



TOWN OF LADYSMITH

A REGULAR MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
WILL BE HELD IN COUNCIL CHAMBERS AT CITY HALL ON
MONDAY, AUGUST 19, 2013
7:00 p.m.

AGENDA

	<u>Page</u>
CALL TO ORDER – 5:45 p.m. in order to retire immediately into a Closed Meeting	
1. AGENDA APPROVAL	
2. CLOSED MEETING	
In accordance with section 90(1) of the <i>Community Charter</i> , this section of the meeting will be held <i>In Camera</i> to consider the following items:	
<ul style="list-style-type: none">• labour relations or other employee relations the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose• 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• negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public	
3. MINUTES	
3.1. Minutes of the Regular Meeting of Council held August 6, 2013	1 – 8
4. DELEGATIONS None	
5. PROCLAMATIONS - None	
6. DEVELOPMENT APPLICATIONS - None	
7. BYLAWS (OCP / ZONING) – None	
8. STAFF REPORTS	
8.1. Rotary Club of Ladysmith Proposal for Transfer Beach	9 – 49
8.2. Leases in Town-owned Buildings on Oyster Bay Drive (Machine Shop and Outbuildings)	50 - 54

9. BYLAWS

9.1. Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 93), 2013, No. 1830

55

May be adopted.

Bylaw 1830 was the subject of a Public Hearing on August 6. The purpose of Bylaw 1830 is to amend the Tourist Recreational Commercial Zone (C-4) by adding single family residential dwelling, home occupation and professional and business offices as permitted uses. Approval has now been received from the provincial Ministry of Transportation and Infrastructure, and the bylaw may now be adopted.

10. CORRESPONDENCE – None

11. NEW BUSINESS

12. UNFINISHED 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 on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

14. ARISE AND REPORT

ADJOURNMENT



**TOWN OF LADYSMITH
MINUTES OF A MEETING OF COUNCIL
TUESDAY, AUGUST 6, 2013
COUNCIL CHAMBERS, CITY HALL
7:00 P.M.**

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins	Councillor Steve Arnett	Councillor Jillian Dashwood
Councillor Bill Drysdale	Councillor Gord Horth	Councillor Duck Paterson
Councillor Glenda Patterson		

STAFF PRESENT:

Ruth Malli	Erin Anderson	John Manson
Clayton Postings	Sandy Bowden	Felicity Adams

CALL TO ORDER

Mayor Hutchins called the Regular Meeting of Council to order at 6:00 p.m. in order to retire immediately into the Closed Meeting.

CLOSED MEETING

CS 2013-260

It was moved, seconded and carried at 6:00 p.m. that Council retire into Closed Meeting in order to consider the following matters:

- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality
- labour relations or other employee relations
- litigation or potential litigation affecting the municipality
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

REGULAR MEETING

Mayor Hutchins resumed the Regular Meeting of Council at 7:00 p.m.

AGENDA APPROVAL

CS 2013-261

It was moved, seconded and carried that the agenda for the Regular Council meeting held on August 6, 2013 be approved as circulated.

PUBLIC HEARING

Zoning Bylaw Text Amendment (3360-13-03) - Tourist Recreational Commercial (C-4) Zone - Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 93) 2013, No. 1830

A Public Hearing for Bylaw 1830 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Tuesday, August 6, 2013 at 7:02 p.m.

Mayor Hutchins welcomed the members of the public and outlined

the process for the Public Hearing. He stated that the purpose of the Public Hearing and of Bylaw 1830 is to amend the Zoning Bylaw by adding the following uses to the Tourist Recreational Commercial Zone (C-4):

- Single family residential dwelling
- Home occupation
- Professional and business office

The first part of the Public Hearing was to allow questions clarifying the project or bylaw contents, and the second part was to allow comments to Council. Mayor Hutchins noted that written submissions may be submitted prior to the close of the Public Hearing.

Felicity Adams, Director of Development Services, provided an overview of the proposed Zoning Bylaw text amendments.

PUBLIC HEARING NOTICE

The Public Hearing notice was printed in the Chronicle newspaper on July 23, 2013 and July 30, 2013 and posted on community notice boards throughout Town, as well as on the Town's website. A copy of the Notice was made available at the front counter at City Hall for the two week notice period.

There were no written submission and one telephone inquiry received in connection with this Public Hearing.

QUESTIONS

Mayor Hutchins called for questions from the audience.

Mel Bowen, 622 Esplanade, inquired about the status of the residential building in the event of a fire where over 75% of the building is destroyed once this bylaw amendment is ratified. Mr. Bowen was advised that if Council authorizes the proposed Zoning Bylaw amendment, the building can be replaced by another residential building as it will no longer be considered a "non-conforming" structure.

Mayor Hutchins called for any further questions about the Bylaw Amendments.

Mayor Hutchins called for questions about the Bylaw Amendments a third time.

COMMENTS AND SUBMISSIONS

Hearing no further questions, Mayor Hutchins called for comments and submissions.

Kyla Nelson, 618 Esplanade, noted that it is difficult to obtain a mortgage under the current zoning. She expressed her support for the proposed Zoning Bylaw text amendments.

Mayor Hutchins called for any further comments about the Bylaw Amendments.

Mayor Hutchins called for further comments on the Bylaw Amendments a third time. Hearing no further comments, Mayor Hutchins declared the Public Hearing for Bylaws 1830 closed.

BYLAWS

Zoning Bylaw Text Amendment (3360-13-03) - Tourist Recreational Commercial (C-4) Zone - Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 93) 2013, No. 1830

CS 2013-262

It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (no. 93) 2013, No. 1830 be given third reading.

MINUTES

CS 2013-263

It was moved, seconded and carried that the minutes of the Regular Meeting of Council held July 15, 2013 be approved.

DEVELOPMENT APPLICATIONS

Urban Rural Residential Zone (UR-1), Agriculture Zone (A-1) and Heavy Industrial Zone (I-2) - Proposed Text Amendments

CS 2013-264

It was moved, seconded and carried that Council:

1. Give first reading and second readings to the following bylaws:
 - a) "Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 94), 2013, No. 1831"
 - b) "Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 95), 2013, No. 1832"
 - c) "Area "G" Zoning Bylaw 1180, 1988, Amendment Bylaw (No. 2), 2013, No. 1833";

and further, that Council waive the Public Hearing for Bylaws 1831, 1832 and 1833 in accordance with Section 890(4)(b) of the Local Government Act as these Bylaws are consistent with the Official Community Plan.

2. Direct staff to refer Bylaws 1832 and 1833 to the Stz'uminus First Nation at the next meeting of the Naut'sa Mawt Steering Committee.
3. Rescind Resolution No. 2013-237 directing staff to proceed with the preparation of amendments to Town of Ladysmith Zoning Bylaw 1995, No. 1160 to implement the Official

Community Plan Urban Reserve land use designation where it applies to areas zoned Urban Rural Residential (UR-1) by adding a specific provision to permit agriculture, horticulture and silviculture use on parcels within the zone that are identified as having a minimum 8.0 hectare lot size.

**COUNCIL COMMITTEE
REPORTS**

Councillor Drysdale advised that he recently attended a Heritage Revitalization Advisory Commission meeting at which the Commission considered the Transfer Beach Pictorial project as well as sign applications.

Councillor D. Paterson noted that he attended a recent Parks, Recreation and Culture Commission meeting at which the recommendations from the Government Services Committee meeting held on July 15, 2013 were considered. It was noted that the Commission endorsed all recommendations as presented.

CS 2013-265 **Government Services Committee Recommendations - July 15, 2013**
It was moved, seconded and carried that Council confirm its sponsorship in the amount of \$1,500 for the proposed documentary about the Vancouver Island Miners' Strike, to be produced by Razmataz Productions, on receipt of written confirmation of script approval from the Ladysmith and District Historical Society.

CS 2013-266 It was moved, seconded and carried that Council approve the proposed Grant-in-Aid policy as presented.

CS 2013-267 It was moved, seconded and carried that Council approve the following additions to the Parks, Recreation and Culture Fees and Charges Policy No. 05-1810-E:

- a) At the end of the second paragraph under the heading "Fees and Charges Policy" (page 1), add "Fees and charges will be reviewed annually and any pricing adjustments will be effective September 1st;
- b) Under the "General Admissions Programs" heading (page 3), update user classifications to read:
 - Adult – 19 years of age and older
 - Senior – 60 years of age and older
 - Youth 13 years of age to 18 years
 - Child – 3 years of age to 12 years
 - Tot – 0 to 36 months of age

CS 2013-268 It was moved, seconded and carried that Council approve the following changes to Parks, Recreation and Culture Fees and charges Bylaw 1809 relating to user fees for Frank Jameson Community Centre and other Parks and Recreation facilities:

- Increase admissions and passes by three percent effective September 1, 2013, relating to Youth, Adult and Senior (Child rate – no change)
- Increase Family Admissions to equal two Adult Admissions
- Increase Facility Rental rates by three percent
- Provide free General Admission access to any member of the community who is 80 years or older
- Move parks-related fees (memorial bench, tree and picnic tables) from Bylaw 1752 to Bylaw 1809

CS 2013-269 It was moved, seconded and carried that Council permit one percent of all annual admissions and pass revenue associated with the fitness centre to be directed into an equipment reserve fund effective January 1, 2014.

CS 2013-270 It was moved, seconded and carried that Council direct staff to report back with recommendations for a plan to make Town of Ladysmith fees and charges consistent with neighbouring communities over the coming two to three years.

CS 2013-271 It was moved, seconded and carried that Council direct staff to report back with proposals for a family rate structure for monthly or quarterly passes.

CS 2013-272 It was moved, seconded and carried that Council refer the recommended proposed changes to the Parks, Recreation and Culture fees and charges to the Parks, Recreation and Culture Commission for review and comment.

CS 2013-273 It was moved, seconded and carried that Council direct staff to report back regarding the establishment of a policy for renting out the parking lot adjacent to the Amphitheatre with Amphitheatre bookings.

Councillor Arnett advised Council that Ladysmith Days celebrations held on the August long weekend were again very successful and expressed his appreciation to all staff and all of the volunteers and organizations who contributed to the success.

CS 2013-274 It was moved, seconded and carried that letters of thanks and congratulations be sent out to the various organizations and individuals who contributed to this year's Ladysmith Days.

It was noted that Maureen Martin was recently named as the 2013 Ladysmith Citizen of the Year.

CS 2013-275 It was moved, seconded and carried that a letter of thanks and congratulations be sent to Maureen Martin named as this year's

Citizen of the Year.

STAFF REPORTS

Rogers Tower Proposal (4300 Thicke Road) – Request for Council Concurrence

CS 2013-276

It was moved, seconded and carried that Council direct staff to advise Rogers Communications Inc. that:

- a) Rogers Communications Inc. has met the Industry Canada and additional consultation requirements as directed by Council on May 6, 2013;
- b) The Town of Ladysmith is satisfied with Rogers Communications Inc.'s public consultation process and does not require any further consultation with the public; and
- c) The Town of Ladysmith concurs with Rogers Communications Inc. proposal to construct a wireless telecommunications facility at 4300 Thicke Road, Ladysmith, BC provided it is constructed substantially in accordance with the plans dated May 31, 2013.

Mayor Hutchins and Councillor D. Paterson left the meeting due to a potential conflict of interest with the following item.

Special Occasion License Request – Lealand/Bates Wedding

CS 2013-277

It was moved, seconded and carried that the Special Occasion License for the Lealand/Bates wedding and reception to be held at the Transfer Beach Amphitheater on Saturday, September 7, 2013 from 12:00 p.m. to 10:00 p.m. be approved.

Mayor Hutchins and Councillor D. Paterson returned to the meeting.

Forrest Field Overflow Parking and Signage

CS 2013-278

It was moved, seconded and carried that Council approve the construction of overflow parking at Forrest Field along with the addition of directional signage at Forrest Field on nearby roadways leading to the facility for approximately \$14,000, and that the Financial Plan be amended accordingly.

Inter-Community Business Licences

CS 2013-279

It was moved, seconded and carried that Council:

1. Approve in principle for Ladysmith to join the Inter-Community Business Licence Program.
2. Upon similar approval by, at a minimum, the City of Nanaimo, Town of Qualicum Beach, City of Port Alberni, City of Courtenay and Town of Comox, staff be directed to commence the statutory notification process for changes to business regulations and to prepare the appropriate Inter-Community Business Licence Program Bylaw for Council's consideration.

CS 2013-280 **Bylaw Enforcement – Unsightly Premises – 201 Dogwood Avenue**
It was moved, seconded and carried that Council direct staff to clean up yard waste at 201 Dogwood Avenue pursuant to Bylaw No. 1094, and invoice the owner for the costs of cleaning up the property in accordance with the bylaw.

CS 2013-281 **Bylaw Enforcement – Unsightly Premises – 336 Belaire Street**
It was moved, seconded and carried that Council direct staff to clean up yard waste at 336 Belaire Street pursuant to Bylaw No. 1094, and invoice the owner for the costs of cleaning up the property in accordance with the bylaw.

CS 2013-282 **Select Tender for Equipment for Sewage Treatment Plan Upgrade Stage III**
It was moved, seconded and carried that Council approve the procurement of the MBBR/DAF sewage treatment equipment by a select tender process.

BYLAWS **Town of Ladysmith Zoning Bylaw 1996, No. 1160, Amendment Bylaw (No. 94) 2013, No. 1831**

CS 2013-283 It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1996, No. 1160, Amendment Bylaw (No. 94) 2013, No. 1831 be given first and second readings and the Public Hearing be waived in accordance with s. 890(4)(b) of the Local Government Act.

CS 2013-284 **Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw 2013, No. 95, 2013, No. 1832**

It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw 2013, No. 95, 2013, No. 1832 be given first and second readings and the Public Hearing be waived in accordance with s. 890(4)(b) of the Local Government Act.

CS 2013-285 **Area G Zoning Bylaw 1180, 1988, Amendment Bylaw (no.2) 2013, No. 1833**

It was moved, seconded and carried that Area G Zoning Bylaw 1180, 1988, Amendment Bylaw (no.2) 2013, No. 1833 be given first and second readings and the Public Hearing be waived in accordance with s. 890(4)(b) of the Local Government Act.

CORRESPONDENCE

CS 2013-286 **Lt. Doug Judson, Ladysmith Fire/Rescue - Grant-in-Aid Reallocation**
It was moved, seconded and carried that Council request the return of the unused grant-in-aid from the Ladysmith Fire/Rescue, as donations to other parties are not an intended alternative use for Grant-in-Aid funding.

Julian Payne, Assistant Deputy Minister, Local Government Division
Gary MacIsaac, Union of B.C. Municipalities - Achievement of
Carbon Neutrality

CS 2013-287

It was moved, seconded and carried that the correspondence received July 15, 2013 from the Green Communities Committee regarding the Town's achievement of carbon neutral status be received, and that staff add the 'carbon neutral' logo to Town letterhead, the website and other appropriate communications media and materials.

NEW BUSINESS

Town of Ladysmith Regular Council Meeting Schedule for September 16, 2013

CS 2013-288

It was moved, seconded and carried that the Regular Council meeting scheduled for September 16, 2013 be cancelled due to Council members' attendance at the 2013 Union of BC Municipalities Conference in Vancouver, BC.

Council noted that a special meeting could be scheduled to deal with time-sensitive Council business if required.

CLOSED MEETING

CS 2013-289

It was moved, seconded and carried at 7:50 p.m. that the Closed Meeting of Council resume.

ARISE AND REPORT

Council arose from the Closed Meeting at 8:05 p.m. without report.

ADJOURNMENT

CS 2013-290

It was moved, seconded and carried that this Meeting of Council be adjourned at 8:05 p.m.

CERTIFIED CORRECT:

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

Town of Ladysmith

STAFF REPORT



To: Ruth Malli, City Manager
From: Clayton Postings, Director of Parks, Recreation & Culture
Date: August 7, 2013

RE: ROTARY CLUB LADYSMITH PROPOSAL:

RECOMMENDATION:

That Council provide direction in relation to the Rotary Club of Ladysmith's proposed project of building a sand area at Transfer Beach Park.

INTRODUCTION/BACKGROUND:

At the Council meeting held on July 15, 2013, Ken Bosma and Joe Friesenhan representing the Rotary Club of Ladysmith requested support in principle from Council for their proposed project to build a retaining wall at the high water mark and bring in sand to improve the public beach at Transfer Beach Park.

It was proposed by the Rotary Club that they carry out construction under the direction of Town staff, and that the Town agree to maintain the structure. Council referred the item to Parks, Recreation and Culture Commission and Staff for comments and review.

Parks, Recreation & Culture Commission Comments:

At the Parks, Recreation and Culture Commission meeting held on July 24, 2013, the commission reviewed the proposal from the Rotary and made the following resolutions:

It was moved, seconded and carried that the Parks, Recreation and Culture Commission recommend that Council consider not supporting this proposal due to the historical significance of the south half of the lower terrace at Transfer Beach

AND THAT Council consider encouraging the Ladysmith Rotary to work with staff and the Commission to find other suitable projects worthy of the Ladysmith Rotary and all that they do for Ladysmith and its residents.

Staff Review:

As part of the initial review by staff, it was noted that the area identified for the proposed project was subject to an archaeological inventory survey in 2004. This inventory survey was designed to locate archaeological resources in Transfer Beach Park to assist with future park planning and development.

The recommendations from this survey for the proposed project site were as follows:

"Design avoidance" be implemented, so that there will be no additional impacts to the site. If design avoidance is not possible, then a Site Alteration Permit is required under Section 12 of Heritage Conservation Act. This permit may include possible mitigation measures

*including archaeological monitoring during ground alteration activities may be required. (*See pages 18 & 26 of Archaeological Inventory Survey of Transfer Beach Park report)*

Further review by staff confirmed that there are no concerns identified from Fisheries and Oceans Canada because the proposed area is above the high tide mark.

Ladysmith Rotary Club follow-up:

Since the initial presentation made by the Rotary Club staff have been in contact with representatives of the Rotary Club and have discussed the impact the archeological study may have on the proposed project. It was determined that it would be appropriate to confirm the recommendations made by Archaeo Reseach Ltd. in relation to the proposed project site.

Staff communicated with Archaeo Research Ltd. and confirmed that a permit would be required for the proposed project. Archaeo Research Ltd. also confirmed the process relating to attaining a permit would include hiring an archeologist to submit an application on behalf of the Town, which would likely take 6-8 weeks to process. The permit process would ensure all stake holder groups have been informed. If the permit is granted, the archeologist would provide onsite monitoring and a report following the completion of the project. The project cost is estimated at between \$7,000.00 and \$10,000.00 to complete the archeological report. It was noted that if significant findings are discovered during the excavation process this cost could escalate.

The Rotary Club had a meeting on August 1, 2013 to discuss the project and the information provided in relation to the archeological survey. Staff were advised that the Rotary Club continues to support the project, however the Rotary Club would not be able to fund any costs associated with any permits and reports.

ALTERNATIVES:

- Work with the Rotary Club in seeking alternative locations to add a sand area in Transfer Beach Park.
- Proceed with the proposed project as identified, with the Town of Ladysmith covering costs associated with any archeological permits and reports.

FINANCIAL IMPLICATIONS:

The Rotary Club has indicated they would cover all costs associated with the building of the sand area. The financial impact to the Town would be in relation to the cost associated with any archeological permits and reports, which are estimated at between \$7,000.00 to \$10,000.00.

Once constructed, the ongoing maintenance costs are estimated at \$3,000.00 per year, which include inspections, raking, and cleaning as the sand area would not be cleaned by tides.

These expenses are not part of the 2013 budget or capital plan. Operational maintenance expenses would need to be added to 2014 budget.

LEGAL IMPLICATIONS:

This area has been identified as an archaeological resource under the BC Heritage Conservation Act. Areas such as this may not be altered without a Site Alteration Permit. Permits are typically issued following the completion of application by an approved archaeologist.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Stz'uminus First Nations will need to be consulted to ensure support for this project.

Public consultation may need to take place because accessibility to the beach and grass areas currently used for seating and picnics close to beach will be reduced. Furthermore, the design of the sandy area may be of interest to the public ensuring it fits the community expectation and ambiance of the park.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Public Works will be consulted for the construction of the wall and the Parks Department will be required to maintain this area.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT

This aligns with Strategy 7 – A Healthy Community

ALIGNMENT WITH STRATEGIC PRIORITIES:

Priority F - Safe and Healthy Community

SUMMARY:

Council referred the Ladysmith Rotary Club proposed sand beach area at Transfer Beach Park project to the Parks, Recreation Culture Commission. Upon review the commission recommended not to support proceeding with the project as presented. They would like to work with the Rotary Club to look at other high profile projects that may be of interest to the Club.

The proposed project as present will require additional funding which is not currently part of the 2013 budget; as well this project is not identified as a strategic priority for the town.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENT:

Archaeological Inventory Survey of Transfer Beach Park, Ladysmith, BC

**AN ARCHAEOLOGICAL INVENTORY SURVEY OF
TRANSFER BEACH PARK, LADYSMITH, B.C.**

CONDUCTED UNDER HERITAGE INSPECTION PERMIT 2004-019

PREPARED FOR:

TOWN OF LADYSMITH
P.O. Box 220
LADYSMITH, B.C. V9G 1A2

PREPARED BY:



ARCHAEO RESEARCH LIMITED
205 - 2614 BRIDGE STREET
VICTORIA, B.C. V8T 4S9

MAY, 2004

MANAGEMENT SUMMARY

This report presents the results of an archaeological inventory survey (AIS) of Transfer Beach Park, in the Town of Ladysmith on eastern Vancouver Island, British Columbia. The park is situated on the west shore of Ladysmith Harbour and consists of an upper, middle, and lower beach terrace. The middle terrace is entirely developed and inaccessible for testing. For the purposes of the report, the park was divided into three sections: the upper terrace, north half of the lower terrace and south half of the lower terrace. The south half of the lower terrace contains site DfRw-81. Transfer Beach Park is in the traditional territory of the Chemainus First Nation.

The AIS, conducted under Heritage Inspection Permit 2004-019, was designed to locate all archaeological resources at Transfer Beach Park. Systematic subsurface tests were placed along a series of ten 40 m-wide transects in search of buried archaeological deposits. Transects avoided recreational facilities and service lines running throughout the park, so judgemental tests were placed in around these areas when possible. No buried archaeological deposits were encountered in the 29 auger tests placed in the upper terrace or the 25 auger tests placed in the north half of the lower terrace.

DfRw-81 is located in the south half of the lower terrace and investigations focussed on this area. A total of 44 auger tests and three shovel tests delineated the extent of DfRw-81. Subsurface tests indicate the site originally extended approximately 100 m north along the beach and inland for about 20 m. Unfortunately, earlier industrial activities and subsequent park developments removed, destroyed and disturbed 50 x 20 m of the central portion of DfRw-81.

The AIS also recovered cultural materials from a backdirt mound left last fall from the installation of a storm sewer in the southern area of DfRw-81. Archaeological water screening and raking of the backdirt mound recovered a relatively small amount of animal bone, 10 non-diagnostic bone artefacts and 2 non-diagnostic stone artefacts. No human remains were encountered in the backdirt mound or in the subsurface tests.

All of site DfRw-81 is protected under the *Heritage Conservation Act*. It is recommended that future developments practice design avoidance. If this is not possible, future alterations to the site will require a Site Alteration Permit under Section 12 of the *Heritage Conservation Act*.

NOTICE TO USERS

This report has been prepared using the policies and guidelines of the B.C. Archaeology and Registry Services Branch applicable to this level of archaeological investigation. Users of this report should bear in mind that even the most thorough investigation may fail to reveal all archaeological resources on a property, including sites protected under the B.C. *Heritage Conservation Act*. The Archaeology and Registry Services Branch, Ministry of Sustainable Resource Management administers the archaeological aspects of the *Act*. The Branch maintains a register of archaeological sites in British Columbia and through a permit process regulates all alterations of archaeological sites.

All users of this report should be aware that in British Columbia the *Heritage Conservation Act* protects all archaeological sites from disturbance, either intentional or inadvertent. The *Act* covers all archaeological sites, regardless of their size, physical condition, heritage significance, and whether or not the archaeological site has been recorded and reported to the Archaeology and Registry Services Branch. The *Act* also provides for the alteration of archaeological sites, but only under permits issued by the Archaeological Planning and Assessment Section, Archaeology and Registry Services Branch.

In the event that any land alteration activities not under permit encounter archaeological remains, all ground and forest disturbance in the immediate vicinity must stop at once. The person responsible should advise the Archaeological Planning and Assessment Section as soon as possible of the location of the archaeological remains and of the nature of the disturbance. The *Heritage Conservation Act* provides heavy fines and imprisonment for failure to comply with these requirements.

Users of this report should make themselves familiar with the *Heritage Conservation Act* and with the policies and procedures of the Archaeological Planning and Assessment Section. They are available on the Internet at <http://srmwww.gov.bc.ca/arch/>.

The Archaeology and Registry Services Branch is located at 3rd Floor, 3400 Davidson Avenue, Victoria, B.C. V8Z 3P8. The reception telephone number of the Branch is (250) 952-4300. The facsimile number is (250) 952-4178.

CREDITS

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Julie Cowie, B.A.

Field Assistants (Chemainus First Nation)**David Aleck**
Eric Johnny
Arthur Jim
Billy Harris

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Report Author **Julie Park**

Report Editor **John Dewhirst**

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1.0 INTRODUCTION

This report presents the results of an archaeological inventory survey (AIS) of Transfer Beach Park in the Town of Ladysmith, on eastern Vancouver Island, B.C., conducted under Heritage Inspection Permit 2004-019. The AIS was designed to map and locate all archaeological resources in Transfer Beach Park for future park planning. In September 2003, excavations for developments at the south end of the park revealed the presence of shell midden site DfRw-81. Backdirt from the excavations containing portions of DfRw-81 was set aside and permit 2004-019 was amended to include archaeological recovery of human remains and culturally diagnostic artefacts from the backdirt mound. No diagnostic artefacts or human remains were found during the AIS and archaeological recovery efforts. Transfer Beach Park is in the asserted traditional territory of the Chemainus First Nation, who belong to the Hul'qumi'num Treaty Group.

1.1 SCOPE AND OBJECTIVES

The AIS, conducted under Heritage Inspection Permit 2004-019, was undertaken with a number of specific objectives:

1. Archaeological site DfRw-81 needed to be fully defined. Although registered in 2003, the full extent of DfRw-81 and its heritage significance were not known.
2. The backdirt mound containing portions of DfRw-81 needed to be processed to recovery any diagnostic artefacts and human remains present.
3. A full archaeological survey of Transfer Beach Park has never been carried out, and an archaeological inventory of the whole property is necessary so that future developments can practice "design avoidance."
4. Assessment of past and potential future impacts to archaeological resources on the property. In particular, the impacts of recent land altering activities from constructing a retaining wall, "stepped amphitheatre", storm drain trench and electrical lines, needed assessment with respect to DfRw-81.
5. Recommend protective measures to prevent or mitigate future impacts to known archaeological resources on the subject property.

2.0 STUDY AREA

The study area is Transfer Beach Park, in the Town of Ladysmith on the east side of Vancouver Island, about 18 km south of Nanaimo, British Columbia (Figure 1). The Park is situated on three beach terraces rising from the west shore of Ladysmith Harbour. The entirely developed middle terrace is sandwiched between the lower terrace to the east and the upper terrace to the west and is inaccessible for archaeological testing (Figure 2). Developments on the middle terrace from north to south include paved roads, a large concrete amphitheatre, beach volleyball court, basketball court, paved parking lot, Rotary Tot Lot, and Kinsmen playground. For the purposes of this report, Transfer Beach Park will be described in terms of three general areas, the upper terrace, north half of the lower terrace and south half of the lower terrace (Figure 2). Archaeological site DfRw-81 is on the south half of the lower terrace.

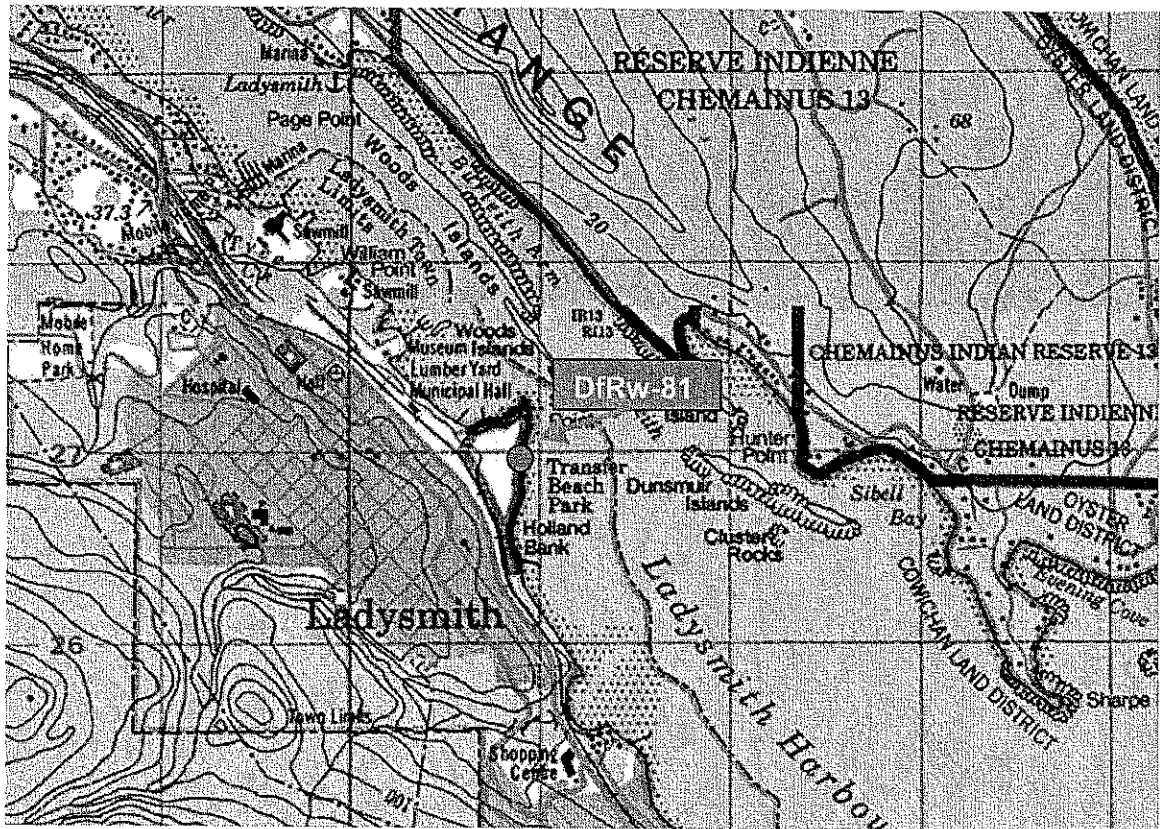


Figure 1. Location of Transfer Beach Park and DfRw-81.

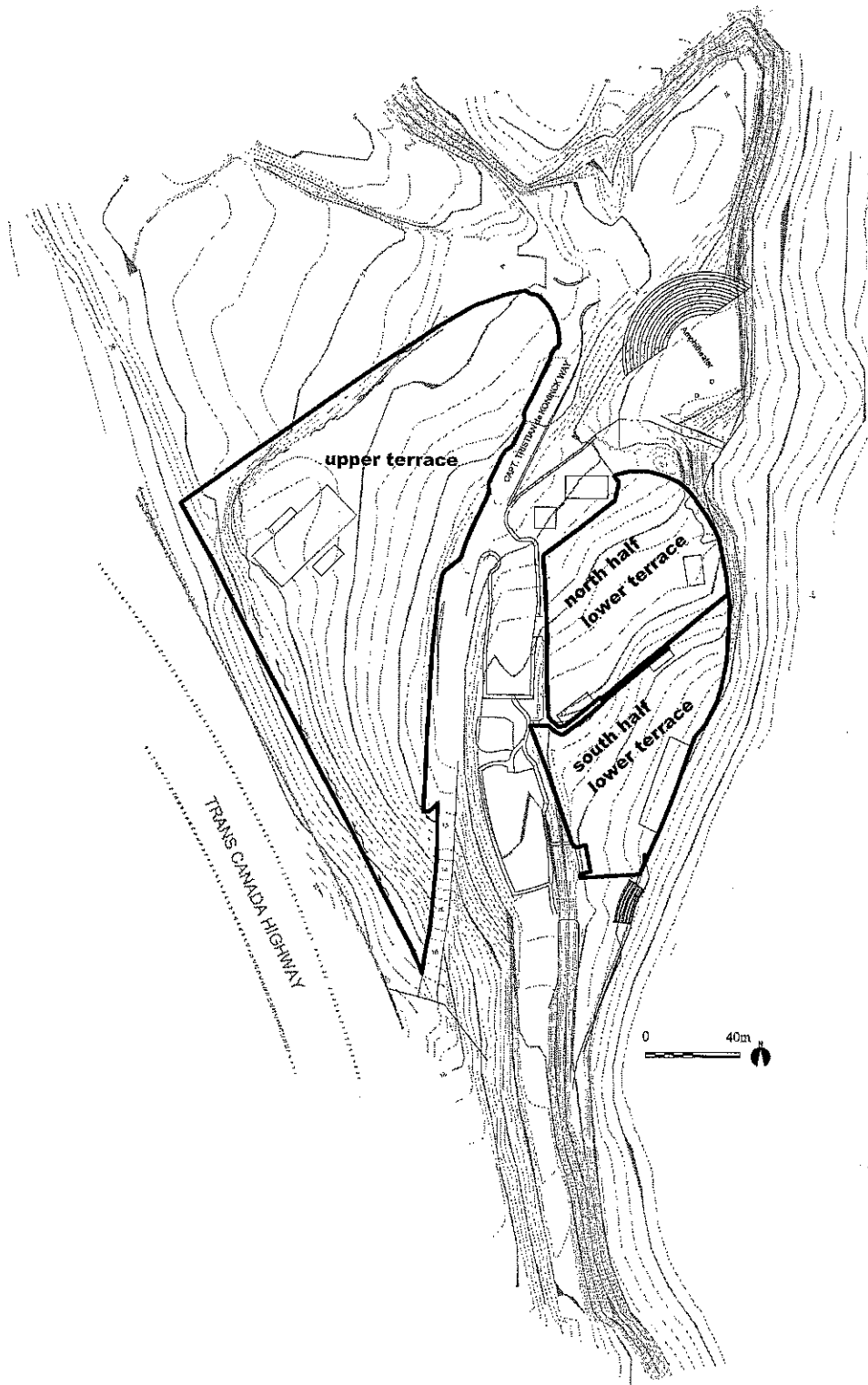


Figure 2. Contour map of Transfer Beach Park

Upper terrace

The triangular shaped upper terrace is the inland, western part of the park. The upper terrace is bound on the west by a steep bank leading to the E&N Railway; on the north by a seasonal runoff channel and former rock quarry; and on the east by the entirely developed middle terrace. The upper terrace was logged and cleared and now consists of a grassy field dotted with older maple trees, arbutus trees, cherry and dogwood trees. The terrain in the upper terrace is relatively level at the north end, rising towards a hill at the south end and a steep bank to the west. Recreational improvements on the upper terrace are clustered in the northwest corner and include a horseshoe pitch enclosure with an adjacent paved area, bleachers, and picnic area (Figure 2). A small gravel road also extends west into the upper terrace from the middle terrace's paved Captain Tristian de Koninck Way.

Lower terrace

The lower terrace is the eastern part of the park (Figure 2), overlooking the waters of Ladysmith Harbour to the east and bound to the west by the middle terrace. The lower terrace was logged and cleared and now consists of grassy fields and play areas amidst recreational facilities with the occasional second growth tree, not more than 50 years old. The lower terrace is divided into northern and southern halves, by developments that include a concrete sidewalk, public washrooms and concession stand. In addition, numerous service lines criss-cross the park.

North half of lower terrace

The north half of the lower terrace is bound on the east by Ladysmith Harbour, on the north and west by the middle terrace and on the south by the south half of the lower terrace. To the west is the paved parking lot of the middle terrace. To the north is an artificially filled bank leading to a basketball court and beach volleyball court, paved road and large concrete amphitheatre (Figure 2). The north half of the lower terrace consists of a gently sloping grassy field that terminates at a rock bluff and rock garden in the northeast corner overlooking Ladysmith Harbour. Developments on the north half of the lower terrace include an electrical shed and gravel road in the southwest corner and a recently constructed Kinsmen shelter on the east side.

South half of lower terrace

The south half of the lower terrace is a triangular shaped area, bound on the west by a steep artificially filled bank leading to the Kinsmen playground on the middle terrace and to the east by Ladysmith Harbour (Figure 2). The southern half of the lower terrace gradually rises to the west and north from a cobble and pebble beach. The area adjacent to the cobble and pebble beach is poorly drained and wet, supporting a mature willow tree. Recreational developments on the southern half of the lower terrace include a concrete and metal fire pit to the north, a sandy beach play area to the east, an old Kinsmen shelter to

the west, and a stepped “amphitheatre” and concrete retaining walls to the south. Excavations for the concrete stepped “amphitheatre” and storm sewer drain in fall 2003 revealed the presence of shell midden DfRw-81. The construction backdirt mound containing material from DfRw-81 is located immediately south of the old Kinsmen shelter.

2.1 PREVIOUS DEVELOPMENT

Since the 1890s, significant industrial and recreational developments have taken place on what is now known as Transfer Beach Park. From the 1890s to the 1930s, industrial coal sorting facilities, railways, railway trestles, wharves and oyster processing plants were located in and around the park. In 1967, the Ladysmith Ratepayers Association transformed the derelict industrial waterfront into Transfer Beach Park.¹ The park was landscaped and recreational facilities were built on both upper and lower beach terraces along with sewage, storm sewer, electrical and irrigation lines to service the park.

Industrial Development

The Town of Ladysmith was established to house coal miners and their families after the discovery of coal at the Extension Coal Mines, 18 km north of Ladysmith. Transfer Beach Park was once the locus of significant coal processing and shipping activities from 1899-1931. A railway was built to deliver coal from Extension to Ladysmith Harbour. Facilities were constructed along the waterfront to store, wash, sort and ship coal. In 1899, the newly constructed coalbunkers and wharves in Ladysmith Harbour shipped 40,000 tons of coal, and within two years 400,000 tons of coal were shipped annually from Ladysmith Harbour. Coal production peaked in the early 1900s, and by 1931 the mine closed permanently.²

According to a long time resident³ of Ladysmith, coal was stored along the north and northwest end of the upper terrace. Piles of coal up to 3 ft. high extended west from Captain Tristian de Koninck Way over the upper terrace. After the demise of the coal industry, the upper terrace was levelled and graded using an additional 3 ft. of fill. Piles of coal were also stored at the south end of the south half of the lower terrace.

Early maps⁴ and photographs⁵ of the Transfer Beach Park area demonstrate that the upper terrace contained coal bunkers, railway lines and a railway trestle leading to a loading wharf at the north end of the park. In the southern half of the lower terrace, a railway line and railway trestle led to Transfer Wharf. Remnant wood pilings indicate Transfer Wharf extended into Ladysmith Harbour from the recently constructed stepped

¹ Britton, Glen. (2004) Email to Julie Park, March 17, 2004.

² Richard Goodacre. (1991) *Dunsmuir's Dream: Ladysmith, the First Fifty Years*. Town of Ladysmith. Porcépic Books, Victoria, B.C.

³ Local resident #1. (2004). Personal communications to Julie Park.

⁴ Anonymous. “Ladysmith and area to south including most of Oyster and Chemainus Districts, Vancouver Island.” Surveyor General. 18L8 (108132-108135).

⁵ City of Ladysmith. 1910 photos of wharves. Courtesy of Glen Britton.

“amphitheatre.” According to a Parks employee, the railway leading to Transfer Wharf extended south from the west side of the washrooms to the wharf at the stepped “amphitheatre.”⁶ Midden deposits from archaeological site DfRw-81 were encountered during excavations for the stepped “amphitheatre” and it is likely that earlier railway and wharf construction activities impacted site DfRw-81 by destroying or disturbing deposits. Industrial activities in and around the wharf such as boat traffic, probably eroded beach side midden deposits and may have damaged the surface of site DfRw-81.

Another local industry in the vicinity of Transfer Beach Park was commercial oyster farming. By 1904, the Dominion Government leased approximately 150 acres of oyster beds around Ladysmith Harbour. By the mid 1920s the Pacific oyster had replaced the small native oyster in Ladysmith Harbour. According to one local resident,⁷ an oyster processing plant once stood at the south end of the lower terrace on parts of site DfRw-81, although the exact location was not specified.

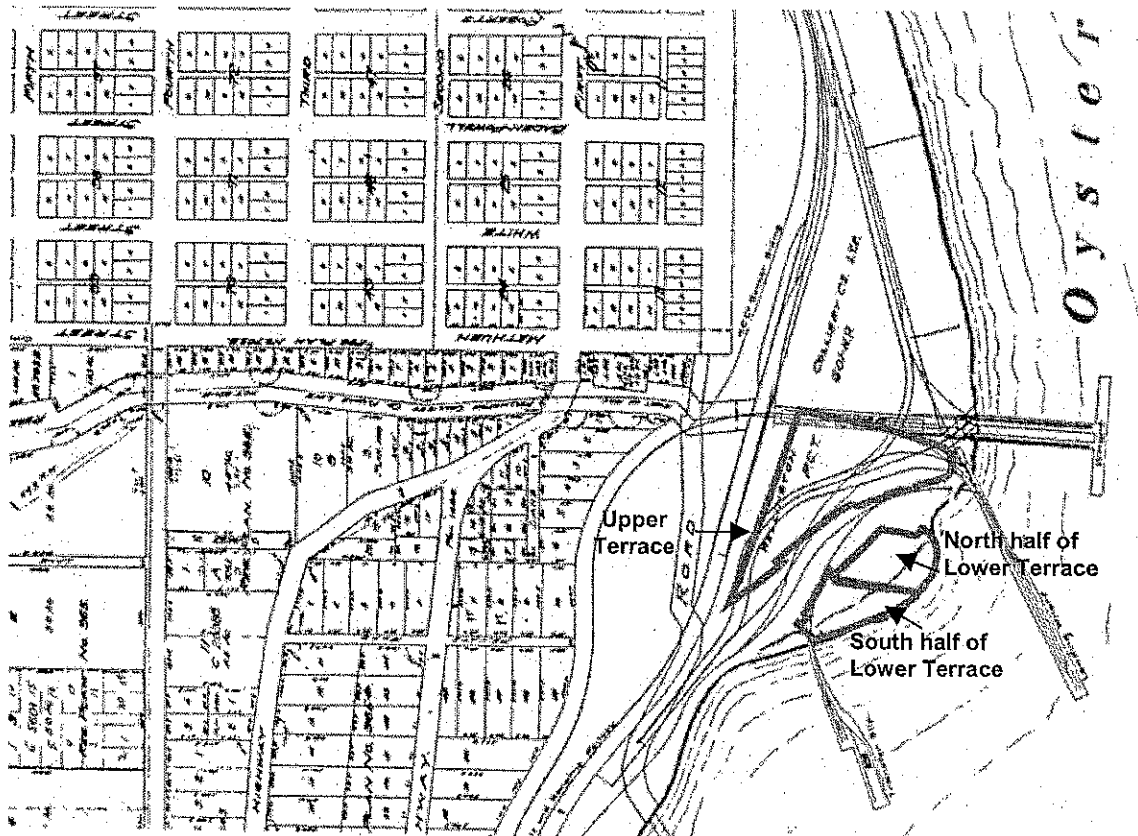


Figure 3. Plan of historical developments at Transfer Beach Park.

⁶ Parks employee. (2003) Personal communications to Chris Mundigler.

⁷ Local Resident #2. (2003) Personal communications to Chris Mundigler.

Recreational Development

Even at the peak of industrial activities, the waterfront was popular with local children for summer swimming. Transfer Beach Park was created in 1967. Since that time significant recreational facilities have augmented the park (Figure 4). The northwest corner of the upper terrace contains a horseshoe pitch enclosure, bleachers, paved area and picnic area. The middle terrace is entirely covered with paved roads, a large concrete amphitheatre, paved parking lot, basketball court, beach volleyball court, Kinsmen playground and Rotary Tot Lot. In the north half of the lower terrace, a small grassy field is surrounded by a recently constructed Kinsmen shelter and rock garden to the east, and washrooms, sidewalk and concession stands to the south. The south half of the lower terrace contains an electrical box in the northwest corner, a concrete and metal fire-pit in the northeast corner, a Kinsmen shelter constructed around 1969 to the west and a beach area containing imported sand.

In 1991, a Kinsmen playground and sandpit were constructed in the north half of the lower terrace covering the now grassy field between the basketball court and electrical shed. The playground was later moved to its current location in the middle terrace, south of the paved parking lot and Rotary Tot Lot and west of the south half of the lower terrace. At that time, a steep bank immediately east of the play area was artificially filled and graded.

Around 2000, a sandy beach area was created in the south half of the lower terrace. The existing cobble and pebble beach was levelled and additional sand was brought in to produce a rectangular strip of sandy beach approximately 20x12 m. According to Glen Britton, Parks Supervisor, little excavation was required as wave erosion removed much of the surface deposits.

In addition to the recreational facilities, subsurface service lines run throughout the upper and lower terraces of the park. These include sewage pipes, storm sewer pipes, irrigation lines and electrical conduits that criss-cross the property to service the park (Figure 4).

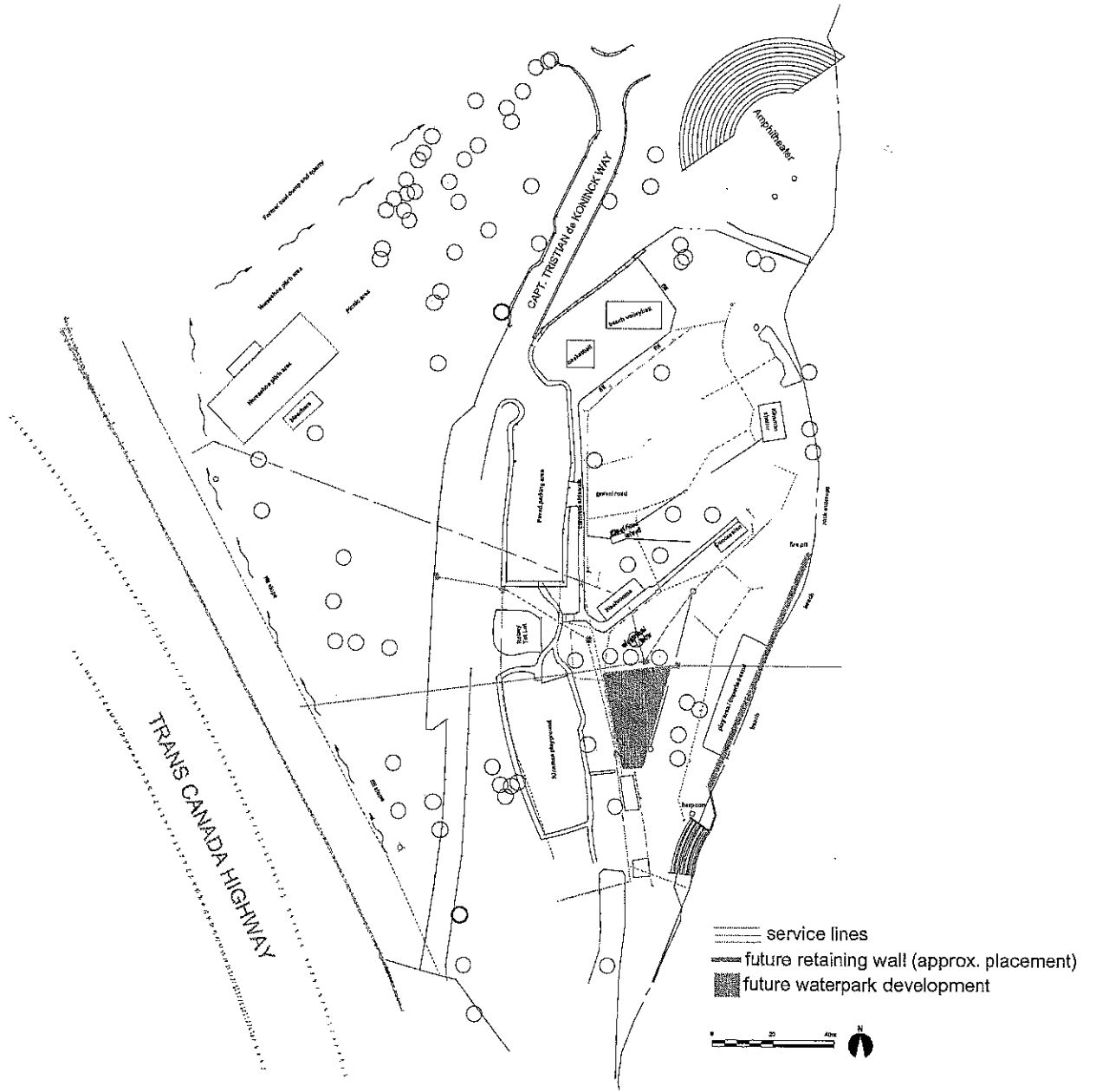


Figure 4. Plan of park developments

Recent Development

In 2003, the Town of Ladysmith initiated and completed three development projects in the south half of the lower terrace (Figure 4). A series of concrete retaining walls about 90 m long was constructed to control wave erosion along the beach at the south end of the park. A concrete stepped "amphitheatre" facing Ladysmith Harbour was constructed at the north end of the retaining wall. A 20 m long storm sewer pipeline running perpendicular to the beach was installed south of the stepped "amphitheatre". Excavations for the storm sewer pipe revealed the presence of shell midden DfRw-81. The backdirt from the excavations was set aside by the City of Ladysmith on request from the Chemainus First Nation. An electrical line south of the old Kinsmen shelter was also installed at that time. During construction, the remnant coal heaps were pushed away from the development area to the south end of the retaining wall. The area inland from the concrete retaining wall and stepped amphitheatre was entirely filled and levelled. Towards the west, the base of the hill was recently reinforced with a large boulder retaining wall.

The stepped "amphitheatre" is located where the Transfer Wharf from the 1900s once stood. Remnant wood pilings from the dock were visible in the waters of the harbour at low tide during the October 2003 AOA conducted by Archaeo Research Ltd.

2.2 FUTURE DEVELOPMENT

The Town of Ladysmith has two major future developments planned for the southern half of the park's lower terrace: a children's water park and the extension of a retaining wall to control wave erosion along the beach (Figure 4). The children's water park will be constructed between the Kinsmen playground and the artificial sandy beach. The Town of Ladysmith also plans to extend the recently constructed retaining wall north along the beach for an additional 85 m to a concrete and metal fire pit at the north end of the southern half of the lower terrace. The retaining wall is designed to control erosion and may protect the northern inland remnants of DfRw-81.

2.3 PREVIOUS ARCHAEOLOGY AT DFRW-81

Recent construction of a concrete retaining wall, stepped amphitheatre and storm sewer trench by the Town of Ladysmith revealed midden exposures at the south end of Transfer Beach Park. On October 1, 2003, Archaeo Research Ltd. conducted an archaeological overview assessment (AOA) that recorded and registered a new archaeological site, DfRw-81, based on visible midden exposures in open trenches and ground surfaces. No subsurface testing took place at that time. At that time, the site was estimated to measure at least 30 m N-S by 17 m E-W, but the full extent of the site and its heritage significance could not be determined without subsurface testing.

3.0 ARCHAEOLOGICAL SURVEY AND RECOVERY

This archaeological inventory survey (AIS) follows up on the recommendations of the AOA and is designed to systematically subsurface test the upper and lower terraces of Transfer Beach Park to identify the presence or absence of archaeological deposits as well to screen the backdirt mound for diagnostic artefacts and human remains. A total of 98 auger tests and three shovel tests were placed throughout Transfer Beach Park. The inventory survey revealed additional midden deposits adjacent to the beach in the south half of the lower terrace. This extends the current limits of site DfRw-81 to 100 m N-S by 20 m E-W. No diagnostic artefacts or human remains were encountered during subsurface testing and archaeological recovery from the backdirt mound. No evaluative test units (ETUs) were excavated during the investigations due to the ephemeral and disturbed condition of cultural deposits in the tested areas.

3.1 ARCHAEOLOGICAL SURVEY

The AIS used a motorized soil auger to identify the presence of archaeological deposits. The soil auger had a 30 cm drill bit which produced sufficiently large (40 cm diameter) holes to reveal stratification. The results of the subsurface tests were recorded in a subsurface test log (Appendix A). The contents of positive auger/shovel tests were scattered by hand and screened through 6 mm mesh. Deposits were further sorted by hand to find any diagnostic artifacts, faunal remains and human skeletal remains. No diagnostic artifacts or human skeletal remains were observed.

The proposed survey methodology consisted of systematic subsurface tests at 10 m intervals with the auger penetrating to depths of 1-1.5 m below surface. However field conditions resulted in changes to the proposed testing intervals and subsurface test depths. Numerous sewage, electrical, irrigation, and storm sewer lines running throughout the park required significant changes in the testing intervals. A walkover of the park with park employees marked the approximate locations of these service lines and a 1.5 m buffer zone around these areas was applied. As testing continued, it was apparent that much of the north half of the lower terrace and upper terrace consisted of large cobble and pebble fill and occasional thick deposits of coal. This led to larger testing intervals in those areas and shallower subsurface tests. In the southern half of the lower terrace, water was frequently encountered in test holes adjacent to the beach resulting in the suspension of tests. Many of the subsurface tests did not reach the proposed target of 1-1.5 m below surface. Instead the maximum depths reached 80 cmbs (centimetres below surface) which was sufficient to determine the presence of midden deposits at the site.

South half of lower terrace

The south half of the lower terrace contains site DfRw-81, consequently the area was examined more intensively. A total of 44 auger tests and three shovel tests were placed in the south half of the lower terrace (Figure 5) and excavated to depths of

35-90 cmbs. Testing was suspended when drain pipes and electrical lines were damaged, and when water seeping into tests hindered obscured the stratification. Testing followed four rows with additional subsurface tests placed judgementslly on an as-needed basis. The proposed 10 m survey intervals were largely followed, except when service lines interfered with a proposed test hole. Six service lines are located in the south half of the lower terrace. Two rows of service lines run roughly parallel to the beach, another line follows the northern boundary and three lines follow the western boundary. Areas unavailable or considered unsuitable for testing include an old Kinsmen shelter and artificially filled slope to the west, electrical box in the northwest corner, the area east of the electrical box where multiple service lines converged, concrete fire pit in the northeast corner and the recently filled, graded areas west and north of the concrete retaining wall and stepped "amphitheatre."

Fourteen subsurface tests combined with site documentation from the AOA, helped define the limits of DfRw-81. Subsurface testing of the south half of the lower terrace revealed that site DfRw-81 continues north along the beach. Twelve subsurface tests defined the northern limits of DfRw-81, approximately 70 m north of the concrete retaining wall. The largely disturbed and ephemeral midden deposits adjacent to the beach and service line did not warrant an evaluative test unit (ETU). Only three of the fourteen tests contained undisturbed midden deposits: two tests located south of the old Kinsmen shelter and one test located north along the beach. Of these three tests only the latter contained relatively intact deposits.

No additional midden deposits were observed in the remaining northeast and northwest corners of the south half of the lower terrace. As testing proceeded up the slope towards the northeast corner, a rock outcrop surfaced in the vicinity of the fire-pit. Auger tests in the grassy and intermittently treed northwest corner between the washroom and Kinsmen shelter supported local observations of historic railway disturbances in that area. Railway spikes, iron slag, coal fragments and a horseshoe were observed in tests along the west side of the south half of the lower terrace.

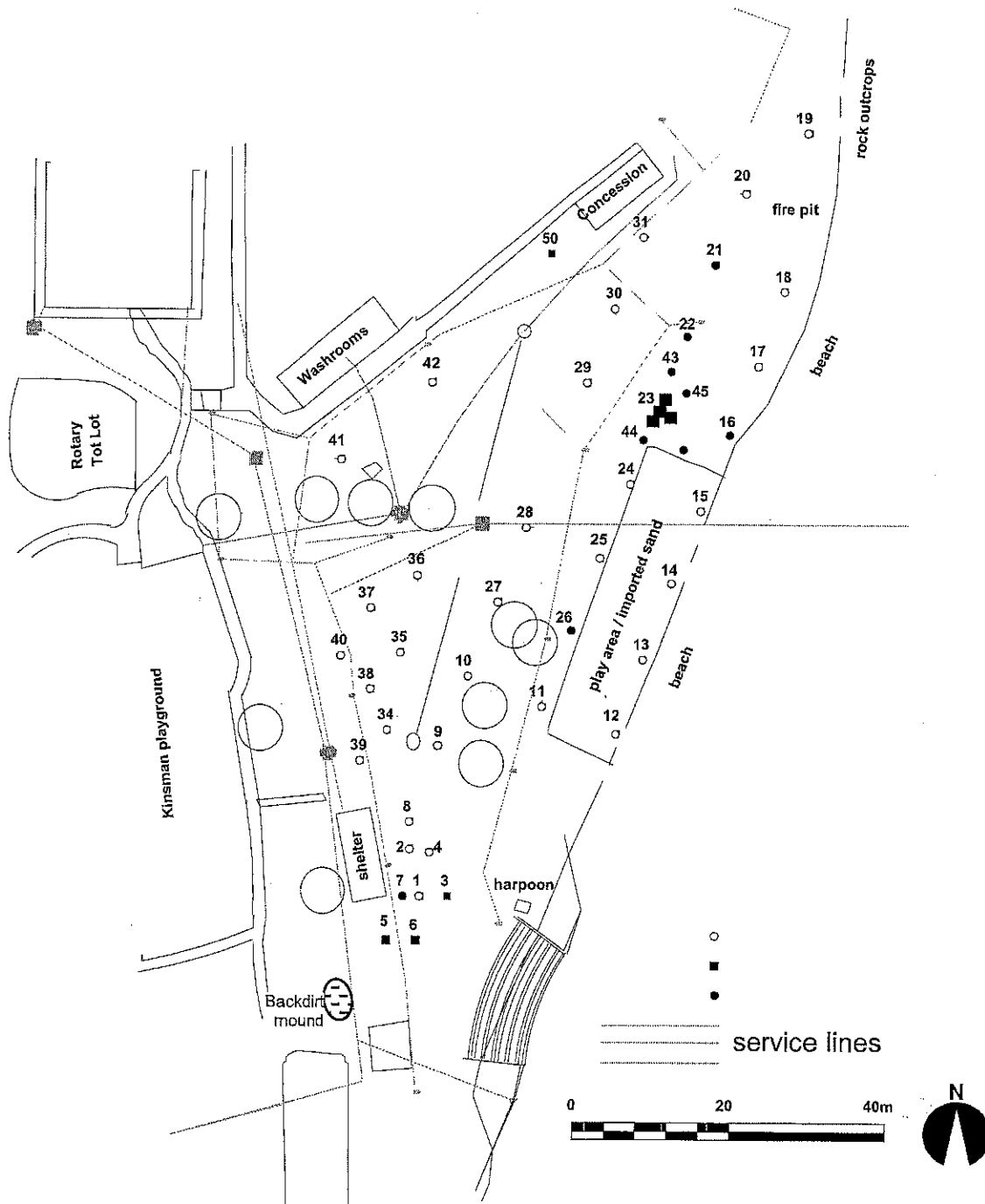


Figure 5. Plan of subsurface tests in the south half of the lower terrace.

North half of lower terrace

No buried archaeological deposits were encountered in the 25 tests placed throughout the grassy slopes of the north half of the lower terrace (Figure 6). Approximately half of this terrace was unavailable or unsuitable for testing purposes. A rocky outcrop plunges steeply towards paved roads and a concrete amphitheatre at the north end of the north half of the lower terrace, making testing in that area impossible. A basketball court, beach volleyball court and surrounding artificial fill precluded testing in the northwest corner. A rock garden and Kinsmen shelter prevented testing to the east. A sidewalk, gravel road and electrical shed are located along the eastern boundary. The only remaining area for testing purposes was an open grassy field lying between the washrooms to the south and the basketball-volleyball complex to the north. However, auger testing had to avoid four rows of service lines running NE-SW through the grassy field and surrounding the perimeter of the field. The grassy field was the original location of the Kinsmen playground prior to its relocation further south.

A total of 25 auger tests were excavated to depths ranging from 35-70 cmbs. Six rows of test holes were placed north-south along the grassy slopes of the north half of the lower terrace in 20 m intervals, except when service lines or recreational developments coincided with test locations. Additional subsurface tests were excavated judgementsly in and around park facilities. Much of the north half of the lower terrace consisted of cobble and pebble fill used to level and landscape the area following the relocation of the Kinsmen playground. The abundance of large cobbles frequently impeded auger testing. Two auger tests were also suspended when they hit drainage pipes. No buried archaeological resources were encountered in the north half of the lower terrace.

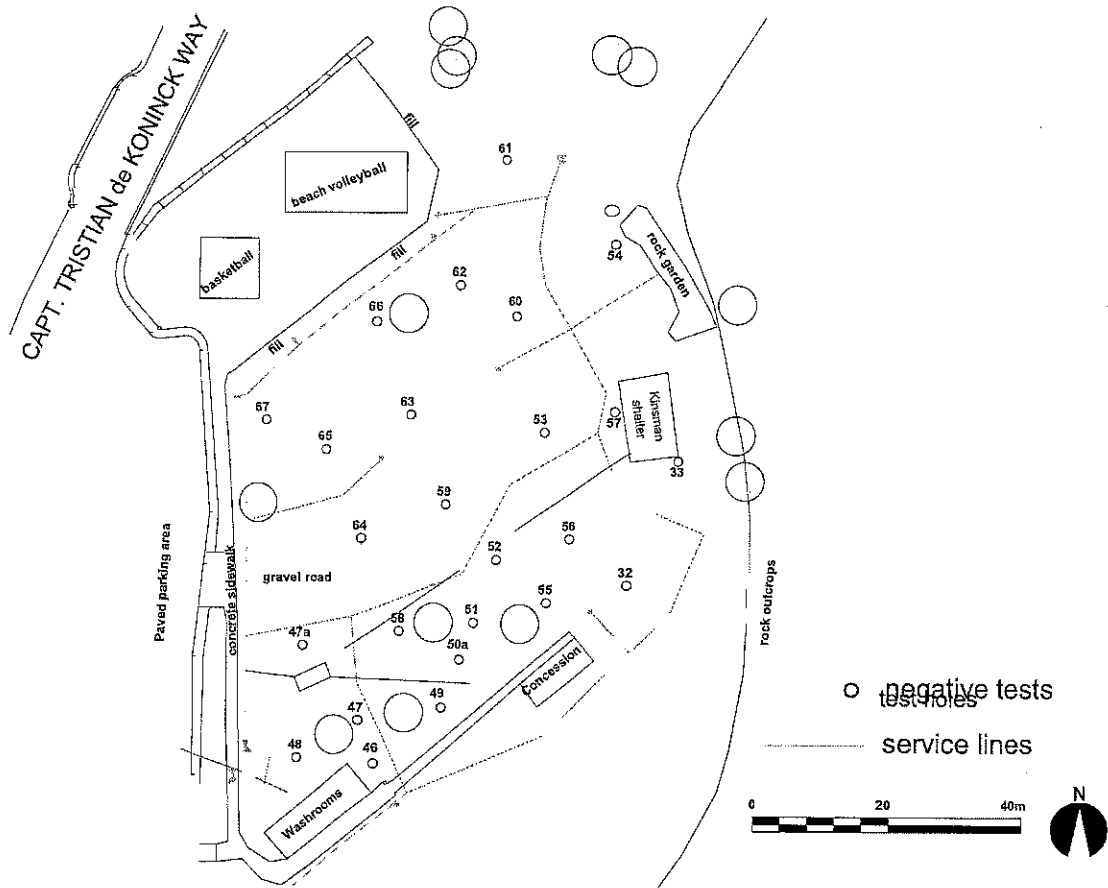


Figure 6. Plan of subsurface tests in the north half of the lower terrace.

Upper terrace

In the upper terrace, no buried archaeological deposits were found in the 29 auger tests excavated to depths ranging from 25-80 cmbs (Figure 7). Testing covered all areas of the upper terrace except for two service lines running through the southern half of the upper terrace, the previously developed northwest quadrant with its horseshoe pitch structure, bleachers, picnic area and paved area and the western boundary which consisted of accumulated fill from the railway. Many auger tests contained cobble and pebble fill similar to material encountered in the north half of the lower terrace. Additionally, thick compacted coal deposits were encountered in auger tests at the north and northwest sections of the upper terrace. These findings support statements made by local residents about coal storage and sorting facilities on the upper terrace and the subsequent levelling and grading of the area for park purposes.

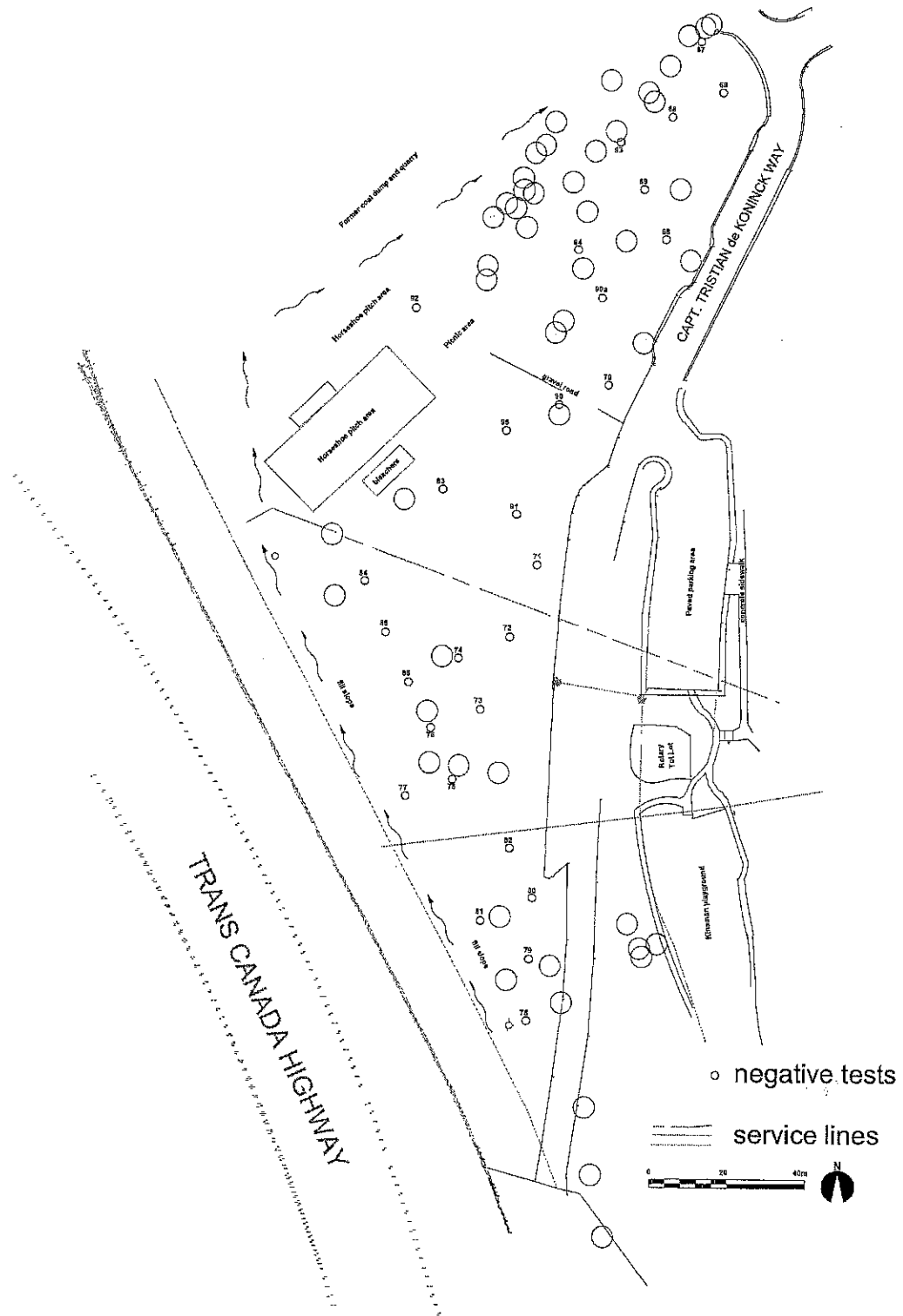


Figure 7. Plan of subsurface tests on the upper terrace.

3.2 ARCHAEOLOGICAL RECOVERY OF BACKDIRT MOUND

Archaeological recovery of the backdirt mound located in the south half of the lower terrace (Figure 5), was conducted on April 29-30, 2004. The backdirt mound measured 6 m N-S by 5 m E-W and was approximately 1.4 m high. The mound consisted of mixed cultural and sterile deposits. Numerous shovel tests revealed that the basal 30 cm of the mound contained culturally sterile compact yellow sand. Pockets of sterile brown soil, yellow sand and grey clay were present in the midst of black organic midden soil and shell fragments. Sterile deposits were shovel tested to check for hidden midden deposits. Only midden deposits were water screened and raked. The mound was thoroughly examined and no diagnostic artefacts or human remains were recovered during archaeological recovery efforts. A total of 10 artifacts and 424 grams of faunal remains were collected.

The amendment to heritage inspection permit 2004-019 initially proposed that all midden deposits would be water screened through 6 mm (¼") mesh. Four individuals working in teams of two would process the backdirt mound. Midden deposits would be shovelled into wheelbarrows and transported to the screening site at the amphitheatre steps. Midden material would be scattered over ¼" screens and a garden hose would spray water over the dirt to reveal any bone or diagnostic artefacts. All diagnostic artefacts and human remains would be recovered.

Archaeological recovery of the backdirt largely followed the proposed recovery methods, however the last 20-30 cm of cultural deposits were examined by hand raking and hand trowelling. Water screening was time consuming as water came from a single source using a split hose. When both hoses were in use, the water pressure dropped, slowing down the screening process. Although a significant portion of the mound was water screened, time constraints resulted in systematically hand raking and trowelling through the remaining 20-30 cm of cultural deposits.

The backdirt mound contained a relatively small amount of faunal material and artefacts. A total of 424 grams of animal bones, two incomplete bone unipoints, a bone awl, two bone wedge fragments, bone needle, four modified bone fragments, a slate fish knife and an abraded fragment were collected over two days of screening the backdirt mound. The recovered artifact assemblage does not contain any diagnostic artefacts and is insufficient to determine cultural affiliation. No human remains or diagnostic artefacts were encountered during archaeological screening. Shellfish observed during screening range from mussels, horse clams, butter clams, little neck clams, native oysters, dogwinkles and barnacles to inedible moon snails. The animal bones included land mammals, sea mammals, birds and fish. A significant amount of fragmented long bones come from large land mammals such as deer. Fish collected include salmon, dogfish, perch and rockfish among others. Historic materials observed during screening include large metal railway spikes, nails, plastic, glass and fragments of glazed stoneware.

4.0 SITE DfRW-81

The AIS defined DfRW-81 with respect to physical extent and condition. The physical extent was determined from two sources: soil exposures from recent construction activities described in the AOA; and subsurface testing during the AIS. Historical information and evidence of earlier industrial shipping activities also provided information regarding past site alterations. The exposed storm sewer trench recorded in the AOA revealed the clearest examples of discrete and intact stratigraphy at DfRW-81 and that information will be reviewed in this report.

4.1 EXTENT OF DfRW-81

Subsurface testing from the AIS combined with surface exposures from the AOA determined the northern and southern extent of site DfRW-81. Two auger tests south of the old Kinsmen shelter contained intact archaeological midden deposits, revealing the western extent of the site. Nine auger tests and three shovel tests placed along the beach revealed peripheral midden deposits north of the previously drawn boundaries of DfRW-81. Based on the findings, the present maximum extent of DfRW-81 is approximately 100 m N-S x 20 m E-W (Figure 8). Earlier investigations recorded cultural deposits are a maximum of 80 cm thick and reach depths of 120 cmbs.

Past and recent site disturbances removed a 50 m x 20 m section of the middle of the site. The area north of the recently installed storm sewer drain consists of significantly disturbed deposits. A railway trestle leading to Transfer Wharf extended through DfRW-81 in the vicinity of the stepped "amphitheatre." Subsequent recreational developments also impacted the northern portions of DfRW-81. The installation of service lines 10-16 m inland from the beach and the creation of a children's beach play area by levelling natural beach deposits and adding imported sand likely destroyed approximately 50 m of DfRW-81 along the beach (Figure 5). Midden deposits appear immediately north of the sandy beach area for approximately 12 m, but auger testing north of the concrete retaining wall did not detect any midden deposits in the children's beach play area. Instead, four auger tests revealed up to 90 cm thick deposits of imported sand fill. Testing did not reach sterile deposits as water poured in from 50-70 cmbs. Six subsurface tests placed east of the service line contained disturbed deposits with glass, brick or plastic fragments recovered at depths up to 60 cmbs.

During the AIS, only auger test 23 contained relatively substantial, 23 cm thick intact midden deposits comprised of fragmented horse clams, cockles, littlenecks, crushed mussels, fire broken rock and animal bone in a brown sandy humus layer. Unfortunately eight neighbouring tests contained disturbed deposits with glass, brick or plastic found amidst shell fragments. Three of these disturbed tests were located within 1.5 m of auger test 23. The remaining tests contained diffuse, ephemeral quantities of shell.

Recent impacts on the south part of DfRw-81 result from the construction of the stepped “amphitheatre,” retaining walls along the beach, storm sewer drain and electrical line. Excavations for the retaining wall and amphitheatre followed a two to three metre perimeter around these structures, exposing midden deposits in the process. Given the thickness of deposits by the storm sewer drain, it is likely that the site extends further south, however the southern extent of the site is unknown. At the time of the AOA, the southernmost portion of the retaining wall had been fully excavated, the concrete poured and the inland area filled, so there were no opportunities to observe the possible southern extent of the site. A large pile of coal was located at the south end of the retaining wall. According to Park employees, the coal was originally located further north in the vicinity of the stepped “amphitheatre”, but during construction it was pushed away from the area. The best preserved and most intact portions of DfRw-81 were encountered in the storm sewer drain trench, south of earlier park developments.

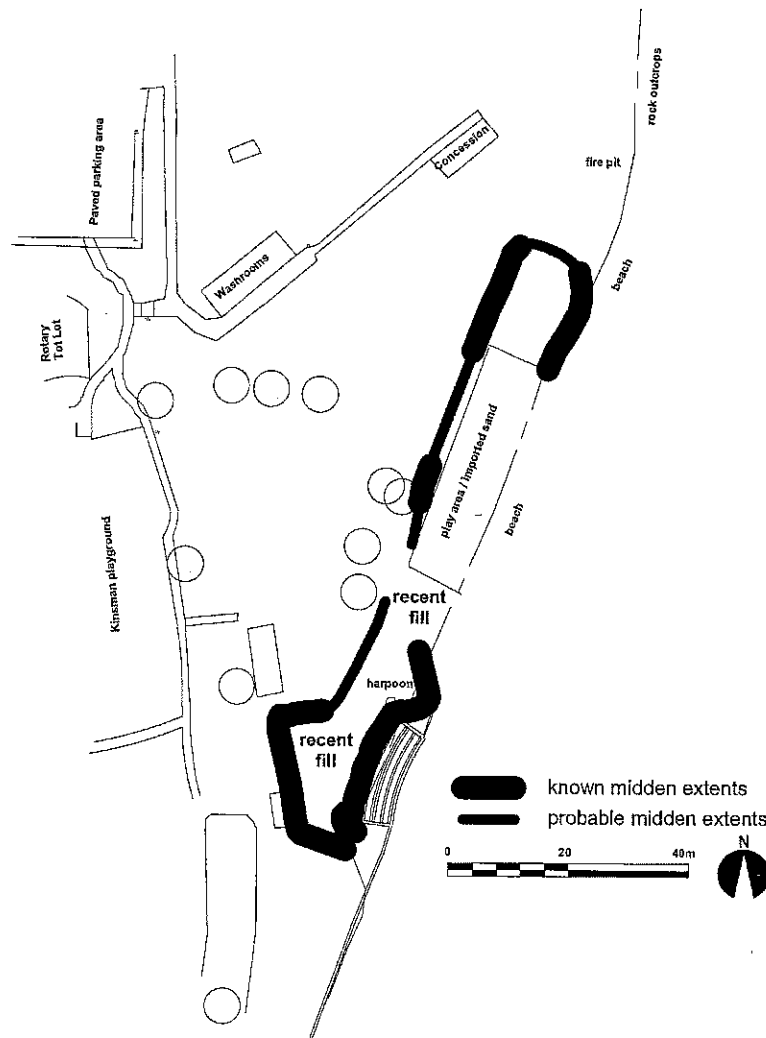


Figure 8. Plan of DfRw-81.

4.2 STRATIFICATION

Stratigraphic information on the intactness of DfRw-81 is based on the AOA conducted by Archaeo Research Ltd. in October 2003. Subsurface testing during the AIS revealed a total 15 tests containing midden deposits, however with the exception of one test hole (#23) the stratification was disturbed, or lacking in clearly stratified and substantial deposits. Hence the following discussion is based on the most complete exposure of site stratigraphy revealed in a 15.5 m E-W by 2 m N-S excavated storm sewer trench recorded in September 2003. Midden deposits in the storm sewer trench were only present 8.3-15.5 m west of the concrete retaining wall.

The midden deposits visible in the western half of the trench provided a good cross-section of the site. The north and south profiles of the trench were relatively uniform, so only the south profile was selected for recording. The southern profile was chosen because it contained a burnt feature and clearly defined charcoal lenses absent in the northern profile.

Six strata were visible in the south wall of the storm sewer trench (Figure 9). Six strata were identified of which two are cultural. They are summarized in Table 1 and described below in depositional order from the oldest and deepest (Stratum 1) to the most recent (Stratum 6). Information regarding the thickness of strata, reported as centimetres below surface (cmbs), are based on the south trench profile at 13.3 m west of the concrete retaining wall. No artifacts were observed in the walls of the storm sewer trench during the site inspection.

Stratum	cmbs	South Trench Profile
Stratum 6	0-22	Disturbed, dense mass of fine roots in brown humus with fragments of shell and occasional pebbles.
Stratum 5	22-24	Fine-grained mustard yellow sand. <i>Culturally sterile.</i>
Stratum 4	24-62	Black organic "greasy" midden soil with crushed mussel shell, whole and fragmented clam shells and occasional lenses of charcoal.
Stratum 3	62-83	Black organic "greasy" midden soil with fragmented shell.
Stratum 2	83-114	Small rounded pebbles in dark brown loose coarse-grained loamy sand. <i>Culturally sterile.</i>
Stratum 1	114-135	Fine grained brownish-yellow sand. <i>Culturally sterile.</i>

Stratum 1

Stratum 1 (1.14-1.35 cmbs) is the culturally sterile basal substratum. This stratum consists of compact, fine grained brownish-yellow sand. Stratum 1 was visible only in the westernmost section of exposed trench from 11.5 m west of Retaining wall.

Stratum 2

Stratum 2 (0.83-1.14 cmbs) is also a culturally sterile stratum consisting of small rounded pebbles in dark brown loose coarse-grained loamy sand. The stratum is thicker towards the west end, thinning out as it moves towards the east.

Stratum 3

The western portion of Stratum 3 (0.62-0.83 cmbs) consists of black organic "greasy" midden soil with fragmented shell, but as the trench moves towards the east the stratum becomes increasingly shell-laden. Stratum 3 is marked by two concentrations of charcoal lenses clustered at 11.5 m and 13.5 m west of the retaining wall.

A possible hearth feature measuring approximately 50 cm in diameter and 36 cm deep is situated east of an electrical conduit pipe. The feature consists of alternating lenses of fire reddened earth and/or ash with calcined clam shell fragments and charcoal lenses that extend beyond the burnt area (Figures 8 and 9). The concentration of charcoal lenses in similar areas through Strata 3 and 4 suggest that the site was repeatedly occupied over time, though the exact time depth is unknown.

Stratum 4

Stratum 4 (0.24-0.62 cmbs) consists of black organic "greasy" midden soil with crushed mussel shell, whole and fragmented clam shells and occasional lenses of charcoal. At the west end of the trench, the shell deposit was quite dense, however, shell representation decreases towards the east. This stratum contains a lens of small rounded 5 cm diameter stones that extend for approximately 1.2 m, situated between two charcoal lenses.

Stratum 5

Stratum 5 (0.22-0.24 cmbs) consists of fine-grained mustard yellow sand. On the west side of the trench this stratum is present as a thin lens of compact yellowish-brown, fine grained sand that emerges around 7.5 m east of the concrete retaining wall.

Stratum 6

The ground surface was largely obscured by dirt accumulations along the edge of the trench walls. Stratum 6 (0-0.22 cmbs) was disturbed and consisted of a dense mass of

fine roots in brown humus with fragments of shell and occasional pebbles. A small 5 cm diameter electrical conduit pipe is situated in this mixed/disturbed stratum, approximately 12.2 m west of the concrete retaining and 24 cm below ground surface.

Neither artifacts nor faunal materials were encountered during trench profiling. It is impossible to determine the chronology of the shell midden without radiocarbon dates or diagnostic artifacts. However, the intact shell midden strata coupled with possible features indicate the site has generally moderate heritage significance.

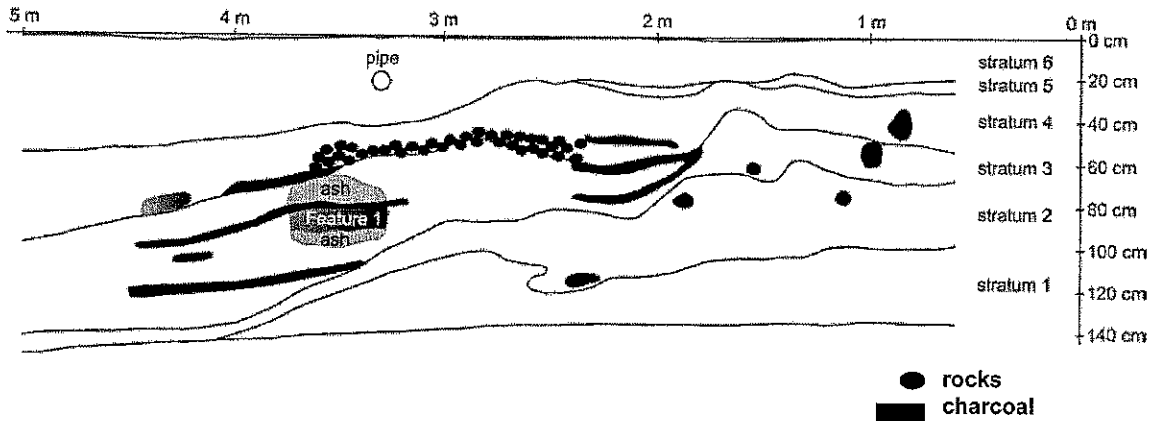


Figure 9. Storm drain trench stratigraphy, south profile.

5.0 HERITAGE SIGNIFICANCE

DfRw-81 is evaluated below according to scientific, public, ethnic and economic significance, as defined in the *British Columbia Archaeological Assessment Guidelines*.⁸ Each type of significance was defined according to criteria in the *Guidelines* and some additional criteria. Scientific and public significance criteria were rated on a four-point scale: "0" absent; "1" low; "2" moderate; "3" high. A point total of the rated criteria was then compared to the maximum possible points to derive a general score that reflects the four values: absent or nil, low, moderate, and high. The rated criteria for scientific and public significance are listed below in Tables 2 and 3, respectively. Ethnic and economic significance are discussed separately. Finally, the four types of significance are combined into an overall heritage significance rating.

Criteria	Max.	Rated	Remarks
Extent of intact deposits	3	1	Site has been severely impacted by past industrial and recreational developments. Small southern area in vicinity of the storm sewer drain may be intact
Internal stratification	3	1	Stratification is only intact and well defined near storm drain. Other areas are disturbed or contain ephemeral deposits.
Thickness of cultural deposit	3	2	Intact deposits up to 60 cm thick at south end.
Preservation	3	2	Shell and faunal preservation good.
Chronological cultural items	3	1	No prehistoric diagnostic artifacts recovered.
Materials for absolute dating	3	1	Some charcoal in stratigraphic context present for C14 dating, but most deposits disturbed. Coal was once stored in the area, so coal contamination of samples is possible.
Association with ancient landforms	3	0	Upper beach terrace may represent ancient landform, but the site is on the lower terrace.
Quantity and variety of tools	3	1	Bone tools and ground stone tools recovered from backdirt mound.
Distinct intra-site activity areas	3	1	No apparent distinct intra-site activity areas. Extensive disturbance precludes their discovery.
Tool types indicative of socio-economic or religious activity	3	1	Bone and ground stone tools indicate food processing and daily activities, not religious activities.
Abundance of faunal remains	3	2	Abundant invertebrate remains and some vertebrate remains
Diversity of faunal/floral remains	3	2	Range of vertebrate and invertebrate fauna.
Diagnostic faunal/floral remains	3	1	No diagnostic faunal/floral remains. Screened fauna from backdirt is out of context.
Exotic cultural items/materials	3	0	None recovered.
Uniqueness of site	3	1	Site does not appear to be unique.

⁸ Aplan, Brian and Ray Kenny. (1996). *British Columbia Archaeological Impact Assessment Guidelines*. Archaeology and Registry Services Branch, Ministry of Sustainable Resource Management, Victoria, B.C.

Table 2. Evaluation of Scientific Significance (Cont.)

Criteria	Max	Rated	Remarks
Representativeness of site	3	1	Site is typical shell midden.
Evidence for archaeological experimentation	3	1	Medium sized site, with destroyed central portions and heavily disturbed deposits to the north.
Scientific studies of site	3	1	Site has little potential for data recovery and site preservation experiments.
Contribution to palaeo-environmental studies	3	1	The upper beach terrace may be useful for palaeo-environmental studies.
Contribution to other disciplines	3	1	Site may be able to contribute to natural sciences.
Scientific Significance Total	60	22	Low scientific significance.

Public significance is based on the site potential for public use in an interpretive, educational or recreational capacity. A criterion, "body of research information that can contribute to public education and development," was added to the *Guidelines* criteria.

Table 3. Evaluation of Public Significance of DISr-22

Criteria	Max.	Rated	Remarks
Integrity.	3	1	Site is severely impacted.
Body of research information that can contribute to public education and development of site.	3	1	Little historical background or oral history on aboriginal use of the site.
Feasibility of restoration and development for public use	3	1	No information available on original site and great disturbance makes cultural features irretrievable.
Visibility of cultural features and their capacity to be interpreted.	3	1	Subsurface site is not readily visible. No well defined visible cultural features. Nil interpretation potential.
Accessibility to the public.	3	3	Easily accessible by Highway 1.
Opportunities for protection against vandalism.	3	2	Site can be monitored and maintained by Town of Ladysmith.
Representativeness or uniqueness of the site.	3	1	Poorly representative of small coastal midden because of extensive modification.
Aesthetics of the local setting.	3	2	Open park space with views of Ladysmith Harbour.
Proximity to established recreation areas.	3	3	Site is in an established recreation area.
Present and potential land use.	3	3	Currently used as a municipal park.
Land ownership and administration	3	2	Municipal property.
Legal and jurisdictional status	3	2	Municipal property.
Local community attitude to development	3	2	Town of Ladysmith will preserve site and minimize future damage through "design avoidance."
Visitation or use by tourists, local residents or school groups	3	1	The popular park is frequented by high volume of visitors, but few are aware of the site.
Public Significance Total	42	25	Low to Moderate Public Significance

Economic significance is based on user benefits derived from the site as an archaeological resource. The willingness of people to pay and/or to incur travel costs to visit the site is an important criterion here. Although Transfer Beach Park is an easily accessible, popular destination frequented by locals and visitors, people do not come to the park to see the archaeological site, therefore the site has no economic significance, unless it can be part of the interpretive and recreational program at the park.

Ethnic significance is based on the traditional, social or religious importance of the site to a particular group of people or living community. It appears that site DfRw-81 was unknown until its discovery in 2003. The ethnic significance is not known.

In overall heritage significance, DfRw-81 is rated as low. The scientific significance (Table 2) was evaluated as low, at 22 points from a maximum of 60. The public significance (Table 3) was rated at low to moderate, at 25 points from a maximum of 42. As an archaeological resource, the site currently has no economic significance. The ethnic significance is not known.

6.0 EVALUATION OF RESEARCH

The AIS had two major goals: (1) to inventory all archaeological resources in Transfer Beach Park; and (2) to define site DfRw-81 in terms of its physical extent, condition and cultural components. The archaeological inventory survey of Transfer Beach Park found archaeological resources in the south half of the lower terrace that extend the current boundaries of DfRw-81 further north along the beach. Prior to the AIS, an AOA mapped the site based on exposures from construction activities which revealed site dimensions of 30 m N-S by 17 m E-W. The AIS indicates the site is 100 m N-S by 20 m E-W, although the middle portion was destroyed by earlier developments.

Archaeological recovery of the backdirt mound included water screening midden deposits through ¼" mesh and hand raking or hand trowelling through the base of the mound. Careful water screening combined with systematic hand raking or hand trowelling was sufficient to detect the presence of artefacts and human remains in the backdirt mound. No diagnostic artefacts or human remains were encountered during recovery efforts. Ten bone and ground stone artefacts were recovered in addition to 424 grams of animal bones, but the finds were insufficient to determine culture type associations for site DfRw-81.

A thorough investigation was conducted of Transfer Beach Park. No available areas were left unexamined. All tests in the upper terrace and north half of the lower terrace were negative. There is always a very low possibility that undetected archaeological resources may be present, but it is likely that the survey and testing program located all archaeological resources. A high degree of confidence can be placed in the archaeological inventory and impact assessment conclusions.

7.0 ASSESSMENT OF IMPACTS

The archaeological survey and systematic subsurface testing strategy employed at Transfer Beach Park revealed that industrial activities from 1899 onward and recreational developments have destroyed significant portions of DfRw-81 (Figure 8). The railway trestle and Transfer Wharf constructed in 1899 destroyed the southern part of the site (Figure 5). Park developments destroyed, removed and disturbed the central and northern parts of the site. Excavations of a service line 10-16 m west of the beach disturbed the site as five subsurface tests located east of the service line contained disturbed midden. The children's beach area, about 30 x 10 m, also destroyed central portions of site DfRw-81, leaving a cluster of disturbed deposits to the north. More recently excavation, filling and levelling during the construction of a concrete retaining wall, stepped "amphitheatre" and storm sewer drain destroyed the southern part of the site.

Two proposed developments are located in the southern half of the lower terrace: a water park and the extension of the retaining wall along the beach. The proposed water park between the Kinsmen playground and beach area is unlikely to impact site DfRw-81.

Twelve auger tests indicate no archaeological deposits are present in the area (Figure 5). It is apparent that the area was severely impacted by railway developments as tests revealed the presence of railway spikes, iron slag, a horseshoe and coal fragments.

The extension of the retaining wall along the beach for an additional 85 m north to the fire pit may impact beach side, wave eroded, diffuse midden deposits. If "design avoidance" cannot be implemented then an archaeologist should be present to monitor excavations along the development.

Recommendations

In planning future developments, the findings of this report and the surveyed site area should be taken into consideration. It is recommended that "design avoidance" be implemented, so that there will be no additional impacts to site DfRw-81. If "design avoidance" is not possible, then future alterations to the site will need to be carried out under Section 12 of the *Heritage Conservation Act*, which requires a Site Alteration Permit. Possible mitigation measures may include archaeological monitoring during any ground alteration activities that may impact the site.

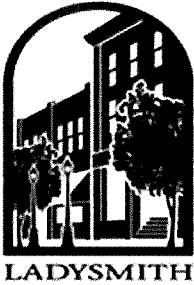
Appendix A. Transfer Beach Subsurface Test Log			
Test	Condition	cmbs	Description
Southern half of lower terrace			
1	Negative	0-10 10-25 25-60 60-75+	brown black humus and roots brown sandy humus and cobbles orangey brown fine sand sterile orange sand
2	Negative	0-15 15-40 40-70+	dark brown humus and roots brown sandy humus, cobbles sterile orange sand, small pebbles
3	Negative	0-15 15-30	dark brown humus and roots brown sandy humus hit a drain pipe & testing suspended
4	Negative	0-15 15-35 35-40+	dark brown humus and roots pebbles, 10% cobbles in mottled orange-brown sand very compact orange clay
5	Intact	0-10 10-20 20-32 32-75 75-80+	brown humus and roots brown sandy humus and small shell fragments orange clay grey-brown fine sandy clay and diffuse fragmented shells (clams, calcined littlenecks, butterclams) orange reddish fine grained sand
6	Intact	0-10 10-30 30-65 65-75	brown humus and roots, with shell fragments on the surface compact dark brown sand with numerous pebbles compact orange clay clumps of orangey-red clay in brown soil with diffuse fragmented shell (less than 2cm large)
7	Disturbed	0-10 10-30 30-40	brown humus and roots brown humus with small pebbles, shell flecks and plastic – disturbed orange sandy clay
8	Negative	0-45	brownish orange sand with large cobbles & pebbles
9	Negative	0-40 40-60	brown humus and sand hard packed, orange clay
10	Negative	0-10 10-60	brown sandy humus and roots brown sand, rounded pebbles and cobbles
11	Negative	0-15 15-60	brown sandy humus and roots damp brown sand with cobbles, pebbles and glass fragments
12	Negative	0-90+	Imported sand 80cmbs water pours in
13	Negative	0-75	Imported sand 70cmbs water pours in
14	Negative	0-70	Imported sand 60cmbs water
15	Negative	0-50	Imported sand 50cmbs water
16	Disturbed	0-10 10-30 30-40	rich dark brown sandy humus brown sandy humus with pebbles, cobbles and shell fragments compact grey sandy clay with pebbles and diffuse shell fragments 40cmbs water
17	Recent shell	0-55	surface is burnt with pebbles, charcoal & large oyster shells grey sand with beach cobbles and shell fragments, including large oysters

Test	Condition	cmbs	Description
18	Negative	0-35	damp light brown sand, pebbles, cobbles bedrock outcrop hit & couldn't continue
19	Negative	0-30 30-35	dark rich brown humus with roots, large cobbles orangey sand and lots of cobbles and pebbles bedrock outcrop hit & couldn't continue
20	Negative	0-15	brown humus and roots bedrock hit west of the firepit, so could not continue beyond
21	Disturbed	0-10 10-30 30-50 50+	brown humus and roots dark brown sandy humus, cobbles, pebbles, shell & glass fragments damp brown sand and numerous pebbles orange yellow sand
22	Disturbed	0-10 10-45	brown humus and roots brown sandy humus with diffuse shell fragments, numerous pebbles 5% small cobbles, plastic at 45cmbs 45cmbs auger stuck on large cobbles and brick fragments
23	Intact	0-16 16-40 40-60 60-65	brown humus and roots brown sandy humus with small and medium sized shell fragments (horseclams, cockles, limpets, littlenecks, crushed mussel), fire broken rock (fbr), animal bones damp grey brown sand with 30% rounded pebbles damp orange-yellow sand
ST# 1 1.5m north of 23	Disturbed	0-12 12-55 55+	0-12cmbs brown sandy humus and roots 12-55cmbs small shell fragments (clams, mussel) in fine grey brown sand, undifferentiated and diffuse 50cmbs brick found below what appeared to be a small 8cm thick shell lens 55+cmbs damp orange-yellow sand
ST#2 1.25m east of 23	Disturbed	0-10 10-30 30-40	grey brown sandy humus and roots grey brown sandy humus and shell fragments, 20cmbs brick fragments damp, dark grey sand and pebbles, no shell
ST#3 1m south of 23	Disturbed	0-12 12-20 20-40 40-45	brown sandy humus and roots yellow sand and pebbles grey brown sand, pebbles, shell fragments 35cmbs red plastic amidst shell damp grey brown sand, no shell
43	Disturbed	0-10 10-30 30-50 50-60	brown sandy humus with roots brown sandy humus with shell flecks and bricks orangey brown clay large cobbles (c 20cm) in orangey brown sand
44	Disturbed	0-10 10-20 20-60	brown humus and roots yellowish-brown sand diffuse shell fragments in wet grey-brown sand 60cmbs, water seeping in, brick fragment below shell with cobbles & pebbles preventing further excavations
45	Disturbed	0-10 10-40 40-55	sandy brown humus and roots diffuse shell fragments, crushed mussel pebbles and cobbles in wet grey sand
24	Negative	0-10 10-60	brown sandy humus and roots grey sand 45cmbs water present
25	Negative	0-30	2 attempts made, stopped due to large cobbles light brown sand and large cobbles

Test	Condition	cmbs	Description
26	Disturbed	0-10	brown sandy humus, roots and tiny shell flecks below surface, large clam & Japanese oyster shell throughout this area
		10-20	pebbles in brown sand & diffuse shell fragments
		20-30	grey clay with orange-brown streaks
		30-55	brown grey sand with pebbles and patchy calcined shell fragments (littlenecks)
		55-60+	55-60+cmbs damp brown grey sandy clay
27	Negative	0-10	brown sandy humus and roots
		10-60	light brown sand
		60+	grey clay
28	Negative	0-10	brown sandy humus and roots
		10-55	damp grey clay
29	Negative	0-10	brown humus and roots
		10-35	grey clay
		35-60	damp, wet grey clay
30	Negative	0-10	brown humus and roots
		10-45	damp brown sand, cobbles and pebbles
31	Negative	0-15	brown humus and roots
		15-65	brown sandy humus with cobbles and pebbles (fill)
34	Negative	0-10	brown sandy humus and roots
		10-40	compact yellow-brown sand 40cmbs auger struck large piece of iron slag & excavations stopped Historic artifacts: 3 railway spikes, iron slag
35	Negative	0-10	brown humus and roots
		10-60	uniform brown sand, pebbles, occasional cobbles
36	Negative	0-10	brown humus and roots
		10-45	brown sand with pebbles and cobbles Historic artifacts: horseshoe at 45cmbs
37	Negative	0-10	brown sandy humus and roots
		10-50	grey brown sand with coal fragments, large cobbles and numerous pebbles
38	Negative	0-10	brown humus and roots
		10-40	brown sand with pebbles
		40-50	compact grey brown sand, pebbles and small cobbles
39	Negative	0-10	brown humus and roots
		10-40	brown sand with pebbles
		40-50	compact grey brown sand, pebbles and small cobbles
40	Negative	0-10	brown humus and roots
		10-50	brown orange sand filled pebbles and cobbles
41	Negative	0-10	brown humus and roots
		10-55	large cobbles & pebbles in uniform brown sandy matrix
42	Negative	0-10	brown humus and roots
		10-60	large cobbles & pebbles in uniform brown sandy matrix
50	Negative	0-10	brown sandy humus and roots
		10-30	brown sand, cobbles and pebbles
		30-35	grey clay, compact
Northern half of lower terrace			
32	Negative	0-45	brown humus and roots in upper 8cm but largely undifferentiated brown sandy humus with cobbles and red brick fragments
33	Negative	0-10	brown sandy humus and roots
		10-30	pebbles and cobbles in fine grey brown sand Large cobbles at 30cmbs, so could not continue
46	Negative	0-10	brown humus and roots
		10-60	fine grey brown sand with cobbles and pebbles

Test	Condition	cmbs	Description
47	Negative	0-10 10-40	sandy brown humus and roots coarse sand and pebbles
47a	Negative	0-10 10-40	brown sandy humus and roots grey brown sand, pebbles
48	Negative	0-10 10-60	brown humus and roots cobbles and pebbles in fine grey brown sand
49	Negative	0-10 10-40	brown sandy humus and roots coarse yellow damp sand with cobbles, pebbles
50a	Negative	0-10 10-30	brown sandy humus and roots brown sand with cobbles
51	Negative	0-10 10-65	brown sandy humus and roots uniform grey brown sand with cobbles & pebbles, coal fragments
52	Negative	0-10 30-40	brown sandy humus and roots coarse grey sand 30 cmbs hit & broke drain pipe
53	Negative	0-10 10-30 30-40	brown sandy humus and roots wet grey brown compact sand hard compact brownish yellow clay with pebbles
54	Negative	0-10 10-40	brown humus and roots brown sand and cobbles
55	Negative	0-10 10-40	brown sandy humus and roots grey brown sand, cobbles and pebbles
56	Negative	0-10 10-30	brown sandy humus and roots grey brown sand and large cobbles
57	Negative	0-10 10-30	brown sandy humus and roots grey brown sand 30cmbs drain pipe hit & excavations stopped
58	Negative	0-10 10-70	brown sandy humus and roots grey brown sand with large cobbles at 70cmbs
59	Negative	0-10 10-30 30-40	brown sandy humus and roots grey brown sand with large cobbles yellow-brown sand
60	Negative	0-10 10-30 30-35	brown sandy humus and roots grey brown sand and coal fragments throughout compact, wet, yellowish sand
61	Negative	0-10 10-30 30-35	brown sandy humus and roots grey brown sand grey brown sand, pebbles, small cobbles, very compact and wet
62	Negative	0-10 10-40 40-45	brown sandy humus and roots brown sand with cobbles and pebbles wet very coarse yellow sand and pebbles
63	Negative	0-10 10-60 60-70	brown sandy humus and roots grey brown sand with cobbles and pebbles very coarse yellow, red sand and pebbles
64	Negative	0-10 10-45	brown sandy humus and roots grey brown sand with cobbles and pebbles
65	Negative	0-10 10-40 40-45	brown sandy humus and roots grey brown sand, cobbles, pebbles, brick fragments yellow-brown sand
66	Negative	0-10 10-40 40-60	brown sandy humus and roots grey brown sand & pebbles coarse wet yellow sand and pebbles

Test	Condition	cmbs	Description
67	Negative	0-10 10-20 20-35	dark grey-brown sandy humus and roots brown sand compact yellow clay with pebbles & cobbles, hardpacked & could not get through
Upper Terrace			
68	Negative	0-8 8-40 40-50 50-55+	brown sandy humus and roots dark brown sand with small pebbles yellow sand and pebbles yellow clay
69	Negative	0-8 8-20 20-30	sandy brown humus and roots fine brown sand compact yellow sand, pebbles and large cobbles
70	Negative	0-10 10-60	brown sandy humus, pebbles and roots wet coarse yellow sand and pebbles, lots of coal fragments 50cmbs water seeps in
71	Negative	0-10 10-35 35-45	brown humus and 3005s compact fine yellow brown sand with pebbles coarse yellow sand and pebbles
72	Negative	0-10 10-25	brown sandy humus and roots compact brown sand with slabs of coal preventing further excavation
73	Negative	0-10 10-45	brown sandy humus and roots brown sand with cobbles and pebbles
75	Negative	0-10 10-25 25-30	brown sandy humus and roots brown sandy humus fine yellow sand, cobbles and pebbles
74	Negative	0-10 10-30 30-35	brown sandy humus and roots brown sandy humus, undifferentiated from the top 10cm fine yellow sand, cobbles and pebbles
76	Negative	0-10 10-45	brown sandy humus and roots yellow sand, with pebbles and occasional cobbles
77	Negative	0-10 10-35 35-40	brown sandy humus and roots brown sand with cobbles and pebbles yellow sand and large cobbles
78	Negative	0-10 10-30 30-40	brown sandy humus and roots brown sand reddish brown sand with large cobbles
79	Negative	0-10 10-65	brown sandy humus and roots reddish brown sand and cobbles
80	Negative	0-10 10-25 25-30	brown sandy humus and roots brown sandy humus and cobbles yellowish brown sand
81	Negative	0-10 10-30 30-45	brown sandy humus and roots brown sand brown sand and increasingly pebbly with large cobbles
82	Negative	0-10 10-30 30-40	brown sandy humus and roots brown sand compact reddish brown sand with pebbles
83	Negative	0-10 10-30	light brown sandy clay and roots hard packed yellow brown clay and pebbles
84	Negative	0-10 10-38	brown sandy humus and roots decomposing cedar root continues beyond & excavation suspended
85	Negative	0-10 10-45 45-50	brown sandy humus brown sandy humus with cobbles, & coal fragments yellow packed clay



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Sandy Bowden, Director of Corporate Services
Date: August 9, 2013
File No:

Re: LEASES IN TOWN-OWNED BUILDINGS ON OYSTER BAY DRIVE (MACHINE SHOP AND OUTBUILDINGS)

RECOMMENDATION(S):

1. That the following leases in Town-owned buildings on Oyster Bay Drive be renewed for a two year period, with an option to renew for a further two years:

Unit D, Machine Shop	Dennis Brown (\$5 per square foot)
Unit F, Machine Shop	Janice Richards (\$5 per square foot)
Units J, K and L, Machine Shop	Ladysmith Arts Council (\$1 per unit per year)
Splicing Shed	Blondeau's Wood Products (\$5 per square foot)
Round House	PMG Heritage Yachts (\$5 per square foot)
2. That staff be directed to proceed with the required statutory notice of the proposed leases.

PURPOSE:

The purpose of this report is to seek Council direction in order to issue leases for Town-owned buildings on Oyster Bay Drive.

INTRODUCTION/BACKGROUND:

At its July 15, 2013 meeting, Council directed staff to establish a lease rate of \$5 per square foot for commercial leases in the Town-owned buildings on Oyster Bay Drive. There are currently four spaces leased to commercial tenants – Units D and F in the Machine Shop, as well as the Splicing Shed and the Round House.

In addition, the Ladysmith Arts Council leases space in Units J, K and L for their Waterfront Gallery, administrative office and artists' studios.

In a separate arrangement, the Arts Council has a joint agreement with the Parks, Recreation and Culture Department to share revenues from art classes in lieu of paying rent. Council has also directed staff to negotiate a similar arrangement with the Arts Council for use of Unit H to house a large loom and offer related classes.

At its July 15 meeting, Council also directed staff to renew leases with the Ladysmith Maritime Society for Units C, I, and M of the Machine Shop, as well as the Car Shop, for a

two-year period with an option to renew for a further two years at the rate of \$1.00 per unit per year.

SCOPE OF WORK:

Staff will administer the statutory notice and prepare the leases as directed.

ALTERNATIVES:

Council could choose not to renew existing leases, or to change the proposed two-year lease period.

FINANCIAL IMPLICATIONS:

Longer leases with commercial tenants assist the Town in budgeting and financial planning.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Parks, Recreation and Culture Department is responsible for ongoing maintenance of the buildings; Public Works carries out some repairs from time to time; Financial Services administers revenues for the complex; Corporate Services maintains the leases.

RESOURCE IMPLICATIONS:

No additional resources are required at this time.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Aligns with Sustainability Pillar 1: Complete Community Land Use and 8: Local, Diverse Economy. Sustainable development of the waterfront area was one of the key focuses of the Town's Sustainability Visioning Report.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Aligns with Strategic Directions C: Dynamic Economic Development and F: Safe and Healthy Community.

SUMMARY:

In July Council provided direction to Staff regarding leases in Town-owned buildings on Oyster Bay Drive. Further direction regarding the renewal of existing leases in Units D, F, J, K and L of the Machine Shop and the Splicing Shed and Round House is required. Direction regarding tenants for Unit A is also required.

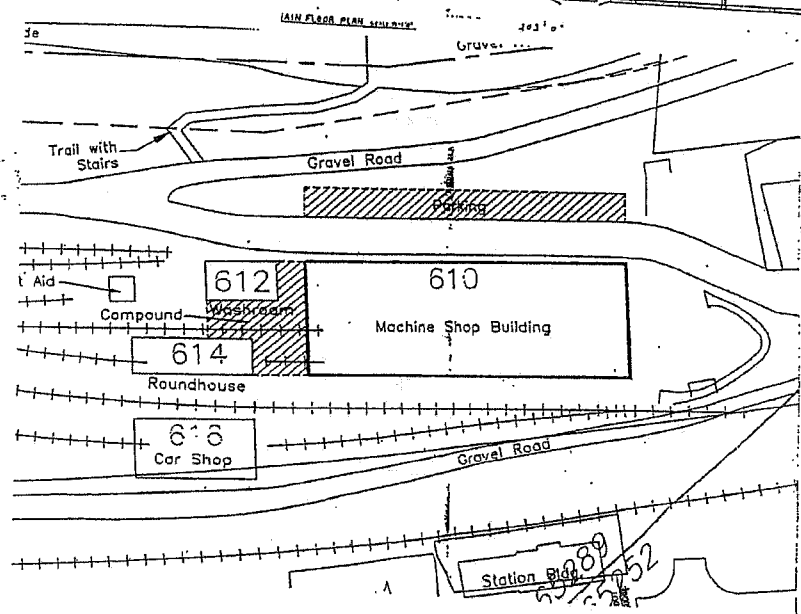
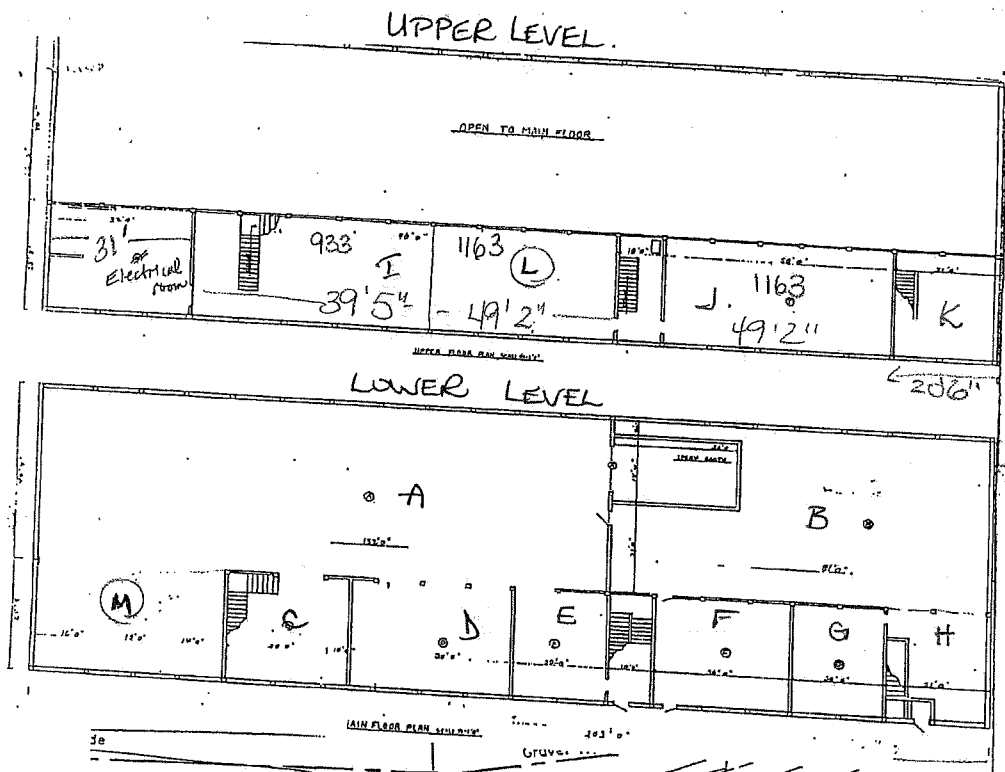
I concur with the recommendation.



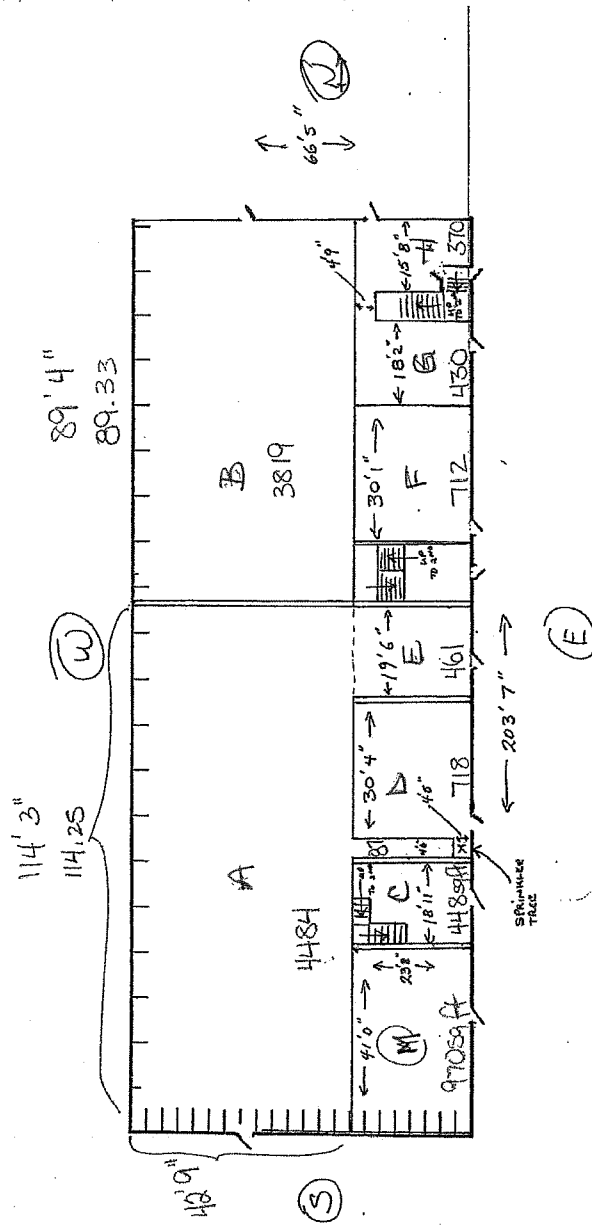
Ruth Mallj, City Manager

ATTACHMENTS

Diagram of Machine Shop Complex buildings
Diagram of Machine Shop Units



SCHEDULE B



Expo Bldg
1ST FLOOR
NOT EXHIBIT
TR

#2 Bed
#10

TOWN OF LADYSMITH

BYLAW NO. 1830

A bylaw to amend "Town of Ladysmith Zoning Bylaw, 1995, No. 1160"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the zoning bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 1995, No. 1160";

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

(A) The Tourist Recreational Commercial Zone (C-4) of "Town of Ladysmith Zoning Bylaw 1995, No. 1160" as amended is hereby further amended as follows:

- (1) By adding to section 19.1 "Permitted Uses" the following uses at the end of the list of permitted uses:
 - “(k) single family residential dwelling;
 - (l) home occupation;
 - (m) professional and business office.”
- and renumber accordingly.

CITATION

(B) This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No.93), 2013, No. 1830".

READ A FIRST TIME on the 2nd day of July, 2013

READ A SECOND TIME on the 2nd day of July, 2013

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the 6th day of August, 2013

READ A THIRD TIME on the 6th day of August, 2013

APPROVED UNDER THE TRANSPORTATION ACT

on the _____ day of _____

ADOPTED

on the _____ day of _____

Approved under the Transportation Act

this 8th day of August 2013

D. O'Brien

Sr. District Development Technician
Ministry of Transportation and Infrastructure

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)