

**A PUBLIC HEARING AND REGULAR MEETING  
OF THE TOWN OF LADYSMITH COUNCIL  
AGENDA  
5:00 P.M.**

**Tuesday, August 2, 2022**

**This meeting will be held electronically**

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**Pages**

**1. CALL TO ORDER**

Call to Order 5:00 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 of the *Community Charter*, Council retire into closed session in order to consider items related to the following:

- (1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (1)(g) litigation or potential litigation affecting the municipality; and
- (1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- (2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or between a provincial government and a third party.

**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.

### **3.1. INFORMATION ON HOW TO VIEW / ATTEND THE MEETING**

Register to electronically attend the meeting:

[https://us06web.zoom.us/webinar/register/WN\\_RGQBQyA\\_TIW3ah77mzbEhw](https://us06web.zoom.us/webinar/register/WN_RGQBQyA_TIW3ah77mzbEhw)

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

For those unable to participate by electronic means, the meeting will be broadcast in the City Hall Council Chambers at 410 Esplanade.

Participation will be managed electronically via Zoom, operated from Council Chambers. Seating is limited.

View the livestream on YouTube:

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

## **4. AGENDA APPROVAL**

### Recommendation

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for August 2, 2022.

## **5. PUBLIC HEARING**

### **5.1. “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106” and “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107”**

Subject Property: Lot 5 Block 1399 Oyster District Plan VIP75559,  
Except Plan VIP82328

**5.1.1. Outline of Public Hearing Process - Mayor Stone**

**5.1.2. Introduction of Bylaws and Statutory Requirements - Director, 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. 2106 and 2107 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. 71) 2022, No. 2106"** 7
- Recommendation  
That, subject to any additional matters raised at the Public Hearing, Council give third reading to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106".
- 6.2. "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107"** 12
- Recommendation  
That, subject to any additional matters raised at the Public Hearing, Council give third reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107".
- 7. RISE AND REPORT- Items from Closed Session**
- 8. MINUTES**
- 8.1. Minutes of the Regular Meeting of Council held July 19, 2022** 15
- Recommendation  
That Council approve the minutes of the Regular Meeting of Council held July 19, 2022.
- 9. PROCLAMATIONS**
- 9.1. Pulmonary Fibrosis Awareness Month** 20
- Mayor Stone has proclaimed September 2022 as Pulmonary Fibrosis Awareness Month in the Town of Ladysmith.
- In support of Pulmonary Fibrosis Awareness, the Town will also illuminate its available themed lighting locations with red and blue lights on September 8<sup>th</sup> and September 14<sup>th</sup>.

## 10. DEVELOPMENT APPLICATIONS

### 10.1. Development Permit Application 3060-20-25 – 201 Dogwood Drive 21

#### Recommendation

That Council issue Development Permit 3060-20-25 for a 25-unit multi-family building at 201 Dogwood Drive (Lot A District Lot 56 Oyster District Plan EPP110422), subject to the applicant providing a landscaping bond in the amount of \$66,208.50.

## 11. REPORTS

### 11.1. 4th Avenue Reconstruction Improvement Project Tender (Root Street to White Street) 45

#### Recommendation

That Council direct staff to:

1. Amend the 2022-2026 Financial Plan to increase the 4<sup>th</sup> Avenue Reconstruction Improvement Project (Root Street to White Street) by \$450,000: \$235,000 to come from the current year allocation to the Infrastructure Reserve; \$100,000 to come from prior year surplus; and \$115,000 to come from the Canada Community Building Fund; and
2. Award Tender 2022-IS-07 to Hazelwood Construction Services for the total tender amount of \$2,272,664.81.

### 11.2. 2023 Financial Plan (Budget) Discussions 49

#### Recommendation

That Council approve the following schedule to deliberate the 2023-2027 Financial Plan:

- September 6<sup>th</sup> –Parks, Recreation & Culture – operating & capital
- October 25<sup>th</sup> – Water & Sewer – operating & capital
- November 15<sup>th</sup> – Introduction of General Operations
- December 6<sup>th</sup> – Introduction of General Capital Projects. Water & Sewer Rate bylaws introduced.
- December 20<sup>th</sup> - Early budget approvals and anticipated adoption of Water & Sewer Rate bylaws.



## 12. BYLAWS

- 12.1. **"Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2022, No. 2112"** 51

Recommendation

That Council give first three readings to "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2022, No. 2112".

- 12.2. **"Sign and Canopy Bylaw 1995, No. 1176, Amendment Bylaw (No.7) 2022, No. 2065"** 61

Recommendation

That Council adopt "Sign and Canopy Bylaw 1995, No. 1176, Amendment Bylaw (No.7) 2022, No. 2065".

- 12.3. **Bylaw Status Sheet** 64

## 13. CORRESPONDENCE

- 13.1. **Ladysmith Seniors Society** 65

Request for financial assistance to recover chairs

Recommendation

That Council approve funding in the amount of \$2,000 to the Ladysmith Seniors Society, as requested in the correspondence dated July 14, 2022, to recover chairs with the funds to come from the Grant-In-Aid – Late Applications budget.

- 13.2. **Ladysmith Lions Club** 66

Request for financial assistance to offer sponsored weekly free swim sessions

Recommendation

That Council waive one-third of the pool rental fees for the Ladysmith Lions Club, as requested in the correspondence dated July 15, 2022, to provide up to 17 swim sessions from September to December, 2022, with funds in the amount of \$742.44 to come from the Grant-In-Aid – Waiving of Fees budget.

**13.3. Rotary Clubs of Ladysmith and Chemainus 12th Annual Charity Golf Tournament**

67

Request for sponsorship

Recommendation

That Council consider:

1. Allocating \$350 to sponsor a hole at the 12th Annual Rotary Charity Golf Tournament on September 17, 2022 as requested in the correspondence dated July 24, 2022; and
2. Entering a team in the tournament at their own cost.

**14. NEW BUSINESS**

**15. QUESTION PERIOD**

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

**16. ADJOURNMENT**

## TOWN OF LADYSMITH

### BYLAW NO. 2106

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

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

1. Amend Section 7.0 of ‘Schedule C (Holland Creek Area Plan)’ by deleting the following sentence:

“Estate lots may be appropriate to limit development in environmentally sensitive areas or on steep slopes.”

2. Amend Section 7.2 of ‘Schedule C (Holland Creek Area Plan)’ by deleting the Policy 7.2.7 and renumbering subsequent policies accordingly.

3. Amend DPA 11 | Arbutus Hump ESA of Schedule A.1-Development Permit Areas Guidelines by adding the following as Guideline 1:

“All development in DPA 11 and reports required under these development permit guidelines should be prepared in accordance with ‘Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia’ published by the Province of British Columbia”

and renumbering subsequent guidelines accordingly.

4. Amend Map 2 – Development Permit Areas, by adding a portion of Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) to:

- a. “DPA 4 – Multi-Unit Residential”;
- b. “DPA 3 – Commercial”; and
- c. “DPA 10 – Coach House Intensive Residential”

as shown in Schedule 1, which is attached to and forms part of this Bylaw.

5. Amend Map 2 – Development Permit Areas, by expanding “DPA 11 – Arbutus Hump ESA” as shown in Schedule 2, which is attached to and forms part of this Bylaw.

6. Amend 'Map 3 – Land Use', in 'Schedule C (Holland Creek Area Plan)', by changing the land use designation for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) from the "Single-Family ", "Estate Residential" and "Park and Open Space" designation to:
- "Single-Family;
  - "Multi-Family";
  - "Neighbourhood Commercial" and
  - "Park and Open Space"

as shown in Schedule 3 which is attached to and forms part of this Bylaw.

Citation

7. This Bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106".

**READ A FIRST TIME** on the 19<sup>th</sup> day of April, 2022

**READ A SECOND TIME** on the 19<sup>th</sup> day of April, 2022

**PUBLIC HEARING HELD** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

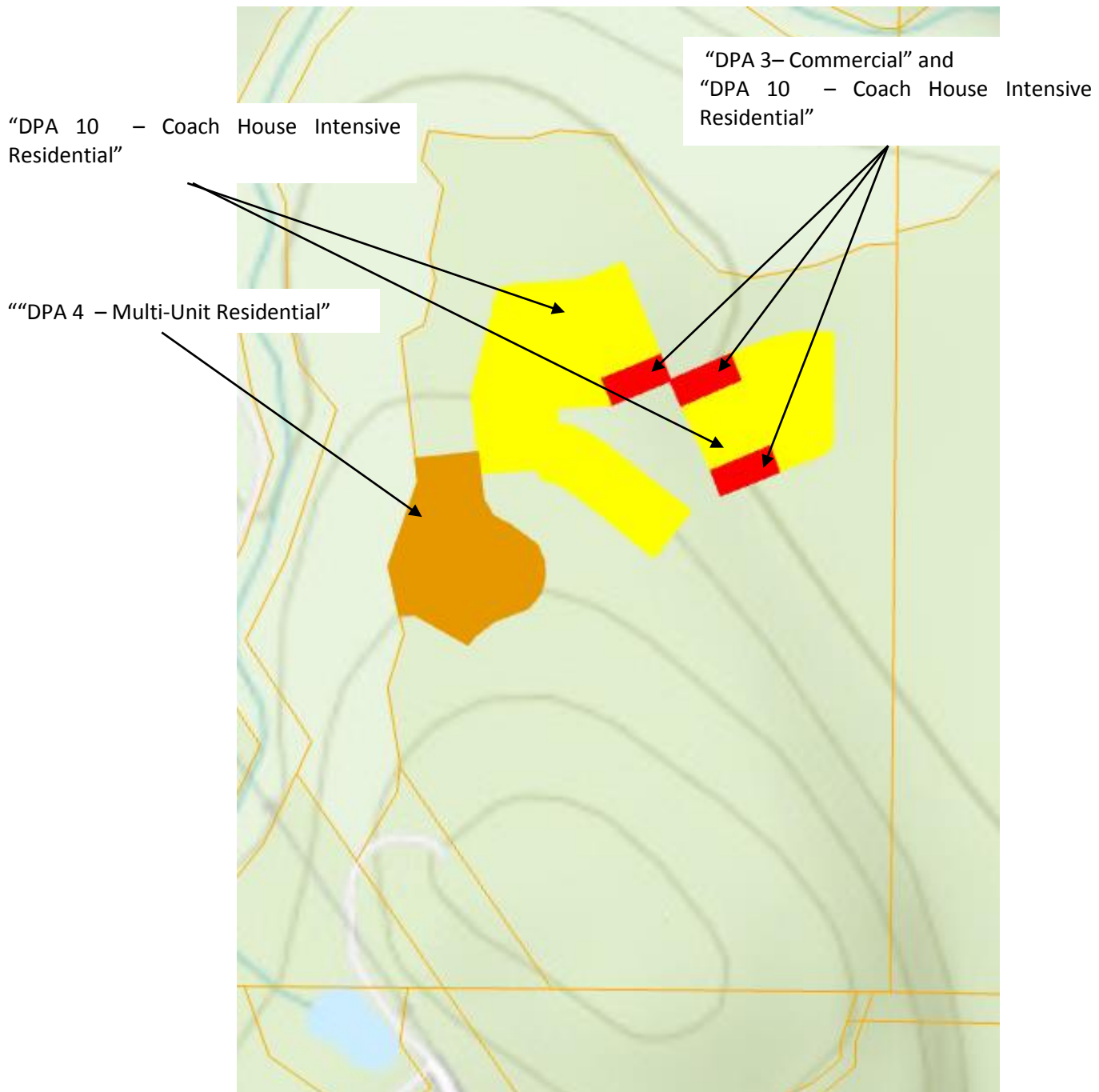
**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor (A. Stone)

\_\_\_\_\_  
Corporate Officer (D. Smith)

**Schedule 1**

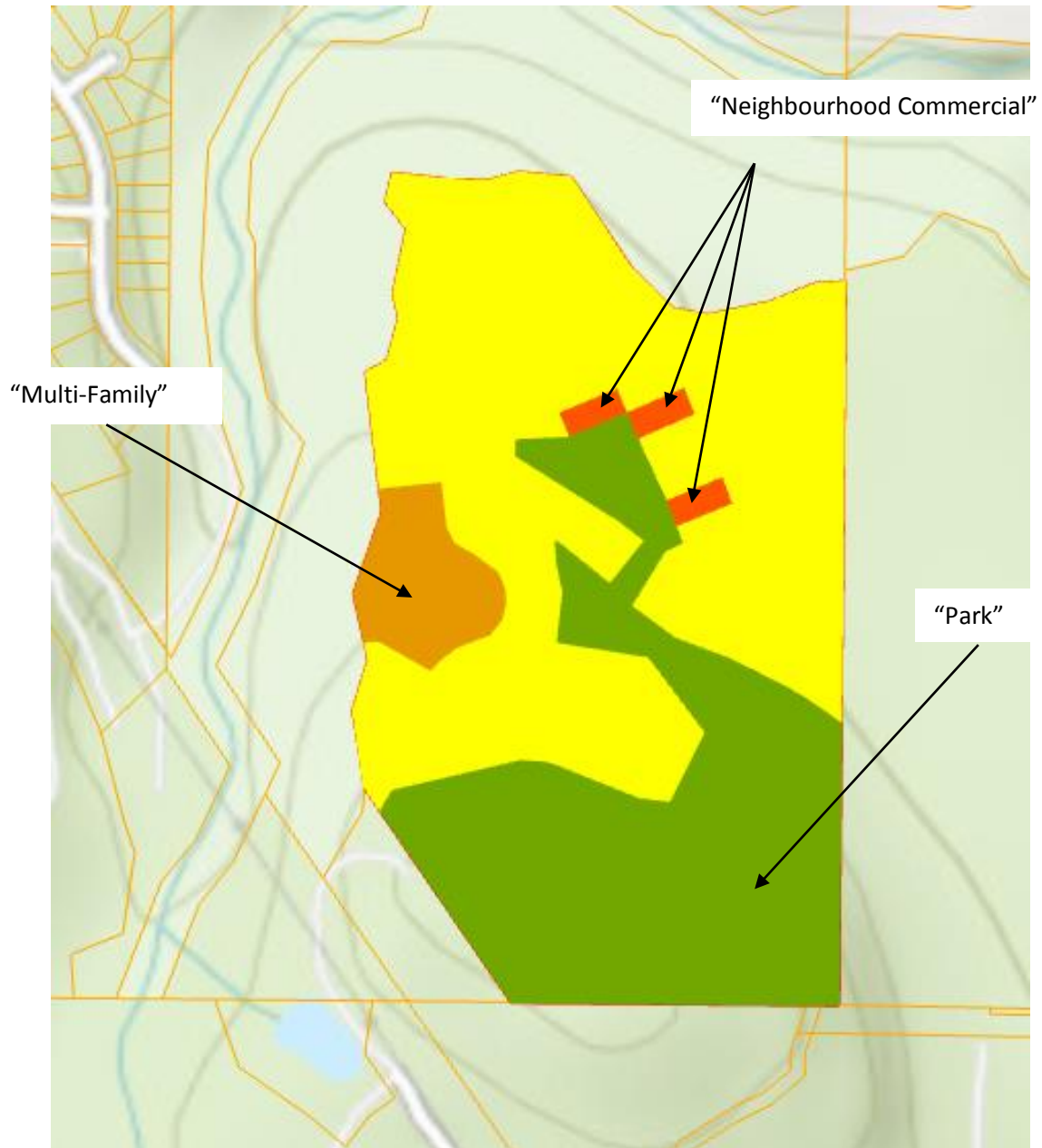


**Schedule 2**





**Schedule 3**



## TOWN OF LADYSMITH

### BYLAW NO. 2107

#### A Bylaw to amend “Town of Ladysmith Zoning Bylaw 2014, No. 1860”

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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. Add as section 7 of part 10.5 (Single Dwelling Residential – Small Lot C Zone (R-1-C)) the following, under the heading “Site Specific Regulations”:

“a) for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) when a *Parcel* is located on a *Lane*:

- i. *Secondary Suite*, is a permitted *Accessory Use* in the R-1-C Zone, subject to Part 6, section 6.4; and
- ii. *Coach House Dwelling* is a permitted *Accessory Use* in the R-1-C Zone, provided is located on a *Parcel* that is 300 square metres or greater and subject to Part 6, subsections 6.5(b) and 6.5(c)”.

2. Add subsection c) to section 8 (Site Specific Regulations) of Part 10.10 (Medium Density Residential (R-3)) the following:

“c) Notwithstanding subsection 1, *Townhouse Dwelling* is the only permitted use in the R-3 zone on Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660)”.

3. Add subsection b) to section 9 (Site Specific Regulations) of Part 11.1 (Local Commercial (C-1)) the following:

“b) for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660), when a parcel is located on a *Lane*:

- i. *Coach House Dwelling* is a permitted *Accessory Use* in the C-1 Zone, provided it is located on *Parcel* that is 460 square metres or greater and subject to Part 6, subsections 6.5(b) and 6.5(c)”
- ii. The minimum *Parcel Area* is 460 square meters and the minimum *Parcel Frontage* is 13.5 metres.”



4. Amend 'Schedule B – Zoning Bylaw Map' to rezone Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) from Single Dwelling Residential to:
- a. "Medium-Density Residential (R-3)";
  - b. "Single Dwelling Residential – Small Lot A Zone (R-1-A)";
  - c. "Single Dwelling Residential – Small Lot B Zone (R-1-B)";
  - d. "Single Dwelling Residential – Small Lot C Zone (R-1-C)";
  - e. "Nature Park (P-3)";
  - f. "Park and Recreation (P-2)"; and
  - g. "Local Commercial (C-1)";

as shown in Schedule 1, which is attached to and forms part of this Bylaw.

Citation

5. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107".

**READ A FIRST TIME** on the 19<sup>th</sup> day of April, 2022

**READ A SECOND TIME** on the on the 19<sup>th</sup> day of April, 2022

**PUBLIC HEARING HELD** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

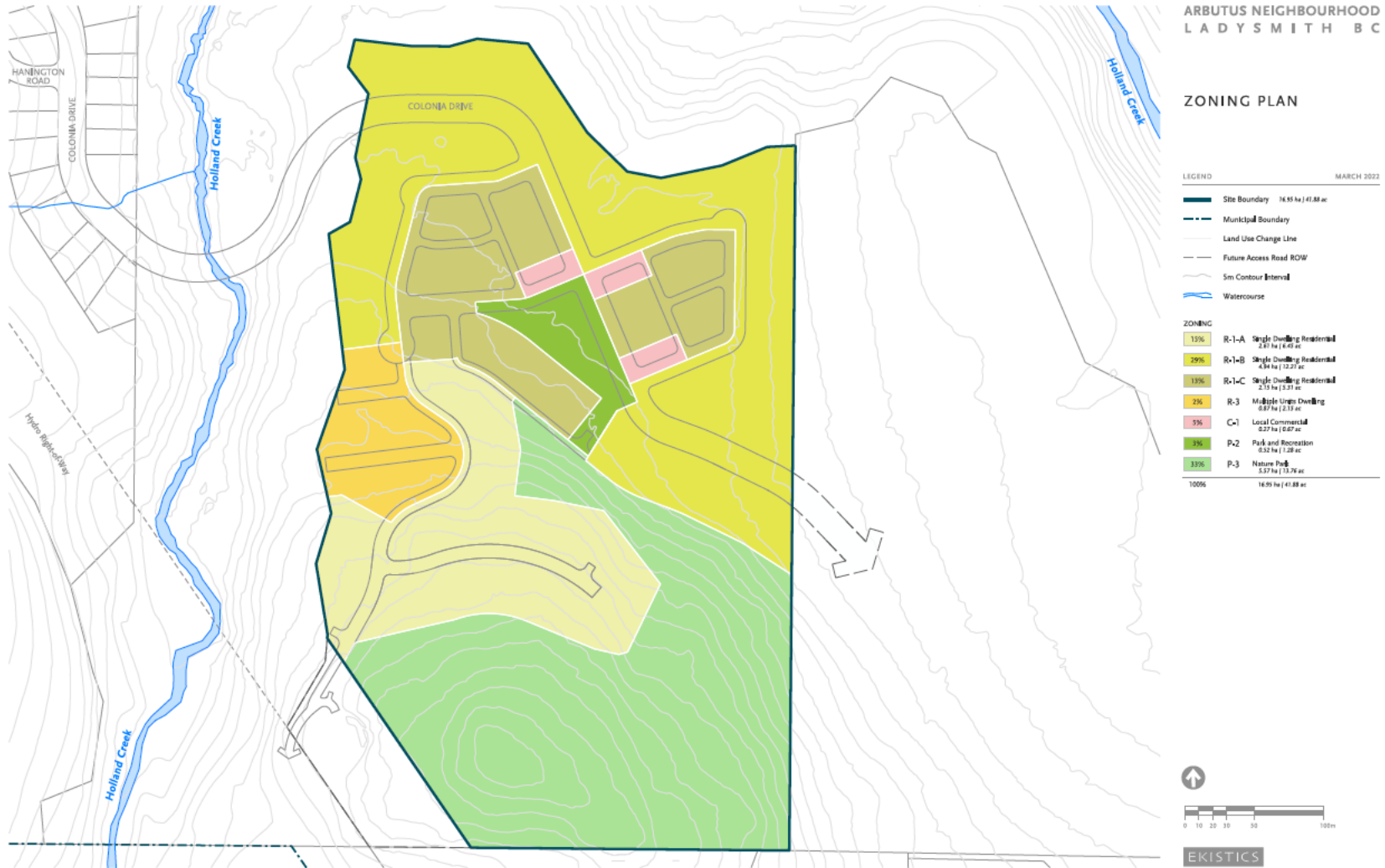
**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor (A. Stone)

\_\_\_\_\_  
Corporate Officer (D. Smith)

# Schedule 1





## MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, July 19, 2022

7:01 P.M.

City Hall Council Chambers  
410 Esplanade

### Council Members Present:

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

Councillor Duck Paterson  
Councillor Marsh Stevens  
Councillor Jeff Virtanen (via telephone)

### Staff Present:

Allison McCarrick  
Erin Anderson  
Ryan Bouma

Julie Thompson  
Mike Gregory  
Sue Bouma

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### 1. CALL TO ORDER

Mayor Stone called this Regular Meeting of Council to order at 6:30 p.m., in order to retire immediately into Closed Session.

### 2. CLOSED SESSION

#### CS 2022-175

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:

- (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

*Motion Carried*

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

Mayor Stone called this Regular Meeting of Council to order at 7:01 p.m., recognizing with gratitude that it was taking place on the traditional, unceded territory of the Stz'uminus First Nation.

#### **4. AGENDA APPROVAL**

##### **CS 2022-176**

That Council approve the agenda for this Regular Meeting of Council for July 19, 2022 as amended to exchange the bylaw addressed in Item 8.1 "Sign and Canopy Bylaw 1995, No. 1176, Amendment Bylaw (No. 7) 2022, No. 2065" with a revised version that removes awning signage information restrictions.

*Motion Carried*

#### **5. RISE AND REPORT- Items from Closed Session**

Council rose from Closed Session at 6:52 p.m. without report.

The following items from the Closed Meeting of Council held June 21, 2022 were reported:

##### **CE 2022-036**

That Council:

1. Appoint the following three citizen representatives to the Parks, Recreation & Culture Advisory Committee for a two-year term ending June 30, 2024:
  - Colleen Butcher;
  - Gordon Filewych;
  - Terri Merritt-Worden; and
2. Rise and report on Recommendation No. 1 once all applicants have been notified.

##### **CE 2022-037**

That Council:

1. Authorize the Mayor and Corporate Officer to execute the Management and Operating Agreement with the Ladysmith & District Historical Society for a two-year term ending June 30, 2024; and
2. Rise and report on Recommendation No. 1 once the agreement has been signed by both parties.

##### **CE 2022-038**

That Council:

1. Authorize the Mayor and Corporate Officer to execute the Program Administration Agreement with the Ladysmith Resources Centre Association for a two-year term ending June 30, 2024; and
2. Rise and report on Recommendation No. 1 once the agreement has been signed by both parties.

## **6. MINUTES**

### **6.1 Minutes of the Regular Meeting of Council held July 5, 2022**

#### **CS 2022-177**

That Council approve the minutes of the Regular Meeting of Council held July 5, 2022.

*Motion Carried*

## **7. COMMITTEE MINUTES**

### **7.1 Committee of the Whole Recommendations - July 12, 2022**

#### **CS 2022-178**

That Council direct staff to amend "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644", Schedule 3 – Cemetery Fees, as presented in the July 12, 2022 staff report.

*Motion Carried*

## **8. BYLAWS**

### **8.1 "Sign and Canopy Bylaw 1995, No. 1176, Amendment Bylaw (No.7) 2022, No. 2065"**

#### **CS 2022-179**

That Council give first, second and third readings to "Sign and Canopy Bylaw 1995, No. 1176, Amendment Bylaw (No. 7) 2022, No. 2065".

*Motion Carried*

OPPOSED: Councillor Johnson

### **8.2 "Public Notice Bylaw 2022, No. 2119"**

#### **CS 2022-180**

That Council adopt "Public Notice Bylaw 2022, No. 2119".

*Motion Carried*

### **8.3 Bylaw Status Sheet**

## **9. CORRESPONDENCE**

Mayor Stone declared a conflict of interest related to Agenda Item 9.1 as he is Chair of the Island Corridor Foundation and vacated the Chair and the meeting at 7:18 p.m.

Deputy Mayor Stevens assumed the Chair.

### **9.1 Island Corridor Foundation**

#### **CS 2022-181**

That Council:

1. Provide a payment of the municipal portion of the Island Corridor Foundation property taxes in the amount of \$10,244.08 with the funds to come from operational savings; and
2. Direct staff to prepare a 10 Year Permissive Tax Exemption bylaw for the Island Corridor Foundation properties.

*Motion Defeated*

OPPOSED: Councillors Jacobson, Johnson and Paterson

#### **CS 2022-182**

That Council provide a payment of the municipal portion of the Island Corridor Foundation property taxes in the amount of \$10,244.08 with the funds to come from operational savings.

*Motion Carried*

OPPOSED: Councillor Johnson

#### **CS 2022-183**

That Council direct staff to prepare a 10 Year Permissive Tax Exemption bylaw for the Island Corridor Foundation properties.

*Motion Defeated*

OPPOSED: Councillors Jacobson, Johnson and Paterson

#### **CS 2022-184**

That Council forgive the remaining outstanding balance of \$9,178.33 for the 2022 property taxes for the Island Corridor Foundation properties.

*Motion Carried*

OPPOSED: Councillor Johnson

**CS 2022-185**

That Council reverse the late penalty of \$388.45 for the Island Corridor Foundation 2022 property taxes.

*Motion Carried*

OPPOSED: Councillor Johnson

Mayor Stone returned to the meeting at 8:08 p.m. and resumed the Chair.

**10. QUESTION PERIOD**

There were no questions submitted by the public.

**11. ADJOURNMENT**

**CS 2022-186**

That this Regular Meeting of Council be adjourned at 8:10 p.m.

*Motion Carried*

CERTIFIED CORRECT

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Mayor (A. Stone)

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Deputy Corporate Officer (S.Bouma)



LADYSMITH

TOWN OF LADYSMITH

# PROCLAMATION

## PULMONARY FIBROSIS AWARENESS

**WHEREAS:** *Pulmonary Fibrosis is a progressive lung disease where scarring of the lung tissue prevents the essential flow of oxygen to the bloodstream, resulting in vital organs being deprived of the necessary oxygen to survive; and*

**WHEREAS:** *People with Pulmonary Fibrosis and other chronic medical conditions are among those at greatest risk from acute respiratory infections, including COVID-19, making it more important than ever that we all do our part to ensure that they have the support they need to take charge and live well; and*

**WHEREAS:** *Pulmonary Fibrosis is a debilitating, chronic lung disease characterized by shortness of breath, dry cough and overwhelming fatigue. Pulmonary Fibrosis can be linked to environmental exposures or autoimmune disorders, but for many the cause is unknown; and*

**WHEREAS:** *Thousands of people in Canada are living with the severity of this illness, with great impact on British Columbians and their families. Every year at least 5,000 people in Canada die from this disease; and*

**WHEREAS:** *September is Pulmonary Fibrosis awareness month. This is an opportunity to educate British Columbians, and in particular folks on Vancouver Island and in Ladysmith to raise funds for research and give a voice to families touched by the debilitating disease; and*

**WHEREAS:** *The Canadian Pulmonary Fibrosis Foundation (CPFF) is a national organization and registered charity that works to provide resources, advocate for patients, support families and those with the disease, and promote education surrounding Pulmonary Fibrosis.*

**THEREFORE,** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim September 2022 as "Pulmonary Fibrosis Awareness Month" in the Town of Ladysmith, British Columbia.*

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Mayor A. Stone

July 28, 2022



## STAFF REPORT TO COUNCIL

**Report Prepared By:** Julie Thompson, Planner  
**Reviewed By:** Jake Belobaba, RPP, MCIP, Director of Development Services  
**Meeting Date:** August 2, 2022  
**File No:** DP 3060-20-25  
**Re:** Development Permit Application 3060-20-25 – 201 Dogwood Drive

**RECOMMENDATION:**

That Council issue Development Permit 3060-20-25 for a 25-unit multi-family building at 201 Dogwood Drive (Lot A District Lot 56 Oyster District Plan EPP110422), subject to the applicant providing a landscaping bond in the amount of \$66,208.50.

**EXECUTIVE SUMMARY:**

An application has been received for a 25-unit residential development with one adaptable commercial unit at 201 Dogwood Drive. Staff recommend that Council issue Development Permit (DP) 3060-20-25 (Attachment A) as the proposal is generally consistent with the Development Permit Area 4 – Multi-Unit Residential guidelines, the Development Permit Area 3 – Commercial guidelines, and the Zoning Bylaw regulations.



Figure 1 - Subject property

**PREVIOUS COUNCIL DIRECTION:**

Date/Resolution #	Council Resolution
June 1, 2021 / CS 2021-183	That Council adopt "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062".
June 1, 2021 / CS 2021-184	That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063".

**INTRODUCTION/BACKGROUND:**

The 1409m<sup>2</sup>, subject property is located on the corner of Dogwood Drive and Forward Road in a predominantly residential neighbourhood, about 350m from the downtown core. On June 1,

2021 Council adopted Bylaw Nos. 2062 & 2063 to allow the proposed development.

The applicant submitted a DP application in conjunction with the Zoning Bylaw amendment application, but the DP application was placed on hold pursuant to section 557 of the *Local Government Act* as the site was contaminated and the developer was undertaking remediation. The Ministry of Environment and Climate Change Strategy (MOE) issued a Certificate of Compliance (Attachment B) on July 26, 2022 for the subject property, and Council is now able to consider issuance of the DP application pursuant to section 557 of the *Local Government Act*. Several nearby sites that were affected by off-site migration of contamination from the former gas station site, including a portion of Forward Road, have received either a Certificate of Compliance or Approval in Principle.

The proposed development includes the following features:

- 25 residential units, one of which can be adapted to a commercial unit. The adaptable commercial unit is on the ground level with an entrance off Dogwood Drive.
- A mix of one and two bedroom units, each with its own private balcony.
- A communal rooftop terrace.
- Attractive landscaping.
- Two outdoor bike racks and indoor bike storage.
- Two electric vehicle charging stations.
- Underbuilding parking and surface parking.

The proposed exterior building plans, landscaping and site plan are attached to DP 20-25 as schedules (see Attachment A). A rendering of the proposed building is shown in Figure 2.



#### **ANALYSIS:**

The subject property is designated Multi-Family Residential in “Official Community Plan Bylaw 2003, No. 1488” (OCP) and is within the Multi-Family Mixed Use (R-4) zone in “Town of Ladysmith Zoning Bylaw 2014, No. 1860”. The proposed development is consistent with the OCP designation and most Zoning Bylaw regulations (see ‘Proposed Variance’ for details). The property is located in Development Permit Area 4 – Multi-Unit Residential (DPA 4) and Development Permit Area 3 – Commercial (DPA 3), thus a DP is required to allow the proposed development.

#### ***Development Permit Areas:***

*Figure 2 - Rendering of proposed development as seen from Dogwood Drive.*

The objectives of DPA 4 are to achieve a high level of design for multi-unit development, to enhance the Town's neighbourhoods, and to ensure that development is complementary to the existing character of Ladysmith. The objectives of DPA 3 are to enhance highway commercial, tourist commercial, general commercial and neighbourhood commercial development in Ladysmith and ensure that commercial development is complementary to the existing character of Ladysmith, and aligned with the Town's vision for future growth.

The proposed development has been reviewed for consistency with the DPA 4 and DPA 3 guidelines. The guideline categories (for both DPA 4 and DPA 3) and staff observations have been summarized in Table 1.

*Table 1 - Guidelines & Staff Comments Summary*

Guideline Category	Staff Observations
Building design	<ul style="list-style-type: none"> <li>• The proposed 5-storey building is taller and has a larger massing than surrounding residential buildings, which are primarily 1-3 storey single family residential; however, the building meets the height regulations in the Zoning Bylaw that were approved in the previous rezoning application (see 'Previous Council Direction').</li> <li>• The building is a contemporary design with some traditional elements such as a combination of brick and lapped exterior cladding.</li> <li>• The building has a narrower profile from Dogwood Drive and provides ocean views with the units facing north. The building contains many windows which allows sunlight penetration and natural ventilation.</li> <li>• The building design is unique to the street.</li> </ul>
Building siting & massing	<ul style="list-style-type: none"> <li>• The building is five stories above grade, with underground parking.</li> <li>• The building is 18.5m tall. Stories four and five are stepped back, providing modulated transition from neighbouring building heights and reducing appearance of massing from the street.</li> <li>• The building is located on the corner of Forward Road and Dogwood Drive. The building's corner is defined with a canopy on the north and west elevations. The entrance to a proposed adaptable commercial/residential unit is also located near the street corner.</li> <li>• The corner of the property will be landscaped.</li> <li>• The design of the adaptable commercial unit includes a parapet with signage creating the illusion that the commercial unit has a taller floor-to-ceiling height than the residential units.</li> </ul>
Building frontage	<ul style="list-style-type: none"> <li>• The building's frontages are vertically and horizontally articulated and visually broken up into smaller units using design elements such as differing colour and building materials, variations in height, stepping, and recessing.</li> <li>• The building is oriented to both Dogwood Drive and Forward Road with the main entrance located off Dogwood Drive.</li> <li>• Building facades do not contain any garage doors.</li> <li>• There are no large blank walls. All building elevations provide a variety of articulation, windows, doors, balconies, colours and materials.</li> </ul>

Guideline Category	Staff Observations
	<ul style="list-style-type: none"> <li>Bicycle racks are provided adjacent to the adaptable commercial unit entrance. There is space for other streetscape furnishings such as patio sets when/if the adaptable commercial unit is occupied.</li> </ul>
Roof form	<ul style="list-style-type: none"> <li>A flat roof with flat canopies is proposed, but these are modulated vertically as the 4<sup>th</sup> and 5<sup>th</sup> stories are stepped back.</li> <li>Elevator penthouses are integrated into the design and stepped back to reduce visibility from the street.</li> </ul>
Windows & doors	<ul style="list-style-type: none"> <li>Windows are architecturally compatible with the proposed contemporary design of the building.</li> <li>Window surfaces are recessed from the face of the building wall.</li> <li>Dark and/or reflective glass for use in windows is not proposed.</li> <li>The building's main entrances are identified with signage (signage requires issuance of a sign permit), lighting and a canopy.</li> <li>Doorways are recessed.</li> <li>The adaptable commercial unit utilizes large windows and doors that open to a small plaza adjacent to the sidewalk, ensuring visual permeability.</li> </ul>
Signs, canopies & lighting	<ul style="list-style-type: none"> <li>Placement of the signage appears compatible with the building design. Signage will be further evaluated against the Sign &amp; Canopy Bylaw once a sign permit application has been made.</li> <li>A canopy provides weather protection at the building's primary entrances off Dogwood Drive.</li> <li>Exterior lighting is provided on the outside of the building at ground level and will be required to follow dark sky principles.</li> </ul>
Livability	<ul style="list-style-type: none"> <li>Visual privacy of interior living spaces on the lower storeys are partially screened with proposed landscaping and/or balcony railings in front of larger windows.</li> <li>Each unit has a private balcony (except for the adaptable commercial unit). A shared rooftop deck on the fourth storey is also proposed.</li> </ul>
Materials & colours	<ul style="list-style-type: none"> <li>The proposed cladding materials consists of brick facing, lapped fibre-cement siding, and panel fibre-cement siding.</li> <li>The proposed colour palette consists of red brick, white and grey siding, with black, white, blue and wood accents. The architect notes that the lighter colours on the upper storeys are intended to decrease the apparent massing of the building.</li> <li>The building colour palette is cohesive and adds visual interest to the building.</li> </ul>
Mechanical, electrical & security equipment	<ul style="list-style-type: none"> <li>Grade level heat pumps will be screened with landscaping.</li> <li>Rooftop mechanical equipment is not expected to be visible from the street level.</li> </ul>
Accessibility & connectivity	<ul style="list-style-type: none"> <li>Smooth, ground level entrances to the building are provided.</li> <li>An elevator is provided within the building.</li> <li>Parking spaces for persons with disabilities are provided.</li> <li>Walkways provided on site, in addition to connecting public sidewalks,</li> </ul>

Guideline Category	Staff Observations
	provide a functional pedestrian network.
Vehicle & bike parking	<ul style="list-style-type: none"> <li>• Surface parking is located at the side of the parcel with access from Dogwood Drive, and underbuilding parking is provided with access from Forward Road.</li> <li>• Pedestrian areas are delineated from parking areas through the use of different surface materials and patterns.</li> <li>• The proposed surface parking area will be screened with landscaping.</li> <li>• Electric vehicle charging stations are proposed in the underbuilding parking area.</li> <li>• Outdoor bicycle parking is proposed adjacent to the primary entrance to the building's lobby and the adaptable commercial unit, as well as adjacent to a secondary entrance. Secure bicycle parking inside the building is provided.</li> </ul>
Landscape	<ul style="list-style-type: none"> <li>• The site does not contain any existing vegetation that can be retained.</li> <li>• Apart from areas occupied by pedestrian paths, parking, and the building, the site will be attractively landscaped.</li> <li>• Proposed and existing fencing complements the building design.</li> <li>• Parking areas will be screened from adjacent properties with fencing and landscaping.</li> <li>• Communal garden areas are not proposed to be integrated into the landscaping, however, a communal rooftop patio is proposed and will contain greenery.</li> <li>• Groundcover plantings are proposed throughout the landscaping.</li> <li>• Landscape buffers are proposed adjacent to neighbouring properties. The minimum landscape buffer and shade tree requirements of the Zoning Bylaw will be met.</li> <li>• All soft landscaping will be irrigated with an automatic irrigation system.</li> <li>• A landscape security bond will be provided in the amount of \$66,208.50, to be released upon receipt of a report from a landscape architect that the landscaping was completed in accordance with the DP.</li> </ul>
Energy conservation	<ul style="list-style-type: none"> <li>• The proposed building will incorporate natural light and ventilation in each suite, double glazed windows in thermally broken framing systems, roof and balcony overhangs to shade windows, well insulated exterior walls and roof, low flow toilets and faucets, LED lighting and a rough-in for future solar panels on the roof.</li> <li>• The building is designed to ASHRAE 90.1 standards.</li> </ul>
Rain water management	<ul style="list-style-type: none"> <li>• Soft landscaping will be permeable.</li> <li>• Hard surfacing is not proposed to be permeable, however, a sophisticated storm water management system is proposed that directs water from hard surfaces onsite into a detention system designed to store and promote groundwater recharge. The stormwater system exceeds the Town's requirements according to Engineering.</li> </ul>
Water conservation	<ul style="list-style-type: none"> <li>• A high efficiency, automatic irrigation system is proposed.</li> </ul>
Recycling, organics & solid waste	<ul style="list-style-type: none"> <li>• Solid waste and recycling will be provided on site within an enclosure.</li> <li>• The proposed enclosure has wall heights sufficient to screen the solid waste bins within, and timber arbour cover to screen the bins from above.</li> </ul>



Guideline Category	Staff Observations
management	<ul style="list-style-type: none"> <li>The enclosure will be screened from view of neighbouring properties with landscaping and fencing.</li> </ul>
Crime prevention	<ul style="list-style-type: none"> <li>Building entrances, parking areas and pathways are well defined, expressing ownership and boundaries.</li> <li>Windows are placed on all sides of the building, providing visibility throughout the site.</li> </ul>
Public Realm	<ul style="list-style-type: none"> <li>A small plaza is located in front of the commercial unit entrance, adjacent to the sidewalk, which could serve as a multi-purpose space for activities such as retail displays, outdoor seating, or a display area for art.</li> <li>A bike rack is located adjacent to the commercial unit entrance.</li> </ul>
Neighbourhood Commercial	<ul style="list-style-type: none"> <li>The building is proposed to be multi-use, with an adaptable commercial unit located at the corner of the building, adjacent to Dogwood Drive.</li> <li>The entrance to the adaptable commercial unit addresses the street. Signing, awning, and lighting is proposed at the commercial unit entrance to help identify it and animate the street.</li> <li>The commercial unit entrance is in close proximity to the Dogwood Drive sidewalk.</li> </ul>

***Proposed Variance:***

The DPA 4 and DPA 3 guidelines allow the minimum off-street parking requirements of the Zoning Bylaw to be reduced or altered through the development permit approval process, where strict compliance with the regulations would undermine the character of the area. The Parking and Loading Regulations in the Zoning Bylaw require 33 off-street parking spaces for the 25-unit building, based on the number of units and the number of bedrooms proposed in each unit. The applicant is proposing 29 off-street parking spaces consisting of five small car spaces, two accessible parking spaces, and 22 standard parking spaces. Strict compliance with the Zoning Bylaw minimum parking requirements could undermine the character of the area by requiring dedication of a larger portion of the property to parking. The property is in an ideal location for reduced parking given its close proximity to the downtown core, and the proposed parking space variance is minimal (only four spaces). Subsequently, the proposed parking variance is not expected to have a negative impact.

The proposed development is generally consistent with the DPA 4 and DPA 3 guidelines. Based on this analysis, it is recommended that Council issue DP 3060-20-25.

**ALTERNATIVES:**

Council can choose to:

1. Not issue DP 3060-20-25 where refusal is based upon determination that the application does not meet the DPA guidelines; or
2. Refer DP 3060-20-25 back to staff for further review as specified by Council.

**FINANCIAL IMPLICATIONS:**

N/A

**LEGAL IMPLICATIONS:**

The subject property is within DPA 4 and DPA 3, therefore a DP is required prior to issuance of a building permit. If the DP is refused, reasons must be given based on the DPA guidelines as the issuance of a DP is not a completely discretionary decision of Council.

The Town has received a Certificate of Compliance for the site pursuant to section 557(b)(vi) of the *Local Government Act* which allows the Town to issue the proposed development permit.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

N/A

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The proposed development was reviewed by Engineering and Building Inspection at the rezoning stage. Building and Engineering requirements will be addressed at the time of building permit.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation         |
| <input checked="" 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 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.***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENTS:**

- A. Draft DP 3060-20-25
- B. Certificate of Compliance for 201 Dogwood Drive



## TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 489 Local Government Act)

FILE NO: 3060-20-25

DATE: August 2, 2022

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

Applicant: Toby Seward (Seward Developments Inc.)

Subject Property (Civic Address): 201 Dogwood Drive

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1. This Development Permit is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.
2. This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon:  
  
**Lot A District Lot 56 Oyster District Plan EPP110422**  
**PID: 031-366-309**  
(referred to as the "Land")
3. This Permit has the effect of authorizing the issuance of a building permit for the construction of a multi-unit residential building and an accessory building on the Land and alteration of land in accordance with the plans and specifications attached to this Permit, subject to all applicable laws except as varied by this Permit, and subject to the conditions, requirements and standards imposed and agreed to in section 5 and 6 of this Permit.
4. With respect to the Land, section 8.2.1 "Calculation of Off-Street Parking Spaces" in "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby varied such that twenty-nine (29) off-street vehicle parking spaces shall be provided on the Land, consisting of five (5) small car spaces, two (2) spaces for persons with disabilities, and twenty-two (22) standard spaces, as shown on **Schedule A – Site Plan**.



5. The Permittee, as a condition of the issuance of this Permit, agrees to develop the Land in accordance with **Schedule A – Site Plan, Schedule B – Building Design, Schedule C – Garbage Enclosure Design and Schedule D – Landscape Plan**, including the following:
  - (a) At least one electric vehicle charging station is required.
  - (b) Ground-level heat pumps must be screened from public view.
  - (c) Exterior lighting must be directed downward and follow dark sky principles.
6. This Permit is issued on the condition that the Permittee has provided to the Town of Ladysmith security in the form of cash or an irrevocable Letter of Credit to guarantee the performance of the conditions in section 5 of this Permit respecting landscaping. The Letter of Credit shall be for a period of two years, shall be automatically extended, and shall be in the amount of **\$66,208.50**.
7. Should the Permittee fail to satisfy the conditions referred to in section 5 and 6 of this Permit, the Town of Ladysmith may undertake and complete the works required to satisfy the landscaping condition(s) at the cost of the Permittee, and may apply the security in payment of the cost of the work, with any excess to be returned to the Permittee. Requests for the release of the security shall be accompanied by a report from a landscape architect confirming that the landscaping conditions in section 5 of this Permit have been met.
8. Should there be no default as herein provided, or where a Permit lapses, the Town of Ladysmith shall return any security provided to the Permittee.
9. 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.
10. The plans and specifications attached to this Permit are an integral part of this Permit.
11. 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 or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
12. Despite issuance of this Permit, construction may not start without a Building Permit or other necessary permits.







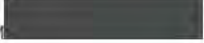


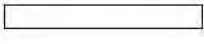

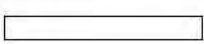

AUTHORIZED BY RESOLUTION NO. \_\_\_\_\_ PASSED BY THE COUNCIL OF THE  
TOWN OF LADYSMITH ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2022.












**EAST ELEVATION**

EXTERIOR COLOUR SCHEDULE			
1	BRICK FACING:	IXL - HEBRON BRICK MODULAR BRICK GARNET - VELOUR TEXTURE	
2	FIBER CEMENT LAPPED SIDING 1:	SELECT CEDARMILL 7" EXPOSURE - IRON GRAY CORNER TRIMS TO MATCH	
3	FIBER CEMENT LAPPED SIDING 2:	SELECT CEDARMILL 7" EXPOSURE - COUNTRYLANE RED CORNER TRIMS TO MATCH	
4	FIBER CEMENT LAPPED SIDING 3: FASCIAS AS NOTED:	SELECT CEDARMILL 7" EXPOSURE - LIGHT MIST TRIMS TO MATCH	
5	FIBER CEMENT PANELS: REVEALS/EZ TRIM:	SMOOTH FINISH ARCTIC WHITE PAINTED TO MATCH	
6	FIBER CEMENT PANELS: REVEALS/EZ TRIM:	SMOOTH FINISH LIGHT MIST PAINTED TO MATCH	
7	FASCIAS / DECK / TRIMS @ BRICK / SIDING 2 & 3:	SHERWIN WILLIAMS SW7062 ROCK BOTTOM	
8	FASCIAS / DECK / TRIMS @ COLOURS 4, 5 & 6:	SHERWIN WILLIAMS SW7066 GRAY MATTERS	
9	ALUMINUM RAILINGS 1:	BLACK	
10	ALUMINUM RAILINGS 2:	WHITE	
11	WINDOWS / PATIO DOORS / STOREFRONT GL. FRAMES / STEEL TUBE X IN BRICK COL'S:	BLACK AS SHOWN	
12	WINDOWS / PATIO DOORS	WHITE AS SHOWN	
13	SPANDREL PANELS:	DARK GREY	

VINYL DECKING:	GRAY	
METAL SOFFITS:	ALUM. GRAY	
14) TIMBER ARBOURS:	CEDAR	
CONCRETE:	NATURAL CLEAR SEALER AS REQ'D	
15) SUNSHADES:	SHERWIN WILLIAMS SW6222 RIVERWAY	
CERAMIC TILE: (IN BRICK DETAIL)	PORCELAIN COLOUR T.B.D. SELECTION BASED ON AVAILABILITY	



**Schedule B - Building Design (1 of 2)**  
**DP 3060-20-25**  
**201 Dogwood Drive**





#### EXTERIOR COLOUR SCHEDULE

1	BRICK FACING:	IXL - HEBRON BRICK MODULAR BRICK GARNET - VELOUR TEXTURE		7	FASCIAS / DECK / TRIMS @ BRICK / SIDING 2 & 3:	SHERWIN WILLIAMS SW7062 ROCK BOTTOM	
2	FIBER CEMENT LAPPED SIDING 1:	SELECT CEDARMILL 7" EXPOSURE - IRON GRAY CORNER TRIMS TO MATCH		8	FASCIAS / DECK / TRIMS @ COLOURS 4, 5 & 6:	SHERWIN WILLIAMS SW7066 GRAY MATTERS	
3	FIBER CEMENT LAPPED SIDING 2:	SELECT CEDARMILL 7" EXPOSURE - COUNTRYLANE RED CORNER TRIMS TO MATCH		9	ALUMINUM RAILINGS 1:	BLACK	
4	FIBER CEMENT LAPPED SIDING 3: FASCIAS AS NOTED:	SELECT CEDARMILL 7" EXPOSURE - LIGHT MIST TRIMS TO MATCH		10	ALUMINUM RAILINGS 2:	WHITE	
5	FIBER CEMENT PANELS: REVEALS/EZ TRIM:	SMOOTH FINISH ARCTIC WHITE PAINTED TO MATCH		11	WINDOWS / PATIO DOORS / STOREFRONT GL. FRAMES / STEEL TUBE X IN BRICK COL'S:	BLACK AS SHOWN	
6	FIBER CEMENT PANELS: REVEALS/EZ TRIM:	SMOOTH FINISH LIGHT MIST PAINTED TO MATCH		12	WINDOWS / PATIO DOORS	WHITE AS SHOWN	
				13	SPANDREL PANELS:	DARK GREY	

## WEST ELEVATION - DOGWOOD DR.

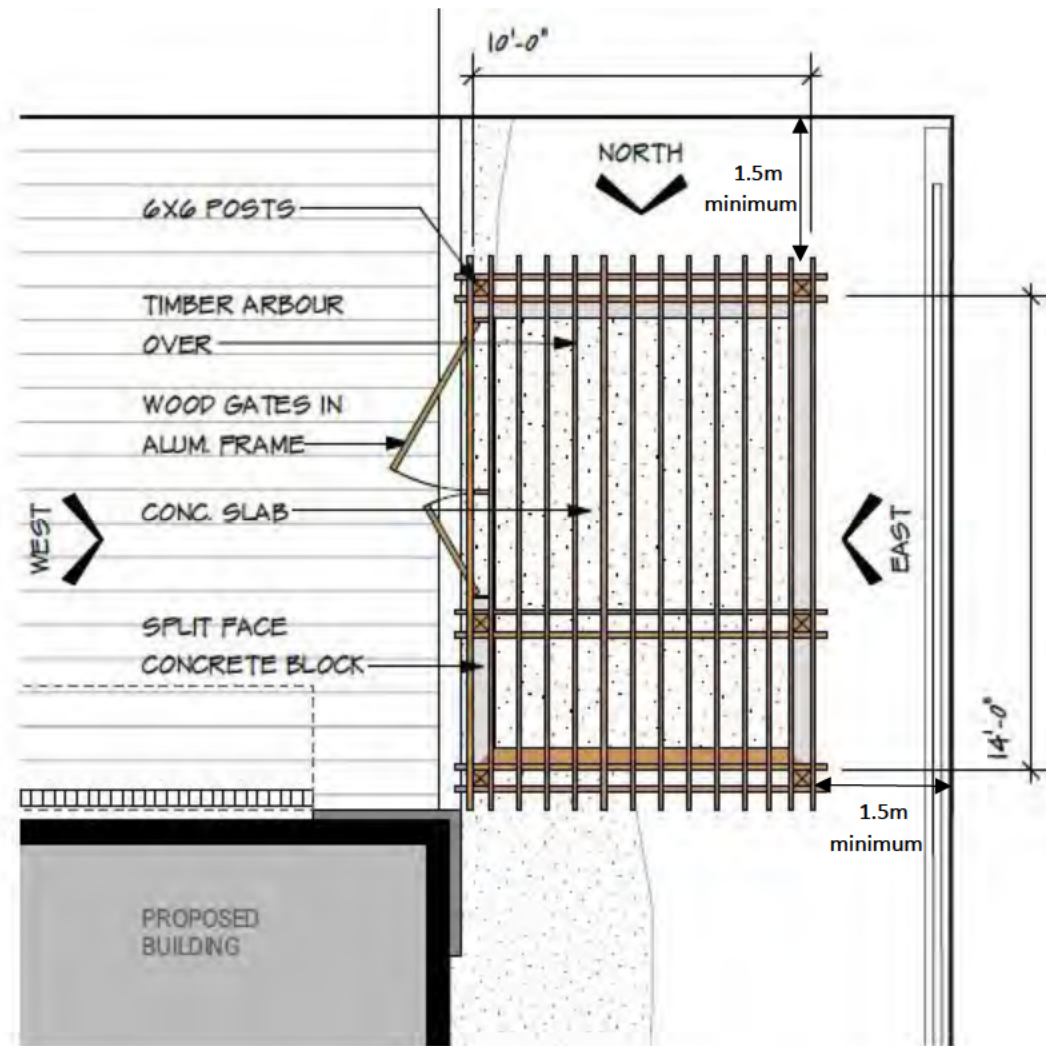


VINYL DECKING:	GRAY	
METAL SOFFITS:	ALUM. GRAY	
14 TIMBER ARBOURS:	CEDAR	
CONCRETE:	NATURAL CLEAR SEALER AS REQ'D	
15 SUNSHADES:	SHERWIN WILLIAMS SW6222 RIVERWAY	
CERAMIC TILE: (IN BRICK DETAIL)	PORCELAIN COLOUR T.B.D. SELECTION BASED ON AVAILABILITY	

## SOUTH ELEVATION

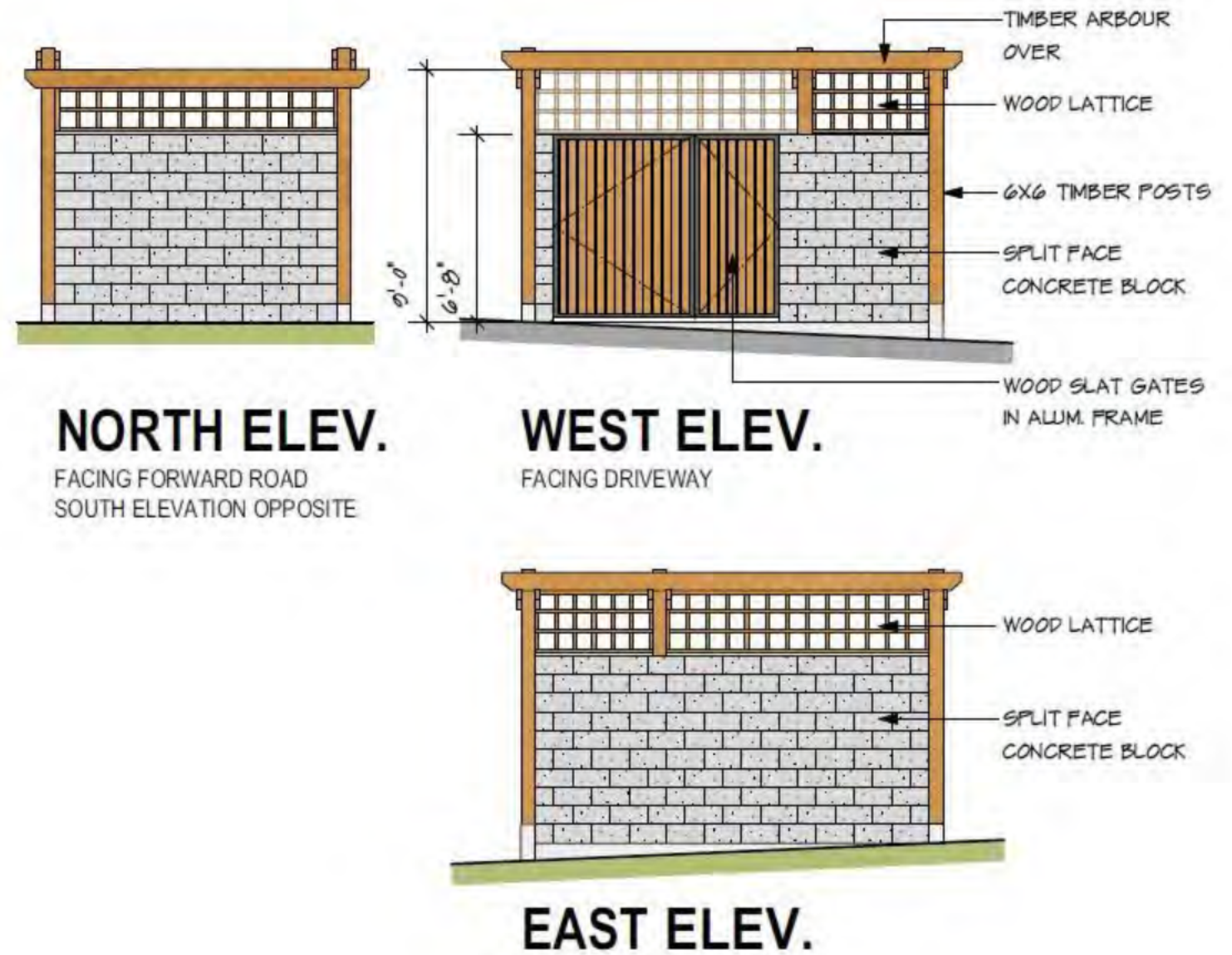
**Schedule B - Building Design (2 of 2)**  
**DP 3060-20-25**  
**201 Dogwood Drive**





## GARBAGE ENCLOSURE

SCALE: 3/16" = 1'-0"



Schedule C - Garbage Enclosure Design  
DP 3060-20-25  
201 Dogwood Drive



FORWARD ROAD

Grass Lawn

DOGWOOD DRIVE

- 2 - Vine Maple trees
- Massed flowering groundcovers at edge of planting bed (Typ.)
- 4 - Paperbark Maple boulevard trees as coordinated with Ladysmith Development Services Department
- Planting on north side of building features shade-adapted native and adaptive shrubs, ferns, and ornamental grasses
- 2 - Japanese Snowbell trees
- River rock maintenance strip under building overhang and adjacent to building face
- Parking for 2 bicycles
- Decorative concrete wave with integrated lighting and sawcut grid pattern at building entries (Typ.)
- 3 - Eddie's White Wonder Dogwood trees in large pots frame the main building entry
- 5 - Eddie's White Wonder Dogwood boulevard trees as coordinated with Ladysmith Development Services Department
- River rock area adjacent to building provides maintenance access to planting bed
- Planting at building entry features sun-adapted native and adaptive flowering shrubs and ornamental grasses
- Parking for 4 bicycles
- Decorative concrete paver apron at entry to parking lot

- 1200mm black powder coated aluminum picket fence on retaining wall
- Hedgerow along property line features tall sun-adapted shrubs and ornamental grasses.



1:100

Groundcovers under vehicle overhang area (Typ.)

Existing wood fence on retaining wall to be retained

8 - New World Red Maple trees

**Schedule D - Landscape Plan (1 of 2)**  
**DP 3060-20-25**  
**201 Dogwood Drive**



Recommended Nursery Stock

Trees

Total: 27

Botanical Name	Common Name	Size
Acer circinatum	Vine Maple	4cm cal/3 stem
Acer griseum	Paperbark Maple	6cm cal.
Acer rubrum 'New World'	New World Red Maple	6cm cal.
Acer rubrum 'New World' Lg	New World Red Maple Lg	8cm cal.
Acer rubrum 'October Glory'	October Glory Red Maple	6cm cal.
Cornus 'Eddie's White Wonder'	Eddie's White Wonder Dogwood	6cm cal.
Styrax japonica	Japanese Snowbell	6cm cal.

Large Shrubs

Total: 102

Botanical Name	Common Name	Size
Hydrangea macrophylla 'Blaumeise'	Blaumeise Lacecap Hydrangea	#7 pot
Mahonia aquifolium	Tall Oregon Grape	#5 pot
Philadelphus lewisii	Wild Mock Orange	#7 pot
Ribes sanguineum "White Icicle"	White Flowering Currant	#7 pot
Taxus x media 'Hicksii'	Hicks Yew	1.2m ht.

Medium Shrubs

Total: 38

Botanical Name	Common Name	Size
Azalea japonica 'Herbert'	Herbert Evergreen Azalea	#5 pot
Rhododendron 'Dora Amateis'	Dora Amateis Rhododendron	#7 pot
Rhododendron 'Fantastica'	Fantastica Rhododendron	#5 pot

Small Shrubs

Total: 243

Botanical Name	Common Name	Size
Gaultheria shallon	Salal	#5 pot
Mahonia nervosa	Low Oregon Grape	#1 pot
Nandina domestica 'Fire Power'	Fire Power Heavenly Bamboo	#1 pot

Perennials, Annuals and Ferns

Total: 210

Botanical Name	Common Name	Size
Blechnum spicant	Deer Fern	#1 pot
Calamagrostis x acutiflora 'Karl Foerster'	Karl Foerster Feather Reed Grass	#1 pot
Helictotrichon sempervirens	Blue Oat Grass	#1 pot
Polystichum munitum	Sword Fern	#1 pot
Stipa tenuissima	Mexican Feather Grass	#1 pot

Groundcovers

Total: 411

Botanical Name	Common Name	Size
Fragaria chiloensis	Coastal Strawberry	#1 pot



Eddie's White Wonder Dogwood



Vine Maple



Red Maple



Japanese Snowbell

Notes:

- All landscaping to be completed to current BCSLA Landscape Standards
- All soft landscaping to be irrigated with a high efficiency, automatic irrigation system.

Schedule D - Landscape Plan (2 of 2)  
DP 3060-20-25  
201 Dogwood Drive





**VIA E-MAIL: [fcrucil@fminstallations.ca](mailto:fcrucil@fminstallations.ca)**

Victoria File: 26250-20/23301  
Site ID: 23301

July 26, 2022

FMC Holdings Ltd.  
1890 Schoolhouse Rd.  
Nanaimo, BC V9X 1T4  
Attn. Frank Crucil

Dear Frank Crucil:

**Re: Certificate of Compliance – 201 Dogwood Dr., Ladysmith, British Columbia**

Please find enclosed a Certificate of Compliance respecting the site referenced above.

In addition to the conditions set out in Schedule B of the Certificate of Compliance, please be advised of the following:

1. Information about the site will be included in the Site Registry established under the *Environmental Management Act*.
2. The provisions of this Certificate of Compliance are without prejudice to the right of the Director to make orders or impose requirements as the Director may deem necessary in accordance with applicable laws. Nothing in this Certificate of Compliance will in any way restrict or impair the Director's power in this regard.
3. A qualified environmental consultant should be available to identify, characterize and appropriately manage:
  - (a) any environmental media that may be contaminated, or
  - (b) soil which may exceed the standards triggering a Contaminated Soil Relocation Agreement set out in section 40 of the Contaminated Sites Regulationand may be encountered during any future subsurface work at the site.
4. Groundwater wells that are no longer required must be properly decommissioned in accordance with the *Water Sustainability Act's* Groundwater Protection Regulation.



5. Please note that future site development may create preferential pathways for vapour. In this event, further assessment and remediation of vapour may be warranted.
6. Please note that the attached Certificate of Compliance does not address obligations of employers regarding worker health and safety under the *Workers Compensation Act* and Occupational Health and Safety Regulation. Development of site-specific work procedures in accordance with Workers' Compensation Board regulations may be warranted. Please direct related questions to Worksafe BC.

Issuance of this Certificate of Compliance is a decision that may be appealed under Part 8 of the *Environmental Management Act*.

If you require clarification of any aspect of this Certificate of Compliance, please contact the undersigned at 236-468-2209 (toll free via Enquiry BC at 1-800-663-7867).

Yours truly,



Liliana Jerade  
Senior Contaminated Sites Officer

Enclosure

cc: Allison McCarrick, CAO, Town of Ladysmith  
410 Esplanade, PO Box 220, Ladysmith, BC, V9G 1A2  
[amccarrick@ladysmith.ca](mailto:amccarrick@ladysmith.ca)

Guy Patrick, Numerical Approved Professional, Patrick Consulting Inc.  
PO Box 581 Stn. Ganges, Salt Spring Island, BC, V8K 2W2  
[guy@patrickenv.com](mailto:guy@patrickenv.com)

CSAP Society  
[apopova@csapsociety.bc.ca](mailto:apopova@csapsociety.bc.ca)

Client Information Officer, ENV, Victoria, [csp\\_cio@victorial.gov.bc.ca](mailto:csp_cio@victorial.gov.bc.ca)



## **CERTIFICATE OF COMPLIANCE**

(Pursuant to Section 53 of the *Environmental Management Act*)

**THIS IS TO CERTIFY** that as of the date indicated below, the site identified in Schedule A of this Certificate of Compliance has been satisfactorily remediated to meet the applicable Contaminated Sites Regulation remediation standards and criteria.

This Certificate of Compliance is qualified by the requirements and conditions specified in Schedule B.

The substances for which remediation has been satisfactorily completed and for which this Certificate of Compliance is valid are listed in Schedule C.

I have issued this Certificate of Compliance based on a review of relevant information including the documents listed in Schedule D. I, however, make no representation or warranty as to the accuracy or completeness of that information.

A Director may rescind this Certificate of Compliance if requirements and conditions imposed in the Certificate of Compliance are not complied with or any fees payable under Part 4 of the Act or regulations are outstanding.

This Certificate of Compliance should not be construed as an assurance that there are no hazards present at the site.

July 26, 2022

Date Issued

Liliana Jerade

For Director, *Environmental Management Act*

### Schedule A


The site covered by this Certificate of Compliance is located at 201 Dogwood Drive, Ladysmith, British Columbia, which is more particularly known and described as:

Lot A, District Lot 56, Oyster District, Plan EPP110422,  
PID: 031-366-309

The approximate centre of the site using the NAD (North American Datum) 1983 convention is:

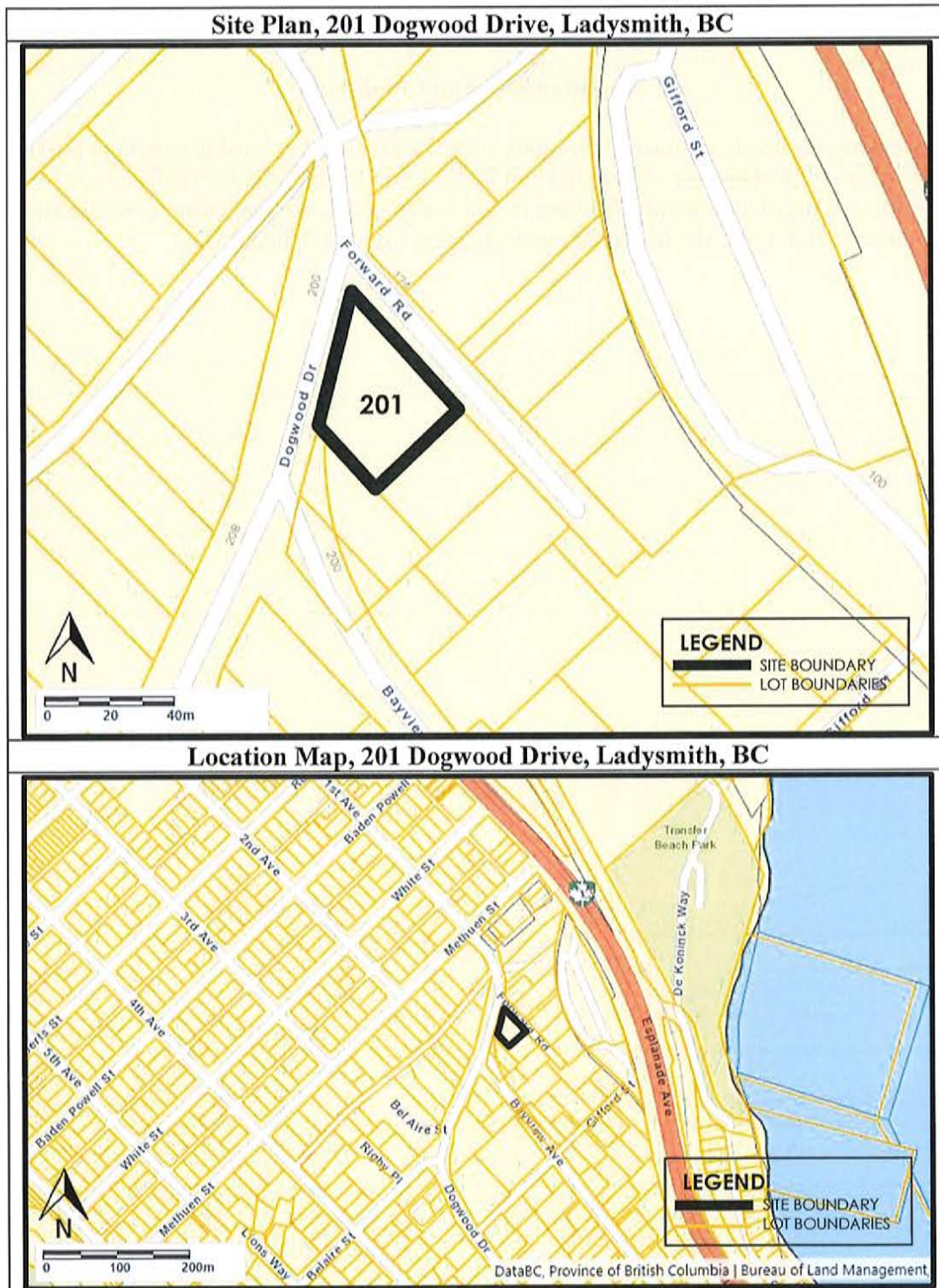
Latitude:      48°   59'   21.50"  
Longitude:    123°   48'   45.50"

July 26, 2022  
Date Issued

  
Liliana Jerade  
For Director, *Environmental Management Act*

Site Identification Number 23301  
Version 9.0 R

2 of 7



July 26, 2022  
Date Issued

Site Identification Number 23301  
Version 9.0 R

  
Liliana Jerade  
For Director, *Environmental Management Act*

3 of 7



## **Schedule B**

### **Requirements and Conditions**

1. Any changes in land use must be promptly identified by the responsible person in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary. The use to which this condition applies are described in Schedule C and in the site investigation documents listed in Schedule D.

July 26, 2022  
Date Issued

Site Identification Number 23301  
Version 9.0 R

  
Liliana Jerade  
For Director, *Environmental Management Act*

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## Schedule C

### Substances and Uses

#### *Substances remediated in soil for commercial land soil use:*

##### To meet numerical remediation standards:

Benzene	71-43-2
Cadmium	7440-43-9
Ethylbenzene	100-41-4
HEPHs	N/A
Lead	7439-92-1
Tetraethyl Lead	78-00-2
VPHs	N/A
Xylenes	1330-20-7

#### *Substances remediated in water for drinking water use:*

##### To meet numerical remediation standards:

Benzene	71-43-2
Benzo(a)pyrene	50-32-8
Ethylbenzene	100-41-4
Methylnaphthalene, 1-	90-12-0
Methylnaphthalene, 2-	91-57-6
Naphthalene	91-20-3
Pyrene	129-00-0
Xylenes, total	1330-20-7

#### *Substances remediated in water for marine aquatic life use:*

##### To meet numerical remediation standards:

Benzene	71-43-2
Benzo(a)pyrene	50-32-8
Ethylbenzene	100-41-4
LEPHw	N/A
Naphthalene	91-20-3
Pyrene	129-00-0
VPHw	N/A
Xylenes, total	1330-20-7

July 26, 2022

Date Issued



Liliana Jerade

For Director, *Environmental Management Act*

*Substances remediated in soil vapour for commercial land vapour use:*

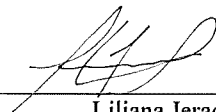
To meet numerical remediation standards:

Benzene	71-43-2
n-hexane	110-54-3
VPV	N/A
Xylenes, total	1330-20-7
Naphthalene	91-20-3

July 26, 2022

Date Issued

Site Identification Number 23301  
Version 9.0 R



Liliana Jerade

For Director, *Environmental Management Act*

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## **Schedule D**

### **Documents**

*Summary of Site Condition*, TerraWest Environmental Inc., April 25, 2022

*Neighbour Communication Summary*, TerraWest Environmental Inc., dated April 27, 2022


*Confirmation of Remediation, 201/203 Dogwood Drive, Forward Road Right-of-Way and 124 Forward Road, Ladysmith, BC*, TerraWest Environmental Inc., dated March 24, 2022

*Detailed Site Investigation, 201/203 Dogwood Drive, Forward Road Right-of-Way and 124 Forward Road, Ladysmith, BC* TerraWest Environmental Inc., dated March 28, 2022

*Stage 2 Preliminary Site Investigation*, 201 Dogwood Drive, Ladysmith, BC, TerraWest Environmental Inc., dated December 17, 2021

*Stage 1 Preliminary Site Investigation*, 201 Dogwood Drive, Ladysmith, BC, TerraWest Environmental Inc., dated October 23, 2020

July 26, 2022  
Date Issued

  
Liliana Jerade  
For Director, *Environmental Management Act*

Site Identification Number 23301  
Version 9.0 R

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**STAFF REPORT TO COUNCIL**

**Report Prepared By:** Ryan Bouma, Director of Infrastructure Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** August 2, 2022  
**Re:** **4th Avenue Reconstruction Improvement Project Tender (Root Street to White Street)**

**RECOMMENDATION:**

That Council direct staff to:

1. Amend the 2022-2026 Financial Plan to increase the 4<sup>th</sup> Avenue Reconstruction Improvement Project (Root Street to White Street) by \$450,000: \$235,000 to come from the current year allocation to the Infrastructure Reserve; \$100,000 to come from prior year surplus; and \$115,000 to come from the Canada Community Building Fund; and
2. Award Tender 2022-IS-07 to Hazelwood Construction Services for the total tender amount of \$2,272,664.81.

**EXECUTIVE SUMMARY:**

The retender of the 4<sup>th</sup> Avenue Improvement Project recently closed with five bids received. The project was retendered to extend the completion date into 2023. The bids received were over the \$1,880,000 budget, however staff recommend using funds from reserves to make up the approximate \$450,000 shortfall and awarding the bid to Hazelwood Construction Services in the amount of \$2,272,664.81.

**PREVIOUS COUNCIL DIRECTION:**

CS 2022-021	2022-01-25	That Council direct staff to include in the 2022-2026 Financial Plan the 4 <sup>th</sup> Avenue Improvement Project (Root Street to White Street) at a cost of \$1,880,000, with the additional funding to come from the Water Reserve for \$300,000 and the Gas Tax/Canada Community Building Fund up to \$158,000.
CS 2022-125	05-17-2022	That Council direct staff to: 1. Cancel Tender 2022-IS-01 for the 4th Avenue Improvement project; and 2. Issue a new tender for the 4th Avenue Improvement project with a completion date of late 2023.

**INTRODUCTION/BACKGROUND:**

The 4<sup>th</sup> Avenue Improvement Project budget of \$1,880,000 was approved by Council at its January 25, 2022 meeting. The Town put the project out to tender via BCBid with an expectation that the project would be completed by the end of November 2022; however, the lowest bid was \$2,719,401.30 including GST and staff recommended the tender be cancelled and retendered with a longer completion time.

Staff retendered the project with several small changes and a significant change to the completion date, which has been pushed to September 30, 2023. At the close of the retender, the following bids were received:

<b>Submission</b>	<b>Base Price</b>	<b>Start Date</b>	<b>Completion Date</b>
Hazelwood Construction Services	\$2,164,442.68	April 3, 2023	September 30, 2023
David Stalker Excavating Ltd.	\$2,182,176.50	October 3, 2022	September 30, 2023
Copcan Civil Limited	\$2,213,511.00	January 3, 2023	July 31, 2023
IWC Excavation Ltd.	\$2,661,878.30	Not Provided	December 31, 2023
Milestone Equipment Contracting Inc.	\$3,065,621.50	January 3, 2023	September 28, 2023

Herold Engineering provided a review of the tender submissions and found that, with the exception of IWC Excavation Ltd., the bids were compliant. They recommended, and staff concur, awarding the contract to Hazelwood Construction Services based on its lowest bid and short proposed construction duration and timing.

Based on five competitive bids, staff are of the opinion that without a reduction in scope it is unlikely that costs can be lowered further. An increase to the budget is required to cover the price received as well as engineering and potential changes that may be encountered during construction.

**ALTERNATIVE:**

1. Council can choose to cancel Tender 2022-IS-07 and reallocate the funds to another project.

**FINANCIAL IMPLICATIONS:**

The funding is proposed to come from the following sources:

Gas Tax	\$ 398,930	Already approved funding
Carry Forward	923,970	
Development Cost Charges	257,100	
Water reserves	300,000	
5% Infrastructure Reserve	235,000	New funding
Prior Year Surplus	100,000	
Gas Tax (additional)	115,000	

The Infrastructure Reserve funding would be the annual allotment for asset replacement for 2022. This would reduce the anticipated balance of the reserve to \$557,562 at year end. Utilizing \$100,000 from prior year surplus would leave the account with \$1.7 Million dollars. The additional funds from the Canada Community Building Fund will result in the future phases of the Forrest Field project being delayed until a new federal funding agreement is confirmed.

**LEGAL IMPLICATIONS:**

Tender 2022-IS-07 is still active at this time, therefore the Town must notify bidders of cancellation or award by August 10, 2022.

Selecting a contractor needs to follow specific criteria that conforms to legislation and the tender requirements. These include bid compliance, capability to complete the work, bonding, and others. Relying on undisclosed criterion would not be suitable when selecting a contractor. The lowest bidder meets all the known criteria.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

Construction dust, noise, and traffic control will have significant impacts on residents who live in the area or use 4<sup>th</sup> Avenue for commuting. Efforts will be made to mitigate impacts and provide advance notice of the contractor's activities. The bulk of the construction work is expected to occur outside school dates and inclement weather.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Infrastructure Services has worked with Finance to adequately fund the additional project cost, contract administration, and potential change orders. When the project proceeds, our communications team will actively update the community on activities, timelines, road closures, and service interruptions.

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

***I approve the report and recommendations.***

**Allison McCarrick, Chief Administrative Officer**

**STAFF REPORT TO COUNCIL**

**Report Prepared By:** Erin Anderson, Director of Financial Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** August 2, 2022  
**File No:**  
**Re:** **2023 Financial Plan (Budget) Discussions**

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**RECOMMENDATION:**

That Council approve the following schedule to deliberate the 2023-2027 Financial Plan:

- September 6<sup>th</sup> – Parks, Recreation & Culture – operating & capital
- October 25<sup>th</sup> – Water & Sewer – operating & capital
- November 15<sup>th</sup> – Introduction of General Operations
- December 6<sup>th</sup> – Introduction of General Capital Projects. Water & Sewer Rate bylaws introduced.
- December 20<sup>th</sup> – Early budget approvals and anticipated adoption of Water & Sewer Rate bylaws.

**EXECUTIVE SUMMARY:**

Each year, a new 5-year Financial Plan is drafted and presented to Council for approval. It is recommended that specific dates be scheduled to discuss the 2023-2027 Financial Plan. Even though the financial plan bylaw is not due until May 15, 2023, it is recommended to enter into budget discussions early in order to plan for capital projects and ensure utility rate bylaws are in place for January 1, 2023. Budget deliberations for Parks, Recreation & Culture are starting earlier than in the past due to the CVRD's budget schedule for the regional recreation.

**PREVIOUS COUNCIL DIRECTION:**

N/A

**INTRODUCTION/BACKGROUND:**

Staff are currently in the process of preparing their department operational budgets which align with the Town's Strategic Plan. At the time of writing this report, the inflation rate for June 2022 was 8.1%<sup>1</sup>. Staff have included a 4.5% inflationary increase, where applicable, on many goods, services and materials. Some items already known:

- CUPE negotiated wage increase for 2023 is 2.5%
- BC Hydro rate increases is 2.7%
- RCMP per-member cost increase 5%

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<sup>1</sup> Statistics Canada, Consumer Price Index, June 2022 – released 2022-07-20 at <https://www150.statcan.gc.ca/n1/daily-quotidien/220720/dq220720a-eng.htm>

A portion of the proposed budget schedule is earlier than in previous years as the Town must meet the CVRD's budget schedule if the Regional Recreation referendum proposal passes in October.

Additional meetings may be needed as this will be the first budget for the new Council.

**ALTERNATIVES:**

Council can choose to defer budget discussions to April of 2023. This will impact the water and sewer rates revenues for 2023 and delay capital projects. The Financial Plan bylaw must be adopted before May 15, 2023.

**FINANCIAL IMPLICATIONS:**

The Financial Plan (budget) determines all the revenues and expenses for the Town. It also determines the tax rates.

**LEGAL IMPLICATIONS:**

The *Community Charter* requires that a municipality must adopt a Financial Plan prior to May 15.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

The impact on property taxation is unknown currently. BC Assessment will provide the assessment roll towards the end of March. Citizens are encouraged to attend meetings and provide input during the budget deliberations.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The development of the Financial Plan starts and ends with Council. Department heads preparing their budgets to align with Council priorities. Finance summarizes the numbers and presents the budget to Council for discussion.

**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.***

**Allison McCarrick, Chief Administrative Officer**

## STAFF REPORT TO COUNCIL

**Report Prepared By:** Erin Anderson, Director of Financial Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** August 2, 2022  
**File No:**  
**Re:** Amendments to "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2022, No. 2112"

**RECOMMENDATION:**

That Council give first three readings to "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2022, No. 2112".

**EXECUTIVE SUMMARY:**

Staff continue to review fees charged for specific services and update the amounts as necessary. This bylaw updates the miscellaneous charges as well as focuses on the cemetery fees to reduce the reliance on taxation to subsidize the operations. The bylaw is set to come into effect October 1, 2022.

**PREVIOUS COUNCIL DIRECTION:**

CS 2020-103	2020-03-31	That Council: 1. Approve the Budget Transfer Policy 05-1680-B, as presented. 2. Direct staff to prepare an amendment to the "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644" to include: A. False Alarms per calendar year: i. First False Alarm – warning letter ii. Second False Alarm - \$100.00 iii. Third and subsequent False Alarms - \$250.00 B. Online banking payments – transfers between accounts, per calendar year: i. First transfer – warning letter ii. Second transfer – warning letter iii. Third and subsequent transfers – a fee of 10% of the requested transferred amount with a minimum of \$5.00 to a maximum of \$25.00 3. Direct staff to review the draft bylaw originally initiated by the Green Streets Committee, as well as other options for tree protection in Ladysmith, and report back to Council.
CS 2022-178	07-19-2022	That Council direct staff to amend "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644", Schedule 3 – Cemetery Fees, as presented in the July 12, 2022 staff report.

**INTRODUCTION/BACKGROUND:**

Staff are updating the Fees and Charges bylaw with some revised costs as well as some

housekeeping items.

#### Schedule “1” Miscellaneous Fees and Application Fees Amendments

##### *Transfer of online banking payments between accounts*

As directed in CS 2020-103, adding a charge to transfer funds between accounts when people have made the payment via online banking. Occasionally, people make online banking payments to the utility account when it should be made to their property tax account or used to pay their old property account. Each of these erroneous payments take staff time to research and make the necessary adjustments. Council provided direction to do this in March of 2020, before the COVID pandemic, but implementation was delayed allowing people to make payments any way necessary from home and avoid being in the public.

An additional damage deposit for large events has been added. This is to ensure the Town is not left to clean-up after one-time events. The amount is on a sliding scale, at the discretion of the Director of Parks Recreation & Culture, with up to \$1,000 to be used to offset the clean-up cost if the rented facilities are not left as expected.

Additionally, an application fee for a Statement of Concurrence to evaluate a Telecommunication Antenna Structure has been added at a cost of \$250 per application.

##### *Sign & Banner Deposits*

This is a housekeeping change that clarifies that the damage deposit is per permit.

The proposed amendments to Schedule 1 are shown in red, below.

Refunds of overpayments for property taxes or user fees	10% of refund amount – minimum \$5.00 maximum \$25.00 per refund
Transfer of online banking payments between accounts: - First & second transfer  - Subsequent transfers	no charge  10% of transfer amount – minimum \$5.00 maximum \$25.00 per transfer
Sign Permit	\$10.00 Application plus a \$100.00 damage deposit
Temporary Sign/Banner Deposit	\$10.00 Application plus a \$100.00 damage deposit
Large Event Damage Deposit	Up to \$1,000.00
Application for Statement of Concurrence (Telecommunications Tower)	\$250.00

#### Schedule “2” Public Safety (RCMP/Fire Department) Amendments

Again, per CS 2020-103 the false alarms were increasing. There is still no charge for the first alarm, though the second alarm -is increasing from \$50 to \$100 and third and subsequent



alarms are increasing from \$100 to \$250. The increase is to offset the cost to mobilize a fire truck and page volunteers to respond to a false call.

The proposed amendments to Schedule 2 are shown in red, below.

False Alarms – (per calendar year charged per RCMP/Fire call)	
<ul style="list-style-type: none"> <li>• First alarm</li> <li>• Second alarm</li> <li>• Third and subsequent alarms</li> </ul>	Warning \$100.00 \$250.00

### Schedule “3” Cemetery Fees Amendments

As discussed at the July 12<sup>th</sup> Committee of the Whole meeting, the cemetery fees are increasing to partially cover the cost of operating and maintaining the cemetery grounds. In summary, for a resident/former resident of Ladysmith, the cost of a full service is:

	Burial (single)			Cremation (single)		
	Was	Proposed	<i>Actual cost</i>	Was	Proposed	<i>Actual cost</i>
Plot	750	900		350	400	
Preparation & Placement	1,000	1,500	2,763	400	475	437
Single Marker	160	250	245	160	250	245
Total	1,910	2,650		910	1,125	
Amount allocated to Operations	1,710	2,360		810	960	
Amount to Care Fund	200	290		100	165	

### **ALTERNATIVES:**

Council can choose to reject or amend any of the proposed amounts to be included in the Bylaw.

### **FINANCIAL IMPLICATIONS:**

Many of the suggested amendments to the fees will reduce the reliance on property taxation to offset the cost of service delivery.

### **LEGAL IMPLICATIONS:**

All fee amounts must be justified based on cost. Staff have established the proposed fees based on historical costs.

### **CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

These fees are for specific services performed by the Town. Notification of the increases to the Cemetery Fees will involve informing the local funeral homes.

### **INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

If approved, Finance will work with each of the areas to ensure the point of sale rates are updated.

**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.***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENT:**

- A. Bylaw No. 2112

# ATTACHMENT A

## TOWN OF LADYSMITH

### BYLAW NO. 2112

#### A Bylaw to amend the Fees & Charges Bylaw

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The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to "Fees and Charges Bylaw 2008, No. 1644":

1. Delete Items 1(a) and 1(b) in their entirety and replace with the following:
  - (a) Schedule "1" Miscellaneous Fees and Application Fees
  - (b) Schedule "2" Public Safety (RCMP/Fire Department)
  - (c) Schedule "3" Cemetery Fees
  - (d) Schedule "4" Filming Fees
2. Delete Schedule "1" in its entirety and replace with the attached Schedule "1".
3. Delete Schedule "2" in its entirety and replace with the attached Schedule "2".
4. Delete Schedule "3" in its entirety and replace with the attached Schedule "3".

#### **Effective Date**

5. This bylaw comes into effect October 1, 2022.

#### **Citation**

6. This Bylaw may be cited for all purposes as "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2022, No. 2112".

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

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Mayor (A. Stone)

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Corporate Officer (D. Smith)

**SCHEDULE "1"**  
**Miscellaneous Fees and Application Fees**

<i><b>Item:</b></i>	<i><b>Fee:</b></i>
<b>Miscellaneous Fees:</b>	
Copies of Extracts of Minutes – per page	\$0.25
Copies of Bylaws and Council Minutes – per page	\$0.25
Certificate of Outstanding Taxes	\$20.00
Fence Line Fee	\$75.00
Topographic Maps	\$25.00
Waterfront Area Plan	\$10.00
Holland Creek Area Plan	\$10.00
South Ladysmith Area Plan	\$10.00
Official Community Plan (including Schedule A.I - DPAs)	\$35.00
Engineering Specifications	\$30.00
Comfort Letter	\$100.00
Memorial Park Bench	\$3,950.00
Zoning Bylaw	\$40.00
Official Community Plan and Zoning Bylaw Maps (Large Size) per map	\$15.00
NSF cheques/Returned items/Stop payments	\$25.00
Refunds of overpayments for property taxes or user fees	10% of refund amount – minimum \$5.00 maximum \$25.00 per refund
Transfer of online banking payments between accounts: - First & second transfer  - Subsequent transfers	no charge  10% of transfer amount – minimum \$5.00 maximum \$25.00 per transfer
Mortgage listings of property taxes owing (per folio)	\$3.00
Annual Property tax levies - Vancouver Island Real Estate Board	\$450.00
Current year property tax notice after tax due date (for current owner)	No charge
Previous years' property tax notice on year-specific paper (for current owner)	\$25.00 per copy
Subdivision trees	\$750.00 per tree
Recycling bags	\$1.25 per bag

<b>Item:</b>	<b>Fee:</b>
<b>Application Fees:</b>	
Official Community Plan Amendment	\$2,000.00 plus advertising and delivery costs
Zoning Bylaw Amendment	\$2,000.00 plus advertising and delivery costs
Zoning Bylaw Amendment - Coach House (R-1 Zone)	\$1000.00 plus advertising and delivery costs
Combined OCP/Zoning Bylaw Amendment	\$3,000.00 plus advertising and delivery costs
Subdivision - PLA	\$500.00 plus \$250.00/lot
Subdivision- Approval, Extension, Form P	\$500.00
Development Permit - Multi-Unit, Commercial, Downtown, Industrial	\$1,000.00
Development Permit - High Street Intensive Residential	\$750.00
Development Permit - Riparian, Hazard Lands	\$250.00
Development Permit - Coach House Intensive Residential	\$250.00
Development Permit - Façade Improvement	\$100.00
Development Permit - Amendment	\$100.00
Development Variance Permit	\$750.00 plus Delivery Costs
Board of Variance	\$750.00 plus Delivery Costs
Temporary Use Permit	\$1,500.00 plus Advertising and Delivery Costs
Strata Conversion	\$500.00 plus \$250.00/unit
Boundary Extension Proposal	\$2,000.00 plus \$50.00/hectare plus advertising and electoral approval costs
Liquor License Primary Referral Review Community Consultation	\$1,750.00 plus advertising costs
ALR Application - Subdivision/Non-Farm Use	\$600.00 plus ALR Fees
ALR Application - Exclusion	\$2,000.00 plus ALR Fees
Revitalization Tax Exemption Application Fee	\$250.00
Sign Permit	\$10.00 Application plus a \$100.00 damage deposit
Real Estate Sign	\$20.00 per agency

Temporary Sign/Banner Deposit	\$10.00 Application plus a \$100.00 damage deposit
Large Event Damage Deposit	Up to \$1,000.00
Ladysmith Visioning Report	\$25.00
Application for Statement of Concurrence (Telecommunications Tower)	\$250.00
Application for Recommendation of Cannabis Retail Licence Application/Amendment	\$2,000.00 plus advertising and delivery costs

***Note: All fees are subject to applicable taxes***

**SCHEDULE "2"**  
**Public Safety (RCMP/Fire Department)**

<b>Public Safety Item:</b>	<b>Fee</b>
Security checks (criminal records)	\$20.00
Local Driving Record Checks	\$15.00
Fingerprinting	\$25.00
Background checks for Chauffeur's permits	\$20.00
Miscellaneous photocopies (includes court orders for documents): <ul style="list-style-type: none"> <li>the first 100 copies</li> <li>additional copies</li> </ul>	\$35.00 0.50 per page
Name Change Application (prints)	\$25.00
Accident/Crime Scene: <ul style="list-style-type: none"> <li>Field Diagram</li> <li>Scale drawing</li> <li>Mechanical inspection reports</li> <li>Photographs</li> <li>Photo CD</li> </ul>	\$20.00 \$40.00 \$50.00 \$1.00 each \$25.00 each
Motor Vehicle Accident Reports: <ul style="list-style-type: none"> <li>Investigation (primary investigator)</li> <li>Technical (i.e. Traffic Analyst)</li> </ul>	\$30.00 \$50.00
False Alarms – (per calendar year charged per RCMP/Fire call) <ul style="list-style-type: none"> <li>First alarm</li> <li>Second alarm</li> <li>Third and subsequent alarms</li> </ul>	Warning \$100.00 \$250.00
Insurance Letters (certification)	\$30.00

### SCHEDULE "3" Cemetery Fees

<b>Ground Burial Lots</b>	<b>Proposed Right of Interment</b>	<b>Right of Interment (Care fund)</b>
Adult (over 12 yr.) Full Ground Burial Lot - Resident or former resident	\$ 900	\$ (225)
Adult (over 12 yr.) Full Ground Burial Lot - Non resident	\$ 1,400	\$ (350)
Child (12 & under) Full Ground Burial Lot - Resident or former resident	\$ 450	\$ (130)
Cremation Ground Lot - Resident or former resident	\$ 400	\$ (100)
Cremation Ground Lot - Non resident	\$ 600	\$ (150)

	<b>Preparation &amp; Placement</b>	<b>Town approved Liner</b>
<b>Preparation &amp; Placement</b>		
Adult (over 12 yr.) Full Burial	\$ 1,000	\$ 500
Child (12 & under) Full Burial	\$ 500	\$ 500
Cremation (single)	\$ 400	\$ 60
Cremation (double)	\$ 425	\$ 75

<b>Memorial:</b>	<b>Marker</b>	<b>Marker Care Fund</b>
Installation of Single Marker (up to 60cm x 30cm)	\$ 250	\$ (65)
Installation of Double Marker (up to 75cm x 45cm)	\$ 350	\$ (90)
Removal & Reinstall	\$ 450	\$ (125)

<b>Fees for services &amp; products</b>	
Late Arrival (after 3pm) on regular business day	\$100 per hour
Disinterment/exhumation of full burial	\$ 1,800
Disinterment/exhumation of cremated remains	\$ 750
<i>Saturday Service (in addition to above fees)</i>	
Full Burial	\$ 500
Cremation Burial	\$ 300
Transfer/Surrender fee for interment right certificate	\$ 50
Special Services & Handling Fees	By prior arrangement with Administrator

**Note: All fees are subject to applicable taxes**



## TOWN OF LADYSMITH

### BYLAW NO. 2065

#### **A Bylaw to amend “Ladysmith Sign and Canopy Bylaw 1995, No. 1176”**

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The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to “Sign and Canopy Bylaw 1995, No. 1176”:

1. Section 1.0 is amended by:

- a) Deleting the definition of “Sandwich Board” in its entirety and replacing with the following:

“means a sign advertising a business or occupation, consisting of two panels not permanently attached to a building or the ground;”

- b) Adding a new definition, in alphabetical order, as follows:

“**“School”** means educational facilities as defined by the *School Act*.”

2. Section 3.0 is amended by:

- a) Deleting the first paragraph of Subsection 3.2.1 and replacing with the following:

“Application for a permit shall be made in writing to the Building Inspector on an application form prescribed by the Building Inspector and shall be accompanied by:”

- b) Adding to clause 3.2.1(a) the following new subclauses :

“(vi) the dimensions and area of the proposed sign(s); and  
(vii) the dimensions and materials of any sign bracket or supporting structures.”

- c) Deleting Subsection 3.2.2 in its entirety.

3. Section 4.0 is amended by:

- a) Adding to Section 4.1 the following new clause:

“(r) Signs erected by a School, police station, ambulance station, or hospital, provided they are not within the Downtown Specified Area.”

- b) Deleting Subsection 4.11.1 in its entirety and replacing with the following:

“4.11.1 One sandwich board sign is permitted per business, except if the business fronts onto more than one Highway, in which case the business may have one sandwich board sign on each Highway frontage.”

- c) Deleting Subsection 4.11.4 in its entirety and replacing with the following:

"4.11.4 The signs must have a professional standard of design and finish".

d) Adding a new Subsection 4.11.8 as follows:

"4.11.8 A sign permit is not required for a Sandwich Board sign provided it complies with the requirements of section 4.11."

e) Deleting Subsection 4.16.8 in its entirety and replacing with the following:

"4.16.8 One projecting sign per business is permitted, except if a business fronts onto more than one Highway, in which case the business may have one projecting sign on each Highway frontage"

f) Deleting Clause 4.17.1(a) in its entirety.

4. Section 6.0 is amended by:

a) Deleting Clause 6.1.2(a) in its entirety.

b) Deleting Subclause 6.1.2(b)(ii) in its entirety and replacing with the following:

"6.1.2(b)(ii) Information relating to the occupancy or activity of an institutional use".

d) Deleting the heading of Section 6.2 in its entirety and replacing with the following:

"Home Occupation, Bed and Breakfast, and Day Care"

d) Adding two new clauses to Subsection 6.2.1 as follows:

"(c) a freestanding sign

(d) a fascia sign"

e) Deleting Subsection 6.2.2 in its entirety and replacing with the following:

"6.2.2 Signs within this designation, not including sandwich boards, shall:

(a) not display information other than the name, telephone number, business hours, address or business in the premises or the occupation of the occupant

(b) not exceed 0.4 sq.m on any property for all sides of the sign which can be seen simultaneously

(c) not project over property owned or possessed by the Municipality"

- f) Adding three new subsections under Section 6.2 Home Occupation as follows:
    - "6.2.3 One sign is permitted per property for a home occupation, bed and breakfast, or daycare, in addition to one sandwich board sign.
    - 6.2.4 A freestanding sign shall be at least 1.0 m behind any property line and not exceed a height of 2.0 m
    - 6.2.5 A sign permit is not required for a home occupation, bed and breakfast, or day care provided the signage complies with the requirements of sections 6.2 and 4.11."
  - g) Deleting Sections 6.3 and 6.4 in their entirety.
5. Section 8.0 is amended by:
- a) Replacing the word "shall" with "may" in Section 8.1.
  - b) Deleting Sections 8.3 and 8.4 in their entirety.
6. Section 10.0 is amended by:
- a) Deleting Clause 10.1(a) in its entirety and replacing with the following:
    - "10.1(a) no sign or canopy shall project over property owned or possessed by the Municipality unless an "Encroachment Agreement" is first entered into with the Municipality"
7. By deleting Schedule "B" in its entirety.
8. By deleting Schedule "C" in its entirety.
9. By renumbering all schedules, sections, subsections, clauses, and subclauses and references thereto in accordance with the above.

**Citation**

10. This Bylaw may be cited for all purposes as "Ladysmith Sign and Canopy Bylaw 1995, No. 1176, Amendment Bylaw (No. 7) 2022, No. 2065".

**READ A FIRST TIME** on the 19<sup>th</sup> day of July, 2022

**READ A SECOND TIME** on the 19<sup>th</sup> day of July, 2022

**READ A THIRD TIME** on the 19<sup>th</sup> day of July, 2022

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

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Mayor (A. Stone)

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Corporate Officer (D. Smith)

**BYLAW STATUS SHEET**  
**August 2, 2022**

Bylaw #	Description	Status
2065	"Sign and Canopy Bylaw 1995, No. 1176, Amendment Bylaw (No. 7) 2022, No. 2065" (minor updates to the Sign Bylaw to streamline the Sign Permit application process and respond to trends in requests for Development Variance Permits for signage.)	First, second and third readings, July 19, 2022.
2068	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 65) 2021, No. 2068" (permit a commercial plaza with drive-through coffee shop at 1130 Rocky Creek Road)	First and second readings, June 1, 2021. Public Hearing and third reading June 15, 2021. Conditions to be met prior to adoption.
2069	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069" (permit a commercial plaza with drive-through coffee shop at 1130 Rocky Creek Road)	First and second readings, June 1, 2021. Public Hearing and third reading June 15, 2021. MOTI approval received July 27, 2021. Conditions to be met prior to adoption.
2102	"Official Community Plan 2003, No. 1488, Amendment Bylaw (No. 70) 2022, No. 2102" (allow a mix of multiple-dwelling, single-detached dwellings and other uses at 1301 and 1391 Rocky Creek Road)	First and second readings, February 1, 2022. Public Hearing and third reading June 14, 2022. Conditions to be met prior to adoption.
2103	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 47) 2022, No. 2103" (allow a mix of multiple-dwelling, single-detached dwellings and other uses at 1301 and 1391 Rocky Creek Road)	First and second readings, February 1, 2022. Public Hearing and third reading June 14, 2022. MOTI approval required. Conditions to be met prior to adoption.
2106	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106" (amend land use and Development Permit Areas at Lot 5, Holland Creek)	First and second readings, April 19, 2022. Public Hearing scheduled for August 2, 2022.
2107	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.48) 2022, No. 2107" (include secondary suites, coach house dwellings and townhouse dwellings at Lot 5, Holland Creek)	First and second readings, April 19, 2022. Public Hearing scheduled for August 2, 2022.
2114	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 50) 2022, No. 2114" (allow single-family dwellings at 626 Farrell Road (The Gales) and 606 Farrell Road)	First, second and third readings, June 7, 2022. Public Hearing not required. MOTI approval required.

July 14, 2022

**Attention:** Mayor A Stone and Council

With the move of Council Chambers to the Ladysmith Seniors Society space at 620 Second Avenue this July a couple of questions arise. It has been agreed that you will have the use of our space for Council meetings. We assume that you will also require the use of our tables and our chairs for your meetings. Presently our plans involve dismantling the chairs. Once completed, the seats and backs will be shipped over to Vancouver for recovering. The seats and backs may take up to 2 months to be returned.

We are recovering the chairs to make them more comfortable for our members and others like yourself who will be using them. The cost of the repairs and recovering is in excess of \$6,000.00. This cost will have a major impact on our reserves, This is money we have to cover our operations and for reserves for unexpected costs such as any replacement of any of our equipment such as a freezer or new dishwasher should they need replacement.

Seeing as we are granting you the use of our premise at no charge, we would like to ask you to consider helping us with the cost of the chair recovering and repairs. We believe that comfortable chairs are something that you would like to see for your meetings as both members of Council, Staff and members of the general public who wish to attend your meeting will be using for an indefinite period. We are sure you would agree that comfort is an important consideration as Council meetings can go on for lengthy periods of time.

Therefore, we are requesting a contribution of \$2,000.00 to aid us with this expense.

Suzanne Letourneau  
President  
Ladysmith Seniors Society



## Ladysmith Lions Club

P O Box 2293 Stn Main  
Ladysmith BC V9G 1B8

ladysmithlions@gmail.com

July 15, 2022

to the Mayor & Council

Ladysmith BC

Dear Mayor & Council

At the start of 2022, the Ladysmith Lions, in partnership with McNabs Corn Maze, sponsored a weekly free swim on Wednesday afternoons from 1 'til 2.

The swim was initiated to accommodate the needs of persons managing developmental challenges in the Ladysmith Community Link group and also to open up a free time for others when our pool would otherwise be closed.

Our club would like to continue this sponsorship in the fall, but would also like the Town to participate as a 1/3 partner in the program. We would then have a public/private/npa partnership that could be promoted in a very favourable light for the Town.

The cost of your 1/3 share would be only \$742.44 from Sept. through Dec., which we believe would be very good value for the Town.

Sincerely,

Eric Mah, President

Ladysmith Lions Club

July 24, 2022

Good Morning,

The Ladysmith and Chemainus Rotary Clubs are planning our 12th annual Rotary Charity Golf Tournament on September 17th at the Mount Brenton golf club. Funds raised support local youth organizations and other non profits.

We are hoping the Town of Ladysmith can support this popular event as they have in the past. We hope you will also consider entering a team like you did last year.

A sponsor and team entry form is attached.

Thanks for your support.

Tom,  
Co-chair  
Rotary Golf Tournament

**ROTARY CLUBS OF  
LADYSMITH AND CHEMAINUS  
12th Annual Charity Golf Tournament**

MOUNT BRENTON GOLF COURSE, CHEMAINUS Saturday, September 17<sup>th</sup>, 2022



Shot Gun Start – 8:30 am  
4 Person Scramble - 18 Holes  
Prizes, Draws, Silent & Live Auctions  
Registration: 7:30 – 8:15 am  
Breakfast: 7:30 – 8:15 am - Luncheon: 1:30 pm

**INDIVIDUAL OR TEAM ENTRY FORM/SPONSOR FORM**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone no(s) \_\_\_\_\_

E-mail: \_\_\_\_\_

Team members: \_\_\_\_\_

Entry fee includes green fees, power cart, breakfast and luncheon

Cheque enclosed: \$600.00/team with 2 carts ( ) or \$150.00/player ( ) **Walkers \$125.00 each ( )**  
(payable to Rotary Club of Ladysmith)

OR:

- I would like to be a Platinum Sponsor – Cost is \$1,000.00 ( )
  - Platinum Sponsors receive entry for 4 players, hole sponsorship, five cart sponsorships
- I would like to be a Gold Sponsor – Cost is \$850.00 ( )
  - Gold Sponsors receive entry for 4 players, and a hole sponsorship
- Hole or Putting Green Sponsor: \$350.00 ( )
- Lunch sponsor: \$350.00 ( )
- Breakfast sponsor: \$350.00 ( )
- Cart sponsorship: \$50.00 ( )
- Company Name: \_\_\_\_\_

Proceeds to support Chemainus and Ladysmith local youth & community projects

To book your team or  
for information contact:

Tom Andrews: (250) 210-2402 (tomandrewsvii@gmail.com)  
Joan Phillips (250) 245-8104 or (250)327-6220 (joph@telus.net)

Send cheques & completed forms to: Rotary Club of Ladysmith, c/o Joan Phillips, 433 Blair Place, Ladysmith, BC, V9G 1Y3  
or email completed form and e-transfer payment to joph@telus.net