

**A PUBLIC HEARING AND
REGULAR MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH**

AGENDA

Monday, April 1, 2019

Council Chambers, City Hall

7:00 P.M.

Pages

1. **CALL TO ORDER (7:00 p.m.)**

2. **AGENDA APPROVAL**

Recommendation

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for April 1, 2019.

3. **PUBLIC HEARING**

Outline of Public Hearing Process - Mayor Stone

3.1 **Official Community Plan Amendment and Zoning Bylaw Amendment,
Bylaws 1994 and 1995**

7

**Subject Property: 379 Davis Road (Lot A, District Lot 43, Oyster District,
Plan VIP69091)**

**7.1.1. Introduction of Bylaws and Statutory Requirements - Director of
Development Services**

7.1.2. Submissions

7.1.3. Call for Submissions to Council (Three Times) - Mayor Stone

**7.1.4. Declaration that the Public Hearing for Bylaws 1994 and 1995 is
Closed - Mayor Stone**

4. BYLAWS - SUBJECT OF THE PUBLIC HEARING

- 4.1 **379 Davis Road: "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 57) 2019, No. 1994" and "Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.24) 2019, No.1995"**

12

Recommendation

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

1. Proceed with third reading of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 57) 2019, No. 1994"; and
2. Proceed with third reading of "Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.24) 2019, No.1995".
3. Direct staff to refer Bylaw 1995 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

5. MINUTES

- 5.1 **Minutes of the Regular Meeting of Council held March 18, 2019**

20

Recommendation

That Council approve the minutes of the Regular Meeting of Council held March 18, 2019.

6. DELEGATION

- 6.1 **Terri Mattin, Cowichan Housing: Attainable Housing Strategy**

7. DEVELOPMENT APPLICATIONS

- 7.1 **Development Variance Permit 3090-19-01 (538 Selinger Place)**

31

Recommendation

That Council consider the input received and whether it wishes to:

1. Issue Development Variance Permit 3090-19-01 to vary the maximum height for a dwelling at 538 Selinger Place.
2. Authorize Mayor and Corporate Officer to sign Development Variance Permit 3090-19-01.

8. COMMITTEE REPORTS

8.1 Municipal Services Committee

50

Recommendation

That Council:

1. Continue with the proposed community consultation on the retail sale of cannabis in Ladysmith.
2. Approach the Ladysmith Fishermen's Wharf Association (Ladysmith Harbour Authority) expressing their interest in providing a representative from the Town to sit on the board of the Association.

Recommendation

That Council:

1. Endorse the recommendations included in the Ladysmith Traffic Safety through the Highway 1 Corridor report provided by the Ministry of Transportation and Infrastructure (completed by Binnie Consulting Ltd.) and request implementation of the recommendations included in the report.
2. Request that the Ministry of Transportation and Infrastructure consider improvements such as acceleration lanes at the Grouhel Road and South Davis intersections in conjunction with implementation of the recommended improvements.

8.2 Ladysmith Interagency Committee

64

Recommendation

That Council receive for information the minutes of the Ladysmith Interagency Committee meeting held March 14, 2019.

8.3 Protective Services Committee

75

Recommendation

That Council waive the Aggie Hall rental fee for the Ladysmith Kinsmen's Emergency Preparedness Open House .

8.4 Parks, Recreation & Culture Committee

79

Recommendation

That Council:

1. Move forward with the purchase of a Sequoia tree to be planted at Transfer Beach in recognition of the local government profession; and

2. Consider defining the tree and bench dedication process.

9. REPORTS

9.1 Community Planning Advisory Committee

82

Recommendation

That Council:

1. Adopt the terms of reference for the Community Planning Advisory Committee.
2. Direct staff to recruit citizen members for the Community Planning Advisory Committee.
3. Direct staff to prepare amendments to Bylaw 1667 cited as “Town of Ladysmith Development Approval Procedures Bylaw 2008, No. 1667” to facilitate referrals to the new Community Planning Advisory Committee.
4. Direct staff to prepare amendments to Bylaw 1176 cited as “Sign and Canopy Bylaw 1995, No. 1176” to remove the referral of every sign application in the Downtown Specified Area to the Heritage Revitalization Advisory Commission.

9.2 Parks, Recreation & Culture Advisory Committee Terms of Reference

88

Recommendation

That Council approve the amended Terms of Reference for the Parks, Recreation and Culture Advisory Committee, effective immediately.

9.3 Ladysmith and District Historical Society Additional Funding

92

Recommendation

That Council consider if it wishes to provide additional funding to the Ladysmith and District Historical Society by:

1. Reallocating Heritage Revitalization Advisory Committee funding for professional development in the amount of \$1,600 to the Ladysmith and District Historical Society; and
2. Reallocating \$1,500 from the Heritage budget to Ladysmith and District Historical Society to promote heritage in Ladysmith and amend the service agreement;
3. Referring the remaining budget request of \$18,400 to Council's

10. BYLAWS

10.1 Town of Ladysmith Heritage Revitalization Advisory Commission Repeal Bylaw 2019, No. 2005 96

The purpose of Bylaw 2005 is to repeal the Heritage Revitalization Advisory Commission Bylaw, including any amendments.

Recommendation

That Council adopt Town of Ladysmith Heritage Revitalization Advisory Commission Repeal Bylaw 2019, No. 2005.

10.2 Town of Ladysmith Economic Development Commission Repeal Bylaw 2019, No. 2006 97

The purpose of Bylaw 2006 is to repeal the Economic Development Commission Bylaw, including any amendments.

Recommendation

That Council adopt Town of Ladysmith Economic Development Commission Repeal Bylaw 2019, No. 2006.

10.3 Town of Ladysmith Environment Commission Repeal Bylaw 2019, No. 2007 98

The purpose of bylaw 2007 is to appeal the Environment Commission bylaw, including any amendments.

Recommendation

That Council adopt Town of Ladysmith Environment Commission Repeal Bylaw 2019, No. 2007.

10.4 Town of Ladysmith Development Cost Charges Bylaw 2019, No. 2008 99

The purpose of Bylaw 2008 is to repeal "Town of Ladysmith Development Cost Charges Bylaw 2011, No. 1762" in order to create a new bylaw that reflects feedback from the community and new rates.

Recommendation

That Council:

1. Proceed with first three readings of Bylaw No. 2008 cited as "Town of Ladysmith Development Cost Charges Bylaw 2019, No. 2008."
2. Refer Bylaw No. 2008 to the Inspector of Municipalities for

approval.

3. Direct staff to amend the Development Cost Charges (DCC) Bylaw Review Policy to add to the annual review of the DCC Bylaw, a review of the percentage change in the BC consumer price index pursuant to BC Reg. 130/2010.

11. NEW BUSINESS

11.1 Council Appointments to External Committees (Mayor Stone)

12. UNFINISHED BUSINESS

13. 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.

14. ADJOURNMENT

TOWN OF LADYSMITH

BYLAW NO. 1994

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” is hereby amended as set out in Schedule A attached to this Bylaw.

Citation

2. This Bylaw may be cited for all purposes as “Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.57) 2019, No.1994”.

READ A FIRST TIME on the 4th day of March, 2019

READ A SECOND TIME on the 4th day of March, 2019

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 ,

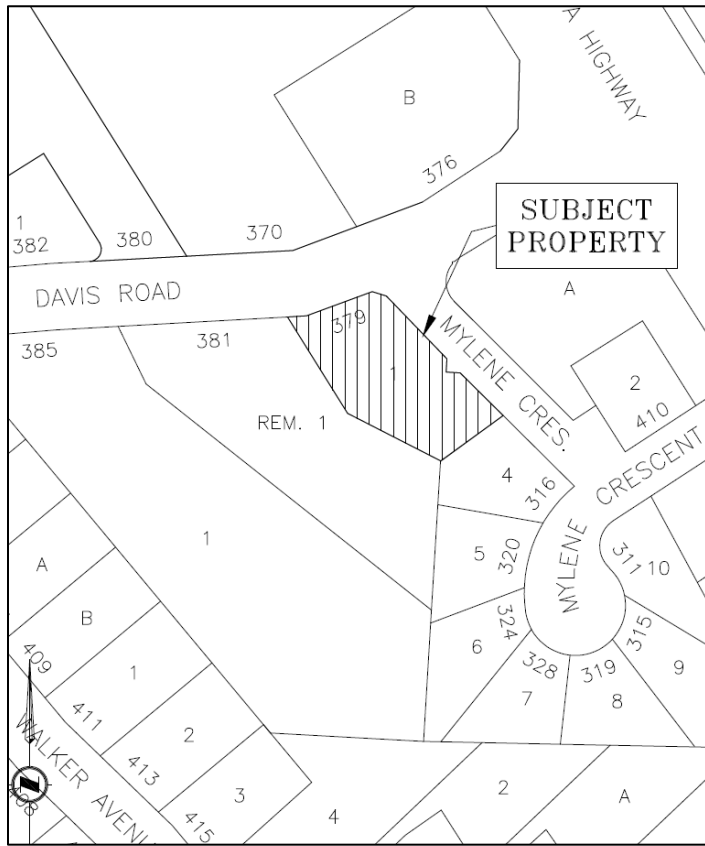
Mayor (A. Stone)

Corporate Officer (J. Winter)

Bylaw No. 1994 - Schedule A

1. Schedule “A” – “Town of Ladysmith Community Plan” is amended as follows:
2. Official Community Plan “Map 1 – Land Use” is amended as follows:
 - (a) Placing the “Single Family Residential” land use designation on the subject property legally described as Lot A, District Lot 43, Oyster District, Plan VIP69091 (379 Davis Road) as shown on **Schedule I** attached to and forming part of this Bylaw.
3. Official Community Plan “Map 2 – Development Permit Areas” is amended by:
 - (a) Removing the “Commercial Development Permit Area (DPA 3)” on the subject property legally described as Lot A, District Lot 43, Oyster District, Plan VIP69091 (379 Davis Road) as shown on **Schedule I** attached to and forming part of this Bylaw.

Bylaw No. 1994 - Schedule I



TOWN OF LADYSMITH

BYLAW NO. 1995

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 11.5 Shopping Centre Commercial (C-5) of Schedule A – Zoning Bylaw Text of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” is hereby amended as follows:
 - (a) By deleting Section 7 Site Specific Regulations.
- (2) Schedule B - Zoning Bylaw Map of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:
 - (a) By placing “Single Dwelling Residential (R-1)” on the subject property legally described as Lot A, District Lot 43, Oyster District, Plan VIP69091 (379 Davis Road) as shown in Schedule I attached to and forming part of this Bylaw.

CITATION

- (3) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 24) 2019, No. 1995”.

READ A FIRST TIME on the 4th day of March , 2019

READ A SECOND TIME on the 4th day of March , 2019

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 pursuant to s. 52(3)(a) of the *Transportation Act*

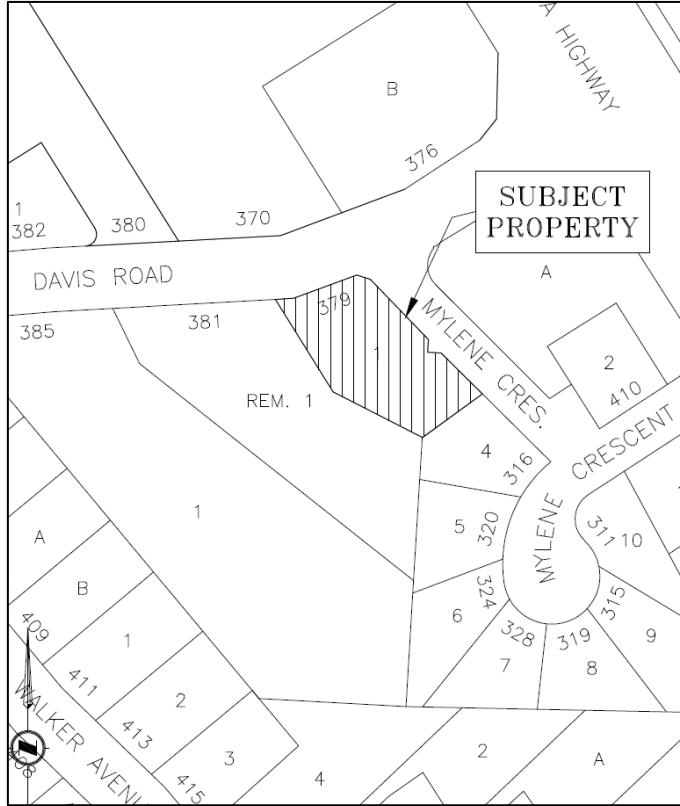
on the day of ,

ADOPTED on the day of ,

Mayor (A. Stone)

Corporate Officer (J. Winter)

Schedule I – Bylaw 1995



STAFF REPORT TO COUNCIL

Report Prepared By: Lisa Brinkman, Senior Planner

Date: March 26, 2019

Report Reviewed and Approved By: Felicity Adams, Director of Development Services

Meeting Date: April 1, 2018

File No: 3360-19-01

RE: Bylaw 1994 and 1995 (379 Davis Rd.)

RECOMMENDATION:

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

1. Proceed with third reading of “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 57) 2019, No. 1994”; and
2. Proceed with third reading of “Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.24) 2019, No.1995”.
3. Direct staff to refer Bylaw 1995 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 1994 and 1995; and 2) direct staff to refer Bylaw 1995 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

PREVIOUS COUNCIL DIRECTION

| Resolution & Meeting Date | Resolution Details |
|--------------------------------------|--|
| CS 2019-072 March 4, 2019 | <ol style="list-style-type: none"> 1. Give first and second reading of Bylaw 1994, cited as “Town of Ladysmith Official Community Plan Bylaw 2003, No.1488, Amendment Bylaw (No.57) 2019, No. 1994”; 2. Give first and second reading of Bylaw 1995, cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.24) 2019, No. 1995”; and 3. Refer Bylaws 1994 and 1995 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 1994 and 1995; and 4) receive direction to refer Bylaw 1995 to the Ministry of Transportation and Infrastructure.

Bylaw No. 1994

Bylaw 1994 proposes to amend the Official Community Plan (OCP) by changing the designation of the property at 379 Davis Road from “General Commercial” to “Single Family Residential”; and by removing the Commercial Development Permit Area (DPA 3) from the subject property.

Bylaw No. 1995

Bylaw 1995 proposes to amend the Zoning Bylaw by rezoning 379 Davis Road from “Shopping Centre Commercial (C-5)” to “Single Dwelling Residential (R-1)”; and proposes to remove the 379 Davis Road site specific regulation from the C-5 Zone.

ALTERNATIVES:

Council can choose to not proceed with Bylaw 1994 and 1995.

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 1995 as the subject property is within 800 metres of a controlled access highway. Following approval by MOTI, Bylaw 1994 and 1995 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 March 21 and 28, 2019

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 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 checked="" 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 1994 and 1995; and 3) direct staff to refer Bylaw 1995 to the Ministry of Transportation and Infrastructure.

I approve the report and recommendations.

Guillermo Ferrero

TOWN OF LADYSMITH

BYLAW NO. 1994

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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” is hereby amended as set out in Schedule A attached to this Bylaw.

Citation

2. This Bylaw may be cited for all purposes as “Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.57) 2019, No.1994”.

READ A FIRST TIME on the 4th day of March, 2019

READ A SECOND TIME on the 4th day of March, 2019

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

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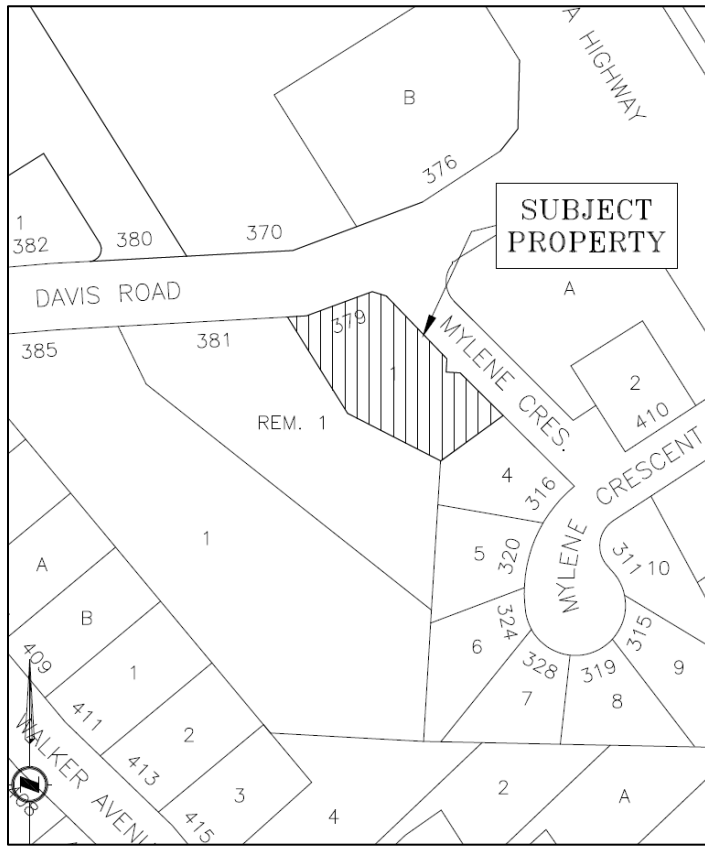
Mayor (A. Stone)

Corporate Officer (J. Winter)

Bylaw No. 1994 - Schedule A

1. Schedule “A” – “Town of Ladysmith Community Plan” is amended as follows:
2. Official Community Plan “Map 1 – Land Use” is amended as follows:
 - (a) Placing the “Single Family Residential” land use designation on the subject property legally described as Lot A, District Lot 43, Oyster District, Plan VIP69091 (379 Davis Road) as shown on **Schedule I** attached to and forming part of this Bylaw.
3. Official Community Plan “Map 2 – Development Permit Areas” is amended by:
 - (a) Removing the “Commercial Development Permit Area (DPA 3)” on the subject property legally described as Lot A, District Lot 43, Oyster District, Plan VIP69091 (379 Davis Road) as shown on **Schedule I** attached to and forming part of this Bylaw.

Bylaw No. 1994 - Schedule I



TOWN OF LADYSMITH

BYLAW NO. 1995

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 11.5 Shopping Centre Commercial (C-5) of Schedule A – Zoning Bylaw Text of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” is hereby amended as follows:
 - (a) By deleting Section 7 Site Specific Regulations.
- (2) Schedule B - Zoning Bylaw Map of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:
 - (a) By placing “Single Dwelling Residential (R-1)” on the subject property legally described as Lot A, District Lot 43, Oyster District, Plan VIP69091 (379 Davis Road) as shown in Schedule I attached to and forming part of this Bylaw.

CITATION

- (3) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 24) 2019, No. 1995”.

READ A FIRST TIME on the 4th day of March , 2019

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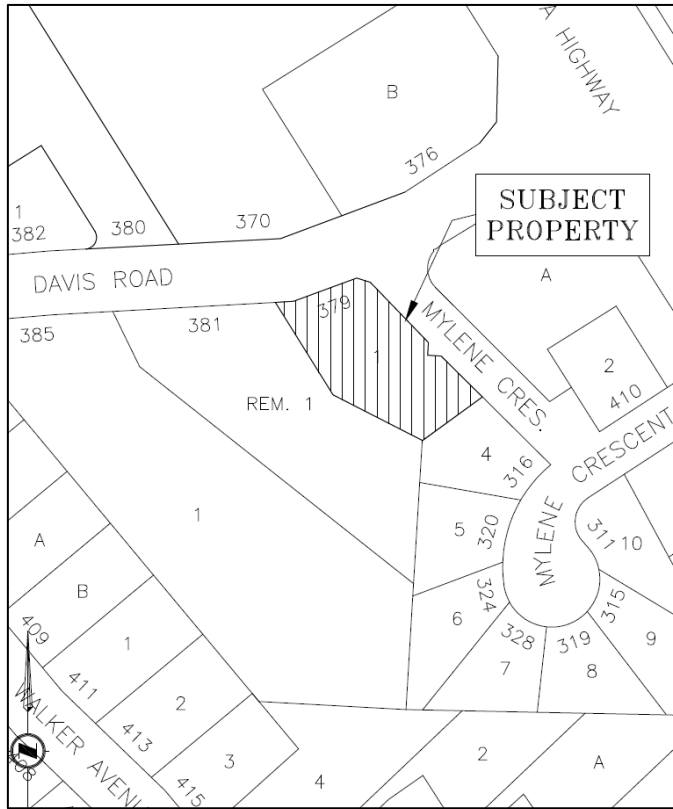
on the day of ,

ADOPTED on the day of ,

Mayor (A. Stone)

Corporate Officer (J. Winter)

Schedule I – Bylaw 1995





MINUTES OF A REGULAR MEETING OF COUNCIL

Monday, March 18, 2019

7:00 P.M.

Council Chambers, City Hall

Council Members Present:

Mayor Aaron Stone
Councillor Duck Paterson
Councillor Amanda Jacobson
Councillor Rob Johnson

Councillor Tricia McKay
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Felicity Adams
Erin Anderson
Geoff Goodall
Mike Gregory

Clayton Postings
Joanna Winter
Sue Bouma

1. CALL TO ORDER

Mayor Stone called this Regular Meeting of Council to order at 5:00 p.m.

2. CLOSED SESSION

CS 2019-085

That, in accordance with section 90(1) of the Community Charter, Council retire into closed session at 5:01 p.m. in order to consider items related to the following:

- Committee Applications -- Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality - section 90 (1)(a)

Motion Carried

3. REGULAR MEETING (7:00 P.M.)

Mayor Stone called this Meeting of Council to order at 7:00 p.m., recognizing the traditional territory of the Stz'uminus First Nation.

4. AGENDA APPROVAL

CS 2019-086

That Council approve the agenda for this Regular Meeting of Council for March 18, 2019 as amended to include the following changes in order:

- Move items 10.1, "Development Cost Charge (DCC) Review", 10.3, "Public Art Strategy" and 10.4, "Machine Shop Space Allocation" before item 8.4, "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 22) 2018, No. 1985".

Motion Carried

5. RISE AND REPORT- Items from Closed Session

Council rose from closed session at 5:32 p.m. with report on the following:

Resolution CE 2019-029

That Council reappoint the following existing members of the Town Parks, Recreation & Culture Advisory Committee for a one-year term ending June 30, 2020 (three positions available):

- Gord Horth
- Tara Pollock
- Tim Richards

Resolution CE 2019-030

That a sub-committee of Council schedule interviews with the applicants to the Town Parks, Recreation & Culture Advisory Committee for a two-year term ending June 30, 2021 (two positions available), after the sub-committee approves interview questions and process.

Resolution CE 2019-031

That Council appoint the following three members to the Council sub-committee responsible for interviewing the applicants to the Town Parks, Recreation & Culture Advisory Committee:

- Councillor McKay
- Councillor Stevens
- Councillor Paterson

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held March 4, 2019

CS 2019-087

That Council approve the minutes of the Regular Meeting of Council held March 4, 2019.

Motion Carried

6.2 Minutes of the Special Meeting of Council held March 11, 2019

CS 2019-088

That Council approve the minutes of the Special Meeting of Council held March 11, 2019.

Motion Carried

7. DELEGATIONS

7.1 Judy Stafford, Cowichan Green Community

Ms. Stafford presented a video of the Cowichan Green Community's continuing efforts to promote environmental sustainability and improve food security for the region in 2018, highlighting the organization's involvement in food education, food and seed production, food recovery and food distribution.

Ms. Stafford responded to Council's questions. Council praised the Cowichan Green Community for their hard work and dedication and thanked Ms. Stafford for her inspiring presentation.

8. BYLAWS - OFFICIAL COMMUNITY PLANNING AND ZONING I

Councillor Stevens declared a conflict of interest with the following agenda items due to his role on the board of the Ladysmith Resources Centre Association and excused himself from the meeting.

8.1 Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 55) 2018, No. 1982

CS 2019-089

That Council adopt "Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 55) 2018, No. 1982".

Motion Carried

8.2 Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 21) 2018, No. 1983

CS 2019-090

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.21) 2018, No.1983".

Motion Carried

8.3 Housing Agreement Bylaw 2018, No. 1984

CS 2019-091

That Council adopt "Housing Agreement Bylaw 2018, No. 1984".

Motion Carried

Councillor Stevens returned to the meeting.

9. REPORTS I

9.1 Development Cost Charge (DCC) Review

CS 2019-092

That Council:

1. Receive the feedback from the DCC Review Open House.
2. Direct staff to prepare a new DCC Bylaw with the rates outlined in the Staff Report dated March 18, 2019 from the Director of Infrastructure Services.

Motion Carried

9.2 Public Art Strategy

2019-093

1. That Council receive the Public Art Strategy and recommendations from the Parks, Recreation and Culture Advisory Committee and Town Staff.
2. That the recommendations from the Public Art Strategy be included in the 2019 Council Strategic Planning Discussions and referred back to staff to develop the work plan.

Motion Carried

OPPOSED: Councillor Paterson

9.3 Machine Shop Space Allocation

CS 2019-094

That Council direct staff to:

1. Finalize negotiations for space allocation with tenants of the Machine Shop, based on Machine Shop Layout Option 2 as presented and allow staff to make minor modifications to address structural and logistical matters;
2. Prepare draft lease agreements for all spaces within the Machine Shop and outer buildings and present to Council for consideration; and
3. Prepare, issue and assess a call for industrial use proposals for the west portion of the building and return to Council with recommendations based on best practice and market viability.

Motion Carried

OPPOSED: Councillor Johnson

10. BYLAWS - OFFICIAL COMMUNITY PLANNING AND ZONING II

10.1 Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.22) 2018, No. 1985

CS 2019-095

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.22) 2018, No. 1985".

Motion Carried

11. COMMITTEE REPORTS

11.1 Municipal Services Committee Recommendations

Councillor Paterson declared a conflict of interest with the portion of the Grant-in-Aid recommendations related to the Ladysmith Show and Shine organization and recused himself from that portion of the discussion.

CS 2019-096

That Council:

1. Approve the following list of 2019 Grants-in-Aid :

| | |
|--|--------------|
| Ladysmith & District Historical Society | \$ 7,000.00 |
| Ladysmith Citizens on Patrol | \$ 1,500.00 |
| Ladysmith Fire Rescue - Santa Parade | \$ 1,200.00 |
| Old English Car Club Central Island Branch | \$ 250.00 |
| Ladysmith Golf Club Society | \$ 5,000.00 |
| | |
| Ladysmith Festival Of Lights | \$ 10,000.00 |
| Ladysmith and District Marine Rescue Society | \$ 2,500.00 |
| Ladysmith Ambassador Program | \$ 1,000.00 |
| Ecoforestry Institute Society | \$ 0.00 |
| LDBA (Grand Christmas) | \$ 0.00 |
| LDBA (Old Time Christmas) | \$ 1,500.00 |
| Art Council of Ladysmith and District- Arts on the Avenue | \$ 500.00 |
| Art Council of Ladysmith and District Waterfront Gallery | \$ 1,000.00 |
| Art Council of Ladysmith and District - Fine Art Show 2020 | \$ 0.00 |

| | |
|--|-------------|
| Cowichan Family Life Association | \$ 0.00 |
| Cowichan Family Caregivers Support Society | \$ 750.00 |
| St Philips Church - Open Table | \$ 500.00 |
| Ladysmith Maritime Society | \$ 1,500.00 |
| Ladysmith Community Gardens Society | \$ 650.00 |
| Ladysmith Little Theater | \$ 2,000.00 |
| Ladysmith Celebrations Society | \$ 8,000.00 |
| Ladysmith Family and Friends Society | \$ 2,500.00 |
| | |
| LSS - Frank Jameson Bursary | \$ 1,500.00 |
| Stz'uminus First Nation Aboriginal Day | \$ 2,500.00 |
| Waiving of Fees | \$ 4,000.00 |

Motion Carried

CS 2019-097

That Council approve the following 2019 Grant-in-Aid:
Ladysmith Show and Shine \$1,000.00

Motion Carried

Councillor Paterson returned to the meeting.

CS 2019-098

That Council:

1. Direct staff to amend the Grants-in-Aid Policy's deadline to apply for funding requests from February 28 to December 31st of each year.
2. Limit the number of Grants-in-Aid applications received to one (1) per organization.

Motion Carried

12. REPORTS II

12.1 Community-Driven Capital Project Policy

CS 2019-099

That Council refer the Community-Driven Capital Project Policy to the Parks, Recreation and Culture Advisory Committee and request that the Committee provide Council with comments and feedback.

Motion Carried

12.2 Watermain Replacement, Colonia to Public Works

CS 2019-100

That Council:

1. Adopt the alternate route as presented in the Koers & Associates Engineering Ltd. report dated March 19, 2019 for the replacement of the watermain located along the Holland Creek Trail between Colonia and Public Works.
2. Direct Staff to have Koers & Associates Engineering Ltd. complete the design for adjusted Phase 1 as outlined in the staff report and proceed to tender.

Motion Carried

13. BYLAWS

13.1 Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #6, 2019, No. 1993

CS 2019-101

That Council adopt "Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #6, 2019, No. 1993".

Motion Carried

13.2 Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2019, No. 1996

CS 2019-102

That Council adopt "Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2019, No. 1996".

Motion Carried

13.3 Town of Ladysmith Sanitary Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2019, No. 1997

CS 2019-103

That Council adopt "Town of Ladysmith Sanitary Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2019, No. 1997".

Motion Carried

13.4 Town of Ladysmith Sewer Connection Bylaw, 1966 No. 411, Amendment Bylaw #4, 2019, No. 2002

CS 2019-104

That Council adopt "Town of Ladysmith Sewer Connection Bylaw, 1966 No. 411, Amendment Bylaw #4, 2019, No. 2002".

Motion Carried

13.5 Ticket Utilization Bylaw 2002, No. 1457, Amendment Bylaw 2019, No. 2003

CS 2019-105

That Council adopt "Ticket Utilization Bylaw 2002, No. 1457, Amendment Bylaw 2019, No. 2003".

Motion Carried

13.6 Commission Repeal Bylaws

CS 2019-106

That Council:

1. Give first, second and third readings to Town of Ladysmith Heritage Revitalization Advisory Commission Repeal Bylaw 2019, No. 2005;
2. Give first, second and third readings to Town of Ladysmith Economic Development Commission Repeal Bylaw 2019, No. 2006; and
3. Give first, second and third readings to Town of Ladysmith Environment Commission Repeal Bylaw 2019, No. 2007

Motion Carried

14. CORRESPONDENCE

14.1 Cheryl Fenner: Request to Reverse Late Fee for October to December 2018 Utilities Bill

CS 2019-107

That Council deny the request to waive penalties for 226 Dogwood Drive in the October to December 2018 Utility Bill.

Motion Carried

14.2 Request for Letter of Support Regarding a Memorandum of Understanding with Vancouver Island University to Help Construct a Trail Around Lot 108

CS 2019-108

That Council support in principle the application by the Lot 108 Trail Community Committee to the Vancouver Island University sponsorship program for trail building assistance, and provide a letter confirming its support if appropriate.

Motion Carried

15. UNFINISHED BUSINESS

15.1 Freighters in Ladysmith Harbour

CS 2019-109

That Council write a follow-up letter to the federal Minister of Transport reiterating concerns with the lack of consultation with local residents and requesting an update on the interim protocol for use of southern BC anchorages which permits multiple freighters to anchor in and near Ladysmith Harbour.

Motion Carried

OPPOSED: Councillor Paterson

15.2 Meeting with the Board of School Trustees, School District 68 (Councillor Jacobson)

CS 2019-110

That Council:

1. Request a formal joint meeting with the Board of Trustees of School District 68, to be held in Ladysmith by the end of April 30, 2019; and
2. Direct Mayor Stone and Councillor Jacobson to work with School District representatives to develop the agenda for the meeting.

Motion Carried

16. QUESTION PERIOD

A member of the public enquired about the possibility of establishing a Historical Strategy similar to the Public Arts Strategy, and the role of the Ladysmith and District Historical Society in managing the Town's assets. Another member of the public enquired about the possibility of the Town exploring Emergency Response initiatives with the Ministry.

17. ADJOURNMENT

CS 2019-111

That this Regular Meeting of Council adjourn at 8:49 p.m.

Motion Carried

Mayor (A. Stone)

Corporate Officer (J. Winter)

STAFF REPORT TO COUNCIL

Report Prepared By: Julie Thompson, Planner

Date: March 26, 2018

Report Reviewed and Approved By: Felicity Adams, Director of Development Services

Meeting Date: April 1, 2018

File No: 3090-19-01

RE: DEVELOPMENT VARIANCE PERMIT – 538 SELINGER PLACE

RECOMMENDATION:

That Council consider the input received and whether it wishes to:

1. Issue Development Variance Permit 3090-19-01 to vary the maximum height for a dwelling at 538 Selinger Place.
2. Authorize Mayor and Corporate Officer to sign Development Variance Permit 3090-19-01.

PURPOSE:

The purpose of this report is to present for Council’s consideration a development variance permit (DVP) application for a proposed variance to dwelling height at 538 Selinger Place.

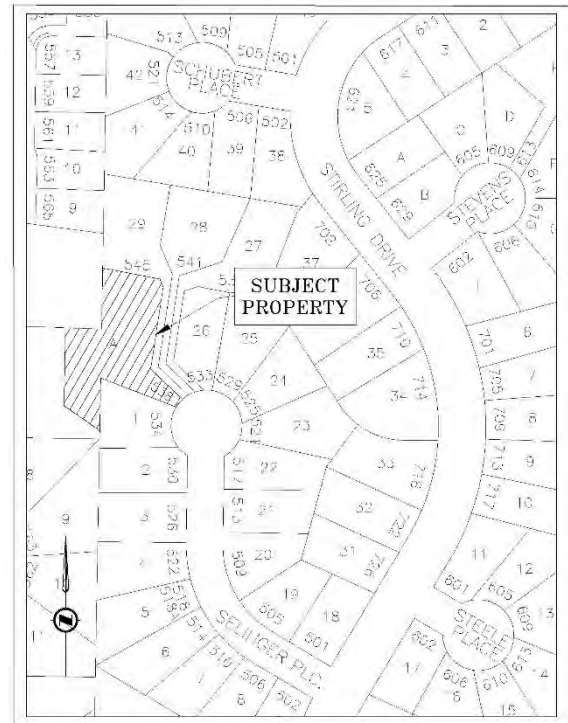
PREVIOUS COUNCIL DIRECTION

None.

INTRODUCTION/BACKGROUND:

The applicants are proposing to construct a 477.5m² (5140ft²) dwelling located at 538 Selinger Place. The building site is accessed by a panhandle. The lot slopes down from Selinger Place and the dwelling is proposed to be two stories built into the slope. The applicants have provided a letter explaining why they are requesting a height variance and it is attached to this report. A dwelling height of 10.05m is proposed, thus a variance is being requested.

A height variance at 541 Selinger Place was approved in 2006 and allowed a dwelling to be 9.93 m in height. The rationale for this variance was to reduce the driveway grade of the panhandle; this property is located well below the grade of Selinger Place.



DISCUSSION:

The subject property is zoned Single Dwelling Residential (R-1). The proposed dwelling meets all the regulations of the R-1 zone except for the proposed building height. The maximum height permitted for a principal building in the R-1 zone is 9m where the roof pitch is not less than 4:12. The proposed height is 10.05m.

The site plan (Figure 1), which has been prepared by a BC Land Surveyor, shows the proposed location of the dwelling on the parcel as well as height calculations. Height is calculated from the lesser of average natural or average finished grade to the highest point of the roof. Figures 2-5 show the proposed building elevations with a bylaw compliant dwelling (maximum 9m height), as well as a dotted outline showing the height of the dwelling, if the height variance is approved.

Summary of Proposed Variance:

| Zoning Bylaw/R-1 Zone | Maximum | Proposed | Proposed Variance |
|---------------------------|---------|----------|-------------------|
| Principal building height | 9.0m | 10.05m | 1.05m |



Street frontage of 538 Selinger Place

ALTERNATIVES:

Council can choose to not support DVP 3090-19-01.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

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

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Development Procedures Bylaw No. 1667 provides that DVP applications may proceed directly to neighbourhood notice. The notice regarding DVP 3090-19-01 was delivered and sent to neighbouring properties within 60m of the subject property on March 15, 2019.

At the time of writing this report, the Town has received 7 inquiries and 5 written submissions from the public regarding the proposed variance. The written correspondence does not support the proposed variance. The letter from the immediate neighbour (534 Selinger Place) is not in support of the requested variance.

Comments received from the public are summarized in the table below.

| Comment | Discussion |
|--|--|
| <i>Precedent setting</i> | DVP applications are considered by Council based on the individual merit of the application. A decision of Council for a DVP application is discretionary and is not intended to set precedent for decisions of future applications. |
| <i>Neighbourhood character</i> | Apart from the dwelling height, the proposed dwelling conforms to building regulations in the R-1 zone. |
| <i>Possible third storey in dwelling</i> | The proposed dwelling design includes windows that appear as if a third storey is present in the dwelling. The applicants have stated that no third storey is proposed, and that the windows are for aesthetic purposes only. |
| <i>Views</i> | Neighbours are concerned that the proposed height of the dwelling will obstruct views. |
| <i>Building scheme</i> | There is a building scheme registered on the title of the subject property. A building scheme is a private contractual matter between owners and has no bearing on the Town of Ladysmith. |
| <i>Building site preparation</i> | The subject property is sloped and consists of mainly rock. Preparation of the building site would require blasting whether the building height is 9m or higher. |

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to the Infrastructure Services Department and Building Inspector for review. Engineering and building requirements will be addressed at the time of building permit.

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 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 checked="" type="checkbox"/> Not Applicable |

SUMMARY:

Council may consider issuance of DVP 3090-19-01.

I approve the report and recommendations.

Guillermo Ferrero

ATTACHMENTS:

Figure 1 – Site Plan

Figure 2 – South Elevation

Figure 3 – East Elevation

Figure 4 – North Elevation

Figure 5 – West Elevation

Letter from Gayle & Douglas Simpson (February 8, 2019)

DVP 3090-19-01

TEL: 250-758-4831 FAX: 250-758-4880
NANAIMO - VICTORIA - PARKSVILLE - CAMPBELL RIVER

File: 89196

Civic: 538 Selinger Place, Ladymith, B.C.

Legal: Lot A, District Lot 67, Oyster District, Plan EPP51928.

Dimensions are in metres and are derived from Plan EPP51928.

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any matter which would assume same.

This sketch plan has been prepared in accordance with the Professional Reference Manual and is certified correct this 12th day of February, 2018.

Douglas Holme VXC3QR Digitally signed by Douglas Holme VXC3QR
Date: 2018.02.12 11:40:48 -0800

This document is not valid unless originally signed and sealed or digitally signed by BCLS

B.C.L.S.

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The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made, or actions taken based on this document.

Subject to charges, legal notations, and interests shown on: Title No. CA5065861 (P.I.D. 029-799-023)

0 3 6 12 18 24 30
The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1:300

Elevations are geodetic based on Control Monument 87H3526
N—denotes natural grade at proposed building corner
F—denotes finished grade as per building plans

HEIGHT CALCULATIONS

- Average natural grade = 104.95
- Average finished grade = 105.74
- Maximum roof elevation = 113.95
- Proposed main floor = 107.49
- Proposed peak of roof = 115.00
- Proposed building height = 10.05
- Requested variance to building height = 1.05

1
PLAN
43135

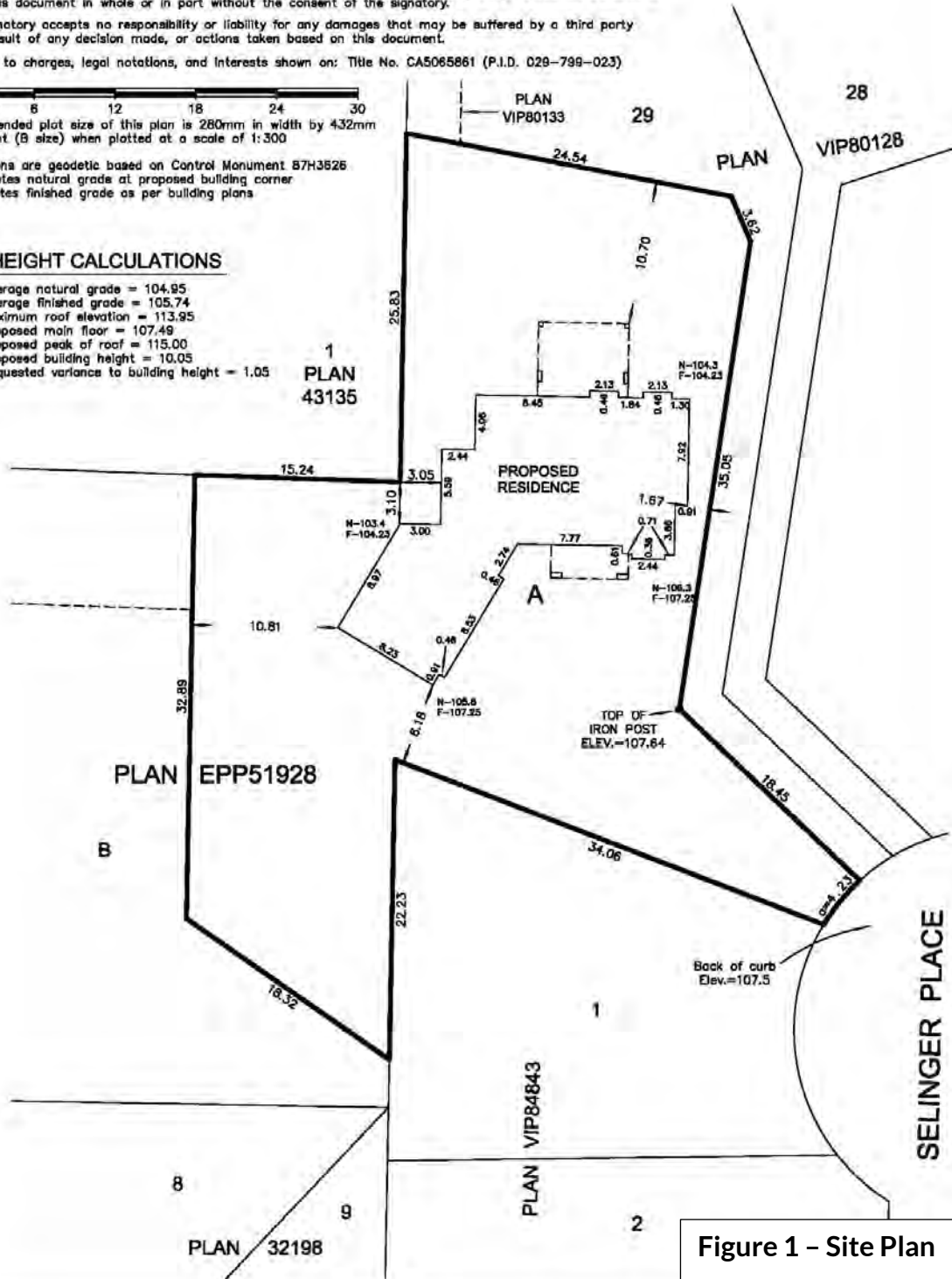


Figure 1 - Site Plan

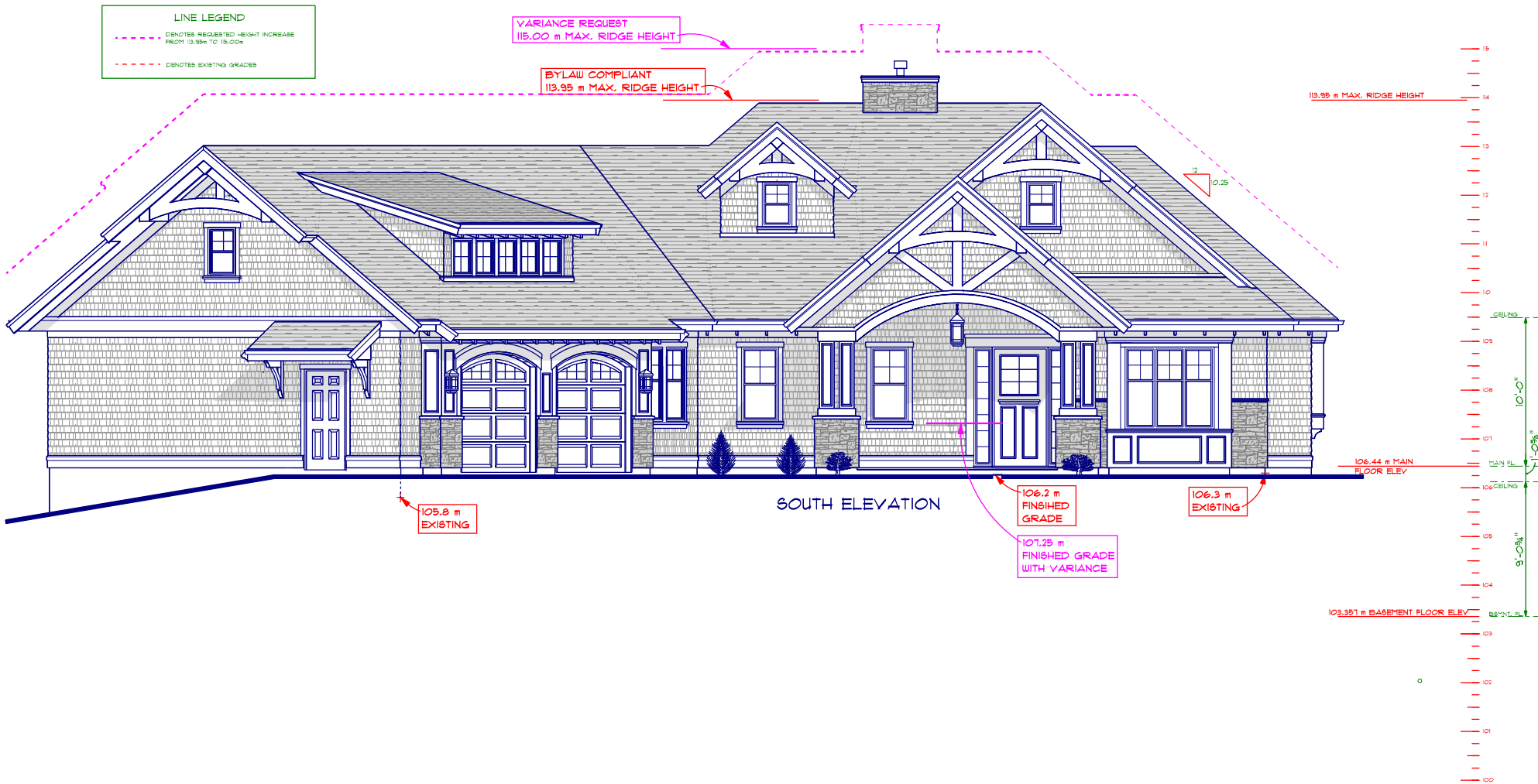


Figure 2 - South Elevation

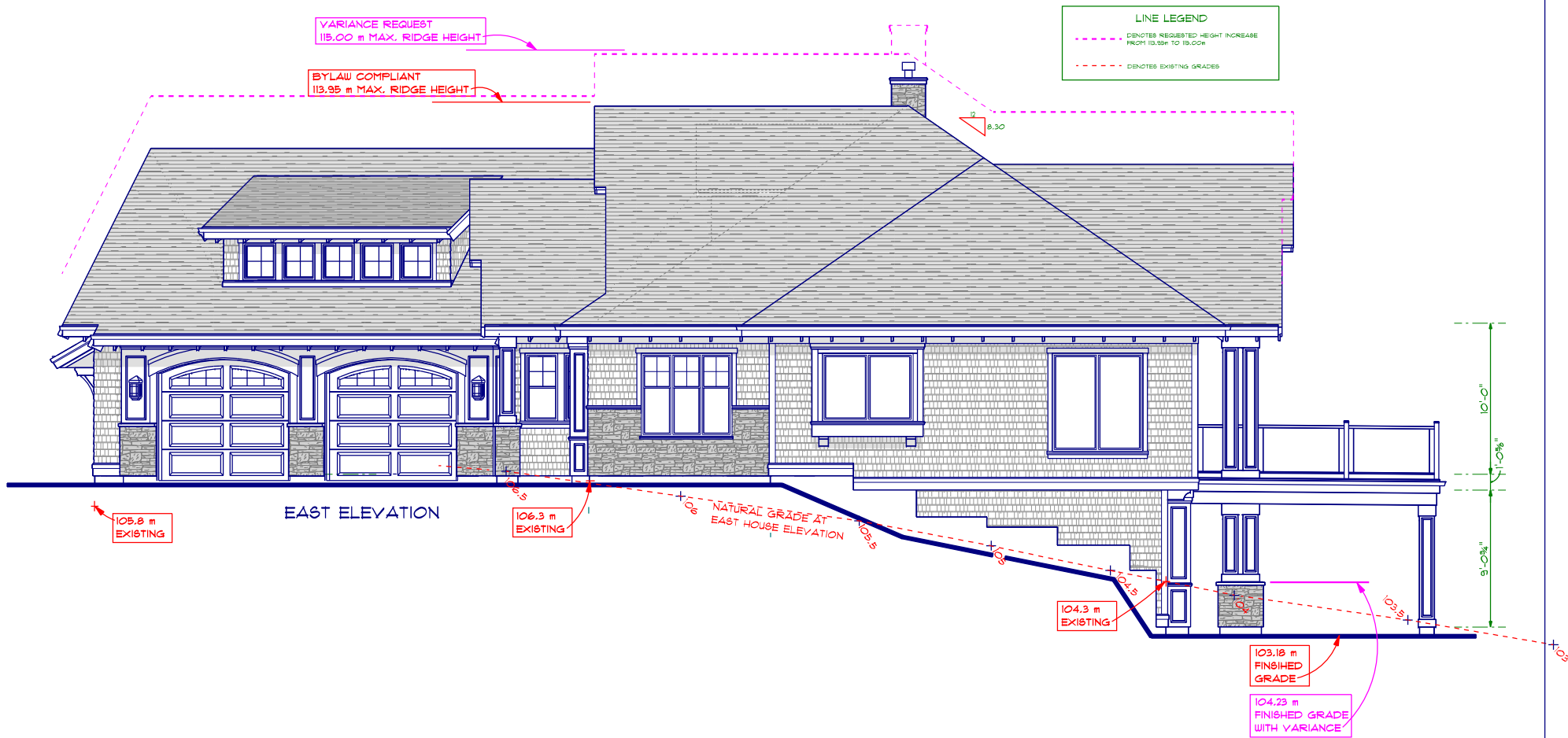


Figure 3 - East Elevation

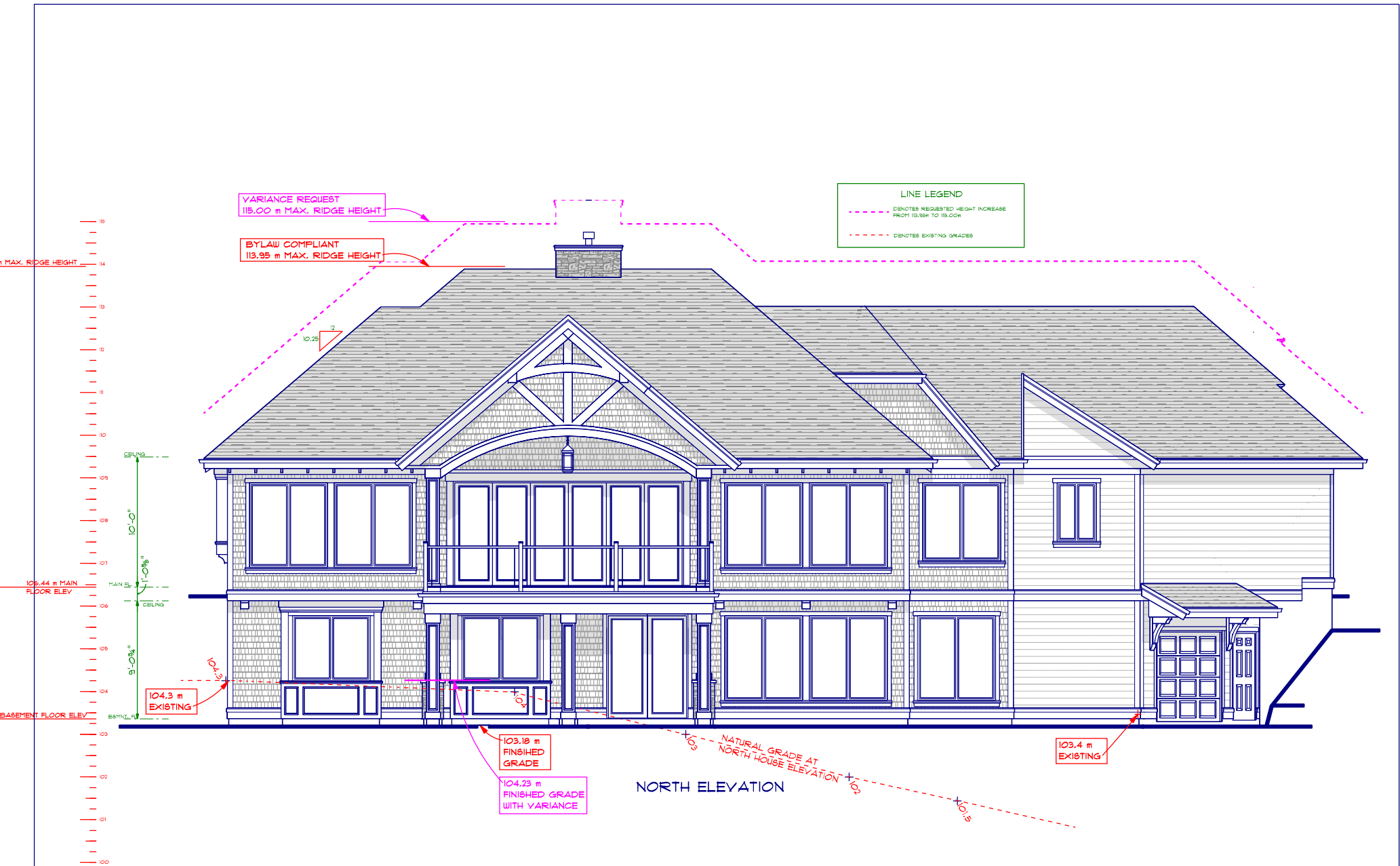


Figure 4 - North Elevation

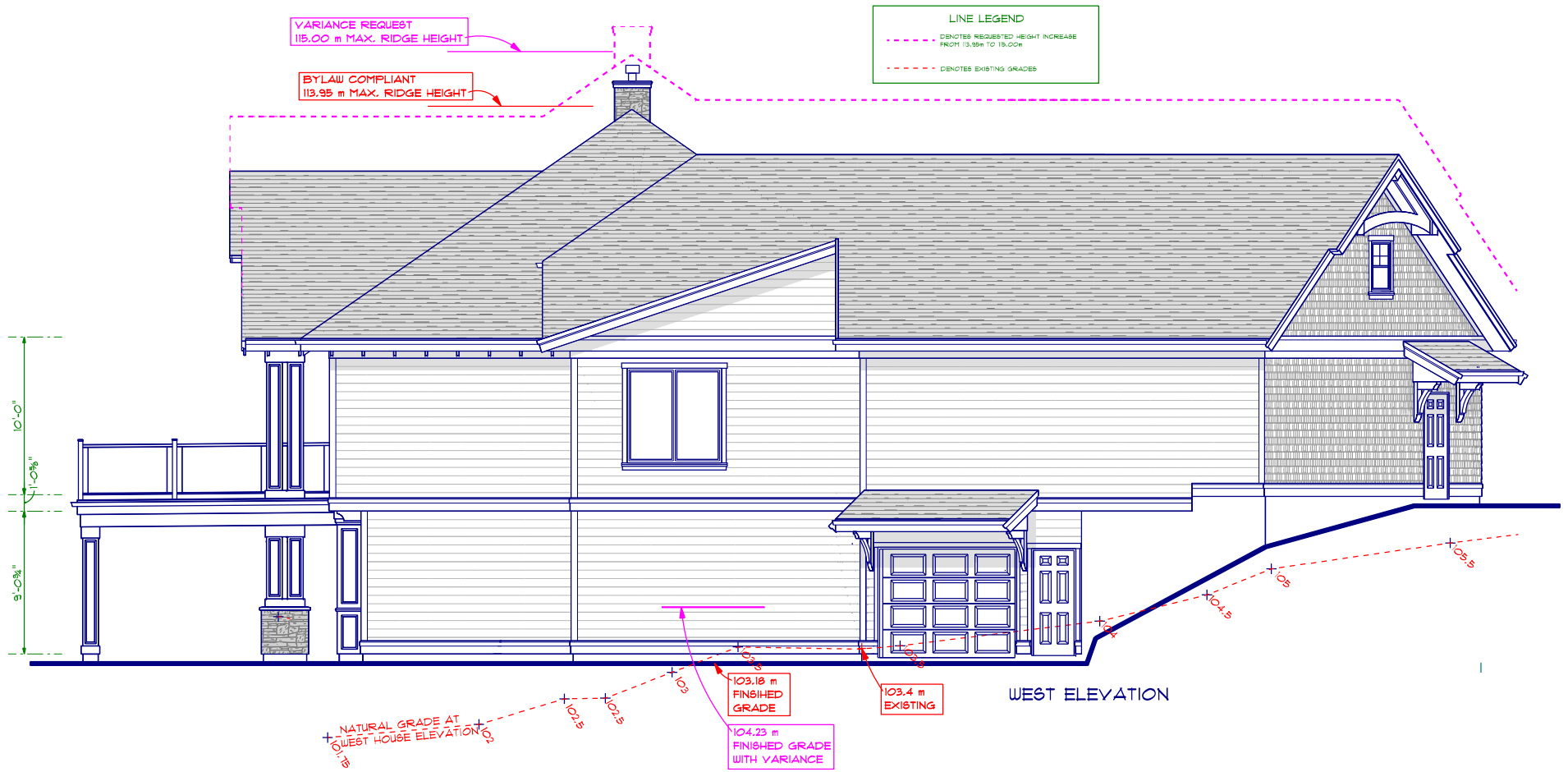


Figure 5 - West Elevation

February 8th, 2019

Douglas & Gayle Simpson
891 Russell Rd.
Ladysmith, B.C.
V9G 1W4

To: Mayor Aaron Stone & Council
410 Esplande
P.O. Box 220
Ladysmith, B.C.
V9G 1A2

Dear Mayor Stone & Council Members:

Re: 538 Selinger Place, Ladysmith B.C.
Application for Variance

We are writing to ask that you would grant an increase in the maximum height allowance of our new construction house from 113.95 meter to 115.0 meter, an increase of 1.05 meter. This would increase the elevation of our main floor from 106.44 m to 107.49 m and would reduce the impact of our sight line obstruction due to a height variance that was granted to 541 Selinger Place after our property purchase.

If granted a 1.05 meter variance as requested, the impact on the sight line of the surrounding properties will have no additional obstruction that wouldn't already occur at the allowable 113.95 m height.

As the final home to be built on Selinger Place, a 1.05 meter additional height allowance would have no effect on future property development for the neighbourhood.

The increase in elevation would compensate our property for the decrease in view due to 541 Selinger Place's additional height allowance that was granted after the purchase of our property. Other benefits to the neighbourhood would be a reduce amount of excavation required resulting in a decreased impact to the neighbourhood in regards to noise pollution from rock hammering, explosives, excavation time and congestion of machinery on the roads.

This would also increase the curb appeal of our house which will enhance the overall look of the neighbourhood.

We thank you for your time and consideration for this variance.

Sincerely,


Doug & Gayle Simpson



TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 *Local Government Act*)

FILE NO: 3090-19-01

DATE: April 1, 2019

Name of Owner(s) of Land (Permittee): Gayle and Douglas Simpson

Applicant: Gayle and Douglas Simpson

Subject Property (Civic Address): 538 Selinger Place

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

Lot A District Lot 67 Oyster District Plan EPP51928
PID: 029-799-023
(538 Selinger Place)

3. Section 10.2(5)(a) in the Single Dwelling Residential (R-1) zone of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is varied as follows:

From:

- (a) No *Principal Building* or *Structure* shall exceed a *Height* of 9.0 metres; except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 7.5 metres.

To:

- (a) No *Principal Building* or *Structure* shall exceed a *Height* of 10.05 metres; except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 7.5 metres.

4. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit **3090-19-01** or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.

5. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

**AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL ON THE DAY
OF , 2019.**

Mayor (A. Stone)

Corporate Officer (J. Winter)

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

Signed

Witness

Title

Occupation

Date

Date

Signed

Witness

Title

Occupation

Date

Date

March 21, 2019

Council of the Town of Ladysmith
410 Esplanade
Ladysmith, BC



Dear Mayor Stone and Council,

With reference to your file:DVP 3090-19-01, as the homeowner at 517 Selinger I received notice from the Town informing me of the applicants request to vary the maximum permitted height of a dwelling by an additional 1.05 metres.

I have read the notice multiple times but cannot find the reason for this request within the notice?

Is the specified reason for the request of an additional 1.05 metres not need to be included in this notice? Is it included in the development variance permit application? In order to understand why, we (the neighbours given notice) are having to speak to the Simpsons directly. Doug told me it was because the home at 541 Selinger was obstructing his view. I ask you to walk this site and see that is not correct. Our discussion lead to the what appears to be the obvious, that he is looking to save \$\$ - instead of excavating the 1.05 metres, he is just going to build higher, blocking the neighbourhoods view of Ladysmith harbour, setting a precedence for future developers.

My other concern is the note that the dwelling is not 'proposed' to contain a third story - the windows are for aesthetics only. Does this mean he can change it to a third story liveable space?

The placement of this house is such that it is blocking views that may impact the assessment and resale value of one or more homes in the neighbourhood.

I vehemently oppose their request, and ask that I be given notice of when this will come up for discussion at a council meeting before any decision is made.

Thank you

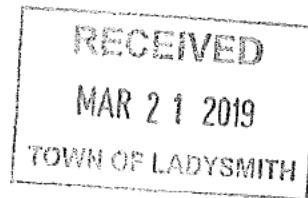
A handwritten signature in cursive script that reads "Don Gilson".

Don Gilson
517 Selinger Place
Ladysmith

March 21/2019

ATTENTION: MAYOR STONE AND LADYSMITH COUNCIL MEMBERS

**RE: NOTICE OF DEVELOPMENT VARIANCE PERMIT:
DVP 19-01 (538 SELINGER PLACE)
LOT A DISTRICT LOT 67 OYSTER DISTRICT PLAN EPP51928
PID: 029-799-023**



THE RECENT APPLICATION BY MR. AND MRS. SIMPSON FOR A VARIANCE PERMIT AT 538 SELINGER PLACE, IN MY OPINION, IS CLEARLY "NOT" ABOUT THE IMPEDANCE OF THEIR VIEW BUT, RATHER, ABOUT AVOIDING EXPENSES RELATING TO SITE PREPARATION. IN THIS REGARD I ENCOURAGE LADYSMITH COUNCIL MEMBERS TO VIEW THIS PROPERTY FOR THEMSELVES TO GAIN A PROPER PERSPECTIVE OF THE ACTUAL LAY OF THE LAND.

THE CHALLENGES PRESENTED TO BUILD ON THIS MAINLY ROCKY PIECE OF PROPERTY SHOULD HAVE BEEN QUITE OBVIOUS TO THE SIMPSONS FROM THE TIME OF PURCHASE. THESE CHALLENGES WERE NOT UNFORSEEABLE AND YET, AFTER NO DOUBT SEARCHING OUT THE COSTS OF PREPARING THE SITE, THEY ARE NOW SEEKING PERMISSION TO INCREASE THE HEIGHT OF THEIR HOME BY ANOTHER 3 FEET (1.05 METRES).

THE TOWN OF LADYSMITHS ZONING BYLAW 2014-1860 WAS PUT IN PLACE FOR GOOD REASON. A VARIANCE PERMIT APPLICATION SHOULD ONLY BE CONSIDERED UNDER EXTREMELY SPECIAL CIRCUMSTANCES AND CERTAINLY NOT FOR THE SOLE PURPOSE OF MITIGATING ONES FINANCIAL POSITION. PERSONALLY, THIS BYLAW SHOULD NOT EVEN BE ALLOWED TO EXIST.

AS AN ASIDE, COUNCIL MAY OR MAY NOT BE AWARE OF THE EXISTENCE OF A STATUTORY BUILDING SCHEME (BUILDING COVENANT AND CONTROL AGREEMENT) FOR THE SEASCAPE SUBDIVISION OF WHICH THE SIMPSONS ARE A PARTY TO BY REASON OF THEIR OWNERSHIP OF THE PROPERTY AT 538 SELINGER. THIS REGISTERED AGREEMENT REMAINS ENFORCEABLE IN PERPETUITY TO MY KNOWLEDGE.

THE SEASCAPE BUILDING SCHEME WAS BOUGHT INTO BY THE TOWN OF LADYSMITH IN ABOUT 2005 UPON RECEIVING FUNDS IN GOOD FAITH FROM THE DEVELOPER. I SUSPECT THERE WILL BE A PAPER TRAIL TO THIS EFFECT. THE INTENT OF THIS AGREEMENT IS TO ENSURE A VARIETY OF CONFORMING DWELLING TYPES TO BE BUILT UPON THE LOTS AND

TO ENSURE THAT ALL DWELLINGS AND IMPROVEMENTS ARE SUITED TO THE PARTICULAR LOT.

IN MY OPINION THE CURRENT DESIGN AND LAYOUT OF THE SIMPSONS PROPOSED "SINGLE FAMILY" DWELLING AT 538 SELINGER PLACE FALLS WELL SHORT OF THE DEVELOPERS DESIGN CRITERIA.

I WOULD LIKE TO GO ON RECORD TO SAY THAT I AM TOTALLY OPPOSED TO MR AND MRS SIMPSONS APPLICATION FOR A VARIANCE PERMIT UNDER THE TOWN OF LADYSMITHS ZONING BYLAW 2014 NO. 1860. ALSO, I AM NOT BUYING INTO ANY SUGGESTION BY THE SIMPSONS THAT THEIR APPLICATION IS ANYTHING MORE THAN ATTEMPT TO MITIGATE THIER COSTS OF SITE PREPARATION.

RESPECTFULLY,



JOHN PRISSICK

(PROPERTY OWNER AT 529 SELINGER PLACE)

Lorraine Howatt

Date: Thursday, March 21, 2019 5:14 PM

Subject: Town of Ladysmith zoning bylaw 1860 re: property 538 Selinger Pl

Mayor and Council:

Granting this height variance will alter the essential character of the neighbourhood.

That's why, when we all bought these lots here, we had one year to build a house so that the neighbourhood would all fit in by looking the same.

I'm two doors down from him.



Lorraine Howatt
702 Stirling Dr.

March 25, 2019

Attention: Mayor Stone and Ladysmith Council Members

Re: Notice of Development Variance Permit:
DVP 19-01 (538 Selinger Place)
Lot A District Lot 67 Oyster District Plan EPP51928
PID: 029-799-023



We wish to express our opposition to the Development Variance Permit applied for by Gayle and Douglas Simpson, owners of the property at 538 Selinger Place, Ladysmith, B.C.

It is apparent to us that the intent of the Simpsons application is solely to avoid or mitigate the costs of preparing their building site as opposed to any improvement of their existing views which they allege.

In our opinion the Town of Ladysmith zoning bylaw 2014-1860 should only be available under "special" circumstances and, in this regard, the Simpsons application for a variance permit should not be approved. This only sets a precedent for others in similar circumstances.

Also, granting of this permit definitely alters the essential character of this neighborhood both in light of the proposed height increase and the size of the home itself.

Respectfully submitted

Anne and Fred Toth
534 Selinger Place

A handwritten signature in cursive script that reads "Anne Toth". Below the signature, the name "anne Toth" is written in a simpler, lowercase font.

RECEIVED
Mar. 26/19

Lisa Brinkman

From: Sonny & Ann
Sent: March 26, 2019 8:08 AM
To: Lisa Brinkman
Subject: letter re Selinger Place variance request

Hello Lisa,

I/Ann spoke to you on the phone yesterday about this last remaining building lot on Selinger Place.

Although we are not directly affected by this application, we are not in support of a height variance request to be approved where there is no genuine need for it.

The BOV form uses the term "undue hardship" which certainly does not appear to be applicable.

Our main concern is if it is approved, it could set a precedent for the remaining lots in the Seascape development, and both of those would affect us—the lot immediately next to us (address most likely would be 717 Stirling Drive) as well as the lot on Stirling Drive below us at Stevens Place.

We would hope these variance applications would be studied seriously & not just get a "rubber stamp".

Thank you,

Saviour (Sonny) Hockey
E. Ann Hockey
713 Stirling Drive,

RECEIVED
Mar. 27/19

Within Circulation Area

March 27, 2019

Richard and Cindy Newbury
533 Selinger Place

The Council of the Town of Ladysmith
132C Roberts St
Ladysmith BC, V9G 1A2

Re:
Notice of Development Variance Permit:
DVP 19-01 (538 Selinger Place)
Lot A District Lot 67 Oyster District Plan EPP51928
PID: 029-799-023

Attention Council Members

We are against approval of this development variance permit to increase the maximum permitted height from 9.0 metres to 10.05 metres. Our home at 533 Selinger Place is directly east of the above property. Any increase in height will result in less afternoon sun on our view side deck. With an increase in height this home will appear even larger and out of proportion to neighbouring homes on the view side. It is positioned on the lot farther down the slope than our home and will obstruct our view to the west. Any increase in height will further obstruct our view. We don't want this home to negatively affect our property value.

We think a height variance should only be granted in an extreme situation where there is no other solution. By drilling and blasting rock as other property owners have done, it should be possible to construct a home that meets the zoning laws.

Thank you for considering our comments.

Sincerely,

Richard and Cindy Newbury

Municipal Services Committee Recommendations to Council April 1, 2019

At its meeting held February 25, 2019, the Municipal Services Committee recommended that Council:

1. Continue with the proposed community consultation on the retail sale of cannabis in Ladysmith.
2. Approach the Ladysmith Fishermen's Wharf Association (Ladysmith Harbour Authority) expressing their interest in providing a representative from the Town to sit on the board of the Association.

At its meeting held March 11, 2019, the Municipal Services Committee recommended that Council:

1. Endorse the recommendations included in the Ladysmith Traffic Safety through the Highway 1 Corridor report provided by the Ministry of Transportation and Infrastructure (completed by Binnie Consulting Ltd.) and request implementation of the recommendations included in the report.
2. Request that the Ministry of Transportation and Infrastructure consider improvements such as acceleration lanes at the Grouhel Road and South Davis intersections in conjunction with implementation of the recommended improvements.

**MINUTES OF A MEETING OF THE
MUNICIPAL SERVICES COMMITTEE
MONDAY, FEBRUARY 25, 2019**

CALL TO ORDER 6:30 P.M.

COUNCIL CHAMBERS, LADYSMITH CITY HALL

COUNCIL MEMBERS PRESENT:

| | |
|----------------------------------|--------------------------|
| Councillor Duck Paterson (Chair) | Mayor Aaron Stone |
| Councillor Amanda Jacobson | Councillor Tricia McKay |
| Councillor Robert Johnson | Councillor Marsh Stevens |
| Councillor Jeff Virtanen | |

STAFF PRESENT:

| | | |
|-------------------|----------------|---------------|
| Guillermo Ferrero | Felicity Adams | Erin Anderson |
| Geoff Goodall | Joanna Winter | Mike Gregory |
| Sue Bouma | | |

CALL TO ORDER

Councillor Paterson called this Meeting of the Municipal Services Committee to order at 6:30 p.m., recognizing the traditional territory of the Stz’uminus First Nation.

AGENDA APPROVAL

MS 2019-008

Moved and seconded:
That the agenda for this February 25, 2019 meeting of the Municipal Services Committee be approved.
Motion carried.

MINUTES

MS 2019-009

Moved and seconded:
That the minutes of the Municipal Services Committee meeting held January 14, 2019 be approved.
Motion carried.

COUNCIL SUBMISSIONS

Cannabis Consultation

Mayor Stone provided the Committee with the rationale behind the proposed community consultation on the retail sale of cannabis in Ladysmith, noting that the consultation would provide a framework from which the Town would determine an approach to the retail sale of cannabis in Ladysmith.



Concerns were raised regarding the intent and value of the survey, with respect to potential response rate, as well as the polarity of the results. The Committee was advised that the survey was narrowed down to key issues to encourage a good response rate, and that the survey would be statistically valid, with the results analyzed by a consultant.

MS 2019-010

Moved and seconded:

That the Committee recommend that Council continue with the proposed community consultation on the retail sale of cannabis in Ladysmith.

Motion carried.

OPPOSED: Councillors Stevens and Jacobson

Water and Sewer Rate Subsidy Program

The Committee discussed exploring options for a sewer and water rate subsidy program to benefit low-income residents in Ladysmith.

Moved and seconded:

MS 2019-011

That the Committee refer consideration of a sewer and water rate subsidy program for the benefit of low-income residents of the Town of Ladysmith to the upcoming strategic planning process.

Motion carried.

Water and Parcel Tax Utility Billing Options

Moved and seconded:

MS 2019-012

That the Committee refer discussion regarding alternatives to sewer and water parcel taxes to the upcoming strategic planning process.

Motion carried.

Ladysmith Harbour Authority

Moved and seconded:

MS 2019-013

That the Committee recommend that Council approach the Ladysmith Fishermen's Wharf Association (Ladysmith Harbour Authority) expressing their interest in providing a representative from the Town to sit on the board of the Association.

Motion carried.

Councillors Stevens and McKay expressed interest in representing the Town on the board of the Ladysmith Fishermen's Wharf Association.

ADJOURNMENT

MS 2019-014

Moved and seconded:

That this meeting of the Municipal Services Committee adjourn at 8:12 p.m.

Motion carried.

CERTIFIED CORRECT:

Chair (Councillor D. Paterson)

Corporate Officer (J. Winter)



**MINUTES OF A MEETING OF THE
MUNICIPAL SERVICES COMMITTEE**

**Monday, March 11, 2019
6:30 P.M.
Council Chambers, City Hall**

Council Members Present:

Mayor Aaron Stone
Councillor Duck Paterson
Councillor Amanda Jacobson
Councillor Rob Johnson

Councillor Tricia McKay
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Guillermo Ferrero
Felicity Adams
Erin Anderson
Clayton Postings

Geoff Goodall
Joanna Winter
Sue Bouma
Mike Gregory

1. CALL TO ORDER

Councillor Paterson called this Meeting of the Municipal Services Committee to order at 6:30 p.m., recognizing the traditional territory of the Stz'uminus First Nation and expressing appreciation for their partnership.

2. AGENDA APPROVAL

MS 2019-015

That the agenda for this March 11, 2109 meeting of the Municipal Services Committee be approved.

Motion Carried

3. MINUTES

3.1 Minutes of the Municipal Services Committee Meeting held February 25, 2019

MS 2019-016

That the minutes of the Municipal Services Committee meeting held February 25, 2019 be approved.

Motion Carried

4. DELEGATION

4.1 Ladysmith Traffic Safety through the Highway 1 Corridor (Report from Ministry of Transportation and Infrastructure)

Stefan Yancey, Central Island Operations Manager for the Ministry of Transportation made a presentation to Council regarding the "Ladysmith Traffic Safety through the Highway 1 Corridor" report, completed by Binnie Consulting. Mr. Yancey and Michael Pearson, District Manager for the Ministry of Transportation, responded to Council's questions. Council thanked them for their informative report.

MS 2019-017

That the Committee recommend that Council:

1. Endorse the recommendations included in the Ladysmith Traffic Safety through the Highway 1 Corridor report provided by the Ministry of Transportation and Infrastructure (completed by Binnie Consulting Ltd.) and request implementation of the recommendations included in the report; and
2. Request that the Ministry of Transportation and Infrastructure consider improvements such as acceleration lanes at the Grouhel Road and South Davis intersections in conjunction with implementation of the recommended improvements.

Motion Carried

5. REPORTS

5.1 2019 Grants in Aid Request

MS 2019-018

That the Committee:

1. Recommend the following list of 2019 Grants-in-Aid to Council for consideration:

| | |
|--|--------------|
| Ladysmith & District Historical Society | \$ 7,000.00 |
| Ladysmith Citizens on Patrol | \$ 1,500.00 |
| Ladysmith Fire Rescue - Santa Parade | \$ 1,200.00 |
| Old English Car Club Central Island Branch | \$ 250.00 |
| Ladysmith Golf Club Society | \$ 5,000.00 |
| Ladysmith Show and Shine | \$ 1,000.00 |
| Ladysmith Festival Of Lights | \$ 10,000.00 |
| Ladysmith and District Marine Rescue Society | \$ 2,500.00 |
| Ladysmith Ambassador Program | \$ 1,000.00 |
| Ecoforestry Institute Society | \$ 0.00 |
| LDBA (Grand Christmas) | \$ 0.00 |
| LDBA (Old Time Christmas) | \$ 1,500.00 |
| Art Council of Ladysmith and District- Arts on the Avenue | \$ 500.00 |
| Art Council of Ladysmith and District Waterfront Gallery | \$ 1,000.00 |
| Art Council of Ladysmith and District - Fine Art Show 2020 | \$ 0.00 |
| Cowichan Family Life Association | \$ 0.00 |
| Cowichan Family Caregivers Support Society | \$ 750.00 |
| St Philips Church - Open Table | \$ 500.00 |
| Ladysmith Maritime Society | \$ 1,500.00 |
| Ladysmith Community Gardens Society | \$ 650.00 |
| Ladysmith Little Theater | \$ 2,000.00 |

| | |
|--|-------------|
| Ladysmith Celebrations Society | \$ 8,000.00 |
| Ladysmith Family and Friends Society | \$ 2,500.00 |
| | |
| LSS - Frank Jameson Bursary | \$ 1,500.00 |
| Stz'uminus First Nation Aboriginal Day | \$ 2,500.00 |
| Waiving of Fees | \$ 4,000.00 |

2. Recommend that Council direct staff to amend the Grants-in-Aid Policy's deadline to apply for funding requests from February 28 to December 31st of each year.

Motion Carried

MS 2019-019

That the Committee recommend that Council limit the number of Grants-in-Aid applications received to one (1) per organization.

Motion Carried

5.2 2018 Fire Report (referral from Protective Services Committee)

MS 2019-020

That the Committee receive for information the 2018 Fire Report.

Motion Carried

6. COUNCIL SUBMISSIONS

6.1 North Davis Road Traffic Safety Island Landscaping

The Committee discussed the matter of landscaping and traffic safety islands on North Davis Road between Dogwood Drive and Coronation Mall.

8. UNFINISHED BUSINESS

8.1 Commission and Committee Review Follow-up

MS 2019-021

That the Committee:

1. Receive the Commission and Committee Review follow-up report for information; and
2. Recommend that Council refer recommendations regarding an appreciation event for current and past committee volunteers to the Strategic Planning process; and
3. Recommend that Council refer discussions regarding new Task Forces and appointments to external organizations to the upcoming Strategic Planning process.

Motion Carried

9. NEW BUSINESS

9.1 Survivor Climate Challenge to Municipalities in the Association of Vancouver Island Coastal Communities

MS 2019-022

That the Committee recommends that Council enter the Survivor Climate Challenge, as outlined in the correspondence by the Mayor of the District of Highlands, dated February 4, 2019.

Motion Carried

10. ADJOURNMENT

MS 2019-023

That this meeting of the Municipal Services Committee adjourn at 8:24 p.m.

Motion Carried

Chair (Councillor D. Paterson)

Corporate Officer (J. Winter)

530 Selinger Place
Ladysmith, BC V9G 2C5

March 14, 2019

Mayor Aaron Stone and Council
Town of Ladysmith
Via email

Dear Mayor Stone and Council,

I was in attendance at the Monday March 11th Municipal Services Meeting and have read the Report provided by Ministry of Transportation and Infrastructure (MoTI) staff to Council. I noted that Council accepted the Report and recommendations but am hoping there is still opportunity for public feedback now that this study is available for review by residents and as the Town and MOTI address the scope of necessary changes in a more detailed way.

MOTI has vast responsibility and not surprisingly uses a formulaic approach to addressing the need for changes to highways, with a particular emphasis on volume. With respect, I would suggest – and I hope you would all agree – that urban planners and the governing councils of municipalities have additional responsibilities, including ensuring access to community amenities, and appropriately managing the effects of growth on residents' quality of life.

I realize that you do not have authority over highways, but you do have influence with MOTI and you are embarking with them on necessary changes. It seems to me as a resident of South Ladysmith that although Councillors asked some very good questions of the Ministry presenters, there was comparatively little 'pushback' with respect to the matters identified by Mayor Stone in his statement to the media (*Ladysmith Chronicle September 7, 2018*), especially with respect to noise and traffic speed.

*Mayor Aaron Stone said the Town requested the study because of the rising population in Ladysmith, the speed, **the noise** [my emphasis] and the increasing number of accidents at the intersections.*

Stone reported there are some recommendations Ladysmith council has in mind including lowering the speed through the corridor, improvements at the controlled intersections and adding some acceleration and deceleration lanes.

*He said, "**Part of the problem is the traffic coming into and leaving Ladysmith at high speeds and having the 70 kilometer per hour speed limit not taking effect until you get near the downtown area is not appropriate.** People are coming into the Roberts Street intersection at over 90 kilometers per hour on a regular basis and there have been significant accidents at South Davis and that Roberts Street, as well as Coronation Square all because of those higher speeds.*

Mayor Stone, you were exactly right, in my view, in capturing the concerns of South Ladysmith residents.

Ladysmith is perhaps rather unique geographically in terms of residential development on a hillside above the only major thoroughfare on Vancouver Island. The speed limit on the highway through much of Ladysmith is 70 km/hour – however, in South Ladysmith, where it is 90 km/hour and we know traffic routinely exceeds that speed, we are subject to annoying and increasing highway noise, day and night, and the sounds of large trucks and air brakes. Reducing the speed of traffic in acknowledgement that these vehicles are creating seriously disturbing noise to residents would simply align the speed limit in

South Ladysmith with the rest of the Town's residential development proximate to the highway. Surely, that is the least that should be done as a common sense measure to address the noise issue. *Why was noise not addressed at all in the Ministry study? Why was this obvious omission from Mayor Stone's identification of the issues not addressed at Monday's night's meeting?*

If the noise issue for some reason is not deemed to fall within the Ministry's mandate, would the Town commit to undertaking an initial and periodic noise survey, as is done for a sample of coastal communities by the Victoria Airport Authority regarding flight noise concerns? I have attached two such (public) reports for your consideration. This kind of professional sampling measurement and analysis provides a community with objective evidence regarding whether the decibel level is sufficient to, for example, disturb or awaken the average person, and provides trend information that might allow Council to address the highway noise issue with the Ministry in an evidence-based way now and in future.

Regarding lights at the TCH/S. Davis Road intersection, based on the MOTI recommendations, we will continue to have to take a truly inefficient circuitous route to exit north on the highway because, as was acknowledged by virtually everyone present, few dare to turn left onto the highway at S. Davis Road. The Ministry claims to have rejected the necessity for lights based on low volume of traffic turning left. *Of course* the volume is low when no one dares to do it. So, in fact, their conclusion of 'low volume' and the ensuing recommendation is circuitous, completely invalid scientifically, and misleading. The real question is if drivers, when heading north, would turn left at that intersection, if there were lights. The Ministry's conclusion that there is not sufficient volume turning left to justify lights is frankly nonsensical and their proposed solution simply forces residents to continue with the practice we have already unhappily adopted to avoid becoming statistics at that intersection. Further (4.2.3 of the Report), MOTI observes that *"this option is preferred over a speed limit reduction along Highway 1 as it is assumed a lower speed will receive low compliance by drivers"*. Clearly, there is already low compliance by drivers on the entire study corridor based on their own statistics, and the solution is surely increased police enforcement, and perhaps fixed cameras at intersections – not simply avoiding the posting of a more appropriate speed limit. If in fact the probability of non-compliance directs the posting of speed limits in this province, why bother with the reduction to 70 km/hr north of S. Davis? At the same time, MOTI encourages increased signage to encourage drivers *"to slow down in more urban areas"* which they seem to interpret in this study as north of S. Davis Road. With respect, South Ladysmith is an urban area and rapidly growing in population and vehicular traffic, as noted by Councillors at the presentation.

As an aside, I do not recall that the presenters satisfactorily addressed the discrepancy in accident statistics identified by Council with respect to the S. Davis Road intersection.

Prior to moving to Ladysmith, I was President of the Arbutus Ridge Ratepayers Association with a mandate to deal with MOTI on behalf of that community of 1100 residents. I also worked as a policy advisor in the provincial government for a decade. So I fully understand how difficult it is to make changes in dealing with a monolith ministry. But I would encourage you – plead with you, perhaps – to, as our local political representatives, advocate for your constituency in bringing improvements to the S. Davis Road intersection and the highway corridor in South Ladysmith in terms of access and noise so that we, too, can enjoy the quality of life that Ladysmith promises.

Respectfully,



(Ms) Val Crossley

attach 2

March 19, 2019 11:02 AM

Hi, Guillermo.

As authors of the South Davis Community Safety Campaign report titled “Trans Canada Highway and South Davis Road Traffic Safety Issues”, we met briefly with MOTI representatives in 2018. This report, along with over 500 letters signed by Ladysmith residents, was delivered to the Minister of Transportation, Claire Trevena, in August, 2018. A copy of the letter is attached.

MOTI have shared a copy of the Traffic Operations Review completed by Binnie Consulting Ltd. which we understand was presented to council on March 11, 2019.

Our review of the Binne report confirms that it did not consider the information provided by South Ladysmith residents regarding the S Davis Rd.intersection. However, under Section 1.2 Study Objectives, Points 2 and 4 the South Davis report that we submitted does provide relevant information that is not expressed within their report.

We want to confirm the following:

1. Did the MOTI in its meeting with Town Council share the report and petition signed by South Ladysmith residents? If not please advise and we can provide a copy.
2. Could you clarify the process Town Council will follow in moving this important issue forward? While our report is focussed on one of the six intersections we and our 12 community canvassers would like to ensure our information is considered.
3. Based on our discussions with Emergency Services personnel and town residents we do question the validity of collision statistics associated with the S Davis Rd intersection.

Sincerely yours,

Sandra and Brian Smith

March 27, 2019 9:37 AM

Hello Sandra/Brian,

Thanks for your email. Here are the responses to your questions in red:

1. *Did the MOTI in its meeting with Town Council share the report and petition signed by South Ladysmith residents? If not please advise and we can provide a copy.*

No, as far as I can tell this report was never shared with the Town and I don't recall it coming up during the presentation that the MoTI made to Council on March 11, 2019. If you would like a copy distributed to Council, please send it to me and I will include it in Council's correspondence.

2. *Could you clarify the process Town Council will follow in moving this important issue forward? While our report is focussed on one of the six intersections we and our 12 community canvassers would like to ensure our information is considered.*

I have attached the 2 resolutions that were passed by the Municipal Services Committee after the presentation by MoTI. These resolutions will be on the April 1st Open Council meeting for final Council approval and direction to staff:

| Resolution | MeetingDate | ResolutionDetails |
|-------------|-------------|---|
| MS 2019-017 | 2019-03-11 | That the Committee recommend that Council: 1. Endorse the recommendations included in the Ladysmith Traffic Safety through the Highway 1 Corridor report provided by the Ministry of Transportation and Infrastructure (completed by Binnie Consulting Ltd.) and request implementation of the recommendations included in the report; and 2. Request that the Ministry of Transportation and Infrastructure consider improvements such as acceleration lanes at the Grouhel Road and South Davis intersections in conjunction with implementation of the recommended improvements. |

The report completed by MoTI had a number of recommendations, some of which may be relatively easy to implement and others that will likely take time and budget to complete. Staff will be contacting MoTI (if the resolution is passed by Council on Monday) to confirm the anticipated timeline for these improvements. In addition based on the above resolution staff will be requesting feedback from MoTI on Council's second resolution, regarding the acceleration lanes at Grouhel and Davis Roads.

3. *Based on our discussions with Emergency Services personnel and town residents we do question the validity of collision statistics associated with the S Davis Rd intersection.*

The issue of the accident statistics was questioned during the presentation and I believe that

MoTI did indicated that this information was what was available through the existing records and it may not have been up to date. Staff will request clarification on this.

I have cc'd the Mayor as I understand you have had some communication with him as well, in case he would like to comment further.

Thank you,
Guillermo

MINUTES – Ladysmith Interagency Committee Meeting

Thursday, March 14, 2019 12 pm

Location: LCHC lower level mtg. room

Attendees: ✓ Regrets: X

| | | | | | | | |
|---|--|--|---|---|---|--|---|
| X | Heidi Hoffman Boys and Girls Club | Christy Wood – Executive Director LRCA / Co- chair LIC | ✓ | Jane Osborne – Community Response Network | ✓ | Janice and Amanda – Cowichan Caregivers Society | x |
| ✓ | Sue Kurucz – Manager LCHC / Co- chair LIC, Island Health | Sue Glenn, /Shannon Wilson Supervisor, Community Programs and Services, Parks, Recreation and Culture, Town of Ladysmith | ✓ | Steve Van der Minne – BC Ambulance | x | Colleen Butcher, Clinical Nurse Specialist, Seniors, Island Health | ✓ |
| ✓ | Faye Hjort – Team Co-ordinator, LHC, Island Health | Marcella Jelinek Discovery Youth & Family Substance Use Services | x | Tina Fabbro – Community Link | X | Cha Keen na Kwaut (Pam Jack) – Stz’uminus Health Manager | X |
| ✓ | Rob Johnson/Marsh Stevens – Town of Ladysmith Council Liaison | Jacqueline Neligan – Ladysmith Family & Friends (LaFF) / Make Children First | X | Vicky Corrin, Regional Service Co-ordinator, Brain injury program, Island Health | ✓ | Mark – Case Manager, Global Vocational Services Centre | x |
| X | Gretchen Hartley - Hospice | Dawn Stocks, Site Manager La Rosa Gardens Jen Endron, Activities, La Rosa | X | Rosalie Sawrie– Social Planning Cowichan | x | Tracy McKee, Director of Care, Oyster Harbour (formerly Lodge on 4 th) | x |
| x | Lifeline, Janine Hunka | Rhiannon, Literacy VI | ✓ | Cathy Holmes, Better @ Home | | | |

Chair: Christy Wood/Rosalie Sawrie Recorder: Faye Hjort Guest Speaker: Alan Millbank, Fire Prevention Officer

| AGENDA ITEM | | OBJECTIVES / DISCUSSION / KEY POINTS | Action | RESPONSIBLE |
|----------------------|-------------------------------|--|------------------|-------------|
| Call to Order | | | | |
| 1. | Introductions | <ul style="list-style-type: none"> Round table introductions done (updated details in roundtable) | | ALL |
| Items | | | | |
| 2. | Adoption of Agenda | <ul style="list-style-type: none"> Agenda Adopted | Adopted | |
| 3. | Approval of minutes | <ul style="list-style-type: none"> Approved | | All |
| 4. | Business Arising | <ul style="list-style-type: none"> Nothing | | All |
| 5. | Ladysmith CRN update | <ul style="list-style-type: none"> Brain injury presentation next week Funding form to fill out. Hoping to create a resource directory like Alberni Claoquot Went to North Island to meet with the new Comox/North Regional Mentor | | Jane |
| 6. | Grant wish list | <ul style="list-style-type: none"> Review list started from January meeting, any new additions? Story share with food for seniors/elders & youth Food Security Needs Assessment for Ladysmith | No new additions | All |
| 7 | Organizational Updates | <ul style="list-style-type: none"> CRN, Island Health Temporary project for a Medical Daycare has been extended for 3 more months; Sue has been appointed to the PCN project working with FNHA and Division of Family Practice and Kristen was awarded the Manager of Community Health Services at Oceanside. We should know soon who is replacing; parking lot still needs to move forward Harm Reduction, Town, Asking Cathy to send an invite to Council for the upcoming | | Any/All |

| | | | | |
|---|--------------------------|---|--|---------------|
| | | <p>Medical Cannabis Conference as it directly applies to up and coming recommendations; strategic planning for the next four years, is there anything this table would like to see moved forward? Ideas for recreation for disabled and how to access the water with ramps and balloon walkers for example. The challenges the town has being between Nanaimo and Duncan.</p> <ul style="list-style-type: none"> • Ladysmith Parks & Rec, Spring Programming – Pirate Swim! Steve from the library would also like to attend interagency • Social Planning, Age friendly presentation done with the town; scooter maps complete and handed out. They look fantastic. Focus on safe crossings (illuminated) dogwood drive and Stevenson; davis and dogwood. Kinsmen would like to put a public washroom downtown; Apply for \$25,000 grant to move forward; debating having the seniors advisory to start up again. The steering committee is still willing to meet 2x monthly; Host Homes Project – funding for 6 youth – finding gaps, matching youth with families with similar interests ie art, carving etc. This will apply to youth coming out of foster care or who have unstable housing. Rob asked Rosalie to check with Marina at Take 5 as she works with a similar program. • LRCA, On the snow day 6-8 families came to access services, 31 came to the food bank including one pregnant lady who walked through the snow to get food. They shoveled the sidewalk! The shelter is finished this month. The shelter has been at 80-90% capacity every night. How to teach staff how to handle drugs? Who can teach? Sue will find out; A little bit of HPA money left. Hydro bills coming out so maybe someone needs help. • Cowichan Caregivers, • BCAS, • Brain Injury, see attached posters for education sessions and support groups. • Better at Home; 300 service moments in Ladysmith which is approximately 30 people; 4 different projects on the go; Nanaimo Family Life Project working with Sneuneymeux. March 23rd Medical Cannabis Conference geared for Seniors and workers wondering how to deal with clients on cannabis, \$25 per ticket; Presentations on Vancouver Island everywhere which is hosted on Shaw. Ladysmith is a bit of a challenge to serve but working through it. • Vancouver Island Literacy, Community Outreach Workers trying to create new ways to serve learners; what do our clients need? How can we help? Offering to help fill out forms and computer literacy, cedar/Cassidy working to support, goal orientated learning and 1-1, family including parent and child; new VIU program starting on Commercial street location, offering life skills, employment preparedness, ESL courses free to Canadians; | | |
| 8 | Professional Development | <p>Hoarding & Fire Prevention: Hoarding is a mental disorder that has a genetic component. Most are unrecognized. 1 in 25 or up to 25% of the population is affected. 1,000 homes on Vancouver Island are extreme hoarders. Some causes are OCD and depression. There are several types: animal, non-waste, garbage/food, research and paper and some are sentimental.</p> <p>Concerns: Health, fire, risk to personnel, fuel load, very hard to search, hard to rescue, hard to extinguish fire, unknown hazards (fuel). These become high significance fires (larger fires, greater loss). Greater danger for multi-family homes. Homeless hoard due to necessity but</p> | | Alan Millbank |

| | | | | |
|--------------------|---------------|--|--|--|
| | | <p>once housed that habit still exists which ends up with eviction.</p> <p>Commercial hoarding with buildings being used. A fire order can mean eviction or demolishing building. Clean up costs can be upwards of \$35,000 for homeowners. Fire Commissioners focus on multi-family dwellings.</p> <p>See attached literature.</p> <p>Hoarding Report Line 250-361-0227</p> | | |
| 9 | Future | <p>Opioid Crisis, Dr Waters willing to come back. Check Aggie Hall for May dates. Double check with the Chamber of Commerce for other conflicts.</p> | | |
| Adjournment | | | | |
| | | <p>Next Meeting: Thursday, April 11 12:00 – 1:30 pm Location: Ladysmith Community Health Centre – Lower meeting room (G18) Co-Chairs – Christy and Rosalie Recorder – Faye</p> | | |
| | | <p>UPCOMING EVENTS: -</p> | | |

NANAIMO FIRE RESCUE INSPECTION CHECKLIST

RESIDENT: The purpose of inspection is to ensure housing is decent, safe, sanitary, & in good repair. The inspector must be able to view, reach, and test all items on this inspection checklist.

The following items must be UNOBSTRUCTED:
(Completely clear of any items)

- Exit pathways - means of exit
- Minimum 36" wide clear pathways throughout unit
- Smoke alarms, CO detectors, & sprinkler heads
- All doors: including entry & exit, closets, cabinets, pantry, etc.
(Inspector must be able to latch & open & close doors, fully & freely, if applicable)
- Minimum of 1 unobstructed window in living room & each bedroom for emergency exit
- Toilets, stove, oven, refrigerator, washing machine, dryer, open flame heat sources, fireplaces, water unit, a/c, heat thermostats, trash containers

The following items must be ACCESSIBLE:

- Windows
- Electrical panel(s) & electrical outlets
- All heat sources
- All plumbing fixtures & pipes, including plumbing under all sinks
- Sinks, bathtubs, & showers

The Following Checklist Provides a Guide for Addressing:

a. General Safety

- All pilot lights must be lit (if gas)
- No flammable liquids and/or combustible items on, or within, 6" of stove top
- No trip hazards, fall hazards, or avalanche risk
- No extension cords under carpets or across floors or rooms
- No exposed or frayed electrical wiring

b. General Health

- Sinks must function and show routine use & care
- Kitchen area must have a clear & clean space sufficient for food preparation
- Refrigerator & freezer clean, not overfilled, no expired or rotting food
- No expired or decaying food or garbage (to attract vermin)
- Stove, range w/ oven - interior, exterior, & top must be clean & free of debris
- No evidence of infestation
- Garbage & debris must be removed from unit on routine basis
- No long-term storage of newspapers, magazines, papers, or flammable liquids
- No inoperable or unregistered vehicles in yard
- No excessive pet odor, pet hair, pet waste



Hoarding and Fire: Reducing the Risk

Do you have a person in your life who may be a hoarder? Hoarding is a condition where a person has persistent difficulty discarding personal possessions. The large amount of possessions fill the home and prevent the normal use of the space. Living space becomes cluttered. It may be unusable. Hoarding brings distress and emotional health concerns.

WHY HOARDING INCREASES FIRE RISKS

- Cooking is unsafe if flammable items are close to the stove or oven.
- Heating units may be too close to things that can burn. They might also be placed on unstable surfaces. If a heater tips over into a pile, it can cause a fire.
- Electrical wiring may be old or worn from the weight of piles. Pests could chew on wires. Damaged wires can start fires.
- Open flames from smoking materials or candles in a home with excess clutter are very dangerous.
- Blocked pathways and exits may hinder escape from a fire.

HOW HOARDING IMPACTS FIRST RESPONDERS

- Hoarding puts first responders in harm's way.
- Firefighters cannot move swiftly through a home filled with clutter.
- Responders can be trapped in a home when exits are blocked. They can be injured by objects falling from piles.
- The weight of the stored items, especially if water is added to put out a fire, can lead to building collapse.
- Fighting fires is very risky in a hoarding home. It is hard to enter the home to provide medical care. The clutter impedes the search and rescue of people and pets.

How Can You Help Reduce the Risk of Fire Injury

- ✓ When talking a person who hoards, focus on safety rather than the clutter. Be empathetic. Match the person's language. If they call it hoarding, then you can call it hoarding.
- ✓ Help the residents make a home safety and escape plan. Stress the importance of clear pathways and exits. Practice the plan often. Exit routes may change as new items are brought into the home.
- ✓ Install working smoke alarms in the home. Test them at least once a month.
- ✓ Reach out to community resources. Talk to members of the fire department to alert them of your concerns. They may be able to connect you with members of a hoarding task force for additional help.

Name of Organization Goes Here

Contact Information Goes Here



Your Source for SAFETY Information

NFPA Public Education Division • 1 Batterymarch Park, Quincy, MA 02169

RANDY O. FROST
Professor

Clutter Image Rating

**LEVELS OF IMAGE #6 OR MORE SHOULD BE REPORTED TO 311 AS
A HOARDING CONCERN**

Clutter Image Rating: Bedroom

Please select the photo that most accurately reflects the amount of clutter in your room.



1



2



3



4



5



6



7



8



9

2019

Understanding Brain Injury

Free Public Workshop

Monday, March 25th, 2019

6:00pm—8:00pm

Cowichan Public Library

2687 James Street , Duncan

Presenter: Ashleigh Wasner

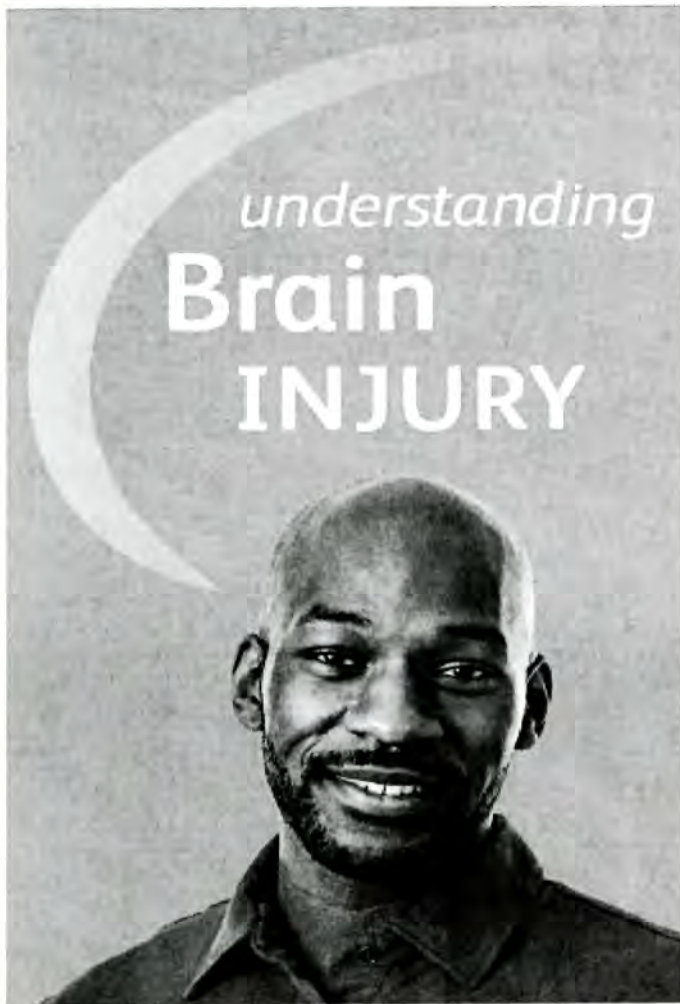
Ashleigh is a Registered Psychiatric Nurse, with training through the Brain Injury Association of America as a Certified Brain Injury Specialist.

She is the Director of Care for Bill's Place Support Services. Ashleigh works directly with families, multidisciplinary teams, and individuals with brain injuries ranging from mild to severe traumatic brain injury.

Event is free. RSVP Appreciated

T: 250-753-5600 Ext: 202

E: adrienne@nbis.ca



nbis

NANAIMO BRAIN INJURY SOCIETY

FREE

Public Workshops

Our **free**, informative public workshops are designed for people living with brain injury, their family and friends. These meetings are held at convenient community locations throughout the year (*see schedule at right*). At these sessions we talk about how the brain works, and what happens after a brain injury. A discussion about what can help, and how to find community resources is included.





NANAIMO BRAIN INJURY SOCIETY

Brain Injury Basics: Education & Understanding

**For Community Organizations, Service Providers, Health Care
Professionals & Students in Duncan
Thursday, March 28th 2:00-3:00pm
Cowichan Library– 2687 James Street, Duncan**

**This session is FREE and designed for organizations and individuals working
with people who are affected by acquired brain injury.**

Session outcomes:

- Basic Understanding of Brain Injury including Causes and Cognitive/Physical/Behavioral Effects
- Current Statistics
- Information on programs offered in Nanaimo/Victoria
- Insight into the complex issues that arise when working with people with brain injury

Register today! Two ways to Register:

1. Phone—250.753.5600 ext.202
2. Email—adrienne@nbis.ca

In partnership
with:

Victoria
Brain Injury
Society



Funded by:



HOW TO MINIMIZE SCREEN TIME AND AVOID A TECH TANTRUM

Research has shown that excessive screen time for kids under 5 years is one of the biggest threats to their health as it is linked with language delays, reduced attention and low school readiness.

Before your child becomes attached to screens at an early age, consider these tips to help you minimize risks of screen time before age 5:



- **Consider colouring instead.**

Not all sedentary time is bad. Colouring is a good interactive and creative activity.

- **Reach for a book!**

Children younger than 5 years learn best from live, immersive interactions with family members and caregivers. Given the choice, they will nearly always opt for talking, playing or being read to over screen time in any form.

- **Implement screen free meal time.**

Kids learn intensely through face-to-face interactions with parents or caregivers. Meal time is a big opportunity for social learning.

- **Remember, screens are not toys. Toys are toys!**

And choosing an active toy like a ride-on helps to burn some of that boundless energy.

- **Choose to play background music.**

Don't let the TV run in the background.

- **Co-view with your child.**

There are few proven benefits of screen-time for children under 5. For children 2 years and older, use the hour wisely by selecting age-appropriate content to co-view and discuss together.

- **Model good behaviour.**

A recent study observed that as time spent by parents on their phones increased, so too did the likelihood of children acting out to gain attention, often leading to negative interactions. Show good behaviour and your child will follow suit.

- **Protect bedtime.**

Avoid screens for at least 1 hour before bedtime. Screens can suppress melatonin making going to sleep more difficult.



FOR MORE INFORMATION VISIT:
BUILDYOURBESTDAY.COM/EARLYYEARS

Canadian Paediatric Society. (2017). Screen time and young children: promoting health and development in a digital world. Paediatrics & Child Health, 22(8), 461-468

CANADIAN 24-HOUR MOVEMENT GUIDELINES

FOR THE EARLY YEARS (0-4 YEARS)



MOVE

INFANTS LESS THAN 1 YEAR

Being physically active several times in a variety of ways, particularly through interactive floor-based play—more is better. For those not yet mobile, this includes at least 30 minutes of tummy time spread throughout the day while awake.

TODDLERS 1-2 YEARS

At least 180 minutes spent in a variety of physical activities at any intensity, including energetic play, spread throughout the day—more is better.

PRESCHOOLERS 3-4 YEARS

At least 180 minutes spent in a variety of physical activities spread throughout the day, of which at least 60 minutes is energetic play—more is better.

SLEEP

INFANTS LESS THAN 1 YEAR

14 to 17 hours (for those aged 0-3 months) or 12 to 16 hours (for those aged 4-11 months) of good-quality sleep, including naps.

TODDLERS 1-2 YEARS

11 to 14 hours of good-quality sleep, including naps, with consistent bedtimes and wake-up times.

PRESCHOOLERS 3-4 YEARS

10 to 13 hours of good-quality sleep, which may include a nap, with consistent bedtimes and wake-up times.

INFANTS LESS THAN 1 YEAR

Not being restrained for more than 1 hour at a time (e.g., in a stroller or high chair). Screen time is not recommended. When sedentary, engaging in pursuits such as reading and storytelling with a caregiver is encouraged.

TODDLERS 1-2 YEARS

Not being restrained for more than 1 hour at a time (e.g., in a stroller or high chair) or sitting for extended periods. For those younger than 2 years, sedentary screen time is not recommended. For those aged 2 years, sedentary screen time should be no more than 1 hour—less is better. When sedentary, engaging in pursuits such as reading and storytelling with a caregiver is encouraged.

PRESCHOOLERS 3-4 YEARS

Not being restrained for more than 1 hour at a time (e.g., in a stroller or car seat) or sitting for extended periods. Sedentary screen time should be no more than 1 hour—less is better. When sedentary, engaging in pursuits such as reading and storytelling with a caregiver is encouraged.



FOR MORE INFORMATION VISIT:
BUILDYOURBESTDAY.COM/EARLYYEARS

Canadian 24-Hour Movement Guidelines for the Early Years (0-4 years)

For healthy growth and development, infants, toddlers, and preschoolers should achieve the recommended balance of physical activity, high-quality sedentary behaviour, and sufficient sleep.

A healthy 24 hours includes:



MOVE



SLEEP



SIT

MOVE

SLEEP

SIT

INFANTS (LESS THAN 1 YEAR)

Being physically active several times in a variety of ways, particularly through interactive floor-based play—more is better. For those not yet mobile, this includes at least 30 minutes of tummy time spread throughout the day while awake.

14 to 17 hours (for those aged 0-3 months) or 12 to 16 hours (for those aged 4-11 months) of good-quality sleep, including naps.

Not being restrained for more than 1 hour at a time (e.g., in a stroller or high chair). Screen time is not recommended. When sedentary, engaging in pursuits such as reading and storytelling with a caregiver is encouraged.

TODDLERS (1-2 YEARS)

At least 180 minutes spent in a variety of physical activities at any intensity, including energetic play, spread throughout the day—more is better.

11 to 14 hours of good-quality sleep, including naps, with consistent bedtimes and wake-up times.

Not being restrained for more than 1 hour at a time (e.g., in a stroller or high chair) or sitting for extended periods. For those younger than 2 years, sedentary screen time is not recommended. For those aged 2 years, sedentary screen time should be no more than 1 hour—less is better. When sedentary, engaging in pursuits such as reading and storytelling with a caregiver is encouraged.

PRESCHOOLERS (3-4 YEARS)

At least 180 minutes spent in a variety of physical activities spread throughout the day, of which at least 60 minutes is energetic play—more is better.

10 to 13 hours of good-quality sleep, which may include a nap, with consistent bedtimes and wake-up times.

Not being restrained for more than 1 hour at a time (e.g., in a stroller or car seat) or sitting for extended periods. Sedentary screen time should be no more than 1 hour—less is better. When sedentary, engaging in pursuits such as reading and storytelling with a caregiver is encouraged.

Replacing time restrained or sedentary screen time with additional energetic play, and trading indoor for outdoor time, while preserving sufficient sleep, can provide greater health benefits.

Protective Services Committee Recommendations to Council April 1, 2019

At its meeting held March 11, 2019, the Protective Services Committee recommended that Council waive the Aggie Hall rental fee for the Ladysmith Kinsmen's Emergency Preparedness Open House .

MINUTES OF PROTECTIVE SERVICES COMMITTEE
MONDAY, MARCH 11, 2019
CALL TO ORDER 2:04 P.M.
COUNCIL CHAMBERS, CITY HALL

MEMBERS PRESENT

Councillor Marsh Stevens (Chair), Councillor Duck Paterson (alt.), Councillor Rob Johnson (alt.), Chief Ray Delcourt (Ladysmith Fire/Rescue), Steven Van Der Minne (BC Ambulance Service), Bill Drysdale (Ladysmith Search & Rescue), Jason De Jong (Fire/Rescue Coordinator, Cowichan Valley Regional District), Alana Newton (Citizens on Patrol), Al McDermid (Ladysmith Search & Rescue), John Davis (Ladysmith Marine Search & Rescue).

MEMBERS ABSENT

S.SGT Ken Brissard (RCMP), Sybille Sanderson (Emergency Program Coordinator, Cowichan Valley Regional District), Eric Kesteloot (Stz'uminus First Nation).

STAFF PRESENT

Guillermo Ferrero (CAO), Geoff Goodall (Director of Infrastructure Services), Andrea Hainrich (Minute Taker).

CALL TO ORDER

Councilor Marsh Stevens (Chair) called the Protective Services Committee meeting to order at 2:04 p.m.

AGENDA APPROVAL

Moved and seconded:

That the agenda for the March 11, 2019 meeting of the Protective Services Committee be approved.

Motion carried.

MINUTES APPROVAL

Moved and seconded:

That the minutes for the January 14, 2019 meeting of the Protective Services Committee be approved.

Motion carried.

NEW BUSINESS

Emergency Preparedness Open House

Councillor Paterson presented the issue of planning an Emergency Preparedness Open House, sponsored by the Ladysmith Kinsmen Club.

Following his presentation Councillor Paterson declared a conflict of interest with further discussion of the agenda item due to his role with the Ladysmith Kinsmen Club.

Moved and seconded:

That the committee recommend to Council that the Aggie Hall fee rental for the Ladysmith Kinsmen's Emergency Preparedness Open House be waived.

UNFINISHED BUSINESS

Youth Services Representative

It was discussed that new terms of reference for the committee are to come, at which time the committee can discuss this position.

Council Recommendations

The Director of Infrastructure Services discussed the options for more visible signs at crosswalks and playground zones, and is looking into possible funding opportunities.

REPORTS

LADYSMITH SEARCH AND RESCUE

Allen McDermid, President

See attached report

- 2018 Stats to come
- Event Wednesday, March 13, 2019 - Understanding Dementia and Communication. Allen to send out event email to anyone who is interested

BC AMBULANCE SERVICE (BCAS)

Steven Van Der Minne, Unit Chief

- Auditor General's Report is now out for anyone who would like to review it
- Reviewed long-term goals of the station
- Knowledge Network program is out regarding the BC Ambulance Service for anyone who is interested. <https://www.knowledge.ca/media-releases/2018/06/19/documentary-series-following-british-columbia%E2%80%99s-paramedics-and-dispatchers>

LADYSMITH MARINE SEARCH AND RESCUE

John Davis, Training Coordinator

See attached report

- 9 new recruits have now completed training

LADYSMITH FIRE/RESCUE

Ray Delcourt, Fire Chief

See attached report

- 2 new members have now joined. Will be recruiting again later in the year.
- New Fire Truck will be officially in service on Wednesday. Council to attend.

SPEED WATCH/COPS

Alana Newton

Since last meeting

- 47 hours of speed watch in January, 1838 vehicles clocked with radar gun (6th Avenue, North Oyster School, and on the highway by the old Esso station)
- 117 hours of Community Patrols
- March is distracted driving month through ICBC, and the COPS program will be working with them on their initiatives.

DISCUSSION AND QUESTIONS

None

NEXT MEETING

Next meeting will take place on May 13, 2019 at 2:00 pm.

ADJOURNMENT

Meeting adjourned at 3:06 pm.

RECEIVED:

Councillor Marsh Stevens
Chair

Corporate Officer (J. Winter)

DRAFT

Parks, Recreation & Culture Advisory Committee Recommendations to Council April 1, 2019

At its meeting held January 16, 2019, the Parks, Recreation & Culture Advisory Committee recommended that Council:

- 1.) Move forward with the purchase of a Sequoia tree to be planted at Transfer Beach in recognition of the local government profession; and
- 2.) Consider defining the tree and bench dedication process.

Minutes of the Parks, Recreation & Culture Advisory Committee
Wednesday, January 16, 2019 at 7:00pm

COMMITTEE MEMBERS PRESENT:

Tim Richards, Chair
Bruce Mason
Councillor Duck Paterson

Gord Horth
Tara Pollock

STAFF PRESENT:

Clayton Postings
Robyn McAdam

REGRETS:

AGENDA

Moved and seconded:

2019-01: That Parks, Recreation and Culture Advisory Committee approve the agenda for the meeting as presented.

Motion carried.

MINUTES

Moved and seconded:

2019-02: That Parks, Recreation and Culture Advisory Committee approve the minutes of the November 21, 2018 meeting as presented.

Motion carried.

DELEGATION

Public Arts Strategy – Lacey McRae Williams presented a draft copy of the Ladysmith Public Arts Strategy. The committee was impressed with the thoroughness of the report and the public engagement involved. The Committee will be able to provide feedback at the next Committee meeting. The final copy of the Public Arts Strategy will be presented to Council following the February PRCAC meeting.

REFERRED BY COUNCIL

Tree Dedication Request – Committee members discussed Staff Report to Council recommending that council authorize staff to proceed with the purchase of a Sequoia tree to be planted at Transfer Beach.

Moved and seconded:

2019-03: That the Parks, Recreation and Culture Advisory Committee supports this initiative and recommends that Council consider defining the tree and bench dedication process.

UPDATES

Arts & Culture Update –

- The Kitchen and Bathroom reno is nearly complete at the Waterfront Art Gallery
- Due to storm damage, the January exhibit was cancelled and art was placed online instead
- LOVE literacy project is underway encouraging public to write a 'love poem' about Ladysmith. The poems will be printed and mounted in

various parks, trails, and businesses in Ladysmith and Stz'uminus from February 1st-15th.

- Spring Art Tour is coming up in April
- The Ladysmith Theater is presenting Terry Boyle – Irish Singalong pub night on St. Patricks Day.
- Theater is busy with 1-2 shows a day

Parks, Recreation & Culture Update –

- Update on storm damage from December – warming centre was open at the FJCC to assist those community members without power. The Machine Shop roof was damaged during the storm, causing some disruption for tenants. Many trees fell on the Holland Creek, Heart Lake, and Stocking Lake Trails during the storm.
- Council has approved the implementation of the Youth Strategy and staff has been instructed to apply for funding through the Community Grants program.

Meeting adjourned at 8:50PM

Next Meeting will be held at 7:00pm, February 20, 2019 at the Frank Jameson Community Centre.

STAFF REPORT TO COUNCIL

From: Felicity Adams, Director of Development Services
 Meeting Date: April 1, 2019
 File No: 0540-20
RE: COMMUNITY PLANNING ADVISORY COMMITTEE

RECOMMENDATION:

That Council:

1. Adopt the terms of reference for the Community Planning Advisory Committee.
2. Direct staff to recruit citizen members for the Community Planning Advisory Committee.
3. Direct staff to prepare amendments to Bylaw 1667 cited as “Town of Ladysmith Development Approval Procedures Bylaw 2008, No. 1667” to facilitate referrals to the new Community Planning Advisory Committee.
4. Direct staff to prepare amendments to Bylaw 1176 cited as “Sign and Canopy Bylaw 1995, No. 1176” to remove the referral of every sign application in the Downtown Specified Area to the Heritage Revitalization Advisory Commission.

PURPOSE:

The purpose of this staff report is to present terms of reference for a new advisory committee as a result of the recent review of committees and commissions, and to seek direction on next steps.

PREVIOUS COUNCIL DIRECTION

| Resolution | Meeting Date | Resolution |
|-------------|--------------|---|
| CS 2018-472 | 12/03/2018 | Moved and seconded: 1. That Council, having received the consultant’s report and recommendations on the Town of Ladysmith Commission and Committee Review, direct staff to implement the following recommendations specific to existing Committees and Commissions: A) Advisory Planning Commission - Develop Terms of Reference for a Community Planning Committee that includes: <ul style="list-style-type: none"> • A mandate to consider heritage matters when reviewing land use applications • Appropriate membership to address these matters |



INTRODUCTION/BACKGROUND:

The draft terms of reference have been developed giving consideration to the recommendations from the Committees and Commission Review and the Development Application Process Review, as well as the Council direction to include “a mandate to consider heritage matters when reviewing land use applications.”

A key recommendation of the Committee and Commission Review was to create a new Community Planning Committee that would combine the functions of the Advisory Design Panel, Advisory Planning Commission, and Heritage Revitalization Advisory Commission.

The terms of reference for this new committee reflect a new template developed as a result of the review. Terms of Reference for all Town committees and task forces will be based on the same template, and tailored as appropriate.

DISCUSSION:

The mandate of the new Community Planning Advisory Committee is to provide feedback to applicants and advice to Council on land use applications, policies, regulations and initiatives **referred** by Council.

One of the main differences between this new committee and the previous advisory committees is that the new committee will have a stronger mandate in community planning. Community planning establishes the community’s overarching policies and regulations which are intended to guide development in the Town. The focus on this role is Town initiatives:

- OCP review
- New local area plan
- Significant Zoning Bylaw amendments

And consistent with streamlining of the application review process, only planning applications of a more major nature are referred to the committee. The consideration of heritage matters is focused on development in the downtown (DPA2) and land, buildings and structures on the Community Heritage Register (CHR) which have been identified as having heritage value to the community. The focus of this role is applicant initiated:

- OCP amendment applications with change in land use designation
- Zoning Bylaw amendment applications with change to zone, land use and/or density
- Development permit applications for new construction in DPA2 - Downtown
- Development applications for land, building or structure on the CHR

ALTERNATIVES:

Council can choose to provide additional direction to staff.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

Staff will bring forward amendments to the Town’s Development Application Procedures Bylaw (1667) and the Sign and Canopy Bylaw (Bylaw 1176) to reflect the mandate of the community planning advisory committee.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Clear terms of reference are important for the recruitment of citizen members and to the committee achieving success and providing the advice that Council is seeking. Without clear terms of reference, it is difficult for members to understand their role, for Council to obtain the advice it is seeking and for staff to assist the committee in its mandate.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Executive Liaison will undertake to recruit members to the new committee.

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

SUMMARY:

Terms of reference have been prepared for the Community Planning Advisory Committee. It is recommended that Council endorse the terms of reference and start the process to recruit members.



Felicity Adams, Director of Development Services

March 25, 2019

ATTACHMENT:

Terms of Reference for the Community Planning Advisory Committee

COMMUNITY PLANNING ADVISORY COMMITTEE**Type**

- Council Committee Task Force

Mandate

The Community Planning Advisory Committee is a Select Committee of Council pursuant to section 142 of the Community Charter.

The mandate of the committee is to provide feedback to applicants and advice to Council on land use applications, policies, regulations and initiatives referred either directly by Council or through the Development Approval Procedures Bylaw.

The Community Planning Advisory Committee (the Committee) will provide:

- (a) Feedback to applicants and recommendations to Council on the following types of development applications, using the principles set out in Schedule A:
- Amendments to the Official Community Plan (OCP) where a change in land use designation is proposed.
 - Amendments to the Zoning Bylaw where change in zone, land use and/or density is proposed.
 - Issuance of a Development Permit where new construction is proposed in accordance with the guidelines for the Downtown (DPA 2).
 - Development or redevelopment of land, buildings or structures that are on the Community Heritage Register.
- (b) Advice to Council or participate on a project advisory committee or task force on behalf of the Committee for Town-initiated land use initiatives, policies or plans, such as new OCP policies, a major review of the OCP, a new area plan, or significant amendments to the Zoning Bylaw.

Authority

This is an advisory committee. The Committee will review matters as outlined within the Committee Mandate, and make recommendations to Council.

Membership and Terms

The Committee will be comprised of the following:

- Seven citizen members
- One Council liaison to facilitate ongoing communication between Council and the Committee on matters referred by Council (This is an *ex-officio* or non-voting role)

Each member appointed by Council shall serve a two year term. A member appointed by Council shall serve a maximum of six consecutive years.

Membership Requirements/Qualifications

Members of the Committee will represent the diversity of the community.

The seven citizen members of the Committee will represent a broad range of skills and/or experience in economic and social development, housing, design, and the environment, in areas such as:

- Development economics
- Ladysmith's social issues, including housing
- Preservation and restoration of heritage buildings
- Architecture, urban design or landscape architecture
- Environmental protection and climate change.

The Committee will be supported by one Development Services Department staff liaison (This is an *ex-officio* or non-voting role.)

Reporting

Committee recommendations related to development applications will be conveyed to Council through the established development review process, and generally contained in staff reports to Council. Committee minutes will be provided to Council on a regular basis.

Meeting Management

(a) Chairperson

- The Chairperson will be elected annually by the members.
- The first Chairperson will be elected at the first meeting of the Committee, and annually thereafter at the first meeting following July 1st.
- If the Chairperson is unable to attend a meeting, the members present will select an acting Chairperson for that meeting.
- An ex-officio member may not serve as Chairperson of the Committee.

(b) Meeting Times and Location

- The Committee will meet once per month, if there are referrals to consider.
- Meetings will take place in the Council Chamber.
- The Council Procedure Bylaw of the Town applies to meetings of the Committee.
- Meetings of the Committee will be open meetings pursuant to section 93 of the *Community Charter*.

(c) Agendas and Minutes

- Staff in the Development Services Department, in consultation with the Chairperson, will prepare the meeting agenda and distribute it to the members of the Committee one week prior to the meeting date.
- Recording of meeting minutes will be assigned by the Director of Development Services. Draft minutes will be reviewed by the Chairperson.
- Draft minutes will be distributed with the meeting agenda package.
- Recommendations from the Committee will be included in the Staff Report to Council on the referred matter.
- Minutes of the Committee meetings will be posted on the Town of Ladysmith website and included in Council agenda packages.

Alignment with Council 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 checked="" type="checkbox"/> Communications & Engagement | <input type="checkbox"/> Not Applicable |

Schedule A**1. Application Review Process Principles****(a) OCP or Zoning Bylaw Application Review**

- Staff will provide a report outlining the general proposal which will be included in the meeting agenda package.
- The Community Planning Advisory Committee will:
 - Refer to the Official Community Plan and Council's strategic priorities in the review of the proposal
 - Hear from the applicant and its consulting team through a brief presentation to summarize the proposal.
 - Consider each proposal on its own merits.
 - Provide its advice to Council in the form of a motion

(b) Development Permit Application Review

- Staff will provide a report outlining the general proposal which will be included in the meeting agenda package.
- The Community Planning Advisory Committee will:
 - Use the design guidelines contained within the Official Community Plan in the review of development permit proposals.
 - Hear from the applicant's design team through a brief presentation to summarize their design criteria and proposal.
 - Consider each proposal as an expression of the evolution of the streetscape of the Downtown and aim for the highest standard of excellence in the built environment.
 - Consider each proposal on its own merits.
 - Provide its advice to Council in the form of a motion or statement of review.

INFORMATION REPORT TO COUNCIL

Prepared By: Joanna Winter, Manager of Legislative Services

Meeting Date: April 1, 2019

File No: 0540-20 PRCAC

RE: PARKS, RECREATION AND CULTURE ADVISORY COMMITTEE TERMS OF REFERENCE

RECOMMENDATION:

That Council approve the amended Terms of Reference for the Parks, Recreation and Culture Advisory Committee, effective immediately.

PURPOSE:

The purpose of this report is to seek Council approval of new Terms of Reference for the Parks, Recreation and Culture Advisory Committee.

PREVIOUS COUNCIL DIRECTION

| Resolution | MeetingDate | ResolutionDetails |
|-------------|-------------|---|
| CS 2018-472 | 12/03/2018 | Moved and seconded: 1. That Council, having received the consultant’s report and recommendations on the Town of Ladysmith Commission and Committee Review, direct staff to implement the following recommendations specific to existing Committees and Commissions: [...] B) Parks, Recreation and Culture Advisory Committee: Revise the Terms of Reference to include oversight of the Invasive Species Strategy and to include youth in the membership; C) Invasive Species Advisory Committee Disband this committee [...] |

DISCUSSION:

When Council adopted the recommendations contained in the report on the Review of Town Commissions and Committees, it made three recommendations related to the Parks, Recreation and Culture Advisory Committee:

- To include oversight of the Invasive Species Strategy in the committee’s mandate



- To include youth in the committee membership
- To disband the Invasive Species Advisory Committee

The Terms of Reference have been updated to reflect this Council direction and are provided for Council's review and approval. Changes are highlighted in yellow in the attached draft.

The Town had originally created an Invasive Species Advisory Committee to assist in addressing the issue of invasive plants and educating residents. The Committee developed a draft strategy, and has also recommended that the Town ensure that efforts related to the management/eradication of invasive species align with the Cowichan Valley Regional District strategy. Due to a loss of members, the relatively narrow scope of the committee's mandate, and the fact that management of invasive species is fundamentally an operational matter, Council adopted the recommendation to fold the committee into the Parks, Recreation and Culture Advisory Committee.

With the development of the Ladysmith Youth Strategy, and the significant involvement of youth in the process, it was recommended to include a youth representative on the Parks, Recreation and Culture Advisory Committee.

SUMMARY POINTS

Updated Terms of Reference for the Parks, Recreation and Culture Advisory Committee are provided for Council's review and approval. The Terms of Reference have been incorporated into the updated template created to ensure consistency in implementing the recommendations of the Commission and Committee Review.

Report Author:

Joanna Winter, Manager of Legislative Services

March 26, 2019

Reviewed and approved by:

Clayton Postings, Director of Parks, Recreation and Culture

I concur with the recommendation.

Guillermo Ferrero, City Manager

ATTACHMENT(S)

Updated Terms of Reference for Parks, Recreation and Culture Advisory Committee.

PARKS, RECREATION AND CULTURE ADVISORY COMMITTEE

Type

- Council Committee Task Force

Mandate

The Parks, Recreation and Culture Advisory Committee (PRCAC) is a select advisory committee of Council pursuant to section 142 of the *Community Charter*.

The purpose of the PRCAC is to assist the Town of Ladysmith Council by:

- Providing advice and recommendations to Council on any matters referred to the Committee by Council;
- Ensuring that advice and recommendations are consistent with the Parks, Recreation and Culture (PRC) Master Plan and other related Town endorsed plans and strategies;
- Working cooperatively toward securing funds for implementation of the Parks, Recreation and Culture Master Plan; and,
- Recommending activities, projects, or work that the Committee thinks would assist Council to achieve the recommendations defined within relevant Town Plans or Strategies, (including but not limited to the Invasive Species Strategy, Public Art Strategy and Youth Strategy) or other matters for which Council requests input.

Authority

This is an advisory committee. The Committee will review matters as outlined within the Committee Mandate, and make recommendations to Council.

Membership and Terms

The Committee consists of the following members:

- Up to eight citizen representatives appointed by Council through a public recruitment process
- One of the eight appointed representatives will be a youth representative under the age of 23
- One representative from Cowichan Valley Regional District Area H appointed by the Area Director
- One representative from Cowichan Valley Regional District Area G appointed by the Area Director
- One representative from the Stz'uminus First Nation
- One representative from Town of Ladysmith Council (this is a non-voting or *ex officio* liaison position). The role of the Council representative is to provide a Council perspective on matters under consideration, and to speak to Council's strategic priorities and council business as appropriate

Members are appointed for two-year terms. The Council member appointment is made annually by the Mayor.

Citizen representatives may serve up to a maximum of three consecutive terms unless authorized by Council to serve additional consecutive terms.

Membership Requirements/Qualifications

Members of the Committee will represent the diversity of the community,

The citizen members of the Committee will represent a broad range of skills and/or experience related to the Committee's mandate, including but not limited to art, culture, sports, youth, recreation, horticulture, parks management.

PARKS, RECREATION & CULTURE ADVISORY COMMITTEE

Board members of local organizations or societies may not be considered due to possible conflicts.

Staff Support

The Committee will be supported by one Parks, Recreation and Culture Department staff liaison (this is an *ex-officio* or non-voting role.)

Reporting

Committee recommendations on matters referred by Council will generally be placed on the agenda for the first regular Council meeting of the month, accompanied by an explanatory staff report. Committee minutes will be provided to Council on a regular basis.

Meeting Management

Meetings of the Committee will be conducted in accordance with Town of Ladysmith Council Procedure Bylaw.

(a) Chairperson

The Chairperson will be selected by the members annually at the first meeting following July 1st.

If the Chairperson is unable to attend a meeting, the members present will select an acting Chairperson for that meeting.

An *ex-officio* member may not Chair the committee.

(b) Meeting Times and Location

The PRCAC will meet monthly September to June, or at the call of the Chair. Meetings will take place at the Frank Jameson Community Centre.

Meetings of the Committee will be open meetings pursuant to section 93 of the Community Charter.

The Procedure Bylaw of the Town applies to meetings of the Committee.

(c) Agendas and Minutes

Staff in the Parks, Recreation and Culture Department, in consultation with the Chairperson, will prepare the meeting agenda and distribute it to the members of the Committee one week prior to the meeting date.

Recording of meeting minutes will be assigned by the Director of Parks, Recreation and Culture. Draft minutes will be reviewed by the Chairperson for accuracy only.

Draft minutes will be distributed with the agenda package for the next meeting.

Minutes of the Committee meetings will be posted on the Town of Ladysmith website and included in Council agenda packages.

Alignment with Council 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 checked="" type="checkbox"/> Communications & Engagement | <input type="checkbox"/> Not Applicable |

STAFF REPORT TO COUNCIL

From: Erin Anderson, Director of Financial Services

Meeting Date: April 1, 2019

File No:

RE: LADYSMITH AND DISTRICT HISTORICAL SOCIETY ADDITIONAL FUNDING

RECOMMENDATION:

That Council consider if it wishes to provide additional funding to the Ladysmith and District Historical Society by:

- 1) Reallocating Heritage Revitalization Advisory Committee funding for professional development in the amount of \$1,600 to the Ladysmith and District Historical Society; and
- 2) Reallocating \$1,500 from the Heritage budget to Ladysmith and District Historical Society to promote heritage in Ladysmith and amend the service agreement;
- 3) Referring the remaining budget request of \$18,400 to Council's upcoming Strategic Planning process.

PURPOSE:

The purpose of this report is to respond to the Ladysmith and District Historical Society Request for additional ongoing funding to operate the Museum and Archives. The LDHS proposed the following question: *Is Council prepared to increase funding to the LDHS to enable continuance of the 2018 level of service for the Community & Culture Museum?*

PREVIOUS COUNCIL DIRECTION

CS 2019-081 That Council refer to staff for review and recommendations the request by the Ladysmith and District Historical Society to increase annual funding for the operation of the Archives/Community and Culture Museum from the current \$23,500 (plus 2 per cent) to \$45,250 and provide options as to how the Town may accommodate this request within the existing preliminary budget.

CS 2018-486 That Council authorize the Ladysmith and District Historical Society to take on the project of updating the metal collage on the Commission's behalf with a budget of up to 3000.

CS 2018-474 That Council direct staff to review the Service Agreement with the Ladysmith and District Historical Society and recommend appropriate amendments to permit the Society to undertake initiatives referred by Council.

INTRODUCTION/BACKGROUND:

Council may recall at the meeting on March 4, 2019, Ladysmith & District Historical Society (LDHS) requested an additional \$21,500 in funding to operate the Museum and Archives. The Town currently provides funding (\$24,450 – 2018) to the LDHS via a Servicing Agreement to “collect, preserve, insure and interpret the collections of the Museum and Archives on behalf of the Town of Ladysmith and its citizens”. This agreement was negotiated in 2017 with amounts based on the funding received through annual Grants in Aid.

The request from LDHS is for ongoing funding. Much of this funding is to hire a part-time curator.

Small savings are available within the Development Services – Heritage budget, though the majority of funding will require an increase in taxation to satisfy the request into the future. Options for on-going funding include:

- Eliminate the \$1,600 funding for a Heritage Revitalization Advisory Committee attendance at the annual Heritage BC Conference.
- Eliminate the \$1,500 funding for the promotion for Heritage Week.

Options for one-time funding:

- Utilize 5,000 in funding set aside for research into a seismic tax incentive program. This included in to the budget under a previous Council direction, though the Town provides other tax incentive options that could eliminate the need for this project.
- Utilize \$10,000 in funding set aside for the Heritage Inventory Update to do this project or another heritage project.

Both of these projects are funded from reserves, meaning there is no taxation impact in 2019.

One-time funding from appropriated equity is possible though it is not sustainable.

The Town has not received the Society's financial statements though it is a requirement of the Servicing Agreement. The most recent charity return (2017) shows a loss of nearly \$8,000 for LDHS.

ALTERNATIVES:

Council can choose to:

1. Approve the request as presented and amend the service agreement;
2. Provide an alternative amount as a one-time or ongoing;

FINANCIAL IMPLICATIONS:

Using funding from other heritage projects (as described above) or funding from reserves is not sustainable. Only a tax increase or a change in other Town services will guarantee sustainable funding. A \$21,500 increase in funding is approximately a 0.32% municipal property tax increase.

LEGAL IMPLICATIONS:

n/a

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Agreeing to provide the additional funds requested could set a precedent for other organizations that provide services to the community.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

LDHS impacts various department as Parks, Recreation & Culture maintain the building that LDHS resides; Development Services oversees heritage within the Town; Waterfront Implementation is involved with the Industrial Preservation committee within LDHS; Legislative Services executes and maintains service agreements and Finance compiles the budget. LDHS, per the servicing agreement, is to provide budget requests by June of each year to Parks, Recreation & Culture to be included in future budgets deliberations.

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 type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- Employment & Tax Diversity
- Watershed Protection & Water Management
- Communications & Engagement

- Natural & Built Infrastructure
- Partnerships
- Not Applicable

SUMMARY:

LDHS requested an additional \$21,500 in on-going funding for the museum and archives. This request was outside of the service agreement and received after the 2019 budget was deliberated. Small amounts of ongoing funding is available, though sustained funding will require a property tax increase.



Erin Anderson, Director of Financial Services

March 19, 2019

TOWN OF LADYSMITH

BYLAW NO. 2005

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

1. Heritage Revitalization Advisory Commission Bylaw 1998, No. 1279 and all amendments thereto are hereby repealed.

Citation

2. This Bylaw may be cited for all purposes as “Town of Ladysmith Heritage Revitalization Advisory Commission Repeal Bylaw, 2019, No. 2005.

READ A FIRST TIME on the 18th day of March, 2019

READ A SECOND TIME on the 18th day of March, 2019

READ A THIRD TIME on the 18th day of March, 2019

ADOPTED on the day of

Mayor (A. Stone)

Corporate Officer (J. Winter)

TOWN OF LADYSMITH

BYLAW NO. 2006

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

1. Economic Development Commission Bylaw 2005, No. 1548 and all amendments thereto are hereby repealed.

Citation

2. This Bylaw may be cited for all purposes as “Town of Ladysmith Economic Development Commission Repeal Bylaw, 2019, No. 2006.

READ A FIRST TIME on the 18th day of March, 2019

READ A SECOND TIME on the 18th day of March, 2019

READ A THIRD TIME on the 18th day of March, 2019

ADOPTED on the day of

Mayor (A. Stone)

Corporate Officer (J. Winter)

TOWN OF LADYSMITH

BYLAW NO. 2007

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

1. Environment Commission Bylaw 2007, No. 1631 and all amendments thereto are hereby repealed.

Citation

2. This Bylaw may be cited for all purposes as “Town of Ladysmith Environment Commission Repeal Bylaw, 2019, No. 2007.

READ A FIRST TIME on the 18th day of March, 2019

READ A SECOND TIME on the 18th day of March, 2019

READ A THIRD TIME on the 18th day of March, 2019

ADOPTED on the day of

Mayor (A. Stone)

Corporate Officer (J. Winter)

INFORMATION REPORT TO COUNCIL

Report Prepared By: Felicity Adams, Director of Development Services

Date: March 25, 2019

Report Reviewed and Approved By: Guillermo Ferrero, City Manager

Meeting Date: April 1, 2019

File No: 3900-20 (DCC Review)

RE: DEVELOPMENT COST CHARGES (DCC) BYLAW

RECOMMENDATION:

That Council:

1. Proceed with first three readings of Bylaw No. 2008 cited as "Town of Ladysmith Development Cost Charges Bylaw 2019, No. 2008."
2. Refer Bylaw No. 2008 to the Inspector of Municipalities for approval.
3. Direct staff to amend the Development Cost Charges (DCC) Bylaw Review Policy to add to the annual review of the DCC Bylaw, a review of the percentage change in the BC consumer price index pursuant to BC Reg. 130/2010.

PURPOSE:

The purpose of this report is to present the new Development Cost Charges (DCC) Bylaw for consideration of first three readings and referral to the Province.

PREVIOUS COUNCIL DIRECTION

| Resolution | Meeting Date | Resolution |
|-------------|--------------|--|
| CS 2019-092 | 03/18/2019 | 1. Receive the feedback from the DCC Review Open House. 2. Direct staff to prepare a new DCC Bylaw with the rates outlined in the Staff Report dated March 18, 2019 from the Director of Infrastructure Services. |

DISCUSSION:

Bylaw No. 2008 includes the new DCC rates as previously directed by Council. In addition, bylaw terms have been updated for consistency with the defined terms in the Zoning Bylaw.

Once the new DCC bylaw is adopted the new rates would come into effect. However, projects that are in-stream have a one-year period when the old DCC rates will continue



to apply. For example, the one-year exemption of new rates applies to in-stream **complete** subdivision applications as long as the subdivision is completely finished and deemed ready for registration by the Approving Officer within one-year of the date of the bylaw adoption. The one-year exemption also applies to instream **complete** building permit applications and rezoning and development permit applications that result in a complete building permit application within one year after bylaw adoption.

To consider inflationary increases that can impact construction costs over the 5-year DCC review cycle, Council can take advantage of BC Reg. 130/2010. This regulation allows the DCC Bylaw to be amended once in a 12 month period after the date of the adoption of the bylaw without approval of the Inspector of Municipalities, as long as the increase does not exceed the percentage change in the BC consumer price index. This exemption from approval can be used once each year for up to four years.

SUMMARY POINTS

A new DCC Bylaw is presented to Council for first three readings and referral to the Inspector of Municipalities. The DCC Policy can be amended to include the potential for annual increases for up to 4-years at Council’s discretion.



Director of Development Services

March 26, 2019

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT(S)

Bylaw No. 2008

TOWN OF LADYSMITH

BYLAW NO. 2008

A Bylaw to Levy Development Cost Charges in the Town of Ladysmith.

WHEREAS Council may, under Section 559 of the *Local Government Act*, impose development cost charges for the purpose of providing funds to assist in paying the capital costs of providing, constructing, altering or expanding sewage, water, drainage and highway facilities, other than off street parking facilities, and providing and improving parkland, to service, directly or indirectly, the developments for which the charges are imposed;

AND WHEREAS Council, in establishing the development cost charges imposed by this bylaw, has considered future land use patterns and development, the phasing of works and services, the provision of park land described in the Town's official community plan and how development designed to result in a low environmental impact may affect the capital costs of infrastructure in the Town of Ladysmith;

AND WHEREAS Council has also considered and is of the opinion that the development cost charges imposed by this bylaw are not excessive in relation to the capital cost of prevailing standards of service, will not deter development, will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land and will not discourage development designed to result in a low environmental impact in the Town of Ladysmith;

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

TITLE

1. This bylaw may be cited as "Town of Ladysmith Development Cost Charges Bylaw 2019, No. 2008".

DEFINITIONS

2. In this bylaw:

'Building Permit' means a permit authorizing the construction, alteration or extension of a building or structure.

'Coach House Dwelling' means a self-contained accessory dwelling unit located within a detached accessory building.

'Commercial Use' means a building or structure that is or may be used for a retail, tourist accommodation, restaurant, personal or professional services, business office, financial institution, commercial entertainment or commercial recreational use, veterinary clinic or animal hospital and any other business which is not an **industrial use, institutional use, multi-family, or single family** residential use. Commercial use does not include home based business.

'Council' means the Council of the Town.

'Downtown Commercial Use' means a **commercial use** located within the lands shown within heavy outline on Schedule B, attached to and forming part of this Bylaw.

'Downtown Multi-Family Residential Use' means a **multi-family residential use** located within the lands shown within heavy outline on schedule B, attached to and forming part of this Bylaw.

'Dwelling Unit' means one or more habitable rooms constituting a self-contained unit with its own entrance, used or intended to be used as a residence for not more than one household

and containing a kitchen with a sink and kitchen facilities and a bathroom with a toilet, sink and a bath or shower, but does not include a **coach house dwelling**.

'Gross Floor Area' means the total floor area of all storeys in a building or structure measured between exterior walls and required firewalls including space occupied by interior walls and partitions, but not including exits.

'Home Based Business' means a commercial professional practice, service, occupation, craft or hobby permitted within a residential dwelling unit or accessory building.

'Industrial Use' means a building or structure that is used or may be used for the processing, fabrication, assembling, storage, warehousing, distribution, wholesaling, testing, servicing, repairing or maintenance of goods, property, material or articles and includes retail sale accessory to that use.

'Institutional Use 'A' means a building or structure that is used or may be used as an Assisted Living Residence, as defined by the *Community Care and Assisted Living Act*; or a community care facility with three or more sleeping units that provides residential accommodation to adults, in addition to other services prescribed by the *Community Care and Assisted Living Regulation*; and includes, but is not limited to, assisted living facilities, long term care and nursing homes.

'Institutional Use 'B' means a building or structure that is used or may be used for a civic use, school, hospital, public assembly use, or correctional or care facility, but excludes buildings or structures that are otherwise defined as **Institutional Use 'A'**.

'Mobile Home' means a factory manufactured **dwelling unit** that carries a Canadian Standards Association Certificate (CSA Z240) and is transported on its own foundation, and does not include a recreation vehicle.

'Manufactured Home Park' means the use of land for the accommodation of two or more **mobile homes**.

'Mixed Use' means the use of land for more than one type of use in respect of which different development cost charges are payable under this Bylaw.

'Multi-Family Residential Use' means a parcel that is used for or may be used for more than one **dwelling unit**, or a building containing more than one **dwelling unit**, or one or more **dwelling units** contained within a mixed-use building. Multi-family residential use includes apartments, row houses, townhouses, cluster housing, two-family dwellings or duplexes, and **mobile home** or **manufactured home park**, but does not include secondary suites, coach use dwelling,s or an institutional use.

'Residential Subdivision' means a subdivision under the *Land Title Act* or the *Strata Property Act* that creates parcels that may be used for residential development, and includes a **manufactured home park** subdivision but does not include multi-family residential;

'Single Family Residential Use' means a parcel that is used or may be used for a single family, or a residential building containing no more than one **dwelling unit** on a single parcel.

'Town' means the Town of Ladysmith.

DEVELOPMENT COST CHARGES

3. Every person who obtains:
 - (a) approval of a **residential subdivision**; or
 - (b) a **building permit** authorizing the construction, alteration, or extension of a building or structure, including a building permit that authorizes the construction, alteration or extension of a building or part of a building that will, after construction, alteration or extension, contain one or more self-contained dwelling units

shall pay to the Town the applicable development cost charge in the amount set out in Schedule A, which is attached to and forms a part of this Bylaw.

EXCEPTIONS

4. A development cost charge is not payable under Section 3 where the imposition of a development cost charge is not payable under another enactment, including:
 - (a) if the development does not impose new capital cost burdens on the Town;
 - (b) if a development cost charge has been previously paid for the same development, unless, as a result of further development, new capital cost burdens will be imposed on the Town;
 - (c) a **building permit** authorizes the construction, alteration or extension of a building or part of a building that is, or will be, after the construction, alteration or extension, exempt from taxation under section 220 (1) (h) or 224 (2) (f) of the *Community Charter*;
 - (d) a **building permit** authorizes the construction, alteration or extension of a building where the value of the work authorized by the permit does not exceed \$50,000 or any other amount the Minister may prescribe; or,
 - (e) a **building permit** authorizes the construction, alteration or extension of self-contained **dwelling units** in which each unit is no larger in area than 29 square metres, and each **dwelling unit** is to be put to no other use other than residential use.

TIMING OF PAYMENT

5. **Development cost charges** shall be payable:
 - (a) After application for a **residential subdivision** has been made, but no later than at the time of the final approval of the subdivision;
 - (b) For all other cases, after a **building permit** application has been made, but no later than at the time of the approval the **building permit** has been issued;

unless paid by way of instalments in accordance with BC Regulation 166/84 as amended or replaced.

CALCULATION OF CHARGES

6. The amount of development cost charges payable shall be calculated using the applicable charges set out in Schedule A, the actual or probable use of the building, and the applicable number of development units or development area.
7. Where a building or structure is used or may be used for a Mixed Use, the amount of development cost charges shall be calculated separately for each portion of the development based on the separate development class or use types and the amount payable shall be the sum of the charges payable for each development class or use.
8. Where a type of development is not identified on Schedule A, or in the event of a vacant building where the actual or probable use is uncertain, the amount of development cost charges to be paid to the Town shall be equal to the development cost charges that would have been payable for the most comparable type of development.

EFFECTIVE DATE

9. This Bylaw shall come into full force and effect and be binding on all persons as and from the date of final adoption.

SCHEDULES

10. The following schedules attached to this Bylaw form part of this Bylaw:

Schedule A – Development Cost Charge Rates
Schedule B – Downtown Area

SEVERABILITY

11. If any part, paragraph or phrase in this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, that portion shall be severed and the remainder of this bylaw shall continue in force.

REPEAL

12. “Town of Ladysmith Development Cost Charges Bylaw, 2011, No. 1762” is hereby repealed.

READ A FIRST TIME on the _____ day of _____, 2019

READ A SECOND TIME on the _____ day of _____, 2019

READ A THIRD TIME on the _____ day of _____, 2019

APPROVED BY INSPECTOR OF MUNICIPALITIES on the _____ day of _____, 2019

ADOPTED on the _____ day of _____, 2019

Mayor (A. Stone)

Corporate Officer (J. Winter)

SCHEDULE A – DEVELOPMENT COST CHARGE RATES

1. Single Family Residential (DCC charge per single-family lot)

| | |
|----------------|--------------------|
| Roads | \$2,319.15 |
| Storm Drainage | \$647.43 |
| Sanitary Sewer | \$3,897.80 |
| Water | \$9,347.12 |
| Parkland | \$1,357.95 |
| Total | \$17,569.45 |

2. Multi-Family Residential (DCC charge per multi-family residential unit)

| | |
|----------------|--------------------|
| Roads | \$1,420.08 |
| Storm Drainage | \$175.35 |
| Sanitary Sewer | \$2,490.26 |
| Water | \$5,971.77 |
| Parkland | \$1,086.36 |
| Total | \$11,143.82 |

3. Downtown Multi-Family Residential (DCC charge per multi-family residential unit)

| | |
|----------------|--------------------|
| Roads | \$916.03 |
| Storm Drainage | \$140.28 |
| Sanitary Sewer | \$2,490.26 |
| Water | \$5,971.77 |
| Parkland | \$1,086.36 |
| Total | \$10,604.70 |

4. Commercial (DCC charge per m² of gross floor area)

| | |
|----------------|----------------|
| Roads | \$54.53 |
| Storm Drainage | \$2.43 |
| Sanitary Sewer | \$6.50 |
| Water | \$15.58 |
| Parkland | \$0.00 |
| Total | \$79.03 |

5. Downtown Commercial (DCC charge per m² of gross floor area)

| | |
|----------------|----------------|
| Roads | \$36.35 |
| Storm Drainage | \$1.46 |
| Sanitary Sewer | \$3.90 |
| Water | \$9.35 |
| Parkland | \$0.00 |
| Total | \$51.05 |

6. Industrial (DCC charge per m² of gross floor area)

| | |
|----------------|----------------|
| Roads | \$16.48 |
| Storm Drainage | \$2.08 |
| Sanitary Sewer | \$5.52 |
| Water | \$13.24 |
| Parkland | \$0.00 |
| Total | \$37.32 |

7. Institutional 'A' (DCC charge per bed)

| | |
|----------------|-------------------|
| Roads | \$644.61 |
| Storm Drainage | \$86.32 |
| Sanitary Sewer | \$1,353.40 |
| Water | \$3,245.53 |
| Parkland | \$678.97 |
| Total | \$6,008.84 |

8. Institutional 'B' (DCC charge per m² of building gross floor area)

| | |
|----------------|----------------|
| Roads | \$36.11 |
| Storm Drainage | \$5.10 |
| Sanitary Sewer | \$14.73 |
| Water | \$35.31 |
| Parkland | \$0.00 |
| Total | \$91.24 |

SCHEDULE B - DOWNTOWN AREA

