



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, MAY 2, 2011
4:00 p.m.

A G E N D A

Page

CALL TO ORDER

1. AGENDA APPROVAL

2. 2011–2015 FINANCIAL PLAN

3. MINUTES

- 3.1. Minutes of the Special Meeting of Council held April 13, 2011
- 3.2. Minutes of the Regular Meeting of Council held April 18, 2011
- 3.3. Minutes of the Special Meeting of Council held April 26, 2011

1 - 3
4 - 9
10 - 12

4. PUBLIC HEARING

None

5. BYLAWS (OCP / ZONING)

None

6. DELEGATIONS

None

7. PROCLAMATIONS

Mayor Hutchins has proclaimed:

The Month of May 2011 as National Missing Children's Month and May 25th, 2011 as National Missing Children's Day

in the Town of Ladysmith

8. DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS

- 8.1. Ladysmith Marina – District Lot 2054; Lease 0114642 (12335 Rocky Creek Road – Cityspaces Consulting Ltd. (agent) and Oak Bay Marine Group Ltd. (applicant)

13 - 18

9. COUNCIL COMMITTEE REPORTS**9.1. Mayor R. Hutchins**

Cowichan Valley Regional District; Heritage Revitalization Advisory Commission; Trolley Committee; Liquid Waste Management Committee

9.2. Councillor S. Bastian

Parks, Recreation and Culture Commission; Community Health Advisory Committee; Youth Advisory Committee

9.3. Councillor J. Dashwood

Liquid Waste Management Committee; Trolley Committee; Chamber of Commerce; Ladysmith Early Years Partnership

9.4. Councillor S. Arnett

Government Services Committee; Advisory Planning Commission; Environment & Economic Development Commission

9.4.1. Government Services Committee Recommendations**19****9.5. Councillor D. Paterson**

Protective Services Committee; Celebrations Committee; Festival of Lights

9.6. Councillor L. Evans

Parks, Recreation and Culture Commission; Protective Services Committee, Social Planning Cowichan Affordable Housing Directorate

9.7. Councillor B. Whittington

Vancouver Island Regional Library Board; Advisory Design Panel; Environment & Economic Development Commission; Ladysmith Downtown Business Association

10. STAFF / ADVISORY COMMITTEE REPORTS**10.1. Heritage Revitalization Advisory Commission – Friends of Morden Mine****20 – 21****10.2. Parks, Recreation and Culture Commission – Special Occasion Licences****22 – 23****11. CORRESPONDENCE****11.1. Karen Fediuk**

Kids Walk for Japan – Request for Trolley Service

24 - 25Staff Recommendation

That Council consider whether it wishes to provide a Town trolley and driver in order to shuttle Walk for Japan participants between Transfer Beach and Ecole Davis Road Elementary School, and to give permission for use of Transfer Beach.

12. BYLAWS**26****12.1. Ladysmith Heritage Revitalization Advisory Commission Bylaw 1994, No. 1279, Amendment Bylaw 2011, No. 1760**

May be given first, second and third readings.

Council will recall that at the February 7, 2011 Council meeting Staff were directed to bring forward an amendment to the Heritage Revitalization Advisory Commission bylaw to include provision for a representative from the Ladysmith and District Historical Society to sit on the Heritage Revitalization Advisory Commission as a liaison between the two groups. Bylaw No. 1760 is presented for first, second and third readings.

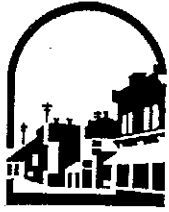
13. NEW BUSINESS**14. UNFINISHED BUSINESS**

None

15. QUESTION PERIOD

- Persons wishing to address Council during “Question Period” must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes
- Questions must relate strictly to matters which appear on the Council agenda at which the individual is speaking
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine
- Questions must be brief and to the point
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council

ADJOURNMENT



LADYSMITH

MINUTES OF A SPECIAL MEETING OF COUNCIL OF THE
TOWN OF LADYSMITH
HELD IN COUNCIL CHAMBERS AT CITY HALL ON
WEDNESDAY, APRIL 13, 2011

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins
Councillor Lori Evans

Councillor Steve Arnett
Councillor Duck Paterson

Councillor Jillian Dashwood
Councillor Bruce Whittington

COUNCIL MEMBERS ABSENT:

Councillor Scott Bastian

STAFF PRESENT:

Ruth Malli
Joe Friesenhan

Sandy Bowden
Joanna Winter

Erin Anderson

CALL TO ORDER

Mayor Hutchins called the meeting to order at 4:30 p.m.

AGENDA APPROVAL

Mayor Hutchins called the Special Session of Council to order at 4:30 p.m. Mayor Hutchins requested Council's consideration of adding an item regarding the Town's participation at the upcoming Chamber of Commerce "Home and Garden Show" to the agenda.

2011-161

It was moved, seconded and carried that the agenda for the Special Council Meeting of April 18, 2011 be adopted as amended.

FINANCIAL PLAN REVIEW

The City Manager provided Council with an overview of the Financial Plan Process. The Town is required by legislation to adopt the Five Year Financial Plan and related Bylaws by May 15 each year. The public is encouraged to participate in this process throughout the year. Opportunities for public participation include correspondence to Council, the Mayor's Open Door, questions at Open Council meetings including this and other Financial Plan meetings, and recommendations to staff.

The City Manager reviewed Council's previous direction to increase revenues in areas other than property taxes, to continue reducing industrial property taxes, and to keep commercial property tax rate increases to a minimum. Council confirmed their instruction to continue with this direction.

Levies to the Town in 2011 for other jurisdictions, such as the Cowichan Valley Regional District and Cowichan District Hospital,

have increased.

An overview of the sewer and water rates and projects was presented. The City Manager reviewed the proposed 2011 budget for the sewer and water component of the Financial Plan.

The Director of Public Works reviewed the list of potential capital projects for 2011 which include:

- Services to the Manufactured Home Park at Lot 108
- The south end pipeline to Arbutus reservoir, Holland Creek pipeline crossing restoration
- Cassidy Aquifer test drilling
- Repairs to the Stocking Lake Dam
- Enhanced water service to the Ladysmith Community Marina
- Extending the low-flow toilet rebate program
- Installing a lake at Ladysmith Golf Course to replace a failing culvert and provide irrigation
- Repairing and enhancing the water service on Symonds Street between Second and Fourth Avenues during storm drain installation
- Waste Water Treatment Plant upgrades
- Completion of repairs to the lift station
- Main upgrades - inflow and infiltration. Waste Water Treatment Plant Phase III (moving bed bioreactor and dissolved air flotation)
- Ladysmith Community Marina sewer pump-out station

It was agreed that determining the number of residences where the storm drainage is connected to the sewer system should be a high priority and staff were requested to bring recommendations to Council regarding options and costs of addressing the problem.

Staff recommended that the top three priority projects to be funded through the water budget be the Holland Creek crossing, the pipeline from the south end to Arbutus Reservoir, the Centralized Water Treatment Plant and the power supply to the Arbutus Reservoir.

Staff recommended that Council consider a water parcel tax increase in order to fund these capital projects should grant and other funding not be available.

Staff recommended that the top three projects to be funded through the sewer budget be works associated with the Liquid

Waste Management Plan, the Waste Water Treatment Plant Stage III, and sewer service to the Ladysmith Community Marina.

2011-162

It was moved, seconded and carried that the 2011 capital and operating budgets for the sewer component of the 2011-2015 Financial Plan be approved as presented and that the capital projects include:

- Lot 108 servicing
- High Street servicing
- Lift station repairs
- MBBR/DAF Solids Handling (Stage 2)
- Main upgrades (I & I)
- Liquid Waste Management Plan
- Sewer service to the Ladysmith Community Marina

Staff was requested to review the list of water projects and report back to Council recommending which projects the Town should pursue in 2011.

ADJOURNMENT

2011-163

It was moved, seconded and carried that this meeting be adjourned at 5:37 p.m.

CERTIFIED CORRECT

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)



LADYSMITH

MINUTES OF A MEETING OF COUNCIL OF THE
TOWN OF LADYSMITH
HELD IN COUNCIL CHAMBERS AT CITY HALL ON
APRIL 18, 2011

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins

Councillor Steve Arnett

Councillor Jillian Dashwood
(entered later)

Councillor Lori Evans

Councillor Duck Paterson

Councillor Bruce Whittington

COUNCIL MEMBERS PRESENT:

Councillor Scott Bastian

STAFF PRESENT:

Ruth Malli

Sandy Bowden

Felicity Adams

Erin Anderson

Joanna Winter

CALL TO ORDER

Mayor Hutchins called the meeting to order at 4:33 p.m.

AGENDA APPROVAL

2011-164

It was moved, seconded and carried that the agenda for the Council Meeting of April 18, 2011 be adopted as circulated.

2011-2015 FINANCIAL
PLAN

The City Manager and Director of Financial Services provided a review of the proposed General Capital Budget for 2011.

The proposed net tax increase to fund the Financial Plan in 2011 as presented would be 5.42 per cent.

Councillor Dashwood entered the meeting at 5:50 p.m.

Staff were requested to bring additional information forward in order to assist Council in making a decision regarding the request for two new vehicles for Ladysmith Fire/Rescue.

Council requested that the Protective Services Committee consider a location for an Emergency Reception Centre in the south end of Ladysmith and that the Committee also consider ways to manage and prevent vandalism in the community. Staff will provide Council with statistics and other information on vandalism in Ladysmith.

Staff were requested to provide additional information regarding

the proposed replacement of all Town vehicles, including Ladysmith Fire/Rescue.

2011-165

It was moved, seconded and carried that this meeting recess at 5:58 p.m. and that it reconvene following the government Services Committee meeting.

The Regular Meeting of Council reconvened at 7:05 p.m.

MINUTES

2011-166

It was moved, seconded and carried that the minutes of the Council Meeting of April 4, 2011 be adopted as circulated.

DELEGATIONS

Darrell Byron, Royal Canadian Legion, Branch 171

Request for a Grant-in-Aid for 2011 Highland Gathering

D. Byron and the co-chairs of the Committee organizing the 2011 Highland Gathering in Ladysmith requested Council's consideration of a grant-in-aid up to \$10,000 to help fill an unanticipated shortfall in sponsorships for the event.

PROCLAMATIONS

Mayor Hutchins proclaimed:

April 28, 2011 as the annual "Day of Mourning for Workers Killed and Injured on the Job"

The week of May 1 to 7, 2011 as "North American Occupational Safety and Health Week"

The week of May 15 to 21, 2011 as "National Public Works Week"

The month of May 2011 as "Vision Health Month" and May 26, 2011 as "Shades of Fun Day"

in the Town of Ladysmith.

DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS

Councillor Arnett declared a possible conflict of interest with the following agenda item and excused himself from the meeting.

Development Permit Amendment Application – Ladysmith Maritime Society

2011-167

It was moved, seconded and carried that Development Permit 3060-11-06 be issued, to permit revisions to the Ladysmith Maritime Society Visitor Centre (Block C of District Lot 2016, Cowichan District, Lease #1407751) as well as an electrical building to be located on the upland (remainder of Lot 4, Plan 45800, Oyster District), and that the Mayor and Corporate Officer

be authorized to sign the Development Permit.

Councillor Arnett returned to the meeting.

Development Permit Application - 17 Gatacre Street - Oak Development Ltd.

Staff were requested to respond to concerns raised by a neighbour concerning the lighting for the proposed development.

2011-168

It was moved, seconded and carried that Council issue Development Permit 3060-11-01 to permit a mixed-use (commercial and residential) building at 17 Gatacre Street (Lot 8, Block 10, District Lot 56, Oyster District, Plan 703), subject to determination of the value of the landscape bond, and that the Mayor and Corporate Officer be authorized to sign the Development Permit.

STAFF REPORTS

Official Community Plan and Zoning Bylaw Amendment Application - 11 and 17 Warren Street

2011-169

It was moved, seconded and carried that the Official Community Plan consultation be approved pursuant to S. 879 of the Local Government Act for OCP Amendment Application 3360-09-01 (11 & 17 Warren Street) and that the application be referred to the Advisory Planning Commission (APC) and the Advisory Design Panel (ADP) for review and comment; and that

Council accept a land use agreement (covenant) for rezoning application 3360-09-01 that includes:

- a performance bond (1% of construction costs) to secure the commitment that the building will meet the ASHRAE 90.1 (2004) energy performance standard;
- a contribution of \$14,000 towards the Town's community amenity fund;
- the December 2010 Ellins Architect Inc. site plan and building elevation drawings for 11 and 17 Warren Street (which includes indoor bicycle storage);
- a commitment to installing a permeable parking area and landscaping with primarily native species; and
- a commitment to no restrictions on the renting of the residential units.

Development Cost Charges - Parks Reserve - District Lot 108 Playfield Project

2011-170

It was moved, seconded and carried that the apportionment of not more than \$100,000 from the Development Cost Charge Parks Reserve be authorized, if required, to permit the Town of Ladysmith to increase its share of the contribution to the

Recreation Infrastructure Canada (RIInC) Grant District Lot 108 Playfield Project.

Recommendations From the April 4, 2011 Trolley Committee Meeting

- 2011-171 It was moved, seconded and carried that staff be requested to collect ridership data during the months of May and June 2011 as well as July and August.
- 2011-172 It was moved, seconded and carried that the Town carry out a campaign to encourage riders to provide a donation of at least \$1.00 when riding the Trolley.
- 2011-173 It was moved, seconded and carried that staff be requested to develop a trolley donor card system to enable riders to pre-purchase donations and display a donor card when getting on the trolley rather than having to have money available each time they board the trolley.
- 2011-174 It was moved, seconded and carried that the draft Trolley Rental Policy be approved as presented.

BYLAWS

- 2011-175 **Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 36), 2011, No. 1753**
It was moved, seconded and carried that Town of Ladysmith Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 36), 2011, No. 1753 be read a first and second time, and that a public hearing be scheduled.
- 2011-176 **Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 86), 2011, No. 1754**
It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 86), 2011, No. 1754 be read a first and second time, and that a public hearing be scheduled.
- 2011-177 **Sale of Real Property Reserve Fund Appropriation Bylaw 2011, No. 1755**
It was moved, seconded and carried that Town of Ladysmith Sale of Real Property Reserve Fund Appropriation Bylaw 2011, No. 1755 be adopted.

Development Cost Charges Roads Appropriation Bylaw 2011, No, 1756

2011-178

It was moved, seconded and carried that Development Cost Charges Roads Appropriation Bylaw 2011, No, 1756 be adopted.

CORRESPONDENCE

**Rod Saunders, Kinsmen Club of Ladysmith
Letter of Thanks**

2011-179

It was moved, seconded and carried that Council receive the correspondence from the Kinsmen Club of Ladysmith dated March 21, 2011, thanking Town staff for support during construction of Phase I of the Brown Drive Playground, and that the letter be circulated to staff.

**Renee Masur
Trolley Stop Bench Near La Rosa Gardens**

2011-180

It was moved, seconded and carried that the request from R. Masur, dated April 11, 2011, to install a bench at the trolley stop at the top of Cook Street be referred to staff to facilitate as soon as possible.

**R. Waters, Ladysmith Chamber of Commerce
Vancouver Island Rail Service**

2011-181

It was moved, seconded and carried that Council write to the provincial and federal ministries of transportation strongly urging that they provide funding for the \$15 million upgrade to the Vancouver Island Rail Service.

QUESTION PERIOD

R. Johnson enquired whether a cost-benefit analysis had been carried out on the Island Rail upgrade and the proposed renovations to the Ladysmith Train Station.

R. Johnson was advised that should the community not be able to contribute to the District Lot 108 playfield, the shortfall would come out of the Development Cost Charges Parks Reserve.

ADJOURNMENT

2011-182

It was moved, seconded and carried that this meeting be adjourned at 8:02 p.m.

CERTIFIED CORRECT

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

Subject to Adoption



LADYSMITH

MINUTES OF A SPECIAL MEETING OF COUNCIL OF THE
TOWN OF LADYSMITH
HELD IN COUNCIL CHAMBERS AT CITY HALL ON
TUESDAY, APRIL 26, 2011

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins
Councillor Lori Evans

Councillor Steve Arnett
Councillor Duck Paterson
(entered later)

Councillor Jillian Dashwood
Councillor Bruce Whittington

STAFF PRESENT:

Ruth Malli

Erin Anderson

Joanna Winter

CALL TO ORDER

Mayor Hutchins called the meeting to order at 4:02 p.m.

AGENDA APPROVAL

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

3.3 Application for Funding under the Gas Tax Pooled Funding Program.

2011-183

It was moved, seconded and carried that the agenda for the Special Council Meeting of April 26, 2011 be adopted as amended.

CORRESPONDENCE

Councillor Arnett excused himself from the meeting citing a possible conflict of interest with the following item.

D. Ehrismann, Ladysmith Maritime Society

2011-184

It was moved, seconded and carried that the request from the Ladysmith Maritime Society to install a new water line and fire hydrant for the Ladysmith Community Marina be referred to staff to consider for inclusion in the 2011 Water Budget.

STAFF REPORTS

Councillor Paterson entered the meeting at 4:10 p.m.

2011-2015 Financial Plan Process: Grants-in-Aid

As part of the process for determining the 2011 - 2015 Financial Plan, Council considered applications for grants-in-aid.

Councillor Arnett declared a conflict of interest concerning the grant-in-aid applications from the Ladysmith Maritime Society and excused himself from the room while discussion was taking place regarding that organization's requests.

Councillor Dashwood declared a conflict of interest concerning the Lady Smith Little Theatre and excused herself from

discussion concerning that organization's request for funding.

Councillor Arnett left the meeting at 4:55 p.m.

2011-185

It was moved, seconded and carried that the Grants-in-Aid budget for 2011 be established at \$97,750 and that the following Grants-in-Aid be awarded for 2011:

Arts on the Avenue: \$1,000
Ladysmith & District Historical Society: \$20,000
Ladysmith Celebrations Society: \$8,000
Ladysmith Festival of Lights: \$12,000
Ladysmith Fire/Rescue Santa Parade: \$1,000
Ladysmith and District Marine Rescue Society: \$1,500
Ladysmith Maritime Society Festival: \$1,500
Ladysmith Maritime Society Museum: \$1,000
Ladysmith Resources Centre Association: \$35,000
Arts Council of Ladysmith and District: \$1,000
Cowichan Family Caregivers Support Society: \$750
Ladysmith Citizens on Patrol: \$1,500
Ladysmith Community Gardens Society: \$3,000
Ladysmith RCMP Community Policing: \$1,000
Ladysmith Sportsmen's Club: \$500
Royal Canadian Legion #171: \$5,000
Central Vancouver Island Crisis Society: \$500
Ladysmith Ambassador Committee: \$1,000
Ladysmith Secondary School F. Jameson Bursary: \$1,500
Ladysmith OPT Education: \$1,000

It was moved, seconded and carried that this meeting recess at 5:25 p.m.

Mayor Hutchins reconvened the meeting at 5:30 p.m.

Financial Plan Continued

The City Manager discussed the financial planning process and reviewed Council's priorities with respect to financial planning. Council discussed the proposed General Capital Budget for 2011 and reviewed the priority initiatives.

Council requested that staff provide reports with additional information on three capital spending areas at the next meeting of Council. They are, in priority order:

1. Fire/Rescue vehicle replacement
2. Public Works vehicle replacement
3. Frank Jameson Community Centre Engineering Study and Emergency Power

Council directed that the following items be deleted from the list of proposed capital expenditures:

- Funding from taxation for the zoning bylaw amendments (\$28,000); item to be funded from Gas Tax funds
- Aggie Field ditching (\$10,000); project allocated to 2012

Council requested that the following items be added to the list of proposed capital expenditures:

- Wickham Park (\$5,000)
- Ladysmith Community Marina secondary road (\$40,000)
- Amphitheatre Bank stabilization (\$50,000)

2011-186

It was moved, seconded and carried that staff be directed to prepare a revised Financial Plan for 2011-2015, with net tax increases for 2011 of no more than 5 per cent for residential, 3.5 per cent for commercial, and 0 per cent for industrial properties.

2011-187

Application for Funding under the Brownfield Renewal Program

It was moved, seconded and carried that an application be submitted to the Brownfield Renewal Funding Program for the completion of the environmental investigation on Lot 8, District Lot 147, Oyster District, Plan VIP85271 (Christie/Grouhel) to fulfill requirements under the *Environmental Management Act*.

2011-188

It was moved, seconded and carried that the purchasing policy be waived and that staff be directed to contract with Golder and Associates for the completion of the environmental investigation of Lot 8, District Lot 147, Plan VIP85271 (Christie/Grouhel).

2011-189

Application for Funding under the Gas Tax Pooled Funding Program

It was moved, seconded and carried that an application be submitted to the Gas Tax Pooled Funding – Capacity Building Program for the Zoning Bylaw review and update project.

ADJOURNMENT

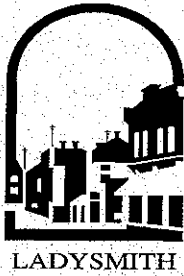
2011-190

It was moved, seconded and carried that this meeting be adjourned at 7:25 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: April 27, 2011
File No: 3090-11-02

Re: Development Variance Permit Application – Ladysmith Marina
District Lot 2054; Lease 0114642; (12335 Rocky Creek Road)
(agent: Cityspaces Consulting Ltd. & applicant: Oak Bay Marina Ltd.)

RECOMMENDATION(S):

That Council directs staff to proceed with the statutory notice for Development Variance Permit application 3090-11-02 proposing a height variance for a section of boathouses at the Ladysmith Marina (District Lot 2054, Lease #0114642).

PURPOSE:

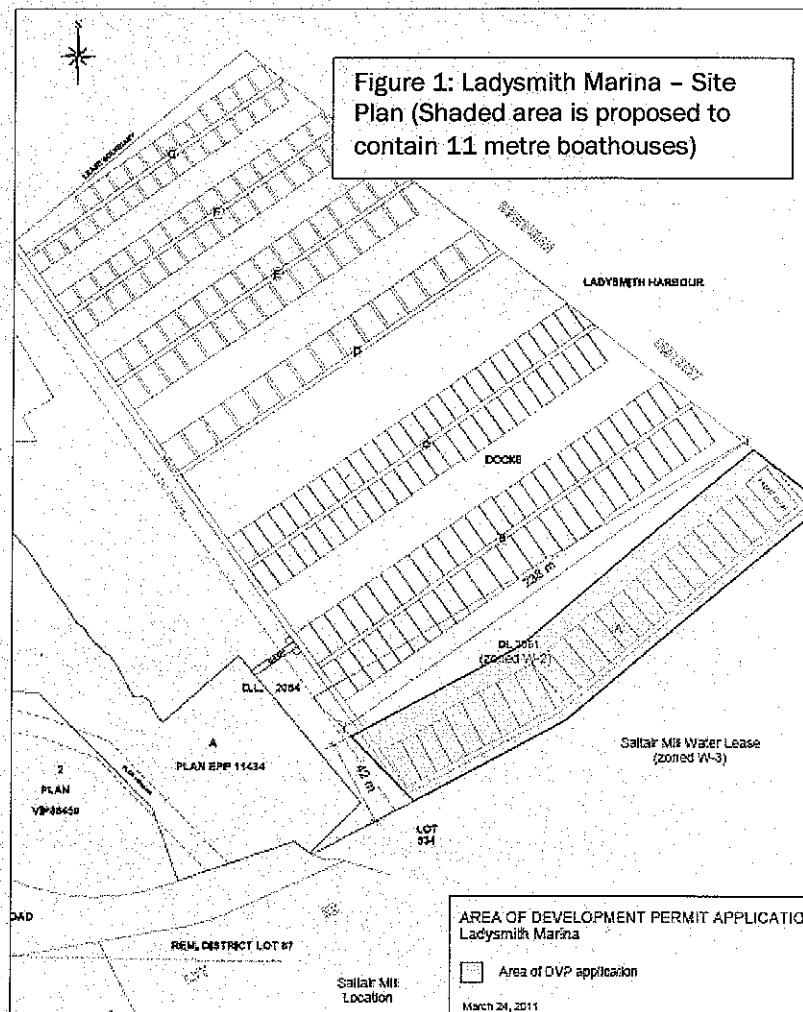
The purpose of this report is to obtain Council direction regarding a DVP application to vary the height of boathouses for a section of dock at the Ladysmith Marina.

INTRODUCTION/BACKGROUND:

The applicant is proposing a height variance for boathouses (from 9 metres to 11 metres) to accommodate taller recreational powerboats, and to respond to client requests for the taller boathouses. The area for the proposed height variance is limited to dock A in the marina (as shown in the shaded area of Figure 1).

Prior to 2005, one half of the boathouses in the W-2 zone were permitted to be 10 metres in height and the remainder were permitted to be 6.5 metres in height. In 2005 the W-2 zone was amended such that the permitted height for all boathouses is 9 metres.

In 2007 a Development Permit was issued to permit the construction of boathouses as well as a landscape plan for the parking area.



SCOPE OF WORK:

Staff is requesting direction on proceeding with the statutory notice as required by the 'Development Procedures Bylaw, 2008, No. 1667'. Council direction is required where the height variance is 0.6 metres or greater.

Water lease area 0114642 is zoned "Water Marina Zone (W-2)". The maximum height for boathouses in this zone is 9 metres. The applicant is proposing a height variance for dock A of the Marina to permit boathouses with a height of 11 metres. A photo of the Ladysmith Marina is shown in Figure 2. A diagram of a typical boathouse design is shown in Figure 3.

Table 1: Height Variance Request

Permitted Height of Boathouses	Requested Height of Boathouses for dock A	Requested Variance
9 metres	11 metres	2 metres

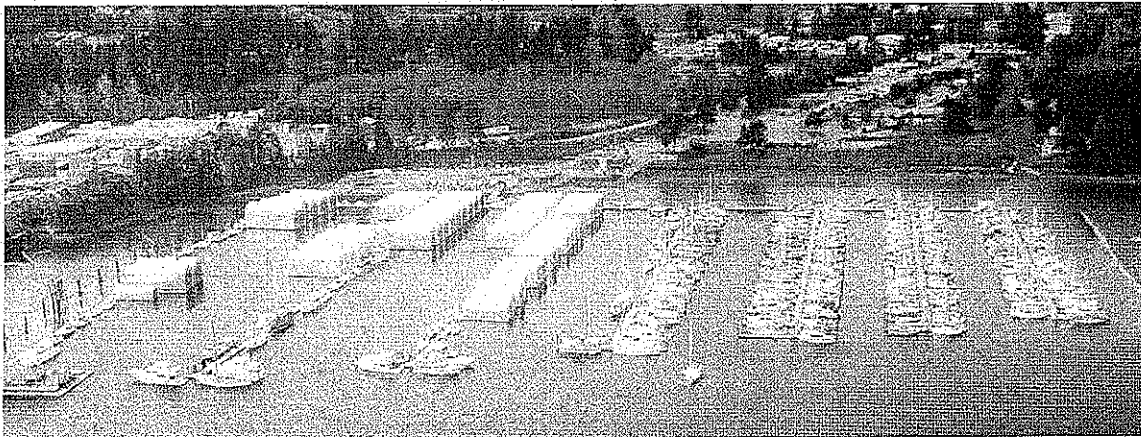


Figure 2: Ladysmith Marina (view to the west)

As part of the planning analysis, staff will review the height variance application with respect to the guidelines of Development Permit Area 1 – Waterfront (DPA 1) and design guidelines of the "Waterfront Area Plan". A viewscape from the harbour has been requested from the applicant.

The applicant's rationale for the proposed variance is explained in a letter from CitySpaces Consulting Ltd. attached as Schedule A.

ALTERNATIVES:

That Council not support DVP 3090-11-02 and deny the application.

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS:

The *Local Government Act* enables Council to vary zoning regulations, except use and density regulations through the issuance of a development variance permit. This is a discretionary decision of Council. Public notification is required.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The applicant has provided one letter of support for the height variance from the Division Manager of Western Forest Products, the adjacent property to the south.

It is recommended to proceed with the statutory notice for DVP application 3090-11-02. Notice that a development variance permit may be issued is required to be provided to neighbouring properties. The notice area is 60 metres of the boundary of a parcel that is subject to the permit.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The proposed height variance has been reviewed at an April 2011 meeting with the Director of Parks, Recreation and Culture; the Building Inspector; and the Engineering Technologist.

RESOURCE IMPLICATIONS:

Processing Development Variance Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

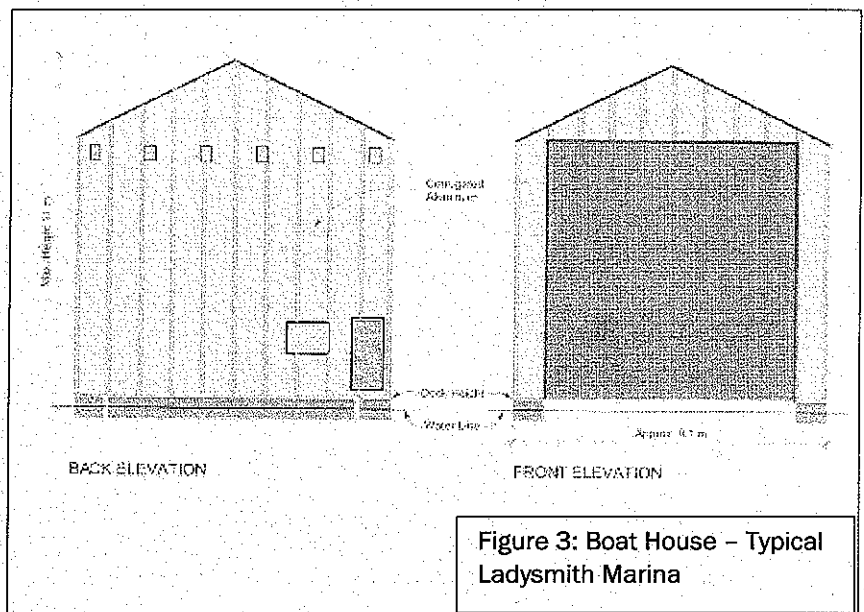
The Sustainability Visioning Report suggests that a successful boating area should include a marina that provides long and short term moorage.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Marine Sector is a key target sector for Ladysmith economic development.

SUMMARY:

A development variance permit application has been received to vary the permitted height of boathouses for dock A of the Ladysmith Marina from 9 metres to 11 metres. It is recommended to proceed with the statutory notice for DVP application 3090-11-02.



I concur with the recommendation.

Ruth Malli
Ruth Malli, City Manager

ATTACHMENTS:

Schedule A: Letter - April 1, 2011 (CitySpaces Consulting Ltd.)

DVP 30910/11-02

RECEIVED
RICK TIDD
adv

April 1, 2011

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

Re: Ladysmith Marina – Application for Development Variance Permit

Dear Felicity:

On behalf of Ladysmith Marina, we herein request consideration for a Development Variance Permit to allow a height variance for boathouses from nine (9) metres to eleven (11) metres for a specific area of the marina's foreshore.

The marina foreshore is zoned Water Marina Zone (W2), which permits boathouses to a maximum height of 9 metres, measured at high tide, to the highest point of the structure (i.e. the ridge line). This request for a variance is only localized to the most easterly part of the marina, next to the mill, referred to as "A-Dock" and shown on the attached plan.

A. Background

An explanation for the application can be summarized as follows:

1. Over the past number of years, designs for recreational powerboats have changed; they have become much wider and *taller*.
2. The marina has recently received several requests for construction and installation of boathouses with higher clearance between the water level and the underside of the roof truss. These requests are to accommodate the latest in boat designs, but cannot be met with current height regulations. To meet the range of needs, and mix of recreational boating opportunities expected in a modern commercial/recreational marina, an area to accommodate boathouse heights of up to 11 metres is required.
3. Unlike other municipalities, the Town's Zoning Bylaw measures height to the tallest part of the building or structure. Engineering for snow loads requires that roof pitches be a minimum of 6/12. The requirements for a pitched roof truss system, combined with how height is defined in the

CitySpaces
Consulting Ltd.
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www.cityspaces.ca



Victoria

Vancouver

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S

zoning bylaw, exacerbate the constraints of the current height restrictions for modern recreational boats.

4. The area in the marina able to accommodate larger boathouses is very limited. The application proposes to restrict the height variance to only the most easterly dock in the marina, located adjacent to the Western Forest Product's Saltair Mill foreshore.

B. Impacts

The following impacts have been assessed:

1. The area chosen for the requested height variance is immediately adjacent the Saltair Mill water lot. The mill water lot is zoned Water Industrial Zone (W-3), which permits structures up to 15 metres high (four metres higher than requested in this application).
2. There are no upland neighbours, and the proposed variance will have no adverse visual impact. The closest neighbour, the Saltair Mill, will not be impacted by the proposed variance.
3. Permitting larger boathouses along the easterly boundary of the marina can have a positive impact by serving both as a visual and sound attenuator from the adjoining mill activities.
4. The boathouses will be built at Ladysmith Marina, with materials and labour sourced locally, thus providing a positive impact on our community's economy, and promoting a "clean" marine-based industry. In addition, boathouse owners purchase many goods and services associated with the marina in Ladysmith.

C. Public Policy

The Official Community Plan recognizes marine-based activity as one of the largest economic sectors within the community and, as an overarching policy, strives for "providing sufficient and suitable area for industrial and commercial opportunities to serve as locations for future employment". The Plan's vision also describes the waterfront as "(an area that) will be transformed into a vibrant mixed-use community of residential, commercial and employment uses and public space", and further states that the Town should encourage a mix of uses to "include economic activities in the areas of eco-tourism (and) marine manufacturing".

The Town's recently completed "Community Vision for a Sustainable West Coast Town" identified strong community desire for a wide range of waterfront experiences. The document also identifies Ladysmith Harbour as the primary place "where residents and visitors access the water for boating and sport fishing", and further states that successful boating areas include dock space for long and short term moorage, as well as additional facilities, such as storage.

Within municipal boundaries, Ladysmith Harbour is designated as Development Permit Area #1, and guidelines are provided for the form and character of industrial, commercial and residential development. These guidelines encourage maintenance or creation of

viewplanes of the harbour. Ladysmith Marina has recently undergone an extensive upgrade and dock re-alignment, which was specifically designed with all major docks on a north/south axis to maintain view corridors from the upland into Ladysmith Harbour. The proposed variance is restricted to one dock also aligned in a north/south direction, and will not impact, or compromise, the view corridor objectives.

D. Request

With the site-specific area of request, the proposed Development Variance Permit will have no deleterious impacts, and is supportable in terms of encouraging marine activities.

We would request that Section 30.2 (5)(i) of Bylaw No. 1160, that limits the height of structures to nine (9) metres, be varied to permit structures to a maximum height of eleven (11) metres in the area of D.L. 2061 (shown in yellow and outlined in heavy black on the attached plan, dated for reference the 24th day of March, 2011).

Sincerely,

A handwritten signature in black ink, appearing to read 'Deane Strongitharm', with a long horizontal line extending to the right from the end of the signature.

Deane Strongitharm

Attach.



Town of Ladysmith

COMMITTEE REPORT



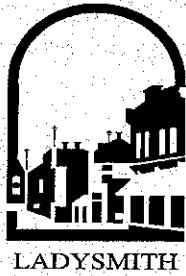
LADYSMITH

To: Mayor and Council
From: Councillor S. Arnett, Chair
Date: April 19, 2011
File No: 0550-20

Re: GOVERNMENT SERVICES COMMITTEE - April 18, 2011

At its meeting on April 18, 2011 the Government Services Committee recommended to Council the following:

1. That Council request staff to schedule a seminar for staff of Vancouver Island municipalities on construction practices around existing trees and that the removal of a gingko and four other dead or dying trees in the Ladysmith Arboretum, and their replacement with the same species of trees.
2. That Council enter into a Licence of Occupation and Use Agreement with the Ladysmith Community Gardens Society for the Ladysmith Community Garden/ High Street Green on a portion of High Street Park.
3. That Council refer the matter of the proposed Ladysmith Museum as outlined in the correspondence from the Ladysmith and District Historical Society dated April 5, 2011, to the Heritage Revitalization Advisory Commission and to the Parks, Recreation and Culture Commission.



Town of Ladysmith

COMMISSION REPORT

To: Mayor and Council
From: Heritage Revitalization Advisory Commission
Date: April 26, 2011
File No:

Re: FRIENDS OF MORDEN MINE

RECOMMENDATION:

That Council send a letter to Friends of Morden Mine to thank them for the presentation to the Heritage Revitalization Advisory Commission (HRAC) and to confirm the interest of the Town, as a neighbouring heritage community, in connecting with the organization through the HRAC.

BACKGROUND / HISTORY:

At its meeting held March 10, 2011, the HRAC hosted a presentation by Friends of the Morden Mine.

The representatives explained that the Friends of the Morden Mine is a non-profit society dedicated to the preservation of the most complete above-ground remains of an historic coal mine on Vancouver Island. The history of the Morden Colliery Historic Provincial Park, located in South Wellington, and the importance of restoring the mining-related structures was presented. The 2010 Morden Mine Site Development Plan outlining the proposed park development and mine structure restoration was also presented. The full report was circulated and information is available on the Friends of Morden Mine website at www.mordenmine.com. It was explained that significant funding is required to implement the Plan; the group's next step is to determine its funding approach.

The presenters stated that the Friends of the Morden Mine is interested in partnering with Ladysmith, Cumberland, other heritage communities as well as heritage sites such as the MacLean Mill to jointly market the heritage tourism assets located in the central and south east coast of Vancouver Island.

The Friends of the Morden Mine welcomed a representative from Ladysmith to sit on the Friends of Morden Mine Board of Directors.

ANALYSIS:

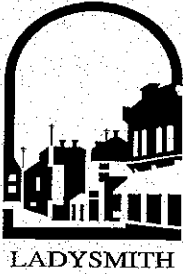
At its meeting held April 14, 2011, the HRAC discussed the Friends of Morden Mine invitation for an HRAC liaison to attend the group's monthly meetings.

Members agreed to offer a liaison but to decline attendance of monthly meetings, and instead suggested that the Friends of Morden Mine hold an annual meeting and

invite liaisons from heritage communities, including Ladysmith and Cumberland. It was recommended that a letter be sent to the Friends of Morden Mine outlining the HRAC's idea.

ATTACHMENTS:

"None".



Town of Ladysmith

COMMISSION REPORT

To: Council
From: Parks, Recreation and Culture Commission
Date: April 28, 2011
File No:

RE: SPECIAL OCCASION LICENSE REQUEST

RECOMMENDATION(S):

1. That Council consider approving requests for Special Occasion Licences for
 - Cancer Fundraising Tournament, Ladysmith Kinsmen, Aggie Field, May 7, 2011 from 11:00 am to 6:00 pm
 - Mid Isle Highlanders Football Games, Ladysmith Kinsmen, Lot 108 Sportsfield, May 21 & 29, Jun 5, 11, 12, & 26.
 - BC Highland Gathering 2011, Royal Canadian Legion, Aggie Field, June 18, 2011 from 12:00 pm to 5:30 pm.
 - Royal Canadian Legion Picnic, Transfer Beach Horseshoe Pitch, September 11, 2011 from 12:00 pm to 5:00 pm.
2. That Council add the sports complex currently known as Lot 108 to the list of approved parks for consumption of alcoholic beverages within a contained area.

PURPOSE:

To seek Council's approval of applications from community organizations for Special Occasion Licences.

INTRODUCTION/BACKGROUND:

At the Parks, Recreation & Culture Commission meeting held on April 27, 2011 the following applications for Special Occasion Licences were considered.

1. Cancer Fundraising Tournament – Ladysmith Kinsmen– to be held at Aggie Fields on May 7, 2011 from 11:00am to 6:00pm.
2. Mid Isle Highlanders Football Club – Ladysmith Kinsmen – to be held at Lot 108 during the home games, which are May 21 & 29, Jun 5, 11, 12, & 26. Times of each beer garden will depend on the game time, but will be no later than 5pm.
3. BC Highland Gathering 2011 - Royal Canadian Legion – to be held at Aggie Fields on June 18, 2011 from 12:00pm to 5:30pm.
4. Royal Canadian Legion Picnic – to be held at Transfer Beach Horseshoe Pitch on September 11, 2011 from 12:00pm to 5:00pm.

Each group has completed the required paper work and has confirmed they will ensure that the area will be fenced off, the entrances and exits will be controlled by security, parking attendants will be on site, food will be served, and tables and chairs will be provided.

SCOPE OF WORK:

N/A

ALTERNATIVES:

Council can choose not to approve some or all of these events.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The events support the fundraising efforts of the various community clubs and associations. Council approval should be positively received in the community, as long as the organizations follow the requirements laid out by Council in its approvals.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

There may be some requirement for Town resources to assist with co-ordinating these events.

RESOURCE IMPLICATIONS:

Minimal staff time may be required to assist in coordinating the events.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

N/A

SUMMARY:

It is recommended that Council approve four requests for Special Occasion Licences, and that the sports complex at Lot 108 be added to the list of venues approved for consumption of alcoholic beverages within a contained area.

ATTACHMENTS:

None.

Karen Fediuk
Ecole Davis Road PAC Chair
444 Parkhill Terrace,
Ladysmith B.C.
Tel: 250-245-0355

April 28, 2011

Mayor and Council

Good morning.

Ecole Davis Road Staff/PAC are planning a walk-a thon for Japan. Proceeds raised will go to the Red Cross. Children will take home pledge forms. We hope to have children also make origami paper cranes to be tied to trees or placed inside house/business windows as a sign of support for Japan.

Classes from LPS and LIS plan to attend so we are hoping to have over 600 students walking around Ladysmith on Friday, May 20th, dressed in red and white, raising awareness.

Ideally, we would like to see all three schools meet up at the Ballfield or Spirit Square on High Street or at Transfer Beach for some music and Japanese schoolchildren games. This will serve as a great way to show our support for Japan. Students will carry banners and some tins for side of the road donations. We are currently planning to have children meet together from 12-1pm although the times may need adjusting by 15 minutes to allow children to get back to school in time for dismissal.

How can you help us? Can you help us with the following logistical issues I have outlined below?

Walking Route:

EDR PAC would like to see children walk along Davis Road to Dogwood to first to High. I believe that children and caregivers will spill onto the street. I know the Town has lots of experience with ensuring people are safe during events. Could a Town dept? or volunteers escort us while we walk to encourage drivers to slow down while we walk on the sidewalk or should I just speak to the RCMP?

Meet up Site

1. Can we use the facilities at the Ballfield, Spirit Square or Transfer Beach to meet and have speeches, and music for 1 hour?
2. Which would be the best location given that over 600 children and parents would congregate
3. Would the Town be able to provide bathrooms or portapotties if we met at the Ballfield/Spirit Square?
4. Would a Town representative be willing to give a 5 minute speech thanking the Children of Ladysmith for fundraising for Tsunami/earthquake victims in Japan?

Shuttle

Can the Town provide Ecole Davis Road with a trolley for a reduced rate to shuttle children back to EDR school after the event (200 plus teachers). SD 68 has verbally indicated that they will not provide

bussing at no/low cost. Sincerely

Karen Fediuk
Ecole Davis Road PAC Chair
250-245-0355

Please send your decision to the following individuals

Karen Fediuk
Email: karen.fediuk@gmail.com
Doug English
Email: denglish@sd68.bc.ca
Jane Saunders
Email: Saunders <bjge@shaw.ca>

TOWN OF LADYSMITH

BYLAW NO. 1760

A BYLAW TO AMEND THE LADYSMITH HERITAGE REVITALIZATION ADVISORY COMMISSION BYLAW 1994, NO. 1279

The Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Amendments:

(a) Delete the first "WHEREAS" clause and "NOW THEREFORE" of the second clause.

(b) Add the following section 2.2(d):

1 non-voting member from the Ladysmith and District Historical Society to act as liaison between the two groups.

2. Citation

This bylaw may be cited for all purposes as "Ladysmith Heritage Revitalization Advisory Commission Bylaw 1994, No. 1279 Amendment Bylaw 2011, No. 1760".

READ A FIRST TIME on the day of , 2011

READ A SECOND TIME on the day of , 2011

READ A THIRD TIME on the day of , 2011

ADOPTED on the day of , 2011

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)