

**A PUBLIC HEARING AND REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
5:30 P.M.**

Tuesday, June 1, 2021

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

Pages

1. CALL TO ORDER

Call to Order 5:30 p.m. in Open Session, in order to retire immediately into Closed Session.

Members of the public are welcome to attend all Open Meetings of Council, but may not attend Closed Meetings.

2. CLOSED SESSION

Recommendation

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:

- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality - section 90(1)(a).

3. OPEN MEETING AND ACKNOWLEDGEMENT (6:00 P.M.)

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 meeting by registering here:
https://zoom.us/webinar/register/WN_J5tHR-d5SL6sbczpl26BTA

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

View the livestream on YouTube:

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

4. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Regular Meeting of Council for June 1, 2021.

5. PUBLIC HEARING

- 5.1. "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047" and "Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.31) 2021, No. 2049".

5.1.1. Outline of Public Hearing Process - Mayor Stone

5.1.2. Introduction of Bylaw and Statutory Requirements - Director of Development Services

5.1.3. Submissions

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

5.1.5. Declaration that the Public Hearing for Bylaw Nos. 2047 and 2049 is Closed - Mayor Stone

6.	BYLAWS - OFFICIAL COMMUNITY PLAN AND ZONING (SUBJECT OF PUBLIC HEARING)	
6.1.	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047"	9
	<u>Recommendation</u> That Council proceed with third reading of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 62) 2021, No. 2047".	
6.2.	"Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.31) 2021, No. 2049"	10
	<u>Recommendation</u> That Council:	
	1. Proceed with third reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 31) 2021, No. 2049"; and	
	2. Direct staff to refer "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 31) 2021, No. 2049" to the Ministry of Transportation and Infrastructure pursuant to section 52 of the <i>Transportation Act</i> .	
7.	RISE AND REPORT- Items from Closed Session	
8.	MINUTES	
8.1.	Minutes of the Regular Meeting of Council held May 18, 2021	11
	<u>Recommendation</u> That Council approve the minutes of the Regular Meeting of Council held May 18, 2021.	
9.	DELEGATIONS	
9.1.	Ladysmith & District Historical Society Annual Update to Council	18

10. DEVELOPMENT APPLICATIONS

10.1. Development Variance Permit and Development Permit Applications at 287 Gill Road

41

Recommendation

That Council:

1. Issue Development Variance Permit 3090-21-01 to vary:
 - a. the front parcel line setback from 6.0m to 0.8m for a dwelling addition;
 - b. the side setback for an unenclosed swimming pool from 3.0m to 2.4m; and
 - c. the setback from the top of slope on a parcel adjacent to the sea from 8.0m to 7.2m for an unenclosed swimming pool; at Amended Lot 1 (DD 60489N) District Lot 42, Oyster District, Plan 4670 (287 Gill Road);
2. Issue Development Permit 3060-21-03 to allow the construction of an addition to the dwelling, retaining walls, and a swimming pool with fence enclosure at Amended Lot 1 (DD 60489N) District Lot 42, Oyster District, Plan 4670 (287 Gill Road); and
3. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-21-01.

10.2. Liquor Lounge Endorsement – Bayview Brewing Company at 202 Dogwood Drive

89

Recommendation

That Council, in response to the referral from the Liquor and Cannabis Regulation Branch for a lounge endorsement application for the Bayview Brewing Company located at 202 Dogwood Drive, opt in to the local government comment process and direct staff to provide written notification to residents within 60 metres of the subject property inviting them to submit written comments about the application.

Recommendation

That Council:

1. Give first and second readings to “Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 38) 2021, No. 2076”;
2. Direct staff to schedule and provide notice for a Public Hearing for Bylaw No. 2076 pursuant to section 464(1)(b) of the *Local Government Act*, and
3. Direct staff to refer Bylaw No. 2076 to the Ministry of Transportation following third reading of the bylaw pursuant to section 52 of the *Transportation Act*.

11. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING

11.1. OCP & Zoning Amendment Application – 1130 Rocky Creek Road

Recommendation

That Council:

1. Give first and second readings to “Road Closure and Dedication Removal Bylaw 2021, No. 2067”;
2. Direct staff to deliver notice to the Ministry of Transportation and Infrastructure, Island Corridor Foundation, BC Hydro, Fortis BC, Shaw Communications and Telus, of Council’s intention to adopt Bylaw No. 2067, in accordance with section 40(4) of the *Community Charter*;
3. Give first and second readings to “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 65) 2021, No. 2068”;
4. Consider Bylaw No. 2068 in conjunction with the Town’s Financial Plan, the Town’s Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Master Plan in accordance with section 477(3) of the *Local Government Act*;
5. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069”;
6. Direct staff to proceed with scheduling and notification for a Public Hearing for Bylaw Nos. 2067, 2068 and 2069 in accordance with section 40(3) *Community Charter* and section 464 of the *Local Government Act*;
7. Subject to adoption of Bylaw No. 2067, authorize the sale of the

lands that are the subject of that bylaw to the developer for appraised market value; and,

8. Require that the developer, at their cost, complete the following prior to adoption of Bylaw Nos. 2068 and 2069:
 - a. Consolidate the subject property, legally described as Lot A, Districts 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) with the area shown as “road to be closed” in Reference Plan EPP110196, shown in Schedule 1 of Bylaw No. 2067;
 - b. Dedicate to the Town for road, the area shown as “road” on Reference Plan EPP110197, included in the May 18, 2021 staff report to Council as Attachment D;
 - c. Pursuant to Section 507 of the *Local Government Act*, enter into an agreement with the Town to provide a median on Ludlow Road and a roundabout at the intersection of Rocky Creek Road and Ludlow Road to be built in accordance with the standards established by the Town, with the Town contributing \$1 million to the project in accordance with “Town of Ladysmith Development Cost Charges Bylaw 2019, No. 2008”;
 - d. Update Covenant FB234682, registered to the title of the subject property, legally described as Lot A, Districts 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) as follows:
 - i. Replace Sections 2.a) (Green Building Standards and Practices) and b) (Landscaping) with a requirement that the rain water management be designed in accordance with “Stormwater Planning: A Guidebook for British Columbia”, requiring that the development be designed to accommodate “HandyDART” buses and that the development include a minimum of two “quick charge” electric vehicle charging stations;
 - ii. Amend Section 2.c) to require landscaping, including a local historical artifact or a public art installation, in the centre of the Ludlow/Rocky Creek Road roundabout;
 - iii. Delete Section 3; and
 - iv. Add a new section requiring that the development and adjacent boulevards be provided with an outdoor electrical supply and outlets which can be used by the Town for special events; and
 - e. Register an easement or statutory right-of-way in favour of BC Hydro on the subject property.

12. COMMITTEE MINUTES

12.1. Public Art Task Group - May 6, 2021 215

Recommendation

That Council receive for information the minutes of the May 6, 2021 meeting of the Public Art Task Group.

13. BYLAWS

13.1. "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062" 217

Recommendation

That Council adopt "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062".

13.2. "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063" 221

Recommendation

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

13.3. Bylaw Status Sheet 229

14. CORRESPONDENCE

14.1. Correspondence from Ladysmith Kinsmen Club dated May 10, 2021 230

Requesting that Council support their request to include both Hul'q'umi'num and English wording on the downtown public restroom.

Recommendation

That Council provide a letter in support of the Ladysmith Kinsmen's Club proposal to include both Hul'q'umi'num and English wording on the public restroom located on 1st Avenue as outlined in their letter dated May 10, 2021.

15. NEW BUSINESS

15.1. Task Force to Promote Tourism Events

Councillor Johnson has requested that Council consider creating a Town-led task force to promote tourism events, working in partnership with the Chamber of Commerce and Tourism Cowichan.

16. QUESTION PERIOD

Please note that Council cannot receive questions related to Public Hearings where the bylaws have not yet been adopted.

Residents are encouraged to "virtually" attend the meeting and ask their questions live by registering here: https://zoom.us/webinar/register/WN_J5tHR-d5SL6sbczpl26BTA.

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.

17. ADJOURNMENT



MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF COUNCIL

Tuesday, May 18, 2021
6:00 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
Mike Gregory
Sue Bouma

1. ACKNOWLEDGEMENT

Mayor Stone called the Public Hearing and Regular Meeting of Council to order at 6:00 p.m., recognizing with gratitude that it was taking place on the traditional unceded territory of the Stz'uminus People.

Mayor Stone commented that leadership from the Town and the Stz'uminus First Nation gathered last week to ceremonially lower the red dresses which were raised during the Red Dress campaign for the "National Day of Remembrance for Missing and Murdered Indigenous Women and Girls and Two Spirit People".

2. AGENDA APPROVAL

CS 2021-157

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for May 18, 2021.

Motion Carried

3. PUBLIC HEARING

3.1 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064”

Members of the public present: Approximately 11

3.1.1 Outline of Public Hearing Process - Mayor Stone

Mayor Stone outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council about Bylaw No. 2064 to allow the construction of duplexes on five of the proposed parcels on the subject property located at 630 Farrell Road.

He advised that staff would introduce the proposed bylaw amendment, followed by public submissions. He reminded the public that the content of submissions would be made public and form a part of the public record for the Hearing, and that the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaw, although they may ask clarifying questions. He advised that once everyone had had an opportunity to be heard, the Public Hearing would be closed and no further submissions or comments could be accepted by members of Council.

3.1.2 Introduction of Bylaw and Statutory Requirements – Planner, Development Services

Julie Thompson, Planner, Development Services, introduced the following bylaw as the subject of the Public Hearing: “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064”.

She noted that the subject property is 630 Farrell Road, legally described as: Lot 2 District Lot 41 Oyster District Plan VIP79202.

Ms. Thompson advised Council that Bylaw No. 2064 would amend “Town of Ladysmith Zoning Bylaw 2014, No. 1860” by allowing the construction of a duplex on parcels over 780m² in size on the subject property. She stated that the applicant is proposing to subdivide the subject property into six parcels, five of which are proposed to contain a duplex.

Ms. Thompson also confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was published in the Ladysmith-Chemainus Chronicle on May 6 and May 13, 2021, and was posted on the Town's website as well as various community notice boards. The Notice was mailed and delivered to all properties located within 60 metres of the subject property, and a copy of the Notice, the proposed bylaw, and background information was made available at the front counters of City Hall and Development Services, and on the Town's website for the Notice period. Staff in the Development Services office were available to respond to questions prior to the Public Hearing. The Town received no written submissions relating to Bylaw No. 2064.

3.1.3 Submissions

Mayor Stone invited the applicant to make the first submission to Council.

Matt Schnurch of Turner Surveys stated that the subdivision application received preliminary approval in 2017 and that houses containing suites were allowed in the area. He noted that the current Zoning Bylaw amendment application would not increase the number of lots, nor would it make a difference to parking in the area, as the goal was to adjust the plan to include duplexes as opposed to housing with suites.

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

Mayor Stone called for submissions to Council.

David Garvie cautioned Council to study the Town's infrastructure when considering developments to ensure that the demand for water, sewer and other elements of infrastructure did not surpass capacity.

Mayor Stone called for submissions to Council a second time.

Mayor Stone called for submissions to Council a third and final time.

3.1.5 Declaration that the Public Hearing for Bylaw No. 2064 is Closed - Mayor Stone

Hearing no comments and receiving no submissions, Mayor Stone called the Public Hearing for Bylaw No. 2064 closed and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

4. BYLAWS - OFFICIAL COMMUNITY PLAN AND ZONING (SUBJECT OF PUBLIC HEARING)

4.1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064"

CS 2021-158

That Council give third reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064".

Motion Carried

5. MINUTES

5.1 Minutes of the Regular Meeting of Council held May 4, 2021

CS 2021-159

That Council approve the minutes of the Regular Meeting of Council held May 4, 2021.

Motion Carried

5.2 Minutes of the Special Meeting of Council held May 11, 2021

CS 2021-160

That Council approve the minutes of the Special Meeting of Council held May 11, 2021.

Motion Carried

6. COMMITTEE MINUTES

6.1 Committee of the Whole Recommendations - May 11, 2021

CS 2021-161

That Council adopt the proposed Council Code of Conduct Policy.

Motion Carried

CS 2021-162

That Council refer the issue of Electric Vehicle charging stations, including both public and private infrastructure, to the Official Community Plan review process.

Motion Carried

6.2 Parks, Recreation and Culture Advisory Committee - April 21, 2021

CS 2021-163

That Council receive for information the minutes of the April 21, 2021 meeting of the Parks, Recreation and Culture Advisory Committee.

Motion Carried

6.3 Community Planning Advisory Committee - May 5, 2021

CS 2021-164

That Council receive for information the minutes of the May 5, 2021 meeting of the Community Planning Advisory Committee.

Motion Carried

7. REPORTS

7.1 2021 Active Transportation Planning Program Grant

CS 2021-165

That Council:

1. Support an application to UBCM's Active Transportation Planning Program seeking \$20,000 to support Active Transportation Planning as part of the Official Community Plan Review; and
2. Commit the Town to provide overall grant management for the project, should the requested funds be received.

Motion Carried

7.2 Adjustments to Water Billing Accounts

CS 2021-166

That Council approve adjustments to the following utility accounts due to water leaks:

1. Account No. 0270000 for up to \$3,475;
2. Account No. 0687000 for up to \$3,263; and
3. Account No. 0701000 for up to \$4,586.

Motion Carried

7.3 Methuen Street Watermain Replacement between 4th and 5th Avenues

CS 2021-167

That Council direct staff to replace the watermain on Methuen Street between 4th and 5th Avenues for an estimated cost of \$145,000, with funding to come from the Water Operating Reserve, and to amend the 2021-2025 Financial Plan accordingly.

Motion Carried

7.4 Sodium Hypo-Chlorite Project – Request to Increase Budget

CS 2021-168

That Council direct staff to increase the budget for the Sodium Hypo-Chlorite Project at the Water Filtration Plant from \$50,000 to \$100,000, with funding to come from the Water Operating Reserve, and to amend the 2021-2025 Financial Plan accordingly.

Motion Carried

7.5 Public Art Donation Request: Original Prints by Roy Henry Vickers

Councillor Paterson declared a conflict of interest related to Agenda Item 7.5., as he is the donor of the artwork, and vacated the meeting at 6:37 p.m.

CS 2021-169

That Council accept the donation of public art from Duck and Tracy Paterson consisting of 13 original framed prints created by Roy Henry Vickers currently on loan to the Town of Ladysmith and displayed in the Town's Council Chamber in accordance with Public Art Policy 15-7710-B.

Motion Carried

Councillor Paterson returned to the meeting at 6:39 p.m.

8. BYLAWS

8.1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066"

CS 2021-170

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066".

Motion Carried

10. QUESTION PERIOD

There were no questions submitted by the public.

11. ADJOURNMENT

CS 2021-171

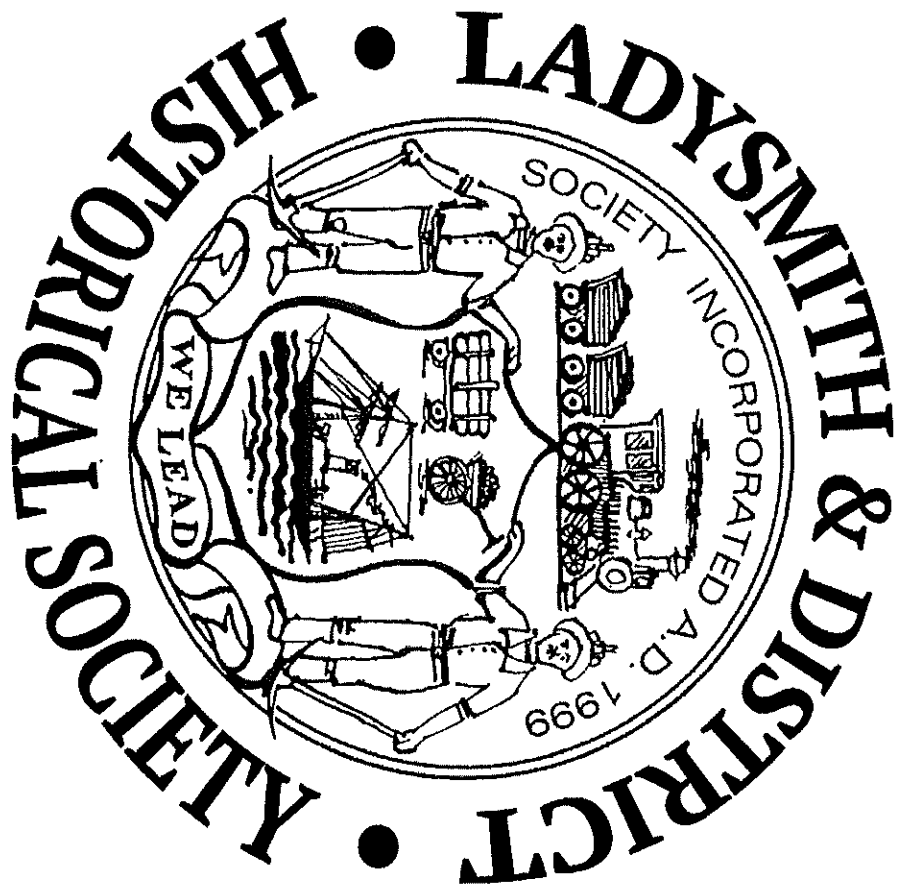
That this Regular Meeting of Council adjourn at 6:41 p.m.

Motion Carried

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (D. Smith)



JUNE 1st 2021 UPDATE ON ACTIVITIES

LDHS BASICS



MANAGEMENT AND OPERATING AGREEMENT BETWEEN LDHS AND TOWN OF LADYSMITH

Town provides \$ and in return the LDHS operates the Archives and Museum on 1st Ave

2020 FINANCIAL CONTRIBUTION FROM TOWN OF LADYSMITH TO LDHS

M&OA Funding for Museum (1 st Ave) and Archives operation	\$24,950
Heritage Promotion contribution *	\$ 1,500
Professional Development contribution *	\$ 1,600
<u>TOWN BUDGET LINE ITEM FINANCIAL CONTRIBUTION IN 2020</u>	<u>\$28,050</u>
* 2020 Addendum to M&OA	

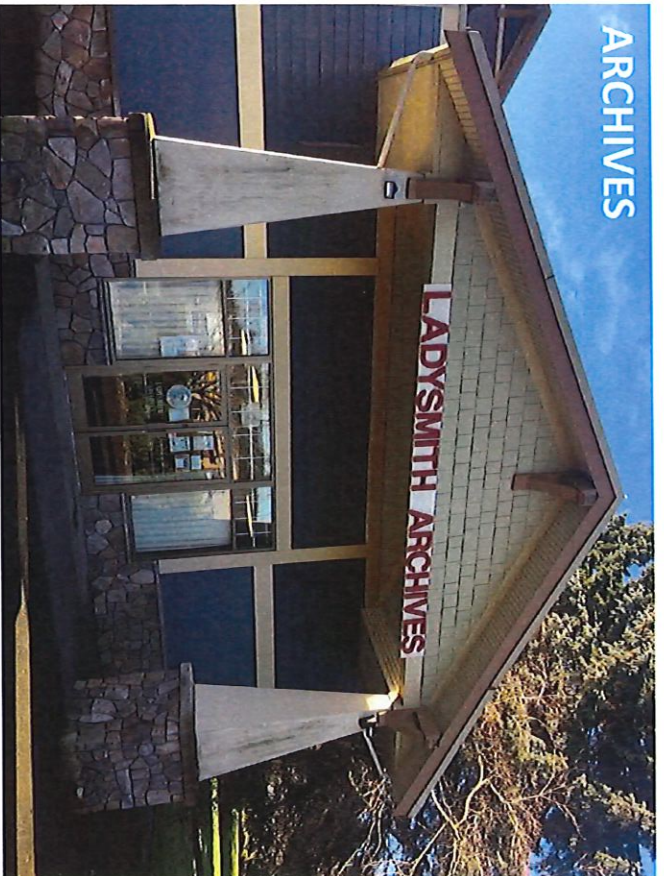
2020 Grant in Aid for Industrial Heritage Preservation	\$ 7,500
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TOTAL TOWN FINANCIAL CONTRIBUTION TO LDHS IN 2020.	\$35,550
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- M&O Agreement expires June 30th 2022.



ARCHIVES



MUSEUM 1ST AVE



LDHS HAS 4 CENTRES OF ACTIVITY

MUSEUM OYSTER BAY DRIVE



Comox Logging Depot

ONLINE

Website:
facebook page: 1100 followers
YouTube: 40 videos, 38,000+ views

ARCHIVES ACTIVITIES



Archival

- Archiving documents / fonds etc.
- Records/Database management
- Answering technical/property queries from Town, Public etc.

Reading Room

- Researching/Publishing local history
- Building files, Family files, etc.
- Reference library
- Answering queries – family histories etc.
- Heritage promotion
- Book sales

Part time Archivist: Christine Meutzner. Works Tuesdays.

Archives operational Monday-Friday 9.00am – 2.00pm : staffed by Volunteers

Archives volunteer hours 2020: 2862

Archives volunteer hours 2021 to end April: 983

At present: Physical visits only by special arrangement adhering to strict Covid protocols.

ARCHIVES ACTIVITIES

LDHS Contracts



People and Place Neighbourhood Project: (Heritage BC) Completed YE 2020

Investigation of cultural diversity and neighbourhoods in early Ladysmith (1898-1930)

CVRD Heritage Inventory Project: (CVRD) Completed Q1 2021

Inventory of Museums and Discovery Centres between Mill Bay and Nanaimo

'ONE Community' Heritage Network Project: (Heritage BC) Ongoing

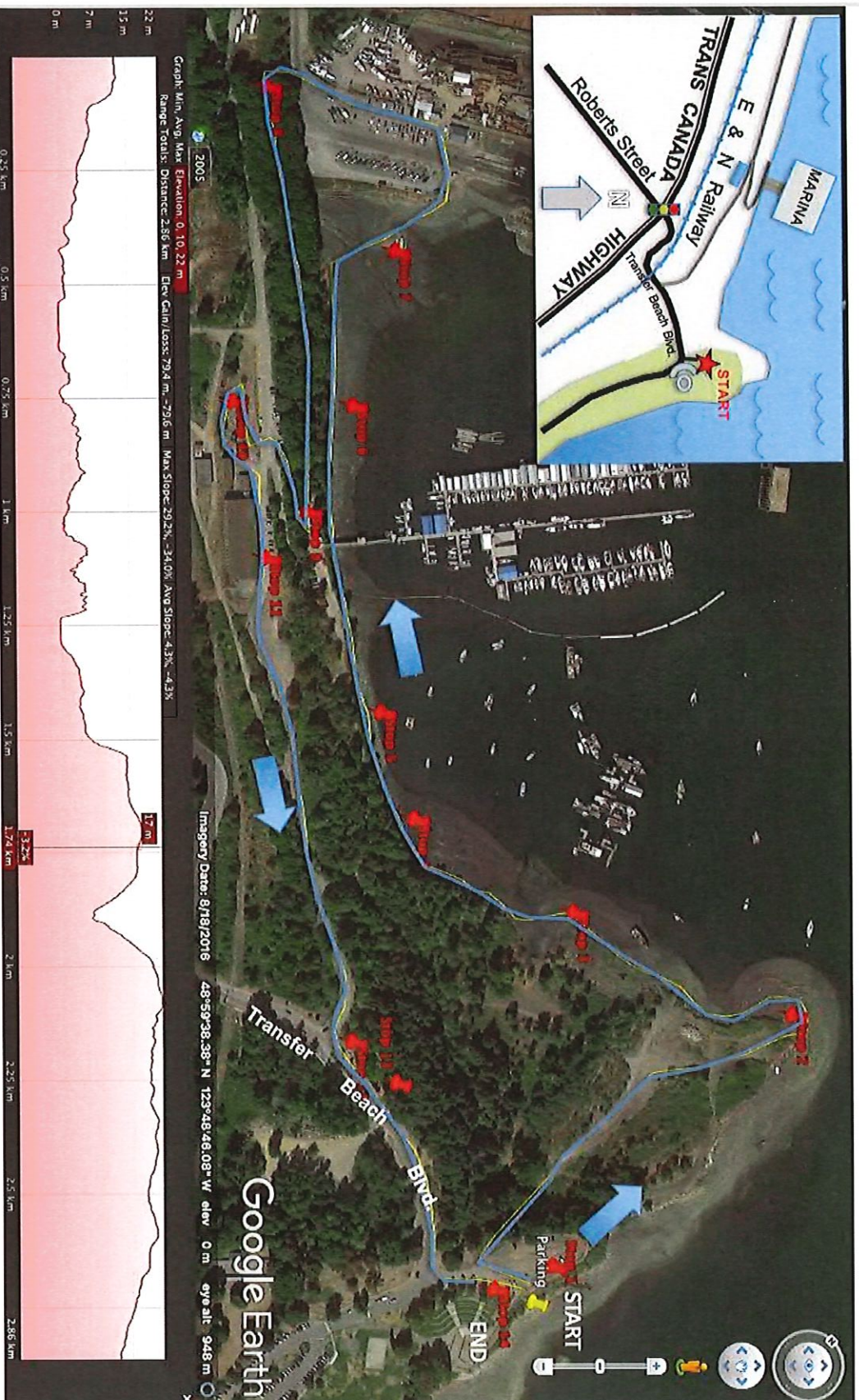
Setting up Central Vancouver Island 'Heritage Network' connecting cultural groups and heritage organisations.

'The Beat Goes On – Music in Ladysmith': (Virtual Museum of Canada) Ongoing

History of the Town and District through its music. National exposure.

About Town: Heritage Walks

Ladysmith Harbourfront South Heritage Walk Route and Stops



1st AVENUE MUSEUM ACTIVITIES

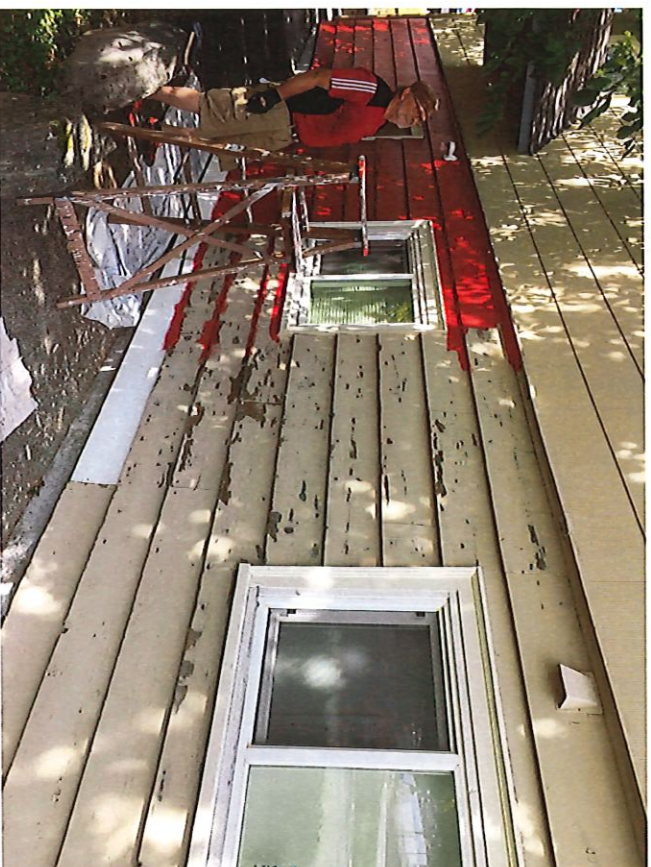
Building maintenance: Painting (August 2020)



Thanks to:

Kinsmen: \$500 for Paint/Materials
Cheryl Bancroft: Color scheme

Alex Stuart - Prep
Q Goodbody & Painting





1st AVENUE MUSEUM ACTIVITIES Building maintenance (contd.)

CERIP \$89,000 GRANT

1: FIXING FLOODING ISSUES

FLOODING IN GROUND FLOOR
OF ADD-ON

ARTIFACT STORAGE AREA



VIEW TO S.E. SHOWING MAIN
BUILDING AND ADD-ON
STANDING WATER
OUTSIDE THE ADD-ON



Currently working with Tol
regarding the work

1st AVENUE MUSEUM ACTIVITIES

CERIP \$89,000 GRANT

2: RENOVATIONS

(WITH \$ LEFT OVER AFTER FIXING FLOODING ISSUES)

Aims:

- Improve flow (unidirectional)
- Improve space usage
- Create additional meeting room
- Improve curatorial/storage areas
- Spruce up

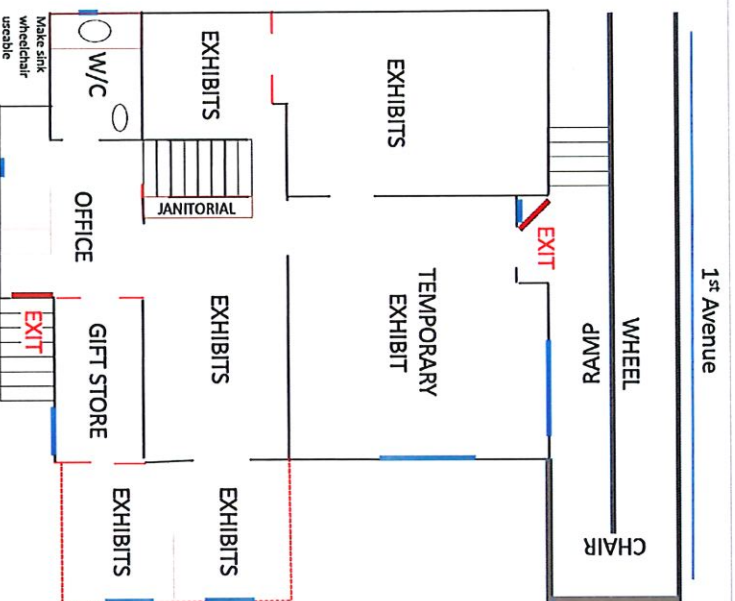
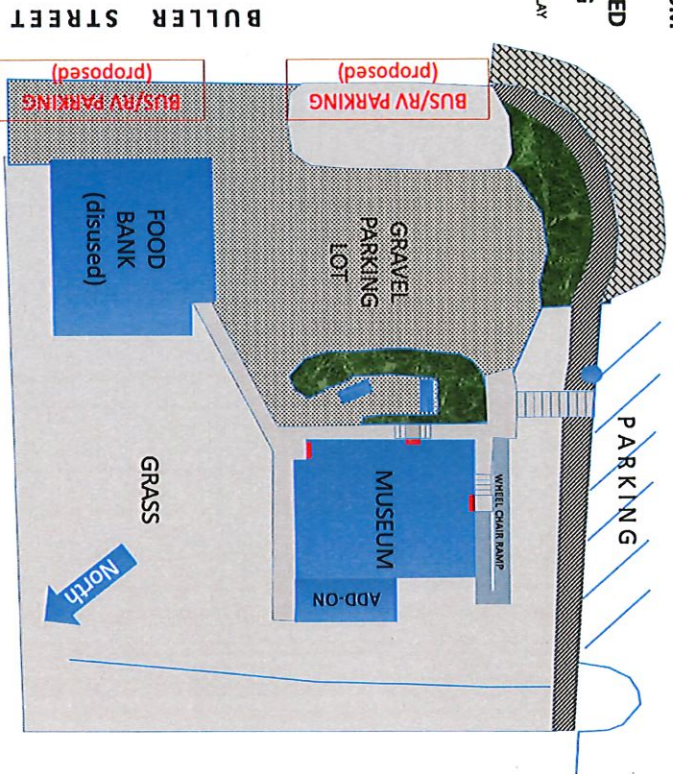
Basement and Main Floor
Renovations

RV parking

1st AVENUE

LADYSMITH MUSEUM
LOT LAYOUT
SHOWING PROPOSED
RV/BUS PARKING

GOOGLE EARTH IMAGE OVERLAY
(NOT TO EXACT SCALE)



1st Avenue

LADYSMITH MUSEUM BUILDING

721 1st AVENUE

FLOOR PLAN

MAIN FLOOR

PROPOSED LAYOUT
showing changes
and uses

North

Changes
Existing removed
Roof/Guttering repair

Major change:
Roof/guttering repair

1st Avenue

LADYSMITH MUSEUM BUILDING

721 1st AVENUE

FLOOR PLAN

BASEMENT

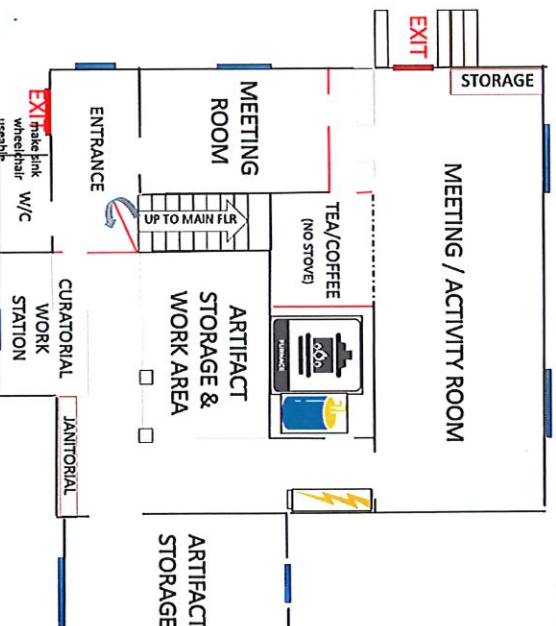
PROPOSED LAYOUT
showing changes
and uses

North

Area of Change
Existing removed
Improved drainage

Major changes:

- Upgraded/Expanded Work areas
- Upgraded/Expanded Storage
- Additional Meeting Room
- Partition of Meeting/Activity areas from rest of building
- Expanded 'Kitchen' / Reduced Utilities Room
- Improved external drainage





1st AVE. MUSEUM ACTIVITIES (contd.)

What's inside:

- Change from 'Chronicing the Past' to 'Illustrating the Relevance of Heritage to our Present and Future'
- Establishing the Museum as recognized 'Place of Learning' within the community.

Exhibits

- Permanent exhibits— being updated
 - Interactive
 - Revised story lines
- Introduction of Temporary Feature Exhibits
 - Prime Predators Exhibit.

The Learning Centre

'Historically Speaking' talks series

- Designed to be both educational and to provide a public service.
- Topics of current community concern are introduced from an historical perspective, putting the present day situation in context, thus enabling the community to make informed decisions for the future.

Activity Centre – in basement.

- Covidly challenged at this time...

Upstairs Gallery

A space for local temporary exhibitions featuring subjects/matters of local interest

- Red Flag Red Flag exhibit about Climate Change and the Environment.

Volunteer hours: 2020: 1800. 2021: 1000+ to date

Museum Temporary Feature Exhibit Preparation



Before:
permanent Ladysmith Timeline Exhibit and temporary Quilting Exhibit



During:
Wall prep and preliminary painting



Some of the volunteers:



Museum Temporary Feature Exhibit: Prime Predators of Vancouver Island Opened Feb 15th 2021: 400 visitors to date



MUSEUM ACTIVITIES: BC Heritage Week 2021: BC Family Day Heritage Treasure Trail



33 clues along the route which
focused on heritage features about town

Partnership between LDHS & LMS
LDHS – Heritage Trail
LMS – Display of Heritage Vessels

Activity supported by Family Day grant from BC Govt.

Clue

*Two hands have I which people see
and judge to haste or tarry.
They see my name – not of the day –
Hardware and Stationery*

Answer

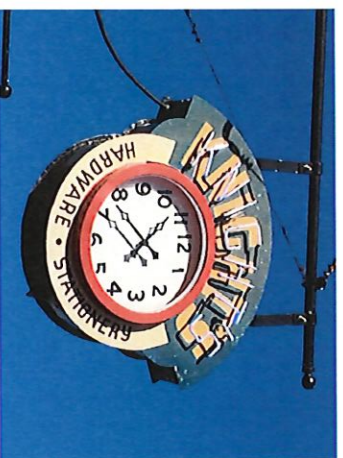
15. Knight's clock

*Two hands have I which people see
and judge to haste or tarry.
They see my name - not of the day -
Hardware and Stationery*

Knight's was one of 'the' big stores in Ladysmith. It was located where the Royal Bank building is now, at the intersection of 1st Avenue and Gatene Street.

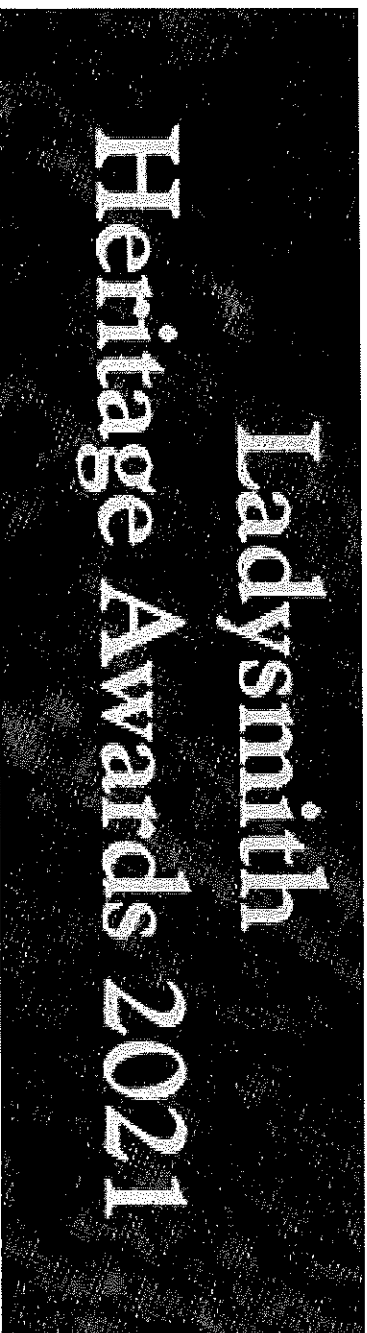
The store burned down in 1981.

This clock was located outside the store (mounted on the building around 1947) and was both advertisement and necessary time piece before everyone had either watches or cellphones with built-in clocks. The clock, refurbished, still works.



Heritage Trail
257 participants
5197 views on social media

MUSEUM ACTIVITIES: BC Heritage Week 2021 Annual Heritage Awards



Given to businesses, individuals and groups that have played a key role during the year in preserving or promoting local heritage through their actions or initiatives.

Recipients are chosen from nominations received from the community.

- 2nd Annual Ceremony held February 22nd 2021 by Zoom
- MC'd by Quentin Goodbody
- Awards presented by Mayor Stone and Chief Harris
- Guest speakers included Paul Manly MP and Doug Routley MLA

Recipients included:

Barrie McDonald – Tyee Smelter Story talk and booklet
Pamela Anderson – Rehabilitation of The Arcady
John Marston (Qap'u'luq) – Sharing Stz'uminus heritage
Luke Marston (Ts'uts'umutl) – Sharing Stz'uminus heritage
LMS Heritage Vessel Restoration Group – Restoration of heritage wooden vessels

35 live 'device' views and 1000+ subsequent social media viewings



MUSEUM ACTIVITIES

Learning Centre

'Historically Speaking' Talks

- Heritage and Public Service themes

The Tyee Smelter: A key element of Ladysmith's Industrial Heritage
Earthquake Ladysmith: History, Reason, Risk – and why you should prepare.

Ladysmith Fires– Risks and Prevention.

Gold, Diamonds and the 2nd Boer War.

Climate Change:

Part 1: *History of Climate Change**

Part 2: *Global Warming Realities, Causes and Cures**

Part 3: *Effects of Climate Change and Global Warming**

*Getting to Know Wolves. **

*Lessons from the past for Climate Change and Forest Management.**

*MDA King of Ladysmith; The Art Williams Story.**

*Who was Lady Smith?**

*Wildlife Awareness and Safety. **

Coming soon:

Neighbourhoods in early Ladysmith: Immigrants and integration.

Ladysmith Station, the E & N Railway and BC joining the Canadian Confederation (July 1871)

Water and Ladysmith: History and future of supply in an expanding community.

* on YouTube

To date: 12 talks with 1900 attendees/views

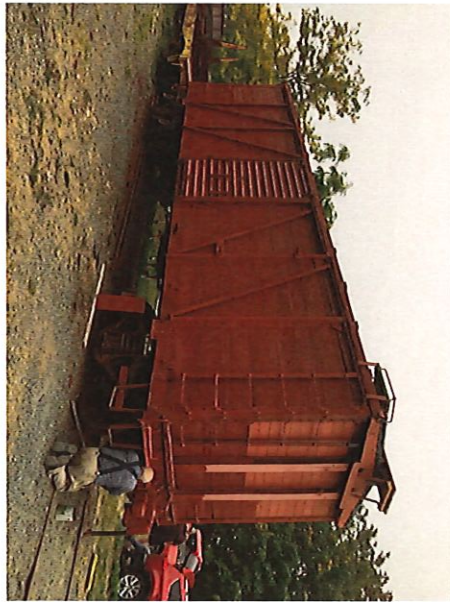
LADYSMITH MUSEUM Industrial Heritage (Comox Logging) Site 2020 Accomplishments and Ongoing Activities



Loci 11 painting and parts restoration.
100th Anniversary in 2023



Humdergin mechanics and painting.



Box car restoration.



Track salvage.



Flat car rehabilitation.



Site maintenance.

Activity level affected by Covid-19 restrictions. Resumed work May 15th.
Project is integrated with development of the Arts & Heritage Hub

LADYSMITH MUSEUM

Industrial Heritage (Comox Logging) Site



PLYMOUTH 107 SHUNTING ENGINE

BACKGROUND

- Engine worked at Ladysmith.
- Was 'disbursed' to Port Alberni circa 1998 after demise of Railway Society.
- Now needed in Ladysmith to shunt remaining rolling stock.

UPDATE:

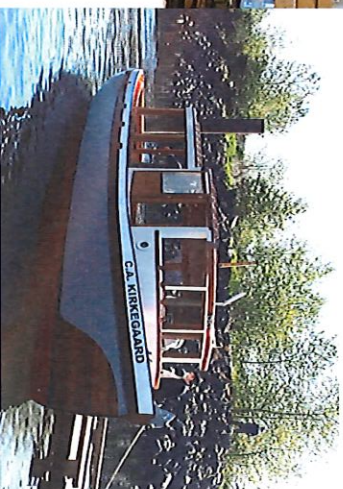
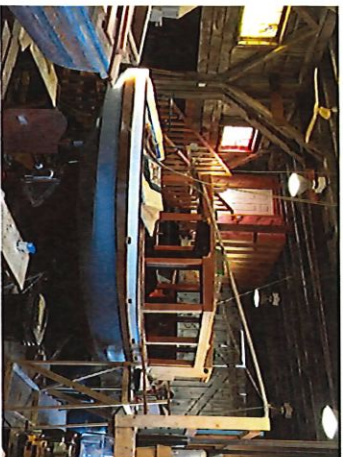
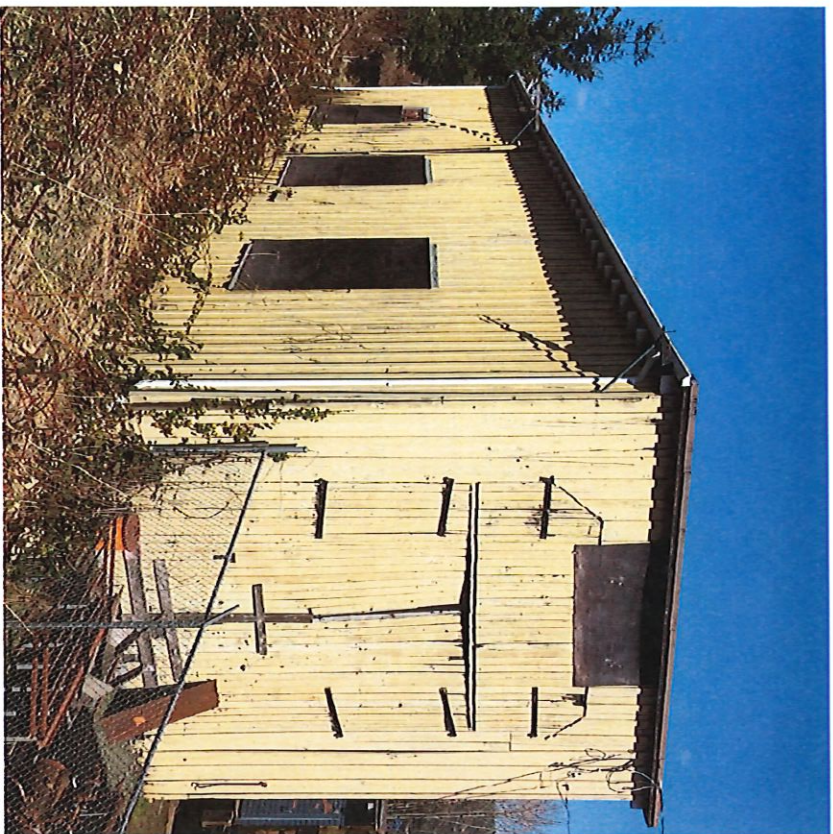
- Loan agreement with Alberni Valley Museum has been finalised.
- Currently arranging transport of engine to Ladysmith.
- Mechanical repairs scheduled over the summer (radiator replacement etc.)



Looking for Love: CL&RCo Loci shed & Car Shop



Buildings need restoration. Loci shed doors are becoming dangerous. LDHS agreement in principle with VIU re: carpentry. Unsuccessful joint LMS/LDHS CERIP grant application. Happy to work with Tol on this Lease required



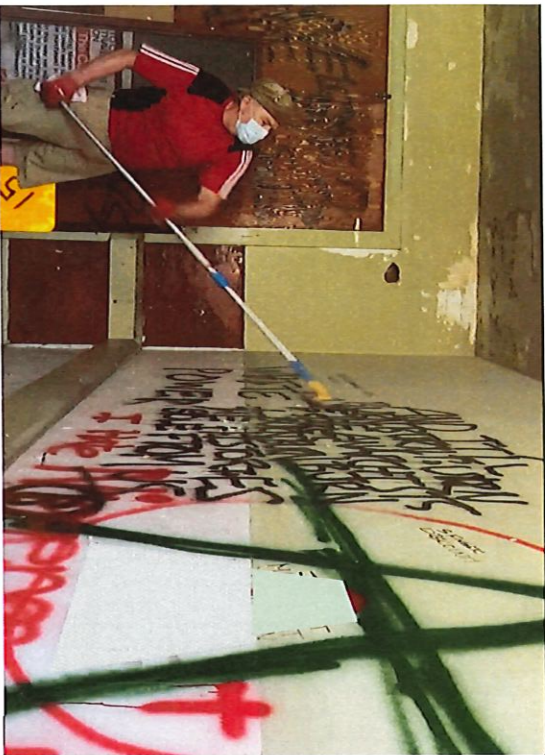
OTHER LDHS ACTIVITIES

Station Option

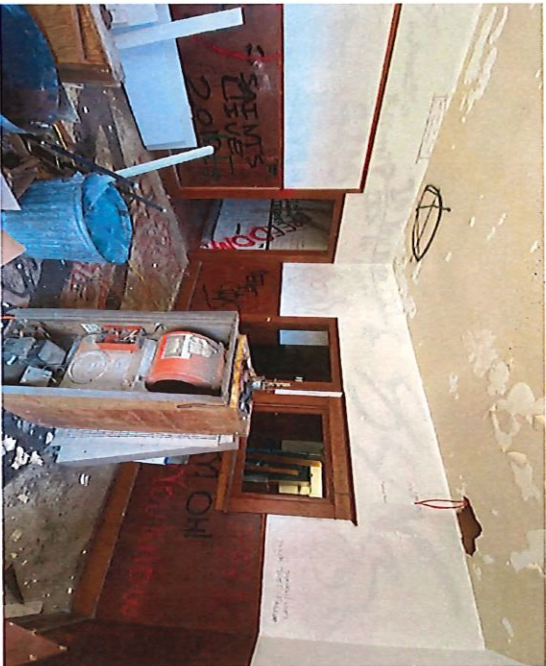


- Owned by Island Corridor Foundation.
- LDHS has a 1-year option on the building for the purposes of determining its best uses for the Community.
- Potential long-term lease for \$1.00 per year - dependent on the LDHS findings to restore the property for appropriate and defined use accepted by the Community of Ladysmith.
- No commercial uses other than those being considered by the LDHS in support of its non-profit society...
- Authorized lessee will take possession of the property on or before January 30th 2022.

OTHER LDHS ACTIVITIES Station Option (contd.)



Painting over graffiti



Fixing the perimeter



New roof now installed by Heart Lake Roofing



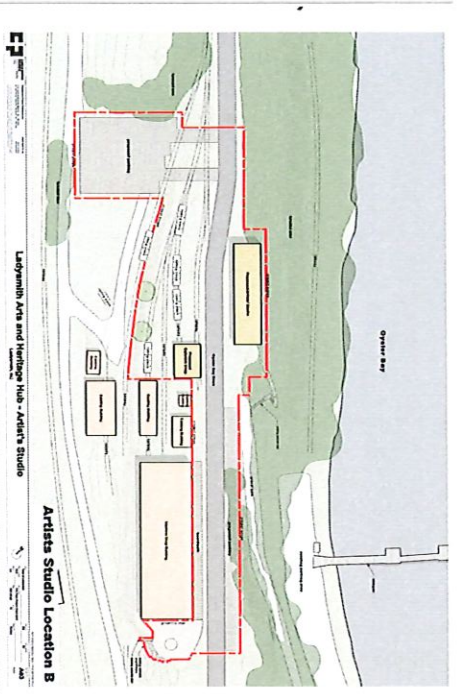
OTHER LDHS ACTIVITIES Continued:

Ongoing update of collage on
1st Ave. & Gatacre St.

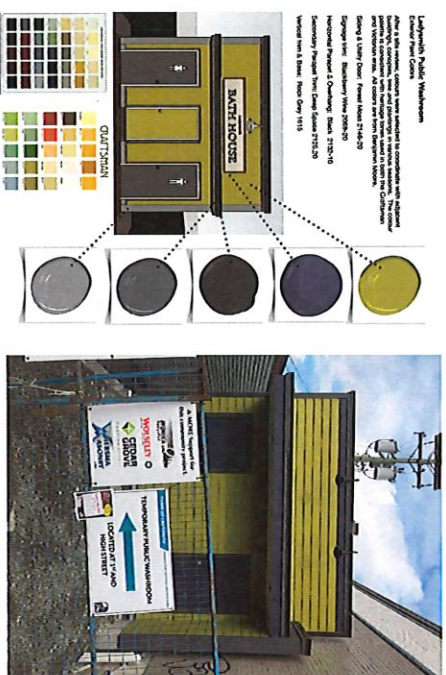


Other collage projects are in the pipe

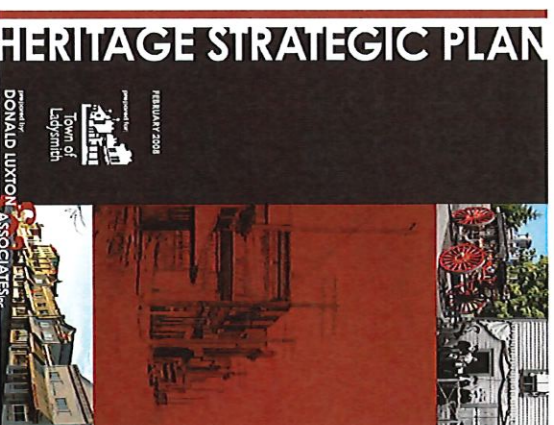
Harbour Heritage Committee (joint with LMS)
& Arts & Heritage Hub Steering Committee



Public Washroom 1st Ave:
Color scheme recommendation



2008 Heritage Strategic Plan Update



OVERVIEW



Very active year despite Covid-19

- Significant expansion of online presence and activities.
- Stable financially
- Society Membership circa 50, but following is in the thousands.
- Raising the profile of local heritage, Ladysmith & District
- Expansion of working relationships
- Principle of inclusivity
- Proud of accomplishments – and more to come!

Striving to live up to our Vision:

"The LDHS is universally recognised as the 'Steward of Local Heritage' and through the excellence and inclusiveness of its programs is a major contributor to community, education and tourism."



Thank you for this opportunity to present this LDHS activity update to Council.

Questions welcome!

STAFF REPORT TO COUNCIL

Report Prepared By: Julie Thompson, Planner
Meeting Date: June 1, 2021
File No: DVP 3090-21-01 & DP 3060-21-03
Re: Development Variance Permit and Development Permit Applications – 287 Gill Road

RECOMMENDATION:

That Council:

1. Issue Development Variance Permit 3090-21-01 to vary:
 - a. the front parcel line setback from 6.0m to 0.8m for a dwelling addition;
 - b. the side setback for an unenclosed swimming pool from 3.0m to 2.4m; and
 - c. the setback from the top of slope on a parcel adjacent to the sea from 8.0m to 7.2m for an unenclosed swimming pool;at Amended Lot 1 (DD 60489N) District Lot 42, Oyster District, Plan 4670 (287 Gill Road);
2. Issue Development Permit 3060-21-03 to allow the construction of an addition to the dwelling, retaining walls, and a swimming pool with fence enclosure at Amended Lot 1 (DD 60489N) District Lot 42, Oyster District, Plan 4670 (287 Gill Road); and
3. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-21-01.

EXECUTIVE SUMMARY:

The applicant is proposing to construct an outdoor swimming pool and a 136.11m² (1,465ft²) dwelling addition with a carport at 287 Gill Road, and has applied for a Development Variance Permit (DVP) (Attachment A) and a Development Permit (DP) (Attachment B) to facilitate the development. Staff recommend approval of the DP based on the geotechnical report provided by the applicant. Staff recommend approval of the DVP based on the analysis of the impacts.

PREVIOUS COUNCIL DIRECTION:

Figure 1 - Subject Property

The subject property is designated Single Family Residential in Official Community Plan (OCP) Bylaw No. 1488 and is within the Single Dwelling Residential (R-1) zone in Zoning Bylaw No. 1860. The proposal is consistent with the OCP designation and the permitted uses within the R-1 zone.

The subject property is also within Development Permit Area 7 – Hazard Lands (DPA 7) so a DP is required.

Variance Proposal:

The applicant has applied for a DVP to vary the front parcel line setback from 6m to 0.8m to facilitate construction of the proposed addition. The proposed carport is set back 0.8m from the front parcel line while a portion of the proposed living space is set back 1.6m from the front parcel line. The subject property is the last property on Gill Road before it terminates at the Ladysmith Harbour, therefore the reduced front setback is not expected to have a negative impact on neighbouring properties.

The siting of the proposed swimming pool also requires setback variances. The Zoning Bylaw requires a 3m setback from any parcel line for unenclosed swimming pools where the surface of the pool is above finished grade. Since the property is sloping, much of the proposed pool sits above finished grade.

The proposed pool is 2.4m from the side parcel line. Additionally, the northeast corner of the pool falls into the 8m setback from the top of the slope. The 8m setback is measured from the top of the slope on parcels with an average slope of 30% or more, where the parcel is adjacent to the sea. The northeast corner of the pool is located 7.2m from the top of the slope, shown in Figure 2 (above), requiring a variance. The pool is sited at least 20m from the natural boundary of the sea.

The applicant has submitted a geotechnical assessment report from a geotechnical engineer as part of the DP application submission. The report states that there are no slope stability concerns with the pool location, provided the recommendations in the report are followed. See Attachment B, draft DP 21-03, for the geotechnical assessment.

Table 1 - Summary of Proposed Variances

Zoning Provision	Minimum Setback Requirement	Proposed Setback
Front parcel line setback for a principal building	6.0m	0.8m
Parcel line setback for an unenclosed swimming pool	3.0m where the surface of the pool is above finished grade	2.4m
Setback from the top of slope on a parcel adjacent to the sea	8.0m	7.2m for an outdoor swimming pool

Staff recommend that the variances be approved as they are not expected to have a negative impact on neighbouring properties or the sea, and a geotechnical engineer has confirmed that the siting of the proposed swimming pool is not a concern.

Development Permit Area:

The subject property is within DPA 7 under the OCP, DPA 7 applies to areas of the Town with steep slopes. The purpose of DPA 7 is to prevent land slippage and sloughing, safeguard private property from potential damage, minimize disruption to slope stability and prevent development in areas where slope instability hazards exist.

The issuance of DPs within DPA 7 is delegated to the Director of Development Services. However, since there is also a DVP required for the proposed development, both permits are presented to Council so they can be considered simultaneously.

The proposed development has been reviewed for consistency with DPA 7 and is generally consistent with the DPA 7 guidelines. Staff recommend that DP 21-03 be approved.

Table 2 provides a summary of the guidelines and staff comments. The geotechnical assessment report submitted with the DP application addresses many of the guidelines.

Table 2 - Summary of DPA 7 Guidelines & Staff Comments

Guideline Summary	Staff Comments
No significant excavation or filling; buildings should not be placed on areas subject to bank instability.	The building addition is not proposed to require significant excavation or filling as it is sited on an area that is relatively flat. The proposed pool will require some excavation as it is partially below-ground.
Avoid areas subject to unstable slopes by siting buildings in accordance with recommendations as determined by a geotechnical engineer.	The proposed addition and pool are sited in accordance with the recommendations in the geotechnical assessment, which provides a safe building setback. A portion of the proposed pool is sited beyond the safe building setback, however, the Engineer states that the proposed pool is considered a landscaping feature and is not subject to the same scrutiny as a habitable residential construction. As such, the Engineer has no slope stability concerns with the proposed pool location.
Provisions for surface and storm water runoff; divert drainage away from areas subject to sloughing.	The geotechnical assessment provides recommendations for surface water in order to maintain the stability of the slope. The assessment provides specific recommendations regarding the prevention of leaks from the proposed pool. These recommendations have been incorporated into DP 21-03.
Where practical, no disturbance to the steep slope shall be permitted.	No works are proposed in the steep slope area, beyond the top of bank shown on Figure 2.

Retaining walls should be terraced with plant material incorporated in the design to soften their appearance and perceived height. Untreated large concrete block walls are not supported.	Some retaining walls are proposed to create the pool and patio, but they will not exceed the maximum retaining wall height prescribed by the Zoning Bylaw.
Existing trees and vegetation shall be maintained to control erosion and protect banks. Where vegetation is removed as a result of development, it shall be replaced with vegetation which stabilizes the slope and controls erosion.	The geotechnical assessment recommends against vegetation removal on the steep slope area to maintain the integrity of the slope. No vegetation removal is proposed on the steep slope.
Access improvements over the slope shall be constructed so as not to disturb the slope or natural slope drainage.	Access improvements are not proposed over the steep slope area.
A report certified by a geotechnical engineer registered as a Professional Engineer of BC may be required to provide information regarding technical requirements for mitigating measures which would be imposed to enable the site to withstand the proposed development and the known hazard.	A geotechnical assessment has been provided by a Professional Engineer of BC. The report determines that the land is considered safe for the use intended (a residential addition and swimming pool with a fence enclosure) provided the recommendations in the report are followed. The recommendations in the report are captured by DP 21-03.
The timing of the development may be specified in the DP.	N/A

ALTERNATIVES:

Council can choose to refuse DVP 3090-21-01. (*DP 3060-21-03 would also need to be refused. The applicant could reapply for a DP with a proposal that meets the existing 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. Council may permit exceptions to the setback provisions proposed in this application.

If the DP is refused, reasons must be given based on the DPA 7 guidelines, since the issuance of a DP is not a completely discretionary decision of Council. However, the current draft DP cannot be approved unless the DVP is also approved since the DP cannot authorize development that is inconsistent with the Zoning Bylaw.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Notice of the proposed variance was issued on May 21, 2021 in accordance with the requirements of the *Local Government Act* and Development Procedures Bylaw No. 1667. The notice was delivered to property owners/residents within 60m of the subject property. At the time of writing, no submissions have been received.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The applications have been referred to the Engineering and Building Inspection departments. Their comments have been incorporated into the draft permits.

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

ATTACHMENTS:

- Attachment A: Draft DVP 3090-21-01
- Attachment B: Draft DP 3060-21-03
- Attachment C: Applicant Letter of Rationale



TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 *Local Government Act*)

FILE NO: 3090-21-01

DATE: June 1, 2021

Name of Owner(s) of Land (Permittee): Barbara Ann Fleming

Applicant: Andrew Anderson (B. Gallant Homes)

Subject Property (Civic Address): 287 Gill Road

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:

Amended Lot 1 (DD 60489N) District Lot 42, Oyster District, Plan 4670
PID: 005-994-551
(287 Gill Road)
(referred to as the "Land")

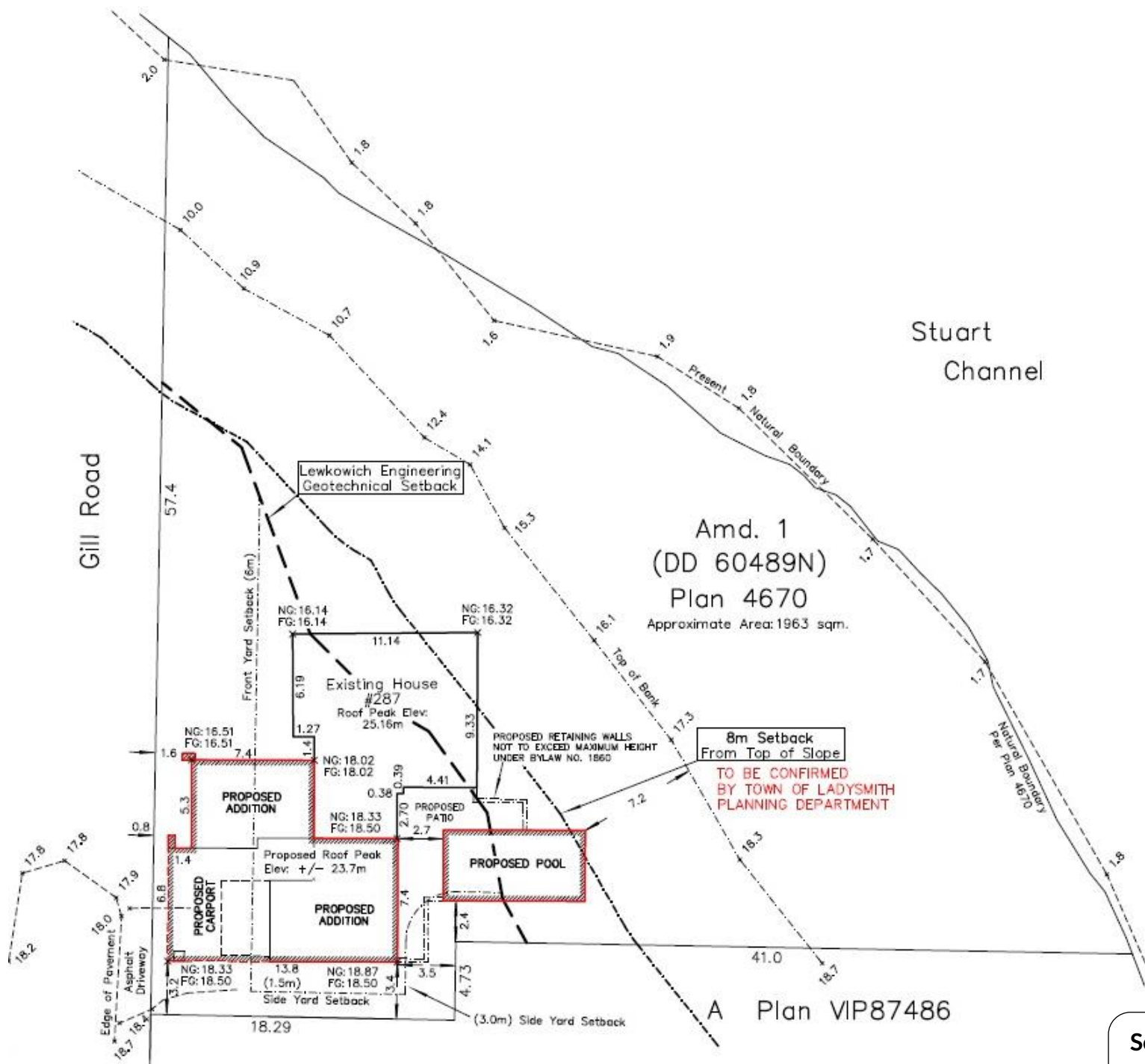
3. Section 10.2.5.e) of the "Single Dwelling Residential (R-1)" zone of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied for the Land by reducing the *Front Parcel Line Setback* of a *Principal Building* from 6.0 metres to 0.8 metres for a dwelling addition and carport, as shown in **Schedule A – Site Plan** and **Schedule B – Elevation & Perspective Plans**.
4. Section 5.2.e) iii) of "Number, Location and Siting of Buildings and Structures" of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied for the Land by reducing the setback from the top of slope on a parcel adjacent to the sea from 8.0m to 7.2m for an unenclosed swimming pool, as shown on **Schedule A – Site Plan**.
5. Section 5.8.a) viii) of "Setback Exemptions" of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied for the Land by reducing the *Parcel Line* setback from 3.0m to 2.4m for an unenclosed swimming pool constructed with its surface above finished grade, as shown in **Schedule A – Site Plan** and **Schedule B – Elevation & Perspective Plans**.

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. The following plans and specifications are attached:
 - a) **Schedule A – Site Plan**
 - b) **Schedule B – Elevation & Perspective Plans**
8. 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 **(3090-21-01)** or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
9. 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.

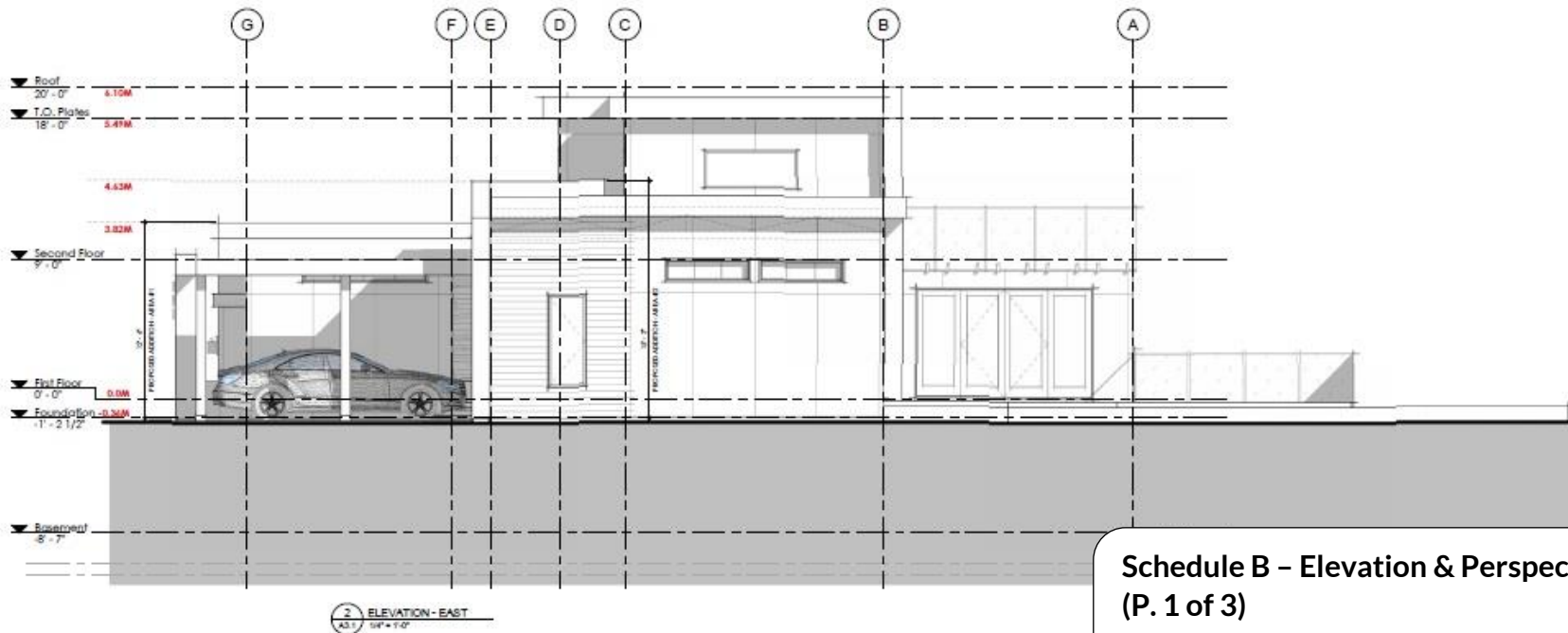
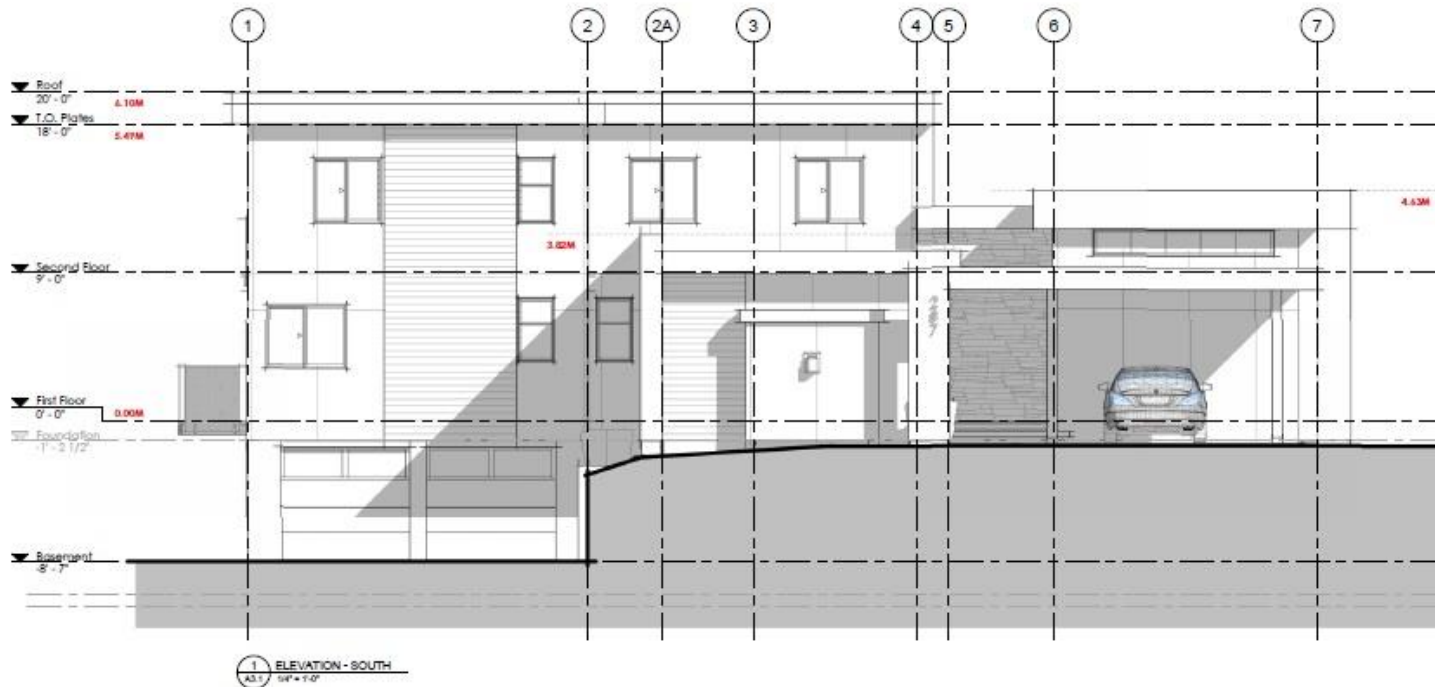
AUTHORIZED BY RESOLUTION NO. _____ PASSED BY THE COUNCIL OF THE
TOWN OF LADYSMITH ON THE ____ DAY OF _____ 202__.

Mayor (A. Stone)

Corporate Officer (D. Smith)



Schedule A – Site Plan
DVP 3090-21-01
287 Gill Road



**Schedule B - Elevation & Perspective Plans
(P. 1 of 3)**
DVP 3090-21-01
287 Gill Road



1 PERSPECTIVE 1
A33



2 PERSPECTIVE 2
A33

Schedule B – Elevation & Perspective Plans
 (P. 2 of 3)
 DVP 3090-21-01
 287 Gill Road



Schedule B – Elevation & Perspective Plans
(P. 3 of 3)
DVP 3090-21-01
287 Gill Road



TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 489 *Local Government Act*)

FILE NO: 3060-21-03

DATE: June 1, 2021

Name of Owner(s) of Land (Permittee): Barbara Ann Fleming

Applicant: Andrew Anderson (B. Gallant Homes Ltd.)

Subject Property (Civic Address): 287 Gill Road

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

Amended Lot 1 (DD60489N) District Lot 42, Oyster District, Plan 4670

PID: 005-994-551

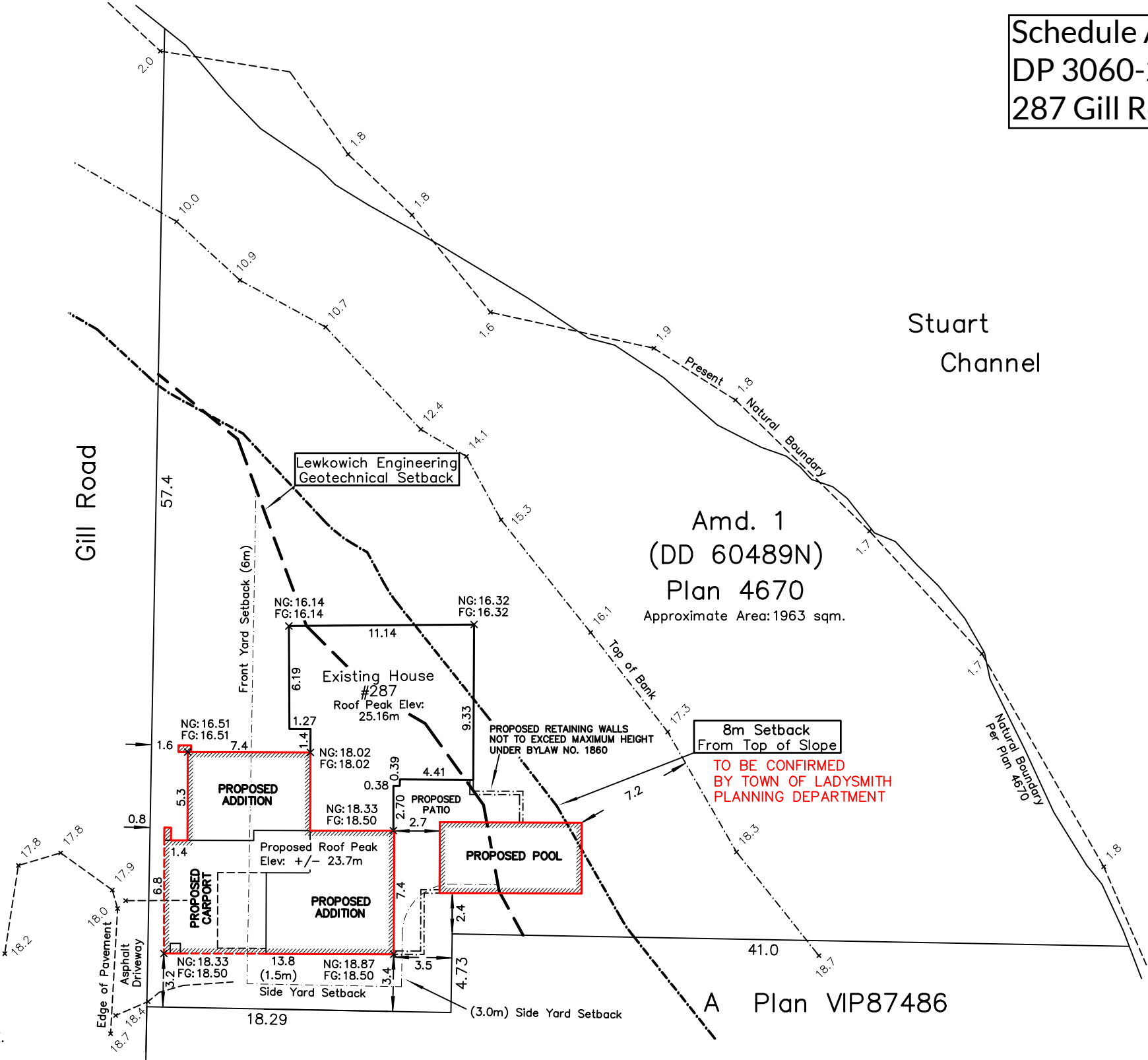
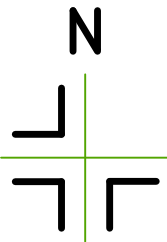
(referred to as the "Land")

3. This Permit has the effect of authorizing the alteration of land and issuance of a building permit for the construction of dwelling addition, retaining walls, and a swimming pool with a fence enclosure on the Land, designated in the Official Community Plan under section 488(1)(b) of the *Local Government Act*, in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws except as varied by this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw 2014, No. 1860.
5. The Permittee, as a condition of the issuance of this Permit, agrees to:
 - (a) Develop the Land in accordance with **Schedule A – Site Plan**.
 - (b) Follow all recommendations in **Schedule B – Geotechnical Assessment**, including the following specific requirements:
 - i. Do not direct surface flows toward the crest of slope.

- ii. Any collected stormwater or pipe drainage measures shall be directed to a suitable discharge area at the toe of slope. Water shall not be discharged near the slope crest, or on the slope for any reason.
 - iii. Do not remove natural vegetation from the slope.
 - iv. Replace or revegetate any areas that show signs of erosion or soil loss from natural (or other) processes.
 - v. Do not use pressurized irrigation systems or pressurized piping of any kind for areas inside the prescribed setback (identified in **Schedule B – Geotechnical Assessment**).
 - vi. Do not dump refuse, debris, landscaping waste (leaves, lawn clippings, etc.) on the slope or over the slope crest.
 - vii. Spiraling of any trees is preferred to tree removal. Stumps of any trees should be left in place.
 - viii. The drainage system for the swimming pool must be independent of other drainage systems on the Land and must be discharged via a sanitary service connection. The pool water must be de-chlorinated prior to discharge into the sanitary sewer system.
 - ix. The design of the swimming pool must include provisions to prevent any leakage of pool water into the soil to prevent failure of the slope. Prevention of leaks or rupture of the pool must be assured by the pool manufacturer, installer, and/or Structural Engineer.
 - x. A minimum Flood Construction Level of 5.28m geodetic is required for any new residential construction.
6. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
7. The plans and specifications attached to this Permit are an integral part of this Permit.
8. 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 (**3060-21-03**) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
9. This Permit prevails over the provisions of the Bylaw in the event of conflict.
10. Despite issuance of this Permit, construction may not start without a Building Permit or other necessary permits.

AUTHORIZED BY RESOLUTION NO. _____ PASSED BY THE COUNCIL OF THE
TOWN OF LADYSMITH ON THE ____ DAY OF _____ 202__.

Schedule A - Site Plan
DP 3060-21-03
287 Gill Road



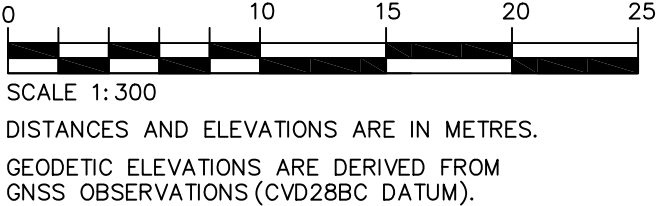
NOTE:
BUILDING SETBACKS SHOWN ON THIS SITE PLAN ARE FOR A PRINCIPAL BUILDING OR STRUCTURE. FOR ACCESSORY BUILDING SETBACKS, SEE TOWN OF LADYSMITH ZONING BYLAW – R1 ZONE.

NOTE:
THE REGISTERED TITLE OF THIS PROPERTY IS AFFECTED BY THE FOLLOWING LEGAL NOTATIONS AND REGISTERED CHARGES, LIENS AND INTERESTS:
M76300.
THIS SITE PLAN DOES NOT VERIFY COMPLIANCE WITH THE ABOVE NOTED DOCUMENTS.

THIS SITE PLAN SHOWS THE RELATIVE LOCATION OF THE EXISTING AND PROPOSED STRUCTURES/IMPROVEMENTS WITH RESPECT TO THE BOUNDARIES OF THE DESCRIBED PARCEL ONLY.
THIS SITE PLAN SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.
THE SIGNATORY ACCEPTS NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE SITE PLAN BEYOND ITS INTENDED USE.
THIS SITE PLAN SHOWS THE NATURAL BOUNDARY ACCORDING TO PLAN 4670 AND AN OPINION OF THE LOCATION OF THE PRESENT NATURAL BOUNDARY BASED ON FIELD SURVEY. DIMENSIONS OF THE LOT UNDER SURVEY AS SHOWN ON PLAN 4670 MAY NOT REFLECT THE LOT AREA AND CURRENT EXTENT OF TITLE.

SITE PLAN SHOWING PROPOSED ADDITION ON:
AMMENDED LOT 1 (DD 60489N), DISTRICT LOT 42,
OYSTER DISTRICT, PLAN 4670.

Client: MARK FLEMING	Civic Address: 287 GILL ROAD, LADYSMITH
File: 18-014_REV2	Scale: 1:300
Drawn by: DRW	Property Zoning: R-1



Certified correct this 30th day of April, 2021.

_____. B.C.L.S.
(This document is not valid unless originally signed and sealed.)

Turner & Associates
land surveying inc.
250.753.9778
435 Terminal Avenue North
Nanaimo, BC V9S 4J8
www.turnersurveys.ca



Mr. Mark Fleming
mrfleming@telus.net

File Number: F6166.01r1
Date: May 7, 2021

Attention: Mr. Mark Fleming

**PROJECT: PROPOSED RESIDENTIAL IMPROVEMENTS
ADDITION AND SWIMMING POOL
287 GILL ROAD, LADYSMITH, BC**

SUBJECT: GEOTECHNICAL ASSESSMENT

Dear Mr. Fleming:

1. INTRODUCTION

As requested, Lewkowich Engineering Associates Ltd. (LEA) has carried out a geotechnical assessment with respect to the above noted residential improvements. This report provides a summary of our findings and recommendations.

2. BACKGROUND

- a. The property is zoned for and developed as a single-family residential property (RS-1)¹. We understand the property is within a Development Permit Area (DPA), specifically DPA 7 “Hazard Lands”².
- b. The lot is developed with a permanent single-family residence. A survey plan prepared by Turner Land Surveying Inc. (TLS)³ is attached following this report.
- c. We understand the proposed improvement consist of an addition to the existing single-family residence, as well as an inground swimming pool.
- d. We understand the addition will preferably be constructed utilizing a cast-in-place concrete foundation, with a slab-on-grade and/or wood-framed flooring system. We understand the superstructure will be one to three-storeys of wood-framed residential construction.
- e. The proposed addition and pool locations are shown on the attached marked-up TLS plan⁴, as provided by the Client.

3. ASSESSMENT OBJECTIVES

Our assessment, as summarized within this report, is intended to meet the following objectives:

- i. Determine whether the lands are considered safe for the use intended (defined for the purposes of this report as a residential addition and swimming pool), with the probability of a geotechnical failure resulting in property damage of less than:
 - 2% in 50 years for geotechnical hazards due to seismic events, including slope stability; and,
 - 10% in 50 years for all other geotechnical hazards.
- ii. Identify any geotechnical deficiency that might impact the design and construction of the improvements and prescribe the geotechnical works and any changes in the standards of the design and construction of the development that are required to ensure the land and building are developed and maintained safely for the use intended.
- iii. Acknowledge that Approving and/or Building Inspection Officer may rely on this report when making a decision on applications for the development of the land.

4. ASSESSMENT METHODOLOGY

- a. A subsurface geotechnical investigation was not carried out as part of our investigation.
- b. As part of this assessment we have reviewed information collected by our firm during previous subsurface exploration in the area, in conjunction with other previous local experience and knowledge of surficial geology.

Client: Mr. Mark Fleming
Project: 287 Gill Road, Ladysmith, BC
File: F6166.01r1
Date: May 7, 2021
Page: 3 of 20



5. SITE CONDITIONS

5.1 General

- a. The subject property is located in the southeast region and jurisdictional limits of the Town of Ladysmith and is identified with the following civic and legal address:
 - i. 287 Gill Road; Lot 1 (DD 60489N), District Lot 42, Oyster District, Plan 4670.
- b. Gill Road runs in an approximate north/south orientation and is accessed via Chemainus Road. The subject property is at the northeast limits of Gill Road and is accessed via a paved driveway from the Gill Road frontage.
- c. The property is bound to the west by a larger property zoned for Multi-Family Residential development, to the south by developed single-family residential properties, and to the north by Stuart Channel. We understand the property is serviced by municipal water and sewer, and that collected stormwater is transported via solid PVC piping to the foreshore. See Figures 1 and 2 below for the current stormwater piping and disposal areas. We understand there is no septic field or septic system located on the property.
- d. As referenced previously the subject property is located with DPA 7 “Hazard Lands.”
- e. The terrain of the subject property is complex, the most prominent feature being a steep north-facing slope along the northerly and easterly limits of the property leading to the foreshore. Areas above the slope include generally level areas around the existing residence, including minor downhill slopes to the north. The minor slopes are comprised of landscaped lawn and garden areas. The eastern areas of the property transition from the landscaped lawn areas to a defined slope crest leading to the foreshore; see Figure 3 below. The lesser landscaping slopes in the northern portion of the lot transition to a tiered landscaped area with a small dry-stacked rock retaining wall (varies up to 0.6m in height) and a cast-in-place concrete retaining wall (varies up to 1.2m in height); see Figure 4 below.

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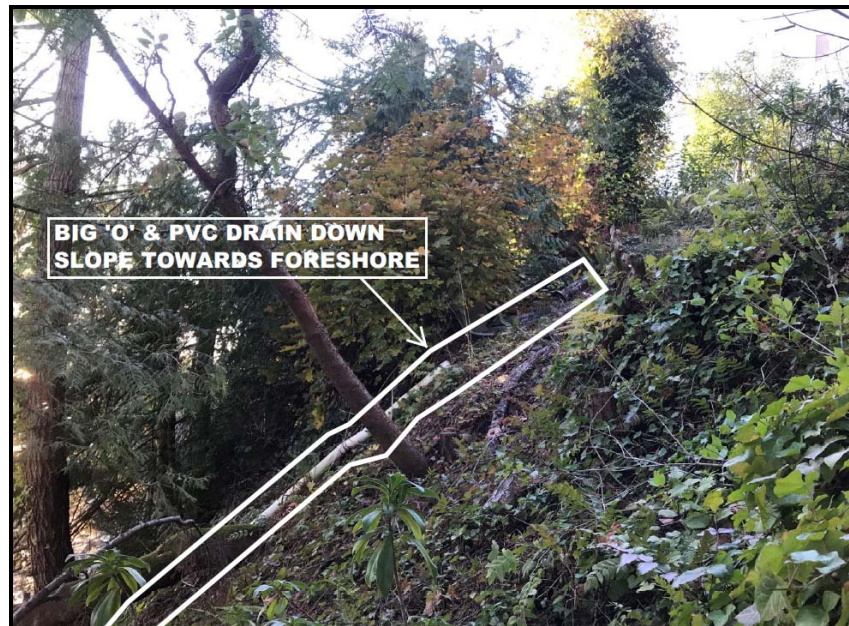


Figure 1

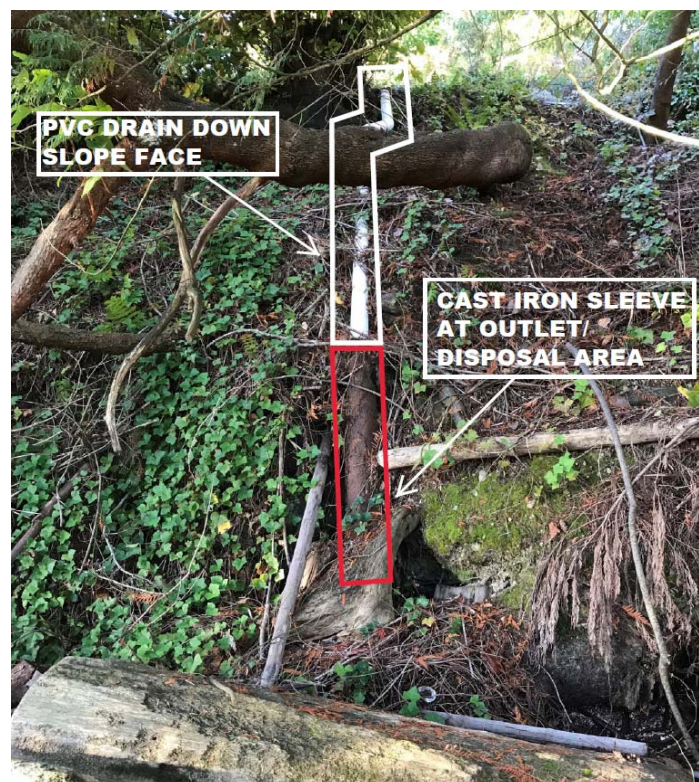


Figure 2

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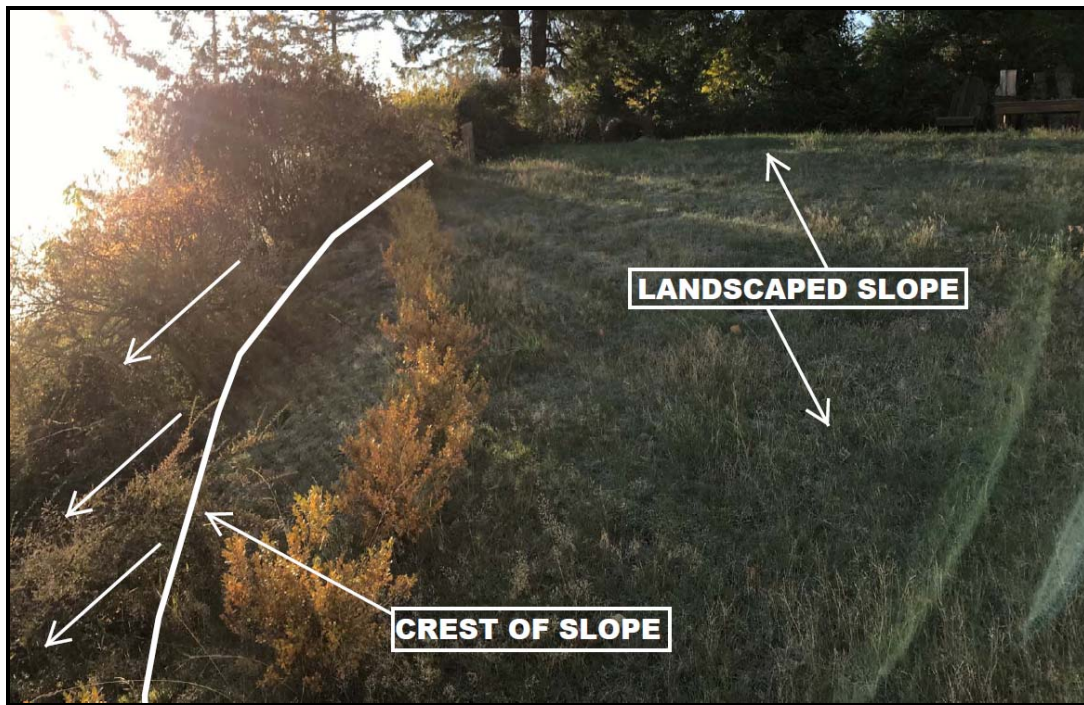


Figure 3

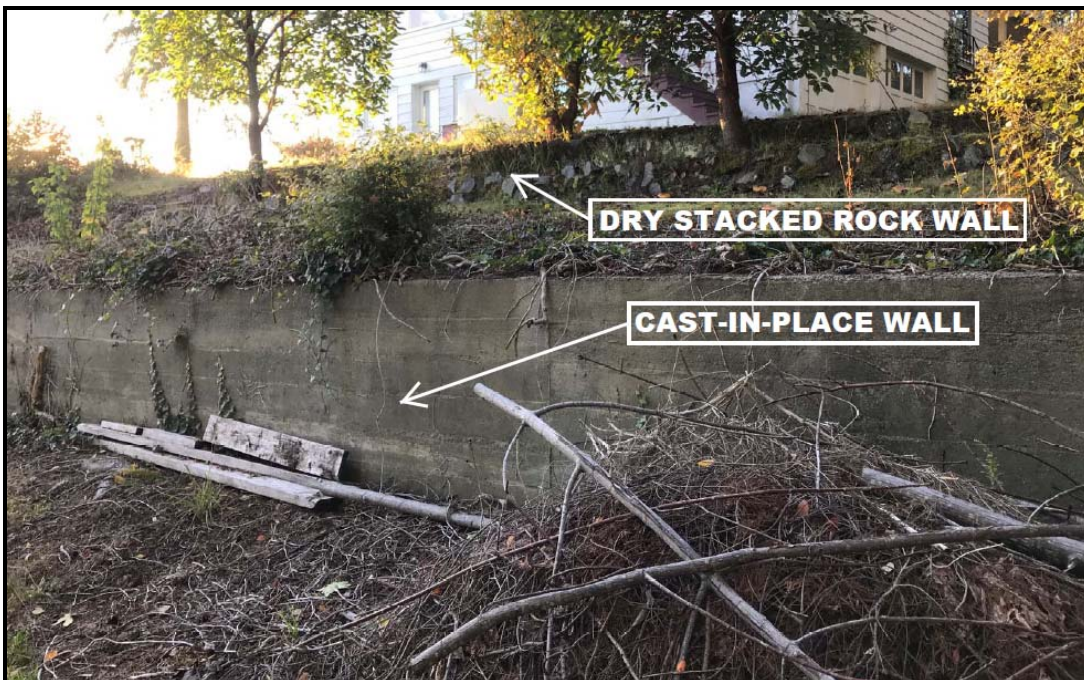


Figure 4

5.2 Soil Conditions

- a. Previous experience in the area by LEA has shown subgrade conditions to consist of minimal deposits of alluvium (sand, gravels, and silts) typically less than 1.0m in thickness, underlain by an over-consolidated silt, sand, and gravel matrix (glacial till).
- b. Minor soil exposures along areas of the foreshore showed glacial till to be present at shallow depths.

5.3 Groundwater

- a. There was no groundwater seepage observed during the course of our field review.
- b. Given the expected conditions, specifically the dense fine-grained glacial till subgrade, we expect that a shallow “perched” groundwater table is present seasonally. We expect that the groundwater flows associated with this perched condition would be related directly to the volume and frequency of storm events.
- c. Groundwater levels can be expected to fluctuate seasonally with cycles of precipitation. Groundwater conditions at other times and locations can differ from those observed at the time of our assessment.

5.4 Floodplain Data

- a. Historically, floodplain information has been prepared and provided by the provincial government, specifically the British Columbia Ministry of Environment (MoE), Environment Canada Inland Waters. Typically, this information included established “20 year” and “200 year” design flood levels.
- b. The ocean level floodplain mapping⁵ where nearest the subject property has been established at a geodetic elevation of 3.3m (200 year design flood event). The geodetic elevation refers to Geodetic Survey of Canada (GSC) datum. Note that floodplain mapping specific to the subject property is not available at the time of this report.

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- c. Established floodplain elevations and Flood Construction Levels (FCLs) for other coastal areas along the east coast of Vancouver Island vary, but are typically between 3.8m and 4.1m geodetic. Given the absence of site specific mapping, we have assumed the more conservative FCL value of 4.1m for the purposes of this report.
- d. Recent studies and assessments have shown the established FCLs may not be adequate to prevent flooding and property damage in the future.

5.5 Sea Level Rise

- a. The referenced documentation^{6 7 8} outlines and discusses a number of recent studies and assessments that have shown an increase in the severity and frequency of significant storm events.
- b. The concepts of climate change and global warming have historically been subjective and difficult to quantify with a reasonable degree of accuracy. Information prepared by the provincial government shows that the current ocean level is rising and is expected to continue to rise in the future.
- c. While the rate or evolution of sea level rise is difficult to estimate, it has been projected that the current ocean level will rise approximately 1.0m every 100 years.
- d. The predicted elevations and degrees of sea level rise are theoretical and are based on the information currently available. The degree of sea level rise will be evaluated in the future as more information becomes available.
- e. At this time, all new construction should ideally include measures to prevent or mitigate potential flooding based on the information and theoretical projections that are currently available.

6. CONCLUSIONS AND RECOMMENDATIONS

6.1 General

From a geotechnical point of view, the land is considered safe for the use intended (defined for the purposes of this report as a residential addition and swimming pool), with the probability of a geotechnical failure resulting in property damage of less than:

- 2% in 50 years for geotechnical hazards due to seismic events, including slope stability; and,
- 10% in 50 years for all other geotechnical hazards,

provided the recommendations in this report are followed.

6.2 General Excavation Recommendations – Addition and Pool Construction

- Prior to construction, all unsuitable materials should be removed to provide a suitable base of support. Unsuitable materials include any non-mineral material such as vegetation, topsoil, peat, fill or other materials containing organic matter, as well as any soft, loose, or disturbed soils.
- Alluvially deposited fine-grained soils (silt and clay) are particularly moisture sensitive. Extended periods of saturated soil conditions can make these soils unsuitable for bearing purposes, where they could be suitable bearing surfaces when moist or damp. Exposure of these soils to water after excavation (rain or snow) can also make these soils unsuitable for bearing purposes. Therefore, weather conditions dictate whether these soils are suitable for bearing purposes at the time of construction. LEA recommends contingency plans for over excavation when weather or seasonal conditions could make these soils unsuitable for bearing at the time of construction.
- Ground water ingressing into any excavations should be controlled with a perimeter ditch located just outside of the building areas, connected to positive drainage.

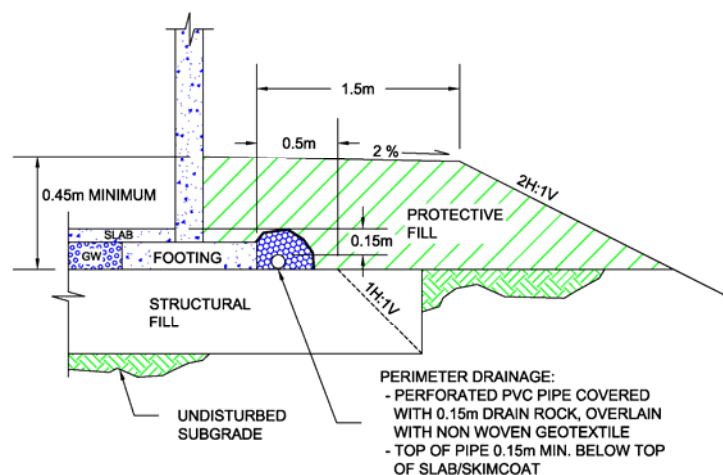
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- d. The Geotechnical Engineer is to confirm the removal of unsuitable materials and approve the exposed competent inorganic subgrade.

6.3 Structural Fill

- a. Where fill is required to raise areas that will support buildings, slabs, or pavements, structural fill should be used. The Geotechnical Engineer should first approve the exposed subgrade in fill areas, to confirm the removal of all unsuitable materials.
- b. Structural fill should be inorganic sand and gravel. If structural fill placement is to be carried out in the wet season, material with a fines content limited to 5% passing the 75 μ m sieve should be used, as such a material will not be overly sensitive to moisture, allowing compaction during rainy periods of weather.
- c. Structural fill should be compacted to a minimum of 95% of Modified Proctor maximum dry density (ASTM D1557) in foundation and floor slab areas.
- d. Structural fills under foundations should include the zone defined by a plane extending down and outward a minimum 0.5m from the outer edge of the foundation at an angle of 45 degrees from horizontal to ensure adequate subjacent support. This support zone is shown in the figure below.



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- e. Compaction of fill should include moisture conditioning as needed to bring the soils to the optimum moisture content and compacted using vibratory compaction equipment in lift thicknesses appropriate for the size and type of compaction equipment used.
- f. A general guideline for maximum lift thickness is no more than 100mm for light hand equipment such as a “jumping-jack,” 200mm for a small roller and 300mm for a large roller or heavy (>500 kg) vibratory plate compactor or a backhoe mounted hoe-pac or a large excavator mounted hoe-pac, as measured loose.
- g. It should be emphasized that the long-term performance of buildings, slabs, and pavements is highly dependant on the correct placement and compaction of underlying structural fills. Consequently, we recommend that structural fills be observed and approved by the Geotechnical Engineer. This would include approval of the proposed fill materials and performing a suitable program of compaction testing during construction.

6.4 Foundation Design & Construction

- a. Prior to construction, the addition area should be stripped to remove all unsuitable materials to provide an undisturbed natural subgrade for the footing support.
- b. Foundation loads should be supported on natural undisturbed material approved for use as a bearing stratum by our office or structural fill and may be designed using the following:
 - i. For foundations constructed on a dense, naturally deposited, inorganic subgrade, a Service Limit State (SLS) bearing pressure of 150 kPa, and an Ultimate Limit State (ULS) of 200 kPa may be used for design purposes. These values assume a minimum 0.45m depth of confinement or cover.
 - ii. For foundations constructed on structural fill, as outlined in Section 6.3 of this report an SLS bearing pressure of 150 kPa, and a ULS bearing pressure of 200 kPa may be used for design purposes. These values assume a minimum 0.45m depth of confinement or cover.

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-
- c. Exterior footings should be provided with a minimum 0.45m depth of ground cover for frost protection purposes.
 - d. Prior to placement of concrete footings, any bearing soils that have been softened, loosened, or otherwise disturbed during the course of construction should be removed, or else compacted following our recommendations for structural fill. Compaction will only be feasible if the soil has suitable moisture content and if there is access to heavy compaction equipment. If no structural fill is placed, a smooth-bladed clean up bucket should be used to finish the excavation.
 - e. The Geotechnical Engineer should evaluate the bearing soils at the time of construction to confirm that footings are based on appropriate and properly prepared founding material.
 - f. The above recommendations should generally be applicable to the pool construction; subject to confirmation with the manufacturer's specifications for installation.

6.5 Seismic Issues

- a. No compressible or liquefiable soils have been encountered during our previous works in the area.
- b. 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 anticipated soils and strata would be "Site Class D" (Stiff Soil).

6.6 Permanent Dewatering – Addition

- a. Conventional requirements of the 2018 British Columbia Building Code (BCBC) pertaining to building drainage are considered suitable at this site.
- b. Drainage measures from the new residential addition should be constructed in accordance with the applicable sections of the current BCBC. Given the age of the existing residence, and the expected types of foundation drainage measures, we recommend the new construction includes an independent foundation drainage and roofwater collection system.

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- c. We recommend that all collected foundation and roof water is collected and transported via solid PVC piping to the existing foreshore area. The outlet shall be constructed as required to match natural conditions and limit erosion. Works shall not encroach beyond the natural boundary or property line, whichever is more restrictive. Comments for works in the disposal area may require the input of an environmental professional (biologist, or similar).

6.7 Permanent Dewatering – Inground Swimming Pool

- a. In the event the pool includes a gravity drain, or a sump-style drain system to facilitate draining the pool, the drainage system shall be independent of other drainage systems on site, and must be discharged to a suitable disposal area. We assume disposal would be to an available sanitary service connection, but this should be confirmed with the Town of Ladysmith.
- b. The design of the swimming pool must include provisions to prevent any leakage of pool water into the soil. Any leaks or rupture of the pool could lead to the failure of the slope, potentially damaging the residence on the subject property and impacting adjacent properties.
- c. Prevention of leaks or rupture of the pool must be assured by the pool manufacturer, installer, and/or structural engineer.
- d. The pool installation, type, construction methods, etc. are the responsibility of the manufacturer, designer, installer, or others. LEA assumes no responsibility for materials, installation, workmanship, or other, associated with the design and installation of the swimming pool.

6.8 Steep Slope Setback

- a. Based on our review of the TLS survey data^{3 4} the north facing slopes varies in height from approximately 8.0m to 18.0m in height. The inclination of the slope varies across the

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property from 41 degrees to to 54 degrees (from horizontal). These measurements have been calculated using corresponding spot elevations along the toe and crest of the slope.

- b. Based on our field review and desktop analysis the most likely type of failure mechanisms would be minor sloughing/slab failures, or piping/blowout failures. The sloughing/slab type mechanism is commonly attributed to localized conditions where slope configurations exceed 40 degrees form horizontal. These failures are generally shallow and localized to over-steepened areas, but can impact stability on a larger scale if left unmaintained. Piping/blowout failures are typically associated with concentrated stormwater collection outlet piping. For example, roof water leaders that outlet near the crest of slope or anywhere on the slope face.
- c. Detailed slope stability analyses are generally required when building development is proposed at the top of slope closer than the ground surface intersection of a 2 Horizontal to 1 Vertical (2H:1V) slope down to the toe (referred to as the “2H:1V intersection”), or at the bottom of slope where runout is likely to extend. Building beyond the 2H:1V intersection is generally considered a safe setback due to the fact that the internal angle of friction of most soils is appreciably greater than 26.6°, or 2H:1V. We have calculated the 2H : 1V intersection line for the subject property; see Figure 5 below.
- d. For additional information with respect to establishing the safe setback line, reference the attached marked-up TLS survey plan⁴.

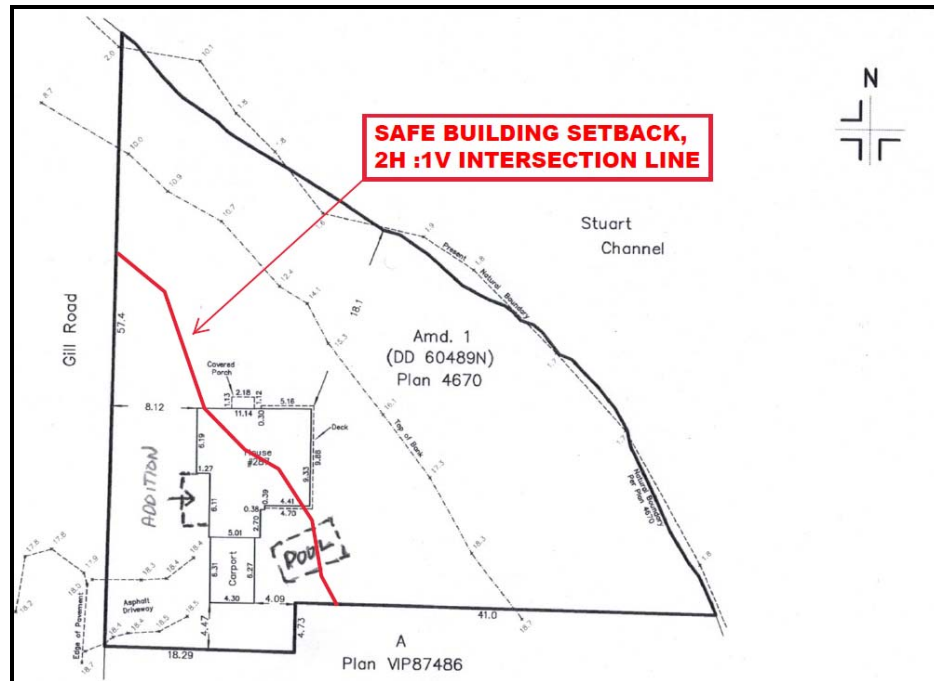


Figure 5

- e. The existing house lies within the boundaries of the 2H:1V intersection. Because the proposed building addition at the property is located approximately 3.75m beyond the 2H:1V intersection, the addition is unlikely to impact or be impacted by slope instability within the anticipated building lifespan. A detailed seismic analysis, or global stability analysis of the existing residence has not been performed and is beyond the scope of this report.
- f. The proposed location of the in-ground swimming pool partially falls within the 2H:1V intersection plane of the existing slope. However, the proposed in-ground pool is not considered a “building” or part of the existing residence. As the proposed in-ground pool construction is essentially a landscaping feature, it is not subject to the same scrutiny and analysis as would be habitable residential construction. We have no slope stability concerns with the pool location as proposed.

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6.9 Steep Slope Discussions

- a. Based on our field review and desktop analysis the slope is considered stable in its current condition. Note that long term stability can be affected by a number of processes which can impact or decrease stability.
- b. The following should be considered as basic, minimum requirements for maintaining slope stability.
 - i. Do not direct surface flows toward the crest of slope.
 - ii. Any collected stormwater or pipe drainage measures shall be directed to a suitable discharge area at the toe of slope. Water shall not be discharged near the slope crest, or on the slope for any reason.
 - iii. Do not remove natural vegetation from the slope.
 - iv. Replace or revegetate any areas that show signs of erosion or soil loss from natural (or other) processes.
 - v. Pressurized irrigation systems or pressurized piping of any kind should be discouraged for areas inside the prescribed setback.
 - vi. Do not dump refuse, debris, landscaping waste (leaves, lawn clippings, etc.) on the slope or over the slope crest.
 - vii. Spiraling of any trees is preferred to tree removal; stumps of any trees should be left in place.

6.10 Watercourses & General Setbacks

- a. There is a defined watercourse (Strait of Georgia) located to the immediate north/northeast of the subject property. All construction shall be carried out within the requirements and

recommendations of the environmental consultant and/or any defined jurisdictional setbacks, whichever is more stringent. However, a corner of the pool encroaches into the 8m setback from the crest of slope, which is identified as the Zoning Bylaw. The pool also encroaches into the 3m side yard setback in the Zoning Bylaw. LEA has no objection to the pool encroaching into the setback from the crest of slope identified in the Zoning Bylaw, or the side yard setback. LEA has no objections to encroachments into a defined jurisdictional setback.

- b. LEA understands that a fence must be installed around the pool for safety purposes. LEA has no objection to the construction of a fence around the pool or pool surround.
- c. Any environmental setbacks, covenants, or requirements, shall supersede the geotechnical recommendations made in this report.

6.11 Flood Construction Level

- a. In the past, published floodplain mapping, where available, has been the standard convention for establishing a minimum FCL. In areas without published floodplain mapping, the convention has been to establish the minimum FCL as 1.5m above the Natural Boundary (NB). However, coastal communities are adopting a model for establishing minimum floor elevations to account for future sea level rise.
- b. The referenced Kerr Wood Leidal Associates Ltd. (KWL) report⁶ provides the methodology for the “combined method” to determine an adequate FCL that incorporates the issue of sea level rise and other mitigating factors. This method is recommended practice by Engineers & Geoscientists British Columbia (EGBC)⁸. The methodology includes the following variables determined through recent studies to have implications regarding potential flooding.
- c. The variables that are required to determine an adequate FCL, as well as the equation for FCL, are as follows:

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- i. Higher High Water Large Tide (HHWLT)
- ii. Sea Level Rise (SLR)
- iii. Crustal Rebound (CR)
- iv. Storm Surge (SS)
- v. Wave Effect (WE)
- vi. Freeboard (FB)

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

- d. Using this equation, and based on SLR projections for the year 2100, the minimum FCL derived using the combined method is 5.28m as shown in Table 1 below.

Table 1: FCL determination using the "combined method" as recommended by EGBC.

HHWLT (m)	SLR (m)	CR (m)	SS (m)	WE (m)	FB (m)	FCL (m)
1.98	1.0	-0.2	1.25	0.65	0.60	5.28

- e. Based on the above calculations, we recommend that an FCL of 5.28m geodetic is used for any new residential construction.
- f. Based on our review of the referenced TLS survey³, the proposed residential construction will be constructed at or about 16.0m geodetic. This elevation is in excess of 10.0m above the recommended FCL, and provides a more than adequate FCL.

6.12 Floodwater Discussions & Recommendations

- a. A design storm event may affect or alter the present natural boundary and/or surrounding terrain in proximity to the subject property. Severe wave action or flooding may manipulate the granular nature of the shoreline, in turn increasing the potential for future damage to the slope and property during major storm events.
- b. Provided any construction within the subject property satisfies the minimum recommended FCL, we do not anticipate any damage to structures as a result of floodwater.

6.13 Covenant Review

- a. As part of our assessment we have reviewed the legal title of the property; specifically, any restrictive covenants registered against the property that may impact the comments, conclusions, or recommendations provided in this report.
- b. There are no covenants registered against the title of the property.

7. GEOTECHNICAL ASSURANCE AND QUALITY ASSURANCE

The 2018 British Columbia Building Code requires that a geotechnical engineer be retained to provide Geotechnical Assurance services for the construction of buildings. Geotechnical Assurance services include review of the geotechnical components of the plans and supporting documents, and responsibility for field reviews of these components during construction.

8. ACKNOWLEDGEMENTS

Lewkowich Engineering Associates Ltd. acknowledges that this report may be requested by the building inspector (or equivalent) of the Town of Ladysmith as a precondition to the issuance of a building or development permit. It is acknowledged that the Approving Officers and Building Officials may rely on this report when making a decision on application for development of the land. We acknowledge that this report has been prepared solely for, and at the expense Mr. Mark Fleming. We have not acted for or as an agent of the Town of Ladysmith in the preparation of this report. We acknowledge the Town of Ladysmith and the Approving Officer(s) are authorized users of this report. We acknowledge that this Report may be registered against the title of the property as a restrictive covenant.

9. LIMITATIONS

The conclusions and recommendations submitted in this report are based upon the

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information from a visual reconnaissance of the property and a review of the available desktop information. The recommendations given are based on the 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.

10. CLOSURE

Lewkowich 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 us at your convenience.

Respectfully Submitted,
Lewkowich Engineering Associates Ltd.



Steven Stacey, B.A., CTech
Senior Technician



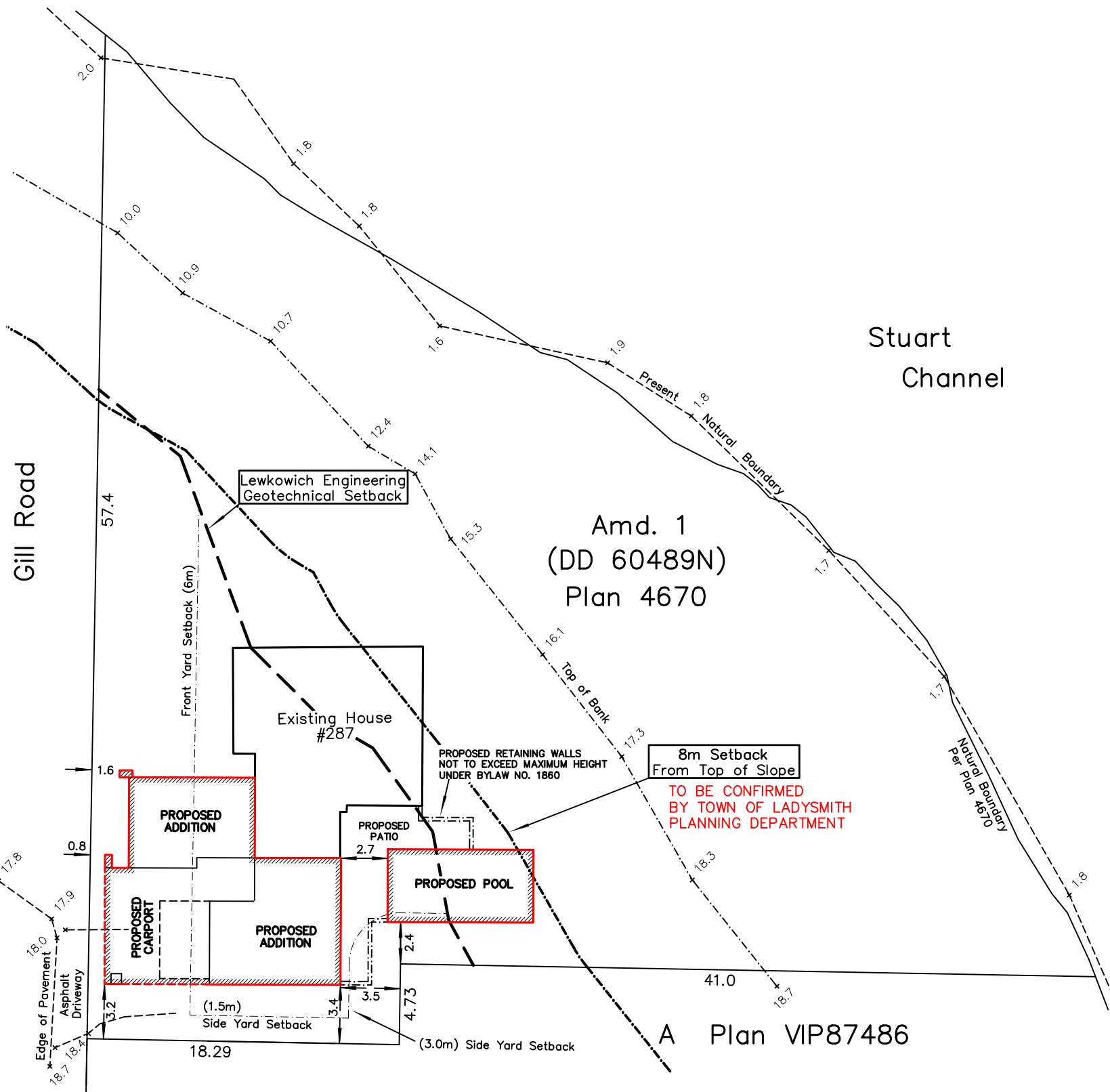
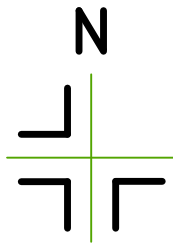
Chris Hudec, M.A.Sc., P.Eng.
Senior Project Engineer

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References

1. Town of Ladysmith map titled “*Official Community Plan, Map 1, Land Use*,” Dated September 18, 2018.
2. Town of Ladysmith map titled “*Official Community Plan, Map 2, Development Permit Areas*,” Dated September 18, 2018.
3. Turner Land Surveying Inc. drawing titled “*Site Plan Showing: [Amended] Lot 1 (DD 60489N), District Lot 42, Oyster District, Plan 4670*,” File No. 18-014, Dated September 16, 2019 (attached).
4. Turner Land Surveying Inc. drawing with Client/LEA Mark-ups of Work Areas and Setback, titled “*Site Plan Showing: [Amended] Lot 1 (DD 60489N), District Lot 42, Oyster District, Plan 4670*,” File No. 18-014, Dated September 16, 2019 (attached).
5. British Columbia Ministry of Environment, Environment Canada Inland Water drawing titled “*Floodplain Mapping, Chemainus River*,” File No. 92-4700-S.1, Drawing No. 89-10-1, Sheet 1 of 3, Dated September 30, 1991.
6. Kerr Wood Leidal Associates Ltd. report titled “*Coastal Floodplain Mapping – Guidelines and Specifications, Final Report*,” File No. 27585.001, dated June 2011.
7. Province of British Columbia, Ministry of Water, Land and Air Protection document titled “*Flood Hazard Area, Land Use Management Guidelines*,” Amended by: Ministry of Forest, Lands, Natural Resource Operations and Rural Development,” Dated January 1, 2018.
8. Engineers & Geoscientists British Columbia (EGBC) report titled “*Legislated Flood Assessments in a Changing Climate in BC*,” Version 2.1, Dated August 28, 2018.
9. Engineers & Geoscientists British Columbia (EGBC) document titled “*Appendix D: Landslide Assurance Statement*,” (attached).
10. Engineers & Geoscientists British Columbia (EGBC) document titled “*Appendix I: Flood Hazard and Risk Assurance Statement*,” (attached).



NOTE:
BUILDING SETBACKS SHOWN ON THIS SITE PLAN ARE FOR A PRINCIPAL BUILDING OR STRUCTURE. FOR ACCESSORY BUILDING SETBACKS, SEE TOWN OF LADYSMITH ZONING BYLAW – R1 ZONE.

NOTE:
THE REGISTERED TITLE OF THIS PROPERTY IS AFFECTED BY THE FOLLOWING LEGAL NOTATIONS AND REGISTERED CHARGES, LIENS AND INTERESTS:
M76300.
THIS SITE PLAN DOES NOT VERIFY COMPLIANCE WITH THE ABOVE NOTED DOCUMENTS.

THIS SITE PLAN SHOWS THE RELATIVE LOCATION OF THE EXISTING AND PROPOSED STRUCTURES/IMPROVEMENTS WITH RESPECT TO THE BOUNDARIES OF THE DESCRIBED PARCEL ONLY.

THIS SITE PLAN SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.

THE SIGNATORY ACCEPTS NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE SITE PLAN BEYOND ITS INTENDED USE.

**SITE PLAN SHOWING PROPOSED ADDITION ON:
AMMENDED LOT 1 (DD 60489N), DISTRICT LOT 42,
OYSTER DISTRICT, PLAN 4670.**

Client: MARK FLEMING

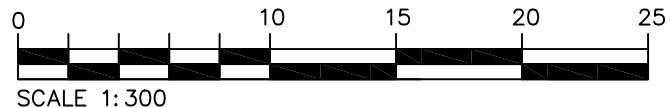
Civic Address: 287 GILL ROAD, LADYSMITH

File: 18-014

Scale: 1:300

Drawn by: DRW

Property Zoning: R-1



DISTANCES AND ELEVATIONS ARE IN METRES.

GEODETIC ELEVATIONS ARE DERIVED FROM
GNSS OBSERVATIONS (CVD28BC DATUM).

Certified correct this 31st day of March, 2021.

B.C.L.S.
(This document is not valid unless originally signed and sealed.)

Turner & Associates
land surveying inc.

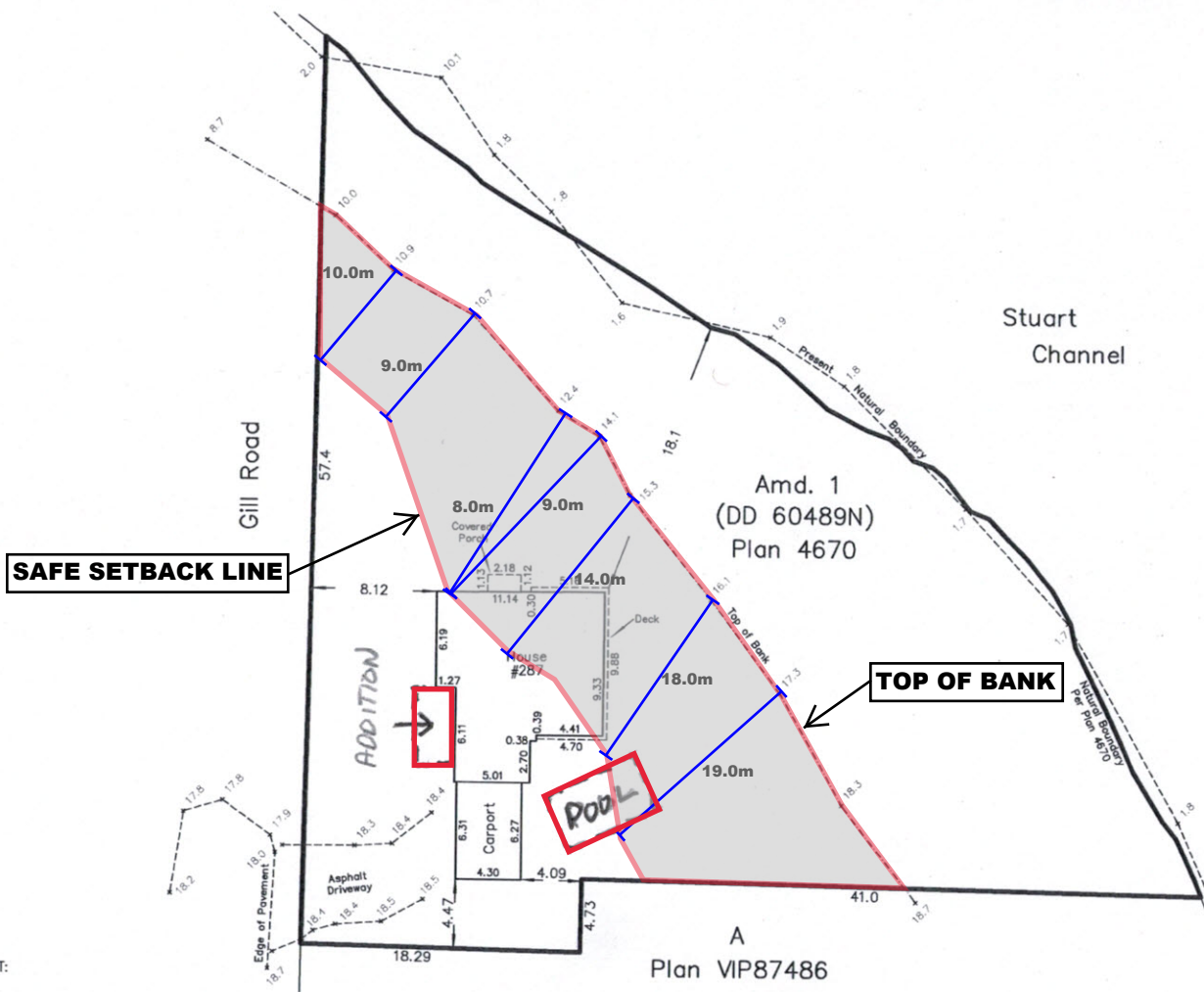
250.753.9778

435 Terminal Avenue North

Nanaimo, BC V9S 4J8

www.turnersurveys.ca

#2



NOTE:
THIS PROPERTY IS AFFECTED BY
THE FOLLOWING REGISTERED DOCUMENT:
M76300.

SITE PLAN SHOWING:
AMMENDED LOT 1 (DD 60489N), DISTRICT LOT 42,
OYSTER DISTRICT, PLAN 4670.

Client: MARK FLEMING	Civic Address: 287 GILL ROAD, LADYSMITH
File: 18-014	Scale: 1:300
Drawn by: DRW	Property Zoning: R-1

0 10 15 20 25
SCALE 1:300
DISTANCES AND ELEVATIONS ARE IN METRES.
GEODETIC ELEVATIONS ARE DERIVED FROM
GNSS OBSERVATIONS (CVD28BC DATUM).

Certified correct this 16th day of September, 2019.

(This document is not valid unless originally signed and sealed.)
B.C.L.S.

Turner & Associates
land surveying inc.
250.753.9778
435 Terminal Avenue North
Nanaimo, BC V9S 4J8
www.turnersurveys.ca

APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the "APEGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia", March 2006/Revised September 2008 ("APEGBC Guidelines") and the "2006 BC Building Code (BCBC 2006)" and is to be provided for *landslide assessments* (not floods or flood controls) for the purposes of the Land Title Act, Community Charter or the Local Government Act. Italicized words are defined in the APEGBC Guidelines.

To: The Approving Authority
Town of Ladysmith

Date: November 4, 2019 LEA File No. F6166.01

410 Esplanade, PO Box 220, Ladysmith, BC, V9G 1A2

Jurisdiction and address

With reference to (check one):

- ☐ Land Title Act (Section 86) – Subdivision Approval
- ☒ Local Government Act (Sections 919.1 and 920) – Development Permit
- ☒ Community Charter (Section 56) – Building Permit
- ☐ Local Government Act (Section 910) – Flood Plain Bylaw Variance
- ☐ Local Government Act (Section 910) – Flood Plain Bylaw Exemption
- ☐ British Columbia Building Code 2006 sentences 4.1.8.16 (8) and 9.4 4.4.(2) (Refer to BC Building and Safety Policy Branch Information Bulletin B10-01 issued January 18, 2010)

For the Property:

Lot 1 (DD 60489N), District Lot 42, Oyster District, Plan 4670; 287 Gill Road, Ladysmith

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a *Qualified Professional* and is a *Professional Engineer* or *Professional Geoscientist*.

I have signed, sealed and dated, and thereby certified, the attached *landslide assessment* report on the Property in accordance with the *APEGBC Guidelines*. That report must be read in conjunction with this Statement. In preparing that report I have:

Check to the left of applicable items

- ☒ 1. Collected and reviewed appropriate background information
- ☒ 2. Reviewed the proposed *residential development* on the Property
- ☒ 3. Conducted field work on and, if required, beyond the Property
- ☒ 4. Reported on the results of the field work on and, if required, beyond the Property
- ☒ 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a *landslide hazard analysis* or *landslide risk analysis* I have:
 - ☒ 6.1 reviewed and characterized, if appropriate, any *landslide* that may affect the Property
 - ☒ 6.2 estimated the *landslide hazard*
 - ☒ 6.3 identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
 - ☒ 6.4 estimated the potential *consequences* to those *elements at risk*
- 7. Where the Approving Authority has adopted a *level of landslide safety* I have:
 - ☐ 7.1 compared the *level of landslide safety* adopted by the Approving Authority with the findings of my investigation
 - ☐ 7.2 made a finding on the *level of landslide safety* on the Property based on the comparison
 - ☐ 7.3 made recommendations to reduce *landslide hazards* and/or *landslide risks*

8. Where the Approving Authority has **not** adopted a *level of landslide safety* I have:

- ✓ 8.1 described the method of *landslide hazard analysis* or *landslide risk analysis* used
- ✓ 8.2 referred to an appropriate and identified provincial, national or international guideline for *level of landslide safety*
- ✓ 8.3 compared this guideline with the findings of my investigation
- ✓ 8.4 made a finding on the *level of landslide safety* on the Property based on the comparison
- ✓ 8.5 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- ✓ 9. Reported on the requirements for future inspections of the Property and recommended who should conduct those inspections.

Based on my comparison between

Check one

- ☐ the findings from the investigation and the adopted *level of landslide safety* (item 7.2 above)
- ✓ ☒ the appropriate and identified provincial, national or international guideline for *level of landslide safety* (item 8.4 above)

I hereby give my assurance that, based on the conditions^[1] contained in the attached *landslide assessment* report,

~~Check one~~

- ☐ for subdivision approval, as required by the Land Title Act (Section 86), "that the land may be used safely for the use intended"

Check one

- ☐ with one or more recommended registered covenants.
- ☐ without any registered covenant.

- ✓ ☒ for a development permit, as required by the Local Government Act (Sections 919.1 and 920), my report will "assist the local government in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit".

- ✓ ☒ for a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended"

Check one

- ✓ ☒ with one or more recommended registered covenants.
- ☐ without any registered covenant.

- ☐ for flood plain bylaw variance, as required by the "Flood Hazard Area Land Use Management Guidelines" associated with the Local Government Act (Section 910), "the development may occur safely".
- ☐ for flood plain bylaw exemption, as required by the Local Government Act (Section 910), "the land may be used safely for the use intended".

Chris Hudec, M.A.Sc., P.Eng.

Name (print)



Signature

November 4, 2019

Date

^[1] When seismic slope stability assessments are involved, *level of landslide safety* is considered to be a "life safety" criteria as described in the National Building Code of Canada (NBCC 2005), Commentary on Design for Seismic Effects in the User's Guide, Structural Commentaries, Part 4 of Division B. This states:

"The primary objective of seismic design is to provide an acceptable level of safety for building occupants and the general public as the building responds to strong ground motion; in other words, to minimize loss of life. This implies that, although there will likely be extensive structural and non-structural damage, during the DGM (design ground motion), there is a reasonable degree of confidence that the building will not collapse nor will its attachments break off and fall on people near the building. This performance level is termed 'extensive damage' because, although the structure may be heavily damaged and may have lost a substantial amount of its initial strength and stiffness, it retains some margin of resistance against collapse".

1900 Boxwood Road, Nanaimo, BC, V9S 5Y2
Address

250-756-0355

Telephone



(Affix Professional seal here)

If the *Qualified Professional* is a member of a firm, complete the following.

I am a member of the firm Lewkowich Engineering Associates Ltd.
and I sign this letter on behalf of the firm. (Print name of firm)

FLOOD ASSURANCE STATEMENT

Note: This statement is to be read and completed in conjunction with the current Engineers and Geoscientists BC *Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate in BC* ("the guidelines") and is to be provided for flood assessments for the purposes of the *Land Title Act*, Community Charter, or the *Local Government Act*. Defined terms are capitalized; see the Defined Terms section of the guidelines for definitions.

To: The Approving Authority

Date: November 4, 2019 LEA File No. F6166.01

Town of Ladysmith

410 Esplanade, PO Box 220, Ladysmith, BC, V9G 1A2

Jurisdiction and address

With reference to (CHECK ONE):

- ☐ *Land Title Act* (Section 86) – Subdivision Approval
- ☒ *Local Government Act* (Division 7) – Development Permit
- ☒ Community Charter (Section 56) – Building Permit
- ☐ *Local Government Act* (Section 524) – Flood Plain Bylaw Variance
- ☐ *Local Government Act* (Section 524) – Flood Plain Bylaw Exemption

For the following property ("the Property"):

Lot 1 (DD 60489N), District Lot 42, Oyster District, Plan 4670; 287 Gill Road, Ladysmith

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a Qualified Professional and is a Professional Engineer or Professional Geoscientist who fulfils the education, training, and experience requirements as outlined in the guidelines.

I have signed, sealed, and dated, and thereby certified, the attached Flood Assessment Report on the Property in accordance with the guidelines. That report and this statement must be read in conjunction with each other. In preparing that Flood Assessment Report I have:

[CHECK TO THE LEFT OF APPLICABLE ITEMS]

___ 1. Consulted with representatives of the following government organizations:

- ☒ 2. Collected and reviewed appropriate background information
- ☒ 3. Reviewed the Proposed Development on the Property
- ☒ 4. Investigated the presence of Covenants on the Property, and reported any relevant information
- ☒ 5. Conducted field work on and, if required, beyond the Property
- ☒ 6. Reported on the results of the field work on and, if required, beyond the Property
- ☒ 7. Considered any changed conditions on and, if required, beyond the Property

8. For a Flood Hazard analysis I have:

- ☒ 8.1 Reviewed and characterized, if appropriate, Flood Hazard that may affect the Property
- ☒ 8.2 Estimated the Flood Hazard on the Property
- ☒ 8.3 Considered (if appropriate) the effects of climate change and land use change
- ___ 8.4 Relied on a previous Flood Hazard Assessment (FHA) by others
- ___ 8.5 Identified any potential hazards that are not addressed by the Flood Assessment Report

9. For a Flood Risk analysis I have:

- ___ 9.1 Estimated the Flood Risk on the Property
- ___ 9.2 Identified existing and anticipated future Elements at Risk on and, if required, beyond the Property
- ___ 9.3 Estimated the Consequences to those Elements at Risk

FLOOD ASSURANCE STATEMENT

10. In order to mitigate the estimated Flood Hazard for the Property, the following approach is taken:
- ☒ 10.1 A standard-based approach
 - ☐ 10.2 A Risk-based approach
 - ☐ 10.3 The approach outlined in the guidelines, Appendix F: Flood Assessment Considerations for Development Approvals
 - ☐ 10.4 No mitigation is required because the completed flood assessment determined that the site is not subject to a Flood Hazard
11. Where the Approving Authority has adopted a specific level of Flood Hazard or Flood Risk tolerance, I have:
- ☐ 11.1 Made a finding on the level of Flood Hazard or Flood Risk on the Property
 - ☐ 11.2 Compared the level of Flood Hazard or Flood Risk tolerance adopted by the Approving Authority with my findings
 - ☐ 11.3 Made recommendations to reduce the Flood Hazard or Flood Risk on the Property
12. Where the Approving Authority has not adopted a level of Flood Hazard or Flood Risk tolerance, I have:
- ☒ 12.1 Described the method of Flood Hazard analysis or Flood Risk analysis used
 - ☒ 12.2 Referred to an appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk
 - ☒ 12.3 Made a finding on the level of Flood Hazard or Flood Risk tolerance on the Property
 - ☒ 12.4 Compared the guidelines with the findings of my flood assessment
 - ☒ 12.5 Made recommendations to reduce the Flood Hazard or Flood Risk
- ☒ 13. Considered the potential for transfer of Flood Risk and the potential impacts to adjacent properties
- ☒ 14. Reported on the requirements for implementation of the mitigation recommendations, including the need for subsequent professional certifications and future inspections.

Based on my comparison between:

[CHECK ONE]

- ☐ The findings from the flood assessment and the adopted level of Flood Hazard or Flood Risk tolerance (item 11.2 above)
- ☒ The findings from the flood assessment and the appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk tolerance (item 12.4 above)

I hereby give my assurance that, based on the conditions contained in the attached Flood Assessment Report:

- ☐ For subdivision approval, as required by the *Land Title Act* (Section 86), "that the land may be used safely for the use intended":

[CHECK ONE]

- ☐ With one or more recommended registered Covenants.
- ☐ Without any registered Covenant.

- ☒ For a development permit, as required by the *Local Government Act* (Sections 919.1 and 920), my Flood Assessment Report will "assist the local government in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit".

- ☒ For a building permit, as required by the *Community Charter* (Section 56), "the land may be used safely for the use intended":

[CHECK ONE]

- ☐ With one or more recommended registered Covenants.
- ☒ Without any registered Covenant.

- ☐ For flood plain bylaw variance, as required by the *Flood Hazard Area Land Use Management Guidelines* and the *Amendment Section 3.5 and 3.6* associated with the *Local Government Act* (Section 524), "the development may occur safely".
- ☐ For flood plain bylaw exemption, as required by the *Local Government Act* (Section 524), "the land may be used safely for the use intended".

FLOOD ASSURANCE STATEMENT

I certify that I am a Qualified Professional as defined below.

November 4, 2019

Date

Chris Hudec

Prepared by

Chris Hudec

Name (print)

CH

Signature

1900 Boxwood Road

Address

Nanaimo, BC, V9S 5Y2

(250) 756 0355

Telephone

chudec@lewkowich.com

Email

Reviewed by

Name (print)

Signature



(Affix PROFESSIONAL SEAL here)

If the Qualified Professional is a member of a firm, complete the following:

I am a member of the firm Lewkowich Engineering Associates Ltd.

and I sign this letter on behalf of the firm.

(Name of firm)



DATUMPOINT
S T U D I O S

PROJECT DESIGN RATIONALE

Single Dwelling Residential (SFD)
287 Gill Road
Town of Ladysmith, BC

Project No. 20.09

January 28, 2021

Town of Ladysmith
Development Services Department
132C Roberts Street, PO Box 220
Ladysmith, BC V9G 1A2

T: 250 245 6240
E: jthompson@ladysmith.ca

Attn: Julie Thompson, Acting Senior Planner

Re: FLEMING RESIDENCE
Design Rationale - Development Variance Permit Report
Proposed Single Dwelling Residential (R-1 Zone)
287 Gill Road, Ladysmith, BC

Dear Julie:

As part of the submission for Development Variance Permit, we have prepared the following report on this project, on behalf of B.Gallant Homes Ltd. to address the objectives of the permit guidelines in accordance with Town of Ladysmith Zoning Bylaw 2014, No.1860 Part 10 - Residential Zones.

Project Site Description

The project site is approximately 1 982.67 m² [21 341.34 SF] in size and is located at civic address 287 Gill Road, Ladysmith, BC within the Town of Ladysmith jurisdiction. A two (2) storey (walk-out basement) single family residential building currently exists at this subject property and positioned within the required setbacks as per R-1 Zoning.

Present landscape is primarily mature seeded states throughout the existing subject property with an aged asphalt entrance driveway.

Zoning

The subject property is currently zoned as R-1 (Single Dwelling Residential) as per Town of Ladysmith Bylaw 2014 No. 1860, Part 9 - Creation of Zones, Part 10 -Residential Zones.

Proposed Variances Requested

1.0 Front Yard Setback Lot Line - Street Facing Front Elevation (West)

Description

For this proposed residential building project, the request to vary the provisions of the Town of Ladysmith Zoning Bylaw 2014 No. 1860 to allow for a relaxation variance.

Justification

That the Town of Ladysmith Zoning Bylaw 2014 No.1860, (bylaw 1904) requires that a minimum setback of 6.0 metres for 'Front Parcel Line' relating to Principal Building (Dwelling) be established for R-1 Single Dwelling Residences. A variance is requested to permit a relaxation of this established Front Parcel Line of varied offsets to both the face of the proposed residence addition (2.12 metres), and open carport (0.80 metres) respectively at the subject property located at civic address 287 Gill Road, Ladysmith, BC.

That the building design (architectural features) considerations have been driven by both the Owner's intent to envision a residence that speaks to the ocean views, their personality and lifestyle requirements, and to apply that intent to a challenging sloping lot.

That the proposed building design additions respond to this R-1 hilltop steep sloping lot in presenting a balanced overall width as well as addressing further hardship/limiting design considerations:

1. Severe site constraints of geotechnical established top of bank setbacks to the east (rear lot line) to provide adequate area with which to build on.
2. Side yard setbacks to the south limiting the subject property to provide adequate area with which to build on.

That the variance requested is the minimum variance that will make possible the reasonable best use of the land, building or structure.



Proposed Building Addition

The proposed residential building is envisioned Total footprint area of $\pm 205.50 \text{ m}^2$ [2212 SF] excluding open carport area. Under current edition B.C.B.C. (2018), Sentence 1.3.3.3. Application of Part 9 - Group C - Residential Occupancy permits up to but no more than 600 m^2 [6458 SF]. This building design also accounts for 5.8% lot coverage. Under R-1 Single Dwelling Residential Zoning permits 33% lot coverage.

Consideration for ambient daylighting throughout this building is addressed with generous placement of clear glazing units around the building exterior elevations as illustrated on these design drawings.

The building illustrates an articulated modern cubic form around the entire building elevation, creating visual interest that includes a prominent and private new master bedroom suite. The use of added and subtractive spaces in our view, adequately breaks the west, east and south facing flat wall elevation massing of these building faces.

The proposed design characteristics are reinforced along the established dead-end street approach to the residence driveway. The open carport structure being located forward of the residence, with the proposed master bedroom/ensuite directly behind provides further visual interest in comparison to the existing residence (see fig.1 and fig.2)

Construction is proposed as standard reinforced concrete foundations with slab on grade and heated/vented crawlspace. Standard wood frame construction supporting the roof structure. Exterior finishes are to utilize James Hardie vertical panels, Longboard aluminum horizontal v-groove (wood grain finish), K2 full-bed stone facing feature walls in complimentary colour, with prefinished metal flashings, painted wood fascia and trim boards. Roof systems are intended to be 2-ply membrane (torch-on) over engineered truss assembly.

Water to run off these roofs into prefinished metal roof drains and scuppers, rainwater leader assemblies to drain the roof external of the building to an underground collection pipe.



DATUMPOINT
STUDIOS



fig. 1 – existing residence.

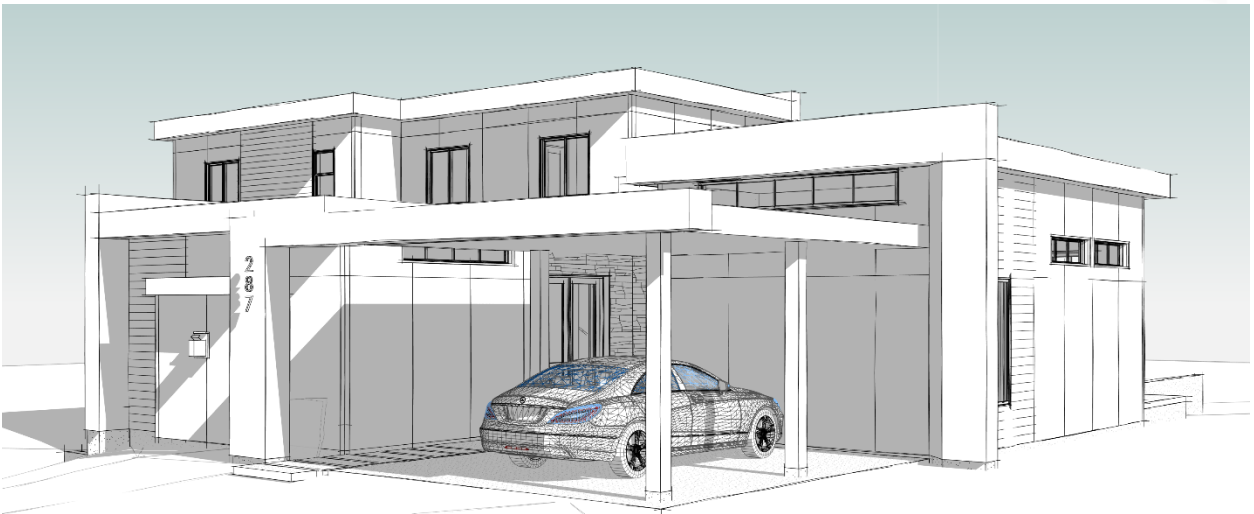


fig. 2 – proposed completed residence.

Landscape, Form and Character

The objective is to reinforce an orderly and aesthetic image and ensure a high level of design and quality of construction. The design approach and how it is addressed with this development variance are summarized as follows:

- Landscape improvements for this subject property are planned at the time of construction. Several zone planters are intended at the front entrance stair, as well as side yard seeded grass ground cover with a mix of trees, shrubs and flowers. The east rear and south side yard areas envision an open concrete patio partially surrounding an in-ground infinity edge swimming pool creating a seamless transition between the pool edge and the open water view beyond the steep slope rear yard.
- The proposed residential building additions are intended as modern cubic forms, taken from the existing residence primary form, providing visual interest from the street with added and subtractive space that will give the overall building a balanced appearance. The exterior finish scheme will have selections complimentary to one another throughout this residence.
- The proposed residential building will not impair an adequate supply of light and air to adjacent property or diminish or impair property values within the neighbourhood.

We trust that you find this report in order and that the appearance and landscaping meet the intent for the proposed subject property residential zone.

Yours truly,

DATUM POINT STUDIOS INC.

Austin Werner CTech, RBD
Registered Building Designer ASTTBC
Principal



STAFF REPORT TO COUNCIL

Report Prepared By: Jake Belobaba, Director of Development Services
Meeting Date: June 1, 2021
File No: 4320-50
Re: **Liquor Lounge Endorsement – Bayview Brewing Company (202 Dogwood Drive)**

RECOMMENDATION:

That Council, in response to the referral from the Liquor and Cannabis Regulation Branch for a lounge endorsement application for the Bayview Brewing Company located at 202 Dogwood Drive, opt in to the local government comment process and direct staff to provide written notification to residents within 60 metres of the subject property inviting them to submit written comments about the application.

EXECUTIVE SUMMARY:

The Liquor and Cannabis Regulation Branch (LCRB) has referred a lounge endorsement application for 202 Dogwood Drive to operate a serving lounge in conjunction with a microbrewery (Attachment A). Under section 38 of the *Liquor Control and Licensing Act*, Council must receive the referral and either “opt in” or “opt out” of the local government comment process. If Council decides to opt in, the Town must gather resident views on the application. Guidance is provided under ‘Citizen/Public Relations Implications’.

PREVIOUS COUNCIL DIRECTION:

Resolution	Date	Resolution Details
CS 2020-182	06/16/2020	That Council: 1. Issue Development Permit 3060-20-10 for the proposed development at 204 Dogwood Drive. 2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-20-10.
CS 2020-102	03/31/2020	That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 30) 2019, No. 2029".
CS 2020-021	01/21/2020	That Council: 1. Proceed with third reading and adoption of Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 60) 2019, No. 2027; 2. Proceed with third reading and adoption of Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 61) 2019, No. 2028; 3. Proceed with third reading of Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 30) 2019, No. 2029; and 4. Direct staff to refer Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 30) 2019, No. 2029 to the Ministry of Transportation and Infrastructure pursuant to section 52 of the Transportation Act.

INTRODUCTION/BACKGROUND:

The subject property was rezoned in March of 2020 to allow a neighbourhood pub and microbrewery. Council later issued a development permit for the facility in June of 2020. The applicant has since applied for a liquor manufacturing licence with a lounge endorsement. The lounge endorsement licence must be referred to the Town for comment¹. More information on the types of liquor licenses and required referral processes is provided in the Province's [Liquor Policy Manual](#).

The Town has no formal policies related to application referrals for lounge endorsements². For the most recent liquor license application, a liquor primary application for Zack's Lounge in 2016, Council opted in to the local government comment process. This is described in greater detail under 'Citizen/Public Relations Implications'.

ALTERNATIVES:

Council can choose to:

1. Opt out of the local government comment process.
2. Opt in to the local government comment process and specify a different method of gathering resident views.

FINANCIAL IMPLICATIONS:

Should Council opt in to the local government comment process, application and public notification costs will be covered by applicable fees. The fee is \$1,750 plus advertising costs.

LEGAL IMPLICATIONS:

Section 38 of the *Liquor Control and Licensing Act* requires the Town to decide whether to opt in or opt out of the local government comment process. If the Town decides to opt in, the Town must gather resident views. If the Town opts out, the Province will gather resident views.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

If Council decides to opt in to the local government comment process, acceptable methods of gathering public views under section 38(3)(c) of the *Liquor Control and Licensing Act* are:

1. Receiving written comments in response to a public notice of the application.
2. Conducting a public hearing in respect of the application.
3. Holding a referendum.
4. Using another method the local government considers appropriate.

The above options are similar to acceptable methods for cannabis retail applications. For previous liquor license applications and for cannabis applications, Council has typically chosen

¹ Aside from a zoning check, manufacturing licenses are not referred to local governments for comment.

² The Town's only liquor policies relate to special occasion licenses.

Option 1 with mail notification delivered to properties within 60 metres of the subject property. This method was used for the most recent liquor license application (Zack's Lounge). A notice was also placed in the business's window.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Should Council elect to opt in to the local government comment process, staff will refer the application to the Ladysmith RCMP and Ladysmith Fire Department for comment.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENT(S):

- Attachment A: Lounge Endorsement Application



Liquor and Cannabis Licensing

- Dashboard
- Licences & Authorizations
- Security Screening
- Applications for Review
- Notices

Provide Comment on Application

A lounge area endorsement permits the sale and service of liquor for on-site consumption.

The lounge can be an indoor area, with or without a patio attached to the interior lounge, or it may be a stand-alone patio located at the manufacturing site. A lounge may overlap in whole, or in part, a sampling area and/or on-site store.

If you leave this page, the information you input will be saved. You can continue later from the dashboard.

BEFORE STARTING THE APPLICATION

The application fee of \$330 must be submitted with your application.

Please note: If your endorsement(s) application is approved, a first year licensing fee of \$330 (pro-rated to March 31) will be required for each endorsement before the LCRB will issue your endorsement.

Prior to payment, your application will be submitted to your local government/Indigenous Nation for their comment and assessment. Please ensure you have reviewed their policy to ensure your successful submission.

☒ If you have any questions about this application, call the Liquor and Cannabis Regulation Branch (LCRB) toll-free at: 1 866 209 2111.

ESTABLISHMENT DETAILS

Establishment Name

Bayview Brewing Company Inc.

LOCATION ADDRESS

The licensed establishment is currently located at the following address:

Address

City

Province

British Columbia

Postal Code

Parcel Identifier (PID)

LETTER OF INTENT

Provide a letter describing your proposed lounge and/or special event area. Your letter must include:

- Describe the type of food service your endorsement area(s) will offer. Manufacturers must provide, at a minimum, a variety of hot or cold snacks and non-alcoholic beverages during all hours of operation.
- Identify all types of entertainment that may be offered in your endorsement areas (e.g. films, darts, DJ booth, dance floor, gambling, karaoke, live music, pool)
- Describe the composition of the neighbourhood (e.g. commercial, residential, industrial).
- Describe the potential for noise and other types of disturbance.
- Describe the measures you will implement to ensure nearby residents are not disturbed by your establishment or patrons of your establishment.
- Include any other information that may be relevant to your application.

LOCAL GOVERNMENT/INDIGENOUS NATION AND POLICE JURISDICTION

Enter the local government (or Indigenous Nation) and police jurisdiction where the establishment will be located. Suggestions will be provided after you type the first three characters of the name.

Local Government/Indigenous Nation

Ladysmith

Selected Local Government/Indigenous Nation

Name: Ladysmith

Please ensure you have made yourself familiar with the application requirements for this local government (or Indigenous Nation) prior to submitting your application. You may need to contact them prior to submitting to ensure your successful submission.

Police Jurisdiction

Ladysmith RCMP

Selected Police Jurisdiction

Name: Ladysmith RCMP

Zoning

Please provide proof from your local government that the proposed location has been:

- appropriately zoned to operate a licence, or
- is in the process of being appropriately zoned

You are responsible for obtaining the appropriate zoning from your local government to operate a licence at your proposed location. Prior to issuing a licence at the new location, LCRB will require confirmation from your local government that the location is zoned appropriately to operate a licence.

[Zoning_1.pdf](#)606 kb [Delete](#)

Is your establishment located on the Agricultural Land Reserve (ALR)?

☒ **Yes** ☐ **No**

ESTABLISHMENT CONTACT DETAILS

The phone and email address used to contact your establishment:

Establishment Email

Establishment Phone

APPLICATION DETAILS

You confirm that the patio service area(s) bounding is sufficient:

- ☐ * For you to monitor and control patron entry and exit, and
- ☐ * To visually and physically define the service area.

In opening this patio area you confirm that:

- ☐ * You will take appropriate measures to maintain care and control over the service area and conduct.

Describe the location of the patio in relationship to the interior service area. *

What is the status of the patio area construction? *

If construction has not yet started or is in progress,

when do you expect it to be complete?

yyyy-mm-dd

☐ The patio is currently the subject of a Temporary Expanded Service Area (TESA) Authorization

Select the months you expect to operate the patio:

- ☐ January
- ☐ February
- ☐ March
- ☐ April
- ☐ May
- ☐ June
- ☐ July
- ☐ August
- ☐ September
- ☐ October
- ☐ November
- ☐ December

Describe how patrons will access the patio (ie. from interior). *

Will servers have to carry liquor through any unlicensed areas to get to the patio?

☐ Liquor will be carried through any unlicensed area to get to the patio.

If yes, please explain. Only servers are permitted to carry liquor through unlicensed areas.

Liquor will primarily be served from: *

--	--	--

Floor Plan

Provide one 11" x 17" and one 8.5" x 11" floor plan. Your application will only be considered if your floor plans include occupant load.

Plans must show all service areas and the following details:

- Labels for each room
- Patio(s)
- Liquor service bars
- Dance floor
- Stage
- Sound or DJ booth
- Washrooms
- Stairs
- Entrances/exits

Plans must also show the physical separation (e.g., pony wall or full-height wall) between the proposed endorsement area(s) and unlicensed areas as well as any area licensed as Food Primary, Liquor Primary or

Licensee Retail Store.

All lounge areas, interior, and patio require occupant load. All occupant loads and person capacities will be considered by the local government and/or First Nation.

[Floor Plan_1.pdf](#)267 kb

SERVICE AREAS

Area No.	Area/Floor Level	Indoor	Patio	Proposed Capacity
1	Inside seating	<input checked="" type="checkbox"/>	<input type="checkbox"/>	30
2	patio	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24

Total Requested Capacity: 54

Do you currently hold another manufacturer licence at the same site that is already endorsed for the same area?

Site Plan

Provide a site plan that shows the proposed location of all outdoor endorsement(s), the manufacturing building, all features of the property, any personal residences, parking and road access.

The site plan must also identify any other liquor licences and businesses operating at the same site.

[Site Plan_1.pdf](#)310 kb

[Site Plan_2.pdf](#)4226 kb

HOURS OF SALE

Indicate the proposed hours of sales below.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	11:00	11:00	11:00	11:00	11:00	11:00	11:00
Close	21:00	21:00	21:00	21:00	09:00	11:00	11:00

APPLICATION CONTACT DETAILS

Please provide contact information for the contact that the LCRB should communicate with regarding this application.

First Name *

Donald

Last Name *

Alsop

Title/Position

Phone Number (main) *

Email *

By submitting the email address, you agree that the Liquor and Cannabis Regulation Branch can use it to communicate with you about this application.

DECLARATIONS

The application must only be submitted by an individual with the authority to bind the applicant. The branch relies on the applicant to ensure that the individual who submits this application is authorized to do so. Typically, an appropriate individual in a corporation will be a duly authorized signatory who will usually be an officer or, in some cases, a director

Note: A lawyer or consultant, may NOT submit this application on behalf of the applicant.

☐ * I understand and affirm that I am authorized to submit the application

Section 20 (1) of the Liquor Control and Licensing Act states: "The general manager may refuse to issue, renew, transfer or amend a licence if the applicant fails to disclose a material fact required by the application or makes a false or misleading statement in the application."

☐ * I understand and affirm that all of the information provided

for this application is true and complete

LOCAL GOVERNMENT/INDIGENOUS NATION
CONFIRMATION OF RECEIPT OF APPLICATION

LG/IN

Ladysmith

Name of Official

Jake Belobaba

Title/Position

Director of Development Services

Phone

(250) 245-6405

Email

jbelobaba@ladysmith.ca

This serves as notice that an application for a lounge and/or special event area endorsement is being made within your community. The Liquor and Cannabis Regulation Branch requests that you consider this application (application form, letter of intent, and floor plan) and provide the Branch with resolution within 90 days of the above received date. Alternatively, local governments/First Nations (LG/IN) can delegate staff with the authority to provide comment.

- If there are any major issues (e.g., zoning), LG/FN may hold off approving the application until the issues are resolved or they have a plan to deal with the issues.
- When LG/FN is comfortable with the application proceeding, LG/FN staff will approve the application. LG/IN will keep a copy of the approved application and all supporting documents.
- Branch staff will contact LG/FN to confirm receipt of the application and identify the Branch staff responsible for processing the application.
- Branch staff and LG/FN staff will advise each other if there are any concerns with the proposed application.

To provide a resolution or comment:

- Gather public input for the community within the immediate vicinity of the establishment.

- Consider these factors which must be taken into account when providing resolution/comment:
 - The location of the establishment.
 - The person capacity and hours of liquor service of the establishment.
- Provide a resolution/comment with comments on:
 - The impact of noise on nearby residents.
 - The impact on the community if the application is approved.
 - The views of residents and a description of the method used to gather views.
 - The LG/FN recommendations (including whether or not the application should be approved) and the reasons on which they are based.
- Provide any reports that are referenced in, or used to determine, the resolution/comment.
- If more than 90 days is required, provide a written request for extension to the Branch.
- If LG/FN opts out, or is the applicant, the Branch will gather public input and contact LG/FN staff for information to assist the Branch in considering the regulatory criteria.
- If you have any questions, or the establishment is located on Treaty First Nation land, please call the Branch toll-free at 1-866-209-2111 to speak to a Senior Licensing Analyst.

TO UPLOAD DOCUMENTS, DRAG FILES HERE OR [BROWSE](#).
FILES MUST BE IN PDF, JPEG, OR PNG FORMAT.
MAX FILE SIZE: 25MB.

Occupant Load is the maximum number of people (patrons plus staff) permitted in a service area. The occupant load must be stamped or written, dated and signed on the floor plan by the appropriate authority.

If you will not provide the occupant load for the applicant, you must provide a letter confirming you do not issue occupant load. The Branch will accept an occupant load calculation from a professional architect or engineer.

A licence cannot be issued without final occupant load.

TO UPLOAD DOCUMENTS, DRAG FILES HERE OR [BROWSE](#).
FILES MUST BE IN PDF, JPEG, OR PNG FORMAT.
MAX FILE SIZE: 25MB.

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TOWN OF LADYSMITH

BYLAW NO. 2029

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

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

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

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

- (1) Schedule A – Zoning Bylaw Text of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” is hereby amended as follows:
- (a) By adding a new subsection (b) to Section 9 Site Specific Regulations under Section 11.1 Local Commercial (C-1) Zone:
- “(b) For the subject *Parcel* shown in Schedule I, formed by consolidation of the three parcels legally described as Lot 2 Suburban Lot 9 Oyster District Plan 1009, Lot 3 Suburban Lot 9 Oyster District Plan 1009, and Lot 4 Suburban Lot 9 Oyster District Plan 1009 (202/204 Dogwood Drive), the following site specific regulations shall apply:
- i) A *Neighbourhood Pub* is permitted as a *Principal Use*.
- ii) Despite Section 11.1(4)(a), the maximum *Gross Floor Area* for a *Neighbourhood Pub* use is 200 square metres.”

CITATION

- (3) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.30) 2019, No. 2029"

READ A FIRST TIME on the 16th day of December, 2019

READ A SECOND TIME on the 16th day of December, 2019

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*
on the 21st day of January, 2020

READ A THIRD TIME on the 21st day of January, 2020

APPROVED pursuant to s. 52(3)(a) of the *Transportation Act*
on the 11th day of February, 2020

ADOPTED on the 31st day of March, 2020

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

this 11th day of February 20, 20
Ministry of Transportation and Infrastructure



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



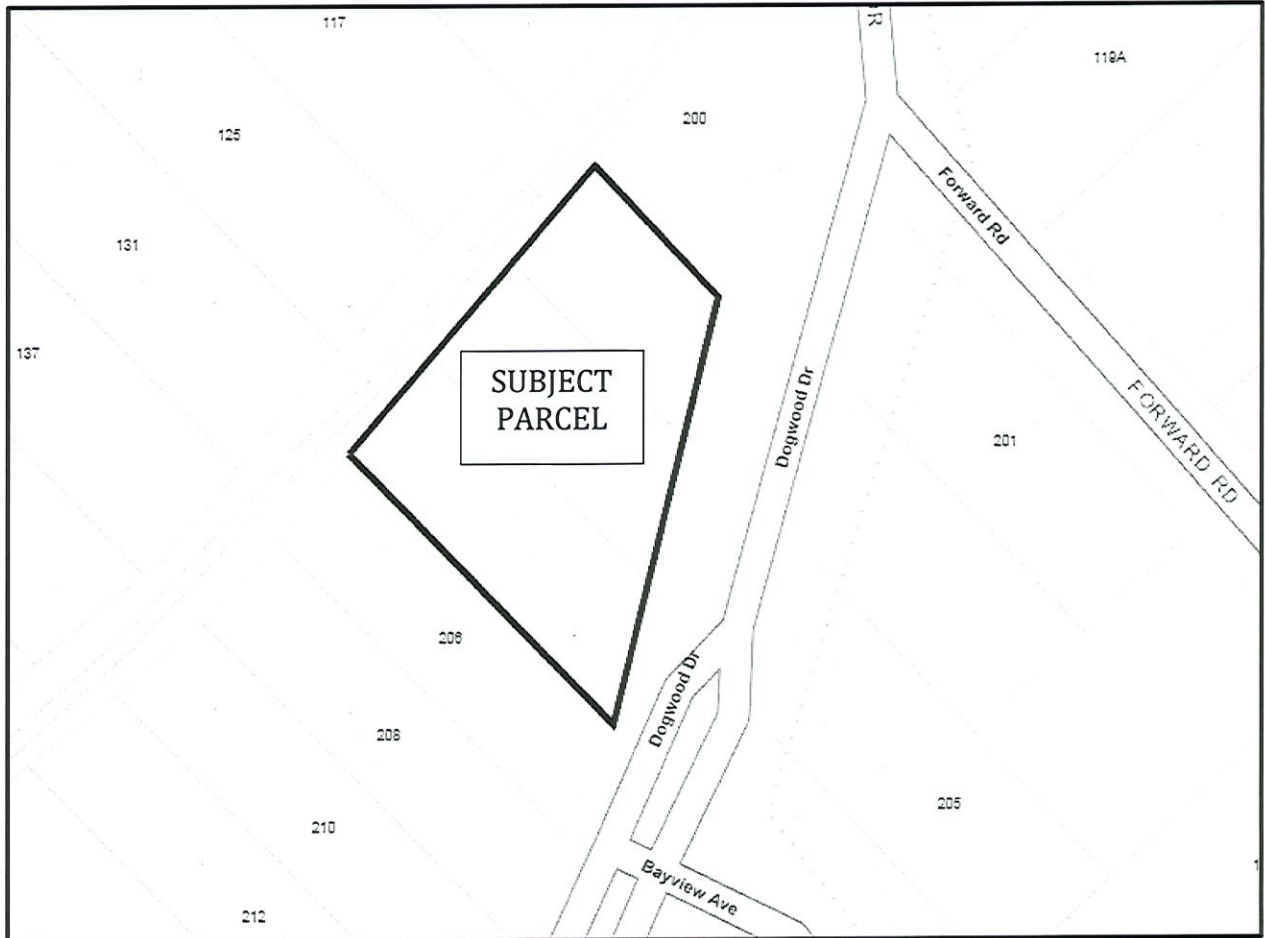
Mayor (A. Stone)



Corporate Officer (J. Winter)



Schedule I – Bylaw 2029



SHOOT THE MOON

202 Dogwood drive
Ladysmith, BC,
V9G 1S8

Level 1

scale: 1/4" = 1'-0"

2020.07.01

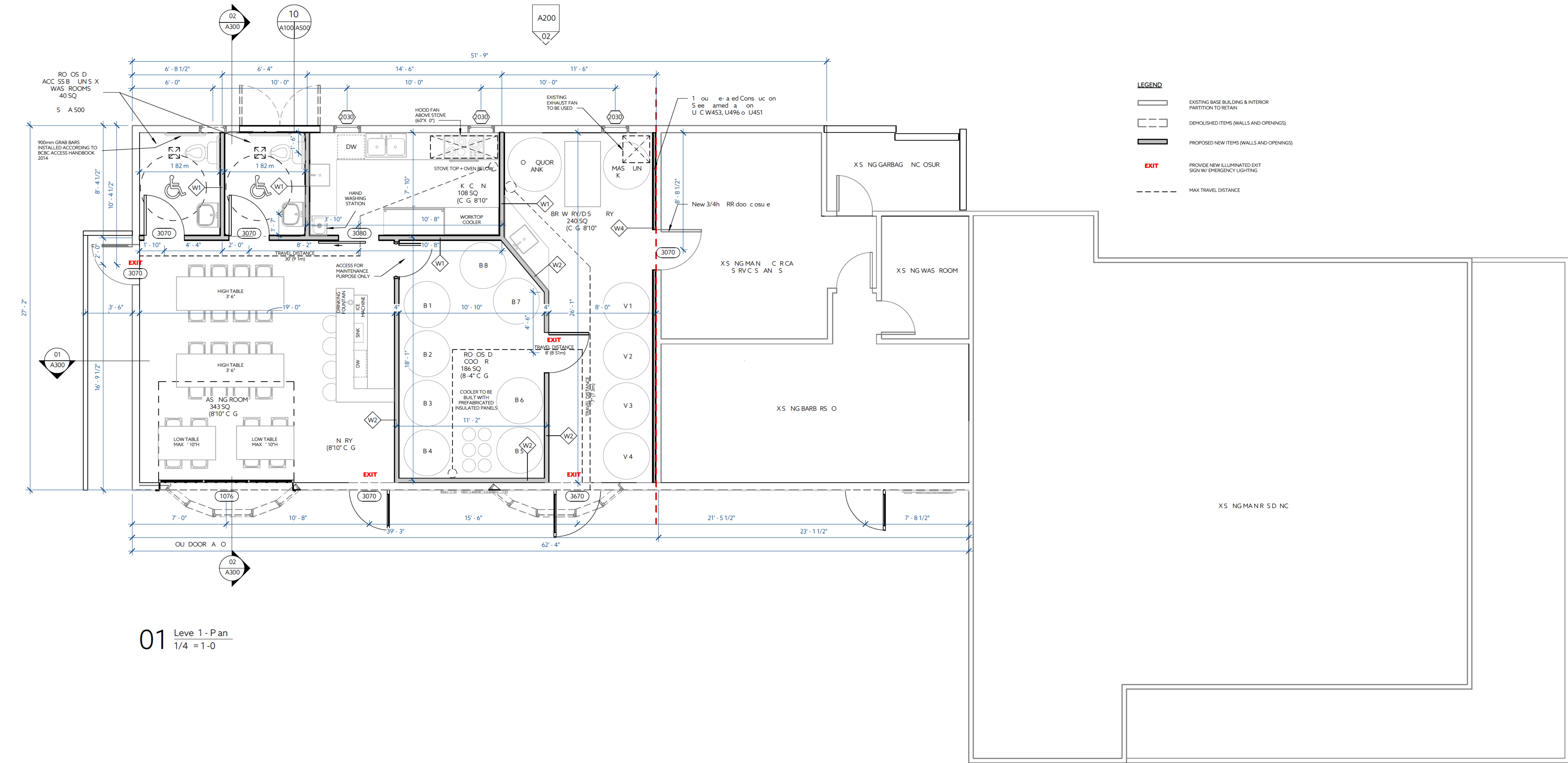
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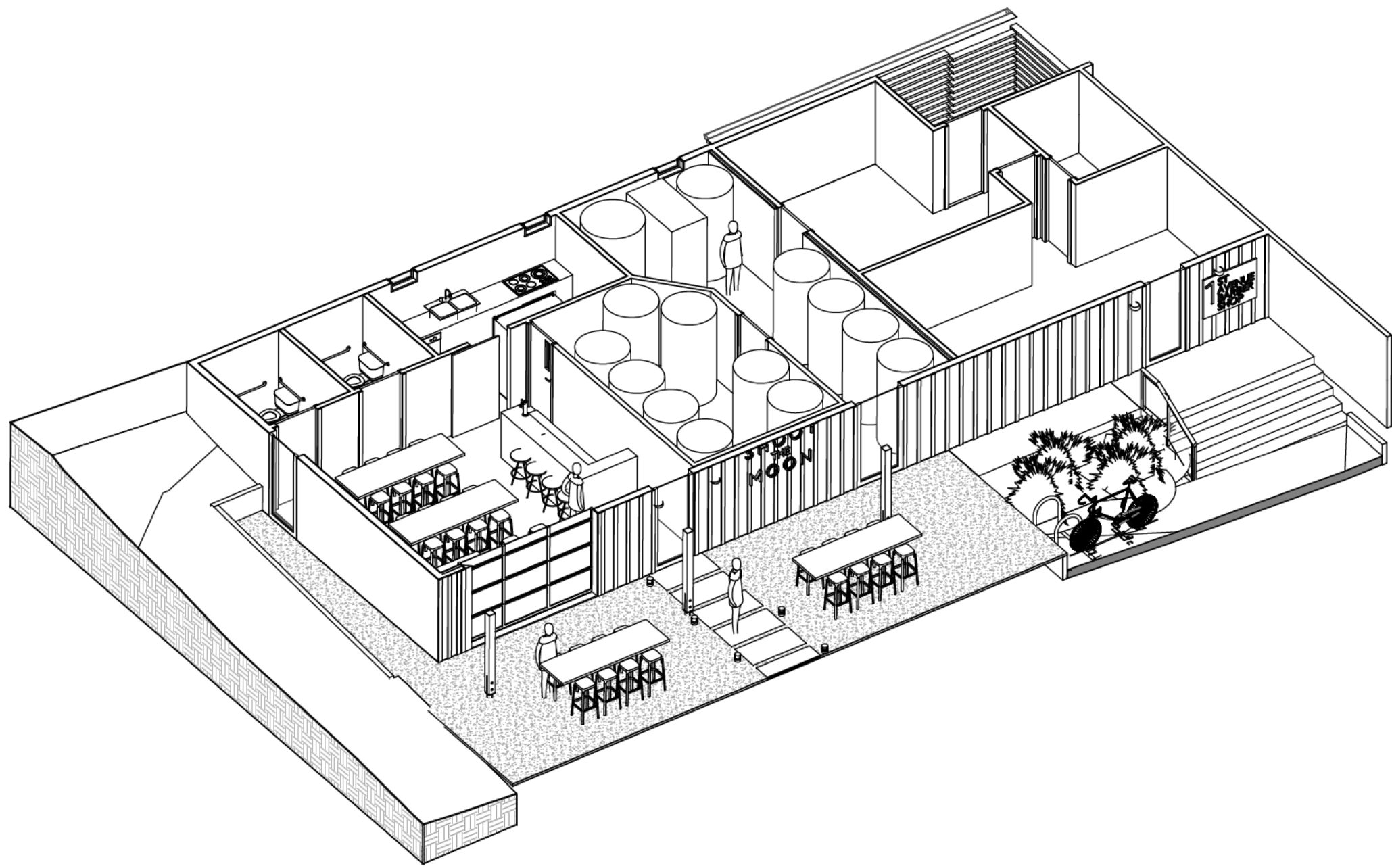
Drawings are to be read in conjunction with each other, any discrepancies found on any drawings are to be reported before commencing work.

Contractor is responsible to ensure that all work is executed in accordance with the approved drawings of the building Code of Canada 2020 A R G S R S R V D 10/09/2020 9:18:46 AM

CROSS ARCH ECURE NC



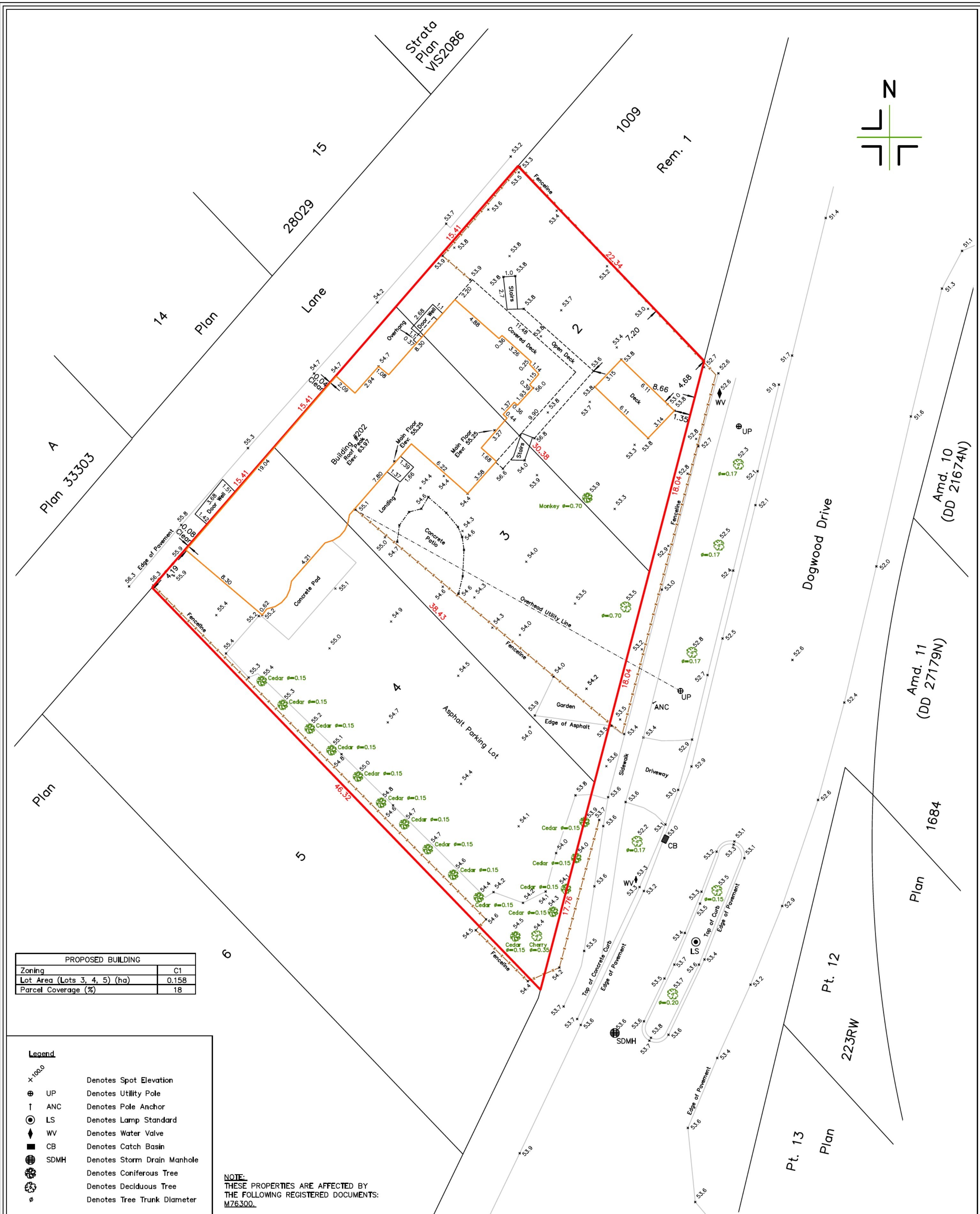
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1/4" = 1'-0"



Wa Schedule			
ype Ma	ype	Wa Summa y	e Ra ng
W1	ne o - 2x4	1/2" GY SUM WA BOARD 2X4 WOOD S UD	0
W2	ne o - M 4"	1/2" GY SUM WA BOARD INS D T A SKN OAM COR OU S D M A SKN	0
W3	xe o - 2x6 xs ng Wa	S UCCO C ADDNG N S	Un nown
W4	ne o - R th U C W453, U496 o U451	3/4" COR GY SUM AN 42mm S S UD 24" o c 3/4" COR GY SUM AN	1 ou

Window Schedule					
ype Ma	egh	W d h	Coun	ame n sh	ame Ma e a
2030	3'-0"	2'-0"	1	Bac	Vny
2030	3'-0"	2'-0"	1	Bac	Vny
2030	3'-0"	2'-0"	1	Bac	Vny

Door Schedule				
ype	egh	W d h	Coun	e Ra ng
2670	7'-0"	2'-6"	1	
2870	7'-0"	2'-8"	2	
3070	7'-0"	3'-0"	3	
3070	7'-0"	3'-0"	3	
3070 45 m n	7'-0"	3'-0"	1	45 M n
3080	8'-0"	3'-0"	1	
3080	7'-0"	2'-6"	1	
3670	7'-0"	3'-6"	1	
Ove head Doo	7'-6"	10'-0"	1	



PROPOSED BUILDING	
Zoning	C1
Lot Area (Lots 3, 4, 5) (ha)	0.158
Parcel Coverage (%)	18

- Legend**
- +100.0 Denotes Spot Elevation
 - ⊕ UP Denotes Utility Pole
 - † ANC Denotes Pole Anchor
 - ⊙ LS Denotes Lamp Standard
 - ◆ WV Denotes Water Valve
 - CB Denotes Catch Basin
 - ⊗ SDMH Denotes Storm Drain Manhole
 - ⊗ Denotes Coniferous Tree
 - ⊗ Denotes Deciduous Tree
 - ⌀ Denotes Tree Trunk Diameter

NOTE:
THESE PROPERTIES ARE AFFECTED BY
THE FOLLOWING REGISTERED DOCUMENTS:
M76300.

SITE PLAN SHOWING:
LOTS 2, 3, & 4, SUBURBAN LOT 9,
OYSTER DISTRICT, PLAN 1009.

Client: ROD ALSOP	Civic Address: 202 DOGWOOD DRIVE, LADYSMITH
File: 19-082	Property Zoning: C1
Scale: 1:200	Drawn by: DRW

0 5 10 15

SCALE 1:200

DISTANCES AND ELEVATIONS ARE IN METRES.

GEODETIC ELEVATIONS ARE DERIVED FROM
CONTROL MONUMENT 87H3564 (CVD28BC DATUM).

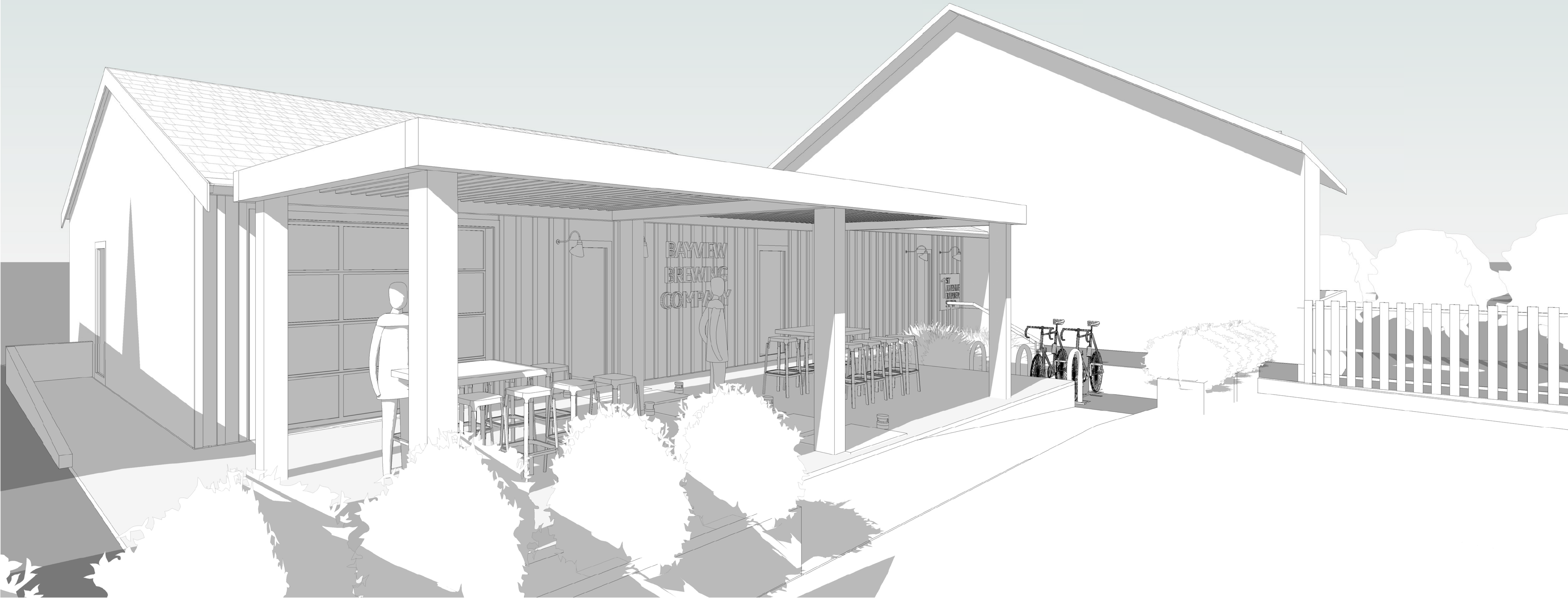
Certified correct this 6th day of June, 2019.

B.C.L.S.

(This document is not valid unless originally signed and sealed.)

Turner & Associates
land surveying™
250.753.9778
435 Terminal Avenue North
Nanaimo, BC V9R 3J4
www.turnersurveys.ca

DOGWOOD



BP Sheet List

Sheet Name	Sheet Number
Project Info & Site Plan	A001
Code Review	A002
Level 1	A100
Roof Level	A101
Elevations	A200
Sections	A300
Details	A500
Perspectives	A900
Patio Details	A901



Bayview Brewing Company

202 Dogwood drive
Ladysmith, BC,
V9G 1S8

Cover Page

scale:

2020.09.10

P. # 2005

A000

D awn g s a e o b e r e a d n c o n u n c o n w h
e a c h o h e , a n y d s c e p a n c e s f o u n d o n a n y
d a w n g s a e o b e e p o e d b e f o e
c o m m e n c i n g w o

C o n a c o s a e r e s p o n s b e o e n s u e h a
a w o s e x e c u e d o h e e q u i m e n t s o f
h e a e s e d o n o f h e B C B u d n g C o d e
© C O Y R G 2 0 2 0 A R G S R S R V D
2 0 2 0 - 1 1 - 1 2 3 1 0 2 8 M

CROSS ARCH EC URE NC



Architect: S V N MORRIS CROSS, X ARCH C UR , 23230 B Y BROWN RD #11, ANG Y W , BC 604-308-8191, sc@xarch.com, vm@xarch.com

Registered Owner: S ARON C R S N A SO , DONA D RODN Y A SO , A S A M C A SO (AS JON NAN S

Legal Description of subject property: O S2,3 & 4, SUBURBAN O 9, OYS RDS RC , AN 1009

Address of subject property: 202 Dogwood Drive, adysm h, BC, V9G 1S8

P.L.D: 031-032-419

Current zoning: C-1-oca Comme ca

Development Permit Area: D A-3 Comme ca

Project Intent: Renovations of existing commercial building

Site Area = 1578.76 m²

Allowable Commercial Site Coverage = 40% Max (631.5 m²)

Site Coverage = Unchanged by hspoc - 303.2 m²

Max Gross Floor Area for one commercial Use = 200 m² (per Amendment Bylaw no 2029)

Proposed Floor Area Micro-Brewery = 118.5 m²

Floor Area Barber Shop = Unchanged by hspoc

Allowable FSR = 0.5 / 789.4 m²

Proposed FSR = 0.2

Storeys = Unchanged by hspoc

Allowable Building Height = 9.0 m

Existing Building Height = Unchanged by hspoc

Allowable Building Height of Accessory Buildings or Structures = 7.5 metres

Tenant Spaces = 2

SETBACKS:

	R QUR D	ROVD D
on a ce ne	6.0m	Unchanged by hspoc
ne o o x o s de a ce ne	3.0m	Unchanged by hspoc
O he ne o s de a ce ne	1.5m	Unchanged by hspoc
Rea a ce ne	3.0m	Unchanged by hspoc

OFF-STREET PARKING SUPPLY REQUIREMENTS & PROVISION - ZONING C1

AR 8 ARK NG AND OAD NG R GU A ONS - ZON NG BY AW 2014, NO 1860 SC DU A ZON NG BY AW X

LAND USE (AB 81	DENSITY	BYLAW RATE	BYLAW REQ.	PROVIDED	ACCESSIBLE	TRAFFIC FLOW
BR W UB	30 S A S	1 R S S A S	6	9	1	WO WAY
BARB R S O	32.9 m ²	1 pe 30 m ²	2	2		WO WAY
R S D NC		1 pe Dwe ng Un	1	3		WO WAY

MIN. DIMENSIONS (AB 84 M R S

DR V A S	7.62 m
S A	5.8 x 2.4 m
ACC SSB S A	5.8 x 3.70 m

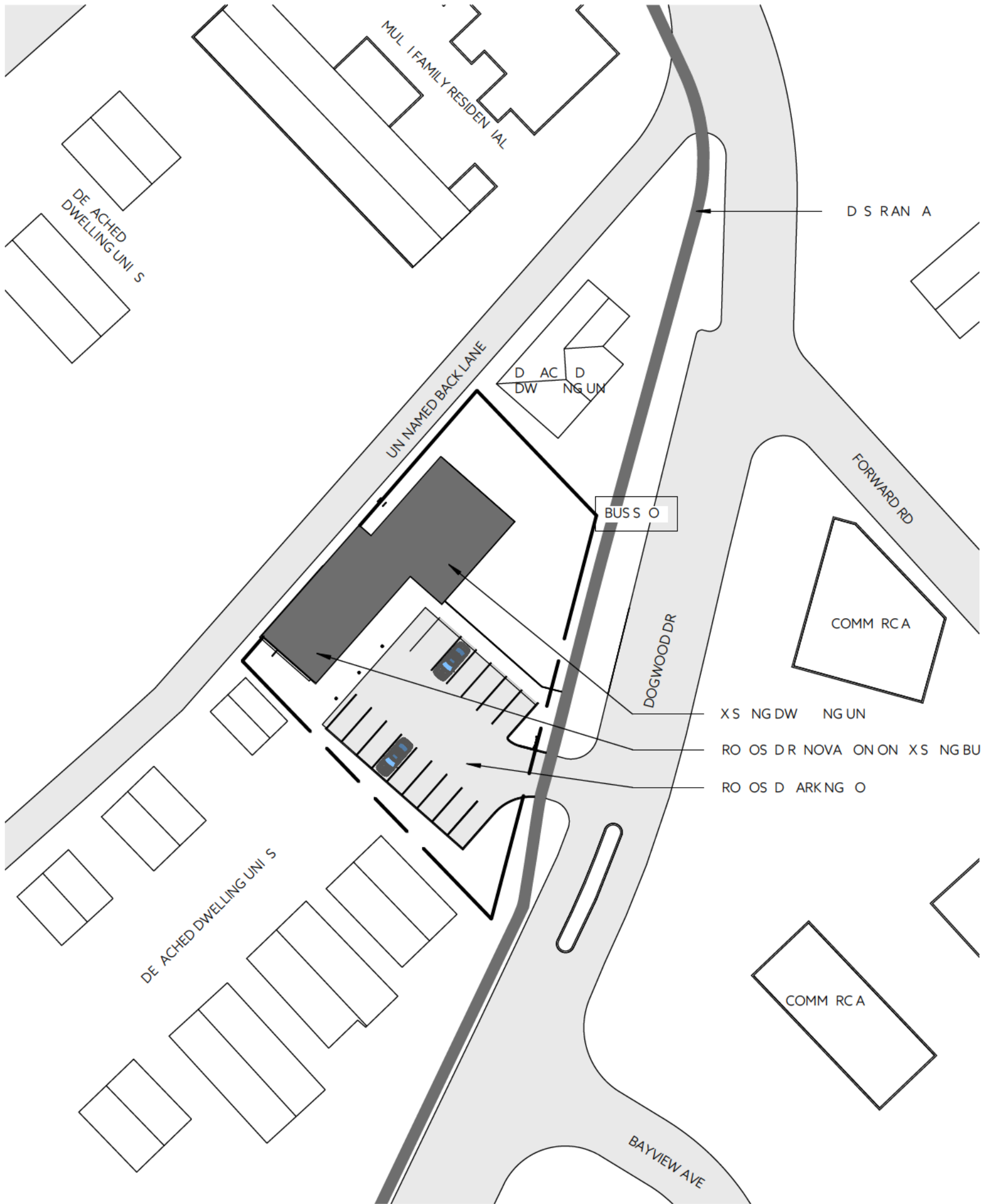
LOADING SPACES (AB 83

BYLAW RATE	PROVIDED
1 R 300 O 500 m ² GROSS OOR AR A	NO R QUR D

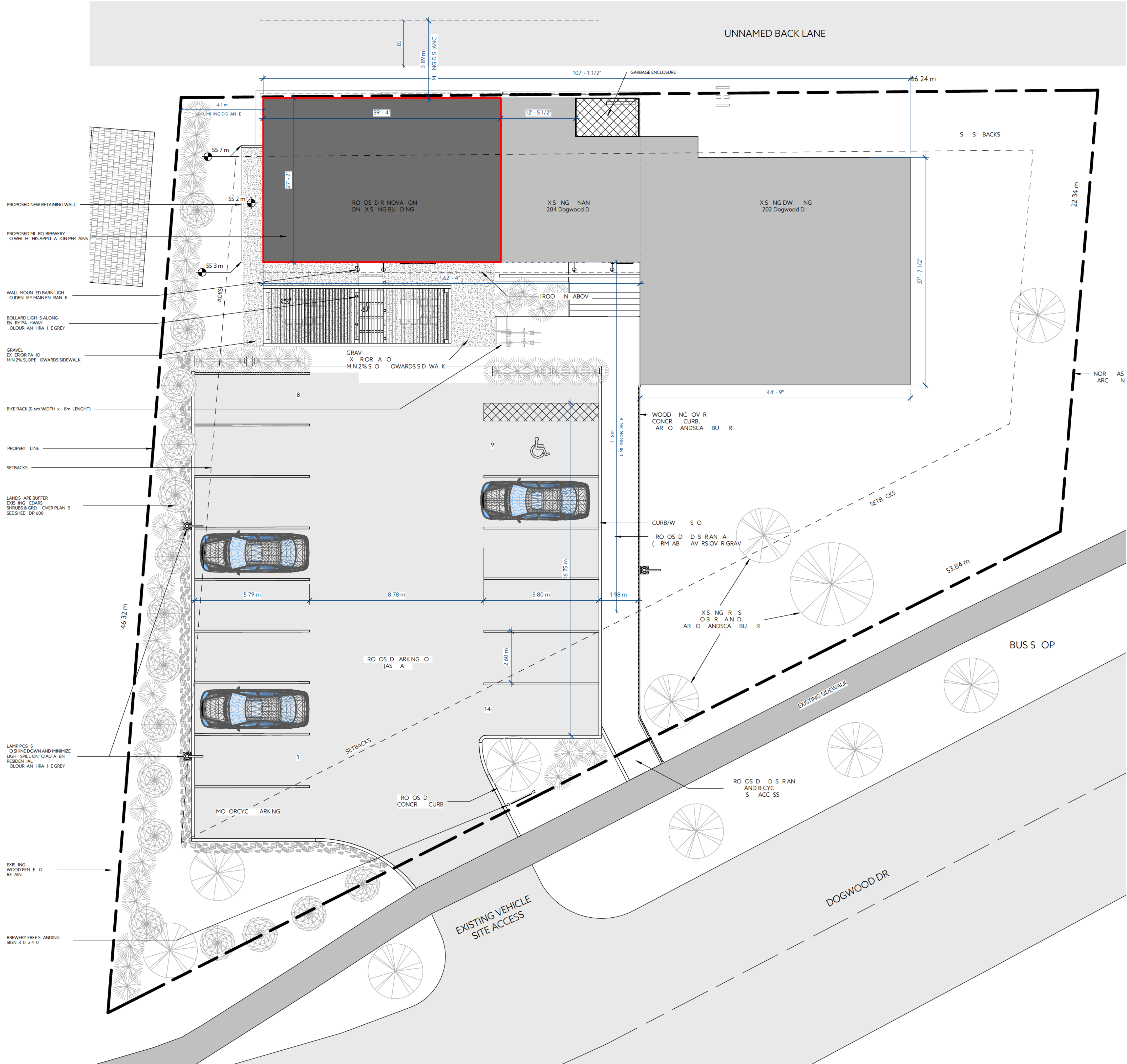
3.0m x 9.0m

BICYCLE (AB 85

NON-R S D N A	10% O R QUR D V C ARK NG S A S A C ASS B S OR - R M B CYC S A S S=1	1 B CYC RACK
---------------	---	--------------



01 Site Context BP
1 = 50'-0"



02 Site Plan
1:100



CODE ANALYSIS

e BC Bu d ng Code (BCBC 2018

Occupancy Class f ca on

- G oup A D v s on 2 Assem y Occupancy
- G oup D Bus ness and e sora Se v ces
- (NO AR O R NOVA ON
- G oup C Res den a
- (NO AR O R NOVA ON

Bu d ng A ea 99m²
Use / Occupancy 2 (M no Occupancy & A-2 (Ma o Occupancy
oca on eve 1
Bu d ng e gh 4,6 m
S ee s aced 1
Sp n e ed No
Cons uc on A ce 3 2 2 78
Max Bu d ng A ea pe m ed 1000 m²
ype of Cons uc on Combust b e
oo Assem y RR (h 3/4
Mezzan ne RR (f any N/A
Bu d ng A ea 52 4m²
Use / Occupancy D (Connec ed Occupancy
oca on eve 1
Bu d ng e gh 4,2 m
S ee s aced 1
Sp n e ed No
Cons uc on A ce 3 2 2 62
Max Bu d ng A ea pe m ed 1000 m²
ype of Cons uc on Combust b e
oo Assem y RR (h N/A
Mezzan ne RR (f any N/A
Bu d ng A ea 150 7m²
Use / Occupancy C
oca on eve 2
Bu d ng e gh 6 5m
S ee s aced 1
Sp n e ed No
Cons uc on A ce 3 2 2 53
Max Bu d ng A ea pe m ed 2250 m²
ype of Cons uc on Combust b e
oo Assem y RR (h N/A
Mezzan ne RR (f any N/A

e Sepe a ons RR (h s

Major Occupancy Separations

D o A2/ 2 1

e o ac on Bu ngs

e Sepe a on (h Cosu es (h es ops (h
3/4 3/4
1 3/4
1 3/4
2 1 5
2 15 2

x / q ess Sys ems (3 4 x s

Max mum ex ave d s ance = 30 m, acco d ng o 3 4 2 5 (f

Max mum Occupan oad 50
ave d s ance o a su e eg ess doo 12m
Max mum Foo a ea (G oup A2 100m²

M RG NCY X

me gency gh ng Requ emen s o confo m o BCBC 3 2 7 3

Numb e of x s fom Foo a eas (BCBC 3 4 2 = 3 X X S

x S gn = GR N C OGRAM S GN, AS R BCBC 3 4 5 1 (2

e A a m Sys em (3 2 4

e A a m Annun a o ane N (3 2 4 8 5
e A a m Sys em Requ ed N (3 2 4 1 1
Con nu y of e A a m N (3 2 4 2

Occupan oad (BCBC ab e 3 1 17 1

eve Class f ca on A ea (m O (m /pe Occupan oad
1 A2 as ng Room 45 m² 1 20 38
1 A2 Manufac u ng Room 55 m² 4 6 12
100 m² - 50

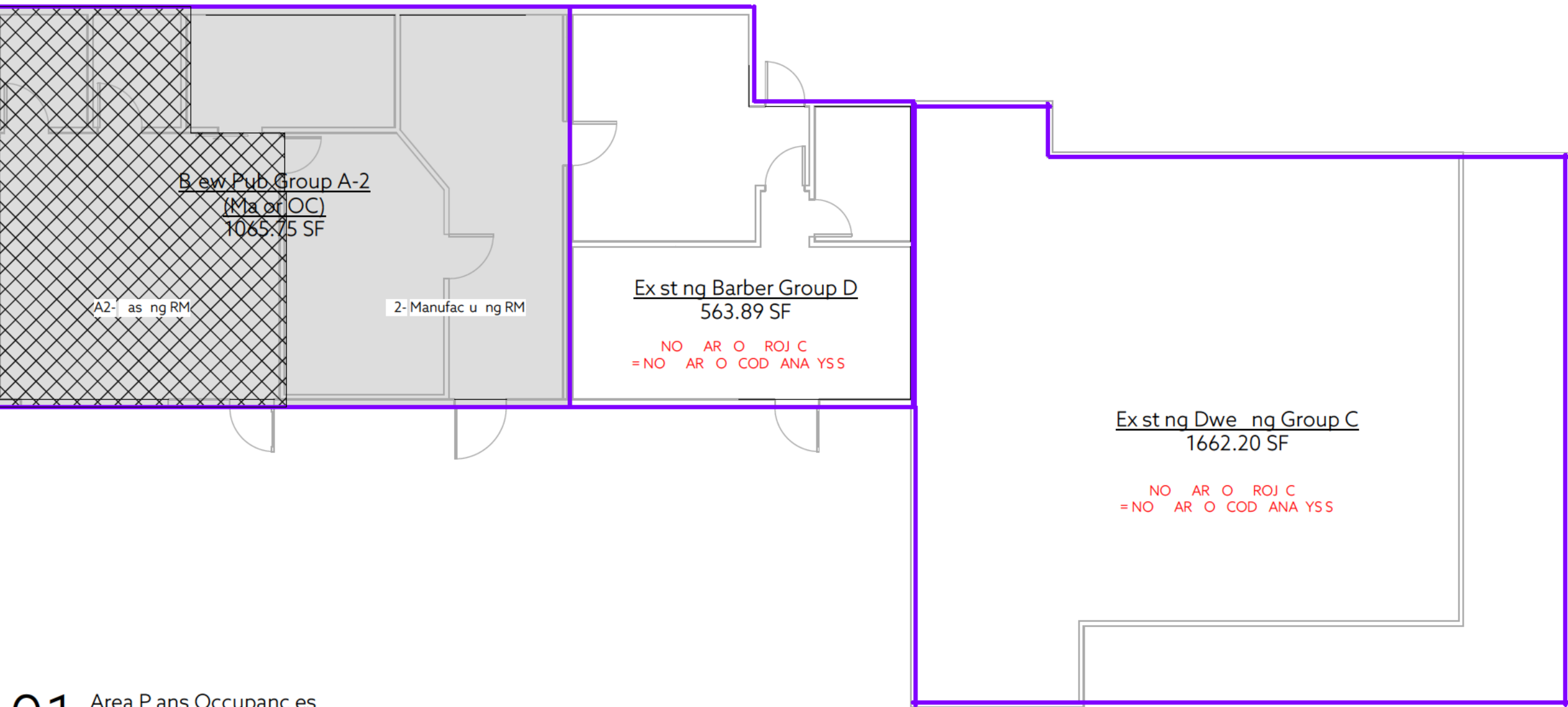
OS D OCCU AN OAD = 50 RSONS MAX

Wa e C ose s (as pe BCBC 3 7 2 2

oca on Occupan oad WC Requ ed M 1 M WC oved ded
A-2 as ng Room 50 1 1 un ve sa 1 un ve sa

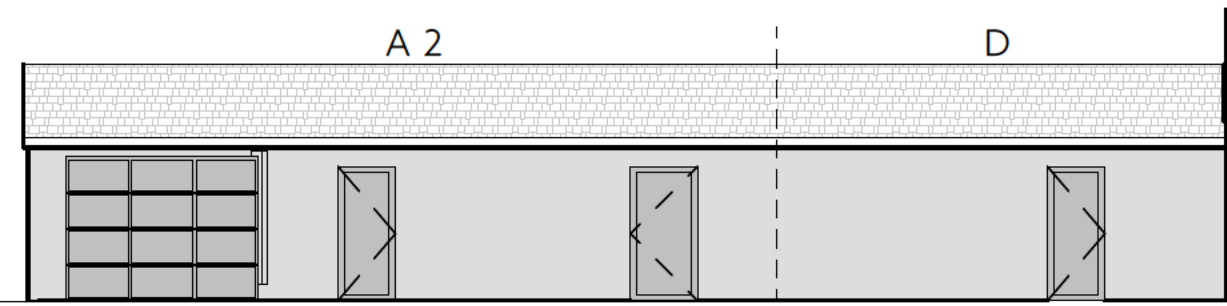
Spa a Sepe a on 3 2 3 1 (B C

ace D(m A ea(m² Open ngs (%) e m ed Open ngs (m²) oposed Open ngs (m
No h 4 28 20 5 1 7
as - - 100 46 13
Sou h 17 6 46 46 3 8
Wes 4 27 14 3 8 2



01 Area Plans Occupanc es
1: 100

Spatial Separation 3.2.3.1

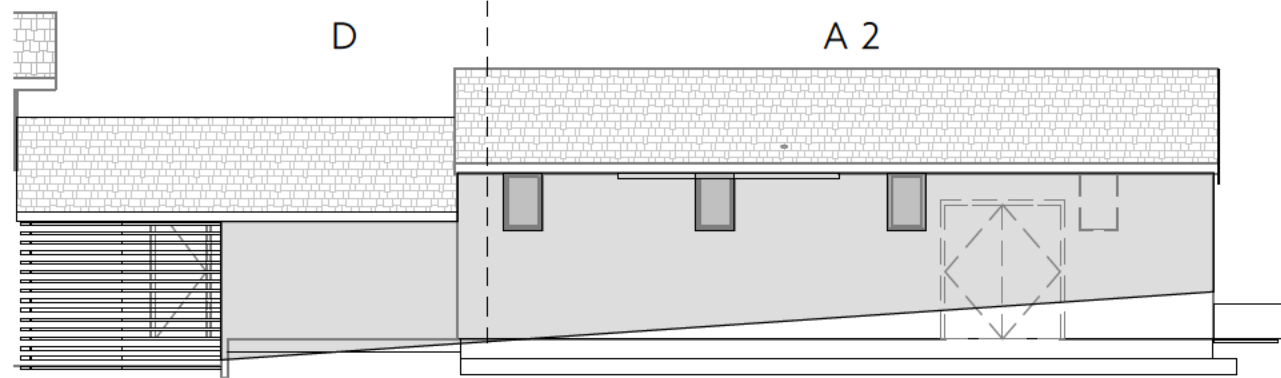


M NG D S ANC O 16 m

BCBC ab e 3 2 3 1 -B and C

X OS NG BU D NG AC 46 m²
MAX % O UN RO C D O NNGS ORA OCCU ANC S = 100 %
A OWAB AR AO UN RO C D O NNGS = 46 m²
AC UA AR AO UN RO C D O NNGS = 13 m²

02 LD - South E evat on
1 = 10 -0



M NG D S ANC O ROAD S C N R N 3 89m (US 4m

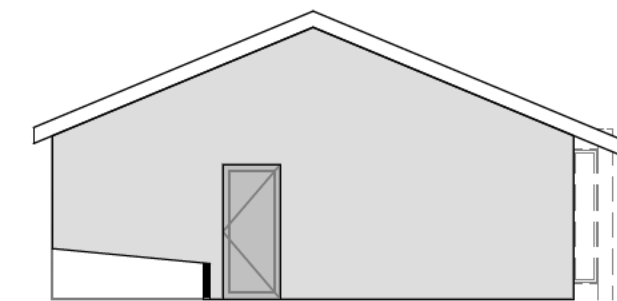
BCBC ab e 3 2 3 1 -B

X OS NG BU D NG AC D 8 m²
MAX % O UN RO C D O NNGS A-2 and D = 96 %
AC UA AR AO UN RO C D O NNGS A-2 and D = 0% -NO O NNGS

BCBC ab e 3 2 3 1 -C

X OS NG BU D NG AC -2 28 m²
MAX % O UN RO C D O NNGS -2 = 20 %
A OWAB AR AO UN RO C D O NNGS -2 = (28m²*0 20 = 5 m²
AC UA AR AO UN RO C D O NNGS -2 = 1 7 m²

03 LD - North E evat on
1 = 10 -0



04 LD - West E evat on
1 = 10 -0

M NG D S ANC O ROAD S C N R N 4 1m (US 4m

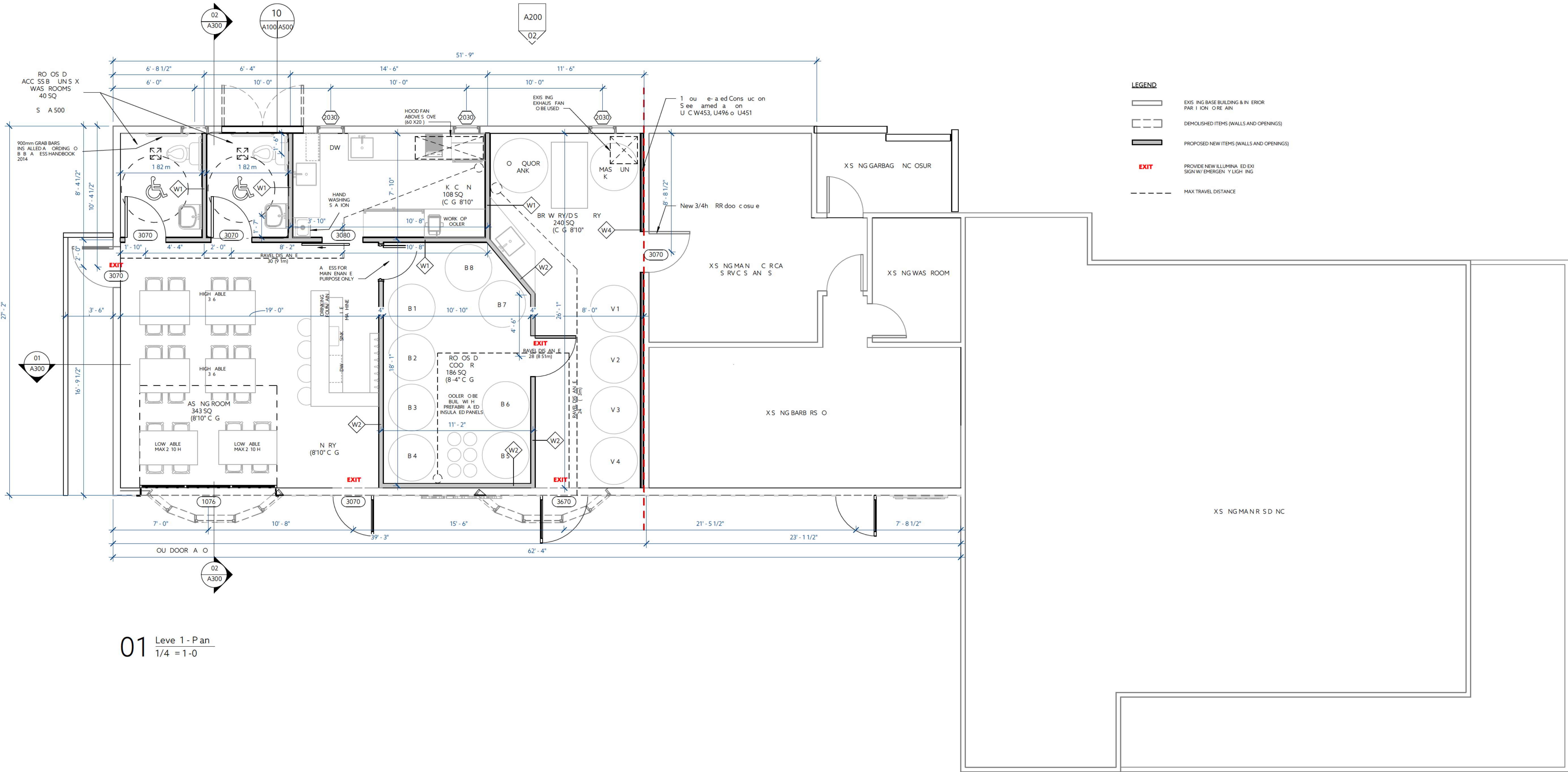
BCBC ab e 3 2 3 1 -C

X OS NG BU D NG AC A-2 27 m²
MAX % O UN RO C D O NNGS -2 = 14 %
A OWAB AR AO UN RO C D O NNGS A-2 = (27m²*0 14 = 3 8 m²
AC UA AR AO UN RO C D O NNGS A-2 = 2 m²

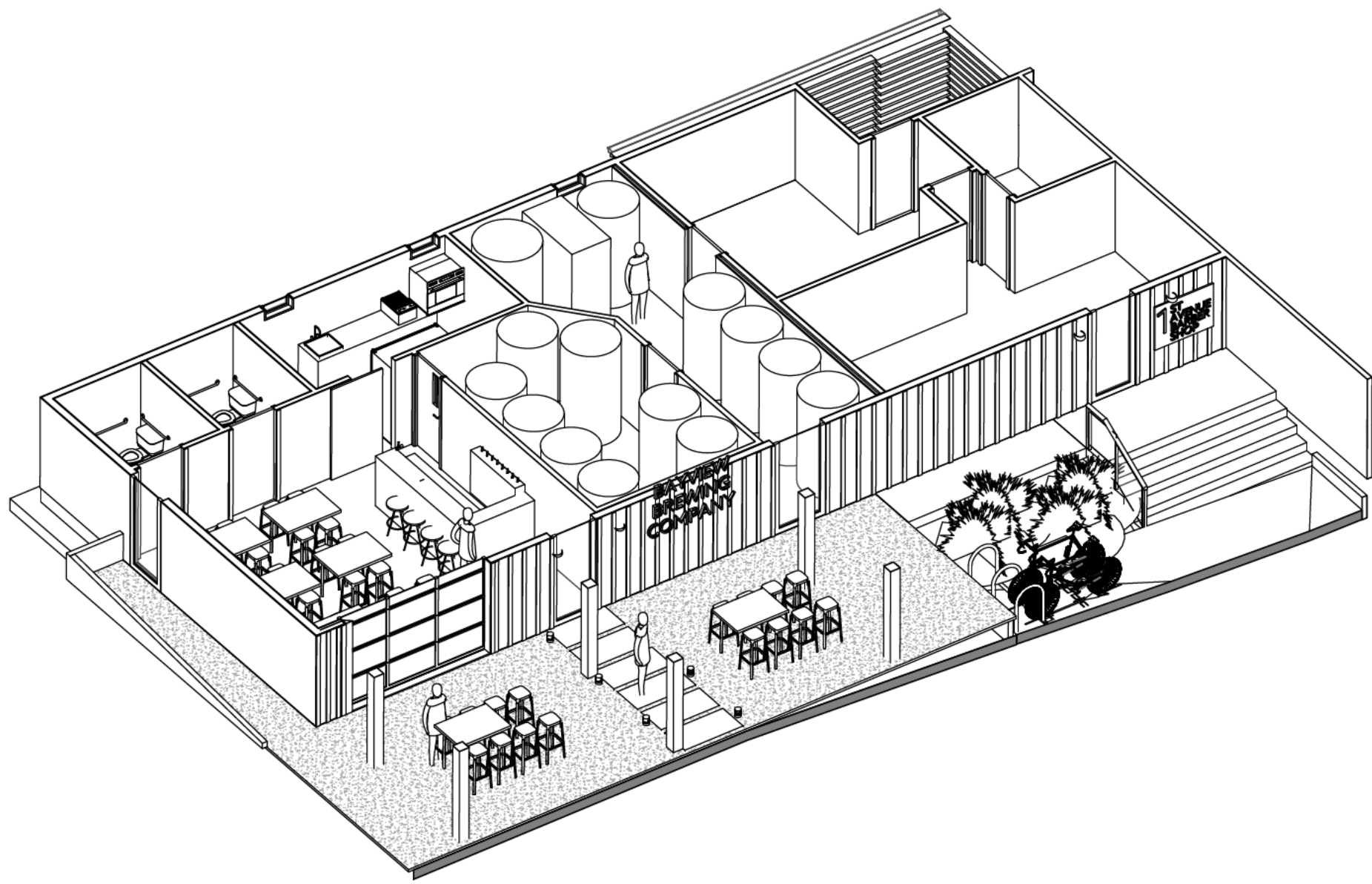
ABBREVIATIONS

AB AR BARR R O/ OV R ANG
A ABOVE N S D OOR AN AN RY
AD AR ADRA N M R SS DM A
A UM A UM NUM Y YWOOD
ARC ARC C URA O Y O Y Y N
BCBC BR S CO UMB A BU D NG COD RO OS D
BR B DROOM R AB R ABR CA D
B M BO OM R N R N S D
B/U BU -U D AN D
CAN CAN V R D R SSUR R A D
C G C NG R S R R S RV D WOOD OUNDA ON
C CAS N AC W
C C OS RD ROO DRAN
CONC CONCR R R R OR R R NC
CONN CONN C ON R R N ORC D R NC
CON CON NUOUS R AN NG
CORR CORRUGA D RM ROOM
C/W COM W RAN WA R AD R
D D A SAM S AD S V M MBRAN
DA DAM R SOG S AB ON GRAD
DN DOWN SM S M AR
DW D S WAS R S
DWG DRAWNG S OR S ORAG
VA ON GRAD S RUC
C C R CA G H R D G ASS
V VA OR G ONGU & GROOV
X X R OR O O
D OOR DRAN O O CONCR
OOR OOS O O S AB
N NS (D OW O O WA
RR R R SS ANC RA NG K CK
GA VAN Z D ROO V N
GWB GY SUM WA BOARD Y CA
G OS BB UNO UN SSNO DO RWS
B AND CA D W UNO UNO RSD
C O OW COR WOOD W WD WA R C OS
M O OW M A WD WOOD
NSU NSU A ON W/D WAS R/D RY R
D N R OR D S GN WG W R D G ASS
MA MA RA WC WA K N C OS
MB MOS UR BARR R W WA R ROO NG
M C M C ANCA WS WA RS R NG
M M A VR VA OURR ARD R
NO NUMB R
OC ON C N R





01 Leve 1 - Pan
1/4 = 1-0



Wa Schedu e			
ype Ma	ype	Wa Summa y	e Ra ng
W1	ne o - 2x4	1/2" GY SUM WA BOARD 2X4 WOOD S UD	0
W2	ne o - M 4"	1/2" GY SUM WA BOARD INS D TH A SKN OAM COR OU S D M A SKN	0
W3	xe o - 2x6 xs ng Wa	S UCCO C ADDNG NS	Un nown
W4	ne o - R th U C W453, U496 o U451	3/4" COR GY SUM AN 42mm S S UD 24" o c 3/4" COR GY SUM AN	1 ou

W ndow Schedu e					
ype Ma	egh	W d h	Coun	ame n sh	ame Ma e a
2030	3'-0"	2'-0"	1	Bac	Vny
2030	3'-0"	2'-0"	1	Bac	Vny
2030	3'-0"	2'-0"	1	Bac	Vny

Door Schedu e				
ype	egh	W d h	Coun	e Ra ng
2670	7'-0"	2'-6"	1	
2870	7'-0"	2'-8"	2	
3070	7'-0"	3'-0"	3	
3070	7'-0"	3'-0"	3	
3070 45 m n	7'-0"	3'-0"	1	45 M n
3080	8'-0"	3'-0"	1	
3080	7'-0"	2'-6"	1	
3670	7'-0"	3'-6"	1	
Ove head Doo	7'-6"	10'-0"	1	

Bayview Brewing Company

202 Dogwood drive
Ladysmith, BC,
V9G 1S8

Roof Level

scale: 1/4" = 1'-0"

2020.09.10

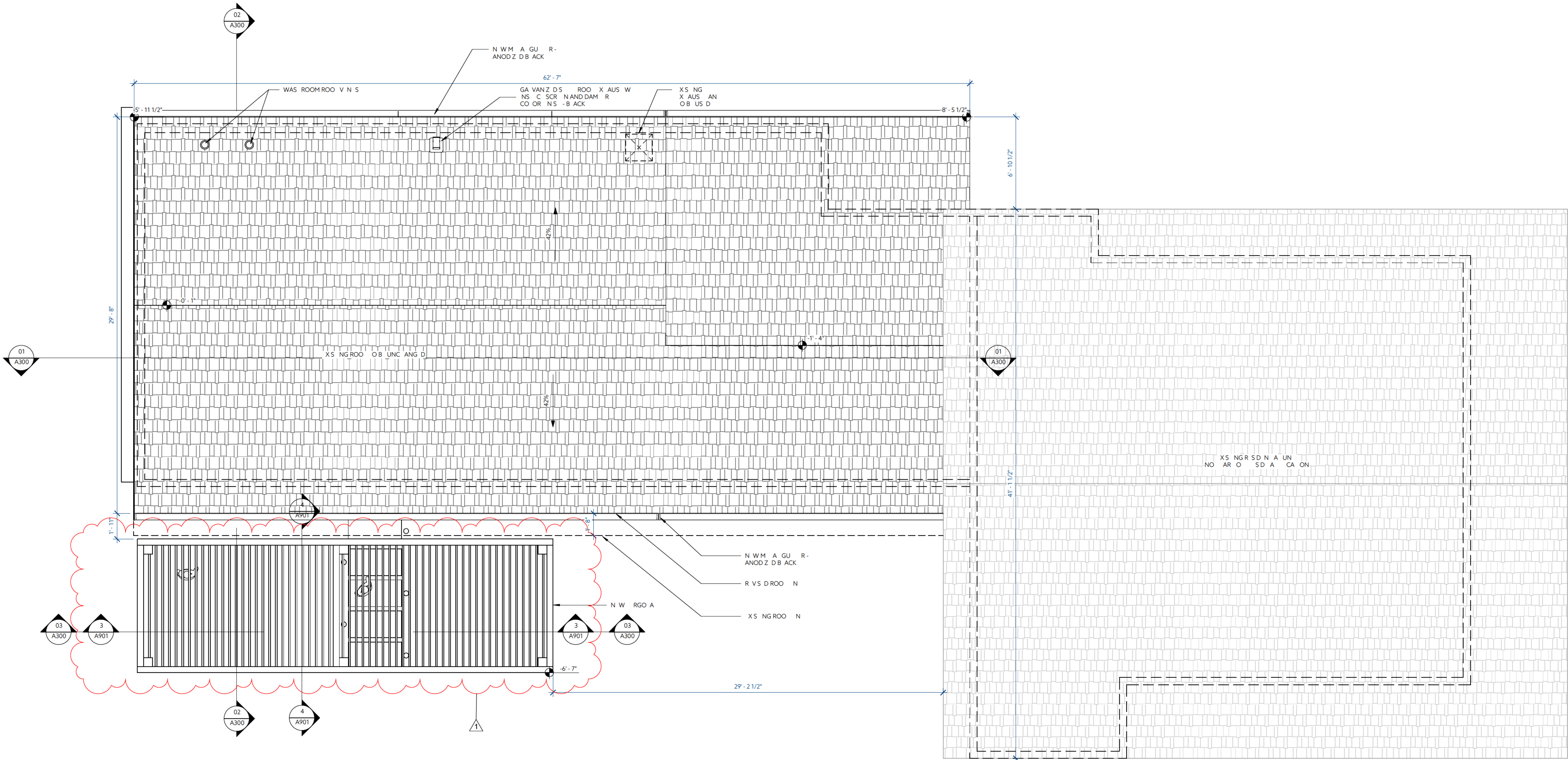
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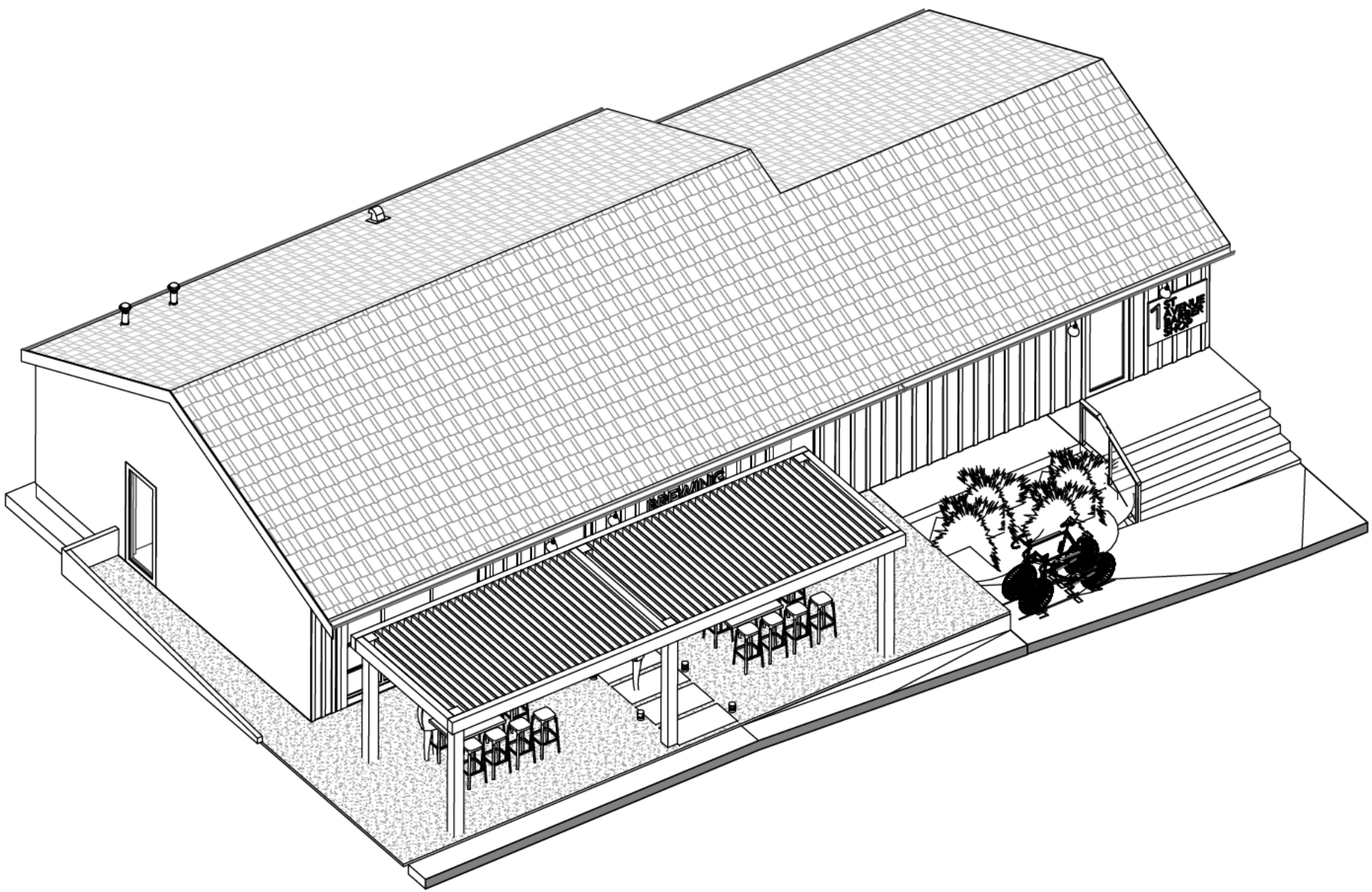
D awn g s a e o b e e a d n c o n u n c o n w h
e a c h o h e , a n y d s c e p a n c e s f o u n d o n a n y
d a w n g s a e o b e e p o e d b e f o e
c o m m e n c n g w o

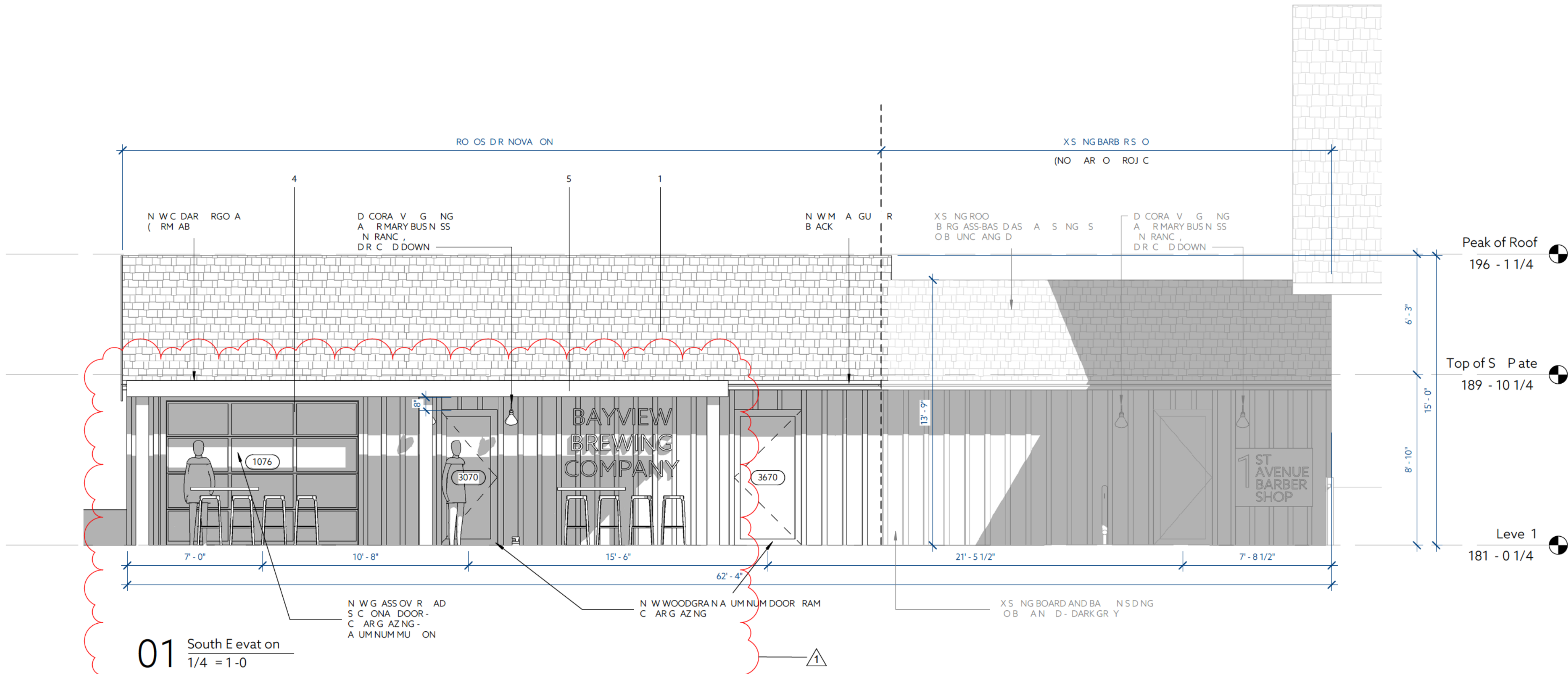
C o n a c o s a e r e s p o n s b e o e n s u e h a
a w o s e x e c u e d o h e e q u i m e n t s o f
h e a e s e d o n o f h e B C B u d n g C o d e
© C O Y R G 2020 A R G S R S R V D
2020-11-12 3 11 23 M

CROSS ARCH EC URE NC



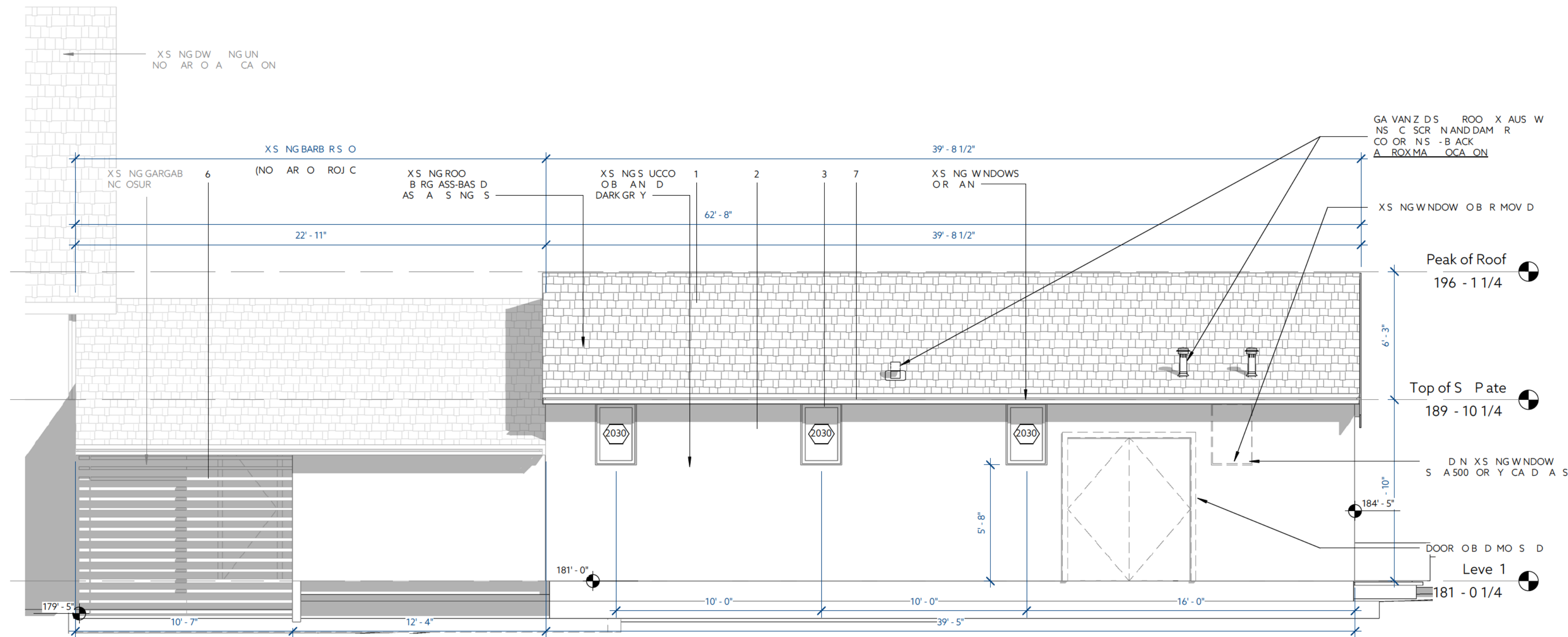
01 Roof Level - Pan
1/4" = 1'-0"



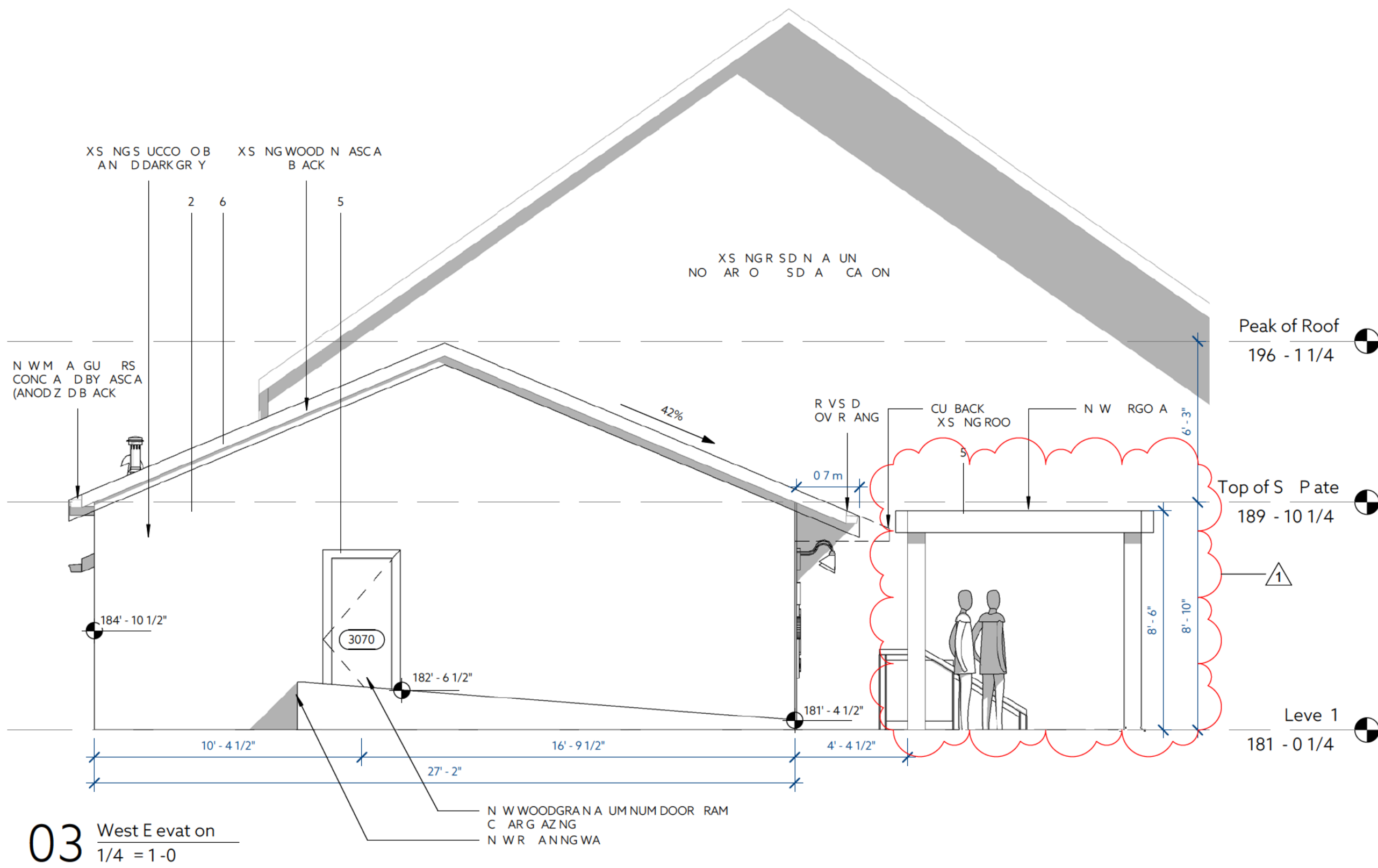


01 South Elevation
1/4" = 1'-0"

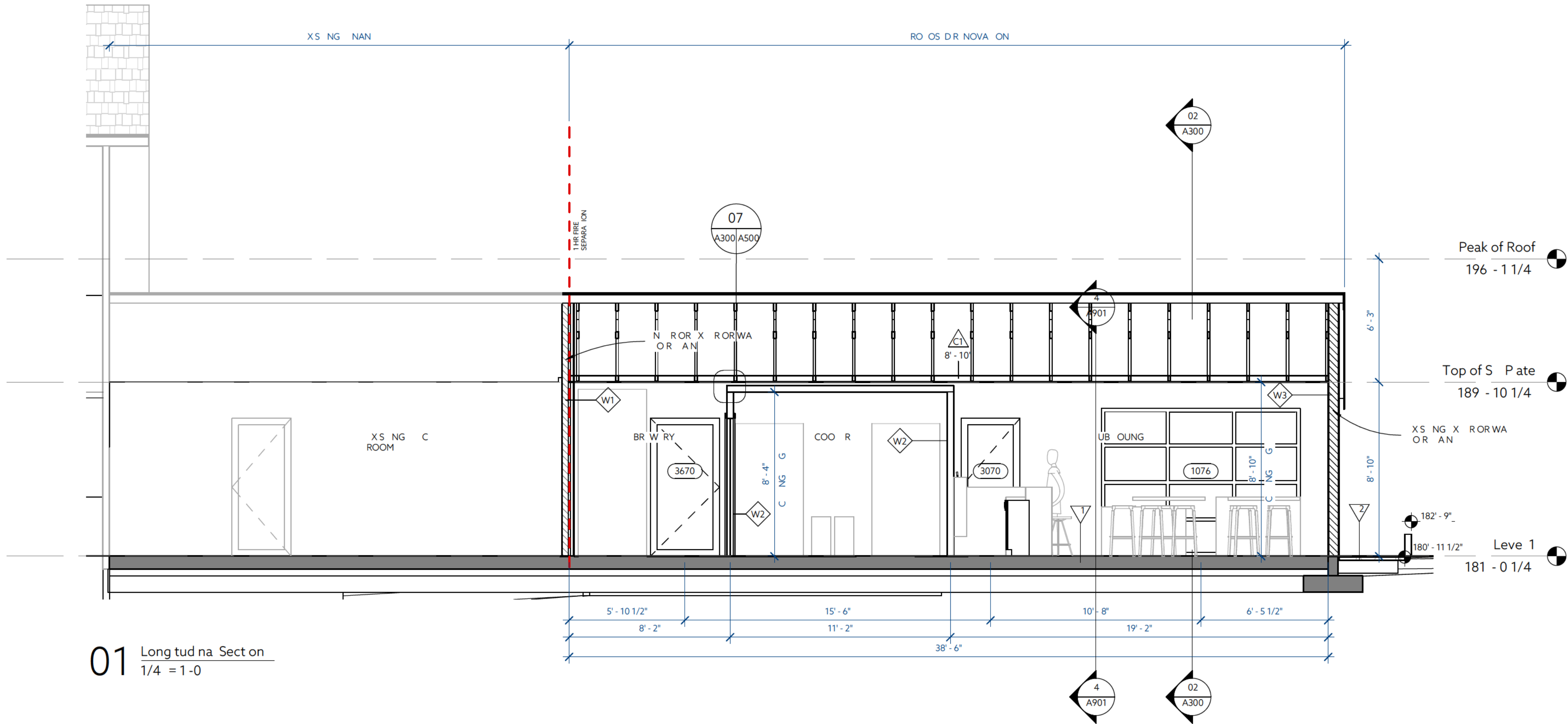
Finishes Schedule		
Mark	Material Name	Material Description
1	Asphalt Shingle	Asphalt Roofing Shingle
2	Wall Texture, Stucco	Stucco - Dark Grey Finish
3	Vinyl Frame - Back	Back Finish
4	Aluminum Trim	Anodized Aluminum, Light Grey
5	Wood - Cedar Timber	Western Red Cedar
6	Trim Board Wood Fascia	Painted Back Finish
7	Metal - Paint Finish	Back Finish - Matt



02 North Elevation
1/4" = 1'-0"



03 West Elevation
1/4" = 1'-0"



01 Longtud na Sect on
1/4 = 1-0

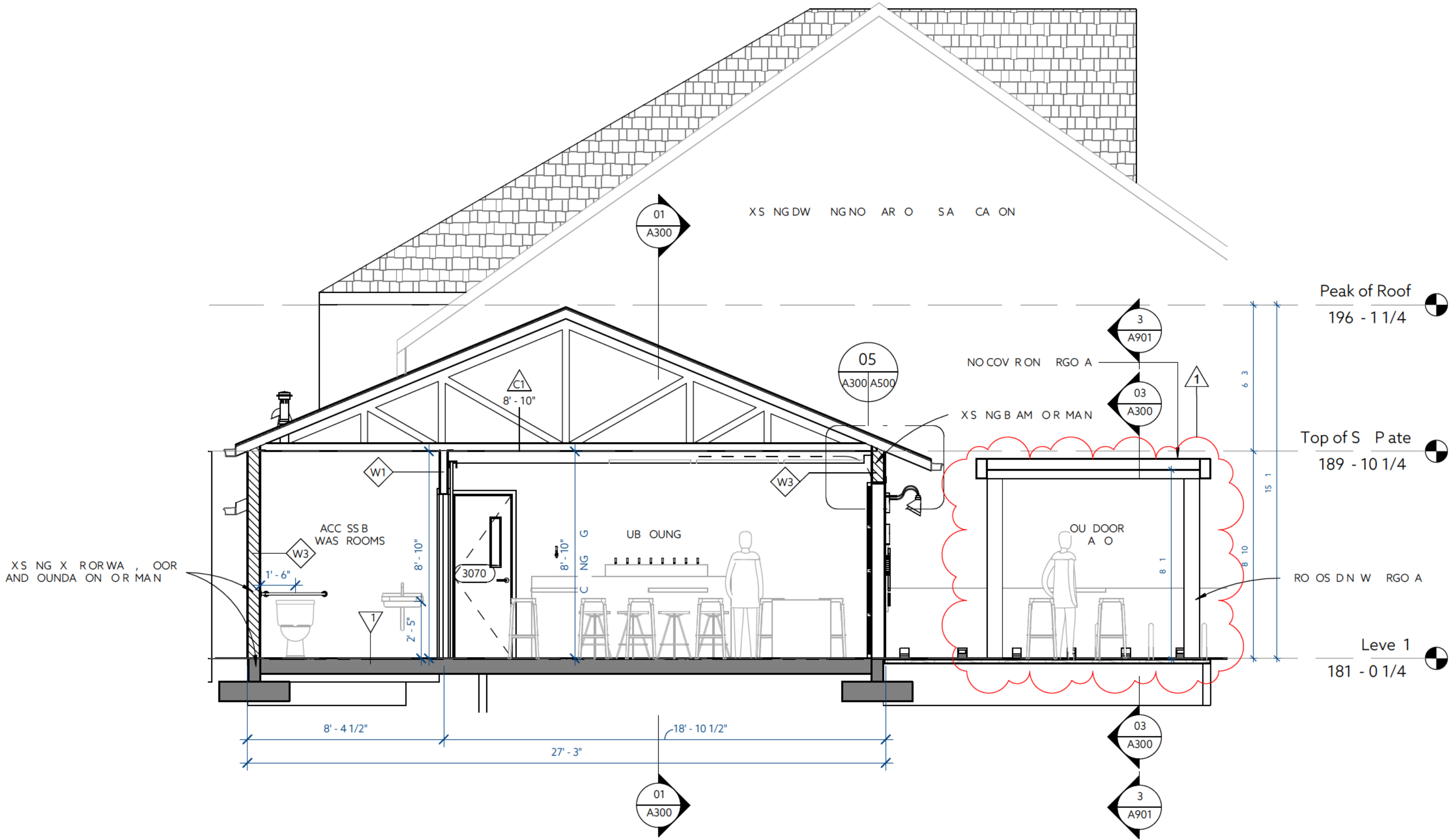
Wa Schedu e			
ype Ma	ype	Wa Summa y	e Ra ng
W1	n e o - 2x4	1/2" GY SUM WA BOARD 2X4 WOOD S UD	0
W2	n e o - M 4"	NS D M A SK N QUAM COR OU S D M A SK N	0
W3	x e o - 2x6 x s ng Wa	S UCCO C ADD NG NS	Un nown
W4	n e o - R 1h U CW453, U496 o U451	3/4" COR GY SUM AN 42mm S S UD 3/4" o c 3/4" COR GY SUM AN	1 ou

W ndow Schedu e					
ype Ma	egh	W d h	Coun	ame n sh	ame Ma e a
2030	3'-0"	2'-0"	1	Bac	V ny
2030	3'-0"	2'-0"	1	Bac	V ny
2030	3'-0"	2'-0"	1	Bac	V ny

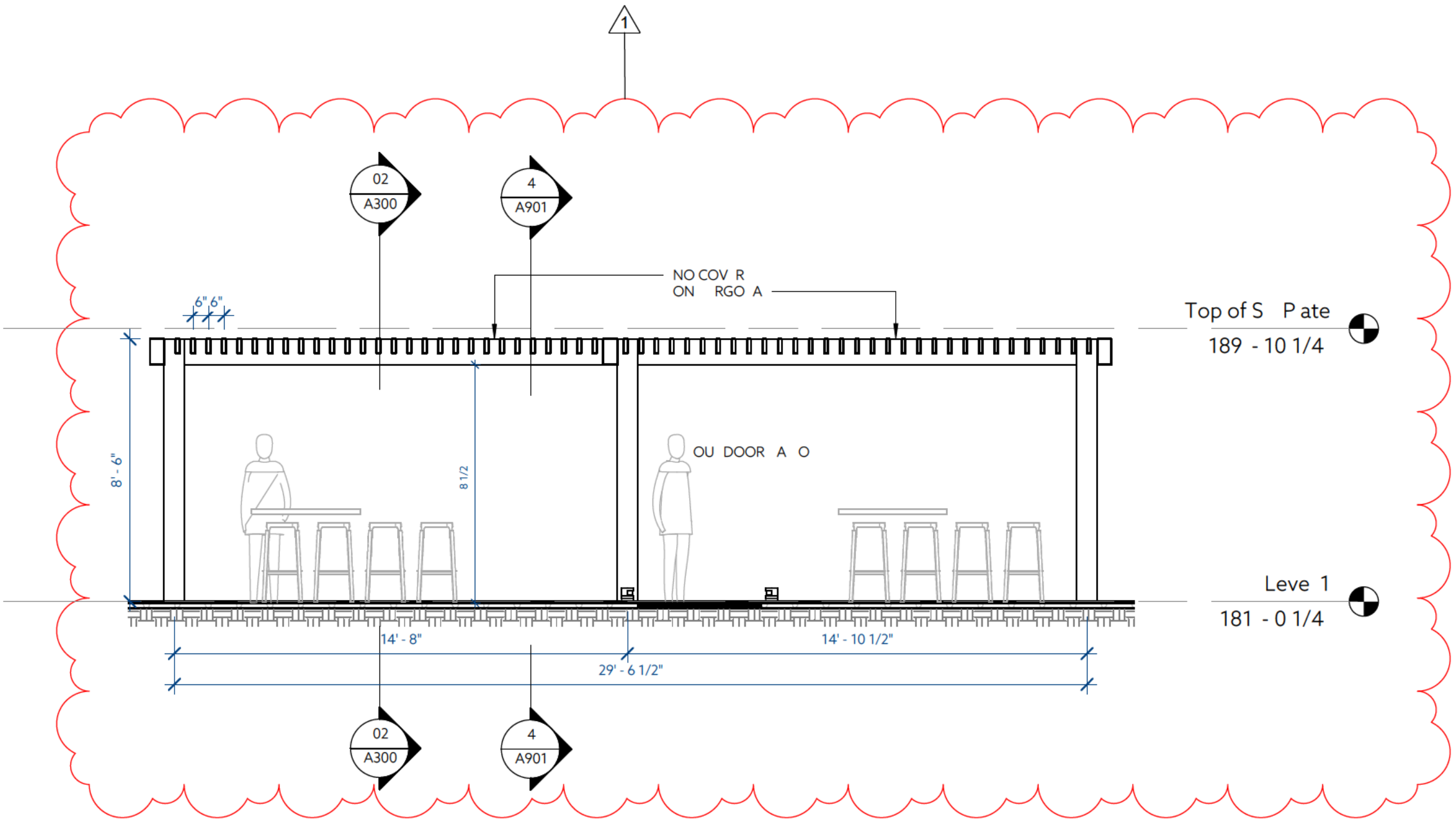
Door Schedu e				
ype	egh	W d h	Coun	e Ra ng
3670	7'-0"	2'-6"	1	
2870	7'-0"	2'-8"	2	
3070	7'-0"	3'-0"	3	
3070	7'-0"	3'-0"	3	
3070 45 m n	7'-0"	3'-0"	1	45 M n
3080	8'-0"	3'-0"	1	
3080	7'-0"	2'-6"	1	
3670	7'-0"	3'-6"	1	
Ove head Doo	7'-6"	10'-0"	1	

LEGEND

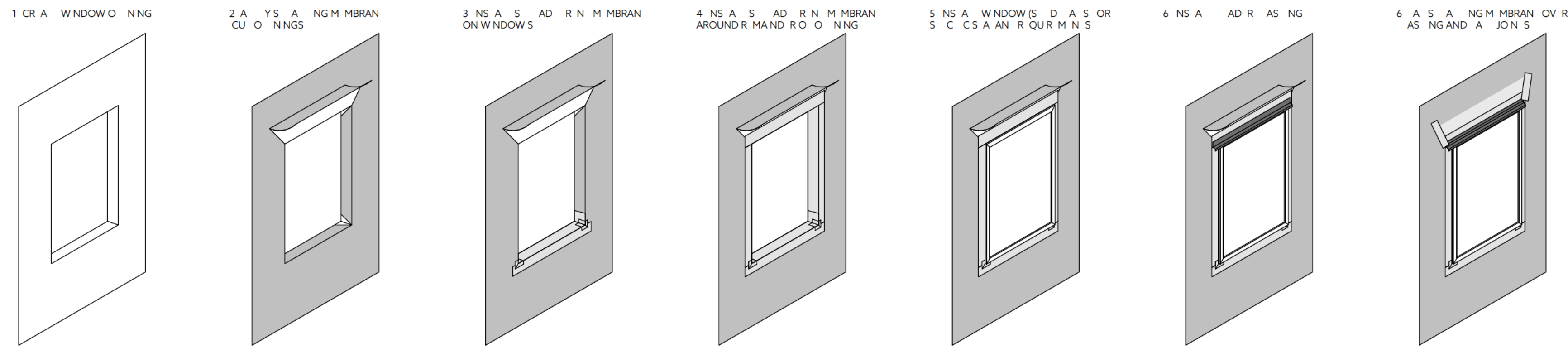
- EXIS NG BASE BUILDING & IN EROR
PAR I ION O RE AN
- DEMOLISHED ITEMS (WALLS AND OPENINGS)
- PROPOSED NEW ITEMS (WALLS AND OPENINGS)
- EXIT
- PROVIDE NEW ILLUMINA ED EXI
SIGN W/ EMERGEN Y LIGH NG
- MAX TRAVEL DISTANCE



02 Cross Sect on
1/4 = 1-0

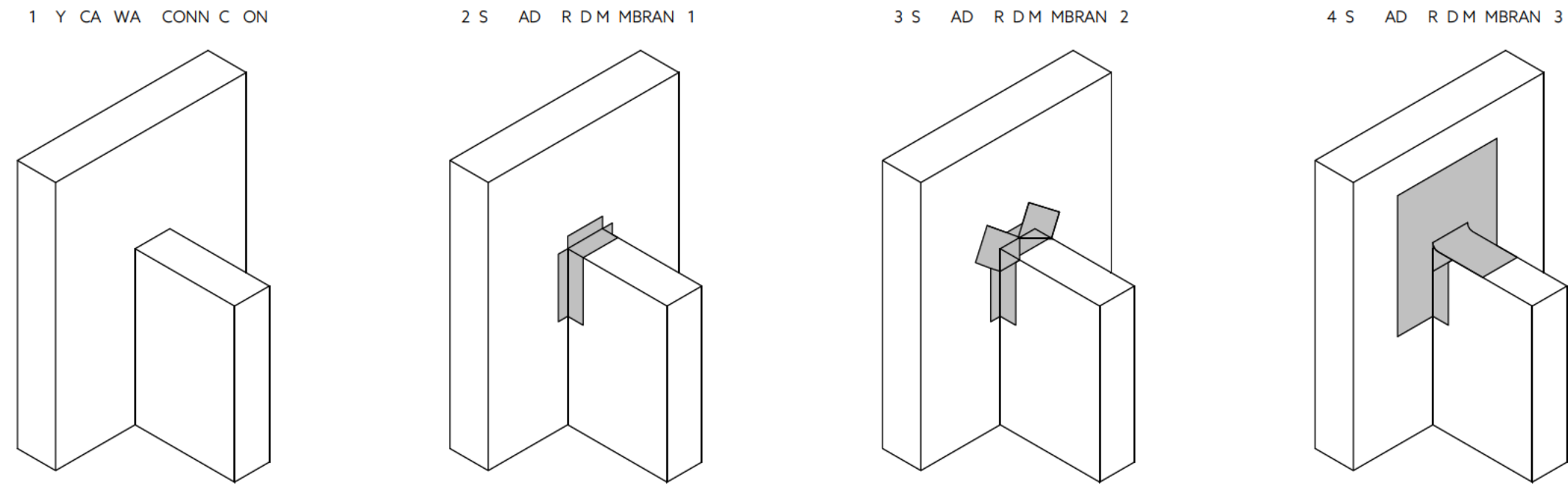


03 Outdoor Shad ng Pergo a Sect on
1/4 = 1-0

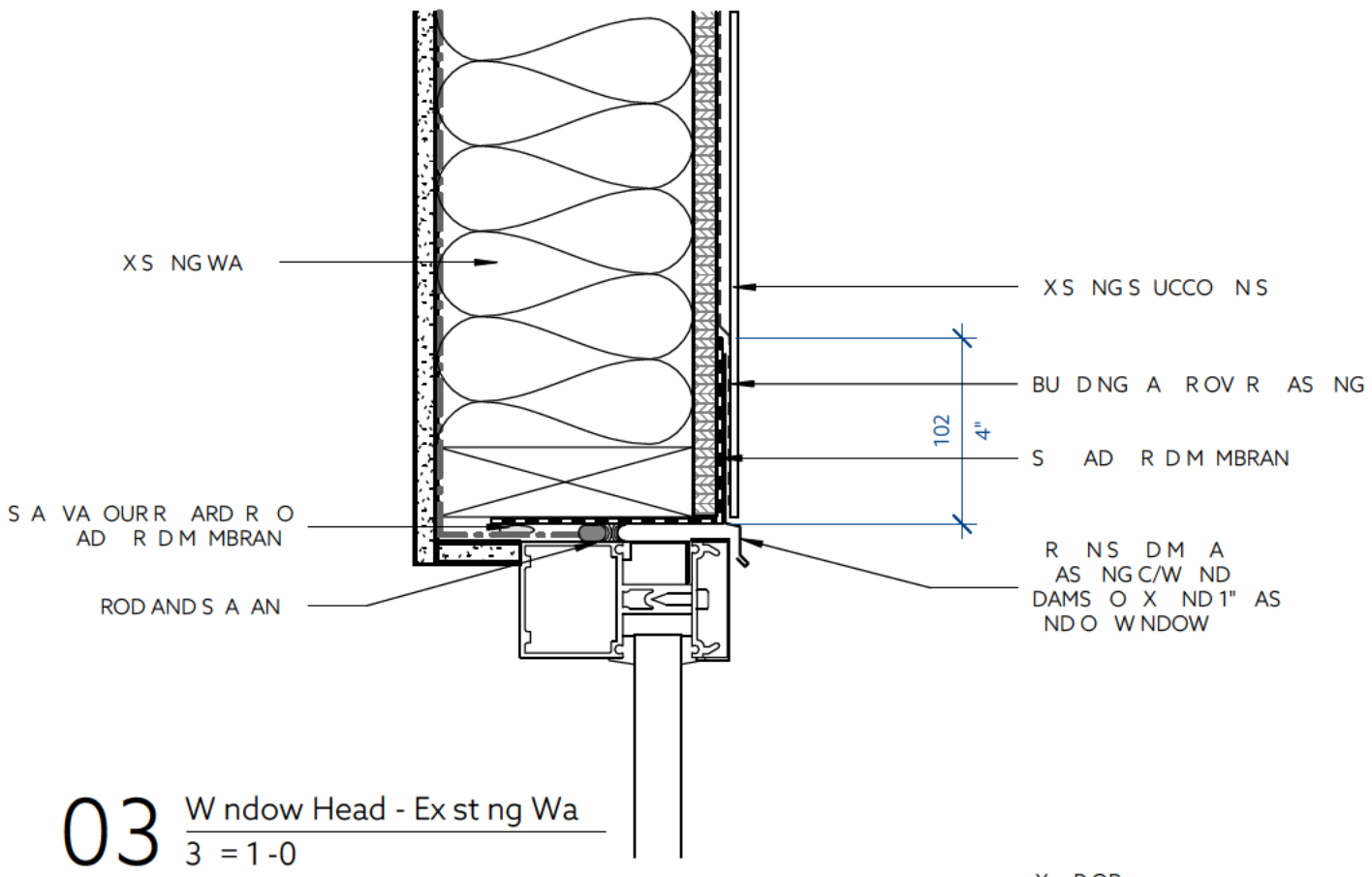


01 Membrane Deta s
3 = 1-0

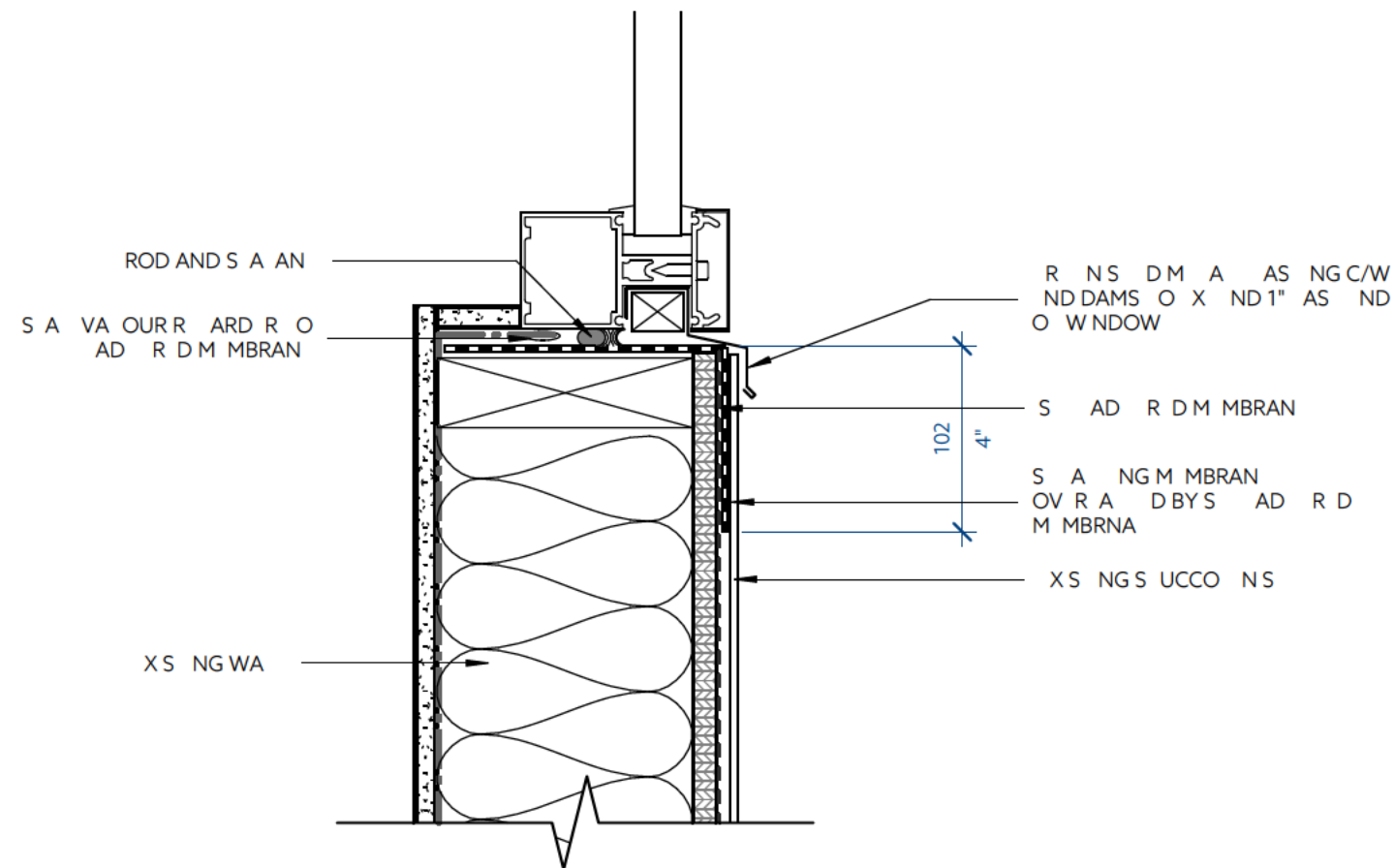
02 Membrane Sadd e Deta
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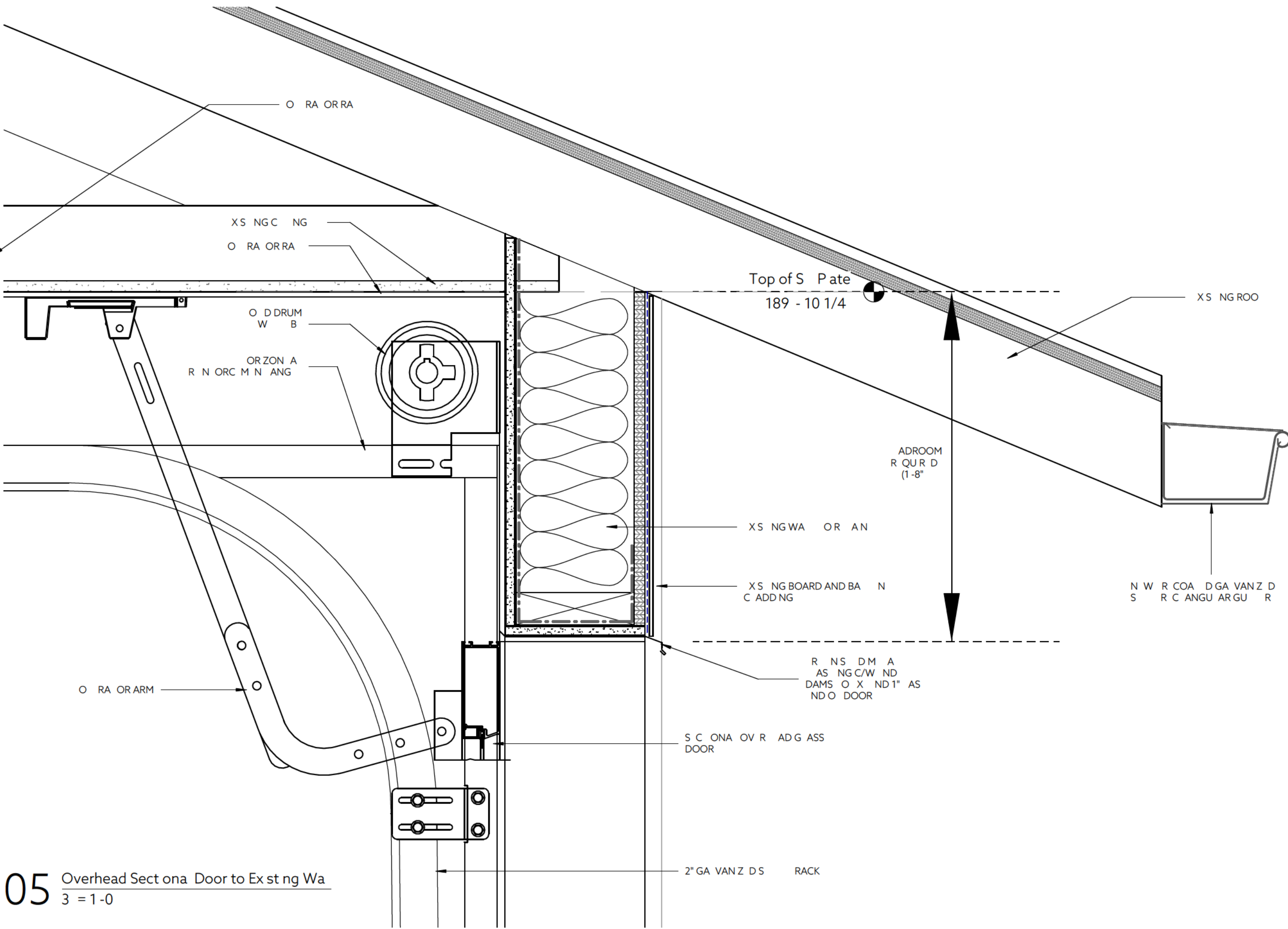
03 W ndow Head - Ext st ng Wa
3 = 1-0



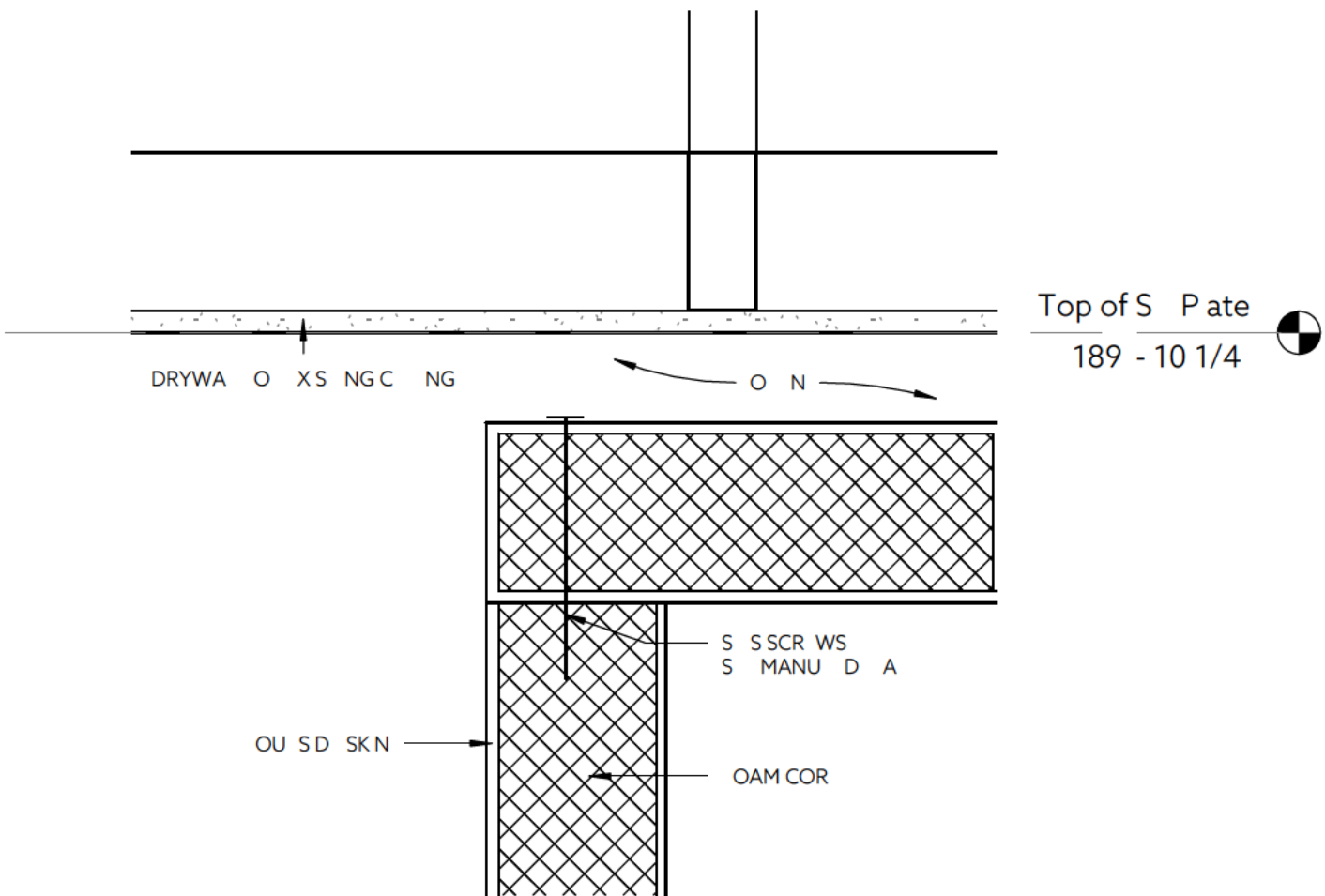
04 W ndow S - Ext Wa
3 = 1-0



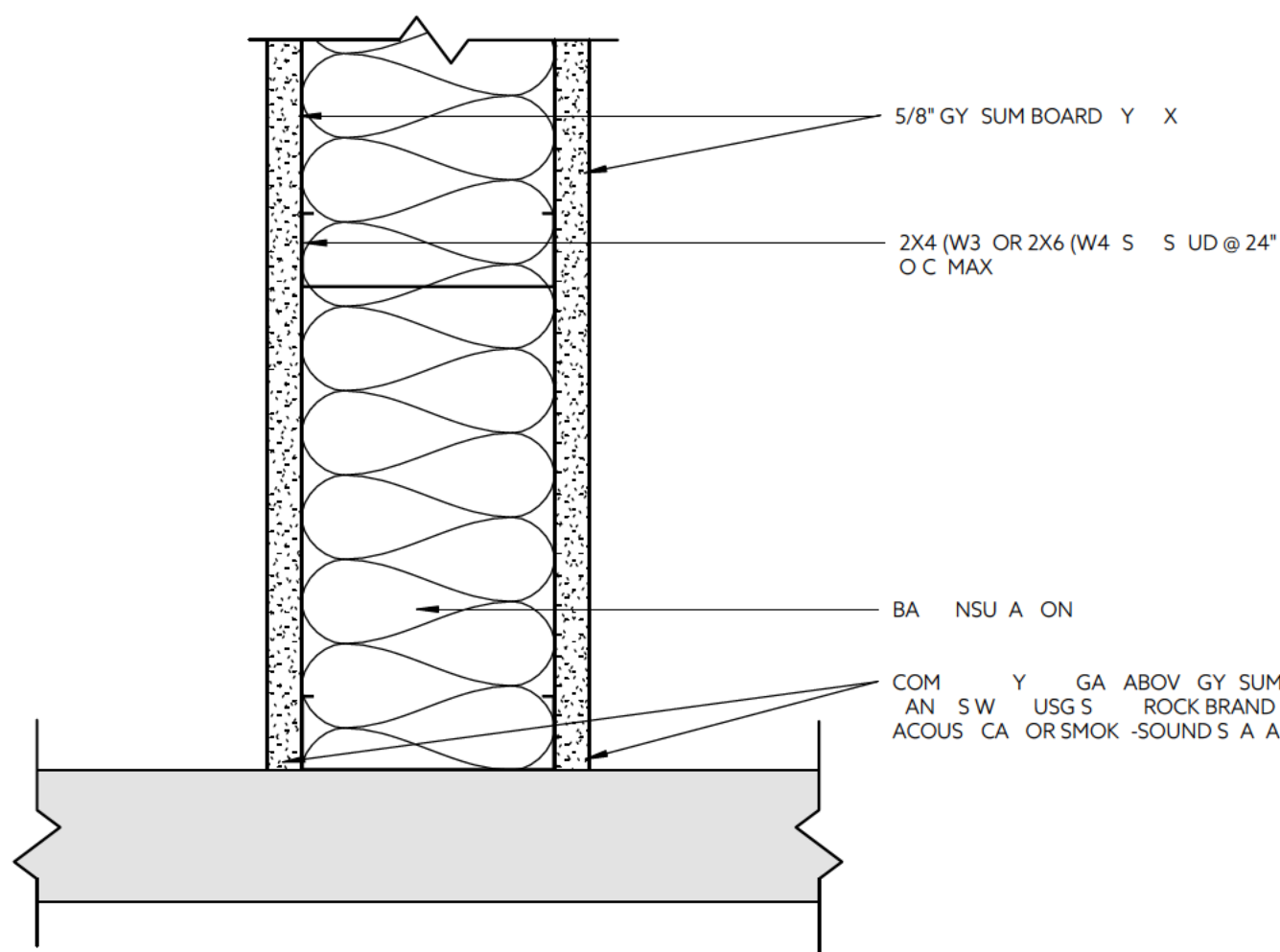
05 Overhead Sect ona Door to Ex st ng Wa
3 = 1-0



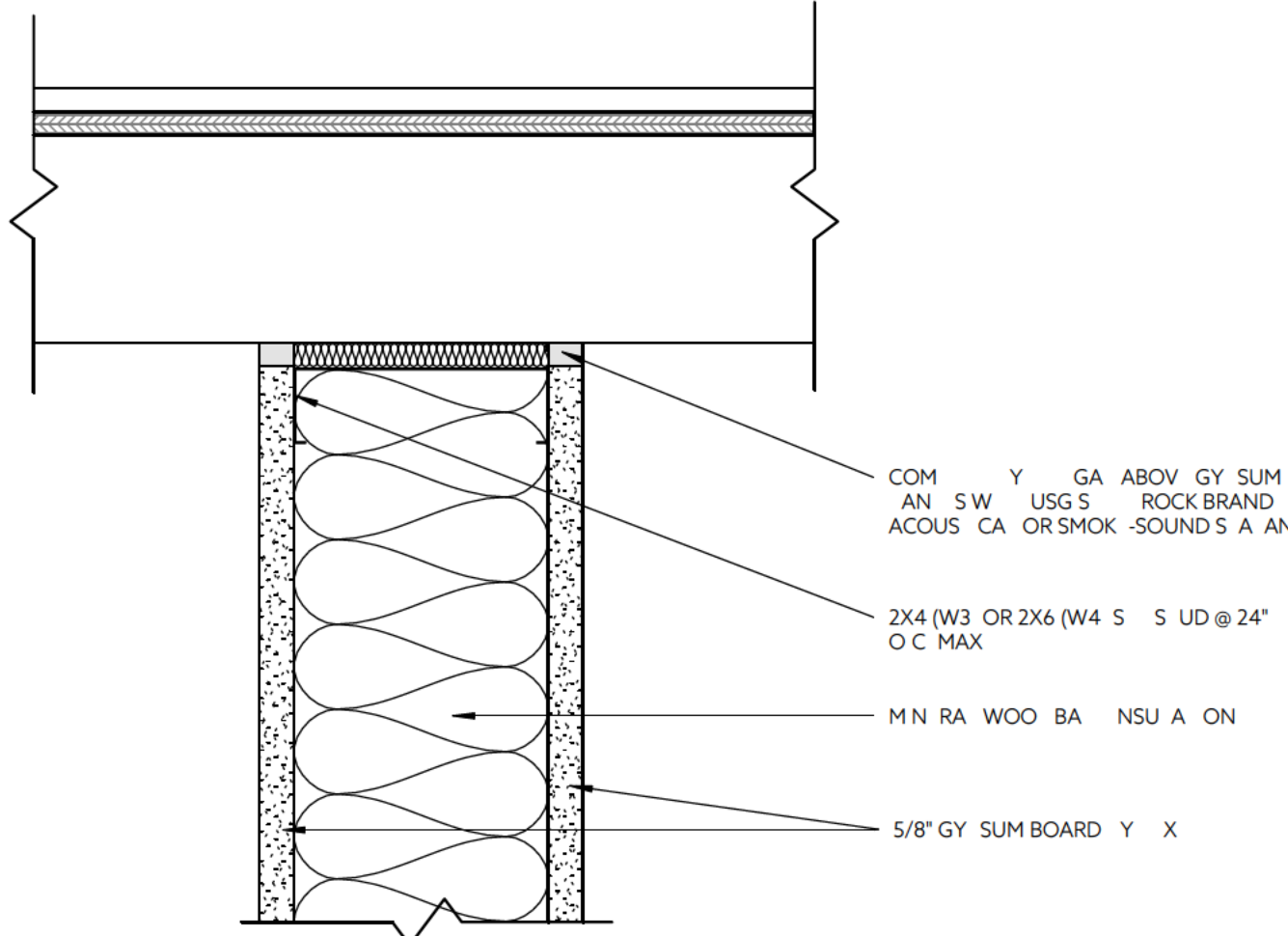
07 Insulated Meta Panels - Cooler and External Ceiling
3 = 1-0



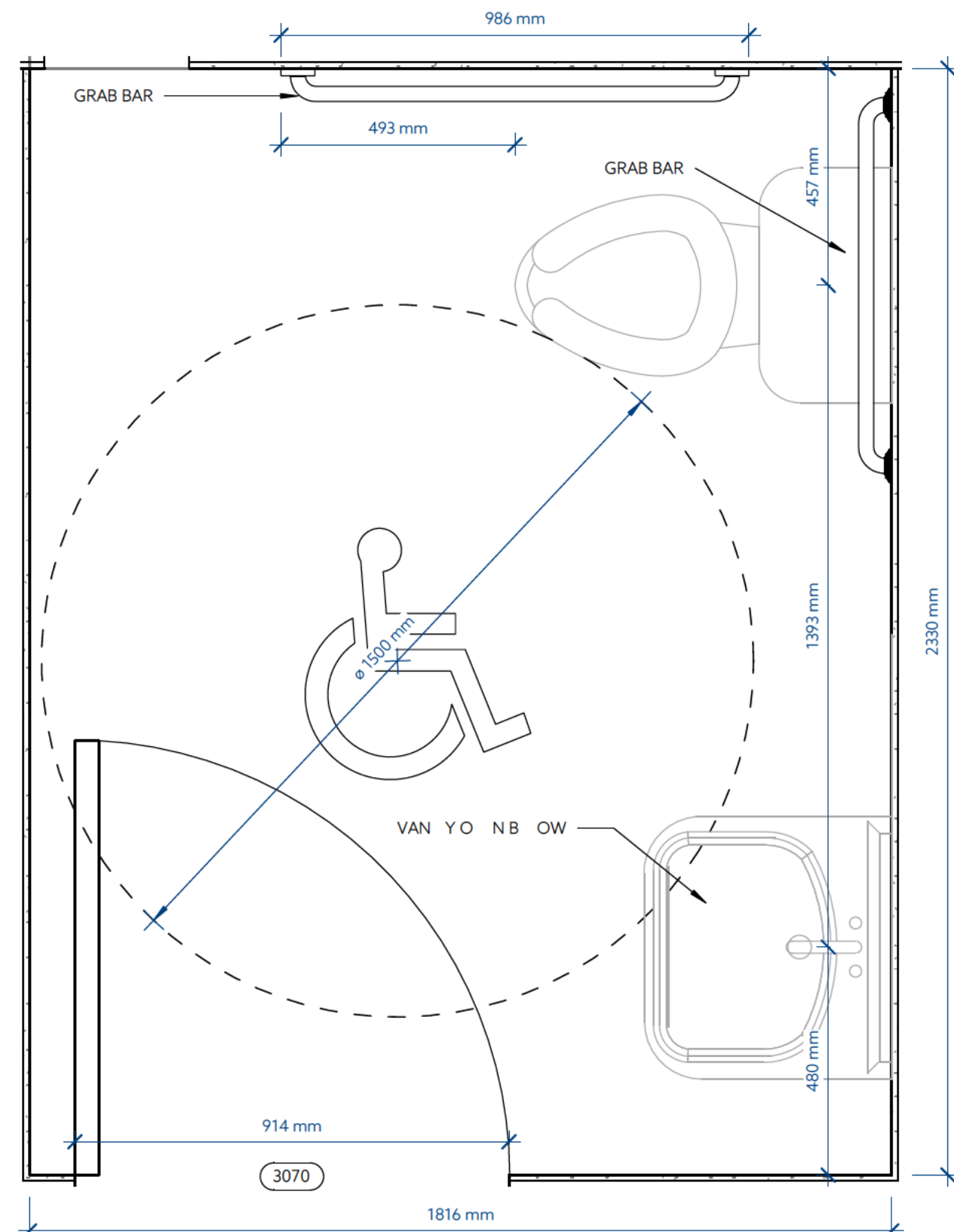
09 ULC 453 Fire Resistance Rating Bottom Connection
3 = 1-0



06 ULC 453 Fire Resistance Rating Top Connection
3 = 1-0



10 Accessible Washroom
1 = 1-0





202 Dogwood drive
Ladysmith, BC,
V9G 1S8

Perspectives

scale:

2020.09.10

P. # 2005

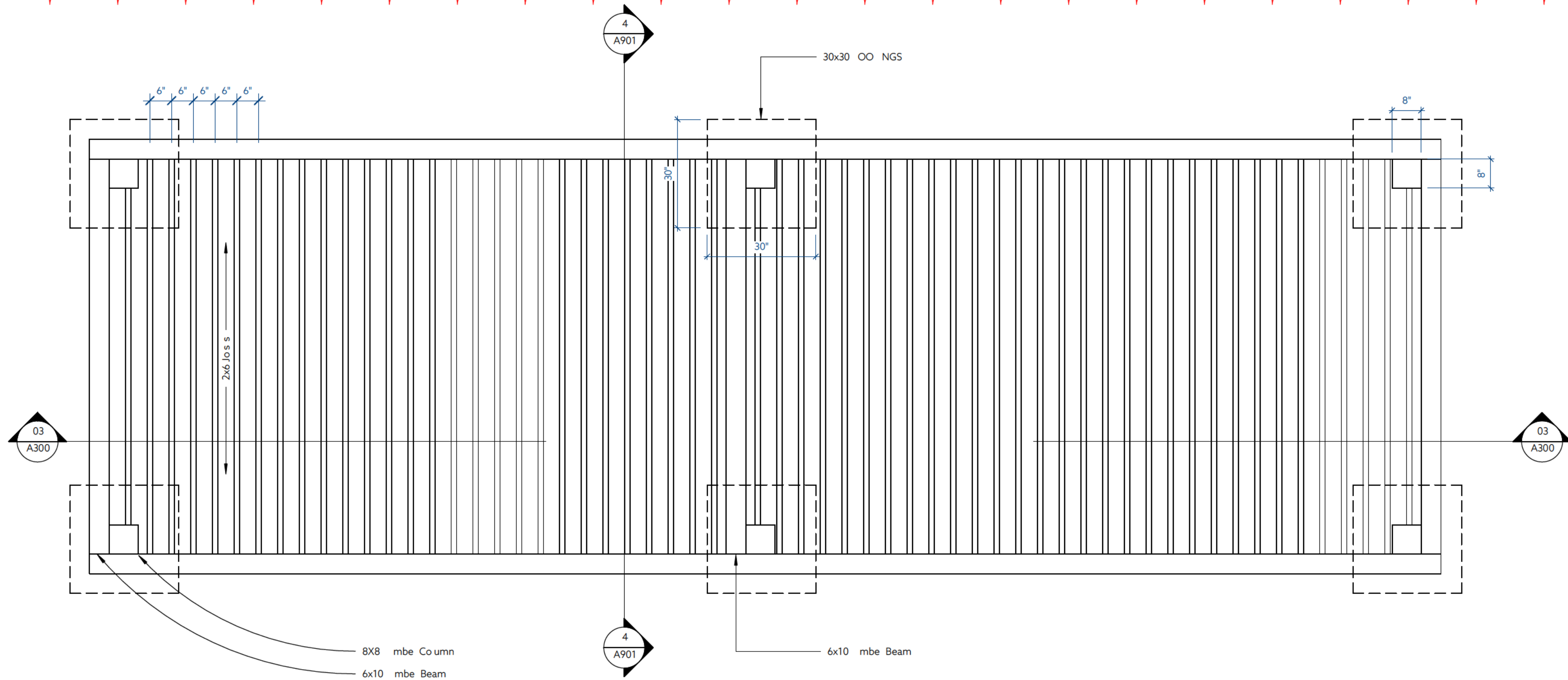
A900

D aw ngs a e o b e r e a d n c o n u n c o n w h
e a c h o h e , a n y d s c e p a n c e s f o u n d o n a n y
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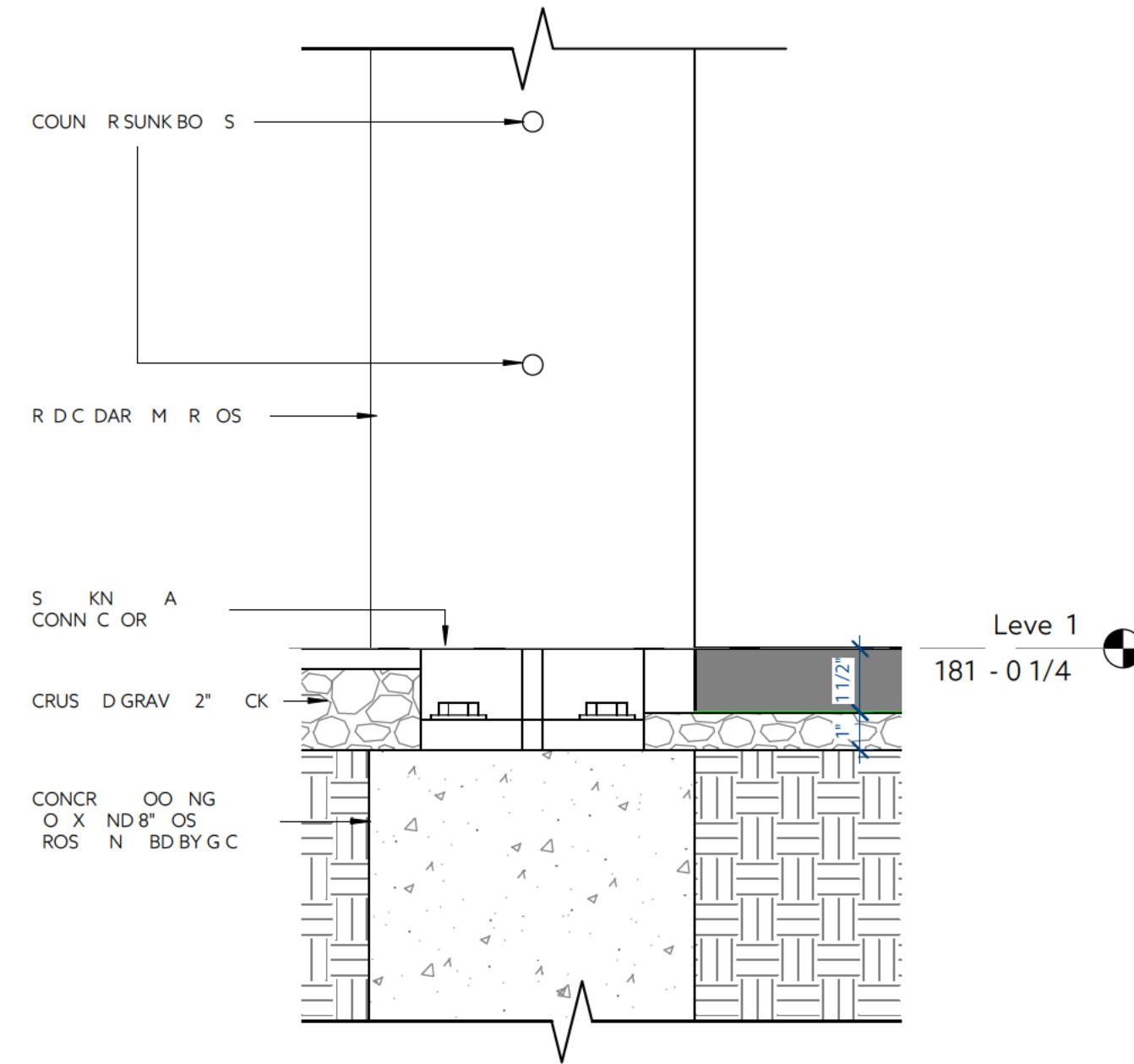
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© C O Y R G 2020 A R G S R S R V D
2020-11-12 3 11 36 M

CROSS ARCH EC URE NC

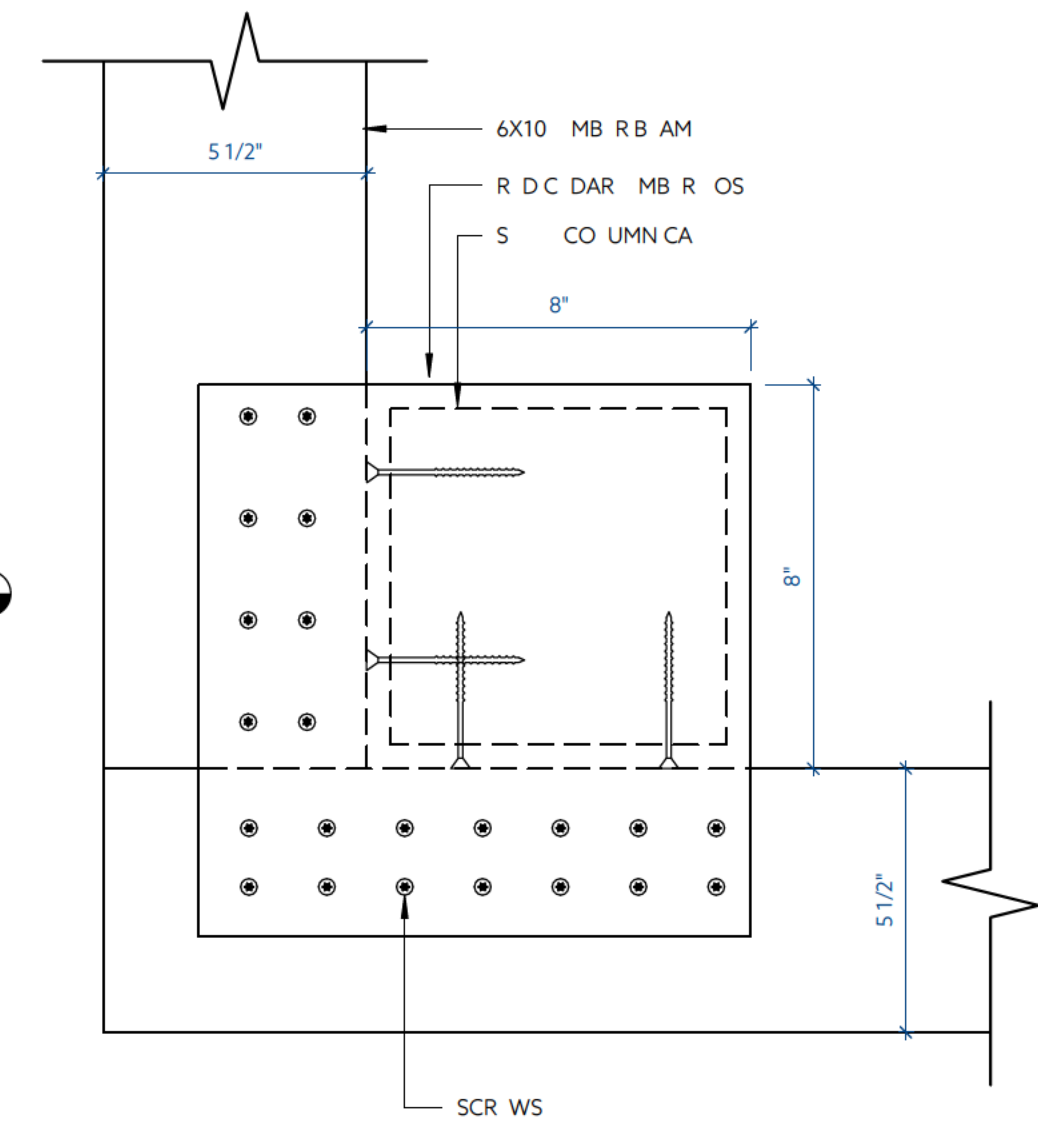




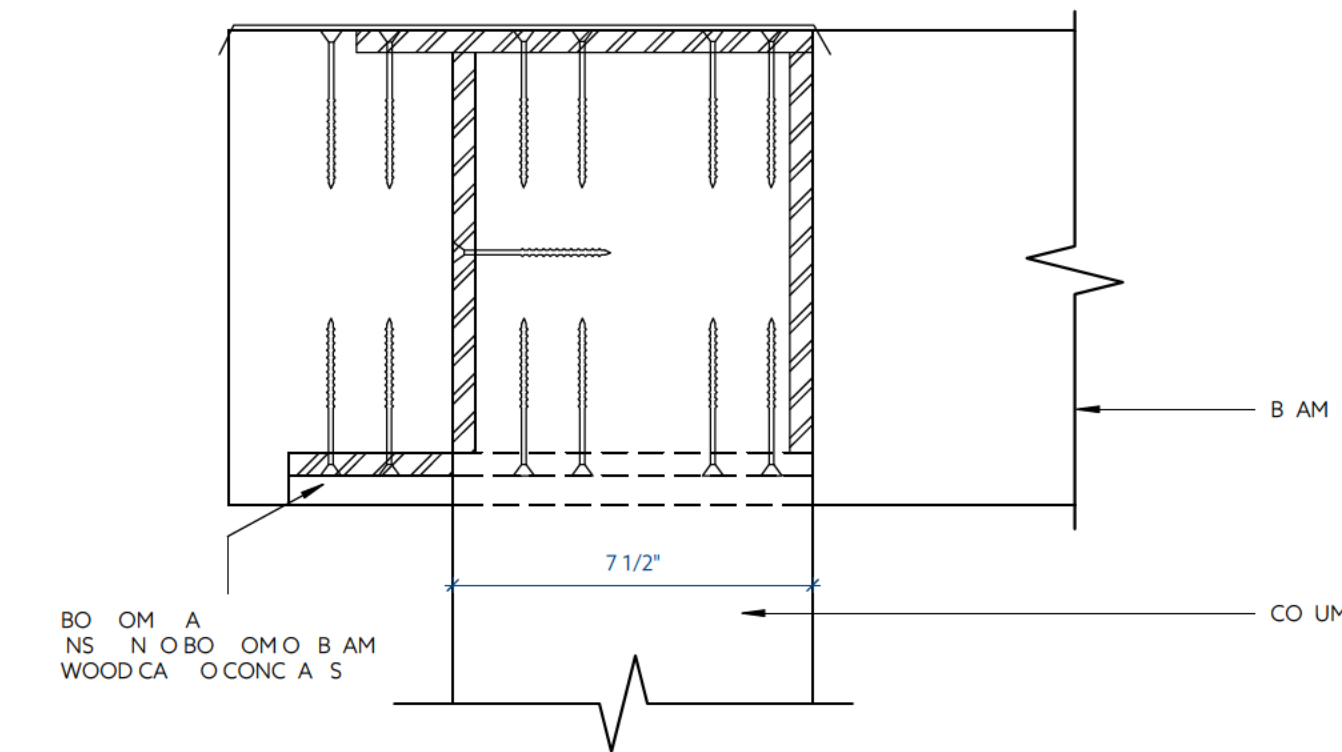
2 Top of S Pate
1/2 = 1'-0



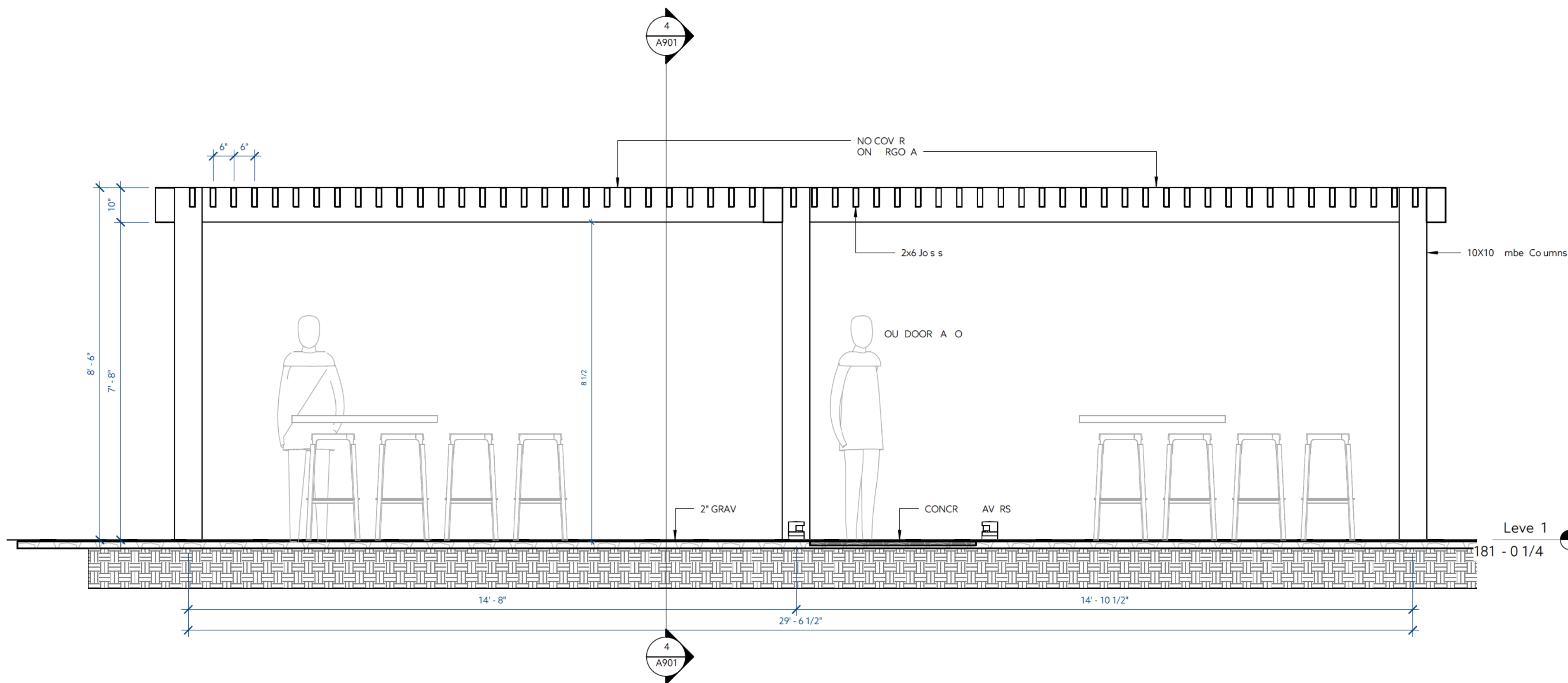
1 Pergo a Bottom Connect on
3 = 1'-0



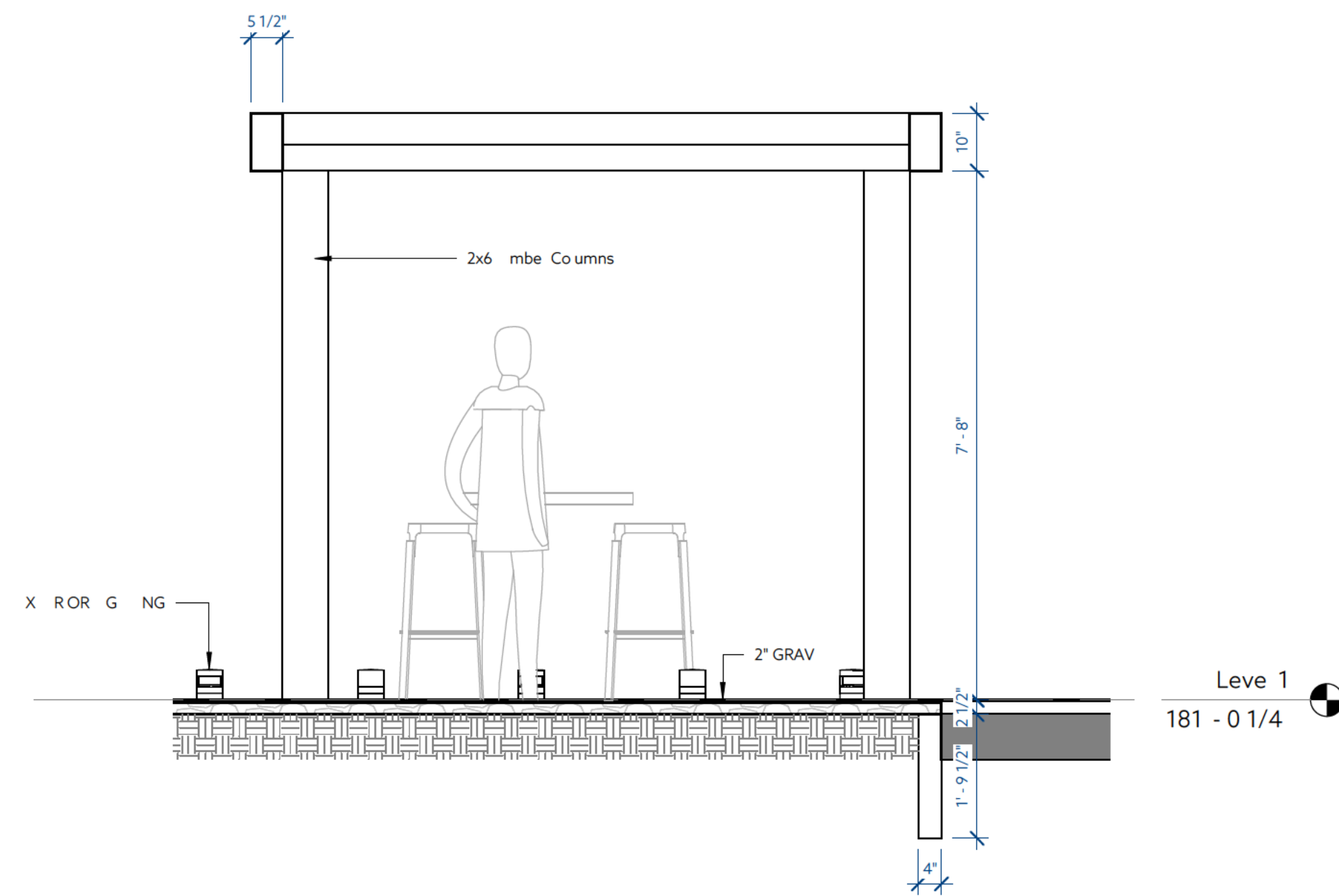
5 Pergo a Top Connect on
3 = 1'-0



6 Corner Connect on Deta
3 = 1'-0



3 Outdoor Shad ng Pergo a Sect on Deta
1/2 = 1'-0



4 Outdoor Shad ng Pergo a Sect on Deta 2
1/2 = 1'-0

MA RA S
ROOF
2X6 JO S SA 6"OC(NA S RUC S S RUC DRAWNGS
6X10 BU -U B AMS(NA S RUC S S RUC DRAWNGS
COLUMNS
8X8 MB RCO UMNS(NA S RUC S S RUC DRAWNGS
MISC
2 C A O A RS
NO AS R R O S RUC URA DRAWNGS

STAFF REPORT TO COUNCIL

Report Prepared By: Jake Belobaba, Director of Development Services
Meeting Date: June 1, 2021
File No: 3340-21-02
Re: Application to Extend Term of Winter Shelter at 631 1st Avenue

RECOMMENDATION:

That Council:

1. Give first and second readings to "Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 38) 2021, No. 2076";
2. Direct staff to schedule and provide notice for a Public Hearing for Bylaw No. 2076 pursuant to section 464(1)(b) of the *Local Government Act*; and
3. Direct staff to refer Bylaw No. 2076 to the Ministry of Transportation following third reading of the bylaw pursuant to section 52 of the *Transportation Act*.

EXECUTIVE SUMMARY:

BC Housing has submitted an application to renew a Temporary Use Permit (TUP) issued by the Town in December of 2018 for the "Winter Shelter" located on the corner of Buller Street and 1st Avenue (631 1st Avenue). Rather than a TUP renewal, staff are recommending a site-specific zoning change that would allow "Emergency Shelter" on the site for a maximum of 10 people. Council also has the option to renew the TUP (see Alternative 1), should Council not wish to approve the site-specific zoning amendment.

PREVIOUS COUNCIL DIRECTION:

Resolution	Date	Resolution Details
CS 2021-048	02/16/2021	That Council approve the issuance of Temporary Use Permit 3340-21-01 for a temporary shelter to support persons experiencing homelessness for the duration of the COVID-19 pandemic, at 440 1st Avenue, Lot 6, Block 27, District Lot 56, Oyster District, Plan 703, PID: 008-550-981.
CS 2021-044	02/16/2021	That Council receive for information the Ladysmith Housing Needs Assessment Report.
CS 2018-512	17-Dec-18	That Council: <ol style="list-style-type: none"> 1. Issue Temporary Use Permit 3340-18-02 to allow a cold weather homeless shelter to be open every night from November 1 to March 31, located at 631 First Avenue (Parcel B, being a consolidation of Lots 9 & 10 see CA5603565, District Lot 56, Oyster District, Plan 703), for three years with one renewal, subject to conditions of the Temporary Use Permit; 2. Authorize the Mayor and Corporate Officer to sign Temporary Use Permit 3340-18-02.
CS 2018-448	19-Nov-18	FINAL RESOLUTION (AS AMENDED BY CS 2018-449) That Council: <ol style="list-style-type: none"> 1. Direct staff to proceed with statutory notice for Temporary Use Permit (TUP) application 3340-18-02 from the Ladysmith Resources Centre Association for 631 1st Avenue (to replace TUP 3340-16-01) and in

		<p>the Ladysmith Chamber of Commerce and the Ladysmith Downtown Business Association in the statutory notice.</p> <ol style="list-style-type: none"> 2. Require the applicant to host a neighbourhood information meeting regarding TUP application 3340-18-02 and provide a report regarding the public input received at the meeting.
CS 2016-278	15-Aug-16	<p>That Council:</p> <ol style="list-style-type: none"> 1. Issue Temporary Use Permit 3340-16-01 to allow for an extreme weather shelter to be located at 631 First Avenue (Lot 9 and 10, Block 8, District Lot 56, Oyster District, Plan 703) for three years with one renewal, subject to the conditions of the Temporary Use Permit; and 2. Authorize the Mayor and Corporate Officer to sign Temporary Use Permit 3340-16-01.
CS 2016-226	20-Jun-16	<p>That Council</p> <ol style="list-style-type: none"> 1. Receive the application for a Temporary Use Permit (3340-16-01) to permit an extreme weather shelter to be located at 631 First Avenue (Lot 9 and 10, Block 8, District Lot 56, Oyster District, Plan 703) and require the applicant to host a public information meeting and provide a report regarding the public input received at the meeting; 2. Following the public information meeting, direct staff to: <ol style="list-style-type: none"> 1) proceed with statutory notice for a Temporary Use Permit application (3340-16-01), and 2) report to Council with a permit containing conditions.

INTRODUCTION/BACKGROUND:

In August of 2016, a TUP was issued to BC Housing for an “extreme weather shelter” at 631 1st Avenue. The purpose of the facility was to provide shelter on nights where weather conditions would threaten the health or safety of the homeless. In the 2017-2018 season, the facility provided shelter on 121 nights. In December of 2018, the Town issued another TUP allowing the site to be used as a “cold weather shelter” from November 1st to March 31st of each year.

The facility provides beds for a total of 10 people and services are available to both men and women. Support services, including showers, laundry and meals are also provided at the facility. The shelter has remained in operation on a seasonal basis since 2018, with some changes to services resulting from the COVID-19 pandemic. At the start of the pandemic in early 2020, the facility was deemed too small to operate as an Emergency Response Centre (ERC) to support the homeless during the pandemic. Initially a tenting facility was set up on the Town-owned property across the street, and in February of this year, a TUP was issued for an indoor ERC at 440 1st Avenue. Since the start of the pandemic, the facility at the subject property has continued to provide limited sleeping accommodations, meals, showers and other support services in combination with the other two sites. With the opening of the facility at 440 1st Avenue, virtually no services will be provided from the subject property until the Provincial state of emergency is ended. More detail on the facility operations over the past three years is provided in the LRCA report attached as Attachment C. The report is a requirement of the TUP issued in 2018.

PROPOSAL:

¹ Buechler v. Island Crisis Care Society

option for Council (see Alternative 1) but, for the reasons outlined in this report, are recommending that the site be rezoned to permit “emergency shelter” instead. BC Housing and the LRCA are supportive of this change. The proposed bylaw would amend the Zoning Bylaw to define “emergency shelter” as:

“... a housing facility located inside a permanent building and operated by a non-profit society or government agency which provides temporary emergency accommodation, meals and support services for individuals experiencing homelessness.”

The proposed bylaw would also amend the Zoning Bylaw to allow “emergency shelter” as a site-specific use in the Medium Density Residential (R-3) zone, meaning the use would be allowed on the subject property but no other properties. Like the rules under the TUP, overnight accommodation for up to 10 people can be provided with no limit on meal and support services. Unlike the rules under the TUP, the proposed zoning amendments would not restrict the facility to certain times of the year and the use could continue indefinitely. The proposed zoning amendments do not apply to the temporary facility at 440 1st Avenue. If Council approves the proposed amendments, when the TUP for the ERC at 440 1st Avenue expires, the facility on the subject property can resume normal operations and will be the only facility of its kind in Ladysmith.

ANALYSIS/DISCUSSION:

Generally speaking, the OCP has few policies related to homelessness. However, the subject property is within the Downtown Core Land Use Designation which allows “services”, and “civic” uses. The OCP also contains the following goals and objectives under part 3.6—Community Facilities and Services:

Goals

- Make a priority the continued access to effective and responsive services to meet health and social needs.
- Engage in partnerships with service providers to ensure quality facilities, services and delivery in an efficient and coordinated manner.

Objectives

- Preserve health and social services and facilities to meet the needs of the current and future population and particularly those of seniors and youth.
- Provide quality services which recognize the varied interests and needs of the community.

The proposed zoning amendments are consistent with these goals and objectives.

More recently, the Town's [Housing Needs Assessment](#), received by Council in February of this year, notes an unhoused population of approximately 17 in Ladysmith². The report further recognizes a long-understood housing principle that emergency shelters are part of the "spectrum" of housing needed to help the homeless transition to permanent housing and care.

It is clear that a sustained commitment to address homelessness is needed from both the Town and Province. The maximum term of a TUP is only three years and it is unlikely that homelessness will be eliminated in Ladysmith within that timeframe. Regardless, any long-term solution to homelessness will require emergency shelters as a first step in helping the homeless transition to permanent housing.

The temporary/seasonal model of the facility has proven its benefits and compatibility with the surrounding neighbourhood. However, the COVID-19 pandemic and Housing Needs Assessment have highlighted the need for year-round, permanent support services. Hazardous weather is not the only threat to the homeless, nor is it even limited to the winter months—e.g. the Canadian Disaster Database notes that just five extreme heat events in Canada are believed to have caused 1,200 deaths³. Addiction, domestic violence, communicable diseases, mental illness and poverty are not seasonal.

In terms of location, staff see the subject property as an ideal location as it is close to other service providers, such as government services, grocers and pharmacies. Impacts of the facility on adjacent land uses have proven to be minimal during the five year period that the facility has been in operation.

For the reasons noted above, staff recommend approving the proposed amendment bylaw.

ALTERNATIVES:

Council can choose to:

1. Renew Temporary Use Permit 3340-18-02 (Attachment B).
2. Not renew the TUP or give readings to Bylaw No. 2076.
3. Refer the file to the Community Planning Advisory Committee (CPAC).
4. Refer the file back to staff for further review as specified by Council.
5. Amend Bylaw No. 2076 and give the bylaw first and second reading as amended.
6. Specify another alternative suitable to Council.

FINANCIAL IMPLICATIONS:

The facility is operated by a not-for-profit on behalf of the Provincial Government. There are no direct costs to the Town.

² This includes 5 people counted as "absolutely homeless" one person counted as "hidden homeless" and 11 people counted as "at-risk" of homelessness.

³ See: <https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/climate-change-health/communicating-health-risks-extreme-heat-events-toolkit-public-health-emergency-management-officials-health-canada-2011.html>

LEGAL IMPLICATIONS:

Paramountcy overrides all local government land use and development bylaws, including the proposed zoning amendments. This means, BC Housing reserves the right to expand facilities on the site beyond what Council may permit, or continue operating the facility if Council elects to prohibit it.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

BC Housing held neighbourhood information meetings for the facility in 2016 and again in 2018. The August 15, 2016 and December 17, 2018 staff reports note attendees of the neighbourhood information meetings supported the facility. Neither report notes any major public concerns about the facility. Should Council give the proposed zoning amendment first and second reading, a public hearing is required pursuant to section 464 of the *Local Government Act*.

Should Council elect to proceed with Alternative 1 (renew the TUP), no notification is required. However, TUP's can only be renewed once; meaning the TUP could not be renewed again. In order for the facility to continue to operate after the TUP renewal expires (in 3 years) BC Housing would need to either:

1. Obtain a new TUP;
2. Apply to rezone the site; or
3. Simply continue operating the facility under paramountcy rules.

The latter does not require any form of public consultation, however applying to rezone the site or a new TUP does.

Because BC Housing is applying for a TUP, and staff are instead proposing a Town-initiated rezoning, referral to the CPAC is technically not required under the CPAC Terms of Reference or the Development Approval Procedures Bylaw. However, Council may wish to refer the proposed zoning amendments to CPAC for review and comment prior to giving first and second reading to the proposed bylaw (Alternative 3 above).

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The proposed amendments were referred to the Engineering, Fire and Building Departments for comment. No concerns were raised from Engineering or Building. The Fire Department noted only minor concerns that will be addressed as part of scheduled fire inspections.

The December 17, 2018 staff report summarized discussions with then Staff Sergeant Brissard of the Ladysmith RCMP, noting that there were no complaints about the facility between 2016 and 2018 and there was no evidence that the shelter had resulted in increased calls during the same period. The report also noted that S/Sergeant Brissard raised questions about where persons using the facility would go when vacating the facility at 7am—i.e. if there would be “support services” for them—a concern that is partially addressed with the proposed zoning change as the proposed rules would not place limits on hours of operation.

More recently, Staff also discussed the application with S/Sergeant Perret from the Ladysmith RCMP who expressed no concerns about allowing the facility to remain in place, either through rezoning or renewal of the TUP.

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 checked="" type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENTS:

- A. Bylaw 2076
- B. Temporary Use Permit 3340-18-02
- C. LRCA Report

TOWN OF LADYSMITH

BYLAW NO. 2076

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

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

1. "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is amended by:
 - (a) adding to section 4.1 'Interpretation', the following definition:

"EMERGENCY SHELTER: means a housing facility located inside a permanent building and operated by a non-profit society or government agency which provides temporary emergency accommodation, meals and support services for individuals experiencing homelessness."; and
 - (b) adding as subsection 8(c) under Section 10.10 'Medium Density Residential (R-3)' the following:

"Despite section 10.10(1) *Emergency Shelter*, for up to 10 people, is a permitted use on Parcel B (being a consolidation of Lots 9 & 10 see CA5603565) District Lot 56, Oyster District, Plan 703. PID 029-974-640 (631 1st Avenue)".

Citation

2. This Bylaw may be cited for all purposes as "Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 38) 2021, No. 2076".

READ A FIRST TIME on the day of , 2021
READ A SECOND TIME on the day of , 2021
PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*
on the day of , 2021
READ A THIRD TIME on the day of , 2021
APPROVED by the Ministry of Transportation & Infrastructure
on the day of , 2021
ADOPTED on the day of ,

Mayor (A. Stone)

Corporate Officer (D. Smith)



TOWN OF LADYSMITH TEMPORARY USE PERMIT

FILE NO: 3340-18-02

ISSUE DATE: December 17, 2018

RENEWAL DATE: June 1, 2021

Name of Owner(s) of Land (permittee): Provincial Rental Housing Corporation, INC.NO. 52129

Subject Property: Parcel B (being a consolidation of Lots 9&10 see CA5603565) District Lot 56,
Oyster District, Plan 703 (631 First Avenue)

1. This permit is issued subject to compliance with all Town of Ladysmith bylaws that apply to this permit.
2. This permit applies to the lands described below, and any buildings, structures, and other development thereon (hereinafter called the Lands).

Parcel B (being a consolidation of Lots 9 & 10 see CA5603565) District Lot 56, Oyster District, Plan 703 (631 First Avenue)
PID: 029-974-640

3. Pursuant to Division 8 in Part 14 of the *Local Government Act*, this permit authorizes the Provincial Rental Housing Corporation, INC.NO. 52129 to operate a cold weather shelter on the Lands on a temporary basis subject to the following conditions:
 - a) The shelter may be used to provide temporary accommodation for people who are homeless.
 - b) The shelter may be located in the basement of the building at 631 First Avenue, and the entrance of the shelter will be separate from the entrance for the residential units in the building.
 - c) Ten beds may be provided in the shelter from November 1st through to March 31st.
 - d) The shelter hours of operation may be from 6pm to 7am.
 - e) Indoor storage will be provided for the patron/client's personal belongings.
 - f) If an exterior designated smoking area is established, it shall be located away from public sidewalks.
 - g) The applicant and shelter operator(s) will monitor and promote the orderly conduct of patrons/clients immediately outside the premises, paying attention to congregations which may occur, and to discourage patrons from engaging in behaviours that may disturb the peace, quiet and enjoyment of the neighbourhood.
 - h) The applicant and shelter operator(s) will clean up patron/client related debris on and immediately adjacent to the Lands.
4. At the end of the three year term, and as part of a permit renewal application, the owner shall provide a report to the Town stating how the conditions of this permit have been satisfied.
5. This permit is not a building permit or a sign permit.

6. This permit was approved on **December 17, 2018**, issued on **December 17, 2018** and renewed on **June 1, 2021** .

7. Pursuant to section 497 of the *Local Government Act*, this permit lapses on **December 17, 2024**.

Town of Ladysmith

2018
Corporate Officer

December 17,
Date Permit Issued

Mayor

June 1, 2021
Date Permit Renewed

Applicant

Applicant

From: [Vicky Stickwood-Hislop](#)
To: [Jake Belobaba](#)
Cc: [Amanda Parnham](#); [Sean Rorison](#); [Karen Laing](#)
Subject: Application to extend TUP at 631 1st Avenue, Ladysmith
Date: May 24, 2021 6:56:35 PM

Hi Jake,

Based on your request for a summary on how the facility has operated, approximate number of clients served; covid; and bullet point response to conditions of TUP:

Summary of how the Ladysmith shelter has operated out of the basement of the building at 631 First Avenue ("the Rialto"), offering the following services:

Meals Served; Snack Bags; Overnight stays; WC Use; Showers; First Aid; Clothing; Laundry; Harm Reduction, and various Outreach Services including LRCA Support Workers, LRCA Housing Support Services, Ministry Integrative Specialists, Island Health.

Pre-Covid/ Cold Weather Shelter 2019 to Spring 2020:

We served 35 unique individual guests since the Cold Weather Shelter opened in Nov 2019. We offered the above listed services plus transportation (bus and taxi), warm clothing and food packs to go. Our daily meals on average: 7 to 10 guests for dinner, 5 to 7 for breakfast daily.

Onset of Covid Spring 2020:

The shelter environment had to be adjusted to allow for appropriate social/physical distancing. Reduced client numbers to a maximum of 5 residents at all times, with an average of 4 beds each night regularly filled. This was also to allow for staff to follow strict cleaning protocols, ensuring cleaning supplies and PPE were on hand at all times.

The onslaught of Covid Summer 2020:

The decision was made to move to a tent cluster site across from the Rialto shelter to allow for 8 to 10 clients (averaged 7 clients in individual tents each night), self-contained , socially distanced, following Covid protocol. The Rialto shelter was staffed to continue to prepare meals, provide laundry services, access to showers, etc. as listed above to our vulnerable population.

Private security at the tent cluster site was scheduled from 4pm to 8am daily.

A clothing exchange was made available from 9:30am to 3pm.

Outreach services continued to be provided through LRCA support workers, Island Health,

Ministry Integrative Specialists and LRCA Housing Support Services.

Return to Rialto Shelter post tent cluster site closure, Oct 2020 to March 2021:

The Rialto shelter was converted back to its 'onset of covid' facility. The maximum capacity remained at 5, the average number of overnight clients was 3.5. All Covid safety protocols and services continued.

With reference to the bullet points of the Temporary Use Permit:

- 3.a) in compliance
- 3.b) in compliance
- 3.c) in compliance with above changes due to Covid protocols
- 3.d) in compliance based on agreed to Covid related change of hours in accordance with BCH and Town of Ladysmith
- 3.e) in compliance
- 3.f) in compliance
- 3.g) in compliance
- 3.h) in compliance

Thank you,
Vicky

Vicky Stickwood-Hislop
President, Ladysmith Resources Centre
www.lrca.ca

Working on the traditional and unceded territory of the Stz'uminus People.

STAFF REPORT TO COUNCIL

Report Prepared By: Christina Hovey, MCIP, RPP, Senior Planner
Meeting Date: June 1, 2021
File No: 3360-20-02 & 3060-20-19
RE: OCP & Zoning Amendment Application – 1130 Rocky Creek Road

RECOMMENDATIONS:

That Council:

1. Give first and second readings to “Road Closure and Dedication Removal Bylaw 2021, No. 2067”;
2. Direct staff to deliver notice to the Ministry of Transportation and Infrastructure, Island Corridor Foundation, BC Hydro, Fortis BC, Shaw Communications and Telus, of Council’s intention to adopt Bylaw No. 2067, in accordance with section 40(4) of the *Community Charter*;
3. Give first and second readings to “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 65) 2021, No. 2068”;
4. Consider Bylaw No. 2068 in conjunction with the Town’s Financial Plan, the Town’s Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Master Plan in accordance with section 477(3) of the *Local Government Act*;
5. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069”;
6. Direct staff to proceed with scheduling and notification for a Public Hearing for Bylaw Nos. 2067, 2068 and 2069 in accordance with section 40(3) *Community Charter* and section 464 of the *Local Government Act*;
7. Subject to adoption of Bylaw No. 2067, authorize the sale of the lands that are the subject of that bylaw to the developer for appraised market value; and,
8. Require that the developer, at their cost, complete the following prior to adoption of Bylaw Nos. 2068 and 2069:
 - a. Consolidate the subject property, legally described as Lot A, Districts 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) with the area shown as “road to be closed” in Reference Plan EPP110196, shown in Schedule 1 of Bylaw No. 2067;
 - b. Dedicate to the Town for road, the area shown as “road” on Reference Plan EPP110197, included in the May 18, 2021 staff report to Council as Attachment D;
 - c. Pursuant to Section 507 of the *Local Government Act*, enter into an agreement with the Town to provide a median on Ludlow Road and a roundabout at the intersection of

Rocky Creek Road and Ludlow Road to be built in accordance with the standards established by the Town, with the Town contributing \$1 million to the project in accordance with “Town of Ladysmith Development Cost Charges Bylaw 2019, No. 2008”;

- d. Update Covenant FB234682, registered to the title of the subject property, legally described as Lot A, Districts 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) as follows:
 - i. Replace Sections 2.a) (Green Building Standards and Practices) and b) (Landscaping) with a requirement that the rain water management be designed in accordance with “Stormwater Planning: A Guidebook for British Columbia”, requiring that the development be designed to accommodate “HandyDART” buses and that the development include a minimum of two “quick charge” electric vehicle charging stations;
 - ii. Amend Section 2.c) to require landscaping, including a local historical artifact or a public art installation, in the centre of the Ludlow/Rocky Creek Road roundabout;
 - iii. Delete Section 3; and
 - iv. Add a new section requiring that the development and adjacent boulevards be provided with an outdoor electrical supply and outlets which can be used by the Town for special events; and
- e. Register an easement or statutory right-of-way in favour of BC Hydro on the subject property.

EXECUTIVE SUMMARY:

The applicant is proposing to amend the Official Community Plan (OCP) designation and zoning at 1130 Rocky Creek Road to allow for a commercial plaza with a drive-through coffee shop. The subject property is currently designated “Industrial” under the OCP, and zoned “Comprehensive Development 1 – Tourist Commercial” under the Zoning Bylaw. To accommodate the proposed development, the OCP designation would be changed to “General Commercial” and the zoning would be changed to “Shopping Centre Commercial (C-5)” with site specific provisions.

Subject to the outcomes of the Public Hearing, staff are recommending approval of the application subject to a number of conditions; most importantly, constructing a roundabout at the intersection of Ludlow and Rocky Creek Road and contributing approximately \$700,000 to the cost of the project.

PREVIOUS COUNCIL DIRECTION:

Resolution/ Bylaw/ Date	Details
CS 2020-201, July 7, 2020	<p>That Council direct that application 3360-20-02 (1130 Rocky Creek Road) proceed for further consideration, and,</p> <p>a. Having considered s. 475 of the Local Government Act (consultation during OCP development) direct staff to refer application 3360-20-02 to:</p> <ul style="list-style-type: none"> • Stz'uminus First Nation • School District 68 (Nanaimo Ladysmith) • The Community Planning Advisory Committee • The BC Ministry of Transportation and Infrastructure, BC Transit, and BC Hydro; • The Ladysmith Chamber of Commerce, and the Ladysmith Downtown Business Association; and <p>b. Direct staff to work with the applicant regarding a potential sale of surplus road right-of-way along Rocky Creek Road and Ludlow Road adjacent to 1130 Rocky Creek Road.</p>
CS 2020-202, July 7, 2020	<p>That Council direct staff to discuss the following list with the applicant prior to further consideration of application 3360-20-02:</p> <ul style="list-style-type: none"> • clarity regarding the roundabout and provisions within the development to ensure that it can be accommodated • the possible provision of electric vehicle chargers, particularly fast chargers (not level two) • a request for clarity regarding signage design prior to the application proceeding • ensurance that the trees and buildings in the development have power to accommodate the Town's annual Light Up and other events • a review of the existing covenant regarding the 49th Parallel sign • provision for future hydrogen filling if a gas station is included in the plan • plans to tie in Ladysmith's heritage by installing an artifact • the possibility of a public art installation in keeping with the Town's Public Art Strategy • the possibility of installing a lit community reader board • the Town's request for a simultaneous submission of the Zoning Amendment application with the Development Permit to ensure control of form and character • the Town's request for more than average tree coverage and landscaping standards • the Town's request to incorporate design elements that are of "Gateway to Community" calibre • the possible provision of a transit stop within the development or on the road in front of the development
CS 2018-409, Oct. 15, 2018	<p>That Council confirm the inclusion of the Ludlow Road/Rocky Creek Road roundabout recommended by the Ludlow Roadway Driveways Feasibility Assessment in the Town's proposed new Development Cost Charges program.</p>
CS 2018-410, Oct. 15, 2018	<p>That Council direct staff to include the extension of the median on Ludlow Road as recommended by the Ludlow Road Driveways Feasibility Assessment in the 2019-2023 Financial Plan for discussion.</p>
Bylaw No. 1950, May 14, 2018	<p>1130 Rocky Creek Road:</p> <ul style="list-style-type: none"> • OCP designation changed from Mixed Use Waterfront" to "Industrial • The Town initiated this change as part of the Waterfront Plan

Resolution/ Bylaw/ Date	Details
Bylaw Nos. 1937, 1938, Dec. 4, 2017	Five parcels adjacent to 1130 Rocky Creek Road: <ul style="list-style-type: none"> • OCP designation changed to Industrial • Zoning changed to Light Industrial
Bylaw Nos. 1652, 1653, Dec. 15, 2008	1130 Rocky Creek Road and five adjacent parcels: <ul style="list-style-type: none"> • OCP designation changed from Industrial to Mixed Use Waterfront • Zoning changed from Light Industrial to Comprehensive Development 1 – Tourist Commercial

INTRODUCTION/BACKGROUND:

The subject property, shown in Figure 1, is located between the Trans-Canada Highway and Rocky Creek Road, on the west side of Ludlow Road. It is approximately 0.8 hectares in size and slopes from the highway down towards Rocky Creek Road. The intersection of Ludlow and the Trans-Canada Highway includes Ladysmith gateway signage and is a main route into the downtown via 1st Avenue.



Figure 1: Subject Property

Proposed Development:

The applicant is proposing a commercial plaza with approximately 1,866m² (20,084 square feet) of floor space in three buildings:

- A 962m² (10,355 square foot) retail space;
- A 210m² (2,250 square feet; 40 seats) drive-through coffee shop; and
- 694m² retail space to be divided into six smaller units.

The concept plans for the proposed development are provided in Attachment F

OCP and Zoning History:

The OCP designation and zoning in this area have changed several times. In 2008, the OCP designation and zoning on the subject property and five adjacent parcels on Rocky Creek Road were changed from Light Industrial to Comprehensive Development 1 – Tourist Service zone (CD-1). The Comprehensive Development Zone allows for a hotel and related uses. The hotel development did not proceed, and in 2017 the OCP designation and zoning on the five adjacent parcels were changed back to Light Industrial (I-1). In 2018, as part of the Waterfront Area Plan, the Town changed the OCP designation on the subject property from “Mixed Use Waterfront” to “Industrial”. The zoning on the subject property is still the CD-1 zone.

Recent Reports Provide Context for the Current Proposal:

Two recent reports provide context for the current proposal: the Ladysmith Economic Development Strategy (2018) and the Cowichan Industrial Land Use Strategy (2019). Both of these reports can be accessed online.¹ The previous staff report to Council for this file (July 7, 2020) committed to providing a discussion of the findings of these reports as context to the 1130 Rocky Creek Road proposal.

Ladysmith Economic Development Strategy (Vann Struth Consulting Group, 2018):

Although the Economic Development Strategy largely emphasizes downtown enhancement and local business, it does see a role for regional/highway commercial, including limited opportunities within Town boundaries. The foci for large scale commercial development is identified as the Oyster Bay development, and the Nanaimo Airport lands. Attracting regional/highway commercial development is not assessed as a strategic priority in the report. The challenges identified in the economic development strategy included a limited supply of leasable space for retail and food service (though this was seen as cyclical) and low supply of industrial land – particularly 0.4 to 0.8 hectare serviced parcels (such at 1130 Rocky Creek Road).

Cowichan Industrial Land Use Strategy (Urban Systems, 2019):

The Strategy identifies a lack of industrial land throughout the Cowichan Region. The report notes that there is a premium on large, serviced, flat parcels as well as on waterfront industrial properties. One of the recommendations of the strategy is that local governments should avoid rezoning lands that are currently zoned for industrial use. 1130 Rocky Creek Road would not have been considered industrial land in this study. Although the property is designated Industrial in the OCP, it is zoned for commercial use. The strategy suggests that it is ideal for industrial properties to have a slope of less than 5% (best) or 10% and that larger industrial uses generally need parcels that are at least 2 to 4 hectares in size. The

¹ The Ladysmith Economic Development Strategy (2018): <https://www.ecdevcowichan.com/wp-content/uploads/FINAL-Sept-19-Ladysmith-Economic-Development-Strategy.pdf>

The Cowichan Industrial Land Use Strategy (2019): <https://www.ecdevcowichan.com/wp-content/uploads/March-18-Final-Draft-Industrial-Land-Use-Strategy-Copy.pdf>

subject property drops at least 8.5m over 63m in length on the north side, a slope of approximately 14%. The subject property is 0.8ha in size.

DISCUSSION/ANALYSIS:

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

Official Community Plan Bylaw No. 1488 Amendment:

Proposed Bylaw No. 2068 would add 1130 Rocky Creek Road to the “General Commercial” designation and acknowledge the property under “General Commercial” in section 3.8.1 of the OCP.

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

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

The proposal is a notable change to the OCP since the General Commercial designation currently only applies to Coronation Mall. However, the scale of the proposed development is much smaller than Coronation Mall. For context, the grocery store at the Coronation Mall and the 49th Parallel Building on 1st Avenue each exceed 2,000m² in floor area, whereas all three proposed buildings on the subject property have a combined floor area less than 1,900m².

At present, there is little vacancy at Coronation Mall, and the applicant states that tenants have been secured for a portion the proposed development (Buildings A and B in Attachment F). This indicates that there is at least some demand for the additional general commercial space.

As a way to mitigate the potential for competition with downtown businesses and the loss of an industrial property, staff have added a range of permitted uses to the site. The recommended permitted uses include low-nuisance, light industrial uses that are appropriate for the site due to the context, but that might not be appropriate for, or feasible in, the downtown (e.g. cottage industry, home improvement service industry, laboratory, pet daycare).

Development Permit Areas:

The subject property is within Development Permit Area (DPA) 3 – Commercial, and DPA 5 – Industrial. The proposed OCP amendment (Bylaw No. 2068) would remove DPA 5 – Industrial from the property since the proposed use is commercial. Both DPA 3 and DPA 5 address similar topics (Building Design, Landscaping, Rainwater Management, etc).

The applicant has made a Development Permit (DP) application (Attachment F), in accordance with the request of Council, to preview the proposed form and character of the development in conjunction with the proposed OCP and Zoning amendments. At this time, staff have not completed a full evaluation of the proposal against the DPA guidelines and the plans provided for the DPA may still change. However,

to date the applicant has been responsive to comments from staff, and staff are satisfied with the proposed development in general. If the current application is approved, staff will bring the DP application to Council for approval at a future meeting.



Figure 2: Conceptual Rendering

Zoning Bylaw No. 1860:

The existing zoning on the property is CD-1 Comprehensive Development 1 – Tourist Service. This zoning allows for a hotel and a range of uses compatible with a hotel, such as a neighbourhood pub and a farmer’s market, but specifically excludes other uses, notably retail sales, and convenience store. The existing zoning also permits up to 30 dwelling units.

Proposed Zoning Amendment: C-5 Shopping Centre Commercial with Site Specific Provisions:

In order to accommodate the proposed development, Bylaw No. 2069 proposes to change the property to Shopping Centre Commercial (C-5), with the following site-specific provisions to allow for:

- A drive-through, provided the buildings associated with the drive-through meet Step 2 of the BC Energy Step Code;
- Additional uses that are permitted under the existing zoning (e.g. micro-brewery, and non-motorized recreational equipment sales or rental); and
- Additional uses that are compatible with the surrounding industrial lands (e.g. garden centre, and home improvement service industry).

The site-specific provisions for the property also require that all buildings in the development meet Step 1 of the BC Energy Step Code.

Proposed Bylaw No. 2069 also amends the cannabis retail provisions for the C-5 zone to allow for a non-medical cannabis retail store on the subject property. Cannabis retail is currently permitted in the C-5 zone, but only at Coronation Mall. Cannabis retail is also permitted in the I-1 zone on Rocky Creek Road.

Proposed Partial Road Closure (Bylaw No. 2067) and Sale and Proposed Road Dedication:

“Road Closure and Dedication Removal Bylaw 2021, No. 2067” would close and remove the road dedication from parts of Rocky Creek Road and Ludlow Road. The applicant is requesting to purchase the portions of the road rights-of-way adjacent to the property that are considered surplus to the Town’s needs. At the same time, the applicant is required to dedicate a portion of their property to the Town for the planned Ludlow/Rocky Creek Road roundabout.

The applicant has commissioned a survey of the land to be dedicated to the Town and the surplus land where the road can be closed. The survey plans show:

- 193.2m² of Rocky Creek Road to be closed;
- 732.5m² of Ludlow Road to be closed; and
- 292.5m² of the subject property to be dedicated as road.

The Town’s Engineering Department has reviewed the request to purchase the surplus road. The proposal has also been circulated to the Ministry of Transportation and Infrastructure (MoTI) for comment since MoTI will need to approve Bylaw No. 2067 prior to adoption.

Subject to Council’s decision, and approval of Bylaw No. 2067:

- The Town will have the property appraised and will sell the surplus property to the applicant for market value, less the market value of the road dedication;
- The applicant will dedicate as road the area shown on Reference Plan EPP110197 (Attachment D);
- The applicant will then consolidate the surplus road lands into the subject property to expand the developable area; and
- The applicant will also be required to work with BC Hydro to ensure the road closure does not impact electrical infrastructure in the area.

Proposed Roundabout:

The Waterfront Area Plan Transportation Review completed in 2018 by Binnie and Associates recommends a concrete median on Ludlow Road and a roundabout at the Ludlow/Rocky Creek Road intersection to improve pedestrian cyclist and intersection capacity and with a recommended completion date of 2023².

Based on the findings of the Waterfront Area Plan Transportation Review, the Ludlow/Rocky Creek Road roundabout was identified as a Development Cost Charges (DCC) project. The DCC Bylaw allocates \$1,000,000 for the roundabout with \$990,000 funded from DCCs and a \$10,000 municipal assist from the Town’s capital budget. The Town started designing the roundabout in 2020 and the cost estimate is \$1,696,880³. Approximately \$700,000 more than the DCC budget.

Right-in/right-out only access for driveways onto Ludlow Road must be enforced and necessitate a roundabout:

Currently, the Home Hardware access onto Ludlow Road is limited to right-in and right-out movements. Despite this restriction, it is common to see vehicles making left turns out of Home Hardware towards

² This coincides with the end of the first phase of residential development identified in the Waterfront Area Plan.

³ Ludlow/Rocky Creek Road Roundabout cost estimate: base estimate: \$1,234,100 + field review + 25% contingency = \$1,696,880

the highway (as shown in Figure 3). As more traffic is added to this area, these turns, which are already unsafe and contrary to the *Motor Vehicle Act*, will become more risky.

The proposed driveway onto Ludlow Road from 1130 Rocky Creek Road would also be restricted to right-in/right-out traffic movements. However, people may be tempted to turn left into the development from Ludlow Road. The combination left turns from both sites would be unsafe. Accordingly, a concrete median must be added to Ludlow Road as a physical barrier preventing these left turns.

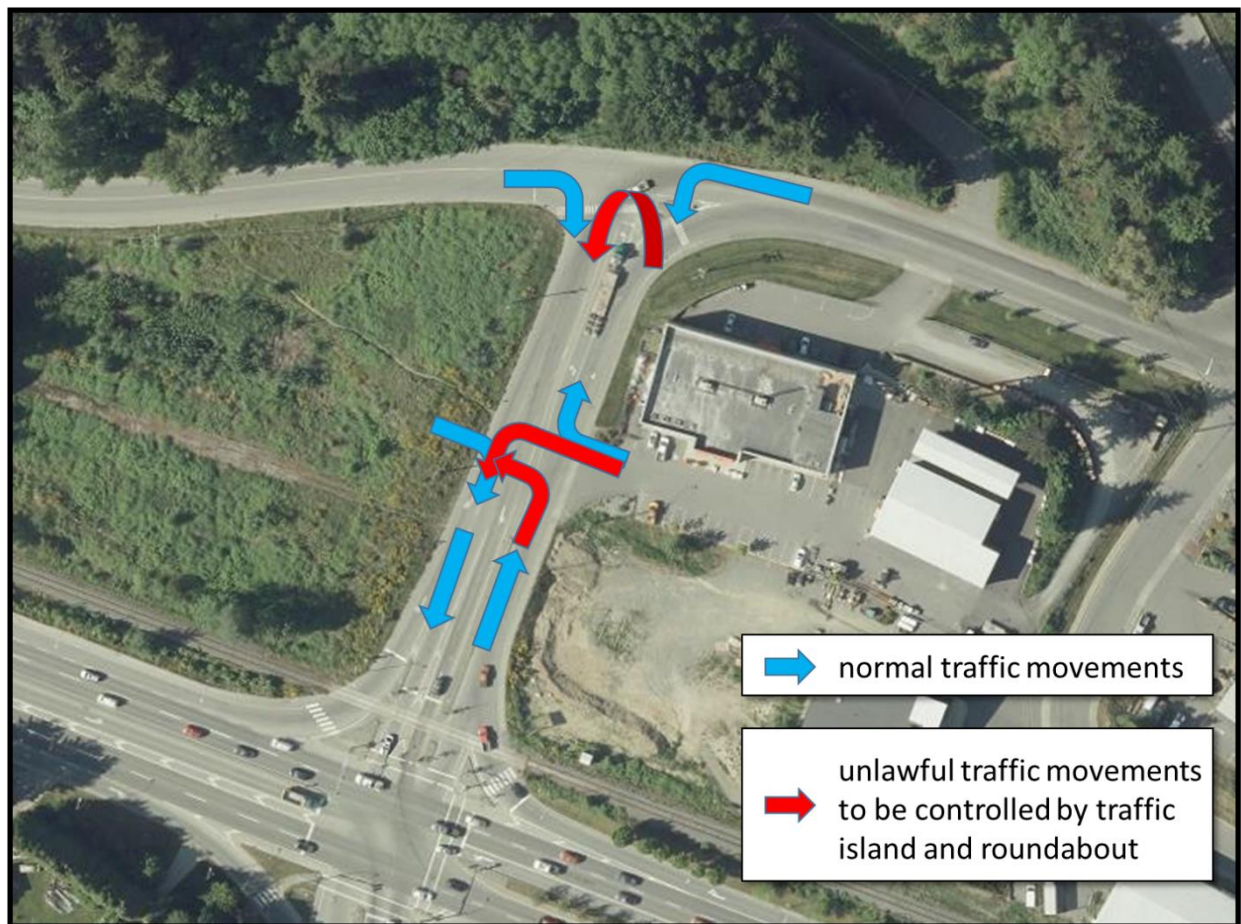


Figure 3: Existing Traffic Movements at Ludlow/Rocky Creek often require U-turns or unlawful left turns onto Ludlow

The concrete median on Ludlow Road is also a condition from MoTI, which must approve the proposed zoning amendment (Bylaw No. 2069).

Once the concrete median is in place, all vehicles turning from the Highway onto Ludlow Road and exiting Home Hardware will be funneled towards the Ludlow/Rocky Creek Road intersection. From there, vehicles would turn onto Rocky Creek Road, or do a U-turn or look for another way to return to the Highway (as shown in Figure 3).

The roundabout resolves the issues noted above by creating a clear, safe and easy route for traffic to circulate in and out of all developments in the area to Rocky Creek Road, Ludlow Road and the Highway

without the need for unlawful left hand turns or U-turns. Other developments in this area, for example the Town's planned developments for the waterfront area, will also add traffic to (and benefit from) this intersection.

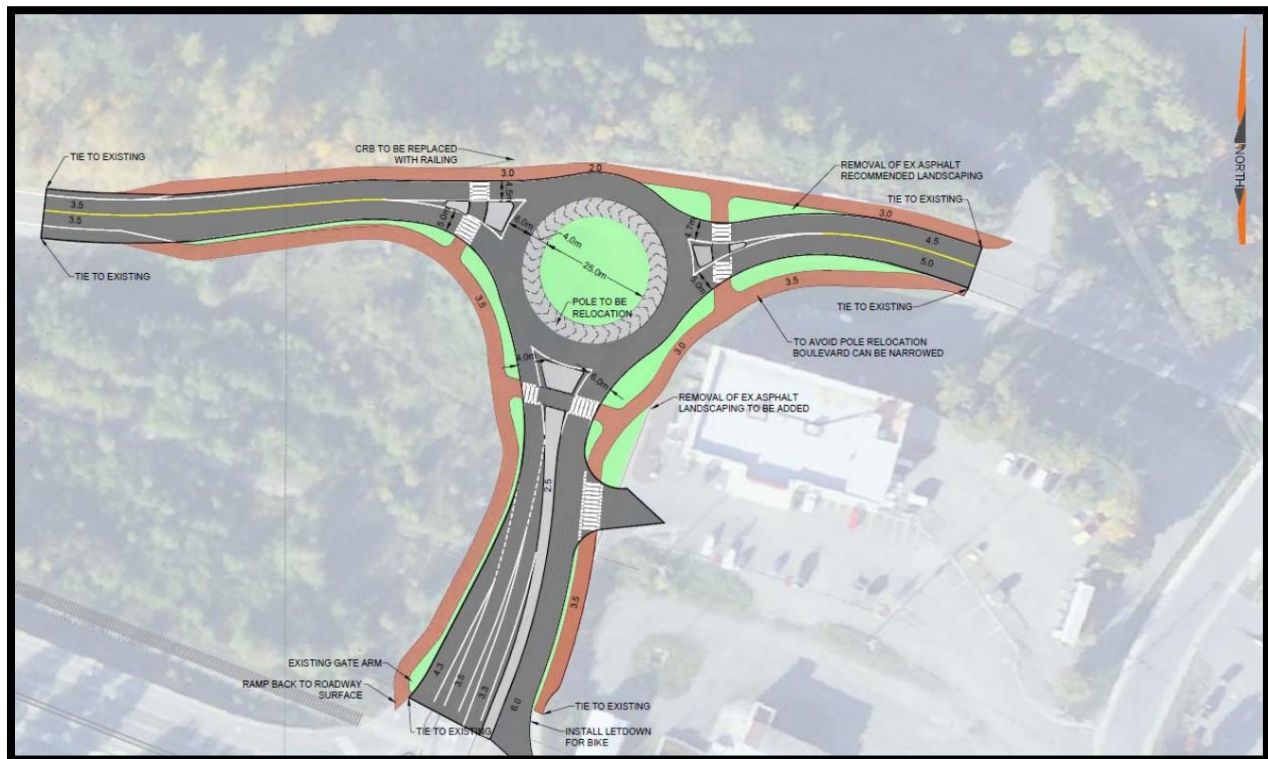


Figure 4: Ludlow/Rocky Creek Road Roundabout Design

Staff recommend that the roundabout be constructed by the developer, as a condition of rezoning:

For the reasons noted above, the proposed development at 1130 Rocky Creek Road will trigger the need for a roundabout at the Ludlow/Rocky Creek Road intersection. The amount allocated for the roundabout through the DCC bylaw is not sufficient. Accordingly, staff recommend that the roundabout be constructed by the developer as a condition of the proposed rezoning as an excess or extended services requirement under section 507 of the *Local Government Act*. The developer will be entitled to a "latecomer agreement" in accordance with section 508 of the *Local Government Act*. Under this agreement, "latecomer charges" would be levied for any new development that benefits from the roundabout over the next 15 years. The "latecomer charges" are levied by the Town and paid to the developer.

Staff note that the applicant for 1130 Rocky Creek Road provided a Traffic Impact Assessment (Attachment G). Although the traffic study indicated that the volume of traffic produced by the new development could be accommodated without the roundabout, several sections of the report assume that the roundabout will be built.

Alternatives to requiring that the developer construct the roundabout:

Staff explored multiple alternatives to the roundabout, none of which appear viable. Table 1 provides a summary of these alternatives.

Table 1: Roundabout Alternatives

Alternative:	Comments:
No change to the Ludlow/Rocky Creek Road intersection.	<ul style="list-style-type: none"> The BINNIE report for the waterfront identifies the need for the roundabout given the existing and planned development. MoTI (and the Town) require construction of a concrete median to enforce right-in/right-out only driveways on Ludlow.
Delay construction of the Roundabout.	<ul style="list-style-type: none"> The driveway access from 1130 Rocky Creek Road onto Ludlow Road triggers the need for the concrete median which in turn triggers the need for the roundabout. The Town would still need to resolve how to pay for the roundabout.
Prohibit 1130 Rocky Creek Road from having an access driveway onto Ludlow Road.	<ul style="list-style-type: none"> With the proposed scale of commercial uses, two access driveways allow for much better vehicle flow within the site. The Town would still need to resolve how to pay for the roundabout.
Delay or phase the 1130 Rocky Creek Road development.	<ul style="list-style-type: none"> The applicant does not wish to delay the project. If the rezoning application is rejected, the roundabout can be delayed. If phased, the first phase of the development would be the large retail store and drive through coffee shop. These uses will generate enough vehicle and delivery truck traffic to warrant the road improvements. Phasing the development may add cost. The Town would still need to resolve the issue of how to pay for the roundabout.
Amend the DCC Bylaw to increase the estimated cost of the roundabout and change the amount covered by DCC's and other funding sources.	<ul style="list-style-type: none"> Section 564 of the <i>Local Government Act</i>, requires the Town to carefully consider DCC's against a long list of prescribed criteria. An extensive analysis would be required prior to submitting DCC's for provincial approval, which would be an unbudgeted expense to the Town and an added delay for the developer. DCC amendments must be approved by the Province under section 560 of the <i>Local Government Act</i>. This would delay the proposed development and there is no guarantee that the Province would approve the changes. Currently there is only \$1.2 million in the DCC roads reserve. Even if the amount to be covered by DCC's is increased, there is not enough money yet in the account to cover the cost \$1.7 million cost of the roundabout. The proposed development would need to be either delayed while the Town waited for more DCC's to come in, or the Town would have to borrow, tax or halt other projects to cover the shortfall in the interim.
The Town could pay the full cost of the roundabout as an excess service and collect latecomer fees under section 508 of the <i>Local Government Act</i> .	<ul style="list-style-type: none"> The amount of latecomer fees that the Town would collect is unpredictable and would likely not cover the full cost. The Town would finance this option by borrowing from other reserves or through property tax. The final cost to the Town would depend on future development in the area.
The Town could pay the full cost of the roundabout as an excess service and charge a service tax under section 508 of the <i>Local Government Act</i> and	<ul style="list-style-type: none"> A majority of impacted property owners would need to agree to the charge, which makes this option very uncertain. This would cause a substantial delay for the 1130 Rocky Creek Road development.

Alternative:	Comments:
Division 5 of Part 7 of the <i>Community Charter</i> .	<ul style="list-style-type: none"> The Town would finance this option by borrowing from other reserves or through property tax. The Town would collect funds annually through the service tax.
The Town could pay the full cost of the roundabout from the capital or reserve budget.	<ul style="list-style-type: none"> The Town would need to pay an additional \$700,000 for the difference between the amount budgeted through the DCC Bylaw and the current cost estimates. Since the property taxes have been set for 2021, the roundabout could only be funded this year by deferring other planned projects. The additional \$700,000 would likely result in a future property tax increase.

DCC Road Reserve:

As of March 31, 2021, there was approximately \$1,250,000 in the Roads DCC fund. There are approximately \$750,000 in DCC road projects budgeted to be funded from this reserve in 2021, leaving \$500,000 to fund the roundabout. The Town is required to contribute \$990,000 from the DCC fund to the roundabout project. If all the DCC road projects proceed, the Town will be required to borrow \$490,000 from another DCC reserve (e.g. Storm Drainage fund or Water fund) to finance this project.

Covenant / Community Amenity Contribution:

There is an existing covenant (FB234682) under section 219 of the *Land Title Act* on the property which was placed on title as part of the 2008 development proposal (Attachment E). Staff recommend that the covenant be updated to reflect the new proposal for the property. Table 2 summarizes the existing covenant requirements and the proposed changes.

Table 2: Proposed changes to existing covenant

Existing Requirements:	Proposed Requirements:	Staff Comments:
Green Building Standards and Practices which include: <ul style="list-style-type: none"> Rainwater collection and reuse. Permeable pavement for the parking areas. Bus stop. 	Green Building Standards and Practices which include: <ul style="list-style-type: none"> Managing rainwater in accordance with the guidelines in "Stormwater Planning: A Guidebook for British Columbia" Designing the development to accommodate "HandyDART" buses Providing a minimum of two EV charging stations 	<ul style="list-style-type: none"> There are also rainwater and landscaping guidelines in the Development Permit Area guidelines. Rainwater reuse and permeable pavers would have been more practical for a hotel development than for the proposed commercial uses. BC Transit has not identified the subject property as a proposed location for a bus stop. However HandyDART will be provided to the site. The zoning amendment bylaw requires that the buildings meet Step 1 of the BC Energy Step Code, and Step 2 in the case of the drive-through.
Landscaping: <ul style="list-style-type: none"> A Landscape Plan prepared by a landscape architect, maximize absorbent landscaping, use native, drought tolerant species, etc. 	Requirement to be deleted.	These requirements are captured in the Landscaping Guidelines in the Development Permit Area.

Existing Requirements:	Proposed Requirements:	Staff Comments:
<p>Local Heritage and Public Green Space:</p> <ul style="list-style-type: none"> Provision of an outdoor public space within the development to accommodate a local historical artifact. Means to recognize the location of the 49th parallel within the development. 	<p>Local Heritage and Public Green Space:</p> <ul style="list-style-type: none"> Provision of landscaping within the roundabout (similar to the roundabout at 1st and Symonds). Provision of an artifact or a piece of public art in the roundabout. 	<ul style="list-style-type: none"> Staff have not been able to source an artifact. The new requirement would allow the option to provide public art if an artifact cannot be found. Public Art would be reviewed in accordance with the Public Art policy. The 49th Parallel appears to fall within the road right-of-way. There is an existing monument to the 49th Parallel 1st Avenue.
\$1,000 per multi-family unit to be paid into the Town's amenity fund.	Requirement to be deleted.	No dwelling units are proposed.

Summary of Analysis:

Given the community vision for the waterfront and the development trends in the area immediately surrounding 1130 Rocky Creek Road, the existing zoning on the property which envisions a hotel development no longer seems appropriate. The proposed site-specific zoning allows for a range of uses that are compatible with the surrounding industrial area and smaller industrial type businesses may locate to the site in the short or long term.

The applicant has been responsive to the requests from Council and staff regarding design, landscaping, and environmental standards (Attachment H).

In addition, the developer has agreed to construct and partially fund the Ludlow/Rocky Creek Road roundabout which will accelerate a project that should benefit the surrounding properties and the community.

Subject to the conditions outlined in the recommendations to Council, staff recommend that the application be supported to proceed to Public Hearing.

ALTERNATIVES:

Council can choose to:

- 1) Defeat Road Closure Bylaw No. 2067, and direct the developer to amend the development proposal to be contained within the existing parcel boundaries.
- 2) Deny OCP and Rezoning Application No. 3360-20-01, 1130 Rocky Creek Road, and defeat Bylaw Nos. 2068 and 2069.
- 3) Amend any of the proposed bylaws and give the bylaws first and second readings as amended.
- 4) Amend, add or remove the proposed conditions of the OCP and Zoning Bylaw amendments.
- 5) Refer the application back to staff for further review as specified by Council.

FINANCIAL IMPLICATIONS:

Following first reading of an OCP amendment bylaw, Council must consider the bylaw in the context of the Town's Financial Plan (s.477(3), *Local Government Act*).

In accordance with the DCC program, the Town must allocate \$1 million towards the roundabout project: \$990,000 from DCCs, and \$10,000 from the Town's capital budget. The \$990,000 DCC

contribution for this project will strain the DCC Road Reserve. As of March 31, 2021, there was approximately \$1,250,000 in the Roads DCC fund, but approximately \$750,000 in DCC road projects are already budgeted to be funded from this reserve in 2021. If all the DCC road projects proceed, the Town will be required to borrow \$490,000 from another reserve.

The Town is also paying for the roundabout design which was included in the 2020 & 2021 Financial Plans at a cost of \$109,750 with funding from ICBC (\$9,750) and the Gas Tax (\$100,000).

The cost estimate for the construction of the roundabout is \$1.7million, meaning that the Town will contribute approximately 60% of the cost of construction, leaving slightly more than 40% of the cost for the developer to pay. The developer will be entitled to a “latecomer agreement” in accordance with section 508 of the *Local Government Act*. Under this agreement, “latecomer charges” would be levied for any new development that benefits from the roundabout over the next 15 years. The “latecomer charges” are levied by the Town and paid to the developer.

As noted above, it is not recommended that for the Town to pay the additional \$700,000 needed to construct the roundabout. Doing so would require a deferral of current capital road projects, funding from other reserves, future increased local or general taxes or combinations thereof.

LEGAL IMPLICATIONS:

The *Local Government Act* requires that Council consider any OCP amendment in conjunction with its financial plan and any waste management plan. (See the “Financial Implications” section of this report for information on how this amendment may impact the Town’s Financial Plan.) There are two waste management plans in effect for the Town: The Town of Ladysmith Liquid Waste Management Plan and the CVRD Solid Waste Management Plan.⁴

In accordance with the *Transportation Act*, Bylaw No. 2069 (zoning amendment) must be approved by MoTI prior to adoption. This is because the subject property is within 800m of the Trans-Canada Highway. MoTI has indicated that construction of a concrete median/traffic island on Ludlow Road will be a condition of approval.

Bylaw No. 2067 (road closure) is subject to the *Community Charter*. The *Charter* requires the Town to publish notice of its intention to adopt this bylaw, to deliver notice to the operators of utilities whose transmission or distribution facilities or works Council considers may be affected, and to provide an opportunity for persons who consider they are affected to make representations to Council. The opportunity for persons to make representations to Council is intended to be held in conjunction with the Public Hearing for Bylaw Nos. 2068 and 2069.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The application has been presented to the community at a Neighbourhood Information Meeting, and was referred to the Community Planning Advisory Committee for comment. Pending Council’s decision, a Public Hearing will be held for the proposed bylaws in accordance with the *Local Government Act* and the *Community Charter*.

⁴ The Town of Ladysmith Liquid Waste Management Plan (2013) <https://www.ladysmith.ca/discover-ladysmith/community-plans/liquid-waste-management-plan>

The Cowichan Valley Regional District Solid Waste Management Plan (2020): <https://www.cvrld.bc.ca/SWMP>

Neighbourhood Information Meeting (NIM):

A NIM was held on July 23, 2020 at Eagles Hall. Two members of the public attended the meeting (see Attachment I)

Community Planning Advisory Committee (CPAC):

CPAC reviewed application No. 3360-20-02 for 1130 Rocky Creek Road on August 5, 2020 (Attachment J) and passed the following resolution:

It was moved, seconded and carried that the Community Planning Advisory Committee:

- 1. Supports the OCP & Zoning Bylaw amendment to allow for commercial uses on 1130 Rocky Creek Road.*
- 2. Supports allowing drive-through restaurants at 1130 Rocky Creek Road, but consideration should be given to requiring a logical offset to potential carbon emissions/air pollution impacts, for example by requiring electric vehicle quick charge stations.*
- 3. Recommends that Council take the following items into consideration regarding application 3360-20-02 (1130 Rocky Creek Road):*
 - Electric vehicle quick charge stations should be required.*
 - The property should be as “green” as possible maximizing landscaped/permeable areas, and using low-impact methods for rainwater management.*
 - The property is a gateway into Ladysmith.*

It was moved, seconded and carried that the Community Planning Advisory Committee (CPAC) did not have enough information to comment on the form and character of the proposed development at 1130 Rocky Creek Road. The Committee requests that Council refer additional information about the proposed form and character to a future CPAC meeting.

As noted above, two electrical vehicle “quick charge” stations are proposed. The drive-through coffee shop will be built to Step 2 of the BC Energy Step Code and all other buildings will be built to BC Energy Step Code Step 1. These aspects of the development will be secured by zoning or covenant. In addition, DPA 3 - Commercial provides guidance for the form and character of the buildings, landscaping and rainwater management.

CPAC was provided with the preliminary site plan and renderings from the DP application. This application would not be referred to CPAC automatically based on the CPAC Terms of Reference however, Council may refer the DP application to CPAC for additional comment, when the application is brought forward for Council’s review.

EXTERNAL REFERRAL:

The *Local Government Act* requires that the local government consider providing opportunities for consultation for a proposed OCP amendment. The Act also requires that the local government consult with the local school district regarding any OCP amendment.

As specified in Council Resolution No. CS 2020-201, the application for 1130 Rocky Creek Road was circulated to the following governments and organizations for comment in September 2020:

- Stz'uminus First Nation;
- School District 68 (Nanaimo Ladysmith);
- Community Planning Advisory Committee (see above);
- BC Ministry of Transportation and Infrastructure, BC Transit, and BC Hydro; and
- Ladysmith Chamber of Commerce, and Ladysmith Downtown Business Association.

Table 3 summarizes the responses received to the Town's referral and staff comments.

Table 3: External Referral Responses

Government or Organization	Referral Response	Comments
MoTI	<ul style="list-style-type: none"> • The proposed access onto Ludlow does not meet the recommended distance to the intersection with the highway. • MOTI is willing to support a Right In, Right Out access on to Ludlow Road despite the spacing. Conditional on the construction of a concrete island median to physically bar vehicles from making a left turn into the development. 	<ul style="list-style-type: none"> • Staff recommend that concrete traffic islands be required on Ludlow as a condition of the rezoning. • Bylaws Nos. 2067 and 2069 must both be approved by MoTI prior to adoption.
BC Transit	<ul style="list-style-type: none"> • The nearest transit stop (1st Ave at Symonds) is within 400m of the subject property so an additional transit stop is not recommended for the property. • The site should be designed to accommodate "HandyDART" buses which provide door-to-door accessible service. 	<ul style="list-style-type: none"> • Staff recommend that the Covenant on the property be amended based on this recommendation. • Staff will refer the DP application to BC Transit so they can confirm that the site can accommodate the "HandyDART" buses.
BC Hydro	<ul style="list-style-type: none"> • Closing portions of the road on Rocky Creek Road and Ludlow Road would put BC Hydro's existing infrastructure in trespass, therefore a right-of-way is required. • All structures must meet the minimum clearance from the power lines. • The utility poles may be relocated, but at the developer's cost. 	<ul style="list-style-type: none"> • Staff recommend that an easement or right-of-way be registered on the property in favour of BC Hydro as a condition of the rezoning. • According to the applicant, they have begun working with BC Hydro to meet their requirements.

On April 22, 2021 the Town sent a follow up referral to the Stz'uminus First Nation when the applicant requested that certain uses (gas bar and service station/oil change) be added to the proposal.

On May 20, 2021, the Coast Salish Development Corporation responded to the Town's referral on behalf of Stz'uminus First Nation (Attachment K). Their response questioned whether there is a need for more gas stations and service stations in the area. The response stated:

"given our economic pursuits just a few minutes down the road from the referral site, we would be concerned that this may adversely impact our existing businesses".

In addition, staff consider that including uses such as a gas bar or service station would make it difficult for the site to achieve the urban design goals set by Council. Accordingly, proposed Bylaw No. 2069 does

not provide for a gas bar or a service station. The applicant has agreed to these limitations on the permitted uses for the property.

INTERDEPARTMENTAL REFERRAL:

Staff in the Engineering Department and the Finance Department have been involved in this application. Pending Council's decision, the Engineering Department will continue to work with the developer on the Ludlow/Rocky Creek Road roundabout. In addition, the DP application will be circulated to other Town departments as well as BC Transit.

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

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENTS:

- A. Road Closure Bylaw No. 2067
- B. OCP Amendment Bylaw No. 2068
- C. Zoning Amendment Bylaw No. 2069
- D. Road Dedication Reference Plan EPP110197
- E. Existing Covenant FB234682
- F. Development Permit Application No. 3060-20-19
- G. Traffic Impact Assessment
- H. Update on Council Requests from July 7, 2020
- I. Neighbourhood Information Meeting Summary
- J. CPAC Minutes, August 5, 2020
- K. Stz'uminus First Nation Referral Response

TOWN OF LADYSMITH

BYLAW NO. 2067

A Bylaw to Close and Remove the Dedication of a Highway

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

1. Those portions of road shown as “road to be closed” on Reference Plan EPP110196, prepared by Ryan J. Turner, B.C.L.S., a copy of which is attached as Schedule 1 and forms a part of this bylaw, is closed to all traffic.
2. The dedication as highway of that part of the road referred to in Section 1 is removed.
3. The Mayor and Corporate Officer are hereby authorized to execute all necessary documents as may be required to carry out the purpose of this bylaw.

Citation

4. This Bylaw may be cited for all purposes as “Road Closure and Dedication Removal Bylaw 2021, No. 2067”.

READ A FIRST TIME on the _____ day of _____,
READ A SECOND TIME on the _____ day of _____,
Notice of intention to proceed with this bylaw was published on the _____ day of _____,
2021 and the _____ day of _____, 2021 in the Ladysmith Chronicle newspaper,
circulating in the Town of Ladysmith, pursuant to section 94 of the *Community Charter*.
READ A THIRD TIME on the _____ day of _____,
APPROVED by the Ministry of Transportation and Infrastructure on the _____
day of _____,
ADOPTED on the _____ day of _____,

Mayor (A. Stone)

Corporate Officer (D. Smith)

[illegible]

TOWN OF LADYSMITH

BYLAW NO. 2068

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

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to "Schedule A" entitled "Town of Ladysmith Community Plan" of "Official Community Plan Bylaw 2003, No. 1488":

1. Delete the first sentence of the General Commercial paragraph of section 3.8.1:

"The General Commercial designation is applied to the commercial area located at Coronation Mall and is intended for commercial uses that serve a market area both within and beyond the local community, and to function as a secondary commercial focus to the downtown core."

and replace with:

"The General Commercial designation is applied to the commercial areas located at Coronation Mall and at 1130 Rocky Creek Road, and is intended for commercial uses that serve a market area both within and beyond the local community, and to function as commercial concentrations that are secondary to the downtown core."

2. "Map 1 – Land Use":
 - (a) Change "Industrial" designation to "General Commercial" for Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) as shown in Schedule 1 which is attached to and forms a part of this bylaw.
3. "Map 2 – Development Permit Areas":
 - (a) Delete "DPA 5 – Industrial" from Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) as shown in Schedule 1 which is attached to and forms a part of this bylaw.

Citation

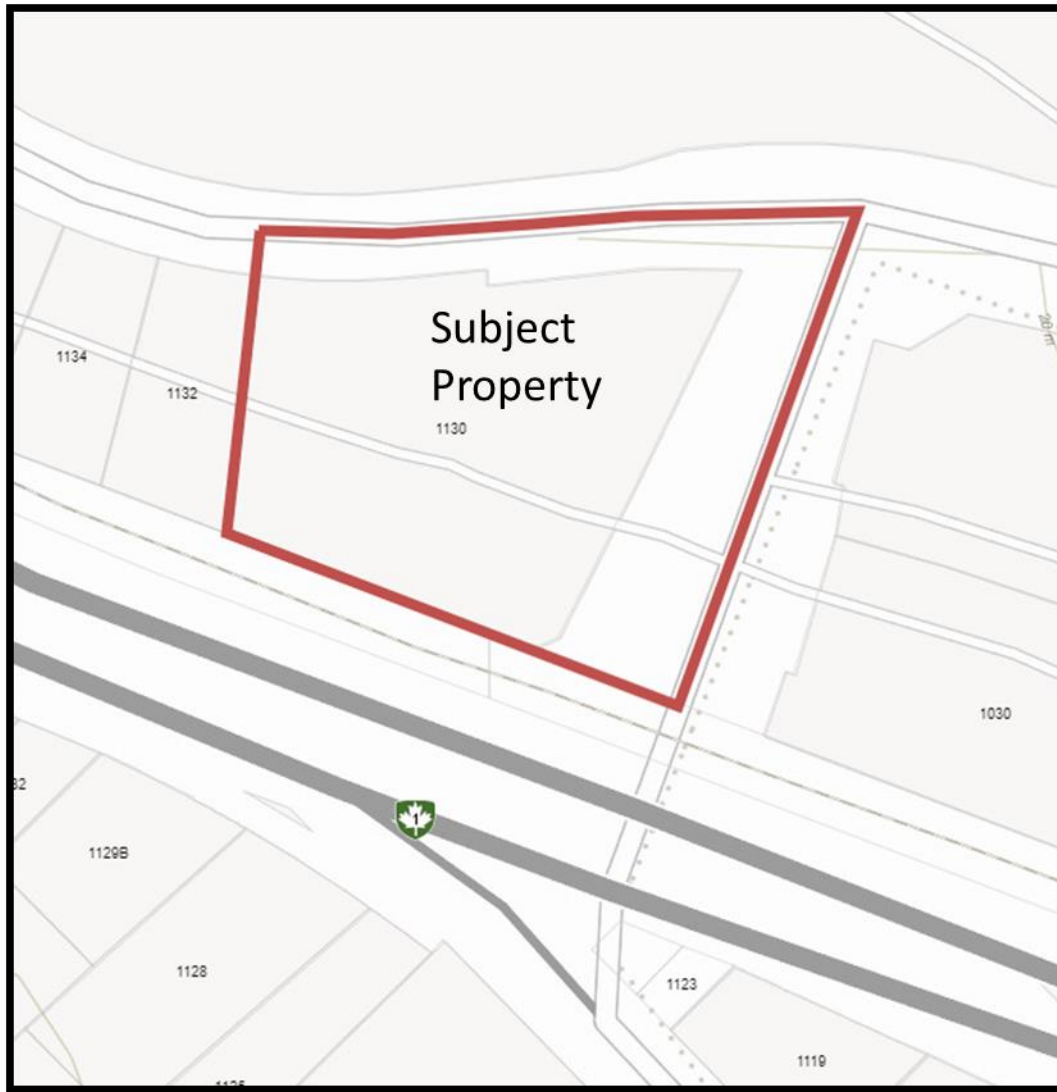
4. This Bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 65) 2021, No. 2068".

READ A FIRST TIME on the day of ,
READ A SECOND TIME on the day of ,
PUBLIC HEARING held pursuant to the provisions of the *Local Government Act* on the
 day of ,
READ A THIRD TIME on the day of ,
ADOPTED on the day of ,

Mayor (A. Stone)

Corporate Officer (D. Smith)

**Schedule 1
Subject Property**



TOWN OF LADYSMITH

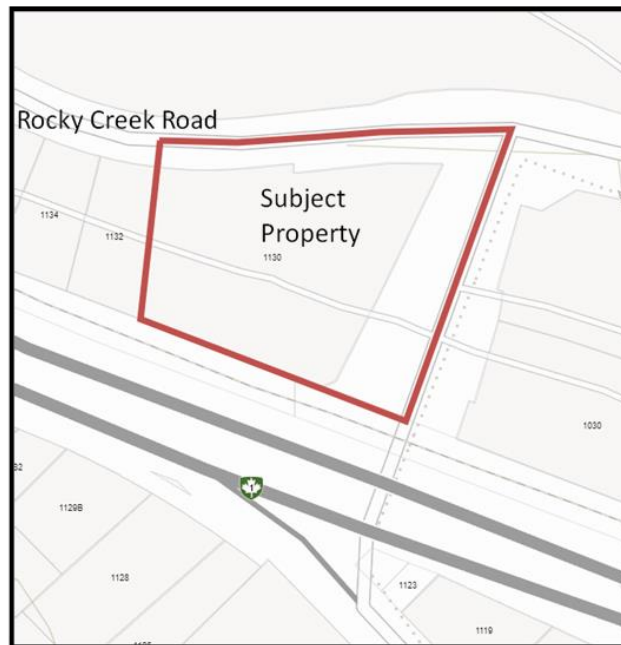
BYLAW NO. 2069

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

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to "Town of Ladysmith Zoning Bylaw 2014, No. 1860":

1. "Schedule A – Zoning Bylaw Text":
 - a) Delete "Tourist Service" "CD-1" from Section "9.1 Creation of Zones";
 - b) Replace subsection 1. p) of section "11.5 Shopping Centre Commercial (C-5)" with the following:
 - p) *Cannabis Retail Sales* but in the parcels contained within the shaded areas identified on Figures 11.5 and 11.6;
 - c) Add Figure 11.6 following Figure 11.5 in section "11.5 Shopping Centre Commercial (C-5)" as shown below:

Figure 11.6



- d) Add a new Section 7 "Site Specific Regulations" to section "11.5 Shopping Centre Commercial (C-5)" as follows:
 7. Site Specific Regulations
 - a) For the *Parcel* legally described as Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) all *Buildings* must

meet or exceed Step 1 of the British Columbia Energy Step Code.

- b) Notwithstanding section 6.3 subsection a)vi) a maximum of one *Use* with a *Drive-through* service is permitted on the *Parcel* legally described as Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road), provided that any *Buildings* associated with the *Drive-through Use* meet or exceed Step 2 of the British Columbia Energy Step Code.
 - c) For the *Parcel* legally described as Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) the following additional *Principal Uses* are permitted:
 - i) *Animal Day Care.*
 - ii) *Artist Studio.*
 - iii) *Building Supply Sales.*
 - iv) *Cottage Industry.*
 - v) *Garden Centre.*
 - vi) *Home Improvement Service Industry.*
 - vii) *Micro-Brewery.*
 - viii) *Laboratory.*
 - ix) *Media Production Studio.*
 - x) *Neighbourhood Pub.*
 - xi) *Non-Motorized Recreational Equipment Sales or Rental.*
 - xii) *Print Shop.*
 - xiii) *Re-Store.*
 - e) Delete section "17.1 Comprehensive Development 1 – Tourist Service (CD-1)" in its entirety and replace with "17.1 Comprehensive Development 1 – Reserved for Future Use".
2. "Schedule B – Zoning Bylaw Map":
- a) Change the zone from "CD-1 Tourist Service" to "C-5 Shopping Centre Commercial" for Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) as shown in Schedule 1 which is attached to and forms a part of this bylaw; and,
 - b) Delete "CD-1 Tourist Service" from the legend.

Citation

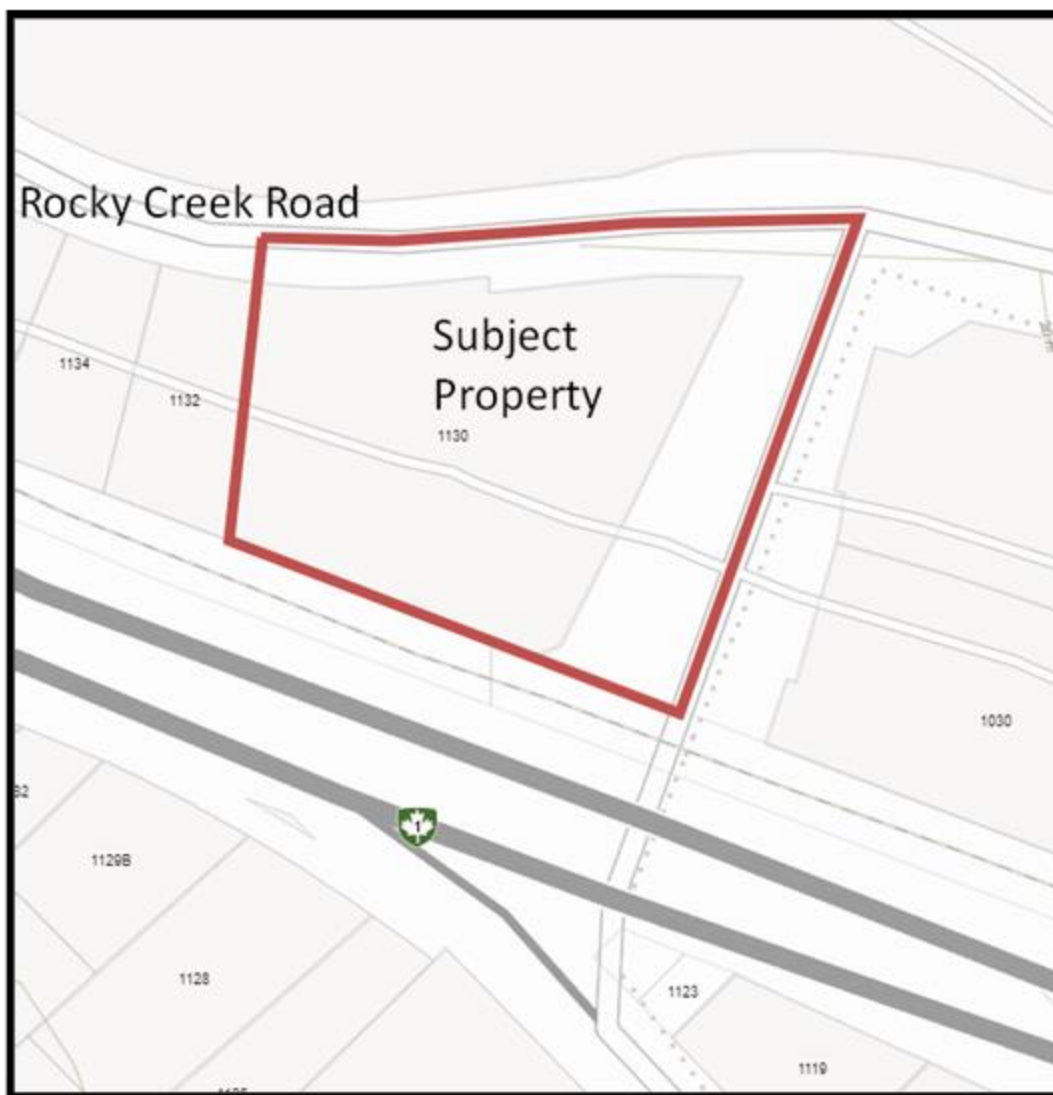
3. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069".

READ A FIRST TIME on the day of ,
READ A SECOND TIME on the day of ,
PUBLIC HEARING held pursuant to the provisions of the *Local Government Act* on the
 day of ,
READ A THIRD TIME on the day of ,
APPROVED by the Ministry of Transportation and Infrastructure on the
 day of ,
ADOPTED on the day of ,

Mayor (A. Stone)

Corporate Officer (D. Smith)

Schedule 1
Subject Property



REFERENCE PLAN OF:
LOT A, DISTRICT LOTS 24 AND 38,
OYSTER DISTRICT, PLAN VIP71248 &
THOSE PORTIONS OF CLOSED ROAD
AS SHOWN ON PLAN EPP110196.

Pursuant to Sections 100(1)(b) & 107 of the Land Title Act
BCGS 92B 091



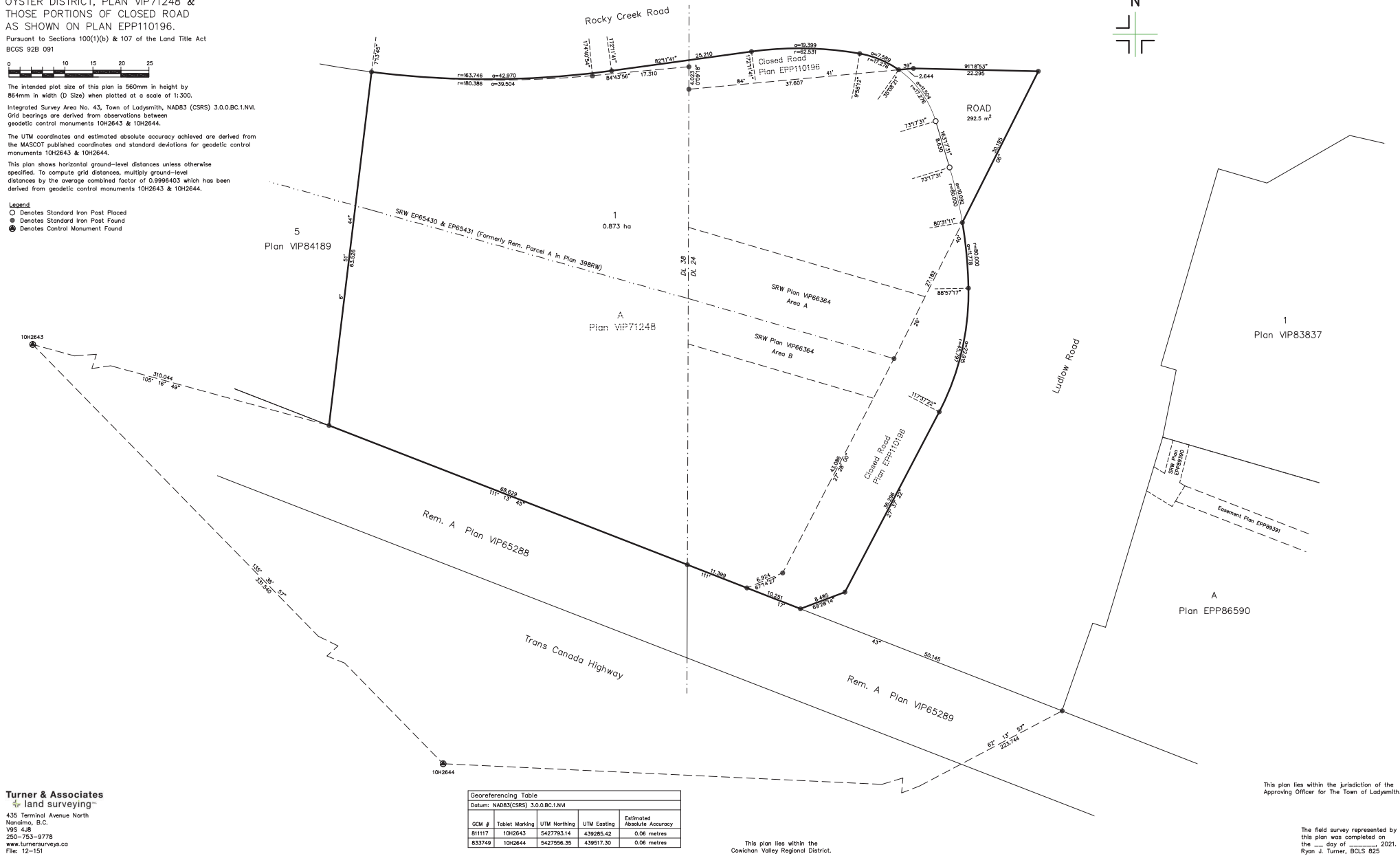
The intended plot size of this plan is 560mm in height by
864mm in width (D Size) when plotted at a scale of 1:300.

Integrated Survey Area No. 43, Town of Ladysmith, NAD83 (CSRS) 3.0.0.BC.1.NV.
Grid bearings are derived from observations between
geodetic control monuments 10H2643 & 10H2644.

The UTM coordinates and estimated absolute accuracy achieved are derived from
the MASCOOT published coordinates and standard deviations for geodetic control
monuments 10H2643 & 10H2644.

This plan shows horizontal ground-level distances unless otherwise
specified. To compute grid distances, multiply ground-level
distances by the average combined factor of 0.9996403 which has been
derived from geodetic control monuments 10H2643 & 10H2644.

- Legend
- Denotes Standard Iron Post Placed
 - Denotes Standard Iron Post Found
 - ⦿ Denotes Control Monument Found



Turner & Associates
land surveying
435 Terminal Avenue North
Nanaimo, B.C.
V9S 4J8
250-753-9778
www.turnersurveys.ca
File: 12-151

Georeferencing Table				
Datum: NAD83(CSRS) 3.0.0.BC.1.NV				
OCM #	Tablet Marking	UTM Northing	UTM Easting	Estimated Absolute Accuracy
811117	10H2643	5427793.14	439285.42	0.06 metres
833749	10H2644	5427556.35	439517.30	0.06 metres

This plan lies within the
Cowichan Valley Regional District.

This plan lies within the jurisdiction of the
Approving Officer for The Town of Ladysmith.

The field survey represented by
this plan was completed on
the ____ day of _____, 2021.
Ryan J. Turner, BOLS 825

Attachment E

-5 DEC 2008 09 30

FB234682

LAND TITLE ACT
Form C (Section 233)
 Province of British Columbia

GENERAL INSTRUMENT - PART 1

(This area for Land Title Office Use)

Page 1 of 7 pages

1. Application: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

Fabris McIver Hornquist & Radcliffe

Barristers & Solicitors

40 Cavan Street, PO Box 778

Nanaimo, BC V9R 5M2: 250-380-7744

File:

LTO Client Number: 10294

Authorized Signatory

via: Kerry A. Pollner

2. Parcel Identifier(s) and Legal Description(s) of Land:
 (PID) (Legal Description)
 See Schedule See Schedule

CHARGE
 08/12/05 09:31:46 01 VI
 Registry Co. Ltd. 10108

826441
 \$66.15

3. Nature of Interest Document Reference (page & paragraph) Person Entitled to Interest
 Description Entire Document Grantee
 Section 219 Covenant

4. Terms: Part 2 of this instrument consists of (select one only)

- (a) Filed Standard Charge Terms ☐ D.F. No.
 (b) Express Charge Terms ☒ Annexed as Part 2
 (c) Release ☐ There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged on the Land described in Item 2.

5. Transferor(s)(Grantor(s)):
G-FORCE AUTOMOTIVE LTD., (Inc. No. 694309), PO Box 31, Port McNeill, BC V0N 2R0
ISLAND POINTE MORTGAGE CORPORATION, (Inc. No. BC0427161), PO Box 970, 1123 Carey Place,
 Ladysmith, BC V9G 1A7

6. Transferee(s)(Grantee(s)): (including postal address(es) and postal code(s)) *
TOWN OF LADYSMITH, P.O. Box 220, Stn Main, Ladysmith, B.C. V9G 1A2

7. Additional or Modified Terms: N/A

8. Execution(s): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature:

Execution Date:

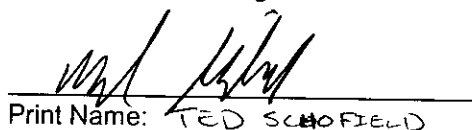
Party(ies) Signature:



NICOLAI FABRIS
 Barrister & Solicitor
 P.O. BOX 778
 NANAIMO, B.C.
 V9R 5M2

Y	M	D
2008	11	10

G-FORCE AUTOMOTIVE LTD.,
 by its authorized signatories:


 Print Name: TED SCHOFIELD

Print Name:

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996 c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

LAND TITLE ACT
Form D
EXECUTIONS CONTINUED

Page 2

Officer Signature:

Execution Date:

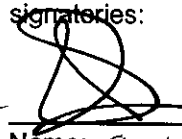
Party(ies) Signature:


 (as to the signatures of the principals of
 Island Pointe Mortgage Corporation)

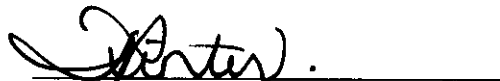
NICOLAI FABRIS
 Barrister & Solicitor
 P.O. BOX 778
 NANAIMO, B.C.
 V9R 5M2

Y	M	D
2008	10	28
2008	11	17

ISLAND POINTE MORTGAGE
CORPORATION, by its authorized
 signatories:

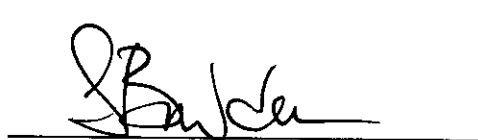

 Name: **GUY BEZEAU**

Name:


 (as to the signatures of the principals of
 the Town of Ladysmith)

JOANNA WINTER
 Deputy Corporate Officer
 Commissioner for taking
 Oaths and Affidavits
 410 Esplanade
 P.O. Box 220
 Ladysmith, BC V9G 1A2
 Phone: 250-245-6400

TOWN OF LADYSMITH by its authorized
 signatories


 Mayor **ROB HUTCHINS**

 Manager of Corporate Services

Sandy Bowden
 Director of Corporate Services
 Town of Ladysmith

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996 c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the

Land Title Act
Form E
SCHEDULE

Page 3

Enter the required information in the same order as the information must appear on the Freehold Transfer Form, Mortgage Form or General Document Form.

2. Parcel Identifier(s) and Legal Description(s) of Land:
(PID) (Legal Description)

024-839-370	Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248
027-329-135	Lot 1, District Lot 38, Oyster District, Plan VIP84189
027-329-143	Lot 2, District Lot 38, Oyster District, Plan VIP84189
027-329-151	Lot 3, District Lot 38, Oyster District, Plan VIP84189
027-329-160	Lot 4, District Lot 38, Oyster District, Plan VIP84189
027-329-178	Lot 5, District Lot 38, Oyster District, Plan VIP84189

TERMS OF INSTRUMENT - PART 2**W H E R E A S:**

- A. The Grantor, Island Pointe Mortgage Corporation, is the registered owner in fee simple of:

PID(S):	LEGAL(S):
027-329-135	Lot 1, District Lot 38, Oyster District, Plan VIP84189
027-329-143	Lot 2, District Lot 38, Oyster District, Plan VIP84189
027-329-151	Lot 3, District Lot 38, Oyster District, Plan VIP84189
027-329-160	Lot 4, District Lot 38, Oyster District, Plan VIP84189
027-329-178	Lot 5, District Lot 38, Oyster District, Plan VIP84189

(herein sometimes referred to as "Lots 1 to 5")

AND The Grantor, G-Force Automotive Ltd., is the registered owner in fee simple of:

PID:	LEGAL:
024-839-370	Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248

(herein sometimes referred to as "Lot A")

(Lots 1 to 5 and Lot A herein collectively referred to as the "**Land**");

- B. The Grantee is the Town of Ladysmith;
- C. The Grantor has made application to:
- (i) designate in accordance with bylaw number 1652, Lots 1 to 5 as mixed use residential/commercial and Lot A as resort/commercial; and
 - (ii) rezone the Land to comprehensive development (CD-1) zone in accordance with bylaw number 1653;
- D. The Grantor has offered to grant this Covenant to be registered against title to the Land pursuant to s. 219 of the *Land Title Act*, and the Grantee has agreed to accept this Covenant.

NOW THEREFORE, in consideration of the payment of the sum of \$10.00 by the Grantee to the Grantor and the premises and the covenants herein contained and for other valuable consideration, receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto covenant and agree with the other as follows:

1. The Grantor covenants and agrees that it shall not:
 - (a) subdivide the Land;

- (b) construct any building or structures upon the Land; or
- (c) take any proceedings to compel the Grantee to issue a development permit or building permit for any such construction;

unless it complies with those items set out in paragraph 2.

2. No development shall take place on the Land unless in compliance with the following:

- (a) Green Building Standards and Practices, which include:
 - i. Integrated on site rainwater/storm water/grey water collection, storage and reuse (example: toilet flushing and irrigation)
 - ii. Above ground parking to be designed with permeable surfacing; and
 - iii. Bus stop within and/or around the development;
- (b) Landscaping:
 - i. Landscape Plan, prepared by a Landscape Architect, which would maximize absorbent landscaping, the use of drought tolerant landscaping, use of native species, and rainwater/storm water collection and reuse. The landscape plan should focus on integrating the development within the site and with neighbouring projects and the highway;
- (c) Local Heritage and Public Green Space:
 - i. As part of the landscape plan, the provision of outdoor public space within the development to accommodate a local historical artifact (as part of the Town's artifact route), and a means to recognize the location of the 49th Parallel within the development.

to the satisfaction of the Town's Manager of Development Services and Director of Public Works.

- 3. The Grantor agrees to pay to the credit of the Grantee's Development/Amenity Fund, the sum of **ONE THOUSAND (\$1,000.00) DOLLARS** for each multi-family residential unit to be constructed on the Land, such amount to be paid at the time of the issuance of an Occupancy Permit for each residential unit.
- 4. The Grantor and the Grantee agree that the enforcement of this Agreement shall be entirely within the discretion of the Grantee and that the execution and registration of this covenant against the title to the Land shall not be interpreted as creating any duty on the part of the Grantee to the Grantor or to any other person to enforce any provision or the breach of any provision of this Agreement.
- 5. Nothing contained or implied herein shall prejudice or affect the rights and powers of the Grantee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Land as if the Agreement had not been executed and delivered by the Grantor.

6. The Grantor hereby releases and forever discharges the Grantee, its officers, employees and agents, of and from any claim, cause of action, suit, demand, expenses, costs and expenses, and legal fees whatsoever which the Grantor can or may have against the said Grantee for any loss or damage or injury, including economic loss or deprivation, that the Grantor may sustain or suffer arising out of this Agreement, or the limitations on the use of the Lands resulting from this Agreement.
7. The Grantor covenants and agrees to indemnify and save harmless the Grantee, its officers, employees and agents, from any and all claims, causes of action, suits, demands, expenses, costs and expenses, and legal fees whatsoever that anyone might have as owner, occupier or user of the Land, or by a person who has an interest in or comes onto the Land, or by anyone who suffers loss or injury, including economic loss, or loss or damage to his person or property, that arises out of this Agreement, or the limitations on the use of the Lands resulting from this Agreement.
8. It is mutually understood, acknowledged and agreed by the parties hereto that the Grantee has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Grantor other than those contained in this Agreement.
9. This Agreement shall be registered as a first charge against the Land and the Grantor agrees to execute and deliver all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
10. The Grantor shall pay the legal fees of the Grantee in connection with the preparation and registration of this Agreement. This is a personal covenant between the parties.
11. The Grantor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions hereinbefore set out and they shall be binding upon the Grantor as personal covenants only during the period of its respective ownership of any interest in the Land.
12. The restrictions and covenants herein contained shall be covenants running with the Land and shall be perpetual, and shall continue to bind all of the Lands when subdivided, and shall be registered in the Victoria Land Title Office pursuant to section 219 of the *Land Title Act* as covenants in favour of the Grantee as a first charge against the Land.
13. This Agreement shall enure to the benefit of the Grantee and shall be binding upon the parties hereto and their respective heirs, executors, successors and assigns.
14. Wherever the expressions "Grantor" and "Grantee" are used herein, they shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.
15. The Grantor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
16. Time is of the essence of this Agreement.

Page 7

17. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.

IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C (pages 1 and 2) attached hereto.

END OF DOCUMENT

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COMMERCIAL DEVELOPMENT
1130 ROCKY CREEK ROAD, LADYSMITH, BC
FOR OYSTER HARBOUR DEVELOPMENT CORP.



architects ltd.
810-675 WEST HASTINGS
VANCOUVER, BC V6B 1N2
TELEPHONE (604) 687-2334

Project number 4674

COVER

COVER SHEET

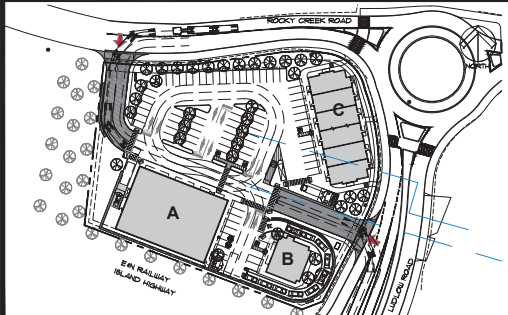
date 2020-07-14 sheet number

code	AS NOTED	A-0.0
room	W4	

checked	8
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AERIAL KEY PLAN

SITE KEY PLAN



PROJECT DATA	CIVIC ADDRESS
	1139 ROCKY CREEK ROAD LADYSMITH, BC
	LEGAL DESCRIPTION
	LOT A, DISTRICT LOTS 24 AND 35, OYSTER DISTRICT, PLAN VP71248
	ZONING
	CD1 (TOURIST SERVICE)
	PROJECT DESCRIPTION
	PROPOSED COMMERCIAL DEVELOPMENT CONSISTING OF NEW SITE DEVELOPMENT AND NEW CONSTRUCTION OF 3 ONE-STORY COMMERCIAL BUILDINGS
	DEVELOPMENT PERMIT
	DP NUMBER: N/A APPROVED DATE: N/A

OWNER	<p>OYSTER HARBOUR DEVELOPMENT CORP. 3700 Ft. Pauls Ave. North Vancouver, BC Phone : 604-675-8842 Cellphone : 604-675-8842 E-mail : sally@ohsdc.com</p>
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LANDSCAPE	<p>PMO LANDSCAPE ARCHITECTS, PATRICIA CHENBELL 1700-4111 LEXEM DRIVE Phone: 604-232-9611 E-mail: patricia@pmolandscape.com</p>
CIVIL	<p>HEROLD ENGINEERING Patrick Ryan, P.Eng Herold Engineering Limited P.O. Box 171480 2101 Sheraton Road Nanaimo, BC V9T 2H1 E: Patrick@heroldengineering.com W: www.heroldengineering.com</p>
SURVEYOR	<p>MCLEATHAN ASSOCIATES LAND SURVEYORS LTD. Tyron Duckert Suite #1151, Estevan Road Pemberton, B.C. V3B 3Z6 Phone: 778-266-1000 Cellphone: 778-266-1000 E-mail : tyron@mcleathan.com</p>
TRAFFIC	<p>Nedine King, P.Eng, P.TE Regional Lead, Transportation 210-4111 Lexem Drive C 604-864-4112 E nking@watsoncollinsgroup.com</p>

DRAWING LIST		ARCHITECTURAL
A-0.0	COVER SHEET	
A-1.1	SITE PLAN	
A-1.2	PYLON SIGN AND STREETScape	
A-A2.1	BLDG A FLOOR PLAN	
A-A2.2	BLDG A ROOF PLAN	
A-A-3.1	BLDG A EXTERIOR ELEVATIONS	
A-A-3.2	BLDG A EXTERIOR MATERIALS AND FINISHES	
A-A-3.3	BLDG A EXTERIOR RENDERING	
A-A-3.4	BLDG A EXTERIOR SIGNAGE	
A-B-2.1	BLDG B FLOOR PLAN	
A-B-2.2	BLDG B ROOF PLAN	
A-B-3.1	BLDG B EXTERIOR ELEVATIONS	
A-B-3.2	BLDG B EXTERIOR MATERIALS AND FINISHES	
A-B-3.3	BLDG B EXTERIOR RENDERING	
A-B-3.4	BLDG B EXTERIOR SIGNAGE	
A-C-2.1	BLDG C FLOOR PLAN	
A-C-2.2	BLDG C ROOF PLAN	
A-C-3.1	BLDG C EXTERIOR ELEVATIONS	
A-C-3.2	BLDG C EXTERIOR MATERIALS AND FINISHES	
A-C-3.3	BLDG C EXTERIOR RENDERING	
A-C-3.4	BLDG C EXTERIOR SIGNAGE	

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**Note: Some Pages
Removed - e.g. Floor
Plans, Civil Drawings**

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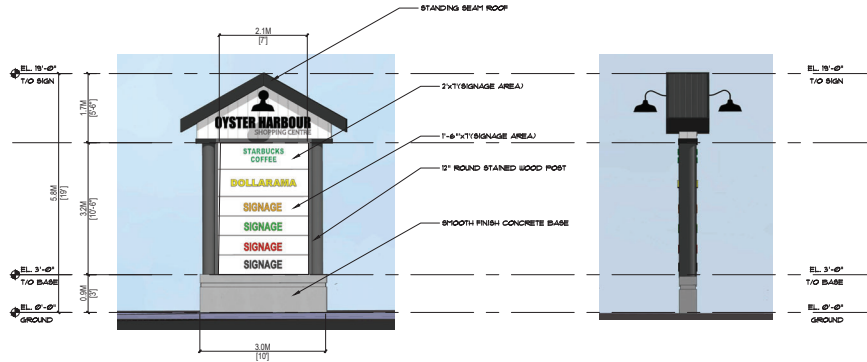
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project number 4874
sheet 95e
SITE PLAN

date	2020-07-16	sheet number	A-1.1
scale	AS NOTED		
drawn	CDC		
checked	Al		

PYLON SIGN INFORMATION:

PYLON SIGN (COL SIDES):
 3.21' (98.8") x 2.21' (7.0") x 6.12' 8" (18.7") x 2
 PLUS 2.1' (7.0") x 0.4' (1.2") x 0.8' 8" (26.8") x 2
 TOTAL COPY AREA PROPOSED = 130 SF (120.8 SF) PER SIDE
 TOTAL COPY AREA PERMITTED = 1.6' 8" (50.8") x 8' (24.4") PER SIDE



2 PYLON SIGN FRONT VIEW
 SCALE: NTS

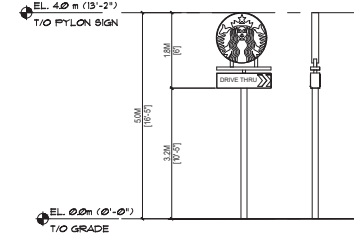
3 SIDE ELEVATION
 SCALE: NTS



3 3D VIEW
 SCALE: NTS

DIRECTIONAL SIGN INFORMATION:

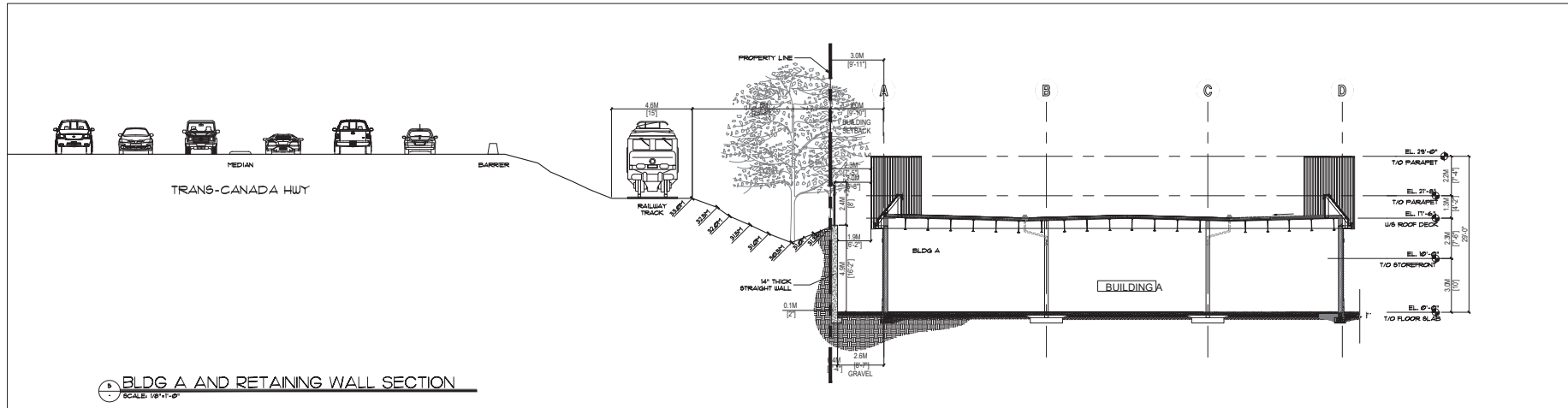
DIRECTIONAL SIGN (COL SIDES):
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 PLUS 1.2' (4'-0") x 0.4' (1.2") x 0.8' 8" (26.8") x 2
 TOTAL COPY AREA PROPOSED = 3.36 SF (30.36 SF)



4 BLDG B DIRECTIONAL SIGN
 SCALE: NTS



5 STREETSCAPE
 SCALE: NTS



6 BLDG A AND RETAINING WALL SECTION
 SCALE: 1/8"=1'-0"

COMMERCIAL DEVELOPMENT
 1130 ROCKY CREEK ROAD, LADYSMITH, BC
 FOR OYSTER HARBOUR DEVELOPMENT CORP.



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Project number: 4874
 Date: 2020-02-23
 Scale: 1/8"=1'-0"
 Sheet: 1 of 1
 Title: PYLON SIGN AND STREETSCAPE



1 NORTHEAST VIEW
SCALE: 1/8" = 1'-0"



2 SOUTHEAST VIEW
SCALE: 1/8" = 1'-0"



3 NORTHWEST VIEW
SCALE: 1/8" = 1'-0"



4 SOUTHWEST VIEW
SCALE: 1/8" = 1'-0"

NO.	DATE	BY	DESCRIPTION
1	2020-04-03	AL	ISSUED FOR IP
2	2020-04-03	AL	ISSUED FOR IP
3	2020-04-03	AL	ISSUED FOR IP
4	2020-04-03	AL	ISSUED FOR IP
5	2020-04-03	AL	ISSUED FOR IP
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Project number	4874
Sheet title	BLDG. A EXTERIOR RENDERING
Date	2020-04-03
Scale	AS SHOWN
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1	2025-02-17 RE-ISSUED FOR DP
-	2025-07-27 ISSUED FOR DP
no	any mm-ss description
	revisions

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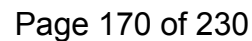


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project number 487A

BLDG. B EXTERIOR
RENDERING

date	2020-04-03	sheet number	
code	AS NOTED	A-E-3.3	
drawn	AP		
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SEAL:

- 2021.MAY/06	ISSUED FOR D.P.	JH	
NO.	DATE	REVISION DESCRIPTION	DR.

CLIENT:

PROJECT:

1130 ROCKY CREEK ROAD
LADYSMITH, B.C.

DRAWING TITLE:

DATE: 21.FEB.16 DRAWING NUMBER:

L2

OF 5



PMG PROJECT NUMBER:

21-031



1130 ROCKY CREEK ROAD DEVELOPMENT

Traffic Impact Assessment

Author: MJ Oh

Reviewer: Nadine King, P.Eng., PTOE

Prepared for: Oyster Harbour Development Corp

#501-740 Hillside Avenue
Victoria, BC V8T 1Z4

Our File: 2841.B01

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Date: April 21, 2021

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wattconsultinggroup.com

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1.0 INTRODUCTION

Watt Consulting Group was retained by Oyster Harbour Development Corp. to conduct a traffic impact assessment (TIA) for a proposed commercial development at 1130 Rocky Creek Road in Ladysmith, BC. This report reviews existing and post development traffic conditions for both the short (opening day) and long term (10 years post opening day) horizon. The report also reviews the site access and active transportation to access the site.

1.1 STUDY AREA

The study area for this project includes the following two key intersections:

- Highway 1 / 1st Avenue – Ludlow Road; and
- Ludlow Road and Rocky Creek Road.

Figure 1 shows the study area and site location.

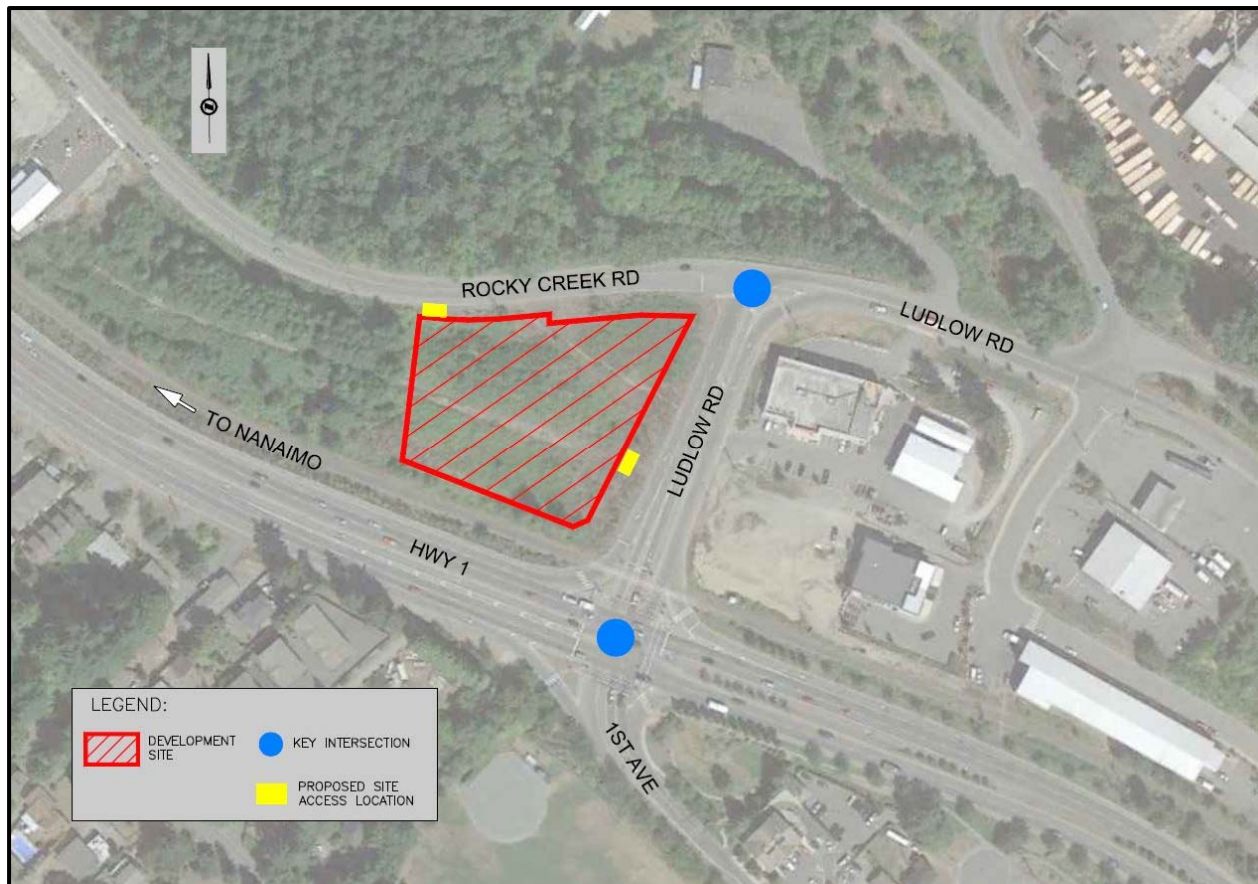


Figure 1: Study Area and Site Location

2.0 EXISTING CONDITIONS

2.1 LAND USE

The proposed site is currently zoned as Tourist Service Commercial (CD 1) and undeveloped. The surrounding land use is industrial / commercial along Ludlow Road, Oyster Bay Drive and Rocky Creek Road including two mills.

2.2 ROAD NETWORK

Highway 1 is a four lane divided road which runs east-west parallel to the water. 1st Avenue is a two lane road which runs roughly parallel with Highway 1 until it ties into Highway 1 at the west end of downtown. The signalized intersection of Highway 1/1st Avenue/Ludlow Road provides the main access/exit point to the west end of the core area as well as access to the Rocky Creek Road / Ludlow Road commercial / industrial area.

Ludlow Road is a two lane local road connecting the seashore industrial area of the town (Government Harbour, Pulp Mill, and Industrial Park on Oyster Bay Drive) to Highway 1/1st Avenue/Ludlow Road. The east side of the development fronts Ludlow Road. Rocky Creek Road runs between the water and Highway 1, parallel to the highway, from Ludlow Road to the west. Rocky Creek Road is also a two lane road with a wide paved shoulder on the south side of the road. The E&N Railway is located between Highway 1 and the south property line of the development site. There is a railway crossing on Ludlow Road just north of the intersection of Highway 1/1st Avenue/Ludlow Road.

Ludlow Road/Rocky Creek Road is an unsignalized 3-legged intersection (stop controlled). Rocky Creek Road forms the west leg while Ludlow Road forms the south and east legs. Currently, there is a stop sign on Rocky Creek Road (west leg) and on the south leg of Ludlow Road, while the east leg (Ludlow Rd) free flow. This unusual stop sign configuration has Ludlow Road as the major street despite the 90° turn in the road.

The posted speed limit is 70 km/h on Highway 1 and 50 km/h on all other roads within the study area.

2.3 TRAFFIC COUNT

For Ludlow Road/Rocky Creek Road, traffic counts were collected for the AM and PM peak hours on Wednesday March 3rd, 2020.

For Highway 1/1st Avenue/Ludlow Road, new traffic counts were not available due to the global spread of COVID-19 (Coronavirus) during the study period (spring 2020). The highway intersection counts were collected from MOTI's website. For Highway 1/1st Avenue/Ludlow Road, 2020 existing volumes were produced from 2005 signal dump data (measured in June 2005) and adjusted based on the MOTI's historical growth factors (UTVS No: 24) and balanced to 2020 counts at Ludlow Road/Rocky Creek Road. See **Figure 2** for existing traffic volumes.

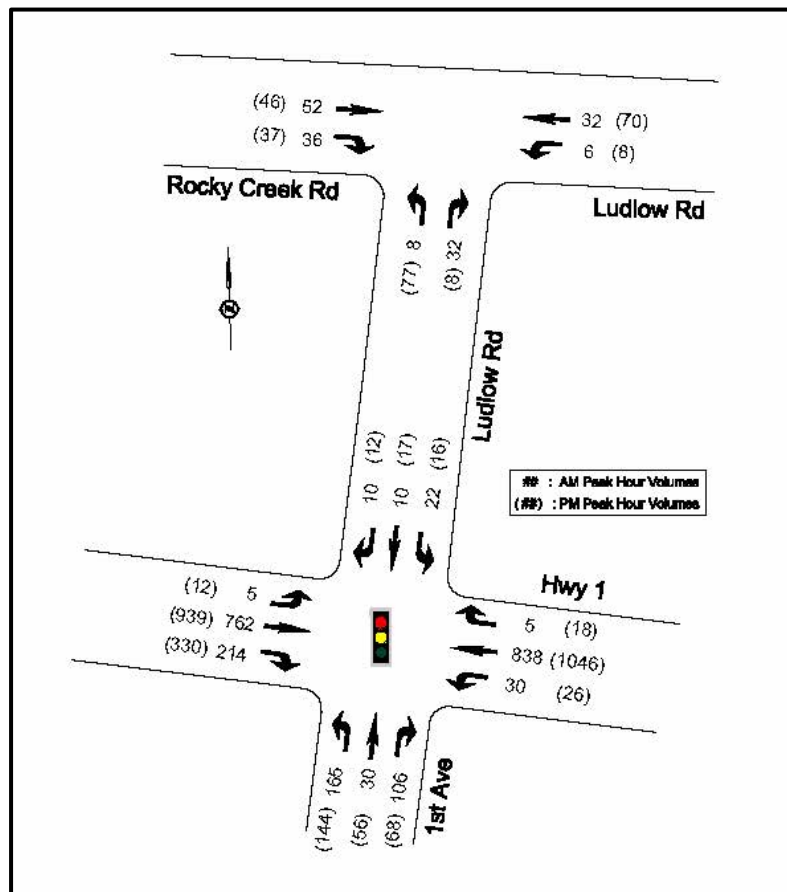


Figure 2: Existing Traffic Volumes

2.4 TRAFFIC MODEL

Weekday AM and PM peak hour traffic conditions will be modeled using Synchro Studio (version 9) for the opening year full build-out and 10 year post opening year with and without the development traffic to identify long term impacts of the development.

Measures of effectiveness (MOEs) will be evaluated for level of service (LOS), 95th percentile queues, total delay, and volume-to-capacity ratios (v/c). The delays and type of traffic control were used to determine the level of service. The levels of service were broken down into six letter grades with LOS A being excellent operations and LOS F being unstable / failure operations. On Highway 1 MOTI's goal is to maintain LOS C or better for through movements on the highway and LOS E or better for side streets and left turn movements. A description of level of service and Synchro is provided in **Appendix A**.

The short and long term horizons will be evaluated for impacts to traffic operations with and without the development. The results will be used to determine if road improvements are needed as a result of background traffic growth or as a result of the development.

2.5 TRAFFIC CONDITIONS

Existing traffic conditions including the adjacent 1301/1391 Rocky Creek Road development trips were analyzed using Synchro and SimTraffic. See **Figure 3** for background volumes for 2020 opening day.

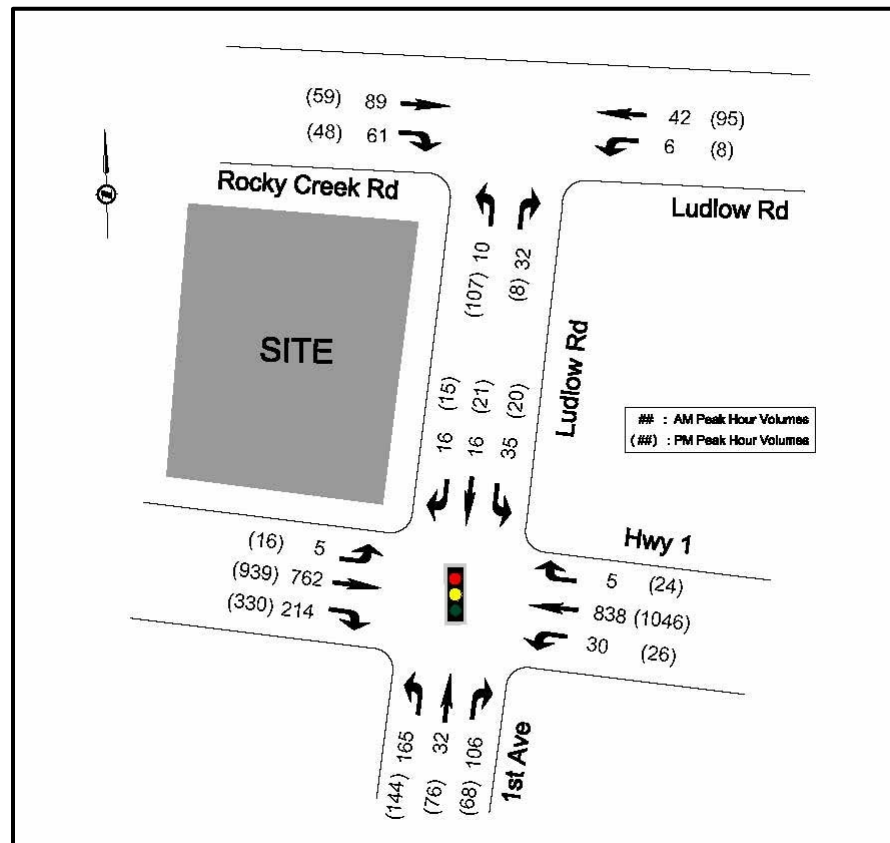


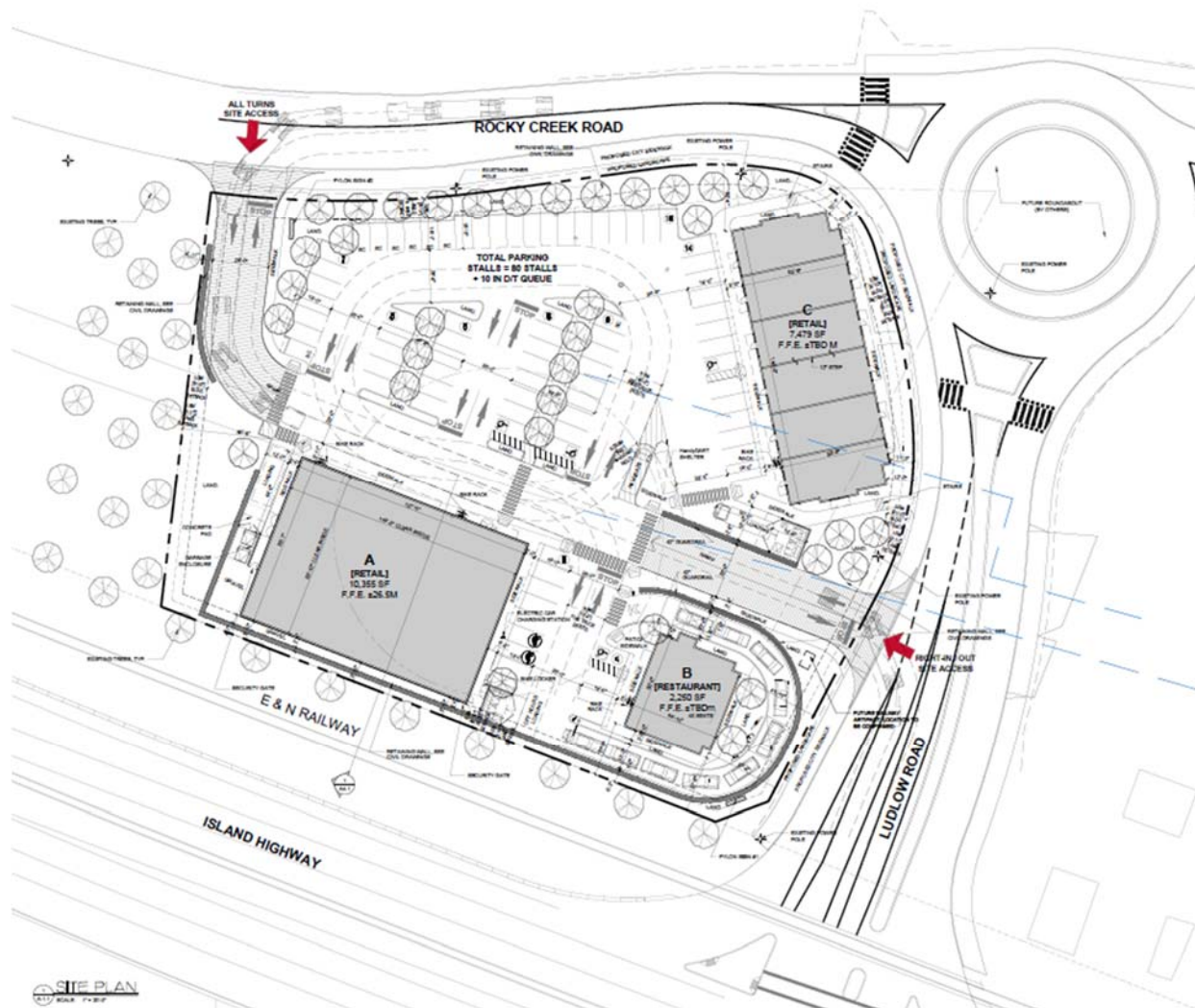
Figure 3: 2020 Background Volumes with Adjacent Development Traffic

The intersection of Highway 1/1st Avenue will operate at a LOS C or better. At the intersection of Rocky Creek Road / Ludlow Road the intersection operates at a LOS A in the AM and PM peak hour. **Table 6** and **7** summarize LOS, delays and queues for 2020 background.

3.0 POST DEVELOPMENT CONDITIONS

3.1 SITE ACCESS

Two site accesses are proposed: one full movement access is located at the west end of the Rocky Creek Road frontage and one right in / out access is located on Ludlow Road. See **Figure 4** for the proposed site plan and accesses.



*site plan from Urban Design Group

Figure 4: Proposed Site Plan and Accesses

3.2 PROPOSED LAND USE

The proposed use is a small commercial centre which is composed of a drive-through restaurant and commercial/retail stores. **Table 2** summarizes the proposed land uses.

TABLE 1: PROPOSED LAND USES

Proposed Land Uses
<ul style="list-style-type: none"> 17,834 sq. ft. of Commercial Retail 2,250 sq. ft. of Fast-food Restaurant with Drive-Through

3.3 TRIP GENERATION

Trip generation rates were estimated using the 10th Edition of the ITE Trip Generation Manual. Trip generation rates for the weekday AM and PM peak hours are shown in **Table 2**.

Table 3 summarizes the trip generation estimates for each of the site's proposed land uses in the AM and PM peak hours. In total, the development will generate 199 trips in the AM peak hour and 206 trips in the PM. There will, however, be internal site trips and pass-by trips for the proposed land uses, and this must be accounted for in establishing the ultimate net traffic and distribution patterns.

TABLE 2: PEAK HOUR TRIP GENERATION RATES

ITE Land Use		Weekday AM			Weekday PM		
Code	Description	Rate*	In	Out	Rate	In	Out
820	Commercial Retail (Shopping Centre)	0.94	62%	38%	3.81	48%	52%
934	Fast Food Restaurant w Drive-Through	40.19	51%	49%	32.67	52%	48%

*Trip Rates per 1,000 sq. ft.

TABLE 3: PEAK HOUR DEVELOPMENT TRIPS

Description	GFA	Weekday AM			Weekday PM		
		In	Out	Total	In	Out	Total
Commercial Retail	17,834 sq. ft.	11	6	17	33	35	68
Drive-Through Restaurants	2,250 sq. ft.	46	45	91	38	36	74
Totals		57	51	108	71	71	142

3.4 INTERNAL AND PASS-BY TRIPS

As a mixed-use development, there would be internal trips between the drive-through restaurants and retail land uses. An internal capture rate is a percentage reduction that is applied to the trip generation estimates for individual land uses to account for internal trips on the site. The internal trips are subtracted out before pass-by trip rates are applied. The internal trips were applied to only PM peak hour as the generated retail trips are very low in the AM peak hour due to many stores not being open in the AM peak hour.

The *ITE Trip Generation Manual: User's Guide and Handbook Volume 1*) provides a methodology for estimating internal capture rates for mixed use sites. This methodology utilized the internal trip percentages for the land uses from ITE, NCHRP, and a previous study (from MOTI) to estimate the number of internal trips between the various land uses.

At full build-out, the internal capture rate is estimated to be an overall **35%** (50 internal trips) in the PM peak hour. **Table 4** provides a summary of the internal and net external trips at full build-out.

TABLE 4: INTERNAL AND NET EXTERNAL TRIPS AT FULL BUILD-OUT

Types of Trip	AM Peak Hour			PM Peak Hour		
	Inbound	Outbound	Total	Inbound	Outbound	Total
Total Trips	57	51	108	71	71	142
Internal Trips	-	-	-	25	25	50
Net External	57	51	108	46	46	92

There are two types of external trips for the commercial / retail land uses: primary and pass-by (diverted) trips. Primary trips are new trips to/from the site (i.e. additional vehicles on the road). Pass-by trips are those made by vehicles already passing the site on an adjacent roadway, but still enter/exit the site. For the purposes of this study the pass-by trips would be from Highway 1.

For the proposed development, pass-by trips would be generated by the retail and drive-through restaurants. Average peak hour pass-by trip rates were based on the ITE manual and a previous study for MoTI: **22%** (AM) and **34%** (PM) for the retail traffic, and **49%** (AM) and **50%** (PM) for the drive-through restaurant. The estimated pass-by trips would be **94 vehicles** in the AM peak hour and **78 vehicles** in the PM peak hour.

Table 5 provides a summary of the primary and pass-by trips at full build-out.

TABLE 5: PRIMARY AND PASS-BY TRIPS

Types of Trip	AM Peak Hour			PM Peak Hour		
	Inbound	Outbound	Total	Inbound	Outbound	Total
Primary Trips	32	28	60	26	26	52
Pass-by Trips	25	23	48	20	20	40

A previous site plan for this development had an additional fast food restaurant and about 3,000 sq. ft. less commercial. The change to the current site plan reduced the traffic by 91 vph in the AM peak hour and 64 vph in the PM peak hour. Since the previous analysis did not identify the need for any mitigation measures the higher generating site plan traffic was utilized for the modelling. See **Appendix B** for the previous land use, trip generation, internal trips, and breakdown of primary and pass-by trips.

3.5 TRIP ASSIGNMENT

Trips were assigned to the roadway network based on the existing trip distributions and key destinations / origins in the area. The following is the trip assignment percentages.

3.6 OPENING DAY TRAFFIC CONDITIONS

At the two study intersections, with the higher site traffic, traffic impacts by the development will not be significant. At Highway 1 / 1st Avenue, the highway movements remain at a LOS C or better in the AM and PM peak hours with the development. The southbound left and through movements will drop to a LOS D from a LOS C in the PM peak hour. However, the southbound additional delays will be less than 4 additional seconds in the PM peak hour. At the intersection, a maximum v/c ratio is 0.57 in the AM peak hour and 0.71 in the PM peak hour with the addition of the development traffic. With the reduction in traffic generated by this development even less additional delay will be experienced by the southbound movements.

At Ludlow Avenue/Rocky Creek Road, all movements operate at a LOS A and no queuing issues were identified. Therefore, no mitigation measures are required due to the development. At the proposed two site accesses, all movements will operate at a LOS A/B with no queuing issues.

Figure 6 shows the 2020 post-development volumes. **Table 6** and **7** summarize LOS, delays and queues for 2020 background and post development.

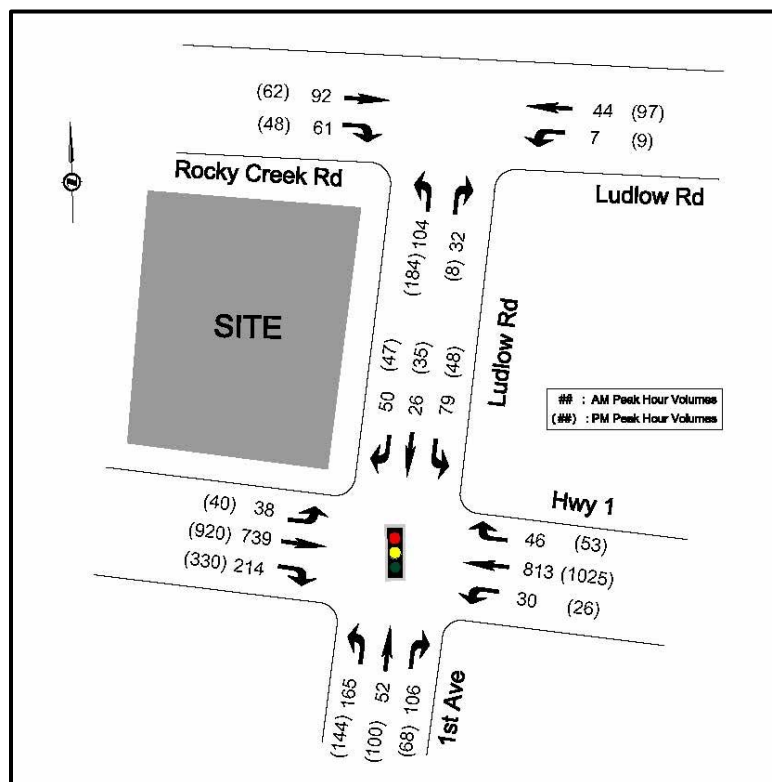


Figure 6: 2020 Post Development Volumes

TABLE 6: 2020 AM PEAK HOUR TRAFFIC CONDITIONS COMPARISON

Intersection	Movement	2020 Background			2020 Post Development		
		LOS	Delay (s)	95 th Queue (m)	LOS	Delay (s)	95 th Queue (m)
Hwy 1/ 1 st Ave-Ludlow Rd (Signalized)	EBL	B	12.4	4.5 (165)	B	12.7	14.9 (165)
	EBT	B	12.1	49.1	B	13.0	50.8
	EBR	A	2.9	0	A	2.9	0
	WBL	B	16.8	13.8 (145)	C	20.4	14.0 (145)
	WBT	B	16.2	53.6	C	21.3	63.2
	WBR	A	0	0	A	0.2	0
	NBL	C	29.1	33.9 (75)	C	30.1	45.3 (75)
	NBLTR	B	12.1	59.1	B	17.0	68.5
	SBL	C	34.9	18.4 (40)	D	42.9	28.2 (40)
	SBT	C	33.7	13.4	C	34.3	17.7
	SBR	A	0.4	0	A	1.3	0
Ludlow Rd / Rocky Creek Rd	EBTR	A	2.3	20.8	A	2.5	21.1
	WBLT	A	0.0	0	A	0.0	0
	NBL	A	2.8	8.4 (40)	A	3.3	18.3 (40)
	NBR	A	0.7	0	A	0.3	0

*Note: 95th Queues and Ludlow/Rocky Creek LOS and Delays are based on SimTraffic results, (##) = Existing turn lane length

TABLE 7: 2020 PM PEAK HOUR TRAFFIC CONDITIONS COMPARISON

Intersection	Movement	2020 Background			2020 Post Development		
		LOS	Delay (s)	95 th Queue (m)	LOS	Delay (s)	95 th Queue (m)
Hwy 1/ 1 st Ave-Ludlow Rd (Signalized)	EBL	B	12.2	9.5 (165)	B	13.4	14.0 (165)
	EBT	B	12.9	59.8	B	14.3	60.5
	EBR	A	2.8	0	A	2.9	0
	WBL	B	17.3	14.1 (145)	C	21.0	14.8 (145)
	WBT	B	17.8	66.2	C	24.6	71.0
	WBR	A	0	0	A	0.2	0
	NBL	C	28.4	21.9 (75)	C	28.6	30.7 (75)
	NBLTR	C	22.3	54.6	C	26.7	62.0
	SBL	C	33.8	13.3 (40)	D	37.1	18.9 (40)
	SBT	C	33.7	13.2	D	35.2	19.1
	SBR	A	0.3	0	A	1.3	0
Ludlow Rd / Rocky Creek Rd	EBTR	A	2.5	19.2	A	2.7	20.9
	WBLT	A	0.0	0	A	0.1	0.9
	NBL	A	3.8	17.7 (40)	A	3.7	23.2 (40)
	NBR	A	0.6	0	A	0.0	0

*Note: 95th Queues and Ludlow/Rocky Creek LOS and Delays are based on SimTraffic results, (##) = Existing turn lane length

4.0 LONG TERM TRAFFIC CONDITIONS

A 10 year horizon post development opening day condition analysis was undertaken. The historical 10-year growth factor (1.8%) for Highway 1 was used to adjust the background volumes to 2030 for Highway 1/1st Avenue. For the Ludlow Road/Rocky Creek Road intersection, a 2.0% annual growth rate was applied to obtain 2030 background volumes as a worst-case scenario.

4.1 2030 BACKGROUND TRAFFIC

See **Figure 7** for 2030 background volumes for the 10-year horizon after opening day. At Highway 1 / 1st Avenue without the development in 2030, all movements will operate at a LOS C or better except the southbound left movement (LOS D) in the AM peak hour. At Ludlow Avenue/Rocky Creek Road, all movements will operate at a LOS A in the peak hours with the existing control and the proposed roundabout.

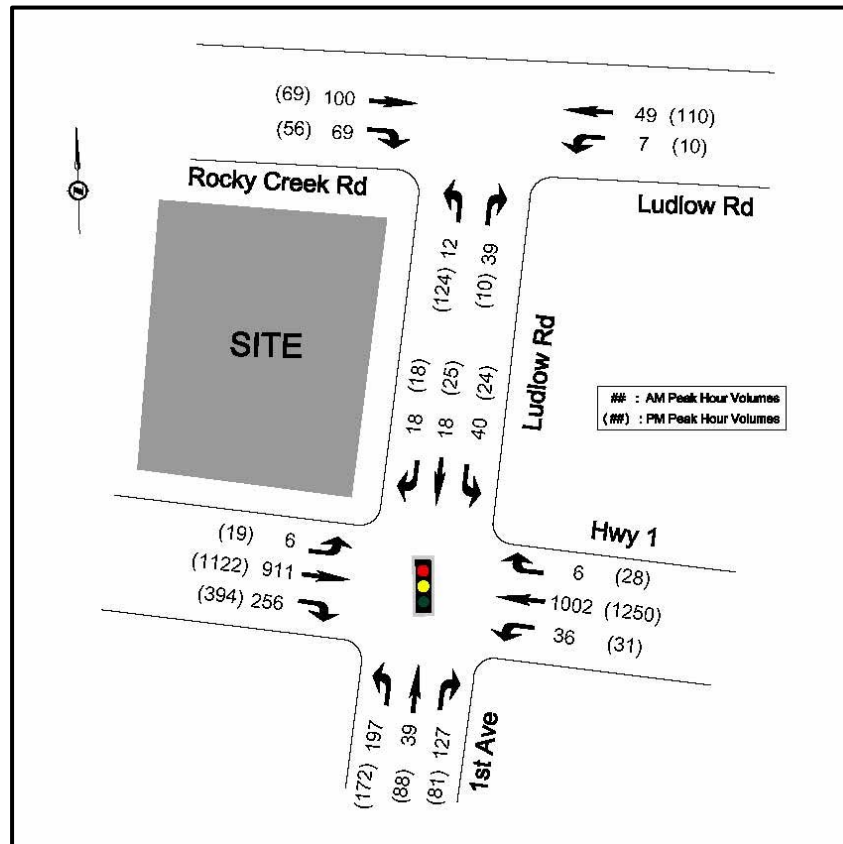


Figure 7: 2030 Background Volumes

4.2 2030 POST DEVELOPMENT ANALYSIS RESULTS

At Highway 1 / 1st Avenue with the higher development traffic added to the 2030 background volumes all movements will operate at a LOS C or better in the AM peak hour except the southbound left which will remain at a LOS D. In the AM, several movements will drop from LOS B to LOS C with the addition of the higher development traffic. In the PM peak hour the southbound left turn movement will drop from a LOS C to LOS D and several other movements will drop from LOS B to C (westbound left and westbound through). Those movements that drop a LOS due to the higher generating site plan may not drop with the revised site plan. Overall, even with the higher site traffic the intersection operates well in the long term.

At Ludlow Avenue/Rocky Creek Road, all movements will operate at a LOS A/B in the AM and PM peak hours with the development. The northbound left queue will remain within the existing storage length with the development. The proposed development does not trigger the need for any mitigation measures based on the 2030 post development analysis.

See **Figure 8** for 2030 post development volumes for the 10-year horizon after opening day. **Table 8** and **9** summarize LOS, delays and queues for 2030 background and post development.

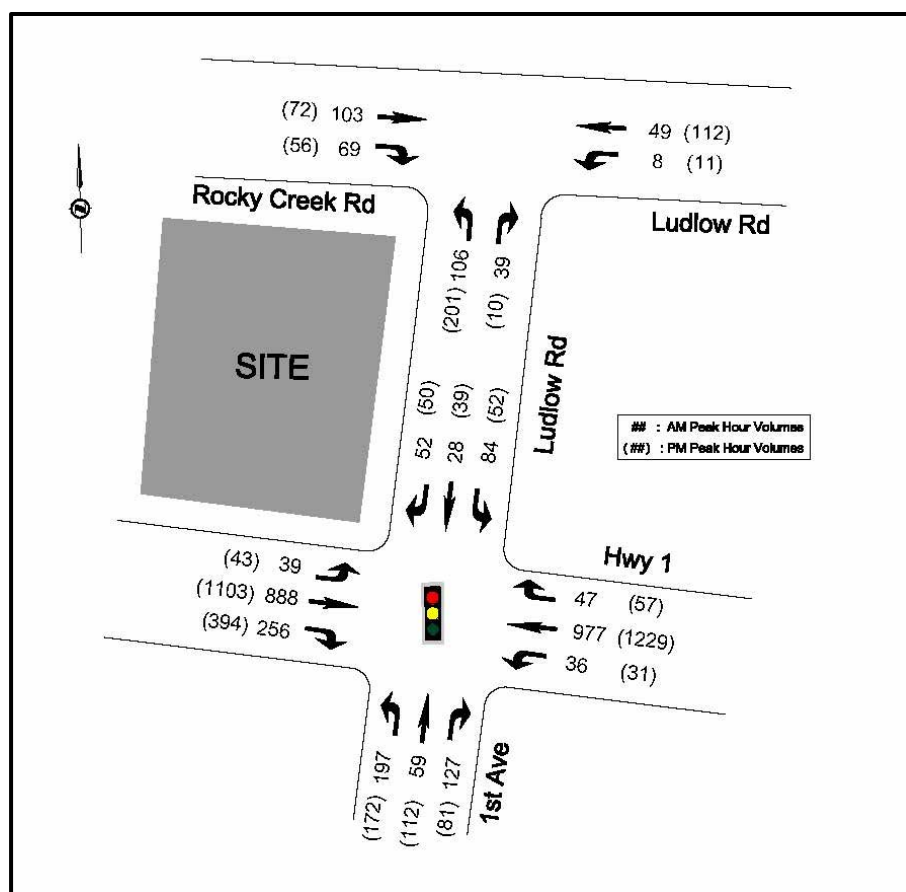


Figure 8: 2030 Post Development Volumes

TABLE 8: 2030 AM PEAK HOUR TRAFFIC CONDITIONS COMPARISON

Intersection	Movement	2030 Background			2030 Post Development		
		LOS	Delay (s)	95 th Queue (m)	LOS	Delay (s)	95 th Queue (m)
Hwy 1/ 1 st Ave-Ludlow Rd (Signalized)	EBL	B	12.7	6.3 (165)	B	13.7	15.1 (165)
	EBT	B	13.6	58.1	B	14.7	62.7
	EBR	A	2.9	0	A	2.9	2.4
	WBL	B	18.3	17.7 (145)	C	21.9	15.1 (145)
	WBT	B	18.5	63.4	C	24.8	82.4
	WBR	A	0	0	A	0.2	0
	NBL	C	30.0	46.7 (75)	C	31.1	57.1 (75)
	NBLTR	B	12.0	72.0	C	20.1	80.4
	SBL	D	35.7	19.0 (40)	D	44.6	24.2 (40)
	SBT	C	34.2	13.7	C	34.9	16.7
	SBR	A	0.4	0	A	1.4	0
Ludlow Rd / Rocky Creek Rd	EBTR	A	2.4	22.3	A	2.6	24.3
	WBLT	A	0.0	0	A	0.0	0
	NBL	A	2.7	9.2 (40)	A	2.9	14.4 (40)
	NBR	A	1.0	4.3	A	0.0	2.1

*Note: 95th Queues based on SimTraffic results, (##) = Existing turn lane length

TABLE 9: 2030 PM PEAK HOUR TRAFFIC CONDITIONS COMPARISON

Intersection	Movement	2030 Background			2030 Post Development		
		LOS	Delay (s)	95 th Queue (m)	LOS	Delay (s)	95 th Queue (m)
Hwy 1/ 1 st Ave-Ludlow Rd (Signalized)	EBL	B	12.2	9.5 (165)	B	13.4	14.0 (165)
	EBT	B	12.9	59.8	B	14.3	60.5
	EBR	A	2.8	0	A	2.9	0
	WBL	B	17.3	14.1 (145)	C	21.0	14.8 (145)
	WBT	B	17.8	66.2	C	24.6	71.0
	WBR	A	0	0	A	0.2	0
	NBL	C	28.4	21.9 (75)	C	28.6	30.7 (75)
	NBLTR	C	22.3	54.6	B	26.7	62.0
	SBL	C	33.8	13.3 (40)	D	37.1	18.9 (40)
	SBT	C	33.7	13.2	C	35.2	19.1
	SBR	A	0.3	0	A	1.3	0
Ludlow Rd / Rocky Creek Rd	EBTR	A	2.6	20.8	A	2.6	20.8
	WBLT	A	0.0	0	A	0.0	0
	NBL	A	3.8	17.4 (40)	A	3.9	25 (40)
	NBR	A	1.4	0	A	0.0	0

*Note: 95th Queues based on SimTraffic results, (##) = Existing turn lane length

4.3 ROUNDAABOUT REVIEW FOR LUDLOW ROAD / ROCKY CREEK ROAD

The Town of Ladysmith is planning for a roundabout at Ludlow Road/Rocky Creek. With the implementation of the roundabout the intersection of Ludlow Road / Rocky Creek Road will operate at a LOS A in the long term.

5.0 GEOMETRICS AND SAFETY

5.1 ACCESS SPACING

On the Ludlow Road frontage, the proposed access is located 55m off the Highway 1 intersection which is less than TAC's suggested minimum corner clearance of 70m for arterial roads from a signalized major intersection. Since the right out is located at the end of the left turn storage if vehicles are stored in the left turn lane exiting vehicles may have to wait to enter the left turn lane. The southbound 95th percentile queues, in the long term, are expected to be less than 25m which provides sufficient room for a right turning vehicle to exit the driveway and join the back of the queue. Therefore the location of the right in / right out on Ludlow Road is appropriate. The addition of the roundabout at Ludlow Road / Rocky Creek Road will include a median that extends to the railway and will ensure left turns into the driveway do not occur (and cause impacts to traffic at Highway 1 / 1st Avenue).

The access on the Rocky Creek Road is on the western edge of the property approximately 110m from the Ludlow Road / Rocky Creek Road intersection.

5.2 LEFT TURN LANE

At the site access on Rocky Creek Road, a westbound left turn lane is not warranted based on 2020 and 2030 post development volumes.

5.3 RIGHT-OF-WAY WIDTH OF LUDLOW ROAD

Currently Ludlow Road has a four to five lane cross section including a median and turn lane. Based on the long term analysis results, it is identified laning improvements (road widening) are not required on Ludlow Road between Rocky Creek Road and Highway 1. The existing Ludlow Road right-of-way is up to 55m wide which is more right-of-way than required for the long term needs on Ludlow Road.

6.0 ACTIVE TRANSPORTATION

6.1 PEDESTRIAN AND CYCLING FACILITIES

There are no existing sidewalk and cycling facilities on the Rocky Creek Road or Ludlow Road frontages. Cyclists use the paved shoulders on both sides on Rocky Creek Road.

Upgrades to accommodate bicycles and pedestrians is required along both frontages. The planned roundabout design has a multi-use pathway along the site frontages. These frontage improvements for bicycles and pedestrians should be coordinated with the Town.

6.2 TRANSIT

Along 1st Avenue, there are three BC Transit Bus routes; however, these routes do not extend to Ludlow Road. Route 31 provides circulation services within Town of Ladysmith. Route 34 provides services between Ladysmith and Chemainus and Route 36 provides express services between Ladysmith and Duncan. The closest bus stop is at 1st Avenue/Symonds Street and is located within a walking distance (250m) from the site; however, transit users would have to cross Highway 1 to access the bus. The Town is liaising with RDN Transit to determine the desire to extend the bus routes to or through this site as well as any plans for a transit route to Nanaimo which could stop at this intersection (on Highway 1). If transit is planning for a stop on Highway 1 this would be coordinated between RDN Transit, Town of Ladysmith, and MoTI.

7.0 CONCLUSIONS

The two key intersections within the study area operate at a LOS C or better in the AM and PM peak hours. The development impacts to the two study intersections are minimal in the long term.

At Highway 1 / 1st Avenue all movements will operate at a LOS C or better in the short term with the development with the higher level traffic generation except the southbound left turn which will operate at a LOS D during the PM peak hour only. The lower traffic generation (64 vph in the PM peak hour), with the revised site plan will reduce the impact to the southbound left and may not drop it an LOS. In the long term, all movements will be at a LOS C or better with the development except the southbound left which will operate at LOS D in the AM peak hour (with and without the development) and potentially in the PM peak hour with the development.

At Ludlow Road / Rocky Creek Road all movements operate at a LOS A in the long term with the existing stop control or as a roundabout. At the proposed two site access, all movements will operate at a LOS A/B. A westbound left turn lane is not required on Rocky Creek Road at the site access based on 2030 post development volumes. At the proposed right in / out access on Ludlow Road, no operational issues and the southbound queues from the highway signal will not block the site access.

Upgrades to provide pedestrian/bicycle facilities is required along both site frontages. BC Transit services are provided at 1st Avenue within a walking distance from the site; however, the closest stop requires crossing Highway 1 and walking to the 49th Parallel Grocery Store. The Town should coordinate with RDN Transit to determine if there is a plan for bus service to extend to Ludlow Road / Rocky Creek Road. This may include ensuring buses can travel through the site or if with the roundabout transit would add a stop on Ludlow Road before looping back to the 49th Parallel stop (current turnaround point.)

8.0 RECOMMENDATION

The developer is recommended to:

- Work with the site to confirm the required pedestrian and bicycle upgrades along the two frontages (multi-use pathway with landscaping or sidewalk, bicycle facility, and landscaping)

The Town to coordinate with RDN Transit regarding transit future plans for Highway 1 / Ludlow Road / Rocky Creek Road to determine if new stops are required to be planned for or if the site needs to accommodate a transit vehicle.

APPENDIX A: SYNCHRO BACKGROUND

SYNCHRO MODELLING SOFTWARE DESCRIPTION

The traffic analysis was completed using Synchro and SimTraffic traffic modeling software. Results were measured in delay, level of service (LOS) and 95th percentile queue length. Synchro is based on the Highway Capacity Manual (HCM) methodology. SimTraffic integrates established driver behaviours and characteristics to simulate actual conditions by randomly “seeding” or positioning vehicles travelling throughout the network. The simulation is run five times (five different random seedings of vehicle types, behaviours and arrivals) to obtain statistical significance of the results.

Levels of Service

Traffic operations are typically described in terms of levels of service, which rates the amount of delay per vehicle for each movement and the entire intersection. Levels of service range from LOS A (representing best operations) to LOS E/F (LOS E being poor operations and LOS F being unpredictable/disruptive operations). LOS E/F are generally unacceptable levels of service under normal everyday conditions.

The hierarchy of criteria for grading an intersection or movement not only includes delay times, but also takes into account traffic control type (stop signs or traffic signal). For example, if a vehicle is delayed for 19 seconds at an unsignalized intersection, it is considered to have an average operation, and would therefore be graded as an LOS C. However, at a signalized intersection, a 19 second delay would be considered a good operation and therefore it would be given an LOS B. The table below indicates the range of delay for LOS for signalized and unsignalized intersections.

Table A1: LOS Criteria, by Intersection Traffic Control

Level of Service	Unsignalized Intersection Average Vehicle Delay (sec/veh)	Signalized Intersection Average Vehicle Delay (sec/veh)
A	Less than 10	Less than 10
B	10 to 15	11 to 20
C	15 to 25	20 to 35
D	25 to 35	35 to 55
E	35 to 50	55 to 80
F	More than 50	More than 80

APPENDIX B: PREVIOUS SITE PLAN TRAFFIC GENERATION (USED IN ANALYSIS)

Table B1: Peak Hour Trip Generation Rates

ITE Land Use		Weekday AM			Weekday PM		
Code	Description	Rate*	In	Out	Rate	In	Out
820	Commercial Retail (Shopping Centre)	0.94	62%	38%	3.81	48%	52%
934	Fast Food Restaurant w Drive-Through	40.19	51%	49%	32.67	52%	48%

*Trip Rates per 1,000 sq. ft.

Table B2: Peak Hour Development Trips

Description	GFA	Weekday AM			Weekday PM		
		In	Out	Total	In	Out	Total
Commercial Retail	14,666 sq. ft.	9	5	14	27	29	56
Drive-Through Restaurants	4,600 sq. ft.	94	91	185	78	72	150
Totals		103	96	199	105	101	206

Table B3: Internal and Net External Trips at Full Build-Out

Types of Trip	AM Peak Hour			PM Peak Hour		
	Inbound	Outbound	Total	Inbound	Outbound	Total
Total Trips	103	96	199	105	101	206
Internal Trips	-	-	-	21	21	42
Net External	103	96	199	84	80	164

Table B4: Primary and Pass-By Trips

Types of Trip	AM Peak Hour			PM Peak Hour		
	Inbound	Outbound	Total	Inbound	Outbound	Total
Primary Trips	55	50	105	44	42	86
Pass-by Trips	48	46	94	40	38	78

Update on Council Requests from July 7, 2020 (Council Resolution 2020-202)

On July 7, 2020, Council directed staff to discuss the following items with the applicant prior to further consideration of the application.

Council Resolution 2020-202	Staff Comments
Clarity regarding the roundabout and provisions within the development to ensure that it can be accommodated.	<ul style="list-style-type: none"> Road dedication for the roundabout is to be provided by the developer (Attachment D of the June 1, 2021 Staff Report). Roundabout to be constructed in conjunction with the development.
Possible provision of electric vehicle chargers, particularly fast chargers (not level two).	<ul style="list-style-type: none"> Two "quick charge" electric vehicle chargers will be provided (to be secured by covenant).
Clarity regarding signage design prior to the application proceeding.	<ul style="list-style-type: none"> Staff have provided comments on a draft of the signage plan. Details of the proposed signage are provided in the DP Application (Attachment F of the June 1, 2021 Staff Report). If the proposed OCP and zoning amendments proceed for further consideration, the DP will be brought forward for consideration at a future Council meeting.
Assurance that the trees and buildings in the development have power to accommodate the Town's annual Light Up and other events.	<ul style="list-style-type: none"> To be secured by covenant.
Review of the existing covenant regarding the 49th Parallel sign.	<ul style="list-style-type: none"> Staff recommend removing this requirement. The 49th Parallel appears to fall to the north of the site within a short east/west portion of Rocky Creek Road. The 49th Parallel does run through the proposed roundabout where the developer is required to place an artifact or art installation. A 49th parallel themed installation is an option.
Provision for future hydrogen filling if a gas station is included in the plan.	<ul style="list-style-type: none"> A gas station is not permitted under the proposed zoning amendment.
Plans to tie in Ladysmith's heritage by installing an artifact.	<ul style="list-style-type: none"> Staff are recommending that the existing covenant requirement for an artifact be modified to allow the option for a public art installation. Staff have spoken with representatives of the Ladysmith and District Historical Society (LDHS) and have not been able to identify an artifact.
Possibility of a public art installation in keeping with the Town's Public Art Strategy.	<ul style="list-style-type: none"> Staff recommend that either a public art installation or a heritage artifact be incorporated into the centre of the Ludlow/Rocky Creek Road roundabout. To be secured by covenant.
Possibility of installing a lit community reader board.	<ul style="list-style-type: none"> Staff do not recommend this is an appropriate location for a community reader board.

Attachment H

	<ul style="list-style-type: none"> • It would be better to locate a community reader board on public property and in a location where speed limits are lower to allow people time to read the information.
Town's request for a simultaneous submission of the zoning amendment application with the DP to ensure control of form and character.	<ul style="list-style-type: none"> • The DP Application has been submitted (Attachment F of the June 1, 2021 Staff Report.)
Town's request for more than average tree coverage and landscaping standards.	<ul style="list-style-type: none"> • The proposed Landscaping Plan is provided in Attachment F of the June 1, 2021 Staff Report. • Existing trees adjacent to the highway are not on the subject property and will be retained (or replaced, if they are disturbed during construction). • If Council is not satisfied with the proposed plan, they can either direct staff to review the landscaping based on the DPA 3 – Commercial guidelines, or amend the proposed zoning amendment (Bylaw No. 2069) to include a site specific amendment for additional shade trees (section 7.2 of Zoning Bylaw No. 1860).
Town's request to incorporate design elements that are of "Gateway to Community" caliber.	<ul style="list-style-type: none"> • Staff have worked with the applicant to revise the proposed design of the site. • The current proposal is included as Attachment F of the June 1, 2021 Staff Report.
Possible provision of a transit stop within the development or on the road in front of the development.	<ul style="list-style-type: none"> • BC Transit recommended against a transit stop at this location. • As recommended by BC Transit the site will accommodate HandyDART buses. • The DP Application will be referred to BC Transit for confirmation that the design can accommodate HandyDART vehicles.

Attachment I

Neighbourhood Information Meeting Report 1130 Rocky Creek Road (Application # 3360-20-02)

Meeting Date: 23 July 2020

Application File No.: 3360-20-02

Host Attendees: *Ashley Garib, Oyster Harbour Development Corp (role – development information) & Kelly Hirsch, Kaivalya Research Ltd (role – venue management)*

Public Attendees: 2

Complete and Detailed Summary of Comments from the Public

- The 2 attendees did not complete comment cards but both had a long discussion with Ashley Garib about the proposed development and expressed their support for the development. They heard about the NIM from the notice mailed to their address – 1253 Selkirk Dr. Nanaimo, BC. They are the owners of 1125 2nd Ave in Ladysmith, BC.
- [REDACTED] who works at the [REDACTED] also had discussions with Ashley Garib and is supportive of the development.

Attachments:

Copy of newspaper meeting notice – ‘*Notice Meeting Ashley*’

Copy of invitation mailed to all recommended addresses provided – ‘*TOL NIM – Mailing Letter*’

Venue photos – *.jpg files attached*

Submitted by: (Kelly Hirsch, Kaivalya Research, 28 July 2020)

Notice of Neighbourhood Information Meeting

Members of the public are invited to attend
an information meeting regarding:
OCP and Zoning Amendment Application
3360-20-02: 1130 Rocky Creek Road

Date: 23 July 2020

Time: 7 – 9pm

Location: Eagles Building - 921 1st Ave, Ladysmith, BC

Further information or questions of clarification
may be directed to Ashley Garib,

Oyster Harbour Development Corp – ashley.g@telus.net

Please note: We are following the recommended and required
COVID-19 WorkSafeBC precautions in holding this meeting.

Oyster Harbour Development Corp.

3790 St. Pauls Ave., North Vancouver, BC
V7N 1T3

14 July 2020

Owner – «Street_Address»
«Mailing_Address»
«City» BC «Postal_Code»

Notice of Neighbourhood Information Meeting

Re: OCP and Zoning Amendment Application # 3360-20-02: 1130 Rocky Creek Road, Ladysmith BC

To Whom It May Concern:

Members of the public are invited to attend an information meeting regarding:
OCP and Zoning Amendment Application # 3360-20-02: 1130 Rocky Creek Road, Ladysmith BC

Date: 23 July 2020

Time: 7 – 9pm

Location: Eagles Building – 921 1st Ave, Ladysmith, BC

Further information or questions of clarification may be directed to Ashley Garib, Oyster Harbour Development Corp – ashley.g@telus.net

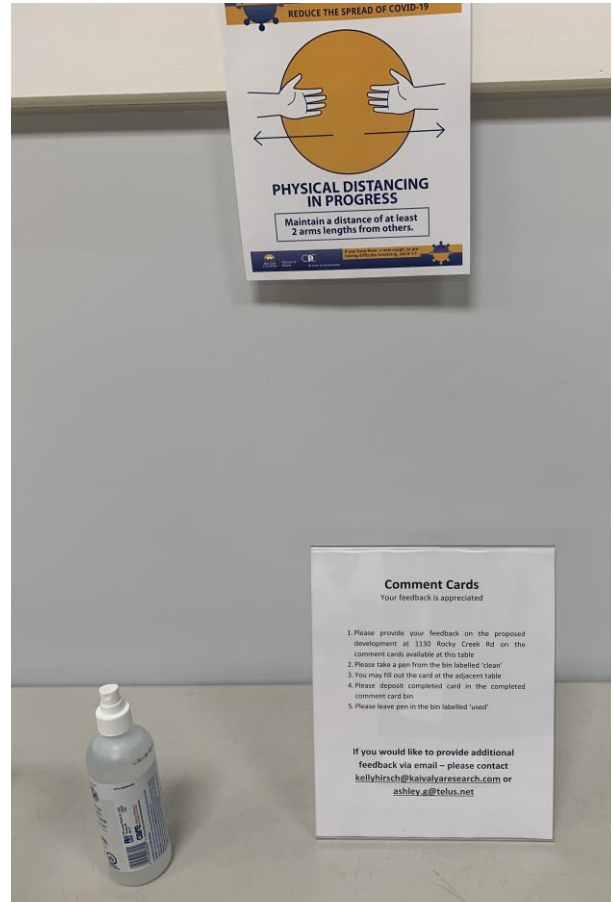
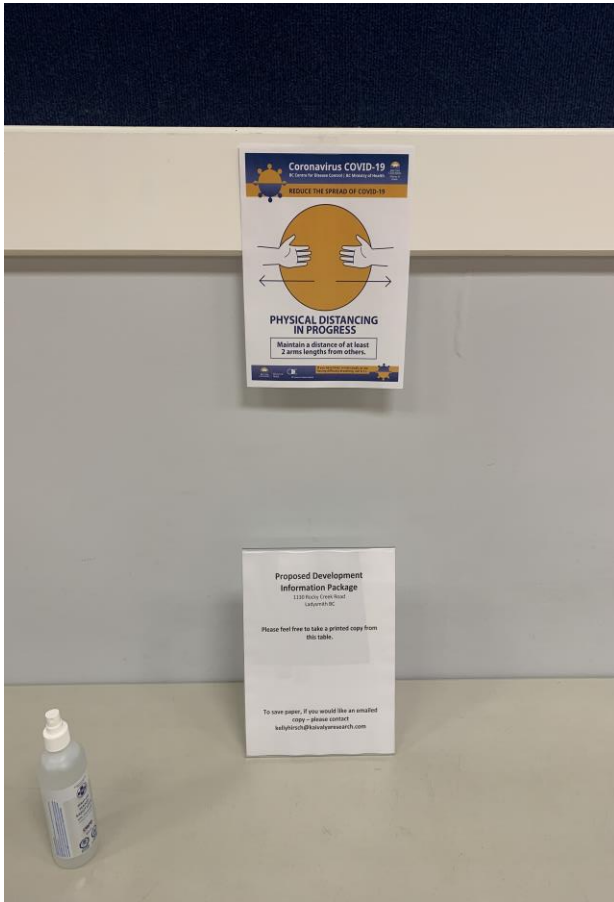
Please note that we are following the recommended and required COVID-19 WorkSafeBC precautions in holding this meeting.

We look forward to your attendance at the meeting.

Sincerely,

Ashley Garib, President
Oyster Harbour Development Corp.
ashley.g@telus.net







Commercial Development **1130 Rocky Creek Road, Ladysmith BC**



Prepared for Neighbourhood Information Meeting
Oyster Harbour Development Corp
Ashley Garib, (604) 970-8042
Email: ashley.g@telus.net
July 20, 2020

Development Information

Oyster Harbour Development Corp. is pleased to present the proposed development for 1130 Rocky Creek Road. This development information summary will provide a high-level overview of the proposed development.

- Oyster Harbour Development Corp. is a single purpose company, incorporated for the purposes of this development. The name Oyster Harbour is used for its historical significance to the Town of Ladysmith. The parent corporation Joshua Development Corporation is privately held and has been active in real estate development since the company's founding in 1993 by its President, Ashley Garib. Ashley has 32 years of real estate development experience. Joshua Development Corporation works with BC communities to develop properties into thriving spaces while achieving their mutual development goals.
- Property History – The Property was sold to Oyster Harbour Development Corp. by the previous mortgagee who obtained it through foreclosure. The previous owner has been involved with this property and the adjacent lots since 2006. Multiple developments have been proposed for the site in this time period including warehouses, condos and a hotel. These previous proposed developments were viewed to be not economically feasible and have resulted in the land remaining vacant.
- Our analysis has determined this site is not suited for residential uses as previously proposed. This was demonstrated by the poor uptake of the previous condo units above the warehouses on the adjacent lots. A key consideration with this site is the busy highway and commercial businesses nearby, which is a less desirable location for residents generally and especially in a community that has alternative areas more suitable for residential growth. Residents generally prefer quieter locations. Particularly families with young children who would have safety concerns being located so close to a major thoroughfare. Also, we understand that the adjacent lots were recently bought out of foreclosure by CO OP with the intention to develop a gas station and convenience store, which further reduces the desirability of residential in this location.
- The sloping topography allows only for a portion of the site to be developed. This would limit the loading areas and circulation as well as “storefronts” for customer access. These are key components to the success of Light Industrial and Industrial developments. The limited yield of area for development coupled with the extensive site preparation and construction of retaining walls will drive the overall project cost up. Therefore, pushing Light Industrial and Industrial rents far beyond what the market could bear for Ladysmith. This makes the Industrial model unfeasible.

- Our analysis has shown that this site is well positioned for commercial development with services such as quick service restaurants and retailers. Attributes that support this as the highest and best use of this property include exposure and access to the highway, which are key components for commercial retail and convenience centres.
- This is an opportunity to add commercial activity and services in the Town of Ladysmith. This in turn will increase the tax base, create new employment opportunities, and improve the aesthetics for the community (see attached Economic Opportunity Estimates on page 5).
- National Tenants have committed with long term leases and have targeted opening in Spring 2021. Construction will begin immediately once The Town of Ladysmith approves all permits and zoning. To meet these timelines, site preparation of “cutting and filling” the steeply sloped site is best done in the drier summer months, when the moving of soils is most efficient. Current environmental and geotechnical studies have been completed, as well as preliminary civil engineering design. Construction of the buildings will be carried out over a 6-8 month timeframe.
- These prospective Tenants will provide employment with benefits such as extended medical, dental, and post secondary tuition support. They also invest in their local communities and want to establish long term ties. (see attached Economic Opportunity Estimates on page 5).
- Economic stability of large national Tenants – they have the means to largely withstand recessions and economic downturns being part of a national network and revenue program. This helps commercial spaces stay vibrant and avoids vacancies. This property is a “gateway” to the Town of Ladysmith making it important to maintain thriving businesses at the entry into the community. In addition, this sustains services and maintains economic stability during troubled times such as the current pandemic.
- Key factors driving location selection for these Tenants are the highway visibility and access as well as the size of their premises and required parking to accommodate their customers. There are not suitable sites with the visibility and square footage required at either Coronation Mall or in the Downtown area. These Tenants serve different customers than businesses in the Downtown area.
- The site plan (see attached Preliminary Site Plan on page 6) has been designed to enhance walkability while ensuring that people in transit on the highway can easily access the businesses. The drive thru capability will increase convenient service to a cross section of customers including; accessibility for people with physical disabilities, with young children, and seniors. This is another factor that keeps these businesses viable and is part of a well established and proven business model.

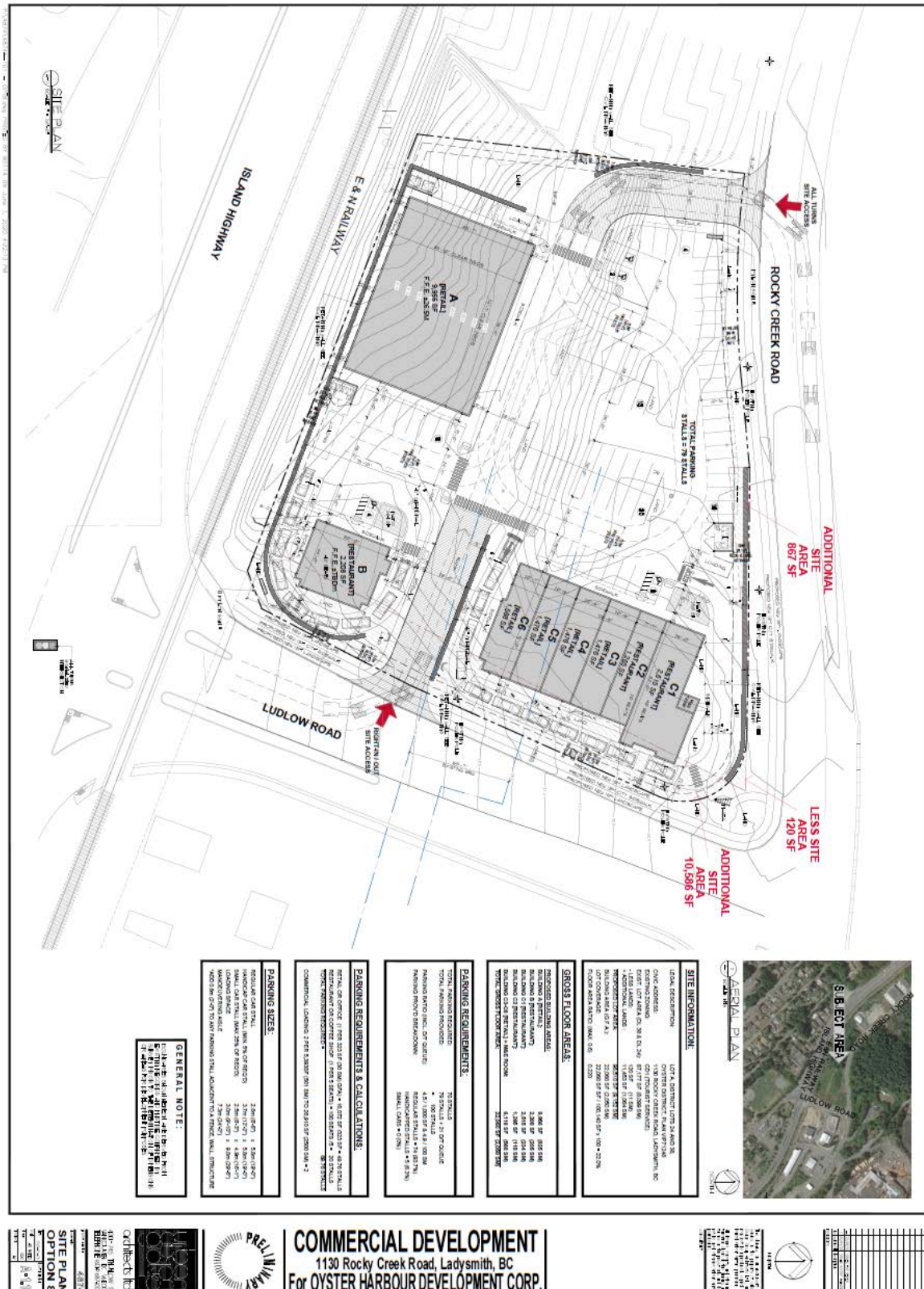
- The buildings (see attached Preliminary Renderings on pages 7-8) have been designed in accordance with community aesthetics and will have high end building materials used throughout.
- The aim is to provide a good balance between the heritage of the Waterfront and Downtown coupled with the need of residents and visitors to access convenience services close by.

Key Points

- This site has remained vacant for 15+ years despite multiple attempts at residential and industrial developments. Multiple factors outlined above demonstrate that commercial development is the highest and best use for this property.
- The Town of Ladysmith and its residents stand to benefit economically from this development both through an increase in tax base and the creation of stable employment opportunities. The national Tenants that will locate here are invested in the community's development for the long run. To get an idea of the economic benefits, please see attached Economic Opportunity Estimates on page 5.
- The required environmental and geotechnical studies have already been completed and Tenants have committed to the project with long term leases. Once development permits and zoning approvals are received by the developer, construction will begin immediately. Ladysmith will realize the economic opportunities from this development in a short timeframe creating ongoing employment. The targeted opening for this project is Spring 2021.
- The site will be developed complimentary to the Town of Ladysmith's plans to revitalize the Waterfront and Downtown areas. The buildings will be designed in accordance with community aesthetics, will have high end building materials used throughout and will help increase the vibrancy of the area.

Economic Opportunity Estimates

CURRENT STATUS - VACANT LAND	in \$'s	Number of Jobs	Benefit
Property Taxes	\$16,238		✓
Employment	\$0	0	✗
Employment benefits - pension, medical, dental, post-secondary Contributions etc.			✗
Construction	\$0	0	✗
Service Revenue - garbage removal, landscaping, common area maintenance etc.	\$0	0	✗
CURRENT ECONOMIC BENEFITS	\$16,238	0	
CONSTRUCTION PHASE			
Property Taxes	\$16,238		✓
Employment	\$0	0	✗
Employment benefits - pension, medical, dental, post-secondary Contributions etc.			✓
Construction	\$7,000,000	100	✓
Service Revenue - garbage removal, landscaping, common area maintenance etc.	\$20,000	4	✓
ECONOMIC BENEFITS DURING CONSTRUCTION PHASE	\$7,036,238	104	
COMPLETED DEVELOPMENT			
Property Taxes	\$176,000		✓
Employment	\$1,800,000	120	✓
Employment benefits - pension, medical, dental, post-secondary Contributions etc.			✓
Construction	\$0	0	✗
Service Revenue - garbage removal, landscaping, common area maintenance etc.	\$108,000	10	✓
ANNUAL PERPETUAL ECONOMIC BENEFIT OF COMPLETED DEVELOPMENT	\$2,084,000	130	



Preliminary Renderings

Overview



View from Intersection - Northeast



View from Rocky Creek Access - Southwest



View from Parking Lot - Southwest





MINUTES

Community Planning Advisory Committee

Wednesday, August 5, 2020 at 7:00 p.m.
Aggie Hall (1110 1st Avenue)

PRESENT: Acting Chair – Jason Harrison; Members – Brian Childs, Tamara Hutchinson, Jennifer Sibbald; Council Liaison – Tricia McKay; Senior Planner & Recorder – Christina Hovey, Planner – Julie Thompson

ABSENT: Members – Tony Beckett, Steve Frankel, Lacey McRae Williams

GUESTS: Applicants – Robyn Kelln, Ashley Garib

The meeting was called to order at 7:10 p.m.

1. SELECTION OF ACTING CHAIR

That in the absence of Lacey McRae Williams, it was moved, seconded and carried that Jason Harrison act as the meeting chair. Jason Harrison opened the meeting by recognizing the traditional territory of the Stz'uminus First Nation.

1. AGENDA APPROVAL

It was moved, seconded and carried that the Agenda of August 5, 2020 be approved.

2. ADOPTION OF MAY 6, 2020 MINUTES

It was moved, seconded and carried that the Minutes of May 6, 2020 be approved.

3. COUNCIL REFERRALS

a. OCP & Zoning Bylaw amendment application

3360-19-02 (Lot 20 Trans Canada Hwy & 670 Farrell Road)

Applicant Robyn Kelln was available to answer Community Planning Advisory Committee (CPAC) questions.

CPAC did not provide a recommendation on whether they support the OCP and Zoning Bylaw amendment; however, they identified the following issues that Council should take into consideration:

- Protection of the natural environment and preserving the mature trees that are currently on the property.
- Traffic and especially highway access at Davis Road, this is already an existing issue, but the proposed development will contribute additional traffic to the intersection.
- Parkland dedication/greenspace should be required rather than cash-in-lieu. It is important for the new residents to have access to greenspace.
- Connecting the community to the Town's trail network should be a priority.

b. OCP & Zoning Bylaw amendment application

3360-20-02 (1130 Rocky Creek Road)

Applicant Ashley Garib introduced the application and was available to answer CPAC questions.

It was moved, seconded and carried that the Community Planning Advisory Committee:

1. Supports the OCP & Zoning Bylaw amendment to allow for commercial uses on 1130 Rocky Creek Road.
2. Supports allowing drive-through restaurants at 1130 Rocky Creek Road, but consideration should be given to requiring a logical offset to potential carbon emissions/air pollution impacts, for example by requiring electric vehicle quick charge stations.
3. Recommends that Council take the following items into consideration regarding application 3360-20-02 (1130 Rocky Creek Road):
 - Electric vehicle quick charge stations should be required.
 - The property should be as “green” as possible maximizing landscaped/permeable areas, and using low-impact methods for rainwater management.
 - The property is a gateway into Ladysmith.

It was moved, seconded and carried that the Community Planning Advisory Committee (CPAC) did not have enough information to comment on the form and character of the proposed development at 1130 Rocky Creek Road. The Committee requests that Council refer additional information about the proposed form and character to a future CPAC meeting.*

4. NEW BUSINESS

None.

5. MONTHLY BRIEFING

None.

6. NEXT MEETING - TBD

7. ADJOURNMENT

It was moved, seconded and carried that the meeting be adjourned at 9:05 pm.

Acting Chair (J. Harrison)

RECEIVED:

Corporate Officer (D. Smith)

*Note: High-level information was provided to CPAC so they could provide preliminary input into the proposed form and character of the development. The full development permit application (DP 3060-20-19) has not been referred to CPAC. Under the CPAC Terms of Reference, only Development Permits within the Downtown are referred to CPAC, however Council may choose to refer any application to CPAC.

Christina Hovey
Senior Planner, Development Services Department
Town of Ladysmith
chovey@ladysmith.ca

May 20, 2020

Re: File RZ-3360-20-02

Dear Council,

We are in receipt of the referral dated September 14, 2020 and the update to the referral dated April 22, 2021 regarding the application for OCP and Zoning Bylaw Amendment at 1130 Rocky Creek Road. As the economic development arm of Stz'uminus First Nation, we are responding on Stz'uminus' behalf to this referral.

Stz'uminus has never ceded any site within its traditional territory including the site at 1130 Rocky Creek Road and as a result any change to the land, such as rezoning or new construction is of concern for Stz'uminus First Nation.

With the signing of the Naut'sa mawt Accord and the MOU, Stz'uminus and the Town of Ladysmith set out on a joint journey of collaboration. Stz'uminus and the Town of Ladysmith are continually building a solid relationship in the spirit of trust and mutual prosperity. This forms the foundation for working together in all areas including matters related to Stz'uminus reconciliation, our joint interest in Ladysmith Harbour as well as in decisions regarding land development such as this referral. It is time to work together as one and equally consider the health of the Town of Ladysmith's businesses and Stz'uminus' businesses.

Initially the application only featured a Dollarama and a Starbucks. The recent update proposes the addition of a gas station and/or a service station. When considering an amendment of the Official Community Plan, the following questions must be asked: Does the market support another gas station and/or a service station in the area? How will the new development affect the viability of existing businesses in the surrounding areas?

Given our economic pursuits just a few minutes down the road from the referral site we would be concerned how this may adversely impact our existing businesses.

We appreciate your consideration on this matter and hope that the Town of Ladysmith will make a decision that is in the best interests of all stakeholders.

Sincerely,



Ray Gauthier, CEO
Coast Salish Development Corp.

Minutes of the Public Art Task Group (PATG)
Thursday, May 6th, 2021 at 4:15pm

COMMITTEE MEMBERS PRESENT:

Lynda Baker
Kathy Holmes
Councillor Tricia McKay
Ora Steyn
Lesley Lorenz

STAFF PRESENT:

Shannon Wilson

REGRETS:

Julia Noon
Shirley Louie

**WELCOME &
ACKNOWLEDGEMENT**

L. Baker welcomed group and opened the meeting at 4:18 pm.

AGENDA

Moved and seconded: K. Holmes / O. Steyn

2021-09: That PATG members approve the agenda for the meeting as presented.
Motion carried.

MINUTES

Moved and seconded: K. Holmes / L. Lorenz

2021-10: That PATG members approved Minutes of April 1, 2021 as circulated.
Motion carried.

Moved and seconded: O. Steyn / L. Lorenz

2021-11: That PATG members approved Minutes of April 1, 2021 CLOSED session as circulated.
Motion carried.

OLD BUSINESS

A. Guidelines for Acquisition of Public Art (DRAFT)

Staff shared the draft of Toolkit#1 –Guidelines for Acquisition of Public Art.

The Committee members reviewed and made edits to the draft.

K. Holmes left the meeting at 4:55 p.m.

B. Donation Update from PRCAC

PRCAC has reviewed the recommendation from PATG and is forwarding their recommendation to Council for Approval.

C. List of Proposed Projects - Ongoing

No report

NEW BUSINESS

1) Donation Request

Staff reported that this donation has been withdrawn by the Sponsor.

PRC DEPARTMENT UPDATE

1) Red Dress Project

As requested by the Chair, Staff shared information on the Red Dress project.

L. Lorenz asked Staff to consider respectful practice in the removal and storage of the Red Dresses.

2) Banners

The Town's Banner program is underway for 2021 and the PATG will discuss the Community Public Art Banners for 2022.

3) Canada Day – Staff are reaching out to community members who would like to work together to create safe Canada Day celebrations for community.

Moved and seconded: L. Lorenz / O. Steyn

2021-12: That the PATG meeting is adjourned at 5:40 p.m.

Motion carried

Next meeting will be held at 6:11 pm, May 6th, 2021 via Zoom.

Chair (L. Baker)

RECEIVED:

Corporate Office (D. Smith)

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 6th day of April, 2021

READ A THIRD TIME on the 6th day of April, 2021

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 6th day of April, 2021

READ A THIRD TIME on the 6th day of April, 2021

APPROVED by the Ministry of Transportation & Infrastructure
on the 3rd day of May, 2021,

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

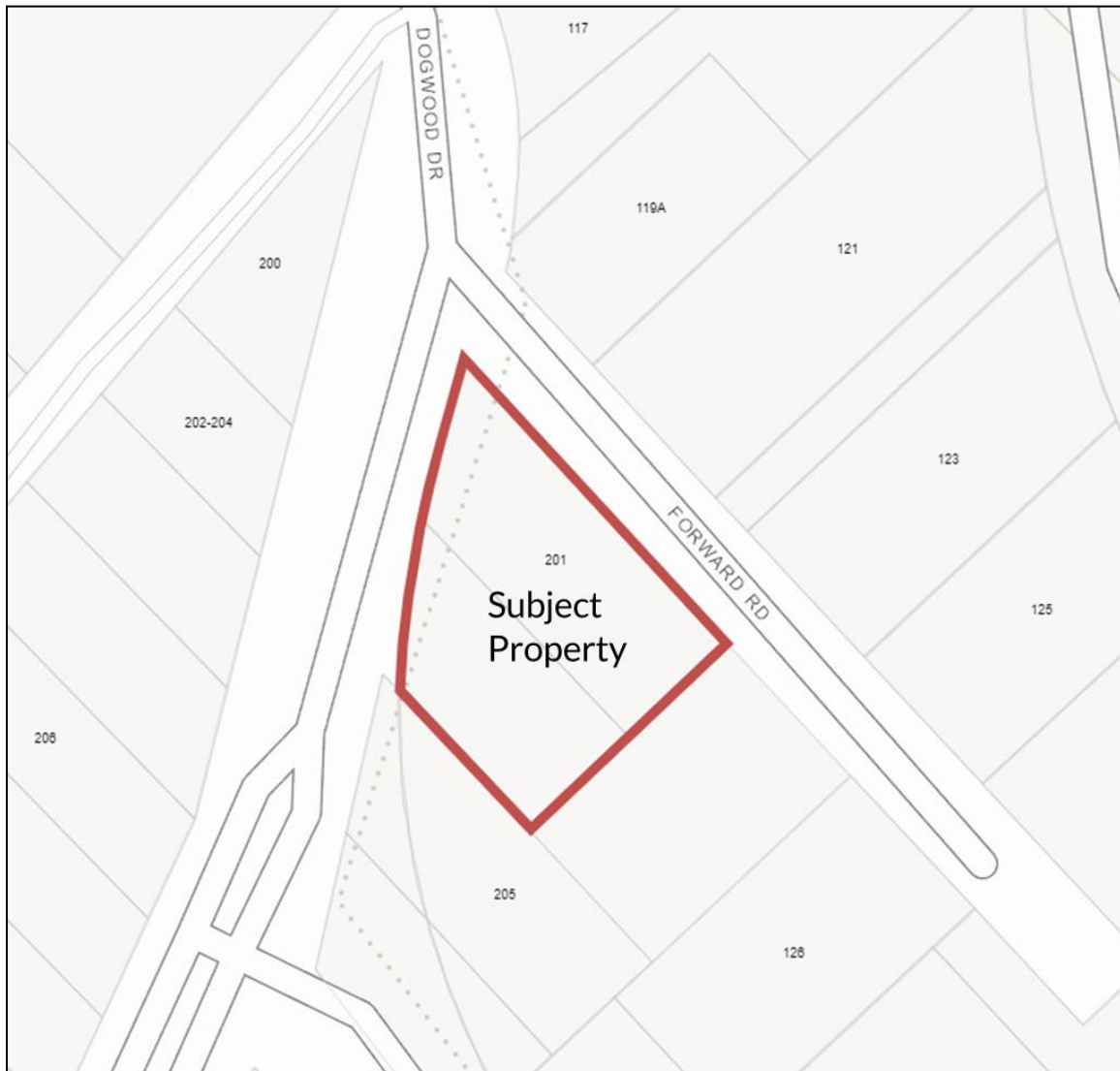
5. Landscaping and Screening

- 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”**



- 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 ,

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

this 3rd day of May, 2021
Ministry of Transportation and Infrastructure



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

Mayor (A. Stone)

Corporate Officer (D. Smith)

BYLAW STATUS SHEET

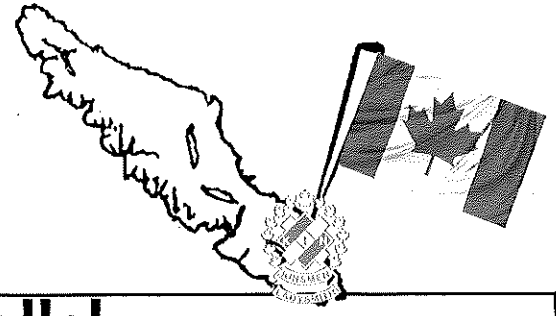
June 1, 2021

		Status
2045	Film Bylaw 2021, No. 2045	First, second and third reading, May 4, 2021.
2046	Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2021, No. 2046 (Filming in Ladysmith)	First, second and third reading, May 4, 2021.
2047	Official Community Plan Bylaw 2003, No.1488, Amendment Bylaw (No.62) 2021, No. 2047 (Filming in Ladysmith)	First and second reading, May 4, 2021. Referred to Stz'uminus First Nation and School District 68. Public Hearing scheduled for June 1, 2021.
2048	Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2021, No. 2048 (Filming in Ladysmith)	First, second and third reading, May 4, 2021.
2049	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.31) 2021, No. 2049 (Filming in Ladysmith)	First and second reading, May 4, 2021. Public Hearing scheduled for June 1, 2021.
2050	Town of Ladysmith Fees and Charges Bylaw 2008, No.1644, Amendment Bylaw 2021, No. 2050 (Filming in Ladysmith)	First, second and third reading, May 4, 2021.
2060	Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060 (670 Farrell Road)	First and second reading, March 16, 2021. Public Hearing, and third reading April 6, 2021.
2061	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061 (670 Farrell Road)	First and second reading, March 16, 2021. Public Hearing and third reading April 6, 2021. MOTI approval received May 3, 2021.
2062	Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062 (201 and 203 Dogwood Drive)	First and second reading, March 2, 2021. Public Hearing and third reading April 6, 2021. Conditions have been met.
2063	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063 (201and 203 Dogwood Drive)	First and second reading, March 2, 2021. Public Hearing and third reading April 6, 2021. MOTI approval received May 3, 2021. Conditions have been met.
2064	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064 (630 Farrell Rd)	First and second reading, April 20, 2021. Public Hearing and third reading May 18, 2021. MOTI approval required prior to adoption.
2071	Filming Reserve Bylaw 2021, No. 2071	First, second and third reading May 4, 2021.



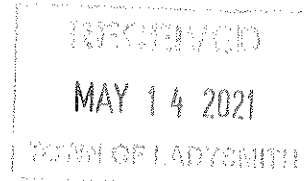
Kin Canada

Kinsmen Club of Ladysmith



On The 49th Parallel

P.O. Box 324, Ladysmith, B.C. V9G 1A3



May 10th, 2021

Mayor and Council
Town of Ladysmith
P.O. Box 220,
Ladysmith, B.C.
V9G 1A2

Dear Mayor Stone and Councillors

The members of the Ladysmith Kinsmen Club wish to thank the Town of Ladysmith and staff for the tremendous support and assistance we've received during the construction of the downtown public bathrooms. The project is nearing completion and we're looking forward to having an opening event (if permitted) with Town council and staff,

As part of the project the Kinsmen are having signage done for the bathrooms and we are wanting to engage with the Stz'uminus community and putting the Hul'q'umi'num' wording (for rest room) on the sign as well as the English words.

Our club members acknowledge that this area is part of the traditional lands of the Stz'uminus people and it would be a good gesture to show some of the traditional words (and phrases) of the people that were here before us. We will be approaching the Stz'uminus council, as well, to get their okay as well as the proper spelling and word(s) for the facility.

The Kinsmen are hoping that the Town of Ladysmith feels the same way we do and will give their blessing to having the Hul'q'umi'num' words on the Public Restroom sign as well.

Sincerely

Allan Moore
Secretary
Ladysmith Kinsmen Club