

**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, JUNE 4, 2018
7:00 P.M.**

AGENDA

CALL TO ORDER

1. AGENDA APPROVAL

2. RISE AND REPORT

3. BYLAWS (OFFICIAL COMMUNITY PLAN AND ZONING)

- 3.1. Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 12) 2018, No. 1951
Subject Property: A portion of Lot 4, Plan 45800..... 1 - 2**

Staff Recommendation:

That Council adopt “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 12) 2018, No. 1951”, to rezone a portion of Lot 4, Plan 45800 in order to permit multi-unit residential development, as outlined in the Waterfront Area Plan.

- 3.2. Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 16) 2018, No. 1962
Subject Property: 1280 Rocky Creek Road (Lot 7, District Lot 38, Oyster District, Plan VIP73070)..... 3 - 6**

Staff Recommendation:

That Council:

- 1. Proceed with third reading of Bylaw 1962 cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.16) 2018, No. 1962”.
- 2. Direct staff to refer Bylaw 1962 to the Ministry of Transportation and



Infrastructure pursuant to the *Transportation Act*.

4. PUBLIC HEARING

Outline of Public Hearing Process – Deputy Mayor Hutchins

- 4.1. Public Hearing 1: Zoning Bylaw Amendment Bylaw 1963**
Subject Property: 431 1st Avenue (formerly known as Barb’s Kitchen) -
AYPQ Architecture
Lot 10, Block 10, District Lot 56, Oyster District, Plan 703.....7 - 10
- 4.1.1. Introduction of Bylaws and Statutory Requirements – Director of Development Services**
- 4.1.2. Submissions**
- 4.1.3. Call for Submissions to Council (Three Times) – Deputy Mayor Hutchins**
- 4.1.4. Declaration that the Public Hearing for Bylaw 1963 is Closed – Deputy Mayor Hutchins**
- 4.2. Public Hearing 2: Official Community Plan and Zoning Bylaw Amendment Bylaws 1960 and 1961**
Ladysmith Marina, Rocky Creek Road - D. Strongitharm
Subject Properties:
- **901 Gladden Road** (legally described as Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537)
 - **1301 Rocky Creek Road** (legally described as Lot 1, District Lots 81 and 86, Oyster District, Plan VIP88459)
 - **1251 Rocky Creek Road** (legally described as Lot 2, District Lots 87 and 98, Oyster District, Plan VIP88459)
 - **Provincial Lease Area** (legally described as VIP88459 Block C, District Lot 2054, Cowichan District, Plan EPC721)..... 11 - 21
- 4.2.1. Introduction of Bylaw and Statutory Requirements – Director of Development Services**
- 4.2.2. Short Presentation by the Applicant**
- 4.2.3. Submissions**

4.2.4. Call for Submissions to Council (Three Times) – Deputy Mayor Hutchins

4.2.5. Declaration that the Public Hearing for Bylaws 1960 and 1961 is Closed – Deputy Mayor Hutchins

5. BYLAWS (SUBJECTS OF PUBLIC HEARING)

- 5.1. Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.17) 2018, No.1963
Subject Property: 431 1st Avenue (formerly known as Barb’s Kitchen) 22**

Staff Recommendation:

That Council:

1. Proceed with third reading of Bylaw 1963 cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.17) 2018, No.1963”; and
2. Direct staff to refer Bylaw 1963 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

- 5.2. Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 53) 2018, No. 1960; and
Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 15) 2018, No. 1961
Subject Property: Ladysmith Marina 23 - 30**

Staff Recommendation:

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

1. Proceed with third reading of Bylaw 1960 cited as “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 53) 2018, No. 1960”; and
2. Proceed with third reading of Bylaw 1961 cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 15) 2018, No. 1961”; and
3. Direct staff to refer Bylaw 1961 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

PROCLAMATION

- 5.3. Built Green Day 31**

Mayor Stone has proclaimed June 6, 2018 to be “Built Green Day” in the Town of Ladysmith, British Columbia, reflecting the Town’s dedication to encouraging sustainable development.

6. DEVELOPMENT APPLICATIONS

- 6.1. OCP and Zoning Bylaw Amendment Application**
Subject Property: 900 Russell Road (Lot A, District Lot 67, Oyster District, Plan EPP24148)..... 32 - 66

Staff Recommendation:

That Council

1. Receive the report from the Neighbourhood Information Meeting for the 900 Russell Road rezoning proposal.
2. Proceed with first and second readings of Bylaw 1965, cited as “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 54) 2018, No. 1965.
3. Proceed with first and second readings of Bylaw 1966, cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 18) 2018, No. 1966.”
4. Refer Bylaws 1965 and 1966 to public hearing.
5. Accept the voluntary community amenity contribution of \$9,000 for improvements to the neighbourhood park, which is to be provided prior to the enactment of Bylaw 1966.
6. Direct staff to proceed with the Town’s portion of the road improvement projects associated with the subdivision of 900 Russell Road and a 1.0 metre paved pedestrian path along the frontage between 700 and 900 Russell Road for a total cost up to \$100,000 with funding to come from the Road Development Cost Charges Reserve, Gas Tax Reserve, and Infrastructure Reserve and amend the Financial Plan accordingly.

7. REPORTS - None

8. BYLAWS

- 8.1. Election and Assent Voting Bylaw 1964 67 - 79**

The purpose of Bylaw 1964 is to provide for the determination of various procedures for the conduct of elections and assent voting (referenda).

Staff Recommendation:

That Council adopt “Town of Ladysmith Election and Assent Voting Bylaw 2018, No. 1964”.

9. CORRESPONDENCE

- 9.1. **Ladysmith Chamber of Commerce Annual Golf Tournament Sponsorship Letter 80 - 81**

Staff Recommendation:

That Council:

1. Allocate \$200 to sponsor a hole at the Ladysmith Chamber of Commerce Annual Golf Tournament.
2. Consider entering a team in the tournament.

10. NEW BUSINESS

- 10.1. **Water Treatment Plant Tender (documents to be circulated at the meeting)**

11. UNFINISHED BUSINESS

- 11.1. **Strategic Priorities Funding Agreement (Federal Gas Tax Fund) regarding the Machine Shop Arts, Heritage and Cultural Centre Restoration Project82 - 100**

Staff Recommendation:

That Council:

1. Accept the Strategic Priorities Grant (Federal Gas Tax Fund) for the Machine Shop Arts, Heritage and Cultural Centre Restoration Project.
2. Authorize the Mayor and Corporate Officer to execute the funding agreement.

- 11.2. **Parks, Recreation and Culture Fees and Charges 101 - 121**

Staff Recommendation:

That Council accept the following recommendations from the Parks, Recreation and Culture Advisory Committee:

That Council:

1. Approve the following proposed amendments to Town of Ladysmith Community Centre Facilities Fee and Charges Bylaw 2015 No. 1884, to the Parks, Recreation and Culture Advisory Committee for review and comment:
 - Increase admission and pass fees by two per cent per year, effective September 1, 2018, September 1, 2019 and September 1, 2020 and continue not to charge admission for seniors over the age of eighty and children under the age of three;

- Increase facility rental fees, park permit fees and sport field light fees by two per cent per year, effective September 1, 2018, September 1, 2019 and September 1, 2020;
 - Remove three- and six-month pass options from the Fees and Charges; and
 - Maintain family admission and pass rates at the current level;
 - Add rental fees for the lower recreation space at Frank Jameson Community Centre known as the “rec room” at the same rate as the gymnasium.
2. Direct staff to prepare an amendment to “Town of Ladysmith Community Centre Facilities Fee and Charges Bylaw 2015 No. 1884”

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. 1951

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) Section 4.1 Interpretation is amended by adding a new definitions of Building End and Building Side following the definitions of Building and Building Inspector, as follows:
 - (a) "**BUILDING END**: means any *Building* elevation that is not a *Building Side*."
 - (b) "**BUILDING SIDE**: means the longer dimension of any *Building* elevation and the *Building* elevation opposite."
- (2) Section 10.10 Medium Density Residential (R-3) Zone of Schedule A - Zoning Bylaw Text of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:

(a) Adding a new sub-section (b) to Section 8 "Site Specific Regulations:

"(b) For the *Land* area illustrated in Figure 10.10.1 (the Jewel property), being a part of the *Parcel* legally described as Lot 4, District Lots 8G, 11G, 24 and 56, Oyster District, Plan 45800, except part in Plans VIP64405, VIP71943, and VIP72131, the following site specific regulations shall apply:

- i) Despite section 10.10(4)(c), the maximum number of *Dwelling Units* permitted is 115 units per hectare of *Land* area as shown in Figure 10.10.1, subject to the required off-street parking for the residents of the development being provided underground.
- ii) Despite section 10.10(5)(a):
 - (1) The top floor of a *Principal Building* greater than two storeys in *Height* shall be stepped back a minimum of 3.0 metres on each *Building End*, and a minimum of 1.5 metres on each *Building Side*.
 - (2) A *Principal Building* not located on Transfer Beach Boulevard may exceed a *Height* of 12.0 metres but shall not exceed a *Height* of 18.0 metres (6-Storeys).

FIGURE 10.10.1 PLAN OF "THE JEWEL PROPERTY"



(2) Schedule B - Zoning Bylaw Map of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:

(a) By removing CD-4 (Waterfront Reserve) and placing R-3 (Medium Density Residential) on the location shown as illustrated in Figure 10.10.1.

CITATION

(3) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 12) 2018, No. 1951".

READ A FIRST TIME on the 5th day of March, 2018

READ A SECOND TIME on the 5th day of March, 2018

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

on the 14th day of May, 2018

READ A THIRD TIME on the 14th day of May, 2018

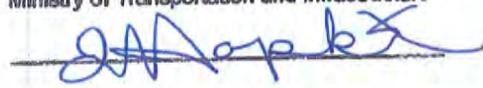
APPROVED BY THE MINISTER OF TRANSPORTATION

 on the 23 day of May, 2018

ADOPTED on the _____ day of _____, 2018

Approved pursuant to section 52(3)(a) of the *Transportation Act*

this 23 day of May, 2018
Ministry of Transportation and Infrastructure



JAMIE LEIGH HOPKINS
A Commissioner for taking affidavits
within the Province of British Columbia
2100 Labieux Road, Nanaimo BC V9T 6E9

Mayor (A. Stone)

Corporate Officer (J. Winter)

STAFF REPORT TO COUNCIL

From: Angela Davies, Planner
 Meeting Date: June 4, 2018
 File No: 3360-18-06
 RE: **BYLAW 1962**
1280 ROCKY CREEK ROAD (J. BASI, TRT HOLDINGS)
 Subject Property: **LOT 7, DISTRICT LOT 38, OYSTER DISTRICT, PLAN VIP73070**

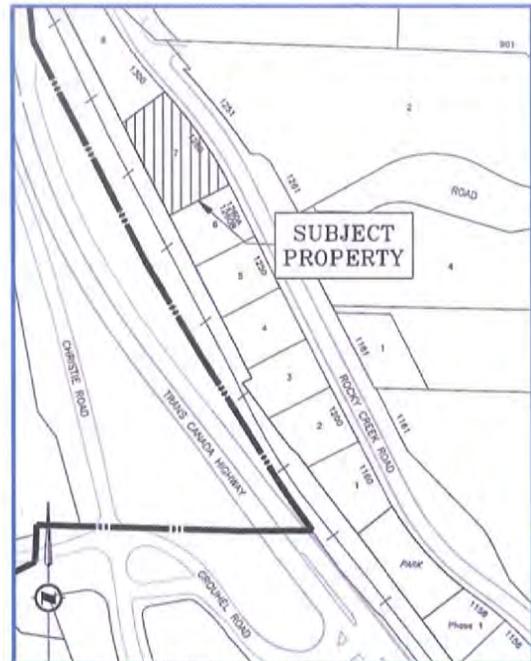
RECOMMENDATION:

That Council:

1. Proceed with third reading of Bylaw 1962 cited as "Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.16) 2018, No. 1962"; and
2. Direct staff to refer Bylaw 1962 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 1962; and 2) direct staff to refer Bylaw 1962 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.



PREVIOUS COUNCIL DIRECTION

Resolution	Meeting Date	Resolution Details
CS 2018-134	May 7, 2018	<p>That Council:</p> <ol style="list-style-type: none"> 1. Proceed with first and second reading of Bylaw 1962 cited as "Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.16) 2018, No. 1962". 2. Waive the holding of the public hearing pursuant to Section 464(2) of the <i>Local Government Act</i>. 3. Direct staff to proceed with notification of the waiver of public hearing as required by the <i>Local Government Act</i> and the <i>Procedures Bylaw</i>.



CS 2018-106	April 16, 2018	<p>That Council:</p> <ol style="list-style-type: none"> 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. 3. Direct staff to waive: <ol style="list-style-type: none"> a) The referral of zoning bylaw amendment application 3360-18-06 to the Advisory Planning Commission. b) The requirement for a public information meeting and public hearing.
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INTRODUCTION/BACKGROUND:

The current stage of this application is to: 1) consider third reading of Bylaw 1962; and 2) receive direction to refer Bylaw 1962 to the Ministry of Transportation and Infrastructure.

Bylaw 1962

Bylaw 1962 proposes to amend the Zoning Bylaw by permitting 'Marshalling Yard' as a site specific accessory use at 1280 Rocky Creek Road subject to the Marshalling Yard area having a hard surface of asphalt or similar and being graded to contain and dispose of surface water with an oil/water separator.

'Marshalling Yard' 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.

ALTERNATIVES:

That Council not proceed with Bylaw 1962.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

Referral to the Ministry of Transportation and Infrastructure (MOTI) will be required for Bylaw 1962 as the subject property is within 800 metres of a controlled access highway. Following approval by MOTI, Bylaw 1962 would be presented to Council for consideration of adoption.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Notification regarding the waiver of public hearing was mailed and delivered to the neighbourhood and published in two consecutive issues of the local newspaper (s.467 of the *Local Government Act*) on May 23 and 30, 2018. A notification sign was posted on the property advising of the proposed amendment to the Zoning Bylaw and waiver of public hearing. No written submissions have been received to date.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

None.

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

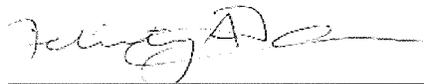
ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

It is recommended that Council 1) consider third reading of Bylaw 1962, and 2) direct staff to refer Bylaw 1962 to the Ministry of Transportation and Infrastructure.

Reviewed By

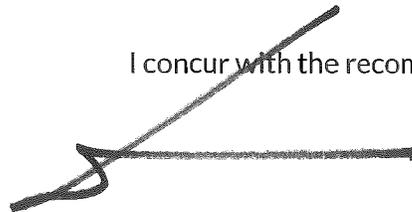


Felicity Adams, Director of Development Services

May 28, 2018

Date Signed

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

Bylaw 1962

TOWN OF LADYSMITH

BYLAW NO. 1962

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 the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

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

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

(a) Section 12.2(9) “Site Specific Regulations” is amended by adding the following to the end of Section 12.2(9):

“(c) For the *Parcel* legally described as Lot 7, District Lot 38, Oyster District, Plan VIP73070 (1280 Rocky Creek Road), *Marshalling Yard* is a permitted *Accessory Use* subject to the *Marshalling Yard* area having a hard surface of asphalt or similar and being graded to contain and dispose of surface water with an oil/water separator.”

CITATION

(2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 16) 2018, No. 1962".

READ A FIRST TIME on the 7th day of May, 2018

READ A SECOND TIME on the 7th day of May, 2018

PUBLIC HEARING waived pursuant to s.464(2) of the Local Government Act

on the 7th day of May, 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)

STAFF REPORT TO COUNCIL

From: Lisa Brinkman, Senior Planner
 Meeting Date: June 4, 2018
 File No: 3360-18-07
**RE: Zoning Amendment Application – AYPQ Architecture – 431 First Ave.
 Subject Property: Lot 10, Block 10, District Lot 56, Oyster District, Plan 703**

(except that part lying to the north west of a line drawn parallel to the north westerly boundary from a point on the south westerly boundary distant 63 feet from the most westerly corner thereof).

RECOMMENDATION:

That Council:

1. Proceed with third reading of Bylaw 1963 cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.17) 2018, No.1963”.
2. Direct staff to refer Bylaw 1963 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 third reading of Bylaw 1963; and to direct staff to refer Bylaw 1963 to the Ministry of Transportation and Infrastructure.

PREVIOUS COUNCIL DIRECTION

Resolution	Meeting Date	Resolution Details
CS 2018-129	May 7, 2018	That Council: <ol style="list-style-type: none"> 1. Proceed with first and second reading of Bylaw 1963, cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 17) 2018, No. 1963” under the Bylaws portion of this agenda. 2. Refer Bylaw 1963 to public hearing. 3. Issue Development Permit (DP) 3060-18-03 for: <ol style="list-style-type: none"> a) form and character of site and building improvements at 431 1st Ave; b) reducing off-street parking spaces for residential use at 431 1st Ave. pursuant to DPA 1 guideline 11 (e), and authorize the Mayor and Corporate Officer to sign the Development Permit. 4. Authorize the Town to enter into an Encroachment Agreement with the property owner for the purpose of allowing: a) an exterior covered staircase to be located in the lane to access the second storey of the building at 431 1st Avenue; b) a restaurant kitchen vent to be located over the lane a minimum of 3 metres above lane grade; c) front window canopies; and authorize the Mayor and Corporate Officer to sign the Encroachment Agreement. 5. Direct staff to issue a ‘Highway Use Permit” (Schedule D Bylaw 1309) for improvements to a portion of the lane adjacent to the First Avenue sidewalk subject to the applicant providing engineering for the proposed works.



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 1963; and 3) receive direction to refer Bylaw 1963 to the Ministry of Transportation and Infrastructure.

Bylaw 1963

Bylaw 1963 proposes a site specific amendment to the Zoning Bylaw to permit a maximum of four dwelling units at 431 First Avenue, and each one bedroom dwelling unit shall have a minimum finished floor area of 32m² (344ft²).

Summary of Zoning Amendment Application for 431 First Ave.

	Current	Proposed
Official Community Plan	Downtown Core	Downtown Core
Development Permit Area (DPA)	Downtown DPA2 Multi-Unit Residential (DPA 4)	Downtown DPA2 Multi-Unit Residential (DPA 4)
Zoning Bylaw	Downtown Commercial (C-2) <i>(two dwelling units)</i>	Downtown Commercial (C-2) <i>Site specific amendment to permit four dwelling units at 431 First Ave. and each one bedroom dwelling unit shall have a minimum finished floor area of 32m² (344ft²).</i>

ALTERNATIVES:

Council can choose to not proceed with Bylaw 1963.

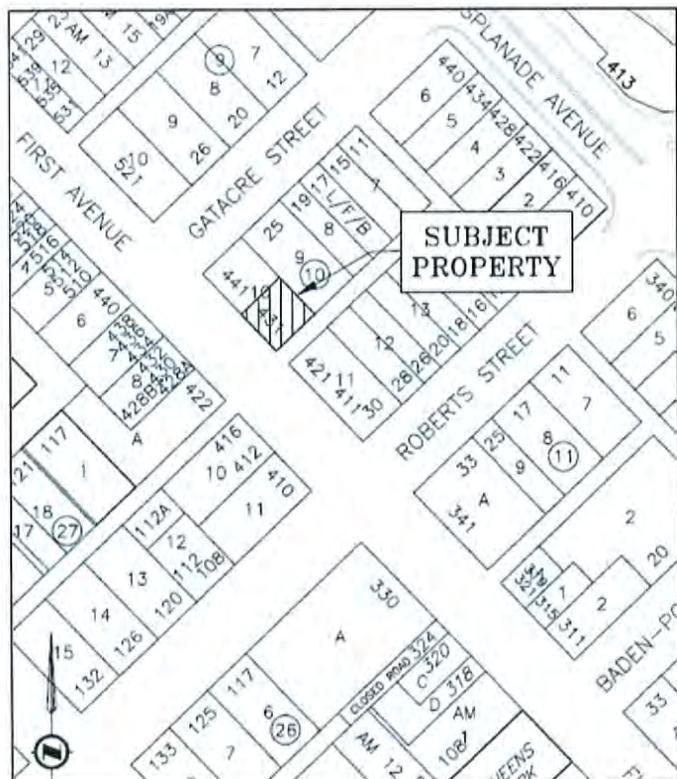
FINANCIAL IMPLICATIONS:

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 1963 as the subject property is within 800 metres of a controlled access highway. Following approval by MOTI Bylaw 1963 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 May 23 and May 30, 2018.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

None.

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 third reading of Bylaw 1963; and 3) direct staff to refer Bylaw 1963 to the Ministry of Transportation and Infrastructure.

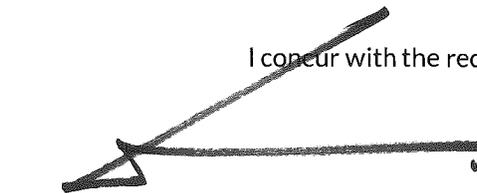
Reviewed by:



May 28, 2018

Felicity Adams, Director of Development Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

Bylaw 1963

TOWN OF LADYSMITH

BYLAW NO. 1963

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) Section 11.2 Downtown Commercial (C-2) Zone of Schedule A - Zoning Bylaw Text of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:

(a) Adding a new sub-section (f) to Section 10 "Site Specific Regulations:

"(f) For the *Parcel* legally described as Lot 10, Block 10, District Lots 56, Oyster District, Plan 703, except that part lying to the north west of a line drawn parallel to the north westerly boundary from a point on the south westerly boundary distant 63 feet from the most westerly corner thereof (431 First Avenue) the following site specific regulations shall apply:

- i) Despite Section 11.2(4)(a), the minimum *Finished Floor Area* for a one bedroom *Dwelling Unit* shall be 32.0 square metres.
ii) Despite Section 11.2(4)(b), the maximum number of *Dwelling Units* permitted is four.

CITATION

(2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 17) 2018, No. 1963".

READ A FIRST TIME on the 7th day of May, 2018

READ A SECOND TIME on the 7th day of May, 2018

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

on the day of, 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)

STAFF REPORT TO COUNCIL

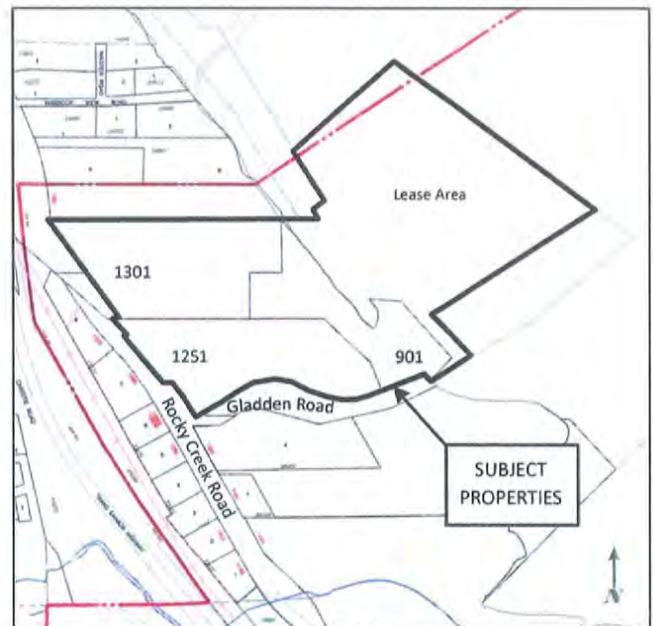
From: Lisa Brinkman, Senior Planner
 Meeting Date: June 4, 2018
 File No: 3360-18-03
 RE: **OCP & ZONING BYLAW AMENDMENT APPLICATION**
Ladysmith Marina – D. Strongitharm – Rocky Creek Rd.

Subject Properties:
 Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537 (901 Gladden Road)
 Lot 1, District Lots 81 and 86, Oyster District, Plan VIP88459 (1301 Rocky Creek Road)
 Lot 2, District Lots 87 and 98, Oyster District, Plan VIP88459 (1251 Rocky Creek Road)
 Block C, District Lot 2054, Cowichan District, Plan EPC721 (Provincial lease area)

RECOMMENDATION:

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

1. Proceed with third reading of Bylaw 1960 cited as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 53) 2018, No. 1960"; and
2. Proceed with third reading of Bylaw 1961 cited as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 15) 2018, No. 1961".
3. Direct staff to refer Bylaw 1961 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 1960 and Bylaw 1961; and 2) Direct staff to refer Bylaw 1961 to the Ministry of Transportation and Infrastructure.

PREVIOUS COUNCIL DIRECTION

Resolution	Meeting Date	Resolution Details
CS 2018-133	May 7, 2018	That Council: 1. Proceed with first and second reading of: a) Bylaw 1960 cited as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 53) 2018, No. 1960"; and b) Bylaw 1961 cited as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 15) 2018, No. 1961". 2. Refer Bylaw 1960 and 1961 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 1960 and Bylaw 1961; and 3) receive direction to refer Bylaw 1961 to the Ministry of Transportation.

Bylaw 1960

Bylaw 1960 proposes to amend Section 3.8.1 of the OCP text by adding the words “and associated upland” in the description of the Waterfront Land Use Designation to reflect that land and water areas may be designated Waterfront.

Bylaw 1960 proposes to amend OCP Map 1 - Land Use by:

- a) Removing the ‘Local Commercial and ‘Industrial’ designation and placing the ‘Single Family Residential designation on portions of Lot A, Plan EPP35537 and Lot 2, Plan VIP 88459 such that proposed Lot A (4.7 ha) is fully designated ‘Single Family Residential’.
- b) Removing the ‘Industrial’ and ‘Local Commercial’ designations and placing the ‘Waterfront’ designation on portions of Lot A, Plan EPP35537 and Lot 2, Plan VIP88459 such that the uses occurring at the Ladysmith Marina are correctly designated.

Bylaw 1960 also proposes to amend OCP Map 2 – Development Permit Areas by:

- a) Removing DPA 1 and DPA 5 from the single family residential designated areas;
- b) Adding DPA 5 Industrial to areas designated Industrial; and
- c) Adding DPA 1 Waterfront to the Ladysmith Marina area designated ‘Waterfront’.

Bylaw 1961

Bylaw 1961 proposes to amend the Zoning Bylaw by:

- a) Adding a definition for ‘marina office’.
- b) Amending the Tourist Service Commercial (C-4) zone by adding principal use ‘marina office with assembly use’; and accessory uses ‘boat launch’ and the ‘storage of marine fuel tanks’ as site specific permitted uses for the C-4 zoned portion of the Ladysmith Marina.
- c) Amending the Light Industrial (I-1) zone by adding ‘marine sales and service’ as a principal permitted use.
- d) Amending the Light Industrial (I-1) zone by adding the principal uses ‘Storage Yard for Boats and Boat Houses’ and ‘Boat House Construction’, and accessory use ‘retail sales,’ as site specific permitted uses for the I-1 zoned portion of the Ladysmith Marina land.
- e) Amending the Zoning Map by adding the zone Single Dwelling Residential – Small Lot B (R-1-B) to a portion of proposed Lot A ; adding the C-4 zone to the existing Ladysmith Marina operations; and by changing a portion of proposed Lot B from Industrial (I-2) to Light Industrial (I-1).

ALTERNATIVES:

Council can choose to not proceed with Bylaw 1960 and Bylaw 1961.

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 1961 as the subject property is within 800 metres of a controlled access highway. Following

approval by MOTI Bylaw 1960 and 1961 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 May 23 and May 30, 2018.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

None.

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 1960 and Bylaw 1961; and 3) direct staff to refer Bylaw 1961 to the Ministry of Transportation and Infrastructure.

Reviewed by:

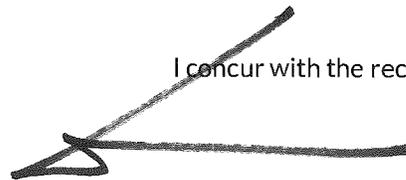


Felicity Adams, Director of Development Services

May 28, 2018

Date

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

- Bylaw 1960
- Bylaw 1961

TOWN OF LADYSMITH

BYLAW NO. 1960

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 I" 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. 53) 2018, No. 1960".

READ A FIRST TIME on the 7th day of , May 2018

READ A SECOND TIME on the 7th day of , May 2018

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

on the day of , 2018

READ A THIRD TIME on the day of, 2018

ADOPTED on the day of , 2018

Mayor (A. Stone)

Corporate Officer (J. Winter)

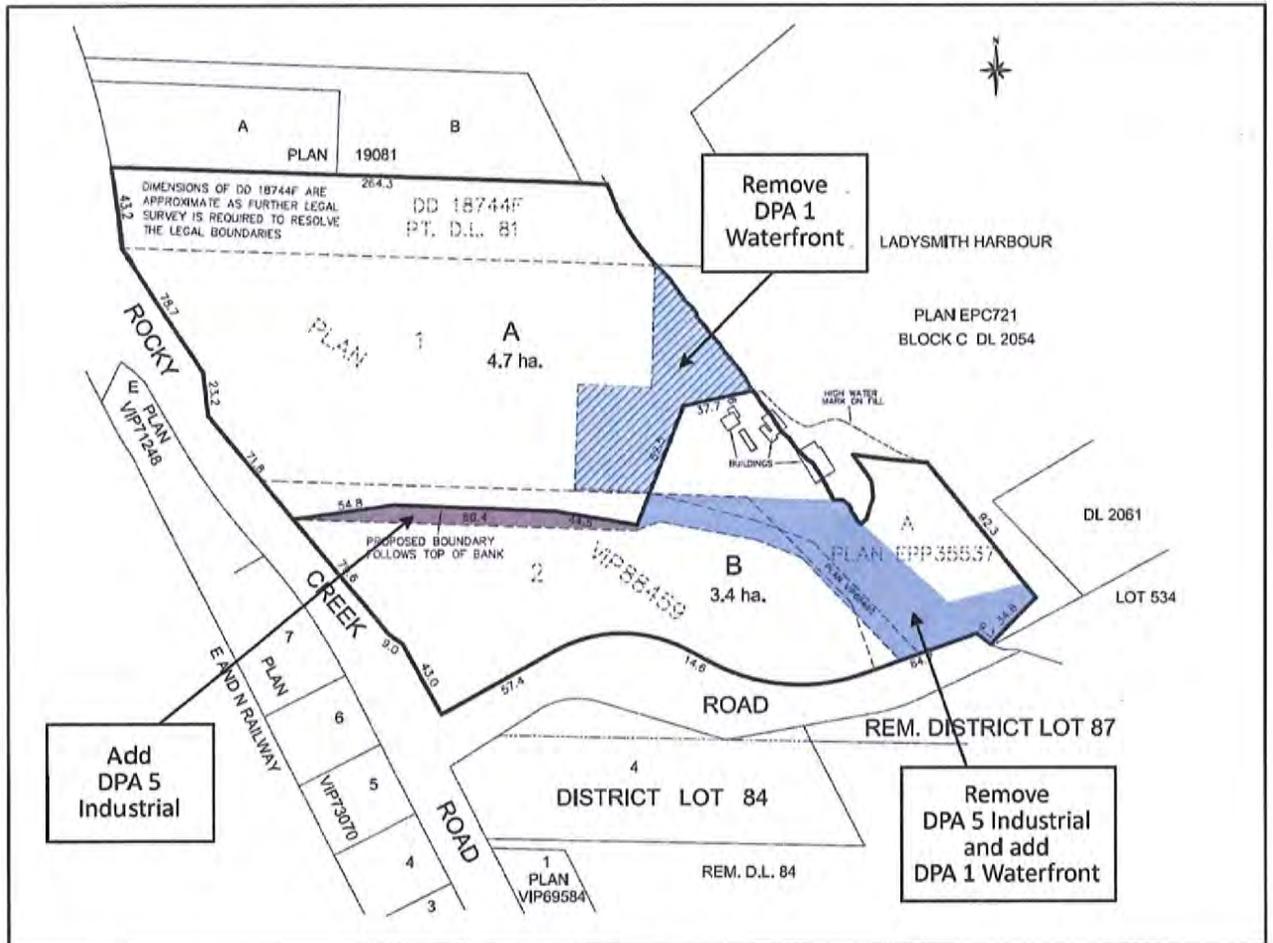
Bylaw No. 1960 – Schedule I

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

1. Amending Section 3.8.1 “Land Use Designations - Waterfront” by deleting the first sentence in the paragraph and replacing it with the following sentence:

“The Waterfront designation is applied to ocean and foreshore areas of the Ladysmith harbour and associated upland and is intended to provide for a range of marine oriented uses.”
2. Official Community Plan “Map 1 – Land Use” is amended by:
 - a) Removing “Local Commercial” and “Industrial” land use designations and placing the “Single Family Residential” land use designation on portions of the subject properties legally described as Lot A, District Lots 81, 86, 87, 98 Oyster District and District Lot 2054 Cowichan District, Plan EPP35537 and Lot 2, District Lots 87 and 98, Oyster District, Plan VIP88459 as shown on Schedule II attached to and forming part of this Bylaw.
 - b) Removing the “Local Commercial” and “Industrial” land use designation and placing the “Waterfront” land use designation on portions of the subject properties legally described as Lot A, District Lots 81, 86, 87, 98 Oyster District and District Lot 2054 Cowichan District, Plan EPP35537; Lot 2, District Lots 87 and 98, Oyster District, Plan VIP88459; and Block C, District Lot 2054, Cowichan District, Plan EPC721 as shown on Schedule II attached to and forming part of this Bylaw.
3. Official Community Plan “Map 2 – Development Permit Areas” is amended by:
 - a) Removing “DPA 1” from a portion of the subject property legally described as Lot A, District Lots 81, 86, 87, 98 Oyster District and District Lot 2054 Cowichan District, Plan EPP35537 as shown on Schedule III attached to and forming part of this Bylaw.
 - b) Removing “DPA 5” and placing “DPA 1” on portions of the subject properties legally described as Lot A, District Lots 81, 86, 87, 98 Oyster District and District Lot 2054 Cowichan District, Plan EPP35537 and Lot 2, District Lots 87 and 98, Oyster District, Plan VIP88459 as shown on Schedule III attached to and forming part of this Bylaw.
 - c) Placing “DPA 5” on a portion of the subject property legally described as Lot 2, District Lots 87 and 98, Oyster District, Plan VIP88459 as shown on Schedule III attached to and forming part of this Bylaw.

Bylaw No. 1960 - Schedule III



TOWN OF LADYSMITH

BYLAW NO. 1961

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

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

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

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

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

(a) Section 4.1 is hereby amended as follows:

(i) Add a definition for “Marina Office” following the definition of “Marina” as follows:

“MARINA OFFICE: means premises used for the administrative functions of a *Marina* including charter, rental and boat brokerage services; and marine sales and service.”

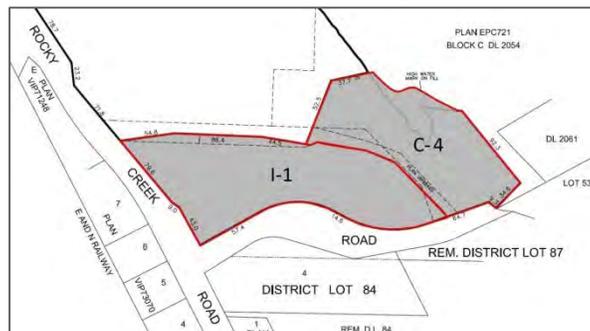
(b) Section 11.4 “Tourist Service Commercial (C-4)” is amended as follows:

(i) Section 11.4(8) “Other Regulations” is amended by adding the following to the end of Section 11.4(8):

“b) The following additional *Uses* are permitted on the C-4 zoned portion of the parcel illustrated in Figure 11.4.1: 1251 Rocky Creek Road:

1. Principal Uses
 - i) *Marina Office*, including *Assembly Use*
2. Accessory Uses
 - i) *Boat Launch*
 - ii) Marine fuel storage tanks for a *Marine Fuel Supply Station* on Block C, District Lot 2054, Cowichan District, Plan EPC721”

FIGURE 11.4.1: 1251 Rocky Creek Road



(c) Section 12.2 “Light Industrial (I-1)” is amended as follows:

(i) Section 12.2(1) “Principal Uses” is amended by adding the following to the end of Section 12.2(1):

“e) Marine Sales and Service”

(ii) Section 12.2(9) “Site Specific Regulations” is amended by adding the following to the end of Section 12.2(9):

“b) The following additional *Uses* are permitted on the I-1 zoned portion of the parcel illustrated in Figure 12.1.1 1251 Rocky Creek Road:

1. Principal Uses

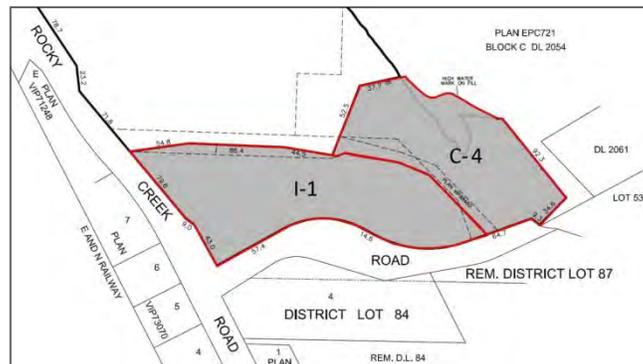
i) Storage for *Boats* and *Boathouses*; and

ii) *Boathouse* Construction.

2. Accessory Uses

i) *Retail Sales*

FIGURE 12.1.1: 1251 Rocky Creek Road



(d) Schedule B - Zoning Bylaw Map of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:

(a) By removing C-4 (Tourist Service Commercial) and placing R-1-B (Single Dwelling Residential - Small Lot B) on a portion of the property legally described as Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537 as shown on Schedule I attached to and forming part of this Bylaw.

(b) By removing I-1 (Light Industrial) and placing R-1-B (Single Dwelling Residential - Small Lot B) on a portion of the property legally described as Lot 2, District Lot 87 & 98, Oyster District, Plan VIP88459 as shown on Schedule I attached to and forming part of this Bylaw.

(c) By removing W-2 (Marina) and I-2 (Industrial) and placing C-4 (Tourist Service Commercial) on portions of the properties legally described as Lot 2, District Lot 87 and 98, Oyster District, Plan VIP88459; Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537; and Block C, District Lot 2054, Cowichan District, Plan EPC721 as shown on Schedule I attached to and forming part of this Bylaw.

(d) By removing I-2 (Industrial) and placing I-1 (Light Industrial) on portions of the properties legally described as Lot 2, District Lot 87 and 98, Oyster District, Plan VIP88459 and Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537 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. 15) 2018, No. 1961".

READ A FIRST TIME on the 7th day of May , 2018

READ A SECOND TIME on the 7th day of May , 2018

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

on the day of , 2018

READ A THIRD TIME on the day of , 2018

APPROVED BY THE MINISTER OF TRANSPORTATION

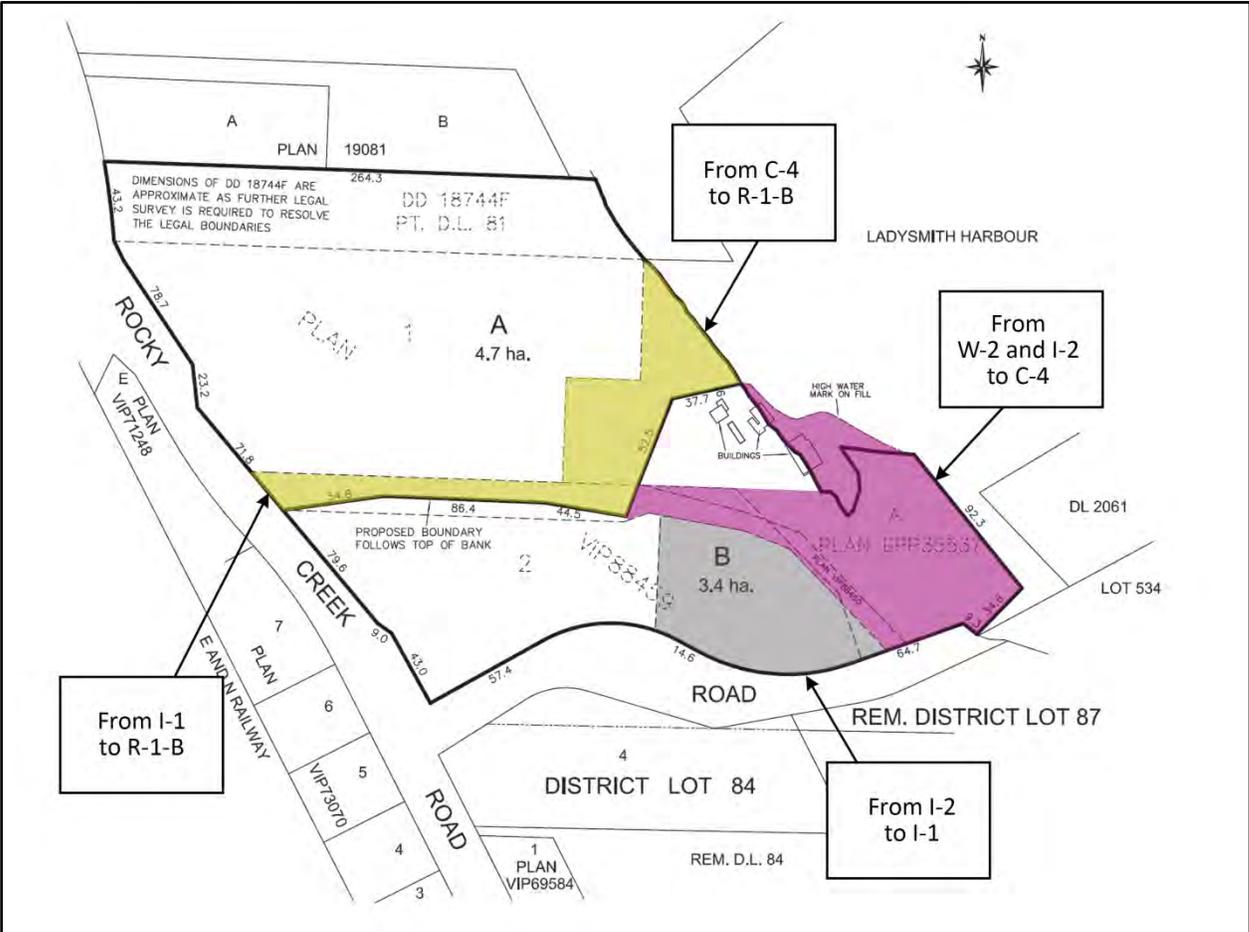
on the day of , 2018

ADOPTED on the day of , 2018

Mayor (A. Stone)

Corporate Officer (J. Winter)

Bylaw No. 1961 - Schedule I



TOWN OF LADYSMITH

BYLAW NO. 1963

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) Section 11.2 Downtown Commercial (C-2) Zone of Schedule A - Zoning Bylaw Text of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:

(a) Adding a new sub-section (f) to Section 10 "Site Specific Regulations:

"(f) For the Parcel legally described as Lot 10, Block 10, District Lots 56, Oyster District, Plan 703, except that part lying to the north west of a line drawn parallel to the north westerly boundary from a point on the south westerly boundary distant 63 feet from the most westerly corner thereof (431 First Avenue) the following site specific regulations shall apply:

- i) Despite Section 11.2(4)(a), the minimum Finished Floor Area for a one bedroom Dwelling Unit shall be 32.0 square metres.
ii) Despite Section 11.2(4)(b), the maximum number of Dwelling Units permitted is four.

CITATION

(2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 17) 2018, No. 1963".

READ A FIRST TIME on the 7th day of May, 2018

READ A SECOND TIME on the 7th day of May, 2018

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

on the day of, 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)

TOWN OF LADYSMITH

BYLAW NO. 1960

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 I" 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. 53) 2018, No. 1960".

READ A FIRST TIME on the 7th day of , May 2018

READ A SECOND TIME on the 7th day of , May 2018

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

on the day of , 2018

READ A THIRD TIME on the day of, 2018

ADOPTED on the day of , 2018

Mayor (A. Stone)

Corporate Officer (J. Winter)

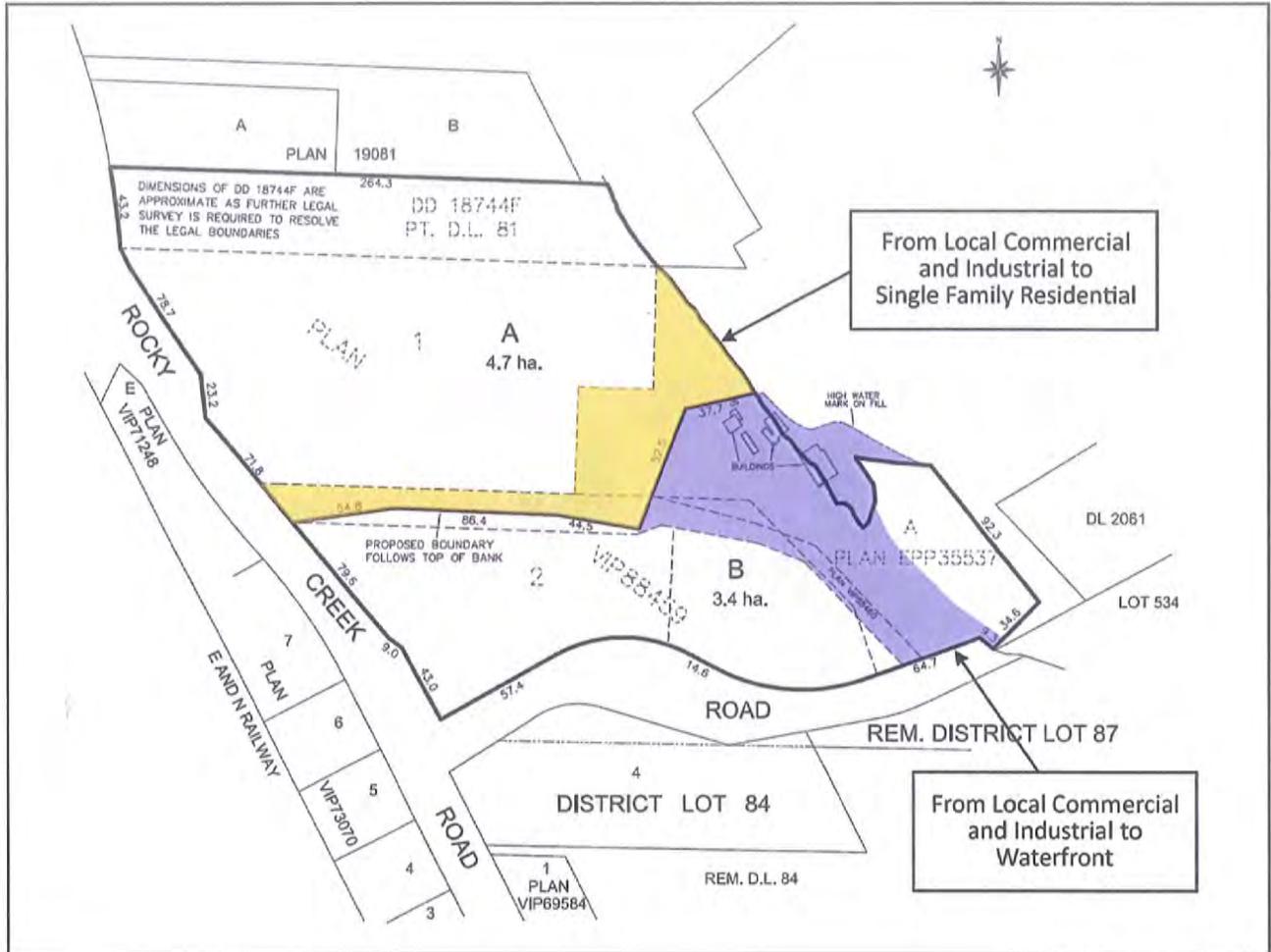
Bylaw No. 1960 – Schedule I

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

1. Amending Section 3.8.1 “Land Use Designations - Waterfront” by deleting the first sentence in the paragraph and replacing it with the following sentence:

“The Waterfront designation is applied to ocean and foreshore areas of the Ladysmith harbour and associated upland and is intended to provide for a range of marine oriented uses.”
2. Official Community Plan “Map 1 – Land Use” is amended by:
 - a) Removing “Local Commercial” and “Industrial” land use designations and placing the “Single Family Residential” land use designation on portions of the subject properties legally described as Lot A, District Lots 81, 86, 87, 98 Oyster District and District Lot 2054 Cowichan District, Plan EPP35537 and Lot 2, District Lots 87 and 98, Oyster District, Plan VIP88459 as shown on Schedule II attached to and forming part of this Bylaw.
 - b) Removing the “Local Commercial” and “Industrial” land use designation and placing the “Waterfront” land use designation on portions of the subject properties legally described as Lot A, District Lots 81, 86, 87, 98 Oyster District and District Lot 2054 Cowichan District, Plan EPP35537; Lot 2, District Lots 87 and 98, Oyster District, Plan VIP88459; and Block C, District Lot 2054, Cowichan District, Plan EPC721 as shown on Schedule II attached to and forming part of this Bylaw.
3. Official Community Plan “Map 2 – Development Permit Areas” is amended by:
 - a) Removing “DPA 1” from a portion of the subject property legally described as Lot A, District Lots 81, 86, 87, 98 Oyster District and District Lot 2054 Cowichan District, Plan EPP35537 as shown on Schedule III attached to and forming part of this Bylaw.
 - b) Removing “DPA 5” and placing “DPA 1” on portions of the subject properties legally described as Lot A, District Lots 81, 86, 87, 98 Oyster District and District Lot 2054 Cowichan District, Plan EPP35537 and Lot 2, District Lots 87 and 98, Oyster District, Plan VIP88459 as shown on Schedule III attached to and forming part of this Bylaw.
 - c) Placing “DPA 5” on a portion of the subject property legally described as Lot 2, District Lots 87 and 98, Oyster District, Plan VIP88459 as shown on Schedule III attached to and forming part of this Bylaw.

Bylaw No. 1960 - Schedule II



TOWN OF LADYSMITH

BYLAW NO. 1961

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

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

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

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

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

(a) Section 4.1 is hereby amended as follows:

(i) Add a definition for “Marina Office” following the definition of “Marina” as follows:

“MARINA OFFICE: means premises used for the administrative functions of a *Marina* including charter, rental and boat brokerage services; and marine sales and service.”

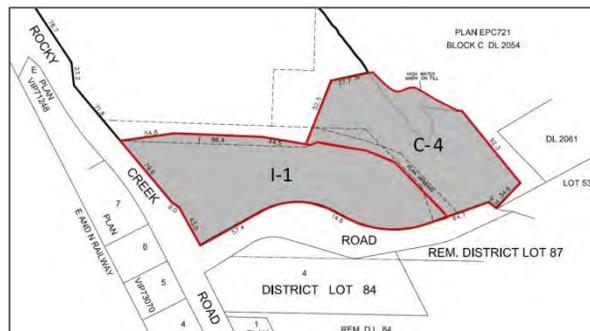
(b) Section 11.4 “Tourist Service Commercial (C-4)” is amended as follows:

(i) Section 11.4(8) “Other Regulations” is amended by adding the following to the end of Section 11.4(8):

“b) The following additional *Uses* are permitted on the C-4 zoned portion of the parcel illustrated in Figure 11.4.1: 1251 Rocky Creek Road:

1. Principal Uses
 - i) *Marina Office*, including *Assembly Use*
2. Accessory Uses
 - i) *Boat Launch*
 - ii) Marine fuel storage tanks for a *Marine Fuel Supply Station* on Block C, District Lot 2054, Cowichan District, Plan EPC721”

FIGURE 11.4.1: 1251 Rocky Creek Road



(c) Section 12.2 “Light Industrial (I-1)” is amended as follows:

(i) Section 12.2(1) “Principal Uses” is amended by adding the following to the end of Section 12.2(1):

“e) Marine Sales and Service”

(ii) Section 12.2(9) “Site Specific Regulations” is amended by adding the following to the end of Section 12.2(9):

“b) The following additional *Uses* are permitted on the I-1 zoned portion of the parcel illustrated in Figure 12.1.1 1251 Rocky Creek Road:

1. Principal Uses

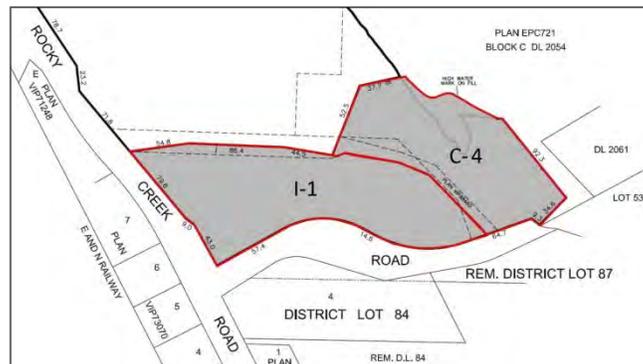
i) Storage for *Boats* and *Boathouses*; and

ii) *Boathouse* Construction.

2. Accessory Uses

i) *Retail Sales*

FIGURE 12.1.1: 1251 Rocky Creek Road



(d) Schedule B - Zoning Bylaw Map of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:

(a) By removing C-4 (Tourist Service Commercial) and placing R-1-B (Single Dwelling Residential - Small Lot B) on a portion of the property legally described as Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537 as shown on Schedule I attached to and forming part of this Bylaw.

(b) By removing I-1 (Light Industrial) and placing R-1-B (Single Dwelling Residential - Small Lot B) on a portion of the property legally described as Lot 2, District Lot 87 & 98, Oyster District, Plan VIP88459 as shown on Schedule I attached to and forming part of this Bylaw.

(c) By removing W-2 (Marina) and I-2 (Industrial) and placing C-4 (Tourist Service Commercial) on portions of the properties legally described as Lot 2, District Lot 87 and 98, Oyster District, Plan VIP88459; Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537; and Block C, District Lot 2054, Cowichan District, Plan EPC721 as shown on Schedule I attached to and forming part of this Bylaw.

(d) By removing I-2 (Industrial) and placing I-1 (Light Industrial) on portions of the properties legally described as Lot 2, District Lot 87 and 98, Oyster District, Plan VIP88459 and Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537 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. 15) 2018, No. 1961".

READ A FIRST TIME on the 7th day of May, 2018

READ A SECOND TIME on the 7th day of May, 2018

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

on the day of, 2018

READ A THIRD TIME on the day of, 2018

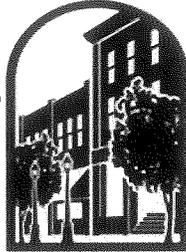
APPROVED BY THE MINISTER OF TRANSPORTATION

on the day of, 2018

ADOPTED on the day of, 2018

Mayor (A. Stone)

Corporate Officer (J. Winter)



LADYSMITH

TOWN OF LADYSMITH

PROCLAMATION

BUILT GREEN DAY

WHEREAS: The Town of Ladysmith is committed to sustainable growth and responsible stewardship of our natural environment; and

WHEREAS: Built Green Canada is a national organization that advocates for sustainable environmental practices in the residential building sector; and

WHEREAS: Built Green Canada delivers programs to assist builders in building more sustainably using the latest technologies to create healthier, more efficient and durable homes; and

WHEREAS: the Town of Ladysmith is dedicated to protecting our natural resources and encouraging sustainable development;

THEREFORE, I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim June 6, 2018 as "Built Green Day" in the town of Ladysmith, British Columbia.

Mayor A. Stone

June 1, 2018

STAFF REPORT TO COUNCIL

From: Lisa Brinkman, Senior Planner
 Meeting Date: June 4, 2018
 File No: 3360-18-04
 RE: **OCP and ZONING BYLAW AMENDMENT APPLICATION**
 Subject Property: 900 Russell Rd. (Lot A, District Lot 67, Oyster District, Plan EPP24148)

RECOMMENDATION:

That Council:

1. Receive the report from the Neighbourhood Information Meeting for 900 Russell Road rezoning proposal.
2. Proceed with first and second reading of Bylaw 1965 cited as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.54) 2018, No. 1965."
3. Proceed with first and second reading of Bylaw 1966 cited as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.18) 2018, No.1966."
4. Refer Bylaws 1965 and 1966 to public hearing.
5. Accept the voluntary community amenity contribution of \$9000 for improvements to the neighbourhood park which is to be provided prior to the enactment of Bylaw 1966.
6. Direct staff to proceed with the Town's portion of the road improvement projects associated with the subdivision of 900 Russell Road and a 1.0m paved pedestrian path along the frontage between 700 and 900 Russell Road for a total cost up to \$100,000 with funding to come from Road DCC Reserve, Gas Tax Reserve, and Infrastructure Reserve and amend the Financial Plan accordingly.

PURPOSE:

The purpose of this staff report is to present Official Community Plan (OCP) amending Bylaw 1965 and Zoning Amending Bylaw 1966; and to report on consultation, land use matters and the community amenity contribution.

PREVIOUS COUNCIL DIRECTION

Resolution	Meeting Date	
CS-2018-130	May 7, 2018	That Council: 1. Consider the application (3360-17-01) to amend: a) The Official Community Plan (OCP) by placing the "Parks and Open Spaces" designation on the dedicated parkland. b) The Zoning Bylaw by changing the zoning of a portion of the property at 900 Russell Road from 'Single Dwelling Residential' (R-1) to 'Single Dwelling Residential - Small Lot A' (R-1-A) and to add park zoning. for the property legally described as Lot A, District Lot 67, Oyster District, Plan EPP24148.



	<p>2. Having given consideration to s.475 of the Local Government Act (consultation during OCP development) direct staff to refer the proposed OCP amendment (3360-18-04) to the Stz'uminus First Nation, pursuant to the Town's Memorandum of Understanding.</p> <p>3. Direct staff to work with the applicant regarding land use matters and a community amenity contribution; commence the preparation of the Official Community Plan (OCP) amendment bylaw and the Zoning Bylaw amendment bylaw for application 3360-18-04, and report the results of the Neighbourhood Information meeting to Council.</p>
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INTRODUCTION/BACKGROUND:

The current stage of this rezoning application is to present OCP amending Bylaw 1965 and Zoning amending Bylaw 1966 and to report on consultation, land use matters and the community amenity contribution.

Bylaw 1965

Bylaw 1965 proposes to amend the Official Community Plan Map 1 'Land Use' by designating a 0.5 ha (1.4 acres) portion of the subject property from 'Single Family Residential' to 'Parks and Open Spaces'.

Bylaw 1966

Bylaw 1966 proposes to amend the Zoning Bylaw Map by placing the 'Single Dwelling Residential - Small Lot A (R-1-A)' Zone and the 'Parks and Open Spaces (P-2)' Zone on portions of the subject property as shown in the map below.

ALTERNATIVES:

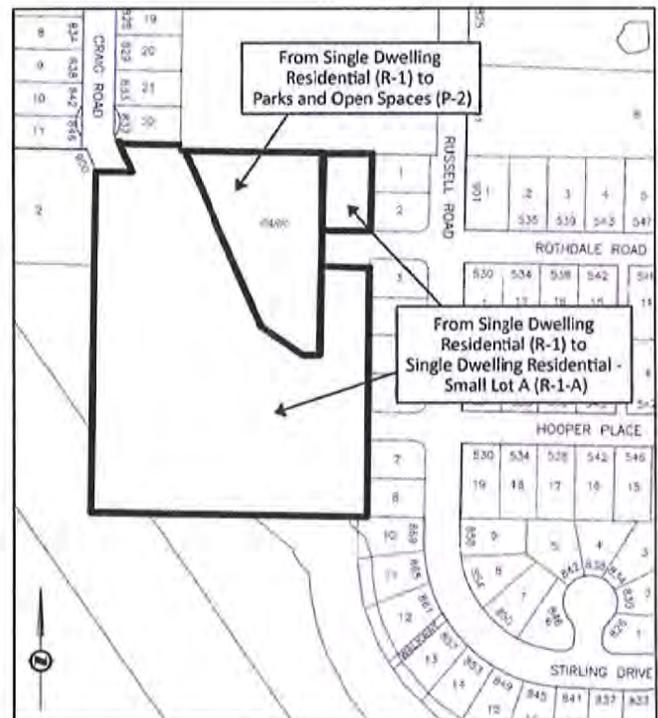
Council can choose to not proceed with Bylaw readings and provide additional direction to staff.

FINANCIAL IMPLICATIONS:

The Russell Road improvements shown in the attached map and described in the 'Traffic Concerns / Road Network' section of this report is in the Town's current Roads DCC program. It is estimated that the project will cost up to \$100,000. Being a DCC project, the Town may draw \$67,000 from the Road DCC program for funding. The remaining funds could come from the Gas Tax Reserve and the Infrastructure Reserve.

LEGAL IMPLICATIONS:

The subject properties are located within 800 metres of a controlled access highway, thus



Bylaw 1966 must be referred to the Ministry of Transportation and Infrastructure for approval following third reading.

Also, if the application proceeds a public hearing will be required.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The proposed OCP amendment was sent by mail to the Stz'uminus First Nation for consideration. The bylaw referral is scheduled to be on the agenda of the next meeting of the Naut 'sa Mawt Steering Committee.

A neighbourhood information meeting was held by the applicant on May 16, 2018. A neighbourhood information meeting report is attached to this report. The following section summarizes the land use matters.

Traffic Concerns / Road Network

In 2006, Council directed that the dedicated (unbuilt) road connecting Craig Road and Russell Road be closed and added to the 900 Russell Road property to improve potential park layout options. However, a road connection between Craig Road and Russell Road was to be provided as part of future development. The Town provided this information to neighbourhood residents in 2012 as part of the initial RFP offering the property for sale. This road connection will be dedicated and constructed when the next phase of development occurs at 900 Russell Road.

Russell Road is considered an urban collector in the Town's Official Community Plan. The 20m cross-section for this road will include a sidewalk and boulevard on both sides with two 3.5m travel lanes and, where practical, on-street parking but this will be extremely limited. As development occurs along Russell Road, improvements to the centre line of the road frontage will take place.

Currently, there are three properties under active subdivision on Russell Road where road frontage improvements will be provided by the developer. As part of the subdivision of 900 Russell Road, the Town will partner with the developer and complete the frontage improvements on the opposite side of Russell Road. Staff recommends that these improvements be undertaken at the same time that the developer does their work. As well, staff is proposing a traffic circle at Hooper Place and Rothdale Road as a traffic calming measure. If this is possible, it would be cost shared 50-50 with the developer and the Town. In addition, where the full right-of-way is not currently available on Russell Road (i.e. subdivision is yet to occur), staff will look at paving a 1.0m pedestrian path as an interim measure until frontage improvements are provided by the developer of the property. Staff recommends that this work also be completed this year. The Road DCC program, Gas Tax Reserve and Infrastructure Reserve funds could be utilized for the Town's portion of the Russell Road work. The map attached to this report shows the various Russell Road frontage improvement projects.

Craig Road is a local road in the Official Community Plan and is fully built with a sidewalk on one side. Regarding the concerns about visibility and the hill on Craig Road, signage will be installed to advise oncoming traffic of the sight line limitations (blind hill). There is currently only one way in and one way out of Craig Road which ends with a temporary turn-around located on the two properties at the end of the road. The subdivision in this area has been designed to connect Craig Road to Russell Road.

Lot Size and Use

Concern was expressed regarding the size and shape of the proposed R-1-A lots. R-1-A lots are required to have a frontage that is 13.5m (44ft) in width, and are required to be 460m² (4951ft²) in size which is similar to Ridgeway Place and Ballou Place. Secondary suites are a permitted use in the residential dwellings in the R-1 and R-1-A zones.

Trail System

The development site contain trails which connect to other trails in the area. Registered on the title of the land is Right of Way CA6213754 which requires that at time of subdivision a public recreation trail, minimum of 3 metres in width, be provided from the subject property to the town owned land to the southwest (VIP84843). As part of the first phase, there will be permanent access from Russell Road to the new park and interim access from Craig Road to the new park and interim access to the existing parkland to the south-west. As part of Phase 2 of the development, the trail accesses will be formalized as part of the road dedication.

New Neighbourhood Park

The community provided suggestions for the character and use of the new park. The community desire is for the park to be an accessible social gathering place which can be supported with the addition of a bench and picnic table as well as permanent access from both Russell Road and Craig Rd. This park will not be off-leash, but dogs are permitted. Healthy trees will be retained and the hill knoll that is within the park is intended to be kept in its natural state. There was some interest for the park to be similar to Ridgeway Park which is a much smaller linear park which is heavily landscaped. The intention of this new park is for it to be an open area for neighbourhood use with limited amenities, such as a bench and picnic table. Parks in Ladysmith are typically open from 5am to 10pm.

The applicant has volunteered to provide a community amenity contribution of \$9000 to use for improvements to the park. The Parks DCC program can also be utilized for park improvements, if necessary.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Both the Infrastructure Services and Parks, Recreation and Culture Departments have reviewed the application and provided input to respond to the community's interests as noted above.

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 to proceed with first and second reading of Bylaw 1965 and 1966 and refer the bylaws to public hearing, accept the voluntary amenity contribution of \$9000, and direct staff to proceed with the road improvements as outlined in this report.

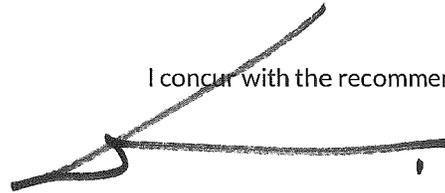
Reviewed by:



May 28, 2018

Felicity Adams, Director of Development Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

- Map showing Russell Road frontage improvements
- Neighbourhood Information Meeting Report
- Bylaws 1965 and 1966

RECEIVED
May 18

Meeting Date: 2018-May-16, 4.00-6.00 PM, Ladysmith Legion

Application File: 900 Russell Road, Ladysmith

Host Attendees: Owner, FMI Developments Ltd, Frank and Mike Crucil
Consultant, Toby Seward, Seward Developments Inc.

Public Attendees: 16 people signed the participant for
3 people did not sign in
3 Town of Ladysmith staff attended
3 people attended representing the owner

Attachments

- Copy of newspaper advertisement placed in the 2018-May-09 Ladysmith Chronicle

- Copy of invitation; information bulletin, including notice of meeting was hand delivered to area residents 2018-May-08, including all of Hopper Place (18 homes), all of Rothdale Place (18 Homes), Craig Road (17 homes in the 800 block Craig Road), Russell Road (4 homes, at 825, 851, 891 and 902 Russell Road) and Stirling Drive (1 home at 858 Stirling)

-Sign was not installed prior to the meeting

-Copy of sign in sheet

-Copies of comment forms from both the neighbourhood information meeting and emails from neighbourhood residents

Submitted by Toby Seward, Seward Developments Inc, dated 2018-
May-22

A handwritten signature in blue ink, appearing to be 'Toby Seward', located below the text.

From: Toby Seward toby.seward@shaw.ca
Subject: 900 Russell Road
Date: May 7, 2018 at 3:29:44 PM
To: Felicity Adams fadams@ladysmith.ca, Lisa Brinkman
lbrinkman@ladysmith.ca

Advertisement to be published in Ladysmith Chronicle 2018-May-09

Notice of Neighbourhood Information Meeting

Members of public are invited to attend a
neighbourhood information meeting regarding:

**Proposed rezoning and
subdivision construction at
900 Russell Road, Ladysmith.**

An application has been submitted to the
Town of Ladysmith to rezone a portion
of this property from the current
R-1 Zone, to R-1-A zone to
allow smaller residential lots.

The meeting will be held:

Date: Wednesday, May 16

Time: 4:00 - 6:00 PM

**Location Ladysmith Legion,
621-1st Street, Ladysmith**

For further information, please contact Toby Seward
by email at toby.seward@shaw.ca or
by telephone at 250-713-6595 during working hours.

Sent from my iPad



900 RUSSELL ROAD Subdivision Information Bulletin

This bulletin is being distributed to residents who live nearby the property at 900 Russell Road. Included in this bulletin is a map showing the first phase of the development. If you require additional information, a contact name/number is provided at the end of this bulletin.

Property Description

The property at 900 Russell Road is 9.4 acres and is zoned Residential 1 (R-1), which allows the property to be subdivided into single family lots. As part of the subdivision, the owner is required to dedicate 1.4 acres for parkland, plus it is proposed that Craig Road be extended through the property to Russell Road.

Proposed Development Plan

It is proposed that development of the property be undertaken in two phases;

PHASE 1

Eight single family lots fronting Russell Road are to be built under the current R-1 zoning. An application to subdivide these lots has been approved by the Town of Ladysmith. Construction of these eight lots will commence in May/June and include reconstruction of Russell Road to a width similar to road fronting the subdivision currently being developed directly to the south of this property. Access roads to the property will be across the road from the existing Hooper Place and Rothdale Road locations.

PHASE 2

The property owner has made the application to the Town of Ladysmith to rezone the remainder of the property from the existing R-1 zoning to Small Lot A Zone (R-1-A), which would permit single family homes on smaller lots. Examples of homes on smaller R-1-A zoned properties are the Ballou Place and Ridgway Place subdivisions off Russell Road, south of the subject property. Once a lot layout for the proposed rezoning has been finalized, copies will be made available to area residents.

Access During Construction

In Phase 1 construction, access off Russell Road will be provided into the park area and a trail access will be established to connect Craig Road to the park. During construction, every effort will be made to maintain pedestrian access into the trails and park (other than when access needs to be closed for safety reasons). Signs will be placed to let park users know when closures are required.

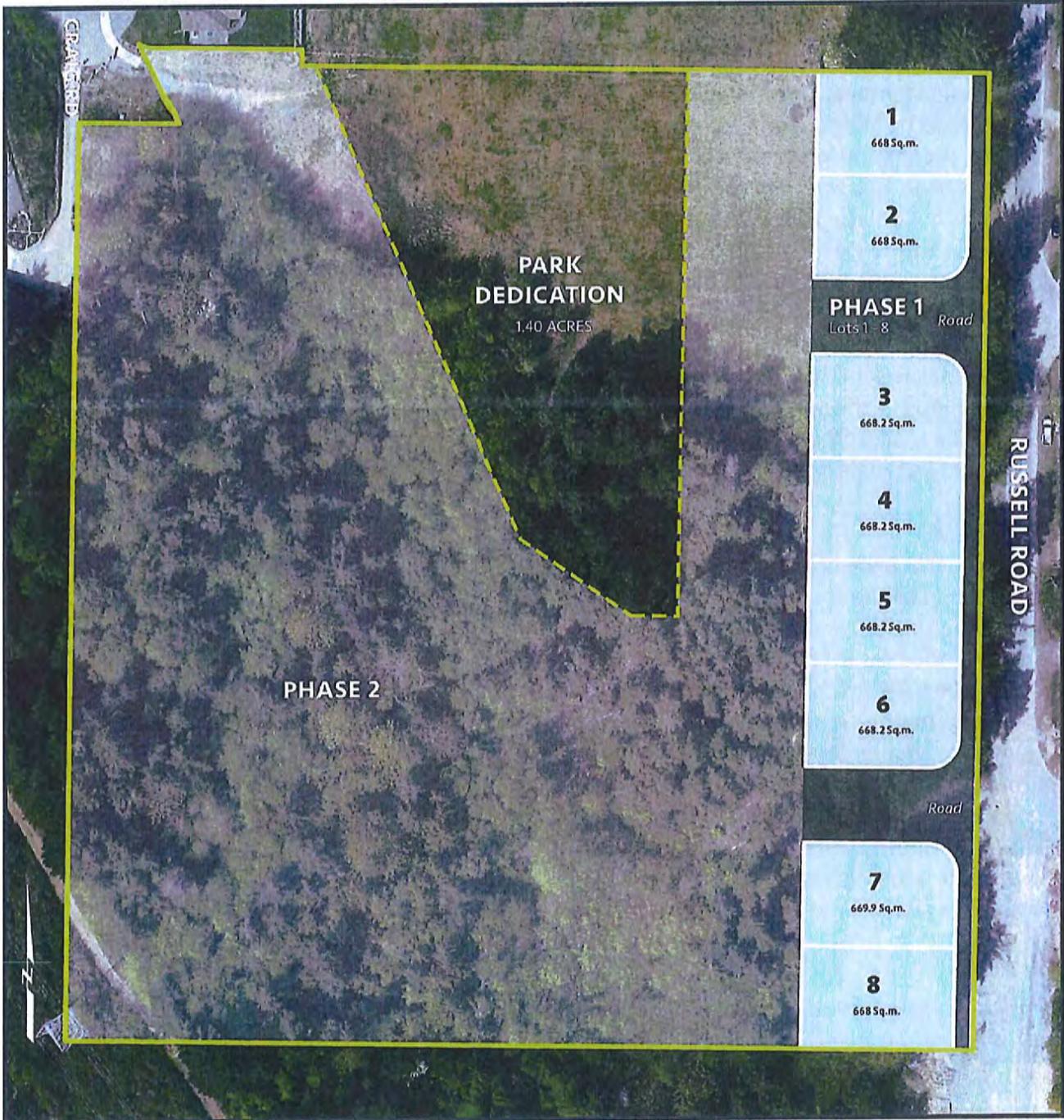
Public Meetings

A public information meeting has been scheduled for Wednesday, May 16, from 4.00-6.00 PM at the Ladysmith Legion, 621-1st Ave. At this meeting, display boards and information will be made available, as well as the developers representative will be attendance to answer any questions. Further, as part of the rezoning process, a public hearing will be scheduled to allow Ladysmith City Council to receive input from area residents and the public. The date/time of the public hearing will be made available when the schedule has been finalized.

Schedule

Start dates for various parts of the project will be identified shortly. In general it is planned to start Phase 1 (construction of the first eight lots) in May or June and Phase 2 would start after Ladysmith Council has considered the rezoning application.

900 RUSSELL ROAD Site Plan





Contact / Questions

If you have any questions or require further information, please contact Toby Seward, who has been hired by the property owner to submit the rezoning application and provide information on the project to area residents.

Please contact Toby at toby.seward@shaw.ca or by telephone during the day at **250-713-6595**.

900 Russell Road, Ladysmith

Neighborhood Information Meeting 2018- May -16

Participant	Address	Telephone Number	Email address
Bill & Sheila Andreycauk	801 Russell Rd		
BRIAN & Sandra Smith	552 Ridgway Pl.		
SUSAN + WAYNE WATT	801 STIRLING AVE.		
CAL PRADIN.			
GINNY + DOUGLASE HORROCKS.	833 CRAIG ST		
WAYNE DELTOMBE	570 HALLIDAY PLAE		
ROBIN FRANCIS	842 CRAIG RD		
GERDA FRANCIS	842 CRAIG RD		
ROBERT LOCK	837 CRAIG RD		
GILLOTED FROMSON	537 LOUISE RD		
VICKY STICKWOOD HISLOP	512 LOUISE		

900 Russell Road, Ladysmith. 2018 – May- 16

Thank you for attending the neighborhood information meeting for the proposed rezoning of the property at 900 Russell Road.

Please sign in on the attached form.

We are very interested in receiving feedback from neighborhood residents to determine if enhancements can be made to the development.

One you have had the opportunity to look at the presentation boards and the written material, please complete a feedback sheet regarding the development.

900 Russell Road, Ladysmith

Feedback Sheet

Please provide your comments regarding the proposed rezoning at the above noted address. (If additional space is required, please use backside of sheet)

We are pleased to see Craig Rd. continue through to Russell Road. The Park area is also a welcome addition.

My only concern is the smaller lots and density of the population in the area. Roadways could become very busy.

Also please comment on how the new neighborhood park should be used and what activities you envision for the park.

I would like to see the park area similar to Ridgeway Place. If it is left similar to what it is now, it will only be a place for dogs.

Contact Information (optional)

Name: Robin Francis

Address: 842 Craig Road

Phone Number: _____

Contact Email: _____

900 Russell Road, Ladysmith

Feedback Sheet

Please provide your comments regarding the proposed rezoning at the above noted address. (If additional space is required, please use backside of sheet)

Craig Rd is a one & half lane roadway that has a blind spot at the crest of the hill. It can be a problem when cars are parked on the curbside of the road.

Also please comment on how the new neighborhood park should be used and what activities you envision for the park.

I'd still like to see lots of ~~room~~ ^{room} for dogs, people flying kites, playing ball etc.

Contact Information (optional)

Name: G. D. Horrocks

Address: 833 Craig Rd

Phone Number: _____

Contact Email: _____

900 Russell Road, Ladysmith

Feedback Sheet

Please provide your comments regarding the proposed rezoning at the above noted address. (If additional space is required, please use backside of sheet)

I have no problem with the rezoning to R1A as it is established on Ridgway & Balou & is attractive. Our property is bordering Ridgway and as such would be fitting to have it rezoned to R1A to blend in sometime in the future.

Also please comment on how the new neighborhood park should be used and what activities you envision for the park.

- open to residence & public from dawn to dusk such as North Cowichan Parks
- open for walking dogs
- Trail system connected

Contact Information (optional)

Name: William Andreychuk
Address: 900 Russell Rd. Ladysmith
Phone Number: _____
Contact Email: _____

900 Russell Road, Ladysmith

Feedback Sheet

Please provide your comments regarding the proposed rezoning at the above noted address. (If additional space is required, please use backside of sheet)

Residents from this development
must enter & exit Loraig Rd.
Russell Rd is overloaded, we'll
have the residents from Simpsons
13 lots using Russell Rd as well
as residents at 700 Russell Rd.

Also please comment on how the new neighborhood park should be used and what activities you envision for the park.

People in the neighborhood are
enjoying the space for the enjoyment
of their pets. It's a social gathering
place. A trail system would also be
enjoyed. A bench on the side would be
nice too.

Contact Information (optional)

Name: Sheila Anderson Clark

Address: 801 Russell Rd

Phone Number: _____

Contact Email: _____

From: gill and ted
Subject: 900 Russell Road
Date: May 17, 2018 at 11:42:15 AM
To: lbrinkman@ladysmith.ca, toby.seward@shaw.ca

Hi Lisa & Toby

Thank you for hosting the information session on May 16th.

As we were unable to stay longer to complete the feedback sheet, here are a few comments.

We have concerns about the configuration of the proposed park.

- With the development of phase 2, the park will be in the middle of many houses, which, unless there is a good buffer between the houses and the Park could invite minor conflicts. Residents, if they are not dog people, may not be too pleased about dog owners calling their dogs, throwing balls and generally just socialising at 7.30/8.00 am., or indeed at any time.
- Limited access to the Park, may imply private ownership and discourage area residents, or in fact anyone from using the Park.
- With all the development in the Russell area, is the Park space big enough to accommodate the needs of the growing neighbourhood? For future consideration, would it possible to extend the Park into the adjoining property if it should become available?
- Access to the Power line trails is quite important to many of the area residents and hopefully will not be restricted.

Use of the Park

- Mixed use would be preferable; i.e. dogs off leash, people walking, meditating, kids playing and exploring the hills and trails, riding bikes, making snowmen in the winter. Basically how it is currently being used. Leaving most of the older, larger trees would be great.
- Leaving the area in as natural a state as possible. People do need to get into the "wild".
- I (Gill) mentioned an old stone wall and if there may be any historical value to retaining it. I think it may actually be on the adjoining property, or on the property line. Just because I am rather partial to old stone walls, it would be great to keep this as a reminder of the Pioneers that farmed here many years ago, but I don't think this is under the current developers responsibility.

Thank you for your time.

Gill & Ted Fromson
537 Louise Road
We own a dog, and use the current field every morning.

Sent from Mail for Windows 10

From:
Subject: Proposal to extend Craig Road to Russell Road
Date: May 9, 2018 at 12:27:36 PM
To: toby.seward@shaw.ca

Dear Mr. Seward,

I am strongly opposed this proposition. There are two manners of ingress and egress from Russell Road already. The other being through Sea-Scape subdivision. Craig Road is virtually a one and half lane roadway and is congested already with vehicles parked on the road, unlike Russell Road which has perpendicular roadways to leading off it to residential areas. Also unlike Russell Road, Craig Road has a steep hill and a blind spot at the crest of the hill. Creating a round-about between Craig Road and Russell Road will invite unwanted vehicular traffic, increase the risk of traffic accidents, place children playing on or near the road at great risk, nb: as No Thru Road, it is confined mostly to local traffic that affords children the ability to play street hockey, basketball, etc. from time to time. Creating a thru road will also increase the risk of property crime which is currently deterred by the fact that Craig Road is a No Thru Road.

I purchased this property for the very reason that it is quiet, peaceful, and crime free. I will oppose anything that is likely to affect or disturb that.

Richard Dishan
Owner: 830 Craig Road

From:
Subject: Russell Road
Date: May 16, 2018 at 2:01:42 PM
To: toby.seward@shaw.ca

Mr. Seward.

We have no problem with the Phase 1 zoning, however the Craig Rd extension is a no starter for this area. Craig Road is far to narrow for more traffic and the blind spot at the crest of the hill is deadly. More traffic is not a good idea.

Thanks. E Markwart.

Craig Road Connection

My Name is John McLean. I reside at 818 Craig Road.

We are opposed to having Craig road extended.

My wife and I purchased our house 5 years ago on Craig. We have 5 young kids (2, 4, 6, 12, and 16.) It is a quiet road with a cul de sac. We thought it was a safe area with a safe road. Our kids often play on the road in front of our house. It has been relatively safe for them to play hockey, basketball, and now the young ones learning how to ride their bikes.

We are worried at how busy this family oriented street will get if the road is connected. We often walk through the park and on to Russell. The amount of traffic on Russell is enough to scare me while trying to contain all the kids. I can't imagine Craig becoming more busy. There are also other issues such as the blind hill and the overall width of Craig. I don't think the connection is necessary.

I beg that you reconsider connecting the roads. I want my kids to grow up in a safe, low traffic neighbourhood.

Thank you for your consideration.

John and Jenn McLean

Opposition to extend Craig Road to Russell Road

We oppose the Craig Russell connection for multiple reasons. Feel free to call for specifics.

NOT NEEDED!

Bill CRUSSEN

602 CRAIG RD

LIKE A SPEEDWAY.
Now.

900 Russell Road, Ladysmith

Feedback Sheet

Please provide your comments regarding the proposed rezoning at the above noted address. (If additional space is required, please use backside of sheet)

My concern with the proposed re-zoning is that smaller lot sizes will in some cases mean 'long narrow' lots and presumably 'long narrow' houses on them. Should this be the case it will not be in keeping with the existing properties on Starling Drive and Craig Road. That this development connects, and would be detrimental to the neighborhoods overall attractiveness.

Whilst I am appreciative of the Ridgeway Place development that is not the case with regards to Ballou Place. Prefer R-1 zoning.

Also please comment on how the new neighborhood park should be used and what activities you envision for the park.

It is my hope that the park will be similar to that at Ridgeway Place, a park for all the family to enjoy and not just an open piece of meadow used mainly by 'off leash' dog walkers that we have at present on the site.

Contact Information (optional)

Name: ROBERT LOCK
Address: 837 CRAIG ROAD
Phone Number:
Contact Email:

I oppose the Craig Russell connection for multiple reasons. Feel free to call for specifics.

SINCE I LIVE ON THE HILL SECTION OF CRAIG RD, I NEED TO BACK IN MY VEHICLE INTO THE GARAGE (MAKING FOR A SAFER EXIT). IF MORE TRAFFIC IS PRESENT, MY CHANCE OF BEING HIT INCREASES. I OPPOSE TO EXTEND CRAIG RD TO RUSSELL RD.

SINCERELY ~~Erin Marshall~~ *

ERIN MARSHALL + FAMILY
W/ CRAIG RD

Opposition to extend Craig Road to Russell Road

We oppose the Craig Russell connection for multiple reasons. Feel free to call for specifics.

- blindspot on hill → safety danger.

→ Kids playing on street.

→ Narrow Road

Harvey + Alicja Khun Khun

829 Craig

M. Miller

· Opposition to extend Craig Road to Russell Road

We oppose the Craig Russell connection for multiple reasons. Feel free to call for specifics.

 - *HARVENE CUNNEY*

Opposition to extend Craig Road to Russell Road

We oppose the Craig Russell connection for multiple reasons. Feel free to call for specifics.

We have lived on the corner of Craig and Hillcrest for almost 5 years. When we first moved to Ladysmith 42 years ago we lived on Rothdale just off of Russell Road and have watched the neighbourhood expand overtime. When Craig Rd was first built it served only a few houses yet as the neighbourhood expanded beyond this early development little thought was given to accomodating the increased density we now have. At the bottom, where Craig approaches Davis Rd. there are still 2 blocks of mostly open ditches which causes the road to be too narrow to accomodate much traffic much less parking. Sidewalks are incomplete which creates safety concerns for pedestrians. Several houses on this street also have illegal suites with renters. This increased density created a need for more parking. The increase in the number of cars parked on the street is especially problematic

(2)

in winter when the snowploughs need access to keep our street clear, especially the steep hill.

Lastly, we are hearing from neighbours on Russell Rd. that traffic from the newer subdivisions above them has increased in speed and number of vehicles to the point where they are also concerned about their safety and the quality of their neighbourhood environment.

Extending Craig Rd. to Russell Rd without addressing these pre-existing concerns would only compound the problems. We know that new housing needs to be developed in Ladysmith, and that the illegal suites are providing needed rentals. We are not opposed to development but it needs to be well thought out and strategies to minimize impact must be in place first.

Marilyn & Cliff Simpson
599 A Hillcrest Ave.

RECEIVED
May 9/18

Outside Circulation Area

To Whom It May Concern:

I am strongly opposed this proposal. Craig Road is virtually a one and half lane roadway. Virtually all residences, except four, access and egress their properties onto Craig Road unlike Russell Road which has perpendicular roadways that provide access to residential areas not on Russell Road. There are already two means of access and egress from Russell Road. The other being through Sea Scape subdivision. There is a steep hill on Craig Road that has a bad blind spot at the crest of the hill. Vehicles parked on the roadway and/or winter conditions make it worse. Creating a round-about between Russell Road and Craig Road will increase vehicular traffic and increase the risk of traffic accidents and access and egress by property owners. It will increase the risk to children playing on or near Craig Road and it will increase the risk of property crime, ie., vandalism and theft.

Sincerely,

Richard Dishan
830 Craig Road

TOWN OF LADYSMITH

BYLAW NO. 1965

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. 54) 2018, No. 1965".

READ A FIRST TIME on the day of

READ A SECOND TIME on the day of

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

on the day of

READ A THIRD TIME on the day of

ADOPTED on the day of

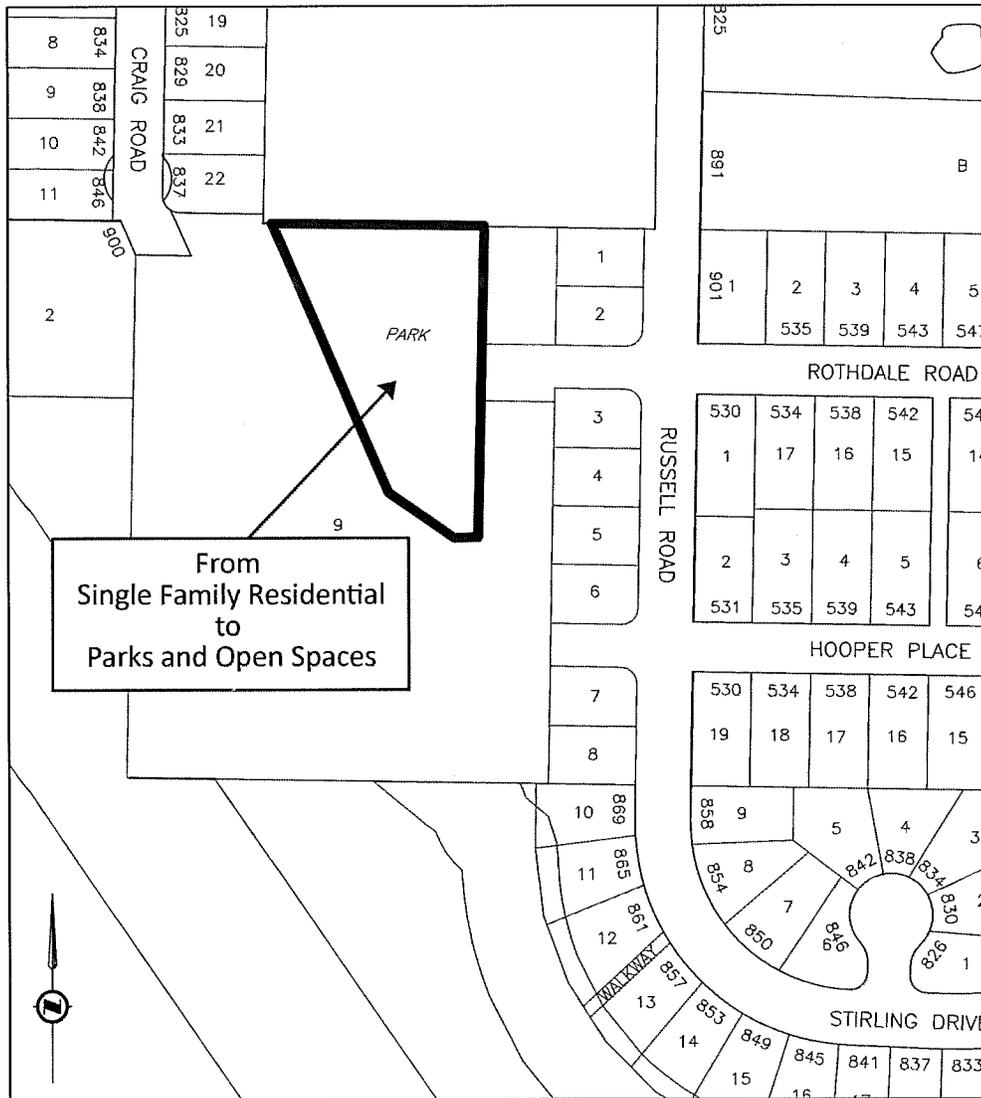
Mayor (A. Stone)

Corporate Officer (J. Winter)

Schedule I of Bylaw No. 1965

1. Official Community Plan "Map 1 – Land Use" is amended as follows:
 - (a) Placing the "Parks and Open Spaces" designation on a portion of the property legally described as Lot A, District Lot 67, Oyster District, Plan EPP24148 (900 Russell Road) as shown on Schedule II.

Schedule II of Bylaw No. 1965



TOWN OF LADYSMITH

BYLAW NO. 1966

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 – Small Lot A (R-1-A)" on a portion of the subject property legally described as Lot A, District Lot 67, Oyster District, Plan EPP24148 (900 Russell Road) as shown in Schedule I attached to and forming part of this Bylaw.
 - (b) By placing "Park and Recreation (P-2)" on a portion of the subject property legally described as Lot A, District Lot 67, Oyster District, Plan EPP24148 (900 Russell Road) as shown in 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. 18) 2018, No. 1966".

READ A FIRST TIME on the day of

READ A SECOND TIME on the day of

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

on the day of

READ A THIRD TIME on the day of

APPROVED BY THE MINISTER OF TRANSPORTATION

on the day of

ADOPTED on the day of

Mayor (A. Stone)

Corporate Officer (J. Winter)

TOWN OF LADYSMITH

BYLAW NO. 1964

A bylaw to provide for the determination of various procedures for the conduct of elections and assent voting.

WHEREAS under the *Local Government Act* Council may, by bylaw, determine various procedures and requirements to be applied to the conduct of elections and assent voting;

AND WHEREAS Council wishes to establish voting procedures and requirements under that authority;

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

1. CITATION

This Bylaw may be cited for all purposes as “Town of Ladysmith Election and Assent Voting Bylaw 2018, No. 1964.”

2. DEFINITIONS

In this Bylaw the following terms have the following meanings:

Acceptable mark means a completed arrow which the **vote counting unit** is able to identify, which has been made by an elector in the space provided on the **ballot** opposite the name of any candidate or opposite either ‘yes’ or ‘no’ on any other voting question.

Automated vote counting system means a system that counts and records votes and processes and stores election or any voting results which comprises:

(a) a number of **ballot scan vote counting units**, each of which rests on a two-compartment **ballot box**, one compartment of which is for:

- (i) voted ballots; and
- (ii) returned ballots which have been reinserted using the ballot override procedure;

and the other compartment is for the temporary storage of voted ballots during such time as the **vote counting unit** is not functioning; and

(b) a number of **storage ballot compartments** into which voted **ballots** are deposited where a **vote counting unit** is not functioning or being used which will therefore be counted after the close of voting on general voting day.

Ballot means a single ballot card designed for use in an **automated vote counting system**, which shows:

- (a) the names of all of the candidates for each of the offices to be filled; and
- (b) all of the choices on all of the bylaws or other matters on which the opinion or assent of the electors is sought.

Ballot return override procedure means the use, by an election official, of a device on a **vote counting unit**, which causes the unit to accept a **returned ballot**.

Election headquarters means the Frank Jameson Community Centre, 810 6th Avenue, Ladysmith, B.C.

Memory pack means a computer software cartridge which is inserted into the **vote counting unit** and into which is pre-programmed the names of all the candidates for each of the offices to be filled, and the alternatives of “yes” or “no” for each question on the **ballot**, and which records and retains information on the number of acceptable marks made for each.

Portable ballot box means a ballot box, for use in the election, where a **vote counting unit** is not being used at the time of voting.

Results tape means the printed record generated from a **vote counting unit** at the close of voting on general voting day, which shows the number of votes for each candidate for each of the offices to be filled, and the number of votes for and against each bylaw or other matters on which the opinion or assent of the electors is sought.

Returned ballot means a voted **ballot** which was inserted into the **vote counting unit**, but which was not accepted and which was returned to the elector with an explanation of the **ballot** marking error which caused the **ballot** not to be accepted.

Secrecy sleeve means an open-ended folder or envelope used to cover **ballots** to conceal the choices made by each elector.

Storage ballot compartment means a ballot box under each **vote counting unit** into which voted **ballots** are temporarily deposited in the event that the unit ceases to function.

Vote counting unit means the device into which voted **ballots** are inserted and which scans each **ballot** and records the number of votes for each candidate and for and against each question on which the opinion or assent of the electors is sought.

3. ACCESS TO NOMINATION AND ENDORSEMENT DOCUMENTS

As authorized under section 89(7) of the *Local Government Act*, public access to nomination documents will be posted on the Town of Ladysmith website from the time of delivery until 30 days after the declaration of the election results under section 146.

4. ELECTOR REGISTRATION

As authorized under section 76 of the *Local Government Act*, for all elections and assent voting, the most current available Provincial list of voters prepared under the *Election Act* shall become the register of resident electors on the 52nd day prior to general voting day .

5. ADVANCE VOTING OPPORTUNITIES

5.1 Required Advance Voting

As required under section 107 of the *Local Government Act*, in addition to the required advance voting opportunity on the 10th day before general voting day, the following day is hereby established as an advance voting opportunity for elections and assent voting:

The Wednesday immediately preceding general voting day, from 8:00 a.m.
to 8:00 p.m.

5.2 Additional Advance Voting

- (a) As authorized under section 108 of the *Local Government Act*, the Council authorizes the chief election officer to establish dates for additional voting opportunities to be held in advance of general voting day and to designate the voting places and set the voting hours for these voting opportunities.
- (b) Additional advance voting opportunities on the dates specified in subsection 6.2(a) shall be available at places and hours established by the chief election officer.

6. SPECIAL VOTING OPPORTUNITIES

- (a) As authorized under section 109 of the *Local Government Act*, special voting opportunities may be provided, and the chief election officer is hereby authorized to establish the dates, locations, and voting hours within the limits set out in section 99 of the *Local Government Act*, for the special voting opportunities.
- (b) The chief election officer is authorized to limit the number of candidate representatives who may be present at the special voting opportunity.

7. MAIL BALLOT VOTING

7.1 General Provisions for Mail Ballot Voting

- (a) As authorized under section 110 of the *Local Government Act*, voting and elector registration may be done by mail for those electors who meet the criteria in paragraph (b).

- (b) The following electors are permitted to vote by mail ballot and to register to vote by mail:
 - i. those persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity;
 - ii. persons who expect to be absent from the Town of Ladysmith on general voting day and at the times of all advance voting opportunities;
- (c) The following procedures for voting and elector registration must apply:
 - i. Sufficient record will be kept by the chief election officer so that challenges of the elector's right to vote may be made in accordance with the intent of section 126 of the Local Government Act;
 - ii. a person exercising the right to vote by mail under the provisions of section 110 may be challenged in accordance with, and on the grounds specified in section 126 of the *Local Government Act*, until 4:30 p.m. two days before general voting day.
- (d) The time limits in relation to voting by a mail ballot will be determined by the Chief election officer, including the time limit to apply for a mail ballot package.
- (e) As provided in the *Local Government Act*, to be counted, a mail ballot must be received by the chief election officer before the close of voting on general voting day.
- (f) A mail ballot package may be requested by an elector who is registered and who in person, by mail, by fax or by email, presents the Chief election officer or designate a written request by giving their name and address for such purpose.
- (g) The Chief election officer may deliver mail ballot packages by hand to electors who request a mail ballot package in person or the Chief election officer may deliver mail ballot packages to electors by mail for those electors who request the ballot package by mail, fax or email.
- (h) Upon receipt of a request for a mail ballot, the Chief election officer or designate shall in accordance with the time limits established by the Chief election officer:
 - i. make available to the applicant, a mail ballot package as specified in Section 100(7) of the Local Government Act, together with a statement advising the elector that the elector must meet one or more of the mail ballot criteria specified in Section (2) of this bylaw, and that they must attest to such fact; and
 - ii. immediately record and, upon request, make available for inspection:
 - 1. the name and address of the person to whom the mail ballot package was issued; and
 - 2. the number of the voting division in which the person is registered as an elector, or "new elector", if that person is not on the register of electors.

7.2 Mail Ballot Voting Procedure

- (a) To vote using a mail ballot, the elector shall mark the ballot in accordance with the instructions contained in the mail ballot package provided by the Chief election officer.
- (b) After marking the ballot, the elector shall:
 - i. place the ballot in the secrecy envelope provided and seal the secrecy envelope;
 - ii. place the secrecy envelope in the certification envelope, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
 - iii. place the certification envelope, together with a completed elector registration, if required, in the outer envelope, and then seal the outer envelope;
 - iv. mail, or have delivered, the outer envelope and its contents to the Chief election officer at the address specified so that it is received no later than the close of voting on general voting day.

7.3 Mail Ballot Acceptance or Rejection

- (a) In accordance with the time limits established by the Chief election officer, the Chief election officer or designate, upon receipt of a ballot package, shall immediately record the date of such receipt and shall then open the outer envelope and remove and examine the certification envelope and the completed elector registration application, if applicable, and if satisfied as to:
 - i. the identity and entitlement to vote of the elector whose ballot is enclosed; and
 - ii. the completeness of the certification; and
 - iii. the fulfillment of the requirements of Section 56 of the Local Government Act in the case of a person who is registering as a new elector;

the Chief election officer or designate shall mark the certification envelope as "accepted", and shall retain in his or her custody all such certification envelopes in order to deal with any challenges made in accordance with Section (16) of this bylaw and the voting book shall be marked to indicate that the elector has voted.

- (b) The unopened certification envelopes shall remain in the custody of the Chief election officer or designate until 4:00 pm on the Thursday two days before general voting day, at which time the certification envelopes containing the secrecy envelopes shall be opened in the presence of at least one other person, including any scrutineers present.
- (c) At 4:00 pm on the Thursday two days before general voting day, the Chief election officer or designate shall place all secrecy envelopes received up until that time into a ballot box specified for such purpose, where such secrecy

envelopes were received from persons whose right to vote using a mail ballot has not been challenged, or where such challenge has been resolved and the challenged person permitted to vote.

- (d) Where an outer envelope and its contents are received by the Chief election officer or designate between 4:00 pm on the Thursday two days before general voting day and the close of voting on general voting day, the provisions of Section (9) of this bylaw with regard to ballot acceptance shall apply and the Chief election officer or designate shall retain such envelopes in their possession until the close of voting and at that time shall open such certification in the presence of at least one other person, including any scrutineers present, and place the secrecy envelope containing the ballot into the ballot box containing the other unopened secrecy envelopes.
- (e) As soon as possible after all of the secrecy envelopes have been placed in the ballot box designated for that purpose, the ballot box shall be opened under the supervision of the Chief election officer or designate, and in the presence of at least one other person and any scrutineers present:
 - i. open the accepted certification envelopes;
 - ii. place the unopened secrecy envelopes together into a ballot box;
 - iii. open the secrecy envelope and remove the ballot within; and
 - iv. insert the ballot into the vote tabulating unit.
- (f) Where:
 - i. upon receipt of an outer envelope, the Chief election officer is not satisfied as to the identity of the elector whose ballot is enclosed; or
 - ii. in the case of a person required to complete an application for registration as an elector, such application has not been completed in accordance with Section 70 of the Local Government Act.; or
 - iii. the outer envelope is received by the Chief election officer or designate after the close of voting on general voting day,

the certification envelope shall remain unopened and the Chief election officer shall mark such envelope as “rejected”. And shall note the reasons therefore, and the ballot contained therein shall not be counted in the election.
- (g) Any certification envelopes and their contents rejected in accordance with Section (p) of this bylaw shall remain unopened and shall be subject to the provisions of Section 160 of the *Local Government Act* with regard to their destruction.

7.4 Challenge of Elector

- (a) A person exercising the right to vote under the provisions of this bylaw may be challenged in accordance with and on the grounds specified in Section 126 of the *Local Government Act*.

- (b) The provisions of Section 126(2) to (5) inclusive of the *Local Government Act* shall apply where a challenge of an elector using a mail ballot has been made.

7.5 Elector's Name Already Used

- (a) Where, upon receiving a request for a mail ballot, the Chief election officer determines that another person has voted or has already been issued a mail ballot in the elector's name, the provisions of Section 127 of the *Local Government Act* shall apply, so far as applicable.

7.6 Replacement of Spoiled Ballot

- (a) Where an elector unintentionally spoils a mail ballot before returning it to the Chief election officer, the elector may request a replacement ballot by advising the Chief election officer or designate of the ballot spoilage and by mailing or otherwise delivering by an appropriate means, the spoiled ballot package in its entirety to the Chief election officer or designate.
- (b) The Chief election officer shall, upon receipt of the spoiled ballot package, record such fact, and proceed in accordance with Section 6(h) of this bylaw.

8. AUTOMATED VOTE COUNTING SYSTEM

8.1 Use of Voting Machines

Council hereby provides for the use of an **automated vote counting system** for the conduct of elections and voting on bylaws or other matters on which the opinion or assent of the electors is sought.

8.2 Automated Voting Procedures

- a) The Presiding Election Official for the voting place and at each advance voting opportunity shall offer, and if requested, ensure that a demonstration of how to vote using an automated vote counting system is provided to an elector as soon as such elector enters the voting place and before a ballot is issued.
- b) Upon completion of any voting demonstration, if any, the elector shall proceed as instructed to the election official responsible for issuing ballots who;
 - i. shall ensure that the elector
 - 1. is qualified to vote in the election; and
 - 2. completes the voting book as required by the Municipal Act;
 - ii. upon fulfillment of the requirements of subsection i) shall then provide a ballot to the elector, along with a secrecy sleeve if requested by the elector, the ballot marking pen, if applicable, and any further instructions the elector requests.

- c) Upon being given a ballot the elector shall immediately proceed to a voting compartment to vote.
- d) The elector may vote only by making an acceptable mark on the ballot;
 - i. beside the name of each candidate of choice up to a maximum number of candidates to be elected for each of the offices of Mayor, Councillor and School Trustee, if applicable; and
 - ii. beside either “yes” or “no” in the case of each question.
- e) Once the elector has finished marking the ballot the elector must either;
 - i. place the ballot into the secrecy sleeve in the case of a two sided ballot; or
 - ii. turn the ballot upside down in the case of a single sided ballot; and

proceed to the vote counting unit and under the supervision of the election official in attendance insert the ballot directly into the vote counting unit without the acceptable marks on the ballot being exposed.
- f) If, before inserting the ballot into the vote counting unit, an elector determines that a mistake has been made when marking the ballot or the ballot is inserted into the vote counting unit and returned, the elector may request a replacement ballot by advising the election official in attendance.
- g) Upon being advised of the replacement ballot request the Presiding Election Official shall issue a replacement ballot to the elector and mark the returned ballot “spoiled” and shall retain all such spoiled ballots separately from all other ballots and they shall not be counted in the election.
- h) If the elector declines the opportunity to obtain a replacement ballot and has not damaged the ballot to the extent that it cannot be reinserted into the vote counting unit, the election official shall, using the ballot return over-ride procedure, reinsert the returned ballot into the vote counting unit to count any acceptable marks.
- i) Any ballot accepted by the vote counting unit is valid and any acceptable marks contained on such ballots will be counted in the election subject to any determination made under a judicial recount.
- j) Once the ballot has been inserted into the vote counting unit and the unit indicates that the ballot has been accepted the elector must immediately leave the voting place.
- k) During any period that a vote counting unit is not functioning, the election official supervising the unit shall direct electors to insert their ballots into the emergency ballot compartment on the understanding that if the vote counting unit:
 - i. becomes operational, or
 - ii. is replaced with another vote counting unit,

the ballots in the emergency ballot compartment shall as soon as reasonably possible be removed by an election official and, under the supervision of the Presiding Election Official, shall be inserted into the vote counting unit to be counted.

- l) Any ballots which were temporarily stored in the emergency ballot compartment during a period when the vote counting unit was not functioning which are returned by the vote counting unit when being counted, shall, through the use of a ballot return over-ride procedure, and under the supervision of the Presiding Election Official, be reinserted into the vote counting unit to ensure that any acceptable marks are counted.
- m) A sample ballot that may be used in an election conducted under an automated vote counting system is attached as Schedule "A" to this bylaw.

8.3 Advance Voting Opportunity Procedures

- a) Vote counting units shall be used at all advance voting opportunities and voting procedures at the advance voting opportunities shall follow, as closely as possible, those described in Section 4 of this Bylaw.
- b) At the close of voting at each advance voting opportunity, the presiding election official in each case shall ensure that:
 - i. no additional **ballots** are inserted in the **vote counting unit**;
 - ii. the **storage ballot compartment** is locked to prevent insertion of any **ballots**;
 - iii. the **results tapes** in the **vote counting unit** are not generated; and
 - iv. the **memory pack** of the **vote counting unit** is secured.
- c) At the close of voting at the final advance voting opportunity, the presiding election official shall:
 - i. ensure that any remaining **ballots** in the **storage ballot compartment** are inserted into the **vote counting unit**;
 - ii. secure the **vote counting unit** so that no more **ballots** can be inserted; and
 - iii. deliver the **vote counting unit** together with the **memory pack** and all other materials used in the election to the chief election officer at **election headquarters**.

8.4 Special Voting Opportunity Procedures

- a) Unless the chief election officer determines it is practical to use a vote counting unit, a portable ballot box as defined herein, shall be used for all special voting opportunities. The presiding election official appointed to attend at each special voting opportunity shall proceed in accordance with Sections 4.2, 4.3, 4.4 and 4.5 of this Bylaw so far as applicable, except that the voted ballots shall be deposited into the portable ballot box supplied by the presiding election official.

- b) The presiding election official at a special voting opportunity shall ensure that the portable ballot box is secured when not in use and at the close of voting at the final special voting opportunity, the presiding election official shall seal the portable ballot box and return it together with all other election materials to the custody of the chief election officer.
- c) If a vote counting unit is in use at a special voting opportunity, the presiding election official appointed to attend the special voting opportunity shall follow the procedures outlined in Section 5 of this Bylaw as if it were an advance voting opportunity.

8.5 Procedures After The Close Of Voting On General Voting Day

After the close of voting on general voting day the Chief election officer shall undertake all of the following generally in the order stipulated.

- a) ensure that any remaining ballots in the emergency ballot compartment are inserted into the vote counting unit;
- b) secure the vote counting unit so that no more ballots can be inserted;
- c) generate two (2) copies of the results tape from the vote counting unit;
- d) remove the memory from the vote counting unit;
- e) account for the unused, spoiled and voted ballots and place them, packaged and sealed separately into the election materials box;
- f) complete the ballot account and place the duplicate copy in the election materials box;
- g) seal the elections material box;
- h) place the voting books, the original copy of the ballot account, one (1) copy of the results tape and all completed administrative forms into the Chief election officer portfolio;
- i) proceed with the advance voting opportunities ballots by opening all portable ballot boxes and following the procedures in accordance with c) to h) inclusive of this Section so far as applicable.

8. RECOUNT PROCEDURE

- a) If a recount is required it shall be conducted under the direction of the Chief election officer using the automated vote counting system and generally in accordance with the following procedure;
 - i. the memory packs of all vote counting units will be cleared;

- ii. vote counting units will be designated for the recount voting place;
- iii. all voted ballots will be removed from the sealed election materials boxes, except spoiled ballots, and reinserted in the appropriate vote counting units under the supervision of the Chief election officer;
- iv. any ballots returned by the vote counting unit during the recount process shall, through the use of the ballot return over-ride procedure, be reinserted into the vote counting unit to ensure that any acceptable marks are counted.

b) In the event of a tie vote after a judicial recount the tie vote will be resolved by conducting a Lot in accordance with the *Municipal Act*.

9. GENERAL

- a) Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.
- b) If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without the invalid portion.

10. REPEAL OF PREVIOUS BYLAW

Town of Ladysmith General Local Election Bylaw 1999, No. 1326, Town of Ladysmith Provincial Voters List Adoption Bylaw 1999, No. 1327 and Town of Ladysmith Election Procedures and Automated Voting Bylaw 1999, No. 1939, and all amendments thereto, are hereby repealed.

READ A FIRST TIME	on the	14th	day of	May,	2018
READ A SECOND TIME	on the	14th	day of	May,	2018
READ A THIRD TIME	on the	14th	day of	May,	2018
ADOPTED	on the		day of		

Mayor (A. Stone)

Corporate Officer (J. Winter)

TOWN OF LADYSMITH
Municipal Election
Saturday, October xx, 2xxx

To Vote:

Completely fill in the oval beside the name(s) of the candidate(s) you wish to vote for.



Councillor

Vote for not more than SIX(6)

- LAST, First

Mayor

Vote for ONE (1)

- LAST, First
- LAST, First
- LAST, First

School Trustee

Vote for not more than NINE(9)

- LAST, First

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P.O. Box 598
33 Roberts Street
Ladysmith, B.C. V9G 1A4

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

May 04, 2018

Town of Ladysmith
410 Esplanade
PO Box 220
Ladysmith, BC V9G 1A1

Dear Joanna,

On behalf of the Ladysmith Chamber of Commerce we would like to thank you for your ongoing support of the Chamber's Annual Golf Tournaments and invite you to once again consider participating and/or becoming a Hole Sponsor for the 11th Annual Golf Classic.

The Annual Golf Classic, which is the marquee fundraising event for the Chamber, is one of the most unique marketing opportunities the Chamber offers and dollar-for-dollar may be one of the best marketing investments you can make this year. The Tournament is held each June and brings together close to 100 business and government leaders to golf, network, win prizes, bid on fabulous auction items and of course to have loads of fun. Sponsorship choices literally cover the golf course, and businesses can adopt the level which best suits their needs. A Tournament Sponsor Package is attached detailing the benefits of each level of sponsorship.

Please join us once again on June 15th, 2018 at Cottonwood Golf Course for the 11th Annual Chamber Golf Classic and make sure your business is well represented.

Thank you,

Cheri Mactier, Jason Kelland and Trent Kaese
Ladysmith Chamber of Commerce
Fundraising Committee

11th ANNUAL GOLF CLASSIC SPONSOR PACKAGES

TITLE SPONSOR - \$3,000

- Exclusivity: Only one title sponsor for event and similar businesses will be excluded from being a Tournament Sponsor as defined below.
- Naming rights: Dominant brand/logo presence at registration and reception, on all tournament advertising including website, social media, posters and print media advertising.
- Chamber membership upgrade: includes a free Chamber membership for one year, an upgrade to an enhanced membership listing, and a featured listing on the Chamber home page for a minimum of 6 months.
- Opportunity to address guests during reception.
- One Hole Sponsorship with opportunity to set up a kiosk at your hole to promote your business.
- 4 Golfers including dinner.
- Signage on 2 golf carts.
- Recognition in the golf program and awards ceremony.
- Post-event recognition - thank you in the newspaper, newsletter, website etc.
- First right of refusal for the following year.

Tournament Sponsor - \$1,000

- Exclusivity: similar businesses will be excluded from being a Tournament Sponsor.
- Brand/logo recognition in the golf program, awards ceremony and tournament advertising (secondary priority/emphasis to Title Sponsor).
- One Hole Sponsorship with opportunity to set up a kiosk at your hole to promote your business.
- 2 Golfers including dinner.
- Post-event recognition - thank you in the newspaper, newsletter, website etc.

Hole Sponsor - \$200

- Brand/logo recognition on one hole on golf course with opportunity to set up a kiosk at your hole to promote your business.
- Recognition in the golf program and awards ceremony.
- Post-event recognition – thank you in the newspaper, newsletter, website etc.

Cart Sponsor - \$50

- Brand/logo recognition on two golf carts per sponsorship.
- Recognition in the golf tournament program.
- Post-event recognition – thank you in the newspaper, newsletter, website etc.

Prize Sponsor

- Donate a product or service for use as door prize and/or auction item.
- Includes recognition in the golf tournament program and during auction/prize announcements.
- Post-event recognition – thank you in the newspaper, newsletter, web etc.

The Ladysmith Chamber of Commerce would like to recognize and thank the LDCU as the
Title Sponsor of the 2018 Golf Tournament

MAY 22 2018
TOWN OF LADYSMITH



May 16, 2018

Guillermo Ferrero
Chief Administrative Officer
Town of Ladysmith
PO Box 220
Ladysmith, BC V9G 1A2

COPY

Dear Guillermo Ferrero:

**RE: STRATEGIC PRIORITIES FUNDING AGREEMENT UNDER THE
ADMINISTRATIVE AGREEMENT ON THE FEDERAL GAS TAX FUND IN
BRITISH COLUMBIA**

Enclosed are two copies of the Strategic Priorities Fund funding agreement between the Town of Ladysmith and the Union of British Columbia Municipalities for the **Machine Shop Arts, Heritage and Cultural Centre Restoration Project (17-1835-SPF)** project.

Please sign both copies and return them to the address indicated below. Once the documents have been reviewed, signed and dated by UBCM, one fully executed copy of the Agreement will be returned to you for your records.

Mail to: Union of British Columbia Municipalities
Local Government House
525 Government Street
Victoria, BC V8V 0A8

Payment under this Agreement will be through a claims process as is outlined in Section 3.2 of the enclosed Agreement. As soon as the signed Agreement has been returned by UBCM, the Town of Ladysmith will be able to make their first claim if some payments have already been made towards the project.

Please feel free to call Christina Ross, Gas Tax Program Administrator if you need further clarification. She can be reached by telephone at 250-356-5134 or via email at gastax@ubcm.ca.

Thank you.

Kind regards,

A handwritten signature in blue ink, appearing to read "B. Felker".

Brant Felker
Gas Tax Policy & Program Manager

Enclosures (3)

Pc: Clayton Postings, Director of Parks, Recreation and Culture



STRATEGIC PRIORITIES FUND
 under the
ADMINISTRATIVE AGREEMENT
ON THE FEDERAL GAS TAX FUND IN BRITISH COLUMBIA
FUNDING AGREEMENT FOR THE
Machine Shop Arts, Heritage and Cultural Centre Restoration Project (17-1835-SPF)

BETWEEN: TOWN OF LADYSMITH (the “Recipient”)

AND:

The **UNION OF BRITISH COLUMBIA MUNICIPALITIES** as continued by section 2 of the *Union of British Columbia Municipalities Act RSBK 2006, c.1*, as represented by the President (UBCM).

WHEREAS:

- A. Canada, British Columbia and UBCM wish to help communities build and revitalize their public infrastructure that supports national objectives of productivity and economic growth, a clean environment and strong cities and communities;
- B. Canada, British Columbia and UBCM have entered into the Administrative Agreement on the Federal Gas Tax Fund in British Columbia (the Gas Tax Agreement) setting out the roles and responsibilities of the Parties for the administration of the Federal Gas Tax Fund (GTF) in British Columbia;
- C. The Gas Tax Agreement provides for delivery of funding that may be received by UBCM from Canada, including interest thereon, through three programs, one of which is the Strategic Priorities Fund;
- D. The Gas Tax Agreement sets out the purpose, terms and conditions of the Strategic Priorities Fund, and requires that in order to receive Strategic Priorities Fund funding, the Recipient must sign this Agreement with UBCM;

NOW THEREFORE, in consideration of the mutual promises herein, the Recipient and UBCM agree as follows:

1. PURPOSE

The purpose of this Agreement is to set out the roles and responsibilities of the Recipient and UBCM related to any Strategic Priorities Fund funds that may be delivered to the Recipient by UBCM.

2. SCHEDULES

The following Schedules, containing information originating in whole or in part from the Gas Tax Agreement, are attached to and form part of this Agreement:

- Schedule A - Definitions
- Schedule C - Eligible and Ineligible Expenditures
- Schedule D - Reporting and Audits

Schedule E - Communications Protocol

3. CONTRIBUTION PROVISIONS

3.1 Maximum Payment

- a) UBCM will make a financial contribution from the Strategic Priorities Fund to the Recipient for the Machine Shop Arts, Heritage and Cultural Centre Restoration Project project as described in Appendix 1, that will not exceed the lesser of 100% of the Eligible Costs of that Eligible Project and \$1,752,553.00 .
- b) The Recipient acknowledges that Eligible Costs are limited to net costs to the Recipient, that is, net of other grants and other external contributions. The Recipient acknowledges that any otherwise Eligible Costs that have received funding from any other federal, provincial or Third Party source will not be reimbursed under this Agreement, and the Recipient agrees to promptly notify UBCM in writing of any such funding received.
- c) Any amount paid to the Recipient under this Funding Agreement in excess of the maximum contribution set out in paragraph (a), must be repaid by the Recipient to UBCM.

3.2 Payment of Funds to the Recipient

- a) Subject to paragraphs (d) and (e), and provided the Recipient is not in default of this Agreement, UBCM will pay an amount validly claimed by the Recipient under paragraph (b) or (c) within 30 days of the verification of that claim.
- b) Recipients may submit, on the form supplied by UBCM, a claim or claims for payment of the contribution amounts specified under section 3.1(a) at any time between Commencement Date and Agreement expiry date described under section 7 of this Agreement.
- c) In order to be validly included in a claim for payment, amounts must be
 - I. Eligible Costs of an Eligible Project identified in Appendix 1;
 - II. Fully paid by the Recipient prior to the date of the claim;
 - III. Not subject to reimbursement to the Recipient through any other grant, rebate, or external contribution program or arrangement;
 - IV. Not included in a previous claim for payment under this Agreement; and
 - V. When added to amounts included in all previous claims for payment under this Agreement, is less than the maximum contribution amount set out for that Eligible Project in section 3.1(a), or, if the claim is made prior to the completion of the project, 85% of that amount.
- d) UBCM may not pay a claim of the Recipient if the Recipient was required to file an annual report as per section 6.6 of this Agreement.
- e) UBCM is not required to pay a claim of the Recipient if Funds received by UBCM from Canada under the Gas Tax Agreement are insufficient to make the payment.

4. COMMITMENTS AND ACKNOWLEDGEMENTS OF THE RECIPIENT

4.1 Eligible Project Approved for Funding and Changes to that Project

- a) An Eligible Project approved for funding must be as described in Appendix 1 and all funding under this Agreement is subject to completion of the Eligible Project

listed in Appendix 1. Funding under this Agreement will not be made available to the Recipient for an Eligible Project where the scope or Eligible Costs of the Eligible Project are different than that described in Appendix 1, unless the Recipient has obtained prior written approval for the change from the Management Committee.

- b) The Management Committee shall not consider cost overruns on Eligible Projects.

4.2 Requirement to Commence and Complete Project

- a) The Recipient will implement the Eligible Project in a diligent and timely manner, and has commenced or will commence carrying out the Eligible Project on or about April 5, 2018 (the Commencement Date) and will complete the Eligible Project no later than December 31, 2019 (the Completion date).
- b) Upon request by UBCM, the Recipient will provide evidence to UBCM that the Recipient has commenced the Eligible Project.
- c) If, after the Commencement Date, and in the judgment of the Management Committee, the Recipient fails to demonstrate that the Eligible Project has commenced, this Agreement may be terminated at the option of the Management Committee, effective immediately.

5. UNDERTAKING THE ELIGIBLE PROJECT

The Recipient will:

- a) Award and manage all contracts for the supply of services and/or materials to the Eligible Project in accordance with the Recipient's relevant policies and procedures;
- b) Award contracts for the supply of services and/or materials to the Eligible Project in a manner that is transparent, competitive, and consistent with value for money principles;
- c) Comply with all legislated environmental assessment requirements and agree that no Funds will be committed to an Eligible Project until all required environmental assessment requirements have been satisfied; and
- d) Implement any mitigation measures identified in any environmental assessment of the Eligible Project.

Disposal of Asset:

- a) Any revenue that is generated from the sale, lease, encumbrance or other disposal of an asset resulting from the Eligible Project where such disposal takes place within five (5) years of the date of completion of the Eligible Project must be reimbursed to UBCM;
- b) The repayment provision under paragraph (a) does not apply if the asset disposal is to Canada, British Columbia, or a Local Government in British Columbia; and
- c) The Recipient will notify the UBCM in writing as soon as practicable of any transaction triggering the above-mentioned repayment.

6. RECIPIENT REQUIREMENTS

The Recipient will:

1. Ensure that GTF funding received from UBCM is used in accordance to *Schedule C* (Eligible and Ineligible Expenditures).
2. Treat any GTF funding received from UBCM as federal funds with respect to other federal infrastructure programs.
3. Ensure that GTF funding received from UBCM results in incremental spending.
4. Comply with Ultimate Recipient requirements outlined in *Schedule E* (Communications Protocol).
5. With respect to Contracts, award and manage all contracts in accordance with the Ultimate Recipients' relevant policies and procedures and, if applicable, in accordance with the Agreement on Internal Trade and applicable international trade agreements, and all other applicable laws.
6. Submit a report to UBCM, in a format acceptable to UBCM, by June 1 in each calendar year, which includes:
 - a) GTF transactions of the Recipient for the previous calendar year, in sufficient detail to allow UBCM to create the aggregated report required by *Schedule D*.
 - b) A declaration from the Recipient's officer responsible for financial administration that the Ultimate Recipient has complied with all Funding Agreements between it and UBCM; and
 - c) Any other information required by UBCM to fulfill its responsibilities under this Agreement, including, but not limited to project outcomes in relation to anticipated program benefits, expenditures made for tangible capital assets, and progress made towards Asset Management improvements.
7. Allow UBCM and Canada reasonable and timely access to all of its documentation, records and accounts and those of their respective agents or Third Parties related to the use of GTF funding, and all other relevant information and documentation requested by Canada or its designated representatives for the purposes of audit, evaluation, and ensuring compliance with this Funding Agreement.
8. Ensure that no current or former public servant or public office holder to whom any post-employment, ethics and conflict of interest legislation, guidelines, codes or policies of Canada applies will derive direct benefit from GTF funding, unless the provision or receipt of such benefits is in compliance with such legislation, guidelines, policies or codes.
9. Keep proper and accurate accounts and records in respect of all Eligible Projects for at least six (6) years after completion of the Eligible Project and, upon reasonable notice, make them available to Canada and UBCM.
10. Ensure actions do not establish or be deemed to establish a partnership, joint venture, principal-agent relationship or employer-employee relationship in any way or for any purpose whatsoever between Canada, British Columbia, or UBCM and a Third Party.
11. Ensure that they do not represent themselves, including in any agreement with a Third Party, as a partner, employee or agent of Canada, British Columbia, or UBCM.
12. Ensure that they will not, at any time, hold Canada, British Columbia, or UBCM or any of their respective officers, servants, employees or agents responsible for any claims or losses of any kind that they, Third Parties or any other person or entity may suffer in relation to any matter related to GTF funding or an Eligible Project and that they will, at all times,

compensate the Government of Canada or British Columbia, or UBCM and their respective officers, servants, employees and agents for any claims or losses of any kind that any of them may suffer in relation to any matter related to GTF funding or an Eligible Project, except to the extent to which such claims or losses relate to the negligence of an officer, employee, or agent of Canada, British Columbia, or UBCM in the performance of his or her duties.

13. Agree that the above requirements which, by their nature, should extend beyond such expiration or termination.

7. TERM

This Strategic Priorities Fund Agreement shall commence on the date that it is fully executed by both of the Parties and shall expire on June 30, 2020.

8. SURVIVAL

The rights and obligations, set out in **Sections 6.1** will survive the expiry or early termination of this Agreement and any other section which is required to give effect to the termination or to its consequences shall survive the termination or early termination of this Strategic Priorities Fund Agreement.

9. AMENDMENT

The Recipient acknowledges that the Gas Tax Agreement may from time to time be amended by agreement of Canada, British Columbia and the UBCM and if and whenever such amendments to the Gas Tax Agreement are made, the Recipient agrees that the UBCM may require this Agreement to be amended to reflect, at the sole discretion of the UBCM, the amendments made to the Gas Tax Agreement. Where the UBCM requires this Agreement to be so amended, it will provide to the Recipient notice in writing of the amendments it requires. Such amendments shall form part of this Agreement and be binding on the Recipient and the UBCM thirty (30) days after such notice, unless before then the Recipient elects in writing to give written notice of termination of this Agreement to the UBCM.

10. WAIVER

No provision of this Agreement shall be deemed to be waived by the UBCM, unless waived in writing with express reference to the waived provisions and no excusing, condoning or earlier waiver of any default by the Recipient shall be operative as a waiver, or in any way limit the rights and remedies of the UBCM or Canada.

11. NO ASSIGNMENT

This Agreement is not assignable by the Recipient and the Recipient shall not assign, pledge, or otherwise transfer any entitlement to allocation of funds under this Agreement to any person and shall upon receipt of any allocation of funds hereunder pay and expend such funds thereafter only in accordance with the terms of this Agreement.

12. NOTICE

Any notice, information or document provided for under this Agreement must be in writing and will be effectively given if delivered or sent by mail, postage or other charges prepaid, or by facsimile or email. Any notice that is delivered will have been received on delivery; and any notice mailed will be deemed to have been received eight (8) calendar days after being mailed.

13. DISPUTE RESOLUTION

- a) UBCM and Recipient are committed to working together and making all efforts to reach agreement on fulfillment of the terms and conditions of this Agreement and the UBCM's obligations to Canada and British Columbia under the Gas Tax Agreement. This includes early and ongoing communications and information sharing.
- b) In the event of an unresolved dispute between the two parties regarding the terms and conditions of this Agreement, either party may refer the dispute to the Partnership Committee.

14. DEFAULT AND REMEDIES

- a) If the Recipient fails to observe or comply with any of the terms or conditions set out in this Agreement, the UBCM, upon recommendation of the Management Committee, may, at its discretion exercisable by written notice to the Recipient, reduce, suspend or terminate any further payment.
- b) On receipt of a default notice under this section, the Recipient must, within 30 days of receipt of such notice, remedy the default, or demonstrate to the satisfaction of the UBCM that it has taken sufficient actions as necessary to commence curing the default or must proceed to dispute resolution.
- c) If and so long as the Recipient remains in default of this Agreement after notice, pursuant to this section has been given, the UBCM's obligations to make any further payments pursuant to this section, the UBCM's obligation to make any further payments pursuant to section 3.2 of this Agreement are suspended.

Any notice to the UBCM will be addressed to:
 Executive Director
 525 Government Street
 Victoria, British Columbia
 V8V 0A8
 Facsimile: 250 356-5119
 Email: gastax@ubcm.ca

SIGNATURES

This Agreement has been executed on behalf of the Recipient by those officers indicated below and each person signing the agreement represents and warrants that they are duly authorized and have the legal capacity to execute the agreement.

<p>TOWN OF LADYSMITH Original signed by:</p> <p>_____</p> <p>Mayor</p>	<p>UNION OF BC MUNICIPALITIES Original signed by:</p> <p>_____</p> <p>Corporate Officer</p>
<p>_____</p> <p>Corporate Officer</p>	<p>_____</p> <p>General Manager, Victoria Operations</p>
<p>Signed by TOWN OF LADYSMITH on the _____ day of _____, 201__.</p>	<p>The Agreement has been executed by UBCM on the _____ day of _____, 201__.</p>

Schedule A – Definitions

“Agreement” means this Strategic Priorities Fund funding agreement between the Recipient and UBCM.

“Gas Tax Agreement” means the Administrative Agreement on the Federal Gas Tax Fund in British Columbia.

“Annual Report” means the duly completed annual report to be prepared and delivered by the UBCM to Canada and British Columbia, as described in *Schedule D* (Reporting and Audits).

“Chief Financial Officer” means the financial officer assigned financial administration responsibility under section 149 of the *Community Charter*.

“Communications Protocol” means the protocol by which all communications activities related to GTF funding will be delivered as described in *Schedule E*.

“Contract” means an agreement between an Ultimate Recipient and a Third Party whereby the latter agrees to supply a product or service to an Eligible Project in return for financial consideration.

“Eligible Expenditures” means those expenditures described as eligible in *Schedule C* (*Eligible and Ineligible Expenditures*).

“GTF” means the Gas Tax Fund, a program established by the Government of Canada setting out the terms and conditions for the administration of funding that may be provided by Canada to recipients under section 161 of the *Keeping Canada’s Economy and Jobs Growing Act*, S.C. 2011, c. 24 as amended by section 233 of the *Economic Action Plan 2013 Act, No. 1*, S.C. 2013, c. 33, or any other source of funding as determined by Canada.

“Ineligible Expenditures” means those expenditures described as ineligible in *Schedule C* (*Eligible and Ineligible Expenditures*).

“Infrastructure” means municipal or regional, publicly or privately owned tangible capital assets in British Columbia primarily for public use or benefit.

“Management Committee” means the management committee established under the Gas Tax Agreement.

“Outcomes Report” means the report to be delivered by March 31, 2018 and again by March 31, 2023 by UBCM to Canada and British Columbia, which reports on how GTF investments are supporting progress towards achieving the program benefits, more specifically described in *Schedule D* (Reporting).

“Partnership Committee” means the Committee required to be established by the Agreement to govern the implementation of the Agreement and further described in Annex C of the Agreement.

“Party” means Canada, British Columbia or UBCM when referred to individually and collectively referred to as “Parties”.

“Third Party” means any person or legal entity, other than Canada, British Columbia, UBCM or an Ultimate Recipient, who participates in the implementation of an Eligible Project by means of a Contract.

“Recipient” means the recipient and signatory of this Agreement with UBCM.

“Ultimate Recipient” is a term used in the Gas Tax Agreement made between The UBCM and Canada and any reference in *Schedule E* to this Agreement to an “Ultimate Recipient” means the “Recipient” in this Agreement.

Schedule C – Eligible and Ineligible Expenditures

1. ELIGIBLE EXPENDITURES

1.1 Eligible Expenditures will be limited to the following:

- a) The expenditures associated with acquiring, planning, designing, constructing or renovating a tangible capital asset, as defined by Generally Accepted Accounting Principles (GAAP), and any related debt financing charges specifically identified with that asset.
- b) For capacity building category only, the expenditures related to strengthening the ability of the Ultimate Recipient to improve local and regional planning including capital investment plans, integrated community sustainability plans, life cycle cost assessments, and Asset Management Plans. The expenditures could include developing and implementing:
 - I. Studies, strategies, or systems related to asset management, which may include software acquisition and implementation;
 - II. Training directly related to asset management planning; and
 - III. Long-term infrastructure plans.
- c) The expenditures directly associated with joint communication activities and with federal project signage for GTF-funded projects.

1.2 Employee and Equipment Costs:

The incremental costs of the Ultimate Recipient's employees or leasing of equipment may be included as Eligible Expenditures under the following conditions:

- a) The Ultimate Recipient is able to demonstrate that it is not economically feasible to tender a contract;
- b) The employee or equipment is engaged directly in respect of the work that would have been the subject of the contract; and
- c) The arrangement is approved in advance and in writing by UBCM.

2. INELIGIBLE EXPENDITURES

The following are deemed Ineligible Expenditures:

- a) Project expenditures incurred before the Commencement date;
- b) The cost of leasing of equipment by the Recipient, of any overhead costs, including salaries and other employment benefits of any employees of the Recipient, its direct or indirect operating or administrative costs of the Recipient, and more specifically its costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by its staff, except in accordance with Eligible Expenditures above;
- c) Taxes for which the Recipient is eligible for a tax rebate and all other costs eligible for rebates;
- d) Purchase of land or any interest therein, and related costs;
- e) Legal fees; and
- f) Routine repair and maintenance costs.

Schedule D – UBCM Reporting and Audits

1. REPORTING

Reporting requirements under the GTF will consist of an Annual Report and an Outcomes Report that will be submitted by UBCM to Canada and British Columbia for review and acceptance. The reporting year is January 1st to December 31st.

1.1 ANNUAL REPORT

By September 30th of each year, UBCM will provide to Canada and British Columbia an Annual Report in an electronic format deemed acceptable by Canada consisting of the following in relation to the previous reporting year:

Financial Report Table:

The financial report table will be submitted in accordance with the following template.

Annual Report Financial Table	Annual	Cumulative
	20xx - 20xx	2014 - 20xx
UBCM		
Opening Balance	\$xxx	
Received from Canada	\$xxx	\$xxx
Interest Earned	\$xxx	\$xxx
Administrative Cost	(\$xxx)	(\$xxx)
Transferred to Ultimate Recipients	(\$xxx)	(\$xxx)
Closing Balance of Unspent Funds	\$xxx	
Ultimate Recipients in Aggregate		
Opening Balance	\$xxx	
Received from UBCM	\$xxx	\$xxx
Interest Earned	\$xxx	\$xxx
Spent on Eligible Expenditures	(\$xxx)	(\$xxx)
Closing Balance of Unspent Funds	\$xxx	

Independent Audit or Audit Based Attestation:

UBCM will provide an independent audit opinion, or an attestation based on an independent audit and signed by a senior official designated in writing by British Columbia and UBCM, as to:

- a) The accuracy of the information submitted in the Financial Report Table; and
- b) That Funds were expended for the purposes intended.

Project List

UBCM will maintain, and provide to Canada and British Columbia a project list submitted in accordance with the following template.

Annual Report - GTF Project List Template

Project ID	Ultimate Recipient	Project Title	Project Description	Investment Category	Total Project Cost	Funds (GTF) Spent	Completed

1.2 OUTCOMES REPORT

By March 31, 2018 and March 31, 2023, the UBCM will provide to Canada and British Columbia and make publicly available, an Outcomes Report that will report in aggregate on the degree to which investments are supporting the progress in British Columbia towards achieving the following program benefits:

- a) Beneficial impacts on communities of completed Eligible Projects;
- b) Enhanced impact of GTF as a predictable source of funding including incremental spending; and
- c) Progress made on improving Local Government Asset Management.

The Outcomes Report will present performance data and a narrative on program benefits. The Partnership Committee will develop and approve a methodology for reporting on performance in respect of each of the program benefits.

2. AUDITS

Canada may, at its expense, carry out any audit in relation to the Agreement, and for this purpose, reasonable and timely access to all documentation, records and accounts that are related to the Agreement and the use of GTF funding, and any interest earned thereon, and to all other relevant information and documentation requested by Canada or its designated representatives, will be provided to Canada and its designated representatives by:

- British Columbia and UBCM, as applicable, where these are held by British Columbia, UBCM, or their respective agents or Third Parties; and
- Recipients where these are held by the Recipient or a Third Party or their respective agents.

Canada may, at its expense, complete a periodic evaluation of the GTF to review the relevance and performance (i.e. effectiveness, efficiency and economy) of the GTF. British Columbia and UBCM will provide Canada with information on program performance and may be asked to participate in the evaluation process. The results of the evaluation will be made publicly available.

Schedule E – Communications Protocol

1. PURPOSE

1.1. The provisions of this Communications Protocol apply to all communications activities related to any GTF funding which may be delivered by Canada, including allocations, and Eligible Projects funded under this Agreement. Communications activities may include, but are not limited to, public or media events, news releases, reports, web articles, blogs, project signs, digital signs, publications, success stories and vignettes, photo compilations, videos, advertising campaigns, awareness campaigns, editorials, awards programs, and multi-media products.

1.2. Through collaboration, the Parties agree to work to ensure clarity and consistency in the communications activities meant for the public.

2. JOINT COMMUNICATIONS APPROACH

2.1. The Parties agree to work in collaboration to develop a joint communications approach that identifies guiding principles, including those related to the provision of upfront project information, project signage, and planned communications activities throughout the year. This joint communications approach will have the objective of ensuring that communications activities undertaken each calendar year communicate a mix of Eligible Project types from both large and small communities, span the full calendar year and use a wide range of communications mediums.

2.2. The Parties agree that the initial annual joint communications approach will be finalized and approved by the Partnership Committee within 60 working days following the inaugural meeting of the partnership committee.

2.3. The Parties agree that achievements under the joint communications approach will be reported to the Partnership Committee once a year, or more frequently as requested by the Partnership Committee.

2.4. The Parties agree to assess the effectiveness of the joint communications approach on an annual basis and, as required, update and propose modifications to the joint communications approach. Any modifications will be brought to the Partnership Committee for approval.

3. INFORM CANADA ON ALLOCATION AND INTENDED USE OF GTF FUNDING FOR COMMUNICATIONS PLANNING PURPOSES

3.1. UBCM agrees to provide to Canada upfront information on planned Eligible Projects and Eligible Projects in progress on an annual basis, prior to the construction season. The Parties will agree, in the joint communications approach, on the date this information will be provided. The information will include, at a minimum:

Ultimate Recipient name; Eligible Project name; Eligible Project category, a brief but meaningful Eligible Project description; amount of Funds being used toward the Eligible Project; and anticipated start date.

3.2. The Parties agree that the above information will be delivered to Canada in an electronic format deemed acceptable by Canada. This information will only be used for communications planning purposes and not for program reporting purposes.

3.3. The Parties agree that the joint communications approach will define a mechanism to ensure the most up-to-date Eligible Project information is available to Canada to support media events and announcements for Eligible Projects.

4. PROJECT SIGNAGE

4.1. The Parties and Ultimate Recipients may each have a sign recognizing their contribution to Eligible Projects.

4.2. At Canada's request, Ultimate Recipients will install a federal sign to recognize federal funding at Eligible Project site(s). Federal sign design, content, and installation guidelines will be provided by Canada and included in the joint communications approach.

4.3. Where British Columbia, UBCM or an Ultimate Recipient decides to install a permanent plaque or other suitable marker with respect to an Eligible Project, it must recognize the federal contribution to the Eligible Project(s) and be approved by Canada.

4.4. The Ultimate Recipient is responsible for the production and installation of Eligible Project signage, or as otherwise agreed upon.

4.5. British Columbia or UBCM agree to inform Canada of signage installations on a basis mutually agreed upon in the joint communications approach.

5. MEDIA EVENTS AND ANNOUNCEMENTS FOR ELIGIBLE PROJECTS

5.1. The Parties agree to have regular announcements of Eligible Projects that are benefiting from GTF funding that may be provided by Canada. Key milestones may be marked by public events, news releases and/or other mechanisms.

5.2. Media events include, but are not limited to, news conferences, public announcements, official events or ceremonies, and news releases.

5.3. A Party or an Ultimate Recipient may request a media event.

5.4. Media events related to Eligible Projects will not occur without the prior knowledge and agreement of the Parties and the Ultimate Recipient.

5.5. The Party or Ultimate Recipient requesting a media event will provide at least 15 working days' notice to the other Parties or Ultimate Recipient of their intention to undertake such an event. The event will take place at a mutually agreed date and location. The Parties and the Ultimate Recipient will have the opportunity to participate in such events through a designated representative. The Parties will each designate their own representative.

5.6. The conduct of all joint media events and products will follow the *Table of Precedence for Canada*.

5.7. All joint communications material related to media events must be approved by Canada and recognize the funding of the Parties.

5.8. All joint communications material must reflect Canada's policy on official languages and the federal identity program.

6. PROGRAM COMMUNICATIONS

6.1. The Parties and Ultimate Recipients may include messaging in their own communications products and activities with regard to the GTF.

6.2. The Party or Ultimate Recipient undertaking these activities will provide the opportunity for the other Parties and Ultimate Recipient to participate, where appropriate, and will recognize the funding of all contributors.

6.3. The Parties agree that they will not unreasonably restrict the other Parties or Ultimate Recipient from using, for their own purposes, public communications products related to the GTF prepared by a Party or Ultimate Recipients, or, if web-based, from linking to it.

6.4. Notwithstanding Section 5 (Communications Protocol), Canada retains the right to meet its obligations to communicate information to Canadians about the GTF and the use of funding through communications products and activities.

7. OPERATIONAL COMMUNICATIONS

7.1. The Ultimate Recipient is solely responsible for operational communications with respect to Eligible Projects, including but not limited to, calls for tender, construction, and public safety notices. Operational communications as described above are not subject to the federal official language policy.

7.2. Canada, British Columbia, UBCM or the Ultimate Recipient will share information promptly with the Parties should significant emerging media or stakeholder issues relating to an Eligible Project arise. The Parties will advise Ultimate Recipients, when appropriate, about media inquiries received concerning an Eligible Project.

8. COMMUNICATING SUCCESS STORIES

British Columbia and UBCM agree to facilitate communications between Canada and Ultimate Recipients for the purposes of collaborating on communications activities and products including but not limited to Eligible Project success stories, Eligible Project vignettes, and Eligible Project start-to-finish features.

9. ADVERTISING CAMPAIGNS

Recognizing that advertising can be an effective means of communicating with the public, a Party or an Ultimate Recipient may, at their own cost, organize an advertising or public information campaign related to the GTF or Eligible Projects. However, such a campaign must respect the provisions of this Agreement. In the event of such a campaign, the

sponsoring Party or Ultimate Recipient agrees to inform the other Parties of its intention, and to inform them no less than 21 working days prior to the campaign launch.

Appendix 1

Detail of Approved Eligible Project

Machine Shop Arts, Heritage and Cultural Centre Restoration Project

The project work includes:

- Rehabilitation of the Ladysmith heritage railway machine shop building and adjacent rail shop building (washroom);
- Extensive repairs to roofing assemblies, building structures and exteriors;
- Mechanical, electrical and fire alarm system repairs/upgrades;
- Modifications to improve accessibility; and
- Safety improvements including fire hazard reductions.

INFORMATION REPORT TO COUNCIL

From: Clayton Postings, Director of Parks, Recreation and Culture
 Meeting Date: June 4, 2018
 File No: 0640-30
 RE: PARKS, RECREATION AND CULTURE FEES AND CHARGES

RECOMMENDATION:

That Council accept the following recommendations from the Parks, Recreation and Culture Advisory Committee:

That Council:

1. Approve the following proposed amendments to Town of Ladysmith Community Centre Facilities Fee and Charges Bylaw 2015 No. 1884:
 - Increase admission and pass fees by two per cent per year, effective September 1, 2018, September 1, 2019 and September 1, 2020 and continue not to charge admission for seniors over the age of eighty and children under the age of three;
 - Increase facility rental fees, park permit fees and sport field light fees by two per cent per year, effective September 1, 2018, September 1, 2019 and September 1, 2020;
 - Remove three- and six-month pass options from the Fees and Charges; and
 - Maintain family admission and pass rates at the current level;
 - Add rental fees for the lower recreation space at Frank Jameson Community Centre, known as the "rec room" at the same rate as the gymnasium.
2. Direct staff to prepare an amendment to "Town of Ladysmith Community Centre Facilities Fee and Charges Bylaw 2015 No. 1884".

PREVIOUS COUNCIL DIRECTION

Moved and seconded:

That Council:

1. Refer the following proposed amendments to Town of Ladysmith Community Centre Facilities Fee and Charges Bylaw 2015 No. 1884, to the Parks, Recreation and Culture Advisory Committee for review and comment:
 - Increase admission and pass fees by two per cent effective September 1, 2018 and September 1, 2019 and September 1, 2020 and continue to not charge admission for seniors over the age of eighty and children under the age of three;
 - Increase facility rental fees, park permit fees and sport field light fees by two per cent effective September 1, 2018 and September 1, 2019 and September 1,



2020;

- Remove three- and six-month pass options from the Fees and Charges;
- Maintain family admission and pass rates at the current fees;
- Add rental fees for the lower recreation space at Frank Jameson Community Centre known as the "rec room" at the same rate as the gymnasium.

2. Direct staff to consult with the major facility users requesting feedback relating to proposed facility rental rates and provide report back to Council.

Motion carried.

PURPOSE:

The purpose of this report is to seek Council's direction concerning amendments to Town of Ladysmith Community Centre Facilities Fees and Charges Bylaw 2015 No. 1884.

DISCUSSION:

At its meeting of May 16, 2018, the PRCAC reviewed and supported the proposed fees and charges.

As directed by Council, staff consulted with major facility users, which have associated fees and charges and received support in respect to increase and appreciation for the long-term plan for their use in planning future registration fees.

SUMMARY POINTS

- PRCAC reviewed the proposed increase to Parks, Recreation and Culture facility fees and charges
- Major user groups that use facilities which have associated fees and charges, provided support for the proposed three year plan.



Clayton Postings
Director of Parks, Recreation & Culture

May 30, 2018

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT(S)

Parks, Recreation and Culture Fees and Charges Report

Appendix A Proposed Fees (2018-2021)

Appendix B Proposed Facility Rental Fees (2018-2021)

Appendix C Current Regional Single Admission Comparison

Appendix D Current Regional Pass Comparison

Appendix E Current Regional Facility Rental Fee Comparison

Appendix F Current Pool Rental Fees and Charges

Appendix G Existing Fees and Charges Matrix (2015-2018)

Fees & Charges Policy

STAFF REPORT TO COUNCIL

From: Clayton Postings, Director of Parks, Recreation & Culture
Meeting Date: May 14, 2018
File No: 0640-30
RE: **PARKS AND RECREATION FEES AND CHARGES REVIEW**

RECOMMENDATION:

That Council:

1. Consider referring the following proposed amendments to Town of Ladysmith Community Centre Facilities Fee and Charges Bylaw 2015 No. 1884, to the Parks, Recreation and Culture Advisory Committee for review and comment:
 - Increase admission and pass fees by two per cent effective September 1, 2018 and September 1, 2019 and September 1, 2020 and continue to not charge admission for seniors over the age of eighty and children under the age of three;
 - Increase facility rental fees, park permit fees and sport field light fees by two per cent effective September 1, 2018 and September 1, 2019 and September 1, 2020;
 - Remove three- and six-month pass options from the Fees and Charges;
 - Maintain family admission and pass rates at the current fees;
 - Add rental fees for the lower recreation space at Frank Jameson Community Centre known as the "rec room" at the same rate as the gymnasium.
2. Direct staff to consult with the major facility users requesting feedback, relating to proposed facility rental rates and provide report back to Council.

PURPOSE:

The purpose of this staff report is to seek Council's direction regarding Fees and Charges Bylaw 2015 No. 1884.

PREVIOUS COUNCIL DIRECTION

Moved and seconded:

That Council refers to the Parks, Recreation and Culture Commission the following proposed amendments to Town of Ladysmith Community Centre Facilities Fees and Charges Bylaw 2014, No, 1846 for review and comment:

- Increase admission and pass fees by two per cent effective September 1, 2015, September 1, 2016 and September 1, 2017 for Adult, Youth, Child, Family and Senior (and continue no charge for children under three or seniors over 80).

- Increase facility rental fees, park permit fees and sport field lights by two per cent effective September 1, 2015, September 1, 2016 and September 1, 2017, and
- Add “locker fee” rental to the Fees and Charges Bylaw with a rate of fifty cents per use for full sized lockers and twenty-five cents for medium to small lockers.

Motion carried.

INTRODUCTION/BACKGROUND:

In August 2015, Council authorized a two per cent increase for admission and pass fees with the exception of admissions and passes for seniors over 80 years old and children under three years old, which remain at no charge.

At that time, Council also supported a three-year plan for fees and charges, which is consistent with surrounding communities and allows clubs and organizations advance information regarding future fees and charges if applicable.

Staff have completed a review of existing fees and charges. During this review, staff use the attached Fees and Charges Policy guidelines to base recommendations, which includes market analysis, inflationary costs, and ensuring fees are neither too high, which may deter participation, nor too low, which may be viewed as not honouring the user pay principle.

Facility Fees & Charges

Rental Charge Increase

In determining appropriate rental rate increase, staff compared neighbouring communities and similar facilities such as those found in the school district. Due to various facility sizes, amenities offered and rental requirements, an overall average was used for rental fee comparison. This comparison confirmed that Ladysmith fees for facility rentals are comparable in the region and in many cases lower than comparable facilities.

Increasing facility rental fees by two per cent will ensure that the operation maintains budgeted recovery percentages, and continue to allow access for community usage. All facility rentals are based on full charges, with registered non-profit societies receiving a fifty per cent discount on fees associated with rentals.

Rec Room Charge

Recent upgrades to the space along with upcoming marketing initiatives, staff anticipate there will be a demand for rental use of the “rec room” when not being used for youth programming. Due to the amenities and size of the space, it is the recommendation of staff that the charge to rent the space be the same as the charge to rent the gymnasium.

Admissions and Passes Changes:

Similar to the facility rental fees, admission and pass fees have been reviewed in the context of the cost recovery targets established in the departmental annual budget along with marketplace comparison for similar services, programs and amenities within the region. The proposed increase of two per cent is consistent with the market and is not expected to impact users of the facilities. Conversely, the family admission and pass have been noted as one area, which has been reduced in many communities, this pass is not utilized often in Ladysmith, for this reason, it is suggested the family admission and pass rate is maintained at the existing fee with no increase over the next three years.

It is recommended to remove the three- and six-month pass option which is consistent with trends regionally, as users are more often choosing the one-month and drop-in options. In addition, as of September 1, 2018, the region's new online recreation software will be operational, allowing greater flexibility for patrons who choose to automatically renew their monthly pass with automatic preauthorized payment. Alternatively, patrons may still choose to commit for full 12-months and take advantage of a significantly lower fee.

Note all fees listed on the following appendices do not include GST; all fees will be rounded up or down to the nearest nickel, once the tax is applied.

ALTERNATIVES:

Council can choose to:

- 1) Council could choose to maintain the current fees structure recognizing possible negative budgetary impact on future operations.
- 2) Council could choose to change the proposed fees and charges to another percentage increase.

FINANCIAL IMPLICATIONS:

The financial impact resulting from the proposed two per cent increase annually for passes and admissions is anticipated to increase revenues by approximately \$6,000.00 each year. While facility rental fee increases for the same period would result in a projected revenue gain of approximately \$2,600.00.

Staff will continue to identify areas for increased revenue and/or initiatives to deliver services at an affordable cost to enable increased participation and rental activity.

LEGAL IMPLICATIONS:

There is no legal implication identified.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

It is anticipated that the proposed admission fee increase will have minimal impact on user participation. In part because, Ladysmith residents with financial barriers may participate in the Leisure Access Program, which allows participants to receive a fifty per cent discount on admissions and passes.

In respect to facility rental fees, Staff will communicate the new fees well in advance to the changes taking place. Further, community groups and organizations will continue to have an opportunity to receive rate reductions or fees waived for special community events, as part of Council's grant-in-aid program.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Corporate Services will assist with processing the amendment to the Fees & Charges Bylaw.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|--|--|
| <input 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 checked="" type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

User fees and rental fees are required to maintain, or reduce where possible, the current level of subsidy by the taxpayer. It is important to ensure that user fees allow for the recovery of costs associated with the delivery of services and programs, and for the ongoing maintenance of the facilities and equipment. Staff review these user fees on a regular basis to ensure rates continue to be reasonable and affordable while also being competitive and allowing defined service levels to be maintained.



Clayton Postings
Director of Parks,

May 9, 2018

Date

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

Appendix A Proposed Fees (2018-2021)

Appendix B Proposed Facility Rental Fees (2018-2021)

Appendix C Current Regional Single Admission Comparison

Appendix D Current Regional Pass Comparison

Appendix E Current Regional Facility Rental Fee Comparison

Appendix F Current Pool Rental Fees and Charges

Appendix G Existing Fees and Charges Matrix (2015-2018)

Fees & Charges Policy

Reviewed previously

Appendix A

Proposed Fees 2018-2021 (GST NOT INCLUDED)

Single Admissions				
Type	Current	2018/19	2019/20	2020/21
Child 0-3 yrs	FREE			
Child 3-12 yrs	2.84	2.90	2.96	3.02
Youth 13-18 yrs	3.88	3.96	4.04	4.12
Adult 19-59 yrs	5.57	5.68	5.80	5.91
Senior 60-79 yrs	3.88	3.96	4.04	4.12
Senior 80 & up	FREE			
Family	11.14	11.14	11.14	11.14
10 X Pass				
Type	Current	2018/19	2019/20	2020/21
Child 0-3 yrs	FREE			
Child 3-12 yrs	24.09	24.57	25.06	25.56
Youth 13-18 yrs	33.23	33.89	34.57	35.26
Adult 19-59 yrs	47.05	48.00	48.95	49.93
Senior 60-79 yrs	33.23	33.89	34.57	35.26
Senior 80 & up	FREE			
Family	94.11	94.11	94.11	94.11
30 X Pass				
Type	Current	2018/19	2019/20	2020/21
Child 0-3 yrs	FREE			
Child 3-12 yrs	57.83	58.98	60.16	61.36
Youth 13-18 yrs	88.15	89.92	91.72	93.55
Adult 19-59 yrs	124.17	126.66	129.19	131.77
Senior 60-79 yrs	88.18	89.94	91.74	93.57
Senior 80 & up	FREE			
Family	248.34	248.34	248.34	248.34

1-Month Pass				
Type	Current	2018/19	2019/20	2020/21
Child 0-3 yrs	FREE			
Child 3-12 yrs	N/A			
Youth 13-18 yrs	39.35	40.14	40.94	41.76
Adult 19-59 yrs	49.24	50.22	51.23	52.25
Senior 60-79 yrs	39.35	40.14	40.94	41.76
Senior 80 & up	FREE			
Family	98.48	98.48	98.48	98.48
12-Month Pass				
Type	Current	2018/19	2019/20	2020/21
Child 0-3 yrs	FREE			
Child 3-12 yrs	N/A			
Youth 13-18 yrs	381.20	388.82	396.60	404.53
Adult 19-59 yrs	477.94	487.49	497.24	507.19
Senior 60-79 yrs	381.20	388.82	396.60	404.53
Senior 80 & up	FREE			
Family	955.87	955.87	955.87	955.87

Residents with a limited income have the opportunity to apply to participate in the Leisure Access Program, which entitles participants a 50-percent discount for all admissions and passes.

Appendix B

Proposed Facility Rental Fees (GST NOT INCLUDED)

Facility	Current	2018/19	2019/20	2020/21
Frank Jameson Community Centre				
Meeting Room Hourly Rate	23.38	23.85	24.33	24.81
Meeting Room Hourly with Pool	21.54	21.97	22.41	22.86
Meeting Room Daily Rate	93.41	95.28	97.19	99.13
Gymnasium Hourly Rate	42.11	42.95	43.81	44.68
Gymnasium Daily Rate	362.83	370.09	377.49	385.04
Lower Program Room Hourly Rate	41.51	42.34	43.19	44.05
Lower Program Room with Pool	21.54	21.97	22.41	22.86
Lower Program Room Daily Rate	166.05	169.37	172.75	176.21
Lower Rec Room Hourly Rate *NEW		42.95	43.81	44.69
Lower Rec Room Daily Rate *NEW		370.09	377.49	385.04
Locker Rental - small	0.25	0.25	0.25	0.25
Locker Rental - large	0.50	0.50	0.50	0.50
One Pool	78.48	80.05	81.65	83.28
Two Pools	115.28	117.58	119.94	122.34
Aggie Hall				
Aggie Hall Hourly Rate (no kitchen)	42.11	42.95	43.81	44.68
Aggie Hall Hourly Rate (with kitchen)	71.12	72.54	73.99	75.47
Aggie Hall Daily Rate (includes kitchen)	194.08	197.96	201.92	205.96
Aggie Hall Receptions Party, Dance	381.50	389.13	396.92	404.85
Transfer Beach				
Transfer Beach Kin Shelter per Day	52.17	53.22	54.28	55.37
Transfer Beach Amphitheatre – Full Day Private Family Function	96.07	97.99	99.95	101.95
Transfer Beach Amphitheatre – Half Day Private Family Function	54.88	55.98	57.10	58.24
Transfer Beach Amphitheatre – Full Day Public Special Event	370.57	377.98	385.54	393.25
Transfer Beach Amphitheatre – Performances per Hour	26.25	26.77	27.31	27.86
Park Permit (parking lot, upper beach, or lower beach) Full Day	96.07	97.99	99.95	101.95
Park Permit (parking lot, upper beach, or lower beach) Half Day	54.88	55.98	57.10	58.24
Park Permit (parking lot, upper beach, or lower beach) per Hour	26.25	26.77	27.31	27.86
Sports Fields				
Aggie Ball Diamonds per Hour Youth		N/C		
Aggie Ball Diamonds per Hour Adult	15.91	16.23	16.55	16.88
Aggie Ball Diamonds Tournament per Day	136.71	139.45	142.23	145.08
High Street Little League Diamonds per Hour Youth		N/C		
High Street Little League Diamonds Tournament per Day	136.71	139.45	142.23	145.08
Holland Creek Ball Diamonds per Hour Youth		N/C		
Holland Creek Ball Diamonds per Hour Adult	15.91	16.23	16.55	16.88
Holland Creek Ball Diamonds Tournament per Day	136.71	139.45	142.23	145.08
Forrest Field per Hour Youth	7.04	7.18	7.32	7.47
Forrest Field per Hour Adult	25.17	25.67	26.18	26.71
Forrest Field per Day Youth	45.68	46.59	47.52	48.47
Forrest Field per Day Adult	169.83	173.23	176.69	180.23
Miscellaneous				
Chairs (25)	22.24	22.69	23.14	23.61
Forrest Field Half Lights per Hour	11.80	12.03	12.28	12.52
Forrest Field Full Lights per Hour	15.32	15.62	15.94	16.25
Aggie Field Lights	5.90	6.02	6.14	6.26
FJCC Field Lights	5.90	6.02	6.14	6.26

Appendix C

Current Regional Single Admission Comparison (GST NOT INCLUDED)

COMMUNITY	CHILDREN	YOUTH	SENIORS	ADULTS	FAMILY
Campbell River	2.86	3.81	3.81	5.48	N/A
Cornox Valley Aquatic Centre	2.95	3.48	4.67	5.52	
Cowichan Aquatic Centre	2.90	4.38	4.38	5.81	13.00
Esquimalt	2.62	2.86	4.05	5.48	10.95
Gold River	3.19	3.57	3.90	4.95	10.29
Lake Cowichan	2.86	3.57	3.81	4.76	11.43
Mill Bay (Kerry Park)	2.86	3.81	3.81	4.76	10.48
Nanaimo	3.57	5.00	5.00	6.67	13.33
Oak Bay	3.24	5.00	5.00	6.43	12.86
RDN (Ravensong Aquatic Centre)	3.10	4.14	4.62	5.91	12.00
Port Alberni	2.86	2.86	2.86	4.76	11.43
Port Hardy	3.05	3.71	3.05	4.86	10.52
Powell River	3.33	4.57	5.05	6.00	12.43
Sidney/North & Central/Saanich	3.10	4.29	5.24	6.19	12.62
Saanich CW Place	3.10	4.29	5.24	6.19	12.62
City of Victoria (Crystal Pool & Fitness)	2.81	3.24	4.24	5.38	10.90
Westshore Parks and Rec	3.05	4.43	4.43	6.19	12.38
AVERAGE	3.03	3.94	4.30	5.61	10.43
Ladysmith - Current	2.86	3.86	3.88	5.57	11.14
Ladysmith - Proposed	2.90	3.93	3.95	5.68	11.37

Appendix D

Current Regional Pass Comparison (GST NOT INCLUDED)

	Nanaimo	RDN	North Cowichan	Ladysmith	
10 X Pass					
Child (0-36 mos)	FREE		17.61	FREE	
Child (3-12yrs)	28.57	27.90	26.19	24.10	
Youth (13-18yrs)	40.00	37.26	37.14	33.24	
Adult (19-59yrs)	53.33	53.19	52.38	47.05	
Senior*	40.00	41.58	39.52	33.24	
Family**		108.00	122.76	94.10	
30 X Pass					
Child (0-36 mos)	N/A			FREE	
Child (3-12yrs)				57.71	
Youth (13-18yrs)				88.00	
Adult (19-59yrs)				124.00	
Senior*				88.00	
Family				248.10	
1 Month Pass					
Child (0-36 mos)	N/A	N/A	N/A	FREE	
Child (3-12yrs)	21.90		32.86	N/A	
Youth (13-18yrs)	30.48		45.95	39.35	
Adult (19-59yrs)	40.00		65.71	49.24	
Senior*	30.48		49.29	39.35	
Family	80.00		N/A	98.48	
12 Month Pass					
Child (0-36 mos)	N/A		114.71	216.85	FREE
Child (3-12yrs)		217.62	173.80	328.57	N/A
Youth (13-18yrs)		290.63	243.33	555.24	381.20
Adult (19-59yrs)		414.89	347.61	657.14	477.94
Senior*		324.33	260.71	492.86	381.20
Family**		842.40	N/A	1,810.00	955.87

*Ladysmith children under the age of three and seniors aged 80 are free

**North Cowichan family rate dependant on amount of children, their ages and whether there is one parent or two for this comparison, the fee is based on two adults and three children

***Note shaded area indicates North Cowichan's "Lifestyle Pass" pass holders are not permitted to place pass on hold and must pay at time of purchase.

Appendix E

Current Regional Facility Rental Fees Comparison (GST NOT INCLUDED)

Facility Type	Ladysmith	Nanaimo	CVRD N Cowichan	SD68
Amphitheatre public event/day	370.57	25.00		
Amphitheatre private (up to 2 hours)	54.88	50.00		
Amphitheatre family half (up to 4 hours)	96.07	100.00		
Picnic shelter/up to eight hours		100.00		
Picnic shelter/up to four hours	52.17	59.50		
Public event at large park permit (up to 4 hrs)	54.88	25.00		
Ball field/tournament adult	136.71	86.00	30.00	
Ball field/tournament youth	136.71	123.00	15.00	
Ball diamond adult/hour	15.91	8.75	19.75	
Ball diamond youth/hour	-	2.25	11.75	
Grass youth/day	-	13.00		
Grass youth/hour	-	3.00		3.50
Grass adult/day	-	86.00		N/A
Grass adult/hour	15.91	13.00		13.50
Turf adult/day	169.83			
Turf adult/hour	25.17	34.00	31.50	
Turf youth/day	25.17			
Turf youth/hour	7.04	15.00	15.75	
Lights full	15.32	16.00	5.00	
Lights half	11.80	13.00	5.00	
Gymnasium/hour youth		21.44		10.11
Gymnasium/hour	42.11	41.68		20.21

Appendix F

Current Regional Pool Rental Fee Comparison (GST NOT INCLUDED)

COMMUNITY	SWIM MEET RATE PER HOUR 2017/18	FULL POOL RATE PER HOUR 2017/18	PER LANE PER HOUR 2017/18
Campbell River	127.50 (included 2 guards)	154.00 full pool (guards @ actual cost) 48.50 shared	10.00/minor sports 23.25/masters 25.75 commercial
Comox Valley Sports Centre (SC)	126.47	Youth 79.59 Adult 138.54	Youth 13.28 Adult 23.04
Comox Valley Aquatic Centre (AC)	168.68	Youth 106.10 Adult 184.74	Youth 13.28 Adult 23.04
Cowichan Aquatic Centre	Prime Time/Non Prime 130.74 / 111.14 (swim clubs)	Prime Time/Non Prime Commercial: 305.67 / 259.30 Adult: 152.33 / 129.66 Youth 114.40 / 97.24 Schools: 91.52 / 77.80 Non Prof: 137.27 / 116.68	Prime Time/Non Prime Commercial: 39.22 / 33.34 Adult: 19.62/16.67 Youth 14.71/12.51 Schools: 11.77/10.01 Non Prof: 17.66/15.00
Gold River	54.60	124.79	20.53
Ladysmith	Not applicable due to space limitations	115.28	13.26
Nanaimo	Private/Adult = 21.72/lane Youth=10.86/lane	NAC=845.73 Beban=417.85	Private/Adult = 21.72 Youth=10.86
Oak Bay	n/a	n/a	14.70
Port Alberni			
Port Hardy		80.35	19.15
		81.95	19.55
Powell River	n/a	101.25 youth/151.87 adult/189.84 commercial	16.87 Youth/ 25.31 Adult
Ravensong (Parks/Qualicum) Regional District of Nanaimo	139.18	92.75	Minor 15.00 / Adult 22.07/ Commercial 36.69
Saanich Commonwealth Place	non profit 15.23/lane	Leisure Lap Pools Only 134.14 After Hours 157.24	28.09
Saanich (Gordon Head)	non profit 15.23/lane	193.46	28.09
Sidney/North & Centre Saanich	Youth 115.00	Youth 115.00	Youth 14.39
Sooke (effective September 1/16)			
Sunshine Coast Non Profit GDAF/SAC			
Sunshine Coast Commercial GDAF/SAC			
Victoria - Crystal Pool	n/a	n/a	9.06/25 meters minor high volume; 13.60/50 meter minor high volume; 11.33/25 meter adult high volume; 17.00/50 meters adult high volume
Westshore Parks & Rec.	\$105/youth commerc/swim clubs	\$220.50/commercial	13.13 non profit 27.56commercial

Appendix G
Current Fees Matrix (2015-2018)

Single Admissions			
Type	2015/16	2016/17	2017/18
Child 0-3 yrs	FREE		
Child 3-12 yrs	2.73	2.79	2.84
Youth 13-18 yrs	3.73	3.81	3.88
Adult 19-59 yrs	5.36	5.46	5.57
Senior 60-79 yrs	3.73	3.81	3.88
Senior 80 & up	FREE		
Family	10.71	10.92	11.14
10 X Pass			
Type	2015/16	2016/17	2017/18
Child 0-3 yrs	FREE		
Child 3-12 yrs	23.15	23.62	24.09
Youth 13-18 yrs	31.94	32.57	33.23
Adult 19-59 yrs	45.23	46.13	47.05
Senior 60-79 yrs	31.94	32.57	33.23
Senior 80 & up	FREE		
Family	90.45	92.26	94.11
30 X Pass			
Type	2015/16	2016/17	2017/18
Child 0-3 yrs	FREE		
Child 3-12 yrs	55.58	56.69	57.83
Youth 13-18 yrs	84.73	86.43	88.15
Adult 19-59 yrs	119.35	121.74	124.17
Senior 60-79 yrs	84.75	86.45	88.18
Senior 80 & up	FREE		
Family	238.70	243.47	248.34

1-Month Pass			
Type	2015/16	2016/17	2017/18
Child 0-3 yrs	FREE		
Child 3-12 yrs	N/A		
Youth 13-18 yrs	37.82	38.58	39.35
Adult 19-59 yrs	47.33	48.27	49.24
Senior 60-79 yrs	37.82	38.58	39.35
Senior 80 & up	FREE		
Family	94.66	96.55	98.48
3-Month Pass			
Type	2015/16	2016/17	2017/18
Child 0-3 yrs	FREE		
Child 3-12 yrs	N/A		
Youth 13-18 yrs	102.28	104.32	106.41
Adult 19-59 yrs	127.86	130.41	133.02
Senior 60-79 yrs	102.28	104.32	106.41
Senior 80 & up	FREE		
Family	255.71	260.83	266.04
6-Month Pass			
Type	2015/16	2016/17	2017/18
Child 0-3 yrs	FREE		
Child 3-12 yrs	N/A		
Youth 13-18 yrs	193.16	197.02	200.96
Adult 19-59 yrs	241.49	246.31	251.24
Senior 60-79 yrs	193.16	197.02	200.96
Senior 80 & up	FREE		
Family	482.97	492.63	502.48
12-Month Pass			
Type	2015/16	2016/17	2017/18
Child 0-3 yrs	FREE		
Child 3-12 yrs	N/A		
Youth 13-18 yrs	366.39	373.72	381.20
Adult 19-59 yrs	459.38	468.56	477.94
Senior 60-79 yrs	366.39	373.72	381.20
Senior 80 & up	FREE		
Family	918.75	937.13	955.87

TOWN OF LADYSMITH

POLICIES AND PROCEDURE MANUAL

TOPIC:	FEES & CHARGES – Dept. Parks Recreation & Culture		
APPROVED BY:	Council	DATE:	August 6, 2013
RESOLUTION #: 13-267			
<i>(Amended from) Oct 7, 2002</i>			
<p><u>Criteria to Use When Considering Grant Requests</u> 1 (low) through 5 (high)</p> <ul style="list-style-type: none">• Indirect benefit to residents of the community i.e. Youth Event. Proactive approach to policing / social services Event designed to encourage positive behaviour amongst youth.• Socially worthwhile i.e. Contributes to sense of community• Immediate Economic impact within the community• Long term economic impact / exposure to the community• Contributes to the quality of life experience for all residents <p>* Minimum score of 15 to be advanced for resolution.</p> <p style="text-align: center;">FEES AND CHARGES POLICY</p> <p>The following policy pertains to the Department’s three major service areas of pre-registered programs, general admissions and facility rentals. This policy is consistent with, and derived from, the preceding Fees and Charges principles and Leisure Services justification. It will provide the guidelines for the development of the additional policy, which may be necessary to address specific and at times, changing community needs, e.g. employee wellness, economically disadvantaged, etc.</p> <p>Fees and charges policy development, implementation and evaluation is a dynamic process. Regular policy review and adjustment will occur to ensure that the policy addresses current community needs. Fees and charges will be reviewed annually and any pricing adjustments will be effective September 1st.</p> <p>A. PRE-REGISTERED PROGRAMS</p> <p><i>Principles:</i> Fees for programs sponsored directly by the Department will be based on the following principles:</p> <ul style="list-style-type: none">• The fees will be partially based on recovery of direct cost.• The fees will encourage maximum public participation and at the same time, minimize, within reason, the tax subsidy.			

- Users will be responsible for financially contributing to their recreation activity.

Direct Cost Recovery:

Registered programs are to recover the direct costs of the program. Direct program costs include:

- **Materials:** Includes all items necessary to ensure the program meets recognized standards. This includes items such as arts and crafts supplies, balls and nets, camping equipment, vehicle and equipment rental, tools and parts, stationery and printing, program cards and badges, candidate fees, etc.
- **Leadership:** Includes all persons directly involved in the teaching, coaching and immediate supervision of a program or activity. This category refers to all leaders, instructors and activity supervisors, whether paid by wage, honorarium (and/or contract).
- **Transportation:** Includes vehicle lease, rentals, tolls, fuel and labour costs.
- **Facilities:** Includes admission rates or rentals of non-district recreation facilities.
- **Administrative Surcharge:** A 10% surcharge, (15% for aquatic programs) based on the total amount of all other direct program costs, will be included as part of the Direct Program Cost. The surcharge is to compensate for other indirect costs associated with the program production, e.g. administration / supervision, facility fixed charges, advertising, etc.

Pricing for programs will reflect fees based on staff and material costs and contribute a portion to administrative services.

Target margin:

<u>Dryland Programs</u>	<u>Aquatic Programs</u>
Preschool programs – 5%	Beginners – 15%
Youth programs – 10%	Advanced – 25%
Adult programs – 20%	

Fees will be determined through a program cost analysis to be reviewed annually.

Factors for Consideration:

Other factors which may be taken into account when establishing program fees are:

- Program fees charged by other agencies and municipalities for similar services.
- **Grants:** If the Department is successful in obtaining provincial or federal grant funding or funding from corporate sponsors, the standard program fees may be decreased in order to encourage greater participation, e.g. summer playgrounds, community special events, special interest programs, etc.
- **Developmental Programs:** May not initially recover costs but are continued at a loss in order to encourage and promote interest. It is expected however, that over a period of time, these programs will break even.

- “Loss Leader” or “Service” programs are programs which provide service to patrons of other functions within the operation. These “Loss Leaders” are considered necessary for the success of other “profitable” operations within the facility, e.g. child minding, free introductory sessions, etc.

B. GENERAL ADMISSION PROGRAMS

The Town of Ladysmith is one of several leisure delivery agencies operating within the geographic region of the CVRD. If one organization is not price consistent with other agencies providing comparable service, the demand for their service will vary accordingly.

Consistent with the principle outlined in this policy, general admission fees should not be so high as to prohibit the participation of the majority of the public, but not so low as to ignore the obligation of the user to pay for service and minimize the cost to the taxpayer.

In consideration of the above, and within the principles and rationale of the Fees and Charges policy, the following General Admission pricing policy will apply.

User Classifications:

Adult	19 years of age and older
Senior Citizens	60 years of age and older
Youth	13 years of age to 18 years
Child	3 years of age to 12 years
Tot	0 to 36 months of age

Family – Parent(s) or guardian(s) with dependent children aged 18 or under.

*Family rate pays for one or both parents/guardians plus up to four (4) children, whether related or not, or all the children in the same family even if there are more than four.

General Admission Programs will include but not necessarily be limited to: swimming, aerobics and recreational sports. A base rate for all General Admission Programs which will be equal to the adult admission rate and will be determined by:

- a) a market analysis of comparable services in the CVRD and
- b) consideration of inflationary costs providing the service.

Degree of Subsidy:

The fee structure as a percentage of the base rate for the respective user classification will be as follows:

0%	Adult	→
25%	Seniors	
50%	Children	
25%	Students	
100%	Pre-school Families	The rate equal to 2 adults

Free General Admission access to any member of the community who is 80 Years or older.

Strip or multiple admission tickets may be available for up to 20% off applicable single rates for multiple admissions.

Other passes may be developed where appropriate to facilitate long term use, e.g. three to twelve month passes may be available at 24 and 75 times their respective single admission rates.

The Director of Parks, Recreation and Culture will have the authority to waive or reduce set fees for programs and services not identified in the Fees and Charges scheduled to provide for unusual, promotional and /or experimental purposes.

C. FACILITY RENTALS

Principles:

Fees for facilities run by the Department will be consistent with the rationale and principles described in this policy and with specific consideration given to:

- CVRD market rate for facility services of same or similar nature.
- Users contribution to the voluntary provision of recreation opportunities for the Ladysmith community.
- Users ability to pay.
- The encouragement of responsible and efficient use of facilities.
- Maximize revenue potential to recover maintenance, capital and labour costs and minimize financial burden to the taxpayer.
- Ensure fee equity to facilities of same or similar size and quality.

The base rate for all facility rentals will be established and consistent with the rate of same or comparable facilities in the CVRD market. Variations of the base rate in consideration of the aforementioned principles will be designated to various categories

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of use. The categories are as follows:

User Categories:

- 1.) Official Town functions and special status groups/events sanctioned by the Town of Ladysmith.
- 2.) Registered non-profit volunteer groups that use facilities for the provision of leisure-oriented activities that are open to all citizens or the neighbourhood and/or community.
- 3.) Private, educational, religious, labour, government, political and social service agencies, social/sports clubs, groups, and/or individuals.
- 4.) Commercial / Business

Degree of Subsidy:

Facility subsidy will increase with the degree to which the user group generally supports and/or contributes to the Municipality’s mandate of providing public leisure services and are as follows (figures shown reflect percentage subsidy of regular rate):

Users		Percentage of Subsidy
1	Town	100
2	Registered non-profit volunteer community leisure groups/service clubs	50
3	Private, Religious, Political, Government	0
4	Commercial/Business	(20)

The above subsidies apply to the rental fees only of general purpose program spaces within the Department’s Community Recreation Facilities. Additional direct costs such as materials, custodial services, etc., will be borne 100% by the renter. The subsidies do not apply to major specialized facilities such as the pools. Subsidies for those facilities may be considered on an individual basis and in the context of the CVRD market and the principles provided in this policy. Reductions in fees may be made for groups and low priority times to facilitate maximum use of facilities in conjunction with other section managers.

Requests for Waiving of Fees:

The Department cannot waive fees but it can work cooperatively with organizations on joint programs where there is clear proof of benefit. All requests for joint initiatives will be addressed to the Director of Parks, Recreation & Culture and forwarded to the Parks and Recreation Commission for their consideration.

Council will not waive the fee but will provide a grant to the group to cover all, or a portion of the fee.

The following items should be considered in recommending whether Council provides a grant:

- a) Parks, Recreation & Culture Department recommendation
- b) grants will be limited to fund raising events
- c) grants will only be considered for Ladysmith-based non-profit organizations.
- d) only one grant per organization will be considered in one calendar year
- e) Criteria rating form.

NOTE* Volunteer non-profit groups will be provided space at no charge for public service functions such as registrations, equipment swaps, etc. Each group would be limited to three per year and provided only on availability of the facility.