

**A SPECIAL MEETING OF THE  
COUNCIL OF THE TOWN OF LADYSMITH  
AGENDA  
6:30 P.M.**

Monday, July 8, 2019  
Council Chambers, City Hall

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Pages

**1. CALL TO ORDER**

**2. AGENDA APPROVAL**

Recommendation

That Council approve the agenda for this Special Meeting of Council for July 8, 2019.

**3. MINUTES**

**3.1 Minutes of the Public Hearing and Special Meeting of Council held June 24, 2019**

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Recommendation

That Council approve the minutes of the Public Hearing and Special Meeting of Council held June 24, 2019.

**4. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING**

**4.1 Zoning Bylaw Amendment: Bylaw 2012**

10

Subject Properties: 610, 612, 614 and 616 Oyster Bay Drive

(Lot 4, District Lots 8G, 11G, 24 and 56, Oyster District, Plan 45800, except part in Plans VIP64405, VIP71943 and VIP72131)

Recommendation

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 25) 2019, No. 2012."

## 5. REPORTS

### 5.1 Revitalization Tax Exemption – Economic Options

12

#### Recommendation

That Council Direct staff to amend the Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807 to include a 10 year exemption for the following conditions:

1. Property owners must invest a minimum of \$2.5 million dollar in new construction improvements;
2. The municipal property tax exemption in years 1 through 5 will be 100%;
3. The municipal property tax exemptions in years 6 through 10 will decrease by 10% each year as outline in the staff report (Declining Exemption after 5 years – option B); and
4. The construction project must commence after July 1, 2019.

## 6. BYLAWS

### 6.1 Town of Ladysmith Building Fire Sprinkler System Repeal Bylaw 2015

17

The purpose of Bylaw 2015 is to repeal Town of Ladysmith Building Fire Sprinkler System Bylaw 2017, No. 1940, as previously directed by Council.

#### Recommendation

That Council proceed with the first three readings of Bylaw 2015, cited as “Town of Ladysmith Building Fire Sprinkler System Repeal Bylaw 2019.”

## 7. NEW BUSINESS

## 8. UNFINISHED BUSINESS

## 9. CLOSED SESSION

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

In accordance with sections 90(1)(e), (i) and (j) of the Community Charter, this section of the meeting will be held *In Camera* to consider a matter related to the use of Town property.

### Recommendation

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

- 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)
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose - section 90(1)(i)
- information that is prohibited, or information that if it were presented in a document would be prohibited - section 90(1)(j)

## 10. ADJOURNMENT



**MINUTES OF A PUBLIC HEARING AND  
SPECIAL MEETING OF COUNCIL**

**Monday, June 24, 2019  
7:00 P.M.  
Council Chambers, City Hall**

**Council Members Present:**

Councillor Duck Paterson  
Councillor Amanda Jacobson  
Councillor Rob Johnson

Councillor Tricia McKay  
Councillor Marsh Stevens  
Councillor Jeff Virtanen

**Council Members Absent:**

Mayor Aaron Stone

**Staff Present:**

Guillermo Ferrero  
Geoff Goodall  
Joanna Winter

Lisa Brinkman  
Mike Gregory  
Sue Bouma

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**1. CALL TO ORDER (7:00 p.m.)**

Deputy Mayor Virtanen called this Public Hearing and Special Meeting of Council to order at 7:00 p.m., recognizing the unceded and traditional territory of the Stz'uminus people.

**2. AGENDA APPROVAL**

**CS 2019-236**

That Council approve the agenda for this Public Hearing and Special Meeting of Council for June 24, 2019, as amended to include the following:

- Item 7.1. "Western Forest Products Fence Encroachment"

*Motion Carried*

### **3. PUBLIC HEARING AND SPECIAL MEETING**

Deputy Mayor Virtanen outlined the Public Hearing process.

He stated that the public would have the opportunity to provide their comments to Council about the content of Bylaws 1989 and 1990, but that first staff would introduce the Bylaws and review statutory requirements.

Deputy Mayor Virtanen noted that one written submission about the Bylaws had been received prior to the Tuesday agenda deadline and had been included in the Agenda package. He advised the public that everyone who wished to speak to Council would have the opportunity to be heard, and that the content of their submissions would be made public and form a part of the public record for this hearing.

Deputy Mayor Virtanen stated that it is not appropriate in a public hearing for members of Council to engage in debate with speakers, but they might ask clarifying questions after a citizen has spoken. He reminded the public that following the close of the Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of Council verbally, electronically or in writing.

#### **3.1 Official Community Plan Bylaw Amendment and Zoning Bylaw Amendment Bylaws 1989 & 1990**

Members of the public present: 4

##### **3.1.1 Introduction of Bylaws and Statutory Requirements - Senior Planner, Development Services**

Lisa Brinkman, Senior Planner, introduced the following bylaws as the subject of the Public Hearing:

- Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 56) 2019, No. 1989
- Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 23) 2019, No. 1990

Ms. Brinkman noted that the following property was the subject of the Bylaw amendments:

422 First Ave.

Legally described as Lot A, District Lot 56, Oyster District, Plan VIP67911

She stated that Bylaw 1989 proposed to amend the Official Community Plan by adding a new policy that states that a higher floor space ratio may be supported for the restoration of downtown buildings that are on the Community Heritage Register.

Ms. Brinkman advised the public that Bylaw 1990 proposed to amend the Downtown Commercial (C-2) zone in the Zoning Bylaw by adding the following site specific regulations for the property at 422 First Avenue:

- The floor space ratio may be 2.0;
- Building height may be 14 metres, with an enclosed stair tower that may protrude 2.5 metres;
- The fourth storey must be setback 2.7 metres from front parcel line and 1.5 metres from the exterior side parcel line; and
- Nine off-street parking spaces are required onsite.

The Public Hearing Notice was printed in the Ladysmith Chronicle newspaper on June 13 and June 20, 2019 and posted on community notice boards through-out Town, as well as on the Town's website. The Notice was mailed and delivered to the subject property and all properties located 60 metres of the subject property.

A copy of the Notice, the proposed Bylaws and background information considered by Council was made available at the Front Counter of City Hall for the Notice period. Staff in the Development Services office were available to respond to questions prior to the public hearing.

The one written submission received prior to the Agenda deadline is included in the Public Hearing agenda package.

A Public Information Meeting about the development proposal was held by the applicant on December 6, 2018 and the applicant is in attendance to answer questions, if needed.

### **3.1.2 Submissions**

Deputy Mayor Virtanen noted the submission by Lori Evans included in the agenda package.

### **3.1.3 Call for Submissions to Council (Three Times) - Deputy Mayor Virtanen**

Deputy Mayor Virtanen called for submissions to Council.

Deputy Mayor Virtanen called for submissions to Council a second time.

Deputy Mayor Virtanen called for submissions about Bylaws 1989 and 1990 a third and final time.

### **3.1.4 Declaration that the Public Hearing for Bylaws 1989 & 1990 is Closed - Mayor Stone**

Hearing no comments and receiving no submissions, Deputy Mayor Virtanen called the Public Hearing for Bylaws 1989 and 1990 closed and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

## **4. BYLAWS (SUBJECT OF THE PUBLIC HEARING)**

### **4.1 Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 56) 2019, No.1989 and Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 23) 2019, No. 1990**

#### **CS 2019-237**

That Council:

1. Proceed with third reading of "Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 56) 2019, No. 1989."
2. Proceed with third reading of "Town of Ladysmith Zoning Bylaw, 2014, No. 1860, Amendment Bylaw (No. 23) 2019, No.1990".
3. Direct staff to refer Bylaw 1990 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

*Motion Carried*

## 5. MINUTES

### 5.1 Minutes of the Regular Meeting of Council held June 17, 2019

#### CS 2019-238

That Council approve the minutes of the Regular Meeting of Council held June 17, 2019.

*Motion Carried*

## 6. COMMITTEE REPORTS

### 6.1 Recommendations from the Municipal Services Committee Meeting held June 10, 2019

#### CS 2019-239

That Council direct staff to prepare:

- a) A Development Cost Charges (DCC) reduction bylaw affordable rental housing policy, including eligibility conditions that could be considered on an individual project basis
- b) A bylaw to repeal the current DCC reduction bylaw for not-for-profit rental housing (Bylaw 1804).
- c) A bylaw to amend the Downtown DCC reduction (waiver) Bylaw 1781 to add a five year sunset clause.

*Motion Carried*

Councillor Stevens expressed a conflict of interest with the agenda item recommendation that referenced the Ladysmith Resources Centre Association, and excused himself from the meeting for that portion of the discussion.

#### CS 2019-240

That Council direct staff to prepare a project specific Development Cost Charges (DCC) reduction bylaw (100% waiver) for the 36-unit Ladysmith Resources Centre Association not-for-profit affordable rental housing development at 314 Buller Street.

*Motion Carried*

Councillor Stevens returned to the meeting.



**CS 2019-241**

That Council approve the amended Payment and Signing Authority Policy.  
*Motion Carried*

**7. NEW BUSINESS**

**7.1 Western Forest Products Fence Encroachment**

**CS 2019-242**

That Council:

1. Approve an encroachment agreement with Western Forest Products for them to install a 5 foot high page wire fence along their Rocky Creek Road property frontage with an approximate setback from the back of curb of 6 to 8 feet.
2. Authorize the Mayor and Corporate Officer to sign the agreement.

*Motion Carried*

**8. ADJOURNMENT**

**CS 2019-243**

That this Special Meeting of Council adjourn at 7:25 p.m.  
*Motion Carried*

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Mayor (A. Stone)

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Corporate Officer (J. Winter)

## TOWN OF LADYSMITH

### BYLAW NO. 2012

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 by:
  - a) Amending (a)(i) of “Section 6.9 Cottage Industry Regulations” to read as follows:

“(i) All of the customer operations shall be conducted within the area of the *Building* directly accessible from the fronting *Street*.”
  - b) Amending “Section 17.4 Comprehensive Development 4 – Waterfront Reserve Zone (CD-4)” by:
    - i. Adding the following principal uses to Section 17.4.3 “Principal Uses: Sub-Area B”:

“l) *Micro-Brewery*  
m) *Brewery, Distillery, Bottling and Distribution*  
n) *Retail Sales*  
o) *Coffee Shop*  
p) *Restaurant*  
q) *Artifact and Boat Restoration*”
    - ii. Amending Section 17.4.4 “Accessory Uses” by deleting the following text at the end of Section 17.4.4 (b): “..., subject to Section 17.4(10)(a).”
    - iii. Deleting Section 17.4.6(a) in its entirety and renumbering the section:

“a) Enclosed *Buildings* shall not exceed 10 square metres.”
    - iv. Amending Section 17.4.7(a) by replacing “5.0 metres” with “9.0 metres,” so that it reads:

“a) No *Building* shall exceed a *Height* of 9.0 metres.”
    - v. Deleting Section 17.4.10 “Other Regulations” in its entirety:

“10. Other Regulations  
a) *Retails Sales* shall be limited to 100.0 square metres of *Gross Floor Area*.”

#### CITATION

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 25) 2019, No. 2012”.

READ A FIRST TIME on the 6<sup>th</sup> day of May, 2019

READ A SECOND TIME on the 6<sup>th</sup> day of May, 2019

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

on the 3<sup>rd</sup> day of June, 2019

READ A THIRD TIME on the day of June, 2019

APPROVED pursuant to s. 52(3)(a) of the *Transportation Act*

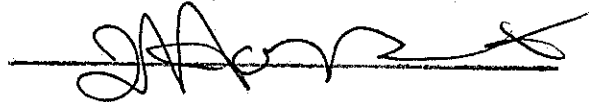
on the day of,

ADOPTED on the day of,

Approved pursuant to section 52(3)(a) of the *Transportation Act*

this 18<sup>th</sup> day of JUNE, 2019

Ministry of Transportation and Infrastructure



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

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

JAMIE LEIGH HOPKINS  
A Commissioner for taking affidavits  
within the Province of British Columbia  
2100 Labieux Road, Nanaimo BC V9T 6E9

STAFF REPORT TO COUNCIL

**Report Prepared By:** Erin Anderson, Director of Financial Services  
**Date:** June 11, 2019  
**Report Reviewed By:**  
**Meeting Date:** July 8, 2019  
**File No:**  
**RE:** **Revitalization Tax Exemption – Economic Options**

**RECOMMENDATION:**

That Council direct staff to amend the Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807 to include a 10 year exemption for the following conditions:

- a. Property owners must invest a minimum of \$2.5 million dollar in new construction improvements;
- b. The municipal property tax exemption in years 1 through 5 will be 100%;
- c. The municipal property tax exemptions in years 6 through 10 will decrease by 10% each year as outline in the staff report (Declining Exemption after 5 years – option B); and
- d. The construction project must commence after July 1, 2019.

**PREVIOUS COUNCIL DIRECTION**

MS 2019- 036	06/10/2019	That the Committee direct staff to return to the next meeting of the Municipal Services Committee with a report on Revitalization Tax Exemption models for a \$2.5 million investment that would include the following: <ul style="list-style-type: none"> <li>1. A full exemption option delivered over 10 years</li> <li>2. A sliding scale exemption option delivered over 10 years, with exemption declining in years 6 to 10;</li> <li>3. A full exemption option delivered over 5 years</li> <li>4. Research of Best Practices from Vancouver Island communities</li> </ul>
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**INTRODUCTION/BACKGROUND:**

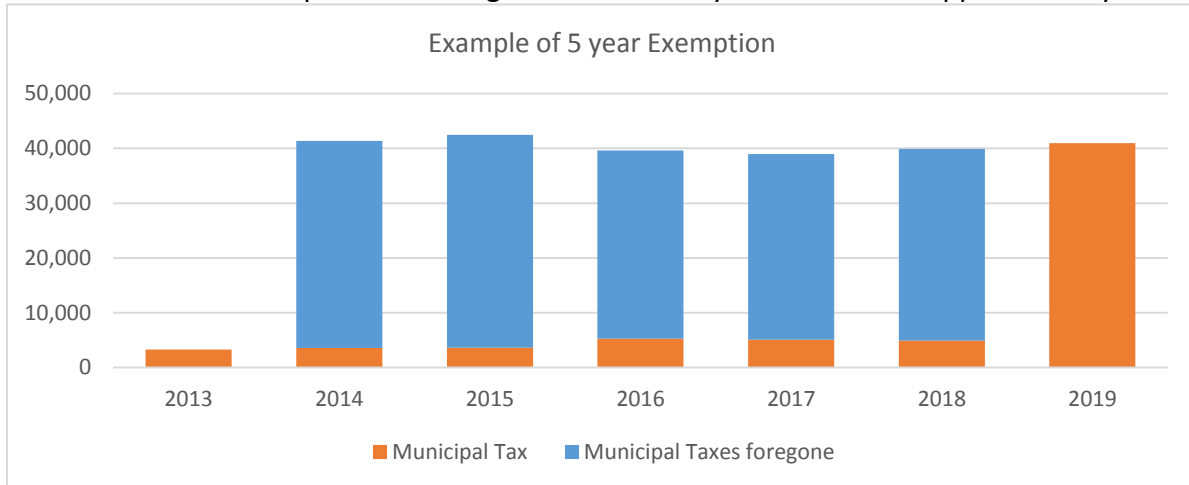
As discussed at a previous Municipal Services Committee meeting, the exemption permitted is strictly for the municipal based taxes on the new construction value.



Council requested some scenarios be provided in order to review what a \$2,500,000 exemption would look like. Using the example of a previously exempted property, making a \$2.5m investment in 2013, the following scenarios are:

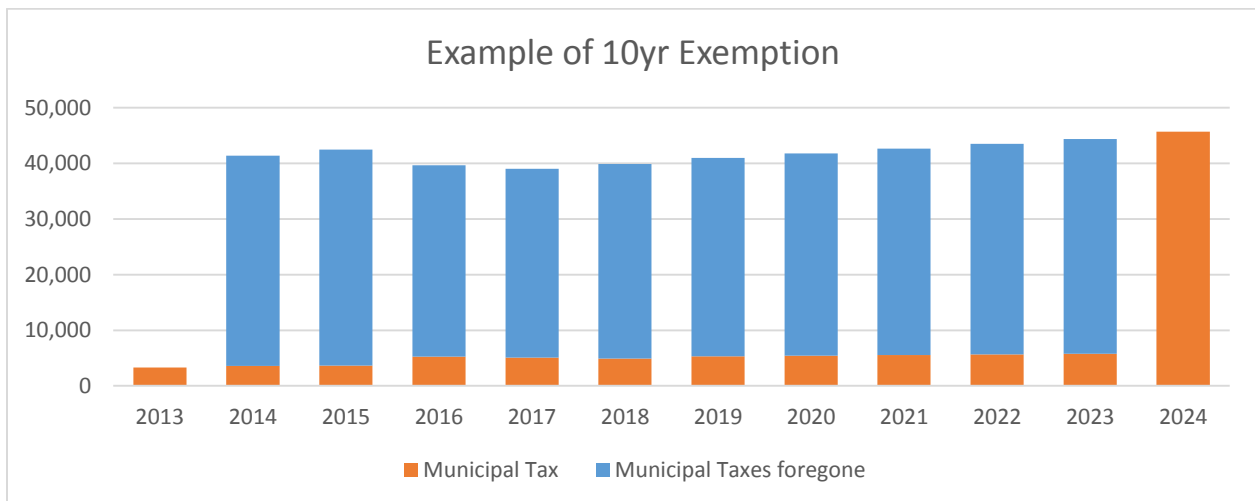
**5-year exemption**

The amount of municipal taxes foregone over the 5 years would be approximately \$179,850:



**10 year exemption**

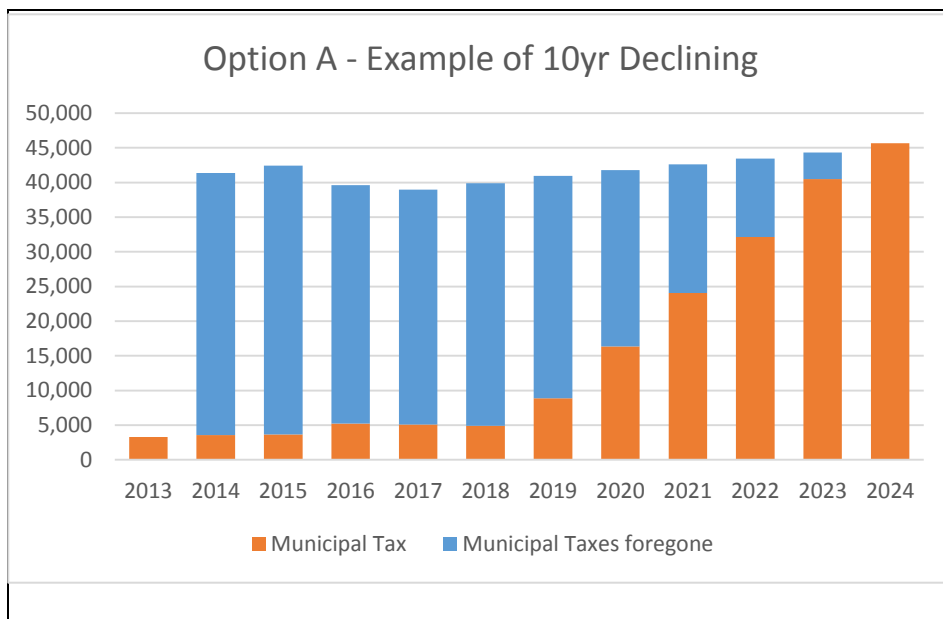
The amount of municipal taxes foregone over the 10 years (assuming a 3% increase each year after 2019) would be approximately \$ 365,355.



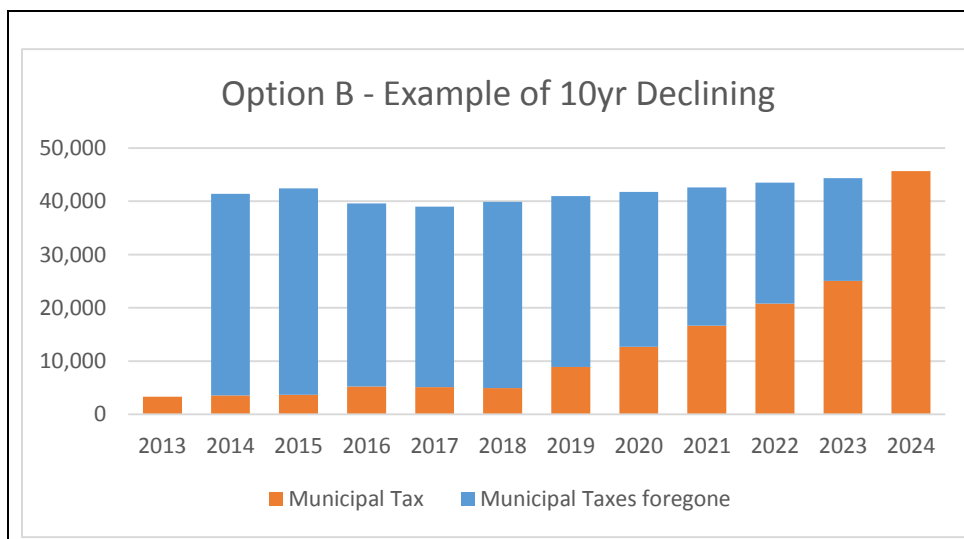
Declining exemption after 5 years

Assuming a full exemption is in place for the first 5 years and the remaining 5 years the exemption decreases:

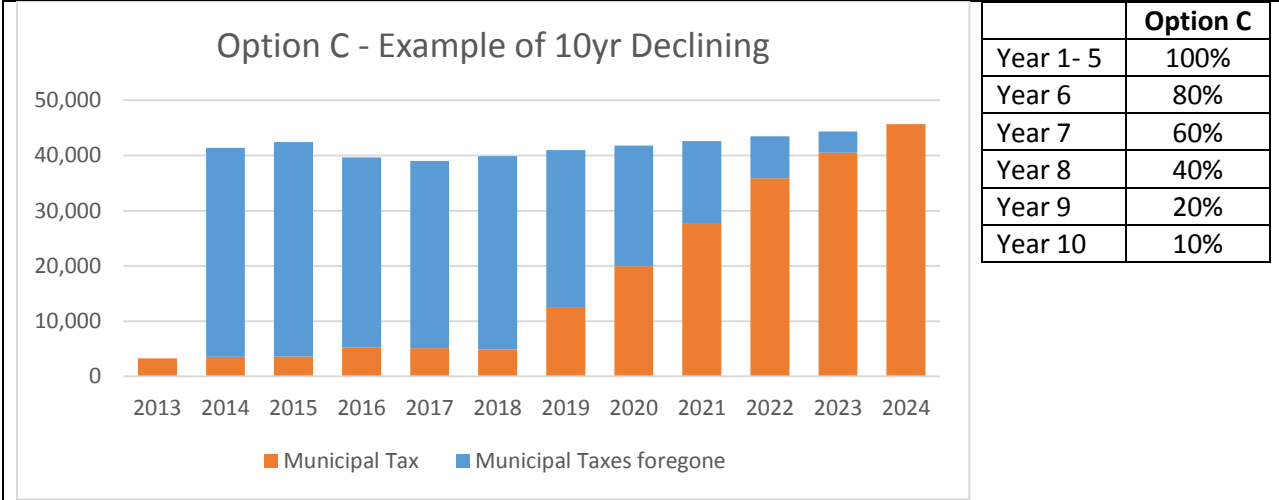
	Option A	Option B	Option C
Year 1- 5	100%	100%	100%
Year 6	90%	90%	80%
Year 7	70%	80%	60%
Year 8	50%	70%	40%
Year 9	30%	60%	20%
Year 10	10%	50%	10%
Taxes Foregone	\$271,133	\$308,969	\$256,441



	Option A
Year 1- 5	100%
Year 6	90%
Year 7	70%
Year 8	50%
Year 9	30%
Year 10	10%



	Option B
Year 1- 5	100%
Year 6	90%
Year 7	80%
Year 8	70%
Year 9	60%
Year 10	50%



Revitalization Tax Exemption programs in other areas (non-Heritage):

Jurisdiction	Threshold (\$)	Target	# Years Exempt
Nanaimo (Bylaw 7143)	\$ 2,000,000	Hotels & Motels	10
Nanaimo (Bylaw 7261)	500,000	Downtown commercial & multi-family residential	10
North Cowichan (Bylaw 3635) <b>REPEALED MARCH 2019</b>	250,000 or 25% greenhouse gas emission reduction	Class 4 and 5 or Class 6 for food and beverage processing	10
Parksville (Bylaw 1459)	10,000	Downtown Commercial	5
Lake Cowichan (Bylaw 981)	100,000	Select area: New Commercial	<50,000 5 year
	10,000	Commercial Renovation/Facade	>50,000 10 years

**ALTERNATIVES:**

Council can choose to:

- Keep the program as it is currently; or
- Provide for a 10 year exemption with construction values over \$4 million; or
- Provide for a decreasing exemption over the remaining 5 years on projects over \$4 million. For example, in year 6, the exemption would reduce by 10%, in year 7 by 30%, in year 8 by 50%, in year 9 by 70% and year 10 by 90%; or
- Require the property owner to demonstrate a community benefit in order to qualify for the longer exemption. For example, require 5% of contract trades be local, or construction trades must provide local apprentice positions, or construct on the public

lands immediately adjacent the property a community project such as benches or public art.

**FINANCIAL IMPLICATIONS:**

As discussed, property taxation is foregone during the period of the exemption.

**LEGAL IMPLICATIONS:**

Revitalizations Exemptions are permitted under section 227 of the *Community Charter*.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

Advertising, as detailed in the *Community Charter*, will commence upon Council's direction.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Development Services and Financial Services work together to ensure projects are compliant with the requirements set out in the bylaw.

**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:**

The Town currently provides for a 5-year municipal property tax exemption under the Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No.1807. This report contains the additional information requested by the Municipal Services Committee at the last meeting

***I approve the report and recommendation(s).***

**Guillermo Ferrero, Chief Administrative Officer**

**ATTACHMENT(S):**

none



**INFORMATION REPORT TO COUNCIL**

**Report Prepared By:** Joanna Winter, Manager of Legislative Services  
**Date:** June 20, 2019  
**Report Reviewed By:** Guillermo Ferrero  
**Meeting Date:** July 15, 2019  
**File No:** 3900-20  
**RE:** BUILDING FIRE SPRINKLER SYSTEM REPEAL BYLAW

**RECOMMENDATION:**

That Council give first three readings to Town of Ladysmith Building Fire Sprinkler System Repeal Bylaw, 2019 No. 2015.

**PURPOSE:**

The purpose of this report is to provide Council with background information on Bylaw 2015.

**PREVIOUS COUNCIL DIRECTION:**

Resolution	MeetingDate	ResolutionDetails
CS 2019-225	2019-06-17	That Council repeal “Town of Ladysmith Building Fire Sprinkler System Bylaw 2017, No. 1940”.
CS 2019-210	2019-06-03	That Council refer to staff the request by Jack Anderson, Agent of the Ladysmith Health Care Auxiliary, in his correspondence dated May 15, 2019 to exempt consolidated parcel 910 and 920 1st Avenue from the requirements of Town of Ladysmith Building Fire Sprinkler System Bylaw 2017, No. 1940.

**DISCUSSION:**

With significant amendments to the BC Building Code pending in late 2017, the BC Government issued a BC Building Regulation that contained a **List of Temporarily Unrestricted Matters with Time Limitations**. This included fire sprinklers and fire sprinkler systems. A local government could establish its own bylaw specifying technical requirements for sprinkler systems, as long as the bylaw was adopted on or before December 15, 2017 *and was not amended after that date*.

Bylaw 1940 was intended to ensure adequate fire prevention within the buildings in the downtown due to the residential occupancy above the commercial units and for limiting fire spread between buildings. Fire sprinklers protect the building by knocking down the fire and containing it.



Council will recall that a request was received from the Ladysmith Health Care Auxiliary to waive the Town's sprinkler requirements in its expansion project in favour of the less costly requirements contained in the BC Building Code. In order to waive those requirements, Council is required to repeal the bylaw, as it cannot be amended to meet the request from the Health Care Auxiliary. At the regular Council meeting on June 17, 2019, Council gave direction to repeal the Building Fire Sprinkler System Bylaw. The repeal bylaw is attached.

With the repeal of Bylaw 1940, the BC Building Code will govern building sprinkler requirements for new construction and renovations. Provisions are outlined in the attached previously considered staff report.

Currently , the 2012 BC Building Code regulates when a building is required to have a fire protection sprinkler system, e.g. occupancy type, occupant load, building size, building height and type of construction. Bylaw 1940 does not affect this requirement, but rather sets conditions where a fire sprinkler system may be required as a local building regulation, despite not being a requirement of the Building Code. A three-storey building with an assembly occupancy (e.g. restaurant) with mixed occupancy above (e.g. Traveller's Hotel) would be subject to the sprinkler requirements of the Building Code. There are some limited Code equivalencies available to sprinklered buildings on the Community Heritage Register.

**SUMMARY POINTS:**

Council has previously given direction to repeal the Town's Building Fire Sprinkler System Bylaw. The Bylaw is provided for Council's consideration and for first three readings.

***I approve the report and recommendation(s).***

**Guillermo Ferrero, Chief Administrative Officer**

**ATTACHMENT(S):**

Repeal Bylaw No. 2015  
Staff Report 2019.04.08  
Staff Report 2017.11.20

STAFF REPORT TO COUNCIL

**Report Prepared By:** Geoff Goodall, Director of Infrastructure Services  
**Date:** June 6, 2019  
**Report Reviewed By:** Guillermo Ferrero, Chief Administrative Officer  
**Meeting Date:** June 17, 2019  
**File No:** 3760-03  
**RE:** FIRE SPINKLER SYSTEM BYLAW NO. 1940

**RECOMMENDATION:**

That Council determine whether it wishes to maintain or repeal "Town of Ladysmith Building Fire Sprinkler System Bylaw 2017, No. 1940."

**PURPOSE:**

The purpose of this staff report is to provide Council with information about its authority under the Building Act with respect to Bylaw 1940 and the request from the Ladysmith Health Care Auxiliary to exempt the property from the Bylaw.

**PREVIOUS COUNCIL DIRECTION**

Resolution	Meeting Date	Resolution Details
CS 2019-210	2019-06-03	That Council refer to staff the request by Jack Anderson, Agent of the Ladysmith Health Care Auxiliary, in his correspondence dated May 15, 2019 to exempt consolidated parcel 910 and 920 1st Avenue from the requirements of Town of Ladysmith Building Fire Sprinkler System Bylaw 2017, No. 1940.
CS 2017-399	2017-12-04	That Council adopt Bylaw 1940, cited as "Town of Ladysmith Building Fire Sprinkler System Bylaw 2017, No. 1940".
CS 2017-357	2017-11-20	That Council give first, second and third reading to Bylaw 1940, cited as "Town of Ladysmith Building Fire Sprinkler System Bylaw 2017, No. 1940".

**INTRODUCTION/BACKGROUND:**

As a result of the enactment of the provincial Building Act, Council considered whether it wished to maintain the local fire sprinklers and fire sprinkler systems requirements in the Downtown. This requirement exceeds the requirements of the BC Building Code. The previous staff report on the matter is attached as background to the earlier discussion.

With respect to the request about the Ladysmith Health Care Auxiliary Thrift Store expansion project, the Senior Building Inspector has received the Building Code review report for the proposed Thrift Store project prepared by Will King, Architect AIBC, MRAIC, LEED AP, and concurs that the building is not required to be sprinklered through-out under the 2018 BC Building Code. The requirement is triggered by the Town's Bylaw 1940.

The Building Act General Regulation 131/2016 provided the authority for Council to enact Bylaw 1940 before December 15, 2017. This Regulation, however, **does not** permit Council to amend the Bylaw after that time. Council could choose to repeal Bylaw 1940 and rely solely on the 2018 BC Building Code, which is the policy direction preferred by the Province, or to maintain the Bylaw as-is.

**ALTERNATIVES:**

Council can choose to maintain the local requirement or repeal the bylaw. If Council chooses to repeal the bylaw, staff will bring forward a bylaw for that purpose.

**FINANCIAL IMPLICATIONS:**

None.

**LEGAL IMPLICATIONS:**

Subject to the authority under the Building Act and Regulation as presented earlier in this report.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

None.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The Fire Chief comments that due to the size of the addition and the overall building size it would be in their best interest to sprinkler it. This is due to the fuel load inside and its occupancy being mercantile, etc. The Fire Department has seen mercantile fires before in Ladysmith such as the Field's Store at Coronation Mall, resulting in total loss. At the time of the Field's building fire, there were no fire protection sprinklers in place. If there were, the outcome would have been different. After that fire, the Mall installed sprinklers through-out the complex. Fire Sprinklers in buildings protect firefighters and property loss.

**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:**

Council has received a request to amend Bylaw 1940 to remove a property from the local requirement to provide a fire sprinkler system. Through the advent of the Building Act, Council no longer has the authority to amend this bylaw. Council can maintain the bylaw or repeal the bylaw. The fire protection requirements of the Building Code in effect at the time of the project would continue to apply.

*I approve the report and recommendation(s).*

**Guillermo Ferrero, Chief Administrative Officer**

**ATTACHMENT(S):**

Staff Report dated November 20, 2017  
Letter from Jack Anderson dated May 15, 2019  
Bylaw 1940

STAFF REPORT TO COUNCIL

From: Felicity Adams, Director of Development Services  
 Meeting Date: November 20, 2017  
 File No: 3760-03  
 RE: **FIRE SPRINKLERS AND FIRE SPRINKLER SYSTEMS – Bylaw 1940**

**RECOMMENDATION:**

That Council:

1. Proceed with first, second and third reading of Bylaw 1940 cited as "Town of Ladysmith Building Fire Sprinkler System Bylaw 2017, No. 1940" under the Bylaws portion of tonight's agenda.

**PURPOSE:**

The purpose of this staff report is to present a bylaw that would have the effect of maintaining the Town's current requirement for fire sprinklers and fire sprinkler systems in buildings in the downtown in certain circumstances beyond the requirements of the BC Building Code.

**PREVIOUS COUNCIL DIRECTION:**

FireSprinkler Bylaw	95-0411	07/10/95	Staff to prepare (or amend Bldg. Bylaw) by Aug. 15
Bylaw #1178	95-0564	09/05/95	Steve Szentveri permitted to address Council
Bylaw #1178	95-0565	09/05/95	Building and Plumbing Bylaw introduced, read 1st & 2nd time
Bylaw #1178	95-0598	09/18/95	Building and Plumbing Bylaw read a third time
Bylaw #1178	95-0621	10/02/95	Building and Plumbing Bylaw adopted.

Updating the Town's Building Bylaw given the new provincial *Building Act* is a Council strategic priority.

**INTRODUCTION/BACKGROUND:**

The Province has enacted the *Building Act* which has the effect of standardizing building regulations across the Province, except in Vancouver which has its own Building Code.

As a result of this legislation, a local building requirement has no effect unless prescribed by

regulation as an unrestricted matter. The Building Act General Regulation provides local authority jurisdiction over unrestricted matters (e.g. energy conservation) and certain time-limited unrestricted matters (e.g. fire sprinklers) which can be enacted up until December 15, 2017. The Town's Building and Plumbing Bylaw No. 1119 is subject to review and amendment as a current Council project. As a first step, it was reviewed to determine if there are any "time-limited" matters that need to be considered by Council prior to the December 15, 2017 date.

One such item has been identified which is the local requirement for fire sprinklers and fire sprinkler systems to be installed in certain circumstances within the downtown (regulation 6.2.2.8). In order to maintain this requirement, if Council wishes to do so, it is recommended that this section be established in a stand-alone bylaw prior to December 15<sup>th</sup> so that it is retained when the parent Bylaw 1119 is updated and potentially replaced by a new bylaw. After December 15<sup>th</sup> amendments to these time-limited restricted matters is not possible.

Staff has been advised that the Province still anticipates enacting an opt-in regulation with higher-than-Code requirements for fire sprinklers. Local authorities will have the option of signing onto the regulation. It is expected that it will be some time before the opt-in regulation is rolled out.

#### Bylaw 1940

Proposed Bylaw 1940 presented in this staff report does not change the current bylaw requirements. The amendment is to ensure that we meet the legislative timeline and ensure the retention of this requirement if Council wishes to do so.

The original requirement was enacted in October 1995. In March 2003, Council amended the Bylaw so that the requirement was limited to buildings in the Downtown. It is the understanding of staff that the policy basis for this requirement was to provide the potential for the protection of the heritage buildings in the downtown through the installation of fire sprinklers when building upgrades of a certain value were being done and when the Building Code would not otherwise require this improvement.

While there has been little take-up of this requirement over the past 20-years when buildings are being renovated, there have been other building improvements to buildings in the downtown that have resulted in enhanced fire separation within and between buildings. Three new buildings in the downtown were sprinklered as a result of this requirement.

Currently, the 2012 BC Building Code regulates when a building is required to have a fire protection sprinkler system, e.g. occupancy type, occupant load, building size, building height and type of construction. This Bylaw does not affect this requirement, but rather sets conditions where a fire sprinkler system may be required as a local building regulation, despite not being a requirement of the Building Code. A three-storey building with an assembly occupancy (e.g. restaurant) with mixed occupancy above (e.g. Traveller's Hotel) would be subject to the sprinkler requirements of the Building Code. There are some limited Code equivalencies available to sprinklered buildings on the Community Heritage Register.

### Next Phase

The next stage of the Building Bylaw project will involve a review of the model building bylaw currently under preparation by the Municipal Insurance Association (MIA) and other recent local government bylaws for best practices. The model MIA building bylaw is expected to be available before the end of the year. As part of this review, staff will be looking at the bylaw requirements to determine which regulations are out-of-date and could be removed or should be clarified, as well as where there might be gaps. Through this process, staff intends to streamline the application and inspection process by clarifying the steps in the process and related requirements. The current Bylaw No. 1119 was enacted in 1994 and it has been amended 17 times.

### **ALTERNATIVES:**

Council can choose to remove the fire sprinkler and fire sprinkler system requirements. If Council chooses to do so, there would be no need to take any action with respect to Bylaw 1940 at this time, as the current requirement would cease to have any affect after December 15th.

### **FINANCIAL IMPLICATIONS:**

None.

### **LEGAL IMPLICATIONS:**

Staff consulted with legal services to determine what changes, if any, would be needed to meet the requirements of the *Building Act* and General Regulation.

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

No substantive changes have been proposed to the Bylaw which is proposed in order to meet the legislative timeline. If Council was to decide to no longer include this regulation there could be varied opinion of property owners and the general public.

### **INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The Fire Chief recommends that Council keep the fire sprinkler bylaw because of the density (close proximity) of buildings in the downtown area. Adding fire prevention within the buildings in the downtown is important due to the residential occupancy above the commercial units and for limiting fire spread between buildings. Fire sprinklers protect the building by knocking down the fire and containing it. The 3-year threshold should be changed to catch more buildings when renovations are being done. The buildings that have been sprinklered as a result of this requirement include new builds only (132 Roberts Street, 16 High Street and 11 Buller Street); no building renovations have been captured.

### **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        |



- Healthy Community
- Not Applicable

- Local, Diverse Economy

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

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

**SUMMARY:**

The enactment of the provincial Building Act General Regulation provides a window for Council to enact certain matters that are outside of the Building Code. One such matter in the Town's Building Bylaw is fire sprinklers and fire sprinkler systems in the downtown. Staff recommends that if Council wishes to maintain this requirement, Bylaw 1940 be adopted by December 15, 2017. The provision could stay in the current bylaw; however, when this bylaw is amended, staff does not want to inadvertently affect this requirement if Council wishes to retain it.



Felicity Adams, Director of Development Services

November 14, 2017

I concur with the recommendation.



Guillermo Ferrero, City Manager

**ATTACHMENTS:**

None.

TOWN OF LADYSMITH

**BYLAW NO. 2015**

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

1. Town of Ladysmith Building Fire Sprinkler System Bylaw 2017, No. 1940 is hereby repealed.
2. This Bylaw may be cited for all purposes as “Town of Ladysmith Building Fire Sprinkler System Repeal Bylaw 2019, No. 2015.

<b>READ A FIRST TIME</b>	<b>on the</b>	<b>day of</b>	<b>,</b>
<b>READ A SECOND TIME</b>	<b>on the</b>	<b>day of</b>	<b>,</b>
<b>READ A THIRD TIME</b>	<b>on the</b>	<b>day of</b>	<b>,</b>
<b>ADOPTED</b>	<b>on the</b>	<b>day of</b>	<b>,</b>

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Mayor (A. Stone)

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Corporate Officer (J. Winter)