

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

Tuesday, November 21, 2023  
Ladysmith Seniors Centre  
630 2nd Avenue

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**Pages**

**1. CALL TO ORDER**

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

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

**2. CLOSED SESSION**

Recommendation

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

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (g) litigation or potential litigation affecting the municipality; and
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

**3. OPEN MEETING AND ACKNOWLEDGEMENT (6:00 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 Public Hearing and Regular Meeting of Council for November 21, 2023.

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

“Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2150”

Subject Property: 19 Gatacre Street (That Part of Lot 8 Block 10 District Lot 56 Oyster District Plan 703 Lying South Westerly of a Boundary Parallel to and 30 Feet Perpendicularly Distant North Easterly from the Common Boundary Line Between Lots 8 and 9 in Said Block and Plan) (PID: 008-547-670).

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

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

##### **5.3 Submissions**

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

##### **5.5 Declaration that the Public Hearing for Bylaw No. 2150 is Closed - Mayor Stone**

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

#### **7. MINUTES**

##### **7.1 Minutes of the Regular Meeting of Council held November 7, 2023**

8

##### Recommendation

That Council approve the minutes of the Regular Meeting of Council held November 7, 2023.

## 8. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING

### 8.1 OCP Amendment and Rezoning Application – 10940 Westdowne Road

16

#### Recommendation

#### That Council:

1. Defeat “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 73) 2022, No. 2130”.
2. Having considered s. 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolve that:
  - a. The Stz’uminus First Nation and the School District 68 Board are the only entities that are appropriate to consult in connection with “Official Community Plan Bylaw 2022, No 2200, Amendment Bylaw 2023, No. 2161”;
  - b. The consultation process described in the staff report to Council dated November 21, 2023, is sufficient in respect to the proposed Official Community Plan Amendment; and
  - c. The consultation process outlined in the staff report to Council dated April 6, 2021, for the application was carried out and there are no material changes in Bylaw No. 2161 that warrant additional consultation with agencies other than Stz’uminus First Nation and School District 68.
  - d. consultation should be early but need not be ongoing;
3. Give first and second readings to “Official Community Plan 2022, Bylaw No. 2200, Amendment Bylaw 2023, No. 2161”;
4. Consider “Official Community Plan 2022, Bylaw No. 2200, Amendment Bylaw 2023, No. 2161” in conjunction with the Town’s Financial Plan, the Town’s Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to section 477(3) of the *Local Government Act*;
5. Consider “Official Community Plan 2022, Bylaw No. 2200, Amendment Bylaw 2023, No. 2161” in conjunction with the Town’s Housing Needs Report and the housing information on which the report is based, pursuant to section 473(2.1) of the *Local Government Act*;
6. Direct staff to refer “Official Community Plan 2022, Bylaw No. 2200, Amendment Bylaw 2023, No. 2161” to:
  - a. School District 68 pursuant to section 476 of the *Local Government Act*; and
  - b. Stz’uminus First Nation, pursuant to The Naut’sa Mawt Community Accord and Memorandum of Understanding

between the Town and Stz'uminus First Nation.

7. Require that, as a condition of approval "Official Community Plan 2022, Bylaw No. 2200, Amendment Bylaw 2023, No. 2161" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 54) 2022, No. 2131" require that the applicant, at their cost and using the Town's lawyer, register on the title of the consolidation of 10940 Westdowne Road (Lot 1, District Lot 72, Oyster District, Plan 24076, PID: 002-976-978), 10980 Westdowne Road (Lot 13, District Lot 72, Oyster District, Plan 8793, Except Part Shown Coloured Red on Plan 895 RW and Except Part in Plan 43821 VIP8793, PID: 001-618-920), **and** Parcel A (DD 391231-i) of Lot 14, District Lot 72, Oyster District Plan 8793 Except That Part in Plan 24076 (PID: 001-618-881), a covenant pursuant to section 219 of the *Land Title Act* requiring the following:
  - a. The prohibition of fossil fuel powered space and water heating and cooling, with an exemption for gas powered on demand water heating for all new heated/conditioned buildings (e.g. dwellings, indoor activity spaces, etc.) for the whole Town and Country Mobile Home Park.
  - b. Installation of a collective rainwater management system designed to manage flows to pre-development rates and incorporating an integrated approach (e.g. bioswales, rain gardens, etc.), prior to construction of any additional dwelling units on the area of the subject property (10940 Westdowne Road).
8. Direct staff to proceed with scheduling and notification of a public hearing for Bylaw No. 2161 pursuant to section 464(1) of the *Local Government Act*.

## 9. COMMITTEE MINUTES

### 9.1 Community Planning Advisory Committee - November 1, 2023

54

#### Recommendation

That Council receive the minutes of the Community Planning Advisory Committee meeting held November 1, 2023.

### 9.2 Public Art Committee - November 6, 2023

57

#### Recommendation

That Council receive the minutes of the Public Art Committee meeting held November 6, 2023.



Recommendation

That Council:

1. Rescind Street Naming Policy 11 5450 A and adopt Street Naming Guidelines Policy 11 5450 A.
2. Dedicate the 1<sup>st</sup> Avenue and Gatacre Street intersection as Harmony Square.
3. Refer the redesign of the Town of Ladysmith flag to the Public Art Committee.
4. Write a letter to the appropriate senior level of government regarding the regulation of the sale and use of fireworks.
5. Direct staff to bring a report to a future Committee of the Whole meeting regarding traffic calming, active transportation, and street landscaping infrastructure to enhance safety and traffic flows along Colonia Drive to Walkem Road.
6. Refer the subject of creating art on the Holland Creek Trail culvert to the Public Art Committee for recommendations regarding process.

**10. 2024-2028 Financial Plan Discussions - Introduction of General Operations****10.1 Presentation and Council Discussion****10.2 Public Input and Questions****10.3 2024 Financial Plan – General Operations**

64

Recommendation

That Council approve:

1. Continuing with the Temporary part-time positions of Development Services Administration Assistant and Planner starting January 1, 2024 with the funding to come from surplus;
2. Authorize an additional 728 hours annually in the Parks, Recreation & Culture Department for front counter reception at FJCC;
3. Authorize an additional 160 hours annually in the Parks department for casual employees;
4. Remove one sustainability ambassador student position from the Solid Waste department and transfer the other sustainability student to the Parks department; and

5. Authorize an additional Councillor (total of 5) to attend UBCM annually and direct staff to amend the Council Remuneration Policy 5-1790-B to reflect this change.

## **11. REPORTS**

### **11.1 2023 Supplemental Grant in Aid Request 70**

#### Recommendation

That Council:

1. Determine if it wishes to waive the Grant in Aid Program Policy 05-1850-A and permit the Arts Council of Ladysmith and District and Ladysmith Friends and Family to submit an additional request for grant in aid funding and, if so, determine the additional grant in aid amount; and
2. Discontinue the grant in aid funded grant writing consultation service.

### **11.2 Aquatic Pool Accessible Lift Replacement 79**

#### Recommendation

That Council

1. Direct staff to purchase a new Aquatic Accessible Lift for up to \$20,000 with the funds to come from the remaining funds in the 2023 Oasis Pool and Hot Tub Resurfacing Capital Project
2. Amend the 2023-2027 Financial Plan accordingly.

### **11.3 2024 Community Banner Program Theme Selection 83**

#### Recommendation

That Council approve the theme 'Ladysmith Celebrates' for the 2024 Community Public Banner Program.

### **11.4 Public Art Deaccession – Julian North Collection 86**

#### Recommendation

That Council direct staff to proceed with the deaccession of the Julian North Public Art Collection as recommended by the Public Art Committee, following the defined deaccession process outlined in the Public Art Policy.

## **12. BYLAWS**

### **12.1 Bylaw Status Sheet 102**

## **13. CORRESPONDENCE**

### **13.1 Cowichan Valley Regional District Affordable Housing**

103

Request for letter of support for the reallocation of Online Accommodation Platform (OAP) Municipal Regional District Tax (MRDT) revenue to affordable housing within the Cowichan Valley Regional District (CVRD) effective January 1, 2024.

#### Recommendation

That Council support the reallocation of Online Accommodation Platform (OAP) Municipal Regional District Tax (MRDT) revenue to affordable housing within the Cowichan Valley Regional District (CVRD) effective January 1, 2024, as outlined in the correspondence dated November 14, 2023 from the CVRD.

## **14. NEW BUSINESS**

## **15. QUESTION PERIOD**

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during "Question Period" must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes.
- Questions put forth must be 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.

## **16. ADJOURNMENT**



## MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, November 7, 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:

Allison McCarrick  
Erin Anderson  
Chris Barfoot  
Jake Belobaba  
Shawn Baker

Andrew Wilson  
Mike Gregory  
Sue Bouma  
Andrea Hainrich

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### 1. CALL TO ORDER

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

### 2. CLOSED SESSION

#### CS 2023-248

By unanimous consent Council retired into Closed session at 6:31 p.m., in accordance with section 90(1) of the *Community Charter*, 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.

*Motion Carried*

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

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

### **4. AGENDA APPROVAL**

#### **CS 2023-249**

That Council approve the agenda for this Regular Meeting of Council for November 7, 2023, as amended to include the following changes related to Item 8.1., "Liquor Special Event Area Endorsement – Bayview Brewing (204 Dogwood Drive)":

- Add submissions received after publication of the agenda; and
- Remove report recommendation No. 1, as the applicant has advised they intend to withdraw their application.

*Motion Carried*

### **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**

#### **CS 2023-250**

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

*Motion Carried*

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

### **CS 2023-251**

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

*Motion Carried*

## **7. ANNUAL APPOINTMENTS**

### **7.1 Deputy Mayor**

Mayor Stone made the following appointments for Deputy Mayor:  
November 2023 to May 7, 2024: Councillor Stevens  
May 8, 2024 to November 5, 2024: Councillor McKay

### **7.2 Parcel Tax Review Panel**

#### **CS 2023-252**

That Council appoint Councillors Gourlay, Stevens and Paterson to the 2024 Parcel Tax Review Panel.

*Motion Carried*

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

#### **CS 2023-253**

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

*Motion Carried*

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

#### **CS 2023-254**

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

*Motion Carried*

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

#### **CS 2023-255**

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

*Motion Carried*

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

### **CS 2023-256**

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

*Motion Carried*

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

Mayor Stone made the following appointments to Council Advisory Commissions and Committees:

### **Committee of the Whole**

November 2023 to April 2024

Chair: Councillor Stevens

May 2024 to October 2024

Chair: Councillor McKay

All Members of Council are Members of CoW.

### **Waterfront Implementation Committee**

Council Liaison: Mayor Stone

Council Liaison: Councillor McKay

Council Liaison: Councillor Stevens

### **Community Planning Advisory Committee**

Council Liaison: Councillor Stevens

Alternate: Councillor Jacobson

### **Protective Services Committee**

Chair: Councillor McKay

Council Liaison: Councillor Jacobson

### **Parks, Recreation & Culture Advisory Committee**

Council Liaison: Councillor Paterson

Alternate: Councillor Virtanen

### **Accessibility Advisory Committee**

Council Liaison: Councillor Jacobson

Alternate: Councillor Gourlay

**Arts & Heritage Hub Design Steering Committee**

Council Liaison: Councillor McKay

Alternate: Councillor Paterson

**Liquid Waste Management Committee**

Council Liaison: Councillor Gourlay

Council Liaison: Councillor Paterson

Council Liaison: Councillor Stevens

**Public Art Committee**

Council Liaison: Councillor McKay

Alternate: Councillor Stevens

**Stocking Lake Advisory Committee**

Chair: Councillor Stevens

Council Liaison: Councillor Gourlay

**Celebrations Committee**

Council Liaison: Councillor Virtanen

Alternate: Councillor Paterson

**Ladysmith Festival of Lights**

Council Liaison: Councillor Gourlay

Alternate: Councillor Virtanen

**Ladysmith Chamber of Commerce**

Council Liaison: Councillor McKay

Alternate: Councillor Paterson

**Ladysmith Downtown Business Association**

Council Liaison: Councillor Gourlay

Alternate: Councillor Paterson

**Social Planning Cowichan**

Council Liaison: Councillor Stevens

Alternate: Councillor McKay

**Ladysmith Community Justice Program**

Council Liaison: Councillor Gourlay



**Poverty Reduction Task Group**

Council Liaison: Councillor McKay

**Board of Education of School District 68 Long Range Facilities  
Planning Advisory Committee**

Council Liaison: Councillor Virtanen

**Our Cowichan Community Health Network**

Council Liaison: Councillor McKay

**8. DEVELOPMENT APPLICATIONS**

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

**CS 2023-257**

That Council direct staff to prepare a Special Events Bylaw.

*Motion Carried*

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

**9.1 Presentation and Council Discussion**

Staff gave a presentation that reviewed the details of the water and sewer budget and responded to Council's questions. Staff also noted, in response to an email from the public received prior to the meeting, that storm water surveys are ongoing.

**9.2 Public Input & Questions**

A member of the public enquired about the cost of the water connection fees for the Artist Studio, and the plan for those fees should the project not proceed. He also enquired about the water and sewer rates paid to the Town by the Diamond Improvement District and the Stz'uminus First Nation.

**9.3 Water and Sewer 2024 Budgets**

**CS 2023-258**

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.

*Motion Carried*

## **10. REPORTS**

Sue Bouma, Deputy Corporate Officer left the meeting at 7:45 p.m.

### **10.1 Appointment of Corporate Officer**

#### **CS 2023-259**

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

*Motion Carried*

Sue Bouma rejoined the meeting at 7:48 p.m.

## **11. BYLAWS**

### **11.1 Bylaw Status Sheet**

## **12. CORRESPONDENCE**

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

#### **CS 2023-260**

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.

*Motion Carried*

**13. QUESTION PERIOD**

Members of the public enquired about the decision to abandon the DL 2016 water lot lease, as well as the use of closed meetings in the decision-making process.

**14. ADJOURNMENT**

**CS 2023-261**

That this Regular Meeting of Council be adjourned at 7:58 p.m.

*Motion Carried*

CERTIFIED CORRECT

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Mayor (A. Stone)

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Corporate Officer (S. Bouma)

## STAFF REPORT TO COUNCIL

**Report Prepared By:** Julie Thompson RPP, MCIP, Senior Planner  
**Reviewed By:** Jake Belobaba RPP, MCIP, Director of Development Services  
**Meeting Date:** November 21, 2023  
**File No:** 3360-20-06  
**RE:** OCP Amendment and Rezoning Application – 10940 Westdowne Road

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**RECOMMENDATION:**

That Council:

1. Defeat “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 73) 2022, No. 2130”.
2. Having considered s. 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolve that:
  - a. The Stz’uminus First Nation and the School District 68 Board are the only entities that are appropriate to consult in connection with “Official Community Plan Bylaw 2022, No 2200, Amendment Bylaw 2023, No. 2161”;
  - b. The consultation process described in the staff report to Council dated November 21, 2023, is sufficient in respect to the proposed Official Community Plan Amendment; and
  - c. The consultation process outlined in the staff report to Council dated April 6, 2021, for the application was carried out and there are no material changes in Bylaw No. 2161 that warrant additional consultation with agencies other than Stz’uminus First Nation and School District 68.
  - d. consultation should be early but need not be ongoing;
3. Give first and second readings to “Official Community Plan 2022, Bylaw No. 2200, Amendment Bylaw 2023, No. 2161”;
4. Consider “Official Community Plan 2022, Bylaw No. 2200, Amendment Bylaw 2023, No. 2161” in conjunction with the Town’s Financial Plan, the Town’s Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to section 477(3) of the *Local Government Act*;
5. Consider “Official Community Plan 2022, Bylaw No. 2200, Amendment Bylaw 2023, No. 2161” in conjunction with the Town’s Housing Needs Report and the housing information on which the report is based, pursuant to section 473(2.1) of the *Local Government Act*;

6. Direct staff to refer “Official Community Plan 2022, Bylaw No. 2200, Amendment Bylaw 2023, No. 2161” to:
  - a. School District 68 pursuant to section 476 of the *Local Government Act*; and
  - b. Stz’uminus First Nation, pursuant to The Naut’sa Mawt Community Accord and Memorandum of Understanding between the Town and Stz’uminus First Nation.
  
7. Require that, as a condition of approval “Official Community Plan 2022, Bylaw No. 2200, Amendment Bylaw 2023, No. 2161” and “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 54) 2022, No. 2131” require that the applicant, at their cost and using the Town’s lawyer, register on the title of the consolidation of 10940 Westdowne Road (Lot 1, District Lot 72, Oyster District, Plan 24076, PID: 002-976-978), 10980 Westdowne Road (Lot 13, District Lot 72, Oyster District, Plan 8793, Except Part Shown Coloured Red on Plan 895 RW and Except Part in Plan 43821 VIP8793, PID: 001-618-920), **and** Parcel A (DD 391231-i) of Lot 14, District Lot 72, Oyster District Plan 8793 Except That Part in Plan 24076 (PID: 001-618-881), a covenant pursuant to section 219 of the *Land Title Act* requiring the following:
  - a. The prohibition of fossil fuel powered space and water heating and cooling, with an exemption for gas powered on demand water heating for all new heated/conditioned buildings (e.g. dwellings, indoor activity spaces, etc.) for the whole Town and Country Mobile Home Park.
  - b. Installation of a collective rainwater management system designed to manage flows to pre-development rates and incorporating an integrated approach (e.g. bioswales, rain gardens, etc.), prior to construction of any additional dwelling units on the area of the subject property (10940 Westdowne Road).
  
8. Direct staff to proceed with scheduling and notification of a public hearing for Bylaw No. 2161 pursuant to section 464(1) of the *Local Government Act*.

#### **EXECUTIVE SUMMARY:**

The proposed development is to amend the Official Community Plan and Zoning Bylaw so that 10940 Westdowne Road can be added to the adjacent mobile home park (Town and Country Mobile Home Park) at 10980 Westdowne Road, with the addition of up to four manufactured homes. The subject property is proposed to be consolidated with the rest of the Town and Country Mobile Home Park. The application was given first and second readings by Council on December 20, 2022 and the application was subsequently on hold pending the applicant holding a neighbourhood information meeting (NIM). While the application was on hold, the new OCP was adopted by Council. OCP amendment Bylaw No. 2130 amended the old OCP and is now inapplicable. OCP amendment Bylaw No. 2161 has been drafted to replace Bylaw No. 2130. Staff recommend defeat of Bylaw No. 2130 and that Bylaw No. 2161 be given first and second readings and proceed to a public hearing.

#### **PREVIOUS COUNCIL DIRECTION:**

Resolution	Meeting Date	Resolution Details
CS 2021-115	April 6, 2021	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Direct that Application No. 3360-20-06 (10940 Westdowne Road) proceed for further consideration.</li> <li>2. Having considered section 475 of the <i>Local Government Act</i> (consultation during an OCP development) direct staff to refer Application No. 3360-20-06 to: <ul style="list-style-type: none"> <li>- Stz'uminus First Nation;</li> <li>- The Cowichan Valley Regional District;</li> <li>- School District 68;</li> <li>- Island Health, the Ministry of Transportation and Infrastructure, and BC Transit.</li> </ul> </li> </ol> <p><i>Motion Carried</i></p>
CS 2022-310	December 20, 2022	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Give first and second readings to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 73) 2022, No. 2130";</li> <li>2. Consider Bylaw No. 2130 in conjunction with the Financial Plan, Housing Needs Report, Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to sections 473(2.1) and 477(3) of the Local Government Act;</li> <li>3. Give first and second readings to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 54) 2022, No. 2131";</li> <li>4. As a condition of approval of Bylaw Nos. 2130 and 2131, require that the applicant, at their cost: <ol style="list-style-type: none"> <li>a. Consolidate the subject property, 10940 Westdowne Road (Lot 1, District Lot 72, Oyster District, Plan 24076, PID: 002-976-978) with the neighbouring properties at 10980 Westdowne Road (Lot 13, District Lot 72, Oyster District, Plan 8793, Except Part Shown Coloured Red on Plan 895 RW and Except Part in Plan 43821 VIP8793 PID: 001-618-920 <b>and</b> Parcel A (DD 391231-i) of Lot 14, District Lot 72, Oyster District, Plan 8793 Except That Part in Plan 24076 PID: 001-618-881); and</li> <li>b. Using the Town's lawyer, register on the title of the consolidated property, a covenant restricting the total number of dwelling units on the property to 92 units, until the property is connected to municipal sewer service;</li> </ol> </li> </ol>

Resolution	Meeting Date	Resolution Details
		<p>5. Direct staff to proceed with scheduling and notification for a Public Hearing for Bylaw Nos. 2130 and 2131 pursuant to section 464 of the Local Government Act, to take place at least 30 days after the applicant has held a neighbourhood information meeting pursuant to section 7(a) of “Town of Ladysmith Development Procedures Bylaw 2008, No. 1667”; and</p> <p>6. Refer Bylaw No. 2131 to the Ministry of Transportation and Infrastructure following third reading, pursuant to section 52 of the Transportation Act.</p> <p><i>Motion Carried</i></p>

### **INTRODUCTION/BACKGROUND:**

#### **Subject property**

The subject property is a 0.2ha parcel located at 10940 Westdowne Road. The property is currently designated Neighbourhood Residential in “Official Community Plan 2022, Bylaw No. 2200” and is zoned Rural Residential (RU-1) in “Town of Ladysmith Zoning Bylaw 2014, No. 1860”. The property is currently occupied by a single-family residence, detached garage, and shed. The subject property is located at the southeastern corner of the Town and Country Mobile Home Park. Adjacent property to the south has a small industrial area fronting Westdowne Road, with rural residential use behind.

The Town and Country Mobile Home Park, located at 10980 Westdowne Road, is approximately 5.2ha in size and covers two legal parcels (approximately 4.2ha and 1ha in size). The mobile home park consists of 91 manufactured homes as well as recreational and storage facilities for residents.

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

### **PROPOSAL:**

The applicant is proposing to amend the OCP and Zoning Bylaw for 10940 Westdowne Road so that the adjacent mobile home park can be expanded. The proposed expansion would increase the total size of the park from about 5.2ha to 5.4ha with a density of approximately 17.5 units per hectare.

The application was already considered by Council on December 20, 2022. The application was then put on hold pending a neighbourhood information meeting (NIM), which was required to be held by the applicant prior to the public hearing. The applicant held the NIM on August 10, 2023 (NIM summary report provided in Attachment E). However, while the application was on hold, “Official Community Plan Bylaw 2022, No. 2200” (the new OCP) was adopted by Council.

Subsequently, Bylaw No. 2130 no longer applies and Bylaw No. 2161 (Attachment B) has been drafted as a replacement, to amend the new OCP rather than the old OCP.

Zoning amendment Bylaw No. 2131 has been given first and second readings by Council and is not proposed to change. If the application proceeds, both Bylaw No. 2131 and Bylaw No. 2161 will be brought back to Council for a public hearing and third reading simultaneously.

*Table 1: Application Summary*

	Existing	Proposed
<b>Official Community Plan Designation</b>	Neighbourhood Residential	Manufactured Home Park Residential
<b>Development Permit Area</b>	None	None
<b>Zone</b>	Rural Residential (RU-1)	Manufactured Home Park

#### **ANALYSIS:**

##### **Official Community Plan**

The subject property is designed Neighbourhood Residential in the new OCP (Bylaw 2022, No. 2200). The Neighbourhood Residential designation applies to large, predominantly residential areas situated outside of Priority Growth Areas. These areas provide many housing choices, with diverse residential types, tenures, and densities. While this designation may be supportive of manufactured homes as an alternative form of the traditional single-detached dwelling, the proposal is more consistent with the Manufactured Home Park Residential designation which supports manufactured home parks, mobile and manufactured dwellings, single-detached dwellings, BC Building Code compliant “tiny homes” and complementary recreation and open space uses serving the needs of manufactured home park residents. The abutting Town and Country Mobile Home Park is located within the Manufactured Home Park Residential designation. This designation does not provide a suggested maximum density. The proposed density is approximately 17.5 units per hectare.

Under the old OCP, the subject property was subject to the South Ladysmith Area Plan. However, policies in the South Ladysmith Area Plan were incorporated and reconciled with the policies in the new OCP and this proposal no longer requires an amendment to the South Ladysmith Area Plan.

To support housing affordability and diverse residential choices, the new OCP policy 2.4(n) states “support new manufactured home parks as an affordable housing option, in appropriate locations and where there is a demonstrated need”. The subject property is adjacent to the existing Town and Country Mobile Home Park and is proposed to become an extension of that



park. The location is considered appropriate and there is a demonstrated need for more affordable housing options in Ladysmith (see 'Housing Needs Report' for details).

Additional OCP policies that apply to the proposal are provided in Table 2, below.

*Table 2: OCP Policies*

OCP Policy Category and Policies	Comments
<b>Part B: 2.4 General Land Use Policies</b>	
<b>Compact and Mixed-Use Development</b>	
b. Concentrate new residential development in existing developed areas, with priority given to Priority Growth Areas and Strategic Infill Areas.	The proposed development is not within the Priority Growth Area or Strategic Infill Area but is within an existing developed manufactured home park area, which is an appropriate location for the proposed use.
<b>Housing Affordability and Diverse Residential Choices</b>	
j. Support the provision of a range of housing types, tenures, densities – as well as affordable and attainable housing opportunities – to meet the diverse needs of individuals and families of varying needs and levels of incomes, in all neighbourhoods.	The proposed development provides an alternative housing type and contributes to housing diversity and affordability.
n. Support new manufactured home parks as an affordable housing option, in appropriate locations and where there is a demonstrated need.	The location of the subject property is appropriate for a manufactured home park use.
<b>Ecological and Resource Protection</b>	
x. Prioritize infill and avoid greenfield development to reduce pressures on natural areas.	The proposed development location is considered infill.
aa. New development should incorporate the use of green infrastructure for rainwater management – including groundwater infiltration, rainwater detention, and rain gardens – in all land uses.	See 'Additional Policy Considerations'.
ak. Compatibility between industrial and residential uses that are adjacent to one another should be required.	A landscape buffer will be required on the neighbouring industrial zoned property to the south should it redevelop. An additional landscape buffer could be required on the subject property side, but this may limit the buildable area and could be added by the property owner voluntarily if the need arises.
<b>Part C: 3. Diverse and Affordable Housing</b>	
3.3. Support inclusionary zoning in all neighbourhoods that includes housing that is attainable by residents with low incomes and/or special needs not typically met with market housing.	Manufactured home parks are typically a less expensive than other types of market housing.
<b>Part C: 5. Municipal Infrastructure</b>	
5.12 New development and rainwater infrastructure should be designed to manage flows to pre-development rates and factoring in future climate change projections. This includes	See 'Additional Policy Considerations'.

OCP Policy Category and Policies	Comments
preventing frequently occurring small rainfall events from becoming surface run-off and ensuring the maintenance of minimum base flows, and in some instances augmented base flows, in water bodies.	
5.15 Mimic natural ecosystem processes in rainwater system design and construction as much as possible. This includes minimizing runoff, maximizing infiltration, preserving and protecting the water absorbing capabilities of soil, vegetation and trees particularly along riparian corridors, and minimizing impervious surfaces on both private and public lands.	See 'Additional Policy Considerations'.
5.16 Encourage rainwater capture and discharge to ground where appropriate on public and private properties, while reducing impact to downslope properties.	See 'Additional Policy Considerations'.
<b>Part C: 8. Green Buildings</b>	
8.6 All new buildings subject to rezoning should achieve net zero emissions as a condition of rezoning. This means that 100% of new buildings' space and water heating and cooling needs are met by zero emissions systems starting immediately.	See 'Additional Policy Considerations'.

**Additional Policy Considerations:**

The policies for rainwater management and net-zero emissions buildings (identified above) that could apply to this development were not considered when the application was first presented to Council as the new OCP was adopted when the application was already in-stream. However, since the application requires a new OCP bylaw amendment, implementation of some of these policies is recommended. There are no bylaw mechanisms already in place to require these items on the subject property, so they would need to be secured through a section 219 covenant under the *Land Title Act*.

To capture policy 8.6, staff are recommending that fossil fuels be prohibited for heating and/or cooling of spaces or water for any new conditioned buildings within the Town and Country Mobile Home Park, including dwelling units and accessory buildings, such as buildings used as activity spaces. This could mean installing heat-pumps or other low-emissions heating and cooling systems (solar panels, etc.) that don't use fossil fuels. However, staff recommend an exemption for on-demand hot water heating, since at this time on-demand hot water tanks that use fossil fuels (e.g. natural gas) are more efficient than traditional hot water tanks, and electric on-demand water heating is still in its infancy.

The subject property and adjacent Town and Country Mobile Home Park (10980 Westdowne Road) are not connected to the municipal storm water system which isn't available to the area. Rainwater management solutions for the subject property were discussed with the Town's Engineering department and Engineering recommended that a collective on-site rainwater management system, designed to pre-development flow rates, be installed on the subject property prior to construction of any new dwelling units on the property.

The proposed s. 219 covenant would generally require the following:

- prohibit fossil fuel powered space and water heating and cooling, with an exemption for gas powered on-demand water heating, for all new heated/conditioned buildings (e.g. dwellings, indoor activity spaces, etc.) for the whole Town and Country Mobile Home Park.
- Require that an on-site rainwater management system, designed to manage flows to pre-development rates and incorporates an integrated approach (e.g. bioswales, rain gardens, etc.), be installed prior to construction of any additional dwelling units on the subject property. Once installed, all dwelling units will be required to connect to the system, including the existing dwelling if it remains on-site.
  - For clarity, the rainwater management system requirement would only apply to the area encompassing the subject property (10940 Westdowne Road) and not the rest of Town and Country Mobile Home Park.

#### Housing Needs Report

Under Section 473(2.1) of the *Local Government Act* a local government must consider its most recent housing needs report<sup>1</sup>, and the housing information on which the report is based, when developing an OCP, or amending the OCP in relation housing. The Housing Needs Report states that:

- Manufactured homes are the most affordable market-housing type in Ladysmith. From 2007 to 2019, townhouse and duplex units had similar average values (\$200,000–\$350,000) below those of single-detached homes and apartments, while manufactured homes were consistently the least valuable type of housing (\$100,000–\$200,000).
- By 2025, Ladysmith will need an additional 510 units of housing, most of which should be one-bedroom units.
- 35% of Ladysmith’s renter households are in core housing need and 11% are in extreme core housing need. Households with incomes below approximately \$59,000 will not be able to afford renting in new developments.

The proposal allows the number of manufactured homes in the Town and Country Mobile Home Park to increase by up to four dwelling units. Given the above, the proposal is expected to meet a need identified in the Housing Needs Report by providing additional dwelling units in the least expensive market-housing category.

#### OCP Amendment Seven-Point Analysis

According to Part D, s. 2 of the OCP, each decision to amend the OCP must be informed by an objective, holistic, and consistent analysis. A seven-point evaluation criteria is provided in the OCP to form a baseline analysis for all OCP amendment proposals. These criteria are not intended to be the sole analysis of an OCP amendment and are not binding on Council, but are intended to provide a clear, factual, and concise summary of each proposal’s alignment with the OCP. The seven-point evaluation criteria and an analysis is provided in Table 3, below.

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<sup>1</sup> The Town’s housing needs report is available at: <https://www.cvr.ca/DocumentCenter/View/99732/2---Subregional-Report>

Table 3: 7-Point OCP Amendment Analysis

Criteria Summary	Analysis
<p>Will the proposal help or hinder the Town in adapting to or mitigating effects of climate change? What's the proposal's estimated net reduction in GHGs compared to status quo and GHG reduction goals in the OCP? Does the proposal help the Town prepare for the impacts of climate change?</p>	<p>The proposal's estimated net reduction in GHGs is unknown. However, the recommended covenant will prohibit heating and cooling systems in new buildings from using fossil fuel-based energy (except for on-demand hot water), reducing GHG emissions from the residential sector, which is the second largest contributor of GHG emissions in Ladysmith. According to the OCP, transportation is the largest contributor of GHG emissions in Ladysmith. The proposal is not expected to have an impact on emissions reduction for transportation as it is located in South Ladysmith and is not within walking distance to amenities. However, there is a nearby transit-stop. This is a trade-off between reducing GHGs from the transportation sector, and supporting additional infill housing that is the most affordable type of market-housing in Ladysmith.</p>
<p>Will the proposal increase or decrease the number of homes in Ladysmith? Number of homes rented or sold below market rates? Diversity of housing stock? Access to housing for equity seeking groups?</p>	<p>The proposal will increase the number of mobile homes in the Town and Country Mobile Home Park by up to four units. Although the housing will not be provided at below market rates, or to equity-seeking groups, the addition of four manufactured homes will add to the diversity of housing stock in the least-expensive type of market housing.</p>
<p>Will the proposal directly support economic, social, cultural or environmental interests of First Nations? Could the proposal harm these interests?</p>	<p>The proposal was referred to the Stz'uminus First Nation previously and no response was received. The proposal is not expected to support the interests of First Nations nor harm these interests. The proposal will be re-referred to Stz'uminus in accordance with the Naut'sa Mawt Community Accord and Memorandum of Understanding between the Town and Stz'uminus First Nation.</p>
<p>Does the OCP allow for, contemplate, or encourage the proposal in a different location? If yes, would the different location be a better or worse location for the development?</p>	<p>Other areas of Town that are in the Manufactured Home Park designation in the OCP are already developed. The proposed location is ideal as it is adjacent to an existing manufactured home park and will constitute an expansion of the park, which is supported by policies in the OCP. The current Neighbourhood Residential Designation does support single-detached dwellings, and manufactured homes fall within that category; however, the proposed use is Manufactured Home Park, and its proposed consolidation with the adjacent Town and Country Mobile Home Park warrants a change to the OCP land-use designation.</p>
<p>Does the proposal offer an extraordinary economic, social or environmental benefit when compared to a</p>	<p>The existing Neighbourhood Residential designation is supportive of single and multi-unit housing with a</p>

Criteria Summary	Analysis
<p>proposal that would be consistent with this OCP? Are the community benefits proportional to: the economic benefits to the proponent, and the economic, social and environmental impacts of the proposal?</p>	<p>maximum density of 1.3 floor space ratio (FSR). Based on the maximum FSR, approximately 18 units could be supported (depending on unit size, setbacks, parcel coverage, etc.). The current zoning (RU-1) permits one single unit dwelling and a secondary suite or coach house. The Manufactured Home Park designation does not provide a maximum permitted density; however, the proposed MHP-1 zone would permit up to four units.</p> <p>While the proposed density is less than what is currently supported by the OCP, the addition of four manufactured homes to the area is proportionally more beneficial to the community than the economic benefits to the proponent and the environmental impacts of the proposal, which are expected to be minimal. The expansion of the existing manufactured home park with the addition of four units will create housing benefits by increasing the supply of the Town's least expensive housing type in an appropriate location and diversifying the Town's housing stock. Additionally, should the property owner wish to redevelop the lands for higher density housing in the future, the manufactured homes will be simple to move due to their temporary nature.</p>
<p>Does the proposal impact important or scarce resources such as mature forests, agricultural or forestry lands, lands reserved for important uses, sensitive ecosystems, cultural or heritage site or water sources?</p>	<p>The subject property does not contain mature forests, agricultural lands, sensitive ecosystems, heritage sites, etc. and is not known to contain an archaeological site or be in an area of high potential for archaeological findings.</p>
<p>Are the mitigation measures and community benefits of the proposal secured through legally binding and/or irreversible offerings such as covenants, community contributions, etc.?</p>	<p>A covenant is proposed to prohibit fossil fueled heating/cooling systems for new buildings (except for on-demand hot water) and to secure an on-site rainwater management system designed to pre-development flow rates, which are supported by OCP policies. Likewise, a covenant will be required which will not allow any additional dwelling units on the subject property until it can be connected to the Town's community sewer system, mitigating any impacts caused by expansion of an aging on-site septic system. A community contribution is not recommended, as discussed in the staff report dated December 20, 2022, as the proposal will require significant infrastructure investment to connect the Town and Country Mobile Home Park to the Town's community sewer system.</p>

OCP Amendment Analysis Summary:

Based on a review of the OCP policies identified above, the Housing Needs Report, and the seven-point OCP analysis, staff are supportive of the proposal. A summary of the analysis is provided below:

- The proposal will diversify the Ladysmith's housing stock by increasing the number of manufactured homes, which are currently the most affordable type of market housing in Ladysmith.
- The proposal is infill development.
- Rainwater management systems on the subject property will be required and will be designed to pre-development flow rates, helping to recharge ground water.
- New buildings within the Town and Country Mobile Home Park will be required to use zero or low emissions water and space heating.
- While the land-use designation requires an amendment, the proposed manufactured home park use is appropriate for the subject property given its location adjacent to the existing Town and Country Mobile Home Park.
- The proposal is expected to have a positive impact on the community.

#### **ALTERNATIVES:**

Council can choose to:

1. Deny the application.
2. Defer consideration of the application and refer the proposal to a subsequent meeting of Council.
3. Amend Bylaw No. 2161 and give the bylaw first and second reading as amended.
4. Refer the application back to staff for further review, as specified by Council.
5. Refer the application back to the Community Planning Advisory Committee for additional comment.

#### **FINANCIAL IMPLICATIONS:**

Section 477(3)(a)(i) of the *Local Government Act* requires the Town to consider its financial plan when adopting or amending an *Official Community Plan*. The application was initially referred to Financial Services for comment (see 'Interdepartmental Referrals') under the previous OCP and was re-referred to Financial Services under the new OCP. The proposed OCP amendment is not expected to have an impact on the Town's financial plan.

#### **LEGAL IMPLICATIONS:**

Standard requirements for Council consideration and referrals established under provincial legislation have been accounted for in staff's review of the application and in the recommendations of this report. At this time, there are no special legal considerations for this proposal.

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

Section 475 of the *Local Government Act* requires Council, when considering an amendment to the OCP, to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. To meet this obligation,

Council must specifically consider whether consultation should be “early and ongoing”, and specifically consider whether consultation is required with:

1. The Board of the Cowichan Valley Regional District.
2. The Board of the Regional District of Nanaimo.
3. The Council of the District of North Cowichan.
4. First Nations, including the Stz’uminus First Nation, Hul’qumi’num Treaty Group and the Snuneymuxw First Nation.
5. The Board of School District 68.
6. The Provincial and Federal Governments and their agencies.

The Naut’sa Mawt Community Accord and Memorandum of Understanding between the Town and Stz’uminus First Nation require the Town to refer all OCP amendments to the Stz’uminus First Nation for comment. Similarly, section 476 of the *Local Government Act* requires the Town to refer the proposed OCP amendment to School District 68 for comments related to the impact on school facilities. While there are no substantial changes to this OCP amendment (Bylaw No. 2161) as compared to the old OCP amendment (Bylaw No. 2130), since this is a new OCP amendment staff recommend re-referring the application to the Stz’uminus First Nation and School District 68 to meet the Town’s obligations under the Naut’sa Community Accord and Memorandum of Understanding, and the *Local Government Act*.

Staff do not recommend additional consultation with other agencies as the consultation that was conducted for this application previously is considered sufficient and there are no material changes to the proposal that, in staff’s opinion, would impact the comments already received.

A neighbourhood information meeting was held by the applicant on August 10, 2023. The applicant’s summary report of this meeting is attached to this report as Attachment E. No letters have been received from local residents regarding the proposed development.

If Council proceeds with 1<sup>st</sup> and 2<sup>nd</sup> readings of Bylaw No. 2161, a public hearing is required pursuant to section 464(1) of the *Local Government Act* and newspaper and mail notification must be carried out pursuant to section 466(1) of the *Local Government Act*. The public hearing will be held for OCP Amendment Bylaw No. 2161, and “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw No. 2131”.

#### **INTERGOVERNMENTAL REFERRALS:**

The application must be re-referred to the Stz’uminus First Nation and School District 68 as required under applicable legislation and as noted above. The application was previously referred to the Ministry of Transportation and Infrastructure, the CVRD, Island Health, and BC Transit and their comments were considered by Council with a previous staff report dated December 20, 2022 (Attachment F).

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

The application was previously circulated to Town departments including Infrastructure Services (Building and Engineering, Wastewater Treatment, Ladysmith Fire and Rescue) and to the

Finance Department for review and comment. Their comments were provided in a previous staff report dated December 20, 2022 (Attachment F).

The application was re-referred to Finance and Infrastructure Services to meet requirements under s. 477 of the *Local Government Act*. No concerns were noted.

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

The application was reviewed by CPAC on December 1, 2022 and CPAC's comments were considered by Council in a previous staff report dated December 20, 2022. This revised OCP amendment does not alter Council's previous direction in relation to CPAC's comments (registration of a covenant to prevent the expansion of the mobile home park pending connection of the park to community sewer services).

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |                                                                            |                                         |
|----------------------------------------------------------------------------|-----------------------------------------|
| <input type="checkbox"/> Core Infrastructure                               | <input type="checkbox"/> Economy        |
| <input checked="" 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(s).***

**Allison McCarrick , Chief Administrative Officer**

**ATTACHMENT(S):**

- A. Bylaw No. 2130
- B. Bylaw No. 2161
- C. Bylaw No. 2131
- D. Subject Property Map
- E. Neighbourhood Information Meeting Summary Report
- F. December 20, 2022 Report



**TOWN OF LADYSMITH**

**BYLAW NO. 2130**

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

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

1. Amending Map 1 – Land Use of Schedule A Town of Ladysmith Community Plan to change the designation from Single Family Residential to Mobile Home Park Residential for the subject property at Lot 1, District Lot 72, Oyster District, Plan 24076 (10940 Westdowne Road), as shown in Schedule 1, which is attached to and forms a part of this Bylaw.
2. Amending South Ladysmith Area Plan – Schedule D by:
  - a. Amending Map 2 – Land Use & Transportation to change the designation from Residential to Mobile Home Park Residential for the subject property at Lot 1, District Lot 72, Oyster District, Plan 24076 (10940 Westdowne Road), as shown in Schedule 1, which is attached to and forms a part of this Bylaw.
  - b. Replacing "15 units per hectare" with "20 units per hectare" in Policy 2.4.3.

**Citation**

3. This Bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.73) 2022, No. 2130".

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

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

**PUBLIC HEARING HELD** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

**APPROVED BY MINISTRY OF TRANSPORTATION**

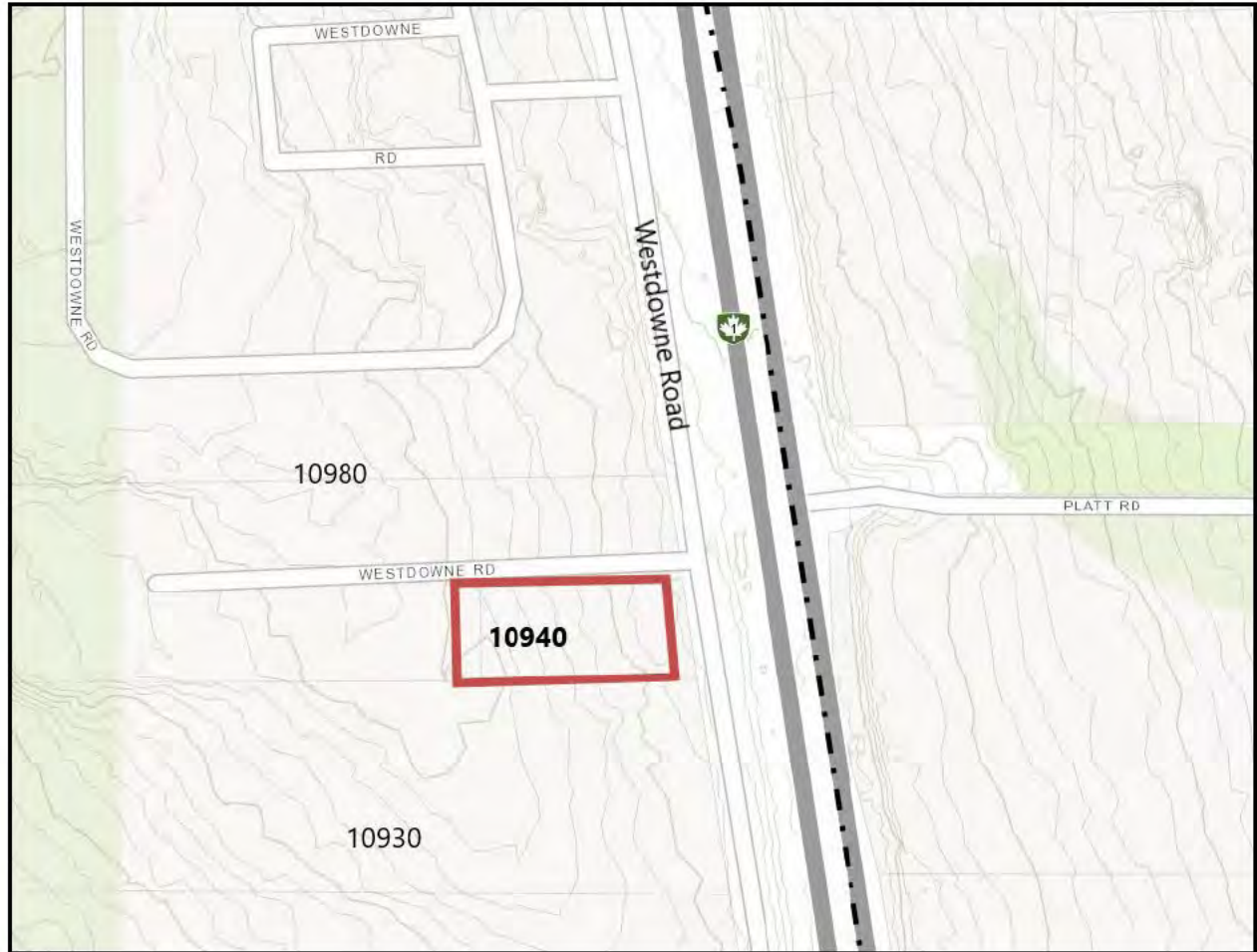
on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

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

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

Schedule 1



**TOWN OF LADYSMITH**

**BYLAW NO. 2161**

**A Bylaw to amend “Official Community Plan Bylaw 2022, No. 2200”**

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The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to “Official Community Plan Bylaw 2022, No. 2200”:

1. “Map 1 – Future Land Use”, is amended by changing the designation from Neighbourhood Residential to Manufactured Home Park for the subject property at Lot 1, District Lot 72, Oyster District, Plan 24076 (10940 Westdowne Road), as shown in Schedule 1, attached to and forming part of this Bylaw.

**Citation**

2. This Bylaw may be cited for all purposes as “Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw 2023, No. 2161”.

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

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

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

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

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

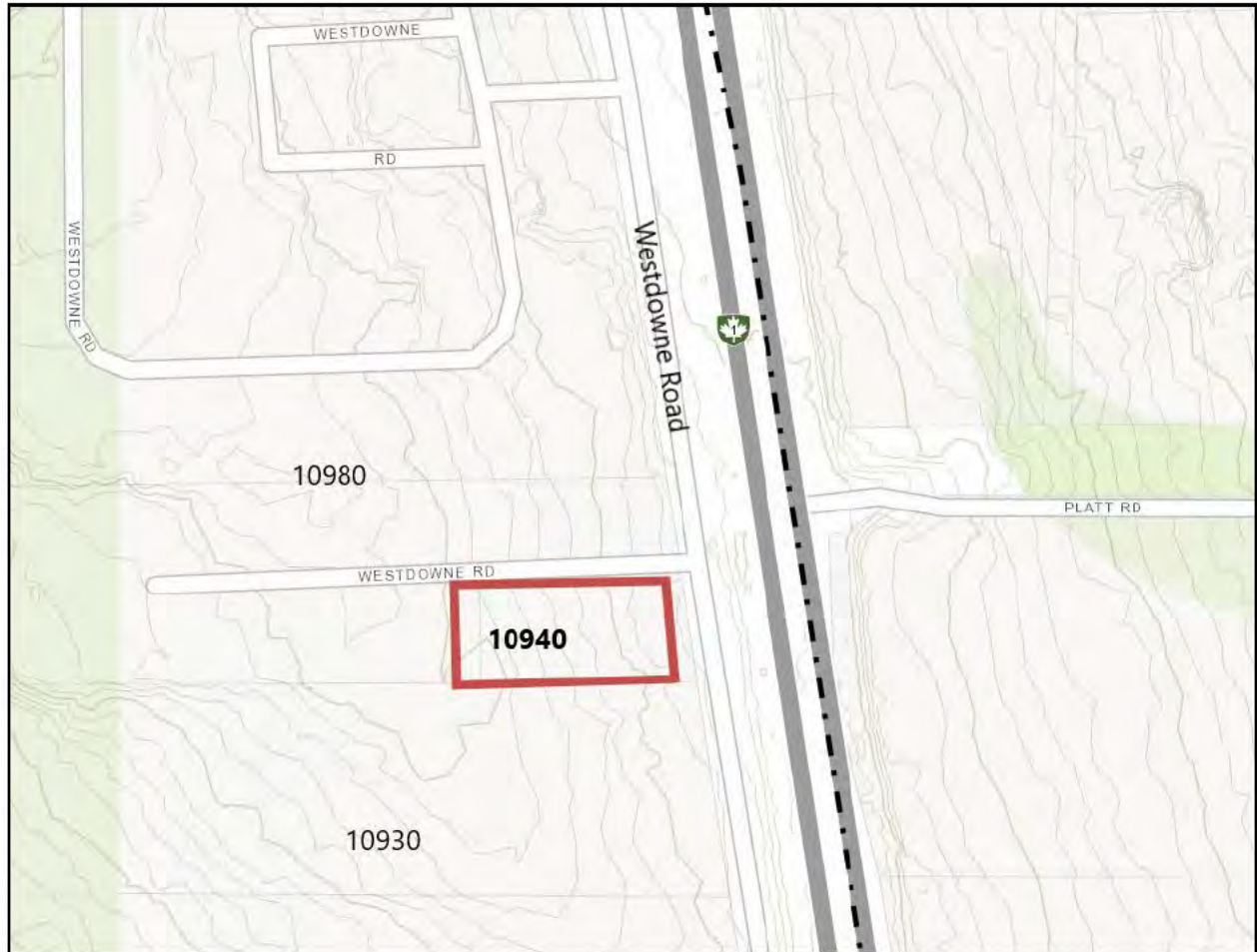
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Mayor (A. Stone)

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Corporate Officer (Sue Bouma)

Schedule 1



**TOWN OF LADYSMITH**

**BYLAW NO. 2131**

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

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

1. Amending Schedule B – Zoning Bylaw Map to change the zone from RU-1 (Rural Residential) to MHP-1 (Manufactured Home Park) for the subject property, at Lot 1, District Lot 72, Oyster District, Plan 24076 (10940 Westdowne Road), as shown in Schedule 1, which is attached to and forms a part of this Bylaw.

**Citation**

2. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.54) 2022, No. 2131".

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

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

**PUBLIC HEARING HELD** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

**APPROVED BY MINISTRY OF TRANSPORTATION**

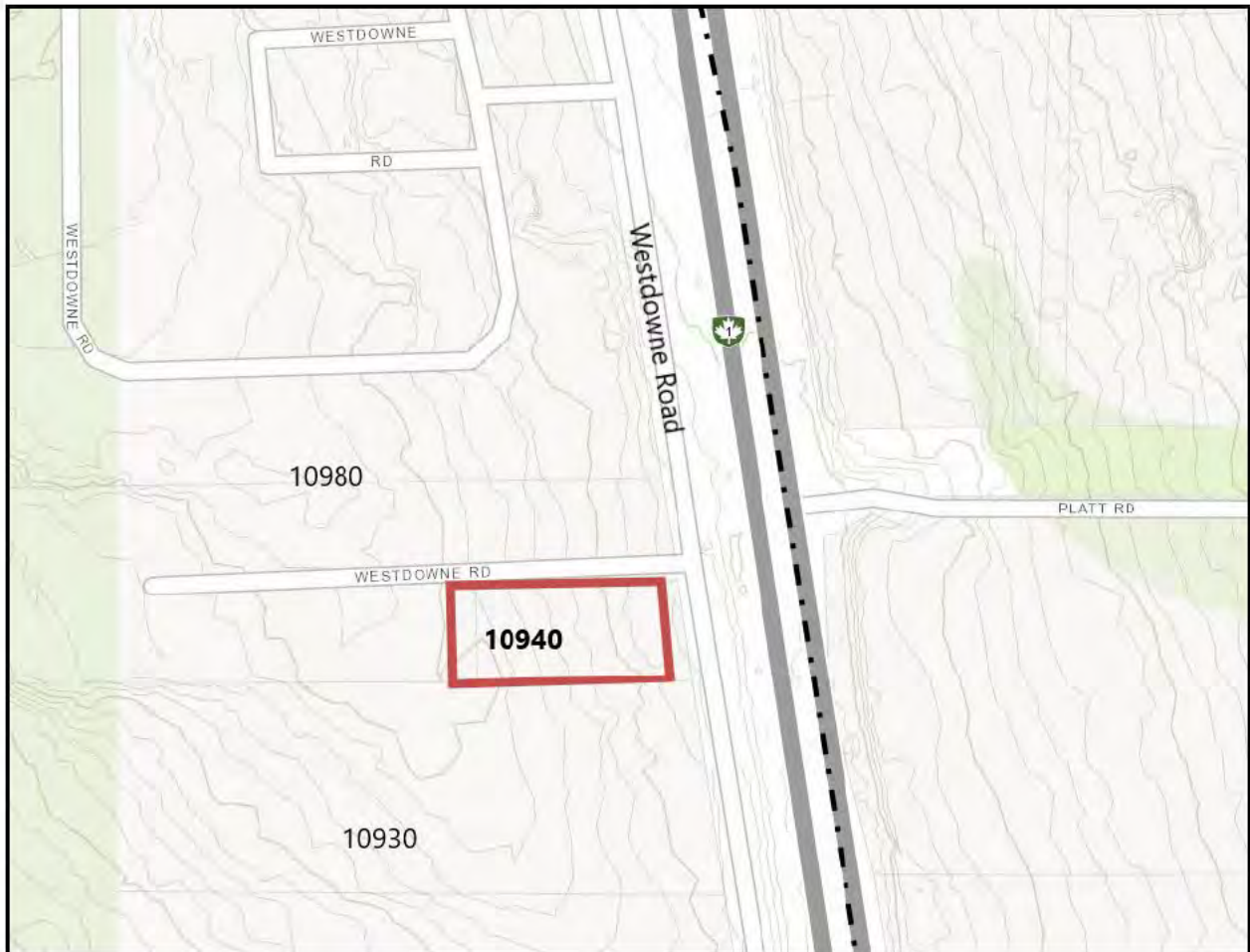
on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

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

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




Schedule 1

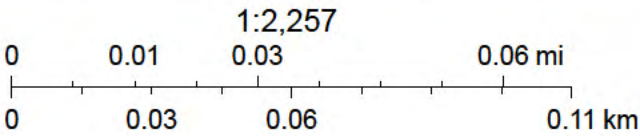






11/8/2023, 2:07:46 PM

-  LadysmithPlanning - Roads
-  LadysmithPlanning - Town Boundary
-  LadysmithPlanning - Ladysmith\_ICIS\_Cadastre



Cowichan Valley, Bureau of Land Management, Province of British Columbia, Esri Canada, Esri, HERE, Garmin, USGS, EPA, USDA, AAFC, NRCan



August 11, 2023

Our File: 20-091

Application File No.: 3360-20-06

Julie Thompson, Senior Planner  
Town of Ladysmith, Development Services  
Via Email

Re: OCP and Zoning Amendment for 10940 Westdowne Rd.  
Town and Country Mobile Home Park

Dear Madam,

Please find enclosed the following report on the public information meeting held August 10, 2023:

Host attendees: Matt Schnurch BCLS, Aldo Venier

Public attendees: 15

Summary of comments from the public:

- *What is the timeline for development?*
- *How many new mobile home pads would be allowed on the lot?*
- *Will the use of the yellow house on the lot change? Would it be used as a new site office?*
- *Will trees be removed in the short term?*
- *If municipal sewer is brought to the park, would gas service be brought also?*

I provided copies of the Ladysmith OCP map, Zoning Map, and an aerial photo of the site showing property boundaries for attendees to view.

All attendees were residents of the mobile home park. No adjacent owners attended.

I have attached a copy of the sign-in sheet and newspaper notice. Copies of the invitation were posted in public areas and on message boards for the mobile home park. Invitations were mailed to the addresses of neighbours provided to us by the Town of Ladysmith.

Please contact me if you require further information.

Sincerely,



Digitally signed by Matthew  
Schnurch FXMA33  
Date: 2023.08.11 13:32:39 -07'00'

Matthew D. Schnurch, BCLS  
Turner Land Surveying Inc.



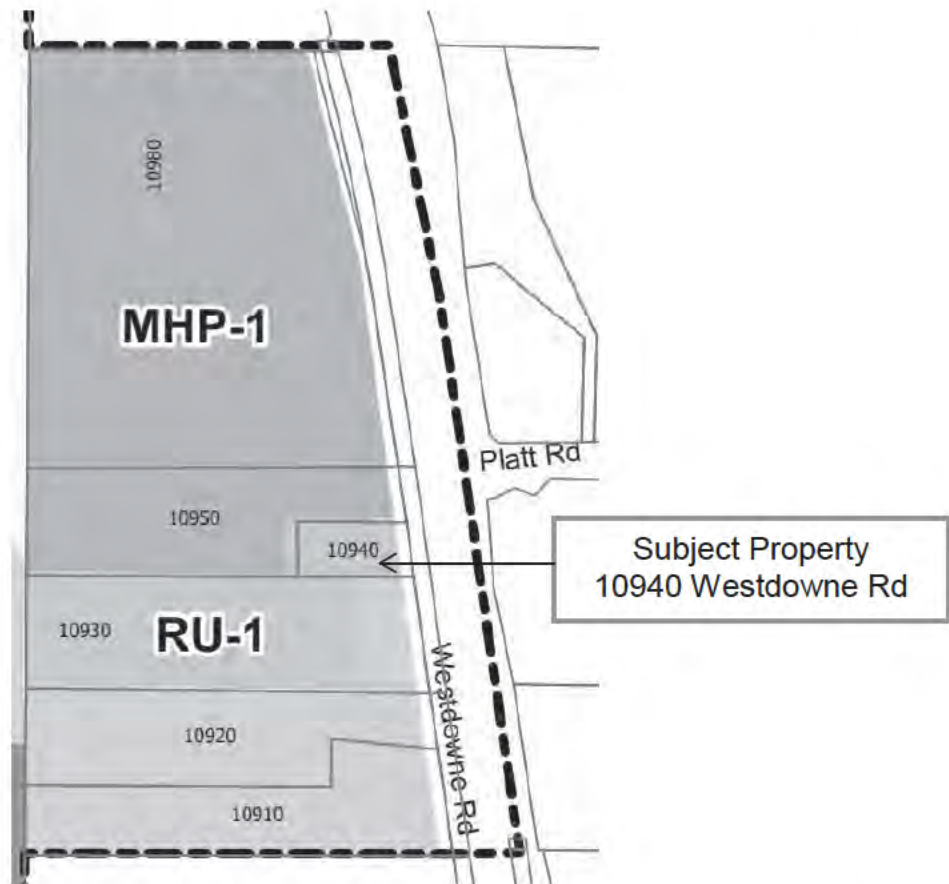
# Neighbourhood Information Meeting

10980 Westdowne Road

August 10, 2023

Attendee Name:	Address:
Katie Anderson	# 84
J & I Kew	# 14
Cindy & Rob Paton	# 93
Linda Gentle	# 44
Luth Vines	# 70
Sandy Priestly	# 4
Dona Cooper	# 47
Lynelle Triennial	# 54.
Jim & Eileen Smyth	# 9
Barry Davidson	# 79
George Bridges	# 57
Barbara Lyon	# 90
Roland Desrochers	# 90
But Was	# 34
Ray (Mc) O'Neil	# 3.

## **NOTICE OF NEIGHBOURHOOD INFORMATION MEETING**



**Members of the public are invited to attend an information meeting regarding:**

Proposed official community plan amendment and zoning change from  
Rural Residential (RU-1)  
to Manufactured Home Park (MHP-1)

**DATE:** August 10, 2023

**TIME:** 7:00-8:00 pm

**LOCATION:** Town & Country Mobile Park  
Clubhouse, 10980 Westdowne Road, Ladysmith

Further information or questions of clarification may be directed to Matt Schnurch, BCLS  
at (250)753-9778 and/or [matt@turnersurveys.ca](mailto:matt@turnersurveys.ca)

## STAFF REPORT TO COUNCIL

**Report Prepared By:** Christina Hovey, RPP, MCIP, Senior Planner  
**Reviewed By:** Jake Belobaba, RPP, MCIP  
**Meeting Date:** December 20, 2022  
**File No:** 3360-20-06  
**Re:** OCP and Zoning Amendment to add 10940 Westdowne Rd. to Town and Country Mobile Home Park

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**RECOMMENDATION:**

That Council:

1. Give first and second readings to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 73) 2022, No. 2130";
2. Consider Bylaw No. 2130 in conjunction with the Financial Plan, Housing Needs Report, Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to sections 473(2.1) and 477(3) of the *Local Government Act*;
3. Give first and second readings to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 54) 2022, No. 2131";
4. As a condition of approval of Bylaw Nos. 2130 and 2131, require that the applicant, at their cost:
  - a. Consolidate the subject property, 10940 Westdowne Road (Lot 1, District Lot 72, Oyster District, Plan 24076, PID: 002-976-978) with the neighbouring properties at 10980 Westdowne Road (Lot 13, District Lot 72, Oyster District, Plan 8793, Except Part Shown Coloured Red on Plan 895 RW and Except Part in Plan 43821 VIP8793 PID: 001-618-920 **and** Parcel A (DD 391231-i) of Lot 14, District Lot 72, Oyster District, Plan 8793 Except That Part in Plan 24076 PID: 001-618-881); and
  - b. Using the Town's lawyer, register on the title of the consolidated property, a covenant restricting the total number of dwelling units on the property to 92 units, until the property is connected to municipal sewer service;
5. Direct staff to proceed with scheduling and notification for a Public Hearing for Bylaw Nos. 2130 and 2131 pursuant to section 464 of the *Local Government Act*, to take place at least

## ATTACHMENT F

30 days after the applicant has held a neighbourhood information meeting pursuant to section 7(a) of “Town of Ladysmith Development Procedures Bylaw 2008, No. 1667”; and

6. Refer Bylaw No. 2131 to the Ministry of Transportation and Infrastructure following third reading, pursuant to section 52 of the *Transportation Act*.

### **EXECUTIVE SUMMARY:**

The proposed development requires amendments to the Official Community Plan (OCP) and Zoning Bylaw so that a 0.2 hectare property at 10940 Westdowne Road can be added to the adjacent manufactured home park (Town and Country Mobile Home Park) at 10980 Westdowne Road. The proposal will allow for a minor expansion to the existing manufactured home park. Staff recommend that the proposal be endorsed by Council subject to the conditions to consolidate the properties and to register a covenant preventing new units until the property is connected to the municipal sewer system.

### **PREVIOUS COUNCIL DIRECTION:**

Resolution No./ Date	Details
CE April 6, 2021	That Council: <ol style="list-style-type: none"><li>1. Direct that Application No. 3360-20-06 (10940 Westdowne Road) proceed for further consideration.</li><li>2. Having considered section 475 of the Local Government Act (consultation during OCP development) direct staff to refer Application No. 3360-20-06 to:<ul style="list-style-type: none"><li>○ Stz’uminus First Nation;</li><li>○ The Cowichan Valley Regional District;</li><li>○ School District 68;</li><li>○ Island Health, the Ministry of Transportation and Infrastructure, and BC Transit.</li></ul></li></ol>
CS 2019-173, May 6, 2019	That Council: <ol style="list-style-type: none"><li>1. Direct staff to enter into an agreement with the Town and Country Mobile Home Park for the completion of the sanitary servicing study as outlined in the WSP proposal dated January 8, 2019.</li><li>2. That the Town’s portion of the cost of the above noted study be limited to Option 3, \$4,670 plus applicable taxes.</li></ol>
CE 2018-057, May 7, 2018	That Council inform the owner of the Town and Country Mobile Home Park that: <ol style="list-style-type: none"><li>1. Council supports the sanitary sewer servicing study to consider servicing options from the Town’s Swettingham lift station to the Town and Country Mobile Home Park, but the cost for the study is the responsibility of the owner.</li><li>2. The Town is prepared to contribute a portion of the cost of the study to extend sewer service from the Farrell Road gravity feed manhole to Town and Country Mobile Home Park.</li></ol>



### **PROPOSAL/CONTEXT:**

The subject property, 10940 Westdowne Road, is an approximately 0.2ha property that contains a house, detached garage and shed. The subject property is located at the southeastern corner of the Town and Country Mobile Home Park. The adjacent property on the other side (to the south) has a small industrial area fronting Westdowne Road, with a rural residential use behind.



The Town and Country Mobile Home Park, located at 10980 Westdowne Road, is approximately 5.2ha in size and covers two legal parcels (approximately 4.2ha and 1ha in size). The manufactured home park consists of 91<sup>1</sup> manufactured homes as well as recreational and storage facilities for residents.

The applicant is proposing to amend the OCP and Zoning Bylaw for 10940 Westdowne Road so that the property can be added to the existing manufactured home park. The proposed expansion would increase the total size of the park from approximately 5.2ha to 5.4ha.

In the short-term the applicant may use the existing single-detached dwelling as a caretaker property/park office. This would make the maximum dwellings on the expanded property 92 units. In the long-term, the expansion would allow for up to 4 additional manufactured home pads.

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<sup>1</sup> As shown in the aerial imagery.

## ATTACHMENT F

The existing and proposed designations/zoning are as follows:

	Existing	Proposed
Official Community Plan Designation	Single Family Residential	Mobile Home Park Residential
South Ladysmith Area Plan Designation	Residential	Mobile Home Park Residential
Development Permit Area(s)	None	None
Zone	Rural Residential (RU-1)	Manufactured Home Park (MHP-1)

### **DISCUSSION:**

#### **Official Community Plan Bylaw No. 1488:**

The subject property is designated Single Family Residential in the existing OCP.

The OCP states that “new mobile home parks are supported as an affordable housing option” (section 3.2.3(26)). At the time of writing the OCP in the early 2000s, housing affordability was identified as an important consideration for managing growth. “In 2001, housing costs in Ladysmith averaged \$145,385 (c.f. BC average of \$230, 654)” (section 1.10). In 2019, the average price of a detached home in Ladysmith was \$470, 640, and 18% of Ladysmith households were spending more than 30% of their income on housing (Housing Needs Assessment, 2020).

The subject property is within the South Ladysmith Area Plan area. The South Ladysmith Area Plan recognizes the existing manufactured home park and suggests a maximum density of 15 units per hectare. The existing density of the manufactured home park is approximately 17.5 units per hectare. However, the OCP allows for up to 20 units per hectare (as does the zoning).

Bylaw No. 2130 would change the designation from Single Family Residential to Mobile Home Park Residential in the OCP and the South Ladysmith Area Plan. Bylaw No. 2130 also includes an amendment to align the maximum density in the South Ladysmith Area Plan with the maximum density in the OCP and Zoning Bylaw.

#### **Draft Official Community Plan Bylaw No. 2200:**

In the draft OCP, which is currently before Council at 1<sup>st</sup> reading, the subject property is designated Neighbourhood Residential.

To support housing affordability and diverse residential choices, the new OCP policy 2.4.n. states “Support new manufactured home parks as an affordable housing option, in appropriate locations and where there is a demonstrated need.” Because of this policy staff see the proposal as being consistent with the new OCP.

#### **Zoning Bylaw No. 1860:**

In addition to permitted uses, density and siting provisions, the proposed Manufactured Home Park Zone (MHP-1) requires that manufactured home parks provide amenities such as recreational space and storage space. The MHP-1 zone permits a density of up to 20 units per hectare. This would allow for up to four additional units on the 0.2ha subject property.

## ATTACHMENT F

Bylaw No. 2131 would change the zone from Rural Residential (RU-1) to Manufactured Home Park (MHP – 1).

### **Condition to Require Parcel Consolidation:**

The subject property is only 0.2 ha in size and the existing facility already overlaps two parcels. For these reasons, staff recommend that the proposed amendment bylaws only be approved on the condition that the subject property be consolidated with the adjacent properties.

### **Existing Servicing Challenges and Proposed Covenant:**

The manufactured home park has been in operation since 1970 and uses an on-site septic field for sewer disposal. As of 2019, the applicant reported that the existing on-site sewer system was operational. There are concerns, including from the Town's Engineering Department, that ongoing maintenance and the general age of the facilities would result in the system becoming inefficient to maintain.

In 2019-2020, the Town and the property owner collaborated on a study investigating options to connect to the Town sanitary sewer system. The study provided high-level options for how the property could be connected to the Town's sewer system. The property owner recently stated that they are working to scope the project to connect the manufactured home park to the Town's sewer system and to upgrade other services.

The proposed zoning allows additional units to be added to the property. Given the age and condition of the on-site sewer system, staff recommend a condition that the property owner be required to enter into a covenant prohibiting new units until the property is connected to the Town's sewer service.

### **Community Amenity Contribution Policy:**

The Community Amenity Contribution (CAC) Policy encourages rezoning applicants to consider contributions to offset potential increased demand or pressure on public facilities and services.

No Community Amenity Contribution has been offered. While adding 0.2ha of land to the manufactured home park would theoretically allow for an additional four units, this cannot be implemented without a significant infrastructure investment to connect the properties to the Town's sewer service. Further, the proposed development is not expected to noticeably increase pressure on public facilities and services. Therefore, staff are not recommending that a community amenity contribution be required.

### **Summary of Analysis:**

Staff recommend that Bylaw Nos. 2130 and 2131 receive first and second readings and proceed to public hearing following a neighborhood information meeting. The proposal will allow for a minor expansion to the existing manufactured home park and is compatible with the surrounding land uses. The manufactured home park provides a relatively affordable housing option. The recommended covenant will prevent additional strain to the existing on-site sewerage services.

### **ALTERNATIVES:**

Council can choose to:

1. Deny the proposed bylaws.
2. Amend Bylaw No. 2130 and/or No. 2131 and give the bylaw(s) first and second readings as amended.
3. Refer the application back to staff and/or the applicant for further review or changes as specified by Council.
4. Refer the application back to the Community Planning Advisory Committee for additional comment.

### **FINANCIAL IMPLICATIONS:**

N/A

### **LEGAL IMPLICATIONS:**

Section 473(2.1) of the *Local Government Act* requires Council to consider the Town's Housing Needs Report when amending the OCP. The Housing Needs Report<sup>2</sup> found that 18% of households in Ladysmith are spending more than 30% of their household income on housing expenses (a typical measure of housing affordability). This proposal represents a future opportunity for additional units of relatively affordable housing.

Section 477(3) of the *Local Government Act* requires Council to consider Bylaw No. 2130 in conjunction with the Financial Plan and any Waste Management Plans.<sup>3</sup> The proposed OCP amendment allows for a minor expansion of an existing land use and as such is not expected to impact the Town's Financial Plan or any Waste Management Plans. The application was referred to the Town's Finance Department and Infrastructure Services Department.

If the application proceeds, the Zoning Bylaw amendment will need to be approved by the Ministry of Transportation and Infrastructure following third reading (*Transportation Act*, section 52).

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

A Neighbourhood Information Meeting must be held at least 30 days prior to the Public Hearing. A Public Hearing is required prior to third reading of the bylaws in accordance with section 477 of the *LGA*.

The application was referred to the Community Planning Advisory Committee (CPAC). CPAC made the following resolution:

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<sup>2</sup> Housing Needs Report: <https://www.cvrld.ca/3443/Municipal-Housing-Needs-Assessment-Report>

<sup>3</sup> CVRD Solid Waste Management Plan: <https://www.cvrld.ca/2979/Solid-Waste-Management-Plan>

Town's Liquid Waste Management Plan: <https://www.ladysmith.ca/discover-ladysmith/community-plans/liquid-waste-management-plan>



## ATTACHMENT F

It was moved, seconded and carried that the Community Planning Advisory Committee recommends that Council approve OCP and Zoning Amendment application 3360-20-06 (10940 Westdowne Road) with an expectation that:

- A covenant will be placed on the property preventing expansion of the mobile home park pending a connection of the property to sewer services.
- Staff will review the adequacy of the water service for fire protection.

See Attachment C: CPAC Minutes.

Staff are recommending that a covenant be placed on the property as noted by CPAC.

In terms of fire protection, there are two fire hydrants on Westdowne Road close to the manufactured home park. The hydrants are tested at least once per year and the most recent test result was approximately 600 gallons of water per minute. According to the Town's Fire Chief, this is above the minimum required for use by the fire department and believed to be sufficient for the density, though at the lower end of what would be acceptable. A fire truck can pump water up to 800ft (approx. 240m) from a fire hydrant and firefighters can "relay" water with an additional truck if necessary (e.g., for dwellings further away from Westdowne Road). It is noted that the property is almost 6km from the fire station which would result in a slightly slower response time compared to closer properties.

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

The file was referred to the Infrastructure Services Department (Building and Engineering, Wastewater Treatment, Ladysmith Fire and Rescue) and to the Finance Department. No concerns were raised other than those relating to the capacity around the on-site sewerage system.

### **INTERGOVERNMENTAL REFERRAL/IMPLICATIONS:**

The following table lists the external governments/agencies that the application was referred to and the responses that were provided:

Referral to:	Response:
Stz'uminus First Nation	<ul style="list-style-type: none"><li>• No response received.</li></ul>
Ministry of Transportation and Infrastructure	<ul style="list-style-type: none"><li>• Interests are unaffected.</li></ul>
Cowichan Valley Regional District	<ul style="list-style-type: none"><li>• Interests are unaffected.</li><li>• Last year's flow rate was approximately 600 GPM for the fire hydrants on Westdowne Road.</li></ul>
Island Health	<ul style="list-style-type: none"><li>• Often there are no files available for on-site sewerage systems installed in the 1970s-1980s.</li><li>• To add additional units to the existing septic system a Registered Onsite Wastewater Practitioner (ROWP) would have to carry out a site survey and submit a filing to Island Health. Once the filing is received, it is either accepted or rejected by Island Health.</li></ul>
School District 68	<ul style="list-style-type: none"><li>• No response received.</li></ul>

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Referral to:	Response:
BC Transit	<ul style="list-style-type: none"><li>• BC Transit has no objections to the proposal as it creates a form of affordable housing in an area served by transit.</li><li>• BC Transit recommends the following related to transit-supportive land use and design:<ul style="list-style-type: none"><li>○ Develop appropriate street treatments along the Westdowne Road, including fully accessible sidewalks</li><li>○ Provide on-site pathways to connect buildings and uses to public sidewalks</li><li>○ Eliminate or reduce minimum vehicle parking requirements</li><li>○ Ensure that vehicle entrances and exits to the property do not interfere with transit operations or create a safety hazard</li></ul></li></ul>

### **ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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

### **ALIGNMENT WITH STRATEGIC PRIORITIES:**

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

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

**Allison McCarrick, Chief Administrative Officer**

### **ATTACHMENTS:**

- A. Bylaw No. 2130
- B. Bylaw No. 2131
- C. CPAC Minutes 2021.12.01

TOWN OF LADYSMITH

BYLAW NO. 2130

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

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

1. Amending Map 1 – Land Use of Schedule A Town of Ladysmith Community Plan to change the designation from Single Family Residential to Mobile Home Park Residential for the subject property at Lot 1, District Lot 72, Oyster District, Plan 24076 (10940 Westdowne Road), as shown in Schedule 1, which is attached to and forms a part of this Bylaw.
2. Amending South Ladysmith Area Plan – Schedule D by:
  - a. Amending Map 2 – Land Use & Transportation to change the designation from Residential to Mobile Home Park Residential for the subject property at Lot 1, District Lot 72, Oyster District, Plan 24076 (10940 Westdowne Road), as shown in Schedule 1, which is attached to and forms a part of this Bylaw.
  - b. Replacing "15 units per hectare" with "20 units per hectare" in Policy 2.4.3.

**Citation**

3. This Bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.73) 2022, No. 2130".

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022  
**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022  
**PUBLIC HEARING HELD** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022  
**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022  
**APPROVED BY MINISTRY OF TRANSPORTATION**  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2022  
**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

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

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

## ATTACHMENT F

"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.73) 2022, No. 2130"  
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### Schedule 1



## ATTACHMENT F

## TOWN OF LADYSMITH

## BYLAW NO. 2131

A Bylaw to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860"

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

1. Amending Schedule B – Zoning Bylaw Map to change the zone from RU-1 (Rural Residential) to MHP-1 (Manufactured Home Park) for the subject property, at Lot 1, District Lot 72, Oyster District, Plan 24076 (10940 Westdowne Road), as shown in Schedule 1, which is attached to and forms a part of this Bylaw.

Citation

2. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.54), 2022, No. 2131".

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

**PUBLIC HEARING HELD** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

**APPROVED BY MINISTRY OF TRANSPORTATION**

on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

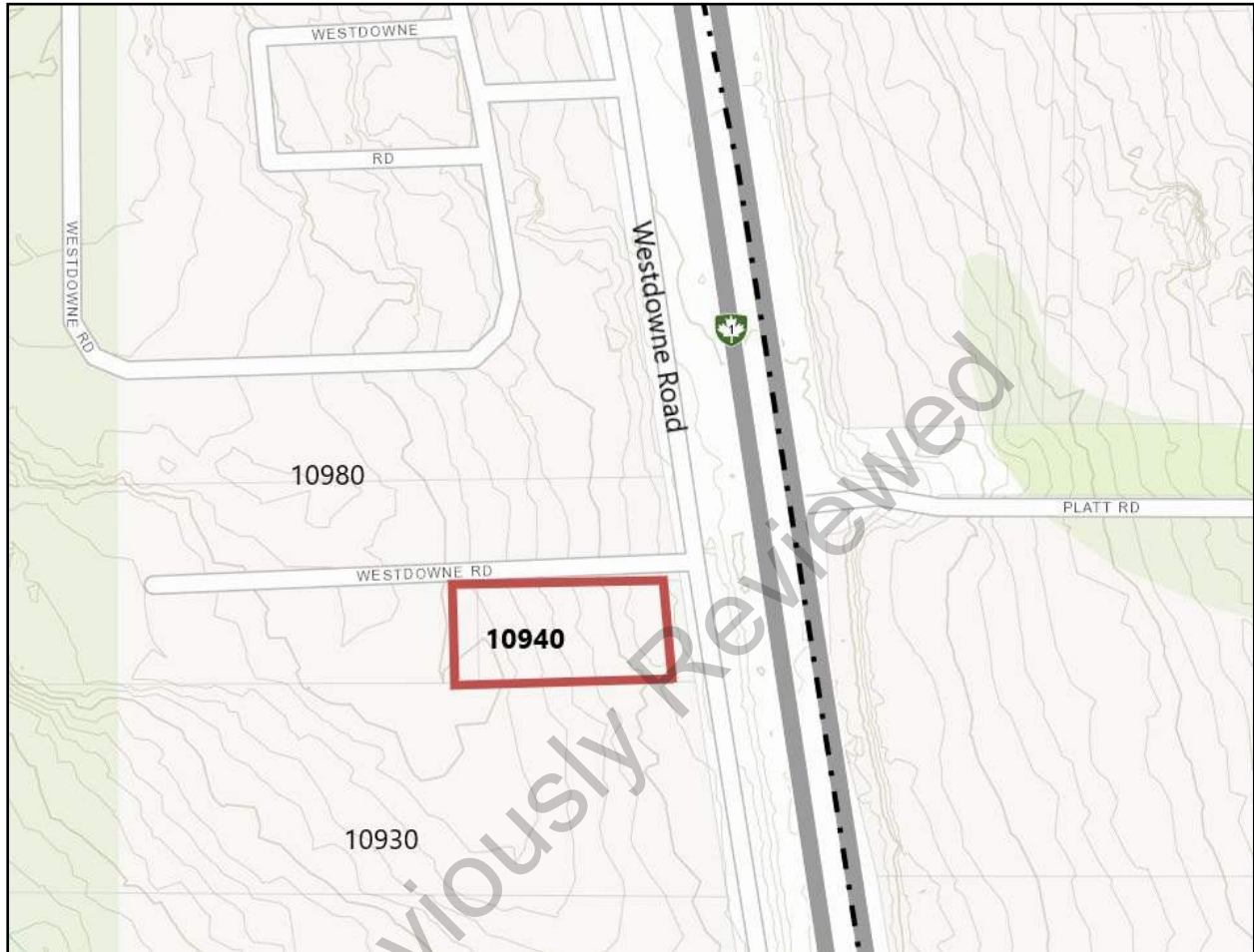
\_\_\_\_\_  
Mayor (A. Stone)

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

## ATTACHMENT F

"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.54), 2022, No. 2131"  
Page 2

### Schedule 1







# MINUTES

## Community Planning Advisory Committee

Wednesday, December 1, 2021 at 7:00 p.m.

Via Zoom

**PRESENT:** Chair – Jason Harrison; Members – Abbas Farahbakhsh, Brian Childs, Jason Robertson, Jennifer Sibbald, Steve Frankel, Tamara Hutchinson; Council Liaison – Tricia McKay; Director of Development Services, Jake Belobaba; Senior Planner & Recorder – Christina Hovey;

**ABSENT:** None.

**GUESTS:** Applicant – Matt Schnurch (3360-20-06)  
Applicant – David Stalker (3360-21-09)  
Applicant – Aaron Hungar (3360-21-11)

The meeting was called to order at 7:05pm, acknowledging with gratitude that Ladysmith is located on the traditional unceded territories of the Stz'uminus First Nation.

### 1. AGENDA APPROVAL

It was moved, seconded and carried that the Agenda of December 1, 2021 be approved.

### 2. ADOPTION OF MINUTES

It was moved, seconded and carried that the Minutes of October 6, 2021 be approved.

### 3. COUNCIL REFERRALS

#### a. OCP & Zoning Bylaw Amendment application 3360-20-06 10940 Westdowne Road (Town & Country Mobile Home Park)

Staff provided a brief introduction to the application. Matt Schnurch (the applicant) stated that in the short term the property is proposed to be used as an office and the existing single-family home. It is expected that four new mobile home pads could be accommodated on the property in the future. Staff confirmed that, based on background information available, it is not advisable to add any new development to the existing septic system of the Town and Country Mobile Home Park.

One committee member suggested that the existing water service (provided by the CVRD) might not be adequate to provide fire protection to the property. Staff committed to look into the concern.

It was moved, seconded and carried that the Community Planning Advisory Committee recommends that Council approve OCP and Zoning Amendment application 3360-20-06 (10940 Westdowne Road) with an expectation that:

- A covenant will be placed on the property preventing expansion of the mobile home park pending a connection of the property to sewer services.
- Staff will review the adequacy of the water service for fire protection.

b. OCP & Zoning Bylaw Amendment application 3360-21-09  
1134 Trans-Canada Highway

Staff provided a brief introduction to the application. Staff corrected one point from the referral report to clarify that the Ministry of Transportation and Infrastructure (MoTI) had agreed to a right-out-only access driveway in the context of a previous application. The referral report incorrectly stated that MoTI would not support any access to the highway from the property.

David Stalker (the applicant) provided information about the scale of the proposed operations, the company currently needs office space for six employees, clients visit the office occasionally, and core office hours are between 7am and 5pm.

The committee discussed a need for high quality landscaping for the site (to be reviewed through the development permit application). There are some existing trees in one area of the property and an existing fence along the highway.

It was moved, seconded and carried that the Community Planning Advisory Committee recommends that Council approve OCP & Zoning Amendment application 3360-21-09 (1134 Trans-Canada Highway) and that landscaping and screening be considered along the Trans-Canada Highway.

c. Zoning Bylaw Amendment application 3360-21-11  
631 1<sup>st</sup> Avenue (Winter Shelter)

Staff provided a brief introduction to the application and explained the restrictions placed on the shelter through the existing Temporary Use Permit (the shelter can only operate overnight and only during the winter months). Staff corrected one point from the referral report to clarify that the shelter is proposing to expand into one dwelling unit rather than two units.

Aaron Hungar (on behalf of the applicant) provided information about emerging challenges with the current temporary location of the shelter at the Islander Hotel and answered questions from the Committee about proposed operations and security.

CPAC indicated that they "wholeheartedly" support this proposal.

It was moved, seconded and carried that the Community Planning Advisory Committee recommends that Council approve Zoning Bylaw Amendment application 3360-21-11 (631 1<sup>st</sup> Avenue).

4. **NEW BUSINESS**  
None.

5. **MONTHLY BRIEFING**  
**File Updates:**

The application for 431 1<sup>st</sup> Avenue (File No. 3360-21-10) that was previously reviewed by CPAC has received 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> reading from Council and the Public Hearing has



## ATTACHMENT F

been held. CPAC members are invited to review the Council Agendas and Minutes or contact staff for further details.

### Council Liaison:

On November 30, 2021 Council appointed Councillor Marsh Stevens to act as the Council liaison to CPAC for 2022, Councillor Tricia McKay was appointed as the alternate.

CPAC members thanked Councillor McKay for her support and hard work, and in particular thanked her for her advocacy in ensuring the group is heard by Council.

### 6. NEXT MEETING – February 2, 2022.

### 7. ADJOURNMENT

It was moved, seconded and carried that the meeting be adjourned at 8:33pm.

*Jason Harrison*

Jason Harrison (Feb 12, 2022 15:46 PST)

Chair (J. Harrison)

### RECEIVED:

*Dina Smith*

Corporate Officer (D. Smith)



# MINUTES

## Community Planning Advisory Committee

Wednesday, November 1, 2023 at 7:00 p.m.  
City Hall Council Chambers, 410 Espanade

**PRESENT:** Acting Chair - John Scott; Members - Jennifer Aker, Tonya Soules, Keona Wiley; Council Liaison - Marsh Stevens; Senior Planner - Julie Thompson; Recorder – Cassandra Taylor

**ABSENT:** Members - Julika Pape and Jason Robertson

Senior Planner Julie Thompson called the meeting to order at 7:00pm.

It was moved, seconded and carried that John Scott be the acting chair for the meeting. Acting Chair John Scott acknowledged with gratitude that Ladysmith is located on the unceded territories of the Stz'uminus First Nation.

### 1. AGENDA APPROVAL

It was moved, seconded, and carried that the Agenda of November 1, 2023, Community Planning Advisory Committee meeting be approved.

### 2. ADOPTION OF MINUTES

It was moved, seconded, and carried that the Minutes of September 6, 2023, Community Planning Advisory Committee meeting be approved.

### 3. NEW BUSINES

#### a. Terms of Reference Review

Senior Planner Julie Thompson gave an overview of the CPAC Terms of Reference mentioning items such as the purpose of the committee and meeting management. All primary roles of the committee were reviewed which included the role of the Chair, committee members, applicants and staff. Specific roles and expectations mentioned included agenda review and facilitation of the meetings by the Chair, coming to meetings prepared by reviewing the agenda and preparing questions. Also mentioned was the importance of not imposing personal agenda while discussing applications. During the discussion, committee members asked questions which were answered by Ms. Thompson.

#### b. Mock Council Referral – Façade Development Permit 3060-21-16 – 431 1<sup>st</sup> Avenue

Senior Planner J. Thompson explained the procedure of the mock referral. Advice was given by Ms. Thompson throughout the mock referral on how the referral process should proceed.

#### **Mock Referral**

Senior Planner J. Thompson provided a brief overview of the mock proposal for changes to the exterior façade of the building at 431 1<sup>st</sup> Avenue to accommodate a fourth dwelling

unit in the attic space of the building. Ms. Thompson provided some background information including the existing uses in the building and other building characteristics.

Ms. Thompson, acting as the applicant, provided a brief presentation of the proposal from the applicant's perspective and noted that the proposed changes fit with the heritage character of the building.

Committee members discussed the application and made positive comments about the proposal, noting colour palette choice, the look of the dormers, and how this proposal would help revitalize the downtown core.

Committee members raised concerns around parking as a fourth unit is proposed in the building. Ms. Thompson explained the existing parking and reminded committee members that the focus of their review in this façade DP application is for exterior changes to a heritage building in the downtown, rather than the use of the building.

Committee members were also concerned of the age of the building and the safety of the structure. Ms. Thompson noted that all aspects of the renovation will also require a building permit and will need to meet the BC Building Code, which will address building safety.

Committee members discussed the recommendation and provided the following mock resolution:

*"It was moved, seconded, and carried that the Community Planning Advisory Committee recommends that Council support DP 3060-21-16 (431 1<sup>st</sup> Avenue) in principle, and recommends the following conditions:*

- That the colour palette of black and white as proposed be specified in the Development Permit.*

*Motion carried"*

#### **End of Mock Referral**

The committee discussed the mock referral and asked questions about making and amending resolutions, which were answered by J. Thompson and Council Liaison, Marsh Stevens. Committee members agreed that the mock referral was a great idea and appreciated the review.

#### **4. COUNCIL REFERRALS**

**None**

#### **5. MONTHLY BRIEFING**

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

- 19 Gatacre (3360-23-01) - went to Council for 1st and 2nd reading. A Public Hearing is scheduled for Nov 21, 2023.

#### **6. NEXT MEETING – TBD**

**7. ADJOURNMENT**

**It was moved, seconded, and carried that the meeting be adjourned at 8:17 PM.**

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Acting Chair (J. Scott)

**RECEIVED:**

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Acting Corporate Officer (S. Bouma)

**Minutes of the Public Art Committee (PAC)  
Monday, November 6, 2023 at 4:00 p.m.  
Frank Jameson Community Centre**

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**COMMITTEE MEMBERS PRESENT:**

Lynda Baker, Chair  
Kathleen Darby  
Kathy Holmes  
Julia Noon

Ora Steyn  
Gordon Filewych  
Councillor Tricia McKay

**STAFF PRESENT:**

Andrea Downey  
Sue Glenn (recorder)

**REGRETS:**

Shirley Louie

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**CALL TO ORDER AND  
ACKNOWLEDGEMENT**

The meeting was called to order at 4:00 p.m.

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

**AGENDA**

2023-08:

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

**MINUTES**

2023-09:

That the Committee approve the minutes of the April 19, 2023 meeting as presented.  
*Motion Carried*

**NEW BUSINESS**

Review Amended Term of Reference and Policy

2023-10:

That the Committee recommends staff review and provide an update between the amended PAC Terms of Reference with the previous PATG Terms of Reference, for clarification around membership and terms.  
*Motion Carried*

K. Darby recommended to table the review of the Public Art Policy at the next meeting.

2024 Banner Theme Selection and Timelines

2023-11:

That the Committee recommends the theme of "*Ladysmith Celebrates*" for 2024. The 2024 theme highlights the Town's festivals and celebrations through art that creates opportunities to be together, foster community, strengthen relationships, and celebrate culture and diversity.  
*Motion Carried*

**OLD BUSINESS**

Deaccession of Public Art update – Tool Kit #3 – Julian North Collection

2023-12:

That the Committee recommends that Council approves the Deaccession of the Julian North Collection following the Guidelines of the Deaccession of Public Art – Toolkit #3.

*Motion Carried*

**NEXT MEETING**

To be determined by the Committee.

**ADJOURNMENT**

2023-13:

That the Public Art Committee adjourn this meeting at 5:30 p.m.

*Motion Carried*

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Chair (L. Baker)

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Acting Corporate Officer (S. Bouma)

## **Committee of the Whole Recommendations to Council November 21, 2023**

At its November 14, 2023 meeting, the Committee of the Whole recommended that Council:

1. Rescind Street Naming Policy 11 5450 A and adopt Street Naming Guidelines Policy 11 5450 A.
2. Dedicate the 1<sup>st</sup> Avenue and Gatacre Street intersection as Harmony Square.
3. Refer the redesign of the Town of Ladysmith flag to the Public Art Committee.
4. Write a letter to the appropriate senior level of government regarding the regulation of the sale and use of fireworks.
5. Direct staff to bring a report to a future Committee of the Whole meeting regarding traffic calming, active transportation, and street landscaping infrastructure to enhance safety and traffic flows along Colonia Drive to Walkem Road.
6. Refer the subject of creating art on the Holland Creek Trail culvert to the Public Art Committee for recommendations regarding process.



## COMMITTEE OF THE WHOLE MEETING MINUTES

Tuesday, November 14, 2023

6:34 P.M.

Ladysmith Seniors Centre  
630 2nd Avenue

### **Council Members Present:**

Councillor Marsh Stevens, Chair  
Mayor Aaron Stone  
Councillor Ray Gourlay  
Councillor Amanda Jacobson

Councillor Tricia McKay  
Councillor Duck Paterson  
Councillor Jeff Virtanen

### **Staff Present:**

Allison McCarrick  
Erin Anderson  
Chris Barfoot  
Jake Belobaba  
Chris Geiger

Trish McConnell  
Sue Bouma  
Mike Gregory  
Andrea Hainrich

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

Councillor Stevens, Chair, called this Committee of the Whole meeting to order at 6:34 p.m., and acknowledged with gratitude that it was being held on the unceded territory of the Stz'uminus First Nation.

## **2. AGENDA APPROVAL**

### **CW 2023-075**

That the agenda for this Committee of the Whole meeting for November 14, 2023 be approved.

*Motion Carried*



### **3. MINUTES**

#### **3.1 Minutes of the Committee of the Whole Meeting held September 12, 2023**

##### **CW 2023-076**

That the minutes of the Committee of the Whole Meeting held September 12, 2023 be approved.

*Motion Carried*

### **4. REPORTS**

#### **4.1 Protective Services Department Report**

##### **CW 2023-077**

That the Committee receive the report dated November 14, 2023 from the Manager of Protective Services regarding the activities of the Protective Services Department.

*Motion Carried*

#### **4.2 Street Naming Guidelines Policy**

##### **CW 2023-078**

That the Committee recommend that Council:

1. Rescind Street Naming Policy 11 5450 A; and,
2. Adopt Street Naming Guidelines Policy 11 5450 A.

*Motion Carried*

#### **4.3 2023 Q3 (Jul- Sep) Financial Update**

##### **CW 2023-079**

That the Committee receive the staff report dated November 14, 2023, regarding the 2023 Q3 (July to September) Financial Update from the Director of Financial Services.

*Motion Carried*

#### **4.4 1st Avenue and Gatacre Dedication**

##### **CW 2023-080**

That the Committee recommend that Council dedicate the 1<sup>st</sup> Avenue and Gatacre Street intersection as Harmony Square.

*Motion Carried*

## **5. COUNCIL SUBMISSIONS**

### **5.1 Ladysmith Flag Redesign**

#### **CW 2023-081**

That the Committee recommend that Council refer the redesign of the Town of Ladysmith flag to the Public Art Committee.

*Motion Carried*

### **5.2 Fireworks Permits**

#### **CW 2023-082**

That the Committee recommend that Council write a letter to the appropriate senior level of government regarding the regulation of the sale and use of fireworks.

*Motion Carried*

### **5.3 Traffic Calming on Colonia Drive**

#### **CW 2023-083**

That the Committee recommend that Council direct staff to bring a report to a future Committee of the Whole meeting regarding traffic calming, active transportation, and street landscaping infrastructure to enhance safety and traffic flows along Colonia Drive to Walkem Road.

*Motion Carried*

### **5.4 Culvert on Holland Creek Trail**

#### **CW 2023-084**

That the Committee recommend that Council refer the subject of creating art on the Holland Creek Trail culvert to the Public Art Committee for recommendations regarding process.

*Motion Carried*

### **5.5 Public Hearings**

Chair Stevens discussed the Public Hearing process, and the upcoming changes to the Provincial Legislation.

**6. ADJOURNMENT**

**CW 2023-085**

That this Committee of the Whole meeting adjourn at 8:01 p.m.

*Motion Carried*

CERTIFIED CORRECT

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Chair (Councillor M. Stevens)

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Corporate Officer (S. Bouma)

**STAFF REPORT TO COUNCIL**

**Report Prepared By:** Erin Anderson, Director of Financial Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** November 21, 2023  
**File No:**  
**Re:** **2024 Financial Plan – General Operations**

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**RECOMMENDATION:**

That Council approve:

1. Continuing with the Temporary part-time positions of Development Services Administration Assistant and Planner starting January 1, 2024 with the funding to come from surplus;
2. Authorize an additional 728 hours annually in the Parks, Recreation & Culture Department for front counter reception at FJCC;
3. Authorize an additional 160 hours annually in the Parks department for casual employees;
4. Remove one sustainability ambassador student position from the Solid Waste department and transfer the other sustainability student to the Parks department; and
5. Authorize an additional Councillor (total of 5) to attend UBCM annually and direct staff to amend the Council Remuneration Policy 5-1790-B to reflect this change.

**EXECUTIVE SUMMARY:**

This is the third budget meeting discussing the 2024 Financial Plan. The focus of this report is General Operations. Continuing to provide the existing level of service will cost an additional \$494,933 or 6.3% municipal budget increase. This amount does not include other agency taxation. Staff are also requesting funding to continue the two temporary positions in Development Services, add additional hours in Parks and reallocate one of the summer student positions from Solid Waste to Parks. Additionally, based on 2023, staff are requesting that Council allow an additional member of Council to attend the annual UBCM Convention.

**PREVIOUS COUNCIL DIRECTION:**

N/A

## **INTRODUCTION/BACKGROUND:**

The General Operating budget is the next topic in the budget meeting discussions of the 2024 Financial Plan. Overall, there is a \$494,933 or 6.3% municipal budget increase. The municipal taxes are only part of the overall property tax bill; the Town collects funds for other agencies based on their requests. Thus far, the Vancouver Island Regional Library is the only other agency that has provided their 2024 budget, which includes a 19% increase to their levy (from \$486,407 to \$578,184).

The municipal budget was prepared based on the existing service level. There are additional requests for higher level services. These amounts are not included in the presented budget as a separate decision is required prior to inclusion. These requests include:

### *Personnel*

- Part-time Development Services Administrative Assistance (3 days per week). The estimated cost is \$48,500 to be funded from surplus.
- Part-time Planner (3 days per week) in Development Services. The estimated cost is \$55,900 to be funded from surplus.
- Additional 160 hours for a casual employee in Parks. The estimated cost is \$6,200 to be funded from taxation.
- Additional 728 hours for a casual employee in Parks, Recreation & Culture. The estimated cost is \$28,500 to be funded through Regional Recreation taxation.
- Reallocate a summer Sustainability Ambassador from Solid Waste to Parks. The estimated cost is \$12,000, after the Canada Summer Job's program grant is approved, and will be funded from taxation.

### *Other*

- Increase annually the authorized members to attend UBCM (Mayor plus 5 Councilors). Estimate cost for 2024 is an additional \$5,000 with funds to come from taxation.

Should Council approve these requests, the total municipal budget increase would be an additional 0.66%.

In general, the budget was prepared to include the CUPE negotiated increase (2.5%) plus benefits, the contractual obligations for exempt staff (3.5%), Council increase (2%), and utility increases (2.7% to 5%). Average inflationary rates are also included in certain departments of the budget.

The budget was also prepared based on the current Financial Plan objectives and policies as well as some contingency plans and asset renewal budget costs.

### General Government - Corporate Administration

Within Corporate Administration are the areas of Mayor and Council, the office of the Chief Administrative Officer, Legislative Services, Financial Services, Information Technology, and Human Resources. Overall, the area is increasing significantly, which includes a contingency and asset renewal amount. Without this contingency, the increase would be 4.0% for the overall group.

Within this area, there is a greater administration charge which results in an increase to the water and sewer utilities and an offset to general administration. Funds have been allocated in anticipation of additional requests for service agreements, advertising, and legal costs. Within the Finance area, additional fees were included in the budget as the audit fees have increased \$13,000 based on the solicitation of bids. The IT budget has increased due to the anticipated move of the Town's servers. The Mayor & Council budget has increased to reflect the cost of travel off the Island to attend municipal conferences. Finally, overall revenue is expected to decrease due to reductions in operational grants from the Province.

### Protective Services

This area, made up of Policing, Fire and Bylaw, will see a 7.2% budget increase, though there are some significant changes in reporting structures that have resulted in budget figures differing from the year prior.

Animal Control, based on the contract, is increasing. This, coupled with the decrease in pet license revenue, has resulted in an overall increase in this area. Bylaw Services is now within the Protective Services area, reporting to the Fire Chief. In the past, Bylaw reported to the Supervisor in Building as well as another Director. This reporting structure change results in a slight savings to the Bylaw department, though this savings will be seen as an increase to the Development Services and Public Works areas. The Fire Department has requested additional funds for turnout gear and other firefighting equipment. The Fire Department training budget is increasing as well. There is also an increase to the Fire vehicle costs mainly to do with the debt servicing for the aerial truck.

The Police Tax amount is increasing \$199,611 or a budget increase of 12.52%. The per-member costs increased from \$213,610 to \$230,650, plus overtime. The Town pays for 70% of eight members, though there are more members within the detachment. Previously, the Town reduced the Police Tax to reflect vacancies on the municipal side of the detachment, but recently there has been no staff reduction. A budget increase of \$115,000 is necessary to fund the full 8 members. The Policing budget contains another \$48,000 incremental increase for e-comm, as this fee, currently paid by the Province, will

be the responsibility of the municipality starting in 2025. Council could choose to reduce the e-comm costs to reduce the Police Tax, though a future tax increase will be necessary to fund the approximately \$192,000 annual costs in 2025.

#### Infrastructure Services (Public Works)

This area will see an 8.2% budget increase. Inflation impacts this area the greatest in materials, supplies and fuel cost. Additionally, as new pieces of equipment are added to the fleet, there is an increase in the amount allocated to the vehicle replacement reserve.

The Engineering costs are relatively similar to the previous year. There is an increase in the Public Works operations budget due to line painting costs increasing. The snow and ice budget is increasing by \$46,180, mainly due to cost of operating the various equipment.

Over the last few years, the Town has employed one or two summer students to act as Sustainability Ambassadors, emphasizing recycling, drought tolerant planting and other green initiatives. Staff feel that though this program has achieved some of the education goals, the additional summer student job could be better used in the Parks department. This slight savings in the Solid Waste area will be used to offset the increase to the CVRD tipping fees of approximately 5%. Staff propose to keep the fees for Solid Waste Collection (garbage, recycling, and organics) the same at \$14 per month with any additional costs offset by the Recycle BC rebate.

Within the Parks Department, staff are requesting an additional 160 hours to extend casual employees beyond their regular term. This will allow the Parks Department to continue with the fall planting (i.e. bulbs) as well as to perform necessary work at the Cenotaph ahead of the Remembrance Day Ceremony. If approved, the estimated cost is \$6,200 to be funded from taxation.

#### Development Services

Development Services shows an increase of 24.4%, though most of this is due to reorganization of the Building and Bylaw areas. There is an increase of \$20,000 in Planning contracted service to begin the implementation of the new Official Community Plan.

Council may recall that a part time planner and a part time administrative assistant were added temporarily to this area for 2022. Staff request that these temporary positions continue another year, with the funding to come from prior year's surplus. These temporary positions are needed to get through the peak of the development applications.



### Parks, Recreation & Culture and Facilities Maintenance

The Parks, Recreation & Culture budget as it relates to FJCC was approved in September to meet the CVRD's budget deadlines. The Town's budget will be before the Cowichan North Recreation Commission for endorsement then incorporated into the Regional Recreation Function #390.

The regional recreation amounts continue to be phased in. For 2023, the Town will see 66% of the FJCC funding coming from the region in 2024. At the time of this report, this is expected to be an additional \$457,442 of operating and capital funding to be transferred from the Town to the CVRD. There will be a reduction in the Area G&H grant by approximately \$58,427.

Overall, the Parks, Recreation & Culture net impact on municipal property taxation is a reduction of 25.9%. If Regional Recreation funding was removed, this area would be increasing by 3.5% with the largest increase to the Fitness area as staffing is returning to pre-Covid levels, as well as increases to reserve funding for the eventual replacement of the new fitness equipment. Net costs of Recreation Programming also increased, due to anticipated reduction in revenues. Facility Maintenance costs are increasing, especially in contracted services where there are some minor capital special projects for 2024, such as the moss removal at various locations and replacing the FJCC Rec Room door. Aquatics revenues and a decrease to Tourism funding offset some of the cost increases.

### Transfers to/from Reserves

In keeping with the current Financial Plan Policy, 10% of last year's municipal taxation (or \$785,147) is allocated to capital projects. There are also additional funds allocated to asset renewal for 2024 in the amount of \$590,520.

### Other Revenues

With the higher interest rates, the return on investment is earning additional funds. The 2024 budget includes an additional \$430,000 anticipated for return on investment, or a total of \$1,080,000.

The prescribed interest amount applied against outstanding property taxes is expected to earn additional revenue. Also, assuming the split property tax penalty dates remain, the estimated penalty and interest revenue is increasing by \$4,140.

### **ALTERNATIVES:**

Council can direct staff to make adjustments to the proposed Financial Plan. Some options include:

- Not approving the additional hours;

- Reducing the e-comm funding;
- Reducing the amount allocated for asset renewal; and/or
- Directing staff to reduce service levels.

**FINANCIAL IMPLICATIONS:**

As discussed throughout the report.

**LEGAL IMPLICATIONS:**

The Financial Plan must be adopted before May 15, 2024.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

Citizens are encouraged to participate in budget discussions.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Each budget is prepared by the individual department.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

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

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

**Allison McCarrick, Chief Administrative Officer**

## **STAFF REPORT TO COUNCIL**

**Report Prepared By:** Erin Anderson, Director of Financial Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** November 21, 2023  
**File No:** 1850-20  
**Re:** 2023 Supplemental Grant in Aid Request

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### **RECOMMENDATION:**

That Council:

1. Determine if it wishes to waive the Grant in Aid Program Policy 05-1850-A and permit the Arts Council of Ladysmith and District and Ladysmith Friends and Family to submit an additional request for grant in aid funding and, if so, determine the additional grant in aid amount; and
2. Discontinue the grant in aid funded grant writing consultation service.

### **EXECUTIVE SUMMARY:**

Two additional requests for funds were received. As both the organizations Arts Council of Ladysmith and District and Ladysmith Family and Friends (LaFF) have received Grant in Aid (GIA) funds for 2023, Council must determine if it wishes to waive the policy, and, if so, specify the amount of the additional request. Staff are also requesting that the grant writing consultation service be discontinued due to lack of interest.

### **PREVIOUS COUNCIL DIRECTION:**

n/a

### **INTRODUCTION/BACKGROUND:**

Council deliberated and awarded the GIA funds earlier this year. The Arts Council and LaFF submitted funding requests at that time and were awarded \$7,000 and \$2,500, respectively.

Recently, supplemental requests were received from these organizations. The Arts Council requested an additional \$2,400; LaFF did not request a specific amount.

Since 2018, the Grant in Aid Policy states:

*Council will consider only one (1) application per Organization per year.*

Though there are funds set aside for late applications, the Policy requires that Council waive the Policy if it wishes to award any further funds.

Council also set aside GIA funding for a consultant to provide advice to the funding recipients. The intent was to assist recipients in securing alternative sources of funding. The program was communicated to each organization in their funding letter attached to the Grant in Aid payment. To date, there has been no interest. It is staff's recommendation that due to lack of interest, the program be discontinued. These funds (\$3,000) could then be allocated as a one-time increase to the Grant in Aid budget.

**ALTERNATIVES:**

Council can choose to:

1. Not provide additional grant funds to the organizations.
2. Direct staff to waive the Policy and provide a supplemental grant in aid to the Arts Council of Ladysmith for \$2,400 and to LaFF for \$1,500.
3. Direct staff to amend the Policy to permit additional requests.

**FINANCIAL IMPLICATIONS:**

The Grant in Aid Policy (2023) sets a specific budget amount of 0.8% of the previous year's municipal tax levy. In 2023, this amounted to \$66,670.

To date, the following has been spent:

	2023 Budget	2023 Actuals
Applications	\$ 56,100	\$ 56,100
Waive fees (to date)	\$ 2,500	\$ 969
Late/Council Discretion	\$ 5,070	\$ 0
Consulting Work	\$ 3,000	\$ 0

**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 recommendations.***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENT(S):**

- A – Request from Ladysmith Arts Council
- B – Request from LaFF

## ATTACHMENT A



The Arts Council of Ladysmith  
PO Box 2370, 444 Parkhill Terrace  
Ladysmith, BC  
[www.ladysmitharts.ca](http://www.ladysmitharts.ca) 250.245.1252

October 27, 2023

Town of Ladysmith  
410 Esplanade  
PO Box 220  
Ladysmith, B.C. V9G 1A2

Attention: Town Council

Dear Allison McCarrick:

Re: Grant in Aid Request \$2,400 Capital Campaign For Art Education Art Station

The Arts Council of Ladysmith is actively raising funds to support our arts education programming for the Town of Ladysmith. Our programming currently provides community members with 138 + hours a month of classes and art drop-ins, and we have 20 paid instructors who are professional artist. The Arts Council is attracting more qualified educators than ever before because of the quality of programming offered here.

The impending news regarding the School District asking the Arts Council to vacate is not news to us as we were originally told we would be here for up to 18 months. It is now going on over 4 years, and being proactive, we have been actively engaged in fundraising for classroom and office space since July of 2022. Prior to that, we were finding space and fundraising for a new gallery. We received a grant from the BC Arts Council to investigate possible opportunities for a classroom/office space. This investigation involved a team of professionals and four board members. The results are in, and we find that costs have sky rocketed during our investigation period, and we have limited choices in building design or available space to rent in our community.

However, as we always try our best for the community, and we know that a healthy community has art in it, we are continuing to seek a place where we feel secure and can continue to offer inclusive programming. We want to provide our community a space to create art, a space to meet, and a space to belong.

We are asking for a \$2,400 Grant in Aid to support arts education. Our education classes engage people from all ages, all year long. We also have amazing summer camps for youth that include theatre, music and art, and workshops for adults with some of Canada's leading artists. Without a place, this programming will not be able to be continued with the same energy and caliber we have created for Ladysmith. We are known for the quality of art in our gallery but also for the quality of our arts education.

## ATTACHMENT A

If you need more information, I would be happy to supply it. You can be assured that funds raised will be for our community, creating opportunity for those who love the arts. In our three year research project, we proved that ART is a big deal and a huge economic driver. People have moved to Ladysmith because of the arts, and our business community knows the importance of events such as Arts on the Ave.

Thank you for your consideration of this request.

Sincerely,

*Kathy Holmes*

Art Station Team

Kathy Holmes



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**Subject:** FW: LaFF's 20th Annual Winter Celebration  
**Attachments:** LaFF's 20th Annual Winter Celebration with Pear FINAL.docx



## LaFF's 20<sup>th</sup> Annual Winter Fundraiser

Dear Mayor, Council and staff,

As you know, annually, LaFF runs a much loved fundraising initiative to support ongoing programming. As we continue to connect families and build a healthy and nurturing community for all, we are reaching out to you in the hopes of securing your support this upcoming holiday season.

This year, LaFF is thrilled to be creating our annual winter fundraiser for families on Saturday, December 2nd at Aggie Hall. This year has been a financial struggle for many families in our community, as such, attendance at our winter fundraiser will be offered "by donation". The purpose of this is to make sure all members of our community will be able to attend. With your support, LaFF will be giving families an opportunity to make memories with a family dance, festive market, activity stations, a commemorative group photo and a healthy meal to make together at home. We welcome you to attend, support and share this event with your networks.

LaFF's 2023 fundraising goal for our winter event is \$36,000 and below are fun levels of support to choose from, with corresponding acknowledgement options. We appreciate your help this coming holiday season as we continue to connect families and build a healthy and nurturing community for all. Thank you for supporting LaFF and, in turn, the families we serve. We look forward to connecting with you. It 'Takes a Village' and we are grateful you are a part of ours!

Thank you for making a difference in our community!

Sincerely,

Jacqueline and the LaFF'ing Team

*Jacqueline Neligan*

LaFF Executive Director  
LEYP Chair  
[www.familyandfriends.ca](http://www.familyandfriends.ca)



## **LaFF's 20<sup>th</sup> Annual Winter Fundraiser**

**Dear Community Partners,**

**Annually, LaFF runs a much loved fundraising initiative to support ongoing programming. As we continue to connect families and build a healthy and nurturing community for all, we are reaching out to you in the hopes of securing your support this upcoming holiday season.**

**This year, LaFF is thrilled to be creating our annual winter fundraiser for families on Saturday, December 2nd at Aggie Hall. This year has been a financial struggle for many families in our community, as such, attendance at our winter fundraiser will be offered “by donation”. The purpose of this is to make sure all members of our community will be able to attend. With your support, LaFF will be giving families an opportunity to make memories with a family dance, festive market, activity stations, a commemorative group photo and a healthy meal to make together at home. We welcome you to attend, support and share this event with your networks.**

**LaFF's 2023 fundraising goal for our winter event is \$36,000 and below are fun levels of support to choose from, with corresponding acknowledgement options. We appreciate your help this coming holiday season as we continue to connect families and build a healthy and nurturing community for all. Thank you for supporting LaFF and, in turn, the families we serve. We look forward to connecting with you. It ‘Takes a Village’ and we are grateful you are a part of ours!**

**Thank you for making a difference in our community!**

**Sincerely, Jacqueline and the LaFF'ing Team**

ATTACHMENT B

<b>Donation Level:</b>	<b>Donation amount:</b>	<b>Choose your donation amount:</b>	<b>Ways you will be acknowledged: A, B, C, D, E, F, G, H, I</b>	<b>Acknowledgement options: Ways you wish to be acknowledged: (Circle your preferences)</b>
<b>Partridge in a Pear Tree</b>	\$7,500 +		A, B, C, D, E, F, G, H, I	<b>A. Social Media post on Facebook and Instagram</b>
<b>Turtle Doves</b>	\$6,000		A, B, C, D, E, F, G, H	<b>B. Your name displayed in the LaFF Office window and at event.</b>
<b>French Hens</b>	\$5,000		A, B, C, D, E, F, G	<b>C. Your name on the program at the event and displayed in the LaFF's Office window</b>
<b>Calling Birds</b>	\$4,000		A, B, C, D, E, F, G	<b>D. A 'live' story on Instagram</b>
<b>Golden Rings</b>	\$3,500		A, B, C, D, E, F	<b>E. Option to volunteer at the event and / or set up / take down</b>
<b>Geese-a-Laying</b>	\$3,000		A, B, C, D, E, F	<b>F. A handmade thank you card in the mail</b>
<b>Swans-a-Swimming</b>	\$2,500		A, B, C, D, E	<b>G. An invitation to a "French Toast Friday breakfast" during LaFF morning programming in 2024</b>
<b>Maids-a-Milking</b>	\$2,000		A, B, C, D, E	<b>H. A gift basket full of LaFF Love – samples of what we are giving away at the market event</b>
<b>Ladies Dancing</b>	\$1,500		A, B, C, D	<b>I. A personal tour of the event on Dec 2</b>
<b>Lords-a-Leaping</b>	\$1,000		A, B, C	
<b>Pipers Piping</b>	\$500		A, B, C	
<b>Drummers Drumming</b>	\$100		A, B, C	
		<b>Donation amount</b>		
<b>Pears</b>	\$20 suggested minimum		<b>B</b>	

## ATTACHMENT B

Ways to support LaFF	Benefits of sponsorship
<ul style="list-style-type: none"><li>• Make a financial donation</li></ul>	<ul style="list-style-type: none"><li>• Supporting your community</li></ul>
<ul style="list-style-type: none"><li>• Share/support LaFF's Winter fundraiser event</li></ul>	<ul style="list-style-type: none"><li>• Advertising your business online, at event, in 1<sup>st</sup> Ave office window</li></ul>
<ul style="list-style-type: none"><li>• Volunteer your time (contact us)</li></ul>	<ul style="list-style-type: none"><li>• Tax deduction for general donations to LaFF</li></ul>

**Name / business / organization:** \_\_\_\_\_

The total amount you would like to sponsor: \$\_\_\_\_\_

**Contact information:**

Email: \_\_\_\_\_

Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**Method of Payment:**

**Mail cheque and form to:** Box 1830, Ladysmith BC, V9G 1B4

**or**

**E-transfer:** ilovetolaff@shaw.ca and **leave a message in the memo** directing your donation request as well as **contact info to receive a tax receipt.**

For more information, please email laffadmin@shawbiz.ca or call 250-210-0870

LaFF Office: 532 1<sup>st</sup> Ave, Ladysmith      Mail: Box 1830, Ladysmith BC, V9G 1B4      [www.familyandfriends.ca](http://www.familyandfriends.ca)

## **STAFF REPORT TO COUNCIL**

**Report Prepared By:** Chris Barfoot, Director PR&C  
**Reviewed By:** Allison McCarrick, Chief Administrative Officer  
**Meeting Date:** November 21, 2023  
**File No:**  
**Re:** **Aquatic Pool Accessible Lift Replacement**

---

### **RECOMMENDATION:**

That Council:

1. Direct staff to purchase a new Aquatic Accessible Lift for up to \$20,000 with the funds to come from the remaining funds in the 2023 Oasis Pool and Hot Tub Resurfacing Capital Project; and
2. Amend the 2023-2027 Financial Plan accordingly.

### **EXECUTIVE SUMMARY:**

The accessible pool lift for the main pool at Frank Jameson Community Centre (FJCC) was slated for replacement in 2024, however, the lift has failed and is no longer operational. Parts for the lift are no longer available and staff are requesting to use \$20,000 in surplus funds from the 2023 Oasis Pool and Hot Tub Resurfacing project to purchase a new aquatic pool accessible lift that can be used for all three pools at FJCC.

### **PREVIOUS COUNCIL DIRECTION:**

N/A

### **INTRODUCTION/BACKGROUND:**

Recently, the aquatic pool accessible lift that primarily served the main pool reached its end of life. The equipment was scheduled for replacement in 2024, however, the lift is no longer operable. Repairing the lift is not an option as parts are no longer available. The proposed new replacement will serve those who use the main pool as well as the oasis pool and hot tub. The equipment shown in Attachment A will require some work to the existing pool deck as it utilizes a different mounting system. The new system includes three sleeves being installed into the pool deck at the three locations. Each sleeve will

require holes to be cored into the pool deck and the sleeves concreted into place. The lift can be easily moved to each pool, improving the overall access to the pools.

Accessibility is an ongoing challenge at FJCC. Recent facility modifications and plans for further improvements continue to address these challenges. The installation of a new accessibility lift will ensure those patrons with mobility challenges can continue to access the aquatic area.

#### Breakdown of estimated project costs

Expenses	Estimated Cost
Equipment and Materials	\$10,000
Installation and Labour	\$6,000
Contingency and Misc Expenses	\$4,000

#### **ALTERNATIVES:**

Council can choose to:

1. Not replace the aquatic pool accessible lift, resulting in the pool being inaccessible to patrons with mobility challenges.
2. Postpone the repairs and direct staff to include the replacement in the 2024 Capital Requests as planned.

#### **FINANCIAL IMPLICATIONS:**

Using the \$20,000 of remaining funds from the Oasis Pool and Hot Tub Resurfacing Capital Project will have less impact on operational budgets for the emergency replacement.

#### **LEGAL IMPLICATIONS:**

N/A

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

Replacing the lift will allow the facility to remain accessible for patrons with mobility challenges. The proposed replacement will also provide the opportunity for access to the hot tub and oasis pool that is currently not available.

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

The project will be managed by the Facility Maintenance.

#### **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.***

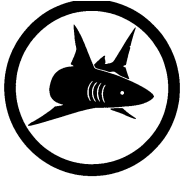
**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENT:**

- A. Aquatic Pool Lift Estimate



# ATTACHMENT A



## COMMERCIAL AQUATIC SUPPLIES

A Division of DB Perks & Associates Ltd

Phone: 604-980-2812  
Toll Free: 1-800-663-5905

Fax: 604-980-0196  
E-Mail: [bill@comm-aquatic.com](mailto:bill@comm-aquatic.com)

#108 – 2411 Dollarton Highway  
North Vancouver BC V7H 0A3

# Quotation

**To:** Town of Ladysmith/Aquatics  
**Attn:** Tami-Lyn Stephen 250-245-6424  
**Email:** [Tstephen@ladysmith.ca](mailto:Tstephen@ladysmith.ca)

**Quotation Date:** July 7, 2023  
**Salesperson:** Bill Sawchuk

**Estimated shipping date:** 3 – 4 Weeks

**F.O.B.** Destination

**Shipped Via:** Ground

**Terms:** Net 30

Quantity	Description	Price Each	Extension
1	Aqua Creek Mighty 400 Pool Lift #F-MTY400	\$7,036.20	\$7,036.20
1	Anchor for Above #F-808SA	\$173.75	\$173.75
1	Spare Battery #F-004ABV (Recommended)	\$418.10	\$418.10
1	Freight to Destination	\$795.00	\$795.00
	*GST		\$39.75
	*PST		\$55.65
	TOTAL		\$8,518.45
	*Taxes on Freight Only		
	Thank you,		
	Bill		

We are pleased to submit the above quotation for your consideration. Should you place an order, be assured it will receive our prompt attention. This quotation is valid for 30 days. Thereafter it is subject to change without notice.

**By:**

**Accepted:**

**Date:**

Sign and return copy when ordering

Thank You!!

**STAFF REPORT TO COUNCIL**

**Report Prepared By:** Andrea Downey, Programmer Recreation & Culture  
**Reviewed By:** Chris Barfoot, Director Parks, Recreation & Culture  
**Meeting Date:** November 21, 2023  
**File No:**  
**Re:** **2024 Community Banner Program Theme Selection**

**RECOMMENDATION:**

That Council approve the theme 'Ladysmith Celebrates' for the 2024 Community Public Banner Program.

**EXECUTIVE SUMMARY:**

The Public Art Committee (PAC) is recommending to Council the theme "Ladysmith Celebrates" for the annual Community Banner Program.

The 2024 theme highlights the Town's festivals and celebrations through art that create opportunities to be together, foster community, strengthen relationships, and celebrate culture and diversity.

The Community Banner Program showcases downtown, Transfer Beach Boulevard and a section of 4<sup>th</sup> Ave.

**PREVIOUS COUNCIL DIRECTION:**

Resolution	Meeting Date	Resolution Details
CS 2022-257	2022-10-25	That Council approve the theme "Connecting Ladysmith Through the Arts" for the 2023 Community Public Art Banner Program.

**INTRODUCTION/BACKGROUND:**

The purpose of the Community Banner Program is beautification and the promotion of community identity. Community banners add vibrancy and community spirit throughout Ladysmith and help represent Ladysmith's small-town charm, coastal community life and diverse cultural heritage. Annually, the Public Art Committee (PAC) recommends themes for the program and makes its recommendations to Council.

At its meeting held November 5th, 2023, the PAC made the following recommendation:

2023-11: That the Committee recommends the theme of “*Ladysmith Celebrates*” for 2024.

The Community Banner Program showcases the downtown core, Transfer Beach Boulevard, and 4<sup>th</sup> Avenue.

**Purpose of Public Art Committee and Coordination of the Community Banner Program:**

In April 2023, the Public Art Committee (PAC) was formed, replacing the Public Art Task Group.

In consultation with the PAC, staff manage the Community Banner Program, which includes an annual call for artists. The PAC will recommend the theme for the Banner Program to Council and will subsequently strike a selection panel to choose and recommend the banner design to Council.

Each year, banners are displayed from May to October.

Theme Recommendations:

The PAC recommends a theme that showcases the Town’s festivals and celebrations through art that create opportunities to be together, foster community, strengthen relationships, and celebrate culture and diversity. Ladysmith’s and Stz’uminus’ natural environment inspires creativity and community events and gatherings that create a sense of belonging.

The Public Arts Committee recommends the 2024 theme of “**Ladysmith Celebrates**”.

Zone	Banners	Theme
Downtown	Community Public Art	Ladysmith Celebrates
Transfer Beach Boulevard & 4 <sup>th</sup> Avenue	Community Seasonal - Town	Connecting Ladysmith Through the Arts (2023 Theme)

**ALTERNATIVES:**

Council can choose to:

1. Not approve the proposed theme and refer the theme back to the PAC for further refinement.

**FINANCIAL IMPLICATIONS:**

The existing annual operational funding for the banners will be used for the Community Banner Program. Existing funding would continue to cover the artist’s fee, design and production costs.

**LEGAL IMPLICATIONS:**

N/A

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

The purpose of the Community Banner Program is beautification and promotion of Ladysmith's community identity. Community banners add vibrancy and community spirit throughout Ladysmith and will represent Ladysmith's small-town charm, community vibrancy and diverse cultural heritage.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The installation of the Community Banners is coordinated with Infrastructure Services.

**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**

**REPORT TO COUNCIL**

**Report Prepared By:** Andrea Downey, Programmer – Recreation and Culture  
**Reviewed By:** Chris Barfoot, Director PR&C  
**Meeting Date:** November 21, 2023  
**File No:** 1770-01  
**Re:** Public Art Deaccession – Julian North Collection

**RECOMMENDATION:**

That Council direct staff to proceed with the deaccession of the Julian North Public Art Collection as recommended by the Public Art Committee, following the defined deaccession process outlined in the Public Art Policy.

**EXECUTIVE SUMMARY:**

The Public Art Collection from the artist Julian North was donated to the Town and has been in the Town's inventory since 2013. It was on display at the Ladysmith Art Gallery in 2017 for a weeklong display and has been in storage, located in the lower level of FJCC, since being removed from display. The collection is showing signs of deterioration and requires removal from the Town's inventory. Staff are requesting Council's direction to proceed with the deaccession.

**PREVIOUS COUNCIL DIRECTION:**

Resolution	Meeting Date	Resolution Details
CS 2016-282	2016-08-15	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Direct staff to:               <ol style="list-style-type: none"> <li>a. Enter into a memorandum of understanding (MOU) with the Ladysmith Arts Council (LAC) to manage the Julian North Art Collection;</li> <li>b. Reallocate \$3,500.00 from Parks, Recreation and Culture appropriated equity to fund the shipping and storage of the art collection, and amend the 2016-2020 financial plan;</li> <li>c. Include \$500.00 annually in the operational budget beginning in 2017, to manage the Julian North Art Collection on an ongoing basis;</li> <li>d. Provide a thank you letter from Council to Victoria Bellefeuille for her generous donation of the Reverend Julian North's artwork.</li> </ol> </li> </ol>

Resolution	Meeting Date	Resolution Details
		2. Proceed with recruiting representatives from community organizations having expressed interest in participating in the Canada 150 Community Committee, including Ladysmith Early Years Partnership, Ladysmith Chamber of Commerce, Ladysmith Arts Council, and the Ladysmith and District Historical Society.
MS 2016-030	2016-07-11	That the Committee recommend that Council direct staff to: 1. Enter into a memorandum of understanding (MOU) with the Ladysmith Arts Council (LAC) to manage the Julian North Art Collection; 2. Reallocate \$3,500.00 from Parks, Recreation and Culture appropriated equity to fund the shipping and storage of the art collection, and amend the 2016-2020 financial plan; 3. Include \$500.00 annually in the operational budget beginning in 2017, to manage the Julian North Art Collection on an ongoing basis; 4. Provide a thank you letter from Council to Victoria Bellefeuielle for her generous donation of the Reverend Julian North's artwork. OPPOSED: Councillor Henderson
CS 2014-380	2014-11-17	That Council request the Ladysmith Arts Council to store and manage the Julian North art collection, which was donated to the Town, and that the Town provide annual funding to assist the Arts Council in managing the collection.

#### **INTRODUCTION/BACKGROUND:**

In 2013, the Town of Ladysmith accepted a donation of artworks by the late Julian North to be added to the Public Art inventory. There are 28 pieces within the Julian North Collection, shown in Attachment B. At that time Council requested that staff investigate options to manage this donation of artworks and to coordinate storage and possible future display. In regard to displaying the artwork a letter was sent to local churches to solicit interest in showing the artworks and to date, there has been no response or interest. In 2017 the Arts Council of Ladysmith & District (ACLD) and the Ladysmith Food Bank agreed to exhibit the project which was held at the ACLD Waterfront Gallery in 2017. It has been in storage at FJCC since the weeklong exhibition ended. An agreement for the ACLD to manage the collection was initiated in 2016. However, this agreement between the Town of Ladysmith and the Ladysmith Arts Council to manage the Julian North Collection was dissolved in 2020.

The Town does not currently have the ability to store the project in a manner recommended by the Arts Council as noted in the letter dated January 30, 2017(Attachment C). For this reason and

the unsuccessful attempts to find a suitable location to display the collection, the Public Art Committee is recommending the deaccession of the collection with Council's approval.

Tool kits were created to provide processes and procedures that support the Public Art Policy. Tool Kit #3, shown in attachment D, describes the guidelines for the deaccession of public art. The purpose of these guidelines is to establish the thoughtful practice for the deaccessioning of works of art belonging to the Town of Ladysmith, including artwork that has been installed in public places, is being stored or donated to the Town. The guidelines are meant to protect the integrity of the Public Art program.

**ALTERNATIVES:**

Council can choose to:

1. Continue to store the collection at FJCC, risking further deterioration.
2. Direct staff to continue seeking a suitable location for the long-term display of the entire collection.

**FINANCIAL IMPLICATIONS:**

No operational funds have been budgeted for the costs associated with proper storage and ongoing maintenance required for the Julian North Collection. In 2014 these costs were estimated to be \$2,000 annually.

**LEGAL IMPLICATIONS:**

N/A

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

The collection has been in storage since 2013 and not viewable by the public.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The PR&C department will facilitate the deaccession process.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

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

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

**Allison McCarrick, Chief Administrative Officer**



**ATTACHMENTS:**

- A. Donation Acceptance Letter from the Town of Ladysmith
- B. Photos of the collection
- C. Art Council Letter
- D. Public Art Policy -Tool Kit #3
- E. Public Art Policy



# TOWN OF LADYSMITH

410 Esplanade, P.O. Box 220, Ladysmith, B.C. V9G 1A2

Municipal Hall (250) 245-6400 • Fax (250) 245-6411 • [info@ladysmith.ca](mailto:info@ladysmith.ca) • [www.ladysmith.ca](http://www.ladysmith.ca)

January 10, 2014

Ms. V. Bellefeuille  
6111 Denali Drive  
Duncan, BC V9L 5N4

Dear Ms. Bellefeuille:

**Re: Donation of Paintings by Julian North**

On behalf of Council of the Town of Ladysmith, I am pleased to confirm formally that the Town gratefully accepts the donation of your brother, Reverend Julian North's artwork. We are very grateful that it was his wish for these works to remain in Ladysmith.

We are investigating the opportunity to host a showing of his collection with the Ladysmith Arts Council as a fundraiser for the Ladysmith Food Bank. I will send you an invitation so that you can see his hard work displayed to help the community he loved.

We will also be contacting the community churches to offer the opportunity to display your brother's works for longer periods of time, on a rotating basis. We are positive that his work will be enjoyed by all.

Again, thank you so much for this generous donation. Please contact me at 250.245.6403 or email at [rhutchins@ladysmith.ca](mailto:rhutchins@ladysmith.ca) if you have any questions or wish to discuss the matter further.

Sincerely,

Robert Hutchins  
Mayor

## Attachment B





## WATERFRONT GALLERY

---

610 Oyster Bay Drive (on the way to Transfer Beach), Ladysmith  
Open Tuesday to Sunday | noon to 4pm  
PO Box 2370 Ladysmith BC V9G 1B8 | 250.245.1252  
[www.ladysmithwaterfrontgallery.com](http://www.ladysmithwaterfrontgallery.com)

January 30, 2017

Town of Ladysmith  
PO Box 220  
Ladysmith, B.C.  
V9G 1A2

Dear Clayton:

Re: Julian North Collection

The Ladysmith Waterfront Gallery delivered the Julian North Collection to the Frank Jameson Centre today. Each painting has been packed individually, labeled and numbered from 1 – 28. It should be noted that the frames are bruised which is normal because of the wear and tear from being stored by the original owner. I would like also to mention that as a general rule, a temperatures: of 55 – 65 degrees. Or 12.78 C – 18.33 C and Relative humidity of 40 to 45%, will help preserve the paintings.

As well as the paintings there are two books Earthairial Art – A Force of Another World by Julian North And Mayan Legacy by Reverend Julian North , some framed prints, slides and poster and photographs are also included with the collection.

Sean Sherstone has photographed each painting and will provide you with a disc and flash drive. You are already in the possession of the appraisal.

Sincerely

Kathy Holmes





# toolkit #3

## Guidelines for the Deaccession of Public Art



## Background Statement & Intent

The purpose of these guidelines is to establish the thoughtful practice for the deaccessioning of works of art belonging to the Town of Ladysmith including artwork that has been installed in public places, is being stored or donated to the Town. The guidelines are meant to protect the integrity of the Public Art program.

This process will insulate the deaccessioning process from the fluctuations of fashion.

The de-accessioning of an artwork, whether through sale, exchange, gift or any other means, must not be contrary to the terms on which it was received.

Deaccessioning should be a deliberate and seldom-used procedure.

## Definitions

**Deaccessioning:** Any actions or set of procedures that result in the cessation by the Town of Ladysmith of its ownership and possession of works of art installed in public places, through sale, exchange, gift or any other means.

## Conditions

The Town may, at its discretion, consider deaccessioning an artwork if any of the following conditions apply:

- It is of clearly inferior quality; or, in the opinion of the PATG, the work has received consistent adverse public reaction over a period of seven or more years; or the prevailing climate of public opinion recommends a review
- It is fraudulent, not an authentic work, or there is a valid challenge to title
- It possesses faults of design or workmanship which result in excessive or unreasonable maintenance, a threat to public safety, and/or damage to an extent where repair is unreasonable or impractical
- Destruction of, or changes to the site threaten the artworks survival or result in a significant diminishing of its artistic integrity and effectiveness
- A written request from the artist has been received
- Town Council determines that there is an exceptional and unforeseen reason for removing the artwork from its current site, and no other suitable site can be found

## Procedures

Providing one of the written conditions in the preceding section applies, deaccessioning requests will be referred to Staff and then the Public Art Task Group.

Town staff may assemble the following information for the Public Art Task Group, including as necessary:

- reasons for the suggested deaccessioning;
- opinion of the Legal Department;
- acquisition method and cost (original documents);
- informal estimate of the current value of the work (if the acquisition cost exceeded \$5000 at least one expert appraisal of the current value of the work);
- cost of deaccessioning or removal;
- any documented public response to the work;
- a report on the condition of the artwork from a professional conservator (to fix and repair);
- suggested and alternative course of action (for example, relocation);
- a list of appropriate recipients.

The Public Art Task Group in cooperation with staff will designate a jury of no fewer than three and no more than five persons having suitable expertise, including a majority of art professionals and at least one neighbourhood representative, if appropriate, to review the proposed deaccessioning.

Where applicable and achievable, the artist whose work is being considered for deaccessioning will be notified by seasonal means and invited to comment in writing or in person by a specified deadline.

Where applicable and achievable, the original sponsor of the work shall be notified by reasonable means and be invited to comment in writing or in person by a specified deadline.

The jury may recommend any of the following courses of action as a result of its deaccessioning review. The jury shall not be limited to these suggested solutions, but may suggest new methods as may be demanded by any particular set of circumstances.

- sell, auction or trade the artwork;
- give the artist or sponsor first opportunity to buy back the work at the current appraised value, to be transacted by a specific date;
- seek bona fide appraisal and advertise sale;
- dispose of the work through Town disposing of assets in the Purchasing Policy;
- relocate the work;
- store the work temporarily;
- recommend improvements or alterations, agreeable to the artist and or sponsor to the artwork or site;
- retain the work;
- appropriate disposal (including recycling);
- other solutions or recommendations as determined by the review and circumstances

The Public Art Task Group jury recommendation(s) for action will be conveyed to PRCAC and Town Council for final approval at a regularly scheduled meeting.

All financial proceeds resulting from any sale or trade of public art are to be deposited in the Town's Public Art Reserve Fund.

TOPIC:	PUBLIC ART POLICY	
POLICY No:	15-7710-B	
APPROVED BY:	Council	RESOLUTION NO: CS2020-027
DATE:	January 21, 2020	
AMENDED:	March 14, 2023	

### 1. CONTEXT

In February 2019, the Ladysmith Public Arts Strategy was completed. Public art is a highly visible, accessible, and engaging way of telling stories on a community-wide scale. Through mixed media artistic platforms, public art can make us stop, re-examine, and spark conversation about the ideas that art brings to our lives and communities.

### 2. PURPOSE

This policy will direct the integration of artwork into public spaces and capital projects in the Town of Ladysmith, through a well-administered, transparent process and appropriately funded public arts program.

Public art reflects the identity of our Town, gives voice to community and builds relationships between diverse groups. Public art gives meaning to place by interpreting the natural, social, cultural and built environment.

The purpose of this policy is to:

- Increase the liveability and artistic richness of the municipality by making art a permanent part of our environment and a legacy for future generations.
- Provide opportunities for the public to engage with and increase their awareness, appreciation, knowledge and education of public art.
- Develop a sense of place, community pride and identity through the creation of new works.
- Integrate art and artists into a variety of public settings.
- Create art that inspires people and is an expression of the time.
- Enhance the attractiveness of the Town and promote cultural tourism.
- Provide opportunities for artists at all levels and career stages.
- Serve as an act of public trust and stewardship for public art.
- Establish a sustainable funding mechanism to support the Town's commitment to public art.

### 3. GUIDING PRINCIPLES

The Public Arts Policy ensures that public art is:

- To celebrate and commemorate local stories of place; contributing to the Town's character and is demonstrating the significance of art in community life.



- To create or select works with genuine intentions to ensure transparency through an informed, open and fair public art competition process.
- To showcase a variety of art forms and creative methods including temporary & performance arts; reflective of a wide range of professional artistic expression and practice, demonstrating excellence, quality and innovation.
- A catalyst for creativity by providing opportunities for community engagement, development and partnerships.
- To represent local community-based projects; and considers regional, national or international submissions when appropriate.
- To support and enhance the visual heritage and stories of Stz'uminus First Nation.
- To enhance the public realm; ensuring the public shall have free and unobstructed access.
- To spark conversation and gathering in public places.
- Integrated into the planning, design and execution of applicable civic development.
- To promote belonging, social cohesion, and inclusivity.

#### 4. **ROLES**

Council will:

- Approve the Public Arts Policy and any changes to the Public Arts Policy, as needed.
- Approve expenditures through the budget process.
- Approve public art expenditures for capital projects through the budget process.
- Approve the annual public art maintenance budget through the budget process.
- Approve members of the Public Art Committee (PAC).
- Appoint a member of Council to the Public Art Committee as a 'Council Liaison'.
- Approve PAC Terms of Reference.

Staff will:

- Recommend project budgets through the Town's annual budget process.
- Develop scope and terms of reference for each new proposed public art project.
- Prepare the Call to Artists and submit to the Public Art Committee for review.
- Coordinate the acquisition or de-accession of artistic works in accordance with this policy.
- Coordinate the review and selection process for a given project.
- Administer project budgets.
- Establish and maintain a public art inventory.
- Coordinate conservation of the Town's public art as required.
- Coordinate the animation of the Town's public art as required.
- Liaise with artists, arts professionals and arts organizations as required.
- Coordinate regular Public Art Committee meetings, circulating information, providing guidance and arranging for the recording of minutes.
- Complete other duties that may be required to manage the program.

## **5. PUBLIC ART COMMITTEE**

PAC will provide advice and recommendations to Council on specific Public Arts projects, including selection processes, acceptance of grants, gifts, donations, and bequests and deaccession as referred by Council.

A Terms of Reference for PAC, approved by Council, outlines their roles and responsibilities in relation to the implementation of the Policy.

The Public Art Committee has two functions:

- To advise the Town on public art issues and trends relevant to public art initiatives in the town.
- To advise on specific issues, such acquisition as donations, deaccession, and commissions of work.

Composition of the Public Art Committee may be comprised of the following to a maximum of 9 members:

- Parks, Recreation and Culture Advisory Committee (1)
- Arts Council of Ladysmith and District (2)
- Town Council representative (and alternate) (1)
- Parks, Recreation and Culture Staff representative (non-voting) (1)
- A member of Stz'uminus First Nation (1) when available to participate or project specific.
- A Community representative (1)
- A Community youth representative (1)
- Additional organizational representative (1) – where required, such as Developer.

## **6. FUNDING**

The Town of Ladysmith, through the annual budget process, will allocate funds toward the creation and maintenance for art in public places. As part of the annual budgeting process and approval of the annual financial plan, PRC Staff submits an annual budget for the Department.

Additional funding sources may include:

- Gift and Donations; cash and artworks.
- Bequeathment Program; cash and artworks.
- Endowment Program.
- Grants.

Future consideration may include:

- Public Arts Reserve Fund – phased in approach. The Public Arts Reserve Fund provides a funding source for the planning, design, fabrication, acquisition, installation and maintenance of art in public places. Project funds may be pooled to establish community, neighbourhood and/or Town Centre public arts initiatives, or to enhance selected project budgets.
- Civic Capital Projects - % of total project costs allocated to funding art in public places for a capital project – phased in approach. Applicable projects include new building construction, major additions to existing buildings, park development projects and new engineering structures.

## **7. PUBLIC ART SITING**

Applicable projects may include new municipal building construction, major additions to existing buildings, park development projects and new engineering structures and should consider the following criteria:

- Visibility for pedestrians and/or motorists.
- Proximity to high pedestrian activity areas, places of public gathering, public open spaces and recognized pedestrian routes.
- Opportunities to expand on existing or future public artworks as part of an existing or proposed multi-artwork concept.
- Places of special heritage or community significance.

## **8. CONFLICT OF INTEREST**

Staff of the Town of Ladysmith, all members of the Public Art Committee shall declare a conflict of interest and remove themselves from a selection process where a project comes before the Committee in which he or she is involved either directly or indirectly.

## **9. ACQUISITION**

### **Public Art**

The Town may purchase, commission or receive donations/bequeathment of public art. Each acquisition will follow the procedures outlined within this policy and related guidelines. Each acquisition will be accompanied by a maintenance and de-accession plan that is supplied by the artist or donor. The Town of Ladysmith retains the ownership of all artwork purchased or donated through the Public Arts Policy.

### **Donations**

The Town of Ladysmith may consider the offer of artwork donation for placement in a public space. Given the scope of a proposed donation, staff may decide to invite the PAC to join the review process to ensure that all subject matter areas are addressed when reviewing the proposal. All donations must be unencumbered. The Town may decline to accept any gift, bequest or donation of art.

Consideration of a proposal to gift an artwork shall be made on the understanding that: No civic funds shall be required for production or installation of the artwork, including all engineering and design costs, construction, site preparation and installation as well as the production of interpretive information and signage.

If the fair market value is estimated to be more than \$1,000, an appraisal of the artwork must be conducted by an independent, qualified arts professional and submitted to the Town. The name and address of the appraiser must be included on the official donation letter. The Town must be satisfied that the appraised amount is an accurate determination of the fair market value of the artwork.

All sections of this policy apply to considerations of art proposed as gifts to the Town.

### **Public Art On Loan**

The Town may secure public art on loan for display on a temporary basis.

### **Copyright of Artwork**

The Town of Ladysmith will uphold the Government of Canada's copyright guidelines as outlined by the Canadian Intellectual Property Office.

## **10. PROCESS**

The process for selecting a project and/or an artist for an art in public places project is informed by expertise and community input, including advice from the Public Art Committee.

Subject to the nature of the project, the Town shall establish one of the following:

- Open competition, wherein a public call to artists is made within a stipulated geographical area (e.g., local, regional, provincial, national, international).
- Invitational competition, wherein specific artists, chosen on the basis of consultation with the Public Arts Committee, are invited to enter a competition.
- Commissioning, wherein a specific artist is commissioned to do the artwork.
- Design team appointment, wherein, as part of an infrastructure project, the project team invites an artist(s) to participate in a design collaboration process as a design team member.

## **11. DE-ACCESSION**

The Town of Ladysmith may de-access public art when necessary. All reasonable efforts will first be made to resolve problems or re-site the public art, in consultation with the artist and/or donor, where appropriate. If a work is scheduled to be de-accessioned, the Town will make every effort to inform the artist or artist's family. In all cases, the rights of the artist must be upheld in accordance with the Canadian Copyright Act.

The de-accessioned artwork may be moved, sold, returned to the artist or destroyed, with any monies received through a sale allocated to the Public Arts Reserve Fund.

## **12. COLLECTION MANAGEMENT**

The Town of Ladysmith, through the department of Parks, Recreation & Culture, shall maintain the integrity and security of works of art through:

- Professional standards for art documentation.
- Instructions on maintenance and de-accessioning from the artist as a part of the acquisition process.
- Instituting management systems for cleaning, maintenance, repair, and de-accessioning.
- Maintaining a database of artworks.

## **13. PRIVATE DEVELOPMENTS and OTHER ORGANIZATIONS**

Although outside the definition of public art, Staff recognizes that the private sector plays a significant role in the provision of art on private lands throughout Ladysmith.

The Town encourages developers to provide artwork located on private property. Town Staff is available to liaise with and provide resources to private developers who are interested in exploring a public art project.

Private artworks may be incorporated into architecture and landscape designs of private infrastructure, or the layout of private open spaces, including private connections to adjacent public features such as parks and open spaces.

Considerations for integration of art into projects on private-held land that are subject to Development Permit Area and Heritage Conservation Area requirements, should also be discussed with Town Staff to ensure proposals are sited and integrated in an appropriate manner.

**REVIEW OF POLICY**

The Public Arts Policy, and related implementation procedures, guidelines, and financial contribution levels, will be reviewed by the inter-departmental staff team in consultation with the Public Art Committee to ensure ongoing viability and relevancy.

**BYLAW STATUS SHEET**  
**November 21, 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 scheduled for November 21, 2023. MOTI approval required.



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

Office: 250.746.2500  
Fax: 250.746.2513  
Toll Free: 1.800.665.3955

November 14, 2023

File No.: 2000-04 Municipal Regional District Tax

via email: [towncouncil@ladysmith.ca](mailto:towncouncil@ladysmith.ca)

Their Worship Mayor Aaron Stone  
Town of Ladysmith  
Box 220 – 410 Esplanade  
LADYSMITH BC V9G 1A2

Dear Mayor Aaron Stone:

**Re: Formal Request for Letter of Support**

This letter is a formal request for the Town of Ladysmith to provide a letter of support for the reallocation of Online Accommodation Platform (OAP) Municipal Regional District Tax (MRDT) revenue to affordable housing within the Cowichan Valley Regional District (CVRD) effective January 1, 2024. A sample letter and resolution are attached for consideration.

The CVRD is currently in year 2 of a 5-year agreement with the Province of BC to administer the MRDT within the region at a rate of 2%. In light of the housing crisis, there is an immediate opportunity to reallocate OAP revenues to affordable housing with the submission of the 2024 MRDT Tactical Plan and Budget, which will be presented to the CVRD Board on December 13, 2023.

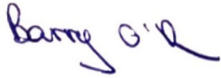
Please find attached an Economic Development Cowichan (EDC) staff report dated November 8, 2023 regarding MRDT Options for Affordable Housing and detailing the background, analysis, stakeholder engagement, MRDT reallocation options, and financial considerations.

On November 8, 2023 the CVRD Board approved the following resolution:

1. *The CVRD send letters to each municipality seeking support for the reallocation of Online Accommodation Platform MRDT revenues to affordable housing; and*
2. *Staff work with Tourism Cowichan Society to prepare a 2024 MRDT Tactical Plan and Budget that allocates Online Accommodation Platform MRDT revenues to affordable housing, subject to municipal support.*

To ensure an application of OAP MRDT revenues towards affordable housing initiatives starting in 2024 is submitted on time, a response to the undersigned is requested by December 1, 2023.

Yours truly,



Barry O'Riordan  
Manager, Economic Development Cowichan

Attachments (3)

BO/jm

cc: Danielle Myles Wilson, CAO

Allison McCarrick, CAO; Sue Bouma, Interim Manager Corporate Services





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** October 25, 2023  
**MEETING TYPE & DATE** Committee of the Whole of November 8, 2023  
**FROM:** Economic Development Division  
Strategic Services Department  
**SUBJECT:** MRDT Options for Affordable Housing  
**FILE:** 6750-20 REG 2022-2023 Workforce Housing

## **PURPOSE/INTRODUCTION**

The purpose of this report is to seek direction from the Board on the use of Online Accommodation Platform (OAP) Municipal and Regional District Tax (MRDT) funds for affordable housing initiatives.

## **RECOMMENDED RESOLUTION**

That it be recommended to the Board on November 8, 2023 that:

1. The CVRD send letters to each municipality seeking support for the reallocation of Online Accommodation Platform MRDT revenues to affordable housing; and
2. Staff work with Tourism Cowichan Society to prepare a 2024 MRDT Tactical Plan and Budget that allocates Online Accommodation Platform MRDT revenues to affordable housing, subject to municipal support.

## **BACKGROUND**

### **Municipal and Regional District Tax (MRDT)**

The Municipal and Regional District Tax (MRDT) is a tax of up to 3% applied to sales of short-term accommodation in participating areas of British Columbia on behalf of municipalities, regional districts, and other eligible entities. The MRDT is jointly administered by the Ministry of Finance, Ministry of Tourism, Arts, Culture and Sport, and Destination BC.

The CVRD is currently in year 2 of a 5-year agreement with the Province of BC to administer the MRDT within the region at a rate of 2%. The CVRD has delegated the administration of the MRDT program to Tourism Cowichan Society (TCS). The CVRD remains the designated recipient and is fully responsible for compliance with all MRDT program requirements. The CVRD works closely with TCS in the preparation and submission of MRDT plans and reports.

### **MRDT for Affordable Housing**

The MRDT was introduced by the Provincial Government in 1987 to provide funding for local tourism marketing programs and projects. The tax is intended to help grow BC tourism revenues, visitation, and jobs, and amplify BC's tourism marketing efforts in an increasingly competitive marketplace.

In 2018, the eligible uses of MRDT revenues were expanded to include affordable housing initiatives. This was intended to provide flexibility to communities to address their local housing needs. Designated recipients may use MRDT revenues for the following purposes for spending on affordable housing initiatives:

- Acquiring, constructing, maintaining, or renovating housing or shelters;
- Acquiring or improving land used for, or intended to be used for, housing or shelters;
- Supporting the acquisition, construction, maintenance, renovation, or retention of housing or shelter; or the acquisition or improvement of land intended to be used for housing or shelters;
- Supporting housing, rental, or shelter programs; and/or
- Paying expenses related to the administration or disposal of housing, shelter, or land acquired with money paid out of MRDT revenues.

Designated recipients wishing to use MRDT revenues for affordable housing must submit an Affordable Housing MRDT Plan with their annual MRDT Tactical Plan and Budget.

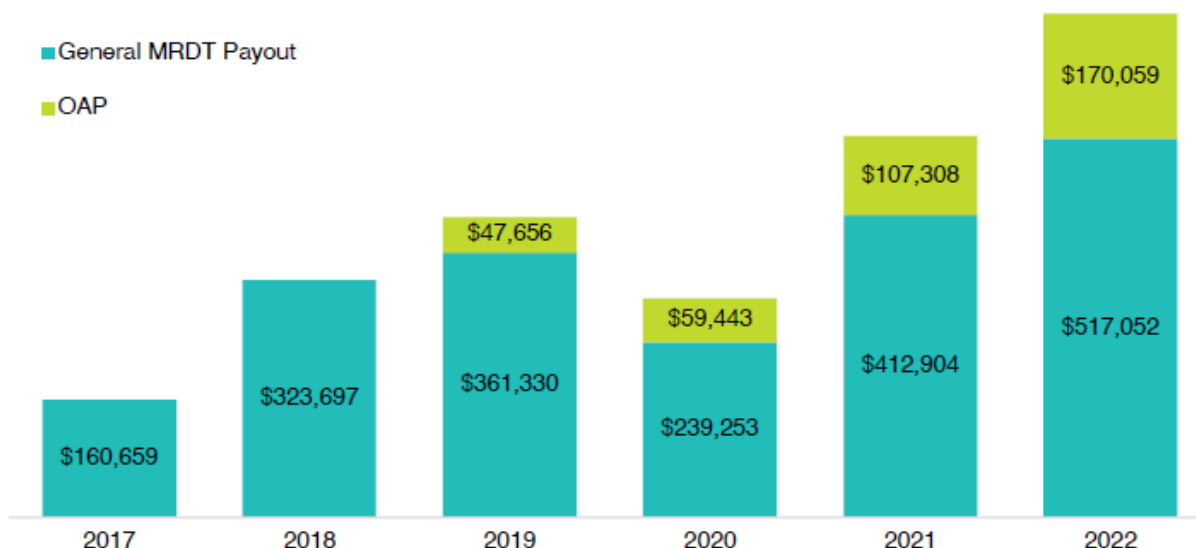
The potential to use OAP MRDT revenues for affordable housing initiatives was first presented to the CVRD Committee of the Whole at the September 22, 2021 meeting, during discussions around the preparation of the MRDT 5-Year Strategic Business Plan renewal application. At a subsequent CVRD Board meeting on October 13, 2021, staff were directed to report back to committee with more information on the potential for OAP MRDT revenues to be used for affordable housing.

Staff reported back to the Committee of the Whole on October 27, 2021 with clarifications around the allowable uses of OAP MRDT funds for affordable housing, but recommended that any decision to reallocate funds be delayed until after the MRDT Five-Year Strategic Business Plan renewal was complete, and more fulsome stakeholder engagement had taken place.

## **MRDT Revenue**

There are two types of MRDT revenue: revenues from general accommodation providers (“general MRDT”) such as hotels and motels; and revenues from online accommodation platforms (“OAP MRDT”) such as Airbnb and VRBO. All MRDT funds collected in Cowichan are currently directed towards tourism marketing through Tourism Cowichan Society (TCS).

Except for a drop in revenues during the first year of the COVID-19 pandemic (2020), MRDT revenues continue to grow year over year. General MRDT revenues have increased by approximately \$155,700 from 2019 to 2022, while OAP MRDT revenues have increased by approximately \$122,400. The proportion of OAP revenues has increased steadily since collection began. OAP increases are likely due to the rising popularity of this form of accommodation, as well as the shortage of traditional accommodations (hotels and motels) in Cowichan.



## Workforce Housing and the Tourism Industry

Housing is intrinsically tied to the economic health and vitality of a community. Although there has been substantial economic growth in British Columbia, communities have struggled to generate, attract, and retain a skilled and stable workforce. In the 2022 Workforce Housing Survey, employer respondents identified housing issues as a major barrier to employee attraction and retention, morale, and wage expectations. Anecdotally, participants noted that there is an influx of tourists into Cowichan during the summer months, at the same time as there should be an influx of tourism and agricultural workers to support businesses, which may further exacerbate housing issues in peak season.

In the CVRD, population growth has outpaced housing development. The 2021 Cowichan Regional Housing Needs Assessment report estimates that 4,955 new housing units are needed in Cowichan by 2025, or 991 units per year, to meet population growth. Currently, an average of just 500 new units are permitted per year, a shortfall of 491 units per year. The imbalance between population and housing growth has translated into significant increases in the price of housing, lack of housing availability, and instability in the local workforce and economic environment.

The volatility of the local workforce and economic conditions is reflected by ongoing labour shortages, which are impacting businesses throughout the region, with reports of closures, reduced hours, and reduced service. The BC job vacancy rate, indicative of Cowichan, has increased from 4.6% in 2019 to 5.2% in 2023 (both Q2), with the highest vacancy rate in Accommodations and Food Service (8.6%). The Accommodation and Food sector also has the lowest average offered wage of all sectors at only \$17.90/hour, followed by Retail Trade at \$19.10/hour. Given these wages, tourism workers may find it especially difficult to find affordable housing.

## ANALYSIS

### Tourism Cowichan Society

The CVRD is currently finalizing a renewed agreement with Tourism Cowichan Society (TCS) for the provision of tourism marketing and destination development services for 2023-2025. This agreement was approved by the CVRD Board on September 27, 2023. In turn, the TCS Board subcontracts these services to 4VI.

Engagement with TCS was undertaken to understand the potential impacts to a change in MRDT funding allocation. Representatives from TCS supported the initiative to address workforce housing issues in the region, however, they were generally opposed to reducing their share of MRDT funding. TCS representatives indicated the potential impacts from this change could lead to the following repercussions:

- TCS expenses are increasing in tandem with increasing costs to do business (e.g., inflation), and less funding will impact operations;
- Reduced funding for tourism programs, tourism marketing, and the tourism economy in general;
- May lose momentum in the tourism sector growth that has been gained in recent years; and
- Inability to fund Visitor Centres (approximately \$50,000 per year).

Furthermore, 4VI has previously indicated that tourism marketing in Cowichan is relatively underfunded compared with other regions, but previous attempts to increase the MRDT rate to 3% received insufficient support from the accommodation sector.

On the other hand, TCS has experienced significant annual surpluses in recent years: \$307,000 in 2021 (carried over) and \$471,000 in 2022. Combined, TCS had a total surplus of \$778,000 as of December 31, 2022. Understandably, there were some constraints to spending during the pandemic due to travel restrictions, which explains some of this surplus.

The surplus is in addition to growing revenues from general and OAP MRDT, which are currently directed solely to TCS for tourism marketing. This provides an opportunity to consider a reallocation of some of the MRDT funds towards affordable housing initiatives. Reallocation of funds towards affordable housing includes the potential to provide affordable housing in the region for workers in the tourism, accommodation and service sectors, as well as support the recruitment and retention of workers for sustained tourism operations and programs.

### **Stakeholder Engagement**

During spring and summer 2022, staff conducted a series of Workforce Housing Surveys, which included questions around MRDT use and short-term rentals. 98 employers and 154 employees completed the surveys. Both employers (71%) and employees (80%) indicated a clear preference for re-directing OAP MRDT revenue towards affordable housing initiatives, as opposed to tourism marketing.

In November 2022, the Cowichan Valley Regional District (CVRD) embarked on the development of a Workforce Housing Strategy to identify actions for increasing housing availability and affordability for the labour force. Extensive engagement has taken place around this project, with multiple discussions around the potential use of OAP MRDT to support the implementation of the Workforce Housing Strategy's recommended actions. The final Workforce Housing Strategy report is not yet complete.

### **MRDT Reallocation Options**

The decision before the Board is whether OAP MRDT revenues would best support the region if directed towards tourism marketing or affordable housing. If a change is approved by the Board, then staff will prepare an Affordable Housing MRDT Plan outlining the use of the funds for Board approval.

There is also a question of timing. The CVRD may choose to direct OAP revenue to affordable housing initiatives as part of the annual MRDT Tactical Plan submission to Destination BC (due by November 30 each year). There is an immediate opportunity to reallocate OAP revenues to affordable housing with the submission of the 2024 MRDT Tactical Plan and Budget, which is due on November 30, 2023. If the CVRD chooses to pursue this change for 2024, Destination BC staff have advised that additional engagement with municipalities is encouraged to confirm their support for this change. Staff would send letters to each municipality within Cowichan to satisfy this requirement. Destination BC staff have confirmed that an extension on the deadline to submit the Tactical Plan is available to the CVRD, which will allow time to hear back from the municipalities.

If the CVRD chooses not to pursue the reallocation of OAP revenues in 2024, the next opportunity to do so will be with the submission of the 2025 MRDT Tactical Plan and Budget in November 2024. This would allow more time to weigh the impacts of a change to MRDT allocation, as well as conduct additional stakeholder engagement if desired by the Board. It would, however, delay the provision of funding for affordable housing initiatives.

### **FINANCIAL CONSIDERATIONS**

An application of OAP MRDT revenues towards affordable housing initiatives would represent an estimated reduction in revenue for Tourism Cowichan Society (TCS) of 18% annually based on their 2022 financial report. For reference, OAP MRDT made up just 6% of TCS's revenues in 2019.

Staff feel this change should have minimal impact on TCS operations given significant annual general MRDT revenue growth and associated surpluses. However, annual budgets and potential impacts on operations such as funding to visitor centers would need to be monitored.

### **COMMUNICATION CONSIDERATIONS**

Staff will work with TCS to engage with the public and tourism operators on changes to the MRDT allocation to ensure a smooth transition, as well as around the use of the reallocated funds.

### **STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

This report is connected with objectives 1 and 7 of the CVRD Corporate Strategic Plan, to increase the levels of economic resiliency, security, and prosperity for residents of the Cowichan Region; and protect existing, and encourage the development of additional, affordable housing options including those needed to attract workers.

### **Referred to (upon completion):**

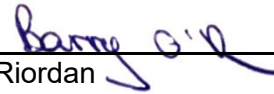
- ☐ Community Services (*Cowichan Community Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Facilities & Transit*)
- ☒ Corporate Services (*Finance, Human Resources, Information Technology, Legislative Services*)
- ☐ Operations (*Utilities, Parks & Trails, Recycling & Waste Management*)
- ☐ Land Use Services (*Community Planning, Strategic Initiatives, Development Services, Building Inspection & Bylaw Enforcement*)
- ☒ Strategic Services (*Communications & Engagement, Economic Development, Emergency Management, Environmental Services*)

Prepared by:



Brittany Taylor  
Economic Development Analyst

Reviewed by:



Barry O'Riordan  
Manager



Clayton Postings  
General Manager

Reviewed for form and content and approved for submission to the Committee:

Resolution:

☒ Corporate Officer

Financial Considerations:

☒ Chief Financial Officer



## COWICHAN VALLEY REGIONAL DISTRICT

Resolution dated: November 8, 2023

1. **The CVRD send letters to each municipality seeking support for the reallocation of Online Accommodation Platform MRDT revenues to affordable housing; and**
2. **Staff work with Tourism Cowichan Society to prepare a 2024 MRDT Tactical Plan and Budget that allocates Online Accommodation Platform MRDT revenues to affordable housing, subject to municipal support.**

I, Kathleen Harrison, Deputy Corporate Officer of the Cowichan Valley Regional District do hereby certify the above to be a true and correct copy of an excerpt of the minutes of the meeting of the Board of Directors of the Cowichan Valley Regional District held on Wednesday, November 8, 2023, applicable to Resolution No. 23-535.

November 14, 2023  
Date

[Signature]  
Kathleen Harrison  
Deputy Corporate Officer

INSERT LETTERHEAD

[INSERT DATE]

Cowichan Valley Regional District  
175 Ingram Street  
Duncan, BC V9L 1N8

Dear Mr. O'Riordan:

[Insert file number]

Please be advised, the Council of XXX passed the following resolution at the XXXX XX, 2023 Meeting:

That the reallocation of Online Accommodation Platform (OAP) Municipal Regional District Tax (MRDT) revenue to affordable housing within the Cowichan Valley Regional District (CVRD) effective January 1, 2024, be supported.

[Insert Name]

[Insert Position]

[Insert Contact Information]