

**A REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
6:00 P.M.**

Tuesday, December 20, 2022
Ladysmith Seniors Centre
630 2nd Avenue

Pages

1. CALL TO ORDER

Call to Order 6:00 p.m. in Open Session, in order to retire immediately into Closed Session.

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

2. CLOSED SESSION

Recommendation

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

- (2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or between a provincial government and a third party.

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

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

3.1 INFORMATION ON HOW TO VIEW / ATTEND THE MEETING

Members of the public may attend the meeting in person at the Ladysmith Seniors Centre 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 December 20, 2022.

5. RISE AND REPORT- Items from Closed Session

Items from the Closed Meeting of Council held December 6, 2022

CE 2022-077

That Council:

1. Appoint Kathleen Darby to the Public Art Task Group for a term ending September 30, 2024; and
2. Rise and report on Recommendation No. 1 once the applicant has been notified.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held December 6, 2022

7

Recommendation

That Council approve the minutes of the Regular Meeting of Council held December 6, 2022.

7. DELEGATIONS

7.1 Our Cowichan Communities Health Network and Island Health

14

Vanessa Daether, Cindy Lise and Shannon Waters will introduce a regional Wellness Survey to take place in the Cowichan Valley in 2023.

7.2 Supported Housing Committee

Belinda Harrison and Sheila McMillan will provide an update regarding the tenancy prioritization at the Heart on the Hill building.

8. DEVELOPMENT APPLICATIONS

8.1 Zoning Bylaw Amendment Application - Cannabis Cultivation & Processing at 1152 Rocky Creek Road

26

Recommendation

That Council:

1. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 53) 2022, No. 2129”;
2. Direct staff to proceed with scheduling and notification of a public hearing for Bylaw No. 2129 in accordance with section 466 of the *Local Government Act*; and
3. Direct staff to forward Bylaw No. 2129 to the Ministry of Transportation and Infrastructure for signature following third reading, pursuant to section 52 of the *Transportation Act*.

8.2 OCP and Zoning Amendment to add 10940 Westdowne Rd. to Town and Country Mobile Home Park

40

Recommendation

That Council:

1. Give first and second readings to “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 73) 2022, No. 2130”;
2. Consider Bylaw No. 2130 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*;
3. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 54) 2022, No. 2131”;
4. As a condition of approval of Bylaw Nos. 2130 and 2131, require that the applicant, at their cost:
 - a. Consolidate the subject property, 10940 Westdowne Road (Lot 1, District Lot 72, Oyster District, Plan 24076, PID: 002-976-978) with the neighbouring properties at 10980 Westdowne Road (Lot 13, District Lot 72, Oyster District, Plan 8793, Except Part Shown Coloured Red on Plan 895 RW and Except Part in Plan 43821 VIP8793 PID: 001-618-920 **and** Parcel A (DD 391231-i) of Lot 14, District Lot 72, Oyster District, Plan 8793 Except That Part in Plan 24076 PID: 001-618-881); and

- b. Using the Town's lawyer, register on the title of the consolidated property, a covenant restricting the total number of dwelling units on the property to 92 units, until the property is connected to municipal sewer service;
5. Direct staff to proceed with scheduling and notification for a Public Hearing for Bylaw Nos. 2130 and 2131 pursuant to section 464 of the *Local Government Act*, to take place at least 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
6. Refer Bylaw No. 2131 to the Ministry of Transportation and Infrastructure following third reading, pursuant to section 52 of the *Transportation Act*.

8.3 Zoning Bylaw Amendment Application - Cannabis Cultivation & Processing at 1144 Rocky Creek Road

55

Recommendation

That Council:

1. Give first and second readings to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 55) 2022, No. 2132";
2. Direct staff to proceed with scheduling and notification of a public hearing for Bylaw No. 2132 in accordance with section 466 of the *Local Government Act*; and
3. Direct staff to forward Bylaw No. 2132 to the Ministry of Transportation and Infrastructure for signature following third reading, pursuant to section 52 of the *Transportation Act*.

9. 2023 - 2027 FINANCIAL PLAN DISCUSSIONS - EARLY BUDGET APPROVALS

68

9.1 Public Input and Questions

9.2 2023 Capital Projects – Early Budget Approval

Recommendation

That Council give early budget approval for the following projects:

- City Hall Meeting Room \$75,000
- City Hall Roof - \$150,000
- City Hall Windows - \$120,000
- FJCC Pool Condition Assessment - \$50,000
- FJCC Aquatic Wheelchair Replacement - \$6,000

- Sports Field Improvements (Aggie irrigation) - \$125,000
- Water Filtration Plant Deficiencies - \$600,000
- Water Main replacement - 6th Ave & dead-ends - \$385,000
- Sewer Main connection for Artist Studio - \$100,000
- Swettenham Pumpstation – pump - \$35,000
- UV Phase 2 – Design - \$100,000
- WWTP Servers - \$50,000

10. REPORTS

10.1 Council Code of Conduct

74

Recommendation

That Council review and sign the Council Code of Conduct Policy 01-230-B.

11. BYLAWS

11.1 Bylaws for Adoption

11.1.1 “2023 Revenue Anticipation Borrowing Bylaw 2022, No. 2126”

83

(to provide the authority to borrow money in anticipation of revenue)

Recommendation

That Council adopt “2023 Revenue Anticipation Borrowing Bylaw 2022, No. 2126”.

11.1.2 “Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2022, No. 2127”

85

(to allow for a 5% increase to the water rates)

Recommendation

That Council adopt “Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2022, No. 2127”.

11.1.3 "Sanitary Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2022, No. 2128"

88

(to allow for a 2.5% increase to the sewer rates)

Recommendation

That Council adopt "Sanitary Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2022, No. 2128".

11.2 Bylaw Status Sheet

90

12. NEW BUSINESS

13. 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.
- 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.

14. ADJOURNMENT



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, December 6, 2022

7:00 P.M.

Ladysmith Seniors Centre

630 2nd Avenue

Council Members Present:

Mayor Aaron Stone
Councillor Ray Gourlay
Councillor Amanda Jacobson
Councillor Tricia McKay

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

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Ryan Bouma

Julie Thompson
Matt O'Halloran
Sue Bouma
Andrea Hainrich

1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 6:32 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2022-290

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

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and
- (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

Motion Carried

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

Mayor Stone called the Regular Meeting of Council to order at 7:00 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 2022-291

That Council approve the agenda for this Regular Meeting of Council for December 6, 2022, as amended to include a public submission for the following item, received after publication of the agenda:

- Item 8.1 "Development Variance Permit Application 3090-22-11: 636 John Wilson Place"

Motion Carried

5. RISE AND REPORT- Items from Closed Session

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

The following item from the Closed Meeting of Council held October 4, 2022 was reported:

CE 2022-069

That Council:

1. Appoint the following representatives to the Public Art Task Group for a two-year term ending September 30, 2024:
 - Shirley Louie, Stz'uminus First Nation;
 - Ora Steyn, Arts Council of Ladysmith and District;
 - Kathy Holmes, Arts Council of Ladysmith and District;
 - Lynda Baker, Parks, Recreation and Culture Advisory Committee;
 - Julia Noon, Community Youth Member;
 - Gordon Filewych, Parks, Recreation & Culture Advisory Committee;
 - and
2. Rise and report on Recommendation No. 1 once all applicants have been notified.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held November 15, 2022

CS 2022-292

That Council approve the minutes of the Regular Meeting of Council held November 15, 2022.

Motion Carried

7. DELEGATIONS

7.1 Bikers Against Child Abuse

Tom Goudreau of Bikers Against Child Abuse (BACA) discussed the mission of this international organization and provided an overview of the services they provide for abused children, both locally and throughout the world.

Mayor Stone thanked him for his presentation, and for the work that BACA does.

7.2 Students Taking Action Against Racism

TJ Nyhan, representative from the Students Taking Action Against Racism (STAAR) group at Ladysmith Secondary School, provided an overview of racism in the community and advised Council that they could address racism through their hiring procedures, data collection, dialogue, policies and bylaws.

Mayor Stone thanked TJ for the presentation and expressed enthusiasm about working with TJ and the members of STAAR in the future.

8. DEVELOPMENT APPLICATIONS

8.1 Development Variance Permit Applications – 636 John Wilson Place & 437 Thetis Drive

CS 2022-293

That Council:

1. Issue Development Variance Permit 3090-22-11 to vary section 10.13.5.b) of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" to increase the maximum permitted height of a principal building with

a roof pitch less than 4:12 from 7.5m to 7.7m, at 636 John Wilson Place (Lot 14 District Lot 103 Oyster District Plan EPP98461).

2. Issue Development Variance Permit 3090-22-12 to vary section 10.2.5.a) of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" to increase the maximum permitted height of a principal building from 9.0m to 9.2m at 437 Thetis Drive (Lot 12 District Lot 52 Oyster District Plan VIP86055).

Motion Carried

9. COMMITTEE MINUTES

9.1 Poverty Reduction Task Group - November 9, 2022

CS 2022-294

That Council receive the minutes of the Poverty Reduction Task Group meeting held November 9, 2022.

Motion Carried

10. 2023 - 2027 FINANCIAL PLAN DISCUSSIONS - INTRODUCTION OF GENERAL CAPITAL PROJECTS

10.1 Presentation and Council Discussion

10.1.1 2023 Financial Plan – General Capital Plan

CS 2022-295

That Council confirm the current Financial Plan Policy to include the following:

- the allocation of 10% of the prior year municipal taxes to the general capital fund for 2023; and
- the allocation of 5% of the prior year municipal taxes to the infrastructure reserve for 2023.

Motion Carried

10.2 Public Input and Questions

There were no questions from the public.

11. REPORTS

11.1 2023 Utility Due Dates

CS 2022-296

That Council approve the following utility billing due dates:

- February 24, 2023, for the period October to December 2022;
- May 30, 2023, for the period January to March 2023;
- August 30, 2023, for the period April to June 2023; and
- November 29, 2023, for the period July to September 2023.

Motion Carried

11.2 Adjustment to Water Billing Account

CS 2022-297

That Council provide a partial bill adjustment in the amount of \$3,738.23 to billing Account No. 001-1322300 due to a water leak.

Motion Carried

11.3 High Street Watermain Noise Exemption

CS 2022-298

That Council exempt Milestone Equipment Contracting Inc. from Noise Suppression Bylaw 2003, No. 1478 for an approximate 5-week period of construction for the purposes of watermain replacement on High Street.

Motion Carried

OPPOSED: Councillor Jacobson

11.4 Transfer Beach Accessibility Improvements Contractor

CS 2022-299

That Council:

1. Amend the 2022-2026 Financial Plan to include an additional \$28,640 for the Transfer Beach paving and walkway project, with the funds to come from operational surplus; and
2. Waive the Purchasing Policy and award David Stalker Excavating Ltd. the work described in Attachment A "Quote for T.O.L. – Transfer Beach Accessibility Improvements" in the amount of \$115,783.

Motion Carried

12. BYLAWS

12.1 Bylaws for Adoption

12.1.1 “Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2022, No. 2125”

CS 2022-300

That Council adopt “Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2022, No. 2125”.

Motion Carried

12.2 Bylaws for Introduction

12.2.1 “2023 Revenue Anticipation Borrowing Bylaw 2022, No. 2126”

CS 2022-301

That Council give first, second and third readings to “2023 Revenue Anticipation Borrowing Bylaw 2022, No. 2126”.

Motion Carried

12.2.2 “Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2022, No. 2127”

CS 2022-302

That Council give first, second and third readings to “Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2022, No. 2127”.

Motion Carried

12.2.3 “Sanitary Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2022, No. 2128”

CS 2022-303

That Council give first, second and third readings to “Sanitary Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2022, No. 2128”.

Motion Carried

13. QUESTION PERIOD

A member of the public enquired about the potential replacement date of the Welcome to Ladysmith signs on the boundaries of Town.

Staff confirmed that the signs have been ordered through a grant funding process and will be replaced by the end of March 2023.

14. ADJOURNMENT

CS 2022-304

That this Regular Meeting of Council be adjourned at 8:58 p.m.

Motion Carried

CERTIFIED CORRECT

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)



Our Health, Our Community

A Cowichan Valley Region Health & Wellness Survey

For the Town of Ladysmith
By Dr. Shannon Waters & Vanessa Daether
December 20, 2022



Survey Overview

- **Unique opportunity** for Cowichan Valley Region
- **Local-level** data on the health & wellness, neighbourhood characteristics, & community belonging of Cowichan Valley residents who are 18 years & older
- Standardized and **region-specific questions** will be developed in consultation with our communities
 - 80+ questions (with adjustments)
 - We want to far surpass 4,500 responses!!

Value to Local Government

Our goal is for the results of this survey to identify the health status, health inequities & priorities of Cowichan Valley residents & to support local **evidence-based decision-making around:**

- Community health & wellbeing programs & initiatives
- Healthy community planning & creating health-promoting environments
- Healthy public policy development & implementation
- Resource allocation & funding opportunities
- Much more!

How this survey data has been used in other regions



Used for **planning programs & services** to address key health indicators & risk factors



Used to **determine service gaps & allocate resources** accordingly in Metro Vancouver



Used to inform the **Walk30 Burnaby New West** initiative

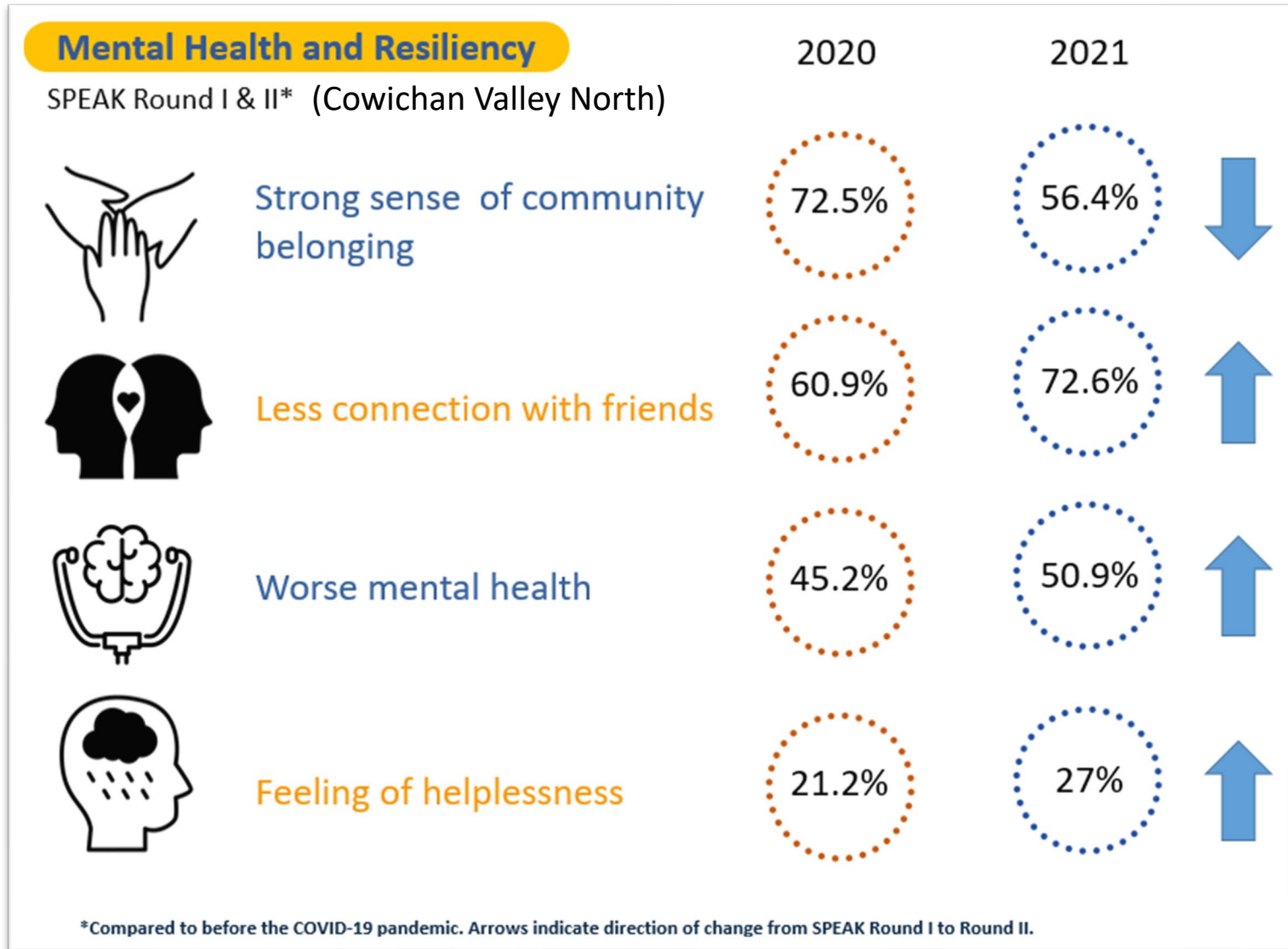


Used to inform the City of Vancouver's **Health City Strategy**

Source: myhealthmycommunity.org

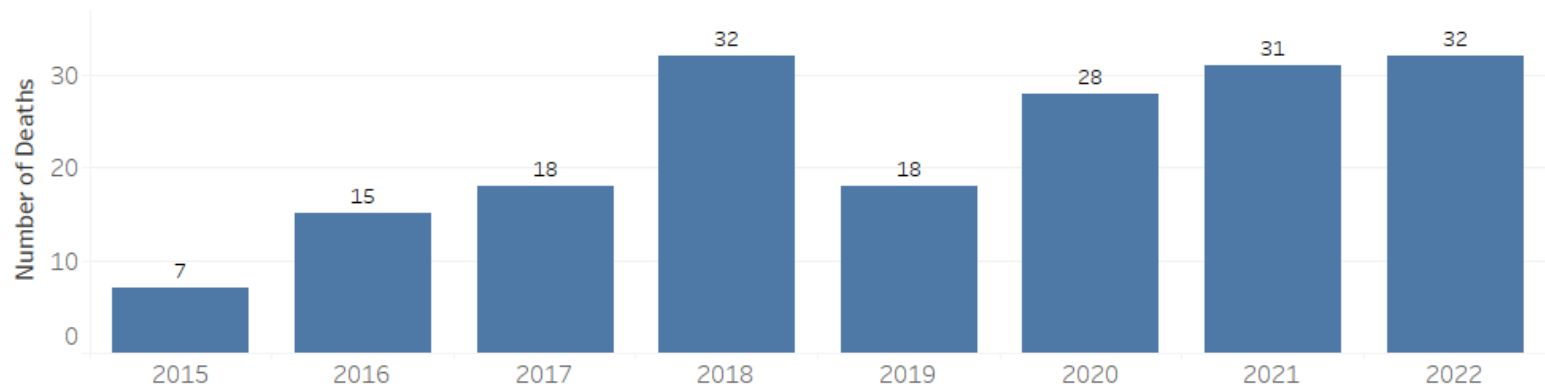
**What are some priority areas
for the Cowichan Valley Region
that this survey could help
inform response on?**

Mental Health & Resiliency

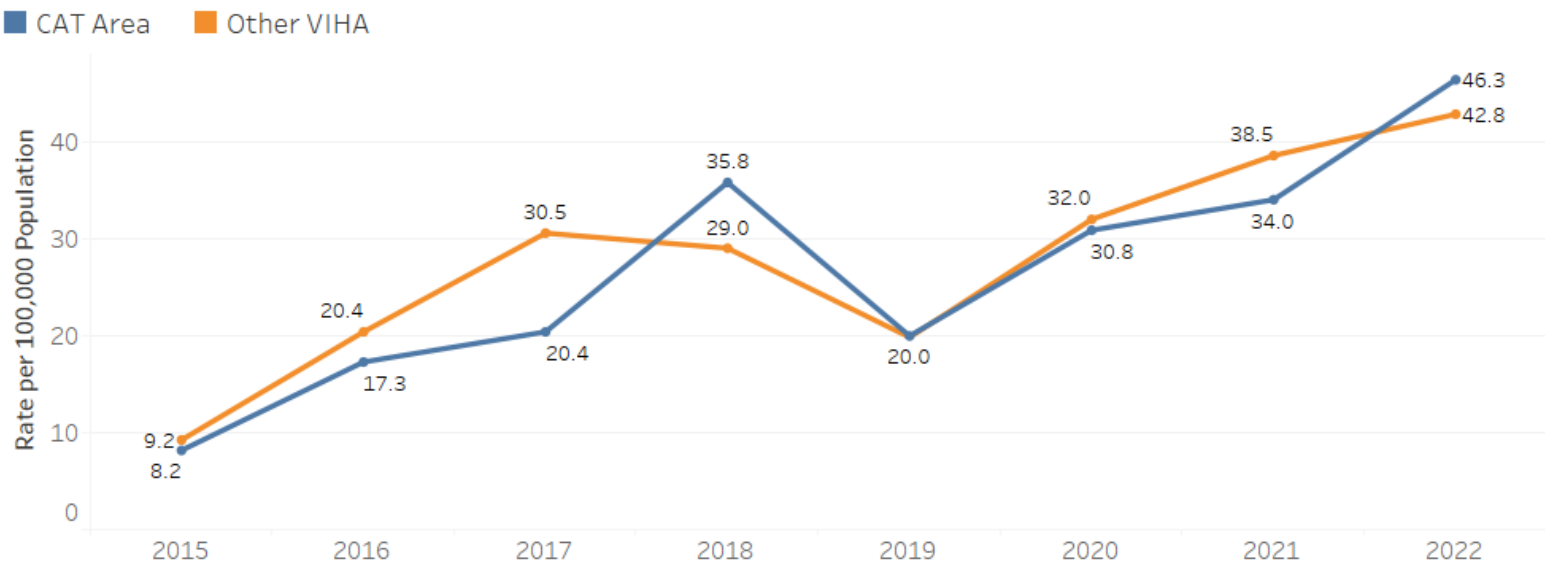


Illicit Drug Toxicity Crisis

Number of Illicit Drug Toxicity Deaths by Year, Cowichan Valley , 01-Jan-2015 to 30-Sep-2022



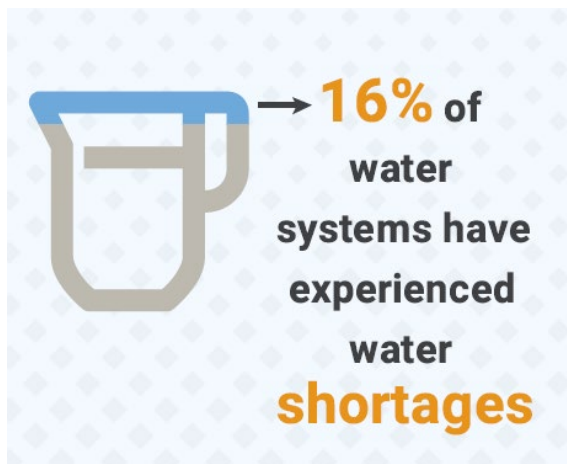
Rate of Illicit Drug Toxicity Deaths by Year, Cowichan Valley & Rest of VIHA, 01-Jan-2015 to 30-Sep-2022



Source: BC Coroner Service; data provided by BCCDC, compiled by Island Health Population Health Surveillance & Evaluation

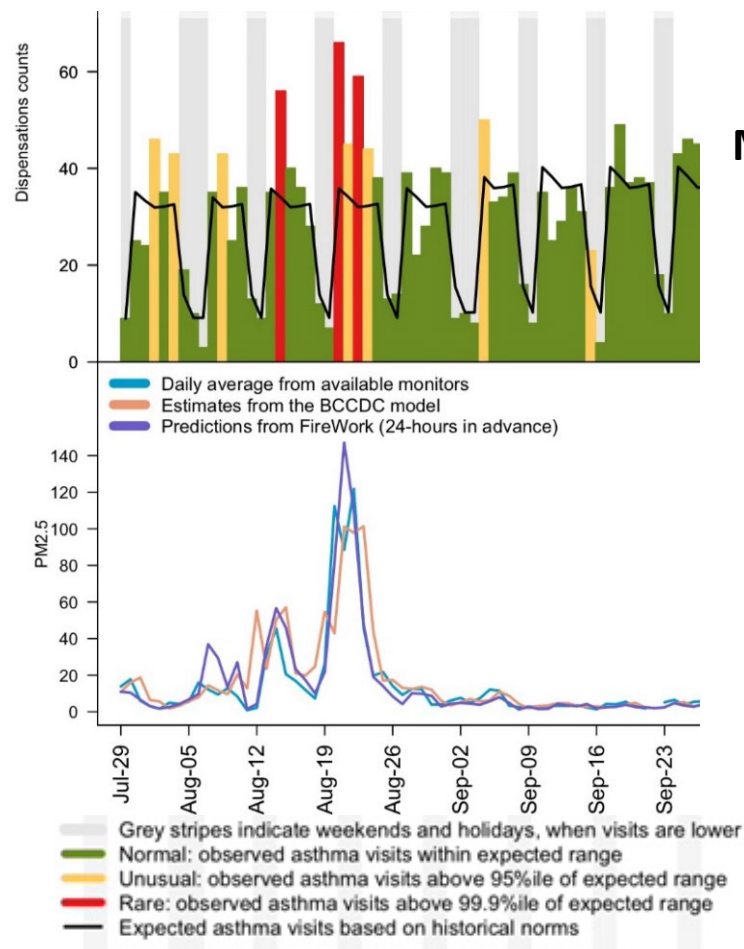
INTERNAL USE ONLY

2021 Island Health Drinking Water Operator Survey



Heat-related mortality during 2021 Heat Dome

Climate Crisis



Asthma Monitoring

*Salbutamol
Dispensations
for Cowichan
LHA, 2018/19*

Air Quality

Survey Timeline





Working Together

What are your health & wellness question priorities?

- Submit 5x questions by January 25, 2023

Promote the survey!



Thank you

For more information:

www.ourcchn.ca/survey

Shannon.Waters@islandhealth.ca

vanessa@daether.ca



STAFF REPORT TO COUNCIL

Report Prepared By: Julie Thompson, Planner
Reviewed By: Jake Belobaba, RPP, MCIP, Director of Development Services
Meeting Date: December 20, 2022
File No: 3360-22-01
Re: Zoning Bylaw Amendment Application - Cannabis Cultivation & Processing at 1152 Rocky Creek Road

RECOMMENDATION:

That Council:

1. Give first and second readings to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 53) 2022, No. 2129";
2. Direct staff to proceed with scheduling and notification of a public hearing for Bylaw No. 2129 in accordance with section 466 of the *Local Government Act*; and
3. Direct staff to forward Bylaw No. 2129 to the Ministry of Transportation and Infrastructure for signature following third reading, pursuant to section 52 of the *Transportation Act*.

EXECUTIVE SUMMARY:

A Zoning Bylaw amendment application has been submitted to the Town to rezone 1152 Rocky Creek Road from Live/Work Residential (I-1A) to Light Industrial (I-1) and to allow Cannabis Cultivation and Cannabis Processing on a site-specific basis on the subject property. Staff recommend that Council give first and second readings to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 53) 2022, No. 2129" and to direct that a public hearing be held.

PREVIOUS COUNCIL DIRECTION:

Resolution # & Meeting Date	Resolution Details
CS 2020-248 August 18, 2020	That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 31) 2020, No. 2040". <i>Motion Carried</i> (This bylaw allowed [standard] cannabis cultivation and production on a site-specific basis on 1148 Rocky Creek Road in the Light Industrial (I-1) zone).
CS 2019-480, Dec. 3, 2018	That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 20) 2018, No. 1978." (This bylaw allowed Licensed Cannabis Cultivation, Processing and Research)

INTRODUCTION/BACKGROUND

The current “Town of Ladysmith Zoning Bylaw 2014, No. 1860” regulations were adopted in 2018 to allow for licensed Cannabis Micro-Cultivation, Cannabis Micro-Processing, and Cannabis Research and Development in the I-1 (Light Industrial) zone and I-2 (Heavy Industrial) zone, and to allow for Cannabis Cultivation and Cannabis Processing in certain areas of the I-2 zone.¹ Licences under the *Cannabis Act* and Regulations for the cannabis uses noted in Table 1 (below) are issued by Health Canada at the federal government level. The Zoning Bylaw does not restrict the number of cannabis licences that may occur on a single property.

Table 1: Zoning Bylaw Definitions for Cannabis Uses

Zoning Bylaw Use	Zoning Bylaw Definition
Cannabis Micro-Cultivation	means the cultivation of Cannabis as authorized by a licence for micro-cultivation or a nursery under the <i>Cannabis Act</i> and its regulations contained entirely within a Building”.
Cannabis Micro-Processing	means the processing of Cannabis as authorized by a licence for micro-processing under the <i>Cannabis Act</i> and its regulations and is contained entirely within a Building.
Cannabis Research and Development	means the cultivation, processing, production and testing of Cannabis as authorized by a licence for research under the <i>Cannabis Act</i> and its regulations.
Cannabis Cultivation	means the cultivation of Cannabis as authorized by a licence for standard cultivation under the <i>Cannabis Act</i> and its regulations.
Cannabis Processing	means the processing of Cannabis as authorized by a licence for standard processing under the <i>Cannabis Act</i> and its regulations.

PROPOSAL:

The Town has received an application to rezone 1152 Rocky Creek Road from I-1A to I-1 and to allow Cannabis Cultivation and Cannabis Processing on the subject property on a site-specific basis. Currently, Cannabis Micro-Cultivation, Cannabis Micro-Processing and Cannabis Research and Development are permitted in the I-1 zone, but no cannabis production uses are permitted in the I-1A zone. A map of the current zoning of the subject properties is provided in Figure 2.



Figure 1: Subject property.

¹ A micro-cultivation licence limits the producer to a maximum of 200m² of plant surface area. A micro-processing licence limits the producer to a maximum of 600kg of dried cannabis per year. The standard licences do not have maximums.

In 2020, a site-specific zoning amendment added Cannabis Cultivation and Cannabis Processing as permitted uses within an enclosed building adjacent to the subject property on 1148 Rocky Creek Road. The applicant owns both 1152 and 1148 Rocky Creek Road and is proposing to rezone 1152 Rocky Creek Road to the same zoning that's on 1148 Rocky Creek Road. The applicant intends to consolidate the two properties to expand an existing cannabis production facility at 1148 Rocky Creek Road.

If approved, Bylaw No. 2129 would allow the applicant to apply for standard cannabis processing and cultivation licences from Health Canada.



Figure 2: Current zoning map.

DISCUSSION:

Official Community Plan:

The property at 1152 Rocky Creek Road is within the Industrial designation in “Official Community Plan Bylaw 2003, No. 1488” (OCP). The proposed cannabis uses are consistent with the OCP which states that the industrial designation should provide for a range of industrial and light industrial uses.

Development Permit Area:

The property is within Development Permit Area 5 – Industrial (DPA 5) in the OCP and a development permit (DP) is required prior to development. DP amendment 20-06 was issued on May 22, 2020, for a two-building cannabis facility on the adjacent property at 1148 Rocky Creek Road. One of the buildings has been built. If Bylaw No. 2129 is approved, the applicant intends to consolidate 1152 with 1148 Rocky Creek Road to expand the existing cannabis facility. This would require a new DP or an amendment to DP 20-06 depending on the scope of the proposed development.

Zoning Bylaw:

1152 Rocky Creek Road is zoned I-1A which does not permit any cannabis-related uses. The I-1A zone allows for residential uses above industrial but permits fewer uses than the I-1 zone permits. A comparison of the two zones is provided in Table 2, below. The proposed I-1 zone allows Cannabis Micro-Processing and Cannabis Micro-Cultivation within an enclosed building but does not permit Cannabis Cultivation and Cannabis Processing (under a standard licence from Health Canada).

Table 2: Summary comparison of I-1A and I-1 zones

Zoning Provision	I-1A Zone (current)	I-1 Zone (proposed)
Principal uses	Office Personal Service Establishment Personal Repair Service Media Production Studio Artist Studio Commercial School Print Shop Research and Development Facility Machinery and Equipment Rental Boat Building and Repair Manufacturing Trade Contractors Facilities Home Improvement Service Industry Warehouse Wholesale Sales	Gas Bar Service Station Motor Vehicle Body Shop Motor Vehicle Sales or Rental Boat and Personal Watercraft Sales or Rental Machinery and Equipment Sales or Rental Building Supply Sales Re-Store Boat Building and Repair Servicing and repair of machinery, equipment, and appliances Restaurant Commercial Indoor Storage Print Shop Auction Laboratory Research and Development Facility Media Production Studio Refund Container Recycling Depot Manufacturing Welding shop, machine shop and metal fabrication Home Improvement Service Industry Trade Contractor Facilities Commercial Plan Nursery Garden Centre Warehouse Wholesale Sales Cottage Industry Brewery, Distillery, Bottling and Distribution Tow-Truck Dispatch Animal Day Care Marine Sales and Service Cannabis Micro-Cultivation Cannabis Micro-Processing Cannabis Research and Development Cannabis Retail Sales
Accessory Uses	Retail Sales Dwelling Unit Home Based Business	Office Food Truck Sani-Dump Station Caretaker Dwelling
Parcel Coverage maximum	75%	75%
Building Height maximum	11m	12m
Floor Space Ratio maximum	None	0.7

Proposed Bylaw:

Since the applicant is proposing to consolidate 1148 & 1152 Rocky Creek Road, Bylaw No. 2129 makes the zoning for 1152 Rocky Creek Road the same as 1148 Rocky Creek Road: I-1 with a site-specific provision allowing Cannabis Processing and Cannabis Cultivation uses within an enclosed building. If the applicant chooses not to consolidate the parcels, then 1152 Rocky Creek Road could be operated as a stand-alone cannabis production facility or any other use permitted in the I-1 zone; however, the overall permitted density would be the same whether or not the parcels are consolidated.

No other amendments to the I-1 zone have been requested, meaning that the proposed cannabis uses are intended to be established in accordance with the overall size and density regulations of the I-1 zone (see Table 2).

Business Licence Bylaw & Odour Abatement:

The Town's "Business License Bylaw 2003, No. 1513" contains existing measures to mitigate potential impacts caused by the release of odours associated with cannabis production. The Bylaw states that Cannabis Processing, Cannabis Micro-Processing, Cannabis Cultivation, Cannabis Micro-Cultivation and Cannabis Research and Development businesses that fall within 500m of a zone that permits residential use are required to have an odour abatement plan and that the required air filtration/ventilation system is operational as verified by a mechanical engineer. The subject property is located within 500m of a zone that permits residential use, as are most of the I-1 properties in Town. The business owner must provide the Town with a record from a qualified person demonstrating the performance of the odour abatement plan before a business licence will be renewed each year.

Any proposed cannabis business must have a business licence from the Town in order to operate. To ensure compliance with the Zoning Bylaw, the applicant will be required to provide proof that they have obtained the appropriate licence(s) for the cannabis uses issued by Health Canada under the *Cannabis Act* and Regulations before a business licence is issued. Health Canada also requires that licence applicants provide ventilation and filtration measures in order to prevent the escape of odours associated with cannabis plant material to the outdoors.

Community Planning Advisory Committee (CPAC):

The application (and another similar application) was considered by the CPAC on September 7, 2022. CPAC passed the following recommendations with respect to the application:

"It was moved, seconded and carried that the Community Planning Advisory Committee recommend that Council approve the proposal to rezone 1152 Rocky Creek Road from I-1 to I-1A.

It was moved, seconded and carried that the Community Planning Advisory Committee recommend that Council approve the proposal to allow cannabis cultivation and cannabis processing as permitted uses at 1144 and 1152 Rocky Creek Road (File Nos. 3060-22-01 and 3060-22-04)."

The CPAC minutes for September 7, 2022, are provided in Attachment C.

Community Amenity Contribution (CAC) Policy:

Through the Town's CAC policy, Council encourages rezoning applicants to consider proposing CACs toward needed infrastructure and amenities as a way of ensuring that the proposed development is seen as making a positive contribution to the neighbourhood and community at large. Staff are not recommending a CAC for the proposed rezoning since the proposed changes will not increase the already permitted density on the property and the uses will remain industrial. It is noted that any applicable development cost charges (DCCs) will be calculated at the time of building permit. DCC funds are used to assist in paying the capital costs to Town infrastructure.

Analysis:

Staff have the following comments with respect to the proposed Zoning Bylaw amendment:

- The proposed uses will be located within an existing industrial area and the uses are consistent with the Industrial designation in the OCP.
- The definitions for Cannabis Processing and Cannabis Cultivation (under a standard licence; see Table 1) in the Zoning Bylaw would allow the uses to be located outdoors; however, Bylaw No. 2029 requires these uses to occur indoors only, within an enclosed building, which is consistent with other uses permitted within the I-1 zone, including Cannabis Micro-Processing and Micro-Cultivation.
- The proposed use at 1152 Rocky Creek Road is consistent with the existing cannabis facility on the adjacent property at 1148 Rocky Creek Road. The two properties are expected to form a single cannabis facility if Bylaw No. 2129 is approved, although this would not be required.
- The proposed I-1 zone at 1152 Rocky Creek Road will permit a greater variety of industrial uses compared to the I-1A zone. The proposed I-1 zone is compatible with the surrounding industrial area (most of the properties along the south side of Rocky Creek Road are also zoned I-1).
- Odours are not expected to be a concern as the uses will be contained within enclosed buildings, there is a requirement in the Business Licence Bylaw for an odour abatement plan, and Health Canada also requires proper ventilation to ensure that odours do not escape.

Based on the above analysis, staff do not expect that the proposed uses will have greater land-use impacts than what is already permitted in the existing I-1A zone and the surrounding industrial area. As such, staff recommend that Bylaw No. 2129 proceed for first and second readings and a public hearing.

Additional Considerations:

An option that Council may wish to consider is to allow Cannabis Cultivation and Cannabis Processing (under standard licences from Health Canada) within an enclosed building as a principal permitted use in the entire I-1 zone, rather than the proposed site-specific provisions.

The I-1 zone regulations would still restrict the size and footprint of proposed facilities and there are already regulations in place to manage odour control. These regulations and safeguards in combination with federal oversight for cannabis production should adequately regulate cannabis production in the Town. Council approved a similar application in 2020 for 1148 Rocky Creek Road, and the Town has received another application to allow Cannabis Processing and Cannabis Cultivation at 1144 Rocky Creek Road. However, as there are no fully operational cannabis production facilities within the Town to date, staff cannot confirm whether any local issues may arise from cannabis production uses either under a standard or micro licence.

ALTERNATIVES:

Council can choose to:

1. Amend Bylaw No. 2129 and give first and second readings to Bylaw No. 2129, as amended.
2. Direct that a public hearing not be held pursuant to section 464 of the *Local Government Act* for Bylaw No. 2129 and direct staff to proceed with notification for a public hearing not held.
3. Deny application 3060-22-01.
4. Refer the application back to staff for further review as specified by Council.
5. Refer the application back to CPAC.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Bylaw No. 2129 is generally consistent with the Town's OCP and Council may choose to not hold a public hearing under section 464(2) of the *Local Government Act*. However, staff recommend holding a public hearing in accordance with section 465 of the *Local Government Act*, as the public may have an interest in the application and OCP policies supporting cannabis production are inexplicit. If the application proceeds as recommended, notice of the public hearing for Bylaw No. 2129 will be provided in accordance with section 466 of the *Local Government Act*, "Town of Ladysmith Development Procedures Bylaw 2008, No. 1667" and "Public Notice Bylaw 2022, No. 2119".

The file was referred to the CPAC on September 7, 2022. See 'Community Planning Advisory Committee (CPAC)' section and Attachment C.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The files have been referred to Building Inspector, Engineering and Bylaw Enforcement. No concerns with the application were identified.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

☐ Complete Community Land Use ☐ Low Impact Transportation

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

- ☐ Multi-Use Landscapes
- ☐ 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. 2129
- B. Rationale Letter 1152 Rocky Creek Road
- C. CPAC Minutes

TOWN OF LADYSMITH

BYLAW NO. 2129

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

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

1. Schedule A – Zoning Bylaw Text is amended by adding a new subsection in section 9 "Site Specific Regulations" in section 12.2 "Light Industrial (I-1)" to follow existing subsections and alphabetized accordingly, as follows:
 - x) For the *Parcel* legally described as Lot 1 District Lot 38 Oyster District Plan VIP86027 Except Part in Strata Plan VIS6726 (Phases 1 and 2) and Plan EPP23810 (1152 Rocky Creek Road), *Cannabis Cultivation* and *Cannabis Processing* are permitted principal uses, subject to being contained entirely within an enclosed *Building*.
2. Schedule B – Zoning Bylaw Map is amended by changing the zone for the subject property, Lot 1 District Lot 38 Oyster District Plan VIP86027 Except Part in Strata Plan VIS6726 (Phases 1 and 2) and Plan EPP23810, as shown in Schedule 1, attached to and forming part of this Bylaw, from Live/Work Industrial (I-1A) to Light Industrial (I-1).

Citation

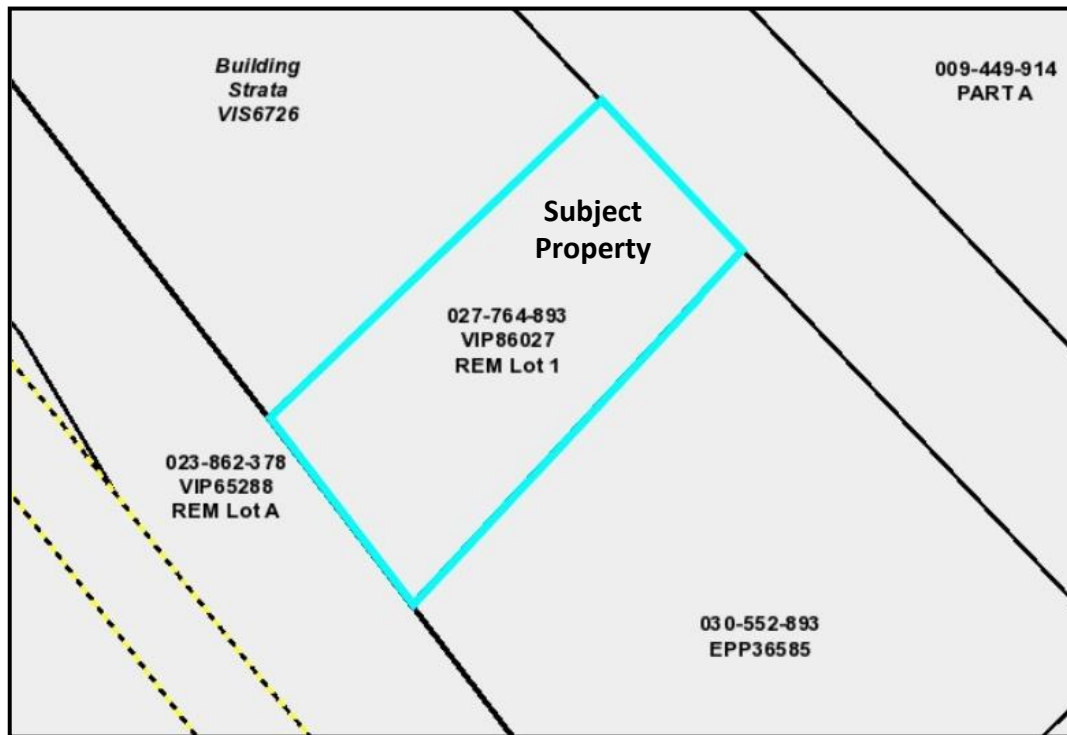
3. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 53), 2022, No. 2129".

READ A FIRST TIME on the _____ day of _____, 2022
READ A SECOND TIME on the _____ day of _____, 2022
PUBLIC HEARING HELD on the _____ day of _____, 2022
READ A THIRD TIME on the _____ day of _____, 2022
APPROVED BY MINISTRY OF TRANSPORTATION & INFRASTRUCTURE
on the _____ day of _____, 2022
ADOPTED on the _____ day of _____, 2022

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

Schedule 1



Attachment B

Proposal Letter for 1152 Rocky Creek Road

Dear Town of Ladysmith,

I am writing to propose a zoning amendment on our property 1152 Rocky Creek Road. I would like to change the zoning to match the neighboring property 1148 Rocky Creek Road which is also owned by our BC holding corporation (1121895 BC LTD). I would like 1152 Rocky Creek Road to allow for a standard cannabis cultivation and processing license on the property.

With this rezone we plan to amalgamate 1148 Rocky Creek Road with 1152 Rocky Creek Road to make it one address. This will allow us to have more flexibility with spacing and size of our next building that we plan to build on the property. The added space of a larger lot will give Island Genetics (our licensed cannabis company) the ability to have a proper pharmaceutical research laboratory and the needed production space.

We will work with the Town of Ladysmith to build further landscaping features to enhance the property visually while keeping the neighbors content.

Sincerely,

Zachary Chester

[REDACTED]

[REDACTED]

DocuSigned by:
Zachary Chester
C2B7062B066A4E3...

1/17/2022



MINUTES

Community Planning Advisory Committee

Wednesday, September 7, 2022 at 7:00 p.m.
City Hall Council Chambers, 410 Esplanade

PRESENT: Chair – Jason Harrison; Members – Jason Robertson, Steve Frankel, Tamara Hutchinson; Council Liaison – Marsh Stevens; Senior Planner & Recorder – Christina Hovey

ABSENT: Members – Abbas Farahbakhsh, Brian Childs, Jennifer Sibbald

GUESTS: Applicant – Zachary Chester (File No. 3360-22-01)

Acting Chair Jason Harrison called the meeting to order at 7:28pm, acknowledging with gratitude that Ladysmith is located on the traditional unceded territories of the Stz'uminus First Nation.

1. AGENDA APPROVAL

It was moved, seconded and carried that the Community Planning Advisory Committee Agenda of September 7, 2022 be approved as amended to remove "Item 2 Election of the Chair" to the next meeting and renumber the agenda accordingly.

2. ADOPTION OF MINUTES

It was moved, seconded and carried that the Minutes of March 2, 2022 be approved.

3. COUNCIL REFERRALS

- a. Zoning Bylaw Amendment 3360-22-01 1152 Rocky Creek Road & Zoning Bylaw Amendment 3360-22-04 1144 Rocky Creek Road.

Planner Christina Hovey briefly introduced the files and explained the reasoning for presenting the two files together as well as the option to amend the Zoning Bylaw to allow standard cannabis cultivation and processing as permitted uses throughout the I-1 zone.

Zach Chester (1152 Rocky Creek Road) provided a brief overview of the proposal and stated multiple "micro" cannabis licences (which would be permitted under the current zoning) would have a building footprint and similar impact on the surrounding properties as a single standard licence. The applicant answered questions from the committee and provided the following comments/clarifications:

- Exhaust goes through a carbon filter to minimize odours. Health Canada does regular audits which would include checking the mechanical is functioning and the filters are changed regularly.
- To minimize any impact on the neighbouring residential property the applicant is proposing to place the ventilation equipment on the side of the building opposite the property boundary and may set the building back from the property line (the required setback in the Zoning Bylaw is 3.0 m).
- The business plans to employ 4 people full time and seasonal labour. Jobs are skilled and well paying.
- Although seeking a "standard" rather than "micro" licence they are still considered a small scale or "craft" producer.

- Addressing environmental sustainability including as a “certified organic” producer and using local soil and regenerative soil practices.

The Committee discussed the applications for 1144 and 1152 Rocky Creek Road as well as the broader potential for cannabis production in the industrial zones. The Committee was generally supportive of the two applications.

Regarding the option to amend the permitted uses for the entire I-1 zone to allow standard cannabis cultivation and processing the committee members expressed a range of opinions. Discussion included:

- One member asked what the likelihood would be of seeing a large scale producer establish in the I-1 zone. Staff responded that the parcel configuration would make it unlikely.
- Desire to have a variety of uses in the I-1 zone, not a “cannabis hub” and the municipality may even want to cap the number of cannabis facilities.
- That it will be easier to evaluate possible impacts (e.g. odour) on the surrounding properties in a few years.

It was moved, seconded and carried that the Community Planning Advisory Committee recommend that Council approve the proposal to rezone 1152 Rocky Creek Road from I-1 to I-1A. (File No. 3060-22-01)

It was moved, seconded and carried that the Community Planning Advisory Committee recommend that Council approve the proposal to allow cannabis cultivation and cannabis processing as permitted uses at 1144 and 1152 Rocky Creek Road. (File Nos. 3060-22-01 and 3060-22-04)

4. NEW BUSINESS

None.

5. MONTHLY BRIEFING

File Updates:

The following files that the Committee previously reviewed have been to Council since the last meeting:

- Holland Heights/Lot 5 Holland Creek (3360-21-08)
- 1301 & 1391 Rocky Creek Road (3360-20-08)
- 201 Dogwood Drive (DP was approved)

The conditions for 1301 & 1391 Rocky Creek Road (3360-20-08) and 1130 Rocky Creek Road (3360-20-02) are being finalized and should return to Council shortly for consideration of adoption. In addition, a draft of the new Official Community Plan was received by Council on September 6, 2022.

Committee members can review the Council Agendas and Minutes or contact staff for further information.

6. NEXT MEETING – TBD

7. ADJOURNMENT

It was moved, seconded and carried that the meeting be adjourned at 8:20pm.

Jason Harrison

Jason Harrison (Oct 18, 2022 01:25 PDT)

Chair (J. Harrison)

RECEIVED:

Dina Smith

Corporate Officer (D. Smith)

STAFF REPORT TO COUNCIL

Report Prepared By: Christina Hovey, RPP, MCIP, Senior Planner
Reviewed By: Jake Belobaba, RPP, MCIP
Meeting Date: December 20, 2022
File No: 3360-20-06
Re: OCP and Zoning Amendment to add 10940 Westdowne Rd. to Town and Country Mobile Home Park

RECOMMENDATION:

That Council:

1. Give first and second readings to “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 73) 2022, No. 2130”;
2. Consider Bylaw No. 2130 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*;
3. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 54) 2022, No. 2131”;
4. As a condition of approval of Bylaw Nos. 2130 and 2131, require that the applicant, at their cost:
 - a. Consolidate the subject property, 10940 Westdowne Road (Lot 1, District Lot 72, Oyster District, Plan 24076, PID: 002-976-978) with the neighbouring properties at 10980 Westdowne Road (Lot 13, District Lot 72, Oyster District, Plan 8793, Except Part Shown Coloured Red on Plan 895 RW and Except Part in Plan 43821 VIP8793 PID: 001-618-920 **and** Parcel A (DD 391231-i) of Lot 14, District Lot 72, Oyster District, Plan 8793 Except That Part in Plan 24076 PID: 001-618-881); and
 - b. Using the Town’s lawyer, register on the title of the consolidated property, a covenant restricting the total number of dwelling units on the property to 92 units, until the property is connected to municipal sewer service;
5. Direct staff to proceed with scheduling and notification for a Public Hearing for Bylaw Nos. 2130 and 2131 pursuant to section 464 of the *Local Government Act*, to take place at least

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

6. Refer Bylaw No. 2131 to the Ministry of Transportation and Infrastructure following third reading, pursuant to section 52 of the *Transportation Act*.

EXECUTIVE SUMMARY:

The proposed development requires amendments to the Official Community Plan (OCP) and Zoning Bylaw so that a 0.2 hectare property at 10940 Westdowne Road can be added to the adjacent manufactured home park (Town and Country Mobile Home Park) at 10980 Westdowne Road. The proposal will allow for a minor expansion to the existing manufactured home park. Staff recommend that the proposal be endorsed by Council subject to the conditions to consolidate the properties and to register a covenant preventing new units until the property is connected to the municipal sewer system.

PREVIOUS COUNCIL DIRECTION:

Resolution No./ Date	Details
CE April 6, 2021	That Council: <ol style="list-style-type: none"> 1. Direct that Application No. 3360-20-06 (10940 Westdowne Road) proceed for further consideration. 2. Having considered section 475 of the Local Government Act (consultation during OCP development) direct staff to refer Application No. 3360-20-06 to: <ul style="list-style-type: none"> ○ Stz’uminus First Nation; ○ The Cowichan Valley Regional District; ○ School District 68; ○ Island Health, the Ministry of Transportation and Infrastructure, and BC Transit.
CS 2019-173, May 6, 2019	That Council: <ol style="list-style-type: none"> 1. Direct staff to enter into an agreement with the Town and Country Mobile Home Park for the completion of the sanitary servicing study as outlined in the WSP proposal dated January 8, 2019. 2. That the Town’s portion of the cost of the above noted study be limited to Option 3, \$4,670 plus applicable taxes.
CE 2018-057, May 7, 2018	That Council inform the owner of the Town and Country Mobile Home Park that: <ol style="list-style-type: none"> 1. Council supports the sanitary sewer servicing study to consider servicing options from the Town’s Swettingham lift station to the Town and Country Mobile Home Park, but the cost for the study is the responsibility of the owner. 2. The Town is prepared to contribute a portion of the cost of the study to extend sewer service from the Farrell Road gravity feed manhole to Town and Country Mobile Home Park.

PROPOSAL/CONTEXT:

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



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

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

In the short-term the applicant may use the existing single-detached dwelling as a caretaker property/park office. This would make the maximum dwellings on the expanded property 92 units. In the long-term, the expansion would allow for up to 4 additional manufactured home pads.

¹ As shown in the aerial imagery.

The existing and proposed designations/zoning are as follows:

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

DISCUSSION:

Official Community Plan Bylaw No. 1488:

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

The OCP states that “new mobile home parks are supported as an affordable housing option” (section 3.2.3(26)). At the time of writing the OCP in the early 2000s, housing affordability was identified as an important consideration for managing growth. “In 2001, housing costs in Ladysmith averaged \$145,385 (c.f. BC average of \$230, 654)” (section 1.10). In 2019, the average price of a detached home in Ladysmith was \$470, 640, and 18% of Ladysmith households were spending more than 30% of their income on housing (Housing Needs Assessment, 2020).

The subject property is within the South Ladysmith Area Plan area. The South Ladysmith Area Plan recognizes the existing manufactured home park and suggests a maximum density of 15 units per hectare. The existing density of the manufactured home park is approximately 17.5 units per hectare. However, the OCP allows for up to 20 units per hectare (as does the zoning).

Bylaw No. 2130 would change the designation from Single Family Residential to Mobile Home Park Residential in the OCP and the South Ladysmith Area Plan. Bylaw No. 2130 also includes an amendment to align the maximum density in the South Ladysmith Area Plan with the maximum density in the OCP and Zoning Bylaw.

Draft Official Community Plan Bylaw No. 2200:

In the draft OCP, which is currently before Council at 1st reading, the subject property is designated Neighbourhood Residential.

To support housing affordability and diverse residential choices, the new OCP policy 2.4.n. states “Support new manufactured home parks as an affordable housing option, in appropriate locations and where there is a demonstrated need.” Because of this policy staff see the proposal as being consistent with the new OCP.

Zoning Bylaw No. 1860:

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

Bylaw No. 2131 would change the zone from Rural Residential (RU-1) to Manufactured Home Park (MHP – 1).

Condition to Require Parcel Consolidation:

The subject property is only 0.2 ha in size and the existing facility already overlaps two parcels. For these reasons, staff recommend that the proposed amendment bylaws only be approved on the condition that the subject property be consolidated with the adjacent properties.

Existing Servicing Challenges and Proposed Covenant:

The manufactured home park has been in operation since 1970 and uses an on-site septic field for sewer disposal. As of 2019, the applicant reported that the existing on-site sewer system was operational. There are concerns, including from the Town's Engineering Department, that ongoing maintenance and the general age of the facilities would result in the system becoming inefficient to maintain.

In 2019-2020, the Town and the property owner collaborated on a study investigating options to connect to the Town sanitary sewer system. The study provided high-level options for how the property could be connected to the Town's sewer system. The property owner recently stated that they are working to scope the project to connect the manufactured home park to the Town's sewer system and to upgrade other services.

The proposed zoning allows additional units to be added to the property. Given the age and condition of the on-site sewer system, staff recommend a condition that the property owner be required to enter into a covenant prohibiting new units until the property is connected to the Town's sewer service.

Community Amenity Contribution Policy:

The Community Amenity Contribution (CAC) Policy encourages rezoning applicants to consider contributions to offset potential increased demand or pressure on public facilities and services.

No Community Amenity Contribution has been offered. While adding 0.2ha of land to the manufactured home park would theoretically allow for an additional four units, this cannot be implemented without a significant infrastructure investment to connect the properties to the Town's sewer service. Further, the proposed development is not expected to noticeably increase pressure on public facilities and services. Therefore, staff are not recommending that a community amenity contribution be required.

Summary of Analysis:

Staff recommend that Bylaw Nos. 2130 and 2131 receive first and second readings and proceed to public hearing following a neighborhood information meeting. The proposal will allow for a minor expansion to the existing manufactured home park and is compatible with the surrounding land uses. The manufactured home park provides a relatively affordable housing option. The recommended covenant will prevent additional strain to the existing on-site sewerage services.

ALTERNATIVES:

Council can choose to:

1. Deny the proposed bylaws.
2. Amend Bylaw No. 2130 and/or No. 2131 and give the bylaw(s) first and second readings as amended.
3. Refer the application back to staff and/or the applicant for further review or changes as specified by Council.
4. Refer the application back to the Community Planning Advisory Committee for additional comment.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

Section 473(2.1) of the *Local Government Act* requires Council to consider the Town's Housing Needs Report when amending the OCP. The Housing Needs Report² found that 18% of households in Ladysmith are spending more than 30% of their household income on housing expenses (a typical measure of housing affordability). This proposal represents a future opportunity for additional units of relatively affordable housing.

Section 477(3) of the *Local Government Act* requires Council to consider Bylaw No. 2130 in conjunction with the Financial Plan and any Waste Management Plans.³ The proposed OCP amendment allows for a minor expansion of an existing land use and as such is not expected to impact the Town's Financial Plan or any Waste Management Plans. The application was referred to the Town's Finance Department and Infrastructure Services Department.

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

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

A Neighbourhood Information Meeting must be held at least 30 days prior to the Public Hearing. A Public Hearing is required prior to third reading of the bylaws in accordance with section 477 of the *LGA*.

The application was referred to the Community Planning Advisory Committee (CPAC). CPAC made the following resolution:

² Housing Needs Report: <https://www.cvrld.ca/3443/Municipal-Housing-Needs-Assessment-Report>

³ CVRD Solid Waste Management Plan: <https://www.cvrld.ca/2979/Solid-Waste-Management-Plan>

Town's Liquid Waste Management Plan: <https://www.ladysmith.ca/discover-ladysmith/community-plans/liquid-waste-management-plan>

It was moved, seconded and carried that the Community Planning Advisory Committee recommends that Council approve OCP and Zoning Amendment application 3360-20-06 (10940 Westdowne Road) with an expectation that:

- A covenant will be placed on the property preventing expansion of the mobile home park pending a connection of the property to sewer services.
- Staff will review the adequacy of the water service for fire protection.

See Attachment C: CPAC Minutes.

Staff are recommending that a covenant be placed on the property as noted by CPAC.

In terms of fire protection, there are two fire hydrants on Westdowne Road close to the manufactured home park. The hydrants are tested at least once per year and the most recent test result was approximately 600 gallons of water per minute. According to the Town's Fire Chief, this is above the minimum required for use by the fire department and believed to be sufficient for the density, though at the lower end of what would be acceptable. A fire truck can pump water up to 800ft (approx. 240m) from a fire hydrant and firefighters can "relay" water with an additional truck if necessary (e.g., for dwellings further away from Westdowne Road). It is noted that the property is almost 6km from the fire station which would result in a slightly slower response time compared to closer properties.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The file was referred to the Infrastructure Services Department (Building and Engineering, Wastewater Treatment, Ladysmith Fire and Rescue) and to the Finance Department. No concerns were raised other than those relating to the capacity around the on-site sewerage system.

INTERGOVERNMENTAL REFERRAL/IMPLICATIONS:

The following table lists the external governments/agencies that the application was referred to and the responses that were provided:

Referral to:	Response:
Stz'uminus First Nation	<ul style="list-style-type: none"> • No response received.
Ministry of Transportation and Infrastructure	<ul style="list-style-type: none"> • Interests are unaffected.
Cowichan Valley Regional District	<ul style="list-style-type: none"> • Interests are unaffected. • Last year's flow rate was approximately 600 GPM for the fire hydrants on Westdowne Road.
Island Health	<ul style="list-style-type: none"> • Often there are no files available for on-site sewerage systems installed in the 1970s-1980s. • To add additional units to the existing septic system a Registered Onsite Wastewater Practitioner (ROWP) would have to carry out a site survey and submit a filing to Island Health. Once the filing is received, it is either accepted or rejected by Island Health.
School District 68	<ul style="list-style-type: none"> • No response received.

Referral to:	Response:
BC Transit	<ul style="list-style-type: none"> • BC Transit has no objections to the proposal as it creates a form of affordable housing in an area served by transit. • BC Transit recommends the following related to transit-supportive land use and design: <ul style="list-style-type: none"> ○ Develop appropriate street treatments along the Westdowne Road, including fully accessible sidewalks ○ Provide on-site pathways to connect buildings and uses to public sidewalks ○ Eliminate or reduce minimum vehicle parking requirements ○ Ensure that vehicle entrances and exits to the property do not interfere with transit operations or create a safety hazard

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

I approve the report and recommendations.

Allison McCarrick, Chief Administrative Officer

ATTACHMENTS:

- A. Bylaw No. 2130
- B. Bylaw No. 2131
- C. CPAC Minutes 2021.12.01

TOWN OF LADYSMITH

BYLAW NO. 2130

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

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to “Official Community Plan Bylaw 2003, 1488”:

1. Amending Map 1 – Land Use of Schedule A Town of Ladysmith Community Plan to change the designation from Single Family Residential to Mobile Home Park Residential for the subject property at Lot 1, District Lot 72, Oyster District, Plan 24076 (10940 Westdowne Road), as shown in Schedule 1, which is attached to and forms a part of this Bylaw.
2. Amending South Ladysmith Area Plan – Schedule D by:
 - a. Amending Map 2 – Land Use & Transportation to change the designation from Residential to Mobile Home Park Residential for the subject property at Lot 1, District Lot 72, Oyster District, Plan 24076 (10940 Westdowne Road), as shown in Schedule 1, which is attached to and forms a part of this Bylaw.
 - b. Replacing “15 units per hectare” with “20 units per hectare” in Policy 2.4.3.

Citation

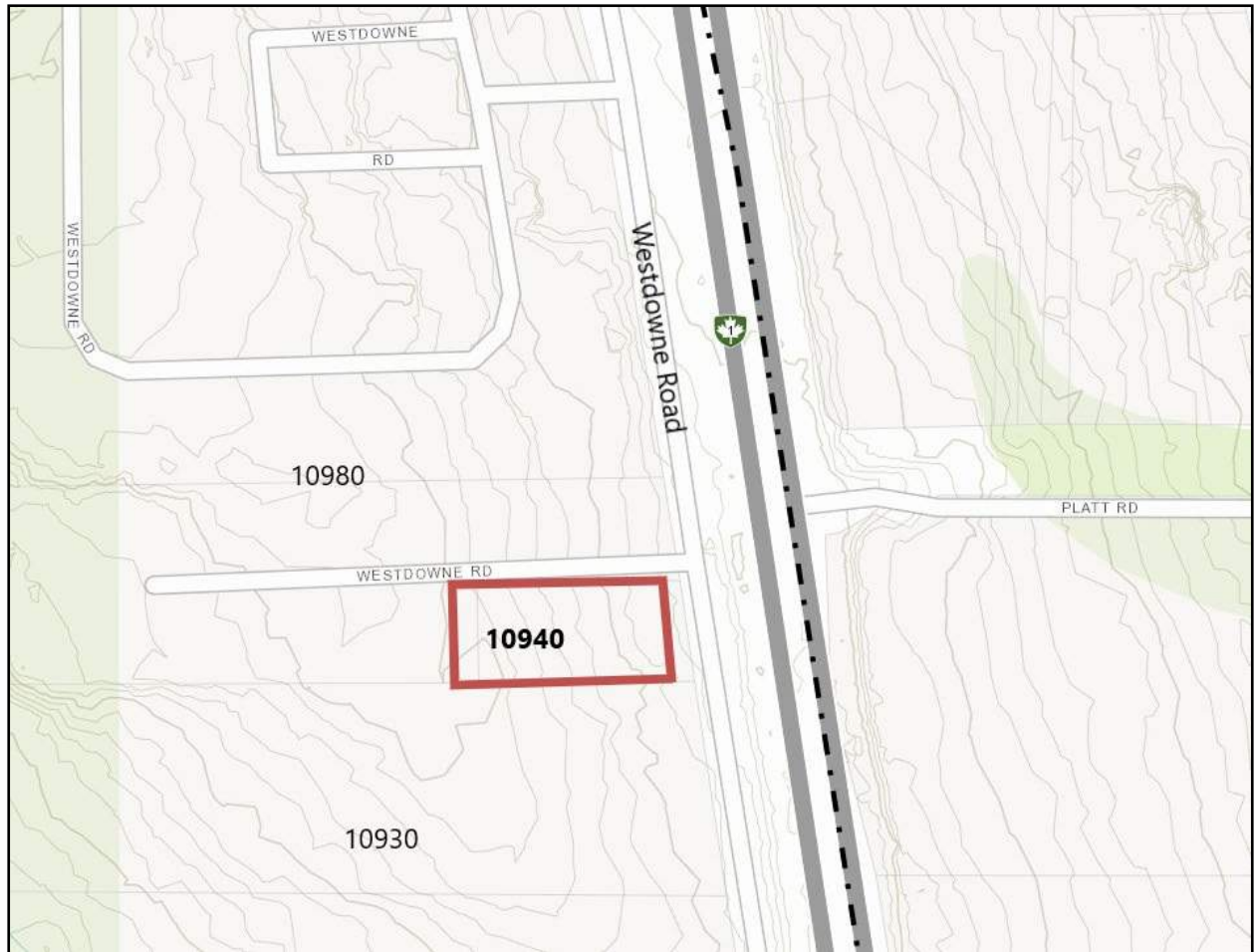
3. This Bylaw may be cited for all purposes as “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.73) 2022, No. 2130”.

READ A FIRST TIME on the _____ day of _____, 2022
READ A SECOND TIME on the _____ day of _____, 2022
PUBLIC HEARING HELD on the _____ day of _____, 2022
READ A THIRD TIME on the _____ day of _____, 2022
APPROVED BY MINISTRY OF TRANSPORTATION
on the _____ day of _____, 2022
ADOPTED on the _____ day of _____, 2022

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

Schedule 1



TOWN OF LADYSMITH

BYLAW NO. 2131

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 amendment to "Town of Ladysmith Zoning Bylaw 2014, No. 1860":

1. Amending Schedule B – Zoning Bylaw Map to change the zone from RU-1 (Rural Residential) to MHP-1 (Manufactured Home Park) for the subject property, at Lot 1, District Lot 72, Oyster District, Plan 24076 (10940 Westdowne Road), as shown in Schedule 1, which is attached to and forms a part of this Bylaw.

Citation

2. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.54), 2022, No. 2131".

READ A FIRST TIME on the _____ day of _____, 2022

READ A SECOND TIME on the _____ day of _____, 2022

PUBLIC HEARING HELD on the _____ day of _____, 2022

READ A THIRD TIME on the _____ day of _____, 2022

APPROVED BY MINISTRY OF TRANSPORTATION

on the _____ day of _____, 2022

ADOPTED on the _____ day of _____, 2022

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

Schedule 1





MINUTES

Community Planning Advisory Committee

Wednesday, December 1, 2021 at 7:00 p.m.

Via Zoom

PRESENT: Chair – Jason Harrison; Members – Abbas Farahbakhsh, Brian Childs, Jason Robertson, Jennifer Sibbald, Steve Frankel, Tamara Hutchinson; Council Liaison – Tricia McKay; Director of Development Services, Jake Belobaba; Senior Planner & Recorder – Christina Hovey;

ABSENT: None.

GUESTS: Applicant – Matt Schnurch (3360-20-06)
Applicant – David Stalker (3360-21-09)
Applicant – Aaron Hungar (3360-21-11)

The meeting was called to order at 7:05pm, acknowledging with gratitude that Ladysmith is located on the traditional unceded territories of the Stz'uminus First Nation.

1. AGENDA APPROVAL

It was moved, seconded and carried that the Agenda of December 1, 2021 be approved.

2. ADOPTION OF MINUTES

It was moved, seconded and carried that the Minutes of October 6, 2021 be approved.

3. COUNCIL REFERRALS

- a. OCP & Zoning Bylaw Amendment application 3360-20-06
10940 Westdowne Road (Town & Country Mobile Home Park)

Staff provided a brief introduction to the application. Matt Schnurch (the applicant) stated that in the short term the property is proposed to be used as an office and the existing single-family home. It is expected that four new mobile home pads could be accommodated on the property in the future. Staff confirmed that, based on background information available, it is not advisable to add any new development to the existing septic system of the Town and Country Mobile Home Park.

One committee member suggested that the existing water service (provided by the CVRD) might not be adequate to provide fire protection to the property. Staff committed to look into the concern.

It was moved, seconded and carried that the Community Planning Advisory Committee recommends that Council approve OCP and Zoning Amendment application 3360-20-06 (10940 Westdowne Road) with an expectation that:

- A covenant will be placed on the property preventing expansion of the mobile home park pending a connection of the property to sewer services.
- Staff will review the adequacy of the water service for fire protection.

b. OCP & Zoning Bylaw Amendment application 3360-21-09
1134 Trans-Canada Highway

Staff provided a brief introduction to the application. Staff corrected one point from the referral report to clarify that the Ministry of Transportation and Infrastructure (MoTI) had agreed to a right-out-only access driveway in the context of a previous application. The referral report incorrectly stated that MoTI would not support any access to the highway from the property.

David Stalker (the applicant) provided information about the scale of the proposed operations, the company currently needs office space for six employees, clients visit the office occasionally, and core office hours are between 7am and 5pm.

The committee discussed a need for high quality landscaping for the site (to be reviewed through the development permit application). There are some existing trees in one area of the property and an existing fence along the highway.

It was moved, seconded and carried that the Community Planning Advisory Committee recommends that Council approve OCP & Zoning Amendment application 3360-21-09 (1134 Trans-Canada Highway) and that landscaping and screening be considered along the Trans-Canada Highway.

c. Zoning Bylaw Amendment application 3360-21-11
631 1st Avenue (Winter Shelter)

Staff provided a brief introduction to the application and explained the restrictions placed on the shelter through the existing Temporary Use Permit (the shelter can only operate overnight and only during the winter months). Staff corrected one point from the referral report to clarify that the shelter is proposing to expand into one dwelling unit rather than two units.

Aaron Hungar (on behalf of the applicant) provided information about emerging challenges with the current temporary location of the shelter at the Islander Hotel and answered questions from the Committee about proposed operations and security.

CPAC indicated that they “wholeheartedly” support this proposal.

It was moved, seconded and carried that the Community Planning Advisory Committee recommends that Council approve Zoning Bylaw Amendment application 3360-21-11 (631 1st Avenue).

4. **NEW BUSINESS**
None.

5. **MONTHLY BRIEFING**
File Updates:

The application for 431 1st Avenue (File No. 3360-21-10) that was previously reviewed by CPAC has received 1st, 2nd, and 3rd reading from Council and the Public Hearing has

been held. CPAC members are invited to review the Council Agendas and Minutes or contact staff for further details.

Council Liaison:

On November 30, 2021 Council appointed Councillor Marsh Stevens to act as the Council liaison to CPAC for 2022, Councillor Tricia McKay was appointed as the alternate.

CPAC members thanked Councillor McKay for her support and hard work, and in particular thanked her for her advocacy in ensuring the group is heard by Council.

6. NEXT MEETING – February 2, 2022.

7. ADJOURNMENT

It was moved, seconded and carried that the meeting be adjourned at 8:33pm.

Jason Harrison

Jason Harrison (Feb 12, 2022 15:46 PST)

Chair (J. Harrison)

RECEIVED:

Dina Smith

Corporate Officer (D. Smith)

STAFF REPORT TO COUNCIL

Report Prepared By: Julie Thompson, Planner
Reviewed By: Jake Belobaba, RPP, MCIP, Director of Development Services
Meeting Date: December 20, 2022
File No: 3360-22-04
Re: Zoning Bylaw Amendment Application - Cannabis Cultivation & Processing at 1144 Rocky Creek Road

RECOMMENDATION:

That Council:

1. Give first and second readings to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 55) 2022, No. 2132";
2. Direct staff to proceed with scheduling and notification of a public hearing for Bylaw No. 2132 in accordance with section 466 of the *Local Government Act*; and
3. Direct staff to forward Bylaw No. 2132 to the Ministry of Transportation and Infrastructure for signature following third reading, pursuant to section 52 of the *Transportation Act*.

EXECUTIVE SUMMARY:

A Zoning Bylaw amendment application has been submitted to allow Cannabis Cultivation and Cannabis Processing on a site-specific basis at 1144 Rocky Creek Road. Staff recommend that Council give first and second readings to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 55) 2022, No. 2132" and direct that a public hearing be held.

PREVIOUS COUNCIL DIRECTION:

Resolution # & Meeting Date	Resolution Details
CS 2020-248 August 18, 2020	That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 31) 2020, No. 2040". <i>Motion Carried</i> (This bylaw allowed [standard] cannabis cultivation and production on a site-specific basis on 1148 Rocky Creek Road in the Light Industrial (I-1) zone).
CS 2019-480, Dec. 3, 2018	That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 20) 2018, No. 1978." (This bylaw allowed Licensed Cannabis Cultivation, Processing and Research)

INTRODUCTION/BACKGROUND:

The current “Town of Ladysmith Zoning Bylaw 2014, No. 1860” regulations were adopted in 2018 to allow for licensed Cannabis Micro-Cultivation, Cannabis Micro-Processing, and Cannabis Research and Development in the I-1 (Light Industrial) zone and I-2 (Heavy Industrial) zone, and to allow for Cannabis Cultivation and Cannabis Processing in certain areas of the I-2 zone. Licences under the *Cannabis Act* and Regulations for the cannabis uses noted in Table 1 (below) are issued by Health Canada at the federal government level. The Zoning Bylaw does not restrict the number of cannabis licences that may occur on a single property.

Table 1: Zoning Bylaw Definitions for Cannabis Uses

Zoning Bylaw Use	Zoning Bylaw Definition
Cannabis Micro-Cultivation	means the cultivation of Cannabis as authorized by a licence for micro-cultivation or a nursery under the <i>Cannabis Act</i> and its regulations contained entirely within a Building”.
Cannabis Micro-Processing	means the processing of Cannabis as authorized by a licence for micro-processing under the <i>Cannabis Act</i> and its regulations and is contained entirely within a Building.
Cannabis Research and Development	means the cultivation, processing, production and testing of Cannabis as authorized by a licence for research under the <i>Cannabis Act</i> and its regulations.
Cannabis Cultivation	means the cultivation of Cannabis as authorized by a licence for standard cultivation under the <i>Cannabis Act</i> and its regulations.
Cannabis Processing	means the processing of Cannabis as authorized by a licence for standard processing under the <i>Cannabis Act</i> and its regulations.

PROPOSAL:

The applicant has applied for a Zoning Bylaw amendment to allow Cannabis Cultivation and Cannabis Processing (under a standard licence from Health Canada) within an enclosed building at 1144 Rocky Creek Road. The property is zoned Light Industrial (I-1) and Cannabis Micro-Cultivation, Cannabis Micro-Processing (under a micro licence from Health Canada) and Cannabis Research and Development are already permitted in I-1, but the proposed cannabis uses under a standard licence from Health Canada are not permitted.¹ If approved, Bylaw No. 2132 would allow the applicant



Figure 1: Subject property.

¹ A micro-cultivation licence limits the producer to a maximum of 200m² of plant surface area. A micro-processing licence limits the producer to a maximum of 600kg of dried cannabis per year. The standard licences do not have maximums.

to apply for standard cannabis processing and cultivation licences rather than “micro” licences.

DISCUSSION:

Official Community Plan:

The property at 1144 Rocky Creek Road is within the Industrial designation in “Official Community Plan 2003, No. 1488” (OCP). The proposed cannabis use is consistent with the OCP which states that the industrial designation should provide for a range of industrial and light industrial uses.

Development Permit Area:

The property is within Development Permit Area 5 – Industrial (DPA 5) under the OCP and issuance of a DP is required prior to development. DP 21-27 was approved on October 25, 2022, for an industrial building at 1144 Rocky Creek Road and the applicant intends to establish a Cannabis Processing and Cannabis Cultivation facility within this building if Bylaw No. 2132 is approved. If the Bylaw is not approved, the applicant can apply for a micro-cultivation or processing licence from Health Canada or use the proposed industrial building for another permitted use.

Zoning Bylaw:

1144 Rocky Creek Road is within the I-1 zone in “Town of Ladysmith Zoning Bylaw 2014, No. 1860” which permits Cannabis Micro-cultivation, Cannabis Micro-processing, and Cannabis Research and Development. The I-1 zone does not permit the proposed Cannabis Cultivation or Cannabis Processing uses (under a standard Health Canada licence), except for a site-specific zoning permission on 1148 Rocky Creek Road.

Proposed Bylaw:

Bylaw No. 2132 proposes to allow Cannabis Cultivation and Cannabis Processing within an enclosed building on a site-specific basis on 1144 Rocky Creek Road.

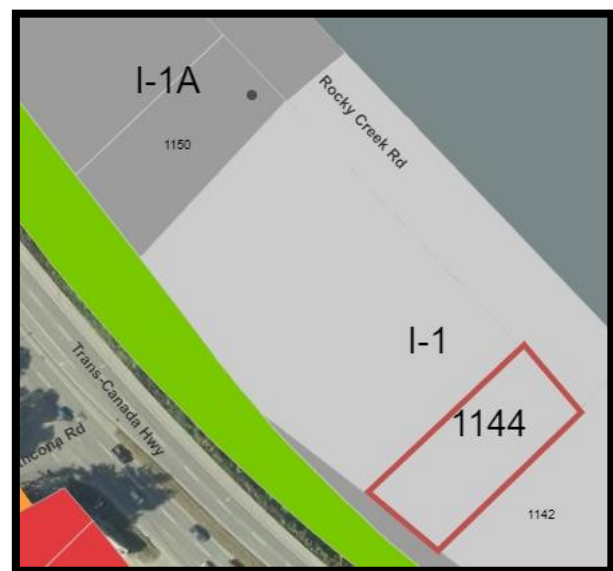


Figure 2: Current zoning map.

No other amendments to the I-1 zone have been requested, meaning that the proposed uses are intended to be established in accordance with the overall size and density regulations of the I-1 zone.

Business Licence Bylaw & Odour Abatement:

The Town’s “Business License Bylaw 2003, No. 1513” contains existing measures to mitigate potential impacts caused by the release of odours associated with cannabis production. The Bylaw states that Cannabis Processing, Cannabis Micro-Processing, Cannabis Cultivation, Cannabis Micro-Cultivation and Cannabis Research and Development businesses that fall within 500m of a zone that permits residential use are required to have an odour abatement plan and

that the required air filtration/ventilation system is operational as verified by a mechanical engineer. The subject property is located within 500m of a zone that permits residential use, as are most of the I-1 properties in Town. The business owner must provide the Town with a record from a qualified person demonstrating the performance of the odour abatement plan before a business licence will be renewed each year.

Any proposed cannabis business must have a business licence from the Town in order to operate. To ensure compliance with the Zoning Bylaw, the applicant will be required to provide proof that they have obtained the appropriate licence(s) for the cannabis uses issued by Health Canada under the *Cannabis Act* and Regulations before a business licence is issued. Health Canada also requires that licence applicants provide ventilation and filtration measures in order to prevent the escape of odours associated with cannabis plant material to the outdoors.

Community Planning Advisory Committee (CPAC):

The application (and another similar application) was considered by the CPAC on September 7, 2022. CPAC passed the following recommendation with respect to the application:

“It was moved, seconded and carried that the Community Planning Advisory Committee recommend that Council approve the proposal to allow cannabis cultivation and cannabis processing as permitted uses at 1144 and 1152 Rocky Creek Road (File Nos. 3060-22-01 and 3060-22-04).”

The CPAC minutes for September 7, 2022, are provided in Attachment C.

Community Amenity Contribution (CAC) Policy:

Through the Town’s CAC policy, Council encourages rezoning applicants to consider proposing CACs toward needed infrastructure and amenities as a way of ensuring that the proposed development is seen as making a positive contribution to the neighbourhood and community at large. Staff are not recommending a CAC for the proposed rezoning since the proposed changes will not increase the already permitted density on the parcel and the I-1 zone will remain on the property. It is noted that any applicable development cost charges (DCCs) will be calculated at the time of building permit. DCC funds are used to assist in paying the capital costs to Town infrastructure.

Analysis:

Staff have the following comments with respect to the proposed Zoning Bylaw amendment:

- The proposed uses will be located within an existing industrial area and the uses are consistent with the Industrial designation in the OCP.
- The definitions for Cannabis Processing and Cannabis Cultivation (under a standard licence; see Table 1) in the Zoning Bylaw would allow the uses to be located outdoors; however, Bylaw No. 2032 requires these uses to occur indoors only, within an enclosed building, which is consistent with other uses permitted within the I-1 zone including Cannabis Micro-Processing and Micro-Cultivation.

- Odours are not expected to be a concern as the uses will be contained within enclosed buildings, there is a requirement in the Business Licence Bylaw for an odour abatement plan, and Health Canada also requires proper ventilation to ensure that odours do not escape.

Based on the above analysis, staff do not expect that the proposed uses will have greater land-use impacts than what is already permitted in the I-1 zone. As such, staff recommend that Bylaw No. 2132 proceed for first and second readings and a public hearing.

Additional Considerations:

An option that Council may wish to consider is to allow Cannabis Cultivation and Cannabis Processing (under standard licences from Health Canada) within an enclosed building as a principal permitted use in the entire I-1 zone, rather than the proposed site-specific provisions. The I-1 zone regulations would still restrict the size and footprint of proposed facilities and there are already regulations in place to manage odour control. These regulations and safeguards in combination with federal oversight for cannabis production should adequately regulate cannabis production in the Town. Council approved a similar application in 2020 for 1148 Rocky Creek Road, and the Town has received another application to allow Cannabis Processing and Cannabis Cultivation at 1152 Rocky Creek Road. However, as there are no fully operational cannabis production facilities within the Town to date, staff cannot confirm whether any local issues may arise from cannabis production uses either under a standard or micro licence.

ALTERNATIVES:

Council can choose to:

1. Amend Bylaw No. 2132 and give first and second readings to the Bylaw, as amended.
2. Direct that a public hearing not be held pursuant to section 464 of the *Local Government Act* for Bylaw No. 2132 and direct staff to proceed with notification for a public hearing not held.
3. Deny application 3060-22-04.
4. Refer the application back to staff for further review as specified by Council.
5. Refer the application back to CPAC.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Bylaw No. 2132 is generally consistent with the Town's OCP and Council may choose to not hold a public hearing under section 464(2) of the *Local Government Act*. However, staff recommend holding a public hearing in accordance with section 465 of the *Local Government Act*, as the public may have an interest in the application, and OCP policies supporting cannabis production are inexplicit. If the application proceeds as recommended, notice of the public hearing for Bylaw

No. 2132 will be provided in accordance with section 466 of the *Local Government Act* , “Town of Ladysmith Development Procedures Bylaw 2008, No. 1667” and “Public Notice Bylaw 2022, No. 2119”.

The file was referred to the CPAC on September 7, 2022. See ‘Community Planning Advisory Committee (CPAC)’ section and Attachment C.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The files have been referred to Building Inspector, Engineering and Bylaw Enforcement. No concerns with the application were identified.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

I approve the report and recommendations.

Allison McCarrick, Chief Administrative Officer

ATTACHMENTS:

- A. Bylaw No. 2132
- B. Rationale Letter 1144 Rocky Creek Road
- C. CPAC Minutes

TOWN OF LADYSMITH

BYLAW NO. 2132

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

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

1. Schedule A – Zoning Bylaw Text is amended by adding a new subsection in section 9 "Site Specific Regulations" in section 12.2 "Light Industrial (I-1)" to follow existing subsections and alphabetized accordingly, as follows:
 - x) For the *Parcel* legally described as Lot D District Lot 38 Oyster District Plan EPP36585 (1144 Rocky Creek Road), *Cannabis Cultivation* and *Cannabis Processing* are permitted principal uses, subject to being contained entirely within an enclosed *Building*.

Citation

- xi) This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 55), 2022, No. 2132".

READ A FIRST TIME on the _____ day of _____, 2022
READ A SECOND TIME on the _____ day of _____, 2022
PUBLIC HEARING HELD on the _____ day of _____, 2022
READ A THIRD TIME on the _____ day of _____, 2022
APPROVED BY MINISTRY OF TRANSPORTATION & INFRASTRUCTURE
on the _____ day of _____, 2022
ADOPTED on the _____ day of _____, 2022

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

February 8th, 2022

Rationale Letter
Town of Ladysmith
132 C Roberts St.
Ladysmith, BC V9G 1A2

1144 Rocky Creek Road, Ladysmith, BC, V9G 1J5

Our intent with our application to rezone our property within the Light Industrial Zone (I-1) in the town of Ladysmith is to allow for cannabis processing and cannabis cultivation, currently only cannabis micro-cultivation, cannabis micro processing, and cannabis research and development are permitted within this zone.

The Town of Ladysmith has various cannabis used that are permitted under the current Zoning Bylaws defined below.

Zoning Bylaw Use	Zoning Bylaw Definition
Cannabis Micro-Cultivation	means the cultivation of <i>Cannabis</i> as authorized by a licence for micro-cultivation or a nursery under the <i>Cannabis Act</i> and its regulations contained entirely within a <i>Building</i> ".
Cannabis Micro-Processing	means the processing of <i>Cannabis</i> as authorized by a licence for micro-processing under the <i>Cannabis Act</i> and its regulations and is contained entirely within a <i>Building</i> .
Cannabis Research and Development	means the cultivation, processing, production and testing of Cannabis as authorized by a licence for research under the Cannabis Act and its regulations.
Cannabis Cultivation	means the cultivation of <i>Cannabis</i> as authorized by a licence for standard cultivation under the <i>Cannabis Act</i> and its regulations.
Cannabis Processing	means the processing of <i>Cannabis</i> as authorized by a licence for standard processing under the <i>Cannabis Act</i> and its regulations.

The proposal in this development is to construct a new two-storey base building on the currently vacant lot to allow for the operation of cannabis cultivation and cannabis processing under a standard cultivation and processing licence, entirely indoors in the fully enclosed building. The front setback of the building will be used to accommodate a two-way driveway and ten parking stalls, which is compliant with the current Zoning Bylaw 1860, Part 8.2. The building can be accessed by three main entrance doors located at front on both sides, and

one beside the overhead rolling door. An overhead rolling door is located at the centre of the building frontage to allow access to fleet vehicles or delivery trucks. An exit door is located at the south side of the building.

The ground floor or level 1 is comprised of two L-shaped stairs to access the second level and to provide 2 exits from the area on Level 2. One washroom for handicap and one unisex washroom are located on the south side on Level 1. On the north side the electrical/mechanical room are located against stairs and can be accessed from the outside of the building. On the second floor there are two washrooms one for female and one for male users and they are located at the south side aligned to washrooms on the ground level. It also consists of a corridor and space ready for an office, kitchen, dining area and locker room. The second floor is intended for employee's common service area and office space.

The zoning I-1 regulates the use, size, and massing of the buildings by establishing the following:

<u>Permitted</u>	<u>Proposed</u>
<p>Permitted uses: Micro Cannabis Cultivation and Processing</p> <p>Maximum Floor Space Ratio: 0.70 Maximum Parcel Coverage: 75% Maximum Principal Bldg. Height: 12.00 m Maximum Accessory Bldg. Height: 7.50 m Number of Storeys: N.A.</p> <p>Gross Floor Area: Variable Gross Parcel Area: Variable</p> <p><u>Minimum Setbacks:</u></p> <p>Front (East): 6.00m North & South Side: 3.00m Rear (West): 3.00m</p> <p><u>Parking & Loading Regulations (Part 8):</u> Permitted: 0.5 per employee plus 1 per 100 SM of gross floor area, plus 1 per fleet vehicle</p>	<p>Proposed Use: Standard Cannabis Cultivation and Processing</p> <p>Maximum FSR: 0.49 Maximum Parcel Coverage: 49% Maximum Principal Bldg. Height: 7.60 m Maximum Acc. Bldg. Height: N.A. Number of Storeys: Two</p> <p>Gross Floor Area: 672 SM Gross Parcel Area: 1366 SM</p> <p>Front (East) : 14.60m North & South Side : 3.00m Rear : 6.10m (Northwest) 3.10m (Southwest)</p> <p>Provided: 10 parking stalls (6 employees x 0.5 = 3 + 672 SM/100= 6 + 1 fleet vehicle)</p>

The building character is a very reflection of its use and function. The use of modern industrial materials such as PBR for wall cladding, concrete, steel, and glass not only meets the functionality requirements but its aesthetics as well.

The building design, setbacks, and landscaping aim to avoid conflicts between the adjacent neighboring buildings and at the same time maintaining privacy of the properties indoor and outdoor spaces.

Official Community Plan:

The subject property is within the Industrial designation under the Official Community Plan (OCP):

“The Industrial designation is intended to accommodate industrial development and employment centres. It provides for the range of heavy industrial and light industrial uses, and limited commercial uses to support industrial parks. The maximum density is 0.3 FSR for heavy industrial and 0.7 FSR for light industrial developments.”

The proposal is for the subject property to remain an industrial use, which is consistent with the current OCP designation. As outlined above the proposed development is within the maximum light industrial density. The proposal is to have all cannabis uses contained within the building, which is in line with the I-1 zoning. Based on this, the proposed development can be considered light industrial use and is consistent with the current OCP, thus an OCP amendment is not required.

To be in accordance with the required physical security measures under the Cannabis Act and its regulations for a licence for Standard Cultivation and Processing we are proposing to construct chain link fencing with barbed wiring around the site to provide a physical security barrier. Privacy screens will be affixed to the chain link fencing to ensure the fencing is rendered as opaque. Hedges will be planted along the front lot line, as shown in the Landscape Design, for an additional barrier.

Proposed Zoning Bylaw Amendment:

As per the definitions, our intention behind rezoning to allow for cannabis cultivation and cannabis processing is to have the ability to apply for a licence for standard cultivation and standard processing under the Cannabis Act and its regulations. Under the following link you can find Appendix B <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/industry-licensees-applicants/licensing-summary/guide.html#b> which outlines the differences between Micro Cultivation and Processing in comparison to Standard Cultivation and Processing.

We are proposing to allow for a site-specific amendment to the I-1 zone to allow cannabis cultivation and cannabis processing within the proposed enclosed building on our subject property, this will retain consistency with the light industrial uses in the I-1 zone and the OCP. The density of the proposed development is in line with the current density regulations under the I-1 zone.

Sincerely,
Angelika Klimowicz
Polstar Construction Ltd.

[REDACTED]
[REDACTED]



MINUTES

Community Planning Advisory Committee

Wednesday, September 7, 2022 at 7:00 p.m.
City Hall Council Chambers, 410 Esplanade

PRESENT: Chair – Jason Harrison; Members – Jason Robertson, Steve Frankel, Tamara Hutchinson; Council Liaison – Marsh Stevens; Senior Planner & Recorder – Christina Hovey

ABSENT: Members – Abbas Farahbakhsh, Brian Childs, Jennifer Sibbald

GUESTS: Applicant – Zachary Chester (File No. 3360-22-01)

Acting Chair Jason Harrison called the meeting to order at 7:28pm, acknowledging with gratitude that Ladysmith is located on the traditional unceded territories of the Stz'uminus First Nation.

1. AGENDA APPROVAL

It was moved, seconded and carried that the Community Planning Advisory Committee Agenda of September 7, 2022 be approved as amended to remove "Item 2 Election of the Chair" to the next meeting and renumber the agenda accordingly.

2. ADOPTION OF MINUTES

It was moved, seconded and carried that the Minutes of March 2, 2022 be approved.

3. COUNCIL REFERRALS

- a. Zoning Bylaw Amendment 3360-22-01 1152 Rocky Creek Road & Zoning Bylaw Amendment 3360-22-04 1144 Rocky Creek Road.

Planner Christina Hovey briefly introduced the files and explained the reasoning for presenting the two files together as well as the option to amend the Zoning Bylaw to allow standard cannabis cultivation and processing as permitted uses throughout the I-1 zone.

Zach Chester (1152 Rocky Creek Road) provided a brief overview of the proposal and stated multiple "micro" cannabis licences (which would be permitted under the current zoning) would have a building footprint and similar impact on the surrounding properties as a single standard licence. The applicant answered questions from the committee and provided the following comments/clarifications:

- Exhaust goes through a carbon filter to minimize odours. Health Canada does regular audits which would include checking the mechanical is functioning and the filters are changed regularly.
- To minimize any impact on the neighbouring residential property the applicant is proposing to place the ventilation equipment on the side of the building opposite the property boundary and may set the building back from the property line (the required setback in the Zoning Bylaw is 3.0 m).
- The business plans to employ 4 people full time and seasonal labour. Jobs are skilled and well paying.
- Although seeking a "standard" rather than "micro" licence they are still considered a small scale or "craft" producer.

- Addressing environmental sustainability including as a “certified organic” producer and using local soil and regenerative soil practices.

The Committee discussed the applications for 1144 and 1152 Rocky Creek Road as well as the broader potential for cannabis production in the industrial zones. The Committee was generally supportive of the two applications.

Regarding the option to amend the permitted uses for the entire I-1 zone to allow standard cannabis cultivation and processing the committee members expressed a range of opinions. Discussion included:

- One member asked what the likelihood would be of seeing a large scale producer establish in the I-1 zone. Staff responded that the parcel configuration would make it unlikely.
- Desire to have a variety of uses in the I-1 zone, not a “cannabis hub” and the municipality may even want to cap the number of cannabis facilities.
- That it will be easier to evaluate possible impacts (e.g. odour) on the surrounding properties in a few years.

It was moved, seconded and carried that the Community Planning Advisory Committee recommend that Council approve the proposal to rezone 1152 Rocky Creek Road from I-1 to I-1A. (File No. 3060-22-01)

It was moved, seconded and carried that the Community Planning Advisory Committee recommend that Council approve the proposal to allow cannabis cultivation and cannabis processing as permitted uses at 1144 and 1152 Rocky Creek Road. (File Nos. 3060-22-01 and 3060-22-04)

4. NEW BUSINESS

None.

5. MONTHLY BRIEFING

File Updates:

The following files that the Committee previously reviewed have been to Council since the last meeting:

- Holland Heights/Lot 5 Holland Creek (3360-21-08)
- 1301 & 1391 Rocky Creek Road (3360-20-08)
- 201 Dogwood Drive (DP was approved)

The conditions for 1301 & 1391 Rocky Creek Road (3360-20-08) and 1130 Rocky Creek Road (3360-20-02) are being finalized and should return to Council shortly for consideration of adoption. In addition, a draft of the new Official Community Plan was received by Council on September 6, 2022.

Committee members can review the Council Agendas and Minutes or contact staff for further information.

6. NEXT MEETING – TBD

7. ADJOURNMENT

It was moved, seconded and carried that the meeting be adjourned at 8:20pm.

Jason Harrison

Jason Harrison (Oct 18, 2022 01:25 PDT)

Chair (J. Harrison)

RECEIVED:

Dina Smith

Corporate Officer (D. Smith)

STAFF REPORT TO COUNCIL

Report Prepared By: Erin Anderson, Director of Financial Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: December 20, 2022
File No:
Re: **2023 Capital Projects – Early Budget Approval**

RECOMMENDATION:

That Council give early budget approval for the following projects:

- City Hall Meeting Room \$75,000
- City Hall Roof - \$150,000
- City Hall Windows - \$120,000
- FJCC Pool Condition Assessment - \$50,000
- FJCC Aquatic Wheelchair Replacement - \$6,000
- Sports Field Improvements (Aggie irrigation) - \$125,000
- Water Filtration Plant Deficiencies - \$600,000
- Water Main replacement - 6th Ave & dead-ends - \$385,000
- Sewer Main connection for Artist Studio - \$100,000
- Swettenham Pumpstation – pump - \$35,000
- UV Phase 2 – Design - \$100,000
- WWTP Servers - \$50,000

EXECUTIVE SUMMARY:

There are twelve capital projects for which staff are requesting early budget approval in order to commence the projects before May 15th when the 2023-2027 Financial Plan must be adopted. By granting approval now, staff can begin designing and tendering the projects. Should Council approve the select projects, the funds will be committed and cannot be cancelled at a later date without risk of penalties.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

Budget deliberations for the 2023-2027 Financial Plan have taken place during the last four Council meetings. Staff presented the capital projects on the work plan for 2023 at

the October 25th and December 6th meetings, highlighting the projects staff would like to start early in 2023. Early budget approval is requested in order to source products or tender projects early, which may lead to more favourable pricing.

ALTERNATIVES:

Council can choose to:

1. Remove specific projects from the recommended list and approve the remainder.
2. Wait for the 2023-2027 Financial Plan bylaw to be approved before approving.
3. Defer decision until after Strategic Planning in January. This may impact pricing and contractor availability.

FINANCIAL IMPLICATIONS:

Early approval of these selected projects means the funds will be committed and the projects cannot be removed when the Financial Plan Bylaw is presented. The attached report (Appendix A) details the amounts to come from property taxation, water user fees and sewer user fees.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The respective department will begin working on these select projects if Council grants early budget approval.

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 recommendations.

Allison McCarrick, Chief Administrative Officer

ATTACHMENT:

- A. Appendix A – 2021 Early Budget Approval Requests

Appendix A - 2023 Early Budget Approval Requests

Parks & Rec

Facility Maintenance



City Hall Meeting Room

\$75,000

Description Create smaller meeting room and offices from previous Council Chambers

Purpose To allow for additional office space in CH previous Council Chambers

Taxation Water Utility Sewer Utility

Parks & Rec

Facility Maintenance



City Hall Roof

\$150,000

Description Replace leaking roof at City Hall

Purpose To replace the roof and drainage at City Hall

Taxation Water Utility Sewer Utility

Parks & Rec

Facility Maintenance



City Hall Windows

\$120,000

Description Replacing single pane windows with more energy efficient options

Purpose To replace windows in City hall and reduce energy consumption

Taxation Water Utility Sewer Utility

Parks & Rec

Facility Maintenance



FJCC Pool Condition Assessment

\$50,000

Description Have a consultant conduct a condition assessment on the pool and mechanical systems for FJCC.

Purpose The WSP report identifies major components to the pool and mechanical systems needing replacement in next 1-3 years. The goal is to determine the short and long-term costs with the facility and its remaining useful life.

Taxation Water Utility Sewer Utility

Appendix A - 2023 Early Budget Approval Requests

Parks & Rec

Recreation



FJCC Aquatic Wheelchair Replacement

\$6,000

Description Replacement of two 24" wheel heavy duty aquatic wheelchair for patrons to access pool areas.

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.

Taxation	<input type="text" value="6,000"/>	Water Utility	<input type="text" value="0"/>	Sewer Utility	<input type="text" value="0"/>
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Parks & Rec

Parks & Playgrounds



Sports Field Improvements (Aggie irrigation)

\$125,000

Description Based on assessment, upgrade Town sports field to allow for year-round use

Purpose To address ongoing drainage and field undulation (unlevelled peaks and valleys on the playing surface)

Taxation	<input type="text" value="75,000"/>	Water Utility	<input type="text" value="0"/>	Sewer Utility	<input type="text" value="0"/>
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Public Works

Water



Water Filtration Plant Deficiencies

\$600,000

Description DAF tank seepage; soda ash hopper mixer; compressor, etc.

Purpose To correct plant deficiencies

Taxation	<input type="text" value="0"/>	Water Utility	<input type="text" value="0"/>	Sewer Utility	<input type="text" value="0"/>
----------	--------------------------------	---------------	--------------------------------	---------------	--------------------------------

Public Works

Water



Water Main replacement - 6th Ave & dead-ends

\$385,000

Description Replace problematic AC watermain in combination with looping dead-end mains

Purpose Replacement

Taxation	<input type="text" value="0"/>	Water Utility	<input type="text" value="385,000"/>	Sewer Utility	<input type="text" value="0"/>
----------	--------------------------------	---------------	--------------------------------------	---------------	--------------------------------

Appendix A - 2023 Early Budget Approval Requests

Public Works

Sewer/Compost



Sewer Main connection for Artist Studio

\$100,000

Description Upgrades and connection the Machine Shop lift station

Purpose To provide a temporary sewer connection for the artist studio.

Taxation

0

Water Utility

0

Sewer Utility

100,000

Public Works

Sewer/Compost



Swettenham Pumpstation - pump

\$35,000

Description Replacement of pump at the Swettenham Lift Station

Purpose To ensure continued operations of the lift station by replacing aging pump

Taxation

0

Water Utility

0

Sewer Utility

35,000

Public Works

Sewer/Compost



UV Phase 2 - Design

\$100,000

Description UV Design

Purpose Begin design on the new UV disinfection system

Taxation

0

Water Utility

0

Sewer Utility

100,000

Public Works

Sewer/Compost



WWTP Servers

\$50,000

Description End of life replacement of WWTP servers & switches. MCC Surge Protector

Purpose To ensure equipment is operation correctly

Taxation

0

Water Utility

0

Sewer Utility

50,000

STAFF REPORT TO COUNCIL

Report Prepared By: Julie Tierney, Executive Liaison
Reviewed By: Allison McCarrick, CAO
Meeting Date: December 20, 2022
File No: 0530-20
Re: Council Code of Conduct

RECOMMENDATION:

That Council review and sign the Council Code of Conduct Policy 01-230-B.

EXECUTIVE SUMMARY:

As of June 13, 2022, Provincial legislation requires that a Council must decide, within six months of the first regular Council meeting following the general local election, whether to adopt or review a Code of Conduct. This document sets shared expectations for the conduct or behaviour of a Council. It may also enhance public confidence that the Town of Ladysmith elected officials govern with integrity and respect.

PREVIOUS COUNCIL DIRECTION:

CS 2021-161 2021-05-18 That Council adopt the proposed Council Code of Conduct Policy.

INTRODUCTION/BACKGROUND:

In May 2021, Council adopted a Council Code of Conduct (Attachment A) which established the ethical standards and rules of behaviour that Town of Ladysmith elected officials must follow. These rules, which adhere to those set out in the *Community Charter*, include managing conflicts of interest, inside and outside influences, exceptions from conflict restrictions, the acceptance and disclosure of gifts, disclosure of contracts, and the use of insider information.

As prescribed by Provincial regulation, a council must consider the following principles for codes of conduct before making a decision:

- Council members must carry out their duties with integrity;
- Council members are accountable for the decisions that they make, and the actions that they take, in the course of their duties;
- Council members must be respectful of others; and
- Council members must demonstrate leadership and collaboration.

If the Council decides not to adopt or review a Code of Conduct, they must make the reasoning behind their decision publicly available.

ALTERNATIVES:

Council can choose to:

1. Not adopt or review the Code of Conduct; or
2. Amend the proposed Code of Conduct, including adding additional provisions.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Electors expect the highest standards of conduct from the members of Council that it elects. Therefore, adherence to these standards will enhance public trust.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

ATTACHMENT:

A. Council Code of Conduct

TOPIC:	Council Code of Conduct
POLICY No:	01-0530-B
APPROVED BY:	Council
DATE:	May 18, 2021
AMENDED:	

PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the conduct of Council members in fulfilling their obligations and carrying out their duties.

This Code applies to all members of Town Council.

GUIDING PRINCIPLES

Integrity

Council is the keeper of the public trust and must uphold the highest standards of ethical behaviour. Council members are expected to:

- make decisions that benefit the community;
- act lawfully and within the authorities of the *Community Charter, Local Government Act* and other applicable enactments;
- be truthful, honest, and open in all dealings with other Council members, staff and the public; and
- direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.

Accountability

Council is obligated to answer for the responsibility that has been entrusted to it. Council members are accountable for:

- the decisions they make, their own actions and the actions of the collective Council;
- ensuring they carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions; and
- considering the opinions and needs of the community, allowing for appropriate opportunities for feedback.

Respect

Council must conduct public business efficiently and with decorum. Council members must:

- treat every person with dignity, understanding and respect;
- show consideration for every person's values, beliefs, and contributions to discussions; and
- demonstrate awareness of their own conduct and consider how their behaviour may be perceived.

Leadership and Collaboration

Council must exhibit and promote the guiding principles of the Council Code of Conduct through its decisions, actions and behaviour. Council members will demonstrate collaboration and leadership through:

- behaving in a manner that builds public trust and confidence in the local government;
- considering the issues before them and making decisions as a collective body by actively participating in debate about the merits of a decision, but once the decision has been made, all Council members will recognize the democratic majority;
- recognizing debate is an essential part of the democratic process and encourage constructive discourse while empowering other Council members to provide their perspectives on relevant issues;
- calmly facing challenges and providing considered direction on issues they face as part of their roles and responsibilities; and
- respecting the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with other Council members, staff and the public.

STANDARDS OF CONDUCT**1. Act in the Public Interest**

Council members shall act in the public interest by conducting Council business with integrity.

2. Comply with the Laws

Council members shall comply with all applicable federal, provincial, and municipal laws in the performance of their public duties, including but not limited to: *the Local Government Act, the Community Charter, the Freedom of Information and Protection of Privacy Act, the Financial Disclosure Act*, and all applicable Town bylaws and policies.

3. Conduct of Council

The conduct of Council members in the performance of their duties and responsibilities with the Town will adhere to the guiding principles of the Council Code of Conduct.

4. Respect for Process

Council members shall perform their duties in accordance with the policies, procedures and rules of order established by the Town Council.

5. Conduct of Meetings

Council members shall prepare themselves for meetings, listen courteously and attentively to all discussions before the body, and focus on the business at hand. Council members shall not interrupt other speakers, make personal comments not germane to the business of the body, or otherwise interfere with the orderly conduct of a meeting.

6. Decisions Based on Merit

Council members shall base their decisions on the relevant merits and substance of the matter presented, including input received from Town staff and the public.

7. Sharing Substantive Information

Subject to paragraph 10, Council members shall share with Council substantive information that is relevant to a matter under consideration by the Council, which they may have received from sources outside of the public decision-making process. If a Council member has a concern regarding whether the information received should be shared, the Council member shall first consult with the Chief Administrative Officer or Manager of Corporate Services.

8. Conflict of Interest

Council members shall familiarize themselves and act in accordance with the provisions set out in the conflict of interest sections of the *Community Charter*. Council members are expected to make decisions that benefit the community. They are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests.

Council members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties in accordance with statutory requirements of the *Community Charter*.

9. Gifts

Council members must not directly or indirectly, accept a fee, gift or personal benefit connected with the Council member's performance of their duties, except in accordance with the provisions of the *Community Charter*.

10. Confidential Information

Council members shall respect the confidentiality of information concerning the property, personnel, legal affairs, or other information of the Town distributed for the purposes of, or considered in, a closed Council meeting. Council members shall neither disclose confidential information without proper authorization, nor use such information to advance their own or anyone's personal, financial or other private interests. Without limiting the generality of the foregoing, Council members shall not disclose Council resolutions or staff report contents from a closed meeting of Council unless and until a Council decision has been made for the information to become public, and shall not disclose detail on Council's closed meeting deliberations or how individual Council members voted on a question in a closed meeting.

11. Council Use of Social Media

- 11.1. It is not the role of individual Council members to report directly on Town-related business. Council members will use caution in reporting decision-making by way of their social media profiles and websites prior to official communication by the Town.
- 11.2. Council members will include an "in my opinion", or similar disclaimer, either within the banner of their individual social media site(s) or separately when making follow up posts to the Town's social media postings and when creating original posts pertaining to Town-related business.
- 11.3. Council members shall take steps to remove from their social media account any publication by another person of content that violates this policy.
- 11.4. Council members will refrain from using or permitting use of their social media accounts for purposes that include:
 - defamatory remarks, obscenities, profane language or sexual content;
 - negative statements disparaging staff or calling into question the professional capabilities of staff;
 - content that endorses, promotes, or perpetuates discrimination or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation;
 - statements that indicate an actual attitudinal bias in relation to a matter that is to be the subject of a statutory or other public hearing;
 - promotion of illegal activity; and
 - information that may compromise the safety or security of the public or public systems.

12. Interactions with the Public and the Media

- 12.1. The Mayor is the official Council media spokesperson. The Mayor may designate an alternate spokesperson on a case-by-case basis.
- 12.2. Council members will accurately communicate the decisions of the Council, even if they disagree with the majority decision of Council, and by so doing affirm the respect for and integrity in the decision-making processes of Council.
- 12.3. When discussing the fact that he/she/they did not support a decision, or voted against the decision, or that another Council member did not support a decision or voted against a decision, the Council member will refrain from making disparaging comments about other Council members or about Council's processes and decisions.
- 12.4. Nothing in this Policy is intended to affect the rights under the *Charter of Rights and Freedoms*.

13. Advocacy

Council members shall represent the official policies or positions of the Town Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Council members shall explicitly state they do not represent Council or the Town, nor shall they allow the inference that they do.

14. Policy Role of Council

Council members shall respect and adhere to the Council-Chief Administrative Officer structure of municipal government as practiced in the Town. In this structure, Council determines the policies of the Town with the advice, information and analysis provided by Town staff and Council committees. Council members therefore shall not interfere with the administrative functions of the Town or with the professional duties of Town staff, nor shall they impair the ability of staff to implement Council policy decisions.

15. Council Questions/Inquiries to Town Staff

Council requests for information from staff shall be directed to the Chief Administrative Officer, a Director, or the Manager of Corporate Services. If the response is related to a current agenda item, the response shall be given at the Council meeting at which the subject is scheduled to be discussed. If the request is not related to a current agenda item, then the response shall be provided to all of Council so that all Council members have access to the same information.

16. Implementation

This Council Code of Conduct is intended to be self-enforcing. This Code therefore becomes most effective when Council members are thoroughly familiar with it and embrace its provisions. For this reason, this Code shall be provided as information to candidates for Council. Council members elected to Council shall be requested to sign a statement affirming they have read and understand this Code, and that they agree to conduct themselves in accordance with it (Appendix A).

17. Compliance and Enforcement

This Code expresses standards of ethical conduct expected for Members of Council. Council members themselves have the primary responsibility to assure that these ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of the governance of the Town.

The Town will not retaliate against a Council member or Town staff who, in good faith, report a known or suspected violation of this Code. No reprisals or threat of reprisals shall be made against such a complainant, or against anyone for providing relevant information in connection with a suspected violation of this Code. Council members shall respect the integrity of this Code and the enforcement of it.

Town Council may impose sanctions on Council members whose conduct does not comply with this Code, including but not limited to a motion of censure.

To ensure procedural fairness, a Council member who is accused of violating any provision of this Code shall have a minimum of two weeks, or the time between two consecutive Council meetings, whichever is greater, to prepare his/her/their response to these allegations. Specifically, before considering a sanction, Council must ensure that a Council member is provided with:

1. a copy of a written report setting out the alleged breach of this Code, and possible sanctions that may be considered against him/her/them;
2. a minimum of two weeks, or the time between two consecutive meetings, whichever is greater, to prepare a response against any allegations and possible sanctions; and
3. an opportunity to make representations and be heard by Council.

A violation of this Code shall not be considered a basis for challenging the validity of a Council decision.

ATTACHMENT A

COUNCIL CODE OF CONDUCT

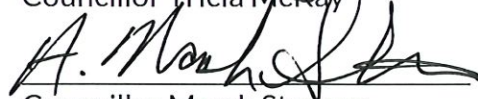
The public expects a responsive local government with the highest standards of professional conduct from those elected to it. The residents of the Town of Ladysmith are entitled to have a fair, ethical and accountable municipal Council that has earned the public's full confidence for integrity. It is an honour and a privilege to serve the public.

As local elected representatives, we recognize that responsible conduct is essential to providing good governance for the Town of Ladysmith. We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being active participants in ensuring that these foundational principles, and the standards set out in the Code of Conduct, are followed in all of our dealings with other elected officials, staff, and the public.

Our signatures below are evidence of our individual commitments to abide by the spirit and letter of the Code of Conduct.

Signed at the Town of Ladysmith, this 18 day of MAY, 2021


Mayor Aaron Stone
Councillor Amanda Jacobson
Councillor Tricia McKay
Councillor Marsh Stevens
Councillor Rob Johnson
Councillor Duck Paterson
Councillor Jeff Virtanen

TOWN OF LADYSMITH

BYLAW NO. 2126

A Bylaw to Provide for the Borrowing of Money in Anticipation of Revenue

WHEREAS the Town of Ladysmith does not have sufficient money on hand to meet the current lawful expenditures of the municipality;

AND WHEREAS it is provided by Section 177 of the *Community Charter* that Council may, without the assent of the electors or the approval of the Inspector of Municipalities, provide for the borrowing of such sums of money as may be necessary to meet the current lawful expenditures of the municipality provided that the total of the outstanding liabilities does not exceed the sum of:

The whole amount remaining unpaid of the taxes for all purposes levied during the current year, provided that prior to the adoption of the annual property tax bylaw in any year, the amount of the taxes during the current year for this purpose shall be deemed to be 75% of the taxes levied for all purposes in the immediately preceding year.

AND WHEREAS the total amount of liability that Council may incur is seven million dollars (\$7,400,000);

AND WHEREAS there are no liabilities outstanding under Section 177;

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

1. The Council shall be and is hereby empowered and authorized to borrow upon the credit of the Town of Ladysmith an amount or amounts not exceeding the sum of seven million and four hundred thousand dollars (\$7,400,000).
2. The form of obligation to be given as acknowledgement of the liability shall be a promissory note or notes bearing the corporate seal and signed by the Mayor and the officer assigned the responsibility of financial administration of the municipality.
3. All unpaid taxes and the taxes of the current year when levied or so much thereof as may be necessary shall, when collected, be used to repay the money so borrowed.

Effective Date

4. This bylaw comes into effect January 1, 2023.

Citation

5. This bylaw may be cited for all purposes as "2023 Revenue Anticipation Borrowing Bylaw 2022, No. 2126".

READ A FIRST TIME on the 6th day of December, 2022
READ A SECOND TIME on the 6th day of December, 2022
READ A THIRD TIME on the 6th day of December, 2022
ADOPTED on the

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

TOWN OF LADYSMITH

BYLAW NO. 2127

A Bylaw to amend the Waterworks Regulations

The Council of the Town of Ladysmith in open meeting assembled amends “Waterworks Regulations Bylaw 1999, No. 1298” as follows:

1. Delete Schedule “A” in its entirety and replace with the attached Schedule “A”.

Effective Date

2. The provisions of this bylaw shall become effective and be in force as of January 1, 2023.

Citation

3. This bylaw may be cited as Town of Ladysmith “Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2022, No. 2127”.

READ A FIRST TIME on the 6th day of December, 2022

READ A SECOND TIME on the 6th day of December, 2022

READ A THIRD TIME on the 6th day of December, 2022

ADOPTED on the

Mayor (A. Stone)

Corporate Officer (M. O’Halloran)

SCHEDULE "A"
TOWN OF LADYSMITH
"Waterworks Regulations Bylaw 1999, No. 1298"

1. METERED SINGLE UNIT DWELLING

Per billing period:

Base Rate, including consumption to 25 m ³	\$ 58.05	
Next 26 m ³ to 50 m ³	\$ 1.0563	per m ³
Next 51 m ³ to 75 m ³	\$ 1.2482	per m ³
Next 76 m ³ to 100 m ³	\$ 1.5360	per m ³
Next 101 m ³ to 125 m ³	\$ 2.0163	per m ³
Over 125 m ³	\$ 2.6884	per m ³
Over 200 m ³ (April to September only)	\$ 3.4949	per m ³

2. METERED SINGLE UNIT DWELLING WITH SUITE

Per billing period:

Base Rate, including consumption to 37.50 m ³	\$ 87.08	
Over 37.50 m ³	\$ 0.9601	per m ³

3. METERED SERVICE - all other users

Per billing period:

Base Rate, including consumption to 25 m ³	\$ 58.05	
Over 25 m ³	\$ 0.9601	per m ³

4. NON-METER SERVICE

Per billing period:	\$ 84.18	per unit
---------------------	----------	----------

5. BULK WATER RATE \$ 2.42 per m³

6. WATER SERVICE CONNECTION RATES

Where a service connection has not been previously provided to a parcel but where the Public Waterworks system front or abuts the parcel:

- (A) Up to a 25mm (4") service connection
including meter, meter box, meter setter,
check valves, shut-off valves and other related
appurtenances: \$3,000 per connection
- (B) Larger than 25mm (4") shall be: At cost but no less than
\$3,000 per connection

SCHEDULE "A" (cont.)

Where a service connection has been previously provided to a parcel:

- (C) Service connection including meter, meter box, meter setter, check valves, shut-off valves and other related appurtenances and is the requested size: \$100 per connection
- (D) Owner requested service modification including installation of a water meter, meter box, meter setter, check valves, shut-off valve and any other related appurtenances shall be: At cost, but no less than \$3,000 per connection

7. FINES

Every person who violates any provision of this bylaw shall be guilty of an offence punishable on summary conviction and shall be liable to a fine or to imprisonment for not more than 6 months, or both. \$2,000 per offence

Each day that a violation of the provisions of this bylaw occurs, exist or is permitted to occur or exists, shall constitute a separate offense.

TOWN OF LADYSMITH

BYLAW NO. 2128

A Bylaw to amend the Sanitary Sewer Rates

The Council of the Town of Ladysmith in open meeting assembled amends “Sanitary Sewer Rate Bylaw 1999, No. 1299” as follows:

1. Delete Schedule “A” in its entirety and replace with the attached Schedule “A”.

Effective Date

2. The provisions of this bylaw shall become effective and be in force as of January 1, 2023.

Citation

3. This bylaw may be cited as "Sanitary Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2022, No. 2128".

READ A FIRST TIME on the 6th day of December, 2022

READ A SECOND TIME on the 6th day of December, 2022

READ A THIRD TIME on the 6th day of December, 2022

ADOPTED on the

Mayor (A. Stone)

Corporate Officer (M. O’Halloran)

**SCHEDULE “A”
TOWN OF LADYSMITH
“Sanitary Sewer Rate Bylaw 1999, No. 1299”**

SCHEDULE OF RATES

CLASSIFICATION		Sewer Charge Per Month (\$)
Residences or Apartments:	For each Dwelling Unit	\$ 30.94
Motels & Auto Courts:	Premises of owner or operator	\$ 30.94
	For each rental unit	\$ 4.73
Mobile Home Parks:	Public rest rooms and/or service rooms	\$ 30.94
	For each mobile home with sewer connection	\$ 30.94
Hotels:	Owners or managers quarters	\$ 30.94
	Per apartment for rent	\$ 30.94
	Per room for rent	\$ 4.73
Beer Parlours, Pubs, Licenced Cabarets & Lounges:	For each separately licenced area	\$ 64.42
Cafes, Restaurants & Dining Rooms:		\$ 64.42
Offices, Shops and Stores:	Per office, store & store unit not otherwise specified	\$ 30.94
Store(s) and Suites(s) combined:	Per store unit	\$ 30.94
	Per suite	\$ 30.94
Stores(s) and Office(s) combined:	Per store unit	\$ 30.94
	per office unit	\$ 30.94
Office Building:	per office unit	\$ 30.94
Laundry or Laundromat:		\$ 102.36
Services Stations and Garages:	Without car wash	\$ 30.94
	With car wash	\$ 68.85
Public or Social Club with licenced bar:		\$ 64.42
Church Hall, Public Hall or Lodge Room		\$ 23.95
Hospitals & Nursing Homes	per bed	\$ 14.39
Schools	per classroom, auditorium or office	\$ 30.94

Effective January 1, 2023

BYLAW STATUS SHEET
December 20, 2022

Bylaw #	Description	Status
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. Second reading rescinded, September 6, 2022. Second public hearing and third reading September 20, 2022. Conditions to be met prior to adoption.
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. Second reading rescinded, September 6, 2022. Second public hearing and third reading September 20, 2022. Conditions to be met prior to adoption.
2113	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 49) 2022, No. 2113" (re-zone Lot B -891 Russell Road from R-1 single family to R-1-A single family small lot, for the purpose of a subdivision)	First, second and third readings November 15, 2022. MOTI approval required.
2120	"Road Closure and Dedication Removal Bylaw 2022, No. 2120" (allow the closure of the lane separating 621 & 631 1st Avenue to vehicle traffic)	First, second and third readings September 6, 2022. MOTI approval and public notice required.
2126	"2023 Revenue Anticipation Borrowing Bylaw 2022, No. 2126" (to provide the authority to borrow money in anticipation of revenue)	First, second and third readings December 6, 2022.
2127	"Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2022, No. 2127" (to amend the bylaw to include a 5% increase to the water rates)	First, second and third readings December 6, 2022.
2128	"Sanitary Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2022, No. 2128" (to amend the bylaw to include a 2.5% increase to the sewer rates)	First, second and third readings December 6, 2022.
2200	"Official Community Plan Bylaw 2022, No. 2200" (a new Official Community Plan for the Town)	First reading September 20, 2022. Referring to various agencies as per resolution CS 2022-230.