



TOWN OF LADYSMITH

A REGULAR MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
WILL BE HELD IN COUNCIL CHAMBERS AT CITY HALL ON
TUESDAY, APRIL 2, 2013
7:00 p.m.

A G E N D A

Page

CALL TO ORDER In order to retire immediately into Executive (Closed) Session

1. EXECUTIVE (CLOSED) SESSION

In accordance with section 90(1) of the *Community Charter*, this section of the meeting will be held *In Camera* to consider the following items:

- law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

2. AGENDA APPROVAL

3. MINUTES

3.1. Minutes of the Regular Meeting of Council held March 18, 2013

5 - 10

3.2. Minutes of the Special Meeting of Council held March 25, 2013

11 - 13

4. DELEGATIONS

4.1. Cathleen McMahon

Follow-up: Jaedyn's Law and Town Memorial

5. PROCLAMATIONS

5.1. Mayor Hutchins has proclaimed the week of May 19th to 25th, 2013 as "National Public Works Week" in the Town of Ladysmith, in recognition of the importance of public works in community life and the efforts of all the men and women in North America, including in the Town of Ladysmith, who provide and maintain civil infrastructure and services.

6. 2013 – 2017 FINANCIAL PLAN DELIBERATIONS

6.1. Review and Ongoing Discussions

6.2. Public Questions and Input

7. DEVELOPMENT APPLICATIONS

7.1. Development Variance Permit – 948 Malone Road (Lot 19, District Lot 96, Oyster District, Plan VIP57370)

14 - 16

8. COUNCIL COMMITTEE REPORTS

- 8.1. Mayor R. Hutchins
Cowichan Valley Regional District; Ladysmith Chamber of Commerce
- 8.2. Councillor B. Drysdale
Heritage Revitalization Advisory Commission; Protective Services Committee;
Trolley Committee
- 8.3. Councillor J. Dashwood
Trolley Committee; Ladysmith Early Years Partnership; Cowichan Valley Regional
District Community Safety Advisory Commission; Social Planning Cowichan
Affordable Housing Directorate
- 8.4. Councillor G. Horth
Government Services Committee; Advisory Planning Commission; Liquid Waste
Management Committee; Ladysmith Downtown Business Association
- 8.5. Councillor D. Paterson
Protective Services Committee; Parks, Recreation and Culture Commission;
Festival of Lights
- 8.6. Councillor G. Patterson
Community Health Advisory Committee; Youth Advisory Committee; Liquid Waste
Management Committee
- 8.7. Councillor S. Arnett
Advisory Design Panel; Parks, Recreation and Culture Commission; Vancouver
Island Regional Library Board; Celebrations Committee

9. STAFF REPORTS

- 9.1. Special Occasion Licence – Ladysmith Maritime Society Seafood Festival 17 - 18
- 9.2. Crown Land Referrals 1413402 and 1413408 – District Lots 651, 17G and 16G 19 - 24

10. CORRESPONDENCE

- 10.1. Tim Chadwick, Ladysmith Search and Rescue 25
Request for Donation of Retired Ladysmith Fire/Rescue Vehicle

For Council's information:

- The Town's purchasing policy states that Town assets must be disposed of through a sealed bid or open auction.
- The Ladysmith Fire/Rescue Chief supports the request to donate the Fire/Rescue truck to Ladysmith Search and Rescue.

Staff Recommendation

That Council determine whether it wishes to waive the Purchasing Policy in order to donate the Town's 1986 Ladysmith Fire/Rescue Ford Rescue Truck to Ladysmith Search and Rescue; or to direct staff to dispose of the vehicle in accordance with the Purchasing Policy.

**10.2 Richard Morencie, Ladysmith Chamber of Commerce
Dunsmuir Railway Car**

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Staff Recommendation

That Council advise the Ladysmith Chamber of Commerce of the Town's support for the acquisition of the Dunsmuir Railway Car and of progress to date, in response to their correspondence dated March 14, 2013.

11. BYLAWS

**11.1. Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119, Amendment
Bylaw 2013, No. 1820**

27

May be adopted.

The purpose of Bylaw 1820 is to amend the Building and Plumbing Bylaw to incorporate new requirements for low-flush toilets and urinals.

**11.2. Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment
Bylaw 2013, No. 1821**

28 - 29

May be adopted.

The purpose of Bylaw 1821 is to establish water rates for 2013.

**11.3. Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment
Bylaw 2013, No. 1822**

30 - 31

May be adopted.

The purpose of Bylaw 1822 is to establish sewer rates for 2013.

12. NEW BUSINESS

13. UNFINISHED BUSINESS

14. QUESTION PERIOD

- A maximum of 15 minutes is allotted for questions.
- 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 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.

15. ADJOURNMENT



**TOWN OF LADYSMITH
MINUTES OF A REGULAR MEETING OF COUNCIL
MONDAY, MARCH 18, 2013 - 7:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins	Councillor Steve Arnett	Councillor Jillian Dashwood
Councillor Bill Drysdale	Councillor Gord Horth	Councillor Duck Paterson
Councillor Glenda Patterson		

STAFF PRESENT:

Ruth Malli	Sandy Bowden	Erin Anderson
John Manson	Joanna Winter	

CALL TO ORDER

Mayor Hutchins called this meeting of Council to order at 6:25 p.m. in order to retire immediately into Executive (Closed) Session.

EXECUTIVE SESSION

CS 2013-71

It was moved, seconded and carried that Council retire into Executive (Closed) Session in order to consider the following items:

- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality
- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality

RISE AND REPORT

Council arose from Executive (Closed) Session at 6:39 p.m. without report.

AGENDA APPROVAL

The Regular Meeting of Council reconvened at 7:00 p.m.

CS 2013-72

It was moved, seconded and carried that the agenda for the Council Meeting of March 18, 2013 be adopted with the following amendments:

- 5.2 Rob Johnson will represent Take 5 in place of Marina Sacht as a delegation speaking to the proposed community clean-up day.
- 11.2 Government Services Committee recommendation regarding Dunsmuir Railway Car
- 12.1 Follow-up to correspondence regarding the Town-sponsored UBCM resolution for the protection of watersheds.
-

MINUTES

CS 2013-73 It was moved, seconded and carried that the minutes of the Regular Meeting of Council held March 4, 2013 be adopted.

CS 2013-74 It was moved, seconded and carried that the minutes of the Special Meeting of Council held March 11, 2013 be adopted.

DELEGATIONS

Rosemary Bonanno, Adrian Maas, Vancouver Island Regional Library

Review of Strategic Plan and Budget

R. Bonanno and A. Maas gave a presentation about the Vancouver Island Regional Library Strategic Plan and budget. Discussion ensued regarding the library facility in Ladysmith and plans to expand the space. It was acknowledged that Ladysmith's population is not fully serviced by its current library branch. However it was noted that other communities are higher on a priority list for expansion of facilities. R. Bonanno encouraged Council to submit a request for facility expansion when requested to do so later in 2013.

Council thanked Ms. Bonanno and Mr. Maas for their informative presentation.

Rob Johnson, Take 5 Publications

Proposed Sponsorship of Community Clean-Up Day

R. Johnson, speaking on behalf of Marina Sacht, presented an offer from Take 5 Publications to be media sponsor of a Community Clean-Up Day in conjunction with Earth Day.

Council thanked R. Johnson for his presentation, and agreed to consider the matter later in the meeting.

PROCLAMATIONS

Mayor Hutchins proclaimed the month of March 2013 as "Community Social Services Awareness Month" in the Town of Ladysmith.

Mayor Hutchins proclaimed May 29, 2013 as "Day of the Honey Bee" in the Town of Ladysmith.

2013 TO 2017 FINANCIAL PLAN DELIBERATIONS

Analysis of Tax Rates

The Director of Financial Services reviewed her report analysing taxation rates in different British Columbia communities, noting that there are several variables affecting property tax rates, including levels of municipal policing, presence (or lack) of recreational facilities, and the relative size of the industrial business and residential property classes.

Council thanked Ms. Anderson for her clear and informative analysis.

C. McMahon suggested including household income for additional comparison purposes.

Water and Sewer Budget

The Director of Infrastructure Services reviewed the current state of the sewer and water treatments systems, reviewed proposed expansion and upgrade plans, and presented the proposed water and sewer budgets for the 2013 to 2017 Financial Plan.

Council thanked Mr. Manson for his informative and thorough presentation.

Council supported a recommendation for a \$10 water parcel tax in 2013 and a three percent increase in sewer rates for 2013.

Public Input and Questions

R. Johnson asked about contingency plans in the event of an interruption to water service due to an earthquake and was advised that the Town does have plans in place and will be reviewing them in refining its Emergency Preparedness Plan.

Council agreed to hold a Special Meeting on Monday, March 25, 2013 at 7:30 p.m. to continue deliberations on the 2013 to 2017 Financial Plan.

STAFF REPORTS

CS 2013-75

Carbon Offset Credit Purchase

It was moved, seconded and carried that the Town of Ladysmith purchase carbon offset credits from Cowichan Energy Alternatives.

CORRESPONDENCE

CS 2013-76

Mayor Mary Sjostrom, Union of B.C. Municipalities

Provincial Response to Resolution Regarding Derelict Vessels

It was moved, seconded and carried that the correspondence from the President of the Union of B.C. Municipalities, dated February 15, 2013, regarding the provincial response to the Ladysmith-sponsored resolution calling for the removal of derelict and abandoned vessels be received.

CS 2013-77

David Giles, Ladysmith Fire/Rescue

Request for use of Town Facilities for Auto Exvolutions Event

It was moved, seconded and carried that permission be granted for use of the upper grass area by the horseshoe pitch and the tree line area below the horseshoe pitch at Transfer Beach Park for

camping by participants of Ladysmith Auto-Exvolutions event hosted by Ladysmith Fire/Rescue from July 5th to 7th, 2013.

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

**Duck Paterson, Ladysmith Kinsmen Club
Request for Permission to Paint Playground Equipment at Transfer Beach**

CS 2013-78 It was moved, seconded and carried that the generous offer of the Ladysmith Kinsmen Club to repaint the playground equipment at Transfer Beach be accepted, and permission granted for the work to be carried out prior to the summer season.

Councillor Paterson returned to the meeting.

**John Neville, BC Nature
Cat Crisis in B.C. Municipalities**

CS 2013-79 It was moved, seconded and carried that the correspondence from BC Nature dated February 28, 2013, calling for municipal regulation of cats, be referred to staff for consideration in the preparation of a report on this matter.

**Hon. Bill Bennett, Minister of Community, Sport and Cultural Development
Strategic Community Investment Fund**

CS 2013-80 It was moved, seconded and carried that the correspondence from the Minister of Community, Sport and Cultural Development, dated March 11, 2013, confirming the amount of funds to be transferred to the Town of Ladysmith from the Small Community Grant and Traffic Fine Revenue programs, be received.

**Dianna and Cliff Fisher
Emergency Preparedness in Ladysmith – Public Workshop**

CS 2013-81 It was moved, seconded and carried that the Town provide appropriate space to the Ladysmith Festival of Lights Society, at no charge, for a public Emergency Preparedness Workshop, and that the Society be requested to work with the Town's Protective Services Committee on this initiative.

**BYLAWS
Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2013, No. 1820**

CS 2013-82 It was moved, seconded and carried that Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2013, No. 1820, be read a first, second and third time.

**NEW BUSINESS
Appointment of Alternate to Cowichan Valley Regional District Community Safety Advisory Commission**

CS 2013-83

It was moved, seconded and carried that Councillor Bill Drysdale be appointed to serve as the Town of Ladysmith's alternate representative on the Cowichan Valley Regional District Community Safety Advisory Commission until December 2014.

Government Services Committee Recommendation – Dunsmuir's Railway Parlor Car

CS 2013-84

It was moved, seconded and carried that a letter be written to the Western Vancouver Island Industrial Heritage Society expressing Council's strong interest in acquiring the Dunsmuir Parlor Car and commitment to endeavouring to find an appropriate home for it.

Proposed Media Sponsorship of Community Clean-up Day

CS 2013-85

It was moved, seconded and carried that Sunday April 21 and Monday April 22 be designated as Community Clean-up Days in the Town of Ladysmith, with April 22 designated as school participation day, and that the Town of Ladysmith provide collection containers, and that the Cowichan Valley Regional District be asked to waive tipping fees for refuse collected during this initiative.

CS 2013-86

It was moved, seconded and carried that the offer from Take 5 Publications to be media sponsor for Community Clean-up Day be accepted with appreciation.

UNFINISHED BUSINESS

Union of B.C. Municipalities Resolution – Watershed Protection

Staff were requested to report back to Council regarding any response from the provincial government to Council's correspondence about the Town-sponsored Union of British Columbia Municipalities resolution calling for provincial government commitment to protecting watersheds in the province.

QUESTION PERIOD

R. Johnson enquired whether Council had received a legal opinion regarding what constitutes a meeting of Council and was advised that Council has not yet considered the opinion.

R. Johnson was advised that the manager position at Public Works has been vacant for several years, and is being filled in 2013 to support the number of capital projects underway in the Infrastructure Services Department.

R. Johnson enquired about transit costs.

R. Johnson enquired about possible savings in salary costs due to the retirement of the Director of Parks Recreation and Cultures.

R. Johnson enquired whether a response will be forthcoming to his earlier questions about trolley ridership and revenues.

J. Tielemann enquired whether the Grants-in-Aid for 2013 have been finalized and was advised that they are still under consideration.

ADJOURNMENT

CS 2013-87

It was moved, seconded and carried that this meeting of Council be adjourned at 9:31 p.m.

Mayor (R. Hutchins)

CERTIFIED CORRECT

Corporate Officer (S. Bowden)



**TOWN OF LADYSMITH
MINUTES OF A SPECIAL MEETING OF COUNCIL
MONDAY, MARCH 25, 2013 - 7:30 P.M.
COUNCIL CHAMBERS, CITY HALL**

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins	Councillor Steve Arnett	Councillor Jillian Dashwood
Councillor Bill Drysdale	Councillor Gord Horth	Councillor Duck Paterson
Councillor Glenda Patterson		

STAFF PRESENT:

Ruth Malli	Sandy Bowden	Erin Anderson
John Manson		

CALL TO ORDER

Mayor Hutchins called this special meeting of Council to order at 7:30 p.m.

AGENDA APPROVAL

CS 2013-88

It was moved, seconded and carried that the agenda for the Council Meeting of March 25, 2013 be adopted with the addition of the letter from the Ladysmith Resources Centre Association regarding the grant-in-aid application for the Youth at Risk Program.

**2013 TO 2017
FINANCIAL PLAN
DELIBERATIONS**

CS 2013-89

Grant-in-Aid Application – Ladysmith Celebrations Society

It was moved, seconded and carried that a grant-in-aid for the Ladysmith Celebrations Society in the amount of \$8,000 be approved.

Grant-in-Aid Application – Ladysmith Resources Centre Association (Youth at Risk Program)

A discussion ensued regarding the application for a grant-in-aid for the Youth at Risk Program submitted by the LRCA. Council directed that staff confirm the percentage of Ladysmith residents that use the Youth at Risk and Victim Services programs.

BYLAWS

Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2013, No. 1821

CS 2013-90

It was moved, seconded and carried that Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2013, No. 1821 be read a first, second and third time.

Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2013, No. 1822

CS 2013-91

It was moved, seconded and carried that Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2013, No. 1822 be read a first, second and third time.

Financial Plan Deliberations – Review of Discussions to Date

Staff provided an overview of deliberations regarding the 2013 – 2017 Financial Plan to date and a discussion ensued. Staff requested Council's consideration of measures that could be taken to reduce the 2013 budget. Measures may include reductions in levels of services provided to the community such as the trolley, recreation programs, staffing, etc. Council directed staff to provide the financial implications of changing the commencement of the BC Transit service from September to January, 2014 at the next Council meeting.

Public Input and Questions

Cathleen McMahon advised that many Ladysmith residents are looking forward to BC Transit serving the Town. She suggested that a community-wide communique be circulated providing information about the budget process and other budget details.

R. Johnson inquired about various aspects of the Financial Plan including trolley expenses and revenues, RCMP services, recreation programming and promotion, and community policing.

STAFF REPORTS

CS 2013-92

Proposed Purchase of Electric Vehicle

It was moved, seconded and carried that Council authorize waiving the Purchasing Policy for the acquisition of a Nissan Leaf electric vehicle as one of the scheduled vehicle replacements for 2013.

OPPOSED: COUNCILLOR HORTH

CS 2013-93

Motion to Waive Notice for Special Council Meeting

It was moved, seconded and carried unanimously that in the event that a Special Council meeting is required for Tuesday, March 26, 2013, Council waive the requirement to issue notice for the meeting.

ADJOURNMENT

CS 2013-94

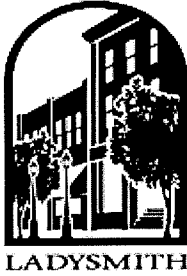
It was moved, seconded and carried that this meeting of Council be adjourned at 9:40 p.m.

Mayor (R. Hutchins)

CERTIFIED CORRECT

Corporate Officer (S. Bowden)

Subject to Adoption



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: March 25, 2013
File No: 3090-13-01

Re: Development Variance Permit Application – 948 Malone Road (Morgan)
Lot 19, District Lot 96, Oyster District, Plan VIP57370

RECOMMENDATION(S):

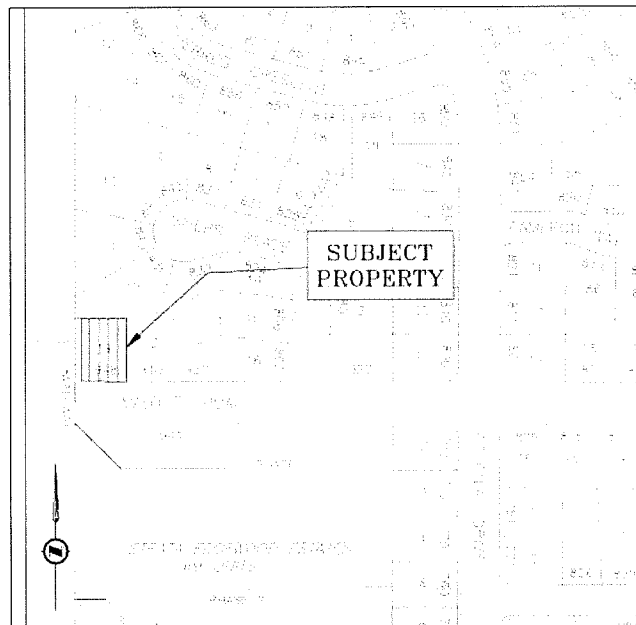
That Council direct staff to proceed with statutory notice for Development Variance Permit application 3090-13-01 for Lot 19, District Lot 96, Oyster District, Plan VIP57370 (948 Malone Road) to permit an addition to an existing dwelling.

PURPOSE:

The purpose of this staff report is to obtain Council direction regarding statutory notification for an application for a development variance permit for a principal dwelling as required by the Development Procedures Bylaw.

INTRODUCTION/BACKGROUND:

The applicants are proposing to construct an 85.5 m² two-storey addition to the west side of the existing 147 m² single-storey dwelling at 948 Malone Road. The proposed addition does not comply with the required sideyard setbacks, maximum finished floor area, and maximum lot coverage as permitted by the Zoning Bylaw.



SCOPE OF WORK:

The subject property is 669 m² (7,201 ft²) in size and is zoned 'Suburban Residential Zone (R-1)'.

The minimum side yard setback for a principal building is 1.5 m to one side lot line, and 3.0 m to the other lot line. The current side yard setback to the east measures 1.6 m. The applicant is proposing a side yard setback to the west of 2.2 m, or 0.8 m less than the required side yard setback.

The finished floor area of the home will increase to 232.7 m², which is 12 m² larger than permitted. As a result, the parcel coverage will increase to 34.8%, or 1.8% greater than the maximum parcel coverage. According to the applicant, the additional floor area is for the residents and a secondary suite is not proposed.

Summary of Development Variance Permit Application 3090-13-01

Principal building	Permitted	Proposed	Requested Variance
Side yard setback	3 m	2.2 m	0.8 m
Finished Floor Area	220.7 m ²	232.7 m ²	12 m ²
Parcel Coverage	33%	34.8%	1.8%

All other regulations of the R-1 zone have been met.

It is recommended to direct staff to proceed with statutory notification for the proposed variance.

ALTERNATIVES:

To not support DVP application 3090-13-01.

FINANCIAL IMPLICATIONS: n/a

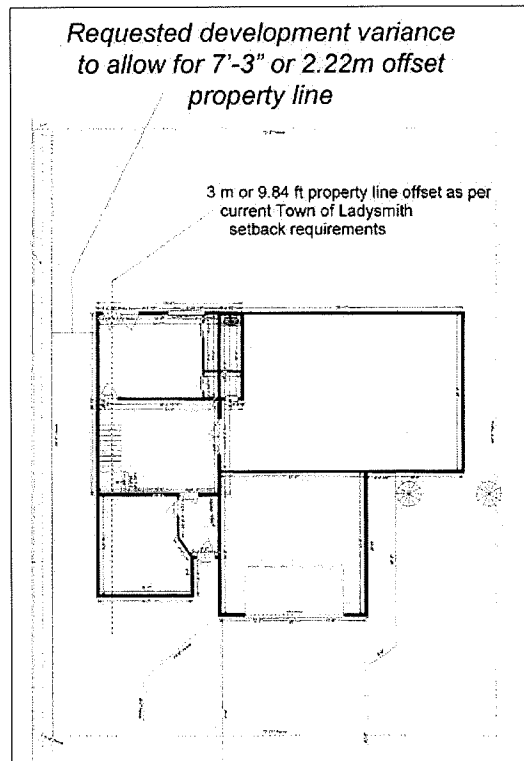
LEGAL IMPLICATIONS:

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:

It is recommended that Council direct staff to proceed with the statutory notice for Development Variance Permit application 3090-13-01 to obtain neighbourhood input.



INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Development Variance Permit application 3090-13-01 was referred to the Infrastructure Services Department, and they have no objections to the proposed variances.

RESOURCE IMPLICATIONS:

Processing Development Variance Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The subject development variance permit proposal is not inconsistent with the Visioning Report.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

It is recommended that Council direct staff to proceed with the statutory notice for Development Variance Permit application 3090-13-01.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

None.





Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Sandy Bowden, Director of Corporate Services
Date: March 27, 2013
File No: 2210-01

Re: **SPECIAL OCCASION LICENCE APPLICATION – LADYSMITH MARITIME SOCIETY**

RECOMMENDATION(S):

That Council consider approving the request for a Special Occasion Licence from Ladysmith Maritime Society for the Ladysmith Seafood Festival event to be held on Sunday, May 19, 2013 at the Transfer Beach Amphitheatre.

PURPOSE

The purpose of this staff report is to seek Council's approval for a Special Occasion Licence for the upcoming Ladysmith Seafood Festival community event.

INTRODUCTION/BACKGROUND:

The Ladysmith Maritime Society, organizers of Ladysmith Seafood Festival, has completed the required application and confirms that this area will be fenced off, that the entrances and exits will be controlled by security, that parking attendants will be on site, that food will be served during the event, and that tables and chairs will be provided. The event will take place from 12:00 p.m. to 5:00 p.m. on Sunday, May 19th at the Transfer Beach Amphitheatre. The Parks, Recreation and Culture Commission recommends approval of this application. Sergeant Tim DeSaulniers of the RCMP supports this recommendation.

SCOPE OF WORK:

Once Council approves the licence Staff will advise the applicants.

ALTERNATIVES:

Council can choose to not approve this application.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

The Liquor Control and Licensing Act requires that a Special Occasion Licence be issued to organizations holding an event at which liquor is being sold or served.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Approval of this application will support the fundraising efforts of the LMS which will benefit the community.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

RESOURCE IMPLICATIONS:

No additional resources are required.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

N/A

SUMMARY:

The Parks, Recreation and Culture Commission recommends that Council consider approving this request for a Special Occasion Licence.

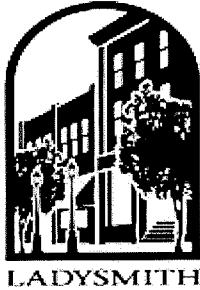
I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

None



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: March 25, 2013
File No: 3020-20 (Canadian Pacific Property Development Ltd.)

Re: CROWN LAND REFERRALS 1413402 AND 1413408 - DISTRICT LOTS 651, 17G AND 16G

RECOMMENDATION(S):

That Council provide the following comments to the Province regarding Crown land referrals 1413402 and 1413408:

- The Town has an interest in the clean-up of the Ladysmith Harbour to its original natural state.
- In November 2012, the Province and the Town released a report on the environmental conditions of the Ladysmith waterfront outlining the extent of the contamination and a range of costs for alternatives to address remediation. These costs are significant.
- Consideration of a Crown grant or Crown lease should be subject to the applicant's financial commitment to appropriately addressing the environmental condition of the land consistent with Ladysmith's land use vision.
- The Town has a lease over Lot 2016 (home of the Ladysmith Maritime Society Community Marina) which is adjacent to Lot 651.
- The Town has an interest in the development of Lot 651 for an expanded marina in partnership with the Stz'uminus First Nation.
- The Town has undertaken an award-winning Community Sustainability Visioning Initiative which includes a Vision for the Waterfront.
- Enhanced marina development and public access to the foreshore is desirable.
- The Town intends to update the 1997 Waterfront Area Plan commencing in 2013. This proposal is not consistent with the current Waterfront Area Plan.
- The Town will be reconsidering its land use policy (Waterfront Area Plan) prior to any consideration of such a proposal. In summary, the consideration of a rezoning proposal for these lands would require submission of a proposed land use plan to address all land use considerations, design concept, commercial land absorption study, financial feasibility study, and confirmation that the site meets the standards of the *Environmental Management Act*. A

context statement as to how the proposal responds to the Community Sustainability Visioning Initiative would also be required.

- The Town would be seeking payment of the outstanding taxes on these lands.

PURPOSE:

The purpose of this report is to advise Council of two Provincial Crown land referrals for commercial marina and other purposes and to seek Council’s comments. The applications have been made by Canadian Pacific Property Development Ltd.

INTRODUCTION/BACKGROUND:

The purpose of the Crown land applications is as follows:

File #	Purpose	Legal	Area	Tenure/Term
1413402	Outer marina – 390 slips; overhead pier with clamshell theatre on piles with commercial land use; marine fuel dock; pump-out service.	DL 651	11.1 ha +/-	Lease /30 years
	Pedestrian waterfront walkway	DL 17G		
1413408	Inner marina, housing on piles with boat moorage, commercial development; brew pub, parkland & pedestrian walkway & parking facilities.	DL 16G (Slack Point)	5.3 ha +/-	Crown Grant/ Indefinite

The Town continues to have an interest in Lot 651 and has been encouraged by the Province to develop formal agreements with the Stz’uminus First Nation and the upland owner prior to any future application for this property. The Ladysmith harbour clean-up and a DL651 Partnership are included as joint initiatives in the Town’s Partnership Memorandum of Understanding with the Stz’uminus First Nation.

The lands are located within the area covered by the Waterfront Area Plan and planning concepts for this area were reviewed in the Waterfront workshop held as part of the Community Sustainability Visioning Initiative in 2008.

SCOPE OF WORK:

The response to the Referral Request is due April 11, 2013.

The consideration of rezoning the lands would require completion of a proposed land use plan, design concept, financial feasibility study, and confirmation that the site meets the standards of the Environmental Management Act for the intended use. A context statement as to how the proposal responds to the Community Sustainability Visioning Initiative would also be required.



The application states that the overall project is expected to create 300+ full-time jobs during the construction phase and approximately 50-100 full- and part-time jobs for the on-going operation of the brew pub, coffee shops, other commercial businesses and the marina. The 390 slip marina has the potential to generate \$2,000,000 per year in economic impact. The inner marina proposal could generate \$3,000,000 per year in economic impact. These numbers would need to be verified as part of a land use application proposal.

Staff will be providing technical comments, including:

- The current zoning of the lands is as follows:
 - Lot 16G – Heavy Industrial Zone (I-2). The proposed residential use, boat moorage and brew pub uses are not permitted uses. Park use, limited commercial uses and primary processing of soils are permitted. Any use of the land is subject to the *Environmental Management Act*.
 - Lot 651 – Water Marina Zone (W-2). Marina use is permitted. Any use of the land is subject to the *Environmental Management Act*.
 - Lot 17G – Heavy Industrial Zone (I-2). Park and open space is a permitted use; marina use is not a permitted use. Any use of the land is subject to the *Environmental Management Act*.
- The subject properties are within the Waterfront Development Permit Area and the issuance of a development permit is a requirement prior to alteration or development of the land.
- The rezoning of the land or the issuance of a development permit are subject to s.946.2(2)(d) of the *Local Government Act*.
- The Proposal is unclear as to what land use is proposed within the subject Crown lands or other adjacent privately-owned and Town-owned land. It appears that upland access to the subject lands would be through Town land or private land.
- Servicing capacity would require assessment by the proponent. Off-site services would be provided at the applicant's expense. Road access to the site would require review.

ALTERNATIVES:

That Council provide additional comments for the consideration of the Province in its approval process.

FINANCIAL IMPLICATIONS:

The Town's financial records indicate outstanding taxes owing on each of the three Crown Provincial parcels in excess of \$205,000. It would be desirable that this amount would be contributed by any future developer.

LEGAL IMPLICATIONS:

The Local Government Act provides the statutory process for the amendment of the Official Community Plan (OCP) or Zoning Bylaw and the issuance of Development Permits.

In addition to holding a public hearing when considering the amendment of the OCP or Zoning Bylaw, under s. 879 of the *Local Government Act*, Council must consider whether consultation on an OCP amendment should be early and on-going, and whether consultation is required with:

- the boards of the CVRD and the RDN
- the council of a municipality adjacent to Ladysmith
- First Nations (The Town has established early and on-going OCP consultation with the Stz'uminus First Nation in the parties joint Memorandum of Understanding.)
- the school district, great boards or improvement district boards, and
- the provincial or federal government and their agencies.

In addition, the rezoning of land or the issuance of a development permit is subject to s.946.2(2)(d) of the *Local Government Act* (Environmental Management Act requirements must be met).

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Citizens may provide input to the Province as part of its decision-making process. If there is an application for the rezoning of the lands, citizen participation would be part of the process.

The Memorandum of Understanding signed between the Town and the Stz'uminus First Nation, the parties have agreed to work together with the Federal, Provincial government agencies and the private sector to take action to restore Ladysmith Harbour to its natural state. In addition the parties have agreed to continue discussions on utilizing DL651 for the purpose of cleaning up Ladysmith Harbour and for the purpose of an expanded marina as a joint project in which both will have a significant role and interest.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

All Departments have provided input to this staff report and would be involved in some way should the application proceed.

RESOURCE IMPLICATIONS:

The Town is committed to ensuring that all stakeholders, including public and private land owners and interests, are included in discussions regarding waterfront crown land development.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Waterfront chapter in the Visioning Report outlines the preferred land use concept identified by the public through the Community Sustainability Visioning Initiative, as follows.

The community expressed a strong desire for a wide range of experiences along the waterfront. A logical expression of their desires in general planning principles includes:

1. *Natural Areas*
2. *Recreational Areas*
3. *Marina and marine activities areas*
4. *Waterfront development and services; and*
5. *A working waterfront of traditional industrial and related uses.*

The implementation of this community vision would be through a revision of the current Waterfront Area Plan.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Council's strategic priorities for 2013 include economic development, waterfront area plan and Stz'uminus First Nation partnerships.

SUMMARY:

The Province has referred two Crown land applications to the Town for comment. The lands form a significant part of the Ladysmith waterfront and are of great interest to the Town and its residents. Recommended comments are provided for Council's consideration.

I concur with the recommendation.

R. Malli

Ruth Malli, City Manager

ATTACHMENTS:

Concept Plan with Lot Line Overlay.



Ladysmith Search and Rescue

PO Box 1808 Ladysmith B.C.

V9G 1B4

President, Bill Drysdale

Vice-president, Stu Chadwick

Search Mgr, Tim Chadwick



Dear Mayor and Council

It has come to my attention as Search Manager of Ladysmith Search and Rescue, that the 1986 Ford Rescue Truck that is presently being used by Ladysmith Fire Rescue is being replaced. We would like to request the Town of Ladysmith donate this vehicle to Search and Rescue, to use in conjunction with our command center, and eventually replace it. Presently we use a 1981 logging company bus as a command center. As a volunteer organization within the town, the rescue truck would continue to be an asset to the town, as it would speed up our response time on our searches, and further enhance our role in emergency preparedness. If you have any questions you can contact me 250 729-5069.

On behalf of Ladysmith Search and Rescue

Tim Chadwick SAR Manager

LADYSMITH CHAMBER OF COMMERCE

P.O. Box 598
411B First Avenue,
Ladysmith, B.C. V9G 1A4

T 250 245 2112
F 250 245 2124
E info@ladysmithcofc.com
www.ladysmithcofc.com

RECEIVED
MAR 13 2013



March 14, 2013

Mayor and Council Members

On behalf of the Ladysmith Chamber of Commerce I was asked to write this letter to inform you of the great opportunity that has come available to add to Ladysmith's tourist attractions. Port Alberni is in possession of Dunsmuir's personal coach and would like to give up this beautiful and unique piece of history.

A local Ladysmith resident, Mr. Harry Blackstaff is willing to relocate Dunsmuir's Coach from Port Alberni to Ladysmith at no cost to the town of Ladysmith. It is recommended that the coach be relocated by the end of summer. The Ladysmith Chamber of Commerce would like to see this unique artifact relocated to Ladysmith but is worried that this opportunity might be missed. The Town of Revelstoke has also showed interest in the Dunsmuir Coach.

Due to the age of Dunsmuir's Coach it is recommended that the coach be kept indoors away from the elements and direct sunshine. The Legacy Building has been suggested as a suitable home for the Dunsmuir Coach.

The Ladysmith Chamber of Commerce would like to see Ladysmith take advantage of this great opportunity to add a one of a kind piece of history to the Ladysmith tourist attractions. The coach would be an excellent addition.

For your Consideration,

A handwritten signature in black ink, appearing to read "Richard Morencie".

Richard Morencie
Director
Ladysmith Chamber of Commerce

**TOWN of LADYSMITH
BYLAW NO. 1820**

A bylaw to amend "Building and Plumbing Bylaw 1994, No. 1119"

WHEREAS the *Community Charter* empowers the Municipal Council to amend the Building and Plumbing Bylaw;

AND WHEREAS the Town of Ladysmith has adopted and wishes to amend the "Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119";

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

1. "Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119", as amended, is hereby further amended by adding the following section:

6.12 Water Conservation

6.12.1 Every water closet, whether tank type or dual flush, must be of a low consumption type that

- (a) conforms with the latest Canadian Standard Association (CSA) standards, and
- (b) has an average water consumption not exceeding 4.8 litres per flush cycle.

6.12.2 Direct flush urinals must be of a low consumption type that

- (a) conforms with the latest Canadian Standard Association (CSA) standards, and
- (b) has an average water consumption not exceeding 1.9 litres per flush cycle.

6.12.3 The water supply to urinal flush tanks equipped for automatic flushing must be controlled with a timing device in order to limit operation during normal working hours.

2. **CITATION**

This bylaw may be cited for all purposes as "Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2013, No. 1820".

READ A FIRST TIME	on the	18 th	day of	March, 2013
READ A SECOND TIME	on the	18 th	day of	March, 2013
READ A THIRD TIME	on the	18 th	day of	March, 2013
ADOPTED	on the		day of	, 2013

Mayor (R. Hutchins)

Director of Corporate Services (S. Bowden)

TOWN OF LADYSMITH

BYLAW NO. 1821

A bylaw to amend the Water Services Rates of the Town of Ladysmith.

WHEREAS pursuant to the *Community Charter*, The Municipal Council may, by bylaw, regulate, prohibit and impose requirements in relation to municipal services:

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

Amendment

1. Schedule "A" of "Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2010, No. 1726 is hereby replaced with the attached Schedule A.
2. The provisions of this bylaw shall become effective and be in force as of the 2nd day of April 2013.

Citation

3. This bylaw may be cited as "Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2013, No. 1821".

READ A FIRST TIME on the 25th day of March, 2013

READ A SECOND TIME on the 25th day of March, 2013

READ A THIRD TIME on the 25th day of March , 2013

ADOPTED on the day of , 2013

Mayor (R. Hutchins)

Director of Corporate Services (S. Bowden)

SCHEDULE "A"

TOWN OF LADYSMITH

Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2013, No. 1821

SCHEDULE OF RATES

<p>1. <u>Metered Service (Quarterly) for Each Individually Metered Single Family Dwelling Unit</u></p>	<p>\$22.45 base rate per quarter \$0.50/m³ for next 26 m³ to 50 m³ \$0.60/m³ for next 51 m³ to 75 m³ \$0.75/m³ for next 76 m³ to 100 m³ \$1.00/m³ for next 101 m³ to 125 m³ \$1.35/m³ for >126 m³</p>
<p>2. <u>Metered Service (Quarterly) for All Other Users</u></p>	<p>\$22.45 base rate per quarter (includes up to 25 cubic meters) and \$0.45/cu.m. for any use over 25 cubic meters</p>
<p>3. <u>Non-Metered Service (Quarterly)</u></p>	<p>\$39.80 flat rate, per unit, per quarter</p>
<p>4. <u>Service Connection Rates</u></p> <p>.1 Where a service connection has not been previously provided to a parcel but where the Public Waterworks System fronts or abuts the parcel:</p> <p>(a) 19 mm (3/4") service connection including meter, meter box, meter setter, check valves, shut-off valves and any other related appurtenances</p> <p>(b) larger than 19 mm (3/4") shall be at cost but not less than ..</p> <p>.2 Where a service connection has been previously provided to a parcel:</p> <p>(a) and that service connection includes a meter, meter box, meter setter, check valves, shut-off valves and any other related appurtenances and is the requested size</p> <p>(b) any upgrading of that service in size including installation of a water meter, meter box, meter setter, check valves, shut-off valves and any other related appurtenances shall be at cost, but not less than</p>	<p>\$2,400.00</p> <p>\$2,400.00</p> <p>\$ 100.00</p> <p>\$2,400.00</p>

TOWN OF LADYSMITH

BYLAW NO. 1822

A bylaw to amend the Sanitary Sewer Rates Bylaw 1999, No. 1299 of the Town of Ladysmith.

WHEREAS pursuant to the *Community Charter*, The Municipal Council may, by bylaw, regulate, prohibit and impose requirements in relation to municipal services:

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

Amendment

1. Schedule "A" of "Sanitary Sewer Rates Bylaw 1999, No. 1299" is hereby replaced with the attached Schedule A.
2. The provisions of this bylaw shall become effective and be in force as of the 2nd day of April 2013.

Citation

3. This bylaw may be cited as "Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2013, No. 1822".

READ A FIRST TIME on the 25th day of March, 2013

READ A SECOND TIME on the 25th day of March, 2013

READ A THIRD TIME on the 25th day of March, 2013

ADOPTED on the day of , 2013

Mayor (R. Hutchins)

Director of Corporate Services (S. Bowden)

SCHEDULE "A"

TOWN OF LADYSMITH

Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2013, No. 1822

SCHEDULE OF RATES

CLASSIFICATION		Sewer Rental Charge Per Month
Residences or Apartments:	Single Family Two Family Multi-Family, including apartment units	\$14.30 \$14.30/unit \$14.30/unit
Motels & Auto Courts:	Premises of owner or operator For each rental unit	\$14.30 \$ 2.20
Mobile Home Parks:	Public rest rooms and/or service rooms For each mobile home with sewer connection	\$14.30 \$14.30
Hotels:	Owners or managers quarters Per apartment for rent Per room for rent	\$14.30 \$14.30 \$ 2.20
Beer Parlours, Pubs, Licensed Cabarets & Lounges:	For each separately licensed area	\$30.85
Cafes, Restaurants & Dining Rooms		\$30.85
Offices, Shops and Stores:	(per office, shop & store unit not otherwise specified)	\$14.30
Store(s) and Suite(s) combined:	Per store unit Per suite	\$14.30 \$14.30
Store(s) and Office(s) combined:	Per store unit Per office unit	\$14.30 \$14.30
Office Building:	Per office unit	\$14.30
Laundry or Laundromat		\$49.60
Service Stations and Garages:	Without car wash With car wash	\$14.30 \$33.05
Public or Social Club with licensed bar		\$30.85
Church Hall, Public Hall or Lodge Room		\$11.05
Hospitals - per bed		\$ 6.65
Schools - per classroom, auditorium or office		\$14.30