



# 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, OCTOBER 13, 2015  
Regular Open Meeting 7:00 p.m.  
Closed Meeting Immediately Following Regular Meeting

## AGENDA

1. CALL TO ORDER
2. AGENDA APPROVAL
3. MINUTES
  - 3.1. Minutes of the Regular Meeting of Council held September 28, 2015 .....1 - 7
4. DELEGATIONS
  - 4.1. Keith Lawrence, Cowichan Valley Regional District  
Request for Input to Draft Cowichan Regional Airshed Strategy .....8 - 10  
  
Link: [Draft Cowichan Regional Airshed Strategy](#).  
A hard copy is available for viewing in Council Chambers at City Hall.
  - 4.2. Kathy Desaulniers, Heather Owsianski, Sarah Bonar  
Proposed Sixth Avenue Location for Off-Leash Dog Park
5. PROCLAMATIONS
  - 5.1. Mayor Stone has proclaimed the month of October 2015 as Foster Family Month in the Town of Ladysmith, in recognition of the vital role foster families play in helping children and families in crisis heal and reconnect, and the fact that fostering is a community responsibility.....11
  - 5.2. Mayor Stone has proclaimed the week of October 19 to 25, 2015, as Waste Reduction Week in the Town of Ladysmith, confirming our commitment to conserving resources, protecting the environment, educating the community and providing leadership toward environmental sustainability. ....12

**6. DEVELOPMENT APPLICATIONS**

- 6.1. Temporary Use Permit (TUP) Application – Roundhouse Building, Machine Shop Site (614 Oyster Bay Drive) – Ladysmith and District Historical Society (Repair and Restoration of Locomotive #11 and the Humdurgin) ..... 13 - 16**

**Subject Property:** The Roundhouse building and adjacent fenced area situated on a portion of Lot 4, District Lots 8G, 11G, 24 and 56, Oyster District, Plan 45800, Except Parts in Plans VIP64405, VIP71943 and VIP72131, PID: 010-208-828.

Staff Recommendation:

That Council approve Temporary Use Permit 3340-15-01 to permit use of the Roundhouse Building located at 614 Oyster Bay Drive and the adjacent fenced area for the repair and restoration of the artifacts known as Locomotive #11 and the Humdurgin for two years subject to the conditions of the Temporary Use Permit;

And that the Mayor and Corporate Officer be authorized to sign Temporary Use Permit 3340-15-01.

- 6.2. Zoning Bylaw Amendment Application – 918, 922, 928, 934 and 940 Esplanade Avenue (MacMunn)..... 17 - 21**

**Subject properties:**

- The northerly 25 feet of Lot 2, Block 5, District Lot 24 Oyster District, Plan 703A (918 Esplanade)
- Lot 3, Block 5, District Lot 24, Oyster District, Plan 703A (922 Esplanade)
- Lot 4, Block 5, District Lot 24, Oyster District, Plan 703A (928 Esplanade)
- Lot 5, Block 5, District Lot 24, Oyster District, Plan 703-A (934 Esplanade)
- Lot 6, Block 5, District Lot 24, Oyster District, Plan 703-A (940 Esplanade)

Staff Recommendations:

1. That Council refer application 3360-15-03 for a site specific use at 934 and 940 Esplanade Ave. to the Advisory Planning Commission for review and comment; and that the applicant host a neighbourhood information meeting prior to the public hearing as required by the Development Procedures Bylaw.
2. That the covenant may be considered for discharge from the properties legally described as the northerly 25 feet of Lot 2, Block 5, District Lot 24 Oyster District, Plan 703A AND Lot 3, 4, 5, and 6, Block 5, District Lot 24, Oyster District, Plan 703A; subject to the consolidation of Lot 5 and 6 into one lot and after the consolidation of Lot 3 and the northerly 25ft of Lot 2 into one lot; and consideration of the discharge of covenant FB168857 from the titles of 918, 922, 928, 934, 940 Esplanade Ave. be part of the public hearing for Bylaw 1897.

3. That under the Bylaws portion of the agenda, Council proceed with the first two readings of Bylaw 1897 cited as “Town of Ladysmith Zoning Bylaw 2014, No.1860 Amendment Bylaw (No. 3), 2015, No. 1897; and refer the bylaw to public hearing.

**7. BYLAWS (OFFICIAL COMMUNITY PLAN AND ZONING)**

- 7.1. Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 3), 2015, No. 1897.....22**

May be read a first and second time, and a public hearing may be scheduled.

Bylaw 1897 is the subject of a staff report under agenda item 6.2. The purpose of Bylaw 1897 is to amend the zoning bylaw in order to facilitate proposed development of properties at 918, 922, 928, 934 and 940 Esplanade Avenue.

**8. COMMITTEE REPORTS**

- 8.1. Mayor A. Stone**  
Cowichan Valley Regional District; Advisory Design Panel; Heritage Revitalization Advisory Commission; Stocking Lake Advisory Committee; Community Health Advisory Committee/Interagency Group
- 8.2. Councillor R. Hutchins**  
Liquid Waste Management Committee; Protective Services Committee; Stocking Lake Advisory Committee; Chamber of Commerce
- 8.3. Councillor C. Henderson**  
Community Health Advisory Committee/Interagency Group; Ladysmith Early Years Partnership; Social Planning Cowichan – Affordable Housing Directorate; Youth Advisory Committee
- 8.4. Councillor D. Paterson**  
Parks, Recreation and Culture Commission; Protective Services Committee; Festival of Lights Committee
- 8.5. Councillor J. Friesenhan**  
Liquid Waste Management Committee; Parks, Recreation and Culture Commission
- 8.6. Councillor C. Fradin**  
Community Safety Advisory Commission; Advisory Planning Commission; Liquid Waste Management Committee; Ladysmith Downtown Business Association

**8.7. Councillor S. Arnett**

Municipal Services Committee; Vancouver Island Regional Library Board;  
Stocking Lake Advisory Committee; Celebrations Committee

**9. STAFF REPORTS**

**9.1. Zoning Bylaw Housekeeping Amendments 2015 ..... 23 - 28**

Staff Recommendation:

That Council direct staff to:

1. Prepare a housekeeping bylaw to amend Town of Ladysmith Zoning Bylaw 2014, No. 1860 as outlined in the staff report from the Director of Development Services dated October 6, 2015.
2. Refer the Category One amendments to the Advisory Planning commission for review and comment.

**9.2. Aggie Hall Parking ..... 29 - 33**

Staff Recommendation:

That Council

1. Direct Town staff to begin consultation with the neighbourhood surrounding the Aggie Hall relating to proposed parking improvements and report back to Council;
2. Direct staff to investigate the costs associated with expanding parking on 2<sup>nd</sup> Avenue per the parking concept drawings;
3. Direct staff to continue discussion with the property owner of 125 Symonds Street regarding the possibility of leasing the property for public parking.

**9.3. Works and Services – Building Permit at 602 Farrell Road ..... 34 - 38**

Staff Recommendation:

That Council either:

- 1 Confirm that the developer of the property at 602 Farrell Road be required to construct a concrete curb, sidewalk, and street tree along the property frontage as a requirement of the building permit for the property,

OR

- 2(a) Direct staff to introduce amendments to the Subdivision and Development Bylaw to exempt the requirement for all single family building permits to provide, or upgrade curbs, sidewalks, or street trees along the property frontage, and

2(b) Exempt the developer of the property at 602 Farrell Road of the requirement to provide a concrete curb, sidewalk, along the frontage of the property.

**10. BYLAWS**

**10.1. Town of Ladysmith Permissive Tax Exemption Bylaw 2015, No. 1890 ..... 39 - 47**  
May be adopted.

The purpose of Bylaw 1890 is to exempt certain buildings and land from taxation, as provided in the *Community Charter*.

**10.2. Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625, Amendment Bylaw 2015, No. 1892..... 48 -49**  
May be adopted.

The purpose of Bylaw 1892 is to partially exempt certain revitalized properties from taxation.

**10.3. Town of Ladysmith Nuisance Abatement Bylaw 2015, No. 1893 ..... 50 -52**  
May be adopted.

The purpose of Bylaw 1893 is to define nuisances and authorize the Town to take steps to address the nuisance and recover any associated costs.

**10.4. Town of Ladysmith Property Maintenance Bylaw 2015, No. 1894..... 53 - 55**  
May be adopted.

The purpose of Bylaw 1894 is to establish standards and a process for enforcing the maintenance of property in the Town.

**10.5. Town of Ladysmith Ticket Information Utilization Bylaw 2002, No. 1457, Amendment Bylaw (No. 1) 2015, No. 1895..... 56 - 57**  
May be adopted.

The purpose of Bylaw 1895 is to amend the Ticket Information Utilization Bylaw in order to include fines associated with Nuisance Abatement Bylaw 1893 and Property Maintenance Bylaw 1894.

**11. CORRESPONDENCE**

- 11.1. Gary Phillips, Royal Canadian Legion, Branch 171  
Suggestions Regarding Laneway on the North Side of the Legion Building. ....58**

Staff Recommendation:

That Council refer the correspondence from Gary Phillips of the Royal Canadian Legion Branch 171 to staff in order to consider the possibility of selling the laneway on the north side of the Legion building to the Royal Canadian Legion Branch 171, or developing an encroachment agreement to permit construction of a deck by the Legion.

- 11.2. Dianne Edwards, Ladysmith festival of Lights  
Request to Waive Trolley Rental Fee for Light-up, November 26, 2015.....59**

Staff Recommendation:

That Council consider whether it wishes to waive the trolley rental fee for the Ladysmith Festival of Lights to assist in transporting visitors for Light-up, from 3:00 p.m. to 10:00 p.m. on November 26, 2015.

**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. CLOSED SESSION**

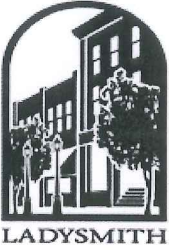
In accordance with section 90(1) of the *Community Charter*, this section of the meeting will be held *In Camera* to consider the following items:

- 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

- litigation or potential litigation affecting the municipality
- 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

**16. RISE AND REPORT**

**ADJOURNMENT**



**TOWN OF LADYSMITH**  
**MINUTES OF A REGULAR MEETING OF COUNCIL**  
**MONDAY, SEPTEMBER 28, 2015**  
**COUNCIL CHAMBERS, CITY HALL**  
**CALL TO ORDER 3:32 P.M.**

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**COUNCIL MEMBERS PRESENT:**

Mayor Aaron Stone	Councillor Cal Fradin	Councillor Carol Henderson
Councillor Rob Hutchins	Councillor Duck Paterson	

**COUNCIL MEMBERS ABSENT**

Councillor Steve Arnett	Councillor Joe Friesenhan
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**STAFF PRESENT:**

Ruth Malli	Sandy Bowden	Felicity Adams
Erin Anderson	John Manson	Clayton Postings
Joanna Winter		

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**CALL TO ORDER**

Mayor Stone called this Regular Meeting of Council to order at 3:32 p.m. and acknowledged the traditional territory of the Stz'uminus First Nation.

**AGENDA APPROVAL**

**CS 2015-303**

*Moved and seconded:*

That the agenda for the Regular Council Meeting of September 28, 2015 be approved.

*Motion carried.*

**CS 2015-304**

*Moved and seconded:*

That the minutes of the Regular Meeting of Council held August 17, 2015 be approved.

*Motion carried.*

**REPORTS**

**Protective Services Committee Recommendations**

**CS 2015-305**

*Moved and seconded:*

That Council request the Protective Services Committee to work with participating agencies/organizations to host a "Mastering Public Disaster Public Planning and Preparedness" event, to be hosted on October 14, 2015 at the Ladysmith Secondary School multi-purpose room.

*Motion carried.*

**CS 2015-306**

*Moved and seconded:*

That Council ensure that Town staff and first responders are provided with workplace disaster kits in 2015.

*Motion carried.*

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**CS 2015-307** *Moved and seconded:*  
That Council establish an incentive policy that will facilitate personal preparedness for both Town staff and first responders.  
*Motion carried.*

**CS 2015-308** *Moved and seconded:*  
That Council request that potential earthquake hazards be included into Health and Safety workplace evaluations at Town buildings.  
*Motion carried.*

**CS 2015-309** *Moved and seconded:*  
That Council request the Parks, Recreation and Culture Commission to review the suitability of the fire pit at Transfer Beach.  
*Motion carried.*

**CS 2015-310** **Permissive and Revitalization Tax Exemption Properties for 2016**  
*Moved and seconded:*  
That Council receive the report from the Director of Financial Services regarding the Permissive and Revitalization Tax Exemption Properties for 2016, and proceed with first three readings of the following bylaws, which appear under the Bylaws section of the Council agenda:  
1. Permissive Tax Exemption Bylaw 2015, No. 1890  
2. Revitalization Tax Exemption Bylaw 2007, No. 1625, Amendment Bylaw 2015, No. 1892  
*Motion carried.*

**CS 2015-311** **Memorandum of Understanding – Cowichan Valley Local Government Recreation Management Software Procurement**  
*Moved and seconded:*  
That Council approve the proposed Memorandum of Understanding for Cowichan Valley Local Governments to develop requirements and procure new recreation management software; and authorize the Mayor and Corporate Officer to Execute the Agreement.  
*Motion carried.*

**CS 2015-312** **Lease Agreement and Temporary Use Permit – Roundhouse Buildings – Machine Shop Site (614 Oyster Bay Drive) – Ladysmith and District Historical Society for the Repair and Restoration of Locomotive #11 and Humdurgin**  
*Moved and seconded:*  
That Council direct staff to:  
1. Process a Temporary Use Permit (TUP) to allow the Ladysmith and District Historical Society (LDHS) to use the Roundhouse Building on the Machine Shop site located at 614 Oyster Bay Drive for the repair and restoration of the artifacts known as Locomotive #11 and the Humdurgin, and that the application fee in the amount of \$1,500 plus advertising costs be waived.

2. Process notification, in accordance with the Community Charter, of the proposed lease agreement between the Town of Ladysmith and the LDHS for the Roundhouse Building for the repair and restoration of the Locomotive #11 and the Humdurgin, commencing on October 6, 2015 for a two year term, with the option to renew the agreement for an additional two year term, and waive the monthly rental fee of \$924.38 plus tax; and the Mayor and Corporate Officer be authorized to execute the lease agreement.
3. Include the Roundhouse located at 614 Oyster Bay Drive and a portion of the fenced area compound in the 2016 Permissive Tax Exemption Bylaw 1890.

*Motion carried.*

**Official Community Plan Amendments 2015 – Bylaw 1891**

**CS 2015-313**

*Moved and seconded:*

That pursuant to s.879 of the Local Government Act (consultation during OCP development), Council has considered whether consultation should be early and ongoing and directs staff to undertake the following consultation:

- (a) Refer the proposed new policies and policy amendments to the Advisory Planning Commission for review and comment, and
- (b) Refer Bylaw 1891 to Stz'uminus First Nation pursuant to the Town's Memorandum of Understanding.

*Motion carried.*

**BYLAWS**

**Town of Ladysmith Road Closure and Dedication Removal Bylaw 2015, No. 1885**

**CS 2015-314**

*Moved and seconded:*

That Town of Ladysmith Road Closure and Dedication Removal Bylaw 2015, No. 1885 be read a first, second and third time.

*Motion carried.*

**Town of Ladysmith Development Approval Information Bylaw 2015, No. 1887**

**CS 2015-315**

*Moved and seconded:*

That third reading of Town of Ladysmith Development Approval Information Bylaw 2015, No. 1887 be rescinded.

*Motion carried.*

**CS 2015-316**

*Moved and seconded:*

That Town of Ladysmith Development Approval Information Bylaw 2015, No. 1887 be amended as follows:

1. Amend Section C "Natural Environment" of Schedule A of Bylaw 1887 as follows:
  - Replace the heading of Section C with "Natural Environment / Hazardous Conditions"

- Delete the first paragraph and replace it with the following:  
“If the Town requires development approval information that relates to the impact of development on the natural environment or for the protection of development from hazardous conditions, the following information may be required:”
- Delete the 8th bullet and replace it with the following:  
“Provide an analysis of the geotechnical conditions of the site including, but not limited to soil composition, profiles, agricultural suitability and capability, geologic process and/or terrain stability and subsidence, and slopes greater than 30 degrees at one metre contours.”
- Delete the 10th bullet and replace it with the following:  
“At a suitable scale, map and overlay onto the site plan for the proposed development the findings from the required Natural Environment / Hazardous Conditions analysis.”

2. Add “information” after “development approval” in Section 3.  
*Motion carried.*

*Moved and seconded:*

**CS 2015-317**

That Town of Ladysmith Development Approval Information Bylaw 2015, No. 1887 be read a third time as amended by Resolution CS-2015-316.

*Motion carried.*

**Town of Ladysmith Permissive Tax Exemption Bylaw 2015, No. 1890**

*Moved and seconded:*

**CS 2015-318**

That Town of Ladysmith Permissive Tax Exemption Bylaw 2015, No. 1890 be read a first, second and third time.

*Motion carried.*

**Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625, Amendment Bylaw 2015, No. 1892**

*Moved and seconded:*

**CS 2015-319**

That Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625, Amendment Bylaw 2015, No. 1892 be read a first, second and third time.

*Motion carried.*

**Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 46) 2015, No. 1891**

*Moved and seconded:*

**CS 2015-320**

That Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 46) 2015, No. 1891 be read a first and second time and a public hearing scheduled.

*Motion carried.*

**CS 2015-321**      **Town of Ladysmith Nuisance Abatement Bylaw 2015, No. 1893**  
*Moved and seconded:*  
That Town of Ladysmith Nuisance Abatement Bylaw 2015, No. 1893 be read a first, second and third time.  
*Motion carried.*

**CS 2015-322**      **Town of Ladysmith Property Maintenance Bylaw 2015, No. 1894**  
*Moved and seconded:*  
That Town of Ladysmith Property Maintenance Bylaw 2015, No. 1894 be read a first, second and third time.  
*Motion carried.*

**CS 2015-323**      **Town of Ladysmith Ticket Information Utilization Bylaw 2002, No. 1457, Amendment Bylaw 2015, No. 1895**  
*Moved and seconded:*  
That Town of Ladysmith Ticket Information Utilization Bylaw 2002, No. 1457, Amendment Bylaw 2015, No. 1895 be read a first, second and third time.  
*Motion carried.*

**CORRESPONDENCE**

**Mike Smith, Ladysmith Golf Course Society**  
**Request for Town Assistance in Obtaining Liability Insurance Coverage**  
*Moved and seconded:*

**CS 2015-324**      That Council authorize the execution of a Service Provider Agreement between the Town of Ladysmith and the Ladysmith Golf Course Society for the provision of recreational services for Ladysmith, and that the Golf Course Society be required to pay the \$250 annual fee for the additional liability coverage provided by the Municipal Insurance Association of B.C.  
*Motion carried.*

**Gerry Beltgens, Rotary Club of Ladysmith**  
**Proposal for Playground Amenities at Transfer Beach**  
*Moved and seconded:*

**CS 2015-325**      That Council refer the proposal from the Rotary Club of Ladysmith, to enhance playground amenities at Transfer Beach Park, to the Parks, Recreation and Culture Commission for review and comment.  
*Motion carried.*

*Moved and seconded:*

**CS 2015-326**      That Council direct staff to recruit applicants for the Parks, Recreation and Culture Commission.  
*Motion carried.*

**Christine Beryl**  
**Request for Waving of Late Filing Penalty for Homeowner Grant**  
*Moved and seconded:*

**CS 2015-327**      That, in response to the appeal from Christine Beryl, Council confirm that it will not waive the 10 per cent tax penalty imposed for 2015.

*Motion carried.*

- CS 2015-328** *Moved and seconded:*  
That Council direct staff to investigate alternative General Tax Collection Schemes in relation to payments made after the tax due date and report back to Council will recommendations.  
*Motion carried.*

**Ron Legault, Ladysmith Kinsmen Club  
Proposal to Install a Storage Facility at Forrest Field**

- CS 2015-329** *Moved and seconded:*  
That Council refer the proposal from the Ladysmith Kinsmen Club, to enhance storage amenities at Forrest Field, to the Parks, Recreation and Culture Commission for review and comment.  
*Motion carried.*

**NEW BUSINESS**

**The Music Hall Food Company – Patron Participation Entertainment Endorsement**

- CS 2015-330** *Moved and seconded:*  
That Council direct staff to:  
a) Gather the view of residents by direct mail to properties within 60 metres of the Music Hall Food Company located at 18 Roberts Street and request the Owner to place the letter/ notice in the business window, and  
b) Report back to Council regarding the matters outlined in section 53 of the Liquor Control and Licensing Regulation as outlined in Part 12 of the attached application form.

*Motion carried.*

**Changes to Council Meeting Schedule**

- CS 2015-331** *Moved and seconded:*  
That, in accordance with Sec. 2.3 of Council Procedure Bylaw No. 1666, the regular Council meeting scheduled to commence at 7:00 p.m. on October 19, 2015 be cancelled, and the Regular Council meeting scheduled for October 5, 2015 be rescheduled to October 13, 2015.  
*Motion carried.*

**QUESTION PERIOD**

Members of the public enquired about the status of the *Vicki Lyne II* in Ladysmith Harbour, the possibility of leasing space in the Machine Shop to the Ladysmith Historical Society for future use as a museum and home for the Locomotive 11 and other artifacts, and Bylaws 1893 and 1894.

**CLOSED SESSION**

- CS 2015-332** *Moved and seconded:*  
That Council retire into Closed Session at 5:14 p.m. in order to consider the following items:
- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could

reasonably be expected to harm the interests of the municipality

- discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report]

*Motion carried.*

## RISE AND REPORT

Council rose from Closed Session at 5:32 p.m. with report on the following items:

- CE 2015-101, that Council endorse Option 1 as presented in the Feasibility Study on 520 Jim Cram Drive prepared for the Town by Ron King of ipds Property Development Corp. to rezone the Town-owned property at 520 Jim Cram Drive to allow for four single family residential lots on the site as it currently exists.
- CE 2015-114, that Council accept the offer from RT Enterprises Ltd. to purchase a portion of Peerless Road comprising an area of approximately .49 ha shown as "Part District Lot 72 Closed Road" on reference plan # EPP55149 in the amount of \$153,676, subject to the purchaser agreeing to a statutory right of way for access to Telus and BC Hydro amenities on a portion of the road, and authorize the Mayor and Corporate Officer to execute the agreement.

## ADJOURNMENT

**CS 2015-333**

*Moved and seconded:*

That this Regular Meeting of Council adjourn at 5:33 p.m.

*Motion carried.*

CERTIFIED CORRECT:

\_\_\_\_\_  
Mayor (A. Stone)

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



## **MEMORANDUM**

**DATE:** September 16, 2015 **CVRD FILE NO.** 5280-02-APS  
**TO:** Government agencies and other organizations  
**FROM:** Keith Lawrence, Senior Environmental Analyst, Environmental Services  
Engineering Department  
**SUBJECT:** Cowichan's Regional Airshed Protection Strategy

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### **Purpose**

To refer the Draft Cowichan's Regional Airshed Protection Strategy to various government agencies and other organizations for comment.

### **Background Information**

#### ***The air quality problem in our Region***

In the Cowichan, the air contaminant of greatest concern is PM2.5, which refers to particulate matter that is less than 2.5 microns in length. This is the particulate matter of greatest concern because it can travel deep into the lungs and become lodged there, causing heart and lung disease, and premature death. Fine particles that comprise PM2.5 are also efficient at scattering light, resulting in degradation of visibility.

A 2014 Air Quality Study for the Cowichan region indicated that there are occasional exceedances of the provincial PM2.5 objectives from 2009 to 2013. The Study also indicated that the exceedances were primarily due to local open burning and wood burning appliances (winter), and forest fires located in other regions (summer). An emission inventory completed in 2014 revealed that 76% of the total PM2.5 in the Region is coming from open burning (53% of the total PM2.5) and wood burning appliances (23% of the total PM2.5).

#### ***Why air quality is a concern***

Today, there is growing scientific evidence of a strong link between air pollution levels and impacts on human health. Locally, the 2014 CVRD State of Environment Report Update found that in the Cowichan health area, admissions rates for children with respiratory problems are higher than the provincial average—at times by a significant amount, and have been consistently increasing for over a decade.

Air pollution also affects the integrity of natural ecosystems and agricultural crops, increases greenhouse gas emissions, and degrades the visibility of scenic vistas. Together with the health costs, these impacts and their consequences for tourism and other industries have implications for economic activity throughout the province.

#### ***Addressing Air Quality Concerns by Airshed Planning***

Local, regional and provincial governments have developed and applied various approaches to combat and control air pollution. Among these, airshed planning has emerged as an important tool for dealing with multiple pollution sources that involve numerous stakeholders and, in some

cases, cross political boundaries. Airshed planning is a stakeholder-driven process to coordinate the abatement of activities affecting air quality in a defined area or airshed. It recognizes that local air quality is influenced by a myriad of activities and sources, including industry, transportation, commercial and residential development, wood smoke, road dust, and natural circumstances. Since no one jurisdiction controls all these sources, a collective approach to air quality protection is needed that engages a variety of organizations and individuals and, where necessary, encourages partnerships with neighbouring communities in developing and implementing local solutions.

The attached Cowichan's Regional Airshed Protection Strategy identifies the necessary steps to be undertaken in order to develop an effective response to growing air quality concerns in the region. This work is consistent with and taken based on direction in the CVRD Corporate Strategic Plan which specifically directs that an airshed protection strategy be developed. Given this is an area in which many players are involved the CVRD has taken the lead role in the development of the strategy in coordination with MOE, however the implementation will require a broad and coordinated response from many.

### **Relation to CVRD Strategic Plan**

The CVRD Corporate Strategic Plan and the CVRD Environmental Services 2015 Work Plan specifically identifies the development of an airshed protection strategy as a priority.

### **Environmental Services Division Comments**

As the Region's Air Quality problem involves numerous sources across multiple stakeholders, this report is being provided to various government agencies for comment. We would appreciate receiving any comments and recommendations you may have so they can be incorporated into a report that will be prepared for an upcoming Regional Services Committee meeting. Should you require any further information, please feel free to contact this office.

Submitted by,

Keith Lawrence  
Senior Environmental Analyst  
Environmental Services Division  
Engineering Services Department

KL/  
Attachments  
Cowichan's Regional Airshed Protection Strategy





COWICHAN VALLEY REGIONAL DISTRICT  
 175 Ingram Street, Duncan, B.C. V9L 1N8  
 Tel: (250) 746-2620 Fax: (250) 746-2621

**REFERRAL FORM**

Date: October 1, 2015

CVRD File No. 5280-02-APS

We have worked with regional partners to develop a **Draft - Cowichan's Regional Airshed Protection Strategy**.

You are requested to comment on this Draft Strategy for potential effect on your agency's interests. We would appreciate your response by November 2, 2015. If no response is received within that time, it will be assumed that your agency's interests are unaffected. **If you require more time to respond, please contact CVRD Senior Environmental Analyst, Environmental Services, Keith Lawrence, by calling 250-746-2643 or e-mailing [klawrence@cvrld.bc.ca](mailto:klawrence@cvrld.bc.ca).**

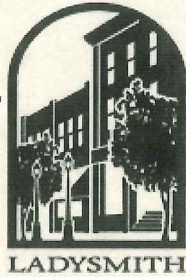
Comments (if necessary, please attach additional pages):

- |   |   |
|---|---|
| <input type="checkbox"/> Approval recommended for reasons outlined below  | <input type="checkbox"/> Interests unaffected                                   |
| <input type="checkbox"/> Approval recommended subject to conditions below | <input type="checkbox"/> Approval not recommended due to reasons outlined below |

Signature \_\_\_\_\_ Title \_\_\_\_\_ Contact No. \_\_\_\_\_  
 (sign and print)

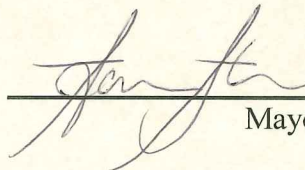
This referral is being sent to the following agencies (upon completing this form, please check the box for your agency):

- |   |   |
|---|---|
| <input type="checkbox"/> Ministry of Environment                                  | <input type="checkbox"/> Caycuse Volunteer Fire Department Society    |
| <input type="checkbox"/> Ministry of Forests, Lands & Natural Resource Operations | <input type="checkbox"/> Cowichan Bay Fire Protection                 |
| <input type="checkbox"/> Ministry of Transportation and Infrastructure (Victoria) | <input type="checkbox"/> Mill Bay Fire Protection                     |
| <input type="checkbox"/> Ministry of Agriculture                                  | <input type="checkbox"/> Shawnigan Lake Fire Protection               |
| <input type="checkbox"/> BC Transit   | <input type="checkbox"/> Thetis Island Fire Protection                |
| <input type="checkbox"/> Island Health  | <input type="checkbox"/> Pacific Pilotage Authority                   |
| <input type="checkbox"/> Managed Forest Council                                   | <input type="checkbox"/> School District 68                           |
| <input type="checkbox"/> Cowichan Tribes  | <input type="checkbox"/> School District 79                           |
| <input type="checkbox"/> Ditidaht First Nation                                    | <input type="checkbox"/> Municipality of North Cowichan               |
| <input type="checkbox"/> Halalt First Nation                                      | <input type="checkbox"/> Town of Lake Cowichan                        |
| <input type="checkbox"/> Lake Cowichan First Nation                               | <input type="checkbox"/> Town of Ladysmith                            |
| <input type="checkbox"/> Lyackson First Nation                                    | <input type="checkbox"/> City of Duncan                               |
| <input type="checkbox"/> Malahat First Nation                                     | <input type="checkbox"/> CVRD Engineering Services Department         |
| <input type="checkbox"/> Pauquachin First Nation                                  | <input type="checkbox"/> CVRD Planning & Development Department       |
| <input type="checkbox"/> Pacheedaht First Nation                                  | <input type="checkbox"/> CVRD Inspections and Enforcement Division    |
| <input type="checkbox"/> Penelakut First Nation                                   | <input type="checkbox"/> CVRD Waste and Recycling Management Division |
| <input type="checkbox"/> Stz'uminus First Nation                                  | <input type="checkbox"/> CVRD Public Safety Division                  |
| <input type="checkbox"/> First Nations Health Authority                           | <input type="checkbox"/> Catalyst                                     |
| <input type="checkbox"/> Our Cowichan Communities Health Network                  | <input type="checkbox"/> TimberWest                                   |
| <input type="checkbox"/> Cowichan Fresh Air Team                                  | <input type="checkbox"/> Island Timberlands                           |

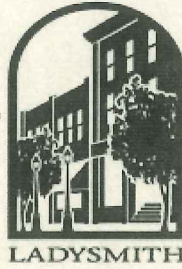


TOWN OF LADYSMITH  
PROCLAMATION

- WHEREAS:** *The family is the very foundation of our community; and*
- WHEREAS:** *Every child deserves to experience a safe, loving, supportive and stable home; and*
- WHEREAS:** *Foster families, who open their hearts and homes to children whose families are in crisis, play a vital role in helping children and families heal and reconnect; and*
- WHEREAS:** *Fostering is a community responsibility and provides opportunities for all community members to contribute to the support of children and youth; and*
- WHEREAS:** *We recognize the promise of children and youth in foster care, as well as former foster youth, and we celebrate the professionals and foster parents who demonstrate the depth and kindness of the human heart.*
- THEREFORE,** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim the month of October, 2015, as Foster Family Month in the Town of Ladysmith, British Columbia.*

  
\_\_\_\_\_  
Mayor A. Stone

October 5, 2015



TOWN OF LADYSMITH

## PROCLAMATION

### "Waste Reduction Week"

- WHEREAS:** *As a municipality, we are committed to conserving resources, protecting the environment and educating the community; and*
- WHEREAS:** *We recognize the generation of solid waste and the needless waste of water and energy resources as global environmental problems; and*
- WHEREAS:** *We endeavour to take the lead in our community toward environmental sustainability;*
- THEREFORE,** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim October 19<sup>th</sup> to 25<sup>th</sup>, 2015 as Waste Reduction Week in the Town of Ladysmith, British Columbia.*

\_\_\_\_\_  
Mayor A. Stone

September 28, 2015



Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: October 13, 2015  
File No: 3340-15-01

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Re: **TEMPORARY USE PERMIT (TUP) APPLICATION**  
**Roundhouse Building – Machine Shop Site (614 Oyster Bay Drive) –**  
**Ladysmith and District Historical Society – Repair and Restoration of**  
**Locomotive #11 and the Humdurgin**  
**Subject Property: The Roundhouse building and adjacent fenced area situated**  
**on a portion of Lot 4, District Lots 8G, 11G, 24 and 56, Oyster District, Plan**  
**45800, Except Parts in Plans VIP64405, VIP71943 and VIP72131, PID: 010-**  
**208-828.**

RECOMMENDATION(S):

That Council approve Temporary Use Permit 3340-15-01 to permit use of the Roundhouse Building located at 614 Oyster Bay Drive and the adjacent fenced area for the repair and restoration of the artifacts known as Locomotive #11 and the Humdurgin for two years subject to the conditions of the Temporary Use Permit;

And that the Mayor and Corporate Officer be authorized to sign Temporary Use Permit 3340-15-01.

PURPOSE:

The purpose of this report is to present a Temporary Use Permit for Council's consideration to allow the repair and restoration of artifacts at 614 Oyster Bay Drive.

INTRODUCTION/BACKGROUND:

At the September 28, 2015 meeting Council made the following motion:

“That Council direct Staff to process a Temporary Use Permit (TUP) to allow the Ladysmith and District Historical Society (LDHS) to use the Roundhouse Building on the Machine Shop site located at 614 Oyster Bay Drive for the repair and restoration of the artifacts known as Locomotive #11 and the Humdurgin, and that the application fee in the amount of \$1,500 plus advertising costs be waived.”

SCOPE OF WORK:

The stage of this application is the consideration of the TUP for the proposed repair and restoration of artifacts known as Locomotive #11 and the Humdurgin for a two

year period, with one renewal.

A TUP may contain conditions under which the temporary use may be carried on. It is recommended that the proposed permit for the artifact restoration and repair use at 614 Oyster Bay Drive include the following conditions:

- The artifacts to be restored and repaired are “Locomotive 11” and the “Humdurgin”.
- A sign, approved by the Town of Ladysmith, shall be installed at the current location of the artifacts to advise the public that the artifact has been temporarily moved for repair and restoration.
- When the permit lapses, the property must be reinstated to its original condition, as directed by the Town in its lease with the Ladysmith & District Historical Society.

ALTERNATIVES:

None.

FINANCIAL IMPLICATIONS:

Any renovations to the Roundhouse to accommodate the proposed use by the LDHS will be borne by the LDHS and subject to Town approval.

LEGAL IMPLICATIONS:

A TUP may be issued by Council by resolution. It could provide for a temporary use for a maximum two year period, with one renewal, as presented in the statutory notice. This is a discretionary decision of Council.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Locomotive #11 and Humdurgin are considered to be heritage treasures by many members of the public. Given the Town’s focus on heritage preservation, staff is of the opinion that Council’s support for restoring these historical artifacts will be celebrated by the public. Both artifacts are promoted on the Heritage Artifact route and site signage would be appropriate to advise visitors that the artifacts have been relocated for restoration purposes.

The Town of Ladysmith statutory notice regarding TUP application 3340-15-01 was sent to adjacent property owners on October 1, 2015. A notification sign was placed on the property on October 1, 2015. Statutory notice will be placed in the Chronicle Newspaper on October 6, 2015. At the time of writing this report no submissions have been received.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The proposal has been referred to the Infrastructure Services Department.

RESOURCE IMPLICATIONS:

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

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Ladysmith's strong sense of history and heritage was indicated as one of the primary dimensions of character in the town in the Sustainability Visioning Report. Utilizing a recognized historic site for the repair and restoration of historic artifacts creates a beneficial synergy that is consistent with Ladysmith's identity and vision.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This initiative aligns with Strategic Direction B: Effective Land Use Planning and Community Design. Effective land use planning is a Council strategic direction.

SUMMARY:

It is recommended that Council approve TUP 3340-15-01 to allow the repair and restoration of the artifacts at 614 Oyster Bay Drive (Roundhouse and the adjacent fenced area).

I concur with the recommendation.



---

Ruth Malli, City Manager

ATTACHMENTS:

Temporary Use Permit 3340-15-01



# TOWN OF LADYSMITH TEMPORARY USE PERMIT

FILE NO: 3340-15-01

DATE: OCTOBER 13, 2015

Name of Owner(s) of Land (permittee): Town of Ladysmith

Applicant: Ladysmith & District Historical Society

Subject Property: 614 Oyster Bay Drive (Roundhouse & Compound)

1. This permit is issued subject to compliance with all Town of Ladysmith bylaws that apply to this permit.
2. This permit applies to the lands described below, and any buildings, structures, and other development thereon (hereinafter called the Lands).

**The Roundhouse building and adjacent fenced area situated on a portion of Lot 4, District Lots 8G, 11G, 24 and 56, Oyster District, Plan 45800, Except Parts in Plans VIP64405, VIP71943 and VIP72131. PID: 010-208-828.**

3. Pursuant to section 921 of the *Local Government Act* (RSBC 1996, c. 323), this permit authorizes the Ladysmith & District Historical Society to restore and repair historical artifacts on a temporary basis subject to the following conditions:
  - a) The artifacts to be restored and repaired are "Locomotive 11" and the "Humdurgin".
  - b) A sign, approved by the Town of Ladysmith, shall be installed at the current location of the artifacts to advise the public that the artifact has been temporarily moved for repair and restoration.
  - c) When the permit lapses, the property must be reinstated to its original condition, as directed by the Town in its lease with Ladysmith & District Historical Society.
4. This permit was approved on \_\_\_\_\_, **2015** and issued on \_\_\_\_\_, **2015**.
5. Pursuant to section 921 of the *Local Government Act*, this permit lapses **two years** from the date of issuance of this permit.
6. This permit may be renewed once only.

### Town of Ladysmith

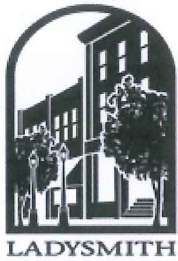
\_\_\_\_\_  
Corporate Officer

\_\_\_\_\_  
Date Permit Issued

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Applicant



Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: October 6, 2015  
File No: 3360-15-03

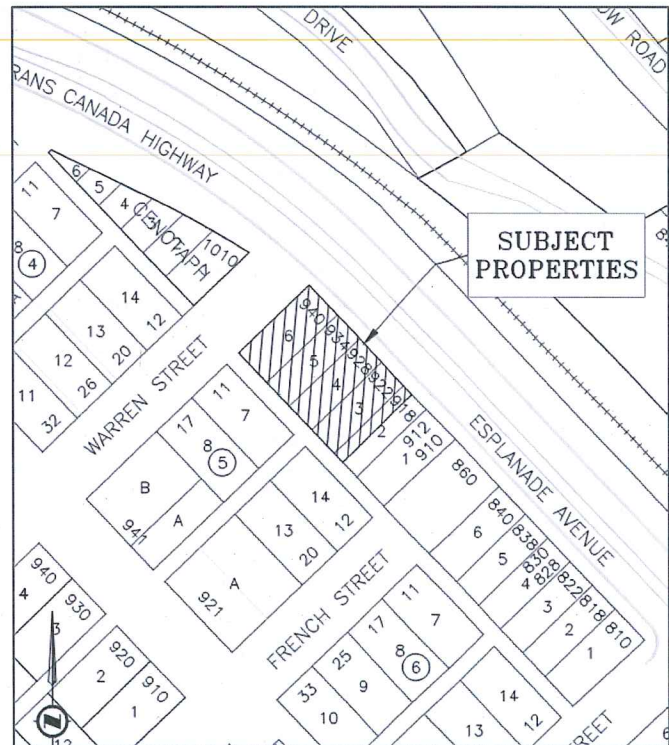
Re: Zoning Bylaw Amendment Application: 918, 922, 928, 934, 940 Esplanade Ave.

**SUBJECT PROPERTIES:**

The northerly 25 feet of Lot 2, Block 5, District Lot 24 Oyster District, Plan 703A (918 Esplanade)  
Lot 3, Block 5, District Lot 24, Oyster District, Plan 703A (922 Esplanade)  
Lot 4, Block 5, District Lot 24, Oyster District, Plan 703A (928 Esplanade)  
Lot 5, Block 5, District Lot 24, Oyster District, Plan 703-A (934 Esplanade)  
Lot 6, Block 5, District Lot 24, Oyster District, Plan 703-A (940 Esplanade)

**RECOMMENDATION(S):**

1. THAT Council refer application 3360-15-03 for a site specific use at 934 and 940 Esplanade Ave. to the Advisory Planning Commission for review and comment; and that the applicant host a neighbourhood information meeting prior to the public hearing as required by the Development Procedures Bylaw.
2. THAT the covenant may be considered for discharge from the properties legally described as the northerly 25 feet of Lot 2, Block 5, District Lot 24 Oyster District, Plan 703A AND Lot 3, 4, 5, and 6, Block 5, District Lot 24, Oyster District, Plan 703A; subject to the consolidation of Lot 5 and 6 into one lot and after the consolidation of Lot 3 and the northerly 25ft of Lot 2 into one lot; and consideration of the discharge of covenant FB168857 from the titles of 918, 922, 928, 934, 940 Esplanade Ave. be part of the public hearing for Bylaw 1897.
3. THAT under the Bylaw's portion of tonight's agenda, Council proceed with the first two readings of Bylaw 1897 cited as "Town of Ladysmith Zoning Bylaw 2014, No.1860 Amendment Bylaw (No. 3), 2015, No. 1897; and refer the bylaw to public hearing.





**Figure 1: Proposed parcel consolidations – (lots 5 & 6 to be consolidated) and (lot 3 & northerly 25ft of lot 2 consolidated)**

**PURPOSE:**

The purpose of this staff report is to introduce an application and bylaw to amend the Zoning Bylaw by permitting a site specific use at 934 and 940 Esplanade Ave. (lots 5 and 6); and to consider the removal of covenant FB168857 from the titles of the five subject properties.



**INTRODUCTION/BACKGROUND:**

The applicant, William MacMunn, is proposing to amend the Downtown Commercial (C-2) Zone to permit the use ‘motor vehicles sale and rental’ at 934 and 940 Esplanade Avenue (lots 5 and 6). The applicant wishes to maintain and renovate the existing two storey building onsite (known as the Browsorium) for use as an office. The proposed new business is for vehicle sales, sales financing, and proposes to have an outdoor display of up to 15 vehicles. No zoning change is proposed for lot 3 and 4, and the northerly 25 feet of lot 2.

The existing building straddles lots 5 and 6, thus it is recommended that these two parcels be consolidated. A dwelling currently straddles lot 3 and the northerly 25 feet of lot 2 and it is recommended that these two lots also be consolidated. Lot 4 is vacant. Other uses in the area include detached dwellings and the cenotaph.

**Table 1: 3360-15-03 Application Proposal**

	Current Use	Zoning	Proposal
Northerly 25 ft of Lot 2	Single family dwelling	C-2	Remove Covenant Consolidate lots 2&3
Lot 3		C-2	Remove Covenant Consolidate lots
Lot 4	Vacant	C-2	Remove Covenant
Lot 5	Browsorium building	C-2	Remove Covenant Add site specific use Consolidate lots 5&6
Lot 6		C-2	Remove Covenant Add site specific use Consolidate lots

The five subject properties were rezoned to C-2 in 2008. At that time a mixed use development accommodating commercial and residential units was proposed. In 2008 the landowner presented a design for the mixed use development and committed to the

development designs by registering them in Covenant FB168857 on the title of the five properties. The amenities and conditions listed in Covenant FB168857 are:

- Maximum of 5 commercial units and maximum of 15 residential units on the lands;
- Commitment to Dishlevoy and Hagarty Architect building designs (March 10, 2008);
- Improvements to the lane and Warren Road as required for the development;
- Storm water drainage off-site cannot exceed pre-development flows; and
- \$1000 for each residential unit to be constructed on the lands.

The owner of the lands no longer wishes to proceed with the development and has listed the properties for sale. The real estate agent for the lands has indicated that the covenant obligations have discouraged potential purchasers of the properties. The applicant and current potential purchaser have presented a proposal to maintain and renovate the existing building on the land, and have requested that Covenant FB168857 be removed from the title of the five subject properties. Staff recommends supporting the removal of the covenant from the titles and requiring lot consolidation as shown in Figure 1; and this consideration would be part of the public hearing process. To ensure good design on the land a Downtown Development Permit will be required prior to site and building facade improvements. It is recommended that the lot consolidations be required prior to removal of the covenant from the titles.

**SCOPE OF WORK:**

The current stage of the rezoning is to introduce the application and the proposed amending bylaw.

**Official Community Plan (OCP)**

The five subject properties are currently designated as Downtown Mixed Use in the OCP and fall within the Development Permit Area 2 - Downtown (DPA 2). The OCP Downtown Mixed Use designation encourages a range of commercial uses, thus no change is needed to the OCP to permit 'motor vehicles sale and rental' on lots 5 and 6.

**Zoning Bylaw**

The five subject properties are zoned Downtown Commercial (C-2). The attached bylaw proposes to amend the C-2 zone to permit a site specific use of 'motor vehicles sale and rental' at 934 and 940 Esplanade Avenue (lots 5 and 6) with a condition of use limiting outdoor display to a maximum of 15 vehicles, and permitting the outdoor display to be located between the front parcel line (Esplanade Ave.) and side parcel line (Warren St.) and the front face of the building.

**Table 2: Summary of Rezoning Application 3360-15-03**

	Current	Proposed
OCP	Downtown Mixed Use	Downtown Mixed Use
DPA	Development Permit Area 2 - Downtown (DPA2)	Development Permit Area 2 - Downtown (DPA2)
Zoning	Downtown Commercial (C-2)	Downtown Commercial (C-2) with a site specific amendment to permit 'motor vehicle sale and rental' on lots 5 and 6; with an outdoor display limited to 15 vehicles or less.  (No zoning change is proposed for lot 3, 4, and the northerly 25 feet of lot 2.)



ALTERNATIVES:

That Council not proceed with Bylaw 1897.

FINANCIAL IMPLICATIONS:

The work associated with the covenant discharge would be the cost of the applicant.

LEGAL IMPLICATIONS:

A public hearing will be required to be held. Referral to the Ministry of Transportation and Infrastructure will be required as the subject properties are within 800 metres of a controlled access highway.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Council may direct that the subject application be referred to the Advisory Planning Commission (APC). The applicant will be required to host a neighbourhood information meeting prior to the public hearing as required by the Development Procedures Bylaw.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to Infrastructure Services for comment.

RESOURCE IMPLICATIONS:

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

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The applicant has completed a Sustainable Development Checklist and indicates that the proposal is consistent with the Visioning Report in the following ways:

- The development adds to the diversity of land uses within an existing neighbourhood,
- The development maintains and improves an existing heritage building,
- New local employment will be created with a new business moving to the site,
- Existing commercial land is being maintained and enhanced, and
- The proposed new use will add diversity to the local economy.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

It is recommended to support the proposal to amend the C-2 zone to permit 'motor vehicles sale and rental' on lots 5 and 6, with limited outdoor display, by giving first and second reading to Bylaw 1897 and to direct staff to schedule a public hearing. Also, that the removal of Covenant FB168857 be considered as part of the public hearing; that the application be referred to the APC; and that the applicant hold a neighbourhood information meeting.

I concur with the recommendation.

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

ATTACHMENT:

October 5<sup>th</sup>, 2015 letter from Applicant (W. MacMunn)



RECEIVED  
Oct. 5/15  
dw

October 05, 2015  
Delivered by hand

Town of Ladysmith  
Development Services

Attention Ms. Lisa Brinkman

We are in the process of acquiring the properties located at 922 through to 940 Esplanade Avenue in Ladysmith. This is a land assembly of five titles. It is our intent to apply for site-specific use for lots 5 and 6 in this assembly, and leave lots 2, 3 and 4 in their existing zone and uses. We will also create lots which are more appropriately sized for commercial use by consolidating lots 2 and 3 into one title and consolidating lots 5 and 6 into another title.

There is also a restrictive covenant registered on title of the property. This covenant referred to an earlier development application, which is now expired. Specifically the covenant states that:

*"The lands shall not be . . . used except in general compliance with the plans of Dishlevoy and Hagarty Architects dated March 10, 2008",*


The project defined by the covenant will not be developed. We are renovating the existing heritage building and retaining the residential use of lots 2 and 3 (consolidated).

The renovated existing retail building and the workshop will become the offices of GP Vehicle Sales. This is a new company developed for the purposes of Retail Fleet Lease and Sales Financing. **Our medium-term goal is to be a showcase for the transition of electrical transportation options for consumers.**

We will require site-specific use and other permits from the town of Ladysmith as our project goes forward. This will make the covenant on title out-of-step with the development plans. We are requesting that the Town of Ladysmith agree with us to remove the covenant from title. We understand that this may be done concurrent to consolidation of the lots, as noted above.

We request that the Town of Ladysmith include removal of the restrictive covenant from title of the five properties as part of our development application and work with us to consolidate lots as noted.

Respectfully

  
William MacMunn, applicant for rezoning

  
For Buckingham's Browsersium Ltd., owner

**TOWN OF LADYSMITH**

**BYLAW NO. 1897**

A bylaw to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860"

**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 2014, No. 1860";

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

(1) Schedule A - Zoning Bylaw Text of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:

(a) Section 11.2 Downtown Commercial (C-2) is amended by adding new site specific regulations to Section 11.2 (10) as follows:

(i) The following is added to the end of Section 11.2(10):

“(d) For the *Land* consisting of the *Parcels* legally described as:

Lot 5, Block 5, District Lot 24, Oyster District, Plan 703-A (934 Esplanade); and Lot 6, Block 5, District Lot 24, Oyster District, Plan 703-A (940 Esplanade)

*Motor Vehicles Sales or Rental* is a permitted *Principal Use* subject to the following conditions:

- a) A maximum of fifteen vehicles is permitted for outdoor display; and
- b) The outdoor display area may be located between the *Exterior Side* and *Front Parcel Line* and the front face of the *Principal Building or Structure*; and
- c) The outdoor display area is subject to the requirements of DPA 2 ‘Downtown’ as well as the landscape guidelines in DPA 3 ‘Commercial’ to create an attractive, welcoming view from the Trans Canada Highway.”

**CITATION**

(2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw (No. 3), 2015, No. 1897”.

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2015

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2015

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

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

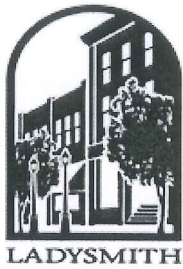
**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_,

**APPROVED UNDER THE TRANSPORTATION ACT** on the \_\_\_\_\_ day of \_\_\_\_\_

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

\_\_\_\_\_  
Mayor (A. Stone)

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



## Town of Ladysmith

### **STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: October 6, 2015  
File No: 3360-15-04

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Re: Zoning Bylaw Housekeeping Amendments 2015

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#### **RECOMMENDATION(S):**

That Council direct staff to: 1) prepare a housekeeping bylaw to amend the 'Town of Ladysmith Zoning Bylaw 2014, No. 1860' as outlined in the staff report dated October 5<sup>th</sup>, 2015; and 2) refer the category one amendments to the Advisory Planning Commission for review and comment.

#### **PURPOSE:**

The purpose of this report is to receive direction from Council to draft an amending housekeeping bylaw to amend the Zoning Bylaw that was adopted in August 2014.

#### **INTRODUCTION/BACKGROUND:**

A new Zoning Bylaw was adopted for the Town of Ladysmith in August 2014. At that time Council was advised that due to the complexity of zoning bylaw drafting it is typical for a new Zoning Bylaw to require housekeeping revisions once the bylaw is in use. Since August 2014 staff have identified areas of the Zoning Bylaw that require improvement and are seeking Council support to move forward with the drafting of an amending housekeeping bylaw.

#### **SCOPE OF WORK:**

The recommended housekeeping amendments to the Zoning Bylaw fall into three categories: 1) possible changes or additions to regulations that may require Council discussion and direction; 2) minor alterations to bylaw regulations to improve clarity; and 3) fixing typos, map errors, and minor formatting improvements.

#### **1. Possible changes or additions to Zoning Bylaw regulations that may require Council discussion and direction:**

- a) Currently 'funeral parlour' use is permitted as an outright use in the Downtown Commercial (C-2) Zone (Section 11.2). This is consistent with former Zoning Bylaw No. 1160.

*Discussion: A Funeral Home has parking and loading impacts. As the Downtown's compact form may not be suitable for an expansion of this use, Council may wish to limit new 'funeral parlour' use to specific location(s) within the downtown (such as Telford's) and not permit the use outright in the C-2 Zone. It is also recommended that the term 'funeral parlour' be changed to 'funeral home' through-out the Zoning Bylaw and that the definition be updated to acknowledge that not all end of life*

*procedures lead to burial (Part 4) (Cremation is not a permitted use within the Funeral Home definition and it recommended that this be maintained.)*

- b) Add a site specific amendment to the P-2 Zone to permit the use ‘urban agriculture’, so that the keeping of two bee hives is permitted in the community garden at the corner of Second Street and High Street (Section 13.2).

*Discussion: Council has previously provided direction to consider this request of the Community Garden Society.*

- c) Staff recommends limiting the permitted height of solid masonry style fence walls to 0.8 metres (2.6 feet) for parcels in the downtown and other commercial zones. Currently a fence is permitted in the side and rear yard of a commercial zoned parcel and the maximum permitted height is 2.4 metres (7.9 ft)(Section 5.20). However, for masonry style fence walls a maximum height of 0.8 meters in more appropriate.

*Discussion: This regulation complements the proposed DPA Guideline amendment previously considered by Council.*

- d) Amend the A-1 and A-RR Zones to comply with the Minister’s Guidelines for medical marihuana growing and production use on agriculture land reserve (ALR) lands.

*Discussion: In May 2015, the Ministry of Agriculture introduced a new ‘BC Minister’s Bylaw Standard’ for medical marihuana production facilities (MMPF) located in the Agriculture Land Reserve (ALR). The Ministry is requesting that local governments review their bylaws so that the regulations pertaining to MMPF’s in the ALR are consistent with the Minister’s Bylaw Standard. If Council wishes to comply with the Minister’s Guidelines in the A-1 and A-RR Zones the following changes are needed: i) amend lot coverage from 30% to 35% and 75% for greenhouses; ii) amend farm use building height from 10m to 15m; and iii) require a 30 metre setback from a watercourse for farm use buildings (Section (14.1) and (14.2)).*

- e) Amending the Zoning Bylaw Map by rezoning the town-owned property at 520 Jim Cram Drive from the ‘Low Density Residential’ (R-3-A) Zone to the Single Dwelling Residential (R-1) Zone, as directed by Council.

*Discussion: As Council was presented the possibility of permitting coach houses on these potential R-1 parcels, staff wish to confirm Council’s direction in this regard. The table below outlines pros and cons of permitting coach houses on potential R-1 parcels at 520 Jim Cram Drive:*

<b>PROs</b>	<b>CONS</b>
<i>The property currently permits multi-family use thus permitting coach houses is a way of allowing for extra density and affordable units.</i>	<i>This is change in policy direction as currently coach houses are permitted primarily in the old town area.</i>
<i>If the R-1 lots are 1625m<sup>2</sup> in size as proposed, there may be a rationale for permitting coach houses on larger lots in Ladysmith.</i>	<i>Other R-1 zoned properties would not be permitted a coach house. The Town may be unfairly creating a market advantage by making its R-1 lots more desirable.</i>
	<i>This change may result in rezoning applications for other R-1 zoned properties interested in coach house dwelling use.</i>

- f) Staff recommends amending the small lot zones (R-1-A, R-1-B and R-1-C) such that no parcel created by subdivision may contain a defined Streamside Protection and Enhancement Area (SPEA); and adding the *Riparian Area Regulation* definition of SPEA to the interpretation section.

*Discussion: The Riparian Area Regulation guidebook states that a SPEA area must be left undisturbed in its natural state and previously disturbed areas must be allowed to regenerate. When a SPEA is located on a small lot it is not realistic to ensure the protection of the SPEA as the entire rear yard generally becomes a 'no-go' area. By ensuring that SPEA areas are not permitted on small lots in future subdivisions the Town can better protect its riparian SPEA areas.*

- g) Coach house amendments to consider (Section 6.5):

- Clarify Section 6.5(a)(ii) such that a coach house on a corner lot must have the coach house entry on the lane or exterior side parcel line.

*Discussion: When the regulations were drafted, parcels with both types of secondary accesses (side street and lane) were not considered.*

- Introduce a new requirement such that the maximum permitted size of a coach house second storey balcony or deck is 2.9m<sup>2</sup> (31.2ft<sup>2</sup>). The maximum size of deck or balcony is currently in the DPA Guidelines as 7.5m<sup>2</sup> (80.7ft<sup>2</sup>). Staff recommends that this size be reduced and moved into the Zoning Bylaw.

*Discussion: This change is complementary to the recent development permit area guideline amendment considered by Council to encourage modest sized decks or balconies on coach houses.*

- Clarify what plumbing features are permitted in an accessory building (i.e. only toilet and sink, no shower) to better differentiate between coach houses and accessory buildings (Section 5.9).

*Discussion: With the introduction of coach house dwelling use as a permitted use in accessory buildings in certain zones, the use of accessory buildings in other zones requires review to ensure that accessory buildings are used appropriately.*

## 2. Recommended minor alterations to Zoning Bylaw regulations to improve clarity:

After using the new Bylaw this past year the following amendments are recommended:

- a) For consistency with federal jurisdiction amend the definition of 'moorage' to permit the moorage of 'personal watercraft in addition to other boats'.
- b) Improve clarity in the fence regulations in relation to pergolas, trellis, and similar transparent structures such that a gate feature is permitted (Section 5.20(d)).
- c) Currently the Zoning Bylaw prohibits all commercial composting, processing or storage in Ladysmith (Section 6.3(a)(ii)). There may be a need in the future to compost bio-solids from the Waste Water Treatment Plant at a local composting facility. It is recommended to: i) amend the Zoning Bylaw such that a composting facility which handles municipal generated bio-solids is clearly not prohibited; and ii)



amend the definition of 'Public Utility Use' to include composting of municipal generated bio-solids.

- d) Reduce the permitted gross floor area for a 'cottage industry' use in the Live/Work Residential Zone (R-2-LW) to 100m<sup>2</sup> (1076ft<sup>2</sup>). Currently 300m<sup>2</sup> (3229ft<sup>2</sup>) is permitted which is more than what was intended for the residential style buildings in the downtown live/work areas (Section 6.9).
- e) Improve the landscaping regulations by requiring that shade trees be located within the parking lot and not at the edges of the parking lot in order to achieve maximum shading of parking spaces (Section 7.2(1)). This change is complementary to the recent development permit area guideline amendment under consideration.
- f) Improve Table 8.1 'Required Off-Street Parking Spaces' such that residential community care facilities are required to provide one parking space onsite for the employee/operator of the facility (i.e. group home for eight or less persons).
- g) There are three properties containing a legal non-conforming two-family dwelling (duplex) which should be acknowledged formally in the new Zoning Bylaw, 521/525 Walkem Road, 517/519 Short Close, and 521/523 Short Close. These three properties were zoned "Residential I" in Zoning Bylaw 401 (1965), which permitted two-family dwellings at that time. Thus, legal two-family dwellings were constructed on these three parcels in the early 1980s. In 1986 these three parcels were zoned to Single Dwelling Residential (R-1) which does not permit two-family dwellings and created a legal non-conforming status for these parcels. It is recommended to amend the new Zoning Bylaw map by zoning these three parcels to R-2 to more formally legalize the existing two-family dwellings.
- h) Amend the required setbacks in the 'Low Density Residential' (R-3-A) Zone such that principal buildings and structures must be setback 3 metres from all side parcel lines and 4.5 metres from the rear parcel line (Section 10.11). Currently the required side setbacks are 1.5 on one side and 3 metres on the other side parcel line, and 1.5 metres from a rear parcel line as shown in the table below.

Low Density Residential Zone (R-3-A)	Existing Minimum Setback for Principal Buildings	Recommended Minimum Setback for Principal Buildings
Side Parcel Line	3.0 m one side 1.5 m other side	3.0m both sides
Rear Parcel Line	1.5m	4.5m

- i) Improve the clarity of the interior and exterior side parcel line setbacks throughout the Zoning Bylaw to ensure that exterior side yards have the greater setback. For example the minimum exterior side yard setback in the R-1, R-2, R-2-A, R-2-LW, C-1, CD-3 (areas A and B), and CD-4 should be 3.0 m for principal buildings and structures. Also, the minimum exterior side yard setback in the R-1-A, R-1-B, R-2, and MHP-1 zones should be 2.0 metres for principal buildings and structures.

- j) Amend the 'Downtown Commercial' (C-2) Zone such that coffee roasting is not permitted as a cottage industry (Section 11.2).
- k) Amend the 'Highway Service Commercial' (C-3) Zone by reducing the permitted height of a principal building or structure from 12 metres to 6 metres (Section 11.3). The uses permitted in the C-3 zone are gas bar, service station, and convenience store. Currently there are no buildings taller than 6 metres in the C-3 zone.

### **3. Fixing Typos, Map Errors, and Minor Formatting Improvements:**

- a) Fix typos and formatting errors throughout the Zoning Bylaw. (i.e. in the 'Home Based Business Regulations' amend the paragraph to simplify and improve clarity (Section 6.8 (c)(iii)); and in the Light Industrial (I-1) zone delete 'food truck' use from 'Principal Uses' as it is also a permitted accessory use (Section 12.2).
- b) To ensure consistency with the development permit guidelines amend the R-2 Zone – High Street Intensive Residential Area, Section 12(a) to state that 'prior to construction of a dwelling unit on parcels 277 square metres in size ' a High Street Intensive Residential Development Permit is required.
- c) Fix a Zoning Bylaw Map error by placing the 'Low Density Residential' (R-3-A) Zone on the remainder of the property at the address 100 Gifford Road.
- d) Amend and update the addresses and map base on the Zoning Bylaw Map (Schedule B).

#### ALTERNATIVES:

To not proceed with the drafting of housekeeping amendments for the Zoning Bylaw at this time.

#### FINANCIAL IMPLICATIONS:

As this is a Town-initiated bylaw, there will be costs associated with the Public Notice.

#### LEGAL IMPLICATIONS:

In general the recommended housekeeping improvements to the Zoning Bylaw will create a more legally sound bylaw.

#### CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

If the housekeeping amending bylaw proceeds a public hearing will be required. It is anticipated that the public will appreciate the Zoning Bylaw being kept up-to-date. It is recommended that the Category 1 amendments be referred to the APC.

#### INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The proposed housekeeping amendments to the Zoning Bylaw will be referred to the Infrastructure Services Department for review.

#### RESOURCE IMPLICATIONS:

Drafting of a zoning housekeeping bylaw is within current staff resources.

#### ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The recommended housekeeping improvements are consistent with the Visioning Report.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

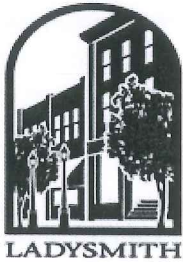
It is recommended to direct staff to proceed with the drafting of a Zoning Bylaw housekeeping amendment bylaw to address the matters outlined in this staff report.

I concur with the recommendation.

  
\_\_\_\_\_  
Ruth Mall, City Manager

ATTACHMENT:

None



**Town of Ladysmith**  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Clayton Postings, Director of Parks, Recreation and Culture  
Date: September 30, 2015  
File No:

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Re: ADDITIONAL AGGIE HALL PARKING CONCEPT

---

**RECOMMENDATION(S):**

That Council

1. Direct Town staff to begin consultation with the neighbourhood surrounding the Aggie Hall relating to proposed parking improvements and report back to Council;
2. Direct staff to investigate the costs associated with expanding parking on 2<sup>nd</sup> Avenue per the parking concept drawings;
3. Direct staff to continue discussion with the property owner of 125 Symonds Street regarding the possibility of leasing the property for public parking.

**PURPOSE:**

Currently there is limited parking at Aggie Hall and surrounding area for special events and major functions. This report is to provide Council with an update on work carried out to date and present a concept to expand the parking around Aggie Hall on 2<sup>nd</sup> Ave.

**INTRODUCTION/BACKGROUND:**

Over the years many events, both large and small, have been increasing demands on the parking around Aggie Hall. Business owners in the area have indicated that Aggie Hall parking issues have negatively affected their businesses and that their customers are not able to access businesses due to Aggie Hall users occupying parking spaces in their parking lots. As well, parking for employees in the area is limited.

Town staff have worked with the surrounding businesses as well as Aggie Hall users to ensure Aggie Hall users are aware of the parking restrictions in the area. To date it seems for the most part that cooperative efforts have been successful. However, even with this regular monitoring and communication, further solutions are required to manage this ongoing challenge.

**Parking Options Review:**

As part of the 2015 Capital Plan, Parks, and Recreation and Culture, along with Public Works Staff, retained a consultant to prepare concept drawings for the Aggie Hall site parking expansion. The review by the consultant concluded that the best available and least costly option is to expand parking on 2<sup>nd</sup> Ave. This option provides an additional 22 to 24

new dedicated parking spaces. The consultants also determined that with the narrow roadway, having angle parking would increase safety in this area. It was also recommended by the consultant that the addition of a path from 2<sup>nd</sup> Ave down to Aggie Hall is appropriate, as there are no sidewalks on 2<sup>nd</sup> Ave. This concept provides the greatest number of additional parking spaces at the least cost per new parking space.

The other option considered was to develop additional parking on the Aggie Hall site. One option which was considered to be suitable would be to add a tiered parking facility where the existing playground is located. Costs associated with this option are extensive as they include street access upgrades, relocating the playground and site preparation.

The owner of 125 Symonds Street had indicated an interest in the possibility of the Town leasing their property for public parking purposes. This proposal would be similar to that which is in place in a number of parking lots around Town where the Town leases the land for public parking. The property owner is working with Development Services staff on this option.

Both the 2<sup>nd</sup> Ave parking improvements, along with the possible 125 Symonds Street additional parking, are options that will greatly increase available parking in the area and would likely satisfy the surrounding business owners and users of the facilities.

#### SCOPE OF WORK:

If expanding parking on 2<sup>nd</sup> Ave. is desired, Town staff would begin consultation with the neighbourhood and confirm the costs associated with these improvements.

Staff will continue discussion with the property owner of 125 Symonds Street regarding possibility of leasing the property for public parking.

#### ALTERNATIVES:

1. Council could decide not to proceed with any changes relating to the parking surrounding Aggie Hall.
2. Council could direct staff to investigate expanding Aggie Hall parking on the Aggie Hall property and prepare options and costs relating to this site.

#### FINANCIAL IMPLICATIONS:

As part of the 2015-2019 financial plan a parking lot development for Aggie was identified, with \$10,000 allocated in 2015 for concept design.

#### LEGAL IMPLICATIONS:

In relation to expanding parking on 2<sup>nd</sup> Ave, no legal implications have been identified.

In regards to 125 Symonds Street a lease agreement will have to be prepared if the site is to be used for Town parking in the future.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

It is anticipated that enhancing Aggie Hall parking will increase accessibility for the community for major events and regular usage of the Hall. Tenants and users of the site have indicated that additional parking would be a benefit for all users of the facility and for the businesses in the surrounding area.

Neighbourhood consultation is recommended as it relates to the proposed upgrades to 2<sup>nd</sup> Ave.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

This initiative will include the Public Works Department as it relates to any construction or development of the roadways.

RESOURCE IMPLICATIONS:

None at this time until a site is selected.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

This initiative aligns with Strategy 7 - A Healthy Community: Continuing to enhance the quality of the public realm; increasing community facilities including health and medical facilities

ALIGNMENT WITH STRATEGIC PRIORITIES:

This aligns with the following Priorities:

- Priority D - Enhanced Standard of Infrastructure
- Priority F - Safe and Healthy Community

SUMMARY:

Over the years many events, both large and small, have put increased demands on the parking around Aggie Hall. Business owners in the area have indicated that this parking issue has impacted their businesses negatively and that their customers are not able to access their businesses due to Aggie Hall users parking in the businesses' parking lots.

Expansion of existing parking at Aggie Hall will improve the parking for the entire area. Staff is seeking Council's direction regarding expanded parking options for the area.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Appendix A: 2<sup>nd</sup> Ave. Parking Improvements Concept Drawings









## Town of Ladysmith

### **STAFF REPORT**

To: Ruth Malli, City Manager  
From: John Manson, Director of Infrastructure Services  
Date: October 13, 2015  
File No:

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**Re: Works and Services – Building Permit at 602 Farrell Road**

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#### **RECOMMENDATION(S):**

That Council either:

- 1 Confirm that the developer of the property at 602 Farrell Road be required to construct a concrete curb, sidewalk, and street tree along the property frontage as a requirement of the building permit for the property,  
  
or
- 2(a) Instruct Staff to introduce amendments to the Subdivision and Development Bylaw to exempt the requirement for all single family building permits to provide, or upgrade curbs, sidewalks, or street trees along the property frontage, and
- 2(b) Exempt the developer of the property at 602 Farrell Road of the requirement to provide a concrete curb, sidewalk, along the frontage of the property.

#### **PURPOSE:**

To request direction from Council on the requirement to provide 'surface' improvements along the street frontage for single family building permits.

#### **INTRODUCTION/BACKGROUND:**

Council amended the Subdivision and Development Bylaw in 2013 to expand the scope of works and services upgrading to include a trigger for building permits. The amended clause was as follows:

##### *1.04 Works and Services Requirement*

*As a condition of*

- a) The approval of a subdivision, or*
- b) The Issuance of a Building Permit, where the value of construction, as determined by the Building Bylaw, is greater than \$50,000*

*The owner of the land is required to provide works and services in accordance with the*

*standards established in this Bylaw, on that portion of a highway immediately adjacent to the site being subdivided or developed, up to the center line of the highway.*

In August of 2015, Council further amended the Bylaw to relax the requirement for the construction of curb, sidewalk, and street trees in certain situations, as follows:

*That Council:*

*Direct staff to amend the Subdivision and Development Bylaw to allow for a reduction in the curb, sidewalk, and street tree standard for single family developments involving a single lot in existing neighborhoods to match the existing standard of the neighborhood.*

It was the intention of staff that the Subdivision and Development would be changed to allow the reduction in standard where the 'new' standard would be in conflict with the standard of the existing neighborhood, but in cases where the new standard is compatible with the neighborhood that the new standard would still be required. Staff has recently received an application for a building permit at 602 Farrell Road, where the latter situation exists – the standard on one side of the property is the more recent urban standard (Concrete curbs and sidewalks, street trees, etc), but the standard on the other side is rural (no curbs or sidewalks, no street trees,, see sketch and photos). Farrell Road is also a through collector road which will eventually connect to the South Ladysmith Industrial park, and this connector road will likely need a concrete sidewalk along most if not all of it's length (Council did, recently, grant a variance to an industrial property at on Westdowne Road to allow a gravel sidewalk in lieu of the concrete sidewalk on Westdowne Road). With these factors taken into consideration, staff have concluded that the appropriate standard for this section of road would be the 'urban' standard (Concrete curbs, sidewalks, and a street tree).

#### SCOPE OF WORK:

The scope of work involves construction of a concrete curb, sidewalk, and street tree along the frontage of 602 Farrell Road.

#### ALTERNATIVES:

Council could, alternatively:

1. Reduce the requirements to the installation of a gravel sidewalk and/or asphalt curb, and delete the street tree;
2. Eliminate the requirements for curb sidewalk and street tree completely.

#### FINANCIAL IMPLICATIONS:

The purpose of the Subdivision and Development Bylaw is ensure that developers 'pay for development'. Typically, the Bylaw is used at the subdivision stage, when new lots are being created. The Bylaw sets out the Town's desired standard of servicing, which is typically a

'higher' standard then exists in many of the older sections of the Town (developed greater than, say, 20 years ago). When subdivisions are created in, or adjacent to these older areas, developers are typically asked to upgrade the existing standard to the 'new' standard.

More recently, the Municipal Act (now the Local Government Act) was amended to allow these requirements to be levied on a building permit, in addition to a subdivision. This would allow, for example, the Town to require the developer of a large residential multi-family development to upgrade the existing frontage to the current standards of the Subdivision and Development Bylaw (recognising that many multi-family sites do NOT go through a subdivision process prior to development). As noted, the Town's Subdivision and Development Bylaw was recently modified to bring in this requirement at building permit stage. However, it was noted at the time that minor building permits (under \$50,000 in value) would likely create a hardship for the 'developers' (in many cases, the homeowner). Accordingly, Council included an exemption for building permits under \$50,000 in the Bylaw amendment.

A case can certainly be made to exempt all single family building permits from the requirements of the subdivision and development bylaw, except for the provision of the necessary underground services. In this case, any upgrading of sidewalks, curbs, and street trees would be the responsibility of the Town (or could alternatively considered through a local improvement process).

LEGAL IMPLICATIONS:

None.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

None.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

None.

RESOURCE IMPLICATIONS:

None.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Aligns with complete community land use.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Aligns with enhanced standard of infrastructure.

SUMMARY:

Under the Subdivision and Development Bylaw, The Town requires the upgrading of surface frontage works for Single family Building Permit's over \$50,000 in value, to the current standard of the Bylaw, except when the Bylaw standard is not consistent with the standard of the existing neighborhood. This report examines a situation where the 'existing' standard is in transition, and will likely be compatible with the bylaw standard in the future. Council can, in this case, choose to require the bylaw standard, or, alternatively, may wish to consider removing the requirement for single family building permit holders to the requirement to provide or upgrade surface works all together.

I concur with the recommendation.



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Ruth Malli, City Manager

ATTACHMENT:  
Photographs

Appendix "A" – Photos



TOWN OF LADYSMITH

BYLAW NO. 1890

A bylaw to exempt from taxation certain lands and buildings for the year 2016.

WHEREAS Section 224 and 225 of the *Community Charter* permits Council, by by-law, to exempt from taxation certain buildings, the lands on which the buildings stand and the lands surrounding certain buildings;

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

Part 1 – Church Properties Tax Exemption

All church halls and lands within the legal boundaries of those properties listed under Part 1 of Schedule ‘A’ are hereby exempted from taxation for the year 2016.

Part 2 – Charitable, Not-for Profit and Recreational Tax Exemption

All lands and improvements within the legal boundaries of those properties listed under and to the extent described Part 2 of Schedule ‘A’ are hereby exempted from taxation for the year 2016.

Part 3 – Partnering Exemption Authority

All lands and improvements within the legal boundaries of those properties listed under and to the extent described in Part 3 of Schedule ‘A’ are hereby exempted from taxation for the year 2016.

Schedules A through G, inclusive, which are attached hereto, form a part of this bylaw.

This bylaw may be cited as "Permissive Tax Exemption Bylaw 2015, No. 1890."

READ A FIRST TIME on the 28th day of September, 2015

READ A SECOND TIME on the 28th day of September, 2015

READ A THIRD TIME on the 28th day of September, 2015

ADOPTED on the day of , 2015

\_\_\_\_\_  
Mayor (A. Stone)

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

This is Schedule "A" attached to and forming part of  
 Permissive Tax Exemption Bylaw 2015, No.1890

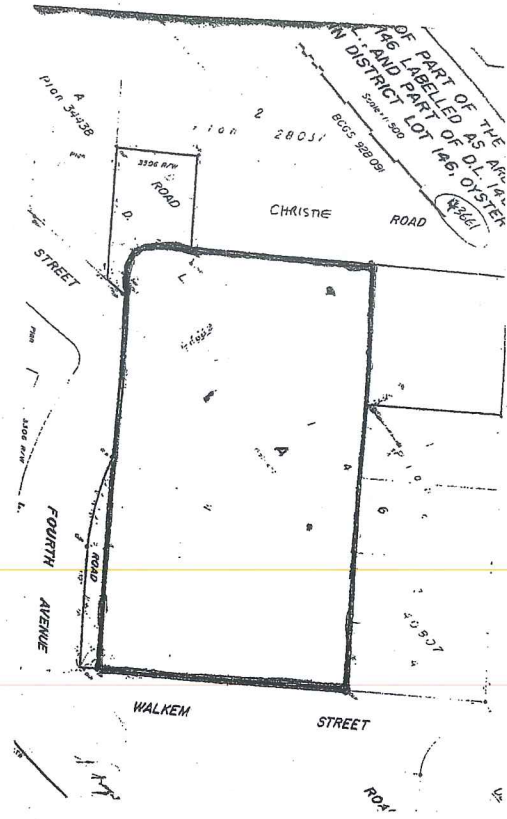
PROPERTY DESCRIPTION	
<b>Part 1</b>	
St. Mary's Catholic Church 224.2(f) Buildings for Public Worship	1135 4th Ave Remainder of DL 145, LD43 Oyster Land District except Plans 33231 & VIP72186 (Specifically the area of land and buildings outlined in bold on Schedule 'B') Folio 1448.000
Pentecostal Assemblies of Canada 224.2(f) Buildings for Public Worship	1149 4th Ave Lot A, Plan 46331, DL43, Oyster District (Specifically the area of land and buildings outlined in red on Schedule 'C') Folio 1449.080
United Church of Canada 224.2(f) Buildings for Public Worship	232 High Street Lot A, Plan VIP63119, DL56 Oyster Land District Folio 327.010
Ladysmith Fellowship Baptist Church 224.2(f) Buildings for Public Worship	381 Davis Rd Lot 1, Plan 43316, DL 43, LD43 Folio 1041.500
Anglican Synod Diocese of BC 224.2(f) Buildings for Public Worship	314 Buller St Lot A, Blk 76, LD 43 Plan 703A Folio 494.000
<b>Part 2</b>	
Ladysmith Senior Citizens Housing Society 224.2(a) Non-Profit	101 1st Ave Lot 1, DL56, LD43, Plan 31443 Folio 1338.000
Ladysmith Senior Citizens Housing Society 224.2(a) Non-Profit	207 Jamison Rd Lot 1, DL 56, LD 43, Plan 21490 (Specifically the area of land surrounding the building footprint as shown on Schedule D) Folio 1322.300
Ladysmith & District Historical Society 224.2(a) Non-Profit	721 1st Ave (Museum) Lot 11, Blk 7, LD43, Plan 703 Folio 0055.000
Ladysmith & District Historical Society 224.2(a) Non-Profit	614 Oyster Bay Dr Roundhouse & Compound Lot 4, Plan 45800 Folio 1109.320
Ladysmith Maritime Society 224.2(a) Non-Profit	611 Oyster Bay Dr Blk C, DL2016, LD43, Foreshore Lease for Marina. Lease/Permit #106431 As shown on Schedule "G", including the insert for the Visitors Centre Folio 1602.100
Ladysmith Maritime Society 224.2(a) Non-Profit	Unit C, I & M - 610 Oyster Bay Dr Lot 4, Plan 45800 Folio 1109.317
Ladysmith Maritime Society 224.2(a) Non-Profit	616 Oyster Bay Dr Car Shop. Lot 4, Plan 45800 Parent parcel 1109.300 Folio 1109.316

Ladysmith Golf Club Society <i>224.2(i) Recreational</i>	380 Davis Rd DL43, LD43, except Plans 2478, 4670, 5873, 7527, 8922, 12027, 14051, 15693, 835R, 34197, 48247 & VIP57353. exc E&N R/W Pcl A (DD24404N) Pcl C (DD344431), VIP65242
Ladysmith Festival of Lights <i>224.2(a) Non-Profit</i>	1163 4th Ave Lot A, DL146, LD43, Plan 34438 Folio 1449.200
Arts Council of Ladysmith & District <i>224.2(a) Non-Profit</i>	Units J, K & L - 610 Oyster Bay Rd Lot 4, Plan 45800 Folio 1109.328
Eco-Tourism Building (mechanical room and public storage only) <i>224.2(a) Non-Profit</i>	Transfer Beach Lot 2, Plan 36262 (Specifically the area of land and buildings outlined in bold on Schedule 'E') Folio 1110.110
Ladysmith Health Care Auxiliary <i>224.2(a) Non-Profit</i>	910 1st Ave (Thrift Shop) Lot 1, Blk 30, Plan 703A Folio 263.000
Canadian Legion Branch #171 <i>224.2(a) Non-Profit</i>	621 1st Ave Lot A, Blk 8, Plan 703 (except the section outlined in bold on Schedule 'E') Folio 70.000
<b>Part 3</b>	
St John's Masonic Temple Assoc (Leased by Town for parking lot) <i>225.2(a) Partnering Agreement</i>	26 Gatacre St Lot 9, Blk 9, LD43, Plan 703 Folio 85.000
Ladysmith & District Historical Society <i>224.2(a) Non-Profit</i>	1115A - 1st Ave (under Tim Horton's) Lot 1, VIS5873, DL118, LD43 Folio 1373.010
Municipal Parking lot <i>225.2(a) Partnering Agreement</i>	17 & 25 Roberts St Lots 8 & 9, Blk 11, Plan 703A Folios 123.000 & 125.000

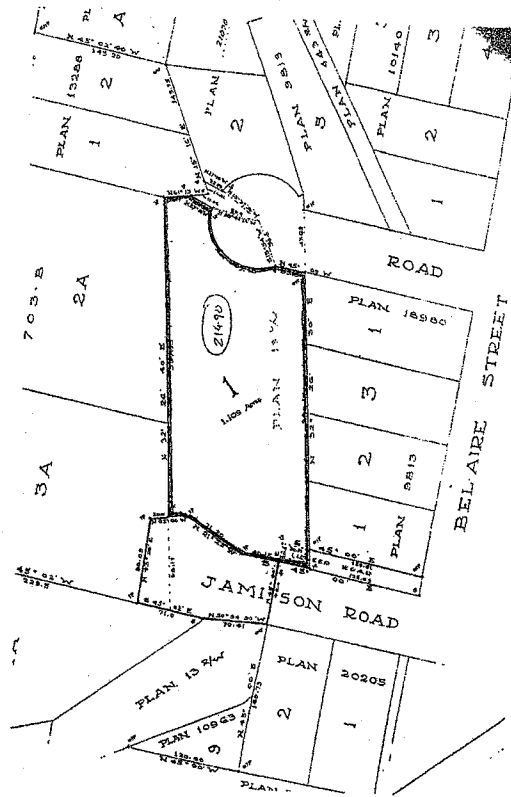




This is Schedule "C" attached to and forming part of  
Tax Exemption Bylaw 2015, No.1890

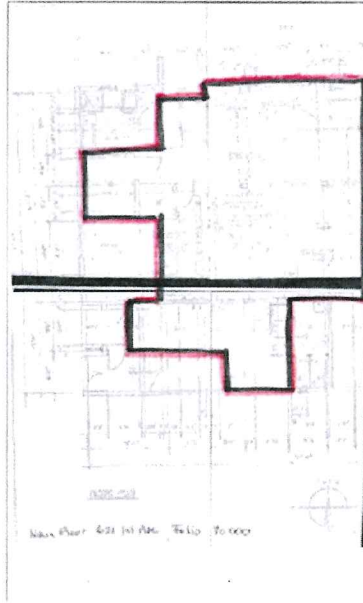


This is Schedule "D" attached to and forming part of  
Tax Exemption Bylaw 2015, No.1890

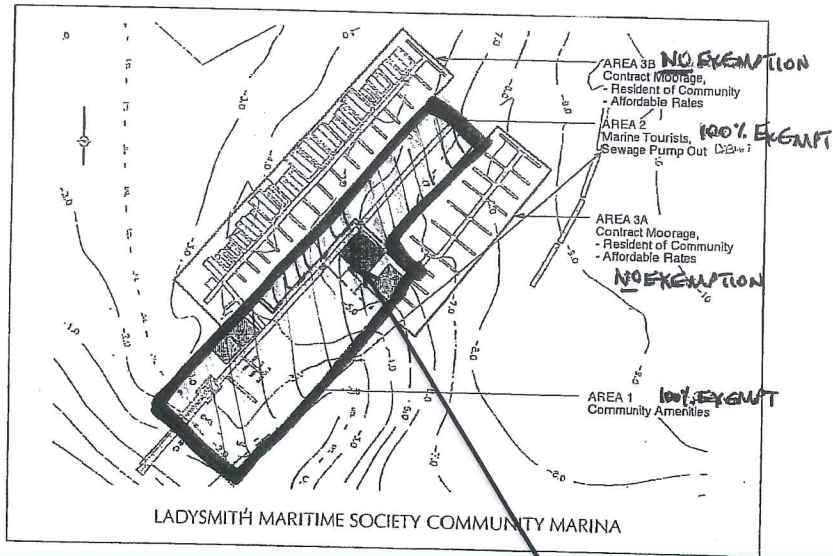




This is Schedule "F" attached to and forming part of  
Tax Exemption Bylaw 2015, No.1890

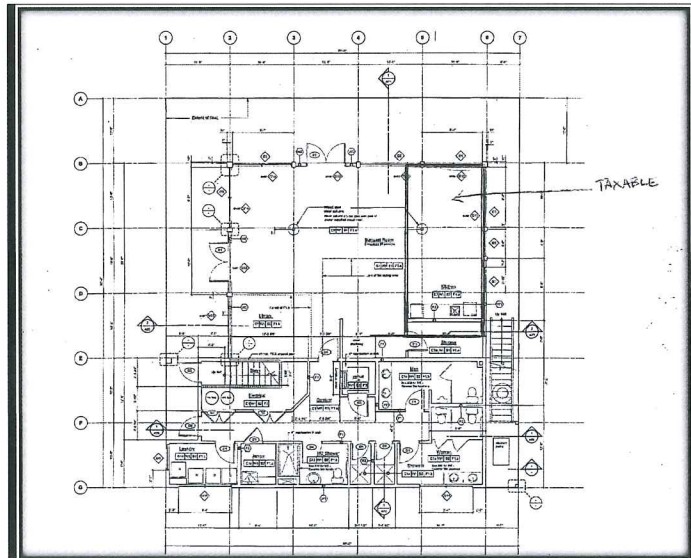


This is Schedule "G" attached to and forming part of  
Tax Exemption Bylaw 2015, No.1890



See insert below

Insert:



TOWN OF LADYSMITH

**BYLAW NO. 1892**

A bylaw to amend Revitalization Tax Exemption Bylaw No. 1625

---

**WHEREAS** Section 226 of the *Community Charter* authorizes a local government to establish a Revitalization Tax Exemption Program to partially exempt eligible revitalized properties from taxation;

**AND WHEREAS** the Ladysmith Town Council adopted the Revitalization Tax Exemption Bylaw No. 1625;

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

1. **AMENDMENTS**

“Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625” is hereby amended by deleting Schedule B of the bylaw in its entirety and replacing it with Schedule B as attached to this bylaw.

2. **CITATION**

This bylaw may be cited as “Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625 Amendment Bylaw 2015, No. 1892.”

**READ A FIRST TIME** on the 28<sup>th</sup> day of September, 2015  
**READ A SECOND TIME** on the 28<sup>th</sup> day of September, 2015  
**READ A THIRD TIME** on the 28<sup>th</sup> day of September, 2015  
**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Mayor (A. Stone)

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

Town of Ladysmith Bylaw No. 1892

Schedule "B"

<b>PROPERTY DESCRIPTION</b>	
Beantime Restaurant Owner of Property: Nordic Holdings Ltd	18 High St Lot 16, Blk 8, Plan VIP703 Folio 74.000
Futureworks Consulting Inc	411 1st Ave & 30 Roberts St Lot 11, Blk 10, Plan VIP703 Folio 107.000
Antique Addict Owner of Property: Paul Joy/Catherine Goldie	12 Roberts St Lot 14, Blk 27, Plan VIP703 Folio 113.000
1639555 Alberta Ltd	341 1st Ave Lot A, Plan VIP52046 Folio 126.000



TOWN OF LADYSMITH

NUISANCE ABATEMENT BYLAW NO. 1893

A Bylaw to regulate, prohibit and impose requirements in relation to the abatement of nuisances, disturbances and other objectionable situations.

---

**WHEREAS** in accordance with sections 8(3)(h) and 64 of the *Community Charter* Council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of the Community in relation to nuisances or any other matter that is liable to disturb the quiet, peace, rest, enjoyment or comfort or convenience of individuals or the public, or other objectionable situations as set out in Section 64 of the *Community Charter*;

**AND WHEREAS** under sections 17 and 194 of the *Community Charter* Council may impose costs and recover costs of taking action in the event of default by a person who fails to take action as lawfully directed.

**NOW THEREFORE** the Council of the Town of Ladysmith, in open meeting assembled, HEREBY ENACTS as follows:

1. **Definitions**

In this bylaw, unless the context otherwise requires:

**“Bylaw Officer”** – means the employee(s) of the Town of Ladysmith so designated from time to time by the Council of the Town of Ladysmith.

**“Town”** – means the Town of Ladysmith.

**“Fire Chief”** – means the Fire Chief duly appointed by Council from time to time and shall include the Deputy Fire Chief.

**“Nuisance”** – means an activity or any matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public, and without limiting the generality of the foregoing, may include noisy parties, a group of people making noise, loud music, car racing, revving engines, yelling, shouting, screaming, fighting, littering, trespassing, illuminations, vibration, odour, accumulation of water or other liquids on a property, or unsanitary conditions on property or other objectionable situations.

**“Nuisance Abatement”** – means works or services undertaken by the Town to land or improvements, to abate, or cause to be abated, an activity or any matter that causes a nuisance.

**“Public Place”** – includes land owned by a public authority.

2. **General Prohibition**

- 1) No person shall cause a nuisance or permit property which he or she owns or occupies to be used so as to cause a nuisance.
- 2) No person or persons shall make or cause or permit to be made or caused any nuisance in or on any highway or other public place in the Town which is liable to disturb the quiet, peace, rest, enjoyment or comfort or conveniences of individuals or persons in the neighbourhood or vicinity of that place.

**3. Declaration of Nuisance**

If Council of the Town of Ladysmith, in open meeting assembled, declares that a nuisance exists, if the person directed to abate the nuisance fails to do so within the time stipulated by Council, Town staff is authorized to undertake the steps and utilize resources deemed necessary to abate the nuisance and recover the costs of abating the nuisance as set out in this bylaw.

**4. Cost Recovery and Collection**

- 1) The Town may recover the costs of abating a nuisance from one or more of the following:
  - (a) a person causing the nuisance;
  - (b) the occupier of land from which the nuisance emanates; and
  - (c) the owner of land from which the nuisance emanates.
- 2) The Town may recover the costs of abating a nuisance under section 5(a) in accordance with:
  - (a) Section 231 of the *Community Charter*, as a debt due and recoverable in a court of competent jurisdiction;
  - (b) Section 258 of the *Community Charter*, in the same manner as property taxes,or in any other manner authorized by law.

**5. Costs Recoverable**

- 1) The costs recoverable for nuisance abatement shall be the actual costs of the actions taken by the Town to abate the nuisance, including, but not limited to, hiring an independent contractor to abate a nuisance.
- 2) In addition to the costs set out in 6(1), in the event that the members of the RCMP or Town staff, including Fire Rescue personnel, are involved in abating the nuisance, or are called to investigate a nuisance complaint at a property that has been declared a nuisance under section 4, the charges shall be as follows:
  - (a) \$300 per hour for RCMP attendance plus 15% for administration, and
  - (b) \$150 per hour for Town staff attendance, including Fire Rescue personnel, plus 15% for administration.
- 3) All charges as set out in this bylaw are in addition to and separate from any fine assessed through the issuance of a municipal ticket under the "*Ladysmith Ticket Information Utilization Bylaw 2002, No. 1457*" and amendments thereto or a fine assessed by a court under the *Offence Act*.

**6. Offences**

- 1) A person who contravenes a provision of this Bylaw is guilty of an offence and is subject to a fine of not more than \$10,000.00;
- 2) Section 7(1) shall not prevent the Town or an authorized person on behalf of the Town issuing and enforcing a ticket under the "*Ladysmith Ticket Information Utilization Bylaw 2002, No 1457*".

- 3) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.

**7. Severability**

If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

**8. Repeal**

This bylaw repeals "Nuisance Regulation Bylaw 1993, No. 1094" and all amendments thereto.

**9. Citation**

This Bylaw may be cited for all purposes as the "Ladysmith Nuisance Abatement Bylaw 2015, No. 1893."

<b>READ A FIRST TIME</b>	this	28 <sup>th</sup> day of	September, 2015.
<b>READ A SECOND TIME</b>	this	28 <sup>th</sup> day of	September, 2015.
<b>READ A THIRD TIME</b>	this	28 <sup>th</sup> day of	September, 2015.
<b>ADOPTED</b>	this	day of	, 2015.

\_\_\_\_\_  
Mayor (A. Stone)

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

TOWN OF LADYSMITH

PROPERTY MAINTENANCE BYLAW NO. 1894

A Bylaw to establish required standards for the maintenance of real property within the Town.

---

WHEREAS pursuant to Section 8(h) of the *Community Charter*, the Council of the Town of Ladysmith may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to nuisances, disturbances and other objectionable situations as defined in Section 64 of the *Community Charter*.

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

1. **Definitions**

In this Bylaw:

“**Committee**” means the standing committee of Council known as the Municipal Services Committee.

“**Graffiti**” means drawing, painting, etching, printing, writing or other graphic representation that:

- a) is scribbled, scratched, sprayed, painted, or similarly placed directly on a supporting surface, and
- b) if it is on private property that is not located on public real property, has been placed without the consent of the owner of that private property;

and excludes:

- a) a sign for which permits have been issued under the *Sign and Canopy Bylaw*, and
- b) a mural for a purpose other than commercial advertising;

“**Mural**” means a painting

- a) that is applied directly to the wall of a building or other structure with the consent of the owner of that building or structure, and
- b) that does not include any text or logo other than the name of the artist;

“**Real Property**” means any parcel of private land within the Town of Ladysmith;

“**Refuse**” includes, but is not limited to:

- a) food wastes;
- b) market wastes;
- c) combustibles like paper, cardboard, yard trimmings, leaves and brush, plastics, and leather;
- d) non-combustibles such as metal, cans, glass, dirt, ashes, and street sweepings;
- e) bulky wastes such as furniture, appliances, tires, stumps, recycling, and construction waste;
- f) unlicensed, unused, or stripped automobiles, trucks, trailers, boats, vessels, machinery, mechanical parts, and metal parts;

“**Unsightly**” means an untidy or otherwise non-aesthetic accumulation of filth, discarded materials, junk, or refuse on any real property, and includes graffiti.

2. **Graffiti Prohibited**

A person must not place graffiti on a wall, fence, or elsewhere on or adjacent to a public place.

**3. Refuse – Unsightly Property Prohibited**

A person must not do any of the following activities:

- (a) cause or permit water, or refuse, garbage or other material that is noxious, offensive or unwholesome to collect or accumulate on real property;
- (b) deposit or throw bottles, broken glass, or other refuse in any open place;
- (c) allow real property, of which that person is the owner or occupier, to become or remain unsightly.

**4. Weeds Prohibited**

The owner or occupier of real property must not allow to be present on that property weeds or other growths that:

- a) because of their condition, are likely to spread or become a nuisance to other real property in the vicinity; or
- b) are so unkempt as to be unsightly to nearby residents.

**5. Removal of Graffiti, Refuse, Weeds, Unlicensed Vehicles**

Every occupier of real property, or its owner if there is no occupier, must remove from that property:

- (a) graffiti;
- (b) refuse and other material described in section 4;
- (c) weeds and other growths described in section 5.

**6. Inspection to Determine Whether Bylaw is Being Followed**

- 1) RCMP and Bylaw Officers at all reasonable times may enter on real property to determine whether a requirement set out in sections 3, 4, and 6(a), (b) and (c) is being observed.
- 2) A Bylaw Officer at all reasonable times may enter on real property to determine whether a requirement set out in sections 5 and 6(c) is being observed.

**7. Town's Action at Defaulter's Expense**

- 1) The Town may give written notice to an owner or occupier, who does not take an action required under section 6, stating that the Town will take the action at the expense of the owner or occupier if that person does not take the action within 14 days of the service of the notice.
- 2) An owner or occupier to whom notice is given under subsection (1) may appeal the Town's proposed action by applying, within 14 days of the service of the notice, for a hearing by the Ladysmith Council.
- 3) Upon hearing an appeal under subsection (2) the Council may
  - (a) dismiss the appeal;
  - (b) extend the time in which the person appealing must undertake the action required by the notice given under subsection (1); or
  - (c) where the Committee determines it is appropriate to do so, vary the action required to be taken by the person appealing and establish time limits within which the person appealing must undertake the action.
- 4) RCMP and Bylaw Officers, with respect to a matter under section 6(a) or (b) and Bylaw Officers with respect to a matter under section 6(c), on behalf of the Town and at a defaulting person's expense, at reasonable times and in a reasonable manner, may enter on the real property owned or occupied by that person and take the action required by a notice given under subsection (1) if that person does not take the action within 14 days after the service of the notice, and

- (a) that person has not appealed to the Committee within 14 days of the service of the notice;
  - (b) the Committee, acting under its authority in subsection (3)(a), has dismissed that person's appeal;
  - (c) the Committee has not extended the time in which the person is required to comply with the action required by the notice given under subsection (1); or
  - (d) the Committee, acting under its authority in subsection (3)(c), has not varied the action required to be taken by the person appealing.
- 5) If the Town takes action under subsection (4) and the costs of the action are not paid on or before December 31 in the year in which they are incurred,
- (a) they may be recoverable from the person as a debt, or
  - (b) they may be collected in the same manner and with the same remedies as ordinary taxes on the real property on which the action was taken.
- 6) For the purposes of subsection (5)(b), the costs referred to in subsection (5) are considered to be taxes in arrears.

**8. Offences and Penalties**

- 1) A person who contravenes a provision of this Bylaw is guilty of an offence and is subject to a fine of not more than \$10,000.00;
- 2) Section 9(1) shall not prevent the Town or an authorized person on behalf of the Town issuing and enforcing a ticket under the "*Ladysmith Ticket Information Utilization Bylaw 2002, No 1457*".
- 3) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.

**9. Severability**

If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

**10. Citation**

This Bylaw may be cited as the "Ladysmith Property Maintenance Bylaw 2015 No. 1894".

<b>READ A FIRST TIME</b>	on the	28 <sup>th</sup> day of	September, 2015.
<b>READ A SECOND TIME</b>	on the	28 <sup>th</sup> day of	September, 2015.
<b>READ A THIRD TIME</b>	on the	28 <sup>th</sup> day of	September, 2015.
<b>ADOPTED</b>	on the	day of	, 2015.

\_\_\_\_\_  
Mayor (A. Stone)

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

TOWN OF LADYSMITH

**BYLAW NO. 1895**

A Bylaw to amend the Ticket Information Utilization Bylaw to include fines associated with Nuisance Abatement Bylaw No. 1893 and Property Maintenance Bylaw No. 1894.

**WHEREAS** the *Community Charter* empowers the Council, by bylaw, to authorize the use of any word or expression on a municipal ticket information to designate an offense against a bylaw;

**AND WHEREAS** the *Community Charter* empowers the Council, by bylaw, to establish penalties in relation to an offence against a bylaw;

**AND WHEREAS** it is deemed appropriate to amend "Ticket Information Utilization Bylaw 2002, No. 1457";

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

- Schedule 1 of "Ticket Information Utilization Bylaw 2002, No. 1457" is hereby amended by adding the following:

<u>Designated Bylaws</u>	<u>Designated Bylaw Enforcement Officers</u>
12. Nuisance Abatement Bylaw 2015, No. 1893	Peace Officer Bylaw Enforcement Officer
13. Property Maintenance Bylaw 2015, No. 1894	Peace Officer Bylaw Enforcement Officer

- Ticket Information Utilization Bylaw 2002, No. 1457 is hereby amended by adding the following "Schedule "13" as follows:

**SCHEDULE 13**

**RE: NUISANCE ABATEMENT BYLAW 2015, NO. 1893**

	<b>Offence</b>	<b>Section</b>	<b>Fine</b>	<b>Fine if paid within 30 days</b>
1	Cause/permit nuisance	3(a)	\$250.00	\$200.00
2	Cause nuisance in public	3(b)	\$250.00	\$200.00

- Ticket Information Utilization Bylaw 2002, No. 1457 is hereby amended by adding the following "Schedule "14" as follows:

**SCHEDULE 14**

**RE: PROPERTY MAINTENANCE BYLAW 2015, NO. 1894**

	<b>Offence</b>	<b>Section</b>	<b>Fine</b>	<b>Fine if paid within 30 days</b>
1	Unlawfully place graffiti	3	\$200.00	\$150.00
2	Accumulated refuse/garbage/other material	4(1)(a)	\$200.00	\$150.00
3	Deposit refuse/glass/bottles	4(1)(b)	\$125.00	\$100.00

	<b>Offence</b>	<b>Section</b>	<b>Fine</b>	<b>Fine if paid within 30 days</b>
4	Unsightly property	4(1)(c)	\$200.00	\$150.00
5	Unlawful postering	4(1)(d)	\$125.00	\$100.00
6	Nuisance/unsightly weeds/other growths	5	\$200.00	\$150.00
7	Fail to remove graffiti	6(a)	\$200.00	\$150.00
8	Fail to remove rubbish/other materials	6(b)	\$200.00	\$150.00
9	Fail to remove weeds/other growths	6(c)	\$200.00	\$150.00

#### 4. CITATION

This bylaw may be cited for all purposes as "Ticket Information Utilization Bylaw 2002, No. 1457, Amendment Bylaw (No. 1) 2015, No. 1895".

READ A FIRST TIME on the 28<sup>th</sup> day of September, 2015  
 READ A SECOND TIME on the 28<sup>th</sup> day of September, 2015  
 READ A THIRD TIME on the 28<sup>th</sup> day of September, 2015  
 ADOPTED on the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
 Mayor (A. Stone)

\_\_\_\_\_  
 Director of Corporate Services (S. Bowden)



THE ROYAL  
CANADIAN  
LEGION

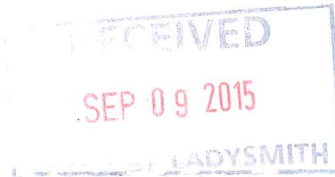
LA LEGION  
ROYALE  
CANADIENNE



**BRANCH # 171 LADYSMITH**

621 First Avenue, Box 219, Ladysmith, BC V9G 1A2  
email: rcl171@shaw.ca

Mayor Aaron Stone  
Town of Ladysmith  
Box 220, 410 Esplanade  
Ladysmith, BC V9G 1A2



September 10, 2015

Dear Mayor Stone;

During a recent Executive meeting at RCL Branch 171, a discussion of the alleyway between the north side of the Legion and the apartment building, was introduced.

Many years ago, the Town of Ladysmith offered this small piece of property to the Legion for \$1.00, however as a non-profit organization, the Legion was unable to meet the legal expenses involved in this generous offer.

The alleyway has a tree and bench facing 1<sup>st</sup> Avenue, but unfortunately, it also acts as a shortcut to the rear of numerous buildings near the Legion, and a catch all for cigarette butts and trash. Please have the Town of Ladysmith study the possibility of allowing the Legion to either purchase or lease this alleyway.

A tentative plan would provide a licensed deck with only access for Legion members and guests. Access for wheelchairs would be incorporated into the plan, and the entire project would of course have to be approved by the appropriate authorities.

Closing this alleyway to the public might also have the advantage of discouraging any possible illegal activity off 1<sup>st</sup> Avenue.

Thank You.

Gary Phillips  
President

250-616-1657

Ladysmith



September 28, 2015

P. O. Box 98  
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V9G 1A1

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Mayor and Councillors  
TOWN OF LADYSMITH  
PO Box 220  
LADYSMITH, BC V9G 1A2

Dear Mayor Stone and Councillors:

Ladysmith is celebrating the **28<sup>th</sup> Anniversary of Light-Up** on **Thursday, November 26<sup>th</sup>**, and plans are underway to ensure another exciting event.

On behalf of the Members and Directors of the Ladysmith Festival of Lights Society, I would like to submit a request to waive the fees for the use of the Town Trolley and driver, who will be assisting us in transporting visitors from 4<sup>th</sup> Avenue to Market Square Lane at High Street from 3pm to 10pm on Light-Up day.

Your support enables us to continue bringing truly memorable celebrations to the residents and visitors who come to enjoy all the festivities.

Thank you for your kind consideration to our request.

Please join us on Thursday, November 26<sup>th</sup>, in sharing the magic of Ladysmith.

Sincerely

Dianne Edwards  
Event Coordinator

*Keeping Ladysmith bright!!! Always the last Thursday in November.*

We acknowledge the financial support of the Province of British Columbia.