

**PUBLIC HEARING AND REGULAR MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
TO BE HELD AT THE LADYSMITH EAGLES HALL
921 1ST AVENUE, LADYSMITH
MONDAY, APRIL 16, 2018
7:00 P.M.**

**Call to Order and Closed Meeting - 6:30 p.m. (at City Hall)
Regular Open Meeting - 7:00 p.m. (at Eagles Hall)**

A G E N D A

CALL TO ORDER (6:30 P.M.)

1. CLOSED SESSION

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

- labour relations or other employee relations – section 90(1) (c)

PUBLIC HEARING AND REGULAR MEETING (7:00 P.M.)

2. AGENDA APPROVAL

3. RISE AND REPORT

4. PUBLIC HEARING

Outline of Public Hearing Process – Mayor Stone

4.1. Public Hearing 1: Zoning Bylaw Amendment Bylaw 1944 1 - 16

4.1.1. Introduction of Bylaw and Statutory Requirements – Director of Development Services

4.1.2. Submissions



- 4.1.3. Call for Submissions to Council (Three Times) – Mayor Stone
- 4.1.4. Declaration that the Public Hearing for Bylaws 1944 is Closed – Mayor Stone
- 4.2. Public Hearing 2: Official Community Plan Amendment and Zoning Bylaw Amendment Bylaws 1952 and 1953 17 - 20
 - 4.2.1. Introduction of Bylaws and Statutory Requirements – Director of Development Services
 - 4.2.2. Submissions
 - 4.2.3. Call for Submissions to Council (Three Times) – Mayor Stone
 - 4.2.4. Declaration that the Public Hearing for Bylaws 1952 and 1953 is Closed – Mayor Stone
- 4.3. Public Hearing 3: Official Plan Amendment and Zoning Bylaw Amendment Bylaws 1954 and 1955 21 - 24
 - 4.3.1. Introduction of Bylaws and Statutory Requirements – Director of Development Services
 - 4.3.2. Submissions
 - 4.3.3. Call for Submissions to Council (Three Times) – Mayor Stone
 - 4.3.4. Declaration that the Public Hearing for Bylaws 1954 and 1955 is Closed – Mayor Stone

5. BYLAWS (SUBJECTS OF PUBLIC HEARING)

- 5.1. Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 11) 2018, No. 1944
Subject Property: Lot 1, District Lot 41, Oyster District, Plan 11706, Except Part in Plans 43985, VIP58153 and VIP79598 (618 Farrell Road) 25 - 29

Staff Recommendation:

That subject to any additional matters raised at the public hearing, Council:

1. Proceed with third reading of Bylaw 1944 cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 11) 2018, No. 1944”; and
2. Direct staff to refer Bylaw 1944 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

- 5.2. Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 51) 2018, No. 1952; and
Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 13) 2018, No. 1953
Subject Properties: Lots 7 & 8, Block 7, District Lot 24, Oyster District, Plan 703 (11 and 17 Kitchener Street)..... 30 - 36**

Staff Recommendation:

That subject to any additional matters raised at the public hearing Council:

1. Proceed with third reading of “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.51) 2018, No. 1952”; and
2. Proceed with third reading of “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.13) 2018, No.1953”.
3. Direct staff to refer Bylaw 1953 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

- 5.3. Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 52) 2018, No. 1954; and
Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 14) 2018, No. 1955
Subject Property: Lot B, District Lot 97, Oyster District, Plan VIP56663, Except part in plan VIP89355 (1240 Fourth Avenue)..... 37 - 43**

Staff Recommendation:

That subject to any additional matters raised at the public hearing Council proceed with:

1. Third reading of “Official Community Plan Bylaw 2003, No 1488, Amendment Bylaw (No.52) 2018, No. 1954; and
2. Third reading of “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.14) 2018, No.1955.

6. DELEGATIONS

- 6.1. MNP, Auditors for the Town of Ladysmith..... 44 - 53
Cory Vanderhorst, CPA, CA
Presentation of the Draft 2017 Financial Statements**

Staff Recommendation:

That Council approve the 2017 Audited Financial Statements.

7. PROCLAMATIONS

- 7.1. Human Values Day 54**
Mayor Stone has proclaimed April 24, 2018 as “Human Values Day” in the Town of Ladysmith, and encourages all citizens to make the Town of Ladysmith a “a Town of Character” by practicing the human values of truth, right conduct, peace, love and nonviolence

8. DEVELOPMENT APPLICATIONS

- 8.1. Zoning Bylaw Amendment Application, 1280 Rocky Creek Road (J. Basi, TRT Trucking)
Subject Property: Lot 7, District Lot 38, Oyster District, Plan VIP73070..... 55 - 58**

Staff Recommendation:

That Council:

1. Consider the application to amend the Zoning Bylaw to add a site specific accessory use to the Light Industrial (I-1) Zone to permit ‘Marshalling Yard’ at 1280 Rocky Creek Road (Lot 7, District Lot 38, Oyster District, Plan VIP73070); with the condition that the ‘Marshalling Yard’ use is permitted in areas that are surfaced with a hard surface of asphalt or similar surface, graded to contain and dispose of surface water, and contain an oil/water separator.
2. Direct staff to commence the preparation of the Zoning Bylaw amendment bylaw for application 3360-18-06.

- 8.2. Official Community Plan Amendment Application, Ladysmith Marina – D. Strongitharm – Rocky Creek Road
Subject Properties: Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537
Lot 1 and 2, District Lots 81 and 86, Oyster District, Plan VIP88459
Block C, District Lot 2054, Cowichan District, Plan EPC721 (Provincial lease area) 59 - 66**

Staff Recommendation:

That Council:

1. Consider the application (3360-18-03) to amend:
 - a) Official Community Plan Map 1 by removing a portion of the ‘Local Commercial’ and ‘Industrial’ designation and replacing it with ‘Single Family Residential’ designation for the ‘surplus’ lands; and by removing

the 'Industrial' designation from the active marina area and replacing it with the 'Waterfront' designation;

- b) Official Community Plan Map 2 by adjusting DPA 1 Waterfront such that it is removed from the 'Single Family Residential' designated area and moved to the new 'Waterfront' designated area; and by adding DPA 5 Industrial to the adjusted 'Industrial' designated area;
- c) The Zoning Bylaw text (Schedule A of Bylaw 1860) by amending the Tourist Service Commercial (C-4) Zone and Light Industrial (I-1) Zone to accommodate Ladysmith Marina uses.
- d) The Zoning Bylaw map (Schedule B of Bylaw 1860) by adjusting the C-4 'Tourist Service Commercial' zone such that it applies only to the active Ladysmith Marina area, and adjusting the R-1-B, W-2, I-2 and I-1 zones accordingly surrounding the new C-4 zoned area.

For properties legally described as

- Lot A, District Lots 81, 86, 87,98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537;
- Lot 1 and 2, District Lots 81 and 86, Oyster District, Plan VIP88459; and
- Block C, District Lot 2054, Cowichan District, Plan EPC721 (lease area)

- 2. Having given consideration to s.475 of the Local Government Act (consultation during OCP development) direct staff to refer the OCP amendment application 3360-18-03 to the Stz'uminus First Nation, pursuant to the Town's Memorandum of Understanding.
- 3. Direct staff to commence the preparation of Official Community Plan amendment bylaw and the Zoning Bylaw amendment bylaw for application 3360-18-03.

9. REPORTS

9.1. Direction to Proceed with an Alternative Approval Process (AAP) for a Proposed Two Lot Boundary Extension..... 67 - 69

Staff Recommendation:

That Council:

- 1. Direct staff to seek elector approval of the proposed two lot boundary extension in south Ladysmith through an Alternative Approval Process

with a deadline for receipt of Elector Response Forms of 4:00 p.m., Wednesday, June 6, 2018; and

2. Confirm the number of eligible electors for the Alternative Approval Process as 6,635.

9.2. Options for Public Consultation on the Retail Sale of Non-Medical Cannabis.. 70 - 84

Staff Recommendation:

That Council:

1. Establish a budget of \$20,000 for project management and facilitation resources to support public consultation on the retail sale of non-medical cannabis in Ladysmith, with the funds to come from surplus, and direct staff to amend the Financial Plan accordingly.
2. Appoint three members to an ad hoc Committee of Council to support the public consultation process on the retail sale of non-medical cannabis in the Town of Ladysmith.
3. Direct the ad hoc Committee to develop recommendations on locational or other criteria and a desired public input strategy and scope for Council's consideration with respect to the retail sale of non-medical cannabis in the Town of Ladysmith prior to embarking on a public consultation on the matter.
4. Direct staff to engage an outside consultant with the appropriate knowledge of the legislative framework to manage the public consultation on the retail sale of non-medical cannabis following Council's consideration of the recommendations from the ad hoc Committee.
5. Direct staff to develop land use recommendations for Council's consideration with respect to the production and processing of non-medical cannabis in the Town of Ladysmith.

10. BYLAWS

10.1. Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905, Amendment Bylaw 2018, No. 1945..... 85 - 87

The purpose of Bylaw 1945 is to introduce a housekeeping amendment to ensure that the Officers and Delegation of authority bylaw accurately reflects the current organizational structure and staff positions.

Staff Recommendation:

That Council give first, second and third readings to Town of Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905, Amendment Bylaw 2018, No. 1945.

10.2. Town of Ladysmith Financial Plan Bylaw 2018, No. 1956..... 88 - 92

The purpose of Bylaw 1956 is to adopt a five-year Financial Plan for the Town of Ladysmith, as required by the *Community Charter*.

Staff Recommendation:

That Council give first, second and third readings to Town of Ladysmith Financial Plan Bylaw 2018, No. 1956

10.3. Town of Ladysmith Tax Rates Bylaw 2018, No. 1957..... 93 - 94

The purpose of Bylaw 1957 is to set the property tax rates for 2018 in accordance with the 2018 to 2022 Financial Plan.

Staff Recommendation:

That Council give first, second and third readings to Town of Ladysmith Tax Rates Bylaw 2018, No. 1957.

10.4. Water Parcel Tax Bylaw 2018, No. 1958..... 95 - 96

The purpose of Bylaw 1958 is to establish a water parcel tax rate for property parcels in the Town of Ladysmith.

Staff Recommendation:

That Council give first, second and third readings to Water Parcel Tax Bylaw 2018, No. 1958.

10.5. Sewer Parcel Tax Bylaw 2018, No. 1959 97 - 98

The purpose of Bylaw 1959 is to establish a sewer parcel tax rate for property parcels in the Town of Ladysmith.

Staff Recommendation:

That Council give first, second and third readings to Sewer Parcel Tax Bylaw 2018, No. 1959.

11. NEW BUSINESS

12. UNFINISHED BUSINESS - None

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

BYLAW NO. 1944

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

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Zoning Bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

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

- (1) Schedule B - Zoning Bylaw Map of "Town of Ladysmith Zoning Bylaw 2014, No.1860" is hereby amended as follows:
 - (a) By placing "Single Dwelling Residential (R-1)" on the subject property legally described as Lot 1, District Lot 41, Oyster District, Plan 11706 except part in Plans 43985, VIP58153 and VIP79598 (618 Farrell Road), as shown in 'Schedule 1' attached to and forming part of this Bylaw.

CITATION

- (2) This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.11) 2018, No.1944".

READ A FIRST TIME on the 19th day of March , 2018

READ A SECOND TIME on the 19th day of March , 2018

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*
on the 19th day of March , 2018

READ A THIRD TIME on the day of , 20

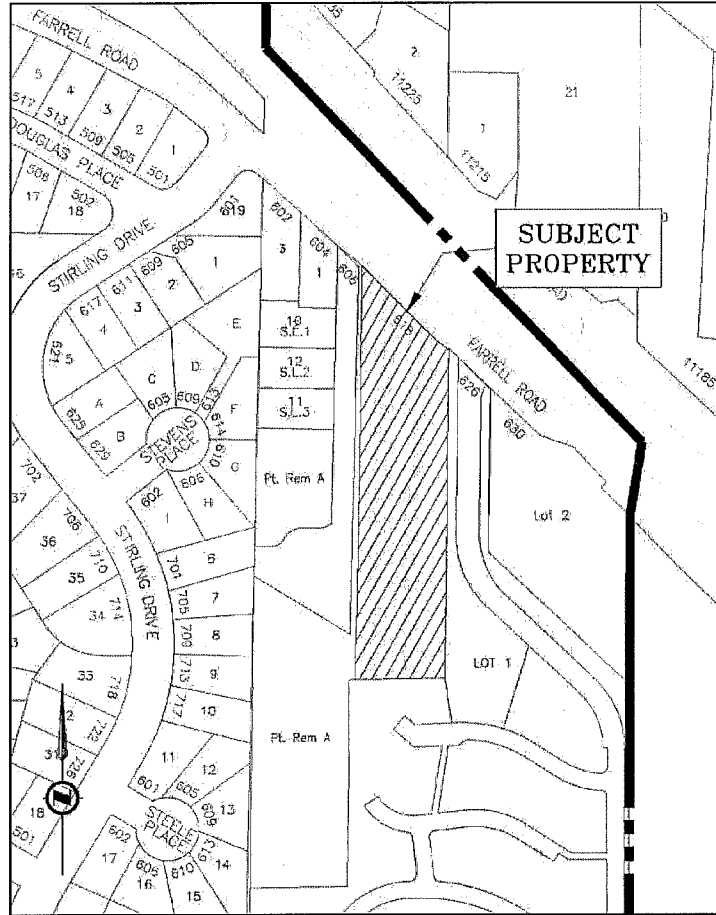
APPROVED by the Minister pursuant to the provisions of the *Transportation Act*
on the day of , 20

ADOPTED on the day of

Mayor (A. Stone)

Corporate Officer (G. Ferrero)

Bylaw 1944 – Schedule 1



RECEIVED
Mar. 5/18

Within Circulation Area

#1-12
Re- 666 Farrell Rd #3
Ladysmith BC V9G 1W9

Meeting
tonight Mar. 5/18

Too late to Email

Please email a reply

We will not allow ~~over~~ our easement to
be used as a road for lots between
666 Farrell Rd and The Gates.

Nor do not plan on a garbage pickup
or delivery trucks etc.

We insist on a wall to keep our
easement free of parking since it is
difficult for us to egress from our
driveways. No strangers allowed on our
easement

We don't trust trades people to park
during deconstruction and construction

Very truly yours
Lynne McInerney

Dec 5/17

From: Angie Salahub
Sent: December 5, 2017 8:20 AM
To: Lisa Brinkman
Cc: matt@turnersurveys.ca
Subject: 618 Farrell Road

Within Circulation Area

Good morning Lisa,

Speaking in behalf of Strata 6497, we would not be adverse to the developer flipping the driveway around so that the driveway to 618 Farrell Road would be parallel to our driveway at 606 Farrell Road. We feel that this would be of benefit both to our strata as well as the homes on 618 Farrell Road. Not only would it give us more space between homes but their backyards would have a better view as it would back onto the green space by the Gales complex. I have attached a copy of what we have suggested to give a visual idea.

A few of our concerns would be:

1. Water runoff- there is an enormous amount of water runoff from the heavy rains that comes from behind our strata and the water tends to drain towards the property adjacent to us. We were thinking perhaps a swail between the two properties may be a good idea to allow for proper drainage.
2. Garbage pickup- Currently the garbage trucks do not come up our road and so we have been putting our garbage/organics/recycle at the bottom of the road. However, according to the plans, that will eventually be someones front yard. We would like to see some sort of area in between (perhaps using the setbacks between properties) be made to accommodate both the new developments and our strata as well as the homes along 606 Farrell Road. According to the current draft, that would be approximately 13 homes, or 26 cans of garbage/organic bins every week.
3. Trees at 618 Farrell Road- We are not sure how many of the trees will be taken down. Our concern is that if only a few of the larger ones are left remaining it would compromise those trees and they would be more likely to fall/cause damage during wind storms. We feel it may be best to take all the trees down and plant new ones around the new homes.

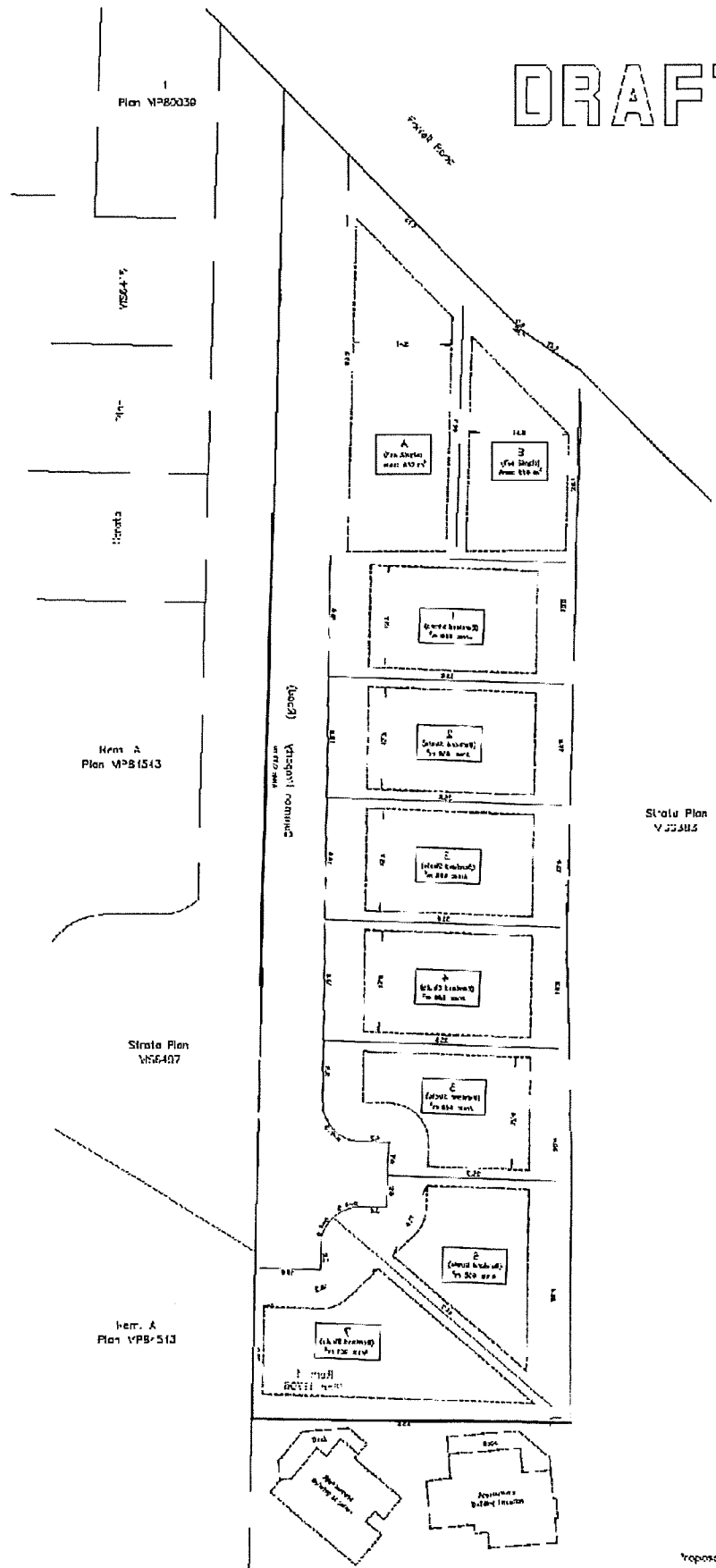
Thank you for taking the time to consider our views/concerns.

Sincerely,

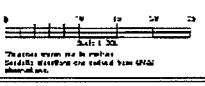
Angela Salahub

Secretary for Strata 6497, 606 Farrell Road

DRAFT



Site plan showing proposed construction 26
 Lot: 1. District: 41. Cadastre: Plan 11736.
 Concept: 1st floor - SEB, VPB0030 and VPB497.
 Scale: 1:500
 Date: 2020
 Author: [Name]



This project is executed by
 [Firm Name]
 [Address]
 [City]

Scale: 1:500
 Date: 2020
 Author: [Name]

RECEIVED
DEC 7/17

Within Circulation Area

7 December 2017

Lisa Brinkman
Senior Planner-Development Approvals Supervisor
City Hall
PO Box 220
Ladysmith, B.C.
V9G 1A2

Subject: Proposed Development, 618 Farrell Road

I am writing on behalf of Council for 'The Gales' strata, in regards to the proposed development at 618 Farrell Road. 'The Gales' strata currently consists of 17 Units located at 626 Farrell Road in Ladysmith. Our strata is immediately east of the proposed development, and I and other strata Council members attended the informational meeting that was held at the Frank Jameson Centre on November 29.

We understand from the discussion at the meeting, that an access road was considered parallel to either the east or west edge of the proposed development with nine lots to be developed in either scenario. The layout presented at the meeting is attached for your reference. It shows the access road on the east edge of the development with a number of large trees removed to construct the access road. We wondered why the access road would not be placed along the west edge of the development as there were several obvious advantages as follows.

- Nine large trees and some smaller ones not shown on the plan could be saved along the east property line with minimal impact on building footprints, views and natural features. It would enhance the property visually and the value of the building lots. A beautiful, optional, landscape buffer could be economically created from the pre-existing mature trees and plants. This and the following points would also conform in spirit and intent of the Official Community Plan (OCP)^{1,2,3}.
- An access road on the west edge of the development would prevent the unsightly creation of three roads, all parallel and adjacent to one another, on the east side. The pre-existing 'Gales' strata entrance on the east side already consists of two side-by-side roads (an entry and exit road separated by a narrow road median). West of the proposed development there is only one pre-existing road, and the placement of the road along the west side would also prevent the unsightly creation of duplicate street lights on the east side. The west side is lacking street lights. Depending on placement of the road on the west side of the development, there are also several large trees and an existing mature hedge along the property line that could be saved in a landscaped median between the development and the adjacent property.
- Utilities and the Canada Post community mailbox at the north east corner of the proposed development would not have to be relocated, at significant expense to the Developer and/or the Town.

¹ See OCP Page 26, Section 3.2 Land Use Planning and Community Design: To "enhance the character of a community by minimizing the potential negative visual and physical effects of development and by ensuring that development 'fits' the landscape and scale of past development."

² See OCP Page 32, Section 3.3.3 Environment Policies, Item #7: "Future hillside development will be designed to fit landscape and natural features."

³ See OCP Page 34, Section 3.3.3 Environment Policies in spirit of Item #22: "The Town will prepare a tree protection and preservation bylaw."

- The beautiful 'Gales' road entrance garden at, and adjacent to, the north east corner of the proposed development would not have to be completely removed. If the access road is placed on the west side of the development, most, if not all, of the garden could be preserved enhancing the visual appearance of both adjacent properties.
- An access road on the west edge of the development would be only slightly longer, and not as steep which would enhance safety during inclement weather conditions (e.g. when slippery).
- Driveways would be on the high side of the lots allowing for main floor access and walkout basements, again increasing the value of the properties.
- An access road on the west edge of the development could possibly provide access to the landlocked property south west of the proposed development.

We also wonder if the Town of Ladysmith will require any standards in regards to road curb, gutter, fire hydrants, and street lighting in the proposed development. For instance, street lighting is particularly important to aid in quickly finding and identifying addresses for critical fire, ambulance and police services, which is a key community safety issue⁴. Currently, there are curbs, gutters, fire hydrants, street lights and significant landscaping along the 'Gales' roads, whereas other developments on Farrell Road appear to be lacking. Similarly, it is recommended that design requirements be considered to address safety issues associated with a potential narrow bare land strata road. For example, will adequate access and turn-around provisions exist for emergency services and vehicles on this type of road, especially during expected inclement weather conditions (e.g. provisions for snow clearing and adequate room for snow storage with adequate gutter drainage to minimize ice formation)?

Finally, we wonder if the Town of Ladysmith will require any improvements to Farrell Road. Street lights and sidewalks are lacking. There are no curbs and gutters on either side of Farrell Road and there is significant weed growth along the highway barrier. Has a sound barrier been considered along Farrell Road, adjacent to the highway? This portion of the highway has a 90 km/hr speed limit with more highway noise than other parts of the town where the speed limit is 70 km/hr and new homes close to the highway are particularly affected.

We wish to thank you for the opportunity to review the proposed development and we hope that you will appreciate and consider our comments.

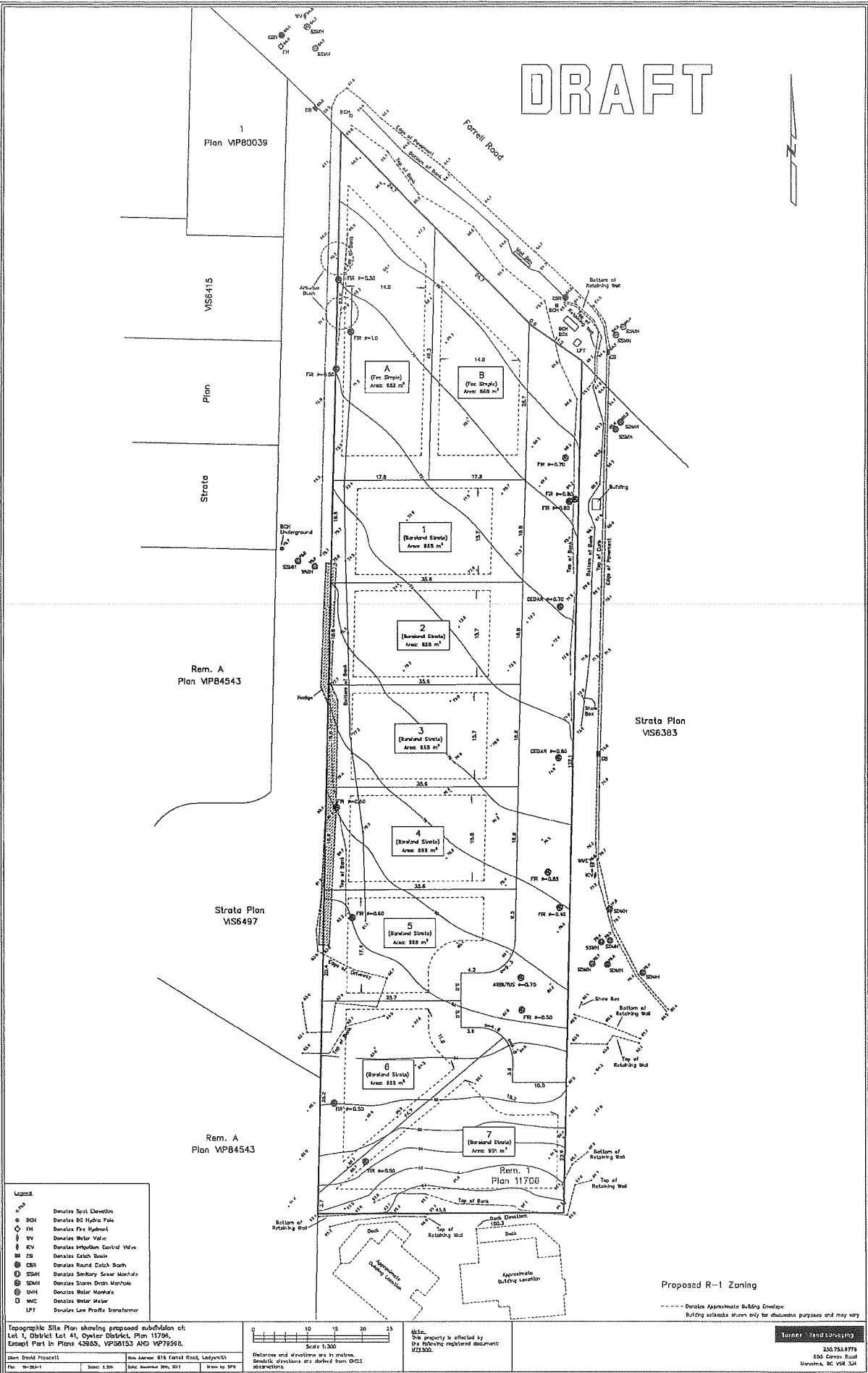


Jeff Reichert

Cc: Town of Ladysmith Council
 Attachments: Draft Plan of Proposed R-1 Zoning, prepared by Turner Land Surveying

⁴ See Town of Ladysmith "Mission" to provide: "A safe, caring and vibrant community" such as stated in the Town 2016 Annual Report.

DRAFT



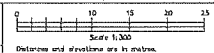
- Legend**
- BSH Denotes Spot Elevation
 - BSH Denotes BC Hydro Pole
 - FM Denotes Fire Hydrant
 - WV Denotes Water Valve
 - WV Denotes Water Valve
 - KV Denotes Inflow Control Valve
 - CB Denotes Catch Basin
 - CB Denotes Round Catch Basin
 - SSN Denotes Secondary Sewer Manhole
 - SSN Denotes Storm Drain Manhole
 - SWH Denotes Water Manhole
 - WME Denotes Water Meter
 - LPT Denotes Low Profile Transformer

Topographic Site Plan showing proposed subdivision of:
 Lot 1, District Lot 41, Quarter District, Plan 1728,
 Except Part in Plans 43983, VP80153 AND VP79598.

Client: David Prescott
 Date: 1/20/11
 Scale: 1:300
 Date Issued: 3/16/11
 Drawn by: SPB

Owner: 818 Farrell Road, Ladysmith
 Date: 3/16/11
 Drawn by: SPB

Distances and elevations are in metres.
 Symbols and abbreviations are defined from OHS
 publications.



This property is affected by the following registered document:
 623300.

Turner Land Surveying
 232 755 9778
 605 Conroy Road
 Nanaimo, BC V9R 3J4

9 April 2018

APR 9 11 11 AM
APR 9 11 11 AM

Within Circulation Area

Mayor Aaron Stone
City Hall
PO Box 220
Ladysmith, B.C.
V9G 1A2

Subject: Public Hearing for Proposed Development at 618 Farrell Road

I am writing on behalf of Council for 'The Gales' strata, in regards to the proposed development at 618 Farrell Road. 'The Gales' strata currently consists of 17 Units located at 626 Farrell Road in Ladysmith and immediately east of the proposed development. Our strata has an interest in the proposed development and request that this written submission be included in the agenda for the public hearing, scheduled for April 16, 2018.

The minutes of the March 19 town council meeting states, "that a tree assessment by a certified Arborist be submitted at time of Subdivision application with the intention of maintaining a grouping of healthy trees that complements the trees on the adjacent Gales entrance driveway, such trees to be protected by covenant. And, if it is not possible to create this treed edge, the requirement would be that at the time of building permit, two new trees with a minimum diameter of 6cm are planted on each new lot. A security of \$300 per tree will be required. One tree must be in the rear yard."

We understand that the developer has already opposed the notion of saving trees due to the amount of regrading that will be necessary to address drainage issues on the site. However, an engineered drainage plan has not been made available and we wonder whether the grades will be altered significantly at the edges of the 618 development where 16 trees were identified on the draft survey plan that was made available for the Neighbourhood Informational Meeting of 29 November 2017.

Town staff and neighbours generally want to see some trees saved on the site and this would conform in spirit and intent of the town's Official Community Plan. Ladysmith has countless mature trees, many of which were saved on the edges of neighbourhoods and developments. Through our efforts, 11 trees were saved on the border of the 626 development (The Gales) and the 630 development. These trees enhance our views and maintain the character of Ladysmith, even though our views are partially blocked.

We are happy to see development around our neighbourhood but we hope that our Town will never permit trees to be removed from entire hillsides as I have seen in North Nanaimo. There are many examples of better and responsible development in other parts of the island and lower mainland.

We suggest that the Town appoint an independent arborist that would objectively review the 16 trees that are identified on the draft survey plan. We ask that the arborist report of 26 January 2018 be withdrawn as it only addressed 10 trees, it did not adequately explain the reason why the trees would have to be removed to facilitate construction and it was prepared before an engineered drainage plan was available.

For your information I have attached the draft survey plan which identifies 16 trees, on which I have sketched the adjacent Gales road and the trees that have been saved on 630 Farrell Road. Some of the trees on 618 are up to .8m diameter, and larger than the ones on 630. If some trees could be saved on 618, they would be close to the trees on 630 and together would have the effect of cutting wind and noise and as a group would be more able to withstand damage during storms. We note that the location of the access road is still subject to engineering but we understand the developer prefers a west side location instead of the east side as shown.

We would also like to bring up the following concerns where the north edge of the 618 development abuts Farrell Road.

There is no street lighting on any part of Farrell Road that runs parallel to the highway. The community mailbox currently sits in front of the 618 development. The area in front of the community mailbox is dark, which may have contributed to a theft of mail in 2017. We understand that the covenant requires the applicant to design lighting for the strata road, however we are concerned that street lighting on Farrell Road will be overlooked.

There is an asphalt sidewalk delineated by a white line along much of Farrell Road and up to the end of the 606 development. At 618, the width of the roadway is reduced by the width of the sidewalk and the area in front of the community mailbox is gravelled. I understand that the town is currently reviewing curb and sidewalk as part of the 630 development and will do the same for 618. We hope that the developments at 618 and 630 will add sidewalks and access to the community mailbox pad.

I trust that you will consider our requests and look forward to seeing our community grow around us.



Jeff Reichert
11-626 Farrell Road

Cc:

Town Councillors: Steve Arnett, Cal Fradin, Joe Friesenhan, Carol Henderson, Rob Hutchins, Duck Paterson

Town Senior Planner-Development Approvals supervisor: Lisa Brinkman

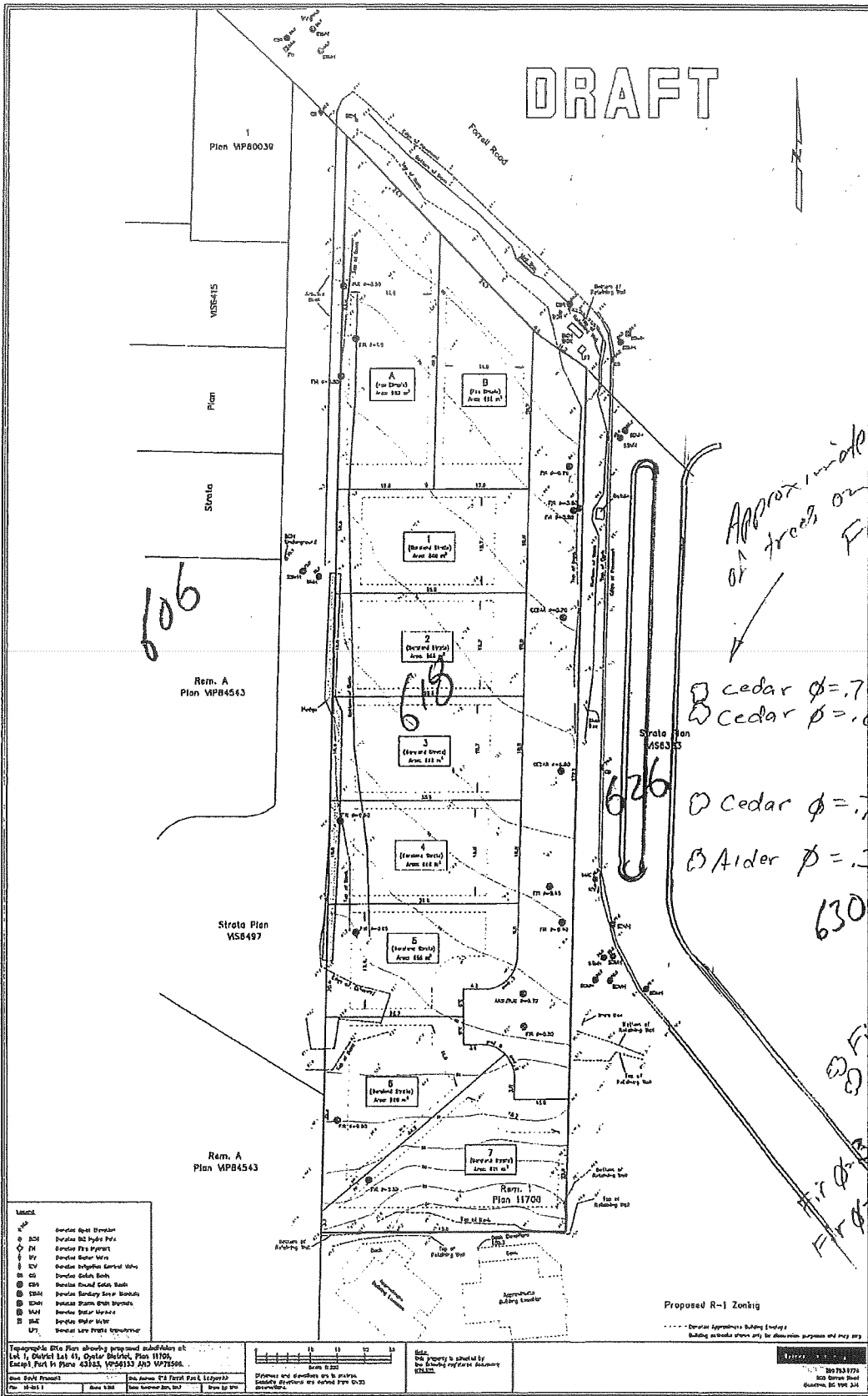
Town Planner: Angela Davies

Gales President: John Garstang

Gales Vice President: Gerry Stasiuk

Attachments: Draft Plan of Proposed R-1 Zoning, prepared by Turner Land Surveying

DRAFT



606

Approximate location
of trees on
Farrell

⊙ Cedar $\phi = .7m$
⊙ Cedar $\phi = .65m$
⊙ Cedar $\phi = .7m$
⊙ Alder $\phi = .3m$

630

⊙ Fir $\phi = .5m$
⊙ Fir $\phi = .3m$
⊙ Fir $\phi = .38m$
⊙ Fir $\phi = .3m$
⊙ Fir $\phi = .3m$

| Legend | |
|--------|-------------------------------|
| ○ | Boundary of Existing Tree |
| ○ | Boundary of Existing Lot |
| ○ | Boundary of Proposed Tree |
| ○ | Boundary of Proposed Lot |
| ○ | Boundary of Existing Water |
| ○ | Boundary of Existing Utility |
| ○ | Boundary of Existing Bush |
| ○ | Boundary of Existing Garden |
| ○ | Boundary of Existing Deck |
| ○ | Boundary of Existing Fence |
| ○ | Boundary of Existing Wall |
| ○ | Boundary of Existing Driveway |
| ○ | Boundary of Existing Parking |

Topographic Site Plan showing proposed subdivisions at Lot 1, District 44, City of Seattle, Plan 11709, Except Part of Plans 43125, 4056133 and 4078596.

Scale 1" = 20' 0"

Site property is situated by Survey reference following 11709.

Proposed R-1 Zoning

Boundary of Existing Zoning

300 783 1774
300 783 1774
300 783 1774

RECEIVED
Dec. 12/17

Within Circulation Area

Angela;

Further to our discussion last week regarding the zoning change public meeting, I would like to add our input to the process. We feel that clear cutting the subject property to allow development is far from desirable for the surrounding properties. We feel selective removal of trees and leaving significant existing trees is much preferred, both from aesthetic appearance and to serve as a buffer for traffic noise from the Island highway for the existing as well as the new houses. I understand that only leaving the odd large tree can be a potential risk for wind blow over, but with selective removal as recommended by an arborist this situation should be minimized. Additionally location of the property access road would likely be more appropriately located on the west side of the property rather than closer to the access road for the Gales on the other side of the 618 property. Location of the road on the west would likely suit construction of level entry homes and would also be more aesthetic visually than having the 618 and Gales access roads located one beside the other. We recognize that some tree removal is necessary for development of a property, but we feel tree removal should be minimized, additionally since 618 is a sloping property, removal of all or most of the trees will contribute to more erosion on the property. Thank you for your consideration of these points.

Carroll & Brian McLaurin

RECEIVED
NOV. 30/17

Within Circulation Area

From: Lynne Mcdermott
Sent: Wednesday, November 29, 2017 2:13 PM
To: matt@turnersurveys.ca
Subject: 618 Farrell Road

Hello Matt,

I am okay with the R1 development at 618 Farrell Road as long as we are not infringed on at 606.

So no parking, no strangers but of course I understand we will have a public meeting in the future.

Due to illness I can't attend tonight.

Thanks

Lynne Mcdermott

10 April 2018

RECEIVED
TIC April 10/18

Mayor and Councillors
Town of Ladysmith
PO Box 220
Ladysmith BC

Within Circulation Area

Public Hearing 16 April 2018 - Proposed Development at 618 Farrell Road

Tree Protection should apply to Ladysmith as it does to other jurisdictions and should be congruent with Ladysmith's Official Community Plan (OCP). There is no Tree Protection bylaw in place today for Ladysmith. Having such a Tree Protection bylaw would provide for a well defined process in dealing with tree protection issues that exist with the 618 Farrell development proposal. Applying what is contained in the Tree Protection Bylaws in existence elsewhere in British Columbia (for example, City of Nanaimo Bylaw 7126 - A Bylaw for the Management and Protection of Trees within the City of Nanaimo), the 618 Farrell development proposal would be required to bring forth a plan that provides for the protection of significant trees and minimizes tree removal, especially so, given the slope of the property where tree retention will aid with property erosion challenges and help with highway traffic noise buffering.

The Town has issued a Covenant for the development property across the Street at 630 Farrell Road that "*protects, preserves, and conserves the protected trees*". The Town has recently taken a step at the 19 March Council Meeting for a certified Arborist to provide a proper assessment with the intention to maintain a group of trees on the west side of the 618 property that complements the trees on the 630 Farrell side that have been protected by the 630 Farrell Covenant (May 2017).

It is my hope that the spirit and intent of the OCP will be followed and adhered to. The OCP states that:

- *future hillside developments will be designed to fit the landscape and natural features*
- *design of new developments to complement the overall character of Ladysmith and provide attractive and sustaining neighbourhoods*
- *the Town will prepare a tree protection and preservation bylaw*

With the 618 Farrell development proposal, the Town can employ tree protection specifics as can be referenced in other jurisdiction Tree Protection bylaws as a way forward.

- some tree removal may be necessary, but not necessarily on a wholesale basis.
- the development plan should be in agreement with the OCP to minimize tree cutting and not simply used to reduce development costs.
- an **independent** Arborist should be called on to objectively review the identified trees in the survey plan. The Arborist report previously submitted to the Town (dated 26 January 2018) fails in that respect as in no way explains why all identified significant trees would have to be removed to permit building construction.

I look forward to seeing a reworked version of the development proposal that is in character with the surrounding homes and green areas (The Gales, Sterling Road properties, 630 Farrell development plan with Covenant tree protection, surrounding neighbourhoods) with a **comprehensive** Covenant created that protects and secures such as part of the rezoning approval process.

All which is respectfully submitted.

Gerald Stasiuk
6-626 Farrell Road
Ladysmith

December 15, 2017

RECEIVED
Dec 15 17

Town of Ladysmith

Within Circulation Area

132 Roberts Street, P.O. Box 220

Ladysmith, BC

V9G 1A2

Attention: Angela Davis

Planner

Re: 618 Farrell Rd.

Dear Angela

As we are not developers, engineers, planners or construction outfits we are at a considerable disadvantage. Given that our Strata is a small 3 unit anomaly that is surrounded by major developments we are hoping only to be good neighbours who however, have a few concerns.

For example:

As most of 618 Farrell Rd. is lower than 606 Farrell Rd. will the roadway be built up or will it follow existing level of the property? Going by how the road to our place as well as the bare land strata adjoining us, will 618 Farrell Rd. also have a small road shoulder from property line? We feel it would need some wall or such to hold the shoulder of our road in place.

Will this construction/ development burden our small Strata with unforeseen costs? Resulting from either the Developer or the Town of Ladysmith?

Will the 7 lots be built from the surveyed levels for building heights or will they be allowed to bring in a ton of fill? As we understand there is a height restriction on a building so our question is where do you start the measuring?

We understand that the cedar hedge, its root system and the fact it wanders along the property line may cause problems during construction if the roadway is moved to our side. We are not averse to having them taken down with a couple provisos; try to keep some at the top for privacy for end unit and some sort of replacement divider installed in their stead.

We don't have any major concerns about the trees on the east side of the property. We are mostly concerned about any remaining been compromised and a danger of falling and causing injury, harm or damage to people or homes.

We are a little bewildered as to site screening and its applications with in the Town of Ladysmith Planning Department. A short time ago we asked for information and requirements if we were to build a small garage behind our units. Among said requirements was site screening, as we were a multi-family property bordering single family. Is this requirement no longer valid?

To reiterate there is an inordinate amount of ground water run off during our wet seasons. This is not necessarily surface waters there are underground sources from the Gales, upper part of 606 Farrell and upper Sterling area. Our feeling is that a Swale needs to be incorporated between the two (2) roads (if indeed their roadway is moved to the west side of 618) to divert runoff to the catch basins on Farrell Rd.

This may seem to you a frivolous item: garbage day and the placing of cans on roadside. With an additional 7 bare land strata units there will be a total of 13 homes placing garbage cans on Farrell Rd- up to 26 cans a week! Our suggestion to design an area during the construction phase (if the roadway is moved to west side of property) at the junction of Farrell and our two roadways to accommodate the influx and to keep everything neat and appealing.

We would like to thank you for this opportunity to have input. As this process continues forward we may have more to contribute/concerns and would like to remain in the loop.

Sincerely,

Cleve Carleton

Strata 6497, 606 Farrell Road

TOWN OF LADYSMITH

BYLAW NO. 1952

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

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Official Community Plan Bylaw 2003, No. 1488".

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

- (1) "Official Community Plan Bylaw 2003, No. 1488", as amended, is further amended as shown in "Schedule 1" which is attached to and forms part of this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 51) 2018, No. 1952".

READ A FIRST TIME on the 19th day of March, 2018

READ A SECOND TIME on the 19th day of March, 2018

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

on the 19th day of March, 2018

READ A THIRD TIME on the day of , 2018

ADOPTED on the day of , 2018

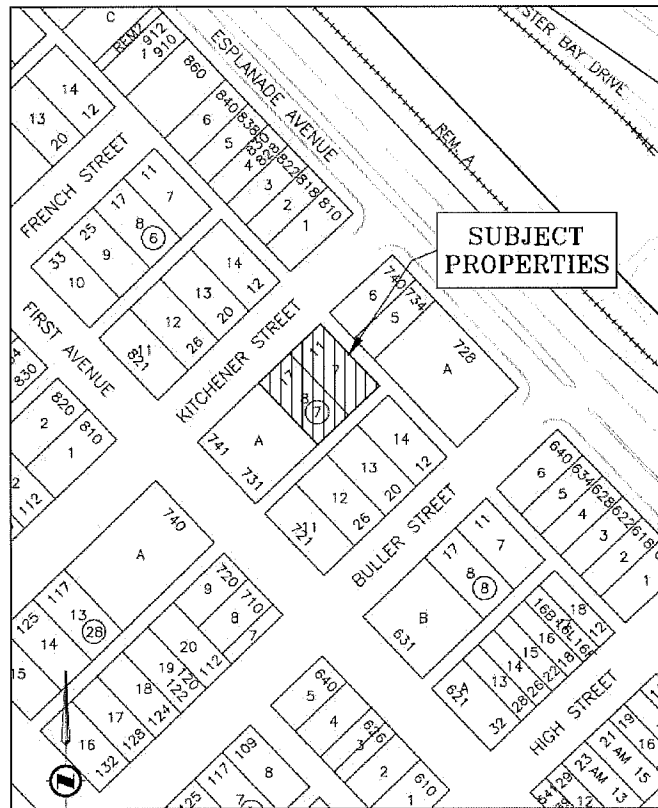
Mayor (A. Stone)

Corporate Officer (J. Winter)

“Schedule 1” of Bylaw No. 1952

1. Schedule “A” – “Town of Ladysmith Community Plan” is amended as follows:

- (a) “OCP Map 1 - Land Use” is amended by removing “Downtown Mixed Use” from the subject properties legally described as Lot 7 and 8, District Lot 24, Oyster District, Plan 703 (11 and 17 Kitchener Street) and replacing it with “Downtown Core”.



TOWN OF LADYSMITH

BYLAW NO. 1953

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

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Zoning Bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

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

- (1) Schedule B - Zoning Bylaw Map of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:
 - (a) By removing R-2-LW (Live/Work Residential) and placing C-2 (Downtown Commercial) on the properties legally described as Lot 7 and Lot 8, Block 7, District Lot 24, Oyster District, Plan 703 (11 and 17 Kitchener St.) as shown on Schedule I attached to and forming part of this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 13) 2018, No. 1953".

READ A FIRST TIME on the 19th day of March, 2018

READ A SECOND TIME on the 19th day of March, 2018

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

on the 19th day of March, 2018

READ A THIRD TIME on the _____ day of _____, 2018

APPROVED BY THE MINISTER OF TRANSPORTATION

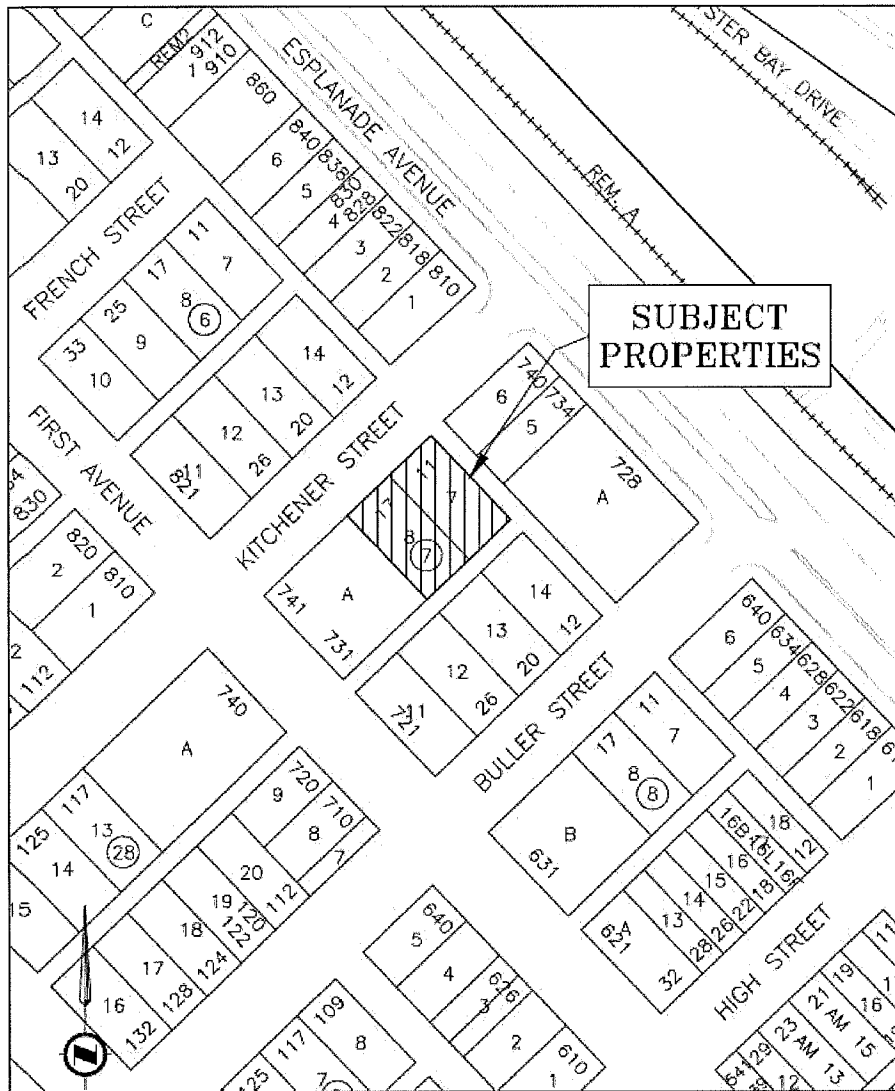
on the _____ day of _____, 2018

ADOPTED on the _____ day of _____, 2018

Mayor (A. Stone)

Corporate Officer (J. Winter)

Bylaw No. 1953 - Schedule I



TOWN OF LADYSMITH

BYLAW NO. 1954

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

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Official Community Plan Bylaw 2003, No. 1488".

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

- (1) "Official Community Plan Bylaw 2003, No. 1488", as amended, is further amended as shown in "Schedule 1" which is attached to and forms part of this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 52) 2018, No. 1954".

READ A FIRST TIME on the 19th day of March, 2018

READ A SECOND TIME on the 19th day of March, 2018

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

on the 19th day of March, 2018

READ A THIRD TIME on the _____ day of _____, 2018

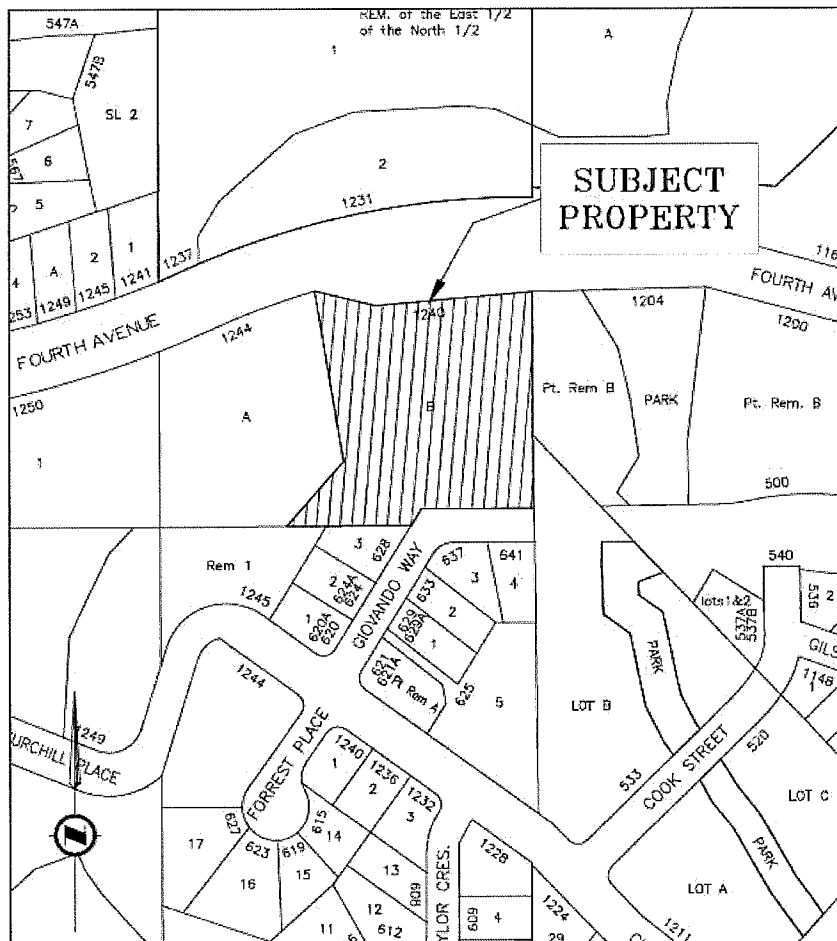
ADOPTED on the _____ day of _____, 2018

Mayor (A. Stone)

Corporate Officer (J. Winter)

“Schedule I” of Bylaw No. 1954

1. Schedule “A” – “Town of Ladysmith Community Plan” is amended as follows:
 - (a) “OCP Map 2 – Development Permit Areas” is amended by removing “Development Permit Area 4 – Multi-Unit Residential” from the subject property legally described as Lot B, District Lot 97, Oyster District, PlanVIP56663, Except Part in Plan VIP89355 (1240 Fourth Avenue).



TOWN OF LADYSMITH

BYLAW NO. 1955

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

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Zoning Bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

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

- (1) Schedule B - Zoning Bylaw Map of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:
 - (a) By removing R-3 (Medium Density Residential) and placing R-1-B (Single Dwelling Residential-Small Lot B) on the property legally described as Lot B, District Lot 97, Oyster District, Plan VIP56663 except part in Plan VIP89355 (1240 Fourth Ave.) as shown on Schedule I attached to and forming part of this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 14) 2018, No. 1955".

READ A FIRST TIME on the 19th day of March, 2018

READ A SECOND TIME on the 19th day of March, 2018

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*
on the 19th day of March, 2018

READ A THIRD TIME on the day of, 2018

APPROVED BY THE MINISTER OF TRANSPORTATION

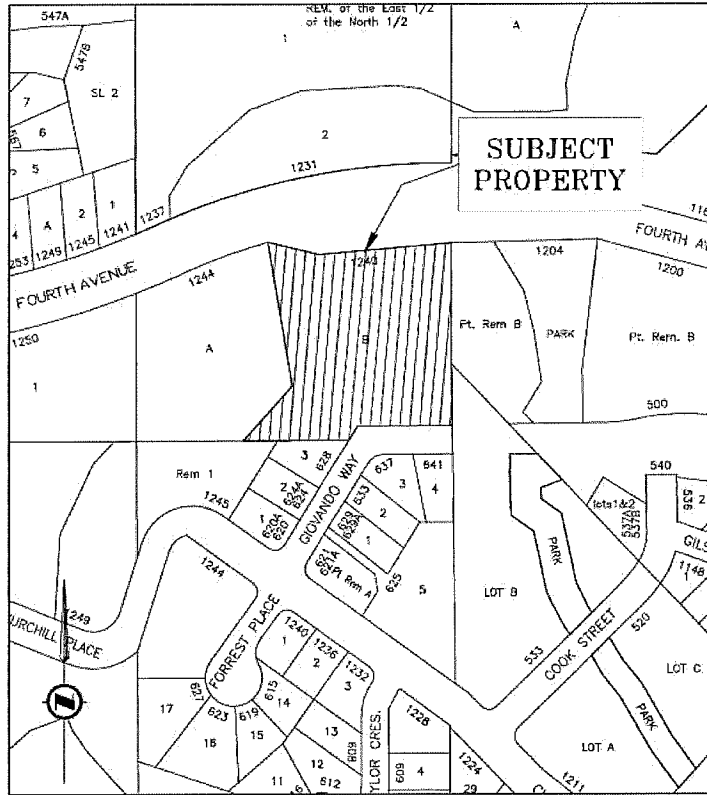
on the day of, 2018

ADOPTED on the day of, 2018

Mayor (A. Stone)

Corporate Officer (J. Winter)

Bylaw No. 1955 - Schedule I



STAFF REPORT TO COUNCIL

From: Angela Davies, Planner
 Meeting Date: April 16, 2018
 File No: 3360-17-04
 RE: BYLAW 1944
 Subject Property: LOT 1, DISTRICT LOT 41, OYSTER DISTRICT, PLAN 11706, EXCEPT PART IN PLANS 43985, VIP58153 AND VIP79598 (618 FARRELL ROAD)

RECOMMENDATION:

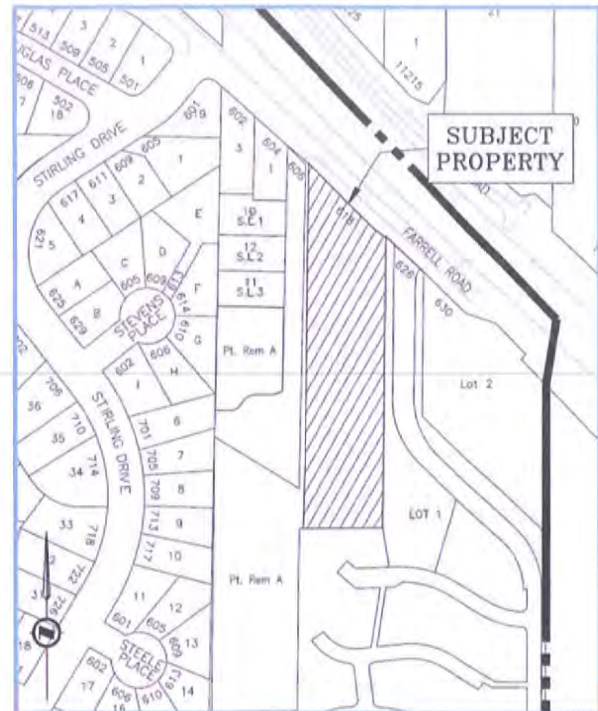
That subject to any additional matters raised at the public hearing, Council:

1. Proceed with third reading of Bylaw 1944 cited as "Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.11) 2018, No. 1944"; and
2. Direct staff to refer Bylaw 1944 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

PURPOSE:

The purpose of this staff report is to present Council a recommendation regarding consideration of third reading for Bylaw 1944, and referral to the Ministry of Transportation and Infrastructure.

PREVIOUS COUNCIL DIRECTION



| Resolution | Meeting Date | Resolution Details |
|-------------|----------------|--|
| CS 2018-080 | March 19, 2018 | <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. Proceed with first and second reading of Bylaw 1944 cited as "Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No. 11) 2018, No.1944"; 2. Refer Bylaw 1944 to public hearing; and 3. Direct that prior to the enactment of Bylaw 1944 the following voluntary and land use matters shall be completed to the satisfaction of the Director of Development Services: <ol style="list-style-type: none"> a. Submission of the \$7000 voluntary contribution to the amenity fund; and b. Registration of a Section 219 covenant on the title for Lot 1, District Lot 41, Oyster District, Plan 11706 to address the following land use matters: <ul style="list-style-type: none"> ➤ That the street lighting on the strata road adheres to dark sky |



| | | |
|--|--|--|
| | | <p><i>principles.</i></p> <ul style="list-style-type: none"> ➤ <i>That a grading plan is submitted and approved by the Approving Officer as a condition of the subdivision application.</i> ➤ <i>That a tree assessment by a certified Arborist be submitted at time of Subdivision application with the intention of maintaining a grouping of healthy trees that complements the trees on the adjacent Gales entrance driveway, such trees to be protected by covenant. And, if it is not possible to create this treed edge, the requirement would be that at the time of building permit, two new trees with a minimum diameter of 6cm are planted on each new lot. A security deposit of \$300 per new tree will be required. One new tree must be in the rear yard.</i> <p>4. <i>Authorize the Mayor and Corporate Officer to sign the covenant.</i></p> |
|--|--|--|

INTRODUCTION/BACKGROUND:

The current stage of this amendment to the Zoning Bylaw is to:

- 1) Consider comments received or heard at the public hearing;
- 2) Consider giving third reading to Bylaw 1944; and
- 3) Receive direction to refer Bylaw 1944 to the Ministry of Transportation and Infrastructure.

Bylaw 1944 proposes to amend the Zoning Bylaw by rezoning the subject property to ‘Single Dwelling Residential’ (R-1) to permit a single family subdivision. The R-1 zone permits residential parcels that are a minimum of 668 m² (7190 ft²).

Table 1: Summary of Bylaw 1944

| | Current | Proposed |
|------------------|-------------------------------------|-----------------------------------|
| Zoning | Rural Residential (RU-1) | Single Dwelling Residential (R-1) |
| Minimum lot size | 0.4 hectares (4000 m ²) | 668 m ² |

ALTERNATIVES:

That Council not proceed with Bylaw 1944 and provide additional direction to staff.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

Following the close of the public hearing, Council may consider information received as part of the public hearing and determine if any changes are required to the proposal; this could initiate the requirement for a further public hearing.

Referral to the Ministry of Transportation and Infrastructure (MOTI) will be required as the subject property is located within 800 metres of a controlled access highway. Following approval by the MOTI and once the covenant has been registered, Bylaw 1944 would be presented to Council for consideration of adoption.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Notification regarding the public hearing was mailed and delivered to the neighbourhood and was published in the local newspaper on April 4 and April 11, 2018.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Infrastructure Services Department has provided input on this rezoning proposal. If the rezoning is successful the applicant will submit an application for subdivision to the Infrastructure Services Department. Corporate Services will be involved with the execution of the legal agreements.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- Complete Community Land Use
- Green Buildings
- Innovative Infrastructure
- Healthy Community
- Not Applicable
- Low Impact Transportation
- Multi-Use Landscapes
- Local Food Systems
- Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

- Employment & Tax Diversity
- Watershed Protection & Water Management
- Communications & Engagement
- Natural & Built Infrastructure
- Partnerships
- Not Applicable

SUMMARY:

It is recommended that Council:

- 1) Consider comments received or heard at the public hearing;
- 2) Consider giving third reading to Bylaw 1944; and
- 3) Direct staff to refer Bylaw 1944 to the Ministry of Transportation and Infrastructure.

Reviewed By

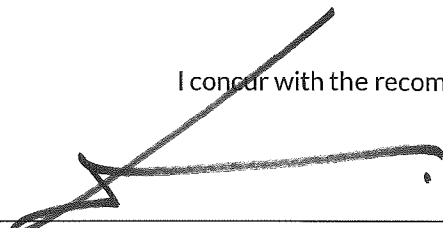


 Felicity Adams, Director of Development Services

April 10, 2018

 Date Signed

I concur with the recommendation.



 Guillermo Ferrero, City Manager

ATTACHMENTS:

Bylaw 1944

TOWN OF LADYSMITH

BYLAW NO. 1944

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

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Zoning Bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

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

- (1) Schedule B - Zoning Bylaw Map of "Town of Ladysmith Zoning Bylaw 2014, No.1860" is hereby amended as follows:
 - (a) By placing "Single Dwelling Residential (R-1)" on the subject property legally described as Lot 1, District Lot 41, Oyster District, Plan 11706 except part in Plans 43985, VIP58153 and VIP79598 (618 Farrell Road), as shown in 'Schedule 1' attached to and forming part of this Bylaw.

CITATION

- (2) This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.11) 2018, No.1944".

READ A FIRST TIME on the 19th day of March, 2018

READ A SECOND TIME on the 19th day of March, 2018

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

on the 19th day of March, 2018

READ A THIRD TIME on the day of, 20

APPROVED by the Minister pursuant to the provisions of the *Transportation Act*

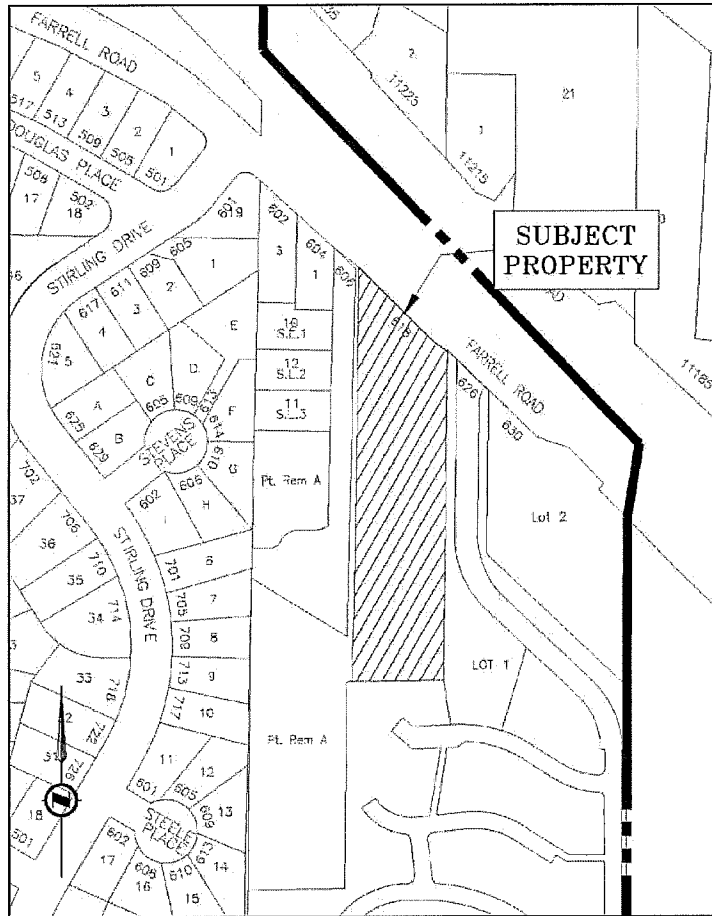
on the day of, 20

ADOPTED on the day of

Mayor (A. Stone)

Corporate Officer (G. Ferrero)

Bylaw 1944 – Schedule 1



STAFF REPORT TO COUNCIL

From: Lisa Brinkman, Senior Planner
 Meeting Date: April 16, 2018
 File No: 3360-18-01
 RE: **Bylaw 1952 and 1953**
Subject Properties: Lots 7 & 8, Block 7, District Lot 24, Oyster District, Plan 703 (11 and 17 Kitchener Street)

RECOMMENDATION:

That subject to any additional matters raised at the public hearing Council:

1. Proceed with third reading of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.51) 2018, No. 1952"; and
2. Proceed with third reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.13) 2018, No.1953".
3. Direct staff to refer Bylaw 1953 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

PURPOSE:

The purpose of this staff report is to present to Council recommendations regarding consideration of: 1) third reading of Bylaw 1952 and 1953; and 2) direct staff to refer Bylaw 1953 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

PREVIOUS COUNCIL DIRECTION

| Resolution | Meeting Date | Resolution Details |
|-------------|----------------|---|
| CS 2018-079 | March 19, 2018 | That Council: <ol style="list-style-type: none"> 1. Give first and second reading of Bylaw 1952 cited as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 51) 2018, No. 1952"; 2. Give first and second reading of Bylaw 1953 cited as "Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.13) 2018, No. 1953"; and 3. Refer Bylaws 1952 and 1953 to public hearing. |



INTRODUCTION/BACKGROUND:

The current stage of this application is to: 1) consider comments received or heard at the public hearing; 2) consider third reading of Bylaw 1952 and 1953; and 4) receive direction to refer Bylaw 1953 to the Ministry of Transportation and Infrastructure.

Bylaw No. 1952

Bylaw No. 1952 proposes to amend the Official Community Plan (OCP) by changing the designation of the properties at 11 and 17 Kitchener Street from 'Downtown Mixed Use' to 'Downtown Core' to allow for a commercial development.

Bylaw No. 1953

Bylaw No. 1953 proposes to amend the Zoning Bylaw by rezoning 11 and 17 Kitchener Street from R-2-LW (Live/Work Residential) to C-2 (Downtown Commercial) to allow for a commercial development.

ALTERNATIVES:

Council can choose to not proceed with Bylaw 1952 and 1953.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

Following the close of the public hearing, Council may consider information received as part of the public hearing and determine if any changes are required to the proposal; this could initiate the requirement for a further public hearing.

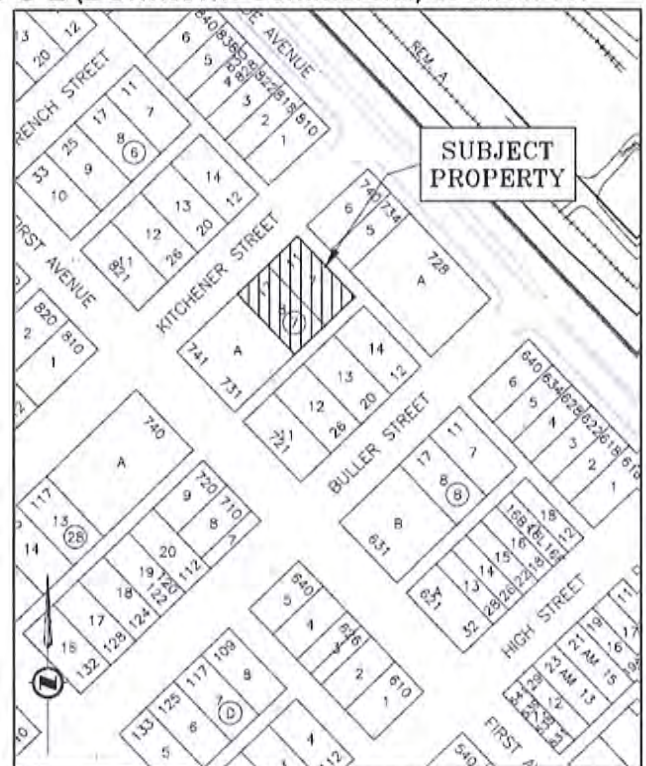
Referral to the Ministry of Transportation and Infrastructure (MOTI) will be required for Bylaw 1953 as the subject property is within 800 metres of a controlled access highway. Following approval by MOTI, Bylaw 1952 and 1953 would be presented to Council for consideration of adoption.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Notification regarding the public hearing was mailed and delivered to the neighbourhood and was published in the local newspaper on April 4 and 11, 2018.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Infrastructure Services Department has no objections to the proposed bylaws.



ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Employment & Tax Diversity | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input type="checkbox"/> Not Applicable |

SUMMARY:

It is recommended that Council 1) consider comments received or heard at the public hearing; 2) consider third reading of Bylaw 1952 and 1953; and 3) direct staff to refer Bylaw 1953 to the Ministry of Transportation and Infrastructure.

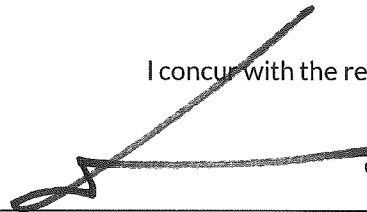
Reviewed By:



Felicity Adams, Director of Development Services

April 11, 2018
Date Signed

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

- Bylaw 1952
- Bylaw 1953

TOWN OF LADYSMITH

BYLAW NO. 1952

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

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Official Community Plan Bylaw 2003, No. 1488".

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

- (1) "Official Community Plan Bylaw 2003, No. 1488", as amended, is further amended as shown in "Schedule 1" which is attached to and forms part of this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 51) 2018, No. 1952".

READ A FIRST TIME on the 19th day of March, 2018

READ A SECOND TIME on the 19th day of March, 2018

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

on the 19th day of March, 2018

READ A THIRD TIME on the day of , 2018

ADOPTED on the day of , 2018

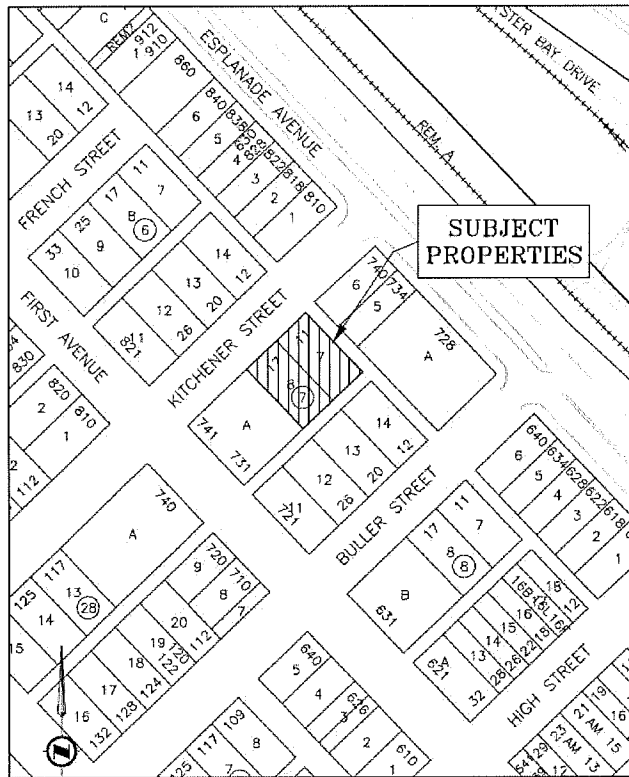
Mayor (A. Stone)

Corporate Officer (J. Winter)

“Schedule 1” of Bylaw No. 1952

1. Schedule “A” – “Town of Ladysmith Community Plan” is amended as follows:

- (a) “OCP Map 1 - Land Use” is amended by removing “Downtown Mixed Use” from the subject properties legally described as Lot 7 and 8, District Lot 24, Oyster District, Plan 703 (11 and 17 Kitchener Street) and replacing it with “Downtown Core”.



TOWN OF LADYSMITH

BYLAW NO. 1953

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

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Zoning Bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

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

- (1) Schedule B - Zoning Bylaw Map of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:
 - (a) By removing R-2-LW (Live/Work Residential) and placing C-2 (Downtown Commercial) on the properties legally described as Lot 7 and Lot 8, Block 7, District Lot 24, Oyster District, Plan 703 (11 and 17 Kitchener St.) as shown on Schedule I attached to and forming part of this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 13) 2018, No. 1953".

READ A FIRST TIME on the 19th day of March , 2018

READ A SECOND TIME on the 19th day of March , 2018

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*
on the 19th day of March , 2018

READ A THIRD TIME on the day of , 2018

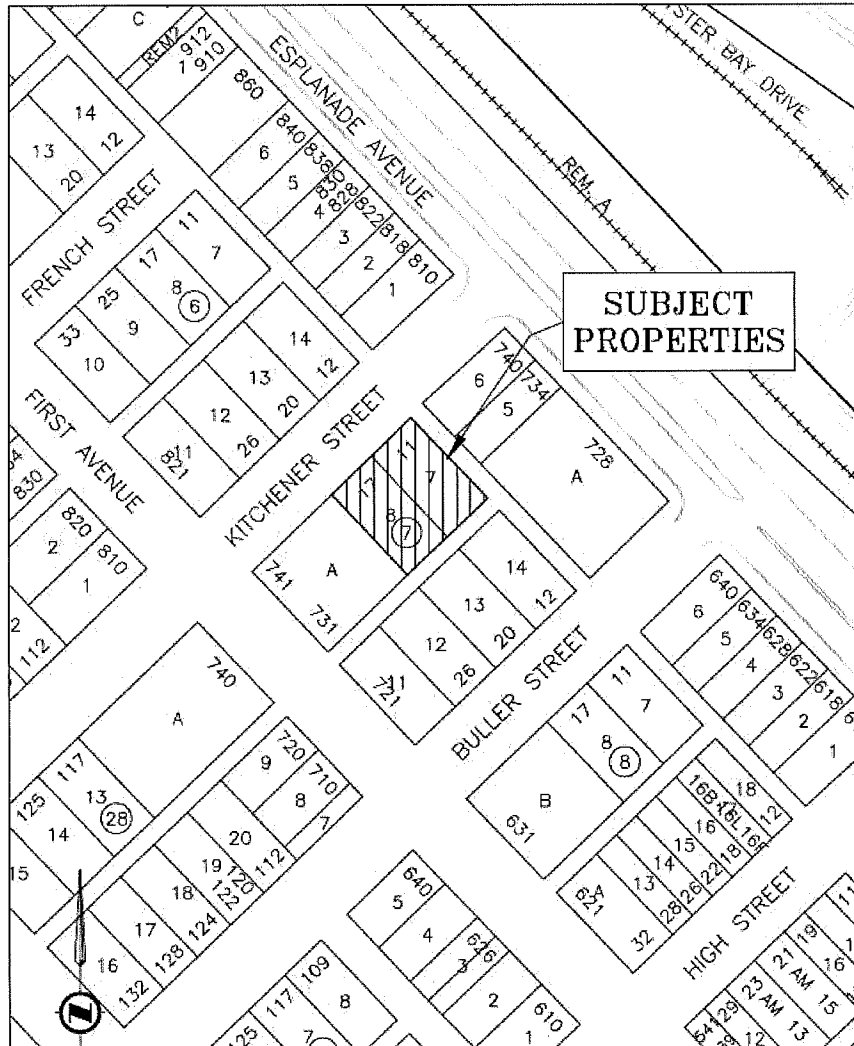
APPROVED BY THE MINISTER OF TRANSPORTATION
on the day of , 2018

ADOPTED on the day of , 2018

Mayor (A. Stone)

Corporate Officer (J. Winter)

Bylaw No. 1953 - Schedule I



STAFF REPORT TO COUNCIL

From: Lisa Brinkman, Senior Planner
 Meeting Date: April 16, 2018
 File No: 3360-17-01
 RE: **Bylaw 1954 and 1955**
Subject Property: Lot B, District Lot 97, Oyster District, Plan VIP56663, Except part in plan VIP89355 (1240 Fourth Ave.)

RECOMMENDATION:

That subject to any additional matters raised at the public hearing Council proceed with:

1. Third reading of "Official Community Plan Bylaw 2003, No 1488, Amendment Bylaw (No.52) 2018, No. 1954; and
2. Third reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.14) 2018, No.1955.

PURPOSE:

The purpose of this staff report is to present to Council a recommendation regarding consideration of third reading of Bylaw 1954 and Bylaw 1955.

PREVIOUS COUNCIL DIRECTION

| Resolution | Meeting Date | Resolution Details |
|-------------|----------------|---|
| CS 2018-081 | March 19, 2018 | <ol style="list-style-type: none"> 1. Proceed with first and second reading of Bylaw 1954 cited as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 52) 2018, No. 1954"; 2. Proceed with first and second reading of Bylaw 1955 cited as "Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.14) 2018, No. 1955". 3. Refer Bylaws 1954 and 1955 to public hearing. 4. Direct that prior to the enactment of Bylaw 1955 the following voluntary and land use matters shall be secured in a section 219 covenant that is registered on the title of 1240 Fourth Ave. (Lot B, District Lot 97, Oyster District, Plan VIP56663, Except part in Plan VIP89355) to the satisfaction of the Director of Development Services: <ol style="list-style-type: none"> i. A bareland strata residential development at 1240 Fourth Avenue shall: <ul style="list-style-type: none"> ➤ include one visitor parking space per five residential lots and the location of the visitor parking spaces shall be approved by the Approving Officer as a condition of subdivision of the land; ➤ provide an area that is a minimum of 372m² (4004ft²) |



| | | |
|--|--|--|
| | | <p>size for the storage of recreational vehicles and boats; and ➤ not permit a secondary suite in any dwelling.</p> <p>ii. A grading plan and geotechnical assessment of the proposed lots is required to be submitted to the satisfaction of the Approving Officer as a condition of the subdivision application.</p> <p>iii. An amenity contribution of \$1000 per residential lot shall be submitted to the Town (as previously agreed to in covenant EL128958) prior to the Approving Officer issuing final approval of the subdivision of land.</p> <p>5. Approve of the discharge of covenant EL128958 from the title of Lot B, District Lot 97, Oyster District, Plan VIP56663, Except part in Plan VIP89355 once the new section 219 covenant is registered on the title; and authorize the Mayor and Corporate Officer to sign the new covenant and execute the discharge document of covenant EL128958.</p> |
|--|--|--|

INTRODUCTION/BACKGROUND:

The current stage of this application is to: 1) consider comments received or heard at the public hearing; and 2) consider third reading of Bylaw 1954 and 1955.

Bylaw 1954

Bylaw 1954 proposes to amend the Official Community Plan by removing “Development Permit Area 4 – Multi-Unit Residential” from the property at 1240 Fourth Avenue.

Bylaw 1955

Bylaw 1955 proposes to amend the Zoning Bylaw by removing the R-3 (Medium Density Residential) zone and placing the R-1-B (Single Dwelling Residential-Small Lot B) zone on the property at 1240 Fourth Avenue to allow a single family subdivision of lots that are a minimum size of 372m² (4004ft²).

ALTERNATIVES:

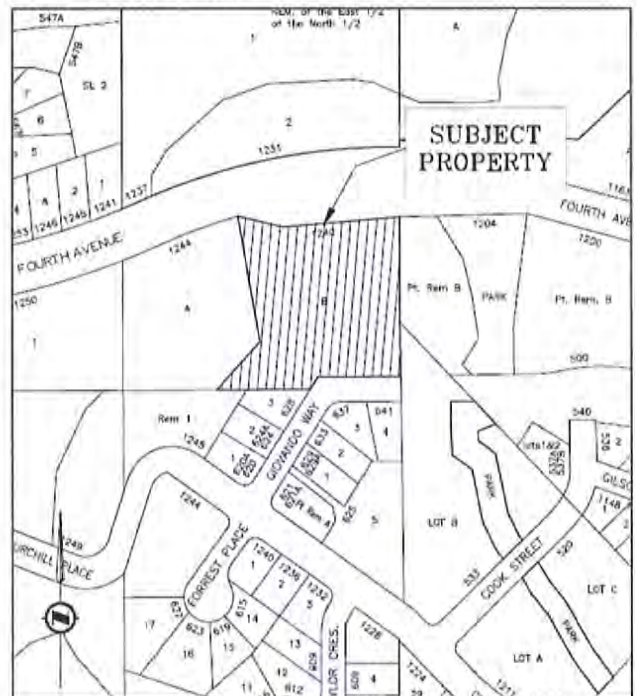
Council can choose to not proceed with Bylaw 1954 and 1955.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

Following the close of the public hearing Council may consider information received as part of the public hearing and determine if any changes are required to the proposal; this could initiate the requirement for a further public hearing.



Once the covenant has been registered, Bylaws 1954 and 1955 would be presented to Council for consideration of adoption.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Notification regarding the public hearing was mailed and delivered to the neighbourhood and was published in the local newspaper on April 4 and 11, 2018.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Comments from the Infrastructure Services Department have been integrated into the proposal. Corporate Services will be involved in the execution of the legal agreements.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Employment & Tax Diversity | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input type="checkbox"/> Not Applicable |

SUMMARY:

It is recommended that Council 1) consider comments received or heard at the public hearing; and 2) consider giving third reading to Bylaw 1954 and Bylaw 1955.

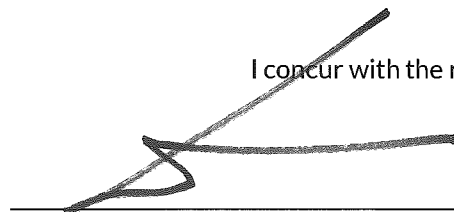
Reviewed By:



Felicity Adams, Director of Development Services

April 11, 2018
Date Signed

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

- Bylaw 1954
- Bylaw 1955

TOWN OF LADYSMITH

BYLAW NO. 1954

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

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Official Community Plan Bylaw 2003, No. 1488".

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

- (1) "Official Community Plan Bylaw 2003, No. 1488", as amended, is further amended as shown in "Schedule 1" which is attached to and forms part of this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 52) 2018, No. 1954".

READ A FIRST TIME on the 19th day of March, 2018

READ A SECOND TIME on the 19th day of March, 2018

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

on the 19th day of March, 2018

READ A THIRD TIME on the day of , 2018

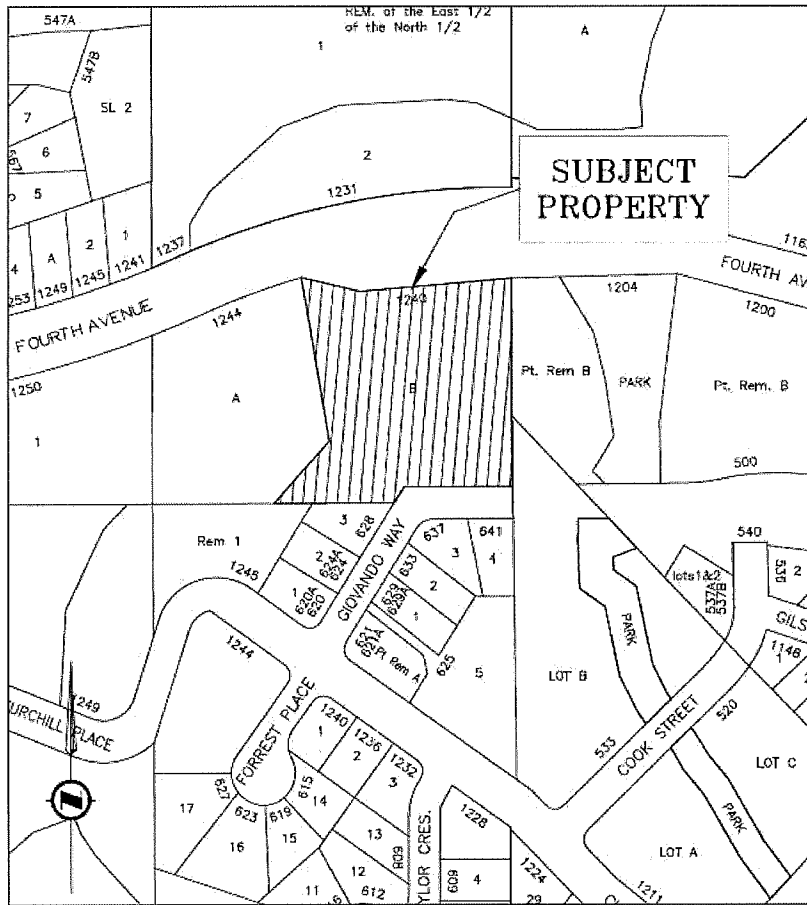
ADOPTED on the day of , 2018

Mayor (A. Stone)

Corporate Officer (J. Winter)

“Schedule I” of Bylaw No. 1954

1. Schedule “A” – “Town of Ladysmith Community Plan” is amended as follows:
 - (a) “OCP Map 2 – Development Permit Areas” is amended by removing “Development Permit Area 4 – Multi-Unit Residential” from the subject property legally described as Lot B, District Lot 97, Oyster District, PlanVIP56663, Except Part in Plan VIP89355 (1240 Fourth Avenue).



TOWN OF LADYSMITH

BYLAW NO. 1955

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

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Zoning Bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

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

- (1) Schedule B - Zoning Bylaw Map of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:
 - (a) By removing R-3 (Medium Density Residential) and placing R-1-B (Single Dwelling Residential-Small Lot B) on the property legally described as Lot B, District Lot 97, Oyster District, Plan VIP56663 except part in Plan VIP89355 (1240 Fourth Ave.) as shown on Schedule I attached to and forming part of this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 14) 2018, No. 1955".

READ A FIRST TIME on the 19th day of March , 2018

READ A SECOND TIME on the 19th day of March , 2018

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

on the 19th day of March , 2018

READ A THIRD TIME on the day of , 2018

APPROVED BY THE MINISTER OF TRANSPORTATION

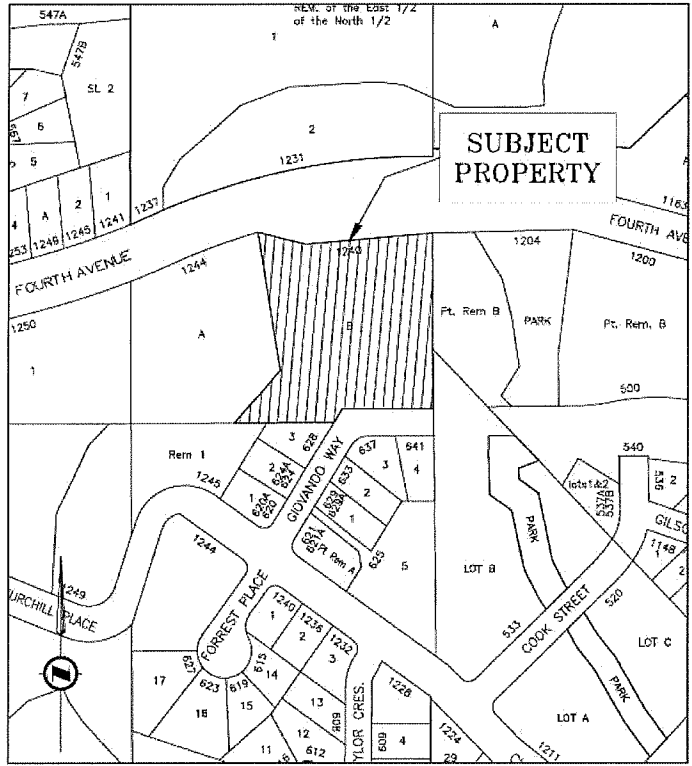
on the day of , 2018

ADOPTED on the day of , 2018

Mayor (A. Stone)

Corporate Officer (J. Winter)

Bylaw No. 1955 - Schedule I





**TOWN OF LADYSMITH
AUDIT FINDINGS REPORT**
Year Ending December 31, 2017
For presentation at the Mayor and Council
Meeting
April 16, 2018

April 16, 2018

Members of the Mayor and Council of Town of Ladysmith

Dear Mayor and Council:

We are pleased to put forward this report to discuss the results of our audit of the consolidated financial statements of Town of Ladysmith ("the Town") for the year ended December 31, 2017. In this report, we cover those significant matters which, in our opinion, you should be aware of as members of the Mayor and Council.

We have completed our audit of the consolidated financial statements of the Town and are prepared to sign our independent auditors' report after the Mayor and Council's review and approval of the consolidated financial statements.

Our report will provide an unqualified opinion to the Mayor and Council of the Town. A draft copy of our proposed independent auditors' report is included as Appendix A to this report.

We would like to express our appreciation for the excellent cooperation we have received from management and employees with whom we worked.

We appreciate having the opportunity to meet with you and to respond to any questions you may have about our audit, and to discuss any other matters that may be of interest to you.

Yours truly,

MNP LLP

MNP LLP
Chartered Professional Accountants

/j/p

MNP

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1. MNP AUDIT PROCESS

As auditors, we report to the Mayor and Council on the results of our examination of the Town's consolidated financial statements. This report summarizes our audit process and discusses issues that are of relevance to the Mayor and Council of the Town.

- Our audit was carried out in accordance with Canadian auditing standards.
- Our audit procedures included a review of all significant accounting and management reporting systems.
 - Each material year-end balance, key transaction and other event considered significant to the consolidated financial statements was separately examined.
- Our audit process focused on understanding the controls utilized in management's reporting systems to the extent necessary to identify overall and specific financial reporting risks.
 - This risk assessment enabled us to concentrate our audit procedures on the areas where differences were most likely to arise.
 - Where possible, reliance was placed on the controls within these systems to reduce the extent of our testing of transactions and year-end balances.
- Our assessment was not, nor was it intended to be, sufficient to conclude on the effectiveness or efficiency of internal controls.



- During the course of our audit, we have:
 - Examined, on a test basis, evidence supporting the amounts and disclosures in the consolidated financial statements;
 - Assessed the accounting principles used and significant estimates made by management;
 - Obtained an understanding of the Town and its environment, including management's internal controls (regardless of whether we relied on them for the purpose of the audit), sufficient to identify and assess the risks of material misstatement of the consolidated financial statements and to design and perform audit procedures;
 - Reviewed and assessed those accounting systems deemed necessary to support our audit opinion;
 - Evaluated the overall consolidated financial statement presentation;
 - Performed a subsequent events review with management;
 - Reviewed and assessed the status of contingencies, commitments and guarantees;
 - Reviewed and assessed exposure to environmental liabilities.
- We have obtained written representations from management in order to confirm oral representations given to us and reduce the possibility of misunderstanding. Specifically, we have obtained written confirmation of significant representations provided on matters that are:
 - Directly related to items that are material, either individually or in the aggregate, to the consolidated financial statements;
 - Not directly related to items that are material to the consolidated financial statements, but are significant, either individually or in the aggregate, to the engagement; and
 - Matters relevant to management judgments or estimates that are material, either individually or in the aggregate, to the consolidated financial statements.

2. SIGNIFICANT AUDIT FINDINGS

As a part of our commitment to providing superior client service we strive to maintain effective two-way communication. To aid the Mayor and Council in its role overseeing the financial reporting process, including its review and approval of the consolidated financial statements, we are pleased to provide you with the following significant findings:

AREAS OF AUDIT EMPHASIS

- There were no unusual specific areas of audit emphasis for the Town for 2017 because there were no significant changes to accounting policies, management personnel or operations.

FINAL MATERIALITY

- Final materiality used to assess the significance of misstatements or omissions identified during the audit and determine the level of audit testing performed was \$600,000.

DIFFICULTIES ENCOUNTERED

- We have satisfactorily completed our audit procedures for each of the significant account balances and transaction streams. No significant limitations were placed on the scope or timing of our audit.

SIGNIFICANT DEFICIENCIES IN INTERNAL CONTROL

- While our review of controls was not sufficient to express an opinion as to their effectiveness or efficiency, no significant deficiencies in internal control have come to our attention. However, we may not be aware of all the significant deficiencies in internal control that do, in fact, exist.

IDENTIFIED OR SUSPECTED FRAUD

- No incidents of fraud, or suspected fraud, came to our attention in the course of our audit.

IDENTIFIED OR SUSPECTED NON-COMPLIANCE WITH LAWS AND REGULATIONS

- Nothing has come to our attention that would suggest there is non-compliance with laws and regulations that would have a material effect on the financial statements.

MATTERS ARISING IN CONNECTION WITH RELATED PARTIES

- During the course of our audit, we selected a sample of expense claims submitted by the Mayor and Council and by Senior Management of the Town, and we reviewed those expense claims for approvals and compliance with the related bylaws or policies. We did not find any issues or irregularities to bring to your attention.

GOING CONCERN

- We have not identified any material uncertainties related to events or conditions that may cast significant doubt on the entity's ability to continue as a going concern.

SIGNIFICANT ACCOUNTING POLICIES

- The accounting policies used by the Town are appropriate and have been consistently applied.

SIGNIFICANT MANAGEMENT ESTIMATES

- The preparation of the consolidated financial statements is subject to significant accounting estimates made by management. All significant management estimates were reviewed for the current period and no material differences were noted.
- The following is a summary of significant management estimates and provisions:
 - Allowance for doubtful accounts – \$95,000 provision for a few specific overdue property rental accounts.
 - Provision for legal contingencies – no provision deemed necessary.
 - Amortization period of tangible capital assets – amortized over the estimated useful life of the respective assets.
 - Post-employment benefits liability is calculated by Mercer, an external actuary company engaged by the Town.

MATTERS ARISING FROM MANAGEMENT DISCUSSIONS

- We would like to formally acknowledge the excellent cooperation and assistance we received from the management and staff.
- There were no disagreements with management, significant difficulties or other irregularities encountered during the course of our audit.

SIGNIFICANT DIFFERENCES

- There were no significant adjusted or unadjusted differences. A full list of all unadjusted differences is available upon request.

INDEPENDENT AUDITORS' REPORT

- Our independent auditors' report will provide an unqualified opinion to the Mayor and Council.

INDEPENDENCE

- We confirm to the Mayor and Council that we are independent of the Town.
- Our letter to the Mayor and Council discussing our independence is included under separate cover.

APPENDIX A: DRAFT INDEPENDENT AUDITORS' REPORT

To the Mayor and Council of the Town of Ladysmith:

We have audited the accompanying consolidated financial statements of the Town of Ladysmith, which comprise the consolidated statement of financial position as at December 31, 2017 and the consolidated statements of operations, cash flows and changes in net financial assets and related schedules for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Consolidated Financial Statements

Management is responsible for the preparation and fair presentation of these consolidated financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these consolidated financial statements based on our audit. We conducted our audit in accordance with Canadian auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the consolidated financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the consolidated financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the consolidated financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the consolidated financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the consolidated financial statements.

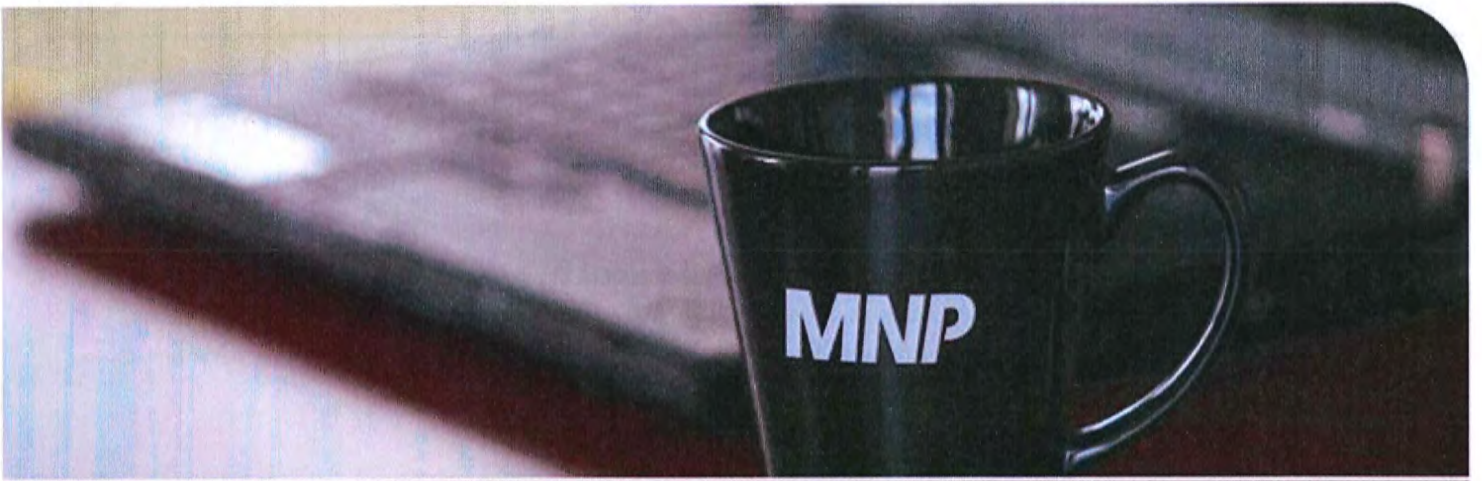
We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the consolidated financial statements present fairly, in all material respects, the financial position of the Town of Ladysmith as at December 31, 2017 and the results of its operations, changes in net financial assets and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Nanaimo, British Columbia

Chartered Professional Accountants



ABOUT MNP

MNP is one of the largest chartered accountancy and business consulting firms in Canada. For more than 65 years, we have proudly served and responded to the needs of our clients in the public, private and not-for-profit sectors. Through partner-led engagements, we provide a cost-effective approach to doing business and personalized strategies to help you succeed.



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By Ann Hewitt

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Page | 1



TOWN OF LADYSMITH

PROCLAMATION

HUMAN VALUES DAY

WHEREAS: *Raising and increasing the awareness of the Human Values of truth, right conduct, peace, love and nonviolence, and all the multiple sub-values, like honesty, integrity, kindness and caring is a goal of the Town of Ladysmith;*

AND WHEREAS: *These values are inherent in all creeds, countries, cultures and communities, making them truly "Values without Borders";*

AND WHEREAS: *Making the Town of Ladysmith "A Town of Character" is for the greatest benefit of all our citizens;*

AND WHEREAS: *Unlike other walks, the "Walk for Values" is not a fundraiser, but a way to raise the awareness of Human Values and to promote individual responsibility towards the collective future of humanity by pledging our commitment to practice human values, and to be motivated to serve our community through volunteer work, or by donating blood or food for the needy;*

THEREFORE, *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim April 24, 2018 as "Human Values Day" in the town of Ladysmith, British Columbia.*

Mayor A. Stone

April 3, 2018

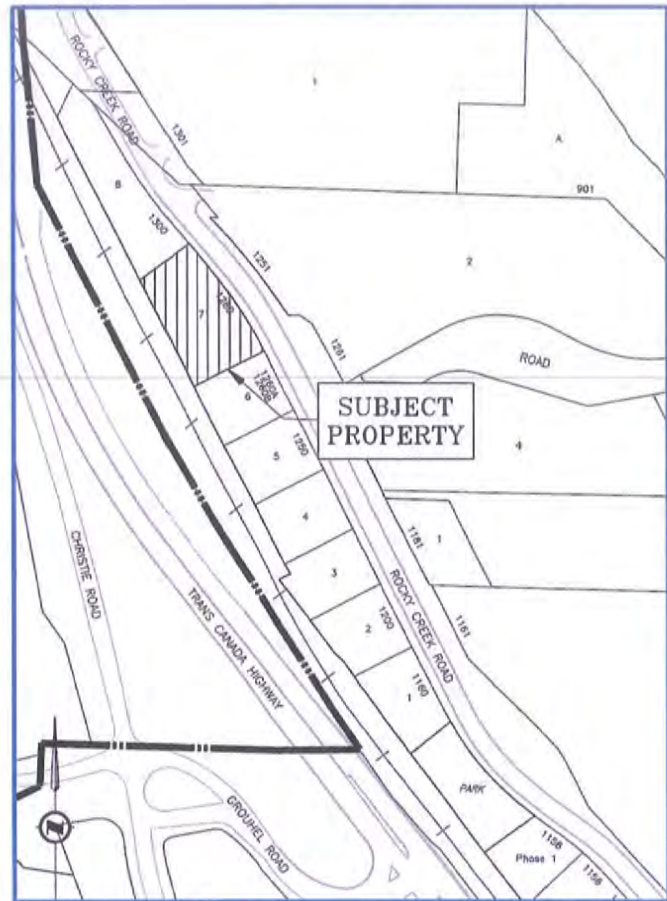
STAFF REPORT TO COUNCIL

From: Angela Davies, Planner
 Meeting Date: April 16, 2018
 File No: 3360-18-06
 RE: **ZONING BYLAW AMENDMENT APPLICATION**
1280 ROCKY CREEK ROAD (J. BASI, TRT HOLDINGS)
 Subject Property: **LOT 7, DISTRICT LOT 38, OYSTER DISTRICT, PLAN VIP73070**

RECOMMENDATION:

That Council:

1. Consider the application to amend the Zoning Bylaw to add a site specific accessory use to the Light Industrial (I-1) Zone to permit 'Marshalling Yard' at 1280 Rocky Creek Road (Lot 7, District Lot 38, Oyster District, Plan VIP73070); with the condition that the 'Marshalling Yard' use is permitted in areas that are surfaced with a hard surface of asphalt or similar surface, graded to contain and dispose of surface water, and contain an oil/water separator.
2. Direct staff to commence the preparation of the Zoning Bylaw amendment bylaw for application 3360-18-06.



PURPOSE:

The purpose of this staff report is to introduce an application to amend the Zoning Bylaw to permit a site specific use at 1280 Rocky Creek Road, and to seek direction from Council regarding consultation and next steps.

PREVIOUS COUNCIL DIRECTION

None

INTRODUCTION/BACKGROUND:

The applicant, Jag Basi, is proposing to amend the Light Industrial (I-1) Zone to permit a 'Marshalling Yard' as an accessory use at 1280 Rocky Creek Road. The proposed amendment will legalize an existing use at the subject property.

The subject property is approximately 0.85 acres in size, and is surrounded by Light Industrial uses

to the north, east and south. To the west is the E&N Railway and TransCanada Highway.

Official Community Plan

The subject property is designated as 'Industrial' in the Official Community Plan (OCP). The Industrial designation is intended to accommodate industrial development and employment centers. The subject property is located within the Industrial Development Permit Area (DPA 5).

Zoning Bylaw

The subject property is zoned Light Industrial (I-1) which allows for a wide range of light industrial uses. 'Marshalling Yard' use is a permitted use in the Industrial (I-2) Zone. It is defined in the Zoning Bylaw as "land, buildings or structures used to store and maintain industrial equipment, vehicles and materials".

Table 1: Summary of rezoning application 3360-18-06

| | Current | Proposed |
|--------|------------------------|---|
| OCP | Industrial | Industrial |
| DPA | DPA 5 - Industrial | DPA 5 - Industrial |
| Zoning | Light Industrial (I-1) | Light Industrial (I-1) Add 'Marshalling Yard' as a site specific accessory use at 1280 Rocky Creek Rd. |

DISCUSSION:

It is recommended that Council proceed with the application to add 'Marshalling Yard' as a site specific accessory use at 1280 Rocky Creek Road. The 'Marshalling Yard' use would be accessory to the permitted uses on the property as described in the applicant's letter dated March 21, 2018 attached to this staff report.

Development Permits were issued for the development of this property in 2006 and 2008. Development Permit 3060-08-02 states that "parking and loading of vehicles on gravel surfaces is not permitted". Additionally, the Zoning Bylaw requires the following design standards for parking and loading areas:

- 1) Surfacing with a permanent hard surface of asphalt or similar hard surface treatment;
- 2) Grading to contain and dispose of all surface water; and
- 3) Installation and maintenance of an oil/water separator.

Thus, it is recommended that the 'Marshalling Yard' use only be permitted in areas that are surfaced with a hard surface of asphalt or similar, graded to contain and dispose of surface water, and contain an oil/water separator.

ALTERNATIVES:

Council can choose to not proceed with rezoning application 3360-18-06.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

The subject property is located within 800 metres of a controlled access highway, thus must be referred to the Ministry of Transportation & Infrastructure for approval following third reading of a zoning amendment bylaw.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Council may consider referral to the Advisory Planning Commission and consider if the applicant should host a neighbourhood information meeting. As this proposal will essentially maintain current uses these referrals are optional. If the application proceeds a public hearing will be required to be held.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to the Infrastructure Services Department for review.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- Complete Community Land Use
- Green Buildings
- Innovative Infrastructure
- Healthy Community
- Not Applicable
- Low Impact Transportation
- Multi-Use Landscapes
- Local Food Systems
- Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

- Employment & Tax Diversity
- Watershed Protection & Water Management
- Communications & Engagement
- Natural & Built Infrastructure
- Partnerships
- Not Applicable

SUMMARY:

An application has been received to amend the Zoning Bylaw to add a site specific accessory use 'Marshalling Yard' to the Light Industrial (I-1) Zone for 1280 Rocky Creek Road. It is recommended that Council consider the application, and direct staff to prepare the Zoning Bylaw amendment bylaw.

Reviewed By

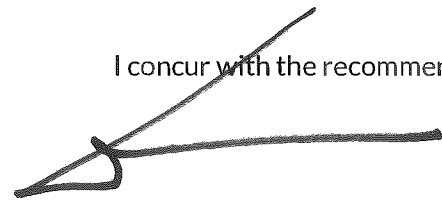


 Felicity Adams, Director of Development Services

April 10, 2018

 Date Signed

I concur with the recommendation.



 Guillermo Ferrero, City Manager

ATTACHMENTS:

March 21, 2018 letter from J. Basi, TRT Holdings Ltd.

TRT HOLDINGS LTD.
PO Box 1373, Ladysmith, BC
V9G 1A9
Telephone: 250-245-7061 Fax: 250-245-7071

March 21, 2018

Town of Ladysmith
Development Services
P.O. Box 220 410 Esplanade
Ladysmith, B.C. V9G 1A2
Attn: Ms. A. Davies

Dear Ms. Davies

I understand as part of my application, the property located at 1280 Rocky Creek Road, (Lot 7 District lot 38 Oyster District Plan VIP73070) in Ladysmith, I need to have a "Project Description" of the intention.

The lot has been used since I purchased it for the repair, servicing and organizing of trucks as part of our transport and trucking business. In addition, Van Isle Truck Tech, rents a portion of the property for the same use. In the course of both businesses, we frequently require to have trucks, trailers, equipment, and other property waiting for the start of the next work day. We choose to do this rather than have the trucks being driven home by the drivers and parked on residential streets. In addition, this could begin to prove to be an economic hardship for my company and I may have to look elsewhere to accommodate our growing needs.

For these above reasons, we are applying to have "Marshalling Yard" added to the use of our properties I-1 (Light industrial) zone. I believe this is referred to as "zoning amendment" and our application is strictly for this property. I hope that this "basic requirement project description" as well as the application and cheque for \$2,000 is sufficient and all documentation is complete.

If you have any questions or require any further information, then please do not hesitate please to contact me at 250-245-7061. I appreciate and thank you for your time, consideration, and assistance. Thank you.

Sincerely



Jag Basi

STAFF REPORT TO COUNCIL

From: Lisa Brinkman, Senior Planner
 Meeting Date: April 16, 2018
 File No: 3360-18-03
 RE: **OCP & ZONING BYLAW AMENDMENT APPLICATION**
Ladysmith Marina – D. Strongitharm – Rocky Creek Rd.

Subject Properties:
 Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537
 Lot 1 and 2, District Lots 81 and 86, Oyster District, Plan VIP88459
 Block C, District Lot 2054, Cowichan District, Plan EPC721 (Provincial lease area)

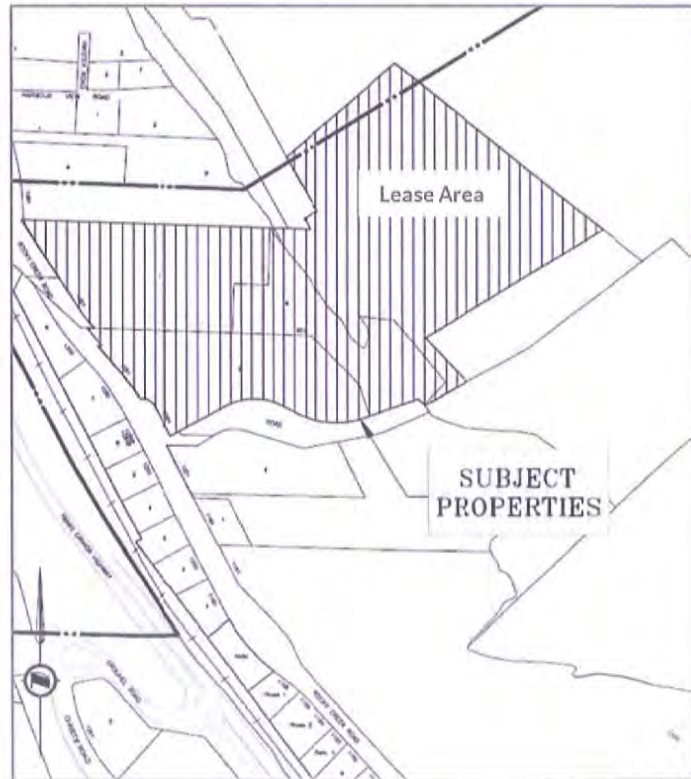
RECOMMENDATION:

That Council:

1. Consider the application (3360-18-03) to amend:
 - a) Official Community Plan Map 1 by removing a portion of the 'Local Commercial' and 'Industrial' designation and replacing it with the 'Single Family Residential' designation for the 'surplus' lands; and by removing the 'Industrial' designation from the active marina area and replacing it with the 'Waterfront' designation;
 - b) Official Community Plan Map 2 by adjusting DPA 1 Waterfront such that it is removed from the 'Single Family Residential' designated area and moved to the new 'Waterfront' designated area; and by adding DPA 5 Industrial to the adjusted 'Industrial' designated area;
 - c) The Zoning Bylaw text (Schedule A of Bylaw 1860) by amending the Tourist Service Commercial (C-4) Zone and Light Industrial (I-1) Zone to accommodate Ladysmith Marina uses.
 - d) The Zoning Bylaw Map (Schedule B of Bylaw 1860) by adjusting the C-4 'Tourist Service Commercial' zone such that it applies only to the active Ladysmith Marina area, and adjusting the R-1-B, W-2, I-2 and I-1 zones accordingly surrounding the new C-4 zoned area.

for properties legally described as

- Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan



- District, Plan EPP35537;
 - Lot 1 and 2, District Lots 81 and 86, Oyster District, Plan VIP88459; and
 - Block C, District Lot 2054, Cowichan District, Plan EPC721 (lease area).
2. Having given consideration to s.475 of the Local Government Act (consultation during OCP development) direct staff to refer the OCP amendment application 3360-18-03 to the Stz'uminus First Nation, pursuant to the Town's Memorandum of Understanding.
 3. Direct staff to commence the preparation of Official Community Plan amendment bylaw and the Zoning Bylaw amendment bylaw for application 3360-18-03.

PURPOSE:

The purpose of this staff report is to introduce an application to amend the Official Community Plan (OCP) and Zoning Bylaw for the Ladysmith Marina lands, identified surplus lands and lease area.

PREVIOUS COUNCIL DIRECTION

None.

INTRODUCTION/BACKGROUND:

An application has been received from applicant D. Strongitharm to amend the OCP and Zoning Bylaw for the Ladysmith Marina lands, identified surplus lands and lease area on Rocky Creek Road. In the attached letter dated February 28, 2018 from the applicant it is explained that the marina owner, Oak Bay Marina Ltd., has submitted a subdivision application to the Town to consolidate their land into two parcels 'Parcel A - surplus land' and 'Parcel B - marina land'. The intention is that Oak Bay Marina Ltd. keep the 'marina land' for their Ladysmith Marina operations, and dispose of the 'surplus land'. As a company Oak Bay Marina Ltd. has chosen to focus on their core business being marina operations. In reviewing the subdivision application staff noted that the OCP and zoning designations for the Ladysmith Marina lands and lease area do not match the proposed new parcel boundaries. It is a requirement of the subdivision application that these adjustments be made to the OCP and Zoning designations such that there is land use certainty for the Ladysmith Marina business and for the proposed two parcels.

It is a requirement of the subdivision application that these adjustments be made to the OCP and Zoning designations such that there is land use certainty for the Ladysmith Marina business and for the proposed two parcels.

The proposed new parcel A and parcel B are shown in Figure 1. Proposed parcel A, the 'surplus land' is 4.7 hectares in size and is currently vacant. Proposed parcel B, the 'marina land' is 3.4 hectares in size and contains the Ladysmith Marina business. Note that the dedicated road along the

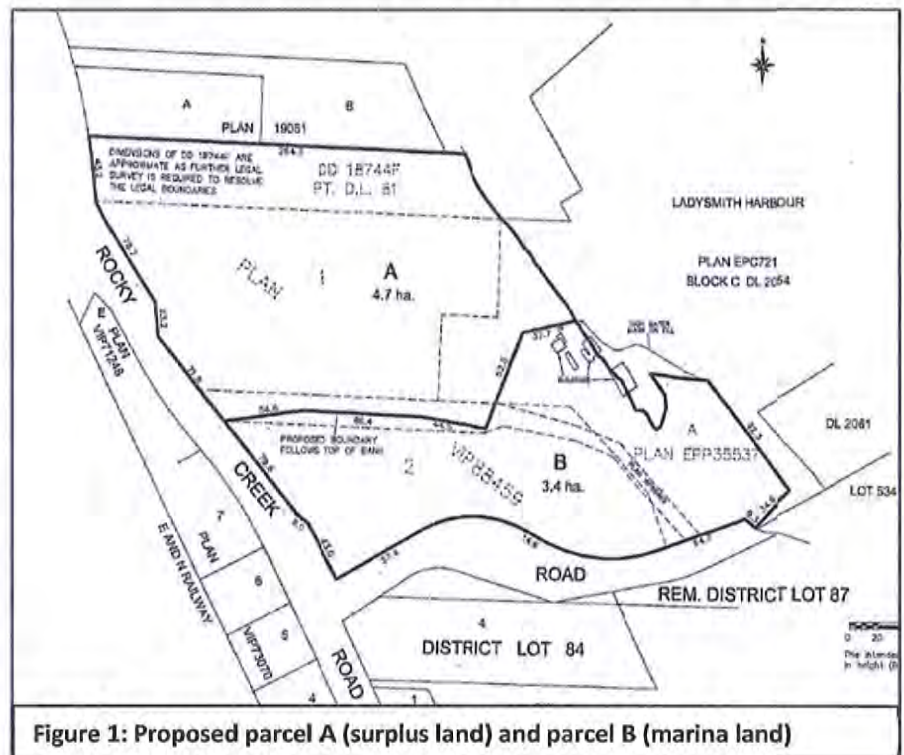


Figure 1: Proposed parcel A (surplus land) and parcel B (marina land)

parcel B south lot line is not yet constructed. Once the road is constructed it will provide access to Ladysmith Marina and to the Western Forest Products mill (which is on the south side of the road). The disposition of the surplus lands will contribute to the cost of building this road.

Official Community Plan (OCP)

Adjustments are proposed to the land use designations on OCP Map 1 and to the Development Permit Areas (DPAs) on OCP Map 2. The recommended amendments to the OCP maps are shown in Schedule 1 attached to this staff report and are summarized below:

- i) The majority of proposed parcel A 'surplus lands' is already designated as 'Single Family Residential'. It is recommended to adjust the designation such that all of proposed parcel A is designated 'Single Family Residential'.
- ii) To adjust the current OCP designations 'Industrial', 'Local Commercial', and 'Waterfront' on proposed parcel B to better fit the current uses on the land.
- iii) To amend the Development Permit Area Map (OCP Map 2) by adjusting DPA 1 Waterfront and DPA 5 Industrial to align with the revised OCP designations. Note that a Development Permit is required prior to construction of buildings and structures in DPA 1 and DPA 5.

Zoning Bylaw

The recommended amendments to the Zoning Bylaw text are:

- 1) Amend the 'Tourist Service Commercial' (C-4) Zone by adding the use 'Marina Office' and removing the use 'Welcome Centre'; and by adding a site specific amendment to permit storage tanks for marine fuel on proposed parcel B 'marina land'.
- 2) Amend the Light Industrial (I-1) Zone by adding a site specific amendment to permit a storage yard for boats and boat houses; and to permit boat house construction.

The recommended amendments to the Zoning Bylaw map are shown in Schedule 1 and are summarized below:

- 1) Adjust the R-1-B (Single Dwelling Residential – Small Lot B) zone such that proposed parcel A only contains residential zoning. The R-1-B zone permits residential parcels that are 372 m² (4004ft²) in size. The north portion of proposed parcel A will remain zoned RU-1 (Rural Residential). The Tourist Service Commercial C-4 zone and Light Industrial I-1 zone would be removed from proposed parcel A.
- 2) Adjust the zoning such that a portion of proposed parcel B (and a portion of the lease area) is zoned Tourist Service Commercial C-4 zone to accommodate the existing upland marina uses. The I-2 Industrial zone and W-2 Marina zone would be removed from proposed parcel B. Note that the current C-4 zoned area is 8480m² and the proposed adjusted C-4 zoned area is 8830m². The proposed adjusted I-1 zoned area would be 3.4 hectares. See maps in Schedule 1.

ALTERNATIVES:

Council can choose to not proceed with the OCP and zoning bylaw amendment application 3360-18-03.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

The subject areas are located within 800 metres of a controlled access highway, thus must be referred to the Ministry of Transportation & Infrastructure for approval following third reading of a zoning amendment bylaw.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Council may consider referral to the Advisory Planning Commission and consider if the applicant should host a neighbourhood information meeting. As this proposal will essentially maintain current uses these referrals are optional. If the application proceeds a public hearing will be required to be held.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Infrastructure Services Department is processing the subdivision application for proposed parcel A and B. The Preliminary Layout Approval (PLA) requires that the OCP and zoning designations be adjusted to match the proposed new parcel lines.

As a condition of the subdivision approval a Section 219 Covenant is required to secure servicing and amenity features including ensuring that:

- a waterfront walkway be completed along the foreshore of proposed parcel A and B;
- the new Gladden Road be constructed prior to a building permit being issued on proposed parcel B.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Employment & Tax Diversity | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input type="checkbox"/> Not Applicable |

SUMMARY:

An application has been received to amend the OCP and Zoning Bylaw for the Ladysmith Marina lands and lease area associated with the subdivision of land. The consolidation of lands to create two parcels will allow Oak Bay Marina Ltd. to retain the area needed for the marina operations and to dispose of the surplus land. Recommendations are provided for next steps in the OCP and rezoning application process.

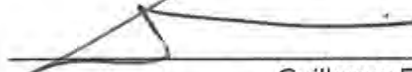
Reviewed by:



Felicity Adams, Director of Development Services

April 10, 2018

I concur with the recommendation.



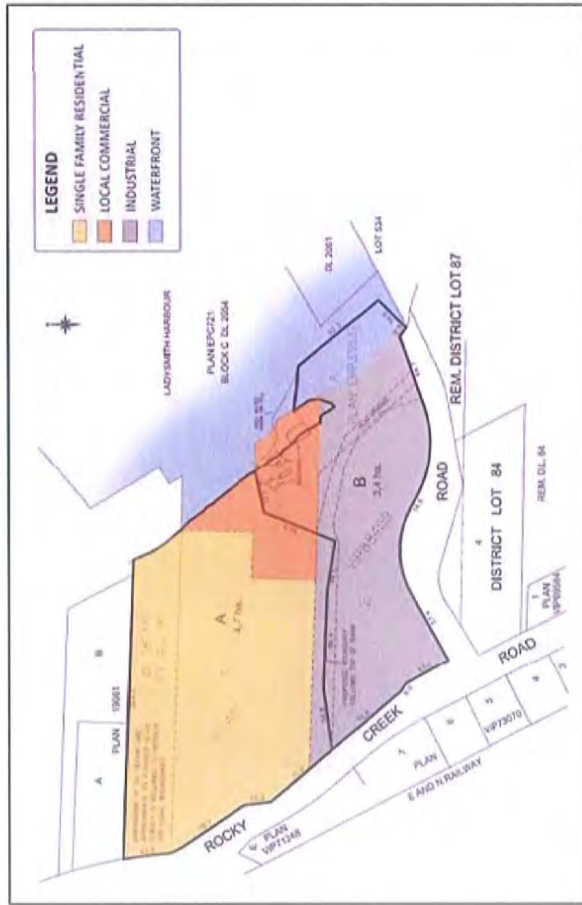
Guillermo Ferrero, City Manager

ATTACHMENTS:

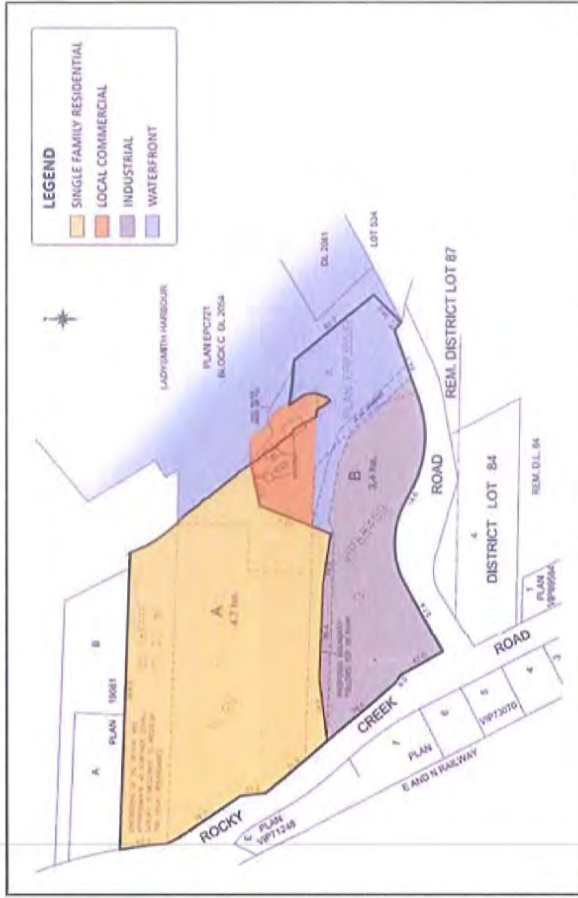
- Schedule 1: Proposed OCP and Zoning Bylaw Map Amendments
- Letter from applicant D. Strongitharm (February 28, 2018)

Schedule 1: Proposed OCP and Zoning Bylaw Map Amendments

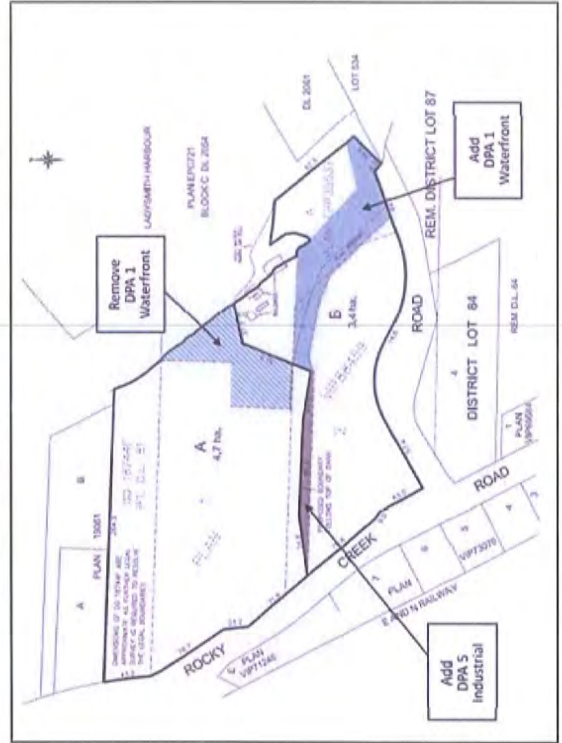
Current OCP Designations (OCP Map 1)



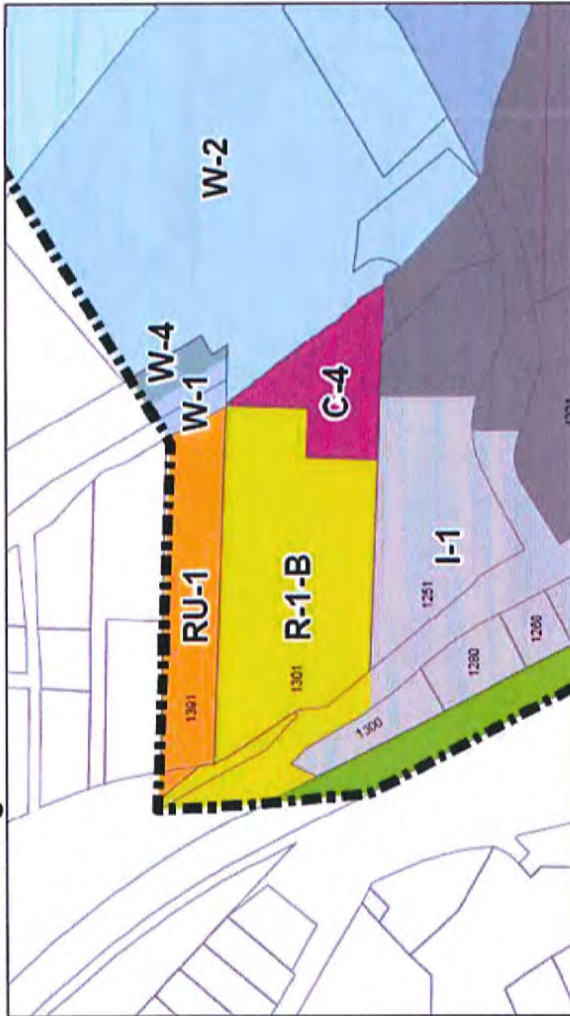
Proposed OCP Designations (for application 3360-18-03)



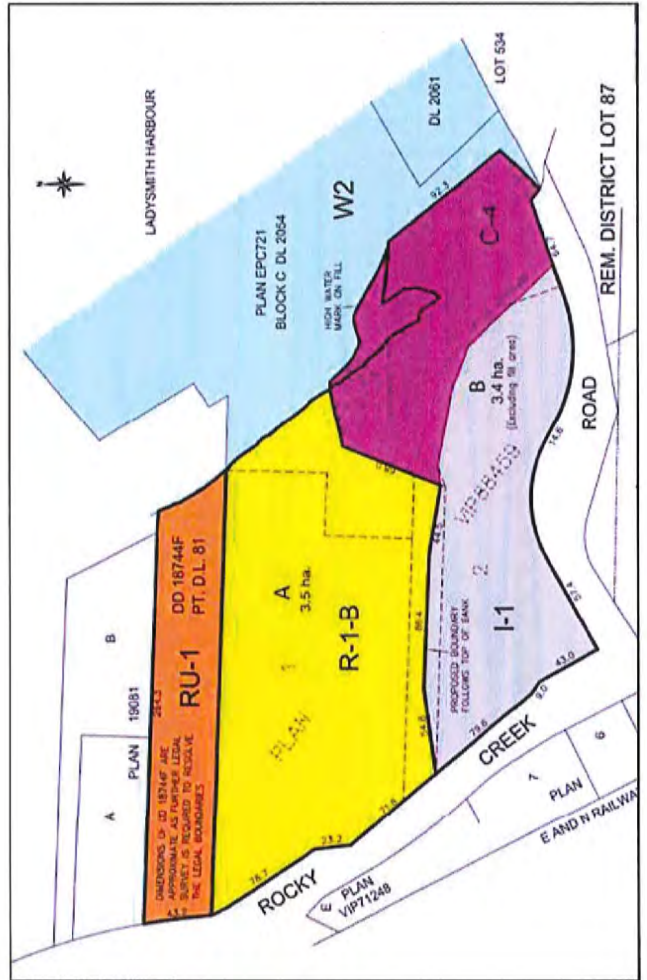
Proposed Amendments to Development Permit Designations (OCP Map 2)



Current Zoning



Proposed Zoning of Oak Bay Marine Group lands and lease area (for application 3360-18-03)



RECEIVED



STRONGITHARM CONSULTING LTD.

February 28, 2018

Mayor Aaron Stone and Council
c/o Felicity Adams, Director of Development Services
Town of Ladysmith
410 Esplanade Avenue
Ladysmith BC V9G 1A2

Re: Ladysmith Marina Zoning & OCP Amendment Application

Dear Mayor Stone and Council:

Please find enclosed an application for zoning and OCP amendments for lands owned by Oak Bay Marina Ltd., dba Ladysmith Marina, and located at 901 Gladden Road.

Purpose of the Application

Over the course of the past three years, Ladysmith Marina has undertaken an extensive planning exercise to determine future needs for the marina and associated lands, and if lands it owns are surplus to need. This process has involved engineers, planners, and appraisers, and included conversations with Town staff and neighbours, namely Western Forest Products (WFP).

The outcome of this exercise is Ladysmith Marina's recent application for a two-lot subdivision, which will effectively consolidate several lots into a) "marina lands", and b) "surplus lands". The two resulting parcels will be positioned for timely development. Disposing of lands that are not part of marina activities to a future owner/land developer will allow Ladysmith Marina to focus on desired upgrades and enhancements of its marina lands, including construction of the "new" Gladden Road. This road will split the marina lands from the WFP Saltair mill.

In discussions with the Development Services Department and the Town's Approving Officer, we have been asked to bring the zoning and OCP map designation boundaries into alignment with the proposed subdivision to avoid multiple zones and land use designations within the new parcels. The application will effectively "regularize" the zoning and OCP designations. It is noted that, in the future, a subsequent owner of the surplus lands may wish to pursue a comprehensive development plan requesting some amendment. However, at this stage, the intention is to make the parcels ready to facilitate their timely sale and development.

Moving Forward/Next Steps

The overall vision for Ladysmith Marina is to create a high quality, fully integrated marina that offers a full range of complementary services, and provides public access for the use and enjoyment of marina patrons, and the community.

Once the subdivision has been approved, the intention is to move forward with the construction of Gladden Road, and implementation of the improvements to the core marina lands. These will include regrading and construction of new parking areas, construction of a new marina office with ancillary

support services, and provision of appropriate landscaping and public access. The land immediately south of the core marina lands, running from Rocky Creek Road down the west side of the new Gladden Road, will be zoned "light industrial", and will initially serve as a combination of marina marshalling and storage, dock and boat house construction yard, and other related activities. Once the core marina lands are developed, a more comprehensive plan for redevelopment of the remaining marina lands will be developed.

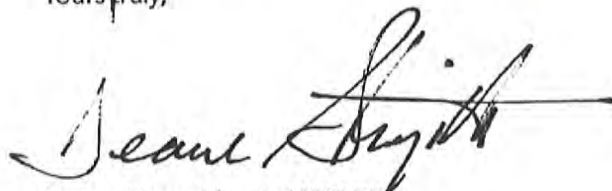
Ladysmith Marina has recently been in contact with its nearest neighbour, Western Forest Products, which has been kept apprised of this application, the construction plan for Gladden Road, and the impacts on its operations during construction.

Closing

On behalf of Oak Bay Marina Ltd. and Ladysmith Marina, we would like to thank Council for its timely and favourable consideration of this application. As soon as the zoning and subdivision are approved, the intention is to move quickly with the marketing of the surplus lands, and the completion of working drawings for the road and marina improvements.

Oak Bay Marina Ltd and Ladysmith Marina look forward to working with the Town and the community on the planned improvements to this property.

Yours truly,



Deane Strongitharm, MCIP, RPP

cc: Oak Bay Marina Ltd.

Attachs.



Core Marina Lands Improvements

STAFF REPORT TO COUNCIL

From: Felicity Adams, Director of Development Services
 Meeting Date: April 16, 2018
 File No: 6560-20
RE: DIRECTION TO PROCEED WITH AN ALTERNATIVE APPROVAL PROCESS (AAP) FOR A PROPOSED TWO LOT BOUNDARY EXTENSION

RECOMMENDATION:

That Council:

1. Direct staff to seek elector approval of the proposed two lot boundary extension in south Ladysmith through an Alternative Approval Process with a deadline for receipt of Elector Response Forms of 4:00 p.m., Wednesday, June 6, 2018; and
2. Confirm the number of eligible electors for the Alternative Approval Process as 6,635.

PURPOSE:

The purpose of this staff report is to seek Council direction to conduct an Alternative Approval Process (AAP) to obtain approval of the electors for the proposed two lot boundary extension in South Ladysmith, and to confirm the number of eligible electors for this AAP.

PREVIOUS COUNCIL DIRECTION

| Date | Resolution | Resolution Details |
|---------------|-------------|---|
| March 6, 2017 | 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. |



| Date | Resolution | Resolution Details |
|---------------|-------------|--|
| June 19, 2017 | CS 2017-198 | That Council direct staff to include one additional property, as requested by the owners, in the boundary extension proposal to the Province, such property being legally described as Lot 1, District Lot 41, Oyster District, Plan 8804 except part in Plans 43985 and VIP55838 and that part of Lot 17, District Lot 41, Oyster District, Plan 2519 lying to the west of westerly boundary of Plan 1057RW (11070 Trans Canada Highway). |

INTRODUCTION/BACKGROUND:

The two parcels that are the subject of the boundary extension proposal are located in south Ladysmith on Farrell Road. They are currently within the jurisdiction of the Cowichan Valley Regional District (Area G). There are six main steps in the process to extend the municipal boundary. This proposal is at Step 4.



- ✓ Step 1 – Proposal development and referrals
- ✓ Step 2 – Town makes a proposal to the Province
- ✓ Step 3 – Province undertakes its review
- Step 4 – Municipal elector approval (**we are here**)
- Step 5 – Provincial approval
- Step 6 – Implementation of the change, if approved.

DISCUSSION:

The Province has provided its Administrative Review of the boundary extension proposal and has advised that the Town may now proceed with the statutory approval process. Once the statutory requirements are met, Council must pass a second resolution that confirms Council’s decision to proceed with the proposed boundary extension. A report will be provided to Council with the results of the AAP process.

Section 12 of the *Local Government Act* stipulates the process by which a local government may extend its boundaries. One of these is that the council must obtain the approval of the electors of the municipality in relation to the proposed extension. Section 86 of the *Community Charter* specifies the process required to conduct an Alternative Approval Process.

ALTERNATIVES:

Council is required to seek the approval of the electors. Council can choose to obtain this approval through an Alternative Approval Process, or through a Referendum. Staff recommend undertaking an AAP for this 2-lot proposal. Should the AAP not succeed, Council will be asked to decide whether it wishes to seek elector approval for the boundary extension through a referendum.

FINANCIAL IMPLICATIONS:

The costs associated with the AAP and notification are the responsibility of the applicant.

LEGAL IMPLICATIONS:

The boundary extension process is governed by the *Local Government Act* which requires that Council must obtain the approval of the electors of the municipality in relation to the proposed extension before the Minister will make a recommendation to Cabinet to approve the proposal.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Notices regarding the AAP for the proposed boundary extension will be placed in the Ladysmith Chronicle newspaper (April 25 and May 2) and on the Town’s website and in Town offices. The Town is also required to place the notice in the provincial *Gazette*. It is not anticipated that there will be public opposition to this requested boundary extension.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Legislative Services will undertake the AAP process in accordance with the appropriate legislation (*Community Charter and Local Government Act*).

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- Complete Community Land Use
- Green Buildings
- Innovative Infrastructure
- Healthy Community
- Not Applicable
- Low Impact Transportation
- Multi-Use Landscapes
- Local Food Systems
- Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

- Employment & Tax Diversity
- Watershed Protection & Water Management
- Communications & Engagement
- Natural & Built Infrastructure
- Partnerships
- Not Applicable

SUMMARY:

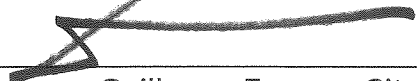
The proposed boundary extension process is now at the stage of seeking electoral approval. Staff recommend proceeding by way of Alternative Approval Process (AAP).



Felicity Adams, Director of Development Services

April 10, 2018

I concur with the recommendation.



Guillermo Ferrero, City Manager

STAFF REPORT TO COUNCIL

From: Joanna Winter, Manager of Legislative Services
 Felicity Adams, Director of Development Services
 Meeting Date: April 16, 2018
 File No:
 RE: **OPTIONS FOR PUBLIC CONSULTATION ON THE RETAIL SALE OF NON-MEDICAL CANNABIS**

RECOMMENDATION:

That Council:

1. Establish a budget of \$20,000 for project management and facilitation resources to support public consultation on the retail sale of non-medical cannabis in Ladysmith, with the funds to come from surplus, and direct staff to amend the Financial Plan accordingly.
2. Appoint three members to an ad hoc Committee of Council to support the public consultation process on the retail sale of non-medical cannabis in the Town of Ladysmith.
3. Direct the ad hoc Committee to develop recommendations on locational or other criteria and a desired public input strategy and scope for Council’s consideration with respect to the retail sale of non-medical cannabis in the Town of Ladysmith prior to embarking on a public consultation on the matter.
4. Direct staff to engage an outside consultant with the appropriate knowledge of the legislative framework to manage the public consultation on the retail sale of non-medical cannabis following Council’s consideration of the recommendations from the ad hoc Committee.
5. Direct staff to develop land use recommendations for Council’s consideration with respect to the production and processing of non-medical cannabis in the Town of Ladysmith.

PURPOSE:

The purpose of this report is to provide Council with recommendations regarding public consultation to determine a framework for the retail sale of cannabis in the Town of Ladysmith.

PREVIOUS COUNCIL DIRECTION

| Resolution | Meeting Date | Resolution Details |
|-------------|--------------|---|
| CS 2018-063 | 2018-03-05 | 1. That the Town initiate a community dialogue regarding the retail sale of cannabis within the Town of Ladysmith. 2. That Council direct staff to prepare a list of options for |



| Resolution | Meeting Date | Resolution Details |
|------------|--------------|--|
| | | <p>community engagement as well as a proposed budget allocation for consideration.</p> <p>3. That Council establish an ad hoc committee of three Council members to support the public consultation process on the retail sale of cannabis in the Town of Ladysmith.</p> |

INTRODUCTION/BACKGROUND:

In anticipation of cannabis being legalized in Canada in the summer of 2018, Council wishes to establish appropriate regulations by bylaw that will govern the sale of cannabis in Ladysmith. Regulations will be developed after appropriate public consultation to hear from Ladysmith residents about their preferences and concerns.

It should also be noted that Council will also be considering a new Smoking Regulation bylaw that will include smoking cannabis or weed in the regulations.

DISCUSSION

In order to establish a clear scope and objectives for the public consultation, staff recommend that council establish preliminary guidelines and determine public opinion with respect to them. Council’s ad hoc committee could work with staff to develop recommendations for the consideration of Council.

The following criteria are suggested for consideration:

- Locational criteria: establish areas where no retail cannabis outlets would be permitted (such as on First Avenue, or in specific zones, for example); establish a limit on proximity of cannabis retail outlets to schools, parks, public gathering spaces, community centres, other cannabis outlets
- Number: limit the number of cannabis retail outlets to be permitted within the boundaries of the Town of Ladysmith
- Business licensing and other regulations: cost, hours of operation, signage, etc.

With respect to actual methods of consulting and engaging with the community, staff have researched activities carried out in a variety of communities in British Columbia and Alberta, both large and small. Communities consulted include Parksville, Nelson, Duncan, North Cowichan, View Royal, Cumberland, and in Alberta, Calgary, Leduc and Medicine Hat.

Most of the smaller B.C. local governments contacted by the Town of Ladysmith (City of Duncan, Municipality of North Cowichan, Town of Oliver, Town of View Royal, Village of Cumberland) have not considered community engagement as a current priority, but instead are focusing on the regulation of the retail sale of cannabis which Ladysmith has

already done. At the time this report was written, some of the communities contacted had already amended bylaws related to cannabis use and production, processing and sales.

- The City of Parksville posted a survey to its website and made hard copies available at City Hall as part of the first phase of its cannabis consultation process. 382 responses were received.
- The City of Nelson hired a professional facilitator to prepare a detailed engagement strategy for cannabis legalization in that community. Nelson's engagement process includes small group meetings and presentations with stakeholders that includes a set of questions, a city-wide mail out survey, and a large public meeting and two small group meetings to report back on survey feedback received. In order to lay the groundwork for a proper public process and information gathering, the City has adopted a moratorium on cannabis retail locations (which Ladysmith has also done).

Should Council wish to establish a fairly broad scope for this consultation, staff recommend engaging a professional facilitator to manage the process. There are two reasons for this recommendation: time resources are limited for staff to develop knowledge and expertise with the proposed legislative framework surrounding cannabis legalization; and, staff capacity to manage and implement a broad-based consultation process is limited as this project is not scheduled within the current 2018 work plan. However, staff resources are available to support the ad hoc committee in developing further recommendations to Council.

In addition, the legalization of the production and processing of non-medical cannabis is being considered in the federal Cannabis Act. The Town's Zoning Bylaw does not currently include regulations for this use as it is not currently legal. However, staff recommend that proposed regulations be developed for Council's consideration.

ALTERNATIVES:

Council can choose to limit the scope (and cost) of community engagement in accordance with available resources.

FINANCIAL IMPLICATIONS:

It is recommended that Council establish a maximum budget of \$20,000 for community consultation and public input on the retail sale of cannabis in Ladysmith. This initiative is currently not in the 2018 budget.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

A comprehensive community engagement process regarding regulation of legalized recreational cannabis (and in particular, cannabis to be legally sold in retail outlets) will garner valuable feedback from Ladysmith residents and businesses.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

This initiative will involve staff from Development Services, Legislative Services and Financial Services.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- Complete Community Land Use
- Green Buildings
- Innovative Infrastructure
- Healthy Community
- Not Applicable
- Low Impact Transportation
- Multi-Use Landscapes
- Local Food Systems
- Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

- Employment & Tax Diversity
- Watershed Protection & Water Management
- Communications & Engagement
- Natural & Built Infrastructure
- Partnerships
- Not Applicable

SUMMARY:

Council has requested a list of options for community engagement on the retail sale of non-medical cannabis. Recommendations are provided for Council's consideration

Joanna Winter, Manager of Legislative Services

April 11, 2018

Felicity Adams, Director of Development Services

April 11, 2018

I concur with the recommendation.

Guillermo Ferrero, City Manager

ATTACHMENTS:

- Possible Engagement Activities
- City of Nelson Public Survey
- City of Parksville Public Survey

POSSIBLE ENGAGEMENT ACTIVITIES

| Activity | Estimated cost |
|--|--|
| Targeted stakeholder workshops including round table discussions with Retailers, Producers, LDBA, Chamber of Commerce, Health and emergency response sector representatives, SD 68, Advocacy and research representatives, Residents | \$2,500 With professional facilitator to organize and present |
| Public Open House with presentations and QA opportunities | \$500 Plus staff time to organize, facilitate, compile responses |
| Citizen survey delivered to all households in Ladysmith | \$8,000 (survey design, production and delivery to households, compilation and analysis of results) |
| Survey on Town website and hard copy | Staff time once survey is professionally designed |
| Information display and survey at community events (Canada Day, Ladysmith Days), City Hall and FJCC | \$1,000 (preparation of materials) |
| Place Speak Topic including survey | Staff time |
| Social media to support PlaceSpeak, survey, workshops and to encourage formal submissions who those who can't attend events and/or don't want to engage in online activities | Staff time (not in 2018 work plan) |
| Telephone Survey of residents** | \$10,000 to \$20,000 depending on sample size |
| Set up Cannabis Consultation page(s) on Town website with FAQs, survey links, and other information to keep community members informed | Staff time (not in current work plan) |
| Project Facilitator with expertise in current regulatory framework | \$5,000 to \$10,000 |

**The City of Calgary conducted a telephone survey of residents. The key advantage of this approach is the objectivity of the survey through random sampling. A disadvantage is that fewer people have home telephone numbers, thus making it more difficult to get an statistically significant sample for certain demographics less likely to have a land line.

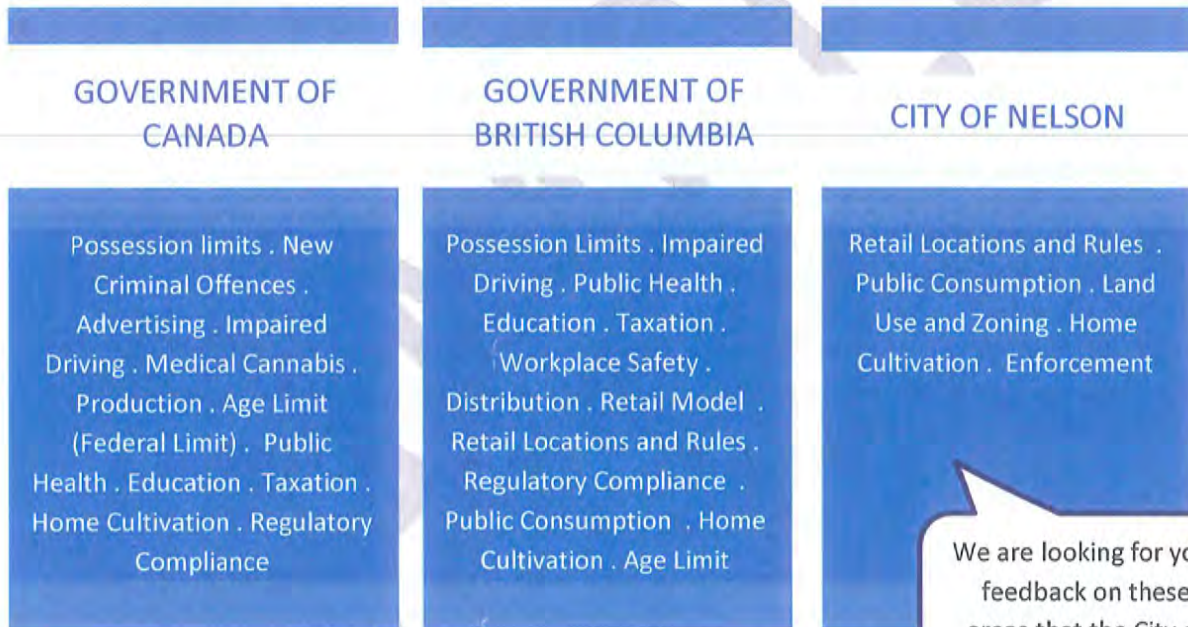
Legalization of Recreational Cannabis

Please complete this feedback form and mail it in the enclosed postage-paid envelope by February 28th, 2018

The Government of Canada has indicated that cannabis will become legal in summer 2018 and sold in stores. 'Cannabis' refers to any product made from the leaves and flowers of the cannabis plant. It is also commonly known as 'marijuana', 'weed', or 'pot'. It can be smoked, used with a vaporizer, or added to food or drinks. Only dried and fresh cannabis, cannabis oils, and seeds and plants for personal cultivation will be legal for purchase. The sale of edible products will follow at a later date.

If your household needs an additional form, please visit Development Services, 2nd floor of City Hall at 310 Ward Street, open 8.30am until noon and 1.30pm until 4.30pm, Monday to Friday.

Legalization of Recreational Cannabis – Who's Responsible for What?



We are looking for your feedback on these areas that the City of Nelson can regulate.

Provincial governments across Canada will be responsible for deciding how cannabis will be distributed and sold within their provincial boundaries.

British Columbia is still in the process of making important decisions, and the City of Nelson is preparing for a variety of scenarios.

Many topics related to the legalization of cannabis are beyond the powers of the City of Nelson, including at what age individuals may purchase cannabis and laws related to drug-impaired driving.

Visit our website for background information, FAQs, and more: www.nelson.ca/cannabis
Attend one of our drop-in open houses on the 2nd floor of City Hall (310 Ward Street):

Tuesday, February 20th

• Noon until 1:00pm & 4:00pm until 6:00pm

Thursday, February 22nd

• Noon until 1:00pm & 4:00pm until 6:00pm

CITY OF NELSON – CANNABIS REGULATIONS FEEDBACK FORM

This is an anonymous survey. This unique identifier is to protect against duplicate responses: *****

Page 1 of 4

Q1: Check the top three areas you are most concerned with respect to the legalization of cannabis.
(Select up to three only)

- | | |
|--|---|
| <input type="checkbox"/> Neighbours who grow or smoke cannabis | <input type="checkbox"/> Cannabis store signage and advertising |
| <input type="checkbox"/> Operation of cannabis stores (e.g. opening hours) | <input type="checkbox"/> The location of cannabis stores |
| <input type="checkbox"/> Youth access to cannabis | <input type="checkbox"/> Cannabis-related crime |
| <input type="checkbox"/> Number of cannabis businesses in Nelson | <input type="checkbox"/> Public smoking and vaping of cannabis |
| <input type="checkbox"/> Odours from cannabis smoking in public | <input type="checkbox"/> Public health education |
| <input type="checkbox"/> Public health impacts | <input type="checkbox"/> I am not concerned about cannabis legalization |
-

Nelson has a highly successful downtown due to the wide diversity of businesses that exist here. In other cities, entertainment businesses like restaurants and bars have slowly replaced the majority of businesses in an area due to their ability to pay higher rents. There is potential for cannabis retail outlets to crowd out other businesses.

Q2: Do you think there should be a maximum number of retail cannabis businesses allowed in the city, similar to liquor stores?

Currently there are four liquor stores in Nelson and there is a moratorium in place which limits any further stores at this time.

- Yes No Unsure
-

Q3: Currently, Nelson cannabis retail locations are permitted to be open from 8am until 8pm. Should cannabis retail stores in Nelson be allowed to operate during the:

- Same opening hour restrictions as medical cannabis: 8:00am to 8:00pm?
 Same opening hour restrictions as liquor stores: 9:00am till 11:00pm?
 Longer opening hours than 8:00am till 8:00pm?
 Shorter opening hours than 8:00am till 8:00pm?
 Unsure
-

Q4: Under the new federal legislation, individuals will be allowed to grow up to four cannabis plants at home. Should people be allowed to grow their own cannabis plants outdoors?

- Yes, wherever they like on their property Yes, but not near the property line
 No, only inside Unsure
-

Existing medical cannabis dispensaries will not be permitted to operate once legalization occurs, unless they obtain the same provincial and municipal permits required of all cannabis businesses as of summer 2018. Mail order, now and in the future, is the only legal way to purchase medical cannabis.

Many American jurisdictions where cannabis is legal require a separation of at least 300 metres (about 3 city blocks) between cannabis retail stores. Nelson also requires a 300-metre east-west separation between cannabis stores downtown. The Province may also implement its own province-wide minimum separation distance between stores.

Note that there is currently a requirement of a 1-kilometre minimum separation distance between liquor stores. There are four liquor stores in Nelson; only two of them are 1 km apart; the other two were grandfathered from previous regulations.

In responding to the questions below, please assume that at least three blocks will continue to be required between cannabis stores.

Q5: Imagine there are no existing cannabis stores in Nelson. In your view, what areas would be the best fit for cannabis stores and how many should be permitted in each area of the city?



| | | |
|--|--|---|
| Downtown and Baker Street (mixed residential-commercial) | <input type="checkbox"/> Zero cannabis retail stores | <input type="checkbox"/> No restriction |
| | <input type="checkbox"/> Up to _____ retail stores (please fill in number) | |
| Nelson Avenue/Highway 3A (mixed residential-commercial) | <input type="checkbox"/> Zero cannabis retail stores | <input type="checkbox"/> No restriction |
| | <input type="checkbox"/> Up to _____ retail stores (please fill in number) | |
| Industrial Areas/Lakeside | <input type="checkbox"/> Zero cannabis retail stores | <input type="checkbox"/> No restriction |
| | <input type="checkbox"/> Up to _____ retail stores (please fill in number) | |
| Railtown (mixed residential-commercial) | <input type="checkbox"/> Zero cannabis retail stores | <input type="checkbox"/> No restriction |
| | <input type="checkbox"/> Up to _____ retail stores (please fill in number) | |
| Chahko-Mika Mall | <input type="checkbox"/> Zero cannabis retail stores | <input type="checkbox"/> No restriction |
| | <input type="checkbox"/> Up to _____ retail stores (please fill in number) | |

Q6: How far should cannabis stores be from schools, youth facilities, parks, and playgrounds?

- | | |
|--|---|
| <input type="checkbox"/> 1 block apart | <input type="checkbox"/> 2 blocks apart |
| <input type="checkbox"/> 3-5 blocks apart (300-500 metres) | <input type="checkbox"/> More than 5 blocks apart |
| <input type="checkbox"/> Unsure | <input type="checkbox"/> I do not think there needs to be a minimum separation from these locations |

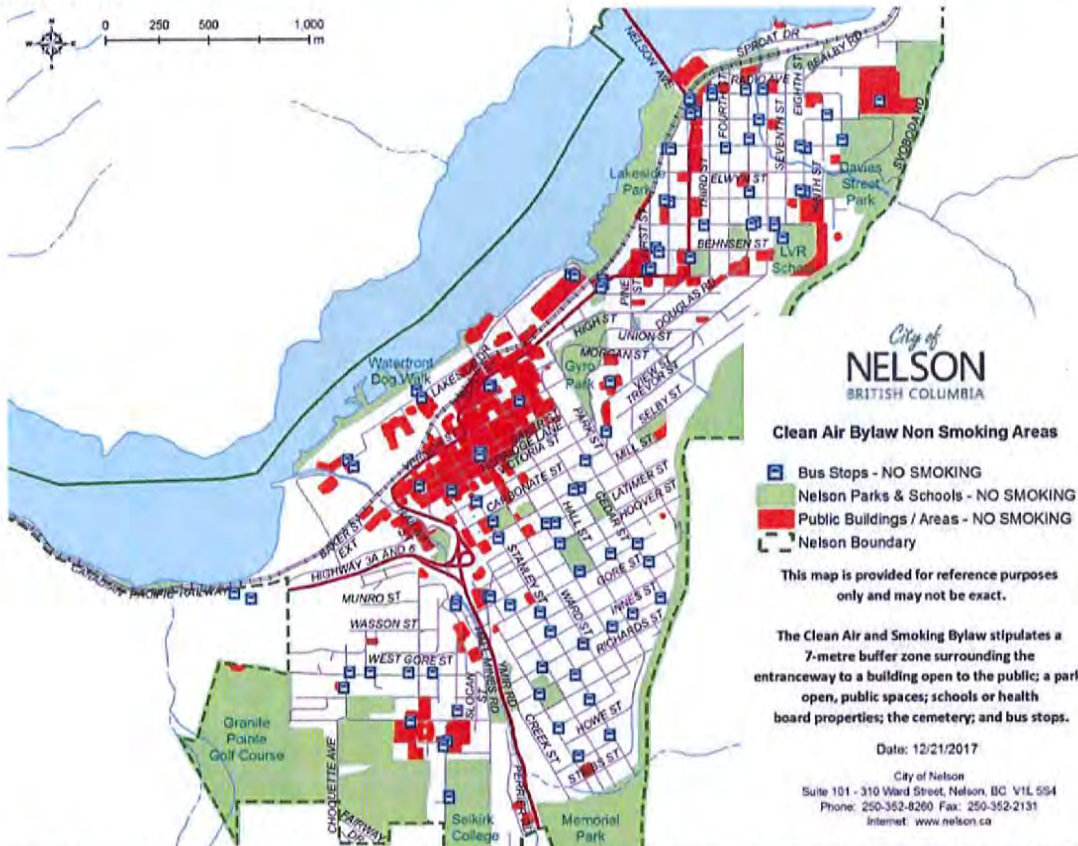
Q7: Once cannabis is legalized, are you interested in starting a cannabis-related business?

- Yes No Unsure

Nelson already has a Clean Air Bylaw that restricts where both tobacco and cannabis can be smoked or vaped in public places. This includes parks, beaches, transit areas, school yards, and a 7-metre buffer zone around public entranceways to buildings.

On the following map (next page), red highlights where smoking is prohibited.

Q8: Should the City reconsider where cannabis may be smoked? Please respond to the following four statements.



| | | |
|---|--|--|
| <p>1. Public consumption of cannabis should follow the current Clean Air Bylaw.</p> <p>2. Smoking and vaping cannabis should be banned in all public places.</p> <p>3. There should be lounges or cafes where smoking or vaping cannabis is allowed.</p> <p>4. It is important to me that the City has the resources to enforce smoking cannabis in public. This could mean hiring additional enforcement officers.</p> | <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> Strongly agree</p> <p><input type="checkbox"/> Strongly disagree</p> <p><input type="checkbox"/> Strongly agree</p> <p><input type="checkbox"/> Strongly disagree</p> <p><input type="checkbox"/> Strongly agree</p> <p><input type="checkbox"/> Strongly disagree</p> | <p><input type="checkbox"/> No, it should be more restrictive</p> <p><input type="checkbox"/> Somewhat agree</p> <p><input type="checkbox"/> Somewhat disagree</p> <p><input type="checkbox"/> Somewhat agree</p> <p><input type="checkbox"/> Somewhat disagree</p> <p><input type="checkbox"/> Somewhat agree</p> <p><input type="checkbox"/> Somewhat disagree</p> |
|---|--|--|

Q9: Do you support or oppose the legalization of cannabis for recreational use in Canada?

| | |
|---|---|
| <input type="checkbox"/> Strongly support | <input type="checkbox"/> Somewhat support |
| <input type="checkbox"/> Strongly oppose | <input type="checkbox"/> Somewhat oppose |
| <input type="checkbox"/> Unsure | |

Q10: How many people live in your household?

End of form – thank you for your time!

Please return this form before Feb. 28 in the enclosed prepaid envelope or by dropping it off at City Hall.

Public Engagement on Cannabis Regulations

City of Parksville Council wishes to seek input from the community before determining which cannabis regulations to enact. A first step in the process of informing future decisions is this online survey for residents. Thank you for your time and input to this survey. The deadline to complete this survey is March 31.

Council wishes to seek input from the community before determining what cannabis regulations to enact and how best to manage legalization in the best interests of Parksville residents. A first step in the process of informing future decisions is an online survey for residents. Your input is an important part of this process to inform changes and updates to Parksville bylaws as well as new bylaws and policies to respond to cannabis legalization.

BACKGROUND

The Government of Canada has announced legalization of cannabis for recreational and medicinal purposes beginning July 2018. In support of this initiative, Canada passed Bill C-45 (the Cannabis Act) and Bill C-46 (amendments to the Criminal Code specific to impaired driving). The legislation will make it legal to grow, sell and possess cannabis for recreational purposes.

The federal government will regulate quality and establish some baseline federal conditions, such as minimum age restrictions. The provinces and territories will be responsible for the distribution and retail system within their respective jurisdictions.

In February 2018, Parksville Council directed staff to amend the relevant bylaws to prohibit cannabis related activities, including retail sales of non-medicinal cannabis, until additional information is available from the province on the regulatory framework and the residents of Parksville have been provided an opportunity to submit comment for Council's consideration.

1. Where do you think cannabis retail sales should be permitted?

- Downtown core
- Anywhere retail sales are current
- Industrial park
- Site specific zones only upon approval of Council

Other location - please specify

2. Should the City prohibit mobile cannabis businesses, including mail order and delivery of cannabis and cannabis related products?

Yes

No

Comments

3. Where do you think cannabis growing, processing and packaging should be permitted?

Downtown core

Agricultural zones only

Anywhere retail sales are currently permitted

Industrial and agricultural zones

Industrial Park

Site specific zones only upon approval of Council

Other location - please specify

4. Should the City establish distance requirements from other uses?

Yes

No

Comments

5. If you answered yes, which uses should the City establish setbacks from? (please choose all uses that should have a setback distance)

Schools

Daycares

Seniors care facilities

Other outlets selling cannabis products

Other uses

6. If you believe setback distances should be established, what should they be?

100 metres

300 metres

Other - please specify

7. Should the City prohibit cannabis processing, growing or retail sales as a home-based business?

Yes

No

Comments

8. Should the City prohibit the outdoor growing of cannabis?

Yes

No

Comments

9. Should the City restrict the outdoor growing of cannabis?

Yes

No

Comments

10. If you answered yes: How should the City restrict outdoor growing of cannabis?

- | | |
|---|--|
| <input type="checkbox"/> Establish setbacks of 3 metres from all property lines | <input type="checkbox"/> Require plants to be grown in a contained structure, shed or greenhouses |
| <input type="checkbox"/> Permit outdoor growing only on properties exceeding 1000 square metres in area | <input type="checkbox"/> Require growers to prove there is no detectable odour at the property lines |
| <input type="checkbox"/> Establish visibility requirements that require no plants are visible from off the property | <input type="checkbox"/> All of the above |

Other restrictions - please specify

11. Should the City prohibit the growing of recreational cannabis in non-commercial zones?

- Yes
- No

Comments

12. If you answered no, should the City restrict where cannabis can be grown for personal recreational use?

- Prohibit growing (indoor and outdoor) in multi family residential zones
- Prohibit all growing in all exclusively residential zones
- Allow growing in the industrial and agricultural zones

Comments

13. Should the City restrict the extraction of cannabis oil to industrial and agricultural zones ? This extraction uses solvents with a risk of combustion.

- Yes
- No

Comments

14. Should the City limit the hours of operation of cannabis sales outlets?

Yes

No

Comments

15. If yes, what should the hours be?

Same as for liquor sale

No sale before 9 am or after 9 pm daily

No sale before 9 am or after 6pm

Other hours - please specify

16. Should the City prohibit onsite consumption, including the provision of samples to consumers?

Yes

No

Comments

17. Should the City ban all public consumption of recreational cannabis (smoking/ vaping)?

Yes

No

Comments

18. Should the City establish zones where consumption (smoking/ vaping) is prohibited, e.g. near playgrounds, public parks, public buildings?

Yes

No

If you answered "Yes" please specify areas where consumption should be banned.

19. Should the City prohibit the sale of edibles?

Yes

No

Comments

20. Should the City establish rules, similar to those for tobacco, to restrict visibility of the products by minors – e.g. separate store location with no minors permitted to enter, rules on display and advertising outside of established areas?

Yes

No

Comments

21. Please provide any additional comments.

INFORMATION REPORT TO COUNCIL

From: Joanna Winter, Manager of Legislative Services
Meeting Date: April 16, 2018
File No: 3390-20-1945
RE: HOUSEKEEPING AMENDMENTS TO DELEGATION BYLAW 1905

RECOMMENDATION:

That Council give first three readings to Town of Ladysmith Officers and Delegation of Authority Bylaw 1905, Amendment Bylaw 2018, No. 1945.

PURPOSE:

The purpose of Bylaw 1945 is to introduce a housekeeping amendment to ensure that the Officers and Delegation of authority bylaw accurately reflects the current organizational structure and staff positions.

PREVIOUS COUNCIL DIRECTION:

Council adopted the Officers and Delegation of Authority Bylaw on August 15, 2016.

DISCUSSION:

At the time Bylaw 1905 was adopted, the Town had a Director of Corporate Services position. This position also carried the responsibilities of the Corporate Officer as prescribed in section 148 of the *Community Charter*. In September 2016, Council approved a revised organization structure, which eliminated the position of Director of Corporate Services, changed the title of the Manager of Administrative Services position to Manager of Legislative Services, and designated the Manager of Legislative Services as Corporate Officer.

Legal counsel has advised staff that in order for the current Corporate Officer to legally carry out the functions assigned to the previous Director of Corporate Services in Bylaw 1905, the bylaw wording should be changed to reflect the current organizational structure.

Consequently, it is recommended that all references to *Director of Corporate Services* in Bylaw 1905 be changed to *Corporate Officer* as this is consistent with the original intent of Bylaw 1905. In addition, it is recommended that Schedule A of Bylaw 1905, which lists the Town's management positions, be updated to remove *Director of Corporate Services* and change *Manager of Administrative Services* to *Manager of Legislative Services*.

These are the only proposed changes to Bylaw 1905.

SUMMARY POINTS

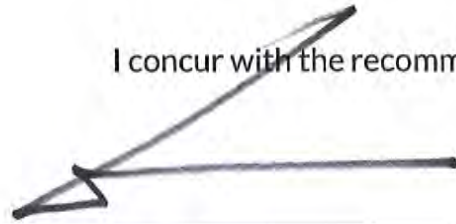
Housekeeping amendments to Town of Ladysmith Officers and Delegation of Authority Bylaw 1905 are recommended in order to accurately reflect current organizational structure.



Manager of Legislative Services

March 28, 2018

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT(S)

Bylaw 1945

TOWN OF LADYSMITH

BYLAW NO. 1945

A Bylaw to amend Town of Ladysmith Delegation Bylaw 2016, No. 1905, being a bylaw to provide for the appointment of Officers for the Town of Ladysmith and to prescribe the powers, duties and responsibilities of such officers including the delegation of authority.

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

Amendment

1. Bylaw 1905 is hereby amended as follows:

1.1. Replace every instance of “Director of Corporate Services” with “**Corporate Officer**”

1.2. Amend section 8 by adding “and the Corporate Officer”, to read as follows:
“The selection and appointment of all Department Directors *and the Corporate Officer* is delegated to the Chief Administrative Officer.”

1.3. Amend Schedule A as follows:

- Delete “Director of Corporate Services”
- Change “Manager of Administrative Services” to “Manager of Legislative Services”

Citation

2. This bylaw may be cited for all purposes as the “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905, Amendment Bylaw 2018, No. 1945”.

| | | | |
|---------------------------|---------------|---------------|---|
| READ A FIRST TIME | on the | day of | , |
| READ A SECOND TIME | on the | day of | , |
| READ A THIRD TIME | on the | day of | , |
| ADOPTED | on the | day of | , |

Mayor (A. Stone)

Corporate Officer (J. Winter)

TOWN OF LADYSMITH

BYLAW NO. 1956

A bylaw establishing the Financial Plan for the years 2018-2022

WHEREAS the *Community Charter* requires Municipal Councils to prepare and adopt, by bylaw, a financial plan;

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

Administration

- (1) Schedule "A" attached hereto and made part of the bylaw is hereby adopted and shall be the Financial Plan for the Town of Ladysmith for the five years ending the 31st of December, 2022.
- (2) Schedule "B" attached hereto and made part of the bylaw is hereby adopted and shall be the statement of objectives and policies for the Town of Ladysmith for the five years ending the 31st of December 2022.

Repeal

- (3) The "Town of Ladysmith Financial Plan Bylaw 2017, No. 1926" is hereby repealed.

Citation

- (4) This bylaw may be cited for all purposes as "*Town of Ladysmith Financial Plan Bylaw 2018, No. 1956*".

READ A FIRST TIME on the 16th day of April, 2018

READ A SECOND TIME on the 16th day of April, 2018

READ A THIRD TIME on the 16th day of April, 2018

ADOPTED on the day of May,

Mayor (A. Stone)

Corporate Officer (J. Winter)

Schedule 'A' of Bylaw 1956

2018 – 2022 Financial Plan

| | <u>2018</u> | <u>2019</u> | <u>2020</u> | <u>2021</u> | <u>2022</u> |
|-----------------------------------|-------------|-------------|-------------|--------------|-------------|
| REVENUES: | | | | | |
| Revenue From Property Tax Values | 7,961,111 | 8,271,026 | 8,684,577 | 9,274,202 | 9,452,677 |
| Revenue From Grants In Lieu | 165,877 | 169,195 | 172,578 | 176,029 | 179,550 |
| Revenue From Parcel Taxes | 2,557,527 | 2,872,983 | 3,182,797 | 3,205,506 | 3,228,669 |
| Revenue From Fees & Charges | 4,361,409 | 4,486,497 | 4,537,612 | 4,628,364 | 4,720,936 |
| Revenue From Other Sources | 11,045,715 | 6,810,030 | 1,631,913 | 842,515 | 918,046 |
| | 26,091,639 | 22,609,731 | 18,209,477 | 18,126,616 | 18,499,878 |
| EXPENSES: | | | | | |
| General Operating Expense | 11,009,288 | 10,442,291 | 10,652,154 | 10,865,191 | 11,082,474 |
| Sanitary Sewer Operating Expenses | 1,944,203 | 1,394,299 | 1,591,647 | 1,623,473 | 1,655,940 |
| Water Operating Expenses | 1,294,475 | 1,127,347 | 1,399,894 | 1,427,886 | 1,456,439 |
| Interest Payments | 495,201 | 506,106 | 889,144 | 1,124,311 | 1,087,022 |
| Amortization | 3,211,065 | 3,275,286 | 3,340,792 | 3,407,608 | 3,475,760 |
| Annual Surplus/Deficit | 8,137,407 | 5,864,402 | 335,846 - | 321,853 - | 257,757 |
| Add back: | | | | | |
| Amortization | 3,211,065 | 3,275,286 | 3,340,792 | 3,407,608 | 3,475,760 |
| Capital Expenditures | | | | | |
| General Capital | 5,984,154 | 1,934,500 | 1,443,000 | 11,744,200 | 2,959,752 |
| Sanitary Sewer Capital | 919,927 | 430,000 | 320,000 | 590,000 | 280,000 |
| Water Capital | 15,014,169 | 10,546,000 | 7,215,000 | 550,000 | 5,090,000 |
| Proceeds from New Debt | (5,016,472) | (3,660,000) | (4,985,675) | (10,400,000) | (2,250,752) |
| Principal Payments | 835,237 | 857,942 | 1,220,909 | 1,397,361 | 1,462,889 |
| Transfers from Reserves | (1,465,972) | (625,699) | (978,262) | (328,132) | (3,549,045) |
| Transfer to (from) Own Funds | (4,922,571) | (343,055) | (558,334) | (467,674) | (774,841) |
| Financial Plan Balance | - | - | - | - | - |

Schedule 'B' of Bylaw No. 1956

**Town of Ladysmith 2018 – 2022 Financial Plan
Statement of Objectives and Policies**

In accordance with Section 165(3.1) of the Community Charter, the Town of Ladysmith (Town) is required to include in the Five Year Financial Plan, objectives and policies regarding each of the following:

1. The proportion of total revenue that comes from each of the funding sources described in Section 165(7) of the Community Charter;
2. The distribution of property taxes among the property classes, and
3. The use of permissive tax exemptions.

Funding Sources

Table 1 shows the proportion of total revenue proposed to be raised from each funding source in 2018. Council currently has no specific policy surrounding the proportion of total revenue to come from each funding source. Property taxes form the greatest proportion of revenue. As a revenue source, property taxation offers a number of advantages, for example, it is simple to administer and it is fairly easy for residents to understand. It offers a stable and reliable source of revenue for services that are difficult or undesirable to fund on a user-pay basis. These include services such as general administration, fire protection, police services, bylaw enforcement and street lighting.

User fees and charges form a large portion of planned revenue. Many services can be measured and charged on a user-pay basis. Services where fees and charges can be easily administered include water and sewer usage, building permits, business licenses, and sale of services - these are charged on a user-pay basis. User fees attempt to apportion the value of a service to those who use the service.

Objective

- The Town will increase the proportion of revenue that is received from user fees and charges until the fees and charges more closely meet the costs incurred to provide the services.

Policies

- The Town will review all user fee levels to ensure they are adequately meeting both the capital and delivery costs of the service.
- Water and Sanitary Sewer Rates will be reviewed to ensure that appropriate user fees are charged, rather than taxation, to lessen the burden on its limited property tax base.
- Borrowing will be considered when a capital project will provide benefits to taxpayers over a long period.
- Pursuant to Council's direction, the Town will build a reserve to fund major capital projects. For 2018, a minimum of 8% prior year's municipal tax levy will be transferred to General Capital projects as well as setting aside a further 5% for asset replacement. For the years 2019-2022, a 10% prior year's municipal tax levy to General Capital projects.

Table 1: Sources of Revenue

| <u>Revenue Source</u> | <u>2018</u> | <u>% total</u> |
|-----------------------|-------------|----------------|
| Property Taxes | 7,961,111 | 20.71% |
| Grants in Lieu | 165,877 | 0.43% |
| Parcel Taxes | 2,557,527 | 6.65% |
| User fees & Charges | 4,361,409 | 11.34% |
| Other Sources | 289,635 | 0.75% |
| Borrowing | 5,016,472 | 13.05% |
| Government Grants | 10,756,080 | 27.97% |
| DCCs & Reserves | 1,465,972 | 3.81% |
| Own Funds | 5,876,825 | 15.29% |

Distribution of Property Tax Rates

Table 2 outlines the distribution of property taxes among the property classes. The residential property class provides the largest proportion of property tax revenue. This is appropriate as this class also forms the largest portion of the assessment base and consumes the majority of Town services.

Objectives

- The amount of taxes to be collected from each of the classes will be reviewed each year.

Policies

- Supplement, where possible, revenues from user fees and charges to help to offset the burden on the entire property tax base.
- Continue to maintain and encourage economic development initiatives designed to attract more light industry, retail and commercial businesses to invest in the community. Align the distribution of tax rates among the property classes with the social and economic goals of the community, particularly to encourage economic and environmental sustainability opportunities.
- Regularly review and compare the Town's distributions of tax burden relative to other municipalities in British Columbia.

Table 2: Distribution of 2018 Property Tax Rates

| Property Class | 2018 |
|---------------------------|------------------------------|
| | % of Total Property Taxation |
| Residential (1) | 73.02% |
| Utilities (2) | 0.35% |
| Supportive Housing (3) | 0.00% |
| Major Industry (4) | 11.84% |
| Light Industry (5) | 0.77% |
| Business and Other (6) | 13.73% |
| Managed Forest Land (7) | 0.00% |
| Recreation/Non-profit (8) | 0.28% |
| Farmland (9) | 0.01% |
| Total | 100% |

Permissive Tax Exemptions

The Town provides permissive tax exemptions. The Permissive Tax Exemption Bylaw 2017, No.1935, adopted on October 16, 2017, contains a list of property exempt from taxation for 2018. Some of the eligibility criteria for permissive tax exemptions include the following:

- The tax exemption must demonstrate benefit to the community and residents of the Town by enhancing the quality of life (economically, socially and culturally) within the community.
- The goals, policies and principles of the organization receiving the exemption must not be inconsistent or in conflict with those of the Town.
- The organization receiving the exemption must be a registered non-profit society, as the support of the municipality will not be used for commercial and private gain.
- Permissive tax exemptions will be considered in conjunction with: (a) other assistance being provided by the Town; (b) the potential demands for Town services or infrastructure arising from the property; and (c) the amount of revenue that the Town will lose if the exemption is granted.

Objective

- The Town will continue to provide permissive tax exemptions to some non-profit societies. The Town has also expanded its offering of permissive tax exemptions to include revitalization tax exemptions. It also intends to offer permissive tax exemptions targeted at green development for the purposes of encouraging development that will meet our *Climate Action Charter* commitments.

Policies

- Expand the permissive tax exemption policy to include eligibility requirements for green revitalization tax exemptions.
- Develop a revitalization tax exemption program which details the kinds of green activities that the exemption program will target.

- Integrate the green revitalization tax exemption program into the Town's existing economic initiatives as a means of attracting retail and commercial businesses to further invest in the community.
- Continue the use of the revitalization tax exemption for economic revitalization in order to encourage the commercial and industrial redevelopment of specific areas.

Table 3: Utilization of Reserves, Development Cost Charges and Surplus for 2018

| Source | % of Total | Dollar Value |
|----------------------------------|------------|--------------------|
| Development Cost Charges - Roads | 2% | 168,000 |
| Development Cost Charges - Sewer | 1% | 43,000 |
| Development Cost Charges - Water | 1% | 102,000 |
| Cemetery Care Fund | 0% | 1,900 |
| Reserve - Amphitheatre | 0% | 10,000 |
| Gas Tax Funds | 16% | 1,142,972 |
| Surplus | 80% | 5,876,825 |
| Total | | \$7,344,697 |

TOWN OF LADYSMITH

BYLAW NO. 1957

A bylaw for the levying of rates for Municipal, Hospital and Regional District purposes for the year 2018.

WHEREAS the Council of the Town of Ladysmith shall, pursuant to the *Community Charter*, in each year, adopt a bylaw to impose rates on taxable land and improvements according to their assessed value to provide the money required for purposes specified in the Charter;

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

Administration

1. The tax rates for the year 2018 shown on Schedule "A", attached to and forming part of this Bylaw, shall be imposed on the assessed value of all the land and improvements within the Town of Ladysmith for the following purposes of:
 - (a) The Town of Ladysmith General Municipal Purposes – Column 'A';
 - (b) The Cowichan Valley Regional District – Column 'B';
 - (c) The Cowichan Valley Regional District Hospital – Column 'C'.

Citation

2. This bylaw may be cited as the "Town of Ladysmith Tax Rates Bylaw 2018, No. 1957".

READ A FIRST TIME on the 16th day of April, 2018

READ A SECOND TIME on the 16th day of April, 2018

READ A THIRD TIME on the 16th day of April, 2018

ADOPTED on the

Mayor (A. Stone)

Corporate Officer (J. Winter)

**Town of Ladysmith Tax Rates Bylaw 2018, No.1957
Schedule "A"**

Tax Rates (Dollars of Tax per \$1,000 Net Taxable Value)

| PROPERTY CLASS | | <u>A</u> | <u>B</u> | <u>C</u> |
|----------------|-------------------------------|-----------|--|--|
| | | Municipal | Cowichan Valley Regional District | Cowichan Valley Regional Hospital District |
| 1 | Residential | 4.3110 | 0.7786 | 0.5206 |
| 2 | Utilities | 32.3693 | 2.7251 | 1.8221 |
| 3 | Supportive Housing | 4.3110 | 0.7786 | 0.5206 |
| 4 | Major Industry | 104.1157 | 2.6472 | 1.7699 |
| 5 | Light Industry | 18.2273 | 2.6472 | 1.7699 |
| 6 | Business/Other | 12.9479 | 1.9076 | 1.2755 |
| 7 | Managed Forest | 32.2222 | 2.3358 | 1.5618 |
| 8 | Rec Non Profit | 2.9693 | 0.7786 | 0.5206 |
| 9 | Farm | 33.9117 | 0.7786 | 0.5206 |

TOWN OF LADYSMITH

BYLAW NO. 1958

A bylaw to impose a water parcel tax on owners of land in the Town of Ladysmith pursuant to the provisions of the *Community Charter*.

WHEREAS the Council of the Town of Ladysmith is empowered by the *Community Charter* to impose and levy a water parcel tax to meet the cost of works and services that benefit land within the Municipality; and

WHEREAS certain costs have been or are to be incurred by the Town of Ladysmith in constructing and improving the water system of the Town; and

WHEREAS it is deemed essential and expedient to impose and levy a water parcel tax on land benefiting from such improvements to meet such costs;

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

Definitions

1. In this Bylaw:
"Parcel"

Means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2018 Revised Assessment Roll and all amendments thereto.

"Group of Parcels"

Means where a building or improvement is constructed over more than one parcel of land, those parcels, if contiguous, may be dealt with by the Assessor as one parcel and be assessed accordingly.

Levy

2. A water parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the water system of the Town, or which is deemed to abut on the said water system.
3. The annual water parcel tax shall be in the amount of Three Hundred and Eighty four Dollars (\$384.00) per parcel or group of parcels.
4. The water parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the water parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes.
5. The water parcel tax shall have the same rights and remedies as other real property taxes.
6. Every water parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter*.

Repeal

7. "Water Parcel Tax Bylaw, 2017, No. 1928" is hereby repealed.

Citation

8. This bylaw may be cited as "Water Parcel Tax Bylaw 2018, No. 1958".

READ A FIRST TIME on the 16th day of April, 2018

READ A SECOND TIME on the 16th day of April, 2018

READ A THIRD TIME on the 16th day of April, 2018

ADOPTED on the

Mayor (A. Stone)

Corporate Officer (J. Winter)

TOWN OF LADYSMITH

BYLAW NO. 1959

A bylaw to impose a sewer parcel tax on owners of land in the Town of Ladysmith, pursuant to the provisions of the *Community Charter*.

WHEREAS the Council of the Town of Ladysmith is empowered the *Community Charter* to impose and levy a sewer parcel tax to meet the cost of works and services that benefit land within the Municipality; and

WHEREAS certain costs have or will be incurred by the Town of Ladysmith in constructing and improving the sewer system of the Town; and

WHEREAS it is deemed essential and expedient to impose and levy a sewer parcel tax on land benefitting from such improvements to meet such costs;

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

Definitions

1. In this Bylaw:
"Parcel" Means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2018 Revised Assessment Roll and all amendments thereto.

"Group of Parcels" Means where a building or improvement is constructed over more than one parcel of land, those parcels, if contiguous, may be dealt with by the Assessor as one parcel and be assessed accordingly.

Levy

2. A parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the sewer system of the Town, or which is deemed to abut on the said sewer system.
3. The annual sewer parcel tax shall be in the amount of Two Hundred Ninety-Nine Dollars (\$299.00) per parcel or group of parcels.
4. The sewer parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes.
5. The sewer parcel tax shall have the same rights and remedies as other real property taxes.
6. Every parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter*.

Repeal

7. "Sewer Parcel Tax Bylaw 2017, No. 1927" is hereby repealed.

Citation

8. This bylaw may be cited as "Sewer Parcel Tax Bylaw 2018, No. 1959".

READ A FIRST TIME on the 16th day of April, 2018

READ A SECOND TIME on the 16th day of April, 2018

READ A THIRD TIME on the 16th day of April, 2018

ADOPTED on the

Mayor (A. Stone)

Corporate Officer (J. Winter)