

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

Tuesday, September 6, 2022  
City Hall Council Chambers  
410 Esplanade

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**Pages**

**1. CALL TO ORDER**

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

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

**2. CLOSED MEETING**

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.

**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.

Members of the public may attend the meeting in person at City Hall or view the livestream on YouTube:

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

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

##### Recommendation

That Council approve the agenda for this Regular Meeting of Council for September 6, 2022.

#### **5. RISE AND REPORT**

#### **6. MINUTES**

##### **6.1. Minutes of the Public Hearing and Regular Meeting of Council held August 2, 2022**

8

##### Recommendation

That Council approve the minutes of the Public Hearing and Regular Meeting of Council held August 2, 2022.

#### **7. DELEGATIONS**

##### **7.1. Official Community Plan Review**

17

Jennifer Fix and consultants from ahne Studio will introduce the draft OCP.

Link: <http://ow.ly/vPln50KxifT>

#### **8. 2023-2027 FINANCIAL PLAN DISCUSSIONS - PARKS, RECREATION & CULTURE OPERATING & CAPITAL BUDGETS**

##### **8.1. Presentation and Council Discussion**

##### **8.2. Public Input and Questions**

#### **9. DEVELOPMENT APPLICATIONS**

##### **9.1. Development Variance Permit 3090-22-02 & Development Permit Application 3060-22-04 – 435 Thetis Drive**

28

##### Recommendation

That Council:

1. Issue Development Variance Permit 3090-22-02 to vary the following provisions in “Town of Ladysmith Zoning Bylaw 2014, No. 1860” for a proposed single unit dwelling at 435 Thetis Drive (Lot 13 District Lot 52 Oyster District Plan VIP86055):
  - a. Section 10.2.5(a) to increase the maximum height of a proposed single unit dwelling from 9.0m to 10.4m

- b. Section 10.2.5(d) to allow a 9.14m perimeter wall height with no horizontal offset on the rear elevation of the dwelling; and
- c. Section 10.2.5(e) to reduce the minimum front parcel line setback from 6.0m to 5.0m;
2. Issue Development Permit 3060-22-04 to allow construction of a single unit dwelling at 435 Thetis Drive; and
3. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-22-02.

## 10. COMMITTEE MINUTES

### 10.1. Poverty Reduction Task Group - July 26, 2022

63

#### Recommendation

That Council receive the minutes of the Poverty Reduction Task Group meeting held July 26, 2022.

## 11. REPORTS

### 11.1. Regional Recreation Budget Approval 2023-2027 – Frank Jameson Community Centre

66

#### Recommendation

That Council approve the 2023-2027 budget for the Frank Jameson Community Centre as presented in the staff report dated September 6, 2022 and direct staff to submit it to the Cowichan Valley Regional District.

### 11.2. Permissive Tax Exemptions for the Tax Year 2023

74

#### Recommendation

1. That Council direct staff to prepare a one-year Permissive Tax Exemption Bylaw for all properties currently identified in the “Town of Ladysmith 2022 Permissive Tax Exemptions Bylaw 2021, No. 2084” with the exception of the property at 314 Buller Street.
2. That Council provide a one-year Permissive Tax Exemption to the Ladysmith Resources Centre Association for 20 percent of the value at 314 Buller Street which approximately represents seven deep subsidy units in the 36 unit building.
3. That Council direct staff to prepare a 10-year Permissive Tax exemption Bylaw for all Island Corridor Foundation properties within the Town of Ladysmith boundaries.
4. That Council direct staff to remove fully exempt properties from

the 2023 water parcel tax roll and the 2023 sewer parcel tax roll.

**11.3. Commercial Tri-Deck Rotary Mower**

79

Recommendation

That Council direct staff to amend the 2022-2026 Financial Plan by increasing the budget for the Commercial Tri-Deck Rotary Mower by \$20,000 with the additional funds to come from the Vehicle Equipment Reserve.

**11.4. Crown Referral 148786797: Application to Purchase Portion of Crown Foreshore (303 Chemainus Road)**

81

Recommendation

That Council, in response to Crown Referral 148786797, support the application by the upland owner to purchase a 90m<sup>2</sup> portion of the foreshore, with a request that the Province:

1. Take steps to allow passage along the foreshore, or adjacent uplands, at all tide levels; and
2. Address the encroachment of the cantilevered deck over the statutory right of way for the Town's sewer line.

**12. BYLAWS**

**12.1. Bylaws for Introduction**

**12.1.1. Bylaw No. 2120**

108

(to allow the closure of the lane separating 621 & 631 1st Avenue to vehicle traffic)

Recommendation

That Council:

1. Give first, second and third readings to "Road Closure and Dedication Removal Bylaw 2022, No. 2120";
2. Direct staff to:
  - a. provide notice to the public of Council's intention to adopt Bylaw No. 2120 pursuant to sections 40(3)(a) and 94 of the *Community Charter*,
  - b. provide notice of Council's intention to adopt Bylaw No. 2120 to:
    - i. BC Hydro
    - ii. Fortis



- iii. Shaw
- iv. TELUS; and
- c. refer Bylaw No. 2120 to the Ministry of Transportation and Infrastructure pursuant to section 41(3) of the *Community Charter*.

#### 12.1.2. Bylaws No. 2106 and 2107

115

(amendments to the Official Community Plan and Zoning Bylaws related to Lot 5 Holland Creek)

#### Recommendation

That Council:

1. Rescind second reading of “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106” and give the bylaw second reading as amended;
2. Rescind second reading of “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.48) 2022, No. 2107” and give the bylaw second reading as amended;
3. Require that the applicant, in addition to the conditions of approval of Bylaw Nos. 2106 and 2107 specified in Council Resolution CS 2022-095, at their cost, secure the following conditions through one or more restrictive covenants following third reading and prior to adoption of Bylaw Nos. 2106 and 2107:
  - a. All construction on the subject property to be constructed to “Step 2” of the BC Energy Step Code; and
  - b. Grant the Town an option to purchase the portion of the red-listed ecosystem occurrence on the property located outside of the area to be dedicated as park, as shown in the September 6, 2022 report to Council; and
4. Direct staff to schedule a second Public Hearing for Bylaw Nos. 2106 and 2107 pursuant to section 464 of the *Local Government Act*.

## **12.2. Bylaws for Adoption**

### **12.2.1. Bylaw No. 2112**

134

(amendments to miscellaneous fees, sign and banner deposits, false alarms, cemetery fees)

#### Recommendation

That Council adopt "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2022, No. 2112".

### **12.2.2. Bylaw No. 2114**

140

(to allow single-family dwellings at 626 Farrell Road (The Gales) and 606 Farrell Road)

#### Recommendation

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 50) 2022, No. 2114".

## **12.3. Bylaw Status Sheet**

144

## **13. CORRESPONDENCE**

### **13.1. Chief Roxanne Harris, Stz'uminus First Nation**

145

Request for funding assistance for the Stz'uminus First Nation Traditional War Canoe Races

#### Recommendation

That Council confirm funding assistance in the amount of \$2,000 to the Stz'uminus First Nation for the Traditional War Canoe Races which were held September 3 and 4, 2022, with funding to come from Council's Public Relations budget.

### **13.2. Nanaimo News Bulletin**

146

Request for letter regarding Extended Producer Responsibility (EPR) regulations

#### Recommendation

That the Mayor, on behalf of Council, write a letter to the Minister of Environment requesting that the Provincial Government exempt printed newspapers from the Extended Producer Responsibility regulations as requested by the Nanaimo News Bulletin in correspondence dated August 9, 2022.

**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**



## MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF COUNCIL

Tuesday, August 2, 2022

6:01 P.M.

This meeting was held electronically

### Council Members Present:

Mayor Aaron Stone

Councillor Amanda Jacobson

Councillor Rob Johnson

Councillor Tricia McKay (joined at 6:37 p.m.)

Councillor Duck Paterson

Councillor Marsh Stevens

Councillor Jeff Virtanen

### Staff Present:

Allison McCarrick

Erin Anderson

Chris Barfoot

Jake Belobaba

Ryan Bouma

Donna Smith

Julie Thompson

Mike Gregory

Sue Bouma

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### 1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 5:02 p.m., in order to retire immediately into closed session.

### 2. CLOSED SESSION

#### CS 2022-187

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;
- (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.

*Motion Carried*

### **3. OPEN MEETING AND ACKNOWLEDGEMENT**

Mayor Stone called the Public Hearing and Regular Meeting of Council to order at 6:01 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 2022-188**

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for August 2, 2022 as amended to include the following:

- Item 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”

Add a public submission received after publication of the agenda

*Motion Carried*

Mayor Stone and members of Council expressed appreciation for all those involved with Ladysmith Days - from the organizations and volunteers to the vendors. They thanked Saltair Marine for their assistance with the fireworks. The Mayor will send letters of appreciation to those involved.

### **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”**

**Members of the public attending: 11**

##### **5.1.1 Outline of Public Hearing Process**

Mayor Stone outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council about Bylaw Nos. 2106 and 2107.

He advised that staff would introduce the proposed bylaw amendments, followed by public submissions. He reminded the public that the content of submissions would be made public and form a part of the public record for the Hearing, and that the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaws, although they may ask clarifying questions. He advised that once everyone had an

opportunity to be heard, the Public Hearing would be closed and no further submissions or comments could be accepted by members of Council.

### **5.1.2 Introduction of Bylaws and Statutory Requirements**

Jake Belobaba, Director of Development Services, introduced "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" as the subjects of the Public Hearing.

Mr. Belobaba advised that if approved, Bylaw Nos. 2106 and 2107 would:

1. Remove policies related to estate residential lots in environmentally sensitive areas and steep slopes from the Holland Creek Area Plan;
2. Add portions of the subject property to Development Permit Area 4-Multi-Unit Residential, Development Permit Area 3-Commercial and Development Permit Area 10-Coach House Intensive Residential;
3. Expand Development Permit Area 11 – Arbutus Hump ESA, to cover a larger portion of the subject property and amend the corresponding Development Permit Area Guidelines to require environmental reports to 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;
4. Change and reconfigure the land use designations of the subject property from "Single-Family ", "Estate Residential" and "Park and Open Space" to "Single-Family; "Multi-Family"; "Neighbourhood Commercial" and "Park and Open Space";
5. Change the zoning for the Subject Property from Single Dwelling Residential (R-1) to Medium-Density Residential (R-3), Single Dwelling Residential – Small Lot A Zone (R-1-A), Single Dwelling Residential – Small Lot B Zone (R-1-B), Single Dwelling Residential – Small Lot C Zone (R-1-C), Nature Park (P-3), Park and Recreation (P-2) and Local Commercial (C-1);

6. Allow Secondary Suite as a permitted accessory use on R-1-C zoned portions of the subject property on parcels served by a lane;
7. Allow Coach House as a permitted accessory use on R-1-C zoned portions of the subject property on parcels that are 300 square metres or larger;
8. Allow Townhouse Dwelling as the only permitted use in the R-3 zoned portions of the subject property; and
9. Allow Coach House as a permitted Accessory Use on the C-1 Zoned portions of the subject property on parcels that are 460 square metres or larger and with a frontage of at least 13.5 metres.

Mr. Belobaba also confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was published in the Ladysmith Chronicle on July 21 and July 28, 2022 and was posted on the Town's website and community notice boards. A copy of the Notice, the proposed Bylaws, and background information were made available at the front counter of City Hall and Development Services and on the Town's website for the Notice period. Staff in the Development Services office were available to respond to questions prior to the Public Hearing. He noted that as of noon on Tuesday, August 2, one written submission related to the proposed bylaws had been received.

### **5.1.3 Submissions**

#### **5.1.4 Call for Submissions to Council (Three Times)**

Mayor Stone invited the applicant to make the first submission.

Paul Fenske, principal with Ekistics and representative for Lamont Land, provided an overview of the Holland Heights plan, noting that the neighbourhood would offer connection to nature, a diversity of lifestyle and life stages, and a walkable design with local commercial opportunities that would improve social connectivity.

Mayor Stone called for submissions from the public.

Mayor Stone called for submissions a second time.

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

No one wished to speak regarding “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”.

Mayor Stone asked the Corporate Officer, D. Smith, if any submissions had been received via email. The Corporate Officer advised that no submissions had been received via email.

#### **5.1.5 Declaration that the Public Hearing for Bylaw Nos. 2106 and 2107 is Closed**

Hearing no further comments and receiving no further submissions, Mayor Stone declared the Public Hearing for Bylaw Nos. 2106 and 2107 closed at 6:19 p.m. and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

### **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”**

Councillor McKay joined the meeting at 6:37 p.m.

#### **CS 2022-189**

That Council postpone third reading of both “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”, until staff meet with the proponent to negotiate the following requirements and report back to Council:

1. Allow duplexes on the subject property in areas zoned R-1-B;
2. Require commercial uses on all C-1 zoned lots;
3. Engage and negotiate with the developer for the acquisition and/or protection of the red-listed Douglas-fir/Arbutus ecosystem as park; and
4. Ensure that all construction on the subject property meets Step Code 2 or higher.

*Motion Carried*



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

Council rose from Closed Session at 5:48 p.m. without report.

**8. MINUTES**

**8.1 Minutes of the Regular Meeting of Council held July 19, 2022**

**CS 2022-190**

That Council approve the minutes of the Regular Meeting of Council held July 19, 2022.

*Motion Carried*

**9. PROCLAMATIONS**

**9.1 Pulmonary Fibrosis Awareness Month**

Mayor Stone 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**

**CS 2022-191**

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.

*Motion Carried*

## **11. REPORTS**

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

#### **CS 2022-192**

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.

*Motion Carried*

OPPOSED: Councillor Paterson

### **11.2 2023 Financial Plan (Budget) Discussions**

#### **CS 2022-193**

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.

*Motion Carried*

## **12. BYLAWS**

### **12.1 “Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2022, No. 2112”**

#### **CS 2022-194**

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

*Motion Carried*

**12.2 “Sign and Canopy Bylaw 1995, No. 1176, Amendment Bylaw (No.7) 2022, No. 2065”**

**CS 2022-195**

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

*Motion Carried*

OPPOSED: Councillor Johnson

**12.3 Bylaw Status Sheet**

**13. CORRESPONDENCE**

**13.1 Ladysmith Seniors Society**

Councillor Johnson declared a conflict of interest related to Agenda Item 13.1 stating he is on the executive of the Ladysmith Seniors Society, and vacated the meeting at 7:35 p.m.

**CS 2022-196**

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.

*Motion Carried*

Councillor Johnson returned to the meeting at 7:37 p.m.

**13.2 Ladysmith Lions Club**

**CS 2022-197**

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.

*Motion Carried*

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

**CS 2022-198**

That Council allocate \$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.

*Motion Carried*

**14. QUESTION PERIOD**

There were no questions submitted by the public.

**15. ADJOURNMENT**

**CS 2022-199**

That this Regular Meeting of Council be adjourned at 7:45 p.m.

*Motion Carried*

CERTIFIED CORRECT:

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Mayor (A. Stone)

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Corporate Officer (D. Smith)

# LADYSMITH

# UNPARALLELED

**DRAFT OFFICIAL COMMUNITY PLAN – REVISIONS**  
**LADYSMITH COUNCIL | 6 SEPTEMBER 2022**





# INPUT ON DRAFT OCP

ONLINE SURVEY (VISION, GOALS,  
GROWTH DIRECTIONS)

DOWNTOWN DROP-IN EVENT

EMAILS + LETTERS

SESSIONS WITH COUNCIL +  
STEERING COMMITTEE

ALSO:

ADMINISTRATION REVIEW



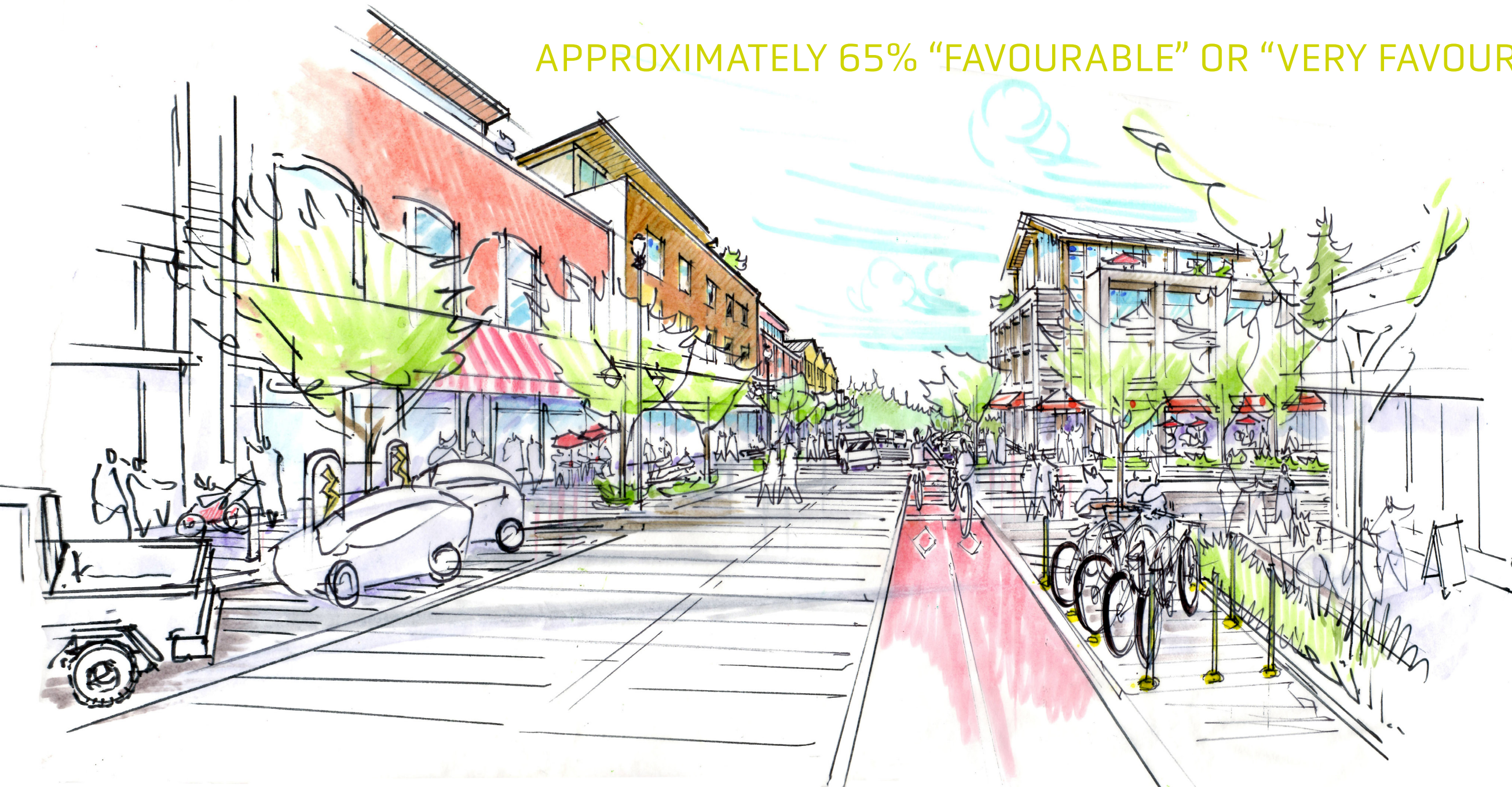
# PARTICIPANT INPUT FROM SURVEY

## GOALS AND GROWTH DIRECTIONS:

ALL HAD 80% OR MORE “FAVOURABLE” OR “VERY FAVOURABLE” RATINGS

## VISION:

APPROXIMATELY 65% “FAVOURABLE” OR “VERY FAVOURABLE” RATINGS





# REVISED VISION FOR LADYSMITH

*Ladysmith is located in the traditional territory of the Stz'uminus First Nation, who have been stewards of the land since Time Immemorial.*

*Unparalleled in its neighbourliness, Ladysmith is a growing community that maintains its small-town feel. Home to a vibrant downtown and charismatic waterfront – rich with heritage and public life – Ladysmith is known for its historic streetscapes, natural beauty, hillsides, and gorgeous views. A leader in climate action, Ladysmith is surrounded by cherished habitat areas that offer recreation, critical ecological services, economic prosperity, and connection with land and water.*

*Everyone is welcome here.*





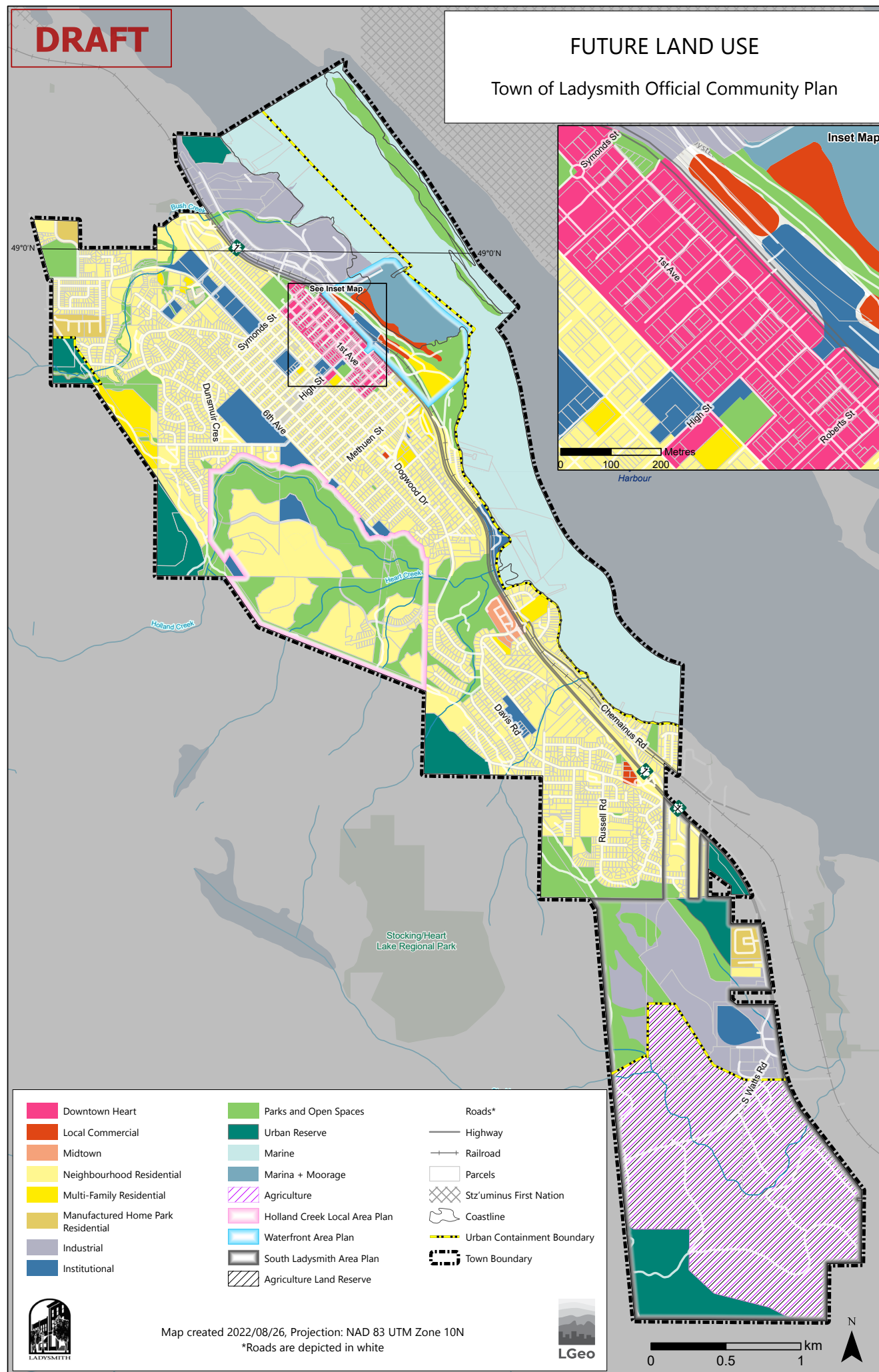
**DRAFT**

## FUTURE LAND USE

Town of Ladysmith Official Community Plan

# LAND USE REVISIONS

- Merging of “Downtown Heart” and “Downtown Area”
- Addition of “Agriculture” designation
- Removal of “Highway Commercial” designation
- Addition of “Local Commercial” hub in the south
- Adjustments to some designation names
- Addition of FSRs maximums and minimums
- General clarifications and other minor adjustments





# LAND USE REVISIONS

- Addition of FSRs maximums and minimums
- Requirement for commercial uses in “Local Commercial”
- General clarifications and other minor adjustments





# OTHER POLICY AREA REVISIONS

- New age-friendly references/policies
- New heritage references/policies/guidelines
- Many other adjustments and clarifications throughout







## IMPLEMENTATION

- Primacy of the OCP | Priorities
- OCP Amendments
- Actions
- Community Amenity Contributions
- Incentives
- Development Permit Areas
- Temporary Use Permits

# ACTIONS

- Assigns timelines for “action oriented” policies identified in Parts B and C (*example at right*)
- Includes short term (1-3 years), medium term (4-6 years), long term (>7 years), and ongoing actions

## Local Economy

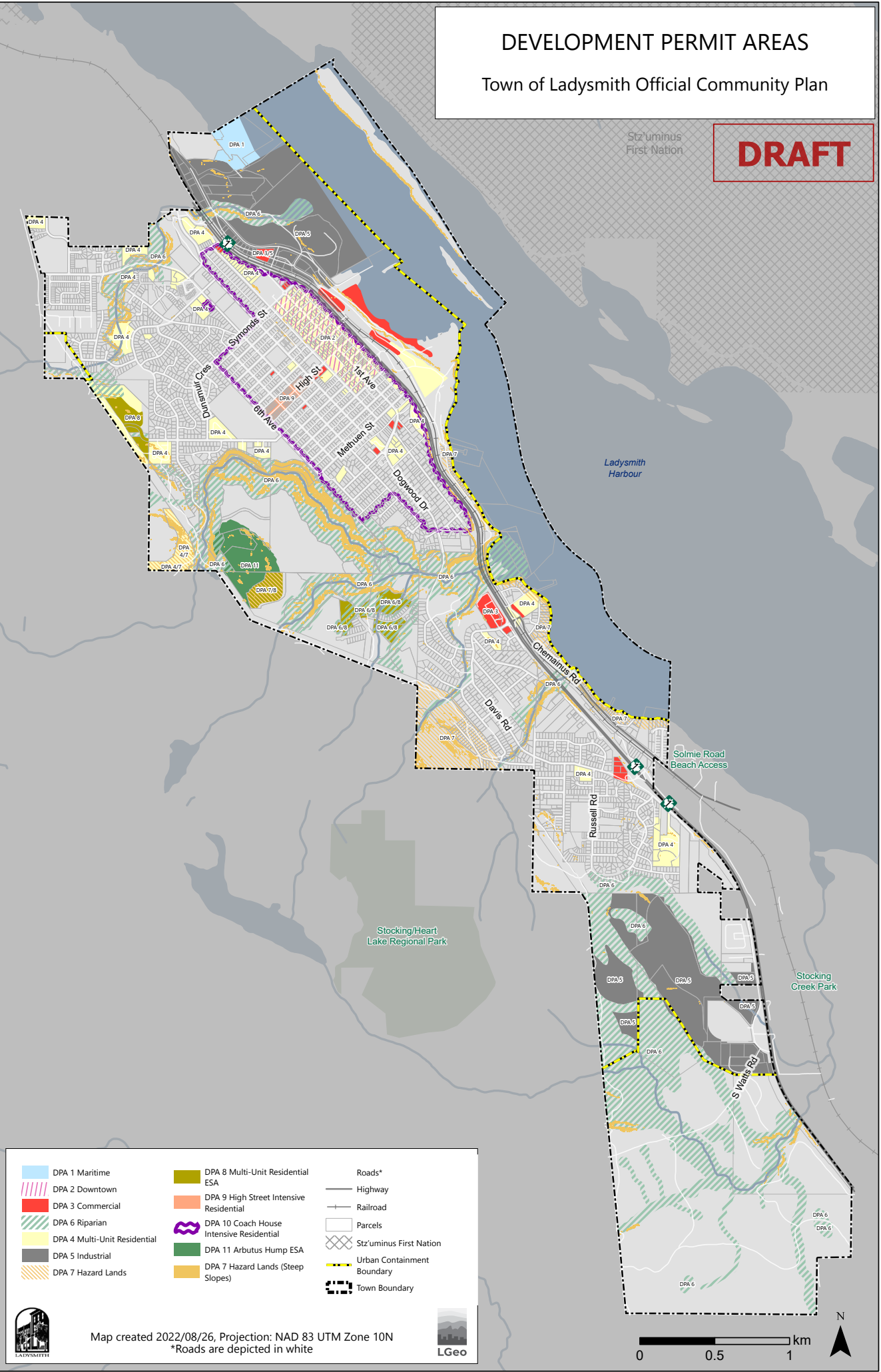
Policy #	Action	Timing
7.2	Conduct a job market analysis for Ladysmith and Stz’uminus First Nation.	Short term
7.3	Develop cultural safety training and protocols for employers to create a work culture that supports First Nations employees to thrive.	Short term
7.4	Undertake employer training, education, and support to reduce barriers to recruit, hire, and retain equity-seeking people seeking employment.	Short term
7.11	As part of a comprehensive climate change adaptation plan, undertake research to explore how the impacts of climate change will affect businesses in Ladysmith.	Medium term

## Green Buildings

Policy #	Action	Timing
8.2	Retrofit 100% of non-heritage Town-owned buildings to meet net zero emissions standards by 2035, and retrofit 100% of Town-owned heritage buildings to the highest possible emission standards by 2040.	Long term
8.7	Amend the Building Bylaw to accelerate adoption of the BC Energy Step Code for all new buildings, requiring the standards set forth in this Policy 8.7. (Refer to Part C, Chapter 8).	Short term
8.9	Work toward achieving 100% of existing buildings’ space and water heating and cooling needs being met by zero emissions systems by 2050 through the measures set forth in this Policy 8.9. (Refer to Part C, Chapter 8).	Long term
8.10	Establish and promote incentive programs to support decarbonization and energy and water efficiency in existing buildings.	Short term

## Arts, Culture, and Heritage

Policy #	Action	Timing
9.9	Update Ladysmith’s Heritage Strategic Plan (2008) in order to identify, maintain, and protect community heritage resources.	Medium Term



# DEVELOPMENT PERMIT AREAS

- Addition of energy conservation and GHG emissions reductions guidelines
- Adjustments to building guidelines (e.g. heritage considerations)
- Adjustments to landscape guidelines (e.g. water management considerations)
- Administrative housekeeping
- General clarifications and other minor adjustments throughout



## NEXT STEPS

HEAR FROM THE COMMUNITY + REFERRALS

REFINE DRAFT + PREPARE FOR ADOPTION

UNDERTAKE WOW PROJECT



## STAFF REPORT TO COUNCIL

**Report Prepared By:** Julie Thompson, Planner  
**Reviewed By:** Jake Belobaba, RPP, MCIP, Director of Development Services  
**Meeting Date:** September 6, 2022  
**File No:** 3090- 22-02 and 3060- 22-04  
**Re:** Development Variance Permit 3090-22-02 & Development Permit Application 3060-22-04 – 435 Thetis Drive

**RECOMMENDATION:**

That Council:

1. Issue Development Variance Permit 3090-22-02 to vary the following provisions in “Town of Ladysmith Zoning Bylaw 2014, No. 1860” for a proposed single unit dwelling at 435 Thetis Drive (Lot 13 District Lot 52 Oyster District Plan VIP86055):
  - a. Section 10.2.5(a) to increase the maximum height of a proposed single unit dwelling from 9.0m to 10.4m
  - b. Section 10.2.5(d) to allow a 9.14m perimeter wall height with no horizontal offset on the rear elevation of the dwelling; and
  - c. Section 10.2.5(e) to reduce the minimum front parcel line setback from 6.0m to 5.0m;
2. Issue Development Permit 3060-22-04 to allow construction of a single unit dwelling at 435 Thetis Drive; and
3. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-22-02.

**EXECUTIVE SUMMARY:**

The applicant is proposing to construct a single-family residence with a secondary suite at 435 Thetis Drive and has applied for a Development Variance Permit (DVP) and Development Permit (DP). Staff recommend approval of DVP 3090-22-02 (Attachment A) based on an analysis of the impacts. Staff recommend approval of DP 3060-22-04 (Attachment B) based on the geotechnical report provided by the applicant and consistency with the Hazard Lands – Development Permit Area 7 guidelines.





N/A

**INTRODUCTION/BACKGROUND:**

The 0.146ha subject property is located at 435 Thetis Drive, in a single-family residential neighbourhood characterized by steeply sloping parcels with ocean views. The subject property drops off sharply from Thetis Drive before leveling off into a more gently sloping plateau.

The applicant is proposing to construct a single-family dwelling containing a secondary suite. The dwelling has a single storey visible from the Thetis Drive frontage, with three storeys in the rear (see Figure 2). The suite is on the lower level and is accessed by a staircase along the side of the dwelling.



*Figure 2 - Conceptual design of proposed dwelling rear and right elevations.*

**DISCUSSION:**

The subject property is designated Single Family Residential in “Official Community Plan Bylaw 2003, No. 1488” (OCP) and is zoned Single Dwelling Residential (R-1) in “Town of Ladysmith Zoning Bylaw 2014, No. 1860”. The proposed single family residential development with a secondary suite is consistent with the OCP designation and the permitted uses in the R-1 zone. The subject property is also located within Development Permit Area 7 – Hazard Lands (DPA 7) under the OCP, therefore a DP is required.

***Variance Proposal:***

The applicant is proposing to vary the total height, front setback and perimeter wall height of the proposed dwelling. A summary of the proposed variances is provided in Table 1, below. The applicant has provided a variance rationale letter which is attached (Attachment C).

Table 1 - Summary of proposed variances

Zoning Regulation	Permitted	Proposed
Principal building height	Maximum 9.0m with a 4:12 or steeper roof pitch	10.4m with a 5:12 roof pitch
Perimeter wall height	9.14m with a 0.61m vertical offset and a 0.61m horizontal offset	9.14m on the rear elevation with vertical offset but no horizontal offset
Principal building front setback	6.0m	5.0m

In accordance with the Zoning Bylaw, height is measured from the lesser of the average natural or average finished grade. In this case, the average natural grade is the lesser. If measured from the average finished grade, the height of the proposed dwelling would be 8.77m.

The design of the proposed three-storey dwelling is consistent with other existing and proposed<sup>1</sup> dwellings on Thetis Drive. It would be difficult to meet the 9m height limit in the Zoning Bylaw due to the steep slope at the front of the parcel which requires fill to allow construction of a driveway that meets Engineering requirements for driveway slopes. While the rear elevation does not have a horizontal offset that meets Zoning Bylaw requirements, it is well articulated with decking, a vertical offset and windows.

It is noted that the applicant had originally proposed to locate the dwelling 6m from the front parcel line in order to meet the required front setback. However, the dwelling was moved forward by 1m to bring the finished grade closer to the natural grade in order to reduce the amount of fill required and to decrease the total height of the dwelling by 1.5m.

Bringing the dwelling forward such that it is sited 5m from the front parcel line has helped to reduce the total height of the dwelling while also allowing for a long enough driveway to accommodate parking. However, a smaller height variance is still required. Staff recommend approval of DVP 22-02 since the variances are reasonable given the site conditions, and the dwelling design is consistent with the neighbourhood character.

#### **Development Permit Area:**

The subject property is located within DPA 7 under the OCP. DPA 7 applies to areas of the Town with steep slopes and its purpose is to prevent land slippage and sloughing, safeguard private property from potential damage, minimize disruption to slope stability and prevent development in areas where slope instability hazards exist. The issuance of DPs in DPA 7 is delegated to the Director of Development Services, however since there is also a DVP required for this proposal, both permits are presented to Council so they can be considered simultaneously.

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<sup>1</sup> There have been a few recent building permit and development permits issued for dwellings on Thetis Drive that have not yet been constructed.

A geotechnical assessment drafted by Lewkowich Engineering Associates Ltd. has been submitted and is attached to DP 22-04 as Schedule C (Attachment B). A summary of the DPA 7 guidelines and staff comments is provided in Table 2.

*Table 2 - Summary of DPA 7 guidelines and staff comments.*

<b>Guideline Summary</b>	<b>Staff Comments</b>
No significant excavation or filling; buildings should not be placed on areas subject to bank instability.	The proposed dwelling will be built into the slope at the front portion of the parcel. Fill will be required in this area. The proposed dwelling location was moved forward by 1m to help reduce the amount of fill needed. Less excavation is required near the rear of the dwelling.
Avoid areas subject to unstable slopes by siting buildings in accordance with recommendations as determined by a geotechnical engineer.	The proposed dwelling location has been evaluated by the geotechnical engineer and it is considered safe provided the recommendations in the geotechnical assessment are followed.
Provisions for surface and storm water runoff; divert drainage away from areas subject to sloughing.	The applicant has provided a rainwater management plan drafted by the geotechnical engineer. It is attached as Schedule B to DP 22-04 (Attachment B).
Where practical, no disturbance to the steep slope is permitted.	The steepest part of the property is located at the front, off Thetis Drive. This part of the slope must be disturbed in order to create access to the property.
Retaining walls should be terraced with plant material. Untreated large concrete block walls are not supported.	No retaining walls are proposed.
Existing trees and vegetation shall be maintained to control erosion and protect banks. Where vegetation is removed as a result of development, it shall be replaced with vegetation which stabilizes the slope and controls erosion.	No existing mature trees will be removed to construct the house. Retention of existing vegetation where possible, and replacement of vegetation to control erosion, is recommended by the geotechnical engineer and captured in DP 22-04.
Access improvements over the slope shall be constructed so as not to disturb the slope or natural slope drainage.	A driveway is proposed to access the proposed dwelling and property from Thetis Drive. Disturbance of the slope to allow these developments has been reviewed by the geotechnical engineer.
A report certified by a geotechnical engineer registered as a Professional Engineer of BC may be required to provide information regarding technical requirements for mitigating measures which would be imposed to enable the site to withstand the proposed development and the known hazard.	The applicant has submitted a report certified by a geotechnical engineer registered as a Professional Engineer of BC. The geotechnical assessment states that the development is considered safe as proposed, provided the recommendations in the assessment are followed.
The timing of the development may be specified in the DP.	N/A

Staff recommend that DP 22-04 be approved because the proposed development is generally consistent with the DPA 7 guidelines.

**ALTERNATIVES:**

Council can choose to:

1. Refuse issuance of DVP 3090-22-02 and DP 3060-22-04.
2. Refer the applications back to staff for further review as specified by Council.

**FINANCIAL IMPLICATIONS:**

N/A

**LEGAL IMPLICATIONS:**

The *Local Government Act* allows Council to vary Zoning Bylaw regulations excluding regulations for use, density and rental tenure through issuance of a DVP. Council may approve variances to the siting and height proposed in this application.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

Notice of the proposed variance was issued on August 26, 2022 in accordance with the requirements of the *Local Government Act* and “Town of Ladysmith Development Procedures Bylaw 2008, No. 1667”. The notice was mailed and delivered to property owners/residents within 60m of the subject property. At the time of writing, no submissions have been received.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The applications have been referred to the Engineering and Building Inspection Departments. No concerns were noted from either department.

**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 recommendations.***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENT:**

- A. Draft DVP 3090-22-02
- B. Draft DP 3060-22-04
- C. Applicant variance rationale letter (June 17, 2022)



# TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 Local Government Act)

FILE NO: 3090-22-02

DATE: September 6, 2022

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Name of Owner(s) of Land (Permittee): Heather Pierce & Gregory Pierce

Applicant: Scott Lovely (Lovely Ventures Inc.)

Subject Property (Civic Address): 435 Thetis Drive

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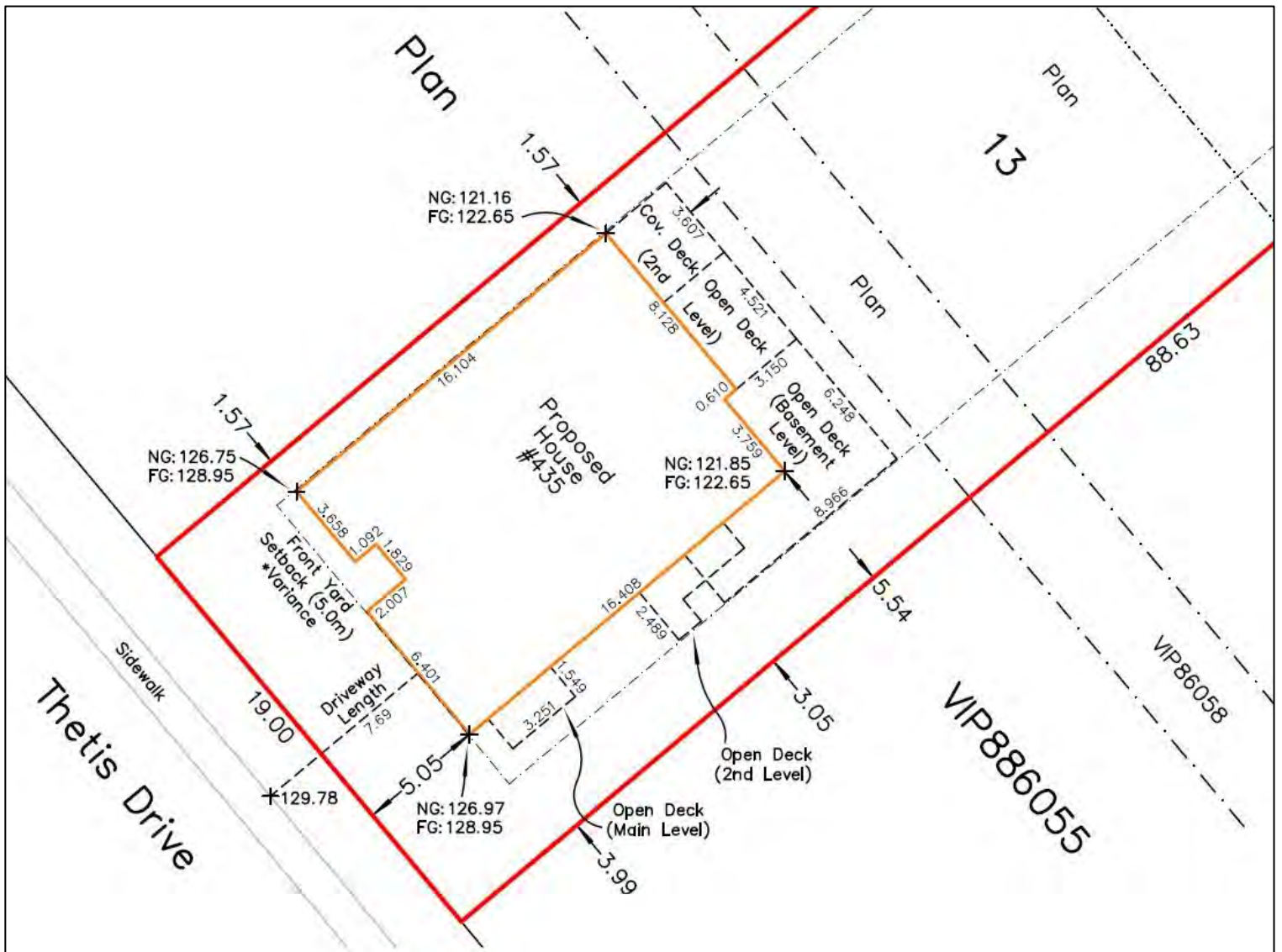
1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Town of Ladysmith described below and any and all buildings, structures and other development thereon:  
  
**Lot 13 District Lot 52 Oyster District Plan VIP86055 – PID: 027-766-918 (435 Thetis Drive)**
3. Section 10.2.5.a) in the “Single Dwelling Residential (R-1)” zone of the “Town of Ladysmith Zoning Bylaw 2014, No. 1860”, as amended, is varied for the subject property to increase the *Height* of a *Principal Building* from 9.0 metres to 10.4 metres where the roof pitch is 4:12 or greater, for a *Single Unit Dwelling* as shown in **Schedule A – Site Plan** and **Schedule B – Elevation Plans**.
4. Section 10.2.5.d) in the “Single Dwelling Residential (R-1)” zone of the “Town of Ladysmith Zoning Bylaw 2014, No. 1860”, as amended, is varied for the subject property to allow a 9.14 metre *Perimeter Wall Height* with no horizontal offset on the rear elevation of a *Single Unit Dwelling*, as shown in **Schedule B – Elevation Plans**.
5. Section 10.2.5.e) in the “Single Dwelling Residential (R-1)” zone of the “Town of Ladysmith Zoning Bylaw 2014, No. 1860”, as amended, is varied for the subject property to reduce the *Front Parcel Line Setback* of a *Principal Building* from 6.0 metres to 5.0 metres, for a *Single Unit Dwelling* as shown in **Schedule A – Site Plan**.

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

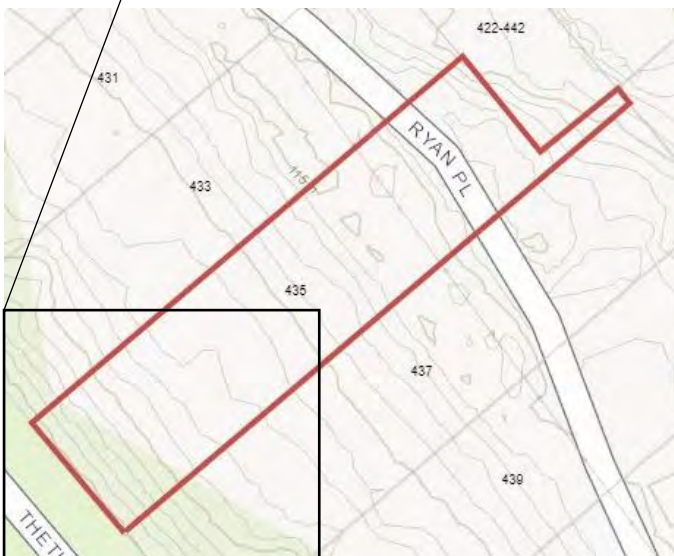
AUTHORIZED BY RESOLUTION NO. \_\_\_\_\_ PASSED BY THE COUNCIL OF THE  
TOWN OF LADYSMITH ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 202\_\_.

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

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



Measurements are in metres



**Schedule A - Site Plan**  
**DVP 3090-22-02**  
**435 Thetis Drive**





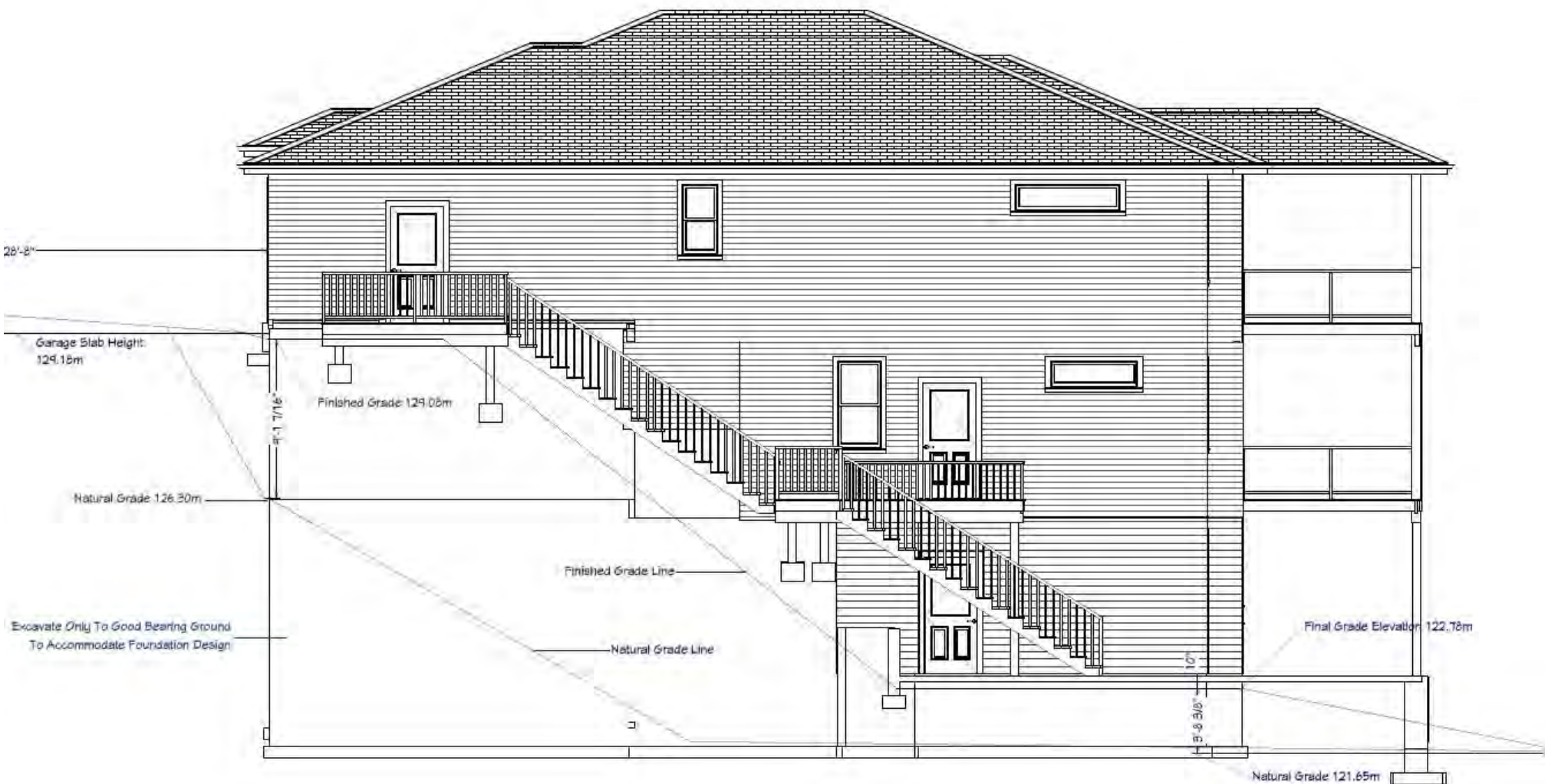
Front Elevation



Rear Elevation



Left Elevation



Right Elevation





## TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 489 Local Government Act)

FILE NO: 3060-22-04

DATE: September 6, 2022

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Name of Owner(s) of Land (Permittee): Heather Pierce & Gregory Pierce

Applicant: Scott Lovely (Lovely Ventures Inc.)

Subject Property (Civic Address): 435 Thetis 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.

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 13 District Lot 52 Oyster District Plan VIP86055**  
**PID: 027-766-918**  
(referred to as the "Land")

3. This Permit has the effect of authorizing the issuance of a building permit and the alteration of land for the construction of a single unit dwelling on the Land in accordance with the plans and specifications attached to this Permit, subject to all applicable laws, and subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.

4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw 2014, No. 1860.

5. The Permittee, as a condition of the issuance of this Permit, agrees to:

- (a) Develop the Land in accordance with **Schedule A – Site Plan.**
- (b) Develop the Land in accordance with **Schedule B – Rainwater Management Plan.**
- (c) Follow all recommendations in **Schedule C – Geotechnical Assessment**, including the following:
  - i. The Geotechnical Engineer should evaluate the bearing soils at the time of construction to confirm that footings are based on appropriate and properly prepared founding material.

- ii. The Geotechnical Engineer is to confirm the correct installation of foundation drainage during construction.
  - iii. Any future retaining wall construction within the property shall be reviewed by the Structural and/or Geotechnical Engineer and authorized by an amendment to this Development Permit.
  - iv. Groundwater ingressing into any excavations should be controlled with a perimeter ditch located just outside the building areas, connected to positive drainage.
  - v. The Geotechnical Engineer is to confirm the removal of unsuitable materials and approve the exposed competent inorganic subgrade.
  - vi. The Geotechnical Engineer should approve the exposed subgrade in fill areas, to confirm the removal of all unsuitable materials.
  - vii. Structural fills shall be observed and approved by the Geotechnical Engineer, including approval of the proposed fill materials and performing a suitable program of compaction testing during construction.
  - viii. To reduce erosion:
    - 1. Retain vegetated areas and buffers.
    - 2. Appropriately cover all stockpiled materials on-site.
    - 3. Revegetate exposed soil slopes where existing vegetation has been removed.
    - 4. Ensure that construction traffic leading to and from the site are not impacting the existing storm services.
6. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
7. The plans and specifications attached to this Permit are an integral part of this Permit.
8. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
9. This Permit prevails over the provisions of the Bylaw in the event of conflict.
10. Despite issuance of this Permit, construction may not start without a Building Permit or other necessary permits.

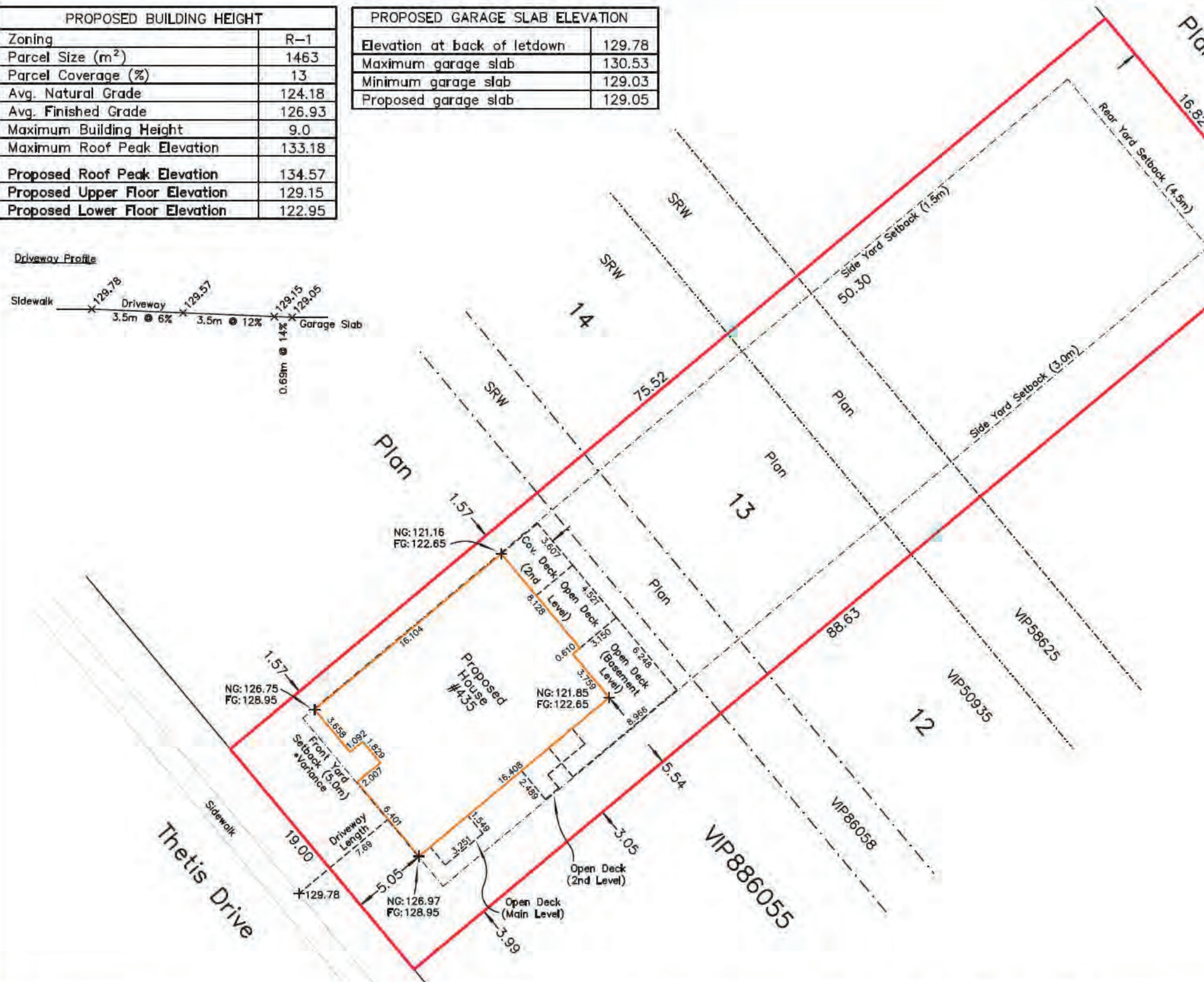
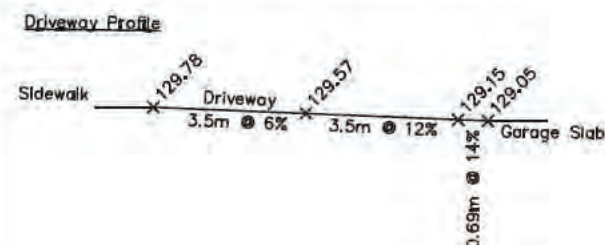
AUTHORIZED BY RESOLUTION NO. \_\_\_\_\_ PASSED BY THE COUNCIL OF THE  
TOWN OF LADYSMITH ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_.



PROPOSED BUILDING HEIGHT	
Zoning	R-1
Parcel Size (m <sup>2</sup> )	1463
Parcel Coverage (%)	13
Avg. Natural Grade	124.18
Avg. Finished Grade	126.93
Maximum Building Height	9.0
Maximum Roof Peak Elevation	133.18
Proposed Roof Peak Elevation	134.57
Proposed Upper Floor Elevation	129.15
Proposed Lower Floor Elevation	122.95

PROPOSED GARAGE SLAB ELEVATION	
Elevation at back of letdown	129.78
Maximum garage slab	130.53
Minimum garage slab	129.03
Proposed garage slab	129.05

Schedule A - Site Plan  
DP 3060-22-04  
435 Thetis Drive



**NOTE:**  
THE REGISTERED TITLE OF THIS PROPERTY IS AFFECTED BY THE FOLLOWING LEGAL NOTATIONS AND REGISTERED CHARGES, LIENS AND INTERESTS:  
M76300, ED79952, ED99320, ED104841, EH122029, EJ138268, FB235703, FB235712, FB235714, FB235718 & FB235719.

THIS SITE PLAN DOES NOT VERIFY COMPLIANCE WITH THE ABOVE NOTED DOCUMENTS.

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

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

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

SITE PLAN SHOWING PROPOSED BUILDING LOCATION ON:  
LOT 13, DISTRICT LOT 52,  
OYSTER DISTRICT, PLAN VIP86055.

Client: LOVELY VENTURES INC. Civic Address: 435 THETIS DRIVE, LADYSMITH  
File: 18-018-13 Scale: 1:300 Drawn by: DRW Property Zoning: R1

0 10 15 20  
SCALE 1:300  
DISTANCES AND ELEVATIONS ARE IN METRES.  
GEODETIC ELEVATIONS ARE DERIVED FROM  
CONTROL MONUMENT 87H3636 (CGVD28BC DATUM).

Certified correct this 7th day of December, 2021.

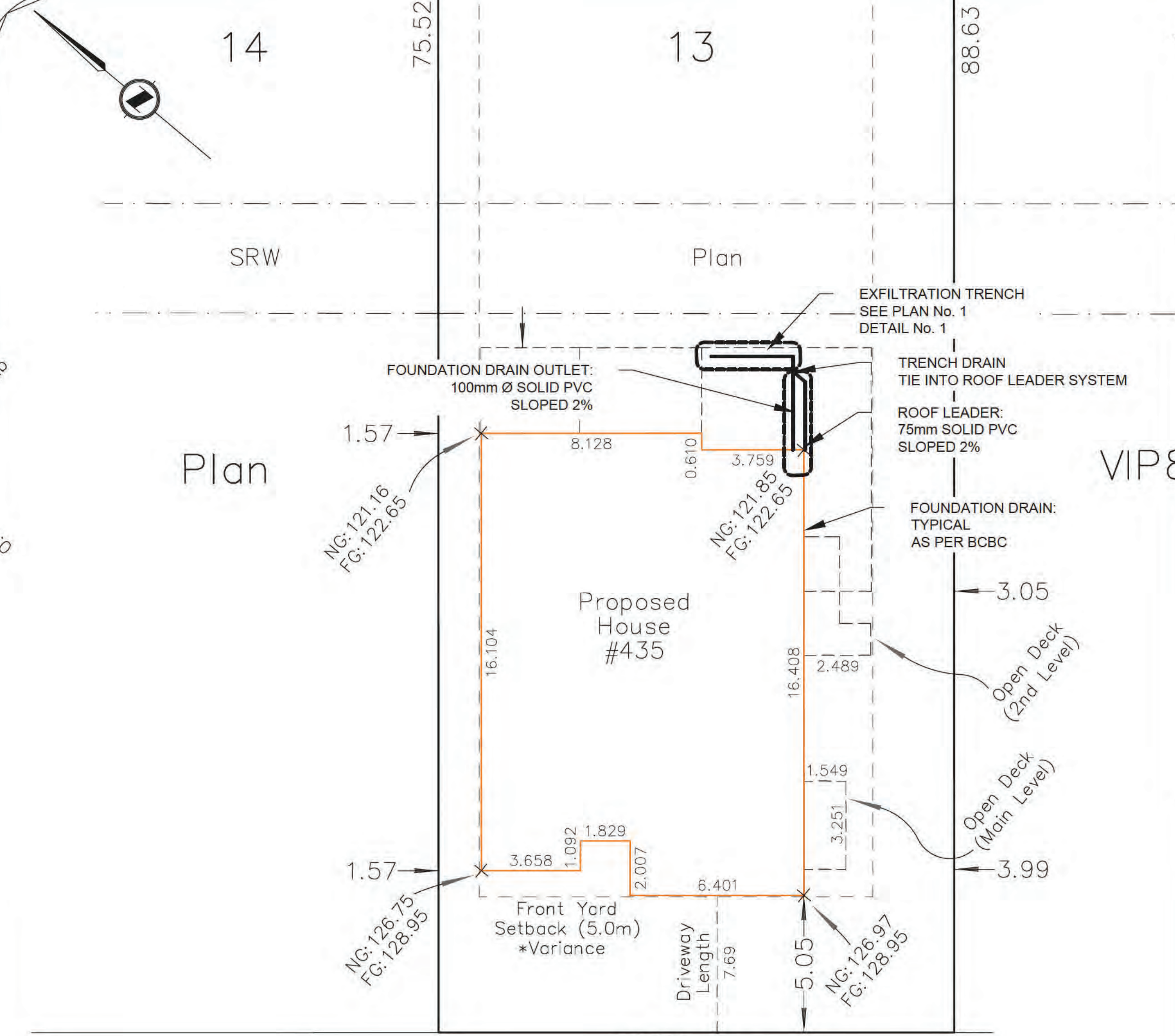
*[Signature]*

Digitally signed by Brody  
Phillips 954A28  
Date: 2022.07.05 12:29:18  
-07'00'

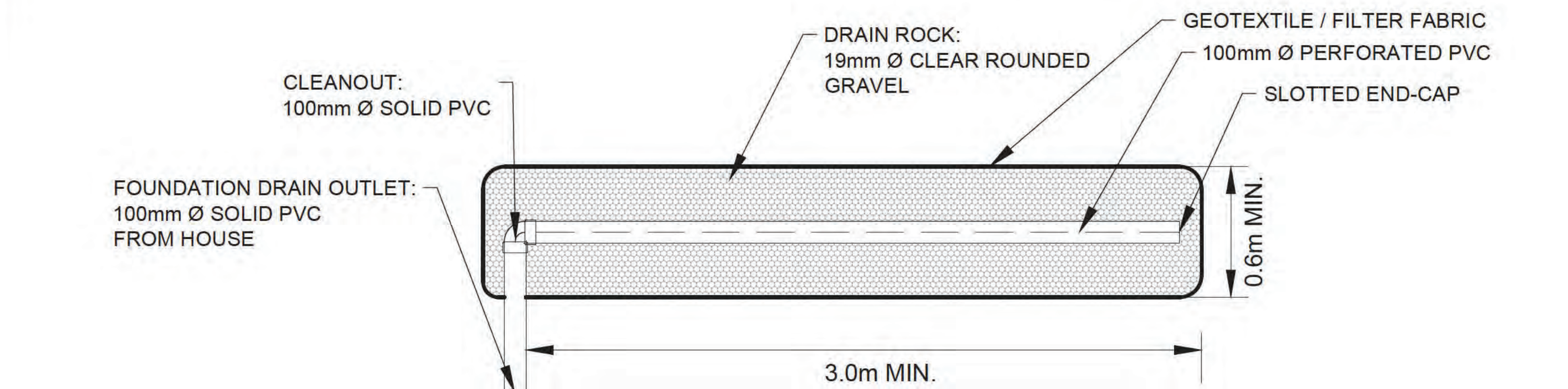
B.C.L.S.  
(This document is not valid unless originally signed and sealed.)

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

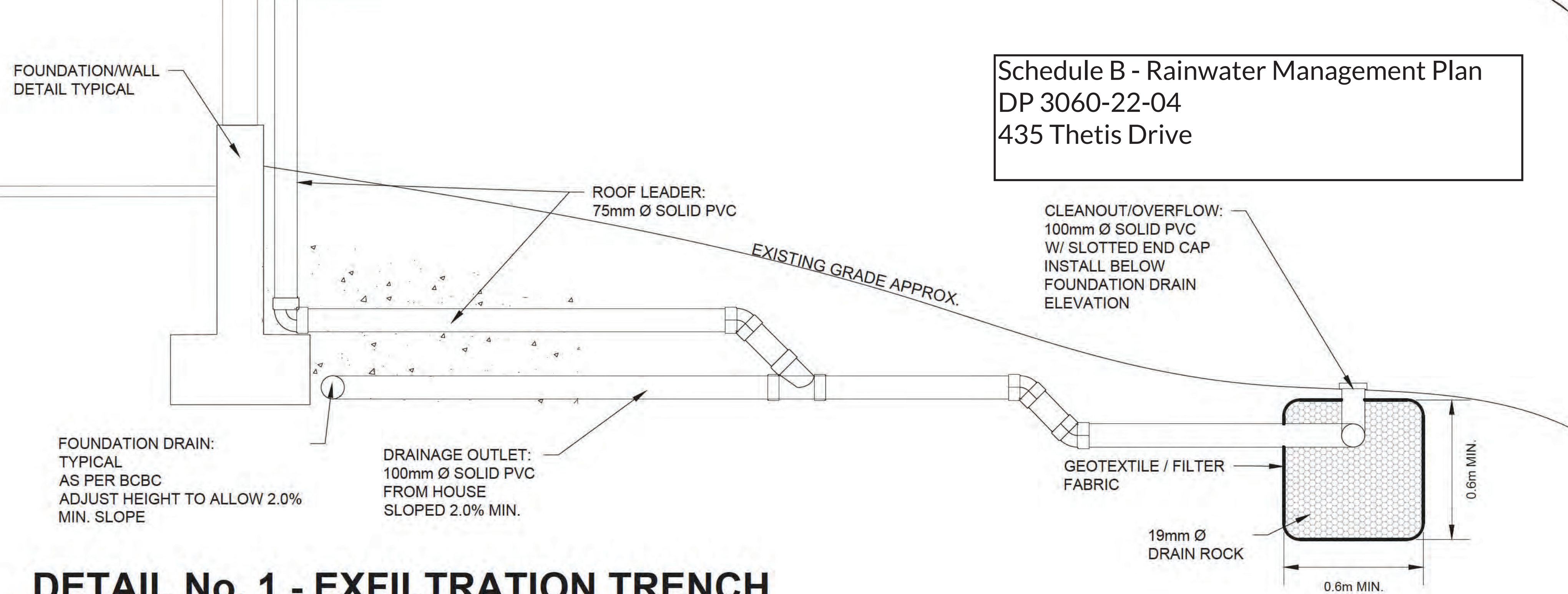




**SITE PLAN**  
SITE PLAN IMPORTED FROM:  
TURNER & ASSOCIATES LAND SURVEYING  
FILE: 18-018-13  
DATE: 2022.07.05  
SCALE 1:125



**PLAN No.1 - EXFILTRATION TRENCH**  
N.T.S.



**DETAIL No. 1 - EXFILTRATION TRENCH**  
N.T.S.

**RAINWATER MANAGEMENT SYSTEM DESIGN GUIDELINES:**

**BACKGROUND:**

THIS DESIGN IS INTENDED TO PROMOTE RAINWATER STORAGE AND GROUNDWATER RECHARGE.

**SURFICIAL GEOLOGY:**

BASED ON OUR SUBSURFACE INVESTIGATION AND EXCAVATION REVIEW THE SITE SOILS ARE COMPOSED OF DENSE/IMPERMEABLE GLACIAL TILL SOILS. A PERMEABLE VENEER OF TOPSOIL MATERIAL IS TO BE LEFT UNDISTURBED IN THE AREA OF THE PROPOSED EXFILTRATION TRENCH.

**EXISTING SITE AND DRAINAGE CONDITIONS:**

THE PROPERTY SLOPES FROM SOUTH (THETIS DRIVE) TO THE NORTH. AT THE TIME OF OUR ASSESSMENT THE SUBJECT SITE WAS UNDEVELOPED. BASED ON PUBLISHED SOIL MAPPING AND INFORMATION GATHERED REGARDING THE SURFICIAL SOILS, WE EXPECT SOILS IN THE AREA WOULD BE CLASSIFIED AS "IMPERFECTLY-DRAINING" SUGGESTING THAT SOME INFILTRATION OF RAINWATER WOULD OCCUR. HOWEVER, IT IS EXPECTED THAT ANY GROUNDWATER WOULD BE IN A PERCHED CONDITION OVER THE GLACIAL TILL AND WOULD FLOW DOWN SLOPE TO THE NORTH. GROUNDWATER FLOWS CAN BE EXPECTED TO FLUCTUATE SEASONALLY WITH CYCLES OF PRECIPITATION.

\*DESIGN STORM EVENT = 5 YEAR, 24-HOUR EVENT ACCOUNTING FOR CLIMATE CHANGE, FOLLOWING CLIMATE MODEL SSP5 85.  
\*DATA FROM: NANAIMO AIRPORT, ID: 1025369

PRE AND POST DEVELOPMENT DISCHARGE		
CRITERIA	PRE-DEVELOPMENT	POST-DEVELOPMENT
WATERSHED AREAS (m²)	LOT AREA = 1481	DRIVEWAY = 39 ROOF + DECK = 243 LOT AREA = 1179
RAINFALL INTENSITY (m/DAY)	0.0800	0.0800
RUNOFF COEFFICIENTS	LOT AREA = 0.35	DRIVEWAY = 0.6 ROOF AND DECK = 0.6 LOT AREA = 0.35
TOTAL DISCHARGE (m³/DAY)	LOT AREA = 41	DRIVEWAY = 1.9 ROOF AND DECK = 11.7 LOT AREA = 33
Δ TOTAL DISCHARGE (m³/DAY)		INCREASE OF 5.6



**RAINWATER MANAGEMENT SYSTEM:**

- IN ORDER TO PROMOTE RAINWATER STORAGE AND GROUNDWATER RECHARGE THE FOLLOWING IS REQUIRED:
- IF POSSIBLE THE DRIVEWAY IS TO BE SLOPED TO SURROUNDING LANDSCAPING AND/OR YARD AREAS.
  - THE FOUNDATION, ROOF AND DRIVEWAY (IF REQUIRED) DRAINS ARE TO BE DIRECTED TO THE PROPOSED EXFILTRATION TRENCH. SEE ADJACENT DETAILS.
  - FINAL LOT GRADING SURROUNDING FOUNDATIONS SHOULD BE GRADED AT 2.0% MIN. FOR A DISTANCE OF 2.0m FROM FOUNDATIONS.
  - EVERY EFFORT MUST BE MADE TO ABSORB AND/OR DIRECT SURFACE FLOWS AWAY FROM NEIGHBOURING PROPERTIES.
  - NATURAL VEGETATION SHOULD BE RETAINED TO AID IN WATER ABSORPTION. SURFACES THAT ARE TO BE VEGETATED SHOULD CONSIST OF 30cm THICK ORGANIC SOIL LAYER. TO SLOW OVERLAND SURFACE FLOWS DIRECT RUNOFF TO ABSORBENT LANDSCAPE AREAS.

THE RECOMMENDED RAINWATER MANAGEMENT SYSTEM IS INTENDED TO RETAIN NATURAL SURFACE WATER FLOWS AS LONG AS POSSIBLE AND ALLOW FOR GROUNDWATER RECHARGE. GIVEN THE RELATIVELY LARGE SIZE OF THE SUBJECT PARCEL WE EXPECT THE LOT CAN BE DEVELOPED WITH NO NET INCREASE IN RUN-OFF.

**LIMITATIONS:**

THE DESIGN IS BASED ON THE SUBSURFACE SOIL CONDITIONS ENCOUNTERED DURING OUR VISUAL SITE ASSESSMENT. CURRENT CONSTRUCTION TECHNIQUES AND GENERALLY ACCEPTED ENGINEERING PRACTICES. NO OTHER WARRANTY, EXPRESSED OR IMPLIED IS MADE. IF OTHER SOIL CONDITIONS ARE ENCOUNTERED, UNANTICIPATED CONDITIONS BECOME KNOWN DURING CONSTRUCTION OR OTHER INFORMATION PERTINENT TO THE RAINWATER MANAGEMENT SYSTEM BECOMES AVAILABLE, THE RECOMMENDATIONS MAY BE ALTERED OR MODIFIED IN WRITING BY THE UNDERSIGNED.

REV No.	DATE	BY	P.Eng.	REVISION DESCRIPTION	LEGEND	DRAWING TITLE	PROJECT NAME	LEGAL DESCRIPTION	ENGINEER'S SEAL	PLOT DATE	DRAWN BY	REVIEWED BY	SCALE	PROJECT No.	DRAWING No.	
						RAINWATER MANAGEMENT PLAN	435 THETIS DRIVE LADYSMITH, BC	LOT 13, DISTRICT LOT 52, OYSTER DISTRICT, PLAN VIP86055		2022-03-01	LC	CH	AS NOTED	E0781	E0781-01	
Page 42 of 147																Lewkowich Engineering Associates Ltd.



## GEOTECHNICAL ASSESSMENT

**Proposed Single Family Residence**  
435 Thetis Drive  
Ladysmith, BC

**Legal Address:**  
Lot 13, District Lot 52, Oyster District, Plan  
VIP86055, PID: 027-766-918

**Prepared For:**  
Lovely Ventures Inc.  
424 Battie Drive, Ladysmith, BC  
V9G 1V4

**Attention:**  
**Mr. Scott Lovely**  
[lslovely@shaw.ca](mailto:lslovely@shaw.ca)

**March 23, 2022**

File No.: E0781.01  
Revision No.: 00  
Prepared by:  
Tennes Hamre, GIT,  
Chris Hudec, M.A.Sc., P.Eng.

Lewkowich Engineering Associates Ltd.  
1900 Boxwood Road  
Nanaimo, BC, V9S 5Y2  
250-756-0355 (Office)  
250-756-3831 (Fax)  
[www.lewkowich.com](http://www.lewkowich.com)  
[geotech@lewkowich.com](mailto:geotech@lewkowich.com)

Permit to Practice Number 1001802

**LEA** Lewkowich  
Engineering  
Associates Ltd.

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## DISCLAIMER

1. Lewkowich Engineering Associates Ltd. (LEA) acknowledges that this report, from this point forward referred to as “the Report,” may be used by the Town of Ladysmith (ToL) as a precondition to the issuance of a development and/or building permit and that this Report and any conditions contained in the Report may be included in a restrictive covenant under Section 56 of the Community Charter and registered against the title of the property at the discretion of the ToL.
2. This Report has been prepared in accordance with standard geotechnical engineering practice solely for and at the expense of Lovely Ventures Inc. We have not acted for or as an agent of the ToL in the preparation of this Report.
3. The conclusions and recommendations submitted in this Report are based upon information from relevant publications, a visual site-assessment of the property, anticipated and observed subsurface soil conditions, current construction techniques, and generally accepted engineering practices. No other warrantee, expressed or implied, is made. If unanticipated conditions become known during construction or other information pertinent to the structure(s) becomes available, the recommendations may be altered or modified in writing by the undersigned.
4. This Report was authored, to the best of our knowledge at the time of issuance, with considerations for local requirements specific to the Authority Having Jurisdiction (AHJ) and their standards for the preparation of such reports, the 2018 British Columbia Building Code (BCBC), and current engineering standards. Updates to municipal bylaws, policies, or requirements of the AHJ, or updates to the BCBC and/or professional practice guidelines may impact the validity of this Report.
5. This Report has been prepared by Mr. Tennes Hamre, GIT and Mr. Chris Hudec, M.A.Sc., P.Eng. Messrs. Hamre and Hudec are both adequately experienced and are also members in good standing with the Engineers and Geoscientists of British Columbia (EGBC).



## EXECUTIVE SUMMARY

1. The following is a brief synopsis of the property, assessment methods, and findings presented in the Report. The reader must read the Report in its entirety; the reader shall not rely solely on the information provided in this summary.
2. The subject property, 435 Thetis Drive, Ladysmith, BC, from this point forward referred to as “the Property” is located on the east coast of Vancouver Island within the jurisdictional boundaries of the ToL. The proposed development for the Property at the time of this Report consists of a new single-family residence.
3. A site-specific hazard assessment was conducted to identify potential geotechnical hazards for the subject Property. Our assessment determined that there were no geotechnical hazards that may impact the proposed development.
4. The findings confirm the development is considered safe as proposed, provided the recommendations in this Report are followed.

**List of Abbreviations Used in the Report**

Abbreviation	Title
AHJ	Authority Having Jurisdiction
BCBC	British Columbia Building Code
DPA	Development Permit Area
EGBC	Engineers and Geoscientists of British Columbia
LEA	Lewkowich Engineering Associates Ltd.
PGA	Peak Ground Acceleration
TALS	Turner & Associates Land Surveying Inc.
ToL	Town of Ladysmith
SLS	Service Limit State
ULS	Ultimate Limit State

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## **1.0 INTRODUCTION**

### **1.1 General**

- a. As requested, LEA has carried out a geotechnical assessment with respect to the proposed single-family residence. This Report provides a summary of our findings and recommendations.

### **1.2 Background**

- a. We understand the proposed development consists of a single-family residence of conventional construction methods and will include cast-in-place concrete foundations with a slab-on-grade floor system and a wood-framed superstructure.
- b. The Property is situated within the jurisdictional limits of the ToL and a DPA7 steep slope area. Therefore, we understand a geotechnical assessment and report is required that speaks to the proposed development, details the site topography and any steep slopes that may impact the building.

### **1.3 Assessment Methodology**

- a. This assessment included a desktop review of relevant background information, including available development plans, registered geotechnical covenants on title, aerial photographs, published geology, and topography mapping. Please refer to the list of references at the end of this Report.
- b. A site reconnaissance was carried out on February 10, 2022, to visually assess current conditions throughout the Property.

## **2.0 SITE CONDITIONS**

### **2.1 Physical Setting**

- a. The Property is located in the central region and jurisdictional limits of the ToL and is identified with the following civic and legal address:
  - i. 435 Thetis Drive; Lot 13, District Lot 52, Oyster District, Plan VIP86055, PID: 027-766-918.
- b. Thetis Drive runs in an approximate northwest/southeast orientation. The Property is located on the northeast side of Thetis Drive. The location of the subject Property is shown below in Figure 2.1.1. Please note that the Property boundary shown is approximate.





Figure 2.1.1 – Location Plan of Subject Property<sup>1</sup>

- c. The Property is currently accessed via the Thetis Drive frontage.
- d. The Property is zoned as Single Family Residential<sup>2</sup>. Other properties in all directions are also zoned for Single Family Residential.
- e. Based on our desktop review, the Property boundary is located within a defined DPA<sup>3</sup>, identified as DPA 7, “Hazard Lands.” Based on our review this DPA is subject to steep slope conditions. See Figure 2.1.2 below.

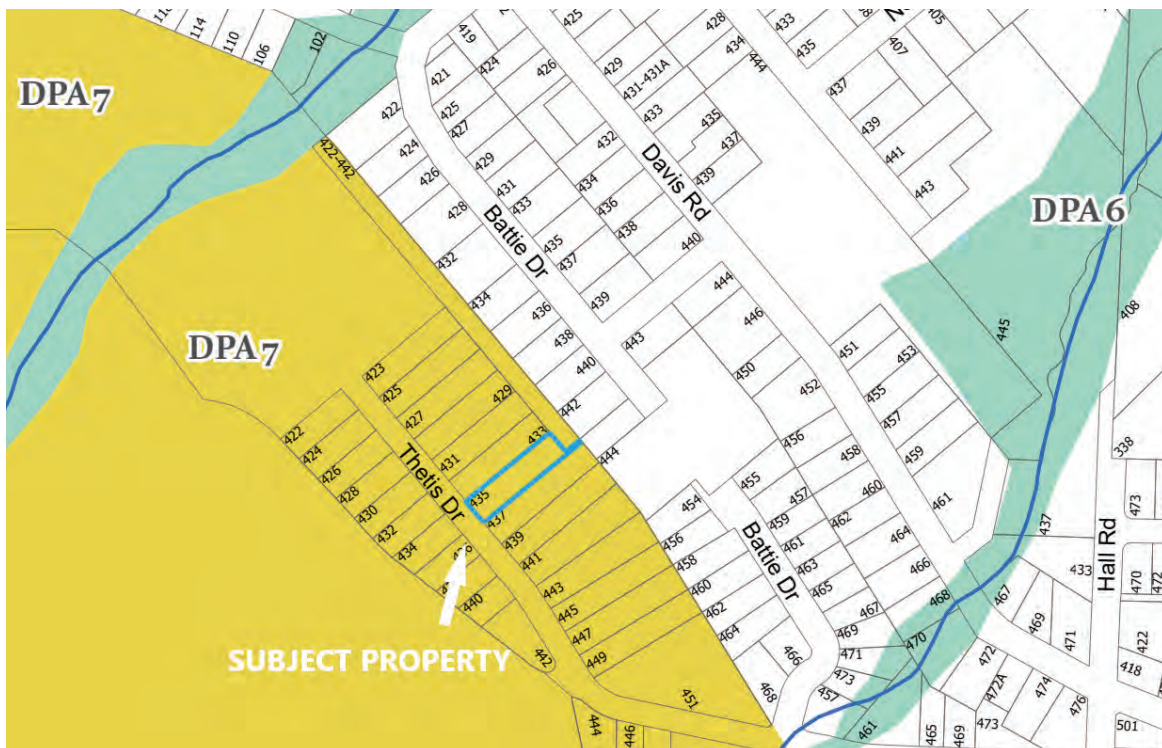


Figure 2.1.2 – Location Plan of DPA Limits<sup>3</sup>

## 2.2 Terrain and Features

- a. The terrain of the subject Property includes a vertical relief sloping downhill from southwest to northeast with approximately 22m of relief over the Property as a whole. The 22m of vertical relief is over a horizontal distance of 88.6m, which equates to a slope of approximately 14 degrees, or 25 percent. The change in elevation is made up of a steep slope adjacent to Thetis Drive which then transitions to a gentle to moderate slope downhill towards the northeast side of the Property. The above measurements and distances are estimates based on measurements taken in the field during our investigation, the attached TALS site plan, a review of available satellite imagery and topographical information available on Google Earth<sup>1</sup>.
- b. It was noted during the field review and a review of the attached survey plan provided by TALS that the Property includes two statutory rights-of-ways associated with existing storm and gas service mains which cross the Property to the northeast of the proposed building area.

## 2.3 Regional Geology

- a. Surficial geology for the area<sup>4</sup> is classified as being shallow colluvium generally less than 1m thick overlying bedrock. These deposits may include exposed rock, deeper colluvium, or pockets of glacial till.
- b. Bedrock geology for the area<sup>5</sup> is classified as Sicker Group volcanics consisting of pillowed and massive basalt flows, monolithic basalt breccia and pillow breccia; pyroxene-feldspar phyric agglomerate, breccia, lapilli tuff, massive and pillowed flows, felsic tuffs and crystal tuffs, dacite, rhyolite; massive tuffite, laminated tuff, polymictic breccia; chert, jasper and magnetite-hematite chert iron formation.

## 2.4 Soil Conditions

- a. Based on previous works by LEA in the area and other excavations in the vicinity of the Property, we have inferred that similar soil conditions exist on this Property. Generally, these strata consisted of dense, naturally deposited gravelly sand with trace cobbles and trace silt underlain by bedrock at shallow depths.
- b. Soil classification terminology is based on the Modified Unified classification system. The relative proportions of the major and minor soil constituents are indicated by the use of appropriate Group Names as provided in ASTM D2488-93 and/or D2487 Figures 1a, 1b, and 2. Other descriptive terms generally follow conventions of the Canadian Foundation Engineering Manual.

## 2.5 Groundwater Conditions

- a. Given the site conditions, specifically the dense subgrade underlain by bedrock at shallow depths, we expect that a shallow “perched” groundwater table is present seasonally. We expect that the groundwater flows associated with this perched condition would be related directly to the volume and frequency of storm events.

- b. Groundwater levels can be expected to fluctuate seasonally with cycles of precipitation. Groundwater conditions at other times and locations can differ from those observed at the time of our assessment.
- c. If groundwater flows or conditions are different than anticipated, additional measures may be required during construction. Contact our office immediately if unanticipated conditions are encountered at any point during construction.

## **3.0 DISCUSSIONS AND RECOMMENDATIONS**

### **3.1 Covenant Review**

- a. As part of our assessment, we have reviewed the title of the subject Property relative to any restrictive covenants that may be registered.
- b. At the time of this Report there were two restrictive covenants registered against the title of the Property. The first covenant No. FB235718 speaks to requirements regarding the maintenance of an existing drainage swale on the Property. The second covenant No. FB235719 speaks to the requirement for a geotechnical review of the Property prior to development and includes a previous subdivision report G4676.01 by LEA's predecessor company, Lewkowich Geotechnical Engineering Ltd. This Report satisfies the geotechnical requirements of that covenant and addresses the slope hazard on the Property.

### **3.2 Foundation Design and Construction**

- a. Prior to construction, the new building area should be stripped to remove all unsuitable materials to provide an undisturbed natural subgrade for the footing support.
- b. Foundation loads should be supported on natural undisturbed material approved for use as a bearing stratum by our office or structural fill and may be designed using the following values.
  - i. For foundations constructed on a dense, naturally deposited, inorganic subgrade or structural fill, as outlined in Section 4.2 of this Report, an SLS bearing pressure of 150 kPa, and a ULS bearing pressure of 200 kPa may be used for design purposes. These values assume a minimum 0.45m depth of confinement or cover.
- c. Exterior footings should be provided with a minimum 0.45m depth of ground cover for frost protection purposes.
- d. Prior to placement of concrete footings, any bearing soils that have been softened, loosened, or otherwise disturbed during the course of construction should be removed, or else compacted following our recommendations for structural fill. Compaction will only be feasible if the soil has suitable moisture content and if there is access to heavy compaction equipment. If no structural fill is placed, a smooth-bladed clean up bucket should be used to finish the excavation.
- e. The Geotechnical Engineer should evaluate the bearing soils at the time of construction to confirm that



footings are based on appropriate and properly prepared founding material.

### 3.3 Slope Stability

- a. The Property is zoned by the ToL as a Single-Family Residential Property with a DPA 7 designation for hazard lands as shown in Figure 2.1.2 in this Report. Following a review of field data, survey data, satellite imagery and topographical information available on Google Earth<sup>1</sup>; the mean slope over the Property length of 88.6m had an approximate 22m vertical relief which corresponds to a 25% or 14-degree slope. In the southwestern-most side of the Property, the existing Thetis Drive road structure consists of a fill slope inclined at approximately 33 degrees (65%) which gradually becomes shallower towards the inferred toe with a vertical relief of approximately 7m. This slope will be cut / regraded to accommodate the new construction and will not exist once the residence is constructed.
- b. We reviewed the proposed siting of the residence as illustrated on the attached TALS plan, with respect to the localized fill slope associated with the existing Thetis Drive road structure and the grade change within the Property. The proposed design of the residence is suitable and not subject to slope stability concerns.
- c. It should be noted that landslides can occur due to human activity (i.e. excavation, placement of fill, removal of vegetation, etc.) or failure of civil infrastructure (i.e. underground water and sewer mains, stormwater disposal from existing development, etc.). The concentrated discharge of collected stormwater can lead to erosion, earth movement, or slope failure.
- d. This site will include a steep excavation to accommodate the daylight basement design which may require a review (dependent on depth and inclination) by a Professional Engineer or Professional Geoscientist with respect to worker safety.

### 3.4 Seismic Criteria

- a. No compressible or liquefiable soils were encountered during the site investigation.
- b. Based on the 2018 BCBC, Division B, Part 4, Table 4.1.8.4.A, "Site Classification for Seismic Site Response," the soils and strata encountered during the site investigation would be "Site Class C".

### 3.5 Foundation Drainage

- a. Our assessment did not identify any abnormal groundwater conditions that would necessitate special foundation drainage measures outside of Part 9 of the 2018 BCBC. Conventional requirements of the 2018 BCBC pertaining to building drainage are considered suitable at this site.
- b. In addition to BCBC requirements, a layer of non-woven geotextile with a minimum weight of 140 g/m<sup>2</sup> shall be placed between the 150mm thick drain rock layer and the foundation backfill in order to prevent the migration of fine-grained soil particles into the drainage system.
- c. Where below grade living space is present, a HDPE dimpled drainage membrane shall also be installed

against the exterior of foundation walls. The drainage membrane shall be installed as per manufacturer specifications (with the membrane's fabric layer facing out / facing the backfill).

- d. Alternatively, free-draining granular fill could be used as foundation backfill, as approved by the Geotechnical Engineer. Free-draining granular fill is typically specified as having less than 10% fines content (i.e. <10% passing the #4 / 4.75mm sieve).
- e. The final site grades shall be sloped to direct surface water away from the building and foundation areas.
- f. The Geotechnical Engineer is to confirm the correct installation of foundation drainage during construction.

### 3.6 Lateral Earth Pressures

- a. Any future retaining wall construction within the Property shall be reviewed by the Structural and/or Geotechnical Engineer(s).
- b. Lateral earth pressure coefficients (K) for the design of the cast-in-place retaining walls are outlined in Table 3.6.1. It is assumed that there will be a level (0° from horizontal) backslope and no additional surcharge on the wall. It is noted that the methods employed are estimates and further analysis may be required after dimensions of the proposed structure have been determined.
- c. An average soil friction angle of 27° has been used to calculate the lateral earth pressure coefficients. It is assumed that retained soils are free draining, well compacted, cohesionless sands and gravels, with a unit weight of 21 kN/m<sup>3</sup>.
- d. Seismic forces used reflect values from the 2015 National Building Code interpolated seismic hazard values for this site in the ToL which are 0.483g PGA (2% in 50-year probability) and 0.257g PGA (10% in 50-year probability) (attached).
- e. The Mononobe-Okabe Method has been used to calculate the seismic active lateral earth pressure coefficient ( $K_{aE}$ ). The static active lateral earth pressure coefficient ( $K_a$ ) has been calculated using Coulomb's theory. The static passive lateral earth pressure coefficient ( $K_p$ ) has been calculated using Rankine's theory. See the following Table 3.6.1 for design values.

**Table 3.6.1 – Lateral Earth Pressure Coefficients**

Lateral Earth Pressure Condition	Earth Pressure Coefficient (K)	
Static Passive	$K_p$	2.66
Static Active	$K_a$	0.34
Seismic Active	$K_{aE}$	0.55



- f. The thrust resulting from lateral earth pressures under each of the conditions outlined in Table 3.6.1 may be calculated using the relationship in Table 3.6.2. A minimum uniform static load of 20 kPa shall be considered for compaction forces.

**Table 3.6.2 – Thrust from Lateral Earth Pressure Relationship**

$P = 0.5 * K * \gamma * H^2$
P = Thrust (kN/m length of wall)
K = Lateral Earth Pressure Coefficient
$\gamma$ = Soil Unit Weight (kN/m <sup>3</sup> )
H = Height of Wall (m)

- g. The seismic active coefficient provides a value that combines both static and dynamic forces to determine total active thrust ( $P_{aE}$ ). The static component ( $P_a$ ) acts through a point that is approximately H/3 above the toe of the wall. The dynamic component ( $\Delta P_{aE}$ ) acts through a point at approximately 0.6H above the toe of the wall. The total active thrust may then be considered to act at a height from the base of the wall using the following relationship in Table 3.6.3.

**Table 3.6.3 – Height from Base of Wall for Total Active Thrust**

$h = \frac{P_a * \left(\frac{H}{3}\right) + \Delta P_{aE} * (0.6H)}{P_{aE}}$
h = Height from Base of Wall for Total Active Thrust (m)
$P_a$ = Static Active Thrust (kN/m)
$P_{aE}$ = Total Active Thrust (kN/m)
$\Delta P_{aE} = P_{aE} - P_a$ = Dynamic Active Thrust (kN/m)
H = Height of Wall (m)

## 4.0 CONSTRUCTION PHASE

### 4.1 General Excavation – Future Building Sites

- Prior to construction, all unsuitable materials should be removed to provide a suitable base of support. Unsuitable materials include any non-mineral material such as vegetation, topsoil, peat, fill or other materials containing organic matter, as well as any soft, loose, or disturbed soils.
- Ground water ingressing into any excavations should be controlled with a perimeter ditch located just outside of the building areas, connected to positive drainage.
- The Geotechnical Engineer is to confirm the removal of unsuitable materials and approve the exposed

## 4.2 Structural Fill

- 
- 0.45m MINIMUM
- SLAB
- GW
- FOOTING
- STRUCTURAL FILL
- UNDISTURBED SUBGRADE
- 1.5m
- 0.5m
- 2%
- 2H:1V
- PROTECTIVE FILL
- 0.15m
- 1H:1V
- PERIMETER DRAINAGE:
- PERFORATED PVC PIPE COVERED WITH 0.15m DRAIN ROCK, OVERLAIN WITH NON WOVEN GEOTEXTILE
  - TOP OF PIPE 0.15m MIN. BELOW TOP OF SLAB/SKIMCOAT

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## 4.3 Erosion and Sediment Control

- a. In general, coarse-grained soils (cobbles, gravels, coarse sand) are susceptible to erosion but have a relatively low potential for sedimentation and/or sediment transport. Fine-grained soils (fine sand, silt, and clay) are typically susceptible to both erosion and sedimentation. It is our expectation that the subject project will likely encounter both fine and coarse-grained soils.
- b. Sources of erosion and sedimentation include but are not limited to soil areas exposed during clearing and grubbing, stockpiled soils created during the excavation and earthworks phase as well as any exposed soils left in place as part of the final grading and or landscaping.
- c. LEA recommends the following best management practices in order to reduce erosion and sedimentation impacts on the Property:
  - i. Retaining vegetated areas and buffers.
  - ii. Appropriately cover all stockpiled materials on-site.
  - iii. Revegetate exposed soil slopes where existing vegetation has been removed.
  - iv. Ensure that construction traffic leading to and from the site are not impacting the existing storm services.

## 4.4 Stormwater Management

- a. Based on the anticipated subgrade conditions, it is the opinion of LEA that site conditions are not conducive to the installation of on-site stormwater infiltration measures.
- b. Site conditions may be conducive to the installation of storm water detention measures. The location(s) of any proposed detention measures shall be reviewed by the Geotechnical Engineer to determine if the design method(s) and/or location(s) pose a hazard to the Property or any adjacent or adjoining properties.

## 5.0 CONCLUSIONS

### 5.1 Local Government Conformance Statement

- a. From a geotechnical point of view, and provided the recommendations in this Report are followed, the land is considered safe for the use intended (defined for the purposes of this Report as a single-family residence of conventional construction methods), with the probability of a geotechnical failure resulting in property damage of less than:
  - i. 2% in 50 years for geotechnical hazards due to seismic events, including slope stability; and,
  - ii. 10% in 50 years for all other geotechnical hazards.

## 5.2 Geotechnical and Quality Assurance Statement

- a. The ToL may request a geotechnical engineer be retained to provide Geotechnical Assurance services for the construction of buildings. Geotechnical Assurance services include review of the geotechnical components of the plans and supporting documents, and responsibility for field reviews of these components during construction.

## 5.3 Acknowledgements

- a. LEA acknowledges that this Report may be requested by the building inspector (or equivalent) of the ToL as a precondition to the issuance of a building or development permit. It is acknowledged that the Approving Officers and Building Officials may rely on this Report when making a decision on application for development of the land, and that this report may be covenanted on title. We acknowledge that this Report has been prepared solely for, and at the expense of Lovely Ventures Inc.
- b. We have not acted for or as an agent of the ToL in the preparation of this Report. We acknowledge the ToL and the Approving Officer(s) are authorized users of this Report. We acknowledge that this Report may be registered against the title of the Property as a restrictive covenant.

## 5.4 Limitations

- a. The conclusions and recommendations submitted in this Report are based upon the data obtained from a site reconnaissance and previous subsurface investigation works by LEA. The nature and extent of variations between these investigations may not become evident until construction or further investigation. The recommendations given are based on the subsurface soil conditions inferred during our field investigation, current construction techniques, and generally accepted engineering practices. No other warrantee, expressed or implied, is made. Subgrade conditions are known only from previous work by LEA in the area and have been used to infer conditions throughout the site in preparation of this Report. If unanticipated conditions become known during construction or other information pertinent to the development become available, the recommendations may be altered or modified in writing by the undersigned.



## 6.0 CLOSURE

- a. LEA appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at this time, please contact us at your convenience.

Respectfully Submitted,  
Lewkowich Engineering Associates Ltd.



Tennes Hamre, GIT  
Geoscientist



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

## 7.0 ATTACHMENTS

1. Turner & Associates Land Surveying Ltd. drawing titled "Site Plan Showing Proposed Building Location On: Lot 13, District Lot 52, Oyster District, Plan VIP86055", Dated December 7, 2021.
2. EGBC Appendix D: Landslide Assurance Statement.

## 8.0 REFERENCES

1. Google Earth, Accessed March 2022.
2. Town of Ladysmith map titled "Official Community Plan, Map 1, Land Use," Dated September 18, 2018.
3. Town of Ladysmith map titled "Official Community Plan, Map 2, Development Permit Areas," Dated September 18, 2018.
4. Ministry of Environment Mapping, Produced by R.H. Guthrie and C.R. Penner, titled "Vancouver Island Geology."
5. Geoscience BC map titled "Map 2013-NVI-1-1, Geology, Northern Vancouver Island Project," Dated January 2013.
6. EGBC, *Guidelines for Legislated Landslide Assessments for Proposed Residential Developments in BC*, revised May 2010.

## APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

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

To: The Approving Authority

Date: March 23, 2022 File# E0781.01

Town of Ladysmith

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

Jurisdiction and address

With reference to (check one):

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

For the Property: Lot 13, District Lot 52, Oyster District, Plan VIP86055, PID: 027-766-918;  
435 Thetis Drive, Ladysmith, BC

Legal description and civic address of the Property

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

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

Check to the left of applicable items

- ☒ 1. Collected and reviewed appropriate background information
- ☒ 2. Reviewed the proposed *residential development* on the Property
- ☒ 3. Conducted field work on and, if required, beyond the Property
- ☒ 4. Reported on the results of the field work on and, if required, beyond the Property
- ☒ 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a *landslide hazard analysis* or *landslide risk analysis* I have:
  - ☒ 6.1 reviewed and characterized, if appropriate, any *landslide* that may affect the Property
  - ☒ 6.2 estimated the *landslide hazard*
  - ☒ 6.3 identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
  - ☒ 6.4 estimated the potential *consequences* to those *elements at risk*
- 7. Where the *Approving Authority* has adopted a *level of landslide safety* I have:
  - ☐ 7.1 compared the *level of landslide safety* adopted by the *Approving Authority* with the findings of my investigation
  - ☐ 7.2 made a finding on the *level of landslide safety* on the Property based on the comparison
  - ☐ 7.3 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 8. Where the *Approving Authority* has **not** adopted a *level of landslide safety* I have:



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

Based on my comparison between

Check one

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

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

Check one

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

Check one

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

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

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

Check one

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

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

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

Name (print)



Signature

March 23, 2022

Date

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

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



1900 Boxwood Road, Nanaimo, BC V9S 5Y2

Address

250-756-0355

Telephone



(Affix Professional seal here)

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

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

and I sign this letter on behalf of the firm.

(Print name of firm)

June 17, 2022

435 Thetis Drive  
Variance Rational Letter

To Whom it may concern,

We are proposing a height variance for 435 Thetis Drive to allow for the main level of the home to be slightly below the back of the sidewalk letdown.

This would give the home very nice curb appeal from Thetis Drive while still keeping the lowest level of the home slightly above the natural grade of the lot. It will also allow a very usable driveway for the home that would fall within the Town of Ladysmith specifications regarding driveway elevation. The proposed height variance would set the garage slab at .38m (1.25 feet) above the minimum garage slab height as determined by the Town of Ladysmith driveway grade specifications and .6m (2 feet) below the back of the sidewalk letdown to the property.

In conclusion, the proposed variance will allow an aesthetically pleasing presentation from Thetis Drive with the benefit of a usable driveway grade that falls within the Town of Ladysmiths specifications regarding driveway grades.

Thankyou for your consideration on this matter.

Best Regards,

Scott Lovely  
Lovely Ventures Inc.

## Minutes of the Poverty Reduction Task Group

July 26, 2022, 9:30 – 11:00 am, via Zoom

**COMMITTEE MEMBERS PRESENT:**

Rosalie Sawrie, Facilitator  
 Eliina Alle  
 Jennifer Jones  
 Councillor Tricia McKay

Myf Plecas  
 Millie Stirling  
 Sandra Thomson

**STAFF PRESENT:**

Shannon Wilson

**REGRETS:**

Gerry Busch  
 Carmen Hildebrand  
 Johanne Lord

Jacqueline Nelligan  
 Lydia Neubauer  
 Cheryl Sampson

**CALL TO ORDER AND  
 ACKNOWLEDGEMENT**

The facilitator acknowledged with gratitude that this meeting was taking place on the traditional, unceded territory of the Stz'uminus First Nation.

**AGENDA**

That the Poverty Reduction Task Group approve the agenda for the meeting as presented.

***Motion carried.***

**MINUTES**

There were no minutes to consider.

**CURRENT BUSINESS**

Welcome & Introductions

- Members of the PRTG introduced themselves.

Project Overview

- The facilitator provided a short presentation of Stream 1 activities and outcomes of the CommUNITY Together to End Poverty Hw-nuts'-ulwum project, which concluded with the development of the Poverty Reduction Strategy based on community input and engagement, endorsed by Town of Ladysmith Council in September 2021.

Review Poverty Reduction Task Group Terms of Reference

- The group reviewed the Terms of Reference and discussed potential candidates. Including youth representation in the group is a priority, with more potential of attracting applicants once the school year begins.
  - o **Action:** PRTG to continue recruitment of the following members: 2 Stz'uminus members, 1 more person with lived experience, 1 senior, and 2 youth members.

- The facilitator shared an Actions List from the UBCM grant that was awarded in May 2022. Each action was discussed by providing an update of planning underway and/or needing to be developed.
- **Actions:**
  - Develop an evaluation framework for activities during Stream 2 grant period (Rosalie and Sandra (SPC) to lead, Tricia to participate with other PRTG members to join where interested)
    - Develop a tool to track progress on actions from the Poverty Reduction Strategy that occur outside of the Stream 2 grant deliverables (SPC)
  - Establish a Food Security subcommittee to move food-related actions forward (SPC will coordinate, LRCA will take lead on actions, Myf and Shannon interested)
  - Food Bank Delivery to Stz'uminus – initial meeting to coordinate. Job description needed for driver from Stz'uminus. Additional volunteer(s) needed for LRCA.
  - Harvesting and Gleaning program - LRCA interviewing potential coordinator to help recruit volunteers and identify trees/gardens (Carmen and Eliina)
  - Afterschool Nutritious Support Program pilot – will start in the fall session of 2022/2023 school year.
  - Community dialogues – 2 events will be organized for late fall/early winter and late winter/early spring. Will promote through the ToL Recreation Guide (Sep.15 deadline for winter guide) (SPC to lead, PRTG to support)
  - Community Cultural Workshops – Journey of our Generation workshop and follow-up workshop to focus on current reality in our communities and how we can make changes. Timing mid- to late November. (SPC to organize; Millie to help promote through Chamber)
  - Develop a communications and social media campaign re: Stream 2 actions and how to reduce the stigma around poverty. (Rosalie and Sandra)

Wrap up & Next steps

- Discussion of next meeting times/venue and review of action items.

**Meeting adjourned at 11:00 am**

**Next Meeting will be held at 1:30pm, Monday, August 22nd, 2022 at Frank Jameson Community Centre and over Zoom (hybrid).**



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Facilitator (Rosalie Sawrie)

RECEIVED:

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Corporate Officer (D. Smith)

**STAFF REPORT TO COUNCIL**

**Report Prepared By:** Erin Anderson, Director of Financial Services  
Chris Barfoot, Director of Parks, Recreation & Culture

**Reviewed By:** Allison McCarrick, CAO

**Meeting Date:** September 6, 2022

**File No:**

**Re:** **Regional Recreation Budget Approval 2023-2027 – Frank Jameson Community Centre**

**RECOMMENDATION:**

That Council approve the 2023-2027 budget for the Frank Jameson Community Centre as presented in the staff report dated September 6, 2022 and direct staff to submit it to the Cowichan Valley Regional District.

**EXECUTIVE SUMMARY:**

The Frank Jameson Community Centre (FJCC) is one of the nine regional facilities currently subject to a funding referendum. The proposed change, led by the CVRD, is to align the funding of the nine facilities with the usage instead of defaulting to the taxpayers in the facility's area. Ladysmith taxpayers could expect a tax decrease for FJCC but a larger tax increase to pay for the facilities used outside of the municipality. Should the referendum pass, the CVRD requires the FJCC's operating budget early to be included in the 2023 annual requisition.

**PREVIOUS COUNCIL DIRECTION:**

CS 2009-275	05-04-2009	It was moved, seconded and carried that the CVRD be informed that the Town of Ladysmith supports the Yellow Funding Model entitled "Regional/Sub-Regional Recreation Funding Model with Sub-Regionally Funded Cowichan Aquatic Centre" as presented in the January 28, 2009 CVRD report.
CS 2016-134	04-04-2016	That Council receive for information the correspondence and staff report from John Elzinga, General Manager of Community Services at the Cowichan Valley Regional District, entitled "Regional Recreation Next Steps".

**INTRODUCTION/BACKGROUND:**

The Cowichan Valley Regional District (CVRD) is leading a proposed change in the way recreation is funded in the region. There are nine regionally significant facilities within the region that are utilized by many in the area, though mainly funded by the local government in which each is located. The proposed initiative is to change the funding model to align with usage rather than with ownership.

The Frank Jameson Community Centre (FJCC) is one of the nine facilities where funding will

change. Using 2019 data, Ladysmith taxpayers funded 89.6% of the \$1,445,261 facility cost, though the Town usage was closer to 64%. Currently, CVRD electoral areas G & H contribute 10.4% of the funding. The proposed model would see a decrease of Ladysmith taxpayers funding FJCC, though Ladysmith taxpayers will see an increase in taxation to pay for the other regional facilities, such as the Fuller Lake Arena, that they do not currently fund. In 2019, Ladysmith residents used 23.4% of the overall use of Fuller Lake though Ladysmith taxpayers did not contribute any funding.

A referendum question will be included on the ballot during the upcoming local government elections in October asking if Ladysmith residents are in favour of a regional recreation funding model. Should the referendum pass, the CVRD will be responsible for requisitioning the funding from all the areas and providing it to local government.

This funding model will be phased in over three years. The CVRD set the budget deliberation timeline which is why this budget is being presented to Ladysmith Council at this time.

The FJCC facility is part of the entire Parks, Recreation & Culture budget. The following projections are solely for the FJCC facility:

FJCC	2023 budget	2024 budget	2025 budget	2026 budget	2027 budget
Revenues:					
Admissions	- 48,544	- 49,515	- 50,505	- 51,515	- 52,546
Passes	- 158,952	- 162,131	- 165,374	- 168,681	- 172,055
Programs	- 315,962	- 322,281	- 328,727	- 335,301	- 342,007
Rentals	- 112,855	- 115,112	- 117,414	- 119,763	- 122,158
Expenses:					
Aquatics	449,859	463,355	477,255	491,573	506,320
Fitness	303,265	312,363	321,734	331,386	341,327
Recreation	279,045	287,416	296,039	304,920	314,068
Admin	833,480	858,484	884,239	910,766	938,089
Facility	626,797	645,601	664,969	684,918	705,466
Capital	225,000	231,750	238,703	245,864	253,239
Net	2,081,133	2,149,930	2,220,918	2,294,166	2,369,744
Current Funding					
Area G & H funding	- 175,281	- 175,281	- 175,281	- 175,281	- 175,281
Ladysmith Taxation	-1,905,852	-1,974,649	-2,045,637	-2,118,885	-2,194,463
Proposed Funding - Phased in					
Area G & H funding	- 116,854	- 58,427	-	-	-
CVRD Requisition	- 693,711	-1,433,287	-2,220,918	-2,294,166	-2,369,744
Ladysmith Taxation	-1,270,568	- 658,216	-	-	-

The proposed capital projects include:

- Resurfacing of the Oasis Pool & sealing - \$150,000
- Main Pool condition assessment - \$50,000
- FJCC Gymnasium Chair Replacement - \$9,000
- Rec Room Play Equipment - \$10,000
- Aquatic Wheelchair Replacement - \$6,000

**ALTERNATIVES:**

Council can direct staff to adjust the proposed budgets though the CVRD budget deadline may be impacted.

**FINANCIAL IMPLICATIONS:**

Council will deliberate the non-FJCC budget amounts later in fall along with the rest of the Financial Plan discussions. Should the referendum fail, the entire Parks, Recreation & Culture budget will be revisited.

There are a few substantial increases expected as many revenues have not returned to pre-Covid levels. Adjustment to schedules and staffing were made to offset some of these increases.

**LEGAL IMPLICATIONS:**

N/A

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

The CVRD launched a website <https://www.planyourcowichan.ca/recfund> to promote the regional recreation referendum.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Parks, Recreation & Culture is responsible for preparing their department budget. Finance will provide the information to the CVRD.

Should the referendum pass, Finance will provide this budget amount to the CVRD. In late March, the Town will receive the CVRD annual requisition and calculate the corresponding property tax amounts.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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



**ALIGNMENT WITH STRATEGIC PRIORITIES:**

☒ Infrastructure

☐ Economy

☒ Community

☐ Not Applicable

☐ Waterfront

***I approve the report and recommendation***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENTS:**

- A. CVRD Regional Recreation Usage Based Funding
- B. 2023 FJCC Capital Projects details

APPENDIX A

Regional Recreation - Usage Based Funding MASTER

Regionally Significant Facility		CVRD Jurisdictions														Total	Maximum Requisition***
		Electoral Area A	Electoral Area B	Electoral Area C	Electoral Area D	Electoral Area E	Electoral Area F	Electoral Area G - Gulf Islands	Electoral Area G - Saltair	Electoral Area H	Electoral Area I	City of Duncan	Town of Lake Cowichan	Town of Ladysmith	Muni of North Cowichan		
Cowichan Aquatic Centre (MNC)	Currently Pay (\$)*	28,010	45,474	26,515	0	26,988	4,913	0	0	0	4,917	360,740	12,200	0	2,371,950	\$2,881,707	\$4,400,000
	% of Use**	5.40%	9.60%	6.45%	6.70%	7.55%	0.70%	0.08%	0.22%	0.55%	0.50%	8.80%	2.25%	1.05%	50.15%	100.00%	
	Proposed \$ of Current Req	155,612	276,644	185,870	193,074	217,569	20,172	2,305	6,340	15,849	14,409	253,590	64,838	30,258	1,445,176	\$2,881,707	
	Increase / Decrease	127,602	231,170	159,355	193,074	190,581	15,259	2,305	6,340	15,849	9,492	-107,150	52,638	30,258	-926,774	N/A	
Cowichan Community Centre (CVRD)	Currently Pay (\$)*	0	0	0	321,167	505,849	0	0	0	0	0	523,033	0	0	2,329,684	\$3,679,733	\$10,226,948
	% of Use**	4.30%	7.20%	5.45%	6.50%	8.75%	1.25%	0.00%	0.70%	0.35%	0.55%	7.00%	0.85%	3.35%	53.75%	100.00%	
	Proposed \$ of Current Req	158,229	264,941	200,545	239,183	321,977	45,997	0	25,758	12,879	20,239	257,581	31,278	123,271	1,977,856	\$3,679,733	
	Increase / Decrease	158,229	264,941	200,545	-81,984	-183,872	45,997	0	25,758	12,879	20,239	-265,452	31,278	123,271	-351,828	N/A	
Cowichan Lake Sports Arena (CVRD)	Currently Pay (\$)*	0	0	0	0	0	659,070	0	0	0	663,905	0	404,796	0	0	\$1,727,771	\$4,311,991
	% of Use**	3.10%	3.15%	2.30%	0.55%	3.40%	9.15%	0.00%	0.55%	0.25%	14.10%	3.60%	30.55%	5.50%	23.80%	100.00%	
	Proposed \$ of Current Req	53,561	54,425	39,739	9,503	58,744	158,091	0	9,503	4,319	243,616	62,200	527,834	95,027	411,209	\$1,727,771	
	Increase / Decrease	53,561	54,425	39,739	9,503	58,744	-500,979	0	9,503	4,319	-420,289	62,200	123,038	95,027	411,209	N/A	
Cowichan Performing Arts Centre (CVRD)	Currently Pay (\$)*	46,129	72,757	86,139	110,430	131,297	0	0	0	0	0	135,757	0	58,355	747,605	\$1,388,469	\$2,636,176
	% of Use**	5.55%	7.60%	7.10%	6.65%	7.70%	1.30%	0.18%	1.42%	0.65%	0.80%	7.80%	1.85%	3.55%	47.85%	100.00%	
	Proposed \$ of Current Req	77,060	105,524	98,581	92,333	106,912	18,050	2,499	19,716	9,025	11,108	108,301	25,687	49,291	664,382	\$1,388,469	
	Increase / Decrease	30,931	32,767	12,442	-18,097	-24,385	18,050	2,499	19,716	9,025	11,108	-27,456	25,687	-9,064	-83,223	N/A	
Cowichan Sportsplex	Currently Pay (\$)*	17,609	0	16,559	10,467	12,542	0	0	0	0	0	38,500	0	0	205,380	\$301,057	\$543,227
	% of Use**	3.80%	7.80%	3.35%	4.10%	7.05%	1.10%	0.00%	0.70%	0.50%	0.95%	4.00%	2.85%	4.10%	59.70%	100.00%	
	Proposed \$ of Current Req	11,440	23,482	10,085	12,343	21,225	3,312	0	2,107	1,505	2,860	12,042	8,580	12,343	179,731	\$301,057	
	Increase / Decrease	-6,169	23,482	-6,474	1,876	8,683	3,312	0	2,107	1,505	2,860	-26,458	8,580	12,343	-25,649	N/A	
Frank Jameson Community Centre (TOL)	Currently Pay (\$)*	0	0	0	0	0	0	0	39,216	111,602	0	0	0	1,294,443	0	\$1,445,261	\$3,000,000
	% of Use**	0.35%	0.85%	0.25%	0.65%	0.55%	0.35%	0.00%	6.95%	11.55%	0.15%	0.50%	0.65%	63.50%	13.70%	100.00%	
	Proposed \$ of Current Req	5,058	12,285	3,613	9,394	7,949	5,058	0	100,446	166,928	2,168	7,226	9,394	917,741	198,001	\$1,445,261	
	Increase / Decrease	5,058	12,285	3,613	9,394	7,949	5,058	0	61,230	55,326	2,168	7,226	9,394	-376,702	198,001	N/A	
Fuller Lake Arena (MNC)	Currently Pay (\$)*	0	0	0	0	0	0	0	0	0	0	0	0	0	694,280	\$694,280	\$1,300,000
	% of Use**	0.95%	0.75%	0.35%	1.60%	8.60%	1.15%	0.00%	4.50%	1.35%	0.45%	2.75%	1.65%	23.40%	52.50%	100.00%	
	Proposed \$ of Current Req	6,596	5,207	2,430	11,108	59,708	7,984	0	31,243	9,373	3,124	19,093	11,456	162,462	364,497	\$694,280	
	Increase / Decrease	6,596	5,207	2,430	11,108	59,708	7,984	0	31,243	9,373	3,124	19,093	11,456	162,462	-329,783	N/A	
Kerry Park Recreation Centre (CVRD)	Currently Pay (\$)*	705,613	1,145,511	667,931	418,107	0	0	0	0	0	0	0	0	0	0	\$2,937,162	\$6,687,641
	% of Use**	19.45%	37.50%	15.70%	9.65%	3.25%	0.25%	0.00%	0.00%	0.05%	0.10%	1.70%	0.05%	0.20%	12.10%	100.00%	
	Proposed \$ of Current Req	571,278	1,101,436	461,134	283,436	95,458	7,343	0	0	1,469	2,937	49,932	1,469	5,874	355,397	\$2,937,162	
	Increase / Decrease	-134,335	-44,075	-206,797	-134,671	95,458	7,343	0	0	1,469	2,937	49,932	1,469	5,874	355,397	N/A	
Shawnigan Lake Community Centre (CVRD)	Currently Pay (\$)*	0	734,827	0	0	0	0	0	0	0	0	0	0	0	0	\$734,827	\$1,773,902
	% of Use**	11.35%	69.85%	8.65%	2.45%	0.75%	0.10%	0.00%	0.30%	0.00%	0.10%	1.10%	0.10%	0.00%	5.25%	100.00%	
	Proposed \$ of Current Req	83,403	513,277	63,563	18,003	5,511	735	0	2,204	0	735	8,083	735	0	38,578	\$734,827	
	Increase / Decrease	83,403	-221,550	63,563	18,003	5,511	735	0	2,204	0	735	8,083	735	0	38,578	N/A	
Total of All Regional Facilities	Currently Pay (\$)*	797,361	1,998,569	797,144	860,171	676,676	663,983	0	39,216	111,602	668,822	1,058,030	416,996	1,352,798	6,348,899	15,790,267	\$34,879,885
	Proposed \$ of Current Req	1,122,237	2,357,220	1,065,561	868,378	895,052	266,742	4,805	197,317	221,347	301,195	778,048	681,270	1,396,267	5,634,828	15,790,267	
	Increase / Decrease	324,876	358,651	268,417	8,207	218,376	-397,241	4,805	158,101	109,745	-367,627	-279,982	264,274	43,469	-714,071	N/A	

\* **Current Pay** is based on 2019 budget amounts

\*\* **% of Use** is based on the average between 2017 and 2022 facility use data

\*\*\* **Maximum Requisition** is based on revised assessment roll 2022

## APPENDIX B

### Financial Plan - Proposed Capital List

Parks &Rec				
Facility Maintenance				
Project Name	Resurfacing of the Oasis Pool and Epoxy sealing the Hot Tub - FJCC			
Description	Both the Oasis pool and hot tub are in need of resealing.	YEAR	2023	
		Amounts	150,000	
Purpose	The application we want to do has a 10 year life expectancy The Oasis pool is past due for it's painting which helps seal the pool but also has anti slip components to it which is currently	Funding Sources:		
		Taxation	150,000	
		Water Utility	0	
		Sewer Utility	0	
		Reserve	0	
		DCC	0	
		Gas Tax	0	
		Carry-forward	0	
		Borrow	0	
		Donation/Other	0	
		Grant-confirmed	0	
		Grant - TBD	0	
Consequence of not funding	Water loss, slipping hazards, possible loss of hot tub use.			
Priority	Immediate			
Strategic Priority	Infrastructure			
		Early Budget Approval		
Risk Level	Very High Risk			

Project Name	FJCC Pool Condition Assessment			
Description	Have a consultant conduct a condition assessment on the pool and mechanical systems for FJCC.	YEAR	2023	
		Amounts	50,000	
Purpose	The (Year) WSP report identifies major componets to the pool and mechanical systems needing replacement in next 1-3 years. The goal is todetermine the short and longerm costs	Funding Sources:		
		Taxation	50,000	
		Water Utility	0	
		Sewer Utility	0	
		Reserve	0	
		DCC	0	
		Gas Tax	0	
		Carry-forward	0	
		Borrow	0	
		Donation/Other	0	
		Grant-confirmed	0	
		Grant - TBD	0	
Consequence of not funding	With the pool nearing its end of life it will be unknown as to the extent of potential repairs resulting in a long term closure that would impact the public, programs and services.			
Priority	Immediate			
Strategic Priority	Asset Management			
		Early Budget Approval		
Risk Level	Very High Risk			

# APPENDIX B

## Financial Plan - Proposed Capital List

Recreation				
Project Name	<b><u>FJCC Aquatic Wheelchair Replacement</u></b>			
Description	Replacement of two 24" wheel heavy duty aquatic wheelchair for patrons to access pool areas.	YEAR	2023	
		Amounts	<div>\$6,000</div>	
Purpose	Due to age and general wear and damage, the aquatic wheelchairs are needed to be replaced to ensure pool use accessibility for patrons with mobility challenges.	<b><u>Funding Sources:</u></b>		
		Taxation	6,000	
		Water Utility	0	
		Sewer Utility	0	
		Reserve	0	
		DCC	0	
		Gas Tax	0	
		Carry-forward	0	
		Borrow	0	
		Donation/Other	0	
		Grant-confirmed	0	
		Grant - TBD	0	
Consequence of not funding	Limited and/or restricted accessibility to pool areas for patrons with mobility challenges.			
Priority	Immediate			
Strategic Priority	Community			
	<input checked="" type="checkbox"/>	Early Budget Approval		
Risk Level	High Risk			
Project Name	<b><u>FJCC Gymnasium Chair Replacement</u></b>			
Description	Not being able to fully support facility and community needs use due to lack of equipment. Risk of using aged equipment increases risk of liability to Town.	YEAR	2023	
		Amounts	<div>\$9,000</div>	
Purpose	Current chair inventory is at 50% due to age and general wear and damage. Used for general use, recreation programs, rentals and special events - held at FJCC and off-	<b><u>Funding Sources:</u></b>		
		Taxation	9,000	
		Water Utility	0	
		Sewer Utility	0	
		Reserve	0	
		DCC	0	
		Gas Tax	0	
		Carry-forward	0	
		Borrow	0	
		Donation/Other	0	
		Grant-confirmed	0	
		Grant - TBD	0	
Consequence of not funding	Not being able to fully support facility and community needs use due to lack of equipment. Risk of using aged equipment increases risk of liability to Town.			
Priority	Important but not critical			
Strategic Priority	Economy			
	<input type="checkbox"/>	Early Budget Approval		
Risk Level	Medium Risk			



# APPENDIX B

## Financial Plan - Proposed Capital List

**Project Name** Rec Room Play Equipment Replacement FJCC

**Description** Replacement of play equipment in the Rec Room - pool, ping pong, air hockey and foosball tables.

**YEAR**

2023

**Amounts**

**\$10,000**

**Purpose** Current equipment was donated. Equipment is near end of life – due to age and wear/tear. 50% of equipment is no longer functioning and replacement parts are not available.

**Funding Sources:**

Taxation 10,000

Water Utility 0

Sewer Utility 0

Reserve 0

DCC 0

Gas Tax 0

Carry-forward 0

Borrow 0

Donation/Other 0

Grant-confirmed 0

Grant - TBD 0

**Consequence of not funding** There are limited opportunities in Ladysmith for intergenerational programming and activities. Not having this equipment available will result in limited use of Rec Room, including revenue streams, and limited activity opportunities.

**Priority** Important but not critical

**Strategic Priority** Operations

☐ Early Budget Approval

**Risk Level** Medium Risk

**ANNUAL TOTAL**

**\$225,000**

Taxation 225,000

Water Utility 0

Sewer Utility 0

C/F 0

DCC 0

Reserve 0

Gas Tax 0

Grant-confirmed 0

Grant - TBD 0

Borrow 0

Donation/Other 0

## STAFF REPORT TO COUNCIL

**Report Prepared By:** Camelia Copp, Revenue Accountant  
**Reviewed By:** Erin Anderson, Director of Financial Services  
**Meeting Date:** September 6, 2022  
**File No:** 1970-04  
**Re:** **Permissive Tax Exemptions for the Tax Year 2023**

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### **RECOMMENDATION:**

*Council is requested to consider each resolution separately.*

1. That Council direct staff to prepare a one-year Permissive Tax Exemption Bylaw for all properties currently identified in the "Town of Ladysmith 2022 Permissive Tax Exemptions Bylaw 2021, No. 2084" with the exception of the property at 314 Buller Street.
2. That Council provide a one-year Permissive Tax Exemption to the Ladysmith Resources Centre Association for 20 percent of the value at 314 Buller Street which approximately represents seven deep subsidy units in the 36 unit building.
3. That Council direct staff to prepare a 10-year Permissive Tax exemption Bylaw for all Island Corridor Foundation properties within the Town of Ladysmith boundaries.
4. That Council direct staff to remove fully exempt properties from the 2023 water parcel tax roll and the 2023 sewer parcel tax roll.

### **EXECUTIVE SUMMARY:**

Staff are seeking direction to prepare the annual Permissive Tax Exemption (PTE) bylaws.

### **INTRODUCTION/BACKGROUND:**

Under Sections 224 and 225 of the *Community Charter*, permissive exemptions are permitted to certain properties providing the property or property owner meets specific conditions. These conditions include ownership, such as not for profit organizations or charitable organizations, and specific use, such as care homes and recreational organizations.

Many churches are statutorily exempt for the building and footprint; the PTE extends the exemption to the remaining portion of the property.

**DISCUSSION:**

Each year, a bylaw is presented to Council for consideration. The bylaw and corresponding advertisement must be adopted prior to October 31 in order for the exemption to be in effect for the following taxation year.

The following properties are currently contained in Bylaw No. 2084:

<b>224.2 (f) Building for Public Worship</b>	
<b>Organization</b>	<b>Address</b>
Trustees of the Ladysmith First United Church	232 High Street
Ladysmith Fellowship Baptist Church	381 Davis Rd
Bishop of Victoria (St. Mary's Catholic Church)	1135 4th Ave
Pentecostal Assemblies of Canada	1149 4th Ave

<b>224.2 (a) Non-Profit</b>	
<b>Organization</b>	<b>Address</b>
Ladysmith & District Historical Society	721 1st Ave
Canadian Legion Branch #171	621 1st Ave (portion only)
Ladysmith Health Care Auxiliary	910 1st Ave
Ladysmith Golf Club Society	380 Davis Rd
Ladysmith & District Historical Society	614 Oyster Bay Dr
Ladysmith Maritime Society	616 Oyster Bay Dr
Ladysmith Maritime Society	Unit C, I & M - 610 Oyster Bay Dr
Ladysmith & District Historical Society	612 Oyster Bay Dr
Arts Council of Ladysmith & District	Units J, K & L - 610 Oyster Bay Rd
Eco-Tourism Building	200 Capt Dekonick Way
Ladysmith Senior Citizens Housing Society	207 Jamison Rd
Ladysmith Senior Citizens Housing Society	101 1st Ave
<del>Ladysmith Resources Centre Association</del>	<del>314 Buller St</del>
Ladysmith & District Historical Society	1115A - 1st Ave
Ladysmith Festival of Lights	1163 4th Ave
Ladysmith Maritime Society	611 Oyster Bay Dr

The approximate value of 2022 taxes foregone, with the exception of 314 Buller Street, for the proposed annual bylaw is:

	<b>Municipal</b>	<b>Other</b>	<b>Total</b>
Building for Public Worship	15,612	9,930	25,543
Non-Profit	105,638	61,118	166,756
Parcel Tax			8,899
		<b>Total</b>	<b>201,198</b>

**Late applications**

The Ladysmith Maritime Society application for the dock area was received after the deadline but well before the report deadline, so it was included in the list of properties to exempt.

#### Applications received but not included

An application from the Arts Council of Ladysmith and District for a portion of a commercial property on 1<sup>st</sup> Avenue was received. The new property was intended to be used for retail space though occupancy and an executed lease was not provided. It is staff's opinion that the use of this space does not meet the requirements under the *Community Charter* s.224.

#### 314 Buller Street

The property at 314 Buller Street (Ladysmith Resources Centre Association's Affordable Housing project) is nearing completion. The previous value of the PTE is based on the land-only assessment. The value of the newly constructed building is \$9,200,000 based on the building permit value.

There are 36 units within the new complex of which seven are significantly subsidized. The 20 percent PTE amount is in recognition of these seven units. There are additional units for which rent is tied to income. Council could also provide an exemption to these units which would be a total exemption of 70 percent of the property value.

The property at 314 Buller Street received a full Development Cost Charges (DCC) waiver valued at \$274,224 (2019) and the Ladysmith Resources Centre Association receives a full permissive tax exemption for the property at 630 2<sup>nd</sup> Avenue.

#### Island Corridor Foundation (ICF)

ICF received a 10-year PTE from 2012-2021 for all ICF properties. For the tax year 2022, the PTE was not renewed or included in the annual bylaw, though the taxes were later approved by Council to be adjusted.

Starting for the tax year 2023, ICF made application for another 10-year PTE. The application was for all of their land-based (PID) properties which is seven of their nine properties; Council's previous direction was to exempt all ICF properties. Should Council again approve another PTE, staff will include all nine properties in the bylaw.

In 2018/2019, the Town, along with Duncan, Lake Cowichan and North Cowichan and the CVRD, signed a License of Occupation with Island Corridor. This agreement permitted the local governments to "use and occupy a portion of the Lands for the purposes of constructing, operating and maintaining a multi-purpose regional park trail for public use...". This agreement includes a clause that essentially states that if ICF is charged property taxes, ICF will charge an equivalent *annual licence* fee back to the municipality. Again, only the seven land-based properties are included in this agreement.

#### **SCOPE OF WORK:**

If approved, staff will prepare the necessary bylaw(s) for the first three readings at the September 20<sup>th</sup> Council meeting. Statutory advertising will be placed on the Town's website September 22<sup>nd</sup> and in the September 30<sup>th</sup> edition of the Chronicle. The bylaws are proposed to be adopted on October 4<sup>th</sup>, ahead of the October 31<sup>st</sup> deadline. The adopted bylaws will be



forwarded to BC Assessment to ensure the exemption to the assessments are put in place for the tax year 2023.

#### **ALTERNATIVES:**

Council can choose to:

1. Deny the exemptions. There is no requirement for Council to provide PTEs.
2. Grant cash-in-lieu of exemptions. Instead of creating a bylaw, Council can grant exemptions in the actual taxation year. Rather than just forgoing the municipal taxes, which are just shifted to other property owners, the Town would lose the municipal portion of taxation revenue and be responsible for paying all taxing agency taxes, which would be significantly more money.
3. Provide a 10-year exemption, which will streamline the process for applicants and staff.

#### **FINANCIAL IMPLICATIONS:**

For each exemption granted, the exemption tax burden is passed on to other property owners in the municipality. Usually, there is no property tax revenue lost - just a shifting of the taxation dollars from each exempt property to all the other taxable properties. All other taxpayers pay for tax exemptions. In the case of new construction, the non-market change is used to reduce the overall taxation.

Many of the organizations that received a PTE also receive a Grant in Aid and/or reduced costs for rent.

#### **LEGAL IMPLICATIONS:**

The bylaw, in its entirety, is at risk if one of the properties on the bylaw is successfully challenged in the courts.

PTEs must be considered as part of the Financial Plan<sup>1</sup>.

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

Statutory notification will be published on the Town's website and once in the local newspaper and the exemption notification will be forwarded to BC Assessment.

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

Legislative Services and the Financial Services Department will work together to complete the bylaw and meet the statutory requirements.

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<sup>1</sup> Community Charter s.165 (3.1)(c)

**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 recommendations.***

**Allison McCarrick, Chief Administrative Officer**

**STAFF REPORT TO COUNCIL**

**Report Prepared By:** Len Thew, Manager of Public Works  
**Reviewed By:** Ryan Bouma, Director of Infrastructure Services  
**Meeting Date:** September 6, 2022  
**File No:**  
**Re:** **Commercial Tri-Deck Rotary Mower**

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**RECOMMENDATION:**

That Council direct staff to amend the 2022-2026 Financial Plan by increasing the budget for the Commercial Tri-Deck Rotary Mower by \$20,000 with the additional funds to come from the Vehicle Equipment Reserve.

**EXECUTIVE SUMMARY:**

The Town has tendered twice for the supply of a commercial tri-deck rotary mower. No bids were received for the first round; two bids were received during the latest round, both being over the budgeted amount. Staff request that Council consider increasing the budget by \$20,000 in order to move the project forward.

**PREVIOUS COUNCIL DIRECTION:**

N/A

**INTRODUCTION/BACKGROUND:**

The 2022-2026 Financial Plan includes \$125,000 for the replacement of one of the Town's mowers. Staff placed the tender documents on BC Bid and the Town's website on June 23, however no bids were received. A second tender was posted on July 18 and two bids were received, as follows (excluding GST):

- Rollins Machinery: \$152,924.40
- Oak Creek Golf and Turf: \$142,432.04

Since the tender has been run twice, staff feel the low bid reflects an accurate price in the current market. The delivery date on the equipment is estimated to be 1-2 years.

**ALTERNATIVES:**

Council can choose to:

1. Not authorize the budget increase and direct staff to retender.
2. Fold the tender and budget again in 2023.

**FINANCIAL IMPLICATIONS:**

If approved, the 2022-2026 Financial Plan will be amended with an increase to expenses of \$20,000. In accordance with the Town's Purchasing Policy, Staff are authorized to award the tender as the amount is under \$250,000.

**LEGAL IMPLICATIONS:**

The tender has closed, and bids are valid for 60 days. The Town needs to either award or cancel the tender.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS**

N/A

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The Parks department is leading this project, in conjunction with Finance.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

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

***I approve the report and recommendation.***

**Allison McCarrick, Chief Administrative Officer**



## STAFF REPORT TO COUNCIL

**Report Prepared By:** Jake Belobaba, Director of Development Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** September 6, 2022  
**File No:** 3020-20  
**Re:** Crown Referral 148786797: Application to Purchase Portion of Crown Foreshore (303 Chemainus Road)

**RECOMMENDATION:**

That Council, in response to Crown Referral 148786797, support the application by the upland owner to purchase a 90m<sup>2</sup> portion of the foreshore, with a request that the Province:

1. Take steps to allow passage along the foreshore, or adjacent uplands, at all tide levels; and
2. Address the encroachment of the cantilevered deck over the statutory right of way for the Town's sewer line.

**EXECUTIVE SUMMARY:**

This report presents Crown Referral 148786797 to Council for consideration. There is an existing dwelling unit that encroaches onto the foreshore fronting 303 Chemainus Road and the applicant wishes to purchase this piece of the foreshore from the Province. The application has been referred to the Town for comment.

**PREVIOUS COUNCIL DIRECTION:**

Resolution	Meeting Date	Resolution Details
CS 2013-203	2013-06-03	<p>It was moved, seconded and carried that staff be directed to provide the following comments to the Province regarding the proposal for private moorage within DL462:</p> <ul style="list-style-type: none"> <li>• The proposal for private moorage in DL462 is not in the community's interest and should be denied.</li> <li>• There has not been a dock structure within DL462 for many years and in 2008, as part of an upland development proposal for 303 Chemainus Road (the Lands), the Owner agreed that the Lands shall not be used for a marina or any marina connected to the Lands. In addition, the Owner agreed to not redevelop the Lands until the existing building located on the beach portion of the Lands was removed.</li> <li>• It is important that Crown tenure decisions protect the existing shellfish harvesting areas in Holland Bank which is an important local economic and business sector.</li> <li>• The Town is currently reviewing its regulation of private moorage.</li> </ul>
CS 2013-204	2013-06-03	<p>It was moved, seconded and carried that staff be directed to develop regulations for private moorage and shellfish culture use as part of the Zoning Bylaw project.</p>

Resolution	Meeting Date	Resolution Details
CS 2021-205	2021-06-15	That Council recommend that the Ministry of Forests, Lands, Natural Resource Operations & Rural Development approve Crown Land Tenure Application 100305736 for private moorage at 303 Chemainus Road, provided that adequate measures are put in place to protect fisheries and aquaculture in the area.
CS 2021-196	2021-06-15	That Council: 1. Give first and second readings to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 40) 2021, No. 2078"; 2. Direct staff to proceed with scheduling and notification of a Public Hearing for Bylaw No. 2078 pursuant to the Local Government Act; and 3. Direct staff to refer Bylaw No. 2078 to the Ministry of Transportation & Infrastructure following third reading of the bylaw pursuant to the Transportation Act.
CS 2021-216	2021-07-06	That, subject to any additional matters raised at the Public Hearing, Council: 1. Proceed with third reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 40) 2021, No. 2078"; and 2. Direct staff to refer Bylaw No. 2078 to the Ministry of Transportation and Infrastructure pursuant to section 41(3) of the Community Charter.
CS 2021-267	2021-08-03	That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.40) 2021, No.2078".
CS 2022-017	2022-01-25	That Council issue Development Variance Permit 3090-21-14 to vary the following regulations within the Marine Residential Moorage (W-1) and the Marine Park and Recreation (W-P) zones to facilitate construction of a dock in the Ladysmith Harbour adjacent to the upland property at 303 Chemainus Road: 1. The maximum surface area of dock structures in the W-1 zone from 20m <sup>2</sup> to 138m <sup>2</sup> ; 2. The maximum height of dock structures in the W-1 zone from 2.0m to 3.1m; 3. The maximum dock length in the W-1 zone from 30m to 77m; 4. The minimum setback from the Marine Harvesting (W-4) zone in the W-1 zone from 125m to 19m; 5. The minimum clearance above the seabed in the W-1 zone from 2.0m to 1.8m; and 6. The minimum setback from the seaward extension, perpendicular to the shoreline of an adjacent upland side parcel line in the W-P zone from 6m to 0m.

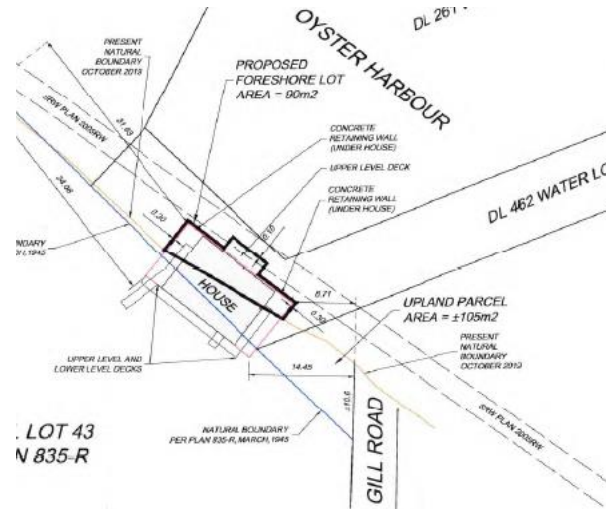
## **INTRODUCTION/BACKGROUND:**

### *Subject Property*

The subject property is a piece of infilled, Crown-owned foreshore fronting 303 Chemainus Road. A statutory right of way in favor of the Town for a sewer main parallels the shoreline and runs from Gourlay Janes Park to King Road. The statutory right of way has been in place since 1971. An existing dwelling straddles 303 Chemainus Road and Crown land, sitting atop the infilled area. The dwelling has a cantilevered deck, a portion of which extends over the Town's statutory right of way.

Figure 1: Subject Property (2020 Air Photo)

Figure 2: Subject Property (Survey from Referral Package)



### Site History

According to the application package submitted to the Province (Attachment A):

- A building on skids once existed where the dwelling is now.
- In the 1960's the foreshore was filled to allow for construction of the building and it has remained there since then. A lease was also issued for a dock. The applicant does not know if the building construction was authorized.
- The foreshore area under the boathouse was leased from the Province by the upland owner from the 1960's to 2016.
- The lease was not renewed in 2016 due to "unforeseen circumstances" and was subsequently terminated by the Province in 2018.
- The owner reapplied for a license of occupation for the building and permission to rebuild the dock. Permission to rebuild the dock was granted (and the dock has since been rebuilt) but the license of occupation for the portion of the dwelling on Crown Land was denied and the Province has instructed the owner to demolish the encroaching portion of the building.

Staff reviewed building permit records and found no records indicating a building permit was issued. However, the Town may not have had a building permit regime in place when the building was built. Staff obtained copies of previous leases from the Province, the earliest of which was issued in 1972. According to the Province, previous leases were granted for "commercial" purposes (e.g. the 1992 lease states the lease is for "commercial wharf and floats purposes"). The 1972 lease includes a schedule showing a "workshop" where the dwelling is now (see Figure 3). In the three subsequent leases, the same building is labeled as a "workshop", however in the 1987 and 1982 leases there is an additional notation for a "new building" (see Figure 4).

Figure 3: Clip of Schedule for 1972 Lease showing

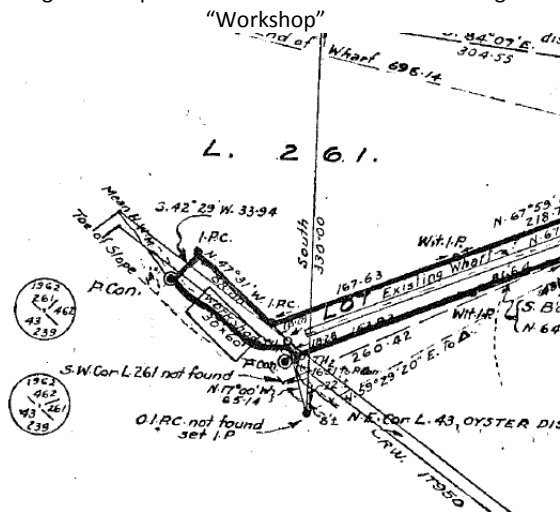
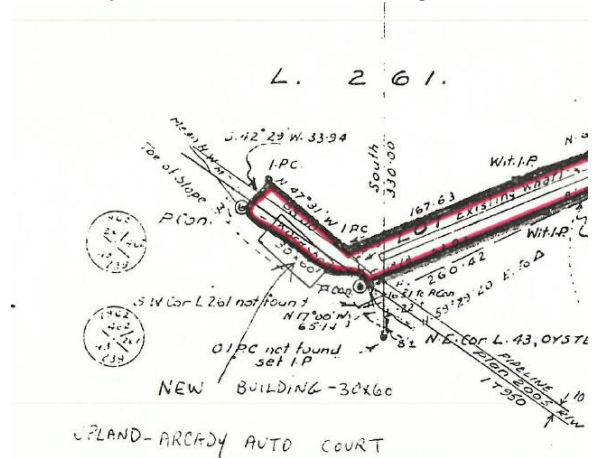


Figure 4: Clip of Schedule for 1982 Lease showing "Workshop" with additional "New Building" notation



## PROPOSAL:

According to the applicant's submission to the Province, demolishing the encroaching portion of the building is not feasible due to the geometry of the structure. The owner has made an application to the Province to purchase a 90m<sup>2</sup> portion of the foreshore at fair market value and the application has been forwarded to the Town for comment.

## ANALYSIS:

### Official Community Plan Policies

The foreshore area is designated as 'Waterfront'<sup>1</sup> under the Official Community Plan. The OCP notes that:

"The Waterfront designation is applied to ocean and foreshore areas of the Ladysmith harbour and associated upland and is intended to provide for a range of marine oriented uses. It provides for marine industrial, marina commercial, recreation to include foreshore public trails/walkways and water recreation uses, and foreshore and estuary conservation uses."

Staff note that residential use is not included in the waterfront designation and although the proposed dwelling may be used for recreation-like purposes (e.g. guest house), staff interpret the above policy as encouraging recreational facilities that are accessible to the public. As noted below, the dwelling is a non-conforming use and when the dwelling is demolished or destroyed it cannot be rebuilt.

### Zoning Bylaw Compliance

The existing dwelling appears to straddle the Medium Density Residential (R-3) and Marine Residential Moorage (W-1) zones. The Zoning Bylaw was recently amended to allow lawfully constructed, pre-existing single-unit dwellings in the R-3 Zone<sup>2</sup>. However, in the W-1 zone, single-unit dwellings are not a permitted use. The existing building also does not comply with

<sup>1</sup> Note this area does not include the area covered by the Waterfront Area Plan, which is covered under a separate designation with different policies.

<sup>2</sup> See Bylaw 2078 and resolutions CS 2021-216 and CS 2021-196



the setback requirement in section 5.2(e)(iii) of the Zoning Bylaw, which requires an eight-meter setback from the highwater mark.

Given the above information, the building is likely a non-conforming use (section 528 of the *Local Government Act*) and a non-conforming structure (section 529 of the *Local Government Act*). At this time, staff are not recommending amendments to the Zoning Bylaw to bring the dwelling unit into compliance (although the upland owner will be entitled to apply if they are able to purchase the additional foreshore area). The non-conforming use and siting status has advantages for the long-term restoration of the shoreline. Under the *Local Government Act*, increasing the degree

Figure 5: Shoreline Sensitivity to Sea Level Rise  
Source: Strait of Georgia Marine Reference Guide.



of non-conformity (e.g. expanding a building within a setback) is prohibited, and structural alterations to a non-conforming use must be approved by the Board of Variance. If the building is demolished or destroyed, it cannot be rebuilt in the same location. The foundation of the dwelling currently obstructs access along the foreshore at certain tides (see below) and this stretch of shoreline has been recently classified in the Strait of Georgia Marine Reference Guide as having “high sensitivity” to sea level rise (see figure 5)<sup>3</sup>. Non-conforming use status allows the dwelling to remain, and to undergo reasonable renovations, but does not allow reconstruction if the building is demolished or destroyed, meaning that, eventually, the shoreline can be restored to a more natural, resilient state.

#### *Statutory Right of Way and Sewer Line*

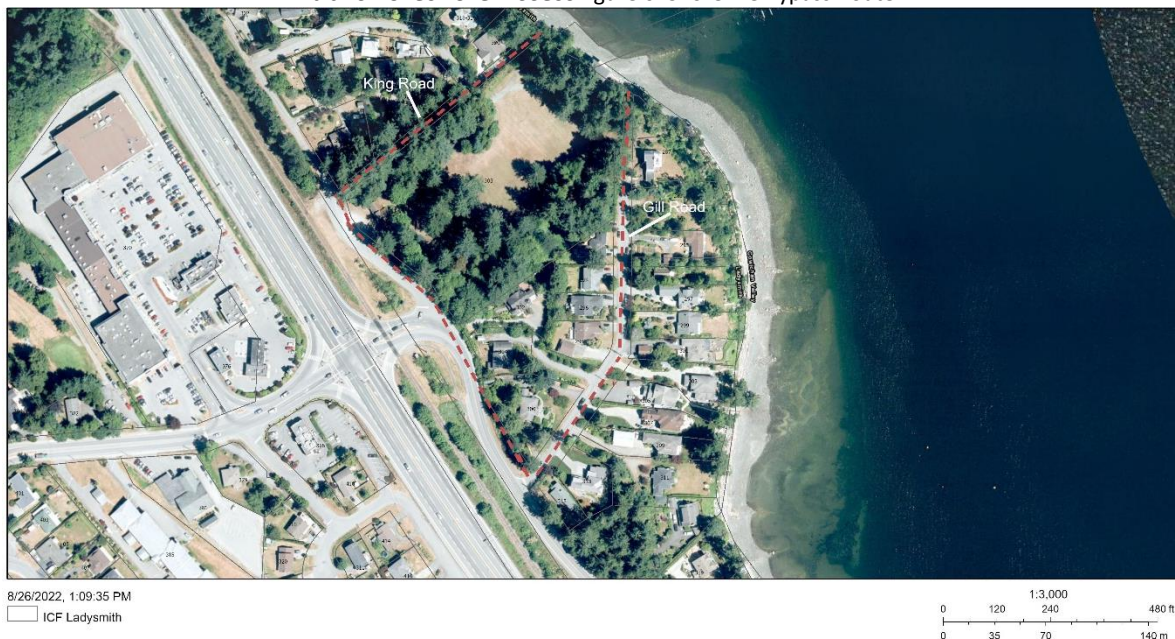
Staff note the cantilevered deck was not identified on the survey plan for the sewer line and staff cannot determine if the deck was built before or after the statutory right of way was registered in 1971 (and therefore if it is in contravention of the statutory right of way). In any event, the sewer line within the statutory right of way is nearing the end of its lifespan and will need replacing in the near future. The encroaching deck limits repair and replacement options (e.g. digging and trenching) as there may not be enough vertical clearance to move heavy equipment over the statutory right of way.

Additionally, the statutory right of way is an agreement between the Town and Province and does not include the upland property owner (meaning the Town may not be able to rely on the statutory right of way to remove the encroachment if the land is sold). For these reasons, staff

<sup>3</sup> See Also: [MRG Link](#)

are recommending that the Province be asked to address the encroaching deck as part of the sale process. Only a portion of the deck projects into the statutory right of way. It may be possible to modify the deck to remove the encroaching portion, allowing for easy removal at a later date and/or for the Province to extend contractual arrangements to the new owner as a condition of sale.

*Public Foreshore Access* Figure 6: Shoreline Bypass Route



Pedestrian passage along the foreshore fronting the building is not currently possible at higher tides (i.e. high tide and the higher of the low tides) due to the location of the building on the foreshore. The shortest available bypass route (that doesn't involve trespassing) is to use the Gill/King Road right of ways, however both these accesses require bushwhacking over steep slopes<sup>4</sup> and this route increases the walking distance from 70 meters to over 700 meters (see figures 6, 7 and 8). Staff are recommending that the Province develop a solution to allow the public to bypass the building at high water.

<sup>4</sup> There is a staircase at the end of Gill Road that leads down to the beach, however it is failing and crosses private property. There is also an access at the end of Chemainus Road that leads to the Holland Creek Estuary, however this access can only be reached from the beach at lower tides.



Figure 7: King Road Beach Access from uplands (top) and beach (bottom)



Figure 8: Gill Road Beach Access from uplands (top) and beach (bottom)



### *Discussion*

Although the location of the building is less than ideal, does not align with the Town's current OCP and Zoning Bylaw and has never benefited from a permanent tenure, demolishing and rebuilding the building before it reaches the end of its lifespan is likely to have greater impacts in terms of waste production and shoreline disruptions. The non-conforming use/siting status of the building means that the building is not permitted to remain if it is irreparably damaged or destroyed. For these reasons, staff are generally supportive of the proposal, provided arrangements are made to ensure the Town can easily access and repair its infrastructure. Staff are also recommending that the Province be asked to use the land sale as an opportunity to improve public access to and along the seashore as this area is currently underserved in this regard.

### **ALTERNATIVES:**

Council can choose to:

1. Not support the Crown Referral 148786797 application and advise the Province accordingly.
2. Support the Crown Referral 148786797 application in principle, but with additional conditions as specified by Council.

3. Support the Crown Referral 148786797 application with fewer conditions or no conditions.

**FINANCIAL IMPLICATIONS:**

By requesting that the encroaching deck be addressed prior to sale of the land, the Town is less likely to incur additional costs when the time comes to repair or replace the sewer line.

**LEGAL IMPLICATIONS:**

As noted above the Town's statutory right of way is with the Province, not the upland owner. If the encroaching deck remains in place and the land is sold, it is unclear if the upland owner will be bound by the conditions of the statutory right of way (i.e. if the Town can require the encroaching deck to be removed to repair the sewer line after the land is sold). Staff are recommending that the Province develop a solution for this issue that doesn't create an additional burden for the Town.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

N/A

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The Crown Referral was referred internally to the Building and Infrastructure Services Departments. Infrastructure Services noted the impact of the encroachment over the Town's sewer right of way described above.

**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 recommendations.***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENT:**

- A. Crown Referral 148786797 Package





# Crown Land Tenure Application

Tracking Number: 100366173

## Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Individual  
Are you the Individual this application will be issued to? Yes

## REFERRAL / PUBLIC COMMENT CONTACT INFORMATION

Company / Organization: Herold Engineering Limited  
Contact Name: Mike Herold  
Contact Address: 3701 Shenton Rd, Nanaimo BC V9V 1T2  
Contact Phone: 250-741-6523  
Contact Email: mherold@heroldengineering.com

## APPLICANT CONTACT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: Pamela Anderson  
Phone: - redacted -  
Daytime Phone: - redacted -  
Fax: - redacted -  
Email: - redacted -  
Mailing Address: - redacted -

## ELIGIBILITY

Question	Answer	Warning
----------	--------	---------

Do all applicants and co-applicants meet the eligibility criteria for the appropriate category as listed below?	Yes	
---	-----	--

Applicants and/or co-applicants who are Individuals must:

1. Be 19 years of age or older and
2. Must be Canadian Citizens or permanent residents of Canada (Except if you are applying for an aquatic tenure adjacent to privately owned upland)

Applicants and/or co-applicants who are Organizations must either:

1. Be incorporated or registered in British Columbia (Corporations also include registered partnerships, cooperatives, and non-profit societies which are formed under the relevant Provincial statutes) or
2. First Nations who can apply through Band corporations or Indian Band and Tribal Councils (Band or Tribal Councils require a Band Council Resolution).

## TECHNICAL INFORMATION

Please provide us with the following general information about you and your application:

### EXISTING TENURE DETAILS

Do you hold another Crown Land Tenure? No

## ALL SEASONS RESORTS

The All Seasons Resorts Program serves to support the development of Alpine Ski and non-ski resorts on Crown land. For more detailed information on this program, please see the operational policy. If you have further questions, please contact FrontCounter BC.

Are you applying within an alpine ski resort? No

#### WHAT IS YOUR INTENDED USE OF CROWN LAND?

Use the "Add Purpose" button to select a proposed land use from the drop down menu.

In some situations, such as short-term, low-impact use of Crown land or docks/moorage that meet specific criteria, Crown land use is allowed without needing to apply for authorization. Some examples are uses listed within the Land Use Policy - Permissions and, for docks/moorage, within the Private Moorage policy.

For all application types, you should review the Land Use Policy that describes your intended use of Crown land to determine if your activity is permissible under the Land Act.

Purpose	Tenure	Period
Residential Urban Residential	Sale	More than thirty years

#### ACCESS TO CROWN LAND

Please describe how you plan to access your proposed crown land from the closest public road: Access through my upland property down to the foreshore using existing gravel driveways on my property and a pedestrian gravel walkway down to the existing building

#### RESIDENTIAL

Please contact FrontCounter BC before you apply as Crown land for residential use is limited.

Specific Purpose: Urban Residential  
Period: More than thirty years  
Tenure: Sale

#### TOTAL APPLICATION AREA

Please give us some information on the size of the area you are applying for.

Please specify the area: .009 hectares

#### PROJECT DETAILS

Are you applying to purchase your existing lease or licence? No  
Are you applying for a parcel of land so that you can construct a Thermal Loop (part of a system for heating or cooling a residence)? No  
Are you applying to build a seawall, retaining wall, or similar structure? No

#### IMPORTANT CONSIDERATIONS

Do you, or someone you live with hold an existing Residential Tenure? No  
Are you applying to purchase a tenured residential lot (a lot for which your immediate family presently pay a rental fee to the government)? No  
Are you applying for a parcel of land on a small island (less than 64.75 Ha in size)? No  
Are you applying for a parcel of land in a remote area, which you intend to use as residence? No

Are you applying for a parcel of land, at least partially covered by water, where you intend to place a Float Home? No

Are you applying to build a septic field? No

#### ADDITIONAL QUESTIONS

In many cases, you might require other authorizations or permits in order to complete your project. In order to make that determination and point you in the right direction, please answer the questions below. In addition, your application may be referred to other agencies for comments.

Is the Applicant or any Co-Applicant or their Spouse(s) an employee of the Provincial Government of British Columbia? No

Are you planning to cut timber on the Crown Land you are applying for? No

Are you planning to use an open fire to burn timber or other materials? No

Do you want to transport heavy equipment or materials on an existing forest road? No

Are you planning to work in or around water? No

Does your operation fall within a park area? No

#### LOCATION INFORMATION

#### LAND DETAILS

#### DRAWINGS

Please provide information on the location and shape of your Crown land application area. You can use one or more of the tools provided.

☒ I will upload a PDF, JPG or other digital file(s)

#### MAP FILES

Your PDF, JPG or other digital file must show your application area in relation to nearby communities, highways, railways or other land marks.

Description	Filename	Purpose
Appraisal Foreshore Consolidation	CR21-17303 (303 Chemainus R...	Residential
Map	Anderson Map.pdf	Residential

#### ATTACHED DOCUMENTS

Document Type	Description	Filename
General Location Map	General Location	BOATHOUSEABOVE_001.tif



General Location Map	General Location	BOATHOUSEABOVE_002.tif
Management Plan	Management Plan	Management Plan 2021.12.21.pdf
Other	Letter of Agency	Letter of Agency.pdf
Site Plan	Site Plan	5483-001 SITE PLAN 2021.12....

#### PRIVACY DECLARATION

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

#### APPLICATION AND ASSOCIATED FEES

Item	Amount	Taxes	Total	Outstanding Balance
Crown Land Tenure Application Fee	\$250.00	GST @ 5%: \$12.50	\$262.50	\$0.00

#### OFFICE

Office to submit application to: Nanaimo

#### PROJECT INFORMATION


Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? No

OFFICE USE ONLY		
Office Nanaimo	File Number 1415267	Project Number 625822
	Disposition ID 943836	Client Number 218741

# Site General Map

File 1415267

## Legend

 303 Chemainus Rd

Ladysmith

303 Chemainus Rd

Davis Rd

Dogwood Dr

Google Earth

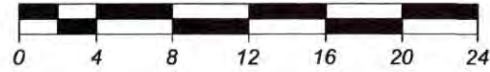
800m





# SITE PLAN SHOWING PROPOSED FORESHORE LOT WITHIN PART OF DISTRICT LOT 462, COWICHAN DISTRICT.

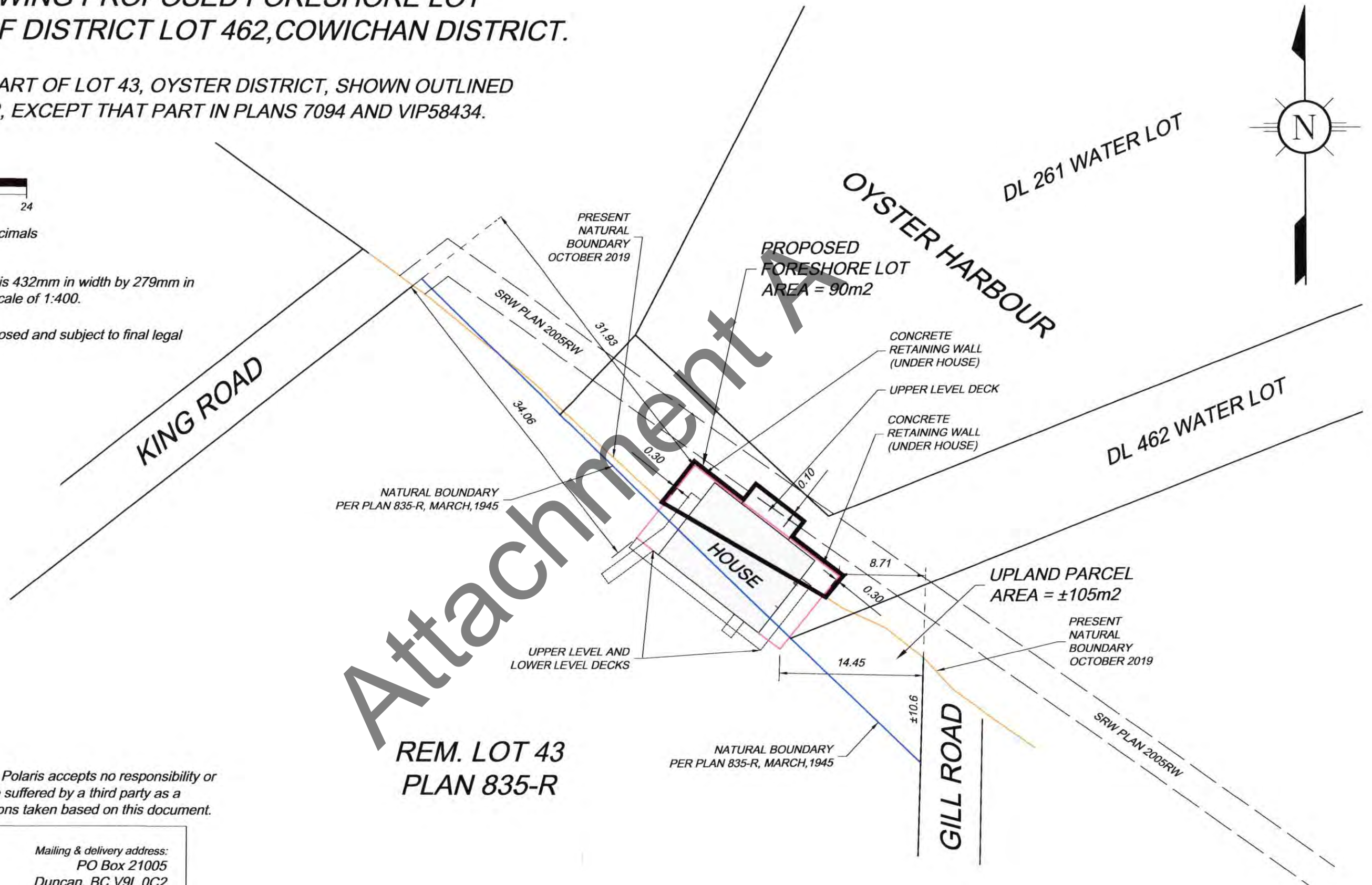
ADJACENT TO THAT PART OF LOT 43, OYSTER DISTRICT, SHOWN OUTLINED  
IN RED ON PLAN 835-R, EXCEPT THAT PART IN PLANS 7094 AND VIP58434.



All distances are in metres and decimals  
thereof, unless otherwise noted.

The intended plot size of this plan is 432mm in width by 279mm in  
height (B-size) when plotted at a scale of 1:400.

All dimensions and areas are proposed and subject to final legal  
survey.



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liability for any damages that may be suffered by a third party as a  
result of any decisions made, or actions taken based on this document.



**POLARIS**  
Land Surveying Inc.

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Duncan, BC V9L 0C2

Toll Free: (877) 603 7398  
Duncan Telephone: (250) 746 0775  
info@plsi.ca  
www.plsi.ca

Date: November 30, 2021  
File: 1682-02  
Drawing: 1682-MS-SITE-4  
Layout: B-Landscape



SITE PLAN SHOWING AREA OF FILLED FORESHORE  
WITHIN PART OF DISTRICT LOT 462, COWICHAN DISTRICT.

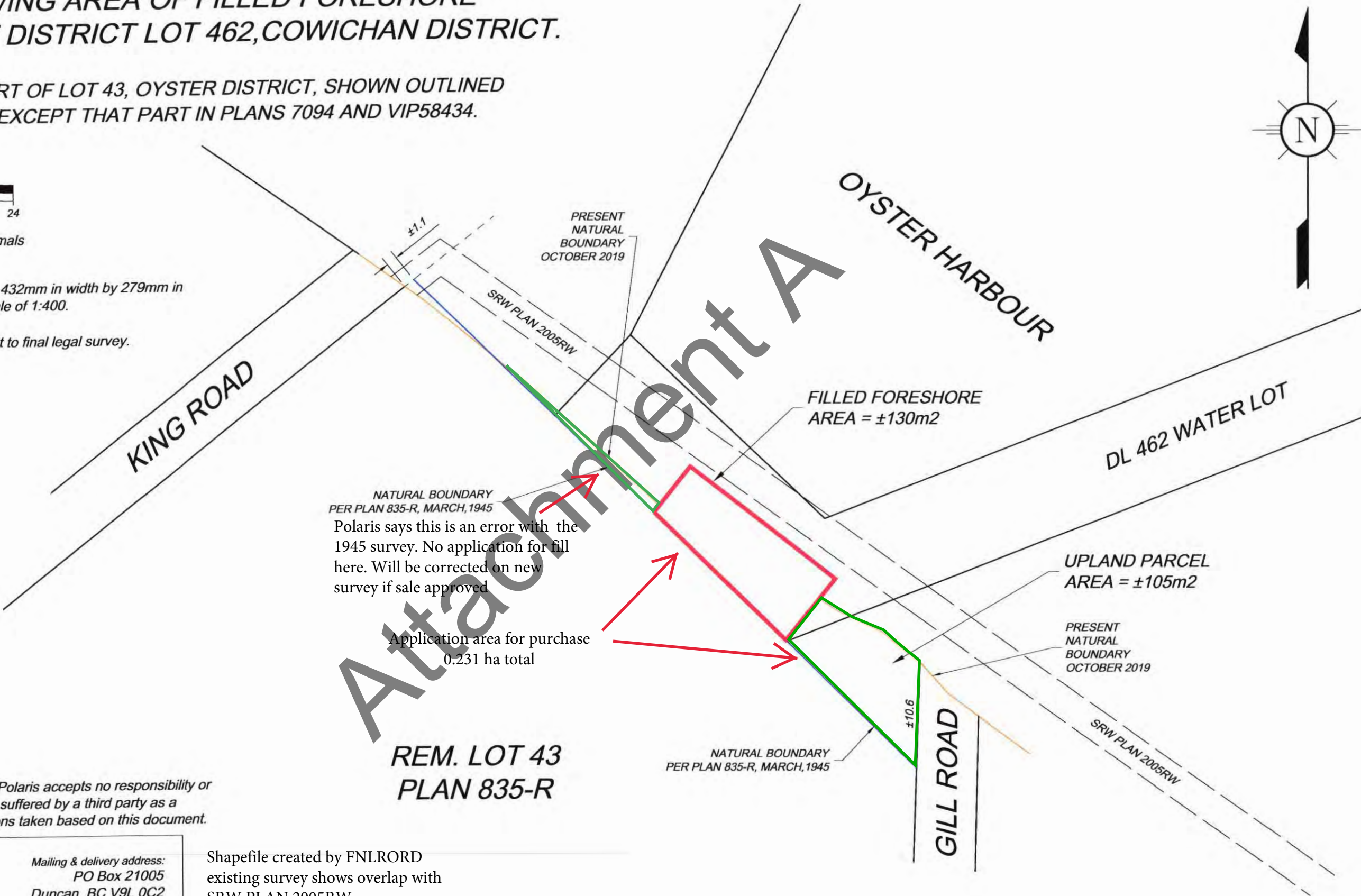
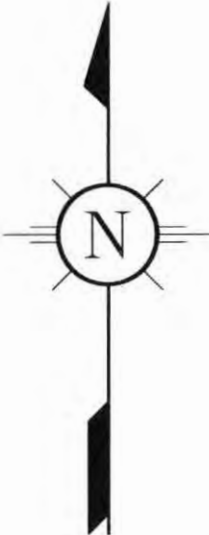
ADJACENT TO THAT PART OF LOT 43, OYSTER DISTRICT, SHOWN OUTLINED  
IN RED ON PLAN 835-R, EXCEPT THAT PART IN PLANS 7094 AND VIP58434.



All distances are in metres and decimals thereof, unless otherwise noted.

The intended plot size of this plan is 432mm in width by 279mm in height (B-size) when plotted at a scale of 1:400.

All dimensions and areas are subject to final legal survey.



NATURAL BOUNDARY  
PER PLAN 835-R, MARCH, 1945

Polaris says this is an error with the 1945 survey. No application for fill here. Will be corrected on new survey if sale approved

Application area for purchase  
0.231 ha total

REM. LOT 43  
PLAN 835-R

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www.plsi.ca

Shapefile created by FNLROD  
existing survey shows overlap with  
SRW PLAN 2005RW

Date: December 17, 2021  
File: 1682-02  
Drawing: 1682-MS-SITE-4  
Layout: B-Landscape (Filled Foreshore)



# Management Plan

Please describe the details of your project to the extent known. Consult the guidance document for further information on regulatory requirements, rationale for why the information is required, and how to find required information.

The scope and the timing for response will be provided. If information is requested and not received, it may result in the disallowance of the application.

Information on these topics may be required as part of the application processing and if further detail is necessary that is not part of the application and management plan received, you will be contacted and requested to provide additional information. In some circumstances, the use of a qualified professional to complete the plan may be required.

If you need more space in any section please attach additional detail to this document and reference the pertinent section.

## 1.0 Background

### 1.1 Project Overview

Describe the intended use for which authorization is requested, including construction and/or phased development details:

Attachment A

## 1.2 Investigative Work

If any preliminary investigative work has been carried out, with or without an investigative authorization, provide details on work completed, incomplete or on-going from previous term. Please provide comments on any archaeological work, new technology or any First Nations agreements undertaken.

Activity	Brief Description of Activity	Status (e.g. Complete, incomplete, ongoing)	Comments/ Milestones
----------	-------------------------------	---	----------------------

## 1.3 First Nations Consultation

Describe any contact you may have had, including the name of the First Nation(s) and representatives contacted including a description of any discussion of potential adverse effects from the proposed activity and any discussed mitigation measures.

## 2.0 Location

### 2.1 Description

Provide a general description of the location of the project. Include activities such as traffic patterns and volume; parking; drilling and sampling etc.

Attachment A

## 2.2 Location Justification

Provide your reasons/justification of the need for this type of project at this location. For example, is the activity close to a main highway for truck access purposes; or adjacent to other examples of this use - ie. is the proposed marina close to an existing marina

## 2.3 Seasonal Expectations of Use

When will the Project require use of the land? Include information on key works during construction phases as well as operations phase and indicate seasons or full year activities. Please reference [reduced risk fish windows](#) as required by DFO:

Project Phase (Construction / Operations)	Brief Description of Activity / Works	Season
---	---------------------------------------	--------



## 3.0 Infrastructure and Improvements

### 3.1 Facilities and Infrastructure

Detail any new and existing facilities, infrastructure or processes proposed and any ancillary uses. Provide details of planned construction methods and materials, and construction scheduling.

Facility/Infrastructure/Process	Construction Methods/Materials	Construction Schedule
---------------------------------	--------------------------------	-----------------------

### 3.2 Access

Identify existing and proposed roads used for access and their use by season. Include any proposed connections that require either a Ministry of Transportation and Infrastructure permit for connection or use of a Forest Service Road and what type of FS road and types of vehicles expected. Include information on any road use agreements and include the volume of traffic during construction/operation and phase or season that the traffic is expected.

Roadway/Proposed Connection	Existing/Proposed	Existing Road Classification	Road Permittee Information and Road Use Agreements	Traffic Volume		Mitigation of Traffic Effects
				Construction Phase	Operations Phase	

### 3.3 Utility Requirements and Sources

Describe utility requirements and sources, include agreements in place or underway allowing access to utilities. Utilities include power generation, electrical or gas transmission or distribution lines, telecommunications.

### 3.4 Water Supply

Identify water requirements for construction and operation phases (e.g. surface water and/or groundwater), including sources, location, volume and a general description of infrastructure planned to meet water supply requirements, include any agreements outside of Water Act Authorizations, such as Municipal water supply.

Project Phase Construction/ Operation	Water Requirement (e.g. Surface water or ground water, etc)	Source/location	Volume	Infrastructure Description	Agreements
--	---	-----------------	--------	----------------------------	------------

### 3.5 Waste Collection Treatment and Disposal

Identify any waste disposal (note septic system required), sewage, sanitation facilities and refuse disposal proposed. Include agreements in place or underway such as Health Regional Board Sewage Disposal Permits etc.

Project Phase (Construction/ Operation)	Is there a water requirement (e.g. Surface water or ground water, etc)	Discharge distance to closest body of water (well, lake, etc.)	Volume of daily discharge	Infrastructure Description	Existing Agreements
--	--	---	---------------------------	----------------------------	---------------------

### 3.6 FireSmart

Identify any proposed actions to incorporate FireSmart best practices in the tenure area. For more information visit [www.FireSmartBC.ca](http://www.FireSmartBC.ca)

## 4.0 Environmental

Describe any significant impacts and proposed mitigation for the following environmental classes:

### 4.1 Land Impacts

#### 4.1.1 Vegetation Removal

Is any timber removal required?

Yes ☐ No

Are any areas of vegetation to be cleared, outside of timber removal?

Yes ☐ No

#### 4.1.2 Soil Disturbance

Will there be any areas of soil disturbance, including clearing, grubbing, excavation and levelling?

Yes ☐ No

Is the area to be excavated a Brownfield site or has the potential to be contaminated?

Yes ☐ No

Is there potential for disturbance of archaeological, paleontological fossils or historical artifacts?

Yes ☐ No

#### 4.1.3 Riparian Encroachment

Will any works be completed within or adjacent to the riparian zone of any water body? If your project is within 30 meters of a watercourse and you intend to: disturb soil, remove plants, construct, install works for flood protection, develop drainage systems or service sewer or water systems the Riparian Areas Regulation may affect your development.

Yes ☐ No

#### 4.1.4 Pesticides and Herbicides

Will there be any use of pesticides or herbicides during construction, operations and/or maintenance?

Yes ☐ No



#### 4.1.5 Visual Impacts

Will there be any adverse effects of the projects, and any potential adverse effects on sight lines to the project area from surrounding areas likely to be used for scenic viewing by residents or other users?

Yes      No

#### 4.1.6 Archaeological Sites

Are there any known or high potential (Arch Procedure) archaeological sites within the project area?

Yes      No

Have you conducted an AIA or engaged an archaeologist to assist with your investigations?

Yes      No

#### 4.1.7 Construction Methods and Materials

Identify the types of construction materials, the methods used, their impacts, and any mitigations:

Construction Material/Method	Impacts	Mitigations
------------------------------	---------	-------------

#### 4.2 Atmospheric Impacts

##### 4.2.1 Sound, Odour, Gas or Fuel Emissions

Will the project construction or operation cause any of the following to disturb wildlife or nearby residents:

Sound?      Yes      No

Odour?      Yes      No

Gas?      Yes      No

Fuel Emissions?      Yes      No

#### 4.3 Aquatic Lands

##### 4.3.1 Drainage Effects

Will the project result in changes to land drainage?

Yes      No

### 4.3.2 Public Access

Will the project result in changes to public access?

Yes      No

### 4.3.3 Flood Potential

Will the project result in a potential for flooding?

Yes      No

## 4.4 Fish and Wildlife Habitat

### 4.4.1 Disturbance to Fish/Wildlife and Fish/Wildlife Habitat

Will the project result in adverse effects to wildlife or wildlife habitat?

[\(BC Wildlife Act\)](#)

Yes      No

Will the project (construction or operations phase) occur in and around streams, lakes, estuarine or marine environments?

Yes      No

Is the project (construction or operations phase) likely to increase erosion or sedimentation?

Yes      No

Will the project (construction or operations phase) require water diversion?

Yes      No

Will the project threaten or endanger species at risk in the area?

[Species At Risk Act](#)

Yes      No

## 5.0 Socio-Community

### 5.1 Land Use

Describe the current community setting or any locally known use areas on or near the project area.

#### 5.1.1 Land Management Plans and Regional Growth Strategies

Are there any land and resource management plans, coastal plans, provincial, regional growth strategies or local government plans with zoning, or management policies or use restrictions in place that could limit or preclude your proposed use of the land? *(Please refer to the [Union of BC Municipalities \(UBCM\)](#), and check the websites of the municipality, regional district or other organization with jurisdiction including your project area.)*

Yes

No

### 5.2 Socio-Community Conditions

#### 5.2.1 Adjacent Users or Communities

Is the project likely to restrict public access, or the ability, or the ability of adjacent land owners or tenure holder to access their property or tenures?

Yes

No

#### 5.2.2 Existing Services

Provide a description any increased demand on fire protection and other health facilities and emergency services arising from your Project, including proposed management or mitigation measures.

END OF FORM

Attachment A











## STAFF REPORT TO COUNCIL

**Report Prepared By:** Jake Belobaba, Director of Development Services  
**Reviewed By:** Allison McCarrick CAO  
**Meeting Date:** September 6, 2022  
**File No:** 5400-06 and 3900-20  
**Re:** "Road Closure and Dedication Removal Bylaw 2022, No. 2120" - Proposed Closure of Lane Separating 621 & 631 1st Avenue to Vehicle Traffic

**RECOMMENDATION:**

That Council:

1. Give first, second and third readings to "Road Closure and Dedication Removal Bylaw 2022, No. 2120";
2. Direct staff to:
  - a. provide notice to the public of Council's intention to adopt Bylaw No. 2120 pursuant to sections 40(3)(a) and 94 of the *Community Charter*,
  - b. provide notice of Council's intention to adopt Bylaw No. 2120 to:
    - i. BC Hydro
    - ii. Fortis
    - iii. Shaw
    - iv. TELUS; and
  - c. refer Bylaw No. 2120 to the Ministry of Transportation and Infrastructure pursuant to section 41(3) of the *Community Charter*.

**EXECUTIVE SUMMARY:**

The Royal Canadian Legion is seeking to construct an outdoor patio in the lane separating their building at 621 1<sup>st</sup> Avenue from the building at 631 1<sup>st</sup> Avenue. In order to obtain a sidewalk patio permit, use of the lane must first be limited to pedestrian traffic. The Legion has submitted a request to have a portion of the lane closed to vehicle traffic (Attachment B).

**PREVIOUS COUNCIL DIRECTION:**

Resolution	Meeting Date	Resolution Details
CS 2020-291	2020-10-06	That Council give first three readings to "Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #8, 2020, No. 2054" allowing the Director of Development Services to issue permits authorizing sidewalk patios between October 31st and March 1st .
CS 2020-206	2020-07-07	That Council give first three readings to "Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #8, 2020, No. 2042" to clarify regulations for sidewalk patios and "parklets".
CS 2020-185	2020-06-16	That Council give first, second and third reading to Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #7, 2020, No. 2041 to eliminate fees for sidewalk patios and to create an exemption to the requirement for a permit for small sidewalk patios and retail displays.

Resolution	Meeting Date	Resolution Details
CS 2020-165	2020-06-02	<p>FINAL RESOLUTION AS AMENDED BY CS 2020-166</p> <p>That Council direct staff to initiate the following change to bylaws that regulate sidewalk patios, retail displays and parklets:</p> <ol style="list-style-type: none"> <li>1. Eliminate the application fee or “rent” for sidewalk patios, retail displays and parklets; and</li> <li>2. Allow 1-2 dining sets, racks or displays without a permit, provided they are placed in accordance with Town bylaw regulations and Provincial Health regulations.</li> </ol>

### **INTRODUCTION/BACKGROUND:**

The Legion is seeking to construct an elevated patio in a portion of the lane abutting their building at 621 1st Avenue (see Figure 1). Although the lane does not connect to 1st Avenue, it is still open to vehicle traffic. Town of Ladysmith “Streets and Traffic Bylaw 1998, No. 1309” limits areas eligible for sidewalk patios to parking spaces and areas defined and dedicated exclusively for pedestrian use (e.g. sidewalks). Subsequently, staff are unable to issue a sidewalk patio permit in the lane unless it is first closed to vehicle traffic.

*Figure 1: Area of Lane to be closed*



### **PROPOSAL:**

The Legion intends to seek funding for the design and construction of an elevated, removable patio area to be used as an extension of their existing lounge and event space. “Road Closure and Dedication Removal Bylaw 2022, No. 2120” would close the portion of the lane abutting the Legion to vehicle traffic but would not remove the road dedication from this area. Once closed to vehicle traffic, the lane area will meet the definition of an area designated exclusively for pedestrian use, and staff will be able to issue a sidewalk patio permit for a future patio proposal. Designs of the proposed patio have not yet been submitted; however, a complete design review will occur when an application is made and the proposal must be consistent with the sidewalk patio guidelines.

### **ANALYSIS:**

This portion of the lane dead-ends at 1<sup>st</sup> Avenue and is not needed for through traffic. Although vehicles occasionally park in the lane, ample parking exists nearby and the lack of through connections makes this area unsuitable as a vehicle parking area. None of the surrounding buildings need this portion of the lane for loading and the Legion is the only building with doors that access this area.

There is existing infrastructure in the lane, including underground utilities and an overhead electrical service. Utility companies will be notified of the proposed lane closure and again when the sidewalk patio application is submitted. Any future construction will be required to be designed so as not to



interfere with the operation or maintenance of infrastructure. This likely means the patio will be designed to allow it to be easily removed if necessary.

Bylaw No. 2120 only closes a portion of the lane to vehicle traffic. The lane will remain as dedicated road and can be reopened to vehicle traffic at any time. Advancing the bylaw for further consideration allows the Town to determine if adjacent property owners or utilities will be affected by the proposed closure. If Bylaw No. 2120 is approved, the Legion will have the reasonable assurances needed to seek funding and undertake the design process for their proposed patio. The lane is currently underutilized, and a sidewalk patio constructed in accordance with the Town's newly improved guidelines can be expected to be an improvement for the area.

For the above reasons staff recommend approving Bylaw No. 2120 as proposed.

#### **ALTERNATIVES:**

Council can choose to:

1. Not give readings to "Road Closure and Dedication Removal Bylaw 2022, No. 2120".
2. Amend "Road Closure and Dedication Removal Bylaw 2022, No. 2120" and give the bylaw first, second and third readings as amended.
3. Refer "Road Closure and Dedication Removal Bylaw 2022, No. 2120" back to staff for further review as specified by Council.

#### **FINANCIAL IMPLICATIONS:**

Fees are no longer collected for sidewalk patios (see resolutions CS 2020-165 & CS 2020-185). If Bylaw No. 2120 is approved and the Legion is issued a sidewalk patio permit no revenues will be collected. If a future sidewalk patio must be moved (e.g. to repair infrastructure) removal will be at the cost of the Legion.

#### **LEGAL IMPLICATIONS:**

Under section 41(3) of the *Community Charter*, approval from the Ministry of Transportation and Infrastructure is required prior to adoption of Bylaw No. 2120. Utility operators with infrastructure that may be affected by the road closure must also be notified. Staff will refer the bylaw to the Ministry and utility providers following third reading.

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

Under section 40(3) of the *Community Charter* the Town must give notice of its intention to close the road to vehicle traffic and provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council.

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

Bylaw No. 2120 and the future sidewalk patio has been discussed with Infrastructure Services and the Building Inspection Department. No issues have been identified at this stage and once an application for a sidewalk patio is received, the application will be referred to, and reviewed by, affected departments prior to approval.

#### **ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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

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

- ☒ Local Food Systems
- ☐ Local, Diverse Economy

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- ☐ Infrastructure
- ☒ Community
- ☐ Waterfront

- ☐ Economy
- ☐ Not Applicable

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

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENTS:**

- A. Bylaw No. 2120
- B. Letter from the Legion Requesting Lane Closure

**TOWN OF LADYSMITH**

**BYLAW NO. 2120**

**A Bylaw to Close a Portion of a Highway to Vehicle Traffic**

---

WHEREAS the purpose of this Bylaw is to close to vehicle traffic that part of land shown in heavy outline on Schedule A pursuant to section 40(1)(a) of the *Community Charter*.

AND WHEREAS in accordance with sections 40(3) and (4), and 94 of the *Community Charter*, the Town of Ladysmith has published notice of its intention to adopt this Bylaw, has delivered notice to the operators of utilities whose transmission or distribution facilities or works Council considers will be affected, and has provided an opportunity for persons who consider they are affected to make representations to Council.

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

1. That portion of road shown in red in Schedule A, is closed to vehicle traffic.
2. The Mayor and Corporate Officer are hereby authorized to execute all necessary documents as may be required to carry out the purpose of this bylaw.

Citation

3. This Bylaw may be cited as "Road Closure and Dedication Removal Bylaw 2022, No. 2120".

**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

**Notice of intention** to proceed with this bylaw was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2022 on the Town of Ladysmith website and on the \_\_\_\_\_ day of \_\_\_\_\_, in the Ladysmith Chronicle newspaper, circulating in the Town of Ladysmith, pursuant to section 94 of the *Community Charter*.

**APPROVED BY MINISTRY OF TRANSPORTATION**

**& INFRASTRUCTURE** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

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

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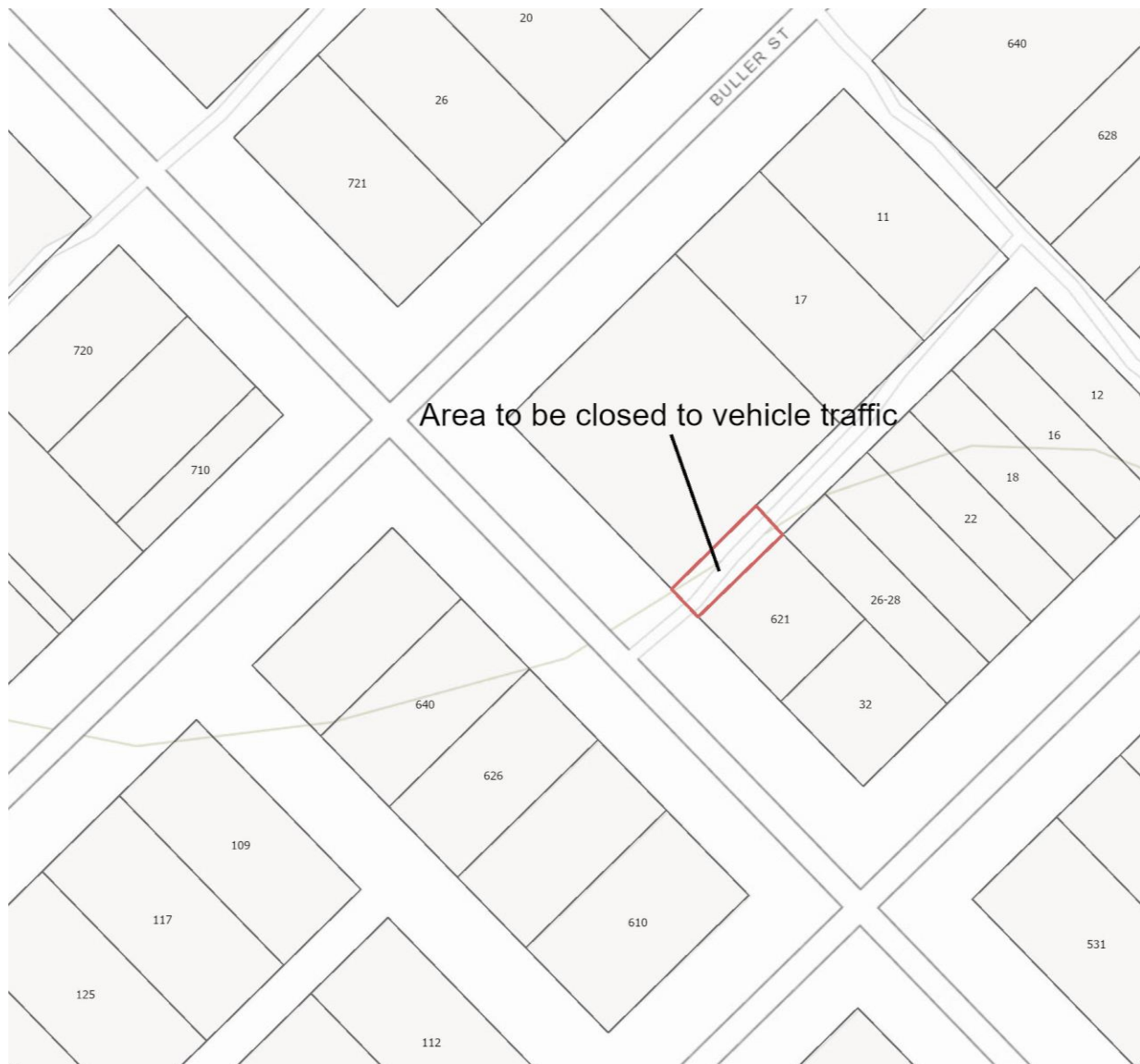
Mayor (A. Stone)

---

Corporate Officer (D. Smith)



**SCHEDULE "A"**  
**ROAD CLOSURE PLAN**



Dear Mayor and Council of the Town of Ladysmith,

Thanks for taking the time to review and consider this request.

Our Legion is working on expanding our offerings and inviting more of our community to be part of our contribution to our cozy town.

We are hoping to develop the north side of our building to house a closed in patio. In order to do this we have spoken to Jake Belobaba, and with his suggestion I am submitting this letter.

Our request to have the portion of the lane between 631 1<sup>st</sup> avenue and our building (621 1<sup>st</sup> Avenue) to be closed to vehicle traffic. This would be the first step in potentially getting a closed in patio and allowing more members of our community to be able to enjoy the outdoors.

We appreciate you time and look forward to hearing from you.

Respectfully,

Diane West: Office Administrator  
For  
President Darlene Paulson  
The Legion branch 171  
250-245-2273

**STAFF REPORT TO COUNCIL**

**Report Prepared By:** Jake Belobaba, Director of Development Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** September 6, 2022  
**File No:** 3360-21-08  
**Re:** “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” (Lot 5 Holland Creek)

---

**RECOMMENDATION:**

That Council:

1. Rescind second reading of “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106” and give the bylaw second reading as amended;
2. Rescind second reading of “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.48) 2022, No. 2107” and give the bylaw second reading as amended;
3. Require that the applicant, in addition to the conditions of approval of Bylaw Nos. 2106 and 2107 specified in Council Resolution CS 2022-095, at their cost, secure the following conditions through one or more restrictive covenants following third reading and prior to adoption of Bylaw Nos. 2106 and 2107:
  - a. All construction on the subject property to be constructed to “Step 2” of the BC Energy Step Code; and
  - b. Grant the Town an option to purchase the portion of the red-listed ecosystem occurrence on the property located outside of the area to be dedicated as park, as shown in the September 6, 2022 report to Council; and
4. Direct staff to schedule a second Public Hearing for Bylaw Nos. 2106 and 2107 pursuant to section 464 of the *Local Government Act*.

**EXECUTIVE SUMMARY:**

Pursuant to Council Resolution CS 2022-189, staff have discussed Council’s direction with the developer. The developer has agreed to the proposed zoning changes, the requirements to meet or exceed Step 2 of the BC Energy Step Code and an “option to purchase” where the Town can purchase the portion of the red-listed ecosystem that is not included in the proposed



park dedication prior to development. The proposed changes are shown on the amended versions of “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” included as Attachments A and B.

#### **PREVIOUS COUNCIL DIRECTION:**

<b>Resolution</b>	<b>Meeting Date</b>	<b>Resolution Details</b>
CS 2022-188	2022-08-02	<p>That Council approve the agenda for this Public Hearing and Regular Meeting of Council for August 2, 2022 as amended to include the following:</p> <ul style="list-style-type: none"> <li>• Item 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”</li> </ul> <p>Add a public submission received after publication of the agenda.</p>
CS 2022-189	2022-08-02	<p>That Council postpone third readings of “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”, until staff meet with the proponent to negotiate the following requirements and report back to Council:</p> <ol style="list-style-type: none"> <li>1. Allow duplexes on the subject property in areas zoned R-1-B</li> <li>2. Require commercial uses on all C-1 zoned lots;</li> <li>3. Engage and negotiate with the developer for the acquisition and/or protection of the red-listed Douglas-fir/Arbutus ecosystem as park; and</li> <li>4. Ensure that all construction on the subject property meets Step Code 2 or higher</li> </ol>
CS 2022-095	2022-04-19	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Having considered section 475 of the Local Government Act, and in particular the matters set out in subsections (2)(a) and (b), resolve that: <ol style="list-style-type: none"> <li>a. the Stz’uminus First Nation is the only entity that is appropriate to consult in connection with “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106”;</li> <li>b. consultation should be early but need not be ongoing;</li> <li>c. the consultation process described in the staff report dated April 19, 2022 is sufficient in respect to the proposed Official Community Plan amendment; and</li> <li>d. staff be directed to refer Bylaw No. 2106 to the Stz’uminus First Nation as set out in Resolution 1(a) for consultation in the manner described in the April 19, 2022 staff report to Council</li> </ol> </li> <li>2. Give first and second readings to “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106”;</li> <li>3. Consider Bylaw No. 2106 in conjunction with the Financial Plan, Housing Needs Report, Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to sections 473(2.1) and 477(3) of the Local Government Act;</li> <li>4. Direct staff to refer Bylaw No. 2106 to School District 68 pursuant to section 476 of the Local Government Act;</li> <li>5. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.48) 2022, No. 2107”;</li> <li>6. Require the applicant as a condition of approval of Bylaw Nos. 2106 and 2107 to, at their cost, secure the following conditions through one or more restrictive covenants following third reading and prior to adoption of Bylaw Nos. 2106 and 2107: <ol style="list-style-type: none"> <li>a. the developer, at time of subdivision or building permit approval, to provide a bond for a period of five years for the removal of invasive plants introduced by</li> </ol> </li> </ol>

Resolution	Meeting Date	Resolution Details
		<p>construction activities;</p> <p>b. vegetation clearing to be completed outside the bird nesting period from March 1 to August 31;</p> <p>c. prior to subdivision or development the developer to submit a construction erosion and sediment control plan and stormwater management plan prepared by a qualified engineer and consistent with 'Stormwater Planning: A Guidebook For British Columbia';</p> <p>d. prohibiting clearing of native vegetation and requiring park dedication at time of subdivision or development, of the area shown as 'P-3 Nature Park' in Attachment C of the April 19, 2022 staff report;</p> <p>e. prohibiting clearing of mature trees and requiring park dedication at time of subdivision or development, of the area shown as 'P-2 Park and Recreation' in Attachment C of the April 19, 2022 report to Council;</p> <p>f. the provision of an on-street parking area adjacent to the area shown as 'P-2 Park and Recreation' in Attachment C of the April 19, 2022 staff report at time of subdivision or road dedication;</p> <p>g. prohibiting the planting or proliferation of invasive plants on the subject property;</p> <p>h. prohibiting non-native landscaping within the Arbutus Hump ESA Development Permit Area;</p> <p>i. prohibiting clearing of mature trees, outside of dedicated road right of ways, within:</p> <p>i. 20 metres of the northern property line; and</p> <p>ii. 30 metres of the eastern property line;</p> <p>unless a tree preservation plan is prepared by a qualified professional;</p> <p>j. dedicating a multi-use pathway and emergency vehicle access/egress through the subject property for the purposes of connecting lands beyond to west of the subject property;</p> <p>k. requiring a privately owned and operated stormwater, sewer and water supply system for all development above 130m geodetic elevation;</p> <p>l. requiring development of the site to adhere to the applicable requirements outlined in covenant CA6857592;</p> <p>m. requiring, upon request by the Town, the developer to provide a 4,200 square meter portion of fee-simple land for a water reservoir, within the area described in the April 19, 2022 staff report;</p> <p>m. requiring development on site to adhere to the recommendations of the Wildfire Hazard Assessment, in Attachment D of the April 19, 2022 report to Council; and</p> <p>7. Direct staff to schedule a Public Hearing for Bylaw Nos. 2106 and 2107, 30 days after the applicant has held a neighbourhood information meeting pursuant to section 7(a) of "Town of Ladysmith Development Procedures Bylaw 2008, No. 1667" and section 464 of the Local Government Act</p>

### **INTRODUCTION/BACKGROUND:**

Council first considered the proposed OCP/Zoning amendments at its Regular Meeting held April 19, 2022. The subject property and development proposal are described in detail in the corresponding staff report. A neighbourhood information meeting was held on June 23, 2022 and a Public Hearing was held on August 2, 2022. Following the Public Hearing Council directed that the application be referred back to staff and the applicant to discuss:

*Figure 1: Additional area for purchase and amended zoning*



1. Changing the proposed zoning to allow duplexes on the subject property in areas proposed to be zoned R-1-B;
2. Changing the proposed zoning to require commercial uses on all C-1 zoned lots;
3. The acquisition and/or protection of the portion of the red-listed Douglas-fir/Arbutus ecosystem that was not designated in the proposal as park (shown in green crosshatching in Figure 1); and
4. A condition that all construction on the subject property meets Step 2 or higher of the BC Energy Step Code.

Staff met with the developer following Council's decision. The developer agreed to the zoning changes and condition to build to Step 2 of the Step Code. For the parkland acquisition, the developer indicated they are willing to sell the additional red-listed area, but expressed concern about the time required to negotiate a purchase price (which would require 1-3 months to complete appraisals). Additionally, if the appraised value were to exceed monies available in the Town's Park/Property Acquisition funds, an immediate sale condition may mean the Town would be unable to purchase the additional red-listed area.

Fortunately, the developer's time horizon for developing the additional red-listed area is 3-5 years, creating a mutually beneficial purchase timeframe that expands options for the Town's acquisition and allows the developer to obtain final approval within the next 1-3 months. With this in mind, staff and the developer have agreed to an "option to purchase" condition, described below.



## **PROPOSAL:**

### *Changes to the proposed zoning: Duplexes, Multi-Unit and Density Transfer*

Bylaw No. 2107 (Attachment B) has been amended to effectively create a “hybrid zone” through site-specific changes to the R-1-C zone. The proposed changes allow the residential portion of the “lower bench” area to be developed as R-1-B, R-1-C, or R-3-A (which allows duplexes, townhouse and multi-family uses) or a combination thereof.

A “density transfer” regulation (which is technically a density benefit regulation pursuant to section 482 of the *Local Government Act*) has been added to allow more units on the residential portion of the lower bench if the entire red-listed area is protected (i.e. units can be “transferred” out of the red listed area). The proposed changes allow a maximum of lot/unit count (excluding secondary suites and coach houses) of 200 on the lower bench if the entire red-listed area is dedicated as park. If only a portion of the red-listed area is dedicated the max lot/unit count is 125. These unit limits are based on the original proposal, with slight increases to provide additional flexibility.

Bylaw No. 2106 (Attachment A) has also been amended so as to apply the Multi-family DPA designation to the residential portion of the lower bench. If approved, a development permit will be required to develop multi-family units in this area. A development permit will not be required for single-family or duplex developments<sup>1</sup>.

### *Mandatory Commercial in C-1 Zone*

Bylaw No. 2107 has been amended to add a site-specific regulation that prohibits single-unit dwellings as a principal use in areas zoned C-1 but allows them as an accessory use. This means that C-1 zoned portions of the property can only have a single-family dwelling if the property also has a commercial use. Similarly, “Dwelling Unit” has been added as a site-specific, permitted accessory use, allowing dwelling units to be located above a commercial use in the C-1 zone.

### *Condition requiring Step Code 2 or higher*

The developer has agreed to construct to a minimum of Step 2 of the BC Energy Step Code and staff are recommending that this condition be secured through a restrictive covenant.

### *Acquisition/protection of additional red-listed area*

The applicant has agreed to an option to purchase, whereby the Town can purchase the additional red-listed area (show in green crosshatching in figure 1), at fair market value<sup>2</sup>, prior to, or at time of subdivision and/or development. The applicant has also agreed to a requirement that the value of the land be based on R-1 zoning, rather than the R-1-A and R-3 zoning proposed in Bylaw No. 2107. Staff believe that the Town will be able to finance the property purchase by leveraging its sizable parks and property acquisition reserves, and external funding sources. Additionally, if the developer is willing to sell the property at less than

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<sup>1</sup> Bylaw No. 2070 was adopted by Council on April 20, 2021 and amended the OCP to exempt duplexes and single-family within DPA 4 from the requirement to obtain a development permit.

<sup>2</sup> To be determined by a licensed appraiser, using generally accepted appraisal methodologies.

market value, steps can be taken to maximize the developer's eligibility for tax incentives under ecological gifts programs. Funding strategies are explained in greater detail under 'Financial Implications'

#### **DISCUSSION:**

Staff believe that Council's direction under Resolution CS 2022-189 has been met with the proposed zoning changes and covenant conditions.

The option to purchase provides the Town with the best chance of acquiring the additional red-listed area. It does not delay the developer's proposal, provides time to assess the value of the land and, if necessary, time for the Town to reallocate and/or acquire funds to cover the purchase cost.

The Town has sizable Park Acquisition reserves as well as other assets and funding powers that can be leveraged to fund the acquisition. As part of a larger red-listed ecosystem and broader protection and restoration plans already underway, a purchase of the additional red-listed area is expected to be an ideal candidate for Federal, Provincial or not-for-profit conservation funding programs. In short, a committed, holistic effort to protect Arbutus Hump will in turn position the Town to receive external funding for that purpose.

Overall, the recommended changes to the proposed zoning and OCP regulations achieve Council's desired direction for the development proposal and the recommended option to purchase will maximize the chances of the Town being able to acquire, protect and even expand a red-listed ecosystem and establish a sizable new park of major ecological, recreational and aesthetic significance. Staff recommended approving the proposal as presented in this report.

#### **ALTERNATIVES:**

Council can choose to:

1. Deny "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".
2. Give third reading to "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" as originally drafted.
3. Make further amendments to the proposed bylaw(s) and/or conditions of approval.
4. Refer the proposed bylaws back to staff and/or the applicant for further review, as specified by Council.

#### **FINANCIAL IMPLICATIONS:**

*No obligation to purchase*

The proposed option to purchase is not an *obligation* to purchase and does not create a financial liability. The Town can elect not to purchase the additional red-listed area if available funds are insufficient or for any other reason. If the Town does not exercise its option to

purchase prior to development, the option to purchase will dissolve when the additional red-listed area is developed.

#### *Value of additional red-listed area*

The additional red-listed area has not yet been appraised. To properly determine fair market value, development potential must be evaluated but also the capital costs of bringing units to market (e.g. infrastructure, earthworks, etc.). Should Council approve the proposal, staff intend to include appraisal costs in the 2023 budget so the current value of the additional red-listed area can be determined and form the basis of a funding strategy.

Zoning has a direct effect on land value (e.g. zoning that allows more units tends to increase land value and vice versa). Staff note that the proposed zoning for the additional red-listed area more than doubles the maximum permitted number of residential units compared to the existing R-1 zoning<sup>3</sup>. Council has no obligation to approve a rezoning proposal and, in theory, approving the proposed zoning increases the value of land the Town may later be purchasing with public funds.

Additionally, the density transfer option built into the proposed zoning amendments, entitles the developer to replace “lost” units if the additional red-listed area is sold by moving them to the lower bench. For the above reasons, staff are recommending that the option to purchase agreement specify that the land value must be based on the existing R-1 zoning, rather than the actual zoning (which will be R3 and R-1-A if the proposal is approved). The developer has agreed to this appraisal condition.

There is a possibility that the proposed R-3/R-1-A zoning for the additional red-listed area may result in a lower appraised value than R-1 zoning<sup>4</sup> or that the density transfer option may not be practical given project timing or site conditions. Council has the option to modify the appraisal condition (see Alternative 3) or defer consideration of the proposal to obtain a formal appraisal (see Alternative 4).

#### *Funding sources for purchase*

A number of internal and external funding sources may be available to purchase the additional red-listed area. The Town currently has substantial reserves that can only be used for parkland acquisition and additional reserves that must be used for property acquisition. These reserves fluctuate as the Town purchases and sells land and as new funds are deposited through legislated payments (e.g. parks DCC's or cash-in-lieu of parkland from subdivisions).

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<sup>3</sup> Under R-1 zoning, the additional red-listed area can be subdivided into a maximum of 52 single family lots. Under the proposed R-3/R-1-A zoning, the additional red-listed area can be developed/subdivided into a maximum of 52 multifamily units and 57 single-family lots. Note the maximum number of lot/units is not the same as the *actual* number of lots/units that can be built after infrastructure requirements and site conditions are accounted for, however the values are typically proportional.

<sup>4</sup> e.g. if the servicing costs are substantially higher, or if there is less market for the type of units proposed



Should existing Property Acquisition reserves be insufficient, staff believe these funds and additional conservation efforts that are already underway can be leveraged to secure external funding sources. The red-listed ecosystem extends beyond the boundaries of the subject property to lands to the south and is under threat from a large invasive plant infestation. As part of another rezoning proposal, staff are currently working with another developer to acquire additional lands within, and adjacent to, the red-listed ecosystem. If these efforts are successful, and the option to purchase is fulfilled, almost 100% of the red-listed ecosystem occurrence is likely to be protected parkland, and it may even be possible to expand the red-listed ecosystem occurrence by as much as 30%. These additional protection efforts increase the possibility that the Town will be eligible for external funding.

Additionally, an option to purchase allows the developer to sell the land at less than market value and there can be substantial tax benefits of doing so. Staff will work with the Town's lawyer to structure the option to purchase agreement to maximize the developer's chances of receiving tax credits under the Government of Canada's Ecological Gift Program<sup>5</sup> (or similar programs that may be available in the future).

In short, if additional funds are needed for the purchase, staff expect that with the ecological significance of the area and concerted conservation efforts already in the works, the Town will be well-positioned to secure them.

#### **LEGAL IMPLICATIONS:**

A second Public Hearing is required for two reasons: 1) Section 470(1)(b) of the *Local Government Act* requires a second public hearing because of the proposed changes to land use and density; and 2) the material change to the proposal and new information received by Council triggers a common law requirement for a second Public Hearing.

The Town's lawyer has advised that the option to purchase agreement should contain a plan prepared by a surveyor to eliminate potential ambiguity as to what lands are available for purchase and park dedication. If the proposal is given third reading, the applicant will prepare the survey plan at their cost.

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

A second public hearing is required (see 'Legal Implications'). At this time, staff do not recommend undertaking any additional public engagement.

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

See the April 19, 2022 Staff Report.

#### **INTERGOVERNMENTAL INVOLVEMENT/IMPLICATIONS:**

See the April 19, 2022 Staff Report.

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<sup>5</sup> For more information on the Ecological Gifts Program see: <https://www.canada.ca/en/environment-climate-change/services/environmental-funding/ecological-gifts-program/overview.html>

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

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

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

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENTS:**

- A. Amended version of Bylaw No. 2106
- B. Amended version of Bylaw No. 2107

## 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 2nd day of August, 2022

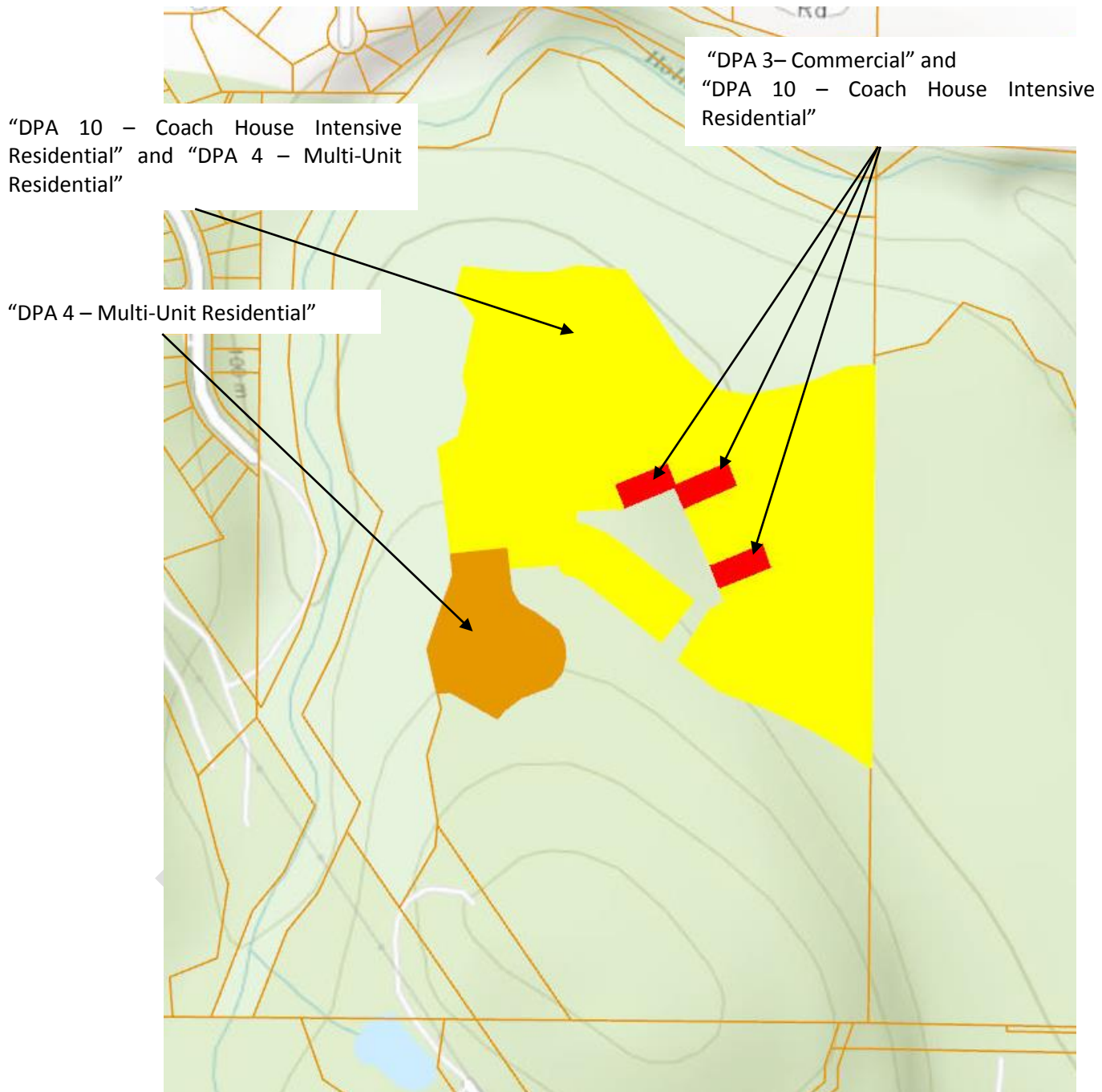
**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

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

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

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

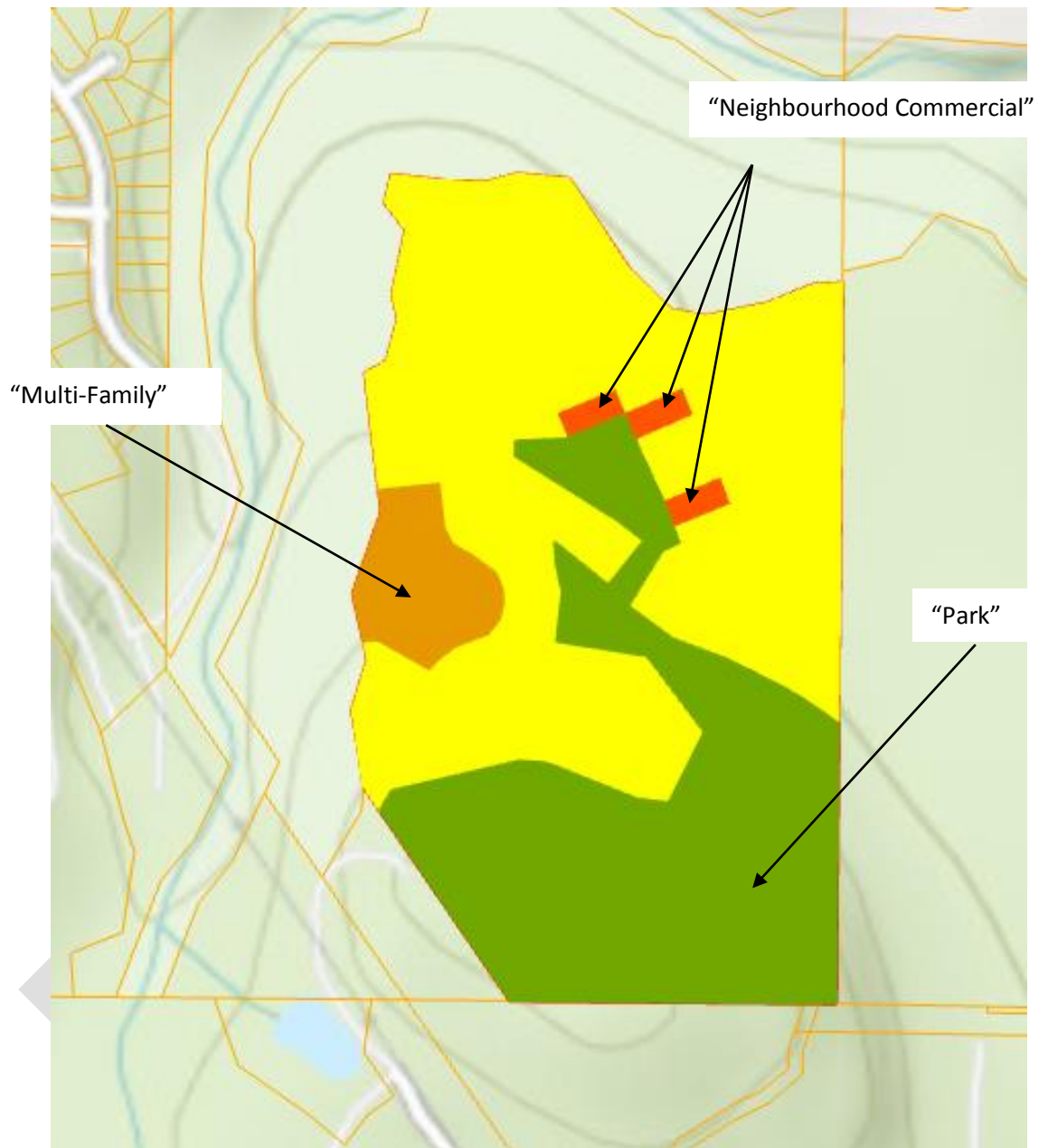
**Schedule 1**



**Schedule 2**



**Schedule 3**





TOWN OF LADYSMITH

BYLAW NO. 2107

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

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. Amend section 10.5.4(a) to read as follows:

"a) On parcels with a *Frontage* less than 12.9 meters and a *Parcel Area* less than 372 square meters, no Single Unit Dwelling shall have a Finished Floor Area that is greater than 121 square metres."

2. Amend section 10.5.5(c) to change the text in the second row of the setback table to:

<u>Parcel Line</u>	<u>Minimum Setback</u>
<u><i>Interior or Exterior Side Parcel Line</i></u>	<u>0.6 metres to one Parcel Line and 1.2 metres to</u>
<u>All other parcels</u>	<u>the other Parcel Line</u>

3. Insert as section 10.5.5 (d) the following:

"Notwithstanding subsection c), where a parcel meets the minimum *Frontage* and *Parcel Area* requirements of the R-1-B zone, the setback provisions of the R-1-B zone shall apply."  
and renumber subsequent sections accordingly.

1.4. 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) in the R-1-C Zone: when a *Parcel* is located on a *Lane*:

i. *Secondary Suite*, is a permitted *Accessory Use*, subject to Part 6, section 6.4; and

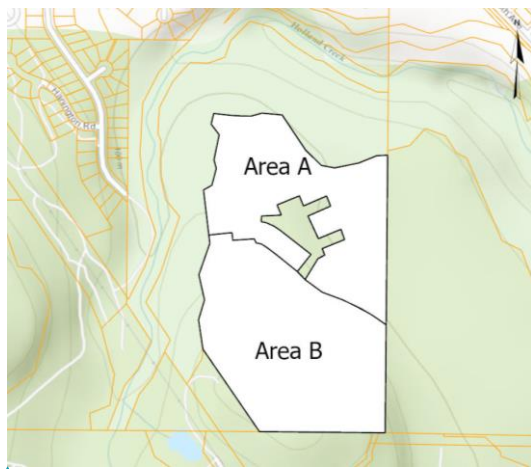
ii. *Coach House Dwelling* is a permitted *Accessory Use*, provided it is located on a *Parcel* that is 300 square metres or greater and subject to Part 6, subsections 6.5(b) and 6.5(c)".

b) for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) in the R-1-C Zone in addition to the permitted uses under sections 10.5.1 and 10.5.2, the Principal and Accessory Uses of the R-3-A zone are permitted in Area A in figure 10.5.2 and shall be subject to the regulations of the R-3-A zone.

c) for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) in the R-1-C ZoneAs as a density benefit pursuant to section 482 of the *Local Government Act* and notwithstanding sections 10.5.3(a), 10.5.7(b) and 10.11.4(c), the maximum number *Dwelling Units*, excluding *Secondary Suites* and *Coach House Dwellings*, permitted in Area A in figure 10.5.2 shall be either:

- i. 200 units, where the entire area shown as Area B in figure 10.5.2 has been provided to the Town for park dedication pursuant to section 29 or section 30 of the *Community Charter*; or
- ii. 125 units where only a portion of, or none of, the area shown as Area B in figure 10.5.2 has been provided to the Town for park dedication pursuant to section 29 or section 30 of the *Community Charter*

Figure 10.5.2: Density Benefit Area for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660)



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2.5. Add as 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)".

3.6. Add as subsections (b), (c) -and (d) 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.

c) Notwithstanding section 11.1.1(a), on Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) *Single Unit Dwelling* is not a permitted *Principal use* in the C-1 zone. -

d) In addition to the accessory uses listed in section 11.1.2, on Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660):

ii. *Dwelling Unit* is a permitted *accessory use*; and

ii. *Single Unit Dwelling* is a permitted *accessory use*.

4.7. 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) b) "Single Dwelling Residential – Small Lot B Zone (R-1-B)";~~

~~d) c) "Single Dwelling Residential – Small Lot C Zone (R-1-C)"~~

~~e) d) "Nature Park (P-3)";~~

~~f) e) "Park and Recreation (P-2)"; and~~

~~g) f) "Local Commercial (C-1)";~~

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

#### Citation

8. 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 2<sup>nd</sup> day of August, 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



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**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 2<sup>nd</sup> day of August, 2022

**READ A SECOND TIME** on the 2<sup>nd</sup> day of August, 2022

**READ A THIRD TIME** on the 2<sup>nd</sup> day of August, 2022

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

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Mayor (A. Stone)

---

Corporate Officer (D. Smith)

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

<b>Item:</b>	<b>Fee:</b>
<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><i>Public Safety Item:</i></b>	<b><i>Fee</i></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><i>Ground Burial Lots</i></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><i>Preparation &amp; Placement</i></b>	<b>Preparation &amp; Placement</b>	<b>Town approved Liner</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><i>Memorial:</i></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><i>Fees for services &amp; products</i></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**

## BYLAW NO. 2114

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. Subsection 8(a)(iv) of Section 10.11 'Low Density Residential (R-3-A)' is deleted in its entirety and replaced by the following text and graphic:
- “iv) Despite sections 10.11(1) and 10.11(4)(c), for the *Land* shown in figure 10.11.1:
- a) The maximum number of Dwelling Units permitted on that Land is 15 in total, and
  - b) The permitted Principal Uses are *Single Unit Dwelling*, *Townhouse Dwelling* and *Two Unit Dwelling*.

**FIGURE 10.11.1: AREA RESTRICTED TO 15 UNITS AND SINGLE UNIT, TOWNHOUSE AND TWO UNIT DWELLINGS**





2. Subsection 8(c) of Section 10.11 'Low Density Residential (R-3-A)' is deleted in its entirety;
3. Section 10.11 'Low Density Residential (R-3-A)' is amended by inserting as subsection 8(d) the following text and graphic:

"d) For the *Land* shown in figure 10.11.2, *Single Unit Dwelling* is a permitted *Principal Use*.

**FIGURE 10.11.2: AREA WHERE SINGLE UNIT, DWELLING IS  
A PERMITTED PRINCIPAL USE**



and

4. Renumber the subsequent section numbers and figure numbers accordingly.

**Citation**

5. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 50) 2022, No. 2114".

**READ A FIRST TIME** on the 7<sup>th</sup> day of June, 2022

**READ A SECOND TIME** on the 7<sup>th</sup> day of June, 2022

**READ A THIRD TIME** on the 7<sup>th</sup> day of June, 2022

**APPROVED BY MINISTRY OF TRANSPORTATION & INFRASTRUCTURE**

on the 9<sup>th</sup> day of August, 2022

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

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

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

**Citation**

5. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 50) 2022, No. 2114".

**READ A FIRST TIME** on the 7<sup>th</sup> day of June, 2022

**READ A SECOND TIME** on the 7<sup>th</sup> day of June, 2022

**READ A THIRD TIME** on the 7<sup>th</sup> day of June, 2022

**APPROVED BY MINISTRY OF TRANSPORTATION & INFRASTRUCTURE**

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

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

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

this 09 day of August, 2022

Ministry of Transportation and Infrastructure

  
\_\_\_\_\_

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

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

**BYLAW STATUS SHEET**  
**September 6, 2022**

Bylaw #	Description	Status
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 held August 2, 2022. Consideration of third reading postponed until staff meet with the developer to negotiate items specified by Council.
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 held August 2, 2022. Consideration of third reading postponed until staff meet with the developer to negotiate items specified by Council.
2112	"Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2022, No. 2112" (amendments to miscellaneous fees, sign and banner deposits, false alarms, cemetery fees)	First, second and third readings, 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 approved August 9, 2022.





## STZ'UMINUS FIRST NATION

August 5<sup>th</sup>, 2022

Dear Community Partner:

On September 3 & 4, 2022 Stz'uminus First Nation will be hosting our Stz'uminus Traditional War Canoe within our Stz'uminus traditional territory. Our Chief and Council will be the hosts for this year's event. We are determined to make sure that our races will be fun, safe, and successful for all.

The Canadian circuit for indigenous canoe races promotes a healthy way of living for our hwulmuxw (First Nations) people. The paddlers live a clean lifestyle free of drugs and alcohol and weekly strength and core training. The Canadian circuit entails weekend host Nations such as Malahat, Songhees, Musqueam, Snuneymuxw, Stz'uminus, and numerous others. Our race brackets included children from 5 years old all the way up to adults. Over 1,000 people came to Stz'uminus/The Town of Ladysmith last year to take part in the races. This year we're hoping the event will be bigger than ever.

Events like this can be expensive, and to make sure our operations run smoothly, and our guests receive the best experience possible, we need your help. To host a canoe race, we need to be able to provide the important things such as first aid, water and boat committees, cash payouts for all races, certified food vendors, camping locations, grounds maintenance, and circuit committees, etc. A sponsorship from your organization will bring us closer to having the perfect event.



Any assistance you are able to provide would be greatly appreciated and not forgotten by our Nation. In turn, we would highlight your business as a valuable sponsor on our web page, social media channels, and marketing materials as well as a full-page advertisement in our local Town of Ladysmith newspaper.

Thank you so much for your time and consideration in sponsoring our Nation for the Stz'uminus Traditional War Canoe Races. If you have any questions, please do not hesitate to call me at the Stz'uminus First Nation Administration Office 250-245-7155 ext. 225.

Respectfully,

Chief Roxanne Harris Stz'uminus First Nation

12611A Trans Canada Highway  
Ladysmith, BC V9G 1M5  
Ph. 250.245.7155  
Fax. 250.245.3012  
<http://www.stzuminus.com>

On Aug. 9, 2022 9:29 a.m., Sean McCue - Nanaimo News Bulletin <[sean.mccue@nanaimobulletin.com](mailto:sean.mccue@nanaimobulletin.com)> wrote:

Hi Aaron,

I hope you are keeping well.

Please see attached for an Extended Producer Responsibility letter. I am hoping the Town of Ladysmith can assist us on behalf of the BC newspaper industry as we work on this file.

Can I please get a signed letter sent back to me that I can forward to my head office. We sure would appreciate your support on this matter.

Thank you very much,

**Sean McCue** - Publisher,  
Black Press Media,  
Nanaimo News Bulletin  
Ladysmith Chemainus Chronicle  
Chemainus Valley Courier

**T:** 250-734-4612

**E:** [sean.mccue@blackpress.ca](mailto:sean.mccue@blackpress.ca)

The Honourable George Heyman ¶

Minister of the Environment ¶

British Columbia, ¶

¶

On behalf of Town of Ladysmith Council, we urge the Province of British Columbia to exempt printed newspapers from the extended producer responsibility (EPR) regulation. ¶

¶

Newspapers are vital to communities across British Columbia. In Ladysmith, our local newspaper Ladysmith-Chemainus Chronicle keeps our community informed and connected in a world of fake news and misinformation. Many British Columbians rely on printed newspapers for vital information. And countless small businesses in Ladysmith find newspapers the best value for reaching local consumers. Newspapers have also developed a strong and growing digital base of readers in our community. ¶

¶

We applaud the goals of EPR to reduce packaging. But unlike product packaging, *the newspaper is the product*. It's wrong to include newspapers. ¶

¶

Newspapers have the highest level of collection of all recyclable materials—more than plastics and even more than aluminum. ¶

¶

High EPR levies on newspapers will be a job killer. Every \$50,000 in EPR levies equates to one job in journalism, and those will be jobs in towns like ours where we could use more journalism, not less. Newspapers are already struggling financially, and EPR fees will make it worse. ¶

¶

In B.C., the levy on plastics remained flat while the levy on newspapers has gone up as much as 80% in a single year. Yet plastics are what we need less of, not newspapers. ¶

¶

Recently, Ontario exempted newspapers from EPR. On behalf of Ladysmith, we urge you to do the same. ¶

¶

Sincerely, ¶