

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

**Tuesday, November 7, 2023  
Ladysmith Seniors Centre  
630 2nd Avenue**

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**Pages**

**1. CALL TO ORDER**

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

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

**2. CLOSED SESSION**

Recommendation

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

- (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; and
- (c) labour relations or other employee relations.

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

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 November 7, 2023.

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

Items from the Closed Meeting of Council held July 4, 2023

CE 2023-044

That Council:

1. Authorize the abandonment of lease 1407751 pursuant to section 45 of the *Land Act*, with an effective date no later than December 31, 2023;

2. Authorize the Mayor and Corporate officer to enter an agreement between the Town and Stz'uminus First Nation whereby:

a)The Stz'uminus First Nation will continue operating a marina on District Lot 2016 following the Town's abandonment of the lease;

b) Stz'uminus will not evict the Ladysmith Maritime Society prior to December 31, 2023 should the Town abandon lease 1407751 prior to that date.

#### 6. MINUTES

##### 6.1 Minutes of the Special Meeting of Council held October 16, 2023

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##### Recommendation

That Council approve the minutes of the Special Meeting of Council held October 16, 2023.

##### 6.2 Minutes of the Regular Meeting of Council held October 17, 2023

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##### Recommendation

That Council approve the minutes of the Regular Meeting of Council held October 17, 2023.

#### 7. ANNUAL APPOINTMENTS

##### 7.1 Deputy Mayor

(appointed by Mayor Stone)

## **7.2 Parcel Tax Review Panel**

### Recommendation

That Council appoint \_\_\_\_\_, and \_\_\_\_\_ to the 2024 Parcel Tax Review Panel.

## **7.3 Cowichan Valley Regional District Director**

### Recommendation

That Council appoint \_\_\_\_\_ as the Town of Ladysmith Director on the Cowichan Valley Regional District Board for the 2023/24 term.

## **7.4 Cowichan Valley Regional District Alternate Director**

### Recommendation

That Council appoint \_\_\_\_\_ as the Town of Ladysmith Alternate Director on the Cowichan Valley Regional District Board for the 2023/24 term.

## **7.5 Vancouver Island Regional Library Board Director**

### Recommendation

That Council appoint \_\_\_\_\_ as Director to the Vancouver Island Regional Library Board for the 2024 term.

## **7.6 Vancouver Island Regional Library Board Alternate**

### Recommendation

That Council appoint \_\_\_\_\_ as the Alternate Director to the Vancouver Island Regional Library Board for the 2024 term.

## **7.7 Standing and Community Committee Representatives**

(appointed by Mayor Stone)

- Committee of the Whole
- Waterfront Implementation Committee
- Community Planning Advisory Committee
- Protective Services
- Parks, Recreation & Culture Advisory Committee
- Accessibility Advisory Committee
- Arts & Heritage Hub Design Steering Committee

- Liquid Waste Management Plan
- Public Art Committee
- Stocking Lake Advisory Committee
- Celebrations Committee (Ladysmith Days)
- Festival of Lights
- Chamber of Commerce
- Ladysmith Downtown Business Association
- Social Planning Cowichan
- Ladysmith Community Justice Program
- Poverty Reduction Task Group
- Board of Education of School District 68 Long Range Facilities Planning Advisory Committee
- Our Cowichan Community Health Network

## **8. DEVELOPMENT APPLICATIONS**

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

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#### Recommendation

That Council:

1. Postpone consideration of the Special Event Area Endorsement application for Bayview Brewing Company located at 204 Dogwood Drive until a Special Events Bylaw is considered by Council
2. Direct staff to prepare a Special Events Bylaw.

## **9. 2024-2028 FINANCIAL PLAN DISCUSSIONS - WATER & SEWER - OPERATING & CAPITAL**

### **9.1 Presentation and Council Discussion**

### **9.2 Public Input & Questions**



Recommendation

That Council:

1. Direct staff to amend the “Sewer Rates Bylaw 1966, No. 422, Amendment Bylaw 1999, No.1360” to include a 3% increase to the rates;
2. Confirm the 2024 sewer parcel tax bylaw at \$360 per parcel;
3. Direct staff to amend the “Waterworks Regulation Bylaw 1999, No.1298” to include a 5% increase to the rates; and
4. Confirm the 2024 water parcel tax bylaw at \$459 per parcel.

**10. REPORTS**

**10.1 Appointment of Corporate Officer**

75

Recommendation

That Council appoint Sue Bouma as Corporate Officer, effective Wednesday, November 8, 2023.

**11. BYLAWS**

**11.1 Bylaw Status Sheet**

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**12. CORRESPONDENCE**

**12.1 Nanaimo Regional Hospital District Healthcare Priority Projects**

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Request for letter of support regarding the Nanaimo Regional Hospital District (NRHD) capital projects including the new patient tower and cardiac catheterization lab to be located at Nanaimo Regional General Hospital.

Recommendation

That the Mayor, on behalf of Council, write a letter of support directed to Health Minister Dix for the Nanaimo Regional Hospital District priority capital projects including the new patient tower and cardiac catheterization lab to be located at the Nanaimo Regional General Hospital, as outlined in their correspondence dated October 25, 2023.

**13. NEW BUSINESS**

#### **14. 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 related to items on the agenda.
- 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.

#### **15. ADJOURNMENT**



## MINUTES OF A SPECIAL MEETING OF COUNCIL

Tuesday, October 16, 2023

9:02 A.M.

Council Chambers

City Hall

### Council Members Present:

Mayor Aaron Stone

Councillor Ray Gourlay

Councillor Tricia McKay

Councillor Duck Paterson

Councillor Marsh Stevens

Councillor Jeff Virtanen

### Council Members Absent:

Councillor Amanda Jacobson

### Staff Present:

Allison McCarrick

Trish McConnell

Erin Anderson

Matt O'Halloran

Julie Tierney

### Legal Counsel:

Adriana Wills

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### 1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 9:02 a.m., recognizing with gratitude that it was taking place on the unceded territory of the Stz'uminus First Nation, in order to retire immediately into Closed Session.

### 2. CLOSED SESSION

#### CS 2023-236

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.

*Motion Carried*

### 3. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 10:09 a.m. without report.

4. **ADJOURNMENT**  
**CS 2023-237**

That this Special Meeting of Council be adjourned at 10:10 a.m.

*Motion Carried*

CERTIFIED CORRECT

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Mayor (A. Stone)

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Acting Corporate Officer (E. Anderson)



## MINUTES OF A REGULAR MEETING OF COUNCIL

**Tuesday, October 17, 2023**

**7:00 P.M.**

**Ladysmith Seniors Centre**

**630 2nd Avenue**

### **Council Members Present:**

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

Councillor Duck Paterson  
Councillor Marsh Stevens  
Councillor Jeff Virtanen

### **Staff Present:**

Erin Anderson  
Jake Belobaba  
Ryan Bouma

Andrew Wilson  
Andrea Hainrich

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### **1. CALL TO ORDER AND ACKNOWLEDGEMENT**

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 unceded territory of the Stz'uminus First Nation.

### **2. AGENDA APPROVAL**

#### **CS 2023-238**

That Council approve the agenda for this Regular Meeting of Council for October 17, 2023.

*Motion Carried*

### **3. RISE AND REPORT- Items from Previous Closed Sessions**

Council rose with report on the following items from previous closed sessions:

Item from the Closed Meeting of Council held September 26, 2023

**CE 2023-064**

That Council:

1. Appoint six citizen representatives from the following list to the Accessibility Advisory Committee for a two-year term ending September 30, 2025:

- Jordan Herbison
- Joel Helland
- Shaun McKenzie
- Andy Hobelaid
- Diane Hobelaid
- Christina Stephen; and

2. Rise and report on Recommendation No. 1 once all applicants have been notified.

Item from the Closed Meeting of Council held October 3, 2023

**CE 2023-069**

That Council direct staff to:

1. Cancel Tender No. 2023-PRC-06 for the construction of the Artist Studio due to shortfalls for the required funds to complete the project.

**4. MINUTES**

**4.1 Minutes of the Regular Meeting of Council held October 3, 2023**

**CS 2023-239**

That Council approve the minutes of the Regular Meeting of Council held October 3, 2023.

*Motion Carried*

**5. DELEGATIONS**

**5.1 Rosalie Sawrie, Social Planning Cowichan Poverty Reduction, Planning & Action Program: COMMUNITY to End Poverty Hw-nuts'-ulwum**

Rosalie Sawrie of Social Planning Cowichan updated Council about the work done in 2023 by Social Planning Cowichan to address poverty reduction in the Town of Ladysmith. She reviewed the actions of the committee and the goals for the program in 2023-2024.

Mayor Stone thanked Ms. Sawrie for the work that she and the Social Planning Cowichan volunteers have contributed to the area.

**6. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING**

**6.1 Zoning Bylaw Amendment Application for a Funeral Home use at 19 Gatacre Street**

**CS 2023-240**

That Council:

1. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2150”; and
2. Direct staff to schedule and provide notice for a public hearing for Bylaw No. 2150 in accordance with section 466 of the *Local Government Act*; and
3. Direct staff to forward Bylaw No. 2150 to the Ministry of Transportation and Infrastructure for signature following third reading, pursuant to section 52 of the *Transportation Act*.

*Motion Carried*

**7. COMMITTEE MINUTES**

**7.1 Poverty Reduction Task Group - September 13, 2023**

**CS 2023-241**

That Council receive the minutes of the Poverty Reduction Task Group meeting held September 13, 2023.

*Motion Carried*

**7.2 Parks, Recreation & Culture Advisory Committee - September 20, 2023**

**CS 2023-242**

That Council receive the minutes of the Parks, Recreation & Culture Advisory Committee meeting held September 20, 2023.

*Motion Carried*

**8. REPORTS**

**8.1 Poverty Reduction Task Group Terms of Reference**

**CS 2023-243**

That Council amend the Terms of Reference for the Poverty Reduction Task Group to remove the allotted timeframe (2022-2023) for the reason outlined in the staff report dated October 17, 2023.

*Motion Carried*

## **9. BYLAWS**

### **9.1 Bylaws for Adoption**

#### **9.1.1 "2024 Permissive Tax Exemptions Bylaw 2023, No. 2158"**

##### **CS 2023-244**

That Council adopt "2024 Permissive Tax Exemptions Bylaw 2023, No. 2158".

*Motion Carried*

OPPOSED: Councillor Stevens

### **9.2 Bylaw Status Sheet**

## **10. NEW BUSINESS**

### **10.1 UBCM Community Emergency Preparedness Fund**

##### **CS 2023-245**

That Council authorize the Cowichan Valley Regional District to apply for, receive, and manage the UBCM Community Emergency Preparedness Fund Emergency Operations Centre 2024 grant funding up to \$150,000 on behalf the Town of Ladysmith.

*Motion Carried*

##### **CS 2023-246**

That Council authorize the Cowichan Valley Regional District to apply for, receive, and manage the UBCM Community Resiliency Investment (CRI) FireSmart Funding and Community Supports 2024 grant funding up to \$800,000 on behalf of the Town of Ladysmith.

*Motion Carried*

## **11. QUESTION PERIOD**

A member of the public asked about the rules for Question Period and how to have questions answered that are outside the scope of the agenda.



**12. ADJOURNMENT**

**CS 2023-247**

That this Regular Meeting of Council be adjourned at 7:52 p.m.

*Motion Carried*

CERTIFIED CORRECT

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Mayor (A. Stone)

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Deputy Corporate Officer (E.  
Anderson)

## STAFF REPORT TO COUNCIL

**Report Prepared By:** Andrew Wilson, Planner  
**Reviewed By:** Jake Belobaba, RPP, MCIP, Director of Development Services  
**Meeting Date:** November 7, 2023  
**File No:** 4320-50 (2023) Bayview Brewing  
**Re:** **Liquor Special Event Area Endorsement – Bayview Brewing (204 Dogwood Drive)**

**RECOMMENDATION:**

That Council:

1. Postpone consideration of the Special Event Area Endorsement application for Bayview Brewing Company located at 204 Dogwood Drive until a Special Events Bylaw is considered by Council; and
2. Direct staff to prepare a Special Events Bylaw.

**EXECUTIVE SUMMARY:**

The Liquor and Cannabis Regulation Branch (LCRB) has referred an application for Bayview Brewing Company to operate an outdoor special event area in the parking lot at 204 Dogwood Drive for the purpose of serving liquor at special events for up to 300 attendees. The referral request requires a resolution from Council before it can be processed by the LCRB. The Town is requested by the LCRB to consider the impacts on the community, as well as to consult with neighbouring residents. Council received the referral and approved a motion on September 5, 2023, to “opt in” to the local government comment process. A public information process was initiated to gather resident views on the application. Due to the concerns raised by neighbours, staff recommend postponing a decision on this referral until such time as a Special Events Bylaw with regulations that mitigate resident concerns is adopted.

**PREVIOUS COUNCIL DIRECTION:**

Resolution	Meeting Date	Resolution Details
CS 2023-210	09/05/2023	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 100 metres of the subject property inviting them to submit written comments about the application. <i>Main Motion, as Amended, Carried</i>

CS 2021-233	07/06/2021	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: <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> <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 applicant has applied to the LCRB for a Special Event Area Endorsement to allow liquor service in a parking lot area during special events such as weddings, concerts, private parties, or promotional events. The application proposes to use an existing 500m<sup>2</sup> parking lot and walkway area on the subject property for single day special events with a proposed "person capacity"<sup>1</sup> of 300. No changes are proposed to Bayview's existing liquor manufacturing license and lounge endorsement<sup>2</sup>. If the Special Event Area Endorsement is approved, there will be no limit on the number of special events that can be held on the property. The applicant has indicated they plan to host four events per year during the hours of noon to 10:00 pm.

Three Special Event Permits (SEPs) were issued by the LCRB to Bayview Brewing for their one-year anniversary celebration on April 29, 2023, a Labour Day event held on September 2, 2023,

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<sup>1</sup> According to the Special Event Area Endorsement Application, outdoor areas require a "person capacity" not an occupant load.

<sup>2</sup> Bayview Brewing's existing liquor manufacturing license and lounge endorsement allows liquor sales from 11:00 am to 11:00pm.

and a wedding held on September 23, 2023. The Town received complaints about traffic and parking issues on Dogwood Drive during these events (and prior to the public notification process for this application). In response to these complaints, four “no parking” signs have since been installed on Dogwood Drive.

The LCRB does not refer SEPs to the local government for comment. The main difference between a SEP and a Special Event Area Endorsement application is that under the Special Event Area Endorsement the applicant can host events without having to apply for LCRB approval for each event. It is important to note that if Council recommends denial or deferral of this application and the LCRB obliges, the applicant may continue to apply for SEPs for individual events.

Table 2 below reflects the key differences between a SEP and a Special Event Area Endorsement

*Table 2: Difference between a SEP and Special Event Area Endorsement*

	Special Event Permit	Special Event Area Endorsement
Application required for each event	YES	NO (one-time application)
Local government approval required	NO	NO
Local government referral recommendations	NO	YES (if local government “opts in”)
Public notification process and feedback	NO	YES

Special Event Area Endorsement applications trigger the requirement for local government comment under the *Liquor Control and Licensing Act*. On September 5, 2023, Council passed a resolution to “opt in” to the local government comment process and directed staff to provide written notification to residents within 100 metres of the subject property. During Council’s initial discussion on this application, interest in a Town Special Events Policy to address matters the LCRB does not regulate (e.g. traffic safety and control) was discussed but no formal resolution of Council was passed.

A number of special events on private and public property are held in Ladysmith each year. The issue of ensuring special events run smoothly through Town regulations and permitting is not limited to this application. Subsequently, senior leadership has been investigating and discussing this topic over the course of 2023. Following the September 5<sup>th</sup> Council meeting, senior leadership felt that it would be an appropriate time to seek direction from Council to prepare a Special Events Bylaw.

The public notice and public submissions of this application are provided as Attachment A and Attachment B respectively. A summary of public submissions is provided below.

### **PROPOSAL:**

#### Liquor License Application:

Staff are recommending that Council consideration be deferred until such time as a Special Events Bylaw is in place. While the LCRB requires a referral response from local government within 90 days, extensions may be requested, and the referral file remains open indefinitely until resolved, meaning the application can be kept open while the Town develops a Special Events Bylaw. Similarly, the applicant will not be prohibited from holding special events while a Special Events Bylaw is developed, as they can continue to apply for SEP's on a case-by-case basis as described above.

#### Special Events Bylaw:

A Special Events Bylaw provides a means for the Town to work with event organizers to ensure events run smoothly and safely and ensure a standardized process for event organizers to apply for permits and support (e.g. road closures) from the Town. If approved by Council, a Special Events Bylaw can include certain conditions that would mitigate many of the concerns raised about this application as described below.

#### **DISCUSSION/ ANALYSIS:**

##### Recommendation to Postpone Consideration:

As detailed below, it is outside of the scope of the LCRB to enforce many of the concerns raised by the public including parking and traffic. For this reason, and due to the number of concerns raised by the neighbours, staff recommend postponing a decision on this referral until such time as a Special Events Bylaw is adopted that can fill in these regulatory gaps and mitigate public concerns.

##### Liquor Licence Review Requirements:

Through conditions of a liquor licence, the LCRB can limit and enforce the following:

- Occupant load or person capacity
- Hours of liquor service
- Hours of amplified music
- The number of events per year, subject to the limitations noted below.

According to the LCRB, the number of events per year is not a typical condition added to liquor licence permits, however, the LCRB may impose this condition if a rationale is provided by a local government that the number of events has a significant impact on the community. The LCRB has advised that ten events per year is a common limit seen in other jurisdictions.

Subsequently, if Council wishes to endorse the application with recommended conditions to reduce potential impacts of the proposed license (see Alternative 2), Council can specify a preferred person capacity, hours of liquor service, hours of amplified music, and number of events.

Any restrictions outside of this scope must be achieved through local government bylaws. The Town currently has no formal bylaws to regulate special events.

When considering these applications, the LCRB requests that local governments consider the following:

- i. The location of the establishment;
- ii. The person capacity and hours of liquor service of the establishment;
- iii. The impact of noise on nearby residents; and
- iv. The impact on the community if the application is approved.

These considerations are examined individually below.

*Location:*

The 1577.68m<sup>2</sup> subject property is zoned Local Commercial (C-1) in “Zoning Bylaw 2014, No. 1860” with a site-specific regulation to permit a neighbourhood pub as a principal use.<sup>3</sup> It is surrounded by single-family and multi-family residential properties to the north, east, west, and south. An institutional zoned property - Melody Hall - is located across the street to the southeast and is currently vacant. The proposed event area is approximately 500 m<sup>2</sup> and occupies the Bayview Brewing parking lot at the front of the parcel along Dogwood Drive.

Fourteen parking spaces are provided on site which complies with the Parking and Loading Regulations in the Zoning Bylaw. One parking space for the house is located at the back of the house and accessed by the lane. The main parking lot, accessed from Dogwood Drive, has 13 parking spaces. However, these spaces will not be available during the proposed special events as they will be used for liquor service and patron seating. This is likely to cause vehicles to park on the street, as seen during the special events held earlier this year.

*Person Capacity:*

The proposed person capacity of the application is 300. When an event is not taking place, the conditions of the Special Event Area Endorsement are not in effect and the existing manufacturing licence and lounge endorsement limits liquor service to the designated indoor and patio areas with an occupant load of 50.

As part of their resolution, Council can make a recommendation to reduce the person capacity to a specific number of people. A reduction in person capacity could reduce potential parking issues and traffic concerns on the surrounding streets and laneways and reduce nuisance patron behavior by limiting the number of attendees.

*Proposed Hours of Liquor Service:*

The applicant is proposing the following hours of operation for the special event area:

*Table 3: Proposed Hours of Liquor Sales*

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
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<sup>3</sup> Microbrewery falls under the definition of neighbourhood pub in the Zoning Bylaw

Open	11:00	11:00	11:00	11:00	11:00	11:00	11:00
Close	11:00	11:00	11:00	11:00	11:00	11:00	11:00

The hours listed above are the proposed hours of liquor service as noted on the Special Event Area Endorsement application. These hours are the same as the hours of liquor service for the existing operation's liquor licence. It is important to note these hours are the *maximum* allowable hours of liquor service. Bayview Brewing Company's regular hours of operation are Sunday to Thursday from 11:00am to 9:00pm, and Friday to Saturday from 11:00am to 11:00pm. The applicant has indicated they intend to hold special events on Saturdays from 12:00pm to 10:00pm.

#### *Impact of Noise:*

There are 70 dwelling units within 100m of Bayview Brewing. The applicant has indicated that live amplified music will occur on an outdoor stage between noon and 10:00pm. According to the applicant, a professional sound company will be hired to ensure the amplified music is kept to reasonable decibel levels. The LCRB does not regulate decibel levels, however a limitation to the hours of amplified music can be added as a condition of the liquor permit which differs from the proposed hours of liquor sales.

Loud amplified music is one of the main concerns noted in public submissions. Recent special events held at Bayview Brewing were noted by neighbours as being disruptive. Given the proximity to residences and lack of natural sound barriers on-site, an earlier end time for live music may reduce disruptions to neighbours. Should Council wish to endorse the application with conditions (see Alternative 2), Council may wish to recommend an earlier end time for live music.

#### Impact on the Community if the Application is Approved:

##### *Impact of Traffic & Parking*

A recent special event held by the applicant under an individual SEP generated unsolicited<sup>4</sup> complaints about problematic parking on Dogwood Drive and on neighbouring streets. Concerns included vehicles parking on pedestrian walkways and in unsafe ways (staff also observed these conditions). In response, public works installed no parking signs on Dogwood Drive between Methuen Street and Forward Road. Staff will evaluate additional improvements to discourage parking on that stretch of road, noting however that bylaw services may not be able to enforce these parking regulations when special events are occurring (i.e. evenings and weekends).

Parking and traffic complaints were also stated in response to the invitation for public submissions. Aside from reducing the person capacity of the Special Event Area Endorsement, the LCRB does not directly regulate or enforce parking and traffic issues. As alluded to above, the Town's Bylaw Enforcement Officer does not typically work evenings and weekends and enforcing

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<sup>4</sup> The Town received a number of complaints following two individual events were held at Bayview Brewing under individual Special Event Permits on September 2, 2023, and September 23, 2023. The public notification process for the Special Event Area Endorsement referral did not commence until September 28.

parking during those times requires either reducing coverage at other times or incurring an additional non-recoverable cost.

Given the number of complaints received from previous events, parking will likely continue to be a concern unless a parking and transportation plan can be implemented. Such a requirement cannot be imposed by the Town as part of this application but can be included in a Special Events Bylaw.

*Impact on the Community:*

The proposed Special Event Area Endorsement is anticipated to have negative community impacts. Until the Town has policy mechanisms to impose limitations and conditions to mitigate the impacts and concerns of traffic, parking, noise, and disruption, the negative impacts from special events will continue.

Public Submissions Summary:

At time of writing, 33 written submissions from 32 respondents<sup>5</sup> were received from the public. 24 respondents are opposed to the application, three respondents were generally opposed but supportive if mitigation measures are implemented and enforced, four respondents expressed concerns but expressed neither opposition nor support for the application, and one submission was in support of the application. A summary of the submissions is provided in Table 4.

*Table 4: Summary of public submissions*

Concern	Summary
Parking/traffic	30 of 32 respondents expressed concerns about parking and traffic safety including the following: <ul style="list-style-type: none"><li>• loss of on-site parking spaces from the use of the parking lot for events;</li><li>• increased patron capacity resulting in increase in traffic to the site and increase in off-site parking;</li><li>• problematic parking on Dogwood Drive creating a blind corner and intersection safety issues, and obstructing pedestrian walkways;</li><li>• inadequate street markings and signage on Dogwood Drive and surrounding streets;</li><li>• parking in the back laneway creating safety hazard for emergency vehicles; and</li><li>• lack of a parking/traffic plan identified in the application.</li></ul>
Noise/loud music	24 of 32 respondents expressed concerns about the impacts to the neighbourhood of noise, loud amplified music, and music going late at night.
Nuisance and disruption by patrons	10 of 32 respondents expressed concerns for nuisance and disturbance in the neighbourhood by the patrons of the establishment, particularly to those returning to their cars parked on neighbouring streets.
Inappropriate location	5 of 32 respondents indicated the residential area was inappropriate for large special events.

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<sup>5</sup> One submission received was from a previous respondent.



Number of events per year	3 of 32 respondents noted concerns that the application does not specify the number of events proposed per year.
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Special Events Bylaw Recommendation:

At the Council meeting on September 5, 2023, Council discussed the need for a Special Events Policy. With a large number of special events occurring in Ladysmith each year, Staff have identified a general need to regulate special events to ensure these events run smoothly and safely. The following Official Community Plan (OCP) and Ladysmith Economic Development Strategy (EDS) policies are relevant in this regard:

OCP Policy 7. Local Economy Policies:

- 7.15 Support the tourism sector by building on the unique draws on Ladysmith, such as its Indigenous and non-Indigenous heritage, waterfront and marina, and arts and cultural facilities, businesses, programs, and events. Support the work of local organizations and partners who contribute to the tourism sector.

EDS Strategy 9: Continue to develop new event and promotional ideas for Downtown Ladysmith.

- Downtown Ladysmith is an essential asset for the community and various initiatives and recommendations in the Economic Development Strategy relate to the downtown.
- Pursue funding support for new project ideas if and when they arise, such as new events or new capital investments to support street vitality.
- Consider the development of shopping bus tours as a promotional vehicle for Downtown Ladysmith. The direct economic impact of tours is modest, but the larger promotional and word-of-mouth marketing benefits may be significant.
- Project Lead: Town of Ladysmith, in partnership with Downtown Ladysmith Business Association, Ladysmith Chamber of Commerce, and other local partners.

EDS Strategy 11: Support an expanded range of tourist activities.

- Many specific project ideas discussed in this report relate to tourism, but there is an ongoing need for the number and range of tourist options in Ladysmith and the surrounding area to be expanded.
- New ideas should continually be discussed and many may be suitable for future funding applications.
- Project Lead: All community partners.

Well-executed special events are an important economic driver, give residents exposure to their favorite businesses or artists, and allow communities to gather and celebrate together. A Special Events Bylaw will:

- Standardize special event requirements and application processes, making event planning easier for event organizers.
- Ensure events are run smoothly and safely, making the event more enjoyable for attendees and resulting in repeat attendance and event growth.
- Help protect the Town from liability, particularly in cases where Town-owned lands are used.

Parallels can be drawn between a Special Events Bylaw and the Town's new film bylaw. The film bylaw standardized the process of approving filming requests and was developed with input from both the community and the film industry. Since the bylaw has been adopted, complaints about filming have dropped considerably, film permit applications and scouting trips have increased, and processing timelines for approving film permit applications have been significantly shortened. Staff see a similar opportunity with a Special Events Bylaw.

A number of useful resources exist to support the development of a Special Events Bylaw. For example, the Province's [Major Planned Events Guidelines](#) are a resource for local governments to develop a Special Event Permit Bylaw to regulate major events (and is incorporated into some local government bylaws), and a number of other local governments have Special Events Bylaws. As an example, the Resort Municipality of Whistler Special Events Bylaw allows the municipality to impose requirements related to the duration of an event, hours of operation, maximum number of attendees, traffic control and parking, transit and security deposits. Additionally, a Special Events Bylaw can require that the event organizers submit event plans with actions for risk assessment, security, fire protection, first aid and emergency medical services, traffic management, communications, waste management, contingencies, and public health. Requirements can be tailored to the size and type of event.

In the case of this application, if a Special Events Bylaw is adopted by Council, it can include regulations that will allow the Town to address many of the concerns raised by neighbors such as:

- Limiting the number of events held each year.
- Parking and transportation planning (e.g. directional signage, shuttle services, etc.)
- Notification of events.
- First aid, safety and security.
- Sound mitigation.
- Bylaw enforcement.

For the above reasons, staff recommend postponing consideration of this referral until a Special Events Bylaw is drafted and considered by Council.

**ALTERNATIVES:**

Council can choose to:

1. Recommend denial of the Special Event Area Endorsement by the BC Liquor and Cannabis Regulation Branch as outlined in Attachment C.
2. Recommend issuance of the Special Event Area Endorsement by the BC Liquor and Cannabis Regulation Branch as outlined in Attachment C.
3. Proceed with either Alternative 1 or Alternative 2, with direction to develop a Special Event Bylaw.

**FINANCIAL IMPLICATIONS:**

The application and public notification costs have been covered by applicable fees. Until such time as a Special Events Bylaw is adopted by Council, it may be necessary for Bylaw Enforcement staff to work outside of regularly scheduled hours, at the cost of the Town, as the applicant can continue to host special events without Town's approval and the Town cannot recover wages for Bylaw Enforcement from the applicant.

**LEGAL IMPLICATIONS:**

The *Liquor Control and Licensing Act* requires the Liquor and Cannabis Regulation Branch to consult local governments on requests for the issuance, amendment, or renewal of certain liquor licenses. Before commenting, local governments must gather the views of residents within the application area and consider potential implications of the proposal. Upon making a resolution, the LCRB requests that the local government forward the applicable resolution, report, and meeting minutes. Staff have confirmed that the endorsement application can be put on hold while a Special Events Bylaw is considered.

The Town is authorized to regulate special events and aspects of special events under section 8 of the *Community Charter*, specifically subsections 8(3)(b) (public places), 8(3)(d) (Firecrackers, Fireworks and Explosives), 8(3)(g) (the health, safety or protection of persons or property), 8(3)(h) (protection and enhancement of the well-being of the community), and 8(3)(i) (public health).

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

The Town has met applicable requirements under the *Liquor Control and Licensing Act* to gather the comments and/or concerns of residents within the vicinity of the proposal. Written submissions were requested in the notice application which was printed in the Ladysmith Chronicle on Thursday, September 28, 2023, posted on the Town's website and community notice boards, hand-delivered to 77 addresses and mailed to 74 property owners within 100 metres radius of the subject property. A copy of the notice, the application, and background information was made available at the front counters of City Hall and Development Services, and on the Town's website. A copy of the notice was also placed in the business's window. Staff in

Development Services were available to respond to questions prior to the notice period cut-off. The cutoff for submissions was October 3, 2023. Late submissions were accepted until November 7, 2023.

Background information provided to the public included the staff report and Council meeting minutes dated September 5, 2023, the Special Event Area Endorsement application, and site plan.

At the time of writing 33 written submissions were received from 32 respondents. A summary of the responses is provided in Table 3 above.

If Council directs staff to develop a Special Events Bylaw, staff will consult with event organizers and community stakeholders (e.g. Chamber of Commerce, Ladysmith Downtown Business Association etc.) in developing the bylaw.

**INTERGOVERNMENTAL/INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Staff referred the application to the Ladysmith RCMP and Ladysmith Fire Department for comment. The following comments and concerns were noted:

*Ladysmith RCMP*

The RCMP anticipates receiving noise and parking complaints from neighbours during special events given the numbers of attendees and live music proposed. It was acknowledged that Bayview Brewing Company appears to have good practices in place for securing liquor serving areas.

*Fire/Protective Services*

Public Works is actively working (e.g. signage) to restrict parking in areas where parking would obstruct traffic, create a traffic safety issue or hinder emergency access. Assuming the new signage is followed, traffic concerns should be alleviated. The roads and laneways near Bayview Brewing are not typically restrictive for emergency vehicle access, there are several routes in and access from two sides. The Fire Chief noted Bayview Brewing has been very helpful in finding solutions for parking and traffic issues. With regards to person capacity, the fire code does not speak to outdoor capacity other than outdoor structures such as amphitheatres, which does not apply in this case.

If Council directs staff to develop a Special Events Bylaw, staff will consult with affected provincial and federal agencies (e.g. RCMP, MOTI, Health Authority etc.) as well as affected Town Departments included Fire/Protective Services, Parks and Recreation and Infrastructure Services.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

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

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

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENTS:**

- A. Public Notice
- B. Public Submissions
- C. Alternative Resolutions

## Application for a Special Event Area Endorsement at 204 Dogwood Drive

The Town of Ladysmith has received a referral from the Province of BC's Liquor and Cannabis Regulation Branch for an application for a Special Event Area Endorsement.

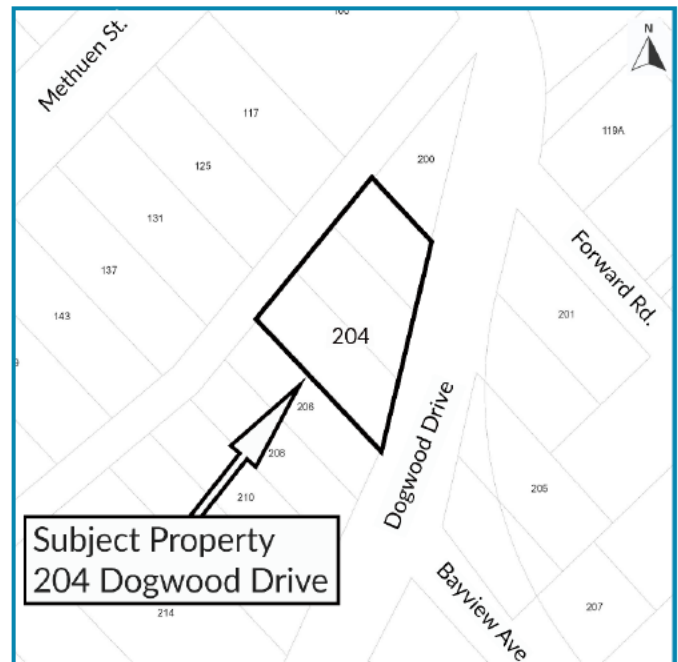
**What is the Application For?**

The application is for a Special Event Area Endorsement to operate an outdoor special event area to host special outdoor events of up to 300 persons at Bayview Brewing Company, 204 Dogwood Drive. Special events may include weddings, anniversary parties, and special celebrations.

**What is the Proposal About?**

The application proposes the following:

- Size of event area: approximately 500m<sup>2</sup> to be located in the parking lot.
- Person capacity: up to 300 persons per event.
- Hours of event liquor service: Noon to 10pm.
- Noise potential: Live music will be played on an outdoor stage with professional sound system.

**Where Can I Get More Information?**

A copy of the application and related information are available at Town of Ladysmith City Hall located at 410 Esplanade or the Development Services Office located at 132C Roberts Street, Ladysmith, BC, until October 3, 2023. Office hours are Monday to Friday 8:30am to 4:00pm, excluding statutory holidays. The application and related information are also available at [www.ladysmith.ca/currentapplications](http://www.ladysmith.ca/currentapplications).

**How Do I Make a Written Submission?**

The Town is inviting written comments on the application before Council decides whether to recommend that the licence be issued. Please provide your written submission by 3:00pm, October 3, 2023. Written submissions should be sent to Town of Ladysmith, PO Box 220, Ladysmith, BC V9G 1A2, by Email to [info@ladysmith.ca](mailto:info@ladysmith.ca), or hand delivered to City Hall at 410 Esplanade. Please be advised that the content of submissions will be made public and form a part of the public record.

**QUESTIONS?**

Questions can be directed to staff in the  
**Town of Ladysmith Development Services Department**  
by calling 250-245-6415 or emailing [info@ladysmith.ca](mailto:info@ladysmith.ca)

## ATTACHMENT B

Received Sept. 25, 2023

**From:** Ina Powell

**Sent:** Friday, September 22, 2023 4:27 PM

**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>

**Subject:** Special Event Area Endorsement application for Bayview Brewing Company

To the town of Ladysmith City hall,

With regard to the letter concerning the Special Event Area Endorsement application for the Bayview Brewing company at 204 Dogwood road Ladysmith (hereafter referred to as the pub).

The permit being requested is completely inappropriate for this site, and the surrounding neighbourhood.

First, the pub does not have sufficient parking to support the clientele it currently receives. If it is planning to host special events in the parking lot, where does it expect the clientele to park?

Secondly, the pub itself only has capacity for 70 people (this is including the existing patio area). Trying to circumvent this by creating an outdoor arrangement is NOT what was agreed upon when the owners of the pub first discussed their plan in public consultation a few years ago.

The owner/operators were clear that they would only have a small outdoor seating area for up to 30 people, not a tenfold increase of that number.

Third, the pub owner/operators explicitly outlined that any entertainment they would host would be acoustic.

I am fairly certain they have already been in conflict with their current licence when they held the open air (amplified) concert on September 2<sup>nd</sup> 2023 with no notice to the surrounding neighbourhoods. These neighbourhoods were impacted not only with noise issues but also irresponsible parking, excessive litter, and rude and disorderly pub clientele.

If the town is so intent on encouraging the pub to host events perhaps it should open up the amphitheatre for said events. This would seem more appropriate and less disruptive to your citizens.

There is no way the Bayview Brewing Company's request for a Special Event Area Endorsement should be entertained by the town.

Thank you for your consideration,  
Ina Powell (residential tax payer)

Received Sept. 25, 2023

Within Circulation Area

**From:** Bev  
**Sent:** Saturday, September 23, 2023 12:06 PM  
**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
**Subject:** 204-Dogwood Drive Special Event Comment

Re: Written Submission Notice

Hi Town of Ladysmith,

Bayview Brewing Company is a lovely pub but I'm totally against the special events they host at 204 Dogwood Drive. While they're using the parking lot for guests and live music where are 300 people going to park?? Parking for the pub is already a problem and frequently spills over onto Dogwood Drive. The street in that area gets congested and is far too narrow for street parking. Dangerous when turning the corner from downtown. I live at 219 Dogwood Drive and have also been unimpressed when their patrons park in our strata visitor parking when the pub lot/street is full.....solve the parking issue and I'd be fine with it.

Bev Caldwell  
219 Dogwood Drive  
Ladysmith, BC





212 Dogwood Drive  
Ladysmith  
British Columbia  
V9G 1S8  
25 September 2023

To the Mayor and Council

My wife and I live at 212 Dogwood Drive. When application was made to locate the Brew Pub at 204 Dogwood Drive, the Council deemed it to be alright, even though it didn't have the required amount of parking, and Council even went on to say, in their opinion people would walk to the Pub.

The Pub has had several events since opening, everytime they have there is an excess of parking everywhere. They park on the sidewalk, the crosswalk , and on the boulevard. On one occasion I had to walk down to the Pub, and ask them to ask the driver of one vehicle to remove from our driveway, as we needed to go out The other issue is the noise level. It is bad enough at the best of times, but when they have live music it is intolerable, plus it always goes over its allocated time by twenty to twenty five minute.

If the pub were decent neighbours one would hope they would inform their neighbours when they were having a special event, but they do not.

So in my wife and my opinion, we are strongly opposed to any extension for any more special events.

A handwritten signature in blue ink, appearing to be "D. P. M.", followed by a horizontal line. Below this, there is another handwritten signature in blue ink, which is less legible but appears to be "C. D. Seena".

Received Sept 28, 2023

**From:** J.U. "Peter" Blumel

**Sent:** Thursday, September 28, 2023 2:49 PM

**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>

**Subject:** 204 DOGWOOD DRIVE -- SPECIAL EVENT AREA ENDORESMENT

TO COUNCIL:

Have gone through the application for above but could not find the Site Plan that is supposed to show amongst other details the PARKING FACILITIES.

Parking is tight now even on normal days (also due to the construction across the road) and I see NO WAY that sufficient parking could possibly be provided for up to 300 people in the nearby surrounding area.

Until I can be convinced otherwise I recommend that this application be TOTALLY REJECTED.

Sincerely,

J.U. 'Peter' Blumel  
Ladysmith, BC

RECEIVED

SEP 29 2023

Noel McKenna  
125 Methuen Street  
Ladysmith, BC

To the Town of Ladysmith : re application for Bayview Brewing SEA

Hi, I am writing with regards to the application for a SEA for Bayview Brewing. I am opposed to this application, for many reasons.

I would like to first point out to the town that Bayview Brewing is making this application under their manufacturers license that was granted by the LCRB. The lot that the Brewery is located on has C-1 zoning, with a site specific use for a pub. This was asked for by the owners and was granted to them several years ago. This site is not zoned for manufacturing. The use of this site requires a liquor primary permit, and the brewing on site was to be allowed under this permit. Not a manufacturers licence. This has not been enforced by the town to date.

The street address listed on the application is 204 Dogwood Drive. This address does not exist with BC Assessment. When the process for amending the use for this site to allow for a pub happened, the address for the property was changed to 202 Dogwood Drive. Can you please clarify this.

In the application they list the service area seating capacity as 63. The occupancy load for the present lounge area/patio is 50. This includes staff and patrons. This was approved by the town on 2022/04/20.

The drawings submitted with the application for the site plan are inaccurate.

- The area marked garbage enclosure is used for that , but is also the main entrance for staff and the residence.
- There is a mechanical enclosure that is located next to the garbage enclosure that does not appear on the drawings.
- There is a storage room that has been built under the porch of the residence. This is used as storage for the brewery, access is from the laneway.
- The number of parking stalls shown on the drawings is 15. There are only 13 parking stalls. The required number under the zoning is 14 parking stalls.

I would ask that at this time Town and Council take action to bring this business into compliance with the zoning on the site and that the required liquor primary license is obtained by the brewery.

Thank you



Noel McKenna

Received Sept 29, 2023

----- Forwarded message -----

From: Douglas Miller

To: [info@labdysmith.ca](mailto:info@labdysmith.ca)

Cc:

Bcc:

Date: Fri, 29 Sep 2023 07:24:43 -0700

Subject: Bayview Brewing Special Event Area Application

To Ladysmith Council,

It is my understanding that the BC Liquor Regulation Branch has no control over how many special event liquor licences they issue and that you have no bylaws in effect to control the number of events occurring. Meaning Bayview could have these 300 person events unlimited times in any given week.

I am sure Bayview Brewing was viewed and welcomed as a

Neighbourhood Pub originally. They now want to be like an Eagles Hall with no parking in a residential area.

There are already issues with parking for their regular business, let alone parking for 300.

I suspect the lane behind The Bayview will become the prime parking area. With access off a blind corner on Dogwood St., it will become a major traffic choke point, a safety problem, and noise issue for blocks at 10 pm and later when closing.

If Council can assure me that they can control the number of special events to say 4-6 per year, I would feel much more comfortable considering approval.

If you approve this application and then tell us you can not do anything once approved, then approval is not acceptable.

Neighbourhood Pub yes. Eagles hall in residential area No.

Please do not let the residents in this area down, leaving them with no enforceable protection to live a quiet and peaceful life. There is no shortage of venues for special events in Ladysmith.

Thank you for your attention,

Doug Miller

Received Sept 29, 2023

Within Circulation Area

**From:** Cheryl Venn

**Sent:** Friday, September 29, 2023 9:13 AM

**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>

**Subject:** Application for Special Event Area Endorsement at 204 Dogwood

I am a close neighbour of Bayview Brewing. I have watched a dedicated group develop a very worthwhile business right here in my neighbourhood. I have to acknowledge the entrepreneurship of these individuals, working hard to bring their dream to fruition. I see this business as a valuable addition to Ladysmith and the events they plan to host will not only bring spinoff business to the community, but it will also raise Ladysmith's profile as a desired destination.

In speaking of potential disturbance from these events, I do not see or hear anything that would warrant a complaint. There have been a number of events hosted at Bayview in recent months and there has been no disturbance to me at all. Planned times for live music wrap up is respectable. These "special events" are just that, special events, not an everyday occurrence. Tolerance is becoming a lost trait amongst humans, in my humble opinion.

I wholeheartedly support everything Bay Brewing is doing.

Please acknowledge receipt of this email. Thanks

Kind Regards

Cheryl Venn

Unit 2 – 100 – 1<sup>st</sup> Ave

Ladysmith BC



RECEIVED

SEP 29 2023

To the Mayor and Council.

I live at 215 Dogwood Drive, when the application was made to have a brew pub at 204 Dogwood Drive, the council never thought about the noise, the parking, and consideration for people that work shift work. We have no speed limit signs on Dogwood, cars fly by doing 80kms, sometimes doing more. Parking on the road in front of my house makes it impossible for me to get out of my driveway.

If these special events continue, council should invest in posted parking signs also speeding. We also have a crosswalk at Bayview and Dogwood Drive that no-one stops for.

In my opinion, if the Brew Pub causes people to park in front of my driveway because they dont have any parking, the vehicle should be towed at the owners expense.

And finally, the music is way too loud, and goes on to long, there is no consideration for the neighbors that work shift work.

Debbie Greenhorn  
215 Dogwood Drive, Ladysmith



Received Sept 29, 2023

Outside Circulation Area

From: Gail Murray  
Sent: Friday, September 29, 2023 1:27 PM  
To: Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
Subject: Liquor Licence Application

To Ladysmith Town Council:

We wish to register our opposition to the liquor licence application for special events to be held at Bayview Brewing Company, 204 Dogwood Drive.

Special events occurring a few times a year, as has been happening, are acceptable. However, more and regularly occurring large events are not in the best interest of the residents who live in this neighbourhood. The parking is far too limited in this neighbourhood, the location of the brewery is in the middle of a residential zoned area, the noise level going on until 10:00 pm is unwelcome and has taken away the rights of the neighbours to enjoy a peaceful evening in their own homes/yards.

While it seems that the Bayview Brewing Company has been a welcome addition to the entertainment options for Ladysmith the location for these types of events is just wrong.

We encourage the council to vote no to this application.

Gail Murray and Frank Rowe  
Belwood Village

**From:** Fred Bailey  
**Sent:** Friday, September 29, 2023 5:25 PM  
**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
**Subject:**

Ref Bayview Brewing company

October 29<sup>th</sup>, 2023

I am writing in regard to the application to The Town of Ladysmith for a **Special Event Area Endorsement at 204 Dogwood Drive by Baywood Brewing Company.**

We live six doors away at #16-332 Belaire Street. Recently the Baywood Brewing Company held a special event throughout a Saturday and Sunday. We endured two long days of loud music, blocked parking and attendees dangerously wandering the streets. In addition, the back alley is often partially blocked with parked vehicles and that alley often endures carelessly driven vehicles despite the presence of children and pets. The Baywood Brewing Company does not demonstrate a reciprocal neighbourly consideration.

Our response to this application is an unequivocal **NO**.

Sincerely

Fred A. Bailey

Jillian L Bailey



Received Oct 3, 2023

From: Kerry Campbell  
Sent: Saturday, September 30, 2023 11:26 AM  
To: Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
Subject: Application for special events @204 Dogwood Drive

To members of Ladysmith Council

A couple of comments about the proposed special events area endorsement for Bayview Brewing. The way this reads and correct me if I'm wrong, this isn't for the occasional event but is Carte blanche to have as many events at any time with no restrictions.

I think the town has a responsibility to ensure that the traffic patterns are adequate and enforced. The rear lane behind the pub and our complex is marked as no exit onto First Ave/Bayview. There are vehicles constantly ignoring this sign, including Progressive Waste and Waste Connections garbage trucks as well as food delivery trucks which need to make a 3 point turn on a basically blind corner in order to make the turn, particularly if they are trying to turn right. It was an issue before the pub opened but it has increased 10 fold since.

The lane is often congested with vehicles parked on both sides of the alley. This is a narrow road allowance and not the typical 66 foot.

It's just a matter of time before there is a serious accident at this corner. If the traffic is going to increase even further then perhaps the town/ highway department needs to designate this as a one way only access.

I understand that some of the clientele are walk in as is evidenced by the pedestrian traffic we see cutting through our parking lot when they leave their vehicles on Methuen Ave because there simply isn't any available parking on Bayview or in the alley.

Our garbage totes are located in the alley and there are often vehicles parked in front of them. We put no parking signs on the cans but they didn't last for whatever reason.

Parking is definitely a concern and hosting large gatherings where alcohol and entertainment are provided is dangerous combination.

When a venue goes from a quiet place for a lunch and a pint to a live music party atmosphere the dynamics change dramatically.

I'd be curious to know what concerns our local RCMP detachment might have.

We have some concerns that need to be addressed hopefully before we add any more congestion to this already very busy part of town.

Are we adverse to new businesses and added tax revenue, absolutely not, but we also need to be cognizant as to the effect this is going to have on those who live and pay taxes in this neighbourhood who will be adversely affected by this.

Thank you in advance.

Kerry Campbell &  
Patricia Simington

Sent from my iPhone

Received Oct 3, 2023

From: Suzanne Otterson  
Sent: Saturday, September 30, 2023 12:55 PM  
To: Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
Subject: Application for a Special Event Endorsement at 204 Dogwood Drive

I do not support this application. The pub with the traffic it has generated in the neighborhood is currently tolerable. A lot of the pub goers park on Forward Road and walk over. Traffic will get more congested when Dolby's on Dogwood is occupied. I do not think the noise and traffic that a Special Event Area is suitable for this neighborhood.

Also, it is unfair to pursue this until the occupants of Dolby's on Dogwood condominium have moved in and can participate in the feedback. The Town of Ladysmith permitted this condominium and so should respect the taxpayers moving in as they are immediate neighbors with Bayview Brew Pub.

Suzanne Otterson

**From:** Henny Vogelzang

**Sent:** Saturday, September 30, 2023 7:51 PM

**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>

**Subject:** re: 202/204 Dogwood Drive, Bayview Brewing application for special events

To whom it may concern,

I am fortunate enough to live on Rigby Place which luckily is not next door to this referenced Bayview Brewing Pub, but this business still affects me, especially the "special events". The last special event at the beginning of September had people returning to their cars which they had parked on our street and continuing their party in the empty lot next door to us well past closing time. There was loud laughter, shouting and doors slamming well after 11:30 pm. I suppose there must have been designated drivers, but apparently they did not have the concept of tucking their charges into the cars and taking them home in an appropriate manner.

Our house is fairly high, and I can hear the music blaring on our patio and in our kitchen during special events. You cannot miss it. Since we live on Rigby Place, that is quite a distance for the music to be shared with those of us who are not interested in sharing it. I cannot help but to feel sorry for those who live closer, because honestly, it's really loud at our house.

For a neighbourhood pub, there sure are a lot of people who drive to it, and they park along our street (Rigby), Belaire and Dogwood Drive. I suppose it is their right to park on our street, but we were originally told by the town that there would be adequate parking for the business and this would not happen. We were not told "except once every 10 days when there are special events and we will take over your neighbourhood".

So for my input, allowing this to be passed is once again allowing *moving goal posts*. If a community government cannot stick to a plan, then what is the point of having plans, let alone a community council to hold to those plans? Shifting goal posts causes people to get depressed, anxious, frustrated, angry because we lose trust. My opinion is that there have already been violations of smell (the air stinks in the morning), sound (loud music, loud patrons), and parking off premises. They don't control their guests at closing time, the party goes holler and party along the streets before going home late at night.

I see absolutely no reason for you to agree to this new request, it is not a good thing for the neighbourhood.

Henny Vogelzang

**Dr. Henny Vogelzang**

Chiropractor~Chartered Herbalist

, 209 Rigby Place, Ladysmith BC, Canada, V9G 1A4

Computer troubles?  
call Marky at

Received Oct 3, 2023

Outside of Circulation Area

**From:** Erin Ewer  
**Sent:** Sunday, October 1, 2023 10:01 AM  
**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
**Subject:** Feedback- Dogwood Liquor License application

To whom it may concern

I read with interest the application by Bayview Brewing for a Liquor license in the Chronicle and ensuing comments on social media; and am grateful for the opportunity to share my thoughts.

Bayview Brewing is a great establishment that I frequent. I love the energy and options it has brought to our community.

That being said, I do have reservations about allowing them this license to 'cart blanche' host and offer events up to 300 people. While attending two previous events they hosted in their parking lot, I observed first hand many vehicles blocking driveways, impeding traffic not too mention the noise for the neighbours. Yes, the establishment does encourage patrons to walk, but it's not feasible and it was clear to me that most weren't walking.

Without realistic plan to address traffic and noise concerns for my community neighbors, I feel the appropriate response is to deny the application.

Respectfully,

Erin Ewer  
517 French St  
Ladysmith, BC

October 1<sup>st</sup> 2023

Town of Ladysmith  
PO Box 220  
Ladysmith, BC V9G 1A2

by email to: [info@ladysmith.ca](mailto:info@ladysmith.ca)  
[liquor.licensing@gov.bc.ca](mailto:liquor.licensing@gov.bc.ca)

I am writing to oppose the Liquor Licence Application/Application for a Special Event Area Endorsement at 204 Dogwood Drive, Ladysmith, BC (or 202 Dogwood Drive, as one letter writer asserts). I have an interest in this application by Bayview Brewing Company because I live within 100 metres of the proposed premises.

**Objection 1:** the hours of event liquor service appear to differ. On the application:

HOURS OF SALE							
	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

And the received notice:

The application proposes the following:

- Size of event area: approximately 500m<sup>2</sup> to be located in the parking lot.
- Person capacity: up to 300 persons per event.
- Hours of event liquor service: Noon to 10pm.
- Noise potential: Live music will be played on an outdoor stage with professional sound system.

And the information in the staff report:

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.
--	--

The proposed hours are too late for a family-oriented, residential neighbourhood and too broad as there is not a single day of the week on which there is any reprieve.

**Objection 2:** the application seems incomplete in at least two respects, as mandatory information is clearly missing (below):

**First Name \***

**Last Name \***

**Title/Position**

**Phone Number (main) \***

As well as the date of application which I do not find anywhere in the document:

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/IN) can delegate staff with the authority to provide comment.

I am curious why Town Council has provided such a short window in which to collect input from impacted residents (between September 25 and October 3<sup>rd</sup> only). This could be construed as inherent bias of elected officials who have an interest in, and have personally and publicly endorsed, the company.

**Objection 3:** Part 8 of the Lounge & Special Event Area Endorsement Application Guide found here [https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/forms/guide\\_for\\_lounge\\_sea\\_app.pdf](https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/forms/guide_for_lounge_sea_app.pdf) prescribes submission of a Letter of Intent, which I do not find anywhere, including requirements to:

1. Describe the composition of the neighbourhood (e.g. commercial, residential, industrial).
2. Describe the potential for noise and other types of disturbance.
3. **Describe the measures you will implement to ensure nearby residents are not disturbed by your establishment or patrons of your establishment**

The reasons for objection are:

1. That the composition of the neighbourhood is clearly residential. Additionally, the immediate population is about to increase substantially, with up to 25 new residential units directly across the road from the subject property, at the Dalby's on Dogwood building. These deserve to be included in this process, that is, if the aim is not a deliberate one to preclude that possibility.
2. "Live music will be played on an outdoor stage with professional sound system" is an activity, not a description of the potential for noise and disturbance. Examples of the disturbances are:
  - On a Friday evening in winter with live music playing at Bayview Brewing Company, despite all doors and windows closed and a wall mount heat pump unit running overhead, it was impossible to enjoy a movie and pizza night without a pervasively loud, buzzing sound transmitted through a windowless, insulated wall.
  - On the event of the company's first anniversary, I was in my yard for 20 minutes, assembling a compost bin, before having to return indoors because of the unrelenting noise generated by a 'professional sound system.' My ears were still ringing two hours later.

A description would include professional radial sound measurements during past events or sufficient evidence that nearby residents are not negatively affected.

3. The measures implemented to ensure nearby residents are not disturbed by [the] establishment are **NONE**:
- There is no buffer zone whatsoever
  - There is no mitigation of any kind, especially of electronically-amplified sound levels. There is only sound bouncing off hard surfaces in a confined area. If anything the business principal says can be believed, which to date has proven not to be the case, then the Town is culpable in this. He once claimed that an original, rejected proposal was for a building extension that would have permitted these activities to be conducted indoors, in a properly constructed venue rather than a parking lot.
  - There is insufficient parking; a regular observance is vehicles pulling into the lot, seeing none available, reversing back over the sidewalk, onto the road at a dangerous corner with view blocked by street parking, causing risk to pedestrians and road users alike.
  - Patrons, including commercial ones such as Long & McQuaide, have parked illegally on sidewalks, too close to intersections and blocking driveways. This is despite available parking still within two blocks of the site. The situation was clearly visible to and reported to the company with little action taken.

With respect to the following Q&A between Town staff and the applicant:

Describe the disturbance mitigation measures.	<p>The applicant stated that:</p> <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>
---	--

I have never received notice of any upcoming event and walked there to find out the cause of the growing disturbance that I learned was the first anniversary event. Other submissions confirm this hasn't happened. This further diminishes the applicant's credibility. "Reasonable hours" is subjective; I and others do not find the hours reasonable for a residential neighbourhood. If a professional sound company is keeping decibels within "reasonable" (not professionally-stated) levels, then I would like to know what those measurements are and when and where they were taken. Otherwise these statements are all bunk.

**Objection 4:** failure to clear the premises according to licence requirements, so that disturbances continue long after closing time.

I am at a complete loss to understand how Town staff can state that *"impact of noise on the community in the immediate vicinity of the proposed lounge area is expected to be minimal."* What is the basis of this statement by public employees? The applicant's own rhetoric? Former neighbours sold their house because they were stripped of quiet enjoyment of their retirement home and backyard oasis. For the many supporters of this business, I would liken it to the difference between driving past the scene of a horrific accident and being involved in one. Patrons are transient; they're there at their choosing and on their terms. The company's operations aren't confined to its own premises, its activities encroach upon and too frequently, negatively impact the right of adjacent property owners to peaceful enjoyment. Granting the Liquor Licence/Special Event Area Endorsement Application exacerbates this.



In fact, the Town staff report seems a farce, being wholly unbalanced as it does not once inquire of the applicant what incidents have been reported (of which there should be a log) and how they have been addressed. They haven't. The application appears, as it often does, to be rubber-stamped rather than diligently and responsibly examined.

If proof of concept has been achieved and this business is so successful that it must grow, then that growth will be supported in a more appropriate location. If it is not sustainable and must continue to ramp up disturbances in order to survive, it is likely not the highest and best use of the property.

Sincerely,

Christine Mathers  
210 Dogwood Drive



Received Oct 3, 2023

Within Circulation Area

**From:** Brian Yendrowich  
**Sent:** Sunday, October 1, 2023 6:47 PM  
**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
**Subject:** 204 dogwood special event endorsement

brian yendrowich  
213 dogwood drive

I am writing this in response to the towns invitation for comments regarding granting a licence to enable Bayview Brewing to entertain and cater special events to a much larger number of patrons than their original license allowed.

I am aware of the earlier special events that were held in the spring and most recently a few weeks ago. I feel that there are two elements that need to be considered.

First is the level of noise generated by 300 people which would include music. Due to being located some one hundred feet from the brewhouse, the impact that my family and myself felt was minimal, but I have heard comments from neighbours that are situated much closer to the event they describe as being house shaking.

Second is in regard to parking. The two aforementioned events made for quite a bit of head scratching while analysing many of the questionable parking spots that patrons chose. Since the grand opening parking has been a problem, an influx of vehicles enough to transport up to 300 people on perhaps a much more regular basis is unsettling. I believe that this issue dates back to the original brew house proposal. The first couple of big events that were held with the helter skelter parking that ensued suggests to me that there is not enough parking for regular full house events.

My email of september 7 regarding traffic and parking adjacent to the dogwood/bayview intersection garnered a response but nothing more in regard to indicators and/or signage to indicate safe parking. I suspect that parking in the area will only get worse when the highrise is completed.

truly  
brian yendrowich

Received Oct 3, 2023

Within Circulation Area

**From:** Peter Lynde  
**Sent:** Monday, October 2, 2023 9:01 AM  
**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
**Subject:** Application for Special Event Endorsement at 204 Dogwood Drive

To whom it may concern:

I am firmly against the approval of this application. I feel that having events suggested in the application is completely inappropriate in a residential neighbourhood, in fact a nightmare considering the disturbance of amplified music entertaining 300 alcohol-fuelled revellers.

Parking would be chaotic in this area, as there is barely space available to park for residents, and once Dalby's on Dogwood is occupied, the situation will be worse. Pub patrons already park on Forward road in front of our property, and there is conspicuously more litter in the neighbourhood since the pub opened.

Please, please do not allow this application to be approved. It is a ridiculous idea!

Peter Lynde  
121 Forward road, Ladysmith

Received Oct 3, 2023

**From:** Leanna G  
**Sent:** Monday, October 2, 2023 2:36 PM  
**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
**Subject:** Special liquor endorsement

Hello,

I am emailing in regards to some concerns for the liquor license application for 204 dogwood drive.

I currently live on Methuen street and my concerns are in regards to parking and noise.  
If the parking lot of bayview is used for events where will everyone park? Traffic has caused some driveway blockage of residents in the surrounding areas from past events.

I am also concerned about noise if large events are held on week nights ...  
This will definitely affect the neighborhoods sleep.

Thank you for taking the time to read our concerns

Leanna Vosper and Britt Gillett

Received Oct 3, 2023

Outside of Circulation Area

**From:** Wildflower Natural Health  
**Sent:** Monday, October 2, 2023 4:34 PM  
**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
**Subject:** bayview brew pub

Hello,

I am writing to say that I feel it would be poor planning to allow events in the Bayview Pub location.

As you are aware this is primarily a residential area with more residences being actively built. Allowing event space that allows music until 10pm is actually quite inconsiderate to the surrounding neighbourhood. It is one thing to purchase a property beside a pub/venue space and quite another to have a venue licensed for events to occur after you have settled into your home. Our homes are for quiet enjoyment, rest, and nourishment.

The existing venue is almost too small and I understand that the business is co-owned by 4 people(?). That makes it hard for everyone to earn a decent income even though the business is popular and always busy. Perhaps they should look at alternatives such as share buyouts or the purchase of Melody Hall(...hello? ) an existing event space with its own parking and enclosed event area, or even a move to the waterfront future development area.

Parking is an issue already. The 1st Ave/Dogwood corner and Bayview Ave access have become dangerous since this business opened. I can only imagine the increase in accident probability once the Dalby Condos are inhabited. This is a high pedestrian and cycling thru-way from Coronation Mall to downtown.

Sorry, I vote "No" on this application

--

Marilyn Swallow RMT/RA EOT  
home:263 Bayview Ave  
office:#4-512 1st ave

Ladysmith BC      P.s. I do love the Bayview Brew Pub's cider!

Eric Brocklesby  
117 Methuen Street  
Ladysmith

As the Owner of 117 Methuen street I am against the approval of a Special Event Area Endorsement for Bayview Brewing.

There is currently a serious lack of parking for this establishment and the staff park in the laneway which clogs the laneway and makes it hard for others to get by.  
Considering the condo project being built directly across from Bayview will have an additional 25 units the congestion at the corner is definitely going to be an issue.

The previous special events they have held have been very loud and carry on for the entire day, This is great for those who come and attend for a couple of hours but hearing this all day and into the night is not enjoyable for the residents of this area.  
I cant imagine that those who purchase a brand new condo will enjoy having 300 people and loud music repeatedly occurring right across the street.

If Bayview wants to host events of this size perhaps they should look at a different location which can provide parking and is not in the middle of a residential area.



October 2, 2023

To Mayor and Council

**Re: Application for a Special Event Area Endorsement at 204 Dogwood Dr**

This is in response to the Town's invitation for written comments regarding the above.

The opening of the Bayview Brewing Company roughly one year ago has been hugely disruptive to the formerly quiet neighbourhood closest to the pub. Residents here have had to endure traffic chaos and excessive noise (way above volumes allowed by the Town's associated bylaws) for prolonged periods, especially during the pub's recent 'live' music events like the ones it is now applying to host on an unlimited basis.

Some residents have been physically and verbally assaulted by pub patrons during these very poorly managed events. Your support for this application will only make these incidents more likely.

During the Council's September 5 meeting, it was noted by Councillors that 'traffic' was a problem during the latest 'live' music event. While clearly true, no discussion was given to bigger problems such as people and noise management.

At the latest live event, a loud sound check started before 11.00 and the professional sound system continued to blast out music until 22.00. It then took two more hours to clear the clearly inebriated and volatile crowd. It needs to be noted that that crowd was small compared to the events Bayview is now applying to hold whenever it wants.

While I recognise that the application is not being made to Council, I am equally sure that Council's refusal to support this application would hugely influence the B.C. Liquor and Cannabis Regulation Branch's decision on this matter.

As the elected representatives of this neighbourhood's residents and residential taxpayers, I suggest you firmly withhold support for this selfish application from what is meant to be a 'community' pub. The Town has many other places that are not in quiet residential areas where events such as these can be held.

Russ Barling



Bayview neighbour and homeowner



John and Sheila McLaughlin  
208 Dogwood Drive  
Ladysmith, BC V9G 1S8



October 3<sup>rd</sup>, 2023 - **Delivered by Hand**

Town Council  
Town of Ladysmith City Hall  
410 Esplanade,  
Ladysmith, BC

Dear Council,

Re: Special Event Area Endorsement  
204 Dogwood Drive  
Bayview Brewing Company

We received notice of the application by Bayview Pub to change their liquor licensing to include a Special Event Area Endorsement on Friday, Sept. 29<sup>th</sup> before a holiday Monday. Council requested that comments on the application be submitted by 3:00 pm on Oct. 3<sup>rd</sup>. This allows less than one working day to respond - not sure that the Liquor Control Board, or anyone, would consider this adequate public consultation.

Regardless, we are taking the opportunity to strongly oppose the application on numerous grounds:

1. **General** - The Bayview Pub received rezoning only a few years ago for a 60 +/- seat venue; this raised considerable concern in the neighbourhood but in good faith that the establishment would be a good neighbour Council approved the rezoning. We can support the idea of a small neighbourhood pub/meeting place, that is walkable for the majority of patrons, serves great food and is respectful of the neighbours' right to peace and quiet - as noted in the Town's own Noise Suppression Bylaw.
2. **Noise** - this is our prime concern.
  - a. Living two doors from the Pub we've had experience with an 'event' us and it was totally unpleasant. When we were first told of the recent end of summer outdoor event in the parking lot with amplified music we were not too concerned, thinking it would be only for a few hours. We had just moved into our home and wanted to be open-minded. What happened is we were greeted with a sound check an hour before the pub opened at 11:00. This 'noise' continued all day until 11:00 p.m. - 13 hours of amplified music and people yelling over the din. We could hear the announcements and music as if they were in our own yard.
  - b. Is the Town going to be monitoring what is happening on the site everyday and what are the penalties for the Pub disregarding the guidelines for hosting an event. It shouldn't be 'complaint driven' putting the onus on property owners to continually call the Town Bylaw officer - who is likely not available at 10 pm on a Saturday night to do anything about a noise infraction. That just leaves a call to the RCMP and we think they likely do not have the resources or mandate to get involved and will just refer us back to the Town.

3. **Zoning** - Original rezoning indicated that the site was to be buffered from disturbing the residential parcels - we do not see how an open air or tented event can buffer noise therefore I question whether the site as currently zoned would comply with this proposed use.
  - a. If Council is really going to support this application then shouldn't a full rezoning and public approval process be warranted as it varies significantly from the approved use and occupancy limits?
  - b. If this license endorsement proceeds we could theoretically have an open air event (or tents) in the parking lot 7 days a week, 12 hours a day. Noise is already a problem as the pub cannot be considered an indoor venue - most of the seating is already on a patio; only about 20 of the 60 seats are indoors. We hear people talking on the patio and music every day as it is. Voices get elevated with the more alcohol people consume and with amplified music it becomes unbearable if you need to sleep or just wish for some peaceful enjoyment of your own outdoor space.
4. **Parking**
  - a. We question how a commercial venue can be permitted to not have any on-site parking in the middle of a residential neighbourhood? Already on a busy pub night the parking overflows onto residential streets, and this is with a seating capacity for 60 people; increase that to 300 people then it will become severely problematic for the neighbourhood. Street parking along Dogwood is already very difficult due to the width of the street and the crosswalk in front of our house.
  - b. The broader neighbourhood should be given *written* notice of this change of use and invited to voice their opinions as this change of use will definitely affect the traffic beyond 60 meters as people search for a parking spot. Perhaps staff can be instructed to include a parking plan showing where approximately 100 cars can park *legally* on the neighbouring streets to show the approximate impact of 300 patrons attending an event (1/3 walking and the rest coming two to a car).
  - c. The lane behind the pub currently has cars parking on both sides making it difficult for vehicles to get through and it's highly doubtful that a fire truck could pass by.
5. **RCMP and Fire Department Comments** - it would add to the transparency of the process if the comments from these folks were made available to the public.

We can support the type of event proposed being held **2 or 3 times a year, for 3 hours maximum**. We feel that is more than reasonable considering the current neighbourhood dynamic. We strongly ask that if Council wishes to endorse this application that the Town be specific on the number of events that can be held each calendar year, duration of each event, and that they happen **only on weekends**.

Thank you for your consideration of this request.

Respectfully,



John McLaughlin

&



Sheila McLaughlin

cc [liquor.licensing@gov.bc.ca](mailto:liquor.licensing@gov.bc.ca)

cc [info@ladysmith.ca](mailto:info@ladysmith.ca)



RECEIVED

OCT 03 2023

Jacqueline McKenna  
125 Methuen Street  
Ladysmith

Re: Special Event Area Endorsement Bayview Brewing

I am writing to voice my opposition to the proposed liquor license change for Bayview Brewing. There are currently parking issues with this business, the lane behind the brewery is often congested with vehicles, making it difficult at times for us to access our own property from the lane. This is taking place under the current occupancy load.

The ventilation/filtration system is totally inadequate, and we are inundated daily with cooking and brewing smells. Will Bayview be upgrading the ventilation system if they plan to accommodate food and beverage for 300 people on a frequent basis?

Since the opening of the Brewery a paved pathway has been established for patrons to access the backlane. We frequently have individuals who smoke cigarettes and vape, talk loudly and use profanity right at the edge of our property. This definitely effects our ability to enjoy the use of our deck and backyard.

This is a residential area and a commercial venue with capacity for 300 people is not appropriate for this site.

I am **strongly opposed** to the approval of Special Event Area Endorsement for Bayview Brewing.

Yours truly

A handwritten signature in blue ink, appearing to read 'J. McKenna', written over the typed name 'Jacqueline McKenna'.

RECEIVED

OCT 03 2023

B. Heyes  
Ladysmith, BC

To: Town and council, RE: Bayview brewing application

I am writing to express my concern about the application for the special event permit. I feel this would be a mistake to allow them to have these events whenever they choose to.

We have been to the pub before and enjoyed ourselves. But as a pub. This is not a good location for outside events for up to 300 people.

This is a residential area. We can hear the music from the past events that they have held. I can not imagine what it is like for the residents of Dogwood and Bayview.

Also parking will be an issue and cannot be ignored.

We are against this permit being approved. Please have some sense and respect the people that live in this residential neighbourhood.

Thank you,

*Robert Heyes*  
*Barbara Heyes*

From: Vince Herkel  
Sent: Tuesday, October 3, 2023 11:44 AM  
To: Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
Subject: Special Events Licence at 204 Dogwood Drive

To Whom it may concern:

With regard to the existing zoning and licensing for the Bayview Brewing Company neighbourhood pub, located at 204 Dogwood Drive, sufficient on site parking has to be provided to accommodate the maximum number of seated patrons located within the premises and on the adjacent outdoor patio. During regular hours of operation with the on site parking lot filled to capacity, I have noticed excess patrons vehicles parked along Dogwood Drive with some vehicles parked half way across the sidewalk making it difficult to walk by. With regard to the licensed special events, apparently three permitted annually, which allows the Bayview Brewing Company to then utilize their on site dedicated parking spaces for the accommodation of up to 300 attending patrons, hence forcing the up to 300 attending patrons to park their vehicles on residential boulevards up to two or three city blocks away. As a resident of Rigby Place, adjacent to Wickham Park, the past special events patrons vehicles have plugged up both sides of our narrow street, including the utilization of the private property lot located on the corner of Belaire Street & Rigby Place. If that empty lot was developed where would all those brewpub patrons find parking, obviously on other streets further afield. Prior to the Bayview Brewing Company special events, I supported and considered this business a welcome addition to our neighbourhood. When the Town of Ladysmith allows a business to extend its reach beyond the approved zoning and licensing regulations, this negatively impacts neighbourhoods in our community. We have had to put up with excess parking on Rigby Place, loud music and loud vocal patrons returning to their vehicles, disrupting our normally peaceful neighbourhood. Based on what we can see and hear at our location, I can then only imagine what the adjacent neighbours to the Bayview Brewing Company have had to endure. When the zoning and licensing for the Bayview Brewing company was approved, I do not remember either seeing or hearing about any mention of the three special events and now to even consider licensing another 30 of these special events annually, is absolutely asinine. I also really wonder what the future residents of the five storey building under construction on Dogwood Drive across the street from the Bayview Brewing Company will have to say about these special events and the traffic and parking congestion they will have to put up with.

Respectfully ... Vince Herkel





11:45 am BF

Outside of  
Circulation AreaTo: The Town of Ladysmith21-332 Belaire, |  
Ladysmith, V9G 1A9

Hi!

Application for a Special Event Area Endorsement at 204 Dogwood Drive: Bayview Brewing Company

I consider Rod Alsop to be a great friend and a fine person. I enthusiastically supported his original plans for the Bayview pub. When people voiced their grave concerns, I was relieved to hear his assurances that the property had its own ample, off-the-road parking area. I've been proud and happy to see that he and his associates have made such a success of their venture.

However ... **I emphatically oppose the above Application.**

*The deafening noise for up to ten hours or more on any day but particularly during summer weekends would completely disrupt multiple residents' lives, ruining their plans, family events and even their right to enjoy their own outdoor areas like balconies, patios and yards. Far worse, though, traffic conditions and parking would inevitably be highly dangerous.*

I know what I am talking about.

Last summer on a hot sunny day I – living about a block away from the pub in Belwood Village which is occupied by mostly elderly, retired people – planned to enjoy being outdoors. Friends were to visit for a lunch on my balcony. Suddenly, excruciatingly deafening booming music and an m.c.'s strident bellowing from the Bayview pub's *outdoor area for parking* filled the air. This intolerable cacophony went on for hours on end. Conversing and socializing were impossible so I had to cancel lunch plans with people I hadn't seen for years. I was forced to stay indoors with all the windows closed in an effort to block out some of the blaring racket. However, the indoor temperature rose to as high as 36°, making me, very elderly and disabled, near to suffering from heat stroke and having great difficulty breathing. I had to leave. Then, horrified, I found *I couldn't drive out of my complex. No one could.* (Suppose I or someone else had to get to Urgent Care? To the airport? To catch a ferry?)

Because the Bayview pub's parking lot was taken up with tables and crowds of people, vehicles were parked all along Dogwood Avenue to Belaire and beyond. The curve in the road and the parked cars made it totally impossible to see whether or not it was safe to drive out. As well, drivers of cars proceeding along Dogwood had their views blocked by the parked cars too, leaving them unable to see until too late any vehicle exiting Belwood Village, for example. The situation was terrifying.

Next day, I was still very shaken, sick and exhausted after having been literally trapped in my home all the previous day. It had been near to 11:00 p.m. before the last of the shouting of departing people, car door slamming, and the revving up of car engines from the street finally stopped. I immediately called Marsh Stevens, our excellent Ladysmith Town Councillor, to tell him that someone was going to be seriously injured or killed if an event like that ever occurred again. It was consoling to believe, though, that this was likely a once-only, highly-inopportune occasion. It looks like it won't be, though, if by any remote chance the Application in question happens to be successful.

Please reject it for evident safety reasons. Also, countless people living even blocks away, as well as the many new residents who will in good faith occupy the large new building *directly opposite the pub*, don't deserve this kind of inescapable disruption even once, never mind regularly. We were assured that the outdoor area now being proposed for the pub's special events is for parking, not for social gatherings until late at night with a loud speaker blaring an unbearable din over a large, dense and helpless neighbourhood of private homes.

So please ensure that no future disastrous and disruptive event will be permitted that would so seriously impact so many innocent peoples' home lives.

Sincerely yours,

J.J. Sheridan

October 3 2023

From: Diana Childs  
Sent: Tuesday, October 3, 2023 1:26 PM  
To: Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
Subject: Application at 204 Dogwood Drive

Greetings to you all at council,  
I have lived at 209 Bayview Ave. for 30 years.  
Although I applaud the entrepreneurial spirit, I must say that this particular application disturbs me...this is ( or used to be) a quiet residential area, but NO MORE!  
People park right up against my driveway, for pub parking, and construction parking, causing safety issues coming out of my driveway, left or right turns. Many times people are speeding up and down Bayview causing a very cautious exit, and I have almost been hit a few times. I have personally almost been hit on the crosswalk pushing a baby carriage! Where is the warning light?  
How do you think that this ( former) quiet neighbourhood is going to cope with extra people ( are you kidding, 300?) and vehicles on Dogwood and Bayview?  
The couple of special events that Bayview Brewing had were fun, and my neighbours and I enjoyed the music and the party atmosphere. They respectfully closed by 9 or 10.  
It is a lovely thing to have a local pub here..however unless special events, such as their anniversary, give notice to ALL people in the neighbourhood beforehand.  
And by the way, I guess you forgot to deliver a letter to my house!  
Ok, the pub is great to have, but council should not approve this application; and this has nothing to do with the fine people at the pub.  
Sincerely,  
Diana Childs

Received Oct 3, 2023

**From:** Craige Ducharme  
**Sent:** Tuesday, October 3, 2023 2:41 PM  
**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
**Subject:** Bayview Brewing Special Event Area Application

I am opposed to this application. I also believe that this decision should be in the hands of the immediate neighbors/neighborhood that are affected by both the traffic and especially the noise. I don't live in the immediate area but I know I wouldn't want it in my residential neighborhood.

It's nice to see the Mayor and Council asking for Public input on this item. Why didn't they didn't seek public input before making a decision on DL2016 which has had a negative impact on many of the residents that they are supposed to be representing.

Craige Ducharme  
Tax Payer  
Ladysmith



**From:** Gayla Hunter

**Sent:** Tuesday, October 3, 2023 2:46 PM

**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>

**Subject:** Application for Special Event Endorsement at 204 Dogwood Drive

I am a resident of Forward Road and do not support this application. My biggest concern is the lack of parking. Once the new condo development is completed and occupied there will be extra cars parked on Forward Road from the new residents and their guests. The pub patrons will no longer have the extra parking available on Forward Road that is now available.

It has been mentioned that walking to the pub is encouraged. This clearly only happens by a small minority.

There are always lots of cars on Dogwood, Bayview, Methuen and Forward Road and the alleyway behind the pub and the parking lot at the pub is usually full.

A wedding event of 300 will most likely include many out of town guests and they will not be walking to the pub. What is Bayview Brew Pub doing to address this issue?

I am one of the lucky ones that can close my doors and not hear all the noise but there are many residents living a lot closer who do not have this option. A couple of special events a year is tolerable but as a possible regular occurrence - no.

The pub, in my opinion, was a nice addition to the neighborhood but only for what it was originally approved for. It is still a residential neighbourhood.

Thank you,

Gayla Hunter  
Forward Road



RECEIVED

OCT 10 2023

Town of Ladysmith

I am writing in regards to the proposed Speacial Event Endorsement requested by Bayview Brewing.

I am definelty not in favour of this.

The parking in the neighbourhood is already an issue and as a visually impaired senior I find it difficult to navigate the roads and traffic, the addition of 300 people attending an event with no designated parking would make it totally impossible.

As well I enjoy living in a quiet area, having music blasting from noon to 10pm would infringe on that for certain.

I would encourage the town and liquor board to listen to the concerns of those who will be most heavily impacted by this Special Event Endorsement and to not approve this request.

*Sylvia Button*  
Sylvia Button

~~Lions Villa~~

Ladysmith *Senior housing*  
*206 Lions Way.*



Outside Circulation Area

Ladysmith,

October 11<sup>th</sup> 2023

To the Mayor and Town Council  
Town of Ladysmith

Hi!

APPLICATION: BAYVIEW PUB: SPECIAL EVENTS

Very respectfully indeed, I do hope the following could be considered:

(1) Inadequate circulation: My October 3 letter in strong opposition to the above was incongruously stamped "outside circulation area". As explained, the strata condo complex where I live got no notices about the Application yet *we live only a block away* from the Bayview pub at Belwood Village at the Dogwood/Belaire intersection. By distributing 70 individual notices, the Town of Ladysmith clearly knows that people need to be *directly* informed (although surveys happen to yield far better public feedback!). Multiple residents at Seaview Manor (218 Bayview), Ladysmith Manor (at Dogwood/Belaire), and many private homes along Dogwood, Bayview, Belaire & Rigby Place, for instance, also appear to have been overlooked as well as possibly the developer of the new building on the Dalby's site to share with prospective condo owners. Evidently, the Town Hall doesn't realize just how far pub-caused parking and traffic disruptions already extend or that ear-splitting noise from the Bayview pub travels across a very wide area. People living on 4<sup>th</sup> Avenue Extension, for example, could hear the recent deafening din.

(2) Independent professional third-party reports (if not already sought):

Traffic & Parking: Surely a traffic safety official could provide an in-depth report about, for example, pub patrons' parked vehicles that block drivers' views; are left in driveways, on sidewalks, etc.; and prevent exit and entry from/to residences?

Fire safety: Wouldn't a Fire Superintendent have plenty to say about the alley behind the Bayview pub which supposedly must be kept clear 24/7 because it's a fire lane, not a parking lot?

Health & Wellbeing: A Senior Medical Specialist could undoubtedly report on the devastating effect – in particular, on children, the disabled and old people – of prolonged, excessive and inescapable noise; disruptions to family life; deprivation of necessitated periods of rest-&-relaxation, socialization, outdoor activities, etc. to the serious detriment of persons' physical and mental health.

I'm just wondering but wouldn't professional reports from third parties, such as those suggested above, justify vehement vetoing of the Application?

Everyone seems to agree that the Bayview pub was extremely lucky to get its licence in the first place but, at great cost to countless Ladysmith residents, has reneged on the assurances it made to them. This looks very much like a case of "give 'em an inch and they'll expect a mile"!

Yours sincerely,

J.J. Sheridan

*P.S. The blaring music wasn't even Mel Tormé's rendition of "Blue Moon", by the way, and even that would have been totally intolerable.*

**Outside Circulation Area**

To: Town of Ladysmith  
From: Gale Lawrence  
Sent: October 9, 2023

RECEIVED  
OCT 13 2023

I do not live in the immediate area, but have walked from my house on 3rd Avenue to the Bayview Pub on several occasions during the day and enjoyed the food and friendly, casual vibe. The Pub seemed initially to be a welcome addition to Ladysmith and the neighbourhood. However, it was obvious from the beginning that adding even a small amount of additional traffic in and out of the parking lot would create safety issues. With the Dalby multi-unit residential building opening soon, this problem will become worse. Now the owners want permission to eliminate parking on the Pub site entirely during "special" events by allowing hundreds of patrons to gather in the current parking area.

Since the Pub is located in a residential rather than commercial area, I'm sure that the owners of the Pub intended to be good neighbours. The expansion of operations currently envisioned by the Application is a recipe for antagonism and ill will in the community. If the owners wish to expand operations, they should find a more appropriate location. In my view, it would be a grave mistake for the Application to be approved.

Sincerely,  
Gale Lawrence

Received Oct. 16, 2023

From: Julie Cochrane  
Sent: Saturday, October 14, 2023 2:56 PM  
To: Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
Subject: Application for Special Event Endorsement at 204 Dogwood Drive

Town Council,

I am writing in response to the Application for Special Event Endorsement at 204 Dogwood Drive.

Bayview Brewery has been an excellent addition to the already fine number of businesses in Ladysmith however I strongly oppose the liquor license change for Bayview Brewing.

The pub, as it stands now, does not have enough on site parking for the patrons and the noise level during special events is intolerable for the neighbours. It needs to be in a non residential area.

Currently during special events at the pub, the amplified noise level of music and pub patrons and the congested street parking, among other things, already negatively affect the mental health of neighbours and will most definitely negatively impact the quality of life of future residents in the condos across the street.

The only people who would benefit from this approval would be the owners of the brewery and anyone who has personally invested in the business. The decision will not benefit the neighbours or the community.

Approving this application would be irresponsible and would definitely raise some red flags about how decisions are made by Town Council.

For reasons included above, I am strongly opposed to the approval of this application and believe it would not be in the best interest of the Ladysmith community.

Sincerely,  
Julie Cochrane



# ATTACHMENT C

## ALTERNATIVES:

Council can choose to:

1. Recommend denial of the Liquor and Cannabis Regulations Branch Special Event Area Endorsement application for Bayview Brewing Company (204 Dogwood Drive) for the following reasons:
  - Council has considered the location of the establishment, the person capacity and hours of liquor service for the proposed special events;
  - The impact of noise on the surrounding community during special events is expected to be elevated due to the amplification of live music;
  - The general impact on the community is expected to be elevated in the immediate vicinity during an event and has a negative impact on nearby residences;
  - The method used to gather the views of residents and a summary of public submissions is provided in the Staff Report to Council dated November 7, 2023;
  - Parking and traffic safety concerns, noise disturbance from loud music, and disturbance by nuisance patrons were the top concerns raised in public submissions; and
  - 82% of respondents were opposed to this application based on the concerns noted above.
2. Recommend issuance of a Special Event Area Endorsement by the BC Liquor and Cannabis Regulation Branch to Bayview Brewing Company located at 204 Dogwood Drive for the following reasons:
  - Council has considered the location of the establishment, the person capacity and hours of liquor service for the proposed special events;
  - The property is zoned for neighbourhood pub and microbrewery use;
  - The special event area shall occupy a maximum of 500m<sup>2</sup> to be contained in the area shown on the application site plan;
  - The impact of noise on the surrounding community during special events is expected to be elevated due to the amplification of live music;
  - The general impact on the community is expected to be elevated in the immediate vicinity during an event;
  - The method used to gather the views of residents and a summary of public submissions is provided in the Staff Report to Council dated November 7, 2023; and
  - Parking and traffic safety concerns, noise disturbance from loud music, and disturbance by nuisance patrons were the top concerns raised in public submissions.

Based on the reasons stated above, Council recommend the following conditions:

- The maximum number of patrons shall be no more than 300 people;
- The hours of liquor service are to be between 12:00pm and 10:00pm in the special event area on the days events are held;
- Live music is to be held between 12:00pm and 10:00pm;
- The number of events per year be limited to number specified by Council.

**STAFF REPORT TO COUNCIL**

**Report Prepared By:** Erin Anderson, Director of Financial Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** November 7, 2023  
**File No:** 1700-01  
**Re:** Water and Sewer 2024 Budgets

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**RECOMMENDATION:**

That Council:

- 1) Direct staff to amend the "Sewer Rates Bylaw 1966, No. 422, Amendment Bylaw 1999, No.1360" to include a 3% increase to the rates;
- 2) Confirm the 2024 sewer parcel tax bylaw at \$360 per parcel;
- 3) Direct staff to amend the "Waterworks Regulation Bylaw 1999, No.1298" to include a 5% increase to the rates; and
- 4) Confirm the 2024 water parcel tax bylaw at \$459 per parcel.

**EXECUTIVE SUMMARY:**

The 2024 budget for the Town's water and sewer utilities are presented. Staff are proposing a 3% increase to the sewer rates, a 5% increase to the water rates and no changes to the water or sewer parcel tax amounts.

**PREVIOUS COUNCIL DIRECTION:**

N/A

**INTRODUCTION/BACKGROUND:**

The Water and Sewer budgets are the second in a series of budget meetings discussing the 2024-2028 Financial Plan.

Though the operations are funded from the fees charged in their respective utilities, there are some common costs associated with the two funds:

- There is a 2.5% (over 2022) CUPE wage increase factored into the operations.
- There are three operators in the Water Filtration Plant (WFP)/Watershed and three operators in the Waste Water Treatment Plant (WWTP). This is a change from the past few years when there were four Treatment operators at the Water Filtration Plant and two Treatment operators at the WWTP. This transition is being phased in over two years.
- The Distribution and Collection operators continue to be split 60% to water and 40% to sewer.

- The allocation of General Government expenses is increasing as it is a percentage based on actual usage and costs.

#### Sewer - Expenses

	<b>Proposed 2024 Budget</b>	<b>Amended 2023 Budget</b>
<b>Employment Costs</b>	837,295	736,872
<b>Debt payment</b>	627,500	637,500
<b>Transfer to Sewer Capital</b>	530,000	525,000
<b>Materials &amp; Supplies</b>	335,235	328,110
<b>Reserve</b>	313,615	372,353
<b>Contract Services</b>	212,865	210,035
<b>Utilities</b>	177,057	174,681
<b>Other</b>	172,491	141,877
<b>Equipment Use</b>	58,161	36,059
<b>Insurance</b>	49,130	45,673
<b>Grand Total</b>	<b>3,313,349</b>	<b>3,208,160</b>

- The employment costs within the sewer utility are increasing by \$100,423. As mentioned above, this is due partly to the approved increase per the Collective Agreement as well as transitioning the Treatment Operators from the Water Filtration Plant to the Waste Water Treatment Plant.
- The Waste Water Treatment Plant debt interest payment decreases \$10,000 per year. The debt is expected to end by 2036.
- Though the Sewer Capital Budget for 2024 is valued at \$779,500 (Attachment A), it is expected that \$530,000 of this cost will be expensed from the Sewer Operations to Sewer Capital with the funding to come from 2024 Sewer Parcel Tax.
- There was a large increase in the Materials & Supplies budget last year for chemical costs and MBBR media. The increase for 2024 is \$7,125 which reflects the updated pricing.
- There are less funds allocated to the sewer reserve in 2024 in order to keep the sewer rates at a minimal increase. Should Council wish to contribute the same amount to the reserve in 2024 as it did in 2023, a further 3.25% rate increase or a \$15 parcel tax increase would be necessary.
- Hydro costs are similar to previous years.
- The “other” amount refers to the general fund overhead allocation to the two utility funds. This amount varies annually based on actual time and resources allocated a percentage of budget.
- The Equipment Use category is increasing, mainly due to inflationary increases in fuel.
- Insurance is expected to continue to increase.
- Overall, there is a 3.28% increase in sewer expenses.

#### Sewer - Revenues

The above sewer expenses are mainly funded by sewer parcel taxes and sewer rates.

There are 3,898 sewer parcels, including the Stz'uminus First Nation serviced area. Keeping the sewer parcel tax at \$360, it is expected that the parcel tax will generate \$1,403,280. This amount will fund the Debt Payment (\$627,500) and the Capital & Reserve (\$843,441). The parcel tax will also be used to partially offset the operating costs.

Staff are proposing a 3% increase to the sewer rates which results in a \$2.78 quarterly increase or \$11.14 annual increase for a single residential rate. Total sewer rates are expected to earn \$1,834,030.

DCC funding, permits, extended services and penalties make up the remaining \$76,039.

Should Council wish to eliminate the Sewer Parcel Tax, the quarterly residential sewer rate would be \$56.25 which is an increase of \$25.31 over the 2023 monthly residential rate.

#### Water – expense

	Proposed 2024 Budget	Amended 2023 Budget
<b>Employment Costs</b>	951,153	995,907
<b>Transfer to Water Capital</b>	575,000	605,000
<b>Materials &amp; Supplies</b>	448,400	449,000
<b>Debt payment - anticipated</b>	432,956	382,956
<b>Debt payment - existing</b>	387,685	387,685
<b>Other</b>	207,679	190,680
<b>Contract Services</b>	202,920	199,570
<b>Reserve</b>	175,302	93,656
<b>Utilities</b>	69,945	70,363
<b>Equipment Use</b>	64,197	87,771
<b>Insurance</b>	35,694	33,995
<b>Grand Total</b>	<b>3,550,931</b>	<b>3,496,583</b>

- There is a decrease in the Employment costs that reflects the transition of the Treatment Operators from the Water fund to the Sewer fund.
- There is \$3,934,550 of Water Capital projects budgeted (Attachment A) with \$575,000 to be funded from the 2024 water revenue. Though the funding for the capital projects shows a decrease compared to 2023, Council may recall that \$50,000 was transferred from the anticipated debt to current capital in 2023.
- Materials & Supplies are expected to be similar to last year with the largest cost being the chemical costs used in the treatment process.
- There is proposed future debt for the Holland Dam which has not been executed yet. As this project moves forward, there will be temporary borrowing to fund the construction phase.



- The existing debt for the Water Filtration Plant (expires 2044) as well as for the Water Infrastructure upgrades (expires 2037) continues to be the same as previous years.
- The administrative overhead allocation has increased by \$17,000.
- Contracted Services amounts are increasing 2% over 2023.
- Facility costs, mainly insurance, are expected to increase 5% in 2024.
- Overall, there is a 1.6% increase in water expenses.

#### Water - Revenues

There are 4048 equivalent parcels within the Town including the Diamond and Stz'uminus First Nation serviced areas. The parcel tax, remaining at \$459, raises \$1,862,000 in revenue that funds existing debt on the Water Filtration Plant and water improvements (\$387,685), proposed debt (\$432,956), and capital projects and reserving funds (\$671,905), plus shared administration fees (\$19,552).

Staff are proposing to increase the water rates by 5% which will generate \$1,625,977. This increase equates to a quarterly increase of \$2.91 to the base rate and \$4.02 increase to the consumption over 25m<sup>3</sup>, based on a single residential house using one cubic meter of water per day, or \$27.74 annually. These rates fund the operations.

Should Council wish to eliminate the water parcel tax for just the properties within the Town boundaries, the base rate would increase to approximately \$189.75 per quarter which is a \$131.70 increase over current quarterly base rates.

#### **ALTERNATIVES:**

Council can choose to direct staff to adjust the budgets, though service levels may be affected.

#### **FINANCIAL IMPLICATIONS:**

As discussed throughout the report.

If approved, the bylaws for the water and sewer rates will be presented to Council in December in order to be adopted prior to the start of the first quarter in 2024.

#### **LEGAL IMPLICATIONS:**

n/a

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

If approved, the notification of the rate changes will be included in a utility billing newsletter as well as on the website. The Stz'uminus First Nation and Diamond Improvement District will also be notified.

#### **INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The Utilities area within Public Works performs much of the day-to-day operations for water and sewer utilities. If approved, Finance will prepare the necessary bylaws.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |   |   |
|---|---|
| <input checked="" 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 type="checkbox"/> Not Applicable |

***I approve the report and recommendations.***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENT(S):**

- A. Attachment A – Water & Sewer Capital List for 2024

## Proposed Capital List

Department	Public Works	Area	Water	YEAR	2024
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### Holland Creek Weirs

Dam Safety requires the Town to remove the weirs along the Holland Creek.

To assess, mitigaty and decommission the old wiers/dams through the Holland Creek

*not compliant with Dam Safety*

Asset Mgmt		Amounts	\$2,750,000	<input type="checkbox"/> DCC Project	location Holland Creek
Taxation	0	DCC	0	Grant - TBD	2,750,000
Water Utility	0	Reserve	0	Borrow	0
Sewer Utility	0	Gas Tax	0	Donation/Other	0
C/F	0	Grant-confirmed	0		

Department	Public Works	Area	Water	YEAR	2024
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### Roberts St Watermain Replacement (2nd to 4th Avenue)

The 100mm AC main on Roberts St has reached the end of life and led to two recent watermain breaks causing flooding and pavement damage. A replacement 150mm main is needed to prevent future breaks and improve fire flows in the area.

Replacement of watermain with break history and repairs to asphalt.

*A future watermain break may occur leading to more flooding and potential insurance claims against the Town. Aggressive fire fighting on the brittle undersized main could lead to a break.*

Asset Mgmt	Replacement	Amounts	\$425,000	<input type="checkbox"/> DCC Project	location Robert's Street
Taxation	0	DCC	0	Grant - TBD	0
Water Utility	425,000	Reserve	0	Borrow	0
Sewer Utility	0	Gas Tax	0	Donation/Other	0
C/F	0	Grant-confirmed	0		

Department	Public Works	Area	Water	YEAR	2024
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### Stocking Supply Main Preliminary Design

The AC main is near end of life. Prior to design and construction, preliminary alignment, property ownership, survey, pipe selection, etc. needs to be completed. Preliminary cost estimates and a phasing approach would be included.

Preliminary design of the Stocking Supply Main for future replacement.

*The AC main is near end of life. Prior to design and construction, preliminary alignment, property ownership, survey, pipe selection, etc. needs to be completed. Preliminary cost estimates and a phasing approach would be included.*

Asset Mgmt	Design/Study	Amounts	\$150,000	<input type="checkbox"/> DCC Project	location Stocking Supply Main
Taxation	0	DCC	0	Grant - TBD	0
Water Utility	75,000	Reserve	75,000	Borrow	0
Sewer Utility	0	Gas Tax	0	Donation/Other	0
C/F	0	Grant-confirmed	0		

# Proposed Capital List

Department

Public Works

Area

Water

YEAR

2024

Abandon Twin AC Watermains below Thetis

Abandon twin AC watermains b/w Thetis & Battie Dr that were the original supply mains to south end

confirmed these old watermains are no longer required.

Identified as High Priority #6 by Koer's (2023)

Asset Mgmt

Amounts

\$75,000

☐ DCC Project

location Thetis Dr

Taxation

0

DCC

0

Grant - TBD

0

Water Utility

75,000

Reserve

0

Borrow

0

Sewer Utility

0

Gas Tax

0

Donation/Other

0

C/F

0

Grant-confirmed

0

Department

Public Works

Area

Water

YEAR

2024

Stocking Lake Dam Design

Design the Replacement of the Stocking Lake Dam - cost share with CVRD

To design dam

No design

Asset Mgmt

Amounts

\$534,550

☐ DCC Project

location Stocking lake

Taxation

0

DCC

0

Grant - TBD

0

Water Utility

0

Reserve

267,275

Borrow

0

Sewer Utility

0

Gas Tax

0

Donation/Other

267,275

C/F

0

Grant-confirmed

0

Department

Public Works

Area

Sewer/Compost

YEAR

2024

Compost Curing Building

construct 4-bay concrete block building at Compost Facility.

Building was proposed in 2019 and staff were able to utilize Increased sludge volumes from the operation of the Water Treatment Plant mean existing system is unable to keep up with curing resulting in new building required. Originally proposed in 2019.  
No place to cure bio solids to meet OMAR.

Asset Mgmt

Amounts

\$399,500

☐ DCC Project

location Compost Facility

Taxation

0

DCC

0

Grant - TBD

0

Water Utility

0

Reserve

249,500

Borrow

0

Sewer Utility

150,000

Gas Tax

0

Donation/Other

0

C/F

0

Grant-confirmed

0

# Proposed Capital List

Department

Public Works

Area

Sewer/Compost

YEAR

2024

WWTP Improvements

Multiple pieces of equipment have reached the end of service life and require rebuilding, service, upgrade or replacement.

Replacement, upgrade or service of equipment in the WWTP

Failure of equipment at the WWTP can prevent proper treatment of waste water leading to non-compliance with the Town's discharge permit.

Asset Mgmt

Replacement

Amounts

\$175,000

☐ DCC Project

location

Taxation

0

DCC

0

Grant - TBD

0

Water Utility

0

Reserve

0

Borrow

0

Sewer Utility

175,000

Gas Tax

0

Donation/Other

0

C/F

0

Grant-confirmed

0

Department

Public Works

Area

Sewer/Compost

YEAR

2024

SCADA Upgrades

The current SCADA system does not interface well with newer and more reliable technology and equipment in the WWTP. A new system would be have capabilities. Ultimately the system could communicate with the WTP for a complete system

Replace the existing SCADA with a more powerful modern SCADA system

SCADA will become unreliable as technology progresses and equipment interfaces don't align properly.

Asset Mgmt

Replacement

Amounts

\$80,000

☐ DCC Project

location

Taxation

0

DCC

0

Grant - TBD

0

Water Utility

0

Reserve

0

Borrow

0

Sewer Utility

80,000

Gas Tax

0

Donation/Other

0

C/F

0

Grant-confirmed

0

Department

Public Works

Area

Sewer/Compost

YEAR

2024

WWTP - Chlorinator

Replacing aging Chlorination system at WWTP

Replacing Chlorination at WWTP

Need additional disinfection options

Asset Mgmt

Amounts

\$125,000

☐ DCC Project

location WWTP

Taxation

0

DCC

0

Grant - TBD

0

Water Utility

0

Reserve

0

Borrow

0

Sewer Utility

125,000

Gas Tax

0

Donation/Other

0

C/F

0

Grant-confirmed

0

Proposed Capital List

ANNUAL TOTAL

\$4,714,050

Taxation	0
Water Utility	575,000
Sewer Utility	530,000
C/F	0

DCC	0
Reserve	591,775
Gas Tax	0
Grant-confirmed	0

Grant - TBD	2,750,000
Borrow	0
Donation/Other	267,275

## STAFF REPORT TO COUNCIL

**Report Prepared By:** Julie Tierney, Executive Liaison  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** November 7, 2023  
**File No:**  
**Re:** Appointment of Corporate Officer

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### **RECOMMENDATION:**

That Council appoint Sue Bouma as Corporate Officer, effective Wednesday, November 8, 2023.

### **EXECUTIVE SUMMARY:**

Sue Bouma has been appointed interim Manager of Corporate Services. This position is responsible for carrying out the duties of the Corporate Officer as stated in s. 148 of the *Community Charter*. Ms. Bouma will be replacing the previous Corporate Officer whose last day of work was October 16, 2023.

### **PREVIOUS COUNCIL DIRECTION:**

N/A

### **INTRODUCTION/BACKGROUND:**

The Corporate Officer is a statutory position in local government, under the *Community Charter*. The duties of the Corporate Officer are prescribed in section 148 of the *Community Charter*:

Corporate Officer

148 One of the municipal officer positions must be assigned the responsibility of corporate administration, which includes the following powers, duties and functions:

- (a) Ensuring that accurate minutes of the meetings of the council and council committees are prepared and that the minutes, bylaws and other records of the business of the council and council committees are maintained and kept safe;
- (b) Ensuring that access is provided to records of the council and council committees, as required by law, or authorized by the council;
- (c) Administering oaths and taking affirmations, affidavits and declarations required to be taken under this Act or any other Act relating to municipalities;

- (d) Certifying copies of bylaws and other documents, as required or requested;
- (e) Accepting, on behalf of the council or municipality, notices and documents that are required or permitted to be given to, served on, filed with or otherwise provided to the council or municipality;
- (f) Keeping the corporate seal, if any, and having it affixed to documents as required.

The Deputy Corporate Officer previously appointed by Council – Erin Anderson, (Director of Financial Services) will continue in her role to support the Corporate Officer.

**ALTERNATIVES:**

N/A

**FINANCIAL IMPLICATIONS:**

N/A

**LEGAL IMPLICATIONS:**

N/A

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

N/A

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

N/A

**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**



**BYLAW STATUS SHEET**  
**November 7, 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.
2150	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2150". To permit a funeral consulting business at 19 Gatacre Street.	First and second readings, October 17, 2023. Public Hearing Required. MOTI approval required.

October 25, 2023

Mayor Aaron Stone  
Town of Ladysmith  
410 Esplanade  
Ladysmith, BC V9G 1A2

**Re: Request For Support - NRHD Key Healthcare Priority Projects**

Dear Mayor Stone and Council:

On behalf of the Nanaimo Regional Hospital District (NRHD), I write to share information about our advocacy work to advance a suite of priority projects in the region which will serve residents across the Central and North Island. These interrelated projects include a new patient tower, cancer centre, cardiac catheterization lab and high acuity unit to be located at Nanaimo Regional General Hospital (NRGH) and a new long-term care home in the region. It is our hope that the Ladysmith Town Council will consider approving a motion to write a letter to Minister Dix expressing support for this critical health infrastructure.

These projects were identified by the Province and Island Health in consultation with health care experts and are included in Island Health's major capital plan. Over the last two years, the NRHD has confirmed its commitment to these projects and has developed an advocacy focus and a financial strategy to see them realized.

Over time, there has been progress. In March 2023 the B.C. government approved the new high acuity unit (HAU) to be developed as part of the new intensive care unit at the NRGH, construction is under way. In May 2023 the Province also approved the concept plan for a new cancer centre to be located at the NRGH. Upgrades to the existing community oncology clinic at the NRGH have also been approved which will increase the number of treatment spaces and replace the current cancer outpatient pharmacy. Business planning for the cancer centre is underway. In October 2023 the Province announced its approval of a long-term care facility to be built in Lantzville, with construction to begin in 2025. The NRHD is grateful to the government for approving the HAU, the concept plan for the cancer centre and the long-term care facility to move ahead. However, there is still an urgent need for the other priority projects.

While we recognize that the Cowichan Valley Regional Hospital District has its own priorities, we note that the NRGH is the designated tertiary hospital north of the Malahat, providing specialized services to patients not just within the NRHD region but also from across the Central and North Island. The Central and North Island have one of the fastest growing and oldest populations in Canada. In the past five years, the RDN's population has increased by twice the national rate and is growing faster than the population in the South Island. Beyond the RDN, the population and complexity of medical needs across the entire Central and North Island are also growing. The shortage of health facilities is at a critical point, leading

to a lower standard of care and poorer outcomes for patients in the Central and North Island, as well as high costs to the health system. For many patients this creates additional financial and transportation burdens associated with travelling to Victoria or Vancouver for treatment. Delaying these projects will only exacerbate the growing gaps in care, putting patients at increased risk and contributing to worsening health outcomes and greater inefficiencies.

The NRHD is not asking for financial contributions from other municipalities or hospital districts for these projects. We have developed a long-term financial strategy and taken steps to support our financial contribution through a regional tax increase and we are prepared to borrow the difference. The NRHD priority projects will complement your own region's health infrastructure by providing new and enhanced health services, helping to ensure your residents get the care they need closer to their home community.

The NRHD has taken on a strong advocacy role and is committed to investing the resources and energy necessary to work with Island Health and the Province, First Nations, municipal and regional governments, regional hospital districts and other supporters to see these projects through to completion. It is our view that they align with the Province's priorities and will support the government in delivering on its commitments to improving health care for all British Columbians.

I enclose a draft motion and letter of support for the Council's consideration, as well as a fact sheet with more detailed information.

Thank you for your consideration. I am certainly available to provide clarification should you wish further details.

Sincerely,

A handwritten signature in blue ink that reads "Ian Thorpe". The signature is stylized with a large, sweeping "I" and a cursive "Thorpe".

Ian Thorpe, Chair  
Nanaimo Regional Hospital District  
T: 250-713-9135 | Email: [ian.thorpe@nanaimo.ca](mailto:ian.thorpe@nanaimo.ca)

## **Draft Letter of Support- NRHD Priority Projects**

<Date>

Honourable Adrian Dix, MLA  
Minister of Health and Minister responsible for Francophone Affairs  
PO Box 9050 Stn Prov Govt  
Victoria, BC V8W 9E2

### **Re: Letter of Support: Capital Projects for Nanaimo Regional Hospital District**

Dear Health Minister Dix:

On behalf of the \_\_\_\_ Council I write to you to express support for the Nanaimo Regional Hospital District's (NRHD) priority capital projects, including a new patient tower center and a new cardiac catheterization lab to be located at the Nanaimo Regional General Hospital (NRGH). These projects were identified by the Province and Island Health in consultation with health care experts and are included in Island Health's major capital plan. Over the last two years, the NRHD has confirmed its commitment to these projects and has developed an advocacy focus and a financial strategy to see them realized.

The Central and North Island have one of the fastest growing and oldest populations in Canada. Additionally, the complexity of medical needs across the entire region is also growing. The NRGH is the designated tertiary hospital north of the Malahat, providing specialized services to patients not just within the NRHD region but also from across the Central and North Island. The shortage of health facilities is at a critical point, leading to a lower standard of care and poorer outcomes for patients in the Central and North Island, as well as high costs to the health system. For many patients this creates additional financial and transportation burdens associated with travelling to Victoria or Vancouver for treatment. Delaying these projects will only exacerbate the growing gaps in care, putting patients at increased risk and contributing to worsening health outcomes and greater inefficiencies.

The NRHD has put in place funding mechanism for its share of the costs and is ready to proceed. The NRHD priority projects will complement our own region's health infrastructure by providing new and enhanced health services to the Central and North Island, helping to ensure our residents get the care they need closer to their communities.

We urge the Province to commit to the patient tower and cardiac catheterization lab in the NRHD region and to see the other projects through to completion.

Sincerely,

Name

Title

**Suggested Municipality Motion**

*That that <Name> Council provides a letter of support directed to Health Minister Dix for the Nanaimo Regional Hospital District priority capital projects including the new patient tower and cardiac catheterization lab to be located at the Nanaimo Regional General Hospital.*

DRAFT

### **Nanaimo Regional Hospital District Priority Capital Projects (Fact Sheet)**

The Nanaimo Regional Hospital District (NRHD) is committed to advancing key health care infrastructure for the Central and North Island, including a high acuity unit, a new patient tower, a cancer centre and a cardiac catheterization lab to be located at the Nanaimo Regional General Hospital (NRGH) and a new long-term care facility.

#### **The Projects**

These projects were identified by the Province and Island Health in consultation with health care providers and experts and are included in Island Health's major capital plan. The NRHD is committed to advancing key health care infrastructure for the Central and North Island and we have confirmed our own commitment to these 5 projects as priorities for the region.

1. **New patient tower** (concept plan not yet approved) at Nanaimo Regional General Hospital (NRGH) will provide new patient rooms, surgical spaces, labs, and other programs and services to improve care and infection control.
2. **New Cancer Centre** (concept plan approved) at NRGH will provide more technically complex treatments, clinical trials, and research as well as other specialty clinics such as gynecology, dermatology, heredity, and brachytherapy. It will increase capacity for chemotherapy and add radiation therapy for residents of the Central/North Island. Business planning is underway and will determine the scope of the project.
3. **New Cardiac Catheterization Lab** (no mandate from Province) at Nanaimo Regional General Hospital (planning not started) – provide cardiac catheterization (insertion of stents, balloons, etc.) plus coronary and cardiac angiography (diagnostic imaging).
4. **New High Acuity Unit** (under construction) at Nanaimo Regional General Hospital (approved) – 12-bed facility developed as part of the new intensive care unit being built (construction start – June 2023) to provide care for critically ill patients.
5. **New Long-term Care Home** (pending update from Province) – provide public long-term care beds for seniors. The business plan has been submitted to the Ministry of Health.

#### **The Need**

The NRHD is grateful to the B.C. government for approving the HAU and the concept plan for the cancer center. However, there is still an urgent need to address critical health service gaps, including the need for a new patient tower and cardiac catheterization lab at NRGH and a new long-term care home. The medical demands of the Central and North Island's will only continue to increase due to a rapidly growing and aging population. Given the positive progress on the HAU and new cancer center we urge the Province to commit to similar action on the other projects. According to our medical leaders, the demands are staggering and continuing to increase. The shortage of appropriate health care facilities and specialized services is reaching a critical point.

The RDN has one of the fastest growing and oldest populations in Canada, and these trends are expected to continue. Our population increased by 9.4% in five years, twice the national rate of 5.2%, and is growing faster than the population of the South Island. Nearly 30% of RDN residents are 65 years or older vs. just over 21% for B.C. overall.

Beyond the RDN, the population and complexity of medical needs across the entire Central and North Island are also growing. Our health system also serves the needs of many vulnerable populations, including 80% of the Island's Indigenous people, who often live in remote communities and experience increased barriers, poorer health status, and have unique health needs and considerations.

Nanaimo Regional General Hospital (NRGH) is the designated tertiary hospital providing specialized services to patients from across the Central and North Island. The patient tower, built in 1963, is structurally and functionally obsolete, at high risk for system failure, and can no longer meet best practices and modern medical standards, including prevention of infectious diseases. Due to operating at overcapacity, patients are often cared for in inappropriate areas of the hospital.

The population served by NRGH (over 450,000 people) is the largest in Canada without a cardiac catheterization lab. Victoria is the only center on Vancouver Island with this type of facility. Central and North Island cardiac patients must travel to Victoria for heart care which is not available north of the Malahat. Patients might also be sent to Vancouver. Likewise, oncology services are under-resourced. While NRGH provides chemotherapy, Central and North Island cancer patients must travel to Victoria and/or Vancouver for radiation treatment.

With a significant shortage of long-term care beds in the region and long waitlists, many seniors end up in hospital who would be better cared for in facilities dedicated to their complex care needs.

### **The Benefits**

These specialized and enhanced services are essential for providing Central and North Island residents with appropriate, patient-centred, and high-quality health care, when and where they need it. The patient tower will provide critical services to improve care for our patients, optimize wellness, and improve infection control. A cardiac catheterization lab would ensure timely diagnosis and access to interventional cardiology intended to address heart problems and prevent the need for surgery. A new long-term care home will enable local seniors to move out of hospitals, freeing up acute care beds at NRGH, and allowing seniors to age with appropriate care and dignity in or near their home communities.

Vital investments now into these services will benefit our communities for decades to come, improve the standard of care and help improve health outcomes north of the Malahat, as well as health system performance. It is critical these projects move to increase local health system capacity, reduce pressure on health services in other regions, free up beds at NRGH, and provide better value for public health care dollars.

### **Alignment with B.C. Government Priorities**

These key projects will support the provincial government in delivering on its commitments to improving health care for all British Columbians, including strengthening our public health care system with new and modernized hospitals, improving cancer care, addressing service gaps and improving access to medical appointments for rural and remote communities, and delivering appropriate care for seniors through investments in new public long-term care homes.

### **NRHD's Funding Commitment**

The NRHD has put in place funding mechanisms for its share of the project capital costs and is ready to proceed. We have committed to fund 40% of the NRGH patient tower replacement, cardiac catheterization lab, new high acuity unit, and new long-term care facility. Because these projects are vital for our region, we have developed a long-term financial strategy, taken steps to support our financial contribution through a recent regional tax increase, and are prepared to borrow the difference. We ask the province to prioritize the remaining projects and commit the necessary funding to ensuring they are built.