

**PUBLIC HEARINGS AND REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
6:00 P.M.**

Tuesday, April 6, 2021

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

Pages

1. CALL TO ORDER AND ACKNOWLEDGEMENT

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the traditional, unceded territory of the Stz'uminus First Nation.

Residents are encouraged to "virtually" attend the two Public Hearings and Regular Council Meeting by registering here:

https://zoom.us/webinar/register/WN_ysoT3GohSRSrx0vnTQQWWQ

Instructions on how to join the meeting and participate will be sent immediately after you register.

View the livestream on YouTube:

<https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured>.

2. AGENDA APPROVAL

Recommendation

That Council approve the agenda for the Public Hearings and Regular Meeting of Council for April 6, 2021.

3. PUBLIC HEARING #1

3.1. "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061"

Subject Properties:

- 670 Farrell Road (Lot 2, District Lot 41, Oyster District, Plan VIP65993);
- 674 Farrell Road (Lot 1, District Lot 41, Oyster District, Plan 20461); and

- Lot 20 Trans-Canada Highway (Lot 20, District Lot 41, Oyster District, Plan 2519, Except Parts in Plans 8993, 43985 and EPP28332).

- 3.1.1. Outline of Public Hearing Process - Mayor Stone
- 3.1.2. Introduction of Bylaws and Statutory Requirements - Director of Development Services
- 3.1.3. Submissions 8
- 3.1.4. Call for Submissions to Council (Three Times) - Mayor Stone
- 3.1.5. Declaration that the Public Hearing for Bylaw Nos. 2060 and 2061 is Closed - Mayor Stone

4. PUBLIC HEARING #2

- 4.1. "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063"

Subject Properties:

- 201 Dogwood Drive (Lot 10, DD21674N, District Lot 56, Oyster District, Plan 1684); and
- 203 Dogwood Drive (Lot 11, DD27179N, District Lot 56, Oyster District, Plan 1684).

- 4.1.1. Outline of Public Hearing Process - Mayor Stone
- 4.1.2. Introduction of Bylaws and Statutory Requirements - Director of Development Services
- 4.1.3. Submissions 10
- 4.1.4. Call for Submissions to Council (Three Times) - Mayor Stone
- 4.1.5. Declaration that the Public Hearing for Bylaw Nos. 2062 and 2063 is Closed - Mayor Stone

5. REGULAR COUNCIL MEETING CONVENES

6. BYLAWS - OFFICIAL COMMUNITY PLAN AND ZONING (SUBJECTS OF PUBLIC HEARING)

6.1. Subject of Public Hearing #1 (670 & 674 Farrell Road and Lot 20 Trans-Canada Highway):

- 6.1.1. "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060" 14**

Recommendation

That, subject to any additional matters raised at the Public Hearing, Council proceed with third reading of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060".

- 6.1.2. "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061" 18**

Recommendation

That, subject to any additional matters raised at the Public Hearing, Council:

1. Proceed with third reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061"; and
2. Direct staff to refer "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061" to the Ministry of Transportation and Infrastructure pursuant to section 52 of the *Transportation Act*.

6.2. Subject of Public Hearing #2 (201 & 203 Dogwood Drive):

- 6.2.1. "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062" 21**

Recommendation

That, subject to any additional matters raised at the Public Hearing, Council proceed with third reading of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062".

6.2.2. "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063"

25

Recommendation

That, subject to any additional matters raised at the Public Hearing, Council:

1. Proceed with third reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063"; and
2. Direct staff to refer "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063" to the Ministry of Transportation and Infrastructure pursuant to section 52 of the *Transportation Act*.

7. MAYOR'S REPORT

Mayor Stone will recognize Taylor (Mackenzie) Walters who was awarded the prestigious Terry Fox Humanitarian Award.

Recommendation

That the Mayor on behalf of Council, send a letter of congratulations to Taylor (Mackenzie) Walters who received the prestigious Terry Fox Humanitarian Award for her work promoting equity in the sciences.

8. MINUTES

8.1. Minutes of the Regular Meeting of Council held March 16, 2021

32

Recommendation

That Council approve the minutes of the Regular Meeting of Council held March 16, 2021.

8.2. Minutes of the Special Meeting of Council held March 23, 2021

46

Recommendation

That Council approve the minutes of the Special Meeting of Council held March 23, 2021.

9. DEVELOPMENT APPLICATIONS

9.1. Development Variance Permit Application – Canopy at 1020 1st Avenue (Blooms At The 49th)

48

Recommendation

That Council:

1. Issue Development Variance Permit 3090-20-08 to vary section 4.16.8 of “Sign and Canopy Bylaw 1995, No. 1176” to allow the installation of a canopy on a building where there is more than one projecting sign, at Lot 1 District Lot 24 Oyster District Plan VIP85193 (1020 1st Avenue); and
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-20-08.

9.2. Development Variance Permit and Development Permit for a Residential Development at 19-245 Oyster Cove Road

54

Recommendation

That Council:

1. Approve Development Variance Permit 3090-20-09 for Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 (19-245 Oyster Cove Road) to vary the front parcel line setback from 6.0m to 5.0m;
2. Approve Development Permit 3060-20-24 to permit a new single unit dwelling on Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1; and
3. Authorize the Mayor and Corporate Officer to sign the Development Variance Permit 3090-20-09 and Development Permit 3060-20-24.

9.3. OCP and Zoning Amendment for 10940 Westdowne Rd. Town and Country Mobile Home Park

85

Recommendation

That Council:

1. Direct that Application No. 3360-20-06 (10940 Westdowne Road) proceed for further consideration.
2. Having considered section 475 of the *Local Government Act* (consultation during OCP development) direct staff to refer Application No. 3360-20-06 to:

- Stz'uminus First Nation;
- The Cowichan Valley Regional District;
- School District 68;
- Island Health, the Ministry of Transportation and Infrastructure, and BC Transit.

10. BYLAWS

10.1.	Bylaw Status Sheet	91
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11. CORRESPONDENCE

11.1.	Correspondence from Cowichan Housing Association dated March 2, 2021	92
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Support for CVRD grant application to the UBCM Strengthening Communities Fund 2021.

Recommendation

That Council of the Town of Ladysmith:

1. Approves the submission of a regional application by the Cowichan Valley Regional District to the UBCM Strengthening Communities Fund 2021 for the purpose of assisting member municipalities with improved health and safety of unsheltered homeless people living in public or private spaces, including reduced risk of COVID-19 or other disease transmission; and reducing community concerns about public health and safety in neighbourhoods where unsheltered homeless populations are seeking temporary shelter; and further,
2. Approves the Cowichan Valley Regional District as the primary applicant that will apply for, receive and manage the grant funding on behalf of the Town of Ladysmith.

11.2.	Correspondence from the City of Williams Lake dated March 11, 2021	94
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Request for support for a call for a public inquiry regarding stronger sentencing for prolific and repeat offenders.

Recommendation

That Council request that the Association of Vancouver Island and Coastal Communities and the Union of BC Municipalities petition the provincial and federal governments to enact legislative and regulatory changes to the criminal justice system to apply stricter penalties and

ensure adequate incarceration of prolific criminals, including use of electronic monitors when released on conditions.

11.3. Request from Cystic Fibrosis Canada to Illuminate City Hall to Increase Cystic Fibrosis Awareness

96

Recommendation

That Council approve the request from Cystic Fibrosis Canada to illuminate City Hall with blue or teal lights on Saturday, May 1 in support of Cystic Fibrosis awareness.

12. NEW BUSINESS

13. QUESTION PERIOD

Residents are encouraged to "virtually" attend the meeting and ask their questions live by registering here:

https://zoom.us/webinar/register/WN_ysoT3GohSRSrx0vnTQQWWQ

Instructions on how to join the meeting will be sent immediately after you register.

Alternately, questions can be submitted 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

14. ADJOURNMENT

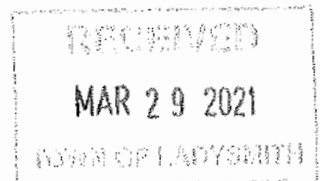
PUBLIC HEARING 1

670 and 674 Farrell Road and Lot 20 Trans-Canada Highway

Public Submissions

(All Public Submissions can be found on the Town's website:

<https://www.ladysmith.ca/city-hall/news-media/public-hearings-and-special-notices>



Mr. Mayor and Council,

April 6, 2021

Re: Official Community Plan Bylaw and/or Zoning Bylaw Amendment Bylaw 2060 & Bylaw 2061

My name is John Aasen. My wife and I reside at 817 Swettenham Place, Ladysmith. Our home and property lie adjacent to the subject properties; directly next to lot 20. Respecting the development plans for the subject properties, we have been provided with detailed maps and layouts in the last two years. We have also attended two meetings regarding same. As a result, we have arrived at the conclusion the higher density housing would be located southeast of the existing condominiums, fronting on Farrell Rd. The plans we were shown indicated a potential park area behind our home and the remaining area being single family homes with the exception of the noted condominium area. We recall no mention of duplexes in the meetings or plans. The noted plans seemed to be reasonable and in keeping with the housing in the area; single family adjacent to single family and high density adjacent to high density. As such, we did not oppose the plans as they were presented and supported them.

The material recently provided by the Town of Ladysmith in the form of the Notice of a Public Hearing would seem to indicate that high density housing and duplexes could be placed anywhere on lots 20, 674, and 670. We would oppose high density housing being next to currently existing single family homes. This would not be in keeping with the overall tenor of the neighbourhood and may very well result in depreciated value of neighbourhood properties. What might monetarily benefit the developer would likely be at the expense of existing homeowners; to say nothing of diminished aesthetic values. Having said that, we are hopeful this might only be a case of our misunderstanding the proposal because it lacks clarity in terms of the location of the multi family dwellings and single family homes.

We would like to attend the virtual meeting and plan to do so at this time. Our telephone number is _____ and our email address is _____. We do not intend to speak at the meeting because we have nothing more to offer than what has been indicated in our written submission.

Thank you for your consideration,

John and Judy Aasen

PUBLIC HEARING 2

201 and 203 Dogwood Drive

Public Submissions

(All Public Submissions can be found on the Town's website:

<https://www.ladysmith.ca/city-hall/news-media/public-hearings-and-special-notices>

Received March 8, 2021

From: Pauline
Sent: March 7, 2021 4:29 PM
To: Town of Ladysmith <info@ladysmith.ca>
Subject: Housing Development

Dear Sir,

I am against a five storey housing development at 201/203 Dogwood Drive. A building of that height is not conducive to the area. A three storey maximum build would be a better fit. Also, I do not agree with the developer changing the building to multi-family condos. We need affordable rental housing in Ladysmith, especially for seniors, not units that only the well-heeled can afford.

I am against the construction of this building as the plans stand.

Sincerely,

Pauline Campone

Received October 14, 2020

From: korinna leach
Sent: October 14, 2020 8:35 AM
To: Town of Ladysmith <info@ladysmith.ca>
Subject: Re: Ladysmith Council Notebook for October 6, 2020

Dear Council

Please 'no'to high rises on Dogwood Drive, or anywhere else here!!! LADYSMITH has character, so please, let's keep it that way.

I grew up in quaint White Rock which was quickly ruined after the trend turned to high rises. I would grieve to see the same thing happen here.

Yours truly,

Korinna Leach

Received April 1, 2021

Outside Circulation Area

Dear Mayor Stone and Ladysmith Town Council,

File No: ZBL 3360-20-05 Re: Zoning & OCP Amendment – 201/203 Dogwood Drive

I write to express my opposition to the granting of Zone, DVP and OCP amendments for the proposal of a five storey (18.5m), 25-unit multi-family residential development with the potential for local commercial uses on the ground floor at 201/203 Dogwood Drive.

I feel that the proposed plan is not a good fit for this area of Ladysmith. It is excessive in form, height, mass, and densification in relation to the neighbourhood. A true behemoth.

I am concerned that this project will negatively influence property values and add unwelcome shadow, overlook, and loss of privacy for area residents.

I am concerned about increased traffic along Forward Road, Dogwood, Bayview and Belaire, particularly as we anticipate another development application for approval a couple of blocks away (The Jailhouse Project) for a 4-storey, 12-unit residential structure.

I am disappointed that the proponents made the decision to change the plan from rental accommodation to market value apartments, as we know that there is a great need for affordable rental stock.

I take issue with a recommendation of CPAC that: “a) CPAC acknowledges that building height and views are a public concern but should not be a deciding factor of approval.” In my opinion, these concerns should absolutely be a major deciding factor.

I can appreciate that successive Councils have been deeply concerned about the state of this contaminated site, but the proponent purchased this property with “eyes wide open”. The move to justify the cost for remediation should, in no way, influence the decision to approve a project that requires MAJOR amendments to the Zone Bylaw, the OCP and to literally “invent” a brand new DPA.

I was quite moved, and encouraged, by the comments made by Mayor Stone during the March 23, 2021 Special Council Meeting, in which he discusses the value of heritage and the need to ensure that “we don’t do anything to damage the character of the community that we have...”. As I listened, I began aligning these words with the Dalby’s proposal. I gave a lot of thought as to how we must make every effort to preserve the unique quality of Ladysmith’s Downtown and Heritage Old Town. It is a truly special place.

With that said, Council must now ask themselves a tough question: “If we approve this project, will it be viewed as a success story (and why), or will it cause irreparable damage to the quaint, modest, small town charm?” This is, after all, what we love about Ladysmith.

It is my hope that Council will vote to send the proponent back to the drawing board, to come up with a proposal that matches the scale of the neighbourhood and respects the sensibilities of area residents.

Thank you for considering my comments.
Cathy Gilroy

220 3rd Avenue, Ladysmith

TOWN OF LADYSMITH

BYLAW NO. 2060

A Bylaw to amend “Official Community Plan Bylaw 2003, No. 1488”

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

AND WHEREAS pursuant to section 488 (1)(f) of the *Local Government Act*, an official community plan may designate development permit areas for the establishment of objectives for the form and character or commercial, industrial or multi-family residential development;

AND WHEREAS the Municipal Council considers it advisable to amend “Official Community Plan Bylaw 2003, No. 1488”;

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

1. Official Community Plan Map 1 – Land Use is amended as follows:
 - a. By changing the land use designation for Lot 20, District Lot 41, Oyster District, Plan 2519, Except Parts in Plans 8993, 43985 and EPP28332 from Cowichan Valley Regional District Electoral Area G – Saltair Official Community Plan Bylaw No. 2500 ‘Suburban Residential’ to “Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488” ‘Single Family Residential’, ‘Multi-family Residential’ and ‘Parks and Open Space’ as shown on Schedule 1;
 - b. By changing the land use designation for Lot 2 District Lot 41 Oyster District Plan VIP65993 from ‘Single Family Residential’ to ‘Multi-family Residential’ as shown on Schedule 1; and
 - c. By changing a portion of the land use designation for Lot 1, District Lot 41, Oyster District, Plan 20461 from ‘Single Family Residential’ to ‘Multi-family Residential’ and ‘Parks and Open Space’ as shown on Schedule 1.
2. Official Community Plan Map 2 – Development Permit Areas is amended as follows:
 - a. By applying ‘Development Permit Area 4 – Multi-Unit Residential’ and ‘Development Permit Area 7 – Hazard Lands’ to Lot 1, District Lot 41, Oyster District, Plan 20461, a portion of Lot 2 District Lot 41 Oyster District Plan VIP65993 and Lot 20, District Lot 41, Oyster District, Plan 2519, Except Parts in Plans 8993, 43985 and EPP28332 as shown on Schedule 2.

Citation

3. This Bylaw may be cited for all purposes as “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060”.

READ A FIRST TIME on the 16th day of March, 2021

READ A SECOND TIME on the 16th day of March, 2021

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

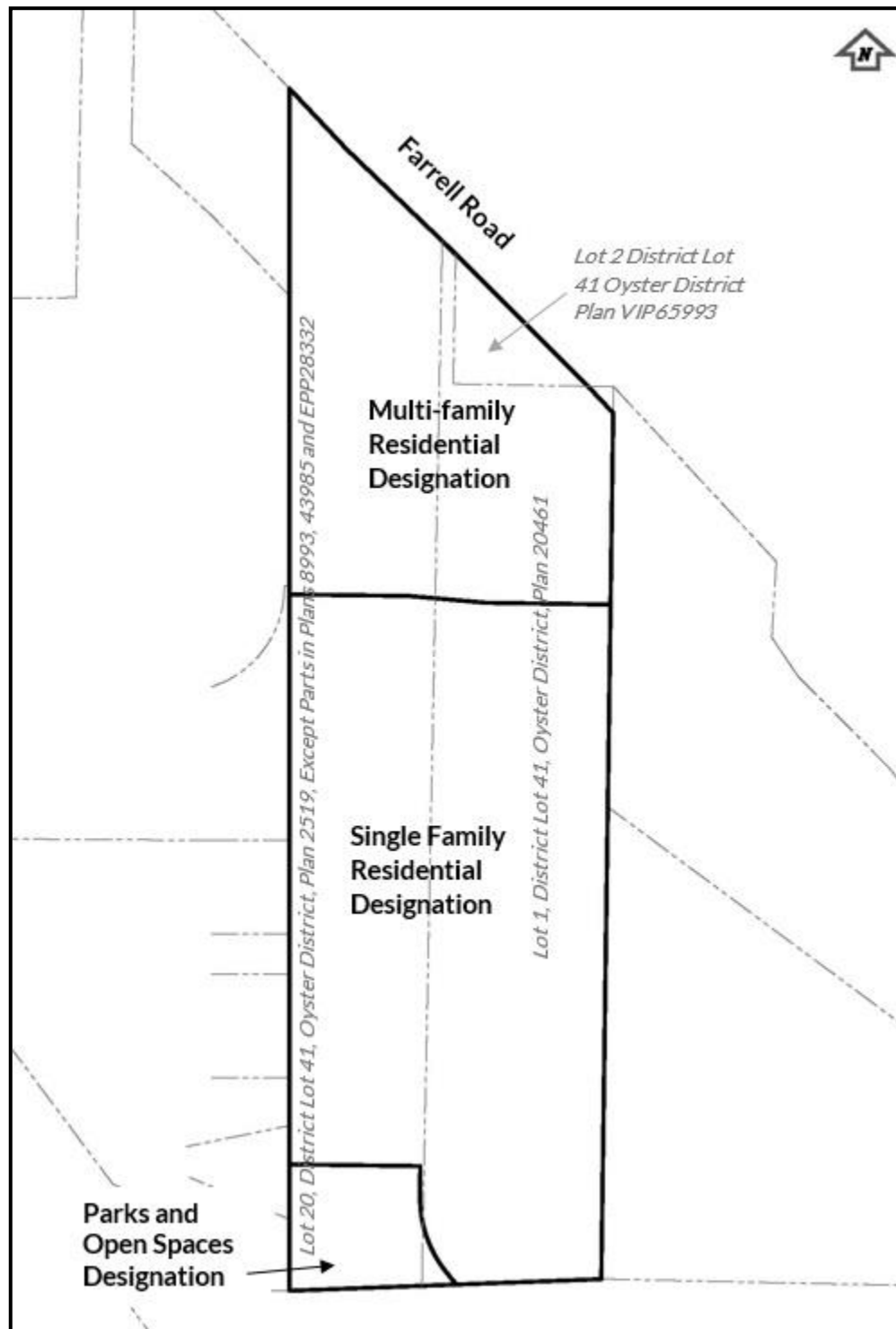
READ A THIRD TIME on the day of ,

ADOPTED on the day of ,

Mayor (A. Stone)

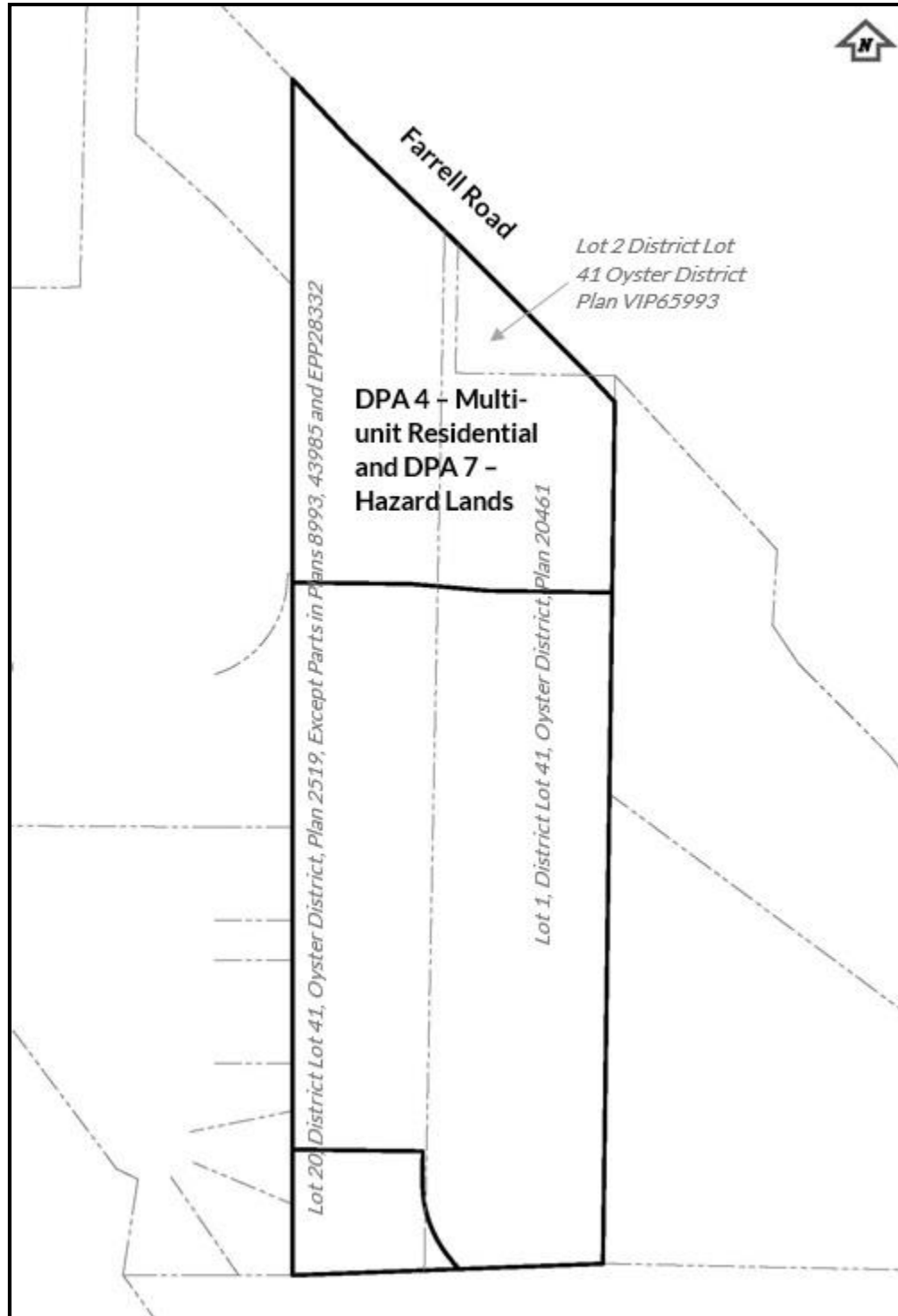
Corporate Officer (D. Smith)

Schedule 1
“Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060”



Schedule 2

“Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060”



TOWN OF LADYSMITH

BYLAW NO. 2061

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

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

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

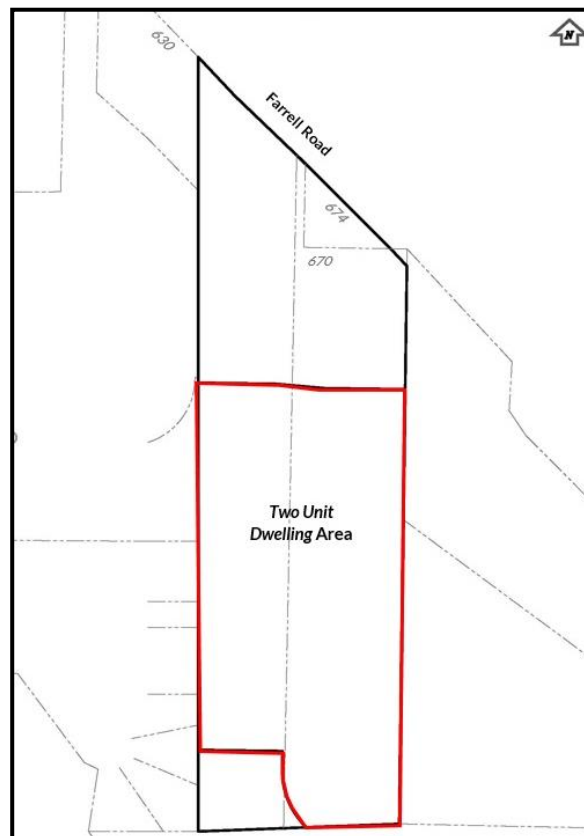
NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Schedule A – Zoning Bylaw Text is amended as follows:
 - a. By adding a new subsection b) to Section 7 – Site Specific Regulations under Section 10.2 Single Dwelling Residential (R-1) Zone:

“b) For the area shown in Figure 10.2.1, *Two-Unit Dwelling* is permitted as a *Principal Use*, subject to the following:

- i) A *Two Unit Dwelling Use* is not permitted on parcels less than 780.0 square metres.
- ii) No *Two Unit Dwelling* shall have a *Finished Floor Area* that is less than 137.0 square metres.
- iii) No *Two Unit Dwelling* shall have a *Finished Floor Area* that exceeds 50 percent of the *Parcel Area* or 390.0 square metres, whichever is less.”

FIGURE 10.2.1 PLAN OF TWO UNIT DWELLING AREA



2. Schedule B – Zoning Bylaw Map is amended as follows:
 - a. by changing the zone for Lot 20, District Lot 41, Oyster District, Plan 2519, Except Parts in Plans 8993, 43985 and EPP28332 from Cowichan Valley Regional District Electoral Area G – Saltair Zoning Bylaw No. 2524 ‘Suburban Residential 2 Zone’ to “Town of Ladysmith Zoning Bylaw 2014, No. 1860” ‘Low Density Residential (R-3-A)’, ‘Single Dwelling Residential (R-1)’, and ‘Park and Recreation (P-2)’ as shown on Schedule 1;
 - b. by changing the zone for Lot 2 District Lot 41 Oyster District Plan VIP65993 from ‘Rural Residential (RU-1)’ to ‘Low Density Residential (R-3-A)’ as shown on Schedule 1; and
 - c. by changing the zone for Lot 1, District Lot 41, Oyster District, Plan 20461 from ‘Rural Residential (RU-1)’ to Low Density Residential (R-3-A), ‘Single Dwelling Residential (R-1)’ and ‘Park and Recreation (P-2)’ as shown on Schedule 1.

Citation

3. This Bylaw may be cited for all purposes as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061”.

READ A FIRST TIME on the 16th day of March, 2021

READ A SECOND TIME on the 16th day of March, 2021

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

READ A THIRD TIME on the day of ,

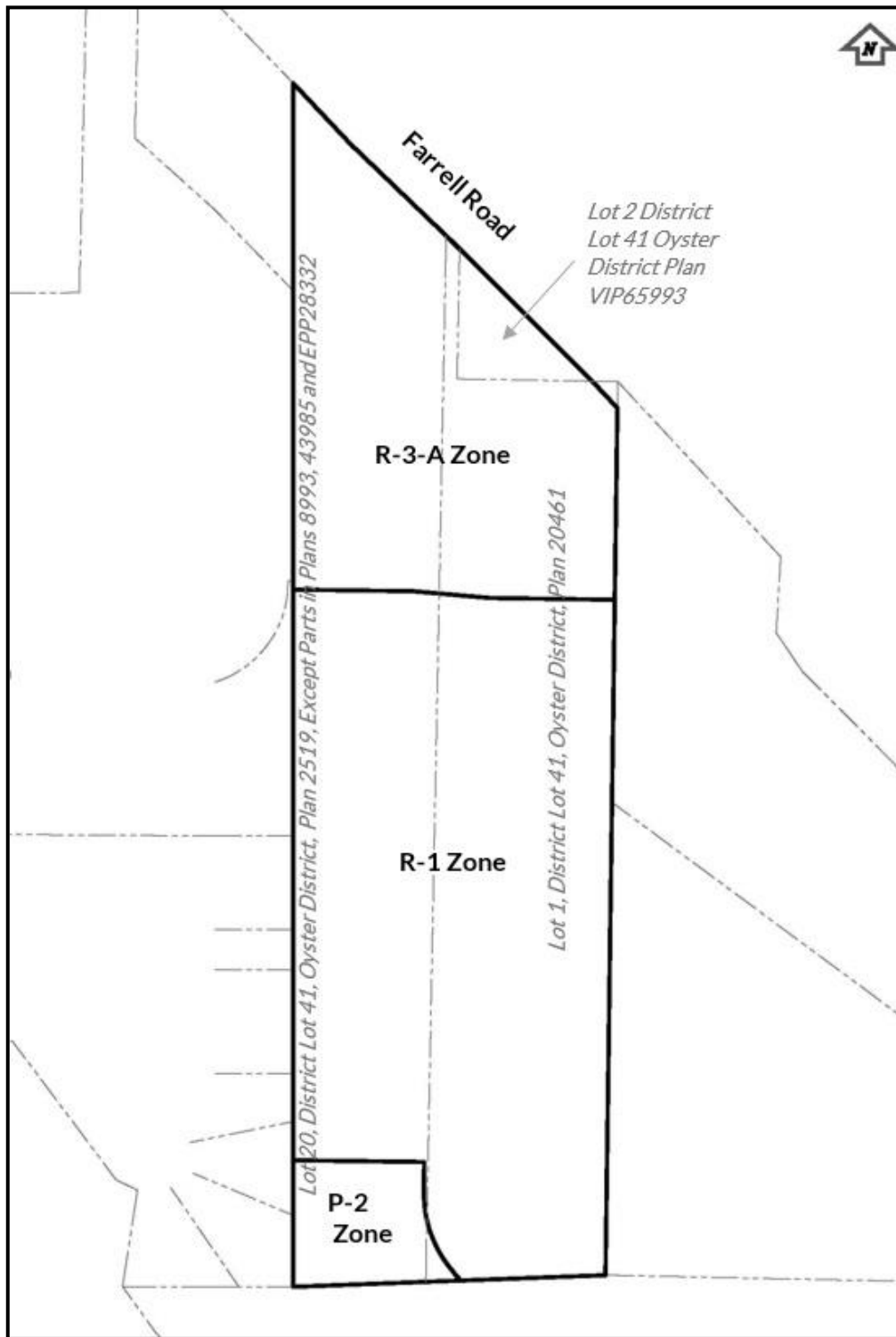
APPROVED by the Ministry of Transportation & Infrastructure
on the day of ,

ADOPTED on the day of ,

Mayor (A. Stone)

Corporate Officer (D. Smith)

Schedule 1
"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021,
No. 2061"



TOWN OF LADYSMITH

BYLAW NO. 2062

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

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

AND WHEREAS pursuant to section 488 (1)(f) of the *Local Government Act*, an official community plan may designate development permit areas for the establishment of objectives for the form and character or commercial, industrial or multi-family residential development;

AND WHEREAS the Municipal Council considers it advisable to amend "Official Community Plan Bylaw 2003, No. 1488";

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

1. Schedule A – Official Community Plan Text of "Official Community Plan Bylaw 2003, No. 1488" is hereby amended as follows:

a) By deleting the following from section 3.8.1 Multi-Family Residential:

"The Multi-Family Residential designation is applied to areas within neighbourhoods of the community and at specific locations that are suitable for medium density forms of residential development. Generally, residential uses in the Multi-Family Residential designation are located adjacent to a major (collector) road and near or with access to local commercial services, schools, recreation centres and/or parks. It provides for a range of multi-family residential uses including townhouses, and apartments, cluster housing, and special needs housing. Designation of new locations for Multi-Family Residential development will, in addition to the above criteria, be assessed based on an appropriate 'fit' with the neighbourhood in terms of scale, traffic and parking, and servicing issues. In most circumstances the Multi-Family Residential designation will only be achieved through amenity density bonusing (amenities may include affordable housing, highly energy efficient buildings, utilizing alternative energy sources, and other features that contribute to reducing the impacts of climate change). Single family and two family dwelling forms may be considered under this designation when they are a component of a Comprehensive Development and provided for in the Zoning Bylaw. The maximum density allowed in a Multi-Family Residential designation is 60 units per hectare. A density greater than 60 units per hectare may be achieved through amenity density bonusing through the provision of not-for-profit rental tenure housing in a community housing development where a housing agreement is established with the Town. Development within the Multi-Family Residential designation is subject to Section 3.8.5 Development Permit Area Guidelines in this Plan."

b) And replacing with the following:

“The Multi-Family Residential designation is applied to areas within neighbourhoods of the community and at specific locations that are suitable for medium to high density forms of residential development. Generally, residential uses in the Multi-Family Residential designation are located adjacent to a major (collector) road and near or with access to local commercial services, schools, recreation centres and/or parks. It provides for a range of multi-family residential uses including townhouses, and apartments, cluster housing, and special needs housing. Designation of new locations for Multi-Family Residential development will, in addition to the above criteria, be assessed based on an appropriate ‘fit’ with the neighbourhood in terms of scale, traffic and parking, and servicing issues. Single family and two family dwelling forms, and small-scale commercial uses may be considered under this designation when they are integrated with multi-family dwelling forms on the same parcel, or as a component of a Comprehensive Development, and provided for in the Zoning Bylaw. The maximum floor area for any one commercial use is limited to 200 square metres. The maximum density allowed in a Multi-Family Residential designation is 60 units per hectare. However, a density of greater than 60 units per hectare, up to a maximum of 180 units per hectare, may be achieved through the provision of amenities or density bonusing for rental tenure housing, affordable housing, seniors housing, brownfield redevelopment, underground parking, energy efficient buildings, or similar community benefits. Development within the Multi-Family Residential designation is subject to Section 3.8.5 Development Permit Area Guidelines in this Plan.”

c) By amending “Table 8 – Density Summary” by:

- (i) adding the following new row underneath the “Multi-Family Residential” Land Use Designation:

▪ Commercial	-	0.5	-
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- (ii) Removing Note 1 “Bonus density potential up to 100uph” from the “Multi-Family Residential” Land Use Designation.
- (iii) Deleting the text of Note 5 “Bonus density potential greater than 100uph for not-for-profit rental tenure” and replacing it with “Bonus density potential up to 180 uph”.

2. Official Community Plan Map 1 – Land Use is amended by changing the designation from “Local Commercial” to “Multi-Family Residential” for the subject properties legally described as ‘Amended Lot 10 (DD 21674N), District Lot 56, Oyster District, Plan 1684’ (201 Dogwood Drive) and ‘Amended Lot 11 (DD 27179N), District Lot 56, Oyster District, Plan 1684’ (203 Dogwood Drive) as shown in **Schedule 1** which is attached to and forms a part of this Bylaw.
3. Official Community Plan Map 2 – Development Permit Areas is amended by adding Development Permit Area 4 – Multi-Unit Residential to the subject properties, legally described as ‘Amended Lot 10 (DD 21674N), District Lot 56, Oyster District, Plan 1684’ (201 Dogwood Drive) and ‘Amended Lot 11 (DD 27179N), District Lot 56, Oyster District, Plan 1684’ (203 Dogwood Drive) as shown in **Schedule 1** which is attached to and forms a part of this Bylaw.

Citation

This Bylaw may be cited for all purposes as “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062”.

READ A FIRST TIME on the 2nd day of March, 2021

READ A SECOND TIME on the 2nd day of March, 2021

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

READ A THIRD TIME on the day of ,

ADOPTED on the day of ,

Mayor (A. Stone)

Corporate Officer (D. Smith)

Schedule 1
“Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062”



TOWN OF LADYSMITH

BYLAW NO. 2063

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:
 - a) Part 4: Definitions, section 4.1 "Interpretation" is amended by adding the following definitions in alphabetical order:
 - i) *Dwelling Unit, Adaptable*: means a *Dwelling Unit* designed and constructed to facilitate modification to provide access for persons with disabilities and that meets or exceeds section 3.8.5 of the British Columbia Building Code.
 - ii) *Remediated Site*: means a *Parcel* which has received a certificate of compliance pursuant to the *Environmental Management Act*.
 - b) Part 9: Creation and Definition of Zones, section 9.1 "Creation of Zones" is amended by adding the following after "Single Dwelling Residential – Holland Creek Area R-1-HCA":

"Multi-Family Mixed-Use R-4"
 - c) Part 10: Residential Zones is amended by adding a new zone "10.14 Multi-Family Mixed-Use (R-4)" as shown in **Schedule 1**, attached to and forming part of this Bylaw.
2. Schedule B – Zoning Bylaw Map of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:
 - a) By adding the following zone to the end of the "Residential Zones" in the "Zoning Designations" list:

"R-4 Multi-Family Mixed-Use"

- b) By removing the “Local Commercial (C-3)” zone and placing the new “Multi-Family Mixed-Use (R-4)” zone on the subject properties legally described as ‘Amended Lot 10 (DD 21674N), District Lot 56, Oyster District, Plan 1684’ (201 Dogwood Drive) and ‘Amended Lot 11 (DD 27179N), District Lot 56, Oyster District, Plan 1684’ (203 Dogwood Drive) as shown on **Schedule 2**, attached to and forming part of this Bylaw.

Citation

This Bylaw may be cited for all purposes as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063”.

READ A FIRST TIME on the 2nd day of March, 2021

READ A SECOND TIME on the 2nd day of March, 2021

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

READ A THIRD TIME on the day of ,

APPROVED by the Ministry of Transportation & Infrastructure
on the day of ,

ADOPTED on the day of ,

Mayor (A. Stone)

Corporate Officer (D. Smith)

Schedule 1
“Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021,
No. 2063”

10.14. MULTI-FAMILY MIXED-USE (R-4)

The purpose of the Multi-Family Mixed-Use zone is to accommodate multiple-unit developments and small-scale neighbourhood commercial operations.

1. Principal Uses

- a) Artist Studio
- b) *Bakery*
- c) *Coffee Shop*
- d) *Commercial School*
- e) *Community Care Facility*
- f) *Convenience Store*
- g) Cottage Industry
- h) *Multiple-Unit Dwellings.*
- i) *Media Production Studio*
- j) *Office*
- k) *Personal Service Establishment*
- l) *Retail Sales*
- m) *Veterinary Clinic*

1. Accessory Uses

- a) *Home Based Business*, subject to Part 6, Section 6.8.
- b) *Recreation Activity Space.*
- c) *Urban Agriculture*

2. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 1336 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 18.28 metres.

3. Size and Density of the Use of Land, Buildings and Structures

- a) The *Floor Space Ratio* shall not exceed 2.0.
- b) The maximum number of *Dwelling Units* permitted in this *Zone* is 60 units per hectare of *Land*.
- c) Notwithstanding section 10.4.3.b), a density bonus may be permitted as indicated in Column 2, where the amenities listed in Column 1 are provided, as shown in the table below.

COLUMN 1: AMENITIES	COLUMN 2: DENSITY BONUS
1. At least 40% of the number of off-street parking spaces required in accordance with Part 8: Parking and Loading Regulations, are provided as <i>Underbuilding Parking</i> ; 2. At least 50% of the total number of <i>Dwelling Units</i> provided on a <i>Parcel</i> are <i>Adaptable Dwelling Units</i> ; 3. All <i>Principal Buildings</i> meet or exceed Step 2 of the British Columbia Energy Step Code; or 4. The development is on a <i>Parcel</i> that is a <i>Remediated Site</i> .	A maximum number of 100 <i>Dwelling Units</i> per hectare of <i>Land</i>
1. Any one of the amenities listed above (excluding number 4) in combination with development of <i>Remediated Site</i>	A maximum number of 180 <i>Dwelling Units</i> per hectare of <i>Land</i>

- d) No *Building* or *Structure*, excluding *Buildings* or *Structures* used exclusively for off-street parking, shall exceed a *Parcel Coverage* of 50.0 percent
- e) Where all required off-street parking is provided underground, no *Buildings* or *Structures* in this *Zone* shall exceed a maximum *Parcel Coverage* of 60.0 percent.
- f) No commercial use on a parcel shall have a *Gross Floor Area* greater than 200 square metres.
- g) The combined *Floor Space Ratio* for all commercial uses on a parcel shall not exceed 0.5.
- h) Commercial uses may only be located on the First Storey of a *Building*.
- i) A *Parcel* may contain more than one *Principal Building*.

4. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 19.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 5.0 metres.
- c) No *Principal Buildings* or *Structures* 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>	2.5 metres
<i>Interior Side Parcel Line</i>	4.5 metres
<i>Exterior Side Parcel Line</i>	2.5 metres
<i>Rear Parcel Line</i>	4.5 metres

- d) The maximum *Finished Floor Area* of the fourth *Storey* of a *Principal Building* shall not exceed 85.0 percent of the *Finished Floor Area* of the *Storey* with the largest *Finished Floor Area*.
- e) The maximum *Finished Floor Area* of the fifth *Storey* of a *Principal Building* shall be not exceed 80.0 percent of the *Finished Floor Area* of the fourth *Storey*.
- f) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m²) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M ²	MINIMUM SETBACK >10.0 M ²
<i>Front Parcel Line</i>	2.5 metres	2.5 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

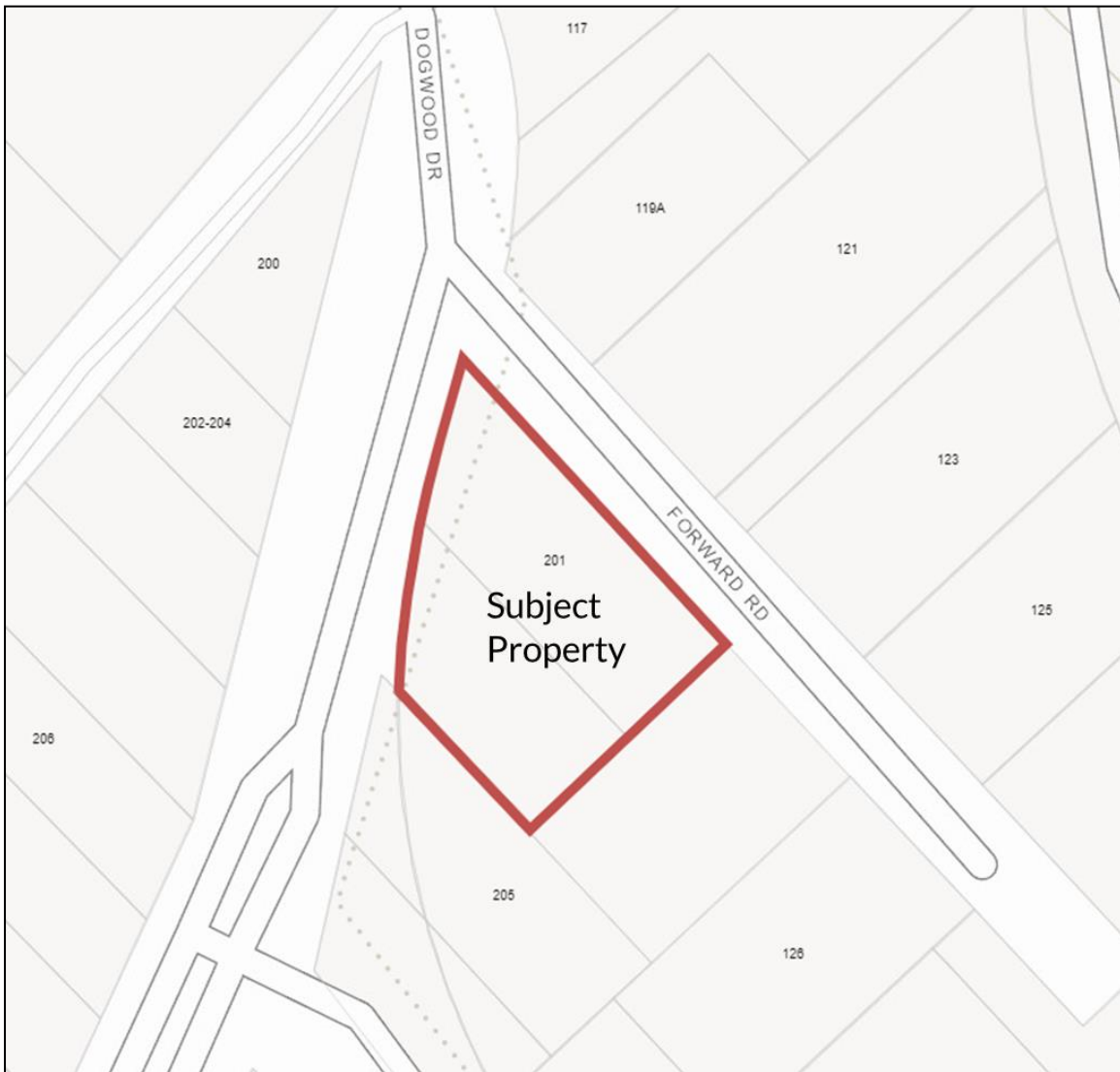
5. Landscaping and Screening

- a) *Landscaping* and screening shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

6. Parking and Loading

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

Schedule 2
**“Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021,
No. 2063”**





MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, March 16, 2021

7:00 P.M.

This meeting was held electronically as per Ministerial Order No. M192

Council Members Present:

Mayor Aaron Stone
Councillor Amanda Jacobson
Councillor Rob Johnson
Councillor Tricia McKay

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Geoff Goodall

Donna Smith
Julie Thompson
Christina Hovey
Sue Bouma

1. CALL TO ORDER

Mayor Stone called this Regular Meeting of Council to order at 6:05 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2021-074

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:

- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality - section 90(1)(e); and
- the receipt of advice that is subject to solicitor-client privilege - section 90(1)(i).

Motion Carried

3. OPEN MEETING AND ACKNOWLEDGEMENT (7:00 P.M.)

Mayor Stone called this Regular Meeting of Council to order at 7:03 p.m., recognizing with gratitude that it was taking place across various locations on the traditional unceded territory of the Stz'uminus People.

4. AGENDA APPROVAL

CS 2021-075

That Council approve the agenda for this Regular Meeting of Council for March 16, 2021, as amended to include the following items received after publication of the agenda:

- Item 8.1., Additional public submissions received March 10-16, 2021 regarding "Referral for Non-Medical Cannabis Retail Store - 411B 1st Avenue";
- Item 9.1., Correspondence dated March 15, 2021 from Jo Sheridan regarding "Application to Rezone 336 Belaire Street from 3 to 4 Storeys";
- Item 13.4., Correspondence dated March 11, 2021 from the Center for Epilepsy and Seizure Education in BC; and
- Item 13.5., Correspondence dated March 13, 2021 from Ladysmith Community Options.

Motion Carried

5. RISE AND REPORT- Items from Closed Session

The following Item from the Closed Meeting of Council held February 23, 2021 was reported:

CE 2021-055

That Council:

1. Accept the entire change of scope for the Arts & Heritage Hub outlined in Appendix A to the February 16, 2021 report from the Director of Development Services;
2. Direct staff to include funding options for consideration during upcoming Financial Plan discussions; and
3. Rise and report once the contract for the change in scope is signed by the Town and the architect.

The following item from the Closed Meeting of Council held March 2, 2021 was reported:

CE 2021-060

That Council:

1. Approve the exclusive use of the main floor of Aggie Hall by Island Health from March to September 2021, for use as a COVID-19 mass immunization site;
2. Authorize the Director of Parks, Recreation and Culture to: negotiate a cost recovery fee for the rental usage; and permit the use of the Province's COVID-19 Restart funding to offset any rental revenue lost by entering into this agreement; and
3. Rise and Report after Island Health has the opportunity to publicly announce the COVID-19 mass immunization site in Ladysmith.

Council rose from Closed Session held March 16, 2021 at 6:56 p.m. without report.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held March 2, 2021

CS 2021-076

That Council approve the minutes of the Regular Meeting of Council held March 2, 2021.

Motion Carried

7. PROCLAMATIONS

7.1 World Down Syndrome Day

Mayor Stone proclaimed March 21, 2021 as World Down Syndrome Day in the Town of Ladysmith.

8. DEVELOPMENT APPLICATIONS

8.1 Referral for Non-Medical Cannabis Retail Store - 411B 1st Avenue ("Local Cannabis Co.")

CS 2021-077

That Council, having considered the general impact on the community and the views of the residents, pursuant to section 33 of the *Cannabis Control and Licensing Act*, recommend that the Province issue a licence for a non-medical cannabis retail store at 411B 1st Avenue ("Local Cannabis Co.).

Motion Defeated

OPPOSED: Mayor Stone and Councillors Jacobson, Johnson, McKay and Stevens

CS 2021-078

That Council, having considered the general impact on the community and the views of the residents, pursuant to section 33 of the *Cannabis Control and Licensing Act*, recommend that the Province not issue a licence for a non-medical cannabis retail store at 411B 1st Avenue ("Local Cannabis Co.).

Motion Carried

OPPOSED: Councillors Paterson and Virtanen

CS 2021-079

That Council, pursuant to section 13.5 of the *Cannabis Licensing Regulation*, provide the following reasons for recommending that the Province not issue a licence for a non-medical cannabis retail store at 411B 1st Avenue:

1. The application is not the highest and best use of the retail location in that precinct;
2. The proposed location is in close proximity to other existing cannabis retailers; and
3. There is availability of potential locations in other permitted areas.

CS 2021-080

Amendment

That Council amend Resolution CS 2021-079 to remove item 2, "The proposed location is in close proximity to other existing cannabis retailers."

Amendment Defeated

OPPOSED: Mayor Stone, Councillors Jacobson, McKay, Paterson

The question was called on the main motion as presented.

Motion carried

OPPOSED: Councillors Paterson, Virtanen

CS 2021-081

That Council refer the topic of cannabis retail sites to a future Committee of the Whole meeting for discussion and consideration.

Motion Carried

9. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING

9.1 Application to Rezone 336 Belaire Street from 3 to 4 Storeys

CS 2021-082

That Council:

1. Proceed with first and second reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066"; and
2. Direct staff to proceed with scheduling and notification for a Public Hearing for "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066".

Motion Carried

9.2 Official Community Plan Amendment - Development Permit Exemption for Single Family Development in the Multi-family Development Permit Area

CS 2021-083

That Council:

1. Give first and second reading of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 66) 2021, No. 2070";
2. Consider "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 66) 2021, No. 2070" in conjunction with the Town's

- Financial Plan, the Town's Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to section 477(3) of the *Local Government Act*;
3. Direct staff to refer Bylaw No. 2070 to:
 - a. the Stz'uminus First Nation pursuant to the Naut'sa mawt Community Accord and Memorandum of Understanding; and
 - b. School District 68 pursuant to section 476 of the *Local Government Act*; and,
 4. Pursuant to section 475 of the *Local Government Act*:
 - a. consider whether opportunities for consultation with one or more persons, organizations and authorities should be early and ongoing;
 - b. specifically consider whether consultation is required with:
 - i. the board of the Cowichan Valley Regional District and board of the Regional District of Nanaimo;
 - ii. the Council of the District of North Cowichan;
 - iii. the Stz'uminus First Nation;
 - iv. the Board of Education for School District 68; and
 - v. the Provincial and Federal Governments and their agencies; and
 - c. determine that further consultation is not required under section 475(a) or 475(b) of the *Local Government Act*; and
 5. Direct staff to proceed with scheduling and notification of a Public Hearing for "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 66) 2021, No. 2070".

Motion Carried

9.3 OCP & Zoning Bylaw Amendment – Lot 20 Trans-Canada Highway, 674 & 670 Farrell Road

CS 2021-084

That Council:

1. Having considered section 475 (consultation during development of an official community plan) of the *Local Government Act*, direct that no additional consultation is required pursuant to section 475, as the application has been referred to the Community Planning Advisory Committee, the Stz'uminus First Nation, School District 68 (Nanaimo-Ladysmith), the Ministry of Transportation and Infrastructure, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, BC Transit, and the Cowichan Valley Regional District;

2. Consider first and second reading of “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060”;
3. Consider “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060” in conjunction with the Town’s Financial Plan and the Town’s Liquid Waste Management Plan, pursuant to section 477(3) of the *Local Government Act*;
4. Consider first and second reading of “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061”;
5. Direct staff to proceed with scheduling and notification of a public hearing for “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060” and “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061”; and
6. Require, prior to adoption of “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060” and “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061”, that the developer:
 - a. be required to consolidate Lot 20, District Lot 41, Oyster District, Plan 2519, Except Parts in Plans 8993, 43985 and EPP28332, Lot 2 District Lot 41 Oyster District, Plan VIP65993 and Lot 1, District Lot 41, Oyster District, Plan 20461;
 - b. On the title of the consolidated parcel, register in favour of the Town and at the cost of the developer, the following:
 - i. A covenant pursuant to section 219 of the *Land Title Act*, requiring a deciduous planting and protection area, shown as ‘Tree Buffer Area’ in Attachment C, of the report to Council dated March 16, 2021, at time of subdivision;
 - ii. A covenant pursuant to section 219 of the *Land Title Act* requiring all development on site to be consistent with the recommendations of Wildfire Assessment Management Plan attached as Attachment I to the report to Council dated March 16, 2021.
 - iii. A covenant pursuant to section 219 of the *Land Title Act* requiring the dedication of parkland, shown as ‘Park’ in

Attachment C to the report to Council dated March 16, 2021, at time of subdivision approval;

- iv. A covenant pursuant to section 44 of the *Community Charter* and 219 of the *Land Title Act* requiring road dedication generally in accordance with the road layout shown in Attachment C to the report to Council dated March 16, 2021 at time of subdivision approval;
- v. A covenant pursuant to section 44 of the *Community Charter* and 219 of the *Land Title Act* requiring road dedication, without compensation to the property owner, for the extension of Farrell Road fronting the site generally in accordance with the road layout shown in Attachment E, to be taken at time of subdivision or when the Town elects to extend Farrell Road past the site, whichever occurs first; and
- vi. A covenant pursuant to section 219 of the *Land Title Act* requiring a community amenity contribution of \$1,000 per multi-family residential unit, payable at time of building permit, and \$1,000 per single-family or duplex residential parcel, payable at time of subdivision, to the Town's Amenity Fund.

Motion Carried

OPPOSED: Councillor Johnson

10. COMMITTEE MINUTES

10.1 March 9, 2021 Committee of the Whole Recommendations

Council agreed to consider separately the Grant In Aid resolutions for the Ladysmith & District Historical Society and Ladysmith Show & Shine due to individual Council members' declared conflicts of interest.

CS 2021-085

That Council approve the allocated amounts of 2021 Grant in Aid requests as follows:

Ladysmith Community Gardens Society \$1,600
Old English Car Club Central Island Branch \$600
Ladysmith Downtown Business Association \$4,000
Ladysmith Family & Friends Society \$2,500
Ladysmith Celebrations Society \$10,000
Ladysmith & District Marine Rescue Society \$2,500
Cowichan Family Caregivers Support Society \$1,000
Ladysmith Festival of Lights \$15,000

Ladysmith Maritime Society \$1,500
Ladysmith Little Theatre \$2,500
Cowichan Trail Stewardship Society - Ladysmith Chapter \$2,000
Ladysmith Secondary School Parent Advisory Council \$500
LSS - Frank Jameson Bursary \$1,500
Waiving Fees \$4,000
Late Applications/Council Discretion \$3,850

CS 2021-086

AMENDMENT

That Council amend the 2021 Grant in Aid allocated to the Ladysmith Downtown Business Association by increasing the amount from \$4,000 to \$5,000.

Amendment Carried

OPPOSED: Councillor Johnson

CS 2021-087

AMENDMENT

That Council reduce the amount allocated to 2021 Late Applications/Council Discretion from \$3,850 to \$2,850.
Amendment Carried

Resolution CS 2021-085, as amended reads:

That Council approve the allocated amounts of 2021 Grant in Aid requests as follows:

Ladysmith Community Gardens Society \$1,600
Old English Car Club Central Island Branch \$600
Ladysmith Downtown Business Association \$5,000
Ladysmith Family & Friends Society \$2,500
Ladysmith Celebrations Society \$10,000
Ladysmith & District Marine Rescue Society \$2,500
Cowichan Family Caregivers Support Society \$1,000
Ladysmith Festival of Lights \$15,000
Ladysmith Maritime Society \$1,500
Ladysmith Little Theatre \$2,500
Cowichan Trail Stewardship Society - Ladysmith Chapter \$2,000
Ladysmith Secondary School Parent Advisory Council \$500
LSS - Frank Jameson Bursary \$1,500
Waiving Fees \$4,000

Late Applications/Council Discretion \$2,850
Main Motion, as Amended, Carried

Councillor Johnson declared a conflict of interest due to his position on the board of the Ladysmith & District Historical Society and vacated the meeting at 8:51 p.m.

CS 2021-088

That Council approve the allocated amount of \$7,500 as the 2021 Grant in Aid for the Ladysmith & District Historical Society.

Motion Carried

Councillor Johnson returned to the meeting at 8:52 p.m.

Councillor Paterson declared a conflict of interest due to his membership with the Ladysmith Show & Shine organization and vacated the meeting at 8:52 p.m.

CS 2021-089

That Council approve the allocated amount of \$2,000 as the 2021 Grant in Aid for the Ladysmith Show & Shine organization.

Motion Carried

Councillor Paterson returned to the meeting at 8:53 p.m.

CS 2021-090

That Council direct staff to:

1. Implement a yard waste pilot project, starting with two spring pickup dates targeted for the end of April and May 2021;
2. Bring a summary report of costs and participation levels after the first two spring pickups, in order that Council can provide direction on a fall pickup schedule; and
3. Include \$20,000 in the Solid Waste budget for 2021 with the funds to come from the Solid Waste Reserve.

Motion Carried

CS 2021-091

That Council direct staff to:

- Prepare a Park Dedication Bylaw which includes Town-owned properties identified in the staff report dated March 9, 2021; and
- Identify portions of road right of way that are currently being used as park space and bring forward the necessary bylaws to:
 - close and remove the road dedication pursuant to section 40 of the *Community Charter*; and
 - dedicate the resulting legal parcels as park.

Motion Carried

CS 2021-092

That Council direct staff to bring forward amendments to the Zoning Bylaw related to two-storey coach houses as identified by the Committee of the Whole.

Motion Carried

10.2 February 4, 2021 Public Art Task Group Minutes

CS 2021-093

That Council receive for information the minutes of the February 4, 2021 meeting of the Public Art Task Group.

Motion Carried

11. REPORTS

11.1 2021 Financial Plan Update

CS 2021-094

That Council approve the changes to the 2021-2025 Financial Plan as presented by the Director of Financial Services on March 16, 2021, including:

- Single Axle Dump Truck for \$230,000 with funds from prior year surplus;
- Yard Waste Clean-up Pilot for \$20,000 with funds from solid waste reserve;
- Water main breaks for \$200,000 with funds from the water reserve;
- Parks, Recreation & Culture additional loss in revenues for \$29,863 with the funds to come from the COVID-19 Provincial funds;

- Arts & Heritage Hub design changes for \$1,352,340 with funds from Real Property Reserve for \$234,812, Amenity Fund for \$96,588, General Government Reserves for \$336,940 and the relocation of the Artist's Studio using \$400,000 from Prior Year Surplus and \$284,000 from Government - Development Reserves;
- Engineering coverage for \$62,044 with funds to come from General Government – staff vacation sick leave reserve; and
- Fire Department used SCBA for \$11,300 with funds from the fire equipment reserve.

Motion Carried

12. BYLAWS

12.1 Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw No. 9, 2021, No. 2059

CS 2021-095

That Council adopt "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw No. 9, 2021, No. 2059".

Motion Carried

13. CORRESPONDENCE

13.1 Request for Support for CVRD Grant Application to the UBCM Community Emergency Preparedness Fund EOC

CS 2021-096

That Council authorize the Cowichan Valley Regional District to apply for, receive and manage the UBCM Community Emergency Preparedness Fund Emergency Operations Centre grant funding up to \$25,000 on behalf of the Town of Ladysmith.

Motion Carried

By unanimous consent, Council recessed the Regular Meeting at 9:02 p.m. and reconvened at 9:03 p.m.

13.2 Request from Councillor Will Cole-Hamilton, City of Courtenay, to Endorse the Help Cities Lead Campaign and the Property Assessed Clean Energy Coalition

CS 2021-097

That the Mayor on behalf of Council send a letter of support endorsing the "Help Cities Lead Campaign" and expressing support for BC legislation enabling Property Assessed Clean Energy (PACE) by third-party administration to the following: the Hon. Josie Osbourne, Minister of Municipal Affairs; the Hon. George Heyman, Minister of Environment and Climate Change Strategy; the Hon. Selina Robinson, Minister of Finance; the Hon. Bruce Ralston, Minister of Energy Mines and Low Carbon Innovation; and the Hon. David Eby, Attorney-General and Minister responsible for Housing.

Motion Carried

OPPOSED: Councillor Paterson

13.3 Request for Support from Paul Manly, MP regarding Housing Affordability and Homelessness

CS 2021-098

That Council refer the request for a letter of support from Paul Manly, MP, regarding housing affordability and homelessness to a future Committee of the Whole meeting for consideration and discussion.

Motion Carried

13.4 Request by the Center for Epilepsy & Seizure Education to Illuminate City Hall with purple lights on March 26th

CS 2021-099

That Council approve the request from the Center for Epilepsy & Seizure Education in BC to illuminate City Hall with purple lights on Friday, March 26, 2021 in support of Epilepsy awareness.

Motion Carried

13.5 Community Living

CS 2021-100

That the Mayor on behalf of Council, send a letter to Community Living BC, in support of the request from the Ladysmith Community Options group that offers services for people who have a developmental disability remain centred in Ladysmith.

Motion Carried

14. UNFINISHED BUSINESS

14.1 Motion to Provide a Letter of Support for a Fully Funded Tertiary Hospital at the NRGH

CS 2021-101

That the Mayor, on behalf of Council provide a letter of support for a fully funded tertiary hospital at the Nanaimo Regional General Hospital in a timeline approved by the Nanaimo medical staff and the patients of Central and North Vancouver Island.

Motion Carried

15. QUESTION PERIOD

There were no questions submitted by the public.

16. ADJOURNMENT

CS 2021-102

That this Regular Meeting of Council adjourn at 9:19 p.m.

Motion Carried

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (D. Smith)



MINUTES OF A SPECIAL MEETING OF COUNCIL

Tuesday, March 23, 2021

5:30 P.M.

This meeting was held electronically as per Ministerial Order No. M192

Council Members Present:

Mayor Aaron Stone
Councillor Amanda Jacobson
Councillor Rob Johnson
Councillor Tricia McKay

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba

Geoff Goodall
Donna Smith
Mike Gregory

OCP Consultants:

Jennifer Fix, ahne Studio
Jeremy Murphy, Sustainable Solutions Group

1. CALL TO ORDER AND ACKNOWLEDGEMENT

Mayor Stone called this Special Meeting of Council to order at 5:30 p.m., recognizing with gratitude that it was taking place on the traditional unceded territory of the Stz'uminus People.

2. AGENDA APPROVAL

CS 2021-103

That Council approve the agenda for this Special Meeting of Council for March 23, 2021.

Motion Carried

3. OFFICIAL COMMUNITY PLAN PROJECT KICK OFF

Mayor Stone introduced Jennifer Fix of ahne Studio, and Jeremy Murphy of Sustainable Solutions Group, consultants for the Official Community Plan Review.

Ms. Fix and Mr. Murphy outlined both the objectives of the review and the four-step, 18-month project process, noting that engagement and planning are fully integrated in their philosophy. They addressed climate action planning options and underscored that effective land use planning results in climate planning. They advised that their approach is based on Council's previous direction and identified objectives for the project, including the Project Charter.

The consultants invited Council to share their insights, aspirations and perspectives regarding the OCP review. Council discussed affordability, active transportation, urban character, greenery densification, and the importance of using current data and demographic information when creating the plan. Council provided ideas for public engagement including "kitchen" meetings and "pop-up" opportunities to share information and get people involved. Council expressed caution about the unintended consequences of using equivalencies when executing plans and expressed their hope that the finished plan would be both aspirational and achievable.

Councillor Paterson vacated the meeting at 7:00 p.m.

Ms. Fix and Mr. Murphy expressed their appreciation for the insights provided by Council and thanked them for the opportunity to work together.

4. ADJOURNMENT

CS 2021-104

That this Special Meeting of Council adjourn at 7:06 p.m.

Motion Carried

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (D. Smith)

STAFF REPORT TO COUNCIL

Report Prepared By: Julie Thompson, Planner
Meeting Date: April 6, 2021
File No: DVP 3090-20-08
Re: Development Variance Permit Application – Canopy at 1020 1st Avenue (Blooms At The 49th)

RECOMMENDATION:

That Council:

1. Issue Development Variance Permit 3090-20-08 to vary section 4.16.8 of “Sign and Canopy Bylaw 1995, No. 1176” to allow the installation of a canopy on a building where there is more than one projecting sign, at Lot 1 District Lot 24 Oyster District Plan VIP85193 (1020 1st Avenue); and
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-20-08.

EXECUTIVE SUMMARY:

A Development Variance Permit (DVP) application has been received to vary section 4.16.8 of “Sign and Canopy Bylaw 1995, No. 1176” to allow the installation of a canopy outside Blooms At The 49th (flower shop). Section 4.16.8 does not allow a canopy to be installed on a building where there is more than one projecting sign located on the building; 1020 1st Avenue currently has four projecting signs. Staff recommend issuance of DVP 3090-20-08 as the canopy is consistent with the character of the downtown.

PREVIOUS COUNCIL DIRECTION:

N/A



Figure 1: Subject Property Map

INTRODUCTION/BACKGROUND:

The subject property is located at 1020 1st Avenue and contains a large commercial building

containing four businesses including Blooms At The 49th (hereafter referred to as Blooms), Mid-Island Liquor, 49th Parallel Grocery, and The 49th Café. The subject property fronts along Warren Street, 1st Avenue, and Symonds Street. The applicant has applied for a DVP to allow a canopy that has been installed outside of the Blooms business along the Warren Street frontage (see Figure 2).



Figure 2: Awning at Blooms.

DISCUSSION:

“Sign and Canopy Bylaw 1995, No. 1176”:

The proposed awning is subject to the Town’s “Sign and Canopy Bylaw 1995, No. 1176”. Section 4.16.8 of the Sign and Canopy Bylaw states that:

*“Only one projecting sign **per building** is permitted if the building has a canopy, otherwise, one projecting sign is permitted for each business.”*

The building at 1020 1st Avenue has four projecting signs attached to it, one for each of the businesses. The Sign and Canopy Bylaw only allows for one projecting sign per building where the building has a canopy, therefore a DVP is required to allow the Blooms canopy.

Proposed Variance:

If issued, DVP 20-08 would allow one projecting sign per **business** where the building has a canopy, rather than one projecting sign per building. As the building is large, spanning almost an entire block, it is considered reasonable to allow one projecting sign per business in addition to the canopy at Blooms. The proposed permit is general and does not contain development plans, which will allow for changes to future projecting signs and canopies on the building without the need for similar subsequent variances. However, a sign permit or façade

development permit would be required for such future signage or canopy changes. It is noted that sign and façade permits are staff issuable.

Other Land Use Regulations:

The subject property is located within the Downtown Commercial (C-2) zone in “Town of Ladysmith Zoning Bylaw 2014, No. 1860” and is located within Development Permit Area 2 – Downtown (DPA 2). The C-2 zone does not regulate the installation of canopies or signage.

DPA 2 contains guidelines for canopies and signage including the following:

- Canopy design should complement the overall building and public realm.
- Signage shall meet the standards of the Town’s Sign and Canopy Bylaw.

The proposed canopy is consistent with the relevant DPA 2 guidelines and complements the character of the downtown. If the DVP is issued, a sign and façade development permit may then be issued for the canopy and signage at Blooms.

It is recommended that DVP 20-08 be approved based on the above analysis.

ALTERNATIVES:

Council can choose to not issue DVP 3090-20-08. If DVP 3090-20-08 is not approved, the applicant will be required to either remove the canopy or three of the projecting signs to bring the signage into compliance with “Sign and Canopy Bylaw 1995, No. 1176”.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

[Section 498\(1\)\(a\)\(iii\)](#) of the *Local Government Act* enables Council to vary land use regulations pertaining to signage, through the issuance of a DVP. This is a discretionary decision of Council. Public notification for DVP applications is required under [section 499](#) of the *Local Government Act*.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The notice regarding DVP 3090-20-08 was delivered and sent to neighbouring properties within 60m of the subject property on March 26, 2021. At the time of writing this report, the Town has not received any submissions from the public regarding DVP 3090-20-08.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application was referred to the Building Inspection Department for comment and no concerns were noted.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- ☐ Complete Community Land Use
- ☐ Green Buildings
- ☐ Innovative Infrastructure
- ☐ Healthy Community
- ☒ Not Applicable

- ☐ Low Impact Transportation
- ☐ Multi-Use Landscapes
- ☐ Local Food Systems
- ☐ Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

- ☐ Infrastructure
- ☐ Community
- ☐ Waterfront

- ☐ Economy
- ☒ Not Applicable

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENT(S):

- Attachment A: Draft DVP 3090-20-08

ATTACHMENT A



TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 *Local Government Act*)

FILE NO: 3090-20-08

DATE: April 6, 2021

Name of Owner(s) of Land (Permittee): Har-way Holdings Ltd., 0161428

Applicant: Peter Richmond (Har-Way Holdings Ltd.)

Subject Property (Civic Address): 1020 1st 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 District Lot 24 Oyster District Plan VIP85193 – PID: 027-597-482 (1020 1st Avenue)
3. Section 4.16.8 “Projecting Signs” of the Town of Ladysmith “Sign and Canopy Bylaw 1995, No. 1176”, as amended, is varied for the subject property by allowing one projecting sign per business on a building with a canopy.
4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit.
5. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (3090-20-08) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
6. 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.

ATTACHMENT A

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL ON THE DAY OF 2021.

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 **Har-way Holdings Ltd., 0161428** other than those contained in this Permit.

Signed

Witness

Title

Occupation

Date

Date

STAFF REPORT TO COUNCIL

Report Prepared By: Darren Lucas
Meeting Date: April 6, 2021
File No: 3090-20-09 & 3060-20-24
Re: Development Variance Permit and Development Permit for a Residential Development at 19-245 Oyster Cove Road

RECOMMENDATION:

That Council:

1. Approve Development Variance Permit 3090-20-09 for Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 (19-245 Oyster Cove Road) to vary the front parcel line setback from 6.0m to 5.0m;
2. Approve Development Permit 3060-20-24 to permit a new single unit dwelling on Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1; and
3. Authorize the Mayor and Corporate Officer to sign the Development Variance Permit 3090-20-09 and Development Permit 3060-20-24.

EXECUTIVE SUMMARY:

A Development Variance Permit (DVP) and a Development Permit (DP) application have been received for construction of a single unit dwelling at 19-245 Oyster Cove Road. The subject property is within the Hazard Lands Development Permit Area (DPA 7). The applicant is also requesting a 1 metre variance to the front setback (from 6.0 to 5.0m). Staff are recommending approval of the DVP and DP because the proposal is generally consistent with the DPA 7 guidelines, buildings on the neighbouring properties, and is not expected to have negative impacts on the neighbourhood.

PREVIOUS COUNCIL DIRECTION:

A previous variance (DVP 3090-16-05) was approved for 19-245 Oyster Cove Road to allow for the attached garage to be located 0.6m from the front parcel line. The previously approved dwelling was not constructed and the approval expired after two years. In 2016 and 2020, Council issued the following DVPs for reduced front yard setbacks for other properties within the bare land strata development at 245 Oyster Cove Road:

Resolution	File Number	Strata Lot #	Variance Approved
------------	-------------	--------------	-------------------

CS 2016-129	3090-16-01	14	Front parcel line setback reduced from 6.0m to 0.6m
CS 2016-242	3090-16-05	37 (subject property – Development not completed)	Front parcel line setback reduced from 6.0m to 0.6m
CS-2016-276	3090-16-06	9	Front parcel line setback reduced from 6.0m to 0.6m
CS 2017-084	3090-16-09	40	Front parcel line setback reduced from 6.0m to 3.05m
CS 2020-213	3090-20-05	11	Front parcel line setback reduced from 6.0m to 0.6m

INTRODUCTION & BACKGROUND:

The subject property is located within a bare land strata single family residential development and is 462.9m² in size. The majority of lots along Oyster Cove Road, including the subject property, are steeply sloping toward the sea. Neighbouring land uses adjacent to the subject property are single unit residential.



The applicant is proposing to construct a single unit dwelling on the subject property with an attached garage located at the front of the proposed dwelling. The applicant has provided a letter of rationale (Attachment C).

DISCUSSION:

OCP:

The subject property is designated Single Family Residential in the Official Community Plan (OCP). The proposed development is consistent with the OCP designation. The subject property is within the Hazard Lands Development Permit Area (DPA 7), therefore a DP is required for the proposed development.

Hazard Lands Development Permit Area (DPA 7):

The subject property is located within DPA 7 and the applicant has applied for a DP to allow the proposed construction. The DPA 7 guidelines require that the buildings and structures are sited in accordance with the requirements determined by a Geotechnical Engineer through a geotechnical assessment.

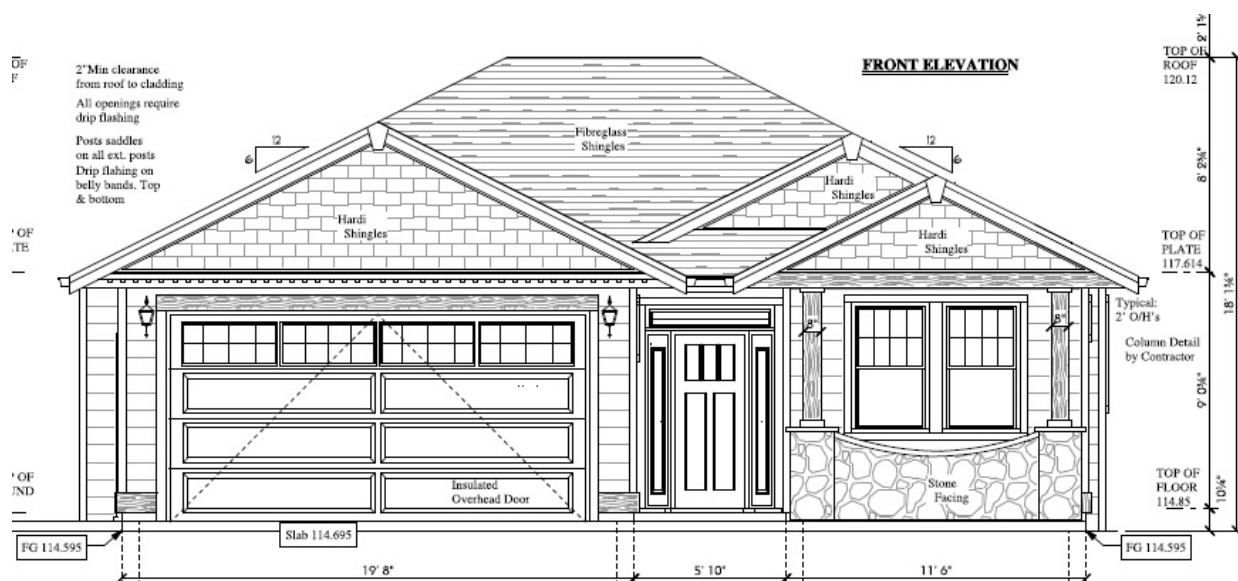
A geotechnical assessment was submitted with the DP application, which states that the site is safe for the use intended, provided that the recommendations in the report are followed. The proposed development is consistent with the requirements of the DPA 7 guidelines. The geotechnical report and recommendations have been incorporated into the draft DP 3060-20-24 (Attachment B).

Zoning:

The subject property is within the Oyster Cove Residential (R-2-B) zone in "Town of Ladysmith Zoning Bylaw 2014, No. 1860". The proposed use of the property for a single unit dwelling is permitted in the R-2-B zone. The front parcel line setback in the R-2-B zone for a principal building is 6.0m. The applicant is proposing to construct the principal building (including an attached garage), 5.08m from the front parcel line, thus a variance of 1.0m is required.

Design of Proposed Development:

The front of the proposed dwelling is asymmetrical with the garage on one side and a window and front door facing the street. Draft DVP 20-09 (Attachment A) requires compliance with the garage elevations within the attached Schedule B – Garage Design. Draft DVP 20-09 varies the front parcel line setback and allows for the front of the garage to be located closer to the street. The design and the siting of the proposed dwelling and attached garage is consistent with the neighbouring properties.



Impact Analysis:

The subject property is steeply sloping toward the sea. There is an 8.0m setback from the natural boundary of the sea as well as a 7.5m setback from the rear parcel line in the R-2-B zone. The proposed variance to the front parcel line setback will make it easier to maintain the rear setbacks. In addition, locating the garage closer to the front of the parcel allows easier access to the street given the slope.

Several properties within the Oyster Cove Road Strata contain either attached or detached garages that are close to the front parcel line. In 2016 and 2020, Council approved DVP applications within the strata for attached garages as close as 0.6m to the front parcel line.¹ The proposed development is consistent with the other buildings in the neighbourhood, however it is setback further from the road than some of the other buildings.

Staff recommend that Council approve the application to vary the setback as the proposed dwelling is consistent with the buildings on the neighbouring properties and is not expected to have negative impacts on the neighbourhood.

ALTERNATIVES:

Council can choose not to issue DVP 3090-20-09 (and DP 3060-20-24) and direct the applicant to attempt to meet the zoning requirements.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

The *Local Government Act* allows Council to vary zoning regulations excluding regulations of use, density, and rental tenure through issuance of a DVP. Through a DVP, Council may permit exceptions to the setback provisions as is proposed in this application.

The draft DP cannot be approved unless the DVP is also approved since the DP cannot authorize a development that is inconsistent with the Zoning Bylaw. If Council rejects the DVP and DP, staff can issue a revised DP application for a development that is consistent with the Zoning Bylaw under the "Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905", as amended. If the DP is refused separately from the DVP, reasons must be given based on the DPA 7 guidelines, since the issuance of a DP is not completely discretionary.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Notice of the proposed Variance was issued in accordance with the requirements of the *Local Government Act* and "Town of Ladysmith Development Approval Procedures Bylaw 2008, No. 1667" as amended. On March 26, 2021 a letter was sent to the property owners/residents within

1. See Council Resolutions: CS 2016-129; CS 2016-242; CS 2016-276; CS 2017-084; and CS 2020-213

60m of the subject property. At the time of writing, the Town has not received any submissions from the public regarding DVP 3090-20-09. Any submissions will be brought forward for Council's consideration.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The applications have been referred to the Infrastructure Services Department, the Building Inspector, and the Fire Chief. Their comments have been incorporated into the draft permits and/or will be addressed through the 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).

Allison McCarrick, Chief Administrative Officer

ATTACHMENT(S):

- Attachment A - Draft DVP 3090-20-09
- Attachment B - Draft DP 3060-20-24
- Attachment C - Applicant Letter of Rationale



TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 *Local Government Act*)

FILE NO: 3090-20-09

DATE: April 6, 2021

Name of Owner(s) of Land (Permittee): FMC Holdings Ltd., Inc. No. BC0852472

Applicant: Daniel Langill (Langill Electric Ltd.)

Subject Property (Civic Address): 19–245 Oyster Cove

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:

**STRATA LOT 37, DISTRICT LOT 56, OYSTER DISTRICT, STRATA PLAN 2009,
TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT
ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1
PID: 017-409-837
(19–245 Oyster Cove Road)
(referred to as the “Land”)**

3. Section 10.8.5 c) “Siting, Sizing and Dimensions of Uses, Buildings and Structures” within the ‘Oyster Cove Residential Zone (R-2-B)’ of the “Town of Ladysmith Zoning Bylaw 2014, No. 1860”, as amended, is varied as follows:

From:

- c) No *Principle Building* or *Structure* shall be located closer to the front parcel line than a minimum of 6.0m.

To:

- d) No *Principle Building* or *Structure* shall be located closer to the Front Parcel Line than a minimum of 5.0m.

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 – Elevation Plans**

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 **(3090-20-09)** 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 _____.

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 **FMC Holdings Ltd., Inc. NO. BC0852472** other than those contained in this permit.

Signed

Witness

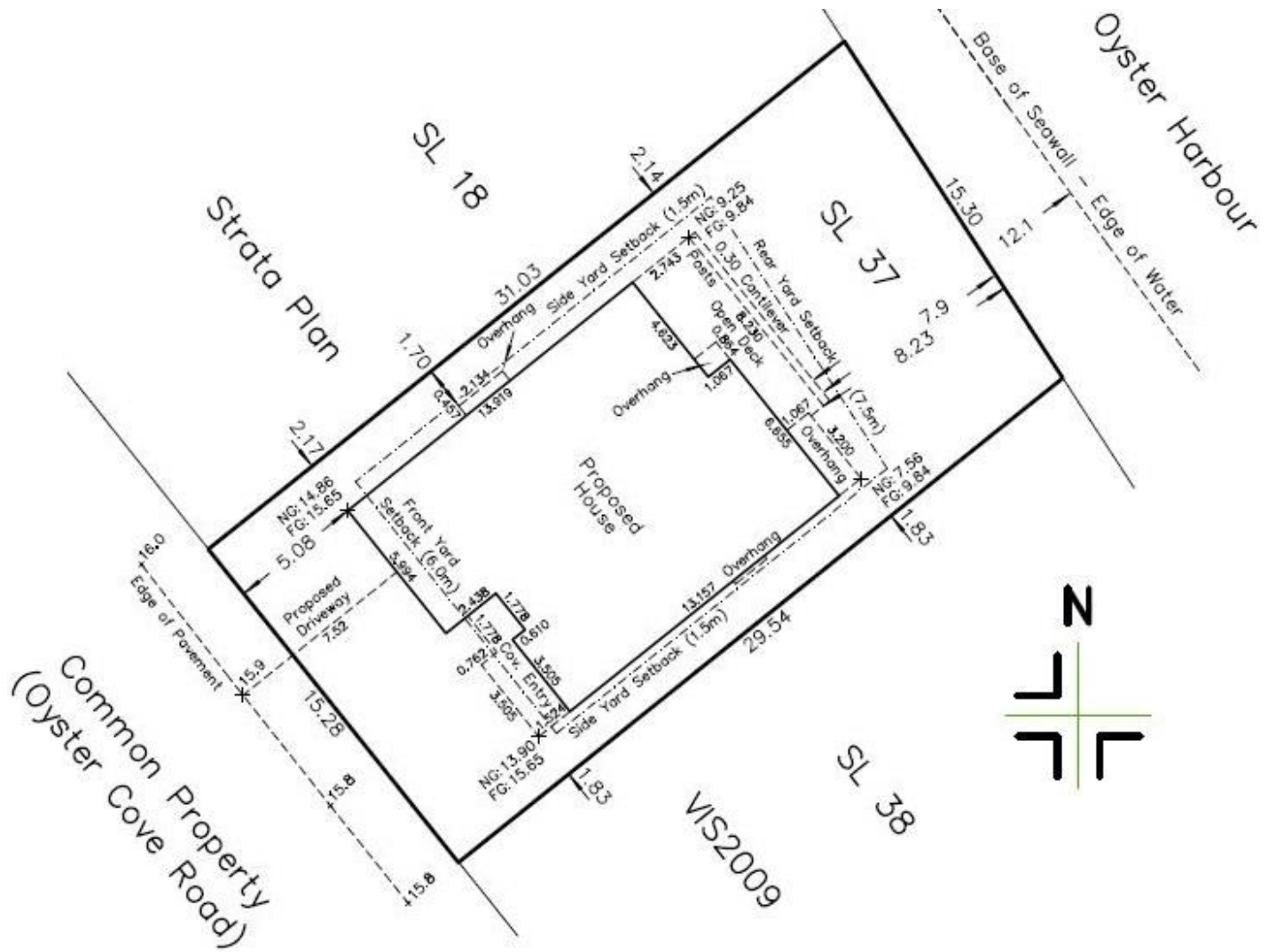
Title

Occupation

Date

Date

Schedule A – Site Plan
DVP 3090-20-09
19-245 Oyster Cove Road

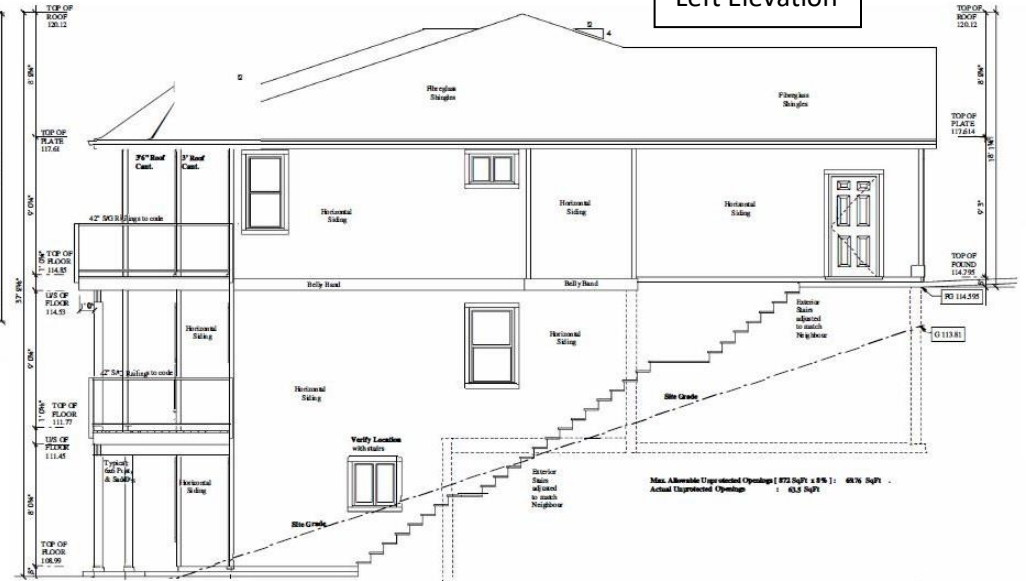


Schedule B - Elevations
DVP 3090-20-09
19-245 Oyster Cove Road

Front Elevation



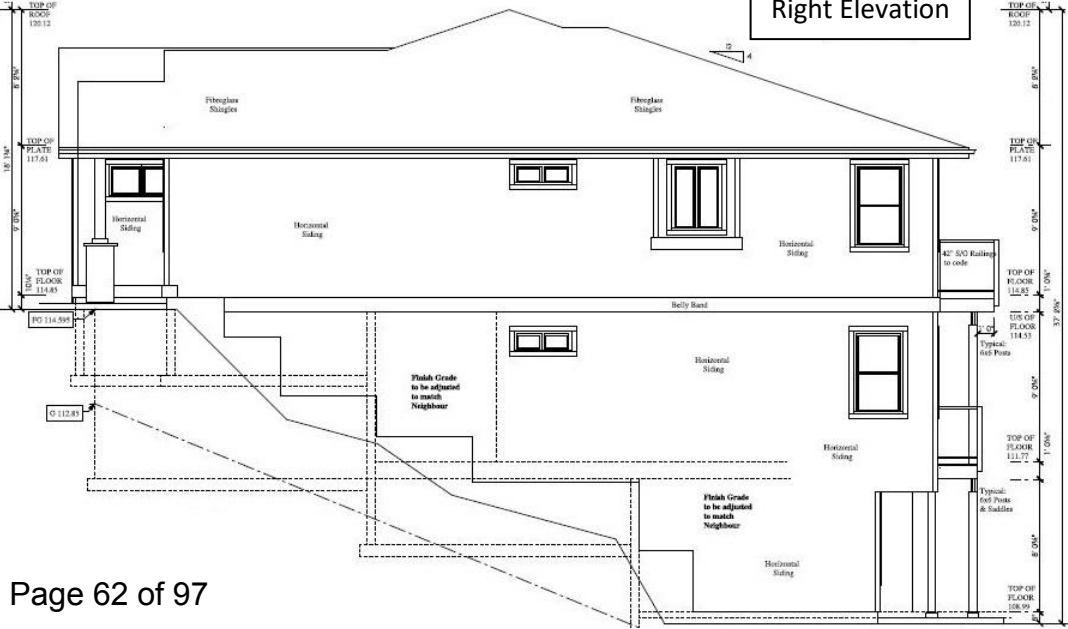
Left Elevation



Rear Elevation



Right Elevation





TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 488 *Local Government Act*)

FILE NO: 3060-20-24

DATE: April 6, 2021

Name of Owner(s) of Land (Permittee): FMC Holdings Ltd., Inc. No. BC0852472

Applicant: Daniel Langill (Langill Electric Ltd.)

Subject Property (Civic Address): 19–245 Oyster Cove

1. This Development Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as supplemented by this Permit.
2. This Development 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:

**STRATA LOT 37, DISTRICT LOT 56, OYSTER DISTRICT, STRATA PLAN 2009,
TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT
ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1
PID: 017-409-837
(19–245 Oyster Cove Road)
(referred to as the “Land”)**

3. This Permit has the effect of authorizing the issuance of a building permit for the construction of a building on the Land designated in the Official Community Plan under section 488 of the *Local Government Act*, in accordance with the plans and specifications attached to this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in the Town of Ladysmith Zoning Bylaw 2014, No. 1860.
5. The Permittee, as a condition of the issuance of this Permit, agrees to:
 - a) Develop the lands in accordance with **Schedule A: Site Plan**
 - b) Follow all recommendations in **Schedule B: Geotechnical Hazardous Assessment – Single Family Residence Strata Lot 37 (Unit #19), 245 Oyster Cove Road, Ladysmith, BC** (Lewkowich Engineering Associates Ltd.) including but not limited to:
 - i. That future development relating to habitable residential construction be above the Flood construction Level of 4.89m GD (Geodetic)
 - ii. Any encroachment of accessory structures into the minimum shoreline setback of 8.0m from the natural boundary, such as a proposed deck, must not be structurally attached to the residence.
 - iii. Yard areas between the proposed single-family dwelling and the Natural Boundary should be sloped as to direct water away from the proposed house and toward the foreshore area.

- iv. Waters from the hill side should be directed around the building toward the north yard area and foreshore beyond. Every effort must be made as to not direct surface water to neighboring properties.
 - v. That the existing sea wall be regularly monitored by current and future property owners for any notable scour and inland erosion. Any scour, erosion or damage should be repaired to maintain the integrity of the sea wall.
6. 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.
7. 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 (**3060-20-24**) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
8. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL ON THE ____DAY of ____.

Mayor (A. Stone)

Corporate Officer (D. Smith)

I HEREBY CERTIFY that I have read the terms and conditions of the Development 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 **FMC Holdings Ltd., Inc. No. BC0852472** other than those contained in this permit.

Signed

Witness

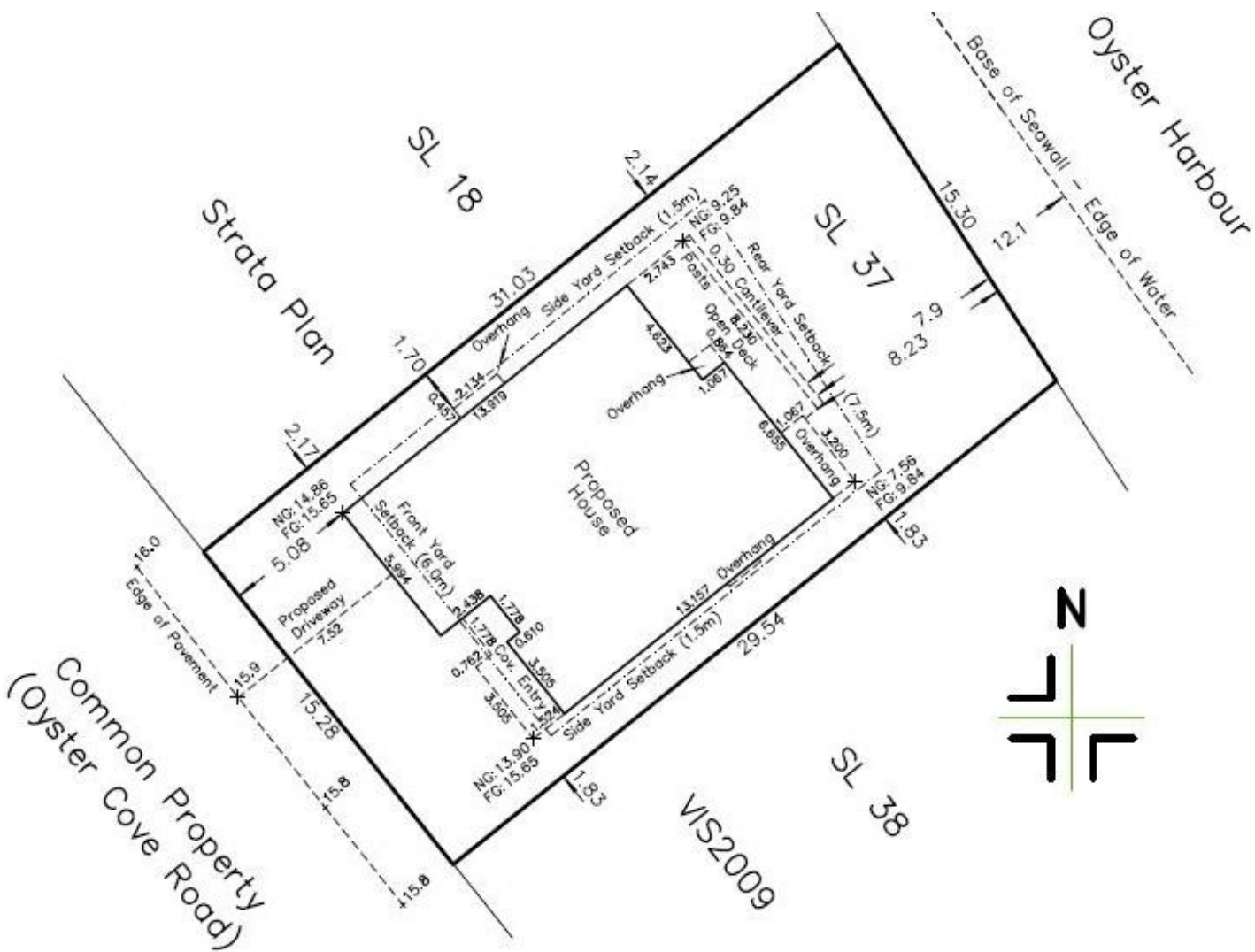
Title

Occupation

Date

Date

Schedule A – Site Plan
DP 3060-20-24
19-245 Oyster Cove Road



Schedule B – Geotechnical Report
DP 3060-20-24
19-245 Oyster Cove Road

GEOTECHNICAL HAZARD ASSESSMENT

Single-Family Residence
Strata Lot 37, 245 Oyster Cove Road,
Ladysmith, BC

Legal Address:
Strata Lot 37, District Lot 56, Oyster
District, Plan VIS2009

Prepared For:
Langill Electric Ltd.
dl62@live.ca

Attention:
Dan Langill

September 8th, 2020

File No.: F7267.02
Prepared by: Darron G. Clark, P.Eng.
Reviewed by: Chris Hudec, P.Eng.

Lewkowich Engineering Associates Ltd.
1900 Boxwood Road
Nanaimo, BC, V9S 5Y2
250-756-0355 (Office)
250-756-3831 (Fax)
www.lewkowich.com

LEA **Lewkowich
Engineering
Associates Ltd.**



ENGINEERS &
GEOSCIENTISTS
BPP-511-03-01-13-2-4

OQM
CERTIFIED

DISCLAIMER

1. Lewkowich Engineering Associates Ltd. (LEA) acknowledges that this report, from this point forward referred to as “the Report,” may be used by the Town of Ladysmith (ToL) as a precondition to the issuance of a development and/or building permit. This Report and any conditions contained in the Report may be included in a restrictive covenant under Section 919.1(1)(b) of the local government act and registered against the title of the Property at the discretion of the ToL.
2. This Report has been prepared in accordance with standard geotechnical engineering practice solely for and at the expense of Langill Electric Ltd. c/o Dan Langill. We have not acted for or as an agent of the ToL in the preparation of this Report.
3. The conclusions and recommendations submitted in this Report are based upon information from relevant publications, a visual site-assessment of the Property, anticipated subsurface soil conditions, available floodplain data, current construction techniques, and generally accepted engineering practices. No other warrantee, expressed or implied, is made. If unanticipated conditions become known during construction or other information pertinent to the structure becomes available, the recommendations may be altered or modified in writing by the undersigned.
4. The conclusions and recommendations issued in this Report are valid for a maximum of two (2) years from the date of issue. The 2-year term may be reduced as a result of updated bylaws, policies, or requirements by the authority having jurisdiction, or by updates to the British Columbia Building Code (BCBC). Updates to professional practice guidelines may also impact the 2-year term. If no application of the findings in this Report have been made to the subject development, the conclusions issued in this Report become void and re-assessment of the Property will be required.
5. This Report has been prepared by Mr. Darron G. Clark, P.Eng., and reviewed by Mr. Chris Hudec, M.A.Sc., P.Eng. Messrs. Clark and Scott are both adequately experienced in geotechnical engineering and hazard assessments and are also members in good standing with the Engineers and Geoscientists of British Columbia (EGBC).

EXECUTIVE SUMMARY

1. The following is a brief synopsis of the Property, assessment methods, and findings presented in the Report. The reader must read the Report in its entirety; the reader shall not rely solely on the information provided in this summary.
2. The Property, Strata Lot 37, 245 Oyster Cove Road, Ladysmith, BC, from this point forward referred to as “the Property,” is located on the east coast of Vancouver Island (Ladysmith Harbour / Strait of Georgia). The proposed development for the Property at the time of this Report includes the construction of a new single-family dwelling with cast in place concrete foundations and wood-framed superstructure.
3. A site-specific hazard assessment was conducted to identify potential geotechnical hazards for the subject Property. The primary geotechnical hazards identified relates to the Property’s close proximity and elevation from the Strait of Georgia (oceanic flooding) and close proximity to a steep slope.
4. The Combined Method (CM) approach was used in order to determine a suitable Flood Construction Level (FCL) for the Property. It was determined that an FCL of 4.89m geodetic datum (GD) be used for any future development relating to habitable residential construction.
5. The slope analysis indicated that the footings for the new residence must be founded below a 2H:1V plane emanating from the toe of the slope (near the east property line).
6. Implications for future development as they relate to steep slope protection, erosion, resultant shift of the oceanic natural boundary, and set back from this boundary are also discussed. The design and implementation of mitigation measures are beyond the scope of this Report.

List of Abbreviations Used in the Report

Abbreviation	Title
CM	Combined Method
EGBC	Engineers and Geoscientists of British Columbia
FB	Free Board
FCL	Flood Construction Level
FHA	Flood Hazard Assessment
FNB	Future Natural Boundary
GD	Geodetic Datum
LEA	Lewkowich Engineering Associates Ltd.
MFLNRO	Ministry of Forests, Lands, and Natural Resource Operations
PNB	Present Natural Boundary
RA	Regional Adjustment for Isostatic Rebound
SLR	Sea Level Rise
SS	Storm Surge
TASL	Turner and Associates Surveyors Ltd.
ToL	Town of Ladysmith
WE	Wave Effect

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1.0 INTRODUCTION

1.1 Background

- a. The Property is located on the east coast of Vancouver Island and borders Ladysmith Harbour / Strait of Georgia. See Figure 1.1 below.



Figure 1.1 – Site Location (Satellite Imaging from Google Earth®)

- b. The proposed development for the Property at the time of this Report includes the construction of a new single-family dwelling. We (LEA) understand the proposed development will be of conventional construction methods, including cast-in-place concrete foundations.
- c. We understand that future development of the subject Property requires a geotechnical report stating what (if any) natural hazards exist that may impact the proposed development and make comment and recommendations for those hazards. The primary geotechnical hazards of concern for the Property relates to its proximity to the steep slope (DP Area 7) and potential oceanic flooding.
- d. Following EGBC's Professional Practice Guidelines for Legislated Flood Assessments¹, this FHA would be categorized as a Class 0 assessment, applicable for developments related to:
- Renovations
 - Expansions
 - New single-family residence

- New duplex residence
- e. In preparation of this Report, we have reviewed the most current and relevant technical documents provided by EGBC, MFLNRO, along with historical air photo data and the attached site-specific survey information provided by TALS.
- f. The landslide hazard analysis follows the “Guidelines for Legislated Landslide Assessments for Residential Development in BC” (APEGBC, 2010).⁵

1.2 Covenant Review

- a. As part of our assessment, we have reviewed the documents registered on the legal title of the Property, specifically, any restrictive covenants registered against the Property that may relate to the conclusions and recommendations provided in this Report.
- b. Current to the date of this Report, there are no restrictive covenants registered against the Property.

2.0 SITE CONDITIONS

2.1 Physical Setting

- a. The Property is located in the central area of the ToL at its eastern extent (Ladysmith Harbour) and within DPA 7 ‘steep slope’ area. The site is situated on the northeast side of Oyster Cove Road, approximately 900m southeast of the Highway 1 and Transfer Beach Road intersection. The site is accessed via the Oyster Cove Road frontage. The Property location is shown below in Figure 2.1, as well as in the attached Site Plan prepared by Turner and Associates Surveyors Ltd.



Figure 2.1 – Photo of Subject Property

2.2 Terrain and Features

- a. LEA visited the Property on July 23th, 2019, and conducted a visual hazard assessment. At the time of our assessment, the Property was undeveloped. The properties on either side are developed with single family homes.
- b. The topography of the Property is generally described as rectangular in shape with an 8m high slope off the beach to Oyster Cove Road. The slope is ocean facing with a relatively consistent average inclination of 19 to 22 degrees. Below the Property there is a sidewalk and seawall, which is about 2m tall. The intertidal zone is flat and has a gentle gravelly pebble slope seaward with approximately 25m separation between the seawall and water at low tide.
- c. The lot's surface is covered in berry vines, some smaller boulders and woody debris and some mature trees.

2.3 Soil Conditions

- a. A subsurface investigation was not included as part of this assessment. Generally, subsurface soil conditions, as encountered by this office in similar investigations in the area, consist of a layer of topsoil, underlain by compact, naturally deposited sand and gravel. Some areas of fill soil and reworked soil were noted but their depth is unknown.
- b. Published surficial geology mapping identifies the area as part of the Bowser formation, a soil formation consisting of marine, gravelly, loamy sands.²

2.4 Surface and Groundwater Conditions

- a. There was no ponded or surface water observed during our field review nor any evidence of abnormal groundwater conditions.
- b. Groundwater flows may fluctuate seasonally with cycles of precipitation. Groundwater conditions observed at other times may differ from those observed during our assessment. We would expect that groundwater movement would be rapid, given the coarse nature of the site soil conditions.

2.5 Foreshore Conditions

- a. The foreshore can be characterized as a low bank intertidal zone facing the Ladysmith Harbour (Strait of Georgia) to the northeast. A common seawall and sidewalk fronts the entire development. The total height of the foreshore slope, including the 2.5m high seawall, was approximately 3-4 m at the time of our assessment. Evidence of scouring or undermining of the seawall was not observed during the site visit.
- b. Foreshore soil conditions consist of loose to compact sand and gravel with some cobbles. Vegetation along the foreshore consisted of sea grasses, other small grasses and/or small plants. Large pieces of

woody debris were observed. The foreshore conditions, at the time of our assessment, are shown below in Figure 2.5.



Figure 2.5 – Foreshore Condition

3.0 COASTAL FLOOD COMPONENTS

3.1 Tides

- a. For a summary of published January 2020 tide elevations related to the Property, see Table 3.1 below.

Table 3.1 – Summary of Ladysmith Tide Elevations. Station ID: 7460

Tidal Condition	Tide Elevation (local tide datum)
HHWLT	4.09m
HHWMT	3.67m
MWL	2.53m
LLWMT	0.95m
LLWLT	-0.08m

The Design HHWLT calculated as follows:

Tidal HHWLT; 4.09m – MWL; 2.53m = Design HHWLT; 1.56m GD

3.2 Sea Level Rise

- a. Information prepared by the provincial government in 2011 regarding policy for coastal floodplain mapping assumes a 1.0m rise in sea level from the year 2000 to 2100³. See Figure 3.2 below.

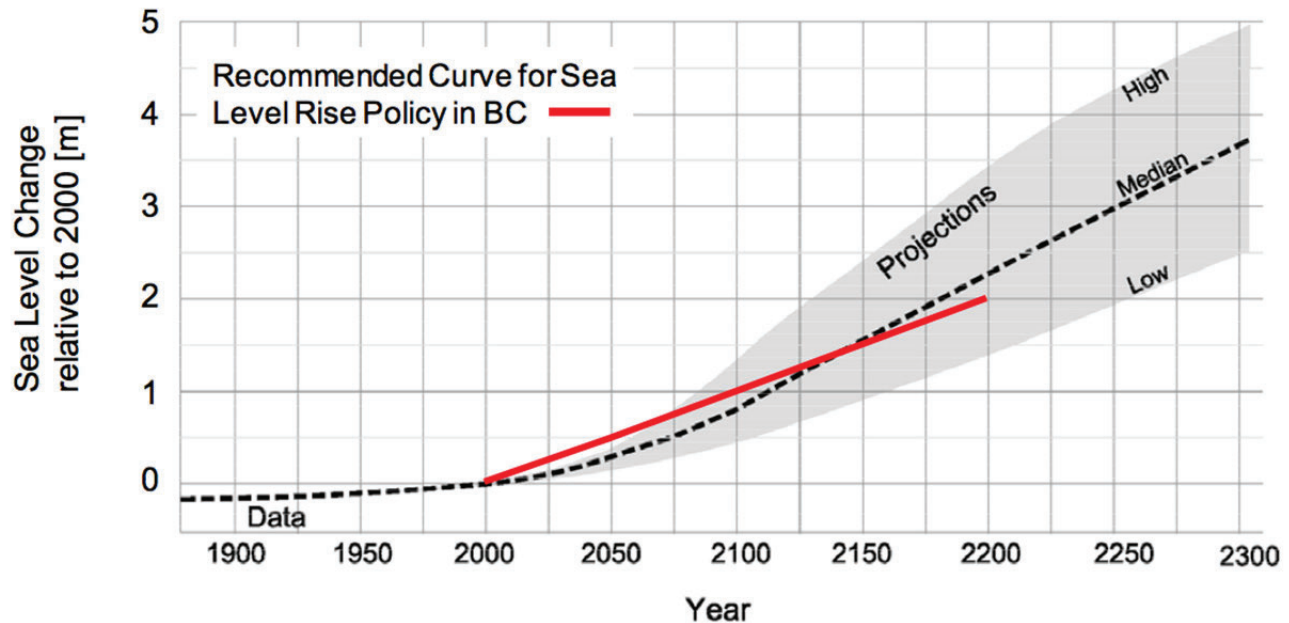


Figure 3.2 – Recommended Global SLR Curve for Planning and Design in BC

- b. The assumed amount of SLR is based on current information and will be evaluated in the future as more information becomes available. It should be noted that a 1.0m SLR estimate by the year 2100 is a conservative projection and has been used in the preparation of this Report. Whereas the 2.0m SLR estimate by the year 2200 would be considered a mid to low range projection.
- c. Forecasting this far into the future carries significant uncertainties. Monitoring changes of SLR is beyond the scope of this Report. We expect local authorities to remain informed in order to adjust their flood management plans/guidelines accordingly.

3.3 Regional Adjustment – Isostatic Rebound

- a. Future sea level is also affected by vertical land movement due to tectonic shifting. Calculations in SLR reflect changes in the regional rebound or subsidence of the land surface. Areas where the land elevation is increasing (rebound) should decrease the allowance for SLR, while areas where the land elevation is decreasing (subsidence) should increase the allowance for SLR. An RA value of -0.17m was derived from Figure 2-3 of the MFLNRO report prepared by KWL³. This value accounts for the 100-year design requirement for the Property.

3.4 Storm Surge

- a. Sea levels along the BC coast are not only affected by astronomical tide cycles but also by storms. Storms may affect water levels due to:
 - Changes in atmospheric pressure.
 - Strong winds acting on the water surface generating waves.
 - Changes in ocean currents or temperature.
- b. The combined effect of all these factors is termed “storm surge” (SS).
- c. The 1:200-year design SS value of 1.25m GD was derived from Table 2-1 of the MFLNRO report prepared by KWL.³

3.5 Wave Effect

- a. Breaking waves during the design storm event must also be considered, as breaking waves may further increase the depth of water along the shoreline as well as increase risk of runup and overtopping leading to flooding.
- b. We note that wave effect is site specific and dependent on local bathymetry, wind conditions, foreshore roughness, the presence of shoreline structures (revetment, dikes, etc.), as well as water levels at the time of the designated storm, which all contribute to estimated wave runup and/or wave overtopping. Wave effects are limited to the area immediately adjacent to the shoreline, and it is generally accepted that the wave effect does not extend more than 15m inland from the shoreline for relatively level areas, and even less so for steeply inclining areas.
- c. For this property, the shoreline consists of a 2.5m tall vertical seawall, followed by a steep coastal slope. Vertical seawalls along the Strait of Georgia can elevate the estimated wave runup height by a factor of 2.0 to 3.0 times over typical values for a gently sloping beach. In these scenarios, volume of wave overtopping is generally considered for flood mitigation measures.
- d. Considering the development will be setback a minimum 8.0m from the Natural Boundary, as discussed further below, nominal WE values as presented in the MFLNRO report prepared by KWL⁷ can be safely used for this development without further analysis. Therefore, a WE value of 0.65m was used during the preparation of this Report.

3.6 Freeboard

- a. A nominal FB value is typically added when calculating an FCL. The FB value accounts for uncertainties associated with value estimations used. Following recommendations from the MFLNRO report prepared by KWL, a FB value of 0.60m was used during preparation of the Report.

4.0 FLOOD CONSTRUCTION LEVEL

4.1 Combined Method

- a. We have used the CM approach in order to determine a suitable FCL for the Property. The CM was established by KWL as part of the MFLNRO report on Coastal Floodplain Mapping Guidelines and Specifications.⁷ At the time of this Report, it is the recommended method for determining an FCL for this Class of assessment and is supported by EGBC.
- b. The CM takes into account the cumulative effects of tides HHWLT, SLR, RA, SS, WE, and FB. The equation for calculating the FCL using the CM is as follows:

$$\text{FCL} = \text{HHWLT} + \text{SLR} + \text{RA} + \text{SS} + \text{WE} + \text{FB}$$

- c. Table 4.1 shows the calculation based on a projected 100-year design life for subject development.

Table 4.1 – FCL Determination using the CM to the year 2120

FCL Components	Year 2120
HHWLT	1.56m GD
SLR	1.00m
RA	(-0.17m)
SS	1.25m
WE	0.65m
FB	0.60m
Calculated FCL:	4.89m GD

5.0 DISCUSSION AND RECOMMENDATIONS

5.1 Coastal Flooding

5.1.1 Recommended FCL

- a. We recommend that an FCL of 4.89m GD be used for any future development relating to habitable residential construction.

5.1.2 Recommended Setback

- a. The ToL has established a minimum setback of 8.0m from the natural boundary. Any encroachment into this setback with auxiliary structures, such as the proposed deck, must not be structurally attached the residence.

- b. The referenced provincial guidelines state building setback should be measured from the estimated FNB of the sea. Floodplain setbacks are generally established to keep development away from areas of potential erosion, to avoid restricting the floodway, to protect structures from debris tossed onshore during storm events, and to reduce weathering effects from salt spray.
- c. The FNB can be reasonably estimated using the CM by summing the associated components, namely HHWLT, SLR and RA. The FNB in 100 years is estimated to be the 2.39m GD elevation contour line ($1.56\text{m GD} + 1.00\text{m} - 0.17\text{m} = 2.39\text{m GD}$) by this methodology.
- d. Considering the existing sea wall extends to elevation 3.3m GD, the sea wall is sufficiently tall to maintain the natural boundary to 100 years, and the FNB is equivalent to the PNB. Therefore, we recommend a geotechnical setback of 8.0m from the PNB.
- e. Any riparian, environmental and/or jurisdictional setbacks shall supersede the recommendations in this Report.

5.1.3 Floodwater and Inundation

- a. The recommended coastal FCL and setback applies to any Habitable Area; defined as any room or space within a building or structure which can be used for human occupancy, commercial sales, or storage of goods, possessions or equipment (including furnaces) which would be subject to damage if flooded.
- b. The FCL establishes the minimum elevation of the underside of a wooden floor system or top of concrete slab for any Habitable Area. During construction, all footing and floor elevations should be confirmed by qualified survey personnel to ensure the finished floor grade is at or above the recommended minimum FCL geodetic elevation.
- c. In the event of a design flood event (1 in 200-year), it is possible that floodwater from the Strait of Georgia would inundate the Property. The general risk of flooding increases as the sea level rises.
- d. Provided any construction within the Property satisfies the minimum recommended FCL and setback to PNB, we do not anticipate any damage to the structure or its contained goods as a result of floodwater. However, any areas constructed below the recommended FCL, could be subject to flooding during less than design flood events.

5.1.4 Scour and Erosion Protection

- a. If structural fill materials are used for foundation support, and include structural fills placed above existing site grades, further assessment may be required if those structural fills are placed below the FCL level.
- b. Additional information related to flood proofing and constructability (waterproofed areas below the FCL) of the proposed development is beyond the scope of this Report and would need to be addressed in a construction specific geotechnical report.

5.1.5 Site Grading

- a. Yard areas between the proposed single-family dwelling and the Natural Boundary should be sloped as to direct water away from the proposed house and toward the foreshore area.
- b. Waters from the hill side should be directed around the building toward the north yard area and foreshore beyond. Every effort must be made as to not direct surface water to neighboring properties.

5.1.6 Future Development

- a. Over the required 100-year design life of the development, SLR will likely expose the existing shoreline to increased wave action that may result in accelerated erosion of the foreshore area. Provincial guidelines require that the setback from natural boundary be maintained for the lifespan of the building. The Property is currently dependent on the existing sea wall to maintain stability of the foreshore bank and alignment of the natural boundary.
- b. Vertical sea walls are typically not a preferred revetment design because of their steepness, which tend to be more readily breached / overtopped by waves, which can cause erosion inland of the wall. They can also be more susceptible to scour erosion at their base, thereby exposing wall footings if not founded at sufficient depth. We note there was no significant scour or inland erosion observed for this sea wall at the time of our site reconnaissance.
- c. We recommend the existing sea wall be regularly monitored by current and future property owners for any notable scour and inland erosion. Any scour, erosion or damage should be repaired to maintain the integrity of the sea wall.
- d. Furthermore, SLR could cause increased water depth at the base of the sea wall, resulting in taller waves impacting the wall, which in turn will increase the frequency of wave overtopping. If the frequency of overtopping increases to undesirable levels, additional mitigative works such as rip-rap revetment could be installed in the future to help dissipate wave energy.

5.2 Steep Slope and Foundation Stability

- a. Slope stability is controlled by many factors, including: The strength of the bank soil/bedrock, the slope gradient, the vegetation coverage, the groundwater conditions, the inherent natural response of the soils/bedrock to a design seismic event and its effect on structures on or near the slope, and the potential for the ocean to act on the toe of the slope.
- b. In general, detailed slope stability analyses are required when building development is proposed near a slope that is steeper than 2 Horizontal to 1 Vertical (2H:1V). Building behind or below the 2H:1V plane as propagated from the toe of slope is generally considered a safe due to the fact that the internal angle of friction of most glacial soils found on Vancouver Island is appreciably greater than 26.6°, or 2H:1V. The

geometric setback in this case is designed to provide a described plane, below which building foundations may be situated and not be affected by (or trigger) a slide event. Therefore, in the case where proposed development is located below the 2H:1V intersection, a detailed slope stability analysis is generally not required.

- c. We have reviewed the 10 to 11m tall slope which is well vegetated and shows no signs of global instability (cracking fissures, seepage, etc.). The encountered soil over most of the slope is dense silty gravel. The encountered soil has a moderate strength and has moderate resistance to weathering and erosion. Based on the apparent soil strength and observed conditions, global slope stability is not a concern. However, the weathered surficial layer can be washed away by large surface water flows. Based on our observations and experience, slope movement would be confined to surficial sliding of the vegetated mat during extreme weather or seismic events. This could cause raveling and a regression of the slope.
- d. A key factor in slope stability is the integrity of the slope toe. It is noted that existing foreshore protection in the form of a concrete seawall has been implemented and appears to be satisfactory and provides the necessary toe protection. It would be prudent to monitor the shoreline for signs of erosion in the future and to take protective measures of the shore when the need for such becomes apparent. Further recommendations pertaining to foreshore protection works may be supplied upon request.
- e. Based on the slope geometry, the type and strength of soil and the potential erosion conditions; a placement of the footings under a 2V:1H incline from the toe of the slope is considered geotechnically sufficient for the proposed development. The lowered footings should have a horizontal separation from the final slope surface of at least 3m. This geometry is felt to accurately define a geotechnically safe and suitable location for a proposed building. See Figure 5.2 Below.

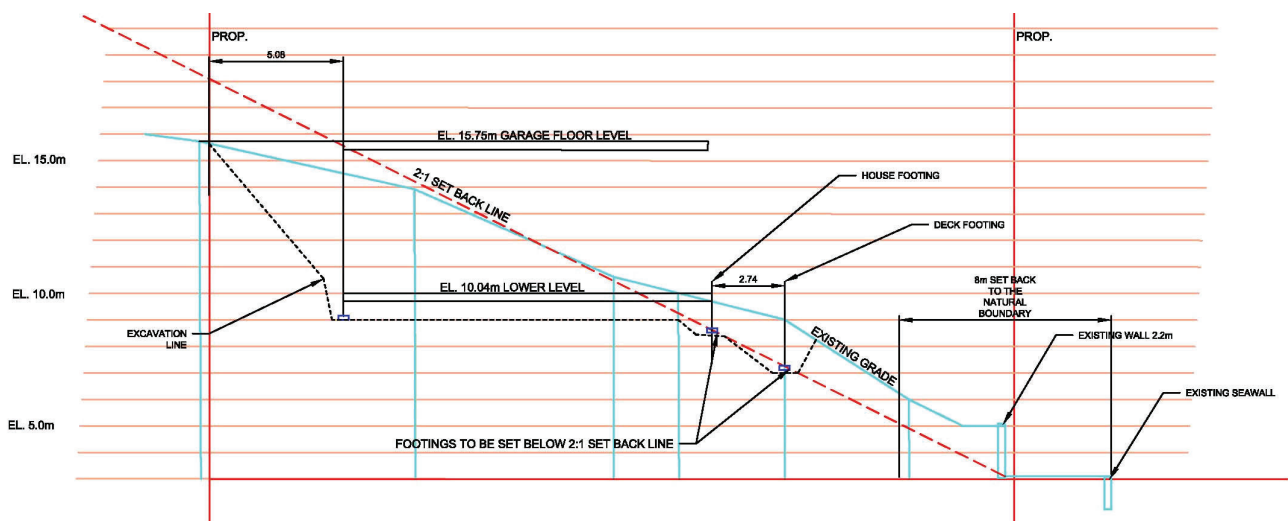


Figure 5.2 Slope Section

- f. A Service Limit State (SLS) of 100 kPa and an Ultimate Limit State (ULS) of 135 kPa may be applied to strip

or pad footings bearing on the undisturbed soil. This value may be modified upon further inspection by the undersigned of the soil during the footing excavation operation.

- g. No compressible or liquefiable soils were encountered during our site specific assessment. Based on the 2018 British Columbia Building Code, Division B, Part 4, Table 4.1.8.4.A, "Site Classification for Seismic Site Response," the soils observed during our field investigation would be classified as "Site Class C" (Very dense soil and soft rock).
- h. Earthen fill within the setback area shall be prohibited, without approval by a qualified professional. Any undrained excavations are prohibited near or at the top of the slope, or on the level area of the lot. Disposal of fills, yard waste, organic debris or excavation spoils shall not be discharged or dumped onto the slope or placed along the slope crest.
- i. Ancillary structures such as gazebos, sundecks and sheds may be located in the slope area with the understanding that they are not considered habitable space, and are not structurally attached to the proposed residence.
- j. Components requiring review (BCBC2018, Schedule B-C)by the Geotechnical Engineer should include, but may not belimited to:
 - a. Bearing Soils
 - b. Compaction of fills
 - c. Seismic Sensitivity, Slopes (report herin)
 - d. Site and Foundation Drainage
 - e. Temporary Excavation (Worksafe)

5.3 Foundation and Site Drainage

- a. The foundation excavation should be supplied with a drainage system that will collect and direct ground water to a point lower on the slope, near the shore. The ground water may be dispersed with a splash pad made of landscape rocks or a buried lateral exfiltration pipe (a 3m long 100mm dia. perforated pipe covered with drain rock, filter-cloth and topsoil). Water must not be allowed to sit on an elevated location near the slope. The final configuration should be reviewed by the undersigned. Effort should be made to install the drainage as deep into the slope as practical with conventional methods. All backfill soil that is placed uphill of the residence should be designed so that it remains in a drained condition.
- b. Ponds or swimming pools (except hot tubs) shall only be installed following engineering input to evaluate the adequacy of the lining installation, piping, and drainage. In-ground lawn irrigation systems should be discouraged within the 8m foreshore setback area or shall be installed by qualified and experienced personnel and be maintained on a regular schedule, to mitigate the potential for leaks. No Septic fields

shall be sited in the setback area.

- c. It should be noted that landslides can occur due to human activity (i.e. excavation, placement of fill, removal of vegetation, etc.) or by failure of civil infrastructure (i.e. leakage/rupture of underground water and sewer mains, stormwater disposal from existing developments, etc.). The concentrated discharge of collected stormwater can lead to erosion, earth movement, or slope failure. Minimizing infiltration of water into the slope is essential to reducing the risk of slope movement. It is important that water does not pond near the crest of slope. Surface water flow across the slope from precipitation events, collected stormwater or any other drainage system must be prevented from flowing in a concentrated manner down the slope. The presence of vegetation cover or rock landscape features on the slope is to be promoted as a method to control surface erosion on the slope. Surface drainage from the top of Property and storm water from the roof drains should be directed to the bottom of the slope through a solid pipe to a suitable dispersal structure. The soil near the water outlet (low on the slope) should be protected with a riprap splash pad or a buried exfiltration pipe (i.e. French Drain). Ponding water at or near the crest of the slope should be avoided during or after construction.

5.4 Weather Considerations

- a. Consideration should be given to the effect that the wet winter storms will have on the stability of the temporary excavation and on the stability of the adjacent road structure. Winter rain increasing the ground water flows in the vadose zone will exacerbate the upper soil instability. Experience in the area has shown that the roadway fills are not well consolidated, therefore any excavation within a 45 degree plane of support needs to be reviewed prior to construction.

6.0 LOCAL GOVERNMENT CONFORMANCE STATEMENT

- a. LEA confirms that the recommendations made in this Report conform to the guidelines and objectives expressed under ToL OCP and DPA 7 Hazard Lands⁶.
- b. The Ladysmith Harbour (Strait of Georgia) is a defined watercourse located to the north of the Property. All construction/development shall be carried out in conformance within the requirements of any jurisdictional limitations. Any jurisdictional limitations applicable to the Property and proposed development shall supersede the geotechnical recommendations made in this Report.

7.0 CONCLUSION

- a. Based on our review of the relevant publications and site-specific field assessment, it is the opinion of LEA that slope stability and oceanic flooding from the Strait of Georgia are the only significant aspects, or potential geotechnical hazards within the subject Property.
- b. Provided the recommendations in this Report are followed, we (LEA) confirm that from a geotechnical point of view the site is considered safe and suitable for the permanent sitting of a permanent single-family residence, with the probability of a geotechnical failure resulting in property damage of less than:
- 2% in 50 year for seismic events,
 - 1 in 200-year return flood event, and considering 100 years of sea level rise,
 - 10% in 50 years for all other geotechnical hazards,
- and that the proposed development will not result in a detrimental impact on the environment, subject Property or adjoining properties.
- c. Please refer to the attached EGBC - Appendix I: Flood Assurance Statement and Appendix D: Landslide Assessment Assurance Statement for additional information.

8.0 CLOSURE

Lewkovich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at this time, please contact the undersigned at your convenience.

Respectfully Submitted,
Lewkovich Engineering Associates Ltd.



Darron G. Clark, P.Eng.
Senior Geotechnical Engineer

Reviewed By:



September 24, 2020

Chris Hudec M.A.Sc., P.Eng.
Senior Project Engineer

9.0 ATTACHMENTS

1. Turner and Associates Surveying Ltd. "Geodetic Site Plan" File: 16-034-37, September 10, 2020
2. Turner and Associates Surveying Ltd. "Proposed House Site Plan" File: 16-034-37, September 17, 2020
3. Engineers and Geoscientists British Columbia (EGBC) Appendix I: Flood Assurance Statement, Signed September 9, 2020.
4. Engineers and Geoscientists British Columbia (EGBC) Appendix D: Landslide Assessment Assurance Statement, Signed September 9, 2020.

10.0 REFERENCES

1. Engineers and Geoscientists of British Columbia report titled "Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate in BC," version 2.1, dated August 28, 2018.
2. Soils of South Vancouver Island, British Columbia, Soil Survey Report No. 44 – Sheet 3
3. Ministry of Forests, Lands and Natural Resource Operations report titled – Coastal Floodplain Mapping – Guidelines and Specifications, 2011. Prepared by Kerr Wood Leidal Associates Ltd.
4. Ministry of Water, Land and Air Protection Province of British Columbia report titled – Flood Hazard Area Land Use Management Guidelines. Amended by: Ministry of Forests, Land, Natural Resource Operations and Rural Development, January, 2018.
5. Guidelines for legislated Landslide Assessment for Proposed Residential Developments in BC, May 2010
6. Town of Ladysmith OCP DPA7 Hazard Lands Guidelines - August, 2018.

February 8, 2021

Town of Ladysmith
132 Roberts Street
Ladysmith, BC.

Attn: Darren Lucas

**Re: Request for 1 meter variance to Lot 37, 245 Oyster Cove Road –
Permit Application - DP-3060-20-24**

I make this request for a 1 meter variance to the front of the property as we are unable to determine where the natural boundary of the ocean is. The sea wall walkway along the back of the property was built on top of the natural boundary making it very difficult to determine exactly where the boundary is in order to meet setback requirements for our proposed house. We have placed the proposed house on the property using the back property line as our guide for the placement of the house however, the natural boundary appears to be somewhere under the sea wall walkway.

In keeping with the required setback of the house to the back of the property line, we are requesting a variance of 1 meter to the front of the property line which would then be 5 meters instead of 6 meters to the road. We would like to point out that by adjusting the front setback to 5 meters, visually, our home would look consistent with the placement of adjacent homes along this road.

Thank you
Dan Langill

STAFF REPORT TO COUNCIL

Report Prepared By: Christina Hovey, MCIP, RPP, Senior Planner
Meeting Date: April 6, 2021
File No: 3360-20-06
Re: OCP and Zoning Amendment for 10940 Westdowne Rd. Town and Country Mobile Home Park

RECOMMENDATION:

That Council:

1. Direct that Application No. 3360-20-06 (10940 Westdowne Road) proceed for further consideration.
2. Having considered section 475 of the *Local Government Act* (consultation during OCP development) direct staff to refer Application No. 3360-20-06 to:
 - Stz'uminus First Nation;
 - The Cowichan Valley Regional District;
 - School District 68;
 - Island Health, the Ministry of Transportation and Infrastructure, and BC Transit.

EXECUTIVE SUMMARY:

The proposed development is to amend the Official Community Plan (OCP) and Zoning Bylaw so that 10940 Westdowne Road can be added to the adjacent mobile home park (Town and Country Mobile Home Park) at 10980 Westdowne Road. Staff recommend that the application proceed for referral and further analysis. This application may allow the mobile home park to be expanded or may allow the mobile home park to resolve a short-term servicing (sewerage) challenge.

PREVIOUS COUNCIL DIRECTION:

Resolution No./ Date	Details
CS 2019-173, May 6, 2019	<p>That Council:</p> <ol style="list-style-type: none"> 1. Direct staff to enter into an agreement with the Town and Country Mobile Home Park for the completion of the sanitary servicing study as outlined in the WSP proposal dated January 8, 2019. 2. That the Town's portion of the cost of the above noted study be limited to Option 3, \$4,670 plus applicable taxes.

CE 2018-057, May 7, 2018	<p>That Council inform the owner of the Town and Country Mobile Home Park that:</p> <ol style="list-style-type: none"> 1. Council supports the sanitary sewer servicing study to consider servicing options from the Town's Swettingham lift station to the Town and Country Mobile Home Park, but the cost for the study is the responsibility of the owner. 2. The Town is prepared to contribute a portion of the cost of the study to extend sewer service from the Farrell Road gravity feed manhole to Town and Country Mobile Home Park.
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INTRODUCTION/BACKGROUND:

The subject property, 10940 Westdowne Road, is an approximately 0.2ha property that currently contains an existing house, detached garage and shed. The subject property is located at the southeastern corner of the Town and Country Mobile Home Park. The adjacent property on the other side (to the south) has a small industrial area along Westdowne Road, with a rural residential use behind.



The Town and Country Mobile Home Park is located at 10980 Westdowne Road, is approximately 5.2ha in size and covers two legal parcels (approximately 4.2ha and 1ha in size). The mobile home park consists of 91¹ mobile homes as well as recreational and storage facilities for residents.

¹ As shown in the aerial imagery.

The applicant is proposing to amend the OCP and Zoning Bylaw for 10940 Westdowne Road so that the property can be added to the existing Mobile Home Park. The proposed expansion would increase the size of the park from approximately 5.2ha to 5.4ha.

In the short-term the applicant may use the property to increase the capacity of the on-site sewage system (septic system). Alternatively or in the long-term, the expansion would allow for up to 4 additional mobile homes.

The existing and proposed designations/zoning are as follows:

	Existing	Proposed
Official Community Plan Designation	Single Family Residential	Mobile Home Park Residential
South Ladysmith Area Plan Designation	Residential	Mobile Home Park Residential
Development Permit Area(s)	None	None
Zone	Rural Residential (RU-1)	Manufactured Home Park (MHP-1)

DISCUSSION:

Official Community Plan:

The subject property is designated Single Family Residential in the OCP.

The OCP states that “new mobile home parks are supported as an affordable housing option” (section 3.2.3(26)). At the time of writing the OCP in the early 2000s, housing affordability was identified as an important consideration for managing growth. “In 2001, housing costs in Ladysmith averaged \$145,385 (c.f. BC average of \$230, 654)” (section 1.10). In 2019, the average price of a detached home in Ladysmith was \$470, 640, and 19% of Ladysmith households were spending more than 30% of their income on housing (CVRD Regional Housing Needs Assessment, 2020).

The subject property is within the South Ladysmith Area Plan. The South Ladysmith Area Plan recognizes the existing mobile home park and suggests a maximum density of 15 units per hectare. The existing density of the mobile home park is approximately 17.5 units per hectare (if the subject property is added the density would be approximately 17 units per hectare). However, the OCP allows for up to 20 units per hectare (as does the zoning). If this application proceeds, staff can include an amendment to the South Ladysmith Area Plan to align the density with the main OCP.

Zoning Bylaw No. 1860:

In addition to permitted uses, density and siting provisions, the proposed Manufactured Home Park Zone (MHP-1) requires that mobile home parks provide amenities such as recreational space and storage. The MHP-1 zone permits a density of up to 20 units per hectare. This could allow for up to four additional units on the 0.2ha subject property.

The Zoning Bylaw requires that:

“Except as otherwise provided in this Bylaw, all Uses permitted by this Bylaw are only permitted if the Use is connected to the Town of Ladysmith community water system and the community sanitary sewer system.”

If this application proceeds, the zoning amendment may need to include a site-specific provision to allow on-site servicing on the property.

Existing Servicing Challenges:

The mobile home park has been in operation since 1970 and has 91 units. The park uses an on-site sewer service (septic field). As of 2019, the existing on-site sewer system was operational, but there were concerns that ongoing maintenance and the general age of the facilities would result in the system becoming inefficient to maintain.

In 2019-2020, the Town and the property owner collaborated on a study investigating options to connect to the Town sanitary sewer system. The study provided high-level options for how the property could be connected to the Town’s sewer system. However, the connection to the Town’s sewer system is not anticipated in the short-term.

If feasible, the subject property may be used to upgrade the existing on-site sewer system for the mobile home park for the short-term.

Alternatively, if more residential units are proposed to be added to the mobile home park, the applicant will need to prepare a servicing study demonstrating that the units can be adequately serviced.

Summary of Analysis:

Staff recommend that this application proceed for further consideration. The proposed development for a minor expansion to the existing mobile home park is compatible with the surrounding land uses. The mobile home park provides a relatively affordable housing option.

Staff will not support the application if expanding the mobile home park would strain the available water and on-site sewerage treatment services. An option would be to amend the OCP and Zoning Bylaw on the subject property, but not allow an expansion of the mobile home park until it is connected to the Town’s sewer system.

ALTERNATIVES:

Council can choose to:

1. Deny OCP and Zoning Amendment Application No. 3360-20-06 (10940 Westdowne Road).
2. Direct that changes be made to the application prior to further consideration, as specified by Council.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

The *Local Government Act* (sections 475 and 476) requires that the Town specifically consider providing consultation opportunities for persons, organizations, and authorities as part of amending an OCP. The recommended Council resolutions follow the *Local Government Act* requirements, and if adopted will demonstrate that the Town has met its obligation to consider consultation for this application to amend the OCP.

If the application proceeds, the OCP amendment will need to be considered in conjunction with the Town's Financial Plan and Waste Management Plans, including the Liquid Waste Management Plan (*Local Government Act*, section 477).

If the application proceeds, the Zoning Bylaw amendment will need to be approved by the Ministry of Transportation and Infrastructure following third reading (*Transportation Act*, section 52).

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

If the application proceeds:

- It will be referred to the Community Planning Advisory Committee for comment.
- A Neighbourhood Information Meeting would be held prior to the Public Hearing.
- A Public Hearing would be required prior to third reading of any bylaws.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

This application will be circulated to other departments for comment following consideration by Council.

INTERGOVERNMENTAL REFERRAL/IMPLICATIONS:

The application will be referred to the following external governments/agencies:

Referral to:	Comments:
Stz'uminus First Nation	<ul style="list-style-type: none">• pursuant to the Naut'sa mawt Community Accord and Memorandum of Understanding
Ministry of Transportation and Infrastructure	<ul style="list-style-type: none">• subject Property is adjacent to the Trans-Canada Highway
Cowichan Valley Regional District	<ul style="list-style-type: none">• subject property is within the CVRD water service area• subject property is adjacent to the Town's boundary with the CVRD
Island Health	<ul style="list-style-type: none">• subject property is serviced by an on-site septic system
School District 68	<ul style="list-style-type: none">• pursuant to the <i>Local Government Act</i> (section 475 and 476)
BC Transit	<ul style="list-style-type: none">• the application may increase residences on a transit route

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |

- ☐ Innovative Infrastructure
- ☐ Healthy Community
- ☐ Not Applicable

- ☐ Local Food Systems
- ☐ Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

- ☐ Infrastructure
- ☐ Community
- ☐ Waterfront

- ☐ Economy
- ☒ Not Applicable

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

BYLAW STATUS SHEET
April 6, 2021

		Status
2060	Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060	First and second readings, March 16, 2021. Public hearing required.
2061	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061	First and second readings, March 16, 2021. Public hearing required.
2062	Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062	First and second readings, March 2, 2021. Public hearing required.
2063	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063	First and second readings, March 2, 2021. Public hearing required. MOT approval required prior to adoption.
2066	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066	First and second readings, March 16, 2021. Public hearing required. MOT approval required prior to adoption.
2070	Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 66) 2021, No. 2070	First and second readings, March 16, 2021. Public hearing required. Referred to Stz'uminus First Nation pursuant to Naut'sa mawt Community Accord and Memorandum of Understanding, and to School District 68 pursuant to section 476 of the Local Government Act.



March 16, 2021

UBCM COVID-19 Restart Funding for Local Governments
Strengthening Communities' Services 2021 Program

The Covid-19 Vulnerable Populations Cowichan Task Force is seeking to partner with all the local governments in the CVRD to submit a funding application to the **UBCM Strengthening Communities' Services** funding program. Only local governments and Treaty First Nations are eligible to apply for the funding, and the deadline for submission is April 16, 2021.

The intent of the funding is to assist local governments with

- Improved health and safety of unsheltered homeless people living in public or private spaces
- Reducing community concerns about public health and safety in neighbourhoods where unsheltered homeless populations are seeking shelter or services

The development of the application would be undertaken by Cowichan Task Force members (inclusive of Cowichan Tribes and other First nations in the region) and if the application is successful the funded activities would be undertaken by Cowichan Housing Association and its partners from the Task Force.

The amount of funding available is based on population, and if the CVRD applies as a region the potential award is \$2.5 million dollars. For regional projects it is required that a resolution be provided from each partnering applicant (Town of Lake Cowichan, Regional Municipality of North Cowichan, Town of Ladysmith, City of Duncan) that clearly states approval for the primary applicant (CVRD) to apply for, receive and manage the grant funding on their behalf.

For partnering applicants an appropriate resolution might read;

That the Town of Ladysmith approves the submission of a regional application by the CVRD to the UBCM Strengthening Communities Fund 2021. Further that the Town of Ladysmith approves the CVRD as the primary applicant that will apply for, receive and manage the grant funding on their behalf.

For the primary applicant (the CVRD) the appropriate resolution might read;

That the CVRD approve the submission of an application to the UBCM Strengthening Communities Fund on behalf of the region and that the CVRD will receive and manage the grant funding on their behalf.



UBCM COVID-19 Restart Funding for Local Governments
Strengthening Communities' Services 2021 Program

Proposed activities;

The Covid-19 Vulnerable Populations Cowichan Task Force proposes to focus on two of the four identified activities that are eligible for funding;

1. Improved health and safety of unsheltered homeless people living in public or private spaces, including reduced risk of Covid-19 or other disease transmission.
2. Reduced community concerns about public health and safety in neighbourhoods where unsheltered homeless populations are seeking temporary shelter.

Within that the Task Force proposes to;

- Temporarily increase shelter capacity and services – for Town of Lake Cowichan – to add 8 (eight) temporary accommodation units (sleeping cabins) similar to the ones currently in place in Duncan, and incremental services including food and water, bathroom facilities, cleaning and waste management, harm reduction, security, fire safety and outreach support to connect clients to resources and support programs.
- For the Town of Ladysmith -to add incremental services including outreach support to the existing shelter facility
- For the Duncan area - to add a third site to the two existing temporary accommodation cabin sites at St Julien Street and at the Cowichan Tribes site known as the Mound. The additional site would be the Koksilah school property on Boals road (based on a successful leasing arrangement being reached with the School Board) and it is proposed to add 20 units of temporary accommodations to the site, as well as additional staff and ancillary costs (bathrooms, water, security etc.)
- Additionally to enhance and maintain the current temporary accommodation sites at St Julien and the Mound for the 12 month frame identified in the UBCM funding program that would in effect extend the funding currently provided by BC Housing for those projects.
- To develop and implement peer based programs to address community concerns about discarded syringes, litter, anti-social activities occurring in the public realm, graffiti and other related issues. This activity will be done in partnership with existing peer based programs in the region and in collaboration with local service providers, local government and those business/residential communities affected by homelessness.

March 11, 2021

File No. 7500-23 / 7500-25

Premier John Horgan
PO Box 9041
STN PROV GOVT
Victoria, BC V8W 9E1

Dear Premier Horgan:

Re: Call for Public Inquiry: Stronger Sentencing for Prolific and Repeat Offenders

Despite repeated correspondence from the City of Williams Lake calling for stronger sentencing for prolific and repeat offenders, the judiciary has consistently failed to consider the threat to community safety resulting from their release into our community. Although the availability and proven effectiveness of the Electronic Monitoring Program is well known, prolific offenders are not consistently required to wear an ankle bracelet while on outstanding charges.

As a hub community in the Cariboo interior, Williams Lake is often a convenient location for offenders to remain and continue their unlawful activities. Council has argued that the interests of the public have received very little, if any, consideration during the sentencing process. Applying electronic monitoring devices still provides offenders with reasonably limited freedom; this technology does not compromise the safety of the public to the degree that releasing offenders, particularly repeat offenders, into the community without adequate monitoring does. Electronic monitoring upholds offenders' presumption of innocence, and only involves further policing should conditions not be adhered to. This is an efficient technological solution that is already available, and that Council has made a financial commitment to supporting.

Williams Lake residents have worked hard to combat crime in our community, and have come together to strive toward becoming a crime-free community. The judicial system is overburdened, due in large part to repeat offenders. We have continued to request the courts and judges to take into consideration the community appetite to see stricter penalties applied to these types of criminals, and that they not be released. **At Council's request, the possibility of a public inquiry to determine why so many prolific offenders with serious charges are constantly released into our community with ineffective deterrents to re-offend, is now being pursued by our MP and our MLA.**

The following resolution has been endorsed by Council and forwarded to the North Central Local Government Association as part of its ongoing lobbying efforts:

.../2

WHEREAS Williams Lake has repeatedly called for stronger sentencing for prolific and repeat offenders being released into the community;

AND WHEREAS the judiciary has consistently failed to adequately ensure community safety when releasing prolific and repeat offenders on conditions;

THEREFORE BE IT RESOLVED that NCLGA and UBCM petition the provincial and federal governments to enact legislative and regulatory changes to the criminal justice system to apply stricter penalties and ensure adequate incarceration of prolific criminals, including consistent use of electronic monitoring when released on conditions.

The City of Williams Lake is seeking public feedback to strengthen these efforts in the form of a survey, which went live on February 19, 2021. The questions include:

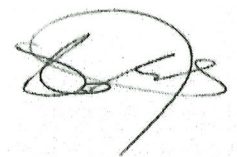
- Do you agree that repeat offenders for indictable offences such as theft over \$5000, break and enter, aggravated or sexual assault and murder should NOT be released while awaiting trial?
- Do you support prolific and repeat offenders with in excess of 50 charges being released back into your community on bail?
- Do you agree that when repeat offenders are released on conditions or probation, they should be required to wear an electronic monitoring device?
- Do you agree there needs to be an inquiry and review into the judicial and sentencing system?

At the time of this writing, over 600 responses have been received. The responses very clearly support stricter penalties and monitoring for prolific and repeat offenders (over 94%).

Working with our MP, Todd Doherty, and MLA, Lorne Doerkson, City of Williams Lake Council is formally requesting a public inquiry into this serious, ongoing issue. We are also seeking support from the Federal government.

I look forward to your response.

Yours truly,



Mayor Walt Cobb

- c: MP Todd Doherty, Cariboo-Prince George
Minister Mike Farnworth, Minister of Public Safety & Solicitor General
Minister David Eby, Attorney General and Minister Responsible for Housing
MLA Lorne Doerkson, Cariboo-Chilcotin
All British Columbia Municipalities and Regional Districts
Inspector Jeff Pelley, Williams Lake RCMP

From: Sandra Niven <sniven@cysticfibrosis.ca>

Sent: March 27, 2021 3:32 PM

Subject: May is CF Awareness Month 2021

Hello,

I would like to make a request for your building(s) to be lit up in light blue and/or green on any available date that may be available during the month of May for **Cystic Fibrosis Awareness Month**.

Cystic Fibrosis Awareness Month will be promoted throughout Canada, through our social media channels both nationally and in B.C., and our newsletter which is sent to all subscribers. Our volunteers will be visiting during the selected dates and taking photos to share on our various social media channels, using the hashtag **#LightUp4CF**. We will make specific mention, including a photo of the lights and a geotag, on our regional social media channels. Below are the corporate colours for your reference.



Cystic Fibrosis Canada <http://www.cysticfibrosis.ca/about-cf>

Cystic Fibrosis (CF) Awareness Month is each May of every year and is an internationally recognized month to raise awareness and funds to help find a cure or control for CF, the most common fatal genetic disease affecting Canadian children and young adults. At present, there is no cure.

On Sunday, May 31, 2020, thousands of participants across Canada will unite at local community '[Walk to Make CF History](#)' events during CF awareness month to celebrate their fundraising efforts, while imagining a world without CF.

CF causes various effects on the body, but also affects the digestive system and lungs. The degree of CF severity differs from person to person; however, the persistence and ongoing infection in the lungs, with destruction of lungs and loss of lung function, will eventually lead to death in most people with CF.

Typical complications caused by cystic fibrosis are:

- Difficulty digesting fats and proteins

- Malnutrition and vitamin deficiencies because of inability to absorb nutrients
- Progressive lung damage from chronic infections and aberrant inflammation
- CF related diabetes
- Sinus infections

It is estimated that one in every 3,600 children born in Canada has CF. More than 4,200 Canadian children, adolescents, and adults with cystic fibrosis attend specialized CF clinics.

CAUSES OF CYSTIC FIBROSIS

Cystic fibrosis is a genetic disease that occurs when a child inherits two abnormal genes, one from each parent. One in 25 Canadians carry an abnormal version of the gene responsible for cystic fibrosis.

Carriers do not have cystic fibrosis, nor do they exhibit any of the symptoms of the disease.

When two parents who are carriers have a child, there is a 25 percent chance that the child will be born with cystic fibrosis; there is also a 50 percent chance that the child will be a carrier; and a 25 percent chance that the child will neither be a carrier nor have cystic fibrosis.

SYMPTOMS OF CYSTIC FIBROSIS

- Cystic fibrosis is a multi-system disorder that produces a variety of symptoms including:
- Persistent cough with productive thick mucous
- Wheezing and shortness of breath
- Frequent chest infections, which may include pneumonia
- Bowel disturbances, such as intestinal obstruction or frequent, oily stools
- Weight loss or failure to gain weight despite possible increased appetite
- Salty tasting sweat
- Infertility (men) and decreased fertility (women)

DIAGNOSING CYSTIC FIBROSIS

Genetic testing, prenatal and newborn screening for CF are administered in every baby in Canada.

Additionally, if a doctor suspects a patient has CF, a 'sweat test' may be administered. This test measures the amount of salt content present in the sweat. If the test comes back positive, it means the sweat collected contains more salt than usual and supports a diagnosis of CF.

Please let me know if there are any dates available during the month of May. We are flexible with this request and I look forward to hearing from you.

Kind regards,
Sandra

Sandra Niven

Cystic Fibrosis Canada, British Columbia and Yukon Region

254 - 4664 Lougheed Hwy, Burnaby, BC V5C 3Y2

Tel: 604-436-1158 | Mobile: 236-990-5680

Hours: Monday – Friday 8:00am – 4:00pm (PDT)

sniven@cysticfibrosis.ca | www.cysticfibrosis.ca