



# 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 15, 2016

Call to Order and Closed Meeting  
5:00 p.m.  
Regular Open Meeting  
7:00 p.m.

## AGENDA

### CALL TO ORDER (5:00 P.M.)

#### 1. CLOSED SESSION

In accordance with section 90(1) of the *Community Charter*, this section of the meeting will be held *In Camera* to consider matters related to the following:

- The acquisition, disposition or expropriation of land (s. 90(1)(e))
- Town Commissions and Committees (s. 90(1)(a))

#### 2. RISE AND REPORT

### REGULAR MEETING (7:00 P.M.)

#### 3. AGENDA APPROVAL

#### 4. MINUTES

- 4.1. Minutes of the Regular Meeting of Council held July 18, 2016 .....1 - 4

#### 5. DELEGATIONS

- 5.1. Brittney Webber, Morgan McKenzie, Chantal Lofstrom, Madeline Tremblay –  
Ladysmith Ambassadors and Committee Member  
Introduction of 2016-2017 Ladysmith Ambassadors Team
- 5.2. Bill Drysdale, Ladysmith Expo Trail Stewardship Committee  
Proposed improvements to the trail located between the Railway Station and Expo  
Legacy Building (Machine Shop)

#### 6. PROCLAMATIONS – None

#### 7. DEVELOPMENT APPLICATIONS

- 7.1. Development Variance Permit Application – Oyster Cove Road (Lovely).....5 - 11  
Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009

Staff Recommendation:

That Council:

1. Consider issuing Development Variance Permit 3090-16-05 to vary the permitted front parcel line setback for the siting of the attached garage portion of a proposed single family dwelling on Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009 (Oyster Cove Road); and
2. Authorize the Mayor and Corporate Officer to sign the Development Variance Permit.

**7.2. Development Permit Application – Oyster Cove Road (Lovely)..... 12 - 28  
Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009**

Staff Recommendation:

That Council:

1. Issue Development Permit 3060-16-09 for Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009 (Oyster Cove Road) to establish geotechnical conditions for the development of a single family residential dwelling; and
2. Authorize the Mayor and Corporate Officer to sign the Development Permit.

**7.3. Development Variance Permit Application – 930 Ludlow Road (Galloway) ..... 29 - 33  
Lot 2, District Lot 24, Oyster District, Plan 45800, except that part in Plan  
VIP73654**

Staff Recommendation:

That Council:

1. Consider issuing Development Variance Permit application 3090-16-02 (930 Ludlow Road) for Lot 2, District Lot 24, Oyster District, Plan 45800, except that part in Plan VIP73654 (930 Ludlow Road) to vary the “The Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834” such that the timing of constructing a concrete curb, gutter, storm drainage and sidewalk along the frontage of proposed Lot 3 is deferred to the issuance of a building permit when the value of construction, as determined by the Building Bylaw, is greater than \$50,000; and
2. Authorize the Mayor and Corporate Officer to sign the Development Variance Permit.

**7.4. Development Variance Permit Application - Oyster Cove Road (Buckles)  
Strata Lot 9, District Lot 56, Oyster District, Strata Plan 2009 ..... 34 - 45**

Staff Recommendation:

1. Consider issuing Development Variance Permit 3090-16-06 to vary the permitted front parcel line setback for the siting of the attached garage portion of a proposed single family dwelling on Strata Lot 9, District Lot 56, Oyster District, Strata Plan 2009 (Oyster Cove Road); and
2. Authorize the Mayor and Corporate Officer to sign the Development Variance Permit.

**7.5. Development Permit Application – Oyster Cove Road (Buckles)..... 46 - 56**  
**Subject Property: Strata Lot 9, District Lot 56, Oyster District, Strata Plan 2009**

Staff Recommendation:

That Council:

1. Issue Development Permit 3060-16-07 for Strata Lot 9, District Lot 56, Oyster District, Strata Plan 2009 (Oyster Cove Road) to establish geotechnical conditions for the development of a single family residential dwelling; and
2. Authorize the Mayor and Corporate Officer to sign the Development Permit.

**7.6. Temporary Use Permit Application – 631 First Avenue (BC Housing) ..... 57 - 76**  
**Lot 9 and 10, Block 8, District Lot 56, Oyster District, Plan 703**

Staff Recommendation:

That Council:

1. Consider issuing Temporary Use Permit 3340-16-01 to allow for an extreme weather shelter to be located at 631 First Avenue (Lot 9 and 10, Block 8, District Lot 56, Oyster District, Plan 703) for three years with one renewal, subject to the conditions of the Temporary Use Permit; and
2. Authorize the Mayor and Corporate Officer to sign Temporary Use Permit 3340-16-01.

**7.7. OCP and Rezoning Application – 520 Jim Cram Drive (Town-initiated)..... 77 - 78**  
**Lot 2, District Lot 108, Oyster District, Plan VIP88238**

Staff Recommendation:

That Council receive the report from the Director of Development Services regarding the neighbourhood information meeting held on July 25, 2016 about the proposed OCP amendment and rezoning of 520 Jim Cram Drive for small lot residential development.

**7.8. Liquor Primary Licence Application – Zack’s Lounge (530 First Avenue)..... 79 - 84**

Staff Recommendation:

1. That Council consider recommending the issuance of a Liquor Primary Licence by the BC Liquor Control and Licensing Branch to Zack’s Lounge to be located at 530 First Avenue for the following reasons:
  - The property is zoned for neighbourhood pub use
  - The hours of operation are proposed to be 10 a.m. and 10 p.m. on Mondays, Tuesdays, Wednesdays, Thursdays, and Sundays; and 10 a.m. and 11 p.m. on Fridays and Saturdays
  - The limited 30 person capacity of the lounge
  - The issuance of a Business Licence for Zack’s Lounge will require the owner to adhere to Terms and Conditions for Liquor Licenced Establishments outlined in “Town of Ladysmith Liquor Licence Bylaw 2003, No. 1513”, to

participate in the “Bar Watch” program, and to enter into a Good Neighbour Agreement with the Town and the RCMP.

2. That Council has reviewed and endorses the comments about the Liquor Primary License prescribed criteria provided in the Staff Report dated August 15, 2016 from the Director of Development Services.
3. At tonight’s meeting, that Council consider and comment on the views of residents which were requested by direct mail to the property owners, residents and businesses within 60 meters of 530 First Avenue and by requiring that the same letter be placed in the window of 530 First Avenue from July 20 to August 15, 2016.

**7.9. Development Variance Permit Application – 117 Clarke Road (MacCallum)..... 85 - 90  
Subject Property: Lot 1, District Lot 43, Oyster District, Plan 6424**

Staff Recommendation:

That Council consider directing staff to proceed with statutory notice to the neighbours for the modified DVP application 3090-16-04 (117 Clarke Road - MacCallum), and bring the application back to Council for deliberation at the end of the notice period.

**8. BYLAWS (OFFICIAL COMMUNITY PLAN AND ZONING) – None**

**9. REPORTS**

**9.1. Municipal Services Committee Recommendations (Meeting of July 11, 2016) .....91**

Committee Recommendations:

That Council:

1. Direct staff to:
  - a. Enter into a memorandum of understanding (MOU) with the Ladysmith Arts Council (LAC) to manage the Julian North Art Collection;
  - b. Reallocate \$3,500.00 from Parks, Recreation and Culture appropriated equity to fund the shipping and storage of the art collection, and amend the 2016-2020 financial plan;
  - c. Include \$500.00 annually in the operational budget beginning in 2017, to manage the Julian North Art Collection on an ongoing basis;
  - d. Provide a thank you letter from Council to Victoria Bellefeuille for her generous donation of the Reverend Julian North’s artwork.
2. Proceed with recruiting representatives from community organizations having expressed interest in participating in the Canada 150 Community Committee, including Ladysmith Early Years Partnership, Ladysmith Chamber of Commerce, Ladysmith Arts Council, and the Ladysmith and District Historical Society.

**9.2. Protective Services Committee Recommendations (Meeting of July 11, 2016).....92**

Committee Recommendations:

That Council:

1. Request more speed watch and speed patrol on Dogwood Drive.
2. Request that the drought level signs in Ladysmith be relocated closer to the highway for maximum exposure.
3. Request that Community Safety information outlets be combined with public events.
4. Request that Firesmart Standards be encouraged in the subdivision process.

**9.3. Islander Pub Business Licence Application ..... 93 - 107**

Staff Recommendation:

That, in accordance with Business Licence Bylaw 2003, No. 1513 as amended by Bylaw 1870, Council consider requiring the applicant for a business licence for the Islander Pub (Jason Robert Lawrence) to

- a) Participate in the Bar Watch Program and enter into a Good Neighbour Agreement; and
- b) Remove the graffiti on the building as previously directed by the Bylaw Enforcement Officer.

**10. CORRESPONDENCE**

**10.1. Isobel Mackenzie, Office of the Seniors Advocate..... 108**  
**Request for Consideration of Increased Safety Initiatives for Senior Pedestrians**

Staff Recommendation:

That Council endorse in principle the request from the Office of the Seniors Advocate to consider increased safety initiatives targets at senior pedestrians, including the lowering of speed limits in appropriate areas, and refer the matter to staff for investigation.

**10.2. Richard Tarnoff, Ladysmith Community Justice Program ..... 109**  
**Request for Town Liaison to the Community Justice Program**

Staff Recommendation:

That Council consider appointing Councillor Carol Henderson to be the Town of Ladysmith liaison to the Ladysmith Community Justice Program.

**10.3. Kathy Holmes, Arts Council of Ladysmith and District.....110 - 111**  
**Request for Letter of Support and Lease Confirmation**

Staff Recommendation

That Council:

1. Provide the Arts Council of Ladysmith and District with a letter of support for their application for funding under the Collaborative Spaces grant program; and
2. Confirm its lease commitment to the Arts Council of Ladysmith and District; and
3. Confirm its long-term commitment to Arts, Heritage and Culture at the Machine Shop site currently occupied by the Ladysmith and District Arts Council.

**10.4. Donald McInnes, Prostate Cancer Canada .....112 - 114**  
**Request for Support of Prostate Cancer Resolution and Awareness Initiatives**

Staff Recommendation:

That Council:

1. Declare the month of September to be Prostate Cancer Awareness Month; and
2. Indicate its support of the resolution to the Union of British Columbia Municipalities requesting the provincial government to make PSA testing free for all in in the province to ensure all men have the opportunity to have their prostate cancer diagnosed as early as possible so that survival will be improved.

**11. NEW BUSINESS**

**12. UNFINISHED BUSINESS**

**13. BYLAWS**

**13.1. Town of Ladysmith Officers and Delegation of Authority**  
**Bylaw 2016, No. 1905 .....115 - 122**

The purpose of Bylaw 1905 is to clarify the roles of officers of the Town of Ladysmith and to confirm delegation of Council authority as appropriate. After giving first and second reading to Bylaw 1905 and having the opportunity for further discussion and review at the July 11, 2016 meeting of the Municipal Services Committee, Council directed staff to place the bylaw on the agenda for third reading.

Staff Recommendation:

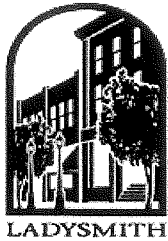
That Council adopt Town of Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905.

**14. QUESTION PERIOD**

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

**ADJOURNMENT**



**TOWN OF LADYSMITH**  
**MINUTES OF A REGULAR MEETING OF COUNCIL**  
**MONDAY, JULY 18, 2016**  
**CALL TO ORDER 6:00 P.M.**  
**COUNCIL CHAMBERS, CITY HALL**

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**COUNCIL MEMBERS PRESENT:**

Mayor Aaron Stone  
Councillor Joe Friesenhan

Councillor Steve Arnett  
Councillor Carol Henderson

Councillor Cal Fradin

**COUNCIL MEMBERS ABSENT:**

Councillor Rob Hutchins

Councillor Duck Paterson

**STAFF PRESENT:**

Guillermo Ferrero  
Erin Anderson  
Joanna Winter

Sandy Bowden  
Geoff Goodall

Felicity Adams  
Clayton Postings

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**CALL TO ORDER**

Mayor Stone called this Meeting of Council to order at 6:00 p.m.

**CLOSED SESSION**

**CS 2016-258**

*Moved and seconded:*

That Council retire into closed session at 6:01 p.m. in order to consider items related to the acquisition, disposition or expropriation of land, in accordance with section 90(1) of the *Community Charter*.

*Motion carried.*

**RISE AND REPORT**

Council rose from Closed Session at 6:52 p.m. with report on the following item:

Resolution CE 2016-138, that Council:

1. Authorize the Town to enter into a rental agreement with School District No. 68 to use a portion of the École Davis Road Elementary School site located at 444 Parkhill Terrace, excluding the building, for parks and recreation purposes, for a five year term;
2. Allocate \$15,000 in the 2017 operational budget for the purposes of maintaining the École Davis Road Elementary School site as outlined in the rental agreement;
3. Direct staff to develop a plan for an off-leash fenced dog park area in the field on the site; and,
4. Amend the Financial Plan accordingly.

**REGULAR OPEN MEETING**

Mayor Stone called this Regular Open Meeting to order at 7:00 p.m., recognizing the traditional territory of the Stz'uminus First Nation,

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acknowledging 5,500 years of history and stewardship and expressing gratitude to be here.

## AGENDA APPROVAL

CS 2016-259

*Moved and seconded:*

That Council approve the agenda for this Regular Meeting of Council as amended by the following addition:

11.3 Request for Letter of Support from the Royal Canadian Legion Branch 171.

*Motion carried.*

## MINUTES

CS 2016-260

*Moved and seconded:*

That Council approve the minutes of the Regular Meeting of Council held July 4, 2016, and the Special Meeting of Council held July 11, 2016.

*Motion carried.*

## DELEGATIONS

Derek Haupt, General Manager of Manufacturing & Kindry Mercer, Manager of Regional Initiatives – Western Forest Products  
Update & Report on Western Forest Products Activities

D. Haupt and K. Mercer provided an update for Council on activities, objectives and accomplishments for Western Forest Products as a sustainable forestry and forest products company, focussing on operations based in Ladysmith and vicinity.

Council thanked Ms. Mercer and Mr. Haupt for their informative presentation after questions were asked and answered.

Jim Wakeham, Facilities and Transit Manager – Cowichan Valley Regional District

Shilpa Paniker, Senior Planner, BC Transit  
Changes to Transit Service in Ladysmith

J. Wakeham and S. Paniker provided an overview on the result of community consultations and an in-depth route review of Ladysmith transit service. Route changes include an express service between Ladysmith and Duncan, cancellation of the Transfer Beach service, and combining some other routes due to overlap in service.

Council thanked the representatives of the Cowichan Valley Regional District and BC Transit for their presentation and for the extensive research they had carried out before making the route changes.

## DEVELOPMENT APPLICATIONS

CS 2016-261

Development Variance Permit Application – Oyster Cove Road (Buckles)

Strata Lot 9, District Lot 56, Oyster District, Strata Plan 2009

*Moved and seconded:*

That Council direct staff to proceed with statutory notice for Development Variance Permit application 3090-16-06 for Strata Lot 9, District Lot 56, Oyster District, Strata Plan 2009 (Buckles).

*Motion carried.*

## REPORTS

### Fourth Avenue Improvement Project

*Moved and seconded:*

CS 2016-262

That Council direct staff to:

1. Complete a functional design for configuration of the 4th Avenue corridor with timelines and budget for Council's consideration; and
2. Investigate options for intersections along 4th Avenue, as well as options for street beautification including boulevards, landscaping and other amenities.

*Motion carried.*

### Legend Recreation Software Agreement

*Moved and seconded:*

CS 2016-263

That Council approve the proposed agreement between Legend Recreation Software Inc. and the Town of Ladysmith relating to software licence, service and support, and authorize the Mayor and Corporate Officer to execute the agreement.

*Motion carried.*

## NEW BUSINESS

### Ladysmith Community Services Centre – Renewal of Leases

*Moved and seconded:*

CS 2016-264

That Council:

1. Approve the five-year lease renewal with the Ladysmith Seniors Centre Society for the property located at 630 Second Avenue as presented, effective August 1, 2016, and authorize the Mayor and Corporate Officer to execute the lease renewal;
2. Approve the five-year lease renewal with the Ladysmith Resources Centre Association for the property located at 630 Second Avenue as presented, effective August 1, 2016, and authorize the Mayor and Corporate Officer to execute the lease renewal;
3. Approve the five-year lease renewal with the Boys and Girls Clubs of Central Vancouver Island for the property located at 220 High Street as presented, effective August 1, 2016, and authorize the Mayor and Corporate Officer to execute the lease renewal.

*Motion carried.*

### Appointment of Corporate Officer

*Moved and seconded:*

CS 2016-265

That Council appoint Guillermo Ferrero as Corporate Officer, effective August 1, 2016.

*Motion carried.*

### Letter of Support for Royal Canadian Legion Branch 171

*Moved and seconded:*

CS 2016-266

That Council provide a letter of support to Royal Canadian Legion Branch 171 for their application for grant funding from the New Horizons for Seniors program.

*Motion carried.*

**BYLAWS**

Town of Ladysmith Officers and Delegation of Authority Bylaw 2016,  
No. 1905

*Moved and seconded:*

**CS 2016-267**

That Council give third reading to Bylaw 1905 as amended.

*Motion carried.*

**QUESTION PERIOD**

Members of the public enquired about the possibility of transit service to Nanaimo, the 4<sup>th</sup> Avenue improvements and live video streaming of Council meetings.

**ADJOURNMENT**

*Moved and seconded:*

**CS 2016-268**

That this meeting of Council adjourn at 8:38 p.m.

*Motion carried.*

CERTIFIED CORRECT:

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

\_\_\_\_\_  
Corporate Officer (G. Ferrero)

Subject to Adoption



## Town of Ladysmith

### **STAFF REPORT TO COUNCIL**

From: Felicity Adams, Director of Development Services  
Date: August 15, 2016  
File No: 3090-16-05

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RE: DEVELOPMENT VARIANCE PERMIT APPLICATION - Oyster Cove Road (Lovely)  
Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009

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#### **RECOMMENDATION(S):**

That Council consider issuing Development Variance Permit 3090-16-05 to vary the permitted front parcel line setback for the siting of the attached garage portion of a proposed single family dwelling on Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009 (Oyster Cove Road);

AND THAT the Mayor and Corporate Officer be authorized to sign the Development Variance Permit.

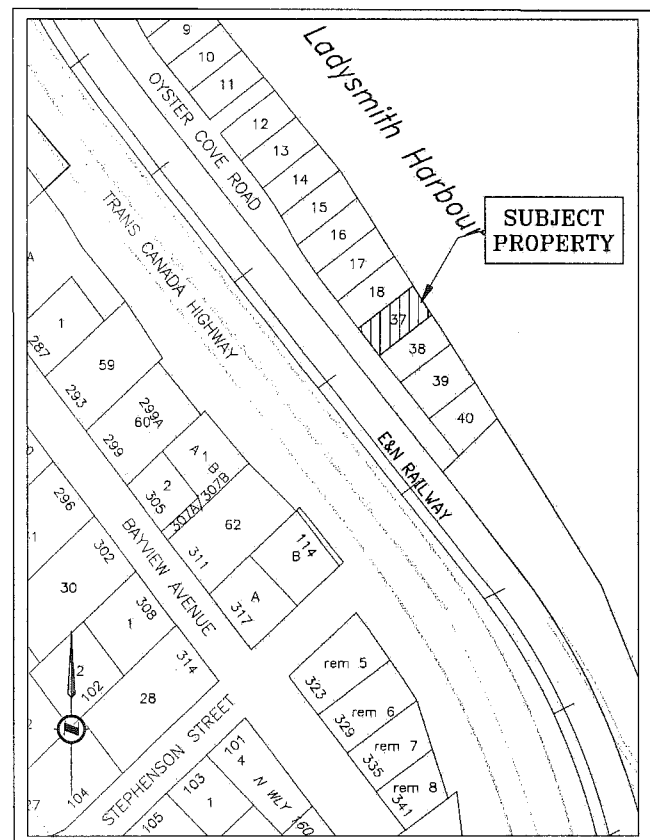
#### **PURPOSE:**

The purpose of this staff report is to obtain Council direction regarding a development variance permit application for the front parcel line setback of the attached garage portion of a single family dwelling on Strata Lot 37, Oyster Cove Road.

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

The applicant, Scott Lovely, is requesting a variance for the siting of an attached garage of a proposed new dwelling on Oyster Cove Road. The property is located between Oyster Cove Road and Ladysmith Harbour and currently the property is vacant.

The development variance permit application was presented to Council on July 4, 2016 to seek direction for statutory notification. Notification was sent and delivered to the neighbours on July 19, 2016.



**SCOPE OF WORK:**

The current stage of this application is to seek Council's decision on the proposed development variance permit application. The subject property is zoned 'Oyster Cove Residential' (R-2-B).

The applicant is proposing to construct a dwelling with an attached garage on the subject property. The proposed principal building meets all requirements of the Zoning Bylaw except for one variance request for the garage portion of the building. It is proposed that the attached garage be sited 0.6 metres from the front parcel line (Oyster Cove Road). Six metres is required, thus a variance of 5.4 metres is requested. If the garage was detached from the house a variance would not be required for the proposed setback.

**Proposed Variances – Oyster Cove Road – Strata Lot 37**

10.8(5)(c) Principle Building	Required	Proposed	Proposed Variance
Front Parcel Line Setback	6.0 metres	0.6 metres	5.4 metres <i>(For the garage portion of the principle building only.)</i>

**ALTERNATIVES:**

To not support Development Variance Permit application 3090-16-05.

**FINANCIAL IMPLICATIONS:**

None.

**LEGAL IMPLICATIONS:**

The Local Government Act enables Council to vary zoning regulations, except use and density regulations, through the issuance of a development variance permit. This is a discretionary decision of Council. Public notification is required.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

The Town of Ladysmith notice regarding Development Variance Permit application 3090-16-05 was delivered and sent to neighbouring properties (within 60 metres of the subject property) on July 19, 2016. No comments have been received regarding the proposed variance.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Development Variance Permit application 3090-16-05 was referred to the Senior Building Inspector for review and no issues were identified. A Hazard Lands Development permit will also be required.

**RESOURCE IMPLICATIONS:**

Processing Development Variance Permit applications is within available staff resources.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

Not applicable.

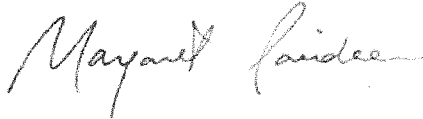


**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Effective land use planning and community design are strategic Council directions.

**SUMMARY:**


Council may consider approving Development Variance Permit application 3090-16-05.



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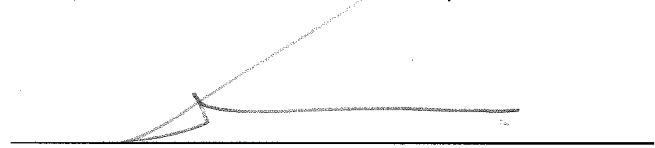
Report Author: Margaret Paridaen, Planner

I concur with the recommendation.



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Felicity Adams, Director of Development Services

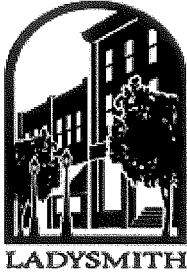


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Guillermo Ferrero, City Manager

**ATTACHMENT:**

Development Variance Permit 3090-16-05



# TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 Local Government Act)

FILE NO: 3090-16-05

DATE: August 15, 2016

Name of Owner(s) of Land (Permittee): Robin H. Oswald and Darrell R. Oswald

Applicant: Scott Lovely (Lovely Ventures Inc.)

Subject Property (Civic Address): Oyster Cove Road

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.
  
2. This Development Variance Permit applies to and only to those lands within the Town of Ladysmith described below and any and all buildings, structures and other development thereon:  
  
**Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1**
  
3. Section 10.8(5) in the Oyster Cove Residential Zone (R-2-B) of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied for the subject property as follows:

**From:** Section 10.8(5)(c) No Principal Building or Structure shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:

PARCEL LINE	SINGLE UNIT MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior Side Parcel Line</i>	1.5 metres
<i>Exterior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	7.5 metres
<i>Natural Boundary of the Sea</i>	8.0 metres

To: Section 10.8(5)(c) No Principal Building or Structure shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:

PARCEL LINE	SINGLE UNIT MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior Side Parcel Line</i>	1.5 metres
<i>Exterior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	7.5 metres
<i>Natural Boundary of the Sea</i>	8.0 metres

However, the attached garage portion of the Principal Building may be located 0.6 metres from the front parcel line.

4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. The following plans and specifications are attached:
  - a) **Schedule A: Site Plan (Strata Lot 37 - Oyster Cove Road)  
Development Variance Permit Application 3090-16-05 (Lovely)**
6. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (3090-16-05) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

**AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL ON THE DAY OF 2016.**

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

\_\_\_\_\_  
Corporate Officer



I HEREBY CERTIFY that I have read the terms and conditions of the Development Variance Permit contained herein. I understand and agree that the Town of Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with **Scott Lovely (Lovely Ventures Inc.)** other than those contained in this permit.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

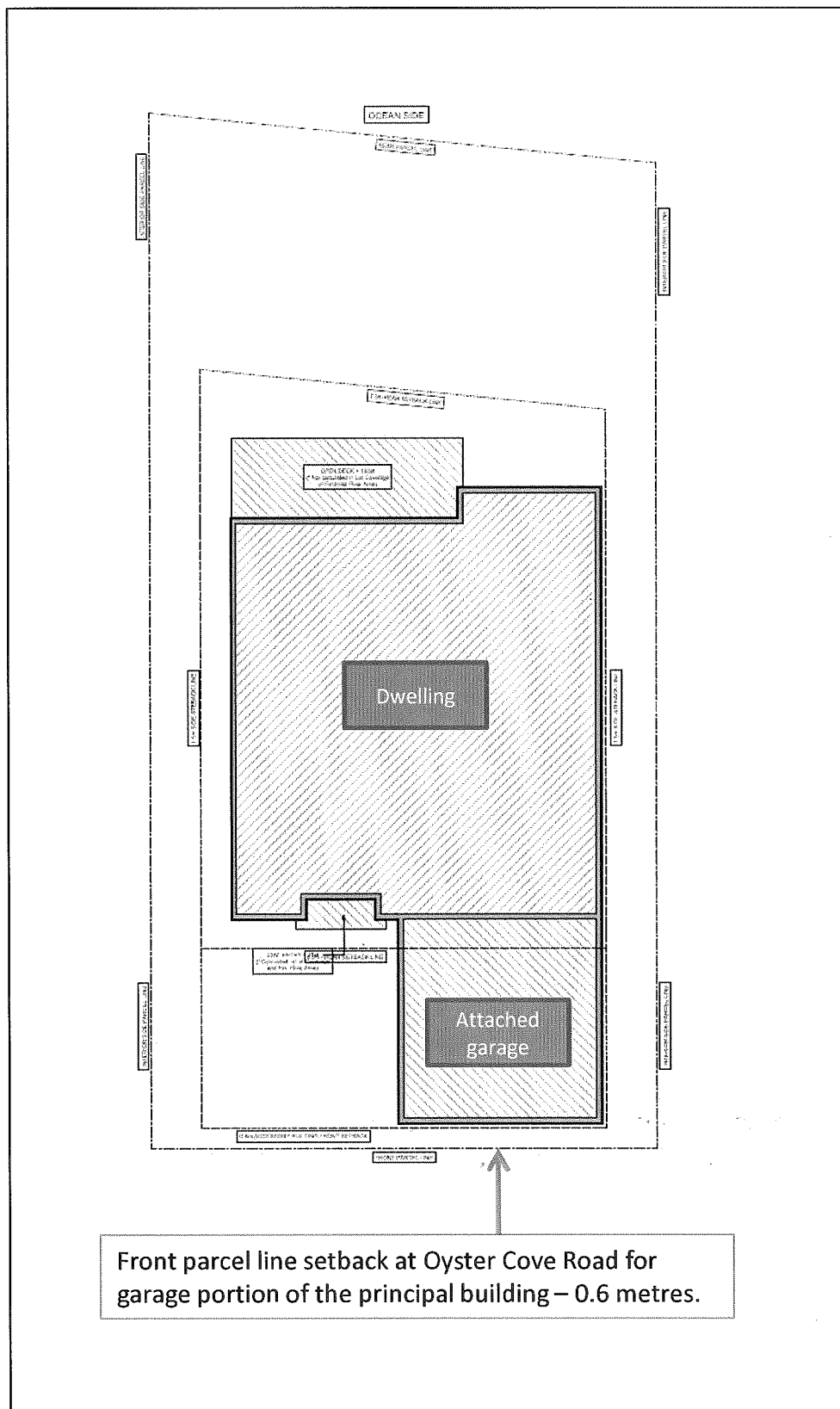
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Title

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Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Schedule A: Site Plan (Strata Lot 37 – Oyster Cove Road)  
Development Variance Permit Application 3090-16-05 (Lovely)**





## Town of Ladysmith

### **STAFF REPORT TO COUNCIL**

From: Felicity Adams, Director of Development Services  
Date: August 15, 2016  
File No: 3060-16-09

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RE: DEVELOPMENT PERMIT APPLICATION - Oyster Cove Road (Lovely)  
Subject Property: Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009

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#### **RECOMMENDATION(S):**

That Council consider issuing Development Permit 3060-16-09 for Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009 (Oyster Cove Road) to establish geotechnical conditions for the development of a single family residential dwelling;

AND THAT the Mayor and Corporate Officer be authorized to sign the Development Permit.

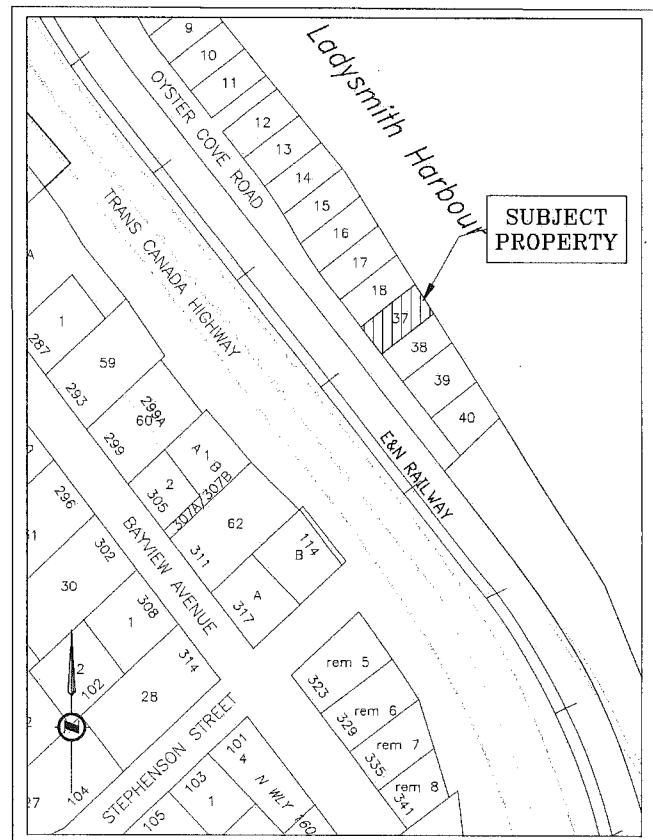
#### **PURPOSE:**

The purpose of this staff report is to consider a Hazard Land Development Permit application for Strata Lot 37 on Oyster Cove Road.

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

The applicant, Scott Lovely of Lovely Ventures Inc., has applied for a Hazard Lands Development Permit for the construction of a single family residential dwelling on Strata Lot 37 on Oyster Cove Road. This property is within the Development Permit Area 7 (DPA 7) Hazard Lands on the Official Community Plan, Map 2. The purpose of the Hazard Lands Development Permit guidelines is to protect development from hazardous conditions.

Council is also considering Development Variance Permit 3090-16-05 to allow an attached garage to be located 0.6 metres from the front parcel line.



#### **SCOPE OF WORK:**

The subject property is in the 'Oyster Cove Residential Zone (R-2-B)' and falls within the Hazard Lands Development Permit Area (DPA 7). The applicant, Scott Lovely (Lovely

Ventures Inc.), retained Simpson Geotechnical Ltd to complete a geotechnical evaluation of Strata Lot 37. The report is included with DP 3060-16-09.

Simpson's site assessment showed there was no evidence of past slope instability on the site or in the immediate vicinity. The report also observed there was no evidence of wave erosion or beach scour at the base of the existing 1.8m concrete retaining wall, located at the natural boundary of Oyster Harbour. The report advises that the proposed residence should not be located closer than 13 metres laterally upland from the cast-in-lace concrete seawall located on the seaward side of the common property walkway and the proposed building location will meet this geotechnical slope setback recommendation. The report concludes that the subject property at Lot 37 Oyster Cove Road is geotechnically safe for the intended use of a single family residence, provided the report's geotechnical recommendations are implemented.

**ALTERNATIVES:**

While the issuance of a Development Permit is not a completely discretionary decision of Council, Council may decide to not issue Development Permit 3060-16-09 where the refusal is based upon a determination that the development permit application does not meet the Development Permit guidelines. If the Development Permit is refused then reasons must be given. The determination by Council must be in good faith and it must be reasonable, not arbitrary.

**FINANCIAL IMPLICATIONS:**

None.

**LEGAL IMPLICATIONS:**

A Development Permit is required prior to the issuance of a building permit on the subject property.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

None.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Development Permit application 3060-16-09 was referred to the Senior Building Inspector. Geotechnical recommendations will be reviewed at the time of Building Permit.

**RESOURCE IMPLICATIONS:**

Processing Development Permit applications is within available staff resources.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

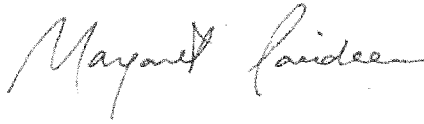
Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Effective land use planning and community design are strategic Council directions.

**SUMMARY:**

It is recommended to support Development Permit application 3060-16-09.



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Report Author: Margaret Paridaen, Planner

I concur with the recommendation.



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Felicity Adams, Director of Development Services

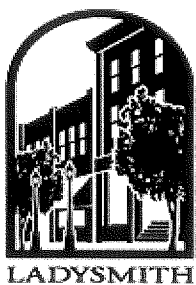


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Guillermo Ferrero, City Manager

**ATTACHMENT:**

Development Permit 3060-16-09



**TOWN OF LADYSMITH  
DEVELOPMENT PERMIT**  
(Section 489 *Local Government Act*)

FILE NO: 3060-16-09

DATE: August 15, 2016

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Name of Owner(s) of Land (Permittee): Robin H. Oswald and Darrell R. Oswald

Applicant: Scott Lovely (Lovely Ventures Inc.)

Subject Property (Civic Address): Oyster Cove Road

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1. This Development Permit is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.
2. This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon:  
  
Strata Lot 37  
District Lot 56  
Oyster District  
Strata Plan 2009  
Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1  
PID# 017-409-837  
(referred to as the "Land")
3. This Permit has the effect of authorizing the issuance of a building permit for the construction of a building or structure on the Land in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws except as varied by this Permit;  
  
Subject to the conditions, requirements and standards imposed and agreed to in Section 5 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw 2014, No. 1860.

5. The Permittee, as a condition of the issuance of this Permit, agrees to:
  - i) Follow the recommendations in Schedule A: Report of Geotechnical Slope Stability Assessment (Simpson Geotechnical Ltd - August 2, 2016); and
  - ii) Locate the dwelling a minimum of 13 metres laterally upland from the concrete seawall located on the seaward side of the common property walkway.
6. The plans and specifications attached to this Permit are an integral part of this Permit.
7. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (3060-16-09) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
8. This Permit prevails over the provisions of the Bylaw in the event of conflict.
9. Despite issuance of this permit, construction may not start without a Building Permit or other necessary permits.

**AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH ON THE \_\_\_\_ DAY OF AUGUST 2016.**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
OWNER

\_\_\_\_\_  
PLEASE PRINT NAME

\_\_\_\_\_  
OWNER

\_\_\_\_\_  
PLEASE PRINT NAME



August 2, 2016  
File: SGL16-036

Lovely Ventures Inc.  
424 Battie Drive  
Ladysmith, BC V9G 1V4

**Re: Report of Geotechnical Slope Stability Assessment  
19 Oyster Cove Road, Ladysmith, BC (Strata Lot 37, D.L. 56, Oyster  
District, Plan 2009)**

#### INTRODUCTION

As requested, Simpson Geotechnical Ltd. (SGL) has conducted a slope stability assessment at the above captioned subject property. The subject property is a sloping waterfront property on the southwestern shoreline of Oyster Harbour as shown on Figure 1. This report has been conducted in general accordance with the APEGBC Guidelines for Legislated Landslide Assessment for Proposed Residential Developments in BC. The completed Appendix D of the APEGBC Guidelines is appended.

The Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488 shows the subject property to be located within Development Permit Area DPA7 Hazard Lands. That development permit area requires a geotechnical report with recommendations to protect the proposed development from potential slope instability.

We understand that the proposed development is a wood framed single family residence that steps down the sloping site. It is proposed to have a garage on the road side of the property that connects to the upper level of the residence, with two levels below that step down, generally following the existing grade of the site. The conceptual residence location on the site is illustrated on Figures 1 and 2. We understand that the proposed residence would be serviced by municipal water, sewer and storm drain.



The purpose of this assessment was to provide geotechnical recommendations for the residence on the sloping site within the framework of the current (2012) BC Building Code for use in development permit and building permit applications to the Town of Ladysmith.

## REGULATORY FRAMEWORK

The 2012 BC Building Code requires consideration of slope stability, including seismic slope stability with a design ground motion (DGM) having a 2% in 50 year probability of exceedance. The objective of the seismic design is to provide an acceptable level of safety for building occupants as the building responds to the DGM, although significant structural and non-structural damage to the building may occur<sup>1</sup>. Wood framed residential construction can typically tolerate up to 15cm of slope displacement without collapse<sup>2</sup>.

## BACKGROUND

### Surficial Geology

Surficial geology Map 27-1963 of the Nanaimo area published by the Geological Survey of Canada was obtained. That map showed the site to be comprised of gravel and sandy marine veneer typically less than 1.5m thick overlying ground moraine glacial till of sand and silt with lenses of gravel.

Ground moraine glacial till is commonly used in the area for support of light to moderate foundation loads and has a history of successfully standing at relatively steep slope angles.

Documentation of the 1946 earthquake damage published by the Pacific Geoscience Centre was searched for evidence of earthquake damage in the site vicinity during that major (7.2 magnitude) earthquake event. No documentation of slope instability in the site area was found, although "geysers of black mud" in the waters of Oyster Bay was reported.

<sup>1</sup> NBC 2012 Structural Commentaries (Part 4, Division B), Canadian Commission of Building and Fire Codes, National Research Council of Canada.

<sup>2</sup> Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia, APEGBC, May 2010

### Seismic Hazard

A site specific seismic hazard calculation for the site was obtained from Natural Resources Canada. That seismic hazard calculation indicated a peak ground acceleration of 0.481g for the 2% in 50 year probability of exceedance seismic event. That seismic hazard calculation is appended.

### Flood Hazard

The Province of BC Flood Hazard area Land Use Management Guidelines published in May 2004 recommend a setback in the Strait of Georgia of 15 metres from the natural boundary of the sea for buildings, which can be reduced to 7.5m where the sea frontage is protected from erosion. A Flood Construction Level for buildings of 1.5m above the natural boundary of the sea is also recommended. The conceptual building location as illustrated on Figures 1 and 2 meets those flood protection recommendations.

The APEGBC Professional Practice Guidelines - Legislated Flood Assessments in a Changing Climate in BC of June 2012 recommend planning for 1m of sea level rise in the Strait of Georgia by the year 2100. The conceptual building location as illustrated on Figures 1 and 2 is at least 8m above the current natural boundary and is considered to meet those recommendations for future sea level rise.

### SITE ASSESSMENT

Our site assessment was conducted on July 25, 2016. The assessment consisted of a walkover of the property, slope and adjacent shoreline, obtaining a tape and clinometer cross section of the subject property and immediate vicinity, and advancing three Adhesion Cone tests on the subject property with a Wildcat dynamic cone penetrometer.

The subject property was bounded by Oyster Cove Road to the west, Oyster Harbour to the east and existing single family residential development to the north and south. A common property walkway separated the subject property from the Oyster Harbour Beach.

The site was vacant, cleared and vegetated with grasses and light brush. The subject property generally sloped down from Oyster Cove Road to Oyster Harbour at a variable slope that ranged from approximately 8 to 35 degrees from horizontal. No

evidence of past slope instability at the site or in the immediate vicinity of the site was observed.

There was an approximately 2.4m high segmental concrete block retaining wall on the subject property on the upland side of the common property walkway. The seaward side of the walkway was defined by a cast-in-place concrete retaining wall approximately 1.8m high that served as a seawall and defined what we interpret as the natural boundary with Oyster Harbour. Seaward of the walkway was a gently sloped gravel and cobble beach. No evidence of wave erosion or beach scour at the base of the concrete seawall was evident. Upland of Oyster Cove Road was an undeveloped gentle slope up to Highway 1.

The cross section of the ground surface through the site obtained by tape and clinometer survey is shown on Figure 2 and the approximate cross section location is illustrated on Figure 1. A photolog of our site observations is appended.

The adhesion cone test holes encountered very dense granular subsurface conditions at shallow depth that we interpret as basal glacial till. The interpreted glacial till surface ranged in depth from 0.3 to 0.6m below the existing ground surface at the test locations. Previous observation of excavations in the immediate vicinity of the subject property indicates that the glacial till comprises sand and gravel in a very hard, agglomerated silt/clay matrix. No evidence of groundwater breakout on the slope or free water in the test holes was observed. Logs of the test holes are appended and the approximate test pit locations are shown on Figures 1 and 2.

#### **SLOPE STABILITY ASSESSMENT**

The slope stability assessment was conducted using Slope/w limit states slope stability software and the slope geometry obtained by tape and clinometers survey as shown on Figure 2. The subsurface materials illustrated on that cross section and used in the slope stability analysis are extrapolated from the test holes described above, our experience in the area and published surficial geology data<sup>3</sup>. The stability assessment was conducted for the static condition, and the 2% in 50 year probability seismic event as required by the BC Building Code, with a peak horizontal ground acceleration of 0.481g.

<sup>3</sup> Glacial Till, An Inter-disciplinary Study, Royal Society of Canada in Co-operation with the National Research Council of Canada, Special Publication No. 12, 1976

The assessment was conducted to identify the theoretical failure surface with a factor of safety of 1.5 for the static condition and 1.0 for the seismic condition. The Slope/w modeling indicated a minimum factor of safety for the design static condition of 1.6, which exceeded the minimum required. The model of the design major seismic condition indicated that the theoretical slip surface with a factor of safety of 1.0 would be not extend more than 13m upland of the cast-in-place concrete seawall. The Slope/w output is appended.

## CONCLUSIONS AND RECOMMENDATIONS

### General

Simpson Geotechnical Ltd. considers the subject property at Lot 37 Oyster Cove Road, Ladysmith to be geotechnically safe for the intended use of a single family residence provided that the following recommendations are implemented.

The recommendations presented in the following sections of this report are based on the information available regarding the proposed development, the test holes, and our experience with similar projects. Because the test holes represent a very small statistical sampling of subsurface conditions, it is possible that conditions may be encountered during construction that are substantially different from those indicated by the test holes. In these instances adjustments to design and construction may be necessary.

The materials encountered in the boreholes, test pits and observed in exposures on the slope surface in the vicinity of the site are not considered to be susceptible to seismic liquefaction due to the dense to very dense nature of the materials and the low groundwater table. No further assessment of seismic liquefaction potential is considered to be warranted at this time.

### Site Preparation

The building area should be stripped and grubbed to expose an approved subgrade of undisturbed, very dense or hard glacial till. The anticipated minimum stripping depth to suitable subgrade at the test hole locations ranged from 0.3 to 0.6m.

### Excavations

Excavation into the undisturbed glacial till should be minimized. Specific geotechnical advice should be obtained for all excavation deeper than 1.2m into the till, if required.

Temporary construction slopes should be in accordance with the Occupational Health and Safety Regulation. The contractor is solely responsible for protecting excavations by shoring, sloping, benching or other means as required to maintain stability of the excavation. SGL does not assume any responsibility for construction site safety or the activities of the contractor.

Although not encountered in the test holes excavations may encounter groundwater seepage, especially during wet weather. Contractors should be prepared to dewater excavations as may be required. Groundwater seepage from excavation sideslopes and dewatering from within excavations will reduce excavation stability. Conducting the site excavation during dry weather would provide substantial benefit to excavation stability minimize de-watering requirements.

### Geotechnical Slope Setback

The proposed residence should not be located closer than 13m laterally upland from the cast-in-place concrete seawall located on the seaward side of the common property walkway. The proposed building location shown on Figure 1 and 2 is considered to meet that geotechnical slope setback recommendation.

### Foundations

The proposed residence may be founded on a spread and strip foundation system bearing on approved, level, dense or hard undisturbed glacial till. For Limit States Design the foundations should be designed based on an Ultimate (unfactored) Limit State (ULS) bearing resistance of 300kPa. Geotechnical resistance factors ( $\Phi$ ) of 0.5 for bearing and 0.8 for sliding are recommended.

A Serviceability Limit State (SLS) bearing resistance of 150kPa may be used, based on limiting total settlement to less than 25mm and differential settlement to less than 19mm between typical 4.5m column spacing, which is normally tolerable for framed structures.

The site should be considered Site Class C in accordance with the 2012 BC Building Code Section 4.1.8.4.

For working stress design the footings may be designed based on a maximum allowable bearing pressure of 150kPa.

All footings should be located so that the smallest lateral clear distance between footings will be at least equal to the difference in their bearing elevations. All footings should be provided with a minimum 600mm of soil cover for confinement and frost protection.

All foundation bearing surfaces should be reviewed by SGL prior to the placement of engineered fill, footing formwork or concrete. Following approval of subgrade surfaces concrete should be placed as quickly as possible to avoid disturbance of the foundation subgrade.

We note that fine grained glacial till material may be easily disturbed by construction traffic, especially when saturated. If soils in the areas of foundation support become disturbed from construction traffic (including foot traffic), or softened by exposure and water, the softened and disturbed material should be removed from footing areas and the subgrade re-evaluated by SGL prior to concrete placement.

#### Floor Slabs on Grade

The undisturbed glacial till is considered suitable for support of grade supported floor slabs. Floor slab on grade subgrade may be raised and leveled with engineered fill prepared in accordance with the recommendations below, if desired.

Floor slabs on grade should be immediately underlain by a minimum 100mm thickness of well graded nominal 19mm minus sand and gravel compacted to at least 95% of the Standard Proctor maximum dry density.

#### Lateral Earth Pressure

Foundation walls retaining less than 3m height of soil may be designed based on a total lateral earth pressure equal to  $5H^2$  acting at a height of  $1/3H$  above the base of the wall.  $H$  is the total height of the retained soil against the wall in metres. Surcharge loads would be additional, if applicable.

That recommended design lateral earth pressure includes seismic considerations and is based on wall backfill comprised of silty gravelly sand, adequately drained to the base of the wall.

### Drainage

Collected rainwater from roof leaders, foundation drains or pavement areas runoff should be led by closed pipe to the municipal storm drainage system, or to the beach level. In-ground stormwater disposal systems should be avoided. In no case should any collected water be discharged onto the slope.

A foundation drainage system in accordance with the BC Building Code and constructed of rigid PVC pipe should be provided. In addition, all basement foundation walls of the residence should be provided with a minimum 200mm width of drainage gravel for the full height of the wall, covered with a low permeability soil at the ground surface. Alternatively an approved geocomposite drainage mat such as Armtac "Platon" installed for the full height of the below grade walls in accordance with the manufacturers recommendations could be used.

Final site grading should direct surface runoff away from the foundation walls.

No underground irrigation systems, or other items with potential for discharge of large volumes of water should be placed or installed on the subject property.

### ADDITIONAL GEOTECHNICAL SERVICES

The recommendations presented in this report are contingent on SGL observing and/or monitoring:

- Building area subgrade preparation for footings and floor slabs on grade;
- Suitability of engineered fill materials;
- Placement and compaction of engineered fill; and
- Foundation drainage.

### CLOSURE

We trust that this report will assist you in the design and construction of the proposed project. SGL appreciates the opportunity to provide our services on this project and

looks forward to working with you during the construction phase and on future projects. Should you have any questions, please do not hesitate to contact us.

This report was prepared for the exclusive use of Lovely Ventures Inc. and their appointed agents for the proposed residential development described herein. Any use or reliance made on this report by an unauthorized third party is the responsibility of that third party. Contractors should make their own assessment of the property for the purposes of bidding on and performing work on the site.

The recommendations in this report are based upon the data obtained from widely spaced test holes. The nature and extent of variations between these test holes may not become evident until construction. If significant variation in subsurface conditions from those described in this report is encountered SGL should be contacted to review those conditions and update our recommendations as may be required.

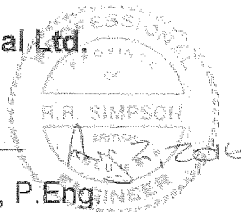
This report has been prepared in accordance with standard geotechnical engineering practice. No other warranty is provided, either expressed or implied.

Yours truly,

**Simpson Geotechnical Ltd.**

Per:

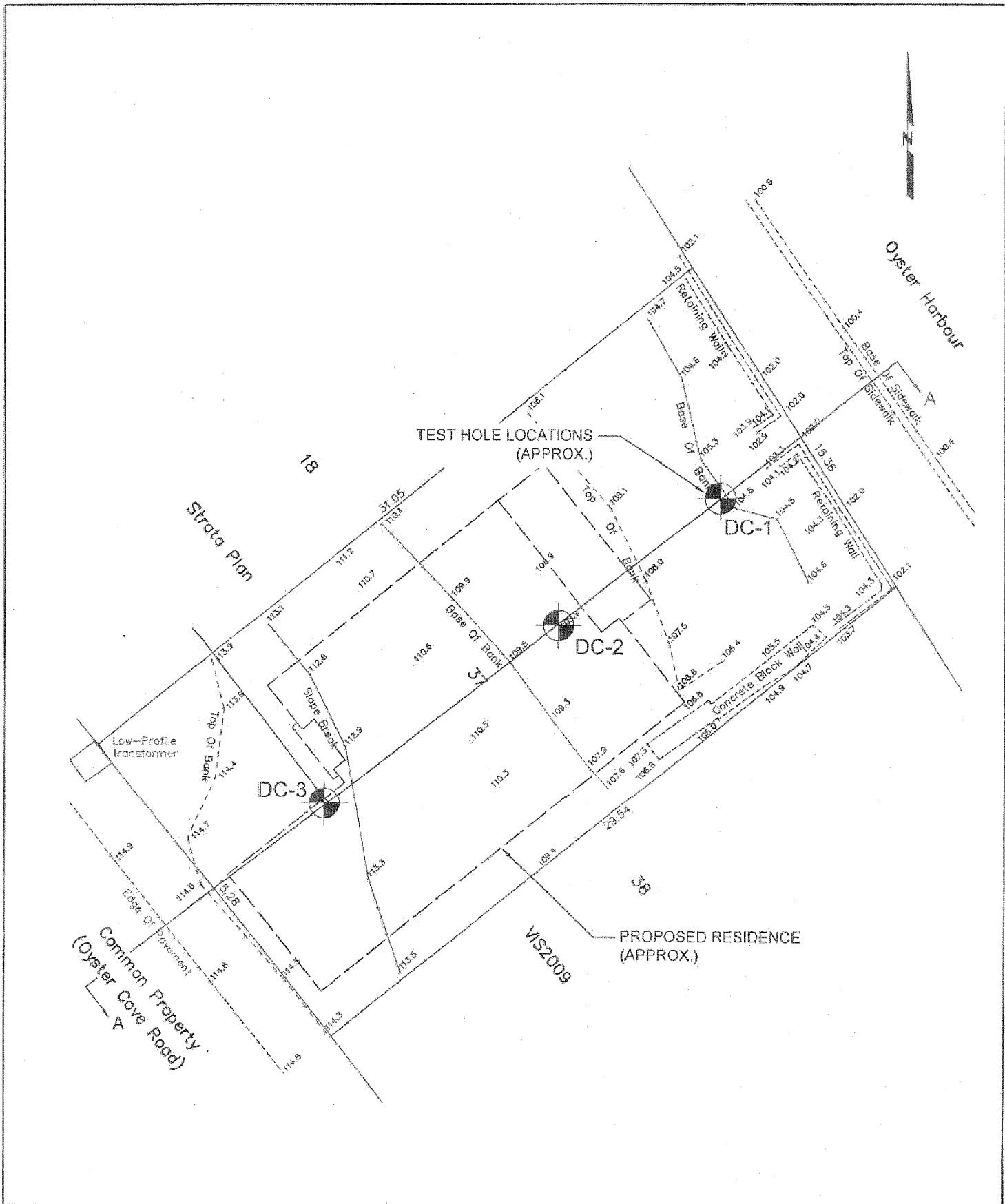
  
Richard Simpson, P.Eng.



Attachments:

- Figure 1 – Site Plan
- Figure 2 – Cross Section
- Photo log
- Test Hole Logs (3 pages)
- Slope/w output (2 pages)
- Seismic Hazard Calculation
- APEGBC Guidelines for Legislated Landslide Assessment for Proposed Residential Developments in BC Appendix D

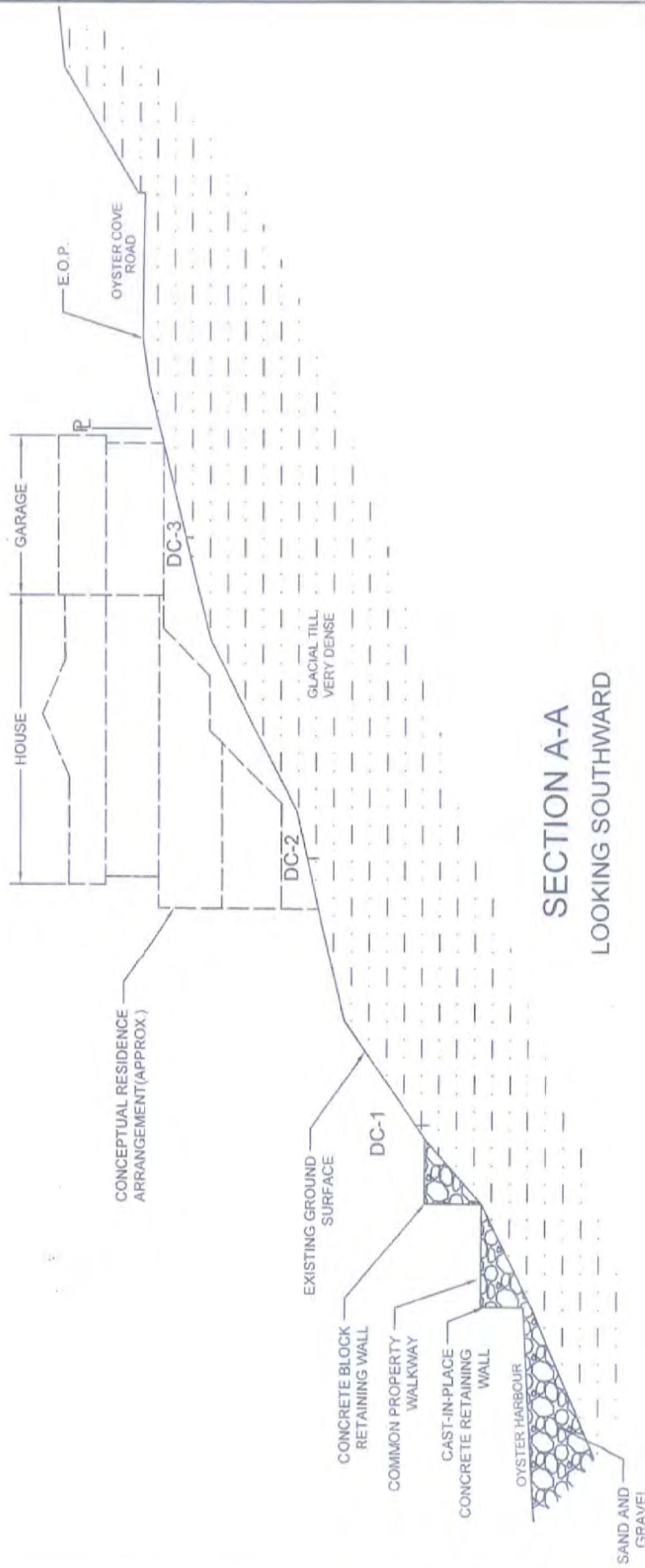




Project:		Proposed Single Family Residence, Lot 37 Oyster Cove Road, Ladysmith	
Title:		Geotechnical Site Plan	
Client:		Lovely Ventures Inc.	
File:	SGL16-036	Drawn by:	RRS
Scale:	1 : 200	Date:	August 2, 2016

**SIMPSON** GEOTECHNICAL LTD

Dwg. No.: Figure 1



**SECTION A-A**  
LOOKING SOUTHWARD

**Project:** Proposed Single Family Residence, Lot 37 Oyster Cove Road, Ladysmith

**Title:** Geotechnical Cross Section

**Client:** Lovely Ventures Inc.

**File:** SGL16-036

**Drawn by:** RRS

**Scale:** 1 : 250

**Date:** August 2, 2016

**Dwg. No.:** Figure 2

**SIMPSON** GEOTECHNICAL LTD



Photo 1 – Looking eastward from Oyster Cove Road



Photo 2 – Looking westward from Oyster Harbour beach

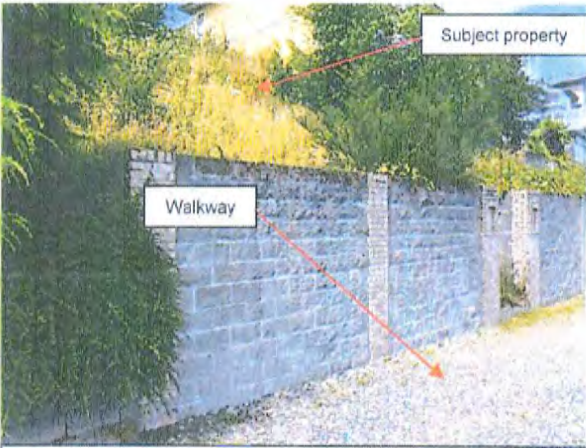
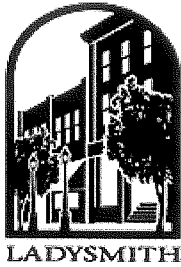


Photo 3 – Looking northward along walkway



## Town of Ladysmith

### STAFF REPORT

From: Felicity Adams, Director of Development Services  
Date: August 15, 2016  
File No: 3090-16-02

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RE: Development Variance Permit Application – D. Galloway  
Subject Property: Lot 2, District Lot 24, Oyster District, Plan 45800,  
except that part in Plan VIP73654 (930 Ludlow Road)

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#### RECOMMENDATION(S):

1. That Council consider issuing Development Variance Permit application 3090-16-02 (930 Ludlow Road) for Lot 2, District Lot 24, Oyster District, Plan 45800, except that part in Plan VIP73654 (930 Ludlow Road) to vary the “The Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No.1834” such that the timing of constructing a concrete curb, gutter, storm drainage and sidewalk along the frontage of proposed Lot 3 is deferred to the issuance of a building permit when the value of construction, as determined by the Building Bylaw, is greater than \$50,000; and.
2. Authorize the Mayor and Corporate Officer to sign the Development Variance Permit.

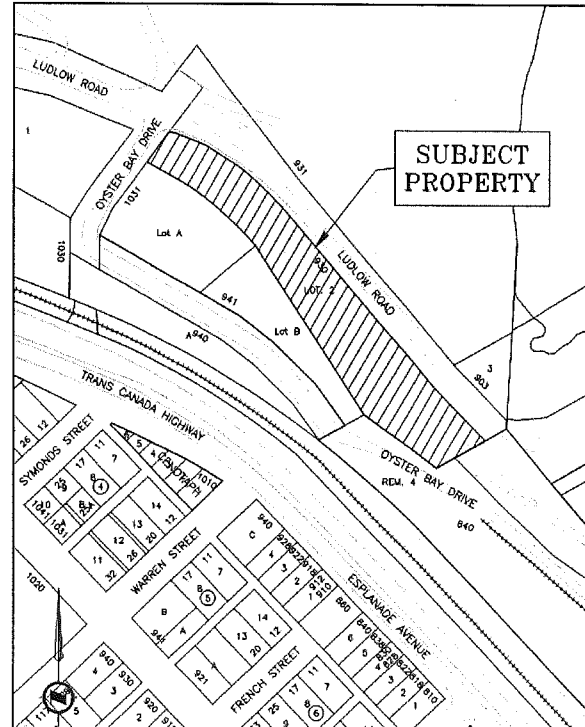
#### PURPOSE:

The purpose of this staff report is to obtain Council direction regarding a development variance permit (DVP) application to vary “The Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834” pursuant to s.498(1)(a)(ii) of the Local Government Act for 930 Ludlow Road.

#### INTRODUCTION/BACKGROUND:

The applicant, D. Galloway, submitted a development variance permit application to vary the timing of the requirement to construct a concrete curb, gutter, storm drainage and sidewalk along the frontage of proposed Lot 3 in a three lot subdivision application.

The DVP application was presented to Council on June 20, 2016 to seek direction for statutory notification. Notification was sent and delivered to the neighbours on July 12, 2016.



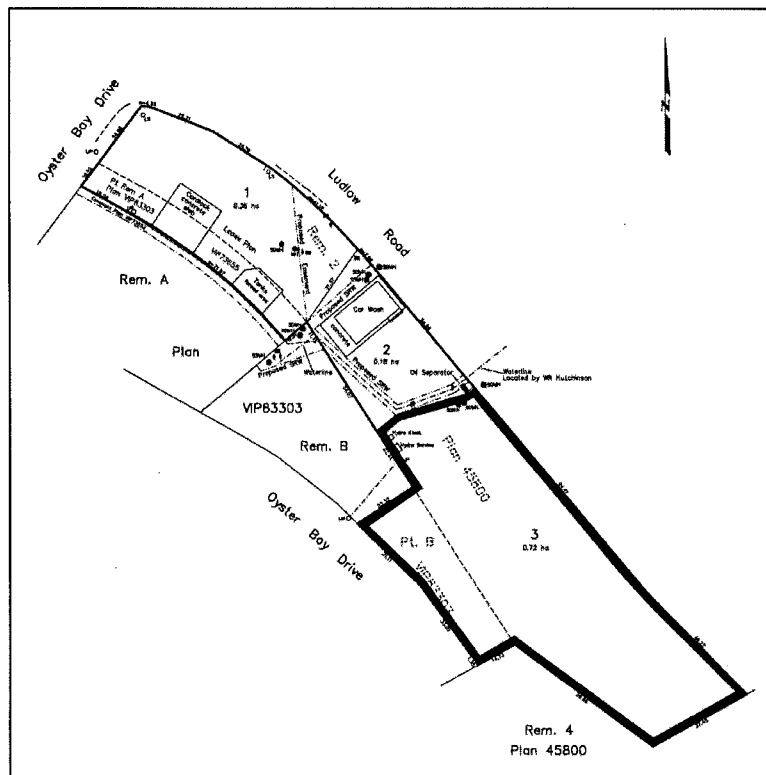
**SCOPE OF WORK:**

The current stage of this application is to seek Council’s consideration of the proposed DVP.

The applicant’s proposal is to vary the ‘Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834’ which requires all streets within or immediately adjacent to a subdivision to be designed and constructed to the ‘Town of Ladysmith Engineering Standards and Specifications’. Specifically, the applicant has requested a relaxation of the requirement to construct concrete curb, gutter, storm drainage and sidewalk along the frontage of proposed Lot 3 at the time of subdivision, such that this infrastructure is constructed as a condition of building permit. Works and services are required for commercial and industrial building permits that are greater than \$50,000 in value.

The proposed three lot subdivision plan is shown in Figure 1 and is described below:

- Lot 1 (0.36 ha) This parcel would contain the Co-op Cardlock. A portion of 1031 Oyster Bay Drive is proposed to be integrated into Lot 1 to accommodate an existing covenant area. A concrete curb, gutter, storm drainage and sidewalk was constructed at time of building permit along proposed Lot 1 in 2008.
- Lot 2 (0.18 ha) This parcel would contain the car wash and sani-dump business. A concrete curb, gutter, storm drainage and sidewalk was constructed at time of building permit along proposed Lot 2 in 2000.
- Lot 3 (0.72 ha) This parcel does not contain a permanent structure. A portion of the vacant lot at 941 Oyster Bay Drive is proposed to be integrated into Lot 3. Proposed Lot 3 is the subject of the DVP application.



**Figure 1: Proposed Subdivision of 930 Ludlow Road – Lot 3 is shown in bold**

**ALTERNATIVES:**

To not support DVP application 3090-16-02.

**FINANCIAL IMPLICATIONS:**

The intention of “The Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834” is to ensure that developer’s pay for development.

**LEGAL IMPLICATIONS:**

The Local Government Act enables Council to vary a bylaw that relates to subdivision and development requirements. This is a discretionary decision of Council.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

The Town of Ladysmith notice regarding this DVP application was sent to neighbouring properties on July 12, 2016. No comments have been received regarding the proposed variance.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Infrastructure Services staff have been facilitating the subdivision application process for the subject property.

**RESOURCE IMPLICATIONS:**

Processing Development Variance Permit applications is within available staff resources.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

The Community Vision states that Ladysmith’s waterfront is “one of the most important areas of the Town” and states that the waterfront is “central to the identity and success of Ladysmith in the future”.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Council strategic directions are effective land use planning and community design.

**SUMMARY:**

Council may approve or not approve Development Variance Permit application 3090-16-02.

Report Author: Lisa Brinkman, Senior Planner

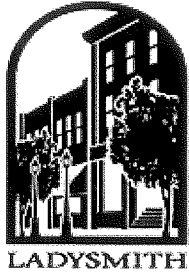
I concur with the recommendation:

  
Felicity Adams, Director of Development Services  
Guillermo Ferrero, City Manager

**ATTACHMENT:**

DVP 3090-16-02





# TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 Local Government Act)

FILE NO: 3090-16-02

DATE: August 15, 2016

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Name of Owner(s) of Land (Permittee): Tycor Holdings Ltd., Inc. No. 540540

Applicant: Douglas Galloway

Subject Property (Civic Address): Proposed Lot 3 of 930 Ludlow Road

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1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.

2. This Development Variance Permit applies to and only to those lands within the Town of Ladysmith described below and any and all buildings, structures and other development thereon:

A portion of (Proposed Lot 3) Lot 2, District Lot 24, Oyster District, Plan 45800, except that part in Plan VIP73654 – PID: 010-208-682

3. Section 2.04 'Works and Services Requirements' of the 'Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834' is varied for the subject property as follows:

**From:**

As a condition of

- a) The approval of a subdivision, or
- b) The Issuance of a Building Permit, where the value of construction, as determined by the Building Bylaw, is greater than \$50,000

The owner of the land is required to provide works and services in accordance with the standards established in this Bylaw, on that portion of a highway immediately adjacent to the site being subdivided or developed, up to the center line of the highway.

**To:**

As a condition of the Issuance of a Building Permit, where the value of construction, as determined by the Building Bylaw, is greater than \$50,000 the owner of the land is required to provide works and services in accordance with the standards established in this Bylaw, on that portion of a highway immediately adjacent to the site being subdivided or developed, up to the center line of the highway.



4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (3090-16-02) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
6. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL ON THE DAY OF 20 .

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

\_\_\_\_\_  
Corporate Officer

I HEREBY CERTIFY that I have read the terms and conditions of the Development Variance Permit contained herein. I understand and agree that the Town of Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with \_\_\_\_\_ other than those contained in this permit.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date





## Town of Ladysmith

### **STAFF REPORT**

From: Felicity Adams, Director of Development Services  
Date: August 15, 2016  
File No: 3090-16-06

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RE: DEVELOPMENT VARIANCE PERMIT APPLICATION - Oyster Cove Road (Buckles)  
Subject Property: Strata Lot 9, District Lot 56, Oyster District, Strata Plan 2009

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#### **RECOMMENDATION(S):**

That Council

1. Consider issuing Development Variance Permit 3090-16-06 to vary the permitted front parcel line setback for the siting of the attached garage portion of a proposed single family dwelling on Strata Lot 9, District Lot 56, Oyster District, Strata Plan 2009 (Oyster Cove Road); and
2. Authorize the Mayor and Corporate Officer to sign the Development Variance Permit.

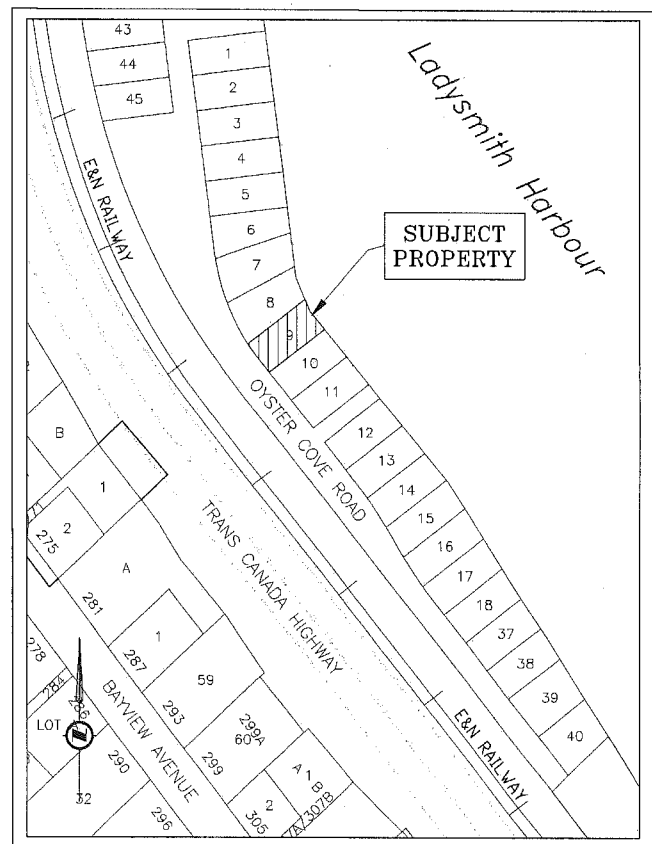
#### **PURPOSE:**

The purpose of this staff report is to obtain Council direction regarding a development variance permit application for the front parcel line setback of the attached garage portion of a single family dwelling on Strata Lot 9, Oyster Cove Road.

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

The applicant, Richard Buckles, is requesting a variance for the siting of an attached garage of a proposed new dwelling on Oyster Cove Road. The property is located between Oyster Cove Road and Ladysmith Harbour and currently the property is vacant.

The development variance permit application was presented to Council on July 18, 2016 to seek direction for statutory notification. Notification was sent and delivered to the neighbours on July 19, 2016.



**SCOPE OF WORK:**

The current stage of this application is to seek Council's decision on the proposed development variance permit application. The subject property is zoned 'Oyster Cove Residential' (R-2-B).

The applicant is proposing to construct a dwelling with an attached garage on the subject property. The proposed principal building meets all requirements of the Zoning Bylaw except for one variance request for the garage portion of the building. It is proposed that the attached garage be sited 0.6 metres from the front parcel line (Oyster Cove Road). Six metres is required, thus a variance of 5.4 metres is requested. If the garage was detached from the house a variance would not be required for the proposed setback.

**Proposed Variances – Oyster Cove Road – Strata Lot 9**

10.8(5)(c) Principle Building	Required	Proposed	Proposed Variance
Front Parcel Line Setback	6.0 metres	0.6 metres	5.4 metres <i>(For the garage portion of the principle building only.)</i>

**ALTERNATIVES:**

To not support Development Variance Permit application 3090-16-06.

**FINANCIAL IMPLICATIONS:**

None.

**LEGAL IMPLICATIONS:**

The Local Government Act enables Council to vary zoning regulations, except use and density regulations, through the issuance of a development variance permit. This is a discretionary decision of Council. Public notification is required.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

The Town of Ladysmith notice regarding Development Variance Permit application 3090-16-06 was delivered and sent to neighbouring properties (within 60 metres of the subject property) on July 19, 2016. No comments have been received regarding the proposed variance.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Development Variance Permit application 3090-16-06 was referred to the Senior Building Inspector for review and no issues were identified with the variance proposal.

**RESOURCE IMPLICATIONS:**

Processing Development Variance Permit applications is within available staff resources.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

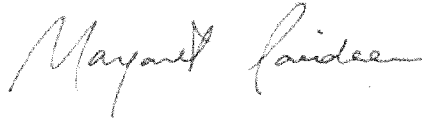
Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Effective land use planning and community design are strategic Council directions.

**SUMMARY:**

Council may consider approving Development Variance Permit application 3090-16-06.



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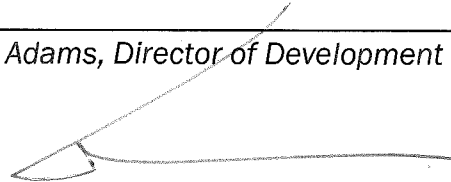
Report Author: Margaret Paridaen, Planner

I concur with the recommendation.



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Felicity Adams, Director of Development Services

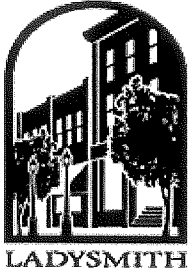


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Guillermo Ferrero, City Manager

**ATTACHMENT:**

DVP 3090-16-06



# TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 Local Government Act)

FILE NO: 3090-16-06

DATE: August 15, 2016

Name of Owner(s) of Land (Permittee): Cofimau Enterprise Ltd., Inc. No. BC0851716

Applicant: Richard Buckles (R.E.B. Development Services)

Subject Property (Civic Address): Oyster Cove Road

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.
  
2. This Development Variance Permit applies to and only to those lands within the Town of Ladysmith described below and any and all buildings, structures and other development thereon:  
  

**Strata Lot 9, District Lot 56, Oyster District, Strata Plan 2009 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1**
  
3. Section 10.8(5) of the Oyster Cove Residential Zone (R-2-B) of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied for the subject property as follows:

From: Section 10.8(5)(c) No Principal Building or Structure shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:

PARCEL LINE	SINGLE UNIT MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior Side Parcel Line</i>	1.5 metres
<i>Exterior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	7.5 metres
<i>Natural Boundary of the Sea</i>	8.0 metres

To: Section 10.8(5)(c) No Principal Building or Structure shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:

PARCEL LINE	SINGLE UNIT MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior Side Parcel Line</i>	1.5 metres
<i>Exterior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	7.5 metres
<i>Natural Boundary of the Sea</i>	8.0 metres

However, the attached garage portion of the Principal Building may be located 0.6 metres from the front parcel line.

4. The land described herein shall be developed strictly in accordance with the terms, conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. The following plan is attached:
  - a) Schedule A - Site Plan (Strata Lot 9 – Oyster Cove Road)  
Development Variance Permit Application 3090-16-06 (R.E.B. Development Services)
6. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (3090-16-06) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

**AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL ON THE DAY OF 2016.**

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

\_\_\_\_\_  
Corporate Officer

I **HEREBY CERTIFY** that I have read the terms and conditions of the Development Variance Permit contained herein. I understand and agree that the Town of Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with **Richard Buckles (R.E.B. Development Services)**, other than those contained in this permit.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



## Lewkowich Engineering Associates Ltd.

geotechnical • health, safety & environmental • materials testing

Fijay Manhas  
176 – 4<sup>th</sup> St  
Duncan, BC  
V9L1S3

File No: F1968.01  
October 7, 2014

Attention: Fijay Manhas

**PROJECT: PROPOSED RESIDENCE;  
STRATA LOT 9 AT 245 OYSTER COVE ROAD, LADYSMITH, BC**

**SUBJECT: SLOPE HAZARD ASSESSMENT**

Dear Mr. Manhas:

### 1. INTRODUCTION

- a. Lewkowich Engineering Associates Ltd. was retained to conduct a slope assessment of the above noted property and to provide recommendations regarding safe construction on the slope and to provide recommendations concerning the slope. This report provides a summary of our findings and recommendations. It is understood that the fore shore protection is accomplished with the previous installation of a combined seawall and walkway, which lie on the ocean side of the property.
- b. The scope of work at this stage included:
  - i. An assessment of the current slope stability condition;
  - ii. A review of reports from neighbouring properties in order to increase knowledge of the existing nearby soils conditions;
  - iii. Recommendations for future residential development.
- c. Comments and recommendations presented here referenced habitats protection provisions of "Develop with Care: Environmental Guideline for Urban and Rural Land Development in British Columbia". Our evaluations have also taken into account those natural hazards which may affect the safe use of the land, which include potential for loss of life and property, impact to natural environment, and its ecosystems and biological diversity.



## 2. BACKGROUND

We understand that the Town of Ladysmith has required a geotechnical report from a professional engineer, to assess the possibility of landslide that may occur, as a condition for residential development of the property. It is understood that the land is zoned "DPA-7 – Hazard Lands". A copy of Ladysmith's DPA 7 Hazard Lands guide lines (2 pages) is attached to this report.

## 3. SITE CONDITIONS

- a. A site reconnaissance was conducted by LEA on October 6, 2014. The property is located between the ocean shoreline and Oyster Cove Road and between existing residences at Lot 8 and Lot 10. The strata property is located on the east side of Ladysmith, BC and is situated between Transfer Beach Park and the Town of Ladysmith sewer treatment plant. The Esquimalt and Nanaimo Railway and Highway 1 are located west of the property.
- b. There was no development on the property noted during the site visit. A retaining wall / Sea wall / Walkway is located on the eastern, downhill side of the property. Any comment on the function and condition of the existing seawall and walkway is beyond the scope of this report.
- c. The topography of this site consists of a narrow, relatively level area at the top of the property that transitions to a steep slope of an approximate 2H:1V incline. The slope is slightly steeper at the bottom, just above the walkway. The overall slope has a rise of approximately 14-17 meters over a run of 25m. Soil exposures near the bottom of the slope display dense glacial till. Slight seepage was noted emanating from drainage pipes that emerged from the seawall, below the neighbouring properties. There is no sign of recent movement of the slope.
- d. Vegetation, in the form of maples, Scotch broom, blackberries and assorted brush, covers most of the slope. No bending trees were noted on the slope or above the top of top of slope on the level area.





- e. Narrow portions of the sloped area are denuded of vegetation due to human activity near the property lines. The soils were noted to be dry in their present state and no seepage was noted emanating from the slope's surface. A very shallow drainage ditch has been incised along the east property line, along the high side of the level walkway.
- f. Reports that were undertaken for the neighbouring properties also indicated glacial till soils with occasional thin sand lenses. Sandstone bedrock exposures were noted as a base material in some areas of the shore lands that lay below the slope.

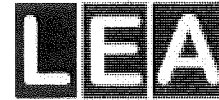
#### 4. SLOPE DISCUSSION AND RECOMMENDATIONS

- a. In general, the slope stability is controlled by the following factors: The strength of the bank soil, the slope gradient, the vegetation coverage, the groundwater condition, the geometry of boulders on the slope, the design seismic event magnitude effect on structures on or near the slope, and the inherent natural response of the soils to a design seismic event.
- b. Trees on or near the top of the slope can stabilize the soil through their roots system. However, trees at these locations may also be a hazard to the slope's stability if wind throw occurs or after the trees are dead. The wind throw of trees on the slope can loosen the bank soil, disturbing the structural of the slope, and open the slope's surface for erosion. The decayed roots of a dead tree have the potential to form water routes, which could affect the groundwater regime and the bank stability. It is not recommended to fall a healthy tree near or on the shoreline slope unless it has a high potential of wind throw. Trimming the branches, or topping the tree to reduce the potential wind throw should be the options considered before cutting the tree down.
- c. The observed glacial till soils that make up the slope possess great strength and are very resistant to forces offered by the trees, wind, surface water and seismic forces.
- d. Based on our observations during our site reconnaissance, the following recommendations are provided:
- e. The foundations for any residence, at this stage, shall lie below a plane emanating at a 2H:1V



incline from the toe of the slope. It is felt that this criteria will provided a safe condition for development to occur. The slope should be restored to a condition that will be stable, resistant to erosion and translational failure. The back fill soil that is placed around the new foundation shall be provided with adequate drainage and suitable gradation so that it remains in a drained, compact condition. A siltier, moist compact ground seal material may be placed as the top 0.4m-0.6m of back fill in order to direct surface water to a suitable location as well as limit ground infiltration. In addition, the foundations should be provided with at least 1.0m of earthen cover as measured vertically.

- f. The residence excavation should be inspected by a qualified geotechnical engineer prior to footing placement to address any concerns that may arise from the atypical soils that may exist in the level area above the slope. Concerns include the potential for loam soils, fissures in the glacial till or non-uniform soil types that are intended to support the residence. The excavation may also require recommendations pertaining to the geometry of the footings and stepping, particularly relating to the required subjacent support of the bearing soils.
- g. The slope is rated as very resistant to erosion due to its soil type. Tree stumps may be left in place outside the building footprint or they may be removed in a manner that does not disturb the slope. Exposed soil that is to be exposed to the elements for a period of time greater than one month should be protected with erosion control measures that are determined to be adequate by an experienced professional.
- h. Surface drainage from the top of property may flow over the ground surface, as it has done historically but exposed soil or soil that is not protected by vegetation will require erosion control measures. Note that any structure or feature within the slope area could be adversely impacted through the eventual retrogression of the slope. The use of slope protection and short retaining walls or stone-work to limit surface regression is recommended.
- i. Structural (roof and perimeter) drainage from the residence should not be discharged directly onto the slope. A solid pipe should be used to transport the storm and ground water to the base of the slope where it then may be discharged, either to a suitable non-erodible outfall or dispersing lateral perforated pipe. Rock pits should not be constructed within 20m of the top



of slope

- j. Fill within the slope area is allowed upon approval of the geotechnical engineer. In addition, lot grading may increase the ground level upon approval of the geotechnical engineer.
- k. Ponds or swimming pools (except hot tubs) shall only be installed following engineering input to evaluate the adequacy of the lining installation, piping, and drainage. In-ground lawn irrigation systems are allowed within the setback distance and shall be installed by qualified and experienced personnel. It is understood that the property is serviced so the location of septic fields will not be an issue.
- l. Care should be taken in designing the foundation grades so that they do not conflict with or undermine the adjacent residences or remove the subjacent support of their bearing soils. Professional geotechnical review of the temporary foundation excavation will likely be required if the excavations do not meet the requirements of Worksafe BC regulations (BC OHS Regulation, Section 20) and would be prudent in any event.
- m. Under the condition that the recommendations outlined above are carried out, the property would be considered geotechnically safe and suitable for the use intended (defined for the purposes of this report as construction of a single-family residence), with the probability of a geotechnical failure resulting in property damage of less than 10 percent (10%) in 50 years, with the exception of geohazards due to a seismic event which are to be based on a 2 percent (2%) probability of exceedance in 50 years, provided the recommendations in this report are followed.

Client: Fijay Manhas  
Project: Lot 9 at 245 Oyster Cove Road, Ladysmith, BC  
Date: October 7, 2014  
File: F1968.01  
Page: 6 of 6

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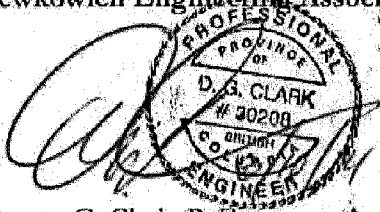


## 5. CLOSURE

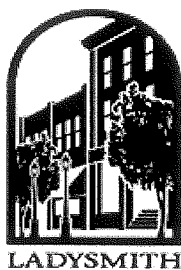
- a. Lewkovich Engineering Associates Ltd. acknowledges that this report may be requested by the Building Inspector of the Town of Ladysmith as a precondition to the issuance of a building permit and that this report or any conditions contained in this report, may be included in a restrictive covenant and filed against the title to the subject property.
- b. Lewkovich Engineering Associates Ltd. acknowledges that this report has been prepared for and at the expense of the Owner of the subject land. Lewkovich Engineering Associates Ltd. has not acted for or as an agent of the Town of Ladysmith in the preparation of this report.
- c. Lewkovich Engineering Associates Ltd. trusts that the information presented above meets your current requirements. If you have any questions, or have additional requirements, please contact our office.

Respectfully Submitted,

Lewkovich Engineering Associates Ltd.



Darron G. Clark, P. Eng.  
Senior Geotechnical Engineer



Town of Ladysmith  
**STAFF REPORT**

From: Felicity Adams, Director of Development Services  
Date: August 15, 2016  
File No: 3060-16-07

RE: DEVELOPMENT PERMIT APPLICATION – Oyster Cove Road (Buckles)  
Subject Property: Strata Lot 9, District Lot 56, Oyster District, Strata Plan 2009

**RECOMMENDATION(S):**

That Council issue Development Permit 3060-16-07 for Strata Lot 9, District Lot 56, Oyster District, Strata Plan 2009 (Oyster Cove Road) to establish geotechnical conditions for the development of a single family residential dwelling;

AND THAT the Mayor and Corporate Officer be authorized to sign the Development Permit.

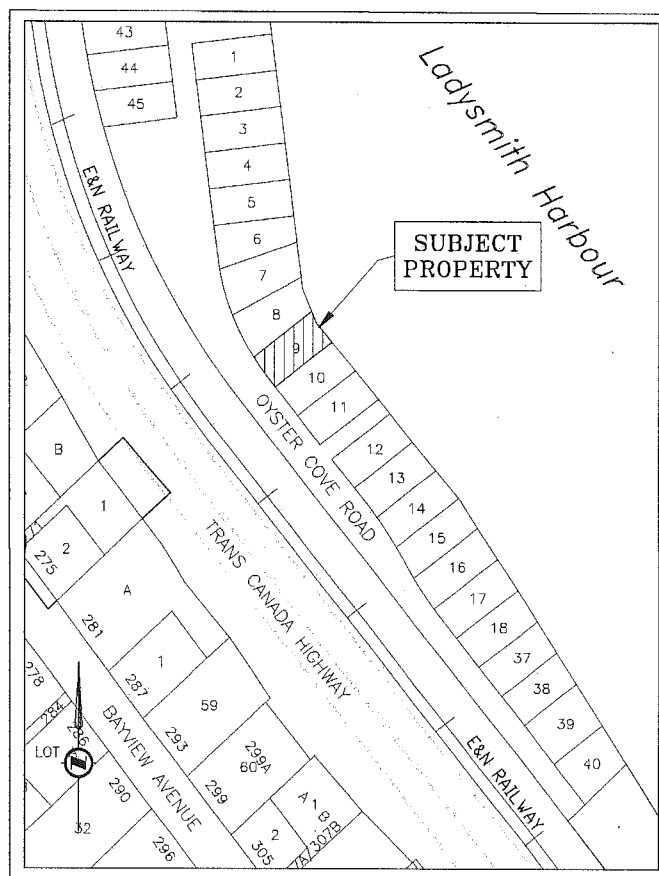
**PURPOSE:**

The purpose of this staff report is to consider a Hazard Land Development Permit application for Strata Lot 9 on Oyster Cove Road.

**INTRODUCTION/BACKGROUND:**

The applicant, Richard Buckles of R.E.B. Development Services, has applied for a Development Permit for the construction of a single family residential dwelling on Strata Lot 9 on Oyster Cove Road. This property is within the Development Permit Area 7 (DPA 7) Hazard Lands on the Official Community Plan, Map 2. The purpose of the Hazard Lands designation is to protect development from hazardous conditions.

Council is also considering Development Variance Permit 3090-16-06 to allow a variance of the Front Setback for an attached garage to be located 0.6 metres from the Front Parcel Line.



**SCOPE OF WORK:**

The subject property is in the 'Oyster Cove Residential Zone (R-2-B)' and falls within the Hazard Lands Development Permit Area (DPA 7). The applicant provided a Slope Hazard Assessment for Strata Lot 9 which was completed by Lewkowich Engineering Associates Ltd. The October 7, 2014 Slope Hazard Assessment is included with DP 3060-16-07.

The Slope Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. (October 7, 2014) concludes that the subject property at Strata Lot 9, Oyster Cove Road is geotechnically safe for the intended use of a single family residence, providing the report's geotechnical recommendations are implemented. The conclusions and recommendations are made in accordance with DPA 7 to prevent land slippage and sloughing; to safeguard private property from potential damage, to minimize disruption to slope stability, and to prohibit development from occurring in the area where slope instability hazards exist.

**ALTERNATIVES:**

While the issuance of a Development Permit is not a completely discretionary decision of Council, Council may decide to not issue Development Permit 16-07 where the refusal is based upon a determination that the development permit application does not meet the Development Permit guidelines. If the Development Permit is refused then reasons must be given. The determination by Council must be in good faith and it must be reasonable, not arbitrary.

**FINANCIAL IMPLICATIONS:**

None.

**LEGAL IMPLICATIONS:**

A Development Permit is required prior to the issuance of a building permit on the Subject Property.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

None.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Development Permit application 3060-16-07 has been referred to the Infrastructure Services Department and to the Senior Building Inspector. Geotechnical recommendations will be reviewed at the time of Building Permit.

**RESOURCE IMPLICATIONS:**

Processing Development Permit applications is within available staff resources.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

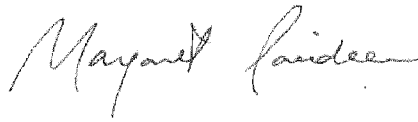
Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Effective land use planning and community design are strategic Council directions.

**SUMMARY:**

It is recommended to support Development Permit application 3060-16-07.



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Report Author: Margaret Paridaen, Planner

I concur with the recommendation:



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Felicity Adams, Director of Development Services

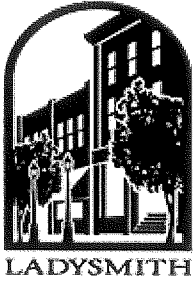


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Guillermo Ferrero, City Manager

**ATTACHMENT:**

DP 3060-16-07



**TOWN OF LADYSMITH  
DEVELOPMENT PERMIT**  
(Section 489 Local Government Act)

FILE NO: 3060-16-07

DATE: August 15, 2016

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Name of Owner(s) of Land (Permittee): Cofimau Enterprise Ltd., Inc. No. BC0851716

Applicant: Richard Buckles (R.E.B. Development Services)

Subject Property (Civic Address): Oyster Cove Road

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1. This Development Permit is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.
2. This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon: This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon:

Strata Lot 9

District Lot 56

Oyster District

Strata Plan 2009

Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 PID# 016-664-400 (referred to as the "Land")

3. This Permit has the effect of authorizing the issuance of a building permit for the construction of a building or structure on the Land in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws except as varied by this Permit;

Subject to the conditions, requirements and standards imposed and agreed to in Section 5 of this Permit.

4. This Permit does not have the effect of varying the use or density of the Land specified in the Town of Ladysmith Zoning Bylaw 2014, No. 1860.



5. The Permittee, as a condition of the issuance of this Permit, agrees to follow the recommendations in Schedule A: Slope Hazard Assessment (Lewkowich Engineering Associates Ltd. – October 7, 2014) DP 3060-16-07 Strata Lot 9 Oyster Cove Road (R.E.B. Development Services).
6. The plans and specifications attached to this Permit are an integral part of this Permit.
7. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (3060-16-07) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
8. This Permit prevails over the provisions of the Bylaw in the event of conflict.
9. Despite issuance of this permit, construction may not start without a Building Permit or other necessary permits.

**AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH  
ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2016.**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
OWNER

\_\_\_\_\_  
PLEASE PRINT NAME

\_\_\_\_\_  
OWNER

\_\_\_\_\_  
PLEASE PRINT NAME



**Lewkowich Engineering Associates Ltd.**  
geotechnical • health, safety & environmental • materials testing

Fijay Manhas  
176 – 4<sup>th</sup> St  
Duncan, BC  
V9L1S3

File No: F1968.01  
October 7, 2014

Attention: Fijay Manhas

**PROJECT: PROPOSED RESIDENCE;  
STRATA LOT 9 AT 245 OYSTER COVE ROAD, LADYSMITH, BC**

**SUBJECT: SLOPE HAZARD ASSESSMENT**

Dear Mr. Manhas:

## 1. INTRODUCTION

- a. Lewkowich Engineering Associates Ltd. was retained to conduct a slope assessment of the above noted property and to provide recommendations regarding safe construction on the slope and to provide recommendations concerning the slope. This report provides a summary of our findings and recommendations. It is understood that the fore shore protection is accomplished with the previous installation of a combined seawall and walkway, which lie on the ocean side of the property.
- b. The scope of work at this stage included:
  - i. An assessment of the current slope stability condition;
  - ii. A review of reports from neighbouring properties in order to increase knowledge of the existing nearby soils conditions;
  - iii. Recommendations for future residential development.
- c. Comments and recommendations presented here referenced habitats protection provisions of "Develop with Care: Environmental Guideline for Urban and Rural Land Development in British Columbia". Our evaluations have also taken into account those natural hazards which may affect the safe use of the land, which include potential for loss of life and property, impact to natural environment, and its ecosystems and biological diversity.



## 2. BACKGROUND

We understand that the Town of Ladysmith has required a geotechnical report from a professional engineer, to assess the possibility of landslide that may occur, as a condition for residential development of the property. It is understood that the land is zoned "DPA-7 – Hazard Lands". A copy of Ladysmith's DPA 7 Hazard Lands guide lines (2 pages) is attached to this report.

## 3. SITE CONDITIONS

- a. A site reconnaissance was conducted by LEA on October 6, 2014. The property is located between the ocean shoreline and Oyster Cove Road and between existing residences at Lot 8 and Lot 10. The strata property is located on the east side of Ladysmith, BC and is situated between Transfer Beach Park and the Town of Ladysmith sewer treatment plant. The Esquimalt and Nanaimo Railway and Highway 1 are located west of the property.
- b. There was no development on the property noted during the site visit. A retaining wall / Sea wall / Walkway is located on the eastern, downhill side of the property. Any comment on the function and condition of the existing seawall and walkway is beyond the scope of this report.
- c. The topography of this site consists of an narrow, relatively level area at the top of the property that transitions to a steep slope of an approximate 2H:1V incline. The slope is slightly steeper at the bottom, just above the walkway. The overall slope has a rise of approximately 14-17 meters over a run of 25m. Soil exposures near the bottom of the slope display dense glacial till. Slight seepage was noted emanating from drainage pipes that emerged from the seawall, below the neighbouring properties.. There is no sign of recent movement of the slope.
- d. Vegetation, in the form of maples, Scotch broom, blackberries and assorted brush, covers most of the slope. No bending trees were noted on the slope or above the top of top of slope on the level area.



- e. Narrow portions of the sloped area are denuded of vegetation due to human activity near the property lines. The soils were noted to be dry in their present state and no seepage was noted emanating from the slope's surface. A very shallow drainage ditch has been incised along the east property line, along the high side of the level walkway.
- f. Reports that were undertaken for the neighbouring properties also indicated glacial till soils with occasional thin sand lenses. Sandstone bedrock exposures were noted as a base material in some areas of the shore lands that lay below the slope.

#### 4. SLOPE DISCUSSION AND RECOMMENDATIONS

- a. In general, the slope stability is controlled by the following factors: The strength of the bank soil, the slope gradient, the vegetation coverage, the groundwater condition, the geometry of boulders on the slope, the design seismic event magnitude effect on structures on or near the slope, and the inherent natural response of the soils to a design seismic event.
- b. Trees on or near the top of the slope can stabilize the soil through their roots system. However, trees at these locations may also be a hazard to the slope's stability if wind throw occurs or after the trees are dead. The wind throw of trees on the slope can loosen the bank soil, disturbing the structural of the slope, and open the slope's surface for erosion. The decayed roots of a dead tree have the potential to form water routes, which could affect the groundwater regime and the bank stability. It is not recommended to fall a healthy tree near or on the shoreline slope unless it has a high potential of wind throw. Trimming the branches, or topping the tree to reduce the potential wind throw should be the options considered before cutting the tree down.
- c. The observed glacial till soils that make up the slope possess great strength and are very resistant to forces offered by the trees, wind, surface water and seismic forces.
- d. Based on our observations during our site reconnaissance, the following recommendations are provided:
- e. The foundations for any residence, at this stage, shall lie below a plane emanating at a 2H:1V



incline from the toe of the slope. It is felt that this criteria will provided a safe condition for development to occur. The slope should be restored to a condition that will be stable, resistant to erosion and translational failure. The back fill soil that is placed around the new foundation shall be provided with adequate drainage and suitable gradation so that it remains in a drained, compact condition. A siltier, moist compact ground seal material may be placed as the top 0.4m-0.6m of back fill in order to direct surface water to a suitable location as well as limit ground infiltration. In addition, the foundations should be provided with at least 1.0m of earthen cover as measured vertically.

- f. The residence excavation should be inspected by a qualified geotechnical engineer prior to footing placement to address any concerns that may arise from the atypical soils that may exist in the level area above the slope. Concerns include the potential for loam soils, fissures in the glacial till or non-uniform soil types that are intended to support the residence. The excavation may also require recommendations pertaining to the geometry of the footings and stepping, particularly relating to the required subjacent support of the bearing soils.
- g. The slope is rated as very resistant to erosion due to its soil type. Tree stumps may be left in place outside the building footprint or they may be removed in a manner that does not disturb the slope. Exposed soil that is to be exposed to the elements for a period of time greater than one month should be protected with erosion control measures that are determined to be adequate by an experienced professional.
- h. Surface drainage from the top of property may flow over the ground surface, as it has done historically but exposed soil or soil that is not protected by vegetation will require erosion control measures. Note that any structure or feature within the slope area could be adversely impacted through the eventual retrogression of the slope. The use of slope protection and short retaining walls or stone-work to limit surface regression is recommended.
- i. Structural (roof and perimeter) drainage from the residence should not be discharged directly onto the slope. A solid pipe should be used to transport the storm and ground water to the base of the slope where it then may be discharged, either to a suitable non-erodible outfall or dispersing lateral perforated pipe. Rock pits should not be constructed within 20m of the top



of slope

- j. Fill within the slope area is allowed upon approval of the geotechnical engineer. In addition, lot grading may increase the ground level upon approval of the geotechnical engineer.
- k. Ponds or swimming pools (except hot tubs) shall only be installed following engineering input to evaluate the adequacy of the lining installation, piping, and drainage. In-ground lawn irrigation systems are allowed within the setback distance and shall be installed by qualified and experienced personnel. It is understood that the property is serviced so the location of septic fields will not be an issue.
- l. Care should be taken in designing the foundation grades so that they do not conflict with or undermine the adjacent residences or remove the subjacent support of their bearing soils. Professional geotechnical review of the temporary foundation excavation will likely be required if the excavations do not meet the requirements of Worksafe BC regulations (BC OHS Regulation, Section 20) and would be prudent in any event.
- m. Under the condition that the recommendations outlined above are carried out, the property would be considered geotechnically safe and suitable for the use intended (defined for the purposes of this report as construction of a single-family residence), with the probability of a geotechnical failure resulting in property damage of less than 10 percent (10%) in 50 years, with the exception of geohazards due to a seismic event which are to be based on a 2 percent (2%) probability of exceedance in 50 years, provided the recommendations in this report are followed.

Client: Fijay Manhas  
Project: Lot 9 at 245 Oyster Cove Road, Ladysmith, BC  
Date: October 7, 2014  
File: F1968.01  
Page: 6 of 6

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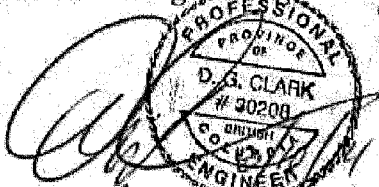


## 5. CLOSURE

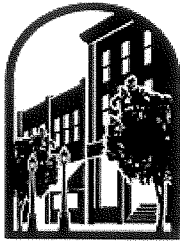
- a. Lewkowich Engineering Associates Ltd. acknowledges that this report may be requested by the Building Inspector of the Town of Ladysmith as a precondition to the issuance of a building permit and that this report or any conditions contained in this report, may be included in a restrictive covenant and filed against the title to the subject property.
- b. Lewkowich Engineering Associates Ltd. acknowledges that this report has been prepared for and at the expense of the Owner of the subject land. Lewkowich Engineering Associates Ltd. has not acted for or as an agent of the Town of Ladysmith in the preparation of this report.
- c. Lewkowich Engineering Associates Ltd. trusts that the information presented above meets your current requirements. If you have any questions, or have additional requirements, please contact our office.

Respectfully Submitted,

Lewkowich Engineering Associates Ltd.



Darron G. Clark, P. Eng.  
Senior Geotechnical Engineer



LADYSMITH

# Town of Ladysmith

## STAFF REPORT

From: Felicity Adams, Director of Development Services  
Date: August 15, 2016  
File No: 3340-16-01

RE: Temporary Use Permit Application – 631 First Avenue – BC Housing  
Subject Properties: Lot 9 and 10, Block 8, District Lot 56, Oyster District, Plan 703

### RECOMMENDATION(S):

That Council consider issuing Temporary Use Permit 3340-16-01 to allow for an extreme weather shelter to be located at 631 First Avenue (Lot 9 and 10, Block 8, District Lot 56, Oyster District, Plan 703) for three years with one renewal, subject to the conditions of the Temporary Use Permit;

AND THAT the Mayor and Corporate Officer be authorized to sign Temporary Use Permit 3340-16-01.

### PURPOSE:

The purpose of this application is to present a Temporary Use Permit (TUP) to allow an extreme weather shelter to be located at 631 First Avenue.

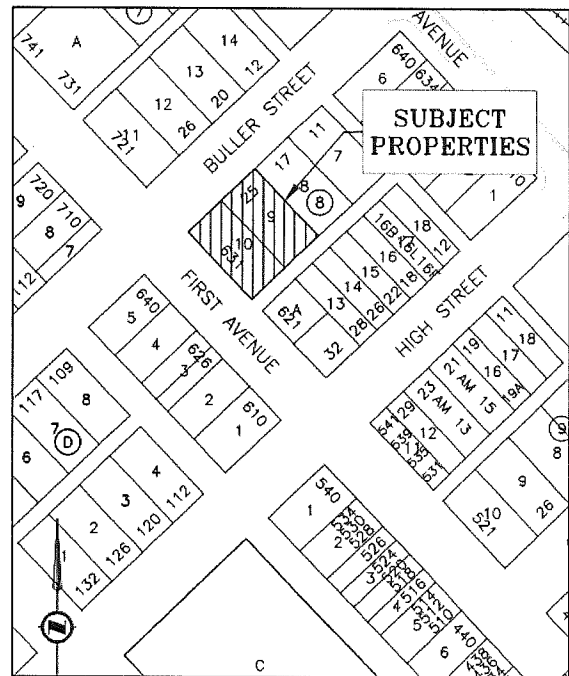
### INTRODUCTION/BACKGROUND:

BC Housing is proposing to construct an extreme weather shelter in the basement of their rental housing apartment building at 631 First Avenue. An extreme weather response shelter provides temporary spaces made available to people who are homeless during situations where sleeping outside might threaten their health and safety.

On July 4, 2016 Council passed the following motion:

*“That Council receive the application for a Temporary Use Permit application (3340-16-01) to permit an extreme weather shelter to be located at 631 First Avenue (Lot 9 and 10, Block 8, District Lot 56, Oyster District, Plan 703) and require the applicant to host a public information meeting and provide a report regarding the public input received at the meeting;*

*And that following the public information meeting, staff be directed to: 1) proceed with statutory notice for a Temporary Use Permit application (3340-16-01), and 2) report to Council with a permit containing conditions.”*





**SCOPE OF WORK:**

The stage of this application is to consider the TUP for the proposed extreme weather shelter at 631 First Avenue for a three year period.

The Official Community Plan states:

“Temporary Use Permits are included in the Plan as an interim (short term) alternative for proposed new land uses that may not warrant a change to the land use designation or zoning of land. Temporary uses are typically of a trial/interim use nature, or are a seasonal/occasional use. Temporary use permits may be issued for new land uses on specific properties which are not otherwise allowed by a land use designation in this Plan or in a land use zone in the Zoning Bylaw. Conditions may be specified by Council respecting any required changes to the property to allow the temporary use, and any restoration to the property following expiration of the permit. A temporary use permit can be issued for a maximum of three years, with one renewal of the permit for up to an additional three years.”

The proposed conditions in the attached TUP 3340-16-01 are as follows:

- a. The extreme weather shelter may be used to provide temporary accommodation for people who are homeless during situations where sleeping outside might threaten their health and safety.
- b. The extreme weather shelter may be located in the basement of the building at 631 First Avenue, and the entrance of the shelter will be separate from the entrance for the residential units in the building.
- c. Ten beds may be provided in the shelter from November 1<sup>st</sup> through to March 31<sup>st</sup>.
- d. The shelter hours of operation may be 5:00 p.m. to 8:00 a.m.
- e. Indoor storage will be provided for the patron/client’s personal belongings.
- f. If an exterior designated smoking area is established it shall be located away from a public sidewalk.
- g. The applicant and shelter operator(s) will monitor and promote the orderly conduct of patrons/clients immediately outside the premises, paying attention to congregations which may occur, and to discourage patrons from engaging in behaviours that may disturb the peace, quiet and enjoyment of the neighbourhood.
- h. The applicant and shelter operator(s) will clean up patron/client related debris on and immediately adjacent to the Lands.

The applicant has received and agreed to the proposed conditions.

**ALTERNATIVES:**

To not proceed with TUP application 3340-16-01.

**FINANCIAL IMPLICATIONS:** n/a

**LEGAL IMPLICATIONS:**

A TUP may be issued by Council by resolution. It could provide for a temporary use for a maximum three year period, with one renewal permitted.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

On July 18, 2016 BC Housing and the LRCA hosted a neighbourhood information meeting from 5pm to 7pm. The Neighbourhood Information Meeting report and letters of support are attached. The report indicates that there is support for the extreme weather shelter.

The Town of Ladysmith statutory notification steps were:

- A notice sign was posted on the property from July 22 to August 15, 2016;
- Notice was placed in the Chronicle on August 3, 2016;
- A letter was sent to tenants in the building on July 26, 2016; and
- A letter was sent by mail July 26, 2016 and hand delivered to property owners within 60 metres of the property on July 27, 2016.

At the time of writing this report, no comments have been received regarding the proposed shelter at 631 First Avenue.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The application was referred to the Infrastructure Services Department for comment and no issues were identified.

**RESOURCE IMPLICATIONS:**

Processing development applications is a core function of the Development Services Department. Processing this application is within available staff resources.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

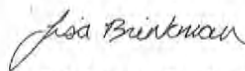
The applicant completed a sustainable development checklist and states that the following features will be included in the building retrofit: low flow fixtures, accessibility for mobility impaired, common lounge area, and use of local contractors.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Council strategic directions are effective land use planning and community design.


**SUMMARY:**

It is recommended that Council approve TUP 3340-16-01.



Report Author: Lisa Brinkman, Senior Planner

I concur with the recommendation:



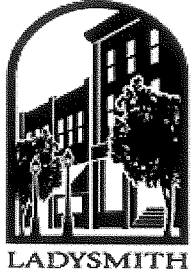
Felicity Adams, Director of Development Services



Guillermo Ferrero, City Manager

**ATTACHMENT:**

Applicant Neighbourhood Information Meeting Report  
Temporary Use Permit 3340-16-01



## TOWN OF LADYSMITH TEMPORARY USE PERMIT

FILE NO: 3340-16-01

DATE: August 15, 2016

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Name of Owner(s) of Land (permittee): Provincial Rental Housing Corporation, INC. NO. 52129

Applicant: Heidi Hartman, Provincial Rental Housing Corporation

Subject Property: Lots 9 and 10, Block 8, District Lot 56, Oyster District, Plan 703 (631 First Avenue)

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1. This permit is issued subject to compliance with all Town of Ladysmith bylaws that apply to this permit.
2. This permit applies to the lands described below, and any buildings, structures, and other development thereon (hereinafter called the Lands).

Lots 9 and 10, Block 8, District Lot 56, Oyster District, Plan 703 (631 First Avenue)

3. Pursuant to Division 8 in Part 14 of the *Local Government Act*, this permit authorizes the Provincial Rental Housing Corporation, INC. NO. 52129 to operate an extreme weather shelter on the Lands on a temporary basis subject to the following conditions:
  - a. The extreme weather shelter may be used to provide temporary accommodation for people who are homeless during situations where sleeping outside might threaten their health and safety.
  - b. The extreme weather shelter may be located in the basement of the building at 631 First Avenue, and the entrance of the shelter will be separate from the entrance for the residential units in the building.
  - c. Ten beds may be provided in the shelter from November 1<sup>st</sup> through to March 31<sup>st</sup>.
  - d. The shelter hours of operation may be 5:00 p.m. to 8:00 a.m.
  - e. Indoor storage will be provided for the patron/client's personal belongings.
  - f. If an exterior designated smoking area is established it shall be located away from a public sidewalk.
  - g. The applicant and shelter operator(s) will monitor and promote the orderly conduct of patrons/clients immediately outside the premises, paying attention to congregations which may occur, and to discourage patrons from engaging in behaviours that may disturb the peace, quiet and enjoyment of the neighbourhood.
  - h. The applicant and shelter operator(s) will clean up patron/client related debris on and immediately adjacent to the Lands.

4. At the end of the three year term, and as part of a permit renewal application, the owner shall provide a report to the Town stating how the conditions of this permit have been satisfied.
5. This permit is not a building permit or a sign permit.
6. This permit was approved on \_\_\_\_\_, **2016** and issued on \_\_\_\_\_, **2016**.
7. Pursuant to section 497 of the *Local Government Act*, this permit lapses **three years** from the date of issuance of this permit, unless renewed pursuant to section 4 and 8 of this permit.
8. This permit may be renewed once only by a Council resolution.

Town of Ladysmith

\_\_\_\_\_  
Corporate Officer

\_\_\_\_\_  
Date Permit Issued

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Applicant

# Neighbourhood Information Meeting

BC HOUSING & LRCA



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## Report to Town of Ladysmith, Development Services

### Date

July 25, 2016

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### PREAMBLE

From November through March 2016, BC Housing worked in partnership with the Ladysmith Resources Centre Association (LRCA) to operate the local Emergency Weather Response Shelter in Ladysmith. Throughout the season, during this initial year, the Extreme Weather Shelter was open for 78 nights and served 178 individuals.

The Extreme Weather Response Shelter (EWRS) provided temporary, emergency shelter beds during periods of weather that threaten the health and safety of homeless individuals and families.

The staff members operated the shelter and provided assistance, referral and companionship. The shelter created a safe environment, where individuals were treated with inclusivity, fairness and respect.

The program was received very well by the community and BC Housing, in continued partnership with the LRCA, has requested a Temporary Use Permit for the 2016/17 season and beyond.

### NEIGHBOURHOOD INFORMATION MEETING REPORT

Meeting Date: July 18, 2016; 5 – 7 p.m.

Application File No. 3340-16-01

#### Host Attendees:

Heidi Hartman, BC Housing

Marsh Stevens, LRCA President

Sue Glenn, LRCA Director

Shannon Wilson, LRCA Executive Director

Cindy Warren, LRCA Program Manager

Tim Solloway, LRCA/EWRS Staff

Public Attendees: 22 (total) See attached Sign-in sheets.



## NEIGHBOURHOOD INFORMATION MEETING INVITATION

In compliance with the application process, BC Housing and the LRCA hosted a public Neighbourhood Information meeting on July 18<sup>th</sup>, 2016 from 5 – 7 p.m. in the Board Room of the LRCA.

Invitations for the meeting were approved by Development Services and were circulated by the following means:

- 1) Mailed to property owners provided by Development Services – July 7<sup>th</sup>
- 2) Posted on the on-line Chronicle Newspaper facebook site (1701 members), receiving 4 likes and 3 shares – July 8<sup>th</sup>
- 3) Posted by Chronicle Newspaper publisher on facebook “Around Town Ladysmith Forum” (2791 members), receiving 5 likes - July 8<sup>th</sup>
- 4) Hand delivered to the addresses provided by Development Services (including residents of the Rialto building) – July 12<sup>th</sup>

One phone call and one email received (from the same individual) about whether the renovations at the Rialto would displace any current tenants. Shannon Wilson, Executive Director LRCA, spoke to the individual by email and confirmed that none of the apartments would be affected by the TUP.

- 5) The invitation appeared in the Chronicle Newspaper on July 13<sup>th</sup>.

**NOTICE OF NEIGHBOURHOOD  
INFORMATION MEETING**

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

BC Housing and the Ladysmith Resources Centre Association's (LRCA) application for a Temporary Use Permit for the Rialto Building, located at #631 First Avenue in Ladysmith, BC to operate the Emergency Weather Response Shelter.

**BACKGROUND**

For almost a quarter of a century the LRCA has provided services to the Ladysmith community. Today, over a dozen programs are delivered by the LRCA to enhance the lives of members in the community, through all stages of life. Through this network of programs the Board and Staff of the LRCA is confronted with the challenges that Ladysmith faces, but also the aspirations that the community holds.

On January 14th, 2013, a member of our community died of exposure to the drought at Aggie Field, which brought about the LRCA's Soup Kitchen and the Emergency Shelter Committees.

In 2014, the Board of Directors of the LRCA undertook a study that revealed the major issues facing our community: employment, affordable housing and hunger.



With affordable and safe housing identified as one of the major challenges facing the Ladysmith community, the LRCA Committee partnered with BC Housing to open an Extreme Weather Response (EWR) Shelter in Ladysmith.

From Nov 1, 2015 to March 31, 2016, the EWR was open for 78 nights in multiple locations in our community without incident. While open, we provided temporary shelter to 178 guests, many who returned nightly.

For the 2016/2017 Winter season, we are so grateful to BC Housing who is requesting a Temporary Use Permit to renovate the Rialto Manor (631 First Avenue, Ladysmith) as a future location of the EWR Shelter. With this Temporary Use Permit, this location would allow the LRCA to offer a consistent and accessible location for shelter for some of our most vulnerable community members.

**PLEASE JOIN US**  
**JULY 18th, 2016 - 5 - 7 p.m.**  
**LRCA Board Room; 630 - 2nd Ave, Ladysmith**

Further information or questions of clarification may be directed to Shannon Wilson, Executive Director LRCA, [shannon@lrca.ca](mailto:shannon@lrca.ca)



Copy of Invitation

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**JULY 18<sup>th</sup>, 2016**

**5 – 7 p.m.**

**LRCA Board Room; 630 – 2<sup>nd</sup> Ave, Ladysmith**

Further information or questions of clarification may be directed to

Shannon Wilson, Executive Director LRCA, shannon@lrca.ca



BC Housing

Photo of TUP sign erected on July 15<sup>th</sup>







NEIGHBORHOOD INFORMATION MEETING  
July 18, 2016

	NAME	MAIL ADDRESS	PHONE #	EMAIL ADDRESS
18	LAREN REDDING	[REDACTED]	[REDACTED]	[REDACTED]
19	E. VINCENT	[REDACTED]	[REDACTED]	[REDACTED]
20	[Handwritten Name]	[REDACTED]	[REDACTED]	[REDACTED]
21	[Handwritten Name]	[REDACTED]	[REDACTED]	[REDACTED]
22	[Handwritten Name]	[REDACTED]	[REDACTED]	[REDACTED]
23	[Handwritten Name]	[REDACTED]	[REDACTED]	[REDACTED]
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**Copies of all comment forms (originals attached)**

NEIGHBOURHOOD INFORMATION MEETING JULY 18/16

COMMENTS

"Being involved with the shelter last season I would like to comment on our successes. We were open 78 nights housing 178 clients. There were no incidents of any kind. These were people out of the weather, fed, clothes (if needed) keeping the less fortunate out of the cold."

Tim Solloway

"Yes! Since this building is owned by BC Housing it should be used to the fullest. I would also like to see the "Soup Kitchen" there. It seems the next step! Two or three days a week! Rent where we are is taking from the food given."

April Marrington

"I think this a terrific idea. We should be proud to have a community that is proactive in respect to the homelessness."

Bev DeJong

"This is an amazing opportunity that I hope will open the door for modifying it into and Extreme Circumstance Shelter."

"I'm supporting the shelter I think it will be a good idea."

"I am supporting the shelter. We need one with the growth of the town."

"Glad to see recognition of the need in our community. If there is less desperation, there will be less petty crime."

"I am very supportive of this project. We've established there's a real need for a cold/wet shelter. We're excited to see this come to fruition and look forward to the inclusion of additional services at this location, e.g. a soup kitchen and possibly counselling services."

"I think this a great facility for our community to aid those in need. I would love to see the facility also used to accommodate the local soup kitchen and possibly other support services."

"There are multiple empty buildings in town. This is a great start but would be so great if our community and council could find ways to put the other empties to good use too."

**Letters of Support:**

- Marina Sacht, Editor, Take 5 received by email July 13th

“It’s natural fit as this area already is frequented by homeless people. It will make it more accessible and convenient and more likely it will be used.”

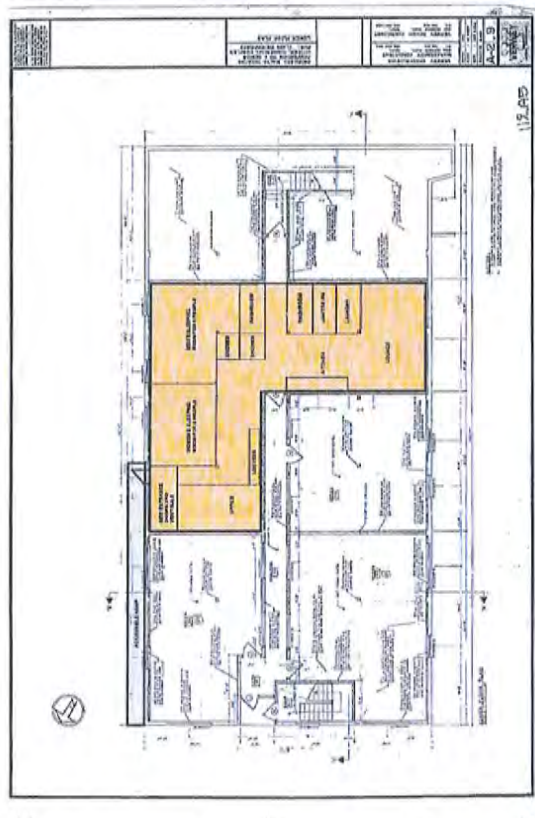
- Myf Plecas (original attached)

- Susan Kurucz, Manager, Integrated Community Services, Island Health (original attached)

- Griffin Russell, Harm Reduction Coordinator, Island Health (pending)

- Doug Routley (pending)

**Draft Schematic**





CHRONICLE, July 30, 2016

HOMELESSNESS

# Extreme weather shelter questions answered

Just because you don't have a roof over your head doesn't mean you don't have a place to call home.

That's what Cindy Warren, former chair of the Homeless Aid Committee and program manager for the Ladysmith Resources Centre Association, told a public meeting called to discuss the use of part of the Biallo Manor on First Street in Ladysmith as an Emergency Weather Response (EWR) centre.

"The people who live here, it's their home," she said of the homeless. "It may not seem so to us, but it is."

And the consensus in the room was the homeless are residents, too, and deserve a place to go when things get really bad out on the streets, or in our forested areas, or.

The plan is to convert storage space on the ground floor of the Biallo to a space that would accommodate up to 10 homeless people on incontinent nights between Nov. 1 and March 31. There would also be kitchen facilities to provide a warm meal.

Shannon Wilson, executive director of the Ladysmith Resources Centre, which is partnering with BC Housing on the project, said no tenants of the Biallo Manor will be displaced by the EWR project, because it will be located in unrented storage space on the ground floor of the building.

Last year 78 extreme weather days were declared in Ladysmith and about 178 people were offered shelter. The triggering weather conditions include: temperatures below 2 degrees; heavy

ENVIRONMENT

# Purple martin

Thirty years after they were on the brink, purple martin

Craig Spence  
THE CHRONICLE

It's taken thirty years, but the population of purple martins in the Georgia Basin has climbed back from the brink of extinction.

"They were down to two or three breeding pairs in 1985," said Charlene Lee, administrator of the Georgia Basin Ecological Assessment and Restoration Society. "We're now up over a thousand pairs in B.C."

She was commenting during an open house Saturday, July 16, at the Ladysmith Community Marina, which has played a major role in the recovery.

"At Ladysmith this is our largest colony on Vancouver Island," Lee said. So it was a great location to invite people to see the purple martins and learn a bit about them.

The highlight of the day was the banding of the most recent batch of nestlings. Bruce Cousens, GREARS program biologist, climbed a ladder up to the nest boxes and collected the chicks, which were within about 10 days of being fledged.

"They were part of what GREARS hopes will be a successful breeding year."

"Although the final count for 2016 is not yet available, there has been a good return of 2- and 3-year old birds this year," Cousens said. "Many Central



A purple martin chick is banded, after having been taken from the largest nesting zone on Vancouver Island, and

Island colonies are again fully or almost fully occupied. This is very exciting to see.

"The martin colony at the LMS marina is the largest on Vancouver Island and we're expecting about 70-80 pairs again this year."

Although the recovery has been remarkable, purple martins in the Georgia Basin are still a species of concern.

Nesting boxes maintained by volunteers at marinas like Ladysmith's are essential for the

continued reestablishment of the species Lee said.

"They only live in human nesting boxes. There we're finding in cavities enough to make a vital habitat," she explained.

Due to human activities, natural homes of purple are not available to them. "There are very few snags anymore," Lee explained.

"We're working with companies to see if we can create snags for them,

# Wood smoke has severe health

From Page 1

It has zeroed in on wood smoke in the COVID because PM2.5 - particles in the air less than 2.5 microm-

help the region develop a deeper understanding of the problems and work together to explore community change for an issue that has deep

social rates for the period 2012.

• In 2012, the proportion saw aged five to 51 days

Contact:

Shannon Wilson, Executive Director  
Ladysmith Resources Centre Association  
250.245.3079  
shannon@lrca.ca

15 July 2016

Hadley Smith Resource Centre  
Hadley Smith BC

attn: Executive Director  
Shannon Wilson

Dear Shannon

Re: Extreme Weather Shelter

John and I are members of the  
Hadley Smith Soup Kitchen.

We are giving you this letter  
of support for the renovation  
of the Rialto apartments lower  
area to house the Extreme  
Weather Shelter as a temporary  
habitat

We believe that the housing,  
Soup Kitchen, and Coats for  
jacks are keeping the same people.

As John and I will be away  
when Council addresses this  
issue, we encourage their  
support.

Thank you for all your hard work  
in bringing this together  
Puff and John Pleca

Excellent health and care for everyone,  
everywhere, every time.



Monday, July 18, 2016

To Whom It May Concern,

With safe housing a major challenge for the Ladysmith community, it is my understanding the Ladysmith Resources Centre (LRC) is working with BC Housing to operate a more consistent, and permanent Extreme Weather Response (EWR) Shelter based out of the Rialto Building on 1<sup>st</sup> Avenue.

The Town's approval for rezoning this location would support the Ladysmith Resource Centre Association in the provision of shelter for some of our most vulnerable community members. As a health care professional working at Island Health, I am aware that there is a direct correlation between safe housing and health.

We know that housing is one of the social determinants of health, which means that health is directly impacted by having a safe place to call "home." Social determinants of health have a significant impact on the predisposition of individuals and groups to illness (Canadian Nurses Association Website, 2016), as well as their recovery from illness.

As such, safe housing during the winter months cannot be overstated as an important part of health.

While I am unable to comment on the location of the homeless shelter, I am writing in support of the ongoing efforts of our community partners to create a permanent shelter for Ladysmith's more vulnerable population..

Thank you for your hard work on this initiative.

Sincerely,

Sue Kurucz, RN, MN, GNC(c) | Manager,  
Integrated Community Services, Cowichan Valley  
Ladysmith Community Health Centre | Island Health  
PO Box 10 – 11111 – 4<sup>th</sup> Avenue Ladysmith, BC V9G 1A1  
Main number: 250-739-5777 | Fax: 250-246-3238  
☎ 250-739-5788 (ext.54800) | ✉Susan.Kurucz@viha.ca





August 2<sup>nd</sup>, 2016

To Whom It May Concern:

It is well documented that communities all across Canada are experiencing a housing crisis, with increasing numbers of low-income people unable to afford rent. Ladysmith and other communities in Central Vancouver Island are no different. This reality puts considerable pressure on communities to develop meaningful strategies to protect the health and well-being of its residents.

The Ladysmith Resources Centre Association has been fulfilling this need through their Extreme Weather Response (EWR) shelter in Ladysmith, providing an essential opportunity for the most marginalized and vulnerable members of the community much needed respite from the inhospitable elements putting them at risk. As the primary resource supporting local residents, the Ladysmith Resources Centre Association present the best opportunity for ensuring those most in need have a safe, supportive and caring place to rest.

Please accept this letter of endorsement for the Ladysmith Resources Centre Association's proposed renovation of the Rialto Manor, as we know cold, rainy and windy winter season will be upon us in the coming months, and it is imperative all of the necessary development and planning can be done in order to best serve our community.

Please feel free to reach me for further comment, question, or endorsement.

Sincerely,

Griffin Russell  
Harm Reduction Coordinator  
Island Health  
250-889-2251  
[griffin.russell@viha.ca](mailto:griffin.russell@viha.ca)



**Constituency Office:**  
1 - 16 High Street  
Ladysmith, BC V9G 1A2  
Telephone: 250 245-9375  
Facsimile: 250 245-8164  
  
Unit 112 - 50 Tenth Street  
(Southgate Shopping Centre)  
Nanaimo, BC V9R 6L1  
Telephone: 250 716-5221  
Facsimile: 250 716-5222

**Legislative Office:**  
Parliament Buildings  
Victoria, BC V8V 1X4  
Telephone: 250 953-4739  
Facsimile: 250 387-4680  
e-mail: douglas.routley.mla@leg.bc.ca  
website: www.dougroutley.ca



**Province of  
British Columbia  
Legislative Assembly**



Doug Routley, MLA  
(Nanaimo-North Cowichan)

July 22, 2016

Re: Temporary Use Permit for Rialto Building

As MLA for Nanaimo-North Cowichan, I am pleased to write this letter in support of the application by the Ladysmith Resources Centre Association for a Temporary Use Permit, in order to establish an Emergency Weather Response Shelter in Ladysmith.

The Ladysmith Resources Centre Association has contributed significantly to this region through its services and programs to our community and its residents. However, there are challenges in providing the population of Ladysmith with all of the necessary resources. The lack of a safe and stable refuge for those in our community who are experiencing homelessness, has forced individuals into undesirable situations, or into leaving the community all together.

The establishment of a homeless shelter will be an integral step in our community's goal in meeting the needs of our population's most vulnerable citizens. Ensuring all citizens have the supports they need, is an essential factor in sustaining our wonderful and diverse community. A Temporary Use Permit for the Rialto Building, at 631 First Avenue, will be a step in helping our community continue to grow in diversity. I am ready to provide any assistance I can toward the effort. Please feel free to contact me if you have any questions or comments.

Regards,

Doug Routley, MLA  
Nanaimo~North Cowichan

DR:cm

# Ladysmith RCMP

## VICTIM SERVICES

*~ Assisting Victims and Witnesses of Crime and Traumatic Events*

PO Box 280  
320 6<sup>th</sup> Avenue  
Ladysmith, BC V9G 1A2  
(250) 245-6061

July 28, 2016

Re: Proposed new site for the Extreme Weather Response Shelter

To whom it may concern,

Our police based Victim Services Program assists and supports victims and witnesses of crimes and traumatic events in the community of Ladysmith 7 days a week, 52 weeks a year. We work in partnership with our local RCMP and the community of Ladysmith to connect these victims and witnesses to the community resources that will best suit their needs and benefit them in their time of trauma.

We see on a regular basis, the members of this community in need. In need of a hot meal, dry and appropriate clothing, toiletry necessities, and most importantly a safe, warm, and dry place to sleep. There is a great need for shelters that provide these things in our community as even though neighbouring communities provide these services, the reality of those in need getting to neighbouring communities is unrealistic and these facilities are often at capacity and cannot accept more people. We as a community should feel proud that we are making the Emergency Weather Shelter a priority. We are taking the steps and making the action plans that are going to help our own community members in need.

Having a more permanent shelter in Ladysmith will benefit these members of our community in need of assistance and prevent them from spending cold, wet nights on the street. Making the commitment to these community members by creating a more permanent location for the Emergency Weather Shelter shows them the care and respect that they deserve.

Sincerely,



Nikki Wetzal-Eden  
Program Manager



LADYSMITH RESOURCES CENTRE ASSOCIATION

## Heart on the Hill

01 JUNE 16

Dear Felicity,

For almost a quarter of a century the LRCA has provided services to the Ladysmith community. Today, over a dozen programs are delivered by the LRC to enhance the lives of members in the community, through all stages of life. Through this network of programs the Board and Staff of the LRCA is confronted with the challenges that Ladysmith faces, but also the aspirations that the community holds.

On January 14<sup>th</sup>, 2013, David Alton, a member of our community died of exposure in the dugout at Aggie Field, which was the impetus for two Ad Hoc Committees of the LRCA. The Soup Kitchen Ad Hoc Committee was initiated in February of 2013 by the LRCA Food Bank Program, which began serving prepared meals in April of 2014 and became a LRCA program in June of that year.

The Ladysmith Homeless Aid Committee (LHAC) held its first meeting in April of 2013 and began reporting as a committee of the LRCA in October of that year. Between the fall of 2013 and April of 2014 the LRCA conducted a community survey to identify the highest priority unmet social needs in Ladysmith. This Delphi study involved nearly 50 highly engaged community members from business, churches, local government and individuals who work in the social services field. The results revealed what the staff of the LRCA had always intuitively known; the major issues facing our community are employment, affordable housing, and hunger, which are directly connected to the larger issue of poverty.

With affordable and safe housing identified as one of the major challenges facing the Ladysmith community, the LRCA together with the LHAC, initiated efforts to work with BC Housing to operate an Extreme Weather Response (EWR) Shelter in Ladysmith.

As you know, this past Winter from November 1<sup>st</sup> until March 31<sup>st</sup>, the EWR was open in our community without incident, but not without challenges. In this initial year, the LRCA received guidance and staff training in partnership with Warmlands in Duncan. We also could not have opened the EWR Shelter without the support of local churches, namely Bethel Tabernacle, who provided shelter on 78 nights. This year, we provided temporary shelter to 178 guests, many who returned nightly.

For the 2016/2017 Winter season, we are so grateful to BC Housing who is requesting a Temporary Use Permit to renovate the Rialto Manor as a future location of the EWR Shelter. With the Town's support for rezoning, this location would allow the LRCA to offer a consistent location for shelter for some of our most vulnerable community members.

The LRCA Board and members of the LHAC are most supportive of BC Housing's application for rezoning of the Rialto Manor and hopeful that the Town of Ladysmith will approve their application.

Building our community together,

Marsh Stevens  
LRCA President

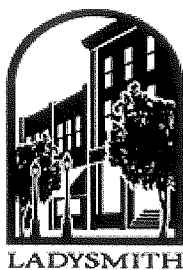
Shannon Wilson  
Executive Director



P 250 245 3079 | F 250 245 3798 | [info@lrca.ca](mailto:info@lrca.ca) | 630 2nd Avenue, Box 1653, Ladysmith, BC V9G 1B2

[facebook.com/ladysmithresourcescentre](https://www.facebook.com/ladysmithresourcescentre) [@ladysmithcares](https://www.instagram.com/ladysmithcares)

[www.lrca.ca](http://www.lrca.ca)



## Town of Ladysmith

### **STAFF REPORT TO COUNCIL**

From: Felicity Adams, Director of Development Services  
Date: August 15, 2016  
File No: 3360-16-01

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RE: OCP and Rezoning Application – 520 Jim Cram Drive (Town-initiated)  
SUBJECT PROPERTY: Lot 2, District Lot 108, Oyster District, Plan VIP88238

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#### **RECOMMENDATION(S):**

That Council receive this staff report regarding the neighbourhood information meeting held on July 25, 2016 about the proposed OCP amendment and rezoning of 520 Jim Cram Drive for small lot residential development.

#### **PURPOSE:**

The purpose of this staff report is to provide a report on the neighbourhood information meeting held on July 25, 2016.

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

At its meeting held June 20, 2016 Council directed staff to hold a neighbourhood information meeting on the proposed OCP amendment and rezoning of 520 Jim Cram Drive for a small lot residential subdivision.

An advertisement about the meeting was placed in the July 20, 2016 issue of the Ladysmith Chronicle newspaper and posted on the Town's Facebook page. Invitations were mailed to 34 properties.

#### **SCOPE OF WORK:**

The meeting was held on July 25, 2016 in City Hall Council Chambers. Two members of the public were in attendance: one resident from the neighbourhood and one resident from outside of the neighbourhood.

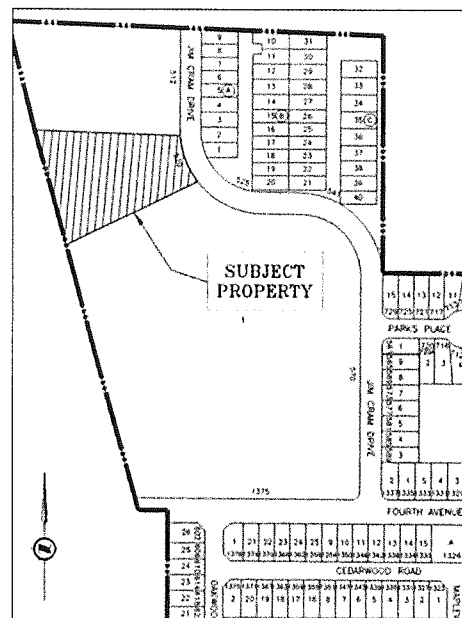
The meeting was conducted by Mayor Stone. The City Manager was in attendance and the Director of Development Services made a presentation about the proposal.

#### **ALTERNATIVES:**

None.

#### **FINANCIAL IMPLICATIONS:**

None.



**LEGAL IMPLICATIONS:**

A public hearing is required to be held to consider the amending bylaws; it is scheduled to be held on August 22, 2016 at 7pm in Council Chambers.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

Feedback forms were provided at the meeting with a request for comments to be submitted by August 8, 2016. No forms were submitted.

The following input has been received to date:

- One letter of support from a resident in the neighbourhood

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The proposal was referred to the Infrastructure Services Department, the Approving Officer, Building Inspector and Fire Chief. No issues were raised with respect to the land use proposal.

**RESOURCE IMPLICATIONS:**

Processing OCP amendment and rezoning applications is a core service of the Development Services Department and is within current staff resources.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

The Visioning Report supports a range of densities in the Town. The proposed rezoning provides for density options within an area of mixed housing types.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Effective land use planning and community design is a strategic Council direction.

**SUMMARY:**

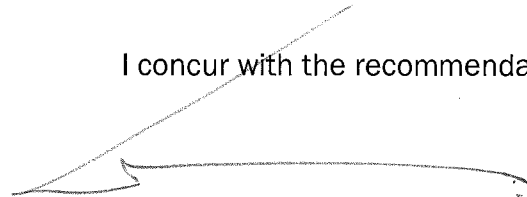
This report from the neighbourhood information meeting is provided for the information of Council.



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Report Author: Felicity Adams, Director of Development Services

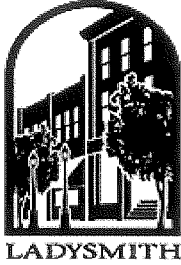
I concur with the recommendation.



---

Guillermo Ferrero, City Manager

**ATTACHMENT:** None.



## Town of Ladysmith

### STAFF REPORT TO COUNCIL

From: Felicity Adams, Director of Development Services  
Date: August 15, 2016  
File No: 4320-50 Zack's Lounge

RE: Liquor Primary Licence Application – Zack's Lounge (530 First Avenue)

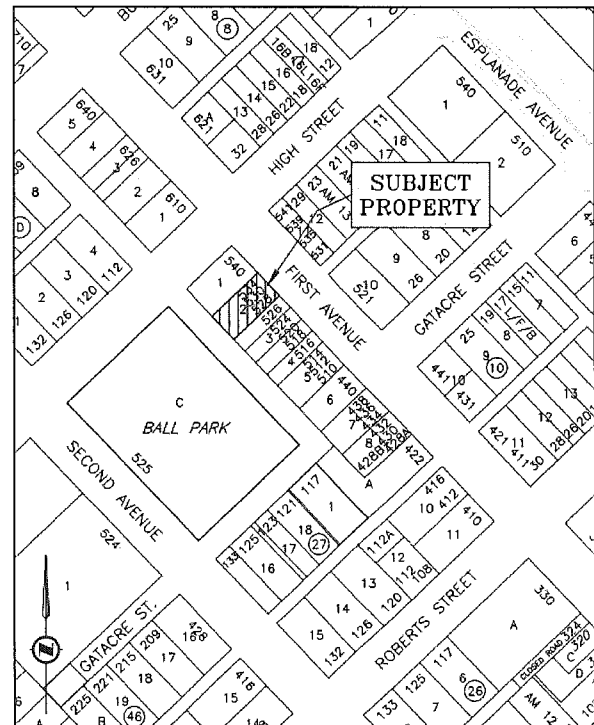
#### RECOMMENDATION(S):

That Council

1. Consider recommending the issuance of a Liquor Primary Licence by the BC Liquor Control and Licensing Branch to Zack's Lounge to be located at 530 First Avenue for the following reasons:
  - The property is zoned for neighbourhood pub use,
  - The hours of operation are proposed to be 10a.m. to 10p.m. on Mondays, Tuesdays, Wednesdays, Thursdays, and Sundays; and 10a.m. to 11p.m. on Fridays and Saturdays,
  - The limited 30 person capacity of the lounge,
  - The issuance of a Business Licence for Zack's Lounge will require the owner to adhere to Terms and Conditions for Liquor Licenced Establishments outlined in Town of "Ladysmith Liquor Licence Bylaw No. 1513, 2003", to participate in the "Bar Watch" program, and to enter into a Good Neighbour Agreement with the Town and the RCMP.
2. Has reviewed and endorses the comments about the Liquor Primary License prescribed criteria provided in the Staff Report dated August 15, 2016 from the Director of Development Services;
3. At tonight's meeting, consider and comment on the views of residents which were requested by direct mail to the property owners, residents and businesses within 60 meters of 530 First Avenue and by requiring that the same letter be placed in the window of 530 First Avenue from July 20 to August 15, 2016.

#### PURPOSE:

Company 0997470 BC Ltd. has applied to the Liquor Control and Licensing Branch for a Liquor Primary licence to be located at 530 First Avenue in Ladysmith. The purpose of this staff report is to obtain Council's recommendation





and comments to the Liquor Control and Licencing Branch with respect to the licence application.

### INTRODUCTION/BACKGROUND:

At its meeting held July 4, 2016 Council passed the following motion:

That Council direct staff to:

- (1) gather the views of residents and businesses within 60 metres of the subject property by direct mail and request the owner to place the Town's notice in the window of the building, and
- (2) report back to Council regarding the community's views and the matters in Section 10 of the Liquor Control and Licensing Regulation as outlined in Part 4 – Public Interest of the Application Summary, following completion of the notice process.

### SCOPE OF WORK:

The views of residents were gathered as outlined in the "citizen/public relations" section below.

Section 10 of the Liquor Control and Licensing Regulation states that when considering an application for which notice has been given for a Liquor Primary Licence application, the local government must take into account the following criteria when providing comments with respect to the licence application. Staff comments are provided below.

- (a) **Location of the establishment:** *Zack's Lounge is proposed to be in current location of the Vacuum shop in downtown Ladysmith (530 First Avenue). The property is zoned 'Downtown Commercial (C-2)' which permits neighbourhoods pubs.*
- (b) **Proximity of the establishment to other social or recreational facilities and public buildings:** *The uses within 60 metres of the property are retail, neighbourhood pub, bank, restaurant, and second storey residential suites. There is also a baseball field and a post office within 60 metres.*
- (c) **Person capacity and hours of liquor service of the establishment:** *The lounge is proposed to have a capacity for 30 persons. The hours of operation are proposed to be 10a.m. to 10p.m. on Mondays, Tuesdays, Wednesdays, Thursdays, and Sundays; and 10a.m. to 11p.m. on Fridays and Saturdays.*
- (d) **Number and market focus or clientele of liquor primary licence establishments within a reasonable distance of the proposed location:** *There are two other liquor primary licence establishments within 60 metres of 530 First Avenue. The Ladysmith Inn is established and Island Hotel may be re-established. The hours for the Ladysmith Inn liquor primary licence are Monday-Saturday 11am to 1am and Sunday 11am to midnight. The Island Hotel liquor primary licence hours are Monday-Wednesday 10am to midnight, Thursday-Saturday 11am to 1 am, and Sunday 11am to midnight. It is expected that each will offer a different pub experience. Zack's Lounge offers staggered closing hours, which are earlier than the other establishments.*
- (e) **Impact of noise on the community in the immediate vicinity of the establishment:** *There may be additional noise in the evenings until 11pm which may have an impact*

on residents in the immediate vicinity (there are at least 30 second storey residential suites within 60 metres. However, the issuance of a Business Licence for Zack's Lounge will require the owner to adhere to Terms and Conditions for Liquor Licenced Establishments outlined in Town of "Ladysmith Liquor Licence Bylaw No. 1513, 2003". At the time of considering the business licence Council may consider conditions related to controlling patron behaviour (including noise), safety and security of patrons and the public, and responsible serving of alcoholic beverages.

(f) **Impact on the community if the application is approved:**

The owner will also be requested to participate in the "Bar Watch" program, and to enter into a Good Neighbour Agreement with the Town and the RCMP. The Bar Watch program is administered by the RCMP and includes installing a video camera at the bar entrance to discourage unlawful and uncivil behavior. Bars participating in the program can also alert one another to potential dangers. Another component of the Bar Watch program is a Good Neighbour Agreement which assists the RCMP in ensuring participants are committed to the goals and objectives of the program. The agreement addresses matters such as noise and disorder, criminal activity, minors, sale and consumption of alcohol, entertainment, on-duty employees, cleanliness and enforcement.

**ALTERNATIVES:**

To not recommend support for the proposed liquor primary licence for 530 First Avenue.

**FINANCIAL IMPLICATIONS:** none

**LEGAL IMPLICATIONS:** none

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

A notice letter was sent to property owners within 60 metres of the subject property on July 20, 2016 to advise them of the proposed licence and to seek their comments. Property owners were also requested to post the notice letter such that tenants would be advised and have an opportunity to comment. Also, the applicant placed the notice letter in the window of the building at 530 First Avenue from July 28 to August 15, 2016. One letter of support has been received regarding the proposed liquor primary licence.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The applicant has applied for a building permit to conduct renovations to the interior of the building to create the pub. A façade development permit is also under review. Staff have referred the liquor licence application to the RCMP and no comments have been received to date.

**RESOURCE IMPLICATIONS:**

Processing liquor licence referrals is within available staff resources.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

The Visioning report states that Ladysmith's downtown "would benefit from more people and a slightly greater sense of urbanity"; and recommends that the downtown "offer a choice of eating and drinking establishments for evenings".

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Effective land use planning is a strategic Council direction.





**SUMMARY:**

The Liquor Control and Licencing Branch is seeking Council's recommendation regarding the matters in Section 10 of the Liquor Control and Licensing Regulation for a proposed liquor primary licence for Zack's Lounge at 530 First Avenue.

*Lisa Brinkman*

---

Report Author: (Lisa Brinkman, Senior Planner)

I concur with the recommendation.

*Felicity Adams*

---

Felicity Adams, Director of Development Services

*Guillermo Ferrero*

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Guillermo Ferrero, City Manager

**ATTACHMENT:**

Bylaw 1870 - Business Licence Terms and Conditions for Liquor Licenced Establishments

**TOWN OF LADYSMITH**

**BYLAW NO. 1870**

A bylaw to amend "Town of Ladysmith Business License Bylaw No. 1513, 2003"

**WHEREAS** the Local Government Act empowers Council to require an owner or operator of a business to hold a valid and subsisting license for the business, to fix and impose license fees for businesses and to provide for the collection of license fees and the granting, issuance and transfer of licenses;

**AND WHEREAS** a Council may, from time to time, amend such a bylaw as deemed appropriate;

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

1. Add the following new Section 11 to Bylaw No. 1513:

**11. Liquor Licenced Establishments**

11.1 Despite section 7.1, in the case of a business licence for a business licensed under the *Liquor Control and Licensing Act* (British Columbia), the business licence shall be considered by Council under this section prior to issuance.

11.2 Council is hereby authorized to impose such terms and conditions as it considers reasonable on a licence under this Bylaw for a business licenced under the *Liquor Control and Licensing Act* (British Columbia), in the nature of:

- (a) controlling patron behaviour both inside and outside a licenced establishment, including but not limited to one or more of the following:
  - (i) maintaining orderly entrance and dispersal of patrons,
  - (ii) suppression of noise,
  - (iii) discouraging vandalism,
  - (iv) discouraging unlawful activities, and
  - (v) suppression of other nuisance behaviour.
- (b) safety and security of patrons and the public both inside and outside the licenced establishment, including one or more of the following:
  - (i) patron screening and door control,
  - (ii) provision of security staff and monitoring conduct of patrons,
  - (iii) installation and operation of closed circuit video cameras at all entrances and exits of the licenced establishment,
  - (iv) full cooperation with the R.C.M.P. and Town Staff in the performance of their duties and in resolving concerns related to the establishment that may arise,
  - (v) the wearing of identification nameplates by on-duty staff,
  - (vi) maintaining a list showing the full identification of on-duty staff and making the list available to the R.C.M.P. and Town Staff upon request.
- (c) responsible serving of alcoholic beverages including one or more of the following:
  - (i) over-service of patrons,
  - (ii) patron capacity,
  - (iii) price reductions and promotions,
  - (iv) free telephone available for making transportation arrangements,
  - (v) Designated Driver Program, including the sale of non-alcoholic beverages at prices which are below those set for alcoholic beverages.

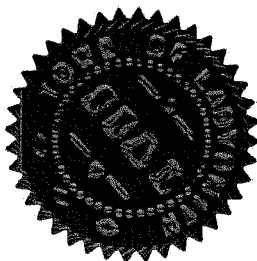
- (d) condition of premises and nearby surrounding area including but not limited to:
  - (i) exterior condition and appearance of premises,
  - (ii) inspection and cleanup of litter.

2. Renumber Section 11 to Section 12, Section 12 to Section 13, Section 13 to Section 14, and Section 14 to Section 15.


**CITATION**

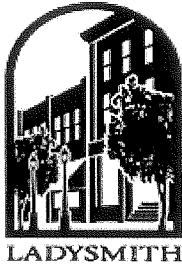
3. This bylaw shall be cited for all purposes as "Town of Ladysmith Business License Bylaw No. 1513, 2003, Amendment Bylaw 2015 No. 1870".

<b>READ A FIRST TIME</b>	on the	6th	day of	July,	2015
<b>READ A SECOND TIME</b>	on the	6th	day of	July,	2015
<b>READ A THIRD TIME</b>	on the	6th	day of	July,	2015
<b>ADOPTED</b>	on the	20 <sup>th</sup>	day of	July,	2015



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

  
\_\_\_\_\_  
Corporate Officer (S. Bowden)



## Town of Ladysmith

### **STAFF REPORT TO COUNCIL**

From: Felicity Adams, Director of Development Services  
Date: August 15, 2016  
File No: 3090-16-04

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RE: Development Variance Permit Application – MacCallum  
Subject Property: Lot 1, DL 43, Oyster District, Plan 6424 (117 Clarke Road)

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#### **RECOMMENDATION(S):**

That Council consider directing staff to proceed with statutory notice to the neighbours for the modified DVP application 3090-16-04 (117 Clarke Road - MacCallum), and bring the application back to Council for deliberation at the end of the notice period.

#### **PURPOSE:**

The purpose of this report is to:

- provide information requested by Council regarding the potential implications on future development from the requested variances,
- provide information regarding a modified application, and
- seek direction on proceeding with the notice for this DVP application.

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

At its meeting held July 4, 2016 Council provided the following direction to staff:

*Moved and seconded:*

That Council refer Development Variance Permit application 3090-16-04 (117 Clarke Road – MacCallum) to staff in order to review the following and report back to Council:

- a) potential implications on future development of adjoining lots if the applicant is not required to widen Clarke Road; and
- b) options for compensation to the Town for removing the requirements on the applicant to construct a sidewalk along Dogwood Drive and to widen Clarke Road.

*Motion carried.*

#### **SCOPE OF WORK:**

Staff reviewed the PLA dated April 21, 2016 for the proposed subdivision of 117 Clarke Road for conditions about Clarke Road and the Dogwood Drive sidewalk. The conditions are:

- 1) Clarke Road is required to be developed and constructed to meet the Urban Local road standard indicated on Drawing R4 with a constructed width of 15.5m
- 2) Dogwood Drive requires a 1.5m concrete sidewalk constructed along the frontage of the proposed development site to match Drawing C4.

**Item 1:**

**Clarke Road Variance – Potential Implications on Future Development of Adjoining Lots**

Staff consulted the Approving Officer and reviewed the future subdivision potential of adjacent parcels. All of the parcels are zoned Single Dwelling Residential Zone (R-1) requiring a minimum 668m<sup>2</sup> lot size.

The review of the potential implications on future development considered the subject property and four adjacent properties as shown on the plan attached to this report. The original parcels were created in 1920 and 1947 with the most recent 2-lot subdivision at the end of Clarke Road occurring in 2006.

**Lot 2, Plan 2478 - 113 Clarke Road**

Current access to this parcel from Clarke Road is via an existing 9.1 metre panhandle which also serves as an access easement for 111 Clarke Road. Clarke Road in this location is approximately 6.0m wide

- Fee simple subdivision potential requires access created by the new 15.5m road network to be established as part of the subdivision of the subject property.
- Bare land strata subdivision would be possible if Clarke Road is widened to meet Town standards (15.5m). This would not be possible if Clarke Road is less than 15.5 metres.
- There would be no subdivision potential if Clarke Road is not widened to 15.5m or the new 15.5m Road is never built.

**Lot 2, Plan 6424 – 341 Dogwood Drive**

- Subdivision potential would require access created by the new 15.5m road network to be established as part of the subdivision of the subject property.

**Lot 3, Plan 6424 – 347 Dogwood Drive**

- Subdivision potential would require access from the new 15.5m road network to be established as part of the subdivision of the subject property.

**Lot 4, Plan 6424 – 353 Dogwood Drive**

- Subdivision potential would require access from the new 15.5m road network to be established as part of the subdivision of the subject property.

**Item 2:**

**Dogwood Sidewalk – Options for Compensation if requirements removed**

Staff reviewed the requirement to construct the sidewalk with the Approving Officer and the Director of Parks, Recreation and Culture. Both recommend that the requirement for a sidewalk on Dogwood Drive not be varied, as the subdivision should provide a section of sidewalk along Dogwood Drive that will ultimately create a new sidewalk connection to the Holland Creek trail access located on the north side of Holland Creek bridge, as other subdivision occurs.

**The applicant has amended his application to remove the Dogwood Drive sidewalk variance.**

### Modified DVP Application

The applicant has modified his DVP application as follows.

- Cancel the variance request for the Dogwood sidewalk
- Add a lot frontage variance for proposed Lot 3 (<18.28m)
- Modify the Clarke Road width variance (<15.5m)

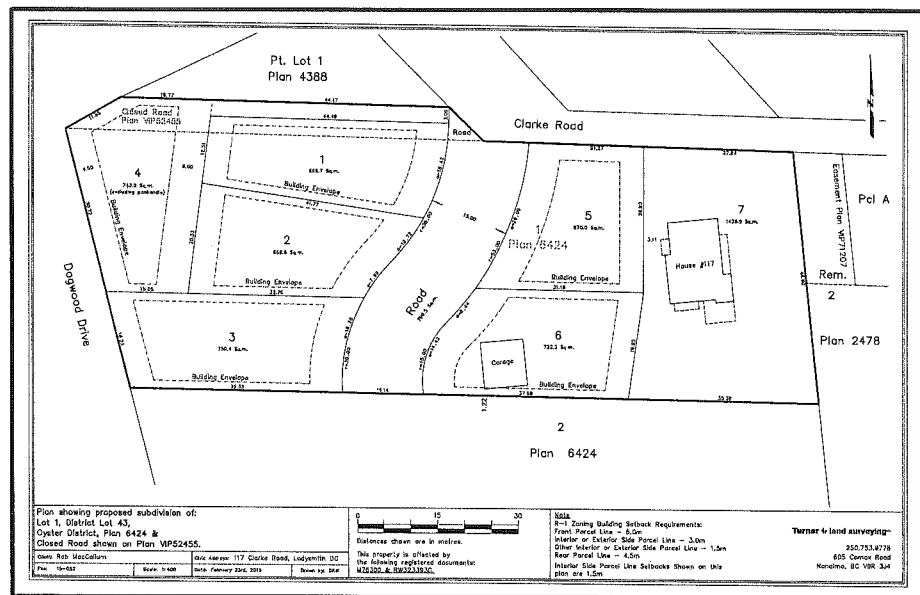
### Proposed Subdivision Layout

The drawing below provides the proposed subdivision lot layout for 117 Clarke Road. This layout presumes a Clarke Road variance as originally proposed.

### Lot Frontage Variance

A new 15.5m road will be constructed to establish a new road network to accommodate future subdivision of lands beyond located south on Dogwood Drive.

Altering the proposed lot layout to accommodate the required 15.5m road width for the new road (currently drawn at 15m) will affect the required 18.28m lot frontage (width) of one parcel (Lot 3). While the exact width is not known at this time, staff will work with the applicant to confirm the proposed width prior to issuance of the DVP Notice.



### Clarke Road Width Variance

Where existing Clarke Road narrows it is approximately 6.0 metres in width. The road standard is 15.5m.

The applicant is proposing to modify his request such that the road width is widened to accommodate two 3.0m travel lanes and as many services as possible within a reduced road width. The discussion to date is that the road width could be approximately 9.0 metres which would be similar to the adjacent 9.1m panhandle access at 113 Clarke Road. This proposal does not provide any immediate subdivision potential, but it may address the location of municipal services being within the road right of way.

The project engineer is developing a cross-section concept for review by Engineering staff. Again, while the exact number for a revised proposal is not known, staff will work with the applicant to confirm the proposed width prior to the issuance of the DVP Notice.

**ALTERNATIVES:**

Issuing a development variance permit is a discretionary decision of Council. The DVP application 3090-16-04 could be denied.

**FINANCIAL IMPLICATIONS:**

The intention of the “Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No.1834” is to ensure that developer’s pay for works and services associated with land development.

**LEGAL IMPLICATIONS:**

The Local Government Act enables Council to vary a bylaw that relates to subdivision and development requirements. This is a discretionary decision of Council.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

Council may direct staff to proceed with statutory notification for Development Variance Permit application 3090-16-04 to the neighbourhood (properties within 60m).

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The Approving Officer and Infrastructure Services staff have been facilitating the subdivision application process for the subject property. Staff indicate that if a Clarke Road variance is approved (i.e. Clarke Road is less than the required 15.5m), it would likely result in the new road being named Clarke Road and the narrower portion of the road being renamed to Clarke Lane. ‘No Parking’ signs would also be posted. A change of road name would impact seven properties.

**RESOURCE IMPLICATIONS:**

Processing Development Variance Permit applications is within available staff resources.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

The Visioning Report states that “Ladysmith will create an efficient, low-impact, innovative transportation system that supports a significant shift away from reliance on the car towards human and environmentally friendly modes such as walking, cycling, public transit and small electric vehicles.”

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Council strategic directions are effective land use planning and community design.

**SUMMARY:**

This staff report provides further information as requested by Council. The Recommendations and Alternatives sections of the report provide options for Council to consider.



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Report Author: Felicity Adams, Director of Development Services

I concur with the recommendation.



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Guillermo Ferrero, City Manager

**ATTACHMENT:**  
Plan of properties

CARBON NEUTRAL



BC CLIMATE ACTION  
COMMUNITY 2014

cowichan  
89









## Town of Ladysmith

### **COMMITTEE REPORT**

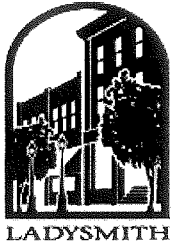
To: Mayor and Council  
From: Councillor Steve Arnett  
Chair, Municipal Services Committee  
Date: July 17, 2016  
File No: 0540-20

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Re: **MUNICIPAL SERVICES COMMITTEE RECOMMENDATIONS**

At its July 11, 2016 meeting, the Municipal Services Committee recommended that Council:

1. Direct staff to:
  - a. Enter into a memorandum of understanding (MOU) with the Ladysmith Arts Council (LAC) to manage the Julian North Art Collection;
  - b. Reallocate \$3,500.00 from Parks, Recreation and Culture appropriated equity to fund the shipping and storage of the art collection, and amend the 2016-2020 financial plan;
  - c. Include \$500.00 annually in the operational budget beginning in 2017, to manage the Julian North Art Collection on an ongoing basis;
  - d. Provide a thank you letter from Council to Victoria Bellefeuille for her generous donation of the Reverend Julian North's artwork.
2. Proceed with recruiting representatives from community organizations having expressed interest in participating in the Canada 150 Community Committee, including Ladysmith Early Years Partnership, Ladysmith Chamber of Commerce, Ladysmith Arts Council, and the Ladysmith and District Historical Society.



Town of Ladysmith

**COMMITTEE REPORT**

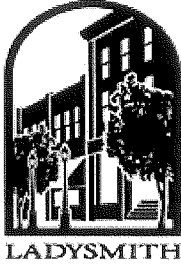
To: Mayor and Council  
From: Councillor Duck Paterson  
Chair, Protective Services Committee  
Date: July 11, 2016  
File No: 0550-20-PSC

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Re: PROTECTIVE SERVICES COMMITTEE RECOMMENDATIONS

At its July 11, 2016 meeting, the Protective Services Committee recommended that Council:

1. Request more speed watch and speed patrol on Dogwood Drive.
2. Request the drought level signs in Ladysmith be relocated closer to the highway for maximum exposure.
3. Request Community Safety information outlets be combined with public events.
4. Request that Firesmart Standards be encouraged in the subdivision process.



## Town of Ladysmith

### **STAFF REPORT TO COUNCIL**

From: Joanna Winter, Manager of Administrative Services  
Date: August 10, 2016  
File No:

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**RE: ISLANDER PUB BUSINESS LICENCE APPLICATION**

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#### **RECOMMENDATION(S):**

That, in accordance with Business Licence Bylaw 2003, No. 1513 as amended by Bylaw 1870, Council consider requiring the applicant for a business licence for the Islander Pub (Jason Robert Lawrence) to

- a) Participate in the Bar Watch Program and enter into a Good Neighbour Agreement; and
- b) Remove the graffiti on the building as previously directed by the Bylaw Enforcement Officer.

#### **PURPOSE:**

The purpose of this report is to seek Council's direction on the application for a business licence for the Islander Hotel, as required under the Town's Business Licence Amendment Bylaw 1870 (Bar Watch Program).

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

The Islander Pub is located in the Islander Hotel at 440 First Avenue. The property is undergoing renovation and the owner wishes to re-open a liquor primary establishment on the premises. The existing liquor licence has been dormant since the closure of the previous pub on the premises. The applicant is required to apply to the B.C. Liquor Control and Licensing Board to have the liquor licence re-activated.

Under the terms of Ladysmith's Bar Watch Program as outlined in Bylaw 1870, section 11 (attached), a business licence for an establishment licensed under the Liquor Control and Licensing Act is to be reviewed by Council before it is issued. As part of its review, Council may impose such terms and conditions as it considers reasonable in order to

- Control patron behaviour
- Ensure the safety and security of patrons and the public
- Ensure responsible serving of alcoholic beverages
- Maintain the condition of the premises and surrounding area

Council has established a Bar Watch Program in conjunction with the RCMP. Under this program, the Town and RCMP have developed a Good Neighbour Agreement, which liquor primary establishments are encouraged to sign voluntarily. The agreement (attached) outlines measures the establishment will put in place to help address the above bulleted areas. The owner of the Islander Pub would be requested to sign the Good Neighbour Agreement.

Ladysmith RCMP have been offered the opportunity for input on this business licence application, and advise that they have no additional requests or recommendations beyond what is expected, or is in place, for our other licenced establishments within the municipality; which includes the rules set forth by the BC Liquor Control and Licensing Act.

**SCOPE OF WORK:**

Financial Services administers the issuing of business licences. Some additional work may be required by Bylaw Enforcement to ensure conditions are met should Council choose to impose additional conditions on the business licence.

**ALTERNATIVES:**

Council can:

- Determine which conditions, if any, it wishes to impose on a business licence for the Islander Pub
- Choose not to issue a business licence to the Islander Pub

**FINANCIAL IMPLICATIONS:**

Not applicable.

**LEGAL IMPLICATIONS:**

Council has the authority as outlined in Bylaw 1870 to impose such terms and conditions as it considers reasonable on a business licence for a liquor primary establishment.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

Citizens expect that Council would take reasonable steps to maintain the safety of the public and of property.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Bylaw Enforcement staff would enforce the conditions of the business licence with assistance from the RCMP as required.

**RESOURCE IMPLICATIONS:**

Not applicable.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

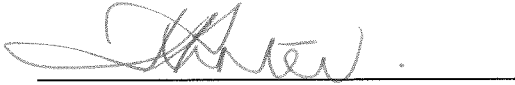
This aligns with Sustainability Pillars 7 – Healthy Community and 8 – Local, Diverse Economy.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

This aligns with 2016 Strategic Priorities *Employment and Tax Diversity* and *Partnerships*.

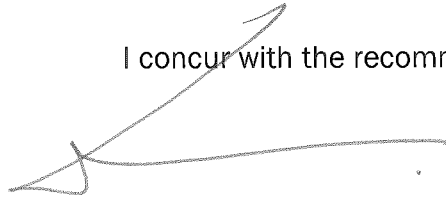
**SUMMARY:**

Council is requested to provide direction on the issuing of a business licence for the Island Pub, a liquor primary establishment, and determine whether it wishes to impose any additional conditions on the business licence.



Report Author: Joanna Winter, Manager of Administrative Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

**ATTACHMENTS:**

Business Licence Application (Island Pub)  
Bylaws 1513 and 1870  
Good Neighbour Agreement



BC CLIMATE ACTION  
COMMUNITY 2014





RECEIVED  
JUL 04 2016

Print Form

410 Esplanade, PO Box 220  
Ladysmith, BC V9G 1A2  
Phone: 250.245.6400  
Fax: 250.245.6411  
Email: info@ladysmith.ca

# BUSINESS LICENCE APPLICATION

The information gathered on this form will be used to administer Municipal bylaws, is collected under the authority of the *Local Government Act* and the Business Licence Bylaw, and may be released to other parties upon request. If you have a business premises, this application must be made to the Municipality in which your premises is located. If you have any questions about this application, please contact 250.245.6414 ext 6207 or bl@ladysmith.ca.

### Business Information:

Name: THE ISLANDER PUB	
Street Address: 440 FIRST AVENUE	
Mailing Address: PO Box 11 LADYSMITH BC	
Email: LADYSMITHISLANDER@gmail.com	Postal Code: V9G 1A1
Phone: 250 327 8539	Fax:

Type of Business: If residential, provide a complete description of what you intend to do, including specifically, where you will be conducting the business and approximately how much square footage the business will occupy.  
PUB/ENTERTAINMENT

Commercial: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Square Footage of area: 3000	If restaurant/cafe/pub: Number of seats: 100
Residential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Approximate Number of Employees: 6	

### Type of Licence:

<input checked="" type="checkbox"/> Ladysmith \$100.00 - Inter- Municipal (includes Duncan, North Cowichan and Lake Cowichan) (\$50.00 after July 1)				
<input type="checkbox"/> Inter- Community (see below) Additional \$150.00	City of Campbell River City of Parksville Town of Comox	City of Courtenay City of Port Alberni Town of Ladysmith	City of Duncan District of North Cowichan Town of Qualicum Beach	City of Nanaimo District of Lantzville Village of Cumberland

I/We hereby make application for an Inter-Community business licence in accordance with "Town of Ladysmith Inter-Community Business Licence Bylaw 2013, No. 1839". I/We undertake to comply with the Bylaws of the Town of Ladysmith and other municipalities now in force or which may hereafter come into force. I also understand, payment of the Business Licence fee in advance does not guarantee approval of the licence. Note: 1. Licence fees apply to a calendar year January 1st to December 31st and are not refundable.

### Owner/ Manager Contact Information:

Name (Print): JASON ROBERT LAWRENCE	Phone: (250) 327 8539
Address: 376 TRANS CANADA HWY LADYSMITH	Postal Code: V9G 1T9

I agree that I will comply with all applicable bylaws, statutes and regulations relating to this application.

Signature:	Date: June 23 2016
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\$50.00 debit HR# 726

OFFICE USE ONLY

Planning Department	
What is the current zoning of the place of business?	C-2 Downtown Commercial
Is the business a permitted use under the zoning bylaws?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comments: Liquor Primary Licence is currently dormant. Applicant has to reactivate with LCLB. A	
Date (YY/MM/DD): 16/07/04	Signature of Planner: M. Pantan - A

Building Department	
Does the building meet requirements for this type of business?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Do you recommend inspection by the Public Health Inspector?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comments: THE APPLICANT IS PROVIDING COSMETIC CHANGES THAT CURRENTLY WOULD NOT REQUIRE A B.P.	
Date (YY/MM/DD): 2016 07 05	Signature of Building Inspector: [Signature]

Referrals	
Public Health Inspector	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
RCMP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



TOWN OF LADYSMITH

BYLAW NO. 1513, 2003

A Bylaw for the Licensing of Businesses

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WHEREAS the Local Government Act empowers Council to require an owner or operator of a business to hold a valid and subsisting license for the business, to fix and impose license fees for businesses and to provide for the collection of license fees and the granting, issuance and transfer of licenses;

The Municipal Council of the Town of Ladysmith, in open meeting assembled, enacts as follows:

1. Title

- 1.1 This Bylaw may be cited for all purposes as "Business License Bylaw No. 1513, 2003".

2. Interpretation

- 2.1 In this Bylaw:

"Business" means the carrying on of a commercial or industrial undertaking of any kind or nature, or the providing of professional, personal or other services, but does not include an activity carried on by the government, its agencies or government owned corporations.

"Intermunicipal Business License Agreement" means the agreement attached to and forming part of the "Intermunicipal Business License Agreement Bylaw 2003, 1496.

"Intermunicipal License" means a business license issued by the License Inspector of the Town of Ladysmith or another participating Municipality, to carry on business within the boundaries of any participating municipality and issued pursuant to the Intermunicipal Business License Agreement.

"License" means a license to carry on business issued pursuant to Section 7 of this Bylaw.

"License Inspector" means the person appointed by Town Council from time to time to administer this Bylaw.

"Participating Municipality" means a municipality which is party to the Intermunicipal Business License Agreement.

- 2.2 This Bylaw is enacted subject to the Local Government Act and terms defined in the Act have the same meaning in this Bylaw.

- 2.3 Schedules "A" and "B" form part of this Bylaw.

3. License Requirement

- 3.1 No person shall carry on a business within the Town of Ladysmith unless a valid and subsisting license has been issued for the business.
- 3.2 A person who carries on business from more than one location shall obtain a license under this Bylaw for each business location.

#### **4. License Application**

- 4.1 The owner or operator of every business shall make application to the License Inspector for a business license prior to commencing operation, by completing an application generally in the form attached as Schedule "A" to this Bylaw.
- 4.2 An application for a mobile business shall be treated as an application for an Intermunicipal Business License.

#### **5. License Fees**

- 5.1 Business license fees shall be in accordance with section 5 of Intermunicipal Business Licence Agreement Bylaw 2003, No. 1496.
- 5.2 A 25% penalty will be added to each unpaid Business License as at March 1 in each year.
- 5.3 For new businesses applying after July 1 in any year, the fee may be reduced to one-half the annual fee.
- 5.4 If an application for a license is withdrawn in writing prior to issuance of the license, the license fee may be refunded to the applicant.
- 5.5 No license fee shall be refunded after the issuance of a license.
- 5.6 All license fees collected under this Bylaw shall be forwarded to the Collector.
- 5.7 When a person begins to carry on a business prior to July 1 in any year and fails to apply for a license until after July 1 in that year, the license fee prescribed in Section 5.1 above shall not be reduced.

#### **6. License Periods**

- 6.1 Except as otherwise provided in the Local Government Act, business Licenses shall be issued for a calendar year and shall expire on December 31 of each year.

#### **7. License Issuance and Conditions**

- 7.1 When the License Inspector is satisfied that an applicant has complied with the bylaws of the Town of Ladysmith regulating building, zoning, health, sanitation and business, the License Inspector shall issue the license in accordance with the application, subject to the requirements of this Bylaw and subject to the provisions of the Local Government Act.
- 7.2 A license shall be generally in the form attached as Schedule "B" to this Bylaw.
- 7.3 Every License issued under this Bylaw is deemed to be a personal License granted to the Licensee, to carry on the business specified in the License from the premises specified in the License, and is not transferable to any other person.
- 7.4 The owner or operator of a business shall not change the location of the business without first obtaining a transfer of the License for that business in accordance with Section 8 of this Bylaw.
- 7.5 Every owner or operator of a business shall notify the License Inspector of any change in that person's mailing address and any change in the name of the business.

- 7.6 The owner or operator of every business shall post and maintain in a conspicuous place on the business premises or the chattel in respect of which the License is issued, the License issued for that business.

#### 8. License Transfers

- 8.1 No person shall change the location of a business unless application for a License transfer is made to the License Inspector and is approved by the License Inspector prior to the change in location.
- 8.2 A License transfer shall not be approved unless the License Inspector is satisfied that the premises to which the business is proposed to be relocated complies with the building, zoning, health, sanitation and business regulation bylaws of the Town of Ladysmith.

#### 9. License Renewals

- 9.1 Each year following the calendar year in which a license is first issued, a license renewal form may be forwarded to the holder of every license.
- 9.2 No license holder shall carry on business without renewing the license and paying the annual fee prior to February 28 in each year that the business is carried on.
- 9.3 When the annual license fee is not paid in accordance with Section 9.2, the license shall be deemed to be revoked.

#### 10. License Suspensions

- 10.1 The License Inspector may, in accordance with the Local Government Act and subject to the right of appeal provided in the Act, suspend a license for the period determined by the License Inspector if the holder of the license:
- (a) is convicted of an indictable offence;
  - (b) is convicted of an offence under any municipal bylaw or provincial statute in respect of the business or premises for which the holder is licensed;
  - (c) has, in the opinion of the License Inspector, been guilty of such gross misconduct in respect of the business or the premises that suspension is warranted;
  - (d) has ceased to meet the lawful requirements to carry on the business or with respect to the premises named in the license; or
  - (e) has, in the opinion of the License Inspector, conducted business in a manner, performed a service in a manner, or sold, offered for sale, displayed for sale, or distributed to a person actually or apparently under the age of sixteen years, anything that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of sixteen years.
- 10.2 Written notice of suspension of a license shall be delivered to the licensee personally or by registered mail, provided that delivery of the notice of suspension is not required when the licensee cannot be found following reasonable efforts by the License Inspector.

**11. Inspections**

11.1 The License Inspector or Building Inspector are authorized to enter upon any property at all reasonable hours, to ascertain whether the requirements of this Bylaw are being observed.

**12. Enforcement**

12.1 A person who contravenes any provision of this Bylaw commits an offence punishable upon summary conviction and shall be liable to a fine not exceeding \$2,000.00, to imprisonment not exceeding six months, or to both.

12.2 License fees imposed under this Bylaw are a debt due to the Town of Ladysmith and the License Inspector or Collector may initiate action in a court of competent jurisdiction for the recovery of unpaid license fees.

12.3 When a license has been suspended or revoked, the License Inspector may post a notice of suspension or notice of revocation on the premises in respect of which the license was issued, prohibiting the continued operation of the business from those premises.

**13. Schedules**

Schedule "A" (application form)

Schedule "B" (license form)

**14. Repeals**


Business Licence Regulation Bylaw 1987, No. 876 and all amendments thereto are hereby repealed.

READ THE FIRST TIME on the 01 day of December, 2003.

READ THE SECOND TIME on the 01 day of December, 2003.

READ THE THIRD TIME on the 01 day of December, 2003.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Ladysmith on the 15 day of December, 2003

  
\_\_\_\_\_  
Mayor (R. Hutchins)

  
\_\_\_\_\_  
Manager of Corporate Services (P. Durban)

I hereby certify the above to be a true and correct copy of "Business Licence Bylaw 2003, No. 1513."

  
\_\_\_\_\_  
Manager of Corporate Services

**TOWN OF LADYSMITH**

**BYLAW NO. 1870**

A bylaw to amend "Town of Ladysmith Business License Bylaw No. 1513, 2003"

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**WHEREAS** the Local Government Act empowers Council to require an owner or operator of a business to hold a valid and subsisting license for the business, to fix and impose license fees for businesses and to provide for the collection of license fees and the granting, issuance and transfer of licenses;

**AND WHEREAS** a Council may, from time to time, amend such a bylaw as deemed appropriate;

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

1. Add the following new Section 11 to Bylaw No. 1513:

**11. Liquor Licenced Establishments**

11.1 Despite section 7.1, in the case of a business licence for a business licensed under the *Liquor Control and Licensing Act* (British Columbia), the business licence shall be considered by Council under this section prior to issuance.

11.2 Council is hereby authorized to impose such terms and conditions as it considers reasonable on a licence under this Bylaw for a business licenced under the *Liquor Control and Licensing Act* (British Columbia), in the nature of:

- (a) controlling patron behaviour both inside and outside a licenced establishment, including but not limited to one or more of the following:
  - (i) maintaining orderly entrance and dispersal of patrons,
  - (ii) suppression of noise,
  - (iii) discouraging vandalism,
  - (iv) discouraging unlawful activities, and
  - (v) suppression of other nuisance behaviour.
- (b) safety and security of patrons and the public both inside and outside the licenced establishment, including one or more of the following:
  - (i) patron screening and door control,
  - (ii) provision of security staff and monitoring conduct of patrons,
  - (iii) installation and operation of closed circuit video cameras at all entrances and exits of the licenced establishment,
  - (iv) full cooperation with the R.C.M.P. and Town Staff in the performance of their duties and in resolving concerns related to the establishment that may arise,
  - (v) the wearing of identification nameplates by on-duty staff,
  - (vi) maintaining a list showing the full identification of on-duty staff and making the list available to the R.C.M.P. and Town Staff upon request.
- (c) responsible serving of alcoholic beverages including one or more of the following:
  - (i) over-service of patrons,
  - (ii) patron capacity,
  - (iii) price reductions and promotions,
  - (iv) free telephone available for making transportation arrangements,
  - (v) Designated Driver Program, including the sale of non-alcoholic beverages at prices which are below those set for alcoholic beverages.

(d) condition of premises and nearby surrounding area including but not limited to:

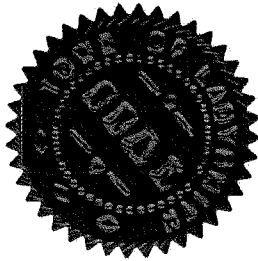
- (i) exterior condition and appearance of premises,
- (ii) inspection and cleanup of litter.

2. Renumber Section 11 to Section 12, Section 12 to Section 13, Section 13 to Section 14, and Section 14 to Section 15.


**CITATION**

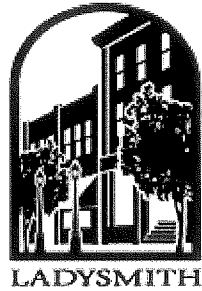
3. This bylaw shall be cited for all purposes as "Town of Ladysmith Business License Bylaw No. 1513, 2003, Amendment Bylaw 2015 No. 1870".

<b>READ A FIRST TIME</b>	on the	6th	day of	July,	2015
<b>READ A SECOND TIME</b>	on the	6th	day of	July,	2015
<b>READ A THIRD TIME</b>	on the	6th	day of	July,	2015
<b>ADOPTED</b>	on the	20 <sup>th</sup>	day of	July,	2015



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

  
\_\_\_\_\_  
Corporate Officer (S. Bowden)



## GOOD NEIGHBOUR AGREEMENT

**WHEREAS** the Town of Ladysmith ("the Town"), the RCMP Ladysmith Detachment ("the RCMP") and the Owners of \_\_\_\_\_ ("the Licensed Establishment") (collectively "the Parties") recognize that liquor licensed establishments have a civic responsibility, beyond the requirements of the *Liquor Control and Licensing Act*, to control the conduct of their patrons; and

**WHEREAS** the Licensed Establishment wishes to demonstrate to the citizens of Ladysmith its desire to be a responsible corporate citizen; and

**WHEREAS** the Parties wish to promote Ladysmith as a vibrant, safe and attractive community for the enjoyment of everyone, including residents, visitors, businesses and their workers;

**NOW THEREFORE** the Licensed Establishment agrees with the Town and the RCMP to enter into this Good Neighbour Agreement, the terms and conditions of which follow:

### Noise and Disorder

1. The Licensed Establishment shall undertake to ensure that noise emissions from the Establishment do not disturb surrounding residential developments, businesses and neighbourhoods, as provided by the Town of Ladysmith Noise Bylaw.
2. The Licensed Establishment shall undertake to monitor and promote the orderly conduct of patrons immediately outside of the Establishment, particularly those congregating outside during open hours as well as at closing time, and to discourage patrons from engaging in behaviour that may disturb the peace, quiet and enjoyment of the neighbourhood.
  - 2.1 In cases where the presence of employees does not facilitate the orderly conduct of patrons, staff shall contact the RCMP to request assistance in dealing with any persons or crowds.

### Criminal Activity

3. The Licensed Establishment shall not tolerate any criminal activity within the Establishment.

- 3.1 The Establishment shall make every reasonable effort to scrutinize patrons as they enter the building to ensure that no items of contraband, including weapons and controlled substances, are brought onto the premises.

### Minors

4. The Licensed Establishment shall not allow any person under the age of 19 into the Establishment.
  - 4.1 The Establishment shall check two pieces of identification for any person who appears to be under the age of 25; one piece must be picture identification and may be a driver's licence, a government identification card or a passport.

### Sale and Consumption of Alcohol

5. While it is recognized that there may be occasional price reductions or promotions for specific alcoholic beverages, the Licensed Establishment shall offer no deep discounts (i.e., "cheap drinks") or across-the-board discounts.
  - 5.1 When offering price reductions and promotions, the Establishment shall be particularly mindful of its legal and moral obligation to refuse service to persons who may, based on appearance or amount of alcohol consumed, be intoxicated.
6. The Licensed Establishment shall not allow patrons to carry or consume open beverages in areas that are not licensed for such purposes, including areas outside of the Establishment.

### Entertainment

7. Stripping and exotic dancing shall only be permitted as forms of entertainment in the Licensed Establishment if the Establishment's zoning allows for such forms.
8. If stripping and exotic dancing are permitted, as per the Establishment's zoning, the Establishment shall ensure that advertisements are not offensive to the community.

### On-Duty Employees

9. Each on-duty employee of the Licensed Establishment shall wear a clearly visible nameplate showing his or her first name and/or employee number.
10. The Licensed Establishment shall maintain a work schedule showing each on-duty employee and shall make the work schedule available to the RCMP, upon request.

### Cleanliness

11. The Licensed Establishment shall assign staff to inspect the outside of the premises each night after closing to ensure that there is no litter, garbage, broken glass or other foreign objects associated with the Establishment left within the general area of the Establishment.



12. The Licensed Establishment shall undertake to remove, as soon as is practicable, any graffiti from the building's exterior.
13. The Licensed Establishment agrees to work with the Town and its departments, including the RCMP, to resolve any concerns that arise with respect to the operation of the Establishment.
  - 13.1 The Licensed Establishment agrees to attend a formal meeting, as required, with the Town and the RCMP to discuss issues and concerns.
14. The Licensed Establishment shall demonstrate complete support for the RCMP and its members.
  - 14.1 When incidents occur which require RCMP involvement, all staff of the Licensed Establishment shall cooperate fully with RCMP members, and shall not impede or obstruct members in performing their duties.
15. The Licensed Establishment shall participate as an active member in the local Hospitality Industry Liquor Licensing Advisory Committee (HILLAC).
16. If the Licensed Establishment is a nightclub located within the downtown core, the Establishment will be strongly encouraged to participate in the Ladysmith Bar Watch Program.
17. The Licensed Establishment shall support programs which aim to eliminate occurrences of drinking and driving.
  - 17.1 A free telephone shall be available to patrons for the purpose of contacting a taxi or arranging other transportation from the Establishment.
  - 17.2 Non-alcoholic beverages shall be provided at prices which are below those set for alcoholic beverages.

#### Amendment and Transferability

18. Any proposed changes to the terms of the Good Neighbour Agreement shall be discussed and resolved among the Parties.

#### Enforcement

19. Any failure on the part of the Licensed Establishment to comply with the terms outlined herein will result in the following:
  - 19.1 The Town will attempt to resolve the matter by requesting a meeting with the licensee.
  - 19.2 If the matter is not satisfactorily resolved during a meeting, the Town will provide a written warning. The letter will clarify what action is needed in order for the

licensee to comply with the terms of the agreement. The letter will also specify how much time will be provided for the licensee to comply. The length of time will depend on the nature of the infraction.

19.3 Continued non-compliance may be brought to the attention of Town Council, which may in turn require the owners of the Establishment to attend a "show cause" hearing related to the possible suspension of their Business Licence.

19.4 It should be noted that a "show cause" hearing would only be used when all other reasonable attempts to gain compliance have failed.

20. Nothing contained or implied in this Good Neighbour Agreement shall prejudice or affect the Town's rights and authorities in the exercise of its functions pursuant to the Community Charter and Local Government Act, as amended, and the rights and powers of the Town and the RCMP under provincial and federal statutes and regulations, and Town bylaws.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in Ladysmith, British Columbia.

\_\_\_\_\_  
[name of Principal]

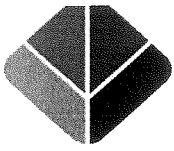
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
[signature of Principal]

\_\_\_\_\_  
Corporate Officer

\_\_\_\_\_  
[name of Licensed Establishment]

\_\_\_\_\_  
[rank and name of Officer in Charge]  
Ladysmith Detachment, RCMP



OFFICE OF THE  
**SENIORS ADVOCATE**  
BRITISH COLUMBIA

July 15, 2016

Ref: 302679  
**Sent by email only**

To All Mayors and Councils in BC

Dear Mayor and Council,

As British Columbia's Seniors Advocate, I am writing to all municipal governments in BC asking for consideration of increased safety initiatives targeted at senior pedestrians, including the lowering of speed limits in appropriate areas.

My colleague Dr. Perry Kendall, Provincial Health Officer highlighted the vulnerability of senior pedestrians in his report, *Where Rubber Meets the Road: Reducing the Impact of Motor Vehicle Crashes on Health and Well-being in BC*. This report points out that there were 2,200 motor vehicle accidents involving at least one pedestrian in BC in 2013. These resulted in 2,300 injured pedestrians and 52 pedestrian fatalities.

Dr. Kendall's report further highlights the fatality rate for pedestrians aged 76 and up is more than twice the MVC fatality rate for pedestrians 66-75 and that overall, those over 76 had the highest rate of fatalities per 100,000 population. Dr. Kendall found that there were a number of contributing factors that cause these accidents, including pedestrian error or confusion (31%), distraction on the part of the driver or pedestrian (29.3%), alcohol (19%), driver failing to yield the right of way (9.5%), and speed (8.8%). The impact of these pedestrian accidents to the individual, their families and the system at large is obviously significant. In the case of seniors, injury is much more likely to lead to a permanent decrease in overall function.

As the Office of the Seniors Advocate continues to monitor transportation issues relating to seniors, I would like to personally encourage you to consider pedestrian-focused enhancements in your communities that help ensure the safety of older citizens is a priority and these enhancements include: mechanisms to decrease crossing distances, increasing crossing times, improving pedestrian lighting, and modifying roadways, especially intersections, where most pedestrian accidents occur.

Appropriate speed limits must also be a priority, particularly in areas that have a high number of pedestrians. Research shows that pedestrians have a 10% risk of dying when hit at 30 kilometres per hour, but an 80% risk of dying when hit at 50 kilometres per hour.

The continued education of both drivers and pedestrians is something I will continue to encourage. Age-friendly initiatives should continue to focus on as much safe pedestrian access as possible, ultimately improving the overall health and well-being of our elderly population.

I look forward to your continued collaboration on this most important issue.

Sincerely,

Isobel Mackenzie  
Seniors Advocate

pc: Dr Perry Kendall  
Honourable Terry Lake  
Stephen Brown

## **LADYSMITH COMMUNITY JUSTICE PROGRAM**

**Box 644, Ladysmith, BC V9G 1A5**

**ladysmithejp@gmail.com**

July 20, 2016

Mayor and Council  
Town of Ladysmith

Dear Mayor and Council,

I am writing to introduce myself as the coordinator of the Ladysmith Community Justice Program (formerly the Ladysmith Community Accountability Program). Our program consists of trained volunteers who provide Restorative Justice and Mediation services to the RCMP, Victims Services, schools, other community agencies and individuals. In the past, Council has supported the program, and we hope this will continue.

We are inviting local agencies to appoint a representative or liaison to our program, to help us better connect and collaborate. I have spoken with Councillor Henderson. She is knowledgeable about Restorative Justice and willing to represent the city. We hope that by having a representative from Council, we can reach a wider segment of the public and also be informed of how we can best be of service to the Town.

Yours truly,

Richard Tarnoff  
Coordinator



## WATERFRONT GALLERY

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

August 4, 2016

Town of Ladysmith  
Clayton Postings  
410 Esplanade, PO Box 220  
Ladysmith, British Columbia  
V9G 1A2

Dear Clayton:

Thank you for meeting with me today and here is a letter regarding our conversation about the Collaborative Space Grant at the Gallery. Here are some highlights our main concern is the Lease arrangements under Tenancy Requirements.

### **PROGRAM GOALS**

- Increase shared resources for the arts and culture sector, such as flexible workspaces; exhibition, rehearsal or performance spaces; social, meeting or networking spaces; and business support and/or administration tools;
- Strengthen partnerships and create opportunities for cross-fertilization between a varied mix of community cultural stakeholders and creative professionals;
- Enhance levels of artistic creation/production and community engagement;
- Improve access to cultural spaces for equity-seeking groups, including culturally-diverse communities, people with disabilities, youth, regional artists and audiences;
- Enhance and increase engagement with Indigenous artists and communities through access to cultural spaces;
- Increase organizational and operational sustainability; and
- Support and grow the local, regional and/or provincial creative economy.

### **AWARDS**

The maximum grant available is:

- Up to \$50,000 for the renovation and improvement of existing space and facilities;
- Completed and signed applications, including supporting materials, must be submitted by 4:00 pm on Thursday September 1, 2016 to:

**Tenancy Requirements**

**The applicant must own the space or have a signed long-term (ten year minimum) lease and provide a stated intention to maintain the facility into the future for cultural purposes.**

**Organizations with less than ten years remaining on their lease must include a signed letter (tenant and landlord) indicating a commitment to renew the lease upon its expiration.** Applicants with different tenancy arrangements should contact the program manager, to discuss the situation.

As indicated the Tenancy requirements could be key to us receiving this grant and because the grant deadline is fast approaching we would appreciate some assurance that we have the required lease as soon as possible.

Thanks so much and I look forward to your reply.

Sincerely,

Kathy Holmes  
Arts Council of Ladysmith and District

Dear Mayor Stone,

Following the success of a first time presence at UBCM in 2015, Prostate Cancer Canada is planning on making a significant impact at UBCM 2016 in Victoria and we need your help to do so.

In 2015, the District of North Vancouver and the City of Powell River sponsored a UBCM resolution that declared September to be Prostate Cancer Awareness Month. The motion was passed and over 50 municipalities committed to the same, and 109 cities across Canada also declared the month Prostate Cancer Awareness Month.

This year we hope that you would pass two resolutions in advance of UBCM 2016. Firstly, by declaring September to be Prostate Cancer Awareness Month and secondly, to support the request to have all PSA testing fees to be covered by the Provincial Government.

We want to thank Dawson Creek, North Vancouver and Powell River for being such great leaders who have agreed to sponsor the two resolutions at UBCM 2016.

Like breast cancer, prostate cancer is a family disease and we need your help to have it treated equally. To benefit from detecting prostate cancer early, there must be awareness about the disease and men should get a PSA test that will flag if there is any need to follow up. We appreciate your support.

If you are able to voice your support for the motions and the importance of this when you meet with any cabinet members during UBCM you will be reinforcing this important message.

Why should you do this? The following is a quote from Mayor Bumstead of Dawson Creek.

***"I am living proof that the early diagnosis of prostate cancer through the PSA test is essential. I was diagnosed with prostate cancer 1 year ago and today after successful surgery 6 months ago my PSA level is currently 0.0. The PSA test as a part of my regular Medical exam saved my life."***

*-Mayor Bumstead  
City of Dawson Creek*

So we thank you for your support in advance of UBCM 2016. We hope that you can pass the two resolutions in advance of UBCM 2016 and join the hundreds of other communities across Canada that are helping us in our mission.

We have attached a backgrounder on Prostate Cancer Canada and some facts about prostate cancer for you. For further information please go to our website at [www.prostatecancer.ca](http://www.prostatecancer.ca) or reach out to Sarah Rushton our Vice President, Western Region at 604-753-8008 or [sarah.rushton@prostatecancer.ca](mailto:sarah.rushton@prostatecancer.ca)

Yours truly,

Donald McInnes

**Donald McInnes**

Past Chair | Prostate Cancer Canada

[www.prostatecancer.ca](http://www.prostatecancer.ca)



## Prostate Cancer Canada Backgrounder

Prostate Cancer Canada is the leading national foundation dedicated to the elimination of the most common cancer in men through research, advocacy, education, support and awareness. For 22 years we have invested the generous donations of Canadians towards funding research that will uncover better diagnostic and treatment options, and towards providing comprehensive education and support services for those living with and affected by prostate cancer.

### Prostate Cancer facts

- 1 in 8 Canadian men will be diagnosed with prostate cancer in their lifetime; which made for 24,000 expected new cases in 2015.
- Early detection saves lives. When detected early, the survival rate for prostate cancer is over 90%.
- Prostate Cancer Canada strongly advocates for “smart screening” for prostate cancer following a shared decision making process between a man and his doctor. This involves men getting a Prostate Specific Antigen (PSA) test in their 40s to establish a baseline level which is then incorporated into the man’s risk profile with family history and ethnicity to determine when the next PSA test needs to occur.
- British Columbia and Ontario are the only provinces that do not cover PSA testing for men with no symptoms under provincial healthcare.
- Through the PSA test, otherwise undetectable cases of prostate cancer can be discovered which can lead to early intervention.
- Over the last 20 years, mortality from prostate cancer has dropped by 40% due to early diagnosis and treatment. Empirically this is over 2,000 Canadian men who are not dying each year due to prostate cancer being diagnosed when it is largely treatable.



**UBCM RESOLUTION**

**Eliminate Fees for PSA Testing in the Province of British Columbia - Declare September Prostate Cancer Awareness Month**

WHEREAS 1 in 8 men in British Columbia will be diagnosed with prostate cancer in their lifetime representing the number one cancer risk to men;

AND WHEREAS the economic, family and social costs to our province would be significantly diminished through increased awareness and early detection:

THEREFORE BE IT RESOLVED that UBCM request the provincial government make PSA testing free for all men in the province to ensure all men have the opportunity to have their prostate cancer diagnosed as early as possible so that survival will be improved.

THEREFORE BE IT FURTHER RESOLVED that UBCM and its constituent members declare September to be Prostate Cancer Awareness Month.

# TOWN OF LADYSMITH

## BYLAW NO. 1905

A bylaw to provide for the appointment of Officers for the Town of Ladysmith and to prescribe the powers, duties and responsibilities of such officers including the delegation of authority.

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WHEREAS Council must, by bylaw, establish officers' positions having responsibility under the *Community Charter*, SBC 2006 c. 26;

AND WHEREAS Council may, by bylaw, delegate certain powers, duties and functions to its officers and employees;

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

### Citation

1. This bylaw may be cited for all purposes as the "Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905".

### Definitions

2. In this bylaw:

"Approving Officer"	Has the same meaning as "Approving Officer" in the Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834;
"Bylaw"	Means this Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905;
"Department Director"	As defined in Schedule 'A', attached to and forming part of this bylaw;
"Department Manager"	As defined in Schedule 'A', attached to and forming part of this bylaw;
"Emergency"	Means a situation which may endanger the health and/or safety of any Town employee, member of the public or Town asset, as declared by Council;
"Employee"	Means a person employed by the Town of Ladysmith other than a Statutory Officer;
"Financial Plan"	Has the same meaning as "financial plan" as defined in the <i>Community Charter</i> ;
"Panhandle Parcel"	Has the same meaning as "Panhandle Parcel" in the Town of Ladysmith Subdivision and Development

	Bylaw 2013, No. 1834;
“Special Event”	Means any organized event or gathering taking place on Town-owned property for a limited or fixed duration;
“Special Occasion License”	Means a special occasion license issued pursuant to the <i>Liquor Control and Licensing Act</i> ;
“Statutory Officer”	Means a person appointed under Section 146 of the <i>Community Charter</i> ;
“Town”	Means the Town of Ladysmith;
“Zoning Bylaw”	Means the “Town of Ladysmith Zoning Bylaw 2014, No. 1860”.

### **Establishment of Statutory Officer Positions**

3. The person holding the position of Chief Administrative Officer is established as a Statutory Officer of the Town.
4. The person holding the position of Director of Corporate Services is established as a Statutory Officer of the Town.
5. The person holding the position of Director of Financial Services is established as a Statutory Officer of the Town.
6. Nothing in this Bylaw shall prevent the appointment of the same person to two or more offices or positions.
7. The selection and appointment of the Chief Administrative Officer shall be made by Council.
8. The selection and appointment of all Department Directors is delegated to the Chief Administrative Officer.
9. The selection and appointment of the acting Chief Administrative Officer for a consecutive period of less than one month is delegated to the Chief Administrative Officer.
10. The selection and appointment of the acting Chief Administrative Officer for a consecutive period of greater than one month shall be made by Council.

### **Power and Duties of the Chief Administrative Officer**

11. The Chief Administrative Officer has the following duties, powers and functions:
  - a. fulfilling the powers, duties and functions applicable to the Chief Administrative Officer described in Section 147 of the *Community Charter*;

- b. selecting and appointing the Statutory Officers and other Department Directors of the Town;
- c. determining the compensation of non-union employees in accordance with the corporate policies and budgets established by Council;
- d. appointing, promoting, disciplining, and suspending any employee of the Town, and terminating any employee of the Town other than Statutory Officers, subject to any contract of employment or collective agreement in force;
- e. subject to Council approval, negotiating all collective agreements;
- f. implementing all Council approved policies and directives;
- g. preparing and submitting such reports and recommendations as may be required by Council;
- h. retaining legal counsel on behalf of the Town;
- i. assigning additional responsibilities to a Statutory Officer, including acting on behalf of another Statutory Officer in his or her absence; and
- j. designating an acting Chief Administrative Officer to act in his or her absence, pursuant to section 9 hereof.

### **Powers and Duties of the Director of Corporate Services**

12. The Director of Corporate Services has the powers, duties and functions described in Section 148 of the *Community Charter* and other provisions applicable to the Corporate Officer in the *Community Charter* or any other enactments.
13. Council hereby delegates to the Director of Corporate Services the following powers, duties and functions:
  - a. approving applications for temporary private uses of municipal streets, including, but not limited to, parades, walk-a-thons, fundraisers and races;
  - b. entering into leases of two years or less and the ability to set rental rates and conditions associated with these leases;
  - c. approving the location and use of fireworks in accordance with Cowichan Valley Regional District Bylaw No. 39 – Fireworks Sale and Discharge Regulation Bylaw, 1970 and in consultation with the Fire Chief;
  - d. the power to accept a restrictive covenant or amendment to a restrictive covenant under section 56 of the *Community Charter* or section 219 of the *Land Title Act*;
  - e. the power to execute on behalf of the Town a discharge of a restrictive covenant referred to in subsection (d) which is no longer required or is to be replaced;
  - f. the power to acquire a statutory right of way or easement or amendment to a statutory right of way or easement on behalf of the Town in connection with the operation of a sewer, water or drainage works, or for other purposes, such as trails or pedestrian or vehicular access;
  - g. the power to execute a discharge of a statutory right of way or easement referred to in subsection (f) which is no longer required by the Town or is to be replaced;
  - h. the power to enter into a lease or license of real property or a renewal or amendment of a lease or license of real property necessary or convenient for the operation and maintenance of the works or activities of the Town;
  - i. despite subsection (h), the delegation of authority under subsection (h) does not include a lease or license of real property having a term, including all extensions or rights of renewal, greater than 2 years.

**Powers and Duties of the Director of Financial Services**

14. The Director of Financial Services has powers, duties and function applicable to the Financial Officer in accordance with Section 149 of the *Community Charter* and other provisions applicable to the Financial Officer in the *Community Charter* or any other enactments.
15. The Director of Financial Services is authorized to administer any system of discount, interest, penalty, payment and refund of fees established by bylaw.

**Powers and Duties of the Director of Parks, Recreation and Culture**

16. Council hereby delegates to the Director of Parks, Recreation and Culture the following powers, duties and functions:
  - a. approving Special Events on land reserved, dedicated, or held for park purposes, where such use is consistent with the Zoning Bylaw and any restrictions on title;
  - b. approving Special Occasion Licences pertaining to the aforementioned Special Events obtained in accordance with the *Liquor Control and Licensing Act*.
17. The Director of Parks, Recreation and Culture is hereby authorized to administer any system of discount, interest, penalty, payment, and refund of fees associated with any parks or recreation facility or program, pursuant to the Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2015, No. 1884 in accordance with applicable policies established from time to time by Council.

**Powers and Duties of the Director of Infrastructure Services**

18. Council hereby delegates to the Director of Infrastructure Services the powers, duties and functions with respect to approving the location, designation and control of on-street parking and loading areas, in accordance with the conditions specified in Streets and Traffic Bylaw No. 1309.

**Powers and Duties of the Director of Development Services**

19. Council hereby delegates to the Director of Development Services the powers, duties and functions to issue development permits for signage and façade improvements, and issue amendments to development permits.

**Powers and Duties of Approving Officer**

20. Council hereby delegates to the Approving Officer the powers, duties, and functions under section 512(2) of the *Local Government Act* to approve the subdivision of land into parcels, including Panhandle Parcels, that do not have a minimum highway frontage greater than:
  - a. 10% of the perimeter of the parcel that fronts the highway; and
  - b. the minimum highway frontage required by the Town of Ladysmith Subdivision and Development Servicing Bylaw 13, No. 1834.

**Delegation of Purchasing Authority**

21. Council hereby delegates all of the powers, duties and functions of Council to authorize the execution of contracts and purchases of goods and services on behalf of the Town to the Department Director for the department for which the goods and services are to be provided, as approved in the Financial Plan, and subject to the monetary limits set out in Schedule 'B', and the Town's Purchasing Policy as adopted by Council and amended from time to time, and any applicable enactments or the New West Partnership Trade Agreement.

#### **Delegation to Persons Holding Position**

22. Where this Bylaw delegates a power, duty or function to a Statutory Officer or other Department Director, the delegation of the power, duty or function is to the person who holds the position and to any person who is the deputy of that person, or other person appointed to act in the place of that person.

#### **No Delegation by a Delegate**

23. For clarity, a person to whom a power, duty or function has been delegated under this bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this bylaw.

#### **Reconsideration by Council**

24. A decision of a delegate may be reconsidered by Council on submission of a written request for reconsideration to the Director of Corporate Services, within thirty days after the decision is delivered to or made available to the applicant.
25. The request for reconsideration must include the following:
  - a. the applicant's address for receiving correspondence related to the request for reconsideration;
  - b. a copy of the written decision;
  - c. reasons why the applicant wishes the decision to be reconsidered by Council;
  - d. the decision which the applicant requests be made by Council;
  - e. reasons in support of the decision requested from Council; and
  - f. a copy of any documents which support the applicant's request for reconsideration by Council.
26. At the reconsideration of a decision, the applicant is entitled to be heard by Council in person or by a representative.
27. The Council may, following completion of its reconsideration, do one or more of the following:
  - a. confirm all or part of the delegate's decision;
  - b. set aside all or part of the delegate's decision;
  - c. amend the delegate's decision or make a new decision.
28. The Council may adjourn a reconsideration under this section.

**Notice of Reconsideration**

- 29. The Director of Corporate Services must, upon receiving an application for reconsideration:
  - a. place the request for reconsideration on the agenda for a regular meeting of Council to be held at least two weeks after the date on which the request for reconsideration is delivered to the Director of Corporate Services;
  - b. notify the applicant of the date for reconsideration by regular mail sent to the applicant’s address provided under Section 25.

**Repeal**

- 30. Delegation Bylaw 2007, No. 1614 and any and all amendments are hereby repealed.

**READ A FIRST TIME** on the 16<sup>th</sup> day of May, 2016

**READ A SECOND TIME** on the 16<sup>th</sup> day of May, 2016

**READ A THIRD TIME** on the 18<sup>th</sup> day of July, 2016

**ADOPTED** on the day of , 2016

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Mayor (A. Stone)

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Corporate Officer (G. Ferrero)

**TOWN OF LADYSMITH**

**OFFICERS AND DELEGATION OF AUTHORITY BYLAW 2016, No. 1905**

**Schedule 'A'**

In this Bylaw:

“Department Director”

Includes the following positions:

Director of Corporate Services  
Director of Financial Services  
Director of Development Services  
Director of Infrastructure Services  
Director of Parks, Recreation and Culture

“Department Manager”

Includes the following positions:

Manager of Administration  
Manager of Public Works  
Manager of Accounting Services  
Manager of Human Resources



**TOWN OF LADYSMITH****OFFICERS AND DELEGATION OF AUTHORITY BYLAW 2016, No. 1905****Schedule 'B'**

This schedule refers to the approvals required for various procurement levels. Other than in emergencies, budget approval is required before procurement begins.

<b>Value of Purchase or Contract</b>	<b>Commitment Authority</b>
Less than \$2,999.99	Employees designated by Department Directors.
\$3,000.00 to \$9,999.99	Department Managers.
\$10,000.00 to \$24,999.99	Department Directors.
\$25,000.00 to \$249,999.99	Approval of the Chief Administrative Officer together with the Approval of the Director of Financial Services.
Greater than \$250,000.00	Recommendation to award to be approved by Town Council.