

**A REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
6:30 P.M.**

**Tuesday, April 4, 2023
Ladysmith Seniors Centre
630 2nd Avenue**

Pages

1. CALL TO ORDER

Call to Order 6:30 p.m. in Open Session, in order to retire immediately into Closed Session.

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

2. CLOSED SESSION

Recommendation

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

(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; and

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

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.

Members of the public may attend meetings 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 April 4, 2023.

5. RISE AND REPORT- Items from Closed Session

Items from the Closed Meeting of Council held March 21, 2023

CE 2023-013

That Council:

1. Rescind Council resolution CS 2022-139;
2. Pursuant to section 507 of the *Local Government Act*, require the owner of Lot 1 District Lot 97 Oyster District Plan EPP117980 (1260 Churchill Place) to construct, at time of subdivision or development, water mains connecting McKinley Road and 4th Avenue;
3. Pursuant to subsection 507(3)(b) of the *Local Government Act*, resolve that the cost to the municipality of providing the services listed in item 2 would be excessive, and require the developer to pay the full cost of installing these services;
4. Authorize staff to enter into the required latecomer agreements under section 508 of the *Local Government Act* at time of development; and
5. Rise with report immediately.

Motion Carried

CE 2023-014

That Council:

1. Pursuant to section 507 of the *Local Government Act*, require the owner of Lot 1 District Lot 97 Oyster District Plan EPP117980 (1260 Churchill Place) to construct, at time of subdivision or development, a two-lane road and pedestrian pathway from the end of McKinley Road to 4th Avenue;
2. Pursuant to subsection 507(3)(b) of the *Local Government Act*, resolve that the cost to the municipality of providing the services listed in item 1 would be excessive, and require the developer to pay the full cost of installing these services;

3. Rise with report immediately.

Motion Carried

OPPOSED: Councillor Jacobson

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held March 21, 2023

6

Recommendation

That Council approve the minutes of the Regular Meeting of Council held March 21, 2023.

7. DEVELOPMENT APPLICATIONS

7.1 Development Variance Permit Application – 604 John Wilson Place

13

Recommendation

That Council issue Development Variance Permit 3090-22-13 for 604 John Wilson Place (Lot 6, District Lot 103, Oyster District, Plan EPP98461; PID: 031-374-182) to vary section 10.13.3(d) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to allow for a secondary suite by reducing the required lot frontage for a parcel from 18.28m to 13.5m.

7.2 Liquor Patio Endorsement – Zack’s Lounge (530 1st Avenue)

22

Recommendation

That Council, in response to the referral from the Liquor and Cannabis Regulation Branch for a patio endorsement application in conjunction with a liquor primary outdoor patio license for Zack’s Lounge at 530 1st Avenue, opt out of the local government comment process and direct staff to notify the Liquor and Cannabis Regulation Branch that the Town does not wish to comment on the application.

8. COMMITTEE MINUTES

8.1 Community Planning Advisory Committee - March 15, 2023

30

Recommendation

That Council receive the minutes of the Community Planning Advisory Committee meeting held March 15, 2023.

8.2 Parks, Recreation & Culture Advisory Committee - March 15, 2023

32

Recommendation

That Council receive the minutes of the Parks, Recreation & Culture Advisory Committee meeting held March 15, 2023.

9. REPORTS

9.1 Every Child Matters Decal Initiative

34

Recommendation

That Council:

1. Authorize the Town's participation in FortisBC's Every Child Matters Decal Initiative; and
2. Direct staff to submit a donation to the Indian Residential School Survivors Society.

9.2 2023 Budget Update and Tax Direction

41

Recommendation

That Council direct staff to:

1. Prepare the 2023-2027 Financial Plan bylaw with \$9,445,182 to come from property tax values and allocate this amount across the classes based on 2022 percentages before legislative caps; and
2. Prepare the 2023 Property Tax Rates bylaw based on the "Alternative Municipal Tax Collection Scheme" with a due date of July 4, 2023 and a 2% penalty on outstanding current taxes and unclaimed home owner grants as of the end of day on July 4, 2023 and a further 8% penalty on balances outstanding as of the end of day on September 15, 2023.

10. BYLAWS

10.1 Bylaw Status Sheet

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11. NEW BUSINESS

12. 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.

13. ADJOURNMENT



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, March 21, 2023

6:30 P.M.

Ladysmith Seniors Centre

630 2nd Avenue

Council Members Present:

Mayor Aaron Stone

Councillor Tricia McKay

Councillor Duck Paterson

Councillor Marsh Stevens

Councillor Jeff Virtanen

Council Members Absent:

Councillor Ray Gourlay

Councillor Amanda Jacobson

Staff Present:

Allison McCarrick

Erin Anderson

Chris Barfoot

Jake Belobaba

Ryan Bouma

Chris Geiger

Matt O'Halloran

Andrew Wilson

Sue Bouma

1. CALL TO ORDER

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

2. CLOSED SESSION

CS 2023-061

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

- (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality; and
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the

[Freedom of Information and Protection of Privacy Act.](#)

Motion Carried

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

Mayor Stone called this Regular Meeting of Council to order at 7:04 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 2023-062

That Council approve the agenda for this Regular Meeting of Council for March 21, 2023 as amended to include motions to adopt for the following items:

- 11.1.1, "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2099"; and
- 11.1.2. "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2100".

Motion Carried

5. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 6:57 p.m. without report.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held March 7, 2023

CS 2023-063

That Council approve the minutes of the Regular Meeting of Council held March 7, 2023, as amended to remove redundant language in resolution CS 2023-059.

Motion Carried

7. DELEGATIONS

7.1 Social Planning Cowichan

Rosalie Sawrie provided an update to Council regarding the organization's recent work and upcoming projects. She responded to Council's questions. Council commended her and the members of Social Planning Cowichan for their important work and thanked her for her presentation.

8. DEVELOPMENT APPLICATIONS

8.1 Development Variance Permit Application – 614 Brown Drive

Deena Beeston, applicant for the development variance permit, addressed Council regarding challenges she encountered with her application.

CS 2023-064

That Council issue Development Variance Permit 3090-22-14 to vary section 10.2.5 (e) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to reduce the front parcel line setback from 6.0 metres to 3.1 metres for a covered balcony attached to an existing dwelling at Lot 45, District Lot 96, Oyster District, Plan 28585 (614 Brown Drive).

Motion Carried

9. COMMITTEE MINUTES

9.1 Committee of the Whole Recommendations - March 14, 2023

Council agreed to consider separately the Grant in Aid resolutions for the Cowichan Caregivers Support Society and Ladysmith Show and Shine organization due to individual Council members' declared conflicts of interest.

CS 2023-065

That Council:

1. Direct staff to prepare a report for the next possible Council meeting regarding the Every Child Matters Decal Initiative, examining policy limitations, cost, and a possible donation.
2. Direct staff to continue with status quo planting on 1st Avenue based on recent past practice.
3. Approve the allocated amounts of the 2023 Grants-in-Aid requests as follows:

Organization	Approved
Art Council of Ladysmith and District (Arts on Avenue)	7,000
Ladysmith and District Historical Society	6,000
Ladysmith and District Marine Rescue Society	2,500
Ladysmith Celebrations Society	10,000

Ladysmith Downtown Business Association	5,000
Ladysmith Family and Friends Society	2,500
Ladysmith Festival Of Lights	10,000
Ladysmith Fire Rescue - Santa Parade	1,500
Ladysmith Little Theatre	2,500
Ladysmith Maritime Society	1,500
Old English Car Club Central Island Branch	600
Big Brothers Big Sisters Central Vancouver Island	1,500
257 RCACS Parent Committee (Sponsoring Committee of the Ladysmith Air Cadets)	1,000
Ladysmith Secondary School-Frank Jameson Bursary	1,500
Waiving Fees	2,500
Late Applications/Council discretion	5,070

4. Include \$3,000 in the 2023 budget to offer a grant writing consultation service provided by a specified consultant on a first come first served basis.

5. Direct staff to invite a member of the RCMP to attend a future Council meeting to discuss the Ladysmith Detachment Annual Policing Priorities for 2023 to 2024.

6. Ratify the changes to the Public Art Task Group Policy and Procedures and Terms of Reference documents and support the group in exploring a temporary art program for Ladysmith.

Motion Carried

Councillor Paterson declared a conflict of interest due to his membership with the Ladysmith Show and Shine organization and vacated the meeting at 7:46 p.m.

CS 2023-066

That Council approve the allocated amount of \$2000 as the 2023 Grant in Aid for the Ladysmith Show and Shine organization.

Motion Carried

Councillor Paterson returned to the meeting at 7:47 p.m.

Councillor McKay declared a conflict of interest due to her association with the Cowichan Family Caregivers Support Society and vacated the meeting at 7:47 p.m.

CS 2023-067

That Council approve the allocated amount of \$1,000 as the 2023 Grant in Aid for the Cowichan Family Caregivers Support Society.

Motion Carried

Councillor McKay returned to the meeting at 7:48 p.m.

10. REPORTS

10.1 Fire Department Printer/Copier

CS 2023-068

That Council direct staff to include in the 2023-2027 Financial Plan the purchase of a new Fire Hall printer for \$6,000, with the funds to come from the Fire Equipment Reserve.

Motion Carried

10.2 Poverty Reduction Strategy – Stream 3 UBCM Poverty Reduction & Planning Action Program Funding Request

CS 2023-069

That Council:

1. Include \$50,000 in the 2023-2027 Financial Plan to contract with Social Planning Cowichan for the Poverty Reduction Task Force project subject to grant funding received; and
2. Confirm support of staff's application in the amount of \$50,000 to the UBCM Poverty Reduction Planning and Action – Stream 3.

Motion Carried

10.3 4th Avenue Cost Overruns

CS 2023-070

That Council direct staff to include in the 2023-2027 Financial Plan an additional \$500,000 with the additional funds to come from water reserves for \$111,400, \$26,000 to come from sewer reserves and \$362,600 to come from prior year surplus.

Motion Carried

11. BYLAWS

11.1 Bylaws for Adoption

11.1.1 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2099”

CS 2023-071

That Council adopt “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2099”.

Motion Carried

11.1.2 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2100”

CS 2023-072

That Council adopt “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2100”.

Motion Carried

11.2 Bylaw Status Sheet

12. QUESTION PERIOD

A member of the public submitted a question regarding the completion date of the Holland Creek bridge crossing and whether the Town would circulate this date to the public in an upcoming newsletter.

13. ADJOURNMENT

CS 2023-073

That this Regular Meeting of Council be adjourned at 7:57 p.m.

Motion Carried

CERTIFIED CORRECT

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

STAFF REPORT TO COUNCIL

Report Prepared By: Andrew Wilson, Planner
Report Reviewed By: Jake Belobaba, RPP, MCIP, Director of Development Services
Meeting Date: April 4, 2023
File No: 3090-22-13
RE: Development Variance Permit Application – 604 John Wilson Place

RECOMMENDATION:

That Council issue Development Variance Permit 3090-22-13 for 604 John Wilson Place (Lot 6, District Lot 103, Oyster District, Plan EPP98461; PID: 031-374-182) to vary section 10.13.3(d) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to allow for a secondary suite by reducing the required lot frontage for a parcel from 18.28m to 13.5m.

EXECUTIVE SUMMARY:

The purpose of this report is to introduce a proposal for a secondary suite at 604 John Wilson Place for Council consideration. The proposed development requires a variance as the parcel does not meet the minimum frontage requirement for a secondary suite. Staff recommend approval of Development Variance Permit (DVP) 3090-22-13 as the secondary suite is not expected to have a negative impact on the neighbourhood.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:**Subject property**

The subject property, 604 John Wilson Place, is located within the Holland Creek development, west of Colonia Drive. The parcel area is 859.9 m² and has a frontage of 13.50 metres. The neighbourhood is predominantly single family with some multi-family interspersed. 23 properties in this neighbourhood are eligible for secondary suites as they have the required lot frontage and size. Two houses with secondary suites have been built on John Wilson Place to date.

A map of the subject property is provided in Attachment A.

PROPOSAL:

The applicant is currently constructing a single unit dwelling on the subject property and has applied for a separate building permit to add a secondary suite. Because the minimum frontage required to construct a secondary suite in the R-1-HCA zone is 18.28m a DVP is required. The single unit dwelling under construction on the subject property contains two storeys and the proposed suite will be located within the lower storey at ground level. If approved, DVP 22-13 (Attachment B) will vary the minimum frontage required for a secondary suite use from 18.28m to 13.5m for the subject property. The proposed suite and single unit dwelling comply with all other regulations of the R-1-HCA zone.

A site plan and the applicant's letter of rationale are provided as Attachment C and D respectively.

ANALYSIS:

For the reasons outlined below, staff are recommending approval of the proposal.

Official Community Plan

The subject property is located in the Single-Family designation in the Holland Creek Local Area Plan (HCLAP) in "Official Community Plan Bylaw 2003, No. 1488". Residential land use policies in the HCLAP support secondary suites on larger single-family parcels where on-site parking can be accommodated. The subject property is 859.9m² in size and is larger than typical single-family parcels in Ladysmith. OCP policies support a secondary suite on the subject property.

New Draft OCP

The new draft OCP encourages secondary suites in new and existing single-detached dwellings, duplexes, and townhouses in accordance with the BC Building Code.

Zoning Bylaw

The subject property is zoned R-1-HCA in "Town of Ladysmith Zoning Bylaw 2014, No. 1860". The R-1-HCA zone does not permit secondary suites unless a parcel is at least 668m² in size with a minimum frontage of 18.28m. The subject property meets the minimum parcel size to allow a secondary suite but does not meet the minimum frontage as its frontage is 13.50 metres, hence the proposed variance.

Parking

The Zoning Bylaw requires one space per dwelling unit; one for the principal dwelling and one for the suite. Tandem parking (i.e. one space in front of the other) is permitted on single family parcels. The single unit dwelling currently under construction on the subject property contains a two-car garage and a 7.13m wide by 8.26m long driveway which can accommodate 2 additional parking spaces. The applicant is also proposing to provide one additional parking space for the suite along the side parcel line next to the driveway. Subsequently, the total number of proposed parking spaces is five.

Similar variances have been approved and supported by staff because adequate on-site parking (one space) was provided for the suite¹. Similarly, a previous application was denied by Council² and not supported by staff because the applicant wasn't willing to provide, in staff's opinion, appropriate on-site parking on a parcel located on a cul-de-sac. 604 John Wilson Place is not located on a cul-de-sac.

ALTERNATIVES:

Council can choose to:

1. Refuse issuance of DVP 3090-22-13.
2. Defer consideration of the application and refer the proposal to a subsequent meeting of Council.
3. Amend the conditions of DVP 3090-22-13 and issue the permit as amended.
4. Refer the application back to staff for further review, as specified by Council.

FINANCIAL IMPLICATIONS:

N/A

¹ Council resolution CS 2021-366 on November 16, 2021 approved DVP 3090-21-12.

² Council resolution CS 2019-253 on July 15, 2019 denied DVP 3090-19-06.

LEGAL IMPLICATIONS:

The *Local Government Act* allows Council to vary Zoning Bylaw regulations (excluding regulations for use, density and rental tenure) through issuance of a DVP. DVPs are discretionary decisions of Council, and Council has no obligation to approve the proposed variance.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Notice of DVP 3090-22-13 pursuant to section 499 of the *Local Government Act* was carried out on March 24, 2023. The notice was mailed and delivered to property owners/residents within 60m of the subject property. No written submissions were received at the time of writing.

INTERGOVERNMENTAL REFERRALS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application was circulated amongst Town departments for review. Their comments are summarized below:

Table 1: Department Comments

Referred (Yes/No)	Department	Comments
Yes	Infrastructure Services	<ul style="list-style-type: none"> No concerns Stormwater management will not be impacted by an additional paved or gravel pad parking space. The property sits on an upslope and all stormwater running off the driveway parking surfaces will drain to the road gutter and into the stormwater system.
Yes	Building Inspection	No concerns
No	Parks Recreation and Culture	N/A
No	Financial Services	N/A
No	Legislative Services/Corporate Services	N/A
Yes	Fire/Protective Services	No concerns

COMMUNITY PLANNING ADVISORY COMMITTEE (CPAC) REVIEW:

Under CPAC Terms of Reference, a CPAC review of this application is not required.

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

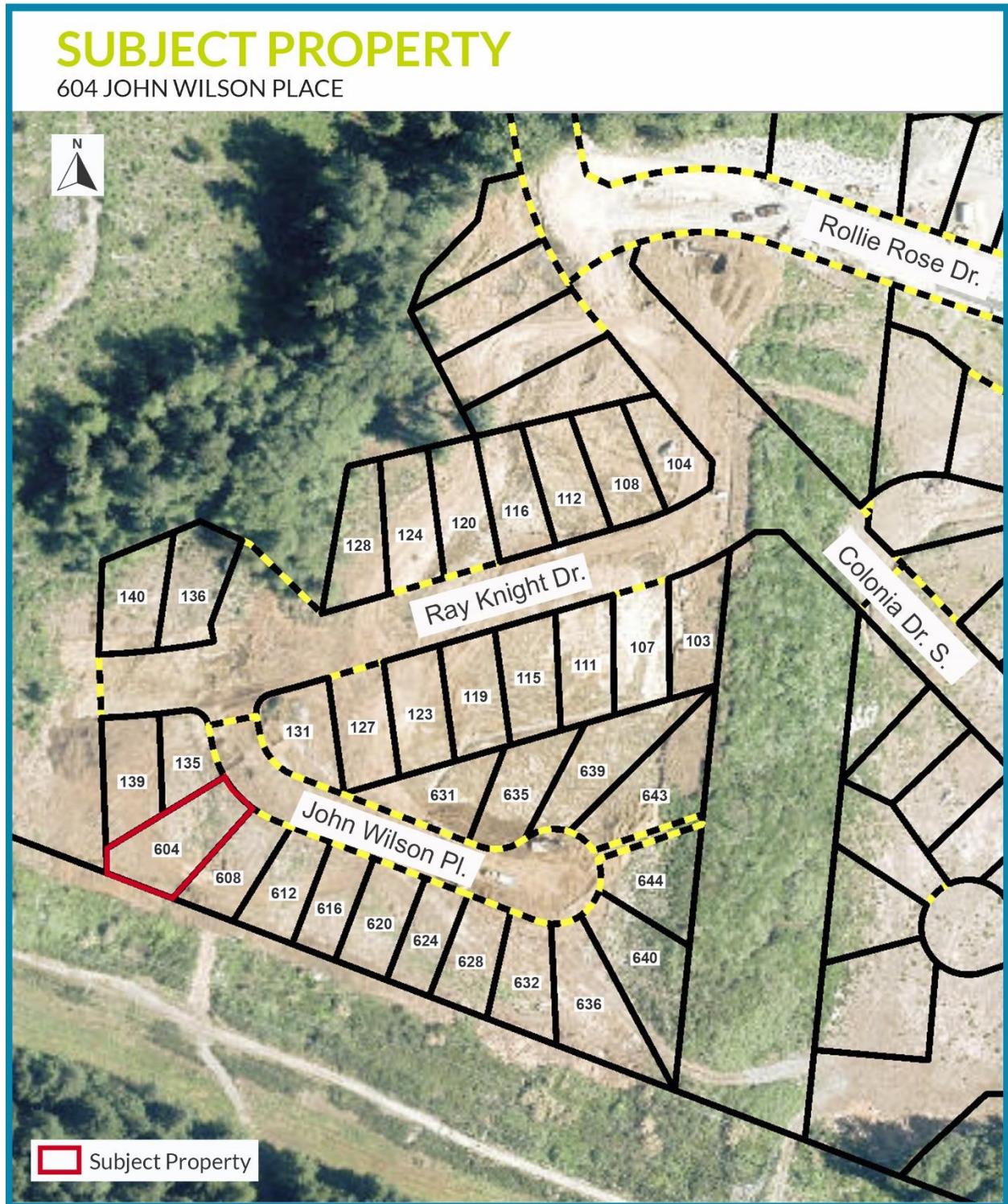
I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENT(S):

- A. Subject Property Map
- B. Draft DVP 3090-22-13
- C. Site Plan
- D. Applicant Letter of Rationale

ATTACHMENT A





TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 Local Government Act)

FILE NO: 3090-22-13

DATE: April 4, 2023

Name of Owner(s) of Land (Permittee): Garcha Enterprises Ltd., Inc. No. BC1025177

Applicant: Pritpal Garcha

Subject Property (Civic Address): 604 John Wilson Place

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

Lot 6 District Lot 103 Oyster District Plan EPP98461
PID: 031-374-182
(604 John Wilson Place)
(referred to as the "Land")
3. Section 10.13.3.d) of the "Single Dwelling Residential – Holland Creek Area (R-1-HCA)" zone of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied for the Land by reducing the required lot *Frontage* from 18.28 metres to 13.5 metres for a parcel with a *Secondary Suite*.
4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (**3090-22-13**) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.

6. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

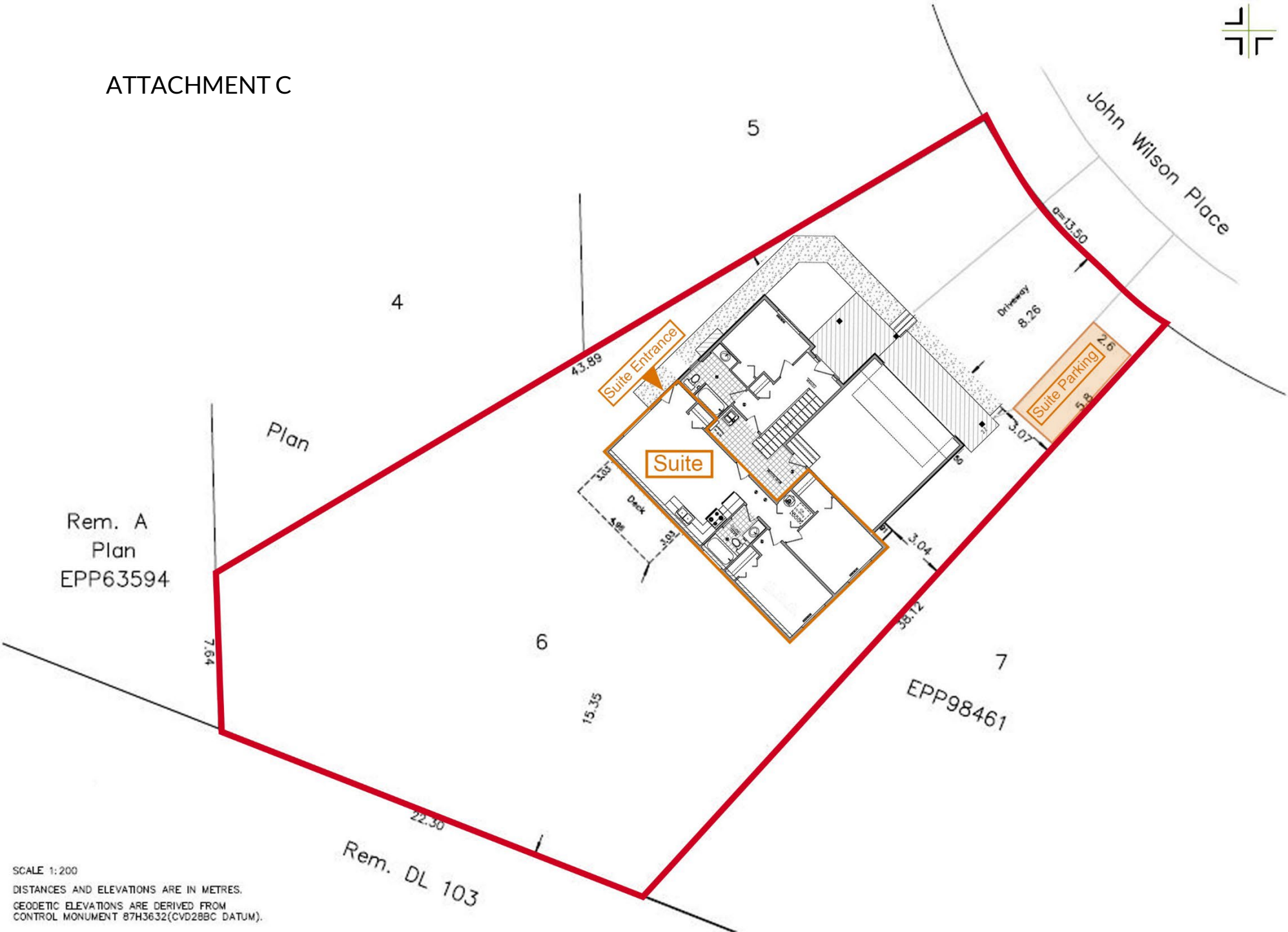
AUTHORIZED BY RESOLUTION NO. _____ PASSED BY THE COUNCIL OF THE
TOWN OF LADYSMITH ON THE ____ DAY OF _____ 2023.

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)



ATTACHMENT C



SCALE 1:200
DISTANCES AND ELEVATIONS ARE IN METRES.
GEODETIC ELEVATIONS ARE DERIVED FROM
CONTROL MONUMENT 87H3632(CVD28BC DATUM).

ATTACHMENT D

To the Town of Ladysmith,

I am writing to apply for a development variance permit for 604 John Wilson Place to vary the minimum frontage from 18.28m to 13.5m in order to put in a secondary suite. A 2-storey house is built on the property and the suite will be located on the bottom floor at ground level. One dedicated parking spot for the suite will be added to the side of the driveway.

Regards,
Pritpal Garcha
Garcha Enterprises Ltd.

STAFF REPORT TO COUNCIL

Report Prepared By: Andrew Wilson, Planner
Reviewed By: Jake Belobaba, RPP, MCIP, Director of Development Services
Meeting Date: April 4, 2023
File No: 4320-50 (2022) 530 1st Ave
Re: Liquor Patio Endorsement – Zack’s Lounge (530 1st Avenue)

RECOMMENDATION:

That Council, in response to the referral from the Liquor and Cannabis Regulation Branch for a patio endorsement application in conjunction with a liquor primary outdoor patio license for Zack’s Lounge at 530 1st Avenue, opt out of the local government comment process and direct staff to notify the Liquor and Cannabis Regulation Branch that the Town does not wish to comment on the application.

EXECUTIVE SUMMARY:

The Liquor and Cannabis Regulation Branch (LCRB) has referred an application for Zack’s Lounge to operate an outdoor patio in conjunction with their existing liquor primary license. The patio was previously authorized under LCRB’s Temporary Expanded Service Area (TESA) program. Under section 38 of the *Liquor Control and Licensing Act*, Council must receive the referral and either “opt in” or “opt out” of the local government comment process. Staff are recommending that Council opt out. (If Council decides to opt in, the Town must gather resident views on the application.)

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CS 2020-309	10/20/2020	That Council advise the Liquor and Cannabis Regulation Branch that it supports the extension of Temporary Expanded Service Area authorization until October 31, 2021, pursuant to Liquor and Cannabis Regulation Board Policy Directive 20-26.
CS 2020-187	06/16/2020	That Council provide preapproval for Temporary Expanded Service Area Authorizations pursuant to Liquor and Cannabis Regulatory Board Policy Directive 20-13.
CS 2016-280	08/15/2016	1. That Council recommend the issuance of a liquor Primary Licence by the BC Liquor Control and licensing Branch to Zack’s Lounge to be located at 530 First Avenue for the following reasons: <ul style="list-style-type: none"> • The property is zoned for neighbourhood pub use • The hours of operation are proposed to be between 10 a.m. and 10 p.m. on Mondays, Tuesdays, Wednesdays, Thursdays, and Sundays; and between 10 a.m. and 11 p.m. on Fridays and Saturdays • The limited 30 person capacity of the lounge • The issuance of a Business Licence for Zack’s Lounge will require the owner to adhere to Terms and Conditions for Liquor Licenced Establishments outlined in “Town of Ladysmith Liquor Licence Bylaw 2003,

		<p>1513", to participate in the "Bar Watch" program, and to enter into a Good neighbour Agreement with the Town and the RCMP.</p> <p>2. That Council has reviewed and endorses the comments about the Liquor Primary License prescribed criteria provided in the Staff Report dated August 15, 2016 from the Director of Development Services.</p> <p>3. That Council considered without comment the letter received as a result of notification to the property owners, residents and businesses within 60 meters of 530 First Avenue, and the sign placed in the proposed establishment.</p>
CS 2016-254	07/04/2016	<p>The Council direct staff to:</p> <ul style="list-style-type: none"> a) Gather the views of residents and businesses within 60 metres of the subject property by direct mail and request the owner to place the Town's notice in the window of the building, and b) Report back to Council regarding the community's views and the matters in Section 10 of the Liquor Control and Licensing Regulation as outlined in Part 4 – Public Interest of the Application Summary, following completion of the notice process.

INTRODUCTION/BACKGROUND:

Zack's Lounge has an existing liquor primary license for indoor liquor service. With the onset of the COVID-19 pandemic and Provincial health orders restricting or prohibiting indoor dining and liquor service, the Province implemented the TESA program to allow licensed liquor establishments to temporarily serve liquor in unlicensed outdoor areas. Council supported the extension of this program on October 20, 2020 (see Resolution CS 2020-309), which eliminated the requirement for the LCRB to obtain local government approval for TESA applications.

Zack's Lounge received TESA approval on July 24, 2020, and a Sidewalk Patio Permit and Building Permit were approved and issued by the Town on August 7, 2020. It has been operating seasonally under the TESA program since the outdoor patio was completed. On August 20, 2022, Zack's Lounge applied for a new sidewalk patio permit to allow for the patio structure to remain year-round. This sidewalk patio permit application was approved by the Director of Development Services on March 3, 2023.

The LRCB stopped accepting new TESA authorizations on November 1, 2021. Currently approved TESAs will be extended to December 31, 2024, while applications are being made for permanent licenses. Zack's Lounge has now applied to the LCRB for a permanent liquor license with no changes to its current occupancy load of 30. Liquor license applications trigger the requirement for local government comment under the *Liquor Control and Licensing Act*.

The Town has no formal policies related to application referrals for patio and food primary endorsements. For more significant liquor license applications, including a liquor primary application for Zack's Lounge in 2016 and a Lounge Area Endorsement for the Bayview Brewing Company in 2021, Council opted in to the local government comment process and gathered resident views. However, Council also has the option to opt out of the local government comment process for a particular application.

DISCUSSION:

The patio has operated during the summer months since August 2020. Zack's Lounge is a restaurant and pub catering to adult patrons age 19 and older. It is located in the Downtown Commercial Zone and has an existing Liquor Primary License. There are no residential zones within 60m of the establishment, and nearby and adjacent businesses are commercial enterprises. Staff see the past operations of the pub and patio as the best indicator of what the future impacts of the pub will be and do not see a need for the Town to comment or gather resident views. Therefore, staff recommend that the Town opt out of the local government comment process.

ALTERNATIVES:

Council can choose to opt in to the local government comment process and specify how resident views should be gathered.

FINANCIAL IMPLICATIONS:

The Town's fee for a liquor license referral is \$1,750 plus advertising costs and is charged to the applicant. This fee will not be charged if Council opts out of the referral process. The LCRB review process and fees will still apply.

LEGAL IMPLICATIONS:

Section 38 of the *Liquor Control and Licensing Act* requires the Town to decide whether to opt in or opt out of the local government comment process. If the Town decides to opt in, the Town must gather resident views. If the Town opts out, there is no requirement for the Town to gather resident views.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

There are no public consultation requirements if Council opts out of the local government comment process.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

There are no referral requirements if Council opts out of the local government comment process. The LCRB will be responsible for referring the application to affected agencies.

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 |
|---|---|

☐Community
☐Waterfront

☐ Not Applicable

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

ATTACHMENTS:

- A. LCRB Patio Application
- B. Designated Patio Area
- C. Patio Floor/ Seating Plan

ATTACHMENT A

LP 307543 Zack's Lounge – Job 056167 - Application for a New Outdoor Patio

APPLICATION: LIQUOR - MAIN		Current Assignee Laura Scagliati	Payment Recv Date 6/29/2022 4:26 PM
Patio - Zack's Lounge (307543) - 056167			
Application Intake (Active for...)		Account Review	Application Assessment
<ul style="list-style-type: none"> *Valid Estab Address N/A *Valid PID/PIN N/A *Business Plan N/A 	<ul style="list-style-type: none"> *Letter of Intent N/A *LG/IN Confirmation click to enter *Floor Plan(s) Yes 	<ul style="list-style-type: none"> *Site Map N/A *Proposed Signage N/A *Valid Interest N/A 	<ul style="list-style-type: none"> *Corporate Do *LDB Notified *LG/IN & Pol L
Application Liquor BPF v2 (Active for 258 days, 22)			
Application Info			
OVERVIEW		Intended Products (other than beer, wine, or spirits)	KEY OUTCOMES
Application Type	Liquor Primary New Outdoc		Terms & Conditions Result
Establishment Type			Valid Interest Status
Job Number	056167		Floor Plan Result - Initial
Application Status	Pending LG/IN Approval		Floor Plan Result - Final
Parent Application			LG/IN Outcome
Licence Type	Liquor Primary		Public Input
Assigned Licence Link	307543 - Zack's Lounge (30		SCA Decision
Application Documents:	Open Document		Zoning Status
Legal Entity Documents:	Open Document		AIP Decision
		PATIO DETAILS	
		Has Patio?	
		Bounding Sufficient for Control	No
		Bounding Sufficient To Define A	No
		Measures to Maintain Care & C	No
		Location of Patio in Relation to	Patio is currently under
		Completion Date	
		Construction Status	
		Has TESA?	

Patio is currently under Temporary expanded area and is three parking stalls in front of business

November	Yes
December	No
Description of Patron Access	Currently from the front
Liquor Carried (Y/N)	Yes
Liquor Carried Description	Due to crossing the
Liquor Service Bar	The interior service bar
Licence/Endorsement Operating Requirements	

Currently from the front door of business across sidewalk and onto patio

Due to crossing the sidewalk currently our servers carry across and will continue

Zack's Lounge. 530 1st Avenue – Designated Patio Area

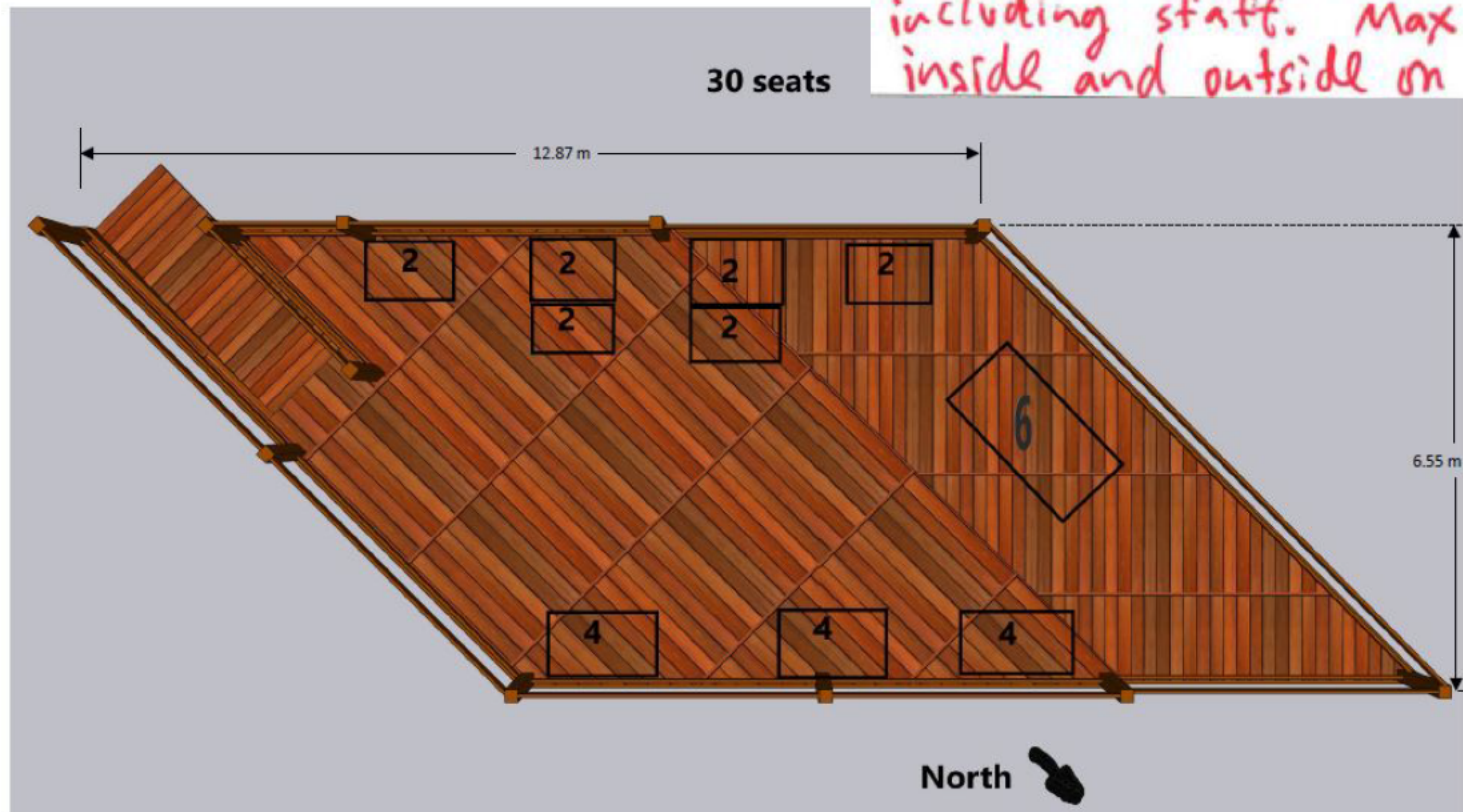


ATTACHMENT C

Zack's Lounge. 530 1st Avenue - Patio Floor/Seating Plan

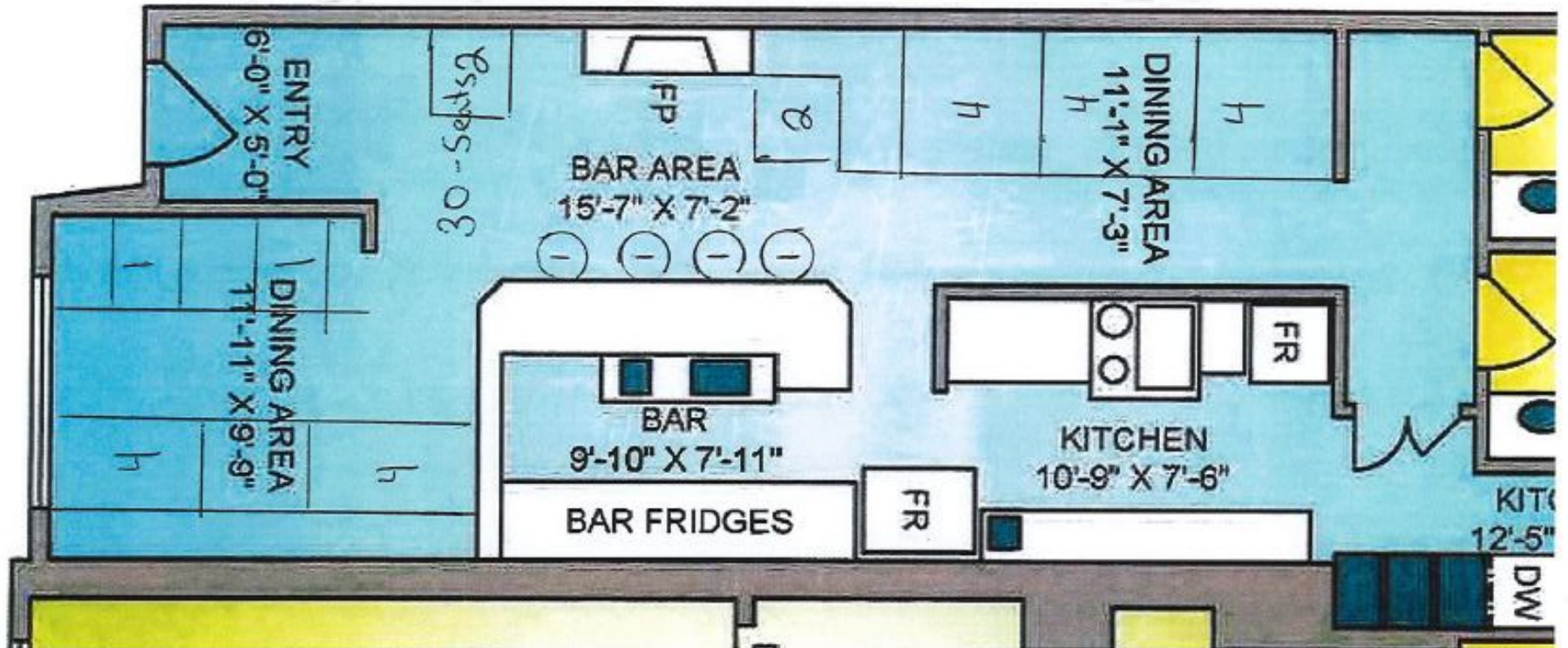


3.1.2.6 Occupant Load. max 30 persons including staff. Max 30 total including inside and outside on patio.



Zack's Lounge. 530 1st Avenue - Restaurant Floor/Seating Plan

30
seats





MINUTES

Community Planning Advisory Committee

Wednesday, March 15, 2023 at 7:00 p.m.
City Hall Council Chambers, 410 Espanade

-
- PRESENT:** Chair - Jason Harrison; Members - Brian Childs, Tamara Hutchinson, Jason Robertson; Council Liaison - Marsh Stevens; Director of Development Services - Jake Belobaba; Senior Planner/Recorder - Julie Thompson
- ABSENT:** Members - Steve Frankel, Jennifer Sibbald, Abbas Farahbakhsh
- GUESTS:** Applicants - Michael Nygren & Jessica Tempesta (File No. 3360-22-07),
Applicants - Stefan Queitsch & Denise Bergquist (File No. 3060-23-03)
-

Jason Harrison called the meeting to order at 7:02 PM, 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 March 15, 2023, Community Planning Advisory Committee meeting be approved.

2. ADOPTION OF MINUTES

It was moved, seconded, and carried that the Minutes of December 7, 2022, Community Planning Advisory Committee meeting be approved.

3. NEW BUSINESS

None.

4. COUNCIL REFERRALS

- a. Official Community Plan & Zoning Bylaw Amendment 3360-22-07 - West Lot A Holland Creek

Director of Development Services, Jake Belobaba, provided an overview of the proposal for a multi-family development on two parcels of land, with remainder of land to be designated as park. The applicants provided a brief introduction of their company, District Group, and an overview of the proposed project and where they are at in the rezoning application process. Committee members made comments and asked about the protection of greenspace, provision of a small commercial area, and pedestrian connectivity within the project area and to existing trails and parks. The applicants explained their proposal for greenspace protection on areas with challenging topography, that they plan to incorporate tree protection into their landscaping plans and provide for pedestrian interconnectivity, and are open to providing a small local commercial area if the community wants it.

Committee members discussed the need for greenspace, removal of invasive species (scotch broom), provision of a commercial area, the road layout, and the importance of interconnectivity for active transportation (cyclists and pedestrians). Committee members discussed concerns about building quality and potential issues with costly repairs down the road and asked staff questions about building strata

development and rental tenure. Staff explained that new legislation has higher standards for strata building maintenance and due diligence.

It was moved, seconded, and carried that the Community Planning Advisory Committee supports Official Community Plan & Zoning Bylaw Amendment Application 3360-22-07 (West Lot A Holland Creek) in principle and recommends that Council consider the following:

- Ground water management.
- Tree retention.
- Commercial amenities.
- Scotch broom removal.
- Cycling and pedestrian interconnectivity.

b. Façade Development Permit 3060-23-03 – 32 High Street (Temperance Hotel)

Senior Planner, Julie Thompson, provided an overview of the proposed changes to the façade at the Temperance Hotel including enlargement of the awnings along the High Street frontage, adding Juliet balconies along the 1st Avenue frontage, and remodeling the exterior staircases. Committee members noted that the proposed changes to the building look great and they are supportive.

It was moved, seconded, and carried that the Community Planning Advisory Committee recommend that Council approve Development Permit Application 3060-23-03 (32 High Street) as presented.

5. MONTHLY BRIEFING

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

- 1144 Rocky Creek Road (3360-22-04)
- 1152 Rocky Creek Road (3360-22-02)
- 1141 Cloke Road (3360-22-05)
- 11 & 17 Warren Street (3360-21-12)
- 440 1st Avenue (3360-22-06)

6. NEXT MEETING – TBD

7. ADJOURNMENT

It was moved, seconded, and carried that the meeting be adjourned at 8:05 PM.

Chair (J. Harrison)

RECEIVED:

Corporate Officer (M. O'Halloran)

Minutes of the Parks, Recreation & Culture Advisory Committee
Wednesday, March 15, 2023 at 7:00pm
Frank Jameson Community Centre

COMMITTEE MEMBERS PRESENT:

Lynda Baker, Chair
Colleen Butcher
Gordon Filewych
Jacqueline Huard

Bruce Mason
Terri Merritt-Worden
Councillor Duck Paterson
Pamela Walker

STAFF PRESENT:

Chris Barfoot, Lead
Kim Cheang, Minute Taker

REGRETS:

Geoff Dean
Lucy Partington

**CALL TO ORDER AND
ACKNOWLEDGEMENT**

The meeting was called to order at 7:00pm

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

AGENDA

2023-08:

That the Parks, Recreation & Culture Advisory Committee approve the agenda for the meeting as presented.

Motion Carried.

MINUTES

2023-09:

That the Parks, Recreation & Culture Advisory Committee approve the minutes of the February 15, 2023 meeting as presented.

Motion Carried

NEW BUSINESS

Cultural Awareness Workshop

C. Barfoot provided an overview of the Poverty Reduction Strategy – Cultural Awareness Workshop, noting the differences between the pyramid structure of Colonial governance compared to the family structure of First Nation governance.

OLD BUSINESS

Park Implementation Plan – Confirm priorities and phasing

The Committee reviewed and provided feedback regarding the priorities and phasing of the Park Implementation Plan.

PRC staff will provide a presentable package at the next meeting.

Civic Recognition Program – Under staff review

PRC staff will return with a draft policy of the Civic Recognition Program.

PRC UPDATE

PRC Department Update

C. Barfoot provided an update on the department's capital projects.

NEXT MEETING

7:00pm on Wednesday, April 19, 2023 at FJCC.

ADJOURNMENT

2023-10:

That the Parks, Recreation & Culture Advisory Committee adjourn this meeting at 8:03pm.

Motion Carried

STAFF REPORT TO COUNCIL

Report Prepared By: Julie Tierney, Executive Liaison
Reviewed By: Allison McCarrick, CAO
Meeting Date: April 4, 2023
File No:
Re: **Every Child Matters Decal Initiative**

RECOMMENDATION:

That Council:

1. Authorize the Town's participation in FortisBC's Every Child Matters Decal Initiative; and
2. Direct staff to submit a donation to the Indian Residential School Survivors Society.

EXECUTIVE SUMMARY:

This report provides information requested by Council regarding the Town's policies or limitations regarding the potential participation in FortisBC's Every Child Matters Decal Initiative.

PREVIOUS COUNCIL DIRECTION:

2023-03-21	That Council direct staff to prepare a report for the next possible Council meeting regarding the Every Child Matters Decal Initiative, examining policy limitations, cost, and a possible donation.
2023-03-14	That the Committee recommend that Council direct staff to prepare a report for the next possible Council meeting regarding the "Every Child Matters" decal initiative, examining policy limitations, cost, and a possible donation.

INTRODUCTION/BACKGROUND:

At its meeting on March 14, 2023, the Committee of the Whole received a request from Councillor Paterson that the Committee discuss the "Every Child Matters Decal Initiative" led by FortisBC, in cooperation with artist John Marston.

The FortisBC initiative was established to acknowledge the lost and missing children and the lasting impact of residential schools and colonization on Indigenous people, their families and communities. FortisBC has not sought participation, however, they are pleased to share the initiative with organizations that have come forward in the spirit of a commitment to reconciliation, meaningful relationship building, and engagement with the Indigenous community.

If Council wishes to participate, there are no Town of Ladysmith policies regarding decals on vehicles, funding by donation, or awareness campaigns that limit, restrict or define this type of program.

ALTERNATIVES:

Council can choose to:

1. Not participate in this initiative.
2. Participate for a limited time as prescribed by Council.
3. Refer this item back to staff for further information and review as specified by Council.

FINANCIAL IMPLICATIONS:

The Town has 33 fleet vehicles and 7 fire services vehicles. FortisBC will provide decals at no charge, however, they suggest that the Town make a monetary donation to the Indian Residential School Survivors Society in an amount determined by Council.

Should Council choose to take part in this initiative, staff propose that the donation be \$1,000 and funded through Council's public relations budget.

LEGAL IMPLICATIONS:

There are no legal implications identified.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The decals provide a visual sign of awareness and support with the Indigenous community and would demonstrate the Town's commitment to reconciliation, meaningful relationship building and engagement with the Nation on whose territory, we live, work, and play, which sets this initiative apart.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Council may wish for all or some departments to be involved.

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. Every Child Matters Presentation

Every Child Matters

Fleet decal initiative with John Marston and Penelakut Elder Mike Charlie

Conversation with Town of Ladysmith

March 2023



Employee led initiative to demonstrate recognition of the findings at Tk'emlúps and Penelakut Residential Schools, the children who never returned from residential schools across Canada and the lasting impacts.

FortisBC fleet

Construction vehicles, operations managers and support fleet vehicles on Vancouver Island and the Sunshine Coast



EVERY CHILD MATTERS DECAL INITIATIVE

MARWEST AND FORTISBC CONNECTED WITH SALISH ARTIST JOHN MARSTON TO SUPPORT TRUTH AND RECONCILIATION IN THE WORKPLACE

In 2021, following the discovery of 215 unmarked and undocumented gravesites at the Kamloops Indian Residential School, BC Transit began hanging orange ribbons from the rearview mirrors of their public transit buses. A FortisBC employee noticed these tributes and inquired into whether a similar initiative could be started by FortisBC to represent their support for the Indigenous peoples of Canada.

As a result, Carmen LeBlanc, a Community and Indigenous Relations Manager for FortisBC, reached out to long-time friend and artist John Marston. John is a Salish artist from Stz'uminus First Nations. He takes active inspiration for his artwork from family, Coast Salish culture, and immersion in the nearby mountains and forest. John reflects that "it's a way of connecting to what our ancestors has all the time."

John received the BC Creative Achievement Award for Aboriginal Art in 2009, and has prominent artwork displayed at the National Gallery of Canada in Ottawa, the Vancouver Convention Centre, CFB Esquimalt, the Museum of Anthropology in Vancouver, and both the Vancouver and Nanaimo airports.

IT'S A WAY OF CONNECTING TO WHAT OUR ANCESTORS HAD ALL THE TIME.

It was a heavy request, but over the course of a month John created the Every Child Matters design pictured above. It was subsequently turned into a decal featured on all current FortisBC vehicles on Vancouver Island and the Sunshine Coast.

When speaking on his creative process behind the design, John reflected on both his own children and his hopes for how the affected children were received into the afterlife. The image within the design is representative of an eagle softly embracing a young child. Within Indigenous culture, the eagle is considered sacred as it flies closest to the Creator. The eagle represents strength, courage, and respect.

During an opportunity to strengthen the relationship between Marwest and FortisBC, the Every Child Matters decals were suggested to honour the Indigenous roots of Marwest as well as their continued engagement with and respect for the First Nations people on whose traditional territory they work.

On January 19th, 2023, Carmen, John and the Marwest crew based out of Ladysmith, BC, met together to hear the story behind the designing of the decals, express their respect and support, and begin to place the decals on their available machinery and vehicles.

This was also an opportunity for FortisBC to echo the importance of the Chance Find Procedures, and their appreciation for the crews

immediately halting work when ancestral remains were discovered during work being done in Cadboro Bay, BC, the previous year.

Immediately halting work ensures no additional damage is incurred on the potential ancestral remains or artifacts and that they'll be treated respectfully by the appropriate parties.

IT'S REPRESENTATIVE OF STRENGTH, COURAGE, AND RESPECT.

Photos T: Salish Artist John Marston
B: Marwest Crew Applying the Every Child Matters Decals



Expanding Participation

Marwest: FortisBC contractor working in service of mid-island and coastal communities

Thank you



For further information, please contact:

Carmen LeBlanc, Community & Indigenous Relations Manager
Carmen.Leblanc@fortisbc.com
250.380.5738

Find FortisBC at:
fortisbc.com
talkingenergy.ca
604-576-7000

Follow us @fortisbc



STAFF REPORT TO COUNCIL

Report Prepared By: Erin Anderson, Director of Financial Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: April 4, 2023
File No:
Re: **2023 Budget Update and Tax Direction**

RECOMMENDATION:

That Council direct staff to:

1. Prepare the 2023-2027 Financial Plan bylaw with \$9,445,182 to come from property tax values and allocate this amount across the classes based on 2022 percentages before legislative caps; and
2. Prepare the 2023 Property Tax Rates bylaw based on the "Alternative Municipal Tax Collection Scheme" with a due date of July 4, 2023 and a 2% penalty on outstanding current taxes and unclaimed home owner grants as of the end of day on July 4, 2023 and a further 8% penalty on balances outstanding as of the end of day on September 15, 2023.

EXECUTIVE SUMMARY:

The 2023 Financial Plan deliberations took place last fall. This report is an update to the numbers presented and to obtain direction to start preparing the Financial Plan bylaw and Property Tax Rates bylaw.

PREVIOUS COUNCIL DIRECTION:

From the 2022-2026 Financial Plan – Statement of Objectives & Policies

Distribution of Property Tax Rates

The residential property class provides the largest proportion of property tax revenue. This is appropriate as this class also forms the largest portion of the assessment base and consumes the majority of Town services.

Objectives

- The amount of taxes to be collected from each of the classes will be reviewed each year.

Policies

- Supplement, where possible, revenues from user fees and charges to help to offset the burden on the entire property tax base.
- Continue to maintain and encourage economic development initiatives designed to attract more light industry, retail and commercial businesses to invest in the community.
- Align the distribution of tax rates among the property classes with the social and

economic goals of the community, particularly to encourage economic and environmental sustainability opportunities.

- Regularly review and compare the Town's distributions of tax burden relative to other municipalities in British Columbia.

INTRODUCTION/BACKGROUND:

Budget deliberations for the 2023 Financial Plan took place October to December of 2022 during regular Council meetings. At the last budget meeting, the property tax levy increase (both municipal and police) was \$641,597 or 6.8% over 2022's levy, without Regional Recreation funding factored in. Since that time, additional information has been received, affecting the tax levy:

- \$10,522 increase due to property insurance costs
- \$23,584 decrease due to additional Grant in Lieu revenue from Fortis
- \$1,000 increase to Council professional development

The Police Tax budget has not changed since the last budget meeting. It is still an increase of \$137,348, (including the reserve funding for the E-Comm) over last year which is a 9.4% budget increase.

The total increase is \$629,535 or 6.7% budget increase over 2022.

Though the Town has not received confirmation, it is expected that the CVRD Regional Recreation will contribute \$635,575 (2022 it was \$0) plus the remaining amount from the existing specified area towards the operations of FJCC. Ladysmith property owners will be taxed by the CVRD's Regional Recreation function for \$659,589 (2022 it was \$0), meaning there is a decrease on the municipal line of the property tax bill, but an increase on the regional line of the property tax bill.

Staff are proceeding with preparing the 2023-2027 Financial Plan bylaw. Included in the bylaw is the requirement to allocate the property taxes within the assessment classes. It is up to BC Assessment to determine the property class and the assessed value of each of the properties. Staff recommend using the same percentage amounts as 2022.

The overall NMC accounts for ~1.8%. A summary of changes in general taxable assessed values between 2022 Assessment Roll and the 2023 Assessment Roll is below:

Property Class	2022 Assessed Values (Cycle 13)	2023 REVISED Roll	2023 NMC	% NMC	% Market	% change
1 Residential	2,486,444,201	2,842,798,001	48,441,000	1.95%	12.38%	14.33%
2 Utilities	2,195,570	2,064,765	-349,470	-15.92%	9.96%	-5.96%
3 Support Housing	-	-	-	-	-	-

4 Major Industry	12,397,600	13,608,000	-2,900	-0.02%	9.79%	9.76%
5 Light Industry	8,269,300	10,100,500	-	0.00%	22.14%	22.14%
6 Business/Other	125,817,400	140,544,800	-1,176,700	-0.94%	12.64%	11.71%
7 Managed Forest	6,700	7,200	500	7.46%	0.00%	7.46%
8 Rec/Non-Profit	12,079,000	12,409,200	-35,800	-0.30%	3.03%	2.73%
9 Farm Land	27,528	21,960	-5,568	-20.23%	0.00%	-20.23%

After NMC and Regional Recreation is factored in, the overall tax levy percentage is a decrease of approximately 1%. This is only for the Town – it does not include the CVRD requisitions, Hospital requisition, School rates or other agencies.

Usually, various scenarios, such as half the residential increase, is allocated to class 4, 5 and 6 to lessen the reliance on these classes. With a decrease in the overall levy, this type of scenario is irrelevant to lessen the burden on those classes.

If each property class were levied the same percentage of the \$9,445,182 as they were in 2022 the levies would be, after the legislative caps¹ are applied:

		2023			2022		
Class		Levy (\$)	Levy (%)	Multiple	Levy (\$)	Levy (%)	Multiple
1	Residential	6,970,216	73.80%	1.00	6,925,190	73.28%	1.00
2	Utilities	45,437	0.48%	8.98	55,100	0.58%	9.00
3	Supportive	0	0.00%	0.00	0	0.00%	1.00
4	Major Industry	1,074,216	11.37%	32.20	1,087,720	11.51%	31.46
5	Light Industry	94,030	1.00%	3.80	95,195	1.01%	4.13
6	Commercial	1,237,119	13.10%	3.59	1,263,012	13.36%	3.60
7	Mngd Forest Land	206	0.00%	11.69	192	0.00%	10.28
8	Rec/Non-Profit	23,191	0.25%	0.76	23,547	0.25%	0.70
9	Farm Land	766	0.01%	14.23	975	0.01%	12.70
	Total	9,445,182	100%		9,450,931	100%	

The average single-family residential property has an assessed value of \$737,000 in 2023, up approximately 12.5% in market value over 2022. The median non-exempt commercial property is valued at \$531,000 in 2023, up 10.6%.

The impact would be:

¹ BC Reg 329/96 within the *Community Charter* states that Class 2 Utilities tax levy not exceed the greater of \$40 for each \$1,000 and not to exceed 2.5 times the Class 6 Business/Other Rate.

Net Change	\$	%
Average SFD	-19	-1.06
Median Business	-146	-3.03

Comparisons (from 2022)

Part of the Policy is to review the Town's tax rates in comparison to other municipalities. Ladysmith is unique in the fact that we have many services within the municipality that are often the responsibility of the regional district, such as water and sewer, or have a larger population to share the costs. This comparison may be more informative once the Regional Recreation cost share is fully phased-in (2026). Using the regular list of comparator municipalities (Sidney, Lake Country, Qualicum Beach, Sechelt, Peachland, Summerland, Parksville, Nelson, Ladysmith, Osoyoos, Duncan, Powell River, Castlegar, Creston, and Trail) the Town ranks as follows in 2022:

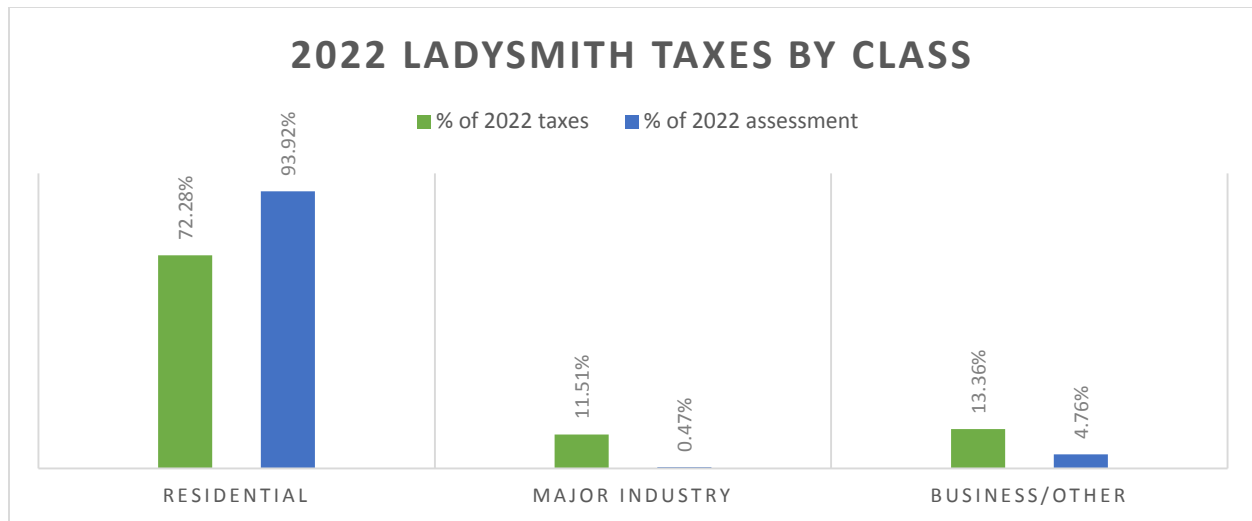
Comparison Municipalities (Attachment A)	Ladysmith	Rank (low to high)	Average
Based on Residential Variable Tax Rate	3,448	8/15	3,448
Based on Residential Total Charges	5,063	10/15	5,063

The residential variable tax rate is an adequate comparator though it doesn't factor in services. The total residential charges (taxes, parcel taxes and utility charges) is not necessarily a good comparison, though, as the services and rates can be selective.

Comparison Municipalities (Attachment B)	Ladysmith	Rank (low to high)	Average
Residential Percentage of Total taxes	73%	6/15	71%
Residential Percentage of Total Assessment	94%	10/15	89%
Business Percentage of Total taxes	13%	7/15	16%
Business Percentage of Total Assessment	5%	5/15	8%
Major Industry Percentage of Total taxes ²	12%	1/4	28%
Major Industry Percentage of Total Assessment	0.5%	1/4	6%

If the comparison municipalities are not used, the breakdown of the Assessment Roll is a good comparator. In Ladysmith, nearly the entire Assessment Roll comes from Residential (94%), Business (5%) and Major Industry (0.5%) classes. Ladysmith is the only municipality with this ratio, so further comparisons are required (see Attachment C):

² Only 4 of the comparator municipalities have class 4 assessments



A comparison between actual tax rates or average assessed value is not a good comparison as the higher the property value, the lower the tax rate.

Property Tax Due Date

The *Community Charter* states that property taxes are due July 2nd for the general tax collection scheme³ (July 4th this year due to the statutory holiday and the weekend). As was done in 2021 and 2022, staff recommend that Council allocate the legislative penalty amount of 10% across two dates: end of day July 4th at 2%; and end of day September 15th at 8%. Though this does result in less penalty revenue, the budget was reduced accordingly.

ALTERNATIVES:

1. Council could reduce the overall budget by reducing services. The specific service must be identified to calculate the impact.
2. Council could specify a set budget percentage increase/decrease.
3. Council could wait for the complete information to be received from other agencies before continuing with the Financial Plan Bylaw and Property Tax Rates Bylaw.

FINANCIAL IMPLICATIONS:

As discussed throughout this report.

The Town has only received the tax requisition from the Library, which requests an additional \$42,757 or 9.6% increase. Other rates and requisitions will be received over the coming weeks.

LEGAL IMPLICATIONS:

The *Community Charter* s.165 requires the Financial Plan. One of the requirements is setting the Objectives and Policies of the municipality. These include:

- Total Revenue from each funding source

³ *Community Charter* s.234(1)

- Distribution of property value taxes among the property classes
- Use of Permissive Tax Exemptions

The Financial Plan and the Property Tax Rates bylaws must be adopted before May 15th (May 12th in 2023 due to the weekend).

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Council discusses the Financial Plan in open Council meetings and the public is encouraged to participate.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Property taxes fund much of the Town's operations.

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:

- Comparison based on Residential Variable Tax Rate – 2022
- 2022 Tax Burden on Residential Property
- Similar Percentage of Assessment to Ladysmith

ATTACHMENT A

Comparison based on Residential Variable Tax Rate - 2022

Municipality	House Value	Total Residential Variable Rate Taxes (\$)	Rank	Total Residential Property Taxes and Charges (\$)	Rank
Lake Country	991,764	4,138	14	5,230	13
Sidney	985,046	3,781	11	4,737	7
Qualicum Beach	959,865	4,757	15	5,445	14
Sechelt	920,626	4,046	13	5,599	15
Peachland	866,951	3,293	7	4,912	9
Summerland	783,601	3,255	6	5,104	11
Parksville	709,679	3,769	10	4,894	8
Nelson	659,814	3,898	12	5,223	12
Ladysmith	658,267	3,448	8	5,063	10
Osoyoos	631,906	2,600	3	3,636	2
Powell River	535,345	3,587	9	4,571	6
Duncan	533,362	3,087	4	3,903	4
Castlegar	435,250	2,593	1	3,893	3
Creston	362,389	3,147	5	4,248	5
AVERAGE	691,017	3,466		4,668	

Source: Province of BC – 2022 Municipal tax rates and tax burden,
<https://www2.gov.bc.ca/gov/content/governments/local-governments/facts-framework/statistics/tax-rates-tax-burden>, sourced March 23, 2023

ATTACHMENT B

2022 Tax Burden on Residential Property

Comparison Municipality	Residential % Total Taxes	Residential % Total Assessment	Business % Total Taxes	Business % Total Assessment	Major Industry % Total Taxes	Major Industry % Total Assessment
Castlegar	30	79	18	12	21	4
Creston	75	90	16	9	-	-
Duncan	55	79	42	21	-	-
Ladysmith	73	94	13	5	12	0
Lake Country	86	96	8	3	-	-
Nelson	71	85	24	11	-	-
Osoyoos	80	90	16	10	-	-
Parksville	73	90	23	10	-	-
Peachland	92	97	5	3	-	-
Powell River	65	91	16	6	17	3
Qualicum Beach	89	96	9	4	-	-
Sechelt	84	95	12	5	-	-
Sidney	73	88	21	10	-	-
Summerland	87	95	9	4	-	-
Trail	26	74	8	10	61	15
AVERAGE	71	89	16	8	28	6

Source: Province of BC – 2022 Municipal tax rates and tax burden,
<https://www2.gov.bc.ca/gov/content/governments/local-governments/facts-framework/statistics/tax-rates-tax-burden>, sourced March 23, 2023

ATTACHMENT C

Similar Percentage of Assessment to Ladysmith

Class 4 ~0.5% of assessments	% of the 2022 Tax Levy
Hudson's Hope	1
Nanaimo - C	1
Port McNeill	1
Fort St. John	2
Barriere	3
Burnaby	3
Kamloops	3
Revelstoke	4
Esquimalt	5
Ladysmith	11

Class 6 ~5% of the assessments	% of the 2022 Tax Levy
Taylor	2
Slocan	5
Fraser Lake	6
Zeballos	8
Rossland	9
Kent	10
West Kelowna	10
Salmo	11
Sechelt	12
Tahsis	12
Ladysmith	13
Sun Peaks	13
North Saanich	24

Class 1 ~94% of the assessments	% of the 2022 Tax Levy
North Saanich	70
Ladysmith	72
Saanich	75
Colwood	76
Greenwood	84
Sun Peaks	84
Slocan	85
West Kelowna	85

Source: Province of BC – 2022 Municipal tax rates and tax burden,
<https://www2.gov.bc.ca/gov/content/governments/local-governments/facts-framework/statistics/tax-rates-tax-burden>,
 sourced March 24, 2023

BYLAW STATUS SHEET
April 4, 2023

Bylaw #	Description	Status
2106	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106". Amends 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". Includes 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-zones 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.
2124	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2124". Changes zoning to allow the construction of two fourplexes on 11 & 17 Warren Street.	First and second readings, March 7, 2023. Public Hearing scheduled for May 2, 2023. MOTI approval required.
2130	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 73) 2022, No. 2130" (10940 Westdowne Rd.) Changes the OCP designation from single family to Mobile Home Park residential.	First and second readings, December 20, 2022. Public Hearing required. MOTI approval required.
2131	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 54) 2022, No. 2131" (10940 Westdowne Rd.) Changes zoning from Rural Residential (RU-1) to Manufactured Home Park (MHP-1)	First and second readings, December 20, 2022. Public Hearing required. MOTI approval required.
2133	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 56) 2023, No. 2133". Allows convenience store at 1132-1142 Rocky Creek Rd.	First and second readings, January 10, 2023. Public Hearing required. MOTI approval required.
2134	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2134". Development Permit Area 10 – Coach House Intensive Residential to the property at 1141 Cloke Rd.	First and second reading held March 7, 2023. Referred to School District #68, per resolution CS 2023-048. Public Hearing scheduled for May 2, 2023.
2135	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2135". Amends zoning to include <i>Coach House Dwelling</i> as a permitted <i>Accessory Use</i> .	First and second reading held March 7, 2023. Public Hearing scheduled for May 2, 2023. MOTI approval required.

BYLAW STATUS SHEET

April 4, 2023

2137	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2137". Amends the Downtown Core designation for higher density allowance where a heritage building is restored.	First and second readings, February 21, 2023. Public Hearing required.
2138	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2138". Site specific regulations in the C-2 zone for 440 1 st Avenue.	First and second readings, February 21, 2023. Public Hearing required.
2200	"Official Community Plan Bylaw 2022, No. 2200". A new Official Community Plan for the Town.	First reading, September 20, 2022. Referred to various agencies as per resolution CS 2022-230. Second reading as amended scheduled March 7, 2023. Public Hearing scheduled for April 18, 2023.