



# TOWN OF LADYSMITH

A SPECIAL MEETING OF THE  
COUNCIL OF THE TOWN OF LADYSMITH  
WILL BE HELD IN COUNCIL CHAMBERS AT CITY HALL ON  
THURSDAY, FEBRUARY 9, 2017

Call to Order and Closed Meeting

5:00 p.m.

Special Open Meeting

6:00 p.m.

## AGENDA

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

#### 1. CLOSED SESSION

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

- Appointments to advisory committees – Section 90 (1) (a)
- Provision of a municipal service – Section 90(1)(k)

### OPEN MEETING (6:00 P.M.)

#### 2. AGENDA APPROVAL

#### 3. RISE AND REPORT – Items from Closed Meeting

#### 4. PROCLAMATIONS

- 4.1. Heritage Week ..... 1  
 Mayor Stone has proclaimed February 13<sup>th</sup> to 19<sup>th</sup>, 2017 as “Heritage Week” in the Town of Ladysmith, and encourages citizens to celebrate our community and its place in the great mosaic that is Canada.

#### 5. DEVELOPMENT APPLICATIONS

- 5.1. Bylaw 1912: Zoning Bylaw Amendment (Glencar Consultants Inc.) – Lot 1, Block 192, District Lot 103, Oyster District, Plan EPP44156.....2 - 30

Staff Recommendation:

1. That Council authorize the Mayor and Corporate Officer to execute the Development Control Covenant and Arbutus Hump Covenant relating to Bylaw 1912 and the rezoning of Lot 1, Block 192, District Lot 103, Oyster District, Plan EPP44156; and
2. That under the Bylaw’s section of tonight’s agenda, Council give third reading to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 5)

2016, No. 1912” and refer Bylaw 1912 to the Ministry of Transportation and Infrastructure for approval by the Minister pursuant to the provisions of the Transportation Act.

## 6. BYLAWS (OFFICIAL COMMUNITY PLAN AND ZONING)

### 6.1. Bylaw 1912 – Amend Zoning Bylaw to Permit Residential Development ..... 31 - 35

The purpose of Bylaw 1912 is to amend the Zoning Bylaw to permit a residential development of approximately 610 units (single unit and multi-unit), with community care facility/assisted living use and limited commercial, park and open space.

Staff Recommendation:

That Council give third reading to Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 5) 2016, No. 1912 and refer Bylaw 1912 to the Ministry of Transportation and Infrastructure for approval by the Minister pursuant to the provisions of the Transportation Act.

## 7. REPORTS

### 7.1. British Columbia / Canada 150 Celebrating B.C. Communities and their Contributions to Canada – Grant Opportunity..... 36 - 41

Staff Recommendation:

That Council direct staff to proceed with application for a grant of \$100,000 from the “British Columbia/Canada 150 Celebrating BC Communities and their Contributions to Canada” Fund toward the restoration and repairs of the Machine Shop.

### 7.2. Recommendations from the Municipal Services Committee Budget Deliberations (Meetings Held January 23 and 30, 2017) .....42

Recommendation:

That Council:

1. Fund the 2017 Principal Payment on the Buller Street Property with monies from the Real Property Reserve.
2. Use surplus funds to hire two parks students for 520 hours each to complete seasonal maintenance, weeding and trail work throughout the parks department.
3. Fund a new full-time Water Filtration Plant Operator IV position from Water Parcel Tax, resulting in a \$9.00 increase in parcel taxation in 2017.
4. Fund a new full-time Waste Water Treatment Plant Operator position from Sewer Utility Rates, resulting in an additional increase of \$2.57 to the monthly sewer fee base rate in 2017.
5. Direct staff to hire a temporary building inspector for 2017 and fund the position with surplus funds.
6. Allocate an additional \$25,000 for the RCMP generator from surplus.
7. Direct staff to reduce funds set aside for capital projects from 10 per cent of previous years’ taxation to 8 per cent in 2017.

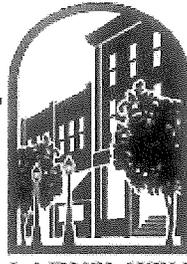
**8. NEW BUSINESS**

**9. UNFINISHED BUSINESS**

**10. 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**



LADYSMITH

TOWN OF LADYSMITH

## PROCLAMATION

### HERITAGE WEEK

**WHEREAS:** *British Columbians value and wish to conserve their rich and diverse heritage resources;*

**AND WHEREAS:** *“Heritage Week” begins on National Heritage Day, the third Monday of February;*

**AND WHEREAS:** *The theme for Heritage Week 2017 is “My Canada! My BC!”, celebrating the contributions of all British Columbians, as all Canadians celebrate the 150<sup>th</sup> anniversary of Confederation;*

**AND WHEREAS:** *The Heritage Week theme is conceived to inspire Canadians and British Columbians to embrace, explore and enjoy their own heritage places and spaces across the country and throughout our beautiful province;*

**THEREFORE,** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim the week of February 13 – 19, 2017 as “Heritage Week” in the town of Ladysmith, British Columbia. I encourage Ladysmith residents to celebrate our community and its place in the great mosaic that is Canada.*



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Mayor A. Stone

February 1, 2017



## Town of Ladysmith

### **STAFF REPORT TO COUNCIL**

From: Felicity Adams, Director of Development Services  
Date: February 6, 2017  
File No: 3360-15-02

RE: Bylaw 1912: Zoning Bylaw Amendment (GLEN CAR CONSULTANTS INC.)  
SUBJECT PROPERTY: Lot 1, Block 192, District Lot 103, Oyster District, Plan EPP44156

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#### **RECOMMENDATION:**

1. That Council authorize the Mayor and Corporate Officer to execute the Development Control Covenant and Arbutus Hump Covenant relating to Bylaw 1912 and the rezoning of Lot 1, Block 192, District Lot 103, Oyster District, Plan EPP44156; and
2. That under the Bylaw's section of tonight's agenda, Council give third reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.5) 2016, No.1912" and refer Bylaw 1912 to the Ministry of Transportation and Infrastructure for approval by the Minister pursuant to the provisions of the Transportation Act.

#### **PURPOSE:**

The purpose of this staff report is to: 1) seek Council's authorization for the signing of the Development Control Covenant and Arbutus Hump which are preconditions for the rezoning of Lot 1, Block 192, District Lot 103, Oyster District, Plan EPP44156; and 2) to present Bylaw 1912 for consideration of third reading and to receive direction to refer Bylaw 1912 to the Ministry of Transportation and Infrastructure.

#### **PREVIOUS COUNCIL DIRECTION**

At its meeting on June 20<sup>th</sup>, 2016 Council passed the following resolution:

"That the application by GlenCar Consultants Inc. (Lot 1, Block 192, District Lot 103, Oyster District, Plan EPP44156 – File No. 3360-15-02) to amend the Town of Ladysmith Zoning Bylaw 2014, No.1860 to permit a residential development of approximately 610 units (single unit and multi-unit), with community care facility/assisted living use and limited commercial, and park and open space be approved in principle subject to the following conditions:

- i. That prior to the adoption of amending Bylaw 1912 the following shall be completed to the satisfaction of the Director of Development Services:
  - a) Preparation of the required documents to allow for the dedication of the new collector road alignment and sanitary sewer statutory right of way, prior to the adoption of Bylaw 1912;
  - b) Transfer of land (riparian park areas and portion of Arbutus Hump) by the Owner to the Town, prior to the adoption of Bylaw 1912;
  - c) Registration of a section 219 covenant on the title of Lot 1, Block 192, District Lot 103, Oyster District, Plan EPP44156 to secure the following:
    - Wildfire protection guidelines;
    - Lewkowich Engineering Associates Ltd. geotechnical assessment;

- Protection of two Streamside Protection and Enhancement Areas (SPEA) not being transferred to the Town;
- A commitment to provide a continuous fence at the rear of the single family lots that are adjacent to a Streamside Protection and Enhancement Area with a concept design for clarity;
- Securing a ten metre vegetation and tree management retention buffer on the Arbutus Hump multi-family site to buffer the adjacent park site; and
- Placing a no-build covenant on the Arbutus Hump multi-family site to limit development above 130 geodetic elevation (in metres) until such time that adequate water for fire protection is available to the satisfaction of the Town.”

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

In June 2016 Council directed that several land-use matters in relation to the consideration of Bylaw 1912 be addressed by registering conditions within a Section 219 covenant that would be registered on the certificate of title of the land as outlined in (c) above. Two covenants have been prepared: i) Development Control Covenant; and ii) Arbutus Hump Covenant, which are the subject of this staff report.

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

##### **Development Control Covenant (*Schedule A attached*)**

The Development Control Covenant includes the following requirements:

- Wildfire protection measures relating to roofing materials standards, identifying fuel reduced buffer zones, street address numbers, and wood-burning appliances;
- Geotechnical report by Lewkowich Engineering Associates Ltd dated February 7, 2014; and
- Streamside protection and enhancement area protection, including fencing.

##### **Arbutus Hump Covenant (*Schedule B attached*)**

The Arbutus Hump Covenant includes the following requirements:

- Restricts use, buildings, subdivision and development above the 130 metre geodetic until adequate water has been secured for fire protection to a level satisfactory to the Town; and
- Establishes a 10 metre vegetation and tree retention buffer area where no vegetation may be removed and no buildings constructed to provide a buffer between development and the Arbutus Hump park area.

It is a condition of Council that these covenants be registered prior to the consideration of adoption of Bylaw 1912. The covenants contain a provision that if Bylaw 1912 is not adopted, the covenant may be discharged from the title.

#### **ALTERNATIVES:**

That Council not proceed with third reading of Bylaw 1912 and provide additional direction to staff.

#### **FINANCIAL IMPLICATIONS:**

Legal costs associated with the drafting, review and registration of covenants is the cost of the rezoning applicant.

**LEGAL IMPLICATIONS:**

Bylaw 1912 requires approval by the Minister pursuant to the provisions of the Transportation Act.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

A Public Hearing regarding Bylaw 1912 was held on June 20, 2016. The Public Hearing is closed and no further input from interested persons or the public can be provided to Council.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Development Services staff have been working with Infrastructure Services staff in the review of the Development Control Covenant and Arbutus Hump Covenant.

**RESOURCE IMPLICATIONS:**

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

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

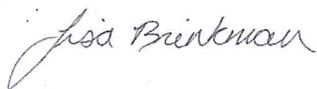
The Sustainability Visioning Report identifies the Holland Creek area as a potential model in general terms of responsible, sustainable, and attractive development.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

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

**SUMMARY:**

It is recommended to support the Development Control Covenant and Arbutus Hump Covenant and also it is recommended to give third reading to Bylaw 1912 and direct staff to refer the bylaw to the Ministry of Transportation and Infrastructure.



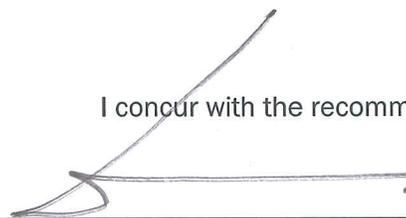
Report Author: Lisa Brinkman, Senior Planner

Reviewed By:



Felicity Adams, Director of Development Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

**ATTACHMENTS:**

- Schedule A: Development Control Covenant
- Schedule B: Arbutus Hump Covenant



## TERMS OF INSTRUMENT - PART 2

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### WHEREAS:

- A. The Transferor is the registered owner in fee-simple of those lands described in Item 2 of the General Instrument – Part 1 (the "**Lands**");
- B. The Transferee, Town of Ladysmith, is a municipality duly incorporated under the laws of British Columbia;
- C. On June 20, 2016 the Town approved, in principle, Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 5) 2016, No. 1912 (the "**Zoning Amendment Bylaw No. 1912**") to permit a residential development of approximately 610 units (single unit and multi-unit), with community care facility/assisted living use and limited commercial, and park and open space on the Lands;
- D. The Transferor and the Transferee acknowledge that it is in the public interest that development and use of the Lands be limited and that certain development requirements, which the Transferor has freely agreed to grant, be secured by agreement, and the Transferor has determined to grant and has agreed to enter into this Covenant and to register it against the title to the Lands as a covenant and indemnity under Section 219 of the *Land Title Act*.
- E. Section 219 of the *Land Title Act* provides that a covenant, whether of negative or positive nature, may be granted in favour of the municipality and may be registered as a charge against the title to land, and may contain provisions respecting the following:
- the use of land or the use of a building on or to be erected on land;
  - that land is to be built on in accordance with the covenant;
  - that land is not to be built on or subdivided except in accordance with the covenant;
  - that land is not to be used, built on or subdivided;
  - that separate parcels of land are not to be sold or transferred separately;
  - that land or specified amenities be protected, preserved, conserved, maintained, enhanced, restored or kept in its natural or existing state.

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

## 1. Definitions

In this Agreement the following words have the following meanings:

- (a) **“Approved Spark Arresters”** means a spark arrester meeting the manufacturer’s spark arrester cap specifications and having one-half (0.5”) inch by one-half (0.5”) inch openings;
- (b) **“Danger Tree”** means a tree that presents an unreasonable risk to persons or damage to property as determined by an arborist certified by the International Society of Arboriculture or a Registered Professional Forester;
- (c) **“Development”** for the purposes of section 6 means development as defined in the Riparian Areas Regulation B.L. Reg 4/2010;
- (d) **“Fuel Reduced Buffer Zone”** means the area on the Lands that completely surrounds a building and that has a width of:
  - (i) 10 metres, or
  - (ii) the distance from the building to the property line of the Lands
 whichever distance is lesser, as measured from the outermost exterior point of each part of the building;
- (e) **“OCP”** means the Town of Ladysmith Official Community Plan Bylaw No. 1488, as amended from time to time;
- (f) **“Permanent Fence”** means a permanent continuous upright structure, 1.2 metres in height, black vinyl covered chain-link with black metal post; or as approved by the Director of Parks, Recreation and Culture;
- (g) **“Streamside Protection and Enhancement Area”** or **“SPEA”** has the meaning contained in the Riparian Areas Regulation B.C. Reg 4/2010;

## 2. Restrictions on Use of Development:

The Transferor covenants and agrees with the Transferee that it shall not use or permit the use of the Lands or any building on the Lands for any purpose, construct any building on the Lands or subdivide the Lands except in strict accordance with this Agreement.

## 3. Preconditions of Development:

- 3.1 The Transferor may subdivide and develop the Lands in accordance with the Transferor’s plans set out at Schedule “A”, provided that the subdivision and development satisfies all enactments applicable to the subdivision and development of the Lands, and provided that the following conditions are met:

- (a) The Transferor has provided, in a form and having content satisfactory to the Town of Ladysmith acting reasonably, a road dedication covenant and statutory right of way to secure the dedication of the collector road through the Lands substantially as shown on Schedule "B" and a sanitary sewer statutory right of way through the land substantially as shown in Schedule "C".
- (b) The Transferor has transferred the Lands shown in Schedule "D" to the Town of Ladysmith for use as park and open space.

#### 4. Wildfire Protection

4.1 The Transferor covenants and agrees with the Transferee that it shall not build, develop, or permit building and development on the Lands unless such building or development complies with all enactments applicable to wildfire protection, and unless such building or development complies with the following:

- (a) All roofing material used on any building constructed, erected or placed on the Lands must meet the Underwriter Laboratories of Canada – CAN/ULC – S107, fire tests of roof coverings Class B fire rating standard;
- (b) All buildings constructed, erected or placed on the Lands must be surrounded by a Fuel Reduced Buffer Zone. The Fuel Reduced Buffer Zone may contain a natural tree cover, but must be used in a manner that ensures that flammable materials and combustible debris including natural and manmade waste materials, building materials, fallen leaves, fallen branches, and other dead vegetation do not accumulate within the Fuel Reduced Buffer Zone.
- (c) Prior to the issuance of an occupancy permit all areas disturbed within the previous 18 months must be planted with grass and fire resistive vegetation such as plants with moist supple leaves, plants with little dead wood, that do not accumulate dry, dead material within the plant; plants with water-like sap with little or no odour, and plants with low amounts of sap or resin.
- (d) Prior to the issuance of an occupancy permit ensure that the street address is clearly evident, with reflective letters, numbers, and symbols at least 10 cm high, with 12 mm stroke and clearly contrasted with the background colour of the sign.
- (e) All wood-burning appliances must be constructed to include Approved Spark Arresters.

#### 5. Geotechnical Hazards

5.1 The Transferor shall use the Lands only in the manner determined and verified by Chris Hudec, P.Eng., of Lewkowich Engineering Associates Ltd., in a report dated February 7, 2014 and attached as Schedule "E" as enabling the safe use

of the Lands for the use intended.

- 5.2 Despite section 5.1, the Transferor agrees and acknowledges that prior to the issuance of a building permit for any specific lot, a building official may under section 56 of the *Community Charter*, require the preparation of a further geotechnical report regarding the specific construction project for which application is made for a building permit.

6. Streamside Protection and Enhancement Area

- 6.1. The Transferor must protect, preserve and maintain the SPEA in its natural state.
- 6.2 Without limiting the generality of section 6.1, the Transferor must not, and must not suffer or permit any person to do or carry out any Development within the SPEA.
- 6.3 As an exception to section 6.2, the Transferor may when reasonably necessary to protect persons or property fall any Danger Tree within the SPEA, provided that once fallen, the Danger Tree must be left on the ground within the SPEA as coarse woody debris.
- 6.4 Prior to Development a Riparian Development Permit is required which will require that the SPEA be protected during land development and over the long term.

7. Fencing to Protect Streamside Protection Area

- 7.1 The Transferor shall not commence use of the Lands for a single unit residential purposes and the Transferee shall not be obliged to issue an occupancy permit unless it has constructed a Permanent Fence which does not contain a gate, gap or other opening that would allow direct access from the property to the public open space as shown in Schedule D and the SPEA adjacent to the Lands. The land owner shall repair, maintain, and replace the fence as needed.

8. Development Permit Area

- 8.1 The Transferor acknowledges and agrees that the Lands are subject to a requirement for development permits under the Official Community Plan.

9. Indemnity

- 9.1 The Transferor shall indemnify and save harmless the Transferee from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have against the Transferee or which the Transferee incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with:
- (a) the breach of any covenant in this Agreement;
  - (b) the use of the Lands contemplated under this Agreement; and

(c) restrictions or requirements under this Agreement.

10. Release

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

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

11. Priority

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

12. No Prejudice to Public Rights

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

13. Discharge

13.1 The Transferee agrees that it shall, at the request and cost of the Transferor, discharge this Covenant in the event that the Transferee has not, on or before the 30<sup>th</sup> day of June, 2017, adopted the Town of Ladysmith Zoning Bylaw Amendment Bylaw (No. 1860), 2016, No. 1912.

14. Time

14.1 Time is of the essence of this Agreement.

15. Enurement of Obligations

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

16. No Representations by Transferee

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

17. Reimbursement of Transferor's Costs

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

18. No Waiver

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

19. Interpretation

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

20. Remedies Cumulative

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

21. Enforcement Discretion

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

22. Covenants Run with the Land

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

23. Further Assurances

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

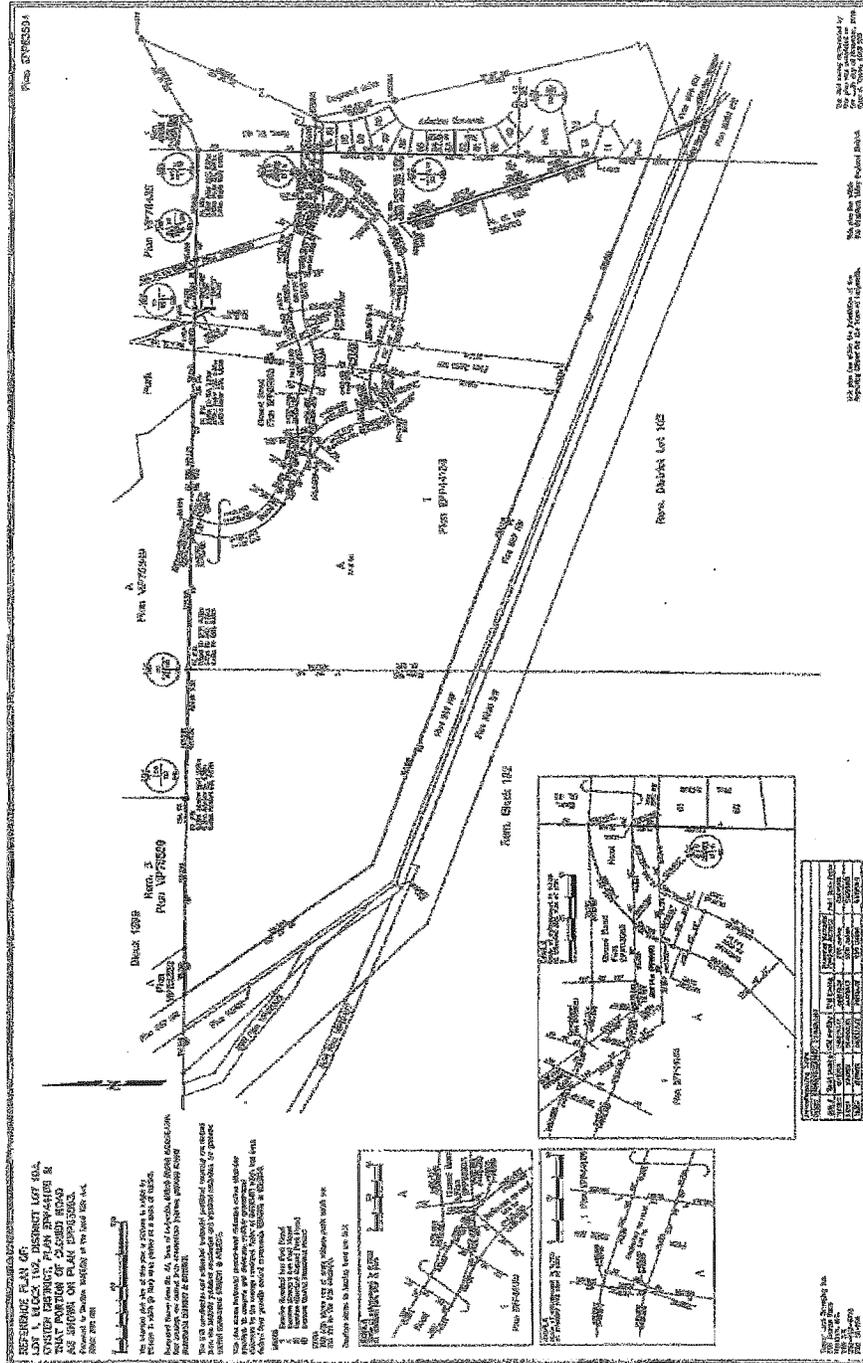
The Transferor and Transferee acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D (pages 1 and 2) attached hereto.

DRAFT



# SCHEDULE "B"

## Road Dedication Plan Plan EPP44156







## SCHEDULE E

### Geotechnical Report (Hudec)



00885538 BC Ltd.  
7491 Lantzville Road  
Lantzville, BC  
V0R 2H0

File Number: F0391.04  
Date: February 7, 2014

Attention: Mr. Jim Dickinson

**PROJECT:** HOLLAND CREEK RESIDENTIAL DEVELOPMENT  
LOT 1, DISTRICT LOT 103, PLAN 34532, BLOCK 192, OYSTER  
DISTRICT  
LADYSMITH, BC

**SUBJECT:** GEOTECHNICAL ASSESSMENT

- REFERENCES:** 1. Turner Land Surveying Ltd. drawing titled "*Dogwood Drive, Composite Plan – Proposed Road,*" File No. 12 – 164, Dated September 23, 2013 (attached).
2. Newcastle Engineering Ltd. drawing titled "*Holland Creek, Proposed Subdivision of Lot 1, Plan 34532, D.L. 103, Part of District Lot 103, and Part of Block 192, Oyster District,*" File No. L845-02, Drawing No. PLA, Dated January 9, 2014 (attached).

Dear Mr. Dickinson:

#### 1. INTRODUCTION

As requested, Lewkowich Engineering Associates Ltd. (LEA) has carried out a geotechnical assessment of the above referenced property. This report provides a summary of our findings and recommendations.

#### 2. BACKGROUND

LEA understands the proposed development consists of a residential subdivision including the installation of associated on and off site civil works and services. We understand the proposed development will consist of a multi-phased development plan. We also understand the scope, extent, and general layout of the subject residential development is still in the design stage.

Suite A - 2569 Kenworth Road, Nanaimo, BC, Canada V9T 3M4  
Telephone: (250) 756-0355 Fax: (250) 756-3831 www.lewkowich.com

Client: 0885538 BC Ltd.  
Project: Holland Creek Residential Development  
File: F0391.04  
Date: February 7, 2014  
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### 3. ASSESSMENT OBJECTIVES

Our assessment, as summarized within this report, is intended to meet the following objectives:

- i. Determine whether the land is considered safe for the use intended (defined for the purposes of this report as construction of a residential development including the installation of associated on and off site civil works and services), with the probability of a geotechnical failure resulting in property damage of less than 10 percent (10%) in 50 years, with the exception of geohazards due to a seismic event which are to be based on a 2 percent (2%) probability of exceedance in 50 years, provided the recommendations in this report are followed.
- ii. Identify any geotechnical deficiency that might impact the design and construction of the development, and prescribe the geotechnical works and any changes in the standards of the design and construction of the development that are required to ensure the land, buildings, and works and services are developed and maintained safely for the use intended.
- iii. Acknowledge that Approving and/or Building Inspection Officer may rely on this report when making a decision on applications for the development of the land.

### 4. ASSESSMENT METHODOLOGY

- a. The subsurface geotechnical investigation was carried out over three consecutive days from September 23 to 25, 2013 using a Hitachi Zaxis 200 excavator provided by Parksville Heavy Equipment Ltd. A total of fifty-seven (57) test pits (TP 13-01 to TP 13-57) were excavated within the proposed development property. All test pits were backfilled upon completion.
- b. Site plans showing the extent of the development area, as well as the approximate locations of the test pits are attached as Figures 1 through 5, following the text of this report.

Lewkowich Engineering Associates Ltd.

Client: 0885538 BC Ltd.  
Project: Holland Creek Residential Development  
File: F0391.04  
Date: February 7, 2014  
Page: 3 of 15



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## 5. SITE CONDITIONS

### 5.1 General

- a. The subject development area is approximately 141 acres (57.05 hectares) in total size and consists of three separate legal properties. It is not known at this time whether the residential subdivision process will consist of a strata or fee simple type of development, or portions of each.
- b. The majority of the proposed development area has been selectively logged, with an area within the western portion of the site clear-cut in recent years.
- c. The proposed development property is located to the immediate west of the Town of Ladysmith, and is bound to the south by the limits of the Town of Ladysmith.
- d. The southern and western perimeters of the development area include BC Hydro (BCH) and Fortis right-of-ways (ROWs) to accommodate existing underground and overhead transmission line services. BCH also has a second ROW running north/south through the eastern portion of the proposed development area.
- e. Access to the subject properties is currently limited. The development area can be accessed on foot from Arbutus Drive and Dogwood Drive along the eastern extents of the development area, or by vehicle along the existing gated services roads within the BCH and Fortis ROWs.
- f. Heart Creek and two smaller tributaries run approximately southwest to northeast through the property. We understand that the potential impact on the existing creek and tributaries, relative to the proposed development, will be carried out by others.
- g. Topography within the property is complex, with varying slopes throughout. Relatively flat plateaus exist in the western portion of the development area. Preliminary survey data indicates geodetic elevations varying from 125m at the southern extents of the property to 20m at the northern extents of the property for a total of 105m of total vertical relief sloping

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downhill from south to north (approximately).

## 5.2 Soil Conditions

- a. The proposed subdivision plan, and the existing terrain within the development area dictated that the majority of the subsurface explorations (test pits) were excavated within the southern portions of the development area.
- b. Soil conditions within the southern portion of the anticipated development area consisted of typical alluvial sands and gravel underlain by an over-consolidated silt, sand, and gravel matrix (glacial till). Glacial till was encountered throughout the southern portion of the development property at a mean depth of 1.1m.
- c. Soil conditions within the northern portion of the anticipated development area consisted of more substantial alluvial deposits. Sand and gravel, or minor variations of, were encountered predominantly throughout the northern portion of the development property. Granular materials were encountered at depths from 0.2m to a maximum depth of 3.4m. Please note, the total depth of the naturally deposited granular soils was not determined due to the dense nature of the material, the depth of the material, and the limitations of the excavation equipment.
- d. Sporadic localized subgrade soil conditions were encountered in some areas during the field investigation.
  - i. TP 13-15 revealed a layer of "re-worked" site materials to a depth of 0.4m. We expect that re-worked site materials will be encountered throughout the property given the logging activities in the area. We expect the nature of these materials to be negligible given the scope of the anticipated earthworks associated with the proposed development.
  - ii. TP 13-21 revealed soft, wet, organic soils to a depth of 0.6m, underlain by a loose to

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compact silty gravel to a depth of 2.2m, with groundwater seepage observed throughout the test pit excavation. Ponded water was noted at surface in proximity to the test pit location. In addition, equipment access to the area in proximity to TP 13-21 was limited given the soft, wet nature of the surface soils. Visual reconnaissance of the area was conducted as conditions permitted. We do not expect the extent of this soft area to be significant. However, additional investigation may be warranted to determine the volume of unsuitable materials with respect to the proposed roadway construction in the area.

- iii. TP 13-51, TP 13-52, and TP 13-54 revealed a bearing material of very stiff to hard silt with a trace of sand and clay. While dissimilar in general composition from the glacial till discussed above, the engineering properties of this material are similar to the glacial till. We do not expect that this fine-grained stratum, given its consistency, will impact the proposed development.
- e. Depths are referenced to the existing ground surface at the time of our field investigation. Soil classification terminology is based on the Modified Unified classification system. The relative proportions of the major and minor soil constituents are indicated by the use of appropriate Group Names as provided in ASTM D2487 Figures 1a, 1b, and 2. Other descriptive terms generally follow conventions of the Canadian Foundation Engineering Manual.

### 5.3 Bedrock

- a. As discussed above, glacial till was encountered predominantly throughout the site, with areas of granular deposits in the northern portion of the site.
- b. Please note, effective refusal in TP 13-35 was reached due to either a large boulder or shallow bedrock.
- c. Large cobbles and boulders are common to the type of glacial till soils encountered during

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the field investigation.

- d. As bedrock was not encountered or observed in any other areas of the property, it is reasonable to assume that that the effective refusal in TP 13-35 consisted of a large boulder.

#### 5.4 Groundwater

- a. There was groundwater seepage observed, as outlined above, in TP 13-21. Groundwater was not encountered during the remainder of the field investigation.
- b. Note, the test pitting investigation was conducted during an extended period of dry weather. Given the dense, impervious nature of the subgrade soils documented during the field investigation (shallow glacial till), it is reasonable to assume that a shallow, perched groundwater table is present during the “wet” season, particularly in the southern portion of the development property. We expect that this seasonal perched condition will be directly related to the volume and frequency of storm events.
- c. Groundwater levels can be expected to fluctuate seasonally with cycles of precipitation. Groundwater conditions at other times and locations can differ from those observed within the bore holes at the time of our assessment.

#### 5.5 Review of Available Mine Information

- a. We considered the potential impact to the proposed development by abandoned coal mines. As part of this assignment, we have reviewed historical documents with respect to coal mining activities rumored to have occurred in the area.
- b. Based on our review, there was no documented underground coal mining activities in proximity to the subject development area.
- c. Historical information indicates that the closest underground mining activities were located approximately 23km to the north. Documented mines in this area included the “Reserve Mine,” the “Morden Mine,” and the “Black Track Mines.”

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## 6. CONCLUSIONS AND RECOMMENDATIONS

### 6.1 General

- a. From a geotechnical point of view, the land is considered safe for the use intended (defined for the purposes of this report as construction of a residential development including the installation of associated on and off site civil works and services), with the probability of a geotechnical failure resulting in property damage of less than 10 percent (10%) in 50 years, with the exception of geohazards due to a seismic event which are to be based on a 2 percent (2%) probability of exceedance in 50 years, provided the recommendations in this report are followed.
- b. Site development for the study area is understood to require grading (general excavation, embankment construction, and earthworks typical of this type of development) to establish or improve roadways and proposed building lots. Therefore, lots are subject to re-examination during and after area grading but prior to building permit issuance. We have taken this issue into account in formulating our recommendations.
- c. We recommend that setbacks from steep slope crests be provided for proposed structures and roadways as a precautionary measure against slope degradation due to erosion from extreme storm events or from seismic action. Slopes that require setbacks are defined here as having an inclination exceeding 30 degrees from horizontal. Based on an examination of slopes within this development site, we conclude that there are natural slopes within the property that require setbacks from slope crests.
  - i. Where buildings and roadways are set above slopes with an inclination greater than 45 degrees a minimum setback of 8m is recommended where slopes are between 4m to 8m in total height. Where the total slope height is less than 4m, a setback equal to the height of the slope is required; where total slope height is greater than 8m, the Geotechnical Engineer should be contacted to provide information specific to the localized slope. As a conservative estimate, for slope greater than 8m in total height, a setback equal to the

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height of the slope may be used for preliminary design purposes.

- ii. Where buildings and roadways are to be set above slope with an inclination of 30 - 45 degrees the set back should be a minimum of 6m where slopes are between 3m to 6m in total height. Where the total slope height is less than 3m, a setback equal to the height of the slope is required; where total slope height is greater than 6m, the Geotechnical Engineer should be contacted to provide information specific to the localized slope. As a conservative estimate, for slope greater than 6m in total height, a setback equal to the height of the slope may be used for preliminary design purposes.
- iii. Where buildings and roadways are set below natural slopes with a grade 30 degrees from horizontal or greater, the setback shall be the total height of the slope (as measured vertically from the toe to crest of the slope).
- d. There is the possibility for the setbacks to be reduced given more in depth analysis of particular features or exposures.
- e. Fills may be created to establish building and roadway levels that differ from existing conditions. In this case, a building setback of 3.0 metres shall be established for fills ranging from 1.5m to 3.0m high, and 5.0m where the fill exceeds 3.0m in thickness. Fill slopes shall not exceed an inclination of 2H : 1V. Fill shall be compacted to achieve a uniform and dense relative density as per our recommendations for structural fill placement and compaction. Structural fill shall be evaluated and be approved by the Geotechnical Engineer for the project.
- f. Natural soil faces shall not be undercut without subsequent support by permanent retaining walls designed and constructed to support the slope face. In general, retaining wall back slopes should be flattened to a configuration no steeper than 2H : 1V to allow for disturbance such as from temporary excavation. The Geotechnical Engineer for the project should review temporary sub-cutting such as for retaining or foundation walls deeper than 1.2m. A more detailed geotechnical analysis on a lot by lot basis may be necessary at the

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time of construction. This may be accomplished using a standard BC Building Code Quality Assurance Schedules B and C.

## 6.2 Structural Fill

- a. Where fill is required to raise areas that will support buildings, slabs, or pavements, structural fill should be used. The Geotechnical Engineer should first approve the exposed subgrade to confirm the removal of all unsuitable materials.
- b. Structural fill should be inorganic sand and gravel, or well-graded blasted/broken rock (subject to the review and approval of the Geotechnical Engineer). If structural fill placement is to be carried out in the wet season, material with a fines content limited to 5% passing the 75µm sieve should be used, as such a material will not be overly sensitive to moisture, allowing compaction during rainy periods of weather.
- c. Structural fill should be compacted to a minimum of 95% of Modified Proctor maximum dry density (ASTM D1557) in foundation and floor slab areas, and a minimum of 95% in paved roadway and parking areas.
- d. Structural fills under foundations should include the zone defined by a plane extending down and outward a minimum 0.5m from the outer edge of the foundation at an angle of 45 degrees from horizontal to ensure adequate subjacent support.
- e. Compaction of fill should include moisture conditioning as needed to bring the soils to the optimum moisture content and compacted using vibratory compaction equipment in lift thickness appropriate for the size and type of compaction equipment used.
- f. A general guideline for maximum lift thickness is no more than 100mm for light hand equipment such as a 'jumping-jack,' 150mm for a small roller and 300mm for a large roller or heavy (>500 kg) vibratory plate compactor or a backhoe mounted hoe-pac or a large excavator mounted hoe-pac, as measured loose.
- g. It should be emphasized that the long-term performance of buildings, slabs, and pavements

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is highly dependant on the correct placement and compaction of underlying structural fills. Consequently, we recommend that structural fills be observed and approved by the Geotechnical Engineer. This would include approval of the proposed fill materials and performing a suitable program of compaction testing during construction.

### 6.3 Foundation Design & Construction – Proposed Residential Construction

- a. Prior to construction, the building area should be stripped to remove all unsuitable materials to provide an undisturbed natural soil subgrade for the footing support.
- b. Foundation loads should be supported on natural undisturbed soil approved for use as a bearing stratum by our office, or structural fill, and may be designed using the following values.
  - i. For foundations constructed on structural fill, as outlined in Section 6.3 of this report, a Service Limit State (SLS) bearing pressure of 150 kPa, and an Ultimate Limit State (ULS) of 200 kPa may be used for design purposes. These values assume a minimum 0.6m depth of confinement or cover.
  - ii. For foundations constructed on dense, naturally deposited sand and gravel (or similar), or glacial till, an SLS bearing pressure of 150 kPa, and a ULS of 200 kPa may be used for design purposes. These values assume a minimum 0.6m depth of confinement or cover
- c. Exterior footings should be provided with a minimum 0.6m depth of ground cover for frost protection purposes.
- d. Prior to placement of concrete footings, any bearing soils that have been softened, loosened, or otherwise disturbed during the course of construction should be removed, or else compacted following our recommendations for structural fill. Compaction will only be feasible if the soil has suitable moisture content and if there is access to heavy compaction equipment. If no structural fill is placed, a smooth-bladed clean up bucket should be used to finish the excavation.

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#### 6.4 Seismic Issues

- a. A localized area of potentially liquefiable and/or compressible soil was encountered in proximity to TP 13-21. Based on the remainder of the field investigation, and a visual reconnaissance of the area in proximity to TP 13-21, we expect the scope and total extent of the soft soils to be limited. We expect that the area of soft soil can be excavated and replaced with competent structural fill materials as required to facilitate the proposed subdivision development and associated residential construction.
- b. Based on the 2012 British Columbia Building Code, Division B, Part 4, Table 4.1.8.4.A, 'Site Classification for Seismic Site Response,' the soils and strata encountered during the test pitting investigation would be 'Site Class D' (Stiff Soil).

#### 6.5 Permanent Dewatering

Conventional requirements of the 2012 British Columbia Building Code pertaining to building drainage are considered suitable at this site. Once final plans and tentative elevations are determined, the Geotechnical Engineer should be consulted to provide further dewatering data.

#### 6.6 Erosion Control

Since the site consists of some erodible surfaces, erosion control is expected to be an issue of significance during the development of this property. Overland storm water controls should take into account the potential impact of concentrated runoff as it may impact adjacent sensitive areas. This should generally take the form of runoff from construction activities being directed to retention areas prior to entry to sensitive areas. Erosion and sediment control plans can be provided by our office prior to any construction activities to ensure appropriate practices are documented.

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#### 6.7 Undermining Discussions and Recommendations

- a. Based on a review of the available information, there was no underground coal mining activity in proximity to the proposed development area.
- b. Historical documentation indicates that the Ladysmith Harbour, located approximately 3 km northeast of the subject development area, was used as a shipping port for coal. We do not expect that the documented shipping and/or export activities will have any impact on the proposed development.
- c. The proposed development should not be impacted by abandoned coal mine workings or ancillary coal mining activities.

#### 6.8 Trenching and Utility Installation

- a. We understand through conversations with the civil consultant and a cursory review of the design civil drawings, that the installation of the civil works and services will include substantial excavation depths in some areas.
- b. Given our knowledge of subgrade soil conditions, we offer the following preliminary recommendations with respect to trenching and civil utility installation:
  - i. The subgrade soil conditions are expected to consist primarily of very dense glacial till.
  - ii. A continuous vertical excavation depth of 3.0m should be feasible given the anticipated subgrade conditions. This is subject to the field review and approval of the Geotechnical Engineer at the time of construction.
  - iii. Any excavation depths exceeding 3.0m in depth shall be sloped at a configuration of 1H : 2V beyond 4.0m in height.
  - iv. Consideration may be given for excavation depths exceeding 3.0m in depth, subject to the field review and approval of the Geotechnical Engineer at the time of construction.

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- v. All excavations shall be protected from environmental conditions as required during the course of construction. Surface water and seepage shall be monitored closely during construction.
- vi. All excavation work shall conform to applicable criteria as outlined by Worksafe BC. Any trenching or general excavation depth that exceeds the depths outlined by Worksafe BC shall be reviewed in the field by the Geotechnical Engineer.

#### 7. GEOTECHNICAL ASSURANCE AND QUALITY ASSURANCE

The 2012 British Columbia Building Code requires that a geotechnical engineer be retained to provide Geotechnical Assurance services for construction of this nature. Geotechnical Assurance services include review of the geotechnical components of the plans and supporting documents, and responsibility for field reviews of these components during construction.

#### 8. ACKNOWLEDGEMENTS

Lewkowich Engineering Associates Ltd. acknowledges that this report may be requested by the building inspector (or equivalent) of the Town of Ladysmith or other local governing bodies as a precondition to the issuance of development approvals. It is acknowledged that the Approving Officers and Building Officials may rely on this report when making a decision on application for development of the land. We acknowledge that this report has been prepared solely for, and at the expense of 0885538 BC Ltd. We have not acted for or as an agent of the Town of Ladysmith in the preparation of this report.

#### 9. LIMITATIONS

The conclusions and recommendations submitted in this report are based upon the data obtained from a limited number of widely spaced subsurface explorations. The nature and extent of variations between these explorations may not become evident until construction or further investigation. The recommendations given are based on the subsurface soil

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conditions encountered during the test pitting investigation, current construction techniques, and generally accepted engineering practices. No other warrantee, expressed or implied, is made. Due to the geological randomness of many soil formations, no interpolation of soil conditions between or away from the test pits has been made or implied. Soil conditions are known only at the test pit locations. If other soils are encountered, unanticipated conditions become known during construction or other information pertinent to the development become available, the recommendations may be altered or modified in writing by the undersigned.

10. CLOSURE

Lewkowich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at this time, please contact us at your convenience.

Respectfully Submitted,  
Lewkowich Engineering Associates Ltd.



Steven Stacey, B.A., CTech  
Technician



Chris Hudec, M.A.Sc., P.Eng.  
Project Engineer

CC: Newcastle Engineering Ltd., Attention: Mr. Rod Smith, P.Eng.

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Attachments:

1. LEA Figures 1 through 5
2. LEA Test Pit Logs TP 13-01 through TP 13-57
3. Turner Land Surveying Ltd. drawing titled "*Dogwood Drive, Composite Plan – Proposed Road*," File No. 12 – 164, Dated September 23, 2013 (attached).
4. Newcastle Engineering Ltd. drawing titled "*Holland Creek, Proposed Subdivision of Lot 1, Plan 34532, D.L. 103, Part of District Lot 103, and Part of Block 192, Oyster District*," File No. L845-02, Drawing No. PLA, Dated January 9, 2014 (attached).

Lewkowich Engineering Associates Ltd.

## TOWN OF LADYSMITH

### BYLAW NO. 1912

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

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**WHEREAS** pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Zoning Bylaw;

**AND WHEREAS** after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

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

- (1) Schedule A - Zoning Bylaw Text of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:

#### PART 4 – DEFINITIONS

- (a) By adding the following definition to Section 4.1 Interpretation following PARK, NATURE:

"PARKING, UNDERBUILDING: means any enclosed space used or intended to be used for off-street parking that is:

- Accessed by a drive aisle located on the front, side or rear elevation of the *Building*; and
- Contained entirely within the *Building*; and
- Has a finished floor elevation at its entrance not greater than the average of the adjacent *Finished Grade* measured at the two most outermost exterior corners of the *Building* where the drive aisle is located.

#### PART 10 – RESIDENTIAL ZONES

- (b) Adding the following to the end of Section 10.11 - Low Density Residential (R-3-A) Zone under the heading 8. Site Specific Regulations:

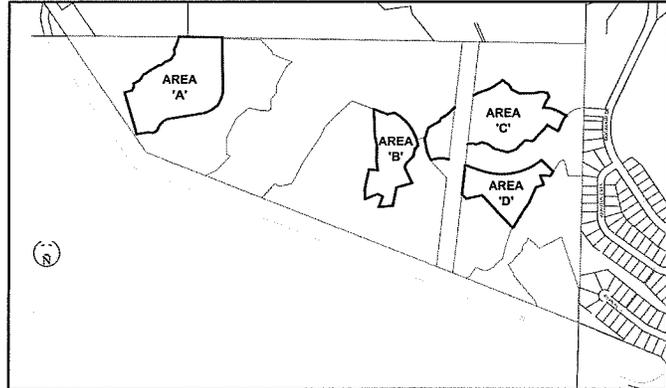
##### 8. Site Specific Regulations

- "c) For the parcel legally described as Lot 1, Block 192, District Lot 103, Oyster District, Plan EPP44156:
- i) Despite Section 10.11.5(a), the *Height* of a *Multi-Unit Dwelling*, located in Area A located as shown on Figure 10.11.1, shall not exceed 10.0 metres, excluding *Underbuilding Parking*.
  - ii) *Single Unit Dwelling* is a permitted *Principal Use* in Area A located as shown on Figure 10.11.1, subject to Part 10, Section 10.13 Single Dwelling Residential – Holland Creek Area (R-1-HCA) and where the majority of the *Parcel* is located below the 130 geodetic elevation in metres.
  - iii) *Community Care Facility* and Assisted Living Residence licensed under the *Community Care and Assisted Living Act* are permitted *Principal Uses* in Areas B, C and D located as shown on Figure 10.11.1, subject to:
    - A) Sub-section 4 (Density of the Use of Land, Buildings and Structures) and sub-section 5 (Siting, Size and Dimension of Uses, Building and Structures) of Section 13.1 Institutional (P-1) *Zone*.
    - B) The maximum number of residential care bedrooms in a *Community Care Facility* or Assisted Living Residence is

60 residential care bedrooms per hectare of land.

- iv) *Coffee Shop, Office and Personal Service Establishment* are permitted *Accessory Uses* to *Community Care Facility* and *Assisted Living Residence* in Areas B, C and D located as shown on Figure 10.11.1, subject to a maximum *Gross Floor Area* of 100 square metres for each *Accessory Use*.

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



- (c) Adding a new zone as Section 10.13. Single Dwelling Residential – Holland Creek Area (R-1-HCA) as shown on **Schedule 1** which is attached to and forms part of this Bylaw.
- (2) Schedule B - Zoning Bylaw Map of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended by placing the R-3-A Zone, R-1-HCA Zone, P-2 Zone and the P-3 Zone on the *Parcel* legally described as Lot 1, Block 192, District Lot 103, Oyster District, Plan EPP44156, as shown on **Schedule 2** which is attached to and forms part of this Bylaw.

**CITATION**

- (3) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 5) 2016, No. 1912".

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

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

**PUBLIC HEARING** held pursuant to the provisions of the *Local Government Act*  
on the 20<sup>th</sup> day of June, 2016

**READ A THIRD TIME** on the day of

**APPROVED** by the Minister pursuant to the provisions of the *Transportation Act*  
on the day of

**ADOPTED** on the day of

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

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

## Bylaw No. 1912 – Schedule 1

**10.13 SINGLE DWELLING RESIDENTIAL – HOLLAND CREEK AREA (R-1-HCA)**

The purpose of the Single Dwelling Residential – Holland Creek Area Zone is to accommodate residential development on a range of parcel sizes while respecting riparian ecosystems and park and open space amenities.

**1. Principal Uses**

- a) *Single Unit Dwelling*.

**2. Accessory Uses**

- a) *Secondary Suite*, subject to 10.13(3)(c) and Part 6, Section 6.4.  
 b) *Home Based Business*, subject to Part 6, Section 6.8.  
 c) *Urban Agriculture*.

**3. Sizing and Dimension of Parcels**

- a) No *Parcel* shall be created which has a *Parcel Area* less than 460 square metres and a *Frontage* less than 13.5 metres.  
 b) Despite Section 10.13 (3)(a) when any *Parcel Line* abuts a *Streamside Protection and Enhancement Area (SPEA)* or *Land* that is zoned Nature Park (P-3), no *Parcel* shall be created which has a *Parcel Area* less than 560 square metres and a *Frontage* less than 15.0 metres.  
 c) Despite Sections 10.13 (3)(a) and (b), the minimum *Parcel Area* shall not include a *Streamside Protection and Enhancement Area*.  
 d) Despite Section 10.13 (3)(a), no *Parcel* created or used for *Secondary Suite Use* shall have a *Parcel Area* less than 668 square metres and a *Frontage* less than 18.28 metres.

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

- a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is less than 83.0 square metres.  
 b) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is greater than 175.0 square metres.  
 c) No *Principal Buildings* or *Structures* shall exceed a *Parcel Coverage* of 33.0 percent.

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

- a) On a *Parcel* 560 square metres or less in size, no *Principal Building* or *Structure* shall exceed a *Height* of 8.0 metres; except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 6.5 metres.  
 b) On a *Parcel* greater than 560 square metres in size, no *Principal Building* or *Structure* shall exceed a *Height* of 9.0 metres; except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 7.5 metres.  
 c) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.  
 d) No *Principal Building* or *Structure* located on *Parcels* where the *Principal Use* is *Single Unit Dwelling* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	4.0 metres
<i>Exterior Side Parcel Line</i> <i>Interior Side Parcel Line</i>	2.0 metres

<i>Other Interior Side Parcel Line</i>	1.5 metres
<i>Rear Parcel Line</i>	3.0 metres
<i>Boundary of a Streamside Protection and Enhancement Area</i>	3.0 metres

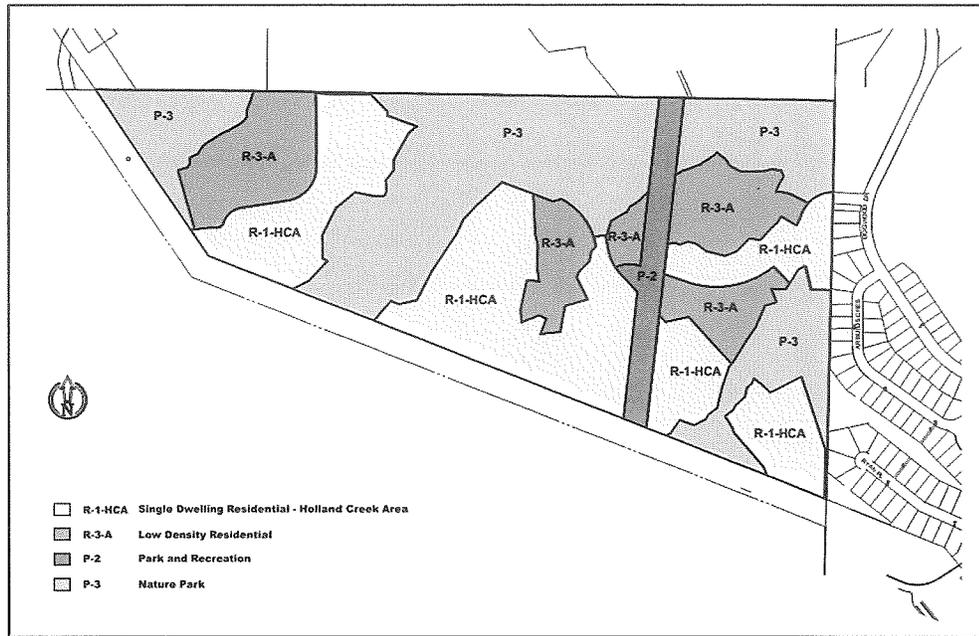
- e) No *Accessory Building or Structure*, with a *Finished Floor Area* (m<sup>2</sup>) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M <sup>2</sup>	MINIMUM SETBACK >10.0 M <sup>2</sup>
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres
<i>Boundary of a Streamside Protection and Enhancement Area</i>	1.0 metres	1.5 metres

#### 6. **Parking and Loading**

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

Bylaw No. 1912 – Schedule 2





## Town of Ladysmith

### **STAFF REPORT TO COUNCIL**

From: Clayton Postings, Director of Parks, Recreation & Culture  
Date: January 30, 2017  
File No:

RE: BRITISH COLUMBIA / CANADA 150 CELEBRATING B.C. COMMUNITIES AND THEIR CONTRIBUTIONS TO CANADA – GRANT OPPORTUNITY

---

#### **RECOMMENDATION:**

That Council direct staff to proceed with application for a grant of \$100,000 toward the restoration and repairs of the Machine Shop.

#### **PURPOSE:**

To advise Council of this grant opportunity.

#### **PREVIOUS COUNCIL DIRECTION**

None

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

Announced on January 11, 2017 the BC/Canada 150 Celebrating BC Communities and Their Contributions to Canada grant is designed assist communities to invest in museums and heritage sites; eligible projects may receive up to \$100,000, to a maximum of 80% of the total project value, and the work must be completed by March 1, 2018.

The Town has applied unsuccessfully for similar Federal grants relating to improvement at the Machine Shop site. The Machine Shop is in need of major improvements and a grant such as this will allow a number of necessary improvements to take place.

The grant application deadline is February 10, 2017.

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

Parks Recreation and Culture staff will apply for the grant, and manage contractors in implementation of the project, to include repairs/replacement of floors and eaves/gutters, bringing entries/exits up to building code standards consistent with current functions of the building, and accessibility improvements to washrooms.

#### **ALTERNATIVES:**

To not apply for the grant.

#### **FINANCIAL IMPLICATIONS:**

If the grant application is approved, the Town of Ladysmith must provide 20% of the total project funding.

The total funding that the Town would be required to contribute would be \$25,000, if the Town were awarded \$100,000 for the grant program. The Town's funding could come from the Gas Tax source as the improvements are eligible due to being culture, tourism and recreation related.

**LEGAL IMPLICATIONS:**

Not Applicable.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

Improvements to the Machine Shop facilitated by this grant funding would increase accessibility, safety, and functionality for the public and community partners using the facilities. Both current organizational partners (Ladysmith Maritime Society and Ladysmith Arts Council) have been consulted and would contribute to the project.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Public Works staff and other Town of Ladysmith departments would participate in this project implementation as appropriate.

**RESOURCE IMPLICATIONS:**

Staff time and a project contribution of up to \$25,000 is required.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

This grant application and project are consistent with Priority Actions "Culture and Identity", and "Economic Development".

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Consistent with Strategic Priorities "Natural and Built Infrastructure" and "Partnerships".

**SUMMARY:**

It is recommended that Council direct staff to apply for the "British Columbia / Canada 150 Celebrating B.C. Communities and Their Contributions to Canada" grant.



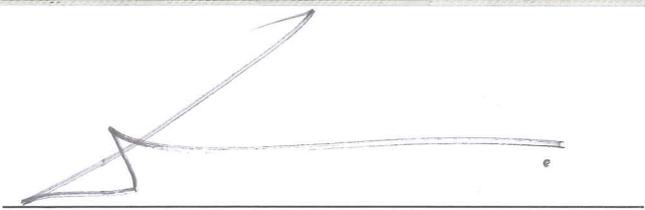
Report Author: (Anita McLeod, Recreation & Culture Coordinator)

Reviewed By:



(Clayton Postings, Director of Parks, Recreation & Culture)

I concur with the recommendation.



Guillermo Ferrero, City Manager

**ATTACHMENT:**

“British Columbia / Canada 150 Celebrating B.C. Communities and Their Contributions to Canada” application guide



## British Columbia | Canada 150: Celebrating B.C. Communities and their Contributions to Canada

### OBJECTIVES

With Canada celebrating its 150th anniversary of Confederation in 2017, the Province of British Columbia will acknowledge this significant milestone by investing in legacy, culture and heritage projects in communities throughout the province.

This momentous occasion will be recognized through one-time grants for public, not-for-profit museums, art galleries, archives, cultural centres, historic places and heritage sites. The funding will be administered on behalf of the Province by the BC Museums Association (BCMA) with support from Heritage BC.

### Funding themes:

1. **Developing Infrastructure:** Projects that improve or develop new museum<sup>i</sup> spaces and/or facilities.<sup>ii</sup>
2. **Conserving Historic Places and Heritage Sites:** Projects that preserve, rehabilitate and restore formally registered, designated or recognized historic places.<sup>iii</sup>
3. **Building Lasting Legacies:** Projects that physically represent B.C.'s unique and diverse histories, culture and heritage (e.g. permanent exhibitions, monuments, public art, statues, interpretation, plaques, signage, etc.). Projects **must** be place-based /location-specific and include a permanent, publicly accessible physical component.<sup>iv</sup>
4. **Sharing Our History:** Projects that promote the sharing of collections and expertise between the Royal BC Museum (RBCM), B.C.'s provincial museum and archives, and the wider museum community to reveal the diverse historical narratives of British Columbia (e.g. collaborative exhibition design and development; curatorial exchanges and knowledge sharing; publications). **Note:** applicants must contact the RBCM before submitting an application under this theme. Please email the BCMA Program Officer ([grants@museumsassn.bc.ca](mailto:grants@museumsassn.bc.ca)) with a brief description about the project. She will then put you in touch with the appropriate contact at the RBCM to confirm their participation.

**Exclusions:** The following activities are **not** eligible for support: operating activities; public programming; feasibility studies; activities that begin prior to the program deadline; and activities that take place outside of British Columbia.

**Awards:** Grants will not exceed 80% of the total cost of a project and the maximum grant amount is \$100,000. An organization is limited to submitting one application to the program. Please be advised that your project budget must demonstrate at least 20% funding commitment from other sources.

**Please note:** Carefully consider your organization's capacity and ability to deliver within the required timeframe (Feb. 10, 2017 – March 1, 2018). Apply for a grant that reflects your organizational need and capacity.

In order to support the many communities throughout B.C. and to celebrate their contribution to Canada's history and future, smaller grant applications are highly encouraged. Successful applicants may also receive less than the full amount requested.

## **Eligibility**

Organizations with a culture or heritage mandate and responsibility for a museum or historic place are eligible for this funding, including:

- Registered B.C. not-for-profit organizations
- First Nations Band Councils
- Aboriginal Friendship or Cultural Centres
- Local governments (municipalities and regional districts)
- Post-secondary institutions

Applicants must be in operation for at least one fiscal year prior to application.

**Timelines:** Projects need to begin after **Feb. 10, 2017**, and must be complete by **March 1, 2018**

## **HOW TO APPLY**

The application form and list of required materials can be found online at:

[www.museumsassn.bc.ca/awards/grants/.](http://www.museumsassn.bc.ca/awards/grants/)

**Only online applications will be accepted. Please be aware that you will be required to upload your project's budget as a separate document within the online application. Please note your budget must indicate at least 20% committee funds (either in-kind or cash) towards the proposed cost of the project.**

**All applications must be received no later than Feb. 10, 2017, by 11:59pm Pacific Standard Time.**

Requests for project assistance will be reviewed for eligibility by the BCMA Program Officer. Eligible applications will be put forward for assessment by representatives from BCMA and Heritage BC. Recommendations will be submitted to the Ministry of Community, Sport and Cultural Development for final review.

## **RECIPIENT REQUIREMENTS**

Following notification of a successful grant, the Province of British Columbia reserves the right to announce approved projects.

### ***Acknowledgements***

Successful applicants must acknowledge the financial assistance in all project publicity and documentation by displaying the joint B.C./Canada 150 logo with the following subscript acknowledgement:

*"Supported by the Province of British Columbia."*

Successful applicants will be supplied with a graphic standards package from the Government Communications and Public Engagement (GCPE) office. This logo and written acknowledgement must be used on posters, brochures, print ads and programs, media releases, plaques and signage. Successful applicants are required to submit samples of logo usage to the Ministry of Community, Sport and Cultural Development's Government Communications and Public Engagement office, for approval.

### ***Final Report and Financial Accounting***

The BCMA program officer will provide a final report form template to approved grant recipients. The project must be complete by March 1, 2018, with the final report and financial reporting submitted to BCMA no later than **March 31, 2018**.

## OTHER INFORMATION

### ***Freedom of Information***

Applications submitted under the British Columbia | Canada 150: Celebrating B.C. Communities and their Contributions to Canada program are subject to the Freedom of Information and Protection of Privacy Act. The information being collected is for the purpose of administering the program and will be used for the purpose of evaluating eligibility.

The names and locations of successful award recipients may be published along with the amount of the award in various communications materials utilized by the BCMA and the Government of B.C.

### ***Additional Questions***

Applicants with questions about the British Columbia | Canada 150: Celebrating B.C. Communities and their Contributions to Canada program can contact Anissa Paulsen, BCMA Program Officer by email at [grants@museumsassn.bc.ca](mailto:grants@museumsassn.bc.ca) or by phone at 250-356-5700.

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<sup>i</sup> The International Council of Museums defines museums as institutions created in the public interest. They engage their visitors, foster deeper understanding and promote the enjoyment and sharing of authentic cultural and natural heritage. Museums acquire, preserve, research, interpret and exhibit the tangible and intangible evidence of society and nature. As educational institutions, museums provide a physical forum for critical inquiry and investigation. Museums are permanent, not-for-profit institutions whose exhibits are regularly open to the general public.

<sup>ii</sup> Historic Places are also eligible to apply for new infrastructure funding under this stream.

<sup>iii</sup> Eligible Historic Places: A historic place is defined in the context of this program as defined in the *Standards and Guidelines for the Conservation of Historic Places in Canada* as a structure, building, group of buildings, district, landscape, archaeological site or other place in Canada that has been formally recognized for its heritage value. Formally registered, designated, or recognized historic places are those places that have been added to a Community Heritage Register by council resolution, or have a designation bylaw, pursuant to the *Local Government Act* or by Band Council resolution, or have been formally recognized or designated under the *Heritage Conservation Act*, or any combination of the above. Under this program, applications will also be considered for places listed on an official heritage inventory. Applications relating to projects at designated National Historic Sites, Heritage Lighthouses and Heritage Railway Stations as well as historic places on Federal reserve lands will also be considered where applicant eligibility criteria can be met. All applications must be accompanied by documentary proof of the formal recognition.

Applications by organizations in support of projects at Provincially-owned heritage properties will be considered where the work promotes sustainability of the historic place and is not already supported by committed provincial funding.

<sup>iv</sup> Assistance requested may include a component of support for curatorial research, installation and presentation connected with an exhibition or installation. A digital / online component may also be included in a project proposal, as long as it is accompanied with a permanent, publicly accessible physical component.

**COMMITTEE REPORT**

To: Council  
From: Name of Commission/Committee  
Date: February 9, 2017  
File No: 0540-20

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Re: **RECOMMENDATIONS FROM THE MUNICIPAL SERVICES COMMITTEE  
BUDGET DELIBERATIONS (Meetings Held January 23 and 30)**

**RECOMMENDATION:**

That Council:

1. Fund the 2017 Principal Payment on the Buller Street Property with monies from the Real Property Reserve.
2. Use surplus funds to hire two parks students for 520 hours each to complete seasonal maintenance, weeding and trail work throughout the parks department.
3. Fund a new full-time Water Filtration Plant Operator IV position from Water Parcel Tax, resulting in a \$9.00 increase in parcel taxation in 2017.
4. Fund a new full-time Waste Water Treatment Plant Operator position from Sewer Utility Rates, resulting in an additional increase of \$2.57 to the monthly sewer fee base rate in 2017.
5. Direct staff to hire a temporary building inspector for 2017 and fund the position with surplus funds.
6. Allocate an additional \$25,000 for the RCMP generator from surplus.
7. Direct staff to reduce funds set aside for capital projects from 10 per cent of previous years' taxation to 8 per cent in 2017.

