



TOWN OF LADYSMITH

A REGULAR MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
WILL BE HELD IN COUNCIL CHAMBERS AT CITY HALL ON
MONDAY, MARCH 20, 2017
7:00 P.M.

A G E N D A

CALL TO ORDER (7:00 P.M.)

1. AGENDA APPROVAL

2. MINUTES

- 2.1. Minutes of the Public Hearing and Regular Meeting of Council held March 6, 2017 1 - 7
- 2.2. Minutes of the Special Meeting of Council held March 13, 2017.....8

3. DELEGATIONS - None

4. PROCLAMATIONS - None.

5. DEVELOPMENT APPLICATIONS

- 5.1. Development Variance Permit Application – 245 Oyster Cove Road (Campbell).....9 - 15

Staff Recommendation:

That Council consider issuing Development Variance Permit 3090-16-09 to vary the permitted front parcel line setback for the siting of the attached garage portion of a proposed single family dwelling on Strata Lot 40, District Lot 56, Oyster District, Strata Plan 2009 (245 Oyster Road);

And that the Mayor and Corporate Officer be authorized to sign the Development Variance Permit.

- 5.2. Development Permit Application – 245 Oyster Cove Road (Campbell)..... 16 - 31

Staff Recommendation:

That Council issue Development Permit 3060-16-18 for Strata Lot 40, District Lot 56, Oyster District, Strata Plan 2009 (245 Oyster Cove Road) to establish geotechnical conditions for the development of a single family residential dwelling;

And that the Mayor and Corporate Officer be authorized to sign the Development Permit.

5.3. Coach House Intensive Residential Development Permit – 426 Buller Street (Faiazza) 32 - 38

Staff Recommendation:

That Council issue Development Permit 3060-17-03 to permit the issuance of a building permit for the construction of a coach house dwelling on Lot 10, Block 93, District Lot 56, Oyster District, Plan 703-A (426 Buller Street);

And that the Mayor and Corporate Officer be authorized to sign the Development Permit.

5.4. Renewal of Development Permit for Coach House (941 Fifth Avenue)..... 39 - 48

Staff Recommendation:

That Council issue a renewal of Development Permit 3060-17-01 for a Coach House dwelling at 941 Fifth Avenue;

And that the Mayor and Corporate Officer be authorized to sign the Development Permit.

6. BYLAWS (OFFICIAL COMMUNITY PLAN & ZONING) - None

7. REPORTS

7.1. Sale of Town-owned Property - Clarke Rd 49 - 50

Staff Recommendation:

That, subject to consideration of any concerns raised by affected parties, Council confirm the sale of the closed portion of Clarke Road to Robert and Nicolette MacCallum for \$22,000.

7.2. Rick Hansen Access4All Barrier Buster Infrastructure Grant Application 51 - 54

Staff Recommendation:

That Council direct staff to apply for the Rick Hansen Access4All Barrier Buster Infrastructure Improvement Project and Awareness Building grant of up to \$30,000 to fund upgrades improving access to Aggie Hall parking and play area for people with disabilities, and an event raising awareness in the community.

7.3. Sponsorship Signage within Sport Field Facilities 55 - 59

Staff Recommendation:

That Council direct staff to finalize development and implement the Sport Field Sponsorship Signage Policy.

7.4. Event Signage Request at Aggie Hall 60 - 62

Staff Recommendation:

That Council authorize the request from Islands' Celtic Festival for temporary event signage installed on the exterior of Aggie Hall and that Council direct staff to work with the Islands' Celtic Festival to install the sign.

7.5. Municipal Services Committee Report..... 63 - 65

Committee Recommendations:

That Council:

1. Direct staff to bring forward a new Ticket Bylaw, a new Bylaw Officer and Inspection Bylaw and amendments to other bylaws that will:
 - a. Make ticket fines available for all bylaw contraventions where using a ticket would enhance the ability to achieve compliance and streamline work;
 - b. Amend the offence and penalty sections of bylaws under which tickets may be issued where such sections do not properly support the issuance of tickets and/or the appropriate prescribed fines for each offence;
 - c. Prescribe ticket fines for all offences using the criteria set out in the Report to ensure consistent application across various bylaws;
 - d. Establish reduced ticket fines for prompt payment, where suitable, to create an incentive for violators to pay their tickets instead of ignoring or disputing them;
 - e. Ensure that the appropriate Town officials and the RCMP are properly appointed and named as bylaw enforcement officers for the purpose of conducting inspections and/or issuing tickets as appropriate; and
 - f. Limit the use of Offence Notices to the Streets and Traffic Bylaw and the Parks Usage Bylaw in relation to offences involving vehicles.
2. Engage in a 2018 Grants-in-Aid policy discussion.
3. Request the Cowichan Valley Regional District to administer the Grant-in-Aid funding for Victim Services in Ladysmith and request matching funds from the areas that benefit, including areas G and H and the First Nations.
4. Approve the following Grant-in-Aid recommendations for 2017:

Organization	2017 Preliminary Approval
Ladysmith Show and Shine	500
Ladysmith Festival Of Lights	15,000
Ladysmith Citizens on Patrol	1,500
Ladysmith Fire Rescue - Santa Parade	1,200
Old English Car Club Central Island Branch	250

Art Council of Ladysmith and District Waterfront Gallery	2,000
Art Council of Ladysmith and District- Arts on the Avenue	1,500
Ladysmith District Historical IHPC	5,000
Ladysmith Little Theater	500
Ladysmith Downtown Bus. Assoc. (Shop Locally)	1,500
Ladysmith Downtown Bus. Assoc. (Old Time Christmas)	1,500
LRCA - Soup Kitchen	0
Ladysmith Ambassador Program	1,500
Ladysmith & District Marine Rescue Society	2,500
Ladysmith Maritime Society	1,500
Ladysmith Celebration Society	8,000
Ladysmith Fire Rescue - Haunted House	0
LaFF	2,500
Open Table	500
Cowichan Family Caregivers	750
Cowichan Therapeutic Riding Association	0
Cowichan Energy Alternative	0
SD#68 – Frank Jameson Bursary	1,500
<i>Late Application</i>	
<i>Ladysmith Community Gardens Society</i>	1,000
<i>Service Agreements:</i>	
Ladysmith & District Historical Society	23,500
LRCA - Victim Services	15,000
LRCA – Programs	25,500
Waiving of Fees	500
Reserve	4,900

5. Pass the following resolution:
 “Be it resolved that Council requests that the Mayor write a letter to Minister Andrew Wilkinson stating support for Adult Basic Education and requesting the Ministry to reinstate funding for Adult Basic Education programs and that the letter be copied to the Canadian Federation of Students BC and the Vancouver Island University Students’ Union.”

6. Refer the issue of an urban star park to the next Parks, Recreation & Culture Advisory Committee meeting.

7. Refer to staff the Communities in Bloom 2017 Program information to determine the feasibility of participating in the competition as part of the Celebrate Canada’s 150th Anniversary celebrations.

7.6. Protective Services Committee Recommendations.....66

Committee Recommendation:

That Council consider placing advertisements in local newspapers or other Town communications advising of safe practices for handling needles and include links to the Cowichan Valley Regional District website.

8. BYLAWS

8.1. Town of Ladysmith Road Closure and Exchange Bylaw 2016, No. 1916 67 - 71

The purpose of Bylaw 1916 is to close to traffic and remove the highway dedication of that part of land shown in heavy outline on Reference Plan EPP63593, for the purpose of disposing of the land to the adjacent landowner, in exchange for other land required for highway purposes.

Staff Recommendation:

That, Council consider any public input resulting from published notice of the proposed road closure and exchange.

8.2. Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2017, No. 1923 72 - 73

The purpose of Bylaw 1923 is to amend the Waterworks Regulations Bylaw 1999, No. 1298 to establish water utility rates for 2017 and incorporate penalties for overdue payments.

Staff Recommendation:

That Council adopt Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2017, No. 1923.

8.3. Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2017, No. 1924 74 - 75

The purpose of Bylaw 1924 is to amend the Sanitary Sewer Rates Bylaw 1999, No. 1299 to establish sewer utility rates for 2017 and incorporate penalties for overdue payments.

Staff Recommendation:

That Council adopt Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2017, No. 1924.

8.4. Town of Ladysmith Utility Penalties Repeal Bylaw 1925 76

The purpose of Bylaw 1925 is to repeal Water, Sewer and Garbage Penalty Rates Bylaw No. 1628, as penalty rates are incorporated into the respective water, sewer and garbage bylaws.

Staff Recommendation:

That Council adopt Town of Ladysmith Utility Penalties Repeal Bylaw 1925.

9. CORRESPONDENCE

- 9.1. **Cowichan Valley Regional District, Economic Development Division
Request for Letter of Support for Cowichan Tech Strategy..... 77 - 78**

Staff Recommendation:

That Council provide a letter of support to Island Coastal Economic Trust on behalf of Economic Development Cowichan for the development of a Cowichan Tech Strategy.

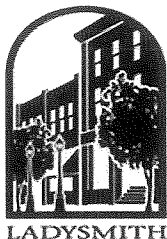
10. NEW BUSINESS

11. UNFINISHED BUSINESS

12. 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.

ADJOURNMENT



**TOWN OF LADYSMITH
MINUTES OF A PUBLIC HEARING AND REGULAR
MEETING OF COUNCIL
MONDAY, MARCH 6, 2017
CALL TO ORDER 5:03 P.M.
COUNCIL CHAMBERS, CITY HALL**

COUNCIL MEMBERS PRESENT:

Mayor Aaron Stone

Councillor Joe Friesenhan

Councillor Duck Paterson

Councillor Steve Arnett

Councillor Carol Henderson

Councillor Cal Fradin

Councillor Rob Hutchins

STAFF PRESENT:

Guillermo Ferrero

Geoff Goodall

Felicity Adams

Clayton Postings

Erin Anderson

Sue Bouma

CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 5:03 p.m.

CLOSED SESSION

CS 2017-057

Moved and seconded:

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session at 5:04 p.m. in order to consider items related to the following:

- Provision of a municipal service - Section 90 (1) (k)
- Appointments to advisory committees - Section 90 (1) (a)
- Human Resources matter - Section 90 (1) (c)
- Lease of Town-owned properties - Section 90 (1) (e)

Motion carried.

**REGULAR OPEN
MEETING**

Mayor Stone called this Regular Open Meeting to order at 7:00 p.m., recognizing the traditional territory of the Stz'uminus First Nation, acknowledging 5,500 years of history and stewardship and expressing gratitude to be here.

AGENDA APPROVAL

CS 2017-058

Moved and seconded:

That Council approve the agenda for this Public Hearing and Regular Meeting of March 6, 2017 as amended by the following addition:

- Item 13.2., "Late Resolution to the AVICC Regarding Library Funding"

Motion carried.

PUBLIC HEARING

Mayor Stone welcomed the members of the public and outlined the process for the Public Hearing.

He stated that the Public Hearing was regarding Bylaw 1921.

Mayor Stone advised the public that they would have the opportunity to provide their comments about the content of this Bylaw to Council, and that following the close of the Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of Council.

Public Hearing – Bylaws 1921

Members of the public present: 58

Felicity Adams, Director of Development Services, introduced the agenda item and stated that the purpose of Bylaw 1921 is to amend the Zoning Bylaw to:

- Add the retail sale of marihuana to the Prohibited Uses section of the Zoning Bylaw to explicitly state that is not permitted in any zone in the Town;
- Amend the definition of Retail Sales such that the retail sale of marihuana is not included; and
- Add a definition of Marihuana Retail Sales

The Public Hearing Notice was printed in the Ladysmith Chronicle newspaper on February 22 and March 1, 2017 and posted on community notice boards throughout the Town, as well as on the Town's website.

A copy of the Notice, the proposed Bylaw and background information considered by Council was made available at the front counter of City Hall for the Notice period. Staff in the Development Services office was available to respond to questions prior to the public hearing.

Bylaw was referred to the Ladysmith RCMP for comment. The Staff Sergeant commented that he cannot in good conscious support permitting medical marihuana dispensaries in the Town of Ladysmith and he does not recommend that the Town take this on until there is clear direction from the Federal Government. He provided several reasons:

- The retail selling of marihuana, even to clients with a prescription, is illegal in Canada. The Town may be liable if issues arise.
- At this time there are no controls over the product that is sold in a marihuana dispensary (i.e. there is no way of knowing if the product being sold contains fentanyl).
- There is no certainty that the marihuana will be sold to clients with a prescription. Marihuana dispensaries on Vancouver Island have sold marihuana to clients who do not have a prescription from a physician.
- There are health concerns related to marihuana use.
- The building/property owner or landlord may be liable if they lease to an illegal business.

- Neighbouring businesses to the marihuana dispensary may have concerns (i.e odour).

Mayor Stone advised that written submissions received prior to the agenda deadline are included in the agenda package. Submissions received after this time were distributed separately. There were 21 written submissions received. Of these 21 submissions, nine were in support of Bylaw 1921 and 12 were opposed to it.

Mayor Stone called for written submissions to Council. Receiving no additional written submissions, Mayor Stone called for verbal comments to Council. Receiving no initial response, Mayor Stone called for verbal comments to Council a second time.

Linda Mix, 963 Davidson Road, spoke against Bylaw 1921 as currently written, suggesting edits to include reference to the future federal government's plans to legalize the sale of marihuana.

Brian McLaren, 705 Stirling Drive, spoke against Bylaw 1921, expressing concern that the bylaw will interfere with the opportunity to have the Travellers Hotel restored.

Griffin Russell, 102 Arbutus Crescent, spoke against Bylaw 1921, and commented that developments in other parts of the province indicate that there is a need for legitimate marihuana retailers.

Paul Gonzales, 930 Colonia, spoke in support of Bylaw 1921, recommending that the Town should wait to allow retail sales of marihuana until federal regulations and enforcement protocols have been established.

Wes Smith, Re/max Ocean Pointe, realtor for the Travellers Hotel, recommended deferring making any decisions regarding Bylaw 1921 until after federal legislation.

Greg Bolter, of Nanaimo, spoke against Bylaw 1921, and enquired about the measures the Town would take if liquor stores became marihuana dispensaries.

Rob Johnson, 526 1st Ave, spoke against Bylaw 1921, suggesting tabling the bylaw until the federal government passes legislation to legalize the sale of marihuana.

Stuart Vogler, 410 Third Avenue – spoke against Bylaw 1921, citing tax benefits as a reason to reject the bylaw.

Mayor Stone called for comments about Bylaw 1921 a third time. Hearing no further comments, Mayor Stone declared the Public Hearing for Bylaw 1921 closed and no further submissions or

comments from the public or interested persons can be accepted by members of Council.

**MOTION TO AMEND
AGENDA ORDER
CS 2017-059**

Moved and seconded:
That Council move item 8.1 "Bylaw 1921 – Amend Zoning Bylaw to Explicitly Prohibit Retail Sale of Marihuana" to directly follow the Public Hearing.
Motion carried.

**BYLAWS (OFFICIAL
COMMUNITY PLAN &
ZONING)
CS 2017-060**

Bylaw 1921 – Amend Zoning Bylaw to Explicitly Prohibit Retail Sale of Marihuana
Moved and seconded:
That Council proceed with third reading and final adoption of Bylaw 1921, cited as "Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw (No.8), 2016, No. 1921".
Motion carried.

RISE AND REPORT

Council rose from Closed Session at 6:41 p.m. without report.

**MINUTES
CS 2017-061**

Moved and seconded:
That Council approve the minutes of the Special Meeting of Council held February 9, 2017.
Motion carried.

CS 2017-062

Moved and seconded:
That Council approve the minutes of the Regular Meeting of Council held February 20, 2017.
Motion carried.

**DEVELOPMENT
APPLICATIONS**

CS 2017-063

Development Variance Permit Application – 826 Craig Road (Wolff) Strata Lot 2, District Lot 67, Oyster District, Strata Plan VIS 6498
Moved and seconded:
That Council issue Development Variance Permit 3090-17-01 for variances to three retaining walls on Strata Lot 2, District Lot 67, Oyster District, Strata Plan VIS 6498 (826 Craig Road).
Motion carried.

COMMITTEE REPORTS

CS 2017-064

Heritage Revitalization Advisory Commission Report regarding Support For the Heritage Tax Credit Bill
Moved and seconded:
That Council express support for Bill C-323 – An Act to Amend the Income Tax Act (Rehabilitation of Historic Property) as a Private Members Bill tabled by MP Peter Van Loan, Conservative critic for Canadian Heritage and National Historic Sites.
Motion carried.

Canada 150 Celebrations Update
Councillor Paterson updated Council on the Canada 150 Celebrations Committee plans, noting that grant funding for the celebrations will not

be finalized until May, but plans are moving forward to create a joint canoe with Stz'uminus.

Celebrations Committee

Councillor Fradin reported that the Celebrations Committee needs volunteers to help organize Ladysmith Days.

REPORTS

Boundary Extension Request

Lot 20, District Lot 41, Oyster District, Plan 2519, except parts in Plans 8993, 43985 and EPP28332 (W. Rosen and J. Stringer)

Moved and seconded:

CS 2017-065

1. That Council direct staff to proceed with developing the boundary extension proposal to the Province to request that Lot 20, District Lot 41, Oyster District, Plan 2519, except parts in Plans 8993, 43985 and EPP28332 be included within the boundary of the Town and to submit the proposal to the Province.
2. Based on Council's decision to implement an application fee for boundary extension proposals, that Council deny the applicant's request to waive the fee in full or in part.
3. That Council direct staff to write to the owners of the other south Ladysmith properties that are similarly bounded by the Town and the highway to see if there is interest in being part of this boundary extension proposal to the Province.

Motion carried.

Status of Provincial Contaminated Site Profiles Process

Moved and seconded:

CS 2017-066

That Council receive for information the report regarding the status of the provincial contaminated sites profile process.

Motion carried.

2017 Grants-in-Aid

Moved and seconded:

CS 2017-067

That Council receive the 2017 grant-in-aid funding requests from community groups and organizations and refer the deliberations to the March 13, 2017 Municipal Services Committee meeting.

Motion carried.

BYLAWS

Town of Ladysmith Road Closure and Dedication Removal Bylaw 2016, No. 1916

Moved and seconded:

CS 2017-068

That Council:

1. Rescind third reading of Bylaw 1916
2. Give third reading of Bylaw 1916 as amended with an updated Schedule A; and
3. Direct staff to publish notice of this proposed disposition in accordance with the *Community Charter*

Motion carried.

Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2017, No. 1923

Moved and seconded:

CS 2017-069

That Council give first three readings of Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2017, No. 1923.

Motion carried.

Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2017, No. 1924

Moved and seconded:

CS 2017-070

That Council give first three readings of Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2017, No. 1924.

Motion carried.

Town of Ladysmith Utility Penalties Repeal Bylaw 1925

Moved and seconded:

CS 2017-071

That Council give first three readings of Town of Ladysmith Utility Penalties Repeal Bylaw 1925.

Motion carried.

CORRESPONDENCE

Festival of Lights

Request to Erect Canada 150 Decoration on City Hall Roof

Moved and seconded:

CS 2017-072

That Council give permission for the Festival of Lights Society to erect the numerals 150 in red lights on the City Hall roof in celebration of Canada's 150th birthday, as requested in the correspondence from the Festival of Lights Society dated February 15, 2017.

Motion carried.

Ladysmith Downtown Business Association

Request to Waive Trolley and Driver fee for the Annual Old Time Christmas Event

Moved and seconded:

CS 2017-073

That Council waive the trolley rental fee for the December 8, 2017 Annual Old Time Christmas Event as requested by the Ladysmith Downtown Business Association.

Motion carried.

Ladysmith Ambassador Program

Request to Advertise in the Coronation Evening Program

Moved and seconded:

CS 2017-074

That Council place a half-page ad in the 2017 Ladysmith Ambassador Program for a cost of \$130.00.

Motion carried.

Vancouver Island and Coast Conservation Society
Request for Letter of Support

Moved and seconded:

CS 2017-075

That Council provide a letter of support to the Federal Government expressing support for the Vancouver Island and Coast Conservation Society's request to declare December 11, 2017 as 'A Day for Our Common Future'.

Motion carried.

NEW BUSINESS

Ratification of Appointment to Cowichan Region Smoke-Free Task Force

Moved and seconded:

CS 2017-076

That Council ratify the appointment of Councillor Duck Paterson as the Town of Ladysmith representative on the Cowichan Region Smoke-Free Task Force.

Motion carried.

Late Resolution to the AVICC Regarding Library Funding

Moved and seconded:

CS 2017-077

That Council sponsor a late resolution to AVICC regarding library funding and the provincial ministries associated with overseeing the library function.

Motion carried

QUESTION PERIOD

Members of the public enquired about Bylaw 1921 and current pharmacy dispensation, rise and report release plans for 2017 and best practices for closed meetings.

ADJOURNMENT

Moved and seconded:

CS 2017-078

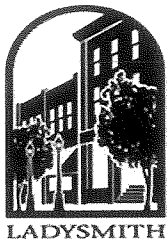
That this meeting of Council adjourn 8:28 p.m.

Motion carried.

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (G. Ferrero)



**TOWN OF LADYSMITH
MINUTES OF A SPECIAL MEETING OF COUNCIL
MONDAY, MARCH 13, 2017
CALL TO ORDER 5:02 P.M.
COUNCIL CHAMBERS, CITY HALL**

COUNCIL MEMBERS PRESENT:

Mayor Aaron Stone	Councillor Steve Arnett	Councillor Cal Fradin
Councillor Joe Friesenhan	Councillor Carol Henderson	Councillor Rob Hutchins
Councillor Duck Paterson		

STAFF PRESENT:

Guillermo Ferrero	Felicity Adams	Erin Anderson
Geoff Goodall	Kevin Goldfuss	

CALL TO ORDER

Mayor Stone called this Special Meeting of Council to order at 5:02 p.m., acknowledging the traditional territory of Stz'uminus First Nation, acknowledging 5,500 years of history and stewardship and expressing gratitude to be here.

CLOSED SESSION

CS 2017-079

Moved and seconded:

That Council retire into closed session at 5:03 p.m. in order to consider matters related to the following:

- Provision of a municipal service - Section 90 (1) (k)
- Human Resources matter - Section 90 (1) (c)

Motion carried.

RISE AND REPORT

Council rose from Closed Session at 6:28 p.m. without report.

ADJOURNMENT

CS 2017-080

Moved and seconded:

That this Special Meeting of Council adjourn at 6:29 p.m.

Motion carried.

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (G. Ferrero)

STAFF REPORT TO COUNCIL

From: Felicity Adams, Director of Development Services
 Meeting Date: March 20, 2017
 File No: 3090-16-09

RE: **DEVELOPMENT VARIANCE PERMIT APPLICATION**
245 Oyster Cove Road (Campbell)
 Subject Property: Strata Lot 40, District Lot 56, Oyster District, Strata Plan 2009

RECOMMENDATIONS

That Council consider issuing Development Variance Permit 3090-16-09 to vary the permitted front parcel line setback for the siting of the attached garage portion of a proposed single family dwelling on Strata Lot 40, District Lot 56, Oyster District, Strata Plan 2009 (245 Oyster Cove Road);

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

PURPOSE

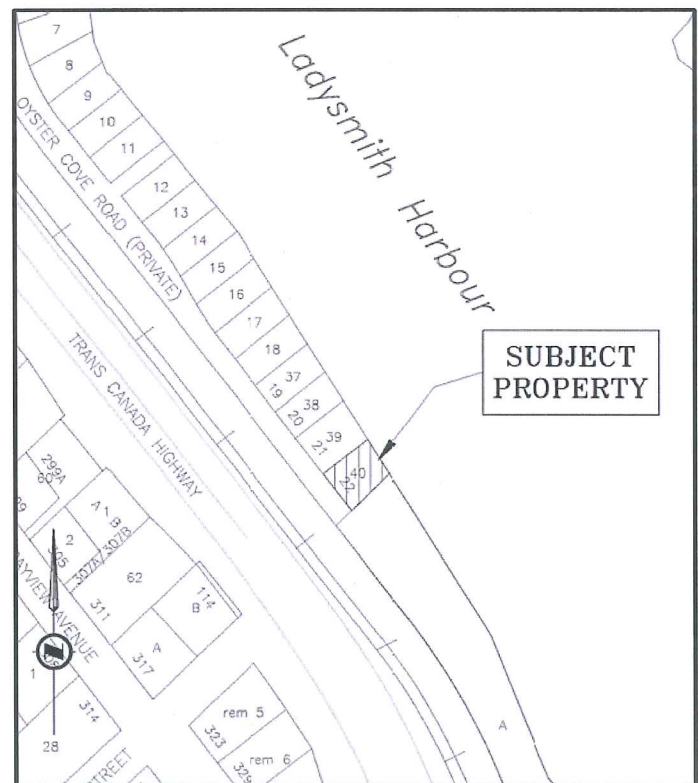
The purpose of this staff report is to obtain Council's decision regarding a development variance permit application for the front parcel line setback of the attached garage portion of a single family dwelling on Strata Lot 40, Oyster Cove Road.

PREVIOUS COUNCIL DIRECTION/RESOLUTIONS

At the Council meeting on February 20, 2017, direction was provided from Council to proceed with statutory notice for the development variance permit application. Notification was sent and delivered to the neighbours on February 28, 2017.

INTRODUCTION/BACKGROUND

The applicants, Julie & Craig Campbell, are requesting a variance for the siting of a



proposed new dwelling with an attached garage on Oyster Cove Road. The property is located on the waterfront and is currently vacant.

SCOPE OF WORK

The current stage of this application is to seek Council's decision on the proposed development variance permit application. The subject property is zoned 'Oyster Cove Residential' (R-2-B).

The applicant intends to construct a 2,070 sq.ft. dwelling with an attached garage on the subject property. The proposed dwelling meets all requirements for the Zoning Bylaw except for one request for a setback variance for the garage portion of the building. The attached garage is proposed to be sited 3.05 metres from the front parcel line. A front setback of 6 metres is required, thus a variance of 2.95 metres is requested.

Proposed Variance – Front Parcel Line

ZBL 10.8 (5)(c)	Required	Proposed	Proposed Variance
Front Parcel Line Setback	6.0 metres	3.05 metres	2.95 metres <i>(For the garage portion of the principal building only)</i>

A Hazard Lands Development Permit is required for this property. A geotechnical report forms part of the Development Permit application.

ALTERNATIVES

To not support Development Variance Permit application 3090-16-09.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

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

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

The Town of Ladysmith notice regarding Development Variance Permit application 3090-16-09 was delivered and sent to neighbouring properties (within 60 metres of the subject property) on February 28, 2017. At the time of writing this report, one resident of Oyster Cove Road inquired about the Development Variance Permit application, and no concerns were noted.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

Development Variance Permit application 3090-16-09 was referred to the Infrastructure Services Department and the Building Inspector and no issues were identified.

RESOURCE IMPLICATIONS

Processing Development Variance Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES

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

SUMMARY

Council may consider approving Development Variance Permit application 3090-16-09.




Report Author: Angela Davies, Planner

March 14, 2017

Date Signed

Reviewed By

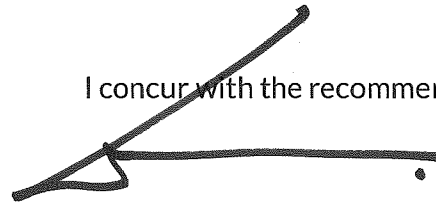


Felicity Adams, Director of Development Services

March 14, 2017

Date Signed

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT

Development Variance Permit 3090-16-09



TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 Local Government Act)

FILE NO: 3090-16-09

DATE: March 20, 2017

Name of Owner(s) of Land (Permittee): Craig A. Campbell & Julie E. Campbell

Applicant: Craig and Julie Campbell

Subject Property (Civic Address): 245 Oyster Cove Road

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

Strata Lot 40, District Lot 56, Oyster District, Strata Plan 2009

Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form 1.

PID: 017-409-861

(245 Oyster Cove Road)

3. Section 10.8 (5)(c) "Siting, Sizing and Dimension of Uses, Buildings and Structures" in the Oyster Cove Residential (R-2-B) Zone of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", is varied for the subject property as follows:

From:

Section 10.8 (5)(c) No Principal Building or Structure shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:

PARCEL LINE	SINGLE UNIT MINIMUM SETBACK
Front Parcel Line	6.0 metres
Interior Side Parcel Line	1.5 metres

Exterior Side Parcel Line	1.5 metres
Rear Parcel Line	7.5 metres
Natural Boundary of the Sea	8.0 metres

To:

Section 10.8 (5)(c) No Principal Building or Structure shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:

PARCEL LINE	SINGLE UNIT MINIMUM SETBACK
Front Parcel Line	6.0 metres
Interior Side Parcel Line	1.5 metres
Exterior Side Parcel Line	1.5 metres
Rear Parcel Line	7.5 metres
Natural Boundary of the Sea	8.0 metres

However, the attached garage portion of the Principal Building may be located 3.05 metres from the front parcel line as shown in Schedule A.

4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. The following plans and specifications are attached:
 - a) **Schedule A: Site Plan (Strata Lot 40, 245 Oyster Cove Road)
Development Variance Permit 3090-16-09 (Campbell)**
6. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (3090-16-09) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL ON THE DAY OF 20 .

Mayor (A. Stone)

Corporate Officer (J. Winter)

I HEREBY CERTIFY that I have read the terms and conditions of the Development Variance Permit contained herein. I understand and agree that the Town of Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with **Craig Campbell & Julie Campbell** other than those contained in this permit.

Signed

Witness

Title

Occupation

Date

Date

Signed

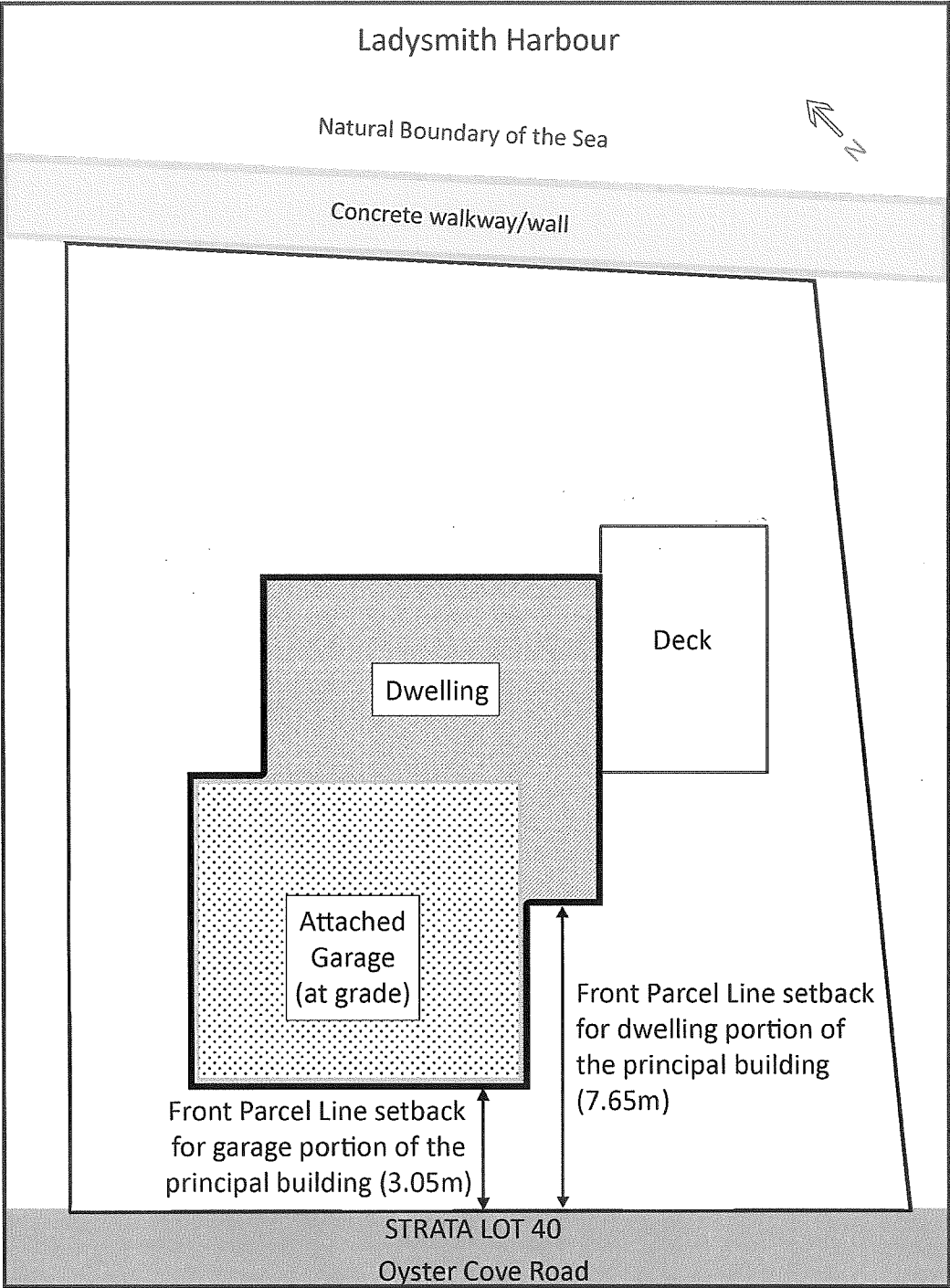
Witness

Title

Occupation

Date

Date



Schedule A: Site Plan
 DVP 3090-16-09 (Campbell)
 Strata Lot 40, 245 Oyster Cove Road

STAFF REPORT TO COUNCIL

From: Felicity Adams, Director of Development Services
Meeting Date: March 20, 2017
File No: 3060-16-18

RE: Development Permit Application - 245 Oyster Cove Road (Campbell)
Subject Property: Strata Lot 40, District Lot 56, Oyster District, Strata Plan 2009

RECOMMENDATIONS

That Council issue Development Permit 3060-16-18 for Strata Lot 40, District Lot 56, Oyster District, Strata Plan 2009 (245 Oyster Cove Road) to establish geotechnical conditions for the development of a single family residential dwelling;

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

PURPOSE

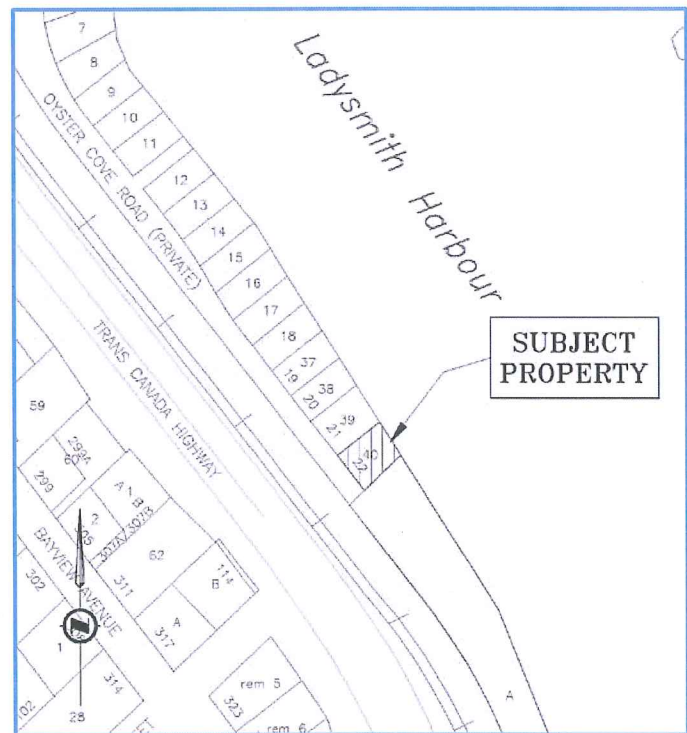
The purpose of this staff report is to consider a Hazard Land Development Permit application for Strata Lot 40 on Oyster Cove Road.

PREVIOUS COUNCIL DIRECTION

Council is also considering Development Variance Permit 3090-16-09 to allow a variance of the front setback for an attached garage. At the March 6, 2017 meeting, Council approved the notification process for the variance.

INTRODUCTION/BACKGROUND

The applicants, Julie and Craig Campbell, have applied for a Development Permit for the construction of a single family residential dwelling on Strata Lot 40. The property is within the Development Permit Area 7 - Hazard Lands on the Official Community Plan, Map 2.



The purpose of the Hazard Lands Development Permit guidelines is to protect development from hazardous conditions.

SCOPE OF WORK

The subject property is in the 'Oyster Cove Residential' Zone (R-2-B) and falls within the Hazard Lands Development Permit Area (DPA 7). The applicants retained Lewkowich Engineering Associates Ltd to complete a geotechnical evaluation of Strata Lot 40. The Geotechnical Report (dated December 30, 2016) forms part of DP 3060-16-18 which will be registered on the Certificate of Title for the subject property.

The Report concludes that the subject property is geotechnically safe for the intended use of a single family dwelling, provided that the report's geotechnical recommendations are implemented. The conclusions and recommendations are made in accordance with DPA 7 guidelines to prevent land slippage and sloughing; to safeguard private property from potential damage, to minimize disruption to slope stability, and to prohibit development from occurring in areas where slope instability hazards exist. The geotechnical report indicates that the existing foreshore protection (a concrete retaining wall) on the lower boundary of the property is satisfactory.

ALTERNATIVES

While the issuance of a Development Permit is not a completely discretionary decision of Council, Council may decide to not issue Development Permit 16-18 where the refusal is based upon a determination that the application does not meet the Development Permit guidelines. If the Development Permit is refused then reasons must be given. The determination by Council must be in good faith and it must be reasonable, not arbitrary.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

A Development Permit is required prior to the issuance of a building permit for the subject property.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

None.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

Development Permit application 3060-16-18 was referred to the Building Inspector. Geotechnical recommendations will be reviewed at time of Building Permit.

RESOURCE IMPLICATIONS

Processing Development Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES

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

SUMMARY

It is recommended to support Development Permit application 3060-16-18.



Report Author: Angela Davies, Planner

March 7, 2017
Date Signed

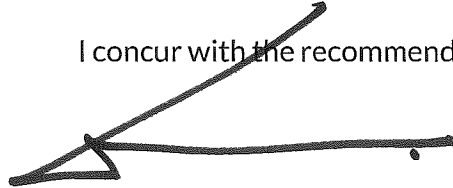
Reviewed By



Felicity Adams, Director of Development Services

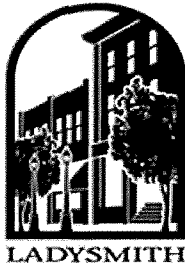
March 7, 2017
Date Signed

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT
DP 3060-16-18



TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 489 Local Government Act)

FILE NO: 3060-16-18

DATE: March 20, 2017

Name of Owner(s) of Land (Permittee): Julie & Craig Campbell

Applicant: Julie & Craig Campbell

Subject Property (Civic Address): 245 Oyster Cove Road

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

Strata Lot 40

District Lot 56

Oyster District

Strata Plan 2009

Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form 1.

PID# 017-409-861

(referred to as the "Land")

3. This Permit has the effect of authorizing the issuance of a building permit for the construction of a building on the Land in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws except as varied by this Permit;

Subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.

4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw 2014, No. 1860.

5. The Permittee, as a condition of the issuance of this Permit, agrees to follow the recommendations in **Schedule A: Geotechnical Hazard Assessment (Lewkowich Engineering Associates Ltd – December 30, 2016)**.
6. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
7. The plans and specifications attached to this Permit are an integral part of this Permit.
8. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (3060-16-18) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
9. This Permit prevails over the provisions of the Bylaw in the event of conflict.
10. Despite issuance of this permit, construction may not start without a Building Permit or other necessary permits.

**AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH
ON THE ____ DAY OF _____ 201__.**

MAYOR

CORPORATE OFFICER

OWNER

PLEASE PRINT NAME

OWNER

PLEASE PRINT NAME



Lewkowich Engineering Associates Ltd.

geotechnical • health, safety & environmental • materials testing

Craig Campbell.
853 Pratt Road
Mill Bay, BC
V0R 2P1

File No: F4161.01
December 30, 2016

Attention: Craig Campbell

PROJECT: RESIDENCE, LOT 40, #22 – 245 OYSTER COVE ROAD, LADYSMITH, BC

SUBJECT: GEOTECHNICAL HAZARD ASSESSMENT

Dear Mr. Campbell:

1. INTRODUCTION

Lewkowich Engineering Associates Ltd. was retained to conduct a slope assessment of the above noted property including a recommendation regarding a safe setback distance from the top of the bank. The property is located on the east side of Oyster Cove Road at Lot 40, Site 22, Civic Address '245' in the Town of Ladysmith, BC. The property is located in Development Permit Area 7 (DPA-7) 'Hazard Lands'. This report provides a summary of our findings and recommendations. **This report supersedes all previous geotechnical reports including Lewkowich Geotechnical Engineering Ltd. Report G5428.01, dated September 11, 2007.**

2. BACKGROUND

We understand that as a condition for residential development, the Town of Ladysmith requires a geotechnical report from a professional engineer to assess any natural slope or natural hazard with respect to the development. Our report also includes recommendations concerning seismic issues, slope issues, site clearing, vegetative retention, development usage and storm water disposal on the property. We understand that approved erosion control measures have been implemented several years prior along the foreshore region in the form of an existing concrete seawall.

Client: Craig Campbell
File: F4161.01
Project: Lot 40, Site #22 – 245 Oyster Cove Road, Ladysmith, B.C.
Date: December 30, 2016
Page: 2 of 8



3. ASSESSMENT OBJECTIVES

- a. Our assessment, as summarized within this report, is intended to meet the following objectives:
 - i. Determine whether the land is considered safe for the use intended (defined for the purposes of this report as the construction of a new residence, including the installation of associated civil works and services), with the probability of a geotechnical failure resulting in property damage of less than 10 percent (10%) in 50 years, with the exception of geohazards due to a seismic event which are to be based on a 2 percent (2%) probability of exceedance in 50 years, provided the recommendations in this report are followed. Please see Appendix 'D' for the steep slope assurance statement.
 - ii. Identify any geotechnical deficiency that might impact the design and construction of the development, and prescribe the geotechnical works and any changes in the standards of the design and construction of the development that are required to ensure the land, buildings, and works and services are developed and maintained safely for the use intended.
 - iii. Acknowledge that the Approving and/or Building Inspection Officer(s) may rely on this report when making a decision on application for the development of the land

4. SITE CONDITIONS

- a. A site reconnaissance was conducted by LEA on December 28, 2016. The ocean front property is located on the southwest side of the Georgia Strait, in the town of Ladysmith, B.C. The lot is a rectangular shaped piece of land that possesses a single, small, slightly sloped, level area of about 5% slope, approximately 14m above the Strait of Georgia. A steeper slope begins about 20m west of the shore line (and concrete sea wall) and slopes downward to the east at an approximate 40 degree angle from horizontal. The point of abrupt slope change is considered to be the top of slope. There is an existing residence to the north of the subject lot.



Client: Craig Campbell
File: F4161.01
Project: Lot 40, Site #22 – 245 Oyster Cove Road, Ladysmith, B.C.
Date: December 30, 2016
Page: 3 of 8

- b. This report considers the siting of a proposed residence on the center portion of the lot, on the slope, below the relatively flat upper portion. Access is gained from Oyster Cove Road, which touches the west side of the lot. Exposed soil visible at various points across the slope consists of dense, impermeable, silty sand (glacial till) with a surface layer of low to moderately permeable sandy silty gravel across the flat upper portion of the lot and down the slope. It was observed that the slope has well established vegetation and that the lower slope and shoreline have been provided with a concrete seawall as erosion protection. Signs of instability such as pistol-butted trees or tension cracks were observed nearby to the south, which indicates some migration of the surface soils over the long term. Seepage was observed on the lower portions of the slope, playing over the glacial till surface. Historical water courses along the property boundaries and lower slope displayed excellent erosion resistance in the glacial till soil. Several trees with substantial root masses were noted on the slope to the south of the site, playing an integral role in the erosion resistance of the soils.
- c. Existing development near the study area consists of small single family residential developments.
- d. The vegetation in the upper flatter area includes sparsely distributed mature trees with lawn, garden plants, native vegetation, and blackberry brambles.

5. SLOPE DISCUSSION AND RECOMMENDATIONS

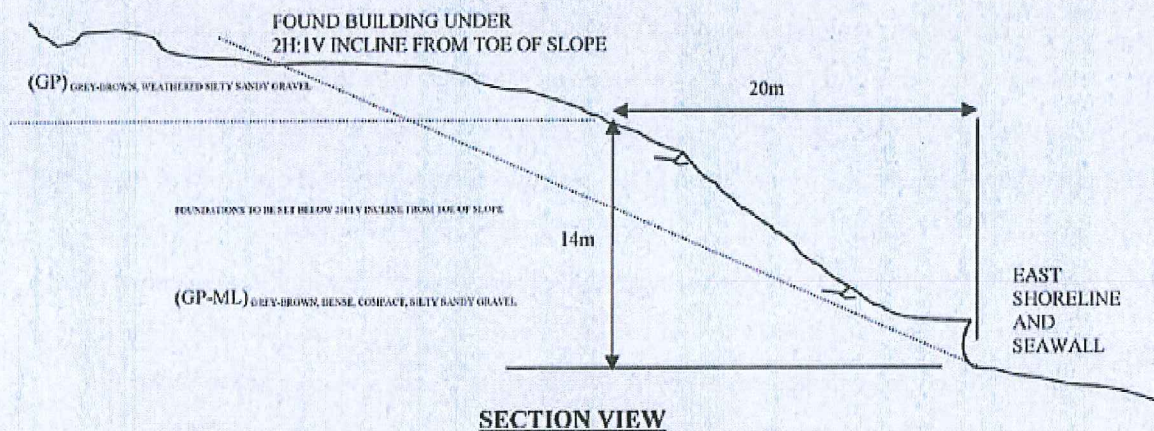
- a. In general, slope stability is controlled by the following factors: The strength of the bank soil/bedrock, the slope gradient, the vegetation coverage, the groundwater condition, the design seismic event magnitude effect on structures on or near the slope, and the inherent natural response of the soils/bedrock to a design seismic event and the potential for the ocean to act on the toe of the slope. The geometric setback in this case is designed to provide a described plane, below which a building may be situated and not be affected by (or trigger) a slide event.

Client: Craig Campbell
File: F4161.01
Project: Lot 40, Site #22 – 245 Oyster Cove Road, Ladysmith, B.C.
Date: December 30, 2016
Page: 4 of 8



- b. It is recognized that foreshore erosion is the main danger to the long term regression of this slope. Foreshore erosion protection is recommended for sites such as this one in order to maintain the slope and to preserve the property. This may take the form of foreshore armouring with rock, geotextile – rock filled gabions or mats, or other methods approved by a qualified engineering professional. It is noted that existing foreshore protection in the form of a concrete seawall has been implemented and appears to be satisfactory. It would be prudent to monitor the shoreline for signs of erosion in the future and to take protective measures of the shore when the need for such becomes apparent. In the event that the slope regresses 0.6m from its present position, additional, immediate slope erosion protection measures shall be implemented. Further recommendations pertaining to foreshore protection works may be supplied upon request.
- c. The encountered soil over most of the slope is dense silty gravel. The encountered soil has a moderate strength and has moderate resistance to weathering and erosion. The weathered surficial layer can be washed away by a large surface water flows. This could cause raveling and a regression of the slope. Based on the apparent soil strength, the global slope stability is not a concern. If the lower portion of the slope gets steeper with time through erosion from the ocean (not yet noted), a block failure, likely shallow seated, could be triggered in the future. As shown in the following figure, the potential slope failure surface will generally cause a shallow translational flow. A slope failure would be preceded by an increased moisture condition in the slope soils. The best deterrent to a slope failure is to control the moisture available to the slope area.

Client: Craig Campbell
File: F4161.01
Project: Lot 40, Site #22 – 245 Oyster Cove Road, Ladysmith, B.C.
Date: December 30, 2016
Page: 5 of 8



- d. Based on the slope geometry, the type and strength of soil and the potential erosion conditions; a placement of the footings under a 2V:1H incline from the toe of the slope is considered geotechnically sufficient. The lower footing should have a horizontal separation from the final landscaped slope of at least 3m as measured in a level manner from the footing to the final slope surface. This geometry is felt to accurately define a geotechnically safe and suitable location for a proposed building. Ancillary structures such as gazebos, sundecks and sheds may be located in the slope area with the understanding that they are not considered habitable space, and are not structurally attached to the proposed residence. Note: any structure or feature within the slope area could be adversely impacted through the eventual retrogression of the slope crest described above.
- e. Footings should be provided with suitable cover and subjacent support. Earthen cover of at least 0.9m (and meeting the criteria of being below a 2:1 incline from the toe of slope) would be suitable for the foundation above the lower footing. The earthen cover over the footings is to provide protection against frost, wind forces, seismic forces and potential undermining. The foundation configuration should be reviewed by the geotechnical engineer.
- f. The foundation excavation should be supplied with a drainage system that will collect and direct ground water to a point lower on the slope, near the shore. The ground water may be

Client: Craig Campbell
File: F4161.01
Project: Lot 40, Site #22 – 245 Oyster Cove Road, Ladysmith, B.C.
Date: December 30, 2016
Page: 6 of 8



dispersed with a splash pad made of landscape rocks or a buried lateral exfiltration pipe (a 3m long 100mm dia. perforated pipe covered with drain rock, filter-cloth and topsoil). Water must not be allowed to sit on an elevated location near the slope. The final configuration should be reviewed by the undersigned.

- g. A design bearing value of 150kPa may be applied to silty sand glacial till soils supporting residential foundations. This value may be modified upon further inspection by the undersigned of the soil during the footing excavation operation. The site may be considered Seismic Site Class 'D' (stiff soils).
- h. Surface drainage from the top of property and storm water from the roof drains should be directed to the bottom of the slope through a solid pipe to a suitable dispersal structure. The soil near the water outlet (low on the slope) should be protected with a riprap splash pad or a buried exfiltration pipe i.e. (French Drain). It is important that water not pond near the crest of the slope. The presence of vegetation cover or rock landscape features on the slope is to be promoted as a method to control surface erosion on the slope.
- i. Earthen fill within the setback area shall be prohibited, without approval by a qualified professional. Any undrained excavations are prohibited near or at the top of the slope, or on the level area of the lot.
- j. Due to the proximity of the drop off to the east of the building site, it is recommended that a physical barrier be established to prevent inadvertent travel over the slope's edge.
- k. Ponds or swimming pools (except hot tubs) shall only be installed following engineering input to evaluate the adequacy of the lining installation, piping, and drainage. In-ground lawn irrigation systems should be discouraged within the setback area or shall be installed by qualified and experienced personnel and be maintained on a regular schedule, to mitigate the potential for leaks. Septic fields are forbidden in the setback area.
- l. A Geotechnical Engineer familiar with the local slope conditions shall review development

Client: Craig Campbell
File: F4161.01
Project: Lot 40, Site #22 – 245 Oyster Cove Road, Ladysmith, B.C.
Date: December 30, 2016
Page: 7 of 8



plans for residential structures. These plans should include foundation and grading plans. The footing excavation shall be assessed at the time of construction for geotechnical concerns, such as bearing capacity and slip planes.

6. GEOTECHNICAL ASSURANCE AND QUALITY ASSURANCE

The BC Building Code requires that a geotechnical engineer be retained to provide Geotechnical Assurance services for the construction of buildings. Geotechnical Assurance services include review of the geotechnical components of the plans and supporting documents, and responsibility for field reviews of these components during construction.

7. ACKNOWLEDGEMENTS

- a. Lewkowich Engineering Associates Ltd. acknowledges that this report may be requested by the Building Inspector of the Town of Ladysmith as a precondition to the issuance of a building or development permit and that this report, or any conditions contained in this report, may be included in a restrictive covenant filed against the title to the subject property. It is acknowledged that the Approving Officers and Building Officials may rely on this report when making a decision on application for the subdivision or development of the land.
- b. We acknowledge that this report has been prepared solely for, and at the expense of, the owner of the subject land. We have not acted for or as an agent of the Town of Ladysmith in the preparation of this report.

8. LIMITATIONS

The conclusions and recommendations submitted in this report are based upon the data obtained from a limited number of widely spaced surface explorations. The nature and extent of variations between these explorations may not become evident until construction or further investigation. If unanticipated conditions are discovered during construction, our office should be contacted immediately to allow reassessment of the recommendations provided.



Client: Craig Campbell
File: F4161.01
Project: Lot 40, Site #22 – 245 Oyster Cove Road, Ladysmith, B.C.
Date: December 30, 2016
Page: 8 of 8

9. CLOSURE

Lewkovich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at this time, please contact us at your convenience.

Respectfully Submitted,

Lewkovich Engineering Associates Ltd.

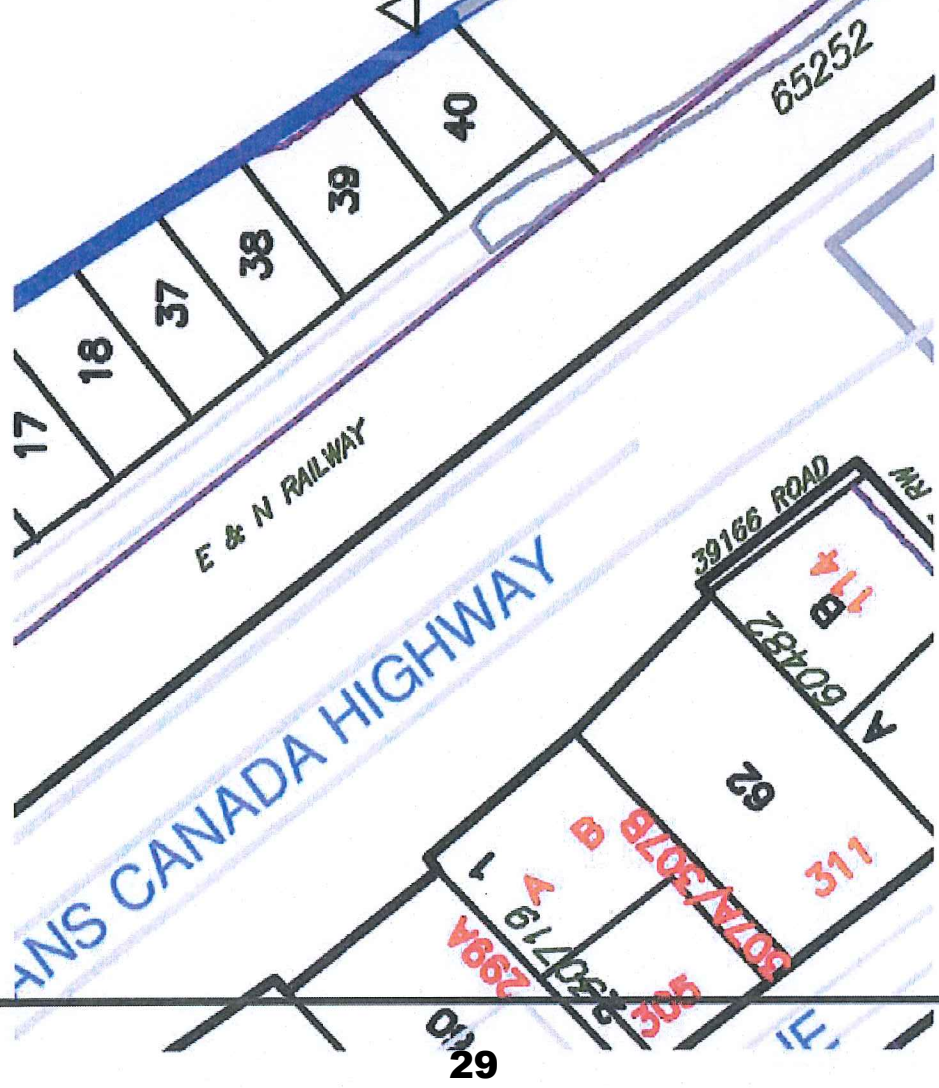
A circular professional engineer seal for Darron G. Clark, P. Eng., with the number 30208. The seal is stamped in blue ink and is partially obscured by a large, handwritten signature in blue ink.

Darron G. Clark, P. Eng.
Senior Geotechnical Engineer

Attachments: Site Plan, Appendix D (Steep Slope Assurance Statement).



SUBJECT PROPERTY



SITE PLAN
LOT 40 - SITE 22 - 245 OYSTER COVE ROAD, LADYSMITH, BC
LEA FILE F4161 DWN; DGC DATE: 2017-1-6

APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the *APEGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia, 2006* ("APEGBC Guidelines") and is to be provided for landslide assessments for the purposes of the *Land Title Act*, *Community Charter* or the *Local Government Act*. Italicized words are defined in the *APEGBC Guidelines*.

To: The Approving Authority
Town of Ladysmith

Date: December 30, 2016

410 Esplanade, PO Box 220, Ladysmith, BC V9G 1A2

Jurisdiction and address

With reference to (check one):

- Land Title Act (Section 86) – Subdivision Approval
- Local Government Act (Sections 919.1 and 920) – Development Permit
- Community Charter (Section 56) – Building Permit
- Local Government Act (Section 910) – Flood Plain Bylaw Variance
- Local Government Act (Section 910) – Flood Plain Bylaw Exemption

For the Property: SL 40, Site 22 - 245 Oyster Cove Road

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a *Qualified Professional* and is a *Professional Engineer* or *Professional Geoscientist*.

I have signed, sealed and dated, and thereby certified, the attached *landslide assessment* report on the Property in accordance with the *APEGBC Guidelines*. That report must be read in conjunction with this Statement. In preparing that report I have:

Check to the left of applicable items

- 1. Collected and reviewed appropriate background information
- 2. Reviewed the proposed *residential development* on the Property
- 3. Conducted field work on and, if required, beyond the Property
- 4. Reported on the results of the field work on and, if required, beyond the Property
- 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a *landslide hazard analysis* or *landslide risk analysis* I have:
 - 6.1 reviewed and characterized, if appropriate, any *landslide* that may affect the Property
 - 6.2 estimated the *landslide hazard*
 - 6.3 identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
 - 6.4 estimated the potential *consequences* to those *elements at risk*
- 7. Where the *Approving Authority* has adopted a *level of landslide safety* I have:
 - 7.1 compared the *level of landslide safety* adopted by the *Approving Authority* with the findings of my investigation
 - 7.2 made a finding on the *level of landslide safety* on the Property based on the comparison
 - 7.3 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 8. Where the *Approving Authority* has not adopted a *level of landslide safety* I have:
 - 8.1 described the method of *landslide hazard analysis* or *landslide risk analysis* used

- 8.2 referred to an appropriate and identified provincial, national or international guideline for *level of landslide safety*
- 8.3 compared this guideline with the findings of my investigation
- 8.4 made a finding on the *level of landslide safety* on the Property based on the comparison
- 8.5 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 9. Reported on the requirements for future inspections of the Property and recommended who should conduct those inspections.

Based on my comparison between

Check one

- the findings from the investigation and the adopted *level of landslide safety* (item 7.2 above)
- the appropriate and identified provincial, national or international guideline for *level of landslide safety* (item 8.4 above)

I hereby give my assurance that

Check one

- for subdivision approval, as required by the Land Title Act (Section 86), "that the land may be used safely for the use intended"

Check one

- with one or more recommended registered *covenants*.
- without any registered *covenant*.

- for a development permit, as required by the *Local Government Act* (Sections 919.1 and 920), my report will "assist the *local government* in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit"

- for a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended"

Check one

- with one or more recommended registered *covenants*.
- without any registered *covenant*.

- for flood plain bylaw variance, as required by the "Flood Hazard Area Land Use Management Guidelines" associated with the *Local Government Act* (Section 910), "the development may occur safely."

- for flood plain bylaw exemption, as required by the *Local Government Act* (Section 910), "the land may be used safely for the use intended."

Darron G. Clark, P.Eng.

Name (print)

Signature

Suite 2E, 2569 Kenworth Road

Address

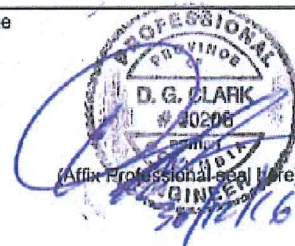
Nanaimo, BC V9T 3M4

250-756-0355

Phone

December 30, 2016

Date



If the *Qualified Professional* is a member of a firm, complete the following.

I am a member of the firm Lewkowich Engineering Associates Ltd.

and I sign this letter on behalf of the firm.

(Print name of firm)

STAFF REPORT TO COUNCIL

From: Felicity Adams, Director of Development Services
Meeting Date: March 20, 2017
File No: 3060-17-03

**RE: Coach House Intensive Residential Development Permit – A. Faiazza
 Lot 10, Block 93, D.L. 56, Oyster District, Plan 703-A (426 Buller St)**

RECOMMENDATION(S)

That Council issue Development Permit 3060-17-03 to permit the issuance of a building permit for the construction of a coach house dwelling on Lot 10, Block 93, D.L. 56, Oyster District, Plan 703-A (426 Buller Street);

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

PURPOSE

The purpose of this staff report is to present for Council’s consideration a Coach House Intensive Residential Development Permit application for a proposed new single storey coach house dwelling at 426 Buller Street.

PREVIOUS COUNCIL DIRECTION/RESOLUTIONS

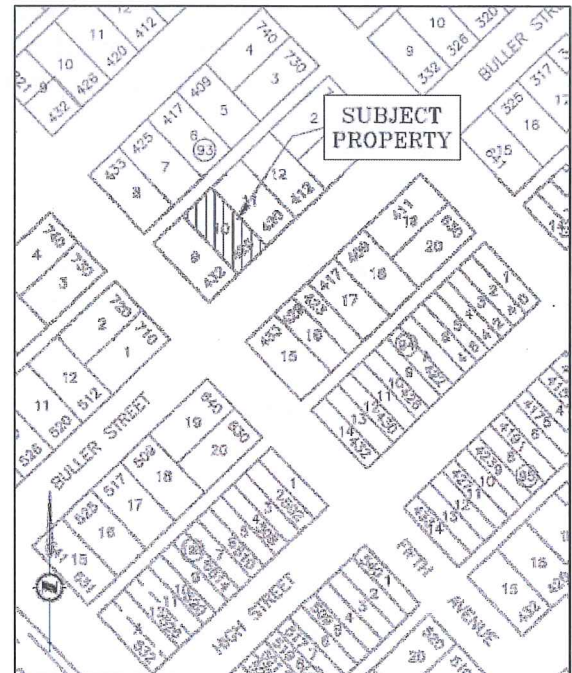
none

INTRODUCTION/BACKGROUND

The applicant has submitted a development permit application for a proposed single storey coach house dwelling at 426 Buller Street. The subject property is 668m² in size and is located on a lane. Currently a single unit dwelling and detached garage is located on the property. The applicant states that their intention is to update the dwelling and remove the detached garage to make space for the new coach house in the rear yard.

SCOPE OF WORK

The subject property falls within the ‘Coach House Intensive Residential Development Permit Area’ (DPA 10). The objective of DPA 10 is to establish good neighbor design standards, as well as encourage building character and sustainable design for coach homes. The proposed coach house has been reviewed in relation to the DPA 10 guidelines:



Building Character and Design

- The coach house is proposed to be single storey, 5 metres in height, 60m² in size, with a pitched roof.
- The scale and massing of the proposed coach house fits within the neighbourhood.
- The coach house design respects neighbor privacy as no dormers, balconies or upper level windows are proposed.
- The main dwelling and coach house will be sided with blue hardi-plank, with white vinyl windows and white trim.

Accessibility and Livability Guidelines

- The coach house will be located more than 6 metres from the existing dwelling.
- A pathway will be provided from Buller Street to the coach house and an address post will be located such that the address of the coach house is visible from Buller Street.
- The siting of the coach house is such that it should be visible from Buller Street.
- The primary coach house entry will be lit, will face the lane, and will have a covered patio entryway.
- Two coach house windows will face the lane.
- The space between the coach house and lane will be landscaped with crushed rock.

Landscaping

- An existing cherry tree will be preserved.
- Landscaping in general will consist of crushed rock and planter boxes. Rain barrels are being considered.
- A garbage and recycling area is located at the end of the coach house resident parking space and will be screened from the neighbour with fencing.
- A gravel parking area is proposed and will be 8mx3m in size.
- An outdoor patio amenity space is located just outside of the patio doors and will be 16m² in size. The patio area will be screened from the main house with a fence.

The property is zoned Old Town Residential (R-2), and a coach house dwelling is permitted. The proposed coach house complies with the Zoning Bylaw coach house regulations and the DPA 10 guidelines.

ALTERNATIVES

While the issuance of a Development Permit is not a completely discretionary decision of Council, Council may decide to not issue Development Permit 17-03 where refusal is based upon a determination that the development permit application does not meet the Development Permit Area guidelines. If the Development Permit is refused then reasons must be given. The determination by Council must be in good faith and it must be reasonable, not arbitrary.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

A Development Permit is required prior to the issuance of a building permit to construct the coach house dwelling.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Development Permit applications do not require statutory notification. Public input was received during the preparation of the coach house development permit guidelines.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

The Development Permit application was referred to the Infrastructure Services Department for review. They have no servicing issues with the proposal. The Building Inspector advised that the applicant would need to ensure B.C. Hydro safety clearance to the overhead hydro lines for the new coach house building.

RESOURCE IMPLICATIONS

Processing Development Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT

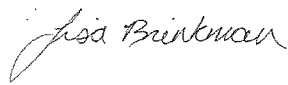
The applicant completed a Sustainable Development Checklist and indicates that the coach house will add density and rental housing in the neighbourhood, will be one level with level entry for accessibility, a cherry tree will be preserved, and rain barrels are being considered.

ALIGNMENT WITH STRATEGIC PRIORITIES

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

SUMMARY

It is recommended to support the Development Permit application for a proposed coach house at 426 Buller Street.



Lisa Brinkman, Senior Planner

March 14, 2017

Date Signed

Reviewed By

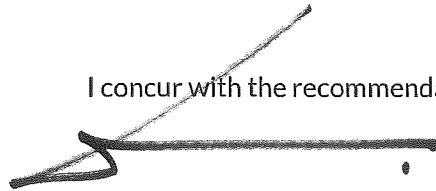


Felicity Adams, Director of Development Services

March 14, 2017

Date Signed

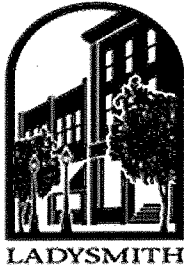
I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT(S)

Development Permit 3060-17-03



TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 489 *Local Government Act*)

FILE NO: 3060-17-03

DATE: March 20, 2017

Name of Owner(s) of Land (Permittee): Daniel Miller and Anthony Faiazza

Applicant: Anthony Faiazza

Subject Property (Civic Address): 426 Buller Street

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

Lot 10
Block 93
District Lot 56
Oyster District
Plan 703-A
PID# 000-753-700
(referred to as the "Land")

3. This Permit has the effect of authorizing:
 - (a) the issuance of a building permit for the construction of a building or structure on the Land in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws except as varied by this Permit;

Subject to the conditions, requirements and standards imposed and agreed to in section 6 of this Permit.

4. The Permittee, as a condition of the issuance of this Permit, agrees:
 - a) To development the Land as shown in **Schedule A: Site Plan** including:
 - i. Placing a coach house address such that it is visible from Buller Street.
 - ii. Screening the garbage and recycling area with a fence structure such that it is not visible from the front and side property line.

- b) To construct a single storey coach house dwelling on the Land in accordance with the building designs shown in **Schedule B: Elevations.**
- 5. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
- 6. The plans and specifications attached to this Permit are an integral part of this Permit.
- 7. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (**3060-17-03**) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
- 8. This Permit prevails over the provisions of the Bylaw in the event of conflict.
- 9. Despite issuance of this permit, construction may not start without a Building Permit or other necessary permits.

**AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH
ON THE ____ DAY OF _____ 201__.**

MAYOR

CORPORATE OFFICER

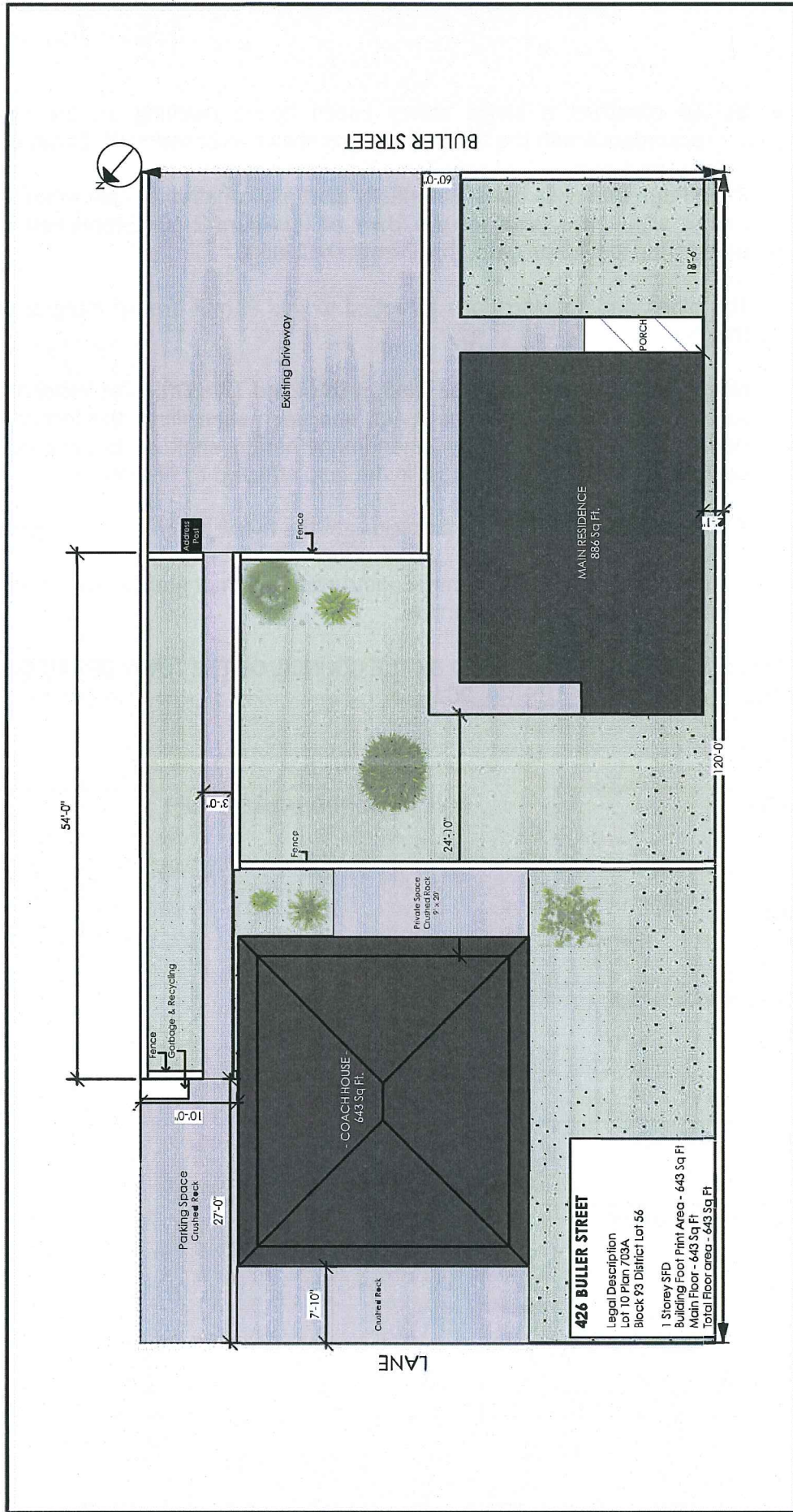
OWNER

PLEASE PRINT NAME

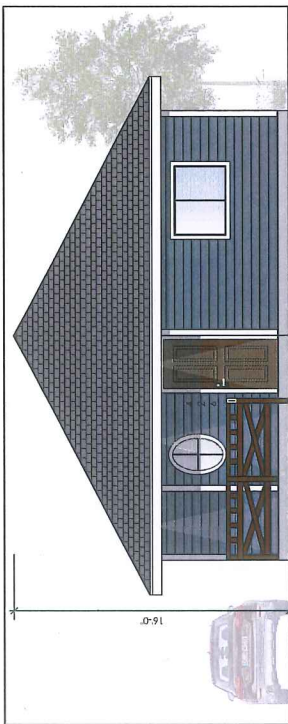
OWNER

PLEASE PRINT NAME

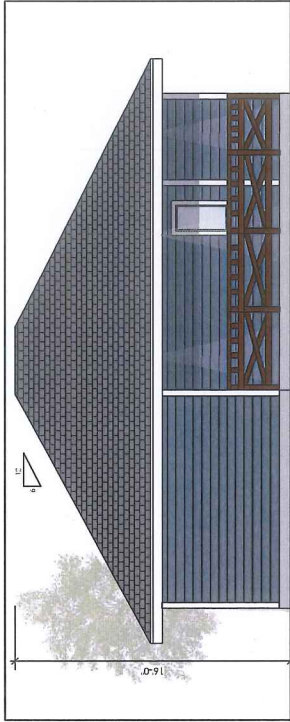
**Schedule A: Site Plan
 Development Permit 3060-17-03
 Anthony Faiazza
 426 Buller Street**



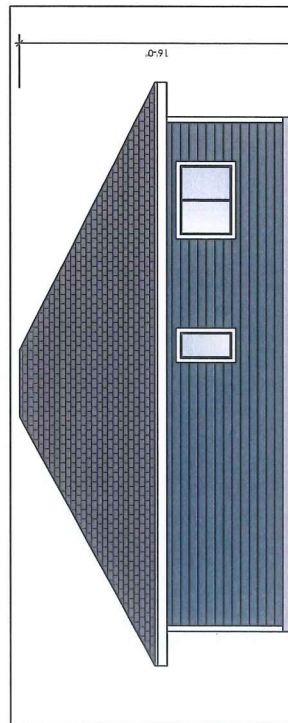
Schedule B: Elevations
Development Permit 3060-17-03
Anthony Faiazza
426 Buller Street



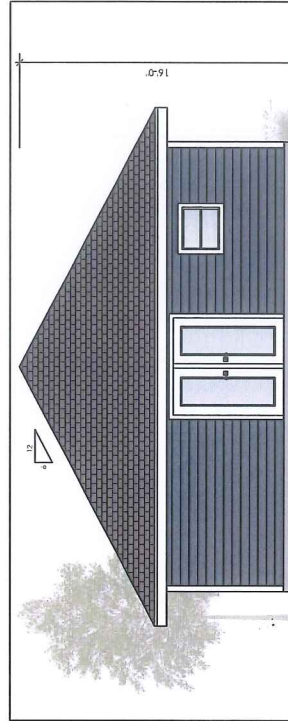
Front Elevation



Side Elevation



Side Elevation



Rear Elevation

INFORMATION REPORT TO COUNCIL

From: Felicity Adams, Director of Development Services
Meeting Date: March 20, 2017
File No: DP 3060-17-01
RE: Renewal of Development Permit for Coach House
(941 Fifth Avenue)

RECOMMENDATION

THAT Council issue a renewal of Development Permit 3060-17-01 for a Coach House dwelling at 941 Fifth Avenue;

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

PURPOSE

A Development Permit was approved for a Coach House dwelling at 941 Fifth Avenue in March 2015. The property was sold later that year to Robyn and Michael Gray, who intend to build the Coach House within the next two years.

The existing Development Permit expires in March 2017. The current owners have applied to renew the Development Permit under the same terms and conditions.

DISCUSSION

No changes to the Development Permit are proposed beyond a change in date and the owner's names. A new Development Permit (DP 3060-17-01) has been prepared and is attached to this report along with the original Development Permit.

SUMMARY POINTS

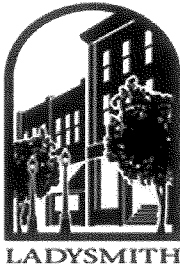
- DP 3060-15-03 for a coach house expires on March 16, 2017. The current owners of the property have requested a renewal of the Development Permit.
- No changes are proposed beyond a change in the owner and timing.

Angela Davies

Report Author: Angela Davies, Planner

March 14, 2017

Date Signed



**TOWN OF LADYSMITH
DEVELOPMENT PERMIT**
(Section 489 Local Government Act)

FILE NO: 3060-17-01

DATE: March 20, 2017

Name of Owner(s) of Land (Permittee): Robyn and Michael Gray

Applicant: Robyn and Michael Gray

Subject Property (Civic Address): 941 Fifth Avenue

1. This Development Permit renews Development Permit 3060-15-03 and is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.
2. This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon:

Lot 8
Block 91
Of an unnumbered portion of Oyster District
Plan 703-A
PID #002-469-669
(referred to as the "Land")
3. This Permit has the effect of authorizing the issuance of a building permit for the construction of a single storey coach house dwelling in accordance with the plans and specifications attached to this Permit, subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw 2014, No. 1860.
5. The Permittee, as a condition of the issuance of this Permit, agrees:
 - (a) To develop the Land as shown in Schedule A including:
 - i. A 40m² outdoor amenity area delineated on two sides with a fence 1.2 metres in height;

- ii. A permeable parking stall onsite for the coach house resident, 5.8 metres by 2.6 metres in size;
- iii. Placing an address so that it is visible from Fifth Avenue; and
- iv. A screened area for garbage and recycling.

(b) To construct a single storey coach house dwelling on the Land in accordance with the building designs shown in **Schedule B**.

- 6. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (3060-17-01) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
- 7. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the approval date, this Permit shall lapse.
- 8. The plans and specifications attached to this Permit are an integral part of this Permit.
- 9. This Permit prevails over the provisions of the Bylaw in the event of conflict.
- 10. Despite issuance of this permit, construction may not start without a Building Permit or other necessary permits.

**AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH
ON THE ____ DAY OF _____ 201__.**

MAYOR

CORPORATE OFFICER

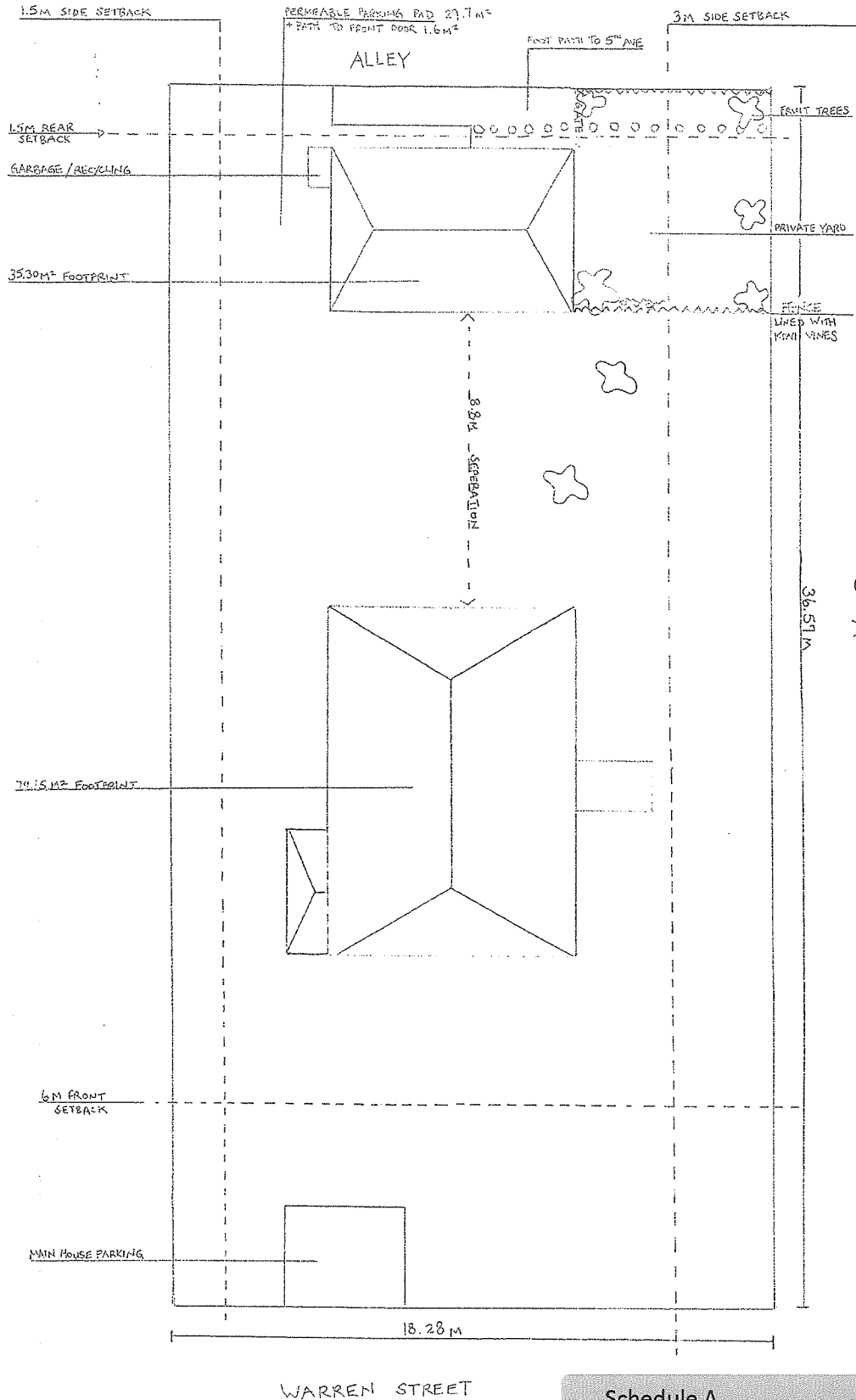
OWNER

PLEASE PRINT NAME

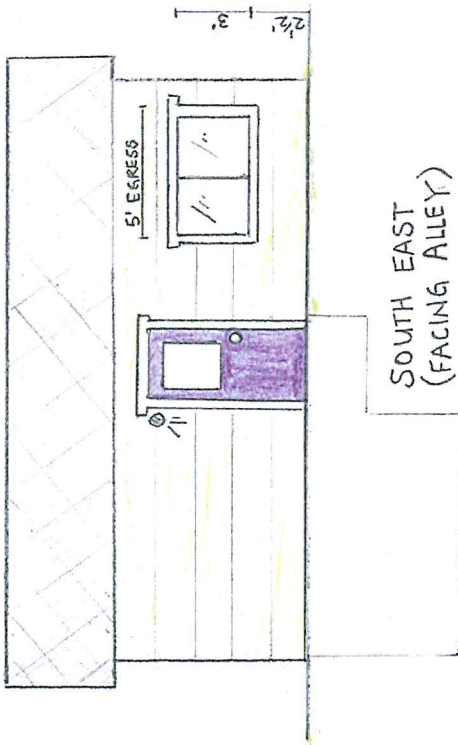
OWNER

PLEASE PRINT NAME

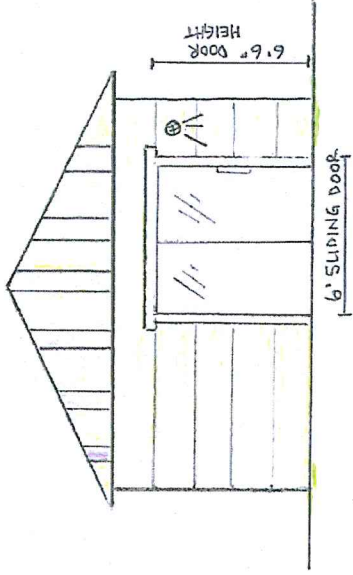
SITE PROFILE
 SCALE: 3/32"
 FEBRUARY 2015



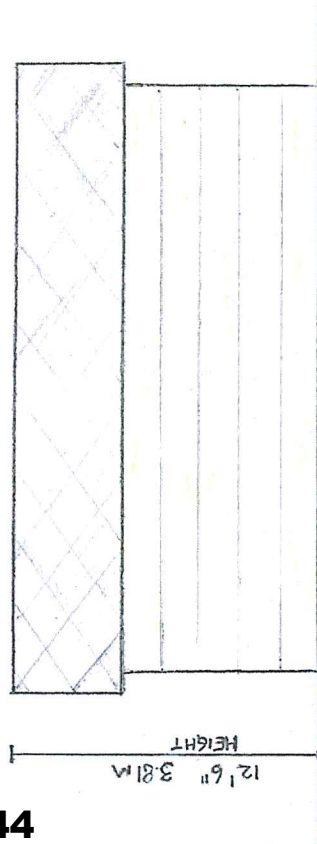
Schedule A
 Development Permit 3060-17-01
 Robyn & Michael Gray, March 20, 2017
 941 Fifth Avenue



SOUTH EAST
(FACING ALLEY)

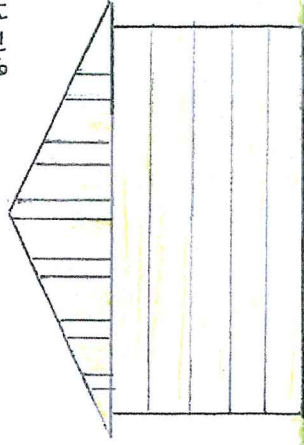


SOUTH WEST

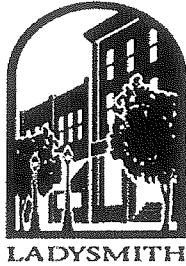


NORTH WEST

6:12 Pitch GABLE ROOF



NORTH EAST



**TOWN OF LADYSMITH
DEVELOPMENT PERMIT**
(Section 920 Local Government Act)

FILE NO: 3060-15-03

DATE: March 16, 2015

Name of Owner(s) of Land (Permittee): Kyla Dian Mellson and Dennis Richard Mellson

Applicant: Kyla Mellson

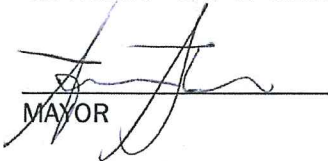
Subject Property (Civic Address): 941 Fifth Avenue

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

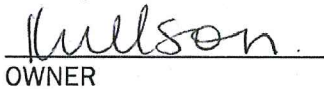
Lot 8
Block 91
Of an unnumbered portion of Oyster District
Plan 703-A
PID #002-469-669
(referred to as the "Land")
3. This Permit has the effect of authorizing the issuance of a building permit for the construction of a single storey coach house dwelling in accordance with the plans and specifications attached to this Permit, subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw 2014, No. 1860.
5. The Permittee, as a condition of the issuance of this Permit, agrees to:
 - a) To develop the Land as shown in Schedule A including:
 - i. A 40m² outdoor amenity area delineated on two sides with a fence 1.2 metres in height.
 - ii. A permeable parking stall onsite for the coach house resident, 5.8m x 2.6m in size;
 - iii. Placing an address so that it is visible from Fifth Avenue; and
 - iv. A screened area for garbage and recycling.
 - b) To construct a single storey coach house dwelling on the Land in accordance with the building designs shown in Schedule B.

6. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.927 of the *Local Government Act*, and upon such filing, the terms of this Permit (3060-15-03) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
8. The plans and specifications attached to this Permit are an integral part of this Permit.
9. This Permit prevails over the provisions of the Bylaw in the event of conflict.
10. Despite issuance of this permit, construction may not start without a Building Permit or other necessary permits.


AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH
ON THE 16th DAY OF MARCH 2015.


MAYOR


CORPORATE OFFICER

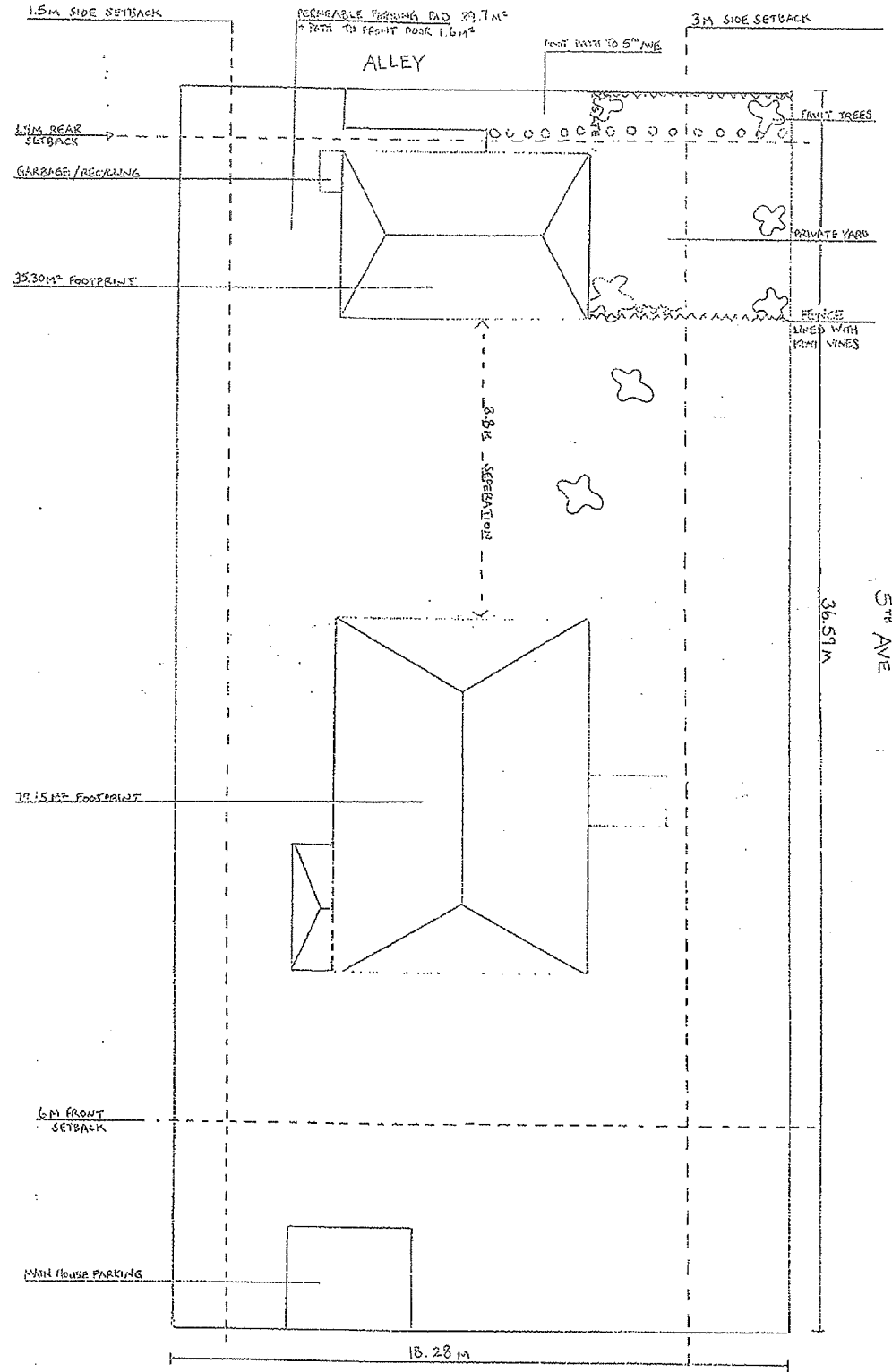

OWNER

Kyla Mellson
PLEASE PRINT NAME


OWNER

Dennis Mellson
PLEASE PRINT NAME

SITE PROFILE
 SCALE: 3/32"
 FEBRUARY 2015



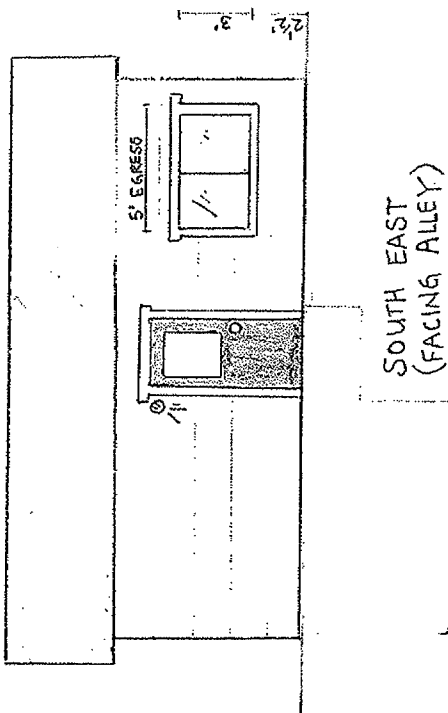
WARREN STREET



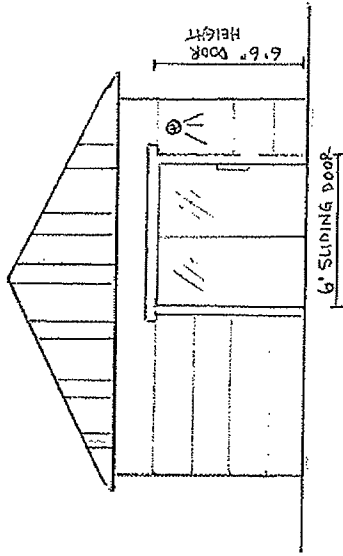
DP# 3060-15-03

Approved Schedule

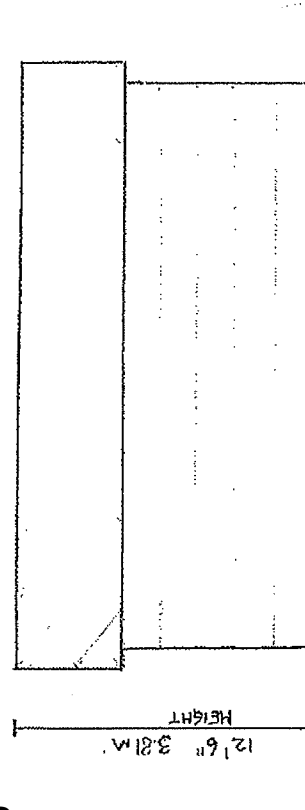
Schedule A
 Development Permit 3060-15-03
 Kyla Mellson, March 16, 2015
 941 Fifth Avenue



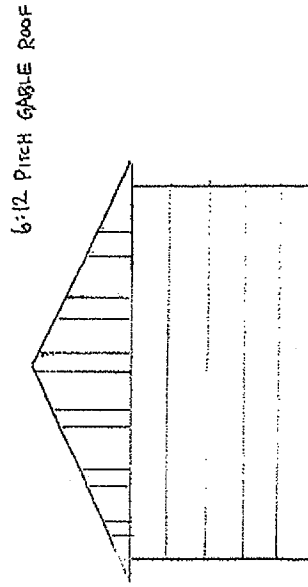
SOUTH EAST
(FACING ALLEY)



SOUTH WEST



NORTH WEST



NORTH EAST

Schedule B
 Development Permit 3060-15-03
 Kyla Mellson, March 16, 2015
 94J Fifth Avenue

INFORMATION REPORT TO COUNCIL

From: Joanna Winter, Manager of Legislative Services
 Date: March 20, 2017
 File No: 0890-07
 RE: Sale of Town-Owned Property – Clarke Road

RECOMMENDATION:

That, subject to consideration of any concerns raised by affected parties, Council confirm the sale of the closed portion of Clarke Road to Robert and Nicolette MacCallum for \$22,000.

PURPOSE:

The purpose of this report is to provide Council with information about the completion of the sale of the closed portion of Clarke Road.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CE 2015-174	Dec-21-2015	That Council direct staff to negotiate the sale of a closed portion of Clarke Road to Rob and Nikki MacCallum, as proposed in their correspondence dated October 26, 2015, with the sale price based on current market value for raw developable land in the area, subject to the following: a) Consideration of any expression of interest from other potential interested parties, and b) Assurance from the purchasers of arrangements for vehicle and utility access to 109 Stevenson Street to the satisfaction of the owners of that property, at no cost to the Town.

DISCUSSION

Council previously accepted an offer from Robert and Nicolette MacCallum to purchase the closed portion of Clarke Road, subject to the conditions outlined in Resolution CE 2015-174. The Town issued notice of its intent to dispose of the property to the MacCallums' development company, Boulder Point Holdings, as requested by the purchasers.

The purchasers subsequently advised that the purchase would be in their own name, and the town published an amended statutory notice in the March 8 and March 15 editions of the Ladysmith Chronicle.



Members of the public who deem themselves affected by this sale may provide their concerns to Council in writing, or by attending tonight's meeting in person.

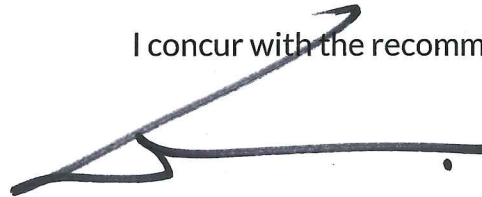
SUMMARY POINTS

- Council has previously approved the sale of the closed portion of Clarke Road to Robert and Nicolette MacCallum
- The original statutory notice of disposition indicated that the sale was to a company, not to the MacCallums
- The MacCallums then requested that the purchase be in their own name
- A revised statutory notice was published in the March 8 and March 15 editions of the Ladysmith Chronicle.



Joanna Winter, Manager of Legislative Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT:

None

STAFF REPORT TO COUNCIL

From: Clayton Postings, Director of Parks, Recreation and Culture
Meeting Date: March 20, 2017
File No:

RE: RICK HANSEN ACCESS4ALL BARRIER BUSTER INFRASTRUCTURE GRANT APPLICATION

RECOMMENDATION(S)

That Council direct staff to apply for the Rick Hansen Access4All Barrier Buster Infrastructure Improvement Project and Awareness Building grant of up to \$30,000 to fund upgrades improving access to Aggie Hall parking and play area for people with disabilities, and an event raising awareness in the community.

PURPOSE

The purpose of this report is to obtain Council's direction regarding application for grant funding to offset the cost of improvements to Aggie Hall parking and playground, and to co-host an event raising awareness of the Rick Hansen Foundation and its work to improve community accessibility.

PREVIOUS COUNCIL DIRECTION/RESOLUTIONS

In 2015 and 2016 Council provided direction for staff to develop a concept plan and costing for improved parking for the Aggie Hall.

INTRODUCTION/BACKGROUND

A variety of proposals have been made over the past few years in response to public demands for expanded parking and improved playground accessibility at the Aggie Hall. The Rick Hansen Access4All Barrier Buster grant opportunity will enable the Town of Ladysmith to move forward with priority improvements to expand parking, increasing accessibility to the Aggie Hall for those with mobility challenges, and accessible playground surfaces for users with disabilities.

SCOPE OF WORK

The grant application deadline is March 31; staff would proceed with a grant application for submission by this deadline. If the grant application is successful, infrastructure improvements must be complete by December 31, 2017, and the awareness event by January 31, 2018.

ALTERNATIVES

Council may choose not to direct staff to apply for the grant.

FINANCIAL IMPLICATIONS

The proposed projects are part of the 2016 – 2020 Financial Plan, and can utilize Gas Tax funding and unspent funds carried over from 2016. If this grant application is successful, it will help to offset the cost of priority upgrades in 2017 to the Aggie Hall parking lot and playground, and the cost of the community awareness building event.

LEGAL IMPLICATIONS

There are no legal implications identified.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

If the grant is successful, improvements to playground and parking would be well received by the public and area businesses.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

If the grant is successful, Public Works staff would be required to work on the project.

RESOURCE IMPLICATIONS

If the grant is successful, the cost of improvements will be partially offset.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT

This initiative aligns with “Partnerships”; LaFF has made a commitment to work with the Town of Ladysmith to improve Aggie Hall parking and playground accessibility. This initiative also aligns with “A Healthy Community”; continuing to enhance the quality of the public realm.

ALIGNMENT WITH STRATEGIC PRIORITIES

This aligns with council’s 2016 strategic priorities Natural and Built Environment and Partnerships.

SUMMARY

The proposed improvements to the Aggie Hall parking and playgrounds will better meet the needs of the community; the Rick Hansen Foundation Access4All Barrier Buster Infrastructure Improvement Grant will partially offset the cost of priority improvements in 2017.



Report Author: Anita Mcleod, Recreation and Culture Coordinator

March 15, 2017

Date Signed

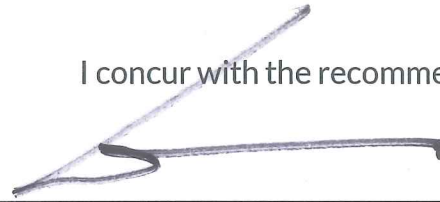
Reviewed By



Director's Signature, Clayton Postings
Director of Parks Recreation and Culture

March 17, 2017
Date Signed

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT(S)

Rick Hansen Access 4 All Barrier Busters Grant Information

What is the Access4All Program?

About Access4All



CANADA 150 

About Access4All

According to [Statistics Canada](#), 3.8 million Canadian adults have a disability – **that’s approximately one in seven people** – and with our aging population, that number is continuing to grow. One of the most significant barriers that people with disabilities still face is the built environment – essentially, all the places that people live, work and play. That’s why the Rick Hansen Foundation, with the participation of the Government of Canada, is helping to break down barriers for people with disabilities through the Access4All Canada 150 Signature Initiative.

What is the Access4All Canada 150 Signature Initiative?

To celebrate Canada’s 150th birthday and the 30th anniversary of the Rick Hansen Man In Motion World Tour, the Rick Hansen Foundation launched the Access4All Canada 150 Signature Initiative to inspire and empower youth and community leaders across the country to create a more inclusive and accessible Canada.

With funding support from the Government of Canada, the Rick Hansen Foundation is granting \$1.7 million to schools and community groups to help Canadians activate a minimum of 50 large-scale “Barrier Buster” infrastructure improvement projects and awareness building events in their communities.

These [Barrier Buster projects](#) will help remove physical barriers in schools and communities spaces and create awareness about accessibility all across Canada.

How does the Access4All Canada 150 Signature Initiative work?

Through the Access4All Initiative, Canadians are encouraged to identify accessibility barriers in public places in their communities and [apply for funding](#) from the Rick Hansen Foundation to remove them.

Project leaders can submit applications for up to \$30,000 in funding for a Barrier Buster project, which includes an accessibility infrastructure improvement project (up to \$20,000) and an associated community awareness building event (up to \$10,000).

Access4All will break down barriers in communities from coast to coast and create real and lasting impact for Canadians with disabilities.

STAFF REPORT TO COUNCIL

From: Clayton Postings, Director of Parks, Recreation and Culture
Meeting Date: March 20, 2017
File No:

RE: SPONSORSHIP SIGNAGE WITHIN SPORT FIELD FACILITIES

RECOMMENDATION(S)

That Council direct staff to finalize development and implement the Sport Field Sponsorship Signage Policy.

PURPOSE

The purpose of this report is to seek direction from Council on the status of sponsorship signage at town-owned sports fields.

PREVIOUS COUNCIL DIRECTION/RESOLUTIONS

At its meeting held February 20, 2017 Council passed the following resolution:

Moved and seconded:

That Council refer to staff the request from the Ladysmith Softball Association to attach 4 foot by 6 foot sponsorship banners at Aggie Field in order to investigate options and report back to Council.

Motion carried.

INTRODUCTION/BACKGROUND

After discussions with organizers of local youth sports clubs, it was identified that the current sponsorship signage program in place at High Street ball field with Ladysmith Baseball Association would be beneficial if extended to Holland Creek Ball Fields and Forrest Field, as Mid Isle Soccer Association has also enquired about this type of program.

In consideration of these additional enquiries and reviewing other communities' practice, it is recommended that staff develop a policy to establish a framework for the approval and installation of sponsorship signage that will outline specific sign criteria, including location, size, content, restrictions, length of contract, as well as club responsibility for signs. As part of the policy it will also identify that the Director of Parks, Recreation and Culture may approve temporary signage or removal of existing signage in parks for functions such as tournaments and other special events.

At its meeting held March 8, 2017 the Parks, Recreation and Culture Advisory Committee

(PRCAC) supported the concept of a sponsorship signage policy within designated town sport field facilities and setting parameters for appropriate signage criteria.

SCOPE OF WORK

Staff has developed a draft Sport Field Sponsorship Signage Policy for Council's consideration.

ALTERNATIVES

Council may choose not to permit a signage sponsorship program for all town sports fields.

FINANCIAL IMPLICATIONS

There are no financial implications identified at this time.

LEGAL IMPLICATIONS

There are no legal implications identified.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

The policy as outlined is intended to provide an avenue for sporting clubs to promote sponsors to participants and spectators as an aid in raising funds to support and expand opportunities for children and youth.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

There is no interdepartmental involvement or implications identified.

RESOURCE IMPLICATIONS

There are no resource implications identified.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT

Partnerships – Enhance connection to the community by broadening and strengthening collaboration. Accelerate delivery of strategic objectives by working with others, building internal and community capacity in the process. Facilitate meaningful citizen involvement.

ALIGNMENT WITH STRATEGIC PRIORITIES

This aligns with Council's 2016 strategic priorities Natural and Built Environment and Communications and Engagement.

SUMMARY

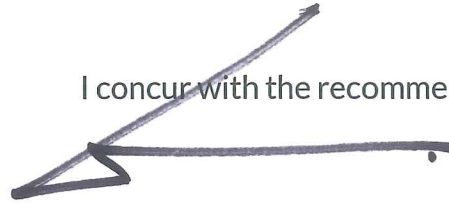
Ladysmith Softball Association has requested a sponsorship signage program at Aggie Fields. This request was reviewed by PRCAC along with options for additional sponsorship signage program areas and is presented for Council consideration.



Report Author: Clayton Postings
Director of Parks, Recreation & Culture

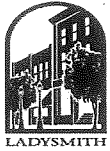
March 14, 2017
Date Signed

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT(S)
Sports Field Sponsorship Signage Policy



POLICY: Sport Field Sponsorship Signage Policy	
Number:	Date of Original:
Approved By: COUNCIL	Date of Revision:
Resolution #:	Amended From:

POLICY

The Town of Ladysmith recognizes there are many opportunities and potential benefits to be gained by local sports organizations having a sponsorship signage program initiative. A signage program will assist in creating revenue for local organizations that can support the delivery of recreation and sport that will benefit the community.

To that end, the Town of Ladysmith has established a framework for the approval and installation of sponsorship signage in Town-owned sport field facilities to ensure a consistent decision-making approach for requests for sponsorship signage from sports clubs.

This policy applies to the defined Town owned sports field facilities. Sponsorship signage means all permanent and temporary board, notice, structure, banner or similar.

Approved locations and sizing parameters:

- Holland Creek Ball Park (both diamonds) - outfield fence
 - Sponsorship sign size: 4 feet by 8 feet
- High Street Little League Park – outfield fence
 - Sponsorship sign size: 4 feet by 8 feet
- Aggie Sports Fields (both diamonds) - outfield fence
 - Sponsorship sign size: 4 feet by 8 feet
- Forrest Field - fence opposite washroom facilities
 - Sponsorship banner size: 3 feet by 6 feet

Request to participate:

Organizations interested in participating in the program must submit a request in writing to the Parks, Recreation and Culture Department. If there is a season overlap or more than one club uses as “home field”, sports clubs will work with staff to determine length of each club’s sponsorship program and or ratio of available sign space per club. Upon approval organizations must agree to the defined criteria included in the Sport Field Sponsorship Signage Policy.

Sign Criteria:

- No sign shall advertise or promote gambling, drugs, tobacco or alcohol related products or trademarks, electoral/political material, adult entertainment material or other graphics or wording deemed offensive or discriminatory to others
- Signage must be professionally produced to a high standard and must be the same dimension throughout the sports field facility
- Signage must be aimed at spectators and not outside of park perimeter or passing traffic
- Signage fixed to field fencing must not extend above or below the fence
- Signage is prohibited from being attached to any other fixtures or structures within the facility and associated infrastructure including: buildings, boundary fencing, gates, trees, retaining walls, and seating structures
- No freestanding signs permitted
- It is the clubs' responsibility at its cost to install and maintain signs, which includes ensuring signs are in an acceptable and safe condition including the immediate removal of graffiti, damaged and or broken signs, and remove all signs at the end of the sponsorship agreement
- If signage is required to be removed at the end of the club's respective playing season or due to maintenance of infrastructure, signs must be stored offsite
- Sponsorship agreements between organization and advertising partners may not exceed one-year, but may be renewed annually as required.
- All joints associated with signage must be neat, snug fitting, and finished to a high standard of workmanship.
- All structures shall be installed plumb and true. All construction work shall be left free of protrusions. Nuts and bolt ends, spikes, screws and other fixing devices shall not protrude.

Other signage

When there is a need to support various major events or tournaments and additional sponsorship signage is required, host organizations may submit a request to have on a temporary basis additional sponsorship signage in locations that are not identified in this policy.

The Director of Parks, Recreation and Culture will review and has authority as it relates to size and location of the signs and may approve the placement of temporary signs for specified short-term events, tournaments and other functions being held within the sports facilities and may have signs removed at the expense of the club if it is deemed if signs do not meet criteria.

STAFF REPORT TO COUNCIL

From: Clayton Postings, Director of Parks, Recreation and Culture
Meeting Date: March 20, 2017
File No:

RE: EVENT SIGNAGE REQUEST AT AGGIE HALL

RECOMMENDATION(S)

That Council authorize the request from Islands' Celtic Festival for temporary event signage installed on the exterior of Aggie Hall and that Council directs staff to work with the Islands' Celtic Festival to install the sign.

PURPOSE

The purpose of this report is to update Council on the status of Aggie Hall event signage.

PREVIOUS COUNCIL DIRECTION/RESOLUTIONS

At its meeting held February 20, 2017 Council passed the following resolution:

Moved and seconded:

That Council refer to staff the request from the organizers of the Islands' Celtic Festival to attach a 4 foot by 8 foot temporary sign on Aggie Hall in order to investigate options and report back to Council.

*Motion carried.*INTRODUCTION/BACKGROUND

Upon receipt of the request from Islands' Celtic Festival regarding signage installed on the exterior of Aggie Hall and Council's direction, staff began a review of short- and long-term options and with consideration of existing signage policies in Ladysmith.

At the Parks, Recreation and Culture Advisory Committee's (PRCAC) meeting held on March 8, 2017 staff provided the following options for comment and feedback:

Signage Option 1:

Construct a sign station during the upcoming parking lot project bordering the Aggie parking lot for specific-sized signs promoting community events at Aggie Hall.

Signage Option 2:

Construct a framing structure affixed to the Symonds Street side of Aggie Hall for the insertion of specific-sized signs promoting community events at Aggie Hall.

PRCAC reviewed options and made the following resolution:

Moved and seconded

That Parks, Recreation and Culture Advisory Committee support the request for temporary event signage for the Islands' Celtic Festival.

Motion carried.

PRCAC would request that the Committee be permitted to consider the matter further in respect to future Aggie Hall event signage because in order to provide well-informed feedback to Council and staff, design specifics for the sign station would be required. PRCAC had concerns regarding the framing structure due to esthetic nature and historical status of the hall as it is included in the Town's *Community Heritage Register*. For this reason, it was felt any permanent signage on the exterior of Aggie Hall should be forwarded to the Heritage Advisory Committee for comment.

SCOPE OF WORK

Staff will provide conceptual drawings and costs associated for a sign station to PRCAC for comment and feedback. Once reviewed by PRCAC, staff will present their comments and feedback for Council's consideration.

ALTERNATIVES

Council may choose to postpone the decision regarding the temporary sign until more information regarding the sign station has been presented.

FINANCIAL IMPLICATIONS

There are no financial implications identified at this time.

LEGAL IMPLICATIONS

There are no legal implications identified.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

The process as outlined is intended to improve citizen public relations and their access to information about events taking place at Aggie Hall.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

There is no interdepartmental involvement or implications identified.

RESOURCE IMPLICATIONS

There are no resource implications identified.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT

Partnerships - Enhance connection to the community by broadening and strengthening collaboration. Accelerate delivery of strategic objectives by working with others, building

internal and community capacity in the process. Facilitate meaningful citizen involvement.

ALIGNMENT WITH STRATEGIC PRIORITIES

This aligns with Council's 2016 strategic priorities Natural and Built Environment and Communications and Engagement.

SUMMARY

Organizers of the Islands' Celtic Festival have requested a 4- by 8-foot sign temporarily installed on the exterior of Aggie Hall. This request was reviewed by PRCAC along with options for future signage provided by staff. Information is presented for Council consideration.

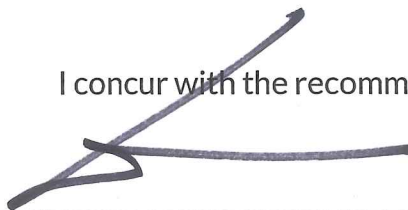


Report Author: Clayton Postings
Director of Parks, Recreation & Culture

March 14, 2017

Date Signed

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT(S)

None.

COMMITTEE REPORT

To: Council
From: Municipal Services Committee
Date: March 20, 2017
File No: 0540-20

Re: **RECOMMENDATIONS FROM THE MUNICIPAL SERVICES COMMITTEE MEETING HELD MARCH 13, 2017**

RECOMMENDATION:

That Council:

1. Direct staff to bring forward a new Ticket Bylaw, a new Bylaw Officer and Inspection Bylaw and amendments to other bylaws that will:
 - a. Make ticket fines available for all bylaw contraventions where using a ticket would enhance the ability to achieve compliance and streamline work;
 - b. Amend the offence and penalty sections of bylaws under which tickets may be issued where such sections do not properly support the issuance of tickets and/or the appropriate prescribed fines for each offence;
 - c. Prescribe ticket fines for all offences using the criteria set out in the Report to ensure consistent application across various bylaws;
 - d. Establish reduced ticket fines for prompt payment, where suitable, to create an incentive for violators to pay their tickets instead of ignoring or disputing them;
 - e. Ensure that the appropriate Town officials and the RCMP are properly appointed and named as bylaw enforcement officers for the purpose of conducting inspections and/or issuing tickets as appropriate; and
 - f. Limit the use of Offence Notices to the Streets and Traffic Bylaw and the Parks Usage Bylaw in relation to offences involving vehicles.
2. Engage in a 2018 Grants-in- Aid policy discussion.
3. Request the Cowichan Valley Regional District to administer the Grant-in-Aid funding for Victim Services in Ladysmith and request matching funds from the areas that benefit, including areas G and H and the First Nations.

4. Approve the following Grant-in-Aid recommendations for 2017:

Organization	2017 Preliminary Approval
Ladysmith Show and Shine	500
Ladysmith Festival Of Lights	15,000
Ladysmith Citizens on Patrol	1,500
Ladysmith Fire Rescue - Santa Parade	1,200
Old English Car Club Central Island Branch	250
Art Council of Ladysmith and District Waterfront Gallery	2,000
Art Council of Ladysmith and District- Arts on the Avenue	1,500
Ladysmith District Historical IHPC	5,000
Ladysmith Little Theater	500
Ladysmith Downtown Bus. Assoc. (Shop Locally)	1,500
Ladysmith Downtown Bus. Assoc. (Old Time Christmas)	1,500
LRCA - Soup Kitchen	0
Ladysmith Ambassador Program	1,500
Ladysmith & District Marine Rescue Society	2,500
Ladysmith Maritime Society	1,500
Ladysmith Celebration Society	8,000
Ladysmith Fire Rescue - Haunted House	0
LaFF	2,500
Open Table	500
Cowichan Family Caregivers	750
Cowichan Therapeutic Riding Association	0
Cowichan Energy Alternative	0
SD#68 - Frank Jameson Bursary	1,500
Late Application	
<i>Ladysmith Community Gardens Society</i>	1,000
Service Agreements:	
Ladysmith & District Historical Society	23,500
LRCA - Victim Services	15,000
LRCA - Programs	25,500
Waiving of Fees	500
Reserve	4,900

5. Pass the following resolution:
“Be it resolved that Council requests that the Mayor write a letter to Minister Andrew Wilkinson stating support for Adult Basic Education and requesting the Ministry to reinstate funding for Adult Basic Education programs and that the letter be copied to the Canadian Federation of Students BC and the Vancouver Island University Students’ Union.”
6. Refer the issue of an urban star park to the next Parks, Recreation & Culture Advisory Committee meeting.
7. Refer to staff the Communities in Bloom 2017 Program information to determine the feasibility of participating in the competition as part of the Celebrate Canada’s 150th Anniversary celebrations.



Town of Ladysmith

COMMITTEE REPORT

To: Mayor and Council
From: Councillor Cal Fradin
Chair, Protective Services Committee
Date: January 9, 2017
File No:

Re: **PROTECTIVE SERVICES COMMITTEE RECOMMENDATIONS**

At its January 9, 2017 meeting, the Protective Services Committee recommended that Council:

1. Consider placing advertisements in local newspapers or other Town communications advising of safe practices for handling needles and include links to the CVRD website.

INFORMATION REPORT TO COUNCIL

From: Joanna Winter, Manager of Legislative Services
 Date: March 20, 2017
 File No: 3360-15-02
 RE: Road Closure and Exchange Bylaw 2016, No. 1916

RECOMMENDATION:

That, Council consider any public input resulting from published notice of the proposed road closure and exchange.

PURPOSE:

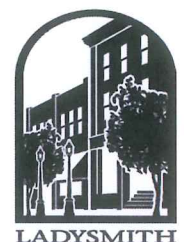
The purpose of this report is to provide an update to Council on the status of Bylaw 1916 and provide opportunity for public input as a result of the published notice.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CS 2016-419	Dec-19-2016	That Council: 1. Approve in principle the Land Exchange Agreement between the Town of Ladysmith and 0963984 BC Ltd., and authorize the Mayor and Corporate Officer to execute the agreement; and 2. Proceed to give first three readings to Road Closure and Dedication Removal Bylaw 2016, No. 1916, under the Bylaws section of this agenda.
CS-2016-423	Dec-19-2016	That Council give first three readings to Town of Ladysmith Road Closure and Dedication Removal Bylaw 2016, No. 1916.
	Mar-6-2017	Council rescinded third reading of Bylaw 1916, and read it a third time as amended with an updated Schedule A

DISCUSSION

Notice of the proposed closure and land exchange was published in the March 8 and 15 editions of the Ladysmith Chronicle, as required by the *Community Charter*. Members of the public have the opportunity to express, either in writing or in person, any concerns they may have with respect to the proposed road closure and land exchange.



The bylaw was also referred to the Ministry of Transportation and Infrastructure for approval, as the affected road lies within 800 metres of an arterial highway (the TransCanada Highway).

SUMMARY POINTS

- As a condition of the rezoning for the Holland Creek development, the road access through the lands is to be reconfigured as outlined in the Holland Creek Local Area Plan and the developer’s proposal. This requires the closure of a portion of the existing dedicated road, and dedicating the new road over property to be provided by the developer (~1.1ha) in exchange for the area of land containing the current road (~0.85ha).
- Council has previously given first three readings to Road Closure and Dedication Bylaw 1916
- Members of the public have an opportunity during this part of the meeting to make representation to Council should they consider that the road closure will affect them or their interests.
- It is recommended that Council adopt Bylaw 1916, subject to consideration of any concerns raised, and subject to receipt of approval from the Ministry of Transportation and Infrastructure.



Joanna Winter, Manager of Legislative Services

March 3, 2017

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT:
Bylaw 1916

TOWN OF LADYSMITH

BYLAW NO. 1916

A Bylaw To Close And Remove The Dedication Of A Highway

WHEREAS the purpose of this Bylaw is to close to traffic and remove the highway dedication of that part of land shown in heavy outline on Reference Plan EPP63593, for the purpose of disposing of the land to the adjacent landowner for consolidation with the adjacent landowner's lands, in exchange for other land required for highway purposes;

AND WHEREAS the adjacent property owner agrees to dedicate as road the area outlined in black and marked "Dedicated as Road" on Reference Plan EPP63594 attached as Schedule "B".

AND WHEREAS in accordance with sections 40(3) and (4), and 94 of the Community Charter, the Town of Ladysmith has published notice of its intention to adopt this Bylaw, has delivered notice to the operators of utilities whose transmission or distribution facilities or works Council considers will be affected, and has provided an opportunity for persons who consider they are affected to make representations to Council.

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

1. That portion of highway shown as "Road" on Reference Plan EPP63593, dedicated as road on Plan EPP44156 and Plan 34532, both of District Lot 103, Oyster District, prepared by Ryan Turner, B.C.L.S., and completed on August 15, 2016, a copy of which is attached as Schedule "A" hereto, is closed to all traffic.
2. The dedication as highway of that part of the road referred to in Section 1 is removed.
3. The Mayor and Corporate Officer are hereby authorized to execute all necessary documents as may be required to carry out the purpose of this bylaw.

CITATION

4. This Bylaw may be cited as "Road Closure and Dedication Removal Bylaw 2016, No. 1916".

READ A FIRST TIME on the 19th day of December, 2016

READ A SECOND TIME on the 19th day of December, 2016

READ A THIRD TIME on the 19th day of December, 2016

THIRD READING RESCINDED on the 6th day of March, 2017

READ A THIRD TIME AS AMENDED on the 6th day of March, 2017

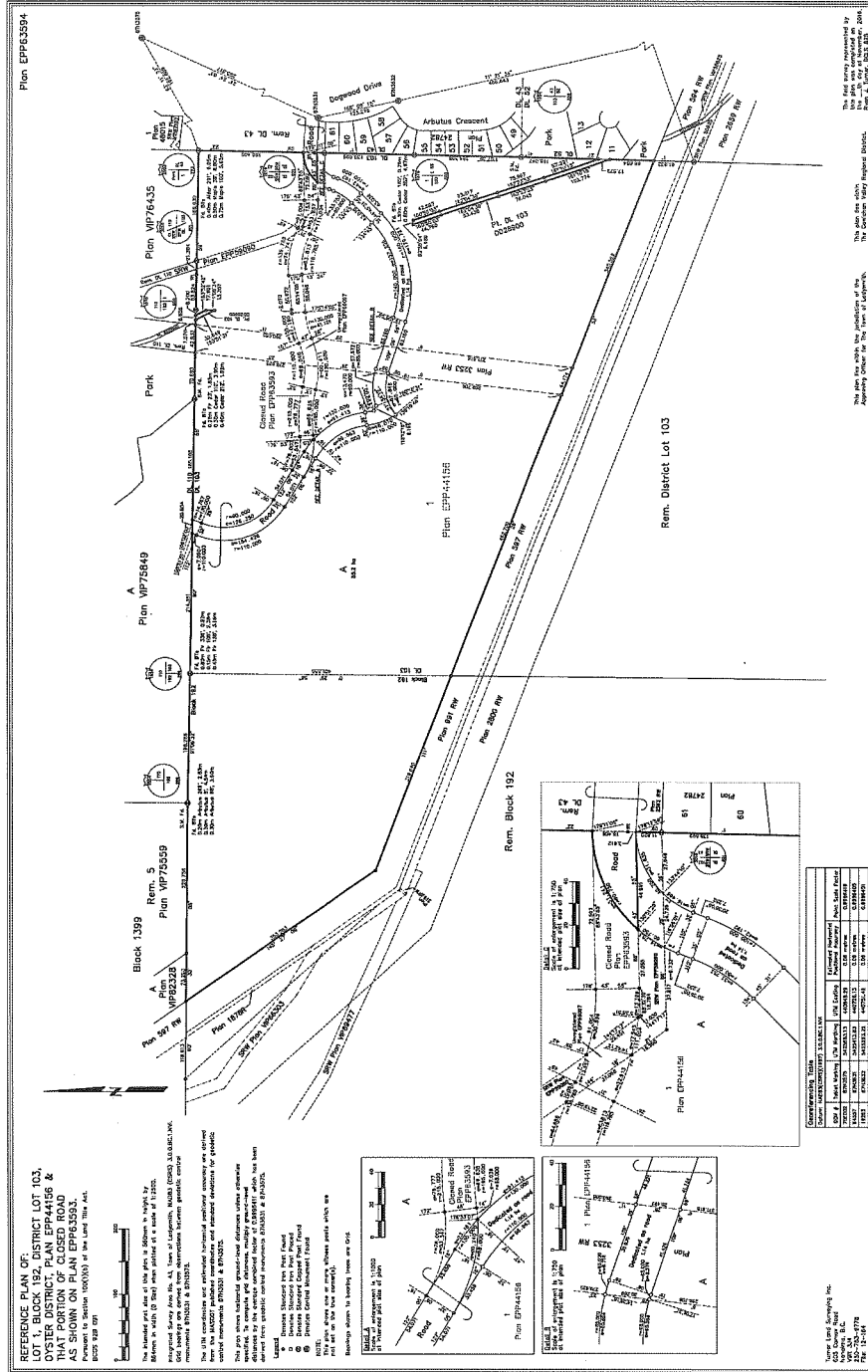
APPROVED BY THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE on the
day of ,

ADOPTED on the day of ,

Mayor (A. Stone)

Corporate Officer (J. Winter)

Schedule "B" to Bylaw No. 1916 - Road Dedication Plan



TOWN OF LADYSMITH

BYLAW NO. 1923

A bylaw to amend the Waterworks Regulations Bylaw 1999, No. 1298 of the Town of Ladysmith.

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

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

Amendment

1. Schedule "A" of "Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2016, No. 1902" is hereby replaced with the attached Schedule A.
2. Section 32 of "Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2016, No. 1902" is hereby amended by deleting subsections 32(1) and (2) and replacing them with the following:

32(1) A 10 per cent penalty shall be added to any unpaid current water charges no less than 30 days from the billing date and the due date selected shall be clearly indicated on the utility billing.

Effective Date

3. The provisions of this bylaw shall become effective and be in force as of April 1, 2017.

Citation

4. This bylaw may be cited as "Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2017, No. 1923".

READ A FIRST TIME	6 th	day of	March, 2017
READ A SECOND TIME	6 th	day of	March, 2017
READ A THIRD TIME	6 th	day of	March, 2017
ADOPTED		day of	

Mayor (A. Stone)

Corporate Officer (J. Winter)

SCHEDULE "A"

TOWN OF LADYSMITH

Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2017, No. 1923

1 METERED SINGLE UNIT DWELLING

Per billing quarter:

Base Rate, including consumption to 25 m ³	\$ 29.65	
Next 26 m ³ to 50 m ³	\$ 0.7321	Per m ³
Next 51 m ³ to 75 m ³	\$ 0.8652	Per m ³
Next 76 m ³ to 100 m ³	\$ 1.0648	Per m ³
Next 101 m ³ to 125 m ³	\$ 1.3976	Per m ³
Over 125 m ³	\$ 1.8634	Per m ³

2 METERED SERVICE - all other users

Per billing quarter:

Base Rate, including consumption to 25 m ³	\$ 29.65	
Over 25 m ³	\$ 0.6655	Per m ³

3 NON-METER SERVICE

Per billing quarter: \$ 51.55 Per unit

4 SERVICE CONNECTION RATES

Where a service connection has not been previously provided to a parcel but where the Public Waterworks system front or abuts the parcel:

(A) 19 mm (3/4") service connection including meter, meter box, meter setter, check valves, shut-off valves and other related appurtenances: \$2,400 per connection

(B) Larger than 19 mm (3/4") shall be at cost, but no less than: \$2,400 per connection

Where a service connection has been previously provided to a parcel:

(C) service connection including meter, meter box, meter setter, check valves, shut-off valves and other related appurtenances and is the requested size: \$ 100 per connection

(D) upgrading of that service is size including installation of a water meter, meter box, meter setter, check valves, shut-off valve and any other related appurtenances shall be at cost, but not less than: \$2,400 per connection

5 FINES

Every person who violates any provision of this bylaw shall be guilty of an offence punishable on summary conviction and shall be liable to a fine or to imprisonment for not more than 6 months, or both. Each day that a violation of the provisions of this bylaw occurs, exist or is permitted to occur or exists, shall constitute a separate offense. \$ 2,000 per offence

Effective April 1, 2017.

TOWN OF LADYSMITH

BYLAW NO. 1924

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

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

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

Amendment

1. Schedule "A" of "Sanitary Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2016, No. 1903" is hereby replaced with the attached Schedule "A".
2. "Sanitary Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2016, No. 1903", is hereby amended by deleting subsections 5(a) and (b) and replacing them with the following:

A 10% penalty shall be added to any unpaid current sewer charges no less than 30 days from the billing date and the due date selected shall be clearly indicated on the utility billing.

Effective Date

3. The provisions of this bylaw shall become effective and be in force as of April 1, 2017.

Citation

4. This bylaw may be cited as "Town of Ladysmith Sanitary Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2017, No. 1924".

READ A FIRST TIME	on the 6th	day of March, 2017
READ A SECOND TIME	on the 6th	day of March, 2017
READ A THIRD TIME	on the 6th	day of March, 2017
ADOPTED	on the	day of

Mayor (A. Stone)

Corporate Officer (J. Winter)

SCHEDULE "A"

TOWN OF LADYSMITH

Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2017, No. 1924

SCHEDULE OF RATES

CLASSIFICATION		Sewer Charge Per Month
Residences or Apartments:	For each Dwelling Unit	\$22.50
Motels & Auto Courts:	Premises of owner or operator	\$22.50
	For each rental unit	\$ 3.44
Mobile Home Parks:	Public rest rooms and/or service rooms	\$22.50
	For each mobile home with sewer connection	\$22.50
Hotels:	Owners or managers quarters	\$22.50
	Per apartment for rent	\$22.50
	Per room for rent	\$ 3.44
Beer Parlours, Pubs, Licenced Cabarets & Lounges:	For each separately licenced area	\$46.90
Cafes, Restaurants & Dining Rooms:		\$46.90
Offices, Shops and Stores:	Per office, store & store unit not otherwise specified	\$22.50
Store(s) and Suites(s) combined:	Per store unit	\$22.50
	Per suite	\$22.50
Stores(s) and Office(s) combined:	Per store unit	\$22.50
	per office unit	\$22.50
Office Building:	per office unit	\$22.50
Laundry or Laundromat:		\$74.53
Services Stations and Garages:	Without car wash	\$22.50
	With car wash	\$50.13
Public or Social Club with licenced bar:		\$46.90
Church Hall, Public Hall or Lodge Room		\$17.44
Hospitals & Nursing Homes	per bed	\$ 10.47
Schools	per classroom, auditorium or office	\$22.50

Effective April 1, 2017

TOWN OF LADYSMITH

BYLAW NO. 1925

A Bylaw to Repeal the Water, Sewer and Garbage Penalty Rates Bylaw

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

1. Town of Ladysmith Water, Sewer, Garbage Penalty Rates Bylaw 1998, No. 1283, Amendment Bylaw 2007, No. 1628” is hereby repealed, together with all related bylaws.

Citation

2. This Bylaw may be cited for all purposes as “Town of Ladysmith Water, Sewer, Garbage Penalty Rates Repeal Bylaw 2017, No. 1925.

READ A FIRST TIME on the 6th day of March, 2017

READ A SECOND TIME on the 6th day of March, 2017

READ A THIRD TIME on the 6th day of March, 2017

ADOPTED on the day of

Mayor (A. Stone)

Corporate Officer (J. Winter)

March 6, 2017

File No: EDCG



Guillermo Ferrero
City Manager
Town of Ladysmith
Box 220 - 410 Esplanade
Ladysmith BC V9G 1A2

VIA EMAIL

Dear Mr. Ferrero:

Re: Formal Request for Letter of Support

This letter comes as a formal request for the Town of Ladysmith to provide a letter of support for the development of a Cowichan Tech Strategy.

The strategy will look at how the existing tech sector can be expanded and how new technology-based companies, skilled tech workers and increased tech investment can be attracted to the Cowichan region. Support for the strategy from the Island Coastal Economic Trust will be matched with support from Economic Development Cowichan.

Economic Development Cowichan will be inviting the participation of the Town of Ladysmith in engagement sessions held in conjunction with the study. The letter of support we have requested from the Town is a condition of receiving support from Island Coastal Economic Trust.

For the Town's convenience, a suggested letter template is attached. We ask that an electronic copy of the letter be sent to Economic Development Cowichan in conjunction with the letter being forwarded to Denise Regnier at Island Coastal Economic Trust.

Thank you in advance for your support and participation in this important study.

Yours truly,

A handwritten signature in black ink that reads "Amy Melmock".

Amy Melmock, Manager
Economic Development Division

AM:jm

Attachment

ATTACHMENT

Template for letter of support for Economic Development Cowichan - Tech Study Strategy

(Date)

Denise Regnier
Project and Corporate Administrator
Island Coastal Economic Trust
#108 – 501 4th Street
Courtenay, BC V9N 1H3
denise.regnier@islandcoastaltrust.ca

Dear Ms. Regnier:

Re: Support for Cowichan Tech Strategy

This letter comes in support of the Cowichan Tech Study being initiated by Economic Development Cowichan. The Town of Ladysmith is aware of the study, and supportive of the development of a comprehensive regional plan that will define, articulate and enhance our region's role in the technology sector.

It is our understanding that the study will define the region's competitive advantages with respect to the sector, identify the key players in the industry in the Cowichan, and describe the collaborative partnerships and investment mechanisms that will be required to attract new tech sector businesses.

Because the Cowichan Valley is already home to several acclaimed digital animation companies, software developers and respected leaders within the tech industry, we see this study as being valuable to the economic growth and diversification of our region. We also recognize the alignments that can occur between the sector, the CVRD and the Town of Ladysmith.

We look forward to participating in this important study and endorse the implementation through Economic Development Cowichan.

Yours truly,

(Signature and Name of Municipal Official)

pc: Amy Melmock, Manager, Economic Development Cowichan