

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

**Tuesday, September 5, 2023  
Ladysmith Seniors Centre  
630 2nd Avenue**

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**Pages**

**1. CALL TO ORDER**

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

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

**2. CLOSED SESSION**

Recommendation

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

- (c) labour relations or other employee relations;
- (e) the acquisition, disposition or expropriation of land or improvements; and
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

**3. OPEN MEETING AND ACKNOWLEDGEMENT**

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the 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 September 5, 2023.

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

##### **Items from the Closed Meeting of Council held June 20, 2023**

##### **CE 2023-039**

That Council:

1. Appoint Bruce Mason, Lynda Baker, Geoff Dean, Kimberly Nakahara and Jane Nettleton to the Parks, Recreation & Culture Advisory Committee for a two-year term ending June 30, 2025; and
2. Rise and report on Recommendation No. 1 once all applicants have been notified.

##### **Item from the Closed Meeting of Council held August 1, 2023**

##### **CE 2023-053**

That Council:

1. Appoint Julika Pape, Jennifer Aker, Tonya Soules, Jason Robertson, John Scott, and Keona Wiley to the Community Planning Advisory Committee for a two-year term ending June 30, 2025; and
2. Rise and report on Recommendation No. 1 once applicants are notified.

#### **6. MINUTES**

##### **6.1 Minutes of the Public Hearing and Regular Meeting of Council held August 1, 2023**

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##### Recommendation

That Council approve the minutes of the Public Hearing and Regular Meeting of Council held August 1, 2023.

#### **7. REPORTS**

##### **7.1 2023 Outstanding Business Licences**

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##### Recommendation

That Council receive for information the report dated September 5, 2023 regarding the Business Licences outstanding for 2023.

## **7.2 Permissive Tax Exemptions for the Tax Year 2024** 15

### Recommendation

That Council direct staff to prepare a one-year Permissive Tax Exemption Bylaw for all properties currently identified in the “Town of Ladysmith 2023 Permissive Tax Exemptions Bylaw 2022, No. 2122” with the exception of folio 445-1602.100 and that Council direct staff to remove fully exempt properties from the 2024 water parcel tax roll and the 2024 sewer parcel tax roll.

## **7.3 2024 Financial Plan (Budget) Discussions** 23

### Recommendation

That Council approve the following schedule to deliberate the 2024-2028 Financial Plan:

- September 26<sup>th</sup> –Parks, Recreation & Culture – operating & capital;
- November 7<sup>th</sup> – Water & Sewer – operating & capital;
- November 21<sup>st</sup> – Introduction of General Operations;
- December 5<sup>th</sup> – Introduction of General Capital Projects. Water & Sewer Rate bylaws introduced;
- December 19<sup>th</sup> - Anticipated adoption of Water & Sewer Rate bylaws and Early budget approvals; and
- January 23<sup>rd</sup>, 2024 – Introduction of the 2024-2028 Financial Plan bylaw.

## **7.4 Liquor Special Event Area Endorsement – Bayview Brewing (204 Dogwood Drive)** 25

### Recommendation

That Council, in response to the referral from the Liquor and Cannabis Regulation Branch for a special event area endorsement application for Bayview Brewing Company located at 204 Dogwood Drive, “opt in” to the local government comment process and direct staff to provide written notification to residents within 60 metres of the subject property inviting them to submit written comments about the application.

## **8. BYLAWS**

### **8.1 Bylaws for Adoption**

**8.1.1 "Council Procedure Bylaw 2009, No. 1666, Amendment Bylaw 2023, No. 2153"**

**43**

Recommendation

That Council adopt "Council Procedure Bylaw 2009, No. 1666, Amendment Bylaw 2023, No. 2153".

**8.2 Bylaw Status Sheet**

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**9. CORRESPONDENCE**

**9.1 Appointments to the Cowichan North Recreation Commission**

**47**

**10. NEW BUSINESS**

**11. 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.

**12. ADJOURNMENT**



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

Tuesday, August 1, 2023

6:00 P.M.

Ladysmith Seniors Centre  
630 2nd Avenue

### Council Members Present:

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

Councillor Duck Paterson  
Councillor Marsh Stevens  
Councillor Jeff Virtanen

### Staff Present:

Allison McCarrick  
Erin Anderson  
Jake Belobaba  
Ryan Bouma  
Matt O'Halloran

Andrew Wilson  
Chris Geiger  
Julia Tippet  
Andrea Hainrich

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### 1. CALL TO ORDER

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

### 2. CLOSED SESSION

#### CS 2023-189

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 (6:00 p.m.)

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

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

##### **CS 2023-190**

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for August 1, 2023 as amended, for the following items:

- Item 5.3, Submissions, add public submissions;
- Item 6.1, "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2146", add a copy of the bylaw;
- Item 10.1, Development Variance Permit 3090-23-01– Block C, District Lot 2054 and District Lot 2061, add public submissions;
- Item 10.2, Development Variance Permit 3090-23-04 – 1221 Rocky Creek Road, 101 Gladden Road, add public submissions; and
- Item 10.3, Development Variance Permit 3090-22-17 & Development Permit Application 3060-22-20 – 416 South Colonia Drive, add public submissions.

*Motion Carried*

#### **5. PUBLIC HEARING**

##### **Members of the Public attending: 4**

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

Mayor Stone outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council about Bylaw No. 2146.

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

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

Andrew Wilson, Planner, Development Services, introduced "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2146"

Subject Property: 624 John Wilson Place (Lot 11, District Lot 103, Oyster District, Plan EPP98461) (PID: 031-374-239) as the subject of the Public Hearing.

Mr. Wilson noted that, if approved, the purpose of Bylaw No. 2146 is to amend the Town of Ladysmith Zoning Bylaw 2014, No. 1860 to permit one secondary suite as an accessory use on the subject property.

Mr. Wilson confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was published in the Ladysmith Chronicle on July 27, 2023, posted on the Town's website and community notice boards, and mailed and delivered to all properties located within 60 metres of the subject property.

A copy of the Notice, the proposed Bylaw, and background information was made available at the Front Counter of City Hall and Development Services, and on the Town's website for the Notice period. Staff in the Development Services office were available to respond to questions prior to the Public Hearing.

### **5.3 Submissions**

Mayor Stone invited the applicants to make the first submission, but they were not in attendance.

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

Mayor Stone called for submissions from the public.

Mayor Stone called for submissions a second time.

*Ken Chipeniuk, 136 Ray Knight Drive*, voiced concerns about parking on the streets in the neighbourhood, as well as increased congestion in the area.

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

Mayor Stone asked the Corporate Officer, M. O'Halloran, if any submissions had been received during the Hearing. The Corporate Officer advised that there were three written submissions. The first submission was from Gloria and Jim Gustafson, residents of Ray Knight Drive, who voiced concerns about parking and road access. The second submission was from April and Steve Marrington, residents of Ray Knight drive, who

voiced opposition based on parking conditions and road access. The third submission was from the applicant, Paul Elder, who responded to concerns regarding parking and road access in relation to the proposed suite.

**5.5 Declaration that the Public Hearing for Bylaw No. 2146 is Closed - Mayor Stone**

Hearing no comments and receiving no further submissions, Mayor Stone declared the Public Hearing for Bylaw No. 2146 closed at 6:09 p.m. and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

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

**6.1 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2146”**

**CE 2023-191**

That Council proceed with third reading and adoption of “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2146”.

*Motion Carried.*

OPPOSED: Councillor McKay

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

Council rose from Closed Session at 5:40 p.m. without report.

**8. MINUTES**

**8.1 Minutes of the Regular Meeting of Council held July 18, 2023**

**CS 2023-192**

That Council approve the minutes of the Regular Meeting of Council held July 18, 2023.

*Motion Carried*



## **9. DELEGATIONS**

### **9.1 Pamela Bendall - Bayview Street Corridor**

Ms. Bendall addressed Council to voice her concerns about the invasive growth of blackberries growing onto her property. She requested that the town remove the blackberries from her property.

Council agreed to discuss this further at an upcoming Committee of the Whole Meeting.

#### **CS 2023-193**

That Council refer discussion of a Boulevard Maintenance Program to a future Committee of the Whole Meeting.

*Motion Carried*

## **10. DEVELOPMENT APPLICATIONS**

### **10.1 Development Variance Permit 3090-23-01– Block C, District Lot 2054 and District Lot 2061**

#### **CS 2023-194**

That Council issue Development Variance Permit Number 3090-23-01 for 1251 and 1261 Rocky Creek Road and 901 Gladden Road (Block C, DL 2054, Cowichan District, Plan EPC721; and DL 2061, Cowichan District, Plan 3TU1959; Crown Lease #114642) to vary section 16.2.5(a) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to increase the maximum allowable height of boathouses to 12.0 metres in the area specified in the permit.

*Motion Carried*

### **10.2 Development Variance Permit 3090-23-04 – 1221 Rocky Creek Road, 101 Gladden Road**

#### **CS 2023-195**

That Council issue Development Variance Permit Number 3090-23-04 to vary section 12.3.5(d) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to reduce the minimum parcel line setbacks from 3.0 metres to 0.0 metres for the construction of two kilns at District Lot 104, Oyster District, Except Part in Plan 398 RW, PID: 009-450-068 (1221 Rocky Creek Road); Lot 528, Cowichan District, PID: 009-596-542 (1221 Rocky Creek Road); and District Lot 128, Cowichan District, PID: 009-450-092 (101 Gladden Road).

*Motion Carried*

**10.3 Development Variance Permit 3090-22-17 & Development Permit Application 3060-22-20 – 416 South Colonia Drive**

**CS 2023-196**

That Council:

1. Issue Development Variance Permit 3090-22-17 to vary section 10.11.5 (a) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to increase the maximum height of a proposed two-unit dwelling from 10.0m to 11.8m at 416 South Colonia Drive (Lot 14, Block 192, District Lot 103, Oyster District, Plan EPP117682; PID: 031-754-996); and
2. Issue Development Permit 3060-22-20 to allow construction of a two-unit dwelling at 416 South Colonia Drive.

*Motion Carried*

**11. REPORTS**

**11.1 2023-2027 Town’s Auditor**

**CS 2023-197**

That Council award the External Audit Service RFP #2023-FS-01 to MNP and appoint MNP as the Town’s auditor for the year-ends 2023 through 2027.

*Motion Carried*

**11.2 CVRD Regional Planning**

**CS 2023-198**

That Council, in response to the Cowichan Valley Regional District’s April 28, 2023 letter seeking input on the potential establishment of a regional planning service, request further information on:

- a. Proposed funding mechanisms;
- b. Proposed projects to be undertaken within the first five years of establishing the planning service; and
- c. Whether or not the proposed regional planning service would be tasked with developing a Regional Growth Strategy.

*Motion Carried*

**11.3 Infrastructure Services Equipment Changes and Procurement Requests**

**CS 2023-199**

That Council direct staff to:

1. Amend the 2023-2027 Financial Plan to include \$10,000 for the purchase of scaffolding equipment, with the funds to come from prior year surplus;

2. Amend the 2023-2027 Financial Plan to include \$12,000 for the purchase of a passenger truck, with the funding to come from the proceeds of the sale of the Unit 239 Dump Truck; and
3. Utilize Canoe Procurement Group to source the purchase of the Parks Tractor and the Streets Sweeper.

*Motion Carried*

## **12. BYLAWS**

### **12.1 Bylaws for Adoption**

#### **12.1.1 “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106”**

##### **CS 2023-200**

That Council adopt “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106”.

*Motion Carried*

#### **12.1.2 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107”**

##### **CS 2023-201**

That Council adopt “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107”.

*Motion Carried*

### **12.2 Bylaw Status Sheet**

## **13. QUESTION PERIOD**

A resident of the public enquired about the hazard lands at Slack Point, and the effect on the Waterfront Area Plan. He also enquired about how the parking downtown is determined in the OCP.

Another member of the public enquired about a Town tree planting program.

## **14. ADJOURNMENT**

### **CS 2023-202**

That this Regular Meeting of Council be adjourned at 7:26 p.m.

*Motion Carried*

CERTIFIED CORRECT

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Mayor (A. Stone)

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Corporate Officer (M. O'Halloran)

## INFORMATION REPORT TO COUNCIL

**Report Prepared By:** Erin Anderson, Director of Financial Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** September 5, 2023  
**File No:**  
**Re:** **2023 Outstanding Business Licences**

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**RECOMMENDATION:**

That Council receive for information the report dated September 5, 2023 regarding the Business Licences outstanding for 2023.

**EXECUTIVE SUMMARY:**

This report is to inform Council of the businesses currently operating without a valid business licence.

**PREVIOUS COUNCIL DIRECTION:**

N/A

**DISCUSSION:**

Business licence Bylaw No. 1513, 2003 requires that all businesses conducting commercial or industrial activity must have a valid business licence.

The current fee for the Inter-Municipal Business Licence, valid in Ladysmith, Duncan, North Cowichan and Lake Cowichan is \$100.00; and Inter-Community Business Licence fee is \$170.00. The fee was due February 28, 2023, after which a \$25.00 penalty was applied.

The following businesses have not paid:

Island Home Improvements	\$295 Out of Town
J Attig Contracting	\$295 Out of Town
Timeless Details	\$125
Rise Sun Farm Ltd	\$125 Out of Town
Zak's Landscaping and Construction	\$295

An invoice and a reminder statement were sent to each of the businesses as well as Bylaw followed up with businesses that have a storefront in Ladysmith. A final letter notifying the businesses that if payment was not received by July 7, the information would be forwarded to Council as well as to a collection agency. Staff will proceed with notifying a collection agency of the outstanding amounts.

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

**Allison McCarrick, Chief Administrative Officer**

## STAFF REPORT TO COUNCIL

**Report Prepared By:** Erin Anderson, Director of Financial Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** September 5, 2023  
**File No:** 1970-04  
**Re:** **Permissive Tax Exemptions for the Tax Year 2024**

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**RECOMMENDATION:**

That Council direct staff to prepare a one-year Permissive Tax Exemption Bylaw for all properties currently identified in the “Town of Ladysmith 2023 Permissive Tax Exemptions Bylaw 2022, No. 2122” with the exception of folio 445-1602.100 and that Council direct staff to remove fully exempt properties from the 2024 water parcel tax roll and the 2024 sewer parcel tax roll.

**EXECUTIVE SUMMARY:**

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

**PREVIOUS DIRECTION:**

N/A

**INTRODUCTION/BACKGROUND:**

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

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

The following properties are proposed to be exempt from taxation based on s.224.

There are three properties that historically the Town has provided an exemption based on their community work. The Legion does not receive a full exemption; just an exemption on the non-commercial areas. The Healthcare Auxiliary (Thrift Store), though operating a commercial business, has historically received an exemption. The LRCA’s new “Heart on the Hill” property received a full exemption of \$41,387 in 2023 based on their construction state in November of 2022. Now that the building is complete, the assessment is expected to be greater for 2024.

(2)(a) land or improvements that are owned or held by a charitable, philanthropic or other not-for-profit corporation, and which the Council considers are used for a purpose that is directly related to the purposes of the corporation:

Organization	Address	2023 Municipal Taxes Forgone (\$)	2023 total taxes forgone (\$)	Serv. Agrmt
Canadian Legion Branch #171	621 1st Avenue	306	834	-
Ladysmith Health Care Auxiliary	910 1st Avenue	15,818	27,038	-
Ladysmith Resources Centre Association	314 Buller Street	20,917	41,387	45,608

The Town owns properties and leases them to other organizations. The following properties can be exempted based on CC s.224(2)(b) land or improvements that are owned or held by the municipality and which the Council considers are used for a purpose that is directly related to the purposes of the corporation:

Organization	Address	2023 Municipal Taxes Forgone (\$)	2023 total taxes forgone (\$)	GIA/ Serv. Agrmt
Ladysmith & District Historical Society	721 1st Avenue	5,537	9,066	35,627
Ladysmith & District Historical Society	614 Oyster Bay Drive	2,896	5,062	
Ladysmith & District Historical Society	1115B - 1st Avenue	3,442	5,404	
Ladysmith & District Historical Society	612 Oyster Bay Drive	2,746	4,801	
Ladysmith Maritime Society	616 Oyster Bay Drive	2,896	5,062	1,500
Ladysmith Festival of Lights	1163 4th Avenue	8,081	13,513	10,000
Ladysmith Golf Club Society	380 Davis Rd	3,306	6,517	Maintenance agreement

Many churches are statutorily exempt for the building and footprint; the PTE extends the exemption to the remaining portion of the property. *Community Charter* s.224(2)(f) in relation to property that is exempt under CC s.220(1)(h) allows the following properties to be exempt:

Organization	Address	2023 Municipal Taxes Forgone (\$)	2023 total taxes forgone (\$)
United Church of Canada	232 High Street	1,482	2,627
Ladysmith Fellowship Baptist Church	381 Davis Road	1,432	2,489
St. Mary's Catholic Church	1135 4th Avenue	8,617	15,171
Pentecostal Assemblies of Canada	1149 4th Avenue	2,786	5,345

*Community Charter* s.224(2)(h) in relation to property that is exempt under CC s.220(1)(i) allows for specific housing for senior citizens to be exempt:

Organization	Address	2023 Municipal Taxes Forgone	2023 total taxes forgone
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		(\$)	(\$)
Ladysmith Senior Citizens Housing Society	207 Jamison Road	4,124	7,490
Ladysmith Senior Citizens Housing Society	101 1st Avenue	4,931	9,119

Not included in the regular 2024 Permissive Tax bylaw is the marina. In the past, the Province leased the area to the Town and the commercial uses made the area taxable. The Town has surrendered the water lease back to the Province. The property will revert to the Province and a payment in lieu of taxation may be provided.

The maximum term of a PTE is 10 years. There are other properties that have received a 10 year exemption under other Permissive Tax Exemption bylaws:

- Ladysmith Resource Centre Association/ Ladysmith Senior (630 2<sup>nd</sup> Ave) – exempt for 2021-2030. The municipal exemption value for 2023 was \$5,664.
- Boys & Girls Club of Central Vancouver Island (220 High St) – exempt for 2021-2030. The municipal exemption value for 2023 was \$7,982.
- St John's Masonic Temple (Partnering Agreement) - exempt for 2019-2028. The municipal exemption value for 2023 was \$2,478.
- P Jorjorian (Partnering Agreement) – exempt 2019-2028. The municipal exemption value for the two properties in 2023 was \$5,300.
- Island Corridor Foundation properties - exempt for 2023-2032. The municipal exemption value for all of the ICF properties in 2023 was \$17,510.

As a reminder, the Grant in Aid policy has been updated to reduce the GIA payment by the Permissive Tax Exemption amount starting in 2024.

At a previous meeting, the Committee discussed changing the PTE policy. The existing policy is attached. Any changes to the policy will be presented at a future Committee of the Whole meeting effective for the 2025 tax year.

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

If approved, staff will prepare the necessary bylaw(s) for the first three readings at the September 26<sup>th</sup> Council meeting. Statutory advertising will be in the Chronicle on October 5<sup>th</sup> and on the Town's website for October 12. The bylaw is proposed to be adopted on October 17<sup>th</sup>, ahead of the October 31<sup>st</sup> deadline. The adopted bylaws will be forwarded to BC Assessment to ensure the exemption to the assessments are put in place for the tax year 2024.

#### **ALTERNATIVES:**

Council can choose to:

1. Deny the exemptions. There is no requirement for Council to provide PTEs.
2. Provide a multi-year exemption up to a 10-year maximum.

#### **FINANCIAL IMPLICATIONS:**

The value of the proposed bylaw based on 2023 figures is \$83,691. All other taxpayers in Ladysmith shared in providing this exemption. If Council eliminated these exemptions, this amount would reduce all other taxpayers' contribution to the municipal tax levy.

Usually, there is no property tax revenue lost - just a shifting of the taxation dollars from each exempt property to all the other taxable properties. In the case of new construction, the non-market change is used to reduce the overall taxation.

**LEGAL IMPLICATIONS:**

PTEs must also be considered as part of the Financial Plan.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

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

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

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

**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 recommendations.***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENT:**

Attachment A –05 1970 B Permissive Tax Exemption Policy

**TOWN OF LADYSMITH**  
**POLICIES AND PROCEDURE MANUAL**

TOPIC:	PERMISSIVE TAX EXEMPTION POLICY	
APPROVED BY:	Council	DATE: Aug. 7, 2012
RESOLUTION #:	2012-274	
A. PREAMBLE		
<p>The Town of Ladysmith recognizes the significant value of volunteers, volunteer groups and agencies to the spiritual, educational, social, cultural, and physical well-being of the community. A permissive tax exemption is a means for Council to support organizations within the community that further Council's objective to enhance the quality of life while delivering services economically to the citizens of Ladysmith.</p> <p>The Permissive Tax Exemption Policy is intended to:</p> <p>-Provide clarity, consistency and certainty to the municipality, the public and prospective applicants.</p>		
B. EXTENT, CONDITIONS, AND PENALTIES		
<p>1. Council may designate only a portion of land/improvements as exempted where the following circumstances exist:</p> <p>a. A portion of the land/improvements is used by private sector and/or organization not meeting Council's exemption criteria.</p> <p>b. The applicant already receives grant in aid from the municipality, provincial or federal government.</p> <p>c. The applicant meets all eligibility criteria, however Council may at its discretion grant a partial exemption.</p> <p>2. Council may impose conditions on the exempted land/improvements with the applicant organization, including but not limited to:</p> <p>a. Registration of a covenant restricting use of the property</p> <p>b. An agreement committing the organization to continue a specific service/program</p> <p>c. An agreement committing the organization to have field/facilities open for public use for specific times or a total amount of time</p> <p>d. An agreement committing the organization to offer use of the field/facility to certain groups free of charge or at reduced rates</p> <p>e. An agreement committing the organization to immediately disclose any substantial increase in the organization's revenue or anticipated revenue (i.e. receives large operating grant from senior government)</p> <p>3. Council may impose penalties on an exempted organization for knowingly breaching conditions of</p>		

exemption, including but not limited to:

- a. Revoking exemption with notice
- b. Disqualifying any future application for exemption for specific time period
- c. Requiring repayment of monies equal to the foregone tax revenue.

### C. PROCESS

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Council will consider permissive tax exemption applications for 3 years.

Organizations will be required to complete a Comprehensive Application. If the application is approved for the next tax year, the organization will be required to submit a short renewal application every year for the next 2 years. The renewal application is confirmation that ownership and use of property has not changed and will be reviewed and approved before a permissive tax exemption is granted.

Comprehensive Non-Profit applications must have the following information attached before consideration of a 3 year permissive tax exemption:

Copy of last Registered Charity Information Return or Non-Profit Organization Information Return submitted to the CCRA

Copy of most current Audited Financial Statements or Financial Statements prepared by an Accountant.

Financial Budget (pro-forma Balance Sheet and Income Statement) for the current 12 months

Scale Drawing of Property, that includes buildings, parking lots, landscaping, playgrounds, fields, etc.

Copy of Lease Agreement if applicable

Applications with required supporting information must be submitted prior to August 15th of each year to be considered for the next permissive tax exemption year or cycle.

#### Additional Information

Council may request a presentation from applying organization.

The Town of Ladysmith may request additional information.

The Town of Ladysmith reserves the right to review records and/or property to verify information provided in support of application.

Successful applicants may be asked to publicly acknowledge the exemption.

Council may, at its discretion, reject any or all applicants in any given year.

This policy does not apply to permissive tax exemptions for revitalization, riparian, and other special exemption authority.

#### Eligibility Criteria

To be eligible for a permissive tax exemption an organization must comply with all of the eligibility criteria outlined below. The application forms and supporting documentation are an integral part of this policy. There is no obligation on the part of Council to grant permissive tax exemptions in any given year.

The applicant(s):

1. qualifies for an exemption under the provisions of the *Community Charter*, general authority for permissive exemptions. (Part 7, Division 7, Section 224).
2. and/or the property owner is in compliance with municipal policies, plans, bylaws, and regulations (i.e. business licensing, zoning).
3. is a Non-Profit Organization.

Tax exemptions will only be granted to organizations that are a Registered Charity or Non-Profit Organization.

The intent of this requirement is to ensure that municipal support is not used to further activities of an organization or individual that, if not for its not-for-profit status would otherwise be considered business, i.e. an organization that is operating as a Non-Profit; although it charges market value for services available, and would be comparable in operations and perception to public as a For Profit Business.

Non-profit organizations conducting retail and/or commercial activity and charging rates or fees at market value are considered to be in competition with for-profit businesses and will not be eligible for tax exemption.

4. provides services or programs that are compatible or complementary to those offered by the Town of Ladysmith. When a service or program is offered by a non-profit group or club, the Community may benefit from a more cost effective provision of services.

Services provided by an organization should fulfill some basic need, or otherwise improve the quality of life for residents of Ladysmith.

5. principal use of property meets Council's objectives. The "principal use of the property" refers to the use related directly to the principal purpose of the organization owning the property.

Permissive tax exemptions will be based on the principal use of the property, not on the non-profit or charitable services of the organization.

6. will provide benefits and accessibility to the residents for Ladysmith. Specifically, members of the public, within the appropriate age range, are able to join a club or organization and participate in its activities for a nominal rate or fee.

Ladysmith residents must be the primary beneficiaries of the organization's services. The services provided on the property must be accessible to the public. Council may at its discretion provide partial exemptions.

7. that provide liquor and/or meal services as their primary function and/or source of revenue will not be eligible for permissive tax exemption.

Administration

The Financial Services Department will review all applications for completeness and contact the applicant if additional information is necessary.

The Financial Services Department will prepare a summary report of applications and bylaw for presentation to Council the first week of October for approval and adoption prior to October 31st of each year.

A public notice will be placed in the local newspaper of proposed bylaw. The notice will include:

Property subject to bylaw

Description of the proposed exemption

Number of years the exemption will be provided

Estimate of the amount of taxes that would be imposed on the property if it were not exempt for the year of exemption and following 2 years.

Public notice will be in accordance with Section 94 of the *Community Charter*.

Organizations that have been approved for permissive tax exemption will be exempt for up to 3 years.

#### Late Application

Applications received after the deadline for submission will be held until the next scheduled October presentation to Council that meets the application due date. Applicants may, at that time, request Council to consider a refund of the Municipal portion of taxes paid for the property to be exempted the following year.

\*Council shall consider the granting of a Permissive Tax Exemption in relation to other funding requests by the same organization.

**STAFF REPORT TO COUNCIL**

**Report Prepared By:** Erin Anderson, Director of Financial Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** September 5, 2023  
**File No:**  
**Re:** **2024 Financial Plan (Budget) Discussions**

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**RECOMMENDATION:**

That Council approve the following schedule to deliberate the 2024-2028 Financial Plan:

- September 26<sup>th</sup> – Parks, Recreation & Culture – operating & capital;
- November 7<sup>th</sup> – Water & Sewer – operating & capital;
- November 21<sup>st</sup> – Introduction of General Operations;
- December 5<sup>th</sup> – Introduction of General Capital Projects. Water & Sewer Rate bylaws introduced;
- December 19<sup>th</sup> – Anticipated adoption of Water & Sewer Rate bylaws and Early budget approvals; and
- January 23<sup>rd</sup>, 2024 – Introduction of the 2024-2028 Financial Plan bylaw.

**EXECUTIVE SUMMARY:**

Each year, a new 5-year Financial Plan is drafted and presented to Council for approval. It is recommended that specific dates be scheduled to discuss the 2024-2028 Financial Plan. Even though the financial plan bylaw is not due until May 15, 2024, it is recommended to enter into budget discussions early in order to plan for capital projects and ensure utility rate bylaws are in place for January 1, 2024. Budget deliberations for Parks, Recreation & Culture are starting earlier than in the past due to the CVRD's budget schedule for the regional recreation.

**PREVIOUS COUNCIL DIRECTION:**

N/A

**INTRODUCTION/BACKGROUND:**

Staff are currently in the process of preparing their department operational budgets which align with the Town's Strategic Plan. At the time of writing this report, the inflation rate for August 2023 was 5.6%. Staff have included a 4% inflationary increase, where applicable, on many goods, services and materials. Some items already known:

- CUPE negotiated wage increase for 2024 is 2.5%.
- BC Hydro rate increase is 2.7%.
- RCMP per-member cost increase - based on historical trends, we will budget for the full 8 members (versus previous budgets at 7.5 members).

**ALTERNATIVES:**

Council can choose to defer budget discussions to April of 2024. This will impact the water and sewer rates revenues for 2024 and delay capital projects. The Financial Plan bylaw must be adopted before May 15, 2024.

**FINANCIAL IMPLICATIONS:**

The Financial Plan (budget) determines all the revenues and expenses for the Town. It also determines the tax rates.

**LEGAL IMPLICATIONS:**

The *Community Charter* requires that a municipality must adopt a Financial Plan prior to May 15.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

The impact on property taxation is unknown currently. BC Assessment will provide the assessment roll towards the end of March. Citizens are encouraged to attend meetings and provide input during the budget deliberations.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The development of the Financial Plan starts and ends with Council. Department heads prepare their budgets to align with Council priorities. Finance summarizes the numbers and presents the budget to Council for discussion and direction.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

☒ Infrastructure

☐ Economy

☒ Community

☐ Not Applicable

☐ Waterfront

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

**Allison McCarrick, Chief Administrative Officer**



## STAFF REPORT TO COUNCIL

**Report Prepared By:** Andrew Wilson, Planner  
**Reviewed By:** Jake Belobaba, RPP, MCIP, Director of Development Services  
**Meeting Date:** September 5, 2023  
**File No:** 4320-50 (2023) Bayview Brewing  
**Re:** **Liquor Special Event Area Endorsement – Bayview Brewing (204 Dogwood Drive)**

**RECOMMENDATION:**

That Council, in response to the referral from the Liquor and Cannabis Regulation Branch for a special event area endorsement application for Bayview Brewing Company located at 204 Dogwood Drive, “opt in” to the local government comment process and direct staff to provide written notification to residents within 60 metres of the subject property inviting them to submit written comments about the application.

**EXECUTIVE SUMMARY:**

The Liquor and Cannabis Regulation Branch (LCRB) has referred an application to operate an outdoor special event area. Bayview Brewing has applied to host special events of up to 300 attendees in their parking lot at 204 Dogwood Drive. The microbrewery has a liquor manufacturing licence and lounge endorsement. Under section 38 of the *Liquor Control and Licensing Act*, Council must receive the referral and either “opt in” or “opt out” of the local government comment process. If Council decides to opt in, the Town must gather resident views on the application. Guidance is provided under ‘Citizen/Public Relations Implications’. Liquor license applications trigger the requirement for local government comment under the *Liquor Control and Licensing Act*.

**PREVIOUS COUNCIL DIRECTION:**

Resolution	Meeting Date	Resolution Details
CS 2021-233	07/06/2021	<p>That Council recommend issuance of a Lounge Area Endorsement by the BC Liquor and Cannabis Regulation Branch to Bayview Brewing Company to be located at 202-204 Dogwood Drive for the following reasons:</p> <ul style="list-style-type: none"> <li>• the property is zoned for neighbourhood pub and microbrewery use;</li> <li>• the hours of operation are proposed to be between 11am and 9pm on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays, and 11am and 11pm on Fridays and Saturdays;</li> <li>• the limited 30 person indoor capacity and 24 person patio capacity of the lounge;</li> </ul>

		<ul style="list-style-type: none"> <li>• the impact of noise on the community in the immediate vicinity of the proposed lounge area is expected to be minimal; and</li> <li>• the general impact on the community is expected to be minimal.</li> </ul>
CS 2021-178	06/01/2021	That Council, in response to the referral from the Liquor and Cannabis Regulation Branch for a lounge endorsement application for the Bayview Brewing Company located at 202 Dogwood Drive, opt in to the local government comment process and direct staff to provide written notification to residents within 60 metres of the subject property inviting them to submit written comments about the application.
CS 2020-182	06/16/2020	That Council: <ol style="list-style-type: none"> <li>1. Issue Development Permit 3060-20-10 for the proposed development at 204 Dogwood Drive.</li> <li>2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-20-10</li> </ol>
CS 2020-102	03/31/2020	That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 30) 2019, No. 2029". (This rezoning is to allow a neighbourhood pub with micro-brewery.)

### **INTRODUCTION/BACKGROUND:**

The subject property was rezoned in March of 2020 to allow a neighbourhood pub and microbrewery. Council later issued a development permit for the facility in June of 2020. The applicant applied for a liquor manufacturing licence with a lounge endorsement on May 17, 2021 which was referred to the Town for comment. Council “opted in” and public notification process was mailed out and advertised in the Ladysmith [Courier-Chronicle](#) on July 1, 2021. Council received 7 submissions and endorsed issuance of the license on July 6, 2021<sup>13</sup>. LCRB issued the license to Bayview Brewing Company on April 27, 2022.

The applicant has since applied to the LCRB for a special event area endorsement. The application proposes to use a 500m<sup>2</sup> parking lot and walkway area for single-day special events with a proposed “person capacity”<sup>1</sup> of 300. Hours of liquor sales occurs 11:00 am to 11:00 pm from Sunday to Saturday under the liquor manufacturing license with lounge endorsement. No changes are proposed to the brewery’s existing licence.

The special event area endorsement allows for the hosting of special events such as weddings, concerts, private parties or promotional events open to the public within a designated area. As noted in the application, a special event area endorsement is event-driven only and is not intended to be an extension or an alternative to a lounge. When an event is not taking place, the conditions of the special event area endorsement are not in effect. Council can recommend approval with certain restrictions or conditions such as reduced hours of liquor service or a maximum number of events per year. Without conditions, there is no limit on the number of special events. The Town does not currently have a business license mechanism or special event bylaw to impose certain operating rules or restrict special events.

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<sup>1</sup> According to the Special Event Area Endorsement Application, a specified “person capacity”, as opposed to “occupant load”, is required for outdoor areas.

It is important to note that the applicant is able to apply for a Special Event Permit (SEP) for individual events without endorsement by the Town. A SEP was approved and issued by the LCRB for the Bayview Brewing 1-year Anniversary Celebration held on Saturday, April 29<sup>th</sup>, 2023. At time of writing, the applicant has applied for 2 SEPs for a Labour Day event on September 2, 2023, and a wedding on September 23, 2023. If approved, the Special Event Area endorsement will give the applicant the ability to host events without an SEP application for each event.

A copy of the SEP application is provided as Attachment A.

Additional information requested by Planning Staff and provided by the applicant is summarized in Table 2 below.

*Table 2: Additional information provided by the applicant.*

<b>Question posed to the Applicant</b>	<b>Comments</b>
What is the size of the event area?	Special events are proposed to be held in the parking lot and walkway, an area approximately 500 m <sup>2</sup> (see Attachment B).
What is the purpose of the Special Event Area Endorsement?	This Special Event Area Endorsement would give the applicant the ability to host events without applying to the LCRB for an individual Special Event Permit for each event.
What is the purpose of events?	The events include weddings, anniversary parties, and special celebrations.
What days of the week are events held? Are the proposed events single day or multiple day events?	Events are held on weekends only for a single day at a time.
How many events are held each year?	The applicant intends to host two Bayview Brewing-sponsored events per year plus private bookings such as weddings as they come up.
What are the hours of the events?	Events are held from noon to 10pm.
What are the hours of liquor service during an event?	The existing manufacturing liquor license permits liquor service until 11pm.
Are there any temporary structures used for events?	The following structures are used for events: <ul style="list-style-type: none"> <li>• 2 – 10'x30' special event tents are used for covered seating</li> <li>• 1 – 10'x10' canopy tent for the outdoor service area</li> <li>• 1 entry booth</li> <li>• 2 port-a-potties and 1 wash station</li> </ul>
How is parking addressed during events?	Events are advertised as a walk-to event for locals. Street parking on side streets is expected.
Describe the potential for noise and other disturbances.	Disturbances may include loud patrons, extra cars in the neighbourhood, and live music.
Describe the disturbance mitigation measures.	The applicant stated that: <ul style="list-style-type: none"> <li>• ample notice is given to neighbours of upcoming events;</li> <li>• live music is kept to reasonable hours;</li> <li>• a professional sound company is hired to keep live music decibels to within reasonable levels.</li> </ul>

	<ul style="list-style-type: none"> <li>• signs are posted at the venue instructing patrons to behave responsibly and respectfully; and</li> <li>• irresponsible patrons are asked to leave the premises.</li> </ul>
How are these events a benefit to the neighbourhood and community?	<p>“The opportunity to gather and interact socially at a licensed facility has been well received over the past year. Our customers are so appreciative to have somewhere to gather that has regular hours and a reasonable space to gather in. The two regular events we are planning to host (April 29 anniversary and Labour Day Saturday) is an opportunity for us to show our appreciation to the community in return during the nice weather season. After our 1st Anniversary event, we heard daily for months about the success of the event from our patrons and how well it was appreciated.” - Rod Alsop, Owner</p>

The Town has no formal policies related to application referrals for special event area endorsements or liquor licence applications in general. For the most recent liquor license application (coincidentally the liquor manufacturing licence and lounge endorsement for Bayview Brewing Company in 2021) Council opted in to the local government comment process. This is described in greater detail under ‘Citizen/Public Relations Implications’.

#### **ALTERNATIVES:**

Council can choose to:

1. Opt out of the local government comment process.
2. Opt in to the local government comment process and direct staff to schedule and provide notice for a public hearing.
3. Opt in to the local government comment process and specify a different method of gathering resident views.

#### **FINANCIAL IMPLICATIONS:**

Should Council opt in to the local government comment process, application and public notification costs will be covered by applicable fees. The fee is \$1,750 plus advertising costs.

#### **LEGAL IMPLICATIONS:**

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

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

If Council decides to opt in to the local government comment process, acceptable methods of gathering public views under section 38(3)(c) of the *Liquor Control and Licensing Act* are:

1. Receiving written comments in response to a public notice of the application.
2. Conducting a public hearing in respect of the application.
3. Holding a referendum.

4. Using another method the local government considers appropriate.

The above options are similar to acceptable methods for cannabis retail applications. For previous liquor license applications and for cannabis applications, Council has typically chosen Option 1 with mail notification delivered to properties within 60 metres of the subject property. This method was used for the most recent liquor license application (Bayview Brewing Company). A notice was also placed in the business's window. The same method was used for the most recent non-medical cannabis retail store application (Flight Cannabis Company at 16-370 Davis Road). This is the option recommended by staff.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Should Council elect to opt in to the local government comment process, staff will refer the application to the Ladysmith RCMP and Ladysmith Fire Department for comment.

**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.***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENTS:**

- A. Special Event Area Endorsement Application
- B. Special Event Area Site Plan



## Liquor and Cannabis Licensing

Dashboard

Licences & Authorizations

Security Screening

Applications for Review

Notices

Special Events Permits

# Provide Comment on Special Event Area Endorsement Application

A special event area endorsement permits the sale, service and consumption of liquor during a special event such as weddings, concerts and private parties. Liquor service is only permitted during an event. A special event area may be located in any area of the manufacturing site and may overlap in whole, or in part, a sampling room, on-site store, lounge or picnic area.

Please note: Do not apply for a special event area endorsement in the same footprint as your lounge. A lounge may host special events even though liquor service in the lounge is not event driven.

☐ If you leave this page, the information you input will be saved. You can continue later from the dashboard.

### BEFORE STARTING THE APPLICATION

The application fee of \$330 must be submitted with your application.

Please note: If your endorsement(s) application is approved, a first year licensing fee of \$330 (pro-rated to March 31st) will be required for each endorsement before the Liquor and Cannabis Regulation Branch will issue your endorsement.

If an LG/IN is the applicant, the Branch will gather community input and consider the regulatory criteria; the LG/IN is not permitted to conduct public input or provide comments on their own application. This is to prevent conflicts of interest. The applicant must pay any costs incurred to obtain the views of residents.

☐ If you have any questions about this application, contact the Liquor and Cannabis Regulation Branch (LCRB) at [LCRB.Liquor@gov.bc.ca](mailto:LCRB.Liquor@gov.bc.ca)

### REQUIREMENTS FOR OPERATING A SPECIAL EVENT AREA ENDORSEMENT

The special event area endorsement allows for the hosting of special events such as weddings, concerts, private parties or promotional events open to the public within a designated area.

The following applies to the endorsement of a Special Event Area:

- A special event area (SEA) may be located in any area on the manufacturing site, including, in whole or in part, in: an area designated as a sampling room, an on-site store, a lounge or any other endorsement area, and/or a production area.
- If the SEA overlaps the picnic area, service is permitted within that area during the special event only, and the picnic area is considered closed.



The following applies to the endorsement of a Special Event Area:

- A special event area (SEA) may be located in any area on the manufacturing site, including, in whole or in part, in: an area designated as a sampling room, an on-site store, a lounge or any other endorsement area, and/or a production area.
- If the SEA overlaps the picnic area, service is permitted within that area during the special event only, and the picnic area is considered closed.
- SEAs with a patio must meet patio policy requirements and be designed and located to prevent noise disturbances to nearby residents.
- This endorsement is event-driven only and is not intended to be an extension or an alternative to a lounge.
- Bounding is required for any outdoor area and for the duration of the event.

Licensees are expected to review and understand all relevant regulatory requirements established in the Liquor Control and Licensing Act, Liquor Control and Licensing Regulation, and the relevant Terms and Conditions Handbook.

As part of this application, you are required to confirm:

☒ I have read and understand the above terms and conditions.

#### ESTABLISHMENT DETAILS

##### Establishment Name

Bayview Brewing Company Inc.

#### MANUFACTURER LOCATION ADDRESS

The establishment is currently located at the following address:

##### Address

204 Dogwood Drive

##### City

Ladysmith

##### Province

British Columbia

##### Postal Code

V9G1S8

##### Country

Canada

##### Parcel Identifier (PID)

001-023-276

#### LOCAL GOVERNMENT/INDIGENOUS NATION AND POLICE JURISDICTION

Enter the [local government or Indigenous Nation](#) and police jurisdiction where the establishment will be located. Suggestions will be provided after you type the first three characters of the name.

##### Local Government/Indigenous Nation

Ladysmith

##### Selected Local Government/Indigenous Nation

Name: Ladysmith

Please ensure you have made yourself familiar with the application requirements for this local government (or Indigenous Nation) prior to submitting your application. You may need to contact them prior to submitting to ensure your successful submission.

##### Police Jurisdiction

Ladysmith RCMP

##### Selected Police Jurisdiction

Name: Ladysmith RCMP

#### Zoning

☒ By checking this box, I confirm that current zoning at the proposed location permits a Special Event Area Endorsement.

#### Is your establishment located on the Agricultural Land Reserve (ALR)?

☐ Yes ☒ No

#### ESTABLISHMENT CONTACT DETAILS

The phone and email address used to contact your establishment:



**Establishment Email**

info@bayviewbrewing.com

**Establishment Phone**

**Will the establishment have a patio?**

☐ Yes ☒ No

**APPLICATION DETAILS**

**You confirm that the patio service area(s) bounding is sufficient:**

- ☐ \* For you to monitor and control patron entry and exit, and
- ☐ \* To visually and physically define the service area.

**In opening this patio area you confirm that:**

- ☐ \* You will take appropriate measures to maintain care and control over the service area and conduct.

**Describe the location of the patio in relationship to the interior service area. \***

**What is the status of the patio area construction? \***

☐ Ready to Operate ☐ In Progress ☐ Not Started

**What is the status of the patio area construction? \***

☐ Ready to Operate    ☐ In Progress    ☐ Not Started

**If construction has not yet started or is in progress, when do you expect it to be complete?**

yyyy-mm-dd

☐ The patio is currently the subject of a Temporary Expanded Service Area (TESA) Authorization

**Indicate the months you expect to operate the patio (note: if approved, your patio will be licensed for the full year, within the limits of LG/IN bylaws and permits):**

- ☐ January
- ☐ February
- ☐ March
- ☐ April
- ☐ May
- ☐ June
- ☐ July
- ☐ August
- ☐ September
- ☐ October
- ☐ November
- ☐ December

**Describe how patrons will access the patio (ie. from interior). \***

☐ December

**Describe how patrons will access the patio (ie. from interior). \***

**Will servers have to carry liquor through any unlicensed areas to get to the patio?**

☐ Liquor will be carried through any unlicensed area to get to the patio.

**If yes, please explain. Only servers are permitted to carry liquor through unlicensed areas.**

**Liquor will primarily be served from: \***

☐ From serving hatch on patio    ☐ From bar serving hatch on patio    ☐ The interior serving hatch

---

## Floor Plan

Attach a high-quality copy of the proposed special event area endorsement floor plan(s).

The floor plan(s) must be stamped with an occupant load for each proposed interior and patio service area. The occupant load stamp must be signed and dated by the issuing authority within 1 year prior to the date of submission of this application.

Outdoor special event areas, not on a patio, require a person capacity identified by the applicant instead of an occupant load.

Occupant load is the maximum number of persons (patrons plus staff) permitted in the service area and is generally determined by the Local Government (LG) / Indigenous nation (IN) fire and/or building authorities. If the LG/IN authority will not provide the occupant load, you must request they provide a letter confirming they do not issue occupant load and submit it with this application. The Branch will then accept your floor plan(s) with the occupant load calculation determined, and stamped/dated/signed, by a registered professional architect or engineer.

To avoid unnecessary delays in processing, do not submit this application without a current (within the last 12 months) occupant load stamp for any proposed interior and patio service areas.

Plans must show all service areas and the following details:

- labels for each room
- patio(s)
- liquor service bars
- stage
- sound or DJ booth
- stairs, entrances and exits
- kitchen
- washrooms

Plans must also show the physical separation (e.g. pony wall or full height wall) separating the proposed endorsement service area(s) from other liquor licences or unlicensed areas. If there is another liquor licence, or another business at the same site, provide floor plans showing the other business in relation to the proposed special event area endorsement.

[Floor Plan 1.pdf](#)

5154 kb

### SERVICE AREAS

Use the following table to list the service areas and provide their proposed person capacity (patrons and staff combined) for your establishment. Use names like **Patio** to refer to a patio service area.

**Note:** Proposed capacity cannot exceed occupant load issued by the local authority.

Area No.	Area/Floor Level	Indoor	Patio	Proposed Capacity
1	interior service area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	30
2	exterior patio	<input type="checkbox"/>	<input checked="" type="checkbox"/>	33
Total Requested Capacity:				63

total requested capacity.

00

Do you currently hold another manufacturer licence at the same site that is already endorsed for the same area?

Yes

No



#### Alert

If this applicant has answered YES to this question please contact LCRB (via email: [LCRB.SLA@gov.bc.ca](mailto:LCRB.SLA@gov.bc.ca)) prior to starting your related processes (i.e. for conducting public input and providing comment) to confirm whether these steps are required for this application. When an applicant proposes to have overlapping service areas it is often not necessary to conduct further public input or provide comment

### OUTSIDE AREAS

Complete the following chart if you will have an outdoor event area (not a patio). Outdoor areas require a person capacity not occupant load.

Area No.	Size (in m <sup>2</sup> )	Proposed Capacity
1	Parking lot and walkway approx 500m <sup>2</sup>	300
Total Requested Capacity:		300

Do you currently hold another manufacturer licence at the same site that is already endorsed for the same area?

Yes

No



#### Alert

If this applicant has answered YES to this question please contact LCRB (via email: [LCRB.SLA@gov.bc.ca](mailto:LCRB.SLA@gov.bc.ca)) prior to starting your related processes (i.e. for conducting public input and providing comment) to confirm whether these steps are required for this application. When an applicant proposes to have overlapping service areas it is often not necessary to conduct further public input or provide comment

### Site Plan

Provide a scaled site plan of your property.

The site plan must identify the location of the proposed patio and show the following:

- All buildings and their uses (i.e., storage, manufacturing buildings, personal residences, garage, etc.)
- Other businesses operating on the site, including other licensees approved by the LCRB and the entrances to those buildings
- All licensed areas (other endorsements or licences approved by the Liquor and Cannabis Regulation Branch)
- Any Vineyards, orchards, agricultural crops, and beehives
- Private and public roadways and parking areas

[Site Plan 1.pdf](#)

1413 kb

For Distillers Only: The Office of the Fire Commissioner (OFC) requires that a distillery be constructed and maintained in conformance with the BC Fire Code. The OFC will be provided a copy of the Approval in Principal for your application, if issued.

#### HOURS OF SALE

Indicate the proposed hours of sales below.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	11:00 ▾	11:00 ▾	11:00 ▾	11:00 ▾	11:00 ▾	11:00 ▾	11:00 ▾
Close	23:00 ▾	23:00 ▾	23:00 ▾	23:00 ▾	23:00 ▾	23:00 ▾	23:00 ▾

#### APPLICATION CONTACT DETAILS

Please provide contact information for the contact that the LCRB should communicate with regarding this application.

**First Name \***

Rod

**Last Name \***

Alsop

**Title/Position**

President

**Phone Number (main) \***

2507146749

**Email \***

By submitting the email address, you agree that the Liquor and Cannabis Regulation Branch can use it to communicate with you about this application.

info@bayviewbrewing.com



**Email \***

By submitting the email address, you agree that the Liquor and Cannabis Regulation Branch can use it to communicate with you about this application.

info@bayviewbrewing.com

**DECLARATIONS**

The application must only be submitted by an individual with the authority to bind the applicant. The branch relies on the applicant to ensure that the individual who submits this application is authorized to do so. Typically, an appropriate individual in a corporation will be a duly authorized signatory who will usually be an officer or, in some cases, a director.

Note: A lawyer or consultant, may NOT submit this application on behalf of the applicant.

☒ \* I understand and affirm that I am authorized to submit the application.

Section 20 (1) of the Liquor Control and Licensing Act states: "The general manager may refuse to issue, renew, transfer or amend a licence if the applicant fails to disclose a material fact required by the application or makes a false or misleading statement in the application."

☒ \* I understand and affirm that all of the information provided for this application is true and complete.

**LOCAL GOVERNMENT/INDIGENOUS NATION CONFIRMATION OF RECEIPT OF APPLICATION****LG/IN**

Ladysmith

**Name of Official****Title/Position****Phone**

(000) 000-0000

**Email**

This document is a confidential document and should not be distributed outside the jurisdiction of the Liquor and Cannabis Regulation Branch.

This serves as notice that an application for a lounge and/or special event area endorsement is being made within your community.

The Liquor and Cannabis Regulation Branch requests that you consider this application (application form, letter of intent, and floor plan) and provide the Branch with resolution within 90 days of the above received date. Alternatively, local governments/First Nations (LG/FN) can delegate staff with the authority to provide comment.

- If there are any major issues (e.g., zoning), LG/FN may hold off approving the application until the issues are resolved or they have a plan to deal with the issues.
- When LG/FN is comfortable with the application proceeding, LG/FN staff will approve the application. LG/FN will keep a copy of the approved application and all supporting documents.
- Branch staff will contact LG/FN to confirm receipt of the application and identify the Branch staff responsible for processing the application.
- Branch staff and LG/FN staff will advise each other if there are any concerns with the proposed application.

To provide a resolution or comment:

- Gather public input for the community within the immediate vicinity of the establishment.
- Consider these factors which must be taken into account when providing resolution/comment:
  - The location of the establishment.
  - The person capacity and hours of liquor service of the establishment.
- Provide a resolution/comment with comments on:
  - The impact of noise on nearby residents.
  - The impact on the community if the application is approved.
  - The views of residents and a description of the method used to gather views.
  - The LG/FN recommendations (including whether or not the application should be approved) and the reasons on which they are based.
- Provide any reports that are referenced in, or used to determine, the resolution/comment.
- If more than 90 days is required, provide a written request for extension to the Branch.
- If LG/FN opts out, or is the applicant, the Branch will gather public input and contact LG/FN staff for information to assist the Branch in considering the regulatory criteria.
- If you have any questions, or the establishment is located on Treaty First Nation land, please call the Branch toll-free at 1-866-209-2111 to speak to a Senior Licensing Analyst.

TO UPLOAD DOCUMENTS, DRAG FILES HERE OR [BROWSE](#).

FILES MUST BE IN PDF, JPEG, OR PNG FORMAT.

MAX FILE SIZE: 25MB.

Opt Out of Comment

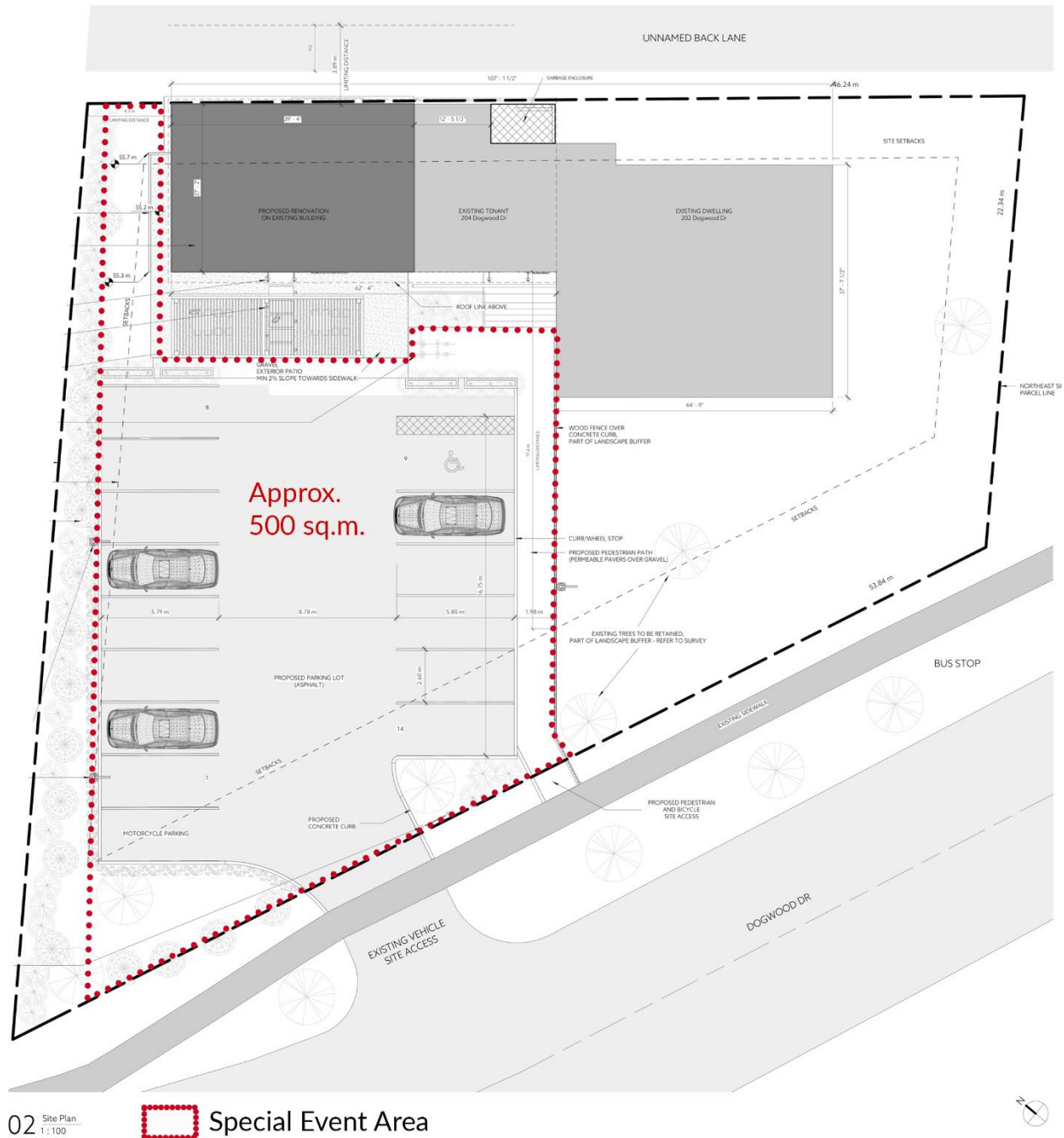
Reject Application

Accept Application

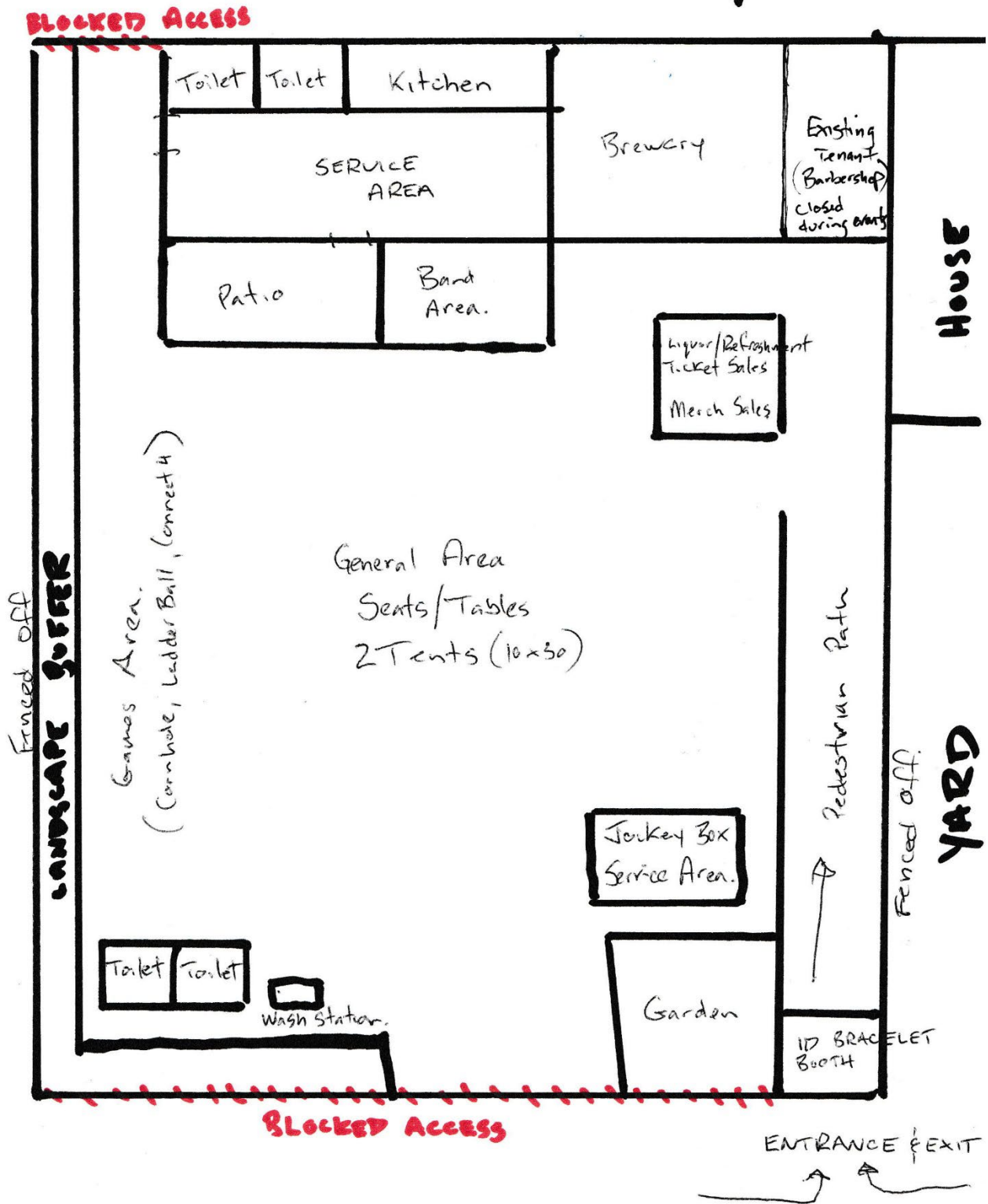


## ATTACHMENT B – Special Event Area Site Plan

### SITE PLAN - BAYVIEW BREWING COMPANY 202 Dogwood Drive



# SITE PLAN APR 29/23



## **TOWN OF LADYSMITH**

### **BYLAW NO. 2153**

#### **A Bylaw to amend "Council Procedure Bylaw 2009, No. 1666"**

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The Council of the Town of Ladysmith, in open meeting assembled, enacts the following amendments to "Council Procedure Bylaw 2009, No. 1666":

1. Insert a new Section 20 as follows and renumber the remaining sections accordingly:

#### **20. PROCEDURES FOR QUESTION PERIOD**

- 20.1 Agendas for Regular Council meetings shall include Question Period, following all business items, immediately prior to Adjournment.
- 20.2 Question Period is limited to fifteen (15) minutes in duration, unless extended by a 2/3 majority vote of Council.
- 20.3 A member of the public in attendance at Council Chambers may participate by standing at the speaker's podium or otherwise signaling and being recognized by the Chair.
- 20.4 Each member of the public may have up to three (3) minutes total for questions and responses, unless extended by a 2/3 majority vote of Council.
- 20.5 Members of the public must begin their questions by stating their name and address.
- 20.6 Questions will be addressed through the Chair, who will respond directly. The Chair may also refer questions to the appropriate Committee or staff department for response.
- 20.7 Members of the public will limit their questions to matters considered by Council at that meeting, except items noted in Subsection 19.3 of this bylaw.
- 20.8 Questions must truly be questions and not statements or opinions by the questioner.
- 20.9 A member of the public must not speak disrespectfully to any person or disregard the authority of the Chair.

- 20.10 The Chair will determine, if necessary, whether sufficient discussion has taken place, and may direct the questioner to vacate the speaker’s podium and return to the public seating area. The Chair may also close Question Period prior to its established conclusion based on this determination.
- 20.11 Notwithstanding any sections in this bylaw, the authority under *The Community Charter* regarding expulsion from meetings applies to this section.
- 20.12 Persons wishing to address Council during question period must be Town of Ladysmith residents, non-resident property owners or operators of a business.

2. Replace item 11.2 with the following:

A member shall not speak disrespectfully of any member of the Royal Family, the Governor General, the Lieutenant Governor, persons administering the Government of Canada or British Columbia, Council, or the members of Council.

3. Delete item 23.5.1

**Citation**

- 4. This bylaw may be cited for all purposes as the “Council Procedure Bylaw 2009, No. 1666, Amendment Bylaw 2023, No. 2153”.

**READ A FIRST TIME** on the 19<sup>th</sup> day of July, 2023

**READ A SECOND TIME** on the 19<sup>th</sup> day of July, 2023

**READ A THIRD TIME** on the 19<sup>th</sup> day of July, 2023

Notice of intention to proceed with this bylaw was published on the 28<sup>th</sup> day of July, 2023 on the Town of Ladysmith website, and on the 3<sup>rd</sup> day of August, 2023 in the Ladysmith Chronicle newspaper, circulating in the Town of Ladysmith, pursuant to section 94.2 of the *Community Charter*.

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

Mayor (A. Stone)

---

Corporate Officer (M. O'Halloran)

**BYLAW STATUS SHEET**  
**September 5, 2023**

Bylaw #	Description	Status
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.
2153	"Council Procedure Bylaw 2009, No. 1666, Amendment Bylaw 2023, No. 2153". Updates to Question Period procedures.	First, second and third readings, July 18, 2023. Public Notice required.



175 Ingram Street  
Duncan, BC V9L 1N8  
www.cvrld.bc.ca

Office: 250.746.2500  
Fax: 250.746.2513  
Toll Free: 1.800.665.3955

August 11, 2023

File No.: 8160-20

Mayor and Council  
Town of Ladysmith  
410 Esplanade, PO Box 220  
LADYSMITH, BC V9G 1A2

Dear Council,

**Re: Appointments to the Cowichan North Recreation Commission**

On July 26, 2023, the CVRD Board considered governance for the regional recreation initiative and established four sub-regional recreation commissions to provide oversight of the nine regionally significant recreation facilities. The Board also rescinded bylaws for the existing recreation commissions.

New commission membership will be based on having one representative from each jurisdiction that has at least 6% usage of one of the facilities in that area, and a second representative if the jurisdiction has 18% or more usage.

The new commission structures, including facilities and jurisdictions represented, are outlined below:

Cowichan North Recreation Commission

- Fuller Lake Arena
- Frank Jameson Community Centre
  - Electoral Area E (1 member)
  - Electoral Area G (1 member)
  - Electoral Area H (1 member)
  - Municipality of North Cowichan (2 members)
  - **Town of Ladysmith (2 members)**

Cowichan South Recreation Commission

- Kerry Park Recreation Centre
- Shawnigan Lake Community Centre
  - Electoral Area A (2 members)
  - Electoral Area B (2 members)
  - Electoral Area C (1 member)
  - Electoral Area D (1 member)
  - Municipality of North Cowichan (1 member)



Cowichan Core Recreation Commission

- Cowichan Community Centre
- Cowichan Performing Arts Centre
- Cowichan Aquatic Centre
- Receiving recommendations from the Cowichan Sportsplex Board
  - Electoral Area B (1 member)
  - Electoral Area C (1 member)
  - Electoral Area D (1 member)
  - Electoral Area E (1 member)
  - Cowichan Tribes (1 member)
  - Municipality of North Cowichan (2 members)
  - City of Duncan (1 member)

Cowichan Lake Recreation Commission

- Cowichan Lake Sports Arena
  - Electoral Area F (1 member)
  - Electoral Area I (1 member)
  - Town of Lake Cowichan (2 members)
  - Municipality of North Cowichan (2 members)

This correspondence is to request recommendations to the CVRD Board for two individuals to represent the Town of Ladysmith on the new *Cowichan North Recreation Commission* for a term starting in October 2023 and ending on December 31, 2026. We anticipate that the frequency of meetings will not exceed six per year.

We are requesting that Council's recommendations for the commission representatives are provided to the CVRD by October 5, 2023, and include the following:

- One dedicated member of Council
- One alternate member of Council
- A second dedicated member of Council, or a community member residing in the Town of Ladysmith
  - If the option of a second dedicated member of Council is selected, an alternate member of Council for the dedicated member

Information regarding the membership, term, procedures, powers and responsibilities for the *Cowichan North Recreation Commission* is in the attached commission establishment bylaw.

Thank you for your consideration.



John Elzinga,  
General Manager, Community Services  
Cowichan Valley Regional District

JE/kc  
pc: Patrick Robins, Corporate Officer, CVRD  
file: CVRD Bylaw No. 4511 – Establishment of the Cowichan North Recreation Commission





## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4511

#### A Bylaw to establish the Cowichan North Recreation Commission

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**WHEREAS** pursuant to the provisions of the *Local Government Act*, the Cowichan Valley Regional District Board of Directors may establish a Recreation Commission;

**AND WHEREAS** it is considered desirable to establish a Recreation Commission to oversee the development and administration of recreation services at the Fuller Lake Arena and the Frank Jameson Community Centre;

**NOW THEREFORE** the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 4511 – Cowichan North Recreation Commission Establishment Bylaw, 2023**".

2. **DEFINITIONS**

In this bylaw:

"*Commission*" means the Cowichan North Recreation Commission as established by this bylaw;

"*Regional Board*" means the Board of Directors of the Cowichan Valley Regional District.

3. **COMMISSION**

The Cowichan North Recreation Commission is hereby established and will report to and be accountable to the Regional Board.

4. **MEMBERSHIP**

The Commission will consist of seven (7) members as follows:

- a) The electoral area directors from Electoral Area E – Cowichan Station / Sahtlam / Glenora; Electoral Area G – Saltair / Gulf Islands; Electoral Area H – North Oyster / Diamond. In the absence of any of the foregoing directors, their duly appointed Alternate will be deemed to be a member of the Commission for said period of absence.
- b) A member of Council of the Town of Ladysmith. In the absence of the member of Council of the Town of Ladysmith, a duly appointed Alternate will be deemed to be a member of the Commission for said period of absence.

- c) Either a second member of Council of the Town of Ladysmith (and in the absence of the member of Council of the Town of Ladysmith, a duly appointed Alternate will be deemed to be a member of the Commission for said period of absence), or; the Town of Ladysmith will recommend one community member who will be resident within the Town of Ladysmith, to be considered for appointment by the Regional Board.
- d) A member of Council of the Municipality of North Cowichan. In the absence of the member of Council of the Municipality of North Cowichan, a duly appointed Alternate will be deemed to be a member of the Commission for said period of absence.
- e) Either a second member of Council of the Municipality of North Cowichan (and in the absence of the member of Council of the Municipality of North Cowichan, a duly appointed Alternate will be deemed to be a member of the Commission for said period of absence), or; the Municipality of North Cowichan will recommend one community member who will be a resident within the Municipality of North Cowichan, to be considered for appointment by the Regional Board.

CVRD staff, Municipality of North Cowichan staff, and Town of Ladysmith staff will serve the Commission as technical and management advisors and will have input into the development and administration of recreation services.

#### 5. **TERM OF OFFICE**

- a) The term of office for members under 4 (a) will be for the four-year term.
- b) The term of office for members appointed under 4 (b), 4 (c) 4 (d) and 4 (e) will be up to four (4) years. All appointments will expire on December 31 in the year of a general local election.
- c) Under 4 (c) and 4 (e) appointed community members may be re-appointed for a further term or terms.
- d) Any appointed community member who is absent from three (3) consecutive meetings without leave of absence from the Commission or without reason satisfactory to the Commission would cease to be a member.

#### 6. **PROCEDURE**

- a) At the first meeting of each year, the Commission will elect from amongst its own members, a Chair and a Vice-Chair, who will hold office until a successor is elected.
- b) In the absence of the Chair and Vice-Chair, the Commission will elect from the members present, a temporary Chair for the purpose of that meeting alone.
- c) A quorum is four (4) members of the Commission.
- d) All recommendations and decisions of the Commission will be made by a majority of the members present at the meeting, with each member having one (1) vote.

- e) Where not otherwise covered in the Bylaw, the rules of procedure governing Commission meetings will be those of the current CVRD *Committee and Commissions Procedural Bylaw*.
- f) Minutes will be kept for all Commission meetings.

## 7. POWERS AND RESPONSIBILITIES

- a) The Commission will oversee the delivery of recreation services at the Fuller Lake Arena and the Frank Jameson Community Centre, with delegated authority to determine:
  - i. Policies that would apply sub-regionally and are of a community-specific nature, including:
    - 1) Programming;
    - 2) Standards for the provision of service;
    - 3) Dispute resolution between user groups;
  - ii. Policy direction for operations and maintenance of all premises owned, leased or rented; and
  - iii. Terms of reference for studies and surveys.
- b) The Commission will provide advisory recommendations to the Regional Board, including:
  - i. Long term contracts, agreements, and leases that bind the organization;
  - ii. Annual budgets; and
  - iii. Fees and charges of a community-specific nature.


READ A FIRST TIME this     26<sup>th</sup> day of     July\_\_\_\_, 2023.

READ A SECOND TIME this     26<sup>th</sup> day of     July\_\_\_\_, 2023.

READ A THIRD TIME this     26<sup>th</sup> day of     July\_\_\_\_, 2023.

ADOPTED this     26<sup>th</sup> day of     July\_\_\_\_, 2023.

  
Chair

  
Corporate Officer