

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

Tuesday, August 6, 2024
Ladysmith Seniors Centre
630 2nd Avenue

Pages

1. CALL TO ORDER

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

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

2. CLOSED SESSION

Recommendation

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

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment; and

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

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 August 6, 2024.

5. RISE AND REPORT- Items from Closed Session

6. MINUTES

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

6

Recommendation

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

7. COMMITTEE MINUTES

7.1 Poverty Reduction Task Group - May 15, 2024

11

Recommendation

That Council receive the minutes of the Poverty Reduction Task Group meeting held May 15, 2024.

7.2 Poverty Reduction Task Group - June 19, 2024

13

Recommendation

That Council receive the minutes of the Poverty Reduction Task Group meeting held June 19, 2024.

8. REPORTS

8.1 2025 Financial Plan (Budget) Discussions

15

Recommendation

That Council approve the following schedule to deliberate the 2025-2029 Financial Plan:

- September 3rd – Parks, Recreation & Culture – operating & capital and direction for Permissive Tax Exemptions;
- November 5th – Water & Sewer – operating & capital;
- November 19th – Introduction of General Operations;
- December 3rd – Introduction of General Capital Projects. Water & Sewer Rate bylaws introduced;
- December 17th - Anticipated adoption of Water & Sewer Rate

bylaws and Early budget approvals; and

- February 4th, 2025 – Introduction of the 2025-2029 Financial Plan bylaw.

8.2 Heart of the Hub Phase 2 – Consultant Update 17

Recommendation

That Council waive Purchasing Policy 5-1790-D to secure the consultants previously engaged in the former Machine Shop project and listed on the existing building permit, for consulting fees of up to \$370,000 related to the Heart of the Hub Phase 2 project.

8.3 UBCM Community to Community (C2C) Forum Program 47

Recommendation

That Council:

1. Authorize staff to apply to the Union of BC Municipalities, for up to \$5,000 during the September 2024 application intake for the Regional Community to Community Forum Program to support a community forum with the Stz'uminus First Nation Council, to be held prior to September 6, 2025; and
2. Approve the allocation of up to \$5,000 as the Town's contribution.

8.4 Mackie Road Dam Decommissioning - Tendering and Construction Support Services 49

Recommendation

That Council waive Purchasing Policy 5-1790-D and authorize staff to sole source the Mackie Road Dam Decommissioning - Tendering and Construction Support Services to Ecora Engineering and Environmental Ltd. (Ecora) in the amount of \$99,270 plus taxes, as outlined in Attachment A of the August 6, 2024, staff report from the Infrastructure Services Department.

8.5 Short-Term Rental Regulation 136

Recommendation

That Council:

1. Give first, second and third readings to "Short-Term Rental Bylaw, 2024, No. 2188";
2. Pursuant to Section 59 of the *Community Charter* :
 - a. Receive written representations prior to adoption of Bylaw 2188; and

- b. Direct staff to publish notice, no more than 10 and no less than 3 days prior to final consideration of Bylaw 2188:
 - i. online; and
 - ii. in one issue of the Ladysmith Chronicle; and
- 3. Direct staff to bring forward amendments to “Official Community Plan Bylaw 2022, No. 2200” for Council consideration that:
 - a. Establish a Temporary Use Permit program to allow the conversion of a limited number of dwelling units outside of zones where “tourist accommodation” is a permitted use, to Short-Term Rentals; and
 - b. Establish policies for considering applications under recommendation 3(a) that:
 - i. prioritize the protection of long-term housing; and
 - ii. consider temporary worker housing, tourism offerings, impacts on residential neighbourhoods, impacts on existing and proposed tourism offerings and similar issues.

9. BYLAWS

9.1 Bylaws for Adoption

9.1.1	“Council Procedure Bylaw 2009, No. 1666, Amendment Bylaw No. 2184”	149
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Recommendation

That Council adopt “Council Procedure Bylaw 2009, No. 1666, Amendment Bylaw No. 2184”.

9.2	Bylaw Status Sheet	151
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10. INFORMATION TO COUNCIL

10.1	Cowichan Region Workforce Housing Strategy	153
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Recommendation

That Council receive the Cowichan Region Workforce Housing Strategy and companion documents presented at the CVRD Committee of the Whole meeting on June 26, 2024 and shared with municipalities as part of the engagement process prior to the strategy's implementation.

11. CORRESPONDENCE

11.1 Rotary Clubs of Ladysmith and Chemainus 14th Annual Charity Golf Tournament

222

The Town made previous donations of \$350 for hole sponsorship at the 2022 and 2023 Rotary Charity Golf Tournaments.

Recommendation

That Council allocate \$350 to sponsor a hole at the 14th Annual Rotary Charity Golf Tournament on September 21, 2024 as requested in the correspondence received July 13, 2024.

12. NEW BUSINESS

13. 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.

14. ADJOURNMENT



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, July 16, 2024

7:00 P.M.

Ladysmith Seniors Centre

630 2nd Avenue

Council Members Present:

Mayor Aaron Stone

Councillor Ray Gourlay

Councillor Amanda Jacobson

Councillor Tricia McKay

Councillor Duck Paterson

Councillor Marsh Stevens

Councillor Jeff Virtanen

Staff Present:

Allison McCarrick

Erin Anderson

Chris Barfoot

Jake Belobaba

Sue Bouma

1. CALL TO ORDER

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

2. CLOSED SESSION

CS 2024-158

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

- (c) labour relations or other employee relations.

Motion Carried

3. 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 2024-159

That Council approve the agenda for this Regular Meeting of Council for July 16, 2024.

Motion Carried

5. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 6:46 p.m. with report on the following:

CE 2024-059

That Council:

1. Direct staff to increase the hours of the Bylaw Compliance Officer position from part-time to full-time hours, effective August 15, 2024.
2. Rise and report on Recommendation No. 1 immediately.

Motion Carried

6. MINUTES

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

CS 2024-160

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

Motion Carried

7. COMMITTEE MINUTES

7.1 Committee of the Whole - July 9, 2024

CS 2024-161

1. That Council direct staff to provide other alternatives to the annual large item Spring Clean Up program in a future report to Council;
2. That Council receive the July 9, 2024 report from the Infrastructure Services department regarding the parking situation on Ray Knight Drive;
3. That the Mayor, on behalf of Council, write a letter to the Ministry of Transportation and Infrastructure requesting that the Ministry take on their maintenance responsibilities as outlined in the "2002 Division of Maintenance Responsibilities" agreement; and
4. That Council direct staff to include the control of invasive species in the tree protection bylaw anticipated under the Official Community Plan implementation.

Motion Carried

7.2 Community Planning Advisory Committee - July 3, 2024

CS 2024-162

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

Motion Carried

8. REPORTS

8.1 Ladysmith Skatepark Society – Grant in Aid

CS 2024-163

That Council provide a late Grant in Aid to the Ladysmith Skatepark Society in the amount of \$2,500.

Motion Carried

9. BYLAWS

9.1 Bylaws for Introduction

9.1.1 “Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw No. 2187”

CS 2024-164

That Council give first, second and third readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw No. 2187”.

Motion Carried

9.2 Bylaws for Adoption

9.2.1 “Community Centre Fees and Charges Bylaw 2024, No. 2178”

CS 2024-165

That Council adopt “Community Centre Fees and Charges Bylaw 2024, No. 2178”.

Motion Carried

9.2.2 “Development Procedures Bylaw 2024, No. 2179”

CS 2024-166

That Council adopt “Development Procedures Bylaw 2024, No. 2179”.

Motion Carried

9.2.3 “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905 Amendment Bylaw No. 2180”

CS 2024-167

That Council adopt “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905 Amendment Bylaw No. 2180”.

Motion Carried

9.2.4 “Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644 Amendment Bylaw No. 2182”

CS 2024-168

That Council adopt “Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644 Amendment Bylaw No. 2182”.

Motion Carried

9.3 Bylaw Status Sheet

10. NEW BUSINESS

10.1 Municipal Insurance Association of BC (MIABC) Annual General Meeting - Voting Delegates

CS 2024-169

That Council appoint Councillor Gourlay as voting delegate and Mayor Stone and Councillor Stevens as alternate voting delegates for the Municipal Insurance Association of BC (MIABC) Annual General Meeting taking place on Tuesday, September 17, 2024, in conjunction with the Union of BC Municipalities Convention in Vancouver.

Motion Carried

10.2 Replacement for Councillor McKay at the 2024 Vancouver Island Economic Alliance Summit

CS 2024-170

That Council authorize Councillor Stevens to replace Councillor McKay as a delegate at the Vancouver Island Economic Alliance Summit to be held October 23-24, 2024 in Nanaimo.

Motion Carried

11. QUESTION PERIOD

A member of the public asked whether the Zoning Bylaw amendment in Item 9.1.1 would create more red tape or affect costs for developers or small business owners.

12. ADJOURNMENT

CS 2024-171

That this Regular Meeting of Council be adjourned at 7:29 p.m.

Motion Carried

CERTIFIED CORRECT

Mayor (A. Stone)

Corporate Officer (S. Bouma)

Minutes of the Poverty Reduction Task Group

May 15, 2024, 1:30pm

Hybrid: Ladysmith Chamber of Commerce Boardroom & Zoom

COMMITTEE MEMBERS PRESENT:

Stephen Cochrane, Stz'uminus First Nation
 Shannon Crowards, Ladysmith Resource Centre Association (LRCA)
 Isaiah Harris, Community Member
 Jacqueline Neligan, Ladysmith Family and Friends (Laff)
 Griffin Russell, Island Health
 Roberta Bowman, Ladysmith Chamber of Commerce
 Rosalie Sawrie, Social Planning Cowichan (SPC)

STAFF/COUNCIL PRESENT:

Sue Glenn, Supervisor – Community Programs & Services (staff)
 Councillor Tricia McKay

REGRETS:

Gerry Busch, Community Member
 Cindy Lise, Our Cowichan Health Network

CALL TO ORDER AND ACKNOWLEDGEMENT

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

AGENDA

That the Poverty Reduction Task Group approve the agenda for the meeting.
Motion carried.

MINUTES

That the Poverty Reduction Task Group approve the Minutes from April 24, 2024 as presented.
Motion carried.

CURRENT BUSINESS

Welcome

Dinner & Dialogue #4:

- Thursday, May 30, 2024 at 5:30pm at the Stz'uminus Community Centre location was confirmed
- The PRTG reviewed the task list to finalize details for the event & discussed the progress on groups/representatives for each topic to invite/attend.

Employer Seminars #3 & 4:

- A discussion took place to finalize details and the promotion strategy for the third seminar on Employment Standards scheduled for May 22, 2024 10am to 12:30pm at Jas Cafe

- The fourth session has been rescheduled by Minister Sheila Malcolmson's office on the TogetherBC Poverty Reduction Strategy for Wednesday, June 5, 2024 from 2pm to 4pm in an attempt to better coordinate with the announcement of the revised strategy.

Food Equity Workshops:

- Updates were shared on the four workshops being coordinated by Parks, Recreation and Culture, LRCA and the grade 4 Ladysmith Primary class all taking place on the Thursdays in May.

Collective Impact Workshops:

- PRTG members were invited to participate in a two part workshop on Collective Impact in an effort to establish a process to continue the work following this grant period.
 - Workshop #1: Tuesday, April 30 Completed – Griffin, Tricia, Shannon, Sandra, Cindy and Rosalie attended
 - Workshop #2: Tuesday, May 28 from 1pm to 3pm also at the Ramada

Transportation Feasibility Grant

- An update of the first round of engagement was shared. The survey and promotions will continue to the end of the month.
- Survey link:
<https://app.surveymethods.com/s/ladysmith/transportation/>

Action Items

- The PRTG will meet on June 19, 2024 to debrief the final two events and discuss the project reporting.
- Grant deadline for activities is June 7, 2024.

Meeting adjourned at 2:40pm

Next Regularly Scheduled PRTG meeting is for June 19, 2024 at 1:30pm

Facilitator (Rosalie Sawrie)

RECEIVED:

Corporate Officer (Sue Bouma)

Minutes of the Poverty Reduction Task Group

June 19, 2024, 1:30pm

In-person only: LRCA Boardroom

COMMITTEE MEMBERS PRESENT:

Shannon Crowards, Ladysmith Resource Centre Association (LRCA)
 Jacqueline Neligan, Ladysmith Family and Friends (Laff)
 Griffin Russell, Island Health
 Roberta Bowman, Ladysmith Chamber of Commerce
 Rosalie Sawrie, Social Planning Cowichan (SPC)

STAFF/COUNCIL PRESENT:

Sue Glenn, Supervisor – Community Programs & Services (staff)
 Councillor Tricia McKay

REGRETS:

Gerry Busch, Community Member
 Cindy Lise, Our Cowichan Health Network
 Isaiah Harris, Community Member
 Stephen Cochrane, Stz’uminus First Nation

CALL TO ORDER AND ACKNOWLEDGEMENT

The facilitator acknowledged with gratitude that this meeting was taking place on the unceded territory of the Stz’uminus First Nation.

AGENDA

That the Poverty Reduction Task Group approve the agenda for the meeting.
Motion carried.

MINUTES

No minutes presented.

CURRENT BUSINESS

Welcome

Dinner & Dialogue #4:

- A discussion of the project outcomes of the Dinner and Dialogues and brainstorm took place to plan how to move some of the identified actions forward. In preparation of the final report a discussion occurred to hear how participating organizations may be incorporating some of this work, especially with the Community Prosperity Grant opportunity.

Employer Seminars #4:

- Following a delay with the announcement of the TogetherBC Poverty Reduction Strategy, the June 4, 2024

Employer Seminar was postponed and a grant deadline was requested by the Town to UBCM. The extension was granted to August 7, 2024 giving time to reschedule the seminar with Minister Malcolmson. Her office reached out the day prior to the meeting and suggested Wednesday, July 24 over lunchtime. A discussion took place to review any potential conflicts and the group advised to go ahead. Locations were suggested for investigation.

Transportation Feasibility Grant

- This project is in the beginning stages of preparing for the second round of engagement.

Action Items

- Finalize the fourth and final Employer Seminar for July 24, 2024. All other actions have been completed as outlined in the grant.
- The PRTG will meet on July 17, 2024 to finalize planning and continue a discuss on the project reporting with ideas for how to continue past the grant deadline.
- Grant deadline for activities has been extended to August 7, 2024 with the final report due September 7, 2024.

Meeting adjourned at 3:00pm

Next Regularly Scheduled PRTG meeting is for July 17, 2024 at 1:30pm

Facilitator (Rosalie Sawrie)

RECEIVED:

Corporate Officer (Sue Bouma)

STAFF REPORT TO COUNCIL

Report Prepared By: Erin Anderson, Director of Financial Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: August 6, 2024
File No:
Re: **2025 Financial Plan (Budget) Discussions**

RECOMMENDATION:

That Council approve the following schedule to deliberate the 2025-2029 Financial Plan:

- September 3rd – Parks, Recreation & Culture – operating & capital and direction for Permissive Tax Exemptions;
- November 5th – Water & Sewer – operating & capital;
- November 19th – Introduction of General Operations;
- December 3rd – Introduction of General Capital Projects. Water & Sewer Rate bylaws introduced;
- December 17th - Anticipated adoption of Water & Sewer Rate bylaws and Early budget approvals; and
- February 4th, 2025 – Introduction of the 2025-2029 Financial Plan bylaw.

EXECUTIVE SUMMARY:

Each year, a new 5-year Financial Plan is drafted and presented to Council for approval. It is recommended that specific dates be scheduled to discuss the 2025-2029 Financial Plan. Even though the financial plan bylaw is not due until May 15, 2025, it is recommended to enter into budget discussions early in order to plan for capital projects and ensure utility rate bylaws are in place for January 1, 2025. Budget deliberations for Parks, Recreation & Culture are starting earlier than in the past due to the CVRD's budget schedule for the regional recreation.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

Staff are currently in the process of preparing their department operational budgets which align with the Town's Strategic Plan. Staff have included a 3% inflationary increase, where applicable, on many goods, services and materials which is in line with the Statistics Canada's Consumer Price Index. Some items already known:

- CUPE negotiated wage increase for 2025 is 3.0%.
- BC Hydro rate increasing.
- RCMP per-member cost increase of 7.5% for the 8 members.

ALTERNATIVES:

Council can choose to defer budget discussions to April of 2025. This will impact the water and sewer rates revenues for 2025 and delay capital projects. The Financial Plan bylaw must be adopted before May 15, 2025.

FINANCIAL IMPLICATIONS:

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

LEGAL IMPLICATIONS:

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

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

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

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Chris Barfoot, Director Parks, Recreation & Culture
Reviewed By: Allison McCarrick, Chief Administrative Officer
Meeting Date: August 6, 2024
File No:
Re: **Heart of the Hub Phase 2 – Consultant Update**

RECOMMENDATION:

That Council waive Purchasing Policy 5-1790-D to secure the consultants previously engaged in the former Machine Shop project and listed on the existing building permit, for consulting fees of up to \$370,000 related to the Heart of the Hub Phase 2 project.

EXECUTIVE SUMMARY:

As planning is underway on the Heart of the Hub Phase 2 project, staff are requesting that Council waive the purchasing policy to secure the former Machine Shop restoration Phase 1 consultants. Utilizing the former consultants that were selected through a formal competitive bidding process for beginning the Heart of the Hub project, will ensure work continuity throughout the project to completion.

PREVIOUS COUNCIL DIRECTION:

<u>Resolution</u>	<u>Meeting Date</u>	<u>Resolution Details</u>
CS 2024-075	2024-04-16	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.
CS 2019-282	2019-08-19	That Council waive the Purchasing Policy for up to \$1,400,000 of construction costs relating to the Machine Shop restoration project, by authorizing Windley Contracting Ltd. to secure the contracts and services on the Town’s behalf. OPPOSED: Councillor Johnson

INTRODUCTION/BACKGROUND:



With the complexities of this project and work previously completed on designs, having the knowledge and continuity of the former consultants will be beneficial to the timing and success of the Heart of the Hub project, which is anticipated to be to substantial completion by December 2025. Existing project consultants such as the architect and engineers have previously submitted schedules and sealed plans for the completion of the project which saves time and costs as we look to begin construction in September 2024.

The existing project consultants and their corresponding fee proposals are listed below for Council's consideration:

- Hotson Architecture - \$266,000 (includes a portion of Phase 1 work)
- Rocky Point Mechanical Engineers - \$18,500
- RB Engineering - \$16,250
- Herold Engineering - \$39,500

The recommendation of \$370,000 for consulting fees includes a contingency for additional hours to be billed on an hourly rate.

There is the potential for additional items to be added if identified through the pre-construction planning meeting, the requirements of the grant, and project scope. If additional components are added a competitive bidding process would be initiated through the construction project management team.

ALTERNATIVES:

Council can choose to:

1. Not utilize the services of the former consultants and seek additional proposals. This may result in an amendment to the existing building permit and any additional time and associated costs.

FINANCIAL IMPLICATIONS:

Heart of the Hub Phase 2 is funded partially through the *Investing in Canada Infrastructure Program* and funding through the *Island Coastal Economic Trust* with remaining funds to come from the Town.

Purchasing policy 5-1790-D, attachment A, permits for sole sourcing under certain circumstances:

SOLE SOURCING

The requirement for a competitive process may be waived, if negotiating with a single supplier would offer better value. Examples of sole source items includes:

- technological advancement;
- standardization;
- compatibility with another item;
- clearly superior product;
- expertise in a specific area or field that cannot be matched by others;
- warranty requirements.

Negotiations for such items will only be permitted:

- in extraordinary circumstances or market conditions;
- if there is only one supplier for the product or service;
- in Emergency situations.

All sole source purchases over \$75,000 require approval of the Council, following a Staff Report to Council from the originating department.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

ATTACHMENTS:

- A. TOL Purchasing Policy
- B. Hotson Architecture Proposal
- C. Rocky Point Mechanical Engineers Proposal
- D. RB Engineering Proposal
- E. Herold Engineering Proposal

TOWN OF LADYSMITH POLICIES AND PROCEDURE MANUAL

TOPIC:	PURCHASING POLICY		
APPROVED BY:	Council	ORIGINAL DATE:	March 5, 2001
		CURRENT AMENDMENT DATE:	September 15, 2020
RESOLUTION #:	CS-2020-272		
<i>Amended: March 26, 2001 & Oct. 30, 2001, Jan 2002, January 2007, April 8, 2013 (replaces Jan 2007 version in its entirety), Sept 18, 2017</i>			

POLICY STATEMENT

Effective procurement is a critical support function for the Town of Ladysmith to responsibly manage the public funds placed in their trust. The procurement system must be responsive, cost effective, socially responsible and as open as possible to public scrutiny.

GUIDING PRINCIPLES

The Town's Procurement Policy is guided by the following principles which set the standard for performance:

1. Procure the goods and services requirements of all departments in an efficient, timely and cost effective manner while maintaining the necessary controls;
2. Engage in an open bidding process wherever practical;
3. Ensure maximum value is obtained during the acquisition of goods and services. The concept of maximum value includes the value derived from social impacts (See Appendix B for desired Community Benefit Goals). Where applicable, the total cost of the goods and services purchased should be taken into account. Total cost may include but not be limited to acquisition cost, disposal cost, residual value, training cost, maintenance cost, product performance, social impact and environmental impact;
4. Take into account wherever practical the commitment to social responsibility, protection of the environment, and energy conservation;
5. Ensure the acquisition of goods and services meets the requirements of applicable legislation and trade agreements, including the New West Partnership Trade Agreement, and the Agreement on Internal Trade; and
6. Ensure that maximum value is realized when disposing of surplus goods, materials and equipment.

In addition to the principles outlined above, Town employees will demonstrate ethical purchasing behavior including:

1. Declaration of Interest - An employee who has a direct or indirect pecuniary interest with a supplier must disclose this relationship to his or her superior, and will be excluded from the quote or tender process;
2. Confidentiality and Accuracy of Information - The confidentiality of information received in the course of duty must be respected and should not be used for personal gain; information given in the course of duty should be true and fair and not designed to mislead;
3. Competition - While considering the advantages of the Town of Ladysmith maintaining a continuing relationship

5-1790-D

with a supplier, any arrangement which might prevent the effective operation of fair competition should be avoided;

4. Business Gifts and Hospitality - To preserve the image and integrity of the employee, the employer and the profession, business gifts other than items of small intrinsic value should not be accepted. Reasonable hospitality is an accepted courtesy of a business relationship. The frequency and nature of gifts or hospitality accepted should not be such that the recipient might be or might reasonably be perceived by others to have been influenced in making a business decision as a consequence of accepting such hospitality or gifts. All gifts should be reported to the City Manager; and,
5. Discrimination and Harassment - No employee shall knowingly participate in acts of discrimination or harassment towards any person that he or she has business relations with.

PROCUREMENT PROCESS:

OVERVIEW

Procurement is the process by which a government acquires goods, services and capital works for its own use. This policy is designed to assist Town staff in meeting the Town's procurement objectives and to protect the Town and its staff against potential litigation and perceived or actual conflicts of interest. The essential elements of the Town's Procurement Policy are outlined below.

AUTHORITY

All staff members undertaking procurement actions must have formal authorization to do so. As outlined in section 149 of the Community Charter, the responsibility for the financial administration of the Municipality resides with the Chief Financial Officer (CFO). These duties include:

- a. receiving all money paid to the municipality;
- b. ensuring the keeping of all funds and securities of the municipality;
- c. investing municipal funds, until required, in authorized investments;
- d. expending municipal money in the manner authorized by the council;
- e. ensuring that accurate records and full accounts of the financial affairs of the municipality are prepared, maintained and kept safe; and
- f. exercising control and supervision over all other financial affairs of the municipality.

Authorization for expenditures is set out in the *Community Charter* Part 6, Division 3, s.173:

- (1) A municipality must not make an expenditure other than one authorized under subsection (2) or (3).
- (2) A municipality may make an expenditure that is included for that year in its financial plan, so long as the expenditure is not expressly prohibited under this or another Act.
- (3) A municipality may make an expenditure for an emergency that was not contemplated for that year in its financial plan, so long as the expenditure is not expressly prohibited under this or another Act.

5-1790-D

- (4) The following apply in relation to the authority under subsection (3):
- (a) the council must establish procedures to
 - (i) authorize expenditures under that subsection, and
 - (ii) provide for such expenditures to be reported to the council at a regular meeting;
 - (b) if an expenditure is made under that subsection, as soon as practicable, the council must amend the financial plan to include the expenditure and the funding source for the expenditure;
 - (c) the authority under that subsection does not include the authority to borrow for the purpose of making the expenditure.

Through this Policy, the Director of Financial Services (CFO) authorizes staff to perform and oversee the established processes of the Procurement Policy.

PROCESS:

COMPETITIVE BIDDING

The Town will utilize a competitive bidding process to secure goods and services wherever practical to obtain maximum value for its purchasing dollars.

The level of competition required for Town purposes is based on the dollar value and nature of the purchase ensuring the cost associated with administering a competitive process is proportionate to the benefit received as a result of the competition.

Purchases valued at less than \$5,000 may use the informal methods of verbal or written quotations.

Purchases valued between \$5,000 and \$75,000 must have a minimum of three (3) written quotations.

Purchases of goods and services with a value over \$75,000 must utilize a competitive process, which may be either a Request for Quotations, Request for Proposals, or Request for Tenders. These opportunities are given public notification by way of the internet, advertised on the Town website and on provincial government BC Bid website.

Under certain circumstances, at the discretion of the Director of Financial Services (CFO) together with the City Manager, select bidding may be utilized. Select bidding may be utilized for goods and service if delivery or project deadlines dictate that time is of the essence, or where extraordinary circumstances or market conditions exist. Bid documents would be sent to a minimum of three known suppliers of the required goods or services, thereby ensuring a competitive bid process.

The use of select bidding for projects valued at over \$75,000 will require the further approval of the Council.

SOLE SOURCING

The requirement for a competitive process may be waived, if negotiating with a single supplier would offer better value. Examples of sole source items includes:

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- technological advancement;
- standardization;
- compatibility with another item;
- clearly superior product;
- expertise in a specific area or field that cannot be matched by others;
- warranty requirements.

Negotiations for such items will only be permitted:

- in extraordinary circumstances or market conditions;
- if there is only one supplier for the product or service;
- in Emergency situations.

All sole source purchases over \$75,000 require approval of the Council, following a Staff Report to Council from the originating department.

CO-OPERATIVE PURCHASING

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.

DISPOSAL OF TOWN ASSETS

Disposal of obsolete or surplus goods, materials and equipment which are not used as trade-ins and RCMP recovered goods shall be through public auction or by way of publicly solicited offers.

Generally, Town employees, through public auction or sealed public bids may purchase Town assets or RCMP recovered goods. Those employees not eligible to purchase surplus assets shall be those employees responsible for declaring those assets surplus to the Town's needs or requirements.

The CFO shall make all final decisions with regard to the disposal of assets.

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PURCHASING CARDS

Purchasing Cards are designed to provide a convenient and less burdensome method of procuring and paying for low value goods and services. The cards simplify the procurement process, reduce paperwork, speed up vendor payments and empower department heads and administrators to quickly and easily acquire the goods and services they need to manage their business units. The use of purchasing cards requires compliance with this policy.

The Purchasing Card is designed to replace a variety of payment processes including petty cash and low-value cheque requisitions.

PROHIBITIONS/ RESTRICTIONS

In order to ensure adherence to Purchasing policies, certain activities are prohibited:

- Procurement of goods or services prior to authorization.
- Procurement of goods and services by non-authorized staff, other than the use of purchasing cards, unless so permitted under the Purchasing Policy.
- The division of a single purchase into multiple increments to circumvent policies or levels of authority.
- Purchases of goods or services from any member of Council, appointed officers, employees of the Town or from any other source that would result in a conflict of interest situation.
- The purchase of any surplus goods, materials, or equipment by an employee of the Town responsible for declaring the goods, materials, or equipment surplus to the Town's needs.
- Procurement of land is not covered by this purchasing policy.

DOCUMENTATION

All steps in the procurement process will be documented in writing. The Town is subject to Freedom of Information and Protection of Privacy legislation, therefore purchasing decisions will be subject to public scrutiny from time to time. It is critical that we not only follow our policy but are able to demonstrate compliance.

ROLES AND RESPONSIBILITIES

The Finance Department, under the direction of the CFO, is committed to build a robust purchasing system that enables the user department to implement its purchase plan.

Department Heads are responsible for ensuring the Purchasing Policy is followed within their areas of control. In addition, the user department is the expert in the goods and services it plans to purchase. As such, its role is also to establish and implement its purchasing budget (through the annual operating and capital budget plan), receive and evaluate supplied goods and service, and provide feedback on the purchasing policy.

Council is responsible for ensuring that the principles of this Policy are operationalized. Annually Council will review

5-1790-D

and approve the 5 Year Financial Plan and the purchasing requirements of the Town, as required by the *Community Charter*.

RECOMMENDED METHODS OF PURCHASE

The nature of a purchase, as well as its dollar value, determines the procurement process and tools available. Appendix "A" attached hereto defines the authority of staff to approve the various purchasing thresholds, and outlines the recommended methods of purchase. Nothing in this policy restricts the discretion of responsible staff to require a written contract with a supplier whenever circumstances warrant.

Except where select bidding or sole sourcing is utilized in accordance with this Policy, purchases will be made using the following methods:

- Informal Quotes - for low dollar value or commodity type items employees will typically get quotes from multiple sources.
- Formal Quotes - where higher dollar value or non-routine items are required, employees will endeavor to get written quotes from a minimum of three suppliers
- Request for Quote (RFQ) - where the items required are over \$75,000 and are for specific known or identifiable products. A formal quote process including: providing a description of the products or services required, advertising of the opportunity, managing the responses, providing consolidation of the results, review and recommendation by the initiating department for award and the issuance of the PO is required.
- Request for Proposal (RFP) - where the items required are over \$75,000, and the Town requires the vendor to propose how to complete a product or service. A formal Proposal process including: providing an overview of the products or services required, advertising of the opportunity, managing the responses, providing consolidation of the results, establishing the evaluation criteria, review and recommendation by the initiating department for award, completing the contract and the issuance of the PO is required.
- Request for Tender (RFT) - where the items required are over \$75,000, and the Town requires the vendor to complete a product or service where the project specifications and result are known. A formal tendering process including: providing an overview of the products or services required, advertising of the opportunity, managing the responses, providing consolidation of the results, review and recommendation by the initiating department for award, completing the contract and the issuance of the PO is required.

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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

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Appendix B – Community Benefit Goals (up to 5% of total points)

Economy

- Demonstrate job creation within the local area, which is defined as the Cowichan Valley Regional District and the Regional District of Nanaimo.
- Contribute to a stronger local economy (buy local)
- Increase training and apprenticeship opportunities
- Provide work experience and employment opportunities for youth aged 15 to 24
- Ensure that a Living Wage for the local area is paid

Public Spaces

- Enhance community recreation, arts and/or culture infrastructure
- Improve and enhance public spaces
- Improve access to public spaces for people living with disabilities

Environment

- Demonstrate that work undertaken exceeds requirements for environmental standards

Attachment B

July 12, 2024

Town of Ladysmith
410 Esplanade, Ladysmith, BC V9G 1A2
Attn: Chris Barfoot

RE: Ladysmith Machine Shop Phase1 & 2

Dear Chris,

SvN Architects + Planners (SvN) is pleased to present this proposal for architectural services to complete the existing Building Permit scope (Phase 1) for the Ladysmith Machine shop at 610 Oyster Road. In addition, to provide services for Phase 2 so that the building could be partially occupied for public uses in a portion of the ground floor and second floor. Tenant spaces (artist studios) will remain as “shell spaces” for separate tenant improvements. We also understand that Phase 2 work would either require a stand-alone Building Permit or an amendment to the existing Building Permit. This will need to be confirmed with the Authority Having Jurisdiction (Town of Ladysmith building department).

Effective March 1, 2024, SvN Architects + Planners and Hotson Architecture have merged into one entity, now operating as SvN out of our shared office space in Vancouver. As a unified entity, we have extensive experience working on design guidelines, complex retrofit and interiors projects with the post-secondary, institutional, and municipal clients in the region. Based on our experience, we are confident we can provide the services you require.

Best regards,



Kai Hotson, Architect AIBC, MRAIC, M.Arch, B.Sc (Hons)
Principal
SvN Architects + Planners

Av. Isaac Newton #53 int 6
Polanco CP 11550, Miguel Hidalgo
CDMX

215-35 West 5th Avenue
Vancouver, British Columbia V5Y 1H4
236 317 5654

110 Adelaide Street East
Toronto, Ontario M5C 1K9
416 593 6499

svn-ap.com
info@svn-ap.com
@svn.ap

SvN
HOTSON

Project Scope

Completion of Phase 1 – Construction Administration

- Drawing review and project restart
- Re-coordination with consultants: Mechanical (including Sprinkler), Electrical, Structural, Geotechnical
- Coordination with Town of Ladysmith
- Coordination with Construction Manager
- Drawing updates based on scope described below
- Complete both exit stairs with handrails, tactile warning and contrast nosing, interior wall finishes
- Completion of exterior access/exit doors into the Machine shop and Tenant spaces (Artist Studios) – including refining design
- Exterior access to all entrance and exit doors - stairs and accessible ramp(s)
 - Tbd. if including full boardwalk contemplated in Phase 2 below
- Second floor Classroom (multi-purpose teaching space)
- Second floor Boardroom (meeting space)
- Ground floor accessible washroom
- Second floor accessible washroom
- Construction Administration services
- Occupancy documentation and permit close-out

Phase 2:

- Coordination with consultants: Mechanical (including Sprinkler), Electrical, Building Envelope, Structural, Geotechnical (if required)
- Coordination with Town of Ladysmith
- Coordination with Construction Manager
- Drawing updates based on scope described below
- Accessible Boardwalk along full length of front of building (if not completed in Phase 1)
- Consideration to replace exterior windows
- Consideration to replace exterior cladding
- Replace all exterior doors (if not fully completed in Phase 1) to create welcoming entry points / foyers
- Landscaping and rehabilitation of the existing outdoor performance area (to be coordinated with a Landscape Architecture consultant)
- Consideration for an indoor display space
- Consideration for rooftop curbs for future tenant mechanical equipment (w/ Building Envelope & Structural consultants)
- Building permit submission or amendment to existing (tbd with client and Authority Having Jurisdiction)
- Construction Administration services
- Occupancy documentation and permit close-out

The anticipated construction budget for Phase 1 and 2 is \$2.4m.

Design Services Fees

We have calculated our fees based substantially in accordance with the recommended fee guidelines published by the Architectural Institute of British Columbia, including Basic Architectural Services, unless noted otherwise.

The anticipated construction budget is \$2.4m, which is based on a 20% soft cost reduction from the overall project funding.

Fee Summary

Phase	Fee
Phase 1	\$80,000
Phase 2	\$186,000

2024 Hourly Rates

Title	Rate
Principal	\$265
Senior Associate/ Project Lead	\$225
Associate	\$200
Senior Architect	\$165
Intermediate Staff	\$140
Junior Staff	\$120

Note that our standard rates are revised on an annual basis, effective January 1 of each year. Rates are exclusive of taxes (e.g. GST or HST) and disbursements.

Additional Services

In the event that changes, or additions are required to the scope of the work or schedule, our fee will be adjusted by applying the firm's hourly rates, as above.

Disbursements

Disbursements made on behalf of the project are invoiced at cost plus a 10% administration fee. The following is a preliminary list, including, but not limited to:

1. Reproduction: Printing, plotting, binding, mounting
2. Communication: Postage, courier, long distance telephone
3. Travel: Ferry, flights, taxis, mileage, parking
4. Special presentation materials: Models, renderings, rentals

GST is payable on both fees and expenses at the current rate of 5%.

Terms & Conditions

Owner-Architect Agreement

We propose that the Standard Form of Contract Between Client and Consultant AIBC Document 6C be used for this project with amendments as mutually agreed upon. This proposal will also be appended to the agreement. Until such time as completion of the final contract, a signed copy of this proposal will stand as the terms of contract between the client and architect. An example of the AIBC document can be supplied upon request.

Exclusions to Fee

The following services are excluded from our scope:

- Engineering Sub-consultant fees (Structural, Mechanical, Electrical, Civil, Code, Building Envelope, Commissioning, etc.);
- Registered Landscape Architecture services;
- Application for LEED certification (and/or other sustainability initiatives) as required by the Client or Authorities, including application fees, energy modeling, preparation and tracking of the submission, and appeals;
- Land Surveys, Environmental reports, Geotechnical investigations, or reports;
- Cost Consulting;
- Building Envelope Specialist services;
- Specialty Consultants (Audio Visual, Door Hardware, or others as required);
- GST and applicable taxes;
- Permit Fees;
- Professional models & renderings;
- Art coordination;
- As-built Drawings;
- Furniture Selection.

AIBC Bylaw

SvN holds a Certificate of Practice in British Columbia. This proposal is prepared in general compliance with the AIBC Bylaws, including (but not limited to) Bylaw 28: Professional Engagement and Bylaw 34.16; the Tariff of Fees for Architectural Services; and the Code of Ethics.

Insurance

SvN maintains General Liability insurance, as well as Professional Liability Insurance. Details can be made available upon request.

Limitation of Liability

Any and all claims, whether in contract or tort, which the Owner has or may have against the Architect in any way arising out of, or related to, the Architect's duties and responsibilities, shall be limited in amount to the lesser of our fees or \$250,000.

Termination

We reserve the right to terminate our involvement on a project at any time, upon not less than seven (7) days written notice. In the event of termination, the Architect shall be paid within 30 days of the date that an invoice is submitted for all services performed to the effective termination date, together with reimbursable expenses and all termination expenses and applicable taxes then due.

Billing and Terms of Payment

Invoices are rendered on a monthly basis, payable upon receipt. Invoices aging beyond 30 days will be charged interest at the rate of 12% per annum. The Goods and Services Tax is payable on both fees and disbursements. Please note we reserve the right to suspend the progress of the project in the event of a non-payment.

Scope Revisions

Our services and fees are time and cost sensitive. Should the project scope, budget, or overall schedule change by +/- 10%, we may request an amendment to our fees based on mutual agreement with the client.

Architects Copyright

The Architect reserves all rights of Copyright and Use of Documents. All documents prepared in connection with the project may not be used without prior written agreement. All electronic files remain the property and copyright of the Architect and will not be provided unless by express written consent.

Use for Publication

The Architect retains the right to photograph the finished project and use the project design and images for various marketing purposes including but not limited to:

1. Publication - Magazines/Books
2. Digital Publication - Websites
3. Marketing Materials
4. Social Media

Approval to Proceed

I / We have read and concur with the attached fee proposal letter, dated July 12, 2024, and authorize SvN to begin the scope of the work described therein.

Please sign and date in the space provided below and return by email.

Name of Client (please print)

Date

Signature

RPE File BDN24-0559

2024-04-05

Town of Ladysmith

810 Sixth Ave
Ladysmith BC V9G 1A2
250.245.6421

Email: cbarfoot@ladysmith.ca

Attention: Chris Barfoot | Director of Parks, Recreation & Culture

Re: Ladysmith Machine Shop Upgrades

Thank you for requesting a proposal from us for this project. Our understanding of the scope of work is to provide mechanical consulting services for the planned upgrades for the Ladysmith Machine Shop project at 610 Oyster Bay Drive in Ladysmith BC.

Project Scope Of Work

The project is expected to include:

- Base building provisions for Artist Studio spaces on the ground floor with heating and cooling with provision for future ventilation.
- Public Multipurpose and Meeting room spaces on the upper level with full HVAC.
- Washroom on the upper level including new plumbing and ventilation.
- Upgrade of furnace serving the Art Gallery, currently disconnected.
- Fire Sprinkler system upgrades to suite work.

MECHANICAL CONSULTING SCOPE OF WORK

Design Phase

- Complete site review to confirm existing conditions.
- Review of existing building plans and confirmation of owner's requirements.
- Design coordination with the consultant team.
- Mechanical and Plumbing design and construction documents including:
 - HVAC system renovation to suit new layout with modification of existing mechanical systems, where practical.
 - Conventional plumbing for new plumbing fixtures.
 - Fire sprinkler upgrades in compliance with NFPA 13-2019, with performance specifications.
- Provision of Drawings and Letter of Assurance (schedule B) for Building Permit Application.
- General assistance during tender stage as required (Addendums etc.).

Construction Administration Phase

- Provision of IFC drawings and specifications with tender revisions included.
- Review of applicable shop drawings and mechanical contractor progress draws.
- Responding to contractor and other team enquiries via change notices, change directives or site instructions, as necessary.
- Field reviews with reports of the engineering components while under construction.
- Substantial completion inspections and Letter of Assurance (schedule C-B) will be provided.
- Review of TAB and Cx reports and O&M manual documentation.

MECHANICAL CONSULTING FEE OUTLINE

We offer mechanical consulting services for the fixed fee amounts as noted below, which is broken down by phase of project as follows:

MECHANICAL CONSULTING FEES

<i>Phase:</i>	<i>Fee</i>
<i>Design:</i>	(1 site review) \$14,000
<i>Construction Administration:</i>	\$2,500
<i>Construction Field Reviews:</i>	(4 field reviews) \$2,000
Total	<u>\$18,500</u>

Field Review/Site Meeting Fees

Our fee for construction phase services includes a maximum of **(# as noted above)** visits to the site for field review (expected reviews at plumbing and mechanical rough-in stage, substantial and final completion). If additional field reviews are required for reasons beyond our control, we request an additional unit rate **(as noted below)**, which includes travel costs.

FIELD REVIEW/SITE MEETING FEES

<i>Task:</i>	<i>Unit Rate Fee</i>
<i>Additional Field Reviews:</i>	\$500

EXCLUSIONS

Our fee does not cover work associated with the following:

- ❖ Mechanical work in adjacent spaces (future scope)
- ❖ Energy Modelling (can be provided as an added service, if needed)
- ❖ Seismic Engineering (expected by contractor retained consultant)
- ❖ Detailed fire protection with hydraulic calculations (assumed not required, but could be provided as an additional service)

CONTRACT AND PERSONNEL

In the absence of any other specific contract, I suggest the terms and conditions of our engagement be based on ACEC Document 31, Prime Agreement between Client and Engineer. Any services required that are defined as additional work by this document, can be provided at the following hourly rates for our Nanaimo office staff:

HOURLY RATES

<i>Staff Levels</i>	<i>Hourly Rate</i>
<i>Principal</i>	\$160.00/hr
<i>Project Designer</i>	\$130.00/hr
<i>Construction Admin</i>	\$110.00/hr
<i>CAD Technician</i>	\$90.00/hr

DISBURSEMENTS

Any allowable disbursements will be invoiced at cost, with no mark-up. However, we do not expect to have any disbursements for this project. All expected project costs including travel to site are included in the fixed fee values above.

ACCEPTANCE OF THE PROPOSAL

- In the absence of any other specific contract, we suggest the terms and conditions of our engagement be based on ACEC Document 31, Prime Agreement between Client, and Engineer.
- GST will be additional to our fee invoices.
- Invoices will be submitted monthly and correspond to a percentage of the work completed on the project to date. Payment of invoices will be Net 30 days.
- Allowable disbursements will be invoiced with a no mark-up.

Please return the attached at your convenience for correct billing information.

Billing Information:

Company: _____

Address & Postal Code: _____

Phone: _____

Email: _____

Authorized Personnel: _____

Signature: _____

Date: _____

Fee Agreement (Mechanical Consulting): \$18,500 + GST

Fee Agreement (Additional Site Visits): \$500/visit

Thank you again for the opportunity to submit our proposal and we look forward to working with you on this project. Please contact me with any questions regarding our proposal or if there are any changes required to better meet your needs.

Prepared by,

ROCKY POINT ENGINEERING LTD.



Aaron Mullaley, P.L.Eng. (BC | AB), L.L.(Eng.) Yukon, ASCT, PTech, LEED®AP
Principal, Senior Project Manager
e. aaron.mullaley@rpeng.ca

AARON MULLALEY

P.L.Eng. (BC | AB), L.L.(Eng.) Yukon, ASCT, PTech, LEED®AP

PRINCIPAL

ROLE: SENIOR PROJECT MANGER NANAIMO OFFICE

Aaron first entered the consulting field in 1999 as a Mechanical Technologist. In the ensuing years he has worked for mechanical consulting firms in Calgary, Langley and Nanaimo, developing his career through working on numerous health care, institutional, elementary and secondary school, post-secondary, large and small commercial, recreational, industrial and residential projects.

Aaron joined Rocky Point Engineering in 2005 as a Project Manager, became a Principal in 2011 and currently manages Rocky Point Engineering's Nanaimo Office. He has a wide range of experience with a focus on providing high efficiency yet practical mechanical and fire protection system designs, working in an integrative approach with project teams and fitting within the framework of the client's economical target and vision for the project.

Aaron has a strong interest in environmental and sustainability issues and has assisted in moving many projects toward greater sustainable design practices. He became a LEED accredited professional in 2007 and has designed and participated in overseeing construction of many high efficiency mechanical systems including passive strategies and net zero applications.

Aaron's scope of engineering expertise also includes fire protection in addition to mechanical and plumbing system consulting engineering services. His experience in fire protection design includes light hazard commercial and residential application, extra hazard industrial and storage applications, preaction sprinkler systems for sensitive building areas, clean agent suppression systems, commercial kitchen hood suppression systems, mist type suppression, fire pump systems with generator backup and associated fire water storage.

Aaron is registered as a Professional Engineering Licensee in British Columbia through EGBC, in Alberta through APEGA and in the Yukon through Engineers Yukon. He is also an ASCT (Applied Science Technologist) and PTech (Professional Technologist) with ASTTBC.



EDUCATION

1999 Advanced Diploma in Mechanical Engineering
Technology
Nova Scotia Institute of Technology (NSIT)

MEMBERSHIPS/AFFILIATIONS

EGBC Engineers and Geoscientists British Columbia
ASTTBC Applied Science Technologists & Technicians of BC
APEGA Association of Professional Engineers and
Geoscientists of Alberta
EY Engineers Yukon
ASHRAE American Society of Heating, Refrigerating & Air-
Conditioning Engineers

EMPLOYMENT HISTORY

2005- Rocky Point Engineering Ltd., Nanaimo, BC
2004-2005 TYZ Engineering Ltd., Calgary, AB
1999-2004 LEW Engineering Ltd., Calgary, AB



Attachment D



July 4, 2024

Chris Barfoot
Town of Ladysmith
810 Sixth Avenue
Ladysmith, BC V9G 1A2

Re: Ladysmith Machine Shop 2024
Ladysmith, BC
Ref. No.: P22-4625.00

Dear Ben,

We are pleased to have an opportunity to submit the following proposal for professional services as electrical engineers for the above referenced project.

I. SCOPE AND DESCRIPTION

A. Project Description

The project is the revitalization and renovation of the Comox Logging and Railway Company heritage building known as the “Machine Shop” located in Ladysmith, BC.

The scope of work, based on our site meeting on June 21, 2024 together with the first and second floor plans prepared by Hotson Architecture Inc distributed at the meeting, includes the following electrical upgrades:

- Replacement of electrical distribution for “house” and tenant areas
- Electrical connections for mechanical system upgrades including HVAC and sprinklers
- Elevator electrical connections
- Full layouts for “house” areas including common washrooms, corridors, public meeting rooms
- Base building layouts for tenant studios
- Exterior lighting including outdoor performance space

A further scope item involves investigation of removing the existing marina from the Machine Shop’s distribution and establishing a separate BC Hydro service for the marina.

B. Assumptions

1. Architectural base plans will be provided by the Architect in AutoCAD format.
2. A Mechanical Engineer will be retained by the Owner to design mechanical systems that will be forwarded to the Electrical Engineer for incorporation into the electrical design.
3. A Civil Engineer will be retained by the Owner to coordinate all underground site electrical infrastructure with civil infrastructure.
4. The scope of engineering design is limited to on-site only.
5. The Owner will retain a Registered Professional to act as the coordinating professional for the project as required by the BC Building Code. All drawings submissions will be filed through the coordinating professional.

C. Basic Services

RB Engineering will provide professional services as follows:

1. Review electrical systems and make recommendations regarding basic systems for this part of the project. Recommendations will be based on the Engineer's judgment and experience. No exhaustive studies or computer analysis are included.
2. Provide one (1) site visit for project start-up and discovery.
3. Provide four (4) design meetings via teleconference.
4. Provide assistance to coordinate BC Hydro, Telus and Shaw site services.
5. Prepare BC Building Code Schedules B and C-B as required for building permit.
6. Provide assistance to the Architect in establishing space allocations for electrical equipment and distribution systems.
7. Prepare electrical drawings and specifications from drawings approved by the Owner. This proposal is based on a single construction drawing package. Documentation shall include:
 - a) Interior and exterior lighting layout
 - b) Power and communication layout
 - c) Exit and emergency lighting layout
 - d) Fire alarm layout
 - e) Connections to mechanical equipment
8. Provide tender administration services including responding to bidder questions and issuing design clarifications as required.

9. Prepare Issued for Construction drawings which incorporate changes during tender.
10. Provide construction administration services including reviewing submittals requested in the construction documents and responding to requests for clarification issued by the contractor.
11. Provide a maximum of three (3) field reviews during construction. Additional field reviews will be done at the Engineer's discretion during construction to ensure compliance with codes and the contract documents. Additional field reviews will be done on a Time and Material basis.

II. ADDITIONAL CONSULTING SERVICES

The following items are not included in the basic services as defined in Section I above and are considered as additional services:

- A. Additional work resulting from permit re-submissions or changes after first complete electrical design.
- B. Additional construction administration services, including extra field visits, attendance at contractor's regular site meetings, review of contractor's progress payments, testing coordination, and inspection programs.
- C. Preparation of CAD background drawings, drawings of existing conditions, as-built drawings, or multiple bid package documents.

III. COMPENSATION

A. Basic Services

Compensation for the services identified in Section I "Scope and Description" shall be a lump sum fee of:

Design/Permit	\$ 8,500
Tender/IFC Drawings	\$ 1,250
Construction Administration	\$ 3,500
TOTAL (excluding marina service)	\$ 13,250 (Excluding GST)
Separate BC Hydro Service for Marina	T&M (\$3,000 estimate)

B. Additional Services

Compensation for the separate marina service and for the services identified in Section II "Additional Consulting Services" shall be done on a time and material basis at the following rates:

Principal	\$175.00/hr
Engineer/Senior Designer	\$145.00/hr
Junior Engineer/Designer	\$130.00/hr
Junior Designer/Senior CAD/Field Tech	\$110.00/hr
CAD	\$ 90.00/hr
Administration	\$ 50.00/hr

C. Reimbursable

Reimbursable expenses will be billed monthly at cost plus a ten percent (10%) handling charge. Reimbursable expenses include:

- Courier
- Plotting
- Printing

D. Payment

RB Engineering Ltd policy requires monthly payments for professional services and expenses in proportion to the progress of our work. RB Engineering will charge interest on all invoices that are not paid within 60 days from the issue date. The invoice interest rate shall be 18% per annum calculated monthly (1.5% per month) beginning one month after the invoice issue date. Delinquent accounts may be turned over to a third party for collection and a reasonable cost of collection added to the invoice.

IV. SCHEDULE

The fees stated are in effect until January 2026 and are subject to adjustment for services performed after this date. Delays or interruptions of the project schedule are subject to an adjustment of fee.

This proposal represents our understanding of the project and supersedes all prior negotiations, representation or agreements either written or oral. This proposal constitutes the formal agreement for this project.

Trusting this meets with your approval, please sign and return one copy to our offices authorizing us to proceed. Work will begin upon receipt of your authorization.

We appreciate the opportunity to submit this proposal and look forward to working with you on this project.

Very truly yours,

RB Engineering Ltd



**Arlen Brown, CTech
Principal**

Authorized by:

Town of Ladysmith

Name

Date

July 16, 2024

5112-016

Via email: jordan@mkmprojects.ca

MKM Projects Ltd.
PO BOX 601
Qualicum Beach, BC
V9K1T2

Attn: Jordan Almond

**Re: Ladysmith Machine Shops Building
610 Oyster Bay Drive, Ladysmith, BC
Structural Upgrade – Phase 2**

Dear Jordan,

Herold Engineering Limited is pleased to submit the following proposal for the completion of the structural elements from Phase 1 of the structural upgrade.

Project Description (*the "Project"*)

We understand that the project consists of a structural upgrade to the Ladysmith Railway Machine Shops.

Scope of Services (*the "Services"*)

Herold Engineering Limited will complete the preliminary and detailed design, prepare permit / construction drawings and provide services during construction including general conformance site visits and shop drawing review.

Services Not Provided (*"Services Not Provided"*)

- Contract administration
- Geotechnical engineering
- Material testing
- Building envelope
- Seismic restraint of non-structural elements (i.e., mechanical, electrical or t-bar)
- Specialty structural elements (i.e., glazing, steel stud, railings or guards)
- Non-structural elements (i.e., cladding or storage tanks)
- Landscape elements (i.e., retaining walls, planters or pole/light bases)
- Preparation or review of cost estimates
- Design of elements for temporary loading (i.e., formwork, falsework or shoring)
- Preparation of fabrication, erection or shop drawings

Fees

We propose to complete the structural analysis, design and construction services on a fixed fee to the completion of the project

- Fixed Fee (Design).....\$39,500.00
- Field Reviews..... 5 Field Reviews included in above fee*
- Construction Services hourly rates

*Our fee allows for a total of four (5) site reviews during construction. Additional site visits if required will be charged hourly at \$500.00 / per site visit plus disbursements and GST.

The above fee does not include disbursements which will be charged back at cost or standard GST charges which will be added to monthly invoices.

Revisions / Changes in Scope

Herold Engineering Limited reserves the right to renegotiate the above fees should the scope of work vary significantly from the original work described. The fees and rates stated above are in effect for one (1) year from the date of this proposal and are subject to adjustment for any services performed after this date. Please note, delays or interruption to the project schedule may be subject to an adjustment of fee.

Schedule

Upon acceptance of this proposal, we will proceed with the assignment.

Payment

Invoices will be submitted on a monthly basis for that portion of the work actually performed to the date of the invoice. Terms are net 30 days as per Schedule 1a attached.

Liability

In the event of a claim, Herold Engineering Limited's liability will be as per Schedule 1a attached.

Agreement

If you are in agreement with the proposal and attached Schedule 1a, please sign the acceptance as noted below and return one copy.

We look forward to continuing to work on this project with your office and ask that you contact the undersigned if you have any questions regarding this proposal.

Yours truly,

HEROLD ENGINEERING LIMITED



Sean Herold, P.Eng.
Principal

Enclosure

I/We do hereby accept the within proposal and acknowledge that upon providing a signed copy of this letter to Herold Engineering Limited, I/We have entered into an agreement with Herold Engineering Limited comprised of this proposal and the terms and conditions attached as Schedule 1a (the "Agreement").

MKM Projects Ltd.

Date

Payment

The Client will pay Herold Engineering the fees as described in the proposal plus all applicable taxes and duties including without limitation the Goods and Services Tax (GST). In addition to the Services, the Client will also pay for any and all additional services requested of Herold Engineering even if those services are not listed as Services ("Additional Services").

Herold Engineering will submit invoices to the Client requesting payment for that portion of the Services and Additional Services completed to the date of the invoice. The Client agrees to pay the invoice within 30 days of the date of the invoice (the "Due Date"). Invoices unpaid by the Due Date will be charged interest at a rate of 18% per annum from the date of the invoice until paid.

Herold Engineering may, at its sole discretion, suspend the provision of any and all Services or Additional Services in respect to the Project if one or more invoices remain unpaid for more than 60 days from the Date of Invoice.

General Provisions

The Client shall not assign the whole or any part of this Agreement without the express written consent of Herold Engineering. Herold Engineering may assign to subcontractors and agents such part of the Services or Additional Services as Herold Engineering in its sole discretion shall determine. This proposal, if accepted, shall be governed by and construed in accordance with the laws of the Province of British Columbia.

Obligations of Client

The Client will assist Herold Engineering by providing all available and necessary information that Herold Engineering reasonably requires to provide the Services (or Additional Services). The Client will examine all requests, reports or other documents presented by Herold Engineering relating to the Services and Additional Services and will promptly provide in writing decisions or general instructions pertaining thereto so as not to delay the provision of the Services or Additional Services.

Termination

Herold Engineering may, without prejudice to any other right or remedy it may have, terminate this agreement if:

- (a) the Client is in breach of any of its obligation under this Agreement; or
- (b) the Client is insolvent or makes a general assignment for the benefit of creditors or if a receiver is appointed; or
- (c) Herold Engineering is prevented from performing the Services (or Additional Services) for a period of thirty days or more as the result of an event which is unavoidable and beyond the control of Herold Engineering that includes without limitation an order of a Court or other public authority, a labour dispute, a communication line failure, power failure or any other natural disaster or Act of God.

If Herold Engineering terminates this Agreement under (a), (b) or (c) above, Herold Engineering shall be entitled to be paid for all Services or Additional Services performed to the date of termination. Further, if Herold Engineering terminates this Agreement under (a) or (b) then Herold Engineering is also entitled to receive from the Client an amount that Herold Engineering, acting reasonably, determines is equivalent to the profit that Herold Engineering has lost as a result of not completing all of its Services or Additional Services, as the case may be, under this Agreement.

If Herold Engineering terminates this Agreement under (a), (b) or (c) above the Client releases and discharges Herold Engineering of and from any and all of its obligations under this Agreement.

Confidentiality

Except as may be required to advance or protect the legal interests of the Client or Herold Engineering or as may be required by law, the parties will keep strictly confidential and will not, without the written consent of the other party, disclose to anyone, either before, during or after termination of this Agreement, the information which comes to the knowledge of a party as a result of this Agreement.

Ownership of Documents and Designs

All right, title and interest in and to any products, technology or other intellectual property developed by Herold Engineering in performing the Services or Additional Services pursuant to the terms of this Agreement including without limitation all drawings, designs, reports, working papers, computations, manuals, documentation and documents of every kind (the "Work Product") shall remain the property of Herold Engineering. Provided the Client has completed all of its obligations under the Agreement, the Client shall be entitled to receive copies of the Work Product at the Client's expense. No part of the Work Product may be reproduced or re-used without the express written consent of Herold Engineering.

Liability

Herold Engineering is only liable for loss and damage that is directly attributable to its negligent acts, errors or omissions (the "Recoverable Loss and Damage") and in the event of a claim for Recoverable Loss and Damage, the parties agree that the maximum liability of Herold Engineering, whether in contract or tort, is limited to the amount of fees paid by the Client to Herold Engineering on account of Services (or Additional Services) in relation to the Project as of the date the claim is made.

In no event will Herold Engineering be liable for any indirect, incidental, special, consequential or punitive damages as a consequence of negligent acts, errors or omissions by Herold Engineering or the failure of Herold Engineering to satisfy and/or perform, any term or provision of this Agreement and without limiting the generality of the foregoing, Herold Engineering shall not, under any circumstances, be liable for loss or damage resulting from delays in the completion of the Project, or loss of earnings or loss of profits, howsoever caused.

Dispute Resolution

The purpose of this clause is to establish a process whereby any dispute or difference of opinion under or in connection with this Agreement can be resolved in a fair, efficient and cost-effective manner. Both parties shall use their best efforts to resolve any dispute or difference of opinion under or in connection with this Agreement by good faith amicable negotiations on a "without prejudice" basis, and shall provide frank, candid and timely disclosure of all relevant facts, information and documents to facilitate negotiations.

If a dispute or difference of opinion is not resolved to the reasonable mutual satisfaction of the parties within 10 Business Days of the commencement of negotiations, or within such longer period as may be agreed to by the parties in writing, the dispute or difference of opinion shall be submitted to mediation. Both parties agree not to commence litigation without first seeking agreement through the mediation process. Notwithstanding any provision herein to the contrary, nothing herein prevents Herold Engineering from filing a Builders Lien or enforcing a Builders Lien.

Mediation shall consist of structured, non-binding negotiations with the assistance of a mediator on a "without prejudice" basis. The mediator shall be appointed by agreement of the parties and shall be impartial and free from any actual or apparent conflict of interest. The costs of mediation shall be shared equally by both parties. If the parties are unable to agree on the appointment of a Mediator or if the dispute or difference of opinion proceeds to Mediation but is not resolved to the reasonable mutual satisfaction of both parties within 30 calendar days of the appointment of the Mediator, (or within such longer time as may be agreed to in writing by the parties), either party is at liberty to commence legal proceedings in the Province of British Columbia.

STAFF REPORT TO COUNCIL

Report Prepared By: Julie Tierney, Executive Liaison
Reviewed By: Allison McCarrick, CAO
Meeting Date: August 6, 2024
File No:
Re: **UBCM Community to Community (C2C) Forum Program**

RECOMMENDATION:

That Council:

1. Authorize staff to apply to the Union of BC Municipalities, for up to \$5,000 during the September 2024 application intake for the Regional Community to Community Forum Program to support a community forum with the Stz'uminus First Nation Council, to be held prior to September 6, 2025; and
2. Approve the allocation of up to \$5,000 as the Town's contribution.

EXECUTIVE SUMMARY:

Staff are seeking Council's approval to apply for funding through the UBCM's Regional Community to Community Forum (C2C) Program. The Program provides funds to assist communities to hold an event that provides an opportunity for dialogue with neighbouring First Nations, on topics of mutual interest.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

It is proposed that the Town and the Stz'uminus First Nation work together to hold an event that will provide an opportunity for dialogue and planning on topics of mutual interest. While the specific details of the proposed forum will be developed over the next couple of months between Stz'uminus and the Town, it is proposed that the previous format of a dinner and meeting between the two Councils and staff representatives be pursued. A support letter from Stz'uminus will be requested to accompany the grant application.

ALTERNATIVES:

Council can choose to apply for a lesser grant amount or may choose not to apply at this time.

FINANCIAL IMPLICATIONS:

The Town must match the \$5,000 grant from UBCM. Matching funds can be a combination of cash and in-kind contributions (such as staff time or donation of meeting space and materials) from the Town and the community.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The C2C Forum will be a positive step in strengthening the Town’s relationship with the Stz’uminus First Nation, and an opportunity for Council and senior staff to work with the Council and staff of the Stz’uminus First Nation to address items of mutual interest. The opportunity for open communication will engage our communities and further build relationships and understanding.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

INFORMATION REPORT TO COUNCIL

Report Prepared By: Michele Gill, ASCT, Senior Engineering Technologist
Reviewed By: Ryan Bouma, P.Eng., Director of Infrastructure Services
Meeting Date: August 6, 2024
File No: 5600-12
Re: **Mackie Road Dam Decommissioning - Tendering and Construction Support Services**

RECOMMENDATION:

That Council waive Purchasing Policy 5-1790-D and authorize staff to sole source the Mackie Road Dam Decommissioning - Tendering and Construction Support Services to Ecora Engineering and Environmental Ltd. (Ecora) in the amount of \$99,270 plus taxes, as outlined in Attachment A of the August 6, 2024, staff report from the Infrastructure Services Department.

EXECUTIVE SUMMARY:

For project continuity staff are requesting that Council authorize Ecora, who completed the 2023 Decommissioning Final Design report on the Mackie Road Dam (Attachment B), to continue with the tendering and construction management of the project.

PREVIOUS COUNCIL DIRECTION:

N/A

DISCUSSION:

In June 2023 the Town was requested by the Dam Safety Officer to hire a consultant to review the Mackie Road Dam and develop a decommissioning plan for it. Ecora was the successful proponent of a competitive RFP process and provided a decommissioning report on July 29, 2024.

At that time they were authorized to act as the Town's agent in dealing with the Department of Fisheries and Oceans, the Ministry of Environment and Ministry of Water, Land and Resource Stewardship (WLRS) - Dam Safety Branch. Applying for construction permits with those agencies is required prior to selecting a contractor, but was not part of the original scope of work Ecora was hired for. Because the project was moving forward past the original scope, Ecora provided Mackie Road Dam Decommissioning – Tendering and Construction Support Services which includes a cost estimate for the next phase of work (Attachment A).

For continuity of the project, staff consider it important to continue with Ecora as the consultant for the decommissioning work on the Mackie Road Dam. Continuation of services from the design consultant is typical at construction without a report to Council; however, smaller project size and complexity usually allows staff to proceed under the purchasing policy. Using another consultant adds complications and rework that is counterproductive during the riskiest part of a project (construction).

Staff have reviewed the cost proposal for Ecora and found that the costs and scope of work are fair and commensurate with the project scope and complexity.

ALTERNATIVES:

Council can direct staff to carry out a competitive RFP.

FINANCIAL IMPLICATIONS:

The Town was awarded \$2.75 million in grant funding to remediate three weirs along the Holland Creek. The Mackie project is expected to cost \$1,087,500.

The project oversight in the amount of \$99,270 will be funded by this grant.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

If approved, Infrastructure Services will liaise with Ecora during the decommissioning.

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 recommendation.

Allison McCarrick, Chief Administrative Officer

ATTACHMENTS:

- A. Mackie Road Dam Decommissioning – Tendering and Construction Support Services

B. Mackie Road Dam (D720190) Decommissioning – Final Design Report



July 29, 2024

Ecora File No.: 230602

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

Attention: Ryan Bouma, P.Eng, Director of Infrastructure Services | Town of Ladysmith

Reference: Mackie Road Dam Decommissioning – Tendering and Construction Support Services

Confidentiality Statement

This proposal is the property of Ecora Engineering & Environmental Ltd. It is protected by copyright for intellectual property. The contents are regarded as “commercial confidential”. In accordance with “The Freedom of Information and Protection of Privacy Act – Disclosure Harmful to Business Interests of a Third Party,” no part of this proposal may be disclosed to another party without the express written authorization of Ecora Engineering & Environmental Ltd. and the Town of Ladysmith. If the recipient of this Proposal chooses not to accept it, it shall be returned to Ecora Engineering & Environmental Ltd. without delay.

1. Introduction

Ecora Engineering and Environmental Ltd. (Ecora) is pleased to submit this work plan to the Town of Ladysmith (ToL) in response to the requested services for the Mackie Road Dam Decommissioning (Tendering and Construction Support Services).

Ecora is familiar with the Mackie Road Dam as we are currently engaged by the ToL to provide professional engineering services for the conceptual, preliminary, and detailed design phases of this project since 2023.

The Mackie Road Dam (D720190) Decommissioning – Final Design Report, submitted in July 2024, details the proposed design including the decommissioning of the existing dam and all appurtenances. The proposed decommissioning includes but is not limited to:

- Establishing site access,
- Establishing stream diversion,
- Removal of upstream sediment buildup,
- Removal of dam appurtenances,
- Removal of the existing timber crib structure,
- Redistribution of sediment along natural channel,
- Removal of stream diversion, and
- Site cleanup

2. Proposed Work Plan

2.1 Phase 1 – Pre-Construction

2.1.1 Request for Qualifications Preparation and Review

Ecora understands the ToL anticipates construction to begin during the autumn of 2024. Ecora will assist as requested by the ToL in the tendering phase of this project. Due to the complexity of the construction works, we are recommending that the ToL proceed with a Request for Qualifications (RFQ) process to procure construction services and capabilities prior to submission of a Request for Proposal (RFP) process. This will allow the ToL to evaluate the suitability of potential contractors for this type of project. The tasks for this phase will include but are not limited to:

- Assist the ToL with the preparation and issuance of RFQ documents,
- Answer bidders' questions and prepare/issue addendums as necessary,
- Review bids for compliance and suitability to complete the work with the ToL solicitor if needed, and
- Complete a decision matrix to assist the ToL with the shortlisting of preferred construction contractors.

2.1.2 Request for Proposals Preparation and Review

Following the shortlisting of preferred construction contractors and issuance of the detailed decommissioning plan, we recommend that the ToL submit a Request for Proposals from proponents who made the shortlist. This will allow the ToL to evaluate the suitability of potential contractors for this type of project, their proposed methodology for construction, and their economic feasibility. The tasks for this phase will include but are not limited to:

- Producing a schedule of tender items and a Class A cost estimate,
- Assisting the ToL with the preparation and issuance of tender / RFP documents,
- Answer bidders' questions and prepare/issue addendums as necessary,
- Review bids for compliance and suitability to complete the work with the ToL solicitor if needed,
- Completing a decision matrix to assist the ToL with selection of a preferred construction contractor, and
- Issuance of contract documents for execution by the ToL and the Contractor.

2.2 Phase 2 – Construction Support Services

Following the issuance and execution of the construction contract, Ecora will send a notice to proceed to the Contractor, initiating the construction phase. The construction phase of the project is proposed to proceed as follows:

2.2.1 Project Management

Ecora's project manager, Adam Kerk-Hecker P.Eng., will perform the following Project Management tasks in support of construction activities:

- Organize a pre-construction meeting with the Contractor, Site Inspector, Contract Administrator, and the ToL in order to confirm the following:

- Contact Information;
 - Permit Requirements;
 - Transportation to Site and any Vehicle/Foot Traffic Management Plans;
 - Communications;
 - Scope of Work;
 - Optimum Construction Staging; and
 - Roles and Procedures.
- Ensure all budgets, schedules and quality control specifications are met;
 - Preparation, certification, and submission of monthly progress payments at the end of each calendar month. A construction schedule, prepared by the contractor and acceptable to the Contract Administrator, is to be included in all progress payments; and
 - Issue substantial and total performance documentation at the conclusion of the construction tasks.

2.2.2 Contract Administration

Our team has extensive experience performing CA for municipal clients across a wide range of projects. The Contract Administrator shall perform the following services:

- Ensure adherence to MMCD standards and supplemental specifications of works by the construction contractor;
- Track progress of construction and ensure quantities of materials and services match those expected for the works through payment certificate reviews; and
- Assist in developing reasonable methods of remediation of disputes through issuance of change orders and site instructions or tracking force account work.

2.2.3 Construction Inspections

Ecora will provide inspection services, as required, to ensure works are constructed in compliance with the contract documents and to meet compliance with the intent of the IFC drawings. Inspection services shall include the following:

- Keep complete construction inspection records;
- Inspect works, notify the contractor in writing of deviations from the specifications; and
- Professional of Record field reviews.

2.2.4 Environmental Monitoring

The Environmental team will provide support during the construction phase of the project by:

- Developing environmental management and mitigation plans for contractors;
- Providing environmental oversight on behalf of the town;
- Directing the implementation and effectiveness of mitigation measures; and
- Documentation of compliance with permit terms and conditions for the duration of the works.

The environmental team will also manage the restoration and compensation requirements, to ensure all permit conditions are satisfied, which may include a maintenance period. This will be completed by Ecora's biologists and will include details on how the impacts to the environment will be monitored during construction. Ecora will oversee the implementation of the terms and conditions described in the environmental permits.

2.3 Phase 3 – Post-Construction

2.3.1 Record Drawings

Ecora will complete record drawings using as-built survey provided by the contractor's surveyor. The sealed drawings will be provided in pdf format and physical copies can also be provided should the ToL request.

2.3.2 Post Construction Reporting

Upon completion of the construction works Ecora will complete a construction Completion Report as per the BC Dam Decommissioning Guidelines and will include a summary of the construction and any deviations that occurred from the design.

2.3.3 Performance Monitoring

Per the BC Dam Decommissioning Guidelines, performance monitoring will be required to ensure the biological and physical elements of the decommissioning are stable for one to five years. Ecora's environmental team will assemble a monitoring plan to cover the biological component of this, while the physical component may be adequately covered by having dam operations staff check in on the site periodically to ensure physical stability using guidance from the geotechnical team.

3. Fee Estimate

The fee estimate summary table for providing tendering and construction engineering support services is provided below. A detailed breakdown is provided as Appendix A.

Table 3.1 Project Phase/Task Breakdown

Task	Expected Cost
Project Management	\$ 4,752
Phase 1 – Pre-Construction	
1. Request for Qualifications	\$ 1,600
2. Request for Proposals	\$ 3,080
3. Contract Documents	\$ 3,080
4. Bid Questions/Analysis/Award	\$ 2,256
Sub Total	\$10,016
Phase 2 – Construction*	
1. Pre-Construction Meeting	\$ 7,828
2. Contract Administration	\$ 5,076
3. Environmental Monitoring	\$ 26,307
4. Construction Inspection	\$ 17,927
5. Professional of Record Field Reviews	\$ 12,512
Sub Total	\$ 69,650
Phase 3 – Post-Construction	
1. Record Drawings	\$ 3,840
2. Post-Construction Reporting	\$ 11,012
Sub Total	\$ 14,852
Project Total (Excluding GST)	
	\$ 99,270

*Due to the variability of construction timelines, these tasks will be filled at time and materials. The estimated fee provided assumes a 4 week construction window

4. Closure


We trust this proposal meets your present requirements. Do not hesitate to call with any questions. Ecora has assembled a strong team, so we can deliver a successful project on time and on budget. We look forward to the opportunity of working with you on this project.

Sincerely

Ecora Engineering & Environmental Ltd.

Prepared by:

Reviewed by:




Adam Tieman, EIT
 Junior Hydrotechnical Engineer
 Adam.Tieman@ecora.ca

Adam Kerk-Hecker, P.Eng.
 Hydrotechnical Engineer
 Adam.Kerkhecker@ecora.ca

Attachments: Appendix A Fees & Disbursements Breakdown



Mackie Road Dam (D720190) Decommissioning - Final Design Report

Presented to:



Dated:
Ecora File No.:

July 29, 2024
230602

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Figure 1 Site Location & Inundation Path

Appendices

- Appendix A General Conditions
- Appendix B Engineering Design Drawings
- Appendix C Environmental Assessment Report
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Glossary of Terms

Dam	A barrier constructed for the purpose of enabling the storage or diversion of water diverted from a stream or an aquifer, or both and other works that are incidental to or necessary for the barrier.
Dam Safety Officer (DSO)	The person designated in writing by the Province to work with Dam Owners to ensure compliance with the Dam Safety Reg. 40/2016.
Height of dam	The vertical distance between the crest of the dam and the lowest point at the downstream toe, which usually occurs in the bed of the outlet channel.
Inundation area or map	The geographic area downstream of the dam that would be flooded by a breach of the dam or other large discharge.
Live Storage	The volume of water being held back by the dam that is between the low-level outlet and the spillway crest.
Low-Level Outlet	A conduit through a dam to allow for controlled release of the reservoir contents. Also see “Outlet Works”
Notification	To immediately inform appropriate individuals, organizations, or agencies about a potentially emergency situation so they can initiate appropriate actions.
Outlet works	An appurtenant structure that provides for controlled passage of normal water flows through the dam. Combination of intake structure, gates, conduits, tunnels, flow controls and energy dissipation devices to allow the release of water from the dam,
Potential Storage	The volume of water that reservoir can temporarily hold between the spillway crest and dam crest when the reservoir is at maximum capacity.
Reservoir	The body of water impounded or potentially impounded by the dam.
Toe of dam	The junction of the upstream or downstream face of an embankment with the ground surface.
Top of dam (crest of dam)	The elevation of the uppermost surface of an embankment which can safely impound water behind the dam.

1. Introduction

1.1 General

The Town of Ladysmith (ToL) engaged Ecora Engineering & Environmental Ltd. (Ecora) to undertake Dam Safety Inspections (DSI's) for three dams located along Holland creek following a notification from the Provincial Dam Safety Officer (DSO). Mackie Road Dam, provincial dam number D720190, was included in these inspections. The DSI report for Mackie Road Dam identified safety concerns related to the dam's condition and recommended decommissioning of the dam. The ToL had already committed to decommissioning the dam prior to the DSI undertaken by Ecora, subject to the approval from the regulator.

A preliminary decommissioning options report for this dam was prepared by Ecora in June 2024 to provide conceptual methodology and information to the ToL, DSO, any potential stakeholders and potential decommissioning contractors. This report presents the design basis for the chosen decommissioning option to allow for tendering of the construction work, planning procedures for the contractor and the DSO. The methodology derived for the decommissioning works references the Dam Decommissioning Guidelines (2019, *FLNRORD*).

The dam decommissioning process required for Mackie Road Dam extracted from the Dam Decommissioning Guidelines from the Ministry of Water, Land and Resource Stewardship (WLRS) (formerly known of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, *FLNRORD*) is outlined below:

1. Decision to decommission dam.
2. Contract Qualified Professional(s).
3. Reviewable Project under Environmental Assessment (EA) or Canadian Environmental Assessment Act (CEAA).
4. Provide 120 days written notice to the DSO.
5. Request determination of plan submission requirements from DSO.
6. Prepare preliminary report to guide stakeholder engagement.
7. Stakeholder engagement, referrals, and First Nations (FN) consultation.
8. DSO review of stakeholder engagement.
9. DSO authorization to proceed with final design.
10. Submit final design report to Water Manager 90 days prior to construction approval.
11. Plan accepted.
12. Issuance of Leave to Commence Construction (Approval) letter.
13. Construction phase.
14. Submit Substantial Completion Report.
15. Monitoring and Adaptive management.

The WLRS details the following for the decommissioning of dams:

"The dam owner shall restore the surface of the land as nearly as may reasonably be possible to the dam conditions as it was prior to development of the dam and associated works. Any significant variance must be approved by a lands manager."

1.2 Background Information

Minimal background information exists for Mackie Road Dam, with the majority of current information available contained within the Ecora DSI report dated December 2023 and the Preliminary Decommissioning Report dated June 2024. The following information is currently available which was used as references during the preparation of this final decommissioning design report.

- Holland Creek Dam Safety Inspection – Mackie Road Dam (D720190), (Ecora, 2023).
- BC assessed watersheds – Government of Canada.
- Historical Satellite Orthographic Imagery.
- Information provided by the ToL.
- Topographical survey of the dam and development of a site plan.
- Summary of investigation reports findings and recommendations.

Documents that were not available for review and use in this report included but were not limited to:

- Dam Safety Audits.
- Record Drawings.
- Detailed design report.
- Record of Testing.
- Dam Safety Review (DSR).
- Dam Emergency Plan (DEP).
- Operations and Surveillance Manual (OMS).

1.2.1 Description of Dam, Watershed & Reservoir

The subject site is situated at the bottom of a steep incised channel (ravine), which is densely forested, following the Holland creek trail. Access to the site is extremely limited, currently it is only accessible on foot. The channel banks upstream are densely vegetated and there are well established riparian areas.

Mackie Road Dam (UTM 10, 439271.650E, 5426221.390N) is a timber crib structure that appears to be founded on bedrock. It consists of interlocking timber cribs, which are typically backfilled with stone. The main timber crib on the upstream end has an approximate diameter/width of 500 mm while the other cribs have an approximate diameter/width of 400 mm. It is assumed that the timber cribs over time have worn from a rough sawn rectangular shape to a squircle (an intermediate shape between a square and circle). The dam has a maximum height of 3.8 m and a width of 12 m. A control structure exists on the left side of the dam consisting of an opening roughly 700 mm wide and 1000 mm high, the exposed concrete structure to the left of the opening is 3.2 m long and 400 mm wide. This concrete structure raises the dam crest along this section by approximately 1 m. The existing low-level outlet (LLO) is a 400 mm pipe of unknown material. It discharges approximately at the centre point of the dam face with its inlet situated upstream of the timber cribs. A timber facing has been placed along the downstream side of the cribbing to allow for the construction of a concrete wall behind (upstream) of the timber facing, which presumably was the water retention element of the dam. Over time, the dam's reservoir has infilled with sediment so that it is almost at same level as the dam crest.

The purpose of the dam was believed to be water supply for coal mining operations, and the date of construction is unknown. It is assumed that the dam was constructed by the Wellington Collieries Company. The water license that is associated with the dams upstream of Mackie Road Dam outlines a water routing map dated May 1947

which identifies the Wellington Collieries Co. right of way along Holland Creek. The Wellington Collieries Co. was a coal mining company that was incorporated in 1902 to take control of coal mining operations in Ladysmith and Wellington.

The site inspection conducted by Ecora on September 17, 2023, is currently the only source of information on the dam type, which only included visual observations, inspections, and approximate measurements as detailed above. There is no more information available on how the dam was constructed and what to expect when uncovering obscured dam features. Therefore, the processes proposed in this report that are pertaining to the dam structure are assumed based on general timber crib dam construction obtained from published sources. The bedrock elevations upstream of the dam are inferred based on downstream conditions.

Holland Creek originates on the northern and eastern slopes of Coronation Mountain and flows approximately 12 km before discharging into the ocean. The Holland Creek watershed has an overall area of approximately 32.2 km² with a median elevation of 543 m, ranging from 1290 m to 5 m. The max slope within the watershed is 115% and the mean slope 18%. The watershed discharge point is into Ladysmith harbor (near the Holland Creek estuary trail head). Due to the unique topography, there are sub-watersheds where other minor creeks exist and either link with Holland Creek or convey flow to the same discharge point. The majority of the watershed is heavily forested and includes Holland Lake, Heart Lake, and a collection of small wetlands as storage sources.

Based on regional hydrometric gauge stations, peak flows are expected to primarily occur in the fall and early winter under significant rainfall events. Elevated flows can also be generated as a result of the spring freshet or due to extreme rainfall events during the summer.

Photographs of the dam were taken during the DSI with a standard camera as well as a DJI Mini 2 micro drone. Photographs of the dam site are included in Appendix F. Photographs are numbered 1 to 8 and document the condition of the dam during Ecora's site inspection on September 17, 2023.

1.2.2 Description of Land Status & Water Rights Holders

Mackie Road Dam is within a local/regional park which is defined as Crown Land (ownership 81, schedule U), i.e. the land which the dam is situated on is owned by the provincial government. However, there still exists an old right of way (Plan VIP75559 R/W 13) registered to Western Colliery (old mining company) along that section of Holland Creek.

The land on which the dam is situated on, is associated with two First Nation groups; Hul'qumi'num Treaty Group and Snuneymuxm First Nation. The Hul'qumi'num Treaty Group is a representation of five communities that are a part of southern Vancouver Island, a narrow corridor on the mainland to Yale in the east, and sections of the Salish Sea. The communities include Cowichan Tribes, Halalt, Lyackson, Ts'uubaa-asatx, and Penelakut. Snuneymuxm First Nation is one of the largest nations in B.C. located in the centre of Coast Salish territory on the eastern coast of Vancouver Island. It is understood that there are First Nation fishing sites downstream of Mackie Road Dam.

It is currently understood that there are no water rights holders or registered water licenses associated with Mackie Road Dam. There are however current water licenses registered to the Town of Ladysmith upstream along Holland Creek;

- License Number: C017746 (Colonia Dr Dam – Local Provider; PD30734)
- License Number: C017746 (Holland Cr Water Supply Dam; PD30733)
- License Number: C029821 (Holland Creek – Surface Water/Stream Storage; PD30789 08A)

2. Stakeholder Engagement

2.1 General

Considering the size of Mackie Road Dam, its location and that it does not impound any water, the decommissioning of the dam will not permanently impact recreation facilities, businesses, or property value. Stakeholders in the dam decommissioning that were noted in the preliminary dam decommissioning report such as nearby property owners, the Ministry of Transportation and Infrastructure, and possible trail users have been brought to the ToL and the DSO's attention. There are no necessary mitigation plans regarding any potential loss of recreational facilities, businesses or property value.

The ToL posted a public notification of the proposed works on to their website on June 20, 2024, seeking any public and stakeholder feedback. The ToL's media contact (Nicholas Pescod – Communications and Engagement Specialist) is the primary public contact for the notified works.

2.2 Environmental Impacts

As part of the preliminary decommissioning report a general environmental assessment report was prepared for Holland Creek Dams (Ecora, 2024). Mitigation measures were presented within the report which must be followed for the dam decommissioning. Further detailed measures are presented in the attached (Appendix C) updated environmental assessment report. Further details can be found in Section 3.7 Environmental Management Plan.

2.3 Mitigation Plans

2.3.1 Recreational Facilities

A portion of the Holland Creek Trails will need to be closed during the period of de-construction. The area of closure will be dependent on how access is achieved and where the staging area will be (see Section 3.4 Site Access). It is anticipated that the west trail will be closed with access restricted from the trailhead at Mackie Rd and Colonia Dr. Closures of the east trail are not anticipated, unless a safety concern is identified, as this area is not required for any construction related activities.

2.3.2 Business

As Mackie Road Dam does not have any businesses depending on the presence of the dam, no mitigation of loss to businesses is anticipated.

2.3.3 Property Value

The site has no direct impact on any of the surrounding properties, and the dam itself is not in sight of the adjacent properties. Potential construction noise could cause a nuisance, but proper notification and defining construction hours as part of Best Management Practices should be implemented. A potential temporary factor could be impacts due to site access requirements (this is dependent on the proposed plan received from the contractor). In a scenario where a property is impacted by use for access, the contractor would be required to restore the property to the existing or better condition.

3. Engineering Design Plans

Engineering Design Plans were developed in conjunction with this report, they have been attached as Appendix B.

A preferred grading plan has been developed giving a restored channel a grade of 9%. However, it is possible that bedrock exists at a higher elevation than anticipated. In this case, the channel geometry will follow bedrock elevations.

The guidelines dictate that in order to authorize the abandonment of water rights (Section 31(1) of the *WSA*), no water shall be stored once decommissioning is complete. The plans call for the complete removal of the dam and appurtenances, therefore no water shall be stored at the site following decommissioning. In addition, Mackie Road Dam does not have any known water licenses associated with it and it has been confirmed by the Provincial DSO that no water license applications are required for this decommissioning process.

3.1 Sediment Management Plan

Mackie Road Dam could impound between 50 m³ and 900 m³ of sediment, dependent on bedrock geometry. There were three scenarios presented in the preliminary decommissioning plan report prepared by Ecora in 2024: a steep grade bedrock, a shallow grade bedrock, or a waterfall shaped bedrock geometry.

For design purposes an estimated scenario of moderate slope bedrock geometry was assumed. The assumed sediment impounded by the dam for this scenario is approximately 125 m³ - 145 m³.

If a reasonable amount of sediment remains once grading of the channel is complete (i.e. deeper than expected bedrock elevation), a grain size distribution and sediment transportation potential analysis should be conducted to ensure that (predominantly fines) do not become mobilized and are transported downstream causing adverse environmental effects. This will be analyzed and determined during the time of construction as deemed necessary by the PoR.

3.2 Structural Removal Plan

The structural removal limits for the decommissioning of Mackie Road Dam should be defined as a full decommissioning. This means that no visible elements of the dam structure shall remain. The specification of the dam structure is unknown and will be assessed at the time of construction on a regular basis by a qualified professional.

It is proposed that the dam be deconstructed from the upstream end. The upstream end of the grading should be excavated to expose the first layer of cribs and low-level outlet, which shall be inspected and removed. Removal of the structure should consist of phasing between mechanical removal of the impounded sediment (and transport of sediment offsite), and the dam structure. The dam crest should be removed incrementally to keep up with the sediment removal; the crest should remain higher than the sediment excavation during the process. This process should be repeated at approximately 0.5 m increments until bedrock is exposed, then removing the dam features down to the foundation. At that point, a qualified engineer should inspect the foundational elements and determine whether it can remain in place or not. It is possible that the PoR may decide to keep the foundation in place to ensure that no instability is induced in the channel section.

See Appendix E Construction Supervision Plan for more details.

3.3 Channel Reconstruction

Upon completion of the dam decommissioning channel reconstruction will be performed. The extent of reconstruction will be dependent upon the condition of the bedrock and streambed encountered beneath the dam

structure. The downstream channel has a bedrock-based channel with some river gravel and vegetation along the banks leading to the channel. As the upstream channel is made of river rock the channel along the dam decommissioning will be reconstructed to form a transition point between the two separate channel conditions; over time the material left will naturally adjust to a shallower transition which would require no long-term maintenance. Short-term monitoring of the channel grade and any material deposition/transport should be defined in the post-construction monitoring plan. As there is no vegetation within the channel, the majority of environmental restoration work will be on disturbed banks and surrounding area rather than within the channel.

3.4 Site Access & Staging

The access will be the responsibility of the contractor. In preparation for the construction phase, a Request for Qualifications (RFQ) and Request for Proposal (RFP) will be issued by the ToL. This process will be supported by Ecora as needed.

Below are some guidance/suggestions Ecora have produced to allow some understanding for the contractor. The following should not be considered recommendations from Ecora and the final solution presented should be engineered to a standard that conforms with the provincial standard practices and is the sole responsibility of the contractor.

- Ecora conducted preliminary grading to determine feasibility of an access road. One approach was to cut an access road above the construction area. However, we believe that this is not feasible due to the potential for shallow instabilities of the channel side slopes, presence of exposed bedrock, and the large elevation difference from the trail access to the creek bed. This option may be best approached with the combination of a defined access route, winch, and a spider excavator.
- Access may be gained from Colonia Dr. The relative elevations of the creek and road surface make it easy to construct temporary access. However, the equipment would have to be transported down the creek approximately 200 m to reach the site. Some complications surrounding this may arise with transporting spoil material offsite, and environmental disturbance caused by transporting equipment through the creek.
- A mobile crane may be utilized, with a staging area near the dam site, accessing via the trailhead on Mackie Rd. The mobile crane could then use a material bin (skip) to remove spoil material and to transport equipment on/off the site; this is dependent on the crane's boom length, and would require widening and restoration of the access trail.

3.5 Dewatering Plan

The dewatering or stream diversion plan and execution will be the responsibility of the contractor and must be sealed by a professional engineer. In preparation for the construction phase, a Request for Qualifications (RFQ) and Request for Proposal (RFP) will be issued by the ToL. This process will be supported by Ecora as needed.

A requirement that is outlined in the environmental assessment report is to ensure that only clean water is discharged downstream, the methodology for achieving this is the responsibility of the contractor and should be included as part of the RFQ/RFP process and submission.

The dewatering plan should have the capacity to pass 1/10-year storm events during the period of construction. These flows were derived via regional analysis using a collection of eight different hydrometric stations and using HYFRAN software Version 2.2. Four different frequency distributions: Gumbel, Weibull, Three Parameter Lognormal, and Log Pearson Type III were applied to the data. The return period flows calculated for each station were plotted against the respective drainage areas, and polynomial, exponential and power regression equations were fitted to obtain an average of each. The calculated Q10 value for a 1/10-year event during the specified construction months are detailed in Table 3.1 below.

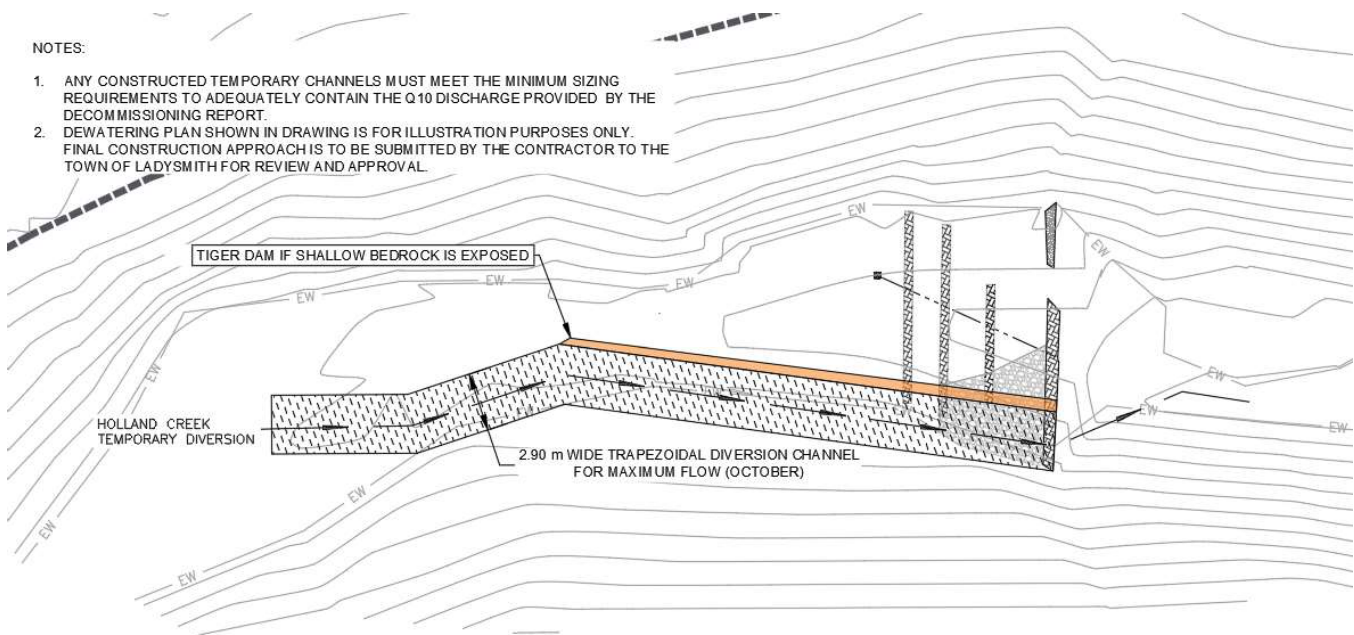
Table 3.1 Q10 Construction Flows

Month	Q10 Peak Instantaneous Flow (m ³ /s)
August	0.33
September	0.92
October	3.51

In order to achieve clean discharge downstream, a solution may involve a turbidity curtain, silt screen or sump downstream to catch any mobile materials. This will be highly dependent on the dewatering plan and should be presented as part of the contractors’ submission.

A conceptual dewatering plan has been provided for illustration only, as shown in Figure 3.1.

Figure 3.1 Concept Dewatering Channel Plan



3.6 Site and Channel Rehabilitation Plan

3.6.1 Public Safety Considerations

Upon completion of the project, the site must be left in a condition that is safe and useable by the public. This will be confirmed by the Professional of Record prior to filing completion documentation. The site itself does not have defined access to the public, but the trails above the site are regularly used. Any disturbance to these trails as part of access should be rehabilitated to previous condition or better.

3.6.2 Channel Grading Details

For this project the recontouring of the site will be to restore the channel to natural conditions, as such the contractor will be required to excavate the channel until bedrock conditions are encountered or the channel thalweg grade is set to approximately 9% and following the design sections as per the issued for construction design drawings.

3.6.3 Spoil Areas

During construction, the spoil area(s) will need to be designated for storage of removed materials from the dam structure and the impounded sediment. Due to the small work area, there will not be adequate space to store materials at or around the dam site, spoils are expected to be stored at the defined staging area and disposed of offsite as they are generated.

3.6.4 Revegetation

The majority of the channel does not have vegetation within the proposed removal extents, however impact to the vegetation along the channel banks is possible and as such, revegetation of the channel banks with native species will be performed following the finalized decommissioning. This is to be outlined by an environmental professional within the CEMP.

3.7 Environmental Management Plan

Ecora has completed an environmental management plan specific to Mackie Rd Dam and attached it to this report as Appendix D. This environmental management plan will serve as a template for the Construction Environmental Management Plan (CEMP). The CEMP will be dependent on re-routing/dewatering, access plans and any other relevant information submitted by the contractor and will be required prior to commencement of construction. The CEMP will also include a site and channel rehabilitation plan that outlines riparian and disturbed area restoration. This will be a supplement to this document once the access and diversion plans have been confirmed.

3.8 Performance Monitoring and Adaptive Management Plan

Key points during the construction process will require monitoring by the Professional of Record or their agents. These points are identified as:

- Establishment of Access Route,
- Dewatering / re-routing Completion,
- Excavation Encountering Bedrock,
- Depth of timber cribs, LLO, and any other discovery of dam appurtenances not previously noted,
- Uncovering Dam Foundations,
- Final channel grading and channel bed material.

A portion of this plan will be to complete adequate monitoring, reporting for this portion will be completed during the construction phase. A condition assessment report criteria for one-year warranty inspection will be required. Due to the scale of the project, it is not anticipated that more than one year of monitoring will be required (minimum 1 year). It is also not anticipated that any compensation claims will be required.

3.9 Post-Construction

A decommissioning completion report will be produced once the construction phase is complete. This completion report will include the following:

- As-built (record) drawings of the decommissioning works based on contractor provided as-built survey,
- Photographs documenting construction works, including removal and final layout,

- Any design and construction records,
- Site stabilization concerns / issues, including revegetation activities, and
- Refined performance monitoring and adaptive management plan.

4. Closure

We trust this report meets your present requirements. If you have any questions or comments, please contact the undersigned.

Sincerely,
Ecora Engineering & Environmental Ltd.

Prepared by:



Tomos Edmonds, E.I.T
Junior Hydrotechnical Engineer
Direct Line: 431.761.1894
Tomos.edmonds@ecora.ca

Reviewed by:



Adam Kerk-Hecker, P.Eng.
Hydrotechnical Engineer
Direct Line: 250.718.7858
adam.kerkhecker@ecora.ca

Reviewed & Approved by:



Michael J. Laws, P.Eng.
Principal Dams and Geotechnical Engineer
Direct Line: 250.469.9757 x1045
Michael.laws@ecora.ca

Version Control and Revision History

Version	Date	Prepared By	Reviewed By	Approved By	Notes/Revisions
0	2024-07-29	TWE	AJK	MJL	Issued for Use

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- Maine Rivers, 2011. Removing Small Dams in Maine: A Basic Guide for Project Managers.

Figures

Figure 1 Site Location & Inundation Path

- Legend**
-  Dam
 -  Inundation
 -  20m
 -  Digital
 -  Fresh
 -  High
 -  Holla
 -  PMB

References
Aerial Imagery:



5420000 5421500 5423000 5424500 5426000



Appendix A

General Conditions

Standard of Care

Ecora Engineering and Environmental Ltd. (Ecora) has prepared this report in a manner consistent with that level of care and skill ordinarily exercised by members of the engineering and science professions currently practicing under similar conditions in the jurisdiction in which the services are provided, subject to the time limits and physical constraints applicable to this report. No other warranty, expressed or implied is made.

Basis and Use of the Report

This report and the recommendations contained in it are intended for the sole use of Ecora's Client. Ecora does not accept any responsibility for the accuracy of any of the data, the analyses or the recommendations contained or referenced in the report when the report is used or relied upon by any party other than Ecora's Client unless otherwise authorized in writing by Ecora. Any unauthorized use of the report is at the sole risk of the user. In order to properly understand the suggestions, recommendations and opinions expressed herein, reference must be made to the whole of the report. We cannot be responsible for use by any party of portions of the report without reference to the whole report.

This report is subject to copyright and shall not be reproduced either wholly or in part without the prior, written permission of Ecora. Additional copies of the report, if required, may be obtained upon request.

Alternate Report Format

Where Ecora submits both electronic file and hard copy versions of reports, drawings and other project-related documents, only the signed and/or sealed versions shall be considered final and legally binding. The original signed and/or sealed version archived by Ecora shall be deemed to be the original for the Project. Both electronic file and hard copy versions of Ecora's deliverables shall not, under any circumstances, no matter who owns or uses them, be altered by any party except Ecora.

Soil, Rock and Groundwater Conditions

Classification and identification of soils, rocks and geological units have been based upon commonly accepted systems and methods employed in professional geotechnical practice. This report contains descriptions of the systems and methods used. Classification and identification of the type and condition of these materials or units involves judgment, and boundaries between different soil, rock or geologic types or units may be transitional rather than abrupt. Accordingly, Ecora does not warrant conditions represented herein as exact, but infers accuracy only to the extent that is common in practice.

Soil and groundwater conditions shown in the factual data and described in the report are the observed conditions at the time of their determination or measurement. Unless otherwise noted, those conditions form the basis of the recommendations in the report. Groundwater conditions may vary between and beyond reported locations and can be affected by annual, seasonal and meteorological conditions. The condition of the soil, rock and groundwater may be significantly altered by construction activities such as traffic, excavation, groundwater level lowering, pile driving, blasting on the site or on adjacent sites. Excavation may expose the soils to climatic elements such as freeze/thaw and wet /dry cycles and/or mechanical disturbance which can cause severe deterioration. Unless otherwise indicated the soil must be protected from these changes during construction.

Environmental and Regulatory Issues

The professional services retained for this project include only the geotechnical aspects of the subsurface conditions at the site, unless otherwise specifically stated and identified in the report. The presence or implication(s) of possible surface and/or subsurface contamination resulting from previous activities or uses of the site and/or resulting from the introduction onto the site of materials from off-site sources are outside the terms of reference for this project and have not been investigated or addressed.

Sample Disposal

Ecora will dispose all soil and rock samples for 30 days following issue of this report. Further storage or transfer of samples can be made at the Client's expense upon written request, otherwise samples will be discarded.

Construction Services

During construction, Ecora should be retained to perform sufficient and timely observations of encountered conditions to confirm and document that the subsurface conditions do not materially differ from those interpreted conditions considered in the preparation of Ecora's report and to confirm and document that construction activities do not adversely affect the suggestions, recommendations and opinions contained in Ecora's report. Adequate field review, observation and testing during construction are necessary for Ecora to be able to provide letters of assurance, in accordance with the requirements of many regulatory authorities. In cases where this recommendation is not followed, Ecora's responsibility is limited to interpreting accurately the information encountered at the borehole locations, at the time of their initial determination or measurement during the preparation of the Report.

Job Site Safety

Ecora is responsible only for the activities of our employees on the jobsite. The presence of Ecora's personnel on the site shall not be construed in any way to relieve the Client or any contractors on site from their responsibilities for site safety. The Client acknowledges that he, his representatives, contractors or others retain control of the site and that Ecora never occupy a position of control of the site. The Client undertakes to inform Ecora of all hazardous conditions, or other relevant conditions of which the Client is aware. The Client also recognizes that our activities may uncover previously unknown hazardous conditions or materials and that such a discovery may result in the necessity to undertake emergency procedures to protect our employees as well as the public at large and the environment in general.

Changed Conditions and Drainage

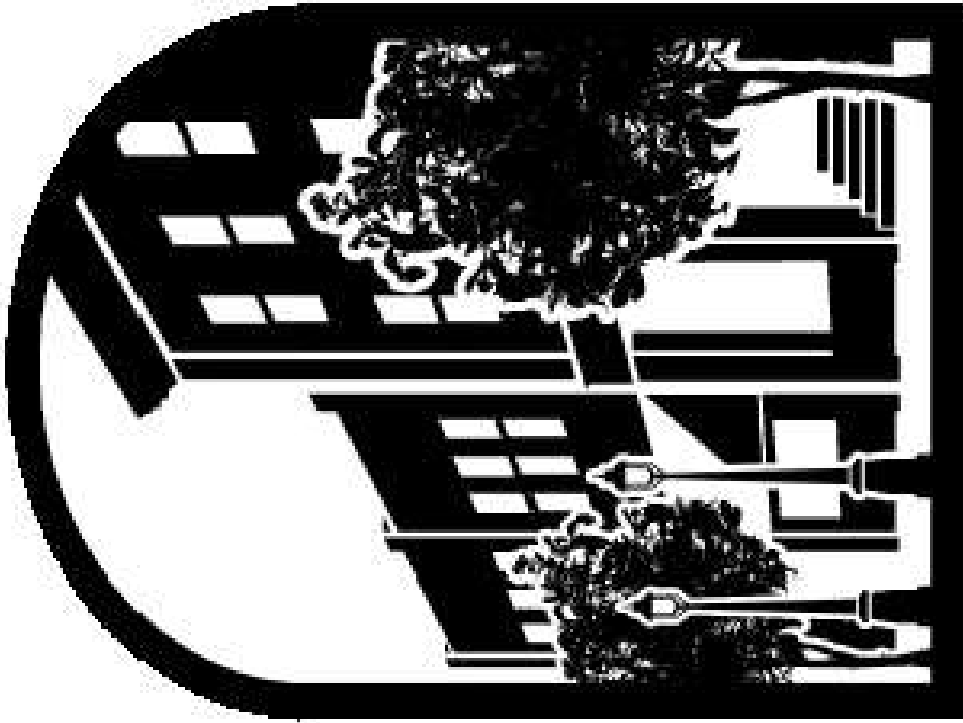
Where conditions encountered at the site differ significantly from those anticipated in this report, either due to natural variability of subsurface conditions or construction activities, it is a condition of this report that Ecora be notified of any changes and be provided with an opportunity to review or revise the recommendations within this report. Recognition of changed soil and rock conditions requires experience and it is recommended that Ecora be employed to visit the site with sufficient frequency to detect if conditions have changed significantly. Drainage of subsurface water is commonly required either for temporary or permanent installations for the project. Improper design or construction of drainage or dewatering can have serious consequences. Ecora takes no responsibility for the effects of drainage unless specifically involved in the detailed design and construction monitoring of the system.

Services of Sub consultants and Contractors

The conduct of engineering and environmental studies frequently requires hiring the services of individuals and companies with special expertise and/or services which we do not provide. Ecora may arrange the hiring of these services as a convenience to our Clients. As these services are for the Client's benefit, the Client agrees to hold the Company harmless and to indemnify and defend Ecora from and against all claims arising through such hiring's to the extent that the Client would incur had he hired those services directly. This includes responsibility for payment for services rendered and pursuit of damages for errors, omissions or negligence by those parties in carrying out their work. In particular, these conditions apply to the use of drilling, excavation and laboratory testing services.

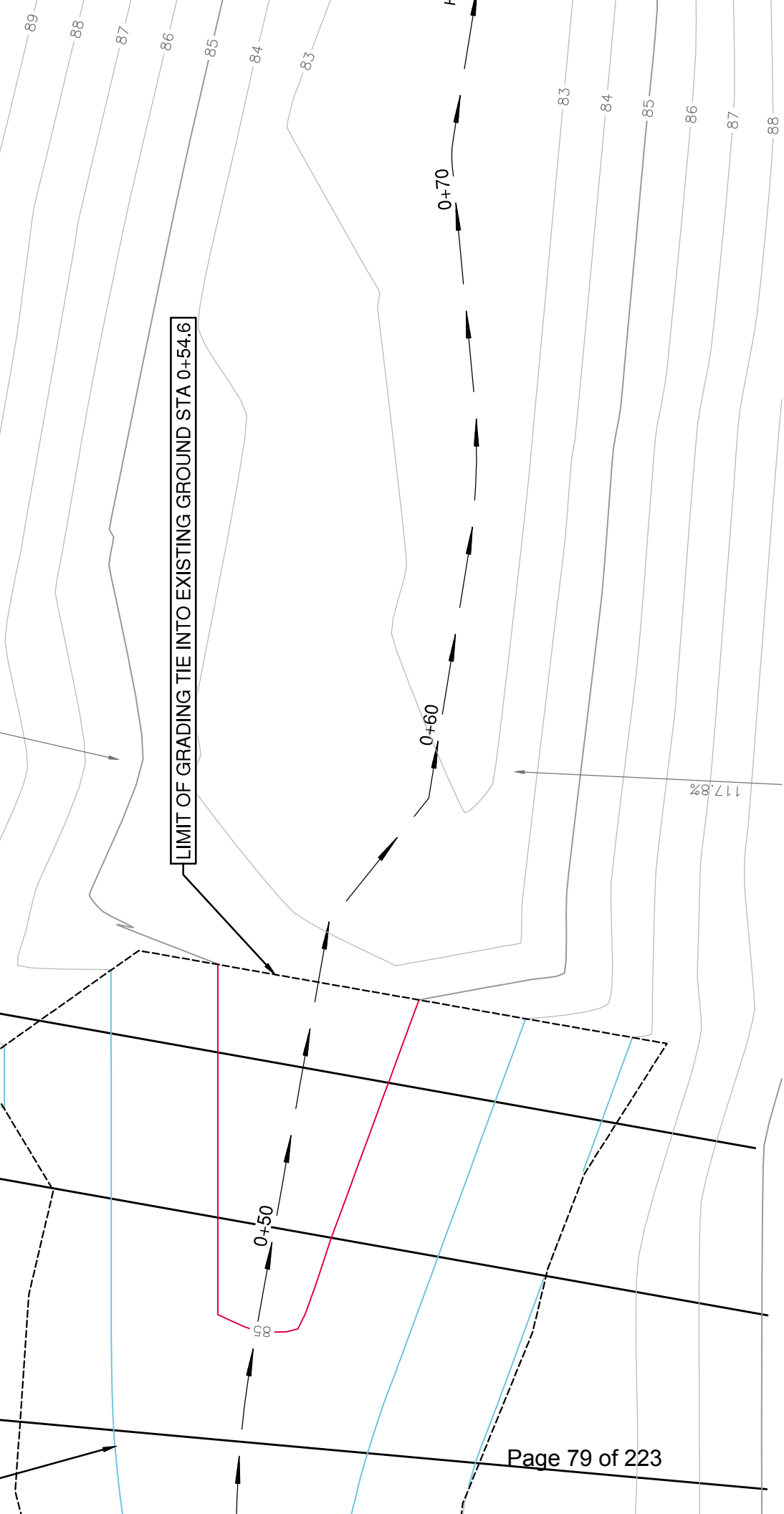
Appendix B

Engineering Design Drawings



LADYSMITH

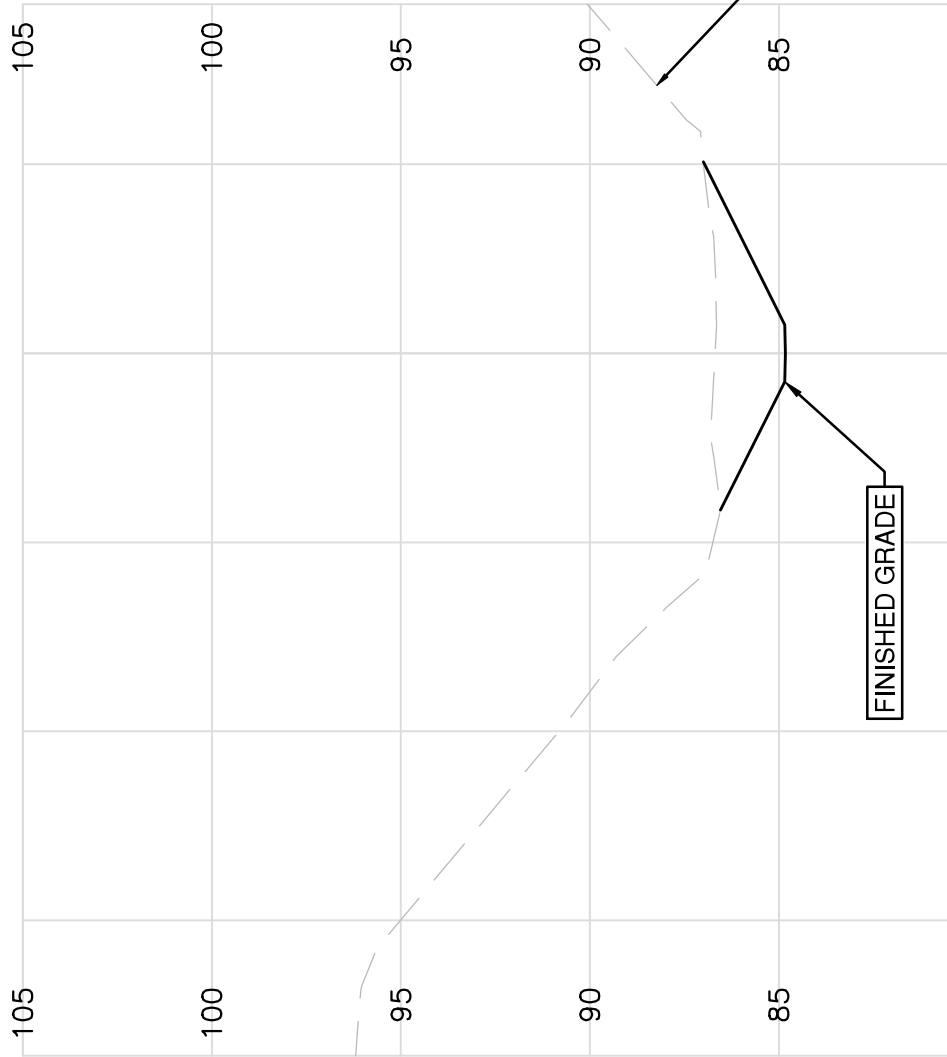
PROJECT LOCATION



PLAN VIEW
SCALE: 1:100

IMPOUNDED SEDIMENT TO BE REMOVED,
 VOLUME ≈ 125 - 145 m³

EXISTING TIMBER CRIB DAM



FINISHED GRADE

Appendix C

Environmental Assessment Report



Ladysmith Dam Environmental Assessment Report

Presented To: Town of Ladysmith

Dated: June 27, 2024

Ecora File No.: 230602



Head Office:
#200, 2045 Enterprise Way.
V1Y 9T5
P: 250.469.9757

www.ecora.ca

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Presented To:

Ryan Bouma, P.Eng.
Director of Infrastructure Services
Town of Ladysmith
Email: RBouma@ladysmith.ca

Prepared by:



27 June 2024
Date

Bo Huang, R.P.Bio., CESCL
Senior Biologist
bo.huang@ecora.ca

Reviewed by:



27 June 2024
Date

Adam Patterson, R.P.Bio.
Environmental Team Lead
adam.patterson@ecora.ca

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1. Introduction

Ecora Engineering & Resource Group Ltd. (Ecora) has been retained by the Town of Ladysmith (the Town) to prepare an Environmental Assessment (EA) report for the Holland Creek (Mackie Road) Dam (Reference ID: D720190) Assessment and Decommissioning project (hereafter referred to as 'the Project').

1.1 Project Details

The Holland Creek Dams, which are a series of three concrete gravity dams, require dam safety inspections and, in the case of the Mackie Road Dam D720190, also a decommissioning plan. Of the three dams, only Holland Creek Water Supply Dam (D720174) is currently active. The Holland Creek (Mackie Road) Dam (D720190) and Holland Creek (Colonia Drive) Dam (D720191) are currently abandoned. The requirement for the decommission of Mackie Road Dam arose after BC Dam Safety reviewed the condition of several dams along Holland Creek and noted the relatively poor condition of the Mackie Road Dam. According to the Project Request for Proposal (RFP), BC Dam Safety and the Town's Council has determined that decommissioning the dam was likely the best path forward from the safety perspective. The other two dams reviewed require engineering input but are on a lower priority timeline.

This EA Report will provide the results of our environmental desktop studies and site visit for the above mentioned dam. However, the current proposed activities will be limited to the decommission of Mackie Road Dam only as per the engineering design drawings (Holland Creek Dam Safety Inspection – Mackie Road Dam Town of Ladysmith Existing Site Plan, 16 February 2023). As per the drawings, sediment removal will be conducted within the creek channel as part of the proposed activities. The goal for the dam decommission is to restore the original channel morphology within the project site.

1.2 Objectives

The objectives of the EA Report include:

- A biophysical inventory and background review of local resources that may be impacted by the Project.
- Identification of planned and potential impacts to species and habitats.
- Identification of species-at-risk that could be affected by the Project.
- A description of the scope of work and potential impacts that will need to be addressed.
- Guide construction schedules by identifying periods for construction that are the least-risk to species potentially affected by the project.
- Guide the preparation of a Construction Environmental Management Plan (CEMP) that will be used by the selected contractor as a guide to mitigate environmental risks during construction.
- An environmental monitoring plan.
- A description of potential restoration or enhancement opportunities.

1.3 Dam Locations

The EA addresses the above-referenced dams. These dams are located along Holland Creek (Watershed Code: 920-321500) within the Town and are under the Town's Jurisdiction. Please refer to **Table 1** for the GPS Coordinates of the above-referenced dams. The location of each dam is depicted in the inset Figure 1 below.

Table 1. GPS Coordinates of Mackie Road Dam, Colonia Drive Dam, and Water Supply Dam

Dam	UTM Coordinates		
	Zone	Easting	Northing
Mackie Road Dam (D720190)	10	439271.650	5426221.390
Colonia Drive Dam (D720191)	10	439243.530	5425931.190
Water Supply Dam (D720174)	10	438049.240	5425084.430

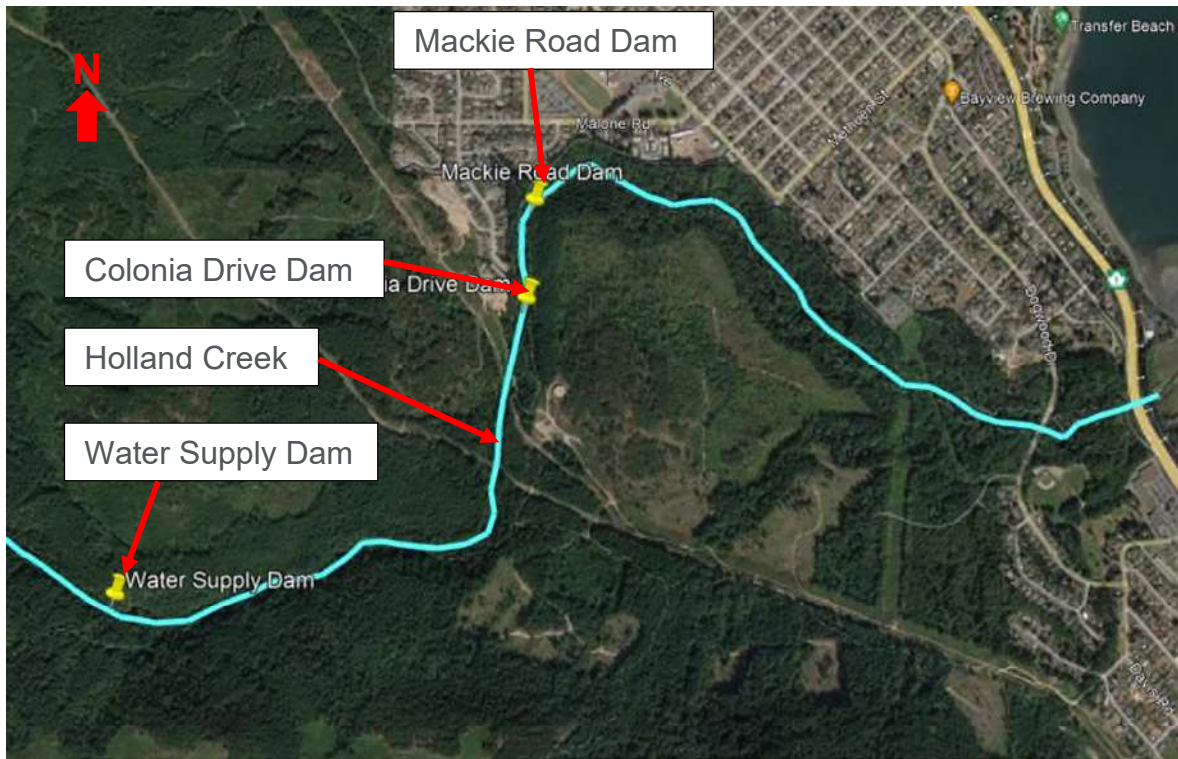


Figure 1. Google Earth Aerial Image showing the dam locations along Holland Creek

1.4 Climate and Weather

The Project occurs within the Coastal Western Hemlock (CWH) Biogeoclimatic Zone¹. On average, the CWH is the rainiest biogeoclimatic zone in British Columbia. The zone typically has a cool mesothermal climate: cool summers and mild winters. Mean annual temperature is about 8°C and ranges from 5.2 to 10.5°C among the CWH subzones. The mean monthly temperature is above 10°C for 4-6 months of the year. The mean temperature of the coldest month is 0.2°C and ranges from 6.6 to 4.7°C among the subzones. In the Town, November, December and January are the wettest months (rain: >180 mm per month) while July and August are the driest months (rain: <45 mm per month)².

2. Desktop Studies

2.1 Existing Documents and Online Database

Prior to the field assessment, the following studies were reviewed:

- Water Quality Assessment and Objectives for Holland Creek and Stocking Lake Watersheds Vancouver Island³ (Ministry of Environment, Lands, and Parks 1996);
- Preliminary Environmental Screening of Potential Water Supply Development Projects for The Town of Ladysmith³ (P.A. Harder and Associates Ltd., 2002); and

¹ Meidinger and Pojar. 1991. Ecosystem of British Columbia. Source: <https://www.for.gov.bc.ca/hfd/pubs/Docs/Srs/Srs06.htm>

² Source: <https://en.climate-data.org/north-america/canada/british-columbia/ladysmith-10445/>. Accessed on 12 December 2023.

³ Source: https://www.ladysmith.ca/docs/default-source/reports-2021/appendix-b.pdf?sfvrsn=8367ecad_6. Accessed on 13 December 2023.

- Holland Creek Environmental Monitoring⁴ (BS Consulting, 2012).

A review of the available online information was conducted to identify known species and environmental features within or adjacent to the Project. The following resources were reviewed:

- DFO Aquatic Species at Risk Map;
- BC Conservation Data Centre (CDC) Explorer;
- BC CDC iMap;
- Habitat Wizard;
- BC Fish Inventories Data Queries (FIDQ).

2.2 Aquatic Resources

2.2.1 Hydrology

As per the above-mentioned studies, Holland Creek is approximately 12 km in length with a drainage area of 28 km² ranging in elevation from sea level to 1300 m⁵. The Holland Creek Watershed receives an average of 2200 mm of precipitation per year with more than 80% of the rainfall occurring from October to March. Peak streamflow occurs in the winter period while low flows occur during summer (i.e., June – September). Surface flow within Holland Creek is affected by the following:

- Banon Creek – upstream of Holland Lake; surface water at the upper 7.5 km² of Banon Creek is diverted into Holland Lake from November to May.
- Holland Lake and Prevost Lake – upstream of Holland Creek; these lakes store water in the winter and release it in the summer.
- The withdrawal of water by the Town at the Water Supply Dam intake.

The net effect of this water regulation is to increase flow by up to 3 to 4 times during July, August, and September.

2.2.2 Fish Habitat

Holland Creek flows eastward from the headwaters into Ladysmith Harbour. Within the upstream portion, the creek has two main channels (i.e., the North and South Forks). The South Fork originates from the Holland Lake reservoir and connects with the mainstem channel approximately 2.9 km upstream from the Water Supply Dam (also referred to as the Chicken Ladder Dam). Holland Lake supports a good recreational fishery of stocked rainbow trout (*Oncorhynchus mykiss*), which have been found in the South Fork of Holland Creek suggesting that the reservoir population of Rainbow Trout have moved into Holland Creek.

According to the studies, instream habitat diversity is high within the middle reaches (i.e., upstream and downstream of the South Fork) of Holland Creek. The channel exhibits a pool-riffle morphology with a gradient of approximately 2-3%. Substrates within the creek mainly consist of gravel and cobble. The streambank is believed to be stable, and instream features such as Large Woody Debris (LWD) and Small Woody Debris (SWD) appear to be abundant. Riparian habitat along Holland Creek appears to be dense with both deciduous and coniferous tree species including western redcedar (*Thuja plicata*), douglas-fir (*Pseudotsuga menziesii*), and red alder (*Alnus rubra*). Crown closure is approximately between 15% - 35%.

The studies also show that habitat conditions in lower Holland Creek (i.e., downstream of Water Supply Dam) are strongly influenced by residual flow volumes after water has been diverted into the water supply system for the Town. The net effect from flow regulation has significantly increased natural creek flow levels in Holland Creek during the low flow months (i.e., July, August, and September). Hence, these modified flow conditions are believed to improve the fish habitat conditions for resident and anadromous fish in Holland Creek.

⁴ Source: <https://wordpress.viu.ca/rmot306/files/2016/08/VIU-Holland-Creek-WQ-Report-2012>. Accessed on 13 December 2023.

⁵ Source: https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/waterquality/water-quality-objectives/wqo_report_holland_stocking.pdf. Accessed on 12 December 2023.

Holland Creek anadromous (sea-run) fisheries are limited to the lower 2.3 km by impassable falls. These species include chum salmon (*Oncorhynchus keta*), coho salmon (*Oncorhynchus kisutch*), steelhead (*Oncorhynchus mykiss*), and cutthroat trout (*Oncorhynchus clarkii*). According to Google Earth, Mackie Road Dam is located approximately 2.4 km upstream of the Ladysmith Harbor. Such information suggests that Holland Creek anadromous fisheries may not reach to Mackie Road Dam. However, it is possible that the Holland Lake Rainbow Trout may be present at Mackie Road Dam.

2.2.3 Fish Presence

Desktop studies show that Holland Creek (Watershed Code: 920-321500) is inhabited by the following fish species.

Table 2. Fish Species documented in the Provincial Databases for Holland Creek

Common Name	Latin Name	BC List / SARA as per CDC Explorer ⁶
Chum Salmon	<i>Oncorhynchus keta</i>	Not Reviewed ⁷
Cutthroat Trout (Coastal)	<i>Oncorhynchus clarkii</i>	Blue ⁸
Coho Salmon	<i>Oncorhynchus kisutch</i>	Yellow ⁹
Cutthroat Trout	<i>Oncorhynchus clarkii</i>	No Status ¹⁰
Rainbow Trout / Steelhead	<i>Oncorhynchus mykiss</i>	Not Reviewed ¹¹

2.3 Terrestrial Resources

Desktop studies indicate that the following amphibians and reptiles were observed and recorded within 3 km of the Project (see Table 3).

Table 3. Amphibians and Reptiles documented in the Provincial Database within 3 km of the Project.

Common Name	Latin Name	BC list / SARA
Common Garter snake	<i>Thamnophis sirtalis</i>	Yellow
Western Red-backed Salamander	<i>Plethodon vehiculum</i>	Yellow
Common Wall Lizard	<i>Podarcis muralis</i>	Exotic
Northern Red-legged Frog	<i>Rana aurora</i>	Blue / 1-SC ¹² (2005)
Western Skink	<i>Plestiodon skiltonianus</i>	Blue / 1-SC (2005)

Habitat Wizard indicates that a Great Blue Heron (*Ardea Herodias*) colony is located approximately 2 km to the north of the Mackie Road Dam. Aerial image from Habitat Wizard suggests that the colony is surrounded by residential developments and road construction. The following wildlife species were observed and recorded within 3 km of the Project (see Table 4).

⁶ Source: <https://a100.gov.bc.ca/pub/eswp/search.do?jsessionid=D2B202A03865057B4D16CB1D4BA21614>. Accessed on 13 December 2023.

⁷ Not Reviewed = Species and ecological communities that have not undergone a conservation status assessment (i.e., Provincial Conservation Status Rank is SNR); Species that have Provincial Conservation Status Ranks assigned from National General Status Program but have not been reviewed or verified by the BC CDC.

⁸ Blue = Includes any native species or ecological community considered to be of Special Concern (formerly Vulnerable) in British Columbia. Species or ecological communities of Special Concern have characteristics that make them particularly sensitive or vulnerable to human activities or natural events. Blue-listed species or ecological communities are at risk, but are not Extirpated, Endangered or Threatened.

⁹ Yellow = Includes species or ecological communities that are apparently secure and not at risk of extinction. Yellow-listed species may have red- or blue-listed subspecies.

¹⁰ No Status is assigned to the animal species record when all related infraspecies (e.g., subspecies, population, ecotype, etc.) in BC have been assigned to the Red, Blue, or Yellow List.

¹¹ Not Reviewed = Species and ecological communities that have not undergone a conservation status assessment (i.e., Provincial Conservation Status Rank is SNR); Species that have Provincial Conservation Status Ranks assigned from National General Status Program but have not been reviewed or verified by the BC CDC.

¹² SPECIAL CONCERN (SC): A species of special concern because of characteristics that make it is particularly sensitive to human activities or natural events.

Table 4. Wildlife species documented in the Provincial Database within 3 km of the Project.

Common Name	Latin Name	BC list / SARA
Great Blue Heron	<i>Ardea Herodias</i>	No Status
Double-crested Cormorant	<i>Phalacrocorax auritus</i>	Blue
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Yellow

2.4 Species at Risk

A review of DFO Species at Risk Maps shows that no designated aquatic critical habitat is located within or adjacent to the dams. Habitat Wizard Incidental Observation Records indicate that two SARA Schedule 1 species (i.e., Northern Red-legged Frog and Western Skink) were identified offsite. As per the records, these two species were identified in the following locations:

- Northern Red-legged Frog - identified at the northern edge of Heart Lake approximately 1.8 Km to the south of Mackie Road Dam in 2015; and
- Western Skink - identified at the eastern edge of Stocking Lake approximately 3.3 Km to the south of Mackie Road Dam in 2014.

2.4.1 Northern Red-legged Frog

As per COSEWIC Assessment and Status Report on the Northern Red-legged Frog¹³ (2015), this species is an inhabitant of moist, lower elevation forests and requires both aquatic breeding habitats and terrestrial foraging habitats in a suitable spatial configuration to complete the different phases of its life cycle. The Northern Red-legged Frog breeds in a variety of permanent and temporary water bodies, including potholes, ponds, ditches, springs, marshes, margins of large lakes, and slow-moving portions of rivers. In British Columbia, distribution records and anecdotal observations suggest that the species is commonly found in second growth forests and occurs in suburban gardens and seasonal ponds in pasture and agricultural lands adjacent to forested areas. Based on its terrestrial habitat requirements (i.e., forested area or agricultural land adjacent to the forested areas), it is possible to encounter Northern red-legged frog within or adjacent to the dams.

2.4.2 Western Skink

CDC Species Summary indicates that habitats of Western Skink include grassland, chaparral, pinyon-juniper woodland, open pine or pine-oak woods, and rocky areas near streams (Stebbins 2003); the species is partial to open wooded foothills and is usually associated with rocks, under which it takes shelter (also digs burrows in soil). Although CDC Mapped Known locations show that all known Western Skink Critical Habitats are located within the southeastern BC, it is possible to encounter Western Skink within or adjacent to the dams based on its habitat preference (i.e., riparian treed habitat).

3. Field Assessment

Ecora assessed the dams on the following dates to document the existing environmental conditions at the Project area:

- 19 September 2023 to observe the habitat conditions at the dams during the low flow period.
- 27 and 28 October 2023 to observe the habitat conditions at the dams during the wet season.

Prior to the site visits, rainfall records from the two nearest monitoring stations (i.e., Nanaimo A Station and Chemainus Station) were reviewed to estimate the flow conditions associated with the precipitation events. As per Weather Canada¹⁴, both stations are approximately 8 km from Mackie Road Dam. Nanaimo A Station (Climate ID: 1025365) is located to the north of the dam. Chemainus Station (Climate ID: 1011500) is located to the south of the dam. As per the records, no

¹³ COSEWIC. 2015c. COSEWIC assessment and status report on the Northern Red-legged Frog *Rana aurora* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. xii + 69 pp.

¹⁴ Source: https://climate.weather.gc.ca/historical_data/search_historic_data_e.html. Accessed on 19 December 2023.

precipitation was recorded at Nanaimo A Station prior to the site visits. Minimal precipitation (rain: 0.2 mm) was documented at Chemainus Station on 18 September 2023. Also, precipitation events (rain: 95.9 mm, snow: 6.8 cm) were documented on 24 and 25 October 2023 at Chemainus Station. Based on rainfall records, it is possible that precipitation events might have occurred at the dams 48 hours or 72 hours prior to the site visit on 27 October 2023. The site assessment was conducted in accordance with the following guidelines:

- Channel Conditions and Prescriptions Assessment¹⁵
- Riparian Assessment and Prescriptions Procedures¹⁶
- Provincial Fish Habitat Assessment Procedure¹⁷

At each dam, our assessment addresses the following areas:

- Approximately 50 m upstream of the dam
- Approximately 100 m downstream of the dam
- Riparian area measured approximately 30 m from the top of bank on both sides of the dam

3.1 Mackie Road Dam

Onsite observations suggest that Mackie Road Dam is located within a ravine with a width of approximately 20 m measured from Top of Ravine Bank. The dam is about 12 m wide and is approximately 4 m below the Top of Ravine Bank.

3.1.1 Instream Habitat Observations

At the upstream end of the dam, the channel exhibits a riffle-pool morphology with an average gradient of approximately 2%. The channel width is approximately 12 m. The dominant substrate appears to be cobble, and the subdominant substrate is gravel. Residual pool depth is approximately 15 cm. During the site visit on 28 October 2023, the channel had a wetted width of approximately 11 m and a wetted depth of approximately 40 cm. Habitat features such as SWD, LWD, and overhanging vegetation appear to be abundant within the channel.

The channel exhibits a step-pool morphology within approximately 20 m downstream of the dam with a gradient of approximately 7%. Within this area, substrate consists of bedrock, and no instream habitat features were noted. At the further downstream of the dam, the channel exhibits a cascade-pool morphology with a gradient of approximately 4%. The substrate mainly consists of boulder and cobble.

A permanent fish barrier (i.e., waterfall) is noted approximately 50 m downstream of the dam. The waterfall is approximately 10 m wide with a height of approximately 6 m (gradient: >80%). Onsite observations suggest that the waterfall is likely one of the impassable falls mentioned in the desktop studies.

3.1.2 Riparian Habitat Observations

Riparian vegetation adjacent to the dam appears to have been well-landscaped. At the canopy level, riparian vegetation consists of a mix of deciduous and coniferous trees including red alder, western redcedar, and Douglas-fir. At the shrub and ground level, riparian vegetation consists of salmonberry (*Rubus spectabilis*), bigleaf maple (*Acer macrophyllum*), and sword fern (*Polystichum munitum*).

¹⁵ Source: https://a100.gov.bc.ca/pub/acat/documents/r1740/CCPA_1098478880683_b225bfb905247a28b95b537fcd305d4.pdf. Accessed on 19 December 2023.

¹⁶ Source: <https://www.for.gov.bc.ca/hfd/library/documents/Bib46218.pdf>. Accessed on 19 December 2023.

¹⁷ Source: https://a100.gov.bc.ca/pub/acat/documents/r15711/Fish_Habitat_Assessment_Procedures_1229454360370_60d06fb366d66d9a96f0f58ea082db1abc58c0fc1e3805cd799cd37fc0143bdb.pdf. Accessed on 19 December 2023.

3.2 Colonia Drive Dam

Onsite observations suggest that Colonia Drive Dam is located within a ravine with a width of approximately 15 m measured from Top of Ravine Bank. The dam is about 12 m in width and is approximately 2 m below the Top of Ravine Bank.

3.2.1 Instream Habitat Observations

Upstream of the dam, the channel exhibits a riffle-pool morphology for approximately 30 m. Further upstream of the dam, the channel exhibits a cascade-pool morphology where the boulder cluster was noted. Within the riffle-pool section, the average gradient is approximately 2%, and the channel width is approximately 12 m. The dominant substrate appears to be gravel, and the subdominant substrate is cobble. The residual pool depth is approximately 10 cm. During the site visit on 28 October 2023, the channel had a wetted width of approximately 11 m and a wetted depth of approximately 30 cm. Habitat features such as SWD, LWD, overhanging vegetation, boulder cluster were noted within assessed area within the channel.

The channel exhibits a step-pool morphology approximately 50 m downstream of the dam with a gradient of approximately 8%. Within this area, substrate consists of rock and boulder. Habitat features including boulder cluster and overhanging vegetation were noted within the channel.

3.2.2 Riparian Habitat Observations

At the canopy level, riparian vegetation consists of a mix of deciduous and coniferous trees including red alder, western red cedar, bigleaf maple, yew tree, and douglas fir. At the shrub and ground level, riparian vegetation consists of salal (*Ericaceae*), salmonberry, and sword ferns.

3.3 Water Supply Dam

During the site visit, the Water Supply Drive Dam was noted to be located approximately 15 m upstream of an impassable fall. The dam appears to be 10 m wide.

3.3.1 Instream Habitat Observations

At the upstream of the dam, the channel exhibits a riffle-pool morphology for approximately 25 m before changing into a cascade-pool morphology where the boulder clusters were noted. Within the riffle-pool section, the average gradient is approximately 2%, and the channel width is approximately 10 m. The dominant substrate appears to be gravel, and the subdominant substrate is cobble. The residual pool depth is approximately 10 cm. During the site visit on 27 October 2023, the wetted width was approximately 10 m, and the wetted depth was approximately 40 cm. Habitat features such as gravel bar and overhanging vegetation were noted along the channel.

The channel exhibits a step-pool morphology to the immediate downstream of the dam with a gradient of approximately 10%. A permanent fish barrier (i.e., fall) is noted approximately 15 m downstream of the dam. The substrate consists of bedrock. Habitat features including boulder group and overhanging vegetation were noted within the channel.

3.3.2 Riparian Habitat Observations

At the canopy level, riparian vegetation consists of a mix of deciduous-coniferous trees including red alder, western red cedar, and douglas fir. At the shrub and ground level, riparian vegetation consists of salal, salmonberry, and western brackenfern. Maintenance appears to have been conducted along the riparian area where evidence of invasive plants and household garbage was not observed during the site visits.

3.4 Species at Risk

During the site visits, no evidence of species at risk was identified within or adjacent to the project sites. However, based on the previous offsite incidental observation records, Ecora believes that a pre-construction wildlife survey needs to be conducted at each project site prior to the commencement of the construction.

Our desktop studies suggest a provincial red listed Ecological Community (i.e., Douglas-fir – arbutus, Shape ID: 139342) is located approximately 300 m to the south of Mackie Road Dam. During the site visits, no evidence of ecological community was identified at the location where Habitat Wizard shows due to local land development that is not associated with our project.

3.5 Overall Habitat Conditions

Based on our onsite observations, Ecora believes that **the existing habitats at each dam may provide local fish species with rearing potential.**

Due to the identified permanent fish barriers (i.e., waterfall 1 located approximately 50 m downstream of Mackie Road Dam and waterfall 2 located approximately 15 m downstream of Water Supply Dam), Ecora believes that the proposed scope of works (i.e., dam decommissioning) will not enable the anadromous fish species to access the further upstream habitat.

3.6 Holland Creek Existing Salmonid Spawning Habitat

In addition to the above-mentioned dams, Ecora also confirms the presence of the existing salmonid spawning habitat within Holland Creek. During the site visit on 27 October 2023, salmonid spawning activities were noted approximately 2.3 Km downstream of Mackie Road Dam.

4. Regulatory Framework and Permitting Requirements

To obtain all required permits and approvals prior to the commencement of the project, the following legislation and associated information was reviewed (Table 5).

Table 5. Applicable Legislation and Associated Environmental Permits for the Project.

Legislation	General Description	Required Permit or Approval	Project Requirements
Federal <i>Fisheries Act</i> , Subsection 35(1), 35(2), and 34	The <i>Fisheries Act</i> requires that projects avoid causing serious harm to fish unless authorized by the Minister of Fisheries and Oceans Canada.	DFO Request for Review	A DFO Request for Review will be required for the Project.
		DFO Scientific licence	A DFO Scientific licence will be required for the Project.
Federal <i>Species at Risk Act (SARA)</i> , Section 73 and 78	Authorizations (i.e., Section 73 Permit) are required by anyone conducting activities that may affect species listed in Schedule 1 of SARA, as extirpated, endangered, or threatened (e.g., scientific research permit) and which contravene the Act's general or critical habitat prohibitions (Sections 32-36).	SARA Permit	No Critical Habitat is identified within or adjacent to the Project; hence, no SARA Permit is required for the Project.
Federal <i>Migratory Birds Convention Act*</i>	Protects birds and their nests during the typical bird breeding season between March 15 and August 15 in southwestern BC	N/A	If vegetation clearing is required within the bird breeding season, then pre-clearing bird nest

			surveys will be completed by a QEP.
Provincial <i>Water Sustainability Act</i> (WSA), Section 11	Section 11 of WSA requires that “change in and about a stream” may only proceed under approval or by notification.	WSA Approval	A WSA Approval will be required for the Project.
Provincial <i>Wildlife Act</i> , Section 19	According to Section 19 of the <i>Wildlife Act</i> , anyone intending to collect freshwater fish from non-tidal British Columbia inland waters is required to have a Fish Collection Permit.	Provincial Fish Collection Permit	A Provincial Fish Collection Permit will be required for the Project.
<i>Wildlife Act</i> , Section 34	Protects birds and their nests during the bird breeding season as well as the nests, nest trees and eggs of certain species of bird all year	General Wildlife Permit	A General Wildlife Permit will be required for the Project.

5. Potential Environmental Effects and Proposed Mitigation Measures

Stream water quality can be impacted by changes made to the streambed. Works within a stream often result in the release of fine sediments and other deleterious substances. Works that damage or change the stream channel or encroach into the floodplain of a stream can cause a reduction of water clarity and visibility which impairs the ability of aquatic life to find food, mate, and escape predators.

5.1 Water Quality

5.1.1 Potential Effects

Stream water quality can be impacted by changes made to the streambed. Works within a stream often result in the release of fine sediments and other deleterious substances. Works that modify the stream channel can cause a reduction of water clarity and visibility which impairs the ability of aquatic life to find food, mate, and escape predators.

5.1.2 Recommended Mitigation Measures

Standards and Best Management Practices (BMPs) as outlined in Standards and Best Practices for Instream Works¹⁸ (MOELP, 2004), will be employed for instream works. Best management practices prescribe that instream works be performed when water levels within a stream are low (i.e., during the reduced risk instream work window) so that construction can be conducted with minimal disturbance to water flow or risk of sedimentation in a watercourse. Based on the least risk timing windows of Chum Salmon and Cutthroat Trout, the instream works timing window¹⁹ is anticipated to be 15 August to 15 September.

If needed, prior to the commencement of the project, an Erosion and Sediment Control (ESC) Plan will be prepared as per the Land Development Guidelines for the Protection of Aquatic Habitat²⁰ (DFO 1993). The ESC plan includes appropriate measures that will be implemented prior to construction. An Environmental Monitor (EM) will be on site to determine the effectiveness of these measures and determine if changes to the implemented measures are required. When instream works are ongoing, the EM will conduct water quality monitoring as per provincial approved water quality guidelines.

In addition, the following general mitigation measures will be implemented to minimize impacts to water quality:

¹⁸ Source: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/forestry/bc-timber-sales/ems-sfm-certification/business-area/kamloops/standards_bmp_for_instream_works_2004.pdf. Accessed on 16 December 2023.

¹⁹ Source: https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/working-around-water/terms_conditions_van_island.pdf. Accessed on 16 December 2023.

²⁰ Source: www.sxd.sala.ubc.ca/9_resources/fed_%20files/fed%20land%20development%20guidelines.pdf. Accessed on 16 December 2023.

- Where possible, construction machinery will be parked over spill pads at least 30 m from all watercourses or drainages.
- Fueling of machinery will be conducted off-site at approved fueling locations at least 30 m from any watercourse/drainage.
- Prior to accessing riparian areas, the contractor will verify that machinery is in good working condition and free of fuel and lubricant leaks.
- Necessary maintenance oils/lubricants will be stored in a separate contained lay-down area and conducted well away from any watercourse/drainages.
- The use of toxic liquid paints, primers, solvents degreasers and rust inhibitors will be avoided.
- Drains and open joints on the bridge deck will be adequately sealed prior to sweeping or washing to prevent material or sediment-laden wash water from entering the watercourse.
- A spill kit will be maintained in the active construction area and spill-containment kits containing enough absorbent material will be present in the active work area in proximity to working machinery.
- All temporarily disturbed areas will be reseeded and replanted with native mixes/species outside of the permanent riprap footprint.
- Environmental monitoring will be conducted, as required, during construction works adjacent to the watercourse to confirm appropriate mitigation measures are being implemented.
- Works will be conducted in accordance with all applicable Acts, Regulations, Standards, and Guidelines to protect the water quality of onsite watercourses.

5.2 Fish Habitat Protection

5.2.1 Potential Effects

Potential negative environmental effects on fish and fish habitat resulting from dam decommission includes riparian vegetation clearing and streambed disturbance. Environmental effects which may result from the construction activities may include the following:

- Sedimentation and erosion concerns during and following construction;
- Temporary loss of riparian habitat;
- Minor changes in riparian cover habitat; and,
- Potential for deleterious substances to enter the watercourse during construction.

5.2.2 Recommended Mitigation Measures

Instream worksite isolation and fish salvage activities will be conducted prior to the restoration works. The required fish collection permits (i.e., both federal and provincial) will be obtained prior to the start of the Project. All salvage activities will follow the conditions of the permits. In addition, the following BMPs will be followed to mitigate impacts to fish and fish habitat:

- All instream works will occur within the appropriate timing window (i.e., August 15 to September 15).
- All fish salvage activities will be conducted by a Qualified Environmental Professional (QEP) who have the necessary Fish Salvage Permits in hand.
- Site isolation within a watercourse will be initiated by placing an upstream and downstream stop-net into the watercourse to prevent fish migration in or out of the work area.
- Fish salvage will be completed within the isolated work area by dip net and/or overnight Gee minnow trapping. All captured fish will be identified to species, enumerated and then relocated unharmed upstream of the work area.
- Fish salvage activities will include site isolation by using sediment fencing, polyethylene sheeting, sandbag, or metal sheet within the salvaged area.
- Surface water flow from upstream of the isolation plate will be conveyed around the work area by deploying an upstream fish-screened pump. If needed, flowing upstream water will be pumped back into the watercourse downstream of the isolated work area. With the fish salvage completed, the stop nets will be removed. The standing water within the isolated area will then be pumped from the isolated work area back to the watercourse using a fish-screened pump.
- If isolation is not required, instream works will be conducted in a cautious manner.
- Surface flow will be maintained at all times during instream work to protect downstream fish and fish habitat.

5.3 Riparian Re-Vegetation

5.3.1 Potential Effects

Temporary riparian vegetation disturbance (i.e., construction of temporary machinery site access) will be conducted as part of site preparation.

5.3.2 Recommended Mitigation Measures

To minimize riparian vegetation disturbance, the following mitigation measures are proposed:

- Onsite clearing and grubbing limits will be delineated prior to the vegetation clearing.
- Riparian vegetation disturbance and removal will be minimized where possible.
- If possible, onsite disturbed riparian areas should be re-vegetated immediately following the completion of the Project.
- A Riparian Planting Plan should be prepared to address onsite impacted areas and vegetation losses. It is anticipated that site restoration may include a combination of hydroseeding and riparian planting with local species that were identified onsite including the followings:
 - Recommended tree species: western red alder, broadleaf maple (*Acer macrophyllum*), vine maple (*Acer circinatum*), red alder (*Alnus rubra*), and douglas fir.
 - Recommended shrub species: salmonberry, sword fern, red-osier dogwood (*Cornus sericea* or *C. stolonifera*), pacific ninebark (*Physocarpus capitatus*), and western brackenfern
- Planting activities should be conducted as per BC Riparian Restoration Guidelines (MoE, 2008) as applicable:
 - All riparian plantings should be based on 1 tree or shrub per 1 square metre density.
 - All tree/shrub species should be of guaranteed nursery stock.
 - The botanical name should be used when ordering stock to ensure that the desired native species is being purchased. Each specimen should be tagged with the botanical name and the tag should be left attached after planting.
 - Stock planted during the fall (Sept. - Oct.) and spring (March - April) has the greatest likelihood of surviving. Regular watering may be required until the plants are established. Additional advice on proper planting procedures should be obtained from the nursery supplying the stock.
 - Tree stock should be a minimum of 1.2 m (4 ft) in height when purchased and planted 1.5 to 2 m apart.
 - Planting on a given area being enhanced must be successful to an 80% take. If more than 20% die over one year, replanting is required.
- **The Riparian Planting Plan shall be reviewed and approved by the Town before being finalized.**

5.4 Wildlife

5.4.1 Potential Effects

Potential effects for wildlife that may be present include interacting with personnel and equipment and temporary loss of nesting habitat for birds.

5.4.2 Recommended Mitigation Measures

Appropriate Best Management Practices (BMPs) will be implemented during project construction to avoid potential impacts to wildlife. If vegetation clearing is required within the Bird Breeding Season²¹ (i.e., April 15 to July 31) then pre-clearing bird nest surveys will be completed by a QEP. Where possible, potential nesting sites identified in the Project area will be retained. In addition, all onsite personnel will be required to store personal food appropriately to avoid attracting wildlife.

²¹ Source: https://www.ladysmith.ca/docs/default-source/bylaws-2021/official-community-plan-2023_dpa.pdf?sfvrsn=217df7db_2. Access on 15 January 2024.

5.5 Species at Risk

No Critical Habitats were within or adjacent to our project sites from the desktop studies. Hence, the proposed scope of works will not impact any known Critical Habitats.

5.5.1 Recommended Mitigation Measures

Based on the previous offsite incidental observation records, Ecora believes that a pre-construction wildlife survey needs to be conducted at each project site prior to the commencement of the construction. Prior to the survey, a General Wildlife Permit will be obtained and appropriate survey methods and efforts will be performed as per the applicable BMPs and the terms and conditions of the permit.

5.6 Construction

A detailed Construction Environmental Management Plan (CEMP) with work procedures shall be prepared prior to commencing construction. The CEMP will be submitted to the Town for review and approval prior to the start of works. Mitigation measures and BMPs detailed in the CEMP will include but not be limited to the following management plans / procedures:

- Project Staff – Roles and Responsibilities
- Instream Work Plan and Water Quality Monitoring Plan
- Fish Salvage Procedure
- Wildlife Management Plan
- Invasive Species Management Plan
- Riparian Planting Plan
- Erosion and Sediment Control Plan
- Waste Management Plan
- Spill Prevention and Emergency Response Procedures
- Fish Habitat Enhancement Plan

5.6.1 Least Risk Timing Windows

5.6.1.1 Instream Works

Instream works should be conducted as per the appropriate Least Risk Timing Window of 15 August to 15 September to protect local fish species within Holland Creek. It should be noted that the Least Risk Timing Window for fish species does not apply if the stream is dry due to seasonal variation. If instream works need to be conducted outside the Least Risk Timing Window, the corresponding regulators shall be contacted and appropriate rationale and mitigation measures shall be reviewed and approved by the regulators prior to the instream works.

5.6.1.2 Vegetation Clearing

Vegetation disturbance should be limited where possible. If vegetation clearing is proposed, clearing should be conducted outside the **Breeding Bird Season (i.e., 15 April to 31 July)**. If vegetation clearing has to be conducted during the Breeding Bird Season, pre-clearing bird nesting surveys by a QEP will be required to ensure compliance with the applicable regulations.

Upon the enforcement of the modernized Federal Migratory Birds (MBR) Convention Act²² (July 2022), nest protection for most migratory bird species has been limited to active nests (containing eggs or young), when they have conservation value. However, Schedule 1 of the MBR, 2022 identifies 18 species whose nests are protected year-round, and must be registered and confirmed inactive for a defined period (12 to 36 months, depending on the species) before they can be disturbed or destroyed. The list of species on Schedule 1 consists of 11 marine birds, 6 herons and egrets, and pileated woodpecker.

²² Source: <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2022-105/index.html>. Accessed on 27 June 2024.

Our desktop studies and site visits suggest that it is possible to encounter the nests of Great blue heron or Pileated woodpecker within or adjacent to our project sites. As per Schedule 1 of the MBR, the defined periods for great blue heron and pileated woodpecker are 24 months and 36 months, respectively.

5.7 Environmental Monitoring

An Environmental Monitor (EM) must be retained to conduct onsite environmental monitoring before, during, after the construction. A detailed environmental monitoring and reporting requirements shall be included in the CEMP. At minimum, the EM will be responsible for the following tasks:

- Attending safety and environmental orientation meetings prior to the start of construction.
- Ensuring the installation and removal of erosion and sediment control measures have been completed correctly.
- Attending emergency spill incidents.
- Responding to unforeseen incidents, such as spills of hazardous substance or release of sediment to watercourses, within thirty (30) minutes of being notified.
- Preparing and being signatory of environmental monitoring reports.
- Ensure protective measures to be place prior to the instream works.
- Conduct pre-construction fish salvage and relocation.
- Conduct full time environmental monitoring for instream works.
- If needed, prior to vegetation disturbance, the project footprint will be inspected for invasive species and noxious weeds infestations.
- If needed, apply for environmental permits associated with the Project.
- Conduct wildlife survey/salvage prior to vegetation disturbance.
- Inspecting all areas of the project to ensure compliance with environmental guidelines and permits.
- Recommending proactive erosion and sediment controls, if applicable.
- Sampling and monitoring water quality, if applicable.
- Approving and attending work within or adjacent to Environmental Sensitive Areas (ESAs) and designated watercourses.
- Giving all construction personnel a brief environmental orientation prior to such personnel commencing work in any ESAs.
- Approving and attending work within ESAs and designated watercourses.
- Inspecting the project on a regular basis during any extended work stoppages (e.g., holidays).
- Providing dated photographs and Environmental Monitoring reports to demonstrate effective implementation and functioning of mitigation measures.
- Preparing weekly environmental monitoring reports with actions required (if any) to be submitted to the Client.
- Attending emergency spill incidents.

5.8 Overall Habitat Balance

The goal for the proposed activities (i.e., dam decommission) is to restore the original channel morphology of the creek within the project sites. From our site visit, Ecora has also confirmed that our project sites are isolated by impassable waterfalls. Hence, no instream habitat loss is anticipated from dam decommission. Temporary disturbance to the riparian area is anticipated as a result of site preparation that may involve vegetation clearing and grubbing. Riparian re-vegetation shall be conducted as per Section 5.3.2 of this EA Report. Overall, there should be no loss for the riparian habitat.

6. Conclusion and Closure

Prior to the commencement of the construction, all permits and approvals mentioned in Section 4 of this report must be obtained. A QEP will be onsite to conduct full time monitoring for all instream works (i.e., dam decommission and the associated riparian area disturbance) as per the approved water quality guidelines. A CEMP will be prepared to address all potential environmental- related issues over the course the construction. We trust this information meets your present requirements. If you have any questions or comments, please contact the above signed.

Appendix A

Site Photos



Photo No. 1	Date: 19 September 2023	Looking Towards: West	Location: Mackie Road Dam
Description: Looking at Mackie Road Dam during the low flow period.			



Photo No. 2	Date: 19 September 2023	Looking Towards: East	Location: Downstream of Mackie Road Dam
Description: Looking at the instream habitat to the immediate downstream of Mackie Road Dam during the low flow period.			



Photo No. 3	Date: 19 September 2023	Looking Towards: West	Location: Upstream of Mackie Road Dam
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Description: Looking at the instream habitat to the immediate upstream of Mackie Road Dam during the low flow period.



Photo No. 4	Date: 28 October 2023	Looking Towards: West	Location: Upstream of Mackie Road Dam
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Description: Looking at the instream habitat to the immediate upstream of Mackie Road Dam during the wet season.

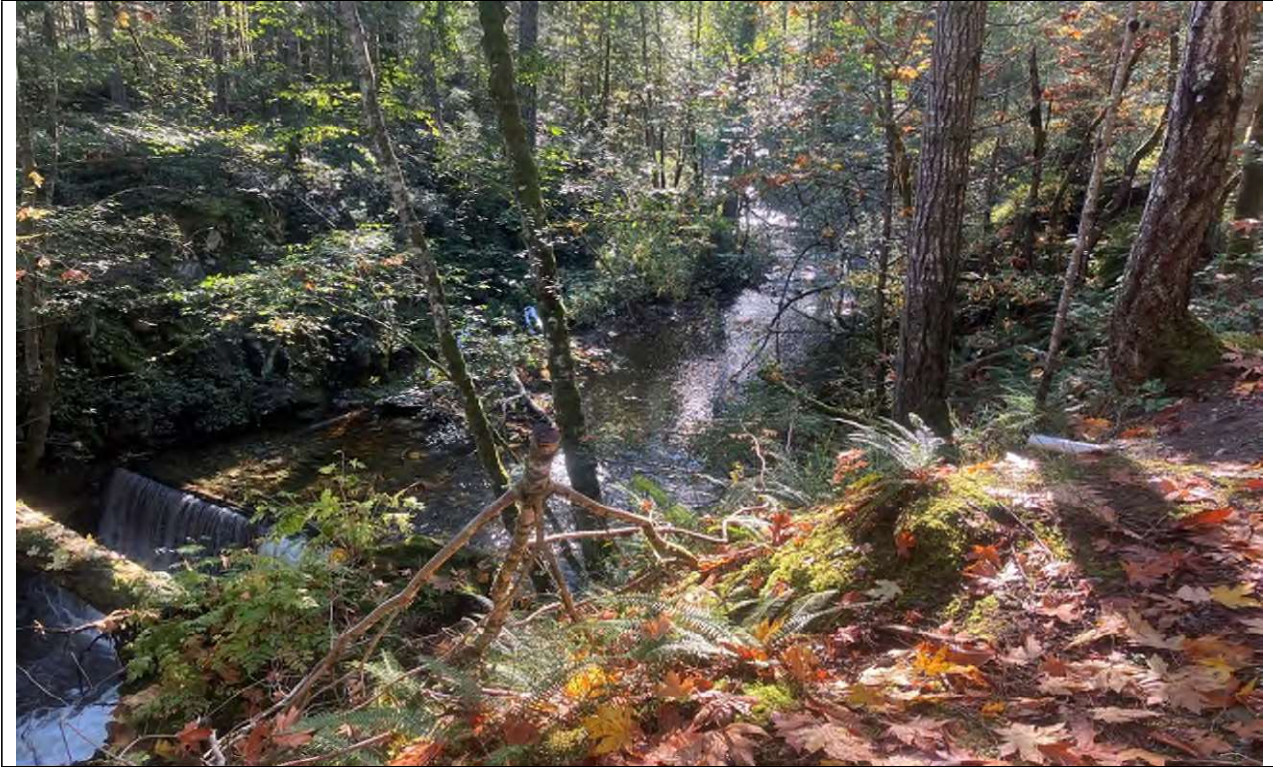


Photo No. 5	Date: 28 October 2023	Looking Towards: West	Location: Mackie Road Dam
Description: Riparian vegetation at Mackie Road Dam.			



Photo No. 6	Date: 19 September 2023	Looking Towards: South	Location: Colonia Drive Dam
Description: Looking at Colonia Drive Dam during the low flow period.			

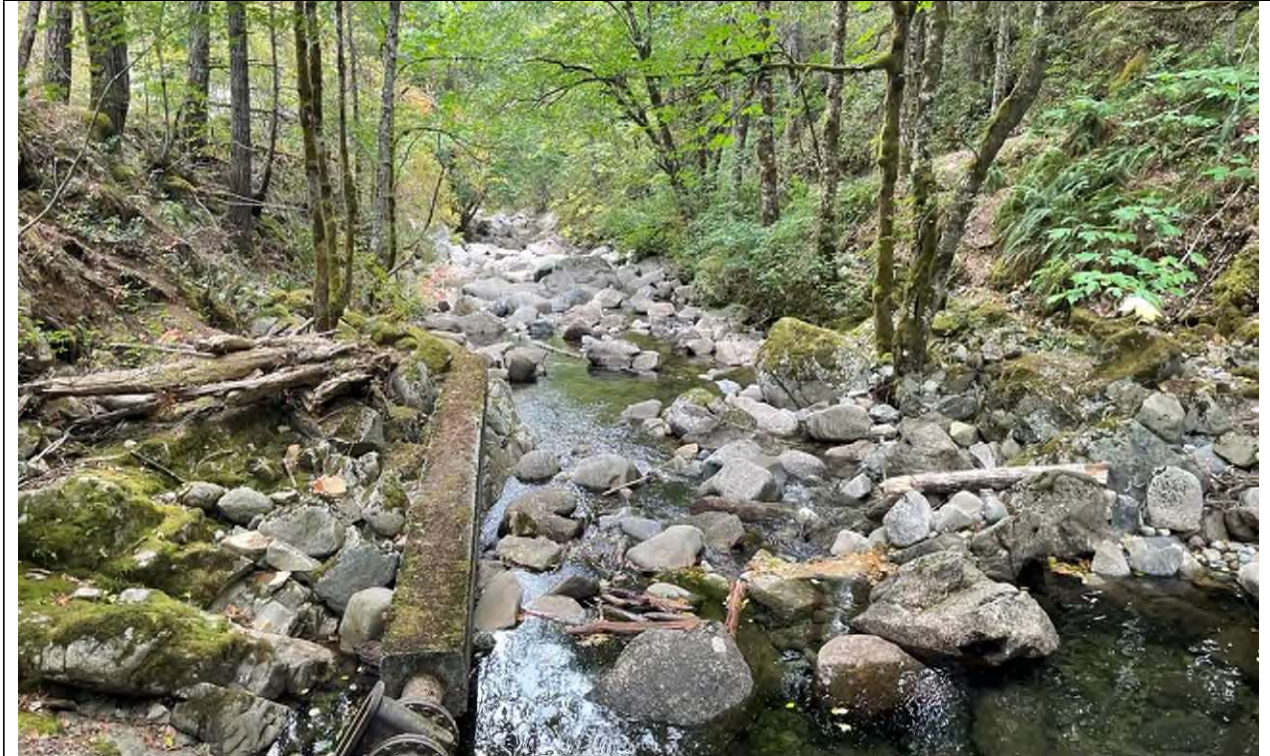


Photo No. 7	Date: 19 September 2023	Looking Towards: North	Location: Downstream of Colonia Drive Dam
Description: Looking at the instream habitat to the immediate downstream of Colonia Drive Dam during the low flow period.			



Photo No. 8	Date: 19 September 2023	Looking Towards: East	Location: Upstream of Colonia Drive Dam
Description: Looking at the instream habitat to the immediate upstream of Colonia Drive Dam during the low flow period.			



Photo No. 9	Date: 28 October 2023	Looking Towards: North	Location: Downstream of Colonia Drive Dam
Description: Looking at the instream habitat to the immediate downstream of Colonia Drive Dam during the wet season.			



Photo No. 10	Date: 28 October 2023	Looking Towards: South	Location: Upstream of Colonia Drive Dam
Description: Looking at the instream habitat to the immediate upstream of Colonia Drive Dam during the wet season.			



Photo No. 11	Date: 28 October 2023	Looking Towards: South	Location: Colonia Drive Dam
Description: Riparian vegetation at Colonia Drive Dam.			



Photo No. 12	Date: 19 September 2023	Looking Towards: West	Location: Water Supply Dam
Description: Looking at Water Supply Dam during the low flow period.			

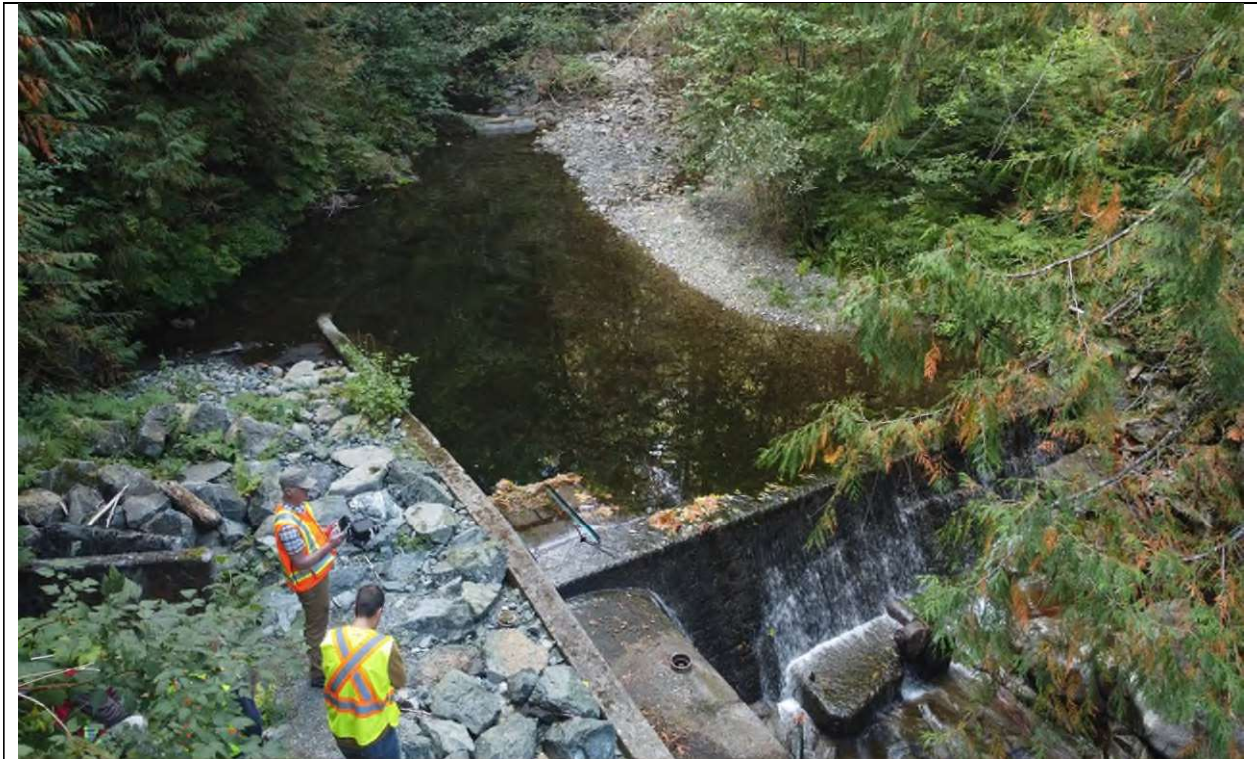


Photo No. 13	Date: 19 September 2023	Looking Towards: South	Location: Upstream of Water Supply Dam
Description: Looking at the instream habitat to the immediate upstream of Water Supply Dam during the low flow period.			



Photo No. 14	Date: 19 September 2023	Looking Towards: South	Location: Downstream of Water Supply Dam
Description: Looking at the instream habitat to the immediate downstream of Water Supply Dam (red oval) during the low flow period.			



Photo No. 15	Date: 27 October 2023	Looking Towards: West	Location: Upstream of Water Supply Dam
Description: Looking at the instream habitat to the immediate upstream of Water Supply Dam during the wet season.			



Photo No. 16	Date: 27 October 2023	Looking Towards: NA	Location: Water Supply Dam
Description: Looking at the instream habitat to the immediate upstream and downstream of Water Supply Dam during the wet season (Panorama view).			



Photo No. 17	Date: 27 October 2023	Looking Towards: East	Location: Water Supply Dam
Description: Looking at the instream feature (i.e., fall, red arrow) located to the immediate downstream of Water Supply Dam (red circle) during the wet season.			

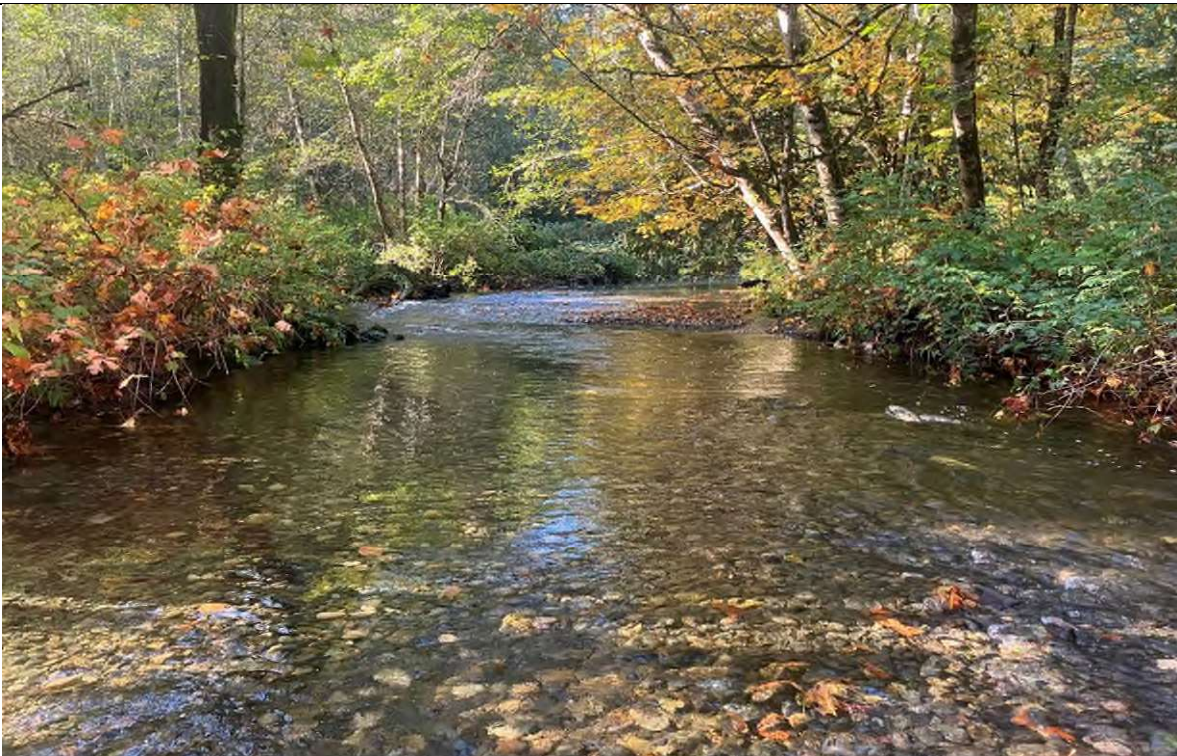


Photo No. 18	Date: 27 October 2023	Looking Towards: West	Location: 2.3 Km Downstream of Mackie Road Dam
Description: Looking at the instream habitat approximately 2.3 Km downstream of Mackie Road Dam. Evidence of salmonid spawning activities were noted at this location.			



Photo No. 19	Date: 27 October 2023	Looking Towards: West	Location: 2.3 Km Downstream of Mackie Road Dam
Description: Looking at the instream habitat approximately 2.3 Km downstream of Mackie Road Dam. Evidence of salmonid spawning activities were noted at this location.			

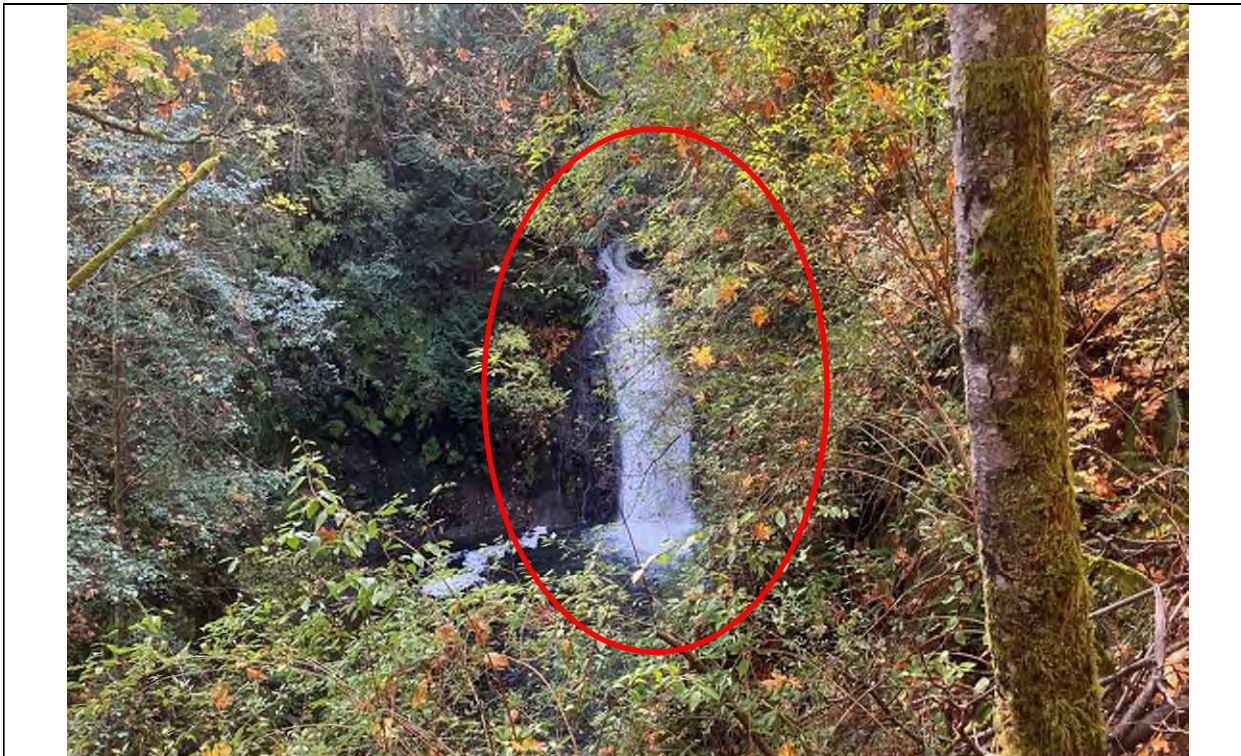


Photo No. 20	Date: 28 October 2023	Looking Towards: West	Location: 50 m Downstream of Mackie Road Dam
Description: Looking at the permanent fist barrier (i.e., waterfall, red oval) approximately 50 m downstream of Mackie Road Dam.			

Appendix D

Environmental Management Plan



June 25, 2024

Ecora File No.: 230602

Town of Ladysmith
410 Esplanade Avenue
Ladysmith, BC
V9G 1A1

Attention: Ryan Bouma, P.Eng. - Director of Infrastructure Services

Reference: Environmental Management Plan for the Decommission of Mackie Road Dam

1. Introduction

Ecora Engineering and Environmental Ltd. (Ecora) was retained by the Town of Ladysmith (the Town) to prepare an Environmental Management Plan (EMP) for the decommission of Mackie Road Dam (Reference ID: D720190) within Holland Creek. The requirement for the decommission of Mackie Road Dam arose after BC Dam Safety reviewed the condition of several dams along Holland Creek and noted the relatively poor condition of the Mackie Road Dam.

Mackie Road Dam (UTM 10, 439271.650E, 5426221.390N) is a timber crib structure that appears to be founded on bedrock. It consists of interlocking timber cribs, which are typically backfilled with stone. The main timber crib on the upstream end has an approximate diameter/width of 500 mm while the other cribs have an approximate diameter/width of 400 mm. Over time, the dam reservoir has infilled with sediment so that it is almost at same level as the dam crest. The purpose of the dam was believed to be for coal mining water supply or control, and the date of construction is unknown. It is our understanding that Mackie Road Dam is currently abandoned.

1.1 Objectives

This EMP is prepared based on our findings identified in the Environmental Assessment (EA) Report. The Environmental Management Plan (EMP) is intended to address and mitigate potential adverse environmental impacts associated with the proposed works including the avoidance or minimization of effects on species and ecosystems at risk. Best Management Practices (BMP) and guidelines have been adapted from the following provincial and federal sources:

- Requirements and Best Management Practices for Making Changes in and About a Stream in B.C. (BC 2022).
- Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia (MFLNRO 2014).
- Interim standard: in-water site isolation (DFO 2023)

The objective of the EMP is to provide environmental recommendations to assist Contractors and Contractors' Qualified Environmental Professional (QEP) to prepare a project specific Construction Environmental Management Plan (CEMP). Topics to be discussed in this EMP include the followings:

- Regulatory Framework and Permitting requirements
- Timing windows provided
- Environmental monitoring requirements
- Species salvage plan
- Water quality monitoring
- Mitigative activities and methods for avoiding impacts
- Site restoration and replanting plan
- Planned compensation
- Weed and invasive plant management
- Sediment and erosion control plan
- Emergency procedures

2. Regulatory Framework and Permitting requirements

The following table summarizes Federal and Provincial Acts and regulations that can be applicable to our project.

Table 1. Federal and Provincial Legislation Applicable to the project.

Legislation	General Description	Required Permit or Approval	Project Requirements
Federal <i>Fisheries Act</i> , Subsection 35(1), 35(2), and 34	The <i>Fisheries Act</i> requires that projects avoid causing serious harm to fish unless authorized by the Minister of Fisheries and Oceans Canada.	DFO Request for Review	A DFO Request for Review will be required for the Project.
		DFO Fish Collection Permit	A DFO Fish Collection Permit will be required for the Project
Federal <i>Species at Risk Act (SARA)</i> , Section 73 and 78	Authorizations (i.e., Section 73 Permit) are required by anyone conducting activities that may affect species listed in Schedule 1 of SARA, as extirpated, endangered, or threatened (e.g., scientific research permit) and which contravene the Act's general or critical habitat prohibitions (Sections 32-36).	SARA Permit	No Critical Habitat is identified within or adjacent to the Project; hence, no SARA Permit is required for the Project.
Federal <i>Migratory Birds Convention Act</i>	Protects birds and their nests during the typical bird breeding season between March 15 and August 15 in southwestern BC		
Provincial <i>Water Sustainability Act (WSA)</i> , Section 11	Section 11 of WSA requires that “change in and about a stream” may only proceed under approval or by notification.	WSA Approval	A WSA Approval will be required for the Project.
Provincial <i>Wildlife Act</i> , Section 19	According to Section 19 of the <i>Wildlife Act</i> , anyone intending to collect freshwater fish from non-tidal British Columbia inland waters is required to have a Fish Collection Permit.	Provincial Fish Collection Permit	A Provincial Fish Collection Permit will be required for the Project.
<i>Wildlife Act</i> , Section 34	Protects birds and their nests during the bird breeding season as well as the nests, nest trees and eggs of certain species of bird all year	General Wildlife Permit	A General Wildlife Permit will be required for the Project.
Provincial <i>Species at Risk Act (SARA)</i>	The Canada-BC Agreement on Species at Risk 2005 creates an administrative framework within which BC and Canada can exercise their respective powers for species at risk protection and recovery in BC. If the species is	Section 78 of Federal SARA enables the province to issue permits affecting provincially managed	

	provincially managed, the Ministry of Environment is responsible for leading recovery processes for provincially managed species at risk.	species at risk, having the same effect as, and meeting the requirements of a Section 73 permit from Federal SARA.	
<i>Fish Protection Act</i>	Ensures protection of fish and fish habitat.		
<i>Weed Control Act</i>	Control of noxious weeds.		
<i>Heritage Conservation Act</i>	Protection and conservation of heritage property.		

3. Timing Windows

Avoidance of critical timing windows is one of the most important mitigation measures that can be implemented because it provides an opportunity for breeding and dispersal of animals before construction begins. The Project will be conducted in two phases to reduce risks to wildlife during critical life stages. The proposed work phases are as follows (The schedule is dependent on successful permitting, the tender process, and results of the archaeological assessments):

3.1 Vegetation Clearing

Vegetation disturbance should be limited where possible. If vegetation clearing is proposed, **clearing should be conducted outside the Breeding Bird Season (i.e., 15 April to 31 July)**. This timing reduces the risk of nesting occurring in the work footprint and associated delays. If vegetation clearing has to be conducted during the Breeding Bird Season, pre-clearing bird nesting surveys by a QEP will be required to ensure the compliance with the applicable regulations.

3.2 Small Mammal

Most small ground-dwelling mammals breed in early spring and their young are typically weaned by early to mid summer and capable of leaving the burrow. This means that the risks to mammals from earthworks is expected to be lower at that time.

3.3 Snakes and Herptiles

Snakes leave their hibernacula in spring and forage throughout the summer, returning to their hibernacula by September/October. Frogs and toads breed in the water in spring and forage in the summer when they can be found hiding under woody debris or in animal burrows. Amphibians generally begin their overwintering habits (hibernation) in October to November. Toads will burrow into loose, friable soils that allow them to reach depths below the frost line. As such, ground disturbance activities should be completed in late summer, prior to the adult amphibian and reptile overwintering.

3.4 Fish and Instream Works Components

Instream works should be conducted as per the appropriate Least Risk Timing Window of 15 August to 15 September to protect local fish species within Holland Creek. It should be noted that the Least Risk Timing Window for fish species does not apply if the stream is dry due to seasonal variation. If instream works need to be conducted outside the Least Risk Timing Window, the corresponding regulators shall be contacted, and appropriate rationale and mitigation measures shall be reviewed and approved by the regulators prior to the instream works.

4. Environmental Monitoring

An Environmental Monitor (EM) shall be retained for this project, to conduct site inspections, as necessary (i.e., during instream works) and document compliance with BMPs, permit conditions, guidelines, and recommendations. Inspections will be scheduled to coincide with, or prior to, higher risk activities. The contractor will provide the EM with construction schedules so that an appropriate inspection frequency can be established. If, due to unforeseen circumstances, the level of disturbance exceeds what was originally proposed, the EM will recommend measures to protect or restore the natural integrity of the site.

- A pre-construction meeting will be held between the EM and the contractor(s) undertaking the work to establish a common understanding of the mitigation measures and best practices required for the project. The EM will attend other regular meetings, as required.
- The EM will conduct site inspections, as required, during construction. The EM will provide full-time monitoring during periods of instream work (if surface waters or flows are present) or as otherwise required. Other EM duties, such as aquatic lifeform salvage and other site-specific investigations will also be conducted, as required.
- The EM will be an appropriately QEP who is authorized to halt construction activities if work is causing undue harm (unforeseen or from lack of due care) to terrestrial, aquatic, or riparian resource values.
- A copy of the EMP describing mitigation measures and BMPs will be kept readily available at the site, for reference, while the work is being conducted. Copies of relevant permits and emergency contact information will also be kept on site and readily available.
- Summary monitoring reports will be submitted on a minimum bi-weekly basis to the primary contractor and relevant regulatory agencies. A final report will be generated upon the substantial completion of construction works summarizing the project activities and listing any deficiencies noted throughout the works.

5. Site Preparation

All Erosion and Sediment Control (ESC) measures must be in place and functioning, as required, prior to construction. Mitigation measures must be maintained, repaired, replaced, or otherwise adapted, as necessary, to ensure appropriate protection of the natural environment.

- The construction footprint, access routes, staging areas and limits to disturbance will be established and physically identified before construction begins.
- No-disturb areas will be clearly delineated with a combination of snow fence, silt fence, pilons and/or barricade tape or equivalent.
- The EM will review the disturbance limits with the contractor, prior to construction, to ensure a common understanding of the works and to prevent encroachment beyond the identified disturbance footprint.
- As practicable, the contractor will prioritize the use of historically disturbed areas to minimize disturbance to intact areas. Encroachment beyond the identified construction limits may not occur at any time.
- As practicable, the contractor will construct roads, access points and approaches perpendicular to the watercourse if historically disturbed areas are not available for access.

- Areas at risk of sediment and erosion control issues will be identified and silt fencing, or equivalent measures will be installed, where practical.
- Staging, parking, storing of equipment, and stockpiling of materials will be within designated areas within the construction footprint and not encroaching beyond the disturbance limits associated with the construction project.
- Vegetation within the development footprint that can feasibly be protected throughout construction can be fenced and designated as a 'no disturb' area. This may include mature trees and their root systems, riparian vegetation, and shrubby areas.
- Existing large woody debris in the construction footprint will be set aside for re-incorporation into the landscape, after construction is complete. Some trees may require removal to facilitate construction - portions of large caliper trees should be retained and incorporated as habitat features in restoration areas, post-development.
- Where applicable, large standing trees, alive or dead, within or adjacent to the construction footprint will be retained, as practicable and with EM guidance.

6. Erosion and Sediment Control

The Erosion and Sediment Control Plan (ESCP) described below provides mitigation measures that must be followed throughout construction to protect identified watercourses and other environmentally sensitive habitats. In general, the ESC measures will be installed in a field-fit manner and under the direction of the EM. The implementation of mitigation measures will be discussed between the EM and contractor to ensure a common understanding of methods of installation and expectations of effectiveness. The contractor shall inspect the mitigation measures daily and additional measures will be installed, maintained, and repaired or replaced as required using a field-fit, adaptive management approach.

6.1 ESC Principles

The plan is based upon provincial BMPs and includes the following principles:

- Where possible, construction works will be conducted during periods of low water levels with no forecasted precipitation;
- Major earthworks will not be conducted during periods of heavy rain;
- Natural drainage patterns will be maintained where possible;
- Existing native vegetation will be retained, where possible, and for as long as possible to reduce the amount of time that bare soil areas are exposed;
- Storm water and sediment-laden runoff must be directed away from exposed soils within the construction area;
- The release of silt, sediment, sediment-laden water, or any other deleterious substances into any ditch, watercourse, ravine, or other drainage feature must be prevented at all times;
- Slopes must be stabilized, and bare soil must be covered or revegetated, as soon as practicable; and,
- Other erosion and sediment control measures will be implemented, inspected, maintained, and/or replaced as required to provide appropriate mitigation.

6.2 Exposed Soils

- Exposed soils and stockpiles must be stabilized and covered, where appropriate, using geotextile fabric, polyethylene sheeting, tarps, or other suitable materials to reduce the potential for erosion and/or mobilization of sediment resulting from rainfall, seepage, or other sources of surface water flows.
- Stockpiled soils and fill material must be stored more than 30 m away from watercourses, ditches, and other aquatic habitats and must be covered with polyethylene sheeting or tarps or surrounded with silt fencing to prevent sediment from being conveyed to aquatic environments, particularly during rain events. Stockpiled material must not be allowed to slough beyond the disturbance limits.

6.3 Silt Fences and Silt Curtains

- If needed, silt fences will be installed surrounding the site for both sediment and erosion control as well as wildlife exclusion. Fencing will be staked into the ground and trenched a minimum of 10 cm to prevent flow underneath the fence, as per the manufacturer's specifications.
 - Silt fences must remain in place until the completion of the project, unless otherwise advised by the EM. At the end of the project, it must be removed so that it does not litter the landscape and pose a risk to wildlife.
- For work conducted in wetted areas, silt curtains (or complete isolation/diversion measures) will be installed to isolate the work and limit the dispersal of sediments into the surrounding aquatic environment. Silt curtains will be installed, as directed by the EM, and when the EM is present. Silt curtains must be long enough to fully contain the work area, with adequate slack to allow movement during wind and wave conditions. To function as required, the height of the silt curtain must be greater than the depth of the water; the top of the curtain must float on the surface of the water and the bottom of the curtain must be weighted so that it stays on the streambed or lakebed.
- Silt fencing and silt curtains will be monitored daily and damages or deficiencies must be immediately repaired or replaced.

6.4 Onsite Supplies

- The contractor must have the following erosion and sediment control supplies readily available onsite:
 - Several rolls of non-woven geotextile fabric of various grades;
 - Several rolls of silt fencing with sufficient wooden stakes to allow for installation;
 - Silt curtains of sufficient durability, length, and height to adequately isolate work done in wetted areas;
 - Wet suits, waders, life jackets, and other required Personal Protective Equipment (PPE) and employees properly trained for work in and around water;
 - Pumps of appropriate size and hoses;
 - Tarps, polyethylene sheeting, and sandbags; and
 - Clean drain rock (non-acid generating).

Other suitable erosion control measures may include slope drains and interceptor ditches; berms; check dams; grass seeding; mulch; erosion control fabrics and logs; sumps; sediment traps, and rip-rap. Hay bales and straw are not desirable mitigation measures based on the potential to disperse non-native and invasive plant seeds.

6.5 ESC Measures Implementation

The implementation of ESC measures will be discussed between the EM and contractor to ensure a common understanding of methods of installation and expectations of effectiveness. The contractor shall inspect the ESC measures daily and additional measures will be installed, maintained, and repaired or replaced as required using a field-fit, adaptive management approach.

7. Wildlife

There is potential to encounter a variety of wildlife during construction projects. Typically, these are common species but there is also the less likely potential to encounter species at risk. The types of animals we would expect to potentially encounter at this site are snakes, amphibians, small mammals (marmot, racoons, skunks), deer and, more rarely, bear (usually at night). Larger animals, like deer, are usually not an issue because they are typically moving through the site. Smaller animals are more likely to be found and they are usually found under rocks and logs, in trees cavities and burrows. Measure to address wildlife during construction include (measures are based on August/September work timing):

- Contact the EM at least 24 hours prior to tree removal for pre-removal wildlife sweeps.
- Contact the EM at least 24 hours prior to clearing and grubbing to conduct pre-construction wildlife sweeps.
- Report all wildlife sightings to the EM.
- Store animal attractants securely. This includes foods, garbage, and products used in construction. Keep the site clean and tidy. Do not leave anything around that animals can get tangled up in.
- Be mindful that snakes, frogs, and toads frequently hide under rocks, logs, and construction materials and to lift these materials slowly.
- Remove any piles of large of debris, large rocks, burrows, retaining walls and any areas with crevices when the EM is present to monitor and assist with wildlife relocation. Dismantle these structures slowly and carefully. The EM will identify these areas during the project kick-off meeting.
- Allow animals to move off the site by their own volition. In BC, animals cannot be handled without a permit. The EM will have a permit to handle wildlife and will assist.

8. Isolation, Aquatic Salvage, and Dewatering

All works will be completed in isolation of Holland Creek flows and downstream aquatic environments, to prevent adverse impacts to water quality and downstream fish habitat. The contractor is responsible for designing, operating, installing, and removing temporary isolation and dewatering works. The project team reviewed the feasibility of several different diversion concepts, including the following:

- **Parallel channel diversion:** There is not enough room on site for a parallel bypass channel to be constructed as the project site is located within a ravine approximately 4 m below the Top of Ravine Bank.
- **Pump bypass:** Bypass pumping (as primary diversion) is not a preferred methods because it does not allow fish passage, requires round-the-clock monitoring, is a noise nuisance to residents, and the pumps are prone to breakdown, which would lead to diversion failure and inherent risks to the environment and the Project. Bypass pumping is optional to lower the water to facilitate construction and relocation of the primary diversion.

- **In-channel diversion:** Because of the lack of suitability of the above options Ecora determined that an “in-channel” passive (gravity) diversion system was the most suitable option for the Project.

Ecora reviewed options, materials, water volumes, size requirements and constraints associated with implementing an in-channel diversion and developed suggested dewatering plan options that the Contractor is advised to use to design the in-channel diversion.

The diversion will be designed and built by the project contractor and conform to the following criteria, which are based on DFO’s Interim Standard: in-water site isolation (cofferdams and diversion), Best Management Practices for Instream Works, and Ecora’s environmental monitoring observations of previous construction projects:

- Surface flows must not be permitted to enter the construction area. The contractor must be prepared to divert flows, to prevent impacts to water quality. Downstream flow must be maintained throughout construction.
- Diversion methods and equipment may include a combination of suitably sized pumps, gravity fed systems, poly-lined channels, full or half pipes, coffer dams (non-earthen), pea gravel bags, poly-wrapped bulk bags, poly-wrapped berms, water-inflatable portable dam, clean rock, pond liner. Materials used within the channel should be clean. The contractor should avoid using materials that cause sedimentation of the creek.
- The diversion must have the capacity to convey a 1-in-10-year water level and peak seasonal flows (e.g. storm surge). Align the downstream end of the diversion so that it does not cause erosion on the opposite bank.
- Cofferdams must be properly sealed to minimize the amount of water that will need to be managed during construction.
- To facilitate construction of the passive diversion, full or partial bypass pumping may be required to maintain downstream water quality and lower flows within the construction area.
- Pump failure can result in harm to water quality, aquatic life, property, and the project. At any time where pumping is relied upon to maintain downstream flows and water quality within the main channel and to prevent mainstream flows from entering a work area:
 - pumps must be monitored full time during operation;
 - back up pumps, generators, hoses, and fuel must be on site and ready for immediate deployment, if the main pumping system fails; and
 - A mechanic must be on standby, with contact details posted on site.
- Pump hoses and generator cords must be long enough to enable generators to be operated from the upland, away from the watercourse or drainages. Fuel-operated machines must have secondary containment.
- Dewatering or diversion of water around the work area, if required, must be conducted with appropriately sized pumps or suitable alternative (e.g., gravity-fed system). The EM will be present during setup of the dewatering, to monitor water quality and identify other potential environmental concerns. Pipes used for water conveyance must be fitted with appropriate fish screens to prevent the entrainment of fish and other aquatic organisms, as per DFO’s Interim code of practice: End-of-pipe fish protection screens for small water intakes in freshwater guidelines (<https://www.dfo-mpo.gc.ca/pnw-ppe/codes/screen-ecran-eng.html>).
- Pump discharge areas must be protected from scour using polyethylene sheeting, rubber mats, a rock slash pad or equivalent.

- Dewatering of groundwater seepage into the construction area may be required. If dirty or turbid (i.e., sediment-laden) waters are encountered during dewatering, the waters must be pumped into an infiltration area, away Holland Creek or drainages that connect to aquatic environments. Waters should be pumped to a flat vegetated area, or a settlement pond, where waters can slowly infiltrate to the ground and suspended particles can settle out of the water. The EM will work with the contractor to identify a suitable area to discharge dirty water and to maintain clear flows within Vernon Creek and downstream aquatic environments.
- If a suitable area for discharging dirty water does not exist within proximity to the work site, dirty water may have to be pumped to a temporary holding tank or into a water truck for offsite disposal.
- Other measures that may be required during dewatering include installation of additional silt fencing or silt curtains to prevent the migration of turbid waters to aquatic environments.

The general sequence for dewatering practices is as follows:

- The EM will obtain a fish collection permit and fish salvage will be conducted within the isolated area prior to instream work.
- A dewatering plan and design is developed by the contractor, in consultation with the project team, to meet the required standards for capacity and protection of aquatic life.
- All required materials, as well as contingency materials, will be brought to site and rendered ready for deployment.
- A kickoff meeting is held to review the diversion plan and requirements with all personnel that will be involved with construction while the diversion is in operation.
- The EM will isolate the instream work area with fish exclusion nets and perform an aquatic lifeform salvage within the isolated area, using a combination of the following equipment and techniques: seine netting, dip netting, minnow trapping and electrofishing.
- When the instream work area has been salvaged and while it is still isolated with temporary fish exclusion nets, the contractor would typically create a coffer dam part way across the creek to direct the water to one side of the creek. Simultaneously, the contractor may use a temporary pump bypass system to lower water levels to facilitate construction of the diversion system. The contractor would typically use an excavator to push materials to the centre of the creek to partition the flow and to dig down into the creek bed create more capacity for the concentrated flows.
 - It is a best management practice for diversion channels to be lined with poly sheeting to limit scour of the newly exposed stream bed materials and sedimentation of the creek.
 - The EM must be present to monitor installation of the diversion and must be actively performing a fish salvage of the substrates during any dewatering of the stream bed to look for aquatic life that could have evaded initial salvage activities. There must be enough EM personnel present to complete a visual inspection of all dewatered areas, as the water recedes. Dewatering should be done gradually.
 - The EM will measure water quality during construction of the diversion.
- Any accumulated sediments should be removed, and erodible materials should be stabilized before isolation barriers are removed and water is redirected or reintroduced into portions of the constructed channel. Water should be reintroduced to the channel, gradually.

- More detailed information about the steps to take when installing or removing a diversion can be found within Interim code of practice: Temporary cofferdams and diversion channels (<https://www.dfo-mpo.gc.ca/pnw-ppe/codes/cofferdams-batardeaux-eng.html>).

8.1.1 Contractor Dewatering Plans

The contractor will prepare and submit completed engineered dewatering plan to the Town and Ecora for review no later than two (2) weeks prior to the start of dewatering on Site. The plan must include the following:

- Locations and details of temporary diversion features that may be required, such as coffer dams, sumps, ponds, pumps, hoses, generators, or berms.
- A clean-up and restoration plan describing how the diversion will be removed, and any remedial activities related to the diversion structures or impact caused by the diversion.
- A contingency plan for all site water diversions identifying measures to address leaks, groundwater seepage, suitable disposal/infiltration areas for turbid water, and measures to contain, control and/or neutralize an accidental sediment release to the watercourse. including monitoring and mitigation measures to prevent impacts to fish, fish habitat and water quality.
- A staging plan indicating the sequence and details of diversion activities to address:
 - Preparing, adjusting, relocating, and removing the diversions, as applicable.
 - Phasing diversions to facilitate completion of channel-bottom work in isolation of creek flows, including drawings showing the phasing plan.
- Details on the usage of pumping bypass, if used, including:
 - The number of pumps and back up pumps; and flow rate pumping capacity.
 - A maintenance plan and schedule.
 - The contact information of the pump mechanic on standby for repairs.
 - Size, length and location of the diversion hose and its supports and/or attachments, if required, including fish screens.
 - Power sources and their locations.
 - Methods for preventing scour at the diversion outlet.
 - An overnight pump monitoring plan and the contact information for the subcontractor, if applicable.
 - Documentation of calibration of the flow metering system.
 - Plans for removal, and disposal of turbid waters from the isolation.
 - An emergency plan for bypass failure.

9. Water Quality

The following measures are adapted from Requirements and Best Management Practices for Making Changes In and About a Stream in British Columbia (BC 2022) and must be followed if surface waters are present.

- Sediment-laden flows must not be conveyed directly to any watercourse, ditch, or drainage. If encountered, sediment-laden waters must be contained within the project site (i.e., conveyed to a sediment trap, tank, or sump). The trap, tank, or sump should be of sufficient capacity to collect waters and allow settling of fine materials prior to discharge, including in cases of pump malfunctions or other unforeseen circumstance.
- If flows are conveyed overland, exposed soils shall be covered with clean rock, poly sheeting, filter fabric, or similar materials to reduce the potential for scour and sedimentation of the water being conveyed. Surface waters conveyed by ditches must have velocity-reducing features incorporated, such as rock check dams, sandbags, or synthetic erosion control products.
- Water quality sampling will be conducted, in situ, as required, with a portable meter to measure ambient Nephelometric Turbidity Units (NTU) and/or a portable pH meter. If sampling of total suspended solids (TSS) is deemed necessary, samples will be collected in 1-litre bottles and analyzed ex situ at a reputable laboratory (e.g., CARO).
- Erosion control measures must prevent increase of the NTU/TSS background level. The maximum allowable instantaneous increase is 25 mg/L over background levels, when background is <250 mg/L or a 10% increase in TSS when background is >250 mg/L. Turbidity levels must also conform to standard guidelines:
- During clear flow periods, induced turbidity should not exceed background levels by more than 8 NTU, during any 24-hour period. For sediment inputs that last between 24 hours and 30 days, the mean turbidity should not exceed background by more than 2 NTU.
- During turbid flow periods, induced turbidity should not exceed background levels by more than 5 NTU at any time when background turbidity is between 8 and 50 NTU. When background exceeds 50 NTU, turbidity should not be increased by more than 10% of the measured background level at any one time.
- Any imported rock or rip-rap material will be from a certified non-acid generating source.
- Concrete works will be isolated from any surface drainage or any groundwater flows that could enter surface drainages, until concrete has cured. Dewatering of any water containing concrete leachate should be directed to a vegetated area. Concrete waste should be disposed off at the landfill.

10. Equipment Maintenance and Fueling

The contractor will ensure all equipment and machinery are in good operating condition, and free of leaks, excess oil, and grease. The contractor shall perform daily inspections of all equipment, vehicles, and storage containers used on site for leaks, staining, or other signs of discharge.

- Vehicles and equipment must be serviced, inspected, and pressure-washed off-site, prior to construction works to remove surface oil, grease, weed seeds, and other undesirable or deleterious materials.
- Fueling or vehicle maintenance must be conducted at least 30 m away from Vernon Creek or any other surface drainage or tributary channel.

- Pumps must have secondary containment designed to holdback 110% of the volume of the fuels they contain.
- The contractor will ensure that fuel, oil, hydraulic fluid, and other hazardous or deleterious materials are stored at least 30 m away from any watercourse or surface water drainage. This includes tanks, barrels, drums, generators, and other equipment.
- The contractor will ensure all hydraulic machinery working within or directly adjacent to any watercourse or surface water drainage utilizes environmentally sensitive hydraulic fluids that are non-toxic to aquatic life and that are readily or inherently biodegradable.

11. Emergency Spill and Response

Spills of deleterious substances can be prevented through awareness of potential negative impacts on aquatic habitats and with responsible housekeeping practices onsite. Maintenance of a clean site and the proper use, storage and disposal of deleterious liquids and their containers are important to mitigate the potentially harmful effects of spills and/or leaks. Requirements and Best Management Practices for Making Changes In and About a Stream in British Columbia (BC 2022). MSDS/SDS for all potentially hazardous materials will be kept onsite during construction activities.

- Preventative measures the contractor will undertake to prevent spills from occurring include safe containment, labelling, and storage of all deleterious substances present onsite, securing stored hazardous or toxic materials to prevent vandalism or theft, disposing of used containers properly, and using appropriate personal protective equipment when handling, transporting, or disposing of hazardous or toxic substances.
- Standalone fuel tanks, generators, and other potential spill sources will be surrounded by an impervious berm designed to holdback 110% of the volume of the container materials.
- All spill events will be recorded and reported to the site supervisor and the EM. In the event of a spill, the site supervisor will be immediately notified by workers onsite. The supervisor will then be responsible for contacting a mechanic (if necessary) and the EM.
- Spills shall be contained, absorbed, and disposed of in accordance with the regulations outlined in the Environmental Management Act and using the following general steps:
 - Assess, monitor, and prevent the hazard or threat;
 - Evacuate persons;
 - Stabilize, contain, remove, and clean up the hazard or threat;
 - Recover and rehabilitate wildlife;
 - Restore wildlife habitat;
 - Dispose of hazardous wastes and clean-up materials at a proper facility;
 - Take other steps to address the long-term impacts resulting from the spill;
 - Report the spill event (within 48 hours).
- Copies of contact phone numbers for notification of all of the required authorities in the event of a spill/emergency response will be posted and clearly visible at the site.

- Spill containment kits will be kept in machines operating onsite or readily available during construction activities in case of the accidental release of a deleterious substance to the environment. Kits will generally include absorbent pads and/or socks, pillows, disposal bags, disposable gloves, and goggles.
- All site personnel must review this spill response plan and receive instruction for how to use spill response equipment, prior to starting work at the site.
- Any spills of a toxic substance shall be immediately reported to the Provincial Emergency Program 24-hour hotline at 1-800-663-3456.

12. Noxious Weed Control

As part of the site restoration and prevention of ecological degradation, a noxious weed management plan is provided below. The intent of the weed management plan is to reduce the potential to spread noxious weeds within or beyond the construction site.

- The basic principles of the weed management plan include:
 - Suppression of weed growth;
 - Prevention or suppression of weed seed production;
 - Reduction of weed seed reserves in the soil; and
 - Prevention or reduction of weed spread.
- Areas where weed populations have been identified will not be used for excavation and placement of fill. If excavation of weed infested areas is required, the soils will be disposed of offsite.
- Pesticides, herbicides, or other chemical control measures will not be used.
- The contractor will ensure that all equipment and vehicles are washed and free of weed seeds prior to mobilization and de-mobilization. Vehicles and equipment will not be stored, parked, or staged within weed infested areas. Contractor clothing will also be inspected daily for signs of weed seeds. If found, weed seeds must be disposed of in a contained refuse bin for offsite disposal.

13. Site Cleanup and Enhancement Plan

Site restoration measures will be implemented to compensate for habitat loss resulting from construction. However, construction activities should be planned in a way to prevent and mitigate disturbance to the existing instream and riparian habitat as much as possible because this approach will be more cost-effective than trying to enhance or recreate the disturbed habitat after construction. Site cleanup must include the following:

- Silt fencing and other temporary mitigation features will be removed upon substantial completion of works if the risk of surface erosion and sediment transport has been adequately mitigated with other permanent measures.
- All equipment, supplies, waste, and other foreign materials will be removed from the site by the contractor.

- In accordance with dam safety requirements, the dam must be kept clear of woody stemmed vegetation in perpetuity. This is to help maintain its structural integrity and to provide clear access and sight lines for monitoring its structural integrity.
- All areas of disturbed soil at the end of the project within the project footprint must be seeded with a native seed mix (or a mix that includes some exotic, but non-invasive species as a nurse crop). This seed mix must be approved by the EM before purchase and use to verify all species contained in the mix are appropriate for the area.
- Any future proposed fish habitat enhancement works should be discussed and reviewed with the local organizations or fish habitat restoration experts who have done enhancement works in Holland Creek in the past, and that the previous fish habitat enhancement sites and reports should be reviewed.
- Restoration works will generally be completed in a field-fit manner, under the direction of the EM.

14. Conclusion

We trust this information meets your present requirements. If you have any questions or comments, please contact the undersigned. We trust this EMP meets your present requirements. If you have any questions or comments, please contact the undersigned.

Sincerely

Ecora Engineering & Environmental Ltd.

Prepared by



Bo Huang, R.P.Bio., P.Biol., CESCL
Senior Biologist
Bo.Huang@ecora.ca

Appendix E

Construction Supervision Plan



Construction Supervision Plan

1. General

Decommissioning of the dam is proposed to be completed in the following sequence of critical construction activities with required monitoring activities summarised for each stage. These stages will be started once the notice of work commencement has been sent.

Construction monitoring shall be carried out by an engineering professional with intimate knowledge of the design and who will act as the Owner's (Town of Ladysmith) Representative. Periodic inspections by the Professionals of Record (PoR) will take place as required.

Environmental monitoring (EM) will be conducted by Ecora's Qualified Environmental Professionals (QEP) and the EM requirements are outlined in Ecora's Construction Environmental Management Plan (CEMP).

2. Environmental Protections

The CEMP outlines environmental protection measures that will need to be installed or planned for prior to the commencement of construction, such as silt fencing to prevent turbid downstream conditions. All aspects of the environmental protection implementations will be monitored and inspected by the QEP.

3. Common Excavation

Clearing and stripping of the timber debris and any large rocks within the identified construction limits will take place before any of the primary construction activities begin. The area to be cleared is identified on the contract drawings and is to be staked out by terrestrial survey. All cleared material is to be disposed of offsite. Clearing limits and assurance that all unsuitable material is removed will be confirmed by the engineering professional and clearing supervision will be carried out the QEP.

4. Construction Methods

The construction methods shall be summarised by the successful applicant in response to the Request for Proposal (RFP). The below sections are meant as an illustration for application and are not specific requirements should the applicant wish to follow different methods. A Request for Qualifications (RFQ) was submitted prior to the RFP which helped guide the RFP process.

4.1 Dewatering Plan

The contractor shall prepare engineered plans of the stream diversion works. This could include the partial removal of the dam structure to allow construction of a temporary channel along the right side of the channel (as conceptualized in the Preliminary Decommissioning Report (Ecora, April 2024), and illustrated in the Final Design Report (Ecora, July 2024). It is noted that this is conceptual and shall not be considered a recommendation. The diversion method is the sole responsibility of the contractor and should be included in the response to RFP.

The successful response to RFP will include a stream diversion plan capable of safely passing the expected maximum 10-year design flows. Stream diversion should include appropriate methodology to prevent discharge of

turbid waters downstream, be in line with standard practices and approved by the contactors and project engineers (Ecora). All diversion and dewatering activities will be monitored by the engineering professional and/or QEP.

4.2 Removal of Sediment and Dam Appurtenances

The contractor shall remove built up sediment from behind the dam and dam appurtenances using mechanical methods, such as a small excavator (e.g. spider excavator), and dispose of these materials offsite (e.g. via a crane or long reach excavator and waste bin (skip)).

5. Emergency Response Plan

In the event where an uncontrolled release has potential to occur, the MFLNRORD Dam Decommissioning Guidelines require that an emergency response plan be included in the construction supervision plan. While the design for this decommissioning does not have a major risk of an uncontrolled release, it is possible that a failure could occur resulting in uncontrolled release of sediment; as such, an emergency response plan will be required from the successful applicant to the RFP. The emergency response plan will need to cover the following points at a minimum:

- Potential Hazards and Mitigation Measures;
- Muster Location(s);
- Emergency Procedures;
- Evacuation Paths; and
- Nearest Emergency Services and Contact Information.

6. Site Access and Mobilization

Site access is dependent upon the planned method of decommissioning presented by the successful applicant to the RFP; therefore, a site access and mobilization plan will be included in the proponents' submission package. The site access and mobilization plan will include the following information:

- Site access plans with legal lines overlain and temporary work/staging areas noted;
- Methods of mobilization and site access (e.g., crane equipment into site); and
- Methods of spoil material removal (e.g., crane with material bin (skip)).

7. Public Protection Requirements

As this site is a part of the Town's recreational trail system, public users of the area may be in proximity to the site. Signage should be implemented warning of the construction activities taking place and notifications of potential trail closures or detours and their expected work window to ensure that the public does not access the site in a potentially dangerous condition. The contractor should ensure that the signage is also placed downstream to mitigate the risks of any potential uncontrolled release of sediment harming the public.

8. Construction Management Organization

An organization chart showing key personnel for the construction management team will be submitted as part of the successful response to the RFP. This will outline the key staff working on the project and their responsibilities.

8.1 Downstream Channel Flows

The diversion will ensure that downstream channel flows are maintained to limit impacts to ecosystems, fish life, water users, and water quality. The methodology of ensuring clean discharge downstream is the responsibility of the contractor.

9. Sequence of Activities

The deposited sediment behind the dam will be removed and disposed of offsite along with the wooden dam crib structure and all appurtenances. Due to the lack of background information on the historical channel it is unclear how much material will need to be removed, the following process assumes a volume of 125 m³ – 145 m³ amount of sediment was impounded by the dam.

The dam removal is envisioned to proceed following the stages listed below:

1. Assemble a package of all required permits and licences required for construction. To be approved by PoR prior to next stage;
2. Installation of warning/closure/notification signage on trails leading to site and downstream areas that may be impacted;
3. Establishment of site access. Details of site access to be determined by contractor and approved by PoR;
4. Common Excavation (clearing) of site access will be necessary;
5. Implementation of site access methods (e.g., crane setup, access road grading);
6. Dewatering implementation:
 - a. Initial excavation of bypass channel or setup of pumping system as per submitted & approved plan;
 - b. Removing portion of dam crest as per submitted & approved plan; and
 - c. Implementing strategy to ensure clean discharge downstream to the dam.
7. Staged removal of dam structure and impounded sediment:
 - a. Expose and remove LLO inlet/feasible portion of pipe;
 - b. Expose and remove (if possible) timber cribs, starting from the upstream end;
 - c. Excavate sediment incrementally with dam crest following the approved grading plan or until bedrock is exposed;
 - d. Remove dam crest in incrementally with sediment;
 - e. The sediment removal and dam crest removal should be an incremental approach and will continue until all visible dam features are removed/foundation is uncovered; and

- f. Foundation should be inspected by a qualified professional to determine if the channel will be structurally stable if the foundation elements are left in place.
- 8. Demobilization of all equipment in the channel including dewatering equipment to reinstate the channel to its original flow regime; and
- 9. Site, access, and disturbed area rehabilitation.

Appendix F

Photographs



Photo 1 Downstream face of dam, looking southwest.



Photo 2 Low-Level metal intake grate and remnants of wooden flashboards, looking east (from left side of dam).



Photo 3 Top of dam with debris buildup on right side, looking northeast (downstream).

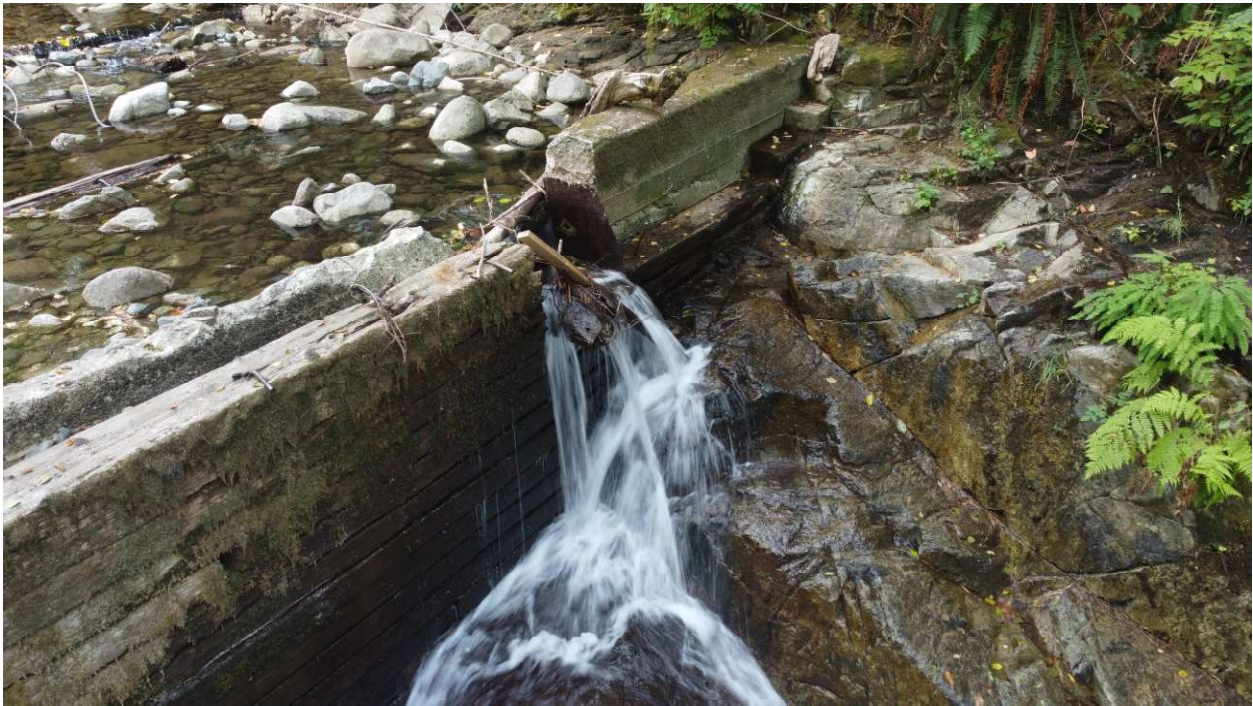


Photo 4 Control Structure on left side, view 1.



Photo 5 Control Structure on left side, view 2.



Photo 6 Seepage underneath left concrete abutment.



Photo 7 Major seepage at toe of downstream face.



Photo 8 Vegetation built up on remnants of wooden flashboards on right side of upstream channel & miscellaneous debris.

STAFF REPORT TO COUNCIL

Report Prepared By: Jake Belobaba, Director of Development Services
Chris Geiger, Director of Protective Services

Reviewed By: Allison McCarrick, CAO

Meeting Date: August 6, 2024

File No: 3900-16

RE: Short-Term Rental Regulation

RECOMMENDATION:

That Council:

1. Give first, second and third readings to “Short-Term Rental Bylaw, 2024, No. 2188”;
2. Pursuant to Section 59 of the *Community Charter* :
 - a. Receive written representations prior to adoption of Bylaw 2188; and
 - b. Direct staff to publish notice, no more than 10 and no less than 3 days prior to final consideration of Bylaw 2188:
 - i. online; and
 - ii. in one issue of the Ladysmith Chronicle; and
3. Direct staff to bring forward amendments to “Official Community Plan Bylaw 2022, No. 2200” for Council consideration that:
 - a. Establish a Temporary Use Permit program to allow the conversion of a limited number of dwelling units outside of zones where “tourist accommodation” is a permitted use, to Short-Term Rentals; and
 - b. Establish policies for considering applications under recommendation 3(a) that:
 - i. prioritize the protection of long-term housing; and
 - ii. consider temporary worker housing, tourism offerings, impacts on residential neighbourhoods, impacts on existing and proposed tourism offerings and similar issues.

EXECUTIVE SUMMARY:

This report recommends actions that further Policy 3.14 of the OCP. This includes introducing “Short-Term Rental Bylaw No. 2188” for Council consideration and direction to implement a Temporary Use Permit (TUP) program to allow a limited number of Short-Term Rentals (STR’s) in areas where they are not currently permitted. If adopted, Bylaw 2188 will prohibit marketing Short-Term Rentals (STR’s) contrary to zoning and will require a valid business license number to be posted in any listings advertising a STR in alignment with the Province’s new *Short-Term Rental Accommodations Act (STRAA)*. These recommendations align with the CVRD’s draft Workforce Housing Strategy which has been referred to the Town for feedback and is included in the August 6, 2024 Council Meeting agenda.



PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution
CS 2024-054	2024-03-19	That Council direct staff to bring forward for Council consideration: a) zoning amendments consistent with provincial SSMUH requirements to allow duplexes in restricted zones on all lots between 280-4050m ² in size; b) zoning amendments consistent with provincial SSMUH requirements to allow one single- family dwelling, one secondary suite and one coach house in restricted zones on lots smaller than 280m ² ; c) OCP amendments to align development permit requirements to be consistent with new SSMUH requirements; d) amendments to relevant bylaws to increase fines for illegal nightly rentals, and make existing STR rules clearer and aligned with provincial terminology; e) an Amenity Cost Charge Bylaw; f) amendments to the Town’s DCC bylaw to allow for a DCC charge for a new Fire Hall and shared provincial highway projects; g) amendments to the applicable bylaws to delegate the approval of “minor” DVPs to staff; and h) amendments to the applicable bylaws to increase range of staff-issuable DPs, including DPs for residential developments of four units or less.

INTRODUCTION/BACKGROUND:

Existing regulations for STR’s in Ladysmith

Official Community Plan

Policy 3.14 of the OCP is a housing policy that specifically applies to STR’s:

“3.14. Monitor the impact of short-term rental accommodation on long-term rental housing supply. Consider the short-term rental recommendations of CVRD’s Workforce Housing Strategy (2022) once complete.”

Section 3 of Part D of the OCP lists policy 3.14 as a “short-term” implementation action, i.e. intended to be completed within three years of the adoption of the OCP. Monitoring of STR’s is now possible through the Province’s Short-Term Rental Data Portal (described below) and the CVRD’s Workforce Housing Strategy is nearing completion. Strategy #3 of the current draft of the Workforce Housing Strategy recommends adopting a business licensing program and providing opportunities for STR’s through TUP’s and rezoning. The Workforce Housing Strategy was referred to Council and is included in the August 6, 2024 Council Meeting agenda.

Zoning and Business Licensing Bylaws

Under section 3.1 of Ladysmith’s Business License Bylaw, any business in Ladysmith—including a nightly rental —requires a valid business license. Outside of the C-2, C-4, CD-7 and A-RR¹ zones, nightly rental is limited to bed and breakfasts, i.e. renting one or more bedrooms within the owner’s principal residence. A map of zones that allow tourist accommodation is provided in

¹ Nightly rental is only allowed in certain areas in the A-RR zone.

Attachment B. Bylaw 2187, currently at third reading, will make changes to rules for bed and breakfasts and tourist accommodation uses. The most significant changes being:

- Using new and modified definitions to make existing prohibitions on renting dwelling units for nightly rental easier to understand; specifically using “guest room” to define rooms without kitchens offered in bed and breakfasts and “accommodation unit” to define rooms/units provided in tourist accommodation uses.
- Allowing bed and breakfasts in the R-2 zone.
- Removing the threshold of five accommodation units for tourist accommodation uses and allowing kitchens in accommodation units.
- New rules prohibiting bed and breakfasts in conjunction with coach houses, duplexes and multi-unit dwellings, to reflect Small-Scale Multi-Unit Housing (SSMUH) uses added to zones where bed and breakfasts are a permitted use.

Generally, Bylaw 2187 does not change existing prohibitions on renting dwelling units for nightly rental. However, the above-noted changes to rules for tourist accommodation use, are intended to fill gaps in local tourism offerings; specifically, the ability to rent a bylaw-compliant nightly rental with a kitchen in key areas such as the Downtown. Allowing nightly rental of dwelling units in these zones does not pose the same threat to the housing supply as doing so in residential zones, because zones that allow tourist accommodation cover only a small portion of the Town (e.g. A-RR and CD-7 zones), don’t allow residential use (e.g. the C-4 zone), or allow such a broad range of non-residential uses that housing can already be converted to a range of non-residential uses (e.g. in the C-2 zone, housing units can be converted to retail, office, etc.) Bylaw 2187 is described in greater detail in the June 27, 2024 report to Council.

The Short-Term Rental Accommodations Act and STR Portal

In the fall of 2023, the Province enacted the *Short-Term Rental Accommodations Act (STRAA)*. The *STRAA* has three purposes:

1. To return STR’s to the long-term housing market;
2. To give local governments stronger tools to enforce short-term rental bylaws; and
3. To establish a new Provincial role in the regulation of STR’s.

The *STRAA* applies to STR’s offered to the public through online platforms such as Airbnb, VRBO, Expedia, and FlipKey. The *STRAA* does not apply to hotels and motels, RV Parks and campgrounds. Under section 13(a) of the *STRAA*, STR operators must post a valid business license number in their listing, and platforms must share listing data with the Province each month. The Province can then share this data with local governments and does this through the Short-Term Rental Data Portal (the “STR Portal”)

Staff signed the necessary agreements to access the STR Portal earlier this year. Under the rules, select staff have access to listing data for listings within Ladysmith. There are strict rules for the

use and sharing of information from the STR Portal and detailed listing information cannot be shared with the public.

Under the *STRAA*, where a local government has a “business license requirement” in an “applicable short-term rental bylaw”, the local government can issue “Notices of Noncompliance” and “Takedown Requests”. A Notice of Noncompliance is a notification to the STR operator and platform advising them that a valid business license number has not been posted. A “Takedown Request” is issued by the local government to the platform that requires the listing to be removed. Takedown Requests must be sent within a period of 5 to 90 days after the Notice of Noncompliance is delivered. It is important to note that, unlike a Takedown Request, a Notice of Noncompliance does not prevent a STR operator from marketing or booking their STR through the platform, meaning the STR operator has at least 5 days to come into compliance with the *STRAA* and local government bylaws. Notices of Noncompliance and Takedown Requests are also processed by the Province through the STR Portal.

The business license requirement is foundational to the use of the STR Portal as a means of bringing noncompliant STR’s into compliance with the Town’s bylaws. The *STRAA* is unclear as to whether a general business license requirement for all businesses (such as the one already found in the Town’s Business License Bylaw) constitutes a “business license requirement” in an “applicable short-term rental bylaw”. However, enacting a simple “Short-term Rental Bylaw eliminates any ambiguity in this regard and creates additional options for enforcing against noncompliant STR’s.

Noncompliant STR’s in Ladysmith and their Impact

Listing data for the May 15-June 15, 2024 period (the “listing period”) was made available to staff through the STR Portal on July 2nd. The data indicates a significant number of unauthorized nightly rentals in Ladysmith, most of which represent a loss in available housing stock. Key observations are noted below:

- There are at least 42 listings in the STR Portal. At least 31 (73%) of these listings are for complete dwelling units, operated contrary to zoning.
- 19 listings (45%) appear to be secondary suites. At least nine suites (47%) are legal suites constructed with building permits² and at least six suites (31%) are new secondary suites in recently built homes. The Town has approximately 190 lawfully constructed suites, which suggests 5-10% of the Town’s secondary suites are being used for unauthorized STR’s.
- There is a diversity of unit sizes and types ranging from bachelor suites to homes with five or more bedrooms. There are a number of listings for apartments or condos.

² Staff confirmed this by cross-referencing listings with utility data.

- Virtually all listings are marketing extended periods of availability and staff estimate that for approximately 12 (39%) of the noncompliant listings the owners do not live on the property. It appears unlikely that many listings are temporary “home swaps”.
- Noncompliant listings represented approximately 211 room night stays during the listing period. The average and median number of room nights stays during the listing period were low; 6.8 and 2, respectively. For 13 out of the 31 (41%) noncompliant listings, the STR Portal showed no bookings for the listing period. For 9 out of 31 (29%) noncompliant listings, the STR Portal showed less than 10 bookings during the listing period. The remaining nine noncompliant listings accounted for 80% of STR room night stays during the listing period.
- It would appear that even with low booking numbers, a STR Operator can make as much or more than a typical monthly rent in Ladysmith. According to CMHC, the median monthly rent in Ladysmith for a 2-bedroom unit is \$1,400 or \$16,800/year. The 2-bedroom units listed on online STR platforms range from \$142-\$588/Night. At those rates, booking for only 10 nights per month results in approximately \$1,420-\$5,880 in monthly revenue.

Staff have sought data from CMHC in the hopes of estimating the effect of noncompliant nightly rentals on the Town’s vacancy rate but have yet to receive a response. Should Council endorse developing the TUP program below, and the impact of STR’s on the Town’s vacancy rate can be determined, this information can be incorporated in the TUP guidelines.

PROPOSAL:

Bylaw 2188

Bylaw 2188 has two main components:

1. It expands the existing requirement to have a business license to *operate* a STR by adding a new requirement to have a business license to *market* a STR and to post a valid business license number in any listings; and
2. It expands on existing zoning prohibitions that may prohibit *operating* a STR contrary to zoning, adding a new prohibition on *marketing* a STR that does not comply with zoning.

Bylaw 2188 will have no impact on compliant STR’s with business licenses and little impact on existing STR’s that are eligible for a business license (e.g. the use would be compliant with zoning). For noncompliant STR’s, Bylaw 2188 facilitates returning homes to the long-term housing market through Takedown Requests, which prevent property owners from marketing homes as STR’s, ideally incentivizing them to replace this income by providing housing. Table 1 provides a summary of the potential effects of Bylaw 2188 and the STRAA on existing STR’s in Ladysmith:

Table 1: Types of STR's and Potential Enforcement Actions

Scenario	Effect of Bylaw 2188 & STRAA
1. Fully compliant STR with a valid business license number in the listing platform	<ul style="list-style-type: none"> No effect
2. Fully compliant STR with valid business license: Business license number <u>not</u> posted in the platform	<ul style="list-style-type: none"> May receive Notice of Noncompliance Business license number must be posted in listing. May receive Takedown Request if license number not posted.
3. Eligible for a business license (i.e. complies with Town bylaws but does not have a business license)	<ul style="list-style-type: none"> May receive Notice of Noncompliance Will need to apply for a business license. Zoning/Bylaw compliance will be confirmed as part of the business license review process. May receive Takedown Request if license not obtained and posted.
4. Ineligible for business license (i.e. does not comply with zoning or another Town bylaw)	<ul style="list-style-type: none"> Cannot be issued a business license, unless STR is brought into compliance with bylaws. May be subject to Notice of Noncompliance. May be subject to Takedown Request.
5. Has existing business license but operating contrary to Town bylaws (i.e. operating STR contrary to zoning)	<ul style="list-style-type: none"> Business license may be suspended or revoked, in which case scenario four applies.

Proposed TUP Program

Considering the Workforce Housing Strategy, staff are recommending developing a TUP program that will allow a limited number of dwelling units outside of zones that permit tourist accommodation to be converted to STR's through a permitting process and based on prescribed criteria. Staff envision amendments to Part D, Section 3 ('Diverse and Affordable Housing') of the OCP that will build on Policy 3.14. This is expected to include:

- A limit on STR's in residential zones until a 3% vacancy rate is achieved.
- Policies that prioritize the protection of long-term housing stock and key types of housing that tend to be more affordable or serve populations in greater need (e.g. secondary suites, apartments, older housing stock, etc.)
- Evaluation criteria that support TUP issuance only if an applicant can demonstrate how the proposed STR will meet an unmet demand for tourist accommodation or temporary workers and how the loss of the housing unit will be mitigated.

ANALYSIS:

From a housing perspective, Policy 3.14 of the OCP calls for: 1) monitoring the impact of STR's on long-term rental housing supply, and 2) considering the Workforce Housing Strategy. The STR Portal allows the Town to meet the first objective and has revealed that noncompliant STR's are likely posing a tangible threat to the Town's housing supply. Regulating STR's is supported under the Draft Workforce Housing Strategy, which recommends regulating STR's through rezoning applications or TUP's until a regional 3% vacancy rate is achieved. As noted above, the Town's rental vacancy rate is extremely low (0.7%), and noncompliant STR's are likely a contributing factor. Noting the significant number of secondary suites currently being used for noncompliant

STR's, the introduction of provincial SSMUH requirements will make it increasingly important to prevent newly built SSMUH stock from being used as STR's. Overall, Bylaw 2188 and a TUP program are necessary to address housing shortages in Ladysmith.

From a tourism perspective, initial data suggests most noncompliant STR's are providing limited benefit to Ladysmith's Tourism economy. 70% of noncompliant listings booked less than 10 nights during the first recorded monthly listing period—and likely don't need more than that to make the equivalent of a monthly rent from a long-term tenant. Most noncompliant STR's are far from the Town's major amenities or commercial centers, diminishing their direct and indirect impacts on the Town's economy—e.g. a traveler staying in a suburban area on the edge of town will likely spend less in the Downtown than a traveler staying on 1st Avenue. Moreover, noncompliant STR's may be undercutting legitimate tourist accommodation providers and discouraging tourism investment. Many existing, compliant, accommodation providers must pay commercial taxes and will have invested in more expensive real estate (e.g. the Downtown, waterfront areas, etc.). When considering prospective accommodation providers, the draft Workforce Housing Strategy suggests there is an opportunity for 175 additional hotel rooms in the region³. Hotel development is one of the riskiest forms of real estate development. If STR's remain unchecked, accommodation providers looking to invest in Ladysmith, such as a hotelier interested in building the planned hotel under the Waterfront Area Plan, will analyze potential market share and see a significant loss of room nights to noncompliant operators. This may be compounded by the above-noted lack of housing, as tourist accommodation is a labour-intensive industry that relies heavily on front line workers—a labour market currently struggling to find housing.

A regulated and compliant STR industry in Ladysmith supports not only a sustained supply of housing, but strategic investments and economic growth the Town is actively seeking. Bylaw 2188 and the recommended TUP program build on the new tools provided by the Provincial Government to address noncompliant STR's and capitalize on a unique opportunity to shift the burden of local bylaw enforcement to the Province.

In summary, the proposed strategy represents one of the most effective, easiest, and economical ways to increase the housing supply in Ladysmith, is supported by the OCP and can be expected to support tourism development. Staff recommend endorsing the proposed bylaw and TUP development process as proposed.

ALTERNATIVES:

Council can:

1. Give no readings to Bylaw 2188 and/or direct staff not to proceed with developing a TUP program.
2. Amend Bylaw 2188 and give the bylaw first, second and third readings as amended.
3. Refer the matter back to staff for further review, as specified by Council.

³ By comparison, the Oyster Bay Mircotel has 81 units and the Waterfront Area Plan recommends a 40-80 unit hotel.

4. Specify an alternative course of action.

FINANCIAL IMPLICATIONS:

While Bylaw 2188 does impose new fines and TUP and business license applications may increase as a result of the proposed course of action, a significant increase in revenues is not expected. Notices of Noncompliance and Takedown Requests (which do not generate fines or other revenue for the Town) are likely to render fines unnecessary and business license and TUP applications are not a significant revenue generator for the Town.

LEGAL IMPLICATIONS:

By enacting Bylaw 2188, the Town's alignment with the business license requirements of the STRAA is solidified. The Province administers the STR Portal and the STRAA. Should the Town choose to use Notices of Noncompliance or Takedown Requests, the Province will execute these actions on behalf of the Town in accordance with the requirements under the STRAA.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Under section 59(2) of the *Community Charter*, Council must provide notice of a proposed business regulation bylaw and provide an opportunity for representations to Council. Section 59(3) of the *Community Charter* allows Council to specify how and when notice for Bylaw 2188 will be provided and how Council will receive representations. Staff are recommending that notification be carried out through the Town's webpage and the Ladysmith Chronicle. For representations, staff are recommending that written representations be received.

STR operators are likely well aware of the impacts of the STRAA due to Provincial and National media attention. As noted above, Bylaw 2188 has no impact whatsoever on STR's operating in compliance with the Town's bylaws and a negligible impact on otherwise legal STR's operating without a business license. In cases where STR's are operating contrary to Town bylaws, Bylaw 2188 simply opens the door for provincially executed enforcement through short-term rental platforms. In the case of new tools available through the STR Portal there is a mandatory notice and minimum amnesty period through the Notice of Noncompliance process. If conventional bylaw enforcement occurs, standard investigation and notification requirements apply. In both cases noncompliant STR operators can be expected to be given a reasonable period of time to comply with the Town's bylaws.

Under the *Local Government Act* and the Town's Development Procedure Bylaw, a TUP application requires notification of neighbouring properties, providing an opportunity for residents to comment when STR's are proposed in new locations.

INTERGOVERNMENTAL REFERRALS:

Staff have been in close contact with the Province's new Short-Term Rental Branch, to ensure the Town's obligations under the STRAA are being met and to learn how to use the STR Portal.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Development Services, Bylaw Enforcement and Business Licensing have been working jointly on implementing existing OCP policies for STR's and the STRAA. Once Bylaw 2188 is adopted and a TUP program is in place, Development Services will coordinate the review of TUP applications, Bylaw Enforcement will lead the use of the STR Portal for enforcement processes and Business Licensing will continue to process business licenses for STR's with review by Development Services and other departments to determine compliance with the Town's bylaws.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

I approve the report and recommendation(s).

Allison McCarrick , Chief Administrative Officer

ATTACHMENT(S):

- A. Bylaw No. 2188
- B. Map of Tourist Accommodation Zones

Attachment A
TOWN OF LADYSMITH

BYLAW NO. 2188

A Bylaw to Regulate the Marketing of Short-Term Rentals in Ladysmith

WHEREAS the Council of the Town of Ladysmith deems it expedient to regulate the operation and marketing of Short-Term Rental businesses in Ladysmith;

AND WHEREAS the Council of the Town of Ladysmith wishes to prevent unlawful and unlicensed Short-Term Rentals from operating in Ladysmith, particularly unlawful and unlicensed Short-Term Rental businesses that remove homes from the long-term housing market;

NOW THEREFORE the Council of the Town of Ladysmith, in open meeting assembled, **ENACTS AS FOLLOWS:**

Definitions:

1. In this bylaw:

“*Business License*” means a valid and subsisting business licence issued pursuant to "Business License Bylaw No. 1513, 2003" as amended or replaced from time to time;

“*Business License Number*” means the number assigned to a *Business License* by the Town.

“*emergency housing*” means emergency housing as defined under “Business Regulations and Licensing (Rental Units) Bylaw 2021, No. 2093

“*market*” means to sell, offer for sale, promote, canvass, solicit, rent, advertise, book, arrange or facilitate rental, and includes placing, posting or erecting advertisements physically or online, but does not include the mere provision of a neutral space or location for such marketing in newspapers, bulletin boards or online;

“*Short-Term Rental*” means the business of marketing or providing accommodation or lodging to paying guest and includes hotels, motels, hostels, bed and breakfasts, campgrounds, recreational vehicle parks, and vacation rentals, but does not include the rental of dwelling units for residential purposes for a month or more under the *Residential Tenancy Act* or *emergency housing*;

Marketing of Short-Term Rentals:

2. No person shall *market* or operate a *Short-Term Rental* in Ladysmith without a valid *Business Licence*.
3. No person shall *market* a *Short-Term Rental* without conspicuously posting a valid *Business License Number* in all marketing materials.

Review of Business License Applications

4. For certainty, all provisions of Business Licence Bylaw No. 1513, 2003, as amended or replaced from time to time, apply to Short-Term Rental businesses.
5. The following shall be included with all applications for a *Business License* for a *Short-Term Rental* or for the renewal of a *Business License* for a *Short-Term Rental*:
 - a. A current title search of all the properties for which the applicant intends to operate as a *Short-Term Rental*;
 - b. The written consent of all owners listed on the titles of all properties for which the applicant intends to operate as a *Short-Term Rental*;
 - c. an accurate description of the layout, features and accommodation services proposed to be provided as part of the *Short-Term Rental*; and
 - d. such other evidence that the proposed *Short-Term Rental* will comply with the Town's bylaws that the License Inspector may prescribe from time to time.

Right of Entry and Inspections

6. In accordance with Section 16 of the *Community Charter*, the License Inspector, a bylaw enforcement officer or other person employed by the Town and designated by the Inspector may enter onto and into property to inspect and determine whether all regulations, prohibitions, and requirements established by this Bylaw are being met.

Offences and Penalties

7. Any person who:
 - a. carries on a *Short-Term Rental* business without holding a valid *Business License*;
 - b. breaches any term or condition of a *Business License*;
 - c. intentionally displays a false *Business License Number* in any marketing material advertising a *Short-Term Rental*;
 - d. intentionally submits false information in conjunction with an application for a *Business License* for a *Short-Term Rental*; or
 - e. violates any provision of this bylaw;

commits an offence of this bylaw, and is liable on conviction to a fine or penalty of up to \$5,000 for each offence.
8. For clarity, the License Inspector may suspend a *Business License* pursuant to the Business License Bylaw, upon being satisfied that a contravention of section 3 of this bylaw has occurred.

General

9. If any portion of this bylaw is found to be invalid by a court, the invalid portion may be severed and the remaining provisions shall continue to apply.

10. This bylaw comes into force on the day it is adopted.

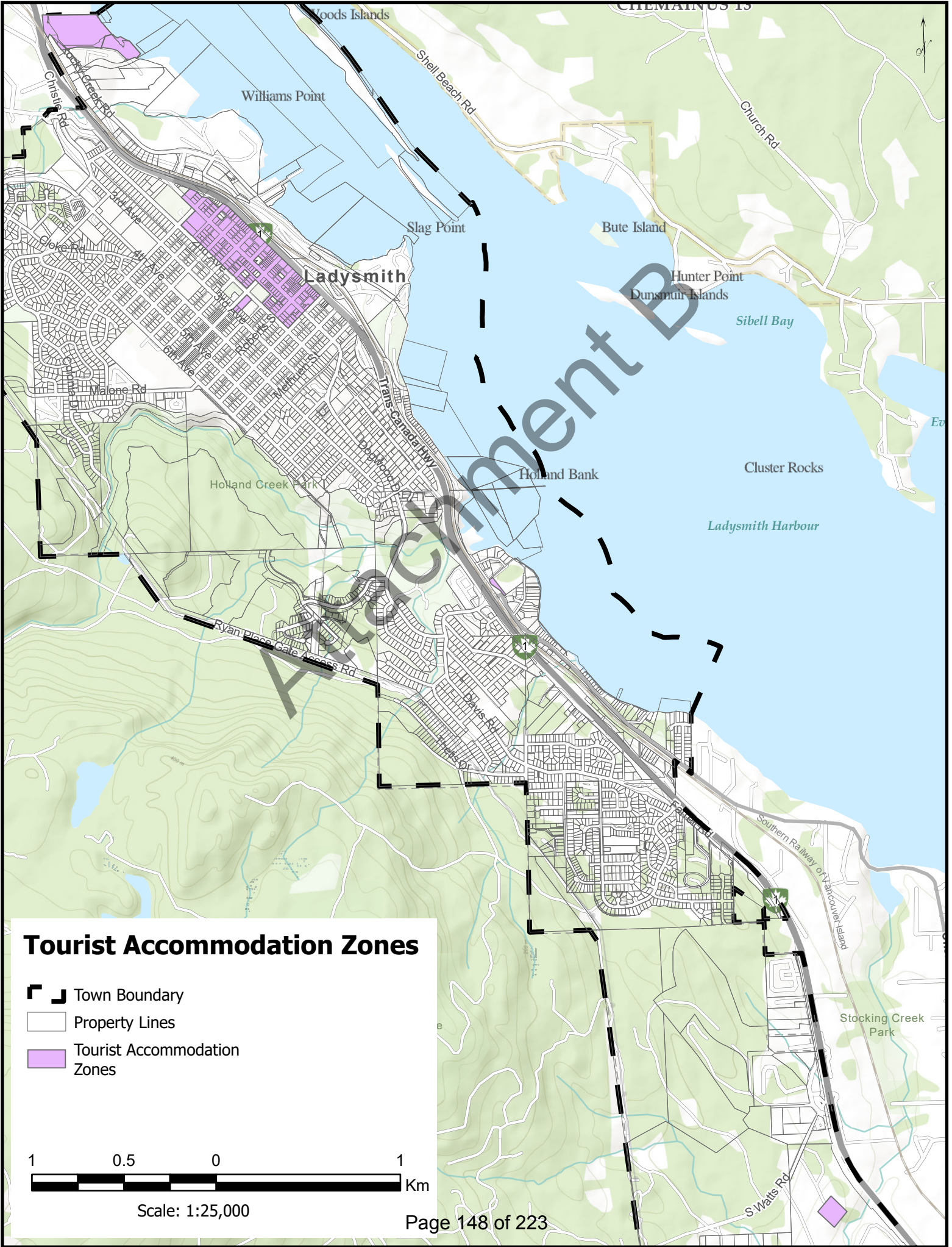
Citation

11. This Bylaw may be cited for all purposes as “Short-Term Rental Bylaw, 2024, No. 2188”.




READ A FIRST TIME on the _____ day of _____, 2022
READ A SECOND TIME on the _____ day of _____, 2022
READ A THIRD TIME on the _____ day of _____, 2022
ADOPTED on the _____ day of _____, 2022

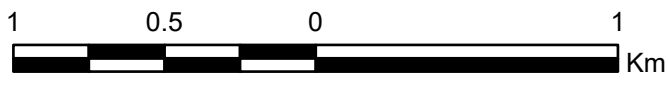
Mayor (A. Stone)

Corporate Officer (Sue Bouma)



Tourist Accommodation Zones

-  Town Boundary
-  Property Lines
-  Tourist Accommodation Zones



Scale: 1:25,000

TOWN OF LADYSMITH

BYLAW NO. 2184

A Bylaw to Amend "Council Procedure Bylaw 2009, No. 1666"

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

1. Subsection 19.3.1 is deleted and replaced as follows "19.3.1 Official Community Plan amendment bylaws or zoning amendment bylaws";
2. Subsection 19.4 is deleted and replaced as follows "19.4 for clarity, the provisions of this section do not apply to representations made as part of a public hearing convened pursuant to section 464 of the *Local Government Act*;"
3. Section 21 is deleted and replaced as follows:

21. PROCEDURES REGARDING BYLAWS

21.1 Except where required under another enactment:

21.1.1 every proposed bylaw, may be introduced and given first, second and third readings in one motion;

21.1.2 the introduction and readings of a bylaw shall be undertaken separately if so requested by any member of Council;

21.1.3 any member may move that Council, after any reading of a bylaw, consider the bylaw clause by clause; and

21.1.4 every proposed bylaw shall come into force and effect on the date of adoption unless, a subsequent date is specified in the bylaw.

4. The following is added as Sections 22 and 23:

22. PUBLIC HEARINGS

22.1 Where a public hearing is convened subject to section 464 of the *Local Government Act*:

22.1.1 the Chair may allow the applicant to make the first representation;

22.1.2 the Chair may establish time limits on representations, but shall not establish separate time limits for different speakers or limit the number of representations a person may make;

22.1.3 the Chair may:

22.1.3.1 afford special accommodations to persons wishing to make representations who have a disability affecting their ability to make a representation, speak English as a second language, or do not speak English; and

22.1.3.4 arrange special accommodations under 22.1.3.1 in advance of the hearing without disclosing the arrangements as part of the hearing.

23. PUBLIC HEARINGS NOT HELD

23.1 A decision to proceed without a public hearing pursuant to section 464(2) of the *Local Government Act* :

- 2.3.1.1 shall be made by a resolution of Council;
- 2.3.1.2 shall be made prior to first reading of the bylaw; and
- 2.3.1.3 shall not be made at the same meeting in which the proposed bylaw receives 1st reading.

23.2 Where a public hearing is not held pursuant to section 464(2), (3) or (4) of the *Local Government Act*, no representations or written submissions shall be received by Council.

23.3 Notwithstanding subsection 23.2 the Chair may refer a question of Council to the applicant, and the applicant may address Council to answer the question if:

- 23.3.1 the applicant is present at a Council meeting;
- 23.3.2 the bylaw has not received first reading; and
- 23.3.3 the question and answer are limited to the technical aspects of the application.

Citation

5. This Bylaw may be cited for all purposes as "Council Procedure Bylaw 2009, No. 1666 Amendment Bylaw No. 2184".

READ A FIRST TIME on the 27th day of June, 2024
READ A SECOND TIME on the 27th day of June, 2024
READ A THIRD TIME on the 27th day of June, 2024
ADOPTED on the ____ day of _____, 2024

Mayor (A. Stone)

Corporate Officer (S. Bouma)

BYLAW STATUS SHEET August 6, 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.
2167	“Town of Ladysmith Animal Control Bylaw 2024, No. 2167”. To manage and regulate the keeping of animals in the Town.	First, second and third readings, May 21, 2024. Consequential amendments must be made to the Zoning Bylaw prior to approval. Awaiting consequential amendments to the Zoning Bylaw.
2170	“Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170”. 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.	First and second readings, May 7, 2024. Public Hearing held May 21, 2024. MOTI approval received May 27, 2024. Awaiting covenant.
2171	“Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2171”. 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.	First and second readings, May 7, 2024. Public Hearing held May 21, 2024. MOTI approval received May 27, 2024. Awaiting covenant.

BYLAW STATUS SHEET**August 6, 2024**

2184	“Council Procedure Bylaw 2009, No. 1666 Amendment Bylaw No. 2184” (resulting from Small Scale Multi-Unit Housing Provincial legislation.)	First, second and third readings June 27, 2024. Public Notice of intent to adopt published July 18, 2024 (website) and July 25, 2024 (Chronicle.)
2185	“Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw No. 2185” (resulting from Small Scale Multi-Unit Housing Provincial legislation.)	First and second readings June 27, 2024. Public Hearing required.
2183	“Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834, Amendment Bylaw 2183”. To amend “Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834” (resulting from Small Scale Multi-Unit Housing Provincial legislation.)	First, second and third readings June 27, 2024. Awaiting MOTI approval.
2187	“Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw No. 2187”. To amend “Town of Ladysmith Zoning Bylaw 2014, No. 1860” (resulting from Small Scale Multi-Unit Housing Provincial legislation.)	First, second and third readings June 27, 2024. Awaiting MOTI approval.

July 15, 2024

File No.: 6750-20 REG 2022-2023 Workforce Housing

via email: amccarrick@ladysmith.caAllison McCarrick, CAO
Town of Ladysmith
PO Box 220
LADYSMITH BC V9G 1A2

Dear Ms. McCarrick:

Re: Workforce Housing Strategy Feedback

On July 10, 2024, the Cowichan Valley Regional District (CVRD) Board approved the Cowichan Region Workforce Housing Strategy, and directed staff to engage with member municipalities on the Strategy prior to implementation. The purpose of this engagement is to ensure the Strategy's recommendations are in alignment with municipal Official Community Plans and other key policies and plans.

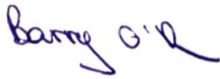
On July 10, 2024 the CVRD Board approved the following resolutions:

- 1. That the recommendations outlined in the Cowichan Region Workforce Housing Strategy (Attachment A) under the "Four Strategy Areas" be considered for implementation as resources and priorities allows; and*
- 2. That the CVRD send a letter to each municipality and Electoral Area Services Committee planning staff, seeking feedback on the Cowichan Region Workforce Housing Strategy, prior to implementation; and offering that Economic Development staff visit their Council to discuss the recommendation.*

Please find attached the Cowichan Region Workforce Housing Strategy, three Companion Documents, and an Economic Development Cowichan (EDC) staff report presented to the Committee of the Whole on June 26, 2024 that provides a summary of the report and project process.

We welcome feedback from Town of Ladysmith staff and elected officials in writing by September 30, 2024. EDC staff are also available to meet with municipal staff or present to Council on the Cowichan Region Workforce Housing Strategy if requested.

Yours truly,

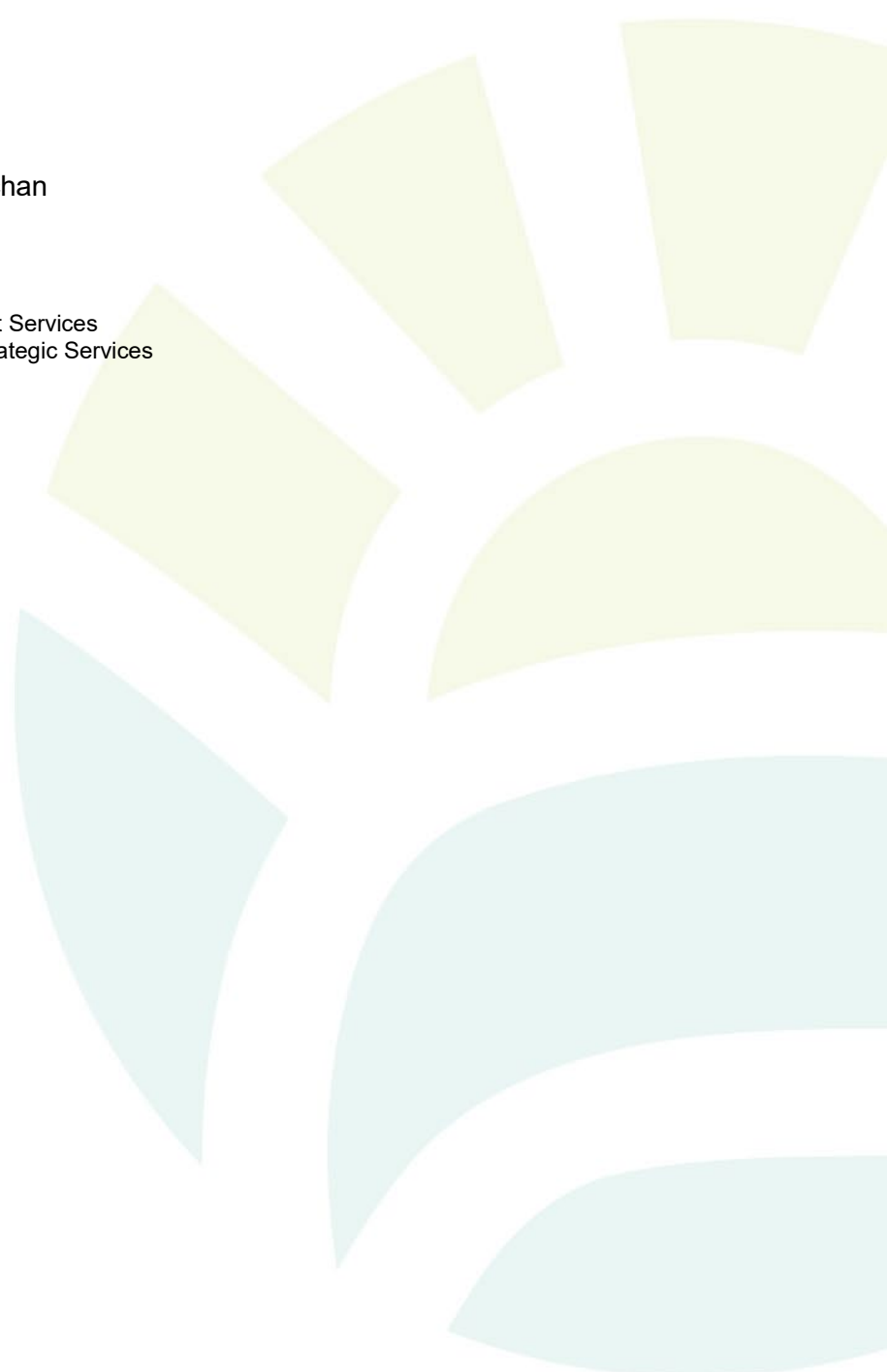


Barry O'Riordan
Manager, Economic Development Cowichan

Attachments

BO/jm

cc: Jake Belobaba, Director of Development Services
Clayton Postings, General Manager, Strategic Services





STAFF REPORT TO COMMITTEE

DATE OF REPORT June 7, 2024
MEETING TYPE & DATE Committee of the Whole of June 26, 2024
FROM: Economic Development Division
Strategic Services Department
SUBJECT: Cowichan Region Workforce Housing Strategy
FILE: 6750-20 REG 2022-2023 Workforce Housing

PURPOSE/INTRODUCTION

The purpose of this report is to provide an overview of the Cowichan Region Workforce Housing Strategy. It will be accompanied by a presentation from CitySpaces Consulting.

RECOMMENDED RESOLUTION

That it be recommended to the Board that:

- 1) The recommendations outlined in the Cowichan Region Workforce Housing Strategy (Attachment A) under the “Four Strategy Areas” be considered for implementation as resources and priorities allow; and
- 2) The CVRD send letters to each member municipality thanking them for their participation, informing them of the completion of the Cowichan Region Workforce Housing Strategy, and offering for Economic Development staff to visit their Council to discuss the recommendations.

BACKGROUND

At the December 8, 2021 CVRD Board meeting, a resolution was passed approving the development of a regional Workforce Housing Strategy (Resolution 21-539). The goal of the project was to identify actions for increasing housing availability and affordability for the labour force. Economic Development Cowichan (EDC) led this project on behalf of the CVRD, with support from Cowichan Housing Association and CitySpaces Consulting.

Work on the project began in 2022 with the launch of the Workforce Housing Surveys for employers and workers. The results demonstrated the impacts that housing challenges were having on both businesses and workers, and pointed to a suite of potential solutions to the housing crisis, spanning local government, non-profit, and the private sector. The results were presented to the CVRD’s Committee of the Whole on February 8, 2023.

In 2023, EDC and CitySpaces undertook additional research and engagement through multiple rounds of workshops and extensive one-on-one meetings with a large variety of stakeholders to inform the development of the Strategy. This process identified a multitude of underlying factors that were impacting workforce housing in the region, as well as potential solutions. The project team, in consultation with stakeholders and the CVRD Board, narrowed the focus of the project to four key areas for action:

- Enable industry-led workforce housing solutions
- Accelerate housing development
- Enhance short-term rental regulations
- Establish a housing corporation

The Cowichan Region Workforce Housing Strategy is included as Attachment A to this report. It is accompanied by three companion documents:

- Attachment B: Worker Snapshots, illustrates the diverse types of households experiencing a range of housing situations in the Cowichan region
- Attachment C: Case Studies, explores a range of housing solutions that have been implemented in other communities
- Attachment D: Context, provides the background content with respect to the approach and project phases, engagement process, as well as key indicators that demonstrate workforce housing needs and issues in Cowichan

ANALYSIS

In the fall of 2023, as the project team was completing the first draft of the Workforce Housing Strategy, the Province of BC announced a suite of new legislation on housing and short-term rentals that had substantial impacts on the draft report. This necessitated a significant rewrite of the Strategy, and additional engagement, in particular with CVRD staff, to ensure alignment with the CVRD's response to the new legislation. Details on the roll-out of the new Provincial regulations continue to be announced, and the landscape continues to change, which has made it difficult to predict the impact of the new regulations. The Workforce Housing Strategy is in part designed to be an input into the CVRD and municipalities' response to the new legislation, while recognizing that there are still many unknowns.

Actions aiming to enable industry-led workforce housing solutions are to:

- Establish sites for seasonal workers accommodation, and
- Facilitate opportunities for groups of businesses to pursue joint workforce housing projects.

To accelerate housing development, the Strategy proposes to:

- Include temporary housing in Temporary Use Permit (TUP) guidelines;
- Educate the public on alternative housing forms;
- Encourage local businesses to participate in the Province's Standardized Housing Design Project;
- Host a Modular Housing Construction Summit;
- Investigate enabling policy to support industry-led solutions;
- Identify public lands that may support housing development;
- Expand areas zoned for manufactured home parks;
- Investigate labour shortage solutions in the construction and development industries;
- Explore the use of rental tenure zoning; and
- Collect data on modular housing construction.

Actions under the theme of enhancing short-term rental (STR) regulations are to:

- Provide opportunities for legal STRs to support temporary worker housing and tourism;
- Develop a business licensing program for STRs;
- Enhance the availability of on-farm agri-tourism accommodations; and
- Monitor the impact of changing Provincial and local regulations.

As a first step towards establishing a housing corporation, the Strategy proposes to:

- Conduct a feasibility study to identify the framework and process for transitioning Cowichan Housing Association to a Housing Corporation.

Looking forward to implementation, organizational capacity is likely to be the most significant limiting factor in progressing the recommended actions. However, Board support of these recommendations will allow staff to advance initiatives as and when resources and priorities allow.

Implementation of EDC-specific elements of the Strategy, including the timelines suggested in the report, can also be considered as part of the EDC Strategic Plan process. Furthermore, several of the recommendations have identified other CVRD divisions and municipalities as the lead for implementation. These recommendations are meant to inform and supplement work that is already underway to respond to the new Provincial legislation. Also, many of the recommendations will be advanced in partnership with industry stakeholders, some of which have already been identified by staff.

Throughout the project, staff and stakeholders recognized that the implementation of the actions within the Strategy would be enhanced by the establishment of a regional planning function. In particular, many stakeholders expressed a desire to see a collaborative, regional approach to servicing that is tied to land use planning and includes First Nations. Also, a regional housing coordinator position was noted as a potential outcome of the establishment of a regional planning function, and an opportunity to implement actions within the Workforce Housing Strategy and [Attainable Housing Strategy](#). The report includes a recommendation to this effect.

FINANCIAL CONSIDERATIONS

The Cowichan Workforce Housing Strategy was funded by \$27,000 from Function 121 – Economic Development, and \$50,000 from Function 100 – General Government Strategic Initiatives Fund.

There is currently no funding within Function 121 – Economic Development dedicated to implementing the recommendations in this report. Among options for implementation, staff will continue to monitor possible grant funding opportunities and bring those forward to the Board for consideration.

COMMUNICATION CONSIDERATIONS

A press release on the strategy will be released through the CVRD. The strategy will be available on the CVRD and EDC websites, and on the Plan Your Cowichan project page.

STRATEGIC/BUSINESS PLAN CONSIDERATIONS

This project supports objective 7 of the CVRD Corporate Strategic Plan: to make available a range of housing options and housing tenures at different income levels and stages of life. Specifically, it satisfies Action 7.2: complete the Workforce Housing Strategy.

Referred to (upon completion):

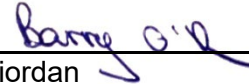
-
- Community Services (*Cowichan Community Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Facilities & Transit*)
 - Corporate Services (*Finance, Human Resources, Information Technology, Legislative Services*)
 - Operations (*Utilities, Parks & Trails, Recycling & Waste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

Prepared by:

Reviewed by:



Brittany Taylor
Economic Development Analyst



Barry O'Riordan
Manager



Clayton Postings
General Manager, Strategic Services
Department

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

Resolution:

Financial Considerations:

Corporate Officer

Chief Financial Officer

ATTACHMENTS:

- Attachment A – Cowichan Region Workforce Housing Strategy
- Attachment B – Companion Document: Worker Snapshots
- Attachment C – Companion Document: Case Studies
- Attachment D – Companion Document: Context



Cowichan Region Workforce Housing Strategy

A PLACE TO BUILD FUTURES

May 2024

LAND ACKNOWLEDGEMENT

We acknowledge that for thousands of years the Quw'utsun, Malahat, Ts'uubaa-asatx, Halalt, Penelakut, Stz'uminus, Lyackson, Pauquachin, Ditidaht, and Pacheedaht Peoples have walked gently on the unceded territories where this work has taken place.

APPRECIATION

On behalf of the Cowichan Valley Regional District (CVRD), CitySpaces Consulting led the Workforce Housing Strategy process and authored this Report. CVRD and CitySpaces are very appreciative of the participation, support, and advice from community stakeholders. We thank them.

Project Advisory Group

Representatives from:

- Cowichan Intercultural Society
- Cowichan Woodwork
- EllisDon
- Greyland Consulting
- Habitat for Humanity Mid-Vancouver Island
- Island Farmhouse Poultry
- Island Health
- Malahat Skywalk
- Municipality of North Cowichan
- Nexus Modular Solutions
- Realocity Realty and CoHo BC
- Viridian Energy Co-operative
- Western Forest Products
- WorkBC / ETHOS Career Management Group

Engagement Participants

Representatives from:

- 49th Parallel Grocery
- 4VI
- Aboriginal Housing Management Association
- Affordable Apartments
- AirDNA
- Alderlea Vineyards
- Arbutus Farms Kitchen
- Arbutus RV
- BC Housing
- Khowutzun Development Corporation
- Knightway Mobile Haulers Ltd.
- Ladysmith Chamber of Commerce
- Live Edge Design
- Locum Home Inc.
- Malahat Nation
- Mann Group
- Mazzei Electric
- Merdyn Group
- Merridale Cidery and Distillery

- Bell Group
- Broadstreet Properties and Seymour Pacific Development
- Capital Region Housing Corporation
- City of Duncan
- City of Victoria
- Clements Centre Society
- Connective Support Society
- Cowichan Green Community
- Cowichan Housing Association
- Cowichan Housing Association (Board)
- Cowichan Lake District Chamber of Commerce
- Cowichan Tribes
- Cowichan Valley Regional District
- Duncan Meadows Golf Course
- Easybuildingplans.com
- EllisDon
- EMR Vancouver Rentals Inc.
- Ethos Career Management Group
- Evolv Modular
- Exp Realty
- Greater Victoria Housing Society
- Island Health
- Islands Trust
- Municipality of North Cowichan
- Oak Gate Enterprises
- Oceanfront Suites at Cowichan Bay
- Pacifica Housing
- Paxar Technologies Corporation
- Redline Management Services Inc.
- Relish Studios
- Resort Municipality of Ucluelet
- Slegg Building Supplies
- Stz'uminus First Nation
- Sustainable Housing Solutions Cowichan
- The Practical Utopian
- The Verandah Partnership
- Tourism Cowichan Society (Board)
- Town Down Investments Inc.
- Town of Ladysmith
- Town of Lake Cowichan
- Ts'uubaa-asatx First Nation
- Two7 Building Company
- Union of BC Municipalities
- Unity Design
- Vancouver Island University
- White Cap Supply Canada
- WorkBC Cowichan

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EXECUTIVE SUMMARY

The Cowichan Region is taking bold action to address housing needs and to offer housing choices to workers, requiring new conditions in which housing development in the Cowichan Region takes place.

Outlined in this Workforce Housing Strategy are four strategy areas to address the acute housing situation impacting the ability to recruit and retain workers and foster a healthy economic environment and livable region:

- i. Enable Industry-Led Workforce Housing Solutions;
- ii. Accelerate Housing Development;
- iii. Enhance Short-Term Rental Regulations; and
- iv. Establish a Housing Corporation.

These strategies build on the already important housing initiatives spearheaded by the Cowichan Valley Regional District (CVRD), member municipalities, First Nations, non-profit organizations, and the development industry and have been designed to reinforce each other or be combined.

- **Enable Industry-Led Workforce Housing Solutions** creates opportunities for various industries to initiate housing solutions within their own sphere of influence. In the Cowichan Region, industries that are being called to take action and be part of the solution include agriculture, tourism, construction, healthcare, and non-profits. These industries require a supportive planning and development environment in order to successfully participate, such as getting sites ready for development, contributing land, advocacy, and building relationships with industries.
- The strategy to **Accelerate Housing Development** aims to increase the number of housing units built in the Cowichan Region with a sense of urgency. Specific solutions to speedily deliver units to the market are: consider the inclusion of temporary housing (e.g., RVs for seasonal workers) in temporary use permit guidelines, create a public education package on alternative housing forms, encourage businesses to participate in the Province’s Standardized Housing Design Project, mobilize modular housing construction, identify publicly-owned land for housing development, expand areas zoned for manufactured home parks, address the labour shortage issues within the construction and development industries, and make use of rental tenure zoning.
- **Enhance Short-Term Rental Regulations** is a strategy that mitigates the diversion of rental housing units from the market by finding a balance between making short-term rentals (STRs) available to serve short-stay workers and tourists while ensuring rental housing is available for long-term residents. A focus on practical tools that align with new provincial legislation is the starting point for the first years of implementation. This includes reviewing zoning regulations to provide opportunities

to permit STRs, prioritize the development of a business licensing program for STRs, align zoning bylaws with ALR regulations to enhance the availability of on-farm agri-tourism accommodations, as well as monitor and report on the impact of new Provincial legislation and local regulations to support a healthy housing market and tourism industry.

- The strategy to **Establish a Housing Corporation** (HC) aims to scale-up and increase capacity to address workforce housing needs in the Cowichan Region. Exploring the opportunity to evolve and empower the existing Cowichan Housing Association is the core focus of this strategy and involves a due diligence process to ensure feasibility before endorsing the framework. If supported, the HC can take a lead role in the development of housing on behalf of the region and in partnership with other sectors.

Measuring the success of implementation is tied to the **desired outcomes** of each strategy, aimed to achieve after five years:

- For industry-led workforce housing solutions, the desired outcomes are to observe a substantial reduction in job vacancy rates for key industries (by 10%) leading to an improvement to businesses' ability to attract and retain workers (based on the ability for workers to find housing).
- To accelerate housing development, the desired outcomes are to see an increase in the uptake of Accessory Dwelling Unit (ADU) construction starts by 5%; see an increase in the uptake of modular housing construction projects by 5%; and increase the average development activity in the region to approximately 600 units per year.
- For enhancing short-term rental regulations, the desired outcomes are to see an improvement to the market rental vacancy rate in the order of 3% or greater; and to maintain a healthy STR industry.
- With respect to the Housing Corporation, the desired outcome is to complete a feasibility study in time for a possible referendum in 2026.

With increasing expectations and requirements placed upon local governments by the Province to meet housing unit estimates, the Workforce Housing Strategy positions the region to meet its obligations through self-direction while complementing other sectors to deliver units in the region. Enable Industry-Led Workforce Housing Solutions, Accelerate Housing Development, Enhance Short-Term Rental Regulations, and Establish a Housing Corporation are all strategies that can change the conditions of housing development in the region towards meeting the housing needs of workers and fostering sustained economic development.

INTRODUCTION

In November 2022, the Cowichan Valley Regional District (CVRD) engaged CitySpaces Consulting to prepare a Workforce Housing Strategy for the Cowichan Region. This Strategy responds to the *CVRD Regional Housing Needs Assessment Report (2021)* and *Workforce Housing Surveys (2022)* that highlighted the tension between housing issues and the labour market in the Cowichan Region.

Companion Documents

The Cowichan Region Workforce Housing Strategy is complemented by three companion documents:

- i. **Worker Snapshots:** illustrates housing challenges experienced by different households in the Cowichan Region;
- ii. **Case Studies:** provides several examples of workforce housing solutions that can be referenced for inspiration; and
- iii. **Context Report:** provides an overview of the process of developing the Strategy including project approach, engagement activities, and research that demonstrates the driving factors that support the need for the Strategy.

Purpose

The Cowichan Region Workforce Housing Strategy aims to address housing problems as it relates to employment. In particular, the shortage of housing has impacted the ability to attract and retain workers in the Cowichan Region, which has impaired operations and viability of businesses and services across multiple sectors. It is imperative that housing is made available to workers in order for the region to grow in a sustainable and livable way. It is within this context that the purpose of this Strategy is to:

- Identify a collaborative and regional solution to workforce housing;
- Identify potential solutions to attract and retain staff within various industries; and
- Foster sustainable economic development in the Cowichan Region.

Why a Workforce Housing Strategy?

The Cowichan Region is a place where initiatives to support housing development are already being explored and implemented. Many achievements can be celebrated including housing policies and regulations, with additional initiatives in motion. There is a strong appetite from the development industry to build more units across the region, and a healthy curiosity from all sectors and the public to explore more solutions. The Workforce Housing Strategy complements other initiatives by implementing transformative strategies for housing development.

The magnitude of housing need is being fueled by rapid change and is surpassing the collective capacity to respond. Some of the core issues illustrating this problem include:

- Housing development is not keeping pace with population growth and demographic changes:** The regional population has increased 12% over the past decade and is projected to grow by another 15% in six years¹ through a combination of new people moving to the region as well as natural family formation. At the same time, the aging population is creating a reverse population pyramid meaning there are more seniors than young people. This issue may amplify the shortage of workers if there are not enough people to replace retirees. The region requires nearly 1,000 more housing units per year to accommodate growth and demographic changes, however only half that amount is being delivered on an annual basis.
- Development constraints are limiting construction activity:** The current economic environment creates complexity and risk to building housing projects in the Cowichan Region. Many of these are large-scale issues, including inflation, supply chain issues, high interest rates, and financing challenges. The lengthy development approvals process is a concern shared by government planning departments and the development industry, suggesting that the volume of development activity and capacity to process applications may be contributing factors. Other issues include the perception of an insufficient land supply, infrastructure constraints and un-serviced land, and public perception (e.g., NIMBY-ism). Municipal growth containment boundaries together with a large concentration of undevelopable land (located within the *Agricultural Land Reserve*, forestry/resource holdings, environmentally sensitive areas, and parkland) are all signals that the Cowichan Region is entering a new era of development – less greenfield development and more scaling up, densification, infill development, and possibly redevelopment of some areas.
- Limited housing supply and high housing costs are influencing workers’ job decisions and impacting the viability of businesses:** There are currently not enough housing units for workers in the region and there is a mismatch between the types of housing available and what workers are seeking. Employers have reported incidences where job offers are being rejected by potential candidates because of limited housing options – which is supported by previous research that indicates a need for more smaller units (e.g., one-bedroom units) and starter homes for people moving to the region (a small and affordable unit). There is also a mismatch between housing costs and what employees’ wages provide. Businesses are considering wage increases but are trying to balance the increasing cost of business and their services. Overall, the limited housing supply, high housing costs, and stagnant wages are hindering economic activity in the region.

Additional research can be found in the companion *Context Report* and *CVRD Regional Housing Needs Assessment Report*.

1. CVRD Regional Housing Needs Assessment Report (2021).

MEETING THE NEEDS OF THE COWICHAN REGION'S WORKFORCE

Vision

“The Cowichan Region is taking bold action towards offering housing choices for workers at all income levels and stages of their vocations.”

Four Strategy Areas

The Vision translates into four strategy areas that incorporate desired outcomes, actions, responsibility, timing, and investment required for implementation. Each strategy addresses workforce housing needs, and is supported by the background research and what was heard from engagement. The intention of each strategy is to focus on the overall goal and outcomes, rather than specific mechanisms. Case study examples from other jurisdictions are available in a Companion document. These include examples of housing construction workers, hospital staff, and agricultural workers as well as housing corporations and temporary use permits. Preliminary investments required to implement each action have been identified, however the source of investment is still to be determined.

Now is the time to take bold action on addressing housing needs; this requires new conditions and working together under a shared vision to initiate change.

Strategy #1: Enable Industry-Led Workforce Housing Solutions

STRATEGY	GOAL	DESIRED OUTCOMES IN 3 YEARS	
<p>Enable Industry-Led Workforce Housing Solutions</p>	<p>Empower industries and employers to lead the creation of workforce housing projects</p>	<ul style="list-style-type: none"> Job vacancy rates for key industries are reduced by 10% 	
ACTIONS	RESPONSIBILITY	TIMING	INVESTMENT REQUIRED
<p>1. Identify and secure lands to establish sites for seasonal workers accommodation (e.g. agriculture, tourism, and construction sectors)</p>	<p>Private sector industry and property owners</p> <p>Economic Development Cowichan (support)</p> <p>Tourism Cowichan (support)</p>	<p>Q2 2025, in advance of the seasonal influx of tourism and agricultural workers</p>	<ul style="list-style-type: none"> Enabling policy (local government) may be required to open lands for temporary workers accommodation. For example, support for existing campsites to support temporary workforce housing. On-site servicing (water and sewer) – could be temporary or permanent May require social servicing to address social concerns Permits may be required by local government, with additional requirements

<p>2. Create an opportunity for businesses to pool resources and pursue a workforce housing project collaboratively</p>	<p>Business Community</p> <p>Economic Development Cowichan (support)</p>	<p>Q4 2024</p>	<ul style="list-style-type: none"> • Legal services • Financing (private lender, low-interest loan, grants) • Rotating capital (invested by businesses)
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The Strategy

Industries in the Cowichan Region particularly challenged with attracting, retaining, and supporting workers include healthcare, tourism, agriculture, construction, and non-profit organizations. These are priority industries that could pursue solutions within their own sphere of influence. The aim of this strategy is to empower industries and employers to lead the creation of workforce housing projects. The desired outcome is to see a sizable reduction in the number of job vacancies in the Cowichan Region. Employers should observe an improvement to their recruitment process (e.g., time it takes to fill a position, retention and duration of tenure) due to the increased availability of workforce housing. As an example, a reduction in the job vacancy rate in the construction industry from 9.0% to 8.1% (a 10% reduction) would indicate that conditions are improving.

Industry leaders report that short-term rental housing such as Airbnbs serve to accommodate temporary workers in Cowichan Region.

What Housing Types are Needed for Workers in Priority Industries?

Workers who live permanently in the Cowichan Region comprise a mix of household arrangements, including single persons, roommates, and families, and as such would benefit from having a range of housing types available – including a mix of one-, two-, and three-bedroom units that can be configured in various housing types such as apartments, townhouses, and accessory dwelling units. The companion document, *Worker Snapshots*, illustrates diverse types of households experiencing a range of housing situations in the Cowichan Region, including families, First Nations, temporary workers, and others working in a variety of priority industries.

Affordable rent ranges for workers depends on the occupation and annual salary. In the healthcare sector, for example, registered nurses can afford market rental rates, whereas custodial positions would benefit from housing that is below market rates. Housing costs that are affordable for agricultural workers can vary depending on the job position, however, are generally low (below market rates) for farm labourers, which is representative of temporary and seasonal agricultural workers in the Cowichan

Region. Also, it is common for farms to offer room and board as part of a worker’s compensation package, to offset the cost of paying high enough wages for workers to afford to rent off-site.

Rent ranges are also applicable to seasonal and temporary workers with the same occupations; however, the housing forms are different given the nature of short-stay workers. Nearly every priority industry has some form of temporary worker situation. Healthcare recruits travelling nurses, locums, and medical students. Agriculture has temporary and foreign workers during peak production seasons. The construction industry hires labour from outside the region to temporarily scale-up and build projects. In addition, many industries have temporary contract workers to cover employment leaves (e.g., family leave, stress leave), time limited job positions (e.g., non-profits that receive a grant to hire a worker related to a temporary program), or special studies (e.g., field research).

The table below outlines the types of housing for both permanent and temporary workers, by industry, along with a sample of job positions and their applicable affordable rent ranges. This table can serve as a reference to industry leaders pursuing workforce housing projects. For additional information on the housing types that workers need, please see the companion report *Worker Snapshots*.

Industry	Job Positions	Affordable Rent Ranges Per Month	Housing Types (Permanent)	Housing Types (Seasonal/ Temporary)
Agriculture	Farm Labourer Fish Farmer Crop Production Technician	\$770 – \$1,170 \$750 – \$2,270 \$815 – \$2,000	<ul style="list-style-type: none"> One-bedroom units ADUs, apartments 	<ul style="list-style-type: none"> Campsites RVs One-bedroom
Construction	Construction Worker Construction Manager Construction Electricians & Repairers Foreperson	\$750 – \$1,500 \$1,100 – \$3,000 \$1,300 – \$2,400	<ul style="list-style-type: none"> One-, two-, three-bedroom units ADUs, townhouses, apartments 	<ul style="list-style-type: none"> One-bedroom Multi-unit modular
Healthcare	Health Care Aide Registered Nurse Doctor	\$900 – \$1,200 \$1,500 – \$2,300 \$1,600 – \$7,600	<ul style="list-style-type: none"> One-, two-, three-bedroom ADUs, townhouses, apartments 	<ul style="list-style-type: none"> One-bedroom Multi-unit modular

Non-profit	Administrative Clerk Labour Policy Officer Data Administrator	\$950 – \$1,620 \$1,400 – \$2,560 \$1,150 – \$2,900	<ul style="list-style-type: none"> • One-, two-, three-bedroom units • ADUs, townhouses, apartments 	<ul style="list-style-type: none"> • One-bedroom
Tourism	Hotel Clerk Food Service Worker Housekeeper Retail Sales Associate Retail Sales Manager	\$750 – \$1,030 \$750 – \$960 \$750 – \$1,060 \$750 – \$1,200 \$865 – \$3,120	<ul style="list-style-type: none"> • One-, two-, three-bedroom units • ADUs, townhouses, apartments 	<ul style="list-style-type: none"> • One-bedroom • Multi-unit modular • RVs

What Can Industries Do to Address Housing?

Detailed examples from other jurisdictions where industries led the development of housing projects or programs can be found in the companion document *Case Studies*. Drawing from this inspiration, some considerations for the Cowichan Region’s industries include:

- **Identify and secure lands to establish sites for seasonal workers accommodation:** depending on the size of the site, this concept could accommodate dozens of workers employed in multiple industries (e.g., agriculture, tourism, construction). Fees can be charged to the workers to cover the cost of site maintenance and operations, yet at low enough rates to remain affordable to workers. If lands identified are within the ALR, then it is required to make an application to the Agricultural Land Commission for workers accommodation. The Regional District of Okanagan-Similkameen demonstrated this concept when it opened a 125-site agricultural workers campsite in 2021 to house temporary agricultural workers throughout the harvest season from May to October (see the companion document *Case Studies*).
- **Create an opportunity for businesses to pool resources and pursue a collaborative workforce housing project:** this can look like an agreement amongst several businesses to purchase a shared building for housing workers, or to develop new workforce housing if a suitable building is not available within the community. The partner businesses could make a financial contribution and, in return, gain access to one or more units of the building that is shared with other businesses. This innovative solution requires capital and operating funding, which can come from a variety of sources (capital injection from each business, accessing low-cost financing and loans, etc.). Businesses can rent their allocated unit to a new recruit in need of temporary housing until long-term housing is found, and continuously use the unit for this purpose. Businesses have options for how they structure the arrangement with their employees. For example, they can create employment agreements to cover

the cost of rent as a prerequisite to the employee (which they can claim as a taxable benefit). Alternatively, businesses can subtract the cost of rent from an employee's pay (either partially or in-full). This solution requires an organization of some form to manage operations, which can be an existing non-profit housing society, forming a new society, or potentially being part of the proposed Housing Corporation. The Cube Hotel in Revelstoke is a good example of multiple employers coming together to solve their workforce housing challenges (see the companion document *Case Studies*).

Workforce housing projects pursued by businesses and organizations across priority industries could benefit from strategies #2, #3, and #4, which includes potentially forming partnerships with the proposed Housing Corporation, as well as applying accelerated housing development tools such as temporary use permits and modular housing construction.

Strategy #2: Accelerate Housing Development

STRATEGY	GOAL	DESIRED OUTCOMES IN 3 YEARS	
<p style="text-align: center;">Accelerate Housing Development</p>	<p>To increase the number of housing units built in the Cowichan Region</p>	<ul style="list-style-type: none"> • Increase uptake in ADU construction starts (5% target) • Increase uptake in modular housing construction (minimum 5% target) • Average 600 total housing units built per year 	
ACTIONS	RESPONSIBILITY	TIMING	INVESTMENT REQUIRED
<p>1. Consider the inclusion of temporary housing in TUP guidelines for CVRD electoral areas and municipalities</p>	<p>CVRD Member municipalities</p>	<p>Q2 2024</p>	<ul style="list-style-type: none"> • Internal staff time • Public consultation • OCP amendment and/or zoning amendment for TUPs • Communication to businesses
<p>2. Create a public education package on alternative housing forms, including the minimum requirements for a legal (code-compliant) “tiny home”</p>	<p>Economic Development Cowichan (lead) CVRD Land Use Services (support) CVRD Communications and Engagement (support)</p>	<p>Q3 2024</p>	<ul style="list-style-type: none"> • Internal staff time • Graphic designer • Communications budget
<p>3. Encourage Cowichan-based businesses to participate in the Province’s Standardized Housing Design Project, particularly around standardized ADU designs</p>	<p>Economic Development Cowichan (lead) Industry (partners)</p>	<p>Q2 2024 - Ongoing</p>	<ul style="list-style-type: none"> • Internal staff time
<p>4. Plan and host a Modular Housing Construction Summit to raise awareness of the benefits of</p>	<p>Economic Development Cowichan (lead)</p>	<p>2025</p>	<ul style="list-style-type: none"> • Internal staff time • Budget allocation for venue and marketing

modular housing and assist with sector development	Industry (partners)		
5. Investigate enabling policy to support industry-led workforce housing solutions	CVRD Member municipalities	Ongoing	<ul style="list-style-type: none"> Internal staff time
6. Identify publicly-owned land that could be leveraged to support housing development	Economic Development Cowichan and CVRD GIS (lead) CVRD, member municipalities, Cowichan Housing Association (support)	Q1 2025	<ul style="list-style-type: none"> Internal staff time
7. Expand areas zoned for manufactured home parks	CVRD Member municipalities	Ongoing	<ul style="list-style-type: none"> Internal staff time Zoning updates
8. Investigate actions to address labour shortage issues within the construction and development industries as part of the EDC Strategic Plan	Economic Development Cowichan	Q4 2024	<ul style="list-style-type: none"> Internal staff time
9. Make use of rental tenure zoning where appropriate	CVRD Member municipalities	Ongoing	<ul style="list-style-type: none"> Internal staff time
10. Collect data on modular housing unit construction (i.e. data sharing agreement)	Private industry	Ongoing	

The Strategy

Enabling accelerated development of housing aims to address the shortfall of new housing units needed per year in the Cowichan Region. With an extremely low rental vacancy rate and a pattern of delivering approximately half of what the region needs on an annual basis, it is necessary to fast-track development to get units delivered to the market with a sense of urgency through a solutions package: temporary housing, accessory dwelling units, and modular housing construction. These solutions can help facilitate different housing typologies (e.g. multi-unit, ground-oriented infill, small single units, etc.) as well as support various housing tenures (affordable homeownership like shared equity homeownership and rent

to own, co-ops, market rental, low-end of market rental, and affordable housing). Pursuing these solutions through the support of public education, identifying publicly-owned land for housing development, and addressing the labour shortage issues within the construction and development industries can all help accelerate development forward in a beneficial way.

The common path to creating a workforce housing project typically takes three to four years to complete. Workforce housing projects can potentially be developed much faster when enabling conditions are created to support this type of development. There are many tools that can help fast-track the development of workforce housing including policies, zoning, programs, funding, incentives, bylaws, collaboration, regulations, and initiatives. A combination of accelerated housing tools can offer different solutions to a variety of land/development situations.

It is unrealistic to double the construction of housing units in a few years, and as such this strategy intends to close the shortfall gap by increasing the number of housing units delivered annually from an average of 460 units per year to an average of 600 units per year; an increase of approximately 25% in construction activity. More favourable environmental conditions can help increase the amount of permitting and drive construction activity. Ultimately, this strategy seeks to ramp-up the volume of construction in the housing industry to the levels required to accommodate the growing population and ensure there are housing units available to attract and retain the labour force. Local government will also need to create an enabling environment to facilitate the industry-led workforce housing solutions outlined in Strategy #1.

Scope of Accelerated Housing Development

It is envisioned that this strategy will create the conditions to accelerate housing development in the Cowichan Region, encompassing the following solutions:

- **Consider the inclusion of temporary housing in TUP guidelines for CVRD electoral areas and municipalities:** TUPs allow temporary land uses not permitted under current zoning. On the ground, this can look like a RV, modular unit, or repurposed/renovated container ranging in scale from one-unit sharing land with a single-detached home to larger tracks of land that can accommodate a collection of units (e.g., 8–12 RVs). TUPs are a practical tool that the local government can implement at the regional and municipal level and requires investment into OCP amendments, the creation of permit/schedules, administration, inspection, and enforcement. The CVRD Board recently directed staff to begin work on OCP amendments and draft guidelines to enable TUPs across all Electoral Areas, including for housing. If implemented quickly, the CVRD could be in a position to process

applications in time for upcoming seasonal worker housing needs. TUPs can provide employers with an option to install one or more units on-site to house seasonal workers, as well as any landowner with the option to utilize their land for temporary housing for workers. TUPs could also be used for project-specific employment such as agricultural works and construction workers living in the Cowichan Region temporarily during a specific project. TUPs also provide flexibility to the system to accommodate fluctuating housing demand not only related to seasonal workers but also the anticipated influx of temporary construction workers needed to build major projects such as the Cowichan District Hospital. To speed up the process even more, local governments should consider delegating the authority to issue TUPs for housing to staff. Guidelines would benefit potential applicants and, once established, will need to be communicated to the broader community.

More regions are embracing ‘tiny homes’ as a housing option suitable for one- or two-person households able to live independently. The Regional District of Central Kootenay has published a guide, “Tiny Homes in the RDCK-What You Need to Know”, summarizing the various forms of ‘tiny homes’ and how they relate to the relevant regulations.

- **Educating Alternative Housing Forms:** throughout this process, engagement participants shared stories of alternative forms of housing that already exist in the Cowichan Region, such as tiny homes, RVs, yurts, and others. Some of these housing forms are not “up to code”, creating an unstable housing environment for the occupants. This action aims to create a public education package on alternative housing forms, including the minimum requirements for a legal (code-compliant) “tiny home”.
- **Encourage Uptake in the Province’s Standardized Housing Design Project:** ADUs are attached or detached housing units, including secondary suites, garden suites, tiny homes or laneway homes, that can be made available for rental (both short-term accommodation and long-term housing). The CVRD is already spearheading actions to enable new ADUs to be built in electoral areas, and the Province of BC has recently made significant legislative changes that further progress ADU development. This action encourages Cowichan-based business to participate in the Province’s Standardized Housing Design Project, particularly around standardized ADU designs. The resulting standardized designs may also be adjusted to comply with local zoning regulations. This action requires collaboration between Economic Development Cowichan and industry, as partners, to implement these designs.

- **Modular housing construction:** allows for housing to be designed to-code, and constructed off-site, under controlled conditions, but delivered on an accelerated timeline. This solution was not only widely supported by engagement participants during the development of this strategy, but also revealed the potential to scale-up the existing modular housing sector in the Cowichan Region. As a starting point, the region could plan and host a Modular Housing Construction Summit to raise awareness of the benefits of modular housing and assist with sector development. It is recommended that the Summit include discussions that will help the Cowichan Region prepare to apply for upcoming modular housing funding opportunities by identifying land, partnerships, and concepts. Other potential topic discussions could include prefabricated wall units and innovative servicing solutions.

Alignment

- ✓ CVRD Regional Housing Needs Assessment Report
- ✓ *Housing Supply Act* (applies to municipalities within the CVRD)
- ✓ *Bill 44: Housing Statutes Amendment Act*

- **Identify publicly-owned land that could be leveraged to support housing development:** securing land for housing development is a critical step to shift an idea into a tangible concept. Leveraging publicly owned land can create certainty around the project and attract potential partners including funders.
- **Expand areas zoned for manufactured home parks:** manufactured home parks offer high unit yield development with typically less infrastructure requirements compared to multi-unit housing development at the same density. The price points, livability and accessibility would benefit many workers in the Cowichan Region. The CVRD and member municipalities will need to review existing Zoning Bylaws to identify opportunities for manufactured home parks, and consider requirements such as lot size.
- **Investigate actions to address labour shortage issues within the construction and development industries as part of the EDC Strategic Plan:** while more housing options would benefit construction and development industry workers looking for a home, more is needed to address the acute shortfall of workers in this industry. The EDC Strategic Plan should investigate ideas to address the labour shortage, towards increasing capacity of the sector that is ultimately needed to deliver the housing required to meet the region's unit need estimate.
- **Make use of rental tenure zoning where appropriate:** rental tenure zoning restricts tenure to rental only. Local governments can apply this regulatory tool to an area, a building, or units within a building

which have a residential use². Adopting this tool across the region, where appropriate, can support the retention of existing rental housing and secure areas for future rental housing to meet the needs of the workforce.

Desired Outcomes – How To Measure Success

Implementing the actions outlined in this strategy has the potential to create an enabling environment in which housing can be developed at an accelerated pace. It also gives options to all sectors to be a part of the solution – local governments, private sector development, the construction industry, non-profit organizations, and potentially others. The desired outcomes outlined below are ways to measure success of this strategy in the first five years:

- **Increase uptake in ADU construction starts (5% target):** there are already ADUs being developed sparsely in the region where permitted and infrastructure supports intensification at this scale. A marker of success would be observing a moderate increase in the uptake of ADU construction across the region of 5%.
- **Increase uptake in modular housing construction (minimum 5% target):** a number of modular housing projects have been undertaken in the Cowichan Region over the last number of years. With additional support to bring attention to and foster the development of this industry, a 5% increase in modular housing construction should be well within the realm of possibility. The data will need to be obtained from manufacturers in order to measure the uptake over time.
- **Average 600 total housing units built per year:** within five years, a desired outcome is to see a substantial increase in the number of housing units being delivered in the Cowichan Region, alleviating pressures on the market and helping workers find the housing they need. An approximate 25% increase in the average number of new units permitted per year (i.e., 460 units to 600 units) would be an indication that the enabling environment for accelerated housing development is moving in the right direction.

² The exception to this application of rental tenure zoning is where a unit is already occupied by an owner at the time that the zoning is put into place. In such a case the owner, and all future owners, would continue to have a right to occupy the residential unit.

Province of BC [ADU guidelines](#) (December 2023)

- ✓ A minimum of 1 secondary suite and/or 1 detached accessory dwelling unit (ADU) must be permitted in Restricted Zones in all municipalities and regional district electoral areas. Local governments must implement these new regulations, and may choose to do any of the following for single-detached residential lots to which the higher density requirements for a minimum of 3 to 6 units do not apply:
 - Permit only one secondary suite;
 - Permit only one ADU;
 - Allow landowners to choose either a secondary suite or an ADU; or,
 - Permit the construction of both a secondary suite and an ADU.
- ✓ Local governments should ensure requirements of other provincial legislation and regulations are met.
- ✓ Only secondary suites (not ADUs) should be permitted on properties less than one hectare in size that are not serviced by sewer systems operated by a local government.
- ✓ Recommended regulation: rear lot line setback minimum 1.5 metres.
- ✓ **Province's suggested ways to streamline the ADU approvals process:**
 - Eliminate requirements for a business license or covenant concerning the rental of secondary suites and ADUs;
 - Waive tree-cutting permit requirements for secondary suites and ADUs if none are required for single-detached dwellings.

What Additional Enabling Policy is Required to Support Industries to Pursue Workforce Housing Solutions?

Conditions need to be favorable for industries to consider taking bold action to address workforce housing needs. In addition to the actions above, local governments can support the work outlined in Strategy #1 through enabling policy, specifically:

- Implement the Cowichan Region Attainable Housing Strategy, specifically *Objective 5 – Enhance Local Government Policy Frameworks that Promote Increased Supply and Improved Housing Affordability*. Proposed strategies within this objective aim to streamline the development approvals process through action such as: fast tracking applications for affordable housing projects, creating property tax exemptions for projects, pre-zone land, reduce parking requirements, consider density bonus provisions, support mixed-use development, and support small housing development including micro-units.
- Establishing a positive relationship between the business or organization pursuing a workforce housing project and the local government sets the stage for all other supports and actions to occur. Relationship building includes exchanging information about respective needs and perspectives and instilling political support from Municipal Council or the Regional District Board. For example, the local government would benefit from understanding the vision, concept, and needs of the project and the group would benefit from understanding the development procedures process and local government expectations. Identifying mutual goals can enhance the relationship. Establishing relationships before a project is envisioned can inform the local government to take action on creating an enabling environment, such as pre-zoning land or adopting policy that supports workforce housing projects.
- Industry-led solutions outlined in strategy #1 are site-specific, and as such, the planning and development requirements will be dependent on each site (e.g., is a rezoning required?). Workforce housing projects that are led by industry often experience better success when incentives or tools are applied. Within this context, local governments can explore opportunities to identify sites and get them ready in anticipation of industries pursuing workforce housing projects.

Successful workforce housing projects typically receive tangible incentives and utilize a wide range of tools to implement a project from vision to completion, including enabling policies and bylaws:

- ✓ **Site readiness:** attributes that enhance a site's readiness to develop workforce housing include already meeting the land use designation (OCP) and zoning (or pre-zoned). It can also mean existing infrastructure (e.g., water, sewer, fire flow) does not need to be upgraded or only minor upgrades are required. Projects that require land use changes add time to the process. Infrastructure upgrades increase costs.
- ✓ **Housing agreements:** section 483 of the *Local Government Act* allows local governments to prepare housing agreements, and section 219 of the *Land Title Act* allows local governments to use covenants registered on title, in conjunction with rezoning applications, to ensure that a workforce housing project remains affordable.
- ✓ **Land contribution:** many local governments have policies that support the use of government-owned land for housing projects that address local housing gaps and meet the housing needs of residents. Local governments may consider contributing land to a workforce housing project through a land lease or land transfer agreement at a discounted rate or at no-cost. Other financial supports within the municipal purview can help reduce the capital and operating costs of a workforce housing project such as waiving permit fees, offering property tax exemptions and making capital contributions by drawing from dedicated resources (e.g., an affordable housing reserve fund).
- ✓ **Advocacy:** local governments have established relationships with the Provincial and Federal governments, Ministries, and other agencies such as utility providers. Local governments can utilize these relationships to advocate for groups that may encounter roadblocks to project implementation.

Strategy #3: Enhance Short-Term Rental Regulations

STRATEGY	GOAL	DESIRED OUTCOMES IN 3 YEARS	
Enhance Short-Term Rental Regulations	To have market rental housing available to residents	<ul style="list-style-type: none"> Improved market vacancy rate (3% or greater) Maintain a healthy STR industry 	
ACTIONS	RESPONSIBILITY	TIMING	INVESTMENT REQUIRED
1. Review zoning regulations and provide opportunities for STRs through TUPs and rezonings, with consideration of the needs for temporary worker housing and the tourism industry	CVRD and member municipalities, in consultation with EDC and Tourism Cowichan	Ongoing, or per respective zoning amendment timelines for each jurisdiction	<ul style="list-style-type: none"> Internal staff time
2. Prioritize the development of a business licensing program for short-term rentals	CVRD	Q1 2025	<ul style="list-style-type: none"> Internal staff time
3. Align zoning bylaws with ALR regulations to enhance the availability of on-farm agri-tourism accommodations	CVRD Member Municipalities	Ongoing, or per respective zoning amendment timelines for each jurisdiction	<ul style="list-style-type: none"> Internal staff time Zoning updates
4. Monitor and report on the impact of new Provincial legislation and local regulations to support a healthy housing market and tourism industry	Economic Development Cowichan (lead) Tourism Cowichan (partner)	Q1 2025	<ul style="list-style-type: none"> Internal staff time

The Strategy

Enhancing short-term rental regulations (STRs) aims to address issues related to the conversion of long-term housing (intended for permanent residents) into short-term accommodation (intended for short-stay residents and tourists). This tool, in the form of a bylaw and/or supporting regulations, is being adopted by many local governments in recent years in tandem with a shift in the market that is seeing rental units turning into places for people to temporarily stay.

With the growing tourism industry as well as increasing demand for short stay accommodations in the Cowichan Region, this strategy provides a practical tool to balance the interest, need, and demand for short- and long-term accommodation. Enhancing short-term rental regulations can clarify the use of short-term rentals with the goal of maintaining more long-term rental housing.

The goal of this strategy is to enable the conditions where market rental housing is readily available to residents. Specifically, this strategy seeks to protect and retain the long-term rental housing supply to the point where the rental vacancy rate is within a healthy range (2 to 3%). This is a direct response to the persistently low rental vacancy rate in the region and limited availability of rental housing units, coinciding with units being listed to rent short-term. It is also intended to complement regional planning initiatives to address short-term rentals that are currently underway.

New Provincial Short-Term Rental Regulations

In October 2023, the Province of BC introduced new legislation to regulate short-term rentals that focuses on: increasing fines and strengthening tools for local governments; returning more short-term rentals to long-term homes; and establishing provincial rules and enforcement. These changes are timely for the Cowichan Region as it provides local governments with more tools to address short-term rentals.

Province of BC *Short-Term Rental Accommodations Act* (October 2023)

- ✓ **Fines and Other Tools:** Increasing fines for operators breaking local rules to support local bylaws and requiring short-term rental platforms to share data to strengthen local enforcement; requiring online short-term rental platforms to share their data with the Province, so the Province can provide that information to local governments for enforcement and support of provincial and federal tax auditing; requiring short-term rental platforms to include businesses licence numbers on listings where they are used by a local government and to remove listings without them quickly to ensure local rules are being followed; giving regional districts the ability to issue business licences so they can more effectively regulate short-term rentals in rural areas.
- ✓ **Principal Residence and Non-Conforming:** requiring short-term rentals in BC to be offered only in the principal residence of a host in municipalities with a population of 10,000 people or more; specifying areas exempt from the principal residence requirement (e.g., municipalities under 10,000 population, except those within 15km of larger municipalities, and regional district electoral areas); and removing legal non-conforming use protections for short-term rentals being taken advantage of by investors to support local governments' efforts to set rules about where these units can operate in communities. Within the Cowichan region, the principal residence requirement will automatically apply to STRs within the Municipality of North Cowichan and the City of Duncan. The Town of Lake Cowichan, Town of Ladysmith, and CVRD Electoral Areas will have the option to opt into the requirement.
- ✓ **Enforcement:** establishing a provincial host and platform registry by late 2024 for stronger accountability; and launching a provincial short-term rental compliance and enforcement unit

Scope of Regulating STRs

It is envisioned that this strategy will enhance short-term rental regulations in the Cowichan Region while not being overly onerous and avoid unintentionally hindering the positive attributes of STRs. Appropriate regulation can provide clear guidance to shape the growth of the sector in a way that balances the needs of long-term housing and property owner preferences with tourism and worker needs.

- **Review zoning regulations and provide opportunities for STRs through TUPs and rezonings, with consideration for the needs of temporary worker housing and the tourism industry:** member municipalities and the CVRD may consider preparing and adopting short-term rental regulations either through a stand-alone short-term rental regulation bylaw or through integrating within existing bylaws where applicable (i.e. Zoning Bylaw, Business License Bylaw, Fees and Charges Bylaw, and Enforcement Bylaw). Key considerations for drafting these regulations:

- Zoning can be amended to clearly define short-term rentals as a use. A section can also be added under general regulations that specify short-term rentals can only be operated in the principal residence with a valid business license, have a maximum number of patrons at one time (e.g., up to six patrons), and parking restrictions (e.g., on-site or off-street parking space).
- Under the Zoning Bylaw definitions section and supported by the General Regulations section, clearly define short-term rentals as a commercial use of a principal or accessory dwelling unit for the accommodation of short-term guests for periods of less than 90 days (period is necessary to distinguish the short-term rental from a residential tenancy that typically has a 90+ day term)³.
- Regulate through financial measures (e.g., STR business license fees, fines for hosts operating out of compliance). It is recommended that penalty fees apply for any Bylaw offence. Consider tiered fees for business licenses (higher for tourist-oriented short-term rentals, lower for temporary worker accommodations).
- Areas in the Cowichan Region that have populations less than 10,000 may benefit by opting into regulating short-term rentals with the principal residence requirement. Opting-in is permitted under the new legislation however caution should be exercised with consideration of developing local regulations instead that take the local context into account.

- **Prioritize the development of a business licensing program for short-term rentals:** in alignment with the new tool available to regional districts, the CVRD and municipalities should consider implementing a business license program to setup more nuanced STR regulations. As part of new legislation, online hosts are required to display their business license number on their listings. If a

Alignment

- ✓ CVRD Regional Housing Needs Assessment Report
- ✓ *Short-Term Rental Accommodations Act*

³ The Province of BC defines short-term rentals up to 90 days.

short-term rental listing does not include a valid business license, local governments can request the platform remove the listing. This is a practical enforcement tool the CVRD can exercise.

- **Align Zoning Bylaws with ALR regulations to enhance the availability of on-farm agri-tourism accommodations:** exploring on-farm agri-tourism accommodation can divert some tourists from occupying short-term rental accommodation and make more STRs available for workers. Within the existing legislation, permitted residential uses on ALR land include: a principal residence and secondary suite, farm worker housing, and seasonal/short-term agri-tourism accommodation (limited to 10 sleeping units, and on properties that have a farm status).
- **Monitor and report on the impact of new Provincial legislation and local regulations to support a healthy housing market and tourism industry:** the Province is currently developing a data sharing program on STRs. A monitoring approach for the Cowichan Region can be developed once the Province releases details of this program.
- **Hotel accommodation:** explore new hotel accommodation development in the Cowichan Region to address the shortage of rooms, aligning with Tourism Cowichan and the CVRD's draft Accommodation Needs Assessment which identified an opportunity to deliver an additional 175 rooms to the region.

Desired Outcomes – How To Measure Success

Recognizing that short-term rentals have a role to play with respect to providing tourism accommodation and accommodation for the workforce looking for short-stay options, regulating short-term rentals can mitigate some undesirable issues such as diverting a large quantity of the rental housing stock, contributing to extremely low vacancy rates. The desired outcomes outlined below are ways to measure success in the first five years of pursuing STR regulation.

- **Market rental vacancy rate of 3% or greater:** improving the availability of rental housing for residents is a desired outcome of this strategy. This can be measured by monitoring the rental vacancy rate that is currently nearly 0% for all categories. An increasing rental vacancy rate is a marker of improvement. A rental vacancy rate of 2% – 3% is an indicator of a healthy, balanced rental housing supply. It will require complementary initiatives to address the rental vacancy rate, such as the development of purpose-built market rental housing and affordable housing. However, regulating short-term rentals is expected to have a meaningful impact if enforced.
- **Maintain a healthy STR industry:** monitoring STRs in the Cowichan Region can be achieved once the Province releases details on its data sharing program.

Strategy #4: Establish a Housing Corporation

STRATEGY	GOAL	DESIRED OUTCOMES IN 3 YEARS	
Establish a Housing Corporation	Increase capacity and resources to develop housing projects	<ul style="list-style-type: none"> Complete feasibility study in time for possible 2026 referendum 	
ACTIONS	RESPONSIBILITY	TIMING	INVESTMENT REQUIRED
1. Conduct a feasibility study to identify the framework and process for transitioning CHA to a HC	CVRD (lead) CHA (partner)	Q3 2024-Q4 2025	<ul style="list-style-type: none"> Consultant Capital

The Strategy

Establishing a Housing Corporation (HC) aims to address the limited collective capacity and resources to develop new housing in the region. Akin to authorities such as the Whistler Housing Authority and Capital Region Housing Corporation, the proposed HC intends to be the vehicle by which the Regional District and member municipalities can take a leadership role in meeting their estimated housing unit needs by developing new affordable housing projects, acquiring units, and managing housing agreements. With increasing expectations and requirements placed upon local governments by the Province to meet housing targets (i.e., the *Housing Supply Act*), this strategy positions the region to meet its obligations through self-direction while complementing other sectors to deliver units in the region.

Housing Corporation vs Housing Authority

A housing authority is an independent, government-owned agency that provides a range of housing services, funding, and programs to help people in the greatest housing need.

Housing authorities tend to comprise a Board, Director, and staff, and play a lead role in the development of housing policies on behalf of local government. A housing corporation follows a similar model to a housing authority but operates at an ‘arm’s length’ from local government.

The goal of this strategy is to scale-up and increase capacity to address workforce housing needs in the Cowichan Region. This is directly responding to a core issue heard throughout the engagement process for a need and desire to address the limited capacity and resources required to meet the housing crisis in the region. Specifically, capacity limitations in the region are widespread:

- At the local government level (e.g., to process applications, respond to funding calls, and opportunities for partnerships);
- Within the private sector builder / developer sector (e.g., to close the unit shortfall gap, diversify the types of housing being built etc.); and
- Non-profit sector (e.g., to meet the growing need and emerging social issues).

The proposed HC can knit these pieces together through direct integration of development processes as well as partnerships. Key benefits of setting up a housing corporation include:

- **Integrated development approvals** process with the CVRD and member municipalities. This also aids in creating confidence and certainty with the approvals process, making partnering with the HC an attractive option for private developers, non-profits, First Nations, and senior levels of government.
- Opportunity to **partner with First Nations** through capacity-building, sharing of knowledge and resources, and pursuing joint development projects.
- Being in a position to attract partnerships and increase competitiveness for investment from funders. The opportunity includes simplified **partnerships with senior levels of government**, such as potentially establishing a Memorandum of Understanding, which is becoming more common between housing authorities or corporations and the Province of BC.
- As a government-owned agency, the HC would have **access to long-term borrowing** through the Municipal Finance Authority of BC. This borrowing power is a competitive advantage with respect to interest rates and creates the opportunity to make a substantial investment in the capital and operating expenditures required to launch a corporation and to pursue initial development projects until a self-sustaining revenue model can be established.
- Provide **a vehicle for local governments to combine resources and directly address housing unit estimates** by leading housing development projects, while supporting other sectors to also pursue housing development projects.

Housing corporations typically take several years to become established and require investment to launch. The return on investment is not typically seen for several years or longer. Once established with a portfolio and demonstrated experience, financial benefits and broad community value can be observed. As such, **establishing a housing corporation is a long-term strategy** that transforms the environment in which new projects can be realized in Cowichan.

Positioning CHA to Evolve into the HC

There are different pathways to creating a housing corporation. The region is already served by Cowichan Housing Association (CHA), a non-profit society that provides community development, research, and programming to support the creation of affordable housing options, protect the existing housing stock, and reduce homelessness. Consequently, this process explored three high-level options for creating a housing corporation for the Cowichan Region:

- (i) Establish a new housing corporation entity, and CHA continues business as usual;
- (ii) CHA is empowered and evolves into a housing corporation; and
- (iii) CHA remains operating as a non-profit society and continues business as usual, and potentially restructures. The housing corporation is not pursued.

Case study research and interviews with other housing authorities revealed that establishing a new organization from the ground-up requires significant investment from local and senior levels of government, and it may take several years before the corporation can be in a position to pursue development projects or acquire housing units. Alternatively, expanding the services of an existing organization to take on the role of a corporation can effectively bypass the start-up phase and accelerate the implementation of this strategy. Engagement with the CHA Board of Directors, as well as research,

helped inform the decision to investigate the path of elevating and empowering the existing CHA to evolve into a housing corporation.

CHA has a good reputation and is well known for its positive social impact, and as such is the best suited organization to potentially take on a development corporation role. Many participants from the engagement process also suggested that CHA is a natural fit for this scope of work. In addition, social issues have magnified since the COVID-19 pandemic and surpassed CHA's capacity to meet the needs of the community – this is an opportunity to restructure CHA to have more capacity, resources, and tools required to meet the current and emerging acute challenges. In short, this strategy focuses on investigating the feasibility of transforming CHA into a corporation, towards expanding services while staying aligned with its values and mandate.

Alignment

- ✓ CVRD Regional Housing Needs Assessment Report
- ✓ Cowichan Attainable Housing Strategy
- ✓ *Housing Supply Act*

Desired Outcomes – How To Measure Success

The HC has broad potential, including attracting investment from senior levels of government, generating confidence and certainty within the development approvals process, connecting partners and unlocking land, and fostering partnerships with First Nations. The desired outcome outlined below is the key step required to understand the opportunities and risks with moving forward on this strategy:

- **Complete feasibility study in time for possible 2026 referendum:** while the scope of the feasibility study is still yet to be determined, possible components may include: further exploring if CHA should evolve into the HC, or a new entity should be established, and the cost-benefits of not pursuing the HC; roles and responsibilities of the CVRD and member municipalities (including interjurisdictional collaboration); and investigating the HC's operational scope (i.e. retaining existing services of the CHA, pursuing housing development programs, acquiring units, and inheriting housing agreements, etc.). Budget is also a substantial consideration for a Housing Corporation that should be explored as part of the feasibility study, given that upfront capital investment such as land and cash is typically required to support operations and initial development projects. Subject to the feasibility study, potential funding sources may include options from the following table:

Housing Corporation – Preliminary Potential Funding Sources

Start-Up Funding	Self-Sustaining Funding
<ul style="list-style-type: none"> • Borrow from Municipal Finance Authority of BC • Cowichan Housing Association Financial Contribution Service annual financial contribution (transfer to HC) • Housing Trust Fund (HTF) • Municipal land contribution • Online Accommodation Platforms portion of the Municipal and Regional District Tax • Provincial and Federal Programs (stackable funding for projects) • Rental Housing Capital Contribution Fund • Taxation 	<ul style="list-style-type: none"> • Affordable Housing Reserve Fund • Commercial lease revenue from mixed-use developments • Community Amenity Contributions (CACs) • MoU with Senior Level Governments • Provincial and Federal Programs (stackable funding for projects) • Rent revenue from housing projects

IMPLEMENTATION

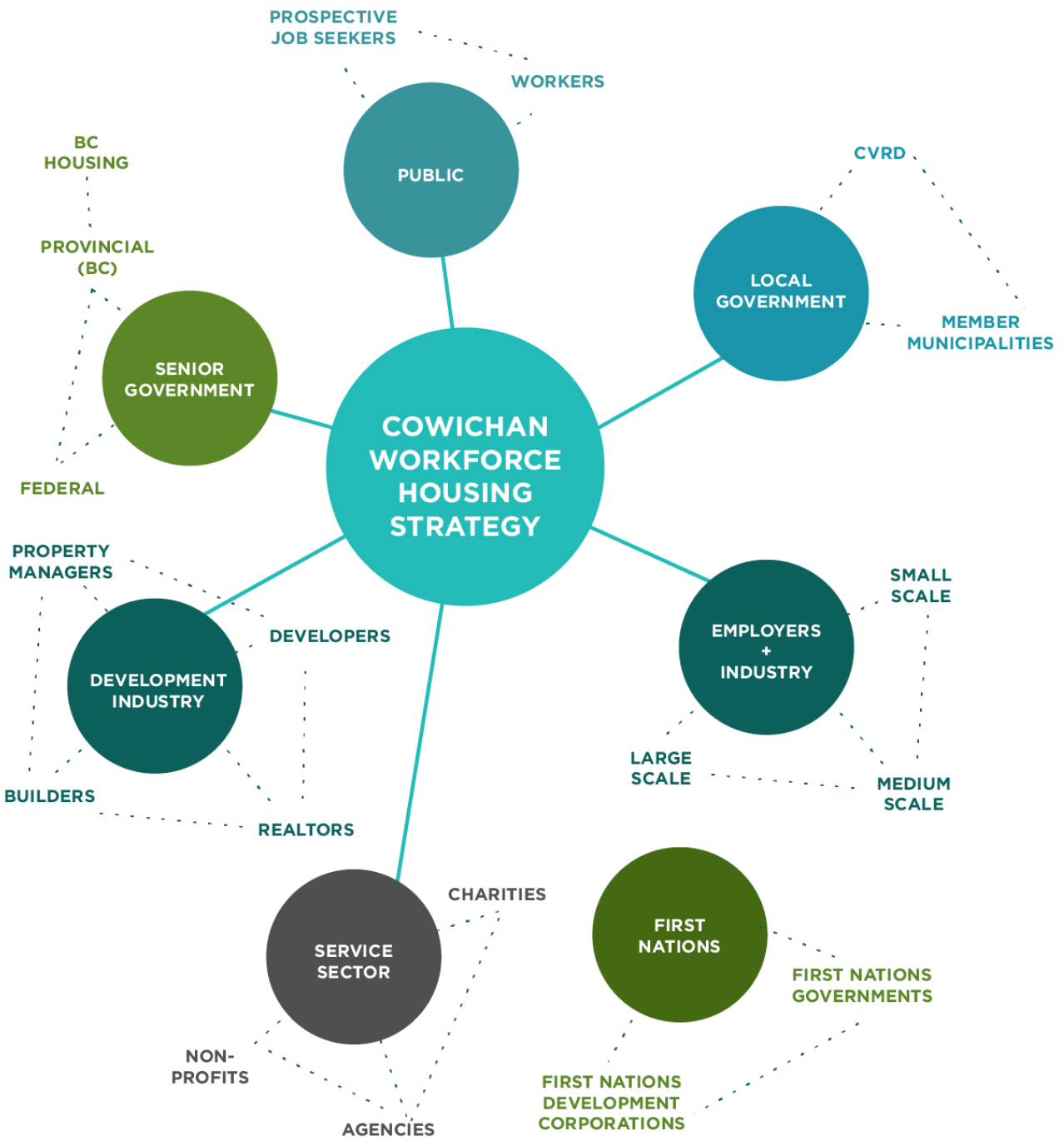
Collaborative Responsibility

Following a Collaborative Responsibility approach, success of the Cowichan Region Workforce Housing Strategy relies on having a supportive infrastructure in-place at the outset of implementation. Specifically, backbone organizations and sectors form a collaborative network for shared responsibility and play a crucial role during implementation, which includes the following responsibilities:

- **Guide Vision and Strategy:** building a common understanding of the issues and actions that are required to address workforce housing needs.
- **Support aligned activities:** implementing aligned and mutually reinforcing actions to achieve the shared Vision.
- **Establish shared measurement practices:** regularly reporting indicators that represent desired outcomes to monitor and evaluate impacts and shifting conditions over time.
- **Build public will:** gathering community buy-in and commitment.
- **Mobilize funding and resources:** securing public and private funding to turn the Strategy's proposed actions into reality.

The backbone organizations and sectors that will support this Strategy's implementation are: Cowichan Valley Regional District; member municipalities; Cowichan Housing Association and Housing Corporation; the development sector; and employers and key industries. There are also opportunities to collaborate and partner with First Nations, the Provincial Government, and the Federal Government.

Figure 1: Workforce Housing Strategy Implementation Shared Responsibility Collaborative Network



Specific Recommendations

1. Develop a regional planning service initially focused on a Regional Growth Strategy. Exploring regional servicing in relation to housing, including monitoring new residential construction, should be considered given the CVRD's Utilities Division is not a regional or electoral area-wide function. Undertaking a Regional Growth Strategy would enable the ability to identify areas in the region to concentrate large scale workforce housing that are most suited and serviced.
2. Consider creating a position for a Regional Housing Coordinator to lead the implementation of the Workforce Housing Strategy as well as the Cowichan Attainable Housing Strategy. Dedicating a staff person to oversee this work will help move the strategies forward in an environment where capacity is already strained.
3. Update OCPs and Zoning Bylaws throughout the region to support the development of a variety of housing forms and tenures that support the development of workforce housing.
4. Identify a budget and lead organizational responsibility within the CVRD for the Housing Corporation feasibility study.

Tracking Success

Tracking success can assist the Cowichan Region with monitoring the success of the Workforce Housing Strategy over the next five years. It will also help with having information readily available to report on progress and respond to various inquiries from stakeholders, potential funders, investors, builders, partners, and the media.

- **Project Tracker:** document workforce housing projects under construction/delivered in the Cowichan Region where possible, especially where the HC is involved. Information can include: a brief project description, target population, total number of units, typology (e.g., townhouse, apartment, etc.), tenure / affordability mix, funding program(s), and partners.
- **Desired Outcomes Tracker:** desired outcomes, which are informed by the data summarized in the Context Companion Report, should be tracked to monitor the implementation of the strategies over the next five years:

Desired Outcomes Tracker	
Indicator	Source
1. Job vacancy rates for key industries are reduced by 10%	<ul style="list-style-type: none"> Job Vacancies, Statistics Canada
2. Increase uptake in ADU construction starts (5% target)	<ul style="list-style-type: none"> Building permit data (CVRD, Member Municipalities)
3. Increase uptake in modular housing construction (minimum 5% target)	<ul style="list-style-type: none"> Project Tracker
4. Average 600 total housing units built per year	<ul style="list-style-type: none"> Building permit data (CVRD, Member Municipalities)
5. Improved market vacancy rate (3% or greater)	<ul style="list-style-type: none"> Market Rental Report, CMHC
6. Maintain a healthy STR industry	<ul style="list-style-type: none"> Provincial data sharing program (anticipated 2024)
7. Complete feasibility study in time for possible 2026 referendum	<ul style="list-style-type: none"> TBD

Funding the Strategy

Funding is required to implement the Cowichan Region Workforce Housing Strategy. While details are subject to further refinement, initial opportunities to fund the implementation of the Strategy include:

- Direct funds generated from the Municipal and Regional District Tax (MRDT) on Online Accommodation Platforms (OAP) towards implementing the Strategy in 2025;
- Apply to CHA’s Project Development Fund (PDF) to implement specific recommendations within the Strategy. The PDF is funded by the CVRD as part of CHA’s annual contribution agreement;
- Consider a potential increase to the MRDT rate (i.e., from 2% to 3%). Increasing the rate creates an opportunity to generate more revenue to be shared between Tourism Cowichan Society and the HC. Engagement with hotel operators must be undertaken to gain support for increasing the tax rate; and

- Leverage existing resources by applying for additional funding, such as the Rural Economic Diversification and Infrastructure Program (REDIP).

Utilizing MRDT for Housing

The Municipal and Regional District Tax (MRDT) provides funding for local tourism marketing programs and projects, including sport hosting marketing programs and projects, and destination enhancement initiatives, such as capital and non-capital investments in operation and tourism attractions. In 2018, amendments to the MRDT regulations added affordable housing as a permissible use of funds to help address local housing needs as well as to ensure tourism and temporary workers can find housing in the communities in which they live and work. This change was introduced along with formal MRDT collection from Online Accommodation Platforms (OAP). While the general MRDT revenues are collected from traditional accommodation providers such as hotels, motels, and B&Bs, OAP MRDT is designed to tax transactions for renting short-term accommodation, such as Airbnb, and typically list basement suites, cabins, and cottages.

Under certain circumstances, designated recipients have the flexibility to define, identify, and fund affordable housing initiatives deemed appropriate to meet local needs. Typically, local governments leverage MRDT funds to secure additional funding for capital construction costs of affordable and workforce housing development projects. Designated recipients may use MRDT revenues for the following affordable housing purposes:

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

The CVRD Board recently resolved to reallocate OAP MRDT revenues from tourism marketing to affordable housing. This creates the opportunity to provide affordable housing for workers in the tourism, accommodation, and service sectors, as well as support the recruitment and retention of workers for sustained tourism operations and

In Tofino, MRDT revenue facilitated the development of 86 units of affordable housing.

In the Resort Municipality of Whistler, MRDT revenue facilitated the development of 664 affordable and workforce housing units.

programs. This direction is in-line with preferences of employers and employees throughout the Cowichan Region indicated in an Economic Development Cowichan 2022 survey. The survey included questions around short-term rentals and MRDT where both employers (71%) and employees (80%) indicated a clear preference for redirecting revenues from OAP MRDT towards affordable housing initiatives.

In 2024, OAP MRDT funds will be added to the CVRD's existing Regional Housing Fund and allocated to affordable housing projects within the region using CHA's established grant programs. However, given the investment required to implement this Workforce Housing Strategy, it is recommended that the CVRD consider directing OAP MRDT funds towards Strategy implementation in 2025.

The revenue from MRDT can be further enhanced by increasing the tax rate. The maximum rate of tax under MRDT is 3% of the purchase price of accommodation. In the Cowichan Region, MRDT funds are currently collected at a 2% rate. Designated recipients can request a change to the tax rate by submitting a complete application that meets the requirements. If approved, the tax will be renewed at the new rate for a five-year period. Increasing the rate creates an opportunity to generate more revenue to be shared between tourism marketing and affordable housing initiatives.

Concluding Comments

Guided by the Workforce Housing Strategy, the Cowichan Region remains committed to meeting the needs of the workforce. Housing the workforce is a complex issue that cannot be addressed in isolation and requires partnerships between all sectors and levels of government. Organizations across the region are already working closely and collaboratively on many local initiatives, and leveraging these strong community ties will support the implementation of this Strategy.



Cowichan Region Workforce Housing Context

A PLACE TO BUILD FUTURES

LAND ACKNOWLEDGEMENT

We acknowledge that for thousands of years the Quw'utsun, Malahat, Ts'uubaa-asatx, Halalt, Penelakut, Stz'uminus, Lyackson, Pauquachin, Ditidaht, and Pacheedaht Peoples have walked gently on the unceded territories where this work has taken place.

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INTRODUCTION

On behalf of the Cowichan Valley Regional District (CVRD), CitySpaces Consulting prepared a Workforce Housing Strategy for the Cowichan region. The purpose of the Strategy is to address housing problems as it relates to employment.

This *Context Report* is a companion report to the Workforce Housing Strategy. It provides the background content with respect to the approach and project phases, engagement process, as well as key indicators that demonstrate workforce housing needs and issues in Cowichan.

THE DESIGN THINKING PROCESS

Project Phases

The Strategy process was formulated using a design thinking process – a method for engaging with the community in a way that creates conditions for personal, collective, and systemic transformation. Design thinking is the practice of naming and solving root problems and co-imagining new solutions with intention and action. In this respect, each phase of the project built-off previous tasks and were continuously adapted based on shared learning. In summary, the Strategy was implemented over five phases:

- **Phase 1 – Project Initiation:** this phase was about establishing relationships and kickstarting momentum. The outcome of this phase was creating a mutual understanding of the scope, tasks, expectations, and critical factors of success, as well as setting the container from which the process unfolded.
- **Phase 2 – Baseline Development:** this phase built-off the previous work already undertaken by the CVRD, member municipalities, and First Nations by offering new information to help define the problem statement. A framework was established to inform solution-seeking exercises in subsequent steps.
- **Phase 3 – The Big Brainstorm:** this phase was about creating and making choices. Activities were centred around being inclusive, open, curious, and strategically experimental. This phase evolved a short-listed number of strategies, researching case studies from elsewhere, and involved initial testing with stakeholders. Solutions were refined towards simple, clear, and tangible strategies. This is where the project team, with input from stakeholders, made decisions to endorse, scale up or down, or let go of ideas.
- **Phase 4 – Knitting Solutions Together:** this phase was about creating a credible Strategy to enable workforce housing solutions in the Cowichan Region. This is where the process materialized into a clear roadmap.

- **Phase 5 – Ready to Launch:** this phase integrates final inputs as well as enhancing the look-and-feel of the deliverable so that the community is ready to launch into action.

Figure 1: The Cowichan Workforce Housing Strategy Design Thinking Process



Project Participants

The design thinking process was made possible through multi-sector collaboration:

- **Project Team:** consisted of representatives from Economic Development Cowichan, Cowichan Valley Regional District, Cowichan Housing Association, and the Consulting Team. The Project Team met regularly to plan, coordinate, and implement the work plan.
- **Project Advisory Group:** comprised diverse stakeholders who provided strategic input at key milestones and also participated in various engagement activities.
- **Municipal and First Nations Technical Advisory Group:** comprised municipal and First Nations representatives who convened to provide technical input for ensuring strategies are grounded within the local context.
- **CVRD Regional Board:** comprised representatives from unincorporated electoral areas and municipalities, the Regional Board was engaged at key milestones of the project and offered contextual input and direction with respect to alignment with other regional initiatives. Board members also participated in various engagement activities.
- **Regional Planning:** interdepartmental staff from the four member municipalities (City of Duncan, Town of Ladysmith, Town of Lake Cowichan, and Municipality of North Cowichan) and CVRD planning staff participated in engagement activities and provided technical input on solution-building concepts.
- **Employers:** a cross-section of small businesses and major employers participated in various engagement activities, including representatives from healthcare, non-profit organizations, education, emergency services, tourism, construction, retail, food and beverage, agriculture, forestry, manufacturing, arts/culture, film, and technology.

- **Employees and Workers with Lived Experience of Housing Insecurity:** special outreach to workers who experienced challenges with finding and affording housing participated in various engagement activities. Engagement with workers with lived experience of housing insecurity gave space to solutions that are centred around the needs of workers.
- **Builders and Developers:** representatives from the development industry participated in this process, bringing critical perspective on technical challenges and opportunities to develop workforce housing including insight on strategy feasibility.
- **Service Providers:** comprising non-profit housing providers, employment / life skills and training programs, and youth services. Representatives from this group provided a unique perspective from supporting their clients through their programs and services.
- **Members of the Public:** interested members of the public participated in various engagement activities and provided input on workforce housing issues and helped generate ideas that informed Strategy development.

Meaningful Engagement
 Developing a workforce housing strategy requires authentic and accessible engagement to identify the best path forward. Every focus area had a depth of complexity, and as such, the engagement activities were designed to draw meaningful insight and perspective from everyone.

In total, 462 people participated in the Cowichan Workforce Housing Strategy process comprising eight workshops, 38 interviews with 61 stakeholders, and a survey.

Figure 2: Engagement at-a-Glance



Engagement Focused on Strategy

For any strategy, identifying roadblocks and pain-points is key to finding solutions. In the case of workforce housing in the Cowichan Region, there are numerous obstacles that need to be addressed in order to release the roadblocks and create an enabling and supportive environment to develop workforce housing.

Many of the roadblocks and pain-points identified by participants during engagement are already acknowledged and assigned to be remedied by either a process, procedure, strategy, plan, policy, or bylaw. For example:

- **The Cowichan Attainable Housing Strategy (2019):** outlines 13 strategies to address regional housing needs including enhancing community engagement, awareness and advocacy; enhancing local government policy frameworks that promote increased supply and improved housing affordability; fast tracking applications for affordable housing development projects; and revising land use to improve linkages between housing and transportation. These strategies target housing across the continuum including non-market housing, market rental housing, and homeownership.
- **Official Community Plans and Local Area Plans:** recently updated or are currently being updated across the region. Each plan has a high degree of focus on residential development. Through extensive community consultation, these plans also outline sustainable growth management including containment boundaries and opportunities for infill development and densification.
- **Development Intake and Review Process:** currently being modernized in some communities with digital systems to improve development application process including improving review and approval timelines.

In addition, some issues identified during the engagement process are relevant however outside of the scope of 'housing', including: global economic conditions and supply chain issues; stagnant wages that result in households having less spending power for renting and owning a home, and pressure on local businesses to increase wages while remaining viable.

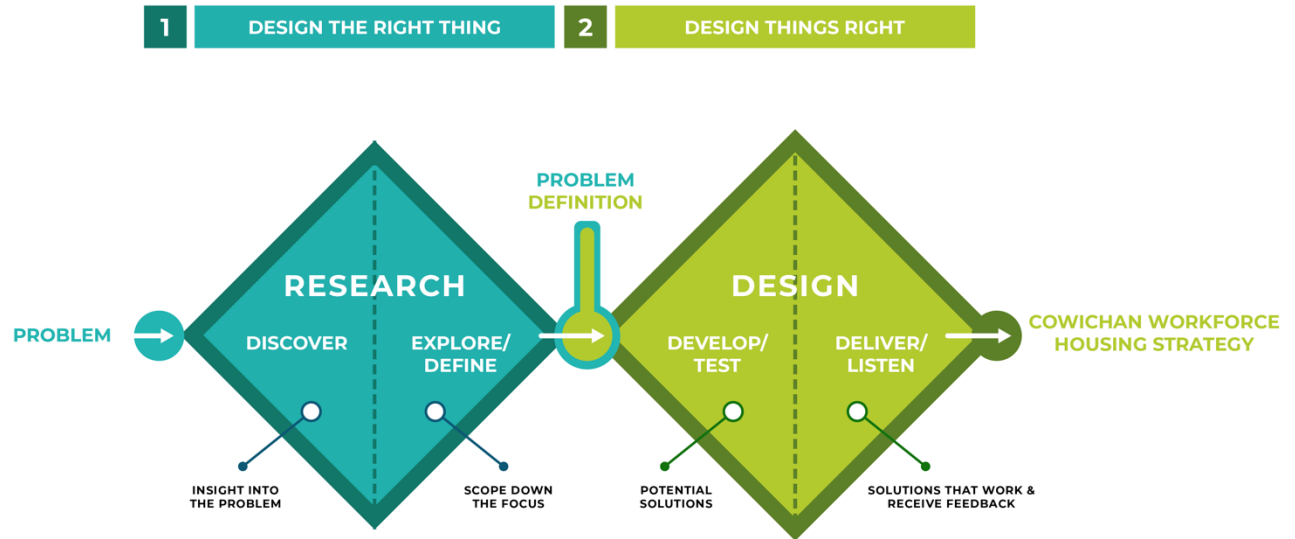
There are many layers of influence to workforce housing development in the Cowichan Region. It is a complex system and each layer needs to be nourished in order for the housing and labour market system to grow in a healthy, equitable, and prosperous way.

The intention of the Workforce Housing Strategy is to complement existing strategies, policies, and plans, and to transform the broader conditions in which housing development takes place.

The first round of engagement identified numerous root causes and a wide variety of potential solutions. This was a helpful starting point that underwent an evaluation exercise to ensure the Strategy focuses on the right opportunities rather than on every opportunity. Specifically, potential solutions were reviewed

with respect to what could have the most meaningful impact, what the region has the capacity to address, and what could be sustainably maintained alongside other initiatives. Good ideas had to be set aside in order to concentrate efforts on the most important pathways.

Figure 3: Design Thinking Process Evaluation



WORKFORCE PRESSURES AND ISSUES

The Workforce and Housing Linkage in the Cowichan Region

Housing is intrinsically tied to the economic health and vitality of a community. Although there has been substantial economic growth in British Columbia, communities have struggled to generate, attract, and retain a skilled and stable workforce. Numerous studies have concluded that limited and inadequate housing supply drive workforce away from regions.

The issues between jobs and housing are core issues being experienced in Cowichan— a region with natural amenities, connectivity to major transportation routes and centres such as Victoria and Nanaimo, and ancestral home and traditional territories of more than nine First Nations.

Figure 4: Cowichan Region – Member Municipalities and Electoral Areas



Households in the CVRD are expected to grow by 14% over the next Census period¹, which would be the fastest growth period observed for the region compared to the recent past. Population growth has outpaced the development of new housing stock. To illustrate, figures from Statistics Canada outline that from 2016 to 2021 there was a 5.7% increase in the number of houses in the CVRD. During that same period, the region’s population grew by 6.3%.

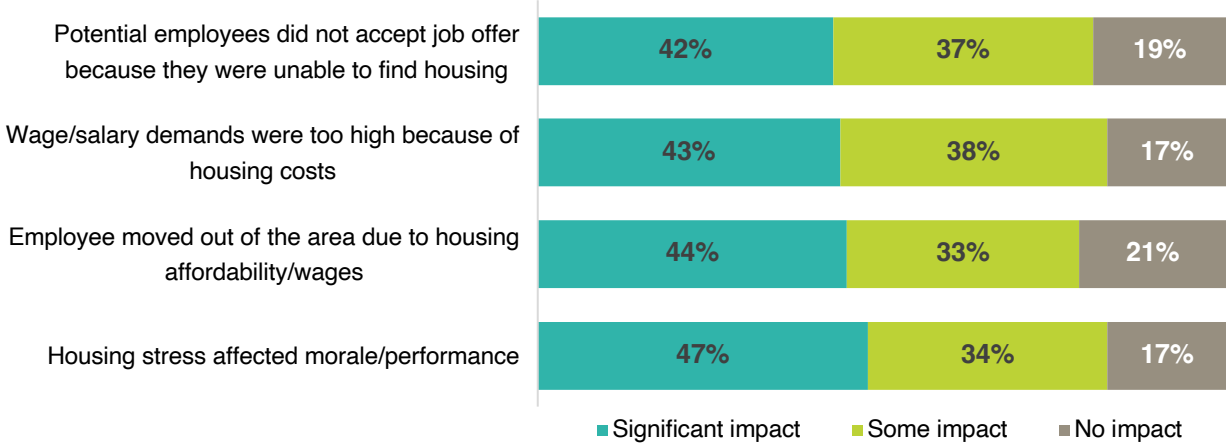
According to the 2021 Regional Housing Needs Assessment, the Cowichan Region needs 4,995 new housing units by 2025 to accommodate anticipated population growth (an average of 991 units per year). The development trend over the past 10 years produced an average of 460 new housing units per year, a significant shortfall of approximately 531 units per year. While construction activity has increased recently (with 919 units permitted in 2021 and 745 permitted in 2022), recent market indicators signal a slowdown and may be due to factors such as high interest rates and construction costs.

The effects of an imbalance between population growth and available housing are inflating housing prices, rent, and cost of living. It is also reducing the availability of housing and creating instability in the local workforce and economic environment. As more people are finding Cowichan an ideal place to call home, solutions are needed to ensure that community members and workforces have access to safe, affordable, and sustainable housing.

The volatility of the local workforce and economic conditions is also reflected by ongoing labour shortages. At present, BC has one of the highest job vacancy rates in Canada at 6.1%. Similarly, the Vancouver Island Economic Region has a 5.9% job vacancy rate. The 2022 Workforce Housing Survey illustrates that respondents identified housing instability – specifically affordability and availability – has resulted in prospective employees refusing job offers and relocating from the Cowichan region.

Figure 5: Impact that Housing Issues Had on Businesses and Organizations

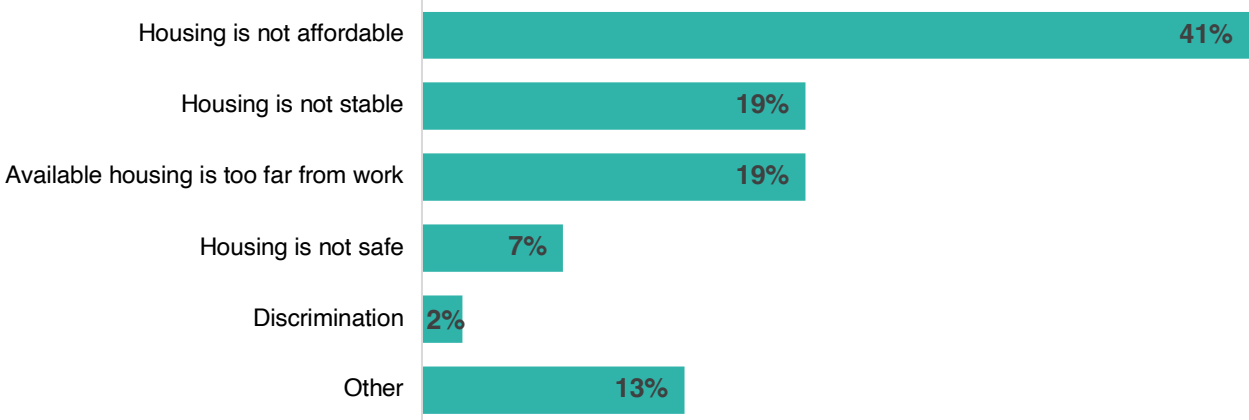
Source: CVRD Workforce Housing Survey (2022)



1. CVRD Regional Housing Needs Report (2021).

Figure 6: Housing Challenges Experienced by Employees

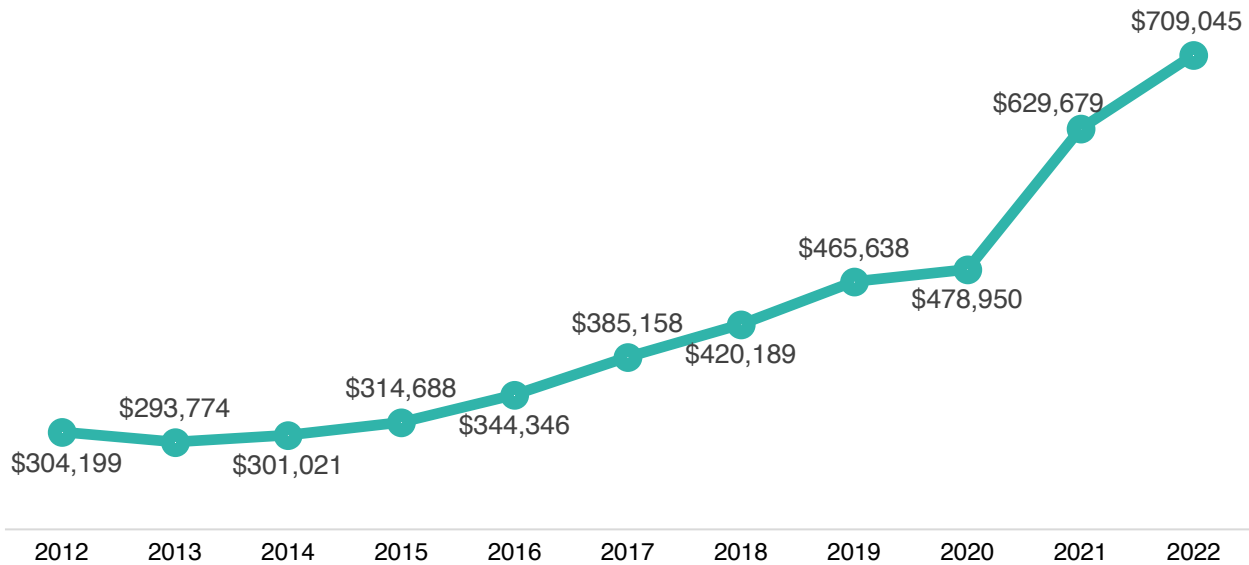
Source: CVRD Workforce Housing Survey (2022)



Findings from the Workforce Housing Survey is supported by data that demonstrates the cost of housing rising consistently year-over-year, with housing sale prices more than doubling over the past decade. The market has failed to provide the housing needed for all residents. As a result, there is a growing need to address the interrelationship between available, safe, and affordable housing to ensure the socio-economic vitality of the region. In addition, neighbouring markets such as Victoria are also experiencing substantial increases to their housing costs and, in comparison, the Cowichan Region is increasingly attractive to intra-regional migration given the relatively more affordable rental and ownership options.

Figure 7: Housing Sale Prices in the Cowichan Region, Over Time

Source: Vancouver Island Real Estate Board (2012 to 2022)



Infrastructure Upgrades Needed

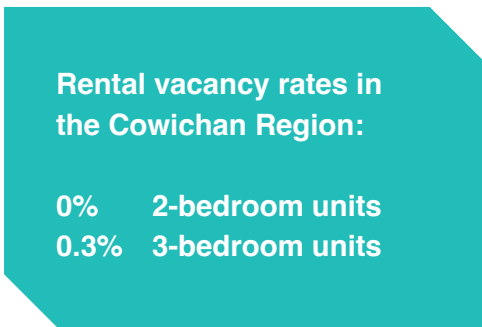
Infrastructure constraints throughout the Cowichan Region, and in particular the electoral areas, was consistently raised by stakeholders and regional planners as a barrier to developing housing projects. Local governments restrict development to serviced areas and, within their growth containment boundaries, there remains a lack of developable land that meets this criteria. This is leading to a shift in development patterns including less greenfield development, more scaling-up (i.e., multi-unit housing projects), densification, infill development and some redevelopment. Upgrading infrastructure to meet higher density projects is costly and it is also challenging to expand infrastructure in areas outside the municipalities. In Cowichan’s electoral areas, privately-owned infrastructure systems were cited as challenging to coordinate. Further exploration on infrastructure upgrades is needed in order to support accelerated housing development in the Cowichan Region.

In addition to site servicing infrastructure constraints and environmental factors, there are a wide range of challenges to increasing construction activity in the region including issues with the development approvals process, increasing cost of construction, and capacity in all sectors (e.g., local government’s capacity to process applications). There is also a labour shortage within the construction industry (8.6%), and as such there needs to be opportunities for the development industry to be competitive in attracting talent including the provision of workforce housing for construction workers.

Short-Term Rentals Have a Major Influence

Private rentals through online platforms such as Airbnb or VRBO have grown as a popular alternative to traditional tourist accommodation (e.g., B&Bs or hotels), which can result in long-term housing being converted into STRs. With 75% of STR users under the age of 45, the market is expected to grow significantly. Tourist destinations are especially concerned about the availability of rental accommodation for residents and the local workforce, which has led some authorities to implement regulations to manage the use of STRs.

- In BC, it is estimated that short-term rentals are removing nearly 16,000 rental units from the market². Research also demonstrates that for every housing accommodation diverted to the STR market, the average rent for 100 accommodations increased by \$49 per month³.



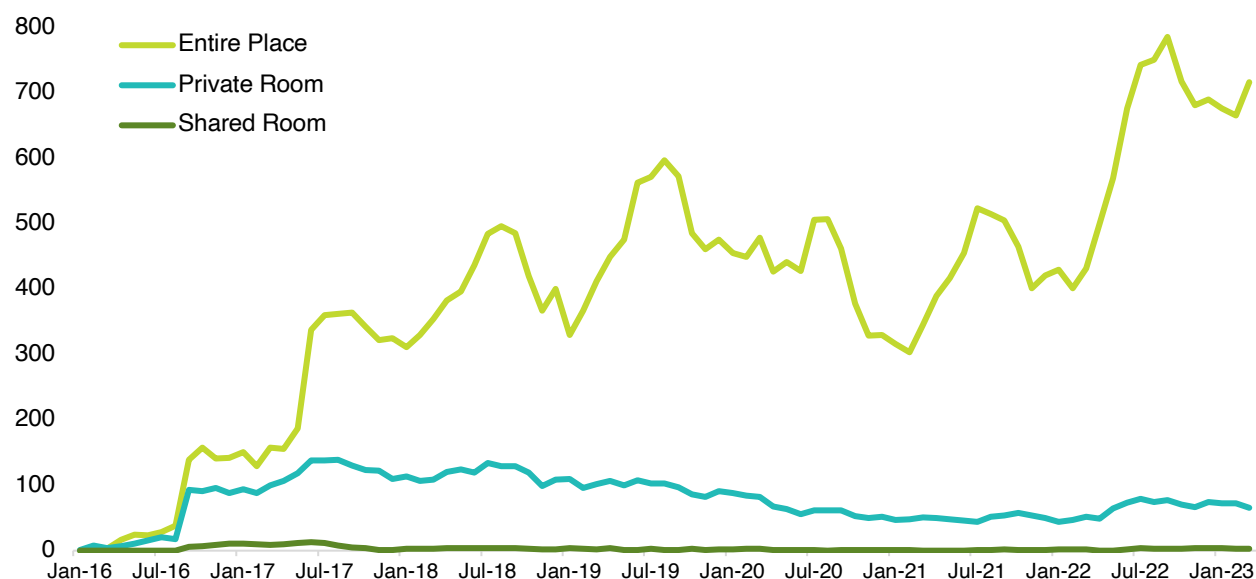
2. Source: Province of BC, Legislation introduced to rein in short-term rentals, deliver more homes for people (2023).

3. Ibid.

- The Cowichan Region has seen a significant increase in the number of STRs, with over 1,000 Cowichan rentals listed on Airbnb as of April 2023. Over 700 homes were listed for rent on Airbnb and HomeAway in January 2023.
- Short-term rentals are marketed through different suppliers such as Airbnb, VRBO, HomeAway, Flipkey, HometoGo, Facebook Marketplace, Booking.com, Expedia and TripAdvisor. Short-term rentals comprise a wide range of housing types including leisure vacation rentals (e.g., beach homes, lake houses, cabins chalets); urban rentals (e.g., city apartments); shared rentals (e.g., rooms in primary residence); or other unique properties (e.g., houseboats, campers, treehouses, RVs).

Figure 8: Airbnb and HomeAway Listings in the Cowichan Region

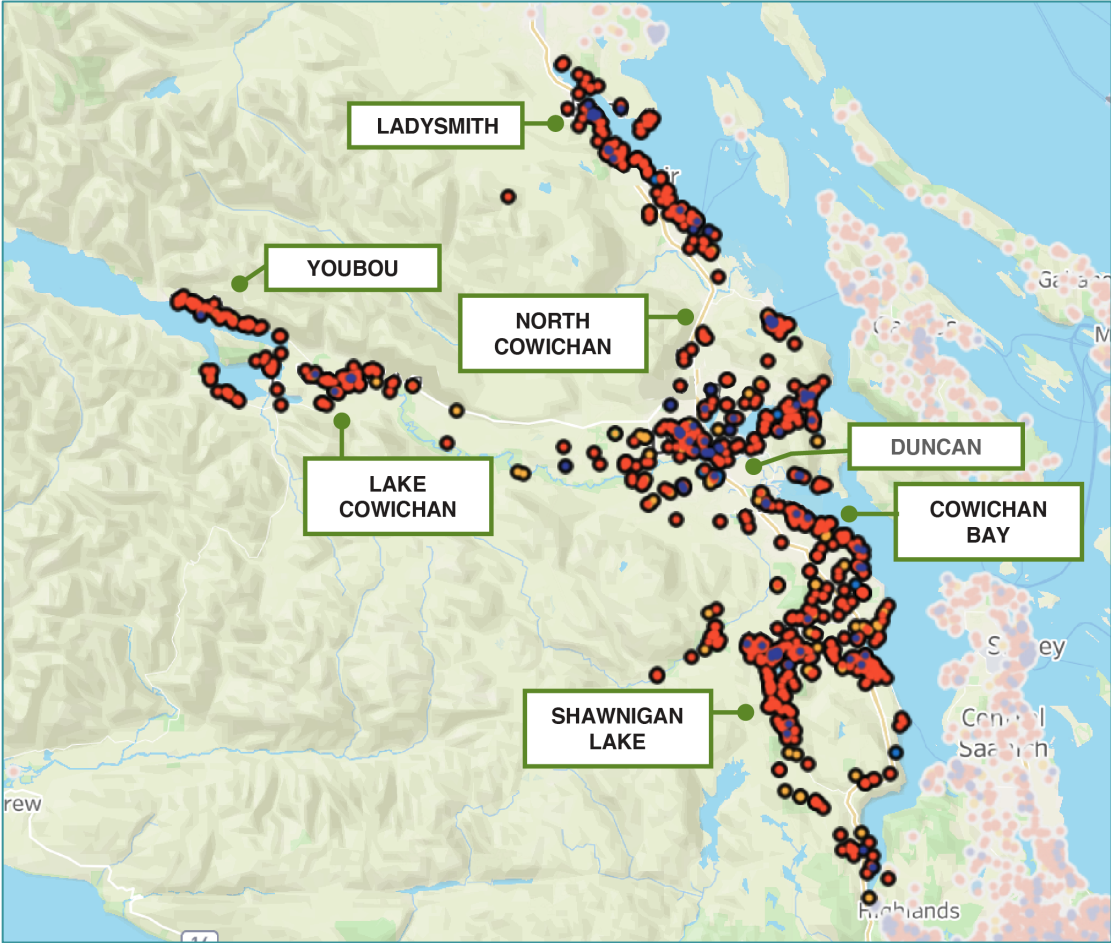
Source: AirDNA, 2016-2023



STRs have a role to play in the market – they are an accommodation of choice for many tourists, especially given the shortage of hotel and motel options in Cowichan. STRs are also a source of additional income for Cowichan residents, which helps offset the rising cost of living. STRs also tend to generate more revenue compared to long term rentals and is a driver for unit conversion. Engagement feedback also indicates that regulations under the *Residential Tenancy Act* are driving some landlords out of the long-term rental market and into short-term rentals. STRs also provide short-term accommodation for workers needing a place to stay – temporary workers, contract and seasonal workers, and newly recruited workers moving to the region needing an interim home before finding something more permanent as they become settled into their new job. As such, this strategy aims to find a balance between making short-term rentals available to serve workers and tourists in this way and ensure security and availability of housing units for residents needing long-term housing. It also aligns with recent legislative changes issued by the Province.

Figure 9: Cowichan Region Short-Term Rental Listings

Source: AirDNA (2023)



‘Who’ is the Workforce?

‘Workforce’ is broad a term that describes people who occupy jobs that ensure a community functions in good order – which can vary greatly from place-to-place given that every community has its own context and workforce needs. In the Cowichan Region, engagement participants conveyed a shared value that the workforce comprises not only people currently participating in the labour market, but also people closing their careers and starting new chapters in their lives, as well as people transitioning into the labour market after completing their studies or acquiring new skills. As such, Cowichan’s workforce can be described as:

- **Workers Transitioning into the Workforce:** this cohort has the potential to join the regional labour market and includes students and people receiving job skills training;
- **Active Workers in Current and Expanding Industries:** this cohort includes workers already living and working in the Cowichan Region across the full range of occupations. It also includes jobs with

high vacancy rates (e.g., construction, healthcare) and expanding industries that may add more jobs in the future (e.g., technology); and

- **Workers Transitioning out of the Workforce:** this cohort includes workers leaving the workforce such as retirees and semi-retired residents.

Figure 10: The Cowichan Region Workforce Cohorts



The target population for this Strategy differs from a traditional Attainable Housing Strategy and, as such, there is a distinct approach to referencing incomes. Specifically, this Strategy references occupational wages typically found in the industries experiencing acute attraction and retention issues, and generally range between minimum wage, living wage, median wage, and moderate- to high-income earners. See Appendix A for occupational wages.

There are over 38,000 workers in the Cowichan Region⁴. Compared to other parts of the Province, Vancouver Island has the highest projected employment growth rate over the next decade (1.5%), expecting a total of over 176,000 job openings by the year 2032⁵. Housing the workforce should consider the diversity of the workforce itself – which means providing housing options that meet the needs of temporary workers, singles and families, workers with disabilities or people experiencing barriers to accessing employment, new workers to the area and workers retiring and looking to downsize.

4. Labour Force Status, Statistics Canada (2021).
5. BC Labour Market Outline 2022-2032 Forecast.

Table 1: Vancouver Island/Coast Top 10 Industries by Forecasted Job Openings

Source: BC Labour Market Outline 2022-2032 Forecast

Industry	Job Openings 2022–2032		
	Expansion	Replacement	Total
Ambulatory health care services	4,830	4,940	9,770
Business and building support services (excluding travel)	5,430	5,060	10,480
Computer systems design and related services	7,020	2,940	9,950
Food services and drinking places	3,900	4,670	8,560
Hospitals	2,440	5,760	8,200
Nursing and residential care facilities	4,510	3,320	7,830
Personal, non-automotive repair and non-profit services	4,630	3,810	8,440
Provincial and territorial public administration	1,320	5,650	6,970
Retail trade (excl. cars, online shopping, and personal care)	5,620	8,820	14,430
Speciality trade contractors	2,050	5,560	7,600

Some industries experiencing growth are already experiencing high job vacancy rates. Industries experiencing the most pressure between current and future demands include accommodation and food services, construction, service sector, and manufacturing. We heard through engagement that industries particularly challenged with attracting, retaining, and supporting workers include healthcare, tourism, agriculture, construction, and non-profit organizations. For the Cowichan Region, it is expected that these industries will continue to grow and attract new workers to the region, all of whom will require suitable housing. Further adding pressure to this situation is the observed decline in the labour force from the last census in manufacturing, accommodation, and food services.

- Healthcare:** The healthcare sector employs the most people in the Cowichan Region and is expected to continue growing. The BC Labour Market forecast estimates that Vancouver Island’s healthcare sector is going to require thousands of more workers in the coming decade: more than 3,000 job openings for nursing and residential care facilities, nearly 5,000 more

Key industries facing labour shortage require workers in order to meet the needs of the community, and workers need housing in order to participate in the labour market. The housing-job linkage is integral to the social fabric of the Cowichan Region.

ambulance related jobs like paramedics and drivers, and nearly 6,000 more jobs opening in hospitals including administrative roles. There is already a widespread shortage of healthcare workers across BC and it is a highly competitive environment to attract and retain these workers. In Cowichan, this is particularly a challenge given the Cowichan District Hospital Replacement Project and anticipated need for healthcare workers once in operation. Workers in the healthcare sector are as diverse as the general population. Roles range from entry-level administration to highly paid physicians. Some workers are single, some have families. Workers may already be living in the region and some may be looking to relocate. Job positions can include full-time, part-time, auxiliary, and even short-term contracts (e.g., travelling nurses). There are also healthcare students out of Vancouver Island University and the new hospital may be a training hospital for UBC medical students, who will also need to be housed.

- **Construction:** The vitality of the construction industry is fundamental to all aspects of implementing the Workforce Housing Strategy. First, there is a need to provide housing for construction workers as a means to address the high job vacancy rate in the construction sector (8.6%). The second is to ensure that the construction industry is in the position to match the scaling-up of development activity needed to address the housing unit estimates needed in Cowichan. This is a tall order, especially given the anticipated new job openings for specialty trade contractors is estimated to grow by 5,000 positions on Vancouver Island in the coming decade⁶. Some construction workers live and work year-round in Cowichan and require long-term housing, and may be single or have families, and at different life stages (entry-level, family-formation years, nearly retired). A key challenge emerging for the Cowichan Region is identifying solutions to accommodate the anticipated influx of temporary construction workers needed for building major projects such as the Cowichan District Hospital. There is already an influx of demand for construction workers during the building phase of the hospital. There is currently a process of actively seeking candidates to fill these positions, which includes efforts to attract individuals within 100-kilometre driving distance of the project. Options for accommodating these workers in the region are currently being evaluated. With an extremely low rental vacancy rate and existing residents already challenged to find housing, the current housing inventory cannot accommodate significant surges in housing demand.
- **Agriculture:** The Cowichan Region is situated within a highly productive agricultural land base. There are over 32,000 hectares of arable land in Cowichan, with nearly a third of this considered prime agricultural land⁷. Over 5% of land in the Cowichan Region is designated and protected as Agricultural Land Reserve (ALR). There are restrictions on what uses and activities can take place on ALR lands, including the provision of housing. The nature of agricultural operations requires seasonal

6. BC Labour Market Forecast (2022-2023).

7. Cowichan Region Area Agricultural Plan (2010).

workers, including temporary foreign workers. This creates seasonal fluctuation in housing demand, as many workers move to the region in the summer for agriculture-based jobs (as well as tourism). Temporary, seasonal, and foreign workers help BC producers meet their labour needs during peak agricultural periods. Agricultural businesses are challenged to fill their positions and are often operating short-staffed (with a job vacancy rate of 7.6%) and the lack of temporary and affordable housing options is a key challenge. Agricultural workers who move into the Cowichan Region require temporary housing solutions that are affordable and typically located on-site or in close proximity to their place of work. The vast majority of these temporary workers are single persons.

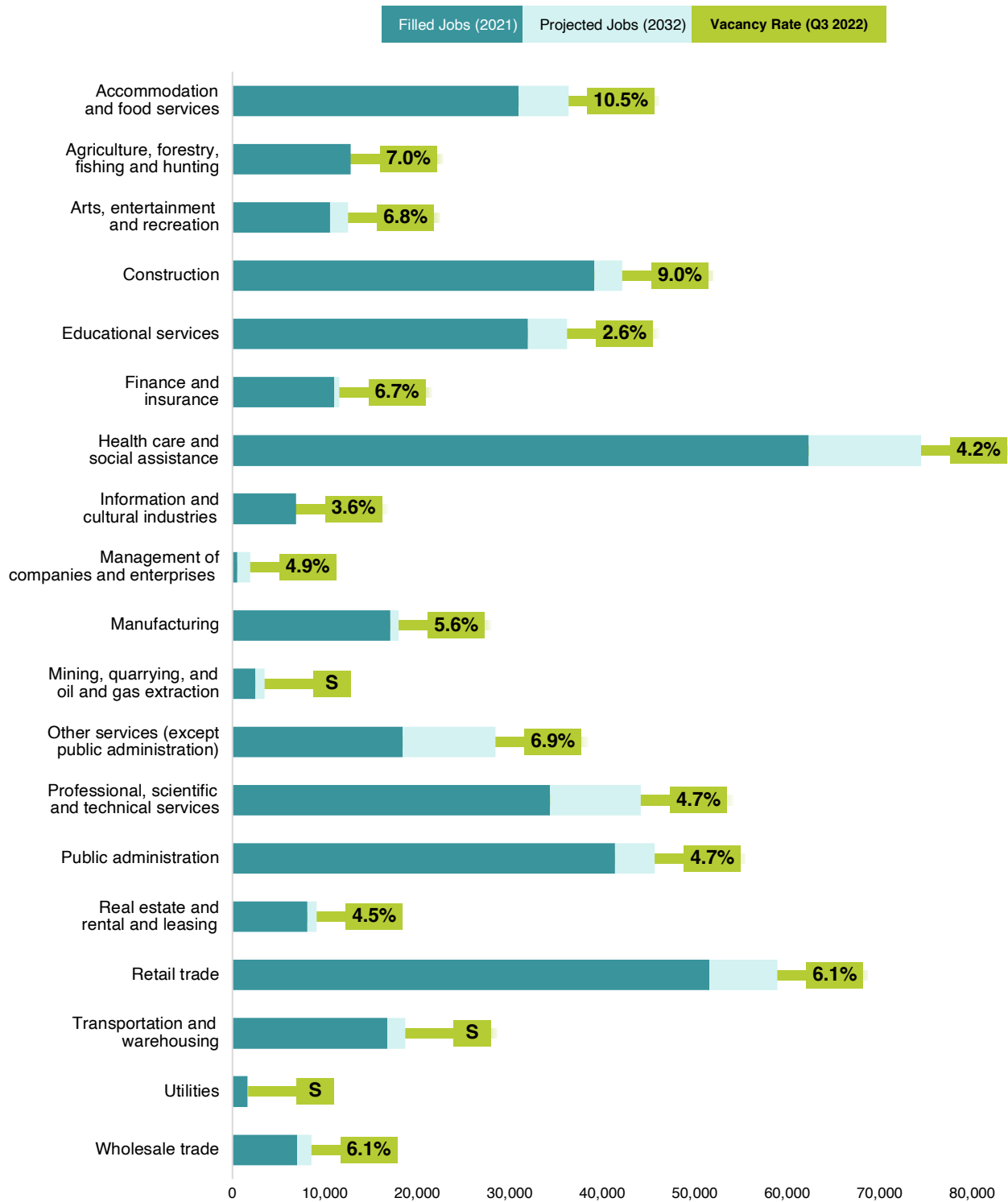
- **Tourism:** Tourism is a key industry in Cowichan, welcoming approximately 25,000 annual visitors to the Cowichan Regional Visitor Centre. Tourism in Cowichan is highly integrated with the agricultural sector, cultivating artisanal food and drink experiences with the support of farms, wineries, distilleries, and cideries. The tourism sector extends broadly to many different sub-sectors and includes workers in hospitality, retail, arts and culture, restaurants, and other service industries. Accommodation and food services have a job vacancy rate of 11.9% – the highest amongst all sectors. Housing workers in the tourism sector is vital to support tourism businesses and programs in Cowichan.
- **Non-profits:** the non-profit sector delivers essential services to the community, including assisting job seekers with skills training, job readiness programs, and job placement programs. Non-profit organizations face challenges with recruiting and retaining workers in a wide range of positions, such as administrators, social workers, facility managers, and professionals – often competing with other industries that can offer more comprehensive compensation packages. The job vacancy rate for public administration is 4.3% and professional services 6.4%, which has created short-staff operations for many non-profit organizations in Cowichan. In addition, non-profits working in the housing space have limited capacity to pursue the development of housing projects. Finding ways to provide housing that is affordable to the non-profit workforce will give non-profit organizations the capacity to participate in development of housing projects as well as support services.

Access to available, affordable, and safe housing is required to attract a labour force and, subsequently, sustain an economy. As workforce housing must accommodate people with diverse needs, it is recognized how multifaceted a housing strategy must be to better support the residents – current and prospective – that call the Cowichan Region home.

Figure 11: Job Creation Potential and Vacancy Rate by Industry

Source: BC Labour Market Outline 2022-2032 Forecast, Statistics Canada (2021)

Note: Vacancy rate data is suppressed for mining, quarrying, and oil and gas extraction; transportation and warehousing; and utilities



APPENDIX A: OCCUPATIONAL WAGES

Source: Employment and Social Development Canada (2022); Statistics Canada (2022)

Occupation	Lowest Wage	Median Wage	Highest Wage	Annual Earning Range
Health Care and Social Assistance				
Doctor	\$34.33	\$85.73	\$159.35	\$66,056–\$306,582
Health Care Aide	\$18.95	\$24.00	\$26.00	\$36,460–\$50,024
Registered Nurse	\$31.00	\$43.00	\$48.08	\$59,644–\$92,506
Retail Trade				
Retail Sales Associate	\$15.65	\$16.25	\$25.00	\$30,111–\$48,100
Retail Sales Manager	\$18.00	\$31.25	\$64.90	\$34,632–\$124,868
Retail Store Owner	\$18.00	\$31.25	\$64.90	\$34,632–\$124,868
Construction				
Construction Electricians & Repairers Foreperson	\$26.50	\$39.00	\$50.49	\$50,986–\$97,143
Construction Manager	\$23.00	\$38.00	\$62.50	\$44,252–\$120,250
Construction Worker	\$15.65	\$19.00	\$31.00	\$30,111–\$59,644
Educational Services				
Elementary School Teacher	\$26.50	\$39.00	\$50.49	\$50,986–\$97,143
School Secretary	\$16.83	\$25.47	\$35.00	\$32,381–\$67,340
Teacher's Aide	\$23.00	\$26.00	\$28.58	\$44,252–\$54,988
Public Administration				
Administrative Clerk	\$19.80	\$24.00	\$33.75	\$38,095–\$64,935
Data Administrator	\$24.04	\$40.60	\$60.44	\$46,253–\$116,287
Labour Policy Officer	\$29.12	\$35.00	\$53.30	\$56,027–\$102,549
Manufacturing				
Machinist	\$30.00	\$44.23	\$51.44	\$57,720–\$98,971
Manufacturing Engineer	\$30.00	\$44.23	\$51.44	\$57,720–\$98,971
Manufacturing Technician	\$25.00	\$29.72	\$41.03	\$48,100–\$78,942
Accommodation and Food Services				
Food Service Worker	\$15.65	\$15.65	\$20.00	\$30,111–\$38,480
Hotel Clerk	\$15.65	\$16.51	\$21.49	\$30,111–\$41,347
Housekeeper	\$15.65	\$17.10	\$22.00	\$30,111–\$42,328

Occupation	Lowest Wage	Median Wage	Highest Wage	Annual Earning Range
Professional, Scientific, and Technical Services				
Accountant	\$23.08	\$35.00	\$51.28	\$44,406–\$98,663
Architect	\$30.00	\$39.38	\$60.00	\$57,720–\$115,440
Forest Engineer	\$31.87	\$37.25	\$54.27	\$61,318–\$104,416
Agriculture, Forestry, Fishing, and Hunting				
Crop Production Technician	\$17.00	\$19.23	\$40.66	\$32,708–\$78,230
Farm Labourer	\$16.00	\$18.00	\$24.36	\$30,784–\$46,869
Fish Farmer	\$15.65	\$29.22	\$47.17	\$30,111–\$90,755
Forestry Technician	\$21.54	\$28.00	\$38.46	\$41,443–\$73,997
Tech Sector				
Biomedical Engineer	\$22.00	\$46.00	\$70.77	\$40,040–\$128,801
Digital Electronics Technician	\$25.00	\$38.46	\$53.00	\$45,500–\$96,460
IT Consultant	\$29.12	\$40.54	\$55.38	\$52,998–\$100,792
Robotics Engineer	\$24.04	\$36.75	\$57.52	\$47,753–\$104,686
Emergency Services				
Firefighters	\$33.84	\$46.21	\$57.17	\$65,108–\$109,995
Paramedic	\$26.00	\$35.00	\$45.00	\$50,024–\$86,580
Police Officers	\$34.62	\$45.00	\$60.00	\$66,609–\$115,440

From: Tom andrews
Sent: Saturday, July 13, 2024 10:20 AM
To: Julie Tierney <jtierney@ladysmith.ca>
Subject: Rotary golf

Hello Julie

We hope the Town of Ladysmith can support our 14th annual tournament fundraising event on September 21 this year. Your support is greatly appreciated.
Sponsor form attached.

Thanks
Tom

**ROTARY CLUBS OF
LADYSMITH AND CHEMAINUS
14th Annual Charity Golf Tournament**
MOUNT BRENTON GOLF COURSE, CHEMAINUS Saturday, September 21st, 2024



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

INDIVIDUAL OR TEAM ENTRY FORM/SPONSOR FORM

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

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

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

OR:

- I would like to be a Platinum Sponsor – Cost is \$1,000.00 ()
 - Platinum Sponsors receive entry for 4 players, hole sponsorship, five cart sponsorships

- I would like to be a Gold Sponsor – Cost is \$850.00 ()
 - Gold Sponsors receive entry for 4 players, and a hole sponsorship

- Hole or Putting Green Sponsor: \$350.00 ()
- Lunch sponsor: \$350.00 ()
- Breakfast sponsor: \$350.00 ()
- Cart sponsorship: \$50.00 ()
- Company Name: _____

Proceeds to support Chemainus and Ladysmith local youth & community projects

To book your team or
for information contact:

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

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