

A REGULAR MEETING OF THE COUNCIL OF THE TOWN OF LADYSMITH TO BE HELD IN COUNCIL CHAMBERS AT LADYSMITH CITY HALL ON MONDAY, AUGUST 20, 2018

Call to Order and Closed Meeting

5:00 p.m.

Regular Open Meeting

7:00 p.m.

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

1. CLOSED SESSION

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

- labour relations or other employee relations - section 90 (1) (c)
negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public - section 90 (1) (k)
the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality - section 90 (1) (e)

REGULAR MEETING (7:00 P.M.)

2. AGENDA APPROVAL

3. RISE AND REPORT - Items from Closed Session

4. MINUTES

- 4.1. Rescind Adoption of June 28, 2018 minutes and re-adopt as amended..... 1 - 2
4.2. Minutes of the Regular Meeting of Council held July 16, 2018.....3 - 11

5. DELEGATION - None



**6. PROCLAMATIONS - None**

**7. DEVELOPMENT APPLICATIONS**

- 7.1. Riparian Development Permit Application -1399 Developments, Inc.  
Subject Property: DL 143, Oyster District and Lot 4, Block 1399, Oyster District, Plan VIP75559 and That part of District Lot 110, and of un subdivided land, Oyster District, containing 27.99 acres more or less, as shown on Plan 13RW, except part in Plan VIP76435 ..... 12 - 92**

Staff Recommendation:

That Council:

1. Issue Development Permit 3060-18-09 to permit land alteration, habitat restoration and construction of the road and engineered arch culvert bridge to connect Colonia Drive over Holland Creek to access Lot 5, Block 1399, Oyster District, Plan VIP75559; and
2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-18-09.

- 7.2. Development Permit Application 3060-18-07 - 1148 and 1150 Rocky Creek Road  
Subject Properties: Lots A and B, District Lot 38, Oyster District, Plan EPP36585..... 93 - 101**

Staff Recommendation:

That Council:

1. Issue Development Permit 3060-18-07 to permit an industrial development at 1148 and 1150 Rocky Creek Road
2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-18-07
3. Authorize the Mayor and Corporate Officer to sign the release of EP96966 (DP00-08), FB178787 (DP 07-03) and FB21999- (DP 08-18) from the certificate of titles of Lots A and B, District Lot 38, Oyster District, Plan EPP36585.

- 7.3. Rezoning Application 920 1<sup>st</sup> Avenue (Thrift Store addition)..... 102 - 109  
Subject Properties: Lot 2, Block 30, District Lot 24, Oyster District, Plan 703A (920 First Ave.)**

Staff Recommendation:

That Council:

1. Consider the application (3360-18-08) to amend the Zoning Bylaw by rezoning the property at 920 1<sup>st</sup> Avenue from Live-Work Residential (R-2-LW) to Downtown Commercial (C-2) to permit commercial use

2. Direct staff to commence the preparation of the Zoning Bylaw amendment for application 3360-18-08

**7.4. OCP and Zoning Bylaw Amendment Application - 314 Buller Street (LRCA Affordable Housing Project)**  
**Subject Property: Lot A (DD B92367) of Block 76, District Lot 56, Oyster District, Plan 703A ..... 110 - 116**

Staff Recommendation:

That Council:

1. Consider the application (3360-18-09) to amend:
  - (a) The Official Community Plan by designating 314 Buller Street from “Institutional” to “Multi-Family Residential” with a density of 180 units per hectare for an LRCA rental housing development; and
  - (b) The Zoning Bylaw by rezoning 314 Buller Street from “Institutional (P-1)” to a multi-unit residential zone that permits a density of 180 units per hectare for an LRCA rental housing development; (for the property legally described as Lot A (DD B92367) of Block 76, District Lot 56, Oyster District, Plan 703A)
2. Having given consideration to s.475 of the Local Government Act (consultation during OCP development) direct staff to:
  - (a) Refer the OCP amendment application 3360-18-09 to the Stz’uminus First Nation, pursuant to the Town’s Memorandum of Understanding; and
  - (b) Refer application 3360-18-09 to the Advisory Planning Commission for review and comment.
3. Direct staff to:
  - (a) Work with the applicant regarding land use matters (i.e., housing agreement)
  - (b) Report the results of the Neighbourhood Information meeting to Council; and
  - (c) Commence the preparation of the Official Community (OCP amendment bylaw and the Zoning Bylaw amendment bylaw; for application 3360-18-09 (314 Buller Street).

**8. BYLAWS – OFFICIAL COMMUNITY PLAN AND ZONING - None**

## 9. COMMITTEE REPORTS

### 9.1. Mayor A. Stone

Cowichan Valley Regional District; Ladysmith Chamber of Commerce; Stocking Lake Advisory Committee; Waterfront Area Plan Leadership Committee, Waterfront Implementation Committee

### 9.2. Councillor R. Hutchins

Municipal Services Committee; Heritage Revitalization Advisory Commission; 2017 Parcel Tax Review Panel; Waterfront Area Plan Leadership Committee, Waterfront Implementation Committee

### 9.3. Councillor D. Paterson

Parks, Recreation and Culture Advisory Committee; Protective Services Committee; 2017 Parcel Tax Review Panel; Advisory Design Panel

### 9.4. Councillor J. Friesenhan

Liquid Waste Management Committee; Ladysmith Downtown Business Association; Ladysmith Festival of Lights Committee; Waterfront Area Plan Leadership Committee, Waterfront Implementation Committee

### 9.5. Councillor C. Fradin

Community Safety Advisory Commission; Liquid Waste Management Committee; Protective Services Committee; Celebrations Committee..... 117 - 121

**Councillor S. Arnett..... 122 - 123**

Vancouver Island Regional Library Board; Stocking Lake Advisory Committee; Liquid Waste Management Committee; 2017 Parcel Tax Review Panel; Advisory Planning Commission; Island Corridor Foundation

## 10. REPORTS

### 10.1. Determination Whether to Hold By-Election for Vacant Council Seat..... 124 - 126

#### Staff Recommendation:

1. That the Town of Ladysmith not hold a by-election to fill the Council seat left vacant by the resignation of Coun. Carol Henderson, in accordance with s. 54(2) of the *Local Government Act*.
2. That Council appoint the respective alternates to replace former Councillor Carol Henderson on the commissions and committees to which she was appointed.

**10.2. Development Application Process Review 2018 ..... 127 - 187**

Staff Recommendation:

That Council direct staff to:

1. Prepare the following amendments to “Development Application Procedures Bylaw 2008, No. 1667”:
  - a. Require pre-application meetings for planning applications
  - b. Require complete planning applications to be submitted prior to staff review
  - c. Amend the requirement for a neighbourhood information meeting for a rezoning application, if the application is OCP consistent, and for all DVP applications
  - d. Remove the requirement for the completion of the Sustainable Development Checklist
  - e. Remove the two-stage process for the consideration of DVP applications, so that staff may proceed to notification for all applications
  - f. Update legislative references.
2. Include funding in the Development Services and Engineering operational budgets for preparing and updating development application forms, process guides and checklists.
3. Prepare an amendment to “Officers and Delegation of Authority Bylaw 2016, No. 1905” to delegate the issuance of Riparian Development Permits and Hazard Land Development Permits to the Director of Development Services.
4. Consider the recommended improvements regarding streamlining the committee referral process following the current Commissions and Committees Review.
5. Proceed with completing conceptual design and cost analysis for expanding the Public Works/Engineering office to accommodate Development Services.

**10.3. Direction to submit grant applications for the ICP – Green Infrastructure Environmental Quality Sub-stream..... 188 - 190**

Staff Recommendation:

That Council:

1. Direct staff to submit an application for grant funding for Holland Dam Upgrade through the *ICIP – Green Infrastructure: Environmental Quality Sub-stream*; and that
2. Supports the project and commits to the Town’s share (\$3,400,000) of the project.

**10.4. Second Quarter Financial Update – Operating and Capital Budgets ..... 191 - 202**

Staff Recommendation:

That Council receive for information purposes the financial report for the period ending June 2018.

**10.5. 2019 – 2023 Financial Plan Deliberation dates ..... 203 - 210**

Staff Recommendation:

That Council determine whether the 2019 – 20123 Financial Plan deliberations shall take place before the October 20<sup>th</sup> local government election.

**10.6. Adjustments to Water Billing Accounts..... 211 - 213**

Staff Recommendation:

That Council approve adjusting the water billing due to leaks for the property account number 1306000 for the amount of \$3,843.26.

**10.7. Youth Plan Report ..... 214 - 315**

Staff Recommendation:

That Council adopt the Ladysmith Youth Plan as presented.

**11. BYLAWS**

**11.1. Property Maintenance Bylaw and Bylaw Compliance Policy..... 316 - 326**

The purpose of Bylaw 1970 is to update the Property Maintenance Bylaw.

Staff Recommendation:

That Council:

1. Give first, second and third readings to “Ladysmith Property Maintenance Bylaw 2018, No. 1970”.
2. Adopt the Bylaw Compliance Policy.

**11.2. Amendments to Council Procedure Bylaw ..... 327 - 330**

The purpose of Bylaw 1971 is to make housekeeping amendments to Council Procedure Bylaw 1966.

Staff Recommendation:

That Council give first, second and third readings to “Town of Ladysmith Council Procedure Bylaw 2009, No. 1966, Amendment Bylaw (No. 2), 2018, No. 1971”.

## 12. CORRESPONDENCE

### 12.1. Ministry of Transportation and Infrastructure – Highway Safety Study .....331

Staff Recommendation:

That Council receive for information the response from the Ministry of Transportation, dated July 25, 2018 regarding their plans to undertake a traffic safety study on the section of Highway 1 through Ladysmith between Davis Road and Christie Road.

### 12.2. Ladysmith Search and Rescue – Possibility of Leasing Land for more Permanent Storage of Ladysmith Search and Rescue Materials ..... 332

Staff Recommendation:

That Council consider the request by the Ladysmith Search and Rescue in their correspondence dated July 22, 2018, to lease land from the Town of Ladysmith in order to build a structure to contain all their operational equipment in one area.

### 12.3. Ladysmith Kinsmen Request to Hold a Beer Garden in Conjunction with Arts on the Avenue ..... 333

Staff Recommendation:

That Council approve the request by the Ladysmith Kinsmen in their correspondence dated August 7, 2018, to hold a beer garden on 1<sup>st</sup> Avenue in conjunction with the Arts Council during the Arts on the Avenue event on Saturday, August 25, 2018.

### 12.4. Ladysmith Fire Rescue Request to Build a Memorial Open Shelter ..... 334 - 339

Staff Recommendation:

That Council approve the request by the Ladysmith Fire Rescue in their correspondence dated August 10, 2018, to build a memorial open shelter on the existing cement pad next to their flag pole.

## 13. NEW BUSINESS

### 13.1. Rainbow Crossings

Staff Recommendation:

That Council:

1. Determine whether it wishes to install additional rainbow crosswalks

2. Choose locations for additional rainbow crosswalks.

**13.2. MIA Voting Delegate for the Annual General Meeting of the Municipal Insurance Association of BC**

Staff Recommendation:

That Council determine its voting delegate and an alternate for the Annual General Meeting of the Municipal Insurance Association of BC on September 11, 2108 during the annual convention of the Union of BC Municipalities.

**13.3. Appointment of Deputy Approving Officer**

Staff Recommendation:

That Council approve the appointment of Ryan Bouma as Deputy Approving Officer.

**14. UNFINISHED BUSINESS**

**14.1. Ladysmith Lions Club’s Request for Signage at Little League Park on High Street..... 340 - 347**

Staff Recommendation:

That Council consider the historical information supplied by the Ladysmith Lion’s Club regarding the installation of proposed signage at the Little League baseball park on High Street, as originally requested by the Ladysmith Lions Club in their correspondence dated July 4, 2018.

**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**



**MINUTES OF A SPECIAL MEETING & WORKSHOP OF COUNCIL  
THURSDAY, JUNE 28, 2018  
CALL TO ORDER 5:04 P.M.  
COUNCIL CHAMBERS, CITY HALL**

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**COUNCIL MEMBERS PRESENT:**

Mayor Aaron Stone                      Councillor Steve Arnett                      Councillor Cal Fradin  
Councillor Joe Friesenhan              Councillor Duck Paterson

**COUNCIL MEMBERS ABSENT:**

Councillor Carol Henderson              Councillor Rob Hutchins

**STAFF PRESENT:**

Guillermo Ferrero                              Felicity Adams                              Erin Anderson  
Geoff Goodall                                      Joanna Winter

**GUESTS PRESENT:**

Sherry Hurst, Leftside Partners Inc.

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**CALL TO ORDER**

Mayor Stone called this Special Meeting of Council to order at 5:04 p.m.

**CLOSED SESSION**

**CS 2018-239**

*Moved and seconded:*  
That Council retire into closed session at 5:05 p.m. in order to hold a workshop on solid waste management in accordance with section 90(1)(k) of the *Community Charter* (discussions related to the proposed provision of a municipal service).

**RISE AND REPORT**

Council rose from Closed Session at 6:15 p.m. without report.

**AGENDA APPROVAL**

**CS 2018-240**

*Moved and seconded:*  
That Council approve the agenda for this Special Meeting and Workshop of Council for Thursday, June 28, 2018.  
*Motion carried.*

**PRESENTATION  
AND DISCUSSION**

**Development Cost Charges Review 2018 – Part Two**

Staff gave a presentation regarding the Development Cost Charges

program and reviewed the proposed municipal assist and benefit factors for the program.

Staff responded to questions from Council.

**CS 2018-241**

*Moved and seconded:*

That the separate Small Lot Single Family Development Cost Charge be removed.

*Motion carried.*

**CS 2018-242**

*Moved and seconded:*

That Council direct staff to draft a development cost charges program with a charge between \$18,000 and \$22,000 per single family lot, and vary the Municipal Assist Factor to achieve this rate.

*Motion carried.*

**ADJOURNMENT**

**CS 2018-243**

*Moved and seconded:*

That this Special Meeting of Council adjourn at 6:20 p.m.

*Motion carried.*

CERTIFIED CORRECT:

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

\_\_\_\_\_  
Corporate Officer (J. Winter)

**MINUTES OF A REGULAR MEETING OF COUNCIL  
MONDAY, JULY 16, 2018  
CALL TO ORDER 7:01 P.M.  
COUNCIL CHAMBERS, CITY HALL**

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**COUNCIL MEMBERS PRESENT:**

Mayor Aaron Stone	Councillor Steve Arnett	Councillor Cal Fradin
Councillor Carol Henderson	Councillor Rob Hutchins	Councillor Duck Paterson

**COUNCIL MEMBERS ABSENT:**

Councillor Joe Friesenhan

**STAFF PRESENT:**

Guillermo Ferrero	Felicity Adams	Erin Anderson
Clayton Postings	Joanna Winter	Robin MacNair
Sue Bouma		

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**REGULAR OPEN MEETING**

Mayor Stone called this Meeting of Council to order at 7:01 p.m., recognizing the traditional territory of the Stz'uminus First Nation and the Coast Salish people and expressing gratitude to be here.

**AGENDA APPROVAL**

**CS 2018-258**

*Moved and seconded:*

That Council approve the agenda for this Regular Meeting of Council for July 16, 2018 with the following amendments:

- Amended minutes circulated for item 2.3., "Minutes of a Special Meeting of Council held July 9, 2018"
- Add correspondence from the Ladysmith Press regarding item 5.2., "Temporary Use Permit for 941 Oyster Bay Drive"
- Add item 10.2., "Correspondence from the Kinsmen Club Requesting Letter of Support - Public Washroom Grant Application"
- Add item 10.4., "Correspondence from Brian McLaurin - Request to Address Road Conditions on Oyster Bay Road"
- Add a staff report for item 11.1., "Sonic the Hedgehog Movie - Update"

*Motion carried.*

## MINUTES

CS 2018-259

*Moved and seconded:*

That Council approve the minutes of the Special Meeting and Workshop of Council held June 25, 2018.

*Motion carried.*

CS 2018-260

*Moved and seconded:*

That Council approve the minutes of the Special Meeting and Workshop of Council held June 28, 2018.

*Motion carried.*

CS 2018-261

*Moved and seconded:*

That Council approve the minutes of the Special Meeting of Council held July 9, 2018, as amended.

*Motion carried.*

## DELEGATIONS

### **Alex Stuart and Mike Hooper, Nanaimo Airport Commission Nanaimo Airport Project Update**

Alex Stuart, Director of the Nanaimo Airport Commission, thanked Mayor and Council for their support over the past year and introduced the speaker, Mike Hooper, Nanaimo Airport President and CEO.

Mr. Hooper presented an update to Council regarding the latest developments at the Nanaimo airport, noting that the airport is a critical part of the transportation system on the island and that increased capacity is necessary as the island becomes more and more popular as a vacation and lifestyle destination.

Mr. Hooper informed Council that the Nanaimo Airport Commission continuously updates their 20-year master plan and land use plan, and that their current 15 million dollar terminal building enhancement project is completing on time and on budget. He also advised Council that the commission is looking at growth needs (such as a gas station on site, hotels, better eateries), while continuing to consider safety and environmental stewardship.

Mr. Hooper responded to Council's questions. Council thanked Mr. Hooper and Mr. Stuart for their stewardship and informative presentation.

## PROPERTY MAINTENANCE MATTER

### **317 Dogwood Drive**

#### **Report – R. MacNair, Bylaw Compliance Officer**

R. Mac Nair, Bylaw Compliance Officer for the Town of Ladysmith,

circulated photos taken earlier in the day that demonstrated the current condition of 317 Dogwood Drive.

*Moved and seconded:*

CS 2018-262

That Council hear the representation from the Owners and/or Occupier of 317 Dogwood Drive.

*Motion carried.*

### Hearing

The owners of 317 Dogwood Drive expressed their apologies to both the Town and the members of the neighbourhood who had been affected by the conditions at 317 Dogwood Drive. They summarized the steps they had taken to date (starting with an eviction notice on April 13<sup>th</sup>) and noted the procedural complications involved in the process. They expressed their intent to remediate the property as soon and as safely as possible.

*Moved and seconded:*

CS 2018-263

That Council:

1. Direct staff to issue a Notice to the Owners of the property, situated at 317 Dogwood Drive, Ladysmith, BC (legally described as Lot 24, District Lot 56, Oyster District, Plan 956A lying to the North West of a boundary equidistant between the North Westerly and South Easterly boundaries of said lot) to clean up the unsightly accumulation on the property and remove the unlicensed vehicles, refuse, discarded material, overgrown grass and weeds within twenty-one (21) days of receipt of the Notice to do so, pursuant to the provisions of the "Town of Ladysmith Property Maintenance Bylaw 2015, No. 1894."
2. Authorize the work to be carried out by the Town or its contractors, if the Owner is in default of such removal being undertaken within twenty-one (21) days of receipt of Notice to do so, and the expense charged to the Owner of the property. If unpaid on December 31<sup>st</sup> in the year in which the work is done, the expenses shall be added to and form part of the taxes payable on that real property as taxes in arrears.

*Motion carried.*

R. MacNair left the meeting.

**DEVELOPMENT  
APPLICATIONS**

**Coach House Intensive Residential Development Permit  
Application - 332 Warren Street (Gary Sayers, GMS Contracting)  
Subject Property: Lot 9, Block 79 of an unnumbered portion of  
Oyster District, Plan 703A**

CS 2018-264

*Moved and seconded:*

That Council:

1. Issue Development Permit 3060-18-05 to permit the issuance of a building permit for the construction of a coach house dwelling on Lot 9, Block 79 of an unnumbered portion of Oyster District, Plan 703A (332 Warren Street); and
2. Authorize the Mayor and Corporate Officer to sign the Development Permit.

*Motion carried.*

**Temporary Use Permit Application - 941 Oyster Bay Drive (GlenCar Consultants)**

**Subject Property: Lot B, District Lot 24, Oyster District, Plan VIP83303**

Staff and the applicant, Glen Carey, responded to Council's questions regarding the rationale for moving the mobile home, and the procedure once the three year period of the temporary use permit has passed. Council considered the correspondence from the Ladysmith Press regarding the temporary use permit for this location.

*Moved and seconded:*

That Council:

1. Issue Temporary Use Permit 3340-18-01 to allow an applicant to obtain the necessary permits to locate a mobile home for residential use at 941 Oyster Bay Drive (Lot B, District Lot 24, Oyster District, Plan VIP83303) 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 3340-18-01.

*Motion carried.*

**Riparian Development Permit Application - 10910 Westdowne Road (Van Isle Storage Ltd.)**

**Subject Property: Lot B, District Lot 72, Oyster District, Plan EPP20506**

*Moved and seconded:*

CS 2018-266

That Council:

1. Issue Development Permit 3060-18-06 to permit land clearing and riparian restoration on Lot B, District Lot 72, Oyster District, Plan EPP20506 (10910 Westdowne Road); and
2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-18-06.

*Motion carried*

## REPORTS

### **Town of Ladysmith 2017 Annual Report**

*Moved and seconded:*

CS 2018-267

That Council approve the Town of Ladysmith 2017 Annual Report as amended to correct typographical errors.

*Motion carried.*

### **Community Public Arts Strategy**

Staff and members of the Ladysmith Arts Council responded to Council's questions regarding the scope and budget of the community public arts strategy.

*Moved and seconded:*

CS 2018-268

That Council authorize the awarding of the contract to the Ladysmith Arts Council for the development of a Community Public Arts Strategy for the Town of Ladysmith.

*Motion carried.*

### **2018 Outstanding Business Licences**

*Moved and seconded:*

CS 2018-269

That Council receive for information purposes the listing of outstanding Business Licenses for 2018.

*Motion carried.*

## BYLAWS

### **Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2018, No. 1969**

*Moved and seconded:*

CS 2018-270

That Council adopt "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2018, No.1969".

*Motion carried.*

## CORRESPONDENCE

### **Cowichan Valley Regional District**

#### **Island Corridor Foundation Licence of Occupation for Trail and Municipal Infrastructure**

*Moved and seconded:*

CS 2018-271

That Council endorse the Cowichan Valley Regional District's Licence of Occupation agreement with Island Corridor Foundation and agree to be a signatory to the document.

*Motion carried.*

### **Cowichan Valley Regional District**

#### **Cowichan 2050: Request for Endorsement**

*Moved and seconded:*

That Council endorse the Cowichan 2050 regional planning

CS 2018-272

framework.  
*Motion carried.*

**Cathy Peters, BC Anti-Human Trafficking Advocate  
Request for a Letter of Support**

*Moved and seconded:*

CS 2018-273

That Council send a letter to the Union of British Columbia Municipalities (UBCM) supporting the request by Cathy Peters in her correspondence dated June 26, 2018, to deliver a presentation regarding BC Child Sex Trafficking at the UBCM annual convention in Whistler, September 10-14, 2018.

*Motion carried.*

**Ladysmith Lions Club  
Request for Signage at Little League Baseball Park**

**\*MOTION REFERRED\***

*Moved and seconded:*

CS 2018-274

That Council approve the installation of the proposed sign at the Little League baseball park on High Street, as requested by the Ladysmith Lions Club in their correspondence dated July 4, 2018.

*Moved and seconded:*

CS 2018-275

That Council refer the request by the Ladysmith Lions Club to approve the installation of the proposed sign at the Little League baseball park on High Street to staff for historical clarification regarding the establishment of the park.

*Motion carried.*

**Ladysmith Chamber of Commerce  
Request for Letter of Support**

*Moved and seconded:*

CS 2018-276

That Council:

1. Provide a letter of support for the Ladysmith Chamber of Commerce to accompany their application for funding to the Island Coast Economic Trust to develop a walking tour application for smartphones; and
2. Direct staff to work with the Ladysmith Chamber of Commerce to determine an appropriate contribution to the initiative of not more than \$10,000, with the funds to come from the Tourism budget.

*Motion carried.*

**NEW BUSINESS**

**Logger Sport Poles at Ladysmith Amphitheatre**

*Moved and seconded:*



CS 2018-277

That Council:

1. Accept with gratitude the proposed donation by Otter Point Timber of the value of two new poles for logger sports at the Transfer Beach Amphitheatre for a value of \$9,260.
2. Approve the removal of the existing logger sport poles and installation of the new poles at the Transfer Beach Amphitheatre for a total up to \$2,000 plus applicable taxes, with funds to come from surplus; and
3. Direct staff to amend the Financial Plan accordingly.

*Motion carried.*

Councillor Paterson declared a conflict of interest with the next agenda item due to his association with the Kinsmen Club and left the meeting.

#### **Kinsmen Club**

#### **Request for Letter of Support – Public Washroom Grant Application**

*Moved and seconded:*

CS 2018-278

That Council provide a letter of support for the Ladysmith Kinsmen Club to accompany their application for funding to BC Gaming for a public washroom project.

*Motion carried.*

Councillor Paterson returned to the meeting.

#### **Brian McLaurin**

#### **Request to Address Road Conditions on Oyster Bay Road**

Councillor Henderson circulated copies of the letter from Brian McLaurin, dated July 16, 2018, regarding the conditions on Oyster Bay Road and the lane to the Ladysmith Maritime Society dock.

*Moved and seconded:*

CS 2018-279

That Council direct staff to address the road conditions on Oyster Bay Road and to grade and treat the road for dust control prior to Thursday, July 19, 2018.

*Motion carried.*

## **UNFINISHED BUSINESS**

#### **Sonic the Hedgehog Movie Update**

That Council:

CS 2018-280

1. Approve the requests for use of Town sites for parking, catering, lighting and related production vehicles as outlined in the documents entitled “Proposed Essential Works Trucks Parking” provided by the producers of The Sonic Movie;

2. Confirm that the proposed communications and negotiations approach by the film company satisfies the following requirements articulated by Council at its meeting on July 9, 2018:
  - That the film company has designated a community liaison to be on site at all times to act as liaison between Town residents and businesses and the film company; and
  - That the applicant is committed to ensure detailed signage with respect to parking closures and alternatives, and “Open for Business” signs listing businesses within the street closure area in key locations.
3. Direct the Corporate Officer to finalize and execute the Town of Ladysmith Film Industry Permit Package and Addendum, subject to final approval by the Town's legal counsel.

*Motion carried.*

Mayor Stone and Councillor Hutchins declared a conflict of interest with the next recommendation due to their business ownership on 1<sup>st</sup> Avenue and prepared to leave the meeting.

Prior to leaving the meeting, the Mayor presided over the election of an acting chair for this part of the meeting, in the absence of both himself and the Deputy Mayor.

CS 2018-281

*Moved and seconded:*

That Councillor Paterson assume the chair of the meeting.

*Motion carried.*

Mayor Stone and Councillor Hutchins left the meeting. Councillor Paterson assumed the chair

CS 2018-282

Amy Melmock, Manager of Economic Development, Cowichan Valley Regional District, advised council that there is an avenue to appeal compensation for loss of business through Creative BC.

*Moved and seconded:*

That Council confirm that the proposed approach by the film company satisfies the following requirement articulated by Council at its meeting on July 9, 2018:

- That the applicant has contacted all businesses and residents in the affected area with information, alternative arrangements if required, and a satisfactory compensation package.

*Motion carried.*

Mayor Stone and Councillor Hutchins returned to the meeting.

**QUESTION PERIOD**

There were no enquiries by the public.

**ADJOURNMENT**

CS 2018-283

*Moved and seconded:*

That this Regular Meeting of Council adjourn at 9:03 p.m.

*Motion carried.*

CERTIFIED CORRECT:

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

\_\_\_\_\_  
Corporate Officer (J. Winter)

Subject to Adoption

**STAFF REPORT TO COUNCIL**

From: Felicity Adams, Director of Development Services  
 Meeting Date: August 20, 2018  
 File No: 3060-18-09  
 RE: Riparian Development Permit Application – 1399 Developments, Inc.

**Subject Property:** DL 143, Oyster District and Lot 4, Block 1399, Oyster District, Plan VIP75559 and That part of District Lot 110, and of unsubdivided land, Oyster District, containing 27.99 acres more or less, as shown on Plan 13RW, except part in Plan VIP76435

**RECOMMENDATION:**

That Council:

1. Issue Development Permit 3060-18-09 to permit land alteration, habitat restoration and construction of the road and engineered arch culvert bridge to connect Colonia Drive over Holland Creek to access Lot 5, Block 1399, Oyster District, Plan VIP75559; and
2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-18-09.

**PURPOSE:**

The purpose of this staff report is to present a Riparian Development Permit application from 1399 Developments, Inc. to construct a road and bridge from the end of Colonia Drive over Holland Creek to access Lot 5, Block 1399, Oyster District, Plan VIP75559.

**PREVIOUS COUNCIL DIRECTION**

CS 2018-210	June 18, 2018	That Council approve the proposed Holland Creek Crossing with two pedestrian tunnels, subject to: 1. A landscape plan for the bridge structure and area, including native plantings and associated landscape bond 2. Access to the trail at each end of the bridge to facilitate at-grade crossing; and 3. Aesthetic design of the entrance to the pedestrian tunnels in consultation with Town staff.
-------------	---------------	---

This application addresses item 1 in the above resolution. The other two items are part of the subdivision approval process.



### **INTRODUCTION/BACKGROUND:**

The subject properties are owned by the Town and fall within Development Permit Area 6 – Riparian (DPA6). The applicant, Julie Budgen, RPBio, Corvidae Environmental Consulting Inc. has prepared the application for Mr. Bill Eller the owner/developer of Lot 5. Lot 5 is located within the area covered by the Holland Creek Local Area Plan. The owner/developer plans to develop a single family subdivision on Lot 5 starting with a first phase of 38 single family lots.

The owner has an access easement registered on the Town's lands to enable the development of a road system into Lot 5 from the end of Colonia Drive. This access is also identified in the Holland Creek Local Area Plan.

The objective of DPA6 is to protect streams and their riparian area during construction and in the long term by establishing guidelines for development. The reports submitted with the application provide required construction management practices, environmental monitoring and habitat restoration to protect the Streamside Protection and Enhancement Area (SPEA), Riparian Assessment Area (RAA) and any other impacted lands within DPA6, while recognizing that a road and bridge are being constructed in this area.

### **DISCUSSION:**

The bridge structure includes a Mechanically Stabilized Earth (MSE) wall which will be planted with native plants. Areas impacted by land clearing will be restored with native plants and trees. The report "Environmental Report and Restoration, August 2018" addresses Council's requirement for a landscape plan for the bridge structure and area, including native plantings. Landscape bonding will be at 100% of the landscape estimate provided by the Biologist.

This project involves Provincial authorization under the Water Sustainability Act for works in and around a stream. The terms and conditions for the Project are provided in the section 11 authorization from the Province, as well as the two reports prepared by Corvidae, which have been included in the Development Permit. The report "Construction Environmental Management Plan and Erosion and Sediment Control Plan for Holland Creek Bridge Construction" provides environmental construction measures and protocols for all aspects of the construction project to address environmental protection provisions in various federal, provincial and local acts, regulations and guidelines, including the Town's DPA6.

The Project will have an environmental monitor from Corvidae Environmental at start-up and during construction to monitor work in sensitive areas. The "Environmental Report and Restoration" clearly articulates that invasive species were not observed and that the property consists of native species. The instructions to the contractors and the landscape and restoration plan emphasize efforts to maintain and appropriately protect and restore the environment. Fencing and signage will be in place and regular monitoring will occur.

**ALTERNATIVES:**

While the issuance of a Development Permit is not a completely discretionary decision of Council, Council may decide to not issue Development Permit 3060-18-09 where the refusal is based upon a determination that the 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 Riparian Development Permit is required prior to land alteration or construction on the land.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

Holland Creek and trail is a highly valued community asset. The proponent and biologist have presented plans to ensure that the impact is minimized as much as possible, and that the environment is carefully managed during construction. A restoration (landscape) plan has been provided. The developer held a public information meeting on August 1, 2018, at the request of Council, and has established a project website to provide access for the public to his reports and plans ([www.hollandcreekcrossing.com](http://www.hollandcreekcrossing.com)).

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The construction works are associated with a subdivision which is managed through the Infrastructure Services Department. Land alteration will not commence without Construction Approval which requires detailed design drawings. These drawings have not been submitted as of the date of writing this report. The Director of Parks, Recreation and Culture has reviewed and provided comments on the restoration plan.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Employment & Tax Diversity   | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships                   |
| <input type="checkbox"/> Communications & Engagement             | <input type="checkbox"/> Not Applicable                 |

**SUMMARY:**

A development permit application has been submitted for the road and engineering arch culvert bridge construction project that would connect the end of Colonia Drive to development lands on the other side of Holland Creek. The issuance of the development permit is the next step in the approvals process.

Prepared By:

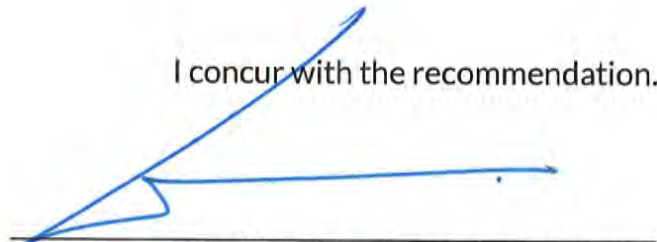


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Felicity Adams  
Director of Development Services

August 10, 2018

I concur with the recommendation.



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Guillermo Ferrero, City Manager

**ATTACHMENT:**

Development Permit 3060-18-09



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

FILE NO: 3060-18-09

DATE: August 20, 2018

---

Name of Owner of Land: Town of Ladysmith

Applicant: Julie Budgen, R.P. Bio., Corvidae Environmental Consulting Inc. as Agent for  
the Proponent

Proponent: 1399 Developments, Inc. (BC0642093)

Subject Property (Civic Address): Holland Creek and Trail

---

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:

District Lot 143  
Oyster District  
PID# 009-476-261

AND

That part of District Lot 110, and of un subdivided land, Oyster District, containing  
27.99 acres more or less, as shown on Plan 13RW, except part in Plan VIP76435  
(Holland Creek)  
PID# 009-464-913

AND

Lot 4  
Block 1399  
Oyster District  
Plan VIP75559  
PID# 025-708-651

(referred to as the "Land")



3. This Permit (3060-18-09) has the effect of authorizing the alteration of land designated in the *Official Community Plan* under section 488(1)(a) of the *Local Government Act*; subject to the conditions, requirements and standards imposed and agreed to in Section 6 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. This Permit is issued to enable the Proponent, which is the holder of rights under Registered Easement EV82006/EV81999, to construct the Road System and Utilities referred to in the Easement.
6. The Proponent, as a condition of the issuance of this Permit, shall undertake the road and engineered arch culvert bridge construction project (the Project) under the following terms in order to protect and restore the:
  - Streamside Protection and Enhancement Area (SPEA) and Riparian Assessment Area (RAA) on the Land as shown on Figure 1 within this Permit, and
  - Affected Lands within the area of the Holland Creek Trail located within Development Permit Area 6.

**(a) Timing of Construction**

- i. Land alteration shall not commence prior to the issuance of Construction Approval (detailed design) for the Project by the Town.

**(b) Protection and Mitigation Measures**

- i. Project work within Holland Creek and SPEA shall be undertaken in accordance with the Section 11, Water Sustainability Act - Terms and Conditions (**Schedule A**).
- ii. All Project work on the Lands shall be undertaken in accordance with the Construction Environmental Management Plan and Erosion Control Plan for Holland Creek Bridge Construction prepared by Corvidae Environmental Consulting Inc. (**Schedule B**).
- iii. Environmental management and restoration of the Lands shall be undertaken in accordance with the Environmental Report and Restoration – Proposed Development Holland Creek Development Permit Area 6 prepared by Corvidae Environmental Consulting Inc. (**Schedule C**).
- iv. Changes to the Project as part of Construction Approval shall require updated assessments by Corvidae Environmental Consulting Inc. to reassess the proposal with respect to impact on the SPEA.
- v. Replacement native tree species shall be planted in restored areas where they will not affect line of sight for drivers, or in other areas acceptable to the Town. Tree removal shall be documented by size and species and the proposed 20 *Acer macrophyllum* (Big Leaf Maple)

replacement trees shall be reviewed by the Registered Professional Biologist and the Town to confirm number, species, size and planting location.

(c) Monitoring and Reporting

- ii. Prior to any land alteration:
  - a. The SPEA, RAA and any management areas outlined in any of the Schedules to this Development Permit shall be identified by sign and delineated by snow-fencing or another similar barrier along the edge of the Project area.
  - b. Install signage to advise contractors of “no go” boundaries and contact information for the Environmental Monitor. Provide signage to the Town for review prior to installation.
- iii. During land alteration and construction:
  - a. Environmental monitoring, water quality sampling and environmental incident reporting by the Registered Professional Biologist (Corvidae Environmental Consulting Inc.) shall be undertaken as outlined in Appendix D of Schedule B (3060-18-09) and provided to the Town.
- iv. Following project completion:
  - a. Native plant restoration areas shall be:
    - i. fenced as approved by the Town for two years to prevent trampling,
    - ii. watered during dry periods until the plants are established to an 80% level,
    - iii. monitored and invasive species removed by hand, and
    - iv. replanted during the establishment period if plants have not survived.
  - b. Monitoring of the planted Mechanically Stabilized Earth (MSE) wall and any restored area by the Project Registered Professional Biologist (Corvidae Environmental Consulting Inc.) shall be continued until such time as 80% or greater species establishment has been achieved.
  - c. A completion inspection report from the RPBio confirming compliance with the conditions in Section 6 of this Permit must be submitted to the Town prior to the release of the security referred to in Section 7 of this Permit.

- 7. This Permit is issued on the condition that the Proponent has provided to the Town of Ladysmith security in the form of an irrevocable Letter of Credit to guarantee the performance of the conditions in Section 6 of this Permit. The

Letter of Credit shall be for a period of two years, shall be automatically extended, and shall be in the amount of \$12,300.00.

8. Should the Proponent fail to satisfy the conditions referred to in Section 6 of this Permit, the Town of Ladysmith may undertake and complete the works required to satisfy the landscaping conditions at the cost of the Proponent, and may apply the security in payment of the cost of the work, with any excess to be returned to the Proponent.
9. Should there be no default as herein provided, or where a Permit lapses (land alteration has not commenced), the Town of Ladysmith shall return any security provided to the Proponent.
10. If the Proponent does not substantially start any land alteration permitted by this Permit within two year of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
11. The plans, reports and specifications attached to this Permit are an integral part of this Permit.
12. 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 (3060-18-09) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
13. This Permit prevails over the provisions of the Bylaw in the event of conflict.
14. Despite issuance of this Permit, construction may not start without Construction Approval, or other necessary permits, or contrary to other applicable restrictions or limitations on the timing of this Project.

**AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH  
ON THE \_\_\_ DAY OF \_\_\_\_, 2018.**

\_\_\_\_\_  
MAYOR

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

\_\_\_\_\_  
OWNER - TOWN OF LADYSMITH

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

\_\_\_\_\_  
PROPONENT - 1399 DEVELOPMENTS, INC.

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

FIGURE 1: DP 3060-18-09  
STREAMSIDE PROTECTION AND ENHANCEMENT AREA (SPEA) AND RIPARIAN  
ASSESSMENT AREA (RAA)



**SCHEDULE A: DP 3060-18-09  
BC WATER SUSTAINABILITY ACT, SECTION 11 NOTIFICATION (1004120) – HOLLAND  
CREEK – TERMS AND CONDITIONS (MINISTRY OF FOREST, LANDS, NATURAL  
RESOURCE OPERATIONS AND RURAL DEVELOPMENT)**

Conditions:

- Work must be completed within the low fish window June 15 – September 15, 2018;
- Must adhere to Environmental Report – Proposed Development Holland Creek submitted by Corvidae Environmental Consulting Inc. dated July 2018;
- Must adhere to Construction Environmental Management Plan and Erosion and Sediment control Plan submitted by Corvidae Environmental Consulting Inc. dated July 2018;
- Work to be done in low water flow level, project must stop if significant rains occur or qualified professional deems it is necessary to stop work;
- Ensure native plants receive sufficient water during the first two summers to fully establish. Monitor the survival of native plants for the proposed work and replant if there is mortality;
- Ensure that all works involving the use of concrete, cement, mortars and other Portland cement or lime-containing construction materials will not deposit, directly or indirectly, sediments, debris, concrete, concrete fines, wash or contact water into or about any water body. Concrete materials cast in place must remain inside sealed formed structures. Concrete leachate is alkaline and highly toxic to fish and other aquatic life; and
- All containment booms, absorbent pads, and any temporary screening and sediment control structures must be removed at the end of the project.

Comments:

- Environmental Report – Proposed Development Holland Creek submitted by Corvidae Environmental Consulting Inc; and
- Construction Environmental Management Plan and Erosion and Sediment Control Plan submitted by Corvidae Environmental Consulting Inc.

Notifications received by this office will be used to plan and carry out on-site inspections and monitoring during and after the works are completed.

This email provides direction under Section 11 of the Water Sustainability Act only, and does not constitute permission or consent under any other Act or Authority. It is your responsibility to consult with Fisheries and Oceans Canada (DFO) and the local government (municipality or regional district) to determine if there are any additional requirements for your proposed works.

***Construction Environmental Management Plan and  
Erosion and Sediment Control Plan for  
Holland Creek Bridge Construction***

Prepared for:

1399 Developments Inc.,  
Malahat, BC

Prepared by:

Corvidae Environmental Consulting Inc.  
Sooke, BC

**CORVIDAE**  
ENVIRONMENTAL CONSULTING INC.

Corvidae Project No. CE 20180312  
August 2018

**Schedule B: DP 3060-18-09**  
Construction Environmental Management Plan  
and Erosion Control Plan For Holland Creek  
Bridge Construction, Corvidae Environmental  
Consulting Inc. (August 2018)

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### Caveat

This Construction Environmental Management Plan (CEMP) and Erosion and Sediment Control Plan (ESCP) have been prepared with the best information available at the time of writing, including communications with the Prime Contractor, site visits, review of design drawings, and other documentation relevant to the project. This CEMP/ESCP has been developed to assist the Prime Contractor in remaining in compliance with relevant environmental regulations, acts and laws pertaining to the project, and to identify and mitigate the expected impacts of construction, operation, and reclamation activities directly related to the project. The CEMP/ESCP has been prepared as a resource tool for use specifically by the project construction team; subcontractors to the Prime Contractor are responsible for complying with the measures detailed in the CEMP/ESCP. Any use of this CEMP/ESCP by other parties is done so exclusively at their risk. The author assumes no responsibility for: [i] this CEMP or iterations of this CEMP/ESCP that are unsigned by the author, [ii] any changes made to this document other than those made or endorsed by the author, or [iii] day-to-day construction compliance.



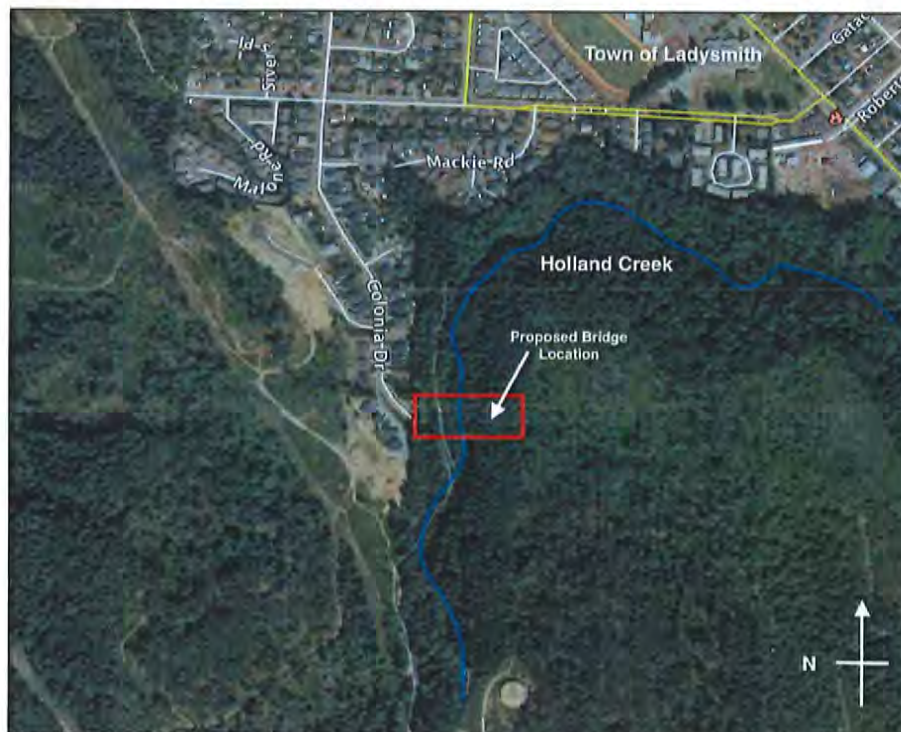


## 1 INTRODUCTION

1399 Developments Inc. (the 'Proponent') is undertaking a road and bridge construction project (the Project) in Ladysmith, BC in order to provide access to a subdivision development of 38 residential lots at Lot 5, Block 1399, Oyster District, Plan VIP75559 (except Plan VIP82328). The Project extends from the west end of Colonia Drive to the east side of Holland Creek, connecting the new subdivision development to the existing roadway infrastructure by means of an engineered arch culvert bridge (the Bridge) – see Figure 1.

The Project is located within the Riparian Development Permit Area 6 (DPA-6) and Holland Creek Local Area Plan (HCLAP) as described within the City of Ladysmith Official Community Plan (OCP) Bylaw 1488. Holland Creek originates on northern and eastern slopes of the Vancouver Island Mountains (Coronation Mountain) and flows north and east about 12 km before entering Ladysmith Harbour<sup>1</sup>.

**Figure 1 Proposed Bridge Location**



The proponent has retained Corvidae Environmental Consulting Inc. (Corvidae) to provide this Construction Environmental Management Plan (CEMP) and Erosion and Sediment Control Plan (ESCP) as well as, submitted under separate cover, a Section 11 Notification to the Ministry of Forests, Lands and Natural Resource Operations for Works in and About a Stream and a Development Permit Application to the Town of Ladysmith.

<sup>1</sup> Water Quality Branch Environmental Protection Department. Ministry of Environment, Lands and Parks. 1996. *Water Quality Assessment and Objectives for Holland Creek and Stocking Lake Watersheds, Vancouver Island*.



This CEMP includes sections dedicated to Environmental Construction Specifications (environmental protection measures and protocols that apply to all aspects of the proposed construction activities), an Erosion and Sediment Control Plan, Erosion and Sediment Control Figures (Appendix A), Erosion and Sediment Control Typical Drawings (Appendix B), a Spill Response Plan (Appendix C), Environmental Monitoring, and Environmental Incident Reporting Plan (Appendix D).

The general nature of the Project to be carried out, as per the available Project drawings, Town of Ladysmith Preliminary Layout Acceptance (PLA) and communication with the Proponent consists of, but is not limited to, the following activities:

- Mobilization to site
- Environmental management and monitoring, erosion/sediment control measures set-up
- Clearing and low impact road development for access to east and west bridge footings and work area
- Excavation/blasting for bridge footings and base of Mechanically Stabilized Earth (MSE) wall
- Cast-in-place (CIP) concrete for footings (bridge and MSE wall)
- Placement of bridge structure
- Construction of MSE wall and backfill
- Construction of pedestrian pathway crossings
- Construction of subgrade to elevation ready for final road prism development and paving
- Supply and placement of asphalt pavement
- Revegetation of disturbed soils and the MSE wall

The main project works related to construction environmental management are outlined in Section 3.

## 2 REGULATORY FRAMEWORK

### 2.1 Legislation

This CEMP is designed to assist the proponent in maintaining compliance with the provisions for environmental protection contained in the following relevant legislation, acts, regulations, and specifications:



**Table 1. Legislation and Application to the Project Scope of Work.**

<b>Legislation, Regulations and Other Requirements</b>	<b>Application to Project Scope of Work</b>
<b>Federal</b>	
<i>Canadian Environmental Protection Act</i>	Does not apply to the scale of project scope of work.
<i>Migratory Birds Convention Act</i>	Tree clearing and grubbing is required for the road way approach and clear-span bridge abutment locations on either side of Holland Creek. A pre-construction nest sweep must be conducted by a Qualified Environmental Professional prior to clearing between April 15 <sup>th</sup> and August 31 <sup>st</sup> .
<i>Fisheries Act</i>	No instream works or disturbance of aquatic habitat is expected for this project scope of work. At the current design stage the proposed bridge works will be outside of the wetted area of the stream (above the Q200 elevation).
<b>Provincial</b>	
<i>Water Sustainability Act</i>	A Section 11 Notification (No. 1004120) has been completed for the Bridge construction. Sediment and Erosion Control Best practices and contingency measures are outlined within this CEMP/ESCP.
<i>Wildlife Act</i>	Clearing and grubbing activities will occur within the riparian area of Holland Creek. Provincially blue-listed Cutthroat trout were identified as present in Holland Creek. Best Management Practices for wildlife interactions and observations are outlined in this CEMP.
<i>Weed Control Act</i>	Minimal excavation works are required for this project. Excavated materials must be managed appropriately to prevent invasive weed colonization in this area. General weed control best practices are outlined in this CEMP specifically to equipment use for the project.
<i>Environmental Management Act</i>	Mobile equipment will be used to construct the road way approach and bridge. Spill prevention and contingency measures will be followed as outlined in this CEMP.
<b>Local Government Requirements</b>	
<i>City of Ladysmith Official Community Plan (OCP) Bylaw 1488.</i>	This project exists within a Riparian Development Permit Area (DPA-6). The permit must be obtained prior to start of project construction activities; Corvidae has submitted an Environmental Report for the permit application under separate cover.



## 2.2 Project Specific Approvals, Authorizations, Permits, and Designations

Prior to starting construction, the proponent is required to ensure that all applicable licenses, permits, and approvals have been secured in writing from the applicable regulatory authorities. Copies of these must be maintained on the worksite during construction. A summary of the relevant project designations and potential required approvals is included in Table 1.

## 3 ENVIRONMENTAL CONSTRUCTION SPECIFICATIONS

Environmental protection measures summarized in this section relate specifically to the proposed project works and have been compiled from a review of the contract specifications, applicable regulatory standards, as well as best management practices (BMPs) including the following:

- BC Ministry of Environment *Develop with Care Environmental Guidelines for Urban and Rural Land Development in British Columbia*
- Fisheries and Oceans Canada *Measures to Avoid Causing Harm to Fish and Fish Habitat*
- Fisheries and Oceans Canada *Land Development Guidelines for the Protection of Aquatic Habitat*
- City of Ladysmith Official Community Plan Bylaw 1488. *Riparian Development Permit Area.*
- City of Ladysmith Official Community Plan Bylaw 1488. *Holland Creek Land Area Plan.*

### 3.1 Significant Locations and Activities

The main construction activities that have been identified as having the highest potential to adversely impact the environment are:

- Roadway / access development
- Heavy equipment operation , fuel management
- Excavation/blasting adjacent to Holland Creek for footings
- Construction of CIP footings adjacent to Holland Creek for the bridge footings and the base of the MSE wall.
- Construction of MSE wall and backfill
- Supply and placement of asphalt pavement
- Revegetation of disturbed soils and the MSE wall

Details of the specific potential impacts and the associated mitigations are included in Table 2. Construction should be completed in compliance with the timing restrictions outlined in Table 3, where practicable. Timing restrictions have been developed through regulatory agencies as a mitigation to prevent impacts to a particular environmental element (e.g. birds, fish) during periods of highest risk or sensitivity and can form parts of approvals, authorizations and permits; however, in certain situations, provided the appropriate rationale and other mitigations (e.g. bird nest sweep) have been considered, work may occur within the timing restriction periods subject to approval by the applicable regulatory agency.



Table 2 is designed to be a reference guide for specific activities and site wide general measures for environmental protection are summarized in Sections 3.2 Information found in Table 2 is not repeated in Section 3.2.



Table 2. Impacts and Mitigations

Construction Activity	Potential Impact	Mitigation
Roadway / access development Heavy equipment operation Fuel management	<p>Vegetation removal, damage/destruction to wildlife habitat and risk of erosion &amp; sedimentation of exposed soils into Holland Creek.</p> <p>Wildlife and human disturbance from construction-related noise and activities that result in wildlife avoidance or interference with nesting of breeding birds or inconvenience to the neighboring public.</p> <p>Hydrocarbon release to soil and potential watercourse including accidental spill of deleterious materials.</p>	<ol style="list-style-type: none"> <li>1. Limit clearing, grubbing, and excavation to minimum area required for access, staging, bridge construction and demolition, safety considerations, equipment operation, storage, and stockpiles. All clearing limits defined prior to clearing.</li> <li>2. There is the potential to salvage plants during this stage of the project (and during ultimate clearing/grubbing/stripping for full roadway development prior to MSE wall construction) for later use in reclamation of disturbed areas and for vegetation establishment of the MSE wall. Corvidae's reclamation specialist will work with the proponent to identify appropriate strategies and locations for these efforts.</li> <li>3. Preliminary access roads to be cleared and grubbing limited (stumps directly in travel path only) to that required from machine access. As much vegetation as possible is to remain in order to hold the soils together</li> <li>4. Impacts to vegetation not required to be cleared will be avoided or minimized; should impacts to this vegetation occur then efforts will be made as soon as practicable to re-vegetate the disturbed area to eliminate erosion potential and invasive species infestation.</li> <li>5. Clearly delineate watercourses, drainages, and sensitive and "no-go" areas with flagging or fencing prior to construction and maintain flagging or fencing throughout the project life so these features are always visible. This includes draws that cross the RoW.</li> <li>6. To protect the aquatic habitat and prevent harm to fish in Holland Creek, the following measures will be followed: (i) where possible pruning/topping of vegetation close to the high water mark will be used instead of grubbing/uprooting, (ii) immediately stabilize any areas of stream bank disturbed, following re-vegetation with native plants.</li> <li>7. Clearing shall only be undertaken between September 1 – April 14 in accordance with the Holland Creek Land Area Plan unless a pre-clearing breeding bird survey is completed by a QEP.</li> <li>8. Construction personnel shall not harass or otherwise disturb wildlife. Wildlife encountered during construction will be allowed to move unimpeded through the project site.</li> <li>9. If amphibians or reptiles are encountered within the project work area, the EM is to be notified immediately and appropriate mitigation measures will be implemented.</li> <li>10. Local City of Ladysmith noise bylaws must be adhered to.</li> </ol>



Construction Activity	Potential Impact	Mitigation
		<ol style="list-style-type: none"> <li>11. All heavy equipment shall be equipped with functional noise abatement equipment (mufflers) and machines should not be left idling for any longer than 15 minutes.</li> <li>12. To prevent the spread of invasive plants, the contractor will ensure that soils, seeds and debris attached to construction equipment, vehicles, footwear and clothing are removed prior to arrival at, and leaving, the work site. Heavy equipment will be inspected for contaminants (soils, seeds, and debris) by the Site Superintendent or their designate upon arrival to the staging area and prior to project initiation.</li> <li>13. All stripped, exposed soils to be re-vegetated or covered as soon as practical to prevent establishment of invasive weed species.</li> <li>14. Soil stockpiles will be covered when not in use to prevent erosion and the establishment of invasive species.</li> <li>15. All equipment on site is to be well maintained and leak free to minimize the potential for spills (see Appendix C for Spill Response Plan. If equipment leaks/spills hydrocarbons to ground, the machine will be shut down immediately and the spill will be contained and cleaned up as per Appendix C Spill Response Plan. If equipment leaks/spills hydrocarbons to water, the machine will be shut down and removed from the area immediately, and the spill will be contained and cleaned up as per Appendix C Spill Response Plan. No leaking equipment will be permitted to operate on the site until adequately repaired.</li> <li>16. All fuel tanks and other potential spill sources located within the project will have secondary containment with a capacity of 110% of the volume of the substance of concern. This includes fuel cans, generators, welders, light plants, etc (self-powered vehicles are exempt). Portable fuel containers for fuelling small equipment will be removed from site or stored in a locked enclosure at the end of each day. When onsite portable fuel containers will be securely capped, confined in a secondary means of containment (e.g. drip tray), and stored out of the way of traffic.</li> <li>17. Two large, mobile spill kits will be kept onsite; one east and one west of the creek crossing. Each will be designed to mitigate spills of 100 L of fuel.</li> <li>18. Report spills immediately to the site superintendent and EM. See Appendices C and D for further details.</li> </ol>



Construction Activity	Potential Impact	Mitigation
		<p>19. No fueling of heavy equipment or permanent storage of fuel within 30 m of watercourses or water bodies, including ditches and drainages. Stabilized equipment (equipment with outriggers extended – crane, concrete truck, light plant, etc.) are exempt. Fueling of equipment will be completed by certified bulk fuel carriers or from slip tanks that remain in the transport vehicle at all times. Fueling personnel shall maintain presence for the duration of refueling activities.</p> <p>20. Fuel and service trucks will have a spill kit with a minimum of 50 absorbent pads, 5 kg of dry, loose absorbent material, 2 pairs of impermeable gloves, 5 heavy duty large disposal bags, a 3 m x 3m impervious ground sheet and two 2-inch x 6-foot-long sections of absorbent boom.</p> <p>21. There will be onsite, a secure enclosure that contains a length of minimum 10 cm diameter linked, floating, hydrocarbon absorbent boom that can span the full width of Holland Creek plus two metres on either side. Each end of the boom will have a line attached with a weight on the end so that the line can be thrown from one side of the creek to the other and then the main section of boom hauled across. There will be anchor spots established and marked with flagging or marking paint on the east and west banks of the creek. These booms are a critical response measure in case of a spill to water from the shore or the bridge. Refer to Appendix A and B for more details.</p>
Excavation/blasting adjacent to Holland Creek for footings	<p>Blasting activities causing impacts to aquatic habitat and fish of Holland Creek (including encroachment of aggregate materials into watercourse).</p> <p>Accidental spill / release of hydrocarbon impacts to soil and Holland Creek.</p>	<p>See mitigation measures 15-20.</p> <p>22. No ANFO (Ammonia Nitrate Fuel Oil mixture) to be used for blasting activities within 15 metres of Holland Creek. Blasting Contractor to prepare a blasting plan demonstrating that their activities will conform to the guidelines set out in the <i>DFO Guidelines for Use of Explosives in Water</i>. EM to review blasting plan prior to any blasting occurring. The 15 metre buffer will be flagged and an EM will be onsite during blasting.</p> <p>23. If blasted rock enters Holland Creek, the EM will determine if it is best to retrieve it or leave it.</p> <p>24. EM to conduct water quality sampling as per Appendix D <i>Environmental Monitoring, Water Quality Sampling and Environmental Incident Reporting Plan</i>.</p>
Construction of CIP footings adjacent to Holland Creek for the bridge footings and	Release of concrete or high pH water to Holland creek.	<p>25. Prior to concrete pours, a CO<sub>2</sub> tank with regulator, suitably long hose and gas diffuser will be readily available during concrete work within or near water to neutralize pH in the event of a spill.</p> <p>26. Formwork to be contained so that no leakage may enter Holland Creek.</p> <p>27. EM to be onsite for arch culvert bridge footing concrete pours.</p>





Construction Activity	Potential Impact	Mitigation
the base of the MSE wall.		<b>28.</b> There shall be no washout of diluted concrete mix or washing of concrete related equipment to ground at this site. The contractor or the concrete suppliers and finishers shall contain all materials for off-site disposal.
Construction of MSE wall and backfill	Accidental spill / release of hydrocarbon impacts to soil and Holland Creek.  Release of backfill to Holland Creek.  Introduction of invasive species.	Follow mitigation measures 15-20. <b>29.</b> All backfill to be contained within MSE wall structure. The design barrier material (usually geotextile cloth) to be securely attached to the exterior mesh panels prior to placement of backfill. EM to monitor progress at start of MSE wall (first courses will occur adjacent to but not yet over top of Holland Creek) and work with proponent to fine tune the process so that when the structure is being built over Holland Creek no material is released past the exterior of the wall.
Supply and placement of asphalt pavement		<b>30.</b> Application of primer, tack coat or asphalt not to occur during wet weather (or forecast wet weather) that would cause hydrocarbon runoff to leave the road perimeter.
Revegetation of disturbed soils and the MSE wall		Follow mitigation measures 15-20, 29 & 26. <b>31.</b> MSE wall to be revegetated with native vegetation. Soils with local native seed bed and vegetation salvaged from the project will be utilized to the extent possible for the MSE wall and embankment fills disturbances. Additional seeding requirements will be determined through a collaborative effort between the proponent and Corvidae's reclamation specialist.



**Table 3. Timing restrictions**

Type	Restriction Dates	Restriction Details
Migratory Bird Nesting Window	April 15 – August 31	Under the <i>Migratory Bird Convention Act 1994</i> (MBCA) it is an offence to harm or harass a migratory bird and destroy or disturb a nest of a migratory bird. No clearing of vegetation during restriction period unless a nesting bird survey is completed by a qualified professional and no active nests are found. If a nest is found and determined to be active, a site-specific management plan will be required for works in the vicinity of the nest
Raptors and Herons	Raptors – January 1 to August 31 annually	Construction activities may need to be modified to provide buffers for nesting or rearing raptors as per BCMFLNRO <i>Best Management Practices for Raptor Conservation during Urban and Rural Land Development in British Columbia</i> . Identify and conserve all protected bird nests.
Fisheries Construction Timing Window	May 15 <sup>th</sup> – September 15 <sup>th</sup>	Under the <i>Water Regulation</i> the habitat officer has determined the reduced risk work windows for fish and fish habitat to be between these dates. DFO review is not required for the construction of clear-span bridges if a) no new temporary or permanent fill placed below the high water mark, b) channel realignment is not required and c) relevant measures to avoid harm are followed. If the project requirements change, a Request for Project Review will be submitted.

### 3.2 General Measures

All personnel employed by or sub-contracted to the proponent will conduct operations in a manner that complies with all environmental requirements of all authorities having jurisdiction over the project.

The proponent will provide all required equipment and precautions required to protect terrestrial and aquatic environments from pollution or degradation which may significantly harm fish, wildlife, or their habitats.

The proponent will suspend any activities or operations which are in contravention of any environmental legislation, regulation, or act that are causing, or have the potential to cause, significant environmental damage. In the event that such activities occur, and no corrective action is initiated by the proponent, the EM, environmental manager, or their designate may issue a Stop Work Order directing the immediate suspension of all or a portion of the activity causing the environmental impact. The Stop Work Order shall remain in place until appropriate mitigation measures are implemented to prevent further occurrences.

In the event of a discrepancy between any of the clauses of this CEMP/ESCP and the provisions of any applicable legislation, regulations, standards, guidelines, or codes of practice, the more stringent provisions resulting in the higher degree of environmental protection and safety shall prevail.

### 3.3 Site Access and Protection of Work Limits

Access to the Site can be gained via Colonia Dr and Dogwood Dr. Access points to the Holland Creek Bridge will not be located in a manner that creates significant potential for sediment release to Holland



Creek. Access points may need to be stabilized with rock during wet weather or as site conditions change.

### 3.4 Pollution Control, Fueling, and Spill Response

Spills of deleterious materials will be reported to the site superintendent or their onsite designate, as well as the EM and the Town of Ladysmith representative. Sediment-laden runoff is considered a deleterious material. If a spill exceeds any of the specified amounts (Table 4) in the *Environmental Management Act – Spill Reporting Guideline* or in any amount that will affect a watercourse it must also be reported immediately to Emergency Management BC at 1-800-663-3456 and, if it will affect fish bearing waters, to DFO's Observe, Record, and Report Hotline 1-800-465-4336.

The proponent will make all reasonable efforts to prevent any deleterious materials that would cause damage to marine, aquatic, or riparian habitat from entering any wetland (constructed or natural), water body (marine or freshwater), or watercourse (including ditches and drainages). Sediment-laden runoff and uncured cementitious materials are considered deleterious materials.

Fuel and other hazardous materials will be secured so that they may not be emptied or upset by vandals when left overnight in the project area and will be permanently stored no closer than 30 m from any watercourse, watercourses include ditches/drainages. The 30 metre buffer will be clearly flagged.

Repairs or other mechanical services required when a piece of machinery cannot be moved due to break down may be done on site. The ground surface will be protected from fluids generated during repairs by an impervious membrane or drip pan.

**Table 4. Spill Reporting Guidelines.**

Item	Substance Spilled	Specified Amount
1.	Class 1, Explosives as defined in section 2.9 of the Federal Regulations	Any quantity that could pose a danger to public safety or 50 kg
2.	Class 2.1, Flammable Gases, other than natural gas, as defined in section 2.14 (a) of the Federal Regulations	10 kg
3.	Class 2.2 Non-Flammable and Non-Toxic Gases as defined in section 2.14 (b) of the Federal Regulations	10 kg
4.	Class 2.3, Toxic Gases as defined in section 2.14 (c) of the Federal Regulations	5 kg
5.	Class 3, Flammable Liquids as defined in section 2.18 of the Federal Regulations	100 L
6.	Class 4, Flammable Solids as defined in section 2.20 of the Federal Regulations	25 kg
7.	Class 5.1, Oxidizing Substances as defined in section 2.24 (a) of the Federal Regulations	50 kg or 50 L
8.	Class 5.2, Organic Peroxides as defined in section 2.24 (b) of the Federal Regulations	1 kg or 1 L
9.	Class 6.1, Toxic Substances as defined in section 2.27 (a) of the Federal Regulations	5 kg or 5 L



Item	Substance Spilled	Specified Amount
10	Class 6.2, Infectious Substances as defined in section 2.27 (b) of the Federal Regulations	1 kg or 1 L, or less if the waste poses a danger to public safety or the environment
11	Class 7, Radioactive Materials as defined in section 2.37 of the Federal Regulations	Any quantity that could pose a danger to public safety and an emission level greater than the emission level established in section 20 of the "Packaging and Transport of Nuclear Substances Regulations"
12	Class 8, Corrosives as defined in section 2.40 of the Federal Regulations	5 kg or 5 L
13	Class 9, Miscellaneous Products, Substances or Organisms as defined in section 2.43 of the Federal Regulations	25 kg or 25 L
14	waste containing dioxin as defined in section 1 of the Hazardous Waste Regulation	1 kg or 1 L, or less if the waste poses a danger to public safety or the environment
15	leachable toxic waste as defined in section 1 of the Hazardous Waste Regulation	25 kg or 25 L
16	leachable toxic waste as defined in section 1 of the Hazardous Waste Regulation	25 kg or 25 L
17	waste containing polycyclic aromatic hydrocarbons as defined in section 1 of the hazardous Waste Regulation	5 kg or 5 L
18	waste asbestos as defined in section 1 of the Hazardous Waste Regulation	50 kg
19	waste oil as defined in section 1 of the Hazardous Waste Regulation	100 L
20	waste containing a pest control product as defined in section 1 of the Hazardous Waste Regulation	5 kg or 5 L
21	PCB Wastes as defined in section 1 of the Hazardous Waste Regulation	25 kg or 25 L
22	waste containing tetrachloroethylene as defined in section 1 of the Hazardous Waste Regulation	50 kg or 50 L
23	biomedical waste as defined in section 1 of the Hazardous Waste Regulation	1 kg or 1 L, or less if the waste poses a danger to public safety or the environment
24	A hazardous waste as defined in section 1 of the Hazardous Waste Regulation and not covered under items 1 – 22	25 kg or 25 L
25	A substance, not covered by items 1 to 23, that can cause pollution	200 kg or 200 L
26	Natural gas	10 kg, if there is a breakage in a pipeline or fitting operated above 100 psi that results in a sudden and uncontrolled release of natural gas

For any hazardous materials brought to the Project Site, the Safety Data Sheets (SDS) will be compiled in a binder and kept available at the project trailer in a clearly labeled and easily visible/accessible location. The site trailer will be located on the development property at the top of the hill, opposite



Colonia Drive. All hazardous materials will be stored in their original containers and properly labeled as per Workplace Hazardous Materials Information System 2015 (WHMIS 2015) requirements.

A ready to deploy absorbent boom will be located along the creek edge approximately 20 m downstream of the work area with an installed anchor point on both banks of the creek. The idea is that a line tied to the boom can be thrown across the creek to someone who can pull the boom over and tie it off. See ESC Drawing 100 in Appendix A.

In the event of a major spill, work shall be stopped, and all required personnel devoted to spill containment and clean-up, once the area is secured and safe. Timely and effective action shall be taken to stop, contain and clean-up all spills as long as the site is safe to enter. For further details, see Appendix C – Spill Response Plan.

The containment, storage, security, handling, use, and disposal of empty containers, surplus product or waste generated in the use of any hazardous or toxic products shall be in accordance with all applicable federal and provincial legislation.

A copy of the complete Emergency Contact List (see Table C-1, Appendix C – Spill Response Plan) will be posted in site trailers and other common construction areas. A map to the nearest medical facility will be posted in site trailers and other common construction areas. The closest emergency medical facility is the Ladysmith Medical Health Centre, 1111 4<sup>th</sup> Ave, Ladysmith, BC (250-739-5777), approximately 1.6 km northeast of the project site.

The project site will be kept litter free. Idling of all vehicles will be kept to a minimum. The proponent will be required to provide regularly serviced toilet facilities for construction personnel. Burning or burial of waste is not permitted.

### 3.5 Fire Prevention and Control

If a fire occurs, construction personnel will attempt to control it if it is safe to do so. Any fires at the project site will be reported to the EM and site superintendent immediately. Call 911 if the fire has the potential to get out of control or cause damage to surrounding areas.

The proponent will have fire extinguishers available in all heavy equipment.

Smoking will be restricted to vehicle cabs or outdoors on impervious, non-vegetated surfaces. All cigarette butts to be retained in vehicle / equipment cabs, designated butt disposal cans or on the smoker's person.

Fires or burning of waste is not permitted.

### 3.6 Wildlife

Construction personnel shall not harass or otherwise disturb wildlife. There will be no feeding, baiting, or luring of any wildlife and wildlife will not be approached or harassed in any form. Wildlife encountered during construction will be allowed to move unimpeded through the project site.

All clearing will be completed as per the provisions summarized in Table 2 and Table 3. If active raptor or heron nests are identified within or around the project area, the proponent site superintendent will be informed and a management plan prepared by a QEP.



If ditches have standing water and are to be modified, they shall be inspected for breeding amphibians by the EM. Timing of ditch clearing activities shall be scheduled to avoid sedimentation during periods when larvae or eggs may be destroyed and follow BMPs<sup>2</sup> outlined for amphibians.

Species-at-risk could potentially be observed on or near the project locations. Should this occur, operations in the immediate vicinity of the species should be halted and should re-commence only when the species has left the immediate area.

The EM should be notified immediately in the event of human-wildlife interactions, or activity or encounters with bears, cougars, or any species at risk.

All practical efforts to prevent wildlife from accessing human food, garbage, or other domestic wastes shall be made. Lunches, coolers, and food products, including waste food products, shall be securely stored away from access by animals. Secured disposal bins and washrooms will be provided by the proponent on site at the site laydown/office trailer area and other locations as deemed necessary during the course of construction.

No firearms or pets will be allowed on the project site.

### 3.7 Aquatics

There are no instream works planned in freshwater water bodies or watercourses as part of the Project, however, the construction of the bridge concrete abutments has the potential to affect water quality and aquatic habitat. All mitigation measures outlined in Table 3 and section 3.7 must be followed to ensure there are no impacts to the creek. The water quality guidelines outlined in Table 5 are not to be exceeded and the EM will work with the Proponent to ensure this.

**Table 5. BC Ministry of the Environment Water Quality Guidelines – Turbidity (2014)**

Maximum Induced Turbidity - NTU or % of background
Change from background of 8 NTU at any one time for a duration of 24 h in all waters during clear flows or in clear waters
Change from background of 2 NTU at any one time for a duration of 30 d in all waters during clear flows or in clear waters
Change from background of 5 NTU at any time when background is 8 - 50 NTU during high flows or in turbid waters
Change from background of 10% when background is >50 NTU at any time during high flows or in turbid waters.

Fresh concrete will not be allowed to contact the wetted area of Holland Creek.

To neutralize pH levels in the event of a spill, a carbon dioxide (CO<sub>2</sub>) tank with regulator, hose and gas diffuser will be readily available during concrete work that may impact watercourses. If there is a release of concrete or concrete wastewater to an aquatic environment the protocol for CO<sub>2</sub> use is:

- Stop the release of concrete / concrete wastewater. Start remedial action for removal of spilled material.

<sup>2</sup> BC Ministry of Forests Lands and Natural Resource Operations. 2016. Best management practices for amphibian and reptile salvages in British Columbia



- Ensure the CO<sub>2</sub> cylinder is secured so that it remains upright and the regulator is protected from impact.
- Extend the diffuser (weighted hose or pipe with holes drilled in it) to the area of release and ensure it is in a stable location.
- Turn on flow of CO<sub>2</sub>.
- Measure pH of water surrounding the diffuser (2 metres beyond the edge of the bubble affected area) to ensure that it remains within the guidelines in Table 5. Adjust flow of CO<sub>2</sub> to keep pH within the guidelines. pH test strips that measure to 0.2 units of accuracy are acceptable to measure pH.
- Once the release is contained and no further pH impacts are expected turn off the CO<sub>2</sub> and remove the diffuser.

Washrooms will be located a minimum of 15 m from any project watercourses. They will be located on the development property at the top of the hill, opposite Colonia Drive.

### 3.8 Vegetation

Local vegetation resources will be protected by restricting vehicle and equipment traffic to within the staked work limits. All personnel will be informed and attend the site kick-off meeting and environmental protection measures. 1399 Developments Inc. will be responsible and liable for all works in the project area and following the CEMP.

Unless authorized by the City of Ladysmith Representative, the restoration of any damaged areas beyond the construction limit of work areas is the responsibility of the contractor and will be guided by a qualified environmental professional to ensure the ecological integrity of the project area is maintained.

Trees not being removed must be protected from material or equipment intrusion within their dripline (the extent of the tree crown for each tree). Vehicle traffic and material storage will not be allowed within the limits of the drip line of any trees not to be removed. Broken branches greater than 5 cm in diameter will be trimmed with a chainsaw or equivalent to create a flat vertical surface that will reduce the potential for further damage to the tree.

Fill material will not be allowed to sluff past delineated work limits.

### 3.9 Contaminated Material Discovery

Although expected to be low, there is the potential for sources of contamination to be encountered during construction. Indications of possible contamination include but are not limited to:

- Rusted barrels and containers.
- Stained or discolored earth in contrast with adjoining soil.
- Fill material containing debris.
- Non-earthly odors which emanate when the earth is disturbed.
- Oily residue intermixed with earth.
- Sheen on groundwater.
- Cinders or other combustion products like ash.



If potentially contaminated material is encountered the crew will stop work immediately and inform the site superintendent. The site superintendent will contact the City of Ladysmith Representative and the EM. Appropriate assessment and mitigation protocol will be developed to comply with all applicable legislation.

### 3.10 Waste Material Storage and Removal

Construction, trade, hazardous waste and domestic waste materials shall not be burned, buried, or discarded at the construction site.

Where practical, solid waste will be segregated (food waste, recyclables, and construction waste). A simple program is to separate recyclable paper and beverage containers at the site trailers and a metal bin be kept onsite for all metal. Local metal recyclers will drop bins off for free.

There will be no on-site garbage containers used for domestic garbage or food waste unless they are stored inside site trailers or are able to be secured against wildlife opening them. Food waste (food, food containers, beverage containers, coolers, etc.) and other wildlife attractants are not permitted to be left out in the project area or in construction trade waste bins.

Trade waste (construction waste) materials will be disposed of in designated trade waste bins. These bins will be emptied when a maximum of 90% full to ensure material does not get blown out of the bins and impact adjacent areas.

It is highly recommended that waste bins be visibly labeled to ensure the proper waste bin is used for the purpose intended. Domestic waste that ends up in trade waste bins, which can remain on site for long periods, could attract wildlife.

It is expected that the main source of contaminated waste potentially generated by the proponent will be hydrocarbon contaminated soil associated with equipment failures. Containment, storage, handling, use and disposal of contaminated materials will be in compliance with all applicable regulations. Contaminated materials may be stored temporarily on site in a dedicated, approved container (impermeable, lined steel bin or equivalent) until a full load is available for disposal. Disposal will be at a facility approved to accept the contaminated materials and a manifest detailing the date, amount and contents of the disposed materials will be kept on file at the site trailer. Confirmation of complete remediation of contaminated soils will be required.

### 3.11 Clearing and Grubbing

Clearing and grubbing limits will be clearly flagged prior to clearing.

The proponent will be using heavy equipment and chainsaws to clear trees as required. All clearing activities will be designed to fall trees onto the project area right-of-way (RoW) and the machinery will stay within the staked RoW at all times.

Trees that fall outside the RoW will be removed by lifting as much as possible to reduce impacts due to dragging.

The perimeter of cleared areas will be assessed by the EM or City of Ladysmith Representative to determine if rehabilitation or restoration of the areas outside the work area limit is required.

All clearing of trees will be completed as per the provisions summarized in Table 2 and 3.





Any clearing of trees between April 15<sup>th</sup> and August 31<sup>st</sup> annually must be preceded by a breeding bird survey and nesting survey completed by an QEP prior to tree clearing and removal. Tree disturbance (tree shaking) is to be avoided as it may lead to shaken egg embryos and increase mortality.

## 4 EROSION AND SEDIMENT CONTROL PLAN – ACTIVITY / SITE SPECIFIC CONTROLS

### 4.1 General Measures

Erosion and sediment control measures summarized in this section relate specifically to the proposed project works. Previously outlined general measures related to environmental management are not repeated here.

### 4.2 Environmentally Sensitive Areas / Special Erosion Protection Areas

### 4.3 Activity/Site Specific Controls

For additional details regarding site specific erosion and sediment controls, refer to Appendix A – Erosion and Sediment Control Site Drawings. The following notes are in addition to the notes on the drawings and are intended to complement details provided on the drawings. For installation details and typical figures related to the correct installation of ESC measures please refer to Appendix B. Erosion and sediment controls are presented below based on their location with respect to the Project.

#### 4.3.1 Site Wide

- 1) **Construction staging/supply chain management** - must be managed so that as new areas are cleared or disturbed they are being stabilized against erosion in a timely manner (prior to rainfall). The effect of this is to limit the amount of time erosive forces can act on the disturbed areas to create sediment that is then mobilized towards Holland Creek.
- 2) **Erosion control** – if rainfall greater than 10mm/24 hrs is forecast then exposed soils at risk of generating sediment may need to be covered with mulch or other stabilizing material; EM to be consulted regarding what areas require cover. Straw may be used as an easily accessible and simple method. A single regular bale covers 50 m<sup>2</sup> w at 90% coverage at 3-5 cm deep and is extremely effective at eliminating erosion. See Appendix B for a typical drawing.
- 3) **Sediment control** – the site presents limited opportunities for containing or settling fine sediment from stormwater but protection of Holland Creek can be achieved by pumping collected water to areas identified for discharge (depressions, areas with long, vegetated flow paths away from Holland Creek, etc.). Once final design is achieved the EM will review the site to determine appropriate locations for diverting / discharging stormwater to. Manufactured sediment dewatering bags are required and there shall be two of these on site prior to the start of stripping activities. They shall be a minimum of 5' x 4' and have a fabric collar that can be attached to a 4 inch or smaller pump discharge hose. Sand bags will be available for use in creating diversion / containment berms to capture surface flow so that it may be collected and pumped to dewatering bags set up in locations approved by the EM.



## 4.4 East side of Holland Creek

### 4.4.1 Roadway development

Limit ground disturbance as per Table 2 in Section 3. Leave as much vegetation as possible undisturbed as long as possible.

Water bars (shallow and wide swales that cross the access roadway at a 30 to 45 degree angle) are to be constructed at strategic locations to direct water into adjacent vegetation and minimize its ability to concentrate and cause erosion. The water bar locations will be determined through a collaborative effort of the proponent and the EM once the roadway alignment has been delineated in the field. See ESC Drawing 100 in Appendix A.

Any draws or drainages (not watercourses) that are crossed by the access road are to be filled with geotextile wrapped blast rock or a culvert so that cross flow can be conveyed across the access road without generating sediment. The EM will review the site once the access alignment has been finalized and identify areas where this protocol is to be followed.

Once final roadway alignment is determined, EM will determine where silt fence or straw wattles will be installed as perimeter sediment control. See Appendix B for a typical figure of correct silt fence installation. It is anticipated that silt fence installations may need to be dewatered since they may be impounding water in areas upgradient of pathways to Holland Creek. Dewatering will be to areas identified for discharge by the EM.

### 4.4.2 East bridge footing

Clean soil off rock carefully with clean up bucket prior to drilling so that soil is not displaced into Holland Creek. Once the location of the east footing is identified in the field, a containment system (likely secured geotextile fabric) will be installed below the work area so any displaced soil is captured during clean off of soils, drilling or blasting. Photos identifying the footing locations are provided in the DPA report and will be clearly marked in the field.

Drill fines are to be removed at the end of each day of drilling so that wind or rain do not mobilize them to Holland Creek.

Blast mats will be placed on top of the blast and overhanging the edge of the creek to contain fly rock and prevent it from reaching Holland Creek. The containment system may need to be repositioned after the blast to capture fugitive material as the blasted rock is cleared away.

### 4.4.3 Full width roadway development and MSE wall construction

Full width of roadway to be stripped only during dry weather and only when there is enough material available to place the base course of rock or subbase material prior to the next rainfall event.

Sediment dewatering areas previously utilized during access road development will be utilized for stormwater management.



As the embankment fills are constructed (at either end of the MSE wall locations) they will be protected from erosion by straw mulch or plantings.

## **4.5 West bank**

### **4.5.1 Roadway development**

Limit ground disturbance as per Table 2 in Section 3. Leave as much vegetation as possible undisturbed as long as possible. The existing trail from the east end of Colonia Drive should be utilized as the access down to the west footing area as much as possible as it is already stabilized and compacted. It is expected that heavy equipment travel will degrade the surface but using it will reduce the disturbance of vegetated ground.

Water bars - same as Section 4.4.1.

Silt fence / straw wattles – same as Section 4.4.1.

### **4.5.2 West bridge footing**

This location will likely have a much lowering potential for impacts to Holland Creek because it is located on a flat bench beside the creek and appears to be underlain by cobble / boulder rather than bedrock. Once the location of the west footing is identified a method of isolating the work area from Holland Creek will be developed – likely silt fence installation, mass material berm or straw wattles.

No drilling or blasting expected for the west footing.

### **4.5.3 Full width roadway development and MSE wall construction**

Full width of roadway to be stripped only during dry weather and only when there is enough material available to place the base course of rock or subbase material prior to the next rainfall event.

Sediment dewatering areas previously utilized during access road development will be utilized for stormwater management.

As the embankment fills are constructed (at either end of the MSE wall locations) they will be protected from erosion by straw mulch or plantings.



#### 4.6 Anticipated Equipment on Site

The following equipment will be on site prior to initiating associated activities that might cause negative impacts to the designated streams or any other environmentally sensitive areas on the project site:

- Two x 2 inch electric submersible pumps and 50 metres of discharge hose for each.
- One x 3 inch trash pump, a hard intake hose and 50 metres of discharge hose.
- Two sediment dewatering bags.
- Geotextile fabric or polyethylene sheeting for scour protection at pump discharge locations.
- 100 m of standard silt fencing.
- One hundred sand bags.
- 10 straw bales for mulch (hay not acceptable due to having significantly more seeds).
- Two mobile spill kits capable of handling spills of 100 L of fuel.
- Enough linkable absorbent boom to span Holland Creek and set up in a “ready-to-deploy” state and location to contain hydrocarbon spills that may discharge to Holland Creek. See Table 2. See Appendix B for a typical figure of boom setup.

EMP / ESCP Prepared By:



Shannen Beckinsale, B.Sc., BIT,  
Environmental Specialist  
Corvidae Environmental Consulting Inc.

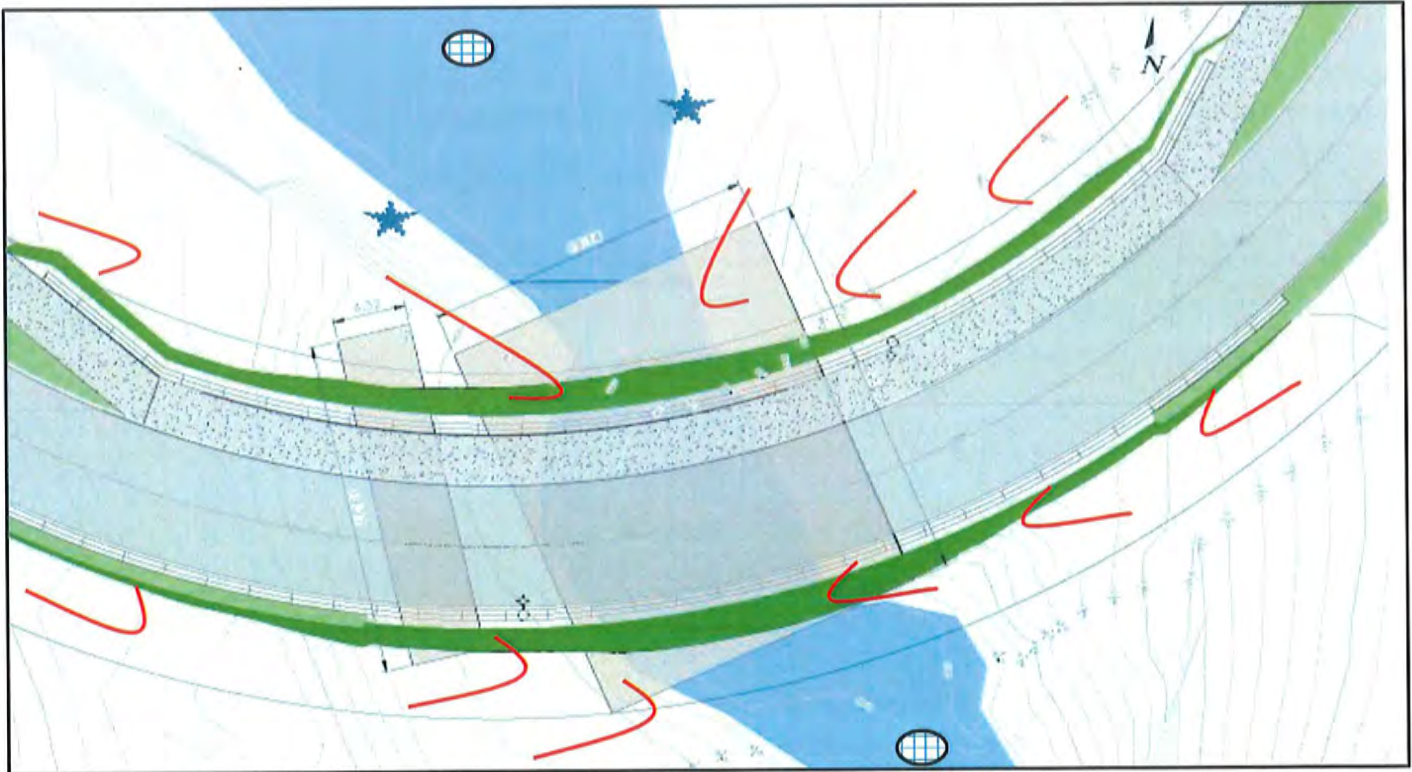


Matt Johnson, CTech, EP  
Environmental Manager  
Corvidae Environmental Consulting Inc.


Submitted: July 9, 2018  
Re-submitted August 9, 2018





## **APPENDIX A – EROSION AND SEDIMENT CONTROL SITE DRAWINGS**



Original drawing source: McElhanney Consulting Services Ltd. *Holland Creek Crossing – Option 2. Title – PLAN. 2018.*

Potential silt fence / straw wattle location: 

Water Quality Sampling location: 

Absorbent boom anchor points: 

**Holland Creek Bridge - ESC Plan Drawing 100**

Corvidae Project No. CE18

Revision No. 0

Date: July 3, 2018



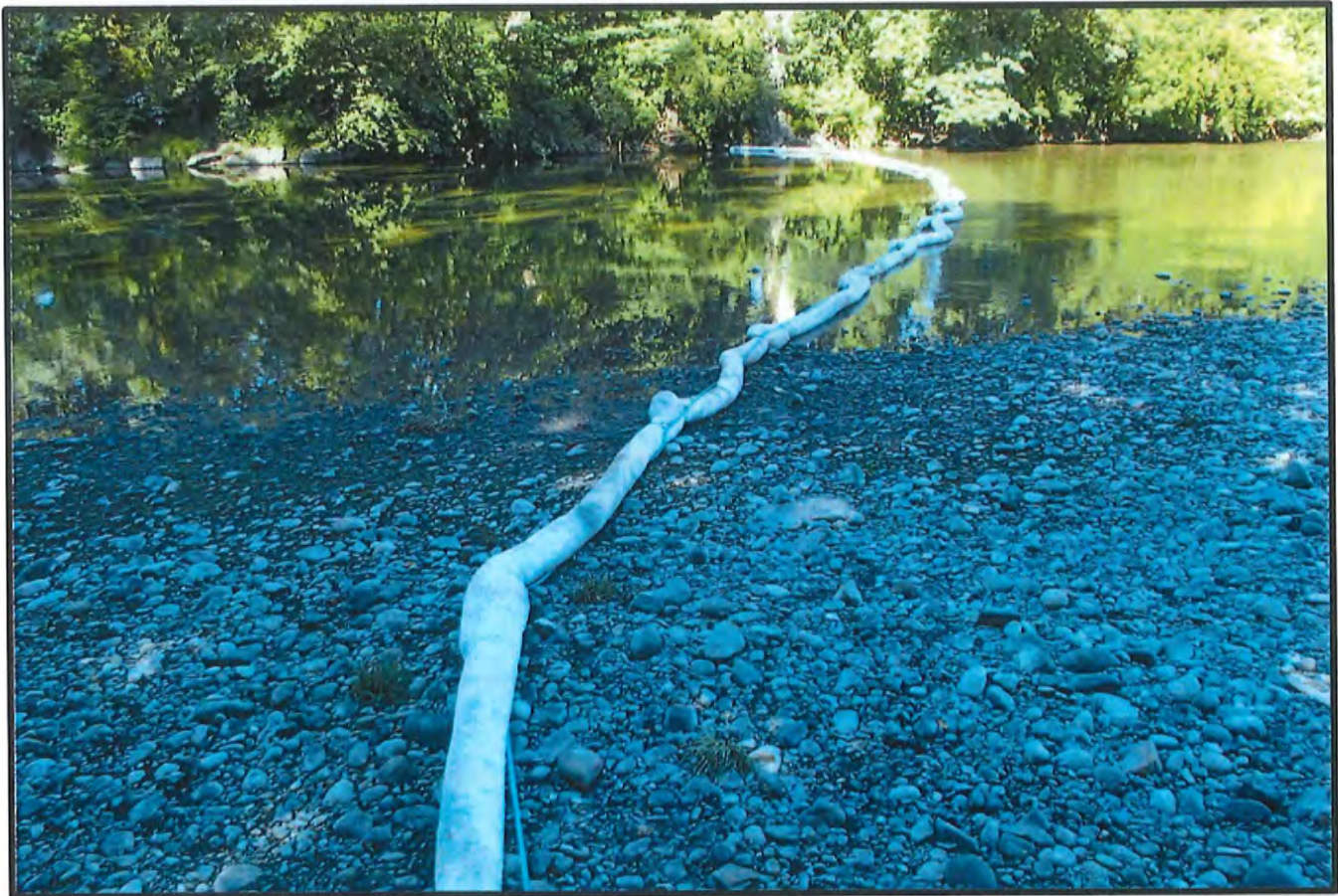
Corvidae Drawing No. ESCP - 1020

## **APPENDIX B - ESC TYPICAL FIGURES**

Typical installation of linked absorbent boom across waterway to capture deleterious substances.

Key elements:

- 1) Boom is securely stored in a linked, ready to go state.
- 2) There are personnel onsite who know where it is and how to deploy and when to deploy it.
- 3) There are established, easily identified anchor points on either side of the waetr body.
- 4) A means of getting the lead line across the waetrway is available.





## Straw mulch typical application



Straw to be placed 3 – 5 cm deep at greater than 85% ground coverage (as shown). This is approximately 1 regular small bale per 50 square metres.

Straw is preferable to hay because it has far fewer seeds that may contain invasive species or otherwise impact local habitats.

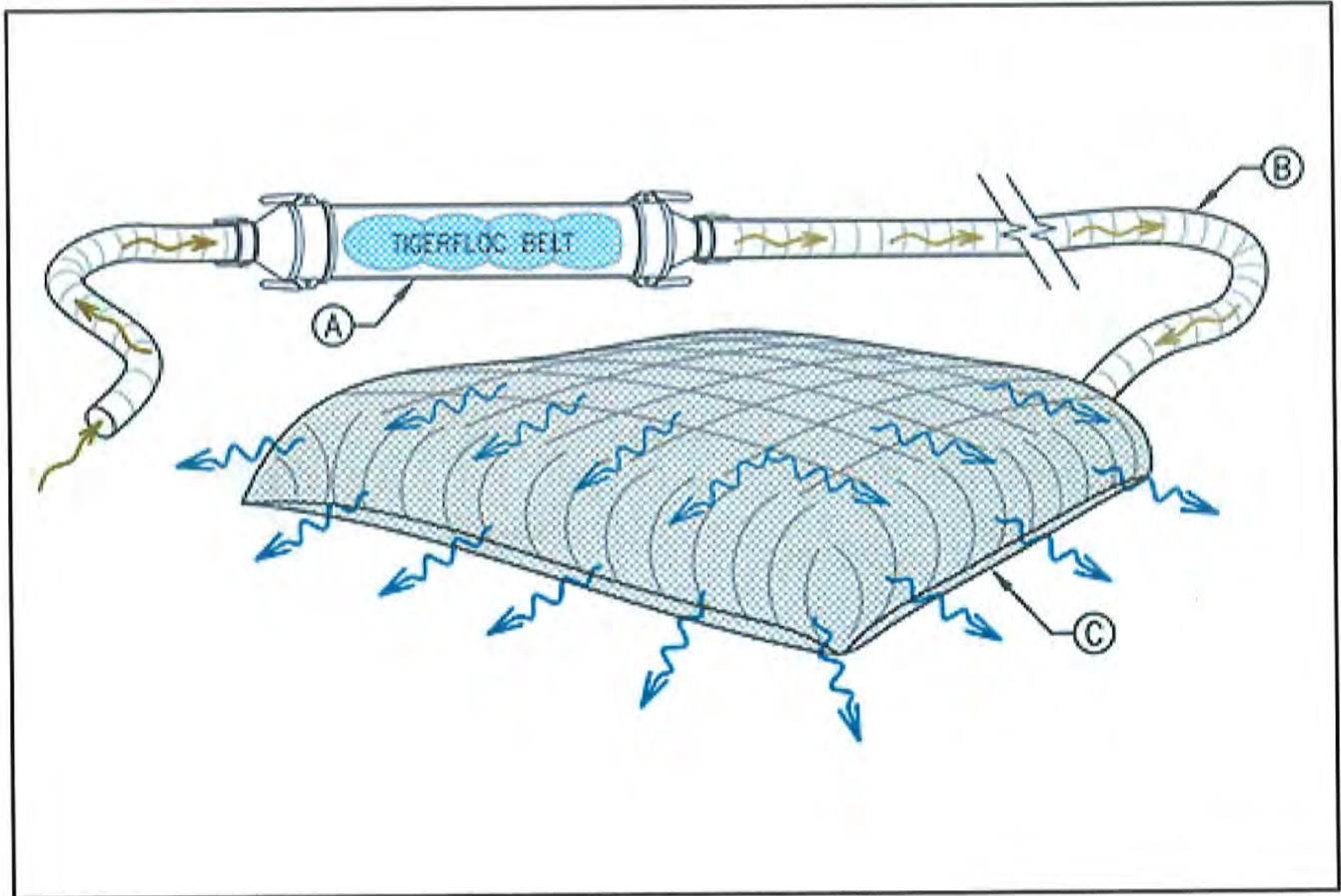
For better adhesion to the soils in very dry or windy conditions the straw should be track packed in. In wet conditions the straw does not need to be track packed.

Straw mulch is effective to stop initial erosion due to rainfall impact – it is not effective at stopping concentrated flows. Do not place in ditches, at culvert outlets etc. It can be utilized with other ESC measures (silt fence, diversion ditches etc) to increase its effectiveness.



### Inline flocculant and sediment dewatering bag typical application

Inline flocculant not necessarily required for this project - to be determined by site conditions



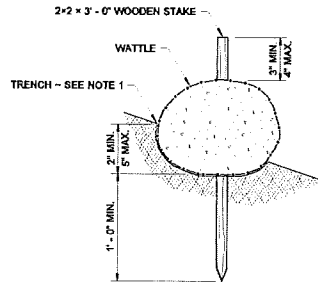
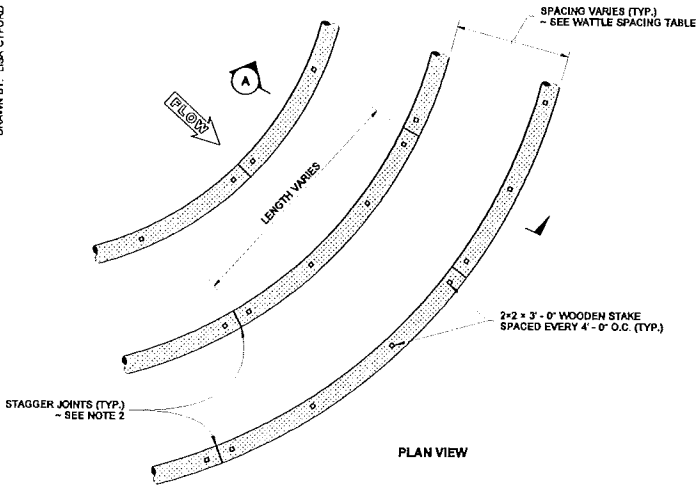
A = Inline flocculant that is mixed prior to discharge.

B- Minimum 50 feet of discharge hose between inline flocculant and sediment dewatering bag.

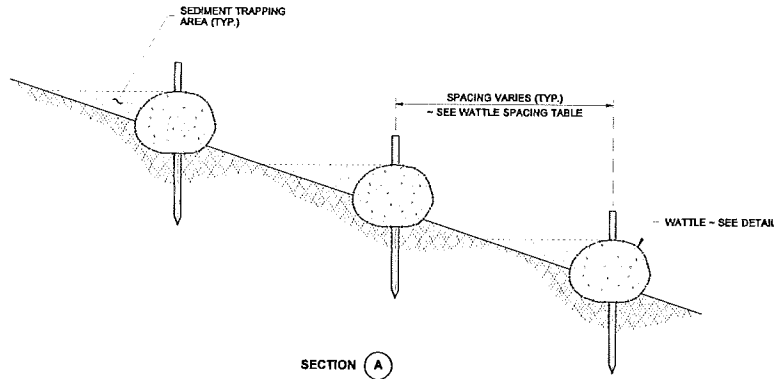
C – Sediment dewatering bag. Set up in location where seepage from bag will not cause erosion.



DRAWN BY: LISA CYFORD



TYPICAL SECTION  
WATTLE DETAIL



SECTION A

WATTLE SPACING TABLE	
SLOPE	MAXIMUM SPACING
1:1	10' - 0"
2:1	20' - 0"
3:1	30' - 0"
4:1	40' - 0"

**NOTES**

1. Wattles shall be in accordance with Standard Specification 9-14.5(5). Install Wattles along contours. Installation shall be in accordance with Standard Specification 8-01.3(10).
2. Securely knot each end of Wattle. Abut adjacent Wattles tightly, end to end, without overlapping the ends.
3. Pilot holes may be driven through the Wattles and into the soil when soil conditions require.
4. Live stakes may be used for permanent installation and shall be in accordance with Standard Specification 9-14.5(5).
5. Wattles shall be inspected regularly, and immediately after a rainfall produces runoff, to ensure they remain thoroughly entrenched and in contact with the soil.
6. Perform maintenance in accordance with Standard Specification 8-01.3(15).

STATE OF WASHINGTON  
REGISTERED  
LANDSCAPE ARCHITECT  
**MARK W. MAURER**  
CERTIFICATE NO. 000598

NOTE: THIS PLAN IS NOT A LEGAL ENGINEERING DOCUMENT. IT IS THE PROPERTY OF THE ENGINEER AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

**WATTLE INSTALLATION  
ON SLOPE**

**STANDARD PLAN I-30.30-00**

SHEET 1 OF 1 SHEET

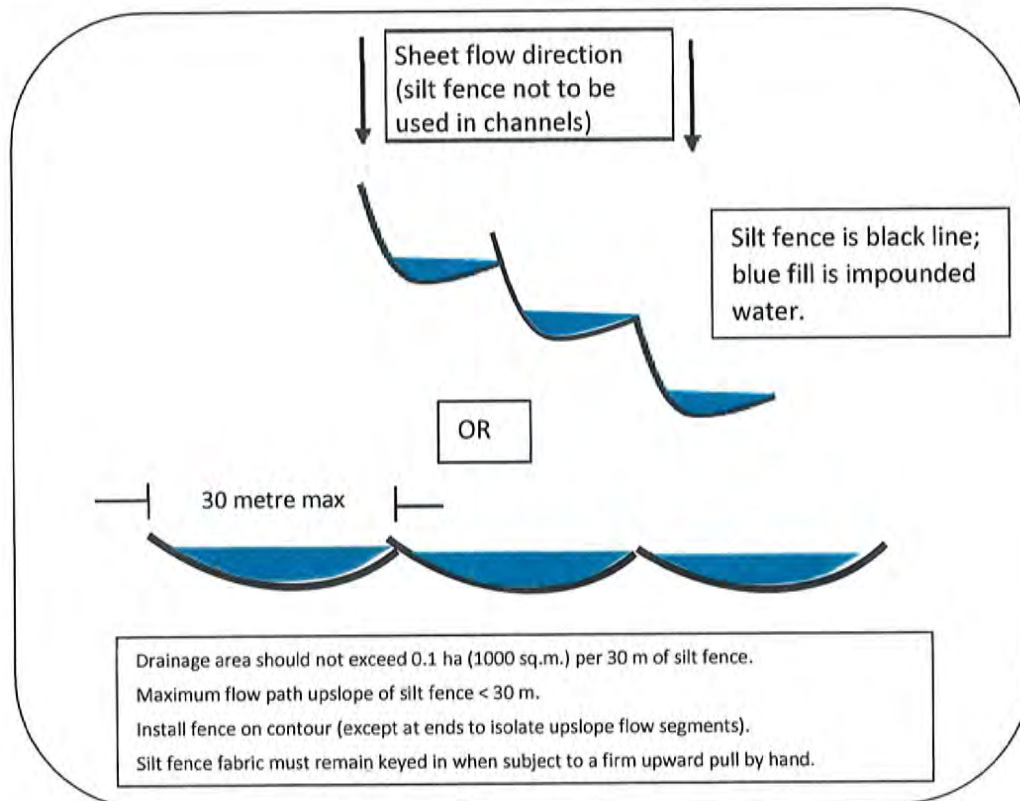
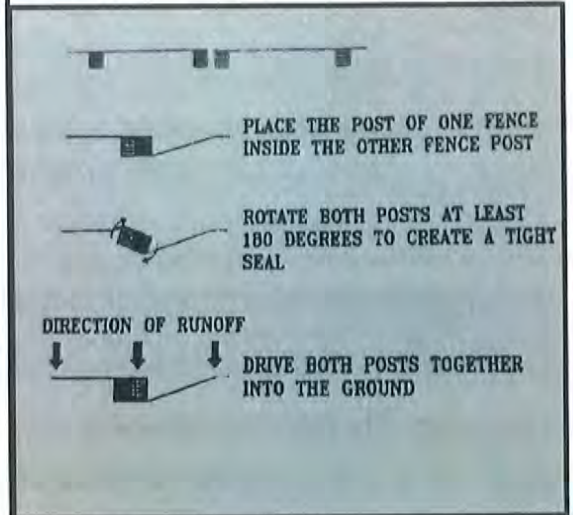
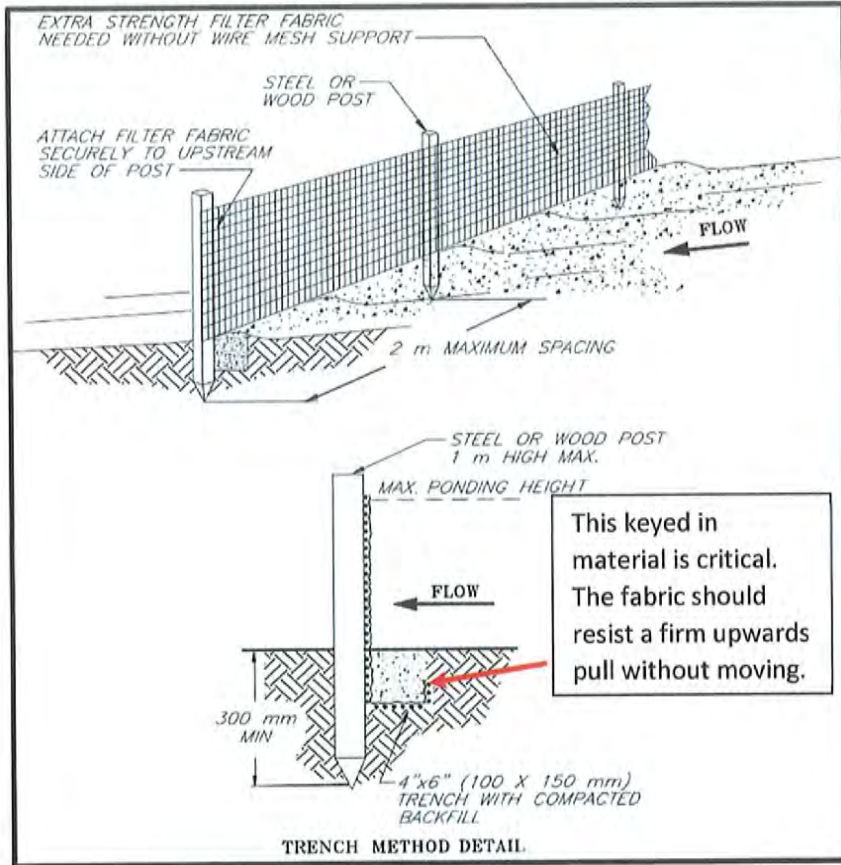
APPROVED FOR PUBLICATION

**Pasco Bakotich III** 09-20-07

STATE DESIGN ENGINEER DATE

Washington State Department of Transportation

## Silt fence installation, post roll and configuration typical drawings



## APPENDIX C – SPILL RESPONSE PLAN

Spills are reportable if:

- It has caused, is causing, or may cause an adverse effect to the environment or people.
- The release is into a groundwater or surface water body.
- The quantity/volume exceeds the quantities or emission levels set out in the relevant legislation, guideline, approval, or code of practice. For this project any release of petroleum hydrocarbons or allied products is to be reported to the EM.

All spills of deleterious materials to be reported to the site superintendent, City of Ladysmith Representative, and the EM (sediment-laden runoff is considered a deleterious material). If spill exceeds 100 L of fuel report to Emergency Management BC (EMBC) at 1-800-663-3456. Spills less than 100 L will be reported internally, this includes reporting to the EM. When reporting a spill by phone expect to provide the following information:

- the contact information:
  - for the individual making the report,
  - the responsible person in relation to the spill, and
  - the owner of the substance spilled;
- the date and time of the spill;
- the location of the spill site;
- a description of the spill site and the surrounding area;
- a description of the source of the spill;
- the type and quantity of the substance spilled;
- a description of the circumstances, cause and adverse effects of the spill;
- details of action taken or proposed to comply with Section 91.2 (2) [Responsible Persons - Spill Response 1 of the Environmental Management Act];
- the names of the government, federal government, local government and first nation government agencies at the spill site;
- the names of other persons or government, federal government, local government or first nation government agencies advised about the spill.

A spill report form will be completed, and copies of the documentation generated as soon as possible or within 24 hours of the event. Copies of the documentation will be kept on file in hard copy format at the proponent site trailer.

The Contractor will provide a report on impact as per statutory requirements (“Duty to Notify” provisions in the *Fisheries Act*) where those impacts include water quality discharges.

The spill report form will contain the following information (see form below bulleted list):

- reporting person’s name and phone number;
- name and phone number of person who caused the spill;

- date, time, location, duration and rate of release;
- type and quantity of release;
- detailed description of circumstances leading up to the spill and the effect of the spill;
- description of equipment involved, e.g. leak in machine, compromised equipment;
- procedures used to control, minimize and stop the release;
- disposal methods for contaminated materials, and
- measures taken to prevent further releases.

## Environmental Incident Report

<b>Reported by (name and phone #)</b>	<b>Title</b>	<b>Date Reported</b>	<b>YY</b>	<b>MM</b>	<b>DD</b>
<b>Location (office, field, geographic location)</b>	<b>Date of incident ( yyyy/mm/dd)</b>	<b>Time</b>	<b>(24-hr clock)</b>		
<b>Project</b>	<b>Responsible party name</b>	<b>Responsible party phone #</b>			
Incident					
<b><u>What happened – include duration of release</u></b>			<b><u>Location –surrounding features(waterbodies, drainage patterns etc)</u></b>		
<b><u>Magnitude of potential impact</u></b>			<b><u>Remedial action taken – include disposal details</u></b>		
<b><u>What steps can be taken to avoid future incidents</u></b>			<b><u>Remedial action still required</u></b>		
If a release which substance: _____ Amount: _____ kg / L / m <sup>3</sup> Circle one.			Environment substance was released into: land / water / air Describe:		
Reporting					
Has the incident been reported to any regulatory authority? Circle one.                      Yes                      No					
Detailed Description of Incident					
Include all related events leading up to incident and a description of equipment, property damage or loss. Attach any diagrams, photographs or other pertinent information. Attach extra sheets as required.					
<b>Name of person making report</b>			<b>Signature</b>		<b>Date:</b> <b>YY</b> <b>MM</b> <b>DD</b>
<b>Name of responsible party</b>			<b>Signature</b>		<b>Date:</b> <b>YY</b> <b>MM</b> <b>DD</b>

After a spill is contained and cleaned up, the proponent will be responsible for ensuring that disposal follows all applicable legislation. Manifests documenting proper disposal will be kept on file in hard copy format at the proponent site trailer.

The containment, storage, security, handling, use and disposal of empty containers, surplus product or waste generated in the use of any hazardous or toxic products shall be in accordance with all applicable federal and provincial legislation.

A copy of the complete Emergency Contact List (Table C-1) will be posted in site trailers and other common construction areas.

A copy of the Spill Response Plan will be distributed to all superintendents and foremen on site. On-site superintendents and foremen must understand the Spill Response Plan procedures and know the appropriate authorities to contact in the event of a spill.

For any hazardous materials brought to the project site, the Safety Data Sheets (SDS) will be compiled in a binder and kept at the project trailer in a clearly labeled and easily visible location.

All hazardous materials will be properly labeled, as per Workplace Hazardous Materials Information System 2015 (WHMIS 2015) requirements.

### **Spill Response Protocol**

As there are works of significant scope and duration occurring close to Holland Creek, a large labeled mobile spill kit capable of mitigating spills of 100 L of fuel will be kept on each side of the bridge and readily accessible during all construction activities. A ready to deploy absorbent boom will be located on either side of the bridge so that rapid deployment is possible at all times.

The proponent will immediately respond to the spill and ensure the safety of site personnel. Once it is determined that personnel are safe, and the area is safe to access the following general procedures will be followed:

#### **If the spill is fuel based, remove ignition sources**

- Shut off equipment and don't allow other sources of ignition (cutting torches, vehicles, smoking, etc.) near the area. Keep a fire extinguisher on hand but keep it a safe distance away so it is accessible in case of a fire.

#### **Stop the flow**

- Immediately take action to stop the spill: close valves, crimp and / or plug hoses, apply stop leak compound, etc.

#### **Contain the spill**

- Once the spill has been stopped take action to protect waterbodies, watercourses or wetlands by creating berms, diverting water, capping storm drain inlets, installing ditch blocks, etc.

#### **Enlist the help of personnel on site**

- Notify site superintendent or foreman as soon as possible.
- Mechanic to be dispatched to scene if appropriate.



- Appropriate parties are to be notified of the spill – the proponent site superintendent and EM. If the release will affect a fish bearing water body the Department of Fisheries and Oceans must be notified.
- See Table C-1 Emergency Contact List at the end of this Spill Response Plan for contact numbers.

#### Remediate spill

- The proponent will be responsible for ensuring that proper clean up and disposal is undertaken in a timely manner and in compliance with all applicable legislation. Copies of manifests documenting proper disposal will be kept on file in hard copy format at the proponent site trailer and available for review by the EM and City of Ladysmith Representative.

#### Reporting

- A spill report form will be completed, and copies of the documentation generated within 48 hours of the event. Copies of the documentation will be kept on file in hard copy format at the proponent site trailer.
- The spill report form will contain information as outlined in the fourth paragraph of this Spill Response Plan.

#### Procedure review

- The proponent will review the spill report form and determine if enhancements to the procedure are required and implement any required changes.

**Table C-1 Emergency contact list**

Organization / Company	Name	Position	Phone #	Cell #
Emergency Dispatch (Fire, Ambulance, Police, Hazmat)			911	
City of Ladysmith	Felicity Adams	City of Ladysmith Representative	250-245-6405	
Emergency Management BC			800-663-3456	
Fisheries and Oceans Canada		Observe, Record, Report Hotline	800-465-4336	
Hospital – Ladysmith Medical Health Center		11110 4 <sup>th</sup> Ave, Ladysmith, BC	250-739-5777	
1399 Development Inc.	Bill Eller	Project Manager		250-744-7411
Corvidae Environmental Consulting Inc.	Wade Kennedy	Environmental Monitor		250-615-7860
	Matt Johnson	Environmental Manager		250-609-0199

## **APPENDIX D – ENVIRONMENTAL MONITORING, WATER QUALITY SAMPLING AND ENVIRONMENTAL INCIDENT REPORTING PLAN**

### **Environmental Monitoring**

Environmental monitoring will focus on compliance with the CEMP/ESCP and associated plans, and conformance with the Land Development Guidelines to ensure the protection of adjacent Holland Creek waters.

The proponent's EM will be a QEP. Environmental monitoring will include a detailed review of erosion and sediment control measures on site, recording of deficiencies, timelines for mitigation, and using the construction schedule to plan mitigations for potential future impacts. The project activities can likely be adequately monitored by weekly monitoring visits and visits to review erosion and sediment control measures during rain events forecast to exceed 10 mm of rain in 24 hours.

The Environmental Monitor shall be on-site during work in Environmentally Sensitive Areas including, but not limited to the following activities: preliminary access road grubbing, blasting for pipe arch footings, concrete pours and grouting operations adjacent to and above Holland Creek, initial installation of erosion and sediment controls and measures.

The EM shall attend weekly tailgate / construction meetings with the proponent project team onsite to discuss current activities, upcoming activities, collaborate on solutions and to inform the project team of the specific environmental requirements of upcoming works.

The EM shall provide environmental orientations to the proponent's earthworks, blasting and concrete contractor prior to their start of activities onsite.

The EM will prepare daily summary monitoring reports that will include records of construction activities undertaken since the last site visit, current site activities and conditions, communications with onsite crew, environmental incidents, impacts and corrective actions taken as well as what work plan modifications or mitigations are required. Water quality monitoring results will be included as applicable. These reports will also be provide to the Town electronically.

### **Water Quality Monitoring**

- The EM will oversee water quality monitoring on site. Sampling locations, methods, duration and timing will be outlined and designed to provide enough detail to demonstrate compliance with all applicable acts, regulations and requirements of regulatory approvals.
- Water quality monitoring will be completed by Corvidae during environmental monitoring visits. Visits are scheduled weekly during dry weather and daily during rain events forecast to be equal to or greater than 10 mm / 24 hrs (as measured at the Ladysmith Secondary School weather station – data available at [www.victoriaweather.ca/station.php?id=177](http://www.victoriaweather.ca/station.php?id=177)).
- Water quality will be sampled for NTU and pH.
- NTU will be assessed by use of a calibrated (10 NTU or 100 NTU standard for calibration dependent on site conditions the day of sampling) digital turbidity meter capable of reading NTU to .01 NTU resolution.

- pH will be assessed by use of a calibrated (4, 7, and 10 pH buffer solutions) digital pH meter capable of reading pH to 0.1 pH units.
- Calibration standards and methods will be as per technical reference manuals supplied with the equipment.
- Proposed water quality sampling locations are presented in ESCP Figure 100 in Appendix A. Water quality samples will be collected from shore by means of a modified double check valve sampling bailer that can be slung out into the creek water to collect isolated, discrete water samples.
- Any discharge water from cast-in-place concrete work will be pH monitored using a hand-held pH meter calibrated using a standard three-point calibration with buffer solution (4, 7, and 10). If required, pH neutralization will be done using a CO<sub>2</sub> diffusion system.

#### **Water Quality Sampling Frequency**

- During dry weather scheduled environmental monitoring visits (weekly), water quality will be sampled by the EM once per site visit at each sampling location unless visual indicators are present that indicate water quality may be being impacted by the site. Additional water quality samples will be collected as required to delineate potential impacts over time.
- During wet weather environmental monitoring visits (greater than 10mm / 24 hrs water quality will be sampled approximately hourly at each sampling location for the duration of the site visit. This may be modified if the EM is busy attending to other elements of site management.

#### **Environmental Incident Reporting**

Environmental incidents will be reported to the EM immediately and an Environmental Incident Report generated within 24 hours that outlines the nature of the incident, magnitude of potential impact and remedial action taken / required. Copies of the Environmental Incident Report will be submitted to the proponent and from the proponent to the applicable regulatory agencies having jurisdiction.

Environmental incidents to be reported to the EM will include but not be limited to the following:

- Spills of petroleum hydrocarbons (see Appendix C – Spill Response Plan for further info).
- Releases of deleterious substances (including sediment) into Holland Creek.

# Environmental Report and Restoration

## Proposed Development

### Holland Creek

#### Development Permit Area 6

Prepared for:

Development Services Department,  
Town of Lady Smith  
PO Box 222  
Lady Smith BC V9G 1A2

Prepared by:

Julie Budgen, RPBiol  
Corvidae Environmental Consulting Inc.  
6526 Water St, Sooke, BC

**CORVIDAE**  
ENVIRONMENTAL CONSULTING INC.

August 2018



**Schedule C: DP 3060-18-09**  
Environmental Report and Restoration  
Corvidae Environmental Consulting Inc.  
(August 2018)

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## **1 Introduction & Background**

1399 Developments Inc. (the proponent) is undertaking a road and arch culvert bridge construction project (the project) in Ladysmith, BC in order to provide access to a subdivision development. See Figure 1 for a snapshot of the plans and Appendix A for detailed drawings. The project is located within the Riparian Development Permit Area 6 (DPA-6) and Holland Creek Local Area Plan (HCLAP) as described within the City of Ladysmith Official Community Plan (OCP) Bylaw 1488.

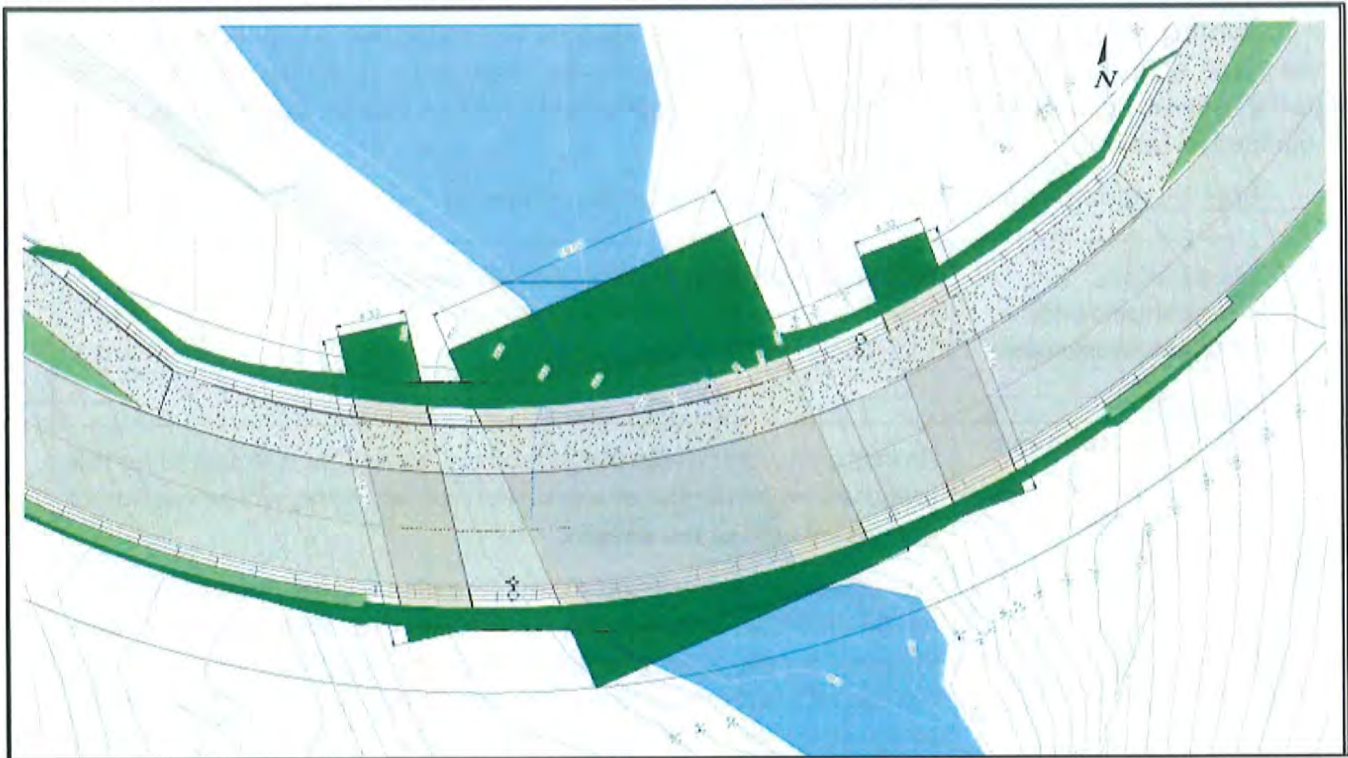
The proponent has retained the services of a Qualified Environmental Professional (QEP) at Corvidae Environmental Consulting Inc. (Corvidae) to complete an environmental assessment of Holland Creek. The purpose of the assessment was to determine the potential environmental impacts from the proposed Project and address the Federal, Provincial and Municipal requirements for this property. As part of the assessment, a QEP assessed the riparian area of the creek, the canopy type, wildlife features, and substrate.

This assessment describes the nature and extent of the proposed work along Holland Creek's boarder during construction and crossing of the creek, as well as presents key biological and physical features existing within the area, including aquatic and riparian habitat. Corvidae has addressed the legislative requirements. Provided are the proposed plans for the project, Riparian Area Assessment details, and results to determine the environmental significance of the project on the riparian area at Holland Creek. Potential project impacts for the development and a summary of mitigation measures are provided in Section 6.

Detailed mitigation measures are provided in a Construction Environmental Management Plan (CEMP) and Erosion and Sediment Control Plan (ESCP) that have been prepared. Specific sediment and erosion control methods and contingency measures are provided in the CEMP. During construction, there will be an Environmental Monitor (EM) on site for work in sensitive areas. Potential risk areas of sediment and erosion will be identified by the EM, and will be protected prior to the start of construction and for the duration of the project.



Figure 1: Proposed crossing of Holland Creek



\*Detailed drawing provided in Appendix A.

\*\*Note: these are representative drawings, the final drawings will be provided prior to development, for the review by the Town of Ladysmith.





## 2 Regulatory Requirements

Prior to starting the proposed Project, the proponent is required to ensure that all applicable licenses, permits, and approvals have been secured in writing from the applicable regulatory authorities. The following Federal, Provincial and Municipal legislative requirements are required for the proposed Project are outlined in Table 1.

Table 1. Legislation and Proposed Permit Application Requirements

Legislation, Regulations and Other Requirements	Proposed Permit Application Requirements
<b>Federal</b>	
<i>Fisheries and Oceans Canada (DFO), Fisheries Act – Self-Assessment</i>	<p>No instream works or disturbance of aquatic habitat is expected for this proposed project scope of work. Arch culvert works will be outside of the wetted area of the stream.</p> <p>Preparation of this assessment was carried out as per the requirements for the DFO's Self-Assessment for Projects near Water review criteria (<a href="http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html">http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html</a>). Corvidae has conducted a self-assessment of the potential for "serious harm<sup>1</sup>" based on the DFO Projects near Water website.</p>
<b>Provincial</b>	
<i>Water Sustainability Act - Section 11, Updated June 20</i>	<p>As part of this Notification, a Section 11 Application is being submitted to the provincial government. The Section 11 is part of the BC Water Sustainability Act (Government of British Columbia. Water Sustainability Act. Updated June 20, 2018. Section 11 – Changes in and About a Stream).</p> <p><a href="https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-licences-approvals/apply-for-a-change-approval-or-submit-notification-of-instream-work">https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-licences-approvals/apply-for-a-change-approval-or-submit-notification-of-instream-work</a></p> <p>The Section 11 will include a copy of this report and the CEMP/ESCP.</p>
<b>Municipal (Local)</b>	
<i>City of Ladysmith Official Community Plan (OCP) Bylaw 1488.</i>	<p>This project exists within a Riparian Development Permit Area (DPA-6). The permit must be obtained prior to start of project construction activities; Corvidae has submitted an Environmental Report for the permit application under separate cover.</p>

<sup>1</sup> Serious harm is death of fish or permanent alteration or destruction of fish habitat



### 3 Site Description

The proposed project site location is Holland Creek, from the west end of Colonia Drive to the east side of Holland Creek, within the Town of Ladysmith and the Cowichan Valley Regional District (CVRD). The watershed code #920-321500 and the waterbody id is 306824. Holland Creek is a stream that contains anadromous fish<sup>1</sup> which originates on northern and eastern slopes of the Vancouver Island Mountains (Coronation Mountain). The stream flows north and east about 12 km before entering Ladysmith. The proponent has proposed a road and arch culvert construction project over Holland Creek to provide access to a subdivision development of 38 residential (R-1) lots at Lot 5, Block 1399, Oyster District, Plan VIP75559. The proposed project would extend from the west end Colonia Drive to the east, connecting the new subdivision development to the existing roadway infrastructure by means of an engineered arch culvert bridge (the bridge) (Figure 1).

#### 3.1 Project Footprint

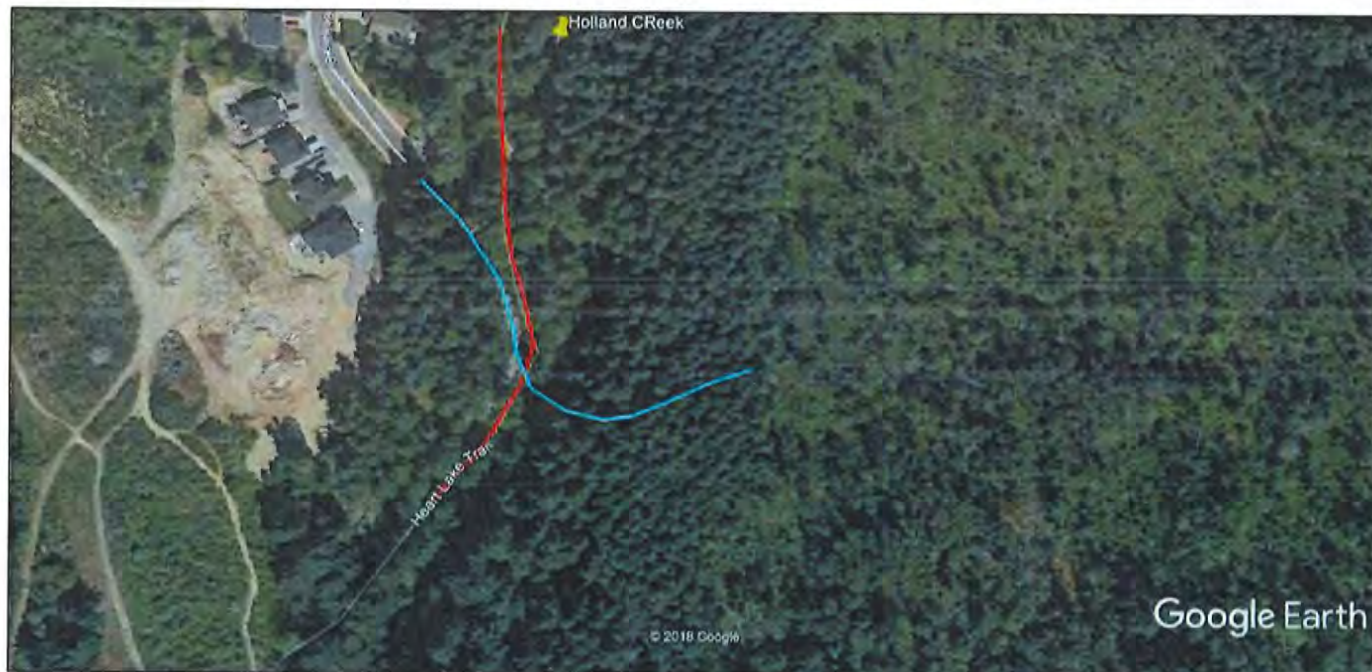
The proposed bridge design will meet the Canadian Highway Bridge Design Code and will support all municipal infrastructure to connect the proposed development area and the existing trail connections in the Holland Creek Corridor. The Proponent will consult with the Town of Ladysmith Engineering Department in the development of the bridge design and layout. The proposed bridge crossing with an integrated pedestrian walkway is 22.65 meters wide by 19.14 meters long. The bridge will be designed to accommodate pedestrian accessibility, cyclist traffic, and situated to accommodate existing trail connections in the Holland Creek Corridor. Figure 2 shows the proposed development footprint.

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<sup>1</sup> Anadromous fish initiate their life in freshwater, but then depart to spend a portion of their life rearing in the ocean prior to returning back to freshwater as sexually mature adults to spawn (MOE 1998).



Figure 2. Proposed Holland Creek Crossing - existing gravel path in red, the proposed road & bridge is light blue



## 4 Methods

### 4.1 Background Review

Corvidae conducted a desktop review of existing information to characterize the aquatic resources and potential presence of species of special conservation status in the proposed Project area. Baseline biophysical conditions were compiled by reviewing the best available data and information including existing reports for the area and conducting searches of online provincial and federal databases. The desktop review was based on the following resources:

- ✈ BC Conservation Data Centre (BC CDC 2018b)
- ✈ BC Habitat Wizard (Province of BC 2018a)
- ✈ BC Species Ecosystem Explorers (Province of BC 2018)
- ✈ Fish Inventory Data Query (Province of BC 2018b)
- ✈ BC Sensitive Habitat Inventory Mapping (SHIM) database
- ✈ Ortho-imagery and aerial photographs of the property (Google Earth 2018)
- ✈ CVRD mapping system and databases (CVRD 2018)
- ✈ Fisheries and Oceans Canada (DFO), Fisheries Act – Self-Assessment
- ✈ Water Sustainability Act - Section 11, Updated June 20, 2018
- ✈ Local Government Act, Section 919.1(1)(a) and Section 872 - Development Permit Area 6 – Riparian
- ✈ Bylaw No. 1488 – Adopt an Updated OCP for the Town of Ladysmith



Corvidae completed a DFO Self-Assessment to determine potential for serious harm under the *Fisheries Act*. According to DFO's Projects Near Water review criteria, the proposed works are captured within the following activities that meet the criteria where DFO review is not required (DFO 2015a):

- ✦ Construction of clear-span bridges with no new temporary or permanent fill placed below the high water mark and no obstruction to fish passage with respect to their timing windows. The arch culvert bridge meets the definition of clear-span bridge for this criteria.

No instream works or disturbance of aquatic habitat is expected for this proposed project scope of work. Bridge works will be outside of the wetted area of the stream.

## 4.2 Field Assessment

The biophysical assessment was conducted by a QEP at a site visit on June 29, 2018. The biophysical assessment included the characterization of habitat types, wildlife habitat and species observations, natural features and drainage, vegetation, the riparian area, and the identification of the Streamside Protection and Enhancement Area (SPEA).

## 5 Baseline Environment

The proposed Project is located in a regenerated mix coniferous and deciduous Coastal Douglas Fir forest. Access to the Site for the bridge crossing can be gained via Colonia Drive and Dogwood Drive access points. The proposed Holland Creek Bridge will not be located in a manner that creates significant potential for sediment release to Holland Creek. Access points may need to be stabilized with rock during wet weather or as site conditions change.

### 5.1 Climate and Biogeoclimatic Zone

The property is in the Coastal Douglas Fir, Moist Maritime (CDF mm) Biogeoclimatic (BEC) zone (CDC 2018). It is a unique habitat that occurs on the central and southeastern section of Vancouver Island. The average rainfall is 1155 mm/annually (<https://en.climate-data.org/location/10445/>). The elevation of the proposed Project is 102 m above sea level (Google Earth June 29, 2018).

### 5.2 SPEA

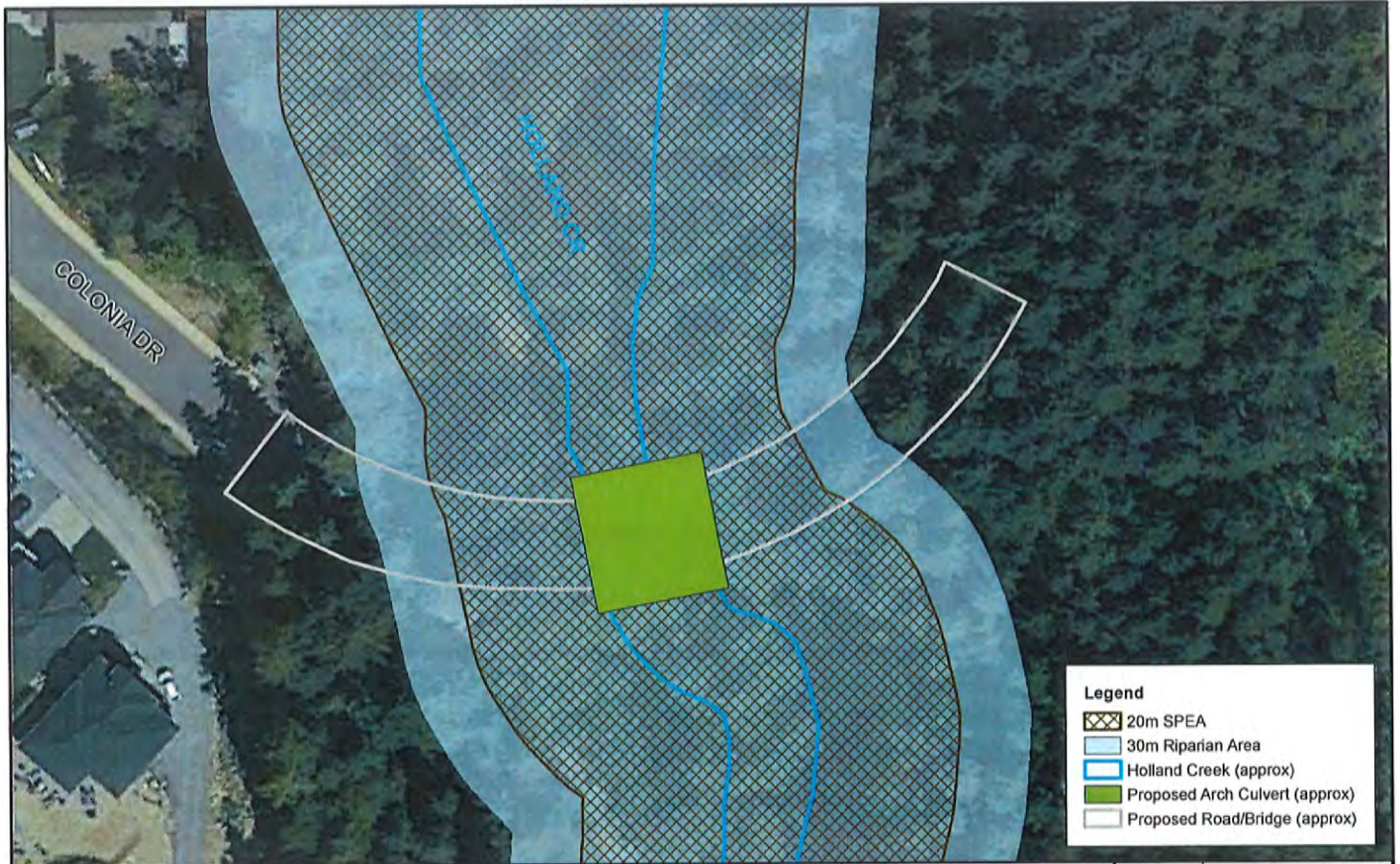
The riparian assessment followed the "Legislated Riparian Assessments in BC APEGBC/ABCFFP/CAB Professional Practice Guidelines" (2017) and the Riparian Areas Regulation Assessment Methods (Government of British Columbia 2012). During the field assessment transects were taken every 6 m along the entire reach at, above and below the bridge footprint. Table 2 provides the stream widths and features to calculate the Stream Protection Enhancement Area (SPEA). Figure 3 shows the 30 m riparian area and the SPEA buffer. Following the Riparian Area Assessment methods, from the numbers from Table 2, the SPEA is calculated at 20 m.



Table 2. Stream Protection Enhancement Area Measurements

<b>Reach 1 – Downstream of centre line, gradient is 3%</b>					
<b>Transect</b>	<b>Distance from Centre line</b>	<b>Vegetation</b>	<b>Stream Width (m)</b>	<b>Stream Depth (cm) (average)</b>	<b>Substrate (rock, soil, soil type)</b>
<b>Transect 1</b>	30 m	20% coniferous, 30% deciduous	5.5	51	70% boulder, 20% cobble, 5% gravel, 5% sand, 0% bedrock
<b>Transect 2</b>	24 m	10% coniferous, 60% deciduous	5.48	72	80 B, 10 C, 5 G, 5 S
<b>Transect 3</b>	18 m	20% coniferous, 45% deciduous	7.27	62	60 B, 15 C, 15 G, 10 S
<b>Transect 4</b>	12 m	10% coniferous, 50% deciduous	6.58	46	60 B, 15 C, 15 G, 10 S
<b>Transect 5</b>	6 m	5% coniferous, 70% deciduous	8.93	52	80 B, 10 C, 5 G, 5 S
<b>Transect 6</b>	0 m	0% coniferous, 60% deciduous	7.5	60	50 B, 35 C, 0 G, 5 S
<b>Reach 2 – Upstream of centre line, gradient is 6%</b>					
<b>Transect 7</b>	6 m	10% coniferous, 40% deciduous	3.65	72	50 B, 35 C, 10 G, 5 S
<b>Transect 8</b>	12 m	20% coniferous, 40% deciduous	8.37	38	80 B, 5 C, 2.5 G, 2.5 S, 10 Br
<b>Transect 9</b>	18 m	10% coniferous, 30% deciduous	7.3	105	70 B, 5 C, 5 G, 5 S, 15 Br
<b>Transect 10</b>	24 m	25% coniferous, 40% deciduous	1.98	40	50 B, 15 C, 10 G, 10 S, 15 Br
<b>Transect 11</b>	30 m	20% coniferous, 20% deciduous	3.1	32	20 B, 15 C, 20 G, 5 S, 40 Br





**Figure 3: Riparian Area and SPEA at Holland Creek Crossing**



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Corvidae Project No:  
CE 20180312

Rev. #	Date
0	Aug 9, 2018

Drawing No. 1



## 5.3 Vegetation

### 5.3.1 Desktop Assessment for Vegetation Species at Risk

An on-line search of the two-kilometer radius search of the property was conducted using the British Columbia Conservation Data Centre's (CDC) iMap and BC Species and Ecosystems Explorer. This search resulted with a mapped occurrence of the Grand Fir / Dull Oregon Grape habitat type, outlined in Table 3. The Grand Fir / Dull Oregon-Grape habitat is found in Stanton Peak, on the northeast slopes of Ladysmith and lower slopes of Mount Stanton. The BEC zone and unit is CDFmm, CWH xm1. That ecological community occupies 32.37 ha and is based on Terrestrial Ecosystem Mapping.

In addition, a search of the potential at risk species in the area was conducted with the CDC tool, resulting in 10 species. These species are available in Appendix C, however none of these species were found in the proposed project area.

Table 3. Vegetation Community Listed, 2 kilometer radius search of the property for Holland Creek, Ladysmith, BC (CDC 2018).

English Name	Scientific Name	Shape ID	BC List	COSEWIC Status	SARA Schedule
Grand Fir / Dull Oregon Grape	<i>Abies grandis</i> / <i>Berberis nervosa</i>	107893	Red	NA	NA

**Provincial Status: Red:** Includes any indigenous species or subspecies that have, or are candidates for, Extirpated, Endangered, or Threatened status in British Columbia. Endangered taxa are facing imminent extirpation or extinction. Threatened taxa are likely to become endangered if limiting factors are not reversed. Not all Red-listed taxa will necessarily become formally designated. Placing taxa on these lists flags them as being at risk and requiring investigation. **Blue:** Includes any indigenous species or subspecies considered to be of Special Concern (formerly Vulnerable) in British Columbia. Taxa of Special Concern have characteristics that make them particularly sensitive or vulnerable to human activities or natural events. Blue-listed taxa are at risk, but are not Extirpated, Endangered or Threatened. **Yellow:** Includes species that are apparently secure and not at risk of extinction. Yellow-listed species may have red- or blue-listed subspecies.

**COSEWIC Status: SC = SPECIAL CONCERN:** A species of special concern because of characteristics that make it is particularly sensitive to human activities or natural events. **NA = NOT ASSESSED.**

**SARA Status:** The Act establishes Schedule 1, as the official list of wildlife species at risk. It classifies those species as being either extirpated, endangered, threatened, or a special concern. Once listed, the measures to protect and recover a listed wildlife species are implemented.

### 5.3.2 Vegetation Documented during Biophysical Assessment

During the site visit, the QEP did not observe rare or endangered plant species.

The property is forested mainly with coniferous species, Douglas-fir (*Pseudotsuga menziesii*) and Western Red Cedar (*Thuja plicata*), and deciduous species Red Alder (*Alnus rubra*) and Big Leaf Maple (*Acer macrophyllum*). From the site assessment, it was determined that the property consists of native species. Weeds and non-invasive species were not observed during the site visit.



During the site visit, the vegetation species were documented (Table 4). See Appendix B for photo documentation of vegetation.

Table 4. Native plant species observed during the site visit at Holland Creek, Ladysmith, BC.

Scientific Name	Common Name
<b>Tree Layer</b>	
<i>Pseudotsuga menziesii</i>	Douglas-fir
<i>Acer macrophyllum</i>	Big leaf maple
<i>Alnus rubra</i>	Red alder
<i>Abies grandis</i>	Grand fir
<i>Thuja plicata</i>	Western red cedar
<b>Shrub Layer</b>	
<i>Mahonia nervosa</i>	Dull Oregon-grape
<i>Holodiscus discolor</i>	Ocean spray
<i>Gaultheria shallon</i>	Salal
<i>Rubus spectabilis</i>	Salmon berry
<b>Herb Layer</b>	
<i>Maianthemum dilatatum</i>	False lily-of-the-valley
<i>Aruncus diolicus</i>	Goat's beard
<i>Tiarella trifoliata</i>	Three-leaved foamflower
<i>Pteridium aquilinum</i> (L.)	Bracken fern
<i>Adiantum</i>	Maidenhair fern
<i>Polystichum munitum</i>	Sword fern
<b>Lichen and Moss Layer</b>	
<i>Cladonia</i> spp.	Lichen
<i>Sphagnum</i> spp.	Sphagnum moss
<i>Hylocomium splendens</i>	Step moss

#### 5.4 Wildlife

The riparian environment provides habitat for birds, mammals, amphibians and invertebrates. The terrestrial ecosystem can provide habitat for black-tailed deer (*Odocoileus hemionus columbianus*), black bear (*Ursus americanus*) and cougar (*Puma concolor*). Many bird species will spend the winter months in this areas due to the mild climate.





#### 5.4.1 Desktop Assessment for Wildlife Species At Risk

A two-kilometer radius search of the property was conducted using the CDC tool and determined that one Blue Listed species (Table 5) was found within two kilometers of the project area. Appendix D provides a list of Species at Risk that have potential to occur. None of the species in Appendix D were detected during the biophysical assessment.

Table 5. Wildlife Listed, 2-kilometer radius search of the property Holland Creek, Ladysmith, BC (CDC 2018).

English Name	Scientific Name	Shape ID	BC List	COSEWIC Status	SARA Schedule
Great Blue Heron, fannini subspecies	<i>Andrea Herodias fannini</i>	102734	Blue	SC (Mar 2008)	1

**Provincial Status: Red:** Includes any indigenous species or subspecies that have, or are candidates for, Extirpated, Endangered, or Threatened status in British Columbia. Extirpated taxa no longer exist in the wild in British Columbia but do occur elsewhere. Endangered taxa are facing imminent extirpation or extinction. Threatened taxa are likely to become endangered if limiting factors are not reversed. Not all Red-listed taxa will necessarily become formally designated. Placing taxa on these lists flags them as being at risk and requiring investigation. **Blue:** Includes any indigenous species or subspecies considered to be of Special Concern (formerly Vulnerable) in British Columbia. Taxa of Special Concern have characteristics that make them particularly sensitive or vulnerable to human activities or natural events. Blue-listed taxa are at risk, but are not Extirpated, Endangered or Threatened.

**COSEWIC Status: E = ENDANGERED:** A species facing imminent extirpation or extinction. **T = THREATENED:** A species that is likely to become endangered if limiting factors are not reversed. **SC = SPECIAL CONCERN:** A species of special concern because of characteristics that make it is particularly sensitive to human activities or natural events.

**SARA Status: T = THREATENED:** A species that is likely to become endangered if limiting factors are not reversed. **SC = SPECIAL CONCERN:** A species of special concern because of characteristics that make it is particularly sensitive to human activities or natural events. **NA = NOT ASSESSED.**

#### 5.4.2 Wildlife Documented during Biophysical Assessment

During the site assessment no species at risk or threatened were observed. Nesting habitat, raptor nests and evidence of heron colonies were not observed during the site visit on the property. During the time of the site assessment, the QEP observed one wildlife tree with cavity nesting attributes. The tree is located upstream of the bridge crossing, close to the streams edge, outside of the project footprint. See Appendix B for a photo of the wildlife tree.

A migratory bird survey is recommended prior to any clearing if work is to be completed within the migratory bird window (i.e. prior to August 15<sup>th</sup>).

### 5.5 Fisheries

A rare and endangered aquatic species search was conducted using the Fish Inventory Data Query and CDC tool for fish species within the proposed Project area. A list of these species and their status with the proposed Project are outlined in Table 6.



Table 6. Summary of Listed-Species Potentially Occurring in the Project Area (CDC 2018, MOE 2018)

English Name	Scientific Name	Shape ID	BC List	COSEWIC Status	SARA Schedule
Chum salmon	<i>Oncorhynchus keta</i>	NA	Yellow	NA	NA
Coho salmon	<i>Oncorhynchus kisutch</i>	NA	Yellow	NA	NA
Pink salmon	<i>Oncorhynchus gorbuscha</i>	NA	Yellow	NA	NA
Rainbow Trout (Steelhead)	<i>Oncorhynchus mykiss</i>	NA	Yellow	NA	NA
Cutthroat trout (anadromous and resident)	<i>Oncorhynchus clarkii</i>	NA	No status	NA	NA
Coastal Cutthroat trout	<i>Oncorhynchus clarkii clarkii</i>	NA	Blue	NA	NA

## 6 Potential Impacts and Mitigations

Impacts from the project will be loss of vegetation, soil and rocky sections along Holland Creek. This includes a loss of riparian wildlife habitat and cleared trees. There will be potential for the introduction of invasive plant species in the cleared areas. Prior to project completion and reclamation, there will be exposed soils with potential for erosion into the creek. For that reason, the prescriptive and detailed CEMP and ESCP for the project have been completed by Corvidae. These reports have been provided with this submission package and should be referenced for all planned environmental protection measures for the project. The proponent will be following the CEMP and EPP for the project. The vegetation and wildlife measures below are included in the CEMP and EPP, iterated here as a short summary.

### 6.1 Vegetation Management and Invasive Species Control

The following measures will be put in place to protect the vegetation to remain and the site ecosystem:

- ✎ Limit habitat loss and disturbance to the project footprint only (clearly marked).
- ✎ Ensure all equipment entering the site is clean of debris to prevent importing seeds from invasive species.
- ✎ Stage construction vehicles on previously disturbed, non-vegetated areas where practical.
- ✎ For control of invasive species, cover stored topsoil with tarps and plant high densities of native vegetation in all bare areas as soon as the area has been cleared of construction.
- ✎ For topsoil on the MSE wall, use weed free topsoil from a local supplier (see Section 7 for details).

### 6.2 Wildlife Management

Potential concerns regarding wildlife and wildlife habitat are loss of habitat, harm or death to wildlife, and noise disturbances.

Mitigation measures to protect and minimize disturbance to wildlife and their habitat include:

- ✎ Retain habitat that provides shelter for wildlife such as standing dead trees.



- ✦ Limit habitat loss and disturbance to the project footprint. Flag these areas to clearly delineate the boundary.
- ✦ Limit clearing as much as possible, and stage construction vehicles on previously disturbed, non-vegetated areas.
- ✦ Undertake all vegetation clearing outside the bird migratory season (March 15 to August 31). If this is not possible, a QEP must conduct preconstruction surveys to identify any nests or breeding bird activity within the project footprint, and recommend appropriate protection measures. If any nests are found, recommendations will likely be made to stop construction until the nestlings have fledged.

## 7 Restoration Plan

This restoration plan provides:

- ✦ The total area to be landscaped (planted/seeded) separated out into area of MSE wall, embankment fills and cleared area not covered by road structure.
- ✦ Restoration details for topsoil placement (depth and source).
- ✦ Details on species composition and densities for the landscaping in the project area.

### 7.1 Total Area for Restoration

The total area of disturbance is 21 meters x 225 meters, totaling 0.4725 ha. The area of disturbance has been separated out into area types listed in Table 7. Table 7 also provides the restoration planting group and topsoil application depths. Table 8 has details on planting prescriptions – species and densities per area. Due to the project area being a bridge, with the vegetated MSE wall, it is not suitable for tree species. The species proposed (Table 8) are suitable for the project area, native and provide green space that would naturally occur in the area. Trees will be planted along the road, outside of the bridge footprint, over to the Holland Creek housing development site at 12 m intervals (details provided in Table 8).

### 7.2 Topsoil Application

Total topsoil volumes will be 84 m<sup>3</sup> for the MSE wall and 15 m<sup>3</sup> for the areas outside of the paved areas. The 15 m<sup>3</sup> will be from the transplanted soil that has been removed from the project footprint and stored during construction. The 84 m<sup>3</sup> for the MSE wall will be sourced from High Line Environmental outside of Ladysmith (5258 Breton Page Road) (<http://highlinegroup.net/>). High Line is a local company that makes compost for projects that is weed free. The compost soil will be ideal for the MSE wall.



### 7.3 Planting Prescriptions

Table 7. Project Areas and Reclamation Prescriptions per Area

Area	Total Area to Revegetate	Surface	Topsoil Application
Road side	1 m wide	Boulevard, off bridge, space for trees every 12 m	30 cm
MSE Wall	840 m <sup>2</sup>	MSE fill, topsoil and planting	10 cm
Embankment and disturbed areas to be vegetated (Reveg areas in Table 7)	100 m <sup>2</sup>	Soil	15 cm

The Vegetated MSE Walls will be at 80<sup>0</sup>, requiring the use of both the plastic geo-stabilizing materials and steel reinforcing mesh (approximately 4"x4") to maintain integrity of the walls, the "plantable footprint" requires seeding or very small seedlings of forbs. Plantable exposures will be 9 horizontal cm (3.5 inches) for every 46 cm (18 inches) of rise. The MSE wall area is 80 m long, ranging from 1 m in height to 8.79 m up to the road base. The total planted MSE wall area is approximately 840 m<sup>2</sup> (both sides).

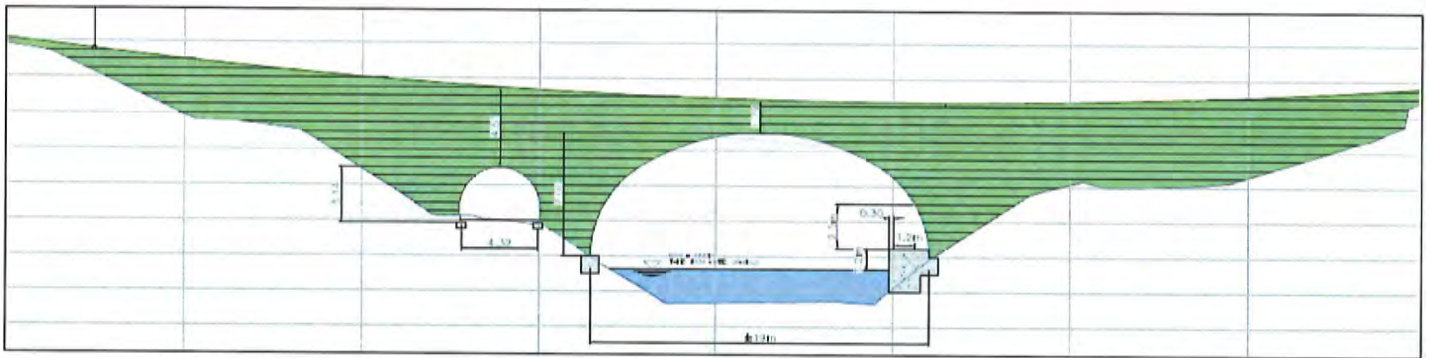
The natural landscape understory is dominated by salal, sword fern and salmon-berry. Salal can be propagated from berries; the sword fern from rhizomes and spores; and the thimble-berry and salmon-berry berries. These will be used for propagation on the MSE wall and the areas to be vegetated outside of the sidewalk and paved surfaces. No large-bush to trees can be planted in the MSE due to the importance of its structural integrity. In addition, a pioneer, nitrogen-fixing clover will be added to the soil medium to hold the space while native plants propagate and become established. The clover will be a native annual, so will cover the bare soil for a year, or two, as the native species start to grow. The recommended clover is *Trifolium wildenowii* (tomcat clover). It is a native annual that favors mesic sites.

Table 8. Restoration Prescriptions by Area

Planting Area	Common Name	Scientific Name	Type	Quantity
Road Side	Big leaf maple	<i>Acer macrophyllum</i>	Tree 10 yr	20
MSE Wall	Sword fern	<i>Polystichum munitum</i>	rhizome	500
MSE Wall	Foam flower	<i>Tiarella trifoliata</i>	bulb	100
MSE Wall	Salal	<i>Gaultheria shallon</i>	berry	500
MSE Wall	False lily-of-the-valley	<i>Maianthemum dilatatum</i>	bulb	100
MSE Wall	Licorice fern	<i>Polypodium glycyrrhiza</i>	rhizome	500
MSE Wall	Tomcat clover	<i>Trifolium wildenowii</i>	seed	5 kg/area
Reveg areas	Goat's beard	<i>Aruncus diolicus</i>	Natural regeneration	N/A
Reveg areas	Swordfern	<i>Polystichum munitum</i>	transplant	50
Reveg areas	Dull Oregon-grape	<i>Mahonia nervosa</i>	transplant	30
Reveg areas	Tomcat clover	<i>Trifolium wildenowii</i>	seed	1 kg/area
Reveg areas	Bracken fern	<i>Pteridium aquilinum</i> (L.)	rhizome	50



Figure 4: MSE Wall to Revegetate (both sides)



## 8 Conclusion

No instream works or disturbance of aquatic habitat is expected for this proposed project scope of work. Bridge works will be outside of the wetted area of the stream. In addition to this document, a CEMP has been prepared and the environmental protection measures in that document will be followed. There will be an Environmental Monitor on site during any work within sensitive areas to make sure the environmental protection measures are followed.

Best regards,



Julie Budgen, R.P.Biol., B.Sc., PDC  
QEP, Environmental Planner  
Corvidae Environmental Consulting Inc.  
6526 Water St, Sooke, BC, V9Z 0X1  
250-415-8553



## 9 References

- British Columbia Conservation Data Centre: CDC iMap [web application]. 2018. Victoria, British Columbia, Canada. Available: <http://maps.gov.bc.ca/ess/sv/cdc/> (Accessed June 28, 2018).
- British Columbia Ministry of Environment. 2006. *British Columbia Approved Water Quality Guidelines*.
- British Columbia Ministry of Environment. 2014. *Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia*.
- British Columbia Ministry of Environment. 2004. *Environmental Best Management Practices for Urban and Rural Land Development*.
- British Columbia Ministry of Environment. 1998. *Fish-stream Identification Guidebook, Second Edition Version 2.1*.
- British Columbia Ministry of Environment (MOE). 2013. *Guidelines for Raptor Conservation during Urban and Rural Land Development in B.C.*
- British Columbia Ministry of Environment. 2009. *A User's Guide to Working In and Around Water*.
- Cowichan Valley Regional District. 2016. *Official Community Plan*, No. 3510. South Cowichan Schedule A.
- DFO. 2015a. Projects Near Water. Acquired from <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>. Accessed June 29, 2018.
- Mackinnon and Pojar. 1994. Plants of Coastal British Columbia including Washington, Oregon & Alaska. BC Forest Service, Research Program.
- Meidinger D.V. and J. Pojar. Ecosystems of British Columbia. BC Ministry of Forests. Available online at: <https://www.for.gov.bc.ca/hfd/pubs/docs/srs/srs06.htm> (accessed March 14, 2018).
- Pojar, J., K. Klinka, F.C.Nuszdorfer and D.A. Demarchi. 1991. *Coastal Douglas-fir Zone*. In *Ecosystems of British Columbia*. D. Meidinger and J. Pojar (editors). B.C. Ministry of Forestry, Victoria, B.C. Spec. Rep. Ser 6. Pp 95-111.



**Appendix A: Site Plans**





## Appendix B: Site Photographs

Photo 1a. Looking east down the proposed roadway from the east end of Colonia Drive.



Photo 1b. Looking east down the proposed roadway from the east end of Colonia Drive. Note large slope gradient off left hand shoulder of existing road.



Photo 1c. View to west up Colonia Drive (red) from location of pedestrian pipe.



Photo 1d. Stream morphology and substrate expression at crossing location.



Photo 2. Approximate location of west arch footing.

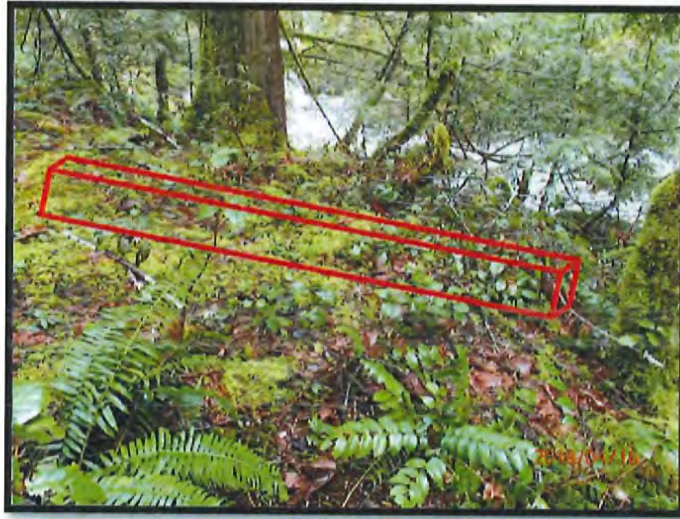


Photo 3. Approximate location of east footing – view from west side of creek.



Photo 4. West pedestrian arch (tube) footings (rectangles) roadway – blue. View is from west to east.

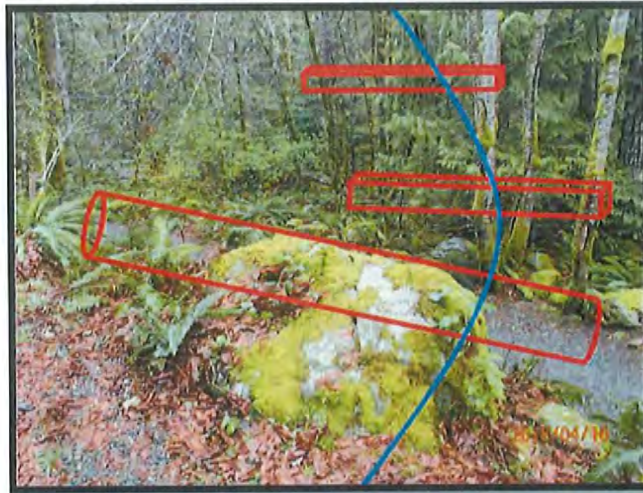


Photo 5. West ped pipe, footing and roadway. View is from east side of creek south (upstream) of structure.



Photo 6. East footing.



Photo 7. East arch footing detail.



Photo 8. East arch footing detail. Build retaining wall below to hold it.

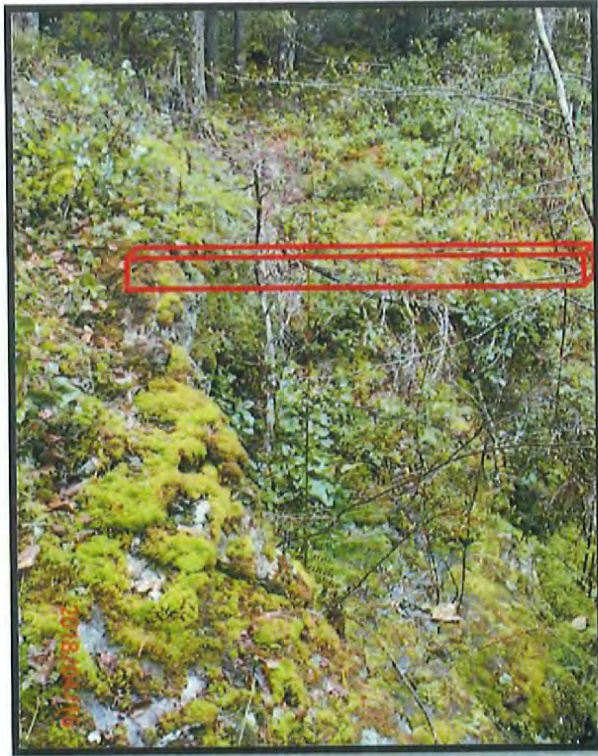


Photo 9. Looking north downstream of Reach 1



Photo 10. Looking south upstream from the start of Reach 1



Photo 11. Looking north downstream of Reach 2

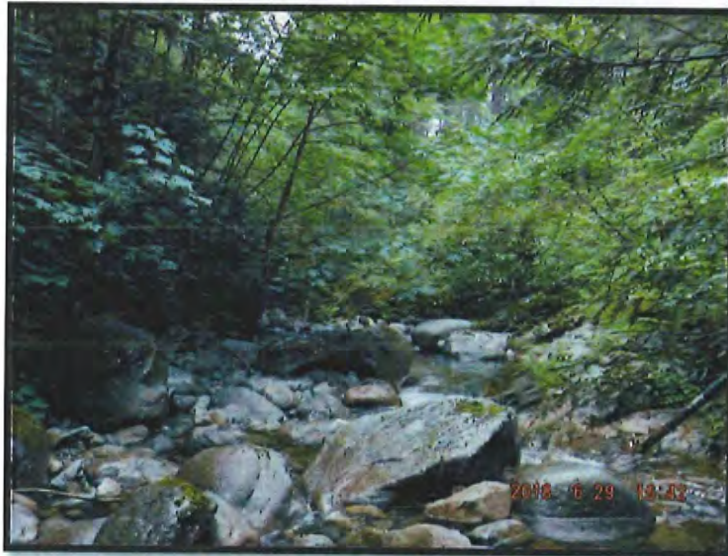


Photo 12. Looking south upstream of Reach 2



Photo 13. Pool in Reach 2





Photo 14. Wildlife tree located between Reach 1 and 2 on the west side of the stream



## Appendix C: Potential at Risk Plant Species that May Occur in the Area

English Name	Scientific Name	COSEWIC	BC List	SARA
Deltoid Balsaroot	<i>Balsamorhiza deltoidea</i>	E (2009)	Red	1-E (2003)
Washington Springbeauty	<i>Claytonia washingtoniana</i>	NA	Red	NA
Fern-leaved Desert-parsley	<i>Lomatium dissectum var. dissectum</i>	NA	Red	NA
White-top Aster	<i>Sericarpus rigidus</i>	NA	Red	NA
Green-fruited sedge	<i>Carex interrupta</i>	NA	Blue	NA
Oregon ash	<i>Fraxinus latifolia</i>	NA	Blue	NA
Nuttall's quillwort	<i>Isoetes nuttallii</i>	NA	Blue	NA
Giant chain fern	<i>Woodwardia fimbriata</i>	NA	Blue	NA
Bog bird's-foot lotus	<i>Hosackia pinnata</i>	E (2004)	Red	1-E (2005)
Cup clover	<i>Trifolium cyathiferum</i>	NA	Blue	NA

**Search Type:** Plants AND MOE Regions: 1- Vancouver Island (Restricted to Red, Blue, and Legally designated species) AND Regional Districts: Cowichan Valley (CVRD) (Restricted to Red, Blue, and Legally designated species) AND Habitat Types and Subtypes: Mixed Forest (deciduous/coniferous mix), Riparian (gravel bar, riparian forest, riparian herbaceous, riparian shrub), and Stream/River. (Restricted to Red, Blue, and Legally designated species) AND BEC Zone: CDFmm

**Provincial Status:** **Red:** Includes any indigenous species or subspecies that have, or are candidates for, Extirpated, Endangered, or Threatened status in British Columbia. Extirpated taxa no longer exist in the wild in British Columbia but do occur elsewhere. Endangered taxa are facing imminent extirpation or extinction. Threatened taxa are likely to become endangered if limiting factors are not reversed. Not all Red-listed taxa will necessarily become formally designated. Placing taxa on these lists flags them as being at risk and requiring investigation. **Blue:** Includes any indigenous species or subspecies considered to be of Special Concern (formerly Vulnerable) in British Columbia. Taxa of Special Concern have characteristics that make them particularly sensitive or vulnerable to human activities or natural events. Blue-listed taxa are at risk, but are not Extirpated, Endangered or Threatened.

**COSEWIC Status:** **E = ENDANGERED:** A species facing imminent extirpation or extinction. **T = THREATENED:** A species that is likely to become endangered if limiting factors are not reversed. **SC = SPECIAL CONCERN:** A species of special concern because of characteristics that make it is particularly sensitive to human activities or natural events. **DD = DATA DEFICIENT:** A species for which there is insufficient scientific information to support status designation.

**SARA Status:** **E = ENDANGERED:** A species facing imminent extirpation or extinction. **T = THREATENED:** A species that is likely to become endangered if limiting factors are not reversed. **SC = SPECIAL CONCERN:** A species of special concern because of characteristics that make it is particularly sensitive to human activities or natural events. **NA = NOT ASSESSED.**



## Appendix D: Potential at Risk Wildlife Species that May Occur in the Area

English Name	Scientific Name	COSEWIC	BC List	SARA
American Water Shrew, <i>brooksi</i> subspecies	<i>Sorex navigator brooksi</i>	NA	Blue	NA
Autumn Meadowhawk	<i>Sympetrum vicinum</i>	NA	Blue	NA
Northern Red-legged Frog	<i>Rana aurora</i>	SC (May 2015)	Blue	1-SC (Jan 2005)
Wandering Salamander	<i>Aneides vagrans</i>	SC (May 2014)	Blue	1-SC (Feb 2018)
Band-tailed Pigeon	<i>Patagioenas fasciata</i>	SC (Nov 2008)	Blue	1-SC (Feb 2011)
Barn owl	<i>Tyto alba</i>	T (2010)	Blue	1-T (2018)
Barn Swallow	<i>Hirundo rustica</i>	T (May 2011)	Blue	1-T (Nov 2017)
Black Swift	<i>Cypseloides niger</i>	E (2015)	Blue	NA
Blue-grey Tailedropper	<i>Prophyaon coeruleum</i>	T (2016)	Blue	1-E (Dec 2007)
Double-crested Cormorant	<i>Phalacrocorax auritus</i>	NAR (May 1978)	Blue	NA
Great Blue Heron, <i>fannini</i> subspecies	<i>Ardea herodias fannini</i>	SC (Mar 2008)	Blue	1-SC (Feb 2010)
Green Heron	<i>Butorides virescens</i>	NA	Blue	NA
Marbled Murrelet	<i>Brachyramphus marmoratus</i>	T (May 2012)	Blue	1-T (Jun 2003)
Northern Goshawk, <i>laingi</i> subspecies	<i>Accipiter gentilis laingi</i>	T (Apr 2013)	Red	1-T (Jun 2003)
Northern Pygmy-owl, <i>swarthi</i> subspecies	<i>Glaucidium gnoma swarthi</i>	NA	Blue	NA
Olive-sided Flycatcher	<i>Contopus cooperi</i>	T (Nov 2007)	Blue	1-T (Feb 2010)
Peregrine Falcon, <i>pealei</i> subspecies	<i>Falco peregrinus pealei</i>	SC (Dec 2017)	Blue	1-SC (Jun 2003)
Peregrine Falcon, <i>anatum</i> subspecies	<i>Falco peregrinus anatum</i>	NAR (2017)	Red	1-SC (2012)
Purple Martin	<i>Progne subis</i>	NA	Blue	NA



Swamp Fingernailclam	<i>Musculium partumeium</i>	NA	Blue	NA
Umbilicate Sprite	<i>Promenetus umbilicatellus</i>	NA	Blue	NA
Western Bluebird (Georgia Depression population)	<i>Sialia mexicana pop. 1</i>	NA	Red	NA
Western Screech-Owl, subspecies	<i>kennicottii</i> <i>Megascops kennicottii</i>	T (May 2012)	Blue	1-T
Ermine, <i>anguinae</i> subspecies	<i>Mustela erminea anguinae</i>	NA	Blue	NA
Short-eared Owl	<i>Asio flammeus</i>	SC (2008)	Blue	1-SC (2012)
Sinuuous Snaketail	<i>Ophiogomphus occidentis</i>	NA	Blue	NA
Keen's Myotis	<i>Myotis keenii</i>	DD (Nov 2003)	Blue	3 (Mar 2005)
Townsend's Big-eared Bat	<i>Corynorhinus townsendii</i>	NA	Blue	NA
Broadwhorl Tightcoil	<i>Pristiloma johnsoni</i>	NA	Blue	NA
Threaded Vertigo	<i>Nearctula sp. 1</i>	SC (Apr 2010)	Blue	1-SC (Jul 2012)
Painted Turtle – Pacific Coast Population	<i>Chrysemys picta pop. 1</i>	T (2016)	Red	1-E (2007)
Propertius Duskywing	<i>Erynnis propertius</i>	NA*	Red	NA
Warty Jumping-slug	<i>Hemphillia glandulosa</i>	SC (Apr 2013)	Red	1-SC (Jan 2005)
Western Thorn	<i>Carychium occidentale</i>	NA	Blue	NA
Common Ringlet, <i>insulana</i> subspecies	<i>Coenonympha tullia insulana</i>	NA	Red	NA
Greenish Blue, <i>insulanus</i> subspecies	<i>Plebejus saepiolus insulanus</i>	E (May 2012)	Red	1-E (Jun 2003)

**Search Type:** Animals AND MOE Regions: 1- Vancouver Island (Restricted to Red, Blue, and Legally designated species) AND Regional Districts: Cowichan Valley (CVRD) (Restricted to Red, Blue, and Legally designated species) AND Habitat Types and Subtypes: Mixed Forest (deciduous/coniferous mix), Riparian (gravel bar, riparian forest, riparian herbaceous, riparian shrub), and Stream/River. BEC Zone: CDFmm.

**Provincial Status:** Red: Includes any indigenous species or subspecies that have, or are candidates for, Extirpated, Endangered, or Threatened status in British Columbia. Extirpated taxa no longer exist in the wild in British Columbia but do occur elsewhere. Endangered taxa are facing imminent extirpation or extinction. Threatened taxa are likely to become endangered if limiting factors are not reversed. Not all Red-listed taxa will necessarily become formally designated. Placing taxa on these lists flags them as being at risk and requiring investigation. Blue: Includes any indigenous species or subspecies considered to be of Special Concern (formerly Vulnerable) in British Columbia. Taxa of Special Concern have characteristics that make them particularly sensitive or vulnerable to human activities or natural events. Blue-listed taxa are at risk, but are not Extirpated, Endangered or Threatened.

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**STAFF REPORT TO COUNCIL**

From: Lisa Brinkman, Senior Planner  
 Meeting Date: August 20, 2018  
 File No: 3060-18-07  
 RE: **Development Permit Application – 1148 & 1150 Rocky Creek Road**  
 Subject Properties: Lots A and B, District Lot 38, Oyster District, Plan EPP36585

**RECOMMENDATION:**

That Council:

- i. Issue Development Permit 3060-18-07 to permit an industrial development at 1148 and 1150 Rocky Creek Road;
- ii. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-18-07;
- iii. Authorize the Mayor and Corporate Officer to sign the release of EP96966 (DP 00-08), FB178787 (DP 07-03) and FB219990 (DP 08-18) from the certificate of titles of Lots A and B, District Lot 38, Oyster District, Plan EPP36585.

**PURPOSE:**

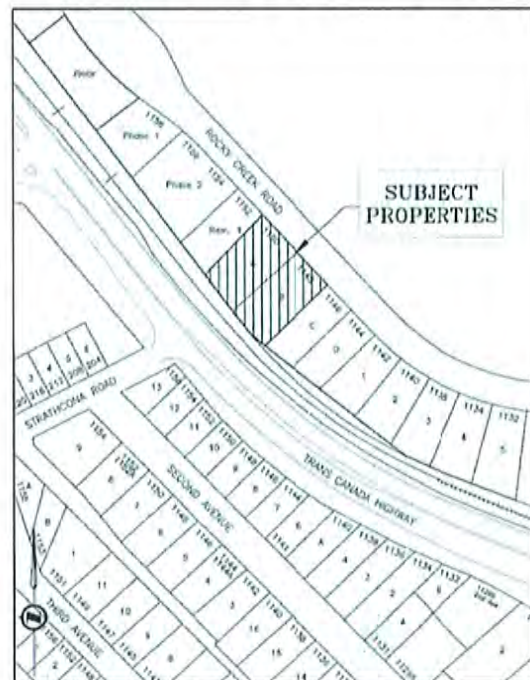
The purpose of this staff report is to present an Industrial Development Permit application for a proposed industrial development at 1148 (Lot B) and 1150 (Lot A) Rocky Creek Road.

**PREVIOUS COUNCIL DIRECTION**

None.

**INTRODUCTION/BACKGROUND:**

Bill Lawson has submitted a Development Permit application for his properties at 1148 and 1150 Rocky Creek Road. The properties fall within the Industrial Development Permit Area (DPA 5). The objective of DPA 5 is to enhance the Town’s industrial areas and ensure that industrial development is complimentary to the existing character of Ladysmith. The properties are zoned Light Industrial (I-1). The I-1 zone permits uses such as motor vehicle body shop, building supply sales, boat building and repair, repair of machinery and equipment, welding shop, warehouse, brewery and trade contractor facilities.



Both properties are 0.2 ha (0.5 acres) in size and are relatively level with a steep bank at the rear of the property. The properties are surrounded by the 'Bumper to Bumper' property to the south and a vacant "Live/Work Industrial" zoned property to the north. The applicant intends to phase the development by first developing 1148 Rocky Creek Rd. and once these industrial units are sold he intends to complete the project by developing 1150 Rocky Creek Rd.

## **DPA 5 and I-1 Zone Review**

### *Building Design, Siting, Massing and Frontage:*

The applicant proposes a steel building on each site with a similar orientation and character as the Heritage Business Park buildings at 1154-1158 Rocky Creek Rd., however 1148 and 1150 Rocky Creek Rd will not include residential units. The business frontages would face inward, such that only the two end units would have direct street visibility as shown in Figure 1. The primary entry door for each unit will be defined with a canopy and the corner of the building facing Rocky Creek Rd will also have a canopy. The garage doors and entry doors provide interest and define the individual units. The blank rear wall of the buildings are oriented to the adjacent property allowing for a clear definition of use separation.

Each building is proposed to be 697m<sup>2</sup> (7500ft<sup>2</sup>) in size. The interior of the building can be divided into a maximum of 5 industrial units, each with a garage door and entry door. The interior of the building has the potential to be flexible such that larger units can be offered to an interested purchaser. The proposed height of the building is 8.4 m (27.4 ft), which allows for a mezzanine space in each industrial unit.

### *Windows, Doors, Signs, Lighting, Materials and Colours:*

The steel buildings are proposed to be sandstone beige with tan steele trim, white garage doors and white trim windows. One free standing sign is proposed for each property. Each sign is proposed to be 4m (13ft) in height and will contain the address and panels for the businesses within the building. See the sign design on the Site Plan and Elevations (Jag Consulting).

### *Parking, Accessibility, Connectivity and Landscaping:*

Twenty-two parking spaces are proposed (11 spaces on each parcel), including two spaces for persons with disabilities. A loading space is provided in front of each garage door. A 1.2m wide concrete pedestrian path will link from the sidewalk on Rocky Creek Road to the frontage of each building and around the full perimeter of each building. Landscaping along the property frontage includes four flowering pear trees, river rock and shrub clusters around the signs. A 1.8 metre wide landscape buffer is proposed along the exterior side parcel lines and includes a total of 14 red maple trees. The bank at the rear of the parcel is proposed to be landscaped with grass and clover mix. One screened garbage enclosure is proposed at the rear of each parcel tucked into the bank. A 1.2 metre high concrete retaining wall will stabilize the bank at the rear of both parcels. An irrigation system will be installed to irrigate the plantings.

*Crime Prevention*

Building entrances contain glass doors and windows for surveillance and show clear function. Lighting will be installed at building entrances and at the rear and sides of the building for surveillance and to avoid dark spaces on the site. The walkway around the perimeter of the buildings encourages legitimate activity around both properties.

The proposed industrial development complies with both the DPA 5 guidelines and the I-1 Zone. Development Permit 3060-18-07 is attached to this staff report.



Figure 1: Proposed Steele Building for 1148-1150 Rocky Creek Rd. (the sign will not be as shown in this image)

**ALTERNATIVES:**

While the issuance of a Development Permit is not a completely discretionary decision of Council, Council may decide to not issue Development Permit 3060-18-07 where the refusal is based upon a determination that the development permit application does not meet the Development Permit Area 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 issuance of a building permit to construct the buildings and retaining wall. The certificates of title for the properties contain development permits from previous development proposals, EP96966 (DP 00-08), FB178787 (DP 07-03) and FB219990 (DP 08-18). It is recommended to remove the previous development permits from the certificates of titles.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

The Advisory Design Panel (ADP) reviewed the proposed development at their meeting on August 9, 2018 and passed the following motion:

“The Advisory Design Panel supports the proposed industrial development at 1148 and 1150 Rocky Creek Road (3060-18-07).”

To reflect ADP comments the height of the free standing signs have been reduced to 4 metres (13ft), and lighting considerations have been included into the development permit.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Staff in the Infrastructure Services department have reviewed the proposed development and their comments regarding servicing to the properties has been integrated into the design of the project. Improvements along the frontage of Rocky Creek Road will be a requirement at the Building Permit stage.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

- Complete Community Land Use
- Green Buildings
- Innovative Infrastructure
- Healthy Community
- Not Applicable
- Low Impact Transportation
- Multi-Use Landscapes
- Local Food Systems
- Local, Diverse Economy

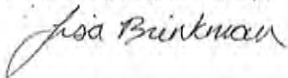
**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- Employment & Tax Diversity
- Watershed Protection & Water Management
- Communications & Engagement
- Natural & Built Infrastructure
- Partnerships
- Not Applicable

**SUMMARY:**

A Development Permit application has been received for a light industrial development on 1148 and 1150 Rocky Creek Road. The development has been reviewed in relation to the Zoning Bylaw and DPA 5 guidelines. It is recommended to support Development Permit 3060-18-07.

Report prepared by:



Lisa Brinkman, Senior Planner

August 14, 2018

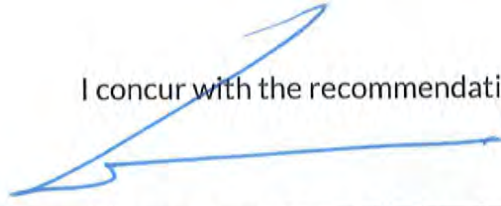
Director Approval:



Felicity Adams, Director of Development Services



I concur with the recommendation.

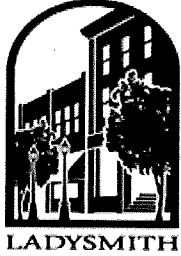
A handwritten signature in blue ink, consisting of a large, sweeping initial 'G' followed by a horizontal line.

---

Guillermo Ferrero, City Manager

**ATTACHMENTS:**

Development Permit 3060-18-07



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

FILE NO: 3060-18-07

DATE: August 20, 2018

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Name of Owner(s) of Land (Permittee): Lawson Lands Ltd., Inc. No. BC0650268

Applicant: Bill Lawson (Lawson Lands Ltd.)

Subject Property (Civic Address): 1148 & 1150 Rocky Creek Road

---

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:

Lot A  
District Lot 38  
Oyster District  
Plan EPP36585  
PID 029-272-734  
(1150 Rocky Creek Road)

Lot B  
District Lot 38  
Oyster District  
Plan EPP36585  
PID 029-272-742  
(1148 Rocky Creek Road)  
(referred to as the "Lands")

3. This Permit has the effect of authorizing the issuance of a building permit for the construction of a building or structure on the Lands 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 Town of Ladysmith Zoning Bylaw 2014, No. 1860.
5. The Permittee, as a condition of the issuance of this Permit, agrees:
  - a) The steel buildings on the Lands will be sandstone beige with tan trim; the windows will have white trim; and the garage doors will be white.

- b) To install lighting around all four sides of the buildings on the Lands to allow for surveillance at night.
- c) That the maximum permitted height of a free standing sign on the Lands is 4 metres (13ft).
- d) To develop the Lands as shown in:

**Schedule A: Site Plan, Elevations, Disposal Enclosure Detail (June 17, 2018)**  
**Schedule B: Planting Plan (July 2018)**

- 6. This Permit is issued on the condition that the Permittee has provided to the Town of Ladysmith security in the form of an irrevocable Letter of Credit to guarantee the performance of the conditions in section 5 of this Permit respecting landscaping. The Letter of Credit shall be for a period of one year, shall be automatically extended, and shall be in the amount of \$ 41,300.00.
- 7. Should the Permittee fail to satisfy the conditions referred to in section 5 and 6 of this Permit, the Town of Ladysmith may undertake and complete the works required to satisfy the landscaping conditions at the cost of the Permittee, and may apply the security in payment of the cost of the work, with any excess to be returned to the Permittee.
- 8. Should there be no default as herein provided, or where a Permit lapses, the Town of Ladysmith shall return any security provided to the Permittee.
- 9. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
- 10. The plans and specifications attached to this Permit are an integral part of this Permit.
- 11. 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 (**3060-18-07**) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
- 12. This Permit prevails over the provisions of the Bylaw in the event of conflict.
- 13. 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 \_\_\_\_\_ 201\_\_.**

\_\_\_\_\_  
MAYOR

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

\_\_\_\_\_  
OWNER

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





**STAFF REPORT TO COUNCIL**

From: Lisa Brinkman, Senior Planner  
 Meeting Date: August 20, 2018  
 File No: 3360-18-08  
**RE: Rezoning Application – J. Anderson**  
 Subject Property: Lot 2, Block 30, District Lot 24, Oyster District, Plan 703A (920 First Ave.)

**RECOMMENDATION:**

That Council:

1. Consider the application (3360-18-08) to amend the Zoning Bylaw by rezoning the property at 920 First Avenue from Live-Work Residential (R-2-LW) to Downtown Commercial (C-2) to permit commercial use;
2. Direct staff to commence the preparation of the Zoning Bylaw amendment for application 3360-18-08.

**PURPOSE:**

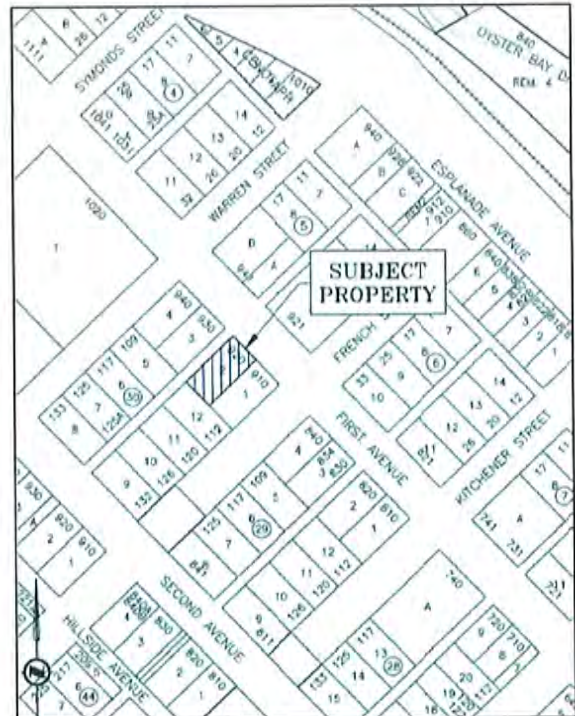
The purpose of this staff report is to introduce an application to amend the Zoning Bylaw for 920 First Avenue and to seek direction from Council regarding consultation and next steps.

**PREVIOUS COUNCIL DIRECTION**

none

**INTRODUCTION/BACKGROUND:**

An application has been received from J. Anderson on behalf of the Ladysmith Health Care Auxiliary to rezone the property at 920 First Avenue from Live-Work Residential (R-2-LW) to Downtown Commercial (C-2) for the purpose of expanding the Thrift store building for retail use. The attached letter from J. Anderson explains the rationale for the proposed rezoning. The property at 920 First Ave. is surrounded by a lane and dwelling to the north (R-2-LW), Eagles Hall across First Ave. to the east (C-2), Telford’s Memorial Services to the west (C-2), and the existing Thrift store to the south (C-2). A proposed site plan for the Thrift store addition is shown in Figure 1 within this report.



The proposal is supported by the Official Community Plan which designates the subject property as Downtown Core, being the Town's primary business and public activity centre providing for a range of commercial uses including retail. The property is within the Downtown Development Permit Area (DPA 2) which requires that new development in the downtown contribute to and enhance the historic cultural and architectural value of the area. A Development Permit application would be required for the proposed Thrift Store addition. Building and site design, signage and landscaping will be reviewed at the time of the development permit application.

The proposed zoning for 920 First Ave. is Downtown Commercial (C-2). The C-2 zone permits many commercial uses including retail sales, restaurant, office and personal service establishment. The combined area of 910 and 920 First Avenue is 1,338m<sup>2</sup> (14,400ft<sup>2</sup>). The existing Thrift store building at 910 First Ave. is 474m<sup>2</sup> (5102ft<sup>2</sup>) in size and the proposed addition to be located at 920 First Ave. is 297m<sup>2</sup> (3194ft<sup>2</sup>). The existing dwelling at 920 First Ave. would be removed. The two parcels would need to be consolidated prior to an application for a Development Permit for the proposed addition.

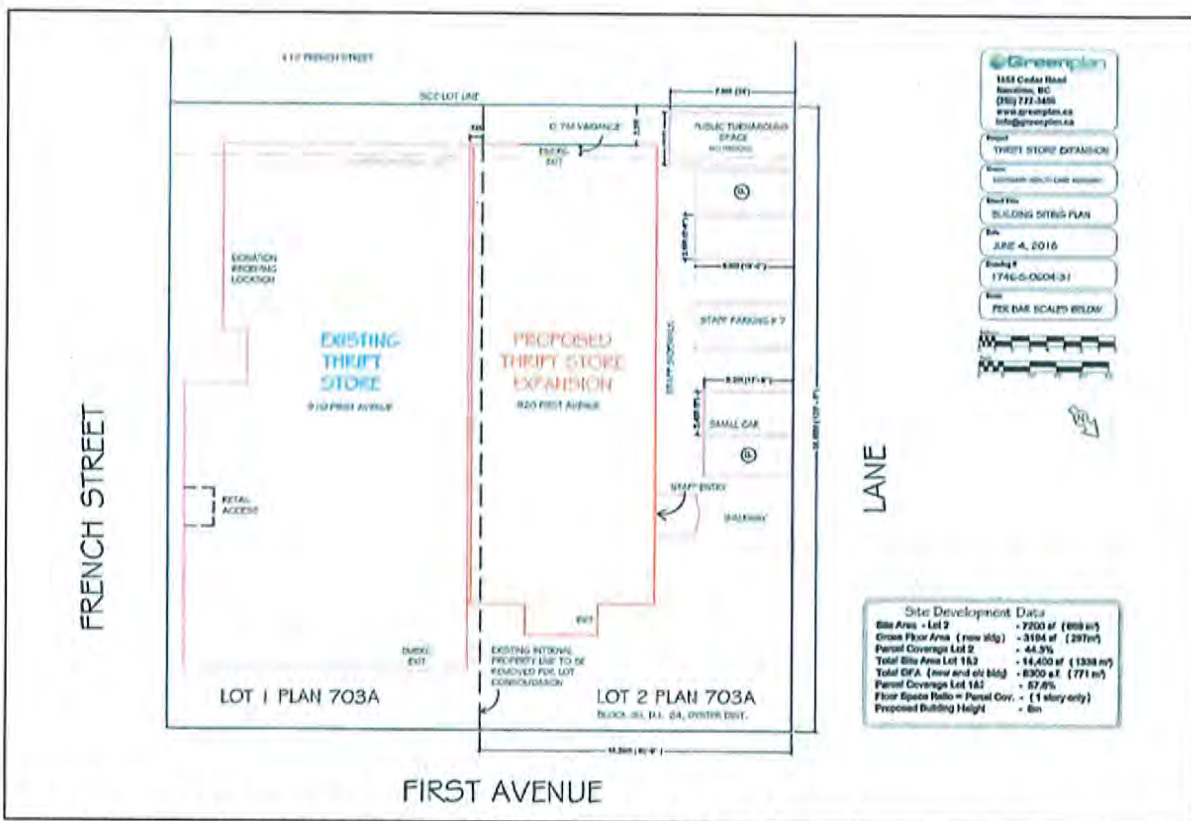


Figure 1: Proposed Site Plan for Thrift Store Expansion (910 and 920 First Avenue)

In the case of a major addition to a downtown commercial building, the Zoning Bylaw requires that off-street parking be provided for the existing and new building. Thus, 26 off-street parking spaces would be required for the Thrift store expansion. The applicant is proposing 7 new on-site parking spaces (5 regular stalls and 2 small car stalls). Currently the Thrift store does not provide on-site parking as customers and volunteers use the

street parking. Thus the proposed 7 new on-site stalls for volunteers may assist with reducing the demand for street parking. If Council supports moving forward with the rezoning proposal, a complete review of the parking, setbacks and design of the development will be considered at the Development Permit stage.

**Table 1: Rezoning Application – 920 First Avenue.**

	<b>Current</b>	<b>Proposed</b>
<b>OCP</b>	Downtown Core	Downtown Core
<b>DPA</b>	DPA 2 Downtown	DPA 2 Downtown
<b>Zoning</b>	Live-Work Residential (R-2-LW)	Downtown Commercial (C-2)

**ALTERNATIVES:**

Council can choose to not proceed with rezoning application 3360-18-08.

**FINANCIAL IMPLICATIONS:**

None.

**LEGAL IMPLICATIONS:**

The subject property is located within 800 metres of a controlled access highway, thus must be referred to the Ministry of Transportation and Infrastructure for approval following third reading of a zoning amendment bylaw.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

Since the proposed commercial use for 920 First Avenue is consistent with OCP policy, Council may choose to not refer the application to the Advisory Planning Commission. If the application proceeds a public hearing is required.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The application has been referred to the Infrastructure Services Department and Building Inspector for review. Improvements to the road and lane frontages would be a requirement at the time of building permit. Staff are in discussions with the applicant regarding potential building requirements.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

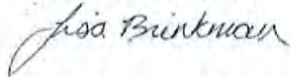
- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Employment & Tax Diversity   | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships                   |
| <input type="checkbox"/> Communications & Engagement             | <input type="checkbox"/> Not Applicable                 |



**SUMMARY:**

An application has been received to amend the Zoning Bylaw to permit commercial use at 920 First Avenue. Recommendations are provided for the next steps in the application process.

Report prepared by:



Lisa Brinkman, Senior Planner

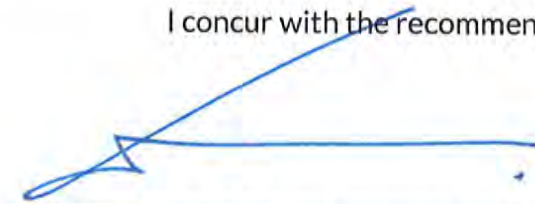
August 14, 2018

Director Approval:



Felicity Adams, Director of Development Services

I concur with the recommendation.



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Guillermo Ferrero, City Manager

**ATTACHMENTS:**

Letter – Jack Anderson, May 29, 2018



May 29, 2018

Mayor and Council  
Town of Ladysmith  
c/o Lisa Brinkman, Senior Planner  
Development Services

**Ladysmith Health Care Auxiliary – Thrift Store**  
Zoning Amendment for Facility Expansion  
Lot 2, Block 30, D.L. 24, Oyster Dist., Plan 703A

Mayor and Council

Please accept this project description letter as our effort to define the purpose and intent to change the zoning on the above noted property to an appropriate zoning designation to allow the expansion of The Ladysmith Thrift Store.

Currently, the Ladysmith Health Care Auxiliary, (LHCA) own two adjacent properties on First Avenue, the well-known Thrift Store at 910 First Avenue and an adjacent residence at 920 First Avenue. The Thrift Store provides an amazing amount of financial assistance to the Ladysmith community through their operations to receive, sort, repair and sell used items donated by the community and processed by an extensive network of citizen workers. The space requirements to handle the operations are seriously stressed and thus the LHCA seeks to expand their processing space into the adjacent property at 920 First Avenue. This property is currently zoned Residential 2 and we are hereby requesting a Zoning Amendment to a Downtown Commercial 2 Zone to allow this operational expansion.

While the primary motivator for this initiative is to obtain the appropriate zoning for the Thrift Store expansion, we recognize a number of residual benefits for the Thrift Store and Ladysmith community:

- Improved space, lighting and working conditions for the many citizen volunteers
- Improved parking options for Thrift Store staff and volunteers
- Building façade upgrades for the nationally acclaimed Ladysmith Main Street
- Landscape upgrades and additional vegetation along First Avenue
- Employment opportunities for local construction tradespersons & professionals.

The existing zoning of the property supports the current residential use of the property and a key objective of the zoning amendment is to obtain certainty for the long-term use of the property. Subsequently, we have chosen the common Commercial 2 designation as our target zoning since it will not only support our immediate plans for the redevelopment of the subject property, (i.e. a retail land use) but could also support a variety of land uses that may be appropriate for this location in the future. Should the building outlive its lifetime as a Thrift Store, it can be easily converted to office space, personal service establishment, a cultural or educational facility or alternate retail operation – all as supported Principle Uses within the Commercial 2

[www.greenplan.ca](http://www.greenplan.ca)  
(250) 722-3456  
FAX: (250) 722-3453  
EMAIL: [jack@greenplan.ca](mailto:jack@greenplan.ca)  
1655 Cedar Road, Nanaimo, B.C. V9X 1L4

zoning designation. In fact, the building design specifically creates open space with minimal structural elements to serve the current Thrift Store needs but also to be flexible to potential alternate future uses.



The above rendering offers a preliminary view from First Avenue of the intended redevelopment of the residential site as it shows the connection of the new addition to the existing Thrift Store. Unified architectural treatment and a common color scheme will ensure a cohesive view of the combined facility.

It should be noted that the two structures, the existing Thrift Store and the planned addition will remain separated from the perspective of the BC Building Code, with alarm controlled fire door separations to allow the buildings to function as one Thrift Store entity. The buildings will physically connect at a firewall and the new structure will need to extend over the internal lot line separating lots 1 and 2. This necessitates the requirement to dissolve the internal lot line and consolidate the two properties as a condition of a successful zoning amendment application. See Site Plan – Appendix 1.

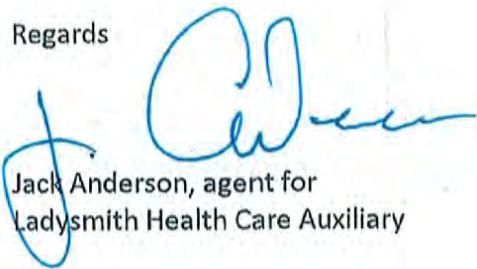
Subsequently, the Site Development Data pertinent to the zoning designation, as noted in the attached Site Plan, notes both Parcel Coverage and Floor Space Ratio in context of both the Zoning Amendment requirement for the new addition on Lot 2 in isolation and also for the total building area (old and new) as measured against the total future consolidated lot. In both cases, these density measurements are well below the allowed parameters of the Commercial 2 zoning designation. For clarity, it is noted that since the existing Thrift Store and the new addition are all one-story structures, by Zoning Bylaw definition, the Parcel Coverage and the Floor Space Ratio are the same. It is also noted that Commercial 2 allows a maximum 12 meter building height however this building will be approximately 6m in height and thereby should not significantly impede neighbouring properties of their First Ave and harbour views.

The Downtown Commercial 2 zone has a rear yard setback requirement of 3m however the existing Thrift Store projects into this rear setback by 0.7m and is likely classified as legal non-conforming due to the date of construction. We are requesting a similar variance of 0.7m for the new addition so as to have a common wall plane for the old and new buildings. Landscaping will be considered in portions of the remaining 2.3M setback.

Parking standards in the Ladysmith Zoning Bylaw require 1 parking space for every 30m of retail space and 1 parking space for every 40m<sup>2</sup> of office space. The proposed addition to the Thrift Store is intended to be one story and 297m<sup>2</sup> in area. At 40m<sup>2</sup> per parking space, this computes to 7.4 parking spaces. The rise of the hill on the lane coming immediately off First Avenue precludes our ability to have parking spaces in that location so we are limited to 7 spaces of which 2 are small car standard. Signage for these parking spaces will note *Staff Parking* so patrons of the store will continue to use the available parking spaces on French Street adjacent the retail entrance, and the extensive angled parking options that align Ladysmith First Avenue. These spaces should offer some convenience to the volunteers and staff to be closer to their work. We recognize that this could add some traffic to the narrow lane and if all the staff parking spaces are taken, this could lead to some lane congestion for staff and existing residents that use the lane. To address this challenge, we will provide a dedicated turn-around space with "no parking" signage, to assist all users of the lane as an easy location to turn around within the narrow lane width.

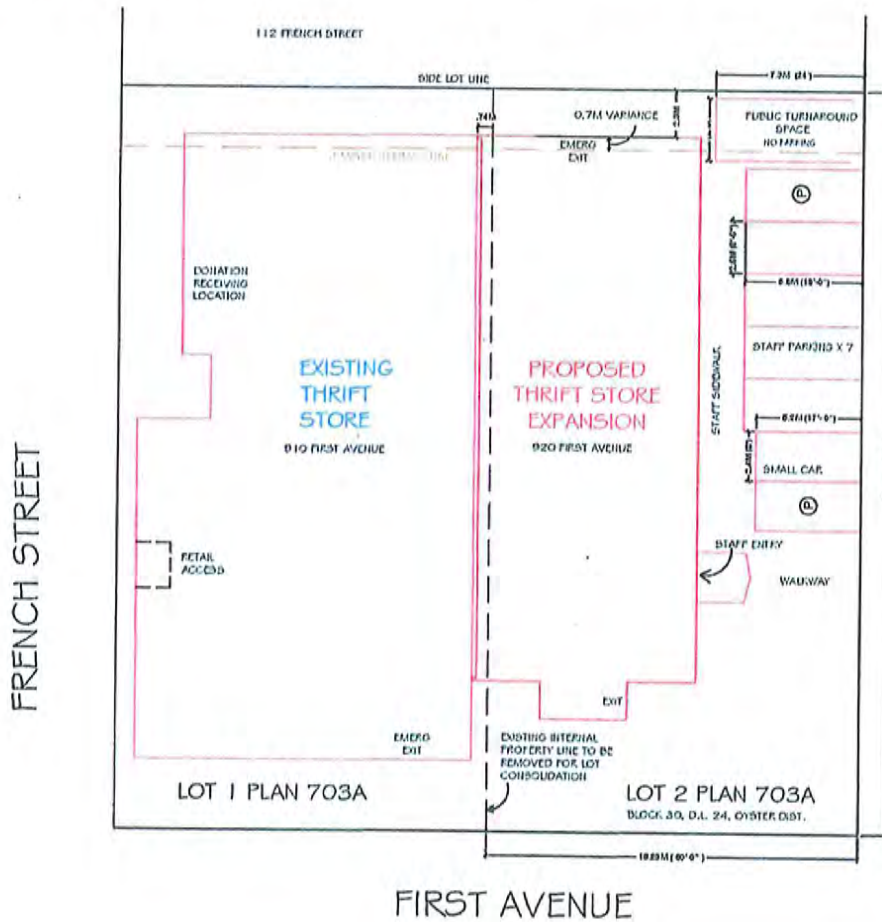
We would appreciate Council support for this Zoning Amendment and look forward to sharing additional details on the planned landscaping, signage, lighting and building aesthetics during the subsequent Development Permit process. We look forward to improving on the opportunities to better serve our community.

Regards



Jack Anderson, agent for  
Ladysmith Health Care Auxiliary

Appendix 1 - Comprehensive Site Plan



**Greenplan**  
 1655 Cedar Road  
 Nanaimo, BC  
 (250) 722-3466  
 www.greenplan.ca  
 info@greenplan.ca

**Project**  
 THRIFT STORE EXPANSION

**Client**  
 HASTINGS/STANLEY CARE ALLIANCE

**Sheet Title**  
 BUILDING SITING PLAN

**Date**  
 JUNE 4, 2018

**Drawing #**  
 174C-D-0004-S1

**Scale**  
 PER BAR SCALES BELOW



Site Development Data	
Site Area - Lot 2	- 7200 sf (668 m <sup>2</sup> )
Gross Floor Area (new bldg)	- 3194 sf (297m <sup>2</sup> )
Parcel Coverage Lot 2	- 44.3%
Total Site Area Lot 1&2	- 14,400 sf (1338 m <sup>2</sup> )
Total GFA (new and old bldg)	- 8300 sf. (771 m <sup>2</sup> )
Parcel Coverage Lot 1&2	- 57.6%
Floor Space Ratio = Parcel Cov.	- (1 story only)
Proposed Building Height	- 6m

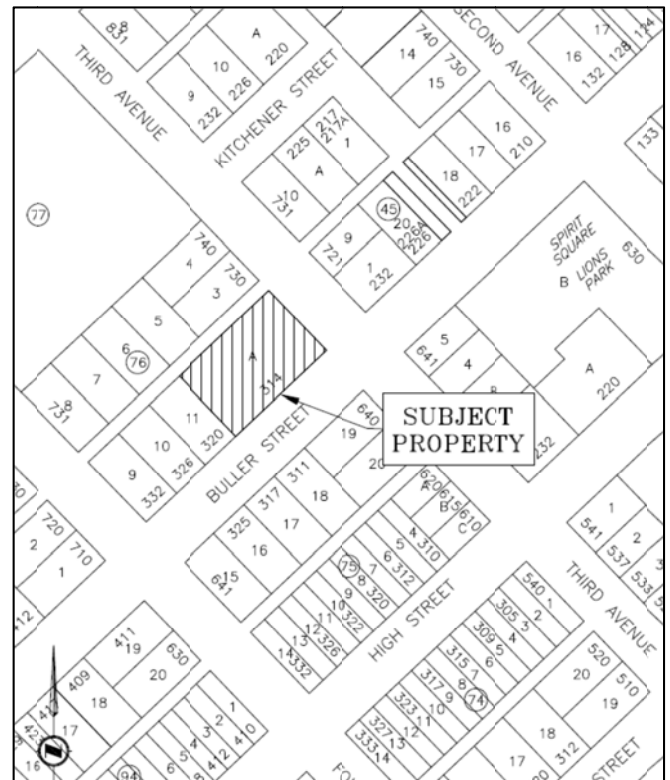
**STAFF REPORT TO COUNCIL**

From: Lisa Brinkman, Senior Planner  
 Meeting Date: August 20, 2018  
 File No: 3360-18-09  
**RE: OCP & ZONING BYLAW AMENDMENT APPLICATION**  
**314 BULLER STREET (D. Poiron)**  
 Subject Property: Lot A (DD B92367) of Block 76, District Lot 56, Oyster District, Plan 703A

**RECOMMENDATION:**

That Council:

1. Consider the application (3360-18-09) to amend:
  - (a) The Official Community Plan by designating 314 Buller St. from “Institutional” to “Multi-Family Residential” with a density of 180 units per hectare for an LRCA rental housing development; and
  - (b) The Zoning Bylaw by rezoning 314 Buller St. from “Institutional (P-1)” to a multi-unit residential zone that permits a density of 180 units per hectare for an LRCA rental housing development; (for the property legally described as Lot A (DD B92367) of Block 76, District Lot 56, Oyster District, Plan 703A).
2. Having given consideration to s.475 of the Local Government Act (consultation during OCP development) direct staff to:
  - (a) Refer the OCP amendment application 3360-18-09 to the Stz’uminus First Nation, pursuant to the Town’s Memorandum of Understanding; and
  - (b) Refer application 3360-18-09 to the Advisory Planning Commission for review and comment.
3. Direct staff to:
  - (a) Work with the applicant regarding land use matters (i.e. housing agreement);
  - (b) Report the results of the Neighbourhood Information meeting to Council; and
  - (c) Commence the preparation of the Official Community (OCP) amendment bylaw and the Zoning Bylaw amendment bylaw; for application 3360-18-09 (314 Buller Street).



**PURPOSE:**

The purpose of this staff report is to introduce an application to amend the Official Community Plan (OCP) and Zoning Bylaw for a proposed LRCA rental housing development at 314 Buller Street and to seek direction from Council regarding consultation and next steps regarding the proposed use for the property. Note that if the application proceeds a development permit will be required to review the form and character of the development.

**PREVIOUS COUNCIL DIRECTION**

None

**INTRODUCTION/BACKGROUND:**

An application has been received from David Poiron (Architect), on behalf of the LRCA, to amend the OCP and Zoning Bylaw for a proposed 36 unit rental housing development at 314 Buller Street for seniors, persons with developmental disabilities and families in need of affordable housing. A project background and design rationale letter from David Poiron (July 24, 2018) is attached to this staff report.

The property is 2010m<sup>2</sup> (approx. 0.5 acre) in size, three standard downtown lots, and currently contains the former Anglican church that is proposed to be removed for this project. A four storey building is proposed that contains 36 residential units that range in size from 34m<sup>2</sup> (368ft<sup>2</sup>) to 588m<sup>2</sup> (6329ft<sup>2</sup>) with two units being 75m<sup>2</sup> (811ft<sup>2</sup>).



Figure 1: 314 Buller St. - proposed site for 36 unit LRCA affordable housing development

### Official Community Plan

The property is currently designated as 'Institutional' in the OCP and the applicant is proposing a 'Multi-Family Residential' designation that permits 36 residential units on the subject property. The OCP states:

"The Multi-Family Residential designation is generally applied to areas near or with access to local commercial services, schools, recreation centres, and/or parks. It provides for a range of multi-family residential uses including townhomes and apartments, cluster housing and special needs housing. Designations of new locations for Multi-Family Residential development will, in addition to the above criteria be assessed based on an appropriate fit with the neighbourhood in terms of scale, traffic, and parking and servicing issues."

In general the Multi-Family Residential designation is an appropriate designation for the proposed development, however the maximum residential density supported in the OCP is 100 units per hectare in the downtown core. The density of 100 units per hectare is supported when a community amenity is offered in exchange for additional density. The proposed development is 180 units per hectare (36 units), however the units are much smaller in size than a typical apartment building, with 34 of the units being 34m<sup>2</sup> (368ft<sup>2</sup>) to 588m<sup>2</sup> (6329ft<sup>2</sup>) in size. Currently a building 12m (39ft) in height is permitted on the subject property. The applicant is proposing a building that is 14m (46ft) in height (4 storeys), utilizing the slope of the land such that the building is three storeys adjacent to 320 Buller Street (adjacent dwelling). Also a setback of 7m (23ft) from the property line of 320 Buller Street is proposed.



Figure 2: Architect's draft concept for the proposed 36 unit LRCA affordable housing development at 314 Buller Street



The community amenity being offered by the applicant is affordable rental housing for Ladysmith and this can be guaranteed by entering into a ‘housing agreement for affordable housing and special needs housing’ as outlined in Section 483 of the *Local Government Act*. The housing agreement contains terms and conditions and would be presented to Council for consideration in the form of a bylaw. The housing agreement is also registered on the title of the land. This is also a requirement if the applicant is to utilize the Development Cost Charge (DCC) exemption program for not-for-profit housing (see *Financial Implications* section below).

If the application proceeds the Multi-Unit Development Permit Area (DPA 4) would be applied to the property, which would allow for the form and character of the development to be reviewed at the development permit application stage.

**Table 1: Proposed OCP and Zoning Amendment for 314 Buller Street**

	Current	Proposed
<b>OCP</b>	Institutional	Multi-Family Residential
<b>DPA</b>	none	Multi-Unit Residential (DPA 4)
<b>Zoning</b>	Institutional (P-1)	<i>new zone to be drafted</i>
<b>Height</b>	12 m	14 m (4 storeys)
<b>Density</b>	No residential units	36 residential units (180 units per ha)

**ALTERNATIVES:**

Council can choose to not proceed with rezoning application 3360-18-09.

**FINANCIAL IMPLICATIONS:**

For the proposed affordable housing development project at 314 Buller St. the applicant wishes to utilize Town of Ladysmith Bylaw 1804 “A Bylaw to Reduce Development Cost Charges for Not-for-Profit Rental Housing”. If the OCP and Zoning amendment application proceeds the DCC reduction request would be presented to Council at a future date. To be eligible for the DCC reduction the LRCA would enter into a housing agreement with the Town as discussed earlier in this report. Thus, the housing agreement could serve two purposes: 1) securing an affordable rental housing amenity for Ladysmith; and 2) allowing for a possible DCC reduction for the housing development at 314 Buller St.. This would be the first time that Bylaw 1804 “A Bylaw to Reduce Development Cost Charges for Not-for-Profit Rental Housing” would be used in Ladysmith.

**LEGAL IMPLICATIONS:**

The subject property is located within 800 metres of a controlled access highway, thus must be referred to the Ministry of Transportation & Infrastructure for approval following third reading of a zoning amendment bylaw. Also, if the application proceeds a public hearing will be required to be held.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

The applicant is hosting a neighbourhood information meeting on August 22, 2018 from 6pm to 8pm in the LRCA board room at 630 2<sup>nd</sup> Avenue. The results of this neighbourhood meeting can be reported to Council at a future date. Also, it is recommended to refer the application to the Advisory Planning Commission for review and comment.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The application has been referred to the Infrastructure Services Department for review. The property has three road frontages. Improvements to Third Avenue, Buller Street and the lane would be a requirement at the time of construction on the land.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

- Complete Community Land Use
- Green Buildings
- Innovative Infrastructure
- Healthy Community
- Not Applicable
- Low Impact Transportation
- Multi-Use Landscapes
- Local Food Systems
- Local, Diverse Economy

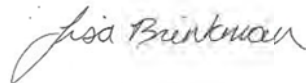
**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- Employment & Tax Diversity
- Watershed Protection & Water Management
- Communications & Engagement
- Natural & Built Infrastructure
- Partnerships
- Not Applicable

**SUMMARY:**

An application has been received to amend the OCP and Zoning Bylaw for the property at 314 Buller Street. Recommendations are provided for the next steps in the application process.


Report prepared by:



Lisa Brinkman, Senior Planner

August 14, 2018

Director Approval:



Felicity Adams, Director of Development Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

**ATTACHMENTS:**

LRCA Affordable Housing Project Background & Design Rationale (July 24, 2018)



23 July 2018

## Ladysmith Resource Centre Association – Affordable Housing Project Background and Design Rationale

The Ladysmith Resource Centre Association is proposing a new 36 unit affordable housing project at 314 Buller Street, Ladysmith, BC. The project is being partially funded through BC Housing and is intended to house seniors, persons with developmental disabilities, and families in need of affordable housing.

The property is currently the site of a now deconsecrated church that will be removed to make way for the proposed development. The current zoning is P1 which is not suitable for the proposed development. There are no zones in the Ladysmith zoning bylaw that meet the needs of the development and so it is proposed that this development be rezoned under a new Comprehensive Development Zone.

The unit mix is proposed to be studio, one-bedroom and two-bedroom units as indicated. The unit types are mixed throughout the building and it is intended that the different user groups mentioned above would also be interspersed throughout the building. The building is comprised of two overlapping forms: a one storey volume embedded into the slope along Third Avenue, and a three storey volume along Buller street, partially embedded into the slope and overhanging the lower volume. Refer to the drawings for setbacks of the building to the property line.

There are four main organizational concepts that were employed in the design of the project:

1. Views for residents
2. Parking access from the lane
3. Access to interior and exterior common spaces
4. Community access to a hall

The building is laid out efficiently with the majority of the residential units double loaded along a central corridor. To maximize the views which are predominately located towards the Ladysmith Harbour (an almost 180° field), levels 2-4 are situated so that the short end of the building faces the water, and thus most units are able to gain a view of the harbour in at least one direction. On level one, units are situated along Third Avenue, which affords them views and allows for a visual connection with the street edge.

The vehicular access from the lane places the parking outside of the general community view on the west corner of the site. Due to the anticipated user mix, many of which will not own vehicles, we have located 18 parking spaces on site, including several small car spaces and two accessible spaces. The plan calls for an additional 12 parking spaces on Third Avenue. Existing on-street parking along steep Buller Street is proposed to be replaced with a landscaped Boulevard and winding sidewalk,

With the sloping topography, levels 2-4 laid out along the Buller Street edge and parking located in the west corner, there exists an opportunity for the exterior common space courtyard to sit atop some of the level one residential units on the north corner of the site. This common amenity space will have great harbour views, as well as being visually connected but separated from the street. Due to the configuration of the building, the courtyard will be shaded only for a portion of the day, which allows for a variety of activities depending on the access to sun or shade. It is anticipated that the courtyard will be developed to include spaces for children to play, areas to view the harbour and areas for gathering.

On the east corner of the site on level one, the hall is located to provide easy access to the community hall on the corner of Buller Street and Third Avenue. This glazed portion of the building is intended to be inviting and an overhang of the residential suites above is to provide a covering to the exterior area outside the hall, as an additional community/building amenity. The hall and associated spaces (kitchen and washrooms) would be able to be locked and separated from the adjacent residential units.

Although the exterior materials of the building will be developed as part of the design development phase of the project, the intent is to feature robust surfaces along Third Avenue, a glazed hall on the corner of Third and Buller, and a more articulated but simple volume along Buller. At this time each unit is to incorporate juliet balconies and large windows. Wood will likely be featured in soffit areas to warm up entry areas to the building.

This project will have positive economic, environmental, infrastructure impacts and add amenities to Ladysmith. For residents it will provide high-quality, affordable housing in a market where housing meeting both of those descriptors is in very short supply. Being two blocks from the downtown, the project will add 40 to 60+ consumers of goods for local businesses, as the three tenants group (seniors, low-income families, and people with developmental disabilities) tend to drive less and thus access the goods they need via walking. Income from the building will increase the capacity of the owner (LRCA) to offer more of its existing programming, as well as the ability to branch out into more pro-active programming for both residents of the building and the community in general. The social enterprise aspect of the project, to be developed once the building is tenanted, will offer income, job skills training and greater independence for residents.

The project will be built to BC Energy Code Step 3 requirements, likely making it the most energy efficient building in the Town of Ladysmith. It will also be extremely economical in terms of utility costs, and will offer a very high level of comfort and air quality for residents. The project will take advantage of solar gain and natural light to further improve the living environment within it. Every water conservation strategy and Energy Star appliance possible will be utilized. Outside, drought tolerant landscaping will minimized water and energy consumption.

Public infrastructure will be added in the form of paving of the alleyway behind the building, parking stalls along 3rd Avenue, and the reclaiming/greening of 37 metres (120') of Buller Street. This work along Buller Street will also create a public amenity in that it will be developed as a park-like space for residents and visitors to stop, sit and take in the harbour and mountain views. Within the building 'the Hall' will not only offer beautiful light-filled communal space for residents but will be a place that the community can also access for meetings, and events like weddings, birthdays, and anniversaries. The owner will also offer programming out of the Hall such it's Soup Kitchen, as well as fundraising events for the LRCA. The owner envisions 'The building being in the LRCA and the LRCA being in the building'. This project is as much about building community as it is constructing a building.

CHECKWITCH POIRON ARCHITECTS INC.

David Poiron Architect AIBC MRAIC

**COMMITTEE LIAISON REPORT TO COUNCIL**

To: Council  
From: Councillor Cal Fradin  
Date: July 10<sup>th</sup>, 2018  
File No: 0550-04

---

Re: **MONTHLY COUNCIL LIAISON REPORT**

**Ladysmith Celebrations Committee**

Met on July 4<sup>th</sup>, 2018  
Did not meet this month

**A. Agenda Items:**

1. Committee is still looking for volunteers to help out for the August long weekend event. Anyone interested in volunteering some time to help out please contact Mr. Barry Frech at 250-739-4498 or email at [barryfrech@hotmail.com](mailto:barryfrech@hotmail.com)
2. The committee is still wishing to nominate Citizen of the Year duties as it has done in the past years.
3. The Celebrations Committee has been working with Town Staff, MOTI, LDBA, RCMP and others to ensure that the event will be a success.

**B. Recommendation(s) for Council No Recommendations for Council**

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**Protective Services Committee**

Met on July 9<sup>th</sup>, 2018. Agenda/meeting cancelled as quorum was not met.

Round table discussion was held with those that attended.

SFN will be conducting EOC training in October/2018 and will be looking for anyone interested in this training which will benefit not only SFN community but also Ladysmith. Anybody interested is encouraged to contact Eric Kesteloot at Stz'uminus First Nations. Water supply concerns are an issue and SFN due to the dry weather. With the water concerns the fire risk is also a concern with respect to suppression and SFN is working with the CVRD's Sybille Sanderson on fire suppression tactics and local fire departments to address this concern.

RCMP reported that they are currently fully staffed in light of recent retirement of Cpl. Rick Fraser and his replacement Cpl. Dave Fish. Ladysmith detachment had 2 members attend the recent G-7 conference. Transient concerns are being monitored by the detachment as this issue begins to increase during the summertime and brings with it the tent city situation. The local detachment will be present for the summer games events scheduled for Ladysmith and will also be present for the upcoming Ladysmith Days event on the August long weekend.

Ladysmith Fire Department noted that June was a quiet month and submitted attached monthly report for June 2018.

RCMAR Station 29 Ladysmith submitted its July monthly report see attached outlining its activities within the community and surrounding service area.

#### **Liquid Waste Management Committee**

Did not meet this month

---

#### **Community Safety Advisory Commission**

Met on July 4<sup>th</sup>, 2018

Did not meet this month

#### **A. Agenda Items:**

1. The Community Safety Advisory Commission held its Strategic Workshop. The workshop is being conducted by the CSAC group and CVRD's CAO Brian Curruthers. The purpose of the strategic planning is to review why the CSAC exists, what the scope of the commission be, who should be at the commission table, what the structure is and how the commission will move forward. Recommendations to the CVRD Board will be forthcoming in the next couple of months as the planning moves forward.

**B. Recommendation(s) for Council - No recommendations for Council.**

Respectfully submitted

Councillor Cal Fradin

## RCMSAR Station 29 Ladysmith- Marine Search and Rescue Report- May to July 9<sup>th</sup>

### Training:

- Classroom, on the docks- 7 crew training sessions- Towing, Search Techniques;
- 10 on the water crew training exercises; 2 new crew evaluated and graduated to full crew
- 3 Coxswain-level training evaluations on the water;
- 1 Coxswain-level evaluation conducted for Station 27, Nanaimo
- 1 Joint SAR exercise with adjacent stations and Coast Guard

### Taskings:

- 5 taskings- drifting vessels, overturned canoe, vessel break-down, persons in the water

### Community Services:

- Kid's Pirate Day- Ladysmith Maritime Society
- Safety Vessel for Chemainus Secondary School/First Nations Canoe Paddle event- June 6, 7

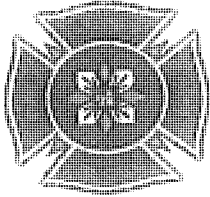
### Planned Community Services:

- Navigator Rendezvous Sailing Vessel- Safety talk and demonstration- Thetis Island- Aug. 4<sup>th</sup>
- Fireworks Patrol- August 5<sup>th</sup> ✓
- Transfer Beach Children's Camp- Boating Safety Talk and Demonstration- August 8<sup>th</sup> ✓

### Planned Major SAREX- Event September 21-23, Sooke, B.C.

- Many SAR Stations, Military, Coast Guard, other First Responders- Emphasis on working together





# Ladysmith Fire / Rescue

P.O. Box 760 Ladysmith, B.C. V9G 1A5  
 Phone: 250-245-6436 • Fax: 250-245-0917



## FIRE CHIEF'S REPORT

MONTH: June 2018

TYPE OF CALL OUT	J	F	M	A	M	J	J	A	S	O	N	D	YTD TOTALS
Alarms Activated: Pulled Station	1	1	1										3
By mistake		1		1		1							3
Electrical problem	3				2								5
Due to cooking	1	2	1	3	3	1							11
Assistance		1		3		1							5
Burning Complaint			1	1	1								3
Fire: Structure	1				2								3
Chimney	1												1
Interface / Bush				1	1								2
Vehicle					1								1
Other					1								1
Hazardous Materials	1				1								2
Hydro Lines: Down / Fire	1		1										2
Medical Aid	4		5	3	1	2							15
MVI	3	4	4	7	3	2							23
Rescue													0
Mutual Aid provided by Ladysmith to outside areas	1	5		1	1	0							8
<b>MONTH TOTALS (exc.. Practises)</b>	<b>17</b>	<b>14</b>	<b>13</b>	<b>20</b>	<b>17</b>	<b>7</b>							<b>88</b>
Practises (Totals for each Month)		4	4	4	4	4							20
Mutual Aid requested by Ladysmith from outside areas	1	1		2	1	0							5

### ALARMS ACTIVATED (Location/Owner)

- 710 - 6th Ave - LSS - Sensor Problem
- 11193 Chemainus Road - Sensor Problem
- 1127 - 4th Ave - Lodge on 4th Ave - Burnt toast
- 10980 Westdowne Road, Unit 36 - Cooking
- 10980 Westdowne Road Unit 35 - Cooking
- Coronation Mall - Working on System
- 10980 Westdown Road, Unit 25 - Cooking

### COMPARISONS:

Year to Date 2018	<u>88</u> (exc. practices)
Year to Date 2017	<u>91</u> (exc. practices)
Year to Date 2016	<u>88</u> (exc. practices)

APPROVED:

*Ray Delmont*  
 Fire Chief

**COMMITTEE LIAISON REPORT TO COUNCIL**

To: Council  
From (name): Steve Arnett  
Date: August 14, 2018  
File No: 0550-04

**Re: MONTHLY COUNCIL LIAISON REPORT**

**Committee / Organization Name:** Vancouver Island Library Board

**Met on (date):** April 27/18, May 15, 26/18, June 19/18, July 6/18, August 17 Did not meet this month

- Key Agenda Items:**
- Chair and Vice Chair Agenda Reviews, Executive and Full board Meetings
  - 2019 - 2023 Proposed Financial Plan
  - Personnel Policy and Program Planning

- Recommendation(s) for Council (leave blank if none)**
- VIRL Budget recommendations to be presented in September 2018
  - 
  -

**Committee / Organization Name:** TOL Cannabis Committee

**Met on (date):** May 10, 2018 (Note: SLA and LWM) Did not meet this month

- Agenda Items:**
- Draft Local Retail Sales and Zoning Bylaws
  - 
  -

- Recommendation(s) for Council (leave blank if none)**
- TOL Resident Feedback Survey to be conducted
  - 
  -



**Committee / Organization Name:** Ladysmith Celebrations Committee

Met on (date): June 2,9,29/18, July6/18, August3,4,5,6 Did not meet this month

- Agenda Items:
- Event Planning as Committee Alternate and working member of the Volunteer Committee
  - Traffic Control and Fundraising
  - Event Delivery and After Event Take Down

Recommendation(s)  
for Council  
(leave blank if none)

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Committee / Organization Name:** CVRD and Naut' sa maut Committee

Met on (date): May 11/18, June11,18, 21/18 Did not meet this month

- Agenda Items:
- Municipal Collaboration Duncan
  - Malahat Band Meeting with Chief and Council - Connectingwith Land and Water
  - Kw 'umut Lelum Canoe Naming and Launching Ceremony - Kuleet Bay

Recommendation(s)  
for Council  
(leave blank if none)

- Aboriginal Day June 21
- \_\_\_\_\_
- \_\_\_\_\_

**Committee / Organization Name:** Ladysmith Air Cadets

Met on (date): June 5/18 Did not meet this month

- Agenda Items:
- Annual Officers Review and Awards Parade
  - \_\_\_\_\_
  - \_\_\_\_\_

Recommendation(s)  
for Council  
(leave blank if none)

- Welcome Speech and Congratulations Representing Mayor and Council
- Continue to support this youth organization meeting at Aggie Hall
- \_\_\_\_\_

Respectfully submitted

## STAFF REPORT TO COUNCIL

From: Joanna Winter, Manager of Legislative Services  
Meeting Date: August 20, 2018  
File No:  
RE: DETERMINATION WHETHER TO HOLD BY-ELECTION FOR VACANT COUNCIL SEAT

---

### RECOMMENDATIONS:

1. That the Town of Ladysmith not hold a by-election to fill the Council seat left vacant by the resignation of Coun. Carol Henderson, in accordance with s. 54(2) of the *Local Government Act*.
2. That Council appoint the respective alternates to replace former Councillor Carol Henderson on the commissions and committees to which she was appointed.

### PURPOSE:

The purpose of this staff report is to advise Council of the legislation surrounding the holding of a by-election in the event a seat on Council becomes vacant.

### PREVIOUS COUNCIL DIRECTION

N/A

### INTRODUCTION/BACKGROUND:

Councillor Carol Henderson resigned from Council effective July 31, 2018. Section 54 of the *Local Government Act* provides direction to local governments with respect to by-elections to fill vacant Council seats. A local government is required to hold a by-election within 80 days of appointing a chief Election Officer for the by-election, with the following exceptions:

54(2) A local government may decide that a by-election is not to be held if the vacancy occurs after June 1 in the year of a general local election that will fill the office.

(3) In addition to the authority under subsection (2), a council may decide that a by-election is not to be held if all the following circumstances apply:

- (a) the vacancy occurs after January 1 in the year of a general local election that will fill the office;
- (b) the vacancy is not in an office elected on the basis of a neighbourhood

constituency;  
(c)the number of remaining council members is at least one greater than the quorum for the council, as set under section 129 (1) [*quorum for conducting business*] of the Community Charter.

The general local election is taking place on October 20, 2018. For all practical purposes, a by-election and the general election would be running at almost leading to doubled expenses, and confusion in the minds of voters.

**ALTERNATIVES:**

Council could choose to hold a by-election, with the successful incumbent serving from the date of the election until the date of the general local election.

**FINANCIAL IMPLICATIONS:**

It is estimated that the cost of running a by-election would be approximately \$5,000 to \$7,000, as the fixed costs for election workers, statutory advertising, ballot printing and other related costs are very similar to the costs of running a full general local election.

**LEGAL IMPLICATIONS:**

The Town is not required under the *Local Government Act* to hold a by-election in this instance, as the resignation occurred after June 1 in the year of a general local election.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

As the next local general election is approaching fast, it is not anticipated that there will be negative public reaction to a decision not to hold a by-election, as this is the responsible thing for Council to do.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

N/A

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |  |   |
|--|---|
| <input type="checkbox"/> Employment & Tax Diversity              | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships                   |
| <input type="checkbox"/> Communications & Engagement             | <input checked="" type="checkbox"/> Not Applicable      |

**SUMMARY:**

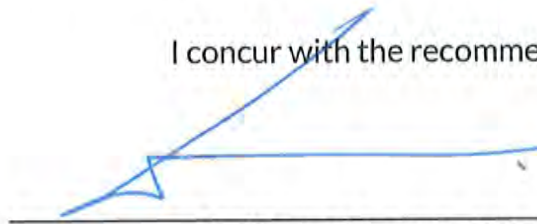
It is recommended that the Town not hold a by-election to fill the vacancy left by the resignation of Coun. Carol Henderson, in accordance with s. 54(2) of the *Local Government Act*, given that the next local general election is to take place on October 20, 2018.



Joanna Winter, Manager of Legislative Services

August 13, 2018

I concur with the recommendation.



Guillermo Ferrero, City Manager

**STAFF REPORT TO COUNCIL**

From: Felicity Adams, Director of Development Services  
Meeting Date: August 20, 2018  
File No: 3010-20 DARP  
RE: DEVELOPMENT APPLICATION PROCESS REVIEW 2018

---

**RECOMMENDATION:**

That Council direct staff to:

1. Prepare the following amendments to "Development Application Procedures Bylaw 2008, No. 1667":
  - a. Require pre-application meetings for planning applications
  - b. Require complete planning applications to be submitted prior to staff review
  - c. Amend the requirement for a neighbourhood information meeting for a rezoning application, if the application is OCP consistent, and for all DVP applications
  - d. Remove the requirement for the completion of the Sustainable Development Checklist
  - e. Remove the two-stage process for the consideration of DVP applications, so that staff may proceed to notification for all applications
  - f. Update legislative references.
2. Include funding in the Development Services and Engineering operational budgets for preparing and updating development application forms, process guides and checklists.
3. Prepare an amendment to "Officers and Delegation of Authority Bylaw 2016, No. 1905" to delegate the issuance of Riparian Development Permits and Hazard Land Development Permits to the Director of Development Services.
4. Consider the recommended improvements regarding streamlining the committee referral process following the current Commissions and Committees Review.
5. Proceed with completing conceptual design and cost analysis for expanding the Public Works/Engineering office to accommodate Development Services.

**PURPOSE:**

The purpose of this staff report is to follow-up on the findings from the Development Application Review Project and Developers' Forum and to present options for next steps.



## **PREVIOUS COUNCIL DIRECTION**

None.

## **INTRODUCTION/BACKGROUND:**

The Development Application Review Project (DARP) which took place this past Spring included consultation with the development community through an on-line survey, one-on-one interviews with staff, Council and developers/applicants, and concluded with a Developers' Forum held on April 12, 2018. The final report from the project is attached.

## **DISCUSSION:**

The report concludes that the Town of Ladysmith, in terms of its process and customer service, is doing a commendable job. The Town is rated highly by the majority of applicants, and in particular rated highly by those who have experience developing in multiple municipalities. However, there are improvements that can be made, and many of those adjustments need to focus on improving the process for less experienced applicants.

The improvements identified by the consulting team have considered best practices, tools and approaches used in other communities, as well as suggestions from Ladysmith applicants and the development community. The attached table outlines the highest priority improvements and next steps with respect to the recommendations.

## **ALTERNATIVES:**

Council can choose to direct staff to proceed with the committee referral process streamlining as outlined in the consultant report.

## **FINANCIAL IMPLICATIONS:**

The expansion of the Public Works/Engineering building is estimated to cost in the range of \$1 million which could be financed through short-term borrowing. Construction costing would be reviewed in concert with completion of conceptual design. Staff are in discussion with a potential municipal partner for GIS services which could be a cost-effective means to provide this service.

## **LEGAL IMPLICATIONS:**

None.

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

The building and development community has recommended that the Engineering, Building and Planning services be co-located. It is expected that builders and developers will be highly supportive of this change, if implemented.

## **INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The Director of Infrastructure Services/Approving Officer has been involved in the project and in the development of the staff recommendations.



**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Employment & Tax Diversity   | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships                   |
| <input type="checkbox"/> Communications & Engagement             | <input type="checkbox"/> Not Applicable                 |

**SUMMARY:**

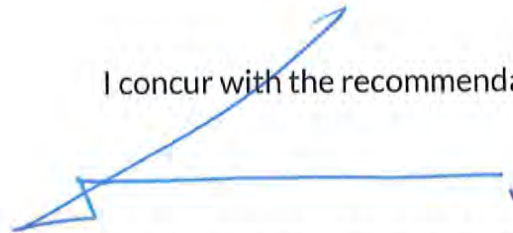


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Felicity Adams, Director of Development Services

August 8, 2018

I concur with the recommendation.



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Guillermo Ferrero, City Manager

**ATTACHMENTS:**

Summary table with recommended improvements  
Final Report – Development Application Process Review, May 9, 2018



# Town of Ladysmith Development Application Review Project 2018

Forum Rank (Small group work n=15)	Forum Rank (Feedback forms)	Overall Support (survey n=16)	Next Steps
1	1	8	Maintain current practice and enhance for inexperienced applicants Amend Development Application Procedures Bylaw 2008, No. 1667
1	2	19*	Include funding in DS, Engineering (subdivision) operating budgets
1	-	8	Consider establishing application processing as a formal Council priority
-	2	9	In process (requires full staff complement – Planner vacancy)
-	3	10	Include funding in DS, Engineering (subdivision) operating budgets
-	3	10	Amend Officers and Delegation of Authority Bylaw 2016, No. 1905

\*two items combined (n=32)

Other Improvements	Overall Support (n=16)	Next Steps
One location for departments, and potential for shared counter resources to make one-stop shop	9	Complete conceptual design and costing One-window intake resources to be reviewed
Reaffirm and/or formalize 48 hour response standard and customer service priority	8	Done
Consider eliminating some referrals to HRAC (signs and facades), e.g. focus on CHR buildings	8	Refer to Commission and Committees Review
Evaluate committee structure and referrals (e.g. combine ADP, APC)	8	Refer to Commission and Committees Review



## Town of Ladysmith Development Application Review Project 2018

Other Improvements	Overall Support (n=16)	Next Steps
Identify complaint protocol/policy for Council	8	Council consideration
Commit to hosting regular Developers' Forums	7	Hold regular topic based forums (e.g. DCC review, etc.)
Complete applications	7	Clearer forms and pre-applications meetings should assist with applications being complete prior to submission. Amend Development Application Procedures Bylaw to require complete applications.
Create an internal tracking system for subdivision applications	6	In process
Consider the benefit of additional software tools (GIS, development tracking)	6	Municipal partnership for GIS services in discussion
Explore feasibility and interest in creating a Development Liaison Committee and develop terms of reference	5	Having a regular Developers' Forum was a higher priority for the development community. The Director of Development Services can serve as a liaison to the development community.
Continue development review meeting (internal)	-	Continue current practice of regular meetings
Improve service levels for inexperienced applicants	-	Clearer forms and pre-applications meetings should assist inexperienced applicants. Additional staff would be higher service level.
Consider policy regarding public information meetings with an eye to eliminating requirements (e.g. OCP amendment)	-	Amend Development Application Procedures Bylaw 2008, No. 1667
Consider having Council attend public information meetings and/or conducting site visits for key applications to demonstrate Council's interest in the project and in being informed	-	While Council has been notified of upcoming NIM, staff will add these meetings to the electronic Council calendar.

May 9, 2018

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

**ATTENTION: FELICITY ADAMS, DIRECTOR OF DEVELOPMENT SERVICES**

Dear Ms. Adams:

**REFERENCE: DEVELOPMENT APPLICATION PROCESS REVIEW**

Attached is the Final Report of the Development Application Process Review. Our consulting team of Leftside Partners Inc., Defero-West Consulting, and Neilson-Welch Consulting Inc. (the consultants) was honoured to be awarded the project, and acknowledges the cooperation and hard work of Ladysmith staff in completing the project.

Please feel free to contact me directly if you have any questions or comments, or if you require any further information.

Sincerely,

**LEFTSIDE PARTNERS INC.**



Sherry Hurst, M.Pl., RPP, MCIP  
Principal



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## 1.0 PROJECT OVERVIEW

Ladysmith is a growing town of more than 8,500 people. The Town takes pride not only in Ladysmith's character, but also the quality of the amenities and services delivered. In order to continue to provide the growing community with excellent service, the Town commissioned this study to assess how its development application processes can be improved to meet the demands from the development and building community, while ensuring sufficient oversight and due diligence to uphold the community's planning and sustainability goals, Town character and public interest. This study was therefore intended to identify some of the issues and different perspectives on the development application processes at the Town, and determine what changes or practices are available to address those issues. The study was a priority because the Town wants to build upon its record and ensure it is engaging with the development community to better understand the needs of the industry, and identify options to respond to those needs. The Town is committed to working together with the development industry to facilitate growth and investment while enhancing the Town's character, livability and sustainability.

## 2.0 STUDY PROCESS

The following summarizes the steps involved in the review process.

### Review and Research

The consulting team reviewed the Town's current development processes, forms, brochures, bylaws, as well as terms of reference for the Town's committees. Information regarding the number of applications and processing times for the past 10 years was also reviewed, as well as the outcomes from the building permit review process. The Town had also conducted some comparative research with other Island municipalities, and this was combined with the team's research and knowledge of other municipal practices and documented best practices.

### Interviews

The consultants interviewed Town staff, including the CAO, representatives from Planning and Engineering departments, as well as Council members. In addition, the staff used the list prepared by the Town of applicants over the past few years and contacted 22 of the applicants on the list to request interviews. Some applicants declined, and others did not respond. In total 13 applicants were interviewed in depth over the phone.

### Survey

An online survey was prepared and reviewed with the Town. The survey was intended to be brief, to encourage participation, but asked questions about the type of application, the characteristics of the applicant (full-time developer, owner



applicant, etc.), and years of experience applying with the Town. The survey asked applicants to rate aspects of the application process, as well as the level of customer service in various categories. Applicants had an opportunity to identify things that were going well with the process, as well as items that needed improvement. Applicants were also asked to identify other jurisdictions that had an exemplary process.

At the conclusion of the survey, the results were compiled and analyzed. There were 16 surveys filled out. A copy of the survey is included in Appendix A, with the aggregated results provided in Appendix B.

### Developers' Forum

A developers' forum was hosted on April 12 to report back on the feedback received from both the interviews and the survey, and provide an opportunity for further feedback from the development industry. The event was hosted at lunch over a 2-hour period, and included a presentation, some open house boards, and facilitated roundtable discussion. Lunch was provided. A brief two-page newsletter was distributed at that time with some results highlights, and a form was available to provide feedback on the options to improve the process. The newsletter and feedback form were also emailed out to all the Town's applicant contacts. The newsletter (see Figure 1) is included in Appendix C, and a copy of the forum boards is in Appendix D.



Figure 1: Developers' Forum newsletter

### Final report

The preparation of this report, submitted to staff initially as a draft, then finalized after a review period, was the final step in the process.

## 3.0 WHAT WE HEARD

The interviews and survey highlighted a number of interesting perspectives regarding aspects of the Town's development application process. It revealed strengths and identified opportunities for improvement.

### 3.1 SUCCESSES

Overall, the results of the survey and interviews indicated that the Town was doing a good job at processing applications, and in particular the planning department staff were well-regarded, and were delivering high levels of customer service. Based on the feedback provided, the Town was particularly well-regarded in comparison to other communities by those who had experience working and making applications in other jurisdictions.



DEVELOPMENT APPLICATION PROCESS  
SCALE = 1 (strongly disagree) to 5 (strongly agree)



Figure 2: Average Survey Results, Development Application Process

CUSTOMER SERVICE RATINGS

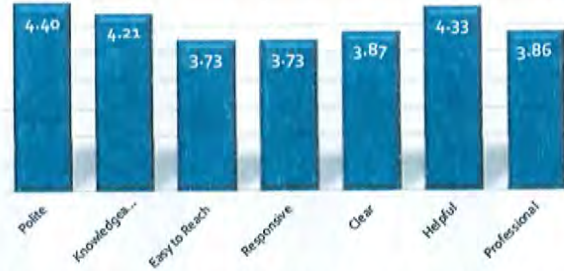
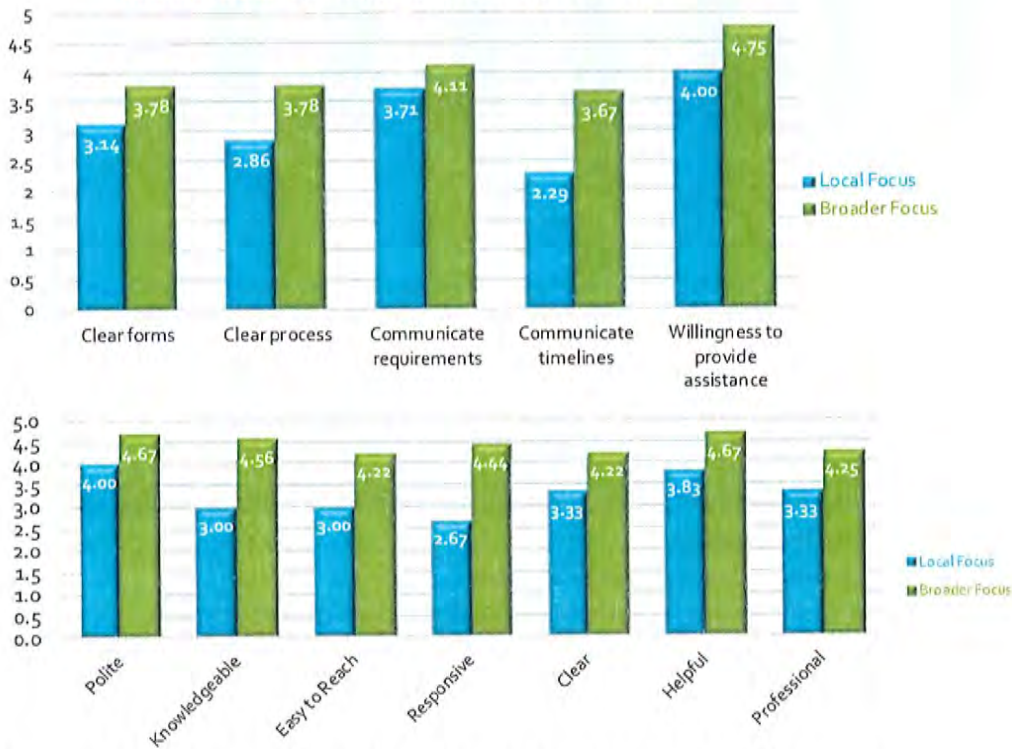


Figure 3: Average Survey Results, Customer Service Ratings

Both the Town’s application process and customer service were rated more highly by applicants with projects and experience in other communities, and those who are full-time developers or industry professionals (planners, engineers, surveyors and architects).

LOCAL APPLICANTS VS. THOSE ACTIVE OUTSIDE LADYSMITH

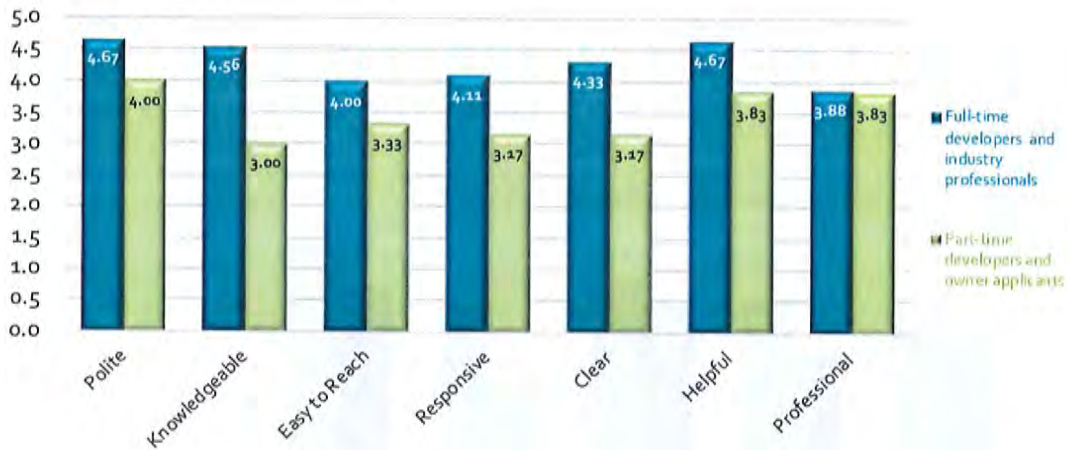
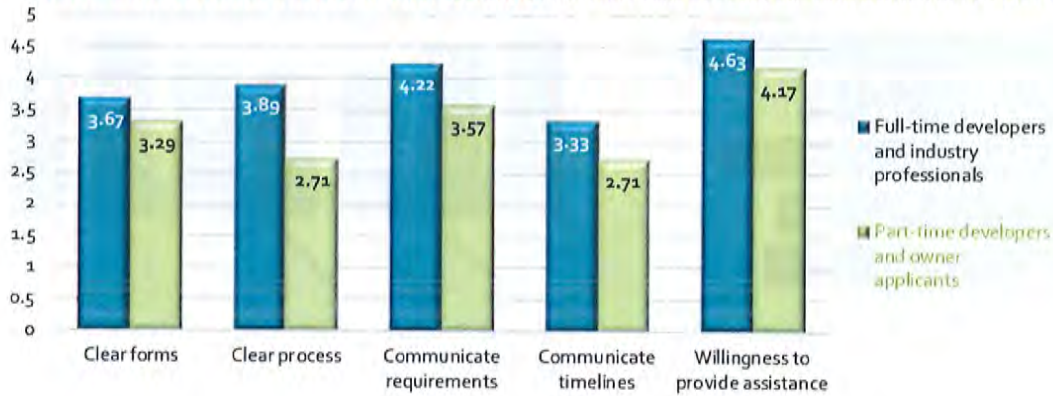


Figures 4 & 5: Survey Results, Local Applicants vs. Those Active Outside Ladysmith, Development Process and Customer Service Ratings





FULL-TIME DEVELOPERS & INDUSTRY PROFESSIONALS VS. PART-TIME DEVELOPERS AND OWNER APPLICANTS



Figures 6 & 7: Survey Results, Full-time Developers & Industry Professionals vs. Part-time Developers and Owner Applicants, Development Process and Customer Service Ratings

### 3.2 OPPORTUNITIES TO IMPROVE

The survey feedback that identified lower satisfaction levels and applicant concerns centred around a few aspects:

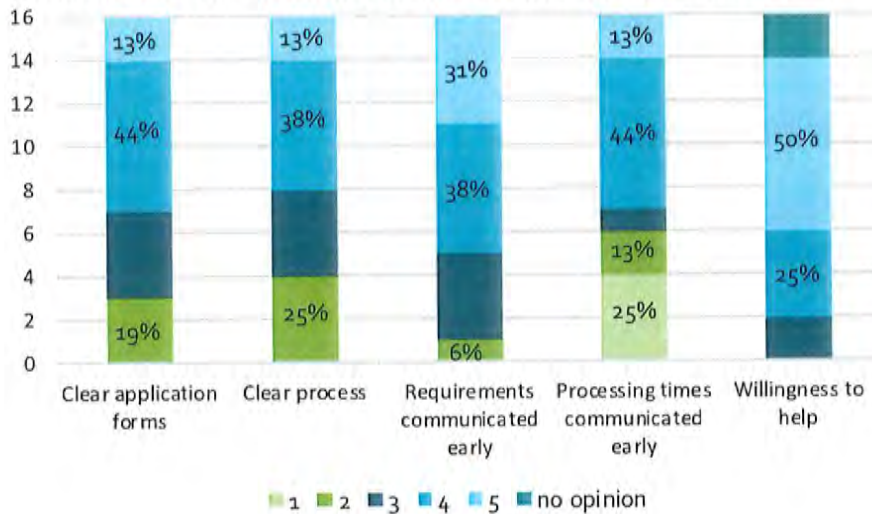
- Understanding the application process
- Understanding all the requirements at the outset of the process
- Having a clear understanding of the timeline (and achieving that timeline)
- Town’s responsiveness in returning calls and responding to questions.

The items with lower satisfaction ratings in both the application process and customer service levels are shown in the charts below in green at the bottom of the columns. As noted above, many of these concerns were identified by applicants who

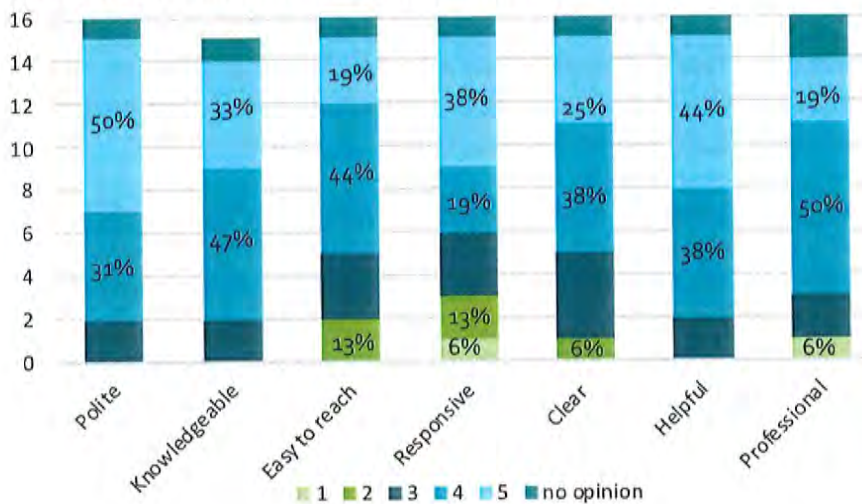


characterized themselves as either part-time developers (i.e. not their full-time job, but often have a project or two on the go), or owner-applicants.

**DEVELOPMENT APPLICATION PROCESS RATINGS (ALL RESPONSES)**



**CUSTOMER SERVICE RATINGS (ALL RESPONSES)**



Figures 8 & 9: Survey Results, Development Process and Customer Service Ratings

**Unique Circumstances**

The interviews and surveys also highlighted concerns about a few complex applications that appeared to have unique circumstances. These cases represented multi-faceted applications, with multiple approvals, involvement of more than one



department, and where key infrastructure decisions were required. While it is still important to learn from these applications and experiences, and review them to determine what could be improved, it is useful to recognize that there will always be some applications that represent unique challenges that are difficult to anticipate as part of the process. These applications often represent outliers, and are not necessarily indicative of larger process issues.

## 4.0 ISSUES AND OPPORTUNITIES

The following issues and opportunities are based on what was learned from the survey and interviews, as well as review and knowledge of best practices, and practices in other jurisdictions.

### 4.1 WHO IS WELL SERVED?

It was noted previously that those who either have experience developing in other jurisdictions, as well as those who identify themselves as industry professionals, rated the Town's process and customer service highly. It is promising to learn that the Town is well-regarded by industry professionals, and this rating bodes well for the Town's attempts to attract experienced developers from across BC and beyond. Those who have experience in other communities are perhaps more likely to network with other developers and spread the message that Ladysmith is a good place to do business. The message from many of these applicants was that Ladysmith is doing well, is easy to deal with, and that the applications were processed in a timely fashion. Applicants indicated the Town rated highly in comparison to much larger centres, including Nanaimo, North Cowichan, and several CRD communities.

The flip side of this message is that the Town's service is not perceived as well by those applicants who are local, and who are not experienced developers. Those applicants are rating the process, and the service they are receiving, lower. So while the Town's process seems to provide excellent service to professionals who know what they are doing, it isn't working as well for those who are not as experienced with the development application process.

The ability to serve inexperienced applicants well is an issue that many municipalities struggle with tackling. It is well documented that applications from professionals are typically processed more quickly by municipalities, in part because these applicants know the process, they know what needs to be included, what to expect, when to contact the Town, and how to get what is needed. From a staff perspective, those who do not understand the process require more time in almost all aspects of the process – explaining the process, advising them what is needed, and helping connect them with the professionals that can provide the reports, title searches, drawings,



etc. that are required. Some municipalities have two-stream processes: one for experienced or “pre-approved” applicants and another for those that need more assistance with applications. Some municipalities are reviewing whether to charge applicants who do not have a professional to manage the process a higher fee in recognition of the additional help that staff provide to these applicants. The move by most municipalities, and best practice of accepting only complete applications, is consistent with this approach.

While charging inexperienced applicants higher fees, or refusing their incomplete applications might be a way to encourage the use of a professional in some communities, this might not be an approach that the Town of Ladysmith wants to pursue. Inexperienced applicants are most often local residents, and the Town is as interested in delivering good service to these applicants as it is in attracting sophisticated developers. Several improvements to the process identified in this report are therefore focussed on opportunities to improve service levels to inexperienced applicants (without jeopardizing the high service levels already provided to more experienced applicants).

#### 4.2 IMPACT OF STAFF

Another issue identified during the research is the impact that individual staff members have on the level of service provided. While it is critical to have good processes in place, the feedback received served as a reminder of how the actions of individual staff members can significantly impact the experienced and service level for an applicant. This is equally true on the positive and negative ends of the scale. Several applicants referenced outstanding service received by individual staff members. Some applicants, however, noted negative experiences with individuals. While one negative experience or unsatisfied applicant may seem minor, in a small community such as Ladysmith, where residents are well connected with other community members, the experience of one applicant can quickly become the perception of many. Unsatisfied applicants often seem more likely to share their experiences with others. Positive experiences seem to spread or be shared or celebrated less often.

The Town is already aware of the challenges in finding and retaining good staff in today’s market. Although the Town has the benefit of being a vibrant waterfront Island location, and is a desirable place to live, the affordability of living on the Island, high demand for qualified local government staff and availability of jobs in the various local governments makes it even more challenging to find and retain good staff. Many local governments are working hard to create a positive culture and great work environment as incentives to supplement collective agreement compensation and holiday time. Great service starts with great staff. While not reviewed as part of



this process, it is worth noting that other local governments, in recognizing the challenge to recruit and retain good staff, have initiated strategies to:

- Review union contracts (compare pay scale, holidays, training opportunities, etc.)
- Ensure staff have the tools to do their job well (equipment, software, training, etc.)
- Create a positive culture through the celebration of staff successes
- Establish and build a relationship between staff and Council so that staff feel supported by Council and motivated to achieve Council priorities.

#### 4.3 IMPACT OF COUNCIL

It may seem that a good development application process, and a review of it, has little to do with Council. However, there are many ways in which Council affects and impacts the process.

Building on the previous section that references the ability to attract and retain good staff, Council can play an instrumental role in providing a supportive environment. One need only look to other examples on the Island to point to jurisdictions where Council has created an environment where local government staff are not interested in working. An acrimonious Council can make it difficult to attract or retain qualified staff in a market where there are multiple job opportunities. While there are obvious poor examples reported in the news, there are also many good examples where staff feel supported in their work. Staff at one municipality known for its fast processing specifically commented that Council recognizes that mistakes will be made as they work to advance applications quickly, and that Council focuses on the successes and not the mistakes. Staff support is often expressed publicly during public hearings and Council meetings, and Council does not tolerate criticism of staff. Celebration of staff successes for a job well done can send a message to residents and applicants.

When speaking with other municipalities regarding development application processing, one of the consistent messages was that processing development applications is easier for staff in jurisdictions when the staff review process and subsequent recommendations are routinely approved and supported by Council. In many municipalities, if applicants know they do not have the support of staff, they will opt not to proceed to Council. In other communities, applicants want to proceed to a Council meeting anyway, knowing that Council may not share the same perspective as staff, and may approve the development regardless of the staff recommendation. It is therefore useful to remember that if a Council does not publicly support staff – not only staff recommendations that come to Council, but also the role of staff members, their expertise, and ability to process applications – this can have impacts on the propensity for applicants to listen to staff advice during the process.



In addition to providing support for staff through consistent decision making, Council has a role in listening to, and addressing complaints. On the one hand, Council members must always be open to listen to residents and concerns they have; however, many times the complaints may be best handled or addressed at a staff level. Once Council members become directly involved in trying to solve a problem, it in turn encourages more residents or applicants to go directly to a Council member with a complaint rather than trying to resolve that issue through other, often more appropriate and efficient, channels. Council members should know where to direct those who have issues or complaints, so they are not put in the position of trying to solve process or Town staff concerns. Council should discuss, as part of the orientation process, a protocol on dealing with the range of requests and concerns they receive, to help them deal with requests and concerns consistently.

The role of Council was raised several times by applicants who had concerns with:

- Ensuring Council members are informed on applications (expressed concern that Council members are not conducting a site visit, attending the public meetings held on an application, or speaking to applicants to get more information. Some applicants felt Council was not well informed on their applications).
- Concern that Council priorities such as strategic plans often require significant amounts of staff time. Given the small size of the Planning and Engineering departments, these strategic projects result in less resources available to process development applications. Applicants wanted development application processing to be identified as a Council priority. In larger municipalities, long range planning and development planning have dedicated staff, so long-range plans or policy planning (OCP, area plans, zoning bylaws, subdivision design, etc.) can proceed without impacting the resources dedicated to processing applications. Similarly, there are often “development engineering technicians” who are dedicated to the subdivision or application review process, regardless of any capital improvement projects or master planning that requires engineering department time. Because the Town is not large enough to have separate staff dedicated to each function, it has to be cognizant of the impacts different priorities and Council projects will have on development application processing timelines. Placing application processing as a priority was the top rated improvement identified by one of the roundtables at the Developers’ Forum.
- Some discussions with Council members revealed a misunderstanding or lack of knowledge regarding legislative authority – what staff has authority to approve (or what flexibility staff has to approve something that may differ slightly from a policy or bylaw), and what decisions must be made by Council. In addition, what authority is delegated to staff, and what could be delegated.



These topics can be covered at Council orientation, but can be a lot to learn or digest at that time, particularly for new Council members. The legislative and policy context can also be emphasized in reports to Council.

## 5.0 OPTIONS FOR IMPROVEMENT

Based on the review, including the issues referenced in the previous section as well as those identified through the interviews and survey, a number of options for improvement have been identified. A range of options is discussed in each of the following sections, including ones that are likely to have the most relevance for Ladysmith. Following the discussion of the range of improvements is a summary of recommended changes, with an emphasis on some key priorities moving forward.

The improvements are grouped into three main categories:

- Communications
- Process
- Relationship

### 5.1 COMMUNICATION

Options for improving communication are based in part upon the suggestions referenced in the survey, interviews and developers' forum, but also on the need to improve service levels for inexperienced applicants, as identified previously. One of the key ways to improve service to those who are not familiar with the development application process is to provide simple, accessible information regarding how the process works – what is required, what the timelines are, and what the process involves. Conversations with some municipalities revealed this as their primary aim with development applications –ensuring that the level of experience of the applicant does not matter, and that the process can be easily understood by all. In Ladysmith many applicants are smaller builders, developers or land owners without staff or outside development consultants. For these type of applicants, simple, clear application requirements for rezoning, subdivision, development and building permits is key. Understandable forms, checklists and guides can eliminate unnecessary delays caused by incomplete or inaccurate submissions. The Greater Vancouver Home Builders Association's 2017 report, *Housing Approvals Study: A Review of Housing Approval Processes in Metro Vancouver* notes that "a pre-application checklist, including sample forms, identifying the most common pitfalls of incorrect/incomplete applications, will aid in submissions of a correctly completed application."

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<sup>1</sup> *Housing Approval Study: A review of housing approval processes in Metro Vancouver*, Greater Vancouver Home Builders Association and Landcor Data Corporation. 2017. p. 11.



Accordingly, there are several types of materials that can assist in making the process understandable, including:

- Simple **checklists** that identify requirements for all applications, and a second set that are identified based on the specifics of the application (i.e. riparian area, or hazard lands, traffic study, etc.). The second group of requirements will give applicants a sense of what **MIGHT** be required, and would be reviewed together with staff during a pre-application meeting to confirm which, if any, of those additional requirements pertain to their application. The current development application checklist includes 53 items, making it overwhelming for many applicants, particularly when many requirements do not apply. The checklists should focus on the basic requirements.
- A **process guide** or handbook for each application type – Rezoning/OCP Amendment, Subdivision, Development Permit and Development Variance Permit. The guide would include, at a minimum, a checklist, flow chart illustrating the process, and would provide examples of the materials required such as site plans, explaining why each bit of information is needed. Illustrations are key. Photos are particularly useful for development permit guides referencing design guidelines, to help residents who are not architects appreciate what finishes, exterior materials and elements the Town is seeking (and often just as important – what is **NOT** acceptable). Process guides can also include tips for a successful application, common pitfalls, FAQs, the role of Council vs. staff, expected timelines, and a list of fees and costs to consider (some fees will be set, others such as works and services cannot be specifically identified, but they can still be noted as something that applicants can expect, and how that number is determined). Ladysmith’s Coach House guide is a good example of providing accessible information to help applicants.

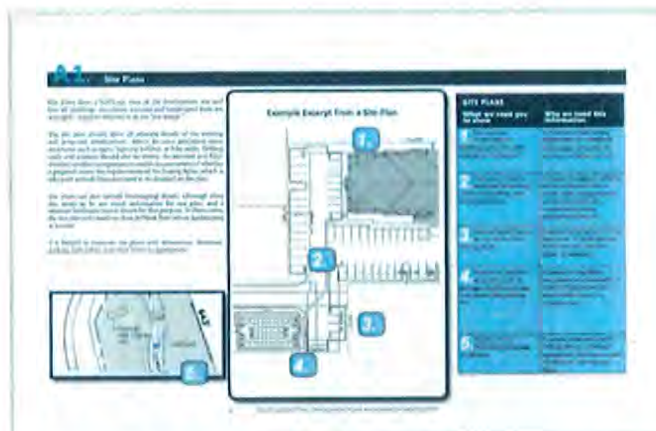


Figure 10: City of Campbell River Development Permit Handbook

- **Application forms** themselves. There were comments during the review that the application forms were daunting, making more than one applicant reluctant to apply. One applicant subsequently discovered that much of the form did not apply to his situation (as noted in the previous comment





regarding the development application checklist's 53 items). Regardless, the message that any of the forms appear daunting is not a reaction the Town wants, and that response is likely to exacerbate the divide between the perceived service for experienced vs. inexperienced applicants. The sustainability checklist, in particular, is easily understood by experienced applicants, but may be more effort for inexperienced applicants who are not clear on how their project can best address the Town's sustainability goals, and are unclear about what supporting comments and documentation to supply.

- Some municipalities include a **feedback form** that applicants can fill out after the project to report back on how the process went (both for staff to continually improve, and also to be able to record and report back to Council). These forms are typically found online. While this practice is becoming more common, it was not identified as a priority by Ladysmith's applicants.
- **Online tracking** is another tool that can provide extra information for applicants, but it is not something that is of particular benefit to less experienced applicants. Many municipalities do provide information regarding the number of applications underway, the type, purpose and location. If nothing else the information can be useful for Council to not only gauge volumes, but also to look at the specific applications so they know what projects are coming, and which projects they may not know about (i.e. helping to ensure Council remains informed). The information can be provided in a spreadsheet

Application Information and Status Sheet - Active/Ongoing Only/Newest to Oldest

App #	Applicant	Address	Project Description	Application Status	Application Date
2014-001	ABC Corp	123 Main St	Commercial building	Approved	2014-01-15
2014-002	DEF Ltd	456 Elm St	Residential development	In Progress	2014-02-01
2014-003	GHI Inc	789 Oak St	Industrial site	On Hold	2014-03-10
2014-004	JKL Co	101 Pine St	Public works	Approved	2014-04-05
2014-005	MNO LLC	202 Birch St	Manufacturing	In Progress	2014-05-20
2014-006	PQR Corp	303 Cedar St	Warehouse	On Hold	2014-06-15
2014-007	STU Ltd	404 Maple St	Office building	Approved	2014-07-01
2014-008	VWX Inc	505 Spruce St	Retail center	In Progress	2014-08-10
2014-009	YZA Co	606 Willow St	Food processing	On Hold	2014-09-05
2014-010	BCD LLC	707 Ash St	Logistics	Approved	2014-10-20
2014-011	EFG Corp	808 Hickory St	Warehouse	In Progress	2014-11-15
2014-012	HIJ Ltd	909 Walnut St	Manufacturing	On Hold	2015-01-10
2014-013	KLM Inc	1010 Cherry St	Commercial	Approved	2015-02-05
2014-014	NOP Co	1111 Peach St	Industrial	In Progress	2015-03-20
2014-015	QRS LLC	1212 Plum St	Warehouse	On Hold	2015-04-15
2014-016	TUV Corp	1313 Apple St	Office	Approved	2015-05-10
2014-017	WXY Ltd	1414 Orange St	Retail	In Progress	2015-06-05
2014-018	ZAB Inc	1515 Lemon St	Food service	On Hold	2015-07-20
2014-019	ACD Co	1616 Lime St	Manufacturing	Approved	2015-08-15
2014-020	EFG LLC	1717 Grape St	Warehouse	In Progress	2015-09-10
2014-021	HIJ Corp	1818 Strawberry St	Industrial	On Hold	2015-10-05
2014-022	KLM Ltd	1919 Blueberry St	Commercial	Approved	2015-11-20
2014-023	NOP Inc	2020 Raspberry St	Office	In Progress	2016-01-15
2014-024	QRS Co	2121 Blackberry St	Retail	On Hold	2016-02-10
2014-025	TUV LLC	2222 Elderberry St	Warehouse	Approved	2016-03-05
2014-026	WXY Corp	2323 Mulberry St	Manufacturing	In Progress	2016-04-20
2014-027	ZAB Ltd	2424 Fig St	Industrial	On Hold	2016-05-15
2014-028	ACD Inc	2525 Kiwi St	Commercial	Approved	2016-06-10
2014-029	EFG Co	2626 Mango St	Office	In Progress	2016-07-05
2014-030	HIJ LLC	2727 Papaya St	Retail	On Hold	2016-08-20
2014-031	KLM Corp	2828 Guava St	Warehouse	Approved	2016-09-15
2014-032	NOP Ltd	2929 Passionfruit St	Manufacturing	In Progress	2016-10-10
2014-033	QRS Inc	3030 Strawberry St	Industrial	On Hold	2016-11-05
2014-034	TUV Co	3131 Tangerine St	Commercial	Approved	2017-01-20
2014-035	WXY LLC	3232 Lemon St	Office	In Progress	2017-02-15
2014-036	ZAB Corp	3333 Lime St	Retail	On Hold	2017-03-10
2014-037	ACD Ltd	3434 Orange St	Warehouse	Approved	2017-04-05
2014-038	EFG Inc	3535 Peach St	Manufacturing	In Progress	2017-05-20
2014-039	HIJ Co	3636 Plum St	Industrial	On Hold	2017-06-15
2014-040	KLM LLC	3737 Apple St	Commercial	Approved	2017-07-10
2014-041	NOP Corp	3838 Orange St	Office	In Progress	2017-08-05
2014-042	QRS Ltd	3939 Lemon St	Retail	On Hold	2017-09-20
2014-043	TUV Inc	4040 Lime St	Warehouse	Approved	2017-10-15
2014-044	WXY Co	4141 Peach St	Manufacturing	In Progress	2017-11-10
2014-045	ZAB LLC	4242 Plum St	Industrial	On Hold	2018-01-05
2014-046	ACD Corp	4343 Apple St	Commercial	Approved	2018-02-20
2014-047	EFG Ltd	4444 Orange St	Office	In Progress	2018-03-15
2014-048	HIJ Inc	4545 Lemon St	Retail	On Hold	2018-04-10
2014-049	KLM Co	4646 Lime St	Warehouse	Approved	2018-05-05
2014-050	NOP LLC	4747 Peach St	Manufacturing	In Progress	2018-06-20
2014-051	QRS Corp	4848 Plum St	Industrial	On Hold	2018-07-15
2014-052	TUV Ltd	4949 Apple St	Commercial	Approved	2018-08-10
2014-053	WXY Inc	5050 Orange St	Office	In Progress	2018-09-05
2014-054	ZAB Co	5151 Lemon St	Retail	On Hold	2018-10-20
2014-055	ACD LLC	5252 Lime St	Warehouse	Approved	2018-11-15
2014-056	EFG Corp	5353 Peach St	Manufacturing	In Progress	2019-01-10
2014-057	HIJ Ltd	5454 Plum St	Industrial	On Hold	2019-02-05
2014-058	KLM Inc	5555 Apple St	Commercial	Approved	2019-03-20
2014-059	NOP Co	5656 Orange St	Office	In Progress	2019-04-15
2014-060	QRS LLC	5757 Lemon St	Retail	On Hold	2019-05-10
2014-061	TUV Corp	5858 Lime St	Warehouse	Approved	2019-06-05
2014-062	WXY Ltd	5959 Peach St	Manufacturing	In Progress	2019-07-20
2014-063	ZAB Inc	6060 Plum St	Industrial	On Hold	2019-08-15
2014-064	ACD Co	6161 Apple St	Commercial	Approved	2019-09-10
2014-065	EFG LLC	6262 Orange St	Office	In Progress	2019-10-05
2014-066	HIJ Corp	6363 Lemon St	Retail	On Hold	2019-11-20
2014-067	KLM Ltd	6464 Lime St	Warehouse	Approved	2020-01-15
2014-068	NOP Inc	6565 Peach St	Manufacturing	In Progress	2020-02-10
2014-069	QRS Co	6666 Plum St	Industrial	On Hold	2020-03-05
2014-070	TUV LLC	6767 Apple St	Commercial	Approved	2020-04-20
2014-071	WXY Corp	6868 Orange St	Office	In Progress	2020-05-15
2014-072	ZAB Ltd	6969 Lemon St	Retail	On Hold	2020-06-10
2014-073	ACD Inc	7070 Lime St	Warehouse	Approved	2020-07-05
2014-074	EFG Co	7171 Peach St	Manufacturing	In Progress	2020-08-20
2014-075	HIJ LLC	7272 Plum St	Industrial	On Hold	2020-09-15
2014-076	KLM Corp	7373 Apple St	Commercial	Approved	2020-10-10
2014-077	NOP Ltd	7474 Orange St	Office	In Progress	2020-11-05
2014-078	QRS Inc	7575 Lemon St	Retail	On Hold	2021-01-20
2014-079	TUV Co	7676 Lime St	Warehouse	Approved	2021-02-15
2014-080	WXY LLC	7777 Peach St	Manufacturing	In Progress	2021-03-10
2014-081	ZAB Corp	7878 Plum St	Industrial	On Hold	2021-04-05
2014-082	ACD Ltd	7979 Apple St	Commercial	Approved	2021-05-20
2014-083	EFG Inc	8080 Orange St	Office	In Progress	2021-06-15
2014-084	HIJ Co	8181 Lemon St	Retail	On Hold	2021-07-10
2014-085	KLM LLC	8282 Lime St	Warehouse	Approved	2021-08-05
2014-086	NOP Corp	8383 Peach St	Manufacturing	In Progress	2021-09-20
2014-087	QRS Ltd	8484 Plum St	Industrial	On Hold	2021-10-15
2014-088	TUV Inc	8585 Apple St	Commercial	Approved	2021-11-10
2014-089	WXY Co	8686 Orange St	Office	In Progress	2022-01-05
2014-090	ZAB LLC	8787 Lemon St	Retail	On Hold	2022-02-20
2014-091	ACD Corp	8888 Lime St	Warehouse	Approved	2022-03-15
2014-092	EFG Ltd	8989 Peach St	Manufacturing	In Progress	2022-04-10
2014-093	HIJ Inc	9090 Plum St	Industrial	On Hold	2022-05-05
2014-094	KLM Co	9191 Apple St	Commercial	Approved	2022-06-20
2014-095	NOP LLC	9292 Orange St	Office	In Progress	2022-07-15
2014-096	QRS Corp	9393 Lemon St	Retail	On Hold	2022-08-10
2014-097	TUV Ltd	9494 Lime St	Warehouse	Approved	2022-09-05
2014-098	WXY Inc	9595 Peach St	Manufacturing	In Progress	2022-10-20
2014-099	ZAB Co	9696 Plum St	Industrial	On Hold	2022-11-15
2014-100	ACD LLC	9797 Apple St	Commercial	Approved	2023-01-10
2014-101	EFG Corp	9898 Orange St	Office	In Progress	2023-02-05
2014-102	HIJ Ltd	9999 Lemon St	Retail	On Hold	2023-03-20
2014-103	KLM Inc	10000 Lime St	Warehouse	Approved	2023-04-15

Figure 11: Development application tracking information (District of Highlands)



Figure 12: Development application tracking information (City of Campbell River)

format, consistent with the department's current tracking system (such as Highlands), or there are more sophisticated ways of displaying the information on a map. The biggest challenge with providing this information online is ensuring it is updated regularly, which involves additional staff time. The City of Campbell River indicated that their database, which is used to create the development maps that illustrate all applications, takes a staff member approximately two hours every two



weeks. The City already has, however, a GIS system that is used for other purposes, as a base for the map.

Based on the feedback received from the survey, interviews and Developers' Forum, the checklists and process guides are likely the most useful communication tools to improve the Town's communication with applicants. Reviewing and simplifying the forms is also recommended. Providing online information about development applications may be desired by Council as a means of staying informed about the applications in process, and was identified as being of interest to some, but not all applicants. Online tracking would be preferred, but is not recommended as a high priority.

In addition to the documents referenced above, a consistent message from applicants was the need for the Town to be responsive. Some applicants mentioned difficulty in getting hold of staff, or in having email and phone messages or inquiries left unanswered. Some applicants felt that this was indicative of a lack of customer focus by the Town. The Town does have some documented service standards, including returning phone calls "as soon as you can" and preferably within the same working day, with a 24-hour reply standard for emails (noting that if an issue is complicated, to send a reply saying you received the email, and estimating when you will be able to provide a complete response). However, the standards are not a formal Council policy, and may not be top of mind, particularly in departments with higher staff turnover, or during busy times. It is recommended that the Town reiterate its customer service focus and response standards as a reminder to staff, perhaps even formalizing either a 24-hour or 48-hour response policy (email and phone calls), with responses encouraged to be even more prompt where possible. As noted previously, all it takes is for one staff member to be unresponsive to change the perception of an applicant. Emphasizing the customer service response policy was one of the recommendations that was highly recommended through the Developers' Forum feedback form.

## 5.2 PROCESS

There are a few aspects of the application review process that are done differently in other communities, as well as those identified as best practices, that the Town could draw upon. However, not all of the different approaches may be appropriate for Ladysmith, given its size and the nature of the development applicants. Process improvement opportunities are identified below.

### **Mandatory Pre-application Meeting (all applications)**

Pre-application meetings happen in many instances already. These are meetings together with a potential applicant who brings forward a proposal for a development or subdivision. The meeting is often with representatives of both the engineering and planning departments, with the purpose of jointly identifying the requirements of the





begin a review and then realize some information is missing, the file gets put aside, and time is wasted while the missing piece is requested, obtained, received, and the file is reviewed again.

Many municipalities indicate that they “will not accept incomplete applications.” However, not all (including those that make this statement) follow this rule. The City of Campbell River, for instance, has this wording on all the City’s development application materials, but recently noted that it will likely move to refusing incomplete applications in the fall. It is useful to promote the message and intention of only accepting complete applications prior to making that change.

In 2014 and 2017 the Greater Vancouver Home Builders’ Association commissioned reports on the residential building approval process to compare differences, similarities and identify best practices among municipalities in the Greater Vancouver area. In 2014, the best practice of “refusing to accept incomplete applications” was identified in the report.<sup>2</sup> By 2017, refusing incomplete applications was standard among most municipalities. Instead, in 2017, the report’s language regarding the best practice has evolved to emphasize the municipal role as “gatekeepers.” “The gatekeeper function is to prevent incomplete and/or poor quality applications from entering the system. Given the additional staff time required to deal with substandard applications, preventing their entry at the outset can improve staff productivity, and improve processing time for competent, professional builders submitting quality applications.”<sup>3</sup>

While the Metro Vancouver context is not analogous to Ladysmith, where many of the builders and applicants are local residents that do not have the breadth of experience of many Metro Vancouver developers, the principal that substandard applications are one of the primary causes of delays in the process still holds true. These types of applications take more staff time, cost the municipality more money to process, and delay not only that application, but by extension impact staff ability to spend time on other applications, thereby causing delays throughout the system. While some municipalities address this concern by charging higher fees to applicants who do not use a professional (i.e. development manager or coordinator), Ladysmith needs to recognize who the applicants in the Town are, and service those clients well. Rather than just turning such applicants away, more education is needed – through the use of checklists and guides, and through a comprehensive pre-application process. Some municipalities in Vancouver charge for the pre-application process, given that it does use staff time and resources. However, a pre-application

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<sup>2</sup> *Residential Building Approval Processes In Metro Vancouver*, Greater Vancouver Home Builders Association. 2014.

<sup>3</sup> *Housing Approval Study: A review of housing approval processes in Metro Vancouver*, Greater Vancouver Home Builders Association and Landcor Data Corporation. 2017. p. 10.



meeting can have the effect of minimizing incomplete applications (and eventually help staff justify the refusal of incomplete applications because the checklists and information requirements are communicated to the applicants during the pre-application meeting), and help smooth the rest of the process. In this way pre-application meetings can actually help to reduce staff workload. As part of the process for each application, the time involved should be accounted for in the determination of appropriate application fees.

During discussions at the Developers' Forum, it was suggested that some, but not all information is required for the Town to initiate its review. If this is indeed the case, any flexibility regarding timing of information could be identified during the pre-application process. However, this is rarely the case. Not only does having all the information in advance make for more efficient review by staff (i.e. especially because some information may then result in changes to the application), but it eliminates the delays caused by applicants – both in communicating the missing information and then the time to obtain that information, which interrupts the process. Incomplete applications are often based on the misunderstanding that there is some value in getting the review started, or that the other information requested isn't necessary (either at the beginning of the process, or sometimes at all). In Coquitlam's development application process review, a report to Council noted that "In the name of customer service, the past practice of accepting incomplete applications sets false expectations for customers as these applications are not able to proceed in a timely way."<sup>4</sup> In that same report it indicated that "Staff have in the past, accepted incomplete applications on the expectation that

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***"My application was processed in half the time they quoted because I had a complete application."***

***- Ladysmith applicant***

outstanding requirements would be submitted shortly. However, this has not always been the case and staff has not been able to do a thorough review in a timely manner as they are waiting for the applicant to submit additional information (and are then criticized about lengthy processing times)."<sup>5</sup>

Providing more information in the process guide and during the pre-application process not only of what is needed but why should help to educate applicants on the process. Furthermore, the emphasis that complete applications will be processed more quickly should be an incentive to some. While this is not exactly a two-stream process or a "nexus line" for applications (like some municipalities are pursuing), complete applications will always be able to be reviewed more quickly, which has the effect of fast-tracking complete applications. Staff can promote complete applications by noting that they

<sup>4</sup> Report to Council from Director of Development Services. City of Coquitlam. July 21, 2017, p. 4

<sup>5</sup> Report to Council from Director of Development Services. City of Coquitlam. July 21, 2017, p. 7



are fast-tracked. Staff could also add a column to their current tracking spreadsheet to note when complete applications were submitted, to be able to identify the difference in processing timelines at a future date, or to be able to share estimates regarding complete application processing times (e.g. it may be that a complete application is likely to take you 4 to 6 weeks, but those who submit incomplete applications are generally averaging more of a 8 to 12-week timeline).

### **Single File Manager and Point of Contact**

One concern identified during the interview and survey process was knowing who to call regarding different issues or questions with an application. In particular, the cross-over between planning and engineering can be challenging for applicants to understand. The application may be planning related, such as a rezoning, but there may still be servicing issues that need to be resolved in order to allow the proposed use. Servicing issues require information from engineering. Often municipalities will have a “development engineer” who works on development application review, but who has the technical engineering knowledge to bridge the departments. Other municipalities have a combined development services department that includes engineering. Ladysmith has neither the staff resources to have a dedicated development engineer, nor a combined engineering and planning department. To complicate matters, planning and engineering are located in two different buildings. Applicants should not need to know which department they need to contact to make inquiries on an application. Providing a “one stop shop” for all development applications (planning, subdivision, building) is a higher level of service that would make it easier, particularly for those applicants who aren’t experienced or who don’t know the differences between the processes or application types.

The physical separation is not only challenging for applicants wanting to speak in person to both departments, but also results in less interactions between the staff in these departments. Often even informal interactions can help facilitate the sharing of information. While amalgamating the departments, or even just locating them within the same physical location may be the ultimate goal to improve service, in the interim, providing each application with a single file manager as the contact would improve service. Often this is the case already, particularly for those files that only involve planning review. However, where there is an application that has both planning and engineering implications, there needs to be a coordinated approach and one person responsible for funnelling information back to the applicant. Internally, this will mean that someone in planning may be responsible for obtaining answers from engineering, or vice versa. Responding to internal inquiries will be as important as responding to outside information requests in order to maintain high levels of customer service. The file manager will be the one who will have ultimate responsibility for customer service levels for that file, regardless of where the information is coming from.



### Internal Review

In many municipalities complete development applications are referred to departments and advanced to a multi-disciplinary review team meeting shortly thereafter (i.e. within two weeks of receipt). These meetings are often referred to as the “development review team” or “development review group” and typically involve representatives from several departments. In some large municipalities this group can involve the fire department, solid waste, transportation, engineering, planning, parks, bylaw enforcement, and building. The joint staff meetings are generally an opportunity for each department to provide feedback on the application, identify any additional requirements or concerns – everything from concerns regarding garbage and recycling collection to frontage improvements, park needs, fire access, transportation concerns, etc. Occasionally, for more complex applications, the applicant is invited to the meeting to hear what staff have to say, or to provide further explanations.

The development review team meeting is not unlike the pre-application meeting, although at many municipalities, it is more comprehensive in the feedback provided and the departments consulted. In addition, the applicant has ideally listened to the preliminary feedback at the pre-application meeting, made adjustments if necessary, and has submitted a formal (complete) application. Staff comments are therefore based on an actual submission. After the development review team meeting, staff prepare a letter for the applicant that documents the feedback and any additional requirements for proceeding. The letter will confirm items requested in the pre-application process, but there may be additional requirements that are identified with the more thorough inter-disciplinary review of the complete application. The letter can provide clarity for the applicant on what is needed, and act as a reference for both staff and applicants later in the process.

Currently in Ladysmith development applications go through an internal review process and a staff meeting that often includes multiple departments (i.e. planning, engineering, and building when required). In Ladysmith, the various departments have been included on a more “as needed” basis. This process is encouraged to continue as a regular standing meeting for each of these departments, with an eye to monitoring whether the frequency of meetings need to be adjusted to respond to application volumes. Some applications are primarily planning related, (other municipalities often exclude minor variances or issues that may have limited impacts outside planning from the comprehensive development review team meetings), and could continue to be reviewed solely by the planning department. However, for the majority of subdivision, rezoning, and development permit applications, the ability to identify potential concerns often comes from having the different perspectives and expertise from each department. For instance, building can appreciate how the proposal will impact built form and may be able to encourage alternatives to meet various sustainable building objectives, engineering can identify servicing or



operational concerns and planning may be able to foresee planning issues or layout concerns associated with a subdivision application, such as changes that will minimize the number of variances or development permits required for builders. These comments may not always relate to the initial planning application, but could identify concerns or opportunities related to subsequent processes such as building permits.

### **Committee and Public Meetings**

In addition to the internal review, the Town requires some applications to be reviewed by committees, and some applicants to host public information meetings in order to gather input from the surrounding neighbourhood. While neighbourhood and committee meetings can provide valuable community input, eliminating the meetings is one option if the Town is looking to streamline the application review process. The extra time associated with both committee review and public information meetings was referenced by applicants as a potential solution for paring down the process.

#### *1. Committee meetings*

The Town of Ladysmith has an Advisory Planning Commission, Advisory Design Panel and a Heritage Revitalization Advisory Commission, each of which is referred to for different types of development applications. Staff currently refer development permit applications to the advisory design panel for form and character for multi-family, commercial and industrial projects, in addition to rezonings (as directed by Council) and when a change in building use is proposed. There are situations where the development permits are not referred, including amendments that are consistent with the original guidelines, additions that represent 15% or less of an increase in floor area, as well as façade improvements in the downtown, and DP applications for signs that are issued consistent with an issued development permit. The latter two – signs and façade improvements in the downtown area – are instead referred to the Heritage Revitalization Advisory Commission. The Advisory Planning Commission is referred to for development variance permits that propose changes in height greater than 3.0 metres, and rezonings (as directed by Council).

In comparison to the practices in several other BC municipalities, Ladysmith makes more use of citizen committees in their review process than many other municipalities. Most communities of Ladysmith's size (and even larger) don't have Advisory Planning Committees, Design Review Panels and Heritage Commissions. Many have either a design panel or an advisory planning commission, although a handful of municipalities do have both. Because advisory design panels typically rely upon volunteers who are architects, smaller municipalities can often be challenged in attracting and retaining sufficient qualified volunteers. In October 2017 the Architectural Institute of BC was advertising the need for architects to volunteer for 12 different design panels in the province. Notably, the Town's ADP does not require





any members to be architects. Instead, the Ladysmith ADP membership is comprised of citizen representatives with “background in economic and social development, design and development.”<sup>6</sup>

In the past advisory design panels were relied upon to provide key guidance on the form and character of development proposals. However, development permit guidelines have evolved over time, providing more concrete form and character direction. Given that the Town’s ADP is not necessarily providing architectural advice, combined with the more detailed nature of most of the development permit guidelines now included in the OCP, it may be worth considering a combined advisory design panel/planning commission. This body could still include members with building/design industry experience, but also reflect the community input of an advisory planning commission. The committee’s recommendations and comments would still be forwarded to Council, but the feedback would not necessarily result in any requirement to make changes and re-submit to the committee (as some submissions require). While combining the two committees may make some sense, it does not reduce the number of referrals or meetings for development applicants. The exception may be that a design panel sometimes requires applicants to incorporate changes and re-submit plans to a subsequent advisory design panel meeting. A second review by the combined advisory design/planning commission is not anticipated. It would also eliminate any need for a rezoning to be reviewed by both the ADP and APC.

One option to address the delay that committee meetings can cause is to make use of teleconferencing or other means of reviewing and commenting on materials without physically attending meetings, particularly when committees do not meet frequently, or when scheduling becomes difficult. The Town has used some alternative approaches to in-person meetings, such as email circulation of plans, to reduce the need for scheduled meetings. The planning department noted that email “discussions” do not allow for the same level of discourse and due process, and these approaches have thus far had limited success.

If Ladysmith wants to facilitate faster review of development application, the Town could reduce the number or type of files that are referred to the committees. An example may be to limit referrals to the Heritage Revitalization Advisory Commission to proposed changes to structures designated as heritage buildings (or identified on a heritage register). This would eliminate the referral of development permits for signs in the Downtown area, and some facades, to the Heritage Commission.

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<sup>6</sup> Town of Ladysmith Advisory Design Panel Terms of Reference, approved March 3, 2008.



## 2. Public information meetings

Public information meetings were identified as a stage that adds time and cost for applicants. This stage is referenced in the Development Procedures Bylaw. Hosting a public meeting is a required step for rezoning applications, OCP amendments, and development variance permits where the request is for a height variance greater than 3 metres. The public meeting must be held at least 30 days prior to a public hearing for the OCP amendment and rezoning, and 14 days before consideration of the variance permit by Council. The meetings must be advertised in at least one issue of the local newspaper.

Applicants noted that this meeting not only adds time to the process, but considerable money is spent preparing the presentation and materials, as well as advertising. Concern was raised over the efforts and time expended, the fact that Council members do not always attend these meetings, and applicants noted that efforts to obtain early feedback from the community do not always translate into advantages at the public hearing stage. Applicants indicated that project opponents often won't attend or provide feedback at public meetings, and instead wait until the public hearing to express opposition. The efforts of applicants to consult with the community, listen to residents and incorporate changes into the proposal should be recognized as the project moves forward. For instance, if residents show up only at the public hearings with suggestions, there should be some recognition that the applicants provided opportunity to comment earlier in the process (especially if changes were made in response to that early feedback).

Public information meetings are most effective when there are some significant changes in use, policy or buildings proposed, and when there is flexibility in what is possible or planned for the property. This may not be the case for all rezonings. In some communities public meetings are voluntary, and are recommended when appropriate as a best practice to seek meaningful input from neighbours early in the process. Many applicants choose to host these meetings, even when they are not required, and are sometimes able to mitigate opposition by consulting with the neighbourhood and incorporating feedback into the proposal. Developers are more likely to take this approach if Council recognizes their efforts to consult with the community early in the process when evaluating their application. Staff can also emphasize to applicants the risk of opting for a faster process that omits the neighbourhood public meeting. Neighbours who have no opportunity to comment and shape the project are more likely to express opposition at the public hearing stage, which can result in delays, denied applications or the need to make revisions at later stages in the process.

### **Delegation**

Delegation of authority to staff can be provided for Development Permits and sign permits. Currently Town staff are delegated authority to approve development



permits for signage and façade improvements, and amendments to development permits.

In some municipalities, all development permits are delegated to staff. This is the case in Langford, for example, which is a municipality that many developers regard as one of the best places to make a development application. The City is known for its “open for business” attitude and efficient processing of development applications. Other communities choose not to provide staff with the authority for all development permits, but instead delegate some development permits. Often the development permits delegated to staff are those that involve technical issues, such as permits with riparian areas or hazard lands. These types of DPs typically involve a report from a qualified professional, and planning staff review the reports for consistency with the Town’s standards, but otherwise rely upon the recommendations made by the professional (i.e. biologists, geotechnical engineer). Even when not delegated to staff, Council does not have the authority to turn down these permits unless there is something inconsistent with the Town’s guidelines. For instance, if an application for a hazard land DP is for a monster house that Council does not support, but the applicant has obtained the necessary geotechnical report and assurances that there are no impacts (and the use is consistent with the zoning regulations), then Council cannot refuse to issue the development permit. Given that these technical type of development permits typically meet the Town’s guidelines, rely upon assurances provided by professionals, and that Council has little flexibility in its approval authority, then the time and effort completing a report to Council, combined with the delay for the applicant, seem unnecessary.

Delegation of additional development permits was referenced during interviews, surveys and at the Developers’ Forum as a significant opportunity to speed up the processing time for some development permit applications. Over the past three years, development permit applications that are approved by staff have been issued significantly faster than DPs that require Council approval. In the past three years, a total of 70% of the DPs that are approved by staff were issued within 1 month (43% are issued within 2 weeks), compared to only 20% of development permits that Council must approve. It is true that sign and façade DPs may be simpler, however, hazard land and riparian DPs may also provide easy opportunities to reduce process with minimal impact on the results of the process. Delegation of authority to approve additional DPs was rated as the highest (most helpful) process improvement by those who filled out feedback forms at the Developers’ Forum.

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***In the past 3 years, a total of 70% of the DPs approved by staff were issued within 1 month, compared to only 20% of DPs approved by Council in the same time frame.***



## Timelines

The topic of processing timelines is both a process and a communication issue. On the one hand, applicants always appreciate fast processing; delays cost money, and holding costs can be significant. But what Ladysmith applicants indicated is equally important is having a realistic and achievable timeline that relates to their application.

Some municipalities post average timelines for different application types to give applicants an idea of what to expect from the process. Timelines are a common benchmark for building permits, where the review process is more standardized, and there is less variation (within new single-family dwellings, for instance). Given the standard process, municipalities can and do compare their building permit timelines with other communities as an indication of service levels and efficiency. Planning applications, however, encompass a significant range of complexity. A rezoning can be a minor text amendment to add a bank to a list of permitted commercial uses or could involve the proposed construction of a new 10-storey multi-family apartment building within a single-family neighbourhood, including significant traffic and servicing impacts, height variances and development permit design guidelines. Rezoning timelines are supposed to provide guidance for both these applicants. If municipalities set the bar too high, some applicants are likely to have unreasonably high expectations and ultimately be disappointed in the process; long timeframes can scare away prospective applicants. It is therefore difficult to indicate that all variances or rezonings, for instance, would take 3 months. Some municipalities get around this by noting the range of application processing times, suggesting that variances can be from 3 to 6 months, or rezonings from 4 to 12 months, adding the caveat that complex applications may require additional processing time. While a more accurate reflection of the scale of complexities and applications, these timelines are not helpful for applicants who do not know which end of the range their application falls.

Applicants interviewed during this review were asked about the importance of timelines. While faster was always preferred, applicants were less focused on the overall timeline, and more concerned about receiving a clear indication from staff of the timeline for their application. In other words, the municipality's overall target or average processing time was not relevant. What applicants want is a reasonable estimate of the timeline for their specific application, and for a process that achieves that estimate. An accurate estimate may therefore not be possible to provide in a process guide, but instead may be a product of an initial review and shared during a pre-application process, or else after the internal development review process. Making a more informed estimate, and sharing it with the applicant early in the process may provide better service to applicants than focussing on the median timeframe based on past applications (which may or may not be similar to future applications).



### 5.3 RELATIONSHIP AND PARTNERSHIP

Other improvements to development application processes are less about the process itself, or about the communication materials, but instead are more about the relationship between the Town and the development industry. The relationship is the intangible support that can be maintained even when there are complex files that take longer than anticipated, or even when mistakes are made. For instance, the City of Langford has established a reputation for being open for business and helping advance development applications. The City acknowledges that sometimes mistakes are made, in part because staff are working hard to maintain quick processing timelines. However, there is a recognition by both Council and the development industry that the mistakes are due in part to the aims of the City to support the development industry. Langford's council does not focus on the mistakes, and they do not hamper the City's reputation.

#### **Development Liaison Committees**

Part of establishing a relationship with the development industry is about trust and providing opportunities for dialogue. While having an open door policy for applicants is one option, several municipalities have created a development liaison committee. This committee usually includes a few developers or construction industry representatives from the community, as well as representatives from a home builder association, construction industry or real estate board, and potentially the Chamber of Commerce. The committee meets together with Town staff from the planning, engineering and building departments to discuss issues, concerns, problems, or changes to municipal processes, bylaws or fees, etc. In general the committee provides a voice for developers to express concerns and successes from the industry's perspective. In other communities this type of committee is often a creation of the Urban Development Institute (i.e. UDI Development Liaison Committee), but while UDI has an active Victoria chapter, there is not one that represents the remainder of the Island.

If created, Council members could refer individual applicants with concerns about specific applications to the committee as a forum for airing development-related concerns. Applicants could be encouraged to speak to the industry representatives on the liaison committee so complaints or concerns could be brought forward to the meetings. Sometimes connecting applicants with other developers or industry professionals may help to address the concerns before they even come to the committee, with committee members sharing their own advice and experience on how to navigate the application approvals process.

The success of these committees varies in different communities. The committees are often the first point of contact for the Town when changes are proposed to development policies and procedures, but they do not take the place of broader



consultation. If there is a particular issue in the development community that needs resolving, then a development liaison committee can provide an effective way of sharing the concern with staff before it becomes a larger problem or perception in the community. The creation of the committee can also be seen as a proactive move by the Town to consult with and understand the concerns of the industry. However, if the industry does not see any value to their input as a result of the committee (i.e. changes made to policies based on the input, or concerns resolved), then support can wane. The committee would need a clear terms of reference so that expectations are reasonable.

At the Developers' Forum roundtables, support for this type of committee was mixed. Some applicants felt that due to the size of the community, this type of committee could be beneficial, while others suggested that more frequent use of Developers' Forums could suffice as opportunities for the industry to share concerns and provide input to the Town.

An alternative to a development liaison committee that some municipalities use is to have a staff member designated as a "developer liaison." This staff member has the responsibility to meet with applicants and developers regularly to check in and listen to concerns. Where this approach is used, the liaison establishes regular meetings with key developers, but is also open to meeting with others as requested. This approach is typically used in larger communities and requires staff with time to invest in this method of outreach. Furthermore, the developer liaison is typically not the same person who is responsible for processing applications (either is independent of that process, or a manager of that department, but not directly involved in the processing of individual files).

### **Developers' Forums**

Many communities hold developers' forums or meetings on a regular basis to inform the development community of upcoming changes in regulations, such as Step Code, updates to DCCs, or other topics of mutual interest. These meetings are often focussed on one topic, and can be "lunch and learn" sessions, or can be longer development roundtable discussions. In some communities they can even be day-long sessions with a range of guest speakers covering several topics. Some topics explored in other communities include Step Code, DCCs, Development Application process, OCP changes, First Nation treaty updates, and other studies or regulations, including provincial or federal initiatives that may impact the area. Hosting these type of meetings on a regular basis helps to establish a relationship with the development community and facilitates the sharing of ideas and information.

### **Council Protocol**

Having an explicit process for Council members to deal with complaints regarding the development application process can be helpful for both Council members as well as



staff. A protocol can provide an avenue for Council members to respond to concerns from the development industry or building community. Council members cannot be expected to know the details of each development application and the associated process, so when there is a concern voiced by a resident, rather than feeling the need to investigate on behalf of the resident, Council members should be able to direct the resident to a consistent process for dealing with the concern. While the process should start by referring the resident to the staff member in charge of the processing (i.e. engineering for subdivisions, or planning for other applications), other options can be established, such as connecting the resident with a representative of the development liaison committee who can provide advice and bring forward the concern to a subsequent meeting, and options to lodge a formal complaint with the Town's CAO. Ensuring that Council members know what the process is for dealing with complaints or concerns from developers, applicants or residents helps to provide consistency in how concerns are handled, and provide Council members with comfort that there is a process they can rely upon. Having a process that empowers staff to resolve concerns is also a way of supporting staff. Having individual Council members investigate complaints only encourages residents to bring issues to individuals rather than solving problems through staff channels.

#### **Measuring Progress and Reporting**

One of the common requests from Council and the development industry is for information on processing timelines. While some stats are available to Council, or published through the annual report, these generally provide the number of applications and type. Reporting information to the development community as well as Council and residents is an opportunity to share goals, successes, workloads, progress toward targets, development activity, etc. Some municipalities choose to communicate in a separate report on development activity, and others use their annual reports. Still others have online development tracking information that is updated bi-weekly or even more often to demonstrate current activity levels and processing times.

It is useful to note that the communities that use processing timelines as a performance measure typically do not accept incomplete applications. If municipal departments are going to be evaluated (and criticized) on processing times, then the metrics that are used should reflect processes where the municipality has some control. If submission of a complete application is used as a start date, this removes some of the time spent in obtaining required materials from applicants. Similarly, for subdivisions, often the measure is the timeline to Preliminary Layout Acceptance (PLA). The timeline after a PLA is granted depends on the works that need to be done and the speed with which the applicant wants to proceed. This timeline is less indicative of the Town's approval process.



While reporting back is important, it must be recognized that setting up new systems, as well as reporting back or preparing an additional publication takes time and effort (resources). That said, planning applications are generally already tracked by the department, and may not require significant changes in order to make additional statistics available. However, subdivision file tracking information, as part of this review, was not easily available, and may take more effort to implement an internal file tracking system to facilitate reporting. File tracking would be useful for internal review of subdivisions as well as reporting purposes. Reporting back was not indicated as a high priority during the survey and interview process.

### **Feedback Form**

Some municipalities provide feedback forms for applicants to fill out after the completion of the development approval process. The forms are generally an opportunity for applicants to indicate what went well and what did not. While the forms can be submitted anonymously, given that there are not significant numbers of applications in the Town, some applicants may not feel comfortable making comments (out of concern for repercussions on future applications). For meaningful feedback to be provided, applicants must feel confident in the openness of the Town to accepting criticism and that the feedback will be taken in the spirit of improving the process. While feedback forms were generally identified as a helpful improvement during the Development Application Process Review, they were not identified as a priority by most applicants.

### **Customer Service Policy**

The need for a Town-wide emphasis on the importance of returning emails, phone calls and other contact was referenced previously in the Communication section. Emphasizing this policy – even though the majority of the Town is already following the protocol – can help send the message to the development community that the Town recognizes that customer service is a priority.

### **Council Priorities**

One of the issues raised by applicants with respect to the relationship between the Town and the industry was a recognition from Council that taking on planning projects impacts the Town's ability to maintain service levels on processing applications. As noted previously, several municipalities have dedicated "current planning" or "development planning" departments that are not impacted by the work levels of "policy planning" or "long-range planning" that work on Official Community Plans, or other strategic documents. However, in smaller communities such as Ladysmith, undertaking any of these projects, and even the additional work of updating zoning bylaws, or subdivision servicing bylaws, or even providing better "reporting" materials to Council, requires additional work by staff that then, in effect, takes time away from working on development applications. Even when policy projects are undertaken by consultants, these projects still require staff time to





manage the contract or consultant, respond to questions, and provide information (ie. Even the Development Application Process Review required time to develop the terms of reference, staff interview time, time spent at Developers' Forum, time reviewing deliverables, as well as reports to Council).

The desire for Council to place priority on development approval resources was the key message from one of the two tables at the Developers' Forum. One way to respond to this concern would be to evaluate the time (resource) impacts of each strategic project, and the corresponding impact on application processing in staff reports. This ensures that Council is aware of the impact during the decision-making process.

In addition to recognizing the impact of their policy projects, in response to the issue identified previously of Council not being well informed about projects, and the concern about public information meetings, Council may want to consider having at least one representative attend public information meetings when they are held, as well as designating a member to conduct a site visit for key projects prior to the meeting.

#### 5.4 OTHER

The last two improvement recommendations are longer term considerations that do not fit easily into any of the previous categories. The first is considering software tools such as GIS and development tracking software that, over time, could provide a platform for communicating information to the public and applicants, such as development application maps and online tracking, but can also have many internal applications for staff, including engineering services and asset management. These are likely beyond the Town's needs in the short term, but there may be grant opportunities to take an incremental approach to acquiring tools that offer multiple benefits to the Town. Several other communities that have GIS programs are happy to discuss their uses, and their costs and time associated with the programs. There are also options to partner with other municipalities or the regional district to share the cost of a service, program or even technical staff.

The second improvement opportunity is that the ideal situation for applicants is for the Town to offer a "one stop shop" and provide a common application/inquiry counter, where applicants can ask questions from engineering, planning or building. This means that the three departments would be located in one common physical location. As well as being beneficial to applicants, co-location would provide more interaction between the staff in these departments, which could facilitate better understanding and more efficient sharing of information between individuals and the departments. Further integration of the departments could also be considered to increase service levels, particularly for the development review functions



(development and subdivision applications). Even without combining the departments, with co-location comes the opportunity to share some resources or staff members to better respond to counter inquiries and coordinate the submission of complete applications and initial application review.

## 6.0 CONCLUSIONS

The primary takeaway from the Development Application Process Review should be that the Town of Ladysmith, in terms of its process and customer service, is doing a commendable job. The Town is rated highly by the majority of applicants, and in particular is highly rated by those who have experience developing in multiple municipalities. However, there are improvements that can be made, and many of those adjustments need to focus on improving the process for less experienced applicants.

This report references a number of potential improvements that were identified as part of the review. The improvements were raised through the review of best practices, tools and approaches used in other communities, as well as suggestions provided by Ladysmith applicants and the development community. While the implementation of many of these options may help to improve the process, it is recommended that the Town focus on a few key priorities that will have the most significant impacts in the short term, while identifying some longer-term initiatives to work toward.

The following short-term priorities are recommended for the Town to provide higher service levels to applicants. Several of these improvements involve minor changes for staff, while others will require more significant staff resources.

- Process guides (including checklists and flow charts)
- Redesign of forms (simplify or eliminate sustainability checklist)
- Reaffirm and/or formalize a 24 or 48-hour response standard and customer service priority
- Commit to hosting regular Developers' Forums
- Mandatory pre-application meetings
- Designating a single file manager for each application
- Delegation of riparian/environmental Development Permits and hazard land Development Permits to staff
- Consider eliminating some referrals to Heritage Revitalization Advisory Committee (signs and facades)
- Consider policy regarding public information meetings with eye to eliminating requirements



- Consider having Council attend public information meetings and/or conducting site visits for key applications to demonstrate Council's interest in the project and in being informed
- Include evaluation of impacts on development application processing when Council is considering strategic projects and priorities
- Create an internal file tracking system for subdivision applications

#### Mid-term

- Explore feasibility and interest in creating a Development Liaison Committee and develop terms of reference
- Evaluate committee structure and referrals
- Identify complaint protocol/policy for Council

#### Long term

- Consider the benefit of additional software tools (GIS, development tracking)
- One location for departments, and potential for shared counter resources to make one-stop shop.



## SURVEY: Ladysmith Development Application Process Review

1. How long have you been submitting development applications to the Town of Ladysmith? *(please check one)*

- Less than 1 year
- 1-3 years
- More than 4 years

2. Which of the following statements best applies to you? *(please check one)*

- I am not a developer but applied to develop/subdivide/build on my personal or business property.
- I am not a full-time developer, but usually have one or two development/subdivision/building projects on the go.
- I am (or work for) a full-time developer.
- Other (please describe: \_\_\_\_\_)

3. Approximately what percentage of your projects are in Ladysmith? \_\_\_\_ %

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The Town of Ladysmith is reviewing the following application processes:

Application	Managing Department
Official Community Plan amendment	Development Services (132C Roberts St)
Zoning amendment	Development Services (132C Roberts St)
Development permits (including Façade permits)	Development Services (132C Roberts St)
Development variance permits	Development Services (132C Roberts St)
Sign permits	Development Services (132C Roberts St)
Subdivision	Infrastructure Services (330 6 <sup>th</sup> Ave at Public Works)

*Note - building permit applications are also accepted by the Town; however, that process was reviewed as part of a separate study in 2016.*

4. Which of the following applications have you submitted (or been involved in) over the past 3 years? *(please check all that apply)*

- Official Community Plan amendment
- Zoning Bylaw amendment (rezoning)
- Development Permit (including façade permits)
- Development Variance Permit
- Subdivision application
- Sign permit

5. In what capacity were you dealing with Town staff? (please check all that apply)

- Agent for property owner or developer
- Builder
- Business owner
- Developer
- Property owner
- Other (please describe: \_\_\_\_\_)

6. Based on your experiences in Ladysmith, please rate the following statements by circling the number that comes closest to your opinion.

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	No Opinion
In general, the Town of Ladysmith's development application forms are clear and easy to understand.	1	2	3	4	5	N/A
In general, the Town of Ladysmith's development application process (e.g. the key steps/path of progression for each type of application) is clear and easy to understand.	1	2	3	4	5	N/A
Application requirements and fees are clearly communicated by staff at an early stage in the review process.	1	2	3	4	5	N/A
Anticipated processing times are clearly communicated by staff at an early stage in the review process.	1	2	3	4	5	N/A
If there is something I do not understand about the application form, process and/or requirements, I feel welcome to contact Town staff for assistance.	1	2	3	4	5	N/A

7. Please describe your overall customer service experience during your most recent application.

Town staff were...	Very Poor	Poor	Neutral	Good	Very Good	No Opinion
Polite	1	2	3	4	5	N/A
Knowledgeable	1	2	3	4	5	N/A
Easy to reach	1	2	3	4	5	N/A
Responsive (I was helped in a timely manner)	1	2	3	4	5	N/A
Clear and easy to understand	1	2	3	4	5	N/A
Helpful	1	2	3	4	5	N/A
Professional	1	2	3	4	5	N/A

8. What went well during your most recent application to the Town of Ladysmith?

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9. How could the Town improve service to you throughout the development application process?

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10. Various tools are used in other communities to assist and/or communicate with applicants throughout the process. Which of the following tools, if any, do you think would be helpful for applicants in Ladysmith?

	Not Helpful at All	Somewhat Helpful	Neutral	Helpful	Very helpful	No Opinion
Mandatory pre-application in-person meeting with staff to review application process, requirement, timelines, and fees	1	2	3	4	5	N/A
Flow charts illustrating the application/review processes	1	2	3	4	5	N/A
Tracking information available online showing current applications and status	1	2	3	4	5	N/A
Process guides/checklists/tip sheets for each type of application (OCP amendment, rezoning, development permit, subdivision application)	1	2	3	4	5	N/A
Follow-up customer service surveys after the process is complete for applicants to provide feedback	1	2	3	4	5	N/A

11. Other communities have introduced various procedural changes to make development application review timelines more efficient. Which of the following changes, if any, do you think would be helpful for applicants in Ladysmith?

	Not Helpful at All	Somewhat Helpful	Neutral	Helpful	Very helpful	No Opinion
Town only accepts and begins to process complete applications (i.e. submitted with <b>all</b> required documentation as detailed on the application form/checklist and discussed in pre-application meetings).	1	2	3	4	5	N/A
Council delegates approval of some or all <b>development permits</b> to staff (i.e. no Council meeting required).	1	2	3	4	5	N/A
Reduce or eliminate requirements for review of some application types by citizen committees (Advisory Planning Commission, Advisory Design Panel, Heritage Revitalization Advisory Committee)	1	2	3	4	5	N/A

12. Are you aware of any development application processes in other communities that you think are particularly well done? If so, please share where, and what you like about them.

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*Thank you for taking the time to respond to this survey.*

*We look forward to the opportunity to share the results with you at the Developer's Forum in April.*

1. How long have you been submitting development applications to the Town of Ladysmith? (Please check one.)	Less than 1 year	12.5%	2
	1-3 years	18.8%	3
	4 or more years	68.8%	11
2. Which of the following statements best applies to you? (Please check one.)	I am not a developer but applied to develop/subdivide/build on my personal or business property.	18.8%	3
	I am not a full-time developer, but usually have one or two development/subdivision/building projects on the go.	25.0%	4
	I am (or work for) a full-time developer.	12.5%	2
	Other. Please describe:	43.8%	7
3. Approximately what percentage (%) of your projects are in Ladysmith? (Answer must be a whole number, between 0 and 100.)	100%	31.3%	5
	99%	6.3%	1
	90%	6.3%	1
	50%	12.5%	2
	33%	6.3%	1
	30%	6.3%	1
	20%	6.3%	1
4. Which of the following applications have you submitted (or been involved in) over the past 3 years? (Please check all that apply.)	Official Community Plan Amendment	12.5%	2
	Zoning Bylaw Amendment (rezoning)	43.8%	7
	Development Permit (including façade permits)	56.3%	9
	Development Variance Permit	43.8%	7
	Subdivision Application	56.3%	9
	Sign Permit	18.8%	3
5. In what capacity were you dealing with Town staff? (Please check all that apply.)	Agent for property owner or developer	50.0%	8
	Builder	12.5%	2
	Business owner	18.8%	3
	Developer	25.0%	4
	Property Owner	50.0%	8
	Other. Please describe:	0.0%	0
6. Based on your experiences in Ladysmith, please rate the following statements by circling the number that comes closest to your opinion.	1 = Strongly disagree	0.0%	0
	2 = Disagree	18.8%	3
	3 = Neutral	25.0%	4
	4 = Agree	43.8%	7
	5 = Strongly agree	12.5%	2
	No Opinion	0.0%	0
	In general, the Town of Ladysmith's development application forms are clear and easy to understand. ()		
In general, the Town of Ladysmith's development application process (e.g. the key steps/path of progression for each type of application) is clear and easy to understand. ()	1 = Strongly disagree	0.0%	0
	2 = Disagree	25.0%	4
	3 = Neutral	25.0%	4
	4 = Agree	37.5%	6
	5 = Strongly agree	12.5%	2
	No Opinion	0.0%	0
	Application requirements and fees are clearly communicated by staff at an early stage in the review process. ()	1 = Strongly disagree	0.0%
2 = Disagree		6.3%	1
3 = Neutral		25.0%	4
4 = Agree		37.5%	6
5 = Strongly agree		31.3%	5
No Opinion		0.0%	0
Anticipated processing times are clearly communicated by staff at an early stage in the review process. ()		1 = Strongly disagree	25.0%
	2 = Disagree	12.5%	2
	3 = Neutral	6.3%	1
	4 = Agree	43.8%	7
	5 = Strongly agree	12.5%	2
	No Opinion	0.0%	0
If there is something I do not understand about the application form, process and/or requirements, I feel welcome to contact Town staff for assistance. ()	1 = Strongly disagree	0.0%	0
	2 = Disagree	0.0%	0
	3 = Neutral	12.5%	2
	4 = Agree	25.0%	4
	5 = Strongly agree	50.0%	8
	No Opinion	12.5%	2



**7. Please describe your overall customer service experience during your most recent application.**

Polite ()	Very Poor	0.0%	0
	Poor	0.0%	0
	Neutral	12.5%	2
	Good	31.3%	5
	Very Good	50.0%	8
	No Opinion	6.3%	1
Knowledgeable ()	Very Poor	0.0%	0
	Poor	0.0%	0
	Neutral	13.3%	2
	Good	46.7%	7
	Very Good	33.3%	5
	No Opinion	6.7%	1
Easy to reach ()	Very Poor	0.0%	0
	Poor	12.5%	2
	Neutral	18.8%	3
	Good	43.8%	7
	Very Good	18.8%	3
	No Opinion	6.3%	1
Responsive (I was helped in a timely manner) ()	Very Poor	6.3%	1
	Poor	12.5%	2
	Neutral	18.8%	3
	Good	18.8%	3
	Very Good	37.5%	6
	No Opinion	6.3%	1
Clear and easy to understand ()	Very Poor	0.0%	0
	Poor	6.3%	1
	Neutral	25.0%	4
	Good	37.5%	6
	Very Good	25.0%	4
	No Opinion	6.3%	1
Helpful ()	Very Poor	0.0%	0
	Poor	0.0%	0
	Neutral	12.5%	2
	Good	37.5%	6
	Very Good	43.8%	7
	No Opinion	6.3%	1
Professional ()	Very Poor	6.3%	1
	Poor	0.0%	0
	Neutral	12.5%	2
	Good	50.0%	8
	Very Good	18.8%	3
	No Opinion	12.5%	2
8. What went well during your most recent application to the Town of Ladysmith?	(See attached text responses)		14
9. How could the Town improve service to you throughout the development application process?	(See attached text responses)		16

10. Various tools are used in other communities to assist and/or communicate with applicants throughout the process. Which of the following tools, if any, do you think would be helpful for applicants in Ladysmith?

Mandatory pre-application in-person meeting with staff to review the application process, requirements, timelines, and fees. ( )	1 = Not helpful at all	0.0%	0
	2 = Somewhat helpful	0.0%	0
	3 = Neutral	12.5%	2
	4 = Helpful	37.5%	6
	5 = Very helpful	50.0%	8
	No Opinion	0.0%	0
Flow charts illustrating the application/review processes. ( )	1 = Not helpful at all	6.3%	1
	2 = Somewhat helpful	6.3%	1
	3 = Neutral	12.5%	2
	4 = Helpful	43.8%	7
	5 = Very helpful	25.0%	4
	No Opinion	6.3%	1
Tracking information available online showing current applications and status. ( )	1 = Not helpful at all	6.3%	1
	2 = Somewhat helpful	6.3%	1
	3 = Neutral	18.8%	3
	4 = Helpful	25.0%	4
	5 = Very helpful	37.5%	6
	No Opinion	6.3%	1
Process guides/checklists/tip sheets for each type of application. (OCP amendment, rezoning, development permit, subdivision application.) ( )	1 = Not helpful at all	0.0%	0
	2 = Somewhat helpful	0.0%	0
	3 = Neutral	6.3%	1
	4 = Helpful	50.0%	8
	5 = Very helpful	37.5%	6
	No Opinion	6.3%	1
Follow-up customer service surveys after the process is complete for applicants to provide feedback. ( )	1 = Not helpful at all	6.3%	1
	2 = Somewhat helpful	6.3%	1
	3 = Neutral	43.8%	7
	4 = Helpful	25.0%	4
	5 = Very helpful	12.5%	2
	No Opinion	6.3%	1
11. Other communities have introduced various procedural changes to make development application review timelines more efficient. Which of the following changes, if any, do you think would be helpful for applicants in Ladysmith?			
Town only accepts and begins to process complete applications (i.e. submitted with all required documentation as detailed on the application form/checklist and discussed in pre-application meetings). ( )	1 = Not helpful at all	18.8%	3
	2 = Somewhat helpful	25.0%	4
	3 = Neutral	12.5%	2
	4 = Helpful	31.3%	5
	5 = Very helpful	6.3%	1
	No Opinion	6.3%	1
Council delegates approval of some or all development permits to staff (i.e. no Council meeting required). ( )	1 = Not helpful at all	0.0%	0
	2 = Somewhat helpful	0.0%	0
	3 = Neutral	25.0%	4
	4 = Helpful	18.8%	3
	5 = Very helpful	37.5%	6
	No Opinion	18.8%	3
Reduce or eliminate requirements for review of some application types by citizen committees (Advisory Planning Commission, Advisory Design Panel, Heritage Revitalization Advisory Committee) ( )	1 = Not helpful at all	6.3%	1
	2 = Somewhat helpful	0.0%	0
	3 = Neutral	25.0%	4
	4 = Helpful	18.8%	3
	5 = Very helpful	37.5%	6
	No Opinion	12.5%	2

12. Are you aware of any development application processes in other communities that you think are particularly well done? If so, please share where, and what you like about them.

(See attached text responses)

10

*Note that specific references to individuals have been eliminated, to protect staff and Council, and some minor edits to preserve the anonymity of the respondents.*

**Question 2: Which of the following statements best applies to you?**

Other (please describe):

- land surveyor / consultant assisting clients or acting as agent for development projects
- recently retired with the intent to continue developing
- Mortgage lending and development
- we are planners and building designers working for multiple clients with interests in Ladysmith
- Planner acting on behalf of applicants
- Land development consultant
- Architect acting on behalf of an owner to rezone and develop property

**Question 8: What went well during your most recent application to the Town of Ladysmith?**

- Staff were easy to deal with
- Rezoning application was successful
- Always courteous
- Initial meeting was helpful and informative. Subsequent meetings to review requirements with staff and P. Eng retained were informative. Variance process went well.
- Working with the people at the Roberts St office. They are always so amazing.
- Nothing has gone well ... Timelines are consistently 5x longer than forecast, procrastination has replaced decision-making. This community is in development paralysis.
- Approval process
- Done in timely matter
- Staff reviewed some specific challenges for the Client relative to the essential applications and modified the process to make it work. Very impressed
- responsiveness of planning dept to all applications
- Defined rezoning and subdivision process to follow. Helpful staff input.
- It's not yet finished
- Agreement on zoning classification. Interpreting the rationale with reference to parking requirements.
- Planning staff are extremely polite, helpful, responsive and attentive. The Engineering department, which also handles subdivision questions and approvals, has some bottlenecks and can be a bit of a blackhole for correspondence. If there's an area that needs improvement, it's on 6th avenue.

**Question 9: How could the Town improve service to you throughout the development application process?**

- Allow staff to make more decisions and grant approvals rather than having to go to council for everything.

- Overall the planning staff is easy to work with. I would like to see council more involved in the development application process so that they are educated in the decisions they are making. At the last public information meeting I was required to hold for a rezoning no Councillors attended.
- Simplify the documents. Design documents with "Seamless" in mind.
- The process is a black hole. No contact person is given so you do not know who to follow up with. There is no one person to contact who is responsible from beginning to end. Important email messages ignored, erroneous information provided that resulted in useless engineering costs, no concept of time, no ongoing updates regarding status, redundant requests for information.
- One staff member can be very confrontational and difficult to deal with. Working with everyone else is a pleasure.
- Make decisions in a timely manner.
- Faster processing turnarounds
- Expedite projects that are actually going to happen and quit prioritizing and wasting time and resources on projects that may never happen (waterfront) I can only imagine how much time and taxpayer money has been spent on the waterfront studies and we are still going nowhere
- more flow charts with reference to expectant timelines
- more info upfront
- subdivision applications and obtaining PLA/engineering to determine what is specifically required is slower than it should be and not in keeping with planning depts. promptness
- Established timelines for processing applications. More staff in engineering to review applications.
- Be more responsive and timely. Nothing happens when someone goes on vacation or is out of the office. Work more as a team with other departments.
- By not being so greedy with the fees
- Helping to foresee issues relating to committee process (development permit design panel)
- Remove bottlenecks and have quick response out of 6th avenue.

**Question 12: Are you aware of any development application processes in other communities that you think are particularly well done? If so, please share where, and what you like about them.**

- Langford
- City of Nanaimo is very consistent in their application requirements. They also have very good long-term planning for most parts of the city.
- I have heard of communities that utilize the checklists referenced previously. Timelines for the Town/City are defined. Currently there is nothing holding staff accountable for their inaction. In the time I have been waiting my costs have increased \$100,000, I have missed opportunities of another \$100,000, 28 new lots are now competing, a government known to be unfriendly to business has been elected .... frustrated and disappointed to say the least.

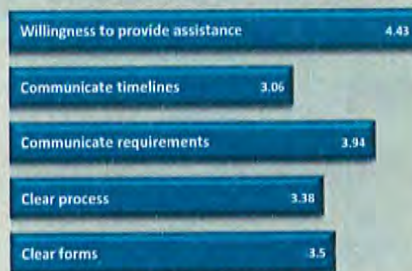
- Langford ... Unambiguous, clearly identified and articulated expectations, definitive timelines, a culture of objectivity. Ladysmith has developed a culture of subjectivity, with ambiguous, nebulous and constantly changing expectations, never-adhered-to timelines, indifference to impacts on developers arising from delays, changing expectations and interminable paralysis.
- Langford is extremely efficient
- in terms of land -use applications, the Town is very efficient. Subdivision requirements are slower
- No other local government has a clearly better process, therefore no specific examples
- So far the process is better than Nanaimo and Parksville. Port Alberni is the easiest.
- Langford has a 48hr turnaround on building permits, which is exceptional. Ladysmith will never have the number of employees to match that, but aim for something reasonable like 7 to 10 business days. In a hot market, it's painful waiting 3 weeks+ for a permit

# Development Applications Process Review

## SURVEY HIGHLIGHTS

- 69% have submitted applications to Ladysmith for more than 4 years
- 44% have 90%+ of their projects in Ladysmith, the remainder have less than half of their projects in Ladysmith
- The application process was rated relatively high, especially the willingness to assist applicants. Opportunities to improve include better communication of timelines (38% disagreed these were communicated early) and providing a clearer process (25% noted the process was not clear).

**Development Application Process**  
(1 = strongly disagree to 5 = strongly agree)



- On customer service, the Town rated particularly high on politeness, knowledge and helpfulness.

### Customer Service

(1 = very poor to 5 = very good)



## We are listening!

The development application process review included a survey to hear from applicants about what went well, and what didn't, based on their own experiences applying for development permits, rezonings, variances and subdivisions in Ladysmith.

A total of 16 surveys were completed (44% return on Ladysmith's applicant list), and the consultants interviewed 13 applicants, including a range of local developers, and those with experience in other communities. Members of Council and staff were also interviewed. Some of the survey results are highlighted here.

Primary themes from the interviews and survey results are summarized as follows:

### Strengths:

- Planning staff are helpful, professional and responsive.

- Most applicants thought Ladysmith was as good as, if not better than most Island municipalities in terms of application assistance and timelines.

### Room to improve:

- Responsiveness (particularly engineering/public works department)
- Subdivision process and timelines, clarity in engineering requirements
- Guides, flow charts and checklists would be helpful (particularly for developers or owners unfamiliar with the process)
- Communicating processing timelines and expectations, and taking into account the complexity of the application before providing timelines
- Forms could be simpler

## How does Ladysmith compare?

Applicants who were interviewed or responded to the survey indicated that Ladysmith compared favourably – in particular to Capital Regional, Cowichan Valley and Nanaimo region municipalities. Responses from applicants with experience in other municipalities ranked Ladysmith significantly higher than those who conduct business primarily within Ladysmith. Langford was referenced most often as an example of a municipality with efficient development processing. Langford's inter-disciplinary Development Review committee reviews applications within 2 weeks of submission, providing prompt and clear feedback.

**Next Steps**

Once we hear feedback regarding preferred approaches to improve the Town’s application processes, a report will be prepared that outlines recommendations for improvement for review by staff and Council.

**We all have a role in making this work!**

While this review process is examining what the Town can do, it’s always useful to remember that Council, Town staff and applicants each have a role in the development approval process, and making it run smoothly.

- **Applicants** can expedite the process by familiarizing themselves with application requirements, and submitting complete applications to allow thorough and timely review.
- **Staff** can provide simple forms and easy-to-understand guides, timely review, clear communications and coordinated review processes.
- **Council** can add certainty by applying policies consistently, and monitoring the impact of strategic projects on Town’s capacity and resources.

**How can we improve?**

We know developers are looking for clear, timely processes. Delays cost money. While we received some feedback from the survey, the following is an expanded list of suggestions that could potentially improve the process, or your experience dealing with the Town. Tell us which of these changes would most benefit you!

**Communication materials**

- Guides, flow charts and checklists outlining the application process
- Application tips sheet
- Summary of staff authority vs. council (who has discretion where ... and where does staff NOT have discretion?)
- Feedback forms/customer service survey (completed at the end of each application)
- Simpler application forms (sustainability checklist)
- Application tracking information online

**Process**

- Mandatory pre-application meeting

**Process (continued)**

- Identification of one staff contact for each application
- Fast track processing for complete applications (or refusal to accept incomplete applications)
- Formalize a 48-hour customer service response policy
- Locate engineering together with development services and building
- Delegation of more development permit approvals to staff (rather than Council)
- Flexible requirements for public information meetings
- Streamlining of committees or what is reviewed by the committees (design panel, advisory planning, heritage)

**Other**

- Regular Developers’ Forums to explore topics of interest and provide opportunities to discuss new regulations or process changes, concerns and successes with the Town, and network with local developers
- Create a liaison committee of development industry representatives to meet semi-annually with engineering and planning staff to identify and resolve issues

**Tell us which improvements will help you!**

The more we understand your preferences, the better we can respond and improve our processes to help you. Fill out a feedback form (available at the door) regarding the ideas you’ve heard today, or access the form on the Town website before April 20.

## WHAT IS THE DEVELOPMENT APPLICATION PROCESS REVIEW?

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### *We want to improve!*

The Town of Ladysmith is committed to improving. We understand that the development application process takes time and resources, and delays cost developers money. We believe we can establish an “open for business” culture while maintaining our high standards for development to preserve our small town character.

To continue to improve our service, the Town of Ladysmith is undertaking a review of the development application process for:

- ✓ Rezoning and OCP amendments
- ✓ Development variance permits
- ✓ Development permits
- ✓ Subdivisions
- ✓ Sign permits
- ✓ Temporary use permits



We have examined the applications, how they are approved, sought feedback on what works well and what does not, and are now identifying options to improve the efficiency of the process to ensure the Town remains open to development.

### **We invite you to ...**

- Review the presentation boards
- Complete a feedback form on what you have read and heard today
- Discuss your views with the project consultants

Your input will help build recommendations for improvements for the Town’s development application process.



## WHAT IS THE PROCESS?

We have undertaken a review of the development application process, including:

- Reviewed Town policies, procedure bylaw, application forms
- Reviewed past applications, including approval timelines
- Interviewed staff and members of Council
- Interviewed past applicants (13)
- Conducted an online survey for applicants regarding their experiences, thoughts and suggestions (16 responses)
- Researched what other municipalities are doing
- Reviewed best practices



The Forum is an opportunity to share the feedback we've received, including the tools and suggestions for improvements.

### ***Now it's your turn! Please share with us ...***

- Are we missing any perspectives or information?
- What are your thoughts on the suggestions presented?
- What other ideas do you have to improve the process?

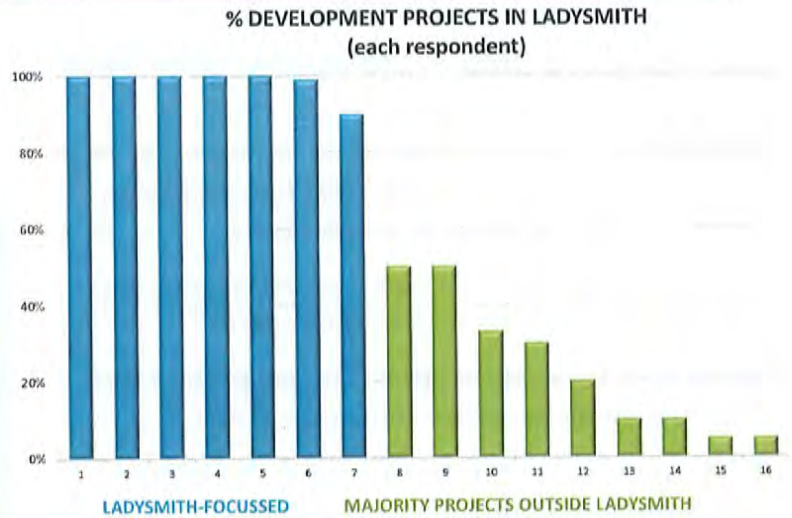
## WHAT WE HEARD

### Survey – Who Responded?

Of the 16 applicants who filled out the survey ...

#### LOCAL AND THOSE WITH BROADER FOCUS

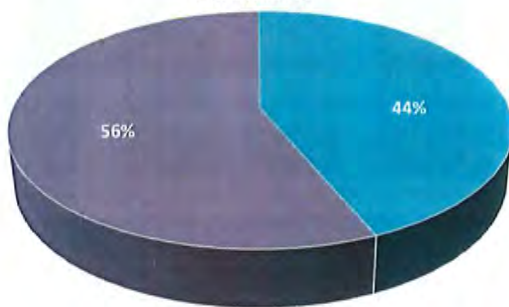
- 56% primarily work in other communities (50% or less of their projects are in Ladysmith)
- 44% can be characterized as primarily local, with (90% or more of their projects within Ladysmith)



#### APPLICANTS WITH DIFFERENT LEVELS AND YEARS OF EXPERIENCE

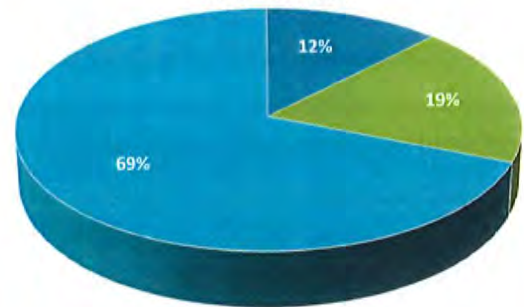
- 56% were full time developers or industry professionals (architects, planners, engineers, surveyors) who submit applications on behalf of owners.
- 44% described themselves as builders/developers with one or two projects on the go, or owners who are applicants developing their own property.

APPLICANT CHARACTERISTICS – DEVELOPMENT EXPERIENCE



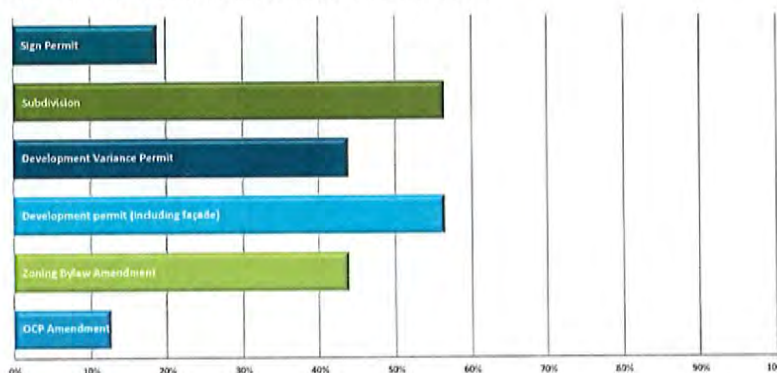
- Part-time developers and owner applicants
- Full-time developers and industry professionals

YEARS SUBMITTING DEVELOPMENT APPLICATIONS IN LADYSMITH



- Less than 1 year
- 1 - 3 years
- 4 or more years

EXPERIENCE WITH DIFFERENT APPLICATION TYPES



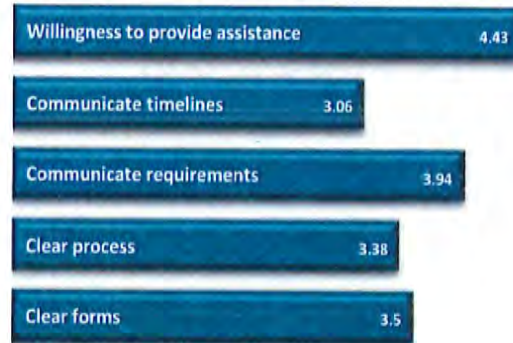
## WHAT WE HEARD

### Survey Results – Development Application Process

#### POSITIVES

- 56% agreed or strongly agreed that the **application forms** are clear and easy to understand
- 50% agreed or strongly agreed that the **application process** was clear and easy to understand
- 69% agreed or strongly agreed that **application fees and requirements** were communicated early
- 56% agreed or strongly agreed that the **anticipated processing times** were clearly communicated early in the process
- 75% agreed or strongly agreed that if there was something they did not understand, they felt welcome to contact Town staff for assistance

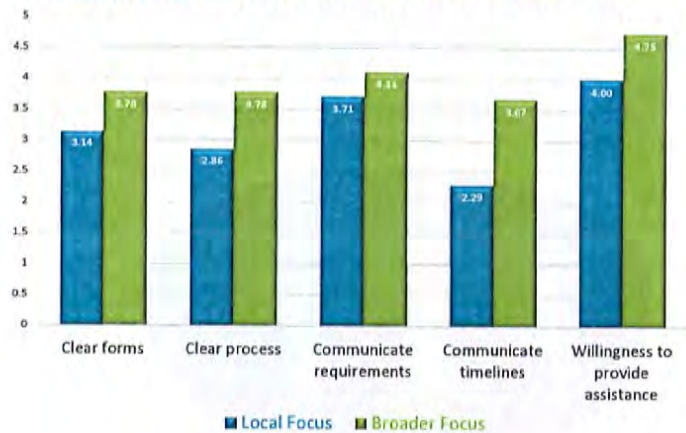
DEVELOPMENT APPLICATION PROCESS  
SCALE = 1 (strongly disagree) to 5 (strongly agree)



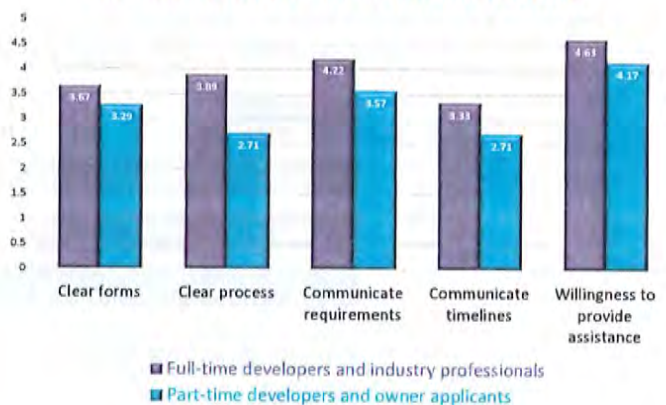
#### ROOM TO IMPROVE

- 19% disagreed or strongly disagreed that the **application forms** are clear and easy to understand
- 25% disagreed or strongly disagreed the **application process** was clear and easy to understand
- 6% disagreed or strongly disagreed that **application fees and requirements** were communicated early
- 38% disagreed or strongly disagreed that **anticipated processing times** were clearly communicated early in the process

LOCAL APPLICANTS VS. THOSE ACTIVE OUTSIDE LADYSMITH



FULL-TIME DEVELOPERS & INDUSTRY PROFESSIONALS VS. PART-TIME DEVELOPERS AND OWNER APPLICANTS



#### OBSERVATIONS

Applicants who have the majority of their projects outside Ladysmith rated the Town's development application service higher than those who primarily or only develop in Ladysmith.

Full-time developers or industry professionals (planners, architects, engineers, surveyors) rated the Town's development application process higher than those who are part-time developers or owner applicants.

## WHAT WE HEARD

### Survey Results – Customer Service

Applicants were asked to rate Town development application staff on a scale of 1 (very poor) to 5 (very good) based on their most recent application. The following highlights focus on those who rated the Town either high (good or very good) or low (poor or very poor). Those who rated the Town “neutral” or “no opinion” are not referenced in the percentages below (but are taken into account in the charts).

#### POSITIVES (GOOD OR VERY GOOD)

- 81% rated Ladysmith’s staff as polite
- 80% rated Ladysmith’s staff as knowledgeable
- 63% rated Ladysmith’s staff as easy to reach
- 56% rated Ladysmith’s staff as responsive
- 63% rated Ladysmith’s staff as clear and easy to understand
- 81% rated Ladysmith’s staff as helpful
- 69% rated Ladysmith’s staff as professional

#### ROOM TO IMPROVE (POOR OR VERY POOR)

- 13% rated Ladysmith’s staff as not easy to reach
- 19% rated Ladysmith’s staff as unresponsive
- 6% rated Ladysmith’s staff as unclear or not easy to understand
- 6% rated Ladysmith’s staff as unprofessional

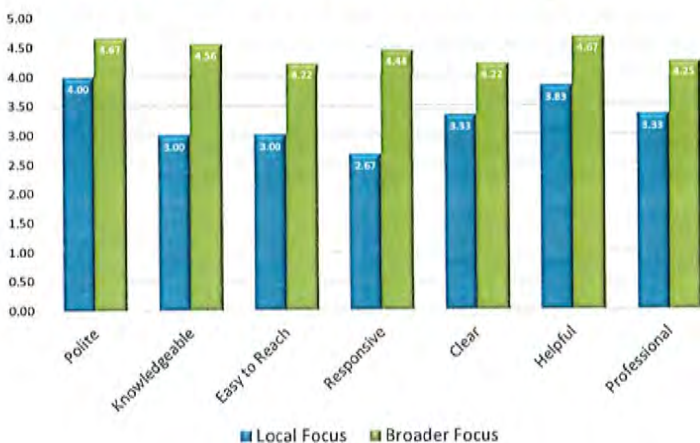


#### OBSERVATIONS

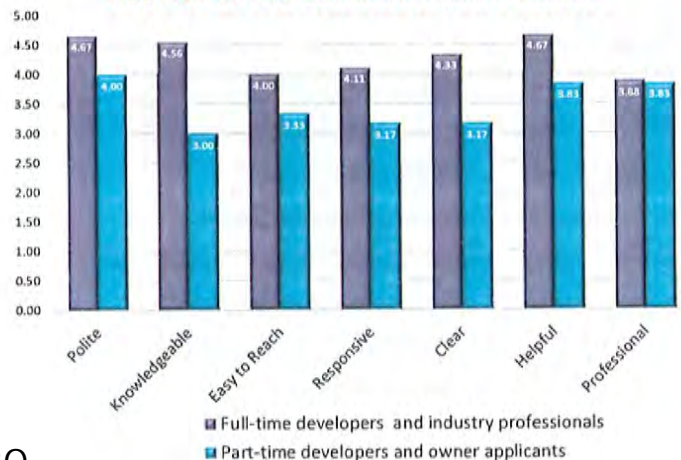
Staff customer service levels were rated higher by applicants with development projects outside Ladysmith than those who primarily had development projects inside Ladysmith.

Staff customer service levels were rated higher by applicants who are full-time developers or industry professionals than those who are part-time developers or owner applicants

#### LOCAL APPLICANTS VS. THOSE ACTIVE OUTSIDE LADYSMITH



#### FULL-TIME DEVELOPERS & INDUSTRY PROFESSIONALS VS. PART-TIME DEVELOPERS AND OWNER APPLICANTS



## WHAT WE HEARD – SURVEY AND INTERVIEWS

The following quotes and comments are from the survey and the interviews with individual applicants. Applicants were asked to identify what went well, what areas needed improvement, and what suggestions they had for improving the Town’s development application process.

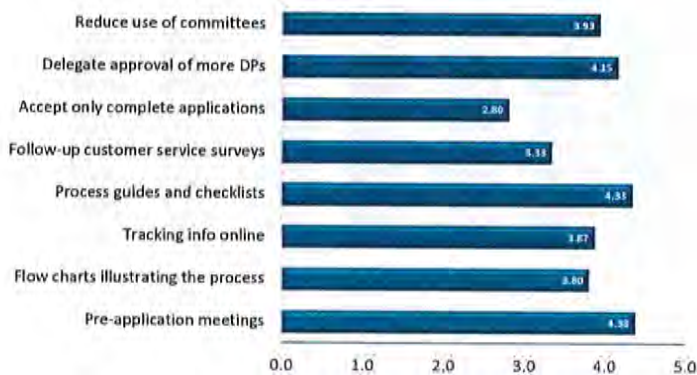
### WHAT IS GOING WELL?

- Staff are courteous and easy to deal with
- Timely approvals
- Planning staff are extremely polite, helpful, and responsive
- Initial subdivision application meeting, and subsequent meetings to review requirements were helpful and informative
- Staff reviewed some specific challenges ... and modified the process to make it work. Very impressed
- Defined rezoning/subdivision process, with helpful staff input
- My application processing time was cut in half because I had all my information submitted
- Time was taken to explain the process and provide timelines; there have been no unexpected requirements, no delays
- On-site pre-application meeting with engineering and planning was an excellent opportunity to have questions answered
- Pre-application meeting was helpful in identifying very clear expectations for required information, and all went smoothly
- Town staff are extremely responsive and professional to deal with – applications are often processed more quickly than anticipated. I had a rezoning that took just 3 months and that is unheard of in the industry. Many of my DPs and DVPs are processed in around 3 months, which is impressive
- I have projects in 6 communities. On a scale of 1 to 10, Langford is the best; Ladysmith is about an 8

### AREAS AND IDEAS FOR IMPROVEMENT

- Allow staff to make more decisions and grant approvals instead of going to Council for everything
- Simplify the forms. Variance application form was daunting
- Remove bottlenecks in subdivision application process and improve response and turnaround times
- Provide more information upfront. Flow charts, checklists and timelines would be helpful
- Work as a team with other departments
- Expedite projects that are actually going to happen and quit prioritizing and wasting time and resources on projects that may never happen
- Establish processing timelines. Timeliness with PLAs is critical
- More staff to address backlogs and improve responses to emails and phone calls
- Have Council more involved in the development application process (attend public meetings) so that they are more informed about the decisions they are making
- Reduce fees
- Provide one staff person to contact who is responsible from beginning to end. There is no single point of contact, no champion for me
- Guidance in what committees are looking for in advance
- Make sure there are pre-approval meetings to figure out what is needed at the outset
- Submission of incomplete applications creates delays for everyone.
- Flexibility with some landscaping requirements to recognize impracticality of planting in winter
- Delegate more authority to staff for DPs to expedite processes
- The specifics of any application should be reviewed before providing the standard or average processing timeline
- Full-time working families can’t attend in-person meetings during regular working hours.
- Online tracking of applications would really help
- Staff are way too focused on process, there’s not enough judgement and decision-making
- Sustainability vision filter is a huge delay

### HOW COULD THE TOWN IMPROVE ITS DEVELOPMENT APPLICATION PROCESS?



## OPTIONS TO IMPROVE

Throughout the process several opportunities are identified for improvement, based on:

- Practices in other communities
- Identified best practices
- Suggestions from surveys and interviews with applicants, staff and Council

The following are some **suggestions**. Help us identify which ones could work or have the greatest impact in Ladysmith!

### Communication

- ✓ Pre-application checklists
- ✓ Re-designed forms (focus on simple forms)
- ✓ Process guides including:
  - Process flow charts, sample drawings such as site plans
  - Tips on common pitfalls
  - Overview of everyone's role (applicants, staff and Council) to increase understanding of the process
- ✓ Formalize the Town's existing staff customer service/response policy (48 hours) to emphasize its importance
- ✓ Feedback form AFTER the process is complete (how did we do? How can we improve?) to provide continual feedback loop
- ✓ Tracking information online
  - Viewing of application summary and where it is in the process
  - Provide applicants, public and Council with a sense of how many applications type and volumes in process
  - Help applicants and the public understand what projects are proposed in their neighbourhood

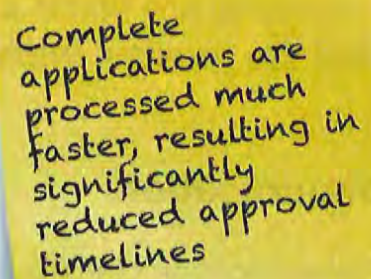


## OPTIONS TO IMPROVE

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### Process

- ✓ Pre-application meetings for all applications
  - Provide verbal guidance and review checklist items prior to submission
  - Applicants ask questions, staff identify issues in advance
  - Communicate timelines based on identified issues
- ✓ Require complete applications
  - Best practice identified by home builder municipalities
  - Assistance on applications is provided during application process
  - Applications do not receive a file manager to processing until they are complete
- ✓ File manager assigned as single point of staff contact
- ✓ Continue to have applications reviewed by inter-disciplinary staff committee. Adjust schedule to ensure regular meetings to respond to application volumes.
- ✓ Council consider delegating authority for additional development permit approvals (e.g. Riparian, Hazard Lands, Industrial)
- ✓ Council consider whether there is flexibility to remove requirement for public information meetings in some instances
- ✓ Consider streamlining advisory committee process
  - combine advisory planning and design panel
  - consider exempting signs from heritage review



Complete applications are processed much faster, resulting in significantly reduced approval timelines



## OPTIONS TO IMPROVE

### Relationship and partnership culture

Good relationships take time, effort and support. Creating trust between the development community, Council and the Town is key to providing good service.

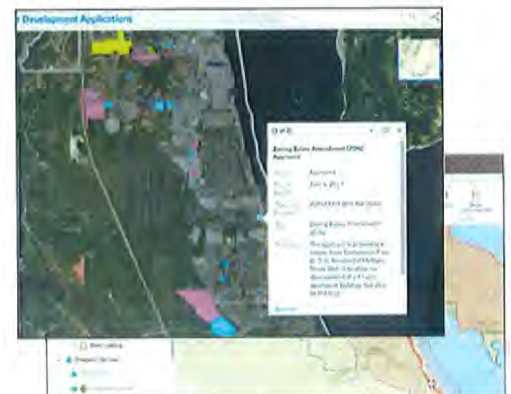
The following options are intended to continue fostering a relationship where everyone is respectful, listens and works together to continually improve the process.

- ✓ Create a development liaison committee
  - Industry representatives and engineering and planning staff
- ✓ Host regular development forums
- ✓ Create a feedback form (online and paper) to solicit feedback after each application is complete
- ✓ Measure progress & report back to development community and Council annually on how the Town is doing
  - Volume of applications (type and complexity)
  - Process timelines (measure parts of the process the Town controls)
  - Accomplishments and successes
  - Highlight other long-range initiatives
  - Ongoing improvements
- ✓ Formalize and emphasize Town customer service protocol/response policy
- ✓ Council protocol (use of liaison committee) to deal with process complaints
- ✓ Council commitment to prioritize application processing over strategic projects



### Other (long term) Improvements

- ✓ Move development services/engineering into one location (one stop shop for all application types)
- ✓ GIS and development tracking software





## DEVELOPERS' FORUM – FEEDBACK FORM

- The Developers' Forum provided several suggestions and ideas to improve the Town's Development Application Process. Please take a minute to identify which of the suggestions you think are helpful for improving the process.

	Not Helpful at All	Somewhat Helpful	Neutral	Helpful	Very helpful	No Opinion
<b>COMMUNICATION</b>						
Process checklists for each type of application (OCP amendment, rezoning, development permit, subdivision application) to aid in preparing complete applications.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Redesign the application forms with a focus on simple forms. Mandatory pre-application in-person meeting with staff to review application process, requirement, timelines, and fees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Process guides for each type of application (OCP/Zoning amendment, development permit, subdivision) including process flow charts, illustrated examples, information on who has what authority, and application tips.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Formalize and reinforce Town's 48-hour response (email and phone message) policy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Follow-up customer service surveys after the process is complete for applicants to provide feedback	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tracking information available online showing current applications and status	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>PROCESS</b>						
Mandatory pre-application in-person meeting with staff to review application process, requirements, timelines, and fees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Require complete application packages prior to assigning a file manager and beginning processing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One file manager assigned as single point of staff contact	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Increased authority to staff to approve and issue development permits (e.g. riparian, hazard or industrial DPs)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Streamline advisory committee process (either what needs to be reviewed by committees, or combine committees to reduce requirements)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>RELATIONSHIP &amp; PARTNERING CULTURE</b>						
Create a development liaison committee with industry representatives and planning and engineering staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Host regular development forums to discuss topics of interest, changes in Town regulations, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Measure progress and present an annual report on development application process statistics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Create a Council protocol for dealing with process complaints, to promote consistency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council commitment to prioritize application processing over strategic projects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>OTHER</b>						
Locate public works/engineering together with development services (planning/building) in one location to create a one-stop shop for all development applications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Acquire GIS and development tracking software to allow for tracking of applications online.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- Of the above suggestions, please identify your **TOP 3 PRIORITIES** for improving the process by placing a **checkmark** ✓ beside your top 3 priority improvements.
- On the reverse side, please share any other suggestions you have on how we can improve the development application process.

Please submit this form to the Town of Ladysmith prior to April 27, 2018 at ds@ladysmith.ca.

Ideas for improving Ladysmith's development application process:

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Thank you for taking the time to help the Town improve its service to you!

### Developers' Forum Feedback Form Results

	Number of times identified as a top 3 priority	1 = Not helpful at all	2 = Somewhat helpful	3 = Neutral	4 = Helpful	5 = Very helpful
<b>COMMUNICATION</b>						
checklists	2				2	7
application forms	1				4	6
process guides	1				4	6
48-hour response				1	1	7
customer service surveys			1	1	4	2
tracking info online				1	4	4
<b>PROCESS</b>						
pre-application mtgs	4		1	1	4	4
complete applications			2	1	5	2
one file manager	2			1	4	5
delegate dp	1				2	8
committee process	1				1	7
<b>RELATIONSHIP BUILDING</b>						
developer liaison committee	1	1	1	3	4	1
development forums			1	2	4	3
measure and report back			1	3	4	2
council protocol			1	1	8	0
commitment to prioritize processing			1	1	3	5
<b>OTHER</b>						
co-location	1		1		2	7
GIS/development tracking software				3	5	1

#### IDEAS FOR IMPROVING LADYSMITH'S DEVELOPMENT APPLICATION PROCESS:

- information checklist for each permit (require supporting docs)
- status updates/tracker of permits
- FAQ sheet for standard projects/applications
- status updates/tracker of permits
- streamlining and channelling of information requests (80/20 principle of customer service)
- there are 2 streams of applicants (professional and non-professional)
- access to information streams - online, hard copy info packs and in-person

**STAFF REPORT TO COUNCIL**

**From:** Erin Anderson, Director of Financial Services  
**Meeting Date:** August 20, 2018  
**File No:** 1855-20-18-08

**RE: Direction to submit grant applications for the ICP – Green Infrastructure: Environmental Quality Sub-stream**

**RECOMMENDATION(S)**

That Council:

1. Direct staff to submit an application for grant funding for Holland Dam Upgrade through the *ICIP – Green Infrastructure: Environmental Quality Sub-stream*; and that
2. Supports the project and commits to the Town’s share (\$3,400,000) of the project.

**PURPOSE**

The purpose of this report is to present the funding opportunity to Council and confirm the project for which Council wishes the Town to apply.

**PREVIOUS COUNCIL DIRECTION/RESOLUTIONS**

CS 2017-139	05/01/2017	That Council direct staff to make a funding application to the Federal Gas Tax Fund Strategic Priorities Fund – Capital Infrastructure Project Stream for the Holland Dam Upgrade for up to \$6 million dollars in grant funding, and support the Town administration with overseeing the management of this grant if successful.
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**INTRODUCTION/BACKGROUND**

As part of the Investing in Canada Infrastructure Program a new funding opportunity is available. Local governments are permitted to submit one funding application for projects that meet the outcomes of:

- Increased capacity to treat and/or manage wastewater and stormwater
- Increased access to potable water
- Increased capacity to reduce and/or remediate soil and/or air pollutants

The Federal and Provincial Governments will fund up to 73.33% of the project:

Funding Agency	Max Amount (%)	Max Amount (\$) based on \$12.71m
Federal	Up to 40%	Up to \$5,084,000
Provincial	Up to 33.33%	Up to \$4,236,243
Town of Ladysmith	Remainder	\$3,389,757
Total		\$12,710,000



The Town hired Koer's & Associates Engineering to determine the cost of the project in 2017 for the previous grant application. The cost was determined to be \$12,710,000 (Class D estimate).

The Town's portion of the funding will come from reserves and short-term borrowing.

The deadline to apply for the funding is August 29, 2018. The Town will use a consultant to assist in the preparation of the grant application.

#### Holland Dam Storage Upgrade

The purpose of this large capital project is to increase the height of the existing dam which will allow for the water storage capacity to nearly double. Included in the Financial Plan for 2018 was \$1.32 million to start the upgrade. This was a multi-year project with funding to come from borrowing and reserves.

#### **SCOPE OF WORK**

Once approved, staff will gather the necessary information to make application. The Town will consult with a grant writing specialist to complete the applications.

#### **ALTERNATIVES**

There are other projects that the Town could apply for grant funding though it will be difficult to complete the grant application by the intake deadline.

#### **FINANCIAL IMPLICATIONS**

Grant funding for future projects within the Financial Plan will reduce taxation/utility charges. There is, however, a cost to complete the applications. Detailed cost estimates are often required. Consultant fees, plus the grant writer fees will be costs incurred, even if no grant funding is provided.

#### **LEGAL IMPLICATIONS**

Not applicable.

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

As with any large capital project, the Town will provide project information updates.

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

Finance will lead the project, with the assistance from Infrastructure Services for the Holland Dam application.

#### **RESOURCE IMPLICATIONS**

Engineering cost estimates are required to be submitted with the application. Time and cost associated with obtaining or updating these estimates is necessary.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT**

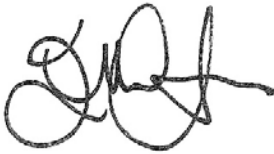
The two projects are consistent with the sustainability visioning report.

**ALIGNMENT WITH STRATEGIC PRIORITIES**

Both of these projects align with the strategic priorities. The Holland Dam aligns with the Watershed Protection and Water Management as well as Natural and Built Infrastructure.

**SUMMARY**

A new grant funding program is available - Investing in Canada - Green Infrastructure. Only one application per municipality may be submitted for the intake deadline of August 29, 2018. The recommended project is the Holland Dam upgrade.



\_\_\_\_\_  
Erin Anderson, Director of Financial Services

August 10, 2018

\_\_\_\_\_  
Date Signed

I concur with the recommendation.



\_\_\_\_\_  
Guillermo Ferrero, City Manager

**ATTACHMENT(S)**

none

Town of Ladysmith



**STAFF REPORT TO MUNICIPAL SERVICES COMMITTEE**

From: Erin Anderson, Director of Financial Services  
Meeting Date: August 13, 2018  
File No:

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RE: Second Quarter - Operating & Capital Budgets 2018

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**RECOMMENDATION(S):**

That Council receive for information purposes the financial report for the period ending June 2018.

**PURPOSE:**

The purpose of this report is to continue to inform Council of the financials.

**INTRODUCTION/BACKGROUND:**

Continuing with the objective of transparency and providing good information to Council and the taxpayers, this report is completed to provide regular financial information. This is the second report for the year and written based on the amended 2018 Financial Plan.

*Overall*

The Town is forecasted to be under budget at year-end. Much of this is due to a projected surplus due to the un-executed borrowing for the Water Filtration Plant. Construction on the Plant is expected to start in mid 2018 with temporary borrowing to commence before that time.

**OPERATING BUDGET**

As shown in Table 1, the Operations Budget with Projections to December 31<sup>st</sup> show an overall projected surplus due to un-issued debt payments.

**Table 1: Operations**

	Actuals			Forecast		
	Actuals to June 30, 2018	Budget 2018	Actual Variance %	Year-End Forecast	Year-End Forecast Variance	Forecast Variance %
<b>Operations</b>						
<b>Revenues</b>						
Taxes	10,651,000	10,685,000	100%	10,682,000	3,000	100%
Sale of Services	1,024,000	3,625,000	28%	3,634,000	- 10,000	100%
Licence, Permits, Rentals & Penalties	451,000	737,000	61%	805,000	- 68,000	109%
Development Fees	-	43,000	0%	43,000	-	100%
Donations	1,000	-	0%	1,000	-1,000	0%
Investment Income	74,000	138,000	54%	148,000	- 10,000	107%
Grants	518,000	650,000	80%	655,000	-5,000	101%
<b>Revenue Totals</b>	<b>12,719,000</b>	<b>15,877,000</b>	<b>0%</b>	<b>15,968,000</b>	<b>- 91,000</b>	<b>101%</b>
<b>Expenses</b>						
General Government Services	1,121,000	2,258,000	50%	2,259,000	-1,000	100%
Protective Services	545,000	1,743,000	31%	1,728,000	15,000	99%
Transportation Services	632,000	1,356,000	47%	1,367,000	- 12,000	101%
Cemetery Operations	18,000	31,000	58%	34,000	-4,000	110%
Garbage Services	218,000	509,000	43%	509,000	-	100%
Development Services	293,000	622,000	47%	612,000	10,000	98%
Recreation & Cultural Services	1,271,000	2,542,000	50%	2,558,000	- 17,000	101%
Parks	341,000	712,000	48%	717,000	-5,000	101%
Sewer Services	659,000	1,330,000	50%	1,314,000	16,000	99%
Water Services	416,000	1,105,000	38%	1,035,000	70,000	94%
Transfers	1,462,000	2,341,000	62%	2,341,000	-	100%
Debt Payments	423,000	1,330,000	32%	1,084,000	246,000	82%
<b>Total Expenses</b>	<b>7,399,000</b>	<b>15,879,000</b>	<b>0%</b>	<b>15,558,000</b>	<b>318,000</b>	<b>98%</b>
<b>Surplus/ (Deficit)</b>	<b>5,320,000</b>			<b>410,000</b>		

**Revenue – Taxes & Parcel Taxes**

**Projected to be \$3k below budget**

Property taxes were levied in May. Since that time, a supplementary adjustment was received that reduced the municipal taxes by approximately \$7k in general taxation. This amount is partially offset by the additional monies received in payments in lieu of taxation.

**Revenue – Sale of Services (Fees & Charges)**

**Projected to be \$10k above budget**

- As of June 30<sup>th</sup>, only the first quarter utility bills were levied. Water revenues are lower than in previous years for the first quarter though the second quarter billings (levied in July) show that water revenues are on-target.
- Sewer revenues are expected to be above budget by approximately \$18k due to new construction. Similarly, solid waste levies are expected to be \$6k above budget.



- Some recreation revenues, such as aquatic passes, recreation programs and fitness admission, are less than in previous years and are expect to be under budget by year-end.
- Cemetery revenues continue to be greater at this time in comparison to last year, and are expected to exceed budget, though this is offset by a corresponding expense.

Revenue - Licence, Permits, Rentals & Penalties	Projected to be \$68k above budget
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- Licencing revenue has increased and is now expect to be closely within budget by year-end.
- Tax penalties were levied as of July 3<sup>rd</sup>. Projections are expected to be within budget.
- Permit revenues are greater than this period in 2017 with the largest increase in Subdivision approvals and Building Permits. Overall, permit revenue is expected to exceed budgeted revenue projects at year-end.
- Rental revenues are expected to exceed budget projections such as aquatic pool rentals and the rental fees received from RCMP detachment as this fee is a percentage of the previous years' operating costs.

Revenue - Investment Income	Projected to be \$10k above budget
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- Interest earned on the capital funds invested is expected to be greater than budgeted.

Revenue - Operating Grants	Projected to be \$5k above budget
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- Traffic Fine Revenue sharing and Small Community Protection Grants were received, resulting slightly more revenue received than budgeted. The CVRD grants for recreation services to Areas G & H are expected to be received later in the summer.

Expenses - General Government Services	Projected to be on budget
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General Government Services is still projected to be overall on budget. Finance wages are expected to be slightly over budget due to backfilling a position but cost savings are expect to be found in other areas. Council remuneration is expected to be under budget due to a position vacancy for 3 months. The Waterfront Area Plan implementation will be under budget for 2018 though, as this position is funded from reserves, overall there is no impact to the budget.

Expenses - Protective Services	Projected to be \$15k under budget
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The Fire Department costs are greater than the same period last year, especially in firefighter calls (2018 YTD - \$40,060; 2017 YTD - \$27,880) and professional development (2018 YTD - \$18,988; 2017 YTD - \$8,964). It is expected that cost savings can be found in other areas, thought it is projected that the department will be \$10k over budget at year-end.

The first quarterly invoice for RCMP services (member costs, keep of prisoners, LAN services) produced a savings. It is expected that there will be a \$24k savings by year-end.

Animal Control is expected to be roughly on-budget by year-end.

<i>Expenses - Transportation/Public Works</i>	<b>Projected to be \$12k over budget</b>
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Engineering consulting costs has put pressure on the Public Works budget. This amount is partially offset by savings in snow removal. The costs for the Trolley have exceeded budget.

<i>Expenses - Solid Waste</i>	<b>Projected to be on budget</b>
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Garbage, Recycling and Organics collection expenses are slightly under budget, but are expected to be on budget by the end of the year.

<i>Expenses - Cemetery Operations</i>	<b>Projected to be \$4k over budget</b>
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Cemetery fees are expected to be over budget by year-end as actual costs are greater than this time last year. This expense is partially offset by increased revenues.

<i>Expenses -Development Services</i>	<b>Projected to be \$10k under budget</b>
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Overall, this area is currently under budget. Heritage is the largest section under budget, followed by Building Inspection. It is expected that this trend will continue for the year. There is also a vacancy in the Planning area that adds to the cost savings.

<i>Expenses -Parks</i>	<b>Projected to be \$5k over budget</b>
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Parks maintenance expenses are on budget though spending is \$40k higher in the first quarter than it was in 2017. It is expected that this area will be approximately \$5k over budget at year-end.

<i>Expenses -Recreation &amp; Culture Services</i>	<b>Projected to be \$17k over budget</b>
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There is a partial vacancy in the area of Recreation and Culture services that is expected to result in a slight cost savings, though Facility Maintenance costs are higher than in previous years due to unexpected repairs to some Town facilities. Staff will seek savings in other areas.

<i>Expenses -Sewer Services</i>	<b>Projected to be \$16k under budget</b>
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Within the Sewer services, Contracted Service costs are putting pressures on the budget. This is partially due to the new Bio-solids facility as the operational costs are still being calculated and there was an increase in cost during the transition. Staff will continue to monitor the costs, though there are expected cost savings in the wages due to partial vacancy in positions.