

# 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, JULY 18, 2011  
7:00 p.m.



## A G E N D A

Page

### CALL TO ORDER

1. AGENDA APPROVAL

2. MINUTES

2.1. Minutes of the Regular Meeting of Council held July 4, 2011

1 - 4

3. PUBLIC HEARING

None

4. DELEGATIONS

None

5. PROCLAMATIONS

None

6. DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS

6.1. Columbo's Restaurant - 734 Esplanade Avenue (Lot 5, D.L. 24, Oyster District, Plan 703)

5 - 9

6.2. Frank Laird Automotive - 1250 Rocky Creek Road (Lot 5, District Lot 38, Oyster District, Plan 73070)

10 - 15

7. STAFF / ADVISORY COMMITTEE REPORTS

7.1. Town of Ladysmith 2010 Annual Report

The 2010 Annual Report was published in draft form on June 30, 2010. It has been available for review by the public at City Hall and on the Town's website. Statutory notices stating that the Annual Report will be considered at the July 18 Council meeting have been posted on notice boards, on the website and in two consecutive editions of the Ladysmith Chronicle.

Staff Recommendation:

The Council approve the Town of Ladysmith 2010 Annual Report.

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7.2. Recommendations from the Trolley Committee	<b>16</b>
7.3. Tender Award – Waste Water Treatment Plant Upgrade – Phase II: Primary Treatment	<b>17 – 18</b>
7.4. Bylaws 1773 and 1774: Secondary Suites – Policy and Regulation	<b>19 – 21</b>
<b>8. CORRESPONDENCE</b>	
8.1. S/Sgt Roger Plamondon, Ladysmith RCMP Quarterly Report – April to June 2011	<b>22 – 24</b>
<u>Staff Recommendation:</u> That Council receive the second quarter 2011 Ladysmith Detachment report from RCMP S/Sgt Roger Plamondon.	
8.2. Hon. Lynne Yelich, Minister of State, Western Economic Diversification Congratulations and best wishes on the official opening of the Ladysmith Community Services Centre	<b>25</b>
<u>Staff Recommendation:</u> That Council receive the correspondence from the Minister of State for Western Economic Diversification dated June 24, 2011	
8.3. Bev Park, Couverdon Invitation to Couverdon Public Open House on Boundary Extension and Land Use Planning Process	<b>26</b>
<u>Staff Recommendation:</u> That Council receive the invitation to the Couverdon Public Open House on July 26, 2011.	
<b>9. BYLAWS</b>	
9.1. Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2011, No. 1765. May be adopted.	<b>27</b>
<i>The purpose of Bylaw 1765 is to authorize the appropriation of up to \$1,687.58 from the Cemetery Care Reserve Fund for the purposes of maintaining the Ladysmith Cemetery in 2011, as provided for in the 2011-2015 Financial Plan.</i>	
9.2. Ladysmith Sale of Real Property Reserve Fund Appropriation Bylaw 2011, No. 1766 May be adopted.	<b>28</b>
<i>The purpose of Bylaw 1766 is to authorize the appropriation of up to \$445,316.17 from the Sale of Real Property Reserve Fund for the purpose of expenditures with respect to capital projects, the machinery or equipment necessary, and extension or renewal of existing capital works, as provided for in the 2011-2015 Financial Plan.</i>	

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<b>9.3. Ladysmith Development Cost Charges Parks Appropriation Bylaw 2011, No. 1767</b> May be adopted.	<b>29</b>
<i>The purpose of Bylaw 1767 is to authorize the appropriation of up to \$82,369.95 from the Development Cost Charges (Open Spaces and Parkland) Reserve Fund for the development of parks and open space, as provided for in the 2011-2015 Financial Plan.</i>	
<b>9.4. Ladysmith Development Cost Charges Roads Appropriation Bylaw 2011, No. 1768</b> May be adopted.	<b>30</b>
<i>The purpose of Bylaw 1768 is to authorize the appropriation of up to \$94,462.65 from the Development Cost Charges (Roads) Reserve Fund for the purpose of debt repayment for, and construction of, road projects, as provided for in the 2011-2015 Financial Plan.</i>	
<b>9.5. Ladysmith Development Cost Charges Sewer Appropriation Bylaw 2011, No. 1769</b> May be adopted.	<b>31</b>
<i>The purpose of Bylaw 1769 is to authorize the appropriation of up to \$13,746.43 from the Development Cost Charges (Sewer) Reserve Fund for the purpose of capital sewer expenditures, as provided for in the 2011-2015 Financial Plan.</i>	
<b>9.6. Ladysmith Development Cost Charges Storm Drainage Appropriation Bylaw 2011, No. 1770</b> May be adopted.	<b>32</b>
<i>The purpose of Bylaw 1770 is to authorize the appropriation of up to \$12,768.33 from the Development Cost Charges (Storm Drainage) Reserve Fund for the purpose of construction of the waste water treatment plant, as provided for in the 2011-2015 Financial Plan.</i>	
<b>9.7. Ladysmith Development Cost Charges Water Appropriation Bylaw 2011, No. 1771</b> May be adopted.	<b>33</b>
<i>The purpose of Bylaw 1771 is to authorize the appropriation of up to \$73,568.64 from the Development Cost Charges Water Reserve Fund for the purpose of capital water projects, as provided for in the 2011-2015 Financial Plan.</i>	
<b>9.8. Ladysmith Dog Licencing, Control and Pound Bylaw 1995, No. 1155 Amendment Bylaw 2011, No. 1772</b> May be adopted.	<b>34</b>
<i>The purpose of Bylaw 1772 is to amend the Dog Licencing, Control and Pound Bylaw in order to incorporate the recommendations from the Review Committee that a dog may not be considered a restricted dog if it and the owner have received the Canine Good Neighbor or Canine Good Citizen certification.</i>	

	<u>Page</u>
<p><b>9.9. Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 37) 2011, No. 1773</b>            May be read a first and second time, and a public hearing may be scheduled.</p> <p><i>The Staff Report concerning Bylaw 1773 will be considered under agenda item 7.2.</i></p>	<b>35</b>
<p><b>9.10. Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 87) 2011, No. 1774</b>            May be read a first and second time, and a public hearing may be scheduled.</p> <p><i>The Staff Report concerning Bylaw 1774 will be considered under agenda item 7.2.</i></p>	<b>36 - 39</b>
<b>10. NEW BUSINESS</b>	
<b>11. UNFINISHED BUSINESS</b>	
<b>12. QUESTION PERIOD</b>	
<ul style="list-style-type: none"> <li>• Persons wishing to address Council during “Question Period” must be Town of Ladysmith residents, non-resident property owners, or operators of a business.</li> <li>• Individuals must state their name and address for identification purposes</li> <li>• Questions must relate strictly to matters which appear on the Council agenda at which the individual is speaking</li> <li>• Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine</li> <li>• Questions must be brief and to the point</li> <li>• Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed</li> <li>• 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</li> </ul>	
<b>13. EXECUTIVE SESSION</b>	
<p>In accordance with Section 90(1) of the <i>Community Charter</i>, this section of the meeting will be held <i>In Camera</i> to consider the following items:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose</li> </ul>	

**ADJOURNMENT**



LADYSMITH

MINUTES OF A MEETING OF COUNCIL OF THE  
TOWN OF LADYSMITH  
HELD IN COUNCIL CHAMBERS AT CITY HALL ON  
JULY 4, 2011

**COUNCIL MEMBERS PRESENT:**

Mayor Rob Hutchins  
Councillor Jillian Dashwood

Councillor Steve Arnett  
Councillor Duck Paterson

Councillor Scott Bastian

**COUNCIL MEMBERS ABSENT:**

Councillor Lori Evans

Councillor Bruce Whittington

**STAFF PRESENT:**

Sandy Bowden

Patrick Durban

Joanna Winter

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**CALL TO ORDER**

Mayor Hutchins called the meeting to order at 7:00 p.m.

**AGENDA APPROVAL**

2011-286

It was moved, seconded and carried that the agenda for the Council Meeting of July 4, 2011 be approved as circulated.

**MINUTES**

2011-287

It was moved, seconded and carried that the minutes of the Regular Meeting of Council held June 20, 2011 be approved as circulated.

**COUNCIL COMMITTEE  
REPORTS**

2011-288

It was moved, seconded and carried that a letter of thanks be sent to Premier Christy Clark for the provincial funding to enhance the Island Railway Corridor.

2011-289

It was moved, seconded and carried that a copy of the letter to Premier Clark regarding provincial funding for the Island Railway Corridor be sent to James Lunney M.P., encouraging him in his efforts to secure federal government funding for the railway.

2011-290

**Government Services Committee Recommendations**

It was moved seconded and carried that the Parks, Recreation and Culture Commission consider the temporary use of one or more of the Ball Parks in the off season as dog parks while the Commission is investigating the appropriate location for a fenced

dog park.

**2011-291** It was moved, seconded and carried staff be requested to consider ways to restrict vehicle access to Slack Point due to the potential for fire and shoreline pollution.

**2011-292** It was moved, seconded and carried that the Ladysmith Festival of Lights and the Celebrations Society be requested to investigate and recommend to Council as soon as possible effective ways to remind people that dogs are not permitted at public events.

**2011-293** It was moved, seconded and carried that staff be directed to bring forward a recommendation for a revised question period procedure that incorporates the recommended Cowichan Valley Regional District policy as outlined in the correspondence from Joe Barry dated June 14, 2011.

**2011-294** It was moved, seconded and carried that the matter of the proposed licensing of domestic cats raised in correspondence from Mayta Ryn dated June 1, 2011 be referred to the upcoming Town Hall meeting.

**CORRESPONDENCE**

Councillor Dashwood declared a conflict of interest with the following agenda item and excused herself from the meeting.

**Carole Walters, V.I. Strata Financial Management  
Geotechnical Report – Twin Falls Strata Corporation – 1150  
Walkem Road**

**2011-295** It was moved, seconded and carried that the correspondence from Carole Walters regarding Twin Falls Strata Corporation at 1150 Walkem Road be referred to staff to review and report back to Council.

Councillor Dashwood returned to the meeting.

**Donald and Carol Fyfe-Wilson  
Use of Herbicides and Pesticides**

**2011-296** It was moved, seconded and carried that staff be directed to prepare a report on the use of pesticides and herbicides, and that the report include reference to other Vancouver Island local governments that regulate the use of pesticides and herbicides by the public; how such restrictions are enforced; whether any BC Regional Districts have implemented region-wide herbicide and pesticide bans; and what effect, if any, such bans have on local businesses.

**2011-297** **Danyta Welch, Union of B.C. Municipalities**  
**Approval of Community to Community Forum Funding Application**  
It was moved, seconded and carried the grant contribution in the amount of \$1,075 from the Community to Community Forum Program be accepted, that a letter of thanks be sent to the Union of British Columbia Municipalities, and that the Financial Plan be amended accordingly.

**BYLAWS**

**2011-298** **Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2011, No. 1765.**

It was moved, seconded and carried that Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2011, No. 1765 be read a first, second and third time.

**2011-299** **Town of Ladysmith Sale of Real Property Reserve Fund Appropriation Bylaw 2011, No. 1766**

It was moved, seconded and carried that Town of Ladysmith Sale of Real Property Reserve Fund Appropriation Bylaw 2011, No. 1766 be read a first, second and third time.

**2011-300** **Town of Ladysmith Development Cost Charges Parks Appropriation Bylaw 2011, No. 1767**

It was moved, seconded and carried that Town of Ladysmith Development Cost Charges Parks Appropriation Bylaw 2011, No. 1767 be read a first, second and third time.

**2011-301** **Town of Ladysmith Development Cost Charges Roads Appropriation Bylaw 2011, No. 1768**

It was moved, seconded and carried that Town of Ladysmith Development Cost Charges Roads Appropriation Bylaw 2011, No. 1768 be read a first, second and third time.

**2011-302** **Town of Ladysmith Development Cost Charges Sewer Appropriation Bylaw 2011, No. 1769**

It was moved, seconded and carried that Town of Ladysmith Development Cost Charges Sewer Appropriation Bylaw 2011, No. 1769 be read a first, second and third time.

**2011-303** **Town of Ladysmith Development Cost Charges Storm Drainage Appropriation Bylaw 2011, No. 1770**

It was moved, seconded and carried that Town of Ladysmith Development Cost Charges Storm Drainage Appropriation Bylaw 2011, No. 1770 be read a first, second and third time.

**Town of Ladysmith Development Cost Charges Water Appropriation Bylaw 2011, No. 1771**

2011-304 It was moved, seconded and carried that Town of Ladysmith Development Cost Charges Water Appropriation Bylaw 2011, No. 1771 be read a first, second and third time.

2011-305 **Town of Ladysmith Dog Licensing, Control and Pound Bylaw 1995, No. 1155, Amendment Bylaw 2011, No. 1772**  
It was moved, seconded and carried that Town of Ladysmith dog Licensing, Control and Pound Bylaw 1995, No. 1155, Amendment Bylaw 2011, No. 1772 be read a first, second and third time.

**EXECUTIVE SESSION**

2011-306 It was moved, seconded and carried at 7:20 p.m. that Council retire into Executive Session after a two-minute recess.

**ARISE AND REPORT**

Council arose from Executive Session with report on the following items:

- Council appointed members to Town Advisory Commissions
- Council directed staff to advertise for applicants to fill vacancies on Town Advisory Commissions
- Council will be undertaking a review of exempt staff salaries

**ADJOURNMENT**

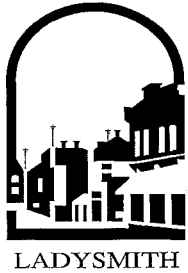
2011-307 It was moved, seconded and carried that this meeting of Council be adjourned at 7:32 p.m.

\_\_\_\_\_  
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: July 11, 2011  
File No: 3060-11-14

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Re: Development Permit Application – Columbo’s Restaurant  
734 Esplanade Avenue (Lot 5, Block 7, D.L. 24, Oyster District, Plan 703)

RECOMMENDATION(S):

That Council issue Development Permit 3060-11-14 to permit an outdoor patio at Columbo’s Restaurant (734 Esplanade Avenue - Lot 5, Block 7, D.L. 24, Oyster District, Plan 703), provided that the total number of restaurant seats is not increased;

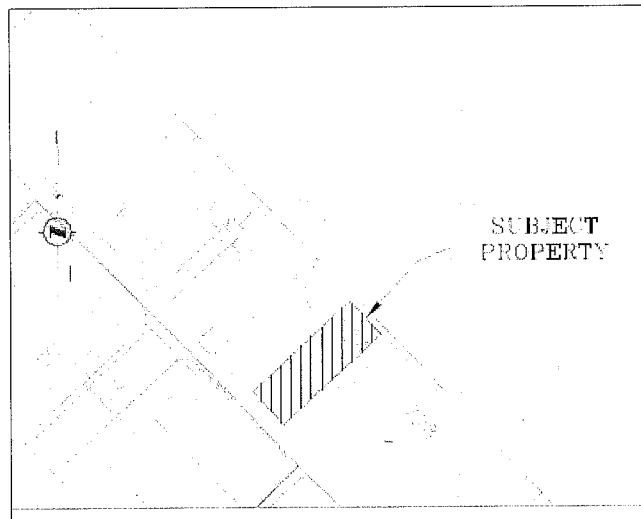
AND THAT the Mayor and Corporate Officer be authorized to sign the Development Permit.

PURPOSE:

To consider a development permit application for an outdoor patio at Columbo’s restaurant (734 Esplanade Avenue).

INTRODUCTION/BACKGROUND:

The manager of Columbo’s restaurant, Tom Moraitis, has applied for a development permit to add an outdoor patio. The restaurant is located at 734 Esplanade Avenue but can also be accessed at the end of Kitchener Street. Columbo’s restaurant is located in a building which also contains a Subway restaurant and a tanning salon.



SCOPE OF WORK:

The subject property falls within Development Permit Area 2 – Downtown (DPA 2). An objective of the DPA 2 guidelines is to strengthen the downtown as the primary commercial focus of the Town. The Ladysmith Community Vision recommends that the downtown should be a place of animation and that café’s should “spill out onto the sidewalks”.

The proposed outdoor patio is 42m<sup>2</sup> (450ft<sup>2</sup>) in size and will be accessed from inside the restaurant. The patio will be constructed with a raised wooden platform and contain a plexi-glass railing. The patio will contain an outdoor exit.

The proposed patio could potentially accommodate 8 tables and a total of 26 seats. The restaurant currently seats 62 customers. The applicant has stated that the total number of seats at the restaurant will not increase as a result of the patio expansion (such that a number of indoor seats will not be available when the outdoor patio is open). The proposed patio is consistent with the objectives of DPA 2.

The subject property is zoned General Commercial (C-2). The proposal to locate an outdoor patio at Columbo's restaurant is consistent with the C-2 zone regulations.

ALTERNATIVES:

To not support the proposed outdoor patio for reasons related to the DPA guidelines.

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS: n/a

CITIZEN/PUBLIC RELATIONS IMPLICATIONS: n/a

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The proposal has been referred to the Director of Public Works and the Building Inspector and they have no objections to the proposed outdoor patio. The RCMP has no objections to the proposal.

RESOURCE IMPLICATIONS:

Processing Development Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Ladysmith Community Vision recommends that the downtown should be a place of animation and that cafés should "spill out onto the sidewalks".

ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning and community design are strategic Council directions.

SUMMARY:

It is recommended to support the development permit application to permit an outdoor patio at Columbo's restaurant provided that the total number of restaurant seats is not increased.

I concur with the recommendation.

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

ATTACHMENTS:

DP Form 3060-11-14

TOWN OF LADYSMITH  
DEVELOPMENT PERMIT 3060-11-14  
(Section 920 *Local Government Act*)

DATE: July 18, 2011

TO: Excile Enterprises Inc., Inc. No. 0719864 (Columbo's Restaurant)

Address: #10 – 1100 Princess Royal Avenue  
Nanaimo, BC  
V9S 5R5

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

Lot 5  
Block 7  
District Lot 24  
Oyster District  
Plan 703  
PID# 004-516-478  
CIVIC ADDRESS: 734 Esplanade Avenue  
(referred to as the "Land")

3. This Permit has the effect of authorizing the issuance of a building permit for the construction of an outdoor patio on the Land in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws, and subject to the conditions, requirements and standards imposed and agreed to in section 5 and 6 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw No. 1160.
5. The Permittee, as a condition of the issuance of this Permit, agrees to develop the Land as shown in:

**Schedule A: Plan for Patio Dining at Columbo's Restaurant**

6. The Permittee, as a condition of this issuance of the Permit, agrees that the total number of permitted restaurant seats is 62, (such that the outdoor patio does not increase the total number of restaurant seats).

7. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.927 of the *Local Government Act*, and upon such filing, the terms of this Permit **3060-11-14** or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
8. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
9. The plans and specifications attached to this Permit are an integral part of this Permit.
10. This Permit prevails over the provisions of the Bylaw in the event of conflict.
11. Despite issuance of this permit, construction may not start without a Building Permit, Sign Permit or other necessary permits.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2011.

\_\_\_\_\_  
MAYOR

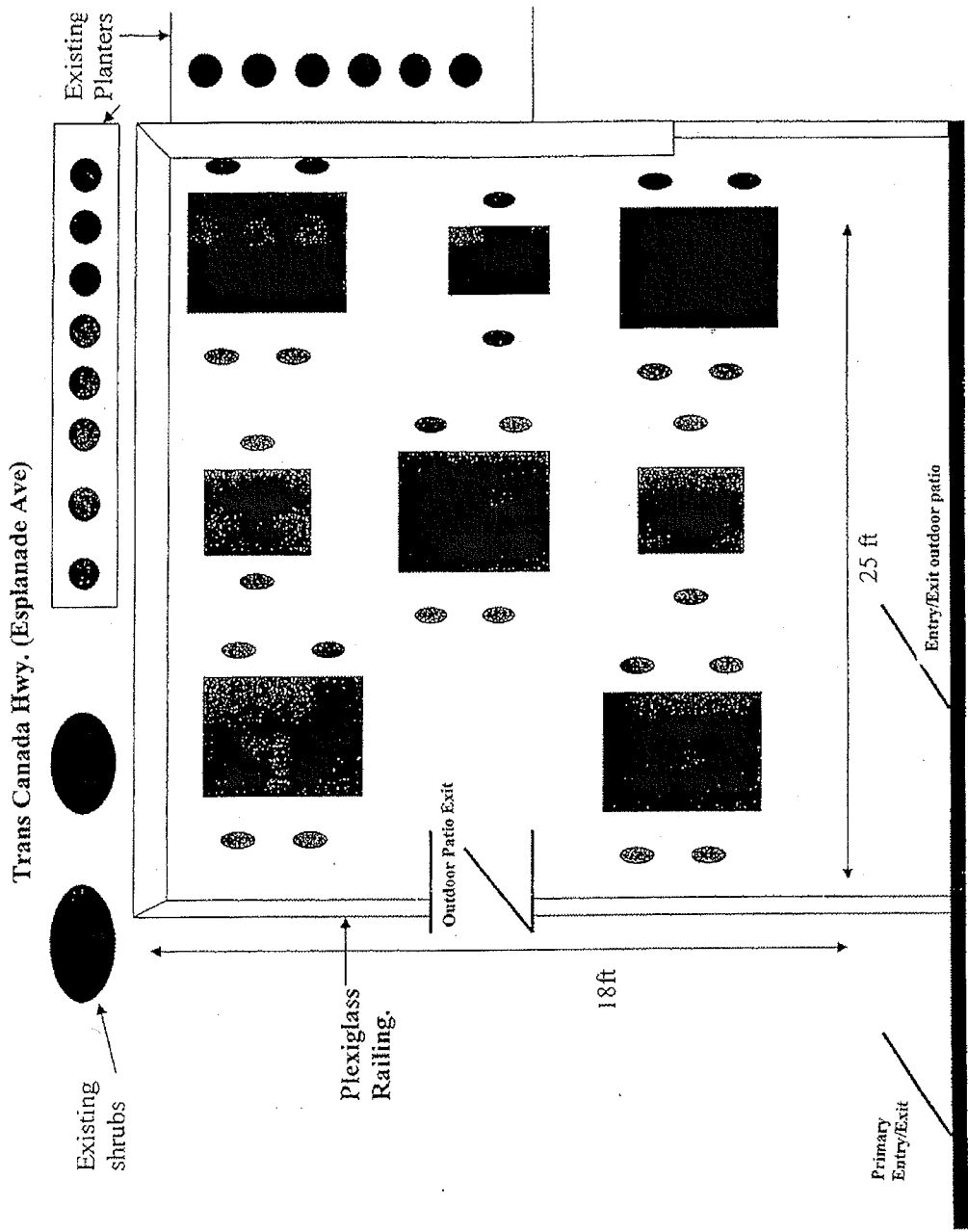
\_\_\_\_\_  
CORPORATE OFFICER

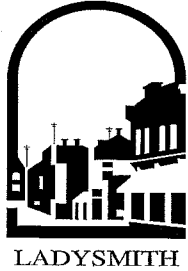
\_\_\_\_\_  
OWNER

\_\_\_\_\_  
PLEASE PRINT NAME

\_\_\_\_\_  
OWNER

\_\_\_\_\_  
PLEASE PRINT NAME





## Town of Ladysmith

### **STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: July 11, 2011  
File No: 3060-11-13

Re: Development Permit Application – Frank Laird Automotive  
1250 Rocky Creek Road (Lot 5, D.L. 38, Oyster District, Plan 73070)

#### RECOMMENDATION(S):

That Council issue Development Permit 3060-11-13 to permit a light industrial building at 1250 Rocky Creek Road (Lot 5, D.L. 38, Oyster District, Plan 73070); subject to determination of the value of the landscape bond;

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

#### PURPOSE:

To consider a development permit application for a light industrial building for Frank Laird Automotive (1250 Rocky Creek Road).

#### INTRODUCTION/BACKGROUND:

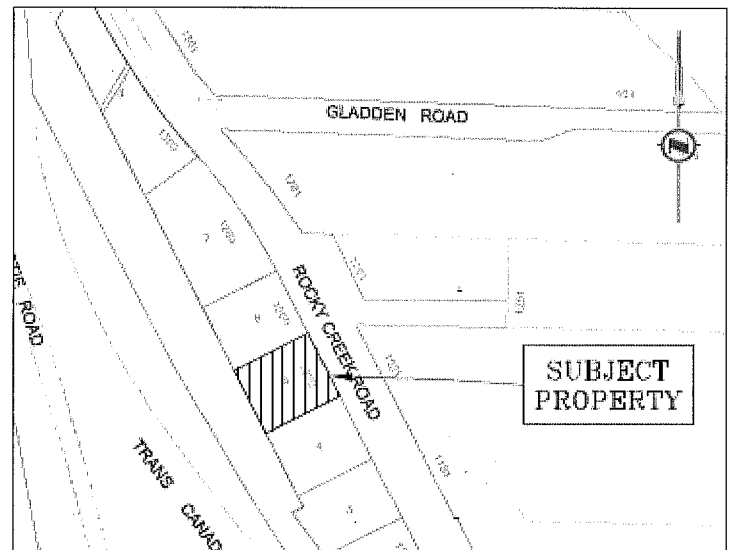
A new light industrial building, for automotive repairs and service, is proposed for a vacant lot at 1250 Rocky Creek Road. The subject property is 0.2 hectares (0.5 acres) in size.

#### SCOPE OF WORK:

The subject property falls within Development Permit Area 5 – Industrial (DPA 5). The objective of DPA5 is to ensure compatibility with surrounding land uses and to reinforce the industrial heritage of the area. Guidelines for DPA5 include ensuring:

- adequate access and egress for large delivery vehicles;
- safe onsite vehicle and pedestrian circulation; and
- landscaping, screening and buffering where required.

The building is proposed to be a metal building, similar in style to the majority of industrial buildings along Rocky Creek Road. The building is proposed to be 595 m<sup>2</sup> (6400 ft<sup>2</sup>) in size. The east elevation (being the front elevation, visible from Rocky Creek Rd.) will contain an overhang for rain protection, three metal bay doors, as well as an office door and window. The exterior consists of vertical metal siding and a metal roof. The colour of the building will be light almond with grey accent panels.



The plans show 10 parking stalls onsite and asphalt paving to the face of the building, (with gravel for the remainder of the site). The site plan shows adequate access and egress for large delivery vehicles. Vehicle and pedestrian circulation has also been considered in the site plan design. It is recommended that staff parking be located in the gravel parking area (parking stalls 4, 5, 6, and 7). Landscaping is shown at the entry to the site, which is consistent with other industrial properties along Rocky Creek Road. A screened garbage enclosure is shown at the rear of the property. The proposed development meets the basic requirements of the DPA 5 guidelines.

The subject property is zoned Light Industrial (I-1), similar to the majority of the properties on the west side of Rocky Creek Road which are zoned for and used for light industrial use. The east side of Rocky Creek Road is zoned for heavy industrial use. The proposed building meets the requirements of the I-1 Zone.

ALTERNATIVES:

To not support the development permit application for reasons related to the DPA guidelines.

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS: n/a

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

At its July 2011 meeting the Advisory Design Panel passed a motion of support for Development Permit Application 3060-11-13 to permit a metal light-industrial building at 1250 Rocky Creek Road, with the addition of cosmetic or structural bracing to the front canopy. The applicant has added the recommended structural bracing to the canopy.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The proposal has been referred to the Director of Public Works and the Building Inspector and they have no concerns.

RESOURCE IMPLICATIONS:

Processing Development Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Ladysmith Community Vision recommends supporting a strong local industrial and commercial land base.

ALIGNMENT WITH STRATEGIC PRIORITIES:


Effective land use planning and community design are strategic Council directions.

SUMMARY:

It is recommended to support the development permit application to permit a light industrial building for automotive repairs and service at 1250 Rocky Creek Road.

I concur with the recommendation.



 Ruth Malli, City Manager

ATTACHMENTS:

DP Form 3060-11-13

TOWN OF LADYSMITH  
DEVELOPMENT PERMIT 3060-11-13  
(Section 920 *Local Government Act*)

DATE: July 18, 2011

TO: Frank Milton Laird  
(PERMITEE)

Address: 332B Dogwood Drive  
Ladysmith, BC  
V9G 1T5

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

Lot 5  
District Lot 38  
Oyster District  
Plan VIP73070  
PID# 025-202-316  
CIVIC ADDRESS: 1250 Rocky Creek Road  
(referred to as the "Land")

3. This Permit has the effect of authorizing the issuance of a building permit for the construction of a building or structure on the Land in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws, except as varied by this Permit; Subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw No. 1160.
5. The Permittee, as a condition of the issuance of this Permit, agrees:
  - a) To develop the Land as shown in:  
  
Schedule A: Site Plan (Per Zetterberg - 2011.05.10)  
Schedule B: Elevations (Per Zetterberg - 2011.05.10)
  - b) That parking stalls 4, 5, 6 and 7 (as shown on Schedule A) be for staff parking only, and a sign shall be erected to identify the staff parking;
  - c) That the two trees shown in Schedule A be 'Liquidambar Styraciflua (American Sweetgum, Redgum)', 50 centimetre caliper.



6. This Permit is issued on the condition that the Permittee has provided to the Town of Ladysmith security in the form of an irrevocable Letter of Credit to guarantee the performance of the conditions in section 5 of this Permit respecting landscaping. The Letter of Credit shall be for a period of two years shall be automatically extended, and shall be in the amount of \$ \_\_\_\_\_.
7. Should the Permittee fail to satisfy the conditions referred to in section 5 and 6 of this Permit, the Town of Ladysmith may undertake and complete the works required to satisfy the landscaping condition(s) at the cost of the Permittee, and may apply the security in payment of the cost of the work, with any excess to be returned to the Permittee.
8. Should there be no default as herein provided, or where a Permit lapses, the Town of Ladysmith shall return any security provided to the Permittee.
9. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.927 of the *Local Government Act*, and upon such filing, the terms of this Permit 3060-11-13 or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
10. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
11. The plans and specifications attached to this Permit are an integral part of this Permit.
12. This Permit prevails over the provisions of the Bylaw in the event of conflict.
13. Despite issuance of this permit, construction may not start without a Building Permit, Sign Permit or other necessary permits.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 201\_\_.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
OWNER

\_\_\_\_\_  
PLEASE PRINT NAME

**NEW COMMERCIAL BUILDING**

LADYSMITH

---

**DATE:** 2011.03.10  
**PROJECT #:** 002-2011

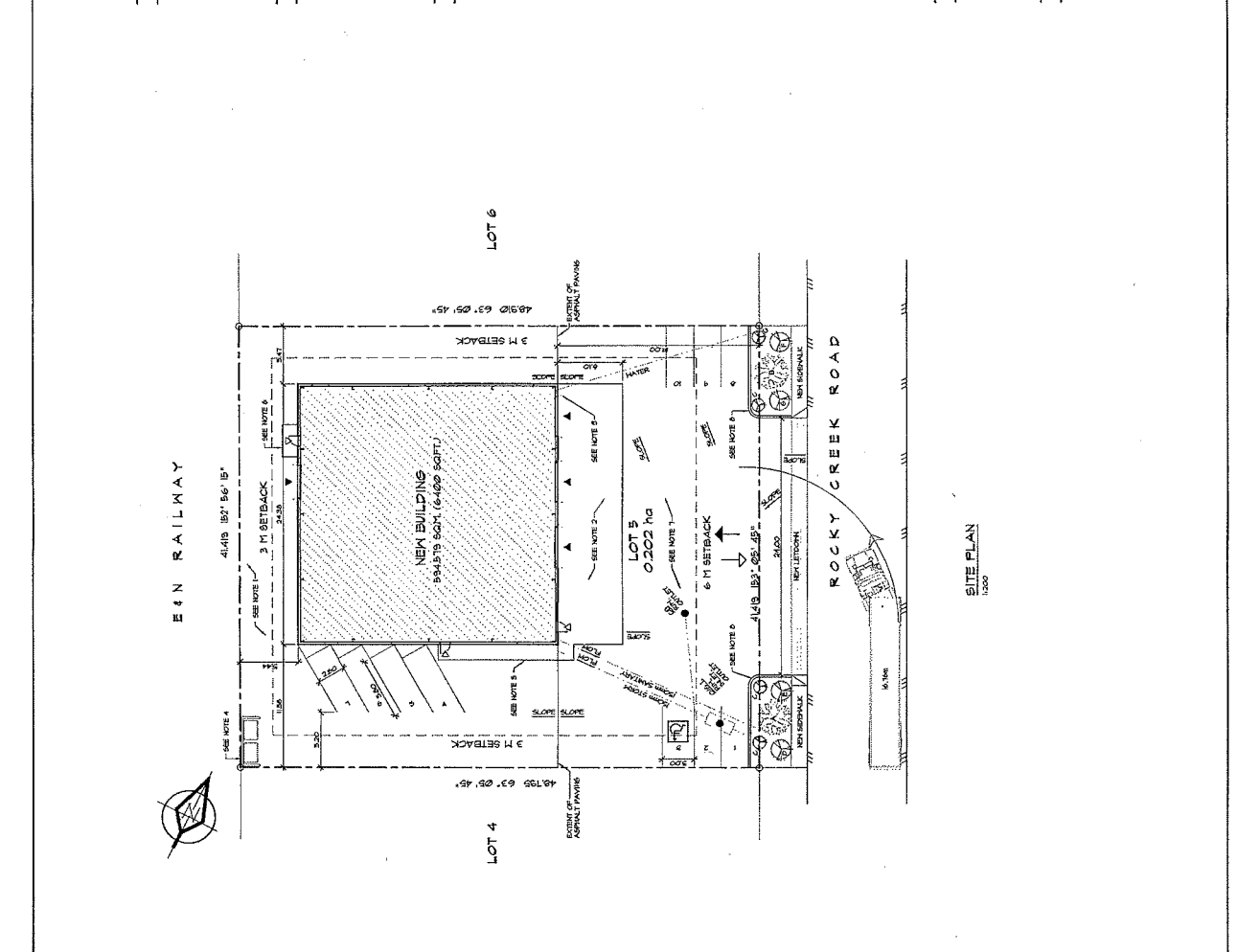
**DRAWN BY:** PER ZETTERBERG  
**DATE:** 2011.03.10  
**PROJECT #:** 002-2011

**AS SHOWN** (REV 1) (REV 2) (REV 3) (REV 4)

**A101**

---

**CLIENT REVIEW** 2011.03.08



**SITE PLAN**  
1:200

**LEGEND**

▲ EXISTING PAW MARK (SEE NOTE 10)  
 △ OVERHEAD SERVICE DOOR  
 ○ DRIVE ADDRESS  
 □ LEGAL DESCRIPTION  
 □ LOT 5, PLAN VPT1346  
 □ 2011.03.10 (DATE)  
 □ 3060-14-13 (SITE #)

**SHEET NOTES**

1. TO BE SET IN TYPICAL COVER OR NOTED OTHER
2. HATCHED CONCRETE PAD FOR BOLLARDS
3. HATCHED CONCRETE PAD FOR BOLLARDS
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**AS SHOWN LEGEND**

□ CONCRETE PAD FOR BOLLARDS  
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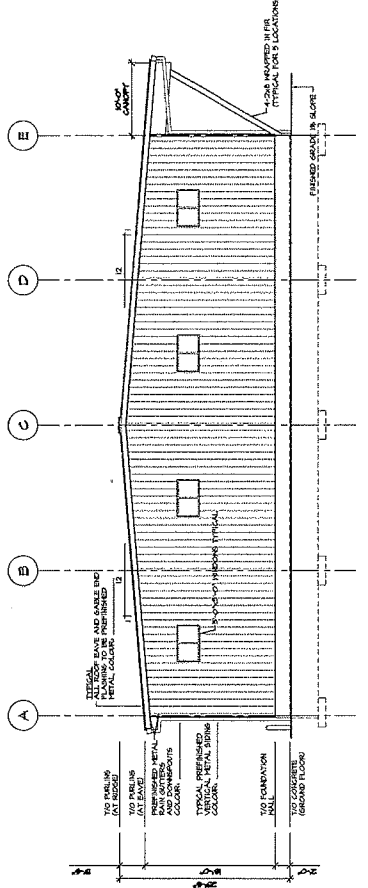
**PLANT SCHEDULE**

TYPE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
A	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
B	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
C	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
D	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
E	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
F	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
G	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
H	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
I	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
J	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
K	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
L	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
M	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
N	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
O	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
P	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
Q	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
R	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
S	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
T	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
U	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
V	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
W	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
X	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
Y	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING
Z	1	ACER BISHOP	DOGWOOD	20' DBL CAL.	100% SPACING

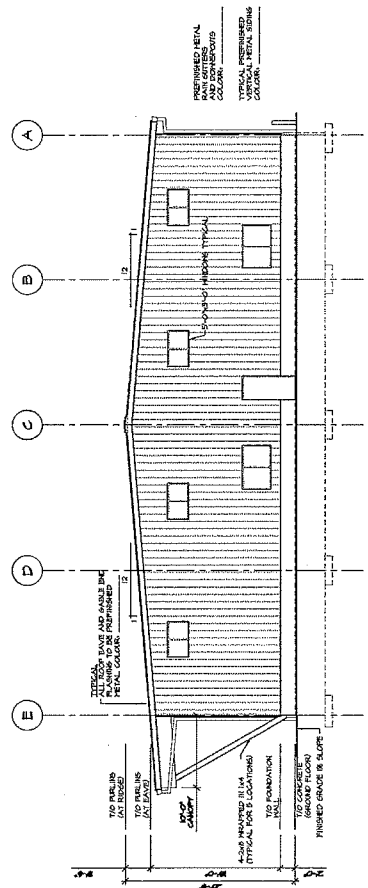
LADYSMITH B.C.  
 NEW COMMERCIAL BUILDING

ELEVATIONS

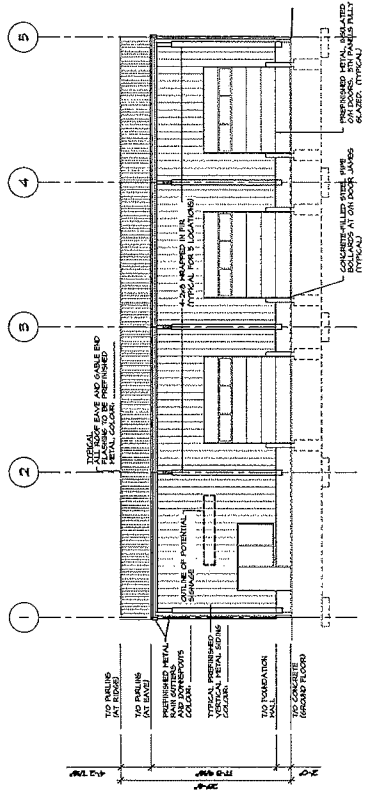
DRAWN BY:	PER:	DATE:	PROJECT #:	REV. #
ZETTERBERG	ZETTERBERG	20110510	0002-2011	1
DATE APPROVED:	BY:			
20110608	JAS. SHORN			
REVIEW:	SHEET: 3 OF 3			
	PROJECT: A301			



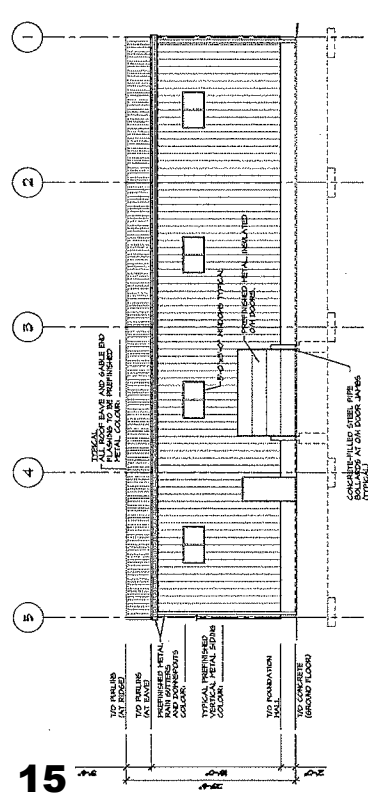
NORTH ELEVATION  
 1/8" = 1'-0"



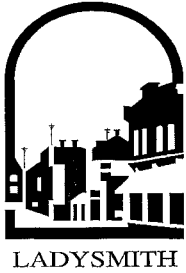
SOUTH ELEVATION  
 1/8" = 1'-0"



EAST ELEVATION  
 1/8" = 1'-0"



WEST ELEVATION  
 1/8" = 1'-0"



Town of Ladysmith

**COMMITTEE REPORT**

To: Council  
From: Trolley Committee  
Date: July 13, 2011  
File No:

---

Re: RECOMMENDATIONS FROM THE APRIL 4, 2011 TROLLEY COMMITTEE MEETING

RECOMMENDATION(S):

The following recommendations were adopted at the July 7, 2011 Trolley Committee meeting and are presented for Council's consideration:

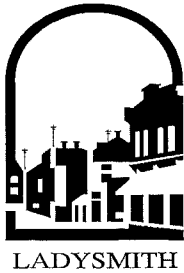
*It was moved, seconded and carried that the Trolley Committee recommends to Council that BC Transit be requested to assist the Trolley Committee with the evaluation of the data and associated changes to the current trolley route.*

*It was moved, seconded and carried that the Trolley Committee recommends to Council that Council support a fee for service trolley system.*

*It was moved, seconded and carried that the Trolley Committee recommends to Council that the following fare structure for the trolley service be established commencing October 1, 2011:*

- Ages 0 to 5 years - free
- Ages 6 to 18 years - \$1
- Ages 19 to 64 years - \$2
- Ages 65+ - \$1

*It was moved, seconded and carried that the Trolley Committee recommends to Council that a complementary monthly trolley pass be available for those who cannot afford to donate similar to the monthly leisure access pass currently available at FJCC.*



Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Joe Friesenhan, Director of Public Works  
Date: July 14, 2011  
File No:

---

Re: PHASE II – SEWAGE TREATMENT FACILITY – SOLIDS HANDLING

RECOMMENDATION(S):

That Council award the tender for the construction and installation of Phase II of the Sewage Treatment Facility, the Solids Handling, to the low tender, Knappett Projects Inc., for the total contract price of \$959,640.00 plus HST, with the funds to come from grants and the Sewer Capital Reserve.

PURPOSE:

To award the contract for the supply and installation of the Solids Handling Contract to the low bidder, Knappett Projects Inc.

INTRODUCTION/BACKGROUND:

In November of 2010, Council authorized the purchase of two Salsnes Filters to be used in the construction of the Phase II, the Solids Handling, of the sewage treatment facility. Tenders for the construction of the facility to carry the Salsnes Filters and the associated piping for the facility were accepted at the City Hall until 2:00 p.m. on Thursday, July 14, 2011. The following five tenders were submitted:

Knappett Projects Inc.	\$ 959,640.00 plus HST
C & M Development Inc.	\$ 967,306.41 plus HST
Farmer Construction Ltd.	\$ 986,771.82 plus HST
D. Robinson Contracting Ltd.	\$1,008,017.00 plus HST
Seafirst Construction Corp.	\$1,325,000.00 plus HST

A review of the tenders was completed by the Town's engineers for the project, Opus Dayton Knight.

The project is partially funded by a British Columbia Community Water Improvement Program Grant which expires on March 31, 2012.

SCOPE OF WORK:

The work includes the construction of the facility to house the Salsnes Filter and the associated piping to obtain primary sewage treatment for the Town.

ALTERNATIVES:

- Award the contract to the low tender
- Award the contract to a company other than the low tender
- Reject all tenders and not award contract at this time

FINANCIAL IMPLICATIONS:

The project is 2/3 funded by a grant from the British Columbia Community Water Improvement Program, with the remainder to come from DCC's and the Sewer Capital Reserve.

LEGAL IMPLICATIONS:

Without the Salsnes Filters the Town does not meet the requirements of its operating permit 100% of the time.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The public is supportive of the Town meeting the regulatory requirements.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Public Works Department and the Finance Department would be involved.

RESOURCE IMPLICATIONS:

The work will be completed by the contractor and current Town employees.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

This project aligns with the fifth pillar of sustainability, Innovative Infrastructure.

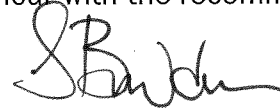
ALIGNMENT WITH STRATEGIC PRIORITIES:

This project aligns with Strategic Priority "E", Responsible Stewardship of the Environment.


SUMMARY:

Tenders were received for the construction and installation of the solids handling equipment for phase II of the sewage treatment facility with Knappett Projects Inc. being the low tender. The tender price of \$959,640.00 is within the allotted budget for the project.

I concur with the recommendation.

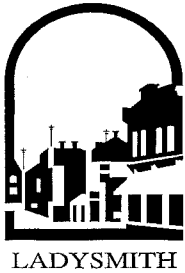


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 Ruth Malli, City Manager

ATTACHMENTS:

Copies of the tender may be viewed at City Hall.



Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: July 12, 2011  
File No: 3760-02

---

Re: BYLAWS 1773 AND 1774: SECONDARY SUITES – POLICY & REGULATION

RECOMMENDATION(S):

1. That Council considers the secondary suites public consultation process held in April and May 2011 as the Official Community Plan consultation for the review of the secondary suites policy, pursuant to section 879 of the *Local Government Act*.
2. That Council give first and second reading to Bylaw 1773 cited as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 37), 2011, No. 1773" and Bylaw 1774 cited as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 87), 2011, No. 1774", and refer Bylaw 1773 and Bylaw 1774 to public hearing.

PURPOSE:

The purpose of this report is to present Bylaw 1773 and Bylaw 1774 to Council for consideration of first and second reading and the scheduling of a public hearing.

INTRODUCTION/BACKGROUND:

At its meeting held June 20, 2011, Council provided the following direction to staff.

*It was moved, seconded and carried that the phased implementation of secondary suite policy and regulation, through the creation of:*

*Phase 1*

- (a) *zoning regulations for in-home secondary suites consistent with the secondary suite regulations in the BC Building Code;*
- (b) *relaxed standards for the approval of existing in-home secondary suites;*
- (c) *advisory design guidelines for in-home suites;*
- (d) *land use (OCP) policy to support detached secondary suites (coach houses and ground-oriented cottage suites); and*

*Phase 2*

- (e) *new regulations and design standards for detached secondary suites within the scope of work for the Zoning Bylaw project.*

Bylaws 1773 and 1774 provide for the implementation of Phase 1 (a) and (d). Staff and the consultants are continuing to work on (b) and (c).

### SCOPE OF WORK:

Two bylaws are presented to update the secondary suites policy in the OCP and to implement new regulations for secondary suites within principal single family dwellings.

#### *Bylaw 1773 – Official Community Plan (OCP) Amendments*

- Bylaw 1773 proposes to update the OCP with a new policy to support secondary suites and detached suites (e.g. coach houses and ground-oriented cottage suites), subject to guidelines and regulations.
- A definition for secondary housing (e.g. coach house or ground-oriented unit) is also proposed to be added to the glossary in the OCP.

#### *Bylaw 1774 - Zoning Bylaw Amendments*

- Bylaw 1774 proposes to revise the definition of single family dwelling to include a secondary suite, and adds a new definition for secondary suite.
- The Bylaw also clarifies home occupation regulations with respect to secondary suites (permitted) and parking requirements for secondary suites (one space required for the suite).
- The Bylaw also adds regulations for secondary suites to the following zones: UR-1, R-1, R-1-A, R-2, R-2-A, MP-1, and A-2.
- The secondary suite regulations limit the size of the suite to 40% of the gross floor area of the single family dwelling or 90 square metres, whichever is less.
- The Bylaw clarifies that bed and breakfast use is not permitted when there is also a secondary suite, and that a secondary suite cannot be stratified or subdivided from the single family dwelling unit.

### ALTERNATIVES:

That Council provide additional direction for the amending bylaws.

### FINANCIAL IMPLICATIONS: N/A

### LEGAL IMPLICATIONS:

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

1. Consider whether consultation on the OCP amendment should be early and on-going, and
2. Specifically consider whether consultation is required with:
  - the boards of the CVRD and the RDN
  - the council of a municipality adjacent to Ladysmith
  - First Nations
  - the school district, great boards or improvement district boards, and
  - the provincial or federal government and their agencies.

The public consultation process undertaken as part of this project meets the requirements for consultation, both early and on-going, with persons affected. Typically OCP amendments are referred to the Advisory Planning Commission (APC) for review and comment. Both the APC and the Advisory Design Panel were invited to participate in the public consultation process. It is recommended that consultation is



not required with the other agencies and governments, given that the topic of secondary suites does not affect these other agencies' and governments' interests.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The project provided significant opportunity for the public to provide input into Council's deliberations on secondary suites, including neighbourhood-based meetings, telephone survey, and community open house events. It is anticipated that residents and property owners will be supportive of moving ahead with secondary suite policy and regulations.

A public hearing will be scheduled and advertised which provides for further input to the proposed bylaws.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The project includes in-house education for the planning staff, building inspector and bylaw enforcement officer. This work will take place at the end of the project.

RESOURCE IMPLICATIONS:

Processing OCP and Zoning Bylaw amendments is within the Town's resources. The secondary suites project planning consultants worked with staff to develop the draft wording of the policy and regulations.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Complete community land use is the first of eight pillars in the Ladysmith sustainability strategy.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Undertaking a secondary suites policy and regulations study with community involvement is a Council priority. Effective land use planning and community design are strategic directions.

SUMMARY:

Community consultation regarding secondary suites was held during April to May 2011. The public is supportive of all types of secondary suites, subject to conditions and regulations. A phased approach to implementation is supported by Council. It is recommended that Council give first and second reading to Bylaws 1773 and 1774 as a first step in implementation of Phase 1, and direct staff to schedule a public hearing.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

- Bylaw 1773 and Bylaw 1774.



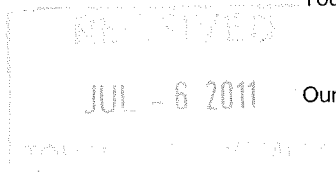
Royal Canadian  
Mounted Police

Gendarmerie royale  
du Canada

Security Classification/Designation  
Classification/désignation sécuritaire

Ladysmith Detachment  
320 6<sup>th</sup> Ave, P.O. Box 280  
Ladysmith, B.C.  
V9G 1A2

Your File - Votre référence



Our File - Notre référence

Mayor Rob Hutchins  
Town of Ladysmith  
410 Esplanade  
Ladysmith, B.C.  
V9G 1A2

302-

Date

July 5<sup>th</sup> 2011

**Quarterly Mayor's Report - 2nd Quarter - April, May and June 2011**

There were five hundred and sixty two (562) calls or occurrences (year to date calls - 1072) received during the months of April, May and June in the immediate Town of Ladysmith. Below is an overview of various police occurrences for the 2nd Quarter and from previous years.

Occurrences	April, May, June 2011	2011YTD	2010YTD	2009YTD
Sexual Assaults	1	3	4	2
Assaults	13	23	27	37
Break & Enter - Business	7	14	30	8
Break & Enter - Residence	2	13	20	18
Break & Enter - Other	6	10	14	10
Theft of Vehicle	7	16	10	8
Theft fm Vehicle - Over \$5K	1	1	0	0
Theft fm Vehicle - Under \$5K	35	42	48	55
Theft Over \$5K	1	3	2	3
Theft Under \$5K	25	45	51	67
Possession Stolen Property	0	2	6	4
Mischief/Property Damage Over \$5K	0	0	0	3
Mischief/Property Damage Under \$5K	37	53	72	46
Total Calls for Service, Ladysmith	562	1072	1130	1047
Total Calls for service, area of Ops	1065	2028	2136	2062

For your information, please find enclosed a copy of the Guardroom and Criminal record check statistics report, YTD 2011.

Sincerely,



S/Sgt Roger PLAMONDON  
Non Commissioned Officer in Charge  
Ladysmith Detachment

**LADYSMITH RCMP 2011**

	<b>PRISONERS</b>	<b>CRIMINAL RECORD CHECKS</b>
<b>JAN</b>	17	37
<b>FEB</b>	14	48
<b>MAR</b>	5	51
<b>APR</b>	8	57
<b>MAY</b>	4	54
<b>JUN</b>	13	74
<b>JUL</b>		
<b>AUG</b>		
<b>SEP</b>		
<b>OCT</b>		
<b>NOV</b>		
<b>DEC</b>		
<b>TOTAL</b>		

Minister of State  
Western Economic Diversification



Ministre d'État  
Diversification de l'économie de l'Ouest

The Honourable                      L'honorable  
Lynne Yelich P.C., M.P.   c.p., députée  
Ottawa, Canada K1P 5J3

24 JUN 2011

JUL - 6 2011

The Project Partners  
c/o His Worship Mayor Robert Hutchins  
Town of Ladysmith  
410 Esplanade  
P.O. Box 220  
Ladysmith, British Columbia  
V9G 1A2

Ladies and Gentlemen:

On behalf of the Government of Canada, I would like to congratulate you and the Town of Ladysmith on the official opening of the Ladysmith Community Services Centre.

The realization of the town's goal to integrate community resources by providing a central facility where residents can access programs and services is extremely commendable. I am pleased that our government's investment is helping Ladysmith make a difference in the daily lives of its residents.

Our Government is proud to partner with you, and communities across the country, on infrastructure upgrades that are putting Canadians to work, while laying the foundations for future growth and prosperity.

Your success with the Ladysmith Community Services Centre project is an example of how commitment and collaboration through the Community Adjustment Fund has helped develop strong, viable and economically diversified communities.

Congratulations again to the Town of Ladysmith and the many others involved in bringing this project to life.

Regards,

The Honourable Lynne Yelich, P.C., M.P.  
Minister of State for Western Economic Diversification

# Couverdon

July 13, 2011

Mayor and Council  
Town of Ladysmith  
410 Esplanade  
Ladysmith, BC V9G 1A2  
*Sent via e-mail*

Dear Mayor and Council,

## RE: PUBLIC OPEN HOUSE – COUVERDON: BOUNDARY EXTENSION & LAND USE PLANNING PROCESS

I am pleased to invite you to attend our first Public Open House on July 26th, 2011, where we will outline the proposed boundary extension and land use planning process for the Couverdon lands located adjacent to the northwest boundary of the Town of Ladysmith.

Couverdon would like to gather feedback from the community regarding the proposed boundary extension and land use planning process. Representatives from Couverdon and the project team will be available to answer questions and listen to the community's feedback about the proposal and process.

The Public Open House will be held:

**When:** Tuesday July 26th, 2011  
**Where:** Eagles Hall, 921 1st Ave, Ladysmith  
**Time:** 6pm – 8pm (drop-in)  
Light snacks and beverages will be served

Please do not hesitate to contact me at (604) 654-4666 ([bev.park@couverdon.com](mailto:bev.park@couverdon.com)) if you have any questions about the upcoming Open House.

Sincerely,



Bev Park  
President and COO

CC: Ruth Malli - City Manager  
Felicity Adams - Director of Development Service

Couverdon Real Estate  
A business unit of TimberWest Forest Corp.  
[www.couverdon.com](http://www.couverdon.com)

→ Vancouver  
Third Floor  
856 Homer Street  
Vancouver, British Columbia  
Canada V6B 2W5  
t 604 654 4600  
f 604 654 4571

Nanaimo  
3 - 4890 Rutherford Road  
Nanaimo, British Columbia  
Canada V9T 4Z4  
t 250 729 3700  
f 250 729 3782

TOWN OF LADYSMITH

**BYLAW NO. 1765**

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

---

**WHEREAS** the sum of \$136,602.04 is on deposit in the Cemetery Care Trust Fund; and

**WHEREAS** it is deemed necessary to appropriate the sum of up to \$1,687.58 from the Cemetery Care Fund for the purpose of the Cemetery; and

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

1. The sum of up to One thousand, six hundred eighty seven dollars and fifty eight cents (\$1,687.58) is hereby appropriated from the Cemetery Care Trust Fund and transferred to the General Revenue Fund to provide for the cemetery.

**Citation**

2. This bylaw may be cited as the "Cemetery Care Trust Fund Appropriation Bylaw 2011, No. 1765".

**READ A FIRST TIME** on the 4<sup>th</sup> day of July, 2011

**READ A SECOND TIME** on the 4<sup>th</sup> day of July, 2011

**READ A THIRD TIME** on the 4<sup>th</sup> day of July, 2011

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2011

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

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

TOWN of LADYSMITH

**BYLAW NO. 1766**

A bylaw to appropriate monies from the Sale of Real Property Reserve Fund.

---

**WHEREAS** the sum of \$515,365.17 is on deposit in the Sale of Real Property Reserve Fund;

**AND WHEREAS** it is deemed necessary to appropriate the sum of \$445,316.17 from the Sale of Real Property Reserve Fund for the purpose of expenditures with respect to the capital projects and the machinery or equipment necessary for them and extension or renewal of existing capital works;

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

1. The sum of \$445,316.17 (Four hundred forty five thousand, three hundred sixteen dollars and seventeen cents) is hereby appropriated from the Sale of Real Property Reserve Fund and transferred to the General Revenue.

**Citation**

2. This bylaw may be cited for all purposes as "Sale of Real Property Reserve Fund Appropriation Bylaw 2011, No. 1766".

**READ A FIRST TIME** on the 4<sup>th</sup> day of July, 2011

**READ A SECOND TIME** on the 4<sup>th</sup> day of July, 2011

**READ A THIRD TIME** on the 4<sup>th</sup> day of July, 2011

**ADOPTED** on the day of 2011

---

Mayor (R. Hutchins)

---

Corporate Officer (S. Bowden)



TOWN OF LADYSMITH

**BYLAW NO. 1767**

A bylaw to appropriate monies from the Development Cost Charges (Open Space & Parkland) restricted Reserve.

---

**WHEREAS** the Town of Ladysmith has collected monies under the authority of the provisions of the Development Cost Charges Bylaw, 2000, No. 1374, of the Town of Ladysmith, which monies have been deposited in the Development Cost Charges Restricted Reserve; and

**WHEREAS** there is an unappropriated balance in the Development Cost Charges (Open Space & Parklands) Restricted Reserve of \$194,467.00 as at December 31, 2010; and

**WHEREAS** it is deemed appropriate to use a portion of the monies set aside under said Bylaw No. 1374 for the purpose of development of Parkland and Open Space;

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

1. The sum of Eighty two thousand, three hundred sixty nine dollars and ninety five cents (\$82,369.95) is hereby appropriated from the Development Cost Charges (Open Space & Parklands) Restricted Reserve, to be expended for the purpose of development of Open Space and Parkland.
2. Should any of the above amount remain unexpended after the expenditures hereby authorized have been made, any unexpended balance shall be returned to the credit of the said Restricted Reserve.

**Citation**

3. This bylaw may be cited as the "Development Cost Charges Parks Appropriation Bylaw 2011, No. 1767".

**READ A FIRST TIME** on the 4<sup>th</sup> day of July, 2011  
**READ A SECOND TIME** on the 4<sup>th</sup> day of July, 2011  
**READ A THIRD TIME** on the 4<sup>th</sup> day of July, 2011  
**ADOPTED** on the day of 2011

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Mayor (R. Hutchins)

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Corporate Officer (S. Bowden)

TOWN OF LADYSMITH

**BYLAW NO. 1768**

A bylaw to appropriate monies from the Development Cost Charges (Roads) Restricted Reserve.

**WHEREAS** the Town of Ladysmith has collected monies under the authority of the provisions of the DCC Roads Appropriation Bylaw 2000, No. 1374, of the Town of Ladysmith, which monies have been deposited in the Development Cost Charges Reserve Fund; and

**WHEREAS** there is an unappropriated balance in the Development Cost Charges (Roads) Restricted Reserve of \$544,085.00 as at December 31, 2010, and

**WHEREAS** it is deemed appropriate to use a portion of the monies set aside under said Bylaw No. 1374 for the purpose of debt repayment for and construction of road projects;

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

1. The sum of Ninety four thousand, four hundred sixty two dollars and sixty five cents (\$94,462.65) is hereby appropriated from the Development Cost Charges Restricted Reserve (Roads), to be expended for the purpose of debt repayment for and construction of road projects.

**Citation**

2. This bylaw may be cited as the "Development Cost Charges Roads Appropriation Bylaw 2011, No. 1768".

**READ A FIRST TIME** on the 4<sup>th</sup> day of July, 2011

**READ A SECOND TIME** on the 4<sup>th</sup> day of July, 2011

**READ A THIRD TIME** on the 4<sup>th</sup> day of July, 2011

**ADOPTED** on the day of 2011

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

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

TOWN OF LADYSMITH

**BYLAW NO. 1769**

A bylaw to appropriate monies from the Development Cost Charges (Sewer) Restricted Reserve.

**WHEREAS** the Town of Ladysmith has collected monies under the authority of the provisions of the Development Cost Charges Bylaw, 2000, No. 1374, of the Town of Ladysmith, which monies have been deposited in the Development Cost Charges Restricted Reserve; and

**WHEREAS** there is an unappropriated balance in the Development Cost Charges (Sewer) Restricted Reserve of \$38,288.00 as at December 31, 2010; and

**WHEREAS** it is deemed appropriate to use a portion of the monies set aside under said Bylaw No. 1374 for the purpose of capital sewer expenditures;

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

1. The sum of Thirteen thousand, seven hundred forty six dollars and forty three cents (\$13,746.43) is hereby appropriated from the Development Cost Charges Restricted Reserve (Sewer).
2. Should any of the above amount remain unexpended after the expenditures hereby authorized have been made, any unexpended balance shall be returned to the credit of the said Reserve Fund.

**Citation**

3. This bylaw may be cited as the "Development Cost Charges Sewer Appropriation Bylaw 2011, No.1769".

**READ A FIRST TIME** on the 4<sup>th</sup> day of July, 2011

**READ A SECOND TIME** on the 4<sup>th</sup> day of July, 2011

**READ A THIRD TIME** on the 4<sup>th</sup> day of July, 2011

**ADOPTED** on the day of 2011

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

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

TOWN OF LADYSMITH

**BYLAW NO. 1770**

A bylaw to appropriate monies from the Development Cost Charges (Storm Drainage) Restricted Reserve.

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**WHEREAS** the Town of Ladysmith has collected monies under the authority of the provisions of the Development Cost Charges Bylaw, 2000, No. 1374 , of the Town of Ladysmith, which monies have been deposited in the Development Cost Charges Restricted Reserve; and

**WHEREAS** there is an unappropriated balance in the Development Cost Charges (Storm Drainage) Restricted Reserve of \$299,427.00 as at December 31, 2010; and

**WHEREAS** it is deemed appropriate to use a portion of the monies set aside under said Bylaw No. 1374 for the purpose of storm drainage;

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

1. The sum of Twelve thousand, seven hundred sixty eight dollars and thirty three cents (\$12,768.33) is hereby appropriated from the Development Cost Charges Restricted Reserve (Storm Drainage), to be expended for the purpose of the Waste Water Treatment Plant construction.
2. Should any of the above amount remain unexpended after the expenditures hereby authorized have been made, any unexpended balance shall be returned to the credit of the said Reserve Fund.

**Citation**

3. This bylaw may be cited as the "Development Cost Charges Storm Drainage Appropriation Bylaw 2011, No. 1770".

**READ A FIRST TIME** on the 4<sup>th</sup> day of July, 2011

**READ A SECOND TIME** on the 4<sup>th</sup> day of July, 2011

**READ A THIRD TIME** on the 4<sup>th</sup> day of July, 2011

**ADOPTED** on the day of 2011

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Mayor (R. Hutchins)

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Corporate Officer (S. Bowden)

TOWN OF LADYSMITH

**BYLAW NO. 1771**

A bylaw to appropriate monies in the Development Cost Charges (Water) Restricted Reserve.

**WHEREAS** the Town of Ladysmith has collected monies under the authority of the provisions of the Development Cost Charges Bylaw, 2000, No. 1374 , of the Town of Ladysmith, which monies have been deposited in the Development Cost Charges Restricted Reserve; and

**WHEREAS** there is an unappropriated balance in the Development Cost Charges (Water) Restricted Reserve of \$552,094.00 as at December 31, 2010; and

**WHEREAS** it is deemed appropriate to use a portion of the monies set aside under said Bylaw No. 1374 for the purpose of capital water project expenditures;

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

1. The sum of Seventy three thousand, five hundred sixty eight dollars and sixty four cents (\$73,568.64) is hereby appropriated from the Development Cost Charges Restricted Reserve (Water), to be expended for the purpose of the water projects.
2. Should any of the above amount remain unexpended after the expenditures hereby authorized have been made, any unexpended balance shall be returned to the credit of the said Reserve Fund.

**Citation**

3. This bylaw may be cited as the "Development Cost Charges Water Appropriation Bylaw 2011, No. 1771".

<b>READ A FIRST TIME</b> on the	4 <sup>th</sup>	day of	July, 2011
<b>READ A SECOND TIME</b> on the	4 <sup>th</sup>	day of	July, 2011
<b>READ A THIRD TIME</b> on the	4 <sup>th</sup>	day of	July, 2011
<b>ADOPTED</b> on the		day of	2011

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

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

TOWN OF LADYSMITH

**BYLAW NO. 1772**

A Bylaw to amend "Ladysmith Dog Licencing, Control and Pound Bylaw 1995, No. 1155".

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

1. Section 1 of "Ladysmith Dog Licencing, Control and Pound Bylaw 1995, No. 1155" as amended is hereby amended by adding the following text to the definition of "Restricted Dog":

A dog is not a "Restricted Dog" if the dog and dog owner have successfully completed the tests required to qualify for the Canine Good Neighbour (CGN) or Canine Good Citizen (CGC) Certification.

**Citation**

2. This Bylaw may be cited for all purposes as "Ladysmith Dog Licencing, Control and Pound Bylaw 1995, No. 1155 Amendment Bylaw 2011, No. 1772".

<b>READ A FIRST TIME</b> on the	4 <sup>th</sup>	day of	July,	2011
<b>READ A SECOND TIME</b> on the	4 <sup>th</sup>	day of	July,	2011
<b>READ A THIRD TIME</b> on the	4 <sup>th</sup>	day of	July,	2011
<b>ADOPTED</b> on the		day of		2011

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Mayor (R. Hutchins)

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Corporate Officer (S. Bowden)

**TOWN OF LADYSMITH**

**BYLAW NO. 1773**

A bylaw to amend "Official Community Plan Bylaw 2003, No. 1488"

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**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) Deleting the following policy in Section 3.2.3:  
 "21. Secondary suites will be permitted under specific conditions and requirements. Secondary suite guidelines and regulations will be adopted by Council." and replacing it with the following:  
*"21. Secondary suites will be permitted within any single family dwelling, subject to the conditions and requirements or regulations adopted by Council. The Town will explore other innovative forms of secondary housing, including carriage house suites and ground-oriented cottage suites."*
  - (b) Adding the following definition to the Glossary before the definition of "Secondary Suite":  
*"Secondary Housing – a form of secondary suite that is contained within a detached unit (e.g. above a garage or ground-oriented) usually located at the rear of the lot with access from the street or lane and which is always accessory to and smaller in size than the principal single family dwelling located on the same lot."*

**CITATION**

2. This bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003 No. 1488, Amendment Bylaw (No. 37) 2011, No. 1773".

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2011

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2011

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

on the \_\_\_\_\_ day of \_\_\_\_\_, 2011

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2011

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

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

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

**TOWN OF LADYSMITH**

**BYLAW NO. 1774**

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

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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:

A. The text of "Town of Ladysmith Zoning Bylaw 1995, No. 1160" is hereby further amended as follows:

1. Section 4.0 "Definitions" is amended by:

Deleting the definition of "dwelling, single family" and replacing it with:  
"dwelling, single family: means any detached building with the principal use of one dwelling unit, or a detached building consisting of a combination of one principal dwelling unit and one secondary suite";

Adding the following definition:  
"secondary suite: means an additional dwelling unit fully contained within and subordinate to a single family dwelling".

2. Section 5.10 "Home Occupations" is amended by:

Deleting Section 5.10 (1) (a) and replacing it with:  
"One home occupation is permitted within a single family dwelling unit and one home occupation is permitted within a secondary suite."

Deleting Section 5.10 (1) (c) and replacing it with:  
"No more than two persons shall be engaged at anytime in a home occupation one of whom shall be a resident of the dwelling unit, or their designate for a maximum period of six weeks in any calendar year."

3. Section 5.18 "Off Street Parking and Loading" is amended by:

Adding the following to Section 6 "Standard" to permit tandem parking for a secondary suite:

"(d.1) Parking spaces for a single family dwelling containing a secondary suite may be arranged such that one space is located behind the other space with a common or shared point of access to a highway."



Amending Table 1, Required Off-Street Parking Spaces, as follows:

COLUMN I	COLUMN II
USE	Required Number of Spaces
RESIDENTIAL	RESIDENTIAL
<ul style="list-style-type: none"> <li>• Single family, one unit</li> <li>• Single family with secondary suite</li> <li>• Two family</li> <li>• Multi family</li> <li>• Home occupation</li> </ul>	<ul style="list-style-type: none"> <li>• 1 per dwelling unit</li> <li>• 1 per dwelling unit (2 total)</li> <li>• 1 per dwelling unit</li> <li>• 1.5 per dwelling unit plus 0.2 per 4 du for visitors</li> <li>• 1 per home occupation that attracts customers or clients</li> </ul>

4. Section 7.0 “**Urban Rural Residential Zone (UR-1)**” is amended by:  
 Replacing the first sentence of Section 7.1 so that it reads:  
 “The following uses and no other uses are permitted in this Zone.”
- Adding the following to Section 7.2 “Conditions of Use”:  
 “(8) One secondary suite is a permitted use within a single family dwelling provided that the suite:
- a. does not exceed 40% of the gross floor area of the single family dwelling, or 90 square meters (968 square feet), whichever is less.
  - b. is provided with off-street parking in accordance with 5.18 of this Bylaw.
- (9) A Bed and Breakfast use is not permitted in a single family dwelling containing a secondary suite.
- (10) A secondary suite cannot be stratified, subdivided, or otherwise legally separated from the single family dwelling wherein it is located.”
5. Section 8.0 “**Suburban Residential Zone (R-1)**” is amended by:  
 Adding the following to Section 8.2 “Conditions of Use”:  
 “(8) One secondary suite is a permitted use within a single family dwelling provided that the suite:
- a. does not exceed 40% of the gross floor area of the single family dwelling, or 90 square metres (968 square feet), whichever is less.
  - b. is provided with off-street parking in accordance with 5.18 of this Bylaw.
- (9) A Bed and Breakfast use is not permitted in a single family dwelling containing a secondary suite.
- (10) A secondary suite cannot be stratified, subdivided, or otherwise legally separated from the single family dwelling wherein it is located.”
6. Section 9.0 “**Medium Density Urban Residential Zone (R-1-A)**” is amended by:  
 Adding the following to Section 9.2 “Conditions of Use”:  
 “(8) One secondary suite is a permitted use within a single family dwelling provided that the suite:
- a. does not exceed 40% of the gross floor area of the single family dwelling, or 90 square meters (968 square feet), whichever is less.
  - b. is provided with off-street parking in accordance with 5.18 of this

## Bylaw.

- (9) A Bed and Breakfast use is not permitted in a single family dwelling containing a secondary suite.
- (10) A secondary suite cannot be stratified, subdivided, or otherwise legally separated from the single family dwelling wherein it is located.”
7. Section 10.0 “**Urban Residential Zone (R-2)**” is amended by:  
Adding the following to Section 10.2 “Conditions of Use”:  
“(7) One secondary suite is a permitted use within a single family dwelling provided that the suite:
- a. does not exceed 40% of the gross floor area of the single family dwelling, or 90 square meters (968 square feet), whichever is less.
  - b. is provided with off-street parking in accordance with 5.18 of this Bylaw.
- (8) A Bed and Breakfast use is not permitted in a single family dwelling containing a secondary suite.
- (9) A secondary suite cannot be stratified, subdivided, or otherwise legally separated from the single family dwelling wherein it is located.”
8. Section 11.0 “**Residential Zone (R-2-A)**” is amended by:  
Adding the following to Section 11.2 “Conditions of Use”:  
“(7) One secondary suite is a permitted use within a single family dwelling provided that the suite:
- a. does not exceed 40% of the gross floor area of the single family dwelling, or 90 square meters (968 square feet), whichever is less.
  - b. is provided with off-street parking in accordance with 5.18 of this Bylaw.
- (8) A Bed and Breakfast use is not permitted in a single family dwelling containing a secondary suite.
- (9) A secondary suite cannot be stratified, subdivided, or otherwise legally separated from the single family dwelling wherein it is located.”
9. Section 15.0 “**Mobile Home Park Zone (MP-1)**” is amended by:  
Adding the following to Section 15.2 “Conditions of Use”:  
“(7) One secondary suite is a permitted use within a single family dwelling provided that the suite:
- a. does not exceed 40% of the gross floor area of the single family dwelling, or 90 square meters (968 square feet), whichever is less.
  - b. is provided with off-street parking in accordance with 5.18 of this Bylaw.
- (8) A secondary suite cannot be stratified, subdivided, or otherwise legally separated from the single family dwelling wherein it is located.”
10. Section 33.0 “**Agriculture Zone (A-2)**” is amended by:  
Adding the following to Section 33.2 “Conditions of Use”:  
“(8) One secondary suite is a permitted use within a single family dwelling provided that the suite:
- a. does not exceed 40% of the gross floor area of the single family dwelling, or 90 square meters (968 square feet), whichever is less.
  - b. is provided with off-street parking in accordance with 5.18 of this Bylaw.

(9) A Bed and Breakfast use is not permitted in a single family dwelling containing a secondary suite.

(10) A secondary suite cannot be stratified, subdivided, or otherwise legally separated from the single family dwelling wherein it is located.”

**CITATION**

- 11. This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 87) 2011, No. 1774”.

**READ A FIRST TIME** on the day of , 2011

**READ A SECOND TIME** on the day of , 2011

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

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)