\$ 0	\$ 0	\$ 0
DEC	\$ 0	\$ 0	\$ 0	\$ 0	0	\$ 0	0	0	\$ 0	\$ 0	\$ 0
TOTAL	\$ 0	\$ 0	\$ 0	\$ 766,498	7	\$ 13,450	15	15	\$ 6,425	\$ 766,498	\$ 766,498

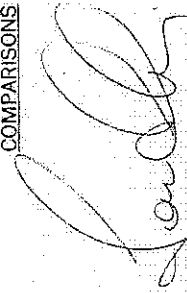
of Demolitions for month = 6, for YTD = 6

DWELLING UNITS / VALUE

YEAR TO DATE / 10	5	\$ 766,498
YEAR TO DATE / 09	4	\$ 516,000
YEAR TO DATE / 08	10	\$ 1,137,000

COMPARISONS

PERMITS ISSUED / VALUE		
YEAR TO DATE / 10	15	\$ 779,948
YEAR TO DATE / 09	5	\$ 544,000
YEAR TO DATE / 08	14	\$ 1,277,300


BUILDING INSPECTOR

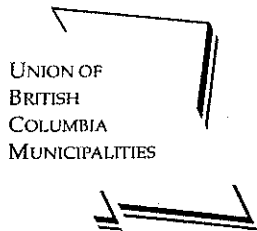
TOWN OF LADYSMITH
TROLLEY BUS ACTIVITY REPORT
 MONTH OF January 2010

	DATE	PASSENGER COUNT	FUEL LITRES	KILOMETRES START	KILOMETRES FINISH	WEATHER	WHEEL CHAIRS	BIKES
Fri	1	New Year's Day						
Sat	2							
	3							
Mon	4	65	65	22131	22346	Rainy		
Tues	5	82	80	22346	22562	Cloudy	1	
Wed	6	98	64	22562	22774	Clear		
Thurs	7	64	73	22774	22986	Clear/Sunny		3
Fri	8	77	66	22986	23198	Overcast		
Sat	9	69	67	23198	23911	Overcast		
	10							
Mon	11	70	66	23411	23624	Very Rainy		2
Tues	12	85	90	23624	23838	Cloudy		
Wed	13	70	74	23838	24052	Cloudy		1
Thurs	14	80	62	24052	24265	Rain		
Fri	15	74	66	24265	24483	Heavy Rain		
Sat	16	68	66	24483	24695	Clear		2
	17							
Mon	18	68	68	24695	24906	Heavy Rain		1
Tues	19	86	94	24906	25119	Cloudy		
Wed	20	79	65	25119	25330	Nice		
Thurs	21	89	60	25330	25541	Sunny		2
Fri	22	120	63	25541	25752	Clear		
Sat	23	69	64	25752	25965	Sunny/Mild		
	24							
Mon	25	86	74	25965	26178	Rain		3
Tues	26	140	94	26178	26389	Clear/Rain		3
Wed	27	95	65	26389	26601	Overcast		2
Thurs	28	102	75	26601	26811	Grey		
Fri	29	82	63	26811	27023	Rain/Cloud		1
Sat	30	68	63	27023	27236	Rain		
	31							
TOTAL		1986	1687		66			

Avg Riders per day - 82.75

Local Government Program Services

...programs to address provincial-local government shared priorities



UNION OF
BRITISH
COLUMBIA
MUNICIPALITIES

FEB - 1 2010

January 25, 2010

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

Re: Completion of Built Environment & Active Transportation Project (Phase 2)

Dear Mayor and Council,

Thank you for submitting the final report and financial summary for the Town of Ladysmith's *Bicycle Plan*. It is clear that this project achieved the goals of the Built Environment and Active Transportation Community Planning program.

The final report notes a total expenditure of \$21,439.33. Based on this, a cheque in the amount of \$6,300.00 will follow shortly under separate cover. This cheque represents final payment of the grant and is based on the total approved grant (\$21,000.00) minus the payment of \$14,700.00 made in March 2009.

I would like to congratulate the Town of Ladysmith for undertaking this planning exercise and responding to the opportunity to support active transportation in your community.

Sincerely,

Danyta Welch
Policy & Program Officer

cc: *Felicity Adams, Director of Development Services, Town of Ladysmith*
Cara Fisher, Built Environment & Active Transportation Coordinator

Administration provided
by UBCM and BCRPA

Funding provided by
The BC Healthy Living
Alliance

For program
information, visit the
Funding Programs
section at:

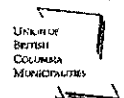
www.ubcm.ca

LGPS Secretariat

Local Government House
525 Government Street
Victoria, BC, V8V 0A8

E-mail: lgps@ubcm.ca
Phone: (250) 356-5134
Fax: (250) 356-5119

An initiative of these BC Healthy Living Alliance members





JAN 29 2010

January 27, 2010

File No: 0540-20-CSAC/06

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

Attention: Sandy Bowden, Director of Corporate Services

Dear Ms. ^{SANDY} Bowden:

Re: Community Safety Advisory Committee Membership

CVRD Board Chair Gerry Giles established a Community Safety Advisory Committee whose purpose is to provide advice, expertise, and recommendations to the CVRD Board on broad community safety issues. It also serves as a regional forum for inter-agency and inter-municipal cooperation. Membership on the Committee includes a Town of Ladysmith Council representative. All of the Region's four municipalities have the opportunity of representation on the Committee.

The commitment of membership includes attending a meeting approximately every second month, keeping up to date with issues and projects, and optional volunteer work such as safety audits. Attached are the Committee's Terms of Reference for your information.

If a councillor from your municipality would like to sit on the Committee, please forward their name and contact information to the undersigned by mail, email to dbeesley@cvr.bc.ca or by phone to 250-746-2503.

Yours truly,



Joe Barry
Corporate Secretary

JEB/db

Attachment



CVRD

Community Safety Advisory Committee TERMS OF REFERENCE

1. ESTABLISHMENT

The Board Chair establishes the committee for terms that last one year. As a standing committee of the Board, the role of the Community Safety Advisory Committee is advisory. Advice, comments or recommendations from the committee shall be forwarded to the Board when appropriate.

2. COMPOSITION

The Advisory Committee will have a broad representation from local government, geographic areas, and community groups. Members are appointed by the Board Chair and should remain flexible based on the needs and ability of members to participate in the committee. Membership must include one CVRD Director and *may* include any combination of the following:

- 1 additional CVRD Director
- 1 Councillor from the City of Duncan
- 1 Councillor from the Municipality of North Cowichan
- Councillors from the Town of Ladysmith and Town of Lake Cowichan
- 1 School trustee from District 79
- RCMP
- First Nations
- 1 or 2 members at large representing the public. These individuals should be experienced in the areas of safer/healthy communities, social planning, and/or community development.

Community Groups

- Community Options Society
- Cowichan Family Life
- Cowichan Women Against Violence Society
- disAbility Resource Centre
- Social Planning Cowichan
- Cowichan Lake Community Services

Committee members will elect a Chair, and the Chair will appoint a Vice-Chair. Both of these are for one-year terms. Committee membership appointments will be renewed annually. The committee may form task and project oriented sub-committees and working groups to address specific issues if needed. These sub-committees can involve other stakeholders.



3. PURPOSE AND ROLE

To advise the CVRD on community safety issues of regional, inter-municipal, and inter-agency importance. Advice may be in reference to programs, plans, policies, guidelines, or other local government policy instruments. The committee also serves as a forum for multi-sectoral discussion where local government and community groups can work together. The committee has a leading role in providing advice and support to safer communities initiatives across the region.

4. REFERRALS

The committee will be a conduit for recommendations arising from its members and from community initiatives, and for issues referred by the Board through commissions, elected officials, and staff requests. The committee acts as a resource for planning staff at various local governments and to Advisory Planning Commissions. Examples where the committee may have input include transit development, facility development and major development applications.

5. MEETINGS / PROCEDURES

The Advisory Committee will meet at the call of the Chair, usually on a bimonthly basis. The committee is not a formal decision-making body, but rather a forum for inter-regional and inter-agency discussion, issue identification and resolution. The quorum for the committee is five members.

6. RESOURCES & COMMUNICATION

CVRD Staff Liaison:

The staff liaison will facilitate the work of the committee by working with Safer Futures and by providing support and research services. The liaison ensures that the CAO and the Board Chair are informed of major issues.

CSAC Recording Secretary:

The recording secretary will organize meeting logistics, keep committee records, and prepare agendas and distribute them to the committee members at least 72 hours prior to the meeting (via e-mail). The recording secretary will distribute the minutes of the Community Safety Advisory Committee to the CVRD Board upon adoption, and will assist with other duties as required.

Committee Chair:

The Chair of the committee will make regular reports to the Board on the activities of the committee.

Safer Futures: This program of the Cowichan Women Against Violence Society acts as a key resource to the committee and may provide expertise and research where requested.



7. GENERAL MATTERS

Volunteers of the Advisory Committee serve without remuneration. However, mileage will be provided. The CVRD may by resolution dissolve the Community Safety Advisory Committee, remove a member at any time, and amend these Terms of Reference. The Regional Board may remove from membership any member appointed who has failed to attend two consecutive meetings without good cause.

Advisory Committee meetings are open to the public; however, a meeting may be closed to the public in accordance with the provisions of the *Community Charter*.

A distribution list will be instituted where agenda, minutes and other items of interest are distributed to individuals and agencies who are not part of the committee but who may benefit from the information shared.

TOWN OF LADYSMITH

BYLAW NO. 1707

A bylaw to appropriate monies from the Cemetery Care Trust Fund.

WHEREAS the sum of \$138,676.29 is on deposit in the Cemetery Care Trust Fund; and

WHEREAS it is deemed necessary to appropriate the sum of up to \$7,700.00 from the Cemetery Care Fund for the purpose of the Cemetery; and

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

1. The sum of up to seven thousand seven hundred dollars (\$7,700.00) is hereby appropriated from the Cemetery Care Trust Fund and transferred to the General Revenue Fund to provide for the cemetery.
2. This bylaw may be cited as the "Cemetery Care Trust Fund Appropriation Bylaw 2010, No. 1707".

READ A FIRST TIME on the 1st day of February, 2010

READ A SECOND TIME on the 1st day of February, 2010

READ A THIRD TIME on the 1st day of February, 2010

ADOPTED on the _____ day of _____, 2010

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Sandy Bowden, Director of Corporate Services
Date: January 25, 2010
File No: 3900-30 (No. 1707)

Re: Reserve Funds Expenditure Bylaw - Cemetery Care

RECOMMENDATION(S):

That Council give the Town of Ladysmith Cemetery Care Trust Funds Appropriation Bylaw 2010, No. 1707 first, second and third readings.

PURPOSE:

The purpose of this bylaw is to authorize the transfer of up to \$7,700.00 from the Cemetery Care Trust Fund to the General Revenue Fund to provide for the cemetery.

SUMMARY:

The bylaw may be introduced and read a first, second and third time at the February 1, 2010 Council meeting

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Cemetery Care Trust Fund Appropriation Bylaw 2010, No. 1707.