



# TOWN OF LADYSMITH

A Regular Meeting of the  
Council of the Town of Ladysmith  
will be held in Council Chambers at City Hall on

TUESDAY, AUGUST 3, 2010  
at 7:00 p.m.

## A G E N D A

Page

### CALL TO ORDER

#### 1. AGENDA APPROVAL

#### 2. DELEGATIONS

- 2.1. **Bruce Findlay, Generation Properties**  
Strata Conversion at 218 Bayview Avenue

#### 3. MINUTES

Adoption of the following minutes:

- |      |               |         |
|------|---------------|---------|
| 3.1. | July 5, 2010  | 1 - 13  |
| 3.2. | July 13, 2010 | 14 - 15 |
| 3.3. | July 19, 2010 | 16 - 19 |
| 3.4. | July 26, 2010 | 20 - 21 |

#### 4. BYLAWS (OCP / ZONING)

- |      |  |                    |
|------|--|--------------------|
| 4.1. | <b>Town of Ladysmith Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No.29), 2010, No. 1705</b><br>May be adopted. | 22 - 24<br>& 28-36 |
| 4.2. | <b>Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No.78), 2010, No. 1706</b><br>May be adopted.                    | 25 -36             |

#### 5. COUNCIL COMMITTEE REPORTS

- 5.1. **Mayor R. Hutchins**  
Cowichan Valley Regional District Board – Cowichan Communities Health Network (presentation)

	<u>Page</u>
<b>5.2. <u>Councillor S. Bastian</u></b> Advisory Planning Commission; Protective Services Committee; Youth Advisory Committee	
<b>5.3. <u>Councillor J. Dashwood</u></b> Liquid Waste Management Committee; CVRD – Community Safety Advisory Committee; Downtown Business Association	
<b>5.4. <u>Councillor S. Arnett</u></b> Economic Development Commission; Parks, Recreation & Culture Commission; Chamber of Commerce	
<b>5.5. <u>Councillor D. Paterson</u></b> Government Services Committee; Parks, Recreation & Culture Commission; Celebrations Committee; Festival of Lights	
<b>5.5.1. <u>Government Services Committee Recommendations</u></b> Recommendations from the meeting of July 19, 2010	<b>37</b>
<b>5.6. <u>Councillor L. Evans</u></b> Heritage Revitalization Advisory Commission; Community Health Advisory Committee; Social Planning Cowichan – Affordable Housing Directorate	
<b>5.7. <u>Councillor B. Whittington</u></b> Vancouver Island Regional Library Board; Advisory Design Panel; Environment Commission; Ladysmith Early Years	
<b>6. STAFF / ADVISORY COMMITTEE REPORTS</b>	
<b>6.1. Strata Conversion Application – 218 Bayview Avenue</b>	<b>38 – 49</b>
<b>7. CORRESPONDENCE</b>	
<b>7.1. BC Recreation and Parks Association</b> Request for a letter of support for recreation infrastructure renewal in B.C.	<b>50</b>
<u>Staff Recommendation:</u> That Council consider whether it wishes to write a letter of support to the BC Parks and Recreation Association to address the need for recreation infrastructure renewal.	
<b>8. BYLAWS</b>	
<b>8.1. Town of Ladysmith Heritage Revitalization Advisory Commission Bylaw 1998, No. 1279, Amendment Bylaw 2010, No. 1735</b> May be read a first, second and third time	<b>51</b>

This Bylaw has been drafted in accordance with the following resolution passed at the meeting of July 5, 2010:

*2010-321*

*It was moved, seconded and carried that staff be directed to prepare an amending bylaw to delete the residency requirement from the Heritage Revitalization Advisory Commission Bylaw.*

**9. NEW BUSINESS**

**10. UNFINISHED BUSINESS**

**11. QUESTION PERIOD**

**12. EXECUTIVE SESSION**

In accordance with Section 90(1) of the *Community Charter*, this part of the meeting will be held *In Camera* 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;

**13. RISE AND REPORT**

**ADJOURNMENT**





LADYSMITH

TOWN OF LADYSMITH  
MINUTES OF A REGULAR SESSION OF COUNCIL  
MONDAY, JULY 5, 2010 - 7:00 P.M.

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**COUNCIL MEMBERS PRESENT:**

Mayor Rob Hutchins  
Councillor Jillian Dashwood  
Councillor Bruce Whittington

Councillor Steve Arnett  
Councillor Lori Evans

Councillor Scott Bastian  
Councillor Duck Paterson

**STAFF PRESENT:**

Ruth Malli  
Chris Trumpy

Sandy Bowden  
Joanna Winter

Felicity Adams

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**CALL TO ORDER**

Mayor Hutchins called the meeting to order at 4:34 p.m.

**EXECUTIVE SESSION**

**2010-301**

It was moved, seconded and carried that this meeting retire into Executive Session at 4:34 p.m., pursuant to Section 90(1) of the Community Charter to consider the following items:

- discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report];
- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

**2010-302**

It was moved, seconded and carried that the Regular Session of Council resume at 7:00 p.m.

**AGENDA APPROVAL**

**2010-303**

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

**PUBLIC HEARINGS**

**Zoning Bylaw Amendment**  
Town of Ladysmith Zoning Bylaw No. 1160, Amendment Bylaw (No. 82), 2008, No. 1727, Accessory Buildings

APPLICANT AGENT  
Town of Ladysmith

PUBLIC ATTENDANCE: 12

A Public Hearing for Bylaw 1727 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Monday, July 5, 2010, commencing at 7:02 p.m.

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

Felicity Adams, Director of Development Services, provided an overview of the application submitted by the Town of Ladysmith. The purpose of Bylaw 1727 is to amend to Zoning Bylaw

- to add new definitions for "attic or roof space" and "dormer";
- to clarify setback regulations for accessory buildings; and,
- to amend the Zoning Bylaw to limit the floor area and height of an accessory building in a residential zone.

In general terms, the maximum gross floor area of an accessory building in a residential zone is proposed to be 50 square metres; the maximum height is 5 metres measured from the top of the slab; and the maximum height of an attic or roof space is 1.5 metres. The Zones that are proposed to be amended are: UR-1, R-1, R-1-A, R-2, R-2-A, and MP-1

Council referred its direction regarding regulation of accessory buildings in residential zones to the Advisory Planning Commission (APC). At its meeting held May 11, 2010, the APC provided the following comments:

*It was moved, seconded and carried that the Advisory Planning Commission concurs with Council's recommended new regulations for accessory buildings in residential zones:*

- (1) *setback regulations for accessory buildings in residential zones as outlined in section 5.5,*
- (2) *limit the height of an accessory building in residential zones to one storey (5.0m), and*
- (3) *limit the maximum combined gross floor area of an accessory building in residential zones to 50m<sup>2</sup>.*

The Public Hearing notice was printed in the Ladysmith Chronicle newspaper on June 22, 2010 and June 29, 2010 and posted on

community notice boards throughout Town, as well as on the Town's website. A copy of the Notice was made available at the front counter at City Hall for the two week notice period.

1 written submission and 1 telephone or in-person enquiry were received at City Hall in connection with this Public Hearing.

Mayor Hutchins called for questions a first time.

Pam Fraser - Enquired whether the Town had received any building permit applications for accessory buildings since introducing proposed Bylaw 1727, and if so, whether they would be subject to the new Bylaw.

Mayor Hutchins - Advised that an application had been received, and that Council would be discussing later in this Council meeting how to proceed with the application.

Aaron Lafontaine - Enquired as to the intent of the proposed change to section 5.4 of the Bylaw

Felicity Adams - Advised that the proposed change is to clarify the intent behind the existing bylaw as it currently reads.

Marsh Stevens - Suggested that the proposed bylaw amendments include a definition of 'occupancy'. He requested that the Bylaw be worded so as to prevent conversion of accessory buildings to dwellings in the future.

Mayor Hutchins - Advised that in future, if Council chooses to permit a dwelling in accessory buildings, a Bylaw Amendment would be introduced at that time.

Marsh Stevens - Enquired why proposed Bylaw 1727 contains a change in the way the height of accessory buildings is calculated and expressed concern that the proposed change could permit accessory buildings to be built on a higher slab.

Felicity Adams - Advised that the proposed change is intended to restrict the height of accessory buildings to the minimum level taking into account the slope on all sides of the building.

Pam Fraser - Enquired whether the original bylaw's method of calculating height from the four corners of the site would be more effective in limiting the height of accessory buildings

Cathy Gilroy - Enquired whether staff consulted with construction professionals such as builders and the Town's Building Inspector in drafting the new Bylaw.

Felicity Adams – Advised that industry professionals and the Town's Building Inspector had been consulted.

Garth Gilroy – Enquired whether consideration had been given to the matter of accessory buildings built on a foundation instead of slab.

Annette Carmichael – Enquired why the height of accessory buildings is so high in the proposed Bylaw.

Felicity Adams – Advised that the proposed amendments will reduce the permitted height of accessory buildings from 7.5 metres to 5 metres and that the proposed new height will prevent construction of a loft above an accessory building.

Aaron Lafontaine – Enquired whether accessory buildings built under the proposed Bylaw could be converted to secondary suites in the event that Council decides to permit secondary suites in future.

Mayor Hutchins – Advised that any change in zoning could mean that any number of buildings could become legally non-conforming.

Garth Gilroy – Enquired whether Council would consider an amendment to the proposed Bylaw that would prevent an accessory building from being built up grade.

Mayor Hutchins called for questions a second time.

Mayor Hutchins called for questions a third time.

Hearing no further questions Mayor Hutchins called a first time for comments to Council regarding the proposed Bylaw amendment.

Garth Gilroy – Requested that Council consider an amendment that would prevent building an accessory building above a certain grade in order to maintain height restrictions.

Marsh Stevens – Requested that Council include a definition of occupancy in proposed Bylaw 1727.

Marsh Stevens – Commented that the maximum area for accessory buildings proposed in the Bylaw is large enough to permit suite conversion if and when Council chooses to allow secondary suites. He requested that the method used for determining height in the proposed new Bylaw remain the same as in the existing Bylaw, and also that Council identify zone-



specific sizes for accessory buildings.

Pam Fraser — Recommended that Council return to the original recommended maximum size of 45 square metres and expressed concern that a larger size could permit secondary suites. Ms Fraser suggested that the proposed amendments also be integrated in the specific zones and that setback regulations for accessory buildings also be included in the zones. She further requested that Council consider adding provisions for setbacks from the principal building to proposed Bylaw 1727. Ms Fraser suggested that the proposed Bylaw include definitions of 'dwelling' and 'dwelling unit' similar to those used by the City of Nanaimo, that the zone-specific regulations be amended to specify that no accessory building can be directly or indirectly connected to the Town's water or sewer systems, and that the language be made consistent in all sections of the Bylaw.

Mayor Hutchins called for comments a second time.

Mayor Hutchins called for comments a third time.

Hearing no comments Mayor Hutchins called for any written submissions.

Two written submissions were received.

Hearing no further comments and, Mayor Hutchins declared the Public Hearing for Bylaw 1727 closed at 7:37 p.m.

**Official Community Plan Amendment and Rezoning Application**  
Town of Ladysmith Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 33), 2010, No. 1729

Town of Ladysmith Zoning Bylaw, 1995, No. 1160, Amendment Bylaw (No. 83), 2010, No 1730

Application 3360-10-03 and 3360-10-04

**APPLICANT AGENT**  
Town of Ladysmith and LMF Developments

**PUBLIC ATTENDANCE**  
13

A Public Hearing for Bylaws 1729 and 1730 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Monday, July 5, 2010 at 7:38 p.m. The subject property is known as Lot 1, District Lot 108, Oyster District, Plan VIP3133.

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

Felicity Adams, Director of Development Services, provided an overview of the application submitted by the Town of Ladysmith and LMF Developments. The subject property is known as Lot 1, District Lot 108, Oyster District, Plan VIP3133.

Ms Adams stated that the purpose of Bylaw 1729 is to designate proposed Lots 2 and 3 as 'Multi-Family Residential' and proposed Lot 4 as 'Mobile Home Park Residential' in the Official Community Plan. It is also to place proposed Lots 2 and 3 in the 'Multi-Family Residential Development Permit Area (DPA 4).'

The purpose of Bylaw 1730 is to rezone proposed Lots 2 and 3 as Medium Density Residential (R-3-A) and to rezone proposed Lot 4 as Manufactured Home Park Zone (MHP-1). Bylaw 1730 also proposes a variation to the permitted density for proposed Lot 3 from 37 units per hectare to 44 units per hectare; an amendment to the MHP-1 zone regarding common activity area(s); as well as one housekeeping amendment to the R-3A zone and one housekeeping amendment to the MHP-1 zone.

Ms. Adams noted that the Public Hearing notice was published in the Chronicle newspaper on June 22, 2010 and June 29, 2010 and was posted on community notice boards throughout Town and on the Town's website. Notices were also mailed and delivered to neighbouring property owners and a copy was made available at the front counter at City Hall for the two week notice period.

There have been no written submissions and 1 telephone or in person enquiry received at City Hall in connection with this Public Hearing.

Mayor Hutchins called for questions of clarification a first time.

Mayor Hutchins called for questions a second time.

Mayor Hutchins called for questions a third time.

Hearing no further questions Mayor Hutchins called for comments to Council a first time.

Mayor Hutchins called for comments a second time.

Mayor Hutchins called for comments a third time.

Hearing no comments Mayor Hutchins called for any written submissions.

No written submissions were received.

Hearing no further comments and receiving no written submissions, Mayor Hutchins declared the Public Hearing for Bylaws 1729 and 1730 closed at 7:42 p.m.

## MINUTES

2010-304

It was moved, seconded and carried that the Council minutes of June 21, 2010 be adopted as amended.

## BYLAWS (OCP / ZONING)

### Bylaw 1727 – Regulations For Accessory Buildings In Residential Zones

Discussion ensued regarding comments and suggestions raised during the public hearing.

2010-305

It was moved, seconded and carried that staff be directed to prepare an amendment to proposed Bylaw 1727 to limit the maximum area for accessory buildings to 45 square metres.

Councillors Bastian, Dashwood and Whittington opposed.

2010-306

It was moved, seconded and carried that staff be directed to prepare an amendment to proposed Bylaw 1727 stating that the height of an accessory building is to be determined from the average grade of the natural slope of the property.

2010-307

It was moved, seconded and carried that staff be requested to prepare an amendment to proposed Bylaw 1727 with respect to definitions of occupancy and dwelling units for accessory buildings in residential zones.

2010-308

It was moved, seconded and carried that staff be directed to remove section 7.2 (2.3) (restriction on dormer windows) from proposed Bylaw 1727.

Councillor Evans opposed.

2010-309

It was moved, seconded and carried that staff be directed to prepare amendments to proposed Bylaw 1727 in order to incorporate the setback regulations for accessory buildings in the following zones:

UR-1, R-1, R-1-A, R-2, R-2-A, and MP-1

**Official Community Plan (OCP) Amendment And Rezoning Application 3360-10-03 And 3360-10-04**

2010-310 It was moved, seconded and carried that Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 33) 2010, No. 1729 be read a third time and adopted

2010-311 It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 83), 2010, No. 1730 be read a third time and adopted.

**COUNCIL COMMITTEE REPORTS**

**Councillor J. Dashwood .**

Councillor Dashwood reported that the Ladysmith Downtown Business Association is committed to collaboration between different organizations and would like to see a joint community calendar produced. The Community Safety Advisory Committee of the Cowichan Valley Regional District will be holding a Community Safety Forum on September 16 and 17, 2010. Councillor Dashwood provided information on crime free multi-unit housing for staff.

**Councillor S. Arnett**

Councillor Arnett attended the recent meeting of the Economic Development Commission.

**Councillor D. Paterson**

**June 21, 2010 Government Services Committee Recommendations**

2010-312 It was moved, seconded and carried that the Ladysmith Annual Water Report be received.

2010-313 It was moved, seconded and carried that staff be directed to prepare the Bylaws to require all new single family residences in the Town of Ladysmith to be made solar hot water ready.

2010-314 It was moved, seconded and carried that all submissions received for Tender #218.066.0304 Waste Water Treatment Plant Upgrade - Biosolids Phase 2 be rejected.

2010-315 It was moved, seconded and carried that staff be requested to report back to Council as soon as possible with options for proceeding with Phase Two of the Waste Water Treatment Plant, and that the options include, but not necessarily be limited to, design-build, postponing installation of the Autothermal Thermophilic Aerobic Digesters (ATADs) component until a later

phase, and alternatives to installing the ATADs.

**2010-316** It was moved, seconded and carried that Council authorize the construction of a lake on the Ladysmith Golf Course for the purpose of irrigating both the Golf Course and the Holland Creek Ball Park, after consultation with the Executive of the Ladysmith Golf Course Society.

**2010-317** It was moved, seconded and carried that Council request Western Forest Products to take measures consistent with those in other B.C. coastal communities to prevent debris from entering Ladysmith Harbour from the log dump operation.

**2010-318** It was moved, seconded and carried that Council direct staff to review, investigate and report back to Council regarding the possibility of the Town acquiring James Dunsmuir's railway carriage.

**2010-319** It was moved, seconded and carried that staff be requested to review the existing Animal Control Bylaw and report back to a future Government Services Committee meeting regarding the possibility of allowing the raising of hens in appropriate residential zones within the Town of Ladysmith.

**2010-320** It was moved, seconded and carried that staff be directed to install 'Children at Play' signs around the Ladysmith ~~Little League~~ Ball Fields. **HIGH STREET**

Councillor Paterson reported that he had attended a recent meeting of the Parks, Recreation and Culture Commission, and that the Commission is considering a location for a new dog park.

Councillor Paterson further reported that Ladysmith Days will take place on July 31 and August 1.

Councillor Paterson requested that the Mayor send a card of thanks to the staff at Parks, Recreation and Culture for donating Aggie Hall for a recent community fundraiser.

**Councillor L. Evans**

Councillor Evans reported that the Affordable Housing Directorate of Social Planning Cowichan is developing an affordable housing policy for the Cowichan Valley Regional District, based on its extensive research.

Councillor Evans attended a meeting of the Health Advisory Committee and requested that the request for a representative from the Stz'uminus First Nation on the Committee be placed on the agenda for a future joint Council meeting.

2010-321

It was moved, seconded and carried that staff be directed to prepare an amending bylaw to delete the residency requirement from the Heritage Revitalization Advisory Commission Bylaw.

Councillor Evans requested that the matter of Stz'uminus First Nation place names be placed on the agenda of the next Joint Council Meeting.

**Councillor B. Whittington**

Councillor Whittington reported that the Vancouver Island Regional Library is considering ways to raise funds in order to update and renovate its libraries, including the Ladysmith Library. This could result in an increase to the property tax levy for the Vancouver Island Regional Library.

**STAFF / ADVISORY  
COMMITTEE REPORTS**

**Development Cost Charge Bylaw Review – Rate Options  
and Rebates for Developments with Low Environmental  
Impact**

2010-322

It was moved, seconded and carried that staff be directed to investigate the impact of revising the development cost charges (DCC) structure with specific consideration to:

- a) reducing the benefit factor for waterfront DCC projects to 67 per cent from 100 per cent;
  - b) reducing the benefit factor for parks DCC projects to 67 per cent from 90 per cent;
  - c) and implementing a DCC-free designation for certain developments in the downtown core (Baden Powell to Symonds, Esplanade to Second),
- and that staff prepare a schedule for regular review of development cost charges.

**Disposition of Crown Land – Holland Creek Area**

2010-323

It was moved, seconded and carried that Council provide the following comments to the Province of B.C. regarding ILMB application 1413401 for a Crown grant application by Thuy'she'num Property Management Limited Partnership:

- The Town of Ladysmith will require, upon subdivision or development of the land, the dedication of a 20 metre right-of-way through Lot 103 to provide for (1) a collector road to connect Dogwood Drive to the subject lands and lands beyond; and (2) a trunk water main and sewer trunk mains, as identified in the Holland Creek Local Area Plan. The Town strongly encourages the Crown to require the dedication of this right-of-way prior to the Crown grant to Thuy'she'num Property Management Limited Partnership.
- The Town currently has an existing statutory right-of-way

(L21783) registered over District Lot 103 (009-474-251) and Block 192 (009-438-319) for water supply purposes.

- The property is zoned 'F-1 Zone - Primary Forestry' and residential development is not a primary permitted use. The minimum parcel size is 20 ha. A review of the Holland Creek Local Area Plan will be required prior to Council's consideration of a rezoning proposal for the lands.

#### **Proposed Strata Conversion of 218 Bayview Avenue**

**2020-324**

It was moved, seconded and carried that Council provide support in principle to convert 218 Bayview Avenue to strata title units, subject to:

1. The results of a proponent-held information meeting with current residents of 218 Bayview Avenue regarding the proposed strata conversion
2. Staff and the applicant working towards a Housing Agreement Bylaw (s. 905, LGA) to secure in general terms (1) on-going rental, (2) maximum rental increases, and (3) including an accessible unit, as defined by the BC Building Code, in the renovation of the building

and that the results be reported to Council as soon as possible in order to proceed to the next steps.

#### **Proposed Accessory Building at 123 Forward Road**

**2010-325**

It was moved, seconded and carried that Council identify a conflict between the maximum gross floor area permitted under Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 82), No. 1727 and the application for a building permit at 1232 Forward Road submitted by Rob and Gayla Hunter, received on June 22, 2010

**2010-326**

It was moved, seconded and carried that Council withhold the building permit for an accessory building at 1232 Forward Road.

#### **CORRESPONDENCE**

##### **Coastal Animal Control Services of B.C. Ltd.**

Town of Ladysmith Pound Report for May 2010

**2010-327**

It was moved, seconded and carried that Council receive the Town of Ladysmith Pound Report from Coastal Animal Control Services of B.C. Ltd. For May 2010.

##### **British Columbia / Yukon Command, Royal Canadian Legion**

Request to purchase advertisement in the annual Military Service Recognition Book

**2010-328**

It was moved, seconded and carried that Council purchase a one-  
Council Minutes: July 5, 2010

Page 11

tenth page advertisement in the annual Military Service Recognition Book published by the British Columbia / Yukon branch of the Royal Canadian Legion for a total cost of \$250.00.

## BYLAWS

- 2010-329** Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2010, No. 1732  
It was moved, seconded and carried that Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2010, No. 1732 be adopted.
- 2010-330** It was moved, seconded and carried that Town of Ladysmith Freedom of Information Bylaw 1994, No. 1138, Amendment Bylaw 2010, No. 1733 be adopted.
- 2010-331** It was moved, seconded and carried that Town of Ladysmith Subdivision Control Bylaw 1994, No. 1115, Amendment Bylaw 2010, No. 1734 be adopted.

## QUESTION PERIOD

M. Stevens was advised that the proposed lake for water control on Ladysmith Golf Course is in the preliminary discussion stages and that designs are not yet finalized.

M. Stevens was advised that the issue of parking will likely be a major factor in any discussions regarding secondary suites.

A. Lafontaine was advised that the Ladysmith Kinsmen are currently raising funds for a replacement of the playground equipment at Brown Drive Park.

**2010-332** It was moved, seconded and carried to adjourn the regular session of Council at 9:15 p.m.

**2010-333** It was moved, seconded and carried to retire into Executive Session.

## RISE AND REPORT

The Executive Session of Council rose without report at 10:25 p.m.

## ADJOURNMENT

**2010-334** It was moved, seconded and carried that the Regular Meeting of Council be adjourned at 10:25 p.m.

← DO WE  
NEED  
BOTH  
OF  
THESE?



Mayor (R. Hutchins)

CERTIFIED CORRECT

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Corporate Officer (S. Bowden)

Subject to Adoption



LADYSMITH

TOWN OF LADYSMITH  
MINUTES OF A SPECIAL SESSION OF COUNCIL  
TUESDAY, JULY 13, 2010 - 4:45 P.M.

**MEMBERS OF COUNCIL PRESENT:**

Councillor Duck Paterson (Chair)      Councillor Steve Arnett      Councillor Scott Bastian  
Councillor Lori Evans                      Councillor Bruce Whittington

**MEMBERS OF COUNCIL ABSENT:**

Mayor Rob Hutchins                      Councillor Jill Dashwood

**STAFF PRESENT:**

Ruth Malli                                      Joanna Winter

**CALL TO ORDER**                      Councillor Paterson called the meeting to order at 4:46 p.m.

**AGENDA APPROVAL**

2010-335                      It was moved, seconded and carried that the agenda be adopted as circulated.

**REPORTS**

**Award of Tenders for Concrete Forming and Reinforcing Bar Installation for Ladysmith Community Services Centre and Civic Square**

2010-336                      It was moved, seconded and carried that Council award the concrete forming contract for the Ladysmith Community Services Centre and Spirit Square to Dalcon Construction in the amount of \$147,747 plus applicable taxes; and that Council award the concrete reinforcing bar installation contract for the Ladysmith Community Services Centre and Spirit Square to Allstar Rebar Ltd. in the amount of \$24,535 plus applicable taxes.

**Grant in Aid to Stz'uminus First Nation**

2010-337                      It was moved, seconded and carried that Council provide a Grant-in-Aid of up to \$1,000 to the Stz'uminus First Nation to assist in hosting participants in a Tribal Journey to raise awareness of drug and alcohol issues among First Nations youth.

**EXECUTIVE SESSION**

2010-338

It was moved, seconded and carried that this meeting retire into Executive Session at 5:10 p.m., pursuant to Section 90(1) of the Community Charter to consider the following item:

- 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.

**RISE AND REPORT**

Council rose from the Executive Session of Council without report.

**ADJOURNMENT**

2010-339

It was moved, seconded and carried that this session of Council be adjourned at 5:17 p.m.

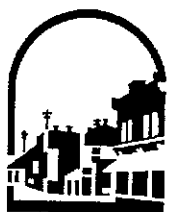
**CERTIFIED CORRECT**

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Deputy Mayor (D. Paterson)

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Deputy Corporate Officer (J. Winter)



LADYSMITH

TOWN OF LADYSMITH  
MINUTES OF A REGULAR SESSION OF COUNCIL  
MONDAY, JULY 19, 2010 - 7:00 P.M.

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**COUNCIL MEMBERS PRESENT:**

Mayor Rob Hutchins  
Councillor Jillian Dashwood  
Councillor Bruce Whittington

Councillor Steve Arnett  
Councillor Lori Evans

Councillor Scott Bastian  
Councillor Duck Paterson

**STAFF PRESENT:**

Ruth Malli  
Chris Trumpy

Sandy Bowden  
Joanna Winter

Pat Durban

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**CALL TO ORDER**

Mayor Hutchins called the meeting to order at 7:07 p.m.

**AGENDA APPROVAL**

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

- Delegation - Cowichan Green Community
- Green Municipal Fund Grant Application

2010-340

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

**MINUTES**

2010-341

It was moved, seconded and carried that the Council minutes of June 28, 2010 be adopted as circulated.

**DELEGATION**

John Milne, Cowichan Green Community

Mr. Milne presented Council members with the Buy Local, Buy Fresh map produced by Cowichan Green Community and stated that an interactive version of the map will soon be online. He thanked Council for their support of the Cowichan Food Charter.

Council thanked Mr. Milne for his presentation.

**STAFF / ADVISORY  
COMMITTEE REPORTS**

**Subject Properties: Lot A, District Lot 41, Oyster District, Plan VIP84543 and Strata Lots 1, 2 and 3, District Lot 41, Oyster District, Strata Plan VIS6497 (606 Farrell Road)**

**2010-342**

It was moved, seconded and carried that the applicant requesting the replacement of covenant EX60846 from the titles of the properties at 606 Farrell Road (Lot A, District Lot 41, Oyster District, Plan VIP84543 and Strata Lots 1, 2 and 3, District Lot 41, Oyster District, Strata Plan VIS6497) demonstrate to Council that they have notified the adjacent neighbours of their intent to remove or replace the covenant and include with the notification a development concept for the properties at 606 Farrell Road which demonstrates the full potential of the Medium Density Residential (R-3-A) zone.

**STAFF / ADVISORY  
COMMITTEE REPORTS**

**Covenant Terms – District Lot 108 Manufactured Home Park**

**2010-343**

It was moved, seconded and carried that Council direct staff to amend the terms of the Section 219 covenant to be registered on proposed Lot 4, DL 108, so that the monthly rental for a 40 foot manufactured home lot available to an Ivy Green resident in the first year of tenancy is \$350 per month and that the rents may vary proportionally based on the manufactured home lot area.

**Building Permit For Accessory Building**

The applicants for an accessory building at 123 Forward Road were present in Council Chambers to explain the intent of the application for their accessory building, which meets all requirements of the current bylaw.

**2010-344**

It was moved, seconded and carried that Council withhold approval of the building permit application for an accessory building at 123 Forward Road for a further 60 days, per section 929 of the Local Government Act.

**Leadership B.C. Central Vancouver Island – Final Report**

**2010-345**

It was moved, seconded and carried that the final report for the 2009/2010 session of the Leadership BC—Central Vancouver Island program be received.

**CORRESPONDENCE**

Scott Bailey, Brownfields and Program Development, Ministry of Agriculture and Lands

2010-346

It was moved, seconded and carried that the Mayor be authorized to sign the Contribution Agreement for the Ladysmith Northern Gateway (Lot 7/8) Brownfield Redevelopment Project, and that a letter of thanks be sent to the Minister of Agriculture and Lands.

Dave McCallan, McCallan Construction Survey Ltd.

2010-347

It was moved, seconded and carried that a letter be written to Dave McCallan of McCallan Construction Survey expressing Council's gratitude for his donation of time and materials for the Ladysmith Golf Course topographical survey, and that a receipt be issued to McCallan Construction Survey for the value of the donation.

**NEW BUSINESS**

**Green Municipal Fund Funding Application**

2010-348

It was moved, seconded and carried that the Town of Ladysmith develop a Community Sustainability Plan which will include sustainability targets based on the report "Ladysmith: A Community Vision for a Sustainable West Coast Town", and that it be confirmed that funding for this initiative of up to \$35,750 in cash and in-kind contributions is included in the 2010-2014 Financial Plan, and that the Financial Plan be amended accordingly.

**2010 Union of British Columbia Municipalities Convention**

Mayor Hutchins introduced a notice of motion to amend the Travel Policy to increase the number of Council members who are authorized to attend the annual UBCM convention.

**QUESTION PERIOD**

**EXECUTIVE SESSION**

2010-349

It was moved, seconded and carried that Council retire into Executive Session at 8:25 p.m., pursuant to Section 90(1) of the Community Charter 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
- 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

**RISE AND REPORT**

The Executive Session of Council rose without report at 8:40 p.m.

**ADJOURNMENT**

2010-350

It was moved, seconded and carried that the Regular Meeting of Council be adjourned at 8:40 p.m.

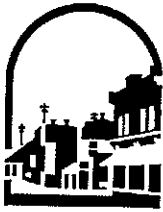
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Mayor (R. Hutchins)

**CERTIFIED CORRECT**

---

Corporate Officer (S. Bowden)



LADYSMITH

TOWN OF LADYSMITH  
MINUTES OF A SPECIAL SESSION OF COUNCIL  
MONDAY, JULY 26, 2010 - 5:00 P.M.

**MEMBERS OF COUNCIL PRESENT:**

Mayor Rob Hutchins (Chair)  
Councillor Jill Dashwood

Councillor Lori Evans  
Councillor Duck Paterson

Councillor Bruce Whittington

**MEMBERS OF COUNCIL ABSENT:**

Councillor Steve Arnett

Councillor Scott Bastian

**STAFF PRESENT:**

Ruth Malli

Sandy Bowden

Lisa Brinkman

**CALL TO ORDER**

Mayor Hutchins called the meeting to order at 5:03 p.m.

**AGENDA APPROVAL**

2010-351

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

**DEVELOPMENT PERMITS  
/ DEVELOPMENT  
VARIANCE PERMITS**

Development Variance Permit Application 3090-10-03 630 Second Avenue and 200 High Street, Ladysmith

Council noted that one email from an adjacent property owner was received expressing concern regarding the visual impact on the north-west corner of the development. It was noted that decorative screen trellises will be placed around refuse and utility areas. A discussion ensued regarding safety issues associated with icicles given the reduction in the setbacks.

2010-352

It was moved, seconded and carried that Council approve Development Variance Permit (DVP) 3090-10-03 to vary:

- 1) the setback regulations for the new community building to be located at 630 Second Avenue, and
- 2) the on-site parking requirements for the new community services centre to be located at 630 Second Avenue and 220 High Street

and that the Mayor and Corporate Officer be authorized to sign Development Variance Permit 3090-10-03.



**UNFINISHED BUSINESS**      None.

**NEW BUSINESS**              Council authorized the addition of Pat Durban, Acting City Manager/  
Director of Parks, Recreation and Culture to the list of bank signing  
authorities for the period of July 27, 2010 to August 30, 2010.

**ADJOURNMENT**

2010-353

It was moved, seconded and carried that this session of Council be  
adjourned at 5:18 p.m.

**CERTIFIED CORRECT**

---

Mayor (R. Hutchins)

---

Corporate Officer (S. Bowden)

**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 15<sup>th</sup> day of February, 2010

**READ A SECOND TIME** on the 15<sup>th</sup> day of February, 2010

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

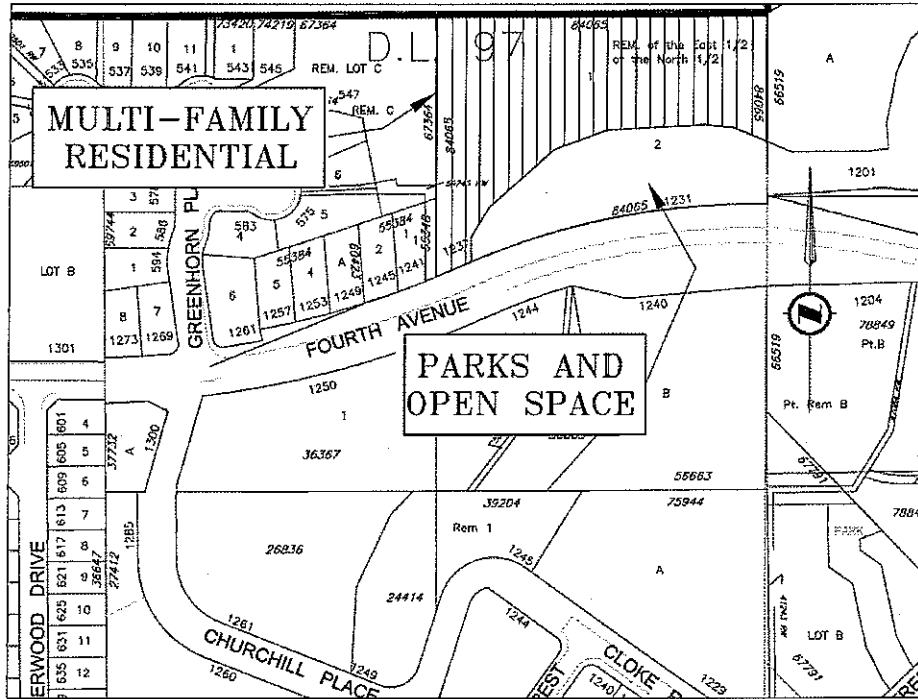
**READ A THIRD TIME** on the 15<sup>th</sup> day of March, 2010  
on the 15<sup>th</sup> day of March, 2010

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Mayor (R. Hutchins)

\_\_\_\_\_  
Corporate Officer (S. Bowden)

Bylaw 1705 - Schedule 1





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 15<sup>th</sup> day of February, 2010

READ A SECOND TIME on the 15<sup>th</sup> day of February, 2010

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

on the 15<sup>th</sup> day of March, 2010

READ A THIRD TIME on the 15<sup>th</sup> day of March, 2010

ADOPTED on the day of

\_\_\_\_\_  
Mayor (R. Hutchins)

\_\_\_\_\_  
Corporate Officer (S. Bowden)







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 4<sup>th</sup> 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 - delineation (Sept. 21, 2009)
- Schedule C: Site Plan - delineation
- Schedule D: Exterior Elevation - Townhomes - delineation
- Schedule E: Exterior Elevation - Condominiums - delineation
- Bylaw 1705
- Bylaw 1706

**Report reviewed at previous meeting**



21 September 2009

MULTI FAMILY DEVELOPMENT  
1237 FOURTH AVENUE  
LADYSMITH B.C.

### DESIGN RATIONALE

The subject property on 4<sup>th</sup> 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 private road network
  - complete of underground and/or covered parking
- Significant buffering of adjacent properties; The Rocky Creek parcel itself is a significant separation of 4<sup>th</sup> 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.



**Report reviewed at previous meeting**

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

P/F 250.245.3894



CONTRACTORS TO VERIFY ALL LINES, LEVELS, MARKINGS, DIMENSIONS, LOCATION OF ALL SERVICES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND ALL LOCAL BUILDING BY-LAWS AND ALL LOCAL REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY PRIOR TO COMMENCING WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND ALL LOCAL BUILDING BY-LAWS AND ALL LOCAL REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY PRIOR TO COMMENCING WORK.

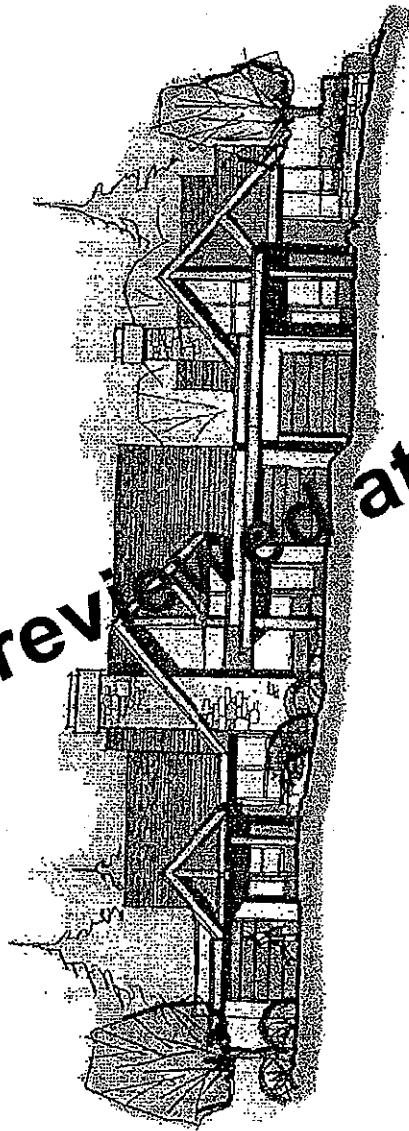


delinea design consultants ltd  
 201 DELAWARE LANE, SUITE 100, WOODVILLE, MISSISSAUGA, ONTARIO L4W 1G7  
 TEL: 905.255.3444  
 FAX: 905.255.3444  
 ISSUED FOR REVIEW: 24 June 09  
 ISSUED FOR RECORDING: 10 Sept 09

PROJECT: Multi-Family Residential Development  
 1237 Fourth Ave. Langenshain, BC  
 705 454-8484  
 0704-31.92  
 SCALE: as noted  
 DRAWN BY: C.M.  
 DRAWING TITLE: conceptual townhome exterior elevation.  
 DATE:

PR2

Report reviewed at previous meeting



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
- rainwater capture / native plant materials
- greywater supplement or eliminated with rain water collection system

MATERIALS

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

CONTRACTOR TO VERIFY ALL LEVELS OF FINISHES AND LOCATIONS OF FINISHES FROM TO CONSTRUCTION. ALL FINISHES TO BE MATCHED TO THE FINISHES SHOWN ON THE DRAWINGS AND LOCAL CODES. FINISHES TO BE MATCHED TO THE FINISHES SHOWN ON THE DRAWINGS AND LOCAL CODES. FINISHES TO BE MATCHED TO THE FINISHES SHOWN ON THE DRAWINGS AND LOCAL CODES. FINISHES TO BE MATCHED TO THE FINISHES SHOWN ON THE DRAWINGS AND LOCAL CODES.

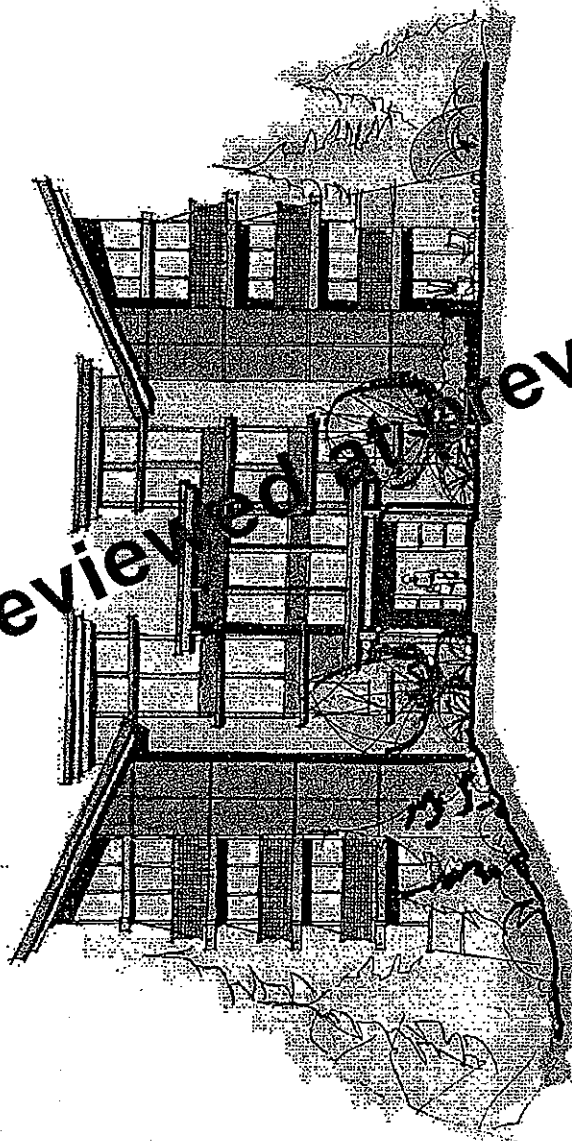


delinea design consultants ltd  
 24, June 09  
 10, Sept 09

PROJECT: Multi-Family Residential Development  
 1237 Fourth Ave. Langford, BC  
 208 NUMBER  
 0324/3192  
 SCALE: as noted  
 DRAWN BY: C.M.  
 DRAWING TITLE: conceptual condominiums exterior elevation  
 PAGE

PR3

Report reviewed at previous meeting



exterior elevation - condominiums

Schedule E - Exterior Elevation condominiums - PR3 (Sept. 10, 2009 - delinea design consultants Ltd.)



Town of Ladysmith

**COMMITTEE REPORT**



**LADYSMITH**

To: Mayor and Council  
From: Councillor D. Paterson, Chair  
Date: July 20, 2010  
File No: 0550-20

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Re: GOVERNMENT SERVICES COMMITTEE - July 19, 2010

At its meeting on July 19, 2010 the Government Services Committee recommended to Council the following:

1. It was moved, seconded and carried that it be recommended to Council that staff be directed to review trolley ridership and determine if any adjustments to routes and schedules are required based on ridership patterns.
2. It was moved, seconded and carried that it be recommended to Council that the matter of providing visitor information to boaters be referred to the Tourism Advisory Committee for review and recommendations.
3. It was moved, seconded and carried that it be recommended to Council that Council write to all major transportation carriers on Vancouver Island (including Greyhound Canada, Pacific Bus Lines and VIA Rail) requesting that bicycle racks be installed on their vehicles, and that a copy of the letters be sent to Jawn Lafratta in response to her letter of June 7, 2010.



## Town of Ladysmith

### **STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: July 28, 2010  
File No:

---

Re: STRATA CONVERSION APPLICATION - 218 BAYVIEW AVENUE  
APPLICANT: GENERATION PROPERTIES INC.

#### RECOMMENDATION:

That Council provide preliminary approval to convert 218 Bayview Avenue to strata title units, subject to:

1. Staff and the applicant finalizing a Housing Agreement Bylaw (s. 905, Local Government Act) to secure in general terms (1) on-going rental, (2) maximum rental increases, and (3) including an accessible unit, as defined by the BC Building Code, in the renovation of the building.
2. The applicant providing the following information and commitments, in a form acceptable to the Town:
  - a) The immediate payment of a non-refundable processing fee of \$200 per unit up to \$2,500.
  - b) Notarized declaration regarding notice to current tenants.
  - c) Written report from a registered architect or engineer, in a form acceptable to the building inspector, that the building is of reasonable quality for its age, including reference to the state of repair, general workmanship, and whether the building substantially complies with applicable bylaws and the Building Code.
  - d) Written report from an electrical engineer stating that all the electrical works have been upgraded to current electrical code standards and a letter from the Provincial Electrical Inspector verifying and confirming the contractor's report.
  - e) Written report from the Fire Chief stating that each unit has been inspected and the building and each unit meets the Fire Department's requirements and applicable Provincial and Town bylaw regulations, including consideration of the installation of a fire sprinkler system.
  - f) Written report from the gas inspector stating that a gas inspection has been completed and approval received.
  - g) Preparation of a Restrictive Covenant under section. 219 of the Land Title Act to secure (1) no change to the tenants' leases as part of the strata conversion; (2) right of first refusal for current tenants to purchase their suite, at a minimum 10% discount to the market value; (3) \$25,000 contribution to the Town's community amenity fund prior to final plan approval.

3. That upon completion of the above items to the satisfaction of the Town within 18 months of Council's approval, unless an extension is granted upon request of the owner,
  - a) Preparation of a building strata plan, including dimensions, strata lots, limited common property and common property, in accordance with the provisions of the *Strata Property Act*.
  - b) Registration of the building strata plan.

PURPOSE:

The purpose of this report is to present a draft Housing Agreement regarding the proposed strata conversion of the apartment building at 218 Bayview Ave. Also, the results of the proponent held information meeting will be presented to Council at the Council meeting.

INTRODUCTION/BACKGROUND:

On July 5, 2010 Council passed the following motion:

"That Council provide support in principle to convert 218 Bayview Avenue to strata title units, subject to:

1. The results of a proponent-held information meeting with current residents of 218 Bayview Avenue regarding the proposed strata conversion;
2. Staff and the applicant working towards a Housing Agreement Bylaw (s. 905, LGA) to secure in general terms (1) on-going rental, (2) maximum rental increases, and (3) including an accessible unit, as defined by the BC Building Code, in the renovation of the building;

and that the results be reported to Council as soon as possible in order to proceed to the next steps."

SCOPE OF WORK:

Staff have worked with the applicant towards a draft Housing Agreement which secures the following:

- that owners of the proposed strata units will not be prevented or restricted from the use of a dwelling unit for rental residential purposes;
- one "Adaptable Unit" will be constructed in the building to meet the requirements of the BC Building Code;
- the owner will designate an "Affordable Housing Unit", such that the rent for this unit will never exceed the average rental rate of a comparable unit in Nanaimo;
- rent increases for all of the rental dwelling units will be subject to the requirements and limitations of the residential tenancy legislation in force;

The applicant has outlined steps to be undertaken to preserve rental units in this building (see attached "Effect on Current Residents"). As the applicant is eager to receive a decision from Council, staff has provided a series of recommendations for Council to consider to address building code, fire safety and affordable housing issues.

ALTERNATIVES:

That Council consider no further a strata conversion application for 218 Bayview Avenue.

FINANCIAL IMPLICATIONS:

The applicant will bear the legal costs of the Housing Agreement.

LEGAL IMPLICATIONS:

The Housing Agreement attached to this report is a draft. A formal Housing Agreement will be presented to Council in the form of a bylaw as required by the Local Government Act.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

A proponent information meeting was held on Wednesday, July 28 at 7pm. Council members were invited to attend the meeting. The applicant will provide information regarding the results of the proponent held information meeting at the Council meeting.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The review of proposals for strata conversion would involve Development Services (policy, development permit), Public Works (building inspection and engineering) and the Approving Officer (plan approval), and the Fire Chief. The Fire Chief has expressed a strong interest in fire safety upgrades being undertaken in this building.

RESOURCE IMPLICATIONS:

Strata conversion applications will take staff resources and the proposed fee is expected to off-set costs.

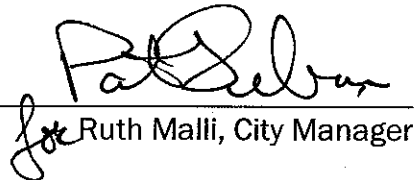
ALIGNMENT WITH STRATEGIC PRIORITIES:

Affordable housing is important to the community.

SUMMARY:

The applicant is seeking preliminary approval for a strata conversion application for the apartment building at 218 Bayview Avenue. Staff have worked with the applicant towards a draft Housing Agreement. The proponent held an information meeting as requested by Council.

I concur with the recommendation.

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

ATTACHMENTS:

- draft Housing Agreement
- Effect on Current Residents – statement from applicant (Generation Properties Inc. June 24, 2010)

**HOUSING AGREEMENT**  
(Pursuant to Section 905 of the *Local Government Act*)

THIS AGREEMENT is made the \_\_\_\_ day of \_\_\_\_\_, 2010.

BETWEEN:

**THE TOWN OF LADYSMITH**

410 Esplanade  
Ladysmith, BC  
V9G 1A2

(the "**Town**")

OF THE FIRST PART

AND:

**GPI DEVELOPMENTS INC.**

P.O. Box 220  
Crofton, BC  
V0R 1R0

(the "**Owner**")

OF THE SECOND PART

**WHEREAS:**

- A. Under section 905 of the *Local Government Act* the Town may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 905(2) of the *Local Government Act*;
- B. The Owner is the registered owner in fee simple of lands in the Town of Ladysmith, British Columbia, with a civic address of [Insert Address] and legally described as:  
  
PID #002-406-497  
Lot A, District Lot 56, Oyster District, Plan 26708  
  
(the "**Lands**");
- C. The Owner has made application to the Town to convert the Lands to a strata plan as set out in the 'Strata Property Act';
- D. The Town and the Owner wish to enter into this Agreement, as a Housing Agreement pursuant to section 905 of the *Local Government Act*, to secure the

agreement of the Owner to provide affordable housing as defined herein, and that a percentage of the dwelling units on the Lands will be used and held only as rental housing for a fixed period of time.

**NOW THIS AGREEMENT WITNESSES** that pursuant to section 905 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "Agreement"), the parties agree each with the other as follows:

## **1.0 Definitions**

### **1.1 In this Agreement:**

**"Accessibility"** means the ability of residential design to accommodate the physical ability of a resident.

**"Adaptable Unit"** means a residential unit that meets or exceeds the 'Adaptable Dwelling Unit' requirements of the BC Building Code.

**"Affordable Unit"** means a Dwelling Unit that is designated for rental in accordance with Article 4.0 of this Agreement.

**"Development"** means the development and use of the Lands as a forty-four (44) unit multi-family residential building.

**"Dwelling Units"** means forty-four (44) self-contained dwelling units within the Development.

**"Non-owner"** means a person other than the Owner who occupies a Dwelling Unit for residential purposes.

**"Owner"** includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 7.3.

**"Subdivision"** means the division of land into two (2) or more parcels, whether by plan, apt descriptive words, or otherwise, and includes subdivision under the Strata Property Act, and **"Subdivide"** has the corresponding meaning.

**"Tenancy Agreement"** has the same meaning as under the *Residential Tenancy Act*.

## **2.0 No Restrictions on Rentals**

**2.1** The Owner covenants and agrees that the building upon the Lands will contain residential units which must not be restricted as to their availability for rent by non-owners, and if stratified, may be occupied by the owners of the individual strata units in addition to 100% of the residential units being available as rental units to non-owners.

2.2 The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the use and occupation of a Dwelling Unit for rental residential purposes to a Non-Owner or from ensuring that all the Dwelling Units are rented or available for rentals.

### **3.0 Adaptable Housing**

3.1 The Owner must incorporate and construct Accessibility features into the Development so that a minimum of one (1) of the Dwelling Units are Adaptable Units.

3.2 The Owner must ensure that all driveways and common areas on the Lands and in the Development are designed and maintained for use by Adaptable Unit occupants.

### **4.0 Affordable Housing**

4.1 The Owner must designate a minimum of one (1) two-bedroom Dwelling Unit and one (1) one bedroom Dwelling Unit as Affordable Units.

4.2 Monthly rent for each of the Affordable Units shall not exceed the average rent rate of a comparable unit in Nanaimo for the most recent year as published by the CMHC through their Rental Market Report.

4.3 The Owner agrees that any rent increases for the Dwelling Units will be subject to the requirements and limitations of the residential tenancy legislation in force at the time of the increase.

### **5.0 Reporting**

5.1 The Owner covenants and agrees to provide to the Town of Ladysmith, within sixty (60) days of each annual general meeting of the Strata Corporation, a report in writing setting out the following:

- (a) the number, type and location by suite or strata lot number, of Dwelling Units that are being rented to Non-owners;
- (b) the number, type, and location by suite or strata lot number, of Affordable Units, and confirmation that the Affordable Units are being rented in accordance with Article 4.0;
- (c) the number, type, and location by suite or strata lot number, of Adaptable Units, and confirmation that the Adaptable Units are being rented in accordance with Article 3.0; and
- (d) any changes or proposed changes to the Strata Corporation's bylaws that may affect the terms of this Agreement.

5.2 The Owner acknowledges that it is within the Town's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

## 6.0 Notice to be Registered in Land Title Office

6.1 Notice of this Agreement will be registered in the Land Title Office by the Town at the cost of the Owner in accordance with section 905 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

## 7.0 GENERAL PROVISIONS

### Notice

7.1 If sent as follows, notice under this Agreement is considered to be received

- (a) seventy-two (72) hours after the time of its mailing (by registered mail) or faxing, and
- (b) on the date of delivery if hand-delivered,

to the City:

Town of Ladysmith  
410 Esplanade  
Ladysmith, B.C.  
V9G 1A2  
Attention: Director of Development Services  
Fax: 250-245-6411

to the Owner:

GPI Developments Inc.  
8114 York Avenue, Unit 101  
Crofton, B.C.  
V0R 1R0  
Fax: 250-416-0292

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail service or facsimile service is interrupted by strike, work slow-down, force majeure, or other cause,

- (a) notice sent by the impaired service is considered to be received on the date of delivery, and



- (b) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

#### Time

7.2 Time is of the essence of this Agreement.

#### Binding Effect

7.3 This Agreement will ensure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 905(6) of the *Local Government Act*, this Agreement is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

#### Waiver

7.4 The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

#### Headings

7.5 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

#### Language

7.6 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

#### Cumulative Remedies

7.7 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

#### Entire Agreement

7.8 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

Further Assurances

7.9 Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

Amendment

7.10 This Agreement may be amended from time to time upon terms and conditions acceptable to the parties.

Law Applicable

7.11 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

**IN WITNESS WHEREOF** the parties hereto have set their hands and seals as of the day and year first above written.

**THE CORPORATION OF THE TOWN OF LADYSMITH** by its authorized signatories: )

\_\_\_\_\_) )  
Name: )

\_\_\_\_\_) )  
Name: )

**GPI DEVELOPMENTS INC.** by its authorized signatories: )

\_\_\_\_\_) )  
Name: )

\_\_\_\_\_) )  
Name: )

## Effect on Current Residents

With the conversion of 218 Bayview Avenue in Ladysmith, BC, to strata titles, there is some effect on the current residents living in the building. The majority of the changes are positive, as follows:

1. **ALL tenant leases will be honoured** and maintained; our program requires tenants to be in place and paying rent, and as such, we **NEVER** evict tenants for the stratification, renovations or sale of units to the open market. **NEVER**. As developers, we are very cognizant of the fact that maintaining a current tenant is three-times more efficient than trying to find a new tenant. The only time a tenant is evicted in our buildings is for cause, as defined in the *Residential Tenancies Act (British Columbia)*.
2. **ALL suites within the building will be renovated to "like new" standards**. The up-grade list is included elsewhere in this package, but to summarize, the building will be receiving a much-needed facelift to ensure its life expectancy becomes indefinite. For the renovations in-suite, we use a "holding tank" process, which involves the understanding and cooperation of the tenants. Essentially, we pack up and move tenants (up to 4 separate units at a time) into adjacent suites within the building, at our cost, including moving their phone, cable and internet connections. They will be within those holding units for approximately one month while their unit is being renovated from top to bottom. When completed, the tenants are packed up and moved back into the brand-new suite, again at our cost. **No changes to the tenants' leases occur as part of the renovation** – we always honour their rent and their terms completely.
3. **The Town of Ladysmith's rental vacancy rate will NOT change because of the strata conversion**. As we do not evict tenants, no tenant is required to leave the building, and as such, no vacancy issues arise from the stratification or renovation process.
4. **First right of refusal**. As part of our sales program, we provide tenants in the suites the FIRST right to purchase their suites, at a substantial discount to the market value. We believe that tenants should become owners of real estate, if they can, and we try our best to provide them with the opportunity to do that, through discounts and access to seasoned mortgage brokers. In this case, **tenants will be offered at least a 10% discount on the market value of the units**.
5. **Rental increases**. While we sell the units to investors, we take an active part in overseeing the management operation of the building into the future. In this case, should the conversion be successful, we will be keeping one unit for our balance sheet and be involved in the Strata Council. Rent increases are a fact of life in rental living in Canada, and while we do not gouge renters in increases, we do have to ensure that additional costs incurred with operating the building are covered, such as heating increases, insurance rates rising, etc. However, we ensure the rental increases are within those legislated by the Province of British Columbia.
6. **Affordable housing incentive**. As developers, we are always aware and concerned about the need for affordable housing. As detailed above, we are offering units at a discount to the market for current tenants. As well, we are enclosing a proposal to set up an "affordable housing" fund. This proposal is detailed further within this package.

**Joanna Winter**

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**From:** Lisa Brinkman  
**Sent:** July 28, 2010 4:19 PM  
**To:** Joanna Winter  
**Subject:** FW: Strata Conversion Application - 218 Bayview - Tenant Meeting  
**Importance:** High

FYI

this is the invitation email that was sent to Council members

Lisa Brinkman MCIP  
 Planner  
 Town of Ladysmith  
 phone (250) 245-6414 ex 6212

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**From:** Bruce R. Findlay, BBA [mailto:bruce@generationproperties.ca]  
**Sent:** July 27, 2010 11:14 AM  
**To:** Lisa Brinkman  
**Subject:** FW: Strata Conversion Application - 218 Bayview - Tenant Meeting  
**Importance:** High

As requested. Councilors Paterson & Arnett have declined due to other engagements. I have not heard back from the other Councilors.

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**From:** Bruce R. Findlay, BBA [mailto:bruce@generationproperties.ca]  
**Sent:** Monday, July 26, 2010 2:47 PM  
**To:** 'rhutchins@ladysmith.ca'; 'sarnett@ladysmith.ca'; 'sbastian@ladysmith.ca'; 'jdashwood@ladysmith.ca'; 'levans@ladysmith.ca'; 'dpaterson@ladysmith.ca'; 'bwhittington@ladysmith.ca'  
**Subject:** Strata Conversion Application - 218 Bayview - Tenant Meeting  
**Importance:** High

Pursuant to the request of Council to be invited to our regular tenant meeting, please note the meeting has been set for Wednesday, July 28<sup>th</sup> at 7:00pm at the private room at Ricky's Restaurant in Ladysmith. This meeting is to discuss the conversion with the tenants, advise them of the renovations and their option to purchase the units.

Please note, you are being invited as silent observers only, to view the tenants' response to the application. We do these meetings all the time and need to ensure our process isn't interrupted. I am available to meet prior to, or after, the meeting if any of the Council has questions or concerns about this process. Please confirm if you are available to attend.

With respect to our application, we are eager to move forward. We have spent many thousands of dollars and countless hours in this process, and look forward to receiving approval for our conversion at the next meeting. When approval is granted, we can finally push forward on meeting the conditions of the approval and getting this building upgraded from its 1973-vintage standards, for everyone's benefit.

Thank you.

Regards,

**Bruce R. Findlay, BBA**

*President*

**GENERATION PROPERTIES INC.**

**GPI DEVELOPMENTS INC.**

Vancouver Island Office

P.O. Box 220

8067 York Avenue

Crofton, British Columbia

CANADA V0R 1R0

Phone: 250.416.0200

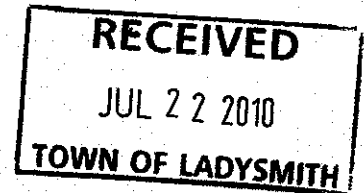
Fax: 250.416.0292

Mobile: 250.701.5460



July 15, 2010

Mayor & Council  
Town of Ladysmith  
Box 220  
Ladysmith, BC V9G 1A2



Dear Mayor & Council,

I am following up on our July 7, 2009 correspondence requesting from you a letter of support as the BC Recreation and Parks Association (BCRPA) moves forward in addressing the urgent need for recreation infrastructure renewal throughout our province.

Last year we released the "A Time for Renewal" report, a culmination of 5 years of research, study and analysis of BC's indoor recreation facilities, which concluded that 68% of the province's infrastructure is over 25 years of age and in urgent need of upgrade or replacement. Its inability to keep up with the demands of a growing population and their changing needs as well as local and provincial environmental stewardship goals is putting healthy communities at risk. Our recreation infrastructure is reaching the crisis point for capital investment.

Our advocacy work around this issue continues as we meet with government officials to increase their awareness of the issue and secure their financial commitment and support. Essential to this work is the demonstration of support local governments have for the need to renew and replace these valuable community resources – for the benefits they bring to their own communities as well as to the province as a whole – and for the work the BCRPA is doing on behalf of all communities within BC.

Now is the time for renewal. Recreation has the capacity to improve the quality of life for *all* British Columbians. With your help we can ensure our recreation infrastructure remains functional and safe, continuing its role in improving our general health and wellbeing.

Please, help us as we work to turn this pressing need into a public policy priority. Your letter will support the urgency and importance of this issue and how it impacts all of us across BC.

Thank you for your time and assistance. Please contact me with any questions or comments you may have. I can be reached at [ssstrutt@bcrpa.bc.ca](mailto:ssstrutt@bcrpa.bc.ca) or 604.629.0965 ext 226.

A copy of the "A Time for Renewal" report can be found on our website at [www.bcrpa.bc.ca/atimeforrenewal.htm](http://www.bcrpa.bc.ca/atimeforrenewal.htm)

Yours sincerely,

Suzanne Allard Strutt  
Chief Executive Officer  
Founding Chair, BC Healthy Living Alliance

TOWN OF LADYSMITH

BYLAW NO. 1735

A Bylaw to amend "Heritage Revitalization Advisory Commission Bylaw 1998, No.1279".

**WHEREAS** the Town Of Ladysmith has adopted and wishes to amend the "Heritage Revitalization Advisory Commission Bylaw 1998, No.1279" to exclude the requirement that members be residents of the Town of Ladysmith,

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

1. The following Section 2.1 of "Heritage Revitalization Advisory Commission Bylaw 1998, No. 1279" is deleted in its entirety:

2.1 The Commission shall be comprised of nine (9) members, seven of whom shall be appointed by Council.

2. Section 2.2 of "Heritage Revitalization Advisory Commission Bylaw 1998, No. 1279" is hereby amended as follows:

2.2 The membership of the Commission shall be comprised of:

(a) 7 members ~~selected from residents of the Town of Ladysmith~~ appointed by the Council

**Citation**

3. This Bylaw may be cited for all purposes as "Heritage Revitalization Advisory Commission Bylaw 1998, No.1279 Amendment Bylaw 2010, No. 1735".

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2010

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2010

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2010

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Mayor (R. Hutchins)

\_\_\_\_\_  
Corporate Officer (S. Bowden)