

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

Tuesday, May 2, 2023  
Ladysmith Seniors Centre  
630 2nd Avenue

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**Pages**

**1. CALL TO ORDER**

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

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

**2. CLOSED 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:

- (c) labour relations or other employee relations; and
- (g) litigation or potential litigation affecting the municipality.

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

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

Members of the public may attend 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 Public Hearing and Regular Meeting of Council for May 2, 2023.

**5. PUBLIC HEARING #1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2124"**

Subject Properties: 11 Warren Street (Lot 7, Block 5, District Lot 24, Oyster District, Plan 703A) and 17 Warren Street (Lot 8, Block 5, District Lot 24, Oyster District, Plan 703A)

**5.1 Outline of Public Hearing Process - Mayor Stone**

**5.2 Introduction of Bylaw and Statutory Requirements - Senior Planner, Development Services**

**5.3 Submissions**

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

**5.5 Declaration that the Public Hearing for Bylaw No. 2124 is Closed - Mayor Stone**

**6. PUBLIC HEARING #2 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2134" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2135"**

Subject Property:

1141 Cloke Road (Lot A, District Lot 129, Oyster District, Plan VIP56439)

**6.1 Outline of Public Hearing Process - Mayor Stone**

**6.2 Introduction of Bylaws and Statutory Requirements - Planner, Development Services**

**6.3 Submissions**

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

**6.5 Declaration that the Public Hearing for Bylaw Nos. 2134 and 2135 is Closed - Mayor Stone**

## **7. BYLAWS - OFFICIAL COMMUNITY PLANNING AND ZONING (SUBJECTS OF THE PUBLIC HEARINGS)**

### **7.1 Subject of Public Hearing #1**

#### **7.1.1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2124"**

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##### Recommendation

That subject to any additional matters raised at the Public Hearing, Council give third reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2124".

### **7.2 Subject of Public Hearing #2**

#### **7.2.1 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2134"**

11

##### Recommendation

That subject to any additional matters raised at the Public Hearing, Council proceed with third reading and adoption of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2134".

#### **7.2.2 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2135"**

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##### Recommendation

That subject to any additional matters raised at the Public Hearing, Council give third reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2135".

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

**Item from the Closed Meeting of Council held April 18, 2023**

**CE 2023-023**

That Council:

1. Direct staff to amend the Town of Ladysmith Street Naming Policy 11-5450-A to include "Stringer" on the approved list of street names; and
2. Rise and report on Recommendation No. 1 once the family has been notified.

**Item from the Closed Meeting of Council held November 15, 2022**

**CE 2022-073**

That Council:

3. Authorize staff to issue a press release immediately following the assignment of Lease 1407751 to Stz'uminus First Nation and notice to the Ladysmith Maritime Society of termination of the sublease;
4. Rise and report on Recommendation 3 when appropriate.

**Item from the Closed Meeting of Council held August 2, 2022**

**CE 2022-052**

That Council:

1. Authorize the Mayor and Corporate Officer to:
  - a. Execute the Assignment Agreement to assign Crown Land Leases 1403564 and 1407751, to the Stz'uminus First Nation, as presented in Attachment A to the August 2, 2022 staff report;
  - b. Execute the Termination Agreement to terminate the Sublease between the Town of Ladysmith and DL2016 Holdings Corporation and the Management & Operating agreement and Licence between DL2016 Holdings Corporation and the Ladysmith Maritime Society, as presented in Attachment B to the August 2, 2022 staff report; and
  - c. Surrender Lease 1403564; and
2. Direct staff and the Town's solicitor to:
  - a. Execute the conditions precedent outlined in the Assignment Agreement;
  - b. Execute the Termination Agreement with the Ladysmith Maritime Society and DL2016; and
3. Rise and report on Recommendation Nos. 1(a), 1(b), 1(c), 2(a) and 2(b) once all agreements are executed.



## 9. MINUTES

- 9.1 Minutes of the Public Hearing and Regular Meeting of Council held April 18, 2023 15

### Recommendation

That Council approve the minutes of the Public Hearing and Regular Meeting of Council held April 18, 2023.

## 10. PROCLAMATIONS

- 10.1 Fibromyalgia Awareness Day 26

Mayor Stone has proclaimed Friday, May 12, 2023 as "Fibromyalgia Awareness Day" in the Town of Ladysmith.

In support of "Fibromyalgia Awareness Day", the Town will also illuminate its available themed lighting locations with purple lights.

- 10.2 International Day Against Homophobia and Transphobia 27

Mayor Stone has proclaimed Friday, May 17, 2023 as "International Day Against Homophobia and Transphobia Day" in the Town of Ladysmith.

In support of "International Day Against Homophobia and Transphobia Day", the Town will also fly the Pride flag.

## 11. DEVELOPMENT APPLICATIONS

- 11.1 Development Permit Amendment – 314 Buller Street 28

### Recommendation

That Council issue Development Permit Amendment 3060-22-18 for 314 Buller Street (Lot A (DD B92367) of Block 76 District Lot 56 Oyster District Plan 703A, PID: 008-705-968) to authorize rooftop mechanical equipment on the existing building.

- 11.2 Development Variance Permit 3090-23-02 and Development Permit Application 3060-22-09 – 411 Thetis Drive 66

### Recommendation

That Council:

1. Issue Development Variance Permit 3090-23-02 to vary the following provisions of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" for a proposed single unit dwelling at 411 Thetis Drive (Lot 3, District Lot 52, Oyster District, Plan EPP90583; PID: 031-471-552):

- a. Section 10.2.5 (a) to increase the maximum height of the proposed single unit dwelling from 7.5m to 9.8m where the roof pitch is less than 4:12; and
  - b. Section 10.2.5 (d) to increase the maximum perimeter wall height of the proposed single unit dwelling from 7.32m to 10.4m for any wall of the single unit dwelling; and
2. Issue Development Permit 3060-22-09 to allow construction of a single unit dwelling at 411 Thetis Drive.

## 12. COMMITTEE MINUTES

### 12.1 Public Art Committee - April 19, 2023 92

#### Recommendation

That Council receive the minutes of the Public Art Committee meeting held April 19, 2023.

## 13. BYLAWS

### 13.1 Bylaws for Introduction

#### 13.1.1 "Financial Plan Bylaw 2023, No. 2141" 94

##### Recommendation

That Council give first, second and third readings to "Financial Plan Bylaw 2023, No. 2141".

#### 13.1.2 "Property Tax Rates Bylaw 2023, No. 2142" 100

##### Recommendation

That Council give first, second and third readings to "Property Tax Rates Bylaw 2023, No. 2142".

#### 13.1.3 "Sewer Parcel Tax Bylaw 2023, No. 2143" 104

##### Recommendation

That Council give first, second and third readings to "Sewer Parcel Tax Bylaw 2023, No. 2143".

#### 13.1.4 "Water Parcel Tax Bylaw 2023, No. 2144" 106

##### Recommendation

That Council give first, second and third readings to "Water Parcel Tax Bylaw 2023, No. 2144".

## **13.2 Bylaws for Adoption**

### **13.2.1 "Official Community Plan Bylaw 2022, No. 2200"**

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Subject to the outcome of Public Hearing #2, the recommendation for Bylaw No. 2200 may change to allow for the inclusion of Bylaw 2134 in the "Official Community Plan Bylaw 2022, No. 2200".

#### Recommendation

That Council adopt "Official Community Plan Bylaw 2022, No. 2200".

## **13.3 Bylaw Status Sheet**

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## **14. NEW BUSINESS**

## **15. QUESTION PERIOD**

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

## **16. ADJOURNMENT**

## TOWN OF LADYSMITH

### BYLAW NO. 2124

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

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

1. Schedule A – Section 10.10 “Medium Density Residential (R-3)”, sub-section 8 “Site Specific Regulations”

Add a new subsection to follow existing subsections and alphabetized accordingly, as follows:

- c) For the *Parcels* legally described as Lot 8, Block 5, District Lot 24, Oyster District, Plan 703A (17 Warren Street) and Lot 7, Block 5, District Lot 24, Oyster District, Plan 703A (11 Warren Street):

- i. Despite section 10.10(5)(d), no *Principal Buildings* or *Structures* shall be located closer to the *Parcel Line* than the minimum *Setbacks* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	3.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	3.0 metres

- ii. Despite section 10.10(5)(e), the minimum *Setback* for an *Accessory Building* or *Structure* from a *Front Parcel Line* is 3.0 metres.

2. Schedule B – Zoning Bylaw Map

Change the zone for the subject properties, Lot 8, Block 5, District Lot 24, Oyster District, Plan 703A (17 Warren Street) and Lot 7, Block 5, District Lot 24, Oyster District, Plan 703A (11 Warren Street), as shown in Schedule 1, attached to and forming part of this Bylaw, from “Live/Work Residential (R-2-LW)” to “Medium Density Residential (R-3)”.

#### Citation

3. This Bylaw may be cited for all purposes as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2124”.

**READ A FIRST TIME** on the 7<sup>th</sup> day of March, 2023

**READ A SECOND TIME** on the 7<sup>th</sup> day of March, 2023

**PUBLIC HEARING HELD** on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

**APPROVED BY MINISTRY OF TRANSPORTATION**

on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

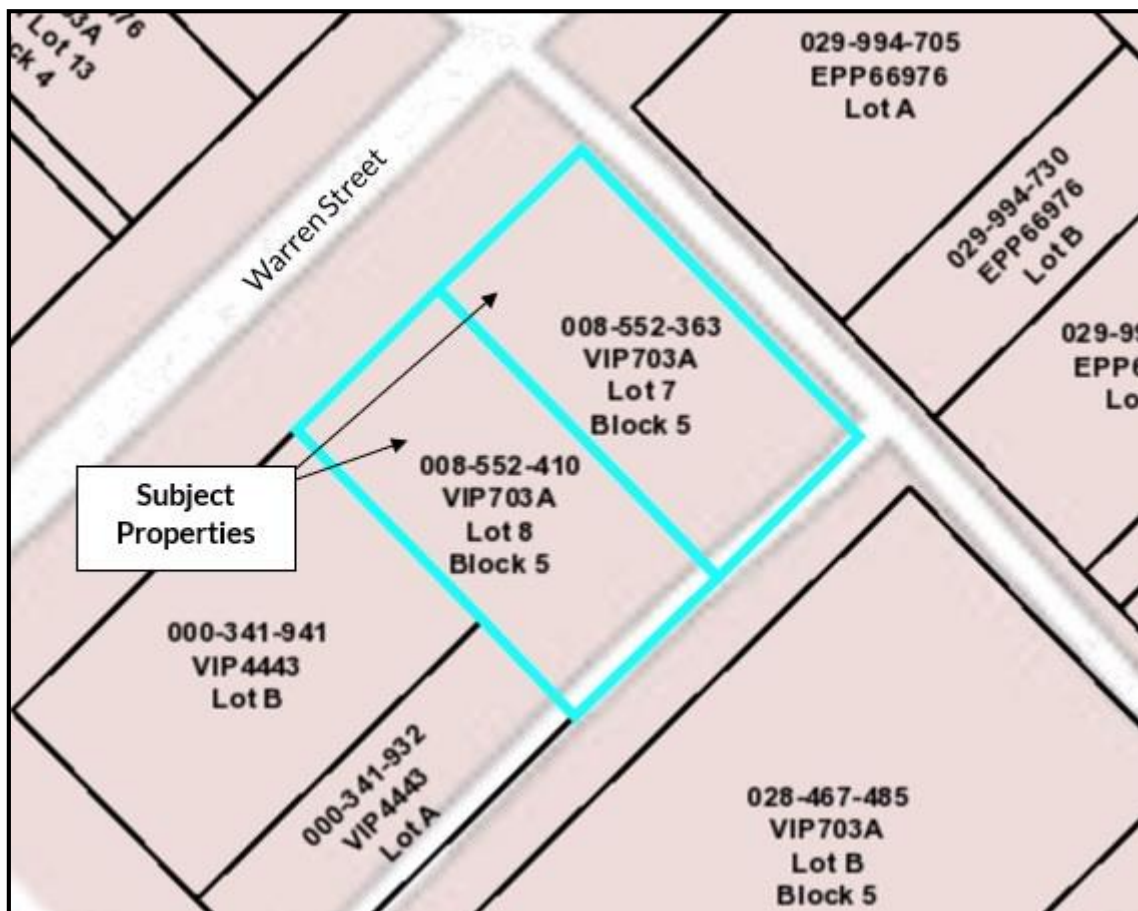
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Mayor (A. Stone)

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Corporate Officer (M. O'Halloran)

**Schedule 1**



**TOWN OF LADYSMITH**

**BYLAW NO. 2134**

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

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

- 1. Official Community Plan Map 2 - Development Permit Areas is amended to apply the Development Permit Area 10 – Coach House Intensive Residential to the property legally described as Lot A, District Lot 129, Oyster District, Plan VIP56439 (1141 Cloke Road) as shown in Schedule 1 which is attached to and forms a part of this Bylaw.

**Citation**

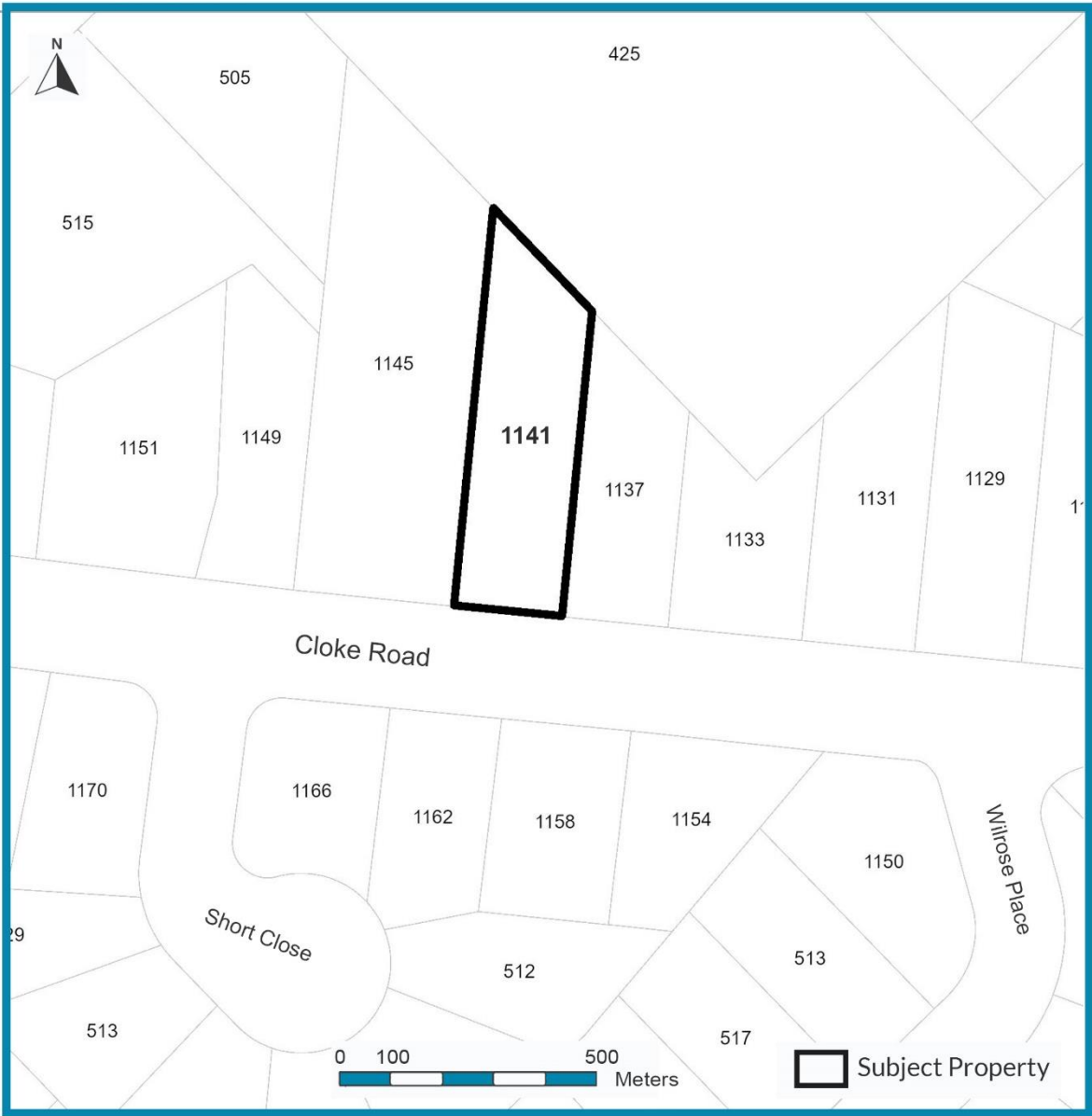
- 2. This Bylaw may be cited for all purposes as “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2134”.

**READ A FIRST TIME** on the 7<sup>th</sup> day of March, 2023  
**READ A SECOND TIME** on the 7<sup>th</sup> day of March, 2023  
**PUBLIC HEARING HELD** on the \_\_\_\_\_ day of \_\_\_\_\_, 2023  
**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2023  
**APPROVED BY MINISTRY OF TRANSPORTATION**  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2023  
**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

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

\_\_\_\_\_  
Corporate Officer (M. O’Halloran)

Schedule 1





**TOWN OF LADYSMITH**

**BYLAW NO. 2135**

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

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

1. Schedule A – Zoning Bylaw Text is amended by adding new site specific regulations to Section 10.2 Single Dwelling Residential (R-1), as follows:
  - a. The following is added to the end of Section 10.2(7):

“(d) For the *Parcel* legally described as Lot A, District Lot 129, Oyster District, Plan VIP56439 (1141 Cloke Road) the following site specific regulations shall apply:

    - i) *Coach House Dwelling* is permitted as an *Accessory Use* subject to Part 6, Section 6.5.
    - ii) Despite Section 5.14(d)(ii) the *Gross Floor Area* of a self-contained *Accessory* space on the *First Storey* of a *Coach House Dwelling* shall have a maximum exclusion of 84.0 square metres.
    - iii) Despite Section 6.5(b)(iii) the *Gross Floor Area* of a *Coach House Dwelling* shall not exceed 70.0 square metres.
    - iv) Despite Section 6.5(b)(iv)(1) the *Height* of a two *Storey Coach House Dwelling* shall not exceed 7.6 metres.”

**Citation**

2. This Bylaw may be cited for all purposes as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2135”.

**READ A FIRST TIME** on the 7<sup>th</sup> day of March 7, 2023

**READ A SECOND TIME** on the 7<sup>th</sup> day of March 7, 2023

**PUBLIC HEARING HELD** on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

**APPROVED BY MINISTRY OF TRANSPORTATION**

on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

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Mayor (A. Stone)

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Corporate Officer (M. O'Halloran)



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

Tuesday, April 18, 2023

5:30 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  
Councillor Marsh Stevens  
Councillor Jeff Virtanen

### Staff Present:

Allison McCarrick  
Erin Anderson  
Chris Barfoot  
Jake Belobaba  
Ryan Bouma

Trish McConnell  
Matt O'Halloran  
Mike Gregory  
Sue Bouma

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### 1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 5:30 p.m., in order to retire immediately into Closed Session.

### 2. CLOSED SESSION

#### CS 2023-085

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

- (1)(b) personal information about an identifiable individual who is being considered for a municipal award or honour;
- (1)(e) the acquisition, disposition or expropriation of land or improvements;
- (1)(i) the receipt of advice that is subject to solicitor-client privilege;
- (1)(g) litigation or potential litigation affecting the municipality; and
- (2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or between a provincial government and a third party.

*Motion Carried*

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

Mayor Stone called this Public Hearing and Regular Meeting of Council to order at 6:00 p.m., recognizing with deep gratitude that it was taking place on the traditional, unceded territory of the Stz'uminus First Nation, who walked gently on these lands for thousands of years.

### **4. AGENDA APPROVAL**

#### **CS 2023-086**

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for April 18, 2023, as amended to include a public submission, received after publication of the agenda, for the following item:

- Item 5.1. "Official Community Plan Bylaw 2022, No. 2200"

*Motion Carried*

### **5. PUBLIC HEARING**

#### **5.1 "Official Community Plan Bylaw 2022, No. 2200"**

**Members of the public attending: 21**

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

Mayor Stone outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council about Bylaw No. 2200.

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

### **5.1.2 Introduction of Bylaw and Statutory Requirements - Director of Development Services**

Jake Belobaba, Director of Development Services, introduced "Official Community Plan Bylaw 2022, No. 2200" as the subject of the Public Hearing.

Mr. Belobaba advised that Bylaw No. 2200, which replaces the Town's "Official Community Plan Bylaw 2003, No. 1488", applies to all properties in the Town of Ladysmith and includes goals, objectives, policies, statements, and map designations respecting the following:

- The location, amount, type and density of present and proposed residential commercial, industrial, parks, institutional, agricultural, recreational and public utility land uses and facilities;
- The location and area of suitable sand and gravel deposits;
- Restrictions on the use and development of land that is subject to hazardous conditions or that is environmentally sensitive;
- The location and phasing of major road, sewer, stormwater and water systems, including cycling, transit and pedestrian infrastructure;
- Housing policies respecting affordable housing, rental housing and special needs housing;
- Targets and actions for the reduction of greenhouse gas emissions;
- Social needs, social well-being and social development including poverty reduction and support for persons with disabilities;
- The maintenance and enhancement of farming;
- The preservation, protection, restoration and enhancement of the natural environment, its ecosystems and biological diversity;
- Reconciliation with First Nations;

- Arts, culture and heritage;
- Economic development;
- Emergency preparedness and mitigating the impacts of climate change;
- Health and wellness;
- The designation of development permit areas, temporary use permit areas and circumstances under which development approval information is required;
- Considerations for proposals to amend the Official Community Plan and community contributions; and
- Short-term, medium-term, long-term and ongoing actions and incentives intended to implement the Official Community Plan.

Mr. Belobaba also confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was published in the Ladysmith Chronicle on April 6 and April 13, 2023 and posted on the Town's website and community notice boards.

A copy of the Notice, the proposed bylaw, and background information were made available at the front counters of City Hall and Development Services and were available on the Town's website for the Notice period. Staff in the Development Services office were available to respond to questions prior to the Public Hearing. Mr. Belobaba noted that as of noon on Tuesday, April 18, one submission related to the proposed bylaw had been received.

### **5.1.3 Submissions**

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

Mayor Stone called for submissions from the public.

*Catherine Cartwright, 422 Roberts Street*, expressed approval for some forms of densification in Old Town Ladysmith, such as coach houses, duplexes and triplexes, but expressed concern that the proposed intrusion of scale to this area would take away the historic ambience. She also suggested that the format of the Official Community Plan document be reviewed to make accessing neighbourhood information easier.

*Tim Richards, 105 Gifford Road*, asked how the Town planned to manifest the Official Community Plan's economic development goals of supporting the work of local organizations to promote awareness and tourism while preserving the heritage of Ladysmith, given the current situation with the Ladysmith Maritime Society.

*Rob Johnson, 526 1st Avenue*, advised Council to consider how the Official Community Plan will accommodate the future need for greater retail space for Ladysmith's growing and aging population.

*David Grimstead, 107 Clarke Road*, presented a copy of the Ladysmith Waterfront Area Plan and submitted that Council must acknowledge and be committed to the document, which was created with great thought and the extensive engagement of Ladysmith residents.

*Susan Dallyn, 3380 Rumble Road, Saltair*, a volunteer for the Ladysmith Maritime Society, expressed concern that the organization would not be able to help realize the Official Community Plan.

*Brian McLaurin, 705 Stirling Drive*, enquired if there was a comprehensive plan identifying archaeological sites, whether consideration had been given to the impact on the North Davis Road access in relation to plans to re-develop the Coronation Mall, and whether the golf course would be dissolved in this re-development. He also expressed his opinion that infill homes ruin the appearance and character of neighbourhoods.

Mayor Stone called for submissions a second time.

*Catherine Cartwright, 422 Roberts Street*, asked for clarification regarding the history, definition and parameters of "Old Town" and what plans were in place for protection of its character.

*Rob Johnson, 526 1st Avenue*, asked Council to consider how the Official Community Plan will manage Ladysmith's population growth - including its expansive aging population - and enquired where the housing units would be developed to deal with this growth. He expressed concern regarding access to services such as medical care. Mr. Johnson also expressed his view that the sawmill lands will be much more valuable as residential lands, as opposed to industrial lands, and should be zoned accordingly.

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

*Rob Johnson, 526 1st Avenue*, asked Council to consider whether the best use of the Town's waterfront would be industrial or residential, and noted the decline of sawmills on the island. He questioned the usefulness of bike lanes with respect to the topography of Ladysmith and to the age of its residents.

*Catherine Cartwright, 422 Roberts Street*, expressed concern that not enough people were speaking at the Hearing and suggested that Council should pursue more feedback.

*Myff Plecas, 505 Jones Road*, recommended that Council pay attention to health services, particularly with the potential of population growth, and expressed her hope that everyone will work together regarding the marina.

*Keith Ling, 517 Wilrose Place*, advised that bike lanes should not be on 1st Avenue and recommended as an alternative the alleyway between 1<sup>st</sup> Avenue and the highway.

*Rob Johnson, 526 1st Avenue*, enquired about some of the concept drawings in the plan, and expressed concern about congestion, parking, and the effect on the heritage look of downtown should these concept drawings become reality. He recommended several ways that the Town could take climate action, including the use of building materials that minimize greenhouse gases, switching to electric Town vehicles, converting municipal buildings from fossil fuels to green fuels, and encouraging out-of-town staff to work from home. He recommended that Council re-read background Official Community Plan information before making a decision on the Bylaw.

*Catherine Gibbons, 432 Kitchener Street*, asked Council to consider not giving third reading to Bylaw No 2200 until after further consideration.

*Catherine Cartwright, 422 Roberts Street*, expressed agreement with Catherine Gibbons' request.

*Susan Dallyn, 3380 Rumble Road, Saltair*, also expressed agreement with Catherine Gibbons' request.



*Jennica Graham, 233 Jameson Road, asked questions regarding how environmentally sensitive areas are determined and how the Official Community Plan will be implemented. She expressed enthusiasm for the bike lanes and recognized the thought and work that went into creating the Official Community Plan.*

Mayor Stone gave the public an additional opportunity to make submissions to Council. No one wished to speak regarding "Official Community Plan Bylaw 2022, No. 2200."

Mayor Stone asked the Corporate Officer, M. O'Halloran, to report on written submissions that were received as part of the public record. The Corporate Officer reported on six written submissions received from Glenn Brower, Catherine Cartwright (two submissions), Susan Dallyn, Rob Johnson, and Richard Meagher.

**5.1.5 Declaration that the Public Hearing for Bylaw No. 2200 is Closed - Mayor Stone**

Hearing no comments and receiving no further submissions, Mayor Stone declared the Public Hearing for Bylaw No. 2200 closed at 7:16 p.m. and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

**6. BYLAWS - OFFICIAL COMMUNITY PLANNING AND ZONING (SUBJECT OF THE PUBLIC HEARING)**

**6.1 "Official Community Plan Bylaw 2022, No. 2200"**

**CS 2023-087**

That Council give third reading to "Official Community Plan Bylaw 2022, No. 2200."

*Motion Carried*

**7. RECESS**

**CS 2023-088**

By unanimous consent Council recessed at 8:06 p.m. with the intention to reconvene in five minutes.

Council reconvened the meeting at 8:12 p.m.

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

Council rose from Closed Session at 5:38p.m. without report.

The following item from the Closed Meeting of Council held April 4, 2023 was reported:

### **CE 2023-018**

That Council:

1. Require Cash-in-Lieu for the subdivision application located at 901 Gladden Road (Lot B District Lots 86, 87 and 98 Oyster Bay District Lot 2054 Cowichan District Plan EPP87265-PID 030-801-478); and,
2. Rise and report on Recommendation No. 1 immediately.

## **9. MINUTES**

### **9.1 Minutes of the Regular Meeting of Council held April 4, 2023**

#### **CS 2023-089**

That Council approve the minutes of the Regular Meeting of Council held April 4, 2023.

*Motion Carried*

## **10. DELEGATIONS**

### **10.1 MNP, Auditors for the Town**

Cory Vanderhorst, MNP, provided Council with an overview of the 2022 Audit Findings. He stated that this is an unqualified or clean audit. C. Vanderhorst responded to questions from Council, and thanked Town staff for their cooperation during the audit.

#### **CS 2023-090**

That Council accept the 2022 Audit Findings report and the draft 2022 Financial Statements as presented by MNP, auditors for the Town of Ladysmith.

*Motion Carried*

## **11. PROCLAMATIONS**

### **11.1 National Public Works Week**

Mayor Stone proclaimed May 21-27, 2023 as National Public Works Week in the Town of Ladysmith.

## **11.2 Safety and Health Week**

Mayor Stone proclaimed May 1-6, 2023 as "Safety and Health Week" in the Town of Ladysmith.

## **12. COMMITTEE MINUTES**

### **12.1 Poverty Reduction Task Group - February 2, 2023**

#### **CS 2023-091**

That Council receive the minutes of the Poverty Reduction Task Group meeting held February 2, 2023.

*Motion Carried*

### **12.2 Poverty Reduction Task Group - March 7, 2023**

#### **CS 2023-092**

That Council receive the minutes of the Poverty Reduction Task Group meeting held March 7, 2023.

*Motion Carried*

## **13. REPORTS**

### **13.1 Compost Facility Odour Control**

#### **CS 2023-093**

That Council direct staff to include in the 2023-2027 Financial Plan \$187,500 for Compost Facility Odour Reducing Improvements, with the funds to come from the reallocation of monies budgeted for the Compost Curing Building Project.

*Motion Carried*

### **13.2 Dogwood Drive Active Transportation Plan**

#### **CS 2023-094**

That Council:

1. Receive the report prepared by Watt Consulting Group regarding the Dogwood Drive Active Transportation Plan, as well as the engineering plans by Herold Engineering Ltd.; and
2. Direct staff to monitor grant opportunities that may apply to this project and report back when a suitable opportunity is identified.

*Motion Carried*

### **13.3 Museum Accessibility Ramp Replacement**

#### **CS 2023-095**

That Council direct staff to:

1. Proceed with the replacement of the accessibility ramp at the Ladysmith Museum for \$15,000, with funding to come from the PRC building reserve; and
2. Include the funding allocation in the 2023-2027 financial plan.

*Motion Carried*

### **13.4 Occupational Health and Safety Policy Statement**

#### **CS 2023-096**

That Council approve the revised Town of Ladysmith Occupational Health and Safety Policy Statement (OHSPS) dated April 18, 2023.

*Motion Carried*

## **14. BYLAWS**

### **14.1 Bylaw Status Sheet**

## **15. CORRESPONDENCE**

### **15.1 Lamont Lands**

#### **CS 2023-097**

That Council:

1. Grant Lamont Lands an exemption to Town of Ladysmith "Noise Suppression Bylaw 2003, No. 1478" to permit continued construction of the Holland Creek Crossing to occur on Sundays between the hours of 8:00am to 5:00pm from April 23 to June 25, 2023; and
2. Direct staff to ensure that neighbouring residents receive written notification.

*Motion Carried*

## 16. QUESTION PERIOD

Members of the public enquired about parking in the alleyway behind the Bayview Brew pub, the financial audit presentation procedure, the 11% rent increase for the offices that the Development Services department occupies and why the budgeted revenue for 2022 was so much higher than the resulting revenue.

Members of the public also enquired about the timeline involved in making the decision to transfer the DL 2016 water lot to Stz'uminus, the logistics of the future transfer, how the Town fostered communication between the Ladysmith Maritime Society and Stz'uminus First Nation, and how the specific transfer date was determined.

## 17. ADJOURNMENT

### **CS 2023-098**

That this Regular Meeting of Council be adjourned at 9:01 p.m.

*Motion Carried*

CERTIFIED CORRECT

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Mayor (A. Stone)

---

Corporate Officer (M. O'Halloran)



## PROCLAMATION

### “FIBROMYALGIA AWARENESS DAY”

- WHEREAS** *“Fibromyalgia Awareness Day” aims to raise awareness and end the stigma and discrimination that accompany this chronic illness; and*
- WHEREAS** *Fibromyalgia affects about 5% of Canada’s population – over 2,000,000 men, women and children of all ages and races in Canada are afflicted with this chronic illness; and*
- WHEREAS** *Fibromyalgia often takes an average of three to five years to diagnose; and*
- WHEREAS** *There is no known cause, prevention, or cure for Fibromyalgia; and*
- WHEREAS** *Fibromyalgia is a complex illness whose symptoms vary widely and may include debilitating chronic pain, overwhelming fatigue, and cognitive impairment; and*
- WHEREAS** *Patients with Fibromyalgia often have several co-existing conditions, which may include chronic myofascial pain, irritable bowel syndrome (IBS), temporomandibular joint disorder (TMJ), environmental sensitivities, anxiety and depression; and*
- WHEREAS** *Fibromyalgia greatly reduces quality of life, can cause total disability, and affects families, friends and employers. Living with daily chronic pain and fatigue can lead to social isolation, so it is important for sufferers and their families, friends, and caregivers to know that they are not alone; and*
- WHEREAS** *People with Fibromyalgia have a right to be treated with dignity and have a right to pain relief; and*
- WHEREAS** *Together we will find ways to enhance the quality of lives for people affected by Fibromyalgia and together find a cure.*
- THEREFORE,** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim Friday, May 12<sup>th</sup>, 2023 as “FIBROMYALGIA AWARENESS DAY” in the Town of Ladysmith.*

January 9, 2023

**Mayor A. Stone**



LADYSMITH

TOWN OF LADYSMITH

## PROCLAMATION

### International Day Against Homophobia and Transphobia

**WHEREAS:** *All people in British Columbia have the right to realize their potential regardless of sexual orientation or gender identity and expression, and to live at all times in conditions of dignity, respect and peace; and*

**WHEREAS:** *Despite recent efforts towards greater inclusion of LGBT people, homophobia and transphobia are still present in society; and*

**WHEREAS:** *The goal of the International Day Against Homophobia and Transphobia is to increase understanding and visibility for members of the 2SLGBTQ+ community; and*

**WHEREAS:** *The Town of Ladysmith is committed to the belief that equal opportunity and treatment should exist for all people, and all individuals should be valued and celebrated for their unique identities and contributions.*

**THEREFORE,** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim May 17, 2023 as “International Day Against Homophobia and Transphobia” in the Town of Ladysmith, British Columbia.*

---

Mayor A. Stone

March 21, 2023

**STAFF REPORT TO COUNCIL**

**Report Prepared By:** Julie Thompson, Senior Planner  
**Reviewed By:** Jake Belobaba, Director of Development Services, RPP, MCIP  
**Meeting Date:** May 2, 2023  
**File No:** 3060-22-18  
**RE:** Development Permit Amendment – 314 Buller Street

**RECOMMENDATION:**

That Council issue Development Permit Amendment 3060-22-18 for 314 Buller Street (Lot A (DD B92367) of Block 76 District Lot 56 Oyster District Plan 703A, PID: 008-705-968) to authorize rooftop mechanical equipment on the existing building.

**EXECUTIVE SUMMARY:**

The purpose of this report is to introduce a proposal for changes to the multi-family development at 314 Buller Street for Council consideration. The proposed development includes the addition of unscreened rooftop mechanical equipment and requires a development permit (DP) amendment. Staff recommend approval of DP 3060-22-18 based on an analysis of the impacts.

**PREVIOUS COUNCIL DIRECTION:**

Resolution	Meeting Date	Resolution Details
CS 2020-101	March 31, 2020	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Issue Development Permit 3060-20-01 for a multi-unit dwelling at 314 Buller Street (PID: 008-705-968).</li> <li>2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-20-01.</li> </ol> <p><i>Motion Carried</i></p>

**INTRODUCTION/BACKGROUND:****Subject property**

The subject property, 314 Buller Street, is approximately 2004m<sup>2</sup> in size. The property is currently designated Multi-Family Residential in “Official Community Plan Bylaw 2003, No. 1488” (OCP), zoned Community Housing (CD-5) in “Town of Ladysmith Zoning Bylaw 2014, No. 1860” and falls within Development Permit Area 4 – Multi-Unit Residential (DPA 4) in the OCP. A 36-unit multi-family affordable housing development (“Heart on the Hill”) is currently located on the property and was authorized under DP 20-01 which was issued on March 31, 2020. The housing project received an occupancy permit on February 8, 2023. The original proposal is described in greater detail in the March 31, 2020 report to Council (see Attachment F). Adjacent land uses include Ladysmith Intermediate School and single-family residential uses.

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



**PROPOSAL:**

The applicant has applied for a DP amendment to allow more rooftop mechanical equipment. The number of rooftop units installed on the building is significantly more than what was shown in DP 20-01, which was approximately four units, strategically located so as not to be visible from ground level (see Attachment B). Attachment C includes photos of the building's current rooftop configuration from various locations. The mechanical equipment is visible uphill from the subject property, including from the Buller Street and 4<sup>th</sup> Avenue intersection. However, the mechanical equipment is not visible downhill from the subject property, including from the Buller Street and 3<sup>rd</sup> Avenue intersection.

The applicant has provided a rationale letter (Attachment D) explaining the request for additional rooftop mechanical equipment with no additional screening. The applicant states in the rationale letter that the equipment consists of air conditioning units that were added after the original DP was issued in response to the most recent summer heat wave. The applicant also states that they do not wish to provide screening as it would be too costly.

**ANALYSIS:**

The proposed DP amendment for the additional rooftop mechanical equipment is subject to the requirements of DPA 4. The proposed development's consistency with the applicable DPA 4 guidelines is summarized in Table 2.

*Table 1: DPA 4 Guideline Analysis*

DPA Guideline	Staff Comments
<p><b>Mechanical, Electrical &amp; Security Equipment</b> Rooftop and grade level mechanical equipment should be strategically located, and screened with high quality, durable materials that attenuate noise, and complement the overall building design.</p> <p>Air vents, electrical transformers, heat pumps, gas metres, and other exterior mechanical and electrical components should be located away from adjacent residential buildings and pedestrian amenities and should be screened from public view.</p>	<ul style="list-style-type: none"><li>• Rooftop mechanical equipment is prominently visible from the high side of Buller Street and 4<sup>th</sup> Avenue.</li><li>• No screening is proposed, and the rooftop equipment is visible from public view and adjacent properties.</li></ul>

Since the rooftop mechanical equipment is prominently visible from adjacent properties and the street and no screening is proposed, the DPA 4 guidelines for mechanical, electrical and security equipment have not been met. While developments may not meet every DPA 4 guideline, it is reasonable to expect that at least some (if not most) of the guidelines in each category be met. There are only two guidelines in the category for mechanical, electrical, and security equipment and both guidelines reference screening of mechanical equipment (see Table 2). However, it is noted that the overall development was reviewed under DP 20-01 and was found to be generally consistent with the DPA 4 guidelines.

The applicant's rationale letter (Attachment D) notes that adding rooftop screening would be too costly for an affordable housing project. Staff provided suggestions for modifications to screen the rooftop units (see Attachment G for email correspondence). These were explored by the applicant, but proved to be too costly or would not work structurally.

While DP amendment applications are delegated to the Director of Development Services to issue in accordance with “Ladysmith Officers and Delegation Authority Bylaw 2016, No. 1905”, DP amendment application 3060-22-18 has been forwarded to Council for consideration as the original development permit was issued by Council and prominent rooftop mechanical equipment without screening technically does not comply with the relevant DPA 4 guidelines.

Staff recommend that the application be approved as the development overall is generally consistent with the DPA 4 guidelines, the building and site are attractive overall, the project is for affordable housing, additional screening is a significant additional cost, and the development permit guidelines that apply to rooftop equipment are non-binding on Council.

**ALTERNATIVES:**

Council can choose to:

1. Deny DP 22-18.
2. Defer consideration of the application and refer the proposal to a subsequent meeting of Council.
3. Amend the conditions of DP 22-18 and approve the issuance of the permit as amended.
4. Refer the application back to staff for further review, as specified by Council.

**FINANCIAL IMPLICATIONS:**

N/A

**LEGAL IMPLICATIONS:**

If DP 22-18 is denied, reasons must be given based on the DPA 4 guidelines, as the issuance of a DP is not a completely discretionary decision of Council. In this case, the proposal can be denied due to non-compliance with DP guidelines for rooftop mechanical equipment. However, Council may also issue a DP even if the proposal does not conform to certain guidelines and, for the reasons noted above this is staff’s recommendation.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

A public hearing is not required for the proposed development nor is public notification.

**INTERGOVERNMENTAL REFERRALS:**

N/A

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

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

Table 3: Department Comments

Referred (Yes/No)	Department	Comments
Yes	Engineering	No concerns
Yes	Building Inspection	No concerns
Yes	Bylaw Enforcement	No complaints from the public about the rooftop mechanical equipment have been received.
No	Parks Recreation & Culture	
No	Financial Services	
No	Corporate Services	
No	Fire/Protective Services	

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

***I approve the report and recommendation(s).***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENT(S):**

- A. Subject Property Map
- B. Elevation Plans – DP 20-01
- C. Building Photos
- D. Applicant Rationale Letter
- E. Draft Development Permit 3060-22-18
- F. March 2020 Report to Council
- G. Email Correspondence

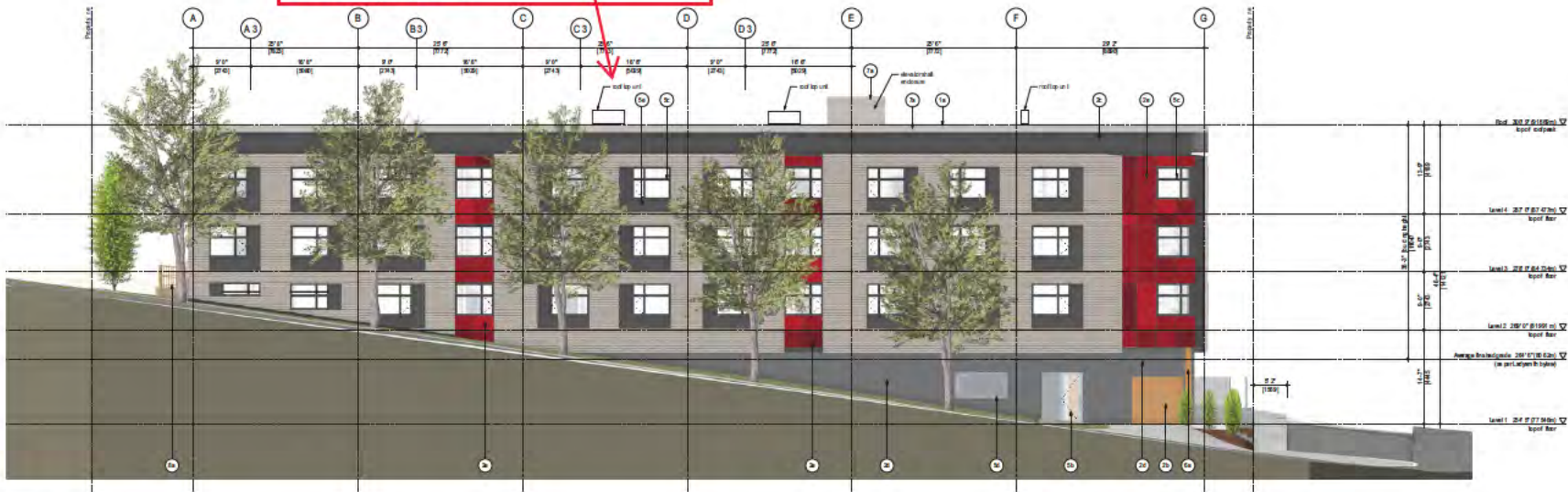
## Attachment A



Subject property, outlined in red. Aerial photo is out-of-date and a multi-unit residential development now on the property.



Mechanical equipment has been outlined in black to show location and size. See labels "rooftop unit".



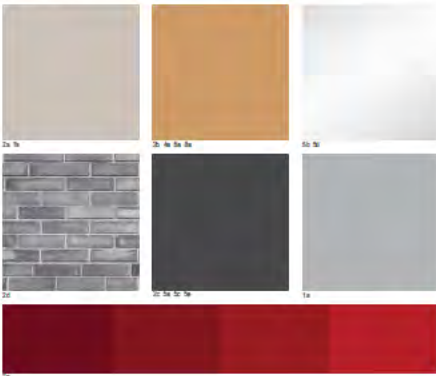
1 South elevation  
scale 1/8" = 1'-0"

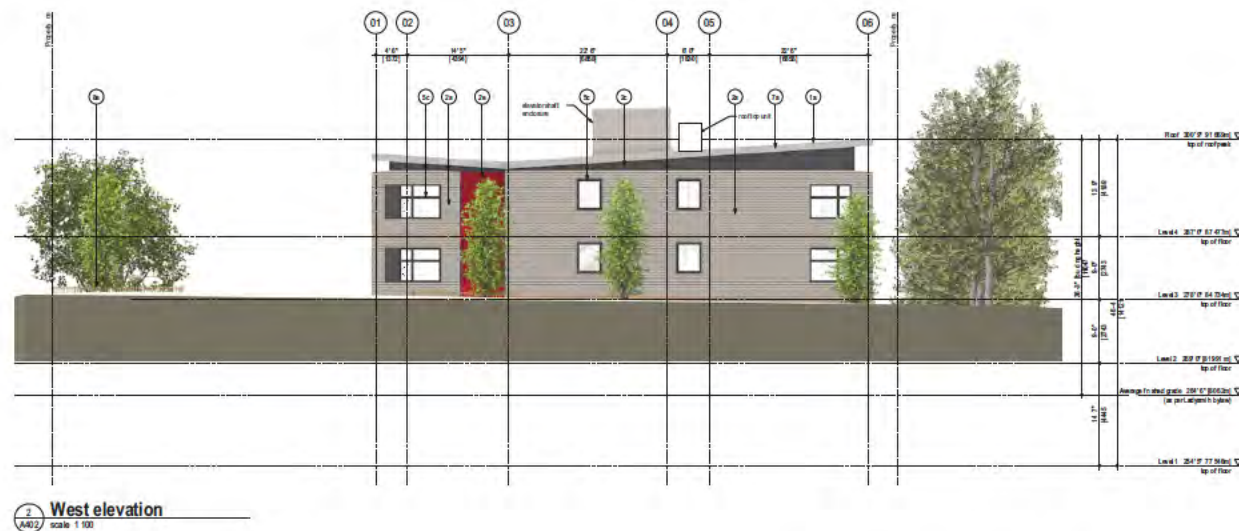


2 East elevation  
scale 1/8" = 1'-0"

Exterior Materials

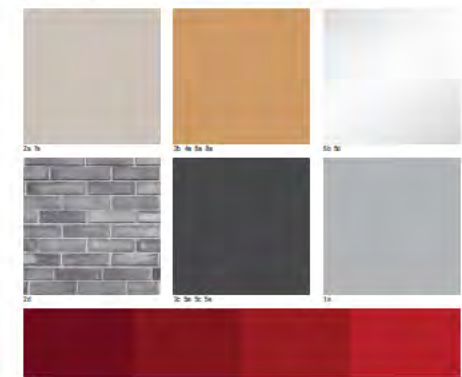
Material	Finish	Color
1. a. Railing	SSS	Light grey
2. a. Cladding - fibre cement plank	Painted	Grey
3. a. Cladding - fibre cement plank	Painted	Golden brown
4. a. Cladding - fibre cement plank	Painted	Dark grey
5. a. Cladding - fibre cement plank	Painted	Grey
6. a. Cladding - fibre cement plank	Painted	Dark brown
7. a. Cladding - fibre cement plank	Painted	Light grey
8. a. Cladding - fibre cement plank	Painted	Dark grey
9. a. Cladding - fibre cement plank	Painted	Dark grey
10. a. Cladding - fibre cement plank	Painted	Dark grey
11. a. Cladding - fibre cement plank	Painted	Dark grey
12. a. Cladding - fibre cement plank	Painted	Dark grey
13. a. Cladding - fibre cement plank	Painted	Dark grey
14. a. Cladding - fibre cement plank	Painted	Dark grey
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16. a. Cladding - fibre cement plank	Painted	Dark grey
17. a. Cladding - fibre cement plank	Painted	Dark grey
18. a. Cladding - fibre cement plank	Painted	Dark grey
19. a. Cladding - fibre cement plank	Painted	Dark grey
20. a. Cladding - fibre cement plank	Painted	Dark grey





### Exterior Materials

Material	Finish	Color
1 a. Raining (SBS)		Light grey
2 a. Cladding (fibre cement panel)	Perforated	Grey
3 a. Cladding (fibre cement panel)	Perforated	Golden brown
4 a. Cladding (fibre cement panel)	Perforated	Dark grey
5 a. Cladding (fibre cement panel)	Perforated	Grey
6 a. Cladding (fibre cement panel)	Perforated	Golden brown
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100 a. Cladding (fibre cement panel)	Perforated	Dark grey





## Attachment C



View of west corner of building from 4<sup>th</sup> Avenue.



View of south corner of building from the intersection of Buller Street and 4<sup>th</sup> Avenue





View of north corner of building from street level on 3<sup>rd</sup> Avenue, in front of the neighbouring daycare.



View of south corner of the building from Buller Street.





Additional photos



## Attachment D

**From:** [Christina Hovey](#)  
**To:** [Development Services](#)  
**Subject:** FW: 314 Buller Occupancy LRCA 36 units  
**Date:** October 28, 2022 1:20:40 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)  
[tol\\_developmentapplicationform.pdf](#)  
[image006.png](#)

---

Hi Diane,

Here is the application information for the 314 Buller Street DP amendment which we received a cheque for this week. Can you please add the statements and the photos to the file?

Thanks!

Christina

---

**From:** Ben Checkwitch

**Sent:** October 28, 2022 1:10 PM

**To:** Christina Hovey

**Cc:** June Caluza ; Vicky Stickwood-Hislop ; Noha Sedky ; Anna Zhuo

**Subject:** Fwd: 314 Buller Occupancy LRCA 36 units

Hi Christina,

I have conferred with the project team regarding rooftop screening for the LRCA Affordable Housing project and we would like to seek approval of the current configuration without the screening. Attached, please find the Development Permit Amendment form and requested photos that show the roof at ground level. Also, please consider the statements below which provide a rationale for this decision:

1. Installing the screens will be invasive and costly. It will require the creation of several holes in the roofing membrane and the removal of insulation in order to structurally secure the screen. The contractor has prepared a preliminary quote of \$393,168 for screening on the south and west side (as you suggest). It will be impossible, or severely financially detrimental, to the LRCA if the project is required to add them. The LRCA is a non profit organization and adding cost reduces their ability to fulfill their mandate of helping those in need.

2. The mechanical units on the roof can be classified in 2 groups:

Group 1 - units that were described in the Development Permit Application

Group 2 - units that were added after the Development Permit Application

The Group 2 units are smaller units that were added to provide air conditioning to prevent overheating. The decision to add A/C occurred after the DP was prompted by the recent summer heat waves to provide better living conditions for the residents. However, the Group 2 units are mostly blocked from view by either the roofline, or by the Group 1 units. While the Group 2 units can be seen from 4th avenue, we suggest that most of the unsightliness is created by the larger Group1 units that were described already in the DP.

Please let me know if you have any questions or require more information.

Thank you for considering this Development Permit Amendment.

Ben

---

**Ben Checkwitch**, Architect AIBC, CPHD

**CHECKWITCH POIRON ARCHITECTS INC.**

501-402 Pender Street W., Vancouver, BC V6B 1T6

9-93 Commercial Street, Nanaimo, BC V9R 5G3

T 604.669.3444 • C 250.538.7686

[ben@cparch.ca](mailto:ben@cparch.ca) • [www.cparch.ca](http://www.cparch.ca)







## TOWN OF LADYSMITH DEVELOPMENT PERMIT AMENDMENT

(Section 489 Local Government Act)

FILE NO: 3060-22-18

DATE: May 2, 2023

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**Name of Owner(s) of Land (Permittee):** Ladysmith Resources Centre Association, Inc.  
No. S0029335

**Applicant:** Ben Checkwitch (Checkwitch Poiron Architects Inc.)

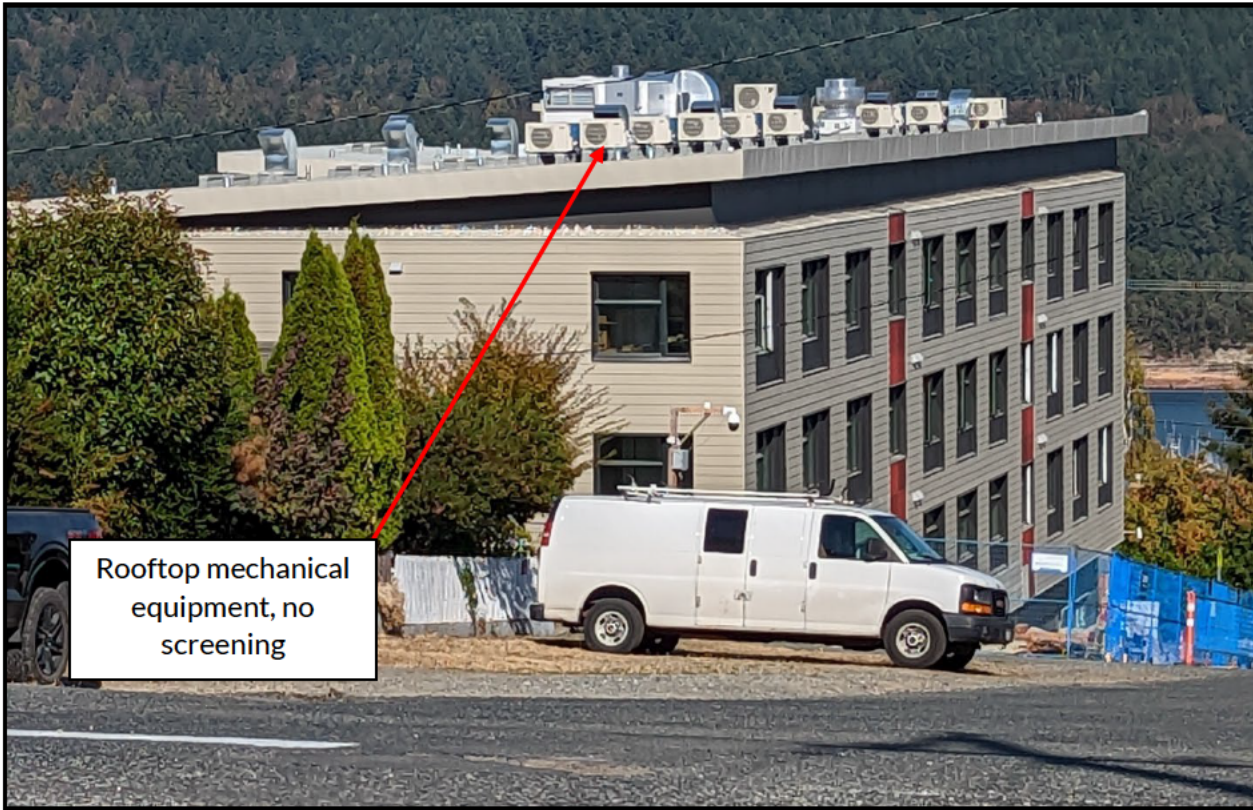
**Subject Property (Civic Address):** 314 Buller Street

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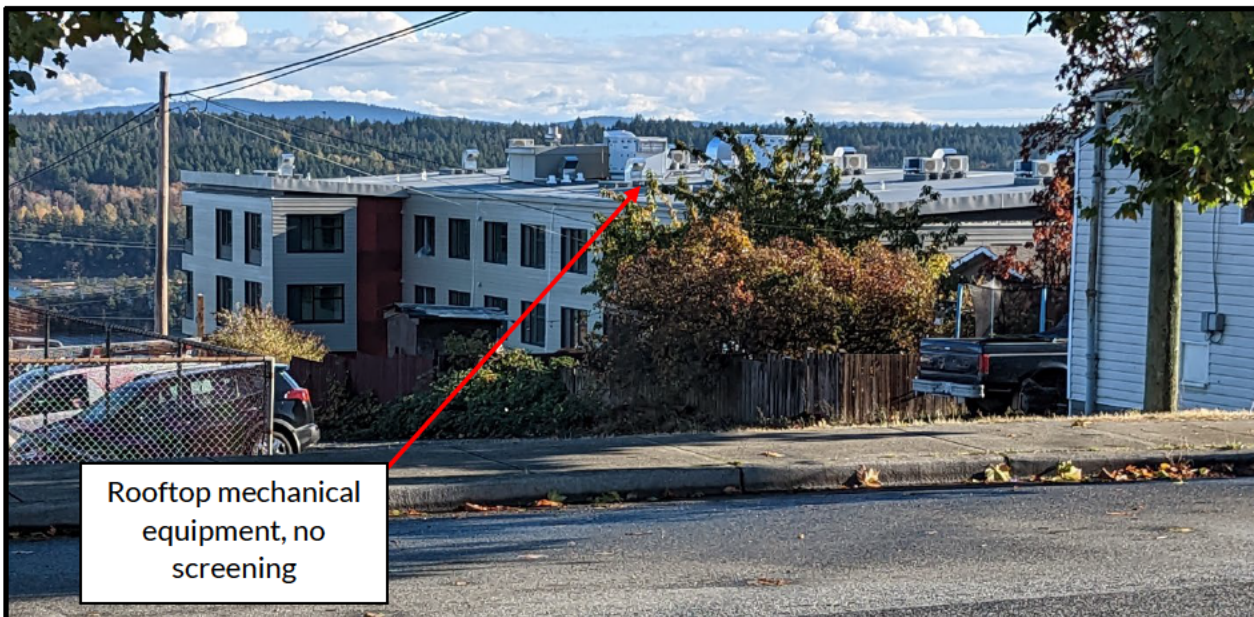
1. This Development Permit amends Development Permit 3060-20-01 and is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.
2. This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon:  
  
**Lot A (DD B92367) of Block 76 District Lot 56 Oyster District Plan 703A**  
**PID: 008-705-968**  
(referred to as the "Land")
3. This Permit has the effect of authorizing the alteration of a multi-unit building on the Land in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws except as varied by this Permit, subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw 2014, No. 1860.
5. The Permittee, as a condition of the issuance of this Permit, agrees to develop the Land in accordance with DP 3060-20-01, except for the roof of the multi-unit building which will be developed in accordance with **Schedule I – Roof Plan**, attached to and forming part of this Permit.

6. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
7. The plans and specifications attached to this Permit are an integral part of this Permit.
8. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
9. Despite issuance of this Permit, construction may not start without a Building Permit or other necessary permits.

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



South corner of the multi-unit building at 314 Buller Street, as seen from Buller Street.



West corner of the multi-unit building at 314 Buller Street, as seen from 4<sup>th</sup> Avenue.

Schedule I - Roof Plan  
DP 3060-22-18 (amendment)  
314 Buller Street



STAFF REPORT TO COUNCIL

**Report Prepared By:** Christina Hovey  
**Meeting Date:** March 17, 2020  
**File No:** 3060-20-01  
**RE:** DEVELOPMENT PERMIT APPLICATION – MULTI-FAMILY  
RESIDENTIAL DEVELOPMENT AT 314 BULLER STREET (LRCA)

RECOMMENDATION:

That Council:

1. Issue Development Permit 3060-20-01 for a multi-unit dwelling at 314 Buller Street (PID: 008-705-968).
2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-20-01.

EXECUTIVE SUMMARY:

A 36 unit multi-unit dwelling is proposed at 314 Buller Street. Staff recommends that Council issue Development Permit No. 3060-20-01 because the proposal is generally consistent with the guidelines for Development Permit Area 4 – Multi-Unit Residential. The draft Development Permit includes variances to the Zoning Bylaw to allow for a reduction in the number of off-street parking spaces and a reduction to the required front and exterior side setbacks.

PREVIOUS COUNCIL DIRECTION:

Resolution # & Meeting Date	Resolution Details
CS 2019-090, March 18, 2019	That Council adopt "Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 55) 2018, No. 1982.
CS 2019-091, March 18, 2019	That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 21) 2018, 1983.
CS 2019-092, March 18, 2019	That Council adopt "Housing Agreement Bylaw 2018, No. 1984".
CS 2020-052 February 4, 2020	That Council adopt Town of Ladysmith Not-for-Profit Rental Housing Development Cost Charges Reduction Bylaw, 2019, No. 2024.

INTRODUCTION/BACKGROUND:

The local not-for profit, the Ladysmith Resource Centre Association (LRCA), is proposing a 36 unit multi-unit residential building and community kitchen/hall at 314 Buller Street. 314 Buller Street is approximately 0.2ha in size and was formerly the location of St. John's Anglican Church. It is a corner property with frontage on Third Avenue and Buller Street. There is a laneway running along the side of the property parallel to Buller Street. Immediately north of the property on Third Avenue is a daycare and Ladysmith Intermediate School. Most of the

## ATTACHMENT F

surrounding properties are residential properties containing single family residences. 314 Buller is approximately 200m west of First Avenue.

The proposed development is an “L” shaped three storey building with an additional partial lower storey. The lower storey will contain a community hall and kitchen, as well as bike/scooter parking, storage, and mechanical/electrical rooms. The first storey is proposed at 11 dwelling units and office space, the second and third storeys contain 12 and 13 units respectively. The proposed dwellings are a mix of studio, 1 bedroom, and 2 bedroom units.

The main building entrance is located on Third Avenue and enters onto the lower storey. There are two building entrances located on the northwest side of the building facing the parking lot: one is an entrance for residents and the second is an emergency exit.

An 18 space parking lot is proposed to be accessed off the laneway. There is a grade change between the parking lot and Third Avenue, so a retaining wall is proposed parallel to Third Avenue along the edge of the parking lot. A small greenspace is proposed in the northeast corner of the property adjacent to Third Avenue. Bicycle parking, benches and a picnic table are proposed near the residential entrance off the parking lot. There is another landscaped area along the western property line, where there will be a landscaped buffer and garden plots.



*Figure 1: Proposed multi-unit building shown from the corner of Buller Street and Third Avenue*



**Access & Frontage:**

The driveway into the parking lot is accessed off the laneway along the northern property line. Just past the driveway, there will be a garbage and recycling enclosure which is also accessed from the laneway. The applicant has proposed the following changes to the street frontages, in addition to the required utility upgrades:

- Buller Street: The existing angled street parking will be removed and replaced with landscaping. The sidewalk will be moved further away from the property line. Trees will be planted between the relocated sidewalk and the new building.
- Third Avenue: 11 right angle street parking stalls will be added.
- Laneway: The laneway will be paved from Third Avenue to the western edge of the property, since the lane will be the access point for the parking lot and the garbage enclosure.

**Housing Agreement:**

The property is subject to a Housing Agreement between the property owner and the Town of Ladysmith. The Housing Agreement requires that all 36 units in the building be rental units and that at least 70% of the units be occupied by tenants whose annual income is less than the Housing Income Limit for Nanaimo, British Columbia.

**ANALYSIS:**

The subject property is designated Multi-Family Residential in the OCP, is within Development Permit Area 4 – Multi-Unit Residential (DPA 4), and is within the Community Housing Zone CD-5 in the Zoning Bylaw. The proposed use is consistent with the OCP designation and the permitted uses for the CD-5 zone. Variances to the parking and setback requirements in the CD-5 zone have been proposed as part of the DP (see below under “Zoning”).

**Development Permit Area:**

The subject property is located within Development Permit Area 4 – Multi-Unit Residential (DPA 4). The purpose of DPA 4 is to establish objectives and provide guidelines for the general character of development and to promote energy conservation, water conservation, and the reduction of greenhouse gas emissions.

The proposed development has been reviewed for consistency with the DPA 4 and is generally consistent with the DPA 4 guidelines. A summary of observations on the proposals consistency with the DPA 4 guidelines is provided below in Table 1.

**Table 1: Summary of Proposal's Consistency with DPA 4 Guidelines**

<b>Guidelines</b>	<b>Observations</b>
<b>Building Design</b>	<ul style="list-style-type: none"> <li>According to the applicant, the built environment of Ladysmith and the surrounding natural environment inspired the form, character, and materials of the building.</li> <li>The building is an efficient "L" shaped three storey plus lower level building.</li> <li>The main entrance off Third Avenue was designed to provide easy access for residents and community members and to create an open and inviting presence.</li> </ul>
<b>Building Siting, Massing &amp; Height</b>	<ul style="list-style-type: none"> <li>The height of the new building respects the surrounding buildings as shown in the site elevation drawings (Figure 2: Height relative to adjacent buildings). Where there is a greater difference between the height of the new building and the surrounding buildings, the buildings are separated by roads or the parking area.</li> <li>While the main building entrance is on Third Avenue, the overhang on the front of the building orients towards Buller Street as well as Third Avenue. A secondary door is provided on Third Avenue.</li> </ul>
<b>Building Frontage</b>	<ul style="list-style-type: none"> <li>The building frontages are visually broken up into smaller distinctive units with vertical sections clad with contrasting materials.</li> <li>The main and secondary entrances are emphasized with recesses/canopies and overhangs as well as glazed areas.</li> <li>Landscaping along all building sides provides additional visual interest.</li> </ul>
<b>Roof Form</b>	<ul style="list-style-type: none"> <li>The "butterfly" roof profile along Third Avenue lifts from an offset centre to the edges of the building as an alternative to a flat roof.</li> <li>The dark inset along the roofline articulates the roofline.</li> </ul>
<b>Windows &amp; Doors</b>	<ul style="list-style-type: none"> <li>The windows are architecturally compatible with the building style and materials.</li> <li>The building façades are modulated by windows which are framed with panels in a contrasting colour.</li> <li>The building entrances are clearly defined in the building design and further emphasized by the landscaping.</li> <li>The main entrance is recessed to provide visual interest to the streetscape of Third Avenue.</li> </ul>
<b>Signs, Canopies &amp; Lighting:</b>	<ul style="list-style-type: none"> <li>All entrances are recessed/canopied to provide weather protection.</li> <li>Dark sky compliant lights are provided for the parking area and front entrance.</li> </ul>

Guidelines	Observations
<b>Livability</b>	<ul style="list-style-type: none"> <li>Landscaping provided along the edge of the parking area and trees along Buller Street will improve the privacy for residents of the first storey.</li> <li>The proposal does not provide private outdoor living space for each dwelling unit. The applicant reports that this is due to cost constraints.</li> <li>Shared outdoor amenity space is provided, including garden plots, a picnic table, and a landscaped space adjacent to Third Avenue. The applicant intends to add more amenities to the landscaped areas in the future.</li> <li>The building was designed to maximize views to Ladysmith harbour, so most units have a view in a least one direction.</li> </ul>
<b>Materials &amp; Colours:</b>	<ul style="list-style-type: none"> <li>According to the applicant, brick is used to clad the base of the building for durability and because of the many historic brick buildings in Ladysmith. The other materials include concrete, wood, heavy timber. Light grey cladding on the bulk of the building is intended to match the colour of weathered driftwood, with the contrasting colour intended to reference the existing LRCA building.</li> <li>The building's colour palette is cohesive and consistent with the character defining colours in the neighbourhood.</li> </ul>
<b>Mechanical, Electrical &amp; Security Equipment:</b>	<ul style="list-style-type: none"> <li>Rooftop mechanical equipment is strategically located so as not to be visible from ground level.</li> </ul>
<b>Accessibility &amp; Connectivity:</b>	<ul style="list-style-type: none"> <li>The sidewalks, building entrances and communal areas of the building are designed to be accessible to all users.</li> <li>The building entrance is directly accessible from the sidewalk on Third Avenue.</li> </ul>
<b>Vehicle &amp; Bicycle Parking:</b>	<ul style="list-style-type: none"> <li>Vehicle parking is located off the laneway, away from the front of the building.</li> <li>The parking area is enhanced and screened with landscaping.</li> <li>Two electric vehicle chargers are being provided.</li> <li>The minimum off-street parking space requirement is proposed to be varied from 44 to 18 stalls (see zoning section below).</li> <li>Indoor bicycle/scooter parking is provided for residents and outdoor bicycle parking is provided at the secondary building entrance adjacent to the parking lot.</li> </ul>

Guidelines	Observations
<b>Landscape:</b>	<ul style="list-style-type: none"> <li>• No existing trees will be retained.</li> <li>• A landscape buffer is provided along the rear parcel line which is adjacent to a residential property.</li> <li>• Landscaping is proposed along all frontages and around the parking area.</li> <li>• The proposed retaining wall is screened by plantings to reduce the visual impact.</li> <li>• Drought resistant species are emphasized and irrigation is being provided.</li> <li>• Three raised community garden plots are proposed.</li> <li>• A landscaping plan has been prepared by a registered Landscape Architect and a security for \$29,500 will be provided to ensure the work is completed.</li> </ul>
<b>Energy Conservation, Rain Water Management &amp; Water Conservation:</b>	<ul style="list-style-type: none"> <li>• The building is targeting the BC Energy Step Code Level 4 to provide energy efficiency, a reduced carbon footprint, and reduced operating expenses. This would be the first Step 4 building in Ladysmith.</li> <li>• The building's mechanical design employs a high efficiency heat recovery ventilation.</li> <li>• Two electric vehicle charge stations are proposed.</li> </ul>
<b>Recycling, Organics &amp; Solid Waste Management:</b>	<ul style="list-style-type: none"> <li>• The recycling is proposed to be enclosed in a structure designed to match the principle building.</li> </ul>
<b>Crime Prevention:</b>	<ul style="list-style-type: none"> <li>• Crime prevention has been considered in the site design, landscaping, and lighting choices.</li> </ul>



Figure 2: Height relative to adjacent buildings

### **Zoning**

The applicant is requesting variances to the front and side setbacks and to the required number of parking spaces. Both of these variances can be accommodated through the Development Permit based on DPA-4 guidelines. The proposal otherwise complies with the zoning regulations and staff is recommending that the requested variances be approved.

### **Setbacks**

The applicant is requesting variances to the front and exterior side setbacks as shown in the table below.

**Table: Zoning Setback Requirements and Proposed Building, 314 Buller Street**

<b>Parcel Line</b>	<b>Minimum Setback</b>	<b>Proposed Setback</b>	<b>Compliance</b>
Front (Third Avenue)	6.0 m	2.1 m	3.9 m variance required
Exterior Side (Buller Street)	4.5 m	1.0 m	3.5 m variance required
Interior Side (laneway)	4.5 m	14.4 m	Complies
Rear	4.5 m	4.5 m	Complies

Guideline 1. Building Design of DPA 4 states:

“g) Requests for building and structure setback alterations or reductions should be augmented by improvements on adjacent Town land, such as enhanced street frontage, improvements to boulevard landscaping designed by a landscape architect.”

The applicant is proposing a 2.1m setback from the front parcel line on Third Avenue. The front of the building, including the canopy over the main entrance, as well as the landscaping adjacent to the Third Avenue sidewalk, creates a smooth transition between the private and public spaces.

The applicant is proposing a 1.0m setback from the exterior parcel line adjacent to Buller Street. To offset this request, the applicant is proposing to replace the existing angled street parking with landscaping. The sidewalk will be moved away from the property line to create distance between the building and pedestrians, and five fast-growing trees are proposed to be planted in the Town land to further buffer the building and provide privacy and shade for residents.

### **Parking Spaces**

The applicant has requested a variance to the required number of off-street parking spaces from 44 to 18.

Guideline 11. Vehicle & Bicycle Parking of DPA 4 states:

“i) Requests for alterations or reductions of parking requirements should be augmented by improvements on adjacent Town land such as enhanced street frontage improvements and boulevard landscaping designed by a landscape architect”

The applicant anticipates that most of the residents will not have vehicles. The target tenants for the development include people with developmental disabilities and seniors, some of whom will not be able to drive. In addition, low income residents are less likely to own a vehicle due to cost.

The proposal includes provision of 11 street parking spaces that will be available to the public; these spaces will help to offset the reduction in the number of off-street parking spaces, and will be available to other community members.

**ALTERNATIVES:**

Council may choose to refuse issuance of DP 3060-20-01 where the refusal is based upon determination that the application does not meet the DPA 4 guidelines.

**FINANCIAL IMPLICATIONS:**

None.

**LEGAL IMPLICATIONS:**

The subject property is within DPA 4, so a DP is required prior to issuance of a Building Permit.

If the DP is refused, then reasons must be given, based on the DPA 4 guidelines, since the issuance of a DP is not a completely discretionary decision of Council.

**Site Contamination:**

The applicant has reported that there was a buried fuel tank on the property. The tank was removed and surrounding soils have been sampled with no further remediation recommended. A Site Profile and accompanying reports were provided to the Ministry of the Environment & Climate Change Strategy and they responded that a Site Profile is not required. Therefore, the Town may proceed with issuing the Development Permit.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

None.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

This application has been referred to the Infrastructure Services Department, the Fire Department, and the Building Inspector. Their comments have been incorporated into the draft Development Permit, and/or will be addressed through the Building Permit application.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

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

***I approve the report and recommendation(s).***

**Guillermo Ferrero, Chief Administrative Officer**

**ATTACHMENT(S):**

DRAFT DP 3060-20-01

Previously reviewed



## TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 489 *Local Government Act*)

FILE NO: 3060-20-01

DATE: March 17, 2020

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Name of Owner(s) of Land (Permittee): Ladysmith Resources Centre Association, Inc. No. S0029335

Applicant: Ben Checkwitch (Checkwitch Poiron Architects Inc.)

Subject Property (Civic Address): 314 Buller Street.

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

**Lot A (DD B92367) of Block 76, District Lot 56, Oyster District, Plan 703A  
(PID: 008-705-968)  
(referred to as the "Land")**

3. This Permit has the effect of authorizing:
  - (a) the issuance of a building permit for the construction of a building and structures on the Land in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws except as varied by this Permit;

Subject to the conditions, requirements and standards imposed and agreed to in this Permit.

4. With respect to the Land:
  - (a) Town of Ladysmith Zoning Bylaw 2014, No. 1860 is hereby varied as follows:
    - i. Section 8.2(1) "Calculation of Off-Street Parking Spaces" is varied such that 18 off-street parking spaces shall be required on the land, 8 standard parking spaces, 8 small parking spaces and 2 accessible parking spaces, as shown in **Schedule A: Site Plans**.



## ATTACHMENT F

ii. Section 17.5(5)(c) (Setbacks) is varied for the principal building as follows:

- Front Parcel Line:  
From: 6.0 metres  
To: 2.1 metres
- Exterior Side Parcel Line:  
From: 4.5 metres  
To: 1.0 metres

As shown in **Schedule A: Site Plans**.

5. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw 2014, No. 1860.
6. The Permittee, as a condition of the issuance of this Permit, agrees to:
  - (a) Develop the Land as shown in:  
**Schedule A: Site Plans**  
**Schedule B: Elevation Plans & Exterior Materials**
  - (b) Provide on & off-site Landscaping in accordance with:  
**Schedule C: Landscape Plans**
  - (c) Provide at least one electric vehicle charge station.
  - (d) Provide 12 parking spaces on Third Avenue as shown on **Schedule A: Site Plans**.
7. This Permit is issued on the condition that the Permittee has provided to the Town of Ladysmith security in the form of an irrevocable Letter of Credit to guarantee the performance of the conditions in section 6 of this Permit respecting landscaping. The Letter of Credit shall be for a period of two years, shall be automatically extended, and shall be in the amount of **\$29,500**.
8. Should the Permittee fail to satisfy the conditions referred to in section 6 and 7 of this Permit, the Town of Ladysmith may undertake and complete the works required to satisfy the landscaping condition(s) at the cost of the Permittee, and may apply the security in payment of the cost of the work, with any excess to be returned to the Permittee.
9. Should there be no default as herein provided, or where a Permit lapses, the Town of Ladysmith shall return any security provided to the Permittee.
10. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
11. The plans and specifications attached to this Permit are an integral part of this Permit.

ATTACHMENT F

12. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit **(3060-20-01)** or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
13. This Permit prevails over the provisions of the Bylaw in the event of conflict.
14. Despite issuance of this permit, construction may not start without a Building Permit or other necessary permits.

**AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH  
ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2020.**

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

\_\_\_\_\_  
Corporate Officer (J. Winter)

**I HEREBY CERTIFY** that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the Town of Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with **Ladysmith Resources Centre Association Inc. No. S0029335** or **Ben Checkwitch (Checkwitch Poiron Architects Inc.)** other than those contained in this permit.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

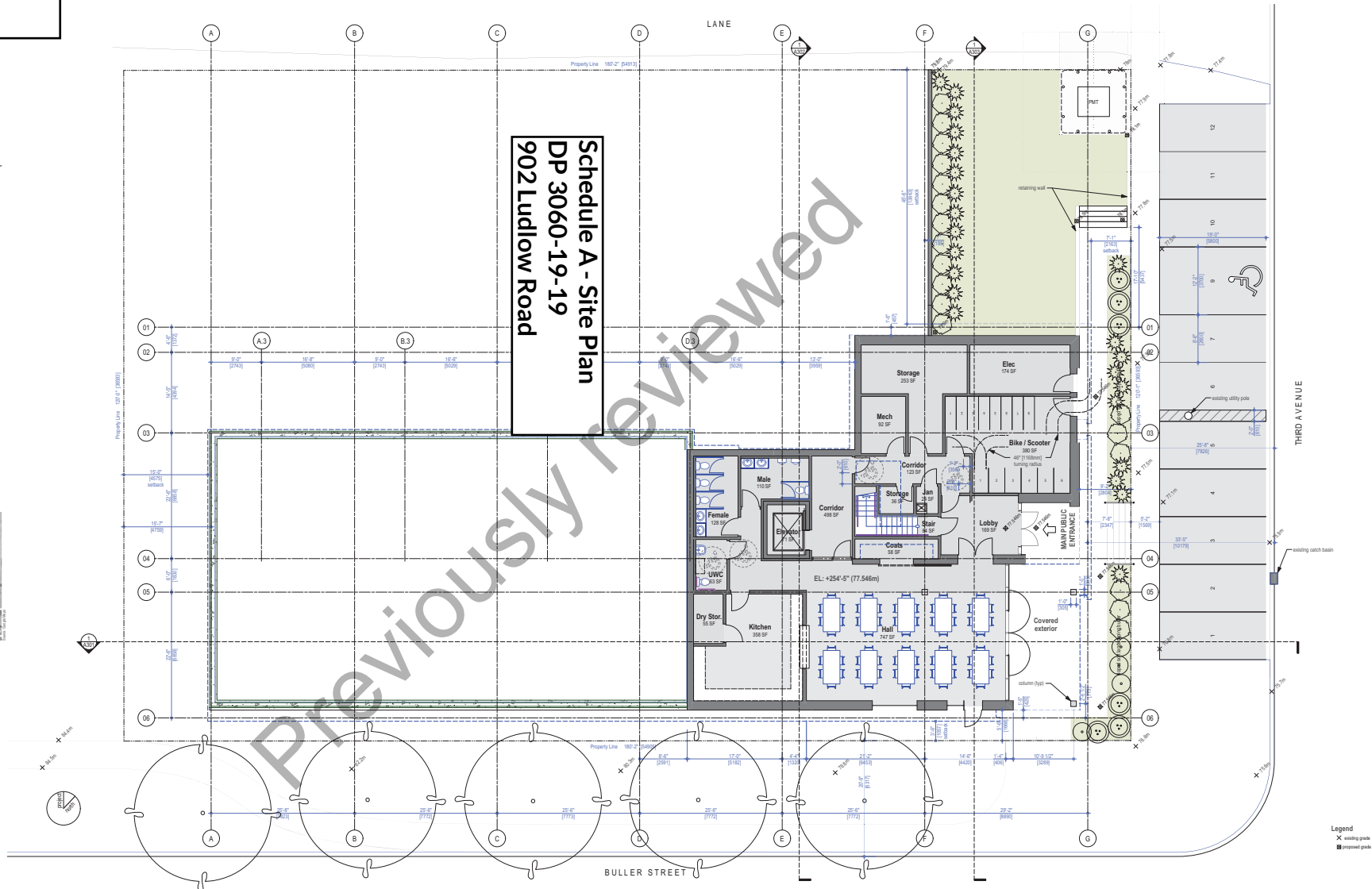
**Schedule A - Site Plans**  
**DP 3060-20-01**  
**314 Buller Street**  
**Page 1 of 3**

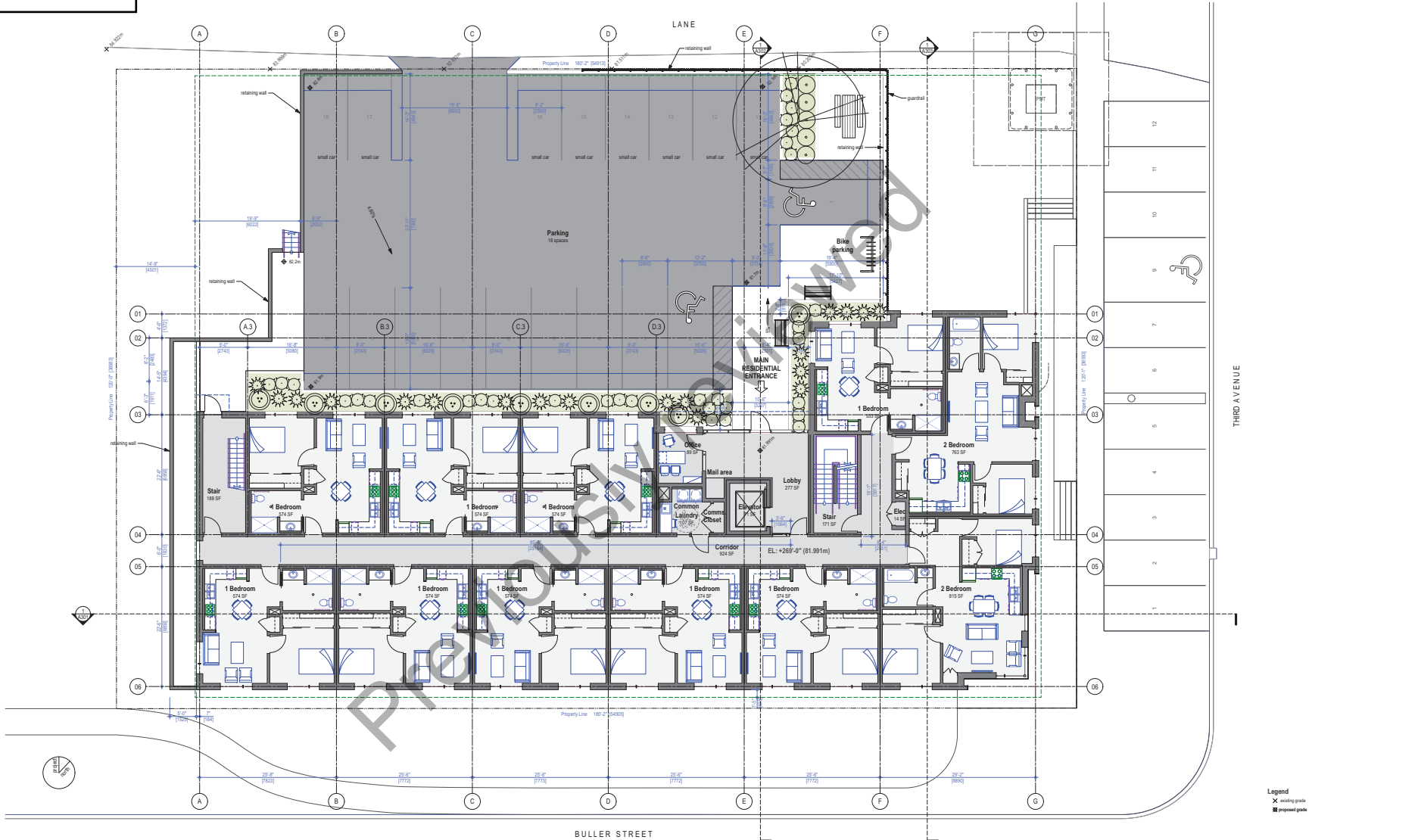
Legal Description	Lot A Block 76 Plan V1P703A District Lot 56 Land District 43 Portion (DD 302367)	
Civic Address	314 Buller Street, Ladysmith, BC	
PID	008-705-968	
Zoning Category	Comprehensive Development 5	
Site Area	2,010 sm	
	Permitted or Required	Proposed
Parcel Coverage	50%	41%
Setbacks*		
Front (Third Avenue)	6.0 m	2.1 m
Rear (neighbouring res.)	4.5 m	4.5 m
Side (aneway)	4.5 m	14.4 m
Side (Buller Street)	4.5 m	1.0 m
Floor Area		2,735 sm
Number of Dwelling Units	36	36
Floor Space Ratio	≤1.5	1.36
Building Height	12.5 m	11.0 m
Number of Storeys		4
Vehicle Parking*		
Off-Street	44	18
Standard		8
Small		8
Accessible		2
On-Street		11
Standard		10
Accessible		1
On-Street Bicycle Parking		
Class A (secured)	8	8
Class B (short-term)	8	8

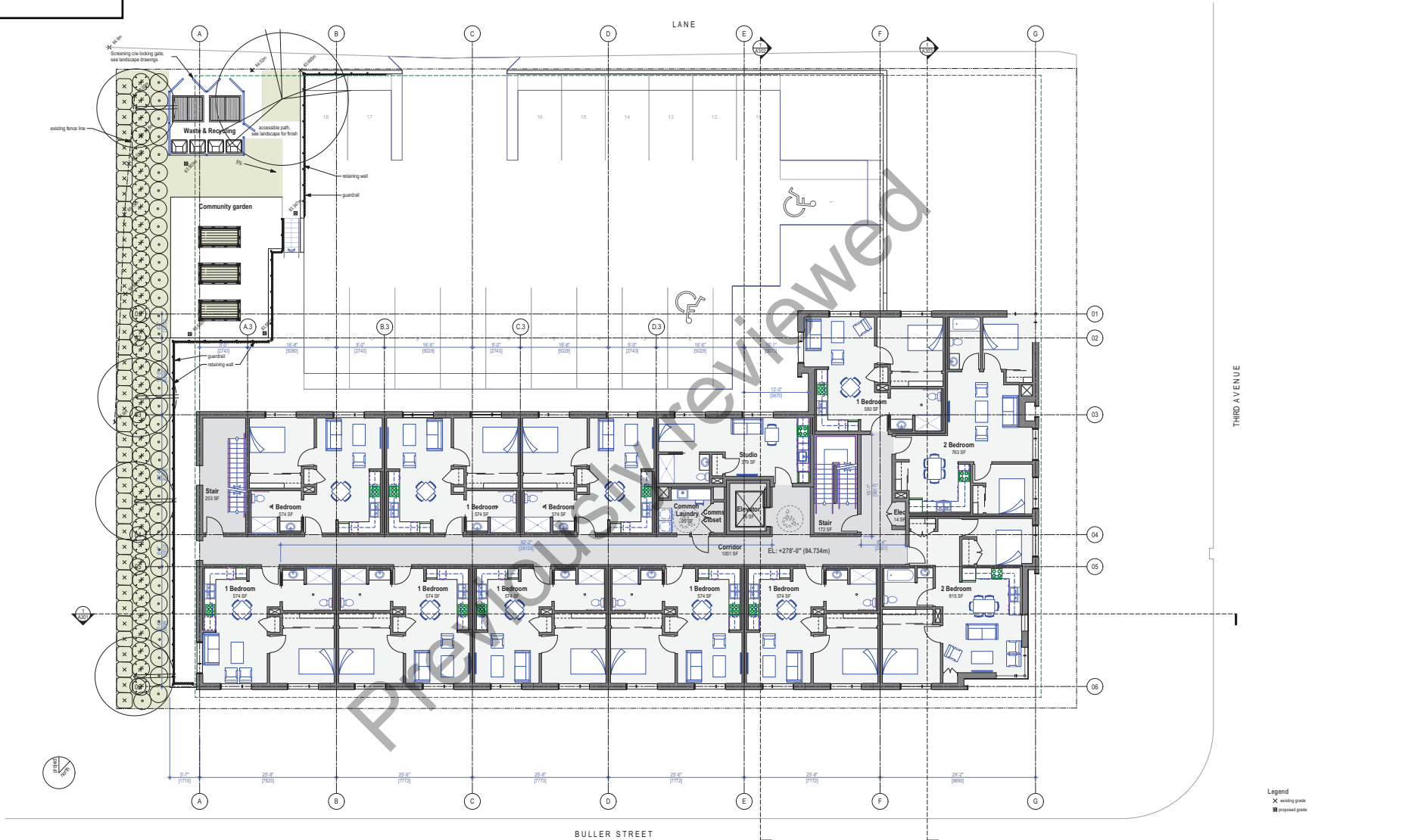
\* indicates variance



**Location Plan**  
 Not To Scale





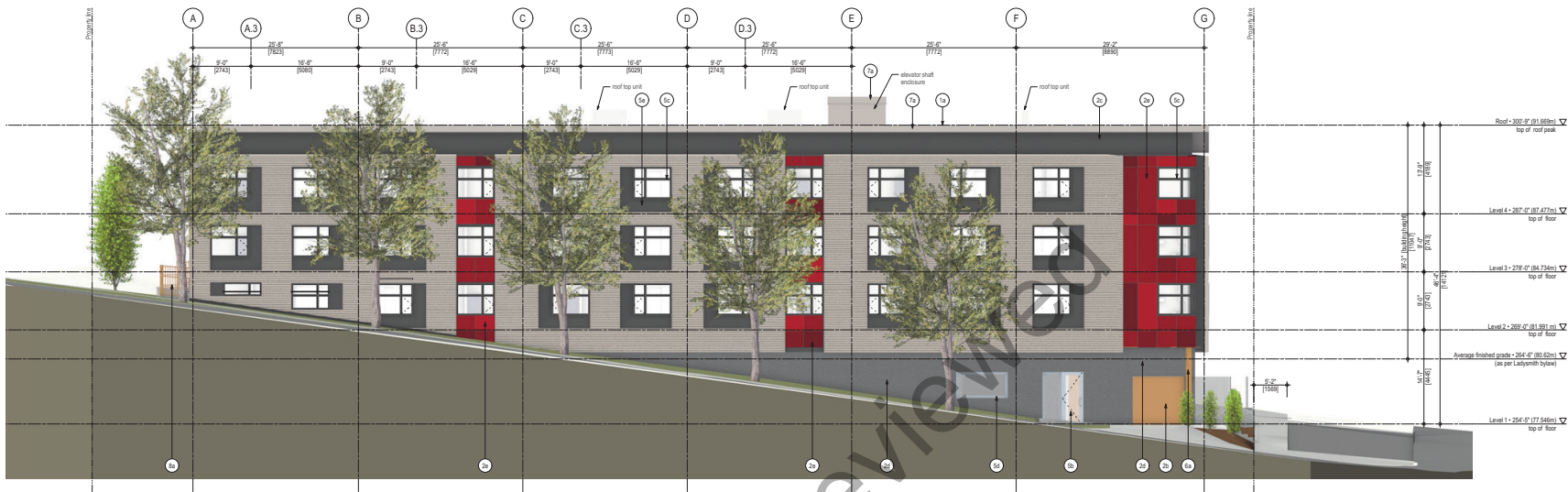


Checkwith Poiron Architects Inc.  
 940 Commercial Street, Nanaimo, BC V9R 5G3  
 250-714-1963  
 501-402-Poiron Street, Vancouver, BC V6B 1T6  
 604-583-3444  
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**LRCA Affordable Housing**  
 314 Buller Street, Ladysmith, BC

NOT FOR CONSTRUCTION - FOR REVIEW ONLY

Client	Ladysmith Resource Centre Association	Drawn By	JC	Reviewed By	BC	Sheet Number	A213
Project Number	1801	Sheet Name	Floor Plan Level 3				
Scale	1:100	Date	2020.01.10	Revision	43	Issued For	Development Permit



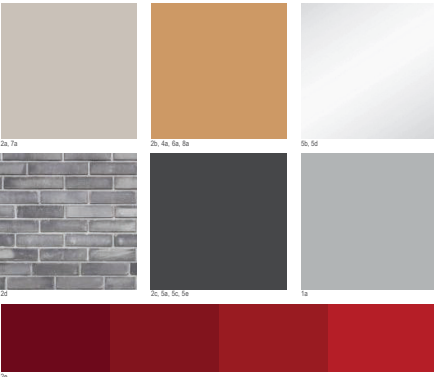
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scale: 1:100



2 East elevation  
scale: 1:100

Exterior Materials

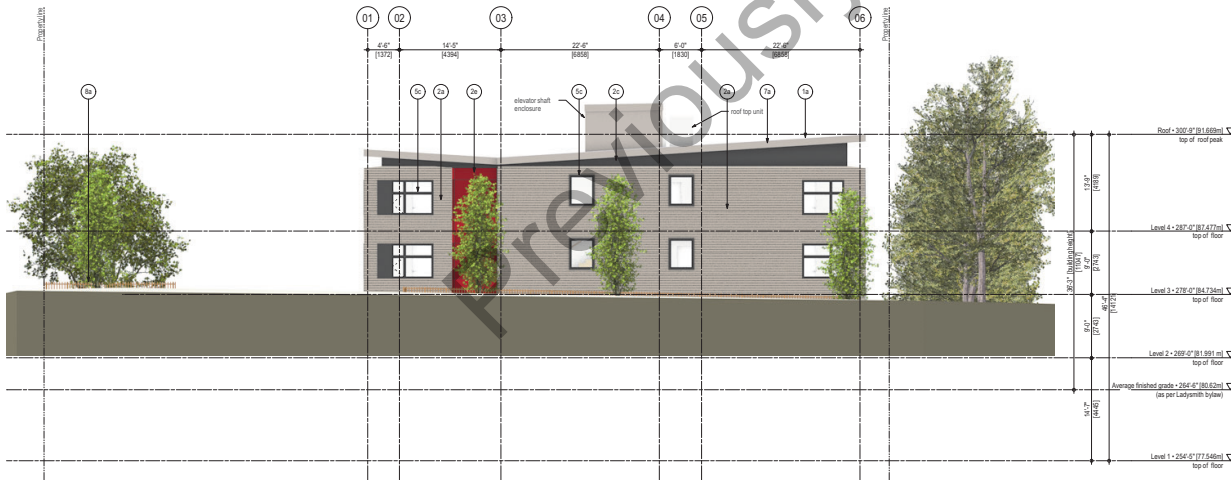
Material	Finish	Colour
1 a Railing - SSS	-	Light grey
2 a Cladding - fibre cement plank	Painted	Grey
3 Cladding - fibre cement board panel	Painted	Golden brown
4 Cladding - fibre cement board panel	Painted	Dark grey
5 Cladding - masonry veneer	-	Grey
6 Cladding - fibre cement board panel	Painted	Red (multi shades of red)
7 a Soft - fibre cement board panel	Painted	Golden brown
8 a Soft - fibre cement board panel	Painted	Light grey
9 a Doors and frames - metal	Prefinished	Dark grey
10 Windows - storefront aluminium	Prefinished	Clear anodized
11 Windows - vinyl	Prefinished	Dark grey
12 Windows - aluminium	Prefinished	Clear anodized
13 Windows - bottom and side panels	Prefinished	Dark grey
14 a Wood columns	Stained	Brown
15 a Fences	Prefinished	Grey
16 a Railing / Fencing	Painted	Brown







1 North elevation  
scale: 1:100

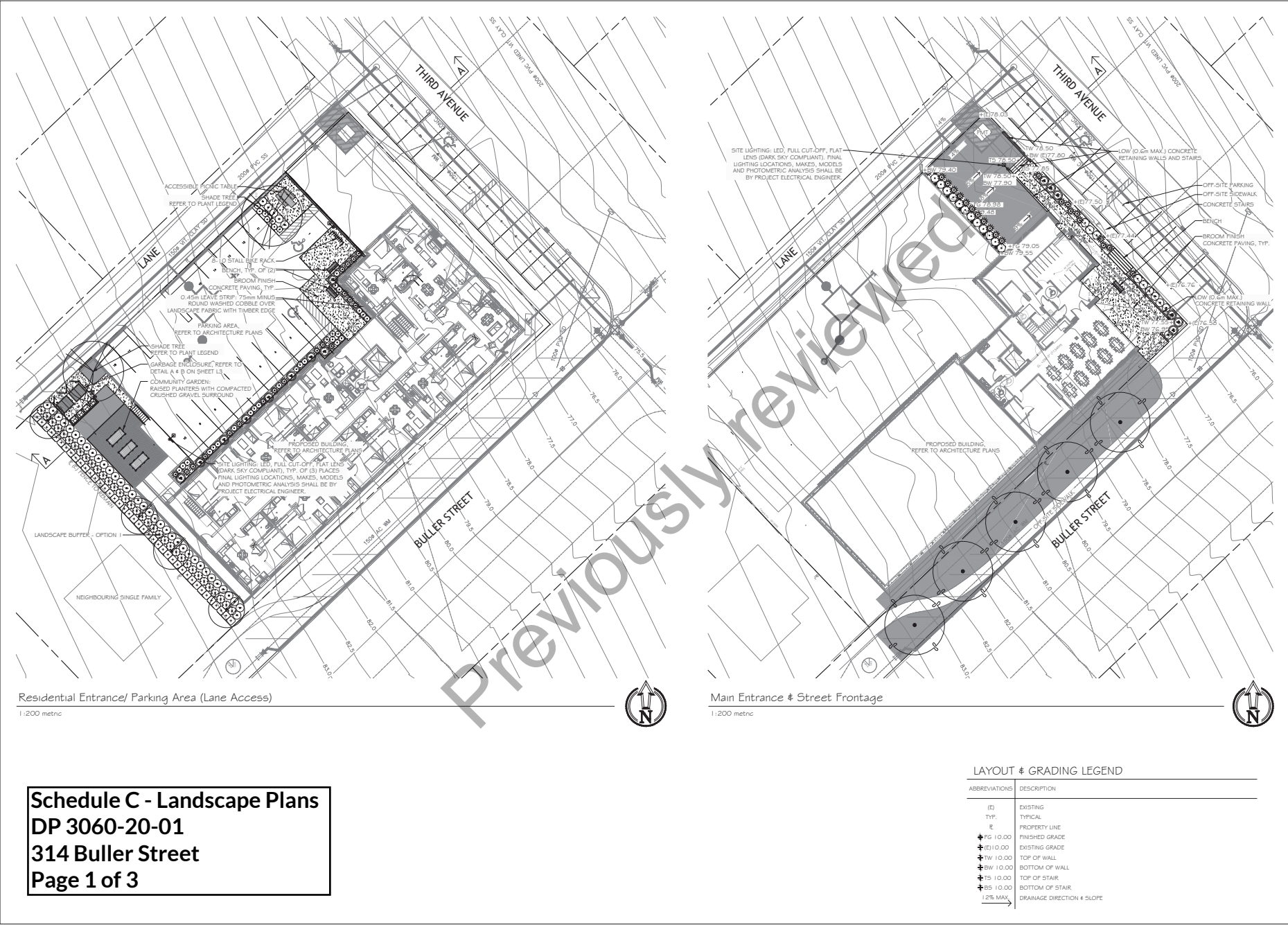


2 West elevation  
scale: 1:100

Exterior Materials

Material	Finish	Colour
1 a Roofing - SBS	-	Light grey
2 a Cladding - fibre cement plank	Painted	Grey
3 a Cladding - fibre cement board panel	Painted	Golden brown
4 a Cladding - fibre cement board panel	Painted	Dark grey
5 a Cladding - masonry veneer	-	Grey
6 a Cladding - fibre cement board panel	Painted	Red (multi shades of red)
7 a Soffit - fibre cement board panel	Painted	Golden brown
8 a Soffit - fibre cement board panel	Painted	Light grey
9 a Doors and frames - metal	Prefinished	Dark grey
10 a Windows - storefront aluminum	Prefinished	Clear anodized
11 a Windows - vinyl	Prefinished	Dark grey
12 a Windows - aluminum	Prefinished	Clear anodized
13 a Windows - bottom and side panels	Prefinished	Dark grey
14 a Wood columns	Stained	Brown
15 a Fences	Prefinished	Grey
16 a Railing / Fencing	Painted	Brown





THIS DRAWING IS NOT FINAL AND SHALL NOT BE USED FOR CONSTRUCTION WORK UNLESS IT HAS BEEN STAMPED AND SIGNED BY THE LANDSCAPE ARCHITECT. THE COPYRIGHT TO ALL DESIGN AND DRAWINGS ARE THE PROPERTY OF MACDONALD GRAY CONSULTANTS. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM MACDONALD GRAY CONSULTANTS.

**LRC Affordable Housing**  
**Ladysmith Resource Centre Association**  
**Ladysmith, BC**

LANDSCAPE ARCHITECTURE PLAN	
Date:	December 16, 2019
Drawn:	CW
Checked:	NG
Scale:	1:200 metric
Project Number:	19-0234
Drawing Number:	L1 of 3

REVISION SCHEDULE	
#	NOTES
0	08AUG2019 Schematic for Pricing
1	25NOV2019 Issued for DP Review
2	16DEC2019 Issued for DP



## IRRIGATION NOTES

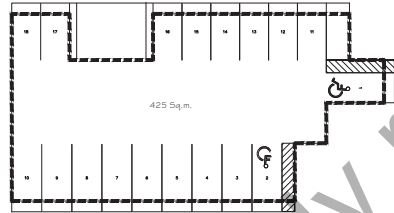
- ALL IRRIGATION INSTALLATION AND MAINTENANCE SHALL MEET OR EXCEED THE MOST RECENT STANDARDS SET OUT BY THE CANADIAN LANDSCAPE NURSERY ASSOCIATION (CLNA) / CANADIAN SOCIETY OF LANDSCAPE ARCHITECTS (CSLA) / CANADIAN LANDSCAPE STANDARD PER THE IRRIGATION INDUSTRY ASSOCIATION OF BC (IABC) SPECIFICATIONS.
- THE IRRIGATION SYSTEM SHALL BE CONTROLLED AUTOMATICALLY WITH A "SMART" IRRIGATION CONTROLLER, REFER TO IRRIGATION LEGEND.
- IRRIGATION EMISSION DEVICES SHALL BE LOW VOLUME ROTARY NOZZLES OR DRIP EQUIPMENT. ALL POP-UP SPRINKLERS IN PLANTING AND LAWN AREAS SHALL HAVE A 6" (150mm) POP-UP HEIGHT.
- OFF-SITE BOULEVARD LAWN AREAS SHALL BE NON-IRRIGATED.
- OFF-SITE STREET TREE PLANTING SHALL BE IRRIGATED VIA BUBBLERS.
- THE CONTRACTOR SHALL ADJUST THE PLACEMENT AND RADIUS OF SPRINKLERS AS REQUIRED BY FIELD CONDITIONS TO ACHIEVE FULL COVERAGE OF ALL PLANTED AREAS AND TO MINIMIZE OVER-SPRAY ONTO ADJACENT HARD SURFACES, FENCES AND PROPERTY LINES.
- ALL PIPING AND CONTROL WIRE UNDER PAVING SHALL BE INSTALLED IN SEPARATE SCHEDULE 40 SLEEVES AT A MINIMUM DEPTH OF 600mm WITH 150mm OF SAND BACKFILL ABOVE AND BELOW PIPE. ALL SERVICES SHALL BE INSTALLED PRIOR TO PAVEMENT INSTALLATION AND SHALL EXTEND 150mm BEYOND EDGE OF PAVEMENT OR CURB. BACKFILL FOR SLEEVES SHALL BE COMPACTED TO THE SPECIFIED DENSITY FOR THE SUBGRADE.
- OPERATE IRRIGATION CONTROLLERS WITHIN THE TOWN OF LADYSMITH WATER RESTRICTION SCHEDULE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING OR REPLACING ALL EXISTING SPRINKLER EQUIPMENT OR PROPERTY TO REMAIN DAMAGED BY CONSTRUCTION OPERATIONS.
- INSTALL SPRINKLER HEADS PERPENDICULAR TO SLOPES OR GRADE.
- THE LANDSCAPE ARCHITECT CANNOT PROVIDE ASSURANCES FOR WORK WITHOUT FIELD REVIEW ATTENDANCE.

## IRRIGATION EQUIPMENT LEGEND

SYMBOL	MANUFACTURER	MODEL	DESCRIPTION
	PER MECHANICAL	PER MECHANICAL	38mm (1.5") DOUBLE CHECK VALVE ASSEMBLY PER CSA STANDARDS INSTALLED IN MECHANICAL ROOM
	HUNTER	TBD	AUTOMATIC IRRIGATION CONTROLLER IN PLASTIC OR METAL ENCLOSURE MOUNTED IN MECHANICAL ROOM
	HUNTER	W55-SN	WIRELESS SOLAR-SYNC SENSOR ON SOUTH-FACING FAÇE
		SCHEDULE 40	38mm (1.5") PVC MAINLINE
		SCHEDULE 40	PVC SLEEVES UNDER ALL PAVING MIN. TYP. MAINLINE 4 CONTROL WIRE: 150mm (6") LATERALS 4 CONTROL WIRE: 75mm (3") BURIAL DEPTH TO MATCH DEPTH OF CARRIED PIPE.

## PLANTING NOTES

- REFER TO THE ARCHITECTURE PLANS PREPARED BY CHECKMITH PORON ARCHITECTS INC. FOR ALL SITE PLANNING AND LAYOUT.
- ALL LANDSCAPE INSTALLATION AND MAINTENANCE SHALL MEET OR EXCEED THE MOST RECENT STANDARDS SET OUT BY THE CANADIAN NURSERY LANDSCAPE ASSOCIATION (CNLA) / CANADIAN SOCIETY OF LANDSCAPE ARCHITECTS (CSLA) / CANADIAN LANDSCAPE STANDARD.
- GROWING MEDIUM SHALL MEET OR EXCEED THE PROPERTIES OUTLINED THE CANADIAN LANDSCAPE STANDARD PER SECTION 6 GROWING MEDIUM, TABLE T-6.3.5.2, "PROPERTIES FOR GROWING MEDIA, LEVEL 2 "GROODED" - 2L.  
GROWING MEDIUM DEPTHS: GROUND COVER - 300mm  
SHRUBS - 450mm  
TREES - 60 CUBIC METRES PER TREE
- MULCH SHALL BE COMPOST PER SECTION 10 MULCHING OF THE CANADIAN LANDSCAPE STANDARD. MULCH DEPTH SHALL BE 75mm MINIMUM OVER ALL TREE, SHRUBS AND GROUND COVER PLANTING AREAS.
- PLANT MATERIAL QUALITY, TRANSPORT AND HANDLING SHALL COMPLY WITH CMLA STANDARDS FOR NURSERY STOCK.
- ALL TREE, SHRUB, GROUND COVER AND LAWN AREAS SHALL BE WATERED VIA AN UNDERGROUND AUTOMATIC IRRIGATION SYSTEM UTILIZING "SMART" (ET) WEATHER-BASED IRRIGATION CONTROL. IRRIGATION EMISSION DEVICES SHALL BE HIGH EFFICIENCY LOW VOLUME ROTARY NOZZLES OR DRIP IRRIGATION EQUIPMENT.
- PLANT QUANTITIES ARE FOR INFORMATION ONLY. IN CASE OF ANY DISCREPANCY THE PLAN SHALL GOVERN.
- ALL PLANT MATERIAL SHALL MATCH TYPE AND SPECIES AS INDICATED ON THE PLANTING LEGEND. CONTACT THE LANDSCAPE ARCHITECT FOR APPROVAL OF ANY SUBSTITUTIONS. NO SUBSTITUTIONS WILL BE ACCEPTED WITHOUT PRIOR WRITTEN APPROVAL OF THE LANDSCAPE ARCHITECT.
- CHECK FOR LOCATIONS OF WATER LINES AND OTHER UNDERGROUND SERVICES PRIOR TO DIGGING TREE PITS. EXCAVATED PLANT PITS SHALL HAVE POSITIVE DRAINAGE. PLANT PITS WHEN FULLY FLOODED WITH WATER SHALL DRAIN WITHIN ONE HOUR AFTER FILLING.
- NO PLANTS REQUIRING PRUNING OF MAJOR BRANCHES DUE TO DISEASE, DAMAGE OR POOR FORM WILL BE ACCEPTED.
- ALL CALIPRE-STOCK TREES SHALL BE 8 IN WIRE BASKETS.

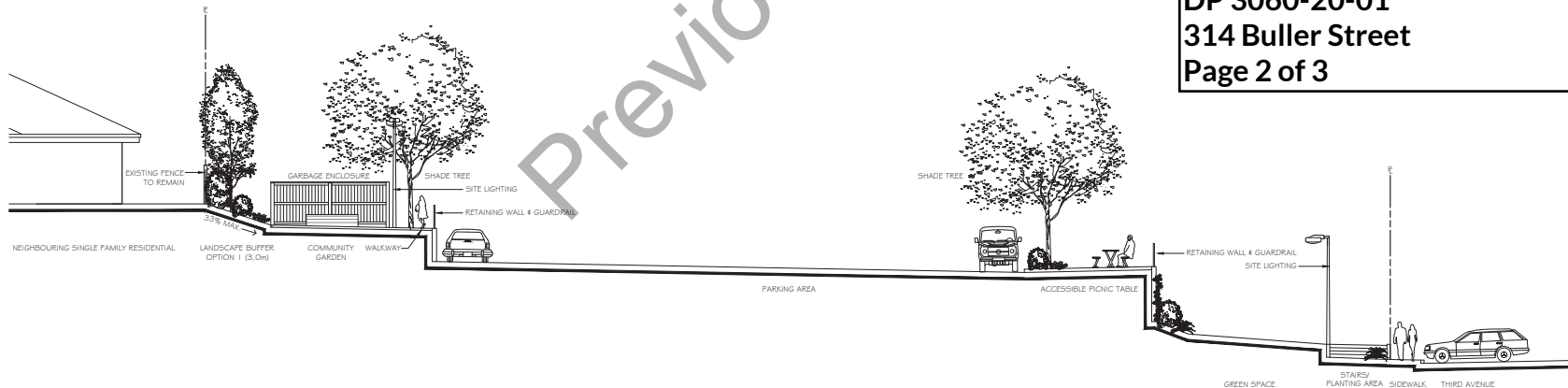


## Shade Tree Calculation

Unenclosed parking area = 425 Sq.m.  
 425 Sq.m. divided by 4 = 106.25 Sq.m.  
 106.25 Sq.m. divided by 100, for Shade Tree caliper of 60cm planting = 1.06  
 Total Shade Trees required = 2  
 Total Shade Trees provided = 2

## PLANT LEGEND

SYMBOL	BOTANICAL / COMMON NAME	SIZE	SPACING	QTY.	NOTES
<b>TREES</b>					
	ACER RUBRUM RED MAPLE	6cm CAL.	SEE PLAN	2	SHADE TREE
	FAGUS SYLVATICA 'DAWYCK GOLD' DAWYCK GOLD EUROPEAN BEECH	6cm CAL.	10m O.C. AVG. SEE PLAN	4	LANDSCAPE BUFFER TREE
	PYRUS CALLERYANA 'REDSPIRE' REDSPIRE FLOWERING PEAR	4cm CAL.	9m O.C.	5	OFF-SITE BULLER STREET TREE
<b>SHRUBS</b>					
	LONICERA PLEURANTICA PRIVET	#1 POT	1.0m O.C.	49	DROUGHT TOLERANT
	NANDINA DOMESTICA 'HEAVEN BAY' HEAVEN BAY BAMBOO	#1 POT	0.75m O.C.	33	DROUGHT/SHADE TOLERANT
	CELANANTHUS DELAWARE SILVER OLIVE	#1 POT	1.0m O.C.	16	DROUGHT/SHADE TOLERANT
	POELETICUM MUNITUM CROWD FERN	#1 POT	1.0m O.C.	42	NATIVE SPECIES
	RHOODENDRON SSP. WHITE FLOWER RHOODENDRON	#3 POT	1.2m O.C.	15	DROUGHT/SHADE TOLERANT
	ROSA NUTKAN NUTKA ROSE	#1 POT	1.0m O.C.	35	NATIVE SPECIES
<b>HEDGEROW</b>					
	PRUNUS LUSITANICA PORTUGUESE CHERRY LAUREL	1.0m	0.9m O.C.	41	DROUGHT TOLERANT
<b>VINE</b>					
	PARTHENOCISSUS TRICUSPIDATA BOSTON IVY	#1 POT	2.0m O.C.	6	DROUGHT/SHADE TOLERANT
<b>LAWN</b>					
	500: CANADA #2 STANDARD GRADE	ON-SITE	210 Sq.m.		
		OFF-SITE	305 Sq.m.		



Section A-A

1:100 metric

Section/Elevation

**Schedule C - Landscape Plans**  
**DP 3060-20-01**  
**314 Buller Street**  
**Page 2 of 3**



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**LRC Affordable Housing**  
**Ladysmith Resource Centre Association**  
 Ladysmith, BC

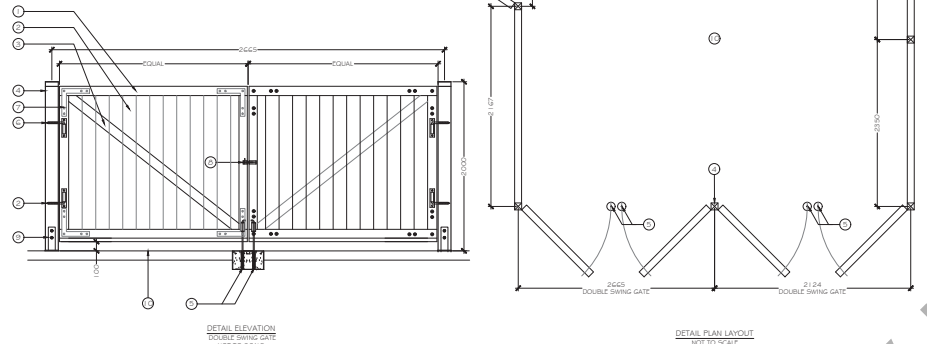
LEGENDS, NOTES & SECTION	
Date:	March 2, 2020
Drawn:	CW
Checked:	NG
Scale:	As Noted
Project Number:	19-0234
Drawing Number:	L2 of 3

REVISION SCHEDULE	
#	NOTES
0	08AUG2019 Schematic for Pricing
1	25NOV2019 Issued for DP Review
2	16DEC2019 Issued for DP
3	02JAN2020 Reissued for DP

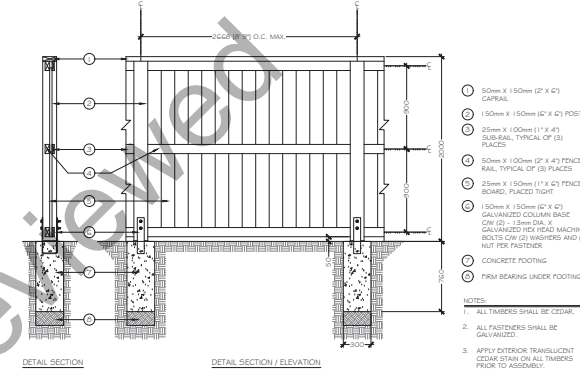
# ATTACHMENT F

- 1 25mm x 100mm (1" x 4") GATE FRAME
- 2 25mm x 150mm (1" x 6") FENCE BOARDS PLACED TIGHT
- 3 25mm x 150mm (1" x 6") CROSS BRACE
- 4 150mm x 150mm (6" x 6") POST, TYP. OF (8) PLACES
- 5 400mm CANE BOLT, BLACK, POWDERCOAT FINISH AND BOLT SLEEVE LOCATIONS
- 6 HEAVY DUTY GATE HINGE (1-BOLT STYLE), BLACK, POWDERCOAT FINISH
- 7 62.5mm x 300mm x 300mm 154 CORNER STRAP TIE, BOLTED IN PLACE, BLACK, POWDERCOAT FINISH ON REVERSE FACE
- 8 HEAVY DUTY LOCKABLE PIN BOLT STYLE LATCH, BLACK, POWDERCOAT FINISH
- 9 150mm x 150mm GALVANIZED POST BRACKET FASTEN TO POST WITH (2) - 13mm DIA. GALVANIZED HEX HEAD MACHINE BOLTS C/W (2) WASHERS AND (1) NUT PER FASTENER AND TO CONCRETE WITH (2) CONCRETE ANCHOR BOLTS
- 10 CONCRETE SURFACE
- 11 SINGLE SWING GATE, MATCH DOUBLE SWING CONSTRUCTION STYLE (CANE BOLT NOT REQUIRED)
- 12 SIZES OF ENCLOSURE, REFER TO DETAIL B

- NOTES:
1. ALL TIMBERS SHALL BE CEDAR.
  2. ALL FASTENERS SHALL BE GALVANIZED.
  3. APPLY EXTERIOR TRANSLUCENT CEDAR STAIN ON ALL TIMBERS.



**A** 2.0m Garbage Enclosure  
Plan Elevation  
Not To Scale



**B** 2.0m Garbage Enclosure  
Section/Elevation  
1:25 metric

**Schedule C - Landscape Plans**  
**DP 3060-20-01**  
**314 Buller Street**  
**Page 3 of 3**



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**LRCRA Affordable Housing**  
**Ladysmith Resource Centre Association**  
**Ladysmith, BC**

## DETAILS

Date: March 2, 2020

Drawn: CW

Checked: NG

Scale: As Noted

Project Number: 19-0234

DRAWING NUMBER: L3 of 3

#	REVISION	DATE	NOTES
0	08AUG2019		Schematic for Pricing
1	25NOV2019		Issued for DP Review
2	16DEC2019		Issued for DP
3	02MAR2020		Reissued for DP

## Attachment G

**From:** [Christina Hovey](#)  
**To:** [Ben Checkwitch](#)  
**Cc:** [June Caluza](#); [Vicky Stickwood-Hislop](#); [Noha Sedky](#); [Anna Zhuo](#)  
**Subject:** RE: 314 Buller Occupancy LRCA 36 units  
**Date:** December 1, 2022 2:42:23 PM  
**Attachments:** [image006.png](#)  
[comparison roof with screen.pdf](#)  
[air conditioner platforms.png](#)

---

Hi Ben,

Thank you for submitting the DP amendment application and providing this rationale.

Have you explored any other options for minimizing the visual clutter of the “Group 2” units that might be more economical?

For example, could you mount screening to the air conditioner platforms to avoid puncturing the roofing membrane? See attached where I’ve attempted to explain what I mean visually.

Thank you,

Christina

*Christina Hovey, RPP, MCIP*  
Senior Planner/Development Approvals Supervisor  
Development Services Department  
**Phone:** 250-245-6410  
132C Roberts St. **MAIL** PO Box 220 Ladysmith, BC V9G1A2

***Celebrate our Present. Embrace our Future. Honour our Past.***

Development Services is open to the public with COVID-19 protocols in place. The public can access resources, building information and commonly requested forms through the Business & Development section of our website: <https://www.ladysmith.ca/business-development>. To provide the best service possible, we encourage you to contact us by phone or email and consider submitting your applications electronically.

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Attached to email from C. Hovey, December1, 2022.



**From:** [Ben Checkwitch](#)  
**To:** [Julie Thompson](#)  
**Cc:** [June Caluza](#)  
**Subject:** LRCA. Roof screening  
**Date:** February 17, 2023 12:36:18 PM  
**Attachments:** [RE 314 Buller Occupancy LRCA 36 units.eml.msg](#)

---

Hi Julie,

As requested we have collected more information about the screening of the rooftop mechanical units for the LRCA building at 314 Buller.

I wanted to let you know that, in response to the request of Christina Hovey's in her email from Dec 1st (attached for reference), we have done a fairly exhaustive exercise in trying to find a less expensive way to include screening, but unfortunately the solutions we explored to do not work structurally.

I hope I can discuss this with you on the phone. I understand that you are not in the office today and am wondering if you can please return my call to 604.669.3444 or let me know the best time to reach you.

Thank you,

Ben

---

Ben Checkwitch, Architect AIBC, CPHD

**CHECKWITCH POIRON ARCHITECTS INC.**

501-402 Pender Street W., Vancouver, BC V6B 1T6

9-93 Commercial Street, Nanaimo, BC V9R 5G3

T 604.669.3444 • C 250.538.7686

[ben@cparch.ca](mailto:ben@cparch.ca) • [www.cparch.ca](http://www.cparch.ca)



**STAFF REPORT TO COUNCIL**

**Report Prepared By:** Andrew Wilson, Planner  
**Report Reviewed By:** Jake Belobaba, RPP, MCIP, Director of Development Services  
**Meeting Date:** May 2, 2023  
**File No:** 3090-23-02 and 3060-22-09  
**RE:** Development Variance Permit 3090-23-02 and Development Permit Application 3060-22-09 – 411 Thetis Drive

**RECOMMENDATION:**

That Council:

1. Issue Development Variance Permit 3090-23-02 to vary the following provisions of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” for a proposed single unit dwelling at 411 Thetis Drive (Lot 3, District Lot 52, Oyster District, Plan EPP90583; PID: 031-471-552):
  - a. Section 10.2.5 (a) to increase the maximum height of the proposed single unit dwelling from 7.5m to 9.8m where the roof pitch is less than 4:12; and
  - b. Section 10.2.5 (d) to increase the maximum perimeter wall height of the proposed single unit dwelling from 7.32m to 10.4m for any wall of the single unit dwelling; and
2. Issue Development Permit 3060-22-09 to allow construction of a single unit dwelling at 411 Thetis Drive.

**EXECUTIVE SUMMARY:**

The purpose of this report is to introduce for Council’s consideration a Development Variance Permit (DVP) and Development Permit (DP) application to construct a single-unit dwelling with a secondary suite at 411 Thetis Drive. The applicant is requesting variances to the height and perimeter wall height of the dwelling. Staff recommend approval of DVP 3090-23-02 (Attachment B) and DP 3060-22-09 (Attachment C) based on analysis of the impacts, the geotechnical report provided by the applicant and consistency with the applicable development permit area guidelines.

**PREVIOUS COUNCIL DIRECTION:**

N/A

**INTRODUCTION/BACKGROUND:****Subject property**

The subject property, 411 Thetis Drive, is located in a single-family residential neighbourhood characterized by steeply sloping parcels with ocean views. The parcel area is 1432.0 m<sup>2</sup> and drops off sharply from Thetis Drive before leveling off into a more gently sloping plateau. The property drops 15m in elevation from Thetis Drive to the rear property line 75m to the northeast. Several rights-of-way, including for hydro and gas infrastructure, transect the property.

The proposed dwelling has a single storey visible from the Thetis Drive frontage, with three storeys in the rear. The suite is on the lower level and is accessed by stairs along the east side of the dwelling.

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

**PROPOSAL:**

The applicant is proposing to vary the total height and perimeter wall height to facilitate construction of the proposed single-unit dwelling containing a secondary suite.

The proposed dwelling has a roof pitch less than 4:12 and total height of 9.8m. The subject property is zoned Single Dwelling Residential (R-1), which has a maximum height for principal buildings of 7.5m where the roof pitch is less than 4:12. A variance is therefore required.

The maximum perimeter wall height<sup>1</sup> for any exterior wall of a single unit dwelling is 7.32m with no horizontal or vertical offsets, and up to 9.14m with vertical and horizontal offsets. The proposed perimeter wall height on the left and right side and rear elevations is up to 10.4m and while the wall includes offsets, the minimum vertical and horizontal offset requirements in the R-1 zone are not met.<sup>2</sup> A variance is therefore required for the perimeter wall height.

A summary of the proposed variances is provided in Table 1, below.

*Table 1: Summary of proposed variances*

<b>Zoning Regulation</b>	<b>Permitted</b>	<b>Proposed</b>
Principal building height	Maximum 7.5m with a roof pitch less than 4:12 (9m with 4:12 or steeper pitch)	9.8m with a 3:12 roof pitch.
Perimeter wall height	7.32m with no vertical and no horizontal offset.	10.4m on the rear, left, and right elevations with articulation.

The proposed single unit dwelling complies with all other regulations of the R-1 zone.

A DP is required prior to construction as the property is also located within Development Permit Area 7 – Hazard Lands (DPA 7) under “Official Community Plan Bylaw 2003, No. 1488” (OCP).

A site photo of the subject property is provided as Attachment D. A letter of rationale from the applicant is provided as Attachment E.

**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 Residential designation in the OCP. The proposed single family residential development with a secondary suite is consistent with the OCP designation. The

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<sup>1</sup> Perimeter wall height means the maximum vertical distance measured at the outermost building face of each building elevation from finished grade to the top of the wall.

<sup>2</sup> Minimum horizontal offset is the portion of the wall face that is over 7.32m must be offset horizontally a minimum of 0.61m.

Minimum vertical offset is the portion of the wall face that is over 7.32m does not exceed 60% of the width of the building elevation without a vertical offset of a minimum of 0.61m.

property is also located within Development Permit Area 7 – Hazard Lands (DPA 7) under the OCP, therefore a DP is required. DPA 7 applies to areas of the Town with steep slopes and its purpose is to prevent land slippage and sloughing, safeguard private property from potential damage, minimize disruption to slope stability and prevent development in areas where slope instability hazards exist.

#### New Draft OCP

The subject property is situated in the Neighbourhood Residential designation. The proposed development is consistent with the Neighbourhood Residential designation.

#### Zoning Bylaw

The subject property is zoned R-1 in "Town of Ladysmith Zoning Bylaw 2014, No. 1860". The R-1 zone permits a maximum building height of 7.5m where a roof pitch of a principal building is less than 4:12, and a maximum perimeter wall height of 7.32m for any wall face without the minimum vertical or horizontal offset. The proposed dwelling exceeds the maximum building height and perimeter wall height regulations, therefore variances are required.

#### Variance Proposal

The design of the proposed three-storey dwelling is consistent with other existing and proposed dwellings on Thetis Drive. From Thetis Drive, the building has a lower profile due to the slope of the site. The roof peak is approximately 5.1 metres above the elevation of Thetis Drive, which is reasonable for a single unit dwelling. The height of the dwelling is imposing from the rear elevation, however, the parcel is very long and the back of the dwelling is set back approximately 50 metres from the rear parcel line. Due to the orientation of the parcels in relation to the ocean views and the elevation differences between parcels, the variance is not expected to interfere with ocean views for neighbouring properties.

While the dwelling elevations do not meet the minimum offset requirements in the R-1 zone, the dwelling design proposes architectural features that provide articulation of the wall faces including decking, deck posts, railings, and windows, breaking up the larger wall faces into smaller components. The upper storey is also stepped back, creating a horizontal offset on all three elevations.

Based on the analysis, staff do not expect negative impacts from the proposed variance, and therefore, recommend approval of DVP 23-02.

#### Development Permit Guidelines

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

A geotechnical assessment was prepared by Ryzuk Geotechnical dated July 18, 2022, and is attached to DP 22-09 (Attachment C) as Schedule B. Further geotechnical review and comments were requested by staff as modifications were made to the building design. A Geotechnical Site Instruction Memo was drafted by Ryzuk Geotechnical on February 16, 2023, and is attached to DP 22-09 as Schedule C.

A summary of the DPA 7 guidelines and staff comments is provided in Table 2.

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

DPA 7 Guidelines	Staff Comments
------------------	----------------



a) No significant excavation or filling shall be undertaken. No construction on areas subject to bank instability.	<ul style="list-style-type: none"> <li>• The geotechnical report identified the bulk excavation in preparation for the proposed building foundations has been completed.</li> <li>• Significant fill is not proposed for the project.</li> </ul>
b) Site development to avoid areas subject to unstable slopes.	<ul style="list-style-type: none"> <li>• The geotechnical report states the location is feasible for construction and not at risk of adverse effects associated with slope instability.</li> </ul>
c) Provide for disposal of surface run-off and storm water.	<ul style="list-style-type: none"> <li>• A recommendation for on-site stormwater disposal was provided in the geotechnical report. Installing the proposed stormwater management system, including a rock pit, is a condition of the DP.</li> <li>• The geotechnical report recommends that final site grades shall be sloped to direct surface water away from the building and foundation areas.</li> </ul>
d) Avoid disturbance to the steep slope.	<ul style="list-style-type: none"> <li>• The steepest slope on the property overlaps with the proposed building location near the front of the parcel. Disturbance to the steep slope cannot be avoided.</li> </ul>
e) Retaining walls to be terraced or stepped to avoid expansive wall surfaces.	<ul style="list-style-type: none"> <li>• The geotechnical report states that concrete retaining walls are included in the foundation as wing walls to accommodate grading on the steep slope for the lower-level walkout.</li> <li>• All retaining walls proposed are conjoined to the proposed foundation and are terraced within both side yard setbacks from top floor to lower floor.</li> </ul>
f) Existing vegetation should be maintained to control erosion and protect banks. Cleared areas should be replanted to control erosion and protect banks. Security can be taken for landscaping.	<ul style="list-style-type: none"> <li>• The geotechnical report states there is no significant risk of soil erosion within or in the vicinity of the site as rock slopes will be exposed prior to subsequent fill placement.</li> <li>• Vegetation removal is limited to the footprint of the building, retaining walls and similar features.</li> </ul>
g) Access improvements (stairways, paths) not to disturb slope or natural slope drainage.	<ul style="list-style-type: none"> <li>• Three exterior stairways provide access to the lower storeys. According to the geotechnical report, they are supported by cast concrete foundation and do not pose a slope stability concern. Drainage associated with the stairs would either be shed off to the sides or directed to a drain within the adjoining balconies.</li> </ul>
h) A report from a professional engineer should provide technical requirements/mitigation measures for the development.	<ul style="list-style-type: none"> <li>• A geotechnical report from a professional engineer was provided and the proposed residential development is considered safe provided the recommendations in the report are followed.</li> </ul>

i) Development permit may specify sequence and timing to reduce impacts to the environment and surrounding properties.	• N/A.
--	--------

Staff recommend that the DP be issued since the proposal is generally consistent with the DPA 7 guidelines and the geotechnical report concludes that there are no geotechnical hazards that may impact the proposed development and the land may be used safely for the intended use.

#### **ALTERNATIVES:**

Council can choose to:

1. Refuse issuance of DVP 3090-23-02 and DP 3060-22-09.
2. Refer the application back to staff for further review, as specified by Council.

#### **FINANCIAL IMPLICATIONS:**

N/A

#### **LEGAL IMPLICATIONS:**

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

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

Notice of DVP 3090-23-02 pursuant to section 499 of the *Local Government Act* and “Town of Ladysmith Development Procedures Bylaw 2008, No. 1667” was carried out on April 21, 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	No concerns
Yes	Building Inspection	No concerns
No	Parks Recreation and Culture	N/A
No	Financial Services	N/A
No	Legislative Services/Corporate Services	N/A
No	Fire/Protective Services	N/A

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

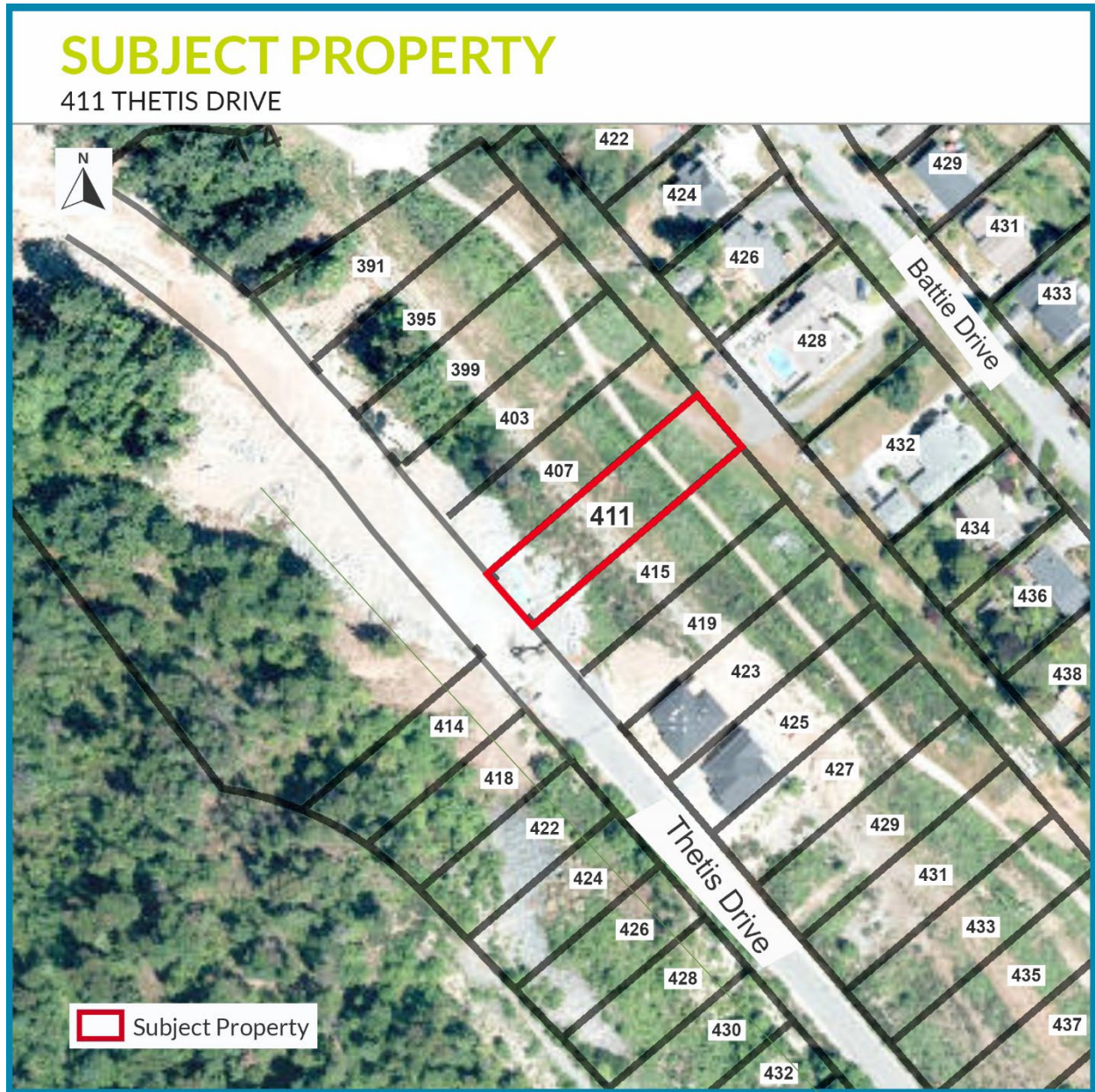
***I approve the report and recommendation(s).***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENT(S):**

- A. Subject Property Map
- B. Draft DVP 3090-23-02
- C. Draft DP 3060-22-09
- D. Site Photo
- E. Applicant Letter of Rationale

## ATTACHMENT A





## TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 Local Government Act)

FILE NO: 3090-23-02

DATE: May 2, 2023

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Name of Owner(s) of Land (Permittee): Alistair Johnson & Andrea Lyseight

Applicant: Thomas J. Leahy (Drakensburg Development Corporation Inc.)

Subject Property (Civic Address): 411 Thetis Drive

---

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 3 District Lot 52 Oyster District Plan EPP90583**  
**PID: 031-471-552 (411 Thetis Drive)**  
(referred to as the "Land")
3. Section 10.2.5.a) in the "Single Dwelling Residential (R-1)" zone of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied for the Land by increasing the *Height of a Principal Building* from 7.5 metres to 9.8 metres where the roof pitch is less than 4:12, for a *Single Unit Dwelling* as shown in **Schedule A – Site Plan** and **Schedule B – Elevation Plans**.
4. Section 10.2.5.d) in the "Single Dwelling Residential (R-1)" zone of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied for the subject property to allow a 10.4 metre *Perimeter Wall Height* of a *Single Unit Dwelling*, as shown in **Schedule B – Elevation Plans**.
5. 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.

6. The following plans and specifications are attached:
- a) **Schedule A – Site Plan**
  - b) **Schedule B – Elevation Plans**
7. 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 **(3090-23-02)** or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
8. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

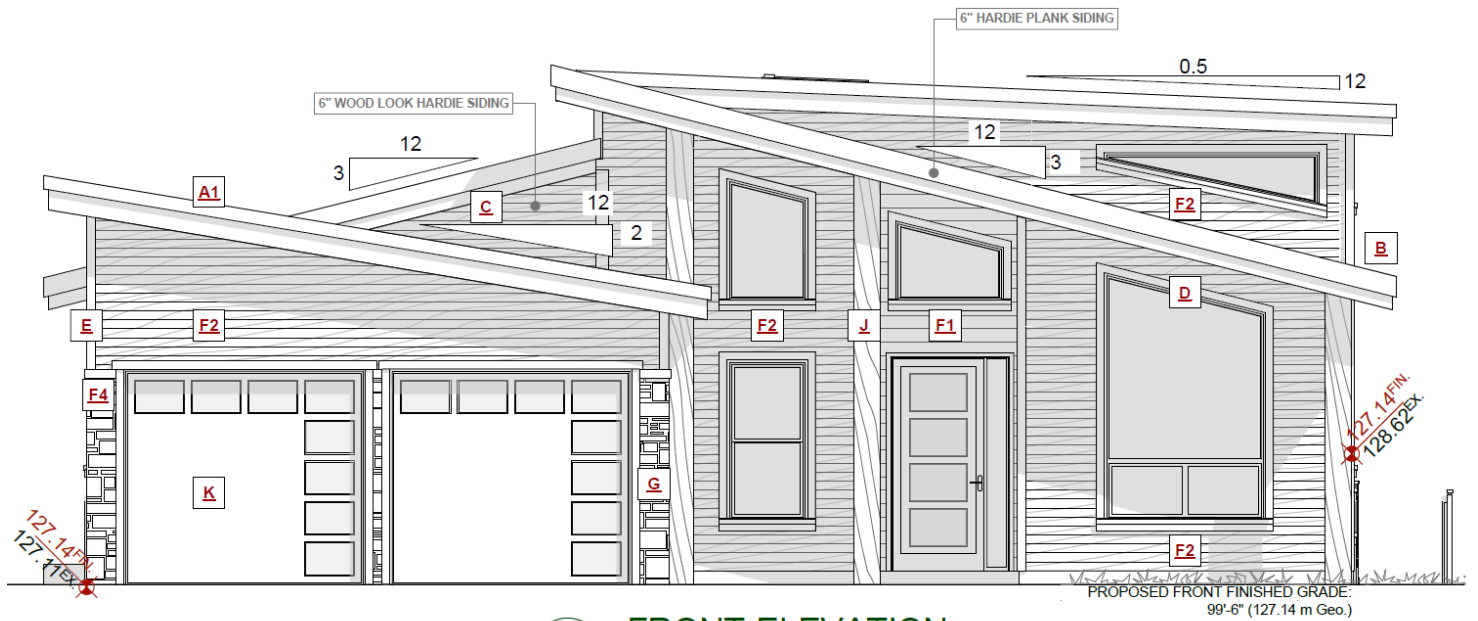
AUTHORIZED BY RESOLUTION NO. \_\_\_\_\_ PASSED BY THE COUNCIL OF THE  
TOWN OF LADYSMITH ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 202\_\_.

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

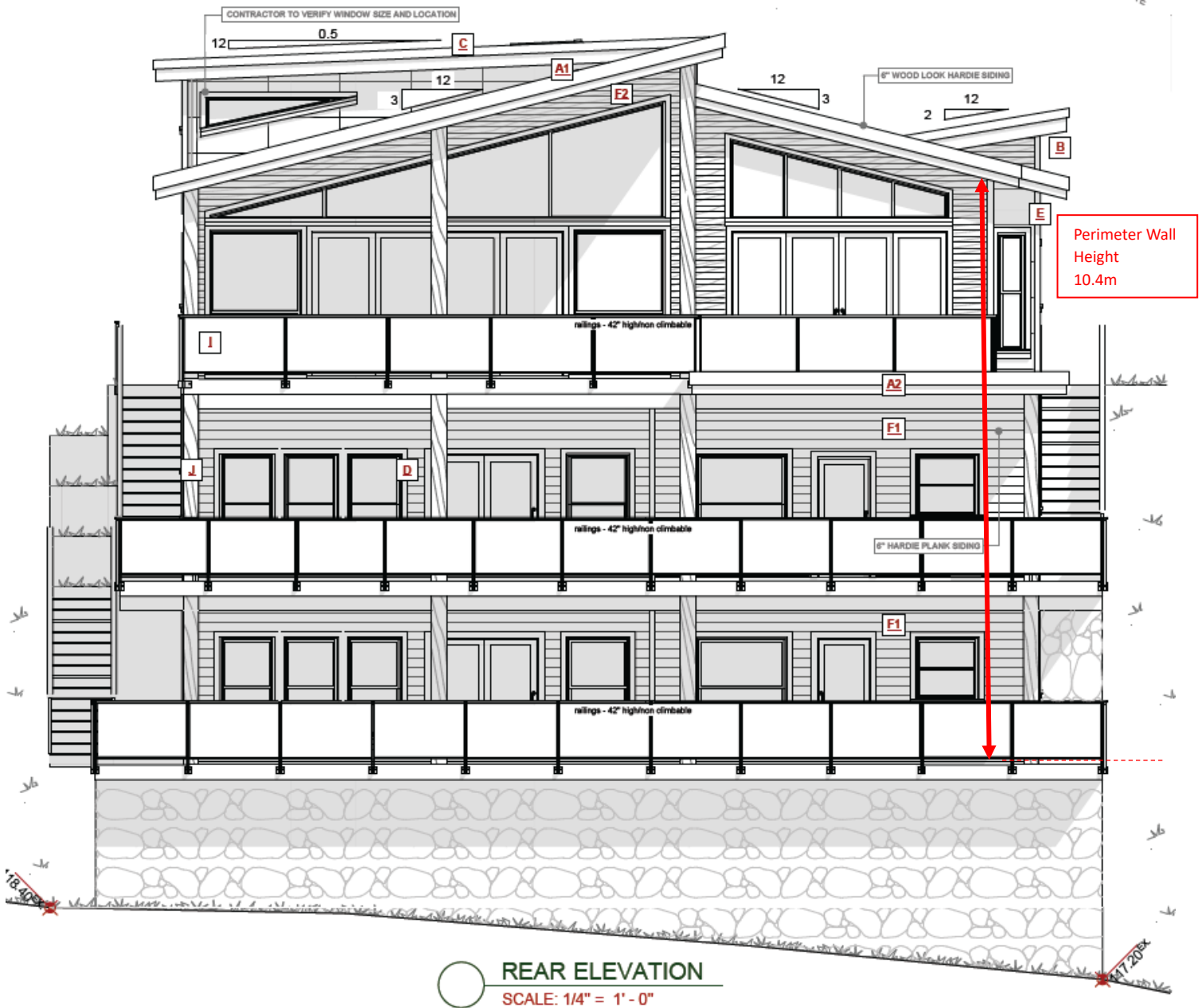
\_\_\_\_\_  
Corporate Officer (M. O'Halloran)







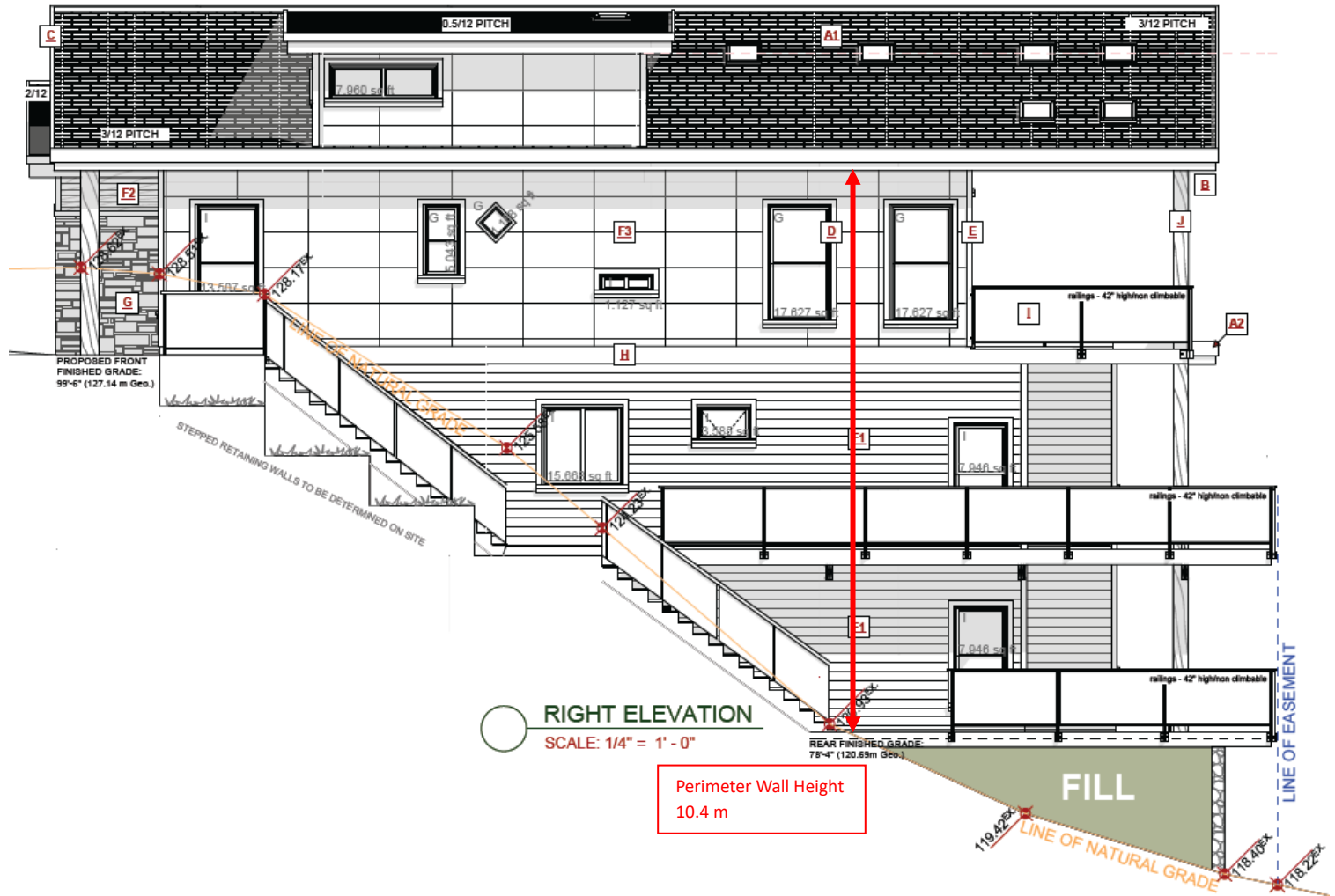
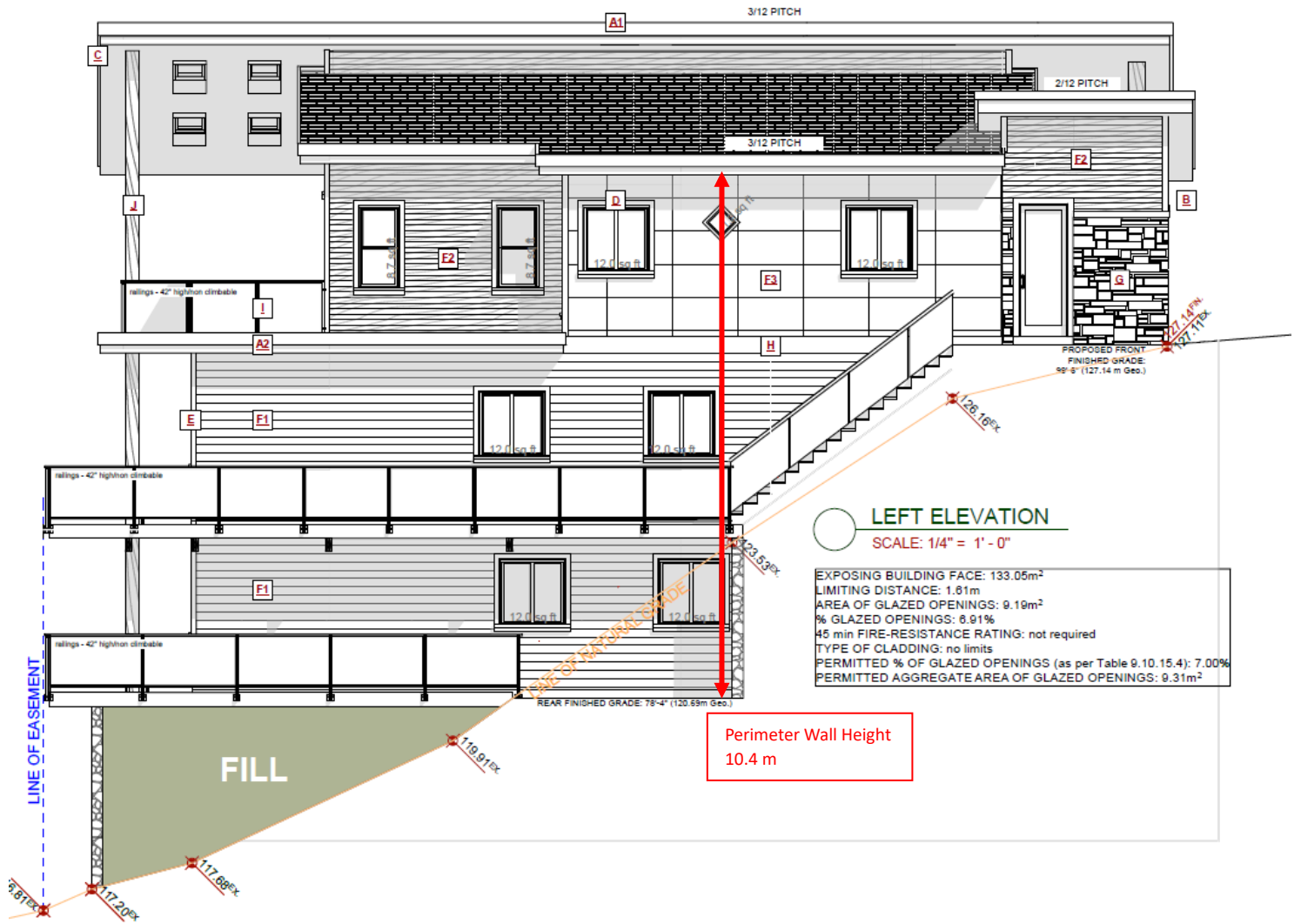
○ FRONT ELEVATION  
SCALE: 1/4" = 1' - 0"



○ REAR ELEVATION  
SCALE: 1/4" = 1' - 0"

Schedule B - Elevation Plans  
DVP 3090-23-02  
411 Thetis Drive  
(1 of 2)





## ATTACHMENT C



# TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 489 Local Government Act)

FILE NO: 3060-22-09

DATE: May 2, 2023

---

Name of Owner(s) of Land (Permittee): Alistair Johnson & Andrea Lyseight

Applicant: Thomas J. Leahy (Drakensburg Development Corporation Inc.)

Subject Property (Civic Address): 411 Thetis Drive

---

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

**Lot 3 District Lot 52 Oyster District Plan EPP90583**  
**PID: 031-471-552 (411 Thetis Drive)**  
(referred to as the "Land")

3. This Permit has the effect of authorizing the issuance of a building permit and the alteration of land for the construction of a single unit dwelling on the Land in accordance with the plans and specifications attached to this Permit, subject to all applicable laws, and subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Town of Ladysmith Zoning Bylaw 2014, No. 1860.
5. The Permittee, as a condition of the issuance of this Permit, agrees to:
  - (a) Develop the land in accordance with **Schedule A – Site Plan**.
  - (b) Follow all recommendations in **Schedule B – Geotechnical Assessment** and **Schedule C – Geotechnical Site Memo**, including the following:
    - i. Final site grades shall be sloped to directed surface water away from building and foundation areas.
    - ii. Steeply sloping bedrock should be benched before placing fill, or dowels should be installed within bedrock sloped greater than 6H:1V before placing concrete.

- iii. The Geotechnical Engineer will inspect site preparations, subgrade conditions and cutslopes prior to placing fill or concrete.
  - iv. Loose fill soils should be sloped back at 1H:1V and dense soils at 0.5H:1V where deeper than 1.2m.
  - v. Earthworks preparations should be evaluated by the Geotechnical Engineer prior to installation of formwork.
  - vi. Stormwater management, including installation of a rock pit and perimeter drainage, will be in accordance with the recommendations provided in **Schedule C – Geotechnical Assessment**. Overflow from the rock pit should be directed to the municipal stormwater system.
  - vii. Local retaining walls built up to support the exterior staircases and any landscaping adjacent require proper relief drains and are expected to be incorporated into the perimeter drainage systems of the building.
  - viii. The Geotechnical Engineer will inspect and evaluate the size, location, infilling, and drain-pipe configuration of the rock pit for design conformance.
  - ix. Follow best management practices to prevent erosion and sedimentation during construction. Loose piles of soil must not be stockpiled on property lines and subject to rain effects without inclusion of tarps and/or silt abatement measures such as fencing/hay bales.
- 6. For certainty, any retaining walls or vegetation clearing outside of the immediate development area are subject to an additional Development Permit.
  - 7. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the approval date, this Permit shall lapse.
  - 8. The plans and specifications attached to this Permit are an integral part of this Permit.
  - 9. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (**3060-22-09**) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
  - 10. Despite issuance of this Permit, construction may not start without a Building Permit or other necessary permits.

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

**SITE PLAN SHOWING PROPOSED BUILDING LOCATION  
TO ACCOMPANY VARIANCE APPLICATION ON:  
LOT 3, DISTRICT LOT 52,  
OYSTER DISTRICT, PLAN EPP90583**

Client: ANDREA LYSEIGHT

Chic Address: 411 THETIS DRIVE, LADYSMITH

File: 17-197-3

Scale: 1:300

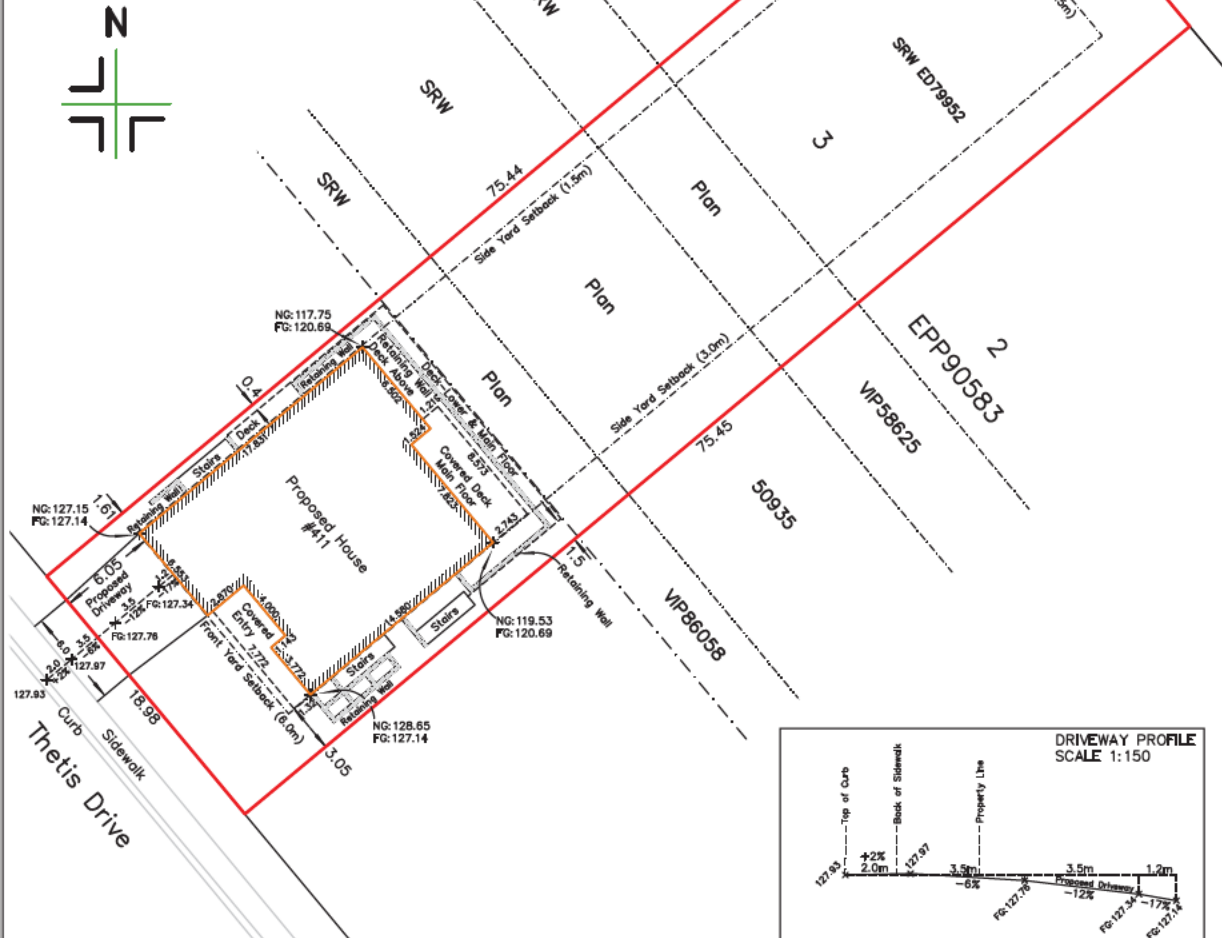
Drawn by: DRW

Property Zoning: v1

PROPOSED BUILDING	
Zoning	R1
Parcel Size (m <sup>2</sup> )	1432
Parcel Coverage (%)	19
Avg. Natural Grade	123.27
Avg. Finished Grade	123.92
Maximum Building Height (R1 <4:12)	7.50
Maximum Roof Peak Elevation	130.77
Proposed Lower Floor Elevation	120.84
Proposed Main Floor Elevation	127.29
Proposed Roof Peak Elevation	133.02
Proposed 2.3m Building Height Variance	

PROPOSED GARAGE SLAB ELEVATION	
Elevation at curb	127.93
Minimum garage slab	127.13
Proposed garage slab	127.14

Design: Java Designs  
Project: Andrea Lyseight  
Date: 08 March 2023



**SCHEDULE A - SITE PLAN  
DP 3060-22-09  
411 Thetis Drive  
1 Page**

**NOTE:**

THE REGISTERED TITLE OF THIS PROPERTY IS AFFECTED BY THE FOLLOWING LEGAL NOTATIONS AND REGISTERED CHARGES, LIENS AND INTERESTS:

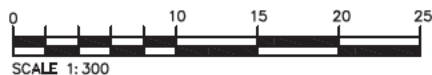
CA6430340, CA6430343, ES83323, FB192942, M76300, 2744446, FD79952, FD99320, FD104841, FH122029, E1138268, FB235712, FB235714, FB235717, FB235721, CA9226081, CA9226083.

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

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

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

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



DISTANCES AND ELEVATIONS ARE IN METRES.  
GEODETIC ELEVATIONS ARE DERIVED FROM  
CONTROL MONUMENT 87H3635 (CVD28BC DATUM).

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

Certified correct this 23rd day of March, 2023.

**Ryan Turner**  
QV82X6

Digitally signed by Ryan  
Turner QV82X6  
Date: 2023.03.23 13:04:35  
-07'00'

B.C.L.S.





**RYZUK GEOTECHNICAL**  
Engineering & Materials Testing

6-40 Cadillac Ave, Victoria, BC, V8Z 1T2 Tel: 250-475-3131 E-mail: mail@ryzuk.com www.ryzuk.com

**SCHEDULE B**  
**Geotechnical Assessment**  
**DP 3060-02-09**  
**411 Thetis Drive**  
**7 pages**

July 18, 2022  
File No: 11169-1

Thetis Management Ltd.  
104-2220 Sooke Road  
Victoria, BC  
V9B 0G9

Attn: Thomas Leahy (tjleahy333@gmail.com)

Re: Proposed Single Family Residence  
411 Thetis Drive – Ladysmith, BC

As requested, we visited the above referenced site on May 6, 2022 to review the existing geotechnical conditions within the proposed building lot. The assessment has been directed by the Town of Ladysmith to support the proposed construction pursuant to Section 56 of the Community Charter. This document includes Appendix D: Landslide Assessment Assurance Statement in accordance with Engineers and Geoscientists BC's Guidelines for Legislated Landslide Assessments for Proposed Residential Developments in BC ("EGBC Guidelines") of which this assessment has been prepared in accordance with. Recommendations for on-site stormwater disposal and erosion and sediment control mitigation are also included. Our associated observations, comments, and recommendations in this regard are contained herein. Our work has been done in accordance with, and is subject to, the previously accepted Terms of Engagement.

The site is located within the southwestern portion of the Town of Ladysmith being within the northeastern portion of a 17 lot subdivision that we were involved with in 2019 and 2020. This lot (Lot 3) is generally bounded to the northeast by a municipal Right of Way, to the northwest and southeast by similar undeveloped lots, and by Thetis Drive to the southwest. Several Statutory Right of Way's (SRW's) also transect the vacant lot. In general, the topography is relatively moderately steep to steeply sloped, falling towards the northeast in the order of 10 m overall relief. An exception is present within the upper area close to the Thetis Drive and the lower area to the northeast where the lot becomes flat to gently sloping. The lot is currently vegetated with brush and local grasses and mature trees within the lower periphery.

We understand that bulk excavation in preparation for the proposed building foundations has been completed, whereby the loose fills and surface soils have been removed to expose volcanic bedrock. Surficial soils in other areas were observed to generally consist of compact mixed granular fills with varied organics. Additionally, some areas of topsoil, native dense sand with some silt to silty, and trace to some gravel was observed. The native soils are expected to be of glacial fluvial and morainal origin from the late Pleistocene. No indications of pervasive shallow groundwater or surface seepage were evident.



The attached drawings indicate the proposed residence would be located within the central- southwestern portion of the site and cover an area of approximately 225 m<sup>2</sup>. The residence construction will include a hard surface driveway being 45 m<sup>2</sup>. Concrete retaining walls are included in the foundation as wing walls to accommodate local grade differential for the lower level walkout. We understand that footings will bear directly atop bedrock and that there will be minimal fill placed for lot grading except for the small retaining wall that is proposed at the SRW line.

The proposed building is located within a globally stable area based on the terrain and geological conditions. We therefore confirm that the location is feasible for construction and not at risk of adverse effects associated with slope instability in accordance with the Guidelines for Legislated Landslide Assessment .

We consider the dense native undisturbed mineral soils or intact/fractured in-place bedrock to be capable of providing stable long-term support to the proposed residential foundations. All existing fills, loose, disturbed, or organic materials should be removed from footing locations prior to placement of engineered fill or construction of footing formwork. Steeply sloping bedrock should be benched before placing fill, or dowels should be installed within bedrock sloped greater than 6H:1V (Horizontal:Vertical) before placing concrete. Prior to placing fill or concrete, we should be called to site to inspect site preparations and subgrade conditions. At that time we can also review the cutslopes for temporary stability performance for worker safety over the duration and note that loose fill soils should generally be sloped back at 1H:1V and dense soils at 0.5H:1V where deeper than 1.2 m.

Based on the proposed hard surface changes, and in accordance with the municipal guidelines, on site stormwater management is required. We understand that this would be managed by the installation of a rock pit and that the overflow from the pit would be directed to the municipal system. Given the proposed hard surface of 270 m<sup>2</sup> and the municipal requirement to provide storage to accommodate a 30 mm rainfall intensity over a 1 hour period, the associated runoff volume is 8.1 m<sup>3</sup>. A runoff coefficient of 0.95 was used in sizing the infiltration pit. A conventional infiltration pit filled with drainrock with an estimated porosity of 40% and based on an infiltration rate of  $1 \times 10^{-4}$  m/sec for assumed free draining blast rock fill, the required volume would be 5.6 m<sup>3</sup>. This could be configured as a trench 2.5 m by 1.5 m by 1.5 m deep with the sides and top covered with heavy non-woven geotextile fabric. The system should include an inline sediment trap to reduce the amount of debris that could enter the pit and reduce the performance life. The typical 100 mm diameter solid PVC pipe would convey the collected hard surface drainage from the roof and possibly the driveway and the pipe would enter the pit and expand to a 150 mm perforated length of 3 m at 0% slope. At the end of the 150 mm pipe a reducer would then connect to a solid 100 mm pipe which would convey overflow to the municipal system at 1% - 2% slope. Perimeter drainage can be connected to this system or a separate 0.6 m diameter open bottom barrel set atop and surrounded by a 300 mm layer of drain rock. In either case the ground surface of the barrel or rock pit should be kept at least 300 mm lower than the slab level of the residence. Additionally, to avoid adding hydrostatic pressure buildup on the proposed retaining walls we recommend that the rock pit be installed a minimum 6 m away from the retaining walls. If there is insufficient space for such, then a slow release detention tank, with a minimum required volume of 2.3 m<sup>3</sup>, could be employed for stormwater management.



It should be noted that rock pits generally become less effective over time and are not a valid disposal methodology where live storage reliance is critical unless the groundwater conditions are well understood and subject to long term monitoring. That said, for this site specifically the consequences of reduced infiltration and live storage efficacy over the long term are considered negligible.

We will need to inspect the size, location, and infilling, and drain pipe configuration of the rock pit for design conformance, however the municipal inspector would be responsible for approving the pipe network connectivity and installation workmanship for conformance with the BC Building Code.

Given the steep slopes located centrally on the site and the proposed construction particulars involving significant fill removal and placement, we anticipate that the earthworks will result in some sediment production within or in the vicinity of the site. Based on observed outcropping bedrock, we anticipate that once the existing fill is removed, rock slopes will be exposed prior to subsequent fill placement, and thus we do not anticipate a significant risk of soil erosion within or in the vicinity of the site. Inclusion of tarps and/or silt abatement measures such as fencing/hay bales should be implemented if soil erosion and sediment production are observed.

In summary, and provided the above recommendations are followed, we consider that the proposed development can be carried out in accordance with the EGBC Guidelines. We also consider that the area is not subject to geohazard and therefore the land may be used safely for the use intended, pursuant to Section 56 of the Community Charter. Our assessment considers a design seismic occurrence with a 2% probability of exceedance in 50 years.

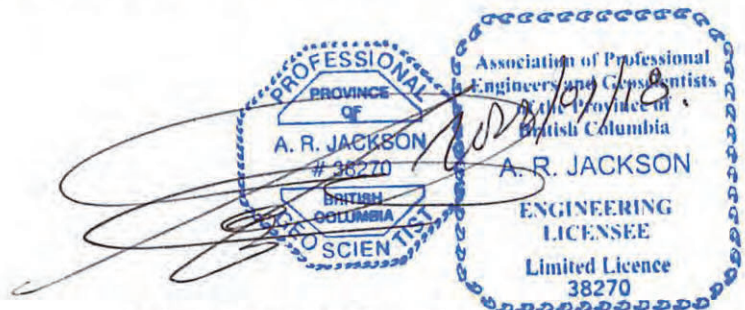
We trust that the preceding is suitable for your purposes at present. Please don't hesitate to contact our office if we can be of further assistance.

Sincerely,  
Ryzuk Geotechnical



Marina Ribecca, EIT  
Junior Engineer

Attached – Appendix D  
– Site Plan



Andrew Jackson, P.Geo. P.L.Eng.  
Lead Geoscientist / Engineering Licensee

PN1002996



SITE PLAN SHOWING PROPOSED BUILDING LOCATION ON:  
LOT 3, DISTRICT LOT 52,  
OYSTER DISTRICT, PLAN EPP90583

Client: ANDREA LYSEIGHT

Civic Address: THETIS DRIVE, LADYSMITH

File: 17-197-3

Scale: 1:300

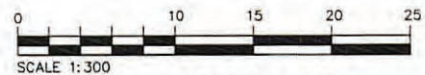
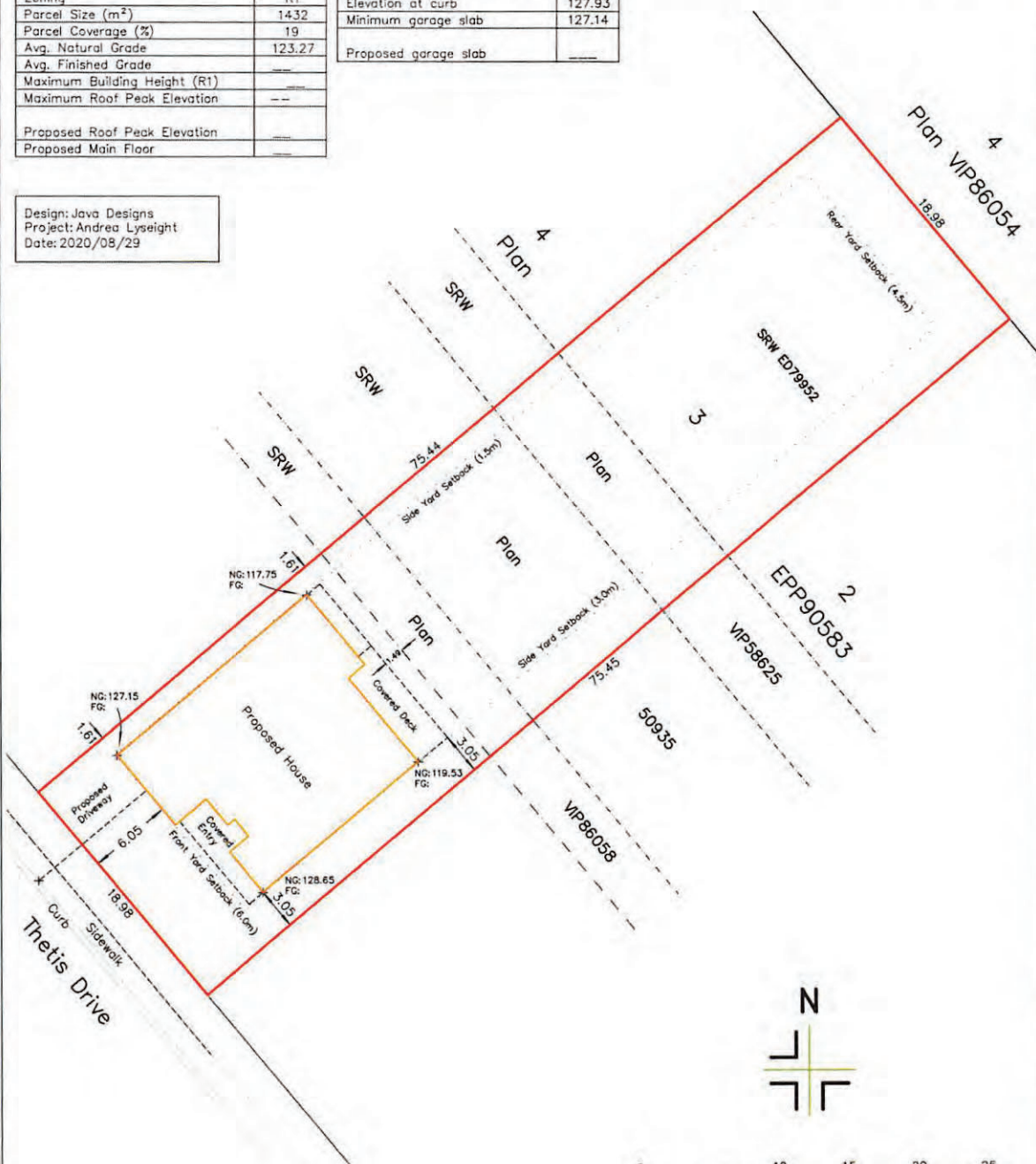
Drawn by: DRW

Property Zoning: R1

PROPOSED BUILDING	
Zoning	R1
Parcel Size (m <sup>2</sup> )	1432
Parcel Coverage (%)	19
Avg. Natural Grade	123.27
Avg. Finished Grade	
Maximum Building Height (R1)	
Maximum Roof Peak Elevation	--
Proposed Roof Peak Elevation	
Proposed Main Floor	

PROPOSED GARAGE SLAB ELEVATION	
Elevation at curb	127.93
Minimum garage slab	127.14
Proposed garage slab	

Design: Java Designs  
Project: Andrea Lyseight  
Date: 2020/08/29



DISTANCES AND ELEVATIONS ARE IN METRES.  
GEODETIC ELEVATIONS ARE DERIVED FROM  
CONTROL MONUMENT 87H3635 (CVD28BC DATUM).

**NOTE:**  
THE REGISTERED TITLE OF THIS PROPERTY IS AFFECTED BY THE  
FOLLOWING LEGAL NOTATIONS AND REGISTERED CHARGES, LIENS  
AND INTERESTS:  
CA6430340, CA6430343, FS83323, FB192942, M76300,  
274444G, ED79952, ED99320, ED104841, FH122029,  
EJ138268, FB235712, FB235714, FB235717, FB235721,  
CA9226081, CA9226083.  
THIS SITE PLAN DOES NOT VERIFY COMPLIANCE WITH THE  
ABOVE NOTED DOCUMENTS.

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

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

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

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

Certified correct this 13th day of May, 2022.

**DRAFT\_20220513**

B.C.L.S.

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



## APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

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

To: The Approving Authority

Date: July 21 2022

Town of Ladysmith

410 Esplanade Ave, PO Box 220 Ladysmith, BC

Jurisdiction and address V9G 1A2

With reference to (check one):

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

For the Property:

411 Thebes Drive, Ladysmith, BC Lot 3 EPP90583 District Lot 52 Oyster District  
Legal description and civic address of the Property

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

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

Check to the left of applicable items

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



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

Based on my comparison between

Check one

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

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

Check one

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

Check one

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

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

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

Check one

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

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

- ☐ for flood plain bylaw exemption, as required by the Local Government Act (Section 910), "the land may be used safely for the use intended".

Andrew Jackson P. Geo, P. L. Eng  
Name (print)

July 21, 2022.  
Date

Signature

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

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

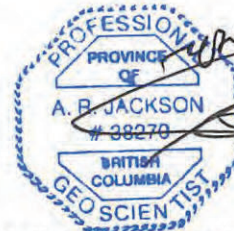
28 Crease Avenue

Address

Victoria, BC V8Z 1S3

250-475-3131

Telephone



(Affix Professional seal here)

PTD 1002996.

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

I am a member of the firm Ryzuk Geotechnical  
and I sign this letter on behalf of the firm.

(Print name of firm)



## GEOTECHNICAL FIELD REVIEW / SITE INSTRUCTION

**Project No:** 11169-1

**Project:** Proposed Single Family Residence

**Project Address:** 411 Thetis Dr – Ladysmith, BC

**Date:** February 16, 2023

**Client:** Andrea Lyseight

**Contact:** Thomas Leahy

**Email:** [REDACTED]

### RE: Review of Proposed Permit Drawings

As requested, we have reviewed the permit submission drawings provided by Java Designs dated November 24, 2022, as we understand that design modifications have been made since issuance of our report dated July 18, 2022, and the Town of Ladysmith has requested geotechnical commentary in this regard. Our associated comments and recommendations are contained herein. Our work will be carried out in accordance with, and is subject to, the accepted Terms of Engagement.

The drawings generally depict the proposed three storey residence which has been revised to include local landscaping staircases along the east and west sides of the lot, and the town has requested our review of the alterations with respect to geotechnical aspects. The site plan is attached for reference.

We consider that the proposed landscape stairs adjacent to the structure would be supported by similar cast concrete foundation elements that would be generally conjoined to the proposed foundation and that such would be extended to bear on bedrock being similar to the general condition throughout the building site. Provided all foundations are prepared to a similar quality as the building and reviewed with professional oversight, we consider that such would not pose a slope stability concern. We expect that drainage associated with the stair areas would be either shed off to the sides or directed to a drain within the balconies adjoining. Furthermore, local retaining walls built up to support the staircases and any landscaping adjacent would be required to have proper relief drains and are expected to be also incorporated into the perimeter drainage systems of the building.

In summary, we consider that the proposed revisions to the construction do not alter our considerations as presented in our aforementioned report, and therefore we support the permit approval in this regard. We can provide our Schedule B (Geotechnical) for geotechnical oversight and as such will be required to review the site preparations at the time of construction.

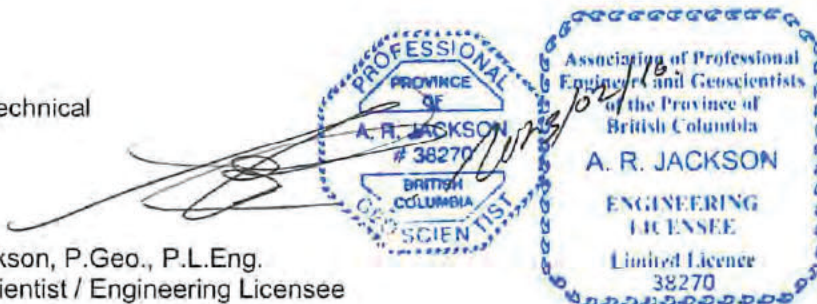
We trust the preceding is suitable for your current requirements. Please contact us if you have any questions or concerns.

Regards,  
Ryzuk Geotechnical

Andrew Jackson, P.Geo., P.L.Eng.  
Lead Geoscientist / Engineering Licensee

PTPN: 1002996

Attached – Site Plan









## ATTACHMENT D – Site Photo



February 1st, 2023

Variance Review  
Town of Ladysmith  
410 Esplanade, PO BOX 220  
Ladysmith, BC  
V9G 1A2

***RE: Roof Height and Perimeter Wall Height Relaxation  
for Lot 3 - Thetis Dr, Ladysmith BC***

Dear Application Review Team,

This letter is being written on behalf of our client Andrea Lyseight, who owns Lot 3 - Thetis Drive in Ladysmith BC.

We are requesting a relaxation of Section 5.12 Height Calculation and Section 10.2 Single Dwelling Residential (R-1) 5.0 Siting, Sizing and Dimension of Uses, Buildings and Structures (a) No principal building or structure shall exceed a height of 9.0 metres; exception where a principal building roof pitch is less than 4/12 in which case the maximum height shall be 7.5m, to be 9.81m in height. We are also requesting a relaxation of Section 10.2.5(c) The maximum Perimeter Wall Height for any wall of a single unit dwelling is 7.32m, to be 8.30m.

The primary reasoning for the request for variance is due to the challenging terrain of the property. The natural grade declines at a dramatic rate through the building envelop of this property. Meeting the required height and perimeter wall height is unachievable without greatly impacting the design of the house and eliminating the ability to have an enclosed garage due to the steep negative slope that would be required.

This change will only effect the rear yard of the property and will not effect the neighbouring properies with a change in height. Careful design consideration was taken to minimize the visual impact from the road and all adjacent properties.

We look forward to your review of this application. It is our hope that the review members will support this request for variance. If there are any questions or further information is required please do not hesitate to contact our office.

Sincerely,

Kyle Leggett  
Senior Designer / Owner  
Java Designs

**Minutes of the Public Art Committee (PAC)**  
**Wednesday, April 19, 2023 at 4:00pm**  
**Frank Jameson Community Centre**

---

**COMMITTEE MEMBERS PRESENT:**

Lynda Baker, Chair  
Kathleen Darby  
Kathy Holmes

Councillor Tricia McKay  
Ora Steyn

**STAFF PRESENT:**

Chris Barfoot, Lead

**REGRETS:**

Gordon Filewych  
Julia Noon

Shirley Louie

---

**CALL TO ORDER AND  
ACKNOWLEDGEMENT**

The meeting was called to order at 4:00pm.

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

**AGENDA**

2023-04:

That the Public Art Committee approve the agenda for the meeting as presented.  
*Motion Carried.*

**MINUTES**

2023-05:

That the Public Art Committee approve the minutes of the February 7, 2023 meeting as presented.  
*Motion Carried*

**NEW BUSINESS**

Review Amended Term of Reference and Policy

2023-06:

That the Public Art Committee endorse their revised Public Art Policy and Terms of Reference documents.  
*Motion Carried*

Temporary Loan of Public Art request

The Committee approved the temporary loan to the Ladysmith Museum of the Public Art Project titled 'Ladysmith in the 21<sup>st</sup> Century' created by artist Rita Edwards as per the temporary loan agreement, which included the following conditions:

- There is to be no expense to the Town of Ladysmith
- The Town will document the condition of the project prior to the loan
- LDHS will provide a copy of their insurance documents, which will include a rider for the project
- The museum must ensure that a display tag on the project provides the artist's name and project's title, and states that the project is the property of the Town of Ladysmith, on temporary loan to the museum.

2023 Banner Update

Banners are in production and will be installed in the middle of May.

Asset Management for Public Art inventory

At the next meeting, the Committee will review the Town of Ladysmith Public Art Inventory and identify projects owned by the Town of Ladysmith that could be considered for an asset management plan.

**OLD BUSINESS**

Deaccession of Public Art – Current Project under review

Chris Barfoot, Kathleen Darby & Kathy Holmes will use the “Toolkit for Deaccession” to review the Public Art currently in the Town’s inventory and potentially recommend its deaccession at the next meeting.

**NEXT MEETING**

To be determined by the Committee.

**ADJOURNMENT**

2023-07:

That the Public Art Committee adjourn this meeting at 5:00 pm.

*Motion Carried*

---

Chair (L. Baker)

---

Corporate Officer (M. O’Halloran)

**TOWN OF LADYSMITH**

**BYLAW NO. 2141**

**Financial Plan Bylaw for the years 2023-2027**

---

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

Administration

1. Schedule “A” attached to and forming a part of this bylaw is hereby adopted and shall be the Financial Plan for the Town of Ladysmith for the five years ending December 31, 2027.
2. Schedule “B” attached to and forming a part of this bylaw is hereby adopted and shall be the Statement of Objectives and Policies for the Town of Ladysmith for the five years ending December 31, 2027.

Repeal

3. The “Town of Ladysmith Financial Plan Bylaw 2022, No. 2108” in its entirety is hereby repealed.

Citation

4. This bylaw may be cited for all purposes as “Financial Plan Bylaw 2023, No. 2141”.

**READ A FIRST TIME** on the day of , 2023

**READ A SECOND TIME** on the day of , 2023

**READ A THIRD TIME** on the day of , 2023

**ADOPTED** on the day of , 2023.

---

Mayor (A. Stone)

---

Corporate Officer (M. O’Halloran)



## SCHEDULE "A"

### 2023 – 2027 Financial Plan

	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
<b>REVENUES:</b>					
Revenue From Property Tax Values	9,445,182	9,741,212	10,098,369	10,822,581	11,905,556
Revenue From Grants In Lieu	193,872	196,005	198,161	200,341	202,545
Revenue From Parcel Taxes	3,248,283	3,590,658	3,647,359	3,706,894	3,769,406
Revenue From Fees & Charges	5,663,587	5,758,362	5,854,771	6,025,784	6,126,750
Revenue From Other Sources	24,291,574	7,565,512	9,565,558	5,590,170	5,623,084
	<u>42,842,498</u>	<u>26,851,749</u>	<u>29,364,218</u>	<u>26,345,770</u>	<u>27,627,341</u>
<b>EXPENSES:</b>					
General Operating Expense	13,506,353	12,379,611	12,742,819	13,047,704	13,359,866
Sanitary Sewer Operating Expenses	2,152,361	1,718,577	1,774,259	1,822,053	1,871,042
Water Operating Expenses	2,347,421	2,089,781	2,166,649	2,232,628	2,300,256
Interest on Debt	754,808	881,108	881,108	1,121,554	1,602,446
Amortization	4,210,984	4,286,782	4,363,944	4,442,495	4,522,460
	<u>22,971,927</u>	<u>21,355,859</u>	<u>21,928,779</u>	<u>22,666,434</u>	<u>23,656,070</u>
Annual Surplus/Deficit	19,870,571	5,495,890	7,435,439	3,679,336	3,971,271
Add back: Unfunded Amortization	4,210,984	4,286,782	4,363,944	4,442,495	4,522,460
<b>Capital Expenditures</b>					
General Capital	17,230,846	2,442,005	14,189,762	3,318,959	2,354,240
Sanitary Sewer Capital	3,038,420	3,335,000	1,990,000	1,320,000	330,000
Water Capital	17,691,102	5,852,050	6,390,000	575,000	635,000
Proceeds from Borrowing	(4,088,725)	(3,549,275)	(10,400,000)	-	-
Principal Payments on Debt	1,015,717	1,171,192	1,171,192	1,445,706	1,720,220
Transfers to (from) Reserves Funds	(4,617,464)	(1,430,500)	(1,463,679)	(725,320)	(604,546)
Transfer to (from) Accumulated Surplus	(6,188,341)	1,962,200	(77,892)	2,187,486	4,058,817
Financial Plan Balance	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>



## **SCHEDULE "B"**

### **Town of Ladysmith 2023 – 2027 Financial Plan Statement of Objectives and Policies**

In accordance with the *Community Charter*, the Town of Ladysmith (Town) is required to include in the Five Year Financial Plan, objectives and policies regarding each of the following:

1. The proportion of total revenue that comes from each of the funding sources described in the *Community Charter*;
2. The distribution of property taxes among the property classes; and
3. The use of permissive tax exemptions.

#### **Funding Sources**

Table 1 shows the proportion of total revenue proposed to be raised from each funding source in 2023. Table 2 shows a further breakdown of the funding proposed to come from reserves, Development Cost Charges and surpluses. Council currently has no specific policy surrounding the proportion of total revenue to come from each funding source.

Property taxes form the greatest proportion of revenue. As a revenue source, property taxation offers a number of advantages, for example, it is simple to administer and it is fairly easy for residents to understand. It offers a stable and reliable source of revenue for services that are difficult or undesirable to fund on a user-pay basis.

User fees and charges form a large portion of planned revenue. Many services can be measured and charged on a user-pay basis. Services where fees and charges can be easily administered include water and sewer usage, building permits, business licenses, and sale of services will be charged on a user-pay basis. User fees attempt to apportion the value of a service to those who use the service.

#### ***Objectives & Policies***

- The Town will increase the proportion of revenue that is received from user fees and charges until the fees and charges more closely meet the costs incurred to provide the services.
- The Town will review all user fee levels to ensure they are adequately meeting both the capital and delivery costs of the service.
- Water and Sanitary Sewer Rates will be reviewed to ensure that appropriate user fees are charged, rather than taxation, to lessen the burden on its limited property tax base.
- Borrowing will be considered when a capital project will provide benefits to taxpayers over a long period.

- Pursuant to Council's direction, the Town will build a reserve to fund major capital projects. A minimum of 10% prior year's municipal tax levy will be transferred to General Capital projects. A further 5% of the prior year's municipal tax levy will be transfer to an infrastructure deficit.

**Table 1: Sources of Revenue**

<b>Revenue Source</b>	<b>Dollar (\$)</b>	<b>Percent (%)</b>
Property value taxes	9,445,182	16%
Grants in Lieu	193,872	0%
Parcel Taxes	3,248,283	5%
User fees & charges	5,663,587	9%
Other Sources	4,297,598	7%
Borrowing	4,088,725	7%
Grants	19,993,976	32%
DCCs & Reserves	4,617,464	7%
Own Funds	10,788,899	17%

**Table 2: Utilization of Reserves, Development Cost Charges and Surplus for 2023**

<b>Source</b>	<b>Dollar Value</b>	<b>% of Total</b>
Development Cost Charges - Roads	1,860,417	12%
Development Cost Charges - Parks	50,000	0%
Development Cost Charges - Sewer	885,085	6%
Development Cost Charges - Water	600,663	4%
Cemetery Care Fund	2,200	0%
Canada Community Building Fund	1,221,299	8%
Carry-forward reserve	7,050,418	46%
Safe-restart funds	227,500	1%
Climate Action Program	90,000	1%
Surplus & Appropriated Equity	2,623,988	17%
Real Property Reserve	796,993	5%

### **Distribution of Property Tax Rates**

Table 3 outlines the distribution of property taxes among the property classes. 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 & Policies***

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

**Table 3: Distribution of 2023 Property Tax Rates**

	<b>2023</b>
<b>Property Class</b>	<b>% of Total Property Taxation</b>
Residential (1)	73.80%
Utilities (2)	0.48%
Major Industry (4)	11.37%
Light Industry (5)	1.00%
Business and Other (6)	13.10%
Managed Forest Land (7), Recreation/Non-profit (8), and Farmland (9)	0.25%
<b>Total</b>	100.00%

### **Permissive Tax Exemptions & Revitalizations Tax Exemptions**

The Town supports non-profit organizations through permissive tax exemptions. Permissive tax exemptions will be reviewed annually and considered in conjunction with:

- (a) other assistance being provided by the Town;
- (b) the potential demands for Town services or infrastructure arising from the property;  
and
- (c) the amount of revenue that the Town will lose if the exemption is granted.

The Town believes revitalizations tax exemptions are an appropriate tool to assist the Town to achieve its strategic objectives. The Town can exempt municipal taxes for up to ten years where the project meets specific criteria and objectives as defined by bylaw. Recipients of exemptions must enter into a Revitalization Tax Exemption Agreement with the Town.

### ***Objectives & Policies***

- The Town will continue to provide permissive tax exemptions to some non-profit societies.
- Continue the use of the revitalization tax exemption for economic revitalization in order to encourage the commercial and industrial redevelopment of specific areas.

## TOWN OF LADYSMITH

### BYLAW NO. 2142

#### Property tax rates for the year 2023

---

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

1. Definitions

In this Bylaw, the following words, terms or phrases shall have the respective meaning assigned to them:

- |   |  |
|---|--|
| “City Hall”                                   | means the Town of Ladysmith City Hall located at 410 Esplanade, Ladysmith, BC with a mailing address of Box 220, Ladysmith, BC V9G1A2. |
| “Collector”                                   | means the person duly appointed as such from time to time by Council, and their designate.   |
| “Alternative Municipal Tax Collection Scheme” | means the scheme for the payment of taxes established under sections 3, 4, and 5.2 of this bylaw.                                      |

2. Tax Rates

The following rates are hereby imposed and levied for the year 2023:

- 2.1 For lawful general purposes of the Town of Ladysmith on the value of land and improvements taxable for general municipal purposes, the tax rates shown in column ‘A’ of Schedule “A”, attached to and forming part of this Bylaw;
- 2.2 For lawful general purposes of the Town of Ladysmith on the value of land and improvements taxable for Library purposes, the tax rates shown in column ‘B’ of Schedule “A”, attached to and forming part of this Bylaw;
- 2.3 For purposes of the Cowichan Valley Regional District on the value of land and improvements taxable for Regional District purposes, the tax rates shown in column ‘C’ of Schedule “A”, attached to and forming part of this Bylaw; and
- 2.5 For purposes of the Cowichan Valley Regional Hospital District on the value of land and improvements taxable for Regional Hospital District purposes, the tax rates shown in column ‘D’ of Schedule “A”, attached to and forming part of this Bylaw.

3. Alternative Municipal Tax Collection Scheme

- 3.1 Unless section 3.3 applies, the rates and taxes imposed under this Bylaw are due and shall be paid on or before the 4<sup>th</sup> day of July, 2023.
  - 3.2 An owner may elect to pay the rates and taxes imposed under this Bylaw in accordance with the Alternative Municipal Tax Collection Scheme by providing written notice of that election to the Collector at their office at City Hall, Ladysmith, BC on or before the 15<sup>th</sup> day of June, 2023.
  - 3.3 An owner may elect to pay the rates and taxes imposed under this Bylaw in accordance with the General Tax Collection scheme established in the *Community Charter*, by providing written notice of that election to the Collector at their office at City Hall, Ladysmith, BC on or before the 15<sup>th</sup> day of June, 2023.
  - 3.4 If an owner does not make an election under Section 3.2 or 3.3, the Alternative Municipal Tax Collection Scheme applies to the rate and taxes payable by that owner.
4. Penalties – Alternative Municipal Tax Collection Scheme
    - 4.1 Upon the 5<sup>th</sup> day of July, 2023, or as soon thereafter as is practicable, the Collector shall add to the unpaid balance of the current year's taxes two (2) percent of the amount unpaid as of the 4<sup>th</sup> day of July, 2023.
    - 4.2 Upon the 16<sup>th</sup> day of September, 2023, or as soon thereafter as is practicable, the Collector shall add to the unpaid balance of the current year's taxes an additional eight (8) percent of the amount unpaid as of the 15<sup>th</sup> day of September, 2023.
5. Supplementary Tax Rolls
    - 5.1 Upon receipt of a Supplementary Tax Roll from BC Assessment, the Collector shall levy taxes in accordance with the rates specified in Schedule "A" of the Bylaw according to the taxable values as shown on the Supplementary Tax Rolls.
    - 5.2 For each Supplementary Tax Roll, where the Alternative Municipal Tax Collection Scheme applies, the Collector shall add penalties to the unpaid amounts as follows:
      - a) Where Supplementary Tax Notices are sent before the 1<sup>st</sup> day of June, 2023, penalties shall be added as set out in Section 4 of this Bylaw; and
      - b) Where Supplementary Tax Notices are sent on or after the 15<sup>th</sup> day of August, 2023, ten (10) percent shall be added on any amount unpaid after thirty (30) days.

**Citation**



6. This Bylaw may be cited for all purposes as "Property Tax Rates Bylaw 2023, No. 2142".

**READ A FIRST TIME** on the day of, 2023

**READ A SECOND TIME** on the day of, 2023

**READ A THIRD TIME** on the day of , 2023

**ADOPTED** on the day of , 2023

---

Mayor (A. Stone)

---

Corporate Officer (M. O'Halloran)

**SCHEDULE "A"**  
**"Tax Rates Bylaw 2023, No.2142"**

Tax Rates (Dollars of Tax per \$1,000 Net Taxable Value)

PROPERTY CLASS		<u>A</u> Municipal	<u>B</u> Library	<u>C</u> Cowichan Valley Regional District	<u>D</u> Cowichan Valley Regional Hospital District
1	Residential	2.4519	0.1263	0.7603	0.3434
2	Utilities	22.0058	1.1335	2.6611	1.2019
3	Supportive Housing	2.4519	0.1263	0.7603	0.3434
4	Major Industry	78.9400	4.0664	2.5850	1.1675
5	Light Industry	9.3095	0.4796	2.5850	1.1675
6	Business/Other	8.8023	0.4534	1.8627	0.8413
7	Managed Forest	28.6569	1.4762	2.2809	1.0302
8	Rec Non Profit	1.8688	0.0962	0.7603	0.3434
9	Farm	34.8976	1.7976	0.7603	0.3434

## TOWN OF LADYSMITH

### BYLAW NO. 2143

#### **Sewer parcel tax bylaw for the year 2023**

---

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

#### Definitions

1. In this Bylaw, the following words or terms shall have the respective meaning assigned to them:

"Parcel" Means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2023 Revised Assessment Roll and all amendments thereto.

"Group of Parcels" Means where a building or improvement is constructed over more than one parcel of land, those parcels, if contiguous, may be dealt with by the Assessor as one parcel and be assessed accordingly.

#### Levy

2. A parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the sewer system of the Town, or which is deemed to abut on the said sewer system.
3. The annual sewer parcel tax shall be in the amount of Three Hundred Sixty Dollars (\$360.00) per parcel or group of parcels.
4. The sewer parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes.
5. The sewer parcel tax shall have the same rights and remedies as other real property taxes.
6. Every parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter*.

Repeal

7. "Sewer Parcel Tax Bylaw 2022, No. 2110" is hereby repealed.

Citation

8. This bylaw may be cited as "Sewer Parcel Tax Bylaw 2023, No. 2143".

**READ A FIRST TIME** on the day of , 2023  
**READ A SECOND TIME** on the day of , 2023  
**READ A THIRD TIME** on the day of, 2023  
**ADOPTED** on the day of, 2023

---

Mayor (A. Stone)

---

Corporate Officer (M. O'Halloran)

## TOWN OF LADYSMITH

### BYLAW NO. 2144

#### Water parcel tax bylaw for the year 2023

---

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

##### Definitions

1. In this Bylaw, the following words or terms shall have the respective meaning assigned to them:

"Parcel"	means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2023 Revised Assessment Roll and all amendments thereto.
"Group of Parcels"	means where a building or improvement is constructed over more than one parcel of land, those parcels, if contiguous, may be dealt with by the Assessor as one parcel and be assessed accordingly.

##### Levy

2. A parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the water system of the Town, or which is deemed to abut on the said water system.
3. The annual water parcel tax shall be in the amount of Four Hundred and Fifty Nine Dollars (\$459.00) per parcel or group of parcels.
4. The water parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes.
5. The water parcel tax shall have the same rights and remedies as other real property taxes.
6. Every parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter*.

Repeal

7. "Water Parcel Tax Bylaw 2022, No. 2111" is hereby repealed.

Citation

8. This bylaw may be cited as "Water Parcel Tax Bylaw 2023, No. 2144".

**READ A FIRST TIME** on the day of , 2023  
**READ A SECOND TIME** on the day of , 2023  
**READ A THIRD TIME** on the day of , 2023  
**ADOPTED** on the day of , 2023.

---

Mayor (A. Stone)

---

Corporate Officer (M. O'Halloran)



**TOWN OF LADYSMITH**

**BYLAW NO. 2200**

**A bylaw to adopt a new Official Community Plan**

---

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

1. "Ladysmith Unparalleled" included as Schedule "A", attached to and forming part of this Bylaw is hereby adopted pursuant to section 472(1) of the *Local Government Act*, as the Town of Ladysmith's Official Community Plan.
2. "Official Community Plan Bylaw 2003, No. 1488", and all amendments thereto, are hereby repealed.

**Citation**

3. This Bylaw may be cited for all purposes as "Official Community Plan Bylaw 2022, No. 2200".

**READ A FIRST TIME** on the 20<sup>th</sup> day of September, 2022

**READ A SECOND TIME AS AMENDED** on the 7<sup>th</sup> day of March, 2023

**PUBLIC HEARING HELD** on the 18<sup>th</sup> day of April, 2023

**READ A THIRD TIME** on the 18<sup>th</sup> day of April, 2023

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

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

\_\_\_\_\_  
Corporate Officer (M. O'Halloran)

## **SCHEDULE A**

**Link to “Ladysmith Unparalleled” Official Community Plan:**

**<https://www.ladysmith.ca/city-hall/currentprojects/ocpcommunityengagement>**

**BYLAW STATUS SHEET**  
**May 2, 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**  
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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 <sup>st</sup> 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 March 7, 2023. Public Hearing and third reading held April 18, 2023.