

**A SPECIAL MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
7:00 P.M.**

Tuesday, July 7, 2020

This meeting will be held electronically as per Ministerial Order No. M192

Pages

1. CALL TO ORDER

Please go to

<https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured> to
view this meeting.

2. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Special Meeting of Council for July 7, 2020.

3. MINUTES

3.1 Minutes of the Special Meeting of Council held June 16, 2020

6

Recommendation

That Council approve the minutes of the Special Meeting of Council held
June 16, 2020.

3.2 Minutes of the Special Meeting of Council held June 23, 2020

13

Recommendation

That Council approve the minutes of the Special Meeting of Council held
June 23, 2020.

4. DEVELOPMENT APPLICATIONS

4.1 OCP and Zoning Amendment Application – 1130 Rocky Creek Road 16

Recommendation

That Council provide direction as to how it wishes to proceed with application 3360-20-02 (1130 Rocky Creek Road) as outlined under the Alternatives section of the staff report.

4.2 Development Variance Permit – 1010 2nd Avenue 27

Recommendation

That Council:

1. Issue Development Variance Permit 3090-20-02 to vary the southeast side parcel line setback requirement from 1.5m to 0.52m for a storage room attached to the dwelling at 1010 2nd Avenue; and
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-20-02.

5. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING

5.1 Zoning Bylaw Amendment Application – 1148 Rocky Creek Road 37

Recommendation

That Council:

1. Proceed with third reading of Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No. 31) 2020, No. 2040; and
2. Direct staff to refer Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No. 31) 2020, No. 2040 to the Ministry of Transportation and Infrastructure pursuant to section 52 of the *Transportation Act*.

6. REPORTS

6.1 COVID-19 Ministerial Order M192 – Open Meetings and Electronic Hearings

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Recommendation

That, pursuant to Ministerial Order No. M192, the attendance of the public at Town of Ladysmith Council and Committee meetings cannot be accommodated in accordance with the applicable requirements or recommendations under the *Public Health Act*, because the Council Chamber does not allow for appropriate physical distancing between Council, staff and the public in attendance; and there are no other Town facilities presently available that will allow physical attendance of the public without compromising the options of attending the meeting electronically via Zoom and viewing the meeting via livestream on YouTube; and

That the Town of Ladysmith is ensuring openness, transparency, accessibility and accountability for meetings by:

1. allowing the public to hear and see the proceedings by electronic means;
2. allowing the public to submit input on agenda items by email;
3. providing notice of the meeting;
4. making the meeting agenda, as well as all other relevant documents, available on the Town website;
5. providing email notification of publication of agendas to subscribers;
6. archiving meeting video for future viewing by members of the public; and
7. continuing to investigate options to facilitate public participation.

Therefore, be it resolved that Council and Committee meetings be held electronically and in the absence of the public in accordance with Ministerial Order M192, for the duration of the Provincial Health Officer's Order on Mass Gathering Events and the Provincial State of Emergency made March 18, 2020 and any extension of that declaration in effect.

6.2 2020 Utility Due Dates 56

Recommendation

That Council determine if it wishes to extend the quarterly utility bill due dates for the periods:

- Quarter 2 (April – June, 2020)
- Quarter 3 (July – September, 2020)
- Quarter 4 (October – December, 2020)

6.3 Economic Recovery - COVID 19 59

Recommendation

That Council give first three readings to “Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #8, 2020, No. 2042” to clarify regulations for sidewalk patios and “parklets”.

6.4 Sealegs Kayaking – Request for Rent Relief 69

Recommendation

That Council deny the request from Sealegs Kayak Rentals and Marine Adventures for a reduction in rent for the period of March to August, 2020.

7. NEW BUSINESS

7.1 Ladysmith and District Historical Society Annual Report 76

(The Ladysmith and District Historical Society annual report is a requirement outlined in the Management and Operating Agreement between the Society and the Town)

8. QUESTION PERIOD

Residents can submit questions to Council via email at info@ladysmith.ca during the meeting.

- Persons wishing to address Council must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must include 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.
- 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

9. ADJOURNMENT



MINUTES OF A SPECIAL MEETING OF COUNCIL

Tuesday, June 16, 2020

7:00 P.M.

This meeting was held electronically

Council Members Present:

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

Councillor Tricia McKay
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Erin Anderson
Chris Barfoot
Jake Belobaba
Geoff Goodall
Donna Smith

Joanna Winter
Mike Gregory
Christina Hovey
Julie Thompson
Sue Bouma

1. CALL TO ORDER

Mayor Stone called this Special Meeting of Council to order at 5:00 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2020-177

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

- Labour relations - Section 90(1)(c)
- Litigation or potential litigation affecting the municipality - Section 90(1)(g)
- Advice that is subject to solicitor-client privilege - Section 90(1)(i)

Motion Carried

3. SPECIAL OPEN MEETING (7:00 p.m.)

Mayor Stone called this Special Meeting of Council to order at 7:00 p.m., recognizing that it was taking place across Stz'uminus Nation lands and in various locations throughout Coast Salish territory, and expressing gratitude to be here.

4. AGENDA APPROVAL

CS 2020-178

That Council approve the agenda for this Special Meeting of Council for June 16, 2020.

Motion Carried

5. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 6:21 p.m. without report.

6. MINUTES

6.1 Minutes of the Special Meeting of Council held June 2, 2020

CS 2020-179

That Council approve the minutes of the Special Meeting of Council held June 2, 2020.

Motion Carried

6.2 Minutes of the Special Meeting of Council held June 3, 2020

CS 2020-180

That Council approve the minutes of the Special Meeting of Council held June 3, 2020.

Motion Carried

7. DELEGATIONS

7.1 Ladysmith-Chemainus Swim Club Society

Kathy Gonzales and members of the Ladysmith-Chemainus Swim Club Society made a presentation to Council outlining the competitive swim programs offered by the Society to the community and some of the positive outcomes they have seen with the youth involved. They expressed their concerns regarding the 2020-2021 fees in Town of Ladysmith Bylaw No.1968, particularly as they relate to the double pool rental requirement.

The members of the Swim Club responded to Council's questions.

CS 2020-181

That Council refer the correspondence from the Ladysmith-Chemainus Swim Club Society regarding pool rental rates to staff for review and report back to Council.

Motion Carried

Councillor Stevens declared a conflict of interest related to Agenda Item 8.1 and recused himself from the meeting as he is a contiguous property owner.

8. DEVELOPMENT APPLICATIONS

8.1 Development Permit Application – 204 Dogwood Drive

CS 2020-182

That Council:

1. Issue Development Permit 3060-20-10 for the proposed development at 204 Dogwood Drive.
2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-20-10.

Motion Carried

Councillor Stevens returned to the meeting.

8.2 DVP & DP for Oceanfront Residential Development at 373 Chemainus Road

CS 2020-183

That Council:

1. Issue Development Variance Permit 3090-20-03 to vary the setback from the sea and the maximum height to allow for a single unit dwelling at 373 Chemainus Road;
2. Issue Development Permit 3060-20-15 to allow for a single unit dwelling at 373 Chemainus Road; and
3. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-20-03 and Development Permit 3060-20-15.

Motion Carried

9. REPORTS

9.1 Chicken Ladder Flood Hardening Feasibility Study

Council requested that staff return to Council with amendments to the Town's Purchasing Policy to increase the permitted amount for goods and services that staff can approve before utilizing a competitive process.

CS 2020-184

That Council:

1. Waive the Town of Ladysmith Purchasing Policy and direct award the hydrologic work for the Chicken Ladder Flood Hardening Feasibility Study to Tetra Tech at an estimated cost of \$32,000; and
2. Amend the 2020-2024 Financial Plan accordingly, with funding to come from the Water Capital Reserve.

Motion Carried

OPPOSED: Councillor Johnson

9.2 Economic Recovery

The Mayor thanked staff and Council, as well as members of the Island Coastal Economic Trust, for their support and efforts to develop and actualize economic recovery strategies. Mayor Stone also recognized the organizations who donated to the strategy and thanked all supporters of the economic recovery efforts.

Council discussed the results of the economic recovery survey distributed to Ladysmith businesses, particularly as they related to 1st Avenue closures, and expressed their support in principle of temporary closures of 1st Avenue, should businesses demonstrate an interest.

CS 2020-185

That Council give first, second and third reading to Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #7, 2020, No. 2041 to eliminate fees for sidewalk patios and to create an exemption to the requirement for a permit for small sidewalk patios and retail displays.

Motion Carried

CS 2020-186

That Council adopt Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #7, 2020, No. 2041.

Motion Carried

CS 2020-187

That Council provide preapproval for Temporary Expanded Service Area Authorizations pursuant to Liquor and Cannabis Regulatory Board Policy Directive 20-13.

Motion Carried

CS 2020-188

That Council direct staff to submit an application for funding through the Island Coastal Economic Trust Small Capital Restart Program for up to \$15,000 for improvements in the downtown core to support local economic recovery efforts.

Motion Carried

CS 2020-189

That Council rescind the following resolution passed at the June 2, 2020 Special Council Meeting: "CS 2020-167 That Council direct staff to implement a downtown patio seating area of six tables in the general location of the sidewalk area in front of the Islander Hotel on 1st Avenue, to a maximum of \$35,000, with \$15,000 from external grants and the remaining \$20,000 from unspent Grants-in-Aid funds."

Motion Carried

CS 2020-190

That Council authorize staff to spend up to \$15,000 with the funds to come from unspent Grants-in-Aid for:

1. The purchase and installation of outdoor tables to be placed in various locations along 1st Avenue; and
2. The rental of a portable washroom and handwashing station to be placed in a central location on 1st Avenue for the months July to September, 2020.

Motion Carried

CS 2020-191

That Council allow for a three-year pilot project for parklets and patio spaces in the downtown area, with businesses utilizing parking spaces directly in front of their business.

Motion Carried

9.3 Holland Creek Supply Main (Phase 2)**CS 2020-192**

That Council direct staff to:

1. Defer the High Street Watermain project from 2020 to a future year;
2. Complete the design and tender of the Holland Creek Water Supply Main (Phase 2) project; and
3. Amend the 2020-2024 Financial Plan to include \$382,000 for the Holland Creek Water Supply Main (Phase 2) project with the funding to come from the High Street Watermain Project, the remaining funds from Phase 1 of the Holland Creek Water Supply Main project and the remaining \$198,000 to come from the Water Capital Reserve.

Motion Carried

9.4 Stocking Lake Access Culvert

CS 2020-193

That Council direct staff to:

1. Amend the 2020-2024 Financial Plan to include \$50,000 for the Stocking Lake Access Culvert with the funds to come from the cost share with the CVRD and \$25,000 from the Water Capital Reserve; and
2. Waive the Town's Purchasing Policy and authorize staff to obtain 3 quotes from contractors to perform the Stocking Lake Access Culvert work.

Motion Carried

OPPOSED: Councillor Johnson

10. QUESTION PERIOD

A member of the public enquired about the possibility of deferring the following projects in light of the economic effects of COVID-19: the Chicken Ladder Flood Hardening Feasibility Study, the Holland creek Supply Main, and the Stocking Lake Access Culvert.

11. ADJOURNMENT

Council recognized retiring former Corporate Officer and Manager of Legislative Services, Joanna Winter. They expressed their immense respect and gratitude for her support and guidance, noting her accessibility, sense of humour, mentorship, charisma and wise guidance, as well as her tremendous communication pieces.

CS 2020-194

That this Special Meeting of Council adjourn at 9:04 p.m.

Motion Carried

Mayor (A. Stone)

Corporate Officer (D. Smith)



MINUTES OF A SPECIAL MEETING OF COUNCIL

Tuesday, June 23, 2020

5:00 P.M.

This meeting was held electronically

Council Members Present:

Mayor Stone
Councillor Jacobson
Councillor Johnson
Councillor McKay

Councillor Paterson
Councillor Stevens (vacated the meeting
at 5:02 p.m.)
Councillor Virtanen

Staff Present:

Erin Anderson
Jake Belobaba

Donna Smith

1. CALL TO ORDER

Mayor Stone called this Special Meeting of Council to order at 5:00 p.m., in order to retire immediately into Closed Session.

2. AGENDA APPROVAL

CS 2020-195

That Council approve the agenda for this Special Meeting of Council for June 23, 2020.

Motion Carried

3. **CLOSED SESSION**

CS 2020-196

That, in accordance with section 90(1) and (2) of the *Community Charter*, Council retire into closed session in order to consider items related to the following:

- The security of the property of the municipality - Section 90(1)(d)
- The acquisition, disposition or expropriation of land or improvements - 90(1)(e)
- The receipt of advice that is subject to solicitor-client privilege - 90(1)(i)
- The consideration of information received and held in confidence relating to negotiations between the municipality and the provincial government - Section 90(2)(b)

Motion Carried

4. **RISE AND REPORT- Items from Closed Session**

Council rose from Closed Session at 5:59 p.m. with report on Recommendation No. 1 of the following resolution:

- CE 2020-090

That Council:

1. Subject to the COVID-19 Vulnerable Populations Cowichan Taskforce and the LRCA reaching an agreement with BC Housing to continue operating the Emergency Response Centre extend the June 30, 2020 end date for the Emergency Response Centre at 12, 20 & 26 Buller Street (Lots 14, 13 and 12 Block 7 District Lots 24 & 56 Oyster District Plan 703. PIDS: 008-547-467, 005-423-538 & 008-547-459) to September 30, 2020;

5. ADJOURNMENT

CS 2020-197

That this Special Meeting of Council adjourn at 6:00 p.m.

Motion Carried

Mayor (A. Stone)

Corporate Officer (D. Smith)

Subject to Adoption

STAFF REPORT TO COUNCIL

Report Prepared By: Christina Hovey, MCIP, RPP
Meeting Date: July 7, 2020
File No: 3360-20-02
RE: OCP & ZONING AMENDMENT APPLICATION – 1130 ROCKY CREEK ROAD

RECOMMENDATION:

That Council provide direction as to how it wishes to proceed with application 3360-20-02 (1130 Rocky Creek Road) as outlined under the Alternatives section of the staff report.

EXECUTIVE SUMMARY:

The applicant is proposing to amend the OCP designation and zoning at 1130 Rocky Creek Road to allow a commercial plaza. The subject property is currently designated “Industrial” (OCP Bylaw No. 1488) in the OCP, and zoned “Comprehensive Development 1 – Tourist Commercial” (Zoning Bylaw No. 1860). To accommodate the proposed development, the OCP designation would be changed to “General Commercial” and the zoning would be changed to “Shopping Centre Commercial (C-5)”.

Staff is not making a recommendation for or against the proposal at this time. If Council supports further consideration of the application, staff will provide a recommendation once internal, intergovernmental, and community input has been gathered and development approval information has been reviewed. At this time, Council is being asked to decide if the application should be considered further. Council may direct staff to proceed with further processing of the application, direct that changes be made to application prior to further consideration or Council may reject the application. If Council directs that the application proceed, the applicant will be required to complete a neighbourhood information meeting and to provide additional reports including a traffic impact study and economic feasibility/impact study.

PREVIOUS COUNCIL DIRECTION:

| Resolution/Bylaw # & Meeting Date | Details |
|---|--|
| Bylaw No. 1950 May 14, 2018 | 1130 Rocky Creek Road: <ul style="list-style-type: none"> OCP designation changed from “Mixed Use Waterfront” to “Industrial” This Town initiated this change as part of the Waterfront Plan |
| Bylaws No. 1937, No. 1938 Dec. 4, 2017 | Five parcels adjacent to 1130 Rocky Creek Road: <ul style="list-style-type: none"> OCP designation changed to Industrial Zoning changed to Light Industrial |

| Resolution/Bylaw # & Meeting Date | Details |
|---|--|
| Bylaws No. 1652 & No. 1653 Dec. 15, 2008 | 1130 Rocky Creek Road and five adjacent parcels: <ul style="list-style-type: none"> OCP designation changed from Industrial to Mixed Use Waterfront Zoning changed from Light Industrial to Comprehensive Development 1 – Tourist Commercial |

INTRODUCTION/BACKGROUND:



Figure 1: Subject Property

The subject property is located between the Trans-Canada Highway and Rocky Creek Road, on the west side of Ludlow Road. It is approximately 0.8 hectares in size and slopes from the highway down towards Rocky Creek Road. The intersection of Ludlow and the Trans-Canada Highway includes Ladysmith gateway signage and is a main route into the downtown via First Avenue.

The following table describes the surrounding properties:

| Direction | Use |
|-----------|---|
| West | Vacant Light Industrial |
| East | Light Industrial |
| North | Industrial |
| South | Park (Bob Stuart Park) and Residential (Single Detached and Multiple Dwelling) on the opposite side of the Trans-Canada Highway |

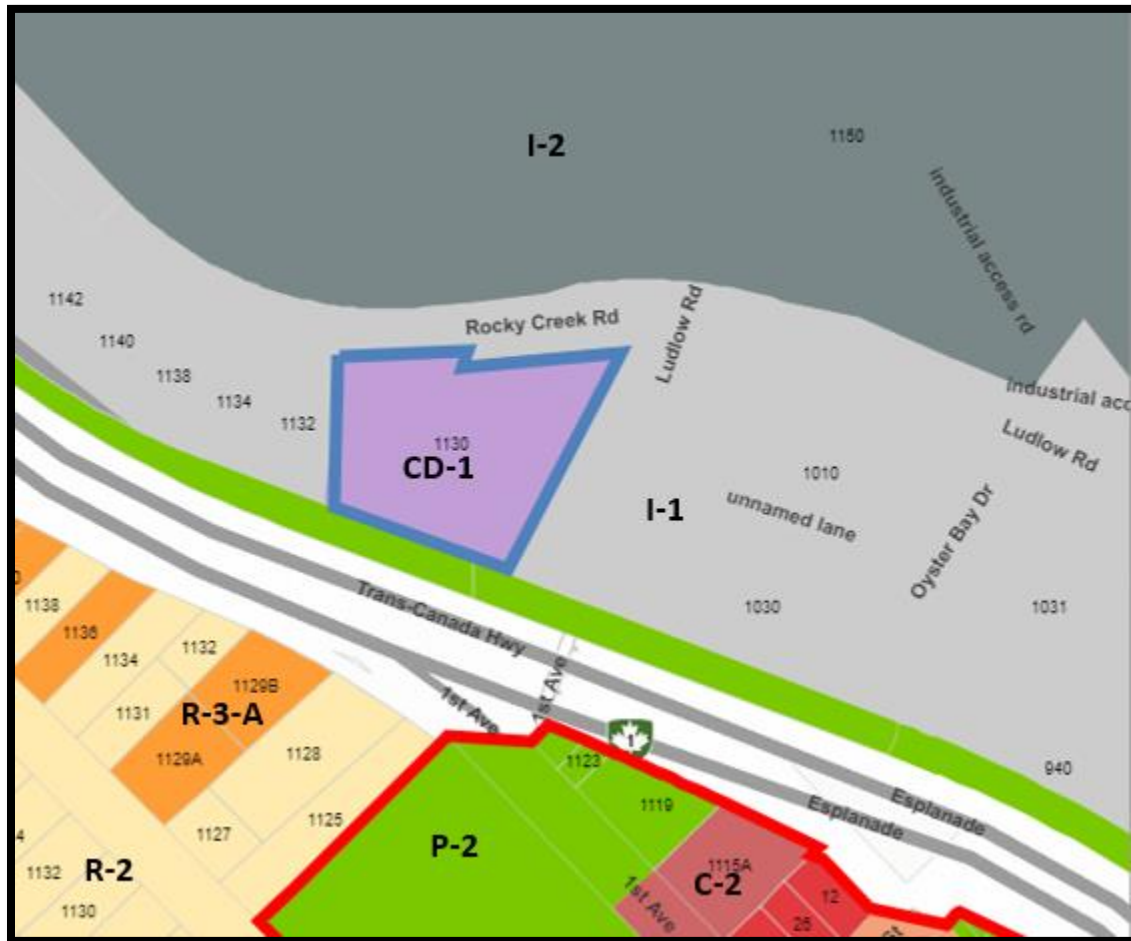


Figure 2: Surrounding Zoning

The applicant is proposing to amend the OCP designation and zoning at 1130 Rocky Creek Road to allow for a commercial plaza.

The current conceptual site plan (attached) for the commercial plaza includes (approximately) 2,180 square metres (23, 500 square feet) of commercial space which includes:

- a 930 square metre (10,000 square foot) retailer;
- two drive-through cafes/restaurants (40 seats each);
- four smaller 130 square metre (1,500 square feet) retail units; and,

- A 240 square metre (2,600 square feet) space allocated for office *or* retail space.

In 2017 a rezoning application was made for the subject property. Similar to this application, it included a range of commercial uses and a drive-through restaurant. The application was withdrawn prior to being considered by Council.

Proposed (Partial) Road Closure & Roundabout:

The applicant is proposing to purchase from the Town the portions of the road rights-of-ways adjacent to the property that are considered surplus. The identified areas include approximately 80 square metres from the Rocky Creek Road right-of-way and 980 square metres from the Ludlow right-of-way. This proposal is shown in the attached Conceptual Site Plan.

The Town's Engineering Department has been involved in the discussions with the applicant regarding surplus land in the rights-of-way, and has provided preliminary support for the suggestion. The proposal has also been circulated to the Ministry of Transportation and Infrastructure for comment. If this proposal is acceptable to the Town, there will be a process to follow for road closure and disposition.

A full traffic impact study will be required if this application proceeds. The proposal includes high-traffic uses and the subject property is located at the intersections of Rocky Creek Road, Ludlow Road, and the Trans-Canada Highway.

The Town has an upcoming project to install a roundabout at the corner of Rocky Creek Road and Ludlow Road. Some land from the subject property may need to be added to the intersection to allow space for the roundabout. The design for the roundabout is not yet complete.

ANALYSIS:

The subject property is currently designated "Industrial" (OCP Bylaw No. 1488) in the OCP, and zoned "Comprehensive Development 1 – Tourist Commercial" (Zoning Bylaw No. 1860). To accommodate the proposed development, the OCP designation would be changed to "General Commercial" and the zoning would be changed to "Shopping Centre Commercial (C-5)".

OCP and Zoning History:

The OCP designation and zoning in this area have changed several times. In 2008, the OCP designation and zoning on the subject property and five adjacent parcels on Rocky Creek Road were changed from light industrial to a comprehensive development zone.

The comprehensive development zone allowed for a hotel and related uses. The hotel development did not proceed, and in 2017 the OCP designation and zoning on the five adjacent parcels were returned to light industrial (I-1). In 2018, as part of the Waterfront Plan, the Town changed the OCP designation on the subject property from “Mixed Use Waterfront” to “Industrial”. All six properties remain vacant.

Existing Covenant on Subject Property / Community Amenity Contribution:

There is an existing covenant on the property from the 2008 development proposal. The existing covenant requires:

- Use of green building and landscaping standards;
- Provision of a transit stop;
- Provision of an outdoor public space and historical artifact acknowledging the location of the 49th Parallel; and,
- \$1,000 of amenity contribution per residential unit.

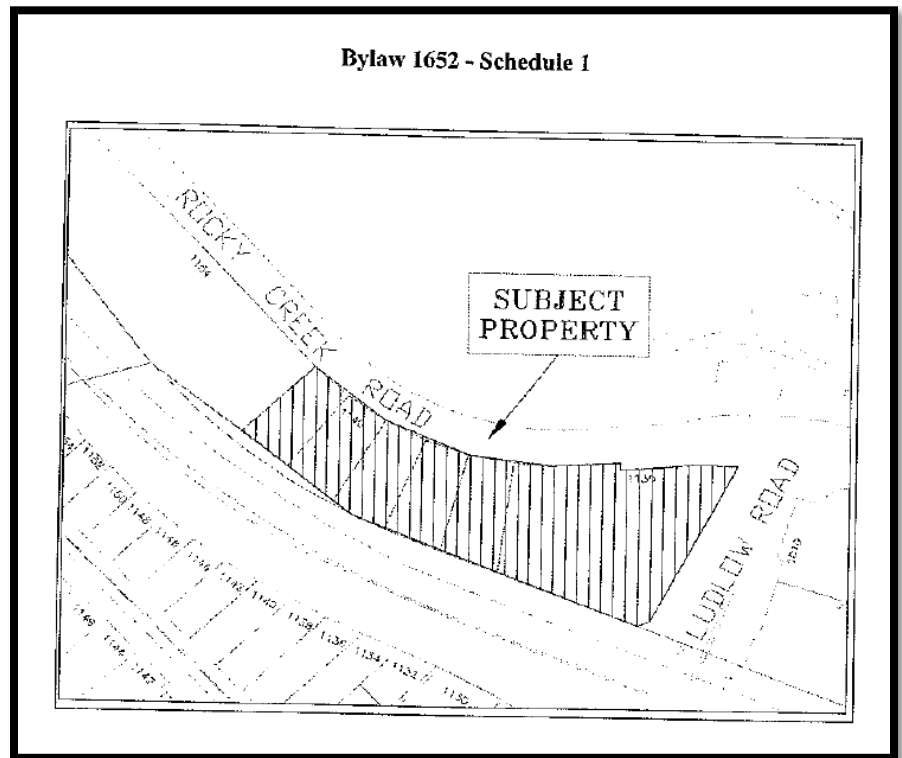
This covenant will be reviewed and staff may recommend that it be amended or replaced as part of this application, which will include a review of the proposal under the Town’s community amenity contribution policy.

Official Community Plan Bylaw No. 1488:

Economic Development, Industrial, and Commercial Policies:

OCP policies that are relevant to the proposal for the subject property include:

- Commercial development is directed principally to the downtown core and the south end (Coronation Mall), with complementary commercial areas provided to serve the mixed use waterfront as well as local neighbourhoods (Section 3.5 (8))
- The General Commercial Designation is applied to the commercial area located at Coronation Mall and is intended for commercial uses that serve a market area both within and beyond the local community, and to function as a secondary commercial focus to the downtown core (Section 3.8.1)
- The Industrial designation is applied to industrial park areas and the industrial waterfront area and is intended to accommodate industrial development and



employment centres. It provides for a range of industrial and light industrial uses, and limited commercial uses to support industrial park areas (Section 3.8.1)

Waterfront Area Plan:

As part of the adoption of the Waterfront Area Plan in 2018, the OCP designation on the subject property was changed from “Waterfront Mixed Use” to “Industrial”. The subject property is not within the boundary of the waterfront plan and is approximately 450 metres northwest of the edge of the plan.

Development Permit Areas:

If the proposed development proceeds, the design and built form of the development will be important. The intersection of Ludlow Road and the Trans-Canada Highway is a gateway to Ladysmith. The subject property is within Development Permit Area (DPA) 3 – Commercial, and DPA 5 – Industrial. The applicant would be required to design the site and buildings to meet the DPA guidelines, which address building design, building siting and massing, landscaping, and other matters.

Zoning Bylaw No. 1860:

Existing Zoning: CD-1 Comprehensive Development 1 – Tourist Service

When the tourist service zoning was established on the subject property in 2008, the anticipated use was a hotel (tourist accommodation). This zoning allows for a range of uses compatible with a hotel, such as a neighbourhood pub and a farmer’s market, but specifically excludes other uses, notably retail sales, and convenience store. The existing zoning also permits up to 30 dwelling units. The proposed development is primarily retail sales with two drive-through restaurants , which is incompatible with the existing zoning on the property.

Potential Zoning Amendment: C-5 Shopping Centre Commercial

In order to accommodate the proposed development, a Zoning Bylaw amendment would likely change the property to Shopping Centre Commercial (C-5), with a site-specific provision to allow for two drive-through restaurants.

Currently, the only existing C-5 zoning in Ladysmith is located at the corner of Davis Road and the Trans-Canada Highway (the Coronation Mall, and the adjacent Dairy Queen).

New zoning for the subject property could include site-specific provisions to allow for greater flexibility for the site, for example to allow for dwelling units and/or compatible employment/industrial uses.

Drive-Through Service:

Section 6.3 of Zoning Bylaw No. 1860 specifically prohibits drive-through services in all zones. This provision was adopted as part of the 2014 review of the Zoning Bylaw. The prohibition on drive-through service was added to the Zoning Bylaw at the direction of Council.

There are four existing drive-through restaurants in Ladysmith that pre-date the 2014 Zoning Bylaw change , three at (or near) Coronation Mall (including McDonalds, Kentucky Fried Chicken, and Dairy Queen) and one on First Avenue (Tim Horton's). No additional drive-through restaurants have been authorized since the new Zoning Bylaw was adopted in 2014.

Other Recent Reports:

Two recent reports provide context for the current proposal:

- The Ladysmith Economic Development Strategy (Vann Struth Consulting Group, 2018); and
- The Cowichan Industrial Land Use Strategy (Urban Systems, 2019).

These two reports both identify lack of serviced industrial land in Ladysmith as a challenge for economic development. At 0.8 hectares, the subject property is one of the largest serviced, vacant industrial properties in Ladysmith. Staff will provide additional discussion/analysis of these two reports in relation to this application if the application proceeds.

Summary of Analysis:

Given the community vision for the waterfront, and the development trends in the area immediately surrounding 1130 Rocky Creek Road, the existing zoning on the property no longer seems appropriate. There appears to be a policy basis for retaining the industrial designation of the site and rezoning the site to industrial use. There may also be a policy basis to support the applicant's proposal, particularly if the proposed retail and commercial uses are compatible with industrial uses.

As noted above, staff are not prepared to make a recommendation at this time and will provide a more comprehensive analysis if Council directs that this application be given further consideration.

NEXT STEPS:

If this application proceeds:

- The applicant is required hold a neighbourhood information meeting.
- The applicant will be required to provide additional information including a comprehensive traffic impact study and economic feasibility/impact information.
- The application will be widely referred for comment, including internal referrals and referrals to:
 - The Stz'uminus First Nation (in accordance with the Memorandum of Understanding between the First Nation and the Town)
 - School District 68 (Nanaimo Ladysmith)
 - The Ministry of Transportation and Infrastructure
 - BC Transit
 - BC Hydro
 - The Community Planning Advisory Committee
 - The Ladysmith Chamber of Commerce
 - The Ladysmith Downtown Business Association

- The applicant may submit a development permit application, to be processed concurrently with the OCP and zoning amendment application (Note: this is not required, however the applicant has stated that they intend to submit a development permit application).

These next steps will require additional effort and expense from the applicant. Council may choose to reject the application or request revisions at any time during the application process. However, if Council is unwilling to consider this application further, rejecting the application now would spare the applicant additional effort and expense. Similarly, if Council is unwilling to consider specific aspects of the application further, or wishes to advise the applicant of specific aspects of the proposal it wishes to see prior to further consideration, now is an appropriate time to do so.

ALTERNATIVES:

1. Deny OCP and Rezoning Application No. 3360-20-01, 1130 Rocky Creek Road.
2. Direct that application 3360-20-02 (1130 Rocky Creek Road) proceed for further consideration, and,
 - a) Having considered s. 475 of the Local Government Act (consultation during OCP development) direct staff to refer application 3360-20-02 to:
 - i. Stz'uminus First Nation
 - ii. School District 68 (Nanaimo Ladysmith)
 - iii. The Community Planning Advisory Committee
 - iv. The BC Ministry of Transportation and Infrastructure, BC Transit, and BC Hydro; and
 - v. The Ladysmith Chamber of Commerce, and the Ladysmith Downtown Business Association.
 - b) Direct staff to work with the applicant regarding a potential sale of surplus road right-of-way along Rocky Creek Road and Ludlow Road adjacent to 1130 Rocky Creek Road.
3. Direct that changes be made to the proposal prior to further consideration, as specified by Council.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

If Council refuses the application:

- Council will have fulfilled the s. 460 requirement of the *Local Government Act*, that local government must consider every application for an amendment to an official community plan or zoning bylaw.
- The applicant may not reapply for a 12 month period (Development Procedures Bylaw No. 1667), unless Council passes an affirmative vote of at least two-thirds of the members of Council who are eligible to vote (*Local Government Act*, s. 460).

However, the applicant may immediately make a new application, if they make material changes to the proposed amendment(s).

If Council allows the application to proceed:

- The *Local Government Act* (s. 475) requires that when considering an amendment of an official community plan “the proposing local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.” Accordingly:

“ the local government must

- (a) consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing, and
- (b) specifically consider whether consultation is required with the following:
 - (i) the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan;
 - (ii) the board of any regional district that is adjacent to the area covered by the plan;
 - (iii) the council of any municipality that is adjacent to the area covered by the plan;
 - (iv) first nations;
 - (v) boards of education, greater boards and improvement district boards;
 - (vi) the Provincial and federal governments and their agencies.”

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

In accordance with the requirements of the Town’s procedure bylaws and the *Local Government Act*:

- the applicant will be required to hold a neighbourhood information meeting;
- the application will be referred to the Community Planning Advisory Committee;
- notification will need to be published/delivered; and,
- a Public Hearing will need to be held.

Additional public notification would be required in order to reconfigure Rocky Creek Road and Ludlow Road to sell surplus land to the applicant.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Other departments will provide comments following consideration of the application by Council.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |

☐ Healthy Community

☒ Not Applicable

☐ Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

☐ Infrastructure

☐ Community

☐ Waterfront

☐ Economy

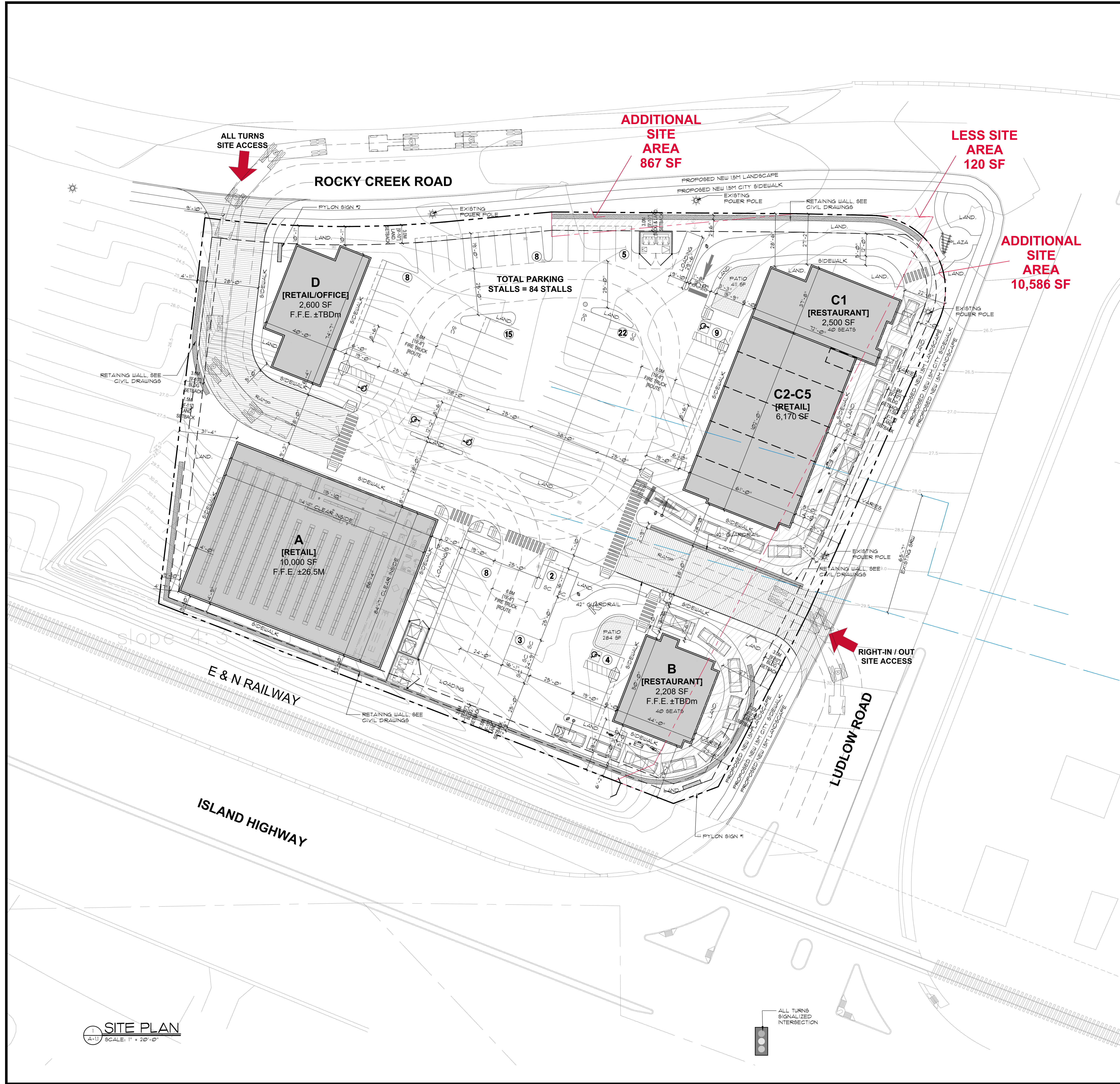
☒ Not Applicable

I approve the report and recommendation(s).

Erin Anderson, Acting Chief Administrative Officer

ATTACHMENT(S):

CONCEPTUAL SITE PLAN



AERIAL PLAN
SCALE: NTS



SITE INFORMATION:

| | |
|----------------------------------|---|
| LEGAL DESCRIPTION: | LOT A, DISTRICT LOTS 24 AND 38, OYSTER DISTRICT, PLAN VIP1248 |
| CIVIC ADDRESS: | 1130 ROCKY CREEK ROAD, LADYSMITH, BC |
| EXISTING ZONING: | CD1 (TOURIST SERVICE) |
| EXIST. LOT AREA (DL 38 & DL 24): | 87,177 SF (8,099 SM) |
| - LESS LANDS: | 120 SF (11 SM) |
| + ADDITIONAL LANDS: | 11,453 SF (1,064 SM) |
| PROPOSED LOT AREA: | 98,510 SF (9,152 SM) |
| BUILDING AREA (G.F.A.): | 23,478 SF (2,181 SM) |
| LOT COVERAGE: | 23,478 SF SF / 100,140 SF x 100 = 23.4% |
| FLOOR AREA RATIO: (MAX. 0.6) | 0.234 |

GROSS FLOOR AREAS:

| | |
|--------------------------------|----------------------|
| PROPOSED BUILDING AREAS: | |
| BUILDING A [RETAIL]: | 10,000 SF (929 SM) |
| BUILDING B [RESTAURANT]: | 2,208 SF (205 SM) |
| BUILDING C1 [RESTAURANT]: | 2,500 SF (232 SM) |
| BUILDING C2-C5 [RETAIL]: | 6,170 SF (573 SM) |
| BUILDING D [RETAIL OR OFFICE]: | 2,600 SF (242 SM) |
| TOTAL GROSS FLOOR AREA: | 23,478 SF (2,181 SM) |

PARKING REQUIREMENTS:

| | |
|----------------------------------|---|
| TOTAL PARKING REQUIRED: | 75 STALLS |
| TOTAL PARKING PROVIDED: | 84 STALLS + 21 D/T QUEUE = 105 STALLS |
| PARKING RATIO (INCL. D/T QUEUE): | 4.5 / 1,000 SF & 4.8 / 100 SM |
| PARKING PROV'D BREAKDOWN: | REGULAR STALLS = 71 (84.5%) HANDICAPPED STALLS = 5 (6.0%) SMALL CARS = 8 (9.5%) |

PARKING REQUIREMENTS & CALCULATIONS:

| | |
|--|-------------|
| RETAIL OR OFFICE (1 PER 323 SF (30 SM) GFA) = 18,770 SF / 323 SF = 58.1 STALLS | |
| RESTAURANT OR COFFEE SHOP (1 PER 5 SEATS) = 80 SEATS / 5 = 16 STALLS | |
| TOTAL PARKING REQUIRED = | 74.1 STALLS |
| COMMERCIAL LOADING: 2 PER 5,393SF (501 SM) TO 26,910 SF (2500 SM) = 2 | |

PARKING SIZES:

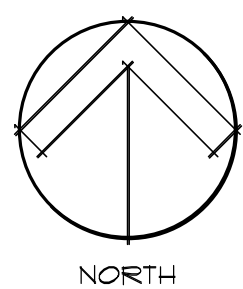
| | | | |
|---|---------------|---|---------------|
| REGULAR CAR STALL | 2.6m (8'-6") | x | 5.8m (19'-0") |
| HANDICAP CAR STALL (MIN. 5% OF REQ'D) | 3.7m (12'-2") | x | 5.8m (19'-0") |
| SMALL CAR STALL (MAX 25% OF REQ'D) | 2.5m (8'-3") | x | 4.9m (16'-1") |
| LOADING SPACE | 3.0m (9'-10") | x | 9.0m (29'-6") |
| MANOEUVERING AISLE | 7.3m (24'-0") | | |
| *ADD 0.6m (2'-0") TO ANY PARKING STALL ADJACENT TO A FENCE, WALL, STRUCTURE | | | |

GENERAL NOTE:

BOUNDARIES SHOWN HEREON ARE DERIVED FROM EXISTING RECORDS AND MUST BE CONFIRMED BY SURVEY PRIOR TO THE DETERMINATION OF DIMENSIONS OR AREAS FOR DEVELOPMENT PURPOSES.

SITE PLAN
SCALE: 1" = 20'-0"

| | |
|----------|---------------------|
| 20/05/20 | ISSUED FOR REVIEW |
| 10/06/20 | ISSUED FOR APPROVAL |
| 10/06/20 | DESCRIPTION |
| 10/06/20 | REVISIONS |



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consultant

COMMERCIAL DEVELOPMENT
1130 Rocky Creek Road, Ladysmith, BC
For OYSTER HARBOUR DEVELOPMENT CORP.



architects ltd.
420 - 745 THURLOW ST
VANCOUVER, BC V6E 0G5
TELEPHONE 604 687 2334

project number **4874**

sheet title

**SITE PLAN
OPTION 5**

date 2020-05-11 sheet number

scale AS NOTED

drawn CXC

checked WJ

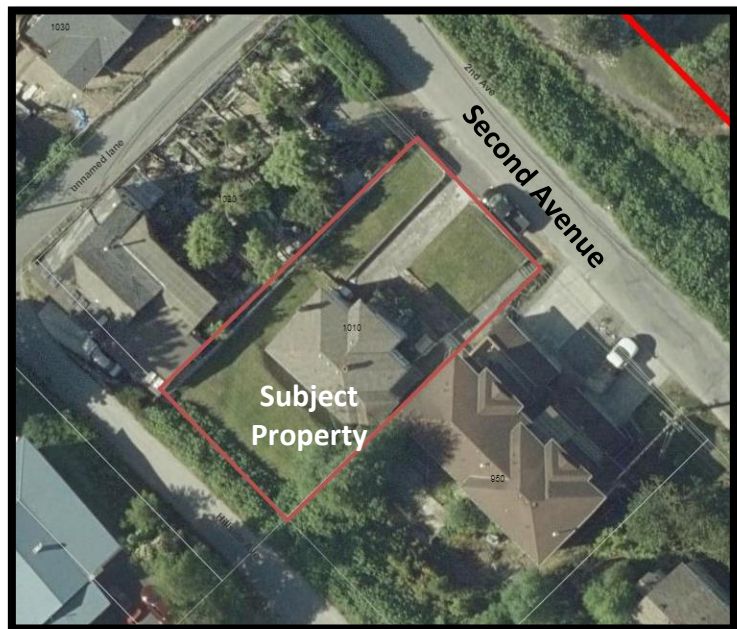
STAFF REPORT TO COUNCIL

Report Prepared By: Julie Thompson, Planner
Meeting Date: July 7, 2020
File No: DVP 3090-20-02
RE: DEVELOPMENT VARIANCE PERMIT – 1010 2ND AVENUE

RECOMMENDATION:

That Council:

1. Issue Development Variance Permit 3090-20-02 to vary the southeast side parcel line setback requirement from 1.5m to 0.52m for a storage room attached to the dwelling at 1010 2nd Avenue; and
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-20-02.

**EXECUTIVE SUMMARY:**

A Development Variance Permit (DVP) application has been received to vary the interior side parcel line setback for a proposed storage room to be attached to the dwelling at 1010 2nd Avenue. Staff recommend that Council issue DVP 3090-20-02 to vary the setback as the proposed storage room is not expected to have negative impacts to the neighbouring property.

PREVIOUS COUNCIL DIRECTION:

None.

INTRODUCTION/BACKGROUND:

The subject property, located at 1010 2nd Avenue, contains a two-storey single family dwelling. A duplex is located on the adjacent parcel to the southeast, and a single family



Figure 2: Street view of dwelling (June 6, 2020).

dwelling is located on an adjacent parcel to the northwest.

The applicant is proposing to construct a deck which wraps around a portion of the southeast side of the dwelling and the front. The applicant is proposing to enclose the underside of the deck, creating a room to be used for storage and a secure area for BC Hydro infrastructure. The applicant has provided a letter of rationale, which is attached to this report.



Figure 3: Rendering of proposed deck and enclosed storage room.

DISCUSSION:

Zoning:

The subject property is within the Old Town Residential (R-2) zone under the Zoning Bylaw.

As the proposed storage room is attached to the principal building (the dwelling), it is required to meet the setbacks for principal buildings under the R-2 zone. An attached deck is also required to meet the setbacks for a principal building; however, the Zoning Bylaw contains setback exemptions for decks and the proposed deck is consistent with the setback exemptions. Required and proposed setbacks are summarized in Table 1, below.

| | Minimum Setbacks Required | Applicable Setback Exemptions for Deck | Existing Dwelling | Proposed Deck/Storage Area | Meets Setbacks? |
|----------------------------|---------------------------|--|-------------------|----------------------------|--------------------------------------|
| Front Parcel Line | 6.0m | N/A | 14.76m | 10.15m | Deck: Yes Storage Room: Yes |
| Northwest Side Parcel Line | 3.0m | N/A | 5.05m | >5.05m | Deck: Yes Storage Room: Yes |
| Southeast Side Parcel Line | 1.5m | May encroach 1.5m into a side setback = 0m setback | 0.40m | 0.52m | Deck: Yes Storage Room: No |

Table 1: Summary of required and proposed setbacks and required variance.

| | | | | | |
|------------------|------|-----|--------|---------|--------------------------------|
| Rear Parcel Line | 4.5m | N/A | 11.59m | >11.59m | Deck: Yes Storage Room: Yes |
|------------------|------|-----|--------|---------|--------------------------------|

The proposed storage room does not meet the required 1.5m setback and there is no applicable setback exemption, thus a variance is required. The storage room is proposed to be located a minimum of 0.52m from the southeast side parcel line, thus a variance of 0.98m is required.

Existing Non-Conformity:

The existing dwelling is situated a minimum of 0.40m from the southeast side parcel line, and does not meet the 1.5m setback from the side parcel line in the R-2 zone. Section 529 (non-conforming structures: restrictions on maintenance, extension and alteration) of the *Local Government Act* allows the dwelling to remain and be maintained in its existing location; however, any extension to the dwelling must not further contravene the current Zoning Bylaw regulations. As such, the proposed storage room under the proposed deck is required to meet the 1.5m setback from the southeast side parcel line, thus requiring a variance to allow it at the proposed 0.52m setback. The proposed deck is consistent with the current Zoning Bylaw regulations.

Analysis of Impacts:

An adjacent property containing a duplex is within close proximity to the subject property's southeast side parcel line and the proposed storage room/deck. The entrance to the storage room is located at the front of the dwelling near the middle, away from the southeast side property line. As such, movement in and out of the storage room is not expected to negatively impact the adjacent property. The proposed 0.52m setback from the southeast side parcel line would provide some space for any necessary repairs to the storage room walls.

It is noted that the subject of this application is only for a proposed storage room under the deck; the location of the deck at 0.52m from the southeast side property line complies with current Zoning Bylaw regulations and is permitted regardless of whether the proposed DVP is approved.

The proposed storage room is not expected to have a negative impact on the adjacent property containing the duplex.

ALTERNATIVES:

Council can choose not to issue DVP 3090-20-02.

If DVP 3090-20-02 is not approved, the proposed deck will be permitted, but the storage room walls will be required to meet the 1.5m setback from the southeast side parcel line.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

The *Local Government Act* enables Council to vary Zoning Bylaw regulations, except provisions for use, density and residential rental tenure, through the issuance of a DVP. This is a discretionary decision of Council. Public notification for DVP applications is required under the *Local Government Act*.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The notice regarding DVP 3090-20-02 was delivered and sent to neighbouring properties within 60m of the subject property on June 19, 2020. At the time of writing this report, the Town has not received any submissions from the public regarding DVP 3090-20-02.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to the Engineering and Building Inspection Departments for review. No concerns were noted. Engineering and building requirements will be addressed at the time of Building Permit.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|--|
| <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Economy |
| <input type="checkbox"/> Community | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront | |

I approve the report and recommendation(s).

Erin Anderson, Acting Chief Administrative Officer

ATTACHMENT(S):

Draft DVP 3090-20-02
Applicant Letter of Rationale



TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 Local Government Act)

FILE NO: 3090-20-02

DATE: July 7, 2020

Name of Owner(s) of Land (Permittee): Stuart Edward Bursaw

Applicant: Stuart Edward Bursaw

Subject Property (Civic Address): 1010 Second Avenue

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 42, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 703A
PID: 008-567-417
(1010 Second Avenue)
(referred to as the "Land")

3. Section 10.6.5.d) "Siting, Sizing and Dimensions of Uses, Buildings and Structures" within the "Old Town Residential (R-2)" zone of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied as follows:

From:

- d) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

| PARCEL LINE | MINIMUM SETBACK |
|--|-----------------|
| <i>Front Parcel Line</i> | 6.0 metres |
| <i>Interior or Exterior Side Parcel Line</i> | 3.0 metres |
| <i>Other Interior Side Parcel Line</i> | 1.5 metres |
| <i>Rear Parcel Line</i> | 4.5 metres |

To:

- d) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

| PARCEL LINE | MINIMUM SETBACK |
|--|---|
| <i>Front Parcel Line</i> | 6.0 metres |
| <i>Interior or Exterior Side Parcel Line</i> | 3.0 metres |
| <i>Other Interior Side Parcel Line</i> | 1.5 metres Except for an attached storage room which may be set back a minimum of 0.52m as shown on Schedule A: Site Plan . |
| <i>Rear Parcel Line</i> | 4.5 metres |

4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. The following plans and specifications are attached:
 - a) **Schedule A – Site Plan**
 - b) **Schedule B – Conceptual Design**
6. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (**DVP 3090-20-02**) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. **THIS PERMIT IS NOT A BUILDING PERMIT.** No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL ON THE DAY OF 202 .

Mayor (A. Stone)

Corporate Officer (D. Smith)

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 **Stuart Edward Bursaw** other than those contained in this permit.

Signed

Witness

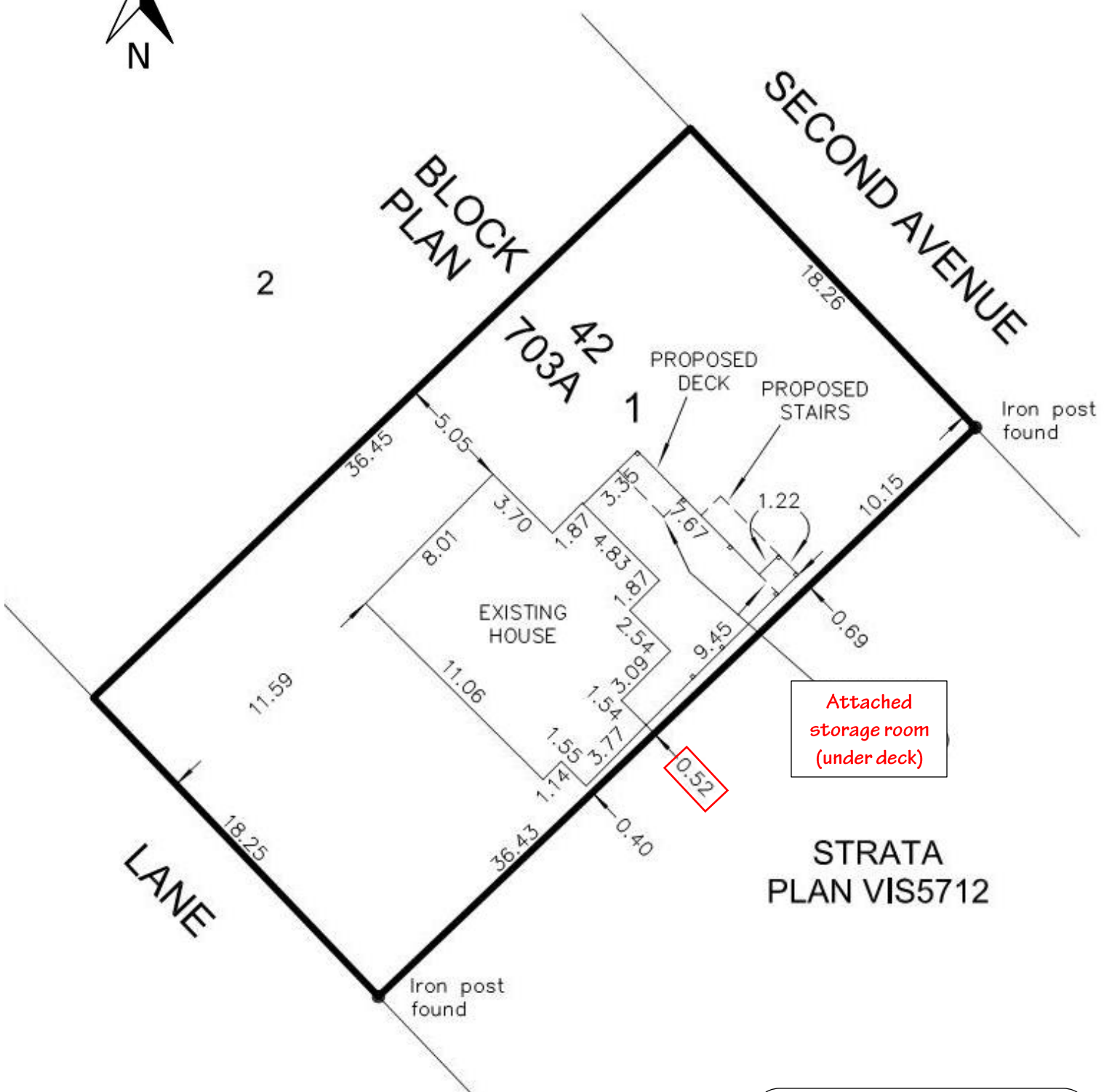
Title

Occupation

Date

Date

DRAFT





Front perspective view of attached storage room underneath deck.

DRAFT Schedule B: Conceptual Design
DVP 3090-20-02
1010 Second Avenue
Stuart Edward Bursaw

To whom it may concern.

It is my understanding that the deck that I am requesting to be built on the front of my house will fall under an exemption that allows it to encroach 1.5m into the side setback, but due to wanting to close in a portion of the underside of the deck I was informed that a variance application for the setback would have to be submitted and a letter stating the rationale of wanting to close it in. The main reason for the enclosure would be to gain a secure place to run the hydro lines that presently go to the house. I was informed by B.C. Hydro that the existing lines are too long of a run and not to code. Bringing the hydro lines to a mast at the corner of the deck and installing a secure weatherproof enclosure for the meter would alleviate this problem. The hydro lines could then be run in steel conduit or cemented in at ground level to the house.

The second reason for the enclosure would be to gain storage for gardening equipment and to also cover the existing cement stairs that are attached to the house that would be covered by the new deck, but without enclosing the bottom you would still be able to see them from the street.

Thank you for your consideration on this application, please feel free to contact me if you have any questions or concerns.

Best regards,

Stuart Bursaw



STAFF REPORT TO COUNCIL

Report Prepared By: Julie Thompson, Planner
Meeting Date: July 7, 2020
File No: ZBL 20-01
RE: ZONING BYLAW AMENDMENT APPLICATION – 1148 ROCKY CREEK ROAD

RECOMMENDATION:

That Council:

1. Proceed with third reading of Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No. 31) 2020, No. 2040; and
2. Direct staff to refer Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No. 31) 2020, No. 2040 to the Ministry of Transportation and Infrastructure pursuant to section 52 of the *Transportation Act*.



Subject property, outlined in red.

EXECUTIVE SUMMARY:

The purpose of Bylaw 2040 is to allow Cannabis Cultivation and Cannabis Processing uses on the subject property, 1148 Rocky Creek Road. On June 2, 2020 Council waived the public hearing as the proposed bylaw is consistent with the Official Community Plan (OCP). Council is now being asked to consider third reading of Bylaw 2040 and refer it to the Ministry of Transportation and Infrastructure for approval.

PREVIOUS COUNCIL DIRECTION:

| Resolution # & Meeting Date | Resolution Details |
|-----------------------------|---|
| CS 2020-161 June 2, 2020 | That Council proceed with first and second reading of Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 31) 2020, No. 2040. <i>Motion Carried</i> |
| CS 2020-132 June 2, 2020 | That Council waive the requirement for a public hearing for Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 31) 2020, No. 2040 as per Section 467 of the Local Government Act. <i>Motion Carried</i> OPPOSED: Councillors Jacobson and Paterson |

INTRODUCTION/BACKGROUND:

On June 2, 2020 Council gave Bylaw 2040 first and second reading and waived the requirement for a public hearing. The proposed bylaw is summarized below:

- *Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No. 31) 2020, No. 2040:* Amends the Light Industrial (I-1) zone on a site specific basis to allow Cannabis Cultivation and Cannabis Processing within an enclosed building on the subject property, 1148 Rocky Creek Road.

The applicant is proposing to operate a cannabis cultivation and processing facility within two enclosed buildings on the subject property, requiring standard cannabis licenses from Health Canada under the Federal *Cannabis Act* and its regulations. Cannabis uses requiring the standard cultivation and processing licenses from Health Canada are not currently permitted in the I-1 zone. The I-1 zone currently allows Cannabis Micro-Cultivation and Cannabis Micro-Processing, requiring micro licenses from Health Canada, as well as Cannabis Research and Development.

ALTERNATIVES:

Council can choose to:

1. Refer Bylaw 2040 to a future Council meeting.
2. Refer Bylaw 2040 back to staff for further review, as specified by Council.
3. Amend Bylaw 2040. Council may give the bylaw third reading as amended if a public hearing is not required.
4. Defeat Bylaw 2040.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

On June 2, 2020 Council waived the requirement for a public hearing pursuant to section 464 of the *Local Government Act*, as the proposed bylaw is consistent with the OCP. Council is not obligated to receive submissions from the public regarding the proposed bylaw.

If Council wishes to amend the proposed bylaw, a public hearing may be required. Pursuant to section 470(1) of the *Local Government Act*, an additional public hearing is required if an amendment to any of the bylaws alters the use, increases the density, or, without the owners' consent, decreases the density. If Council wishes to refer the proposal back to staff for further review, a public hearing may also be required. If a public hearing is required under these circumstances, Council may waive the public hearing if the proposed bylaw, as amended, is consistent with the OCP. Notification of a public hearing waiver will be required.

Pursuant to section 52 of the *Transportation Act*, Bylaw 2040 must be forwarded to the Ministry of Transportation and Infrastructure for approval following third reading as the subject property is located within 800m of a controlled access highway.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Notification regarding the waiver of the public hearing was mailed and delivered to properties within 60m of the subject property on June 19, 2020 and was published in the local newspaper on June 25, 2020 and July 2, 2020. The applicant erected a sign notifying of the public hearing waiver on the property a few days prior to the June 19, 2020 deadline for the sign to be posted.

At time of writing this report, no feedback from the public has been received. As the public hearing has been waived, Council is not obligated to receive public submissions.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

None.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|---|
| <input type="checkbox"/> Infrastructure | <input checked="" type="checkbox"/> Economy |
| <input type="checkbox"/> Community | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront | |

I approve the report and recommendation(s).

Erin Anderson, Acting Chief Administrative Officer

ATTACHMENT(S):

Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 31) 2020, No. 2040

TOWN OF LADYSMITH

BYLAW NO. 2040

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

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

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

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

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

LIGHT INDUSTRIAL (I-1)

- (a) Section 12.2 (9) is hereby amended as follows:

- i. Add a new subsection (d) to Site Specific Regulations as follows::

“d) For the *Parcel* legally described as Parcel E (being a consolidation of Lots A and B, see CA7024627) District Lot 38 Oyster District PLN EPP36585 (1148 Rocky Creek Road), *Cannabis Cultivation* and *Cannabis Processing* are permitted principal uses, subject to being contained entirely within an enclosed *Building*.

CITATION

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.31) 2020, No. 2040”

READ A FIRST TIME on the 2nd day of June, 2020

READ A SECOND TIME on the 2nd day of June, 2020

PUBLIC HEARING WAIVED pursuant to Section 464(2) of the *Local Government Act*

READ A THIRD TIME on the day of , 2020

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

on the day of , 2020

ADOPTED on the day of , 2020

Mayor (A. Stone)

Corporate Officer (D. Smith)

STAFF REPORT TO COUNCIL

Report Prepared By: Donna Smith, Manager of Corporate Services
Meeting Date: July 7, 2020
File No:
RE: COVID-19 MINISTERIAL ORDER M192 – OPEN MEETINGS AND ELECTRONIC HEARINGS

RECOMMENDATION:

That, pursuant to Ministerial Order No. M192, the attendance of the public at Town of Ladysmith Council and Committee meetings cannot be accommodated in accordance with the applicable requirements or recommendations under the *Public Health Act*, because the Council Chamber does not allow for appropriate physical distancing between Council, staff and the public in attendance; and there are no other Town facilities presently available that will allow physical attendance of the public without compromising the options of attending the meeting electronically via Zoom and viewing the meeting via livestream on YouTube; and

That the Town of Ladysmith is ensuring openness, transparency, accessibility and accountability for meetings by:

1. allowing the public to hear and see the proceedings by electronic means;
2. allowing the public to submit input on agenda items by email;
3. providing notice of the meeting;
4. making the meeting agenda, as well as all other relevant documents, available on the Town website;
5. providing email notification of publication of agendas to subscribers;
6. archiving meeting video for future viewing by members of the public; and
7. continuing to investigate options to facilitate public participation.

Therefore, be it resolved that Council and Committee meetings be held electronically and in the absence of the public in accordance with Ministerial Order M192, for the duration of the Provincial Health Officer's Order on Mass Gathering Events and the Provincial State of Emergency made March 18, 2020 and any extension of that declaration in effect.

EXECUTIVE SUMMARY:

On June 17, 2020, the Minister of Public Safety and the Solicitor General passed Ministerial Order No. M192 (Appendix A) pursuant to the *Emergency Program Act*. Order No. M192 rescinds previous order M139, and continues to authorize local governments to hold electronic meetings and hearings while encouraging the transition back to normal operations. The new order requires local governments to undertake best efforts to allow members of the public to

attend open meetings in person while abiding by any of the public health requirements or recommendations made under the *Public Health Act*.

PREVIOUS COUNCIL DIRECTION

Since March 31, 2020, Council has been holding Special Council Meetings electronically via Zoom pursuant to Ministerial Orders issued on March 26, 2020 and May 1, 2020. The Town's Council Chamber does not allow for appropriate physical distancing between members of Council, staff and the public, therefore holding electronic meetings greatly assisted Council in moving forward with Town business while still offering a way for the public to see and hear the meeting via livestream on the Town's YouTube channel.

INTRODUCTION/BACKGROUND:

Ministerial Order M192 requires local governments to undertake best efforts to allow members of the public to attend open meetings in person, while abiding by any of the public health requirements or recommendations made under the *Public Health Act*. Local governments that are unable to meet this requirement are now required to adopt a resolution explaining:

- a) The basis for holding the meeting without members of the public in attendance;
- b) The means by which the council or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting.

At this time, the Town is unable to allow meetings to be held in accordance with the applicable requirements or recommendations under the *Public Health Act* because:

- a) The Council Chamber at the Town of Ladysmith City Hall cannot accommodate physical distancing between Council, staff and the public; and
- b) There are no other Town facilities presently available that will allow physical attendance of the public without compromising the options of attending the meeting electronically via Zoom and viewing the meeting via livestream on YouTube.

By continuing to hold meetings electronically, Council is ensuring openness, transparency, accessibility and accountability by allowing the public to:

- submit input on agenda items by email
- receive notice of the meeting and notice of the agenda publication through the Town's email notification
- access the agenda via the Town's website
- see and hear the meetings electronically via livestream on YouTube and the Town's website
- participate via Town email and written submissions
- access the archived meeting video at a later date on the Town's website.

Some of the communities on Vancouver Island that are also continuing with electronic meetings include: CVRD, North Cowichan, Victoria, Saanich, Esquimalt, and Port Alberni.

ALTERNATIVES:

Council can choose to:

1. Direct staff to provide a cost estimate of upgrading electronic access at another Town facility such as Aggie Hall, including WiFi upgrades, telephone conferencing system, webcam, television monitor and/or any other needs to ensure that the public is able to participate in Council meetings both electronically and in person for the foreseeable future.

FINANCIAL IMPLICATIONS:

No financial implications have been identified as part of the staff recommendation.

The cost to upgrade other Town facilities may be prohibitive. The Town's Information Technology support, provided through the District of North Cowichan, have advised that at this time they may not have the capacity to take on the extra work due to their workload demands, including ensuring the Town's Water Filtration Plant telephone and computer needs are satisfied.

LEGAL IMPLICATIONS:

Local governments that are not able to comply with public health orders and hold in person meetings are now required under Order No. M192 to adopt a resolution to provide a rationale for the continued need to meet without the public present. By passing such a resolution, the Town is identifying that although there are no facilities that will allow meetings to be held in a public space in person, we are continuing to provide the opportunity for the public to hear or see and hear the meeting as well as information about how they can participate electronically.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

YouTube viewership has increased. The Town has consistently provided an opportunity for the public to submit their questions for Question Period via email at info@ladysmith.ca. Due to security concerns, Question Period participants are asked to submit questions via email. Delegations on the agenda are provided a link to participate via Zoom, which has worked well.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

☐ Waterfront

I approve the report and recommendation(s).

Erin Anderson, A/Chief Administrative Officer

ATTACHMENT:

Appendix A: Province of BC Ministerial Order No. M192

APPENDIX A

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND SOLICITOR GENERAL

Emergency Program Act

Ministerial Order No. M192

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020;

AND WHEREAS local governments, including the City of Vancouver, and related bodies must be able to conduct their business in accordance with public health advisories to reduce the threat of COVID-19 to the health and safety of members and employees of local government and related bodies and members of the public;

AND WHEREAS it is recognized that public participation in local governance is an essential part of a free and democratic society and is important to local governments' purpose of providing good government to communities;

AND WHEREAS the threat of COVID-19 to the health and safety of people has resulted in the requirement that local governments and related bodies implement necessary limitations on this public participation;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that

- (a) the Local Government Meetings and Bylaw Process (COVID-19) Order No. 2 made by MO 139/2020 is repealed, and
- (b) the attached Local Government Meetings and Bylaw Process (COVID-19) Order No. 3 is made.

Date

17/06/2020

Minister of Public Safety and Solicitor General

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020; MO 139/2020; OIC 310/2020

LOCAL GOVERNMENT MEETINGS AND BYLAW PROCESS (COVID-19) ORDER NO. 3

Division 1 – General

Definitions

1 In this order:

“**board**” has the same meaning as in the Schedule of the *Local Government Act*;

“**council**” has the same meaning as in the Schedule of the *Community Charter*;

“**improvement district**” has the same meaning as in the Schedule of the *Local Government Act*;

“**local trust committee**” has the same meaning as in section 1 of the *Islands Trust Act*;

“**municipality**” has the same meaning as in the Schedule of the *Community Charter*;

“**municipality procedure bylaw**” has the same meaning as “procedure bylaw” in the Schedule of the *Community Charter*;

“**regional district**” has the same meaning as in the Schedule of the *Local Government Act*;

“**regional district procedure bylaw**” means a procedure bylaw under section 225 of the *Local Government Act*;

“**trust body**” means

- (a) the trust council,
 - (b) the executive committee,
 - (c) a local trust committee, or
 - (d) the Islands Trust Conservancy,
- as defined in the *Islands Trust Act*;

“**Vancouver council**” has the same meaning as “Council” in section 2 of the *Vancouver Charter*;

“**Vancouver procedure bylaw**” means a bylaw under section 165 [*by-laws respecting Council proceedings and other administrative matters*] of the *Vancouver Charter*.

Application

- 2
- (1) This order only applies during the period that the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the *Emergency Program Act* and any extension of the duration of that declaration is in effect.
 - (2) This order replaces the Local Government Meetings and Bylaw Process (COVID-19) Order No. 2 made by MO 139/2020.

Division 2 – Open Meetings

Open meetings – municipalities

- 3 (1) A council, or a body referred to in section 93 *[application of rule to other bodies]* of the *Community Charter*, must use best efforts to allow members of the public to attend an open meeting of the council or body in a manner that is consistent with any applicable requirements or recommendations made under the *Public Health Act*.
- (2) A council or body is not required to allow members of the public to attend a meeting if, despite the best efforts of the council or body, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the *Public Health Act*.
- (3) If a council or body does not allow members of the public to attend a meeting, as contemplated in subsection (2) of this section,
- (a) the council or body must state the following, by resolution:
 - (i) the basis for holding the meeting without members of the public in attendance;
 - (ii) the means by which the council or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting, and
 - (b) for the purposes of Division 3 *[Open Meetings]* of Part 4 *[Public Participation and Council Accountability]* of the *Community Charter*, the meeting is not to be considered closed to the public.
- (4) The council or body may pass a resolution under subsection (3) (a) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (5) This section applies despite
- (a) Division 3 *[Open Meetings]* of Part 4 *[Public Participation and Council Accountability]* of the *Community Charter*, and
 - (b) any applicable requirements in a municipality procedure bylaw of a council.

Open meetings – regional districts

- 4 (1) A board, a board committee established under section 218 *[appointment of select and standing committees]* of the *Local Government Act*, or a body referred to in section 93 *[application of rule to other bodies]* of the *Community Charter* as that section applies under section 226 *[board proceedings: application of Community Charter]* of the *Local Government Act*, must use best efforts to allow members of the public to attend an open meeting of the board, board committee or body in a manner that is consistent with any applicable requirements or recommendations made under the *Public Health Act*.
- (2) A board, board committee or body is not required to allow members of the public to attend a meeting if, despite the best efforts of the board, board committee or body, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the *Public Health Act*.

- (3) If a board, board committee or body does not allow members of the public to attend a meeting, as contemplated in subsection (2) of this section,
 - (a) the board, board committee or body must state the following, by resolution:
 - (i) the basis for holding the meeting without members of the public in attendance;
 - (ii) the means by which the board, board committee or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting, and
 - (b) for the purposes of Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter* as that Division applies to a regional district under section 226 of the *Local Government Act*, the meeting is not to be considered closed to the public.
- (4) The board, board committee or body may pass a resolution under subsection (3) (a) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (5) This section applies despite
 - (a) Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter*,
 - (b) section 226 [*board proceedings: application of Community Charter*] of the *Local Government Act*, and
 - (c) any applicable requirements in a regional district procedure bylaw of a board.

Open meetings – Vancouver

- 5 (1) The Vancouver council, or a body referred to in section 165.7 [*application to other city bodies*] of the *Vancouver Charter*, must use best efforts to allow members of the public to attend an open meeting of the Vancouver council or the body in a manner that is consistent with any applicable requirements or recommendations made under the *Public Health Act*.
- (2) The Vancouver council or a body is not required to allow members of the public to attend a meeting if, despite the best efforts of the Vancouver council or the body, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the *Public Health Act*.
- (3) If the Vancouver council or a body does not allow members of the public to attend a meeting, as contemplated in subsection (2) of this section,
 - (a) the Vancouver council or the body must state the following, by resolution:
 - (i) the basis for holding the meeting without members of the public in attendance;
 - (ii) the means by which the Vancouver council or the body is ensuring openness, transparency, accessibility and accountability in respect of the meeting, and
 - (b) for the purposes of section 165.1 [*general rule that meetings must be open to the public*] of the *Vancouver Charter*, the meeting is not to be considered closed to the public.

- (4) The Vancouver council or a body may pass a resolution under subsection (3) (a) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (5) This section applies despite
 - (a) section 165.1 of the *Vancouver Charter*, and
 - (b) any applicable provision in the Vancouver procedure bylaw.

Open meetings – trust bodies

- 6 (1) A trust body, or a board of variance established by a local trust committee under section 29 (1) [*land use and subdivision regulation*] of the *Islands Trust Act*, must use best efforts to allow members of the public to attend an open meeting of the trust body or board of variance in a manner that is consistent with any applicable requirements or recommendations made under the *Public Health Act*.
- (2) A trust body or board of variance is not required to allow members of the public to attend a meeting if, despite the best efforts of the trust body or board of variance, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the *Public Health Act*.
- (3) If a trust body or board of variance does not allow members of the public to attend a meeting, as contemplated in subsection (2) of this section,
 - (a) the trust body or board of variance must state the following, by resolution:
 - (i) the basis for holding the meeting without members of the public in attendance;
 - (ii) the means by which the trust body or board of variance is ensuring openness, transparency, accessibility and accountability in respect of the meeting, and
 - (b) For the purposes of section 11 [*procedures to be followed by local trust committees*] of the *Islands Trust Act*, the meeting is not to be considered closed to the public.
- (4) A trust body or board of variance may pass a resolution under subsection (3) (a) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (5) This section applies despite
 - (a) section 11 [*application of Community Charter and Local Government Act to trust bodies*] of the *Islands Trust Regulation*, B.C. Reg. 119/90, and
 - (b) any applicable requirements in a procedure bylaw of a trust body.

Division 3 – Electronic Meetings

Electronic meetings – municipalities

- 7 (1) A council, or a body referred to in section 93 [*application of rule to other bodies*] of the *Community Charter*, may conduct all or part of a meeting of the council or body by means of electronic or other communication facilities.

- (2) A member of a council or body who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) When conducting a meeting under subsection (1), a council or body must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
- (4) If a council or body does not use electronic or other communication facilities as described in subsection (3), the council or body must state the following, by resolution:
 - (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
 - (b) the means by which the council or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
- (5) A council or body may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (6) Section 128 (2) (c) and (d) *[electronic meetings and participation by members]* of the *Community Charter* does not apply in respect of a meeting conducted by means of electronic or other communication facilities under this section unless a council or body proceeds as described in subsection (3) of this section, in which case those paragraphs apply.
- (7) This section applies despite
 - (a) section 128 of the *Community Charter*, and
 - (b) any applicable requirements in a municipality procedure bylaw of a council.

Electronic meetings – regional districts

- 8 (1) A board, a board committee established under section 218 *[appointment of select and standing committees]* of the *Local Government Act*, or a body referred to in section 93 *[application of rule to other bodies]* of the *Community Charter* as that section applies under section 226 *[board proceedings: application of Community Charter]* of the *Local Government Act*, may conduct all or part of a meeting of the board, board committee or body by means of electronic or other communication facilities.
- (2) A member of a board, board committee or body who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) When conducting a meeting under subsection (1), a board, board committee or body must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
- (4) If a board, board committee or body does not use electronic or other communication facilities as described in subsection (3), the board, board committee or body must state the following, by resolution:

- (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
 - (b) the means by which the board, board committee or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
- (5) A board, board committee or body may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (6) Section 2 (2) (d) and (e) [*electronic meetings authorized*] of the Regional District Electronic Meetings Regulation, B.C. Reg. 271/2005, does not apply in respect of a meeting conducted by means of electronic or other communication facilities under this section unless a board, board committee or body proceeds by using electronic or other communication facilities as described in subsection (3) of this section, in which case those paragraphs apply.
- (7) This section applies despite
- (a) section 221 [*electronic meetings and participation by members*] of the *Local Government Act*,
 - (b) the Regional District Electronic Meetings Regulation, and
 - (c) any applicable requirements in a regional district procedure bylaw of a board.

Electronic meetings – Vancouver

- 9 (1) The Vancouver council, or a body referred to in section 165.7 [*application to other city bodies*] of the *Vancouver Charter*, may conduct all or part of a meeting of the Vancouver council or the body by means of electronic or other communication facilities.
- (2) A member of the Vancouver council or of a body who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) When conducting a meeting under subsection (1), the Vancouver council or a body must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
- (4) If the Vancouver council or a body does not use electronic or other communication facilities as described in subsection (3), the Vancouver council or the body must state the following, by resolution:
- (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
 - (b) the means by which the Vancouver council or the body is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
- (5) The Vancouver council or a body may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.

- (6) Section 2 (2) (c) and (d) [*electronic meetings authorized*] of the City of Vancouver Council Electronic Meetings Regulation, B.C. Reg. 42/2012, does not apply in respect of a meeting conducted by means of electronic or other communication facilities under this section unless the Vancouver council or a body proceeds by using electronic or other communication facilities as described in subsection (3) of this section, in which case those paragraphs apply.
- (7) This section applies despite
 - (a) section 164.1 [*meeting procedures*] of the *Vancouver Charter*,
 - (b) the City of Vancouver Council Electronic Meetings Regulation, and
 - (c) any applicable provision in the Vancouver procedure bylaw.

Electronic meetings – improvement districts

- 10**
- (1) An improvement district board, or a committee of an improvement district board appointed or established under section 689 [*appointment of select and standing committees*] of the *Local Government Act*, may conduct all or part of a meeting of the improvement district board or committee of an improvement district board, other than an annual general meeting, by means of electronic or other communication facilities.
 - (2) A member of an improvement district board or committee of an improvement district board who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
 - (3) When conducting a meeting under subsection (1), an improvement district board or committee of an improvement district board must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
 - (4) If an improvement district board or committee of an improvement district board does not use electronic or other communication facilities as described in subsection (3), the improvement district board or committee of an improvement district board must state the following, by resolution:
 - (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
 - (b) the means by which the improvement district board or committee of an improvement district board is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
 - (5) An improvement district board or committee of an improvement district board may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
 - (6) This section applies despite
 - (a) section 686 [*meeting procedure – improvement district board*] of the *Local Government Act*, and
 - (b) any applicable requirements in a procedure bylaw of an improvement district board.

Electronic meetings – trust bodies

- 11 (1) A trust body, or a board of variance established by a local trust committee under section 29 (1) [*land use and subdivision regulation*] of the *Islands Trust Act*, may conduct all or part of a meeting of the trust body or board of variance by means of electronic or other communication facilities.
- (2) A member of a trust body or board of variance who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) When conducting a meeting under subsection (1), a trust body or board of variance must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
- (4) If a trust body or board of variance does not use electronic or other communication facilities as described in subsection (3), the trust body or board of variance must state the following, by resolution:
- (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
 - (b) the means by which the trust body or board of variance is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
- (5) A trust body or board of variance may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (6) This section applies despite
- (a) section 2 [*electronic meetings authorized*] of the *Islands Trust Electronic Meetings Regulation*, B.C. Reg. 283/2009, and
 - (b) any applicable requirements in a procedure bylaw of a trust body or applicable to a board of variance.

Division 4 – Timing Requirements

Timing requirement for bylaw passage – municipalities

- 12 Despite section 135 (3) [*requirements for passing bylaws*] of the *Community Charter*, a council may adopt a bylaw on the same day that a bylaw has been given third reading if the bylaw is made in relation to
- (a) the following sections of the *Community Charter*:
 - (i) section 165 [*financial plan*];
 - (ii) section 177 [*revenue anticipation borrowing*];
 - (iii) section 194 [*municipal fees*];
 - (iv) section 197 [*annual property tax bylaw*];
 - (v) section 200 [*parcel tax bylaw*];
 - (vi) section 202 [*parcel tax roll for purpose of imposing tax*];
 - (vii) section 224 [*general authority for permissive exemptions*];

- (viii) section 226 *[revitalization tax exemptions]*;
- (ix) section 235 *[alternative municipal tax collection scheme]*, and
- (b) tax sales, as referred to in Divisions 4 *[Annual Tax Sales]* and 5 *[Tax Sale Redemption Periods]* of the Local Government Finance (COVID-19) Order made by MO 159/2020, or otherwise under Division 7 *[Annual Municipal Tax Sale]* of Part 16 *[Municipal Provisions]* of the *Local Government Act*.

Division 5 – Public Hearings

Public hearings – Local Government Act

- 13** (1) A public hearing under Part 14 *[Planning and Land Use Management]* or 15 *[Heritage Conservation]* of the *Local Government Act*, including a public hearing under section 29 (1) (b) *[land use and subdivision regulation]* of the *Islands Trust Act*, may be conducted by means of electronic or other communication facilities.
- (2) For the purposes of providing notice of a public hearing to be conducted under subsection (1),
- (a) any notice of the public hearing must include instructions for how to participate in the public hearing by means of electronic or other communication facilities,
 - (b) any material that is to be made available for public inspection for the purposes of the public hearing may be made available online or otherwise by means of electronic or other communication facilities, and
 - (c) a reference to the place of a public hearing includes a public hearing that is conducted by means of electronic or other communication facilities.
- (3) This section applies to delegated public hearings.
- (4) This section applies despite the following provisions:
- (a) section 124 *[procedure bylaws]* of the *Community Charter*;
 - (b) section 225 *[procedure bylaws]* of the *Local Government Act*;
 - (c) section 11 *[application of Community Charter and Local Government Act to trust bodies]* of the *Islands Trust Regulation*, B.C. Reg. 119/90;
 - (d) section 2 *[electronic meetings authorized]* of the *Islands Trust Electronic Meetings Regulation*, B.C. Reg. 283/2009;
 - (e) any applicable requirements in a procedure bylaw made under the *Community Charter*, the *Local Government Act* or the *Islands Trust Act*.

Public hearings – Vancouver Charter

- 14** (1) A public hearing under Division 2 *[Planning and Development]* of Part 27 *[Planning and Development]* of the *Vancouver Charter* may be conducted by means of electronic or other communication facilities.
- (2) For the purposes of providing notice of a public hearing to be conducted under subsection (1),
- (a) any notice of the public hearing must include instructions for how to participate in the public hearing by means of electronic or other communication facilities,

- (b) any material that is to be made available for public inspection for the purposes of the public hearing may be made available online or otherwise by means of electronic or other communication facilities, and
 - (c) a reference to the place of a public hearing includes a public hearing that is conducted by means of electronic or other communication facilities.
- (3) This section applies despite
- (a) section 566 [*amendment or repeal of zoning by-law*] of the *Vancouver Charter*, and
 - (b) any applicable provision in the Vancouver procedure bylaw.

Division 6 – Deferral of Annual Requirements

Annual general meeting and requirements – improvement districts

- 15**
- (1) An improvement district may defer an annual general meeting that is required under section 690 [*annual general meeting – improvement districts*] of the *Local Government Act* to a date not later than December 31, 2020.
 - (2) An improvement district may defer the preparation of financial statements required under section 691 [*annual financial statements*] of the *Local Government Act* to a date not later than December 31, 2020.
 - (3) Despite the date referred to in section 691 (5) of the *Local Government Act*, an improvement district may submit to the inspector the audited financial statements of the improvement district for the preceding year and any other financial information required by the inspector at the time of the annual general meeting of the improvement district.
 - (4) If an annual general meeting of an improvement district is deferred under subsection (1) of this section and the term of an improvement district trustee would be expiring and the vacancy filled at that meeting, the term of the improvement district trustee is extended until the annual general meeting is held.
 - (5) This section applies despite
 - (a) Division 3 [*Governance and Organization*] of Part 17 [*Improvement Districts*] of the *Local Government Act*, and
 - (b) any applicable provisions in a letters patent for an improvement district.

STAFF REPORT TO COUNCIL

Report Prepared By: Erin Anderson, Director of Financial Services
Meeting Date: July 7, 2020
File No:
RE: 2020 UTILITY DUE DATES

RECOMMENDATION:

That Council determine if it wishes to extend the quarterly utility bill due dates for the periods:

- Quarter 2 (April – June, 2020)
- Quarter 3 (July – September, 2020)
- Quarter 4 (October – December, 2020)

EXECUTIVE SUMMARY:

Council postponed the first quarter utility due date from May 28, 2020 to June 26, 2020.

Staff are currently billing the second quarter utility billing, originally scheduled to be due August 27, 2020. A 10% penalty late fee is applied to outstanding amounts after this due date. Council could direct staff to adjust the due date to a future date by resolution, though Council must amend the Waterworks Regulation Bylaw 1999, No.1298 to change the penalty amount.

PREVIOUS COUNCIL DIRECTION

| | | |
|-------------|------------|---|
| CS 2020-114 | 04/07/2020 | That Council extend the due date for the Q1 (January - March 2020) utility bills to the end of June, with the exact date to be determined by staff. |
|-------------|------------|---|

INTRODUCTION/BACKGROUND:

Each quarter, property owners are billed for their water, sewer and solid waste user fees.

Staff have completed reading the water meters and are ready to bill. The due date for this billing is expected to be August 27, 2020. A 10% penalty is applied to the accounts where payment is not received by the due date.

The current billing and due-dates are:

| Quarter | Spanning | Due Date |
|---------|--------------------|--|
| Q1 | Jan - Mar | May 28, 2020 changed to June 26, 2020 |
| Q2 | April – June | August 27, 2020 |
| Q3 | July – September | November 26, 2020 |
| Q4 | October – December | February 25, 2021 |

The local economy has been impacted greatly by COVID-19. Some organizations and senior governments are offering extensions to due dates. Council can choose a different date for the quarterly bills, providing that property owners have at least 30 days to make payment. An amendment bylaw must be adopted if Council wishes to change the penalty of 10% for outstanding accounts.

ALTERNATIVES:

Council can choose to:

- Continue with the current due date of August 27, 2020.
- Choose a different due date. If Council wishes to extend the due date for the Q2 billing by another month, it should be noted that September 28th would be the next due date to accommodate most pension dates. This due date is only 2 days away from the postponed property tax due date of September 30.
- Direct staff to prepare an amendment bylaw to adjust the 10% penalty to 5%.

FINANCIAL IMPLICATIONS:

This billing is expected to be over \$858,000 (water \$320k, sewer \$401k, solid waste \$137k).

The water and sewer utilities are separate accounting funds, meaning the monies earned in these funds remain with the fund and are not used elsewhere.

LEGAL IMPLICATIONS:

n/a

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Property owners have been querying staff regarding due dates and potential penalties of not paying utility bills and property taxes.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

n/a

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|--|
| <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Economy |
| <input type="checkbox"/> Community | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront | |

I approve the report and recommendation(s).

Erin Anderson, Acting Chief Administrative Officer

ATTACHMENT(S):

STAFF REPORT TO COUNCIL

Report Prepared By: **Jake Belobaba, Director of Development Services**
 Meeting Date: July 7, 2020
 File No: COVID-19
 RE: **ECONOMIC RECOVERY: SIDEWALK PATIOS**

RECOMMENDATION:

That Council give first three readings to “Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #8, 2020, No. 2042” to clarify regulations for sidewalk patios and “parklets”.

EXECUTIVE SUMMARY:

This report presents Bylaw 2042 for Council consideration. The proposed bylaw has been drafted as a follow up to Council resolution CS 2020-191 passed on June 16, 2020. If approved, Bylaw 2042 will amend the Streets and Traffic Bylaw to clarify regulations for sidewalk patios and “parklets”, providing greater certainty for businesses wishing to invest in these features.

PREVIOUS COUNCIL DIRECTION

| Resolution | Resolution Date | Resolution Details |
|-------------|-----------------|---|
| CS 2020-185 | June 16, 2020 | That Council give first, second and third reading to Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #7, 2020, No. 2041 to eliminate fees for sidewalk patios and to create an exemption to the requirement for a permit for small sidewalk patios and retail displays. |
| CS 2020-186 | June 16, 2020 | That Council adopt Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #7, 2020, No. 2041. |
| CS 2020-187 | June 16, 2020 | That Council provide preapproval for Temporary Expanded Service Area Authorizations pursuant to Liquor and Cannabis Regulatory Board Policy Directive 20-13. |
| CS 2020-188 | June 16, 2020 | That Council direct staff to submit an application for funding through the Island Coastal Economic Trust Small Capital Restart Program for up to \$15,000 for improvements in the downtown core to support local economic recovery efforts. |
| CS 2020-189 | June 16, 2020 | RESCINDS JUNE 2, 2020 RESOLUTION CS 2020-167 That Council rescind the following resolution passed at the June 2, 2020 Special Council Meeting: “CS 2020-167 That Council direct staff to implement a downtown patio seating area of six tables in the general location of the sidewalk area in front of the Islander Hotel on 1st Avenue, to a maximum of \$35,000, with \$15,000 from external grants and the remaining \$20,000 from unspent Grants-in-Aid funds.” |

| Resolution | Resolution Date | Resolution Details |
|-------------|-----------------|--|
| CS 2020-190 | June 16, 2020 | That Council authorize staff to spend up to \$15,000 with the funds to come from unspent Grants-in-Aid for: 1. The purchase and installation of outdoor tables to be placed in various locations along 1st Avenue; and 2. The rental of a portable washroom and handwashing station to be placed in a central location on 1st Avenue for the months July to September, 2020 |
| CS 2020-191 | June 16, 2020 | That Council allow for a three-year pilot project for parklets and patio spaces in the downtown area, with businesses utilizing parking spaces directly in front of their business. |
| CS 2020-154 | May 21, 2020 | That Council direct staff to: 1. Liaise with the Ladysmith Chamber of Commerce and the Ladysmith Downtown Business Association to review options for the Town to support economic recovery following the COVID-19 pandemic, including the following: a. Parklets and sidewalk patios; b. Street closure opportunities from Thursdays through Sundays, including the potential for street entertainment and music; c. One-way traffic northbound on First Avenue; d. A "local shopping loyalty passport" with incentives to participate; and 2. Report back to Council with the results of those discussions. |
| CS 2020-165 | June 2, 2020 | FINAL RESOLUTION AS AMENDED BY CS 2020-166 That Council direct staff to initiate the following change to bylaws that regulate sidewalk patios, retail displays and parklets: 1. Eliminate the application fee or "rent" for sidewalk patios, retail displays and parklets; and 2. Allow 1-2 dining sets, racks or displays without a permit, provided they are placed in accordance with Town bylaw regulations and Provincial Health regulations. |
| CS 2020-167 | June 2, 2020 | That Council direct staff to implement a downtown patio seating area of six tables in the general location of the sidewalk area in front of the Islander Hotel on 1st Avenue, to a maximum of \$35,000, with \$15,000 from external grants and the remaining \$20,000 from unspent Grants-in-Aid funds. |
| CS 2020-169 | June 2, 2020 | That Council direct staff to prepare a report for the next Council meeting with a policy framework for parklet/patio spaces based on a demonstrated desire by local businesses to have such spaces available to them. |

INTRODUCTION/BACKGROUND:

At its June 16th meeting, Council passed resolution CS 2020-191 to create a three-year “pilot project” for “parklets” and sidewalk patios. The resolution also authorized the use of street parking spaces for these purposes. As noted in the June 2, 2020 report to Council, sidewalk patios are already expressly permitted under the Streets and Traffic Bylaw, and staff interpret the bylaw as allowing “parklets”. The current regulations for sidewalk patios and “parklets” in the Streets and Traffic Bylaw relevant to this report are as follows:

1. “Parklets” (i.e., the use of parking spaces for seating/dining areas) appear to be permitted”, however it is not explicitly clear.
2. Sidewalk patios are explicitly permitted.
3. Sidewalk patios and “parklets” may be reinstalled each year, indefinitely, without an additional permit, however the wording of these rules is somewhat unclear.
4. There are no permit or rent fees for sidewalk patios, nor is there a sunset clause for this exemption. (This regulation is new, with the adoption of Bylaw 2041 on June 16, 2020.)
5. Small sidewalk patios and retail displays adjacent to a business do not require a permit. (This regulation is also new, with the adoption of Bylaw 2041 on June 16, 2020.)
6. The Town can remove a sidewalk patio or “parklet”, without notice or compensation, in the event of an emergency.
7. The Town can order the removal of a sidewalk patio or “parklet”, for any reason, with 90 days’ notice and without compensation.

The above rules do not have an expiry date. Therefore, a “pilot program” would limit existing rights for businesses rather than expanding or protecting them. Staff inferred from Council’s discussion on resolution CS 2020-191 that Council’s intent was to provide greater certainty for businesses investing in sidewalk patios and “parklets”, i.e., that the Town would not require their removal or increase fees for three years after installation.

Unfortunately, “locking in” fees or the rights of businesses to install sidewalk patios and “parklets” is not practical. For the reasons noted below, such changes would either be unsafe, counterproductive (i.e., *reduce* certainty for business), expose the Town to liability, or have no effect.

Firstly, road right of ways are a statutorily established public space for public use and infrastructure. The Town has an obligation to manage and protect these services; hence clauses in the Streets and Traffic Bylaw allowing the Town to remove sidewalk patios and “parklets” and retail displays without compensation and, in an emergency, without notice. Formally eliminating or superseding these clauses would jeopardize the Town’s ability to repair and maintain municipal infrastructure, creating safety and liability risks. Without removing these clauses and with the relative frequency of repairs and maintenance in a road right of way, it is not possible for the Town, for example, to guarantee that a new sidewalk patio will not be removed to repair a sewer line at a later date. It is for these reasons that the Streets and Traffic Bylaw requires these features to be movable, so they can be quickly moved and put back. It should be noted that

because businesses rely on the same infrastructure to operate, it is in their best interest for the Town to be able to easily access infrastructure for repairs and maintenance.

Secondly, Council cannot pass a resolution or bylaw, or enter into an agreement that fetters the ability for Council to change bylaws or pass resolutions in the future. For example, Council cannot enact a binding moratorium on fees for sidewalk patios, because a Council cannot be prevented from adopting or amending a fees bylaw at a later date.

In short, the practicalities of protecting public infrastructure and enacting bylaws prevent the Town from granting the same assurances to a business wishing to make improvements in a road right of way as one making improvements on privately-owned land. Nonetheless, staff did identify opportunities to improve the Streets and Traffic Bylaw that are consistent with the direction provided by Council. Combined with the current bylaw regulations, the changes proposed under Bylaw 2042 provide the highest level of assurance for businesses wanting to invest in a sidewalk patio or “parklet”.

PROPOSED BYLAW

For the most part, Bylaw 2042 is a “housekeeping” bylaw. If approved, Bylaw 2042 will:

1. Explicitly (rather than implicitly) permit “parklets” by redefining “sidewalk patio” and amending sidewalk patio regulations to clearly state that a sidewalk patio can occupy street parking spaces fronting a business.
2. Rephrase clauses pertaining to the “season” for sidewalk patios. The new wording states that a sidewalk patio, once approved, may be installed each year without needing a permit each year.

DISCUSSION

At this time staff do not recommend adopting a bylaw or resolution that would prevent or hinder the Town from removing a sidewalk patio. Similarly, a “pilot program” is not recommended because these improvements are already allowed on an indefinite basis; barring new rules adopted by Council, an emergency or other pressing matters, a retail display, parklet or sidewalk patio can remain in place, free of charge, forever. The clarifying amendments proposed in Bylaw 2042 will ensure that Council’s intentions in this regard are not misinterpreted when businesses consider installing these features, if disputes about the rules arise, or when permitting decisions are made. If Bylaw 2042 is approved, the resulting bylaw framework will provide, to the greatest extent possible, assurances to businesses that they can make these investments without facing an arbitrary decision to remove them or increase a fee. Staff recommend approving Bylaw 2042 as drafted.

ALTERNATIVES:

Council can choose to:

1. Amend Bylaw 2042 and give the bylaw first, second and third reading as amended.
2. Refer Bylaw 2042 back to staff for further review as specified by Council.
3. Reject Bylaw 2042.

FINANCIAL IMPLICATIONS

The amendments under Bylaw 2042 do not comprise provisions in the Streets and Traffic Bylaw that protect the Town from unnecessary infrastructure installation, repair and maintenance costs (e.g. compensation or delays) associated with removing private streetscape improvements in the road right of way.

LEGAL IMPLICATIONS:

None

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Public consultation is not required to consider or adopt Bylaw 2042.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The proposed amendments were discussed amongst the senior leadership team. As the Bylaw changes are largely “housekeeping” in nature, extensive interdepartmental involvement is not required.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|---|
| <input type="checkbox"/> Infrastructure | <input checked="" type="checkbox"/> Economy |
| <input type="checkbox"/> Community | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront | |

I approve the report and recommendation(s).

Erin Anderson, Acting Chief Administrative Officer

ATTACHMENT(S):

Appendix A: Bylaw 2042

Appendix B: Redlined Excerpts from Streets and Traffic Bylaw

TOWN OF LADYSMITH

BYLAW NO. 2042

A Bylaw to Amend "Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309"

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

AND WHEREAS the Municipal Council considers it advisable to amend "Streets and Traffic Bylaw 1998, No. 1309";

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

- (1) Subsection 58(2) of Part X is amended by adding "or parking space" between "*sidewalk*" and "adjacent".
- (2) Schedule F is amended by:
 - a. adding "or parking space" between "*sidewalk*" and "and" in the definition of "Sidewalk Patio"; and
 - b. adding "recurring annually," after "eight month season," and deleting "in any calendar year" in regulation 2 of Part I General Regulations.
- (3) Condition 4 of Schedule G is amended by adding "of each year," between "31st," and "including this calendar year."

CITATION

- (4) This bylaw may be cited for all purposes as "Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #8, 2020, No. 2042".

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

Mayor (A. Stone)

Corporate Officer (D. Smith)

PART X

SIDEWALK PATIOS

SIDEWALK PATIO PERMITS

58.

Bylaw 2041

- (1) The *Director of Development Services* may issue a *sidewalk patio permit* in the form prescribed in Schedule “G” to an applicant provided the applicant completes the application form set out in Schedule “E” ~~pays a fee of \$25.00~~ and the applicant complies with the regulations and conditions set forth in Schedule “F.”
- (2) No person shall use or *permit* the use of any portion of *sidewalk or parking space* adjacent to premises owned or occupied by them for any purposes unless a valid *sidewalk patio permit* has been issued by the *Director of Development Services* authorizing such use and the patio is located within the designated patio area shown on the map in Schedule “H” of this bylaw.
- (3) The *Director of Development Services* may terminate a *sidewalk patio permit* immediately if the person breaches any term or condition of the *permit* or with 90 days written notice for any reason.
- (4) The *Director of Development Services* or any of the *Municipality’s* employees or contractors may enter the *sidewalk patio permit* area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

RETAIL DISPLAYS

59.

Bylaw 2041

- (5) The *Director of Development Services* may issue a retail display *permit* in the form prescribed in Schedule “I” to an applicant provided the applicant completes the application form set out in Schedule “J” ~~and pays a fee of \$25.00~~ and the applicant complies with the regulations and conditions set forth in Schedule “K.”
- (6) No person shall use or *permit* the use of any portion of *sidewalk* adjacent to premises owned or occupied by them for any purposes unless a valid retail *permit* display has been issued by the *Director of Development Services* authorizing such use.
- (7) The *Director of Development Services* may terminate a retail *permit* immediately if the person breaches any term or condition of the *permit* or with 90 days written notice for any reason.
- (8) The *Director of Development Services* or any of the *Municipality’s* employees or contractors may enter the retail display area at any time without notice or the

payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

EXEMPTIONS

60. Notwithstanding subsections 58(2) and 59(2) a business may install a sidewalk patio or ~~retail~~ display, provided that the sidewalk patio or retail display:

Bylaw 2041

- (a) abuts the front of the business;
- (b) unless permission from an adjacent business or property owners has been given, is located directly in front of the business for which it serves;
- (c) extends no farther than 1.5 meters from the front property line of the business;
- (d) is situated on a sidewalk with a slope not exceeding 2% in any direction;
- (e) does not cover or alter the existing grade or surfacing of the sidewalk; and

SCHEDULE “F”

SIDEWALK PATIO PERMIT REGULATIONS

“**Sidewalk Patio**” refers to an outside eating and drinking area located on an adjacent *sidewalk* or parking space and used in conjunction with an adjoining eating and/or drinking business premise lawfully licenced for that purpose.

I. General Regulations

1. A valid *highway* use *permit* for a *sidewalk* patio (hereinafter called a “*sidewalk* patio permit”), must be obtained from the Town of Ladysmith Development Services Department prior to establishing an outside seating arrangement on a *sidewalk* (part of the “*highway*”).
2. A *sidewalk* patio *permit* may only be issued for an eight month season, recurring annually, –commencing March 1st through and including October 31st ~~in any calendar year~~.
3. More than one *sidewalk* patio *permit* may be permitted adjacent to a development provided each *sidewalk* patio area is being operated from an adjacent business premise. The boundaries of a *sidewalk* patio area should not extend in width beyond the adjacent business premises to which it is a part.
4. An Applicant for a *sidewalk* patio *permit* must:
 - a) have a valid business licence for the adjacent business premise;
 - b) have a valid liquor licence, if appropriate;
 - c) provide proof of a valid \$2 million dollar third party public liability insurance policy with the Town of Ladysmith named as an insured party, such insurance is to be valid throughout the term of the *permit* and be non-cancellable without the Town of Ladysmith’s consent; and
 - d) provide three sets of *sidewalk* patio plans which meet the following Sidewalk Patio Design Requirements and Details of Plans for Sidewalk Patio Location.
5. The *Director of Development Services* may terminate a *sidewalk* patio *permit* immediately if the permittee breaches any term or condition of the *permit* or with 90 days written notice for any reason.
6. The *Director of Development Services* or any of the *Municipality*’s employees or contractors may enter the *sidewalk* patio *permit* area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

SCHEDULE “G”
SIDEWALK PATIO PERMIT NO. _____
DURATION OF PERMIT: MARCH 1 TO OCTOBER 31

Pursuant to “Town of Ladysmith Streets and Traffic Bylaw, 1998, No. 1309” permission is hereby granted to:

Name: _____

(address) (phone number)

for a *sidewalk patio permit* adjacent to:

Business Premise Address: _____

Legal Description: _____

in accordance with the attached Schedule “F” and the following additional terms and conditions:

1. The *permit* area approved by this *permit* is shown on the attached approved plans.

Bylaw 2041

~~The Town of Ladysmith received the required fee in the amount of \$_____ for the approved *permit* area.~~
2. Construction details and furniture layout on the attached, approved plans must be completed and used, respectively.
3. No area other than the *permit* area may be used as a *sidewalk patio*.
4. The *permit* area may only be used for a *sidewalk patio* between March 1st and October 31st, of each year, including of this calendar year.
5. This *permit* automatically ceases if the permittee has his/her associated business licence or liquor licence suspended or revoked.
6. The permittee will remove all *sidewalk* encumbrances by the 1st of November.
7. The permittee will keep the *permit* area and associated improvements in a clean, tidy and safe condition during the term of the permit.
8. The permittee will keep the required third party liability insurance valid during the term of this permit.
Insurance Company: _____ Policy No. _____
9. This *permit* may be altered or revoked by the *Director of Development Services*, if for public safety reasons the *Director of Development Services* deems it necessary to alter or revoke it.
10. The *Director of Development Services* or any of the *Municipality*’s employees or contractors may enter the *permit* area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

(*Director of Development Services*)

STAFF REPORT TO COUNCIL

Report Prepared By: Erin Anderson, Director of Finance
Meeting Date: July 7, 2020
File No:
RE: **SEALEGS KAYAKING – REQUEST FOR RENT RELIEF**

RECOMMENDATION:

That Council deny the request from Sealegs Kayak Rentals and Marine Adventures for a reduction in rent for the period of March to August, 2020.

EXECUTIVE SUMMARY:

Sealegs Kayak Rentals and Marine Adventures (Sealegs) has requested a reduction in rent citing declining revenues due to COVID-19 and the closure of Transfer Beach parking lot. Under the *Community Charter* Div. 2 - Restriction on Providing Assistance, the Town cannot provide any form of assistance to a business as an exemption from a tax or fee. Therefore, it is recommended that Council not provide the requested reduction in rent.

PREVIOUS COUNCIL DIRECTION

N/A

INTRODUCTION/BACKGROUND:

Sealegs is a well-known business providing kayaking tours and equipment rentals from Transfer Beach. The business rents one of the Town's buildings located in Transfer Beach. The latest lease was negotiated for the period of March 1, 2015 – September 30, 2020 at a rate of \$450 per month for the period of October - April and \$800 per month for the period May – September.

The parking lots at Transfer Beach were closed due to COVID-19, from April 9 to May 15. This lack of access to the park had a financial impact to Sealegs and they are requesting rent reduction from March to August.

The *Community Charter* limits how a municipality can assist a business. As well, the Town leases space to other for-profit businesses and for these reasons, staff do not recommend that a reduction in rent is provided.

ALTERNATIVES:

Council can choose to:

- Provide a reduction in rent

- Terminate the lease (lease is set to end September 30, 2020).
- Direct staff to renegotiate a new lease at this time.

FINANCIAL IMPLICATIONS:

A reduction in lease payments would have an impact to the Town's budget.

LEGAL IMPLICATIONS:

Legislation restricts what Council can do. Section 25 (1) of the *Community Charter* states:

- 25(1) Unless expressly authorized under this or another Act, a council must not provide a grant, benefit, advantage or other form of assistance to a business, including
- (a) any form of assistance referred to in section 24 (1) [*publication of intention to provide certain kinds of assistance*], or
 - (b) an exemption from a tax or fee.

Rent is considered a fee.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|--|
| <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Economy |
| <input type="checkbox"/> Community | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront | |

I approve the report and recommendation(s).

Erin Anderson, Acting Chief Administrative Officer

ATTACHMENT(S):

Correspondence dated June 27, 2020 from Sealegs Kayaking Adventures
2015 – 2020 Sealegs Lease and Access Agreement



The Honourable Mayor Stone and Ladysmith Council

Bud and Sheryll Bell, owners of Sealegs Kayaking Adventures lease the eco-adventure centre building at Transfer Beach. Due to parking lot closures and covid-19 shutdowns, business at the beach has declined by 60% in April, May and June buoyed only by the sell-off of assets to safeguard losses (used kayak fleet sales).

We are optimistic that the decline in business will be between 50 and 60% in July and August. Our hope is that we can continue to offer tourism services and keep our returning staff/students employed for the next 2 months.

Sealegs is asking if the town of Ladysmith has a rent relief policy in place. Sealegs has instituted covid-19 safeguards and has reduced full operations to take time between each rental and tour for cleaning times. We want to continue to operate during the current global pandemic crisis.

We are asking for rent relief for March-August to compensate for loss.

Thank you for your consideration.

Sincerely,

Bud and Sheryll Bell
Sealegs Kayaking Adventures (Operating in Ladysmith since 1996)
Ladysmith BC

**LEASE AND ACCESS AGREEMENT
SEALEGS KAYAK RENTALS AND MARINE ADVENTURES**

THIS AGREEMENT made this 25th day of November, 2015

BY AND BETWEEN: **TOWN OF LADYSMITH**
410 Esplanade, Box 220
Ladysmith, British Columbia V9G 1A2
(hereinafter called "Ladysmith")

OF THE FIRST PART

AND: **SEALEGS KAYAK RENTALS AND MARINE ADVENTURES**
579 Hillview
Ladysmith, British Columbia V9G 1W2
(hereinafter called "SeaLegs")

OF THE SECOND PART

THIS AGREEMENT WITNESSETH and it is agreed between the parties hereto as follows:

- 1.0 Ladysmith hereby grants to SeaLegs the right to operate SeaLegs Kayak Rentals and Marine Adventures (herein called "SeaLegs") at Transfer Beach Park Eco-Tourism Facility, (Lot 2, VIP 66352) related dry land staging area and launching area (Schedule A) for the period October 1, 2015 to September 30, 2020.
- 2.0 SeaLegs shall obtain the approval of Ladysmith before repairing or modifying the facility structure, at the cost of SeaLegs, or erecting or locating a structure related to the facility, and such to be located in accordance with the instructions of, and to the satisfaction of, the Director of Parks, Recreation and Culture and in accordance with the Building Bylaw and other Bylaws of Ladysmith, where applicable, and any and all other applicable Provincial and Municipal enactments.
- 3.0 SeaLegs shall indemnify and save harmless Ladysmith from and against all claims, demands, loss, costs, damages, actions, suits or other proceedings whatsoever which may arise out of SeaLegs' use or occupation of the park/property as described in paragraph 1.0 and does hereby release Ladysmith from any and all liability whatsoever that may result from SeaLegs using or occupying the said park/property or entering into this Agreement.
 - 3.1 SeaLegs shall provide evidence, by way of a certified copy of the policy of insurance, with the Town of Ladysmith as additional named insured, that SeaLegs is covered as to its obligations to Ladysmith under 3.0 above in the amount of a minimum of Two Million (\$2,000,000) Dollars for each occurrence with an endorsement that the policy will not be cancelled without the insurer first giving thirty days notice to Ladysmith of its intention to cancel the policy.
- 4.0 Ladysmith reserves the right at its sole discretion to prohibit or regulate the operation of SeaLegs during the period of any park/property closure. The authority under this section shall be exercised by the Director of Parks, Recreation and Culture or their duly appointed assistant.
- 5.0 SeaLegs shall provide a custodial service that includes picking up of litter resulting from the operation of the facility and at the end of each day of operation shall leave the area of the park/property in a neat and tidy condition and free of any litter resulting from their operation.
- 6.0 Ladysmith shall provide a garbage collection service which shall be used by SeaLegs.
- 7.0 SeaLegs shall in no way hinder the use of the park/property by the public nor create or cause a nuisance.
- 8.0 SeaLegs shall only use the shoreline and water outside of the Transfer Beach swimming area.

-
- 9.0 SeaLegs shall obtain all applicable licences.
- 10.0 SeaLegs will not erect any permanent structures.
- 11.0 SeaLegs agrees that signage will be limited to only signs as mutually agreed between Sealegs and Ladysmith.
- 12.0 SeaLegs shall pay rent to Ladysmith, payable in advance, as follows:
- October – April \$450.00 per month plus applicable taxes
May – September \$800.00 per month plus applicable taxes
- 13.0 SeaLegs shall provide to the Department of Parks, Recreation and Culture a total 10 (ten) hours of instruction and/or guided tours to 10 (ten) youth per trip for a fee of \$10.00/youth. Instruction/Guided tours can be arranged in two-hour blocks of time.
- 14.0 SeaLegs shall pay all hydro, telephone costs and taxes associated with the facilities operation.
- 15.0 SeaLegs shall provide Ladysmith with a \$500.00 damage deposit, to cover any outstanding hydro and telephone bills incurred, and not paid, at the end of the Lease Agreement.
- 16.0 SeaLegs operating hours are to be at the discretion of SeaLegs, such hours to be posted outside the facility and the Director of Parks, Recreation and Culture is to be notified of the hours of operation.
- 17.0 SeaLegs products, services and prices are to be at the discretion of SeaLegs.
- 18.0 Should SeaLegs fail to observe any provision of this Lease and Access Agreement, Ladysmith may cancel the Lease and Access Agreement forthwith or, at its sole option, suspend the Lease and Access Agreement hereunto until the said provisions have been carried out to the satisfaction of Ladysmith.
- 19.0 An appeal from any order, instruction or decision issued or made by the Director of Parks, Recreation and Culture or their duly appointed assistant, to SeaLegs, pursuant to this Lease and Access Agreement may be made to Municipal Council whose decision thereon shall be final and binding.
- 20.0 Any repair work required to be done to the facility shall first be approved by the Director of Parks, Recreation and Culture.
- 21.0 Should the facility being rented be relocated or rebuilt, the rent charged shall be renegotiated.
- 22.0 The dry land staging area and launch as specified in Schedule A may be modified by mutual consent of SeaLegs and the Director of Parks, Recreation & Culture, or designate.
- 23.0 Sealegs may terminate this lease at any time upon giving Ladysmith twelve (12) months notice of its intention to do so. Ladysmith may terminate this lease at any time upon giving Sealegs twelve (12) months notice of its intention to terminate.

24.0 All Notices required as a result of this Lease and Access Agreement are to be addressed as follows:

Town of Ladysmith
410 Esplanade, Box 220
Ladysmith, British Columbia V9G 1A2

SeaLegs Kayak Rentals and Marine Adventures
579 Hillview
Ladysmith, British Columbia V9G 1W2

IN WITNESS WHEREOF the parties have hereto affixed their hands and seals on the day, month and year first above written.

The Corporate Seal of the)
TOWN OF LADYSMITH)
was hereto affixed)
in the presence of:)
(Signature))
Mayor)
(Signature))
Director of Corporate Services)

(SEAL)

The Authorized Signatures of)
SeaLegs Kayak Rentals)
And Marine Adventures were hereto)
affixed in the presence of:)
(Signature))
Witness)
(Signature))
Address)
(Signature))
(Signature))
Occupation)

(Signature)
Authorized Signatory

Authorized Signatory

Delivery by Hand



Ladysmith & District Historical Society
PO Box 813
Ladysmith, BC
V9G 1A6

Tel/Fax: 250.245.0100
Email: info@ladysmithhistoricalsociety.ca
Website: ladysmithhistoricalsociety.ca

Ms. E. Anderson – Director of Financial Services
Town of Ladysmith
410 Esplanade
Ladysmith, B.C.
V9G 1A2

June 15th, 2020

Dear Erin,

Ladysmith & District Historical Society
Annual Report

We hope this letter finds you and your family well during these difficult times.

Since March LDHS has not been open to the public however, as you will see from our President's report, volunteers have been active and public communication is through our web site and Facebook.

As we did last year, please find enclosed documents required per our Management and Operating Agreement. They consist of:

1. Financial reports for 2019 (Balance Sheet and Income and Expense Acct.)
2. Consolidated 2021 Budget (incl. Industrial Heritage Preservation Group – separately funded)
3. 2019 President's Report for use at LDHS annual general meeting (yet to be arranged)

Our volunteer and visitor stats are:

| | Volunteer Hours | Visitors |
|--------------------------|-----------------|----------|
| Archives & Reading Room | 3960 | 120 * |
| Museum – First Ave. | 923 ** | 2300 |
| Industrial Heritage Park | 2560 | |

* only includes those who requested information.

** Excludes employee hours.

We are aware of the requirement to present to Council an annual report and intend to do so at the next council meeting that allows physical representation.

We trust the above will be sufficient for your requirements and will allow for the release of our 2020 funding cheque.

Should the documents attached need to be reviewed by other Town personnel will you please forward them for us.

Yours sincerely,

Chris Adams – Treasurer
encl.

Ladysmith And District Historical Society
Balance Sheet as at Dec.31, 2019

ASSET

LIABILITY

| | | | |
|------------------------------------|------------------|-----------------------------------|------------------|
| Current Assets | | Current Liabilities | |
| Petty Cash | 150.00 | Accounts Payable | 1,274.19 |
| Petty Cash - Special Event (temp) | 0.00 | Deferred Grant Income | 0.00 |
| Cash to be deposited | 0.00 | Corporate Taxes payable | 0.00 |
| 578260 - LDCU Museum Chq. | 0.00 | Vacation payable | 0.00 |
| 578260 - LDCU Museum Equity Shares | 45.90 | Total Receiver General | 0.00 |
| 578260 - LDCU Museum Basic Savings | 0.15 | WCB Payable | 0.00 |
| 578260 - LDCU Museum Term 1 Inv. | 0.00 | PST Payable | 0.00 |
| 578260 - LDCU Museum Total | 46.05 | GST/HST Charged on Sales | 0.00 |
| 578252 - LDCU Admin. Chequing | 6,631.91 | GST/HST Paid on Purchases | -573.22 |
| 578252 - LDCU Admin. Equity Shares | 98.91 | GST/HST Payroll Deductions | 0.00 |
| 578252 - LDCU Admin. Basic Savings | 31,649.21 | GST/HST Adjustments | 0.00 |
| 578252 - LDCU Admin. Term 1 Inv. | 0.00 | ITC Adjustments | 0.00 |
| 578252 - LDCU Admin. Total | 38,380.03 | GST/HST Owning (Refund) | -573.22 |
| | | Prepaid Sales/Deposits | 0.00 |
| 1001967 - LDCU Heritage Chq. | 5,127.48 | Total Current Liabilities | 700.97 |
| 1001967 - LDCU Heritage Equity | 26.99 | | |
| 959528 - LDCU Gaming Account | 5,154.47 | TOTAL LIABILITY | 700.97 |
| 959528 - LDCU Gaming Total | 0.00 | | |
| Cost to be refunded | 0.00 | EQUITY | |
| Accounts Receivable | 245.70 | Owners Equity | |
| Investment BMO | 5,101.20 | Retained Earnings - Previous Year | 45,024.08 |
| Inventory Saleable Items | 0.00 | Current Earnings | 5,933.73 |
| Total Current Assets | 50,302.86 | Total Owners Equity | |
| | | TOTAL EQUITY | 50,957.81 |
| Capital Assets | | | |
| Leasehold Improvements | 0.00 | | |
| Office Furniture & Equipment | 1,355.92 | | |
| Accum. Amort. -Furn. & Equip. | 0.00 | | |
| Net - Furniture & Equipment | 1,355.92 | | |
| Total Capital Assets | 1,355.92 | | |
| Other Non-Current Assets | | | |
| Computer Software | 0.00 | | |
| Goodwill | 0.00 | | |
| Incorporation Cost | 0.00 | | |
| Total Other Non-Current Assets | 0.00 | | |
| TOTAL ASSET | 51,658.78 | LIABILITIES AND EQUITY | 51,658.78 |

Ladysmith & District Historical Society

December YTD 2019 Income & Expenses

| | <i>Total Budget</i> | <i>Total Actual</i> |
|------------------------------------|-------------------------|-------------------------|
| Income: | | |
| Book sales | 500 | 984 |
| Prints and Cards sales | 0 | 27 |
| Donations | 3,100 | 1,312 |
| Fund raising | 5,325 | 5,596 |
| Memberships | 5,000 | 1,252 |
| Grants for specific project* | 38,393 | 21,874 |
| Lives and Ledgends grant | 1,400 | 5,000 |
| Fees for service (research, etc.) | 2,400 | 843 |
| Fixed Municipal Funds | 24,449 | 42,550 |
| Funds from previous years' savings | 2,756 | 0 |
| Other (inc. Investment gain) | 0 | 2,201 |
| Total Income | 81,923 | 81,638 |
| Expense: | | |
| IT & Website | 1,500 | 3,111 |
| Advertising & Promos | 2,700 | 1,949 |
| Equipment & supplies | 3,250 | 22 |
| Archival preservation | 1,100 | 0 |
| Bookkeeping/legal | 2,200 | 2,240 |
| Computer software | 0 | 0 |
| Computer upgrades | 0 | 0 |
| First Nations' Engagement | 0 | 500 |
| Fund raising | 1,000 | 824 |
| Insurance | 2,280 | 2,411 |
| Office Supplies | 2,100 | 1,014 |
| Consulting/wages | 33,555 | 28,609 |
| Security | 900 | 492 |
| Sundry/Miscellaneous | 1,300 | 480 |
| Displays/Exhibits | 2,050 | 1,010 |
| Programs | 1,000 | 2,503 |
| Events | 2,200 | 3,240 |
| Memberships/Licences | 1,400 | 971 |
| Grant funded expenses | 13,293 | 15,094 |
| Canada 150 Exp. | 0 | 0 |
| Repairs & Maintenance | 650 | 738 |
| Professional Development | 3,500 | 0 |
| Ancestry.ca | 0 | 0 |
| Utilities | 5,200 | 5,757 |
| Tools & Parts | 1,500 | 1,501 |
| Industrial supplies | 1,445 | 3,238 |
| Loss on Investments | 0 | 0 |
| Contractors | 500 | 0 |
| Total expenses | 84,623 | 75,704 |
| Excess of Income over Exp. | -2,700 | 5,934 |

Ladysmith & District Historical Society
DRAFT 2021 Budget as of May 2020
Excluding grants applied for and not yet awarded

| | Totals |
|---|-----------------|
| Income: | |
| Book sales | \$250 |
| Donations | \$2,500 |
| Fund raising | \$2,500 |
| Province of BC Family Day Grant | \$800 |
| Memberships (Personal+Corporate) | \$3,000 |
| Fees for service (research, etc.) | \$1,700 |
| Town of Ladysmith Annual funds | \$25,440 |
| Municipal Contribution Heritage Promotion | \$1,530 |
| Municipal Contribution Professional Development | \$1,630 |
| Municipal Grants / Grant-in-Aid | \$7,500 |
| Virtual Museum of Canada* | \$7,500 |
| Total Income | \$54,350 |
| Expense: | |
| Website maintenance | \$700 |
| Advertising & Promos | \$1,600 |
| Preservation supplies | \$1,350 |
| Bookkeeping/Legal | \$2,450 |
| Insurance | \$2,300 |
| Office Supplies | \$900 |
| Wages | \$12,150 |
| Security | \$1,600 |
| Sundry/Miscellaneous | \$600 |
| Displays/Exhibits/Programs | \$3,500 |
| Virtual Museum of Canada* | \$7,500 |
| Events | \$1,300 |
| Fund Raising | \$1,700 |
| Licences & Subscriptions | \$1,300 |
| Repairs & Maintenance | \$1,300 |
| Professional Development | \$1,600 |
| Utilities | \$5,300 |
| Equipment & supplies (consumables) | \$5,500 |
| Tools | \$1,200 |
| Contractors | \$500 |
| Total Expenses | \$54,350 |

* Virtual Museum of Canada: Assuming 50% of \$15,000 grant in 2020 from Virtual Museum of Canada is expended in 2021

Ladysmith & District Historical Society

Annual Report

April 2019 – June 2020

Society Activity: Scope & Overview

The Society continued to function throughout the past year on four fronts:

- 1/. The Archives *per se* (in the Archives Building)
- 2/. The Reading Room (in the Archives Building)
- 3/. The Museum (consisting of two parts)
 - i/. Museum on 1st Avenue, Ladysmith
 - ii/. Industrial Heritage site at Oyster Bay Drive.
- 4/. Social Media - Website and Facebook page.

The Archives and Museum were operated on behalf of the Town (which owns the facilities and contents) via the 2017 Management & Operating Agreement. The Town provides capital to run these facilities, mostly via a Budget Line Item. The Industrial Heritage Preservation Group activities were funded in part by a Grant in Aid from the Town.

Archives

The Archives building was open 5 days per week until closed to the public in mid March due to Covid-19 concerns. Christine Meutzner continued as part-time Archivist.

Apart from management of incoming archival material, ongoing activities included processing of the following:

- Walkem Fonds – Esther Sharp
- Chronicle Fonds – Phil Christiansen
- Tax Assessments – longterm project

Reading Room

Research Projects and principal volunteers:

- History of Ladysmith Chamber of Commerce – Ed Nicholson
- Ladysmith Nursing School – Pat Brownfield
- Cemetery Info Compilation – Nancy Roy
- Canadian Colliery Employees – Bridget Watson
- Births/Marriages/Deaths (pre 1920) – Linda McAdam
- Heritage Trail Inventory in Cowichan Valley* – Marina Sacht
- People & Places Neighbourhood Project * – Lesley Moore
- The Beat Goes On – Music in Ladysmith* - Marina Sacht

* Externally funded projects

Ongoing Visitor information Activities

Family Histories – Bridget Watson

General History – Alistair Cowenberg

Property Information (House info, Gas Station Contamination etc.) Pat Brownfield

Museum

Includes the Museum on 1st Ave and the Industrial Heritage site at 614 Oyster Bay Drive.

1st Avenue Museum Location:

The Board worked throughout the year to change the focus of the Museum from 'passively chronicling the Past' through presentation of a static collection of artifacts and photos to offering interactive activities and changing the format of the exhibits/activities to illustrate the relevance of Heritage to Present & Future, with the idea of giving the Museum a wider appeal and that it be recognized as a place of learning within the community.

A part time Museum Manager/Curator (Lesley Moore) continued to be employed up to November 2019 when funds were exhausted and the employment had to be terminated. Most of the funding for 2019 was provided by the Town of Ladysmith.

Several initiatives were commenced including the following:

Temporary Exhibits:

Saltair Quilters featuring Canada 150 quilt. January – April 2020

'Predators of Vancouver Island - Wolves, Bears, Cougars & Wolverines.'
planned for Summer 2020.

The front room of the Museum Building was changed from housing the static 'Ladysmith Timeline' exhibit into Temporary Feature Exhibit space with painted backdrops. The Timeline was digitized and prepared for presentation in electronic format on an interactive screen.

The plan is to modernize/update/expand remaining Museum exhibits through time when capital/manpower becomes available, and to enhance the physical Museum exhibits with online material.

The manner of facilitating Museum attendance in a post Covid world is being planned. Potentially, visitation will be by appointment.

'Historically Speaking' Talks:

Four talks were presented:

"The Tyee Smelter: a core element in Ladysmith's Industrial Heritage."

Presenter: Barrie McDonald. October 2019. 40 people attended.

"Earthquake Ladysmith: History, Reason, Risk and Why you should prepared."

Presenter: Q Goodbody (3 times in January 2020 with total audience approx. 70 persons)

"2nd Boer War"

Presenter: Rob Johnson. March 2020. 25 people attended.

"History of Fire in Ladysmith"

Presenter: Alex Stuart March 2020. 15 people attended (attendance impacted by peoples' concerns regarding the Covid-19 pandemic).

The basement of the Museum Building was spruced up to host these meetings, but due to Covid-19 concerns, future talks are planned to be held online. A virtual Harbour Heritage walk is planned for June 20th. The beauty of today's Transfer Beach and Marina belies it's industrial past. This virtual walk, through photographs and narrative, will show what the harbour was like in its industrial heyday, pointing out where things were, and what vestiges remain.

The Museum basement room was rented out for a nominal fee to a community group for their weekly meetings up until closure in March due to Covid-19.

Oyster Bay Drive (Waterfront) location:

Industrial Heritage activity continued at the waterfront until halted in March 2020 due to Covid-19 concerns.

Ongoing work includes restoration of Loci 11, Box Car and Humdergin; Loci 11 was descaled, rust proofed and given a first coat of paint. Rotten timbers were replaced. The Humdirgen was descaled, rust proofed and given a first coat of paint. The Box Car had rotten timbers replaced with custom milled lumber, metal work was descaled, repaired and rust proofed. Graffiti was removed from the inside. Unfortunately the First Aid building was broken into and a TV stolen. Prompted by this, resources were expended on securing the Loci Shed and First Aid Building against break-in (installation of window grills, additional locks etc.).

Future Planning:

The Society is planning to formally request space in the Machine Shop for an Industrial Heritage Centre within the Arts & Heritage Hub. A white paper regarding this is in preparation. An end member option for a space request could be to house

Museum (Community/Culture + Industrial Heritage) and Archives in one place at the waterfront (see concerns about 1st Ave Museum building later this document).

Social Media

The Website and Facebook presence were revised, updated and expanded with the aim of increasing online visitations and reaching a wider audience. This initiative was accelerated as a response to Covid-19 lock-downs. Online visitations have increased significantly since initiation of this project which was in part funded by a BC Museums Association Resilience Fund grant of \$2000. The society is participating in a provincial campaign #CultureDoesntStop

Other Activities:

Fundraisers:

October 12th 2019: Industrial Heritage *Salmon dinner fundraiser*.
Attended by over 200 people in the Aggie Hall.

October 31st 2019: *Halloween at the Museum*.
A night of fun, freaks, food and stories. Attended by 15 persons.

Heritage Week: February 17-23

Activities were spearheaded by the LDHS, but operated with input from the Town of Ladysmith, The Ladysmith Chamber of Commerce and The Ladysmith Maritime Society.

Monday Feb 17th: *Family Day at the Museum*.
Supported by a grant from the Province of B.C. Featured interactive activities, period games, a silent movie ('The General' with Buster Keaton) and B&W classic cartoons.
>200 attended

Thursday Feb 20th:
Ladysmith Chamber of Commerce '90'th 'birthday' celebration. Venue The Museum.
In a twist, Dr. Ed Nicholson of the LDHS gave a speech informing that archival research indicates the precursor 'Board of Trade' was founded in 1902 (not 1930) and was responsible for many of the early Town innovations.
Thursday Feb 20th: *1st Annual Ladysmith Heritage Awards Presentation*
Four awards were presented, by the Mayor on behalf of the Town of Ladysmith and the LDHS. 45 attended. Recipients included:
Buffy David for her work preserving the Hulq'umi'num language and Stz'uminus First Nation culture, and for sharing these within the wider community.
Karen Olenik for the restoration of the Ladysmith Hotel (now Plantitude Restaurant).

Munroe Myers for creating a unique and attractive landscape while preserving the heritage aspects of 20 Roberts Street.

The Ladysmith Resources Centre Association for its foresight in saving the church bell and steeple cross from the now demolished St Johns Anglican Church.

Saturday Feb 22nd:

Heritage Walk (Rob Johnson)

Started at intersection of Gatacre and 1st Avenue; ended at Museum. 45 attended.

Open House at the Comox Logging Depot and Waterfront. Held in association with the Ladysmith Maritime Society. Featured heritage exhibits (Loc 11, Humdirgen, Box Car [with Discovery Centre inside], speeder (pumper car) rides, LMS restoration of The Kirkegaard, Town councilors explaining Arts & Heritage Hub concept, Kinsman hot dogs etc. Approx. 300 attended.

Grants in hand

People & Places: Neighborhood Project

\$3055 Grant from BC Heritage Legacy Fund: Heritage Awareness

Report due October 2020.

Research ongoing – Lesley Moore principal researcher.

Detailing neighborhoods and ethnic diversity in early Ladysmith.

Heritage Trail: Inventory of heritage places in the Cowichan Valley

\$1100 Grant In Aid from CVRD

Deliverable: a report detailing an inventory of Museums etc., and discussion on state of institutions; potential for a Heritage Trail

Report being finalized – completion was delayed by Covid-19.

ONE Community, Different Cultures

\$7500 grant from Heritage B.C.

Deliverable is a workshop prior to year end 'bringing disparate groups together to increase awareness, understanding and co-operation'.

Preliminary planning ongoing.

Volunteers sought.

The Beat Goes On – Music in Ladysmith

\$15,000 investment from Virtual Museum of Canada

National exposure: Online history of Music in Ladysmith with video, sound, photos, commentary, text.

Preliminary planning ongoing.

Volunteers sought.

Grant Applications submitted

BC Heritage Legacy Fund 2020 (Heritage BC)

Applied for \$7500 matching grant for Town of Ladysmith 2020 \$7500 Grant in Aid financing for restoration of CL&RCo Railway Rolling Stock.

Community Gaming Grant

Applied for \$51,000 to facilitate hiring a part time Museum Manager/Curator, funding for temporary museum exhibits, updating museum permanent exhibits, facilitating 'Historically Speaking' talks series, enhancing society social media (Website, Facebook, Instagram etc.) etc.

Volunteers

We celebrate and thank our core of 25 active volunteers. As always, more volunteers are required.

Financial Status

The Society remains in good financial health with sufficient funds to manage its operating expenditures and activities.

Membership

As of June 2020, the Society has a total of 45 registered memberships, consisting of 23 Family, 17 Individual, and 2 Corporate and 3 Lifetime.

Going forward, instead of being for a year from date of joining, Memberships will be current from Jan 1st to December 31st, with renewal required in December. Should one join at any point during the year, the cost of the membership will be calculated pro-rata.

With our AGM soon to be scheduled, now is an excellent time to renew your membership online. <https://www.ladysmithhistoricalsociety.ca/about/>

ByLaw Review:

Subsequent to the April 2019 AGM the Board recognized a requirement for revision of the Society ByLaws. A draft was submitted to the membership (December 2019) and Town (March 2020). Ratification in the 2020 AGM awaits (postponed due to Covid-19). The AGM is planned to be held via Zoom at a date to be determined based on member 'readiness' for this technology.

Current LDHS Concerns:

- Definition of a long term Heritage Strategy for Ladysmith and Area. The Society seeks to work with the Town and other stakeholders on this so that co-ordinated planning and fundraising can work toward a commonly understood goal.
- Clarification of a longterm solution for the 1st Ave Museum: This is required as soon as possible due to the current state of the building:
 - Flooding: the addition where artifacts are stored is vulnerable to flooding (last flood February 2020). Unofficial message from the Town is that it is unwilling/unable to incur the required expenditure to fix (\$10s of thousands). This puts artifacts at risk.
 - Fire: The building represents a considerable fire risk: it is old, of basic construction with a hodgepodge of electrical wiring. There is a tendency for vagrants to use the environs for camping out, leaving much garbage, cigarette butts etc. on the stairs, under the ramp etc. Fire precautions are rudimentary (several fire extinguishers) and inadequate given the flammable nature of the structure.
 - Vulnerability to break-in. The LDHS has blocked the basement windows, barred the doors and installed metal gridding over those upstairs doors and windows which are accessible in an attempt to 'proof' the building against break-in and theft. Despite these provisions, it is still vulnerable.
- Requirement for review/revision of Archives/Museum Maintenance & Operating Agreement with Town. Communication initiated with Joanna Winter: Society concerns stated in letter – follow-up meeting deferred due to Covid-19. Joanna is now retiring – have communicated with Erin Anderson and Donna Smith.
- Crime level at Waterfront – March break-in at First Aid Shed and loss of TV etc. (value approx. \$650). Garbage and drug paraphernalia frequently has to be cleaned up. RCMP notified. Letter sent to Town with recommendations for additional security measures. Society has replaced all locks, installed window grilles, doors have been strengthened and valuable items removed.
- Uncertainty regarding Town plans for Arts & Heritage Hub. The LDHS is recommending establishment of an Industrial Heritage Centre (+ potentially the Community/Culture aspects of the Museum) in the Machine Shop as part of the Arts & Heritage Hub. More granularity is required regarding plans for the Hub to enable the Society to do longer term planning.
- Restoration of heritage aspects of the Machine Shop (declared in 2014 as a Heritage Building in the Federal/Provincial/Territorial Register of Canada's Historic Places) which have been removed during an ongoing extensive seismic upgrade. To date, engineering work has removed the rail line and the

external bracing on the west side of the building, the double doors on both ends of the building and cut the two sets of rail lines entering the north end of the building. The Town states its intention for replacement and is seeking funding for same – which likely is required for the building to retain its heritage designation.

Respectfully submitted:

Quentin Goodbody
President LDHS
June 2020