

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

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

---

**Pages**

**1. CALL TO ORDER**

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

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

**2. CLOSED SESSION**

Recommendation

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

- (1)(a) personal information about an identifiable individual who holds or is being considered for a position.
- (1)(d) the security of the property of the municipality;
- (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.

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

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

Members of the public may attend meetings in person at the Ladysmith Seniors Centre or view the livestream on YouTube:

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

### **4. AGENDA APPROVAL**

#### Recommendation

That Council approve the agenda for this Regular Meeting of Council for July 4, 2023.

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

### **6. MINUTES**

#### **6.1 Minutes of the Regular Meeting of Council held June 20, 2023**

5

#### Recommendation

That Council approve the minutes of the Regular Meeting of Council held June 20, 2023.

### **7. DEVELOPMENT APPLICATIONS**

#### **7.1 Development Permit for Subdivision – 1301/1391 Rocky Creek Road**

10

#### Recommendation

That Council:

1. Issue Development Permit 3060-23-01 for 1301/1391 Rocky Creek Road (Lot A District Lots 81, 86 and 98 Oyster District Plan EPP87265. PID: 030-801-460) to authorize subdivision, vegetation removal and land alteration.

### **8. REPORTS**

#### **8.1 Town of Ladysmith 2022 Annual Municipal Report**

As per section 99 of the *Community Charter*, members of the public are invited to make submissions or ask questions.

Link: <https://www.ladysmith.ca/city-hall/reports-publications>

#### Recommendation

That Council approve the Town of Ladysmith 2022 Annual Municipal

Report.

## 9. BYLAWS

### 9.1 Bylaws for Adoption

- 9.1.1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2140". 63

Recommendation

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2140".

- 9.1.2 "Town of Ladysmith Fire Services Bylaw 2023, No. 2147" 69

Recommendation

That Council adopt "Town of Ladysmith Fire Services Bylaw 2023, No. 2147".

- 9.1.3 "Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905, Amendment Bylaw 2023, No. 2152" 75

Recommendation

That Council adopt "Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905, Amendment Bylaw 2023, No. 2152".

- 9.2 Bylaw Status Sheet 76

## 10. CORRESPONDENCE

- 10.1 Rotary Clubs of Ladysmith and Chemainus 13th Annual Charity Golf Tournament 77

Request for sponsorship

Recommendation

That Council allocate \$350 to sponsor a hole at the 13<sup>th</sup> Annual Rotary Charity Golf Tournament on September 23, 2023 as requested in the correspondence received June 20, 2023.

## **11. NEW BUSINESS**

### **11.1 Municipal Insurance Association of BC (MIABC) Annual General Meeting - Voting Delegates**

#### Recommendation

That Council appoint a voting delegate and two alternate voting delegates for the Municipal Insurance Association of BC (MIABC) Annual General Meeting taking place on Tuesday, September 19, 2023, in conjunction with the Union of BC Municipalities Convention in Vancouver.

(In 2022, the voting delegate was Councillor McKay, with alternates Councillors Paterson and Stevens.)

## **12. QUESTION PERIOD**

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

## **13. ADJOURNMENT**



## MINUTES OF A REGULAR MEETING OF COUNCIL

**Tuesday, June 20, 2023  
6:30 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  
Ryan Bouma

Chris Geiger  
Matt O'Halloran  
Julie Thompson  
Sue Bouma

---

### **1. CALL TO ORDER**

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

### **2. CLOSED SESSION**

#### **CS 2023-156**

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:

- (a) personal information about an identifiable individual who holds or is being considered for a position.

*Motion Carried*

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

Mayor Stone called this Regular Meeting of Council to order at 7:00 p.m., recognizing with gratitude that it was taking place on the traditional, unceded territory of the Stz'uminus First Nation.

Mayor Stone also expressed Council's appreciation for the Stz'uminus flag raising ceremony that had taken place earlier in the day at City Hall. The event was organized in honour of "National Indigenous Peoples Day" as well as in recognition that all of what exists in Ladysmith is on unceded land. Following the flag raising the first couple of "Every Child Matters" stickers were affixed to Town vehicles.

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

##### **CS 2023-157**

That Council approve the agenda for this Regular Meeting of Council for June 20, 2023, as amended to include the following item received after publication of the agenda:

- Item 9.2.2 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 49) 2022, No. 2113".

*Motion Carried*

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

Council rose from Closed Session at 6:49 p.m. without report.

#### **6. MINUTES**

##### **6.1 Minutes of the Regular Meeting of Council held June 6, 2023**

##### **CS 2023-158**

That Council approve the minutes of the Regular Meeting of Council held June 6, 2023.

*Motion Carried*

#### **7. DEVELOPMENT APPLICATIONS**

##### **7.1 Zoning Bylaw Amendment Application for 624 John Wilson Place (Secondary Suite)**

##### **CS 2023-159**

That Council:

1. Give first and second readings to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2146"; and
2. Direct staff to schedule and provide notice for a public hearing for Bylaw No. 2146 in accordance with section 466 of the *Local Government Act*.

*Motion Carried*

## **8. REPORTS**

### **8.1 Town of Ladysmith 2022 Statement of Financial Information**

#### **CS 2023-160**

That Council approve the Town of Ladysmith Statement of Financial Information for the fiscal year ended December 31, 2022.

*Motion Carried*

### **8.2 Ladysmith Museum Request to Display Town Public Art Project**

#### **CS 2023-161**

That Council:

1. Approve the recommendations of the Public Art Committee to temporarily loan one of the four panels of the public art project titled "Ladysmith in the 21<sup>st</sup> Century" created by Rita Edwards, to the Ladysmith & District Historical Society for a two-year term as per the temporary loan agreement.
2. Designate Chris Barfoot, Director of Parks, Recreation & Culture as representative signatory for the temporary loan agreement.

*Motion Carried*

Council advised staff that they would like all four panels of "Ladysmith in the 21st Century" to eventually be displayed in a more prominent place than their current location at the Frank Jameson Community Centre.

### **8.3 Accessibility Advisory Committee – Terms of Reference**

#### **CS 2023-162**

That Council:

1. Approve the Accessibility Advisory Committee Terms of Reference; and
2. Direct staff to advertise for vacancies on the Accessibility Advisory Committee, with appointments to be made in September, 2023.

*Motion Carried*

## **9. BYLAWS**

### **9.1 Bylaws for Introduction**

#### **9.1.1 “Town of Ladysmith Fire Services Bylaw 2023, No. 2147”**

##### **CS 2023-163**

That Council give first, second, and third readings to “Town of Ladysmith Fire Services Bylaw 2023, No. 2147”.

*Motion Carried*

#### **9.1.2 “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905, Amendment Bylaw 2023, No. 2152”**

##### **CS 2023-164**

That Council give first, second, and third readings to “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905, Amendment Bylaw 2023, No. 2152”.

*Motion Carried*

### **9.2 Bylaws for Adoption**

#### **9.2.1 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2138”**

##### **CS 2023-165**

That Council adopt “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2138”.

*Motion Carried*

#### **9.2.2 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 49) 2022, No. 2113”**

##### **CS 2023-166**

That Council adopt “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 49) 2022, No. 2113”.

*Motion Carried*

### **9.3 Bylaw Status Sheet**



## **10. NEW BUSINESS**

### **10.1 Our Cowichan Community Health Network**

#### **CS 2023-167**

That Council appoint Councillor McKay to serve on the Our Cowichan Community Health Network.

*Motion Carried*

## **11. QUESTION PERIOD**

A member of the public agreed with Council that the Centennial artwork project titled "Ladysmith in the 21st Century" be assigned a more prominent spot in the community and asked where in the Town's Financial Statements the "Consortium Fees" paid by the Ladysmith Seniors Society, the BGC and the Ladysmith Resources Centre Association could be found. He also inquired about the decision to use the Canada Community Revitalization Fund money to create "Welcome to Ladysmith" signs and tourism kiosks instead of using it to revitalize the downtown core, and asked how much the taxpayer will have to pay for these initiatives.

## **12. ADJOURNMENT**

#### **CS 2023-168**

That this Regular Meeting of Council be adjourned at 7:34 p.m.

*Motion Carried*

Mayor Stone invited the public to attend the "National Indigenous Peoples Day" events at Transfer Beach on June 21<sup>st</sup>.

CERTIFIED CORRECT

---

Mayor (A. Stone)

---

Corporate Officer (M. O'Halloran)

## STAFF REPORT TO COUNCIL

**Report Prepared By:** Julie Thompson RPP, MCIP, Senior Planner  
**Reviewed By:** Jake Belobaba RPP, MCIP, Director of Development Services  
**Meeting Date:** June 20, 2023  
**File No:** DP 3060-23-01  
**RE:** **Development Permit for Subdivision – 1301/1391 Rocky Creek Road**

**RECOMMENDATION:**

That Council:

1. Issue Development Permit 3060-23-01 for 1301/1391 Rocky Creek Road (Lot A District Lots 81, 86 and 98 Oyster District Plan EPP87265. PID: 030-801-460) to authorize subdivision, vegetation removal and land alteration.

**EXECUTIVE SUMMARY:**

The purpose of this report is to introduce a development permit (DP) application for the purpose of subdivision at 1301/1391 Rocky Creek Road for Council consideration. Staff recommend that DP 23-01 be approved since the proposal is generally consistent with the applicable development permit area guidelines.

**PREVIOUS COUNCIL DIRECTION:**

Resolution	Meeting Date	Resolution Details
CS 2022-242	October 4, 2022	That Council adopt "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 70) 2022, No. 2102". <i>Motion Carried</i>
CS 2022-243	October 4, 2022	That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 47) 2022, No. 2103". <i>Motion Carried</i>

On October 4, 2022, Council adopted an Official Community Plan (OCP) and Zoning Bylaw amendment application for the subject property to allow a mixed-use residential and commercial development on the property. The zone was changed to Comprehensive Development 7 – Rocky Creek Road Mixed-Use Residential (CD-7) and the property is now within Development Permit

Area 3 – Commercial, Development Permit Area 4 – Multi-Unit Residential and Development Permit Area 7 – Hazard Lands.

## **INTRODUCTION/BACKGROUND:**

### **Subject property**

The subject property, approximately 8 ha in size, is located at 1301/1391 Rocky Creek Road. The property is currently designated Multi-Family Residential under “Official Community Plan Bylaw 2022, No. 2202” (OCP), zoned Comprehensive Development 7 – Rocky Creek Road Mixed-Use Residential (CD-7) in “Town of Ladysmith Zoning Bylaw 2014, No. 1860”, and falls within Development Permit Area 3 – Commercial (DPA 3), Development Permit Area 4 – Multi-Unit Residential (DPA 4) and Development Permit Area 7 – Hazard Lands (DPA 7). The property is currently undeveloped but was previously a mobile home park. Adjacent land uses include:

- North: Single-family residential (in Cowichan Valley Regional District).
- East: Ladysmith Harbour and Ladysmith Marina.
- South: Heavy industrial lands, Western Forest Products mill site.
- West: Rocky Creek Road, Trans-Canada Highway, single-family residential (in Cowichan Valley Regional District).

A map of the subject property, including DPAs and zoning, is provided in Attachment A.

## **PROPOSAL**

The property was rezoned in 2022 (see ‘Previous Council Direction’) to allow a proposed mix-use development (single-family, multi-family and commercial). The applicant has now applied for a DP for the first phase of the development, which is a subdivision consisting of:

- 17 single-family residential parcels.
- Seven or eight parcels for duplex, multi-family, townhouse, and/or commercial uses (two of these parcels are permitted to have light industrial uses in accordance with the Live/Work Industrial zone).
- A public park.
- A 20 metre road right of way under section 75 of the *Land Title Act* to provide access to the water.

Construction of a public road (including grading, frontage works and services, a transit stop, and installation of utilities) is also proposed under this application, which requires land clearing and alteration. The proposed subdivision plan is provided in Attachment B. A subsequent DP application(s) will be required prior to construction of buildings and further land alteration.

## **ANALYSIS:**

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

### **Official Community Plan**

The subject property is within the Multi-Family Residential designation in the OCP. This designation provides for areas within Ladysmith that further increase diversity and density of multi-family residential types and tenures and includes policies that encourage small-scale commercial uses. The proposed development is consistent with the Multi-Family Residential designation.

### Zoning

The subject property is zoned CD-7. Minimum parcel areas and frontages that correspond to permitted uses are provided in Table 2, below.

*Table 2 – Minimum Parcel Size Summary*

Minimum Parcel Area	Minimum Frontage	Use
372m <sup>2</sup>	12.19m	Single Unit Dwelling
780m <sup>2</sup>	12.19m	Two Unit Dwelling (duplex)
2023m <sup>2</sup>	12.19m	Multiple-Unit or Townhouse Dwelling
668m <sup>2</sup>	12.19m	Commercial uses
660m <sup>2</sup>	24.38m <sup>2</sup>	Live/work industrial uses

All proposed parcel sizes and frontages meet the zoning bylaw requirements. Parcels used for commercial and/or live/work industrial uses will be determined at a later stage.

### Additional Considerations:

Preliminary Layout Acceptance (PLA) of the proposed subdivision was issued by the Approving Officer on March 13<sup>th</sup>, 2023. The PLA contains conditions including the requirement for a DP prior to clearing of vegetation or land alteration.

There are several charges registered to the property title, including covenants and statutory rights-of-way (SRWs) in favour of the Town. One covenant contains pre-development requirements that are relevant to this DP application and the DPA guidelines, and is summarized in Table 3, below.

*Table 3 - Charge Summary*

Charge	Requirement	Comments
Covenant CB239736	This covenant has several pre-development requirements including provision of a Tree Protection Report that identifies the critical root zones for trees within the identified Tree Protection Areas (TPAs) as shown on the attached subdivision plan. The covenant also requires that the Tree Protection Report identify additional trees to outside of the TPAs, removal of danger trees, planting extra trees,	At this stage, the applicant has been asked to provide a Tree Protection Report from an arborist that identifies the critical root zones of trees within the existing TPAs to ensure that the proposed road construction under this DP will not negatively impact the TPAs. This report has been provided and is attached to DP 23-01 as Schedule E. Fencing has been installed to protect the trees and their critical

	tree maintenance and inspection requirements, etc.	root zones, according to the report. All tree protection requirements in the covenant will be met prior to land alteration, clearing, and construction on each of the proposed parcels.
Covenant CB239736	Requires road frontage improvements including construction of a transit stop pull-out prior to subdivision.	DP 23-01 will authorize construction of the proposed public road, including road frontage improvements and the transit stop.

### Development Permit Area Guidelines

The proposal is subject to the requirements of DPA 7 and DPA 4. In the context of the proposal, a DP is required for the following activities related to the proposed subdivision:

- Subdivision and land alteration within DPA 7 (hazard lands).
  - Only a portion of the property is within DPA 7 (see Attachment A), along the eastern side of the property where a steep slope exists. Three proposed parcels, access to the foreshore, a park, and a public trail<sup>1</sup> are proposed to be located within the DPA 7 area.
  - Erosion and sediment control infrastructure will also be located in DPA 7, requiring some land alteration.
  - The subdivision of the proposed parcels and the foreshore access do not require land alteration at this time, which will be considered through a subsequent DP application(s).
- Land alteration (including vegetation/tree removal) in DPA 4.
  - The entire property is within DPA 4. The proposed subdivision will require land alteration to construct a public road and install services.
  - Land alteration (including vegetation removal) of the individual lots is not part of this application and will require a subsequent DP application(s).

While the property is within DPA 3, land alteration and subdivision are exempt from the DP requirement in DPA 3. As such, this report does not consider the DPA 3 guidelines. DPA 3 guidelines will be considered during the building construction stage.

The proposed development's consistency with the applicable DPA 4 and DPA 7 guidelines is summarized in Table 4. Draft DP 23-01 is attached as Attachment C.

---

<sup>1</sup> The public trail location and design will be evaluated through a subsequent DP amendment application. Construction of the trail is required prior to final subdivision approval in accordance with a covenant and SRW registered to title.

Table 4: DPA Guideline Analysis

DPA 4 Guideline	Staff Comments
<p>Landscape: Site planning and design should be guided by the identification and preservation of existing trees, shrubs, groundcover, and other natural features.</p>	<ul style="list-style-type: none"> <li>• The only land alteration and/or vegetation removal that is proposed under this application is for construction of a public road and for installation of erosion and sediment control (ESC) infrastructure.</li> <li>• The proposed DP does not authorize vegetation removal or disturbance beyond what is necessary for construction of the road and ESC. Future clearing areas will be determined through subsequent DP applications.</li> <li>• Covenant CB239736 identifies tree protection areas on the property that will be protected during construction of the proposed works. Critical root zones that extend beyond the tree protection areas have been identified by an arborist and fenced to ensure the health of protected trees during the proposed land alteration activities.</li> </ul>
DPA 7 Guideline	Staff Comments
<p>Geotechnical report regarding safety of development and technical requirements for mitigating measures to enable site to withstand proposed development and known hazard.</p>	<ul style="list-style-type: none"> <li>• Two geotechnical reports pertaining to the proposed development contain recommendations for works in the DPA 7 area. One was received during the rezoning/OCP amendment phase (report 1, Lewkowich Engineering Associates, February 27, 2020), and one was received as part of this DP application (report 2, Lewkowich Engineering Associates, June 23, 2023).</li> <li>• Report 1 considered the proposed development as a whole and identified one potentially hazardous area – the steep slope along the eastern extent of the property near the waterfront. This section of land was placed in DPA 7 through the rezoning/OCP amendment process.</li> <li>• Report 1 states that the land is considered safe for the use intended (multi-family development).</li> <li>• Report 2 provides a review of the proposed ESC infrastructure and some clarification of the recommendations in report 1.</li> </ul>
<p>Subdivisions and select building sites should be designed to minimize the need for significant excavation or filling to accommodate buildings/structures.</p>	<ul style="list-style-type: none"> <li>• No significant excavation required in the DPA 7 area as part of the subdivision construction. Excavation of building sites will be determined through a subsequent DP application.</li> </ul>
<p>No buildings or structure shall be erected, constructed, or placed in areas subject to bank instability or potential damage from bank instability.</p>	<ul style="list-style-type: none"> <li>• The geotechnical engineer recommends a 9m building setback from the crest of the steep slope (shown as “top of bank” on the subdivision plan) near the waterfront. Building locations will be required to meet this setback, unless measures can be taken to locate</li> </ul>

DPA 4 Guideline	Staff Comments
	<p>them closer under the direction of the geotechnical engineer. This requirement is captured by DP 23-01.</p> <ul style="list-style-type: none"> <li>• Future building locations will be assessed in detail under subsequent DP applications.</li> </ul>
Avoid areas subject to unstable slopes by siting buildings in accordance with setbacks and requirements as determined by a Professional Engineer.	See above.
Provision shall be made for, and works undertaken to provide for, surface run-off and storm water disposal to prevent water from flowing over slope crest. Storm water management to be designed by Professional Engineer.	<ul style="list-style-type: none"> <li>• An erosion and sediment control plan has been submitted and reviewed by the geotechnical engineer.</li> <li>• Sediment and erosion control measures are captured by DP 23-01 and are not expected to negatively impact the steep slope on the property.</li> <li>• Stormwater management for development on individual parcels will be assessed through subsequent DP applications.</li> </ul>
Where practical, no disturbance of steep slope shall be permitted.	<ul style="list-style-type: none"> <li>• No disturbance of the steep slope at the eastern extent of the property is proposed through this application.</li> </ul>
Existing trees and vegetation shall be maintained to control erosion. Vegetation removed during construction shall be replaced with vegetation which stabilizes slope and controls erosion.	<ul style="list-style-type: none"> <li>• Clearing of vegetation on individual lots in the DPA 7 area is not part of this DP application. Clearing may be required for construction of future buildings, to be reviewed through subsequent DP applications.</li> </ul>
Access improvements on or over the slope such as footpaths and stairways, shall be constructed to avoid disturbance of slope or natural slope drainage.	<ul style="list-style-type: none"> <li>• A public walkway is proposed near the top of slope along the eastern extent of the property. The walkway will be reviewed in detail through a DP amendment application.</li> </ul>
Sequencing and timing of the development may be specified in the DP to reduce impacts to the environment and surrounding properties.	N/A

#### **ALTERNATIVES:**

Council can choose to:

1. Not approve DP 23-01.
2. Defer consideration of the application and refer the proposal to a subsequent meeting of Council.
3. Amend the conditions of DP 23-01 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 23-01 is denied, reasons must be given based on the DPA 4 or DPA 7 guidelines, as the issuance of a DP is not a completely discretionary decision of Council.

**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 5: Department Comments*

Referred (Yes/No)	Department	Comments
Yes	Infrastructure Services	No concerns.
Yes	Building Inspection	No concerns.
Yes	Parks Recreation and Culture	Discussed public walkway along waterfront. Design details to be worked out at a later stage.
No	Financial Services	
No	Legislative Services/Corporate Services	
Yes	Fire/Protective Services	No concerns.

**COMMUNITY PLANNING ADVISORY COMMITTEE (CPAC) REVIEW:**

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

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |   |  |
|---|--|
| <input type="checkbox"/> Core Infrastructure                    | <input type="checkbox"/> Economy                   |
| <input type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership                |
| <input type="checkbox"/> Waterfront Area Plan                   | <input checked="" type="checkbox"/> Not Applicable |

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

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENT(S):**

- A. Subject property maps
- B. Proposed subdivision plan



C. Draft DP 23-01

Attachment A



Figure 1: Subject property.

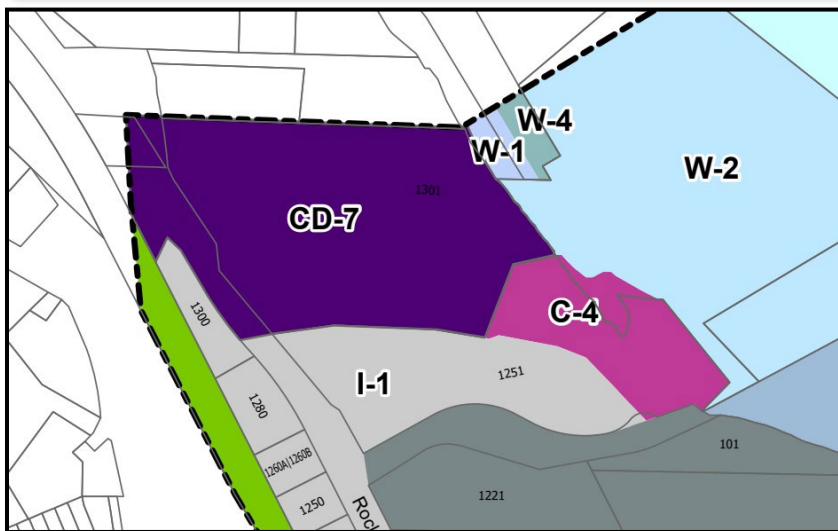


Figure 3: Zoning map.

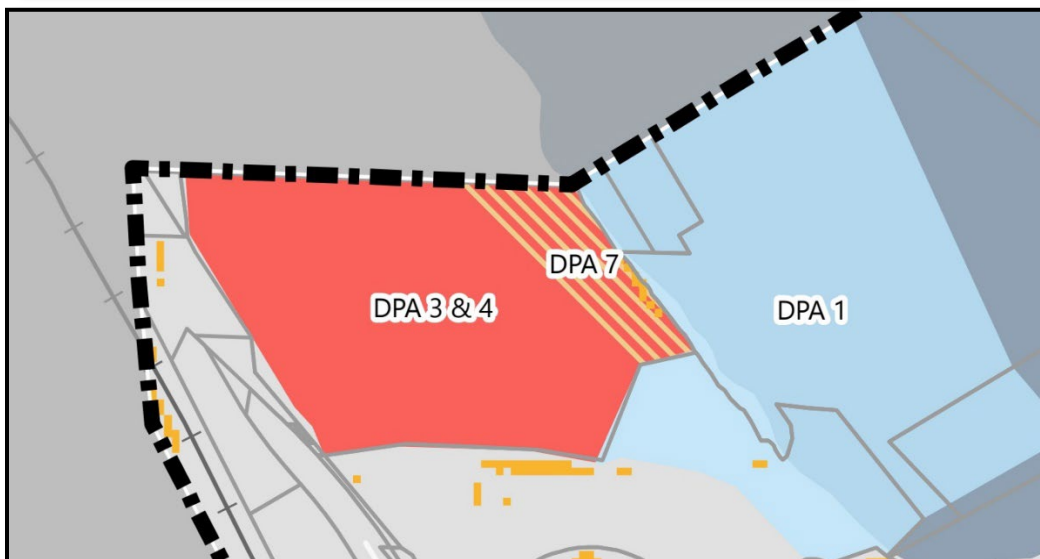


Figure 2: Development permit areas map.





SITE INFORMATION - LOT A PLAN EPP87265  
ZONING: ROCKY CREEK MIXED USE RESIDENTIAL, CD-7  
LOT AREA: 4.69 ha  
PARK DEDICATION: 2346 sqm (5%)  
ROAD DEDICATION: 0.588 ha + 1412.4 sqm (waterfront access)

PLAN SHOWING PROPOSED SUBDIVISION OF:  
LOT A, DISTRICT LOTS 81, 86 AND 98,  
OYSTER DISTRICT, PLAN EPP87265.

Client: ROCKY CREEK VENTURES INC.

Project:

0 20 40  
SCALE 1:500  
DISTANCES AND ELEVATIONS ARE IN METRES.  
GEODETIC ELEVATIONS ARE DERIVED FROM  
CONTROL MONUMENT 10H2643 (CVD28BC DATUM).

NOTE:  
THIS PROPERTY IS AFFECTED BY  
THE FOLLOWING REGISTERED DOCUMENTS:  
M76300, FW161088, FB383434, FB383440, FB383445,  
FB383467, FB383468, FB396708, CA7488209, CA7488210,  
CA7488211, CA7488215, CA7488217, CA7488218, CA7488220,  
CA7488221, CB239736 & CB239737.

DATE:

OCTOBER 7, 2022

OCTOBER 14, 2022

NOVEMBER 30, 2022

DECEMBER 8, 2022

REVISION:

FIRST ISSUE

REVISE WATER ACCESS-20m WIDTH  
PLOT PROPOSED 3m SRW FOR PEDESTRIAN ACCESS  
PLOT SHARED DRIVEWAY FOR LOTS 1 & 2

REVISE ROAD ALIGNMENT & LOT LAYOUT  
REVISE ROAD DEDICATION TO WATERFRONT  
PLOT APPROXIMATE TREE PROTECTION AREAS

DATE:

REVISION:

Turner & Associates  
land surveying inc.

435 Terminal Avenue North  
Nanaimo, B.C.  
V9S 4J8  
250-753-9778  
www.turnersurveys.ca





**TOWN OF LADYSMITH  
DEVELOPMENT PERMIT**  
(Section 489 Local Government Act)

**FILE NO: 3060-23-01**

**DATE: July 4, 2023**

---

**Name of Owner(s) of Land (Permittee): Rocky Creek Ventures Inc., Inc.No.  
BC1183866**

**Applicant: Toby Seward (Seward Developments Inc.)**

**Subject Property (Civic Address): 1301 & 1391 Rocky Creek Road**

---

1. This Development Permit is subject to compliance with all 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 all buildings structures and other development thereon:  
  
**Lot A District Lots 81, 86, and 98 Oyster District Plan EPP87265  
PID: 030-801-460  
(referred to as the "Land")**
3. This Permit has the effect of authorizing the alteration and subdivision of land designated in the Official Community plan under section 488 of the *Local Government Act*, subject to the conditions, requirements and standards imposed and agreed to in sections 5 and 6 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 subdivide that portion of the Land within Development Permit Area 7 – Hazard Lands (DPA 7), as shown in **Schedule A – Site Plan**, and agrees to follow the recommendations in **Schedule B – Geotechnical Assessment** and **Schedule C – Geotechnical Memo**, including the following:

- i. A 9m building setback from the top of bank as shown on **Schedule A – Site Plan**, is required for future buildings unless alternative recommendations are made by the Geotechnical Engineer in a subsequent DP application.
6. The Permittee, as a condition of the issuance of this Permit, agrees to develop the Land in accordance with **Schedule A – Site Plan**, **Schedule D – Erosion & Sediment Control Plan**, and **Schedule E – Arborist Report**, and agrees to the following conditions:
  - i. No disturbance of the Tree Protection Areas and the Critical Root Zones of trees within the Tree Protection Areas as shown on **Schedule A – Site Plan** and in **Schedule E – Arborist Report**.
  - ii. Construction of the proposed road allowance as shown on **Schedule A – Site Plan** is permitted. Road allowance construction activities may consist of removal and disturbance of trees and vegetation; grading; installation of utilities, frontage works and services, including a transit stop pull-out; and paving.
  - iii. Installation of erosion and sediment control infrastructure in accordance with **Schedule D – Erosion & Sediment Control Plan** and **Schedule C – Geotechnical Memo** is permitted.
  - iv. Removal of invasive species throughout the Land is permitted.
  - v. A subsequent Development Permit and geotechnical evaluation is required for further land alteration in the DPA 7 area, including construction of the proposed pedestrian walkway shown on **Schedule A – Site Plan** and any additional infrastructure improvements, land alteration, and vegetation removal not specifically authorized by this Permit.
7. This Permit does not authorize preparation of the proposed lots for development, including grading and vegetation removal or disturbance, unless authorized by this Permit as part of the permitted activities in sections 5 and 6. Subsequent Development Permit application(s) will be required.
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. 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.
10. The plans and specifications attached to this Permit are an integral part of this Permit.

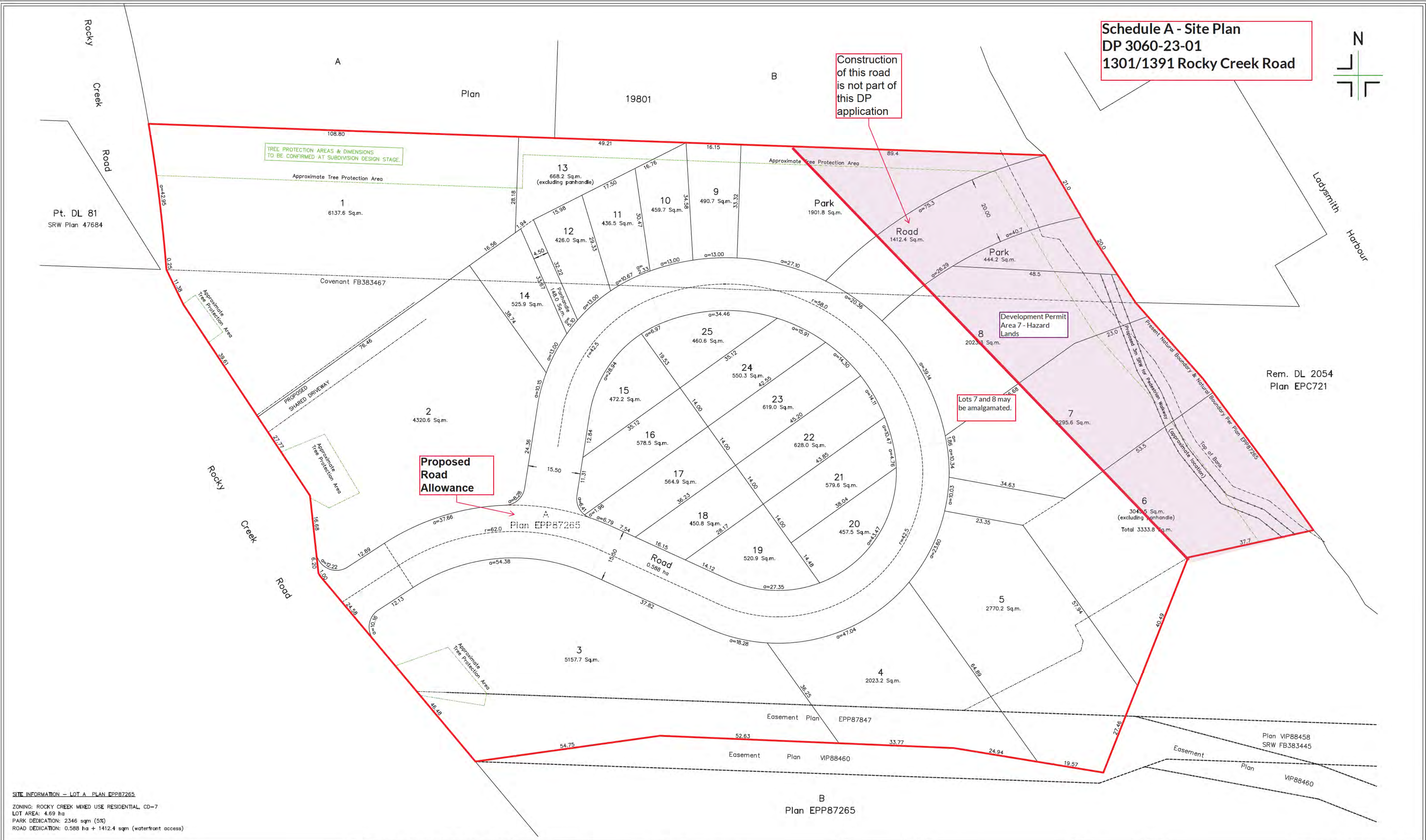


11. Issuance of this Permit does not relieve the Permittee from complying with other applicable statutes, bylaws, covenants, approvals, or regulations.
12. Despite issuance of this Permit, construction may not start without a Building Permit or other necessary permits.

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

DRAFT





SITE INFORMATION - LOT A PLAN EPP87265

ZONING: ROCKY CREEK MIXED USE RESIDENTIAL, CD-7  
LOT AREA: 4.69 ha  
PARK DEDICATION: 2346 sqm (5%)  
ROAD DEDICATION: 0.588 ha + 1412.4 sqm (waterfront access)

PLAN SHOWING PROPOSED SUBDIVISION OF:  
LOT A, DISTRICT LOTS 81, 86 AND 98,  
OYSTER DISTRICT, PLAN EPP87265.

Civic Address: 1301 & 1391 ROCKY CREEK ROAD, LADYSMITH  
Zoning: CD-7  
File: 19-153 PRO SUB\_20221130 Scale: 1:500 Date: FEBRUARY 17, 2023 Drawn by: RJT Checked by:

Client: ROCKY CREEK VENTURES INC.

Project:

0 20 40  
SCALE 1:500  
DISTANCES AND ELEVATIONS ARE IN METRES.  
GEODETIC ELEVATIONS ARE DERIVED FROM  
CONTROL MONUMENT 10H2643 (CVD28BC DATUM).

NOTE:  
THIS PROPERTY IS AFFECTED BY  
THE FOLLOWING REGISTERED DOCUMENTS:  
M76300, FW61088, FB383434, FB383440, FB383445,  
FB383467, FB383468, FB396708, CA7488209, CA7488210,  
CA7488211, CA7488215, CA7488217, CA7488218, CA7488220,  
CA7488221, CB239736 & CB239737.

DATE	REVISION	DATE	REVISION
OCTOBER 7, 2022	FIRST ISSUE		
OCTOBER 14, 2022	REVISE WATER ACCESS-20m WIDTH PLOT PROPOSED 3m SRW FOR PEDESTRIAN ACCESS PLOT SHARED DRIVEWAY FOR LOTS 1 & 2		
NOVEMBER 30, 2022	REVISE ROAD ALIGNMENT & LOT LAYOUT		
DECEMBER 8, 2022	REVISE ROAD DEDICATION TO WATERFRONT PLOT APPROXIMATE TREE PROTECTION AREAS		

**Turner & Associates**  
land surveying inc.  
435 Terminal Avenue North  
Nanaimo, B.C.  
V9S 4J8  
250-753-9778  
www.turnersurveys.ca





**Lewkowich Engineering Associates Ltd.**  
geotechnical • health, safety & environmental • materials testing

1183866 BC Ltd.  
1890 Schoolhouse Road  
Victoria, BC  
V9X 1T4

File Number: F7706.02  
Date: February 27, 2020

Attention: Mr. Toby Seward

**PROJECT: PROPOSED MULTI-FAMILY DEVELOPMENT  
1301, 1391 ROCKY CREEK ROAD, LADYSMITH, BC**

**SUBJECT: GEOTECHNICAL ASSESSMENT**

Dear Mr. Seward:

**1. INTRODUCTION**

As requested, Lewkowich Engineering Associates Ltd. (LEA) has carried out a geotechnical assessment with respect to the above noted proposed development. This report provides a summary of our findings and recommendations.

**2. BACKGROUND**

- a. No conceptual layout plan was provided; however, based off phone/email correspondences with the Client, we understand that the development will require a rezoning application to allow for a variety of residential uses, understood to consist of: condo(s) with underground parking along Rocky Creek Road, single-family lots in the centre of the property, and townhouses near the waterfront with surface parking.
- b. The development will also include the installation of associated civil works and services including on site pavements and roadways. We understand the proposed development will likely be constructed through a series of phases.
- c. We examined the Official Community Plan (OCP) to determine whether the proposed development lies within any Environmentally Sensitive Area (ESA), Natural Hazard Area (NHA) or Development Permit Area (DPA). The Ladysmith OCP indicates that the development properties are within a Development Permit Area DPA1 "Maritime" (Form and Character).



Client: 1183866 BC Ltd.  
Project: 1301, 1391 Rocky Creek Road, Ladysmith, BC  
File #: F7706.02  
Date: February 27<sup>th</sup>, 2020  
Page: 2 of 19

---



### **3. ASSESSMENT OBJECTIVES**

Our assessment, as summarized within this report, is intended to meet the following objectives:

- i. Determine whether the property is considered safe for the use intended (defined for the purposes of this report as a multi-family development), with the probability of a geotechnical failure resulting in property damage of less than:
  - 2% in 50 years for geotechnical hazards due to seismic events, including slope stability; and,
  - 10% in 50 years for all other geotechnical hazards.
- ii. Identify any geotechnical deficiency that might impact the design and construction of the development, and prescribe the geotechnical works and any changes in the standards of the design and construction of the development that are required to ensure the land, buildings, and works and services are developed and maintained safely for the use intended.
- iii. Acknowledge that Approving and/or Building Inspection Officers may rely on this report when making a decision on applications for the development of the land.

### **4. ASSESSMENT METHODOLOGY**

- a. A subsurface assessment was carried out on November 12, 2019 using a Caterpillar Backhoe provided by Graf Concrete and Iron. A total of ten (10) test pits (TP 19-01 to TP 19-10) were advanced at locations chosen by the client throughout the proposed development area.
- b. All test pits were backfilled upon completion.
- c. A site plan showing the location of the test pits (Drawing F7706-01) is attached, following the text of this report.

Client: 1183866 BC Ltd.  
Project: 1301, 1391 Rocky Creek Road, Ladysmith, BC  
File #: F7706.02  
Date: February 27<sup>th</sup>, 2020  
Page: 3 of 19



## 5. SITE CONDITIONS

### 5.1 General

- a. The proposed development property is located in the northeast region of the Town of Ladysmith. The subject development area is situated on the east side of Rocky Creek Road, and on the north side of Gladden Road. The subject area is bound to the east by the Ladysmith Inlet (Salish Sea). See Picture No. 1 below.



Picture No.1 – Site Location

- b. Gladden Road currently services and provides access to the Ladysmith Marina property, as well as to the Western Forest Products (WFP) sawmill; however, a new roadway to the south of the subject development is currently being constructed as part of a future development project for the adjacent neighbouring property (Ladysmith Marina). The new roadway will provide a more direct route to the marina/ sawmill as well address the increased traffic demand once the future development is completed. We understand that Gladden Road will be decommissioned once the new roadway is completed.



Client: 1183866 BC Ltd.  
Project: 1301, 1391 Rocky Creek Road, Ladysmith, BC  
File #: F7706.02  
Date: February 27<sup>th</sup>, 2020  
Page: 4 of 19



- c. The subject property was previously a residential mobile home park. At the time of our field investigation the residential units had been removed and all civil works and services abandoned. The concrete foundations for some of the residential mobile homes were still present throughout the site.
- d. In reviewing LIDAR mapping, the proposed development has an approximate geodetic elevation of 32m along the Rocky Creek Road frontage, and slopes downhill from west to east towards the ocean frontage.
- e. The subject property contains a steep slope (inclination >20%) up to 9m along the eastern extent/ foreshore. The slope configuration is inconsistent as a result of previous manipulation (end dumping of fills over the crest). A pocket inclinometer revealed slope sections ranging as steep as 40°, not including small, near vertical failure scarps in proximity to the toe of the slope as a result of tidal influence.

## **5.2 Soil Conditions – North of Gladden Road (Abandoned Mobile Home Park)**

- a. Reasonably consistent subgrade soil conditions were encountered in the area of the abandoned mobile home park.
- b. In general, the subgrade soil conditions consisted of a layer of miscellaneous fills/ re-worked materials underlain by naturally deposited granular soils. Miscellaneous fills/ re-worked materials were encountered to a maximum depth of 0.8m, and a mean depth of 0.55m.
- c. The underlying naturally deposited granular soils varied from a fine, medium grey sand, to a well-graded grey or brown sand and gravel. The encountered granular soils were generally moist, and varied from compact to dense in consistency.

Detailed descriptions of the subsurface conditions are provided on the attached test pit logs (TP 19-01 to TP 19-07, and TP19-10).

- d. Depths are referenced to the existing ground surface at the time of our field investigation. Soil classification terminology is based on the Modified Unified classification system. The

Client: 1183866 BC Ltd.  
Project: 1301, 1391 Rocky Creek Road, Ladysmith, BC  
File #: F7706.02  
Date: February 27<sup>th</sup>, 2020  
Page: 5 of 19



relative proportions of the major and minor soil constituents are indicated by the use of appropriate Group Names as provided in ASTM D2487 Figures 1a, 1b, and 2. Other descriptive terms generally follow conventions of the Canadian Foundation Engineering Manual.

### 5.3 Soil Conditions – Proximity to Slope Crest

- a. Two test pits (TP 19-08 and TP 19-09) were advanced approximately 10 – 15m from the crest of the slope.
- b. The test pits revealed upwards of 3.1m of miscellaneous stratified fills overlying naturally deposited sands/ silts. The encountered fill materials were loose to compact in consistency, and contained trace amounts of organics.

### 5.4 Flooding

The subject parcel abuts the natural boundary of the Ladysmith Harbour to the east. We understand the DPA shows that a minimum 8m set back from the natural boundary is applied to marine foreshore areas. The foreshore is well protected from wave action and/or storm surge events. See picture No. 2 Below.



Picture No. 2

Foreshore Condition



Client: 1183866 BC Ltd.  
Project: 1301, 1391 Rocky Creek Road, Ladysmith, BC  
File #: F7706.02  
Date: February 27<sup>th</sup>, 2020  
Page: 6 of 19



## 5.5 Steep Slopes

- a. The subject property contains a steep slope (inclination  $>20\%$ ) up to 9m high along the eastern extent/ foreshore. The slope configuration is inconsistent and is a result of previous manipulation (end dumping of fills over the crest). A pocket inclinometer revealed slope sections ranging as steep as  $40^\circ$ , not including small, near vertical failure scarp failures in proximity to the toe of the slope as a result of tidal influence.
- b. The slope was lightly vegetated with immature alders, and low-lying vegetation (ferns, blackberry vines). The alders observed at the base of the slope exhibited J-channel/ tilting trunks; which is a visual sign of surficial creep. See Picture No.3 below.



Picture No. 3- Steep Slope



Client: 1183866 BC Ltd.  
Project: 1301, 1391 Rocky Creek Road, Ladysmith, BC  
File #: F7706.02  
Date: February 27<sup>th</sup>, 2020  
Page: 7 of 19



- c. Two (2) stormwater outlets (300mm Ø PVC, and a 300mm Ø CSP) were observed approximately 1.5m below the crest of the slope (see Picture No. 4). Stormwater was only emanating from the PVC outlet. The discharging of storm water onto the slope has resulted in the incision of a shallow ravine feature. We assume that the outlets are part of the stormwater infrastructure throughout the previous residential mobile home park.



Picture No. 4: Twin Storm Outlets Observed from the Shoreline



Client: 1183866 BC Ltd.  
Project: 1301, 1391 Rocky Creek Road, Ladysmith, BC  
File #: F7706.02  
Date: February 27<sup>th</sup>, 2020  
Page: 8 of 19

---



## **5.6 Groundwater**

- a. Groundwater was not observed in any of the test pits during the investigation.
- b. We expect that observed groundwater flows are indicative of a seasonally “perched” water table. This extent of this perched condition would likely be dependent on and directly related to the frequency and volume of storm events.
- c. Groundwater levels can be expected to fluctuate seasonally with cycles of precipitation. Groundwater conditions at other times and locations can differ from those observed within the test pits at the time of our assessment. If groundwater flows or conditions are different than those encountered during the test pitting investigation, additional measures may be required during construction. Contact our office immediately if unanticipated conditions are encountered at any point during construction.

## **5.7 Review of Available Mine Information**

- a. We considered the potential impact to the proposed development by abandoned coal mines. As part of this assignment, we have reviewed historical documents with respect to coal mining activities in the area.
- b. Based on our review, there was no underground coal mining activities in proximity to the subject development area. Historical information indicates that the closest underground mining activities were located approximately 13-15km to the north. Documented mines in this area of Extension and South Wellington included the “Reserve Mine,” the “Morden Mine,” and the “Black Track Mines.” The only direct impact the mines have on the subject property is the possible manipulation of surface soils relating to the transport of Coal and later Lumber via railway’s to Ladysmith Harbour.

Client: 1183866 BC Ltd.  
Project: 1301, 1391 Rocky Creek Road, Ladysmith, BC  
File #: F7706.02  
Date: February 27<sup>th</sup>, 2020  
Page: 9 of 19



## **6. CONCLUSIONS AND RECOMMENDATIONS**

### **6.1 General**

From a geotechnical point of view, the land is considered safe for the use intended (defined for the purposes of this report as a multi-unit development), with the probability of a geotechnical failure resulting in property damage of less than:

- 2% in 50 years for geotechnical hazards due to seismic events, including slope stability; and,
- 10% in 50 years for all other geotechnical hazards.
- One in 200 year flood event

### **6.2 Slope Stability**

- a. We understand that townhomes are being proposed throughout the eastern extent of the site but we do not know their exact proximity to the slope crest. As discussed, the test pitting investigation revealed up to 3.1m (TP19-08 & TP19-09) of stratified fills in proximity to the crest of the slope. The fill materials identified in proximity to the crest are likely present throughout the slope given the varying inclination observed throughout.
- b. We have concluded that a safe setback from the crest of the slope is required to ensure that future development is not impacted during a seismic event. A comprehensive stability analysis of the slope was not conducted or part of this assessment; therefore, we have determined a safe setback based on a conservative approach.
- c. A conservative method of determining a safe set back is to propagate an imaginary 2(H):1(V) line from the toe of the slope up into the slope, and ensuring any buildings are set back of the line where it intersects the ground surface above the crest of the slope. Building behind the 2(H):1(V) intersection is generally considered safe due to the fact that (excluding circumstances where indicators of global instability are present) the internal friction angle of most soils found on Vancouver Island are appreciably greater than 26.6°, or 2(H):1(V).



Client: 1183866 BC Ltd.  
Project: 1301, 1391 Rocky Creek Road, Ladysmith, BC  
File #: F7706.02  
Date: February 27<sup>th</sup>, 2020  
Page: 10 of 19

---



- d. Based on the overall height of the slope (approximately 8 – 9 metres tall), and the maximum recorded inclination (40°), a 9m building setback is required from the crest of the slope.
- e. If this setback is deemed too restrictive for future building construction, a deeper foundation (i.e. deep crawl or basement) would safely allow for a reduction of the setback; pending further review and approval by a Geotechnical Engineer.
- f. We understand that a pedestrian trail is being proposed along the proximity to the top of the bank. It is our opinion that a trail system will not negatively impact the slope as long as it remains above and at least 3m from the edge of the crest.

### **6.3 Flooding**

The subject parcel abuts the ocean foreshore (Ladysmith Harbour) to the east. A historical pictorial review indicates that shoreline slope has remained relatively consistent over the last decade. The foreshore includes a 9m slope consisting of compact to dense silts, sand and gravels that is well protected due to its proximity behind the Ladysmith Marina Docks. Considering the set back noted in 6.2d above we conclude that the steep slope set back will supercede the foreshore flood set back of 8.0m.

### **6.4 Seismic**

- a. No compressible or liquefiable soils were encountered during the test pitting investigation.
- b. Based on the 2018 British Columbia Building Code, Division B, Part 4, Table 4.1.8.4.A, "Site Classification for Seismic Site Response," the soils and strata encountered during the test pitting investigation would be "Site Class D" (Stiff Soil).

### **6.5 Modulus of Subgrade Reaction**

The Modulus of Subgrade Reaction,  $k_s$ , while typically a constant, yields variable amounts of "reaction" based on the mass being supported and the thickness of the soil. Due to the varying depths to dense soil within the possible building areas, the amount of movement a slab or foundation may experience will vary. For preliminary design purposes, a lower value of 40,000 kN/m<sup>3</sup> may be employed. It is recommended that foundations for specific

Client: 1183866 BC Ltd.  
Project: 1301, 1391 Rocky Creek Road, Ladysmith, BC  
File #: F7706.02  
Date: February 27<sup>th</sup>, 2020  
Page: 11 of 19

---



location be designed in consultation with the Geotechnical Engineer.

## **6.5 Undermining**

- a. Based on a review of the available information, there was no underground coal mining activity in proximity to the proposed development area.
- b. The only impact from Coal mining (or Logging) activities is due to the old railways and the manipulation of surface soils for their installation. We did not encounter any direct evidence of these activities at the subject site from the test pitting investigation.

## **7. DESIGN AND CONSTRUCTION DETAILS**

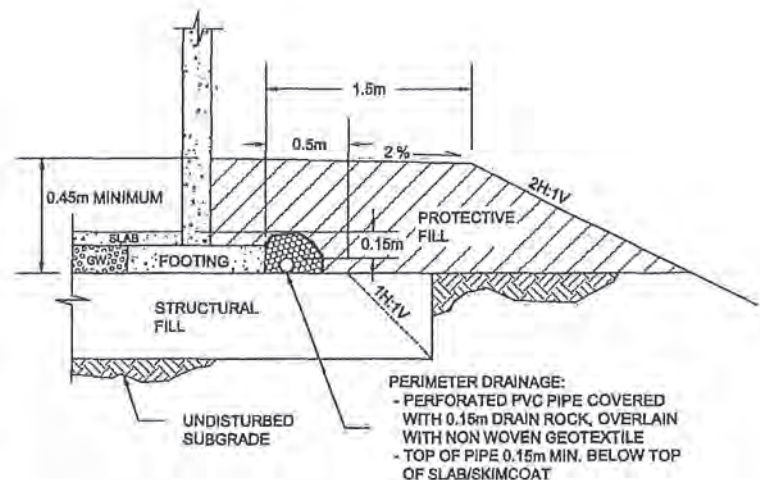
### **7.1. Removal of Unsuitable Materials and General Excavation Recommendations**

- a. Prior to construction, all unsuitable materials should be removed to provide a suitable base in areas of structural support. Unsuitable materials include any non-mineral material such as vegetation, topsoil, peat, fill or other materials containing organic matter, as well as any soft, loose, or disturbed soils.
- b. Unsuitable material was encountered in each of the test pits. The total depth, composition, and consistency of the encountered unsuitable materials varied across the proposed development area. The upper testpits showed undisturbed soils (silts, sands and gravels) within 1.0m of the current surface with a 3.1m depth to undisturbed soils near the crest of the foreshore slope (TP-08, TP-09).
- c. Ground water ingressing into any excavations should be controlled with a perimeter ditch located just outside of the building areas, connected to positive drainage with appropriate measures in place to prevent turbid flows of water entering the aquatic habitat.
- d. The Geotechnical Engineer is to confirm the removal of unsuitable materials and approve the exposed competent inorganic subgrade prior to the addition of footings and or roadways.



## 7.2 Structural Fill

- a. Where fill is required to raise areas that will support buildings, slabs, or pavements, structural fill should be used. The Geotechnical Engineer should first approve the exposed subgrade in fill areas, to confirm the removal of all unsuitable materials.
- b. Structural fill should be inorganic sand and gravel. If structural fill placement is to be carried out in the wet season, material with a fines content limited to 5% passing the 75µm sieve should be used, as such a material will not be overly sensitive to moisture, allowing compaction during rainy periods of weather.
- c. Structural fill should be compacted to a minimum of 95% of Modified Proctor maximum dry density (ASTM D1557) in foundation and floor slab areas, as well as in paved roadway and parking areas.
- d. Structural fills under foundations, roadways, and pavements should include the zone defined by a plane extending down and outward a minimum 0.5m from the outer edge of the foundation at an angle of 45 degrees from horizontal to ensure adequate subadjacent support. This support zone is shown in the adjacent figure.
- e. Compaction of fill should include moisture conditioning as needed to bring the soils to the optimum moisture content and compacted using vibratory compaction equipment in lift thicknesses appropriate for the size and type of compaction equipment used.
- f. A general guideline for maximum lift thickness is no more than 100mm for light hand



Client: 1183866 BC Ltd.  
Project: 1301, 1391 Rocky Creek Road, Ladysmith, BC  
File #: F7706.02  
Date: February 27<sup>th</sup>, 2020  
Page: 13 of 19



equipment such as a “jumping-jack,” 150mm for a small roller and 300mm for a large roller or heavy (>500 kg) vibratory plate compactor or a backhoe mounted hoe-pac or a large excavator mounted hoe-pac, as measured loose.

- g. It should be emphasized that the long-term performance of buildings, slabs, and pavements is highly dependent on the correct placement and compaction of underlying structural fills. Consequently, we recommend that structural fills be observed and approved by the Geotechnical Engineer. This would include approval of the proposed fill materials and performing a suitable program of compaction testing during construction.

### **7.3 Foundation Design & Construction – Typical Preparation Methods**

- a. Prior to construction, the building areas should be stripped to remove all unsuitable materials to provide an undisturbed natural subgrade for the footing support.
- b. Foundation loads should be supported on natural undisturbed material approved for use as a bearing stratum by our office, or structural fill, and may be designed using the following values:
  - i. For foundations constructed on structural fill, as outlined in Section 6.3 of this report, a Service Limit State (SLS) bearing pressure of 125 kPa, and an Ultimate Limit State (ULS) of 166 kPa may be used for design purposes. These values assume a minimum 0.45m depth of confinement or cover.
  - ii. For foundations constructed on a minimum thickness of 0.45m of structural fill as outlined in Section 6.3 of this report, an SLS bearing pressure of 150 kPa, and a ULS bearing pressure of 200 kPa may be used for design purposes. These values assume a minimum 0.45m depth of confinement or cover.
  - iii. Modulus of subgrade reaction for the undisturbed stiff silt/sand, gravel layer is estimated at 40,000 kN/m<sup>3</sup>.



Client: 1183866 BC Ltd.  
Project: 1301, 1391 Rocky Creek Road, Ladysmith, BC  
File #: F7706.02  
Date: February 27<sup>th</sup>, 2020  
Page: 14 of 19

---



- c. Exterior footings should be provided with a minimum 0.45m depth of ground cover for frost protection purposes.
- d. Prior to placement of concrete footings, any bearing soils that have been softened, loosened, or otherwise disturbed during the course of construction should be removed, or else compacted following our recommendations for structural fill. Compaction will only be feasible if the soil has suitable moisture content and if there is access to heavy compaction equipment. If no structural fill is placed, a smooth-bladed clean up bucket should be used to finish the excavation.
- e. The Geotechnical Engineer should evaluate the bearing soils at the time of construction to confirm that footings are based on appropriate and properly prepared founding material.

#### **7.4 Retaining Walls**

We understand that retaining walls will be utilized as part of the development in order to support abrupt grade changes for roadways and trails. In general; walls below 3.0m in height are relatively easy to achieve from an engineering perspective. Walls over 1.2m in height will require an engineering review for internal and global stability. All engineered walls will reference the new EGBC professional practice guidelines for "Retaining Wall Design" Version 1.0 November 19, 2019.

#### **7.5 Permanent Dewatering**

Conventional requirements of the 2018 British Columbia Building Code pertaining to building drainage are considered suitable at this site. Once final plans and tentative elevations are determined, the Geotechnical Engineer should be consulted to provide further dewatering data.

Client: 1183866 BC Ltd.  
Project: 1301, 1391 Rocky Creek Road, Ladysmith, BC  
File #: F7706.02  
Date: February 27<sup>th</sup>, 2020  
Page: 15 of 19



## 7.6 Pavement Design – On Site Roadways & Parking Areas

- a. Any organic or deleterious material should be removed from beneath the designated roadway, driveway, or parking areas prior to subgrade preparation. If fill is required to bring the subgrade up to the desired elevation, structural fill should be used.
- b. The subgrade should be proof rolled after final compaction and any areas showing visible deflections should be inspected and repaired. The parking lot subgrade and pavement should be sloped to provide adequate drainage.
- c. An estimated soaked California bearing ratio of 3.0 and a 20 year design life have been used in the following recommended pavement designs.

- i. Areas subject to car and light truck vehicles and occasional heavy trucks:

Estimated E.S.A.L. =  $2 \times 10^4$

Asphaltic Concrete Pavement	= 50 mm
Granular Base Course (19mm crush)	= 100 mm
Standard Subbase Preparation (SGSB)	= 250 mm

- ii. Areas subject to daily delivery trucks

Estimated E.S.A.L. =  $1 \times 10^5$

Asphaltic Concrete Pavement	= 75 mm
Granular Base Course (19mm crush)	= 150 mm
Standard Subbase Preparation (SGSB)	= 300 mm

- c. It is recommended that a reinforced concrete slab be utilized where garbage dumpsters are located. The slab should be large enough to contain the disposal unit and front tires of the garbage truck during disposal operations.



Client: 1183866 BC Ltd.  
Project: 1301, 1391 Rocky Creek Road, Ladysmith, BC  
File #: F7706.02  
Date: February 27<sup>th</sup>, 2020  
Page: 16 of 19



## 7.7 Lateral Earth Pressures

- a. We understand that the proposed development will include the construction of pour-in-place concrete retaining walls, and that the total height and overall scope of wall construction has yet to be determined. Below are typical lateral earth pressures for conventional pour-in-place concrete retaining walls. If other types of retaining wall structures are being considered, please contact our office for additional design information.
- b. Lateral earth pressure coefficients (K) for the design of the foundation walls are outlined in the Table 1. It is assumed that there will be a horizontal backfill surface and no additional surcharge on the slope. It should be noted that the methods employed are estimates and further analysis may be required after dimensions of the proposed structure have been determined.
- c. An average soil friction angle of 36 degrees has been used to calculate the lateral earth pressure coefficients. It is assumed that retained soils are well compacted, cohesionless sands and gravels, well drained, with a unit weight of 21 kN/m<sup>3</sup>.
- d. The Mononobe-Okabe (M-O) Method has been used to calculate the active seismic lateral earth pressure coefficients. The static active lateral earth pressure has been calculated using Coulomb's theory. The results for the passive earth pressures have been calculated using Rankine theory.
- e. The seismic thrust coefficient provides a value that combines both dynamic and static forces. Seismic forces used reflect values from the 2015 National Building Code interpolated seismic hazard values for the Ladysmith area (Site Coordinates: 49.005657°, -123.830146°) which is 0.475 Peak Ground Acceleration (PGA) (2% in 50year probability) and 0.251 PGA (10% in 50year probability).
- b. The total thrust for the static case acts through a point that is approximately H/3 above the toe of the wall. The dynamic component of the seismic thrust acts through a point at approximately 0.6H above the toe of the wall.

Client: 1183866 BC Ltd.  
 Project: 1301, 1391 Rocky Creek Road, Ladysmith, BC  
 File #: F7706.02  
 Date: February 27<sup>th</sup>, 2020  
 Page: 17 of 19



Table 1 Lateral Earth Pressure Coefficients (ULS)

Lateral Earth Pressure Condition	Earth Pressure Coefficient (K)	
At Rest	$K_0$	0.42
Static Passive	$K_p$	3.85
Static Active	$K_A$	0.26
Seismic Active	$K_{AE}$	0.44

The total thrust resulting from lateral earth pressures under each of the conditions outlined in Table 1 may be calculated using the following relationship:

$$P = 0.5 K \gamma H^2$$

Where:  $P$  = total thrust (kN/m length of wall)  
 $K$  = Earth Pressure Coefficient  
 $\gamma$  = Soil Unit Weight (kN/m<sup>3</sup>)  
 $H$  = Height of Wall (m)



Client: 1183866 BC Ltd.  
Project: 1301, 1391 Rocky Creek Road, Ladysmith, BC  
File #: F7706.02  
Date: February 27<sup>th</sup>, 2020  
Page: 18 of 19



---

## 8. GEOTECHNICAL ASSURANCE AND QUALITY ASSURANCE

The 2018 British Columbia Building Code requires that a geotechnical engineer be retained to provide Geotechnical Assurance services for the proposed development works.

Geotechnical Assurance services include review of the geotechnical components of the plans and supporting documents, and responsibility for field reviews of these components during construction.

## 9. ACKNOWLEDGEMENTS

Lewkowich Engineering Associates Ltd. acknowledges that this report may be requested by the building inspector (or equivalent) of the Town of Ladysmith as a precondition to the issuance of a building permit. It is acknowledged that the Approving Officers and Building Officials may rely on this report when making a decision on application for development of the land. We acknowledge that this report has been prepared solely for, and at the expense of the 1183866 BC Ltd. We have not acted for or as an agent of the Town of Ladysmith in the preparation of this report.

## 10. LIMITATIONS

The conclusions and recommendations submitted in this report are based upon the data obtained from a limited number of widely spaced subsurface explorations. The nature and extent of variations between these explorations may not become evident until construction or further investigation. The recommendations given are based on the subsurface soil conditions encountered during the test pitting and drilling programs, current construction techniques, and generally accepted engineering practices. No other warrantee, expressed or implied, is made. Subgrade conditions are known only at the test pit and borehole locations and have been used to infer conditions throughout the site in preparation of this report. If unanticipated conditions become known during construction or other information pertinent to the development become available, the recommendations may be altered or modified in writing by the undersigned.

Client: 1183866 BC Ltd.  
Project: 1301, 1391 Rocky Creek Road, Ladysmith, BC  
File #: F7706.02  
Date: February 27<sup>th</sup>, 2020  
Page: 19 of 19

---



## 11. CLOSURE

Lewkowich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at this time, please contact us at your convenience.

Respectfully Submitted,  
**Lewkowich Engineering Associates Ltd.**

A handwritten signature in black ink, appearing to read 'John Hessels', written over a faint, stylized line drawing of a mountain or peak.

John Hessels, AScT  
Senior Technologist



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

### Attachments:

1. LEA, Test Pit Site Plan (Drawing F7706-01)
2. LEA, Test Pit Logs (TP 19-01 to TP 19-10)





REV No.	DATE	BY	P.Eng.	REVISION DESCRIPTION	DRAWING TITLE	ENGINEER'S SEAL	PLOT DATE	DRAWN BY	<div style="display: flex; align-items: center;"> <div style="border: 2px solid black; padding: 5px; font-weight: bold; font-size: 2em; margin-right: 5px;">LEA</div> <div> <b>Lewkowich Engineering Associates Ltd.</b> </div> </div>
					TEST PIT LOCATION PLAN		2019-12-23	NV	
					PROJECT NAME 1301 & 1391 ROCKY CREEK ROAD LADYSMITH, BC		REVIEWED BY CH	SCALE 1:1500	
					LEGAL DESCRIPTION		PROJECT No. F7706	DRAWING No. F7706-01	





**Lewkowich  
Engineering  
Associates Ltd.**

## TEST PIT LOG

File Number: F7706

TP19-01

Project: 1301 & 1391 Rocky Creek Road

Location: Ladysmith, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-0.8m		Sand and gravel, some cobble, trace silt, loose to compact, light grey, moist (fill/ re-worked)
0.8-2.5m		Fine sand, trace cobble and gravel, compact, medium grey, moist
2.5-3.0m		Fine sand, some cobble and gravel, compact, medium grey, moist
3.0		No seepage Fill/ re-worked material to 0.8m End test pit at 2.5m
3.5		

Logged By: PS

Reviewed By: CH

Digging Method: Cat 420E Backhoe

Date: November 12, 2019

Sheet: 1 of 1

1900 Boxwood Road  
Nanaimo, British Columbia, V9S 5Y2  
Phone: (250) 756-0355  
Fax: (250) 756-3831  
Email: geotech@lewkowich.com



**Lewkowich  
Engineering  
Associates Ltd.**

## TEST PIT LOG

File Number: F7706

TP19-02

Project: 1301 & 1391 Rocky Creek Road

Location: Ladysmith, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0		0-0.45m Sand and gravel, some cobble, trace silt, loose to compact, light grey, moist (fill/ re-worked)
0.5		0.45-1.4m Gravelly sand, some cobble, compact, medium grey, moist
1.0		
1.5		1.4-2.5m Fine sand, trace cobble and gravel, compact, medium grey, moist
2.0		
2.5		No seepage Fill/ re-worked material to 0.45m End test pit at 2.5m
3.0		
3.5		

Logged By: PS

Reviewed By: CH

Digging Method: Cat 420E Backhoe

Date: November 12, 2019

Sheet: 1 of 1

1900 Boxwood Road  
Nanaimo, British Columbia, V9S 5Y2  
Phone: (250) 756-0355  
Fax: (250) 756-3831  
Email: geotech@lewkowich.com





**Lewkowich  
Engineering  
Associates Ltd.**

## TEST PIT LOG

File Number: F7706

TP19-03

Project: 1301 & 1391 Rocky Creek Road

Location: Ladysmith, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0		0-0.15m Sand, some silt, trace gravel and organics (roots, matter), loose, dark brown, moist (fill/ re-worked)
0.5		0.15-0.5m Medium sand, trace gravel, compact, orangey brown/ reddish brown, moist (fill/ re-worked)
0.5		0.5-0.7m Fine sand, trace silt, compact to dense, light brown/ tan brown, moist
1.0		0.7-1.3m Silt, very stiff to hard, medium brown, moist
1.5		1.3-2.0m Sand, some gravel, compact, medium grey, moist
2.0		2.0-3.3m Stratified layers of sands, silty sands, compact to dense, light/ medium brown, moist
3.5		No seepage Fill/ re-worked material to 0.5m End test pit at 3.3m (max reach)

Logged By: PS

Reviewed By: CH

Digging Method: Cat 420E Backhoe

Date: November 12, 2019

Sheet: 1 of 1

1900 Boxwood Road  
Nanaimo, British Columbia, V9S 5Y2  
Phone: (250) 756-0355  
Fax: (250) 756-3831  
Email: geotech@lewkowich.com



**Lewkowich  
Engineering  
Associates Ltd.**

## TEST PIT LOG

File Number: F7706

TP19-04

Project: 1301 & 1391 Rocky Creek Road

Location: Ladysmith, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0		0-0.1m Crushed gravel with sand, trace silt, loose, medium grey, moist (19mm crushed drain rock)
0.1		0.1-0.45m Sand, trace gravel, silt and organics (roots, rootlets, matter), loose to compact, light brown, moist (fill)
0.5		0.45-0.8m Fine sand, trace gravel and cobble, light grey, moist
1.0		0.8-3.0m Medium to coarse sand, trace gravel and cobble, compact, medium grey, moist
1.5		
2.0		
2.5		
3.0		No seepage Fill/ re-worked material to 0.45m End test pit at 3.0m
3.5		

Logged By: PS

Reviewed By: CH

Digging Method: Cat 420E Backhoe

Date: November 12, 2019

Sheet: 1 of 1

1900 Boxwood Road  
Nanaimo, British Columbia, V9S 5Y2  
Phone: (250) 756-0355  
Fax: (250) 756-3831  
Email: geotech@lewkowich.com





**Lewkowich  
Engineering  
Associates Ltd.**

## TEST PIT LOG

File Number: F7706

TP19-05

Project: 1301 & 1391 Rocky Creek Road

Location: Ladysmith, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-0.15m		Crushed gravel with sand, trace silt, loose, medium grey, moist (19mm crushed drain rock)
0.15-0.7m		Sand and gravel, trace silt, cobble and organics (roots, rootlets, matter), loose, orangey brown, moist (fill/ re-worked)
0.7-1.1m		Fine sand, some silt, dense, medium brown, moist
1.0		No seepage Fill/ re-worked material to 0.7m End test pit at 1.1m
1.5		
2.0		
2.5		
3.0		
3.5		

Logged By: PS

Reviewed By: CH

Digging Method: Cat 420E Backhoe

Date: November 12, 2019

Sheet: 1 of 1

1900 Boxwood Road  
Nanaimo, British Columbia, V9S 5Y2  
Phone: (250) 756-0355  
Fax: (250) 756-3831  
Email: geotech@lewkowich.com





**Lewkowich  
Engineering  
Associates Ltd.**

## TEST PIT LOG

File Number: F7706

TP19-06

Project: 1301 & 1391 Rocky Creek Road

Location: Ladysmith, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-0.1m		Crushed gravel with sand, trace silt, loose, medium grey, moist (19mm crushed drain rock)
0.1-0.3m		Sand, some silt, trace gravel and organics (roots, rootlets), loose, dark brown/reddish brown, moist (fill)
0.3-0.6m		Sand, some gravel, trace cobble, compact, medium grey, moist (fill)
0.6-0.8m		Sand and silt, trace gravel and organics (roots, rootlets, matter), loose, dark brown, moist (fill)
0.8-1.1m		Sand, trace gravel, silt and organics (rootlets), compact, orangey brown, moist
1.1-1.3m		Sand, some gravel, trace cobble and silt, compact, light brown/grey, moist
1.3-2.9m		Fine sand, trace gravel, compact, grey/brown, moist
3.0		No seepage Fill/ re-worked material to 0.8m End test pit at 2.9m (max reach)
3.5		

Logged By: PS  
Reviewed By: CH  
Digging Method: Cat 420E Backhoe

Date: November 12, 2019  
Sheet: 1 of 1

1900 Boxwood Road  
Nanaimo, British Columbia, V9S 5Y2  
Phone: (250) 756-0355  
Fax: (250) 756-3831  
Email: geotech@lewkowich.com



**Lewkowich  
Engineering  
Associates Ltd.**

## TEST PIT LOG

File Number: F7706

TP19-07

Project: 1301 & 1391 Rocky Creek Road

Location: Ladysmith, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-0.4m		Fine sand, some silt, trace gravel and organics (roots, rootlets, matter), loose, dark brown, moist (fill)
0.4-0.7m		Sand, some gravel, trace cobble, silt, and organics (rootlets, matter), loose, orangey brown, moist
0.7-1.1m		Fine sand, trace gravel and cobble, compact, light grey, moist
1.1-2.5m		Medium sand, some gravel and cobble, compact to dense, medium grey, moist
2.5		No seepage Fill/ re-worked material to 0.4m End test pit at 2.5m
3.0		
3.5		

Logged By: PS

Reviewed By: CH

Digging Method: Cat 420E Backhoe

Date: November 12, 2019

Sheet: 1 of 1

1900 Boxwood Road  
Nanaimo, British Columbia, V9S 5Y2  
Phone: (250) 756-0355  
Fax: (250) 756-3831  
Email: geotech@lewkowich.com





**Lewkowich  
Engineering  
Associates Ltd.**

## TEST PIT LOG

File Number: F7706

TP19-08

Project: 1301 & 1391 Rocky Creek Road

Location: Ladysmith, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0		0-0.9m Sand, trace to some gravel and silt, trace cobble, compact, medium brown, moist (fill)
0.5		
1.0		0.9-1.4m Sand, some gravel and cobble, trace to some silt, compact, medium grey, moist (fill)
1.5		1.4-1.7m Sand, some silt, trace gravel, compact, light brown/grey, moist (fill)
2.0		1.7-3.1m Sand, some silt, trace gravel, cobble and organics (roots, rootlets, matter), loose to compact, reddish brown, moist (fill)
2.5		
3.0		
3.1		3.1-3.5m Silt, stiff, light brown/grey, moist (possibly native)
3.5		No seepage Fill/ re-worked material to 3.1m, possibly deeper End test pit at 3.5m (max reach)

Logged By: PS

Reviewed By: CH

Digging Method: Cat 420E Backhoe

Date: November 12, 2019

Sheet: 1 of 1

1900 Boxwood Road  
Nanaimo, British Columbia, V9S 5Y2  
Phone: (250) 756-0355  
Fax: (250) 756-3831  
Email: geotech@lewkowich.com





**Lewkowich  
Engineering  
Associates Ltd.**

## TEST PIT LOG

File Number: F7706

TP19-09

Project: 1301 & 1391 Rocky Creek Road

Location: Ladysmith, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.5		0-1.15m Sand, some gravel and silt, trace cobble, compact, light brown/ grey, moist (fill)
1.0		
1.5		1.15-1.9m Coarse sand, some gravel and cobble, compact, medium to dark brown/ grey, moist (fill)
2.0		1.9-2.9m Silt with some sand and gravel, trace organics (roots, rootlets, matter), firm, dark brown/ reddish brown, moist (fill)
2.5		
3.0		2.9-3.3m Fine sand, trace gravel and cobble, grey/ brown, moist (possibly native)
3.5		No seepage Fill/ re-worked material to 2.9m, possibly deeper End test pit at 3.3m (max reach)

Logged By: PS

Reviewed By: CH

Digging Method: Cat 420E Backhoe

Date: November 12, 2019

Sheet: 1 of 1

1900 Boxwood Road  
Nanaimo, British Columbia, V9S 5Y2  
Phone: (250) 756-0355  
Fax: (250) 756-3831  
Email: geotech@lewkowich.com



**Lewkowich  
Engineering  
Associates Ltd.**

## TEST PIT LOG

File Number: F7706

TP19-10

Project: 1301 & 1391 Rocky Creek Road

Location: Ladysmith, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0		0-0.35m Fine sand, trace silt and cobble compact, medium grey/brown, moist (fill)
0.5		0.35-0.9m Fine sand, trace gravel and cobble, compact, light grey with oxidation staining, moist
1.0		0.9-1.5m Medium sand, some gravel, trace cobble, compact, medium grey, moist
1.5		1.5-2.9m Medium sand with some gravel and cobble, compact, medium grey, moist
2.0		
2.5		
3.0		No seepage Fill/ re-worked material to 0.35m End test pit at 2.9m
3.5		

Logged By: PS

Reviewed By: CH

Digging Method: Cat 420E Backhoe

Date: November 12, 2019

Sheet: 1 of 1

1900 Boxwood Road  
Nanaimo, British Columbia, V9S 5Y2  
Phone: (250) 756-0355  
Fax: (250) 756-3831  
Email: geotech@lewkowich.com



## GEOTECHNICAL MEMO

Rocky Creek Ventures Inc.

File: F7706A.02  
Date: June 23, 2023

**ATTENTION:** Mr. Geoff Dean , EIT (Cascara Consulting Engineers)

**PROJECT:** PROPOSED RESIDENTIAL DEVELOPMENT  
1301, 1391 ROCKY CREEK ROAD, LADYSMITH, BC

**SUBJECT:** GEOTECHNICAL ESC REVIEW OF PROPOSED SITE WORKS

1. As requested, Lewkovich Engineering Associates Ltd. (LEA) has reviewed the Town of Ladysmith comments with respect to the DP application for development of the above noted subdivision.
2. Based on a review of the ESC plans and history of on-site conditions we find the plan to be suitable for the intended development from a soil stability perspective. We do recommend the following:
  - a. Interceptor/ pond berms to consist of the surface organic stripping's, which are a combination of organics, sand and gravels with some silt. We find this medium able to absorb surface water flows and ability to dissipate waters with little sediment transfer. Ditch checks can use similar materials. These materials can be re-used at a later date for an absorptive/growth layer on the final grades.
  - b. Include a monitoring point (during rainfall events) at the small pond exit nearest the slope crest.
3. Note: the Slope Crest as noted in our geotechnical report is the same as that noted as top of bank on the survey drawing. We do not have any global stability concerns of the bank above the oceans edge, however we have provided a conservative (9m) set back to the top of bank to protect upland development in case of smaller surficial soil movements near the toe triggered by king tide events.
4. Lewkovich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or if we can be of further assistance, please contact us at your convenience.

Respectfully Yours,  
Lewkovich Engineering Associates Ltd.

John Hessels, ASCT  
Senior Technologist

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



## REFERENCES

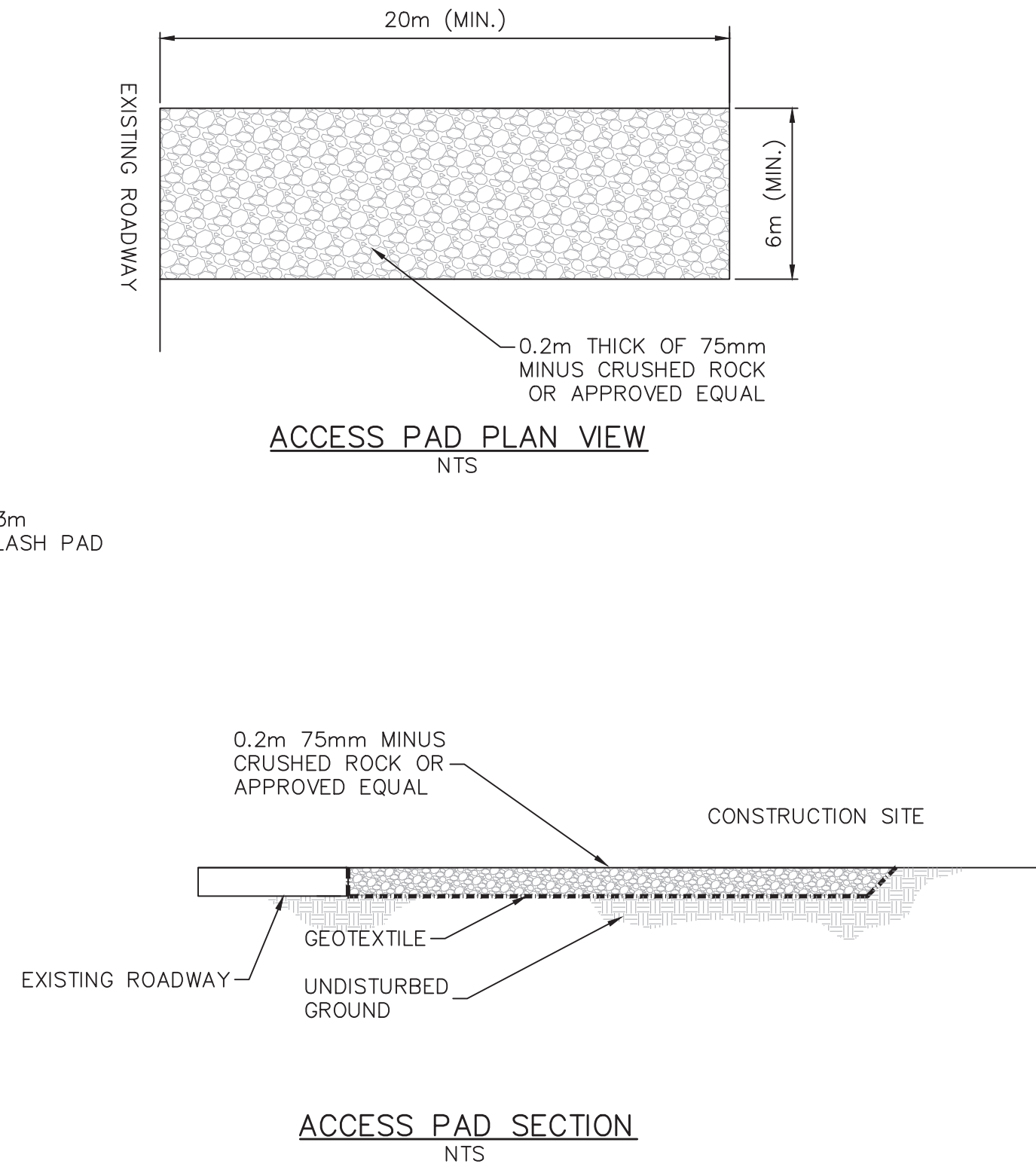
1. Cascara Consulting Engineering Limited drawing titled *“Preliminary Road Design Plan View,”* Project No. 1055-004, Drawing No. SK1 Rev B, Dated October 19, 2022.
2. Cascara Consulting Engineering Limited drawing titled *“Preliminary Road Design Profile and Details,”* Project No. 1055-004, Drawing No. SK1 Rev B, Dated October 19, 2022.
3. Lewkowich Engineering Associated Ltd. report titled *“Proposed Multi-Family Development, 1301, 1391 Rocky Creek Road, Ladysmith, BC – Geotechnical Assessment,”* File No. F7706.02, Dated December 30, 2019.







- EROSION AND SEDIMENT CONTROL FOR THIS PROJECT WILL BE AS OUTLINED IN THE FISHERIES AND OCEANS CANADA & MINISTRY OF WATER, LANDS AND AIR PROTECTION HANDBOOK ENTITLED "LAND DEVELOPMENT GUIDELINES FOR THE PROTECTION OF THE AQUATIC HABITAT, SEPTEMBER 1993" AND "ENVIRONMENTAL BEST MANAGEMENT PRACTICES FOR URBAN AND RURAL LAND DEVELOPMENT IN BRITISH COLUMBIA, JUNE 2004". IT IS INCUMBENT UPON THE CONTRACTOR TO ACQUIRE THESE GUIDELINES AND BE FAMILIARIZED WITH THE REQUIREMENTS WITHIN.
2. THE CONSULTANT ASSUMES NO RESPONSIBILITY FOR DAMAGES RESULTING FROM IMPROPER EROSION AND SEDIMENT CONTROL MEASURES UNDERTAKEN BY THE CONTRACTOR.
3. ANY DIRECTION GIVEN BY THE CONSULTANT OR TOWN TO THE CONTRACTOR FOR EROSION AND SEDIMENT CONTROL AND NOT FOLLOWED BY THE CONTRACTOR IS TO BE REPORTED TO THE TOWN IMMEDIATELY.
4. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE NO MUD, DIRT, SOIL, SILT OR ANY OTHER SUBSTANCES ARE SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS OF WAY, OR AREAS THAT LEAD TO CATCH BASINS CONNECTED TO PUBLIC SYSTEMS. THE CONTRACTOR IS TO CLEAN ANY SUCH MATERIAL IMMEDIATELY. I.E. STREETS ARE TO BE SWEEPED WITH A VACUUM STREET SWEEPER AFTER WORK STOPPAGE EACH DAY.
5. PRIOR TO CONSTRUCTION, INSTALL A TEMPORARY GRAVEL CONSTRUCTION ENTRANCE/EXIT TO LIMIT TRACKING OF SITE SOILS ONTO OFFSITE ROADWAYS. THE WIDTH OF THE PAD SHOULD NOT BE LESS THAN THE FULL WIDTH OF POINT OF INGRESS OR EGRESS IN ANY CASE SHOULD NOT BE LESS THAN 6m WIDE WITH A LENGTH OF THE PAD NOT LESS THAN 20m AND HAVING A MINIMUM THICKNESS OF 200mm (8") OF COARSE GRANULAR MATERIAL. COARSE GRANULAR MATERIAL SUCH AS 75mm PLUS SHOT ROCK OR FRACTURED DRAIN ROCK UNDERLAIN WITH GEO-TEXTILE FABRIC IS RECOMMENDED.
6. THE ENTRANCE SHOULD BE MAINTAINED FOR THE DURATION OF CONSTRUCTION, IN A CONDITION THAT WILL PREVENT TRACKING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY, OR AREAS THAT LEAD TO CATCH BASINS CONNECTED TO PUBLIC SYSTEMS. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL MATERIAL AS CONDITIONS DEMAND. THE PAD MAY BE REMOVED ONCE PERMANENT PAVEMENTS ARE IN PLACE AT THE SITE. A WHEEL WASH MAY BE REQUIRED IF THE TEMPORARY GRAVEL PAD IS NOT WORKING.
7. CONTRACTOR TO STAGE CONSTRUCTION OPERATIONS TO LIMIT DISTURBANCE. STRIP AND GRUB ONLY THOSE AREAS NECESSARY FOR THE CURRENT CONSTRUCTION. DO NOT STRIP ANY AREA UNLESS REQUIRED.
8. CONTRACTOR TO GRADE WORK AREAS AWAY FROM ADJACENT PROPERTIES.
9. SILT FENCING IS TO BE INSTALLED AROUND ALL STOCK/SPOIL PILES, OR PILES ARE TO BE OTHERWISE COVERED TO LIMIT EROSION AND SEDIMENT GENERATION.
10. ROUTINE INSPECTION AND MAINTENANCE OF THE SYSTEM COMPONENTS WILL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHOULD DESIGNATE AN ON-SITE PERSON TO BE RESPONSIBLE FOR DAY-TO-DAY MANAGEMENT OF THE ESCP. AT A MINIMUM, INSPECT ALL BMP'S WEEKLY TO ENSURE PROPER FUNCTION WITH INSPECTION REPORTS PROVIDED TO THE ENGINEER FOR REVIEW.
11. 48 HOURS PRIOR TO ANY PREDICTED SIGNIFICANT STORM EVENT, THE DESIGNATED SITE PERSON SHOULD INSPECT THE E&SC WORKS AND ENSURE THAT THE WORKS ARE ADEQUATE TO PROTECT THE SITE DURING THE STORM EVENT AND PROVIDE A WRITTEN REPORT TO THE ENGINEER AND/OR THE CITY UPON REQUEST. IF THE DESIGNATED SITE PERSON DETERMINES THAT THE E&SC WORKS ARE NOT ADEQUATE TO PROTECT THE SITE DURING THE ANTICIPATED STORM EVENT, THEN HE/SHE IS TO IMMEDIATELY INFORM THE ENGINEER AND CONTRACTOR SO THAT THE WORKS CAN BE MODIFIED TO ADEQUATELY PROTECT THE SITE DURING THE STORM EVENT AND PROVIDE A WRITTEN REPORT TO THE ENGINEER AND/OR THE TOWN UPON REQUEST.
12. DURING AND/OR FOLLOWING EACH SIGNIFICANT STORM EVENT, THE DESIGNATED SITE PERSON SHOULD OBSERVE THE STORM DRAIN TO CONFIRM THAT TURBID WATERS FROM SOURCES ASSOCIATED WITH CONSTRUCTION ARE NOT ENTERING THE STORM DRAINAGE SYSTEM. TAKE IMMEDIATE CORRECTIVE ACTION IF INSPECTION INDICATES A PROBLEM. RECORD INSPECTION DATES, ANY SIGNIFICANT OBSERVATIONS, AND ACTIONS TAKEN, THEN INFORM THE CONSULTANT IN CHARGE.



PRIOR TO CONSTRUCTION TAKING PLACE ON THE SITE A PROTECTION FENCE (SEE SPECIFICATIONS BELOW) SHALL BE INSTALLED ON THE SITE ACCORDING TO THE LAYOUT ON THE DRAWING ALONG THE EXISTING GRADE. PRIOR TO THE INSTALLATION OF THIS FENCE THE LAYOUT SHOULD BE REVIEWED BY A TOWN OF LADYSMITH REPRESENTATIVE. THE PROJECT MANAGER WILL INSTRUCT ALL TRADES ON THE IMPORTANCE OF FOLLOWING THESE TREE PROTECTION MEASURES. ALL TRADES WILL BE REQUIRED TO SIGN OFF THEIR CONCURRENCE OF THIS PLAN.

- 
- 2x4 FRAMING (TYP.)
- PLASTIC MESH SCREEN (TYP.)
- 2x4 STAKED INTO GROUND (TYP.)
- SIZE OF TREE PROTECTION ZONE BASED ON TREE DIAMETER

MINIMUM PROTECTION REQUIRED AROUND TREE			
TRUNK DIAMETER (cm)	DISTANCE FROM TRUNK (m)	TRUNK DIAMETER (cm)	DISTANCE FROM TRUNK (m)
20	1.2	50	3.0
25	1.5	55	3.3
30	1.8	60	3.6
35	2.1	75	4.5
40	2.4	90	5.0
45	2.7	100	6.0

**NO ENTRY**  
**TREE PROTECTION ZONE**  
NO GRADE CHANGE, STORAGE OF  
MATERIAL OR EQUIPMENT IS  
PERMITTED WITHIN THIS FENCED AREA.  
TREE PROTECTION BARRIER MUST  
REMAIN IN PLACE FOR THE DURATION  
OF CONSTRUCTION.

CLIENT					
ROCKY CREEK VENTURES					
C	16JUN2023	GPD	UPDATED AS PER TOWN COMMENTS		CDR
B	09DEC2022	GPD	UPDATE		CDR
A	05AUG2022	GPD	ESC PLAN		CDR
REV.	DATE	BY	DESCRIPTION		ENG

LADYSMITH, BC

## ESC PLAN DETAILS



DESIGN BY: CDR	CHECKED BY:
DRAWN BY: GPD	APPROVED BY: CDR
SEAL:	SCALE: HORIZ: NA      VERT: NA DATE: 05AUG2022      SHEET: 2 OF 2 ENG. FILE NUMBER: 3320-22-08 PROJECT #: 1095-004
DRAWING NUMBER: <b>ES2</b>	REV: <b>C</b>





# Project Name:

**25 LOT Subdivision**

**1301/1391 Rocky Creek Road**

**Ladysmith, BC**

**Lot Assessment**

**By: Steven Brehaut - CFT/ISA PR - 4871A**

**2023-05-25**

The following is an arborist field report for 25 Lot Subdivision, 1301/1391 Rocky Creek Road, Ladysmith, BC.

The purpose of this field report is to address the remaining trees along the perimeter cleared for the construction of the new subdivision, and within the tree protection zone.

An on-site inspection was made May 3rd, 2023, again May 13th, 2023. At this time, a walk thru, visual inspection was performed, property lines were checked, and existing adjacent infrastructures were noted. As well as a perimeter fence was installed flagging out the tree protection zone.

The Critical Root Zone of a tree is the circular area on the ground where the most important roots are located. Specifically, the Critical Root Zone is the area inside the dripline. The dripline is the area at the edge of the canopy where water falls to the ground after landing on the tree. The critical root zone in all treed areas was reviewed throughout the whole property and a perimeter fence was installed to address the critical root protection. There were no trees of note withing the area to be of concern. The rest of the fence follows the tree protection area.

Along the Eastern section of the development site is where the shoreline is located a perimeter fence is installed marking where the tree protection area must be maintained. It is my understanding that there is a clause citing that the Eastern area will be pruned to give future tenants a view of the bay area. There is a group of fir trees within this area that may need to be thinned out to accommodate this. As well on the bank, are maple trees which are fast growing and aid in solidifying the banks slope; these maples may not be removed but rather pruned to accommodate the view.

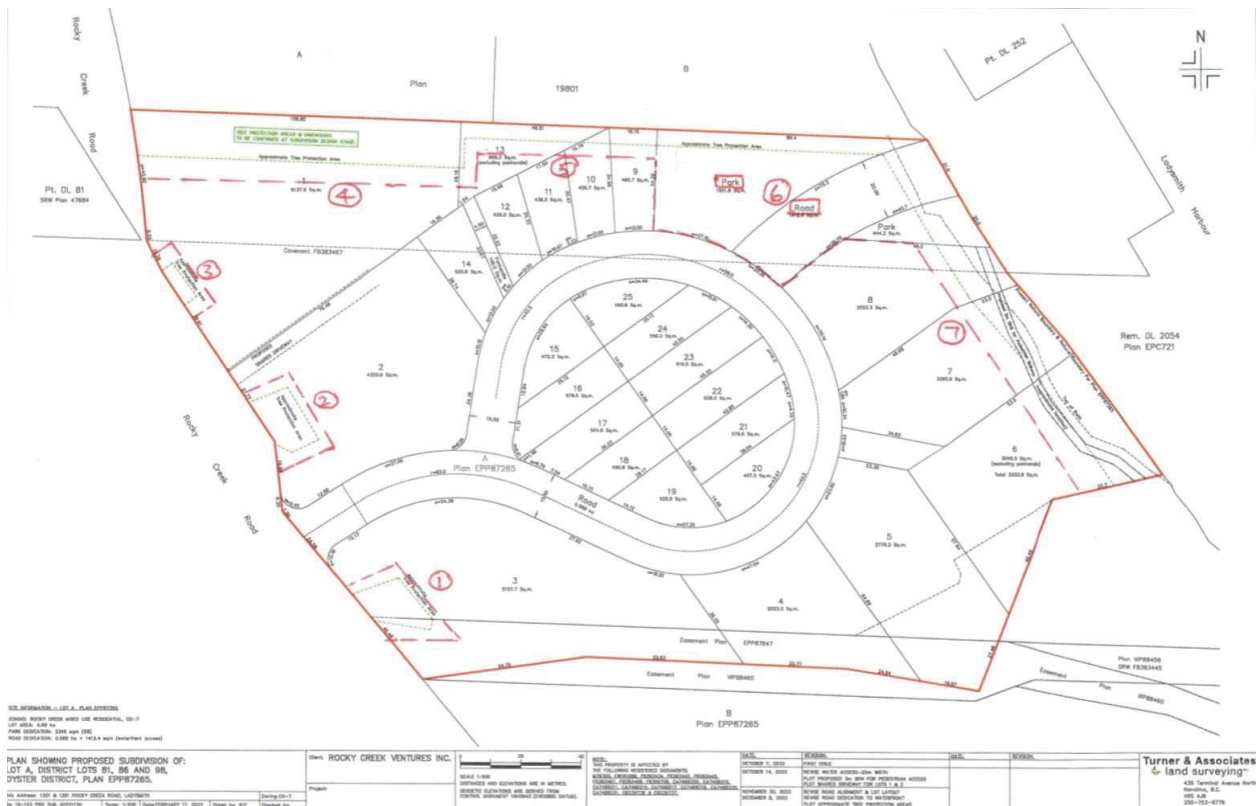
Along the southern area there is an old right of way with an old fire hydrant to be decommissioned. There is nothing of concern to be noted otherwise. This area was flagged but is not included in the tree protection area.

The western side of the development site comprises of three different tree protection areas. All of which are flagged out and fenced. The area is also adjacent to Rocky Creek Rd. within this area there were several trees that were deemed as archeologically significant, two of which are on the decline.

There are no trees to be retained in the areas where the road is proposed. In a future report, trees that are to be retained outside the tree protection area will be identified.

The critical root zones of all tree protection areas on the subject property, per covenant CB239736 and as shown on the diagram below, were assessed; and a perimeter fence was installed around each tree protection area and their critical root zones. The location of the perimeter fencing is identified with red dashed lines on the diagram below. Construction of the road as shown on the diagram is not expected to have any negative impact on the tree protection area of the critical root zones.

Included is a diagram depicting each section and a summary.



Section 1:

Nothing of significance to document in this section.



## Section 2:

Within this area there were several trees that were deemed as archeologically significant two of which are on the decline.

## Section 3:

Nothing of significance to document in this section.

## Section 4:

This area needs extra attention as it is adjacent to existing dwellings, this is why the perimeter fence was pushed out 15m on the north boundary for approximately 50m to the existing clearing to include tagged trees as well as to include the drip line from the tree protection area. There were no trees of note withing the area to be of concern. The rest of the fence follows the tree protection area.

## Section 5:

This area is open with little vertical structure to be concerned with.

## Section 6:

This area is open with little vertical structure to be concerned with; what is unique is that there are older planted species of trees that should be left to maintain aesthetics and diversity.

## Section 7:

The Eastern section of the development site is where the shoreline is located a perimeter fence is installed marking where the tree protection area must be maintained. It is my understanding that there is a clause citing that the Eastern area will be pruned to give future tenants a view of the bay area. There is a group of planted fir trees within this area that may need to be thinned out to accommodate this. As well on the bank, are maple trees which are fast growing and aid in solidifying the banks slope; these maples may not be removed but rather pruned to accommodate the view existing planted species of trees that should be left to maintain aesthetics and diversity.

After reviewing the site, it is in my opinion to replant replacement trees within tree protection areas with native species, Douglas fir and Western red cedar, as well London plain and Canadian Maple within the development area. These species should do well and require little care.

Once building footprints are identified I will prepare an additional report that will address covenant requirements including danger trees, planting at least 75 additional trees, root zones, limb removal and protection of trees outside the tree protection area

In preparing this Arborist field report, Brehaut's Landscaping and Tree Services has relied in good faith that all information given is true, correct, and accurate therefore accepting no responsibility for any deficiencies, misinterpretations taken by this field report.

A handwritten signature in black ink, appearing to read 'S. Brehaut', with a long horizontal line extending to the right.

Steven Brehaut ISA/CFT

Brehaut's Landscaping and Tree Services

ISA PR-4871A

## TOWN OF LADYSMITH

### BYLAW NO. 2140

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

---

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

##### *Secondary Suites*

1. Section 4.1 ‘Interpretation’ is amended to:

a. change the definition of “Dwelling, Secondary Suite” to:

“means a self-contained *Accessory Dwelling Unit* located within a *Single Unit Dwelling, Townhouse Dwelling* or *Two Unit Dwelling* that meets the requirements for “secondary suite” under the BC Building Code”; and

b. Change the definition of “Dwelling, Two Unit” to:

“means any detached *Building* containing two *Dwelling Units*, divided horizontally or vertically, with each *Dwelling Unit* having a separate, but not necessarily ground-level, exterior entrance but does not include a *Single Unit Dwelling* containing a *Secondary Suite*.”

2. Section 6.4 ‘Secondary Suite Regulations’ is deleted and replaced with the following:

a) Secondary Suites, where permitted in this Bylaw, shall satisfy all of the following conditions:

- i. *Secondary Suites* in *Townhouse Dwellings* and *Two Unit Dwellings* shall not exceed a floor area of 90 square metres or 40% of the *Townhouse Dwelling* or *Two Unit Dwelling*, whichever is less.
- ii. *Secondary Suites* in *Single Unit Dwellings* shall not exceed a floor area of 90 square metres, except *Secondary Suites* in *Single Unit Dwellings* in the R-2; R-2-A; and R-2-LW zones.
- iii. Shall be considered an *Accessory Use* to a *Single Unit Dwelling, Townhouse Dwelling* or *Two Unit dwelling*.
- iv. Shall not be stratified or otherwise subdivided from the *Single Unit Dwelling, Townhouse Dwelling* or *Two Unit Dwelling* for which the *Secondary Suite* is *Accessory* to.
- v. Shall be prohibited on a *Parcel* where a *Coach House Dwelling* or *Caretaker Dwelling* is located.
- vi. Shall be prohibited on a *Parcel* where a *Bed and Breakfast Use* is located, unless the *Parcel Area* is at least 1,000 square metres.

3. “Secondary Suite” is added as a permitted accessory use to the Medium Density Residential (R-3) and Low Density Residential (R-3-A) zones.

##### *Coach Houses*

4. Section 6.5 ‘Coach House Regulations’ is amended to add as subsection (c):

“c) A *Coach House Dwelling* shall not be stratified or otherwise subdivided from the *Single Unit Dwelling* to



which the *Coach House Dwelling* is Accessory".

**Parking, Loading and Bicycle Parking**

5. Add to section 4.1 'Interpretation' the following definitions:

"Long-term Bicycle Parking Space": means a secure, weather-protected space for bicycle storage used to accommodate long-term bicycle parking, for residents or employees within a room, locker, or a covered and fenced area."

"Oversized Bicycle Parking Space": means a bicycle parking space designed to accommodate cargo bikes, tricycles and similar bicycles and provides a secure locking point anchored to the ground or floor."

"Short-term Bicycle Parking Space": means a metal rack or similar structure:

- a. to which a bicycle and at least one wheel can be secured with a U-style lock; and
- b. is primarily intended to provide temporary bicycle storage to visitors."

6. Section 8.1 'Application' of Part 8 is amended by deleting subsection (d) and replacing as follows:

" d) Despite section 8.1(a), and except for bicycle parking under section 8.3, off-street parking and loading is not required for non-residential uses in the downtown area shown in figure 8.1."

7. Subsection 3 of Section 8.2 ('Parking Pay-In-Lieu Option') is deleted and replaced as follows:

"3. Payment In-Lieu of Parking

- a) An owner of a *Parcel, Building or Structure* may, in lieu of providing off-street vehicle parking, pay to the Municipality:
  - i. Four thousand dollars (\$4,000) per off-street parking space for a mixed-use development containing a *Residential Use* or a development in a *Zone* where a *Residential Use* is not permitted; or
  - ii. Six thousand dollars (\$6,000) per off-street parking space for all other developments.
- b) The provision under subsection a) shall be subject to the following conditions:
  - i. The payment in-lieu of parking option may not be applied to more than 50% percent of required off-street parking spaces;
  - ii. The payment in-lieu of parking option may not be applied to required bicycle parking spaces;
  - iii. Except for uses within the downtown area shown in figure 8.1, the payment in-lieu of parking option shall not be applied to required *Residential* off-street parking spaces.
  - iv. For uses within the downtown area shown in figure 8.1, the payment in-lieu of parking may be applied to up to 50% of required *Residential* off-street parking spaces.
- c) Cash in lieu of parking shall be deposited into a reserve under Section 525(7)(a)(ii) of the *Local Government Act* for the purpose of providing transportation infrastructure that supports walking, bicycling, public transit or other sustainable forms of transportation.

8. Amend the first sentence of subsection 8.3(1)(a) to read as follows:

"The number of off-street bicycle parking spaces and end-of trip bicycle facilities required for any *Use* is calculated according to Table 8.5 in which Column 1 classifies the types of *Use*, Column 2 sets out the number and type of required off-street bicycle parking spaces, and Column 3 sets out the number and type of required end-of-trip bicycle facilities that are to be provided for each *Use* in Column 1."

9. Table 8.5 'Required Bicycle Parking Spaces' is deleted and replaced and renamed as follows:

**TABLE 8.5: REQUIRED BICYCLE PARKING AND END-OF-TRIP BICYCLE FACILITIES**

<b>COLUMN 1 USE</b>	<b>COLUMN 2 REQUIRED NUMBER OF SPACES</b>	<b>COLUMN 3 REQUIRED END-OF-TRIP BICYCLE FACILITIES</b>
Multiple Unit Dwellings	1.0 Long-term Bicycle Parking Space per unit, at least 10% of which shall be Oversized Bicycle Parking Spaces; and  0.25 Short-term Bicycle Parking Space per unit	At least 50% of required Long-term Bicycle Parking Spaces and 20% of required Short-term Bicycle Parking Space shall be within 1.5 metres of a 110v electric outlet for charging e-bikes.
Non-Residential	1.0 Long-term Bicycle Parking Space per 10 employees ; and  Short-term Bicycle Parking Spaces equal to 10% of required off-street vehicle parking spaces	At least 50% of required Long-term Bicycle Parking Spaces and 20% of required Short-term Bicycle Parking Space shall be provided with a 110v electric outlet within 1.5 metres of the parking space.  0.5 lockers per required Long-term Bicycle Parking Space; and  1 shower per 15 required Long-term Bicycle Parking Spaces where the number of required Long-term Bicycle Parking Spaces exceeds 15.

Delete subsection 8.3(2) 'Design Standards for Class A and B Bicycle Parking Facilities' and replace with the following:

"2. Design Standards for Bicycle Parking Spaces

- a) All required bicycle parking spaces shall be located so as to not obstruct pedestrian movement, and must not be placed in fire zones, loading zones, or other areas where unobstructed access is required.
- b) All required bicycle parking shall be provided on a 24 hour per day basis for every day or portion thereof where a *Use* is in operation, whether the *Use* is in operation in whole or in part.
- d) *Long-term Bicycle Parking Spaces* shall be at least 0.6 metres in width, 1.8 metres in length, and 1.9 metres in height
- e) *Oversized Bicycle Parking Spaces* shall be at least 3.0 metres long and 0.9 metres wide, and 1.9 metres high

- f) Except for *Long-term Bicycle Parking* under subsection (d), required *Long-term Bicycle Parking* and *Oversized Bicycle Parking Spaces* shall:
  - i. be enclosed, at a minimum, by chain-link walls and constructed of theft-resistant materials;
  - ii. be hinged from the inside unless the hinges are tamper proof;
  - iii. have a separate entry lock and key or a programmed entry system;
  - iv. where bicycle lockers are used, have lockable doors, which open to the full height and width of each locker;
  - v. be accessible to and from the outside by a stair-free route and, where accessed by an elevator, by a suitably sized and designed elevator; and
  - vi. be separated from other storage areas and waste collection areas.
- g) Required Long-term Bicycle Parking may be provided inside a *Dwelling Unit*, or an adjacent outdoor amenity area under subsection (v), under the following conditions:
  - i. Up to one required bicycle space may be provided per *Dwelling Unit*.
  - ii. The bicycle parking space must be provided adjacent to an exterior door and situated to allow the bicycle to be stored without travelling through the living space of the *Dwelling Unit*.
  - iii. The *Dwelling Unit* and bicycle parking space must be accessible to and from the outside by a stair-free route and, where accessed by an elevator, by a suitably sized and designed elevator.
  - iv. The flooring in the bicycle parking space and access to the bicycle parking space shall be free of carpet and constructed to withstand bicycle traffic.
  - v. The bicycle parking space shall not be provided on an exterior balcony, patio or other outdoor area, unless the parking space is provided in the form of a bicycle locker.
  - vi. At least one exterior hose connection or bike washing station must be located on the parcel and accessible to the *Dwelling Unit(s)* where the in-unit bicycle parking is provided.
- h) Required Short-term Bicycle Parking shall:
  - i. Be accessible from a 1.2 metre wide front aisle and a 0.5 metre rear aisle, separate from pedestrian access;
  - ii. located within 15.0 metres of a *Principal Building* entry in a well-lit area, clearly visible from the *Principal Building, Street* or both;
  - iii. accessible by a stair-free route and, where accessed by an elevator, by a suitably sized and designed elevator;
  - iv. be securely installed to the floor or ground;
  - v. be easily identifiable as a bicycle rack; and
  - vi. shall not have any sharp edges or projections and use materials and paint that are resistant to rust, corrosion and vandalism."



**Citation**

3. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2140".

**READ A FIRST TIME** on the 6<sup>th</sup> day of June, 2023

**READ A SECOND TIME** on the 6<sup>th</sup> day of June, 2023

**READ A THIRD TIME** on the 6<sup>th</sup> day of June, 2023

**APPROVED BY MINISTRY OF TRANSPORTATION**

on the 19<sup>th</sup> day of June, 2023

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

---

Mayor (A. Stone)

---

Corporate Officer (M. O'Halloran)

**Citation**

3. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2140".

**READ A FIRST TIME** on the 6<sup>th</sup> day of June, 2023

**READ A SECOND TIME** on the 6<sup>th</sup> day of June, 2023

**READ A THIRD TIME** on the 6<sup>th</sup> day of June, 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)

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

this 19<sup>th</sup> day of June, 2023  
Ministry of Transportation and Infrastructure

  
Derek Atchison  
Development Services



## TOWN OF LADYSMITH

### BYLAW NO. 2147

#### A Bylaw to regulate fire protection services

---

The Council of the Town of Ladysmith in open meeting assembled enacts “Town of Ladysmith Fire Services Bylaw 2023, No. 2147” as follows:

#### **1. DEFINITIONS**

Unless otherwise defined or the context otherwise requires, all words and phrases in this Bylaw shall be construed in accordance with the meaning assigned to them in the *Building Code, Fire Services Act and Fire Code*.

"APPARATUS" means any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies.

"BUILDING CODE" means the British Columbia Building Code as amended from time to time.

"BUILDING" means a structure that is used or intended to be used for the support enclosure and/or the shelter of persons, animals or property, except those prescribed by regulation as exempted from the Building Code.

"COUNCIL" means the Municipal Council of the Town of Ladysmith.

"EQUIPMENT" means any tools, contrivances, devices, or materials used by the Fire Rescue Department at any Incident or other emergency.

"FALSE ALARM" means the activation of a fire alarm system resulting in the direct or indirect notification of the Fire Rescue Department to attend the address of the fire alarm system, where there is in fact no Incident at that address.

"FIRE ALARM SYSTEM" means all equipment, including without limitation, batteries, alarm gongs, horns, buzzers, switches, wiring, relay equipment, sensors, and other accessories designed to issue a warning of a fire by activating an audible alarm signal or alerting a monitoring service but does not include a fire alarm or smoke detector that is intended to alert only the occupants of a single dwelling unit.

"FIRE AND LIFE SAFETY EQUIPMENT" includes, but is not limited to, fire alarm systems, automatic sprinkler systems, special extinguishing systems, portable extinguishers, emergency lighting, water supply systems for fire protection, standpipe and hose systems, smoke control measures, emergency power installations, voice communication systems and fire fighter elevators.

"FIRE CHIEF" means a person appointed by resolution of Council to be in charge of the Fire Rescue Department which includes the Deputy Fire Chief, all officers, and any other person authorized to act on behalf of the Fire Chief.

"FIRE CODE" means the British Columbia Fire Code as amended from time to time.

"FIRE PREVENTION OFFICER" means a member of the Fire Rescue Department authorized in writing by the Fire Chief to be a Fire Prevention Officer and a Local Assistant Fire Commissioner.

"FIRE RESCUE DEPARTMENT" means the Town of Ladysmith Fire Rescue Department including all officers and members engaged in the Department.

"FIRE SAFETY PLAN" is a set of emergency procedures and guidelines to be followed by the occupants of a Building in the event of a fire or an emergency in a Building or Structure; and may include the locations of utilities and emergency shutoffs for gas and water, and operational information of Fire and Life Safety Equipment.

"FIRE SERVICES ACT" means the Fire Services Act, R.S.B.C. 1996, c.144.

"FIREFIGHTER" means every Member of the Fire Rescue Department other than an Officer, whose duties include fire prevention, fire suppression, or emergency response.

"INCIDENT" means a fire or any other class of circumstance that may cause harm to persons or property, and includes rescue, medical aid, hazardous material incidents or other similar situations that are a threat to life.

"MEMBER" means any person that is duly appointed by the Fire Chief as a member of the Fire Rescue Department.

"OCCUPANCY" means the use or intended use of a Building or part thereof for the shelter or support of persons, animals or property.

"OFFICER" means any member of the Fire Rescue Department holding the rank of:

- Fire Chief
- Deputy Fire Chief
- Assistant Fire Chief
- Captain
- Lieutenant
- Fire Prevention Officer

"OFFICER IN COMMAND" means the Officer who has established or assumed the role of Incident Commander, and is responsible for the overall management of an incident. In the event an Officer is not in attendance at an Incident, the most senior Member in attendance at that incident will assume command.



"PREMISES" means a Building or Structure together with its grounds and appurtenances.

"SPRINKLER SYSTEM" includes all equipment forming part of or used in connection with a fire sprinkler system, including without limitation, all heads, valves, piping, switches, sensors, relay equipment, and other accessories.

"STRUCTURE" means any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite matter; that which is built or constructed, an edifice or building of any kind whether fixed to, supported by or sunk into land or water including, combinations of materials to form a construction for Occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land, but specifically excludes landscaping, fences, paving and retaining structures less than 1.5 meters in height.

"TOWN" means the Town of Ladysmith.

"VEHICLE" means a device in, upon, or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks.

## **2. ADMINISTRATION**

### **2.1. Provincial Fire Code Adopted:**

Pursuant to Section 15 of the *Community Charter*, the Council adopts and establishes for the Town the Fire Code. The provisions of the Fire Code adopted and established are made part of this Bylaw and shall be considered as provisions of this Bylaw.

### **2.2. Confirmation of Fire Rescue Department:**

The Fire Rescue Department as established is confirmed and will continue to be known as the Ladysmith Fire Rescue Department.

### **2.3. Confirmation and Appointment of Fire Chief:**

The position of Fire Chief as established is hereby confirmed.

### **2.4. Responsibilities and Duties of Fire Chief:**

2.4.1. The Fire Chief is the Department Head of the Fire Rescue Department and is responsible for the efficient management of all members, apparatus, equipment, responses to incidents and the provision of fire prevention and protection services to the Town. The Fire Chief reports to the Town Chief Administrator Officer or designate.

2.4.2. The Fire Chief shall abide by all Town policies and bylaws and may establish additional rules, regulations and policies necessary for the proper organization, administration and operation of the Fire Rescue Department including but not limited to:

- the use, care and protection of Fire Rescue Department property;
- the safe and efficient operation of the Fire Rescue Department; and
- the duties and responsibilities of Members.

2.4.3. The Fire Chief shall take responsibility for all fire protection matters and other Incidents including the enforcement of applicable sections of the Fire Services Act, the Fire Code, and shall assume the responsibilities of a local assistant to the Fire Commissioner.

2.4.4. The Fire Chief may appoint or designate other Officers of the Fire Rescue Department to act as Fire Chief on his behalf and may, in writing, authorize Officers to exercise the powers of a local assistant to the Fire Commissioner.

2.4.5. Council authorizes the Fire Chief to exercise all the powers of the Fire Commissioner under section 25 of the Fire Services Act and for these purposes that section applies.

2.5. Appointment and Accountability of Officers and Members:

- i. Officers shall be appointed by the Fire Chief, in conjunction with the Town Human Resources Manager, as vacancies occur or as needs dictate, from firefighters meeting the qualifying standards.
- ii. Members shall be appointed by the Fire Chief in consultation with the Deputy Chief and Officers, following hiring practices of the Town.
- iii. Members are accountable to the Fire Chief for the actions and affairs of the members under their command.
- iv. All Officers are responsible for ensuring that Members adhere to any and all applicable Town and Fire Rescue Department policies, procedures, rules and regulations.
- v. The Fire Chief in conjunction with the Town Human Resources Manager, may appoint, discipline and dismiss members in accordance with the Ladysmith Fire Rescue Department and Town of Ladysmith Policies and Procedures.
- vi. No person shall falsely represent themselves as a member of the Fire Rescue Department.



2.6. Rank Structure of Fire Rescue Department:

The rank structure of the Fire Rescue Department, in descending order shall be as follows:

- Fire Chief
- Deputy Fire Chief
- Assistant Fire Chief
- Captain
- Lieutenant
- Fire Prevention Officer
- Firefighter
- Probationary Firefighter

2.7. Scope of Fire Rescue Department:

The Fire Rescue Department is authorized to provide the services as described by Council Resolution No. CS2016-252, and Policy No. 14-3200-C, as amended from time to time. Notwithstanding the list of authorized services described or any service level authorized in accordance with the Structure Firefighter Minimum Training Standards, in relation to any particular Incident response, the Fire Department shall undertake only those emergency response activities for which it is properly trained and equipped. The Fire Chief and/or the Officer in Command may, in their sole discretion, restrict or terminate emergency response activities in any circumstance where the Incident is considered to exceed the training or capabilities of the responding Firefighters or Apparatus available to them or because of competing demand for authorized services at other locations, or in any circumstance where an adequate number of responders is not available to respond to the incident.

2.8. Jurisdiction of Fire Rescue Department:

The limits of the jurisdiction of the Fire Chief and the Members of the Fire Rescue Department will extend to the area and boundaries of the Town of Ladysmith, and neither the Fire Chief or Members shall supply fire fighting services or respond to an Incident nor shall any part of the fire Apparatus or Equipment be used outside the boundaries of the Town without:

- the express authority of a written agreement providing for the supply of fire fighting services, or other incident response outside the Town boundaries; or
- the approval of Council; or
- a request for assistance in accordance with the *Emergency Program Act* (British Columbia) as amended or re-enacted from time to time.

**3. REPEAL**

“Town of Ladysmith Fire Department Bylaw, 1985, No 832” is hereby repealed.

**4. CITATION**

This Bylaw may be cited for all purposes as “Town of Ladysmith Fire Services Bylaw 2023, No. 2147”

**READ A FIRST TIME** on the 20<sup>th</sup> day of June, 2023

**READ A SECOND TIME** on the 20<sup>th</sup> day of June, 2023

**READ A THIRD TIME** on the 20<sup>th</sup> day of June, 2023

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

---

Mayor (A. Stone)

---

Corporate Officer (M. O’Halloran)



**TOWN OF LADYSMITH**

**BYLAW NO. 2152**

**A Bylaw to amend “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905”**

The Council of the Town of Ladysmith, in open meeting assembled, enacts the following amendments to “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905”:

1. Amend Schedule A as follows:

- Add “Manager of Protective Services / Fire Chief” in the “Department Manager” category.

**Citation**

2. This bylaw may be cited for all purposes as the “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905, Amendment Bylaw 2023, No. 2152”.

**READ A FIRST TIME** on the 20<sup>th</sup> day of June, 2023

**READ A SECOND TIME** on the 20<sup>th</sup> day of June, 2023

**READ A THIRD TIME** on the 20<sup>th</sup> day of June, 2023

**ADOPTED** on the

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

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

## BYLAW STATUS SHEET

July 4, 2023

Bylaw #	Description	Status
2106	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106". Amends land use and Development Permit Areas at Lot 5, Holland Creek.	First and second readings, April 19, 2022. Public Hearing held August 2, 2022. Second reading rescinded, September 6, 2022. Second public hearing and third reading September 20, 2022. Conditions to be met prior to adoption.
2107	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107". Includes secondary suites, coach house dwellings and townhouse dwellings at Lot 5, Holland Creek.	First and second readings, April 19, 2022. Public Hearing held August 2, 2022. Second reading rescinded, September 6, 2022. Second public hearing and third reading September 20, 2022. Conditions to be met prior to adoption.
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.
2140	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2140". A reserve bylaw for cash in lieu of parking to go towards sustainable transportation.	First, second and third readings, June 6, 2023. MOTI approval required.
2146	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2146". To permit a secondary suite at 624 John Wilson Place.	First and second readings, June 20, 2023. Public Hearing required.
2147	"Town of Ladysmith Fire Services Bylaw 2023, No. 2147". To update and replace the current Fire Department Bylaw to accurately reflect current training standards and recruitment and hiring practices.	First, second and third readings, June 20, 2023.
2152	"Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905, Amendment Bylaw 2023, No. 2152". To formally establish purchasing authority for the Manager of Protective Services / Fire Chief.	First, second and third readings, June 20, 2023.



On September 23<sup>rd</sup>, 2023, the Rotary Clubs of Ladysmith and Chemainus will be hosting our 13<sup>th</sup> annual fund-raising golf tournament at Mount Brenton Golf Club in Chemainus.

Our main sources of fund-raising at our golf tournament are sponsorship and team entries. This is an opportunity for you to let the citizens of your community know that your business supports the good work of charitable organizations like Rotary. The cost to be a hole sponsor is \$350.00, which includes having a sign professionally prepared. Sponsorships are to be paid by cheque at the time of ordering, payable to Rotary Club of Ladysmith or by e-transfer to [joph@telus.net](mailto:joph@telus.net). In addition to the very visible signs, we will be conducting a contest amongst the golfers to draw the winning entrant who correctly identifies which hole each sponsor's sign is located on. We will also be publicly thanking our sponsors in the local press. What a great way to get your company name out into the community!

**We also invite our hole sponsors, if they so wish, to have an active display on the hole they sponsor. That may include giving out free samples, coupons, information pamphlets, etc. This is a great opportunity for our approximately 120 players and our volunteers to learn more about your business.**

We are also offering the opportunity to be a meal sponsor or a cart sponsor. Meal sponsors will have their signage posted at the Continental Breakfast and Luncheon. Cart sponsors will be acknowledged by signage on the cart that is sponsored. The cost to be a meal sponsor is \$350.00 and the cost to be a cart sponsor is \$50.00.

We are hoping our sponsors will participate in our tournament. Any hole or meal sponsor who enters a team will be recognized as a Gold Sponsor and the total cost will be \$850.00. This year, we are offering a Platinum Sponsorship for a team entry, hole sponsorship and five cart sponsorships for a cost of \$1,000.00.

**And, of course, we welcome donated prizes and items for our silent and live auctions.**

We thank you for your support of the Rotary Clubs of Ladysmith and Chemainus. For more information, please call Tom Andrews (250) 210-2402 ([tomandrewsvii@gmail.com](mailto:tomandrewsvii@gmail.com).) or Joan Phillips (250) 245-8104 or (250) 327-6220 ([joph@telus.net](mailto:joph@telus.net)).

Yours sincerely,

The Rotary Clubs of Ladysmith & Chemainus



**ROTARY CLUBS OF  
LADYSMITH AND CHEMAINUS  
13th Annual Charity Golf Tournament**  
MOUNT BRENTON GOLF COURSE, CHEMAINUS Saturday, September 23<sup>rd</sup>, 2023



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

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

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone no(s) \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Team members: \_\_\_\_\_

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

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

OR:

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

Proceeds to support Chemainus and Ladysmith local youth & community projects

To book your team or  
for information contact:

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

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