

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

**Tuesday, May 7, 2024
Ladysmith Seniors Centre
630 2nd Avenue**

Pages

1. CALL TO ORDER

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

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

2. CLOSED SESSION

Recommendation

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

- (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of 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 (7:00 P.M.)

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

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

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

4. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Regular Meeting of Council for May 7, 2024.

5. RISE AND REPORT- Items from Closed Session

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held April 16, 2024

8

Recommendation

That Council approve the minutes of the Regular Meeting of Council held April 16, 2024.

7. DELEGATIONS

7.1 Nikki Toxopeus - Broombusters and Friends of Holland Creek Trail

14

8. PROCLAMATIONS

8.1 National Public Works Week

30

Mayor Stone has proclaimed May 19-25, 2024 as "National Public Works Week" in the Town of Ladysmith.

9. BYLAWS - OFFICAL COMMUNITY PLAN & ZONING

9.1 OCP and Zoning Amendment Lot A Holland Creek

31

Recommendation

That Council:

1. 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 School District 68 are the only entities that are appropriate to consult in connection with "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170";
 - b. consultation should be early but need not be ongoing;
 - c. the consultation process described in the staff report to Council dated May 7, 2024 is sufficient in respect to the proposed Official Community Plan amendment; and

- d. staff be directed to refer “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2170” to the Stz’uminus First Nation as set out in resolution 1 for consultation in the manner described in the May 7, 2024 staff report to Council;
2. Give first and second readings to “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170”;
3. Consider “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170” 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*;
4. Consider “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170” 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*;
5. Direct staff to refer “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170” to School District 68 pursuant to section 476 of the *Local Government Act*;
6. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2171”;
7. Direct staff to refer “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2171” to the Ministry of Transportation and Infrastructure, after third reading of the bylaw, pursuant to section 52 of the *Transportation Act*;
8. Require that, as a condition of approval of Bylaws 2170 and 2171 the applicant be required to secure the following conditions through a covenant and/or statutory right of way, as described in the May 7, 2024 report to Council, following third reading and prior to adoption of the bylaws:
 - a. Dedication as parkland, at time of subdivision or development, of the areas to be zoned P-2 and P-3 under Bylaw 2170;
 - b. Town access to future park areas prior to dedication for the purposes of invasive plant removal and habitat enhancement;
 - c. Construction of a bus shelter meeting BC Transit’s “E2” standard or similar at the existing northbound stop at the Holland Creek Ball Fields;
 - d. Installation of the necessary electrical infrastructure for all required multi-family parking to be “EV charger Ready”;
 - e. A requirement for a minimum of 10% of dwelling units to

- meet the BC Building Code, Building Access Handbook;
- f. A prohibition on the use of fossil fuel as a primary heating source for buildings;
 - g. Dedication and construction of a direct emergency vehicle access/egress and pedestrian trail from the “Centre Parcel” to Colonia Drive when the “Centre Parcel” is developed;
 - h. A prohibition on planting non-native plants on the “Western Parcel”;
 - i. Wildfire protection measures on the “Western Parcel” and “Centre Parcel” as recommended in the report provided as Attachment H to the May 7, 2024 report to Council; and
 - j. A prohibition on clearing between March 1 and August 31;
9. Direct that, as a condition of approval of Bylaws 2170 and 2171, that the following amendments be made to covenant CA6857592, as described in the May 7, 2024 report to Council, following third reading and prior to adoption of the bylaws:
- a. Removing the requirement to construct the “South Crossing” over Heart Creek;
 - b. Amending the ‘Local Site Triggers’ and ‘Neighborhood Cumulative Triggers’ to:
 - i. Allow construction of up to 100 units on the “Eastern Parcel” provided the developer improves the existing emergency access route to Ryan Place;
 - ii. Allow construction of up to 200 units on the “Centre Parcel” provided the developer completes the design and costing of the Colonia Drive extension from the boundary of Lot A District Lot 110 Oyster District Plan VIP75849 to Thetis Drive and prohibiting more than 200 units on the “Centre Parcel” until the Colonia Drive extension is constructed to the boundary of Lot A, and
 - iii. Adding a prohibition on the development of the “Western Parcel” until:
 1. Colonia Drive is fully constructed to connect Malone Road to Thetis Drive;
 2. a dedicated multi-use trail and emergency access/egress route is constructed over the “Western Parcel” and adjacent parkland, connecting public road to the Water Treatment Plant access road; and
 3. a pedestrian pathway and crossing over Heart Creek is constructed connecting the southern portions of the “Centre Parcel” and “Western Parcel”;

10. Require that the legal instruments under resolutions 8 and 9 be prepared by the Town's solicitor at the cost of the applicant; and
11. Direct staff to proceed with scheduling and notification of a public hearing for Bylaws 2170 and 2171 pursuant to section 464(1) of the *Local Government Act*.

10. REPORTS

10.1 Stocking Lake Supply Main Preliminary Design Consultant Award 197

Recommendation

That Council authorize staff to sole source the Stocking Lake Supply Main preliminary design work to Koers & Associates Engineering Ltd.

10.2 Reassignment of Approved Capital funds 200

Recommendation

That Council:

1. Cancel the following capital projects and transfer the budgeted funds to the pavement operations budget:
 - Single Area Traffic Study for \$49,000;
 - Radar Speed Signs for \$35,000; and
 - Bollards on 1st Avenue for \$30,000.
2. Amend the 2024-2028 Financial Plan accordingly.

10.3 Mosaic Emergency Road Use Agreement Amendment 203

Recommendation

That Council authorize the Corporate Officer to sign a Road Use Agreement Amendment with Mosaic Forest Management Corp. for the purposes of emergency access from 4th Avenue via the Ladysmith Main logging road.

10.4 Canoe Procurement Group Membership 222

Recommendation

That Council:

1. Authorize staff to maintain membership with Canoe Procurement Group; and
2. Direct staff to consider and use Canoe for all applicable purchases.

11.	BYLAWS	
11.1	Bylaws for Adoption	
11.1.1	"Property Tax Rates Bylaw 2024, No. 2175"	225
	<u>Recommendation</u>	
	That Council adopt "Property Tax Rates Bylaw 2024, No. 2175".	
11.1.2	"Sewer Parcel Tax Bylaw 2024, No. 2176"	229
	<u>Recommendation</u>	
	That Council adopt "Sewer Parcel Tax Bylaw 2024, No. 2176".	
11.1.3	"Water Parcel Tax Bylaw 2024, No. 2177"	231
	<u>Recommendation</u>	
	That Council adopt "Water Parcel Tax Bylaw 2024, No. 2177".	
11.2	Bylaw Status Sheet	233
12.	CORRESPONDENCE	
12.1	Rotary Clubs of Ladysmith and Chemainus 14th Annual Charity Golf Tournament	234
	Request for sponsorship.	
	<u>Recommendation</u>	
	That Council consider allocating \$250.00 to sponsor a hole at the 14 th Annual Rotary Charity Golf Tournament on June 14, 2024 as requested in the correspondence received April 23, 2024.	
12.2	Rocky Creek Ventures Inc. Subdivision and Street Naming Request	236
	<u>Recommendation</u>	
	That Council consider the request by Rocky Creek Ventures Inc., in their correspondence dated April 23, 2024, to name the 1301 Rocky Creek Road subdivision "Rocky Creek Estates" and the street, "Marina View Drive."	

13. NEW BUSINESS

14. QUESTION PERIOD

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

15. ADJOURNMENT



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, April 16, 2024

6:01 P.M.

Ladysmith Seniors Centre
630 2nd Avenue

Council Members Present:

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

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba

Ryan Bouma
Julia Tippett
Sue Bouma
Andrea Hainrich

1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 6:01 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2024-067

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:

- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity; 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 2024-068

That Council approve the agenda for this Regular Meeting of Council for April 16, 2024, as amended to correct a typographical error in Item 10.2.

Motion Carried

5. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 6:24 p.m. without report.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held April 2, 2024

CS 2024-069

That Council approve the minutes of the Regular Meeting of Council held April 2, 2024.

Motion Carried

7. DELEGATIONS

7.1 MNP, Auditors for the Town

Cory Vanderhorst, MNP, provided Council with an overview of the audit of the 2023 Financial Statements. He stated that this is an unqualified or clean audit. C. Vanderhorst responded to questions from Council, and thanked Town staff for their cooperation during the audit.

7.1.1 2023 Audited Financial Statements

CS 2024-070

That Council accept the 2023 Audited Financial Statements of the Municipality.

Motion Carried

8. PROCLAMATIONS

8.1 Safety and Health Week – May 6-11, 2024

Mayor Stone has proclaimed May 6-11, 2024 as “Safety and Health Week” in the Town of Ladysmith.

8.2 International Day Against Homophobia and Transphobia – May 17, 2024

Mayor Stone has proclaimed May 17, 2024 as “International Day Against Homophobia and Transphobia” in the Town of Ladysmith.

8.3 Island Good Days – June 3-9, 2024

Mayor Stone has proclaimed June 3-9, 2024 as “Island Good Days” in the Town of Ladysmith.

9. DEVELOPMENT APPLICATIONS

9.1 Development Variance Permit and Development Permit – 1120 2nd Avenue

CS 2024-071

That Council:

1. Issue Development Variance Permit Number 3090-24-03 for 1120 2nd Avenue (Lot 6, District Lot 144, Oyster District, Plan 9575, 001-360-060) to vary sections 6.5(b)(iii), 6.5(b)(vi), and 6.5(b)(x) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” for the following:
 - a. Increasing the gross floor area of the coach house dwelling from 60.0m² to 110.0m²;
 - b. Reducing the interior side parcel line setback from 2.0m to 1.9m; and
 - c. Increasing the maximum permitted size for upper-level balconies from 2.9m² to 44.0m²; and
2. Issue Development Permit Number 3060-24-04 for 1120 2nd Avenue (Lot 6, District Lot 144, Oyster District, Plan 9575, 001-360-060) to authorize a coach house dwelling.

Motion Carried

10. COMMITTEE MINUTES

10.1 Accessibility Advisory Committee – January 24, 2024

CS 2024-072

That Council receive the minutes of the Accessibility Advisory Committee meeting held January 24, 2024.

Motion Carried

10.2 Accessibility Advisory Committee – April 3, 2024

CS 2024-073

That Council receive the minutes, as amended, of the Accessibility Advisory Committee meeting held April 3, 2024.

Motion Carried

10.3 Community Planning Advisory Committee – April 3, 2024

CS 2024-074

That Council receive the minutes of the Community Planning Advisory Committee meeting held April 3, 2024.

Motion Carried

11. REPORTS

11.1 RFP No. 2024-PRC-02 Heart of the Hub Phase 2 – Construction Project Management

CS 2024-075

That Council award the contract for the construction project management of Phase 2 of the “Heart of the Hub” Machine Shop project to MKM Projects Ltd. in the amounts of:

- a. \$88/hr., up to a maximum amount of \$12,320, for pre-construction stage fees; and
- b. a 5.5 percent construction project management fee of the work earned for the construction stage.

Motion Carried

11.2 Video Surveillance of Civic Property Policy

CS 2024-076

That Council adopt Video Surveillance of Civic Property Policy 14-7010-B, dated April 16, 2024.

Motion Carried

12. BYLAWS

12.1 Bylaws for Introduction

12.1.1 2024 Property Tax Bylaws

12.1.1.1 "Property Tax Rates Bylaw 2024, No. 2175"

CS 2024-077

That Council give first, second and third readings to "Property Tax Rates Bylaw 2024, No. 2175".

Motion Carried

12.1.1.2 "Sewer Parcel Tax Bylaw 2024, No. 2176"

CS 2024-078

That Council give first, second and third readings to "Sewer Parcel Tax Bylaw 2024, No. 2176".

Motion Carried

12.1.1.3 "Water Parcel Tax Bylaw 2024, No. 2177"

CS 2024-079

That Council give first, second and third readings to "Water Parcel Tax Bylaw 2024, No. 2177".

Motion Carried

12.2 Bylaw Status Sheet

13. QUESTION PERIOD

A member of the public complimented the Town on the appearance of 1st Avenue.

14. ADJOURNMENT

CS 2024-080

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

Motion Carried

CERTIFIED CORRECT

Mayor (A. Stone)

Corporate Officer (S. Bouma)

Subject to adoption

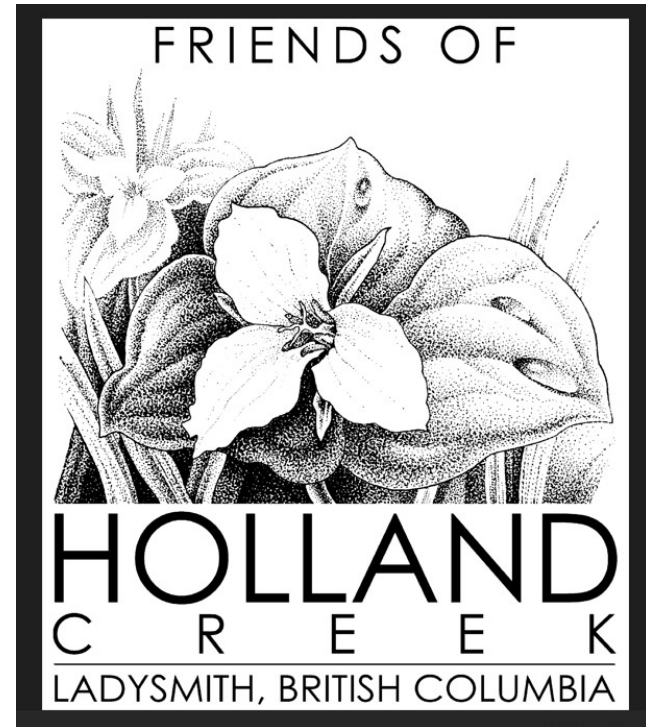
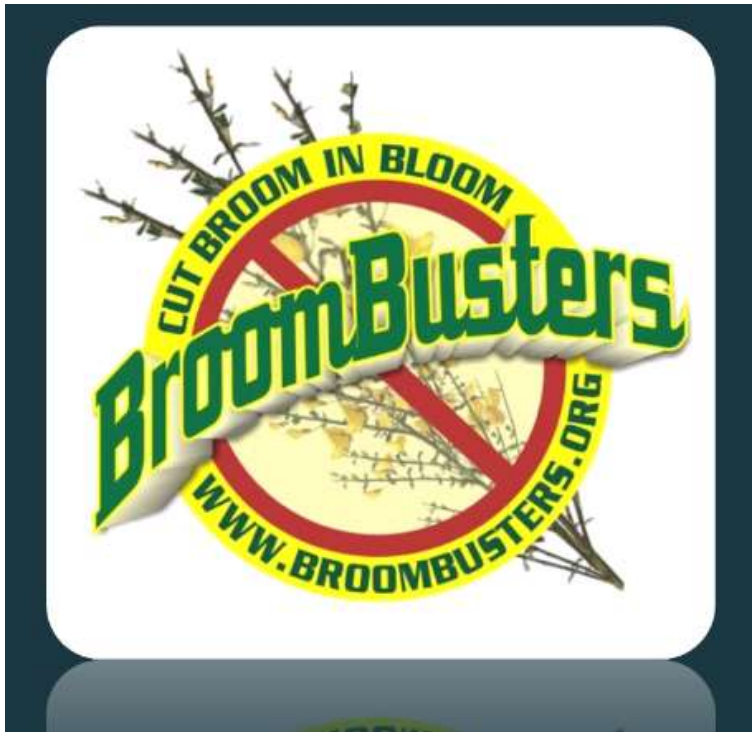
A photograph of a forest stream with mossy trees and autumn foliage. The stream flows over rocks, and the surrounding forest is dense with trees showing signs of autumn. The text is overlaid on the center of the image.

HOLLAND CREEK PARK

OUR “FUTURE OLD GROWTH” AND OUR “CATHEDRAL GROVE”

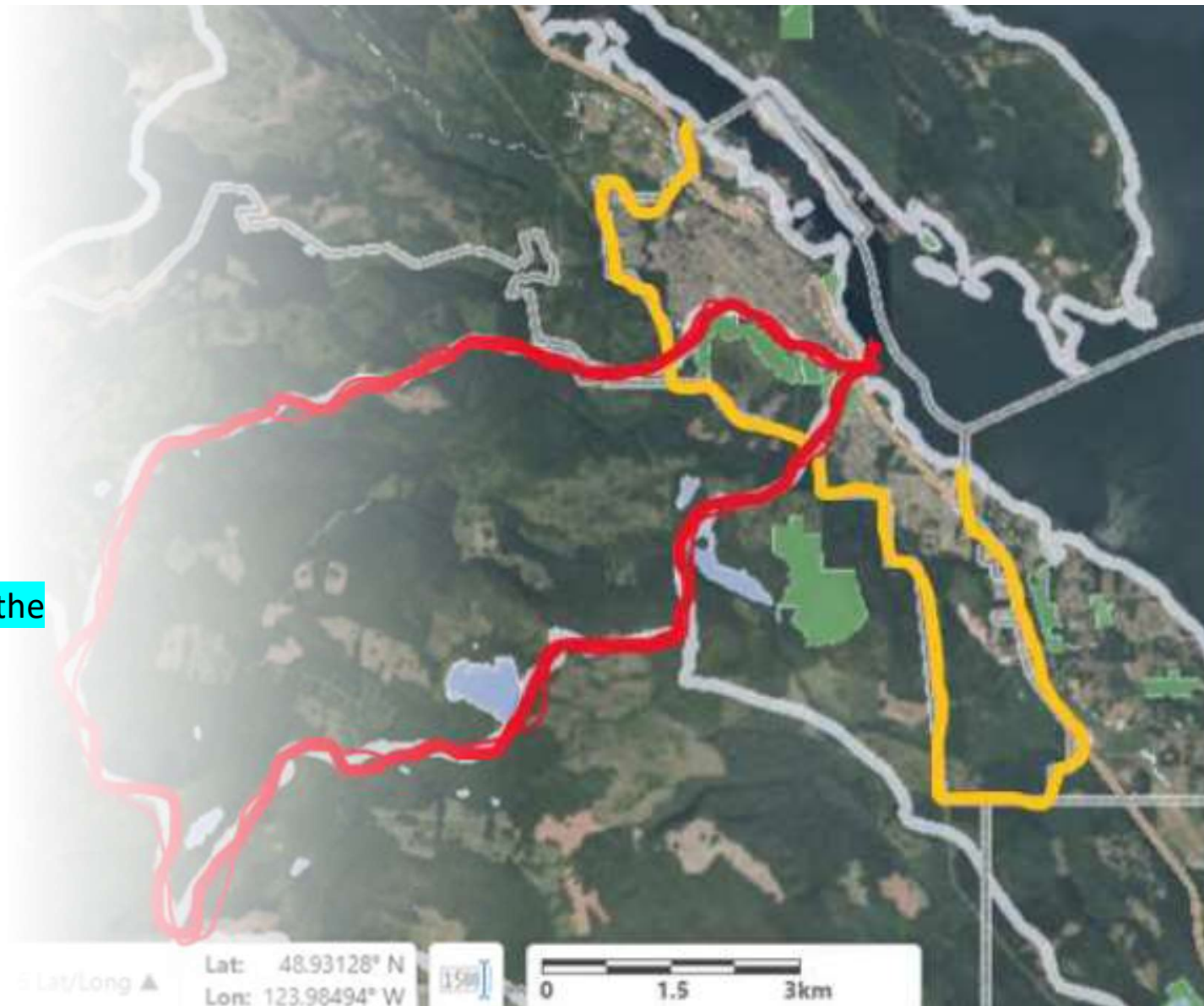
LADYSMITH TOWN COUNCIL MEETING 7 MAY 2024

Who are we?



Holland Creek Park context

- A 76 ha open space park
- Within a 125 km² watershed
- Within Ladysmith boundaries
- On the unceded territories of the Stz'minus people



Sensitive eco systems

- Holland creek
- Arbutus hump
- Heart creek



Potential to be Ladysmith's Cathedral grove

- Where the bears fish for salmon
- Where you can wander through mature forests
- Where you can lose your mind and find your soul

RESTORATION TARGET

An old growth Coastal Douglas-fir forest and creek, where the native biodiversity thrives, as local people and wildlife use the trails, connecting them to the mountains and ocean.



Holland Creek is under pressure

- Climate change
- Population increase
- Urban expansion
- Watershed management
- Corridors of invasive species
- Creek crossings



Urban development reducing landscape connectivity

Introduced species

Connected areas

 Individual styles

 Arbutus hump

 Heart creek corridor

 Information centre

 Holland Creek Estates

HC Broom control


Future broom strategies





Crossings and corridors impacting water and species movement

Creek crossings

 Individual styles

 Hwy 1 bridge

 Dogwood dip bridge

 Colonia bridge

 Upper creek bridge

 Chicken ladder weir











MSE (solid earth and culvert) bridges much higher ecological impact than the high-level bridge

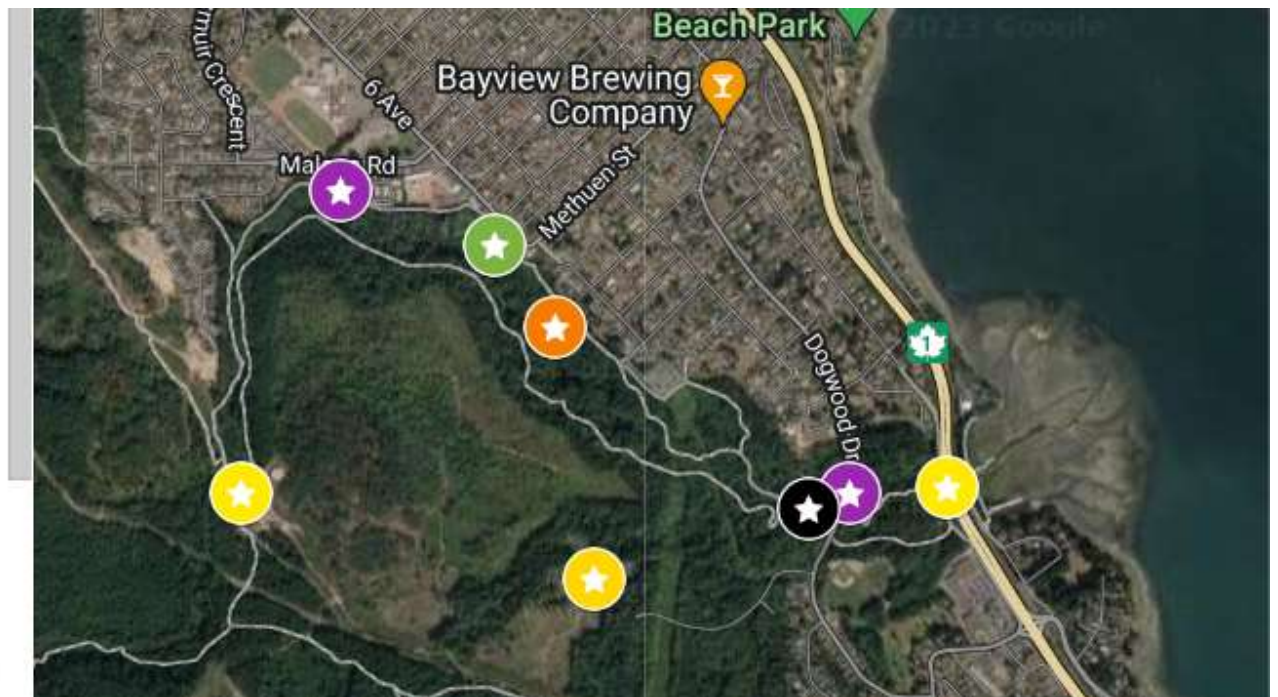


Introduced species reducing diversity

Introduced species

 Individual styles

-  Scotch broom
-  Scotch broom
-  Blackberries
-  Yellow archangel
-  Ivy
-  Scotch broom
-  Daphne
-  Blackberries



Need to protect the core, build up the buffer, and improve connectivity

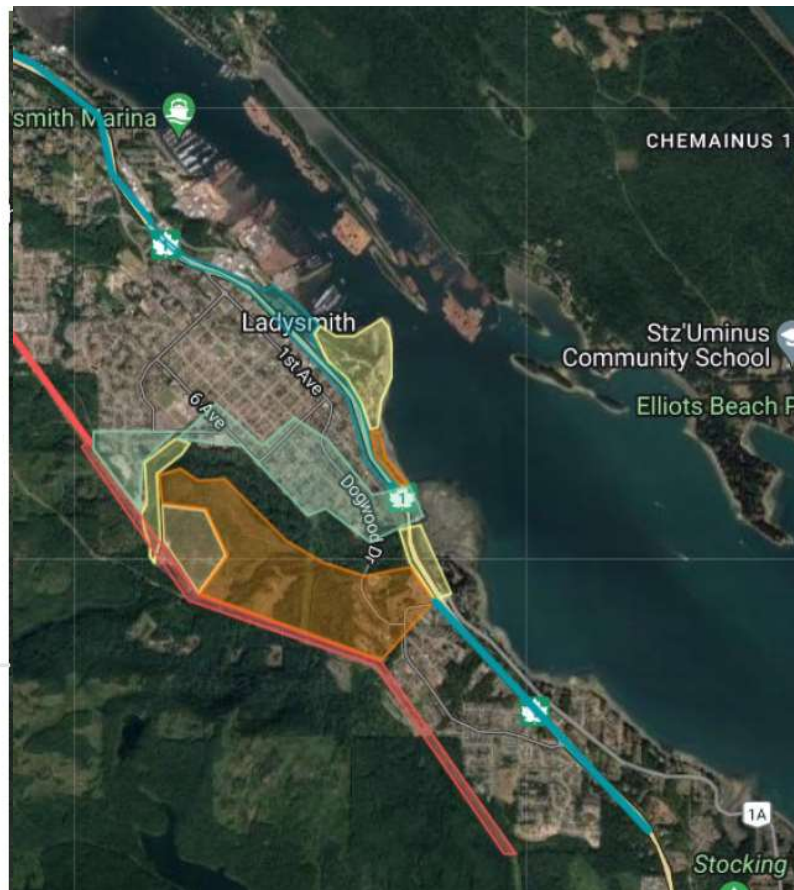


Plans to control broom

HC Broom control

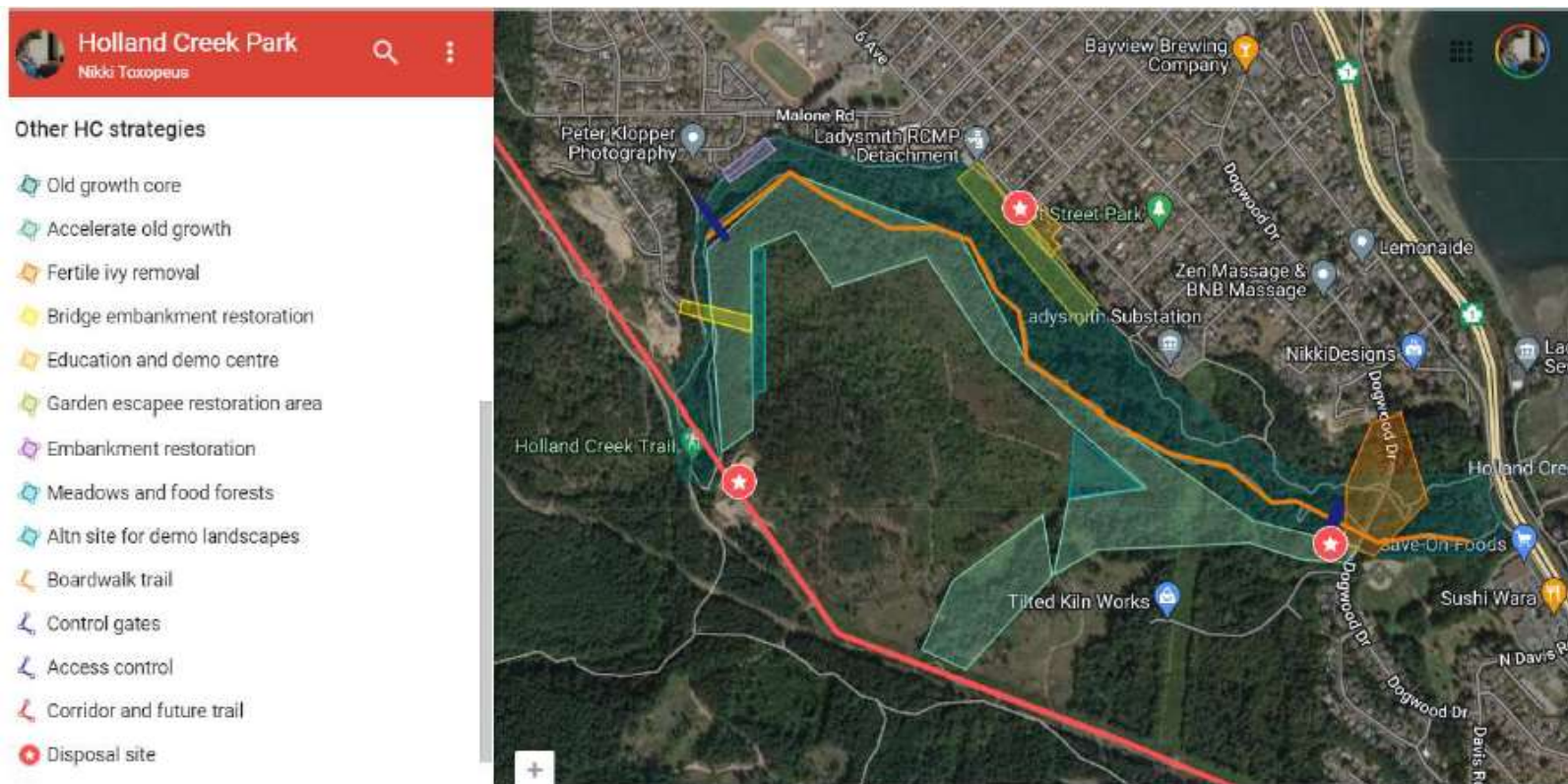
-  Broombusters 2024-2026
-  Broombusters 2027-2030
-  Holland Creek Estate 2023-2030
-  BC Hydro 2023-2030
-  Good neighbours 2027-2030

Holland Creek Park and connected watershed



All planning information is on Holland Creek Park MyMaps, available on request.

But it needs much more than BroomBusting



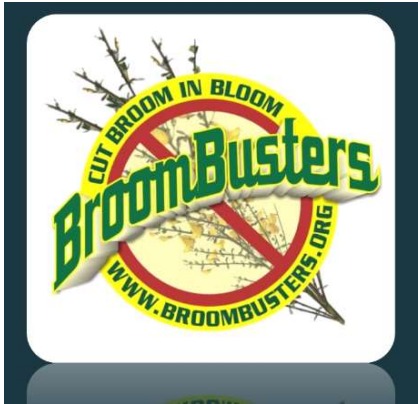
Rolled up into 3 strategies

1. Invasive species control – starting point to engage volunteers, build the movement, while protecting the parks.
2. Good neighbours – engage the town to make backyards and public spaces adjacent to the park into native ecosystems, compatible with “future old growth”, restore and protect the forest/plantation buffer zones.
3. Healthy connections – engage the multiple stakeholders to address the land, water, and cultural connections. This would include improved trails and corridors restoration.

Asks for 2024

- WHICH HAT?





Parksville, Qualicum Beach, Nanaimo, Campbell River, Port Alberni & Lantzville have passed bylaws. It helps!

FURTHER BE IT RESOLVED, that local governments are encouraged to use bylaws and policies to control and manage Scotch broom within and near urban boundaries.

We ask Ladysmith

- continue to support volunteers by removing broom cut by volunteers.
- to consider formal MoU with Fortis and BC Hydro to keep the RoW near parks (or urban boundaries) broom free.
- keep town facilities near parks broom free and help to keep private properties clear

Holland Creek Restoration

- Work with Friends of Holland Creek
- For the sake of our kids and grandkids - let's make a start
- Share your plans with us and let us help you





TOWN OF LADYSMITH

PROCLAMATION

NATIONAL PUBLIC WORKS WEEK

WHEREAS: *Public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Ladysmith; and*

WHEREAS: *These infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and*

WHEREAS: *It is in the public interest for the citizens, civic leaders and children in Ladysmith to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs.*

THEREFORE, *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim the week of May 19th to May 25th, 2024 as "National Public Works Week" in the Town of Ladysmith, British Columbia and encourage citizens to recognize the substantial contributions public works professionals make to protect our health, safety and quality of life.*

Mayor A. Stone

April 15, 2024

STAFF REPORT TO COUNCIL

Report Prepared By: Jake Belobaba, Director of Development Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: May 7, 2024
File No: 3360-22-07
RE: **OCP and Zoning Amendment Lot A Holland Creek**

RECOMMENDATION:

That Council:

1. 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 School District 68 are the only entities that are appropriate to consult in connection with "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170";
 - b. consultation should be early but need not be ongoing;
 - c. the consultation process described in the staff report to Council dated May 7, 2024 is sufficient in respect to the proposed Official Community Plan amendment; and
 - d. staff be directed to refer "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2170" to the Stz'uminus First Nation as set out in resolution 1 for consultation in the manner described in the May 7, 2024 staff report to Council;
2. Give first and second readings to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170";
3. Consider "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170" 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*;
4. Consider "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170" 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*;
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6. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2171”;
7. Direct staff to refer “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2171” to the Ministry of Transportation and Infrastructure, after third reading of the bylaw, pursuant to section 52 of the *Transportation Act*;
8. Require that, as a condition of approval of Bylaws 2170 and 2171 the applicant be required to secure the following conditions through a covenant and/or statutory right of way, as described in the May 7, 2024 report to Council, following third reading and prior to adoption of the bylaws:
 - a. Dedication as parkland, at time of subdivision or development, of the areas to be zoned P-2 and P-3 under Bylaw 2170;
 - b. Town access to future park areas prior to dedication for the purposes of invasive plant removal and habitat enhancement;
 - c. Construction of a bus shelter meeting BC Transit’s “E2” standard or similar at the existing northbound stop at the Holland Creek Ball Fields;
 - d. Installation of the necessary electrical infrastructure for all required multi-family parking to be “EV charger Ready”;
 - e. A requirement for a minimum of 10% of dwelling units to meet the BC Building Code, Building Access Handbook;
 - f. A prohibition on the use of fossil fuel as a primary heating source for buildings;
 - g. Dedication and construction of a direct emergency vehicle access/egress and pedestrian trail from the “Centre Parcel” to Colonia Drive when the “Centre Parcel” is developed;
 - h. A prohibition on planting non-native plants on the “Western Parcel”;
 - i. Wildfire protection measures on the “Western Parcel” and “Centre Parcel” as recommended in the report provided as Attachment H to the May 7, 2024 report to Council; and
 - j. A prohibition on clearing between March 1 and August 31;
9. Direct that, as a condition of approval of Bylaws 2170 and 2171, that the following amendments be made to covenant CA6857592, as described in the May 7, 2024 report to Council, following third reading and prior to adoption of the bylaws:
 - a. Removing the requirement to construct the “South Crossing” over Heart Creek;
 - b. Amending the ‘Local Site Triggers’ and ‘Neighborhood Cumulative Triggers’ to:
 - i. Allow construction of up to 100 units on the “Eastern Parcel” provided the developer improves the existing emergency access route to Ryan Place;
 - ii. Allow construction of up to 200 units on the “Centre Parcel” provided the developer completes the design and costing of the Colonia Drive extension from the boundary of Lot A District Lot 110 Oyster District Plan VIP75849 to Thetis Drive and prohibiting more than 200 units on the “Centre Parcel”

until the Colonia Drive extension is constructed to the boundary of Lot A,
and

- iii. Adding a prohibition on the development of the “Western Parcel” until:
 1. Colonia Drive is fully constructed to connect Malone Road to Thetis Drive;
 2. a dedicated multi-use trail and emergency access/egress route is constructed over the “Western Parcel” and adjacent parkland, connecting public road to the Water Treatment Plant access road; and
 3. a pedestrian pathway and crossing over Heart Creek is constructed connecting the southern portions of the “Centre Parcel” and “Western Parcel”;

10. Require that the legal instruments under resolutions 8 and 9 be prepared by the Town’s solicitor at the cost of the applicant; and

11. Direct staff to proceed with scheduling and notification of a public hearing for Bylaws 2170 and 2171 pursuant to section 464(1) of the *Local Government Act*.

EXECUTIVE SUMMARY:

The purpose of this report is to introduce OCP and zoning amendments to Council to reallocate units for a portion of the Holland Creek neighbourhood to create a smaller development footprint, eliminate the need for a crossing over Heart Creek and adjust triggers for infrastructure construction. If approved, the proposal will create approximately 7.75 hectares of additional parkland and change the phasing of infrastructure construction in Holland Creek.

PREVIOUS COUNCIL DIRECTION:

N/A

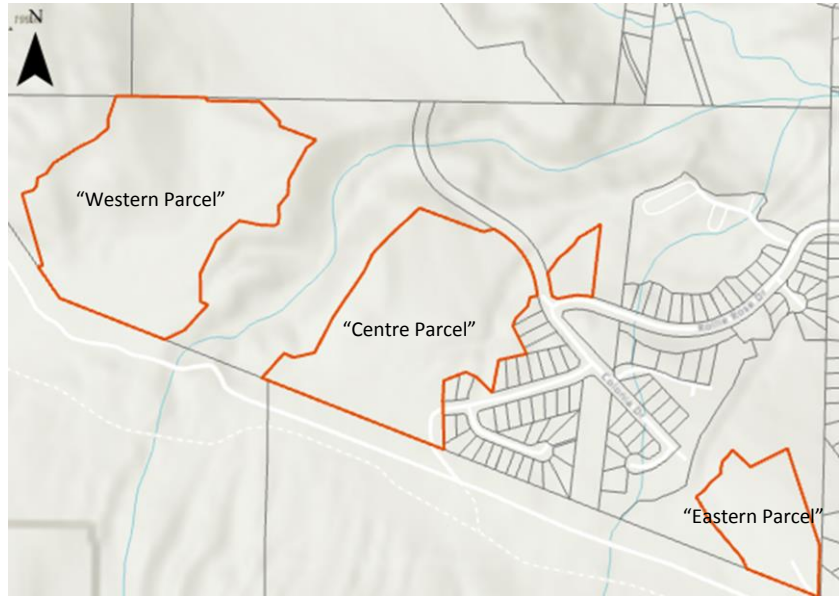
INTRODUCTION/BACKGROUND:

Subject property

The subject property is an 18.6 hectare, undeveloped parcel located along the southern edge of the Holland Creek neighborhood. The property is currently designated 'Neighborhood Residential' under the OCP and zoned Low Density Residential (R-3-A) and Single Dwelling Residential—Holland Creek Area (R-1-HCA) under the Zoning Bylaw. Portions of the property fall within Development Permit Area 8—Multi-Unit Residential ESA, DPA 6—Riparian, DPA 11 Arbutus Hump ESA, and DPA 7 Hazard Lands/Steep Slopes. Part of the "Western Parcel" is within the red-listed Douglas Fir-Arbutus Ecosystem occurrence that was recently discovered as part of another development proposal. The property is bounded on the south and west sides by the hydro corridor and woodlots.

The subject property is a single fee-simple parcel split by parkland, riparian areas and small subdivisions. For the purposes of this proposal, the separated portions of the subject property have been dubbed the "Western Parcel", "Centre Parcel" and "Eastern Parcel" as shown in Figure 1. A more detailed map of the subject property is provided in Attachment A.

Figure 1: Subject Property



Covenant CA6857592

The subject property is subject to Covenant CA6857592 (Attachment D) which was registered on the property to phase in the infrastructure needed to service the Holland Creek neighborhood. The covenant has a number of "triggers" based on unit counts and geographic areas. These triggers align with the infrastructure requirements outlined in the Holland Creek Local Area Plan and generally accepted guidelines for emergency access/egress¹. In the context of this application two conditions of the covenant are most relevant: 1) the requirement to connect Colonia Drive from Malone Road to Thetis Drive once the unit count in the Holland Creek neighborhood reaches 610 units, and 2) the requirement to construct a "South Crossing" as shown in Figure 2 when the Western Parcel is developed. There are also a number of other

¹ This includes Fire Underwriters Survey (FUS) guidelines which specify that developments with 101-600 units require two access/egress routes and developments with more than 600 units require three access/egress routes.

requirements in the covenant intended to secure interim and permanent emergency access/egress routes as the Holland Creek neighborhood is built out. At time of writing, the unit count for Holland Creek is approximately 250 units. The Province’s Small Scale Multi-unit Housing (SSMUH) legislation may increase unit counts for single-family lots².

The applicant approached the Town in 2022 expressing concerns that developing the subject property wasn’t financially viable given the scope of infrastructure requirements under Covenant CA6857592 and seeking alternatives. In response, staff proposed a “unit swap”—a zoning change where permitted units would be moved from the Western Parcel to the Centre and Eastern Parcel to eliminate the need for the “South Crossing” and reduce infrastructure costs. Since that time, staff and the applicant have been exploring various design options and negotiating new terms for Covenant CA6857592.

Proposal

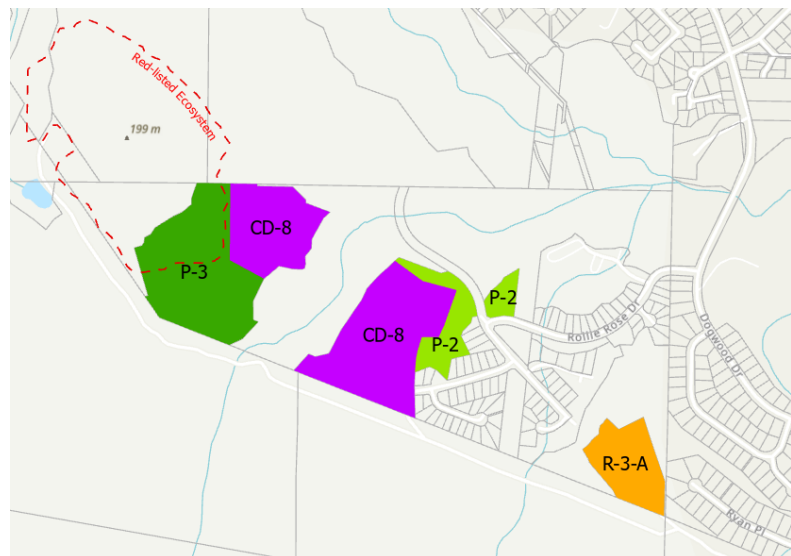
The proposal can generally be summarized as follows:

- The Western Parcel will be rezoned to allow a smaller development footprint and fewer units (a

Figure 2: Covenant CA6857592 Crossings and Road Connections



Figure 3: Red-listed Ecosystem and Proposed Zoning



² i.e. Under SSMUH Single/Family Duplex lots over 280m2 can have four units and single-family lots under 280m2 can now have three units, meaning the unit count may be as high as 412.

maximum of 100). The remainder of the Western Parcel will be zoned as parkland and dedicated when the subject property is developed or subdivided. The parkland dedication includes the red-listed ecosystem occurrence on the property as shown in Figure 3.

- The Centre Parcel and Eastern Parcel will be rezoned to allow greater density and more units. Development permit areas will be applied.
- Infrastructure requirements will be adjusted to reflect the new layout. This includes removing the requirement for the “South Crossing” over Heart Creek, further phasing of the Colonia Drive/Thetis Drive connection and new requirements for interim and permanent emergency access/egress routes.

A more detailed breakdown of the features of the proposed development is provided in Table 1, infrastructure requirements and covenant amendments are described under ‘Recommended Conditions of Approval’ and development concepts are provided in Attachment E.

Table 1: Proposal Summary

	Current/Required	Proposed
Official Community Plan Designation	Neighbourhood Residential	Neighbourhood Residential
Development Permit Area	DPA 8—Multi-Unit Residential ESA, DPA 6—Riparian, DPA 11 Arbutus Hump ESA DPA 7 Hazard Lands/Steep Slopes	No change to DPA 6, 7 and 11. DPA’s 3 & 4 will be applied to areas where development will be concentrated.
Zoning	Low Density Residential (R-3-A) Single Dwelling Residential—Holland Creek Area (R-1-HCA)	Low Density Residential (R-3-A) Comprehensive Development 8– Holland Creek Mixed-Use Residential (CD-8) Parks and Recreation (P-2) Nature Park (P-3)
Density	OCP: 1.3 Floor Space Ratio (FSR) for residential use 1.7 FSR for mixed use Zoning: R-3-A Zone: 0.66 FSR R-1-HCA Zone: Minimum Lot Size 460m ²	OCP: No Change Zoning (CD8): 2.0 FSR with unit maximums in specified areas Zoning (R-3-A): 0.66 FSR. 42 units per hectare (site specific)
Parcel Coverage	R-3-A Zone: 33% R-1-HCA Zone: 33%	CD 8 Zone: 50% without underground parking. 60% with 50% underground parking R-3-A Zone: 33%
Principal Building Height	R-3-A Zone: 10 metres (3 Storeys) R-1-HCA Zone:	CD 8 Zone: Multi-Family Building: 14 metres (4 Storeys)

	<p>Parcels 560m² or less: 8 metres for pitched roofs and 6.5 meters for “flat”³ roofs. (2 Storeys)</p> <p>Parcels greater than 560m²: 9 metres for pitched roofs and 7.5 metres for “flat” roofs.</p>	<p>Single-Unit or Two-unit Building: 9.0 metres for pitched roofs and 7.5 metres for “flat” roofs</p> <p>R-3-A Zone: R-3-A Zone: 10 metres (3 Storeys)</p>
Landscaping and Screening	In accordance with Part 7 of the Zoning Bylaw	No change
Parking	In accordance with Part 8 of the Zoning Bylaw	No change
Maximum number of Units Permitted	<p>R-3-A Zone: 216</p> <p>R-1-HCA Zone: Approximately 214 lots each allowing a single-family dwelling and secondary suite⁴.</p> <p>Total Units: 430-644.</p>	<p>CD 8 Zone: 500 units</p> <p>R-3-A Zone: 93 units.</p> <p>Total Units: 593.</p>

Recommended Conditions of Approval

Staff are recommending that a number of conditions of approval to be secured through legal instruments registered on the title of the subject property (e.g. covenants and statutory right of ways). The applicant has agreed to the conditions described below.

Park Dedication and Habitat Enhancement:

Staff are recommending park dedication, at time of subdivision or development, of the areas to be zoned P-2 and P-3. This will fulfill and exceed the 5% parkland dedication requirement required at time of subdivision. Staff are also recommending conditions that would allow Town crews or groups authorized by the Town (e.g. Broombusters) to access future parks sites prior to dedication for invasive plant removal and habitat enhancement. The area south of Arbutus Hump is infested with Scotch Broom and Himalayan Blackberry which poses a threat to the adjacent, red-listed ecosystem. Early access to remove the invasive plants will prevent further spread. For the same reason, staff are also recommending a covenant prohibition on planting non-native plants on the Western Parcel. A similar covenant was registered on properties to the north where development was proposed close to the red-listed ecosystem.

Figure 4: Example of BC Transit's E2 Transit Shelter



³ Pitch less than 4:12

⁴ SSMUH legislation does not currently apply to the subject property as it is greater than 4,050 m2.

Transit Shelter

Staff are recommending a requirement to construct a bus shelter meeting BC Transit's "E2" standard or similar at the existing northbound bus stop at the Holland Creek Ball Fields. This transit stop is intended for locations with low to medium levels of daily passenger boardings (10 – 20 passenger boardings per day) and was one of the designs recommended by BC Transit for the area (see Attachment F).

EV-Ready Parking

Consistent with OCP policy 2.41, staff are recommending a covenant condition requiring multi-family parking to be "EV charger ready". This electrical infrastructure would be in place when vehicle parking is installed, facilitating easy installation of EV charging stations at a later date.

Accessible Units

Staff are recommending a covenant requirement for a minimum of 10% of dwelling units to meet the BC Building Code, Building Access Handbook to align with OCP policy 3.9 which will improve access to housing for persons with disabilities.

Electric Heating

Staff are recommending a covenant prohibition on the use of fossil fuel as a primary heating/cooling source for buildings consistent with OCP policy 8.6. This would allow for emergency fossil fuel or wood-fired heating sources as well as gas-powered, on-demand hot water heating.

Emergency Access for Centre Parcel

Staff are recommending dedication and construction of a direct emergency vehicle access/egress and pedestrian trail from the Centre Parcel to Colonia Drive when the Centre Parcel is developed. This will ensure two emergency access/egress routes for the 400 units proposed in this location and improve pedestrian connectivity to Colonia Drive. Staff do not recommend a third access to the Hydro Corridor as described in the traffic report in Attachment G as it is not necessary and a direct to Colonia Drive access is preferred to meet the requirement for two accesses.

Wildfire Protection

Staff are recommending covenant conditions requiring wildfire protection measures on the Western Parcel and Centre Parcel as outlined in the recommendations in the Wildfire Report in Attachment H.

Clearing

Staff are recommending a prohibition on clearing between March 1 and August 31 consistent with the recommendations of the biologist's report in Attachment I.

Recommended changes to Covenant CA6857592

With the introduction of a 100-unit cap on the Western Parcel, staff are recommending that the requirement to construct the “South Crossing” over Heart Creek be eliminated and replaced with a footpath in the same general location that connects the Western Parcel and Centre Parcel. The footpath must be constructed when the Western Parcel is developed.

Staff are also recommending amending the covenant’s neighborhood and cumulative triggers to align with this new proposal. Generally, the infrastructure requirements will be the same with minor changes to the phasing and interim measures to ensure sufficient emergency access as units are added to neighbourhood.

Currently, covenant CA6857592 contains a 610-unit trigger requiring the developer to complete Colonia Drive so it connects Malone Road to Thetis Drive. Staff are now proposing to replace this condition as follows:

- Allowing the developer to construct 100 units on the Eastern Parcel without any extensions of Colonia Drive. However, the developer must upgrade the existing route that connects to Ryan Place so as to provide an interim emergency access/egress route. This access is currently a narrow gravel road, and the upgrades will improve the speed and efficiency of emergency travel. Once Colonia Drive is connected to Thetis Drive noted below, this emergency route will become redundant.
- Allowing the developer to construct up to 200 units on the Centre Parcel provided the developer completes Colonia Drive from Thetis Drive to the Boundary of Lot A to the north. Some of this road is (or will be) complete, meaning the developer will build road from the end of Rollie Rose Drive to Lot A and from the south end of the Eastern Parcel to Thetis Drive.
- Allowing development on the Western Parcel only once:
 - Colonia Drive is complete (i.e. runs all the way from Malone Road to Thetis Drive);
 - a multi-use trail and emergency access/egress route from Western Parcel to the Water Treatment Plant access road is built; and
 - the footpath connecting the Centre Parcel and Western Parcel noted above is built.

For the emergency access/egress route, the access must connect the Water Treatment Plant Access Road to a dedicated road serving the Western Parcel—i.e. it must allow the public to travel on foot from the Water Treatment Plant, through the Western Parcel to Colonia Drive. Staff note that this emergency access/egress is not needed (see Attachment G), however, the route will follow an old roadbed and having infrastructure that allows occasional vehicle access will be beneficial for parks maintenance, invasive plant removal and may prove useful in an emergency.

ANALYSIS:

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

Official Community Plan

Policy 2.3(q) of the OCP allows single-detached dwellings, duplexes, triplexes, fourplexes, townhouses, multi-family housing up to three storeys, and mixed-use buildings of up to four storeys in the Neighbourhood Residential designation. The proposed CD-8 zone is consistent with this policy as it allows mixed-use development up to four storeys as well as low-density residential development. The proposed R-3-A zoning that will apply to the Eastern Parcel allows low density residential development that is aligned with the neighborhood residential designation.

Policy 2.2(t) of the OCP states a maximum Floor Space Ratio (FSR) of 1.3 for multi-family residential and 1.7 for mixed use developments in the Neighborhood Residential designation. Under the proposed zoning the maximum FSR will be 0.66 for the Eastern Parcel, and 2.0 for Centre Parcel and Western Parcel. However, when proposed park dedications are accounted for, the net FSR for the site is 0.88 as shown in detail in Table 2.

Table 2: Net FSR under Proposed Zoning

Zone/Area	Land Area (m2)	Allowable FSR	Allowable Floor Area (m2)
CD-8 (Western Parcel)	22,325	2	44,650
CD-8 (Center Parcel)	51,745	2	103,489
R-3-A	22,304	0.66	14,721
P-2	4,816	0	-
P-2	17,900	0	-
P-3	66,497	0	-
Total	185,586		162,860
Total Land Area			185,586
Total Allowable Floor Area			162,860
Net FSR (Total Allowable Floor Area Divided by Total Land Area)			0.88

Under policy 2.3(s) of the Official Community Plan multi-family housing is supported in the Neighborhood Residential designation on parcels that are within a ten-minute walk (approximately 800m) of:

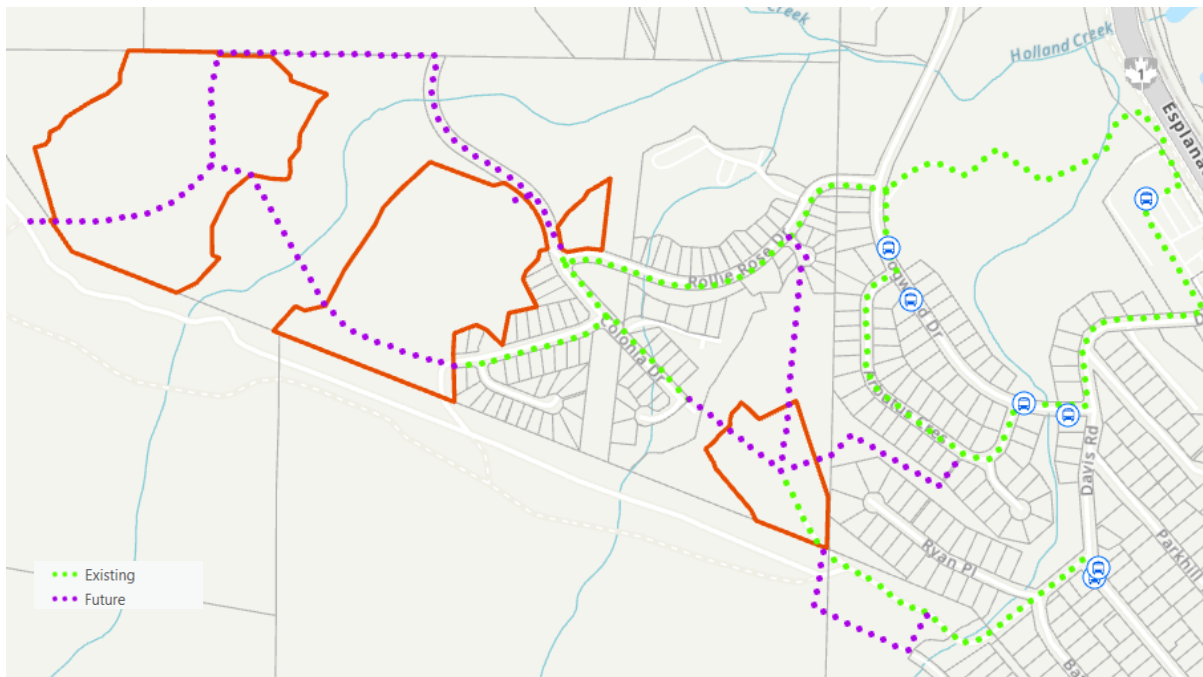
1. a park,
2. a transit stop, and
3. a school or commercial area.

The Western Parcel, Centre Parcel and Eastern Parcel are all adjacent to parkland, meaning dwellings in these areas will have direct (less than 5 minutes) access to parkland. This may include direct access to future trail networks connecting the Holland Creek trail, Arbutus Hump and Stocking/Heart Lake and Dogwood Drive Park.

The Eastern Parcel is within a 6-8-minute walk of the transit stops at Dogwood and Battie and a 10-minute walk of transit stops at Dogwood and Davis via the Ryan Gate Access Road (which will be improved as a condition of developing the Eastern Parcel as noted above). The Town also has partially developed walking connections⁵ from the Eastern Parcel via adjacent parkland (see figure 5). If fully developed, these connections would shorten the distance to the stops at Dogwood and Davis and put the stop at the Dogwood Ball Fields within a 10–15-minute walk. Trail connections from the Eastern Parcel to Kinsmen Place/Rollie Rose Drive are also a possibility.

Currently, the nearest transit stop to the Western Parcel and Centre Parcel is the northbound stop at the Dogwood Ballfields. Once roads are constructed, the Centre Parcel will be within a 10-12-minute walking distance from this stop. The Western Parcel will exceed the 10-minute walking distance, with estimated walking distances being approximately 15 minutes. Recognizing that Colonia Drive will eventually connect Thetis Drive to Malone Road, staff reached out to BC Transit to inquire about future transit services along this new corridor. BC Transit’s response is provided in Attachment F. Routes or on-demand transit service are not planned for the Colonia connector at this time but expanded or reconfigured transit service along this route is possible with appropriate approvals.

Figure 5: Pedestrian Connections to/from Subject Property



Commercial uses are proposed within the CD-8 zone, meaning dwellings in the Western and Centre Parcels will likely have direct access to commercial areas. Additionally, the Western Parcel

⁵ There is a narrow strip of park dedication between 126 and 122 Arbutus Crescent where stairs have been built and informal trails appear to run through the park to the Eastern Parcel.

is estimated to be within a 10-minute walk of the newly zoned commercial sites north of Arbutus Hump, and the Centre Parcel is within a 25-35-minute walk of Coronation Mall (via the existing trail that is adjacent to the Dogwood Drive Ball Fields, as shown in figure 5). Should a school be constructed in Holland Creek, the Western Parcel and Centre Parcel are within a 6-12-minute walk of the school site identified in the OCP and Holland Creek Local Area Plan. The Eastern Parcel is currently a 12–15-minute walk from Davis Road School and Coronation Mall via the Ryan Gate access road and the walking distance to Coronation Mall shortens to 10-12 minutes if the pedestrian routes through adjacent parkland described above are fully developed.

Overall, staff see the criteria under Policy 2.3(s) as being met for the following reasons:

1. All dwellings in the proposed development will effectively have direct access to parkland and an extensive parks and trails network.
2. With the exception of the Western Parcel, all dwellings in the proposed development will be within a 10-12-minute walk of a transit stop. The Western Parcel will be approximately 15 minutes from an existing transit stop. Future transit service that may shorten this distance is not planned but possible. Most importantly, under the current proposal, allowable units are being transferred from the Western Parcel to the Centre and Eastern Parcels, meaning the number of units within 10 minutes of an existing transit stop will increase. The developer has also agreed to fund transit stop improvements at the Dogwood Ball Fields, which will support increased transit use.
3. The Western and Centre Parcels will either have direct access to on-site commercial uses and/or be within a 10-minute walk of commercially zoned properties or the proposed school site to the north. The Eastern Parcel will be within a 10-minute walk of commercial areas in the Centre Parcel, and a 10-12-minute walk from Coronation Mall and Davis Road School.

Policy 4.2 of the OCP calls for acquiring and developing additional parkland in the Holland Creek area for active/outdoor recreation and ecological protection. The proposed parkland dedication as part of this proposal is a sizable contribution to parkland in Holland Creek and creates connectivity to existing parks and trails.

Section 2 of Part D of the OCP provides a seven-step evaluation for considering OCP amendments. Staff’s application of this evaluation is summarized in Table 3.

Evaluation Criteria	Staff Comments
1. Will the proposal help or hinder the Town in adapting to or mitigating the effects of climate change? What is the proposal’s estimated net reduction in GHGs compared to the status quo and the GHG reduction goals in this OCP? Does the proposal help the Town prepare for the impacts of climate change (e.g. adapt to sea level rise)?	The proposed covenant condition limiting fossil fuel use will significantly reduce the proposed development’s GHG’s output. Similarly, the condition requiring the site to be EV charger ready, will support electric vehicle implementation. The decreased footprint of the development and opportunities to replace invasive plant infestations to support a maturing forest will result in modest carbon sequestration.
2. Will the proposal increase or decrease: <ol style="list-style-type: none"> a. the number of homes in Ladysmith? 	The proposal will significantly increase the number of homes in Ladysmith (see Housing Needs Report Analysis).

<ul style="list-style-type: none"> b. the number of homes in Ladysmith that are rented or sold below market rates? c. the diversity of housing stock? d. access to housing for equity seeking groups? 	<p>The development, as currently proposed, will not increase the number of homes rented or sold below market rates.</p> <p>The proposal is expected to increase the diversity of housing stock by providing a variety of housing types.</p> <p>The covenant condition requiring a percentage of units to be accessible will support access to housing for persons with disabilities.</p>
<p>3. Will the proposal directly support the economic, social, cultural or environmental interests of First Nations? Are there aspects of the proposal that could harm these interests?</p>	<p>Staff are not aware of any aspects of the proposal that will negatively or positively impact the interests of First Nations. Staff are recommending that the application be referred to the Stz’uminus First Nation.</p>
<p>4. Does the OCP allow for, contemplate, or encourage the proposal in a different location (e.g. a Priority Growth Area)? If yes, would the different location be a better or worse location for the proposed development?</p>	<p>The subject property is a greenfield site and is not within a priority growth area. However, the site is currently zoned to allow a considerably larger development footprint which encroaches into a red-listed ecosystem. The proposal would move dwelling units closer to core growth areas—i.e. the proposal is more aligned with this policy than the current zoning.</p>
<p>5. Does the proposal offer an extraordinary economic, social or environmental benefit when compared to a proposal that would be consistent with this OCP? Are the community benefits of the proposal proportional to:</p> <ul style="list-style-type: none"> a. the economic benefits to the proponent; and b. the economic, social and environmental impacts of the proposal? 	<p>The acquisition of 7.75 hectares of parkland, much of which contains a red-listed ecosystem is substantial in terms of size and ecological protection. Moreover, the opportunities for “ecological recruitment” noted in the biologist’s report provide opportunities to expand the red-listed ecosystem. Under existing OCP regulations the developer is not required to provide such a large park dedication. The value of this park dedication to the community is not only proportional to the benefits to the developer but likely exceed them.</p>
<p>6. Does the proposal impact (positively or negatively) important or scarce resources such as mature forests, agricultural or forestry lands, lands reserved for important land uses, sensitive ecosystems, cultural or heritage sites or water sources?</p>	
<p>7. Are the mitigation measures and community benefits of the proposal secured through legally binding and/or irreversible offerings such as covenants, phased development agreements, park dedication and community contributions?</p>	<p>Requirements for park dedication, GHG reduction measures, amenities and housing accessibility will be secured through irrevocable instruments registered on title.</p>

Holland Creek Area Plan

The proposal is also supported by the following policies in the Holland Creek Local Area Plan:

Policy	Staff Comments
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5.2.1 Provide natural areas, active parks and a continuous linear trail system for residents and visitors by developing the Park and Open Space system as shown in Map 3 – Land Use.	The proposed increase and location of parkland improves connectivity with existing and future parks.
5.2.7 Retain natural areas within the Park and Open Space designation to allow for the protection of environmentally sensitive areas, steep slopes, and scenic views.	<p>Proposed parkland includes portions of the red-listed ecosystem. Parkland acquisition south of arbutus hump provides opportunities to manage invasive plants and expand the red-listed ecosystem. Under current zoning these areas were identified for development.</p> <p>This parkland is essentially being acquired by way of a “density transfer” by reallocating units from the Western Parcel to the Centre Parcel and Eastern Parcel.</p>
5.2.8 Arbutus Hump has been identified as Park and Open Space to protect its sensitive ecosystem, as well as the significant view exposure from other parts of the community.	
5.2.9 Community amenity contributions, park land dedication, density transfer and conservation covenants are mechanisms that may be used to acquire and protect environmentally sensitive areas.	
7.2.12 Rezoning, density transfer, park dedication or land acquisition are tools available for the protection of environmentally sensitive areas and areas of importance to the community.	
7.2.1 The preferred density of residential development is a mix of housing types and densities with a ratio of housing types across the Plan Area of 50/50 percent single unit to multi-unit.	The housing mix is maintained with a range of permitted uses in the proposed zoning.
9.2.1 Road access into the neighbourhood shall be provided at Colonia Drive, Dogwood Drive and Thetis Drive as the development is phased in. Access from both Dogwood Drive and Colonia Drive will be required by 600 units and from all three locations by 900 units.	Modified covenant conditions still require the developer to construct this infrastructure, and other developers are subject to the original “unit triggers”. Subsequently, this infrastructure will be in place as the specified unit thresholds are met.
9.2.4 Sufficient access for emergency vehicles, including two-way road access in and out of any site, shall be provided as the development is phased in.	Multiple interim and permanent access/egress routes are proposed. The Fire Department and Infrastructure Services are satisfied with the sufficiency of emergency accesses.

Housing needs report

Under Section 473(2.1) of the *Local Government Act*, a local government must consider its most recent housing needs report⁶, and the housing information on which the report is based, when developing an OCP, or amending the OCP in relation to housing.

The Town’s most current housing needs report identified a 2020-2025 total housing need of 510 units—approximately 100 units/year. The proposed number of units is consistent with the current zoning and OCP designation, meaning there is no net loss of allowable units. The proposed development will provide approximately 600 units, or 113% of the Town’s 2020-2025 housing need. If post-2025 housing needs remain consistent at 100 units/year, the proposed

⁶ The Town’s housing needs report is available at: <https://www.cvrld.ca/3443/Municipal-Housing-Needs-Assessment-Report>

development will provide a 5-6 year supply of housing. Additionally, the modified infrastructure requirements will support housing development on adjacent lands which account for an additional 200-800 units.

Other Considerations

The traffic studies in Attachment G conclude that no emergency access/egress or traffic flow issues will arise with the removal of the “South Crossing” over Heart Creek or from the proposed unit swap. Infrastructure Services concurs with these findings.

The biologist’s report in Attachment I notes net-positive impacts of the proposed unit swap and dedication of additional parkland including:

- “Ecosystem recruitment”⁷ opportunities as the forest matures.
- Preservation of biodiversity.
- Reduced fragmentation of existing ecosystems and forested areas.
- Protection from further encroachment of invasive species into the red-listed ecosystem.

Summary

Overall, the proposal is consistent with the Official Community Plan and Holland Creek Area Plan and will result in a more compact, connected development than currently allowed under existing zoning. The parkland dedication is not only sizable but ideally situated to support ecological protection and increased trails connectivity. No traffic issues are expected to arise as a result of the proposal (see Attachment G) and the infrastructure needed to service the Holland Creek neighbourhood will still be phased in as unit counts reach key thresholds. Subsequently staff recommend approving the rezoning and OCP amendments as proposed.

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 one or both of the proposed bylaw(s) and give the bylaw(s) 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.

⁷ This can be described as the potential for the red-listed ecosystem to expand into the newly protected area as invasive plants are removed and the forest matures.

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 proposed OCP amendments are not expected to have an impact on the 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. As the proposal only includes changes to the OCP that are incidental to the proposed zoning and park dedication (e.g. adding areas to development permit areas and redesignating areas as parkland) staff recommend only the mandatory consultation with the Stz'uminus First Nation and the School Board.

A neighbourhood information meeting was held by the applicant on June 28, 2023. The applicant's summary report of this meeting is attached to this report as Attachment J. A number of letters and emails were received following the neighbourhood information meeting which are provided in Attachment K. Generally, concerns were expressed about traffic, parking, road standards, the number of units, the introduction of multi-family units, proposed road connections, and not receiving notice of the neighbourhood information meeting. In response to these concerns staff note the following:

- With the exception of the removal of the "South Crossing" permitted/required, road connections and routes have not changed. The reports in Attachment G and Infrastructure Services have identified no traffic issues with the proposal.

- No changes are proposed to minimum parking requirements or road standards.
- The number of units is not likely to increase as a result of the proposal and multi-family units are already allowed on the subject property. The increased proportion of multi-family units (if any) and the introduction of neighbourhood commercial uses is more likely to reduce parking demand and traffic congestions. These land uses generally correspond to decreased car ownership and use when compared to single-family development.
- Notice of the neighbourhood information meeting was published in two issues of the Ladysmith Chronicle and mailed to residents within 60 meters of the subject property. Letters received from residents have been included in this Council report and there will be a public hearing and notification as noted below.

If Council endorses the proposed bylaw amendments 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*.

INTERGOVERNMENTAL REFERRALS:

The application must be referred to the Ministry of Transportation and Infrastructure under section 52 of the *Transportation Act* and the School Board and Stzuminus First Nation as noted above. Additionally, preliminary/courtesy referrals were sent to BC Transit/CVRD Transit. Table 3 summarizes referrals to date, responses received, and staff’s comments.

Table 3: Intergovernmental Referral Comments

Referred (Yes/No)	Agency	Applicable Legislation	Agency/Staff Comments
Following 3 rd Reading of Bylaw 2171	Ministry of Transportation and Highways	s. 52 of the Transportation Act	TBD
Following 2 nd Reading of Bylaw 2170	School Board	s. 476 of the Local Government Act	TBD
No	Agricultural Land Commission	s. 477(3)(b) of the Local Government Act	N/A
No	Ministry of Environment	s. 40 of the Environmental Management Act	N/A
Following 2 nd Reading of Bylaw 2170	Stz’uminus First Nation	s. 12 of Stz’uminus First Nation and Town of Ladysmith Memorandum of Understanding and s. 475 of the Local Government Act	
No	RCMP	N/A	N/A
No	Island Corridor Foundation (ICF)	N/A	N/A
Yes	BC/CVRD Transit	N/A	See Attachment F

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application was circulated to Town departments for review and comment. Their comments are summarized below:

Table 4: Interdepartmental Referral Comments

Referred (Yes/No)	Department	Comments
Yes.	Infrastructure Services	Infrastructure Services is supportive of the proposed covenant changes and emergency access routes. Exact Infrastructure requirements will be determined at the subdivision stage.
No	Building Inspection	N/A
Yes	Parks Recreation and Culture	Parks Recreation & Culture is supportive of acquiring the additional proposed parkland. The proposed parkland dedication is an ideal site for park as it contains a significant amount of flat land, provides opportunities for invasive plant management and sensitive ecosystem protection and provides connectivity to existing and proposed parkland in the Holland Creek Area.
No.	Financial Services	N/A
No.	Legislative Services/Corporate Services	N/A
Yes.	Fire/Protective Services	Fire/Protective Services was consulted on the proposed interim/permanent emergency access/egress routes and has no concerns.

COMMUNITY PLANNING ADVISORY COMMITTEE (CPAC) REVIEW:

The application was reviewed by CPAC on March 15, 2023 and the committee passed the following motion:

It was moved, seconded, and carried that the Community Planning Advisory Committee supports Official Community Plan & Zoning Bylaw Amendment Application 3360-22-07 (West Lot A Holland Creek) in principle and recommends that Council consider the following:

- Ground water management.
- Tree retention.
- Commercial amenities.
- Scotch broom removal.
- Cycling and pedestrian interconnectivity.

CPAC’s recommendations have been incorporated into staff’s recommendations.

ALIGNMENT WITH STRATEGIC PRIORITIES:

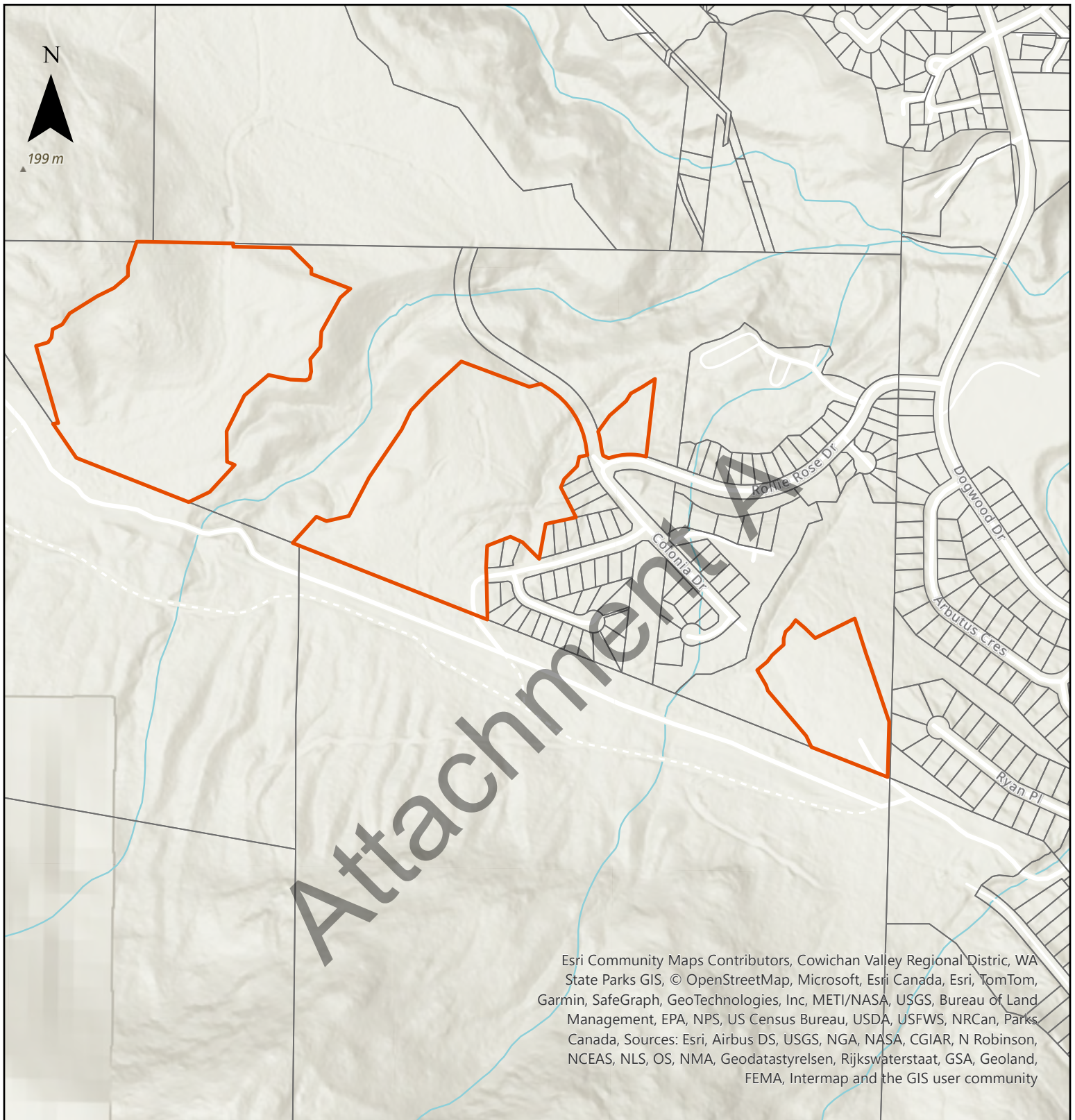
- | | |
|--|--|
| <input checked="" type="checkbox"/> Core Infrastructure
<input checked="" type="checkbox"/> Official Community Plan Implementation
<input type="checkbox"/> Waterfront Area Plan | <input type="checkbox"/> Economy
<input type="checkbox"/> Leadership
<input type="checkbox"/> Not Applicable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

I approve the report and recommendations.



Allison McCarrick , Chief Administrative Officer

ATTACHMENT(S):

- A. Subject Property Map
- B. Bylaw 2170
- C. Bylaw 2171
- D. Covenant CA6857592
- E. Application Package and Plans
- F. BC Transit's Referral Response
- G. Transportation Reports
- H. Wildfire Report
- I. Biologist's Report
- J. Neighbourhood Information Report
- K. Resident Letters/Emails



**Subject Property Map:
 LOT A BLOCK 192 DISTRICT LOT 103 OYSTER DISTRICT PLAN EPP63594 EXCEPT PLAN
 EPP67741, EPP75579, EPP80490, EPP98460 AND EPP98461 (PID: 030-139-520)**

-  Subject Property
-  Property Lines



Scale: 1:7,000
 Page 50 of 236



TOWN OF LADYSMITH

BYLAW NO. 2170

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 to effect changes to "Official Community Plan Bylaw 2003, No. 1488":

Definitions:

1. For the purpose of this bylaw "subject property" means: Lot A Block 192 District Lot 103 Oyster District Plan EPP63594 Except Plan EPP67741, EPP75579, EPP80490, EPP98460 and EPP98461 (PID 030-139-520) and as shown in heavy black line in Schedules A, B, and C of this bylaw.

OCP Amendments:

2. "Official Community Plan Bylaw 2003, No. 1488" is hereby amended as follows:
 - a. Map 1: Future Land Use is amended to reconfigure the land use designation for the subject property as shown in Schedule A;
 - b. Map 4: Parks and Facilities is amended to add the areas of the subject property shown in green in Schedule B to the 'Local Park' designation;
 - c. Map 8: Development Permit Areas is amended to add portions of the subject property to DPA 4: Multi-unit Residential, DPA 3: Commercial and DPA 10.

Citation

3. This Bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170".

READ A FIRST TIME on the day of , 2024

READ A SECOND TIME on the day of , 2024

PUBLIC HEARING HELD Pursuant to Section 464 of the Local Government Act on the day of, 2024

READ A THIRD TIME on the day of, 2024

ADOPTED on the day of May, 2024

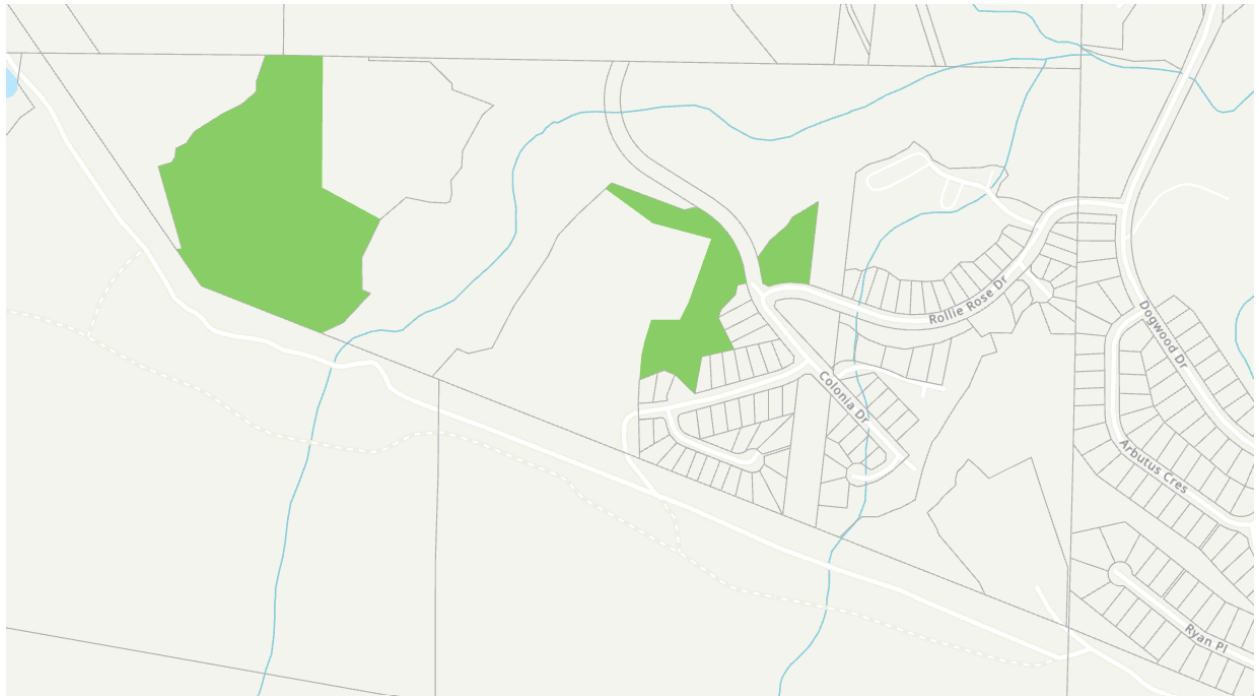
Mayor (A. Stone)

Corporate Officer (S. Bouma)

Schedule A

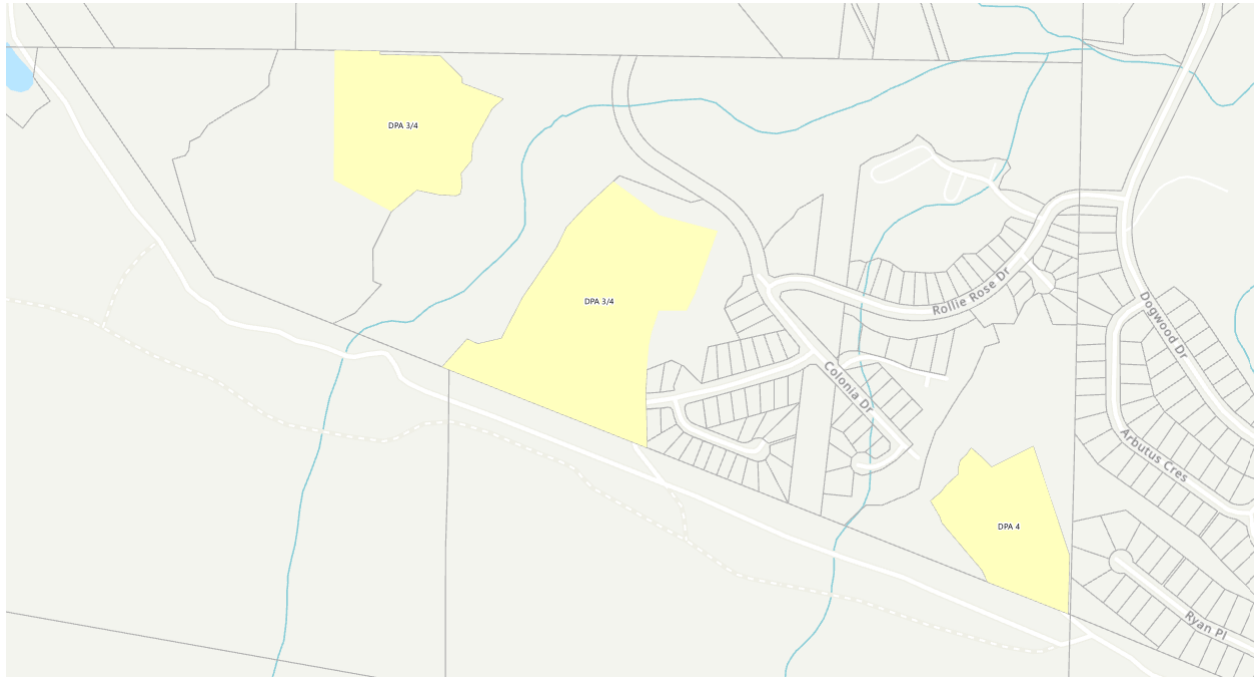


Schedule B



ATTACHMENT

Schedule C



ATTACHMENT C
TOWN OF LADYSMITH
BYLAW NO. 2171

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

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

1. Schedule A – Zoning Bylaw Text is amended by adding as section 17.8 the Holland Creek Mixed-Use Residential (CD-8) zone attached to this bylaw as Schedule A;
2. Schedule B is amended to rezone Lot A Block 192 District Lot 103 Oyster District Plan EPP 63594 Except Plan EPP67741, EPP75579, EPP80490, EPP98460, and EPP98461 to Comprehensive Development 8– Holland Creek Mixed-Use Residential (CD-8), Nature Park (P-3), Park and Recreation (P-2) and Low Density Residential (R-3-A) as shown in Schedule B of this bylaw;
3. Subsection 10.11(8)(d) is deleted and replaced with the following:

"d) For the areas shown as A, B and C in Figure 10.11.1:
i) Community Care Facility and Assisted Living Residence licensed under the Community Care and Assisted Living Act are permitted Principal Uses
ii) Coffee Shop, Office and Personal Service Establishment are permitted Accessory Uses to Community Care Facility and Assisted Living Residence";
4. Subsection 10.11(8)(e) is added as follows:

"e) Notwithstanding Section 10.11.4(b) and Section 10.11.5(d) for the area shown as area C in figure 10.11.1:
i) the maximum number of Dwelling Units permitted is 42 Dwelling Units per hectare of Land; and
j) The minimum setback from an Interior or Exterior Side Parcel Line shall be 2 meters"; and
5. Figure 10.11.1 is deleted and replaced with the following:

FIGURE 10.11.1: PLAN OF AREAS A, B, and C OF THE LOW DENSITY RESIDENTIAL (R-3-A) ZONE



Citation

2. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2171".

READ A FIRST TIME on the day of, 2024

READ A SECOND TIME on the day of , 2024

PUBLIC HEARING held in accordance with section 464 of the *Local Government Act* on the day of , 2024

READ A THIRD TIME on the day of , 2024

APPROVED BY THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE on the day of, 2024

ADOPTED on the day of , 2024

Mayor (A. Stone)

Corporate Officer (S. Bouma)

ATTACHMENT C

SCHEDULE A

17.8 COMPREHENSIVE DEVELOPMENT 8– HOLLAND CREEK MIXED-USE RESIDENTIAL (CD-8)

The purpose of the Comprehensive Development 8 Zone is to accommodate mixed-use residential neighbourhoods with a range of housing options and densities and local commercial services.

1. Principal Uses

- a) *Multiple Unit Dwelling*
- b) *Single Unit Dwelling*
- c) *Townhouse Dwelling*
- d) *Two Unit Dwelling*

2. Accessory Uses

- a) *Artist Studio*
- b) *Bakery*
- c) *Coach House* subject to Part 6, Section 6.5
- d) *Coffee Shop*
- e) *Community Care Facility*
- f) *Convenience Store*
- g) *Cottage Industry*
- h) *Home Based Business*, subject to Part 6, Section 6.8.
- i) *Office*
- j) *Personal Service Establishment*
- k) *Retail Sales*
- l) *Secondary Suite* subject to Part 6, Section 6.4.

3. Sizing and Dimension of Parcels

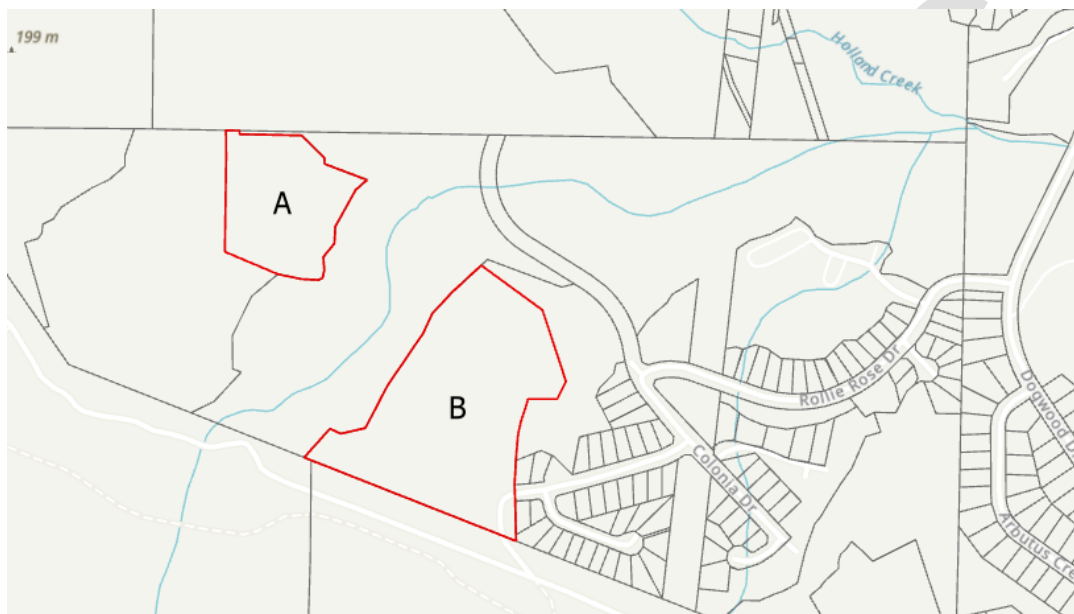
- a) No Parcel for a Single Unit Dwelling Use shall be created which has a Parcel Area less than 372 square metres in area.
- b) No Parcel for a Two Unit Dwelling, Townhouse Dwelling or Multiple-Unit Dwelling Use shall be created which has a Parcel Area less than 780 square metres in area.
- c) No Parcel shall be created which has a Frontage of less than 12.19 metres.

4. Size and Density of the Use of Land, Buildings and Structures

- a) For a Single Unit Dwelling section 10.4.4. "Size and Density of the Use of Land, Buildings and Structures" of Section 10.4 "Single Dwelling Residential – Small Lot B Zone (R-1-B)" shall apply.
- b) For a Two Unit Dwelling section 10.6.4. "Size and Density of the Use of Land, Buildings and Structures" of Section 10.6 "Old Town Residential (R-2)" shall apply.
- c) For a Multiple-Unit Dwelling or a Townhouse Dwelling the Floor Space Ratio shall not exceed 2.0.

- d) Notwithstanding subsections 17.8(4) (a), (b) and (c), the maximum number of *Dwelling Units* permitted in this zone shall not exceed:
 - i. 100 units in Area A as shown in Figure 17.8.1; and
 - ii. 400 units in Area B as shown in Figure 17.8.1

FIGURE 17.8.1



- e) The maximum Parcel Coverage of all Buildings and/or Structures, excluding *Buildings or Structures* used exclusively for off-street parking, shall be 50.0 percent.
- f) Where at least 50% of required off-street parking is provided underground, the maximum Parcel Coverage of all Buildings and/or Structures, excluding Buildings or Structures used exclusively for off-street parking, shall be 60.0 percent.
- g) No commercial use shall have a *Gross Floor Area* greater than 200 square metres.
- h) The combined *Floor Space Ratio* for all commercial uses on a *Parcel* shall not exceed 0.5.
- i) Commercial uses may only be located on the *First Storey* of a Building.
- j) A *Parcel* may contain more than one *Principal Building*.
- k) Despite subsection 17.8(4)(j) a parcel less than 780 square meters shall not contain more than one *Principal Building*

5. Siting, Sizing and Dimension of Uses Buildings and Structures

- a) No *Multi-Family Building* shall exceed a Height of 14 metres.
- b) No *Single-Unit or Two-unit Building* shall exceed a Height of 9.0 metres
- c) Despite subsection (b), where the roof pitch of a *Single-Unit or Two-unit* is less than 4:12, the maximum Height shall be 7.5 metres.
- d) No Accessory Building or Structure shall exceed a Height of 7.5 metres; except where the roof pitch is less than 4:12, in which case the maximum shall be 5.0 metres.

- e) No *Principal Buildings* or *Structures* shall be located closer to the *Parcel Line* than the minimum setback shown in the Table below:

Parcel Line	Minimum Setback
Front Parcel Line	6.0 metres
Interior Side of Parcel (Single-unit dwelling or Two-unit dwelling)	2.0 Metres
Exterior Side of Parcel (Single-unit dwelling or Two-unit dwelling)	2.5 metres
Exterior/Interior Side of Parcel (multiple-unit dwelling)	4.5 metres
Rear Parcel Line	4.5 metres

- f) No Accessory Building or Structure shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:

Parcel Line	Minimum Setback
Front Parcel Line	6.0 metres
Interior or Exterior Side Parcel Line	1.5 metre
Rear Parcel Line	1.5 metre

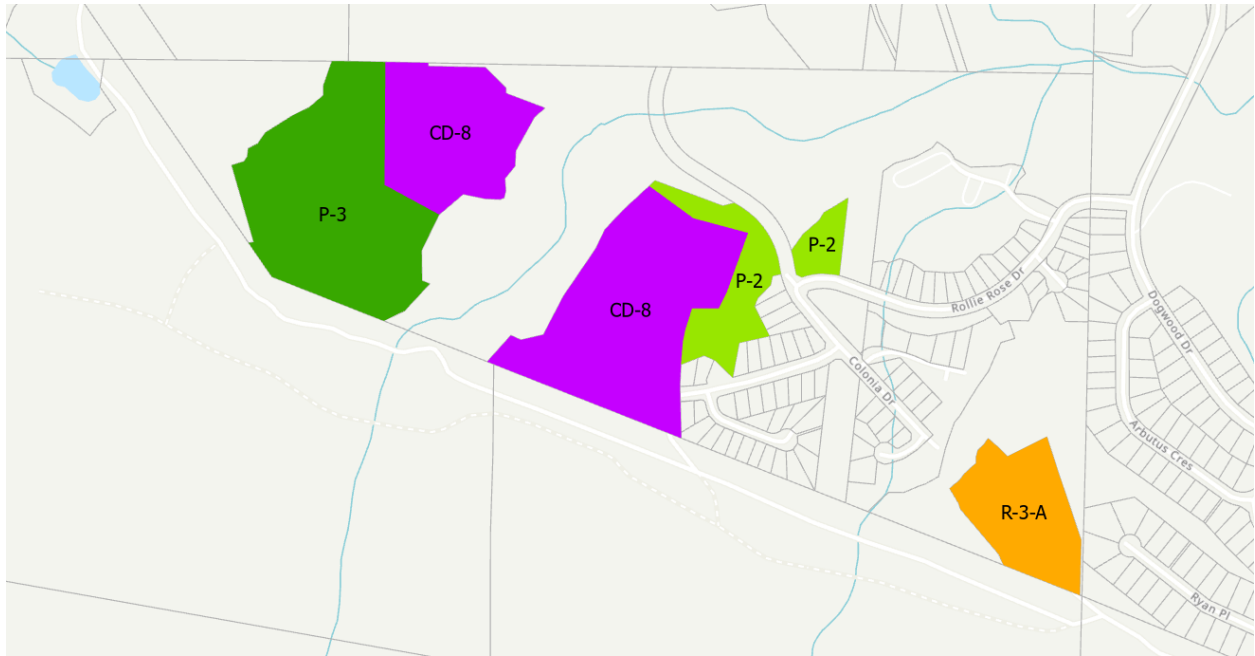
6. Landscaping and Screening

- a) *Landscaping* and screening shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

7. Parking and Loading

- a) *Off-street* parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

Schedule B: Proposed Zoning



VICTORIA LAND TITLE OFFICE

LAND TITLE ACT
FORM C (Section 233) CHARGE

Jun-12-2018 12:09:07.009

CA6857592 CA6857593

GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 21 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Brian James Senini IAT7J9 Digitally signed by Brian James Senini IAT7J9
Date: 2018.06.12 10:11:30 -07'00'

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Mary Lynn Shiels, Legal Assistant for
BRIAN J. SENINI LAW CORPORATION
30 FRONT STREET, P.O. BOX 190
NANAIMO BC V9R 5K9
Document Fees: \$143.16

File No. 217102
Tel: (250) 754-1234
Town of Ladysmith File: 3320-16-05
Type: Subdivision Covenant

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] [LEGAL DESCRIPTION]
030-139-520 LOT A, BLOCK 192, DISTRICT LOT 103, OYSTER DISTRICT, PLAN EPP63594 EXCEPT PLAN EPP67741 AND PLAN EPP75579

STC? YES

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms D.F. No.

(b) Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

0963984 B.C. LTD. (INC. NO. BC0963984) AND EDJ PROJECTS INC. (INC. NO. BC0885538) (AS TO PRIORITY)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

TOWN OF LADYSMITH

410 ESPLANADE

LADYSMITH

BRITISH COLUMBIA

V9G 1A2

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Transferor(s) Signature(s)

Brian J. Senini

Barrister & Solicitor

30 Front Street, PO Box 190

Nanaimo, BC V9R 5K9

Tel: (250) 754-1234

Y	M	D
18	05	22

0963984 B.C. LTD. by its authorized signatory:

JIM DICKINSON

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Brian J. Senini
Barrister & Solicitor
30 Front Street, PO Box 190
Nanaimo, BC V9R 5K9
Tel: (250) 754-1234

Y	M	D
18	05	01

AS TO PRIORITY:
EDJ PROJECTS INC. by its authorized signatory:

Michele Dianne Jager

Erin Anderson
Commissioner for Taking Affidavits in British Columbia
410 Esplanade
Ladysmith, BC V9G 1A2

18	06	11
----	----	----

Transferee's Signature:
TOWN OF LADYSMITH by its authorized signatories:

Mayor: Aaron Stone

Director of Legislative Services:
Guillermo Ferrero

Attachment D

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

FORM_E_V24

**LAND TITLE ACT
FORM E**

SCHEDULE

PAGE 3 OF 21 PAGES

NATURE OF INTEREST
Covenant

CHARGE NO.

ADDITIONAL INFORMATION
Section 219 Land Title Act

NATURE OF INTEREST
Priority Agreement

CHARGE NO.

ADDITIONAL INFORMATION
granting the Covenant with one registration number
less than this Priority Agreement priority over
Mortgage CA6326700

Page 21, para 1 and 2

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Attachment D

TERMS OF INSTRUMENT - PART 2

WHEREAS:

- A. The Transferor is the registered owner in fee-simple of those lands described in Item 2 of the General Instrument – Part 1 (the "**Lands**");
- B. The Transferee, Town of Ladysmith, is a municipality duly incorporated under the laws of British Columbia;
- C. On June 20, 2016 the Town adopted Official Community Plan Amendment Bylaw, 2016, No. 1911 being an amendment to the Official Community Plan to approve a new Holland Creek Local Area Plan to guide the creation of a new neighbourhood;
- D. On June 27, 2017 the Town adopted Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 5) 2016, No. 1912 (the "**Zoning Amendment Bylaw No. 1912**") to permit a residential development of approximately 610 units (single unit and multi-unit), with community care facility/assisted living use and limited commercial, and park and open space;
- E. The developer has applied for approval to subdivide part of PID 030-139-520 LOT A BLOCK 192 DISTRICT LOT 103 OYSTER DISTRICT PLAN EPP63594 EXCEPT PLAN EPP67741 (the "Parent Parcel") to create 20 fee simple titles (the "Initial Parcels") and the Lands, being the Remainder as the first phase of a multi-phase subdivision of the Parent Parcel.
- F. The Owner and the Town acknowledge that it is in the public interest that development and use of the Lands be limited and that certain development requirements, which the Owner has freely agreed to grant, be secured by agreement, and the Owner has determined to grant and has agreed to enter into this Covenant and to register it against the title to the Lands as a covenant and indemnity under Section 219 of the *Land Title Act*.
- G. The Transferor acknowledges that the Transferee is in the process of planning for the implementation of a comprehensive plan to facilitate the development and servicing of the Lands, together with adjacent lands and has agreed that this Covenant is necessary to provide for the proper future development and servicing of the Lands.
- H. Section 219 of the *Land Title Act* provides that a covenant, whether of negative or positive nature, may be granted in favour of the municipality and may be registered as a charge against the title to land, and may contain provisions respecting the following:
- the use of land or the use of a building on or to be erected on land;

- that land is to be built on in accordance with the covenant;
- that land is not to be built on or subdivided except in accordance with the covenant;
- that land is not to be used, built on or subdivided;
- that separate parcels of land are not to be sold or transferred separately;
- that land or specified amenities be protected, preserved, conserved, maintained, enhanced, restored or kept in its natural or existing state.

NOW THEREFORE THIS AGREEMENT WITNESSES that under Section 219 of the *Land Title Act*, and in consideration of the premises and the mutual covenants and agreements contained herein, and the sum of ONE (\$1.00) DOLLAR of lawful money of Canada now paid to the Transferor by the Transferee (the receipt and sufficiency of which is hereby acknowledged), and for other good and valuable consideration the parties covenant and agree each with the other as follows:

1. Definitions

1.1 In this Agreement the following words have the following meanings:

- (a) **“Hydro Right of Way”** means the statutory right of way with registration number EB73744, in favour of the British Columbia Hydro and Power Authority, being the Part shown in red on Plan 3253 RW, containing 2.452 hectares;
- (b) **“Local Area Plan”** means the Holland Creek Local Area Plan which is attached as Schedule “C” to the OCP;
- (c) **“Neighbourhood”** means the area within the boundaries of the Lands, Lot A, District Lot 110, Oyster District, Plan VIP75849, and Lot 5, Block 1399, Oyster District, Plan VIP75559, Except Part in Plan VIP82328; or any parcels into which they may be subdivided;
- (d) **“OCP”** means the Town of Ladysmith Official Community Plan Bylaw No. 1488, as amended from time to time.

1.2 In this Agreement a reference to a road shall be a reference to a road in the approximate location identified on the Plan attached to this Agreement as Schedule A, to be constructed as part of the subdivision and development of the Lands.

2. Restrictions on Use and Development:

2.1 The Transferor covenants and agrees with the Transferee that it shall not subdivide the Lands except in strict accordance with this Agreement.

3. Preconditions of Subdivision and Development:

Local Site Triggers

- 3.1 The Transferor may subdivide and develop those parts of the Lands shown on the proposed subdivision layout plan of Schedule "A", provided that the following conditions are met:
- (a) With respect to the area set out in Area B on Schedule A, where the Transferor has constructed or secured, to the reasonable satisfaction of the Approving Officer, the following:
 - (i) a connection from Road B onto the Hydro Right of Way for emergency vehicle access.
 - (b) With respect to the area set out in Area C on Schedule A, where the Transferor has constructed or secured, to the reasonable satisfaction of the Approving Officer, the following:
 - (i) Road B, including the north crossing over Heart Creek, from the intersection of Road B with Road A to the boundary of Lot A, District Lot 110, Oyster District, Plan VIP75849; and
 - (ii) a connection from the end of the constructed Road G onto the Hydro Right of Way for emergency vehicle access.
 - (c) With respect to the area set out in Area D on Schedule A, the Transferor has to the reasonable satisfaction of the Approving Officer, the following:
 - (i) dedicated and constructed, or dedicated and provided security for construction of, Road G over Heart Creek (south crossing); and
 - (ii) dedicated and constructed, or dedicated and provided security for construction of, a connection from the end of Road G onto the Hydro Right of Way for emergency vehicle access.

Neighbourhood Cumulative Triggers

- 3.2 Despite anything in this Agreement the Transferor shall not subdivide the Lands (including, for certainty, a subdivision of Area A) where such subdivision would result in the creation of parcels in the Neighbourhood allowing for development of:
- (a) more than 250 dwelling units, unless it has constructed a left turn lane into the Lands from Dogwood Drive in accordance with policy 9.2.11 of the Local Area Plan;
 - (b) more than 610 dwelling units, unless it has constructed and completed off-site municipal sanitary sewer infrastructure improvements as set out in the report dated March 19, 2015 prepared by Newcastle Engineering Ltd.

entitled "Rezoning Application Site Service Report" attached to this Covenant as Schedule B;

- (c) more than 600 dwelling units, unless it has constructed and completed a highway to access the Lands from Colonia Drive in accordance with policy 9.2.1 of the Local Area Plan; and
- (d) more than 900 dwelling units, unless it has completed construction of the highway to access the Lands from Thetis Drive in accordance with policy 9.2.1 of the Local Area Plan

or has made arrangements satisfactory to the Transferee in its sole discretion for the completion of such infrastructure, including obtaining all necessary dedications or rights of way and the securing of the obligation to construct and provide works under this section through deposit of a standby irrevocable letter of credit sufficient to secure the cost of completion of the works.

3.3 Section 3.1(b)(i) does not apply to the extent that:

- (a) the costs of constructing Road B are included by the Transferee in its Development Cost Charge Bylaw and the Transferor has paid, or has agreed (including by way of agreement under section 511(3) of the *Local Government Act*) to pay a development cost charge that includes such cost; and
- (b) no part of Road B is required as road frontage in connection with the development of any part of the Lands.

3.4 Section 3.1 does not apply within that part of the Lands shown as "Area A" on Schedule A.

3.5 Nothing in this section shall be interpreted as fettering the discretion of the Approving Officer with respect to any requirements for works and services required in relation to a subdivision of the Lands, beyond those referred to in this Covenant.

4. Indemnity

4.1 The Transferor shall indemnify and save harmless the Transferee from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have against the Transferee or which the Transferee incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with:

- (a) the breach of any covenant in this Agreement;
- (b) the use of the Lands contemplated under this Agreement; and
- (c) restrictions or requirements under this Agreement.

5. Release

5.1 The Transferor hereby releases and forever discharges the Transferee of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which the Transferor can or may have against the Transferee for any loss or damage or injury, including economic loss, that the Transferor may sustain or suffer arising out of or connected with:

- (a) the breach of any covenant in this Agreement;
- (b) the use of the Lands contemplated under this Agreement; and
- (c) restrictions or requirements under this Agreement.

6. Priority

6.1 At the Transferor's expense, the Transferor must do everything necessary to secure priority of registration and interest for this Agreement and the Section 219 Covenant it creates over all registered and pending charges and encumbrances of a financial nature against the Lands.

7. No Prejudice to Public Rights

7.1 Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the Transferee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if the Agreement had not been executed and delivered by the Transferor.

8. Discharge

8.2 The Transferee agrees that it shall at the request and cost of the Transferor discharge this covenant as regards one or more parcels of land where the parcels are included within a subdivision and the Transferor has completed the servicing in respect of that subdivision.

9. Time

9.1 Time is of the essence of this Agreement.

10. Enurement of Obligations

10.1 The Transferor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions set out in this Agreement and they shall be binding upon the Transferor as personal covenants only during the period of its respective ownership of any interest in the Lands.

11. No Representations by Transferee

- 11.1 It is mutually understood, acknowledged and agreed by the parties hereto that the Transferee has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Transferor other than those contained in this Agreement.

12. Reimbursement of Transferor's Costs

- 12.1 The Transferor shall pay the legal fees of the Transferee in connection with the preparation and registration of this Agreement. This is a personal covenant between the parties.

13. No Waiver

- 13.1 The waiver by a party of any breach of this Agreement or failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar, and no waiver shall be effective unless it is in writing signed by both parties.

14. Interpretation

- 14.1 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

15. Remedies Cumulative

- 15.1 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

16. Enforcement Discretion

- 16.1 The enforcement of this Agreement shall be entirely within the discretion of the Transferee and the execution and registration of the Agreement against title to the Lands shall not be interpreted as creating any duty on the part of the Transferee to the Transferor or to any other person to enforce any provision of the breach of any provision of this Agreement.

17. Covenants Run with the Land

- 17.1 The restrictions and covenants herein contained shall be covenants running with the Lands and shall be perpetual, and shall continue to bind all of the Lands when subdivided, and shall be registered in the Victoria Land Title Office pursuant to section 219 of the *Land Title Act* as covenants in favour of the Transferee as a first charge against the Lands.

18. Further Assurances

- 18.1 The Transferor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
- 18.2 If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
- 18.3 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 18.4 This Agreement may be executed in counterpart with the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement. This Agreement may be delivered by electronic means.

The Transferor and Transferee acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D (pages 1 and 2) attached hereto.

Attachment B

SCHEDULE B Rezoning Application Site Service Report



**NEWCASTLE
ENGINEERING LTD.**

#4-3179 BARONS ROAD, NANAIMO, B.C. V9T 5W5

PHONE: (250) 756-9553 FAX: (250) 756-9503

March 19, 2015

L845-02

Glencar Consultants Inc.
Attention: **Glen Carey**
6774 Dickinson Road,
Lantzville, BC
V9V 1A2

Dear Mr. Carey

RE: REZONING APPLICATION SITE SERVICING REPORT FOR THE PROPOSED DEVELOPMENT OF LOT 1, D.L. 103, OYSTER DISTRICT, PLAN 34532; REMAINDER DISTRICT LOT 103, OYSTER DISTRICT, EXCEPT PART COLOURED RED SHOWN ON PLAN DEPOSITED UNDER DD3900 AND EXCEPT PART IN PLAN 34532; BLOCK 192, OYSTER DISTRICT.

1. INTRODUCTION

Newcastle Engineering Ltd was retained to conduct a servicing study for a portion of the area outlined by the Town of Ladysmith in Holland Creek Area Plan (HCAP). The HCAP is composed of several properties of which only three are included in this rezoning application. However the remaining two lots within the HCAP will require servicing through the properties in the rezoning application. Therefore the area under review will be defined as Study Area 1, the lots included for rezoning and Study Area 2, the remaining two lots that will require serving through Study Area 1 but are not included in the rezoning application, see drawing L845-02-100 in Appendix 1 for a site plan showing Study Area 1 and 2.

Properties included in Study Area 1 (SA1) are Lot 1, D.L. 103, Oyster District, Plan 34532 as well as Remainder District Lot 103, Oyster District, except part coloured red shown on plan deposited under DD3900 and except part in Plan 34532 and finally Block 192, Oyster District.

Study Area 2 (SA2) borders SA1 to the north is comprised of Lot A, District Lot 110E&N, Oyster District, Plan VIP75849 and Remainder Lot 5, Plan VIP75559, Oyster District these properties make up the remainder of the Holland Creek Area Plan, Holland Creek forms the north boundary of SA2.

Bordering the SA1 to the east is an area of existing single family residential lots off of Dogwood Drive and the Town of Ladysmith boundary forms the south limit of SA1.

Currently SA1 is zoned F-1 Forestry and is comprised of forested areas and recently

logged sections. A detailed description of the existing vegetation can be found in report titled "Bio-inventory Of Northern Portions of District Lot 103E&N and Block 192, Oyster District, Ladysmith" by Toth and Associates dated December 15, 2013.

The properties within SA1 are intended for rezoning to create a mix of R-1-A single family residential, R-3-A low density residential, commercial area and park/green space. Each of the residential and commercial lots will be provided with a municipal water, sanitary and storm service.

2. WATER DISTRIBUTION

2.1. EXISTING INFRASTRUCTURE

The town of Ladysmith has two sources for their water supply the first being the Stocking Lake reservoir and secondary intake structure on Holland Creek. Both sources feed into the reservoir located on the Arbutus Hump prior to distribution throughout the Town. The Top Water Level of the Arbutus Hump reservoir is 163m. The TWL of the Arbutus Hump reservoir and the topography of the Town of Ladysmith necessitate that there are several pressure zones within the distribution system.

In the vicinity of the SA1 there is an existing distribution main running along Dogwood Road and both a supply and distribution mains running through a right of way along the south boundary of SA1. The existing main located in Dogwood Drive is within a pressure zone that has a hydraulic grade line of 113m which limits domestic connections to this zone to an elevation at or below 85m. The distribution main located along the south boundary of the study area has a HGL of 158m which limits domestic connects to an elevation at or below 130m of elevation.

2.2. POPULATION PROJECTIONS

The population projections for the subject area are based on the information provided by Glencar Consulting Inc. and the respective property owners for SA2 regarding the number of proposed unit counts for each property. A value of 2.3 people per unit was used in calculating the projected population for residential units within the both SA1 and SA2 and a population density of 50 people per hectare was utilized for proposed commercial areas. The table below summarizes the unit distribution per study area and the projected population as total build out:

Table 1: Population Projections

Area	Lots	R-1-A Single Family Residential (units)	R-3-A Low Density Residential (units)	Commercial (ha)	Population Density (ppu)	Population Density (ppha)	Total Population
SA1	Lot 1, D.L. 103 and Block 192	300	310	0.3	2.3	50	1418
SA2	Lot A	176	-	-	2.3	-	405
	Rem. Lot 5	225	-	-	2.3	-	518



2.3. WATER DEMAND PROJECTIONS

Based on information taken from the "Town of Ladysmith /Saltair Water Supply & Distribution Preliminary Design, Final Report" dated July 18, 2003 by Earth Tech water Quality & Treatment the per capita demands are calculated to be:

- Average Day Demand (ADD) = 482 lpcd
- Maximum Day Demand (MDD) = 1,019 lpcd
- Peak Hour Demand (PHD) = 2,030 lpcd

Using the above per capita demand values with the population projections for both study area's the calculated water demand are:

Table 2: Water Demand Projections

Area	Lots	Average Day Demand (lps)	Maximum Day Demand (lps)	Peak Hour Demand (lps)
SA1	Lot 1, D/L 103 & BLOCK 192	7.9	16.7	33.3
SA2	LOTA	2.3	4.8	9.5
	REM. LOT 5	2.9	6.1	12.2

2.4. FIRE DEMAND CRITERIA

Fire demand criteria within the study area is as per the Town of Ladysmith Engineering Standards and Specifications Manual section 4A which requires that fire demand be in accordance with the "Water Supply for Public Fire Protection" as published by the Fire Underwriter's Survey. Fire demand calculations using the Fire Underwriter's Survey are a function of the building size, type and location and as such it will be necessary to calculate the worst case demand within a given area at the detailed design stage.

2.5. WATER DEMAND CRITERIA

Design criteria for SA1 and SA2 are from the Town of Ladysmith Engineering Standards and Specifications Manual section 4A. Any proposed water system upgrades must be able to meet these requirements under various demand scenarios. The criteria for adequate system design are:

- Maximum desired Static Pressure = 700kPa (100psi)
- Minimum Pressure - PHD = 275 kPa (40psi)
- Minimum Pressure - MDD + Fire at hydrant = 140 kPa (20psi)
- Minimum Static Pressure at building site = 275 kPa (40psi)

2.6. PROPOSED DISTRIBUTION NETWORK

The existing ground elevation in SA1 ranges from approximately 15m in the northeast corner to 175m in the west corner. Therefore portions of SA1 will be within both the existing low and high pressure zones and two separate distribution systems will be required to service SA1. Any future buildings below 65 meters in elevation will be serviced by a proposed low pressure system that will connect to the existing distribution main located on Dogwood Drive. In general this system will service lots in the northeastern side of SA1, refer to the schematic servicing drawing L845-02-101 found in the Appendix 2. The proposed low pressure distribution main within SA1 will be designed as per the Town of Ladysmith Engineering Standards and Specifications



Manual distribution system requirements including loops and an extension to the boundary with SA2. Confirmation of preliminary sizing and configuration of mains associated with the low pressure system will be required during detailed design. When development of SA2 proceeds a connection to the low pressure main on SA1 will allow for the servicing portions of SA2 that are below 85m in elevation.

A high pressure distribution system will be required to service areas of SA1 and SA2 between 85m and 130m. Two connections to the existing high pressure distribution main that runs along the south boundary of SA1 will be made to facilitate the effective looping of the watermain. The proposed high pressure distribution main will be designed to allow for its extension through SA2 in order to service those properties and complete a secondary loop to the existing main near Colonia Drive. Confirmation of sizing and configuration of mains associated with the high pressure system will be required during detailed design.

At this time sections of SA1 or SA2 that are above 130m cannot be serviced from the existing town of Ladysmith water system without the addition of booster pumps.

3. SANITARY SEWAGE

3.1. EXISTING INFRASTRUCTURE

The Town of Ladysmith has a waste water treatment plant, located at the south end of Oyster Cove Road, which is the terminus for the sanitary sewage collection system. The sanitary sewage collection system has two main tributary areas with Holland Creek forming the boundary between the northern and southern areas. As the study area is located completely within the tributary area south of Holland Creek no examination of the sanitary sewer system in the northern tributary areas is required. Sanitary drainage south of Holland Creek is collected mainly by a gravity sewer system with an area north of the Trans-Canada highway being serviced by a force main. The connection point for the sanitary force main to the gravity main is approximately 160m south east of the intersection of Davis Road and the Trans-Canada Highway. All of the sanitary effluent is directed to a trunk main located along the TransCanada Highway which flows to the northwest and feeds into the waste water treatment facility.

Sanitary effluent from the study area will be through a new main that drains SA1 and SA2 east to Dogwood Drive with a connection to the existing system at manhole J60 refer to drawing L845-02-105 in Appendix 3 for details of the existing onsite sanitary sewer system. The existing sanitary mains then runs through the Ladysmith golf course before turning to the south east and connecting with the main on Davis Road.

3.2. SANITARY SEWER FLOWS

Sewage flows were calculated as per the Town of Ladysmith Engineering Standards and Specifications section 5A and the completed sanitary sewer flow calculation sheet can be found in Appendix 4. Catchment areas used in this calculation are as outlined in drawing L845-02-106 found in Appendix 5 and are based on zoning as outlined by the Town of Ladysmith Zoning Bylaw 1160 and its accompanying map found in Schedule A to the bylaw. As the area serviced by the force main is relatively small compared to the total South Ladysmith sanitary sewer tributary area the flow contribution from this area was calculated in the same manner as areas contribution by gravity sewer. Population

density from section 5A were used to assign a density to each zoning type found in the south Ladysmith sanitary sewer tributary area and are shown in Table 3.

Table 3: Population Density per Zoning Type

Zoning	Description	Density (People per hectare)
R-1	Suburban Residential	36
R-1-A	Medium Density Residential	45
R-2	Urban Residential	40
R-2-A	Residential	40
R-3	Multi-Family Residential	100
R-3-A	Medium Density Residential	65
R-3-B	Low Density Residential	48
C-1	Local Commercial	50
C-2	General Commercial	40
C-3	Highway/Service Commercial	40
CD-1	Comprehensive Development	50
I-1	Light Industrial	40
I-2	Heavy Industrial	36
P-1	Institutional	50
P-2	Parks	0

In developed single family residential areas the actual developed lots were counted and a density of 2.3 people per lot was used to calculate the area population. For areas where there was a mix of developed single family lots and parcels that are zoned residential but not currently developed to the limit of the allowable density, the underdeveloped area was multiplied by the appropriate density per area as outlined in Table 3. An equivalent population was then calculated for each area for use in determining the average wet weather flow.

3.3. SANITARY SEWERAGE FLOW ANALYSIS RESULTS

The capacity of the existing pipe system was evaluated under two scenarios; total build out of SA1 and total build out of the all properties in the Holland Creek Area Plan (SA1 and SA2). The flows generated from these two scenarios were added to the base flow from all properties in the south Ladysmith tributary area based on build out of those areas under their present zoning. For both scenarios the capacity of the existing system was evaluated from the proposed connection at manhole J60 through to the waste water treatment plant; please refer to drawing L845-02-105 for the location of the existing sanitary sewer system. The calculation results for both scenarios can be found in Appendix 4. Under the first scenario the existing sanitary sewer system downstream from the connection point at J60 has sufficient capacity to convey the additional flows generated by the development of SA1.

Under the second scenario the anticipated flows from the total build out of SA1 and SA2 would be greater than the capacity of some of the downstream sections of the existing sanitary system. In particular the section of the existing system from manhole J60 to H10 would have insufficient capacity. Downstream from manhole H10 the existing



system has the required capacity to accommodate the additional flows from both SA1 and SA2.

3.4. PROPOSED SANITARY SEWER SYSTEM

The onsite sanitary sewer system will be a gravity system and will be designed as per the town of Ladysmith's Engineering Standards and Specifications section 5A. A schematic plan for the sanitary sewer system in SA1 has been prepared and can be found in Appendix 6. Pipe size and location are to be confirmed during detailed design. The sanitary main will extend through SA1 to the boundary of SA2 to allow for future connection of properties in SA2 to the system, see drawing L345-02-104 in Appendix 7.

Offsite improvements for flow generated from scenario 1 will include extension of mains from SA1 across Dogwood Drive to tie to existing manhole J60. This main will be sized to accommodate the ultimate flow condition of total build out of SA1 and SA2, refer to Appendix 3 for details of offsite improvements.

Once the total build out of SA1 flow condition is reached the commencement of SA2 will trigger the need for some upgrades of the existing system downstream from J60. When the upgrades are required we would propose replacing the existing 200mm main with a 250mm main from manhole J60 to J20. At manhole J20 we propose routing the sanitary main to the north between Holland Creek and the existing Coronation Mall and connecting back into the existing system at manhole TLS 90. This would eliminate the need to work within the Davis Road corridor. The section of sanitary main from manhole J20 to J10 would be abandoned.

4. STORMWATER

4.1. EXISTING DRAINAGE CONDITIONS

The topography of SA1 slopes generally from the south west down to the north east with the high point of SA1 being the shoulder of Arbutus Hump in the west corner of the property. Heart Creek and 2 other streams, Tributary 1 and Tributary 2 incise SA1, see the report by D.R. Clough Consulting titled "Holland Creek Watershed, Ladysmith BC, Environmental Assessment" dated March 20, 2013 for details regarding the three streams. The three streams are characterized by narrow channels and deep, steep sided ravines ranging in depth up to 25m. All three streams enter SA1 by crossing the hydro right of way that parallels the south boundary of SA1 and then flow generally from the south west to the north east across SA1 and are tributary to Holland Creek. Holland Creek and Heart Creek are fish bearing waterways and contain flow year round. Tributary 1 and 2 contain perennial flows and while they are non-fish bearing both tributaries discharge directly to Holland Creek just to the north of the study area. Improvements have been made to Holland Creek for habitat restoration and in particular salmon spawning features have been added to the creek. These improvements include constructed side channels and placement of wood debris. The improvements have been installed from the E&N railway culvert to several hundred meters upstream of the Dogwood Drive bridge.

Other existing drainage works on the site are associated with the remaining logging roads and will be removed as the logging roads are decommissioned.

There is a mix of vegetation ranging from mature forests in the stream ravines and on Arbutus Hump to recently logged sections see the bio-inventory report by Toth and Associates dated December 15, 2013 for details.

4.2. STORM WATER MANAGEMENT

The intent of the Storm Water Management plan (STWMP) is to maintain the watershed function and quality through a combination of retention of green space and manmade features. This section identifies the positive measures this development proposes for storm water management in SA1 along with challenges and methods that will be implemented to address concerns regarding managing rainfall on this specific site in an environmentally sensitive manner to mitigate the potential for future problems. A preliminary storm drainage management area plan, L845-02-103 has been prepared for SA1 and is included in Appendix 8 of this report.

Retention of green space is an important factor to maintaining the predevelopment function of the watershed as retained green spaces will have no net impact on the ground water regime or watershed function. Provision of green spaces will be through the preservation of existing vegetated areas and creation of manmade green spaces. All of the streams that have been identified have been assigned a Stream Protection and Enhancement Area (SPEA) setback by D.R. Clough Consulting and the area within the SPEA setback will remain as native vegetation. In addition designated areas for park/green space have been identified in the rezoning Base Plan.

As the goal of the STWMP for SA1 is to mimic as closely as possible the predevelopment functionality of the watershed, the surface flow to the streams will be maintained at the predevelopment frequency and volumes. This will require multiple discharge point to the onsite streams. The drainage areas that are tributary to each stream have been identified and surface water runoff within these areas will be conveyed to the streams by way of pipe systems. Diversion structures will be used to regulate the flow rate into the streams at set predevelopment values. In doing so the base flows for the various sections of the streams will be maintained. Each discharge point will require its own design and due to site constraints there is no single approach that can be applied in all locations. Drainage areas and the associated discharge point can be found on the storm water management plan included in Appendix 8.

In addition to maintaining the surface flows into the creeks, storm water management features will be included in lot development to facilitate the recharge of the ground water. Single family residential lots will be equipped with on-site detention/infiltration structures to both facilitate ground water recharge and attenuate the runoff flow rate. On multi-family sites a combination of facilities ranging from rain garden, bio-swales, constructed wetlands and detention facilities will be implemented on a site by site basis.

Runoff from road ways will require volume/frequency control as well as quality control. Some methods of source control for the road ways are the inclusion of infiltration swales along the road way to collect and attenuate the surface runoff from paved areas. Preliminary road cross sections and infiltration swale detail is included in Appendix 9. These infiltration swales would be equipped with a piped network to convey overflow greater than a set return period that would be determined during detailed design in conjunction with the geotechnical engineer. In areas where the grade of the road is too steep to allow for the use of swales standard detention facilities may be required and could be in the form of oversized pipes complete with a diversion manhole for the



regulation of the discharge flow rate. These detention facilities would be located under the road way

The existing storm main that collects runoff from Arbutus Crescent and Dogwood Drive west of Arbutus Crescent currently discharges into tributary 1 just north of the proposed site entrance. In order to reduce drainage into tributary 1 that currently has no storm water management controls this section of existing storm main will be connected to the proposed system for SA1. This will allow the drainage to be processed by the proposed storm water management features for SA1 with the intent to add a level of volume/frequency and quality control to this existing drainage.

4.3. STORM WATER RUNOFF QUALITY

As mentioned previously, the runoff from SA1 is tributary to fish bearing creeks and as such it is important to treat the storm water to ensure water quality of the streams is not negatively impacted by the quality or quantity of the post-development storm water runoff.

Periods of construction are a potential source of pollution in the form of silts and other fine particles suspended in the storm water runoff and each phase of the project will require a site specific erosion and sediment control plan be put in place prior to commence of work, with the recommended measures being maintained until completion and establishment of landscaping.

The following measures have been incorporated into the preliminary design of the storm water management system to address runoff water quality:

- Where possible, runoff from paved roadways will be directed to bioswales, rain gardens or constructed wetlands to remove silts, hydrocarbons and heavy metals prior to connection to the storm sewer system;
- Runoff from multi-family residential parking areas will be directed through bioswales, rain gardens or alternate filtration devices for silt, hydrocarbon and heavy metal removal;
- Catchbasins will be installed along roadways, equipped with hooded outlets to provide some silt and hydrocarbon removal.

4.4. STORM WATER DETENTION VOLUMES

We have performed a preliminary analysis of pre and post development flow conditions for SA1 and calculated the resulting required storage volumes based on limiting the post development 10 year return period flow rate to the 10 year pre-development flow rate. Preliminary detention volumes were calculated for each of the differing drainage areas as outlined in the preliminary storm water management plan in Appendix 8 and are reported based on an assumed discharge point for each area. The required detention volumes will be achieved through the use of various facilities as outline in the preceding sections which will be distributed throughout the associated drainage area.

Both runoff flow rate and preliminary detention volumes were calculated using the rational method and verified by using AutoCAD C3D Storm and Sanitary Analysis software. In the computer model the Soil Conservation Society (SCS) TR-55 method was used as the hydrology method for the generation of the rainfall distribution and runoff calculations. The total required preliminary detention volume for each drainage

areas are found in the Table 4, refer to Appendix 10 for calculation details. These volumes will be refined during detailed design of each phase of the development.

Table 4: Preliminary Storm Water Detention Volumes FOR SA1

Contributing Drainage Area	Discharge Location	Drainage Area Detention Volume (m ³)
A	1	92
B,C,D	2	365
E	3	26
F	4	66
G,F	5	20
I	6	40
J,K	7	56
L	8	25
M	9	12
N	10	147
O,P,Q,R	11	383

5. CONCLUSION

Connection points to the existing water distribution systems are located adjacent to the site at multiple locations. Confirmation of onsite pipe sizing and configuration will be established during detailed design. The water systems adjacent to the study area will require analysis by the Town of Ladysmith to determine if any off site upgrades are required to meet the serving requirements outlined in this report.

The existing offsite sanitary sewer has adequate capacity to accommodate the flows that will be generated in Study Area 1. However upgrades will be required to the existing system following total build out of Study Area 1 and upon commencement of development in Study Area 2.

Storm sewer services can be provided to the proposed lots in Study Area 1. The goal of the storm water management system will be to mimicking the pre-development functionality of the watershed through the use of the various storm water management features mentioned in the previous section.

Please contact our office if you require additional information regarding the proposed servicing of this project.

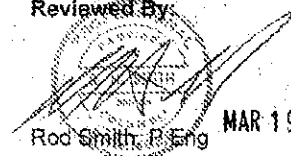
Yours truly,

Newcastle Engineering Ltd.



Drew Beidenwieden, EIT

Reviewed By



Rod Smith, P.Eng

MAR 19 2015



CONSENT AND PRIORITY AGREEMENT

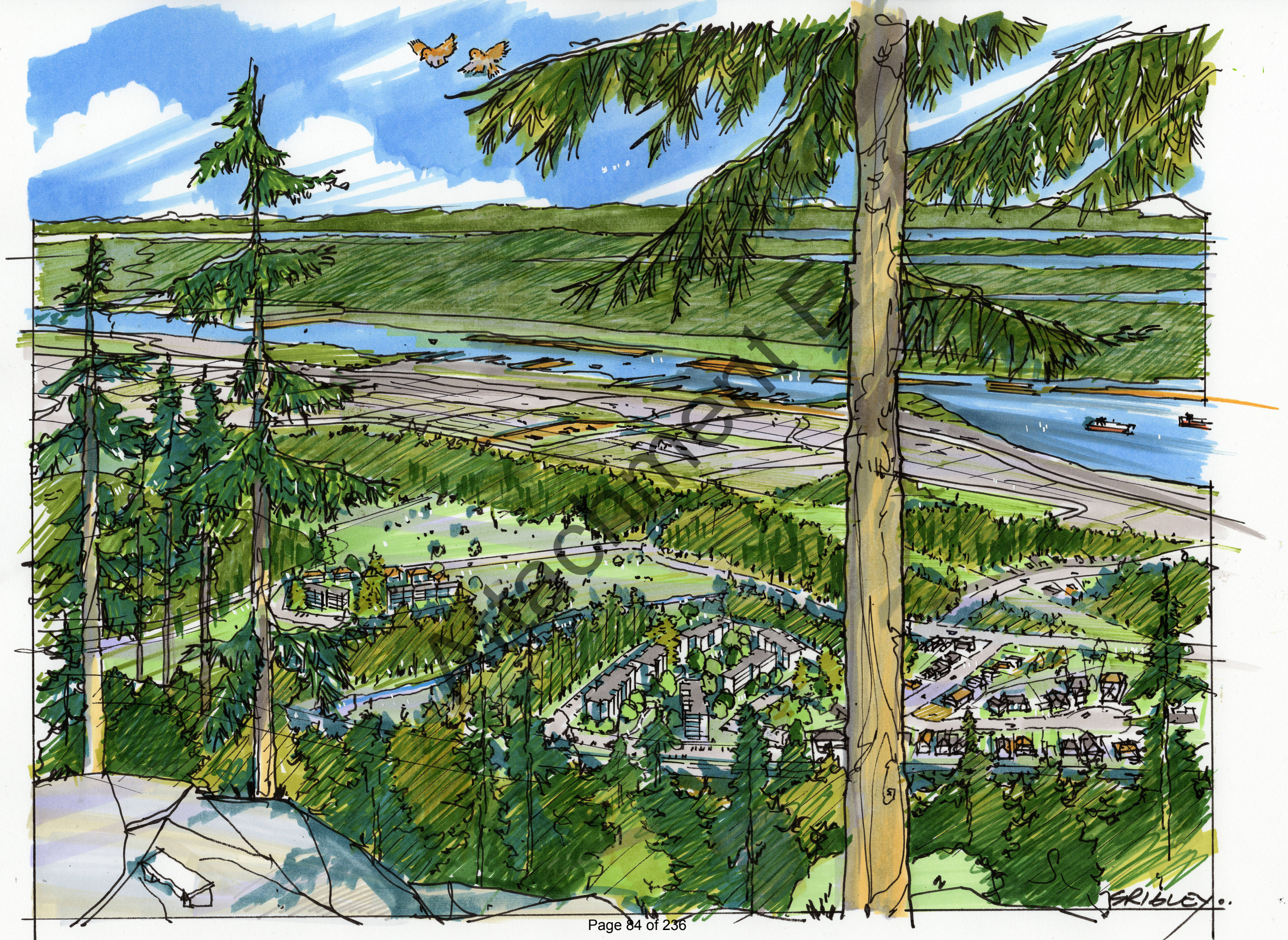
In consideration of the sum of ONE (\$1.00) DOLLAR (the receipt of which is hereby acknowledged) the **EDJ PROJECTS INC.** (the "Mortgagee") as the holder of Mortgage charge CA6326700 (the "Charge") registered against the title of the Lands, hereby covenants and agrees with the parties hereto as follows:

1. The Mortgagee consents to the granting and registration of this Agreement and the Mortgagee agrees that this Agreement binds its interest in and to the Lands.
2. The Mortgagee grants to the Town priority over this Agreement over all of the right, title and interest of the Mortgagee in and to the Lands and the Mortgagee postpones its Charge and all of its right, title and interest thereunder to this Agreement as if this Agreement had been executed, delivered and registered prior to the execution, delivery and registration of its Charge.

IN WITNESS WHEREOF the Mortgagee hereby acknowledges that this Consent and Priority Agreement has been duly executed and delivered by its execution of the Form D (Page 2) attached hereto

Attachment D



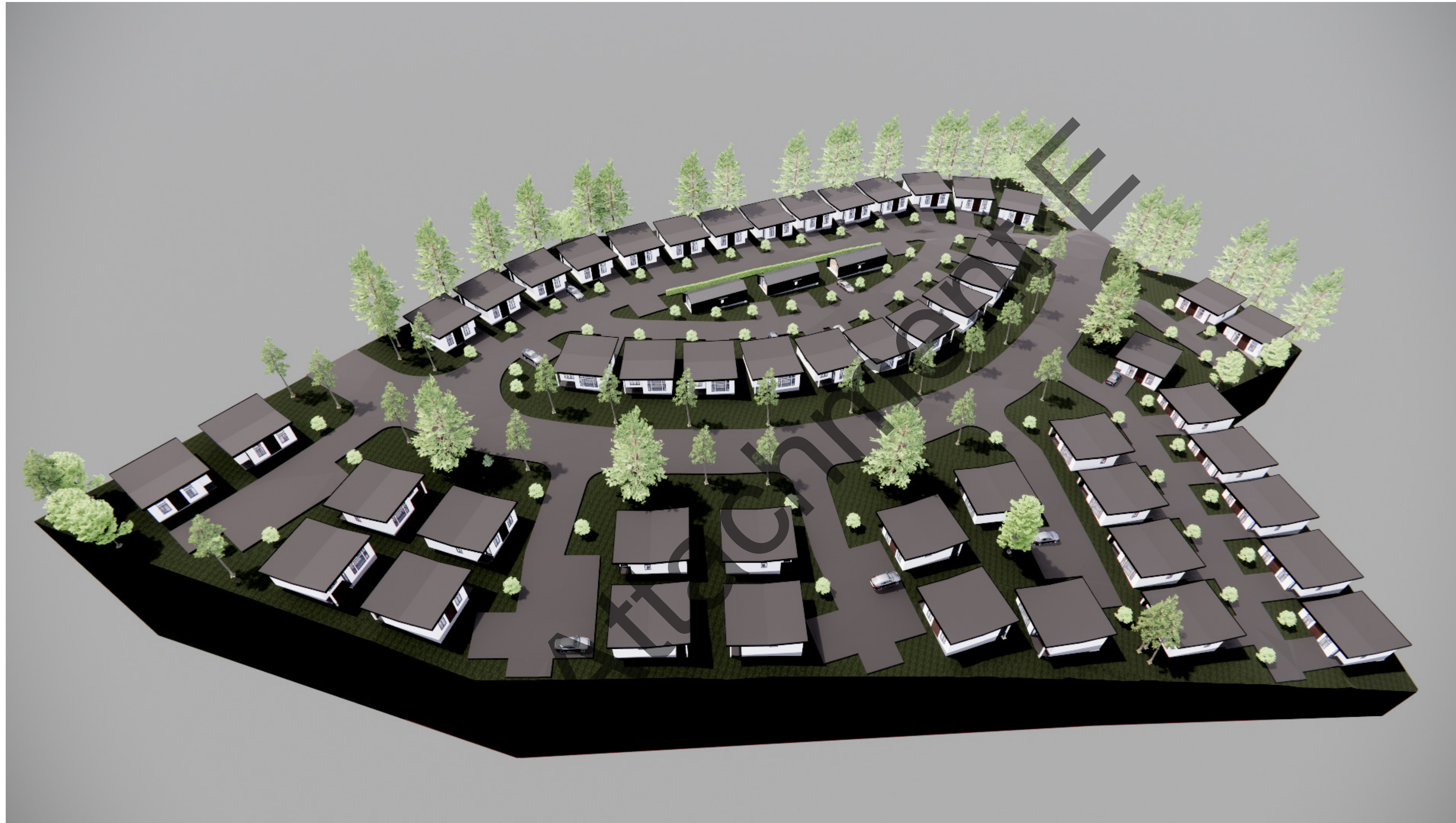


FRIBLEY.



SYLVAIN GIROUX
DESIGNS

3093 SWALLOW CRESCENT
NANOOSE BAY, BC
(250) 954-7347 SYLVAIN@SGRDESIGN.CA



NO.	DESCRIPTION	DATE

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PROJECT:
HOLLAND CREEK

HOLLAND CREEK, LADYSMITH

DISTRICT GROUP

PROPOSED SITE PLAN
RENDERING

PROJECT NUMBER: 23-0000622
PLOT DATE: 2023-06-22 8:09:53 AM
DRAWN BY: SG

A100
SCALE

*Note: This plan is a draft concept to represent what could be achieved, building layout and unit composition will evolve as we enter the Development Permit stage

HOLLAND CREEK



SYLVAIN GIROUX
DESIGNS

3093 SWALLOW CRESCENT
NANOOSE BAY, BC
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Attachment

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PROJECT:
HOLLAND CREEK

HOLLAND CREEK, LADYSMITH

DISTRICT GROUP

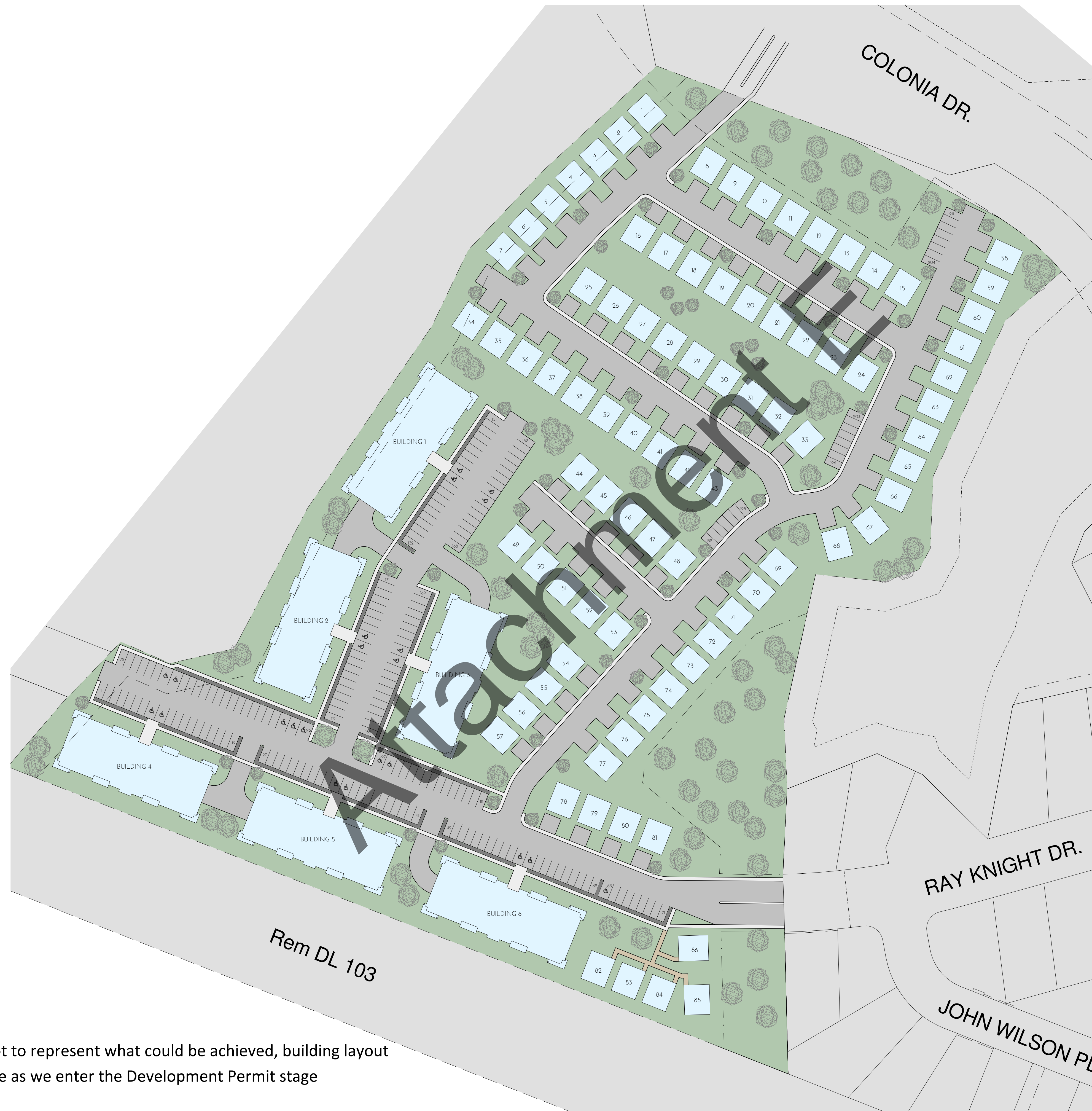
PROPOSED SITE PLAN

PROJECT NUMBER: 23-0000622
PLOT DATE: 2023-06-22 8:00 AM
DRAWN BY: SG

A101
SCALE: 1:350

LADYSMITH MASTERPLAN

SCHEDULE E



*Note: This plan is draft concept to represent what could be achieved, building layout and unit composition will evolve as we enter the Development Permit stage

① SITE PLAN
1" = 60'-0"



SYLVAIN GIROUX
DESIGNS

3093 SWALLOW CRESCENT
NANOOSE BAY, BC
(250) 954-7347 SYLVAIN@SGRDESIGN.CA

NO	DESCRIPTION	DATE

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PROJECT:
**LADYSMITH
MASTERPLAN**
LADYSMITH, BC

DISTRICT GROUP

SITE PLAN

PROJECT NUMBER 23-000801
PLOT DATE 2023-06-03 2:49:07 PM
DRAWN BY SG

A-1.1
SCALE 1" = 60'-0"

NATURAL GREENBELT
bordering site

Entrance

Access Road

PARKING NODES

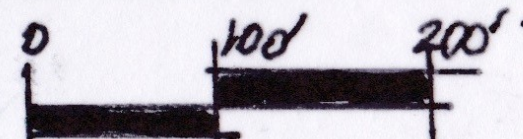
CENTRAL NATURAL
AMENITY w/ PARKING
ON OUTSIDE EDGE

Attach

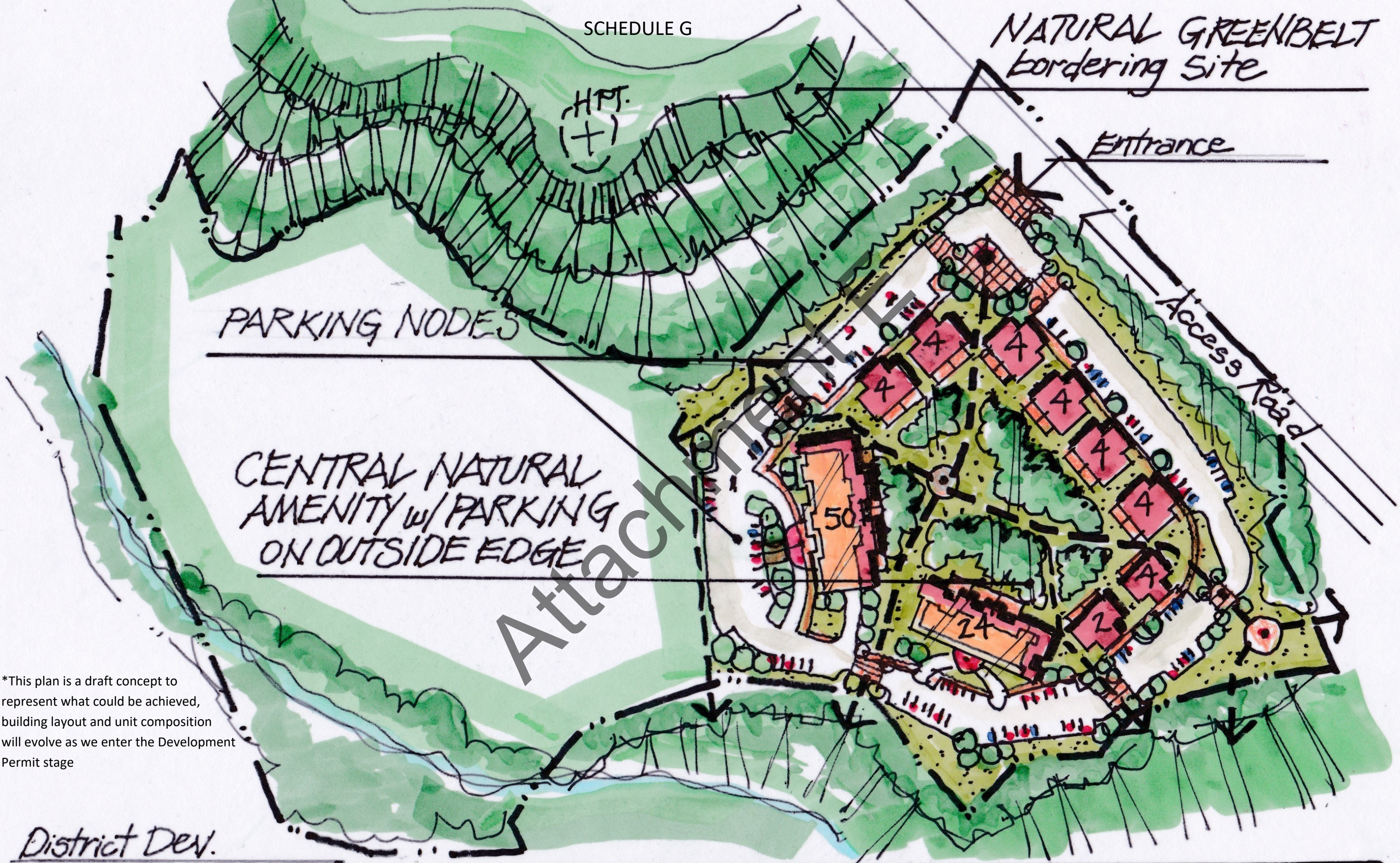
*This plan is a draft concept to represent what could be achieved, building layout and unit composition will evolve as we enter the Development Permit stage

District Dev.

HOLLAND CREEK Master Plan (Part 2)



July 22
MVH



Development Referral Response

August 18, 2023

Development Location: Lot A and Lot 5 Holland Creek

Local Government: Town of Ladysmith

Transit System: Cowichan Valley Transit System

Local Government Referral Number: 3360-22-07

Development Proposal

There are two major landholders within the Holland Creek area that are proposing the development of the lands that will result in approximately 1,000 residential units at full build-out.

Transit Context

The subject area is not currently served by transit. The nearest transit service is located either along Malone Road or along Dogwood Drive.

To provide service transit service to this area either additional service would be need through expansion or existing services could be reallocated to provide service to this area. Expansion would require the investment in both annual service hours and buses, and would require approval from all funding partners, including the Cowichan Valley Regional District and the Provincial government. Reallocation would shift service from one area to another or one time to another to accommodate adding service to this area.

Either expansion or reallocation should require some level of public engagement with affected customers, with engagement around reallocation being particularly important. The Town of Ladysmith should continue to inform BC Transit and the Cowichan Valley Regional District as the development moves through the approval processes. Depending on the timing and resources required, around 18 months notice may be required to introduce service into the area.

Policy

The [Cowichan Valley Transit Future Action Plan](#) is the guiding document for transit service and infrastructure decisions for the Cowichan Valley over the next few years. The plan did not propose any additional conventional transit service to the Ladysmith area; however, it did recognize the possibility of on-demand transit service in Ladysmith. At this time, BC Transit is still working on developing on-demand transit services, so details are limited.

Transit-Supportive Land Use and Design

BC Transit recommends to following:

- Development of appropriate street treatments along the Colonia Drive and all other internal roadways, including fully accessible sidewalks.
- Provide on-site pathways to connect buildings and uses to public sidewalks.
- Increasing allowable density.

- Allowing for a mix of residential, commercial, institutional, or recreational uses.
- Eliminating or reducing minimum vehicle parking requirements.
- Locating on-site parking underground or away from street frontages.
- Ensure that vehicle entrances and exits to the property do not interfere with transit operations or create a safety hazard.
- Clustering and locating the majority of density in this area close to Colonia Drive, specifically within 400 metres of any future transit stops.
- Additional roadways should form a grid or grid-like system avoiding cul-de-sacs or dead ends.

Transit Infrastructure

Bus Stops and Stations

There are no current bus stops within the development area. If transit service is expanded to this area, new bus stops along Colonia Drive. These stops should be spaced approximately 250-300 metres apart. The desired location of the stops should be determined at subdivision. The ideal locations should be on the far side of street intersections and at the appropriate spacing. [BC Transit Infrastructure Design Summary](#) contains some of the relevant design information for new bus stops.

The [Transit Shelter Program](#) contains some of the information about the available shelters. For this area, a Type 2 (T2 or E2) shelter would likely be most appropriate.

Road Infrastructure

Based on the preliminary plans, transit service in this area would be reliant upon the development of Colonia Drive connecting through to Rollie Rose Drive or beyond to Thetis Drive. Travel lanes along this roadway should be a minimum of 3.5 metres in width. Detailed design of roadworks can be sent to streetdesign@bctransit.com when they become available.

Discussion and Recommendations

BC Transit's recommendations are as follows:

- Accommodating growth within the existing built-up areas of Ladysmith which are already served by transit would be the ideal outcome for transit as it makes the existing service more efficient without further investment in transit services or infrastructure.
- To provide transit service in the Holland Creek area, expansion or reallocation of transit resources will be required.
- If the development is to proceed, the development and density should be clustered and focused on Colonia Drive.
- At subdivision, the desired location of bus stops be determined, and bus stops be developed as part of the site development.
- Prior to implementation of any transit service, a safety review will need to be completed on the proposed roadway to ensure safe operation of transit vehicles.

BC Transit Level of Support

- BC Transit would recommend accommodating growth in areas of Ladysmith that currently have transit service, however, if this development is to proceed, please consider the information and recommendations contained in this document.

Thank you for the opportunity to review this proposed development. If you have any questions or would like further comments on this proposal, please contact:

Aaron Thompson
Transit Planner
BC Transit
athompson@bctransit.com

Attachment F

MEMORANDUM

To: District Group
From: Caytlin Kopeck, EIT
Our File #: 3238.B01
Project: Holland Creek Development
Date: July 11th, 2022
RE: Traffic Memo – Heart Creek Crossings

1.0 INTRODUCTION

Watt Consulting Group was retained by District Group to review the transportation requirements for the phased development in the Holland Creek neighbourhood in the Town of Ladysmith. This memo will discuss two issues. For the first issue this memo will analyse and determine whether the pre-determined access / bridge crossing requirements should be necessary for the safety of the site and will use complimentary information from the 2015 Holland Creek Ladysmith Traffic Impact Study (TIA) undertaken in 2015 by Watt Consulting Group (previously known as Boulevard Transportation Group). Currently, the site requires, by covenant, two crossings of Heart Creek (bridge or culvert) internal to the development which are estimated at between \$5 to \$7 million each (client's information). The second issue will determine if a change in density on the site will require any further mitigations than what was determined in the Holland Creek Ladysmith Traffic Impact Study (TIA).

See **Figure 1** showing the proposed road network and access for the development site.

2.0 ISSUE 1

2.1 BACKGROUND & ACCESSES

The 2015 development proposal included three access options. The three options for accessing the site were reviewed with a maximum of two access points planned. A connection for Malone Road or Thetis Road was deemed a requirement at 600 units. Currently, the development proposes seven accesses to the site, including an internal road network which would require two crossings over Heart Creek. Heart Creek is located in a steep valley and would require a structure which extends

over 100m to cross it. The two structure crossings of Heart Creek occur on Colonia Road (Road B) and on Ray Knight Drive (Road G).

Of the seven accesses required, two are emergency accesses. One emergency access is to the existing Hydro ROW which extends from Road G, while the other is an extension of Road I connecting to Colonia Road (Road B). The five, non-emergency, accesses are Colonia Road (Road B) to Malone Road, Rollie Rose Drive (Road A) to Dogwood Drive, Colonia Road (Road B) to Thetis Road, and Road K north to Colonia Road (Road B), and Road N east to Colonia Road. It should be noted that the K Road extension to Colonia Road is to be built when triggered (600 units) at an unknown future date based on the existing covenant and that the Road N connection to Colonia Road will be provided by the developers of Road K.

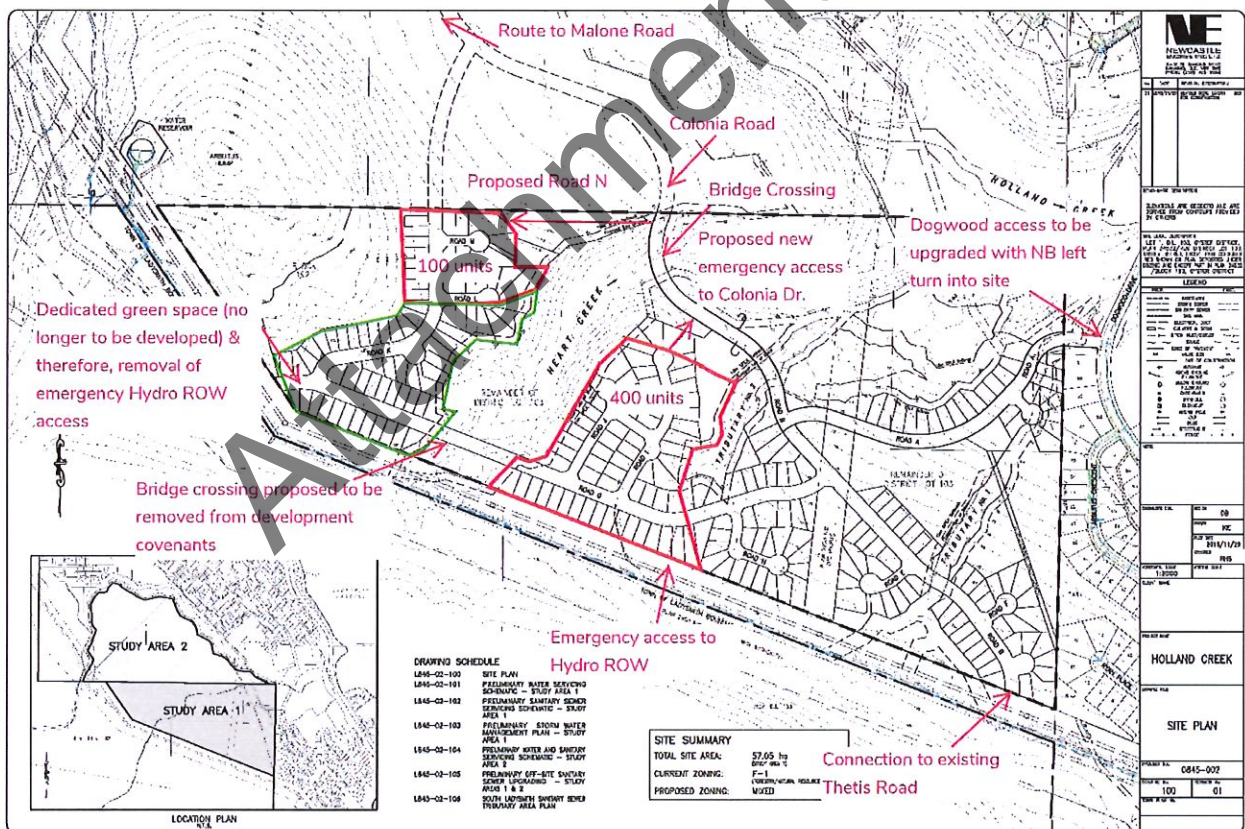


Figure 1: Development Road Network

2.2 FIRE REGULATIONS

NFPA 1141 standards for fire protection infrastructure for land development in suburban and rural areas (US Fire codes) indicate the following:

- 100 units need one access
- Up to 600 units need 2 accesses
- Greater than 600 units need 3 accesses

The west side of Heart Creek using Road K is 100 units therefore, according to the NFPA one access is required however, two are provided without the Road G connection (public Road K connecting to Colonia Road and Road N connecting to Colonia Road). If Road K becomes blocked this could cause issues, however, the accesses provided meet the fire requirements and once traffic is on Colonia Road there are two exit options, which is more than what is required.

The 400 unit site has three accesses including Road G to Colonia Road (Road B) which allows access to Thetis Road or Dogwood Drive, Road G to the emergency access to the Hydro ROW, and Road I to Colonia Drive which connects to Malone Road and Dogwood Drive. This exceeds the access requirements based on the fire code.

2.3 SAFETY CONSIDERATIONS

While there are no definitive measures to ensure an incident does not happen, the concern of all the Road K accesses being blocked by incidents is very unlikely. Based on ICBC collision data for roads in Ladysmith there have not been any record of collisions at Malone Road and Colonia Road and there has been one collision at Malone Road and Dunsmuir Road in the past 5 years. We can expect that collision at K Road and Colonia Road would be similar frequency.

There is also an argument based on a cost-benefit analysis to not provide the crossing at Road G, however, this would take much more study using a multiple accounts evaluation to determine the overall benefit of the structure as the benefits of providing the structure from a transportation perspective are not obvious.

3.0 ISSUE 2

3.1 BACKGROUND

Traffic counts were taken by Watt in 2015 for the Holland Creek Ladysmith TIA and were utilized as a comparison metric when determining if previous mitigations are still applicable for the proposed development. The 2015 TIA found that if the development were to be built with a density of 700 single family houses and 300 multi-family units a left turn on Dogwood Drive for the site access would be required along with the addition of turn lanes on all approaches at Dogwood Drive / Davis Road. The TIA analysed both the south and north sites (the south being former lot 1), while this development only includes the south site. The previous development had a total trip generation of 511 trips inbound and 300 trips outbound.

3.2 TRIP GENERATION & ASSIGNMENT

The proposed development is to have up to 570 multi-family units (currently the client is proposing 500) and 113 single family houses. Based on the 11th edition ITE Trip Generation Manual this will generate 249 trips inbound and 147 trips outbound during the PM peak hour. On the site there is an existing 104 multi-family units which were included within the trip generation due to the previous counts being taken prior to the 104 units being built out. These units will generate 33 trips inbound and 20 trips outbound during the PM peak hour. Finally, to directly compare to the 2015 TIA, trip generation was completed for the north site (Lamont) based on the civil engineering servicing study which was approved for rezoning by the Town of Ladysmith. This rezoning had a density of 401 single family homes. The total trip generation including the proposed development, Lamont, and existing multi-family homes is 520 trips inbound and 304 trips outbound.

The updated densities for the entire site generate trips similar to the 2015 trips with the 2022 plans expected to generate 18 more trips per peak hour than in 2015. Overall, there is minimal difference in the trip generation. Trips were assigned to the network based on the Holland Creek Ladysmith TIA trip assignment.

TABLE 1: TRIP GENERATION COMPARISON

Density	SF Lots	MF Lots	In	Out	Total
2015 (Lot 1 & North Lot)	700	300	511	300	811
2022 (Lot 1 & North Lot)	113	570	520	304	825

3.3 TRAFFIC ANALYSIS

The comparison analysis found that there was no change in LOS or queuing as a result of the change in density. Therefore, no further mitigations are required than the ones previously outlined in the 2015 TIA.

There are 100 multi-family lots on the northwest corner of the development off of Road K, which will use the Colonia Road to Malone Road access when built, the Road N to Colonia Rd, or the Road G access to the south if the crossing at Holland Creek is built. This would generate approximately 60 trips in the PM peak hour. It is assumed that 40% will be traveling south using Road G and 60% using Road K or Road N to Colonia Road to Malone Rd. Therefore, 24 veh / peak hour will be using the Road G bridge as there are no other vehicles expected to travel through the area by this route. This is a very small amount of traffic for a significant structure given the available capacity on Colonia Road for these vehicles. If the Road G crossing is not built these 24 vehicles would be rerouted to Colonia Road through the Road K or Road N accesses. The neighbourhood at Road K would have two public accesses which connect to Colonia Road in the north from Road K and Road N. There are no traffic capacity issues if the improvements to Dogwood Drive and Rollie Rose Drive, and at Dogwood Drive and Davis Road are completed as described above.

In the remaining development area east of Heart Creek there are 104 units built. The previous TIA and updated traffic analysis indicates that traffic capacity is available at the Dogwood Drive intersection, if the recommended laning improvements are constructed. If the Road G bridge is not implemented the added southbound left turn lane at Dogwood Drive and Davis Road which was recommended will be needed when the east side of Heart Creek development reaches 300 units (inclusive of the existing 104 developed units), while the Dogwood Drive northbound left turn lane

onto Rollie Rose Drive will be needed by 250 units. Further, when the development on the east side of Heart Creek reaches 600 units a connection to Thetis Road will be required.

4.0 CONCLUSION AND RECOMMENDATIONS

To conclude, there is no evidence that a bridge over Heart Creek at Road G is of benefit to the driving public either from a traffic capacity perspective or a traffic safety perspective. The projected traffic volume on Road G is 24 vehicles per peak hour at full build out. The alternative for these vehicles is using the Road K connection to Colonia Road or the Road N connection to Colonia Road. The proposed number of accesses in the development exceed those of the guidance of the NFPA standards without the Road G crossing. Therefore, regarding issue 1, all proposed accesses / emergency routes are adequate and a bridge over Heart Creek at Road G is not required.

Regarding issue 2, the additional density did not change any LOS or result in queuing issues therefore, no additional mitigations will be necessary, other than what was stated in the 2015 TIA.

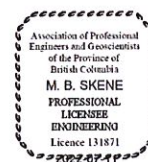
Sincerely,

Watt Consulting Group

Caytlin Kopeck, EIT
Transportation Engineer-in-Training

Michael Skene, P.L.Eng.
Principal, Technical Lead

PERMIT TO PRACTICE
WATT CONSULTING GROUP LTD.
SIGNATURE *Michael Skene*
DATE 2022-07-11
PERMIT NUMBER 1001432
ENGINEERS & GEOSCIENTISTS
BRITISH COLUMBIA



MEMORANDUM

Date: April 19, 2024
To: Jessica Tempesta, District
Cc: Michael Skene, WATT Consulting Group
From: Hilary Monfared, WATT Consulting Group
Our File No: 3238.B01
Subject: Holland Creek Development Memo

1.0 INTRODUCTION

WATT was retained to provide transportation consulting services in relation to the proposed developments in the Holland Creek area of Ladysmith, BC. The developments are located in the south end of the Town of Ladysmith. The site area of the developments is roughly bordered by Colonia Drive to the west and Dogwood Drive and Arbutus Crescent to the east.

In relation to the proposed developments, WATT prepared a report entitled *Holland Creek Development Traffic Impact Assessment*, dated November 19, 2015 (herein referred to as the "November 2015 report"). The overall development proposal reviewed in the November 2015 report included a total of 1,000 residential units of which it was assumed that 70% would be single family homes and 30% would be multi-family units.

Since the November 2015 report there have been a number of changes to the development plan as a result of the ongoing design process and in response to engagement with stakeholders and the Town of Ladysmith. The key changes from a transportation perspective is the shift in unit type of the 1,000 planned units for the combined developments. The updated development plans include a split of approximately 33% single family homes and 67% multi-family units.

2.0 UPDATES TO THE DEVELOPMENT PLAN

2.1 Trip Generation

A detailed review of the impact of site related traffic volumes on the area road network was included in the November 2015 report. The mix of unit types has changed from what was included in the November 2015 analysis, to include more multi-family units

Date: 2024-04-19

Page 2 of 4

To: Jessica Tempesta, District

Subject: Holland Creek Development Memo

compared to what was previously included. It is noteworthy that multi-family units generally generate fewer vehicle trips than single-family homes.

In the November 2015 report, the development trip generation was determined using the Institute of Transportation Engineer's (ITE) *Trip Generation Manual* (9th Edition). The ITE trip generation rates are reviewed and updated on an on going basis to reflect changes in travel behaviour over time.

Trip generation rates included in the November 2015 report and updated trip generation rates are summarized in **Table 1**.

Table 1: Trip Generation Rates

Date	Unit type	PM Peak Hour		
		Total (trips / unit)	Inbound	Outbound
November 2015 Report (ITE 9 th Ed)	Single Family	1.00	63%	37%
	Multi-family	0.52	67%	33%
Current (ITE 11 th Ed)	Single Family	0.94	63%	37%
	Multi-family	0.51	63%	37%

The resulting trip generation for the development plan as it is currently proposed and based on updated ITE trip generation rates is summarized in **Table 2**.

Table 2: Development Trip Generation

Date	Unit type	# of units	PM Peak Hour		
			Total	Inbound	Outbound
November 2015 Report	Single Family	700	700	441	259
	Multi-family	300	156	105	51
	TOTAL	1,000	856	546	310
Current	Single Family	325	305	192	113
	Multi-family	675	344	217	127
	TOTAL	1000	649	409	240
Change since 2015 report		--	-205	-137	-70

Overall, at completion, the development plan will generate 205 fewer trips in the PM peak hour than was considered in the analysis included in the November 2015 report. This equates 24% fewer trips being generated by the development

2.2 Road Network Improvements

A number of improvements to the road network were identified in the November 2015 report and are included in the development plan as follows:

- Dogwood Drive / Davis Road added laning
- Dogwood Drive / Site access left turn
- Malone Road Connection
- Thetis Drive Connection

The first phases of the development are concentrated in the Central and Eastern parts of the site. The main access for these parcels is the connection to Dogwood Drive, which will be improved with the addition of left turn lanes at the site access (via Rollie Rose Drive) and at Davis Road. Previously, the construction of the connection to Malone Road was to be triggered at approximately the 610th residential unit. In the updated plan, the construction of this connection would be in conjunction with the 750th unit. While this would mean 140 additional units would be constructed prior to the completion of this connection the impact is minimal. The resulting 70 two-way PM peak hour trips can be accommodated by the Dogwood Drive connection with minimal impact to the level of service at the Dogwood Drive / Rollie Rose Drive intersection. The traffic from the 140 units amounts to approximately an additional vehicle in the peak direction (inbound) every minute and twenty seconds and an additional vehicle in the outbound direction every two minutes and 18 seconds during the PM peak hour.

3.0 CONCLUSIONS

In conclusion, the updates to the proposed development in the Holland Creek area of Ladysmith, BC. will result in 24% less vehicle traffic than included in WATT's November 2015 study.

The delay of the Malone Road connection does not significantly impact the overall operation of the Dogwood Drive connection, with the planned improvements as the resulting traffic from the additional 140 units constructed prior to the Malone Road connection would be minor.

MEMORANDUM

Date: 2024-04-19

To: Jessica Tempesta, District

Subject: Holland Creek Development Memo

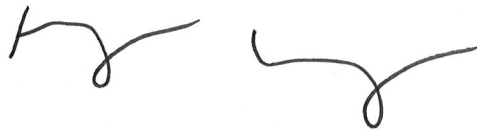
WATT CONSULTING GROUP

Page 4 of 4

We trust the forgoing addresses the updates to the transportation considerations given the revisions to the overall development plan for Holland Creek. Please contact us directly should you have any questions or require additional information.

Sincerely,

WATT Consulting Group



Hilary Monfared, P.Eng.

Transportation Engineer

T 778-309-1253

C 647-209-7722

E hmonfared@wattconsultinggroup.com

#WEAREWATT

Attachment G



2024-04-19



FireSmart Assessment

Holland Creek Western & Central Parcels

Prepared for: DISTRICT
Attn: Jessica Tempesta, Director of Development tempesta@districtgroup.ca

Prepared by: **Strathcona Forestry Consulting**
PO Box 387 Stn Mn
Duncan BC V9L 3X5
strathcona.fc@shaw.ca

20 June 2022

EXECUTIVE SUMMARY

In accordance with the Town of Ladysmith's guidelines for FireSmart development, DISTRICT retained Strathcona Forestry Consulting to prepare a wildland urban interface (WUI) wildfire hazard assessment in conjunction with a preliminary rezoning application of two parcels proposed for multi-family development on the western flanks of Ladysmith.

The WUI is the area where houses and wildland vegetation meet or intermingle, and where wildfire problems are most pronounced. When development occurs close to forest and other types of natural vegetation, two issues arise. First, there may be more wildfires due to human ignitions. Secondly, wildfires that do occur will pose a greater risk to lives and homes; they will also be more challenging to fight.

Assessment determined that the wildfire threat at the subject parcels is currently HIGH. The elevated rating currently reflects: extent and continuity of fuel loading (including invasive, combustible broom) at the sites; lack of completely developed infrastructure (e.g., hydrants, roads); intermix >1 structure/ha: elevated HeadFire Intensity; and sloping topography. Under the provincial Wildfire Threat Rating system, ratings must be moderate or less to be considered acceptable.

Developing in fire-prone ecosystems involves taking the necessary steps to protect homes, property, and ecosystems from wildfire. Development standards play a significant role in reducing the potential impact a wildfire will have on a community. FireSmart principles for wildfire prevention and preparedness have proven effective at reducing risk related losses to wildfire (FireSmartCanada.ca; FireSmartBC.ca).

In my professional opinion, if the wildfire risk reductions recommendations contained in this report are followed throughout construction – and continue after buildout, the risk of wildfire (and windthrow) can be reduced to a level acceptable to ensure the safety of the intended development at both parcels.

Fire prevention and protection in the interface zone are ongoing processes. Long-term implementation of FireSmart mitigation is essential to enhance resiliency of life, property, and ecological processes in Ladysmith's wildland interface.

Introduction

In accordance with the Town of Ladysmith's guidelines for FireSmart development, DISTRICT retained Strathcona Forestry Consulting to conduct a Wildfire Hazard Assessment in conjunction with a preliminary rezoning application of two parcels proposed for multi-family development in the Holland Creek area.

A Wildfire Hazard Assessment evaluates the susceptibility of the subject lands to wildfire from conditions both on and off-site, including neighbouring lands that may present a wildfire hazard.

The interface (wildland urban interface/wildland residential interface) describes any area where combustible wildland fuels are found adjacent to homes or other buildings. Under Section 919.1(1) (a) of the Local Government Act, development permits may be designated where protection of Natural Hazard Lands is justified. Natural hazards, including wildfires, may put life and property, and local biodiversity, at risk if development is inappropriately situated and not well planned. The objective is to properly manage the risks associated with the hazard (interface wildfires).

Assessment

This assessment reflects site conditions prior to the proposed disturbance, including any previous site disturbance, and the anticipated site conditions post-development. The assessment considers existing off-site developments and the impact these developments may have on the subject property. The assessment report describes the vegetation, terrain, and infrastructure on and around the subject property.

Assessment criteria are based on Rating Interface Wildfire Threats in British Columbia (<https://www2.gov.bc.ca/>), FireSmart (FireSmart, Protecting Your Community From Wildfire (Second Edition. Partners in Protection, 2003 (<https://www.firesmartcanada.ca/>), and the Home Owners FireSmart Manual (BC Edition (<https://www2.gov.bc.ca/assets/gov/public-safety-and.../homeowner-firesmart.pdf>)). Fire behavior modeling is standardized after the Canadian Forest Fire Danger Rating System (CFFDRS).

The assessment utilizes supported assessment methodology of the BC Ministry of Forests, Lands and Natural Resource Operations. Wildfire threat assessment was conducted through an analysis of fuel threats in and adjacent to the proposed development, as described in the 2020 Wildfire Threat Assessment Guide and

Worksheets (MFLNRO, 2020). This process, used by qualified environmental professionals, employs physical and biophysical factors, combined with fuel hazards, to determine the wildfire threat (low, moderate, high, or extreme). Fire risk is based on four classes: low, moderate, high, and extreme. Fuel Types listed in this assessment are customized from the CFFDRS Fuel Type list for applicability on BC's south coast. Recommendations in this report conform to BC Building Code standards and fire hazard planning authorized by Section 3(2) of the BC Fire Services Act.

The assessment includes consideration of a range of factors including but not limited to: fuel hazards, history of wildfire occurrence, and existing and proposed structures. The assessment evaluates the subject property for wildfire susceptibility as it pertains to the proposed land use and not just the current land use. The assessment includes evaluation of conditions both on and off-site including neighbouring lands that may present a wildfire hazard to the subject property. The assessment specifies how the proposal incorporates defensible space and building materials to form an appropriate buffer zone or protection buffer. The assessment includes fire hazard mitigation recommendations regarding site modification requirements and any other requirements for subdivision or new construction that may reduce the susceptibility of the subject property to wildfire. Where green remains about the subject lands, this wildfire hazard assessment includes methods for reducing wildfire hazard along the property line to a level of "moderate" or less, and also addresses management of the interface.

Recommendations in this report conform to BC Building Code standards and fire hazard planning authorized by Section 3(2) of the BC Fire Services Act.

Review of Existing Information

The following information was reviewed:

- *'Community Vision Report' (A Community Vision for a Sustainable West Coast Town)*
- [Official Community Plan Bylaw 2003, No. 1488](#)
- Overall Holland Creek plan (DISTRICT)
- Conceptual plans of both parcels by Michael von Hausen
- Imap BC <https://maps.gov.bc.ca/>

Field Inspection

Fieldwork was conducted in June 2022. Field investigation entailed an analysis of the interface fire hazard that the parcels are exposed to, from the perspective of the general area, local site, and proposed and existing structures in the general vicinity, up to 100+ m (to 2+ km) from property boundaries, where feasible.

Hazard Assessment

Methods used in this assessment are repeatable and based on scientific standards appropriate to the scope of the proposed development and the landscape being assessed. Methods contributing to the results, interpretations and recommendations contained in this assessment are identified in the assessment, mapping, and/or included in appendices.

Wildfire threat assessment employed collection of detailed data on key forest stand attributes. Priority setting scoring examined topography, site level and previous mitigation activities within the area of interest. Site level fuel assessment examined the ground fuel, surface fuel, ladder fuel, and crown or aerial fuel. The wildfire threat assessment process is consistent with wildfire behavior principles from the Canadian Forest Fire Danger Rating System (CFFDRS).

The focus of assessment is stand attribute data in order to document the ability of a unique area of forestland to support a wildfire. Analysis of forest structure and fuel types contributes to determination of the threat rating.

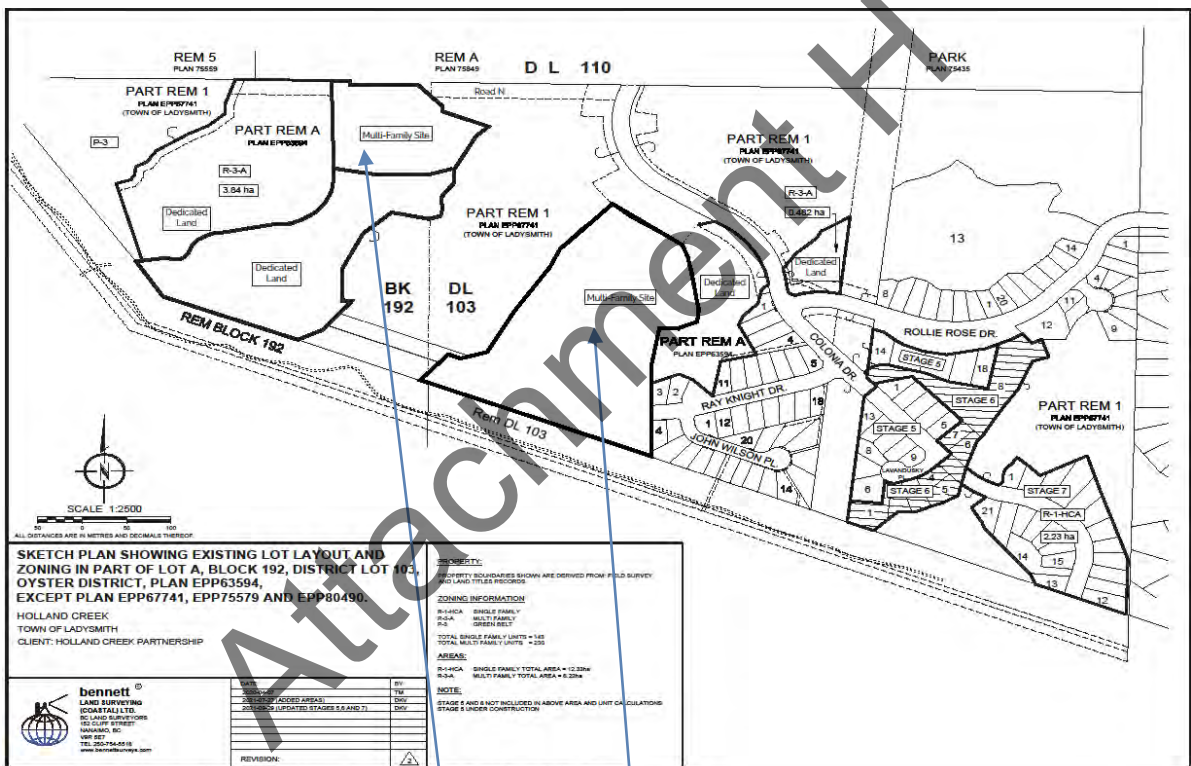
Methodology involved a detailed walk through and ocular approaches consistent with stated survey objectives. A combination of coarse and fine filters was employed for fuel typing, and included a combination of aerial imagery and field work. Site level assessment identified areas of the subject property in need of hazard mitigation.

Location and Description of Parcels

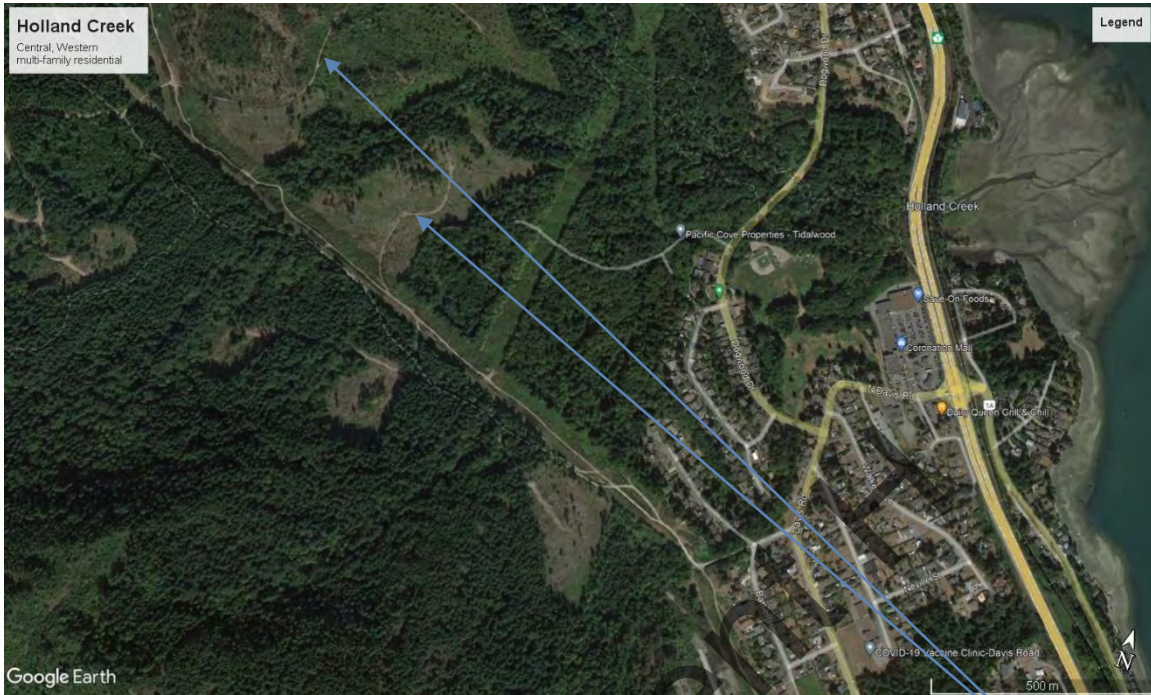
The two parcels are located on the western flanks of Ladysmith (see maps and photos following pgs.). The Central parcel is approximately 12.5 acres with two accesses: the primary access is from Ray Knight Drive; a secondary emergency access will be designed at the northern end of the site connecting to Colonia Drive.

The Western parcel is 12.45 acres; only approximately 5 acres will be developed; the remaining 7.45 acres will be retained as green space. The 5-acre parcel will be accessed by a proposed new road connection along the northern property line. The forested Holland Creek trail corridor borders the parcel to the north. Lands to the south and west are dedicated for development.

Second-growth forest stands were logged within recent years from both parcels. Third growth coniferous forest stands and significant areas of brush occupy much of the sites.



Site Plan: Western and Central parcels (Bennett Land Surveying)



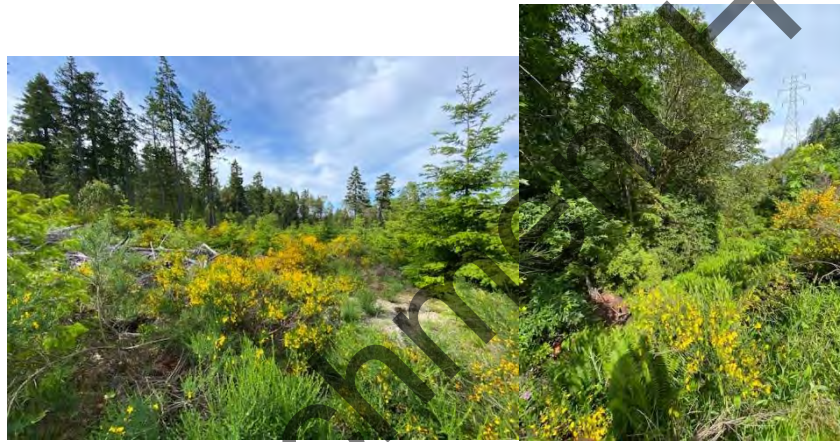
Google Earth map (ca 2016) showing general location of subject parcels



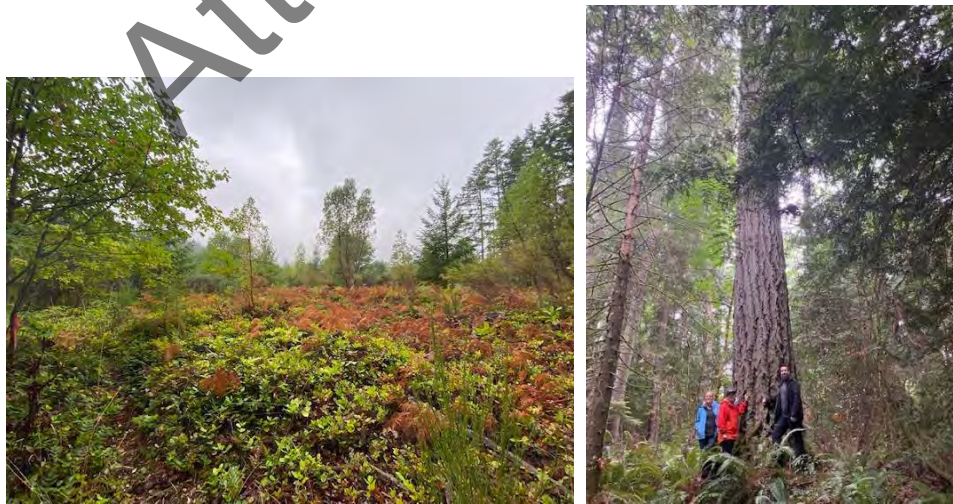
Access from the south is restricted by gates.



Central parcel: Future access will be from Ray Knight Drive (seen in background at left).



Central Parcel: Broom encroachment.



Left: Western parcel. Right: Holland Creek forested trail buffer borders Western parcel.

Wildfire Hazard and Risk


Wildfire hazard is a process, a phenomenon or a human activity that may cause loss of life, injury, or other health impacts, property damage, social and economic disruption or environmental degradation. Wildfire hazard can be described qualitatively as a fire environment—fuel, weather, topography, and ignitions.

Risk assessment for wildfire and its impacts to communities considers both the likelihood of a wildfire and the potential consequence associated with that likelihood. For example, if the fuel (i.e. the hazard) ignites and the fire spreads towards the community (probability), the wildfire can become a threat to life and property (consequence) with an associated risk of loss.

As outlined in the Methodology section, determination of the wildfire hazard and risk involves a detailed assessment of potential fire behaviour, field reviewed fuel characteristics, proximity of fuel to the community, local fire spread patterns, topographical considerations and local factors.

Fire Behaviour. Fire behaviour has three components: weather, topography, and fuel. Fire behavior predicts how forest and wildland vegetation (fuel) will burn under different conditions. Weather and topography cannot be changed; alteration of fuels across the landscape is the only way to lower fire intensity and change fire behaviour. Various factors influence fuel, weather, and topography (see chart below).

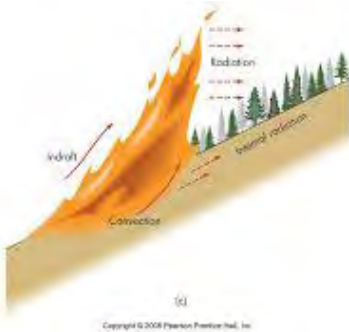
FIRE BEHAVIOUR

<i>Fire Behaviour Components / Influencing Factors</i>	FUEL	WEATHER	TOPOGRAPHY
	<i>Moisture</i>	<i>Wind</i>	<i>Slope</i>
	<i>Size</i>	<i>Precipitation</i>	<i>Aspect</i>
	<i>Spacing</i>	<i>Relative Humidity</i>	<i>Terrain</i>
	<i>Continuity</i>	<i>Temperature</i>	<i>Elevation</i>
	<i>Fuel Loading</i>		

Biogeoclimatic Classification. The subject parcels are located in the moist maritime Coastal Douglas-fir (CDFmm) biogeoclimatic subzone. Summers are warm and dry, while winters are moist and mild. Growing seasons are long, and often feature pronounced water deficits on zonal (average) and drier sites. Fire Danger Ratings (i.e., the risk of a fire starting) often reach High and Extreme in summer.

Due to the historical human activities over the last century (e.g., forestry, agriculture, housing), expanding population density and relatively benign topography, urban development is common and widespread in the CDFmm. Recreational activities are also becoming increasingly popular as development spreads into the interface zone.

Topography. Physical site characteristics impact fire behavior by affecting ignition



potential and the rate of fire spread. The Central parcel occupies a mid slope moderate gradient with a northeasterly (cooler) aspect. Wildfire behavior tends to be of greater concern on steeper, upper slopes with warmer aspects. The Western parcel occupies a mid-slope with moderate gradient and southeasterly aspect (warmer exposure).

During extended periods of warm, dry, windy summer weather, all interface areas can be vulnerable to wildfire.

Wildfires typically burn uphill. Warmer aspects tend to burn “hotter.”

Vegetation. Fire behavior predicts how forest and wildland fuels (vegetation) will burn under different conditions. Fuel hazard means the potential fire behaviour, without regard to the state of weather or topography, based on the physical fuel characteristics, including fuel arrangement, fuel load, condition of herbaceous vegetation and the presence of ladder fuels.

Benchmark vegetative fuel types developed by the Canadian Forest Fire Danger Rating System Fire Behavior System (CFFDRS) are used to forecast how a wildfire will react (cwfis.cfs.nrcan.gc.ca) (refer to Appendix 2). A Fuel Type is defined as “an identifiable association of fuel elements of distinctive species, form, size, arrangement, and continuity that will exhibit characteristic fire behavior under defined burning conditions” (Canadian Interagency Forest Fire Centre, 2003).

Major Fuel Types at Subject Parcels:

Fuel Types	Description	Forest Floor & Surface Fuels	Ladder Fuels	Wildfire Behaviour (why and how a fire spreads)
C-2/C-3 Continuous brush/low trees	Shrub cover and discontinuous to continuous immature tree cover occupies significant portion of sites	Surface fuels comprised of a mix of native and invasive shrubs, low trees.	Ladder fuel loading moderate to high; low crowns generally to ground, often continuous	Fire start during warm dry weather could have relatively rapid rate of spread through brush and low tree cover.
C-5 Coniferous forest (with mixed leaf component)	Coniferous immature 3rd-growth forest – with scattered mature second growth trees - variable density.	Discontinuous needle litter. Discontinuous to continuous understorey shrubs and tree branches. High fuel loading.	Moderate to High ladder fuel loading.	Fire start during warm, dry windy weather would see rapid rate of spread, especially during windy conditions.

A hazard tree assessment prior to commencement of work is recommended to identify potentially dangerous trees, and to retain wildlife trees where possible. The subject areas provide known habitat for several cavity nesting birds (e.g., owls, chestnut backed chickadees) (imapBC). Efforts should be made to retain safe wildlife trees along the edges of the parcels.

Widespread infestation of invasive weed plants has occurred at the parcels since the parcels were logged several years ago. Broom, Himalayan blackberry, daphne, holly, English ivy, and knotweed have encroached onto wide areas. Concerted efforts to eliminate these invasive weed species must include prompt rehabilitation of disturbed soils (e.g., seeding of disturbed sites with certified organic seed mix and/or native wildflowers) and FireSmart landscaping.



Left: Knotweed, Himalayan blackberry, and broom at Central parcel. Right: broom spread at Central parcel.

Risk of Ignition. Risk of ignition represents the potential for fire starts. Risk of ignition could come from recreational use (e.g., hiking, ATV'ing) in the area, property owners in the vicinity, and construction activities in the general vicinity. The risk of lightning is relatively low on the coast.

Historical logging roads and multiple trails in the area provide access to the parcels. During field assessment, ATV users were observed driving through the area. Risk of ignition is currently rated MODERATE (to HIGH).

Fire Spread and Intensity. Head fire intensity is a numerical ranking of difficulty of control for specific fuel types. Flame length is a main visual manifestation. Head fire intensity is a major determinant of certain fire effects and difficulty of control. Numerically, it is equal to the product of the net heat of combustion, quantity of fuel consumed in the flaming front, and the linear rate of spread. Under warm, dry conditions, there is currently sufficient continuity of surface and ladder fuels to enable a fire to spread quickly. Dry, windy conditions would increase rate of spread.

HeadFire Intensity is currently rated High. The goal of Wildfire Risk Reduction (WRR) is to reduce/ and or maintain HeadFire Intensity at less than 2000 kW/m (< 3, HFI column Moderate).

Fire Weather Indices

Hazard Rating	FFMC Fine Fuel Moisture Code	DMC Duff Moisture Code	DC Drought Code	ISI Initial Spread Index	BUI Build Up Index	FWI Fire Weather Index	HFI Head Fire Intensity
Low	0-76	0-21	0-79	0-1.5	0-24	0-4.5	1-2
Moderate	77-84	22-27	80-189	2-4	25-40	4.5-10.5	3 (Goal is 3 or less)
High	85-88	28-40	190-299	5-8	41-60	10.5-18.5	4
Very High	89-91	41-60	300-424	9-15	61-89	18.5-29.5	5
Extreme	92+	61+	425+	16+	90+	29.5+	6

Spotting Potential. Spotting is a fire behavior characteristic in which sparks or embers are carried up by the wind and/or convective column and fall into other downwind fuels to ignite additional fires beyond the zone of direct ignition by the main fire (Firewise.org). Fire spotting is one of the major ways that fires spread and homes are ignited and destroyed in wildland/urban interface fires. Firebrands can come down on and ignite combustible roofs, combustible items stored adjacent to homes, and other nearby combustible fuels. The resulting spot fires may go unnoticed and thus unsuppressed when an area has been evacuated of residents, when firefighters are spread too thin, or when spot fires are too numerous.

The maximum spotting distance in a particular fire varies according to several factors, including overall fire intensity, wind speed, fuel type, initial size of the ember when lofted up, and how rapidly it is burning (Firewise.org). If a fire start occurred during very warm/hot dry weather (High/Extreme Fire Danger Ratings) within a wide range of the subject proposal, there is a high possibility of spotting. Likewise, if a fire started at the subject parcels, spotting is highly likely. Wind-borne embers are known to travel up to several kilometres.

Fire Protection. The subject site is located within the service area of Ladysmith Fire Rescue (LFR), a volunteer fire department that provides protection to the Town of Ladysmith. The firehall is at 330 6 Avenue.

Response time can be delayed, depending on the time of day.

Mutual Aid. Fire Departments within the CVRD operate under a mutual aid agreement with other fire departments within (and outside) the region. In the case of a serious fire, mutual aid from adjoining fire departments can benefit fire suppression by pooling manpower and resources (water supply, water tenders, etc.). Mutual aid, however, may not always be available.

Wildfires. Ladysmith Fire Rescue automatically responds to structure fires and small, easily accessible bush fires inside the fire service protection area (FPA). The Wildfire Management Branch generally responds to forested areas outside a FPA.

Water Supply. The subject parcels will be fully serviced. The developer, DISTRICT, will be working with the Town and Koers Engineering on water demand and supply.

Access. Safe access increases safety for both residents and firefighters, and also facilitates quick response by firefighters.

As noted, the Central parcel will be accessed from Ray Knight Drive, with a secondary emergency access at the northern end of the site connecting to Colonia Drive.

The portion of the Western parcel to be developed will be accessed by a proposed new road connection along the northern property line.

Wildfire Hazard Assessment Results

Scoring from the wildfire hazard assessment and fire behavior analyses determined the subject parcels currently have a HIGH Fuel Assessment rating (see chart next page), contributing to a HIGH Local Wildfire Threat Rating (below). Factors contributing to the elevated rating include: continuity and extent of fuel loading (including high infestation of broom); sloping topography; warmer aspect (Western parcel); lack of completely developed infrastructure (e.g., roads and water connections); HeadFire Intensity; and intermix >1 structure/ha.

Ratings must be low/moderate to ensure an area and/or structure(s) are safe. Post-development, the Threat rating is projected to be moderate (or possibly lower, depending on degree of Wildfire Risk Reduction employed).

LOCAL WILDFIRE THREAT SUMMARY: Western and Central parcels, Holland Creek			
System:	Subcomponents	CURRENT ratings	Projected Ratings post-development*
MFLNRO Wildfire Threat Assessment	Fire Behaviour: Fuel, Weather, Topography	Fuel Assessment Class: High (see chart next pg.)	Moderate
	Structural (incl vicinity)	Mod	Moderate
Overall Rating:		High	Low to Moderate
HIRV Model	Hazard	Mod-High	Moderate
	Impact	High	Moderate
	Risk	Mod	Moderate
	Vulnerability	Mod-High	Moderate
Wildfire Risk	Likelihood Intensity Susceptibility	Mod to High	Moderate (to Low)

*Projected ratings conditional upon compliance with recommendations contained in this report.



Wildfire risk triangle. (Scott et al. 2013).

Risk rating is currently **Moderate - High** (considers several factors, including current usage of the area and current lack of on-site infrastructure).

Generalized Descriptions of the “Fuel Assessment Rating” classes:

Low	Fires may start and spread slowly. There will be minimal involvement of deeper fuel layers or larger fuels.
Moderate	Forest fuels are drier and there is an increased risk of surface fires starting. There will be involvement of the organic layer but larger dead material will not readily combust.
High	Forest fuels are very dry, new fires may start easily, burn vigorously; aerial fuel will be engaged in the flaming front. Most fuel in the organic layer will be consumed and larger dead fuel will be consumed in the smoldering combustion.
Extreme	Extremely dry forest fuel, new fires will start easily, burn vigorously; all aerial fuel will be engaged in the flaming front. Most fuel in the organic layer will be consumed and larger dead fuel will be consumed in the smoldering combustion.

FMC (Fuel Moisture Content) 95% value based on 90th percentile drought conditions.

Fuel reduction targets should be sufficient to be effective to meet treatment objectives of reduced fire behaviour under 90th Percentile Fire Weather Index (FWI) Conditions (FFMC, ISI, BUI) from the BCWS weather network.

Summary

Expanding development at Ladysmith is pushing the wildfire interface zone along the western flanks of the Town into the wildland-urban interface (WUI), an area where homes and other development and wildland vegetation (e.g., forests) meet or intermingle. It is here where wildfire problems are most pronounced.

When development occurs close to forests and other types of natural vegetation, two problems can arise. First, there will be more wildfires due to human ignitions. Secondly, wildfires that do occur will pose a greater risk to lives and homes. These fires will be more challenging to fight. The opportunity to let natural fires burn will also become impossible.

More hopefully, to the extent that WUI growth reflects an affinity for nature, the consequences and costs of growth could prompt discussions on how to sustain those highly valued ecosystems in which so many people are choosing to live (Radeloff, Volker; David Helmers; H. Anu Kramer; and Susan Stewart; Biological Sciences, March 12, 2018, University of California).

FireSmart strategies for wildfire risk reduction are integral to safe development of the Western and Central parcels at Holland Creek.

FireSmart Recommendations

Wildfire risk reduction recommendations outlined in this report are based on FireSmart principles and best practices (wildfire prevention, mitigation, and preparedness) to manage wildfire risk and impact (FireSmartCanada.ca; FireSmartBC.ca). FireSmart techniques include minimizing the risk of home ignition by carefully landscaping around residential structures (e.g., thinning trees and brush and choosing fire-resistant plants), selecting ignition-resistant building materials and positioning of structures.

New neighbourhoods in the area are encouraged to engage in FireSmart Canada's Neighbourhood Recognition Program. Neighbourhoods in Canada that have earned the special distinction of being recognized under the FireSmart Program follow a systematic approach to organizing and implementing a FireSmart mitigation plan. FireSmart actions at a community level will reduce the risk of wildfire and enhance resiliency of a community.

Application of the following recommendations will reduce the risk of wildfire during and post-development.

Vegetation Management

General Precautions During Land Clearing and Construction

- Ensure any land clearing activities are conducted in compliance with BC's Wildfire Act local bylaws.
- As per the BC Wildfire Act, if a high risk activity (i.e., land clearing) is taking place between 1 April and 31 October, the operator must keep at the activity site fire fighting hand tools, in a combination and type to properly equip each person who works at the site with a minimum of one fire fighting hand tool, and an adequate fire suppression system (onsite portable water tanker and fire fighting tools – shovels, pulaskis, portable water backpacks). In addition, efforts must be made to maintain an adequate fire break between any high risk activity and areas of continuous forest to ensure a fire originating at the site does not escape the site.
- During landclearing, develop an Emergency Plan of Action, listing key contact information in case of fire and/or other emergency at the site.
- Hazard abatement (removal of slash/disposal of debris piles) must take place in compliance with Town of Ladysmith bylaws.
- Ensure construction workers are made aware of the risk of fire in the interface zone, especially during dry summer weather.

Hazard Tree Management

- *As per WorkSafe regulations, prior to commencement of work at the site, potentially hazardous trees require assessment from a certified Danger Tree Assessor. Trees identified as Danger Trees will require treatment (removal / possible modification) from a certified tree service.*

Where safely practical, modified treatment can provide useful wildlife habitat.

FireSmart Zones – (see Appendix 1)

- **Priority Zone 1a: 0-1.5 m**

A noncombustible surface should extend for 1.5 m around structures, homes, and accessory structures, and any attachments, such as decks. Avoid storing flammable outdoor items, such as wicker or wooden patio furniture, cushions, doormats, window boxes and planters, garbage cans without lids and BBQ propane tanks, which are all places where embers can land and start a fire, in this critical area adjacent to the home.

- Landscape with noncombustible landscaping materials, such as gravel, brick, or concrete
- Avoid woody shrubs, trees, or tree branches in this zone
- Create a noncombustible zone underneath and for 1.5 m around any RVs/vehicles
- Mitigate any auxiliary structures to same standards as those of home

- **FireSmart Priority Zone 1: 0-10 m**

Establish and maintain an environment around structures that will not support fire. Focus on fuel removal, conversion, and reduction.

- Plan on landscaping with a low density of fire resistant plants and shrubs. Avoid the use of cedar hedging.
- Maintain landscapes with regular irrigation, mowing, pruning, raking, weeding and dead plant removal.
- Create non-flammable hardscapes, such as rock, gravel, and water features, which, function as firebreaks by breaking up areas of fuel. Rock can provide a natural looking, low-maintenance and water-efficient mulch and as well as a fire-resistant buffer zone.
- Group fire resistant plant materials in islands. Group plants in islands surrounded by nonflammable materials, such as rock; employ landscape elements together to create breaks between fuels.
- Limb (prune) trees 1.5 to 2m from the ground. Create space between trees and shrubs – a general rule is twice the height of what the plant will be at maturity. Remove tree limbs closer than 15-feet from power lines and any touching the house or other structures.
- Avoid using woody debris, including bark mulch, as it provides potential places for fires to start
- Store items such as firewood piles, construction materials, patio furniture, tools and decorative pieces at least 10 m from the homes and any structures

- **FireSmart Priority Zone 2: 10-30 m**

When and where feasible, extend the fuel modified area 10-30 m around structures. Conduct FireSmart thinning, pruning, and fuel reduction strategies in this zone to reduce fuel loading.

- Thin and prune evergreen trees to reduce hazard in this area

- Within 30 m of homes and any other structures, selectively remove evergreen trees to create at least 3 m of horizontal space between the single or grouped tree crowns, and remove all branches to a height of at least 2.5 m from the ground on the remaining evergreen trees. (For smaller evergreen trees; general rule of thumb is prune branches up to a third the height of the tree)
 - Regularly clean up accumulations of fallen branches, dry grass, dried arbutus leaves, and conifer needles from the ground to eliminate potential surface fires
- **FireSmart Priority Zone 3: 30-100 m**

Where fuel modification in PZ1 and PZ2 is insufficient to protect structures and/or property, and where property boundaries permit, thin and prune trees in order to create an environment that will not support high-intensity crown fires.

- Look for opportunities to create a fire break by creating spaces between trees and other potentially flammable vegetation
- If possible, prune the trees located up to 100 m from homes
- Thin and prune overgrown trees to reduce hazard
- Regularly clean up accumulations of fallen branches, dry grass, and needles from the ground to eliminate potential surface fires

FireSmart Landscaping

- Incorporate FireSmart landscaping by using fire-resistant, widely spaced trees, native shrubs and groundcover in combination with stone and/or water features and/or maintained lawn areas. See FireSmart Guide to Landscaping.
<https://www.firesmartcanada.ca/resources-library/firesmart-guide-to-landscaping>
- Promptly re-vegetate any areas of soil disturbed during clearing and construction with approved landscaping materials and/or native plant species to prevent encroachment from invasive plant species (i.e., broom, gorse, daphne, Himalayan blackberry). A moderate infestation of broom is currently encroaching on the site.
- Powerlines should be clear of branches and other vegetation.

Construction

The roof is the most vulnerable component of a structure. Sparks and burning embers from a wildfire can travel long distances and quickly ignite flammable roofing material.

Siding material is also vulnerable to wildfire. Combustible debris can accumulate at the vents and openings on your home and be ignited by embers during a wildfire.

- Use fire-retardant roof covering assemblies rated Class A, B, or C (i.e., metal, tile, ULC-rated asphalt) and feature non-combustible siding materials (i.e., stucco, metal siding, brick, cement shingles or cementitious materials, poured concrete, or ULC-rated wood siding) on new structures. Metal, clay tile, and rated asphalt shingles are the most fire resistant roofing materials. Siding materials such as stucco, metal, brick and concrete offer superior fire resistance to wildfire. Logs and heavy timbers are less effective, while wood and vinyl siding offer very little protection.
- Follow FireSmart guidelines for design, construction, and maintenance of window and door glazing, eaves and vents, and decking. Install noncombustible material for all vents

(should be 3 mm screening or ASTM fire rated vents). Metal products are recommended for vents and vent flashing. <https://www.firesmartcanada.ca/>

- Ensure structures are equipped with working smoke alarm(s).
- Sheath in the base of decks, balconies and homes with fire-resistant material to reduce the risk of sparks and embers igniting the home. Use metal railings or tempered glass for decks and balconies. Select noncombustible patio furniture and decorations.
- If a wood fence is installed, ensure at least a 1.5 m noncombustible break between the fence and a structure (i.e., a metal gate with a stone wall to break up combustible fence).

Maintenance

- Regularly inspect siding for locations where embers could accumulate and lodge.
- Maintain and remove combustible debris near exterior walls to reduce a building's vulnerability to ignition during a wildfire.
- Regularly remove debris from gutters – sparks and easily ignite these dry materials.
- Inspect vents and openings regularly to ensure vents are in good repair, and remove any accumulated combustible debris.

Water Supply / Fire Protection

- Ensure water main, fire hydrant capabilities and servicing meet Town of Ladysmith Engineering specifications.

Access

- Ensure roads and driveways meet BC Building Code and municipal Engineering requirements.
- Ensure address signage is clearly evident during the construction phase and at build-out. Letters, numbers, and symbols should be at least 10 cm high, with a 12 mm stroke, contrast with the background colour of the sign, and be reflective.
- Ensure new structures are mapped on fire department “pre-org” (fire planning) maps.

FireSmart Program

- Promote neighbourhood resiliency by encouraging residents of the new development and surrounding existing development to liaise with the Ladysmith Fire Rescue and enroll in the FireSmart Canada Neighbourhood Recognition Program. FireSmart Canada developed the FCNRP to encourage and officially recognize neighbourhoods that have taken critical steps to reduce their vulnerabilities to wildfire. FireSmart is most effective when neighbours band together.
- See <https://firesmartbc.ca/firesmart-canada-neighbourhood-recognition-program-fcnrp/>

Regulatory Provisions

- Conduct follow-up assessment (at building permit) to ensure appropriate mitigation measures have been implemented.

- The Town of Ladysmith to consider entering into Section 219 Covenants with property owners to regulate regarding the use of land or the construction of structures or buildings, as part of the development approval process. This is to ensure the protection, preservation, conservation, maintenance and or restoration of land and/or other specified features within the municipality.

A Section 219 Covenant is a charge secured against the title to a property in favour of the municipality to impose a positive or negative obligation on the property owner, as per the provisions of Section 219 of the Land Title Act.

Attachment H

Appendix 1. FireSmart Interface Priority Zones

In interface areas, FireSmart advocates the establishment and maintenance of Fuel Management Zones* extending outward from structures and along access routes:

Zone 1 a (0-1.5m)

Zone 1 (0-10 m).

Zone 2 (10-30 m).

Zone 3 (30-100 m).

(FireSmart, 2003; updated 2018)

Zone 1a (0-1.5 m): This is the noncombustible zone, where it is very important not to have any combustibles next to buildings.

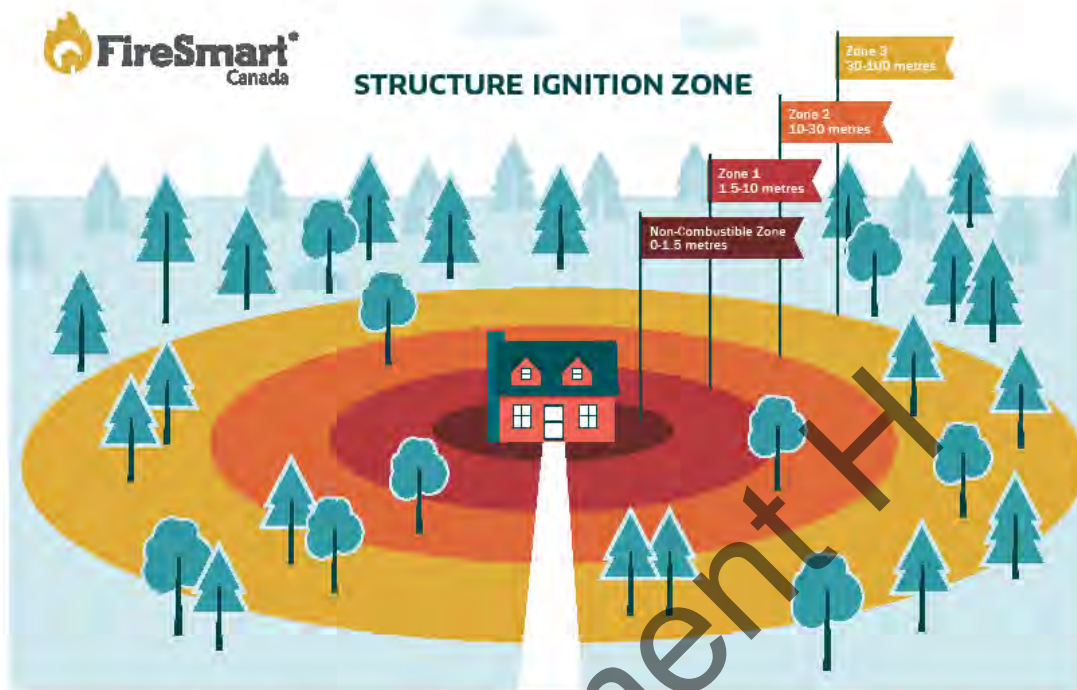
Zone 1 (0-10 m): The main objective of vegetation management is to create an environment that will not support fire. Vegetation management focuses on fuel removal, conversion, and reduction.

Zone 2 (10-30 m): Where treatment in PZ 1 is not sufficient to significantly reduce the fire hazard due to fuel loading, extend the fuel modified area with a variety of thinning and pruning actions.

Zone 3 (30-100 m): Where fuel modification in PZ1 and PZ2 is insufficient to protect structures and/or property, FireSmart advocates treatment in Priority Zone 3 with a variety of thinning and pruning actions in order to create an environment that will not support high-intensity crown fires.

*Setback Zone distances may be extended depending on aspect, slope, fuel loading, etc.





Work with your neighbours in any overlapping priority zones!

<p>Non-combustible Zone (0-1.5 metres)</p>	<p>Reduce the chance of wind-blown embers igniting materials near your home. A non-combustible surface should extend around the entire home and any attachments, such as decks. Creating a non-combustible surface can be as easy as clearing vegetation and combustible material down to mineral soil. To add to your landscape design, use non-combustible materials such as gravel, brick, or concrete in this critical area adjacent to your home. Woody shrubs, trees or tree branches should be avoided in this zone, any that are present should be properly mitigated.</p>
<p>Zone 1 (1.5-10 metres)</p>	<p>Create a landscape that will not easily transmit fire to the home. A FireSmart yard includes making smart choices for your plants, shrubs, grass and mulch. Selecting fire-resistant plants and materials can increase the likelihood of your home surviving a wildfire. Plant a low density of fire-resistant plants and shrubs. Avoid having any woody debris, including mulch, as it provides potential places for fires to start. Storing items such as firewood piles, construction materials, patio furniture, tools and decorative pieces against or near a house is a major fire hazard. Move firewood piles, trailers/ recreational vehicles, storage sheds and other combustible structures out of this zone and into Zone 2. If unable to move, store firewood inside your mitigated garage, shed or other ember resistant structures, create a non-combustible zone underneath and for 1.5 metres around trailers/ vehicles and mitigate sheds and other structures to the same standards as those of your home.</p>
<p>Zone 2 (10-30 metres)</p>	<p>If your property extends out to this zone, thin and prune evergreen trees to reduce hazard in this area. Within 30 metres of your home, selectively remove evergreen trees to create at least 3 metres of horizontal space between the single or grouped tree crowns and remove all branches to a height of 2 metres from the ground on the remaining evergreen trees. If possible, pruning trees up to 100 metres from your home (Zone 3) is recommended. Regularly clean up accumulations of fallen branches, dry grass and needles from on the ground to eliminate potential surface fuels. Consider seeking the guidance of a forest professional with wildland fire knowledge on appropriate management options for this zone.</p>
<p>Zone 3 (30-100 metres)</p>	<p>Taking FireSmart actions in Zone 3 on your property will influence how a wildfire approaches your home. You can change the dynamics of wildfire behaviour by managing vegetation within this zone. Look for opportunities to create a fire break by creating space between trees and other potentially flammable vegetation. Thinning and pruning is effective here as well. These actions will help reduce the intensity of a wildfire. Consider seeking the guidance of a forest professional with wildland fire knowledge on appropriate management options for this zone.</p>

Appendix 2. Generic Fuel Types (adopted from CFFDRS).

Fuel Type	Description	Wildfire Behaviour Under High Wildfire Danger
Coniferous:		
C1	Terrestrial herbaceous ecosystem: mossy rock outcroppings	High potential for surface fire, especially if high moss/lichen
C2	Dense regeneration to pole-sapling (immature) forest with crowns almost to ground	High potential for crown fires; low to very high fire intensity and rate of spread
C3	Fully stocked, mature forest, crowns separated from ground; sparse understorey	Surface and crown fire, low to very high fire intensity and rate of spread
C4	Dense, pole-sapling (immature) forest, heavy standing dead and down, dead woody fuel; continuous needle litter; continuous vertical crown fuel continuity	High potential for crown fires, high to very high fire intensity and rate of spread
C5	Moderately well-stocked, mature forest, moderate dense understorey crowns well separated from ground; continuous needle litter	Low to moderately fast-spreading, low to moderate intensity surface fire
C6	Fully stocked conifer plantation; absent understorey; tree crowns separated from ground; continuous needle litter	Surface fire may spread rapidly to become high intensity fire with high rate of spread
C7	Open, mature coniferous stand; uneven-aged; discontinuous understorey; tree crowns mostly separated from ground	Surface, torching, rarely crowning (except on steeper slopes), moderate to high intensity and rate of spread
D (Deciduous)	Moderately well-stocked deciduous stands; moderate medium to tall shrubs and herb layers	Typically a surface fire; low to moderate rate of spread and fire intensity
	D-1 Leafless D-2 In leaf	
M (Mixed Forest)	Moderately well-stocked mixed stand of conifers and deciduous tree species; moderate shrub understorey; conifer crowns extend nearly to ground	Surface, torching and crowning; moderate to very high intensity and spread rate (varies with slope and % vegetation cover)
	M-1 Leafless M-2 in Leaf Slash from logging and land clearing	Fine fuel % and cedar foliage retention will result in faster ignition and spread
S (Slash)	Continuous standing grass – fuel loading is 0.3 kg/m ² ; scattered trees	Rapid spreading, moderate to high intensity surface fire
01-Long	01-a Matted 01-b Tall	The taller, and more cured the grass, the more rapid spread; low to moderate intensity surface fire
	Continuous human modified short grass	
01-Short		Typically low rate and spread and low fire intensity.

Appendix 3. Fire Risk Classes.

RELATIVE WILDFIRE RISK
Low
Moderate
High
Extreme

Fire Risk Classes

Low (Green): The combination of the local fuel hazard, weather influences, topography, proximity to the community, fuel position in relation to fire spread patterns, and known local wildfire threat factors make it a lower potential for threatening a community. These stands will support surface fires, single tree or small groups of conifer trees could torch/ candle in extreme fire weather conditions. Fuel type spot potential is very low, low risk to any values at risk.

Moderate (Yellow): The combination of the local fuel hazard, weather influences, topography, proximity to the community, fuel position in relation to fire spread patterns and known local wildfire threat factors make it possible that a wildfire in this area would threaten the community. Areas of matted grass, slash, conifer plantations, mature conifer stands with very high crown base height, and deciduous stands with 26 to 49% conifers. These stands will support surface fires, single tree or small groups of conifer trees could torch/ candle. Rates of spread would average between 2-5 meters/ minute. Forest stands would have potential to impact values in extreme weather conditions. Fuel type spot potential is unlikely to impact values at a long distance (<400m).

High (Orange): The combination of the local fuel hazard, weather influences, topography, proximity to the community, fuel position in relation to fire spread patterns, and known local wildfire threat factors make it likely that a wildfire in this area would threaten the community. This includes stands with continuous surface/ crown fuel that will support regular torching/ candling, intermittent crown and/or continuous crown fires. Rates of spread would average 6 -10 meters/ minute. Fuel type spot potential is likely to impact values at a long distance (400 -1 000m).

Extreme (Red): The combination of the local fuel hazard, weather influences, topography, proximity to the community, fuel position in relation to fire spread patterns, and known local wildfire threat factors make it very likely that a wildfire in this area would threaten the community. Stands with continuous surface/ crown fuel and fuel characteristics that tend to support the development of intermittent or continuous crown fires. Rates of spread would average >10 meters/ minute. Fuel type spot potential is probable to impact values at a long distance (400 -1 000m or greater). These forest stands have the greater potential to produce extreme fire behaviour (long range spotting, fire whirls and other fire behaviour phenomena).

Limitations

This report provides an assessment of site conditions. Evaluation is based on professional judgment. The investigation involved field observation. Recommended treatment pertains only to the particular site as disclosed at the time of inspection. The report was prepared considering site-specific circumstances and conditions. It is intended only for use by the client for the purpose for which it was commissioned and for use by local government regulating the activities to which it pertains.

Attachment 11

November 18, 2022

EDI Project No: 21N0582

Ladysmith (Hillside Development) Limited Partnership
200 - 8809 Heather Street
Vancouver, B.C. V6P 3T1

Attention: Jessica Tempesta

RE: Environmental Review for Holland Creek Properties, Ladysmith

INTRODUCTION

EDI Environmental Dynamics Inc. (EDI) has prepared this letter report for Ladysmith (Hillside Development) LP (the Proponent) to summarize key environmental considerations for proposed rezoning of a portion of the Holland Creek Properties in Ladysmith, BC. Our review summarized herein is generally limited to the identified areas that are proposed to be rezoned to R-3-A (the Properties) by the Proponent. Figure 1 provides a sketch of the two areas proposed for rezoning to R-3-A, referred to herein as the Central Parcel and the Western Parcel. As previous consultant reports included a detailed bio-inventory completed by Toth & Associates Environmental Services in 2013, a detailed watercourse assessments completed by D.R. Clough Consulting, and Corvidae Environmental Consulting Inc 2022 for an adjacent property, our review did not attempt to redo the previous environmental assessments completed. Instead, our review builds on this previous information through recent field and desktop reviews we completed for the Proponent within these and other areas within the Holland Creek Properties. The review included the following primary tasks:

- Background information review to determine if any significant environmental sensitivities were known to occur.
- Review of previous consultant reports provided to EDI.
- Review of watercourses and riparian areas within and near the Properties.
- Field reviews within the Properties.

Throughout this summary, the Riparian Areas Regulation (RAR) is mentioned, and it is important to note that this regulation was replaced by the Riparian Areas Protection Regulation (RAPR) in 2019. While the name has changed, most of the key requirements, methodologies, and terms are the same.

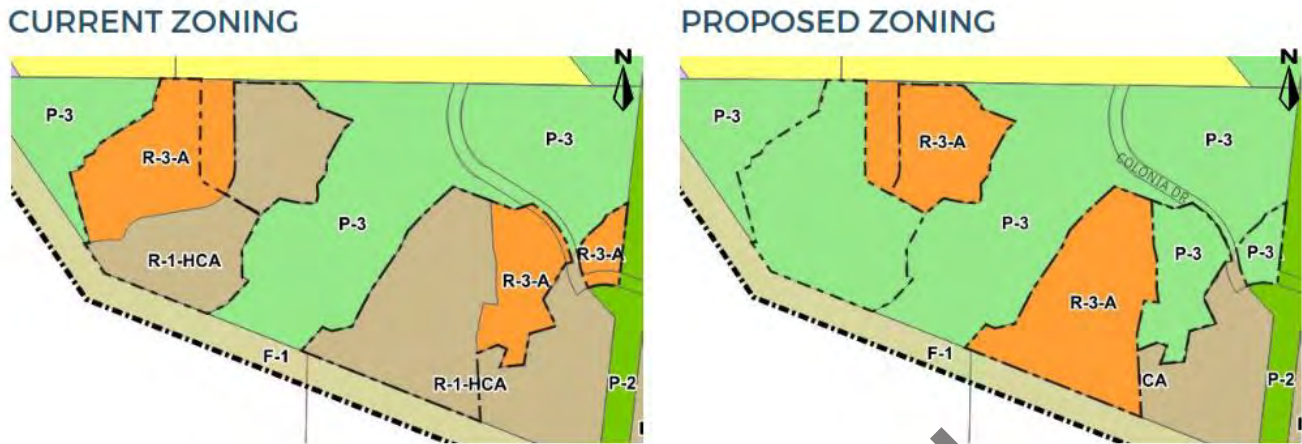


Figure 1. Sketch of areas proposed for R-3-A zoning (Central Parcel on the right and Western Parcel on the left).

BACKGROUND INFORMATION REVIEW

Table 1 provides a summary of the background information review completed prior to conducting the field reviews.

Table 1 Summary of Background Information Review

Information Source	Type of Information	Results of Search
Habitat Wizard	Known occurrences of provincially and federally listed species Sensitive Ecosystem Inventory Mapping Fish observations and stream reports for mapped watercourses	No mapped occurrences of species at risk occur within or near the Properties. The Grand Fir / Dull Oregon-grape ecological community overlaps with the Properties (Figure 2). This is a red-listed (rare) ecosystem; however, all portions of these polygons that are within the Properties have been previously logged so are no longer considered to be sensitive. Heart Creek Ravine is a Sensitive Ecosystem Inventory (SEI) polygon (riparian ecosystem). Shows Heart Creek but provides no fish presence/absence information. Indicates that Heart Lake is known to contain rainbow trout and cutthroat trout.
Ladysmith OCP Map 2	Development Permit Areas	Several DPAs occur on the Properties (Figure 3): <ul style="list-style-type: none"> • DPA 6 (Riparian) • DPA 7 (Hazard Lands) • DPA 8 (Multi-Unit Residential ESA) • DPA 11 (Arbutus Hump ESA)
Wildlife Tree Stewardship Atlas & Great Blue Heron Atlas	Raptor and Heron nest trees and other significant wildlife trees	No known wildlife trees within or near the Properties.

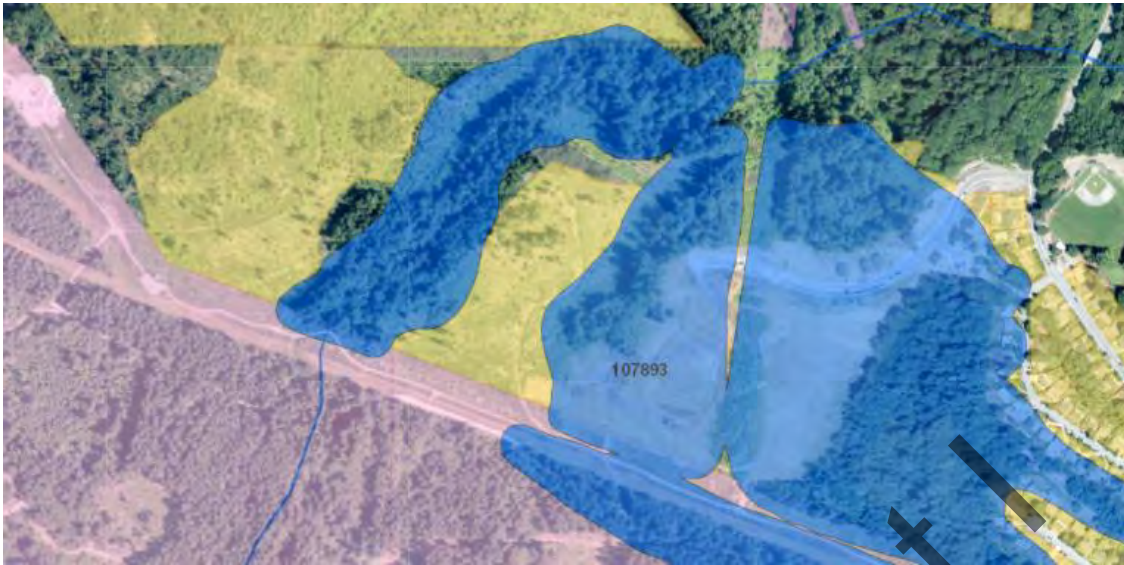


Figure 2. Grand Fir / Dull Oregon-grape ecosystem shown in blue (screen clip from Habitat Wizard).



Figure 3. DPAs within the area (screen clip of OCP Map 2).

In addition to reviewing online sources of information, various consultant reports provided by the Proponent were reviewed. Table 2 provides a summary of key information that pertains to the subject Properties.

Table 2 Summary of Previous Consultant Reports

Information Source	Key Information Pertaining to within Proposed Areas to be Rezoned
Toth 2013 ¹ (Attachment 1)	No rare plants identified. No ecologically sensitive polygons within the proposed areas to be rezoned. No stick nests identified within proposed areas to be rezoned.

¹ Toth & Associates Environmental Services. 2013. Bio-inventory of Northern Portions of District Lot 103E&N and Block 192, Oyster District, Ladysmith. Prepared for Glencar Consultants Inc.



Clough 2013 ²	Identified and characterized streams within and near the Properties. Determined extents of fish distribution. Heart Creek is fish bearing, all other streams within the Properties were identified as non-fish bearing due to downstream barriers and lack of perennial flow.
Clough 2014 ³	Identified and characterized streams throughout the Properties. Discussed extents of fish distribution. Provided information regarding riparian setbacks for most stream and ditches.
Corvidae 2022 ⁴	Provided mapping extent of ecological community overlapping DPA 11.

FIELD REVIEW

The field reviews were conducted on November 26, 2021, January 14, 2022, and September 8, 2022. The focus of the reviews was to verify watercourse locations and characteristics, review riparian areas, and determine if any changes or new features were present since the previous consultant reports were prepared. The following sections summarize key findings from our field reviews.

Watercourses

The following table summarizes watercourse observations and considerations resulting from field reviews. Watercourse names are as per the Site Plan contained in the Clough 2014 report (see Attachment 2).

Table 1. Summary of Watercourse Observations and Considerations

Watercourse	Comments
Heart Cr. (Reach 2)	<ul style="list-style-type: none"> Heart Creek and its riparian area located between the Central Parcel and Western Parcel appeared to be as described by previous consultant reports. The Heart Creek ravine located between the Central Parcel and Western Parcel is greater than 60 m wide. As per Figure 1-2 of the Riparian Areas Protection Regulation (RAPR) Technical Assessment Manual the Riparian Assessment Area (RAA) is 10 m from top of ravine bank for a ravine wider than 60 m.
T2	<ul style="list-style-type: none"> T2 flows within a narrow, forested ravine along the east side of the Central Parcel and appeared to be as described by previous consultant reports. The T2 ravine is less than 60 m wide. As per Figure 1-2 of the RAPR Technical Assessment Manual the RAA is 30 m from top of ravine bank for a ravine less than 60 m wide.
T2B	<ul style="list-style-type: none"> The 2014 RAR report mentions a T2B in Section 1 but does not further describe it. It is assumed to be the stream that flows into T2A, just north of Ray Knight Drive. There are multiple ditches upstream that flow into and near the short ravine in which T2B flows, and the area upstream of the ravine has been recently cleared, grubbed, stripped, and ditched. It is not possible to discern the natural drainage pattern that occurred here prior to recent earthworks and historic developments upslope (hydro line, logging roads).

² D.R. Clough Consulting, 2013. Holland Creek Watershed, Ladysmith B.C. Environmental Assessment. Prepared for 0885538BC Ltd. and Stzuminus First Nation.

³ D.R. Clough Consulting, 2014. Riparian Areas Regulation Assessment Report. Prepared for Province of BC.

⁴ Corvidae Environmental Consulting Inc. 2022. Environmental Assessment for Proposed Holland Heights Neighbourhood DPA 11 Attachment E. Prepared for Lamont Land



- All upstream ditches that currently flow directly into T2B were investigated. None of the ditches were found to be fed by a watercourse that is upstream of the hydro line and logging roads.
- Flow from small, ephemeral streams, within the forested area upstream of the hydro lines drain towards T2B but have been ditched by hydro and logging roads, and these sources of flow have recently been ditched such that they disperse into the cutblock west of the T2B ravine.
- The T2B ravine is less than 60 m wide. As per Figure 1-2 of the RAPR Technical Assessment Manual the RAA is 30 m from top of ravine bank for a ravine less than 60 m wide.

Terrestrial Environments

In general, the terrestrial environments with the Properties appeared to be as described by the 2013 bio-inventory prepared by Toth and Associates Environmental Services. No new environmentally sensitive areas or important habitat features were observed.

The Central Parcel occurs largely within an area that has been recently logged (2012). Most of this harvested area was clearcut but a portion in which the Central Parcel occurs was selectively logged. As such, there remains a patch of sparse forest with several older trees with a less disturbed understory. This area is visible on airphotos and in Figure 2 of the 2013 bio-inventory, but is not depicted as a separate polygon. While this small area has some mature forest attributes, it has been fragmented and disturbed by selective logging and there were no significantly large trees or other features of note.

As shown in Figure 2 of the 2013 bio-inventory, the Western Parcel consists mostly of pole-sapling forest that was harvested in 2005/2006. A smaller component of this area consists of young forest. No older forest, large trees or other features of note were observed.

Adjacent to the Western Parcel is an area that is proposed as park. This proposed park area is overlapped with DPA 11 and DPA 7/8. Toth describes the area as Douglas-fir / arbutus – salal Young forest ecosystem (Figure 2 Polygon 2) and a cutblock harvested in 2012. This area also overlaps with the Corvidae mapping of the Douglas-fir/arbutus ecosystem which is mapped as extending east and south of the DPA 11 (into a portion of DPA7/8) and bordered by extensive Scotch broom (see attachment). Additional ecosystem mapping for the area is provided in Madrone 2008⁵ which also maps the Douglas-fir/arbutus ecosystem at a Young forest stage overlapping this area but also including components of Douglas-fir / dull Oregon-grape ecosystem. Mapping by Madrone precedes the recent forest harvesting. In the detailed TEM mapping provided by Madrone the biogeoclimatic boundary of the CDFmm and CWHxm1 were adjusted (which often occurs in detailed ecosystem mapping projects as the zone boundaries are initially mapped at a coarse scale and refined based on ground conditions and ecosystems present). The adjusted boundary places the DPA 11 Arbutus

⁵ Madrone Environmental Services Ltd. June 2008. Terrestrial Ecosystem Mapping of the Coastal Douglas-Fir Biogeoclimatic Zone. For Mr Bill Zinovch Integrated Land Management Bureau Planning Officer.



Hump ESA and surrounding area within the CDFmm despite being slightly higher (190 masl) than the generally accepted cut off of 150 m masl for the CDFmm BEC zone.

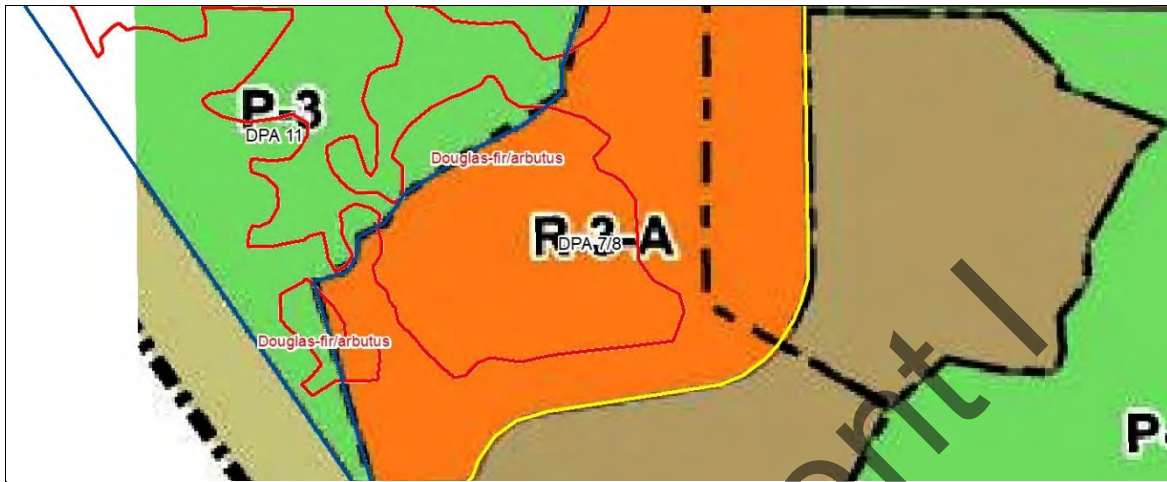


Figure 4. DPA 11(blue), DPA 7/8 (yellow) and current zoning (orange), with park designation (green) and the extent of the Toth mapping of Douglas-fir/arbutus ecosystem (red).



Figure 5. DPA 11(blue), DPA 7/8 (yellow) and proposed Western Parcel zoning (orange), with proposed park designation (green) and the extent of the Toth mapping of Douglas-fir/arbutus ecosystem (red).



DISCUSSION

Other than the previously undescribed drainage features observed upstream and adjacent to T2B, there were no new sensitivities uncovered during our background review and field assessments. Below is a summary of key environmental considerations associated with future development

- As per DPA 6 requirements any future development within the RAAs of Heart Creek, T2 and T2B, including subdivision, will require submission of a new RAPR report (the previous RAR report cannot be used to approve future development). Each detailed RAPR assessment (needed to allow for the minimum riparian setback) would require the following to be addressed, some of which may require additional areas to be protected beyond the minimum setbacks identified:
 - Danger trees
 - Windthrow
 - Slope stability
 - Protection of trees
 - Encroachment
 - Sediment and erosion control
 - Stormwater management
 - Floodplain concerns
- If construction of a road across Heart Creek or any other watercourses is required as part of future development, environmental permits for in-stream works will be needed including:
 - Water Sustainability Act Section 11 Notification or Change Approval. Depending on crossing design details bridges and culverts may only require a Notification; however, due to the width of the Heart Creek ravine, it's more likely that Notification criteria can't be met and that a Change Approval would be needed.
 - Submission of a Request for Review to DFO. Depending on crossing design details and potential impacts to fish and fish habitat, DFO review would result in either a Letter of Advice to allow the work to proceed, or a letter indicating that an application for Authorization would be required.
- Drainage features observed upstream and adjacent to T2B will need to be addressed as part of the Central Parcel's detailed development designs. Drainage solutions will be needed to address both stormwater management aspects as well as environmental considerations. Given that at least a portion of the seasonal drainage here is from a natural source of water (small streams, rather than just stormwater runoff), components of the works are anticipated to require a Water Sustainability Act Section 11 Notification or Change Approval. Works requiring such approval would include stream relocation, stream crossings, and stormwater outfalls. Future drainage patterns here will



also need to consider riparian setbacks and mitigation measures associated with the RAPR (which applies to all watercourses, that eventually drain into fish habitat, including ditches).

- Pre-clearing surveys should be completed prior to future development and as part of future planning processes. There are some trees within and adjacent to the Properties that could provide suitable nesting habitats for raptors and other protected nests such as herons and Pileated Woodpeckers that are protected year-round by the Wildlife Act and/or the Migratory Birds Convention Act. While no such nests are known to occur at or immediately near the Properties at this time, nests could be constructed in the future.
- Songbird nest surveys should be conducted prior to planned clearing of any vegetation within the Properties between March 1 and August 31 of a given year (standard nesting season that better captures most early and late nesting songbirds on Vancouver Island). Active songbird nests are protected by the provincial Wildlife Act and the federal Migratory Birds Convention Act.
- DPA 11 Arbutus Hump ESA was developed to protect the Arbutus Hump, an important landmark of the Holland Creek area (Schedule A.1 of the Town of Ladysmith OCP). The attributes of the forest cover for which DPA 11 is designated (young arbutus forest with a sparse sub-canopy of pole-sapling Douglas-fir, open canopy with specific understory composition) extends beyond the DPA 11 area to the south and east as mapped by Toth, Corvidae and Madrone and verified by EDI. The current zoning for the area immediately abuts DPA 11 and wholly overlaps the young Douglas-fir arbutus forest.
- Forested ecosystems are generally considered at risk when in their climax state which occurs when forests are mature or old growth. Refer to *Coastal Douglas-fir Ecosystems, 1999* brochure for a detailed description of the criteria for ecosystems at risk within the CDFmm. There are ecological benefits to preserving this area as park despite not fully meeting the criteria for the Red-listed ecosystem, the area provides:
 - Ecosystem recruitment opportunities as the forest matures,
 - preservation of biodiversity and,
 - reduction of fragmentation
 - protection from further encroachment of invasive species into the core areas of DPA 11.
- The proposed Western does not overlap with the mapped ecosystem community. The planned development of the Western parcel is not expected to adversely impact the mapped Douglas-fir/arbutus ecosystem. The current zoning wholly overlaps this area and abuts the existing DPA 11 area and would likely have more adverse effects than the proposed rezoning.

CONCLUSIONS

Other than the additional drainage features observed upstream and adjacent to T2B, there were no new sensitivities uncovered during our background review and field assessments. As there are no known sensitive ecosystems, rare plants or animals, or protected nests, environmental sensitivities, constraints, and permitting



requirements associated with the Properties are largely associated with watercourses and riparian areas. Conceptual plans for the Central and Western Parcels largely avoid watercourses and riparian areas with the exception of the small, ephemeral drainage features upstream and beside T2B, which have been disturbed by historic and recent developments and would need to be addressed for any development that would require the extension of Ray Knight Drive further west of its existing terminus.

Overall, the proposed rezoning is considered to be ecologically appropriate in that there are significant ecological benefits to clustering development in previously impacted areas and preserving large contiguous areas as nature park space. Generally, all things being equal, the conservation of large, contiguous areas is more effective in conserving biodiversity and many wildlife habitat values than setting aside numerous, fragmented areas of the same total size. By concentrating development within specific, sensible and topographically realistic locations, the Properties could provide numerous benefits economically (less infrastructure and maintenance needed to service smaller areas), socially (greater opportunities for social interactions, amenities and services), and environmentally (less fragmentation and more contiguous natural spaces within areas that are less affected by past disturbance). The proposed park area that is adjacent to DPA 11 includes many of the ecological attributes for which DPA 11 was designated. The current zoning completely overlaps this ecosystem while the proposed zoning avoids it. Protecting this area as park will provide benefits including recruitment, reducing fragmentation, preserving biodiversity and buffering against invasive species encroachment into core areas of DPA 11.

STATEMENT OF LIMITATIONS

This report was prepared exclusively for Ladysmith (Hillside Development) Limited Partnership by EDI Environmental Dynamics Inc. The quality of information, conclusions and estimates contained therein are consistent with the level of effort expended and is based on: i) information available at the time of preparation; ii) data collected by EDI Environmental Dynamics Inc. and/or supplied by outside sources; and iii) the assumptions, conditions and qualifications set forth in the report. The report is intended to be used by Ladysmith (Hillside Development) Limited Partnership for the intended purpose as outlined by this report (rezoning application). Any other use or reliance on this report by any third party is at that party's sole risk.

Yours truly,

EDI Environmental Dynamics Inc.

DISTRIBUTED VIA EMAIL

Adam Compton, R.P.Bio.
Senior Biologist/Project Manager

Attachments: 2013 Bio-inventory Report
 RAR Site Plan (Clough 2014)
 Douglas-fir/Arbutus Figure 5(Corvidae 2022)

Bio-inventory of Northern Portions of District
Lot 103E&N and Block 192, Oyster District,
Ladysmith



Toth and Associates
Environmental Services

Bio-inventory of Northern Portions of District
Lot 103E&N and Block 192, Oyster District,
Ladysmith

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TABLE OF CONTENTS

1.0	INTRODUCTION	1
1.1	Study Area	1
2.0	METHODS	1
3.0	RESULTS	2
3.1	Background Review	2
3.2	Field Assessment	6
3.3	Forest Cover.....	6
3.4	Site Series.....	8
3.5	Wildlife	8
3.5.1	Potential use by Rare Species	9
3.6	Plants.....	11
3.7	Watercourses.....	12
3.8	Assessment of Prior Use	12
3.9	Potential Constraints to Development	12
4.0	DISCUSSION	14
5.0	RECOMMENDATIONS	14
6.0	REFERENCES	15

LIST OF TABLES

Table 1.	Potential Rare Ecological Communities	3
Table 2.	Potential Rare Plant Species	3
Table 3.	Potential Rare Animal Species	4
Table 4.	Wildlife documented on the property	8

LIST OF FIGURES

Figure 1.	Subject properties, watercourses, topography and identified DPA 6 areas.....	5
Figure 2.	Subject property Forest cover, TEM Polygons, nest sites and watercourses	13

LIST OF PHOTOGRAPHS

Photograph 1.	View of logged area within arbutus / rock outcrop ESA.....	16
Photograph 2.	View of dry Douglas-fir / arbutus – salal forest in the northwest corner of the property.....	17
Photograph 3.	View of forest cover in ravine bottom on a tributary to Heart Creek.....	17
Photograph 4.	View of forest cover within the Heart Creek ravine.....	18
Photograph 5.	View of dense shrub stage vegetation on BCTC Right-of-way.	18
Photograph 6.	View of bigleaf maple / red alder on edge of BCTC Right-of-way.	19
Photograph 7.	View of Mature 1m+ DBH western redcedar on sword fern.	19
Photograph 8.	View of Mature forest cover along the centre east side of the property.....	20
Photograph 9.	Barred-owl observed in mature western redcedar / sword fern polygon.	20
Photograph 10.	View of mid-slope seepage site at waypoint 031	21

1.0 Introduction

Toth and Associates Environmental Services (Toth and Associates) were retained by Glencar Consultants Inc. to conduct a bio-inventory of the approximate 143 acre undeveloped portion of District Lot 103E&N and Block 192, Oyster District in Ladysmith lying northerly of the BCTC Transmission Right-of-Way as shown on Figure 1. The bio-inventory included a background review of available information, a field assessment of the properties including identified Environmentally Sensitive Areas, and preparation of this bio-inventory report. Map No. 2 of the Town of Ladysmith Holland Creek Local Area Plan indicates that the property is Crown owned Community Forest within the Forest Land Reserve. The objectives of the bio-inventory were to:

- Inventory and classify wildlife habitats, significant features and plant communities on the property;
- Produce a report and study area map detailing the results of the study;
- Outline any environmental constraints with potential to impact development of the subject properties; and,
- Provide recommendations for retention, mitigation and compensation of significant features, for consideration in future development.

1.1 Study Area

The subject property consists of an approximately 143 acre undeveloped forested parcel. The south side of the subject property is accessed by a gated gravel BCTC transmission line access road and an undeveloped dedicated road accesses the property of the east side from Dogwood Drive. Heart Creek and a tributary to Heart Creek flow within incised ravines through the property. Overall aspect is northeast. The majority of the property is within the Coastal Western Hemlock Very Dry Maritime (CWHxm1) biogeoclimatic zone, with the lower southeast corner extending into the Coastal Douglas-fir moist-maritime (CDFmm) zone.

2.0 Methods

Field Survey methods included those outlined in *Environmental Objectives, Best Management Practices and Requirements for Land Developments* (MELP 2001), *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia* (MOE March 2006), and the *Field Manual for Describing Terrestrial Ecosystems* (LMH #25 MELP, MOF 1998). A pre-field background review was conducted which included a review of provincial and Cowichan Valley Regional District (CVRD) datasets and orthophotos. Forest cover on the property was delineated into polygons based on air photo interpretation and background information review.

Habitat values were assessed throughout the property by establishing sample plots within relatively homogenous plant community types delineated during the air photo review. Plot establishment involved delineating a 400 square metre plot in an area representative of the surrounding polygon. Physiographic feature descriptions included estimates of:

- slope gradient (clinometer), aspect (compass), slope position, slope shape (visual estimate), microtopography (visual estimate); and exposure.

Species of vascular plants and byrophytes occurring within each plot were recorded and cover classes based on visual estimates were assigned to each species. Total cover for each stratum, as described in Land Management Handbook No. 25 (1998), were recorded (A - Trees; B - Shrubs; C - Herbs; D - Mosses/Seedlings). In addition to species occurring within sample plots, the immediate area was searched to identify uncommon or rare species outside of plot boundaries.

Additional features described for each site included: wind damage; evidence of fire and historic logging; susceptibility to fire/wind damage; geologic features; surface water features; and drainage patterns.

Forest community composition and structure was qualitatively assessed to determine the suitability in providing habitat features of value to known or potential wildlife species. Habitat features identified during the inventory included: wildlife trees, veteran trees (A₀ layer), horizontal and vertical structure, coarse woody debris, forage abundance and availability; and special features (nest sites, etc.).

The surveyor recorded all wildlife utilization evidence including direct observations, vocalizations, tracks, game trails, scat, browsed and grazed vegetation, bones, feathers, nests, nest cavities and woodpecker holes. Utilization of forest types and special habitat features by wildlife was deduced from an analysis of habitat features, and observations and evidence of utilization.

3.0 Results

3.1 Background Review

There are no known rare species or ecological communities identified on, or adjacent to the subject properties by the BC Conservation Data Centre. A search of the Conservation Data Centre's (CDC) BC Ecosystem Explorer database (November 2013) provided a list of potentially occurring rare ecological communities, plant and animal species for the property. The search was limited to include only the Ladysmith area within the Cowichan Valley Regional District of the South Island Forest District. The search provided tables of 72 potential ecological community occurrences, 71 plant species, and 101 animal species. The tables were further refined to exclude those ecological communities, plant and animal species with nil potential, or known not to occur on the property based on the available habitat types, field surveys and distribution data (e.g. marine and sub-alpine species). The refined list indicated 17 rare ecological communities (Table 1), 7 rare plant species (Table 2) and 21 rare animal species with *potential* to occur on the property (Table 3).

The Town of Ladysmith has identified Environmentally Sensitive Areas (Development Permit Area 6) on the subject property including a dry rock outcrop area in the northwest corner of the property, the Heart Creek ravine and an area on the east side of the property that does not

appear to be associated with any identifiable feature, but could possibly represent steep slopes. The Sensitive Ecosystem Inventory (SEI, 1997) identified a riparian polygon (poly #V0303) associated with the Holland Creek ravine in the northwest corner of the property. The Wildlife Tree Stewardship Atlas did not identify any raptor or heron nests on, or adjacent to the property.

Watercourses on the property were assessed by D.R. Clough Consulting as part of the *Riparian Areas Regulation (RAR)* Assessment conducted on the property.

Table 1. Potential Rare Ecological Communities

Scientific Name	English Name	BC List	Biogeoclimatic Units
<i>Abies grandis</i> / <i>Mahonia nervosa</i>	grand fir / dull Oregon-grape	Red	CDFmm/04
<i>Abies grandis</i> / <i>Tiarella trifoliata</i>	grand fir / three-leaved foamflower	Red	CDFmm/06
<i>Arbutus menziesii</i> / <i>Arctostaphylos columbiana</i>	arbutus / hairy Manzanita	Red	CDFmm/00;CWHxm1/00
<i>Picea sitchensis</i> / <i>Rubus spectabilis</i> Very Dry Maritime	Sitka spruce / salmonberry Very Dry Maritime	Red	CWHxm1/08
<i>Pseudotsuga menziesii</i> - <i>Arbutus menziesii</i>	Douglas-fir – arbutus	Red	CDFmm/02
<i>Pseudotsuga menziesii</i> - <i>Pinus contorta</i> / <i>Racomitrium canescens</i>	Douglas-fir - lodgepole pine / grey rock-moss	Red	CWHxm1/02
<i>Pseudotsuga menziesii</i> - <i>Tsuga heterophylla</i> / <i>Gaultheria shallon</i> Dry Maritime	Douglas-fir - western hemlock / salal Dry Maritime	Blue	CWHxm1/03
<i>Pseudotsuga menziesii</i> / <i>Mahonia nervosa</i>	Douglas-fir / dull Oregon-grape	Red	CDFmm/01;CWHxm1
<i>Pseudotsuga menziesii</i> / <i>Polystichum munitum</i>	Douglas-fir / sword fern	Blue	CWHxm1/04
<i>Thuja plicata</i> - <i>Pseudotsuga menziesii</i> / <i>Eurhynchium oreganum</i>	western redcedar - Douglas-fir / Oregon beaked-moss	Red	CDFmm/05
<i>Thuja plicata</i> / <i>Achlys triphylla</i>	western redcedar / vanilla-leaf	Red	CDFmm/12
<i>Thuja plicata</i> / <i>Polystichum munitum</i> Very Dry Maritime	western redcedar / sword fern Very Dry Maritime	Blue	CWHxm1/05
<i>Thuja plicata</i> / <i>Rubus spectabilis</i>	western redcedar / salmonberry	Red	CWHxm1/13
<i>Thuja plicata</i> / <i>Symphoricarpos albus</i>	western redcedar / common snowberry	Red	CDFmm/07
<i>Thuja plicata</i> / <i>Tiarella trifoliata</i> Very Dry Maritime	western redcedar / three-leaved foamflower Very Dry Maritime	Blue	CWHxm1/07
<i>Tsuga heterophylla</i> - <i>Pseudotsuga menziesii</i> / <i>Eurhynchium oreganum</i>	western hemlock - Douglas-fir / Oregon beaked-moss	Red	CWHxm1/01
<i>Tsuga heterophylla</i> - <i>Thuja plicata</i> / <i>Blechnum spicant</i>	western hemlock - western redcedar / deer fern	Red	CWHxm1/06

Table 2. Potential Rare Plant Species

Scientific Name	English Name	BC List
<i>Allium amplexans</i>	slimleaf onion	Blue
<i>Claytonia washingtoniana</i>	Washington springbeauty	Red

<i>Heterocodon rariflorum</i>	heterocodon	Blue
<i>Mitella caulescens</i>	leafy mitrewort	Blue
<i>Rupertia physodes</i>	California-tea	Blue
<i>Toxicodendron diversilobum</i>	poison oak	Blue
<i>Viola howellii</i>	Howell's violet	Blue

Table 3. Potential Rare Animal Species

Scientific Name	English Name	BC List	Potential
<i>Accipiter gentilis laingi</i>	Northern Goshawk, <i>laingi</i> subspecies	Red	Low
<i>Anaxyrus boreas</i>	Western Toad	Blue	Low
<i>Aneides vagrans</i>	Wandering Salamander	Blue	Moderate
<i>Brachyramphus marmoratus</i>	Marbled Murrelet	Blue	Low
<i>Carychium occidentale</i>	Western Thorn	Blue	Moderate
<i>Cervus elaphus roosevelti</i>	Roosevelt Elk	Blue	Moderate
<i>Chordeiles minor</i>	Common Nighthawk	Yellow	Low
<i>Contopus cooperi</i>	Olive-sided Flycatcher	Blue	Moderate
<i>Dendragapus fuliginosus</i>	Sooty Grouse	Blue	Moderate
<i>Glaucidium gnoma swarthi</i>	Northern Pygmy-Owl, <i>swarthi</i> subspecies	Blue	Moderate
<i>Hemphillia glandulosa</i>	Warty Jumping-slug	Blue	Moderate
<i>Megascops kennicottii kennicottii</i>	Western Screech-Owl, <i>kennicottii</i> subspecies	Blue	Moderate
<i>Monadenia fidelis</i>	Pacific Sideband	Blue	High
<i>Mustela erminea anguinae</i>	Ermine, <i>anguinae</i> subspecies	Blue	Low
<i>Myotis keenii</i>	Keen's Myotis	Blue	Low
<i>Nearctula sp. 1</i>	Threaded Vertigo	Red	Moderate
<i>Patagioenas fasciata</i>	Band-tailed Pigeon	Blue	High
<i>Pristiloma johnsoni</i>	Broadwhorl Tightcoil	Blue	Moderate
<i>Rana aurora</i>	Northern Red-legged Frog	Blue	High
<i>Sorex palustris brooksi</i>	American Water Shrew, <i>brooksi</i> subspecies	Red	Low
<i>Vertigo andrusiana</i>	Pacific Vertigo	Red	Moderate

Madrone Environmental Services Ltd. conducted Terrestrial Ecosystem Mapping (TEM) of the Coastal Douglas-Fir biogeoclimatic zone (Madrone, 2008), including the subject property. TEM polygons for the subject property are shown on Figure 2 and described below

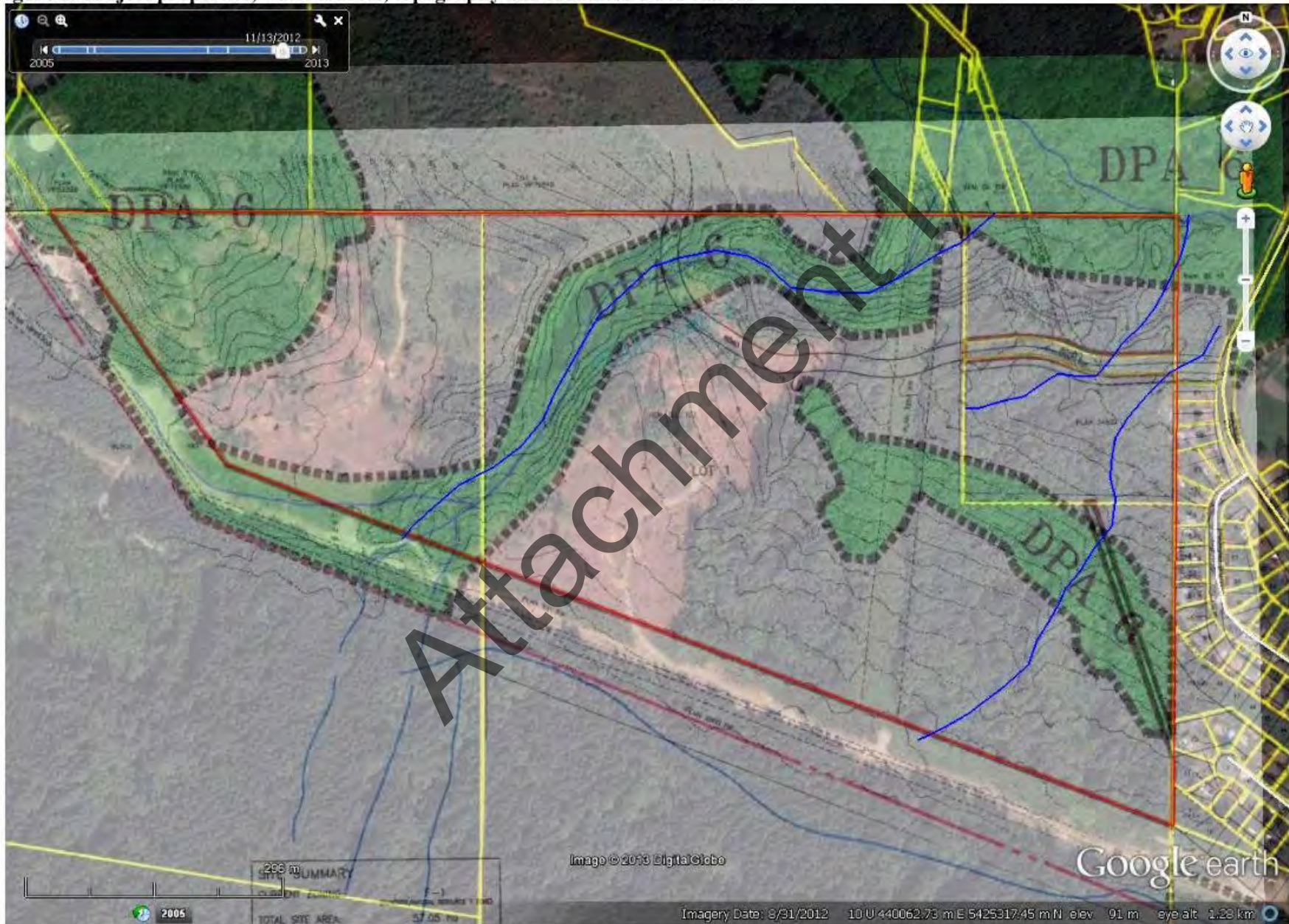
TEM Polygon # 13817

Sixty percent of this polygon is described as CDFmm/02 Site Series comprised of Young Forest (40-80 years) Douglas-fir / Lodgepole pine - arbutus on warm aspects with moderately steep slopes and very shallow soils. The remaining 40% of the polygon is described as Young Forest stage Douglas-fir / salal (CDFmm/01) Site Series on warm aspect moderately steep slopes and shallow soils.

TEM Polygon # 13811

Seventy percent of this polygon is described as Young Forest stage Douglas-fir / salal (CDFmm/01) Site Series with the remaining 30% of the polygon as Young Forest stage Douglas-fir / salal (CDFmm/01) Site Series on shallow soils and warm aspects and steep slopes.

Figure 1. Subject properties, watercourses, topography and identified DPA 6 areas



TEM Polygon # 13829

Seventy percent of this polygon is described as Young Forest stage Douglas-fir / grand-fir – Oregon grape (CDFmm/04) with the remainder comprised of Young Forest stage Western redcedar / grand-fir – foamflower (CDFmm/06).

TEM Polygon # 13824

This polygon is described as Young Forest stage Douglas-fir / salal (CDFmm/01) Site Series.

TEM Polygon # 13831

This polygon is described as Young Forest stage Douglas-fir / grand-fir – Oregon grape (CDFmm/04).

TEM Polygon # 13833

This polygon is described as Shrub stage Douglas-fir / grand-fir – Oregon grape (CDFmm/04).

TEM Polygon # 13834

Fifty percent of this polygon is described as Shrub stage Douglas-fir / grand-fir – Oregon grape (CDFmm/04) with the remainder described as Young Forest stage Douglas-fir / grand-fir – Oregon grape (CDFmm/04).

TEM Polygon # 13823

Sixty percent of this polygon is described as urban / suburban with the remainder comprised of Young Forest stage Western redcedar / grand-fir – foamflower (CDFmm/06).

TEM Polygon # 13818

This polygon is described as Mature Forest stage (80-250 years) Western redcedar / grand-fir – foamflower.

TEM Polygon # 13814

This polygon is described as Young Forest stage Western redcedar / grand-fir – foamflower.

3.2 Field Assessment

Field surveys were conducted on November 26 + 27, and December 17, 2013. Sample site locations and all features within the study area were identified using a Garmin Map60CSx Global Positioning System (GPS). The Sum Routes Feature in OziExplorer indicated a total survey effort of 10.49km.

3.3 Forest Cover

Forest cover polygons identified during the background review were refined based on the results of the field surveys.

Forest cover polygons on the property are indicated on Figure 2. The forested sections of the property consisted of six general ecotypes including:

1. Recently harvested areas
2. Douglas-fir / arbutus – salal Young Forest on Rock Outcrops
3. Douglas-fir – salal Young Forest
4. Douglas-fir / Bigleaf maple – sword fern Young Forest
5. BCTC Right-of-ways
6. Douglas-fir, western redcedar – sword fern Mature Forest

Recently harvested areas (Polygons 1, 4 + 7)

Logging of the flatter areas of the property occurred in 2005/2006 (Polygon 4) and 2012 (Polygon 1). The logging conducted in 2012 extended into the Environmentally Sensitive Area (DPA 6) associated with the arbutus / rock outcrop ecological community at the west end of the property (Photograph 1). Two other small areas on the property have been logged within the past 15 years (Polygon 7) and have been restocked with Douglas-fir, grand-fir and western redcedar.

Douglas-fir / arbutus – salal Young Forest on Rock (Polygon 2)

This highly fragmented forest polygon is limited to the knoll at the northwest end of the property. Forest cover contains a high component of Young Forest stage arbutus (Photograph 2) with a sparse sub-canopy of pole-sapling stage Douglas-fir. The canopy is relatively open and the understory is comprised of ocean spray, salal, baldhip rose, red huckleberry, dull Oregon-grape and sword fern. Moss covered rock outcrops are prevalent.

Douglas-fir – salal Young Forest (Polygon 3)

This plant community is limited to a few small tree patches left following forest harvesting in the northwest portion of the property. The forest cover consists of an almost pure stand of early Young Forest stage Douglas-fir with a well developed understory of salal.

Douglas-fir / Bigleaf maple / Western redcedar – sword fern Young Forest (Polygon 5)

As the heading suggests, this forest cover polygon consisted of a variable “mixed bag” of Young Forest stage Douglas-fir, western redcedar, bigleaf maple, red alder and western hemlock up to 50cm diameter-at-breast-height (DBH), interspersed with occasional larger diameter mature trees up to 100cm DBH. This plant community represents the majority of the forest cover on the property and is prevalent within ravine areas (Photographs 3+4). The shrub layer was comprised of a patchy distribution of salmonberry, salal, red huckleberry and ocean spray. The herb layer was dominated by sword fern, with bracken fern, trailing blackberry, and vanilla leaf. The polygon in the southeast corner of the property is comprised predominantly of Young Forest stage bigleaf maple with a sub-canopy of western redcedar.

BCTC Right-of-ways (Polygon 6)

The deciduous dominated polygons associated with the maintained hydro transmission corridors consists of a shrub stage component directly under the transmission lines comprised of dense thimbleberry, salmonberry, Pacific ninebark, scotch broom and Himalayan blackberry (Photograph 5) as well as a fringe of infrequently maintained late pole-sapling stage bigleaf maple, bitter cherry and red alder along both sides of the corridor (Photograph 6).

Western redcedar / Douglas-fir / bigleaf maple – sword fern Mature Forest (Polygon 8)

This polygon is situated in the northwest corner of the property and consists of large diameter well spaced western redcedar, bigleaf maple, and Douglas-fir with occasional western hemlock, grand-fir and black cottonwood. The shrub layer is sparse, with devil’s club, salmonberry, red huckleberry and salal. The herb layer consists of almost continuous coverage of sword fern (Photographs 7+8).

3.4 Site Series

The site series best fitting the ecological communities on the property included the red-listed CDFmm/02 (Douglas-fir / arbutus) in the southwest corner of the property (Polygon 2), the red-listed Douglas-fir / salal (CDFmm/01) in those areas that have been recently harvested (Polygons 1, 3 + 4), and blue-listed Douglas-fir / sword fern (CWHxm1/04) in Polygons 5 + 7. The mature forest associated with Polygon 8 appears to best fit the description of the blue-listed Western redcedar / sword fern (CWHxm1/05) site series. It was not possible to accurately define a site series associated with Polygon 6 due to the disturbance history (i.e. maintained BCTC RoW). All of these ecological communities are considered threatened (blue-listed), or endangered (red-listed). However, it should be noted that due to the limited geographical distribution of the CDFmm and CWHxm1 zones and the historic and present development pressures upon these zones, the province considers all of the ecological communities within the CDFmm and CWHxm1 zones to be threatened or endangered.

3.5 Wildlife

Wildlife species documented during the survey are indicated in Table 4. No rare species were observed on the property. Due to the timing of the survey it was not possible to assess migratory breeding bird or herptile (amphibian and reptile) use on the property. Overall evidence of wildlife use of the property was moderately low when compared to other similar sized undeveloped properties we have assessed on the east coast of Vancouver Island. We would attribute the lack of wildlife diversity to a combination of factors including the relatively open homogeneous forest cover and lack of wetland habitats.

Table 4. Wildlife documented on the property

Species	Scientific Name
Mammals	
Black-tailed deer	<i>Odocoileus hemionus columbianus</i>
Douglas’ squirrel	<i>Tamias douglasii</i>
Eastern Grey squirrel	<i>Sciurus carolinensis</i>
Raccoon	<i>Procyon lotor</i>
Eastern cottontail	<i>Sylvilagus floridanus</i>
Black bear	<i>Ursus americanus</i>
Birds	
Brown creeper	<i>Certhia familiaris</i>
Northern flicker	<i>Colaptes auratus</i>
Pileated woodpecker	<i>Dryocopus pileatus</i>
Dark-eyed junco	<i>Junco hyemalis</i>
Chestnut-backed chickadee	<i>Parus rufescens</i>
Spotted towhee	<i>Pipilo erythrophthalmus</i>

Species	Scientific Name
Golden-crowned kinglet	<i>Regulus satrapa</i>
Red-breasted nuthatch	<i>Sitta canadensis</i>
Red-breasted sapsucker	<i>Sphyrapicus ruber</i>
Winter wren	<i>Troglodytes troglodytes</i>
Robin	<i>Turdus migratorius</i>
Varied thrush	<i>Ixoreus naevius</i>
Sharp-shinned hawk	<i>Accipiter striatus</i>
Northwestern crow	<i>Corvus caurinus</i>
Steller's jay	<i>Cyanocitta stelleri</i>
Anna's hummingbird	<i>Calypte anna</i>
Common raven	<i>Corvus corax</i>
Barred owl	<i>Strix varia</i>
Downy woodpecker	<i>Picoides pubescens</i>

Use of the property by black-tail deer was common to abundant with evidence of use indicating more pronounced activity in the Douglas-fir / arbutus polygon in the northwest corner of the property. Some evidence of use by black bear was found on the property, but no den sites were documented during the surveys. No evidence of cougar or wolf presence was noted during the surveys.

Birds noted during the surveys included low numbers of common resident forest songbirds. A sharp-shinned hawk was observed hunting songbirds in the Douglas-fir / arbutus polygon and a barred-owl was observed roosting in the mature western redcedar / sword fern polygon (Photograph 9). Small raptor nests were documented at waypoints 023 (UTM 10 U 439916 m E, 5425374 m N), 028 (UTM 10 U 440380 m E, 5425108 m N), and 060 (UTM 10 U 440271 m E, 5425385 m N) and were possibly those of sharp-shinned hawk, based on size, structure and location. The nest at waypoint 023 was located approximately 18m up a 1m+ DBH western redcedar, while the older nest at waypoint 028 was located approximately 10m up a 1m+ Douglas-fir adjacent to the BCTC transmission corridor. The nest at waypoint 060 was located approximately 15m up a 40 cm DBH western hemlock. Sharp-shinned hawks typically build a new nest every year.

3.5.1 Potential use by Rare Species

Those wildlife species indicated in Table 3 as having either a Moderate or High potential for occurrence on the property are discussed below.

Wandering Salamander

The wandering salamander (formerly clouded salamander) is an entirely terrestrial salamander inhabiting low-elevation coastal Douglas-fir and Western Hemlock forests of various ages, but generally mature or old growth forests with abundant coarse woody debris. They are agile climbers and can be found high up in trees.

Western Thorn, Broad-whorl Tightcoil, Pacific Vertigo and Threaded Vertigo

These are all rare, small (2.0 – 2.8mm) forest snails. The very limited available habitat information indicates that these species live in leaf litter in rich, relatively undisturbed low

elevation forests that contain abundant coarse woody debris and are usually dominated by bigleaf maple. As some areas (e.g. Polygons 5+ 8) on the subject property appear to have suitable habitat, these species have some potential to occur on the property.

Roosevelt Elk

No evidence of past or present use of the property by elk was found during the surveys. However, elk herds are known in relatively close proximity to the area and therefore occasional use of the property by elk is possible.

Olive-sided flycatcher

Olive-sided flycatchers breed in various forest and woodland habitats: taiga, subalpine coniferous forest, mixed coniferous-deciduous forest, burned-over forest, spruce or tamarack bogs and other forested wetlands, and along the forested edges of lakes, ponds, and streams. Most nesting sites contain dead standing trees, which are used as singing and feeding perches. Nests are placed most often in conifers, on horizontal limbs 2-15 meters from the ground. Based on our experience with this species the forests bordering the BCTC Right-of-ways and cut-blocks would appear to represent good habitat for this species.

Sooty Grouse

Formerly known as Blue Grouse (*Dendragapus obscurus*). In 2006 it was split into two species, *Dendragapus fuliginosus* (Sooty Grouse - coastal) and *Dendragapus obscurus* (Dusky Grouse - interior). This game bird species was at one time very abundant on Vancouver Island and the current numbers of sooty grouse on Vancouver Island appear to be at a historic low. In the past approximately 6 years of conducting field work we have only documented this species twice, with both occurrences in close proximity to remnant patches of mid-elevation south facing old growth forests. Given the current low population numbers it is unlikely to utilize the property currently however sufficient habitats exist on the property to support this species.

Northern Pygmy-Owl, swarthi subspecies

The Northern Pygmy-Owl is a very small owl (~17 cm in length). It has no ear tufts and has a relatively long tail. A pair of black "false eye" patches on the nape is a distinguishing feature. It is considered one of a number of species that require mature and old growth forest habitats for their critical life history functions. However, we have documented this species frequently in stands of various ages. The Northern Pygmy-Owl is an obligate secondary cavity nester, dependent upon woodpecker holes or natural cavities as nest sites. In British Columbia, all of the nests reported were found in old woodpecker cavities in coniferous trees. The northern pygmy-owl is one of few owl species that calls regularly during daylight hours. Its call consists of 2-3 regularly spaced whistled notes, followed by 4-5 closely spaced notes.

Warty Jumping-slug

In Canada, *H. glandulosa* is known from the southern portion of Vancouver Island; there are no records north of the Nanaimo River or from the mainland. This species occupies moist forested habitats and riparian sites from low to middle elevations. Moist conditions, rather than forest age, appear to be a deciding factor for its occurrence at a site. The slugs live around logs and woody debris, on and in leaf litter, and under sword ferns. They are often associated with coarse woody debris, the presence of which appears to be very important. As the property is within the

range described and contains apparent suitable habitats there is some potential for this species to be present.

Western Screech-Owl, kennicottii subspecies

The coastal subspecies, *Otus k. kennicottii* seems to be found in a relatively wide variety of forest types. Campbell *et al.* (1990) state that it prefers mixed deciduous/coniferous forests, often along lakeshores and streams, but that it is found in all woodland habitats. Nests are in natural tree cavities or pileated woodpecker holes, with no nesting material used. The subject property contains all life requisites to support this species.

Pacific Sideband

The Pacific Sideband is a large (up to 3.7cm) purplish-brown forest snail inhabiting deciduous, coniferous or mixed forests and open woods and grassy areas west of the Coast and Cascade mountains. Most people that have spent a reasonable amount of time in the forests on Vancouver Island have likely observed this snail, as it is relatively common. Major threats include habitat loss and fragmentation due to human development, forestry and agricultural practices on the west coast and in the lower mainland.

Band-tailed Pigeon

The band-tailed pigeon breeds from southern Vancouver Island and the south mainland coast, north to Alta and west to Tofino. It frequents natural and man-associated habitats including edges and openings in mature coniferous, mixed, and deciduous forests, city yards and parks, wooded groves, open bushland and golf courses (Campbell *et al.*, 1990). Nests are generally poorly constructed twig platforms located near the end of coniferous branches between 3 and 10 m high. Band-tailed pigeons feed heavily on the berries of red elderberry, *Vaccinium* spp., cascara, European and Sitka mountain ash, arbutus and acorns of the Garry oak. As this species is relatively common in this area there is reasonable potential for it to occur on the property.

Northern Red-legged Frog

Red-legged frogs are found from Vancouver Island and the adjacent mainland/Fraser Valley to northern Baja California (Green and Campbell 1998). Red-legged frogs on Vancouver Island are a forest-dwelling frog and are usually found along small streams, ponds or swamps within a moist forest. Based on the habitats documented on the property it is highly likely that this species is present.

3.6 Plants

No designated rare plants were documented during the field surveys. The Douglas-fir / arbutus knoll (Polygon 2) is the area on the property with greatest potential to support rare plant species however survey timing precluded the identification of most herbaceous species, as these species had already died-back.

Snowbrush (*Ceanothus velutinus*) was documented on the property. While snowbrush is not a rare species in B.C., it is rare on Vancouver Island with distribution generally limited to south of Duncan. In over 20 years of field assessments on Vancouver Island we have only documented this species a few times north of Duncan, with the northernmost occurrence documented on the south side of Horne Lake. This shiny, spicy-scented and sticky evergreen shrub has formed a

small colony of approximately 6-7 plants adjacent to the logging road at the south end of the cut-block harvested in 2005 / 2006 (Polygon 4, Figure 2). This is an important winter browse species for deer and in the B.C. interior it is often referred to as “buckbrush”.

3.7 Watercourses

Watercourses on the property were assessed by D.R. Clough Consulting as part of the *Riparian Areas Regulation* (RAR) Assessment conducted on the property. Most of the watercourses on the property were contained within defined ravines and with the exception of Heart Creek appeared to carry seasonal flows.

3.8 Assessment of Prior Use

There were no areas identified on the property during the field survey as potential areas of concern (i.e. dumping areas, waste disposal, imported fill sites). Old road grades on the property appear to have been constructed using native materials.

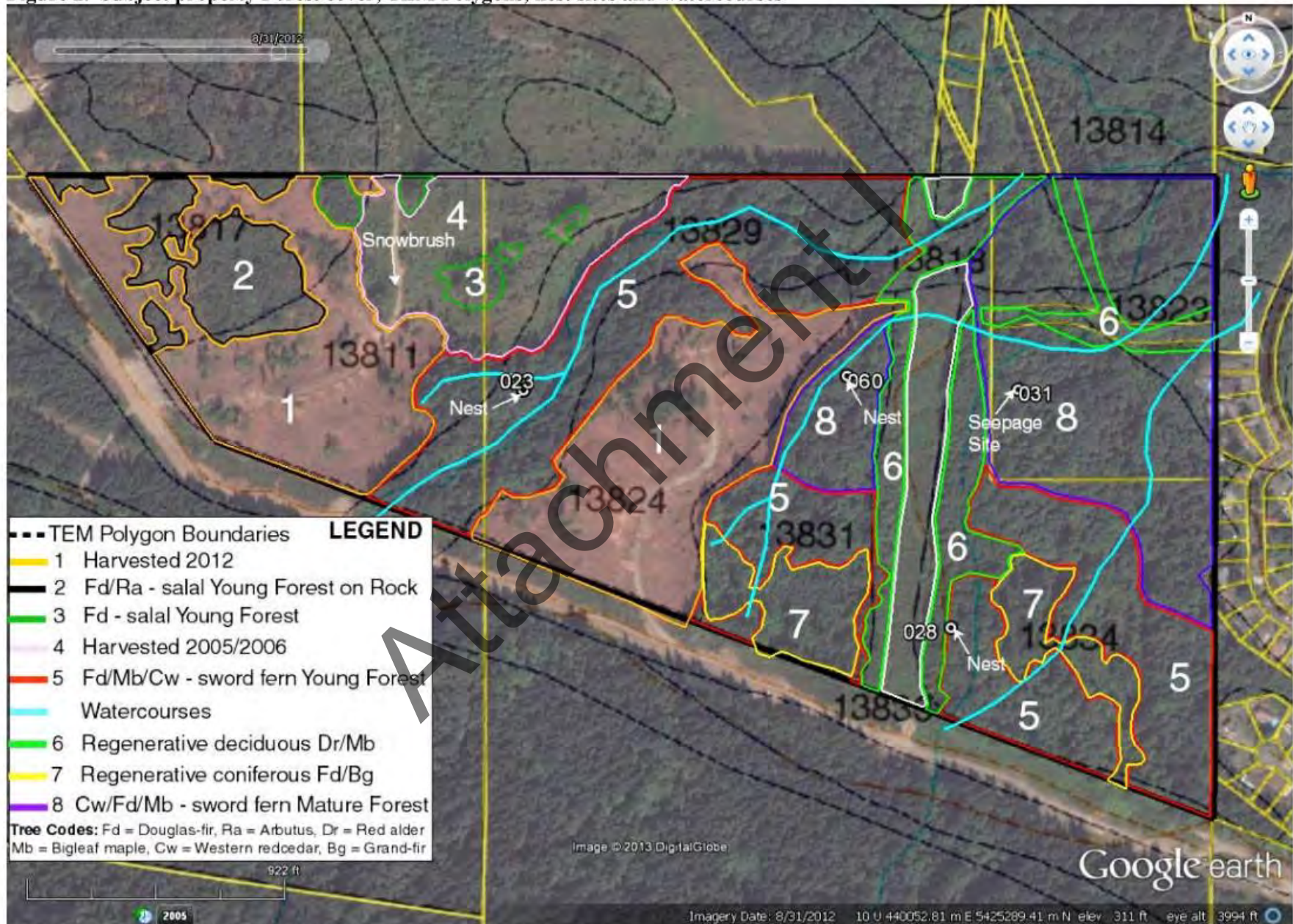
3.9 Potential Constraints to Development

Sites on the subject property that could be considered sensitive to land development include those sites that may pose a geotechnical hazard (i.e. watercourses, steep ravine side-slopes, mid-slope seepage sites) and those sites which represent high value habitat or identified special sites (i.e. wildlife trees).

Based on the field surveys it appears that D.R. Clough Consulting conducted a very thorough survey of the watercourses on the property. Flagging noted in the field indicated that both the stream centerlines / high water marks and top of ravine banks had been flagged. Very little sign of ravine slope instability was noted during the field surveys, except in those areas where recent logging had occurred to the top of, or below the top of ravine bank. Windthrow resulting from inadequate leave strips in some areas has resulted in ravine slope slumping and erosion. Future development of the subject property should be directed by a geotechnical assessment defining minimum safe building setbacks from top of ravine banks.

One mid-slope seepage site was documented during the field surveys at waypoint 031 (Figure 2) and consisted of an area approximately 30m L x 30m W on approximately a 10% slope. The site is characterized by the prevalence of lady fern, salmonberry and scouring rush with little tree cover (Photograph 10). Traversing the site revealed approximately 30cm of saturated mucky soils.

Figure 2. Subject property Forest cover, TEM Polygons, nest sites and watercourses



4.0 Discussion

The majority of natural features on the property that could be considered ecologically sensitive to development are associated with the Douglas-fir / arbutus covered knoll (Polygon 2) in the northwest corner of the property, the Mature Western redcedar / sword fern ecological community (Polygon 8) in the northeast area of the property and steep ravine side slopes associated with watercourses on the property. The Douglas-fir / arbutus ecological community provides important wildlife habitat (e.g. possible black-tail deer winter range) and has potential to support rare plant species. The Mature western redcedar / sword fern ecological community contains many large diameter trees that could provide habitat for wildlife species that are dependent upon large trees for critical life functions (e.g. cavity dependent species). While the steep ravine side slopes also provide important features for wildlife (e.g. thermal and escape cover) they are primarily a geotechnical and water quality consideration (e.g. slope failures and slumping).

While the forested ecotypes on the property potentially represent rare ecological communities there is currently no legislative requirement for their protection on private property. All undeveloped lands below 140m elevation on the east coast of Vancouver Island from approximately Victoria to Bowser occur within a rare ecological community (i.e. the CDFmm).

There is some potential that future development could result in increased windthrow risk of trees on, and adjacent to the subject property. Preservation of a feathered strip of vegetation around the perimeter of the property and along the top of ravine bank areas would provide a buffer to reduce windthrow risk, provide privacy for the proposed development and serve as wildlife habitat. However, the leave strip is unlikely to achieve these buffering effects unless the width of the leave strip is significant (i.e. >10m).

5.0 Recommendations

We recommend preservation of a feathered leave strip of vegetation with a minimum width of 10m along the top of ravine bank areas.

We recommend retaining mature trees where possible on the property and where no hazard is deemed by a certified hazard tree assessor / arborist. The large diameter mature trees and surrounding vegetation in our opinion could represent a significant amenity to the property. All trees retained should include an area for preservation at the base of the tree equal to the drip line of the tree.

Any trail networks will need to be designed and located such that they do not create slope instability, erosion or undue stress or disturbance to wildlife. Trails should avoid areas of dense bush to allow use of these areas by wildlife for security, thermal, or nesting cover.

We recommend that a geo-technical evaluation be conducted of the steep slopes and any areas where the proposed development intrudes within the setback areas, including any Stormwater Management Area discharge sites or road crossings of streams.

A Stormwater Management Plan and Construction Environmental Management Plan should be developed prior to any physical development of the property.

Land clearing activities undertaken during the period of April 15 to August 1 should be preceded by a bird nest site survey. Active nest sites should be identified and flagged so that nest sites can be left undisturbed until the young birds have fledged and left the nest. Section 34(c) of the *Wildlife Act* prohibits the disturbance of a bird, egg, or nest while the nest is occupied.

We recommend fencing for the back lot boundaries in order to separate the leave strip / ravine slope areas from the residential backyards to reduce human / wildlife conflicts, increased risk of erosion and to discourage dumping of refuse, vegetation removal or other abuse of the leave strip lands.

6.0 References

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Photograph 1. View of logged area within arbutus / rock outcrop ESA.



Photograph 2. View of dry Douglas-fir / arbutus – salal forest in the northwest corner of the property.



Photograph 3. View of forest cover in ravine bottom on a tributary to Heart Creek.



Photograph 4. View of forest cover within the Heart Creek ravine.



Photograph 5. View of dense shrub stage vegetation on BCTC Right-of-way.



Photograph 6. View of bigleaf maple / red alder on edge of BCTC Right-of-way.



Photograph 7. View of Mature 1m+ DBH western redcedar on sword fern.



Photograph 8. View of Mature forest cover along the centre east side of the property.



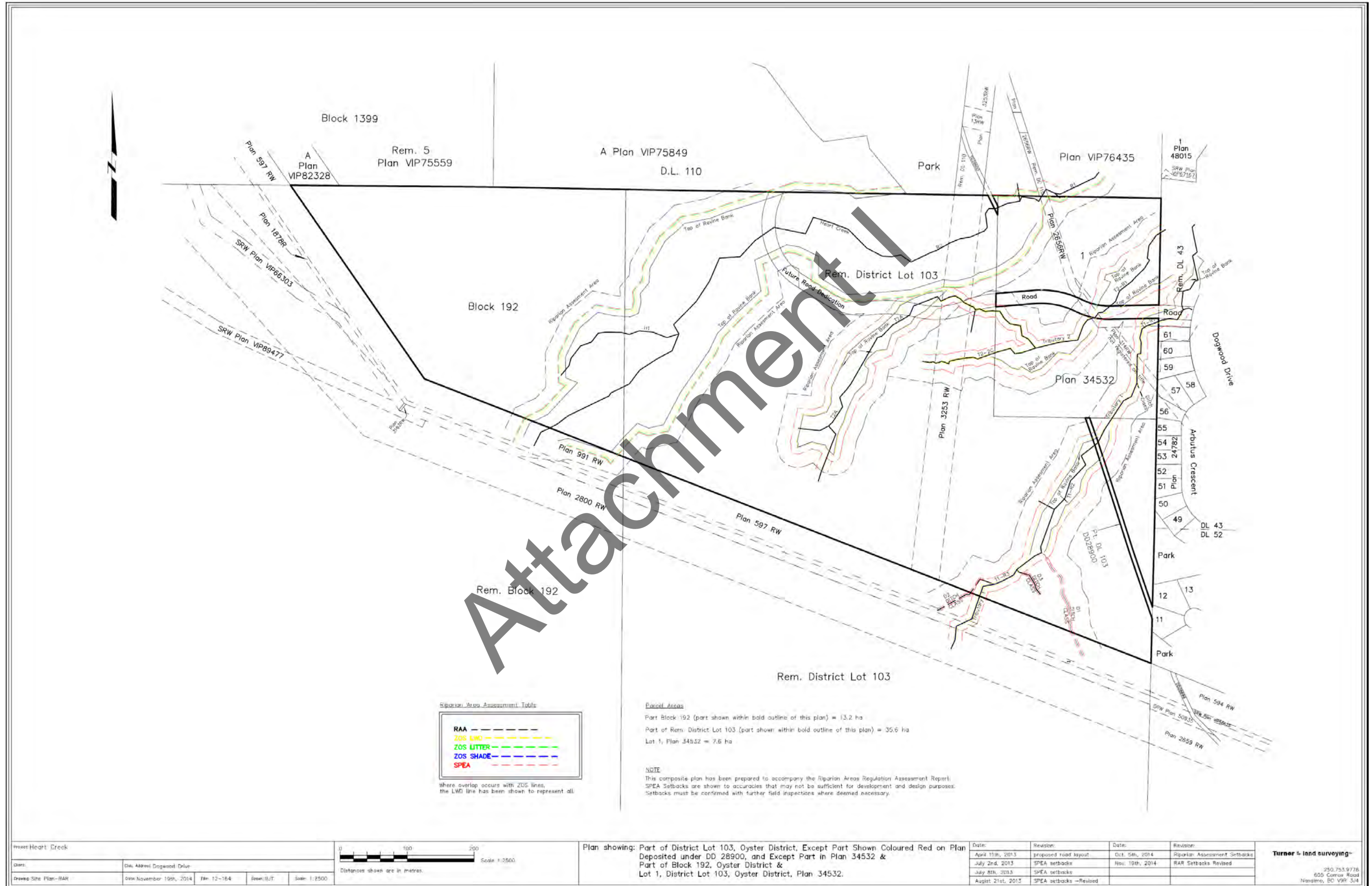
Photograph 9. Barred-owl observed in mature western redcedar / sword fern polygon.

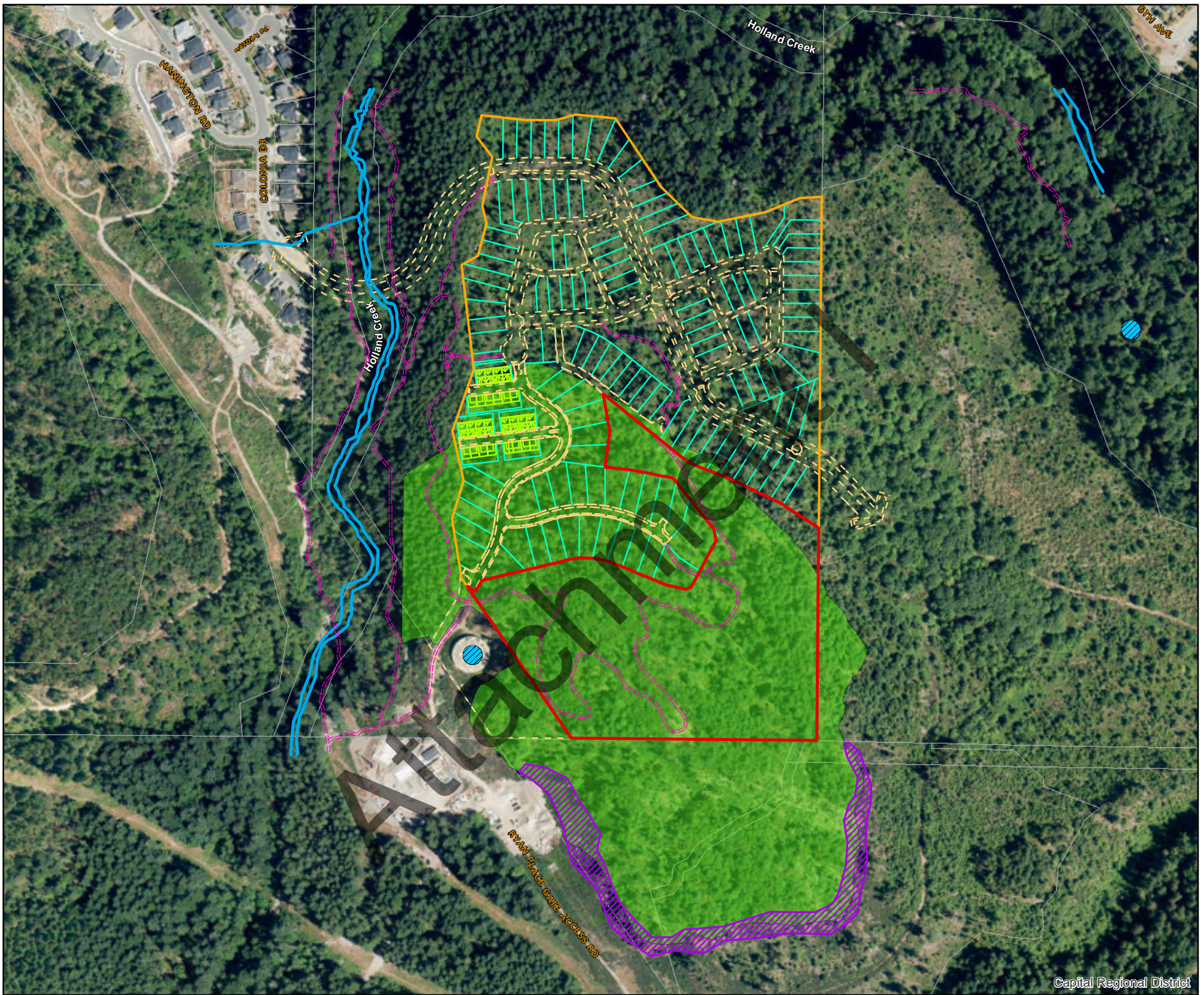


Photograph 10. View of mid-slope seepage site at waypoint 031

Attachment











Section 3. Site Plan.





Capital Regional District

Douglas-fir / Arbutus red-listed ecological community extent

-  Reservoir
-  Site Boundary
-  Strata Lot
-  Area of extremely dense scotch broom
-  New building to be constructed
-  Trail
-  New roads to be constructed
-  Listed doug fir - arbutus ecosystem polygon
-  Creek
-  DPA11



Project: Arbutus Hump DPA | Sources: Capital Regional District, DataBC



Corvidae Project No.
COR-2020-064

Rev. #	Date
0	June 22, 2021
1	January 4, 2022

Figure 5

VIA EMAIL

July 19, 2023

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

Attn: Jake Belobaba, Director of Development Services

Dear Mr. Belobaba,

RE: HOLLAND CREEK – FILE # 3360-22-07 - NEIGHBOURHOOD INFORMATION MEETING REPORT

District Group is please to provide you with our Neighbourhood Information Meeting Report for our rezoning and amendment to the Holland Creek Local Area Plan for the combination of land parcels located along Colonia Drive, Ray Knight Drive and Rollie Rose Drive (Legal Description: Lot A, Block 192, Plan EPP63594, District Lot 103, Oyster District, Except Plan EPP67741, EPP75579, EPP80490, EPP98460, EPP98461 & EPP117682, PID: 030-139-520).

Meeting Date: June 28, 2023
Application File No.: 3360-22-07
Host Attendees: Jessica Tempesta, District Group - Developer/Land Owner
Brandon Crema, District Group - Developer/Land Owner
Michael Nygren, District Group – Developer/Land Owner
Kevin Foster, District Group - Developer/Land Owner
Scott Lewis, Aplin Martin – Civil Engineer
Adam Compton, EDI – Environmental Consultant
Kristin Machina – Watt Consulting, Traffic Consultant

Public Attendees: 27

Comment Summary

Below is a summary of comments received at the neighbourhood information meeting, in total thirteen written comments and one email submission were received:

- Increased traffic along Ray Knight Drive with the one primary access for the central phase is of concern, an additional access off Colonia Drive to reduce traffic and congestion on existing roads is encouraged;
- Existing congestion of on-street parking along Ray Knight Drive and how that will be further amplified by the additional density is of concern;
- Single-family homes have more cars than they have parking spots, concern that multi-family homes will follow the same trend;
- Support for parkland dedication and additional green space;
- Suggested additional traffic calming measures along Dogwood Drive and future Colonia Drive extension;
- Removal and maintenance of invasive plant species;
- The impact of population growth on existing infrastructure (i.e. medical facilities, schools, water);
- Increase connectivity of trail network is encouraged and supported;

- Rental affordability and appropriate screening of potential tenants;
- Intersection of Dogwood Drive and Rollie Rose traffic movements need to be improved for safety and increased traffic;

Attachments

- Newspaper Meeting Notice – Printed in the Ladysmith Chronicle June 15 & 22, 2023;
- Invitation to Neighbouring Land Owners;
- Sign-In Sheet;
- Completed Comment Forms.

If there is any further information you require at this time, please do not hesitate to contact myself directly at 778-834-9418 or tempesta@districtgroup.ca District Group looks forward to working with the Town of Ladysmith to advance this application.

Regards,

DISTRICT DEVELOPMENTS CORP.



Per: Jessica Tempesta, Director of Development

Cc: Michael Nygren, President & CEO, District
Brandon Crema, Executive Vice President & COO, District

DISTRICT

T 604.322.5762 200-8809 Heather Street
Vancouver BC V6P 3T1
districtgroup.ca

Attachment J

NEWS

Arts council looking at what type of building will work

Continued from A1

"We appreciate the efforts the town has put into working with us and we know one day it will happen, but while we're waiting we have this opportunity for a very unique venture that will become another feature in Ladysmith's overall plans for the uplands area of the waterfront," Holmes said.

The new venue will consist of portable structures that will be able to accommodate the council's offices along with classroom space to fit the more than 400 people annually who participate in 41 art courses offered by the council.

"It is our long-term goal to return to the real waterfront gallery," Holmes said. "When that happens, the arts station will continue to be home for artists to work and feature their skills to the public as it will



Discussing the siting and building types for a new Ladysmith Arts Station are past-president of the Arts Council of Ladysmith and District, Kathy Holmes, and local artist Leona Petrak. The model shows the location of the facility next to the railway tracks and the old E&N station. (Duck Paterson photo)

be very open. At the present time there is no rental space for artists so the new space will fill up fast and there is opportunities for other similar activities to take place."

Holmes said the corridor foundation was open to the arts council's ideas as it has recently partnered on a similar project in Langford that is proving successful.

The arts council has received a \$25,000 grant from the B.C. Arts Council to further its investigation of the site and study of the appropriate type of structures that can be developed on

the site. Converted shipping containers, modular trailers, new custom-built structures or even relocated buildings will all be looked at as possibilities and local contractor Brian Childs and Company has agreed to work with the council.

"We don't believe in just sitting back and wishing things will happen, our staff and volunteers will be knocking on doors and their computer keyboards looking for infrastructure grants along with any other possible funding that is out there," Holmes said. "Hopefully by early fall we will also be launching a

capital campaign in the community and surrounding area, encouraging the community to get on board with this exciting new project."

How the project proceeds will "depend on the dollars," Holmes said, and a phased approach to developing the site is a possibility.

"With the strong drive of our arts council members, and the support we already see from the local business community and strong grant applications and continued support from town council, we will make this a reality," she said.

editor@nanaimobulletin.com

First child care centres open at schools as part of provincial initiative

Ladysmith Primary centre open, next one is Chase River

KARL YU
NEWS BULLETIN

The first child care spaces at Nanaimo Ladysmith Public Schools facilities that are part of a new provincial initiative are now open.

At a press conference in Nanaimo on Friday, June 16, the B.C. government and School District 68 stated that sites at Forest Park Elementary School, with more than 70 spaces, and Ladysmith Primary School, with more than 75 spaces, have opened. Playtime Childcare Society operates the Nanaimo facility and Inquiring Little Minds operates the Ladysmith site.

Pete Sabo, executive director of planning and operations, told the News Bulletin that infant-toddler care, group care, pre-school care and out-of-school care are among the offerings. A

centre at Chase River Elementary is anticipated to come online next and work toward a child care centre at Rock City Elementary is underway.

While the district previously estimated the site at Forest Park would be ready by the end of 2022, the COVID-19 pandemic affected those plans. Mark Walsh, district secretary-treasurer, told the News Bulletin there were escalation of costs and Sabo said the district made adjustments in order to begin work.

"Mark challenged the facilities department to deliver the units internally," Sabo said. "And we did have enough planning time to know it was coming and to staff up, although we essentially created a new construction arm ... we have a completely separate department that's managing construction."

The government granted the district close to \$23 million in 2018 via the Child Care B.C. new spaces fund

for 550 spaces and playgrounds and equipment. Grace Lore, B.C.'s minister of state for child care, said it's "life-changing" for families to be able to access child care on school grounds.

"[It] just make sense," she said at the press conference. "Families have asked for it. Dropping your kids off at one location, having your children at one place for the whole day. It gives parents a peace of mind."

Greg Keller, school board chairperson, said he was grateful to the government for its support.

"Child care is crucial in our communities, and helps parents pursue their careers and educational goals while ensuring that children are cared for and supported during these important years," he said. "Every child deserves access to quality child care, and with the province's support, we're taking a significant step forward in achieving that goal."

karl.yu@nanaimobulletin.com

NOTICE OF PUBLIC OPEN HOUSE

District Developments Corp. is hosting a Public Open House on Wednesday June 28, 2023 between 5:00pm and 7:00pm. The Open House will take place at the Main Hall in the Eagles Building located at 921 1st Avenue, Ladysmith, British Columbia. The purpose of this Open House is to inform the public of an application to rezone undeveloped lands within the Holland Creek area, as well as amend the Holland Creek Local Area Plan. The application proposes to amend lands from Single Family use to Multi-Family use and Park Land/Open Space. The public will have an opportunity to view details of the project, ask questions of the project team, and provide feedback on the proposed application. Further information or questions of clarification may be directed to Jessica Tempesta, Director of Development, at 604-322-5762 and/or tempesta@districtgroup.ca

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THANK YOU FOR RECYCLING

Chemainus comic artist raising money to create horror story anthology

BAILEY SEYMOUR
THE CHRONICLE

A local comic book artist is getting ready to release the second issue of his horror-inspired graphic novel series, which features art and stories from comic enthusiasts all over Vancouver Island.

Nevin Arnold, a Chemainus-based comic book artist and editor, is trying to raise money through a crowd-funded Kickstarter campaign to help him release the second installment of *Monsterella Origins*, a prequel to his original *Monsterella* series.

Monsterella is a sci-fi horror story about a warden of a prison planet "where all of the worst of the worst criminals and monsters and stuff were kept." The series has been a hit, and his crowd-funding has been a success, raising more than 300 per cent of his goal in 24 hours.

Arnold has been publishing his own work and that of other artists for more than a decade under his publishing company Hangman Comics, and he's been crowd-funding his work for five



A Chemainus-based comic book artist and publisher is raising funds to publish the next instalment of his *Monsterella* series. (Image courtesy Nevin Arnold)

years. The first issue of *Monsterella Origins* sold between 800 and 1,000 copies solely through on-line distribution and local comic shops.

"I remember someone telling me they were working on their own book and trying to find a publisher. And then all of a sudden, one day, they had done a Kickstarter, and they raised something like \$25,000. They just made a bunch of money, and they got their comic book out there," he said. "They're just doing it themselves and making more money than they probably would have through a publisher. I was just amazed, so I knew that I had to

give it a try."

Along with his illustrations and story, Arnold invites other artists to collaborate with him and have their stories published in each issue as an anthology, instead of a single story.

Among the list of Arnold's team of *Monsterella* contributors are Sun Khamunaki, a cover artist who has illustrated for DC's *Wonder Woman* and *Batman*, and Dan McKinnon who has worked on U.S. versions of *Godzilla*.

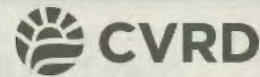
Arnold has been publishing his own comics since 2013, starting with his *Calavera the Undead* series. He's been a comic book enth-

usiast since he was around eight years old, after flipping through a *Batman* comic at a corner store.

"I was always drawing, but it wasn't until I saw that comic book rack that I was like, 'oh, I can tell stories with pictures.' That was just the coolest. So after that, I just bought every comic book that I could get my hands on," he said.

Once he's finished his current project, Arnold plans to revive his decade-old *Calavera the Undead* series, and hopes to have his latest *Monsterella* issue available for purchase in October.

www.ladysmithchronicle.com

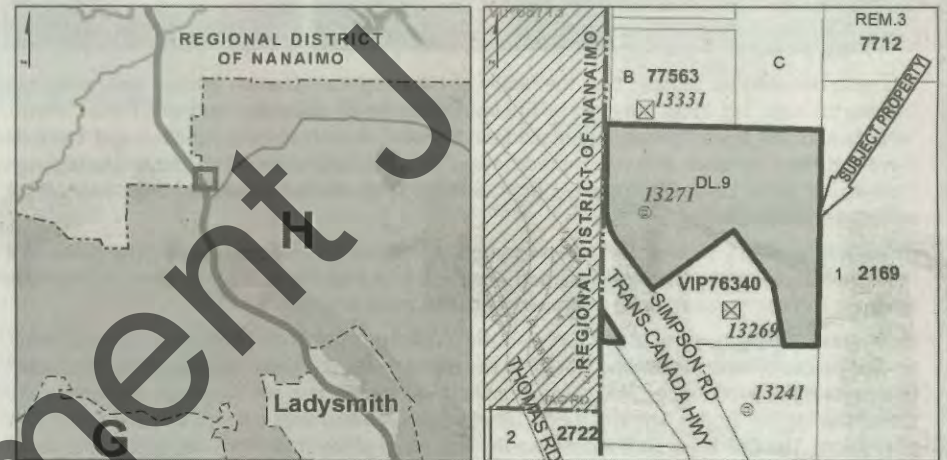


NOTICE OF PUBLIC INFORMATION MEETING Electoral Area H - North Oyster / Diamond

Monday, June 19, 2023 at 6:00 PM to 8:30 PM
Aggie Hall, 1110 1st Avenue, Ladysmith

REZONING APPLICATION NO. 03-H-16RS – 13271 Simpson Road
(Applicant: Schnitzer Steel)

NOTICE is hereby given that a Public Information Meeting will be held regarding proposed amendments to the Electoral Area H Zoning Bylaw, to establish a new I4- Industrial Recycling Zone and to permit metal recycling and other industrial uses on the subject property located at 13271 Simpson Road (PID: 008-903-603).



The CVRD Board has requested a public information meeting be held to provide Schnitzer Steel an opportunity to present their rezoning application and for community members to become more familiar with the proposal, prior to further consideration by the CVRD Board.

Please note, this is not a public hearing. At the meeting, CVRD staff will introduce the application, the applicant will make a presentation, and there will be a moderated question and answer session.

Due to anticipated public interest, and to help the CVRD host an effective meeting, the CVRD respectfully requests written submissions, including questions and comments, be submitted to the CVRD in advance.

Written submissions may be sent via email to zoning@cvrd.bc.ca, noting "03-H-16RS" in the subject line along with your name and address, and relevant questions and comments, before 4:30 PM on Thursday, June 15, 2023. All submissions will form part of the public record. Please note that personal information, including phone numbers and email addresses should not be included in your submission, and other information protected under the *Freedom of Information and Protection of Privacy Act*, will be redacted before being published on line by the CVRD.

Please note, this public information meeting will be held in-person and electronic participation is not available.

A summary of questions and answers addressed at the public information meeting will be made available on www.planyourcowichan.ca (under "Development Applications") following the event.

For more information, visit www.cvrld.bc.ca and www.planyourcowichan.ca.

CONTACT:

Lauren Wright, Planning Coordinator, Community Planning Division, Land Use Services Department, Telephone: 250.746-2588 or Email: Lauren.Wright@cvrd.bc.ca

NOTICE OF PUBLIC OPEN HOUSE

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COWICHAN VALLEY REGIONAL DISTRICT

www.cvrld.bc.ca

[@mycvrd](https://twitter.com/mycvrd)

facebook.com/mycvrd

June 15, 2023

ATTN: Resident or Owner

RE: PUBLIC OPEN HOUSE FOR THE LOCAL AREA PLAN & REZONING AMENDMENT APPLICATION OF UNDEVELOPED LANDS LOCATED WITHIN THE HOLLAND CREEK AREA

District Developments Corp. is pleased to invite you to our Public Open House for a Local Area Plan and Rezoning Amendment for undeveloped lands located within the Holland Creek area (Legal Description: Lot A, Block 192, Plan EPP63594, District Lot 103, Oyster District, Except Plan EPP67741, EPP75579, EPP80490, EPP98460, EPP98461 & EPP117682, PID: 030-139-520) as outlined in the map below:



The application is to complete a Local Area Plan amendment and rezoning of undeveloped lands in the Holland Creek area. The application proposes to amend the single-family use to multi-family use and park land/open space. The developer and our team will be present to discuss the plans, features and amenities, and address any concerns you may have. Details for the event are as follows:

The Public Open House will be held on:

Date: Wednesday, June 28th, 2023

Time: 5:00PM – 7:00PM

Location: Eagles Building – Main Hall – 921 1st Avenue, Ladysmith, BC

DISTRICT

T 604.322.5762 200-8809 Heather Street
Vancouver BC V6P 3T1
districtgroup.ca

Your input is valuable, and we encourage you to attend the Public Open House to express your thoughts and engage in constructive discussions. If you have any questions leading up to the Public Open House or if you are unable to attend but would like more information, please feel free to contact us at 604-322-5762 or info@districtgroup.ca.

We look forward to seeing you at the Public Open House and working together to shape a vibrant future for our neighborhood.

Sincerely,

DISTRICT DEVELOPMENTS CORP.



Jessica Tempesta
Director of Development

DISTRICT

T 604.322.5762 200-8809 Heather Street
Vancouver BC V6P 3T1
districtgroup.ca

Attachment J

NAME	ADDRESS
Darrell + Trina Saby	401 Colonia Dr - S.
Debra Graham	136 Ray Knight Dr.
Ken Chipenick	136 Ray Knight Dr.
Anita Sundberg	139 Ray Knight Dr.
David Milijon + Chris Wales	487 Kerrick Rd Lyons NY
Wendy Rosen	112 Ray Knight Dr.
Patrice Stuart	146 Ryan Place Wadsworth
Tricia McKay	TOL.
Jeff Wataner	TOC

Attachment J

Holland Creek

QUESTIONS & COMMENTS

DISTRICT

DEVELOPMENTS

On behalf of District we would like to thank you for attending our Open House. Please provide us with any questions or comments you might have:

Anita Sundberg

250.616.9823

Would appreciate ongoing communication w/ DISTRICT

Rod Bourque

as we border your undeveloped land. Fencing options to deter

250.616.7375

dumping is a great idea after speakup with Kevin.

Re: 139 Ray Knight

Would also like to discuss options of the land adjacent to our property to retain privacy of our yard.

I am concerned of the proposed density of the Mountain Side Village concept and there only be one access @ Ray Knight.

I very much like your parkland dedication and would support improved trails and connectivity to the surrounding neighborhoods & Heart Lake Connector.

As ^{many of these} properties are proposed to be rentals I strongly support an expectation of screening great tenants and setting an expectation of maintained yards and patios.

Look forward to chatting soon.

Jeff

Holland Creek

QUESTIONS & COMMENTS

Handy Olson
250-245-1457
239 Dogwooddr

DISTRICT
DEVELOPMENTS

On behalf of District we would like to thank you for attending our Open House. Please provide us with any questions or comments you might have:

2 main concerns

* Dogwood drive traffic will increase (E. Nor. Mussy)
would like developers to connect with city staff
re either calming islands or speed bump on
the north side of the Dogwood drive bridge -
it is a racetrack now, and will only get worse

* price points - lower income people can't
afford rents now - I realize that money needs
to be made, but hope that the bigger picture
is considered

Thanks for your presentation

Handy Olson

On behalf of District we would like to thank you for attending our Open House. Please provide us with any questions or comments you might have:

My concern is about parking. Every adult will have a vehicle (or two). With a legal suite (2 adults), plus owners (2 adults) one adult child living at home, plus frequent visitors, plus boat and trailer, plus truck for work, and garage full of ~~gar~~ stuff and no room for vehicles, ~~as~~ street parking will be at a premium.

Attachment 3

On behalf of District we would like to thank you for attending our Open House. Please provide us with any questions or comments you might have:

April + Steve Marrington 128 Ray Knight Dr. (Lot 11)

* If the area behind our lot is Park, you need to plant trees..... I am trying to keep the Broom + Thistles out but cannot do it forever.

* PLEASE Consider Parking !!! Homes with suites should have 33' driveways (wide) not 23'
We need to allow for 3 car wide in the drive way
2 cars in garage + 2 in driveway does not work.
Tandem parking is frustrating.

* 350 ^(units) new Residences all coming up + down Ray knight like a pin ball game !!!

* Roads wider. to allow for parking on each side of the Road to allow for 2 cars per dwelling unit !! not 1 Be Real people !!!

On behalf of District we would like to thank you for attending our Open House. Please provide us with any questions or comments you might have:

- Like the increase in green spaces.
- We anticipate extreme traffic problems given only three access roads, narrow roads, increased density.
- To date Ray Knight Drive has become a one lane road due to all the on street parking. This is already a hazard for residents and emergency vehicles.
- The plan makes erroneous assumptions about the number of vehicles households in Ladysmith. Every housing unit usually has 2-3 vehicles because services and employment are in Nanaimo and Duncan.

Holland Creek

DISTRICT

DEVELOPMENTS

QUESTIONS & COMMENTS

Not anonymous - Saj Jamal
Joanne Dietrich Jourd

On behalf of District we would like to thank you for attending our Open House. Please provide us with any questions or comments you might have:

cell 519 741 1505
email saje@jamals.ca

positive: appreciate green spaces
and respectful architecture

Concerns: the original plan has an
area of 72 SF & 70 MF units
which is changing to
350 MF

increasing the units by 208 Family Units
which is a significant number
that will affect:

: transportation

Emergency vehicle access

directly through one access route

Rollie Rose, a sharp turn on
Colonia and then via

Ray Knight

We would like to see:

A traffic study.

A emergency route study

Bottom line

→ doesn't match
Community Plan

→ increased density

is too
high.

On behalf of District we would like to thank you for attending our Open House. Please provide us with any questions or comments you might have:

As a resident on Ray Knight Dr I would like to comment about traffic flow, access and parking. This street has many houses with secondary suites. Most have space to park 2 cars (some one, some 3 if the owner has carved out space) but most houses have 3-5 vehicles. There is so much on-street parking that it is effectively a 1-lane street. If it becomes the main access for another 350 units it will be a nightmare. The access to the central area should go off Colonia primarily.

Also when an area is designated SF with suites there should be mandatory 2-3 car width driveways and required on-lot parking for suites.

Density is fine but if the infrastructure does not support it the streets are congested, unsafe and unfriendly.

On behalf of District we would like to thank you for attending our Open House. Please provide us with any questions or comments you might have:

- ① Transferring the permitted density per parcel of land all to 2 parcels is an large increase in density for the remaining 2 parcels.
- ② Providing green space not originally required is great however with the total increase in density to fewer lots does not appear to comply with the O.C.P.
- ③ The total increase in density (number of MFU) will drastically increase traffic on existing roads in this subdivision and the current roads and parking are not designed to handle this amount of traffic.
- ④ The higher density would require more entrances to the larger parcel (350 MFU) and would likely require additional or new traffic lights or signals.
- ⑤ If project and density increase is approved then all additional access roads should be constructed first.
- ⑥ On site parking will be an issue if Town staff approves less than $1\frac{1}{2}$ cars per unit
- ⑦ Access to schools for children needs to be addressed.

On behalf of District we would like to thank you for attending our Open House. Please provide us with any questions or comments you might have:

WOULD LIKE TO SEE DISTRICT DEVELOPMENTS WORK WITH THE OTHER DEVELOPERS OF HOLLAND CREEK AND THE TOWN TO COMPLETE THE TRAIL NETWORK. THIS WOULD INVOLVE A TRAIL LOOP AROUND HEART CREEK (SIMILAR TO THE HOLLAND CREEK TRAIL LOOP) AND TRAIL CONNECTORS THROUGH THE DEVELOPMENTS SO THAT TRAIL USERS DO NOT HAVE TO WALK THROUGH/ON RESIDENTIAL STREETS.

WOULD LIKE TO SEE THE DEVELOPERS PAY FOR THE TRAIL AND CONNECTORS. IT WILL MAKE THE LOTS / HOMES ~~THE~~ MORE VALUABLE - AS BUYERS WILL SEE THE COMPLETE NETWORK - WHICH WILL BE WORLD CLASS.

WOULD LIKE TO SEE THE TRAIL NETWORK COMPLETED BEFORE HOUSING CONSTRUCTION STARTS.

On behalf of District we would like to thank you for attending our Open House. Please provide us with any questions or comments you might have:

GREAT PRESENTATION
I GOT MY ANSWERS
Very Good to SEE MULTI-FAMILY

RonWILLIAMS@ROLLPAGE.CA

Keep the MAIN Feeder ROAD
FULL SIZE (A)

Attachment J

On behalf of District we would like to thank you for attending our Open House. Please provide us with any questions or comments you might have:

Concerns:

- Population growth, impact on;

Medical facilities - lack of staff.

Traffic - flow impact on existing roads

- parking downtown

- Three cars in some units (rental of 1 car(s)).

Water - for years on "rationing"

- solⁿ? more/larger reservoirs?

- perhaps not a solⁿ.

Require infrastructure services

- Recreational facilities (Tennis)

- More staff - medical

- town hall

- RCMP

- Fire Dept.

To be honest - didn't move here as saw growth potential.

- for small town retirement

- will be some gains but also some losses.

D. Tulligan

Holland Creek

QUESTIONS & COMMENTS



On behalf of District we would like to thank you for attending our Open House. Please provide us with any questions or comments you might have:

Interesting - I guess we have to wait & see.

Attachment J

Holland Creek

QUESTIONS & COMMENTS

DISTRICT

DEVELOPMENTS

On behalf of District we would like to thank you for attending our Open House. Please provide us with any questions or comments you might have:

Need an alternative vehicular access to the
mult-family dwelling behind Ray Knight Drive
- off Colona - to reduce traffic + congestion
along Ray Knight Dr (which is already a problem).

As an interim step it would be seen as
a good will gesture to remove the
broom.

Attachment 5

From: [Info DPG](#)
To: [Jessica Tempesta](#)
Subject: FW: Rezoning Amendment for Holland Creek
Date: Wednesday, June 28, 2023 2:06:53 PM
Attachments: [image001.png](#)

Hi Jessica,

See below.

CORAL DONE
OFFICE + ADMINISTRATIVE MANAGER

[236-990-1576](tel:236-990-1576)

districtgroup.ca

DISTRICT

This email, including any attachments, is for the sole use of the intended recipient and may contain confidential information. If you are not the intended recipient, please notify us immediately and destroy this email and any copies.
Thank you

From: Brian Saunders <briansaunders.wri@gmail.com>
Sent: Tuesday, June 27, 2023 1:19 PM
To: Info DPG <info@districtgroup.ca>
Cc: Town of Ladysmith <info@ladysmith.ca>
Subject: Rezoning Amendment for Holland Creek

I am writing regarding the proposed Rezoning and Amendment Application of Lands located within the Holland Creek Area.

In general we are in favour of increased density. However, I am very concerned about the increased traffic that will result from increased density. Specifically, increased traffic on Ray Knight Drive will be a significant issue as it is effectively a one lane road due to the high number of vehicles that park on the road. We see many vehicles parked on the street as there are suites in a high proportion of the homes. The issue with parking and traffic will be even more significant when the remaining empty lots have homes built on them.

In addition, when the south and north ends of Colonia are connected and the road is available for through traffic this will put a huge amount of traffic onto Rollie Rose. Measures will need to be put in place to reduce the speed of vehicles on this road. It is already a dangerous road for children. It will only become more dangerous with increased traffic. The intersection of Dogwood and Rollie Rose will likely need to be redesigned in order to make it safe as well.

When developing these areas it will be important that access is primarily off of Colonia Drive. Colonia can then be designed to accommodate this traffic. There should be as little traffic as possible on Ray Knight Drive.



Attachment J

Received June 27, 2023

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When developing these areas it will be important that access is primarily off of Colonia Drive. Colonia can then be designed to accommodate this traffic. There should be as little traffic as possible on Ray Knight Drive.

Brian and Jane Saunders

Attachment K

Received July 6, 2023

We attended the Public Open House for the new plan for development of the Holland Creek area by the new owners of the land, District Development Corp. The meeting was poorly attended by the residents of the area as many did not receive notice, as we did, in the mail.

We feel further information needs to come forth before any decisions can be made.

- The existing plan has an entrance/exit on to Colonia Dr. as well as Ray Knight, making two ways to enter and exit the area. This plan was 70 Homes, some with secondary suites and 72 multi family units. So including a suite as a unit there could be a total of 212 units.
- New District plan has no other entrance/exit other than Ray Knight making Ray Knight an arterial route, which it is not designed for. 350 units are planned for this area.
- "Holland Creek Area - Character Preference". Proposed a Neighbourhood arterial road as:
 - 30.5' / 9.3m for Parking on one side of the street, but also included a separate bike/walk path.
 - 39.4' / 12m for allocated Parking on both sides of the street.
 - 21.7' / 6.6m for 2 cars traveling
- Ray Knight has allocated Parking on both sides of the street but is only 33' /10.5m wide.
 - This leaves only 17' / 5.2 m for cars to pass each other on the street. This is 4.7' / 1.4 m short of the acceptable space for travel. This makes for a very dangerous and scary situation. We have young children and pets. If a dump truck travels up the passing vehicle must pull into someone's drive way to make room. This will not be acceptable considering how much construction traffic will be using this deficient arterial road. Ray Knight is a Neighbourhood road not an arterial one!

** As a point, the town has allocated 1 vehicle per dwelling unit. This is an outdated account of reality. The norm for a dwelling now is a minimum of 2 vehicles. Therefore a home with suite should have spots for a minimum of 4 vehicles. Sorry, parking in tandem does not work. How many people actually have room in their garage for 1 vehicle let alone 2. You can only fit a full size pickup in a garage if there is nothing else there!! Therefore, 350 units times 2 cars is 700 more vehicles traveling up and down Ray knight Dr. on any given day.**

When I asked how many parking spaces would be provided in the new option, the reply was 1.2 spots per unit. I replied that was way too few. How many couples have one vehicle and travel to work together on the same schedule? She replied that all units would have designated Electric Bicycle charging stations.

- Great! Where is the dedicated Bike lane down Ray Knight.
- How many people are going to ride their E-Bike to Nanaimo or Duncan for the high paying job to pay the rent.

Fair option: The original Plan that the people who have already purchased in this area were to believe would be the norm. *With another entrance from Colonia Dr.*

70 homes with suites. Most suites will be rentals, but some like here on Ray Knight allow for family to stay together. Parents sell their homes and purchase with their children. Win, Win situation to care for the elderly as well as providing an opportunity for Children to purchase their home instead of renting.

Wonderful atmosphere of community.

Mixed with 72 units of Multi-family which can be duplexes, quads, small apartment. Some rentals and some purchased. Also giving young families a chance to purchase something when they cannot afford a single family home yet.

This mix allows for a vibrant community of people who care about where they live and the people around them.

Poor option: What District is wanting to rezone for. Only one way in and out of the complex of 350 Rental suites in 6 buildings. Bachelor to only 2 bedrooms. This is not allowing for families with more than 2 children, sharing a bedroom, that need accommodation.

This creates a very transit population depending on job and family situations. No interaction with the rest of the residential community around them.

Again, Ray Knight is not wide enough for safe 2 way travel of this number of vehicles and there is not a bike path.

Thank you for your time and consideration on this matter.

April and Steve Marrington
128 Ray Knight Dr., Ladysmith

Received July 6, 2023

Jake, recently we (and our neighbours) were contacted by District Developments Corp. regarding a Rezoning Amendment for lands located within the Holland Creek Area. The proposal details are in the attached. The information that is not contained within the attachment is the planned access or the increased density details. In summary what was learned at the open is as follows:

- The density is proposed to increase to 350 units
- All traffic would be via Ray Knight Drive
- There will be emergency access to Colonia Drive.

Below is the email I wrote to the developer and copied info@ladysmith.ca. In summary, we are deeply concerned about making Ray Knight Drive a through road. It is not designed to handle this traffic as it is effectively a one lane road when cars are parked on the street. Access to these new subdivisions should be via Colonia Drive with Ray Knight Drive being an alternate route for emergency access.

We would like to know if Ray Knight is already approved by the town to be the main access to these new developments. Also, what are the next steps in the development approval process? If the zoning remains unchanged is there an opportunity to ensure the access is via Colonia Drive?

Thanks very much

Brian and Jane Saunders
112 Ray Knight Drive

Send to:
info@ladysmith.ca

June 15, 2023

ATTN: Resident or Owner
RE: PUBLIC OPEN HOUSE FOR THE LOCAL AREA PLAN & REZONING AMENDMENT APPLICATION OF UNDEVELOPED LANDS LOCATED WITHIN THE HOLLAND CREEK AREA

**DI
ST
RI
CT**

T 604 322 5762 200-8899 Heather Street
Vancouver BC V6P 3J1
districtgroup.ca

District Developments Corp. is pleased to invite you to our Public Open House for a Local Area Plan and Rezoning Amendment for undeveloped lands located within the Holland Creek area (Legal Description: Lot A, Block 192, Plan EPP63594, District Lot 103, Oyster District, Except Plan EPP67741, EPP75579, EPP80490, EPP98460, EPP98461 & EPP117682, PID: 030-139-520) as outlined in the map below:



The application is to complete a Local Area Plan amendment and rezoning of undeveloped lands in the Holland Creek area. The application proposes to amend the single-family use to multi-family use and park land/open space. The developer and our team will be present to discuss the plans, features and amenities, and address any concerns you may have. Details for the event are as follows:

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Location: Eagles Building – Main Hall – 921 1st Avenue, Ladysmith, BC

Your input is valuable, and we encourage you to attend the Public Open House to express your thoughts and engage in constructive discussions. If you have any questions leading up to the Public Open House or if you are unable to attend but would like more information, please feel free to contact us at 604-322-5762 or info@districtgroup.ca.

We look forward to seeing you at the Public Open House and working together to shape a vibrant future for our neighborhood.

Sincerely,

DISTRICT DEVELOPMENTS CORP.



Jessica Tempesta
Director of Development

DISTRICT

T 604 322 5762 201-8809 Heather Street
Vancouver BC V6P 3T1
districtgroup.ca

Attachment K

Received July 7, 2023

To Whom this May Concern,

My husband and I live at 123 Ray Knight Drive and are already not pleased about the amount of cars currently parking along both sides of this street making it extremely narrow. It is difficult for us to get in and out of our driveway at times. When a big truck is passing by it takes up the entire centre of the road making it dangerous if travelling in opposite direction. The original developer lacked foresight into this problem as there was never enough parking provided in driveways and or in parking cutouts along the street to support the suites approved in this area.

We bought here in good faith and were told there would be an exit and entrance onto Colonia Drive as well as Ray Knight. Now we are being told that RayKnight Drive will be the only exit and entrance for the entire development above us. This proposal makes RayKnight Drive an arterial route. It is far too narrow to become the main thoroughfare. There are many pets, children, as well as seniors living along RayKnight Drive and Rollie Rose. Why is this plan even being considered when it clearly will put its residents at risk. Two days ago, I was unable to drive up Rollie Rose towards my house, as a large flatbed truck was stuck perpendicular across the road. The traffic was backed up in both directions. It occurred to me, while I waited a good twenty minutes, that if an ambulance or fire truck was trying to get up the hill it would be impossible. Again, this puts residents at extreme risk. This is already a scary and dangerous situation in a development already too congested with vehicles.

We were unaware of the Public Open House meeting for the new plan for the development of the Holland Creek area. People who did attend have also informed us that more housing units are being proposed without proper infrastructure (parking), bike lanes and green spaces.

Please know we are majorly concerned about the new development plan. Another meeting is necessary with all current residents clearly informed of a date, time and location.

Thank you for your attention to the above.

Gloria and Jim Gustfson

Received July 7, 2023

Hello,

My name is Jeremy Clegg, and my wife and I are residents on Ray Knight Drive. Regrettably, we did not receive any advance notice about the Public Open House organized by the District Development Corporation on June 28, and thus were unable to participate. We heard about this event from our neighbours only after it had taken place. I don't understand why we wouldn't have received notification about the Public Meeting as we would have been keen to attend.

My family and I moved into our home just last year, having been greatly attracted to the Holland Creek Local Area Plan's emphasis on single-family homes. We spent considerable time studying this plan before making our purchase, convinced by its vision of a tight-knit and tranquil community.

We are, therefore, deeply concerned about the proposed amendments which suggest an increase in the number of multi-family homes within our community. Our worry is particularly heightened considering that Ray Knight Drive has been earmarked as the main access point for many of these proposed residences.

As it stands, both Rollie Rose and Ray Knight Drive are consistently congested with parked vehicles, making two-way traffic a challenge. The introduction of multi-family homes and the subsequent increase in traffic, not to mention the construction phase, seem untenable without significant infrastructure improvement. It appears to us that the completion of Colonia Drive South could be a more feasible way to accommodate increased density, should it be deemed necessary.

Furthermore, we are apprehensive about the potential adverse effects this transformation might have on our neighbourhood's character and the value of our property. We chose to settle in the Holland Creek area because we liked its vision. However, we are distressed that this vision, to which we have committed, seems to be dissolving before it has even had an opportunity to flourish.

In the interest of maintaining open communication, I kindly request that the Department share more information regarding these proposed changes and the expected impact they may have on our community. We would greatly appreciate being included in any further discussions or meetings concerning these amendments.

Thank you for your time and consideration of our concerns.

Yours sincerely,

Jeremy and Tiffany Clegg
103 Ray Knight Drive

Received July 6, 2023

Hello Jake,

I recently attended a public meeting by a developer showing plans for the Holland Creek area and I have some concerns about the infrastructure that may or may not support this proposed development - specifically parking and road access.

I have lived on Ray Knight Dr for over a year now and have seen a startling creep in parking issues as houses were built and occupied. A significant percentage of them have secondary suites - which I think is great in itself - I do support densification and increased occupancy per area. That said, most of the lots have space for 1 or 2 vehicles to park (most people don't use their garages for cars!), and a few owners have carved out space for 3. Most of the households have 3 to 5 vehicles, so there is a large amount of street parking on both sides, not including visitor parking, deliveries, service vehicles, etc. Technically it's a 2-lane street but it often functions like a 1-lane street, and this includes the stretch of Colonia east of Ray Knight too.

According to the developer, the proposed 300+ house/suite development north of Ray Knight would use that street as primary access, with an emergency access link & pedestrian path onto Colonia to the east. I was also told they were estimating 1-2 parking spots per residence.

I think this plan is problematic on both counts. Ray Knight cannot safely support that volume of traffic, and it would be much wiser to access it primarily off the to-be-built section of Colonia. As well, any single-family dwellings with suites (anywhere) should be required to have a minimum of 3 on-lot parking spaces, with wide enough driveways to make that work.

Thanks for your attention to this during these early stages when potential future issues can be addressed before they are built!

Wendy Rosen

STAFF REPORT TO COUNCIL

Report Prepared By: Ryan Bouma, Director of Infrastructure Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: May 7, 2024
File No: 5600-12
Re: **Stocking Lake Supply Main Preliminary Design Consultant Award**

RECOMMENDATION:

That Council authorize staff to sole source the Stocking Lake Supply Main preliminary design work to Koers & Associates Engineering Ltd.

EXECUTIVE SUMMARY:

The 2024 capital budget includes \$150,000 for a preliminary design of the Stocking Lake supply main. Koers & Associates Engineering Ltd. (Koers) has provided a proposal that is within budget and meets the project requirements. Staff are recommending this work be sole sourced to Koers based on their past service, familiarity with the Town's water system, and involvement in related Stocking Lake projects.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

Excluding dams, the Stocking Lake Supply main is the Town's highest priority water project based on the pipe's age, failure history, and failure risk. This project is estimated to cost \$6 million and would be completed in two phases. The project involves replacement of 300mm asbestos cement (AC) watermain and balancing pond.

Preliminary design work will identify the following:

- Required right-of-way width and land ownership;
- Whether a pressure reducing station is required;
- Number and length of phases;
- Pipe size, alignment, and materials;
- Class B estimates for future budgeting;
- Identification of hazards and obstacles (geotechnical, environmental, etc.); and
- Potential for turbine energy recovery.

The 2024 capital plan includes \$150,000 for a preliminary design. Through a non-competitive process staff requested and received a proposal from Koers. The proposal estimates a total consulting fee of \$139,915, including subconsultants.

In accordance with the Town’s Purchasing Policy, which states “all sole source purchases over \$75,000 require approval of the Council, following a staff report to Council from the originating department”, staff are requesting Council approve the sole source award to Koers for the following reasons:

1. Koers has completed studies and consulting work on the Stocking Lake supply system and general water supply system for over 20 years, including reports for the conceptual water supply system;
2. Koers has most recently been involved in the:
 - a. Stocking Lake Dam conceptual design
 - b. Stocking Lake Dam emergency repairs of 2019
 - c. Stocking Lake monitoring meter
 - d. Stocking Supply Main repairs
 - e. Thetis Drive supply main owner representation
 - f. Water filtration plant;
3. Koers constructed and runs the Town’s water model;
4. Past experience with Koers has been positive; and
5. The proposal provided is in line with staff expectations.

ALTERNATIVES:

Council can choose to:

1. Require staff to obtain multiple proposals through a Request for Proposal process.

FINANCIAL IMPLICATIONS:

This project is included in the 2024 budget with the funds to come from the water utility and the water capital reserve. The requirement for a competitive process may be waived, if negotiating with a single supplier would offer better value.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

I approve the report and recommendations.

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Ryan Bouma, Director of Infrastructure Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: May 7, 2024
File No:
Re: **Reassignment of Approved Capital funds**

RECOMMENDATION:

That Council:

- 1) Cancel the following capital projects and transfer the budgeted funds to the pavement operations budget:
 - Single Area Traffic Study for \$49,000;
 - Radar Speed Signs for \$35,000; and
 - Bollards on 1st Avenue for \$30,000.
- 2) Amend the 2024-2028 Financial Plan accordingly.

EXECUTIVE SUMMARY:

Following the March 12, 2024, Committee of the Whole pavement priorities report, staff sensed Council would prefer more paving projects be completed. Upon review, staff have identified three projects in the capital plan that are considered low priority and may be cancelled. The funding could be reassigned for additional pavement work this summer.

PREVIOUS COUNCIL DIRECTION:

Resolution	Resolution Details
CW 2024-019	That the Committee receive the staff report dated March 12, 2024 from the Director of Infrastructure Services, regarding 2024 paving priorities. Motion Carried

INTRODUCTION/BACKGROUND:

Following a review of capital projects, three projects were identified that could be cancelled:

1. Single Area Traffic Study (\$49,000) – Council approved a transportation study and informational report for an area of Town with high collision rates, speeds, and trips.
2. Radar Speed Signs (\$35,000) – Speed data collected in Ladysmith is generally below the 50km/hr. speed limit and the efficacy of a radar speed sign decreases over time.
3. Bollards 1st Avenue (\$30,000) – Collisions on 1st Avenue have decreased, the sidewalks are busy and bollards are difficult to install in some areas.



Collectively these three projects offer an approximate doubling of the existing pavement budget (\$110,000 to \$224,000). The Streets Supervisor recently obtained quotes from the Town’s pavement contractor as follows:

- Davis Road at Battie Drive - \$22,400
- Davis Road at Hall Road - \$24,500
- Dogwood Drive at Stephenson Street - \$59,000
- Buller Street (3rd to 4th) - \$68,500

Note that the prices are dependent on the thickness of pavement, area, and preparation requirements. The prices have been provided only to show the potential estimated costs.

STAFF SELECTED TOP 10 PRIORITIES

Rank	Street	Comment
1	Buller Street - 4th to 3rd Avenue	Deferred until watermain replacement
2	Dogwood Drive - Stephenson Street	Selected
3	Davis Road - Hall Road and ~100m west	Selected
4	Davis Road - North Battie Drive	Selected
5	6th Avenue - Roberts Street to Malone Road	Should consider road improvements
6	6th Avenue - Malone Road to Gatacre Street	Should consider road improvements
7	Symonds Street - 2nd to 4th Avenue	Waiting for Stormwater Master Plan recommendations
8	4th Avenue - Christie Road and ~100m northwest	2025/2026
9	4th Avenue - Walkem Road to Christie Road	2025/2026
10	Symonds Street - 6th to 5th Avenue	Waiting for Stormwater Master Plan recommendations

Staff have not obtained quotes for all potential pavement work on this list. The three locations selected in the March 12th report will be completed with the existing budget. If Council were to pass the recommendation, staff would consider the following options:

1. Extending the area of Dogwood Drive to be completed. This is a busy collector with poor pavement conditions. Underground utilities are a reasonable age and condition. (Table Rank 2)
2. Paving Buller Street without replacing the watermain. Buller Street is in very poor condition and nearing complete road failure. The watermain needs to be replaced, and future replacement would require a pavement cut. However, the \$68,500 quote is relatively low considering the need. (Table Rank 1)
3. 4th Avenue between Walkem Avenue to past Christie Road is a proactive selection. A quote has not yet been obtained. (Table Rank 8 and 9)
4. Portions of Symonds Street may be an acceptable candidate. The Stormwater Master Plan is advancing, and staff may be able to identify areas of poor pavement condition that won’t be affected by storm upgrades. A quote has not yet been obtained. (Table Rank 10)

If Council approves the recommendation, staff will work with the Town’s pavement contractor to finalize the costs, selections and schedule.

ALTERNATIVES:

Council can choose to:

1. Cancel less of the capital projects for a smaller increase to the pavement budget.
2. Not approve the recommendation.

FINANCIAL IMPLICATIONS:

The three projects are fully funded within the 2024 Budget; the Single Area traffic study was funded in a prior year, the Radar Speed Signs are funded from reserves and the Bollards are funded from current year taxation.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Pavement conditions are a common complaint received by Infrastructure Services. Community feedback indicates that pavement renewal is a high priority for residents.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

I approve the report and recommendations.

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Ryan Bouma, Director of Infrastructure Services
Reviewed By: Sue Bouma, Corporate Officer
Meeting Date: May 7, 2024
File No:
Re: Mosaic Emergency Road Use Agreement Amendment

RECOMMENDATION:

That Council authorize the Corporate Officer to sign a Road Use Agreement Amendment with Mosaic Forest Management Corp. for the purposes of emergency access from 4th Avenue via the Ladysmith Main logging road.

EXECUTIVE SUMMARY:

A 2018 Road Use Agreement (RUA) with Mosaic Forest Management Corp. (Mosaic) has expired and may be renewed via amendment. The RUA was first implemented when the 4th Avenue culvert was proceeding to construction and the Churchill property had not yet been purchased.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

Emergency planning is important for Ladysmith given the layout of the Town across multiple water courses, forest interface, earthquake region, and challenging topography. The north end of Town is currently isolated with 4th Avenue being the only available road in and out of the area. Churchill and Ladysmith Main are alternative routes, although not formalized roads.

In 2018, during the planning of the 4th Avenue culvert replacement, a RUA was sought from Mosaic to direct traffic through Ladysmith Main to the Diamond. The RUA was never used, as the Churchill property supported the project, but the backup provision provided additional security in the event Churchill could not be used. A copy of the RUA and the amendment have been attached for Council's consideration. Staff are recommending that the agreement be renewed to continue the emergency provision.

ALTERNATIVES:

Council can choose to:

1. Not renew the Road Use Agreement.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

The RUA includes legal requirements of both parties, including insurance supplied by the Town.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The public is generally unaware of the RUA until it is necessary.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Infrastructure Services has been working with Corporate Services and Mosaic to prepare the agreement.

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:

- A. Mosaic Road Use Agreement
- B. Road Use Agreement Amendment

ATTACHMENT A

ROAD USE AGREEMENT

THIS AGREEMENT (the "**Agreement**") is dated as of October 17, 2018.

BETWEEN:

TIMBERWEST FOREST COMPANY, a partnership of TimberWest Forest Corp., a Federal company, and TimberWest Holdings Ltd., a British Columbia company, having an office at 201-648 Terminal Ave, Nanaimo, British Columbia, V9R 5E2

Email: propertyaccess@timberwest.com

("TimberWest")

AND:

Town of Ladysmith, having a place of business at Main Office
410 Esplanade, P.O. Box 220, Ladysmith, British Columbia, V9G 1A2

Email: ggoodall@ladysmith.ca

(the "**Licensee**")

WHEREAS:

- A. TimberWest is the beneficial owner or has the right to use various roads as shown outlined in green on the map attached hereto as Schedule A (collectively, the "**Road**"); and
- B. The Licensee wishes to use the Road, as shown outlined in green on the map attached hereto as Schedule A, and TimberWest has agreed to permit such use on the terms and conditions set forth in this Agreement.

NOW THEREFORE in consideration of the covenants and agreements set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows:

1. **Definitions.** Any term in the body of this Agreement or any Schedule hereto which is capitalized but not defined will have the meaning ascribed to such term in this Agreement.
2. **Grant of Licence.** TimberWest hereby grants to the Licensee a non-exclusive and temporary license during the term of this Agreement for the Licensee and its employees, contractors, agents, licensees and invitees to use the Road upon the conditions contained herein for the purpose of:
 - (a) providing a secondary means of access for movement of public traffic, to be used only in the event that and for so long as the primary access route (being via Fourth Avenue at Rocky Creek) is made unusable as a result of:
 - (i) road construction; or
 - (ii) natural or man-made emergency events;
 - (b) clearing the Road and keeping it clear of anything which, in the reasonable opinion of the Licensee constitutes or may constitute an obstruction of danger to or interfere with the use of the Road; and

(c) doing all other acts and things necessary or incidental to the rights granted in this section 2 as determined by the Licensee, acting reasonably.

3. **Term.** The term of this Agreement will commence on November 1, 2018 and will expire October 31, 2023 (the "**Term**"), unless extended in writing by mutual agreement or unless otherwise terminated in accordance with its terms.

4. **Installation of Gate.** The Licensee acknowledges that at the Licensee's request, TimberWest has installed a gate on the Road in the area shown in blue on the map attached hereto as Schedule A (the "**Gate**"). The Licensee acknowledges that the Gate has been installed with a dual lock system and that both the Licensee and TimberWest have been provided with an access key. The Licensee will ensure that the Gate is immediately re-locked when the Road is not in use to prohibit unauthorized entry. The Licensee will bear the sole cost of the Gate installation and the dual lock system in the amount of \$5,727.50.

5. **Contacts.** All amounts payable to TimberWest under this Agreement will be paid without any set-off, abatement or deduction whatsoever to TimberWest's Office located at 201-648 Terminal Ave, Nanaimo, British Columbia, V9R 5E2.

6. **Insurance.** The Licensee will take out and keep in full force and effect at all times during the Term:

(a) automobile liability insurance covering bodily injury (including passenger hazard) and property damage arising from the operation of owned and non owned vehicles on the Road, with inclusive limits of not less than \$2,000,000.00 for any one accident and, with respect to insurance on non owned vehicles, coverage for liability assumed under this Agreement;

(b) comprehensive general liability insurance with respect to the Road and adjacent lands in which the limit of liability will not be less than \$3,000,000.00 per person and 3,000,000.00 per occurrence in respect of injury or death to one or more persons and in which property damage or loss liability occurring in connection with any exercise of the rights of the Licensee under this Agreement by the Licensee, its successors or any of their respective partners, directors, officers, employees, contractors, agents, licensees, invitees or any other persons for whom the Licensee is responsible at law or who is on the Road or adjacent lands as a result of the Licensee's use or occupancy of the Road, will not be less than \$3,000,000.00, and

(c) fire fighting expenses liability insurance in which the limit of liability will be not less than \$1,000,000.00.

Such insurance will be with such insurers and on such terms and conditions (including deductibles) as are acceptable to TimberWest, acting reasonably. The Licensee will ensure that such insurance includes TimberWest and TimberWest's Representatives as additional insureds and contains a cross-liability and severability of interest endorsement so that such insurance will protect TimberWest, the Licensee and the other insureds as if each were alone insured under such insurance. The Licensee will obtain a waiver of the insurer's right of subrogation against TimberWest and TimberWest's Representatives. The Licensee will pay all premiums for such insurance and will provide a copy of the certificates evidencing such insurance to TimberWest on request, such certificates to state the name of the insurer and the insureds, the amount of insurance carried, the coverages provided, the expiration date of the policy and the date to which premiums have been paid and will contain an endorsement requiring the insurer to give at least 30 days prior written notice to TimberWest before making any material change to or canceling the policy. The Licensee will deliver a replacement certificate to TimberWest within 30 days of the expiration date of the then current certificate.

7. **Schedules.** The following Schedules form part of this Agreement:

- Schedule A – The Road and Gate
- Schedule B – General Terms and Conditions
- Schedule C – Special Terms and Conditions

Schedule D – TimberWest Safe Road Use Procedures

The provisions in the foregoing Schedules are incorporated into and form part of this Agreement as fully as if they were set forth in the main body of this Agreement.

- 8. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original and all of which, taken together, will be deemed to constitute one and the same instrument.
- 9. **Execution by Electronic Transmission.** Delivery of an executed copy of this Agreement by any party by electronic transmission will be as effective as personal delivery of an originally executed copy of this Agreement by such party.

IN WITNESS WHEREOF the parties have duly executed this Agreement by their duly authorized signatories as of the date first above written.

TIMBERWEST FOREST COMPANY
by its Managing Partner, TIMBERWEST
FOREST CORP.

Town of Ladysmith

Rob Gough

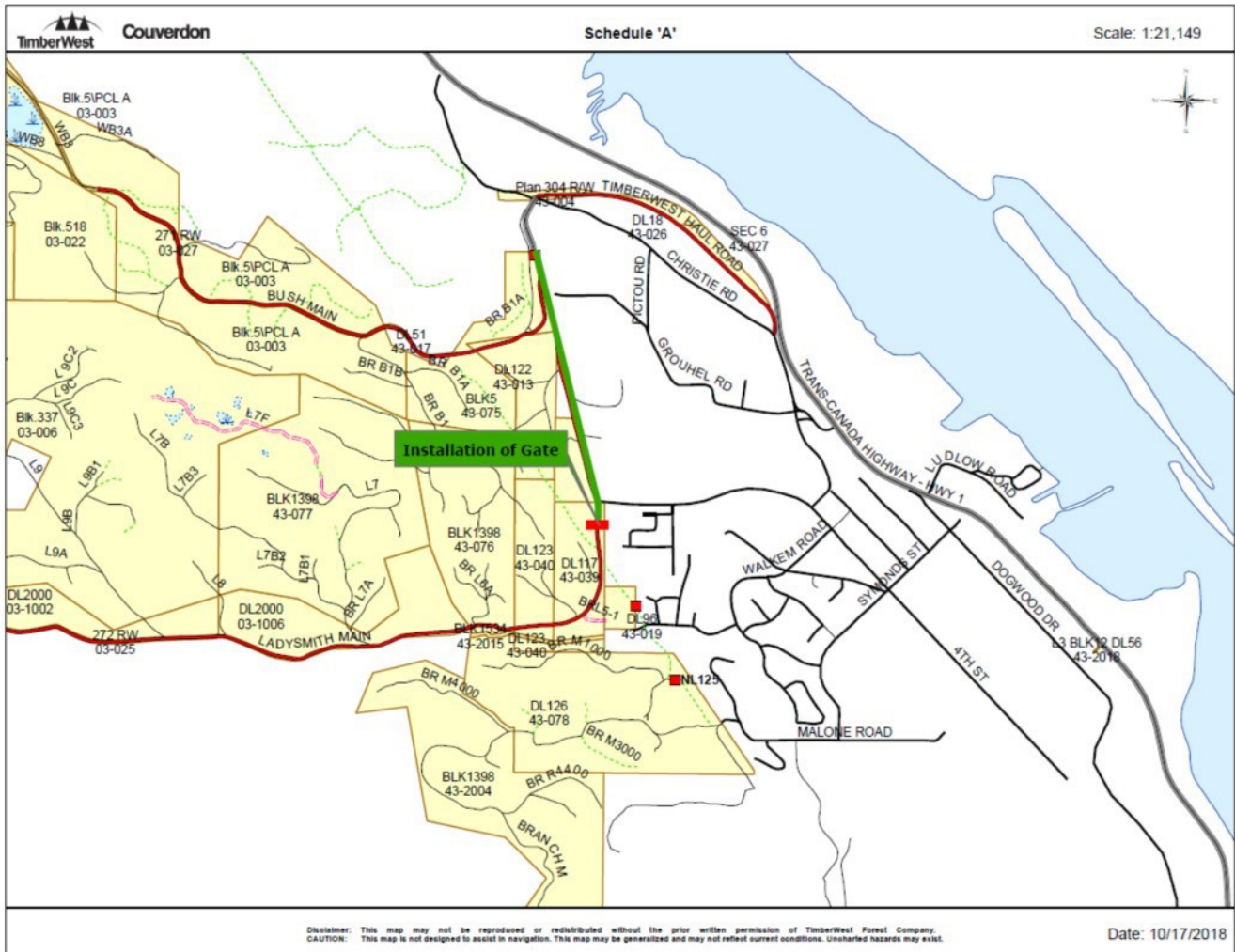
Joanna Winter

~~Signed: Monday, December 10, 2018~~
Authorized Signatory

Signed: Wednesday, April 24, 2019

Authorized Signatory

SCHEDULE A THE ROAD AND GATE



SCHEDULE B

GENERAL TERMS AND CONDITIONS

SAFETY MATTERS

1. **General.** The Licensee acknowledges it is critically important to TimberWest that the Road is used in a safe and professional manner at all times, and that the failure by the Licensee, any of the Licensee's employees, contractors, agents, licensees or invitees, or anyone else for whom the Licensee is responsible in law or who is on the Road as a result of the Licensee's use or occupancy of the Road, to so use the Road will be grounds for immediate termination of this Agreement by TimberWest pursuant to subsection 2(b) of this Schedule B. Without limiting the generality of the foregoing, the Licensee makes the following specific covenants regarding safe use of the Road:
 - (a) Applicable Laws. The Licensee will comply with all laws, by-laws, and regulations, whether federal, provincial or otherwise, pertaining to the Road insofar as they apply to the Licensee's rights under this Agreement (collectively, the "**Applicable Laws**") including, without limitation, all Applicable Laws relating to the health and safety of the Licensee's employees, contractors, agents, licensees and invitees using or occupying the Road.
 - (b) TimberWest's Rules. The Licensee will comply with all rules and directives of TimberWest including, without limitation, "TimberWest Safe Road Use Procedures", a current copy of which is attached hereto as Schedule D (as such document may be amended during the Term on notice to the Licensee), together with any other rules concerning the Road, timber holdings of TimberWest, fire protection, safety, and the environment.
 - (c) Driving Standards. The Licensee will observe safe driving standards at all times while using the Road.
 - (d) Road Obstructions. The Licensee will not obstruct the Road or any part thereof.
 - (e) Compliance with Agreement by Other Permitted Users. The Licensee will ensure its employees, contractors, agents, licensees and invitees comply with all the Licensee's covenants under this Agreement including, without limitation, all foregoing covenants regarding safety, but excluding any covenants regarding the payment of money to TimberWest, while any such party is using the Road.
 - (f) Risk Assessment. Prior to entering and using the Road, the Licensee will tour the Road for the purpose of conducting a risk assessment to identify any potential hazards to the Licensee's use thereof such as, without limitation, utility and bridge crossings on the Road.
2. **Prime Contractor.**
 - (a) Multiple-Employer Workplace. The Licensee acknowledges and agrees that from time to time the Road is a "multiple-employer workplace" as defined in the *Workers Compensation Act* (British Columbia) (the "**WCA**").
 - (b) Licensee to Co-Operate with Prime Contractor. The Licensee agrees that it will co-operate fully with any "prime contractor" (as defined in the WCA) appointed in respect of the Road, or any portion thereof, in connection with the discharge by such party of its duties and obligations as prime contractor under the WCA.
 - (c) Designation of Licensee as Prime Contractor. The Licensee agrees that if at any time during the Term TimberWest notifies the Licensee that the Licensee is required to become the "prime contractor"(as defined in the WCA) of the Road, or any portion thereof, the Licensee will forthwith

sign and return to TimberWest an acknowledgement (the "**Acknowledgement**") confirming that as and from the date of the Acknowledgement the Licensee:

- (i) directly or indirectly controls and directs the majority of the employees on the Road, or relevant portion thereof, and therefore is in the best position to ensure the health and safety of persons on the Road, or relevant portion thereof;
- (ii) is the "prime contractor" (as defined in the WCA) of the Road, or relevant portion thereof, and assumes and is wholly responsible for all duties of a prime contractor under the WCA and applicable regulations;
- (iii) will ensure that the activities of employers, workers and other persons on the Road, or relevant portion thereof, relating to occupational health and safety are coordinated;
- (iv) will take all necessary steps to ensure that all persons on the Road, or relevant portion thereof, are made aware of all health or safety hazards to which they are likely to be exposed on the Road, or relevant portion thereof;
- (v) will take all necessary steps to ensure any person to whom it delegates responsibilities for occupational health and safety on the Road, or relevant portion thereof, satisfactorily performs such responsibilities; and
- (vi) will forthwith advise TimberWest in writing if the Licensee is unable to perform any of the foregoing responsibilities, and in such event TimberWest will be entitled to take any action it deems necessary to ensure the health and safety of persons on the Road, or relevant portion thereof, including terminating this Agreement without notice or damages of any kind to the Licensee, and to recover from the Licensee any costs incurred in assuming such responsibilities.

The parties acknowledge and agree that the Acknowledgement, once delivered, and this Agreement will together constitute an "agreement", as described in subsection (a) of the definition of "prime contractor" in subsection 118(1) of the WCA. Notwithstanding the foregoing, TimberWest acknowledges and agrees that in the event it notifies the Licensee that the Licensee is required to become the "prime contractor" as contemplated herein, the Licensee may on written notice to TimberWest elect to require one of the Licensee's contractors to be the "prime contractor", provided such contractor forthwith signs and returns an Acknowledgement to TimberWest in a revised form to be prepared by TimberWest, and further provided the Licensee ensures its contractor complies with all duties and obligations set forth in the Acknowledgement.

AMOUNTS PAYABLE BY LICENSEE

3. **Amounts Payable.** The Licensee will pay to TimberWest at its address set in section 5 of the Agreement, or at such other place designated by TimberWest from time to time, without any prior demand and without any abatement, deduction or set-off whatsoever, and within ten (10) business days after written demand, any additional amounts (the "**Additional Amounts**") owed to TimberWest under this Agreement.
4. **Goods & Services Tax.** The Licensee will pay to TimberWest goods and services tax or any other tax imposed on TimberWest with respect to any Additional Amounts (whether characterized as a goods and services tax or otherwise), such payment to be made to TimberWest at the same time as the amounts to which such tax applies are payable to TimberWest under this Agreement.

TAXES

5. **Taxes Payable by Licensee.** The Licensee will pay to TimberWest an amount equal to any taxes of any nature imposed on TimberWest as a result of the Licensee's exercise of its rights and obligations under

this Agreement including, but without limiting the generality of the foregoing, any taxes assessed as a result of any improvements made by or on behalf of the Licensee to the Road or TimberWest's lands.

IMPROVEMENTS

6. **Improvements.** The Licensee will not construct or establish, on lands or timber holdings of TimberWest, any campsite or other improvements without the prior written consent of TimberWest.

LICENSEE'S COVENANTS AND ACKNOWLEDGEMENTS

7. **Licensee's Covenants.** In addition to the safety covenants and acknowledgements made by the Licensee in section 1 of this Schedule B the Licensee makes the following additional covenants and acknowledgements:
- (a) Notice of Fire. The Licensee will immediately notify TimberWest and the nearest BC Wildfire Service office of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development by telephone upon discovery of any fire on the Road or in the vicinity of the Road.
 - (b) No Fires. The Licensee will not ignite or permit to burn any open fire or any fire hazard on or near the Road or the adjacent lands or timber holdings of TimberWest at any time and the Licensee will take every reasonable precaution to prevent the escape of fire on or to any of TimberWest's lands and timber holdings and to extinguish all fires promptly regardless of cause or origination.
 - (c) Public Highway. During the Term, the Licensee will not do anything that will result in the Road being classified as a public highway or a forest service road.
 - (d) Vehicles and Equipment. The Licensee will not haul or move machinery on any part of the Road without first notifying TimberWest.
 - (e) Signs. The Licensee will erect and maintain at its cost any signs that TimberWest considers necessary in conjunction with the Licensee's use of the Road.
 - (f) No Interference. The Licensee will ensure that the exercise of its rights under this Agreement does not cause interference to the activities of TimberWest or TimberWest's contractors on the Road.
8. **Licensee's Acknowledgements.** The Licensee acknowledges to TimberWest and agrees that:
- (a) Road Hazards. TimberWest has not made, and will not make, any representation or warranty as to the condition or topography of the Road, that it has satisfied itself with respect to such matters as it considers necessary related to the Licensee's intended use of the Road and that the Licensee accepts the Road for such use on an "as is, where is" basis;
 - (b) Non-exclusive Use. TimberWest and its contractors may use the Road in priority to the Licensee, and TimberWest may grant to third parties the right to use the Road;
 - (c) Vehicle Risk. The vehicles and equipment of the Licensee and of its employees, contractors, agents, licensees and invitees, and the personnel operating such vehicles and equipment, are at the risk of and are the responsibility of the Licensee, and not of TimberWest;
 - (d) TimberWest Construction on Road. There is reserved to TimberWest the right, exercisable at all times hereafter and from time to time, without the consent of the Licensee, to construct, erect, install, bury, excavate for, place, inspect, maintain, operate, protect, repair, remove, replace, renew, add to, enlarge, alter, improve, operate and use, and to grant to others the right to do so, on, over, under, within, above and through the Road, works for utilities, services and for any

purposes associated with the business of TimberWest or other persons using TimberWest's lands, provided that the exercise of such rights reserved to TimberWest and the existence and use of such works will not block completely or interfere unreasonably with the use by the Licensee of the Road; and

- (e) Stopping Traffic. TimberWest may and the Licensee at TimberWest's request will regulate or stop any traffic or restrict any activities on the Road for such periods as, in TimberWest's sole opinion, are required by weather conditions, fire hazard, the operations of TimberWest or other conditions.

HAZARDOUS SUBSTANCES

9. Hazardous Substances Definitions.

- (a) **"Hazardous Substances"** means any contaminant, pollutant, dangerous or potentially dangerous or noxious or toxic substance, hazardous waste, special waste, flammable or explosive or radioactive material, urea formaldehyde foam insulation, asbestos, PCBs and substances or any other materials declared or defined to be hazardous, toxic, contaminants or pollutants, or which at any time are prohibited, controlled or regulated for the protection, management, conservation or restoration of public health or the environment, under or pursuant to any Applicable Laws.
- (b) **"Release"** includes release, spill, leak, pump, pour, flow, deposit, emit, empty, discharge, escape, leach, dispose, dump and includes all matters included in the words "introduce waste into the environment" in the *Environmental Management Act* (British Columbia), the word "deposit" in the *Fisheries Act* (Canada) or the word "release" in the *Canadian Environmental Protection Act, 1999* (Canada).

10. **Hazardous Substances.** The Licensee will not bring or allow anyone else to bring Hazardous Substances onto the Road or adjacent lands except in strict compliance with all Applicable Laws and environmental permits. The Licensee will not allow the Release of any Hazardous Substances into the environment or into culverts, drains or sewers.

11. **Removal of Hazardous Substances.** The Licensee will remove all Hazardous Substances brought onto or created on or about the Road or adjacent lands as a result of the use of such Road by the Licensee on or before the expiry or earlier termination of the Term. Notwithstanding the degree of affixation of such Hazardous Substance or the goods containing such Hazardous Substance, such Hazardous Substance will be the sole property of the Licensee.

12. **Notice to TimberWest.** The Licensee will advise TimberWest forthwith of any Release of any Hazardous Substances on or from the Road or adjacent lands and will provide TimberWest with all information, notices, reports and other documents it has or receives regarding such Release and the remediation steps being undertaken by the Licensee with respect to the Release or as may reasonably be required by TimberWest of the Licensee. The Licensee will also forthwith provide TimberWest with any oral or written notice it receives from a governmental authority under or in respect of an Applicable Law regarding or in respect of the Road or adjacent lands or from any other third party in respect of any claim, demand, action or other proceeding regarding an environmental matter pertaining to the Road or adjacent lands or the Licensee's use or occupancy thereof.

13. **Records.** TimberWest, at any time, on five days prior written notice to the Licensee, may inspect, or have the Road or adjacent lands, or any records reasonably considered to be relevant for the purpose of identifying the existence, nature and extent of any Hazardous Substance on the Road or adjacent lands and the Licensee's handling of such Hazardous Substance, inspected by a duly qualified independent environmental auditor, and the Licensee agrees to cooperate with the auditor in its performance of each such inspection. In exercising such right of inspection, neither TimberWest nor its auditor will unreasonably interfere with the Licensee's use and occupation of the Road. If the auditor, acting reasonably, determines following any such inspection that further testing or investigation is required in

order to monitor the Licensee's compliance with any Applicable Laws relating to the handling of any Hazardous Substance, TimberWest may, at its option, require the Licensee, at the Licensee's expense, to arrange for such testing or investigation or may make such arrangements itself, in which case TimberWest's reasonable costs of any such testing or investigation will be paid by the Licensee to TimberWest within 30 days after receipt of any invoice on account thereof.

14. **Clean-up Plans.** If any Hazardous Substance is Released on the Road or adjacent lands by the Licensee or its directors, officers, employees, contractors, agents, licensees, invitees or any other person for whom the Licensee is responsible in law or who is on the Road or adjacent lands as a result of the Licensee's use or occupancy of the Road, the Licensee will, at its own risk and expense:
- (a) prepare all necessary studies, plans and proposals to clean up such Hazardous Substances and submit them to TimberWest for approval;
 - (b) provide all bonds and other security required by any governmental body or by TimberWest;
 - (c) carry out the work required to clean up such Hazardous Substances in such manner as is approved by TimberWest;
 - (d) keep TimberWest fully informed regarding the contamination and remediation thereof;
 - (e) provide to TimberWest full information with respect to the proposed plans and comply with TimberWest's reasonable requirements with respect to such plans; and
 - (f) obtain a certificate of compliance under the *Environmental Management Act* (British Columbia) in respect of such remediation.
15. **Clean up by TimberWest.** Notwithstanding section 14 of this Schedule B, upon written notice to the Licensee, TimberWest may itself undertake remediation of any contamination at the reasonable cost and expense of the Licensee which cost will be paid by the Licensee within thirty (30) days after receipt of an invoice on account of such cost.
16. **Hazardous Substances Indemnity.** The Licensee will indemnify, and save harmless TimberWest, its partners and its and their respective directors, officers, employees, contractors, agents, licensees, invitees and the successors and assigns of TimberWest, from and against all loss, expense (including investigation and remediation expenses), claims, demands, actions, suits or other proceedings, judgements, damages, penalties, fines, costs, liabilities, reduction in the market value of any adjacent lands, damages for loss or restriction in use of the Road or any adjacent lands, sums paid in settlement of claims, legal fees (on a solicitor and own client basis), consultants' fees and experts' fees which arise during or after the Term in connection with the presence or suspected presence of any Hazardous Substance or any other contamination in, upon, above, under or about the Road or adjacent lands or has been or is in the future Released from the Road or adjacent lands, caused by, contributed to or aggravated by the Licensee, or its directors, officers, employees, contractors, agents, licensees, invitees or any other person for whom the Licensee is responsible in law or who is on or about the Road or adjacent lands as a result of the Licensee's use or occupancy of the Road. For greater certainty, this indemnity applies to expenses incurred by TimberWest to investigate and remediate contamination even if not required to do so by a governmental authority or by law.

RISK AND LIMITATION OF LIABILITY

17. **Risk and Limitation of Liability.** The Licensee agrees that it will use the Road at its own risk, and that TimberWest will not be liable for, and the Licensee hereby waives, any claim, action, damage, liability, cost or expense which the Licensee may suffer, incur or be put to in connection with any occurrence on the Road or the adjacent lands or with the use and occupation of the Road by the Licensee or TimberWest. TimberWest will not be liable to the Licensee in connection with this Agreement, whether based on contract, tort (including negligence and strict liability), under warranty or otherwise, for any special, indirect, incidental or consequential loss or damage whatsoever including, without limitation, loss of use of equipment or facilities and loss of profits or revenues. The waiver set forth above will be in addition to, and not in limitation or derogation of, any other waiver or release contained in this Agreement with respect to any loss of, or damage to, property of the Licensee. As the above waiver may preclude the assignment of such claim, by subrogation or otherwise, to an insurance company (or any other person), the Licensee agrees immediately to give any insurance company which has issued policies in respect of such insurance, written notice of the terms of such waiver, and to have such insurance policies properly endorsed, if necessary, to prevent the invalidation of the insurance coverage by reason of such waiver.

INDEMNITY

18. **Indemnity.** The Licensee hereby indemnifies TimberWest, its directors, officers, employees, contractors, agents, licensees, invitees and the successors and assigns of TimberWest and saves them harmless from and against any and all claims, actions, damages, liabilities and expenses (including, without limitation, all legal fees on a solicitor and own client basis, experts' fees and disbursements) in connection with (a) loss of life, personal injury and/or damage to property arising from or out of any occurrence in or upon the Road or the adjacent lands in any way related to the exercise by the Licensee of its rights under this Agreement, (b) any breach by the Licensee of any of the terms of this Agreement, and (c) any claim, action, damage, liability, cost or expense suffered or incurred by any of the Licensee's partners, directors, officers, employees, contractors, agents, licensees, invitees or any other person for whom the Licensee is responsible in law or who is on the Road or adjacent lands as a result of the Licensee's use or occupancy of the Road.
19. **Labour Disruptions.** TimberWest will not be liable to the Licensee for, or be required to indemnify the Licensee against or save it harmless from any claims, damages, costs, expenses, actions, or suits caused by, arising out of, attributable to, or in connection with any labour disruption involving TimberWest's employees or its contractors.

TERMINATION

20. **Termination.** Notwithstanding the Term stipulated for this Agreement:
- (a) either party may terminate this Agreement by giving at least sixty (60) days' written notice of termination to the other party; and
 - (b) TimberWest may terminate this Agreement at any time in a written notice to the Licensee if the Licensee fails to perform an obligation it is required to perform under this Agreement.
21. **Equipment Removal.** On the expiry or earlier termination of the Term, the Licensee will promptly remove all its machinery, supplies or other property from the Road, and will cause the machinery, supplies or other property of its contractors to be removed from the Road, making good any damage caused by such removal, and subject to any rights TimberWest may have under any other agreement with the Licensee or by virtue of any security held by TimberWest for moneys owed by the Licensee to TimberWest. Any such property not removed by the Licensee by the end of thirty (30) days may be removed and stored at a place of TimberWest's choice at the Licensee's sole risk and expense. All expenses incurred by TimberWest for the removal and storage of such property will become a debt due and payable to TimberWest and will constitute a lien against the Licensee's property which TimberWest may exercise by selling the property at any time without notice to the Licensee.

22. **Survival of Obligations.** Upon the expiry or earlier termination of the Term, all claims, causes of action or other outstanding obligations remaining or being unfulfilled as at the date of expiry or earlier termination and all of the provisions of this Agreement relating to the obligation of either of the parties to perform actions or to account to or to indemnify the other and pay to the other any moneys owing as at the date of expiry or earlier termination in connection with this Agreement will survive such expiry or earlier termination.

ARBITRATION

23. **Arbitration.** Any matter which, pursuant to the terms of this Agreement, is to be referred to arbitration must be submitted to and settled by arbitration in accordance with the provisions of this section 23. Arbitration proceedings are to be commenced by the party desiring arbitration giving notice to the other party specifying the matter to be arbitrated and requesting an arbitration thereof. Such arbitration will be carried out as follows:
- (d) The Rules of Procedure (the "**Rules**") for Domestic Arbitrations of the British Columbia International Commercial Arbitration Centre (the "**Centre**") will apply to the arbitration, except as otherwise provided in this section 23.
 - (e) The arbitrator will be a single arbitrator agreed upon by the parties, or, failing agreement within 10 days after the giving of the notice requiring arbitration, an arbitrator appointed by the Centre.
 - (f) The arbitrator will make his determination on the basis of written submissions and affidavits submitted by the parties, without any hearing, unless the arbitrator determines that a hearing is necessary.
 - (g) The parties acknowledge and agree that they have provided for certain matters to be resolved by arbitration so as to promote an efficient, expeditious and inexpensive resolution. The parties will co-operate with the arbitrator and agree to act at all times so as to facilitate, and not frustrate nor delay, such efficient, expeditious and inexpensive resolution. The arbitrator is authorized and directed to make orders, on his initiative or upon application of either party to a disputed matter, to ensure that the arbitration proceeds in an efficient, expeditious and inexpensive manner, and in particular, to enforce strictly the time limits provided for in the Rules or set by order of the arbitrator, unless the arbitrator considers it inappropriate to do so. The parties acknowledge and agree that it is their intention that arbitration hearings will commence as soon as possible. The arbitrator is directed to make all reasonable efforts to make his award within thirty (30) days following appointment.
 - (h) The award of the arbitrator will be rendered in writing and will contain a recital of the facts upon which the award is made and the reasons for the award.
 - (i) The award of the arbitrator with respect to a disputed matter will be final and binding upon the parties to the arbitration, subject to section 30 of the *Arbitration Act* (British Columbia).

MISCELLANEOUS

24. **Expropriation.** If during the Term the Road, or any part thereof, is acquired or condemned by expropriation for any public or quasi-public use, then TimberWest and the Licensee may separately claim, receive and retain awards of compensation for the loss of their respective interests, but neither TimberWest nor the Licensee will have any claim against the other in respect of such loss or the unexpired Term.
25. **Late Payments.** If the Licensee does not pay to TimberWest any amount which the Licensee is required to pay to TimberWest under this Agreement on the due date under this Agreement, such amount will thereafter bear interest at a rate equal to the Prime Rate plus 2% per annum, calculated and compounded monthly on the first day of each month until paid. "**Prime Rate**" means the rate of interest, expressed

as a percentage per annum, declared from time to time by the main branch in Vancouver, British Columbia of the Royal Bank of Canada as its prime rate, the intention being that the rate of interest prescribed hereunder will fluctuate as and when such declared prime rate fluctuates.

26. **Time.** Time is of the essence in this Agreement.
27. **Waiver.** Nothing contained in this Agreement will be construed as a waiver by TimberWest of any rights which TimberWest has or which may accrue to TimberWest at law, in equity or by statute, nor will TimberWest's failure to insist upon the Licensee's performance of any of the Licensee's obligations under the terms of this Agreement be deemed to be a waiver of TimberWest's right to do so at any time.
28. **Entire Agreement.** This Agreement sets forth all of the covenants, promises, conditions, agreements and understandings between TimberWest and the Licensee with respect to the use of the Road. No subsequent amendment of this Agreement will be binding upon TimberWest or the Licensee unless reduced to writing and signed by them.
29. **Governing Law / Exclusive Jurisdiction.** This Agreement will be construed and governed in accordance with the laws of the Province of British Columbia, which will be deemed to be the proper law hereof, and the courts of British Columbia will have the exclusive jurisdiction to determine all claims and disputes arising out of or in any way connected with this Agreement.
30. **No Registration of Agreement.** The Licensee acknowledges and agrees that this Agreement does not contain a grant in favour of the Licensee of any interest in the Road or any part of the adjacent lands upon which the Road is situate and, accordingly, the Licensee agrees that it will not be entitled to register this Agreement in any public registry.
31. **Notices.** Save and except for subsection 7(a) of the Agreement, all notices will be written and deemed duly given if delivered by hand or mailed by registered mail, postage prepaid, addressed to the party concerned at the address first set forth in Agreement, or at such other address as may from time to time be communicated by notice. Any notice is deemed given and received, if delivered by hand, on the day delivered, and if mailed, when it should have been received in the ordinary course of post. If there is an actual or generally anticipated disruption in postal service caused by strike, lockout, or other labour disturbance, any notice given must be delivered personally.
32. **Employee, Contractors.** The Licensee will cause all Timber Haulers to:
 - (a) comply with the terms and conditions of this Agreement (save and except the obligation to pay any amount to TimberWest) as if such person had signed this Agreement as licensee; and
 - (b) not be in possession of, or impaired by, alcohol or drugs while on the Road.
33. **Successors.** This Agreement will enure to the benefit of and be binding on the parties and their respective heirs, executors, administrators, successors and permitted assigns.
34. **Assignment.** The Licensee will not assign its rights under this Agreement without the prior written consent of TimberWest. Any assignment or transfer by the Licensee of this Agreement or of any interest herein or of any moneys due or to become due by reason of the terms of the Agreement without the written consent of TimberWest will be void. For the purposes of this Agreement, an assignment includes a change in the management, a change in control of the Licensee, or the amalgamation of the Licensee with another entity.
35. **No Asset in Bankruptcy.** This Agreement will not be deemed to be an asset in bankruptcy of the Licensee.

SCHEDULE C

SPECIAL TERMS AND CONDITIONS

TIMBERWEST MAINTENANCE

ADDITIONAL LICENSEE COVENANT AND ACKNOWLEDGEMENTS

1. **Road Maintenance and Repair.** The Licensee will not carry out any maintenance or repair of the Road without the prior written consent of TimberWest. Notwithstanding the foregoing, the Licensee will be responsible for repairing any damage it causes to the Road forthwith to the sole satisfaction of TimberWest.
2. **No TimberWest Maintenance.** TimberWest is under no obligation whatsoever to maintain or repair the Road or to keep the Road clear of snow, ice, windfall or other hazards except as set forth herein.

TIMBERWEST COVENANTS

3. **TimberWest's Covenants.** TimberWest make the following covenants:
 - (a) Maintenance Work. TimberWest will carry out all Maintenance Work required on the Road. For the purpose of this Schedule C, "**Maintenance Work**" means any work which is required on a regular basis in connection with the ordinary upkeep of the Road or any structures located thereon and is integral to the use of the Road as contemplated herein. TimberWest hereby confirms that the costs associated with any Maintenance work are included in the Licence Fee.
 - (b) Repair Work. TimberWest may from time to time and at any time during the Term elect to carry out Repair Work on the Road. For the purpose of this Schedule C, "**Repair Work**" means any work which is required from time to time in order to effect structural repairs, upgrades or replacements to the Road or any structures located thereon, is integral to the use of the Road as contemplated herein and which is expected to last for several years, including, without limitation, the erection, rebuilding and repairing of bridges and major culverts, the rebuilding of any portion of the Road which is necessitated by major washouts and any major resurfacing of any portion of the Road. The costs associated with any Repair Work will be paid by the parties in accordance with section 4 of this Schedule C.

ADDITIONAL AMOUNTS PAYABLE

4. **Repair Fee.** If TimberWest carried out any Repair Work as contemplated in section 3(b) of this Schedule C, it will notify the Licensee and the Licensee will promptly pay to TimberWest a fee (the "**Repair Fee**") in respect of such repair work in an amount to be calculated on a *pro-rata* basis as between TimberWest and the Licensee based on the cost of such repair work and the parties' respective use of the Road, all as determined by TimberWest acting reasonably. The Licensee will pay to TimberWest at its address set out in section 5 of the Agreement the Repair Fee within ten (10) business days after written demand.
5. **Goods & Services Tax.** The Licensee will pay to TimberWest goods and services tax or any other tax imposed on TimberWest with respect to the Repair Fee (whether characterized as a goods and services tax or otherwise), such payment to be made to TimberWest at the same time as the amounts to which such tax applies are payable to TimberWest under this Agreement.

PARAMOUNTCY

6. If and to the extent any term or condition of this Schedule C conflicts with a term or condition in any other part of this Agreement, the term or condition in this Schedule C will prevail.

SCHEDULE D

“TimberWest Safe Road Use Procedures”

The following procedures apply to all TimberWest resource roads. All users must be familiar with these procedures to ensure safe traveling conditions for all authorized industrial and recreational road users. In the event these procedures conflict with the user’s own policies the TimberWest safe road use procedures will take priority. If a Prime Contractor has been designated to a specific road, they may have additional procedures that supplement TimberWest’s, which will be specified during prework discussions (where applicable).

All vehicles:

- All road users (industrial, authorized recreational) must be fully licensed with correct endorsements, adequately insured for the vehicles intended use and follow all applicable driving legislation.
- Follow the posted speed limits (Maximum 60 km/hr or less if not posted) with headlights/taillights on at all times.
- Observe and obey all posted signage.
- All traffic must drive on the right-hand side of the road.
- Drive by the road conditions and visibility (sight lines, dust or weather related visibility). Roads are radio assisted not radio controlled. Drive accordingly and expect the unexpected.
- Deactivated roads may or may not be posted. It is suggested that you obtain information regarding road deactivation status from TimberWest before you begin your trip.
- Maintain safe distances when following other vehicles and use extra caution when driving in dusty conditions. Also use extreme caution when overtaking slower vehicles.
- Always give industrial traffic the right-of-way. (Pull over and stop).
- When passing logging trucks, low beds, graders, etc. make sure the operator is aware of your intentions and signals you verbally or visually before proceeding to pass; then pass only when road conditions are favourable.
- Watch out for “sweepers” which are very long logs hauled on logging trucks. They can hang over the back of the trailer up to 6 meters and on a tight corner could sweep a vehicle off the road.
- Do not block the road or stop on the running surface for any reason – logging trucks require a lot of room for safe travel and to safely stop. Do not impede their access at any time. It is essential that logging trucks be able to use the roads without delays. If you must stop, find a turnout or wide spot and park well off the road.
- Be aware that off highway trucks with wide bunks have very little opportunity to move off the center of the road grade, except on wide mainlines. Ensure you find a turnout that enables the logging truck adequate clearance for safe passage.
- Report vandalism or other suspicious activities to a TimberWest representative.
- Report all hazards immediately to Prime Contractor or TimberWest representative.

Industrial:

- All vehicles and drivers must comply with applicable rules and regulations (WorkSafeBC, Department of Transportation, MFLNRO statutes and legislation, National Safety Code, and Motor Vehicle Act, etc) that will ensure proper driving, loading, securing, inspection and maintenance.
- Down/Loaded vehicles have the right-of-way
- TimberWest typically maintains the bridge infrastructure to support L165 tons. For active crossings that support less than L165, TimberWest identifies the load rating with posted signage stating the load rating in the field (i.e. L100, L75, 5 tonnes/pickup, etc). In the event users have concerns, contact TimberWest representative for assistance.

Note: *Notify TimberWest Contract Manager or designated TimberWest representative prior to walking (point loading) across structures with equipment 75 tonnes or greater so TimberWest can ensure structure can safely support the weight.*

ROAD USE AGREEMENT - AMENDMENT

THIS AGREEMENT ("Amending Agreement") dated for reference, November 1, 2023.

BETWEEN:

TIMBERWEST FOREST COMPANY, a partnership of TimberWest Forest Corp., a Federal company, and TimberWest Holdings Ltd., a British Columbia company, having an office at 201-648 Terminal Avenue, Nanaimo, British Columbia, V9R 5E2

Email: legalservices@mosaicforests.com

(the "**Company**")

AND:

TOWN OF LADYSMITH, having a place of business at Main Office
410 Esplanade, P.O. Box 220, Ladysmith, British Columbia, V9G 1A2

Email: RBouma@ladysmith.ca

(the "**Licensee**")

WHEREAS:

- A. Pursuant to a Road Use agreement dated October 17, 2018 (the "Agreement") the Company agreed to grant the Licensee use of the Licensed Area, as described therein and no other;
- B. The parties have agreed to amend the Agreement as set out herein.

NOW THEREFORE in consideration of the amount of \$10.00 now paid by each party to the other and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the parties, the parties agree as follows:

1. Amendment. The parties agree that the Agreement is hereby amended as follows:
 - a. section 3 is amended by deleting "October 31, 2023" in the last line thereof and replacing it with the phrase "October 31, 2028".
2. Ratification of Road Use Agreement. The parties hereby ratify and affirm the Agreement and their respective rights and obligations thereunder and confirm that the Agreement remains in full force and effect in accordance with its terms, unaltered other than with respect to the amendment set out in section 1 above.
3. Execution by Fax or Electronic Means. This Amending Agreement may be executed by the parties and transmitted by fax or other electronic means and if so executed and transmitted this Amending Agreement will be for all purposes as effective as if the parties had delivered an executed original of the Amending Agreement.

SIGNATURE PAGE TO FOLLOW

TIMBERWEST FOREST COMPANY

by its managing partner, TIMBERWEST FOREST
CORP., collectively, as principal, by its duly
authorized agent, MOSAIC FOREST
MANAGEMENT CORPORATION

TOWN OF LADYSMITH

Authorized Signatory
John Shearing, Acting - VP, Operations

Authorized Signatory
Sue Bouma, Corporate Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Ryan Bouma, Director of Infrastructure Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: May 7, 2024
File No: 1220-01
Re: Canoe Procurement Group Membership

RECOMMENDATION:

That Council:

1. Authorize staff to maintain membership with Canoe Procurement Group; and
2. Direct staff to consider and use Canoe for all applicable purchases.

EXECUTIVE SUMMARY:

Council previously authorized staff to use Canoe Procurement Group to purchase a new parks tractor and street sweeper. The cooperative purchasing process allowed for cost savings, and efficient procurement. Staff request to continue using Canoe for future purchases that align with the budget and capital plan.

PREVIOUS COUNCIL DIRECTION:

Resolution	MeetingDate	ResolutionDetails
CS 2023-199	2023-08-01	That Council direct staff to: ... 3. Utilize Canoe Procurement Group to source the purchase of the Parks Tractor and the Streets Sweeper.

INTRODUCTION/BACKGROUND:

Canoe is a cooperative purchasing program that competitively procures pricing from various vendors for the benefit of municipalities. They use the power of a large municipal membership to attract bids and then pass that pricing on to their membership. Members are under no obligation to use the service, make minimum purchases, or pay any fees.

Staff have now made two purchases, a tractor and street sweeper, using the Canoe membership initiated last year. These purchases have saved approximately \$42,000 over our normal procurement procedures. In addition to cost savings, the process has been more efficient.



The Town’s purchasing policy states that “wherever possible, the Town will participate in cooperative purchasing to afford the taxpayers the benefits of both large volume purchases of common municipal requirements and the administrative efficiency in cooperative acquisition ventures”. Allowing staff to make purchases through Canoe is in general compliance with the purchasing policy and would not invalidate the rest of the policy. Staff would continue to use competitive procurement where appropriate and continue to follow the purchase cost thresholds as detailed in Appendix A of the purchasing policy (shown below).

Appendix A

Acquisition:	0-4,999	\$5,000 - 9,999	\$10,000 - 74,999	\$75,000- 250,000	\$250,000+
Authority	Approved Staff	Manager	DH	DH + CM & DOF	DH CM & DOF/ Council
Documents	Informal	Formal	Formal	RFP, RFQ, RFT	RFP, RFQ, RFT
Process	Discretionary	Competitive Bidding	Competitive Bidding	Competitive Bidding	Competitive Bidding
Commitment Documentation	Direct Coding & Signature	PO	PO	PO	PO

- RFP = Request for Proposal
- RFQ = Request for Quotation
- RFT = Request for Tender
- PO = Purchase Order
- DH = Department Head
- DOF = Director of Financial Services (CFO)
- CM = City Manager

Staff are planning to use Canoe for purchasing a new V-plow and zero turn lawn mower in 2024. The program would mostly support equipment purchases, although it may be used for other Town department needs, including facilities, protective services, and IT.

ALTERNATIVES:

Council can choose to require staff to continue using conventional tenders for equipment and other services instead of those offered by Canoe.

FINANCIAL IMPLICATIONS:

Staff experience indicates Canoe saves the Town money by organizing large volume purchases that other municipalities may also need. Staff are not obligated to use Canoe and continuing the membership is free of charge.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Director of Finance was consulted regarding the alignment with the Town's purchasing policy.

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

TOWN OF LADYSMITH

BYLAW NO. 2175

Property tax rates for the year 2024

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

1. Definitions

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

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

2. Tax Rates

The following rates are hereby imposed and levied for the year 2024:

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

3. Alternative Municipal Tax Collection Scheme

- 3.1 Unless section 3.3 applies, the rates and taxes imposed under this Bylaw are due and shall be paid on or before the 2nd day of July, 2024.
- 3.2 An owner may elect to pay the rates and taxes imposed under this Bylaw in accordance with the Alternative Municipal Tax Collection Scheme by providing written notice of that election to the Collector at their office at City Hall, Ladysmith, BC on or before the 14th day of June, 2024.
- 3.3 An owner may elect to pay the rates and taxes imposed under this Bylaw in accordance with the General Tax Collection scheme established in the *Community Charter*, by providing written notice of that election to the Collector at their office at City Hall, Ladysmith, BC on or before the 14th day of June, 2024.
- 3.4 If an owner does not make an election under Section 3.2 or 3.3, the Alternative Municipal Tax Collection Scheme applies to the rate and taxes payable by that owner.

4. Penalties – Alternative Municipal Tax Collection Scheme

- 4.1 Upon the 3rd day of July, 2024, or as soon thereafter as is practicable, the Collector shall add to the unpaid balance of the current year’s taxes two (2) percent of the amount unpaid as of the 2nd day of July, 2024.
- 4.2 Upon the 12th day of September, 2024, or as soon thereafter as is practicable, the Collector shall add to the unpaid balance of the current year’s taxes an additional eight (8) percent of the amount unpaid as of the 11th day of September, 2024.

5. Supplementary Tax Rolls

- 5.1 Upon receipt of a Supplementary Tax Roll from BC Assessment, the Collector shall levy taxes in accordance with the rates specified in Schedule “A” of the Bylaw according to the taxable values as shown on the Supplementary Tax Rolls.
- 5.2 For each Supplementary Tax Roll, where the Alternative Municipal Tax Collection Scheme applies, the Collector shall add penalties to the unpaid amounts as follows:
 - a) Where Supplementary Tax Notices are sent before the 1st day of June, 2024, penalties shall be added as set out in Section 4 of this Bylaw;
 - b) Where Supplementary Tax Notices are sent between the 1st day of June, 2024 and before the 9th day of August, 2024, ten (10) percent shall be added on any amount unpaid as of the 11th day of September, 2024;
 - b) Where Supplementary Tax Notices are sent on or after the 9th day of August,

2024, ten (10) percent shall be added on any amount unpaid after thirty (30) days.

Citation

6. This bylaw may be cited for all purposes as "Property Tax Rates Bylaw 2024, No. 2175".

READ A FIRST TIME on the 16th day of April, 2024

READ A SECOND TIME on the 16th day of April, 2024

READ A THIRD TIME on the 16th day of April, 2024

ADOPTED on the _____ day of _____, 2024

Mayor (A. Stone)

Corporate Officer (S. Bouma)

SCHEDULE "A"
"Tax Rates Bylaw 2024, No.2175"

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

PROPERTY CLASS		<u>A</u> Municipal	<u>B</u> Library	<u>C</u> Cowichan Valley Regional District	<u>D</u> Cowichan Valley Regional Hospital District
1	Residential	2.6831	0.1522	1.1216	0.3653
2	Utilities	22.7598	1.2911	3.9256	1.2786
3	Supportive Housing	2.6831	0.1522	1.1216	0.3653
4	Major Industry	81.6856	4.6336	3.8134	1.2419
5	Light Industry	9.7094	0.5508	3.8134	1.2419
6	Business/Other	9.1040	0.5164	2.7479	0.8950
7	Managed Forest	41.3703	2.3468	3.3648	1.0959
8	Rec Non Profit	2.6831	0.1522	1.1216	0.3653
9	Farm	40.6304	2.3048	1.1216	0.3653

TOWN OF LADYSMITH

BYLAW NO. 2176

Sewer parcel tax bylaw for the year 2024

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

Definitions

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

"Parcel" Means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2024 Revised Assessment Roll and all amendments thereto.

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

Levy

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

Repeal

7. "Sewer Parcel Tax Bylaw 2023, No. 2143" is hereby repealed.

Citation

8. This bylaw may be cited as "Sewer Parcel Tax Bylaw 2024, No. 2176".

READ A FIRST TIME on the 16th day of April, 2024

READ A SECOND TIME on the 16th day of April, 2024

READ A THIRD TIME on the 16th day of April, 2024

ADOPTED on the _____ day of _____, 2024

Mayor (A. Stone)

Corporate Officer (S. Bouma)

TOWN OF LADYSMITH

BYLAW NO. 2177

Water parcel tax bylaw for the year 2024

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

Definitions

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

"Parcel" means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2024 Revised Assessment Roll and all amendments thereto.

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

Levy

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

Repeal

7. "Water Parcel Tax Bylaw 2023, No. 2144" is hereby repealed.

Citation

8. This bylaw may be cited as "Water Parcel Tax Bylaw 2024, No. 2177".

READ A FIRST TIME on the 16th day of April, 2024

READ A SECOND TIME on the 16th day of April, 2024

READ A THIRD TIME on the 16th day of April, 2024

ADOPTED on the _____ day of _____, 2024

Mayor (A. Stone)

Corporate Officer (S. Bouma)

BYLAW STATUS SHEET May 7, 2024

Bylaw #	Description	Status
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 and third reading December 19, 2023. MOTI approval received January 15, 2024. Awaiting covenant.
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. Waiting on applicant to submit Development Permit per Council Resolution
2161	"Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw 2023, No. 2161". To expand the mobile home park at 10940 Westdowne Road.	First and second readings, November 21, 2023. Second reading rescinded, second reading as amended, December 5, 2023. Public Hearing and third reading December 19, 2023. Awaiting covenant.
2166	"Town of Ladysmith City Hall Loan Authorization Bylaw 2024, No. 2166". To enable the Town to borrow up to \$13.5 million dollars over a term of 30 years to fund the construction of a new City Hall.	First, second and third readings, January 23, 2024. Inspector of Municipalities approval received February 26, 2024. Approval of the electors required through an Alternative Approval Process.
2175	"Property Tax Rates Bylaw 2024, No. 2175" (to set the property tax rates for 2024 in accordance with the 2024 to 2028 Financial Plan).	First, second and third readings, April 16, 2024.
2176	"Sewer Parcel Tax Bylaw 2024, No. 2176" (to establish a sewer parcel tax rate for property parcels in the Town of Ladysmith).	First, second and third readings, April 16, 2024.
2177	"Water Parcel Tax Bylaw 2024, No. 2177" (to establish a water parcel tax rate for property parcels in the Town of Ladysmith).	First, second and third readings, April 16, 2024.



P.O. Box 598
33 Roberts Street
Ladysmith, B.C. V9G 1A4

T 250 245 2112
F 250 245 2124
E info@ladysmithcofc.com
www.ladysmithcofc.com

April 23, 2024

Re: Sponsorship Opportunities: Ladysmith Chamber Memorial Golf Classic | June 14, 2024

Dear Mayor Stone and Ladysmith Councilors,

I am writing on behalf of the Ladysmith Chamber of Commerce, in reference to our upcoming Ladysmith Chamber Memorial Golf Classic Tournament. The Annual Golf Classic, which is the marquee fundraising event for the Chamber, is one of the most unique marketing opportunities that the Chamber offers. The Tournament is held each June and brings together close to 100 business and government leaders to golf, network, win prizes, bid on fabulous auction items and of course to have loads of fun.

We would like to invite you to participate and/or consider becoming a Sponsor of the Ladysmith Chamber's Annual Memorial Golf Classic. In the past the Town of Ladysmith has generously sponsored a hole for our tournament, along with putting in a team of 4, and we are inviting you to do the same for our upcoming tournament.

We are happy to recognize the Ladysmith & District Credit Union as this year's Title Sponsor. This year the Memorial will be honoring Gordon Reid. Gordon Reid's legacy is one of remarkable community service and dedication. His extensive volunteer work, spanning organizations like LRCA, Ladysmith Show & Shine, Ladysmith Days, Ladysmith Festival of Lights, and Citizens on Patrol, showcases a deep commitment to making a positive impact on Ladysmith and beyond.

Sponsorship choices literally cover the golf course and businesses can adopt the level which best suits their needs. A Sponsor Package is attached and available on our website www.ladysmithcofc.com detailing the benefits of each level of sponsorship. This includes, Tournament Sponsors, Hole Sponsors, Cart Sponsors, Live & Silent Auction Donations.

Please join us on June 14th, 2024 at Cottonwood Golf Course for the Ladysmith Chamber's Annual Memorial Golf Classic and make sure your business is well represented.

Warm Regards,

Roberta Bowman
Executive Director
Ladysmith Chamber of Commerce
roberta@ladysmithcofc.com

Ladysmith Chamber Memorial Golf Classic

SPONSORSHIP PACKAGES

TITLE SPONSOR - \$3,500

- Exclusivity: Only one title sponsor for event and similar businesses will be excluded from being a Tournament Sponsor as defined below.
- Naming rights: Dominant brand/logo presence at registration and reception, on all tournament advertising including website, social media, poster and print media advertising.
- Opportunity to address guests during reception.
- One Hole Sponsorship with opportunity to set up a kiosk at your hole to promote your business.
- 4 Golfers including dinner.
- Signage on 2 golf carts.
- Recognition in the golf program and awards ceremony.
- Post-event recognition - thank you in the newspaper, newsletter, website etc.
- First right of refusal for the following year.
- Opportunity to provide primary promotional material for event participants (swag)

Tournament Sponsor - \$1,000

- Exclusivity: similar businesses excluded from being a Tournament Sponsor.
- Brand/logo recognition in the golf program, awards ceremony and tournament advertising (secondary priority/emphasis to Title Sponsor).
- One Hole Sponsorship with opportunity to set up a kiosk at your hole to promote your business.
- 2 Golfers including dinner.
- Post-event recognition - thank you in the newspaper, newsletter, website etc.
- Recognition in the golf program and awards ceremony.
-

Hole Sponsor - \$250

- Brand/logo recognition on one hole on golf course with opportunity to set up a kiosk at your hole to promote your business.
- Recognition in the golf program and awards ceremony.
- Post-event recognition – thank you in the newspaper, newsletter, website etc.

Cart Sponsor - \$75

Cart Fleet Sponsor – 5 for \$300

- Brand/logo recognition on golf carts)
- Recognition in the golf tournament program.
- Post-event recognition – thank you in the newspaper, newsletter, website etc.

Prize Sponsor

- Donate a product or service for use as door prize and/or auction item.
- Includes recognition in the golf tournament program and during auction/prize announcements.
- Post-event recognition – thank you in the newspaper, newsletter, web etc.

Rocky Creek Ventures Inc
2965 Norman Rd Nanaimo BC V9X 1K5

To: Ladysmith Town Council
From: Rocky Creek Ventures Inc.
Date: 2024-04-23
Subject: Proposed street and subdivision names for approval

To whom it may concern,

We are nearing final subdivision completion at 1301 Rocky Creek Road, a community that will overlook the Ladysmith Marina. We would like to propose the following names for approval by Ladysmith Town Council:

For the new street name, we propose **Marina View Dr**. This road will be overlooking the Ladysmith Marina, and will run parallel to the existing street called Harbour View Rd. We think that Marina View Dr will be both descriptive and distinct for residents to use.

For the subdivision itself, we propose **Rocky Creek Estates**. This will work well as the community is directly off Rocky Creek Rd, and will well suit the oceanfront development.

We hope you will consider these names for approval. Thank you.

Regards,
Frank Crucil,
Director