



TOWN OF LADYSMITH

A REGULAR MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
WILL BE HELD AT THE LADYSMITH EAGLES HALL
921 FIRST AVENUE, LADYSMITH
MONDAY, JANUARY 19, 2015
Call to Order: 7:00 p.m.

A G E N D A

CALL TO ORDER

1. AGENDA APPROVAL

2. MINUTES

2.1. Minutes of the Regular Meeting of Council held January 5, 20151 - 4

3. DELEGATIONS

3.1. Chair Jon Lefebure and Keith Lawrence, Cowichan Valley Regional District
Regional Water Management and Governance: Presentation of Draft
Report

Report Executive Summary5 - 6
Presentation 7 - 13

A copy of the full report is available for review at City Hall, and may be
downloaded at <http://www.cvrld.bc.ca/DocumentCenter/View/64410>.

3.2. Donna Hemingson, Denis Hughes, Bonnie Cruikshank
The Right to a Healthy Environment – David Suzuki Foundation Blue Dot
Initiative 14 - 15

Staff Recommendation:

That Council consider whether it wishes to adopt the attached *Declaration
of the Right to a Healthy Environment*, which has been provided by the
Town's legal counsel and has been adopted in other municipalities.

4. PROCLAMATIONS..... 16

4.1. Mayor Stone has proclaimed the month of February 2015 as **Heart Month**
in the Town of Ladysmith to urge all citizens to support the Heart and
Stroke Foundation Campaign to raise funds for life-saving programs and
research.

5. DEVELOPMENT APPLICATIONS

- 5.1. Riparian Development Permit Application (Carey)..... 17 - 22**
Lot 1, District Lot 103, Oyster District, Plan 34532 – PID#000-294-438;
District Lot 103, Oyster District, Except Part Shown Coloured Red on Plan
Deposited Under DD28900 and Except Part in Plan 34532 – PID#009-
474-251; Block 192, Oyster District – PID#009-438-319

Staff Recommendation

1. That Council issue Riparian Development Permit 3060-14-07 to permit the subdivision of land and road dedication, and to establish the Streamside Protection and Enhancement Areas (SPEA) on Lot 1, District Lot 103, Oyster District, Plan 34532 – PID#000-294-438; District Lot 103, Oyster District, Except Part Shown Coloured Red on Plan Deposited Under DD28900 and Except Part in Plan 34532 – PID#009-474-251; Block 192, Oyster District – PID#009-438-319;
2. And that the Mayor and Corporate Officer be authorized to sign the Development Permit.

- 5.2. Signage Development Variance Permit Area Application – Harway Holdings**
(49th Parallel Grocery) 23 -29

Staff Recommendation

That Council direct staff to proceed with statutory notice for Signage Development Variance Permit application 3090-14-05, located at 1020 First Avenue.

- 5.3. Development Variance Permit Application – 410 Third Avenue (Forrest)**
Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A..... 30 - 35

Staff Recommendation

That Council consider issuing Development Variance Permit 3090-14-02 to vary the siting and height of a coach house within an existing accessory building on Lot 1, Block 73, District lot 56, Oyster District, Plan 703A (410 Third Avenue).

- 5.3.1 Public Submissions Received 36 - 78**

- 5.4. Development Permit Application – 410 Third Avenue (Forrest)**
Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A..... 79 -83

Staff Recommendation

That Council issue Development Permit 3060-14-06 to permit the issuance of a building permit for the conversion of the second storey of an existing accessory building for a coach house dwelling on Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A (410 Third Avenue);

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

6. BYLAWS – OCP / ZONING – None

7. REPORTS

7.1. Municipal Services Committee Recommendation 84 - 90

Committee Recommendation:

That Council repeal “Land Use Agreements Policy 06-2320-A” and replace it with the new “Community Amenity Contribution Policy” as presented with the staff report from the Director of Development Services dated November 5, 2014

7.2. 2015-2019 Financial Plan: Setting Policy Objectives (Presentation by the Director of Financial Services)

Staff Recommendation

That Council confirm the Financial Plan Statement of Objectives and Policies.

7.3. Enrollment in Union of British Columbia Municipalities Benefits Plan for Elected Officials 91 - 97

Staff Recommendation

That Council:

1. Determine whether three or more elected officials wish to enroll in the Union of British Columbia Municipalities Group Benefits Plan.
2. Determine whether the Town will contribute to the cost of group benefits premiums for elected officials and if so, to what level.
3. Direct staff to report back to Council regarding the estimated annual cost of group benefits premiums for elected officials to be included in the 2015-2019 Financial Plan.

7.4. Town of Ladysmith Board of Variance 98 - 102

Staff Recommendation

That Council:

- a) Direct staff to advertise for three individuals to serve on the Town of Ladysmith Board of Variance and that the advertisement include reference to the following criteria for potential appointees:
 - Public or private sector experience in the delivery of public programs or services

- Practical experience in research, analysis, land use planning, architecture, landscape architecture, building design and construction, engineering, law or local governance
- Resident and respected member of the community
- Member of a community organization
- Business owner

- b) Proceed with first three readings of Board of Variance Bylaw No. 1671, which appears under the Bylaws section of tonight's Council agenda;
- c) Direct staff to include \$5,000 in the 2015-2019 financial plan to cover costs associated with the Board of Variance; and,
- d) Direct staff to make the necessary arrangements for the development of Board of Variance Guidelines to outline the Board's role, mandate and responsibilities regarding Board of Variance applications.

7.5. 2015 Water Conservation Plan Update.....103 - 110

Staff Recommendation

That Council adopt the following water conservation targets and include them in an updated Water Conservation Plan for 2015:

1. That the Town set a new single family residential water consumption target of 20% less than the current published Canadian average single family consumption rate;
2. That staff be directed to investigate the potential to expand the current single family residential block water rate structure to other users, such as commercial and industrial users, and report back to Council on possible changes to the rate structure;
3. That staff investigate further reductions of water use at Municipal facilities, including parks irrigation, as well as any unaccounted for water (water leaks); and
4. That staff continue to investigate new potential rebates and public education, and other water reduction programs to achieve the target water reductions noted above.

8. BYLAWS

8.1. Town of Ladysmith Board of Variance Bylaw 2015, No. 1671 111 - 115

May be read a first, second and third time.

The purpose of Bylaw 1671 is to repeal the previous Board of Variance Bylaw and adopt a new one in accordance with the *Local Government Act*.

- 8.2. Town of Ladysmith Cemetery Care Trust Fund Appropriate Bylaw 2015, No. 1871..... 116**
May be read a first, second and third time.

The purpose of Bylaw 1871 is to authorize the transfer of funds from the Cemetery Care Trust Fund to provide for upkeep of the Ladysmith Cemetery.

9. CORRESPONDENCE

- 9.1. Duck Paterson, Ladysmith Kinsmen Club
Request to Partner with the Town for Grant Application Purposes..... 117**

Staff Recommendation

That Council enter into a partnership with the Ladysmith Kinsmen Club for the sole purpose of securing grant funding through the Home Depot Foundation to replace the playground structure at Transfer Beach; and further, that Council direct staff to work with the Club to establish details of this arrangement.

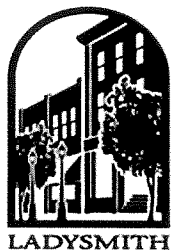
10. NEW BUSINESS

11. UNFINISHED BUSINESS

12. QUESTION PERIOD

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during “Question Period” must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

13. ADJOURNMENT



TOWN OF LADYSMITH
MINUTES OF A REGULAR MEETING OF COUNCIL
MONDAY, JANUARY 5, 2015
COUNCIL CHAMBERS, CITY HALL
7:00 PM.

COUNCIL MEMBERS PRESENT:

Mayor Aaron Stone
Councillor Joe Friesenhan
Councillor Duck Paterson

Councillor Steve Arnett
Councillor Carol Henderson

Councillor Cal Fradin
Councillor Rob Hutchins

STAFF PRESENT:

Ruth Malli
John Manson

Sandy Bowden
Joanna Winter

Erin Anderson

CALL TO ORDER

Mayor Stone called this regular meeting of Council to order at 7:00 p.m.

AGENDA APPROVAL

CS 2015-001

Moved and seconded:

That the agenda for the Council Meeting of January 5, 2015 be approved as amended by the following addition:

11.1 Update on Aggie hall vandalism

Motion carried.

MINUTES

CS 2015-002

Moved and seconded:

That the minutes of the Regular Meeting of Council held November 17, 2014 be approved.

Motion carried.

CS 2015-003

Moved and seconded:

That the minutes of the Regular Meeting of Council held December 15, 2014 be approved.

Motion carried.

COMMITTEE REPORTS

Mayor Stone reported that the Heritage Revitalization Advisory Commission will be producing ten new Statements of Significance for the Community Heritage Register. Heritage Week is February 16 to 22, with a theme of 'Main Street'.

STAFF REPORTS

Schedule for 2015 to 2019 Financial Plan Deliberations

Moved and seconded:

CS 2015-004

That Council reserve the following dates for deliberation of the 2015 to 2019 Financial Plan:

- January 19, 2015: Confirmation of Financial Plan Policy and Objectives

- March 2, 2015: Presentation of the preliminary 2015-2019 Financial Plan
- March 16, 2015: Determination of the Grants-In-Aid funding
- March 30, 2015: Ongoing Financial Plan discussions (Special Meeting)
- April 20, 2015: Finalize 2015-2019 Financial Plan. Presentation of the 2014 Audited Financial Statements
- May 4, 2015: First three readings of:
 - 2015-2019 Financial Plan Bylaw
 - 2015 Property Taxation Bylaw
 - 2015 Water Parcel Tax Bylaw
 - 2015 Sewer Parcel Tax Bylaw
- May 11, 2015: Special Meeting to adopt the Financial Plan Bylaw, Property Tax Bylaw, Water Parcel Tax Bylaw and Sewer Parcel Tax Bylaw

Motion carried.

Town of Ladysmith Board of Variance

Moved and seconded:

CS 2015-005

That Council refer the matter regarding the Town of Ladysmith Board of Variance to staff for further consideration of the following:

- Development of guidelines for a Board of Variance to include additional information about the meaning of “minor variance” and “hardship” as contained in the legislation and proposed bylaw
- Inclusion of *Local Government Act* section 901(2) in the proposed Board of Variance Bylaw
- Whether the Board of Variance can be prohibited from holding closed meetings
- Expanding the area for notification of a Board of Variance hearing and persons who have a right to be heard at a hearing from adjacent properties to properties within 60 metres of the subject property in accordance with the notification procedure for Development Variance Permits
- Qualifications for membership on the Board of Variance

Motion carried.

BYLAWS

Town of Ladysmith Board of Variance Bylaw 2015, No. 1671

Consideration of this item was removed from the agenda pending further consideration of the issue.

CORRESPONDENCE

Karen Dearlove, Heritage BC

Approval of Funding Contribution for Transfer Beach Interpretive History Pictorial Project

Moved and seconded:

CS 2015-006

That Council:

- a) Accept the grant contribution of \$4,000 from the Heritage

Legacy Fund for the development and installation of a permanent interpretive display of the industrial and recreational history of Transfer Beach;

- b) Authorize the Mayor and Corporate Officer to sign the Contribution Agreement; and
- c) Amend the Financial Plan accordingly.

Motion carried.

**Joe Barry, Cowichan Valley Regional District
CVRD Bylaw No. 3882 – Transit Service Amendment Bylaw, 2014**

Moved and seconded:

CS 2015-007

That the Town of Ladysmith advise the Cowichan Valley Regional District that it consents to the adoption of CVRD Bylaw No. 3882 – Transit Service Amendment Bylaw, 2014.

Motion carried.

Council requested that representatives of the Cowichan Valley Regional District be invited to meet with Council to discuss transit operations.

F. Joe Burnett

Town of Ladysmith Representation on Nanaimo Airport Commission....

Moved and seconded:

CS 2015-008

That Council:

- a) Accept with regret the notice from F. Joe Burnett that he does not intend to seek another term as Town of Ladysmith representative on the Nanaimo Airport Commission, and thank him for his service over the past three years; and
- b) Direct staff to advertise for candidates to represent the Town of Ladysmith on the Nanaimo Airport Commission.

Motion carried.

NEW BUSINESS

Vandalism at Aggie Hall

Staff advised Council that new windows to replace those broken by vandals in December 2014 have been ordered. Members of Council suggested that charges be laid and that consideration also be given to a restorative justice approach in determining a penalty for the perpetrators if applicable.

World Junior Hockey Championships

Moved and seconded:

CS 2015-009

That Council write to the Canadian National Junior Hockey Team congratulating the team on winning the gold-medal in the 2015 World Junior Hockey Championships.

Motion carried.

QUESTION PERIOD

Members of the audience asked questions of Council concerning the Board of Variance and the Cowichan Regional Transit system.

ADJOURNMENT

CS 2015-010

Moved and seconded:

That this meeting of Council adjourn at 8:02 p.m.

Motion carried.

CERTIFIED CORRECT:

Mayor (A. Stone)

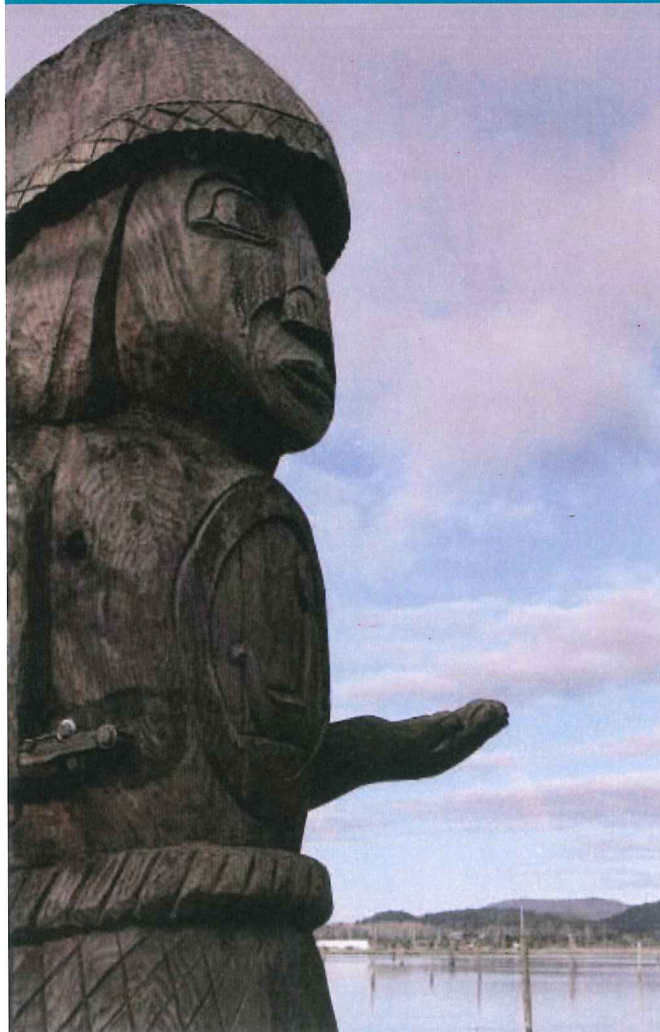
Corporate Officer (S. Bowden)

Subject to Adoption



Regional Surface & Ground Water Management & Governance Study

DRAFT Report



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Executive Summary

In recent years, there have been significant water-related challenges all across the Cowichan Valley. In dry years, low water levels in rivers have impacted salmon populations, reduced the amount of water available for domestic, recreational and ecosystem use, and even threatened closure of industrial operations. Water quality issues are also a concern. This has called for enhanced water governance and management of surface and ground water in the Cowichan region.

In response, the Cowichan Valley Regional District (CVRD) established a Regional Water Management Committee to oversee a Regional Water Management and Governance Study with the goal of developing recommendations for water governance and management in the Cowichan region that address the following six priority areas:

- Governance structure
- Delegated authority
- Oversight
- Coordination
- Reporting
- Funding

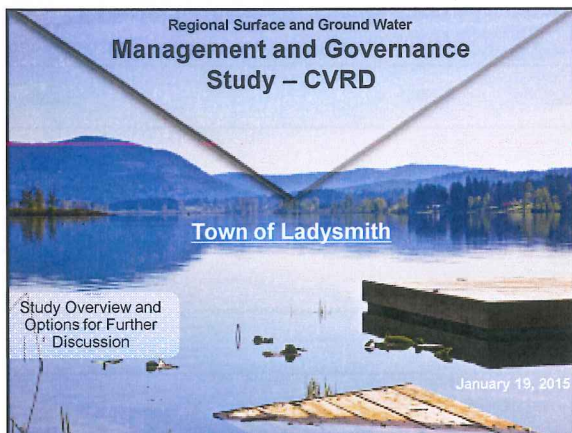
To provide input on the development of recommendations to address the issues in the Cowichan, the Committee established a Task Force with representatives from over 55 distinct organizations involved in water governance and management in the Cowichan region. Task Force members were engaged in a facilitated process that was carried out through collaborative workshops and ongoing communications regarding study progress.

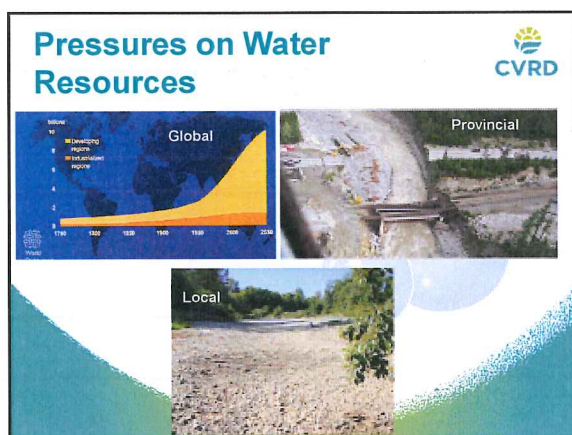
To guide the development of recommendations, a working vision was established with the Task Force, as well as a set of governance objectives to address primary problems. Additionally, water governance specialists from across Canada provided suggestions for the Task Force and project team to consider. Collectively, the vision, six priority areas, and a suite of governance criteria guided the identification of opportunities for enhanced water governance and management in the region. The highlight of this guidance was that co-governance with First Nations is a primary condition for success.

Opportunities for enhanced water governance and management include a set of new functions to be carried out to address primary problems (of which most should be carried out at the regional scale), and the formation of a regional entity to carry out the functions. These various alternatives, together with the functions, were evaluated against the governance objectives and criteria, and a preferred approach was identified.

Primary recommendations for enhanced surface and ground water management and governance in the Cowichan region include the following:

1. Establish a legislated Regional Water Authority, founded on a principle of co-governance with First Nations, to provide regional coordination for stewardship of surface and ground water resources and regulation of environmental standards in high-risk watersheds.
2. Transition to the Regional Water Authority under CVRD leadership from 2015-2020.
3. Fund the transition to the Regional Water Authority through the establishment of a CVRD watershed protection service (\$860,000 over four years).
4. Under Regional Water Authority leadership, follow a risk-based approach to decision-making and management across the region.







Water: a critical resource for all Cowichan Communities

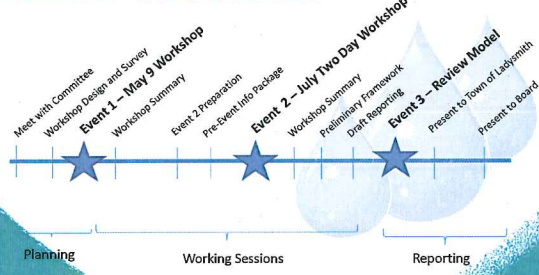
Key Issue Areas

- Governance
- Coordination
- Delegated Authority
- Oversight and Accountability
- Funding
- Reporting Structure




Study Process

Naut'sa mawt - "Working together as One"



The timeline is divided into three main phases: Planning, Working Sessions, and Reporting. Key milestones include: Meet with Committee, Workshop Design and Survey, Event 1 - May 9 Workshop, Workshop Summary, Event 2 Preparation, Pre-Event Info Package, Event 2 - July Two Day Workshop, Workshop Summary, Preliminary Framework, Draft Reporting, Event 3 - Review Model, Present to Town of Ladysmith, and Present to Board.



Event #1

- Principles of Working Together
- Issues
- Working Vision




Working Vision



Working together as one for healthy watersheds
and safe water for life.

Event #2

- Heard from Specialists
- What we hope for



Event #3

Governance Alternatives

1. Informal Coalition
2. Committee of the CVRD
3. Regional Watershed Society
4. Legislated Regional Water Authority

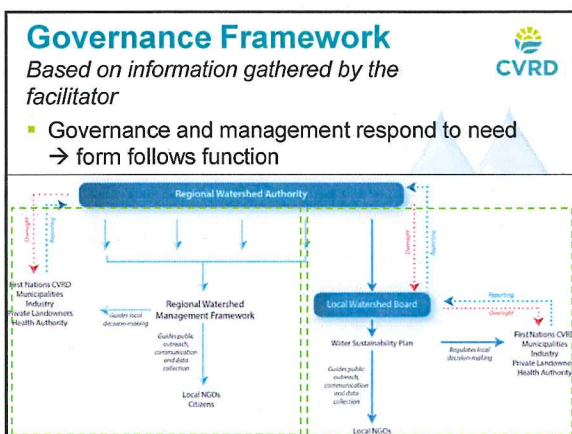


Governance Framework



- Regional structure → *more than entity*
 - Momentum behind a regional authority
 - Designed by and for the region
- Appreciate the leadership at the sub-regional level
 - Respond to greatest needs/risk e.g. **groundwater**
- Maximize authority and pool knowledge



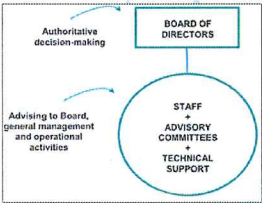


Governance Framework

Based on information gathered by the facilitator



- Mandate of the new Entity
 - Support Local Government and First Nations to coordinate and enforce land use decisions
 - Inform → Low/Med Risk
 - Enforce → High Risk (as per WSP)
 - Provide oversight and accountability
 - Report and engage regarding environmental outcomes

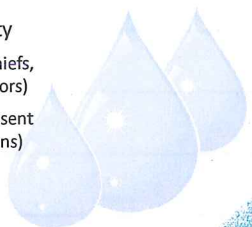


Governance Framework

Based on information gathered by the facilitator



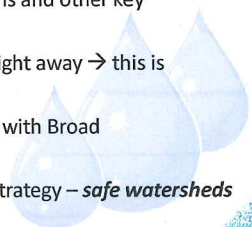
- Composition of the new Entity
 - Appointed elected officials (Chiefs, EA Directors, Mayors, Councillors)
 - Special appointments to represent the region (e.g. industry, citizens)
 - Executive director, staff and advisory support



Transition to the New Structure



- Partnerships with First Nations and other key organizations
- Want to build relationships right away → this is underway
- Utilize a Steering Committee with Broad representation to start
- Develop the regional water strategy – *safe watersheds*

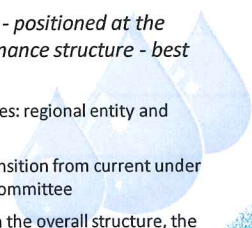


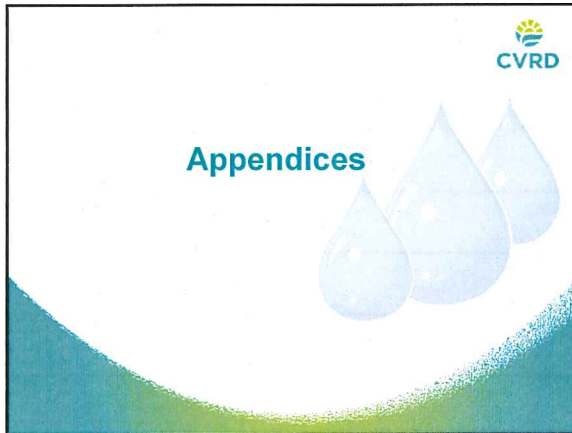
Summary Way Forward

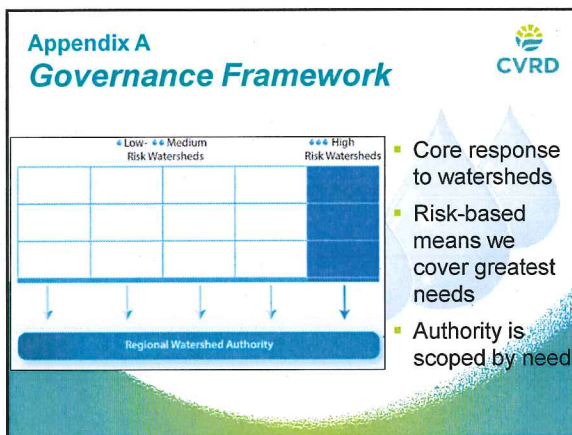
- from the facilitator

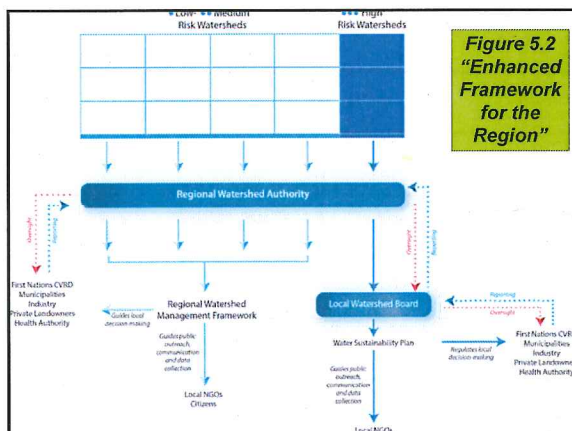


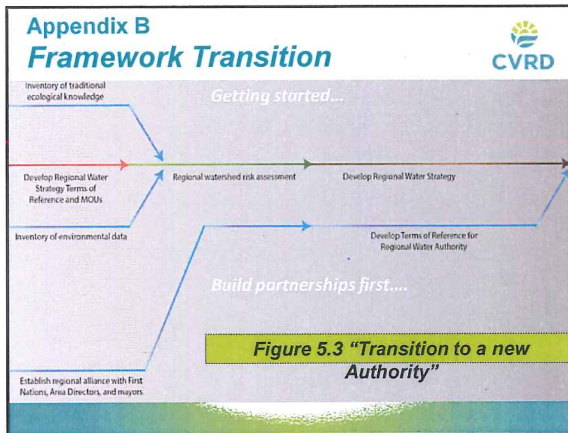
- **A Regional Water Authority** - positioned at the center of a new water governance structure - best addresses Cowichan's needs
 1. Task Force process encourages: regional entity and interim leadership
 2. A new structure requires transition from current under the oversight of a Steering Committee
 3. Recommendations center on the overall structure, the functions and the funding

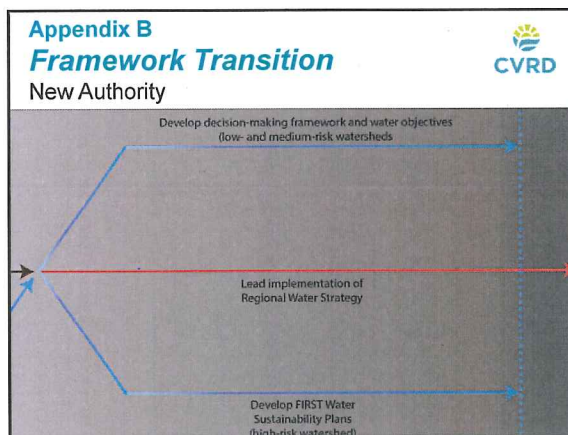












Town of Ladysmith Declaration The Right To A Healthy Environment

Whereas the Town of Ladysmith understands that people are part of the environment, and that a healthy environment is inextricably linked to the well-being of our community;

The Town of Ladysmith finds and declares that:

1. All people have the right to live in a healthy environment, including:

The right to breathe clean air

The right to drink clean water.

The right to consume safe food.

The right to access nature

The right to know about pollutants and contaminants released into the local environment.

The right to participate in decision-making that will affect the environment

2. The Town of Ladysmith has the responsibility, within its jurisdiction, to respect, protect, fulfill and promote these rights.
3. The Town of Ladysmith shall apply the precautionary principle: where threats of serious or irreversible damage to human health or the environment exist, the Town of Ladysmith shall take cost effective measures to prevent the degradation of the environment and protect the health of its citizens. Lack of full scientific certainty shall not be viewed as sufficient reason for the Town of Ladysmith to postpone such measures
4. The Town of Ladysmith shall apply full cost accounting: when evaluating reasonably foreseeable costs of proposed actions and alternatives, the Town of Ladysmith will consider costs to human health and the environment.
5. By 2016, the Town of Ladysmith shall specify objectives, targets and timelines and actions the Town of Ladysmith will take, within its jurisdiction, to fulfill residents' right to a healthy environment, including priority actions to:
 - a. Ensure equitable distribution of environmental benefits and burdens within the Town of Ladysmith, preventing the development of pollution "hot spots";
 - b. Ensure infrastructure and development projects protect the environment, including air quality;

- c. Address climate change by reducing greenhouse gas emissions and implementing adaptation measures;
- d. Responsibly increase density;
- e. Prioritize walking, cycling and public transit as preferred modes of transportation;
- f. Ensure adequate infrastructure for the provision of safe and accessible drinking water;
- g. Promote the availability of safe foods;
- h. Reduce solid waste and promote recycling and composting;
- i. Establish and maintain accessible green spaces in all residential neighbourhoods.

The Town of Ladysmith shall review the objectives, targets, timelines and actions every five (5) years, and evaluate progress towards fulfilling this declaration.

The Town of Ladysmith shall consult with residents as part of this process.

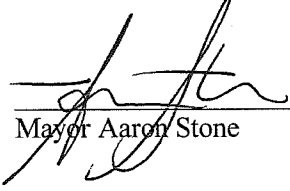


TOWN OF LADYSMITH

PROCLAMATION

Heart Month

- WHEREAS:** *Every seven minutes, someone dies from heart disease or stroke in Canada. Help create more survivors*
- AND WHEREAS:** *The Heart and Stroke Foundation's mission is to prevent disease, save lives and promote recovery. As a volunteer-based health charity, we strive to tangibly improve the health of every Canadian family, every day.*
- AND WHEREAS:** *February is Heart Month in Canada, during which the Heart and Stroke Foundation Person-to-Person campaign takes place, to support on-going heart disease and stroke life-saving programs and research;*
- AND WHEREAS:** *We applaud and commend the thousands of volunteers, staff and researchers of the Heart and Stroke Foundation for their dedication and commitment and wish them continued success;*
- THEREFORE:** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim the month of February be observed as "Heart Month" in the Town of Ladysmith. I further urge all citizens to open their hearts to the Heart and Stroke Foundation Person-to-Person Campaign, and all civic, social and fraternal organizations and business establishments to give this campaign the greatest possible support. Together, we can create more survivors!*


Mayor Aaron Stone

January 19, 2015



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: January 9, 2015
File No: 3060-14-07

Re: RIPARIAN DEVELOPMENT PERMIT APPLICATION – G. CAREY
Lot 1, District Lot 103, Oyster District, Plan 34532 – PID#000-294-438;
District Lot 103, Oyster District, Except Part Shown Coloured Red on Plan Deposited Under DD28900,
and Except Part in Plan 34532 – PID#009-474-251;
Block 192, Oyster District – PID#009-438-319.

RECOMMENDATION(S):

That Council issue Riparian Development Permit 3060-14-07 to permit the subdivision of land and road dedication, and to establish the Streamside Protection and Enhancement Areas (SPEA) on Lot 1, District Lot 103, Oyster District, Plan 34532 – PID#000-294-438; District Lot 103, Oyster District, Except Part Shown Coloured Red on Plan Deposited Under DD28900, and Except Part in Plan 34532 – PID#009-474-251; and Block 192, Oyster District – PID#009-438-319;

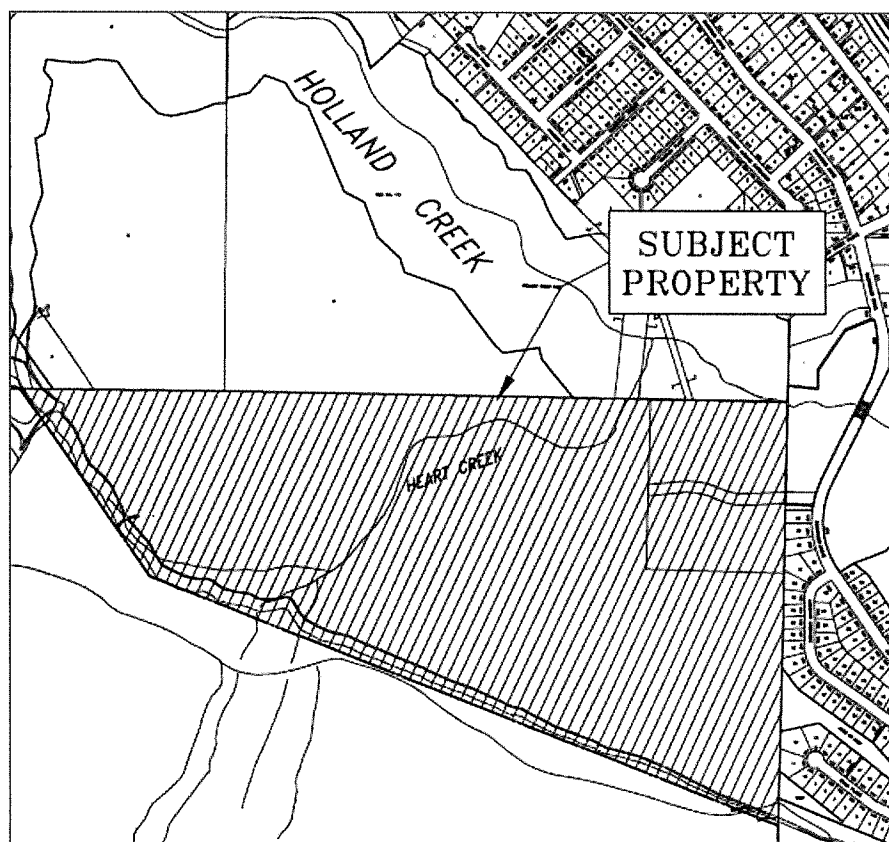
AND THAT the Mayor and Corporate Officer be authorized to sign the Development Permit.

PURPOSE:

The purpose of this report is to present a riparian development permit application for the protection of Streamside Protection and Enhancement Areas (SPEA) on the three subject properties to facilitate the creation of one 57 hectare parcel and dedication of a road.

INTRODUCTION/BACKGROUND:

The Coast Salish Development Corporation, working for the Stz'uminus First Nation (SFN), has applied to purchase Crown land within the Holland Creek area. The Crown is the development permit applicant.



Two of the three parcels straddle the Town boundary. A riparian development permit is required as a condition of the subdivision of the land to create the 57 hectare parcel. This property is currently zoned Forestry Zone (F-1) and is operated as a SFN woodlot. As such there has been harvesting activity within the Riparian Assessment Area. It is expected that a rezoning proposal will be submitted to the Town to implement the Holland Creek Local Area Plan or possibly propose amendments to this plan so that the land may be further subdivided and developed for residential purposes.

An Environmental Assessment Report (March 2013) indicates that Heart Creek is a fish bearing watercourse protected by a deep treed ravine which provides shade and habitat to the stream. Two un-named tributaries (T1 and T2) are non-fish bearing but are important water supplies to Holland Creek.

SCOPE OF WORK:

The current stage of this application is for Council to consider the issuance of a Riparian Development Permit. Riparian development permit areas are established in the Official Community Plan and include all land within 30 metres from the high water mark of a stream, natural watercourse, or source of water supply. The subject property falls within Development Permit Area 6 – Riparian (DPA 6) on Official Community Plan - Map 2. The purpose of DPA 6 is to protect the natural environment, ecosystems, and the biological diversity of fish-bearing and non-fish bearing streams. A riparian development permit is required prior to the subdivision, alteration or construction on the land.

The applicant retained a qualified environmental professional for the purpose of preparing a Riparian Assessment Report (November 19, 2014) for subdivision and road dedication in compliance with the Provincial Riparian Area Regulation. The assessment report was submitted to the Province and approved by the Ministry of Environment. This report provides a baseline assessment of the riparian areas on the land.

A network of Streamside Protection and Enhancement Areas (SPEA) were identified as shown on the map in Development Permit 3060-14-07 attached to this report. The assessment report identifies the following specific measures to protect the SPEA on the land:

- Prior to land clearing or work on the lands the SPEA areas must be surveyed on the land, flagged, and marked with signage;
- Trees, soil, and vegetation within the SPEA must not be disturbed;
- All tree root systems within the SPEA must be protected by a minimum radius of 7.5 metres from the tree trunk.

It is recommended that Council support Development Permit 3060-14-07. Further detailed road design, subdivision and development will require additional riparian assessments and potentially development permits.

ALTERNATIVES:

While the issuance of a Development Permit is not a completely discretionary decision of Council, Council may decide to not issue Development Permit 14-07 where the refusal is based upon a determination that the development permit application does not meet the Development Permit Area guidelines. If the Development Permit is refused then reasons must be given. The determination by Council must be in good faith and it must be reasonable, not arbitrary.

FINANCIAL IMPLICATIONS:

The cost of the Riparian Area Assessment and implementation of the Development Permit conditions are the cost of the applicant.

LEGAL IMPLICATIONS:

A riparian development permit is required prior to subdivision of land, land clearing, and constructing a building on this property

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

It is expected that the riparian areas located within this property could ultimately contribute to a natural park system.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The applicant has submitted an application to the Town to subdivide the land to create one parcel that is 57 hectares in area and has proposed a road dedication. The Preliminary Layout Approval for the subdivision requires the issuance of the Riparian Development Permit by Council.

RESOURCE IMPLICATIONS:

Processing development permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Visioning Report supports the protection of riparian areas and sensitive ecosystems.

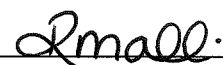
ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

It is recommended that Council support Development Permit 3060-14-07.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

DP 3060-14-07

TOWN OF LADYSMITH
DEVELOPMENT PERMIT 3060-14-07
(Section 920 *Local Government Act*)

DATE: January 19, 2015

TO: Her Majesty the Queen in Right of the Province of British Columbia
(PERMITTEE)

Address: c/o Vancouver Island Forests, Lands and Natural Resource Service Centre
142 – 2080 Labieux Road
Nanaimo, BC
V9T 6J9

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

Lot 1, District Lot 103, Oyster District, Plan 34532 – PID#000-294-438
District Lot 103, Oyster District, Except Part Shown Coloured Red on Plan Deposited Under DD28900, and Except Part in Plan 34532 – PID#009-474-251
Block 192, Oyster District – PID#009-438-319
(referred to as the “Land”)
3. This Permit has the effect of authorizing:
 - (a) an application for approval to subdivide the Land to create one 57 hectare parcel and road dedication as shown on Schedule A, subject to the requirements of the *Local Government Act* and the *Land Title Act*;

And subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Town of Ladysmith Zoning Bylaw 2014, No. 1860.
5. The Permittee, as a condition of the issuance of this Permit, agrees to:
 - a) Protect the Streamside Protection and Enhancement Areas (SPEA) shown on Schedule A – SPEA Areas (November 2014) which is attached to and forms part of this Permit;
 - b) Protect the SPEA widths shown in Schedule A and listed below:
 - i. Heart Creek – Reach 1: SPEA width is 11.7 metres on either side of the top of the ravine bank;
 - ii. Heart Creek – Reach 2: SPEA width is 11.1 metres on either side of the top of the ravine bank;
 - iii. Heart Creek – Tributary H1: SPEA width is 10 metres from the high water mark;
 - iv. Holland Creek Tributary 1 Reach 1: SPEA width is 10 metres from the high water mark;
 - v. Holland Creek Tributary 1 Reach 2: SPEA width is 10 metres from the top of the ravine bank and high water mark;
 - vi. Holland Creek Tributary 1 Reach 3: SPEA width is 10 metres from the high water mark;
 - vii. Holland Creek Tributary 2: SPEA width is 10 metres from the high water mark;
 - viii. Holland Creek Segment 2A: SPEA width is 10 metres from the high water mark;
 - ix. Holland Creek Tributary 2C: SPEA width is 10 metres from the top of the ravine bank and the high water mark;
 - x. Holland Creek Ditch 1, 2, and 3: SPEA width is 2 metres from the high water mark.

- c) The following general measures are to protect the SPEA on the Land:
- i. Prior to land clearing or work on the Lands all SPEA areas must be surveyed on the Land by a registered British Columbia Land Surveyor (BCLS) , flagged, and marked with signage;
 - ii. Trees, soil, and vegetation within the SPEA must not be disturbed;
 - iii. All tree root systems within the SPEA must be protected by a minimum radius of 7.5 metres from the tree trunk. In circumstances where the 7.5 metre radius extends beyond the SPEA an amendment to Permit 3060-14-07 will be required, with a survey prepared by a BCLS to show the location of such trees and the 7.5 metre radius beyond the SPEA. The 7.5 metre radius is to be flagged and protected such that no soil disturbance may occur inside the radius.
- d) Danger trees within the SPEA that are identified by an Arborist and presented to the Town, may be removed.
- e) Any further subdivision, road dedication, or development on the Land will require a new Riparian Development Permit.
6. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.927 of the *Local Government Act*, and upon such filing, the terms of this Permit **3060-14-07** or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the Permittee does not complete the subdivision application process and road dedication authorized by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
8. The plans and specifications attached to this Permit are an integral part of this Permit.
9. This Permit prevails over the provisions of the Bylaw in the event of conflict.
10. Despite issuance of this permit, subdivision activity may not commence without Subdivision approval or other necessary permits.

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

MAYOR

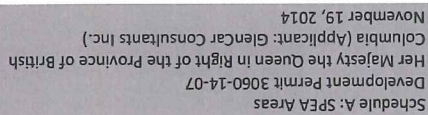
CORPORATE OFFICER

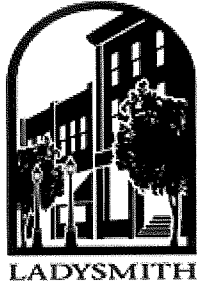
OWNER

PLEASE PRINT NAME

OWNER

PLEASE PRINT NAME

[illegible]



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: January 15, 2015
File No: 3090-14-05

Re: Signage Development Variance Permit Application – Har-Way Holdings
(49th Parallel Grocery), Lot 1, District Lot 24, Oyster District, Plan VIP85193
(1020 First Avenue)

RECOMMENDATION(S):

That Council direct staff to proceed with the statutory notice for Signage Development Variance Permit for application 3090-14-05, located at 1020 First Avenue.

PURPOSE:

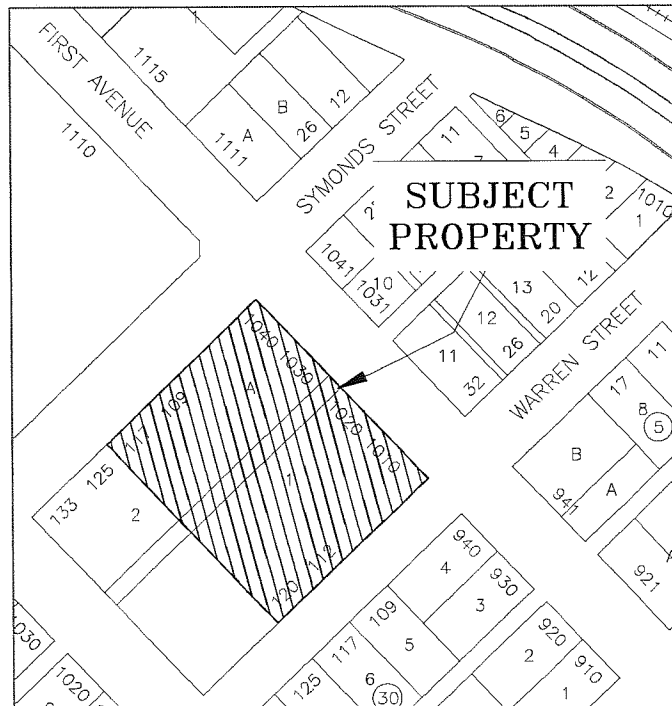
The purpose of this report is to obtain Council direction regarding proceeding with the notice for a signage DVP application.

INTRODUCTION/BACKGROUND:

The applicants, Har-Way Holdings, are proposing to construct a free-standing sign at the northeast corner of their property at First Avenue and Symonds Street using the existing pole.

Har-Way Holdings has applied for a Development Variance Permit to increase the permitted size of a free-standing sign and permit back-lit illumination of the sign.

In addition, an application for a sign permit has been submitted for a fascia sign to be located on the grocery store's frontage. This sign complies with the Sign & Canopy Bylaw and is not included in the Variance application.



SCOPE OF WORK:

The current stage of this application is receive Council's direction to proceed with the statutory notice for the Development Variance Permit application, as per Development Procedures Bylaw No. 1667. Council may proceed with notice for DVP as applied for; a variation of the request; or not at all (deny the request).

The subject property is designated as 'Downtown Core' in the Official Community Plan, which is a designation applied to locations intended to serve as the Town's primary business and public activity centre. The Downtown Core permits most types of signs, including free-standing signs, but limits the dimensions and materials/illumination.

The proposed sign design includes a wooden sign at the bottom with a welcome message, along with read-o-graph sign which will be used to announce business and community special events.

Dimensions

The proposed free-standing sign has a display area of 5.0 m² (see Schedule A), which is greater than the permitted size of 2.9 m² as per the Sign & Canopy Bylaw (Bylaw #1176).

Sign Bylaw (#1176)	Permitted	Proposed	Variance Requested
Free-Standing Sign Size	2.9 m ²	5.0 m ²	2.1 m ²

The applicant provided a letter explaining the reason for requesting a sign variance for the size of the sign (Schedule B), including visibility of businesses (49th Parallel Grocery, Blooms Flower Shoppe, 49th Café, and the Liquor Depot) and the inclusion of a community welcome and read-o-graph.

Illumination

The proposed free-standing sign is back-lit with LED lighting (see Schedule A). Back-lit signs are typically rectangular-shaped box signs that are internally illuminated. The applicant's letter (Schedule B) notes that back-lit signage is proposed for reasons including cost, maintenance and environmental footprint.

The illumination of signage is permitted throughout Ladysmith, however, back-lit illumination of signage is not permitted in Ladysmith's downtown as per the Sign & Canopy Bylaw (Bylaw #1176). There are pre-existing back-lit signs in Downtown (Big O Tire) and adjacent back-lit signs not in the Downtown Specified Area (Save-on-Gas and Tim Hortons).

Policy

The Official Community Plan Schedule A.1 (Development Permit Areas) notes that in the downtown,

"Signs should be primarily pedestrian-oriented, and designed at the pedestrian scale. Handcrafted signs of professional quality, and externally

illuminated signs constructed with individual raised or incised letters are preferred."

ALTERNATIVES:

That Council direct staff to proceed with the statutory notice for Signage Development Variance Permit to permit only the larger display area of 5.0 m² for the free-standing sign.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

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

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

As per the Sign & Canopy Bylaw, sign applications for property in the Downtown Specified Area are referred to the Heritage Advisory Revitalization Commission (HRAC) for consideration of colour, design, location and style. The sign application will be referred to the HRAC at its next meeting, scheduled for January 2015. If Council directs staff to proceed with the Development Variance Permit Notice, the HRAC comments will be provided to Council at the meeting when the issuance of the Development Variance Permit is considered.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to the Infrastructure Services Department. The load design of the pole may require confirmation by an Engineer, per the Sign & Canopy Bylaw.

RESOURCE IMPLICATIONS:

Processing Development Variance Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Visioning Report provides a public preference for signage that adds visual interest, colour and vitality, and speaks to the character of artisans, heritage and small town quality in the downtown.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

The applicant is proposing a free-standing sign that is larger than the permitted size and utilizes back-lit illumination which is not permitted in Ladysmith's downtown. Council direction is required to proceed with the DVP notice.

I concur with the recommendation.

A handwritten signature in black ink, appearing to read "Rmalli", is written over a horizontal line.

Ruth Malli, City Manager

ATTACHMENTS:

Schedule A – Proposed Free-standing Sign

Schedule B – Letter from Applicant



Schedule A: Free-standing Sign
Development Variance Permit 3090-14-05
49th Parallel Grocery (Applicant: Har-Way Holdings)
1020 First Avenue
December 10, 2014

total size = 118x248" approx. (Height will be reduced to 19.7')
illuminated sign box = 72x96"
peak with globe (non-illuminated) = 61.5x17.75"
globe 1/2" deep dimensional w/ digital print on face = 14x14"
cedar beam engraved at bottom = 72x7.25"
reado-track at bottom, sizing TBD (4 or 6" letters?)

URBAN SIGN

INNOVATIVE SIGNAGE

Phone: 250.708.0220
Email: sales@urbansign.ca
www.urbansign.ca

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49th Parallel Grocery/LadySmith
Storefront & Pylon Signage
Dec 18, 2014

49th Parallel Grocery/LadySmith Location/
Storefront/LadySmith, Exterior Signage, etc.
Pre-production
Production Setup
Production Setup

THIS PROOF MUST BE SIGNED BY THE CLIENT & DROPPED OFF AT OUR OFFICE OR SCANNED & SENT ELECTRONICALLY IN ORDER FOR US TO PROCESS YOUR ORDER.
This proof should be reviewed carefully by the client to ensure all specifications, placement, design, and overall requirements are within the agreed scope of work and terms.
All new design work undertaken by Urban Sign Inc. in connection with this project is copyright of Urban Sign Inc.
I hereby release Urban Sign Inc. from all financial and other responsibility for any changes in colour, shape, size of content of the work listed in this document, including typographical errors, once this proof has been reviewed and approved by the client. Cost estimates may increase significantly as a result of changes and scope of work listed above.
Urban Sign Inc. bills all design and production setup at an hourly rate of \$95.00/hour. A base setup fee of \$50.00 applies to all projects regardless of scope and size of project. Additional production setup charges are included on this proof in addition to set setup. All revisions, no matter scope, are billed in minimum increments of 1 hour. All proofs are for illustrative purposes only.

DESIGNER: MR

CUSTOMER APPROVAL: Please sign here

LANDLORD APPROVAL: Please sign here

Without your approval we cannot proceed with manufacturing your display.

DESIGN • PRINT • FABRICATE • INSTALL

illuminated Signs • Dimensional Signs • Vehicle Wraps & Graphics • Large Format Printing • Banners • Sandwich Boards • Window Graphics
Banner Stands • Sandblasted Cedar Signs • Floor Graphics • Posters • Displays • Consultation • Permits • Installation • Maintenance



49th Parallel GROCERY

"The 49th is truly your friendliest community grocery store with the variety you need from the family who cares. At the 49th, we offer each and every customer fresh, top quality products, and unparalleled service in a safe, clean shopping environment."

49th Parallel Grocery Sign project

1. Pylon Sign

History

The pylon (or the North Pole) as it now stands was erected in 1990 right after construction of the new grocery store and liquor store was completed. Unfortunately the project was never completed as the sign company literally ran off with the money. A couple renderings of the proposed sign from that era have been included for your reference.

Ongoing development

Flash ahead 24 years to see – the property has changed significantly. The changes include: new loading zones (a project predicated by construction of the roundabout and requirements to have our delivery trucks off of 1st Avenue); expanded warehouse; new Symonds street entrance and throughway; expanded parking; new standalone flower shop; complete façade improvement including faux windows and peaks; expanded front entry; new 2-storey café; expanded deli and bakery; new liquor depot outlet (after a departure of the government facility) and more.

Current situation

Our property desperately needs signage as a way to attract and direct customers to the square. This has not been accomplished in the past due to cost and resources. After a successful signage project at our new Chemainus location with Urban Signs from Victoria, they developed the attached plans for our Ladysmith location. Urban Signs recognized our lack of signage and have been able to come up with an affordable and attractive solution that will also create some community benefits as well.

Key signage features:

- Backlit with LED lights. This is both environmentally friendly and cost efficient at the same time.
- wood frame and matching peak – softening the look of the sign and matching the tower features of the building
- interchangeable sign panels for future use, development
- a "Welcome to Ladysmith" message
- Read-o-graph which will be used to highlight special events (eg. Light Up, Customer appreciation days, Ladysmith Days, etc)
- Visibility for small tenants (primarily the liquor depot but also the café and flower shop) who often go unnoticed. Current liquor depot signage is

Schedule B: Letter from Applicant (page 1)
Development Variance Permit 3090-14-05
49th Parallel Grocery (Applicant: Har-Way Holdings)
1020 First Avenue
December 18, 2014

extremely inadequate and generally blocked by trees, bus stop and banners combined. Competing against a government-run outlet with highway signage is not easy.

- Can use existing sign pole to keep costs in-line.
- Electrical requirements have been designed to a minimum.
- Similar to other grocery stores in our trade area.

We are requesting a variance in both the type and size of the sign.

The type of sign (backlit) as proposed is best for a lot of reasons, namely cost, maintenance and environmental footprint. This type of sign is used just across the street at Save-On Gas and Tim Horton's as well as one block south at the Big-O Tire. However, this sign will be lit with LED lighting – the most common form of lighting in the present market.

Our business does not face Downtown, but rather away from Downtown towards the roundabout and highway.

The size of sign is required due to the number of businesses involved and the desire to add community welcome and read-o-graph improvements. We also want to be able to add future panels if more business are added to the corner.

2. Canopy sign

A canopy sign was included in our building expansion development permit in 2009 however this sign was never produced – again as a result of budget. A new canopy sign has been designed by Urban Signs for the grocery store. Important features of this sign are as follows:

- Halo-lighting – least aggressive form of lighting
- LED's which again are both cost effective and energy efficient
- Branding of our logo – globe and lettering must have white background
- Visible, easy to read during the day and night
- Size has been reduced so that lighting, wood canopy ceiling features will remain in view.
- All electrical runs, requirements are already in place
- Very similar to other grocery stores in our trade area.

This sign, we believe, meets all bylaw guidelines.

Any technical questions can be directed to:

Jeff Furneaux

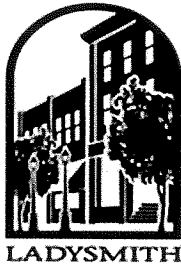
Owner | Urban Sign Inc.

798 Fairview Rd, Unit - 5

Tel: 250.708.0220

sales@urbansigns.ca

Schedule B: Letter from Applicant (page 2)
Development Variance Permit 3090-14-05
49th Parallel Grocery (Applicant: Har-Way Holdings)
1020 First Avenue
December 18, 2014



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: January 12, 2015
File No: 3090-14-02

**Re: DEVELOPMENT VARIANCE PERMIT APPLICATION – 410 Third Avenue (Forrest)
Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A**

RECOMMENDATION(S):

That Council consider issuing Development Variance Permit (3090-14-02) to vary the siting and height of a coach house within an existing accessory building on Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A (410 Third Avenue).

PURPOSE:

The purpose of this staff report is to obtain Council direction regarding a development variance permit for the siting and height of a coach house in an existing accessory building at 410 Third Avenue.

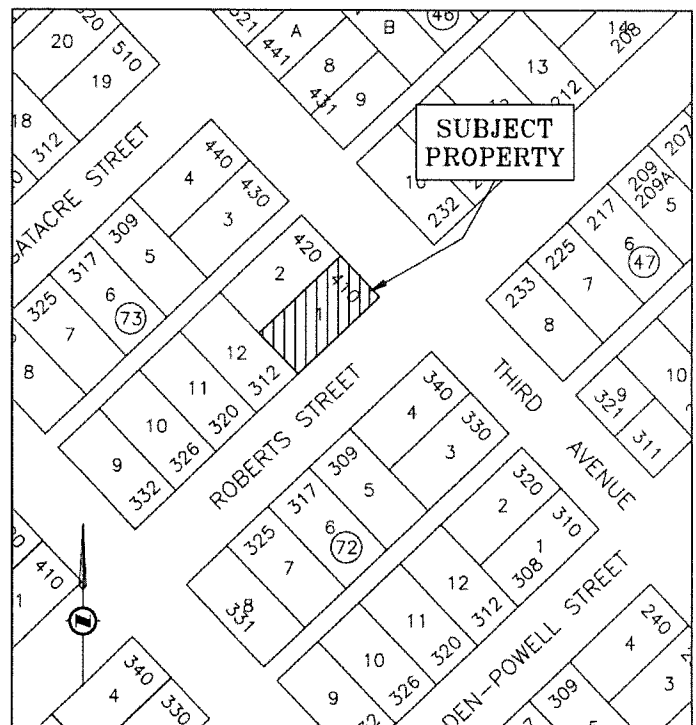
INTRODUCTION/BACKGROUND:

The applicant, Charles Forrest, is proposing variances for the siting and height of a coach house accessory building at 410 Third Avenue. Currently a single unit dwelling and accessory building are located on the property. To permit a coach house in the second storey of the accessory building the applicant is requesting a variance for: 1) the maximum height for a coach house building, and 2) the required distance between the coach house and the principal dwelling.

At its meeting held October 6, 2014, Council directed staff to proceed with statutory notice for development variance permit application 3090-14-02. The statutory notice was delivered twice as the application was amended with revised height information.

SCOPE OF WORK:

The current stage of this application is to seek Council's decision on the proposed Development Variance Permit.



The subject property is zoned 'Old Town Residential (R-2)', is 669m² in size, and is a corner lot. The current siting, size and height of the accessory building conformed to the zoning bylaw at the time it was built. An illustration showing the recent changes to accessory building bylaws in Ladysmith is shown in the attached 'Figure A: Accessory Building Regulations'. The finished floor area of the accessory building is 84m² (904ft²). The applicant has proposed to remodel the second storey such that the coach house dwelling will be 60m² (646ft²) to comply with Zoning Bylaw 2014, No.1860. A building permit would be required for the renovation and the remaining 24m² would form part of the accessory building.

The proposed coach house will meet the requirements of Zoning Bylaw 2014, No.1860 except for two variance requests:

- 1) the proposed coach house is four metres from the principal dwelling and six metres is required, thus a variance of two metres is requested; and
- 2) the building is 7.43 metres in height and the maximum permitted height for coach house buildings is 6.6 metres, thus a variance of 0.83 metres is requested.

If the development variance permit application is successful, a Coach House development permit and building permit will be required. As part of the development permit application the size of the second floor deck will need to be addressed.

Table 1: Proposed Variances for Coach House – 410 Third Avenue

	Required	Proposed	Proposed Variance
Distance between coach house and principal dwelling	6 m	4 m	2 m
Height of coach house	6.6 m	7.43 m	0.83 m

It is proposed that these variances lapse if the owner has not submitted a complete application for a building permit to reduce the size of the dwelling unit to the standards prescribed in Zoning Bylaw 2014, No.1860 within 90 days of the date of issuance of the DVP.

ALTERNATIVES:

To not support DVP application 3090-14-02.

FINANCIAL IMPLICATIONS: None.

LEGAL IMPLICATIONS:

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

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Town of Ladysmith notice regarding Development Variance Permit application 3090-14-02 was sent to neighbouring properties (within 60 metres of the subject property) on October 30, 2014. The notice was sent a second time on November 28, 2014 with revised height information.

At the time of writing this report the Town had received 24 written submissions regarding the proposed variance. The submissions are included with tonight's meeting agenda. The circulation area for the statutory notice is 60 metres of the subject property. Six written submissions were from residents within this circulation area and of these four expressed opposition to the proposed variances, and two expressed support. In summary, the comments from residents within 60 metres of the property are:

- The building is too tall and causes a loss of views;
- Overlook from the building causes a loss of privacy for adjacent properties;
- The building is too close to the fence line;
- The impacts of the building to neighbours diminishes property values;
- As a coach house the building sets a bad precedent;
- The building is a modern investment and an improvement for the street;
- The design blends in with the diverse architecture of the area;
- There are no parking or traffic impacts.

The Town has received correspondence alleging that staff members advised the applicant that a coach house use would be made legal within a two-year time frame but in fact the situation is the following: staff would advise of the process for Council to consider the introduction of a new use and the associated public process, but would not commit to an outcome or the certain timing of an outcome. This is entirely the prerogative of Council.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Development Variance Permit application 3090-14-02 has been referred to the Infrastructure Services Department. There are no servicing issues.

RESOURCE IMPLICATIONS:

Processing Development Variance Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Vision Report calls for increasing the diversity of housing across the community.

- The applicant indicated in the 'Sustainable Development Checklist' that the plumbing in the accessory building is on-demand hot water, and contains low flush toilets.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

Council may consider approving a Development Variance Permit for height and distance separation, to permit a coach house unit in an existing accessory building at 410 Third Avenue.

I concur with the recommendation.

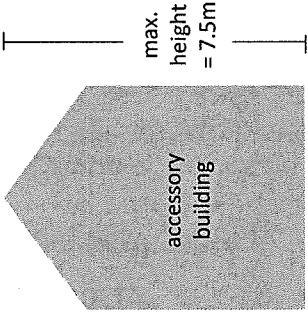
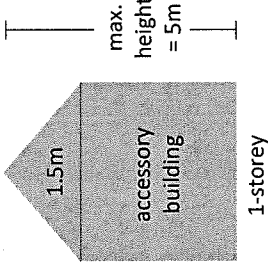
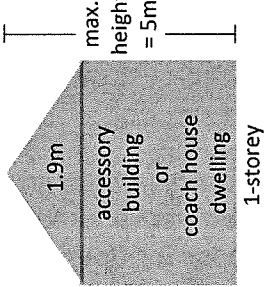
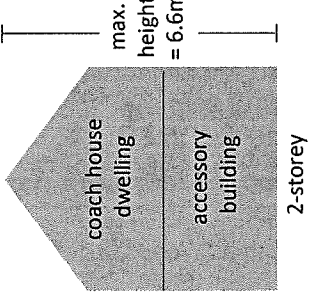
R. Malli

Ruth Malli, City Manager

ATTACHMENTS:

Figure A: Accessory Building Regulations
DVP form 3090-14-02

Figure A: Accessory Building Regulations

 max. height = 7.5m accessory building	no maximum size regulated by lot coverage and setbacks residential occupancy not permitted	Zoning Bylaw 1160	JULY 2009
 max. height = 5m 1.5m accessory building 1-storey	max.size (gross floor area) = 45 m² residential occupancy not permitted	Zoning Bylaw 1160 Amendment Bylaw 1727	SEPTEMBER 2010
 max. height = 5m 1.9m accessory building or coach house dwelling 1-storey	max.size (gross floor area) = 60 m²	Zoning Bylaw 1860	AUGUST 2014
 max. height = 6.6m coach house dwelling accessory building 2-storey	max.size (gross floor area) = 60 m²		

TOWN OF LADYSMITH
DEVELOPMENT VARIANCE PERMIT – 3090-14-02
DATE: January 19, 2014

TO:	Charles James Forrest
ADDRESS:	P.O. Box 2192 LADYSMITH, B.C. V9G 1B7

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 1, Block 73, District Lot 56, Oyster District, Plan 703A – PID: 008-700-117 (410 Third Avenue)
3. Part 6.5 “Coach House Regulations” of “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Schedule A – Zoning Bylaw Text” is varied for the subject property as follows:

From:
Part 6.5 (b) A Coach House Dwelling, where permitted in this Bylaw, shall satisfy all of the following conditions: (iii) “Shall not exceed a *Height* of: 1) 6.6 metres where a *Coach House Dwelling* is located in the second storey of an *Accessory Building*; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 5.7 metres.”

To:
Part 6.5 (b) A Coach House Dwelling, where permitted in this Bylaw, shall satisfy all of the following conditions: (iii) “Shall not exceed a *Height* of: 1) 7.43 metres where a *Coach House Dwelling* is located in the second storey of an *Accessory Building*; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 5.7 metres.”

AND

From:
Part 6.5 (b) A Coach House Dwelling, where permitted in this Bylaw, shall satisfy all of the following conditions: (v) “Shall not be located closer than 6.0 metres to the *Principal Dwelling*, as measured between the foundations of each.”

To:
Part 6.5 (b) A Coach House Dwelling, where permitted in this Bylaw, shall satisfy all of the following conditions: (v) “Shall not be located closer than 4.0 metres to the *Principal Dwelling*, as measured between the foundations of each.”
4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit.
5. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.927 of the *Local Government Act*, and upon such filing, the terms of this Permit (3090-14-02) shall be binding upon all persons who acquire an interest in the land affected by this Permit.
6. If the Permittee does not submit a complete application for a building permit to reduce the size of the second storey (for the coach house conversion) to the standards described in Zoning Bylaw 2014, No. 1860 within 90 days of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
7. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZING RESOLUTION passed by Municipal Council on the day of , 20 .

Mayor (A. Stone)

Corporate Officer (S. Bowden)

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 Charles James Forrest other than those contained in this permit.

Signed _____

Title _____

Date _____

Witness _____

Occupation _____

Date _____

Your file; DVP 3090-14-02

RE; Notice of Development Variance Permit
DVP 14-02 (410 Third Ave)
PID: 008-700-117

RECEIVED
NOV 03 2014

Felicity Adams,

In response to notice of application for variance from Charles Forrest, in respect to Zoning Bylaw 2014, #186

I am the owner, and resident, of the property next to that owned by Mr Forrest. Address of .
Street, cornering onto third Avenue.

I wish it known that I give full support for this property being granted the variance as applied.

This building was constructed some five years ago, replacing a rat, and feral cat, infested debris and blackberry patch. This property is aesthetically pleasing, blending in with the diverse architecture of the surrounding area. In fact, being more modern, showing direct investment in the street subsequently raising property values.

To date there has been no traffic, or parking issues. No views have been lost to surrounding residences (as this area is a natural low point on the hill).

I am aware that Mr Forrests carriage house has probably been, 'investigated, inspected and researched' more than any property in town. Subsequently, it has to be concluded that it adheres to all electrical and structural codes deemed necessary.

Less than two hundred metres from Mr Forrests Coach house is another coach house (which was constructed more recently). This property is resided in on a permanent basis, whilst renting out the main property. Surely who is permitted for one, must be permitted for another.

Again, I give full approval for the speedy granting of this variance. A property constructed under the guidance of the town inspector years prior to the founding of the zoning by-law.



Nicholas and Nadine Epp-Evans

Ladysmith

(250)

Diane Webber

From: Lisa Brinkman
Sent: November 12, 2014 11:52 AM
To: Diane Webber
Subject: FW: File: DVP 3090-14-02
Attachments: pre garage.jpg; my view.jpg

Hi

Please can you print this email and attached two photos to put in the Forrest DVP file and binders.

Thanks

Lisa Brinkman MCIP, RPP

Planner

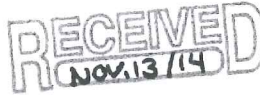
Town of Ladysmith – Development Services Box 220-132C Roberts Street Ladysmith, BC V9G 1A2
250.245.6410

-----Original Message-----

From: Lafontaine, Aaron
Sent: November 12, 2014 10:54 AM
To: Town of Ladysmith
Cc: Lisa Brinkman
Subject: File: DVP 3090-14-02

Hi Lisa and Felicity, I will be submitting a written response to one of the letters that was handed in to TOL from Nick and Nadine Epp-Evans, in this letter they state that the accessory building in question replaced a rat and cat infested, debris, blackberry overgrown property. I sold the current owner this property and have attached a photograph of the property before it was sold to Charles Forrest. I personally did the work to renovate this home before being up for sale. Also attached is my non-view that exists as a result of this accessory structure being built overheight. Please email me to let me know that this email has been received by the appropriate person.

Thanks,
Aaron Lafontaine



Dear Mayor and Town Council,

November 12, 2014

Re: Variance application for 410 3rd Avenue, letter from Nicholas and Nadine Epp-Evans.

I wish to comment on the letter written by Nicholas and Nadine Epp-Evans in support of the variance request by Charles Forrest. In the letter there are many false statement including "this building was constructed, replacing a rat, and feral cat, infested debris and blackberry patch." I have emailed a photo of the property before it was sold to Mr. Forrest as I was the owner and personally renovated this property. The letter states that the property is "aesthetically pleasing, blending in with the diverse architecture of the surrounding area." This is also untrue as the garage was built in old town Ladysmith and all of the homes are character homes and the size of the garage alone puts it out of place.

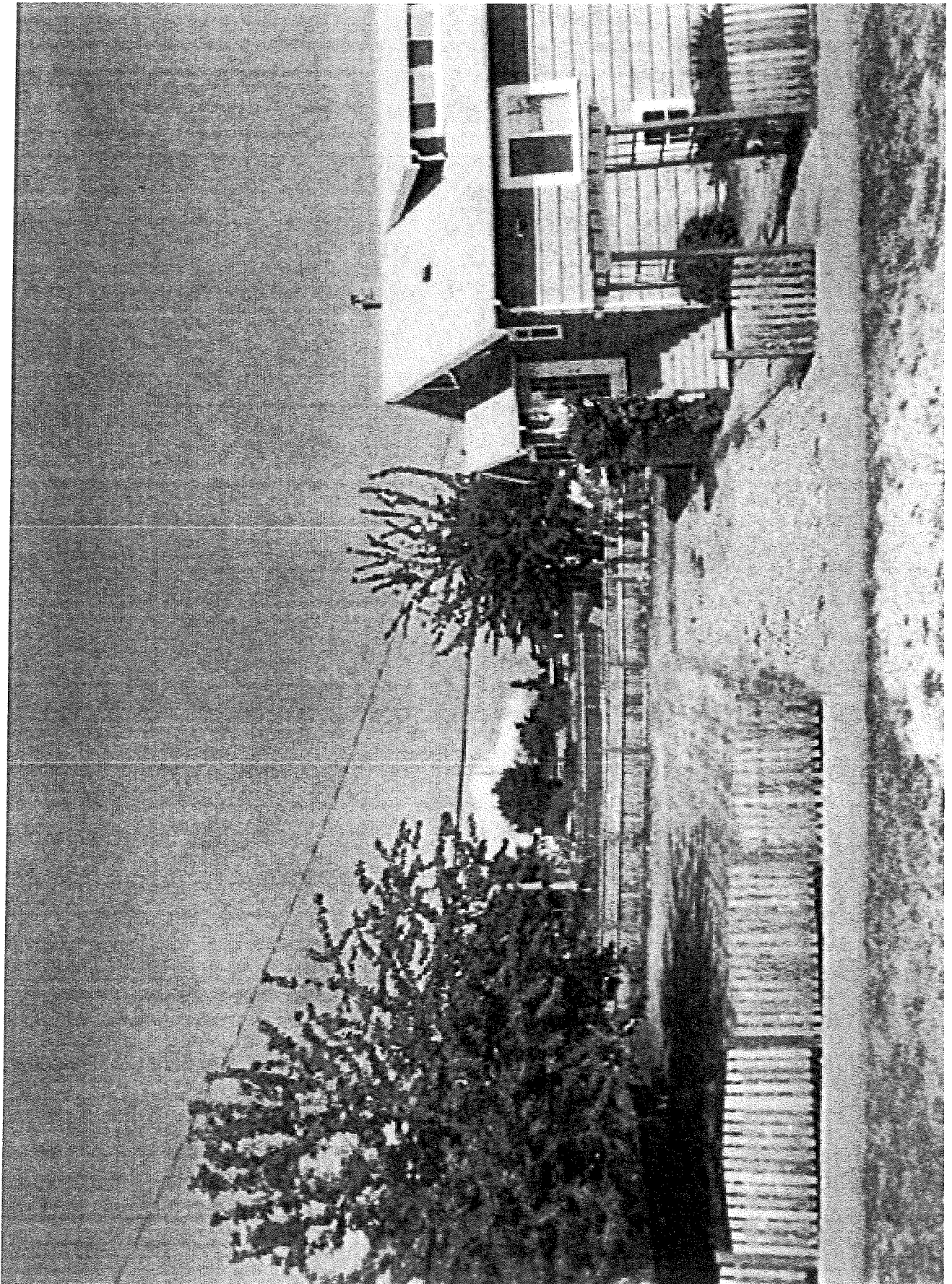
The letter carries on stating "No views have been lost." This is false as my view was lost, I have emailed a supporting photo and the view of another neighbor was taken which he is providing the town with a letter in opposition. The letter notes that "less than two hundred meters away is another coach house that is a permanent residence." For one neither of these structures has been approved as coach homes so calling them that is untrue and the owners of the one less than 200 meters away are away for six months.

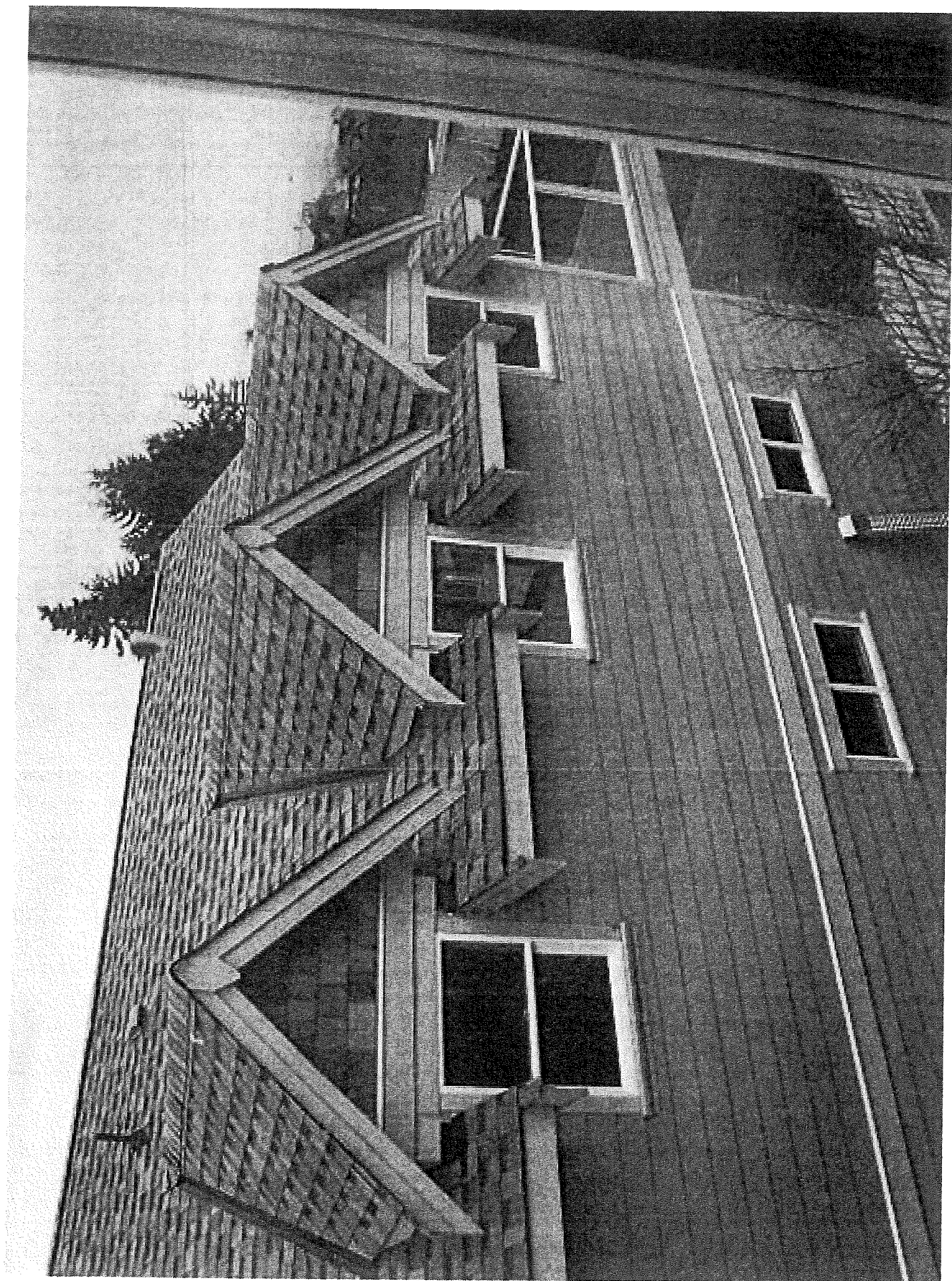
I respect the variance process and feel that all information provided to the Town of Ladysmith should be true.

Thank- you

Aaron Lafontaine

A handwritten signature in dark ink, appearing to be "AL", with a large, stylized loop at the end.





Diane Webber

From: Lisa Brinkman
Sent: November 13, 2014 9:05 AM
To: Diane Webber
Subject: FW: Dvp 14-02

An email for the DVP file and binders.

Thanks

Lisa Brinkman MCIP, RPP

Planner

Town of Ladysmith – Development Services

Box 220-132C Roberts Street

Ladysmith, BC V9G 1A2

250.245.6410

From: Luke Forssell
Sent: November 12, 2014 6:24 PM
To: Lisa Brinkman
Subject: Dvp 14-02

As owner of 326 Robert Street Ladysmith and a neighbor of 410 3rd Avenue I have no objection to this development variance.

Regards.

Luke Forssell

Lorraine Dean

November 12, 2014

Dear Mayor and Town Council,

Re: Variance application for 410 3rd Avenue

I wish to express my opposition to the granting of two variances currently under consideration for the 410 3rd Avenue Accessory structure.

I am a property owner and reside in the neighborhood. I have followed the development of this structure and was very surprised at the size and location of the structure. As I drive or walk by the subject property often, taking my daughter to school and going about my daily life, from early on in the building it was clear that the owner was constructing much more than a simple garage. I was appalled that the final product was a two storey structure with a vehicle garage on the main level and a second storey two bedroom loft dwelling. I felt extremely sad that such a structure could be built so close to the neighboring house. My understanding is that this type of structure was not permitted under the bylaw.

I understand also that the owner took up residence in the suite which was apparent from driving or walking by the property on a regular basis. I further understand that the Town of Ladysmith was forced to bring the matter to the Supreme Court of B.C. and it was found that the bylaw had been violated due to the owner living in the structure. Looking at the neighboring property I must sympathize with the owner as I certainly would not want to live there. I am sure that his property value has been greatly depreciated due to the structure.

I am also concerned about the personal relationship that exists between the owner and Councillors Drysdale and Dashwood. I understand that these Councillors have now removed themselves from the voting on the variance application. In my opinion they should have distanced themselves as soon as the initial issue arose. There has been a clear conflict of interest as Ms. Dashwood was also the selling agent to the owner for the property. I cannot believe that council has the residents and taxpayers best interests at heart when situations like this occur.

In the circumstances I do not believe that the variances should be granted. I think it would be a great injustice to the process if failing to conform with the then bylaw, residing in the structure when it is not zoned for that purpose, having a Supreme Court Order pronounced to validate that and have the owner stop living there be all thrown to the wayside. There is something very wrong here and varying the structure does not make it okay.

I respectfully request that that Council not grant these variances to the owner of 410 3rd Avenue.

Sincerely,

Lorraine Dean

RECEIVED

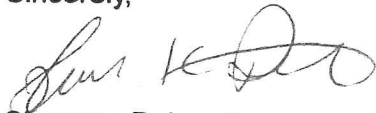
NOV 13 2014

To Whom It May Concern;

I am writing to express my opposition to the two variances currently under application regarding the property at 410 3rd Avenue. This "accessory building" violates several bylaws and the building plans should never have been approved in the first place. Citizens of Ladysmith have voiced their discontentment with this building from the beginning when it was still under construction, and no stop work order was produced despite repeated complaints from the neighbors. It is quite obvious this is not just a garage and even goes as far as violating the coach house guidelines that are under consideration and not approved (and may never be approved, pending consultation with the public). Not only should this variance not be approved but the building should be ordered to be demolished or at the very least reduced to a one story garage. I believe the personal and professional relationship with the home owner and at least two members of council has clouded the judgement of council and made it impossible to reach a logical, impartial conclusion to this matter. As elected officials, the duty of public servants is to be the voice of the people and to uphold the laws in place. Allowing this variance not only sets a precedent for future violations, but is grounds for a public inquiry into the code of ethics and conflict of interest aspects of this case. If we truly live in a democratic and fair society, it is the job of council to hear the voice of the people and to enforce the laws of the town we live in. If council is unable to do this, perhaps the members need to relinquish their elected titles.

In conclusion, I would like to go on record that as a citizen of Ladysmith, I oppose the variance applied for by the owner of 410 3rd Avenue.

Sincerely,



Shannon Boisvert

November 14 2014

Re: variance request for 410 3rd Ave.

I have been following the controversy surrounding the two storey accessory building at the rear of 410 3rd Ave. since its construction in 2009.

I hope my comments will be considered before council votes on the Development Variance Permit application for this building.

In his application the owner is asking for a height variance for the accessory building and a set-back variance from the primary residence to "meet the requirements" for two storey coach houses set out in the new Zoning By-law 1860, passed in August 2014.

These variances do not address the fact that the upper storey suite is 84 sq. meters. The New Zoning By-law states that the maximum floor area for coach houses, and for any accessory building, is 60 sq. meters. To solve this problem the applicant proposes that part of the upper storey be designated a Coach house under the new Zoning By-law, while the rest of the upper floor, and all of the lower floor, remain classified as an accessory building under the by-laws of 2009.

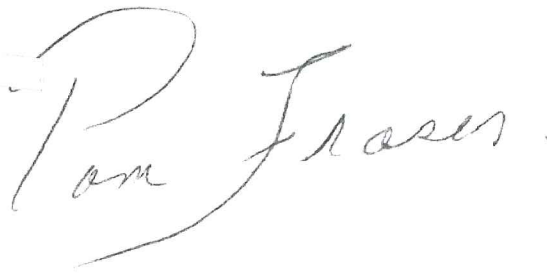
The owner proposes to "remodel the second storey such that the coach house dwelling is 60m²". This is to be done by erecting interior walls.

The variance request should be rejected because there will be no reduction in the size of the first or second floor. Both will remain 84 sq. meters. This would be unfair to others who apply for two storey coach houses as they will be limited to 60 sq. meters on each floor, the maximum permitted under the new by-law. Allowing a two storey coach house/ accessory building with 84 sq. meters on each floor would set a dangerous precedent and undermine the intent of the coach houses regulations in the new Zoning By-law.

To enable to the owner to legally occupy the second storey suite as a coach house the footprint of the entire accessory building should be reduced to 60 sq. meters. To do otherwise makes a mockery of the supposed protection provided for neighbours by the coach house regulations in Zoning By-law 1860, and by the special development permit for coach houses required under this by-law. Together the by-law and the permit requirements were to give neighbours some security that "monster" two-story accessory buildings would not be looming over their properties, compromising their privacy, light and views. If this variance is granted many in Ladysmith will lose confidence in council's willingness to enforce by-laws.

Other options to resolve this unfortunate situation must be explored. This is not the answer.

Sincerely, Pam Fraser,



Diane Webber

From: Lisa Brinkman
Sent: November 14, 2014 8:41 AM
To: Diane Webber
Subject: FW: DVP 3090-14-02

For file and binder

Lisa Brinkman MCIP, RPP
Planner
Town of Ladysmith – Development Services
Box 220-132C Roberts Street
Ladysmith, BC V9G 1A2
250.245.6410

From: Erin Giles
Sent: November 13, 2014 6:58 PM
To: Lisa Brinkman
Subject: RE: DVP 3090-14-02

November 13, 2014

Dear Mayor and Town Council,

Re: Variance application for 410 3rd Avenue

I wish to express my opposition to the granting of two variances currently under consideration for the 410 3rd Avenue Accessory structure.

I am aware through news reports and social media that once the structure was complete the suite was occupied. This was continually reported to Staff until eventually the Town of Ladysmith was forced to bring the matter to the Supreme Court of BC. Someone was found to be guilty of violating the bylaw by living there, and was also charged with violating the bylaw by building a kitchen in the unit. Despite the Court Order, the owner has continued to reside in the unit.

As someone who drives past this house every day it's completely obvious how neighbors have completely lost their views, privacy, and all enjoyment of their home.

I also find troubling allegations that parties in question and Councillors Drysdale and Dashwood, had previous business or personal relationship. Yet, during this ongoing issue they never once distanced themselves from discussion or decisions made, until recently.

This is not about affordable housing, coach houses or changes to Zone bylaws. This is about enforcement of Town of Ladysmith bylaws and for Council to show common decency and respect for those who choose to work within them.

I respectfully request that that Council not grant these variances at 410 3rd Avenue.

Sincerely,

Erin Giles

Ladysmith, BC

--

Erin Giles

November 14, 2014

Town of Ladysmith
410 Esplanade, PO Box 220
Ladysmith, B.C. V9G 1A2

RECEIVED
NOV 14 2014

Dear Town Council & Mayor,

RE: Variance Application for 410 3rd Avenue: File No. DVP 3090-14-02

I wish to express my opposition to the granting of two variances currently under consideration for the 410 3rd Avenue "accessory building".

It disappoints me greatly to hear through personal accounts as well as social and television media, how current Council and Mayor & Hired town staff have presented themselves and made decisions with the handling of the construction and permit application of the building in question. It was quite clear from the beginning of construction that this building was no simple garage, but rather a secondary dwelling that towered not only the neighbouring yard and view, but also the home it shares a property with. Throughout the entire construction process and for quite some time after, substantiated complaints were continually brought forth by citizens of this town as to the buildings conformity with town bylaws; only to be ignored to the point that the matter was brought forth to the Supreme Court.

It has been stated that two current Council members have been linked to the homeowner of the "accessory building", and it was surprising to learn that only recently did these members rescinded themselves from discussion on the issue as they are so closely involved. Prior to this at least one member has acted unethically to enable the owner of the building to occupy the structure during the day by providing alternative sleeping arrangements, after the Supreme Court ruled that no occupancy is to be allowed.

As a citizen of this town, I feel current Council & Mayor have to this point neglected your responsibility to make decisions on behalf of your citizens when it comes to this matter; and if these variances were approved would only be further proof of that. I request that council not grant these variances for 410 3rd Avenue.

Respectfully,



Amanda Jessome

Outside Circulation Area

November 13, 2014

Wayne and Irene Watson

Ladysmith, BC

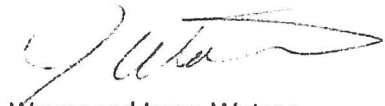
RECEIVED
NOV 14 2014

Town of Ladysmith

Mayor and Council

Dear Sirs:

The vote to have variances granted in order to allow the structure at 410 3rd Avenue to have status as a "Coach House" should be a resounding NO. The current council has a duty to respond to the voices of all Ladysmith citizens. The bylaws are in place to protect affected citizens, not just the few. Also, those who build structures that are not in compliance should not have the ability to have the rules changed so that council can make a bad decision go away. A small mistake is one thing but blatant disregard for the law is another.


Wayne and Irene Watson

Outside Circulation Area

November 13, 2014

Debbie Pellatt

Ladysmith BC

RECEIVED
NOV 14 2014

Town of Ladysmith
Mayor and Council

Re: Variance application for 410 3rd Avenue

I wish to express my opposition to the granting of two variances currently under consideration for the 410 3rd Avenue Accessory structure. While I do not live in the direct vicinity, I believe that this structure should never have been allowed to have been built in the first place. As it went up, it became referred to as "the monstrosity" in my family. We watched its progress and had many conversations over the dinner table questioning how it could possibly be legal. I regret now not bringing these questions to council at the time. I am not familiar with the chain of events that allowed it to be constructed but I can't help but assume that mistakes were made. I don't believe that passing a variance to cover up those mistakes is an acceptable solution. Should this variance application pass, I believe that it would set a precedent of "do what you want then apologize", which is not acceptable to me as a citizen. If mistakes were made, do what is necessary to rectify the situation, which does not include passing these variances.

Sincerely,



Debbie Pellatt

RECEIVED
NOV 13 2014

November 13 2014

Dear Mayor Hutchins and Members of Town Council.

I write to express my opposition to the two variances currently under consideration (for height and setback to the principle dwelling) for the accessory structure at 410 3rd Avenue.

Facts of the Matter:

1. No average grade survey was ever conducted prior to excavation (this is a requirement for approval), the land was cleared, backfilled, and the cement slab was poured. It is therefore impossible to truly determine the height of the structure from natural grade as described under the old bylaw, only that the building plans show the height to be 7.493 metres, but this does not include the cement slab.
2. No Driveway Access Permit was ever applied for or issued (a requirement for approval)
3. Both the building permit and the application were filled out by the Building Inspector (not the applicant). The Building Permit was issued for a Residence, it is neither dated nor signed by the applicant. See attached #1
4. The approved plans are for a purpose built "Loft Dwelling Unit" (Attachment #2). The odd word has been scratched out on the plans, replacing "bedroom" with "storage" and Living Room with "Work Room". "No Cooking Facilities" were permitted, yet a microwave, refrigerator, pantry, and 220 stove wiring were installed
5. It was occupied as a dwelling unit (see attachment #3 Court Order)
6. Prior to the implementation of the new bylaw, it was marketed for sale as a future dwelling unit (see attachment #4, Realtor's Descriptive). Note that a home based business would not have been permitted.
7. In a Ladysmith Chronicle Discus February 2011 the owner describes himself as: "Chuck Forrest 410 3rd Ave (Coach-house)" clearly showing occupancy.
8. BC Assessment Authority clearly sees the accessory structure as a revenue earner and has valued the property at well over \$100,000.00 higher than any other house in the vicinity.

Community Impact Statement: The impact to the neighbourhood and community has been devastating. In my opinion:

1. This ongoing issue has called into question the integrity of the building permitting process, the inspection process and bylaw enforcement.
2. It has called into question the enforcement of the Conflict of Interest guidelines as set forth in the Local Government Act.
3. It has pitted neighbour against neighbour.
4. The immediate neighbour, Mr. Lafontaine, has endured loss of enjoyment of his property, loss of privacy, loss of view and his property value has diminished. The structure towers over the principle dwelling, and the home of Mr. Lafontaine creating serious issues around shadowing and overlook.
5. The property was a neat and tidy yard, with a 100 year old Cherry Tree. It was not a rat infested mess as some would suggest.

Questions for Council to quietly ask themselves:

1. What was the point of the very long, and very costly community consultation process which resulted in the new (and I believe to be) well crafted and widely approved new Zone Bylaw?
2. With the stroke of pen, and before the ink is dry, is Council is prepared to disregard the new design guidelines to ensure that Mr. Forrest is able to occupy or successfully sell his property?
3. Will this set a dangerous and irreversible precedent for the other "Coach Houses" in town?
4. Do you believe that Mr. Forrest has earned the respect and admiration of the community, thereby deserving of consideration?

Mr. Forrest was always intending to use the accessory structure as a Coach House dwelling unit and built it expressly to suit his needs. He thumbed his nose at the entire community, including council and staff, and if he does eventually obtain an occupancy permit, I fear that this will become the standard for "Business as Usual" in Ladysmith.

I ask with the greatest respect, please do not grant these variances.

Sincerely,
Cathy Gilroy

Ladysmith B.C.

Attachment #1



TOWN OF LADYSMITH

PERMIT APPLICATION (Schedule A)

Address of Project: 410 3RD AVE

Legal Description: LOT 1 BUK 73 PLAN 703A

Applicant Name: CHARLES FOREST

Mailing Address: BOX 2192 LADYSMITH Postal Code V9G-1B7

Phone #: 250-951-3907 Cell #: _____ Fax#: _____

Property Owner: SAME Phone #: _____

Mailing Address: _____ Postal Code _____

Contractor Name: SAME

Mailing Address: _____ Postal Code _____

Phone #: _____ Cell #: _____ Fax#: _____

Application is made to: (please check all applicable boxes)

Construct new: ☐	Renovate: ☐	Relocate: ☐	Demolish: ☐
Addition: ☒	Single Unit: ☐	Multiple Unit: ☐	# of Units: ☐
Industrial: ☐	Commercial: ☐	Institutional: ☐	Residential: ☒
Service type: _____	Water: ☐	Storm: ☐	Sanitary: ☐
Other: (please describe): <u>GARAGE</u>	# of Storeys: ☐	Sign: ☐	

Proposed Use:

Residential: ☒	Commercial: ☐	Industrial: ☐
Agricultural: ☐	Accessory: ☐	Other: _____

Construction Details: Square Footage: 900 Value: _____

Number of Parking Spaces: _____

Type of Framing:

Masonry: ☐	Wood Frame: ☐	Structural Steel: ☐	Other: _____
-----------------------------------	--------------------------------------	--	--------------

Heating System:

Gas: ☐	Oil: ☐	Electric: ☐	Other: _____
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Sewage Disposal:

Public Communal: ☐	Water Supply: _____
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Private: ☐	Well: ☐
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Number of bedrooms: _____ Number of bathrooms: _____

Damage Deposit refund will be payable to: (Name) _____ (Phone) _____

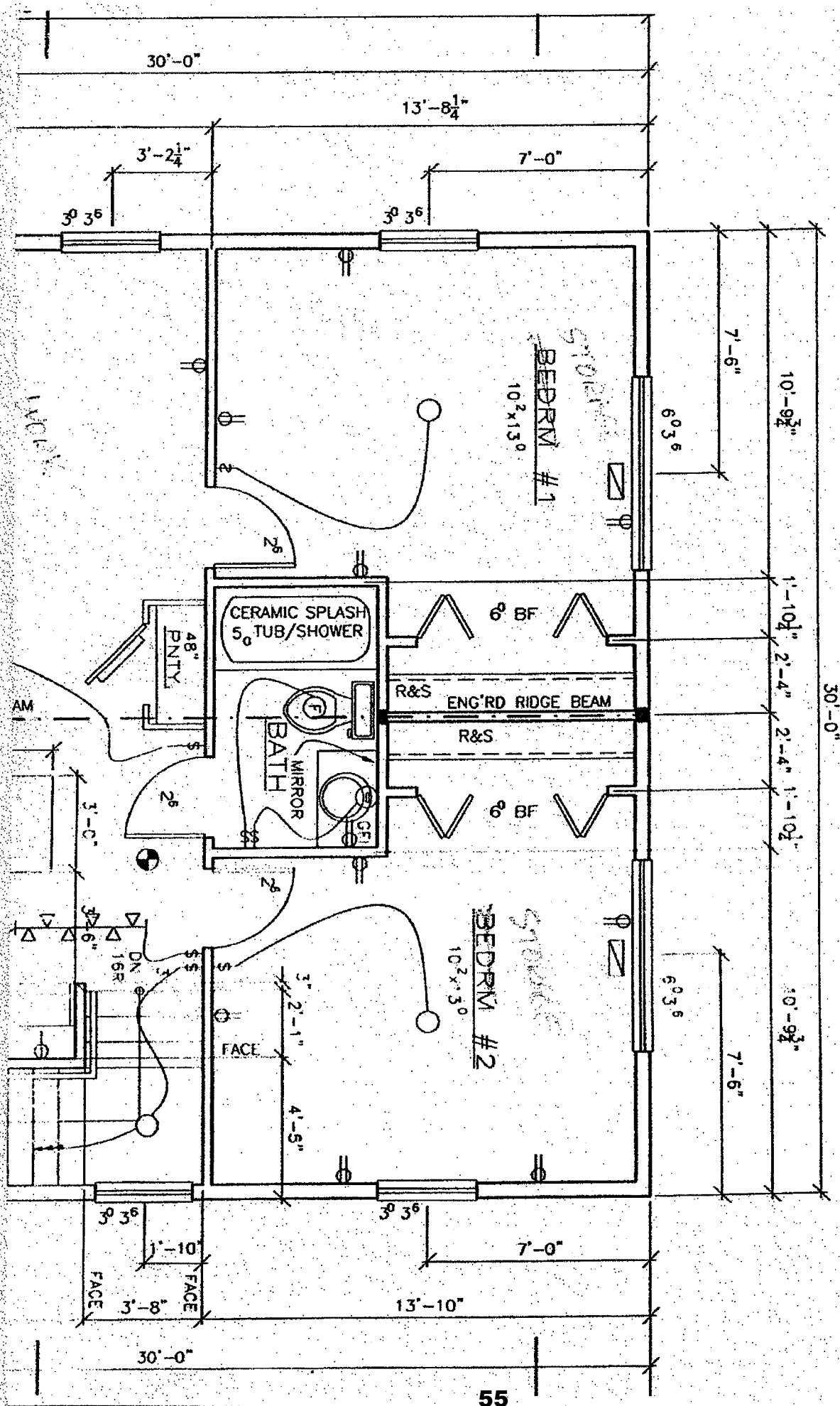
(Address) _____ (Damage Deposit Refund application forms available at City Hall)

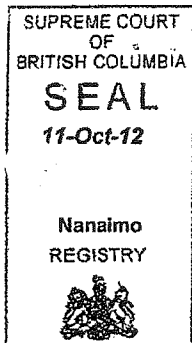
In consideration of the granting of this permit, I/we agree to release and indemnify the Town of Ladysmith, its Council Members, employees and agents from and against all liability, demands, claims, causes of actions, suits, judgments, losses, damages, costs, expenses of whatever kind which I/we or any other person, partnership or corporation of us/our/their respective heirs, successors, administrator or assignees may have or incur in consequence of or incidental to the granting of this permit; or any inspection, failure to inspect, certification, approval, enforcement or failure to enforce the Town of Ladysmith Building Bylaw or the British Columbia Code and I/we agree that the Town of Ladysmith owes me/us no duty of care in respect of these matters.

I HAVE READ THE ABOVE AGREEMENT, THE RELEASE AND THE INDEMNITY AND UNDERSTAND THEM.

The person signing this application form, if not the owner, acknowledges that this signature is as agent for the owner and that he is authorized to bind the owner who is deemed to know of and understand the contents of this form.

Attachment # 2





No.: S-65756
Nanaimo Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

TOWN OF LADYSMITH

PETITIONER

AND:

CHARLES JAMES FORREST

RESPONDENT

ORDER

BEFORE A JUDGE OF
THE COURT

)
)
)

11 OCTOBER 2012

ON THE APPLICATION of the Petitioner, without a hearing, and **BY CONSENT;**

THIS COURT DECLARES that:

1. The Respondent, Charles James Forrest, being owner of the lands municipally described as 410 Third Avenue, Ladysmith, British Columbia, and legally described as Parcel Identifier No.: 008-700-117, Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A (the "Lands"), has through his use and occupancy of the Lands contravened the Urban Residential Zone [R2] provisions of the Town of Ladysmith

Zoning Bylaw 1995 No. 1160 (the "Zoning Bylaw") by using and permitting the use of the occupancy of the suite above the garage (the "Garage") on the Lands for living accommodation, in contravention of the Zoning Bylaw which does not permit an accessory building to be occupied as a dwelling unit.

2. The Respondent has contravened the Town of Ladysmith Building and Plumbing Bylaw 1994 No. 1119 (the "Building Bylaw") by:

- (a) Permitting or causing the installation of a kitchen and cooking facilities in the Garage without first obtaining a permit; and
- (b) Occupying or permitting the use and occupancy of the Garage without obtaining an occupancy permit.

THIS COURT ORDERS that:

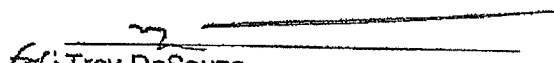
3. The Respondent must cease occupying or permitting the use and occupancy of the Garage for living accommodation or as a dwelling unit by November 1, 2012.

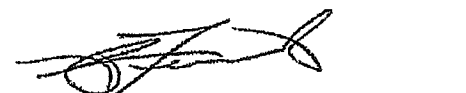
4. The Respondent shall not occupy the Garage or permit the use and

occupancy of the Garage for living accommodation or as a dwelling unit until the Respondent has obtained all necessary building permits and otherwise brought the Garage into compliance with the Building Bylaw and fully restored the Garage to its lawful use under the Zoning Bylaw.

5. Should the Respondent fail to bring the Garage into compliance with the Building Bylaw and the Zoning Bylaw within six months of the date of this Order, the Petitioner shall be at liberty to remove from the Garage all structures, work, construction or installations standing in contravention, not authorized by permit, or otherwise not in compliance with the Building Bylaw. The Petitioner is authorized to enter onto the Lands and effect such removal at the cost of the Respondent.

**THE FOLLOWING PARTIES APPROVE THE
FORM OF THIS ORDER AND CONSENT
TO EACH OF THE ORDERS NOTED ABOVE:**


for: Troy DeSouza,
Lawyer for the Petitioner


Charles James Forrest, Respondent

BY THE COURT

Digitally signed by
Hough, Shelley

Registrar

173 123\210912\order\sl

Digitally signed by
Grauer, J

No.: S-65756
Nanaimo Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

TOWN OF LADYSMITH

PETITIONER

AND:

CHARLES JAMES FORREST

RESPONDENT

ORDER

Stewart McDannold Stuart
Barristers and Solicitors
2nd Floor - 837 Burdett Avenue
Victoria, B.C. V8W 1B3
(Victoria Court Box #91)
Telephone: (250) 380-7744
Facsimile: (250) 380-3008
Email: logolaw@sms.bc.ca

TD:sl

173 123210912\order

From Realtor's Description June 2013

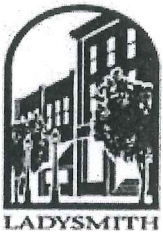
Here is an amazing opportunity to invest in your future. This 3 or 4 bedroom home has been beautifully renovated with new kitchen cabinets, an island, granite countertops and high end laminate flooring. The 2 bedrooms on the main floor are spacious and the open concept living room, dining room and kitchen are perfect for entertaining. There is a large mudroom/laundry room with an entrance off the back out to additional parking. The loft has 1 more spacious bedroom and a den which could be made into a small bedroom as well. It also has an open area that could serve as a lovely office or play room and there is even an ocean view. The full underheight basement is great for storage and a workshop. This home sits on an oversized corner lot just blocks from downtown Ladysmith. The bonus to this property is the amazing detached double garage that sits at the back of the lot. This is a mechanic's or a carpenter's dream. There is a full separate workshop with 220amp service, a 2 piece bathroom, laundry closet with stacking washer/dryer and it's plumbed for in-floor solar heat. The upstairs is completely finished including full bathroom and would be perfect for a home based business. The front deck also has a gorgeous ocean view and both the home and the shop each have their own efficient heat pump. If the Town moves forward in their plan to allow detached legal suites then this space is ready to go as a gorgeous 2 bedroom home. Don't miss out on a unique property that offers so much right in the heart of this wonderful town.

Diane Webber

From: Town of Ladysmith
Sent: November 13, 2014 2:43 PM
To: Lisa Brinkman; Diane Webber
Subject: FW: Mayor and Council

Samantha Eck

Customer Service Representative, City Hall
Town of Ladysmith
(tel) 250.245.6400 (fax) 250.245.6411
seck@ladysmith.ca



Please don't print this email unless you really need to...

From: Wendy L
Sent: November 13, 2014 1:32 PM
To: Town of Ladysmith
Subject: Mayor and Council

Dear Mayor and Council

Re: Variance application for 410 3rd Avenue

I wish to express my opposition to the granting of two variances currently under consideration for the 410 3rd Avenue Accessory structure.

The above property has been a bone of contention since it was built with improper use and set backs and it is obvious how neighbors have lost their views, privacy, and enjoyment of their homes.

If this had have been dealt with according to the bylaws in place in the beginning this would not be the fiasco it is today

This is not about coach houses or changes to Zone bylaws. This is about enforcement of Town of Ladysmith bylaws and for Council to show respect for those who choose to work within them.

I respectfully request that that Council not grant these variances at 410 3rd Avenue

Lance & Wendy Fetchko

Re: Variance application for 410 3rd Avenue

I wish to express my strong opposition to the granting of two variances currently under consideration for the 410 3rd Avenue Accessory structure.

I have seen the development permit for this project and it was clearly designated for a 'Garage' with a maximum capacity of 900sqft. Frankly, it doesn't take a degree in architecture to ascertain that this development has far exceeded its legal limits and intended purpose.

Moreover, I am astonished that Council has allowed this development get this far, despite constant complaints from the tax-paying residents whose lives and property values it has destroyed.

I understand the owner of 410 3rd Ave has been found guilty by the Supreme Court of violating the bylaw which governed its construction by living and building a kitchen in the unit.

Yet Council still has not acted to enforce the bylaws as instructed by one of Canada's highest courts, bylaws which Council itself creates and is elected to uphold. In what modern democracy is that acceptable conduct for elected officials?

I respectfully request that Council not grant any more variances to Mr. Charles Forrest of 410 3rd Avenue, and I request that Council retroactively take the necessary action to enforce the bylaws he has transgressed. I also request that Council investigate the conduct of Councillors Dashwood and Drysdale who are clearly associated with Mr Forrest yet did not appear to distance themselves from the Council's decision-making process regarding this matter.

Russ Barling

Diane Webber

From: Lisa Brinkman
Sent: November 14, 2014 8:41 AM
To: Diane Webber
Subject: FW: File # 3090-14-02

For file and binder

Lisa Brinkman MCIP, RPP
Planner
Town of Ladysmith – Development Services
Box 220-132C Roberts Street
Ladysmith, BC V9G 1A2
250.245.6410

From: Shannon [redacted]
Sent: November 13, 2014 5:40 PM
To: Lisa Brinkman
Subject: File # 3090-14-02

Shannon and James
Patrick

Lad

November 13, 2014

Dear Mayor and Town Council,

Re: DVP 3090-14-02

We would like to express our immense opposition to the granting of the two variances under consideration for the Accessory structure at 410-3rd Avenue.

It is very disturbing to us that this situation has been allowed to go on to the point it has. There has been a blatant disregard of bylaws, conflict of interest by town councillors and an unbelievable disregard of members of our community that have been voicing their concerns and opinions since the very beginning.

None of this should have happened in the first place. It is obvious to us that something is very wrong in City Hall. This situation needs to be rectified and the first step is to turn these applications down. We hope that you do the right thing, leave your egos at the door and admit your wrongdoing and at the very least, not grant these variances.

Yours respectfully,

Shannon and James Patrick

RECEIVED

NOV 14 2014

Nov 13/14

Mayor & Town Council of Ladysmille

RE: NOTICE OF DEVELOPMENT VARIANCE

DVP 14-02 (410 THIRD AVE)

To Whom it may concern:

My name is Robert GUERARD and I
reside at _____ behind the
address in question.

I am writing in opposition to the
variance in question. My wife and I
have resided at our address for over
36 years. At one time we had an
unrestrained view of the water & islands
to the South - now ZIP.

I feel the city created this problem by
not following existing law at the time
and perhaps even encouraging the
gentleman to erect a building that was
not within the current bylaws at that
time. Now to save face or money or some-
ones backside the rules are changed again
to make the problem go away.

there has been too much old-boy, pat on the back, wink wink, nudge nudge crap. going on right from the start. I, for one, have lost any faith in the fairness of municipal government. (or are the words fairness & government an Oxymoron?)

The one letter I did see that was in favor was full of half-truths & tried to draw certain other neighbors into this mess. These neighbors followed all the rules to the letter. Shame on the pro letter for dragging this in to try & fog the issue.

I apologize if this letter is a little emotional but I too would like to see this problem go away but in a fair & honest way.

one other question: Why do you even bother with a town plan if you do not follow it right from the start?

LGW: - I stand against the Variance.

R. J. GUERARD

RJGuerard.

RECEIVED
Nov. 14/14

Letter of opposition regarding the application of two variances by the owner of the property at 410, 3rd Ave, file #DVP
3090-14-02

I am writing to express my opposition to the granting of two variances regarding the luxury garage located at 410 3rd Ave, Ladysmith.

The entire process is unclear to me since the initial plans were approved to begin building this structure and I am strongly opposed to grandfathering it in under the new bylaws.

I feel that if the two variances are granted it will set a precedent in this town that is unacceptable to me.

Thank you for your time,
Renee Hutchinson

Ladysmith,BC

Diane Webber

From: Lisa Brinkman
Sent: November 14, 2014 1:15 PM
To: Diane Webber
Subject: FW: Variance Application

For files and binders

Lisa Brinkman MCIP, RPP
Planner
Town of Ladysmith – Development Services Box 220-132C Roberts Street Ladysmith, BC V9G 1A2
250.245.6410

-----Original Message-----

From: Heather Trawick
Sent: November 14, 2014 12:23 PM
To: Lisa Brinkman
Subject: Variance Application

Michael and Heather Trawick

Ladysmith, BC

November 13, 2014

Re: Development Variance Permit: DVP 14-02 (410 Third Avenue)

Dear Mayor and Council,

Please accept this letter as our strong opposition to this application. Notwithstanding the well documented farce that has taken place around the development of this property, the application is an insult to the well crafted and widely approved new Zoning Bylaw 2014, No. 1860. We believe this sets a dangerous precedent for future bylaw amendments and variance applications.

Additionally, due to the lack of due diligence on the part of the Town Council, Staff (including the Building Inspector) and the applicant, our neighbourhood has already been adversely affected by this development. The property values of my next door neighbour, Mr. Lafontaine, have been negatively impacted, as has his view scape.

The property, prior to being sold to the Applicant, had a large yard with a very productive and mature cherry tree. It was not, as one letter writer has stated, "a rat, and feral cat, infested debris and blackberry patch". Mr Lafontaine purchased this property and spent a lot of time, money, and sweat to make this property and the existing residence a little gem in our neighbourhood.

To allow a variance on this property is a slap in the face of anyone who supports due process and respect for our bylaws. The development should never have been allowed to proceed. We believe that, not only should the variances not be approved, but the structure should be ordered demolished, as was laid out in the Supreme Court Order regarding this property. The Town is responsible to act in an appropriate manner with respect to its bylaws. It did the right thing by creating the updated bylaw, but at great cost to our neighbourhood. We believe the Town needs to do the right thing with this application and reject it.

It is also a grave concern to us that, only with this variance application have two Town Councillors chosen to step aside because of their past and current relationship with the property owner, yet they did not do so during the development process. We believe this represents a significant breach of the Conflict of Interest guidelines as set forth in the Local Government Act. We believe you should govern yourselves accordingly.

In closing, we respectfully request that you do not approve these variance applications.

Respectfully,
Heather and Michael Trawick

November 12, 2014

RECEIVED

NOV 14 2014

Notice of Development Variance Permit:

DVP 14-02 (410 Third Avenue)

Lot 1, Block 73 District Lot 56, Oyster District, Plan 703A

PID: 008-700-117

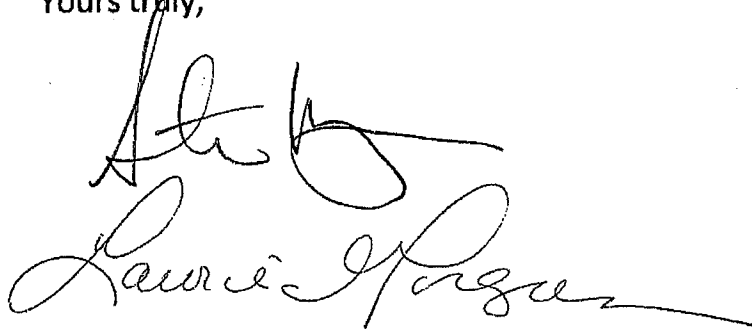
To Whom it May Concern:

My family has lived directly across the street from the lot in question for over 22 years, -- we have read that it was stated that at one time the property in conflict was very much an eyesore, BUT it was long before Aaron Lafontaine and his family purchased the property and TOTALLY refurbished the house and cleaned up the lot in hopes for a sale. The photo included shows all the work that was done before selling to the current owner. Who after purchasing the property with the full intentions of building a place to live in, next to the existing house - removed the heritage cherry tree and for some reason, that I can not understand, was given permission from the City, who had to see and approve the plans for the Coach House that was to be built on the property. I do know many neighborhood people (not just the Lafontaine family who lives directly above the Coach House) had concerns and phone calls to our City Hall when this all started, with no luck in getting the appropriate response or feedback. There are obvious infractions that the City allowed to happen, long before the ground was even broken. The total amount of space "the buildings" occupy on the property, the height, how close it is to the fence-line etc... the sad thing is, it goes on and on. I do not blame the current owner, Chuck Forrest, it is all on the person who sold him the property, by saying this could be done in the first place, worry about a variance later and then on to the City for totally dropping the ball and allowing the plans to go through at all. For the purpose that, now, is wanting to be used for - a full-living accommodation above a garage on a property with an already existing house. We experienced many terrible moments between our neighbors and the city over the time of the house being built and after its completion. Several people have lost their view as well as have the feel of being built upon and overlooked, with the Coach House being so tall and being built too close to the fence line.

My husband and I have great concerns to what a variance on this property will do to future properties in the Town of Ladysmith. It will set a precedent for all exsisting and future Coach-Houses in our Town. Build now and deal with the problems later attitude could easily arise. I for one, do not want each property in our town, the ability to have two homes on each site.

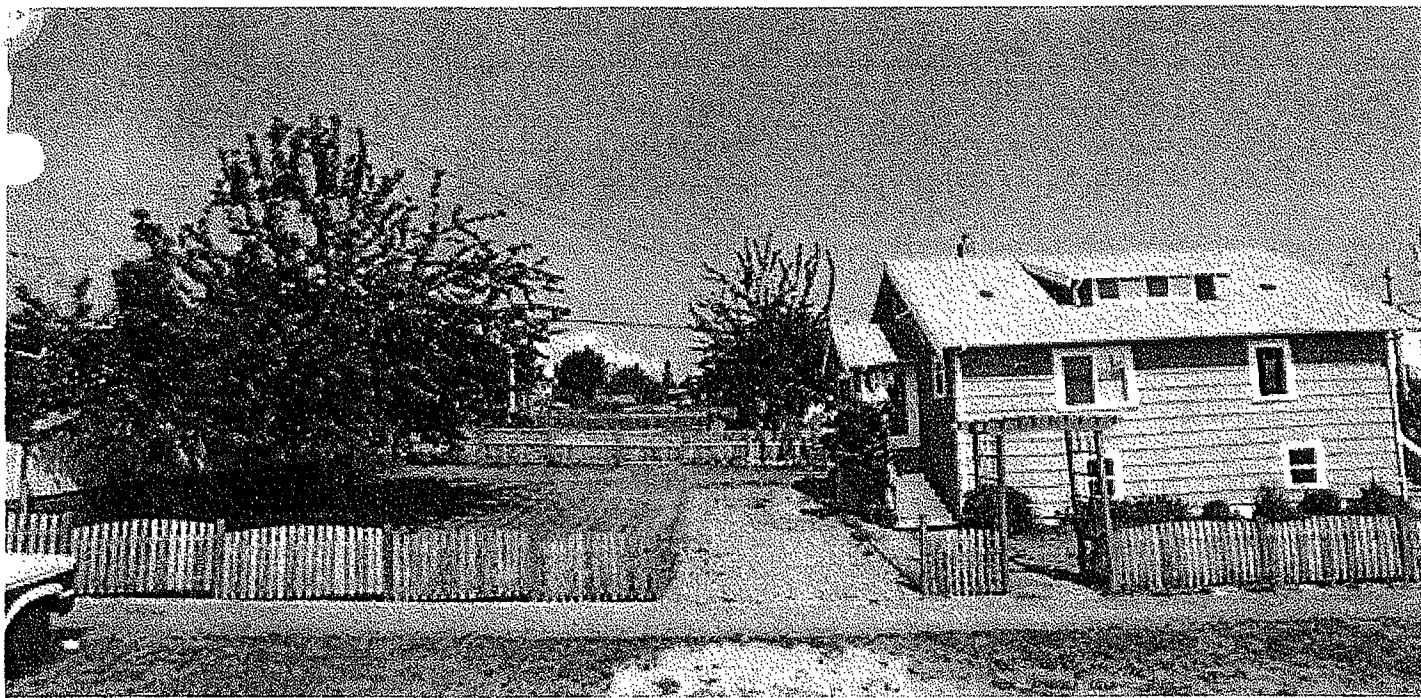
I know the current occupant stays in the home during the day but currently goes to other accommodations for sleeping at night, as the current court order states he must do. I do not wish ill will to Mr. Forrest and wish things could have been done differently from the start but I do not know of any way to go forward with this variance without it affecting how all other places in our town. I hope that our City Council will think long and hard on what is best for the Town as well as what is best for Mr. Forrest and the neighbors, who this does greatly affect.

Yours truly,

A handwritten signature in cursive script, appearing to read "Steven & Laurie Morgan". The signature is written in dark ink and is positioned below the "Yours truly," text.

Steven & Laurie Morgan

Ladysmith



Diane Webber

From: Lisa Brinkman
Sent: November 14, 2014 2:44 PM
To: Diane Webber
Subject: FW: Coach House

For file and dvp binders

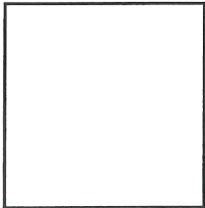
Lisa Brinkman MCIP, RPP
Planner
Town of Ladysmith – Development Services
Box 220-132C Roberts Street
Ladysmith, BC V9G 1A2
250.245.6410

From: lesleyann [mailto:lesleyann@townofladysmith.ca]
Sent: November 14, 2014 2:26 PM
To: Lisa Brinkman
Subject: Coach House

Dear Lisa Brinkman.

This is in regards to the garage on Roberts Street that is seeking approval to be a coach house. As I have seen over the many years in Ladysmith, one of the features of living in the area is the excellent view and beautiful properties. This garage is not only an eyesore but it also has ruined the view for a few of the neighbors in that area. It should never have been approved in the first place. To indulge in accepting and approving it further only opens the door to allow others to be built and further ruining the beauty of the town. This is not a big box community, we love our small town. I am sure there would be no consideration for this to be built next door to a counselor's home. Please take this very seriously and put a stop to this type of growth in Ladysmith.

Sincerely
Lesley Benson



This email is free from viruses and malware because avast! Antivirus protection is active.

RECEIVED
Nov. 14/14

To Whom It May Concern

November 14th/2014

I am writing to express my opposition to the two variances currently under application regarding the property at 410 3rd Avenue.

This "accessory building" violates several bylaws and the building plans should never have been approved in the first place.

Citizens of Ladysmith have voiced their discontentment with this building from the beginning when it was still under construction, and no stop work order was produced despite repeated complaints from the neighbors.

It is quite obvious this is not just a garage and even goes as far as violating the coach house guidelines that are under consideration and not approved (and may never be approved, pending consultation with the public).

Not only should this variance not be approved but the building should be ordered to be demolished or at the very least reduced to a one story garage.

I believe the personal and professional relationship with the home owner and at least two members of council has clouded the judgement of council and made it impossible to reach a logical, impartial conclusion to this matter.

As elected officials, the duty of public servants is to be the voice of the people and to uphold the laws in place. Allowing this variance not only sets a precedent for future violations, but is grounds for a public inquiry into the code of ethics and conflict of interest aspects of this case.

If we truly live in a democratic and fair society, it is the job of council to hear the voice of the people and to enforce the laws of the town we live in.

In conclusion, I would like to go on record that as a citizen of Ladysmith, I oppose the variance applied for by the owner of 410 3rd Avenue.

Sincerely,
Kari Rose,
resident and home owner in Ladysmith

November 8 2014

Dear Mayor and Town Council,

NOV 12 2014

Re: Variance application for 410 3rd Avenue

I wish to express my opposition to the granting of two variances currently under consideration for the 410 3rd Avenue Accessory structure. I reside right next door to this property and since 2009 life for me and my family has been a nightmare.

From the early days of construction I was in contact with Town of Ladysmith Staff alerting them to the fact that this structure was far more than a simple garage. I was upset when the property owner (Mr. Forrest) removed the 100 year old cherry tree and began to backfill the property, but, I did understand that he was entitled to build a garage if he chose to do so. However, within a short time it became obvious that he was constructing a two storey structure with a vehicle garage on the main level and a second storey two bedroom loft dwelling. This type of structure was not permitted under the bylaw. When he installed a separate hydro pole, appliances, big screen TV, cable and phone I began to understand that he was constructing a residential suite. Again, I continued to bring this matter before Senior Staff and Council, to no avail.

Once the structure was complete Mr. Forrest took up residence in the suite which I continually reported to Staff until eventually the Town of Ladysmith was forced to bring the matter to the Supreme Court of BC. Mr. Forrest was found to be guilty of violating the bylaw by living there, and was also charged with violating the bylaw by building a kitchen in the unit. Despite the Court Order, the owner has continued to reside in the unit.

My family has greatly suffered from this unfortunate matter. On several occasions he has reported me to the RCMP with unsubstantiated accusations of

harassment. We have completely lost our view, our privacy, all enjoyment of our home. Our property value is greatly diminished, as is the quality of our lives.

I am concerned about the personal relationship between Mr. Forrest and Councillors Drysdale and Dashwood. During this ongoing issue they never once distanced themselves from discussion or decisions made, until last week. It is impossible to understand why they, as close personal friends of Mr. Forrest, have not excused themselves since the beginning. There has been a clear conflict of interest as Ms. Dashwood was also the selling agent to Mr. Forrest for this property, allows Mr. Forrest to reside in a home that she owns and stores her convertible car in the accessory building that is in question.

If these variances are granted, Mr. Forrest will be steps closer to obtaining an occupancy permit. He should never be issued an occupancy permit under any circumstances. He has blatantly and continually violated the bylaws. Does council believe that this behaviour should be rewarded? I certainly hope not.

This is not about affordable housing, coach houses, densification or changes to Zone bylaws. This is about enforcement of Town of Ladysmith bylaws and for Council to show common decency and respect for those who choose to work within them.

I respectfully request that that Council not grant these variances to Mr. Forrest of 410 3rd Avenue.

Thank you,

Aaron Lafontaine

A handwritten signature in black ink, appearing to be 'A. Lafontaine', enclosed within a large, loopy oval shape.

N & N KPD-Erns

Within Circulation Area

Your File: DVP 3090 14 02

R.E. Amended Variance Application
DVP 14-02 (410 Third Ave.)
P.I.D. 008-700-117.

RECEIVED

DEC - 1 2014

Attn; Felicity Adams (and provocative social media types)

As residents of the lot next to that in question we wish to re-affirm our approval for the application of variance.

This property in question has been standing for half a decade, and due to policies, or lack of, and general poor management, has (as warned) set neighbours against neighbours. As well as vast expenses to all concerned, especially the tax payer.

This property is modern, aesthetically pleasing and shows investment in the downtown residential core. For this reason I support all Carriage houses built by a licensed contractor, that adhere to all safety codes, built prior to the towns eventual by-law.

I recommend this application be granted as a matter of importance, so that we as a town can move on.



30 Nov. 2014.

Diane Webber

From: Lisa Brinkman
Sent: December 2, 2014 9:59 AM
To: Diane Webber
Subject: FW: amended variance 410 3rd Avenue

An email for the Forrest DVP binder.

Lisa Brinkman MCIP, RPP
Planner
Town of Ladysmith – Development Services
Box 220-132C Roberts Street
Ladysmith, BC V9G 1A2
250.245.6410

From: Lisa Brinkman
Sent: December 2, 2014 9:58 AM
To: 'The Gilroys'
Subject: RE: amended variance 410 3rd Avenue

Hello – Below are the answers to your questions:

1. Due to concerns raised regarding the accuracy of the height of the building the Town asked the applicant to complete a height survey. The surveyor used the most recent height definition in the new Zoning Bylaw 1860. Thus, the height was amended based on the surveyor's findings.
2. Yes, previous letters will be considered and do not need to be resubmitted. Yes, new letters and information can be received.
3. The Board of Variance is used for variance applications that are considered a 'hardship'. An example of a hardship application could be the siting of a home built before zoning regulations were in place that is now too close to a parcel line or topographic issues on a site. Council is also capable of approving variances. Council's decision making authority is much broader than a BOV. The applicant applied for a Development Variance Permit which is a decision of Council.

Regards,
Lisa Brinkman MCIP, RPP
Planner
Town of Ladysmith – Development Services
Box 220-132C Roberts Street
Ladysmith, BC V9G 1A2
250.245.6410

From: The Gilroys
Sent: December 1, 2014 12:38 PM
To: Lisa Brinkman
Subject: amended variance 410 3rd Avenue

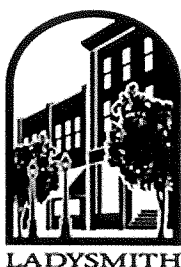
Good morning, Ms. Brinkman.

1. I am seeing that the DVP 3090-14-02 has been amended. Can you tell me what has triggered the amendment?

2. It is my understanding that letters and comments received by the Town of Ladysmith regarding DVP 3090-14-02 do not have to be resubmitted as a result of the amendment. I was told that the letters on file will stand as Public Record, but anyone with anything new to add can do so until December 12, 2014. Can you confirm this?
3. Can you explain why the Variance 3090-14-02 (410 3rd Avenue) is being handled as a Development Variance Permit as opposed to a Board of Variance Permit?

Best Regards, and I thank you for your time.

Cathy Gilroy



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: January 5, 2015
File No: 3060-14-06

Re: Development Permit Application 3060-14-06, 410 Third Avenue (Charles Forrest)
Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A

RECOMMENDATION(S):

That Council issue Development Permit 3060-14-06 to permit the issuance of a building permit for the conversion of the second storey of an existing accessory building for a coach house dwelling on Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A (410 Third Avenue);

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

PURPOSE:

The purpose of this staff report is to present for Council's consideration a Coach House Intensive Residential Development Permit application.

INTRODUCTION/BACKGROUND:

Currently a single unit dwelling and accessory building are located on the property. The applicant has submitted a development permit application to permit the issuance of a building permit for a 60m² coach house dwelling unit in the second storey of the accessory building. A development variance permit application is also being considered for the siting and height of a coach house building at 410 Third Avenue.

SCOPE OF WORK:

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

Building Character & Design Guidelines

The design guidelines recommend that the massing and scale of the accessory building not overpower the buildings on neighbouring properties. The massing of the accessory building was legal at the time it was constructed. The building has a pitched roof and is 7.43 metres in height. The maximum permitted height for coach house buildings is 6.6 metres, thus the proposal is first subject to the approval of a height variance which is also before Council.

The guidelines address 'overlook' when a coach house dwelling unit is located on the second storey of an accessory building. The dormers and windows facing the side and rear

yard do not exceed 50% of the coach house length. An upper level deck faces Roberts Street. The existing upper level deck exceeds the 7.5m² size in the guidelines. It is recommended that this non-compliance be accepted through the redesign of the deck so that the useable area is reduced to 7.5m² by installing matching railings to modify the existing deck. Making structural changes to the deck was also reviewed and it is recommended that redesign will meet the intent of the guidelines while maintaining the overall design of the existing building.

The exterior colours and materials of the coach house building are not consistent with the primary dwelling. However the quality of the construction, exterior materials, windows, doors and trim is good.

Accessibility and Liveability Guidelines

The coach house is oriented to Roberts Street and there is the required accessibility from the fronting street to the primary coach house entrance. The address number for the coach house dwelling will need to be in a location so that it is clearly visible from the street.

Landscaping Guidelines

Since the coach house will be located in an existing accessory building no tree removal is required. Drought resistant landscaping exists near the entry of the coach house. The parking area for the accessory building has previously been paved. Recycling, garbage and compost bins are stored in a small accessory building at the rear of the coach house. An at-grade outdoor area of approximately 7.5 m² in size (with paved and permeable surface), exists at the entry to the coach house, and is used as a sitting area. The applicant has agreed to plant two tall cedar shrubs to create more privacy for this outdoor area.

Energy and Water Conservation Guidelines

The accessory building already contains a heat pump for heating and cooling the building. The building is solar hot water ready. Low flush toilets and a hot water on-demand system is installed in the building.

ALTERNATIVES:

While the issuance of a Development Permit is not a completely discretionary decision of Council, Council may decide to not issue Development Permit 14-06 where the refusal is based upon a determination that the development permit application does not meet the Development Permit Area guidelines. If the Development Permit is refused then reasons must be given. The determination by Council must be in good faith and it must be reasonable, not arbitrary.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

A development variance permit and development permit is required prior to issuance of a building permit to construct the coach house dwelling in the accessory building.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Development Permit applications do not require statutory notice. However, as a result of the statutory notice for the associated development variance permit application, input was received regarding: 1) a concern about 'overlook' to adjacent properties, and 2) that the design blends in with the diverse architecture of the area.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The development permit application was referred to the Infrastructure Services Department for review. They have no servicing issues with the proposal.

RESOURCE IMPLICATIONS:

Processing development permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Sustainable Development Checklist completed by the applicant indicates that the existing accessory building has been constructed with a heat pump, solar hot water potential, low flush toilets, and a hot-water on demand system.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

The owner of 410 Third Avenue has applied for a Coach House development permit. The proposal has been reviewed utilizing the DPA 10 guidelines. Its approval is subject to Council first approving the associated DVP 14-02 application.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Development Permit 3060-14-06

TOWN OF LADYSMITH
DEVELOPMENT PERMIT 3060-14-06
(Section 920 Local Government Act)

DATE: January 19, 2014

TO: Charles James Forrest
(PERMITTEE)

Address: P.O. Box 2192
Ladysmith, B.C.
V9G 1B7

1. This Development Permit is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit, and, in particular, completion of the development authorized under this permit in accordance with sections 5(a) and (b) of this Permit.
2. This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon:

Lot 1
Block 73
District Lot 56
Oyster District
Plan 703A
PID# 008-700-117
CIVIC ADDRESS 410 Third Avenue
(referred to as the "Land")
3. This Permit has the effect of authorizing:
 - (a) the issuance of a building permit to install a coach house dwelling unit in an existing accessory building on the Land, subject to all applicable laws, except as varied by this Permit; and subject to the conditions, requirements and standards imposed and agreed to in Section 5 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw No. 1860.
5. The Permittee, as a condition of the issuance of this Permit, agrees to:
 - a) *Modify the finished floor area of the second storey of the accessory building such that the coach house dwelling unit has a maximum gross floor area of 60m².*
 - b) *Modify the second storey deck of the accessory building, using panels that match the existing deck railing, such that the useable and accessible deck area is a maximum of 7.5m².*
 - c) *Plant two cedar hedge trees to provide privacy for the at-grade amenity space.*
 - d) *Place address numbers for the coach house building such that the address numbers are clearly visible from the street.*
6. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.927 of the *Local Government Act*, and upon such filing, the terms of this Permit (3060-14-06) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the Permittee does not substantially start any construction permitted by this Permit within **one year** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
8. This Permit prevails over the provisions of the Bylaw in the event of conflict.
9. Despite issuance of this permit, construction may not start without a Building Permit, Sign Permit or other necessary permits.

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

MAYOR (A. Stone)

CORPORATE OFFICER

OWNER

PLEASE PRINT NAME

OWNER

PLEASE PRINT NAME



Town of Ladysmith
COMMITTEE REPORT

To: Mayor and Council
From: Councillor Steve Arnett
Chair, Municipal Services Committee
Date: January 5, 2015
File No:

Re: **MUNICIPAL SERVICES COMMITTEE RECOMMENDATIONS**

At its November 17, 2014 meeting, the Municipal Services Committee recommended that Council:

1. Repeal "Land Use Agreements" Policy 06-2320-A and replace it with the new "Community Amenity Contribution Policy" as presented with the staff report from the Director of Development Services dated November 5, 2014.



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: November 5, 2014
File No: 6410-00

Re: Community Amenity Contribution Policy

RECOMMENDATION(S):

That the Committee recommend that Council repeal "Land Use Agreements" policy 06-2320-A (May 6, 1996) and replace it with the attached "Community Amenity Contribution (CAC)" Policy.

PURPOSE:

The purpose of this staff report is to present a Community Amenity Contribution Policy for the consideration of Council.

INTRODUCTION/BACKGROUND:

Community amenities are typically offered as part of a rezoning proposal. The Province has recently issued a best practices guide for the development of Community Amenity Contribution (CAC) policies.

While the Town's current policy has provided general direction regarding impacts from rezoning proposals, it does not meet the current legislative framework or best practices for such a policy. Community amenity contributions associated with recent rezoning applications include the following. The current policy is attached to this report.

- \$1000 per residential unit
- Riparian area dedication / protection
- Parkland dedication
- Underground parking
- Green building energy efficiency standards (e.g. Built Green or Energuide)
- Rental requirement
- On-site stormwater management.
- Low water use landscaping and rainwater harvesting and reuse.
- Adaptable building units
- Building lot for Habitat for Humanity.

SCOPE OF WORK:

The policy has been drafted with a focus on the best practices recommended by the Province and the Town's current practices. One of the directions of the best practices guide is to ensure that the community amenity contribution process does not inadvertently cause housing prices to increase as a result of the contribution. The Official Community Plan

recognizes the value of community amenity contributions as a means to share the increased value associated with a rezoning between the developer and the community. This value will change from project to project and from time to time due to changing economic, social and environmental values and conditions.

ALTERNATIVES:

That Council not approve the Community Amenity Contributions Policy.

FINANCIAL IMPLICATIONS:

The contribution of community amenities may include cash contributions. The Town has a Community Amenity Reserve Fund. It may be necessary to establish specific funds for specific projects depending on the type of contribution. Costs associated with the preparation, review and registration of agreements will continue to be the expense of the applicant which is current policy and practice.

LEGAL IMPLICATIONS: The Town's legal counsel has reviewed the policy.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

It is expected that the general public will be supportive of establishing the policy as it may result in community amenity contributions that will benefit the community. The new policy will make the process of community amenity contributions more clear to the development community.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

All departments have reviewed the draft policy.

RESOURCE IMPLICATIONS: There are no additional resource impacts.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The implementation of the Community Amenity Contribution policy supports desired outcomes of the Sustainability Visioning Report.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Community Amenity Contribution Policy supports the strategic directions of "Wise Financial Management" and "Effective Land Use Planning and Community Design".

SUMMARY:

Staff are recommending that Council adopt a new policy regarding Community Amenity Contributions (CACs) that reflects the current legislative framework.

I concur with the recommendation.

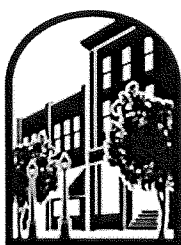
Ruth Malli, City Manager

ATTACHMENTS:

Community Amenity Contribution Policy – Draft
Land Use Agreements Policy – May 6, 1996

TOWN OF LADYSMITH
POLICIES AND PROCEDURE MANUAL

TOPIC:	LAND USE AGREEMENTS		
APPROVED BY:	Council	DATE:	May 6, 1996
RESOLUTION #:	96-276		
That rezoning applications requesting an increase in density be required to enter into a Land Use Agreement which addresses specific conditions that will be registered on title and all costs associated with drafting and registering said agreement be at the expense of the applicant.			



LADYSMITH

TOWN OF LADYSMITH

POLICIES AND PROCEDURES MANUAL

TOPIC:	Community Amenity Contribution (CAC) Policy	(DRAFT)
APPROVED BY:	DATE:	
RESOLUTION #:		
<i>(Amended)</i>		
1. OBJECTIVE The objective of the Community Amenity Contribution Policy (the “CAC Policy”) is to offer guidance for the provision of Community Amenity Contributions (CACs) in the Town of Ladysmith (the “Town”) through a fair and equitable approach. The demand on public facilities and services can increase when land is rezoned, due to the potential addition of new businesses, residents, employees and customers in an area. Thus, Council encourages rezoning applicants to consider proposing CACs towards needed infrastructure and amenities as a way of ensuring that the proposed development is seen as making a positive contribution to the neighbourhood and the community at large. CACs offered at the time of a rezoning application can address the increased demand or pressure by adding, improving, and expanding public facilities and services. 2. INTERPRETATION “Community Amenity” means any public benefit, improvement, or contribution that can enhance the quality of life for a community, and includes, but is not limited to, aesthetic features, public spaces, land or an interest in land, affordable and special needs housing, and facilities, which meet a range of social, cultural, environmental, recreational and infrastructure needs of the community. “Community Amenity Contribution” or “CAC” means a contribution of a Community Amenity or a contribution toward the capital cost of a Community Amenity agreed to by the applicant/developer and Town, as part of a rezoning process that is initiated by the applicant/developer. 3. POLICY i) Residents of the Town expect that new development will not constitute a burden on existing taxpayers, but instead will pay its own way and contribute to the public facilities and services from which the new development will also benefit. Thus, rezoning applicants are generally encouraged to consider proposing a Community Amenity Contribution as part of a rezoning application, where appropriate in the circumstances. ii) Staff are directed to implement this CAC Policy as part of the development application process where CACs are proposed by rezoning applicants; and CACs will be referred and reported to Council for consideration and to obtain final approval. iii) The provision of an agreed-upon CAC to the Town would be obtained by the Town if, and when, Council adopts the relevant rezoning bylaw. iv) One or more of the following sources of information may provide guidance with respect to the types of CACs that are appropriate in the circumstances of a rezoning application: • Official Community Plan (and associated Area Plans); • A Community Vision for a Sustainable West Coast Town;		

TOPIC:	Community Amenity Contribution (CAC) Policy	(DRAFT)
APPROVED BY:	DATE:	
RESOLUTION #:		
(Amended)		
	• Community Energy Plan; • Ladysmith Bicycle Plan; • Parks Master Plan; and • Sustainability Action Plan.	
v)	The following list provides examples of CACs that may be appropriate, depending on the circumstances: • Contribution of land for a civic or institutional use (i.e. school); • Contribution of land for special needs housing or affordable housing; • Improvements to public facilities or public buildings; • Heritage conservation; • Provision of park improvements or park land (beyond statutory requirements); • Protection of environmentally significant areas beyond minimum requirements; • Public realm improvements beyond statutory requirements (i.e. public plaza, pedestrian and cycling linkages); • Contribution of land for the purpose of watershed protection; • Viewscape protection; • Neighbourhood enhancement project; and • Provision of cash to the Town of Ladysmith Amenity Fund (i.e. recommended contribution of \$1000 per residential unit to be constructed in the development, or as adjusted periodically) for a future Community Amenity.	
vi)	Council may choose to accept CACs where it considers that the Town’s future budgets will be able to support the estimated lifecycle costs of operating, maintaining and repairing the Community Amenity.	
vii)	CACs will be negotiated on a case specific basis as each development proposal is unique, utilizing the principles of: • Nexus – such that there is a direct, demonstrable link between the CAC and the impact of the new development; and • Proportionality – such that the CAC is proportional to the impact that the new development generates and is consistent with the CACs made by other rezoning applicants.	
viii)	Where it is anticipated that a new Community Amenity will benefit both existing and new residents and businesses, an estimate may be made of the proportion of costs that is attributable to new development. In determining the proportion of costs attributable to new development, the applicable DCC policies and procedures of the Town may be applied.	
ix)	In lieu of providing a Community Amenity, the Town may accept the cash value of the Community Amenity, or an appropriate contribution to the Community Amenity, to be held in the Town’s Community Amenity Fund, and which the Town will provide, construct, or install in the future.	
x)	In establishing the value of a proposed Community Amenity, hard costs, soft costs, land costs and lifecycle may be considered, such as: • Hard costs – all material and labour costs for the construction of the Community Amenity; • Soft costs – all fees and costs for the design of the Community Amenity; and • Land costs – eligible only where land or an interest in land comprising the Community Amenity is transferred to the Town.	

TOPIC:	Community Amenity Contribution (CAC) Policy	(DRAFT)
APPROVED BY:	DATE:	
RESOLUTION #:		
(Amended)		
• Lifecycle costs – all recurring costs over the lifespan of the Community Amenity. xi) Not-for-profit organizations serving the community will not normally be expected to make CACs. xii) The provision of CACs may be secured through one or more of the following methods, prior to final reading of the relevant rezoning amending bylaw. All costs associated with preparation, review and registration of any of the following will be at the expense of the applicant. • Phased development agreement (Section 905.1 of the <i>Local Government Act</i>); • Housing agreement for affordable or special needs housing (Section 905 of the <i>Local Government Act</i>); • Covenant (Section 219 of the <i>Land Title Act</i>); • Transfer of land or an interest in land to the Town of Ladysmith; • Cash contribution to the Town of Ladysmith Community Amenity fund(s); • Written agreement between the parties; or • Other methods as appropriate in the circumstances. xiii) Council may consult this Policy in its consideration of zoning for amenities and affordable housing pursuant to section 904 of the <i>Local Government Act</i>. xiv) Nothing in this CAC Policy is intended to impair or fetter the discretion of Council with respect to the adoption of any bylaw.		

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Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Erin Anderson, Director of Financial Services
Date: January 2, 2015
File No:

Re: Enrollment in UBCM Group Benefits Plan for Elected Officials

RECOMMENDATION(S):

That Council:

1. Determine whether three or more elected officials wish to enroll in the Union of British Columbia Municipalities Group Benefits Plan.
2. Determine whether the Town will contribute to the cost of group benefits premiums for elected officials and if so, to what level.
3. Direct staff to report back to Council regarding the estimated annual cost of group benefits premiums for elected officials to be included in the 2015-2019 Financial Plan.

PURPOSE:

To seek Council direction on including a benefits package provided by the Union of British Columbia Municipalities (UBCM) in the 2015-2019 Financial Plan.

INTRODUCTION/BACKGROUND:

UBCM offers a group insurance package, specifically for elected officials. Although it is offered through the same carrier as the Town's current provider (Pacific Blue Cross and BC Life), the package is slightly different from Town's current employee arrangements. This UCBM package provides for a basic plan that includes Extended Health Care and Dental.

The current cost for one elected official would be:

	<i>Monthly Premium - Single</i>	<i>Annual Premium - Single</i>	<i>Monthly Premium - Family</i>	<i>Annual Premium - Family</i>
Dental	\$ 46.48	\$ 557.76	\$ 120.59	\$ 1,447.08
Extended Health	37.89	454.68	85.25	1,023.00
Total	\$ 84.37	\$1,012.44	\$ 205.84	\$ 2,470.08

A minimum of three elected officials must sign up. Depending on the coverage and the number of elected officials participating, the annual cost will range from \$3,040 to \$17,300 for the available package:

		Annual Premium - Single		Annual Premium - Family
Minimum cost: Total for 3 elected officials		\$ 3,037.32		\$ 7,410.24
Maximum cost: Total for 7 elected officials		\$ 7,087.08		\$ 17,290.56

Enrollment into the Plan is for the full term in office. Additional packages are also available that include employee and family assistance plan, optional life insurance and optional accidental death and dismemberment coverage, though this is already covered under the Town's insurance. These additional costs are:

	Annual
Employee & Family Assistance	\$ 54.00
Optional Life Insurance	Depends of coverage, purchased in multiples of \$10k or \$25k

The deadline to enroll is March 31, 2015. Coverage information from the UCBM memo is attached.

Currently, elected officials are not part of the benefits package provided to the Town's employees.

SCOPE OF WORK:

Once direction has been provided, Staff will work with Council and UCBM to execute the arrangements.

ALTERNATIVES:

The following alternatives are available:

1. Elected officials source and pay for their own medical and dental coverage.
2. Elected officials choose medical and dental coverage at an annual cost between \$1,012 and \$2,470, with a minimum of 3 members enrolled, payable individually.
3. Elected officials choose medical and dental coverage at an annual cost between \$1,012 and \$2,470, with a minimum of 3 members enrolled, payable by the Town.
4. Elected officials choose a combination of medical, dental and optional coverages.
5. Request for Town's plan to be available for elected officials. This will be at a greater cost as elected official roles are voluntary resulting in lower premiums with the UCBM plan.

FINANCIAL IMPLICATIONS:

As noted in the report, there are a variety of financial implications depending on the levels of coverage and the decisions of Council. Property taxation will be the funding source.

LEGAL IMPLICATIONS:

There are no legal implications.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Not applicable.

RESOURCE IMPLICATIONS:

Group benefits are administered under Human Resources and Payroll. No additional resources are required.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Not applicable.

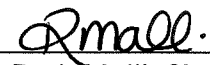
ALIGNMENT WITH STRATEGIC PRIORITIES:

This aligns with Strategy G – Supportive Corporate Governance.

SUMMARY:

The Town of Ladysmith currently does not offer a group benefits plan for elected officials. The Union of British Columbia Municipalities (UBCM) offers a Group Benefits Plan to elected officials for their four-year term, provided at least three elected officials sign on to the plan. The cost of this plan ranges from a minimum of \$3,040 to a maximum of \$17,300 annually depending on the number of Council members who sign up and the extent of coverage provided under the Plan. Staff are requesting direction as to whether the elected officials would like to enroll in this program and the extent of contribution by the Town to the premiums.

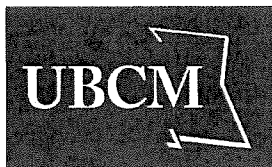
I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

UBCM Memo – November 3, 2014



MEMO
November 3, 2014

TO: Mayor/Chair and Council/Board
CC: Benefits Administrator

FROM: Anna-Maria Wijesinghe
Manager, Member and Association Services

RE: Group Insurance For Elected Officials

UBCM offers comprehensive group insurance coverage, which is available to all local governments in British Columbia and to elected officials.

BACKGROUND

Following previous local government elections, UBCM has offered group insurance benefits to elected officials. A number of our members have taken advantage of these benefits, which we are pleased to be able to extend again.

COVERAGE OFFERED TO ELECTED OFFICIALS

The following is information and procedures for enrollment in the UBCM Group Benefits Plan, which is offered by our current carrier, Pacific Blue Cross/ BC Life.

A) Available Benefits

Elected officials who meet the eligibility requirements may now participate in the following benefits:

- Extended Health Care
- Dental
- Employee and Family Assistance Plan (EFAP)
- Optional Life Insurance
- Optional Accidental Death and Dismemberment

B) Eligibility

There must be a minimum of three (3) elected official applicants in your local government to enroll. Applications made by local governments that **do not currently** have their staff benefit plans under the UBCM Group Benefits Plan may be reviewed.

C) Benefit Provisions & Costs**1. Extended Health and Dental**

For those local governments with existing staff contracts with us, the elected officials will be added as a **separate class to your existing contract/policy**.

You will need to fill out the attached group enrollment form so we can make the necessary amendments to your contract. The changes are needed to address the definition of employee and eligibility (hours of work), which are standard components of any group benefit contract (this change is needed as elected officials are not normally classified as "employees" nor do they work standard weekly hours).

If you provide benefits to your non-union staff through the UBCM Group Benefits Plan, you have the option to provide your elected officials with the **same** benefits or plan design that you provide to your non-union staff for Extended Health, EFAP and Dental (excluding Group Life, Dependent Life, Accidental Death and Dismemberment, Short Term and Long Term Disability, and Critical Illness). Under this approach, the existing group rates for the non-union staff plan would apply.

If you do not have staff benefits under the UBCM Group Benefits Plan, or you do not wish to provide the same level of benefits to Elected Officials, then you can choose a standard package. The standard package cost and benefit limits include:

- Extended Health:
 - ❖ 80% reimbursement of eligible expenses
 - ❖ Lifetime maximum of \$50,000
 - ❖ \$25.00 per year single or family deductible
 - ❖ Premium of **\$37.89** per month for single coverage and **\$85.25** per month for family coverage
- Dental:
 - ❖ 80% reimbursement of Plan A "Routine" expenses
 - ❖ 50% reimbursement of Plan B "Major Restorative" expenses
 - ❖ No annual maximum on Plan A or B
 - ❖ Premium of \$46.48 per month for single coverage and \$120.59 per month for family coverage
- Employee and Family Assistance Plan:
 - ❖ Premium of \$4.50 per month for single coverage and family coverage
 - ❖ Employee and Family Assistance plan, delivered through a partner, Shepell•fgi – Shepell•fgi's WorkLife Solutions & Well Being services provide telephone assessment, consultation, resources, support, advice and coaching on a full range of issues faced by individuals, parents, families, teens and young adults throughout their lives.
 - ❖ http://www.pac.bluecross.ca/pdf-bin/info/0601.01.012_EFAP.pdf

2. Optional Life Insurance

Optional Group Life may be purchased in multiples of \$10,000 or \$25,000. However, only one multiple can be chosen and will apply to everyone in the group purchasing the optional group life coverage. **A rate sheet is attached.**

3. Optional Accidental Death & Dismemberment (AD&D)

BC Life's Optional Accidental Death & Dismemberment provides added financial security should one be faced with accidental death, accidental dismemberment of part or all of a limb, or loss of sight, hearing or speech. This benefit would pay an additional amount equal to the Optional Group Life Insurance benefit in the event of death and fractions of the total benefit for other loss or dismemberment.

The monthly cost of this benefit is \$0.055 per \$1,000 of coverage.

It would be our preference that the payment of premiums follows the same structure as your non-union staff plans. That is, if your non-union staff plans are 100% employer paid then that arrangement should continue for Elected Officials, understanding that each local government may have different policies.

D) Enrollment

Once you have three Elected Officials, then all enrolled accredited members must register as a group and choose the following combinations of coverage:

- Option 1. Extended health/dental benefits (must make application for both)
- Option 2. Extended health/dental benefits and Employee and Family Assistance Plan (must make application for all three)
- Option 3. Either the optional life and/or optional accidental death and dismemberment benefits (applications can be made independent of one another)
- Option 4. A combination of option (1) and (3)
- Option 5. A combination of option (2) and (3)

Enrollment for benefits must be within four (4) months of appointment to council, therefore, the **deadline for enrollment is March 31, 2015**. Failure to apply within the required timeline will elicit PBC late-applicant rules (which may include providing evidence of insurability, back-billing of premiums, and/or coverage restrictions). We strongly recommended having all elected officials who do not wish to participate complete the enclosed waiver of group benefits form to indicate the benefits have been offered to them.

Enrollment in the UBCM Group Benefit Plan must be for the **full term of office**; this is to protect against abuse of the Plan.

To join, regardless if you are already covered under the UBCM Group Benefits plan, please fill out the applicable attached forms:

- 1. Application for Group Benefits; and/or
- 2. For optional life - "Application for Optional Life"
- 3. For optional AD&D - "Voluntary Accidental Death & Dismemberment"

When the forms are completed please attach all the documents and include a covering letter summarizing the elected officials that are applying for these benefits.

Please forward all completed forms to:

Elected Officials' Benefits
Scott Holmes, Account Executive, PBC
c/o Anna-Maria Wijesinghe
Union of BC Municipalities
Suite 60 – 10551 Shellbridge Way
Richmond, B.C. V6X 2W9

For further details regarding coverage or if your local government is not covered under the UBCM Group Benefits Plan, please contact:

Scott Holmes, Account Executive
Ph: +1 604.419.2107
Email: jsholmes@pac.bluecross.ca

Please keep us informed if you are interested in this program or contact myself (Anna-Maria) if you would like assistance with the enrollment of your elected officials:

Ph: 604.270.8226 ext. 111
Email: amwijesinghe@ubcm.ca

If you are not currently with the UBCM Group Benefits Plan, we would encourage you to request a quote. We can provide you with available savings on costs, as well as the other advantages of participation that many local government staff are already enjoying!

E) Retiring Council Members or Elected Officials Not In Office

Please note that retiring council members or elected officials not currently in office should **not** remain on your benefits plans. You must inform Pacific Blue Cross/BC Life that coverage is to be terminated. **The effective date of termination will be at the end of December.** Retiring council members and elected officials no longer in office have the option of converting to individual policies (within 60 days for PBC benefits and 31 days for BC Life).

For information on individual **health and dental benefits** available to those members (retiring councillors or retiring officials), we would encourage you to provide the following link: <http://www.pac.bluecross.ca/individual/> Conversion options are available for 60 days.

Those retiring council members and elected officials wishing to convert to an individual life insurance policy, have the option of converting to **benefits with BC Life**. This can be done without the need for medical evidence, providing this is within **31 days** after terminating the group coverage and if they are under the age of 65. For more information regarding conversion, members may contact BC Life at:

Claims Services, British Columbia Life & Casualty Company
PO Box 7000, Vancouver, BC V6B 4E1
Email: BCLClaimsServices@pac.bluecross.ca



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Sandy Bowden, Director of Corporate Services
Date: January 8, 2015
File No:

Re: Town of Ladysmith Board of Variance

RECOMMENDATION(S):

That Council:

- a) direct staff to advertise for three individuals to serve on the Town of Ladysmith Board of Variance and that the advertisement include reference to the following criteria for potential appointees:
 - Public or private sector experience in the delivery of public programs or services
 - Practical experience in research, analysis, land use planning, architecture, landscape architecture, building design and construction, engineering, law or local governance
 - Resident and respected member of the community
 - Member of a community organization
 - Business owner
- b) proceed with first three readings of Board of Variance Bylaw No. 1671 which appears under the Bylaws section of tonight's Council agenda;
- c) direct staff to include \$5,000 in the 2015-2019 financial plan to cover costs associated with the Board of Variance; and,
- d) direct staff to make the necessary arrangements for the development of Board of Variance Guidelines to outline the Board's role, mandate and responsibilities regarding Board of Variance applications.

PURPOSE:

The purpose of this staff report is to provide Council with additional information regarding the Board of Variance in response to issues raised at the Council meeting held on January 5, 2015.

INTRODUCTION/BACKGROUND:

Council will recall that at the meeting held on January 5, 2015 the following resolution was adopted by Council regarding the Ladysmith Board of Variance:

That Council refer the matter regarding the Town of Ladysmith Board of Variance to staff for further consideration of the following:

- *Development of guidelines for a Board of Variance to include additional information about the meaning of “minor variance” and “hardship” as contained in the legislation and proposed bylaw*
- *Inclusion of Local Government Act section 901(2) in the proposed Board of Variance Bylaw*
- *Whether the Board of Variance can be prohibited from holding closed meetings*
- *Expanding the area for notification of a Board of Variance hearing and persons who have a right to be heard at a hearing from adjacent properties to properties within 60 metres of the subject property in accordance with the notification procedure for Development Variance Permits*
- *Qualifications for membership on the Board of Variance*

Staff offer the following in response to the issues noted above:

Board of Variance Guidelines

Staff indicated at the January 5th meeting that adoption of a Board of Variance Bylaw together with the development of a “Guidelines” document, and training for Board members, will ensure that the Town’s Board of Variance is positioned to function at a high level. Such guidelines will require research and analysis prior to implementation. Although there are many examples Board of Variance guidelines available, it is not advisable to simply copy another local government’s document. It is recommended that a consultant be engaged to develop the guidelines, and that Council proceed with the adoption of Bylaw 1671 and recruiting members for the Board of Variance at this time prior to the implementation of the guidelines.

Once appointments to the Board of Variance are ratified by Council, Staff recommends pursuing training for the members and appropriate staff. Such training is available through various municipal law firms.

Staff discussed the possibility of developing a definition for “minor variance” and “undue hardship” with the Town’s solicitor and, as noted at the January 5th meeting, the solicitor advises that this cannot be done. The Board must consider each application on its own merits. What is minor in one circumstance may not be considered minor in another. The District of Saanich addresses these terms in their Board of Variance mandate document as follows:

Terms such as “inappropriate”, “minor variance”, “hardship” or “undue hardship”, “substantially” (as in “substantially affect the use and enjoyment of adjacent land”) are not further defined and these interpretations are flexible. A variance of, say, 4 m may be minor in one case, whereas a variance of 0.5 m might be excessive in another. The same argument applies to the other terms; for example, what is appropriate on one property - say a stable - may be entirely inappropriate on another.

Inclusion of LGA S. 901(2) in Bylaw

S.901(2) of the Local Government Act states:

- (2) On an application under subsection (1), the board of variance may order that a minor variance be permitted from the requirements of the bylaw, or that the applicant be exempted from section 911 (5), if the board of variance
- (a) has heard the applicant and any person notified under subsection (4),
 - (b) finds that undue hardship would be caused to the applicant if the bylaw or section 911 (5) is complied with, and
 - (c) is of the opinion that the variance or exemption does not
 - (i) result in inappropriate development of the site,
 - (i.1) adversely affect the natural environment,
 - (ii) substantially affect the use and enjoyment of adjacent land,
 - (iii) vary permitted uses and densities under the applicable bylaw, or
 - (iv) defeat the intent of the bylaw.

Staff reviewed this matter with the Town’s solicitor who **does not** recommend including this section of the LGA in the bylaw. The solicitor cautions that the more sections of the legislation that are included in the Bylaw the higher the risk that the bylaw will become out of date as the statute is amended. This section of the Act is critical for the Board to consider in its deliberations and it is recommended that it be included in the guidelines document which can be amended from time to time independent of Council. The bylaw provides a framework for the Board of Variance and the guidelines document focuses more on mandate and process.

Prohibiting Closed Board of Variance Meetings

Staff confirmed with the Town’s solicitor that the bylaw cannot prohibit the Board of Variance from closing meetings (or a portion thereof) to members of the public because the Community Charter permits such closed meetings and the bylaw cannot contravene the legislation. Council could direct staff to remove Sec.12(2) from the bylaw and amend Sec. 12(1) as follows:

Subject to ~~subsection (2)~~, Sec.93(d) of the *Community Charter*, proceedings of the Board are open to the public.

The attached re-drafted bylaw reflects this amendment.

Expand Notification Area to 60m (as per Notification Area for DVP's)

The Local Government Act requires that adjacent property owners be notified of a Board of Variance application. A local government may propose an increase in the area in its bylaw; however, it cannot reduce the notification area. Staff recommends amending Sec. 11(1)(d) and Sec. 13(1)(b) of the bylaw to read as follows:

the owners and ~~occupants~~ tenants of parcels of the land, any part of which lies adjacent to the land is the subject of the application or lies within 60 metres of the boundary of a parcel of the land that is the subject of the application.

The attached re-drafted bylaw reflects these amendments.

Qualifications for Membership on the Board

Council requested consideration of adding the following criteria in the advertisement for Board of Variance members:

- Public or private sector experience in the delivery of public programs or services
- Practical experience in research, analysis, land use planning, or local governance
- Resident and respected member of the community
- Member of a community organization
- Business owner

Staff have included these criteria with those recommended in the previous staff report in recommendation (a).

SCOPE OF WORK:

Upon direction from Council staff will proceed with advertising for three Board of Variance members and processing the bylaw. Future work will depend on the number of Board of Variance applications submitted to the Board.

ALTERNATIVES:

Council could provide staff with further direction regarding the Board of Variance as deemed appropriate.

FINANCIAL IMPLICATIONS:

The application fee as stipulated in Schedule 1 of the Town's Fees and Charges Bylaw for a Board of Variance application is currently \$750. In accordance with Sec. 899(12) of the Local Government Act a local government must provide in its annual budget for the necessary funds to pay for the costs of the Board. Staff recommends including \$5,000 to cover costs associated with the Board in the 2015 financial plan.

LEGAL IMPLICATIONS:

The draft Board of Variance Bylaw is based on a sample bylaw provided by the Town's solicitor. Amendments to the first draft bylaw presented to Council on January 5, 2015 have been discussed with the Town's solicitor. A Board of Variance is required under Part 26, Division 6 of the Local Government Act.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

It is anticipated that updating the Board of Variance Bylaw to ensure compliance with current legislation and appointing new members to the Board will enhance the service provided to the public.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

This initiative will involve the Infrastructure Services/Building Inspection, Corporate Services and Development Services Departments.

RESOURCE IMPLICATIONS:

Resource implications will depend on the number of Board of Variance applications received by the Town. Additional resources may be required.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

n/a

ALIGNMENT WITH STRATEGIC PRIORITIES:

This initiative has been identified in previous strategic planning exercises. It is not currently listed as a strategic priority for the Town.

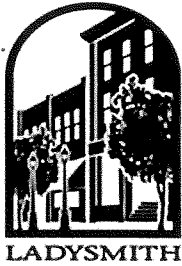
SUMMARY:

The Town's Board of Variance requires new members and staff recommends that Council direct staff to proceed with the recruitment process. The Board of Variance Bylaw requires updating and staff further recommends that Council give the updated bylaw three readings later in the meeting.

I concur with the recommendation.



Ruth Malli, City Manager



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Director of Infrastructure Services
Date: Jan 19, 2015
File No:

Re: 2015 Water Conservation Plan Update

RECOMMENDATION(S):

That Council adopt the following water conservation targets and include them in an updated Conservation Plan for 2015:

- 1 That the Town set a new single family residential water consumption target of 20% less than the current published Canadian average single family consumption rate;
- 2 That staff be directed to investigate the potential to expand the current single family residential block water rate structure to other users, such as commercial and industrial users, and report back to Council on possible changes to the rate structure;
- 3 That staff investigate further reductions of water use at Municipal facilities, including parks irrigation, as well as any unaccounted for water (water leaks);
- 4 That staff continue to investigate new potential rebates and public education, and other water reduction programs to achieve the target water reductions noted above.

PURPOSE:

To seek Council endorsement to update and potentially expand the Town's ongoing water conservation strategies for 2015.

INTRODUCTION/BACKGROUND:

The Town of Ladysmith has been actively engaged in water conservation practises for over a decade. The Town was one of the first communities on Vancouver Island to institute residential water metering, together with a block rate structure that encourages water conservation. Action oriented policies are integrated within various community plans and bylaws; residents and businesses are engaged through several community-based programs; and, perhaps most importantly, the Town leads by example with many of its own water-saving initiatives at municipal parks, facilities and buildings.

Success is evident – between 2002 and 2010, Ladysmith's water consumption dropped 24% during the same period that population grew by 17%. In fact, Ladysmith has managed

to achieve what may be some of the lowest per capita water consumption numbers in Canada - based on single family dwellings only, Ladysmith is using an average of 260 litres per person per day, which compares to a national average of 325 litres per person per day.

Ladysmith's water consumption rates are now the "meet or beat" target for a region-wide challenge issued by the Cowichan Watershed Society – a non-profit Society with local, provincial, federal and First Nations representatives working together on watershed protection and management.

More recently, the Town embarked on an update of our long term water supply model to analyse the effects of climate change, and the potential of expanding our water serve area to neighboring communities. The model results confirm that:

- Reductions in per capita water use over the last decade has made a significant impact on the ability of the Town to supply water in the medium term future: The Town can grow an additional 50% (approx 12,000 population) without having to undertake significant capital expenditures to enhance our water supply capacity;
- Reduced per capita consumption will also allow the Town to serve a significantly higher population in the future (50,000+) by increasing storage capacity within the existing Holland Watershed, reducing or eliminating future pressure on the development of other watersheds such as groundwater;

In addition to the plans, bylaws, policies and programs listed in Appendix "A" and "B", municipal achievements directly related to water conservation include:

- ✓ Water Restrictions: these have been implemented annually for over a decade – the Town utilizes a staged approach based on water levels/supply and weather patterns.
- ✓ Hosted a local water balance model training workshop for subdivision, development and building departments.
- ✓ Installed weather station at Public Works to monitor weather and optimize water sprinkling.
- ✓ Installed weather sensitive watering system to conserve water in Town parks.
- ✓ Installation of parks water meters.
- ✓ Funding a residential toilet rebate program (ongoing).
- ✓ Annual Public Works education day events include a water education component.
- ✓ Installed low-flow toilets and waterless urinals at municipal buildings and parks.

- ✓ Installed a system to use reclaimed water from the Transfer Beach spray park for use in park toilets, as well as park irrigation/landscaping.
- ✓ Installed ozone in community indoor pool, reducing water use with less frequent water replacement.
- ✓ Commenced use of native low-drought plantings and turf program to reduce municipal water use.

Recent water consumption data for 2014 confirms the continuation of the trend toward lower per capita consumption (single family metered: 260 liters/capita-day). This reduction in demand is most likely the result of water metering, water demand pricing, and pro-active water restriction actions during summer months.

As the Town moves forward with significant water capital improvement projects over the coming years, it would be prudent to reflect not just on the progress made to date on our water conservation initiatives, but also look toward continuing our practice of leading the way in water conservation.

The value of water conservation has been recognised as an important aspect of “good governance”, even in areas such as the west coast rain forest. The Provincial Government has, in recent years funded and supported a number of watershed initiatives aimed at integrating water conservation and ecological approaches to traditional water system planning.

Examples of such planning projects are listed below:

Document	Link
Thinking beyond Pipes and Pumps – Top 10 ways Communities can Save Water and Energy	http://poliswaterproject.org/publication/22
Water Conservation Guide for BC	http://poliswaterproject.org/publication/603
Water Conservation Calculator	http://waterconservationcalculator.ca/
Soft Path Strategy for Salt Spring Island	http://poliswaterproject.org/publication/320
MOE – Water Conservation Strategy (Water Stewardship Div)	http://www.env.gov.bc.ca/wsd/plan_protect_sustain/water_conservation/wtr_cons_strategy/toc.html
A Blueprint for Watershed Governance in BC	http://poliswaterproject.org/blueprint

Specific areas for possible review and next steps include:

- 1 **Rebate/Fixture Upgrade Programs.** The Town has successfully managed a toilet rebate program for a number of years – the program could possibly be expanded to include additional fixtures such as washing machines, faucets, dishwashers, etc.
- 2 **Public Education.** Additional public education initiatives could be implemented, such as underground irrigation tips, water saver devices, social marketing, waterless urinals, xeriscaping, etc.
- 3 **Expansion of Block Rate Water Metering.** Currently, all single family residential properties are charged using a block rate (increasing rate by volume used per cycle period) structure. This rate structure could be expanded to other residential classes (multi-family), as well as commercial, and possibly industrial users.
- 4 **Reduction of Municipal Water Use.** As part of the Town's earlier water conservation work, water use fixtures in many Town owned buildings were upgraded or replaced to reduce water consumption. The Town can continue this process with all of the remaining buildings to ensure that all of our facilities have been upgraded to current water use standards.

SCOPE OF WORK:

Scope of work includes the review of existing policies, bylaws, and financial plans, and research related to possible water conservation measures.

ALTERNATIVES:

Council could elect not to proceed with this work. Water use, in that case, could be expected to continue as-is.

FINANCIAL IMPLICATIONS:

Staff resources will be required to undertake this work. This will be funded through existing budgets (operations).

LEGAL IMPLICATIONS:

n/a

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The public has had a number of opportunities to provide input into the various initiatives undertaken to date.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

This project will require input from Finance, Public Works, and Parks.

RESOURCE IMPLICATIONS:

This project will require resources from Finance, Public Works, and Parks.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

This project will continue to advance innovation of infrastructure, reduce water consumption and will contribute to a healthy community.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This project will continue to enhance responsible stewardship of the environment, and will contribute to wise financial management.

SUMMARY:

Staff recommends that Council consider a number of additional initiatives to enhance water conservation, including setting a target water consumption value of 20% less than the Canadian average, investigating the possible expansion of the block water rate structure to other account classes, continue the review of internal water demand from civic owned facilities, and expand the public education and outreach efforts, including the potential expansion of additional rebate programs.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Appendix "A" Summary of Community Plans related to Water Conservation

Appendix "B" Summary of Policies related to Water Conservation

Appendix “A”
Summary of Community Plans related to Water Conservation

Plan	How it Relates
Official Community Plan, 2003	Water infrastructure policy 3.7.3 called for the implementation of water metering (commenced in 2003) and an educational program around water conservation (ongoing). GHG Reduction Targets implemented in 2010 reference both the Community Energy Plan and Sustainability Action Plan (see below)
Development Permit Area Guidelines, 2014 (designated under the OCP)	Development Permit Area Guidelines for DPA 2 (Downtown); DPA 3 (Commercial); DPA 4 (Multi-Family Residential); DPA 5 (Industrial) and DPA 10 (Coach House Residential) encourage the use of high efficiency, automated irrigation systems and stipulate that greywater capture/re-use systems should also be considered.
Community Energy Plan, 2008	Initiative #1 (Homes and Where We Live), Action #3 recommends the development of energy retrofit kits and/or education packages to encourage both energy efficiency and water conservation. The Town has dedicated a section of the municipal website to sustainability, including a page regarding water conservation tips. These same tips are repeated in water-wise education mailouts to residents. A low-flow toilet rebate program has been in place since 2005, and the Town is now looking to expand the program to include washing machines.
Community Sustainability Vision, 2009	One of the key goals (#3) is to reduce potable water usage and manage wastewater efficiently, including re-use. Strategy #3 (Green Buildings) and Strategy #5 (Innovative Infrastructure) identify various methods through which this goal can be pursued – more detailed action items are articulated within the Community Sustainability Action Plan.
Community Sustainability Action Plan, 2013	Water & Wastewater is one of ten priority areas, the first objective under which is the protection and conservation of drinking water. Short-term priorities for action include completing the planned upgrades to the Town’s drinking water infrastructure, and formalizing an ongoing environmental communications/outreach program through a coordinated Environmental Education Campaign. The Town works closely with the Cowichan Watershed Society on coordinated, region-wide outreach activities pertaining to water conservation – “wise water use” is one of the key priorities of the Cowichan Basin Watershed Management Plan. Mayor Rob Hutchins is the co-Chair of the Cowichan Watershed Society.

Plan	How it Relates
Liquid Waste Management Plan, 2013	Calls for water reclamation and re-use systems at the Town's new wastewater treatment plant – this would be for internal, non-potable use at the plant itself and for localized satellite reclamation plants in new developments for seasonal landscaping irrigation.
Strategic Plan, 2014	Priority projects related to drinking water include ongoing work to improve watershed security, completion of the water chlorination upgrade, exploring options for water filtration and ongoing upgrade of supply mains throughout the system. A phase one water and sewer servicing agreement with the Stz'uminus First Nation was completed earlier this year. Once connected, investments in Ladysmith's water and wastewater systems will also benefit and extend to SFN's on-reserve residents and businesses.

Appendix “B”

Summary of Policies and Bylaws related to Water Conservation

Policy/Bylaw	How it Relates
Water Rates Bylaw, 2003	Beginning of water meter program in Ladysmith – bylaw replaced a flat rate structure with metered rates. Water metering was fully implemented in 2006. Rate structure was updated again in 2010 (see below) to further reduce consumption.
Building & Plumbing Bylaw, 2005 Amendment	Made the installation of low flow toilets mandatory for all new construction and renovations.
Civic Green Building Policy, 2010	Established LEED Silver as the minimum standard for all new municipal buildings exceeding 465 sq m, and applies sustainable building practices to buildings under this threshold, which include energy efficiency and water conservation. The Community Services Centre on High Street was completed to a LEED Gold standard in 2011.
Water Rates Bylaw, 2010 Amendment	Introduced an updated metered water rate structure using inclined block pricing to further reduce consumption. (the more water consumed, the higher the amount charged)
Building & Plumbing Bylaw, 2011 Amendment	Required all new construction to be “solar hot water ready”.
Development Procedures Bylaw, 2011	Established a Sustainable Development Checklist that is a requirement for all OCP/Zoning amendment applications, and encouraged for all Development Permit, Development Variance Permit and Temporary Use Permits. The purpose was to ensure that all new development adheres to the Sustainability Vision & Action Plan. Items related to water conservation include: - Does the proposal incorporate a water conservation strategy? water meters for all units? rainwater/greywater irrigation systems? - Does the proposal meet green building standards?
Development Cost Charge Incentive Bylaw, 2011	Reduces DCC charges for development with low environmental impact (including low water use) in the Downtown Specified Area.
Zoning Bylaw, 2014	Encourages the use of solar hot water systems and rainwater collection systems. Includes “density for amenity” zoning where the amenity is the development of highly energy efficient buildings.
Community Amenity Contribution Policy, 2014	Development of a policy is underway, these contributions can be used to secure water and energy savings in new developments.

TOWN OF LADYSMITH

BYLAW NO. 1671

A Bylaw to establish the Ladysmith Board of Variance.

PART 1 - INTRODUCTION

Citation

- 1 This Bylaw may be cited as the "Ladysmith Board of Variance Bylaw 2015 No. 1671".

Definitions

- 2 In this Bylaw,
- “Board”
means the Board of Variance for the Town of Ladysmith;
- “Chair”
means the chair of the Board as approved under section 5 of this Bylaw.
- “Secretary”
means the secretary of the Board.
- “Town”
means the Town of Ladysmith

PART 2 –THE BOARD

Membership on the Board

- 3 (1) The Board consists of 3 members appointed by Council.
- (2) Subject to subsections (3) to (7), the term of office for members of the Board is 3 years.
- (3) Council may appoint a successor to finish the remainder of a term of office of a member that resigns, is removed from office by Council, or is otherwise unable to complete that term of office.
- (4) If Council has not approved a successor before or at the end of a member's term of office, that member's term of office continues until Council appoints a successor for that member.
- (5) A person is not eligible to be appointed to the Board if that person is
- (a) a member of Town Council,
- (b) an officer or employee of the Town, a member of the Town's Advisory Planning Commission.
- (6) If a member of the Board ceases to hold office, the person's successor must be appointed in the same manner as the member who ceased to hold office, and, until the appointment of the successor, the remaining members constitute the Board.
- (7) The Council may remove a member from the Board at any time.
- (8) A member of the Board who has an interest in an application that would constitute a conflict of interest under the Community Charter must not:
- (a) Remain at or attend any part of a hearing during which the application is under consideration;
- (b) Participate in any discussion of the application at the hearing;

- (c) Vote on the application at the hearing; or,
 - (d) Attempt in any way, whether before, during or after the hearing, to influence the voting on any question in respect of the application.
- (9) If a Board member has a right to be heard in respect of an application to the Board as the applicant or as a person notified under Section 11 of this Bylaw, and is prohibited by Section 3(8) from exercising that right, the member may appoint another person as a representative to exercise the member's right on his or her behalf.

Chair to preside at meetings and hearings

- 4 (1) The members of the Board must elect one of their members as Chair to preside at the Board's meetings and hearings.
- (2) The Chair may appoint another member to preside while the Chair is absent.

Quorum

- 5 The quorum for the Board is a majority of its members.

Reimbursement of members

- 6 Members of the Board must not receive compensation for their services as members, but must be paid reasonable and necessary expenses that arise directly out of the performance of their duties.

PART 3 – PROCEEDINGS AT THE BOARD

Secretary of the Board

- 7 (1) The Town will provide the Board with a Secretary.
- (2) The Board's Secretary will carry out the duties assigned under this Bylaw and by the Board.

Variance or exemption to relieve hardship

- 8 A person may apply to the Board, in accordance with section 901(1) of the *Local Government Act*, for an order for a minor variance from:
- (a) the requirements of a bylaw respecting the siting, dimensions or size of a building or structure, or the siting of a manufactured home in a manufactured home park;
 - (b) the prohibition of a structural alteration or addition under section 911(5) of the *Local Government Act*;
 - (c) a subdivision servicing requirement under section 938(1)(c) of the *Local Government Act* in an area zoned for agricultural or industrial use.

Order concerning damage of non-conforming use

- 9 A person may apply to the Board, in accordance with section 902(1) of the *Local Government Act*, for an order to set aside the determination of a building inspector of the Town under section 911(8) of the *Local Government Act* in relation to the extent of damage or destruction of a non-conforming use.

Procedure for applications

- 10 (1) A person may apply to the Board by paying to the Town the application fee prescribed under Schedule 1 of the Fees and Charges Bylaw, and by completing a Board of Variance Application Form and submitting it to the Secretary.
- (2) An application must contain the following information:

- (a) written notice of the grounds of the application, including specific reference to the bylaw from which the variance is sought, and a description of how compliance with that bylaw would cause undue hardship to the applicant;
 - (b) accurate site plans of the property that is the subject of the application based on a survey prepared by a BC Land Surveyor, including elevation plans if the requested variance concerns a height-related issue;
 - (c) the address to which notices may be mailed to the applicant;
 - (d) any other information that the applicant intends to present to the Board at a hearing.
- (3) Immediately after receiving an application, the Secretary must notify the Chair, and
- (4) The Chair must appoint a time for the hearing of the application by the Board. All Board meetings will take place at City Hall or other Town facility.

Notices

- 11 (1) At least 10 clear days before the date set for a hearing, the Secretary must mail or deliver a notice of the hearing to the last known address of the following persons:
- (a) the applicant;
 - (b) the Town's Board of Variance;
 - (c) the Town's Director of Development Services, or his or her designate, and the Building Inspector;
 - (d) the owners and tenants of parcels, any part of which is the subject of the application or lies within 60 metres of the boundary of a parcel that is subject to the application.
- (2) A notice given in relation to an application must state the subject matter of the application and the time and place where the application will be heard.

Attendance at hearings

- 12 Subject to Sec.93(d) of the *Community Charter*, proceedings of the Board are open to the public.

Parties and agents at a hearing

- 13 (1) The following persons have a right to be heard at a Board's hearing:
- (a) the applicant or designate;
 - (b) the owners and tenants of parcels, any part of which is the subject of the application or lies within 60 metres of the boundary of a parcel that is subject to the application.
- (2) Any person who is entitled to be heard at a hearing of the Board may be represented by that person's solicitor, or by an agent who is appointed in writing by the person entitled to be heard.

Evidence at hearings

- 14 (1) Proceedings of the Board may be informal.
- (2) The Board may inspect the property that is the subject of the hearing.
- (3) At the beginning of a hearing, the Secretary may, upon request from the Board, read aloud written submissions by any party unless that requirement is waived by the parties to the application.

- (4) The Board must permit evidence and arguments to be presented at a hearing in the following order:
 - (a) first, the hearing of evidence and arguments from the applicant;
 - (b) second, the hearing of evidence and arguments of all other parties in the sequence directed by the Chair until all parties have been given an opportunity to present their evidence and arguments.
- (5) The Board may hear oral evidence only during a regularly constituted hearing.

Deliberations of the Board

- 15 (1) The Board may confer with a member of the Town's Development Services Department when considering an application at a hearing.
- (2) The Board may request the Town to obtain a legal opinion on any point of law arising in connection with an application and may receive and discuss the opinion at a meeting or portion of a meeting that is closed to the public.
- (3) The Board is not required to adopt or to act upon any legal opinion or evidence obtained by the Town.
- (4) After a hearing is closed, and except as provided in subsections (1) and (2), a member of the Board must not, before the Board has made a decision about an application, discuss the merits of the application with any person who is not a member of the Board.
- (5) The Board may proceed to decide an application if the applicant fails to appear at a hearing.

Decisions of the Board

- 16 (1) After hearing an application the Board may
 - (a) accept the application
 - (i) by ordering a minor variance from the requirements of a bylaw, or an exemption from the statutory prohibition against a structural alteration or addition in relation to a non-conforming use, in accordance with section 901 of the *Local Government Act*, or
 - (ii) by setting aside the determination of the Town's building inspector under section 911(8) of the *Local Government Act* in relation to the extent of damage or destruction of a non-conforming use, and making the determination in the building inspector's place, in accordance with section 902 of the *Local Government Act*;
 - (b) deny the application;
 - (c) permit the applicant to amend his or her application by reducing the extent of the variance sought and accept that amended application;
 - (d) adjourn the application to another time for hearing.
- (2) The decision in writing of a majority of the members of the Board is the decision of the Board.
- (3) Decisions of the Board must be filed with its Secretary.
- (4) The Secretary must forward a copy of the Board's decision to the applicant, the Town's Development Services Department, the Building Inspector and all other persons indicated by the Board.
- (5) A decision of the Board is final.

- (6) A decision of the Board of Variance terminates if:
- (a) The construction is not started and completed within two years; or,
 - (b) The construction is not started within and completed within a time frame established by the Board of Variance in its decision. The Board shall not establish a time frame that goes beyond two years.

Appeals

- 17 In accordance with section 902(3) of the *Local Government Act*, an applicant or the Town may appeal a decision of the Board under section 17(1)(ii) to the Supreme Court.

Records of Board's proceedings

- 18 (1) The Secretary must legibly record and keep minutes of the Board's proceedings. The minutes shall state:
- (a) A summary of the representations made by the applicant, any person notified under Section 11 of this Bylaw, the Director of Development Services or the Building Inspector;
 - (b) The Board's determination with respect to undue hardship;
 - (c) The order of the Board, including the details of any building plans and specifications to which the order refers; and,
 - (d) Any time specified by the Board within which construction must be completed or substantially started.
- (2) The minutes of the Board's proceedings must be signed by the Chair and the Corporate Officer shall ensure that they are stored at City Hall in the same manner as the minutes of the Council.
- (3) A person may, during the Board's normal business hours, inspect and make copies of the Board's minutes and decisions.
- (4) The Secretary shall give written notice of the decision of the Board to each applicant, by ordinary post mailed not more than five days following the date of the hearing.

PART 4 - GENERAL

Repeal

- 19 Bylaw No.1386, the Board of Variance Bylaw, is hereby repealed.

READ A FIRST TIME on the day of , 2015

READ A SECOND TIME on the day of , 2015

READ A THIRD TIME on the day of , 2015

ADOPTED on the day of , 2015

Mayor (A. Stone)

Corporate Officer (S. Bowden)

BYLAW NO. 1871

WHEREAS the sum of \$145,515.61 is on deposit in the Cemetery Care Trust Fund; and

> From: Duck [<mailto:duckwon@shaw.ca>]
> Sent: January 13, 2015 7:40 AM
> Subject: Playground Grant from Home Depot

>
Good Morning

>
Ladysmith Kinsmen Club is applying for a playground grant from Home Depot. As in other instances of grant applications, Home Depot Foundation will only provide funds to a registered charitable organization, or to a municipality supporting the project.

Ladysmith Kinsmen respectfully request approval of the Town of Ladysmith to partner with our organization for the sole purpose of obtaining grant funding from the Home Depot Foundation.

> The application is for \$5,000

>
> Thank you

> duck 

>
>
> Duck & Tracy Paterson
> 1125B Walkem Rd.,
> Ladysmith, B.C. V9G 1P6
> Hm: 250-245-2263
> Cell: 250-246-0637
> duckwon@shaw.ca

>