

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

Tuesday, April 19, 2022  
City Hall Council Chambers  
410 Esplanade

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**Pages**

**1. CALL TO ORDER**

Call to Order 6:30 p.m. in Open Session, in order to retire immediately into Closed Session.

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

**2. CLOSED SESSION**

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:

- (k) negotiations and related discussions respecting the proposed provision of a municipal service.

**3. OPEN MEETING AND ACKNOWLEDGEMENT (7:00 P.M.)**

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the traditional, unceded territory of the Stz'uminus First Nation.

Members of the public may attend the meeting in person at City Hall or view the livestream on YouTube:

<https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured>.

**4. AGENDA APPROVAL**

Recommendation

That Council approve the agenda for this Regular Meeting of Council for April 19, 2022.

**5. RISE AND REPORT- Items from Closed Session**

**6. MINUTES**

**6.1. Minutes of the Regular Meeting of Council held April 5, 2022**

8

Recommendation

That Council approve the minutes of the Regular Meeting of Council held April 5, 2022.

**7. PROCLAMATIONS**

**7.1. Lyme Disease Awareness Month**

13

Mayor Stone has proclaimed May 2022 as "Lyme Disease Awareness Month" in the Town of Ladysmith.

**8. DEVELOPMENT APPLICATIONS**

**8.1. Rezoning and OCP Amendment Application: Lot 5 Holland Creek**

14

Recommendation

That Council:

1. Having considered section 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolve that:

- a. the Stz'uminus First Nation is the only entity that is appropriate to consult in connection with "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106";
- b. consultation should be early but need not be ongoing;
- c. the consultation process described in the staff report dated April 19, 2022 is sufficient in respect to the proposed Official Community Plan amendment; and
- d. staff be directed to refer Bylaw No. 2106 to the Stz'uminus First Nation as set out in Resolution 1(a) for consultation in the manner described in the April 19, 2022 staff report to Council;

2. Give first and second readings to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106";

3. Consider Bylaw No. 2106 in conjunction with the Financial Plan, Housing Needs Report, Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to sections 473(2.1) and 477(3) of the *Local Government Act*;

4. Direct staff to refer Bylaw No. 2106 to School District 68 pursuant to section 476 of the *Local Government Act*;
5. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.48) 2022, No. 2107”;
6. Require the applicant as a condition of approval of Bylaw Nos. 2106 and 2107 to, at their cost, secure the following conditions through one or more restrictive covenants following third reading and prior to adoption of Bylaw Nos. 2106 and 2107:
  - a. the developer, at time of subdivision or building permit approval, to provide a bond for a period of five years for the removal of invasive plants introduced by construction activities;
  - b. vegetation clearing to be completed outside the bird nesting period from March 1 to August 31;
  - c. prior to subdivision or development the developer to submit a construction erosion and sediment control plan and stormwater management plan prepared by a qualified engineer and consistent with ‘Stormwater Planning: A Guidebook For British Columbia’;
  - d. prohibiting clearing of native vegetation and requiring park dedication at time of subdivision or development, of the area shown as ‘P-3 Nature Park’ in Attachment C of the April 19, 2022 staff report;
  - e. prohibiting clearing of mature trees and requiring park dedication at time of subdivision or development, of the area shown as ‘P-2 Park and Recreation’ in Attachment C of the April 19, 2022 report to Council;
  - f. the provision of an on-street parking area adjacent to the area shown as ‘P-2 Park and Recreation’ in Attachment C of the April 19, 2022 staff report at time of subdivision or road dedication;
  - g. prohibiting the planting or proliferation of invasive plants on the subject property;
  - h. prohibiting non-native landscaping within the Arbutus Hump ESA Development Permit Area;
  - i. prohibiting clearing of mature trees, outside of dedicated road right of ways, within:
    - 20 metres of the northern property line; and
    - 30 metres of the eastern property line;

unless a tree preservation plan is prepared by a qualified professional;

j. dedicating a multi-use pathway and emergency vehicle access/egress through the subject property for the purposes of connecting lands beyond to west of the subject property;

k. requiring a privately owned and operated stormwater, sewer and water supply system for all development above 130m geodetic elevation;

l. requiring development of the site to adhere to the applicable requirements outlined in covenant CA6857592;

m. requiring, upon request by the Town, the developer to provide a 4,200 square meter portion of fee-simple land for a water reservoir, within the area described in the April 19, 2022 staff report;

n. requiring development on site to adhere to the recommendations of the Wildfire Hazard Assessment, in Attachment D of the April 19, 2022 report to Council; and

7. Direct staff to schedule a Public Hearing for Bylaw Nos. 2106 and 2107, 30 days after the applicant has held a neighbourhood information meeting pursuant to section 7(a) of “Town of Ladysmith Development Procedures Bylaw 2008, No. 1667” and section 464 of the *Local Government Act*.

## **9. COMMITTEE MINUTES**

### **9.1. Parks, Recreation & Culture Advisory Committee - March 16, 2022**

171

#### Recommendation

That Council receive the minutes of the Parks, Recreation & Culture Advisory Committee meeting held March 16, 2022.

## **10. REPORTS**

### **10.1. School Site Acquisition Charges**

173

#### Recommendation

That Council:

1. Consider the proposed eligible school site requirements prepared by School District 68 pursuant to section 574(6) of the *Local Government Act* provided in Attachment A of the April 19, 2022 staff report;



2. Accept the resolution of the Board of Education for School District 68 respecting proposed eligible school site requirements; and
3. Direct staff to bring forward a bylaw imposing a School Site Acquisition Charge on duplex units once the new Official Community Plan is adopted.

## 11. DELEGATIONS

### 11.1. MNP, Auditors for the Town

180

Cory Vanderhorst will present the 2021 Audit Findings report and the 2021 draft Financial Statements for the Town of Ladysmith.

#### Recommendation

That Council accept the 2021 Audit Findings report and the draft 2021 Financial Statements as presented by MNP, auditors for the Town of Ladysmith.

## 12. BYLAWS

### 12.1. Bylaw No. 2105

246

(to dedicate 1250 Churchill Place as park)\*

\* Requires 2/3 majority vote.

#### Recommendation

That Council adopt "Park Dedication Bylaw (1250 Churchill Place) 2022, No. 2105".

### 12.2. Bylaw No. 2087

247

(to change the permitted land uses at 1260 Churchill Place from single-unit residential to a mix of multi-family residential, single family residential and park)

#### Recommendation

That Council adopt "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 68) 2021, No. 2087".

<b>12.3.</b>	<b>Bylaw No. 2088</b>	<b>249</b>
	(to change the permitted land uses at 1260 Churchill Place from single-unit residential to a mix of multi-family residential, single family residential and park)	
	<u>Recommendation</u> That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 44) 2021, No. 2088".	
<b>12.4.</b>	<b>Bylaw No. 2089</b>	<b>252</b>
	(to establish an agreement and covenant scheme related to the affordable housing unit identified for 1260 Churchill Place)	
	<u>Recommendation</u> That Council adopt "Housing Agreement Bylaw 2021, No. 2089".	
<b>12.5.</b>	<b>Bylaw No. 2108</b>	<b>270</b>
	(to adopt a five-year Financial Plan for the Town of Ladysmith, as required under the <i>Community Charter</i> )	
	<u>Recommendation</u> That Council give first, second and third readings to "Financial Plan Bylaw 2022, No. 2108".	
<b>12.6.</b>	<b>Bylaw No. 2109</b>	<b>276</b>
	(to set the property tax rates for 2022 in accordance with the 2022 to 2026 Financial Plan)	
	<u>Recommendation</u> That Council give first, second and third readings to "Tax Rates Bylaw 2022, No. 2109".	
<b>12.7.</b>	<b>Bylaw No. 2110</b>	<b>280</b>
	(to establish a water parcel tax rate for property parcels in the Town of Ladysmith)	
	<u>Recommendation</u> That Council give first, second and third readings to "Sewer Parcel Tax Bylaw 2022, No. 2110".	

## **12.8. Bylaw No. 2111**

282

(to establish a sewer parcel tax rate for property parcels in the Town of Ladysmith)

### Recommendation

That Council give first, second and third readings to "Water Parcel Tax Bylaw 2022, No. 2111".

## **12.9. Bylaw Status Sheet**

284

## **13. NEW BUSINESS**

## **14. QUESTION PERIOD**

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during "Question Period" must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes. Alternately, questions can be submitted via email at [info@ladysmith.ca](mailto:info@ladysmith.ca) during the meeting.
- 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.

## **15. ADJOURNMENT**



## MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, April 5, 2022

7:00 P.M.

City Hall Council Chambers  
410 Esplanade

### Council Members Present:

Mayor Aaron Stone  
Councillor Amanda Jacobson  
Councillor Rob Johnson  
Councillor Tricia McKay

Councillor Duck Paterson  
Councillor Marsh Stevens  
Councillor Jeff Virtanen

### Staff Present:

Allison McCarrick  
Erin Anderson  
Chris Barfoot  
Jake Belobaba  
Ryan Bouma

Donna Smith  
Julie Thompson  
Sue Bouma  
Andrea Hainrich

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## 1. CALL TO ORDER AND ACKNOWLEDGEMENT

Mayor Stone called this Regular Meeting of Council to order at 7:00 p.m., recognizing with gratitude that it was taking place on the traditional unceded territory of the Stz'uminus First Nation.

## 2. AGENDA APPROVAL

### CS 2022-080

That Council approve the agenda for this Regular Meeting of Council for April 5, 2022 as amended to include the following changes:

- Item 5.2, "Development Variance Permit Application – 901 Hanington Road"  
Add a public submission received after publication of the agenda;
- Items 8.1- 8.4, Bylaw Nos. 2105, 2087, 2088, and 2089  
Remove the bylaws from the agenda as required LTO registration has not been received; and
- Add Item 9.1, "Association of Vancouver Island and Coastal Communities Convention - Council Verbal Updates".

*Motion Carried*

### **3. MINUTES**

#### **3.1 Minutes of the Regular Meeting of Council held March 15, 2022**

##### **CS 2022-081**

That Council approve the minutes of the Regular Meeting of Council held March 15, 2022.

*Motion Carried*

### **4. DELEGATIONS**

Due to unforeseen circumstances, the Chamber representative was delayed in arriving to the meeting.

##### **CS 2022-082**

By unanimous consent Council agreed to consider Item 4.1, Chamber of Commerce delegation later in the meeting, once the representative arrived.

### **5. DEVELOPMENT APPLICATIONS**

#### **5.1 Development Variance Permit Application - 432 Methuen Street**

##### **CS 2022-083**

That Council:

1. Issue Development Variance Permit 3090-21-13 to vary the following sections of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" to allow an accessory building at 432 Methuen Street:
  - a. section 5.9(g), to allow the accessory building to have a second storey;
  - b. section 5.15, to allow the accessory building to be within a sight triangle; and
  - c. section 10.6.5(e), to decrease the exterior side and rear yard setbacks for the accessory building from 1.5 metres to 0.3 metres; and
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-21-13.

*Motion Carried*

#### **4.1 Delegation - Chamber of Commerce**

Millie Stirling, Economic Development Coordinator for Island Coastal Economic Trust (ICET) and incumbent Executive Director of the Ladysmith Chamber of Commerce, provided an update to Council regarding the Tourism/Economic Development program. She highlighted the success of the Shop Local initiative, the Locals Love Ladysmith

campaign, provided an overview of other Chamber initiatives and plans for the future.

Ms. Stirling responded to Council's questions. Council thanked Ms. Stirling for her presentation and dedication in promoting Ladysmith.

## **5.2 Development Variance Permit Application – 901 Hanington Road**

### **CS 2022-084**

That Council:

1. Issue Development Variance Permit 3090-21-08 to vary the following sections of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to facilitate construction of a single unit dwelling at 901 Hanington Road:
  - a. Section 10.2.5.a), to increase the maximum height of a principal building from 9.0m to 12.2m;
  - b. Section 10.2.5.d), to increase the maximum perimeter wall height from 9.14m to 10.5m; and
  - c. Section 5.19.c), to increase the maximum retaining wall height from 3.0m to 3.5m; and
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-21-08.

*Motion Carried*

### **CS 2022-085**

That Council direct staff to send a letter to the property owners of the shared easement at 901 Hanington Road, encouraging them to upgrade the roadway to address safety and stormwater management concerns.

*Motion Carried*

## **6. COMMITTEE MINUTES**

### **6.1 Community Planning Advisory Committee - March 2, 2022**

#### **CS 2022-086**

That Council receive the minutes of the Community Planning Advisory Committee meeting held March 2, 2022.

*Motion Carried*

## **7. REPORTS**

### **7.1 UBCM Community to Community (C2C) Forum Program Application**

#### **CS 2022-087**

That Council:

1. Authorize staff to apply to the Union of BC Municipalities April 2022 application intake for the Regional Community to Community Forum Program for up to \$5,000 to support a community forum between the Councils of Stz'uminus First Nation and the Town of Ladysmith, to be held prior to March 31, 2023; and
2. Approve the allocation of up to \$5,000 as the Town's contribution.

*Motion Carried*

### **7.2 Request to Opt Out of CVRD Fireworks Sale and Discharge Regulation Bylaw**

#### **CS 2022-088**

That Council:

1. Request that the Cowichan Valley Regional District Board permit the Town of Ladysmith to opt out of "Cowichan Valley Regional District Bylaw No. 39 – Fireworks Sale and Discharge Regulation Bylaw, 1970"; and
2. Direct staff to prepare a bylaw for the sale, possession and discharge of fireworks in the Town of Ladysmith.

*Motion Carried*

OPPOSED: Councillor Johnson

### **7.3 Distribution of 2022 Property Taxes**

#### **CS 2022-089**

That Council direct staff to:

1. Prepare the 2022-2026 Financial Plan and 2022 Tax Rates bylaws based on Option 2 of the staff report dated April 5, 2022, allocating a 3.8% increase after non-market change and phasing in a Class 5 rate; and
2. Prepare the 2022 Property Tax Rates bylaw based on the "Alternative Municipal Tax Collection Scheme" with a due date of July 4, 2022 and a 2% penalty on outstanding current taxes and unclaimed home owner grants as of the end of day on July 4, 2022 and a further 8% penalty on balances outstanding as of the end of day on September 15, 2022.

*Motion Carried*

**8. BYLAWS**

**8.1 Bylaw Status Sheet**

**9. NEW BUSINESS**

**9.1 Association of Vancouver Island and Coastal Communities (AVICC) Convention - Council Verbal Update**

Mayor Stone and Councillors Johnson, McKay, Paterson and Stevens reported on their attendance at the recent AVICC Convention in Victoria and the impactful sessions that they attended.

**10. QUESTION PERIOD**

A member of the public thanked Council and staff for their hard work, and enquired about specific logistics regarding the Development Variance Permit process for 432 Methuen Street.

**11. ADJOURNMENT**

**CS 2022-090**

That this Regular Meeting of Council be adjourned at 9:16 p.m.  
*Motion Carried*

CERTIFIED CORRECT

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Mayor (A. Stone)

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Corporate Officer (D. Smith)





TOWN OF LADYSMITH

## PROCLAMATION

### Lyme Disease Awareness Month

- WHEREAS:** *Lyme disease has become the most frequently reported vector-borne disease in Canada and can impact the quality of life of individuals and their families in British Columbia and across Canada; and*
- WHEREAS:** *Lyme disease and Lyme co-infections can be challenging to diagnose, and, if left untreated, symptoms may result in complicated multi-level infections that are life-altering; and*
- WHEREAS:** *Lyme disease is preventable if the right precautions are taken, and it is important that everyone know how to protect themselves and their loved ones from this vector-borne disease; and*
- WHEREAS:** *Lyme Disease Awareness Month is an opportunity to increase awareness of this potentially serious disease and to educate on prevention and recognition of early signs and symptoms.*
- THEREFORE,** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim May 2022 as “Lyme Disease Awareness Month” in the Town of Ladysmith, British Columbia.*

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Mayor A. Stone

March 17, 2022

## STAFF REPORT TO COUNCIL

**Report Prepared By:** Jake Belobaba, Director of Development Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** April 19, 2022  
**File No:** 3360-21-08  
**Re:** Rezoning and OCP Amendment Application: Lot 5 Holland Creek

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### RECOMMENDATION:

That Council:

1. Having considered section 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolve that:
  - a. the Stz'uminus First Nation is the only entity that is appropriate to consult in connection with "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106";
  - b. consultation should be early but need not be ongoing;
  - c. the consultation process described in the staff report dated April 19, 2022 is sufficient in respect to the proposed Official Community Plan amendment; and
  - d. staff be directed to refer Bylaw No. 2106 to the Stz'uminus First Nation as set out in Resolution 1(a) for consultation in the manner described in the April 19, 2022 staff report to Council;
2. Give first and second readings to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106";
3. Consider Bylaw No. 2106 in conjunction with the Financial Plan, Housing Needs Report, Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to sections 473(2.1) and 477(3) of the *Local Government Act*;
4. Direct staff to refer Bylaw No. 2106 to School District 68 pursuant to section 476 of the *Local Government Act*;
5. Give first and second readings to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.48) 2022, No. 2107";
6. Require the applicant as a condition of approval of Bylaw Nos. 2106 and 2107 to, at their cost, secure the following conditions through one or more restrictive covenants

following third reading and prior to adoption of Bylaw Nos. 2106 and 2107:

- a. the developer, at time of subdivision or building permit approval, to provide a bond for a period of five years for the removal of invasive plants introduced by construction activities;
  - b. vegetation clearing to be completed outside the bird nesting period from March 1 to August 31;
  - c. prior to subdivision or development the developer to submit a construction erosion and sediment control plan and stormwater management plan prepared by a qualified engineer and consistent with 'Stormwater Planning: A Guidebook For British Columbia';
  - d. prohibiting clearing of native vegetation and requiring park dedication at time of subdivision or development, of the area shown as 'P-3 Nature Park' in Attachment C of the April 19, 2022 staff report;
  - e. prohibiting clearing of mature trees and requiring park dedication at time of subdivision or development, of the area shown as 'P-2 Park and Recreation' in Attachment C of the April 19, 2022 report to Council;
  - f. the provision of an on-street parking area adjacent to the area shown as 'P-2 Park and Recreation' in Attachment C of the April 19, 2022 staff report at time of subdivision or road dedication;
  - g. prohibiting the planting or proliferation of invasive plants on the subject property;
  - h. prohibiting non-native landscaping within the Arbutus Hump ESA Development Permit Area;
  - i. prohibiting clearing of mature trees, outside of dedicated road right of ways, within:
    - i. 20 metres of the northern property line; and
    - ii. 30 metres of the eastern property line;unless a tree preservation plan is prepared by a qualified professional;
  - j. dedicating a multi-use pathway and emergency vehicle access/egress through the subject property for the purposes of connecting lands beyond to west of the subject property;
  - k. requiring a privately owned and operated stormwater, sewer and water supply system for all development above 130m geodetic elevation;
  - l. requiring development of the site to adhere to the applicable requirements outlined in covenant CA6857592;
  - m. requiring, upon request by the Town, the developer to provide a 4,200 square meter portion of fee-simple land for a water reservoir, within the area described in the April 19, 2022 staff report;
  - n. requiring development on site to adhere to the recommendations of the Wildfire Hazard Assessment, in Attachment D of the April 19, 2022 report to Council; and
7. Direct staff to schedule a Public Hearing for Bylaw Nos. 2106 and 2107, 30 days after the applicant has held a neighbourhood information meeting pursuant to section 7(a) of "Town of Ladysmith Development Procedures Bylaw 2008, No. 1667" and section 464 of the *Local Government Act*.

**EXECUTIVE SUMMARY:**

The Town has received an application for an Official Community Plan and Zoning Bylaw amendment for “Lot 5” in the northwestern corner of the Holland Creek Development. The conceptual plan for the 17ha site includes a mix of stratified and fee simple single family dwellings, townhouses, and parkland.

**PREVIOUS COUNCIL DIRECTION:**

N/A

**INTRODUCTION/BACKGROUND:****Property/Context:**

The subject property is approximately 17 ha in size and located in the northwestern corner of the Holland Creek Development. The property is vacant and partially logged. Vegetation on the site consists of mature and juvenile second growth forest. It is bounded on the north and west sides by Holland Creek Park and on the south and east sides by vacant/partially developed parcels that also make up the Holland Creek Development.

**Existing OCP & Zoning:**

The property is currently designated ‘single-family’, ‘estate single-family’ and ‘park and open space’ under Schedule C (Holland Creek Local Area Plan) of the OCP (see Figure 1). A portion of the subject property is covered by The Arbutus Hump ESA Development Permit Area. The subject property is currently zoned Single Dwelling Residential (R-1) under the Zoning Bylaw.

**Natural Environment:**

According to the environmental assessment submitted by the applicant (Attachment E), approximately 52% of the subject property (see Figure 2) is located in the Douglas-fir/Arbutus ecosystem—a Provincially red-listed ecosystem<sup>1</sup>.

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<sup>1</sup> See: <https://a100.gov.bc.ca/pub/eswp/reports.do?elcode=C1A9CPMAM1>

Figure 1: Holland Creek Local Area Plan Land Use Designations

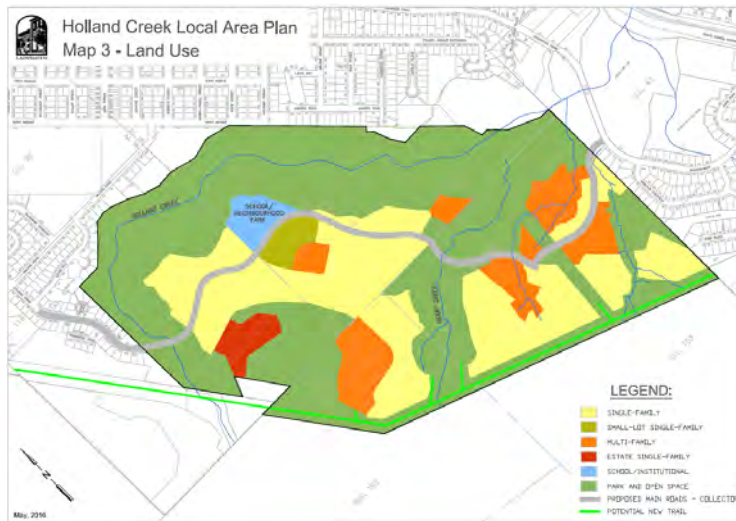


Figure2: Subject Property



This occurrence does not yet appear in Provincial databases and was not identified when the Holland Creek Local Area Plan was prepared<sup>2</sup>. Approximately 60% of the area within the Douglas-fir/Arbutus ecosystem occurrence is currently designated as park under the zoning bylaw or the Official Community Plan. Approximately 57% of the Douglas-fir/Arbutus ecosystem occurrence is currently covered by the Arbutus Hump ESA Development Permit Area. However, the Development Permit Area overlaps the OCP/zoning parks designations and therefore protects no additional areas. No red-listed species or critical habitat were identified on the property. Despite its red-listed status, there are no provincial protections for the Douglas-fir/Arbutus ecosystem.

### **PROPOSAL:**

The applicant is proposing to rezone the site to a combination of single-family, local commercial, multi-family and park. Development concepts are provided in Attachments F and G. Approximate unit counts for the proposed development are as follows:

- 110 Single-Family Homes (fee simple)
- 32 Single-Family Homes (strata)
- 26 Townhomes (strata)
- Three local commercial sites, each 460 square metres in size.

Special zoning permissions for secondary suites and coach houses are also proposed, as described below. The approximate density of the development will be 10 units per hectare, excluding secondary suites and coach houses. When proposed parkland is excluded from the density calculation, the proposed density is approximately 15.5 units per hectare.

<sup>2</sup> Only two previous environmental studies were found. One was limited to land south of the subject property and the other did not identify the presence of the Douglas-fir/Arbutus Ecosystem.

The proposal includes a 5.57 ha nature park, which includes the summit of Arbutus Hump and 32% of the Douglas-fir/Arbutus Ecosystem occurrence on the subject property. The proposed nature park is generally consistent with the parkland designations in the Holland Creek Local Area Plan. A 0.52 hectare neighbourhood park, which will connect to the nature park, is proposed near the centre of the subject property.

A slight change in the configuration for the future extension of Colonia Drive may occur at the subdivision stage. Attachment H, shows alignment options that are being evaluated. The exact road alignment will be determined as part of the subdivision process.

The proposal requires an amendment to the Official Community Plan and the Zoning Bylaw.

Bylaw No. 2106:

Bylaw No. 2106, will:

1. Amend Schedule C of the OCP to:
  - a. Change the land use designation of the proposed townhouse lots from single family and estate residential to multi-family and add this area to the Multi-Unit Residential Development Permit Area (DPA 4).
  - b. Change the land use designation of the proposed neighbourhood commercial lots from single family to commercial and add these areas to the Commercial Development Permit Area (DPA 3) and Coach House Intensive Residential Development Permit Area.
  - c. Change the boundaries of the existing parks land use designation, to remove the areas in red shown in Attachment I and to add the areas in blue shown in Attachment I, for a net gain of parkland of approximately 0.22ha.
  - d. Change the land use designation of the proposed neighbourhood park from single family to park.
  - e. Change the remainder of the estate residential designation to single-family and remove the policies in the Holland Creek Local Area Plan pertaining to this designation.
2. Amend the Arbutus Hump ESA Development Permit Area (DPA 11) to align with the boundaries of the red-listed Douglas-fir/Arbutus ecosystem and add additional guidelines based on recommendations from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development in Attachment J.
3. Add areas proposed to be zoned R-1-C to the Coach House Intensive Residential Development Permit Area (DPA 10).

Bylaw 2107:

The entire site is currently zoned R-1 and Bylaw No. 2107 will rezone the site as follows:

1. The proposed townhouse and strata single family areas will be rezoned to R-3 and R-1-A respectively.
2. The proposed neighbourhood park will be rezoned to Park and Recreation (P-2).
3. The proposed nature park will be rezoned Nature Park (P-3).
4. The proposed neighbourhood commercial areas will be rezoned to C-1.

Bylaw No. 2107 will also amend the Zoning Bylaw to add a number of site-specific provisions including:

1. Allowing secondary suites on lane-fed properties zoned R-1-C.
2. Restricting multi-family uses in the R-3 zone to townhomes.
3. Allowing coach houses, on lane-fed lots zoned C-1 and R-1-C, with site specific exemptions allowing coach houses on 460 square meter, C-1 zoned lots and 300 square metre, R-1-C lots. These rules are intended to capitalize on the proposed lanes to provide more diverse housing options and opportunities for “corner store” style commercial developments in conjunction with residences.

#### Restrictions Secured Through Covenant

Staff are also recommending that a number of conditions be secured through one or more restrictive covenants. These include:

- Posting a bond to remove invasive plants for a period of five years following development, and prohibiting clearing during bird nesting season (March 1- August 31). These conditions are based on the recommendations of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development in Attachment J.
- Requiring an erosion and sediment control plan to manage runoff during construction and a permanent stormwater management plan for the development prepared and monitored in accordance with provincial stormwater planning best practices. This recommended condition aligns with feedback from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development and the Parks Department.
- Prohibiting native vegetation clearing in the proposed nature park and mature tree clearing in the proposed neighbourhood park. These rules complement a requirement to dedicate these areas as parkland in the future. The proposed parkland can be counted towards the 5% parkland dedication requirement under the *Local Government Act* at time of subdivision, and in the interim these areas will be protected from clearing and land alteration.
- Requiring an on-street parking area at time of subdivision or road dedication adjacent to the proposed neighbourhood park.
- Prohibiting the planting or proliferation of invasive plants on the entire site and limiting landscaping in the most sensitive areas to native plants.
- Requiring strategically-located mature trees to be protected to ensure the development includes mature trees upon completion. The developer will be required to initially preserve a 20 metre strip of trees along the northern property line and a 30 metre strip along the eastern property line (with exceptions for clearing within a dedicated road right of way). A qualified professional must prepare a tree retention program prior to developing these areas. These buffer strips align with the backyards of future single-family lots and will ensure that they contain mature trees.



- Dedicating a multi-use pathway that doubles as a redundant emergency access/egress connecting to the access road for the water treatment plant and Holland Creek Trail. The road network for the Holland Creek Local Area Plan already establishes emergency access/egress routes along future roads. However, the proposed access/egress may prove useful in the interim, in extraordinary circumstances or if the primary access to the water treatment plant or reservoirs is cut off.
- Requiring a private stormwater, sewer and water supply system for all development higher than 130 meters above sea level. These areas are proposed to be stratified and the Town's water system has insufficient pressure to pump water above this elevation. This condition requires the developer and future owners (likely a strata) to install and maintain a private water supply system complete with a booster station, stormwater system and sewer main, at their cost, for all development above this elevation. Servicing below this elevation and outside of strata boundaries will be installed by the developer at time of subdivision and, following registration of subdivision, will be owned and maintained by the Town.

- Requiring the property to be subject to applicable requirements outlined in Covenant CA6857592. Covenant CA6857592 (Attachment K) is currently registered on the title of lands to the south and imposes a complex set of "triggers" and infrastructure

*Figure 3: Proposed Reservoir Site*



requirements (some of which have been met) intended to ensure development does not exceed infrastructure capacity. Essentially, the covenant requires certain infrastructure projects to be completed when certain unit counts are reached or when certain areas are developed. It is unlikely, but possible, that the proposed development would cause one or more of the covenant's triggers to be met and therefore staff are recommending that the subject property—for all intents and purposes—becomes subject to this covenant<sup>3</sup>.

- Requiring the provision of land for a second water reservoir. The Town needs a new water reservoir in the

general vicinity of the Town's existing reservoir located to the southwest of the subject property. Staff are recommending that an area of 4,200 square metres, as shown in Figure 3 be secured through a covenant. Staff note that this area is within the proposed

<sup>3</sup> In actuality, the subject property will be subject to a separate covenant that mirrors the applicable terms in covenant CA6857592 (e.g. it will exclude requirements that have already been met or triggers that only apply to other properties).



parkland dedication and the red-listed ecosystem. However, when the reservoir is constructed, Town-owned lands adjacent to the proposed nature park, and also within the red-listed ecosystem, can be added to the parkland area. Engineering, parks and planning staff are working on a reservoir plan that will result in either a “zero-net-loss” or net gain in protected area.

- Requiring development to adhere to the recommendations of the Wildfire Hazard Assessment in Attachment D.

## **DISCUSSION:**

### **Proposed OCP Designations, Zoning and Density**

The proposal generally aligns with the land use designations and policies outlined in the Holland Creek Local Area Plan.

For residential uses, adding multi-family, coach house and an array of different single-family residential zones to the site is expected to have a generally positive impact, by diversifying housing options. Single-family lots will range in size from 300-460 square metres. Secondary suites are already permitted in the R-1-A and R-1-B zones and are an appropriate site-specific addition to the R-1-C zone for lane-fed lots. Allowing coach houses on lane-fed R-1-C lots is a new policy direction for the Town for coach houses, but has been applied successfully in other jurisdictions, and the massing drawings provided in Attachment L illustrates that this configuration is viable.

The development “footprint” excludes 33% of the subject property that is within the red-listed ecosystem. Development areas within the red-listed ecosystem will be subject to an expanded development permit area with new guidelines intended to protect ecological resources on the site. Currently, much of the red-listed ecosystem on the site does not have a park or development permit designation. Some of this area falls within the Estate Residential designation, which requires larger lot sizes and lower densities as a means of protecting environmentally sensitive areas. It is staff’s opinion, that the proposed development permit area and guidelines, covenants and park dedications may be more effective for environment protection. Development in Douglas-fir/Arbutus Ecosystem will have to respond directly to its unique ecological conditions, under the guidance of a qualified professional.

Policy 7.2.12 of the Holland Creek Local Area Plan allows for “Rezoning, density transfer, park dedication or land acquisition” as a means of protecting environmentally sensitive areas. Although the proposed densities are not in complete alignment with specified densities for their respective land uses, the above-noted residential designations, restrictions and zoning are consistent with this policy, offering a higher degree of protection than the current zoning and OCP designations. The proposed overall density for the site is comparable to the density specified in the Holland Creek Local Area Plan.

The neighbourhood commercial OCP designation and zoning is consistent with the commercial policies in the Holland Creek Local Area Plan. Specifically, these policies call for small scale

commercial uses serving residential neighbourhoods (e.g. cafés, corner stores, small grocers, etc.) and commercial uses in conjunction with residential uses. The proposed small commercial lots, which allow both commercial and residential uses, align with these policies. Although commercial uses are not required on these lots (as requested by the Community Planning Advisory Committee), the diversity of housing options in conjunction with commercial uses (e.g. coach houses or residential above commercial) are expected to significantly improve the likelihood of commercial uses being introduced to the site.

### The Natural Environment

The table below provides a breakdown of the amount of Douglas-fir/Arbutus Ecosystem on the subject property that will be dedicated as parkland. The parkland dedication aligns with the area identified for parkland in the Holland Creek Local Area Plan.

Total size of Douglas-fir/Arbutus Ecosystem occurrence	15.32 hectares
Total size of subject property	16.95 hectares
Total area of subject property that is within the Douglas-fir/Arbutus Ecosystem	8.78 hectares (52% of subject property)
Total area of subject property that is outside of the Douglas-fir/Arbutus Ecosystem	8.17 hectares (48% of subject property)
Total area Douglas-fir/Arbutus Ecosystem occurrence on the subject property included in proposed park	5.57 hectares
Percentage Douglas-fir/Arbutus Ecosystem occurrence on the subject property included in proposed park	63.43%

Although not all of the subject property within the Douglas-fir/Arbutus Ecosystem will be protected, 100% of this area will be within the expanded Arbutus Hump ESA Development Permit Area. Moreover, additional restrictions and requirements that apply outside of proposed parkland—specifically managing invasive plants and native landscaping—will support the conservation of this sensitive ecosystem.

While the Province has recommended reallocating development located within the Douglas-fir/Arbutus Ecosystem to other areas on the site, given the existing development rights that apply to the site and absence of bylaws or provincial legislation prohibiting clearing and development, the Town has limited options for imposing such a requirement. The entire site is currently zoned R-1 and any area outside of the existing parks land use designation could be cleared. Overall, the proposal represents a net gain in parkland and ecosystem protection, consistent with the land use designations in the Holland Creek Local Area Plan and improving upon current land use policies.

### Community Amenity Policy

Through a covenant, the proposed development will preserve approximately 36% of the subject property for future parkland dedication. This is in excess of the 5% minimum required under the *Local Government Act*. Over 90 % of the reserved parkland falls within the red-listed Douglas-fir/Arbutus ecosystem and the proposed parkland includes the summit of Arbutus Hump, a major natural amenity. The proposed parkland dedication combined with the

proposed covenants to manage invasive plants will result in significant ecological and recreational benefits to the community. Provision of parkland and protection of environmentally significant areas beyond minimum requirements are specifically listed under the Community Amenity Contribution Policy as acceptable amenities and therefore staff consider the contributions described above as appropriate amenity contributions.

#### Wildfire

A Wildfire Hazard Assessment was prepared for the proposed development (Attachment D) and contains a number of recommendations to protect the development and surrounding forest from wildfire. Staff are recommending that a covenant be registered on the title of the property requiring development on the site to follow the recommendations in the report.

#### Traffic Impacts

The applicant provided a supplemental traffic impact assessment as part of their proposal (Attachment M) in response to the recommendations of the Community Planning Advisory Committee. No anticipated traffic impacts are expected to result from the proposed development.

#### Financial and Waste Management Plans

Section 477(3) of the *Local Government Act* requires Council to consider Bylaw No. 2106 in conjunction with the Financial Plan, Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan. The proposed amendments to the OCP result in land use and density patterns that are consistent with the Holland Creek Local Area Plan. Waste and financial implications were evaluated when the Holland Creek Local Area Plan was adopted and staff do not expect the development to have a negative impact on the Town's financial or waste management plans.

#### Housing Needs Report

Section 473(2.1) of the *Local Government Act* requires Council to consider the Town's Housing Needs Report when amending the OCP. The Town's Housing Needs Report<sup>4</sup> projects a total housing need between 2019 and 2025 of 510 units as follows:

- 384 one bedroom units
- 72 two bedroom units
- 53 units with 3 bedrooms or more

The proposed development represents approximately 33% of the Town's projected housing need, excluding potential suites and coach houses—within a designated growth area. Staff note that the buildout timeframe for the proposed development will likely extend past the 2025 horizon of the Housing Needs Report, however, housing needs are likely to continue increasing after 2025. Noting the significant percentage of one bedroom units needed by 2025, the

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<sup>4</sup> Available at: <https://www.cvrld.ca/3443/Municipal-Housing-Needs-Assessment-Report>

inclusion of suites, coach houses and multi-family units aligns with the projections in the Housing Needs Report.

**ALTERNATIVES:**

Council can choose to:

1. Deny the proposed bylaws.
2. Amend one or both proposed bylaws and give the bylaws first and second readings as amended.
3. Refer the proposed bylaws back to staff and/or the applicant for further review, as specified by Council.

**FINANCIAL IMPLICATIONS:**

N/A

**LEGAL IMPLICATIONS:**

The *Local Government Act* specifies special consultation requirements for Bylaw Nos. 2106 and 2107 which are described below.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

**Neighbourhood Information Meeting**

Section 7(a) of the Development Procedures Bylaw requires the applicant to hold a neighbourhood information meeting at least 30 days prior to the required public hearing. The applicant intends to hold the neighbourhood information meeting following first and second reading of the bylaws.

**Local Government Act Requirements: Consultation for OCP Amendment**

Section 475 of the *Local Government Act*, requires Council, when considering an amendment to the OCP, to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. To meet this obligation, Council must specifically consider whether consultation should be “early and ongoing”, and specifically consider whether consultation is required with:

1. The Board of the Cowichan Valley Regional District.
2. The Board of the Regional District of Nanaimo.
3. The Council of the District of North Cowichan.
4. First Nations, including the Stz’uminus First Nation, Hul’qumi’num Treaty Group and the Snuneymuxw First Nation.
5. The Board of School District 68.
6. The Provincial and Federal Governments and their agencies.

The Naut’sa Mawt Community Accord and Memorandum of Understanding between the Town and Stz’uminus First Nation require the Town to refer all OCP amendments to the Stz’uminus First Nation for comment. Similarly, section 476 of the *Local Government Act* requires the Town

to refer the proposed OCP amendment to School District 68 for comments related to the impact on school facilities.

As the proposed OCP amendments are site-specific, staff see little potential impact on the list of consultees above. For these reasons, staff are recommending that only the required referrals to Stz'uminus First Nation and School Board be carried out and that no further consultation pursuant to section 475 of the *Local Government Act* is required. Note that staff completed a separate technical referral, which is described below under 'Interdepartmental Involvement/Implications' and 'Intergovernmental Involvement/Implications'.

*Local Government Act Requirements: Public Hearing*

Section 464 of the *Local Government Act* requires a public hearing prior to adopting Bylaw Nos. 2106 and 2107. As noted above the applicant intends to hold their Neighbourhood Information Meeting following first and second reading of the bylaws. Subsequently, staff will schedule the Public Hearing at least 30 days following the date of the neighbourhood information meeting. Newspaper and mail notification is required prior to the Public Hearing.

*Community Planning Advisory Committee*

The application was referred to the Community Planning Advisory Committee (CPAC) on February 2, 2022 (Attachment N) for comment. CPAC passed the following resolution:

"It was moved, seconded and carried that the Community Planning Advisory Committee supports OCP and Zoning Amendment Application 3360-21-08 (Holland Heights) to allow for a mix of residential uses in principle.

It was moved, seconded and carried that the Community Planning Advisory Committee strongly recommends that Council consider the following regarding 3360-21-08 (Holland Heights):

- Requiring a secondary emergency access for the multifamily (strata) area;
- Requiring a parking area for trail and park users;
- Requiring tree preservation;
- Requiring that local commercial space be provided;
- Requiring traffic analysis for the site; and
- Ensuring connectivity to neighbouring properties."

The table below outlines how the proposal responds to CPAC's recommendations:

Recommendation	Staff Comments
Requiring a secondary emergency access for the multi-family (strata) area.	The applicant has agreed to provide a multi-use pathway that doubles as an emergency vehicle access/egress as a condition of approval.
Requiring a parking area for trail and park users.	The proposal includes street parking adjacent to the neighbourhood park and this will be secured by covenant.
Requiring tree preservation.	The Arbutus Hump ESA Development Permit Area will be expanded to align with the boundaries of the Douglas-fir/Arbutus Ecosystem. A covenant requirement is in place protecting mature trees along the northern and eastern property lines. Combined, the expanded Arbutus Hump ESA Development Permit Area and areas along the northern and eastern property lines represent the most practical areas to protect mature trees within the proposed development footprint.
Requiring that local commercial space be provided.	Portions of the subject property will be zoned C-1, which does not require commercial use but does allow it. The applicant has indicated they do not want commercial use to be mandatory on the C-1 sites. However, the unique regulations and lot configurations are expected to increase the likelihood of commercial development occurring on these sites.
Requiring traffic analysis for the site.	A traffic impact assessment was completed as part of the development of the Holland Creek Local Area Plan. The applicant has also provided a supplemental traffic impact assessment (Attachment M.) No major traffic issues are expected to result from the proposed development.
Ensuring connectivity to neighbouring properties.	<p>The <i>Land Title Act</i> requires the Subdivision Approving Officer to consider access to lands beyond and the developer has evaluated various connections to adjacent properties.</p> <p>Most of the covenant conditions that staff recommend importing from covenant CA6857592 relate to connectivity and access.</p>

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

The application was referred internally to Parks, Fire, Building and Infrastructure Services. Responses were received from Parks and Infrastructure Services.

#### **Parks**

The Parks Department was generally supportive of the proposed park dedication. They expressed concerns about stormwater management, specifically discharge points and the potential for stormwater to enter Holland Creek. The Parks Department requested a stormwater management plan prior to development which staff have recommended be secured through a covenant as a condition of approval.

### Infrastructure Services

Infrastructure Services has reviewed the application and the conditions noted above related to servicing higher than 130 metres above sea level. Based on their feedback, staff have included the requirement to secure an area for a future reservoir and to import the requirements of covenant CA6857592. Other infrastructure considerations, including road, sewer, water and stormwater system design, will be addressed at the subdivision stage.

### **INTERGOVERNMENTAL INVOLVEMENT/IMPLICATIONS:**

The application was referred externally to provincial habitat protection agencies, the Cowichan Valley Regional District and Federal Department of Fisheries and Oceans. A response was received from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development.

#### Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Due to the presence of the previously unidentified red-listed Douglas-fir/Arbutus Ecosystem, the application was referred to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development for comment. Their response is included in Attachment J. Most of the recommendations from the Ministry staff have been encapsulated in the recommended covenants and proposed amendments to the Arbutus Hump ESA Development Permit Area and guidelines, which call for land preservation and adherence to recognized best management practices.

Staff discussed with the developer the Ministry's recommendation to relocate portions of the development inside the red-listed ecosystem. Staff also asked if the developer would consider selling some or all of the additional red-listed areas to the Town and/or a conservation group for parkland<sup>5</sup>. The developer has indicated their intention is to develop in accordance with their proposal.

As noted under 'Discussion', because of the lack of provincial protections and existing development rights on the subject property, the Town has few options for securing complete protection of the red-listed areas on the property. Aside from that, all of the Ministry's recommendations for protecting the red-listed areas can be implemented through the recommended development permit areas and covenant restrictions.

Ministry staff also commented on the proposed Holland Creek Crossing, recommending that relocating this crossing be considered. This crossing is already under construction, has received provincial approval and is necessary to provide access as part of the Holland Creek Local Area Plan. Subsequently, relocating this crossing is not a practical option at this time.

### **ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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<sup>5</sup> The Town has a parkland acquisition reserve, funds from which can only be used for parkland acquisition and conservation groups and crowdfunding programs also often contribute to public parkland purchases.

- ☒ Complete Community Land Use
- ☐ Green Buildings
- ☐ Innovative Infrastructure
- ☒ Healthy Community
- ☐ Not Applicable

- ☒ Low Impact Transportation
- ☒ Multi-Use Landscapes
- ☐ Local Food Systems
- ☐ Local, Diverse Economy

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- ☐ Infrastructure
- ☒ Community
- ☐ Waterfront
- ☐ Economy
- ☐ Not Applicable

***I approve the report and recommendations.***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENTS:**

- A. Bylaw No. 2106
- B. Bylaw No. 2107
- C. Proposed Zoning
- D. Wildfire Hazard Assessment
- E. Environmental Assessment
- F. Street Hierarchy and Parking Plan
- G. Development Concept Plan
- H. Colonia Drive Alignment Options
- I. Zoning Plan and OCP Land Use Designation Overlay
- J. Referral response from Ministry of Forests, Lands, Natural Resource Operations and Rural Development
- K. Covenant CA6857592
- L. Coach House Massing Example
- M. Traffic Impact Assessment
- N. February 2, 2022, CPAC Minutes



## TOWN OF LADYSMITH

### BYLAW NO. 2106

#### **A Bylaw to amend “Official Community Plan Bylaw 2003, No. 1488”**

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The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to “Official Community Plan Bylaw 2003, No. 1488”:

1. Amend Section 7.0 of ‘Schedule C (Holland Creek Area Plan)’ by deleting the following sentence:

“Estate lots may be appropriate to limit development in environmentally sensitive areas or on steep slopes.”

2. Amend Section 7.2 of ‘Schedule C (Holland Creek Area Plan)’ by deleting the Policy 7.2.7 and renumbering subsequent policies accordingly.

3. Amend DPA 11 | Arbutus Hump ESA of Schedule A.1-Development Permit Areas Guidelines by adding the following as Guideline 1:

“All development in DPA 11 and reports required under these development permit guidelines should be prepared in accordance with ‘Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia’ published by the Province of British Columbia”

and renumbering subsequent guidelines accordingly.

4. Amend Map 2 – Development Permit Areas, by adding a portion of Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) to:

- a. “DPA 4 – Multi-Unit Residential”;
- b. “DPA 3 – Commercial”; and
- c. “DPA 10 – Coach House Intensive Residential”

as shown in Schedule 1, which is attached to and forms part of this Bylaw.

5. Amend Map 2 – Development Permit Areas, by expanding “DPA 11 – Arbutus Hump ESA” as shown in Schedule 2, which is attached to and forms part of this Bylaw.

6. Amend ‘Map 3 – Land Use’, in ‘Schedule C (Holland Creek Area Plan)’, by changing the land use designation for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) from the “Single-Family”, “Estate Residential” and “Park and Open Space” designation to:
- a. “Single-Family;
  - b. “Multi-Family”;
  - c. “Neighbourhood Commercial” and
  - d. “Park and Open Space”

as shown in Schedule 3 which is attached to and forms part of this Bylaw.

Citation

7. This Bylaw may be cited for all purposes as “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106”.

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

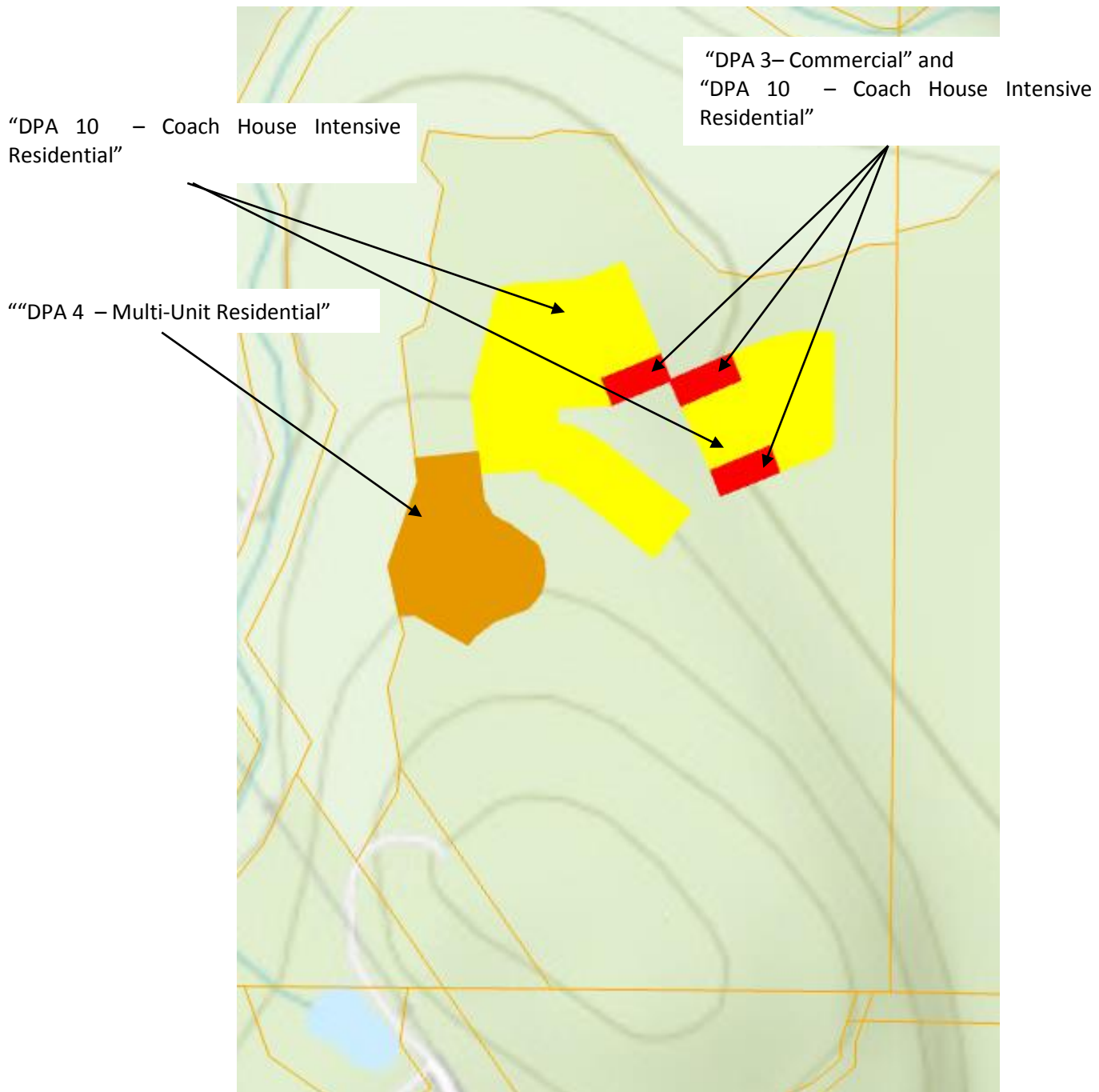
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Mayor (A. Stone)

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Corporate Officer (D. Smith)

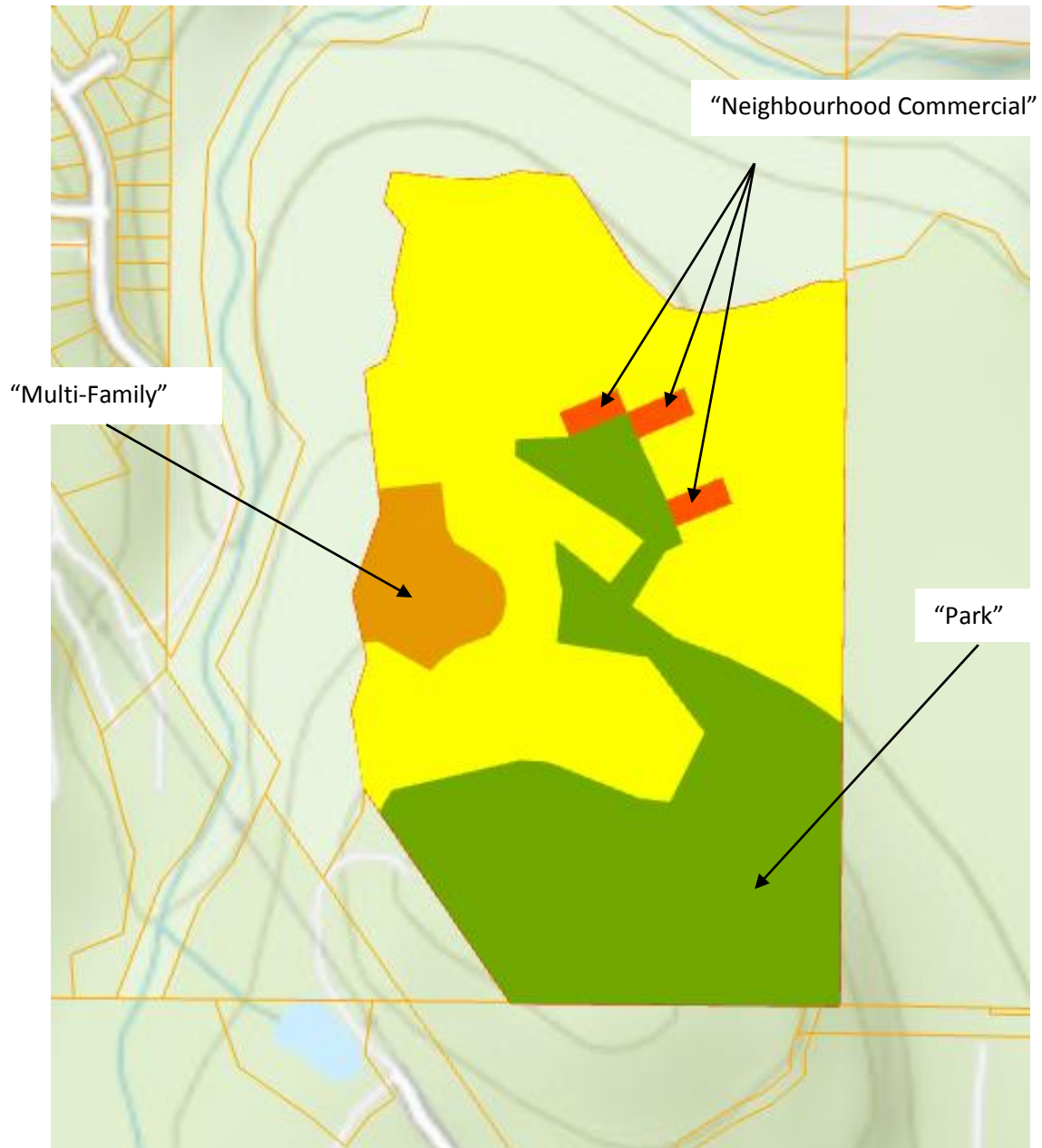
**Schedule 1**



**Schedule 2**



**Schedule 3**



## TOWN OF LADYSMITH

### BYLAW NO. 2107

#### A Bylaw to amend “Town of Ladysmith Zoning Bylaw 2014, No. 1860”

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The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to “Town of Ladysmith Zoning Bylaw 2014, No. 1860”:

1. Add as section 7 of part 10.5 (Single Dwelling Residential – Small Lot C Zone (R-1-C)) the following, under the heading “Site Specific Regulations”:

“a) for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) when a *Parcel* is located on a *Lane*:

- i. *Secondary Suite*, is a permitted *Accessory Use* in the R-1-C Zone, subject to Part 6, section 6.4; and
- ii. *Coach House Dwelling* is a permitted *Accessory Use* in the R-1-C Zone, provided is located on a *Parcel* that is 300 square metres or greater and subject to Part 6, subsections 6.5(b) and 6.5(c)”.

2. Add subsection c) to section 8 (Site Specific Regulations) of Part 10.10 (Medium Density Residential (R-3)) the following:

“c) Notwithstanding subsection 1, *Townhouse Dwelling* is the only permitted use in the R-3 zone on Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660)”.

3. Add subsection b) to section 9 (Site Specific Regulations) of Part 11.1 (Local Commercial (C-1)) the following:

“b) for Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660), when a parcel is located on a *Lane*:

- i. *Coach House Dwelling* is a permitted *Accessory Use* in the C-1 Zone, provided it is located on *Parcel* that is 460 square metres or greater and subject to Part 6, subsections 6.5(b) and 6.5(c)”
- ii. The minimum *Parcel Area* is 460 square meters and the minimum *Parcel Frontage* is 13.5 metres.”

4. Amend 'Schedule B – Zoning Bylaw Map' to rezone Lot 5 Block 1399 Oyster District Plan VIP75559 (PID: 025-708-660) from Single Dwelling Residential to:
- a. "Medium-Density Residential (R-3)";
  - b. "Single Dwelling Residential – Small Lot A Zone (R-1-A)";
  - c. "Single Dwelling Residential – Small Lot B Zone (R-1-B)";
  - d. "Single Dwelling Residential – Small Lot C Zone (R-1-C)";
  - e. "Nature Park (P-3)";
  - f. "Park and Recreation (P-2)"; and
  - g. "Local Commercial (C-1)";

as shown in Schedule 1, which is attached to and forms part of this Bylaw.

Citation

5. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107".

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

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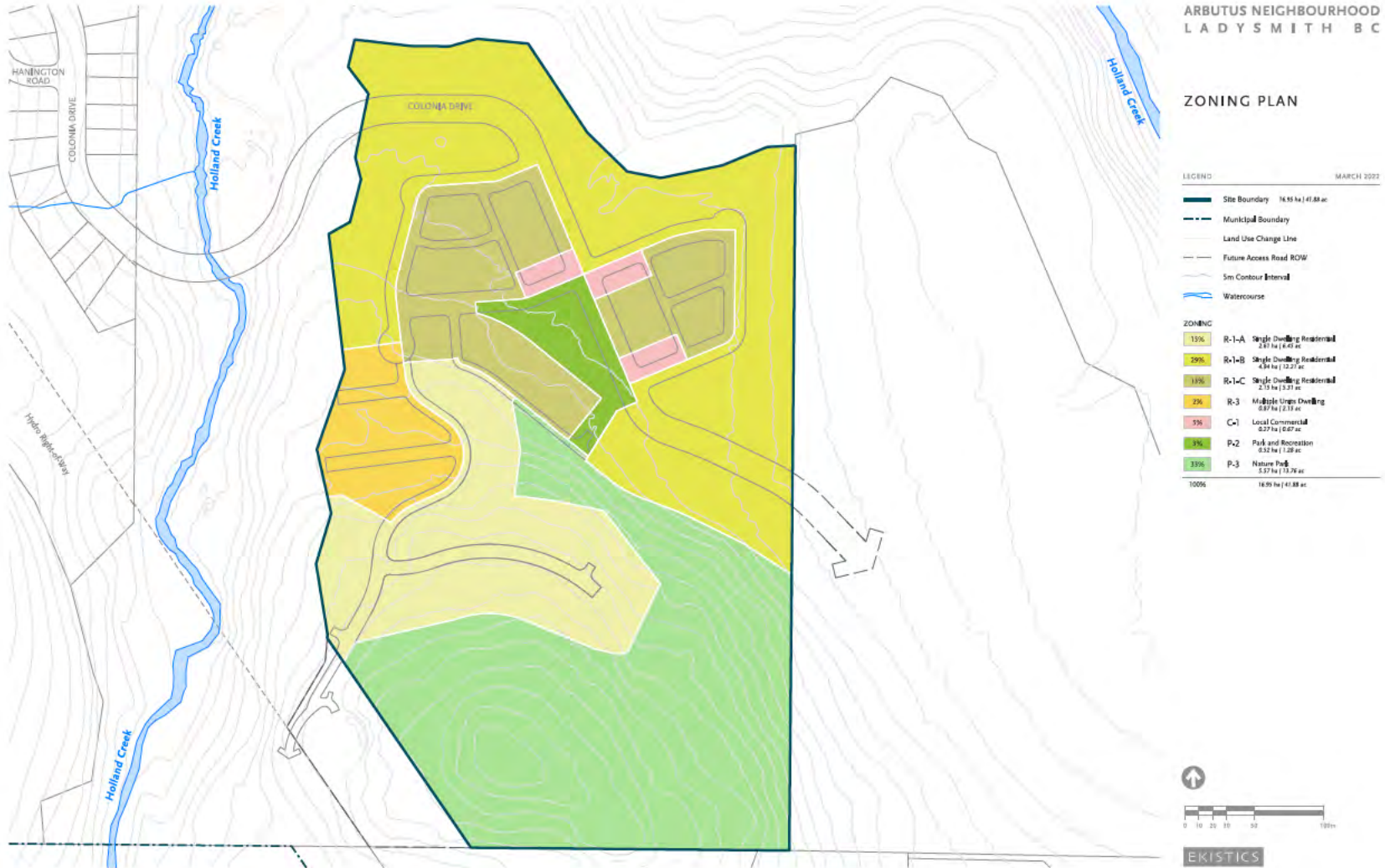
Mayor (A. Stone)

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Corporate Officer (D. Smith)



# Schedule 1



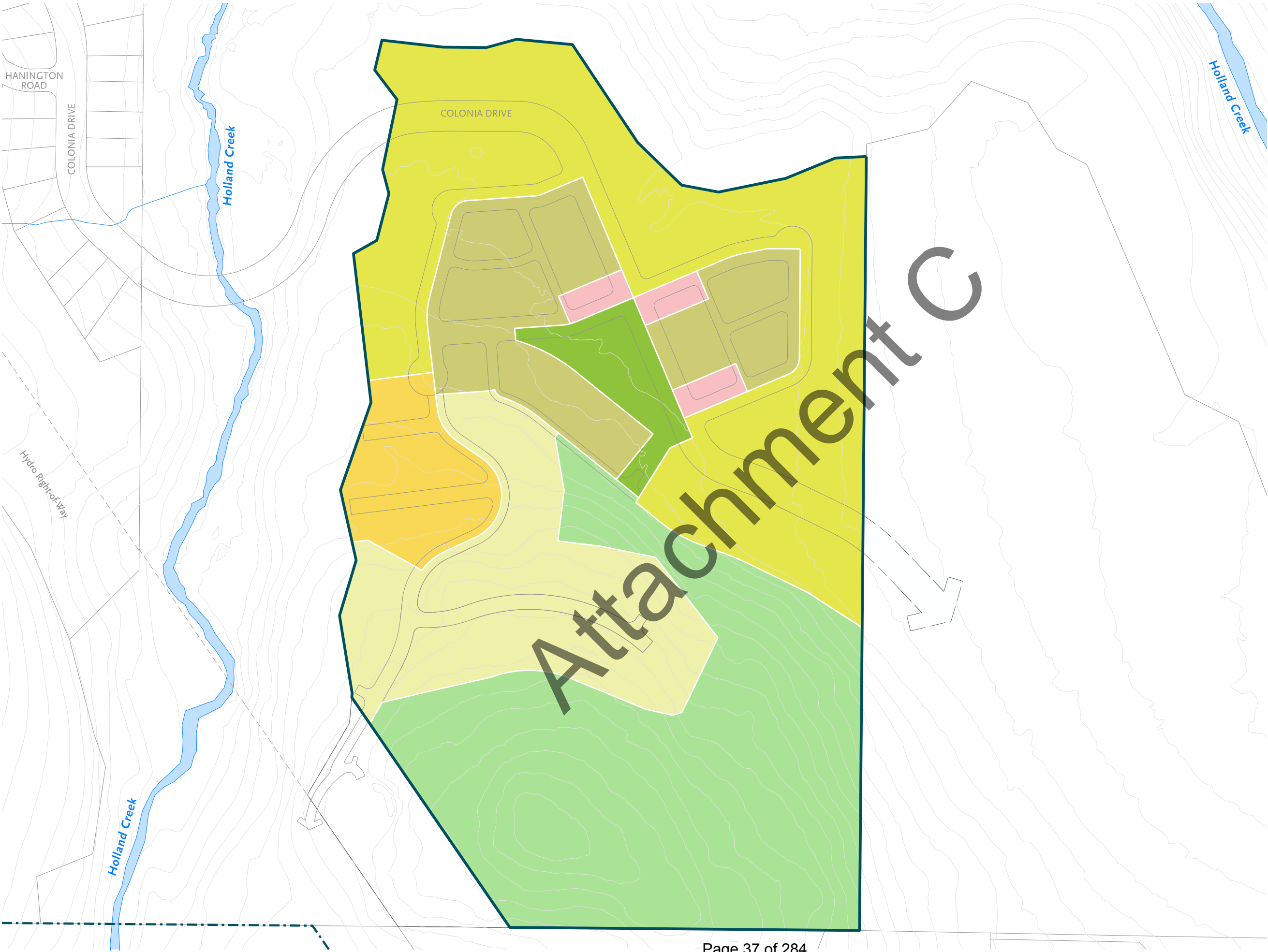
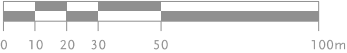


ZONING PLAN

LEGEND MARCH 2022

- Site Boundary 16.95 ha | 41.88 ac
- Municipal Boundary
- Land Use Change Line
- Future Access Road ROW
- 5m Contour Interval
- Watercourse

ZONING		
15%	R-1-A	Single Dwelling Residential 2.61 ha   6.45 ac
29%	R-1-B	Single Dwelling Residential 4.94 ha   12.21 ac
13%	R-1-C	Single Dwelling Residential 2.15 ha   5.31 ac
2%	R-3	Multiple Units Dwelling 0.87 ha   2.15 ac
5%	C-1	Local Commercial 0.27 ha   0.67 ac
3%	P-2	Park and Recreation 0.52 ha   1.28 ac
33%	P-3	Nature Park 5.57 ha   13.76 ac
100%		16.95 ha   41.88 ac





Strathcona Forestry Consulting



## Ladysmith – Lamont Land

### Wildfire Hazard Assessment

*Prepared for:* Lamont Land, via Corvidae Environmental Consulting Inc.

*Prepared by:* Strathcona Forestry Consulting  
PO Box 387 Stn Mn  
Duncan BC V9L 3X5  
[strathcona.fc@shaw.ca](mailto:strathcona.fc@shaw.ca)

22 September 2021 (revised January 27 2022 with updated Design Summary pg. 5)

## Executive Summary

In accordance with the Town of Ladysmith's Development Permit Guidelines for Wildfire, Lamont Land, via Corvidae Environmental Consulting Inc., retained Strathcona Forestry Consulting to conduct a wildfire hazard assessment of residential development proposed at a large parcel at an area to be known as Arbutus Hump.

Assessment determined that the wildfire threat at the subject property currently is High. Contributing factors include: fuel loading (forest vegetation) loading at the site, sloping topography, intermix (> 1 structure/ha), warm aspect, HeadFire Intensity > 2000 k2/M, and the lack of completely developed fireflow and access. Under the provincial Wildfire Threat Rating system, ratings must be moderate or less to be considered acceptable.

Living in a fire-prone ecosystem involves taking the necessary steps to protect homes, property, and community from wildfire. Development standards play a significant role in reducing the potential impact a wildfire will have on a community (FireSmartCanada.ca; FireSmartBC.ca). FireSmart strategies for wildfire prevention and preparedness have proven effective at reducing risk related losses to wildfire. This report contains FireSmart wildfire risk reduction recommendations intended to increase resiliency of the subject proposal.

In my professional opinion, if the recommendations contained in this report are followed through planning and construction – and continue after buildout, the risk of wildfire (and windthrow) can be reduced to a level acceptable to ensure the safety of the intended development.

Fire prevention and protection in the interface zone are ongoing processes. Long-term implementation of FireSmart mitigation is essential to ensure protection for life, property, and ecological processes in Ladysmith's wildland interface.

## Introduction

In accordance with the Town of Ladysmith's Development Permit Guidelines for Wildfire, Lamont Land, via Corvidae Environmental Consulting Inc., retained Strathcona Forestry Consulting to conduct a wildfire hazard assessment of residential development proposed for a large parcel at an area to be known as Arbutus Hump.

The interface (wildland urban interface/wildland residential interface) describes any area where combustible wildland fuels are found adjacent to homes or other buildings. Under Section 919.1(1) (a) of the Local Government Act, development permits may be designated where protection of Natural Hazard Lands is justified. Natural hazards, including wildfires, may put life and property, and local biodiversity, at risk if development is inappropriately situated and not well planned. Areas assigned at elevated risk are designated in a Development Permit Area (DPA). The objective of the DPA is to properly manage the risks associated with the hazard (interface wildfires).

## Hazard Assessment

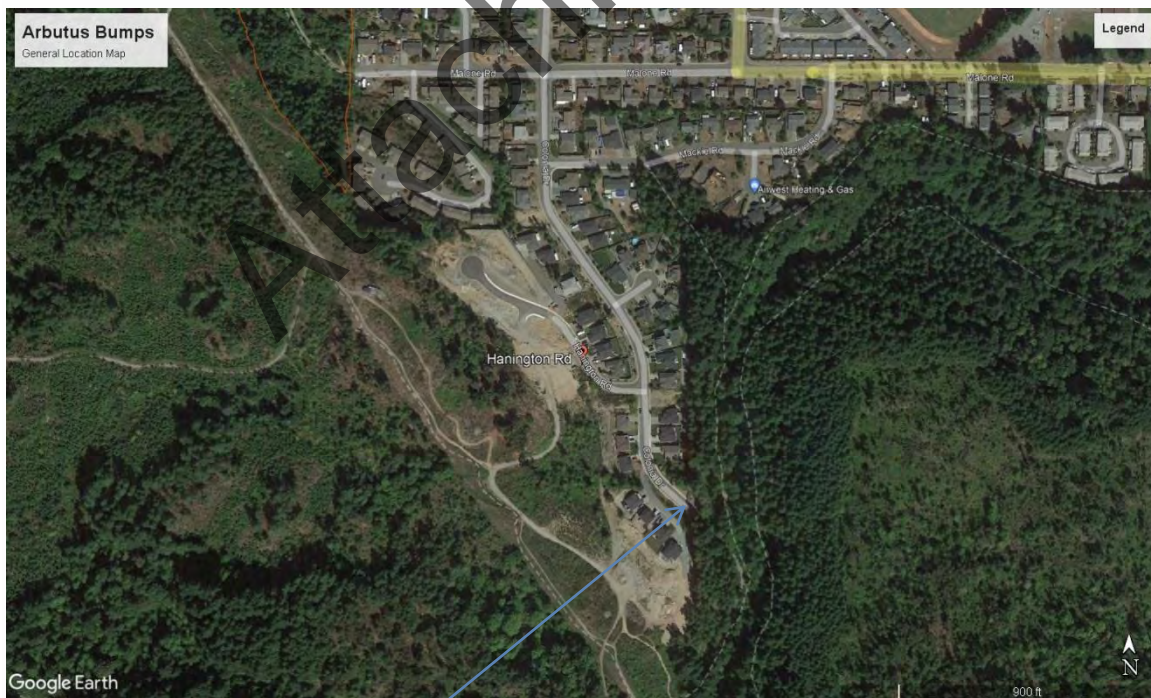
This report describes the vegetation, terrain, and infrastructure on and around the subject property, and provides recommendations to reduce the risk of wildfire. Assessment criteria are based on Rating Interface Wildfire Threats in British Columbia (<https://www2.gov.bc.ca/>); FireSmart (FireSmart, Protecting Your Community From Wildfire (Second Edition. Partners in Protection Partners in Protection, 2003 (<https://www.firesmartcanada.ca/>), and the Home Owners FireSmart Manual (BC Edition (<https://www2.gov.bc.ca/assets/gov/public-safety-and.../homeowner-firesmart.pdf>)). Fire behavior modeling is standardized after the Canadian Forest Fire Danger Rating System (CFFDRS). Fuel Types listed in this assessment are customized from the CFFDRS Fuel Type list for applicability in south coastal BC. Wildfire threat assessment was conducted through an analysis of fuel threats in and adjacent to the proposed development, as described in the 2017 Wildfire Threat Assessment Guide and Worksheets (MFLNRO, 2017). This process, used by qualified environmental professionals, employs physical and biophysical factors, combined with fuel hazards, to determine the wildfire threat (low, moderate, high, or extreme). Fire risk is based on four classes: low, moderate, high, and extreme. Recommendations in this report conform to BC Building Code standards and fire hazard planning authorized by Section 3(2) of the BC Fire Services Act.



**Field Inspection:** Strathcona Forestry Consulting conducted fieldwork in August and September 2021. Field investigation entailed an analysis of the interface fire hazard that the land is exposed to, from the perspective of the general area, local site, and proposed and existing structures in the general vicinity, up to 100+ m from property boundaries, where feasible.

**Location and Description of Proposal:** Developer Lamont Land Ltd. is proposing to develop a 360 acre land parcel it owns within the Holland Creek Local Area Plan (HCLAP) as a predominately residential area near the centre of town (see maps below and following pages). The HCLAP, which forms part of the Town of Ladysmith's Official Community Plan, outlines planning, design principles, land use, transportation and servicing policies for the 360 acre area.

In the spring of 2021, Lamont Land Ltd. completed construction of a bridge crossing at Colonia Drive to access the land parcel, which is currently zone Single Dwelling Residential (R-1). The property boundary is around the "All Lots" area (see Site Plans pgs. 5&6). DPA 11 is a protected area, aka Arbutus Hump. More than a third of the entire subject parcel is preserved as trail and parkland.



*Colonia Drive will access proposed development at the 360 acre parcel.*



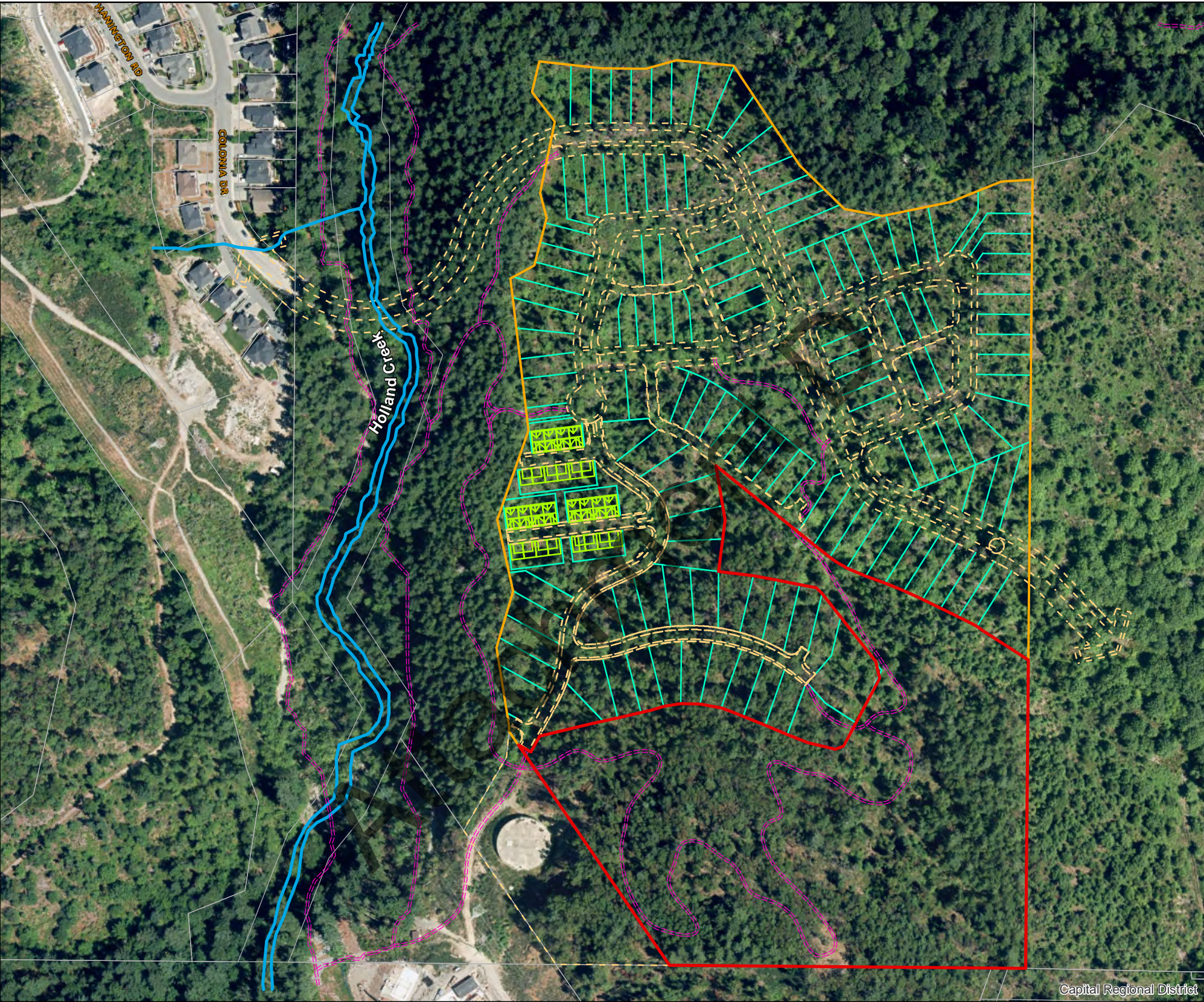
## HOLLAND HEIGHTS | Design Summary

Resubmission | November 2021

EKISTICS

2022 Design Summary





Project Location and DPA 11

New building to be constructed

Trail

Creek

Strata Lot

Site Boundary

New roads to be constructed

DPA11

0

50

100

200

300

Meters

Project: Arbutus Hump DPA | Sources: Capital Regional District, DataBC

N

CORVIDAE

ENVIRONMENTAL CONSULTING INC

Corvidae Project No.  
COR-2020-064

Rev. #	Date
0	June 22, 2021
1	January 6, 2022

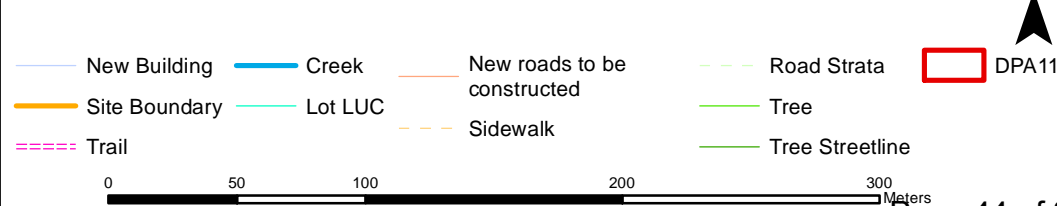
Figure 2

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New Design Plan - Illustrated Concept



Project: Arbutus Hump DPA | Sources: Capital Regional District, DataBC



Corvidae Project No.  
COR-2020-064

Rev. #	Date
0	June 22, 2021
1	January 6, 2022

Figure 3



## Wildfire Hazard and Risk

Wildfire hazard is a process, a phenomenon or a human activity that may cause loss of life, injury, or other health impacts, property damage, social and economic disruption or environmental degradation. Wildfire hazard can be described qualitatively as a fire environment—fuel, weather, topography, and ignitions.

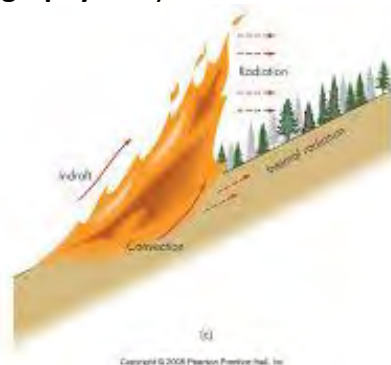
Risk assessment for wildfire and its impacts to communities considers both the likelihood of a wildfire and the potential consequence associated with that likelihood. For example, if the fuel (i.e. the hazard) ignites and the fire spreads towards the community (probability), the wildfire can become a threat to life and property (consequence) with an associated risk of loss.

Determination of the wildfire hazard and risk involves a detailed assessment of potential fire behaviour, field reviewed fuel characteristics, proximity of fuel to the community, local fire spread patterns, topographical considerations and local factors.

**Fire Behaviour.** Fire behaviour has three components: weather, topography, and fuel. Fire behavior predicts how forest and wildland vegetation (fuel) will burn under different conditions. Weather and topography cannot be changed; alteration of fuels across the landscape is the only way to lower fire intensity and change fire behaviour.

**Biogeoclimatic Classification.** The subject proposal is located in the moist maritime Coastal Douglas-fir moist maritime (CDFmm) biogeoclimatic subzone. Summers are warm and dry, while winters are moist and mild. Growing seasons are long, and often feature pronounced water deficits on zonal (average) and drier sites. Fire Danger Ratings (i.e., the risk of a fire starting) often reach High and Extreme in summer. Conditions had been exceptionally dry throughout the summer of 2021.

**Topography.** Physical site characteristics impact fire behavior by affecting ignition potential and the rate of fire spread. The subject parcel mostly comprises a moderately sloping site, except for the “arbutus hump,” a steeply sloping area.



Wildfires typically burn uphill. Warmer aspects tend to burn “hotter.”

**Aspect.** Aspect is generally northeast. Elevational gradient is 120 to 200 m. Average elevation is 122 m a.s.l.

**Vegetation.** Fire behavior predicts how forest and wildland fuels (vegetation) will burn under different conditions. Fuel hazard means the potential fire behaviour, without regard to the state of weather or topography, based on the physical fuel characteristics, including fuel arrangement, fuel load, condition of herbaceous vegetation and the presence of ladder fuels.

Benchmark vegetative fuel types developed by the Canadian Forest Fire Danger Rating System Fire Behavior System (CFFDRS) are used to forecast how a wildfire will react ([cwfis.cfs.nrcan.gc.ca](http://cwfis.cfs.nrcan.gc.ca)) (refer to Appendix 2).



*Top photos: Forest cover on the balance of the area was cleared several years ago, and has brushed in with a mix of native and invasive trees and shrubs.*

*Bottom photo: Surrounding the parcel, mature forest with tall trees rims the parcel.*

**Major Fuel Types at subject site:**

Fuel Types	Description	Forest Floor & Surface Fuels	Ladder Fuels	Wildfire Behaviour (why and how a fire spreads)
<b>C-5 Coniferous forest (with broadleaf component)</b>	Coniferous 2nd-growth forest (Fd leading), with arbutus component -surrounds the parcel -occupies Arbutus Hump	Dis- to continuous needle litter lvs. Moderately continuous shrub layer. Moderately high fuel loading due to significant amount of woody downed material	Vertical CF continuity; significant ladder fuels due to understorey dead/dying	Fire start during warm, dry windy weather could result in High potential for Crown Fire Initiation. Sloping topography within and surrounding the parcel increases potential for fire behaviour
<b>C-2/C-3 Shrubby/ Brush / Grass / Invasives</b>	Previously disturbed lands (cleared within last 10-15 years, now brushed in) at proposed residential development area	Continuous layer native shrubs (salal, ferns) intermixed with invasive brush (Himalayan blackberry, broom, daphne), Moderate to high surface fuel loading. Broom is very combustible.	Moderately high ladder fuels due to intermixture of clumps of small to medium sized trees in brushy areas	Thick shrub layer can impede emergency access for first responders

**Risk of Ignition.** Risk of ignition represents the potential for fire starts. Risk of ignition could come from current and future property owners in the area, construction activities (at the subject site or surrounding vicinity), and/or hikers on the Holland Creek Trail. Risk of ignition is rated moderate (to high).



**Left: Holland Creek Crossing Construction. Right: View from Holland Creek trail to construction area.**

**Fire Spread and Intensity.** Head fire intensity is a numerical ranking of difficulty of control for specific fuel types. Flame length is a main visual manifestation. Head fire intensity is a major determinant of certain fire effects and difficulty of control. Numerically, it is equal to the product of the net heat of combustion, quantity of fuel consumed in the flaming front, and the linear rate of spread. Under warm, dry conditions, there is currently sufficient continuity of surface and ladder fuels to enable a fire to spread relatively quickly. Dry, windy conditions would increase the rate of spread.

The goal of Wildfire Risk Reduction (WRR) is to reduce HeadFire Intensity from 4 to 5 to less than 2000 kW/m (< 3, HFI column Moderate) (see chart following).

#### Fire Weather Indices

Hazard Rating	FFMC Fine Fuel Moisture Code	DMC Duff Moisture Code	DC Drought Code	ISI Initial Spread Index	BUI Build Up Index	FWI Fire Weather Index	HFI Head Fire Intensity
Low	0-76	0-21	0-79	0-1.5	0-24	0-4.5	1-2
Moderate	77-84	22-27	80-189	2-4	25-40	4.5-10.5	3
High	85-88	28-40	190-299	5-8	41-60	10.5-18.5	4
Very High	89-91	41-60	300-424	9-15	61-89	18.5-29.5	5
Extreme	92+	61+	425+	16+	90+	29.5+	6

**Spotting Potential.** Spotting is a fire behavior characteristic in which sparks or embers are carried up by the wind and/or convective column and fall into other downwind fuels to ignite additional fires beyond the zone of direct ignition by the main fire (Firewise.org). Fire spotting is one of the major ways that fires spread and homes are ignited and destroyed in wildland/urban interface fires. Firebrands can come down on and ignite combustible roofs, combustible items stored adjacent to homes, and other nearby combustible fuels. The resulting spot fires may go unnoticed and thus unsuppressed when an area has been evacuated of residents, when firefighters are spread too thin, or when spot fires are too numerous.

The maximum spotting distance in a particular fire varies according to several factors, including overall fire intensity, wind speed, fuel type, initial size of the ember when lofted up, and how rapidly it is burning (Firewise.org). If a fire start occurred during very



warm dry, weather (High/Extreme Fire Danger Ratings), there is a moderately high possibility of spotting in the area.

**Fire Protection.** The subject site is located within the service area of Ladysmith Fire Rescue (LFR), a volunteer fire department that provides protection to the Town of Ladysmith. The firehall is at 330 6 Avenue. Ladysmith Fire Rescue stated (21 September 2021) that response time to the subject property would be 11-13 minutes.

Response time can be delayed, depending on the time of day. The British Columbia Building Code addresses situations where the firefighter response time 'exceeds 10 minutes in 10% or more of all calls' by requiring higher levels of non-combustible construction and reductions on allowable areas of unprotected openings. The Building Code should address Fire Department concerns.

Fire department response time is the elapsed time, in minutes, from when the first firefighting unit is dispatched to when the first fire fighting unit arrives at the emergency scene. Fire department intervention time is crucial in determining the consequences of a fire in terms of deaths, injuries, and loss of property and damage to the environment. An early aggressive and offensive primary interior attack on a working fire is usually the most effective strategy to reduce the loss of lives and property damage. Outside of a 10-minute fire response time requires more stringent fire protection for construction.

Ladysmith Fire Rescue noted that the subject development is one-way in, one-way out. From the standpoint of safety, it is preferable to have two-way access.

**Mutual Aid.** Fire Departments within the Cowichan Valley Regional District operate under a mutual aid agreement with other fire departments within (and outside) the region. In the case of a serious fire, mutual aid from adjoining fire departments can benefit fire suppression by pooling manpower and resources (water supply, water tenders, etc.,). Mutual aid, however, may not always be available.

**Wildfires.** Ladysmith Fire Rescue automatically responds to structure fires and small, easily accessible bush fires inside the fire service protection area (FPA). The Wildfire Management Branch generally responds to forested areas outside a FPA.

**Water Supply.** The subject site would be fully serviced.

**Access.** Safe access increases safety for both residents and firefighters, and also facilitates quick response by firefighters. As noted, access to the subject development will be one-way in; one-way out. Access will be from Colonia Avenue. Future road access may be extended east.

## Wildfire Threat Assessment Results

Scoring from the FireSmart assessment and fire behavior analyses determined the subject property currently has a High Fuel Assessment rating (see chart next page), contributing to a High Local Wildfire Threat Rating (below). Factors contributing to the elevated rating include: continuity and extent of fuel loading in the general area; HeadFire Intensity > 2000 k2/M; the possibility of delayed response; hilly topography; lack of current access and current fireflow; and intermix >1 structure/ha. Threat ratings must be low/moderate to ensure an area and/or structure(s) are safe.

LOCAL WILDFIRE THREAT SUMMARY: Proposed Lamont Land Development			
System:	Subcomponents	CURRENT ratings	Projected Ratings post-development*
<b>MFLNRO Wildfire Threat Assessment</b>	Fire Behaviour: Fuel, Weather, Topography	Fuel Assessment Class: <b>High</b> (see chart next pg.)	Moderate
	Structural (incl vicinity)	High	Moderate
<b>Overall Rating:</b>		<b>HIGH</b>	
<b>HIRV Model</b>	Hazard Impact Risk Vulnerability	High High High High	Moderate Moderate Moderate Moderate
<b>Wildfire Risk</b>	Likelihood Intensity Susceptibility	High	Moderate

\*Projected ratings conditional upon compliance with recommendations contained in this report.

Compliance with FireSmart recommendations contained in this report should be sufficient to reduce wildfire threat rating to moderate.



Wildfire risk triangle. (Scott et al. 2013).

#### Generalized Descriptions of the “Fuel Assessment Rating” classes:

<b>Low</b>	Fires may start and spread slowly. There will be minimal involvement of deeper fuel layers or larger fuels.
<b>Moderate</b>	Forest fuels are drier and there is an increased risk of surface fires starting. There will be involvement of the organic layer but larger dead material will not readily combust.
<b>High</b>	Forest fuels are very dry, new fires may start easily, burn vigorously; aerial fuel will be engaged in the flaming front. Most fuel in the organic layer will be consumed and larger dead fuel will be consumed in the smoldering combustion.
<b>Extreme</b>	Extremely dry forest fuel, new fires will start easily, burn vigorously; all aerial fuel will be engaged in the flaming front. Most fuel in the organic layer will be consumed and larger dead fuel will be consumed in the smoldering combustion.

FMC (Fuel Moisture Content) 95% value based on 90<sup>th</sup> percentile drought conditions.

Fuel reduction targets should be sufficient to be effective to meet treatment objectives of reduced fire behaviour under 90<sup>th</sup> Percentile Fire Weather Index (FWI) Conditions (FFMC, ISI, BUI) from the BCWS weather network.

## Recommendations

Living in a fire-prone ecosystem involves taking the necessary steps to protect homes, property, and community from wildfire. FireSmart principles and best practices (wildfire prevention, mitigation, and preparedness) are advised to manage wildfire risk and impact (FireSmartCanada.ca; FireSmartBC.ca).

In my professional opinion, if the recommendations contained in this report are followed through planning and construction of the development site – and continue after buildout, the risk of wildfire (and windthrow) can be reduced to a level acceptable to ensure the safety of the intended development.

### Vegetation Management

#### General Precautions During Land Clearing and Construction

- Ensure any land clearing activities are conducted in compliance with BC's Wildfire Act local bylaws.
- As per the BC Wildfire Act, if a high risk activity (i.e., land clearing) is taking place between 1 April and 31 October, the operator must keep at the activity site fire fighting hand tools, in a combination and type to properly equip each person who works at the site with a minimum of one fire fighting hand tool, and an adequate fire suppression system (onsite portable water tanker and fire fighting tools – shovels, pulaskis, portable water backpacks). In addition, efforts must be made to maintain an adequate fire break between any high risk activity and areas of continuous forest to ensure a fire originating at the site does not escape the site.
- During landclearing, develop an Emergency Plan of Action, listing key contact information in case of fire and/or other emergency at the site.
- Hazard abatement (removal of slash/disposal of debris piles) must take place in compliance with Town of Ladysmith bylaws.

- Ensure construction workers are made aware of the risk of fire in the interface zone, especially during dry summer weather.



#### Hazard Tree Management

- As per WorkSafe regulations, prior to commencement of work at the site, suspect hazard trees (e.g. see photo at left) at/beside worksite will require assessment from a certified Danger Tree Assessor. Trees identified as Danger Trees will require treatment (removal / possible modification) from a certified tree service. Where safely practical, modified treatment can provide useful wildlife habitat.



### **FireSmart Zones – (see Appendix 1)**

- **Priority Zone 1a: 0-1.5 m**

A noncombustible surface should extend for 1.5 m around structures, accessory structures, and any attachments, such as decks. Avoid storing flammable outdoor items, such as wicker or wooden patio furniture, cushions, doormats, window boxes and planters, garbage cans without lids and BBQ propane tanks, which are all places where embers can land and start a fire, in this critical area adjacent to the home.

- Landscape with noncombustible landscaping materials, such as gravel, brick, or concrete
- Avoid woody shrubs, trees, or tree branches in this zone
- Create a noncombustible zone underneath and for 1.5 m around any RVs/vehicles
- Mitigate any auxiliary structures to same standards as those of home

- **FireSmart Priority Zone 1: 0-10 m**

Establish and maintain an environment around structures and accessory structures that will not support fire. Focus on fuel removal, conversion, and reduction.

- Plan on landscaping with a low density of fire resistant plants and shrubs. Avoid the use of cedar hedging.
- Maintain landscapes with regular irrigation, mowing, pruning, raking, weeding and dead plant removal.
- Create non-flammable hardscapes, such as rock, gravel, and water features, which, function as firebreaks by breaking up areas of fuel. Rock can provide a natural looking, low-maintenance and water-efficient mulch and as well as a fire-resistant buffer zone.
- Group fire resistant plant materials in islands. Group plants in islands surrounded by nonflammable materials, such as rock; employ landscape elements together to create breaks between fuels.
- Limb (prune) trees 1.5 to 2m from the ground. Create space between trees and shrubs – a general rule is twice the height of what the plant will be at maturity. Remove tree limbs closer than 15-feet from power lines and any touching the house or other structures.
- Avoid using woody debris, including bark mulch, as it provides potential places for fires to start
- Store items such as construction materials, patio furniture, tools and decorative pieces at least 10 m from the homes and any structures

- **FireSmart Priority Zone 2: 10-30 m**

Extend the fuel modified area 10-30 m around structures. Conduct FireSmart thinning, pruning, and fuel reduction strategies in this zone to reduce fuel loading.

- Thin and prune evergreen trees to reduce hazard in this area
- Within 30 m of homes and any other structures, selectively remove evergreen trees to create at least 3 m of horizontal space between the single or grouped tree crowns, and remove all branches to a height of at least 2.5 m from the ground on the remaining evergreen trees. (For smaller evergreen trees; general rule of thumb is prune branches up to a third the height of the tree)

- Regularly clean up accumulations of fallen branches, dry grass, dried arbutus leaves, and conifer needles from the ground to eliminate potential surface fires

- **FireSmart Priority Zone 3: 30-100 m**

Where fuel modification in PZ1 and PZ2 is insufficient to protect structures and/or property, and where property boundaries permit, thin and prune trees in order to create an environment that will not support high-intensity crown fires.

- Look for opportunities to create a fire break by creating spaces between trees and other potentially flammable vegetation
- If possible, prune the trees located up to 100 m from the homes
- Thin and prune overgrown trees to reduce hazard
- Regularly clean up accumulations of fallen branches, dry grass, and needles from the ground to eliminate potential surface fires

#### General Principles of FireSmart Landscaping

- Incorporate FireSmart landscaping by using fire-resistive, widely spaced trees, native shrubs and groundcover in combination with stone and/or water features and/or maintained lawn areas. See FireSmart Guide to Landscaping.  
<https://www.firesmartcanada.ca/resources-library/firesmart-guide-to-landscaping>
- Promptly re-vegetate any areas of soil disturbed during clearing and construction with approved landscaping materials and/or native plant species to prevent further encroachment from invasive plant species (i.e., blackberry, broom, etc.).
- Powerlines should be clear of branches and other vegetation.



#### Arbutus Hump Protected area and Holland Creek Trail

- Consider installing split rail fencing around boundaries of protected area(s), including “Arbutus Hump” and the Holland Creek trail forest.

*Large trees are found in the Holland Creek Trail corridor.*

## Construction

The roof is the most vulnerable component of a structure. Sparks and burning embers from a wildfire can travel long distances and quickly ignite flammable roofing material.

Siding material is also vulnerable to wildfire. Combustible debris can accumulate at the vents and openings on your home and be ignited by embers during a wildfire.

- Use fire-retardant roof covering assemblies rated Class A, B, or C (i.e., metal, tile, ULC-rated asphalt) and feature non-combustible siding materials (i.e., stucco, metal siding, brick, cement shingles or cementitious materials, poured concrete, or ULC-rated wood siding) on new structures. Metal, clay tile, and rated asphalt shingles are the most fire resistant roofing materials. Siding materials such as stucco, metal, brick and concrete offer superior fire resistance to wildfire. Logs and heavy timbers are less effective, while wood and vinyl siding offer very little protection.
- Follow FireSmart guidelines for design, construction, and maintenance of window and door glazing, eaves and vents, and decking. Install noncombustible material for all vents (should be 3 mm screening or ASTM fire rated vents). Metal products are recommended for vents and vent flashing. <https://www.firesmartcanada.ca/>
- Ensure structures are equipped with working smoke alarm(s).
- Sheath in the base of decks, balconies and homes with fire-resistant material to reduce the risk of sparks and embers igniting the home. Use metal railings or tempered glass for decks and balconies. Select noncombustible patio furniture and decorations.
- If a wood fence is installed, ensure at least a 1.5 m noncombustible break between the fence and a structure (i.e., a metal gate with a stone wall to break up combustible fence).

## Maintenance

- Regularly inspect siding for locations where embers could accumulate and lodge.
- Maintain and remove combustible debris near exterior walls to reduce a building's vulnerability to ignition during a wildfire.
- Regularly remove debris from gutters – sparks and easily ignite these dry materials.
- Inspect vents and openings regularly to ensure vents are in good repair, and remove any accumulated combustible debris.

## Water Supply / Fire Protection

- Ensure water main, fire hydrant capabilities and servicing meet Town of Ladysmith Engineering specifications.

## Access

- Ensure roads and driveways meets BC Building Code and Town Engineering requirements.
- As recommended by the fire department, plan on two-way access.
- Ensure address signage is clearly evident during the construction phase and at build-out. Letters, numbers, and symbols should be at least 10 cm high, with a 12 mm stroke, contrast with the background colour of the sign, and be reflective.
- Ensure new structures are mapped on fire department "pre-org" (fire planning) maps.

#### **FireSmart Awareness / FireSmart Community Resilience**

- In liaison with the Town of Ladysmith, encourage residents of new neighbourhoods to include FireSmart strategies in their everyday lifestyle. Residents working together to create resilient communities can apply for FireSmart Community Recognition  
<https://www.google.ca/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwig1oGy-vrdAhUQHjQIHfuWA1EQFjAAegQIBhAB&url=https%3A%2F%2Fwww.firesmartcanada.ca%2Ffiresmart-communities%2Fcommunity-recognition-program%2F&usg=AOvVaw0ss0JqM2pjcyHEjczSjU>

#### **Regulatory Provisions**

- Conduct follow-up assessment (at building permit) to ensure appropriate mitigation measures have been implemented.

Attachment D

## Appendix 1. FireSmart Interface Priority Zones

In interface areas, FireSmart advocates the establishment and maintenance of Fuel Management Zones\* extending outward from structures and along access routes:

Zone 1 a (0-1.5m)

Zone 1 (0-10 m).

Zone 2 (10-30 m).

Zone 3 (30-100 m).

(FireSmart, 2003; updated 2018)

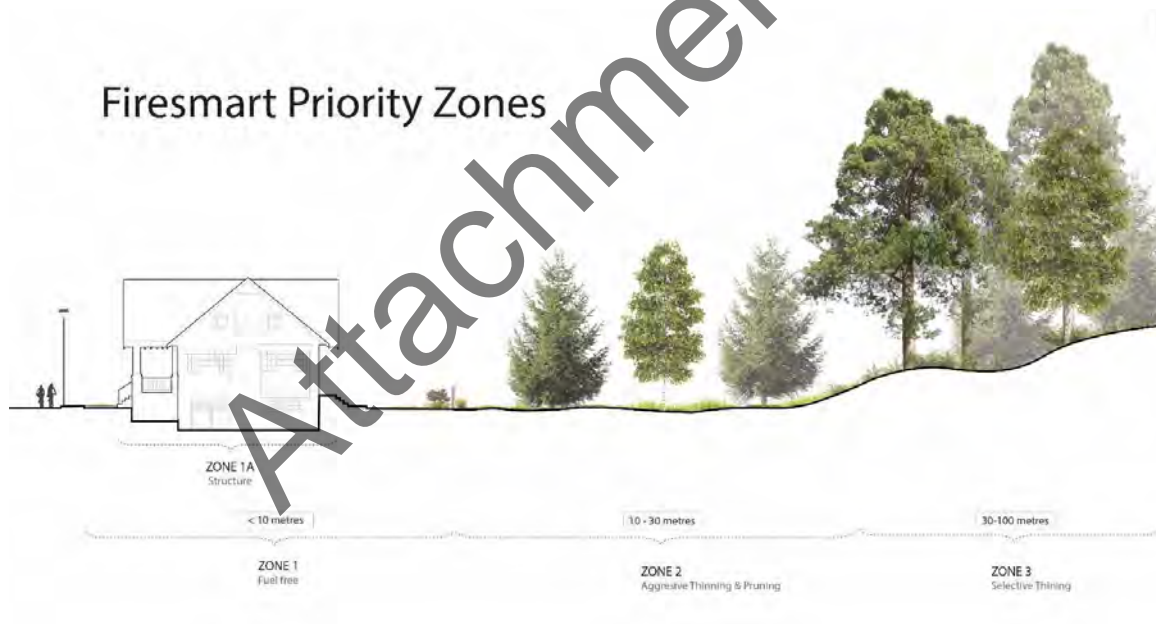
**Zone 1a (0-1.5 m):** This is the noncombustible zone, where it is very important not to have any combustibles next to buildings.

**Zone 1 (0-10 m):** The main objective of vegetation management is to create an environment that will not support fire. Vegetation management focuses on fuel removal, conversion, and reduction.

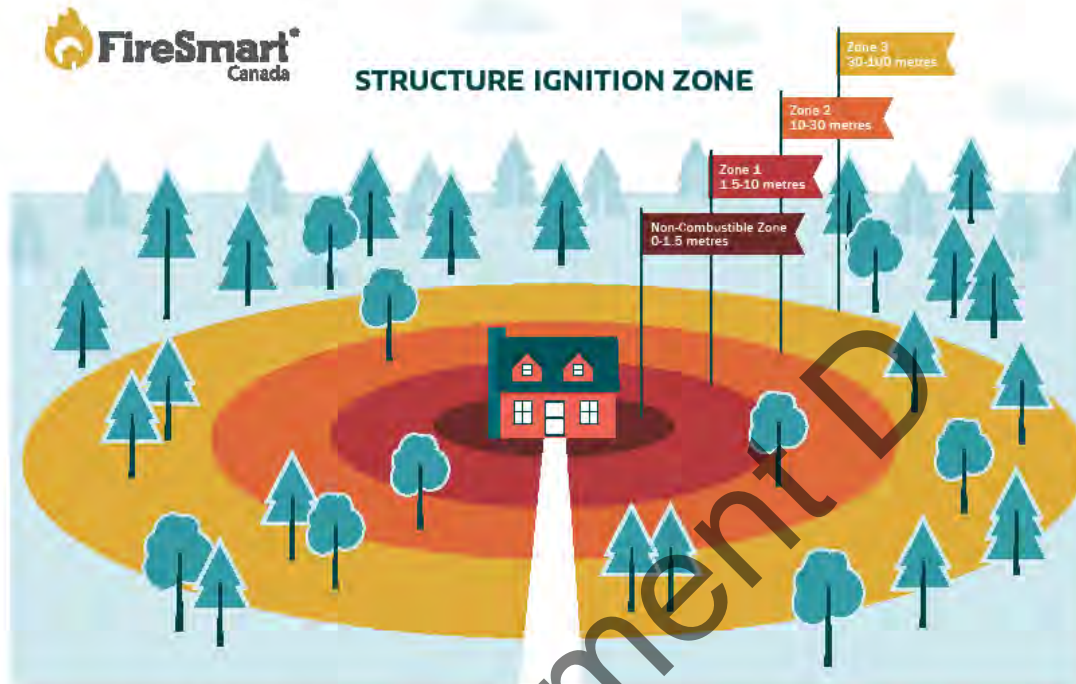
**Zone 2 (10-30 m):** Where treatment in PZ 1 is not sufficient to significantly reduce the fire hazard due to fuel loading, extend the fuel modified area with a variety of thinning and pruning actions.

**Zone 3 (30-100 m):** Where fuel modification in PZ1 and PZ2 is insufficient to protect structures and/or property, FireSmart advocates treatment in Priority Zone 3 with a variety of thinning and pruning actions in order to create an environment that will not support high-intensity crown fires.

\*Setback Zone distances may be extended depending on aspect, slope, fuel loading, etc.







Work with your neighbours in any overlapping priority zones!

<b>Non-combustible Zone</b> (0-1.5 metres)	<p>Reduce the chance of wind-blown embers igniting materials near your home. A non-combustible surface should extend around the entire home and any attachments, such as decks. Creating a non-combustible surface can be as easy as clearing vegetation and combustible material down to mineral soil. To add to your landscape design, use non-combustible materials such as gravel, brick, or concrete in this critical area adjacent to your home. Woody shrubs, trees or tree branches should be avoided in this zone, any that are present should be properly mitigated.</p>
<b>Zone 1</b> (1.5-10 metres)	<p>Create a landscape that will not easily transmit fire to the home. A FireSmart yard includes making smart choices for your plants, shrubs, grass and mulch. Selecting fire-resistant plants and materials can increase the likelihood of your home surviving a wildfire. Plant a low density of fire-resistant plants and shrubs. Avoid having any woody debris, including mulch, as it provides potential places for fires to start. Storing items such as firewood piles, construction materials, patio furniture, tools and decorative pieces against or near a house is a major fire hazard. Move firewood piles, trailers/ recreational vehicles, storage sheds and other combustible structures out of this zone and into Zone 2. If unable to move, store firewood inside your mitigated garage, shed or other ember resistant structures, create a non-combustible zone underneath and for 1.5 metres around trailers/ vehicles and mitigate sheds and other structures to the same standards as those of your home.</p>
<b>Zone 2</b> (10-30 metres)	<p>If your property extends out to this zone, thin and prune evergreen trees to reduce hazard in this area. Within 30 metres of your home, selectively remove evergreen trees to create at least 3 metres of horizontal space between the single or grouped tree crowns and remove all branches to a height of 2 metres from the ground on the remaining evergreen trees. If possible, pruning trees up to 100 metres from your home (Zone 3) is recommended. Regularly clean up accumulations of fallen branches, dry grass and needles from on the ground to eliminate potential surface fuels. Consider seeking the guidance of a forest professional with wildland fire knowledge on appropriate management options for this zone.</p>
<b>Zone 3</b> (30-100 metres)	<p>Taking FireSmart actions in Zone 3 on your property will influence how a wildfire approaches your home. You can change the dynamics of wildfire behaviour by managing vegetation within this zone. Look for opportunities to create a fire break by creating space between trees and other potentially flammable vegetation. Thinning and pruning is effective here as well. These actions will help reduce the intensity of a wildfire. Consider seeking the guidance of a forest professional with wildland fire knowledge on appropriate management options for this zone.</p>

**Appendix 2. Generic Fuel Types** (adopted from CFFDRS).

Fuel Type	Description	Wildfire Behaviour Under High Wildfire Danger
<b>Coniferous:</b>		
C1	Terrestrial herbaceous ecosystem: mossy rock outcroppings	High potential for surface fire, especially if high moss/lichen
C2	Dense regeneration to pole-sapling (immature) forest with crowns almost to ground	High potential for crown fires; low to very high fire intensity and rate of spread
C3	Fully stocked, mature forest, crowns separated from ground; sparse understorey	Surface and crown fire, low to very high fire intensity and rate of spread
C4	Dense, pole-sapling (immature) forest, heavy standing dead and down, dead woody fuel; continuous needle litter; continuous vertical crown fuel continuity	High potential for crown fires, high to very high fire intensity and rate of spread
C5	Moderately well-stocked, mature forest, moderate dense understorey crowns well separated from ground; continuous needle litter	Low to moderately fast-spreading, low to moderate intensity surface fire
C6	Fully stocked conifer plantation; absent understorey; tree crowns separated from ground; continuous needle litter	Surface fire may spread rapidly to become high intensity fire with high rate of spread
C7	Open, mature coniferous stand; uneven-aged; discontinuous understorey; tree crowns mostly separated from ground	Surface, torching, rarely crowning (except on steeper slopes), moderate to high intensity and rate of spread
D (Deciduous)	Moderately well-stocked deciduous stands; moderate medium to tall shrubs and herb layers	Typically a surface fire; low to moderate rate of spread and fire intensity
	D-1 Leafless D-2 In leaf	
M (Mixed Forest)	Moderately well-stocked mixed stand of conifers and deciduous tree species; moderate shrub understorey; conifer crowns extend nearly to ground	Surface, torching and crowning; moderate to very high intensity and spread rate (varies with slope and % vegetation cover)
	M-1 Leafless M-2 In leaf	Fine fuel % and cedar foliage retention will result in faster ignition and spread
S (Slash)	Slash from logging and land clearing	Rapid spreading, moderate to high intensity surface fire
	Continuous standing grass – fuel loading is 0.3 kg/m <sup>2</sup> ; scattered trees	
01-Long	01-a Matted 01-b Tall	The taller, and more cured the grass, the more rapid spread; low to moderate intensity surface fire
	Continuous human modified short grass	
01-Short		Typically low rate and spread and low fire intensity.

### Appendix 3. Fire Risk Classes.

RELATIVE WILDFIRE RISK
Low
Moderate
High
Extreme

## Fire Risk Classes

**Low (Green):** The combination of the local fuel hazard, weather influences, topography, proximity to the community, fuel position in relation to fire spread patterns, and known local wildfire threat factors make it a lower potential for threatening a community. These stands will support surface fires, single tree or small groups of conifer trees could torch/ candle in extreme fire weather conditions. Fuel type spot potential is very low, low risk to any values at risk.

**Moderate (Yellow):** The combination of the local fuel hazard, weather influences, topography, proximity to the community, fuel position in relation to fire spread patterns and known local wildfire threat factors make it possible that a wildfire in this area would threaten the community. Areas of matted grass, slash, conifer plantations, mature conifer stands with very high crown base height, and deciduous stands with 26 to 49% conifers. These stands will support surface fires, single tree or small groups of conifer trees could torch/ candle. Rates of spread would average between 2-5 meters/ minute. Forest stands would have potential to impact values in extreme weather conditions. Fuel type spot potential is unlikely to impact values at a long distance (<400m).

**High (Orange):** The combination of the local fuel hazard, weather influences, topography, proximity to the community, fuel position in relation to fire spread patterns, and known local wildfire threat factors make it likely that a wildfire in this area would threaten the community. This includes stands with continuous surface/ crown fuel that will support regular torching/ candling, intermittent crown and/or continuous crown fires. Rates of spread would average 6 -10 meters/ minute. Fuel type spot potential is likely to impact values at a long distance (400 -1 000m).

**Extreme (Red):** The combination of the local fuel hazard, weather influences, topography, proximity to the community, fuel position in relation to fire spread patterns, and known local wildfire threat factors make it very likely that a wildfire in this area would threaten the community. Stands with continuous surface/ crown fuel and fuel characteristics that tend to support the development of intermittent or continuous crown fires. Rates of spread would average >10 meters/ minute. Fuel type spot potential is probable to impact values at a long distance (400 -1 000m or greater). These forest stands have the greater potential to produce extreme fire behaviour (long range spotting, fire whirls and other fire behaviour phenomena).



#### *Limitations*

*This report provides an assessment of site conditions. Evaluation is based on professional judgment. The investigation involved field observation. Recommended treatment pertains only to the particular site as disclosed at the time of inspection. The report was prepared considering site-specific circumstances and conditions. It is intended only for use by the client for the purpose for which it was commissioned and for use by local government regulating the activities to which it pertains.*

Attachment D



# ENVIRONMENTAL ASSESSMENT FOR PROPOSED HOLLAND HEIGHTS NEIGHBOURHOOD DEVELOPMENT PERMIT AREA 11

PREPARED FOR:  
LAMONT LAND  
200-5716 1<sup>ST</sup> STREET SE  
CALGARY AB T2H 1H8

AND

THE TOWN OF LADYSMITH  
PO BOX 222  
LADYSMITH BC V9G 1A2

CORVIDAE PROJECT #2020-064  
JANUARY 2022

**CORVIDAE**  
ENVIRONMENTAL CONSULTING INC

6526 WATER STREET, SOOKE, BC

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## CAVEAT

This Environmental Assessment (EA) has been prepared with the best information available at the time of writing, including the Holland Creek Area Plan, communications with the client and regulators, site visits, review of site plans and design drawings and other documentation relevant to the project. This EA has been developed to assist the project in remaining in compliance with relevant environmental regulations, acts and laws pertaining to the project and to identify and mitigate the expected impacts of the project and reclamation activities directly related to the project.



# 1 INTRODUCTION

Corvidae Environmental Consulting Inc. (Corvidae) is pleased to provide this Environmental Assessment (EA) for the proposed Holland Heights Neighbourhood within the Town of Ladysmith, BC. The neighbourhood is planned within an undeveloped portion of the **Holland Creek Area Plan**. The property is 17.6 ha, currently zoned as R-1 Single Dwelling Residential, and is located adjacent to Development Permit Area (DPA 11) – Arbutus Hump ESA as indicated on Map 2 of the **Town of Ladysmith Official Community Plan (OCP)**.

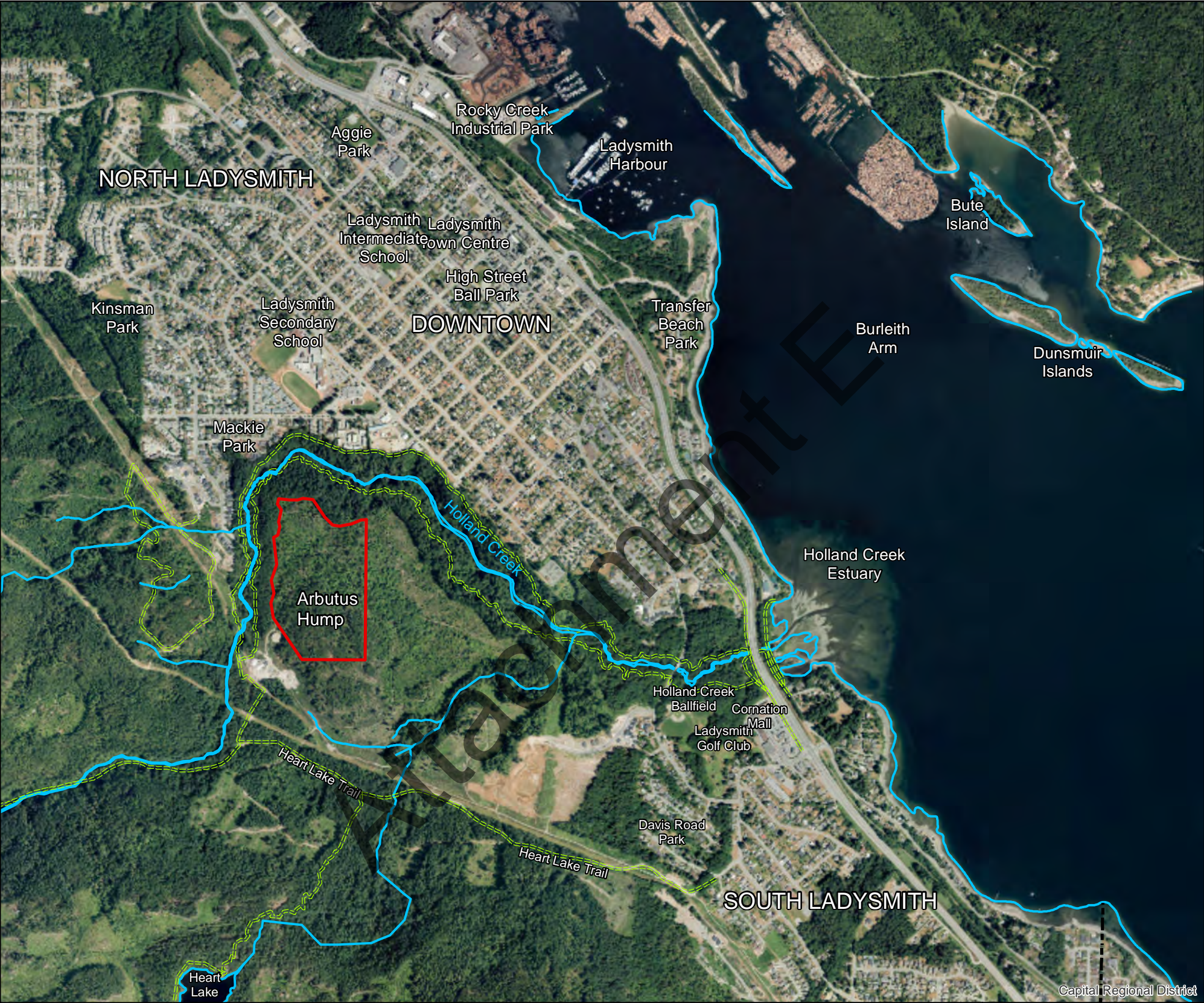
This report addresses the requirements in Section 3 of the **Town of Ladysmith OCP of Bylaw No. 1488 (2003)** and **Schedule C – the Holland Creek Area Plan (2016)** and provides an assessment on the environmental conditions on the property, potential impacts of the proposed development, and recommendations on the protection of environmentally sensitive features and methods to minimize impacts.

The Arbutus Hump area extends across approximately 5.2 ha (29% parcel areas) and composed of undulating second growth forests with rocky outcrops throughout (Figure 1). The area is sloped to the north, east, south and west. Only areas with slopes less than 30% are proposed to be developed and have been identified in a geotechnical report that will be provided as a separate document for a portion of the lands. Lamont plans for a strata residential neighbourhood, composed of 168 homes and access streets north of the DPA 11 area. There will be no home construction within the Arbutus Hump – DPA 11 area. However, low impact trail network will be created which will connect to the existing trail network in the Holland Creek Area. Efforts will be made to enhance and protect the area by removing the large amount of invasive scotch broom observed, protecting areas with slopes greater than 30% and creating buffer zones between infrastructure and the leading edge of the woodland to reduce windfall of trees from development, as recommended by the Arborist. An illustrative neighbourhood plan is provided as Figure 3. Multiple revisions of the development plan have been completed by Lamont Land to ensure that the environmental integrity of DPA 11 is maintained.

The purpose of this EA is to assess the potential effects of the project on the environment by identifying terrestrial habitat, sensitive ecosystems, and habitat features such as wildlife trees, animal burrows and hibernaculum. This EA also identifies the potential occurrence of threatened or endangered species and ecosystems within and adjacent to the project. Following the detailed assessment and documentation of biophysical features, this EA provides the environmental protection measures for the proposed development.







Community Context Plan

**Legend**

----- Trail    Creek    Site Boundary    - - - - Municipal Boundary

0    250    500    1,000    1,500 Meters

Project: Arbutus Hump DPA  
Sources: Capital Regional District, DataBC

N

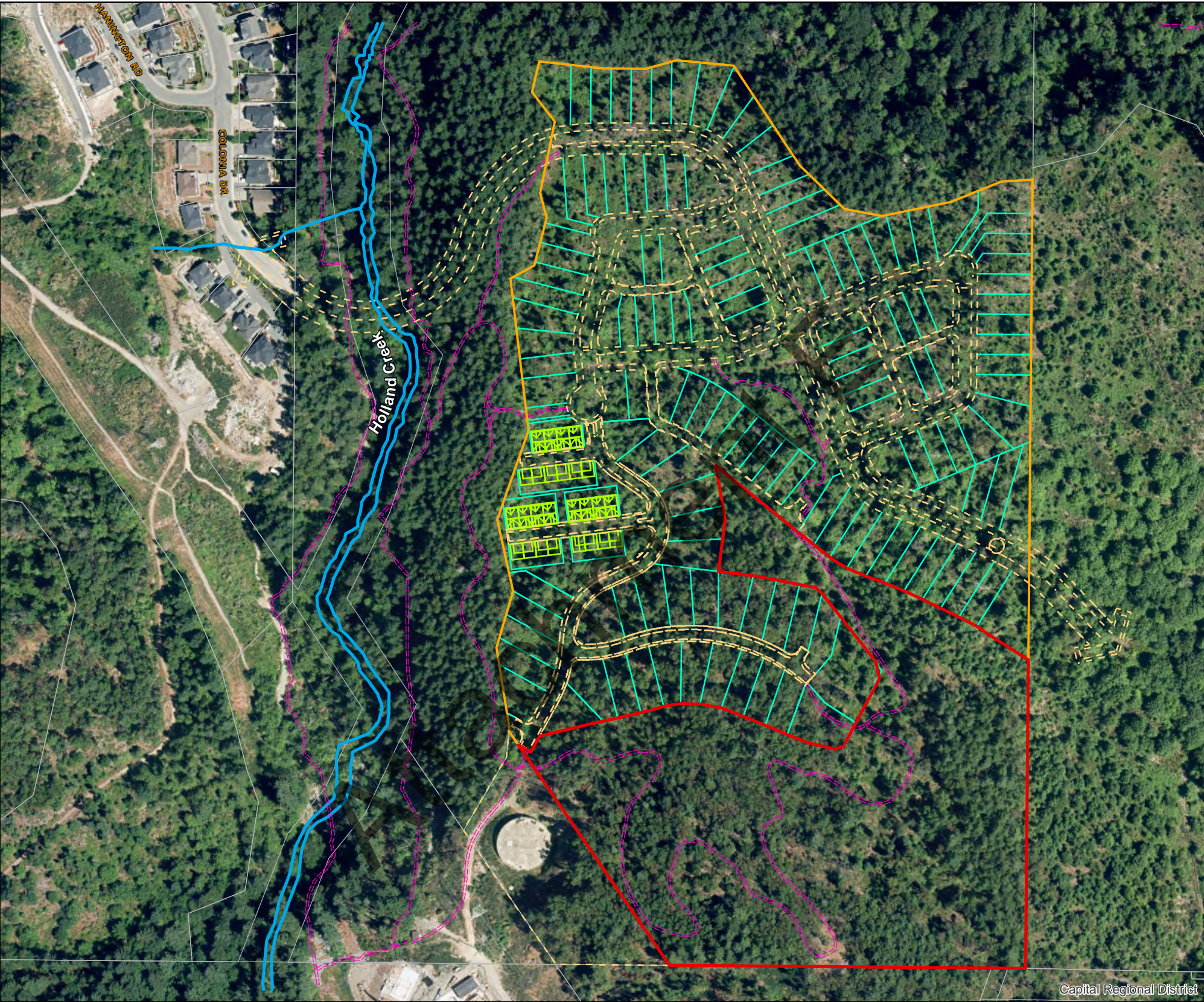
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COR-2020-064

Rev. #	Date
0	July 6, 2021

**Figure 1**





Project Location and DPA 11

New building to be constructed

Trail

Creek

Strata Lot

Site Boundary

New roads to be constructed

DPA11

0

50

100

200

300

Meters

Project: Arbutus Hump DPA | Sources: Capital Regional District, DataBC

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0	June 22, 2021
1	January 6, 2022

Figure 2





New Design Plan - Illustrated Concept

New Building

Site Boundary

Trail

Creek

Lot LUC

New roads to be constructed

Sidewalk

Road Strata

Tree

Tree Streetline

DPA11

0

50

100

200

300

Meters

Project: Arbutus Hump DPA | Sources: Capital Regional District, DataBC

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0	June 22, 2021
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Figure 3	

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## 1.1 REGULATORY FRAMEWORK

This environmental assessment is designed to comply with the provisions set out in the Holland Creek Area Plan – Schedule C and Town of Ladysmith Official Community Plan (OCP) for development permit areas and for compliance with the provisions for environmental protection contained in the following relevant legislation:

### Municipal

- *Holland Creek Local Area Plan – Schedule C of Bylaw No.1488*

*4.2.10 Give special consideration to Arbutus Hump by protecting the top of Arbutus Hump, encouraging recreational uses, and limiting development.*

*5.1.4 Protect Arbutus Hump as a special natural feature and viewscape.*

*10.2.4 The location of a new neighbourhood reservoir may be suitable at an elevation below the highest elevation of the Arbutus Hump summit. The siting evaluation criteria shall include biophysical environmental site information, site design that mitigates view impacts, and the opportunity to utilize the facility within a future park site or other amenity for the public. A tower design is not supported.*

*Development Permit Areas:*

*The Development Permit Areas (DPA) that apply in the Plan Area are shown on OCP Map 2 – Development Permit Areas. The special conditions, objectives and guidelines for the following Development Permit Areas that apply in the Plan Area are contained in OCP Schedule A.1 [Town of Ladysmith OCP].*

The guiding principle for the use of Development Permits is found within the Local Government Act. Development Permit Areas can be designated for purposes such as, but not limited to the following:

- Protects, enhances and restores the biodiversity and ecological values and functions of environmentally sensitive areas.
- Fosters compatibility between development, existing land uses and environmentally sensitive areas.
- Maintains connectivity between sensitive ecosystems; and
- Protects water quality and quantity.

### Provincial

- *Wildlife Act (1996)*
- *Invasive Species Council of BC*
- *Weed Control Act (1996, current as of October 2016)*
- *Riparian Areas Protection Regulation (2019)*

### Federal

- *Migratory Birds Convention Act (1994)*
- *Species at Risk Act (SARA) (2002)*



## 2 SCOPE OF WORK

Corvidae completed the EA for the property, documenting the ecological features on the property including Arbutus Hump (DPA 11) and steep slope areas. Background information was reviewed, including applicable databases. During the assessment, the following features were documented in this report:

- Areas of sensitivity, habitat and biodiversity values;
- Plant communities and plant species on site;
- Potential wildlife presence and wildlife habitat;
- Soil types and properties;
- Terrain; and
- Surface water flow patterns.

Following the field assessment, the biophysical features and existing and proposed cleared areas were mapped and buffer areas identified. Mitigations to minimize the impacts of the proposed residential development on the environment have been provided in Section 6.

## 3 METHODS

### 3.1 DESKTOP REVIEW

Baseline biophysical conditions were compiled by reviewing the best available data and information including existing reports for the area and online provincial and federal databases:

- BC Conservation Data Centre (BC CDC 2021a and 2021b);
- BC HabitatWizard (Province of BC 2021);
- Aerial photographs of the property (Google Earth 2021);
- Holland Creek Local Area Plan Bylaw No. 1488 (ToL 2016).

### 3.2 FIELD ASSESSMENT

A field assessment of the property was completed by Qualified Environmental Professionals (QEPs) from Corvidae. The assessment included characterization of vegetation and habitat types, wildlife sign and species observations, wildlife habitat, and assessed the current conditions of the property.



## 4 ENVIRONMENTAL SITE ASSESSMENT

Corvidae completed a site visit on May 18 and September 8, 2021. Appendix A shows photos of the property and the sensitive Arbutus Hump DPA area. Areas mapped during the site assessment are detailed on Figure 1 and Figure 5.

### 4.1 CLIMATE AND BIOGEOCLIMATIC ZONE

The project is located in the Coastal Western Hemlock Very Dry Maritime Subzone (CWHxm1). The CWHxm1 occurs at lower elevations along the coast of Vancouver Island (above the CDF where present) at typical elevations of 150 m to 450 m above sea level. The CWHxm1 has warm, dry summers and moist, mild winters with relatively little snowfall. Growing seasons are long, and feature water deficits in the summer months (Green and Klinka 1994).

### 4.2 TERRAIN AND SOILS

Soils in the CWHxm1 are typically classified as Orthic Dystric Brunisols. The soil texture is sandy loam with 30-60% coarse fragments including gravel and cobble. Soils are well drained, and often less than 1m thick over extrusive bedrock (Jungen 1985).

The development area had shallow soils with areas of exposed bedrock throughout. The area has 70% RUMSLEY soil, being well drained and silty loam in texture, and 30% SHAWNIGAN soil, being moderately well drained and loam in texture.

The center of Arbutus Hump is situated at the top of a peak with slopes to the north, east, south and west. The surface topography of the surrounding slopes is undulating, with the steepest slopes found along the eastern boundary of the DPA area. A geotechnical report was completed outlining the best area to develop the lots. It was determined that the central-east portion of the DPA would be developed as it will have the least impact to slope stability, refer to the geotechnical report for details.

A new roadway has been constructed adjacent to the eastern boundary of DPA 11 and the bottom of the slope. There are also remnants of old logging roads found throughout the area.

### 4.3 VEGETATION

Coniferous forests in the CWHxm1 zone are dominated by Douglas-fir, western hemlock and western redcedar. Understory species include salal, dull Oregon-grape, red huckleberry, vanilla-leaf, sword fern, twinflower, and bracken, step moss, and Oregon beaked moss (Green and Klinka 1994).

The Douglas-fir / Arbutus ecosystem is a red-listed ecological community that was identified throughout the development area. Arbutus and Douglas-fir dominate the canopy occupying approximately 80% of the tree cover. The understory vegetation was dense, ranging from 40% cover in areas to 80% in others. The understory vegetation was diverse but dominated by ocean spray, salal, baldhip rose, and dull Oregon grape. See Section 4.5 for more details on this ecosystem.

The area is second growth forest with the exception of the peak of Arbutus Hump; it was confirmed by the arborist that the peak of Arbutus Hump was retained during historic logging. Additionally, they noted that western red cedar and western hemlock were planted in the area and do represent the vegetation that occur within the ecological community.



Scotch broom has infested the entire DPA area, however, the densities of broom are the highest in the southern half of the area.

During the site assessment the species in Table 1 were found on the site.

**Table 1. Plant species observed on site during field visit on May 18 and September 8, 2021**

Common Name	Scientific Name	BC Provincial Status <sup>1</sup>	SARA Schedule 1 Status <sup>2</sup>
Arbutus	<i>Arbutus menziesii</i>	Yellow	--
Baldhip rose	<i>Rosa gymnocarpa</i>	Yellow	--
Bigleaf maple	<i>Acer macrophyllum</i>	Yellow	--
Bitter cherry	<i>Prunus emarginata</i>	Yellow	--
Black hawthorn	<i>Crataegus douglasii</i>	Yellow	--
Bracken fern	<i>Pteridium aquilinum</i>	Yellow	--
Broad-leaved starflower	<i>Lysimachia latifolia</i>	Yellow	--
Cleavers	<i>Galium aparine</i>	Yellow	--
Common foxglove	<i>Digitalis purpurea</i>	Exotic	--
Douglas-fir	<i>Pseudotsuga menziesii</i>	Yellow	--
Dull Oregon-grape	<i>Berberis nervosa</i>	Yellow	--
English holly	<i>Ilex aquifolium</i>	Exotic	--
Electrified cat's-tail moss	<i>Rhytidiadelphus triquetrus</i>	Yellow	--
Hairy manzanita	<i>Arctostaphylos columbiana</i>	Yellow	--
Haircap moss sp.	<i>Polytrichum spp.</i>	--	--
Licorice fern	<i>Polypodium glycyrrhiza</i>	Yellow	--
Ocean spray	<i>Holodiscus discolor</i>	Yellow	--
Oregon beaked moss	<i>Eurhynchium oreganum</i>	Yellow	--
Oxeye daisy	<i>Leucanthemum vulgare</i>	Exotic	--
Rattlesnake-plantain	<i>Goodyera oblongifolia</i>	Yellow	--
Red huckleberry	<i>Vaccinium parvifolium</i>	Yellow	--
Salal	<i>Gaultheria shallon</i>	Yellow	--
Saskatoon	<i>Amelanchier alnifolia</i>	Yellow	--
Scotch broom	<i>Cytisus scoparius</i>	Exotic	--
Step moss	<i>Hylocomium splendens</i>	Yellow	--
Sweet vernal grass	<i>Anthoxanthum odoratum</i>	Exotic	--
Sword fern	<i>Polystichum munitum</i>	Yellow	--
Tall Oregon grape	<i>Mahonia aquifolium</i>	Yellow	--
Trailing blackberry	<i>Rubus ursinus</i>	Yellow	--
Trailing snowberry	<i>Symphoricarpos hesperius</i>	Yellow	--
Vanilla-leaf	<i>Achlys triphylla</i>	Yellow	--
Wall lettuce	<i>Mycelis muralis</i>	Yellow	--
Western flowering dogwood	<i>Cornus nuttallii</i>	Yellow	--
Western hemlock	<i>Tsuga heterophylla</i>	Yellow	--
Western redcedar	<i>Thuja plicata</i>	Yellow	--

<sup>1</sup> BC CDC 2021a

<sup>2</sup> Government of Canada 2021



## 4.4 WILDLIFE

The forested habitat is found in the Coastal Western Hemlock biogeoclimatic zone is home to many wildlife species. Black-tailed deer, black bear, marten and gray wolf are the most common large mammals in this zone on Vancouver Island. For bird species in this zone, the following typically occur: great horned owl, barred owl, ruffed grouse, band-tailed pigeon, northern flicker, hairy woodpecker, common raven, Steller's jay, chestnut-backed chickadee, red-breasted nuthatch, varied thrush, red-tailed hawk, and Townsend's warbler. The following amphibians may occur in this biogeoclimatic zone: western toad, Pacific treefrog, and western redbacked salamander (Pojar et al. 1991).

There were few wildlife trees observed throughout the DPA area, primarily in the area to remain. These tree's had woodpecker sign and many cavities that appeared to be vacant at the time of the assessment. No nests were observed; however, a good deal of bird activity was observed throughout the property.

The rocky slopes descending from the top of Arbutus Hump provide good habitat for snakes and lizards. None were observed during the site visit.

During the site assessment the species in Table 2 were found on the site.

**Table 2. Wildlife Species observed on site during field visit on May 18 and September 8, 2021**

Common Name	Scientific Name	BC Provincial Status <sup>1</sup>	SARA Schedule 1 Status <sup>2</sup>
Black-tailed deer (scat)	<i>Odocoileus hemionus</i>	Yellow	--
Brown creeper	<i>Certhia americana</i>	Yellow	--
California Quail	<i>Callipepla californica</i>	Exotic	--
Cassin's Vireo	<i>Vireo cassinii</i>	Yellow	--
Chipping Sparrow	<i>Spizella passerina</i>	Yellow	--
Dark-eyed Junco	<i>Junco hyemalis</i>	Yellow	--
MacGillivray's Warbler	<i>Geothlypis tolmiei</i>	Yellow	--
Northern Flicker	<i>Colaptes auratus</i>	Yellow	--
Olive-sided Flycatcher	<i>Contopus cooperi</i>	Blue	--
Spotted Towhee	<i>Pipilo maculatus</i>	Yellow	--
Red breasted nuthatch	<i>Sitta canadensis</i>	Yellow	--
Ruffed Grouse	<i>Bonasa umbellus</i>	Yellow	--
Rufous Hummingbird	<i>Selasphorus rufus</i>	Yellow	--
White crowned sparrow	<i>Zonotrichia leucophrys</i>	Yellow	--

<sup>1</sup> BC CDC 2021a

<sup>2</sup> Government of Canada 2021

## 4.5 SPECIES AT RISK

A query of the BC CDC iMap tool yielded occurrences of 2 species at risk and 1 ecosystem at risk within a two-kilometer radius of the property (BC CDC 2021b). Species are listed in Table 3 and the location of occurrences in relation to the property is provided in Figure 4.



**Table 3. Species at risk that may occur in the vicinity of Holland Heights Subdivision**

Occurrence ID	Common Name	Scientific Name	BC Provincial Status <sup>1</sup>	SARA Schedule 1 Status <sup>2</sup>
<b>Species at risk</b>				
12743	Great Blue Heron, fannini subspecies	<i>Ardea herodias fannini</i>	Blue	Special Concern
4551	Purple Martin	<i>Progne subis</i>	Blue	--
<b>Ecosystems at risk</b>				
14108/ 14106	grand fir / dull Oregon-grape	<i>Pseudotsuga menziesii</i> / <i>Berberis nervosa</i>	Red	--

<sup>1</sup> BC CDC 2021a<sup>2</sup> Government of Canada 2021

Douglas-fir / *Arbutus* is a red-listed ecological community that did not have a mapped occurrence within a 2 km radius. This ecological community was, however, observed on the property. This ecosystem is described as having a tree layer (40-90% cover) is dominated by *Pseudotsuga menziesii* (Douglas-fir) and *Arbutus menziesii* (arbutus). The shrub layer is highly variable (5-85% total cover) within and between stands. The shrub layer is generally poorly developed on sites with limited soil development. However, when the shrub layer is well-developed, commonly occurring shrubs include *Holodiscus discolor* (ocean-spray), *Mahonia nervosa* (dull Oregon-grape). Other shrubs may include some of the following: *Symphoricarpos albus* (snowberry), *Mahonia aquifolium* (tall Oregon-grape), *Rosa gymnocarpa* (bald-hip rose), *Amelanchier alnifolia* (saskatoon), *Rubus ursinus* (trailing blackberry), *Gaultheria shallon* (salal), and *Lonicera hispidula* (hairy honeysuckle). Within the open woodland, the herb layer that is highly variable in coverage (5 - 95%). Herbs are generally low in cover and include a mixture of grasses. Other species include *Moehringia macrophylla* (big-leaved sandwort), *Lathyrus nevadensis* (purple peavine), *Erythronium oregonum* (white fawn lily), *Trientalis latifolia* (starflower), *Pteridium aquilinum* (bracken) among others. The moss layer is variable (1-40% cover) and tends towards higher percentages of cover on outcropping bedrock where woody plants are unable to establish. Most commonly encountered bryophyte species include *Rhytidiadelphus triquetrus* (electrified cat's-tail moss), *Hylocomium splendens* (step moss), *Dicranum scoparium* (broom moss), *Racomitrium canescens* (greyrockmoss), *Selaginella wallacei* (Wallace's selaginella), *Leucolepis menziesii* (Menzies' tree-moss), *Eurhynchium oregonum* (Oregon beaked-moss), and *Eurhynchium praelongum* (slender beaked-moss) (B.C. Conservation Data Centre 2021). These species were observed throughout the development areas. Additional species that were also identified that are not associated with the ecosystem such as: western hemlock, western redcedar, and large amounts of scotch broom. These species were either planted or introduced to the area. Figure 5 shows the extent of the listed habitat and the area of extremely dense scotch broom. Scotch broom was identified throughout the entire ecosystem, with densities decreasing to the north.

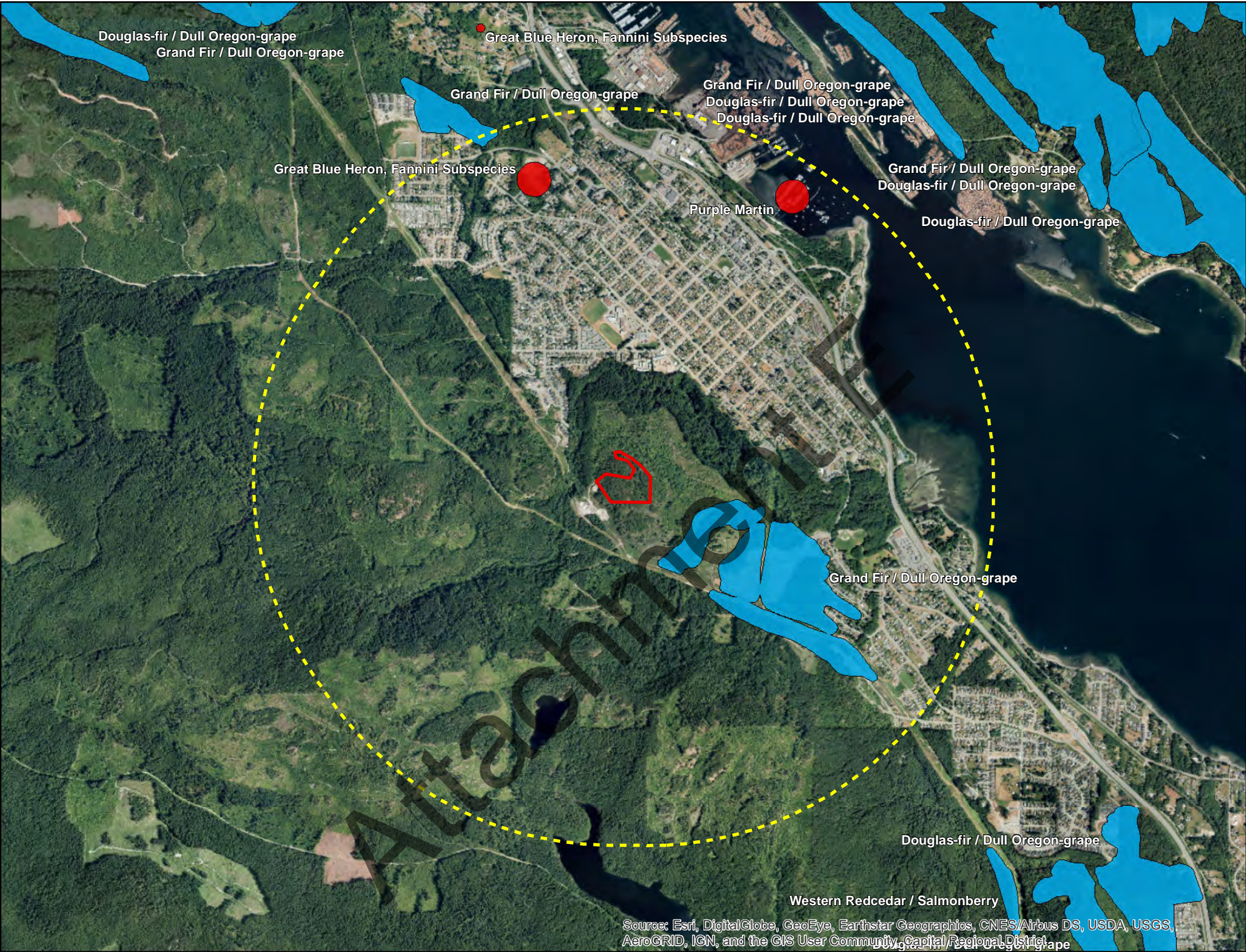
Lamont Land intends to develop a portion of the ecosystem as seen in Figure 5. However, the majority of the ecosystem is being retained and enhanced as the entire DPA 11 area is not to be developed.

### CRITICAL HABITAT

No critical habitat was identified for the development after completing a search on CDC iMap (2021).

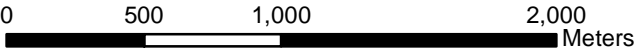






CDC Species at Risk

- Legend**
- DPA 11
  - 2 km buffer around project boundary
  - Ecological Community
  - Vertebrate Animal



Project: Arbutus Hump DPA  
Sources: Capital Regional District, DataBC

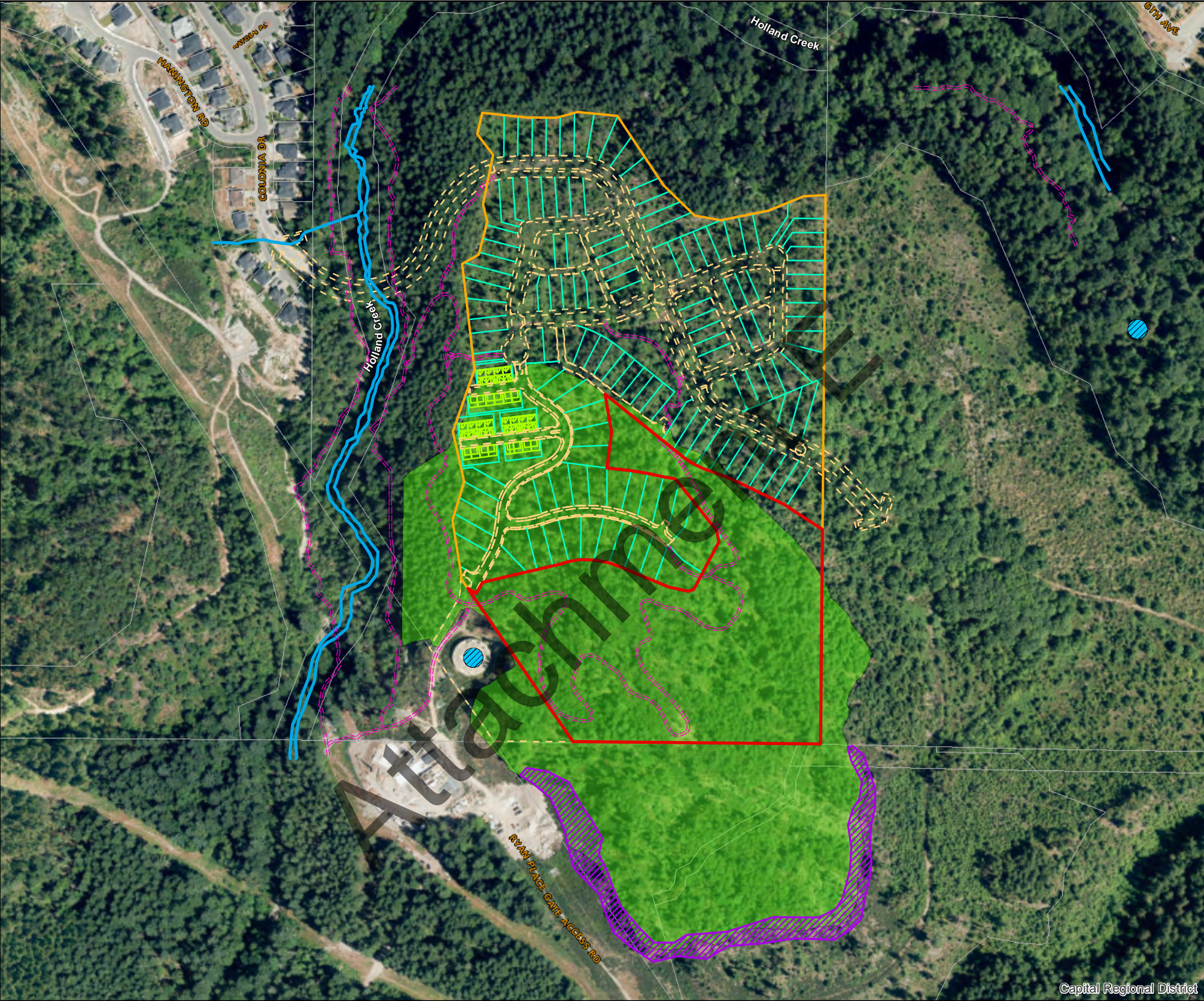


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0	June 22, 2021

Figure 4





Douglas-fir / Arbutus red-listed ecological community extent

Reservoir

New building to be constructed

Site Boundary

Trail

Creek

Strata Lot

New roads to be constructed

DPA11

Area of extremely dense Scotch broom

Listed Douglas-fir - arbutus ecosystem polygon

050100200300

Meters

Project: Arbutus Hump DPA | Sources: Capital Regional District, DataBC

**CORVIDAE**

ENVIRONMENTAL CONSULTING INC

Corvidae Project No.  
COR-2020-064

Rev. #	Date
0	June 22, 2021
1	January 4, 2022
Figure 5	



## 4.6 ABORIST TREE MANAGEMENT REPORT

Bartlett Tree Experts were asked to visit the Arbutus Hump site, assess the trees within the project area, comment on the condition of the tree stock, and make recommendations for future management. They identified Arbutus, Douglas fir, Western red cedar and Western hemlock to be the tree species represented on the site. They noted that overall, the trees were in good health and that the western redcedar and western hemlock had been planted approximately 20 years ago and were introduced to the area. The arborist also recommended creating buffer zones between infrastructure and the leading edge of the woodland where larger trees that are more likely to fail are removed at the start of the project and before targets are introduced. These areas can be allowed to become tree covered over time through natural regeneration and planting as the new trees will develop root systems adapted to their position due to the high probability of trees falling due to windfall. For trail creation they recommend that any new trails should avoid large specimen trees and root disturbance should be kept to a minimum. For the full arborist report please see Appendix B.

## 4.7 STEEP SLOPES

The north, east, south and west slopes of Arbutus Hump have areas of steep slopes with a greater than 30% grade for more than 10 m. The slopes are vegetated with mature Douglas-fir trees and arbutus with a dense shrub layer. The current development plans have reserved a large portion of the development area (DPA 11) as greenspace (Figure 1), specifically on the steep slope areas. Retaining the vegetation on these slopes will help stabilize the soil and reduce erosion. Additionally, a geotechnical report has been completed and has identified the east-central portion of the property as the ideal location for development for protection of steep slopes.



## 5 POTENTIAL ENVIRONMENTAL EFFECTS

The potential impacts of the proposed development of the property on the environment are:

- Infringement on sensitive ecosystem areas,
- Spread of invasive plant species,
- Alteration of wildlife habitat,
- Changes to slope stability, and
- Sediment movement in the project area.

The residual environmental impacts of the activities on the property will be reduced by the implementation of the mitigation and restoration measures recommended in Section 6 of this report.

### VEGETATION

The effects of tree and vegetation removal may include loss of biodiversity of plant species and increased susceptibility to invasive plants not only in the cleared area but also in adjacent plant communities. Vegetation immediately adjacent to cleared areas may experience changes to the canopy structure and understory plant species due to windthrow and increased light and moisture penetration.

### INVASIVE SPECIES

Invasive plants are particularly adept at colonizing degraded plant communities and disturbed soils in high traffic areas, such as the margins of roads, trails and parking areas. Invasive plants establish readily in disturbed areas as they have a wide ecological tolerance and grow and propagate quickly. The effects of invasive plant establishment may be the reduction or displacement of native species by capturing resources and occupying habitats.

### WILDLIFE AND WILDLIFE HABITAT

Habitat loss and alteration from vegetation clearing can cause displacement of wildlife, use of less suitable habitat, reduced foraging ability, increased energy expenditure and lower reproductive success. Reduced habitat effectiveness can occur as a result from the creation of habitat edges and the introduction of buildings with many windows into previously unused spaces can increase mortality risk for birds.

### SENSITIVE ECOSYSTEMS

Disturbance of sensitive ecosystems like the Arbutus Hump can result in a loss of biodiversity and ecosystem function. Soil compaction due to compaction and installation of infrastructure can change the surface hydrology of the ecosystem negatively impacting the specific needs of the vegetation causing a shift in species dominance negatively impacting the composition of the sensitive ecosystem.

### STEEP SLOPES

Removal of vegetation on steep slopes can result in destabilization of the soil. Removal of trees can alter the incidence of rain on the forest floor surface, resulting in slope and sediment movement downslope.



## EROSION AND SEDIMENT

Removal of vegetation and ground disturbance may expose soils to erosion and can result in the movement of sediment on the property. Damage or degradation of soil surfaces during construction can include loss of soil structure, increased erosion, and soil compaction which can negatively affect post-construction reclamation efforts.

## 6 RECOMMENDED ENVIRONMENTAL PROTECTION MEASURES

The mitigation measures provided in this report are designed to protect sensitive ecosystems and were developed in accordance with:

- Procedures for Mitigating Impacts on Environmental Values (Environmental Mitigation Procedures) (BC Ministry of Environment [MOE] 2014a),
- Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia (Government of BC 2014), and
- Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (BC Ministry of Water, Land and Air Protection 2004).
- Holland Creek Local Area Plan Bylaw No. 1488 (ToL 2016).

## VEGETATION

The following measures must be implemented to protect trees and vegetation outside of the necessary areas of disturbance:

- Clearing should be limited to only those areas required for grading, paving, servicing and the building envelopes to save trees and minimize the removal of sensitive ecosystems.
- All efforts should be made to save any trees larger than 60-80 cm diameter.
- No mature trees should be removed for the construction of the trail network.
- For any landscaped areas, native plants are recommended. Table 3 provides a list of native vegetation species recommended that are suitable for this ecosystem.

**Table 4. Recommended native vegetation to plant in disturbed areas**

Common Name	Species
Big leaf maple	<i>Acer macrophyllum</i>
Douglas-fir	<i>Pseudotsuga menziesii</i>
Dull Oregon-grape	<i>Mahonia nervosa</i>
Salal	<i>Gaultheria shallon</i>
Baldhip rose	<i>Rosa gymnocarpa</i>
Red currant	<i>Ribes sanguineum</i>
Sword fern	<i>Polystichum munitum</i>
Oceanspray	<i>Holodiscus discolor</i>



Common Name	Species
Red huckleberry	<i>Vaccinium ovatum</i>

The purpose of using native species is to not require irrigation once they are established; typically with two years of irrigation. The optimal time for revegetation is in the fall, prior to the wet winter season, or early spring. However, planting at any time of the year (with irrigation) is acceptable to prevent invasive species. In addition to the native plants, seeding with a high density (40 kg/ha) of a cover crop of native clover or Quick Grow Revegetation Mix by Premier Pacific Seeds (or similar) is recommended to compete with weed species, fix nitrogen and provide slope stabilization.

## INVASIVE SPECIES

Invasive weed control is difficult for established populations. Immediate eradication of new and small infestations should be a high priority in order to prevent further spread into the remaining undisturbed habitat.

Species should be removed using the most appropriate methods, at the correct time of year, and plant material must be disposed of correctly to avoid re-establishment or spread. Due to the resilience of broom, cutting and removing is recommended as a more effective alternative to chemical control. Details of removal methods for the invasive species if they occur in future on the property are provided in Table 5.

Large amounts of scotch broom have become established throughout the property. The plants should be removed by hand pulling or cutting to enhance the ecosystem within the Arbutus Hump area. Multiple removal dates will be needed to ensure that re-establishment of the broom population does not occur. Then planting with shade producing species will reduce the potential for broom coming back.

**Table 5. Removal and disposal methods for invasive species**

Species	Removal Method	Removal Timing	Plant Disposal
English Holly	English holly can be removed by hand pulling small seedlings or cutting mature trees at ground level removing all plant material.	Removal is best done before flowering or berries to eliminate seed production.	Bagged and disposed of properly in a landfill. Do not 'recycle' garden debris or compost.
Oxeye Daisy	Oxeye daisy can be removed by pulling or digging up plants, ensuring that all roots are removed. New shoots may emerge from remaining root portions. Mowing can also be effective but should be repeated as it may stimulate growth.	Removal is best done before flowering to eliminate seed production.	Bagged and disposed of properly in a landfill. Do not 'recycle' garden debris or compost.
Scotch broom	Small broom plants can be pulled easily from the ground by hand. Larger plants should be cut below the root crown using loppers or a pruning saw. Avoid disturbing the soil which can stimulate dormant broom seeds to sprout.	Scotch broom removal should occur in late summer, after native wildflowers have gone dormant but before its seed pods begin to open.	Bagged and disposed of properly in a landfill or burning. Do not 'recycle' garden debris or compost.



To control and minimize the spread of invasive weeds on the site the following measures will be followed:

- Clean all machinery before arrival onto the site to ensure that more weed seeds and other propagules (e.g. pieces of root) are not brought into the project area.
- Use available soil on site where possible. If topsoil is imported from external areas, ensure that it is from a weed-free source.
- Following topsoil application – seed/plant immediately with landscape plants and grasses to reduce weeds occupying bare soil. If construction is in the winter, complete planting/seeding in the early spring, immediately prior to the first growing season.

## **WILDLIFE AND WILDLIFE HABITAT**

The following measures should be taken to minimize impacts on wildlife and wildlife habitat:

- Avoid or limit the removal of established trees and shrubs, where possible, with the exception of identified danger trees and within the project footprint.
- Avoid removal of the wildlife trees outside of the building and road footprints, providing they are not a safety concern.
- Vegetation alteration should be completed outside of the migratory bird window (mid-March to end of August; Government of Canada 2021) particularly the removal of mature trees and shrubs.
- If vegetation clearing is scheduled within the sensitive time period for breeding birds, a QEP should conduct nest search surveys a maximum of 5 days prior to the start of activities. If an active nest is discovered during nest searched or clearing activities, the nest will be subject to site-specific mitigation measures (e.g. protective buffer around the nest or unobtrusive monitoring) until the young have naturally fledged/left the area. Due to the high amount of bird activity observed on the property, it is recommended that any clearing be completed outside of the migratory bird window.
- Where suitable and safe, retain habitat that provides shelter for wildlife, such as standing dead trees and downed logs.

## **STEEP SLOPES**

No trees should be removed during construction without prior confirmation from consulting geotechnical and/or arborist as required, in order to maintain slope stability. No trees should be removed from the designated green space areas.

## **EROSION AND SEDIMENT CONTROL**

The primary focus of erosion and sediment control planning is erosion control; if there is no erosion then there is no sediment. Erosion control is far more cost effective to implement and manage than sediment control.

The following mitigation measures should be implemented to minimize the potential effects of the project on the natural environment:

- Install wattles along the eastern slopes to minimize sediment transport downslope.



- Regularly inspect and maintain the erosion and sediment control measures during all phases of the project.
- Keep the erosion and sediment control measures in place until all disturbed ground has been permanently stabilized.
- Heed weather advisories and scheduling work to avoid wet, windy and rainy periods that may result in high flow volumes and/ or increase erosion and sedimentation.
- Any loose soil storage should be in flat areas, covered and protected with a sediment fence below.
- Minimize amount of time soils are exposed by seeding and planting as soon as disturbance or construction is complete. Cover exposed soil areas with tarps if for a prolonged period or during rainfall events.
- An Erosion and Sediment Control Plan is recommended prior to construction, including drawings of the final plans showing locations of erosion and sediment control measures.

## **7 PLANNED ENVIRONMENTAL MEASURES FOR DEVELOPMENT**

The Holland Heights Neighbourhood is dedicating over 30% of the land for natural recreation and parks. This includes the retention of the Arbutus Hump area (DPA 11) and creation of 5 km of trails throughout the area. In addition to the creation of green space, Lamont Land is incorporating the following environmental measures for the subdivision development.

### **7.1 DARK SKY LIGHTING**

Holland Heights will include dark sky lighting to prevent light pollution within the neighbourhood. All outdoor light fixtures will be fitted with shields to prevent upward light movement and minimize glare. Additionally, they will not use LED or metal halide lights as they contain a large amount of blue light. Blue light brightens the sky more than any other color of light so it will need to be reduced (International Dark-Sky Association 2021).

### **7.2 VEGETATED BOULEVARDS**

The designs landscape features include tree lined streets that include a 2.5 m boulevard with curb and trees lining both sides of the streets. This will increase soil stability biodiversity of the neighbourhood. The planted tree should be native to the area and approved by a QEP or arborist. Recommended species are provided in Table 3.

### **7.3 LOT COVENANTS**

There is potential for 219 landscape covenants on the lots to ensure Low Impact Development standards and reduced impact on environment specifically for hillside homes. These covenants are 'no build' areas and will protect a portion of each lot to ensure that the habitat and slope stability can be maintained through the retention of native vegetation.



## 7.4 INVASIVE SPECIES REMOVAL AND HABITAT ENHANCEMENT

The mitigation recommendation on Section 6 will be used as a part of habitat/ecosystem improvements in the Arbutus Hump Area.

## 7.5 SLOPE MANAGEMENT

In addition to protecting slopes that are >30% in gradient. Lamont land will limit fill slopes with retaining or planting of the slopes.

## 7.6 MINIMUM VERTICAL SPACING

A minimum vertical separation distance of 25 m is to be achieved between the nearest home and the Summit of Arbutus Hump to ensure new homes are visually and physically separated from the area. This will minimize the effects of development on the landscape as well as create a buffer from ongoing impacts from adjacent households.

# 8 CONCLUSION

The environmental impacts of the proposed Holland Heights Subdivision neighbourhood has been presented in this report. During the development of the property, implementation of the mitigation and restoration measures recommended in this report, including, eradication of invasive species, creation of buffer zones between woodland and infrastructure, and the retention mature trees for the construction of the trail network to minimize the impacts of the proposed development on the environment.



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Attachment E



## APPENDIX A – SITE PHOTOGRAPHS

**Photo 1. View looking east at the eastern slopes. May 18, 2021.**



**Photo 2. View looking north from the top of Arbutus Hump. May 18, 2021.**





**Photo 3. View looking east at the western slopes from adjacent roadway. May 18, 2021.**



**Photo 4. View looking south at the new cleared road way adjacent to the eastern boundary of DPA 11. May 18, 2021.**





**Photo 5. View of the invasive scotch broom on the property. May 18, 2021.**



**Photo 6. View looking north at old logging road running down the northern slope. May 18, 2021.**





**Photo 7. View looking east at the extremely dense scotch broom infestation on the southeastern slopes of the Doug fir / arbutus red listed ecological community. September 8, 2021.**



# APPENDIX B – ARBORIST TREE MANAGEMENT REPORT

## Arbutus Hump, Ladysmith – Tree Management Report

### Introduction

The proposed development of the Arbutus Neighbourhood to the southwest of Ladysmith, BC will involve construction in areas currently occupied by woodland. The area around the higher ground at the southern end of the site is known as Arbutus Hump and it will be retained as a natural area for its recreation and habitat benefits. Bartlett Tree Experts were asked to visit the Arbutus Hump site, assess the woodland, comment on the condition of the tree stock and make recommendations for future management. We were asked to form an overview of the woodland rather than a detailed, tree-by-tree assessment. Such an assessment may be necessary once detailed plans for the area have been agreed.

### Observations

We visited the site on Tuesday May 11 and carried out a ground level assessment by walking through the area shown on the maps provided to comprise of DPA 11. We located a surveyor's corner pin on the west side of the site but did not find any other markers. We navigated the area using GPS and by pacing out distances taken from the scaled site plans.

The tree species represented on the site are:

- Pacific madrone (*Arbutus menziesii*)
- Douglas fir (*Pseudotsuga menziesii*)
- Western red cedar (*Thuja plicata*)
- Western hemlock (*Tsuga heterophylla*)

The majority of the trees appeared to be in good condition with normal growth rates for the species and the location. We did not observe any significant pest or disease outbreaks and those trees that were found to be dead or in terminal decline appeared to be entirely natural. While we did not undertake a tree risk assessment of the site, we observed three trees that were in such poor structural condition that they could pose a risk to visitors.

The woodland was quite open with good vegetation ground cover and light penetration. There was abundant natural debris which likely resulting from natural processes as well as past forest management. The soil appeared to be shallow with rocky outcrops visible throughout. Several large trees on the south side of the site had suffered root plate failure, in part due to them finding themselves on the newly created forest edge following the creation of the adjacent cut block.

### Discussion

The Arbutus Hump area is occupied by a naturally occurring woodland. We were informed that it was logged approximately 20 years ago and the resulting regrowth amongst the large conifer species has



occurred since then. However, judging from the size and maturity of many of the Pacific madrones, these trees were present long before the last logging operation. Given the high percentage of this species around the summit of the hump, the area was likely left relatively untouched by the logging. Pacific madrone is the dominant species at over 70%. It is native to the area and would have formed the woodland naturally rather than being planted. In fact, most attempts to propagate, move or plant this species end in failure so we can be almost certain that it is naturally occurring.

Other than one notable specimen on the south side of the site, the Douglas fir were found to be relatively young with trunk diameters up to 40cm. This would suggest that they were too small to log in the last operation or have seeded since. The presence of young and semi-mature western red cedar and western hemlock at the edges of the site suggest that planting took place following the logging. These species do not have older representatives in the area and seem to have been introduced.

### Construction Impacts

The site plans provided show the future construction of a subdivision to the north and east of the Arbutus Hump area. This has the potential to impact trees within the Arbutus Hump, particularly at the interface between woodland and construction areas. The most common cause of tree decline around construction activity is the damage of root systems through direct impacts (such as roots being cut or crushed) and the degradation of the soil ecosystem through grade changes or compaction. Such damage can occur from the single inadvertent pass of heavy equipment or misdirected run off so it is important for detailed plans to be produced once a final design has been agreed.

Even with good quality, well placed tree root zone protection in place, the likelihood of structural tree failure is dramatically increased when we cut into an established woodland. As we observed on the southern edge of the Arbutus Hump area, trees that grew up on the inside of a woodland did so with the protection of neighbouring trees. They only produce structural support roots sufficient for their protected location so when they suddenly find themselves on the new leading edge of the woodland, they are often inadequately supported. Similarly, trees within the woodland produce long slender trunks with a relatively small canopy which is more prone to stem breakage when exposed to the wind without protection.

The resulting tree failures at newly created woodland edges can be undesirable for the aesthetics of the area and the health of the ecosystem. However, the construction of houses and streets and the presence of people and traffic introduces potential targets that can be damaged or harmed in the event of the structural failure of a tree. For this reason, we recommend creating buffer zones between infrastructure and the leading edge of the woodland where larger trees that are more likely to fail are removed at the start of the project and before targets are introduced. These areas can be allowed to become tree covered over time through natural regeneration and planting as the new trees will develop root systems adapted to their position.

### Creation of Trails

The introduction of trails into the woodland will provide residents and the public with a great natural resource as well as some potentially fantastic views. Where possible, any new trails should avoid large



specimen trees and root disturbance should be kept to a minimum. The project arborist should be consulted over the route of any proposed trails and their construction should aim to be minimally invasive.

### **Management of Tree Risk**

Three trees were identified as posing a potential risk to visitors to the woodland and these should be removed at the start of the project. However, most trees on the site had dead branches or structurally poor unions that could make them prone to failure. But unlike street trees with constant traffic beneath them, it is not advisable or desirable to attempt to remove all potential hazards from such a natural area. Many such hazards are beneficial to wildlife and actually add to the interest and beauty of the woodland. No tree is ever safe unless we cut it down and remove it from the site. A big enough storm can fell any tree so absolute safety can never realistically be achieved. Instead we rely on a system of risk assessment for trees that have potential targets (such as houses or people) and this helps inform the decisions on future tree management.

### **Woodland Management**

Other than the mitigation of risk trees at the edges of the site and over trails, active woodland management should be quite minimal. There appears to be adequate natural regeneration in most areas which will produce replacement trees where needed in the future. As discussed earlier, moving or planting Pacific madrone trees is not feasible or required as the species will find its own niche and do very well on its own. We do not recommend changing the tree species composition of the woodland. The nature and quality of the soils will dictate what grows and what will not. However, control of introduced or invasive species may become necessary in the future as the area around the woodland changes.





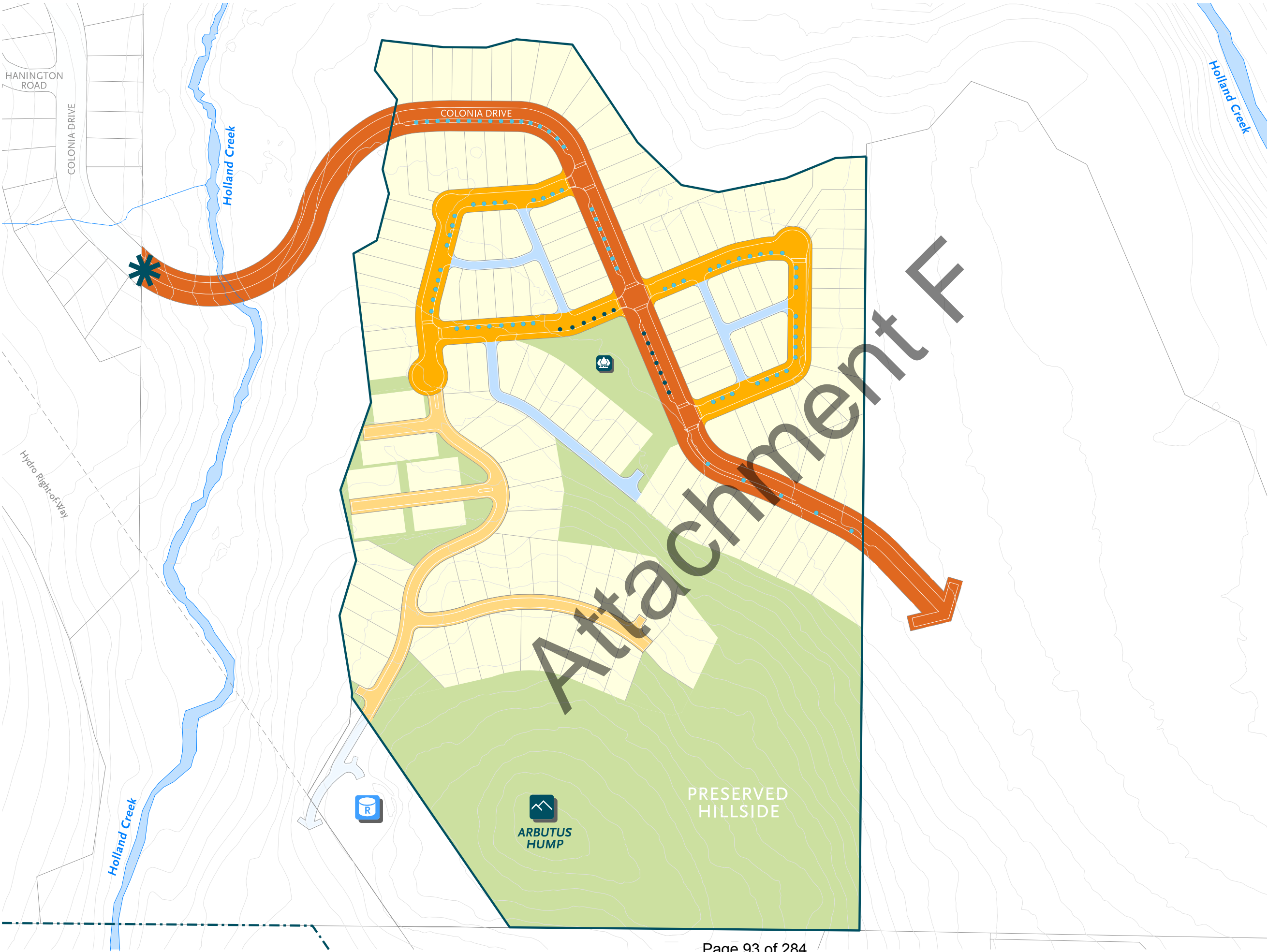
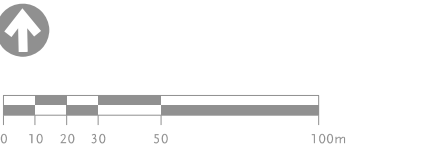
STREET HIERARCHY +  
PARKING PLAN

LEGEND MARCH 2022

- Site Boundary  
16.95 ha / 41.88 ac
- Legal Property Lines
- Future Access Road ROW
- 5m Contour Interval
- Watercourse
- Reservoir
- Current Site Access Point
- Neighbourhood Park
- Development Area
- Parks + Open Space

- STREET HIERARCHY
- Collector Street
  - Local Street
  - Public Lane
  - Emergency Access
  - Strata Lane

- STREET PARKING SUMMARY
- Neighbourhood Street Parking | 79
  - Park Dedicated Spaces | 13







# HOLLAND HEIGHTS | Design Summary

Resubmission | November 2021

EKISTICS



# CONTENTS

Section 1 | **PROJECT CONTEXT + ANALYSIS**

Section 2 | **HOLLAND HEIGHTS CONCEPT**

Section 3 | **TECHNICAL APPENDICES**

# Section 1 | **PROJECT CONTEXT + ANALYSIS**



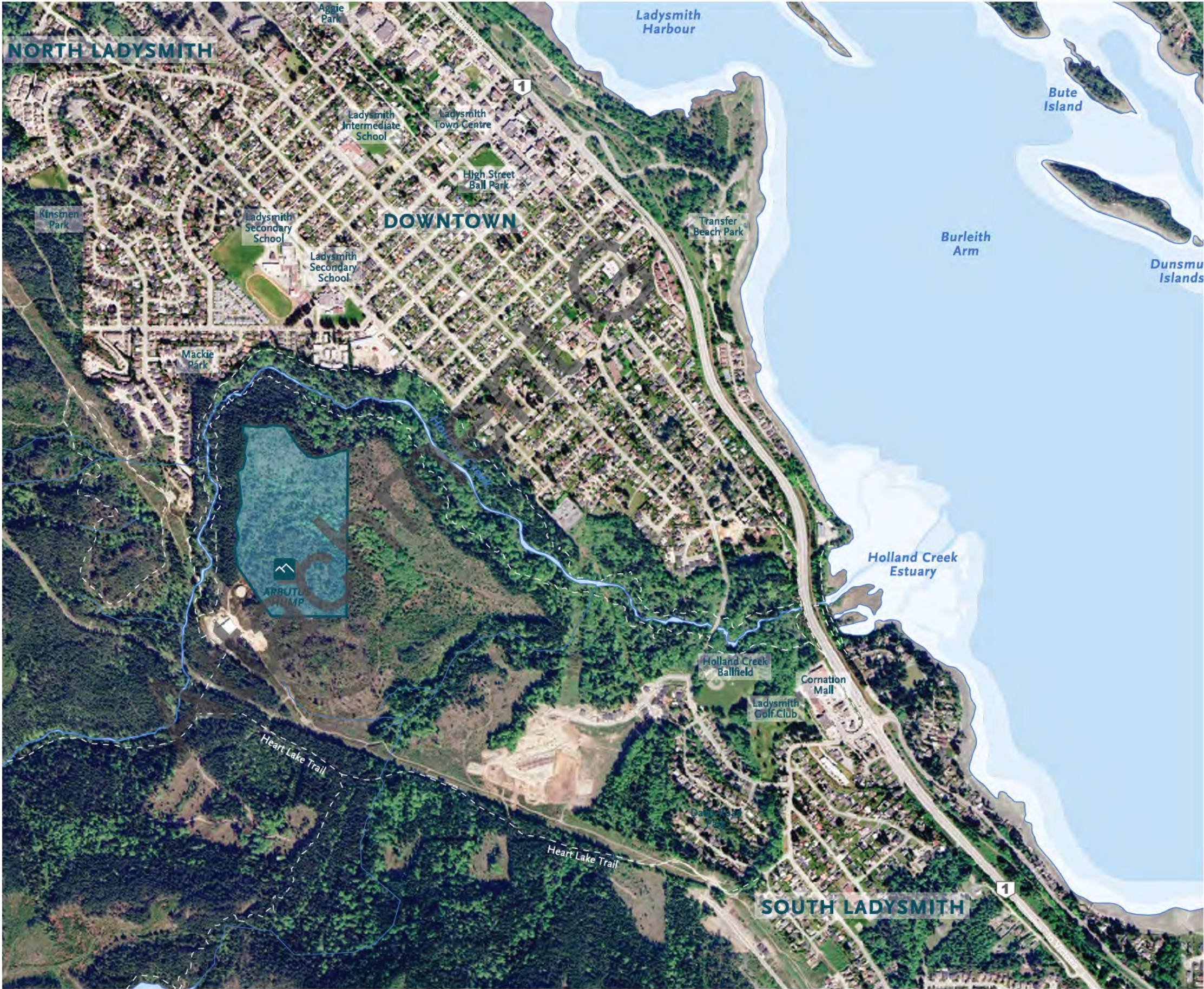
# PROJECT CONTEXT

- The Holland Heights Neighbourhood Concept aims to realize the vision of the Holland Creek Local Area Plan, through the development of the northern portion of the lands with a walkable neighbourhood serving to connect North and South Ladysmith.
- The Concept follows the land use established in the Holland Creek Local Area Plan with a collection of ~168 homes, in both Single-Family and Townhouse format. The proposed density is less than the projected 200 units.
- The Neighbourhood proposes a pedestrian and cycling focused network of public and strata streets, natural trails, and parks.
- The Neighbourhood observes the environmental setbacks from Holland Creek and protects the Arbutus Hump through:
  - Park Dedication;
  - Invasive Weed Management Plan;
  - New recreation access + trails;
  - 219 landscape covenants on adjacent private properties;
  - Enhanced connections with the larger Holland Creek recreation network.

Site Boundary  
17.80 ha | 43.98 ac

Legal Property Lines

Legal Right-of-Way





# STRATEGIC POSITION

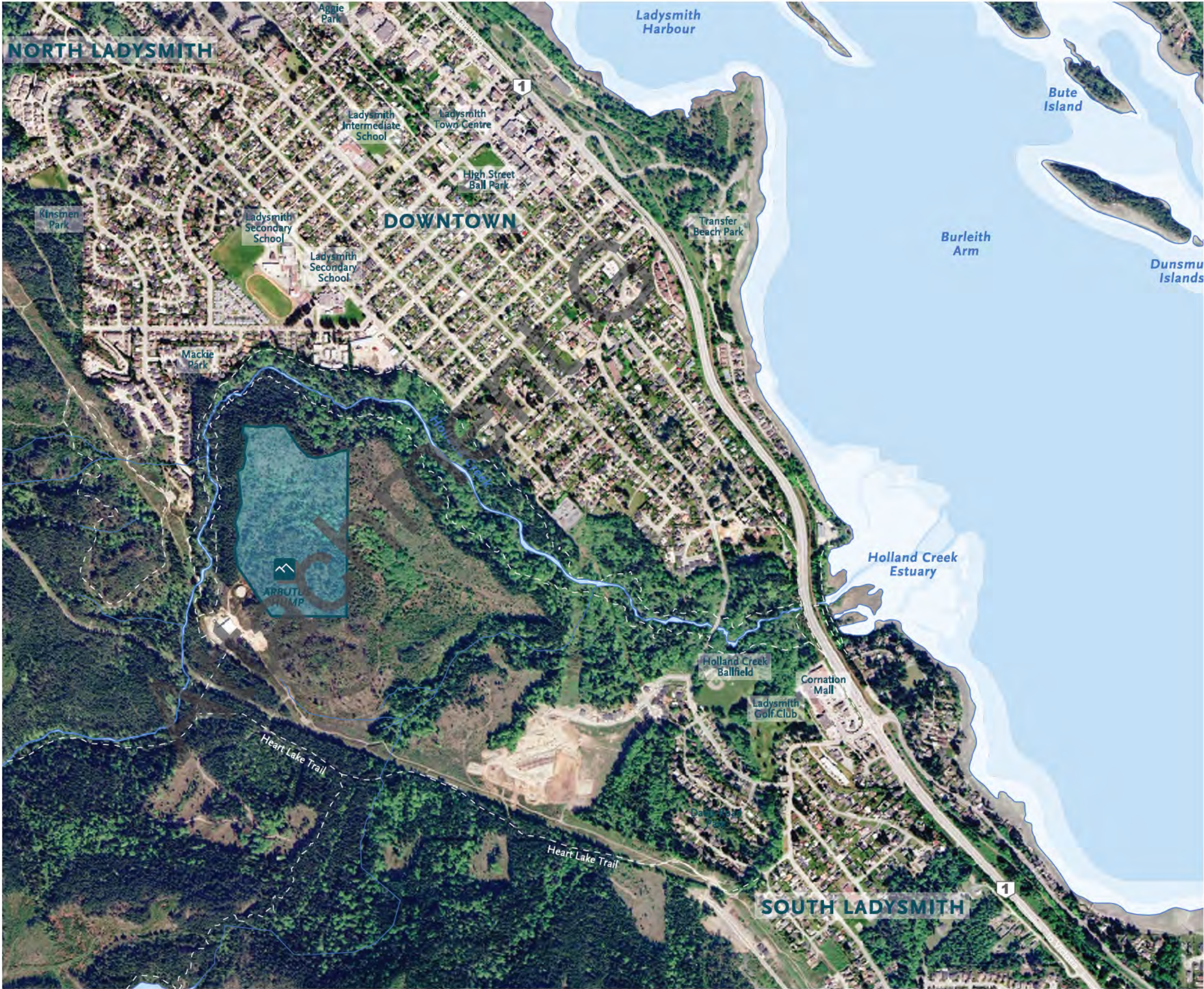
Owing to the land's scale, prominent setting, and strategic position within the Town of Ladysmith, the design for the Holland Heights Neighbourhood represents an opportunity for a new neighbourhood to realize the community's vision for long-term growth.

- The Holland Heights Neighbourhood is situated south of Holland Creek and the Holland Creek trail system, ~1 kilometre southwest from the Downtown and Island Highway.
- The north connection to the Neighbourhood includes a new bridge crossing over Holland Creek to connect Colonia Drive with Dogwood, serving to create a new connection between North and South Ladysmith.
- Despite its greenfield nature, the neighbourhood is within a 5 minute walk (400 metres) of amenities including, Firehall + EMS as well as Ladysmith Secondary and Primary Schools.

Site Boundary  
17.80 ha | 43.98 ac

Legal Property Lines

Legal Right-of-Way





# A NEW CONNECTION

Following the Area Plan, the proposed extension of Colonia Drive to Dogwood is critical to providing the required municipal roads and services to the designated growth area. Lamont Land has begun the process of completing this connection with the approval and construction of the Holland Creek Bridge Crossing.

Extending from the Holland Creek Crossing, the Neighbourhood incorporates the required Urban Collector serving to connect the future Neighbourhood with the surrounding community. The Collector will reduce traffic demand on Dogwood Drive and serve as a new cycling, pedestrian, and vehicle connection between north and south Ladysmith, completing the vision established in the Official Community Plan and Holland Creek Local Area Plan.

Site Boundary  
17.80 ha | 43.98 ac

Legal Property Lines

Legal Right-of-Way

Highway 1

Existing Collector Network

Ladysmith Connecting Road

Urban Centre

High School

Elementary School

Elementary School

Firehall

Community Centre

Commercial

Community Park

Neighbourhood Park

Golf Course

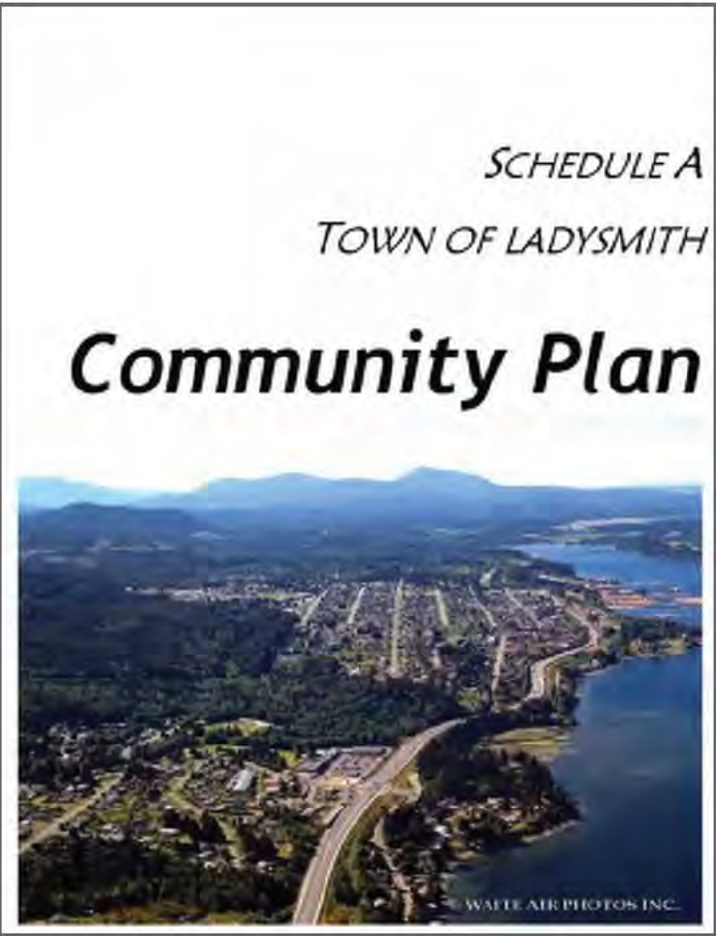




# POLICY CONTEXT

Holland Heights complies with the Township's guiding policies through the creation of a new walkable neighbourhood serving to connect North and South Ladysmith as part of Ladysmith's long term growth vision.

The Concept also protects the natural and cultural importance of local ecological features by avoiding development within proximity to Holland Creek and the Arbutus Hump.



## OFFICIAL COMMUNITY PLAN VISION (2018)

The Official Community Plan ('OCP') calls for:

- "...a community that maintains a small town feeling, manages growth, welcomes new people and builds community spirit and involvement. Community spirit is demonstrated through participation at community celebrations, care for our neighbourhoods, and respect for our heritage. Our community is warm and inviting."
- "...a complete community that balances the need for economic growth with environmental and climate protection, ensuring a diversity of housing and transportation choice, while maintaining and developing the necessary support facilities. Ladysmith supports cultural and environmental stewardship through partnerships that fosters community ownership. Economic benefits are derived from planned, sustainable growth and development."

The OCP also identifies that the Holland Creek Neighbourhood will be the site of a new major residential neighbourhood area capable of accommodating 2,000 to 3,000 people and guided by the Holland Creek Local Area Plan.

## HOLLAND CREEK LOCAL AREA PLAN – SCHEDULE C OF BYLAW 1488 VISION (2016)

The Holland Creek Local Area Plan emphasizes several planning and design principles to encourage the development of a new residential neighbourhood. This includes:

- Accommodating 2,000 to 3,000 residents (approximately 1090 units) over the next 20 to 30 years;
- Providing a model in terms of responsible, sustainable and attractive development that other areas can emulate;
- Incorporating a mix of densities and dwelling types;
- Accommodating aging in place;
- Developing and incorporating parks and open space;
- Reducing the visual impact of hillside development;
- Creating a connected green space network and habitat friendly landscapes; and
- Protecting the top of Arbutus Hump, encouraging recreational uses, and limiting development.

With a projected density of 200 units, the Holland Heights Neighbourhood proposes 168 Single-Family Homes and Townhomes.



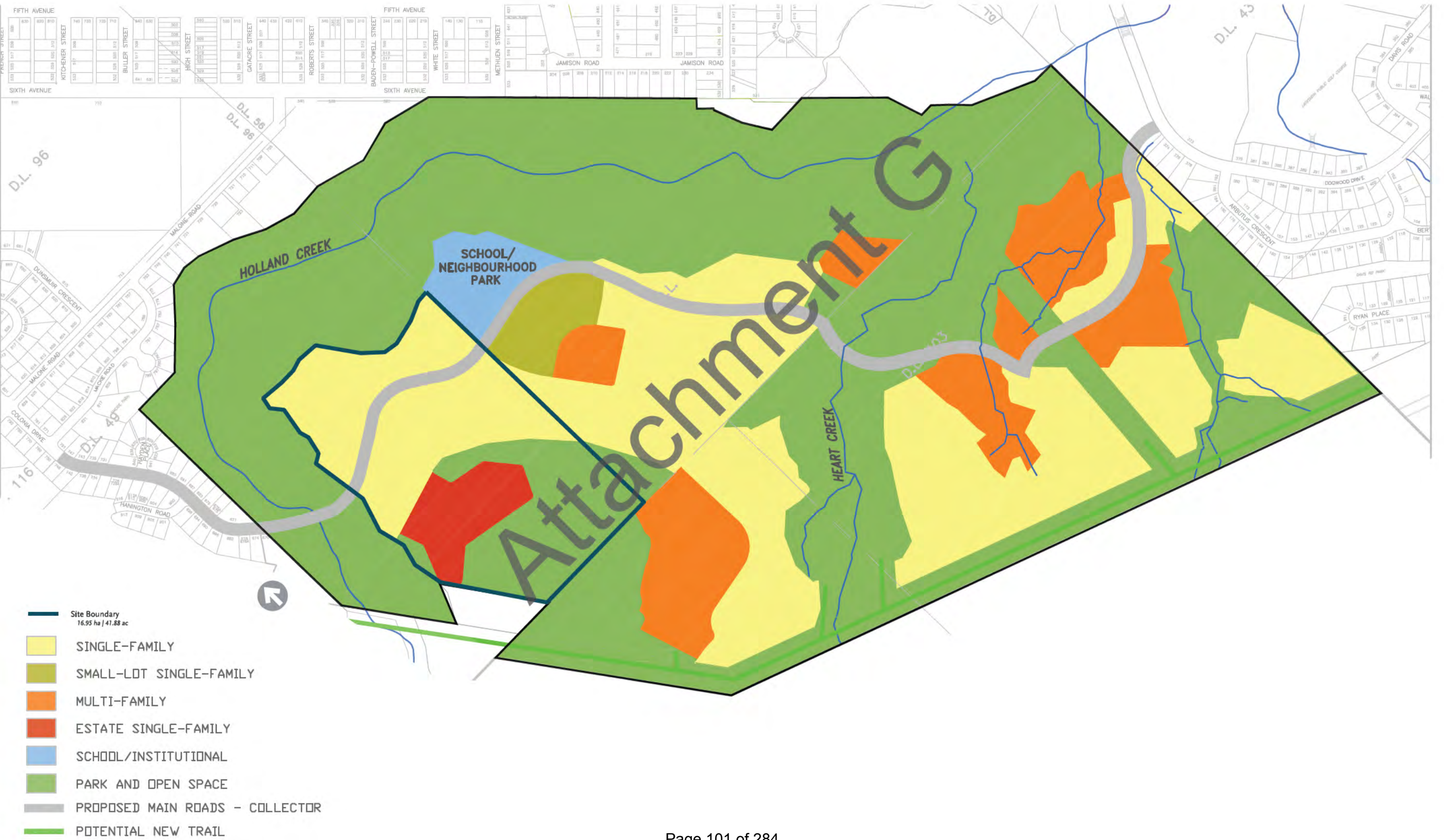
## Town of Ladysmith HOLLAND CREEK LOCAL AREA PLAN

SCHEDULE C OF THE TOWN OF LADYSMITH OFFICIAL COMMUNITY PLAN





HOLLAND CREEK LOCAL AREA PLAN | MAP 3 - LAND USE (2016)





# UNDERSTANDING THE LAND

## GUIDED BY TOPOGRAPHY

- The 41.88 acre (16.95 ha) site is situated south of Holland Creek and trail system, ~1km southwest of the Downtown and Island Highway.
- Holland Creek functions as a natural boundary for the site on the north, east, and west.
- With its dramatic hillside setting, the site offers panoramic views towards the Woodley Range Ecological Reserve, Northern Gulf Islands, Thetis Island, North Shore Mountains, Southern Gulf islands, and Mount Baker.
- The southern portion of the site includes a community landmark - The Arbutus Hump.
- Perched above downtown Ladysmith, the lands were cleared through past logging, with the exception of the Arbutus Hump.

## PREVIOUSLY CLEARED

- The lands have historically been privately managed forest and were extensively logged.
- Parcels south of the site are cleared and bisected by a BC hydro corridor as well as the Township's water reservoir + infrastructure.

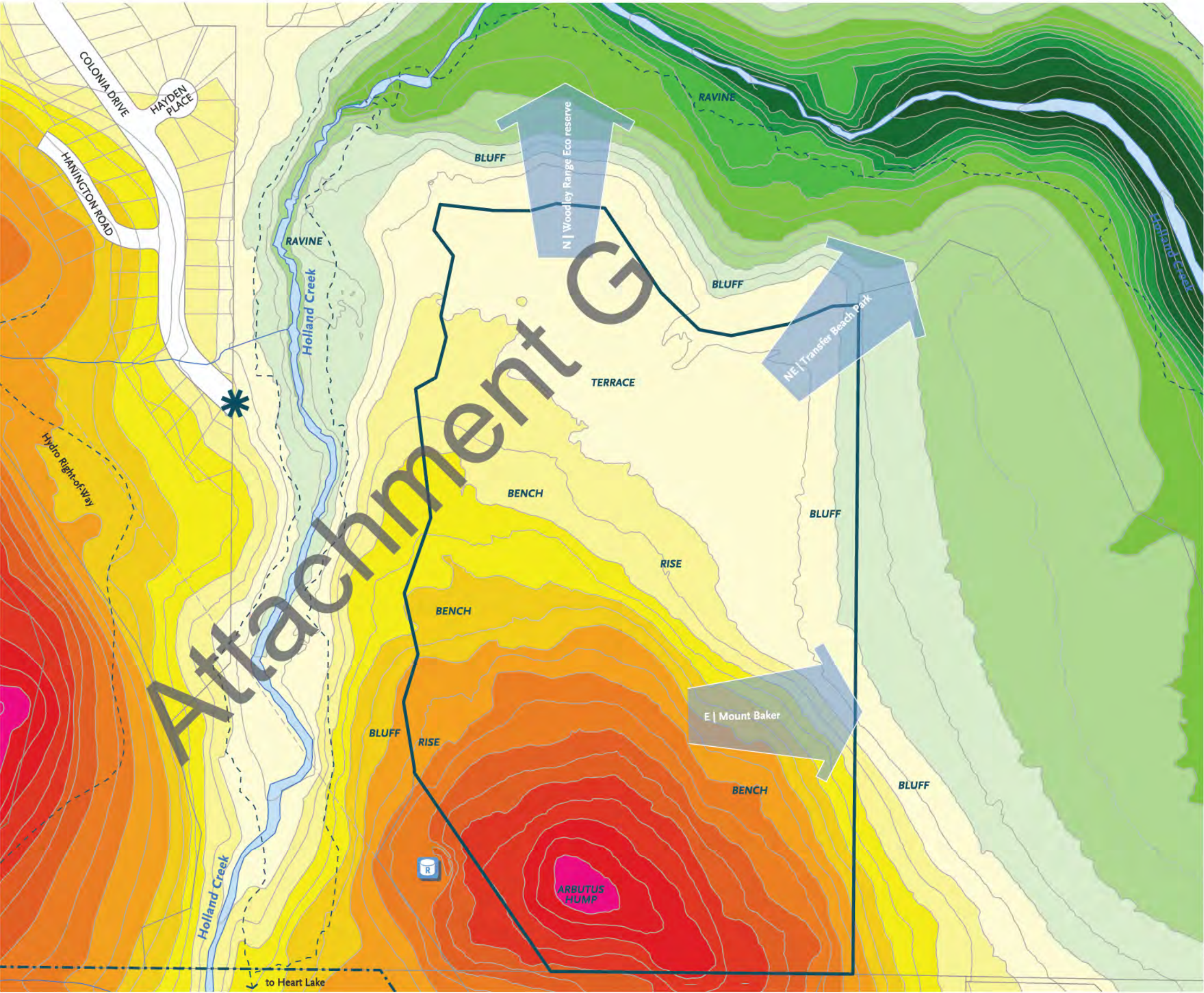
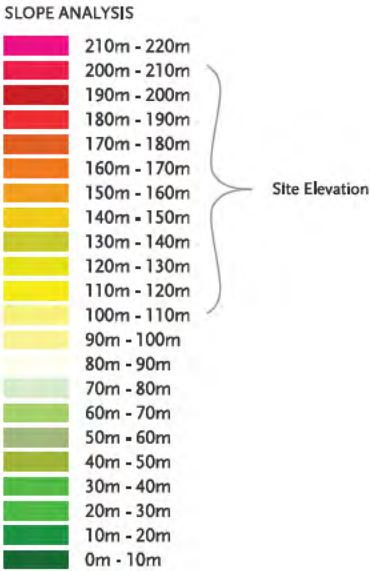




# LANDFORM ANALYSIS

## DISTINCTIVE LANDFORMS

- The site is topographically distinct with 3 defined landforms - a terrace to the north, framed gentle hillside slopes and the steep bluffs of the Arbutus Hump to the south.
- These distinctive landforms structure the site's natural character and provide opportunity to leverage the lands features.





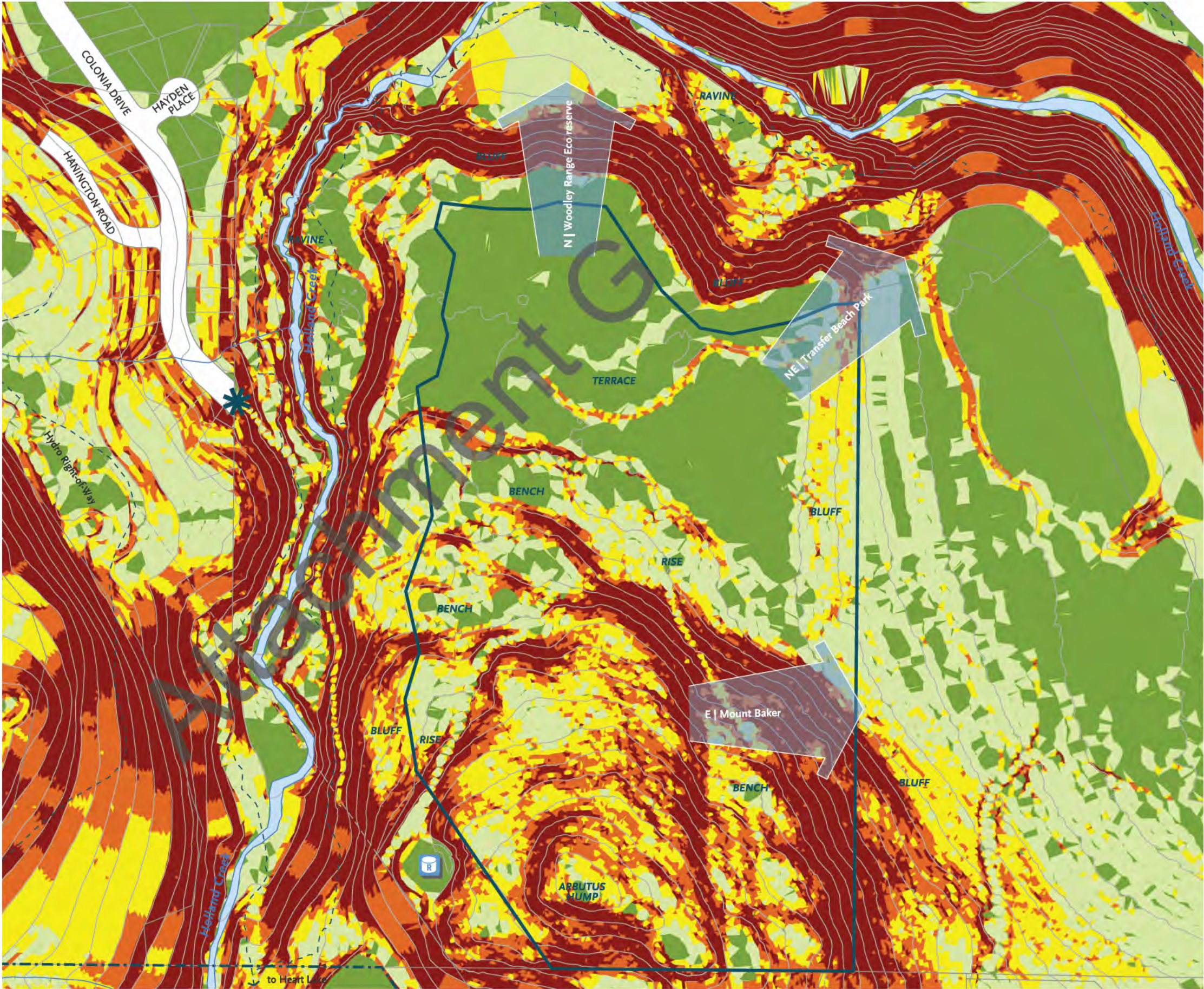
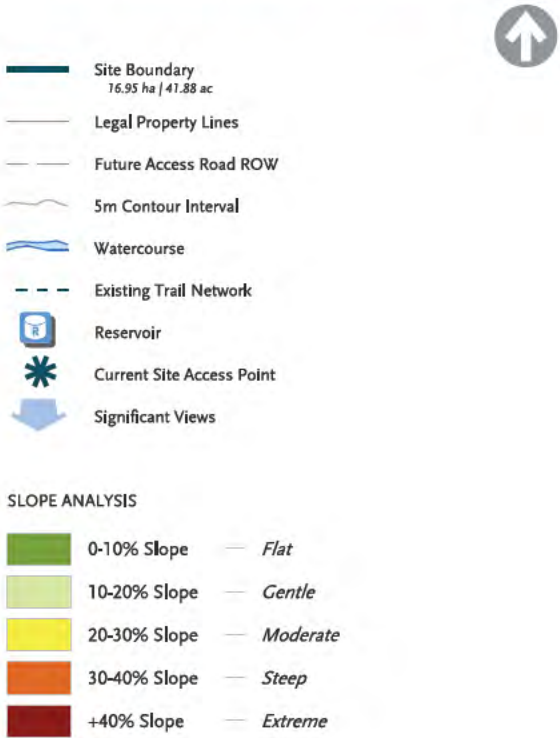
# SLOPE ANALYSIS

## FORESTED BACKDROP

- Despite its perched position overlooking Holland Creek ravine, the land is bordered by a mature stand of retained forest within the adjacent riparian setback, establishing a secluded setting.
- The land features a generous northern terrace, with adjacent hillsides interlaced with smaller benches which provide unique enclaves suitable for neighbourhood clusters.
- The terrain complexity serves to visually absorb new homes into the hillsides and creates opportunities for new trails and protected natural areas.

## UNLIMITED VIEWS

- The site enjoys views to the north, east, and west offering stunning vistas towards the Woodley Range Ecological Reserve, Northern Gulf Islands, Thetis Island, North Shore Mountains, Southern Gulf Islands, and Mount Baker.

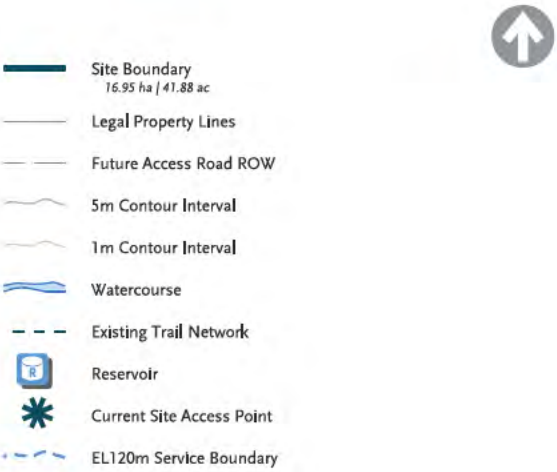




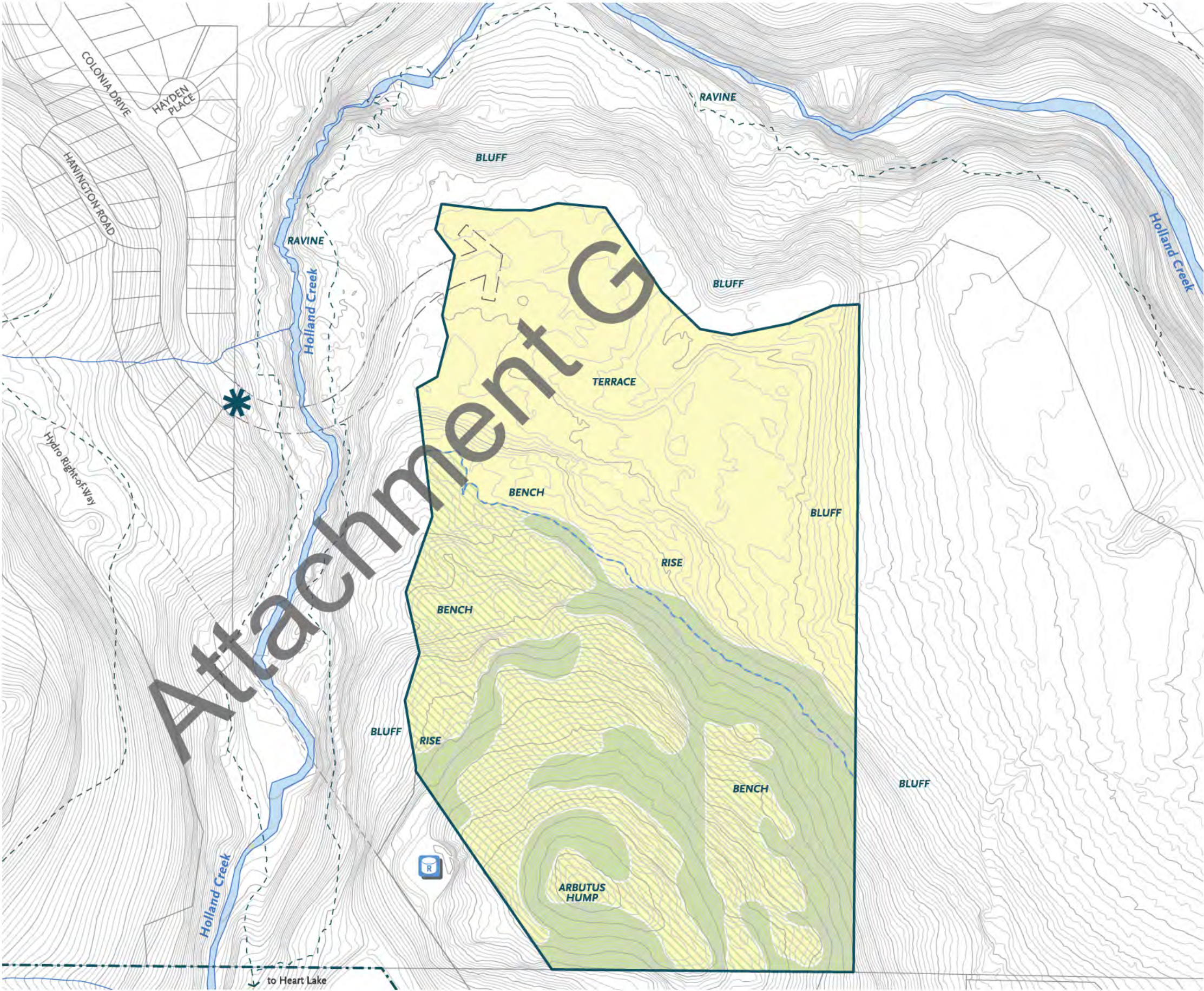
# DEVELOPMENT POTENTIAL

## A NEW NEIGHBOURHOOD

- Considering the site's topography, natural setting, and scenic perch above Holland Creek, the site provides a rich opportunity for the development of a new walkable neighbourhood, leveraging the lands views, natural character and surrounding recreation network.
- The Development Potential analysis reflects the land's natural qualities, environmental constraints, and existing infrastructure, with the following results:
  - 46% of the land as Developable - potential for central public neighbourhood;
  - 28% of the land as Constrained - potential for clustered strata homes, and;
  - 26% of the land as Non-Developable - potential for protected natural areas and parks.



DEVELOPMENT POTENTIAL ANALYSIS			
46%	Developable	7.73 ha   19.10 ac	
28%	Constrained	4.86 ha   12.01 ac	
26%	Non-Developable	4.36 ha   10.78 ac	
100%	TOTAL	16.95 ha   41.88 ac	





## Section 2 | **HOLLAND HEIGHTS CONCEPT**



# HOLLAND HEIGHTS NEIGHBOURHOOD CONCEPT

## TOWARDS SUSTAINABILITY

The Holland Heights Neighbourhood represents an opportunity to establish a more sustaining pedestrian oriented and environmentally aware community, using the following Sustainability directives:

### LIVING LIGHTLY

- Design compact, walkable neighbourhoods
- Plan for alternative transportation
- Employ sustainable infrastructure

### WORKING WITH NATURE

- Conserve the ecological integrity of the Holland Creek Riparian Area + Arbutus Hump
- Create an integrated network of parks, natural spaces, and recreational trails
- Celebrate and respect natural heritage
- Conserve natural lands for recreation and parks

### LIVING LOCAL

- Accommodate a range of lifestyles, life-stages + Incomes.
- Support an economically sound community
- Create a sense of place, celebrating local art and culture



## DESIGN APPROACH

The design of the Neighbourhood represents an opportunity to work with the land in establishing a compact walkable neighbourhood with a diverse range of housing on nature's doorstep:

**Work with the Land:** Leverage the natural topography, employing hillside forms to minimize impact while maximizing access and views.

**Preserve Views + Privacy:** Utilize 219 landscape covenants to conserve natural landscape while protecting view corridors.

**Enhance the Neighbourhood:** Complete streets with homes that address their neighbours, and offer park-front living.

**Distribute Traffic:** Establish Colonia Drive Collector extension with a looping Local Street pattern.

**Variety of Homes:** Ensure a diversity of Single Family and Townhomes with both front driveways and rear lanes.

**Prioritize the Pedestrian:** Design tree-lined streets and dedicated connecting network of sidewalks + trails minimizing conflicts with cars.

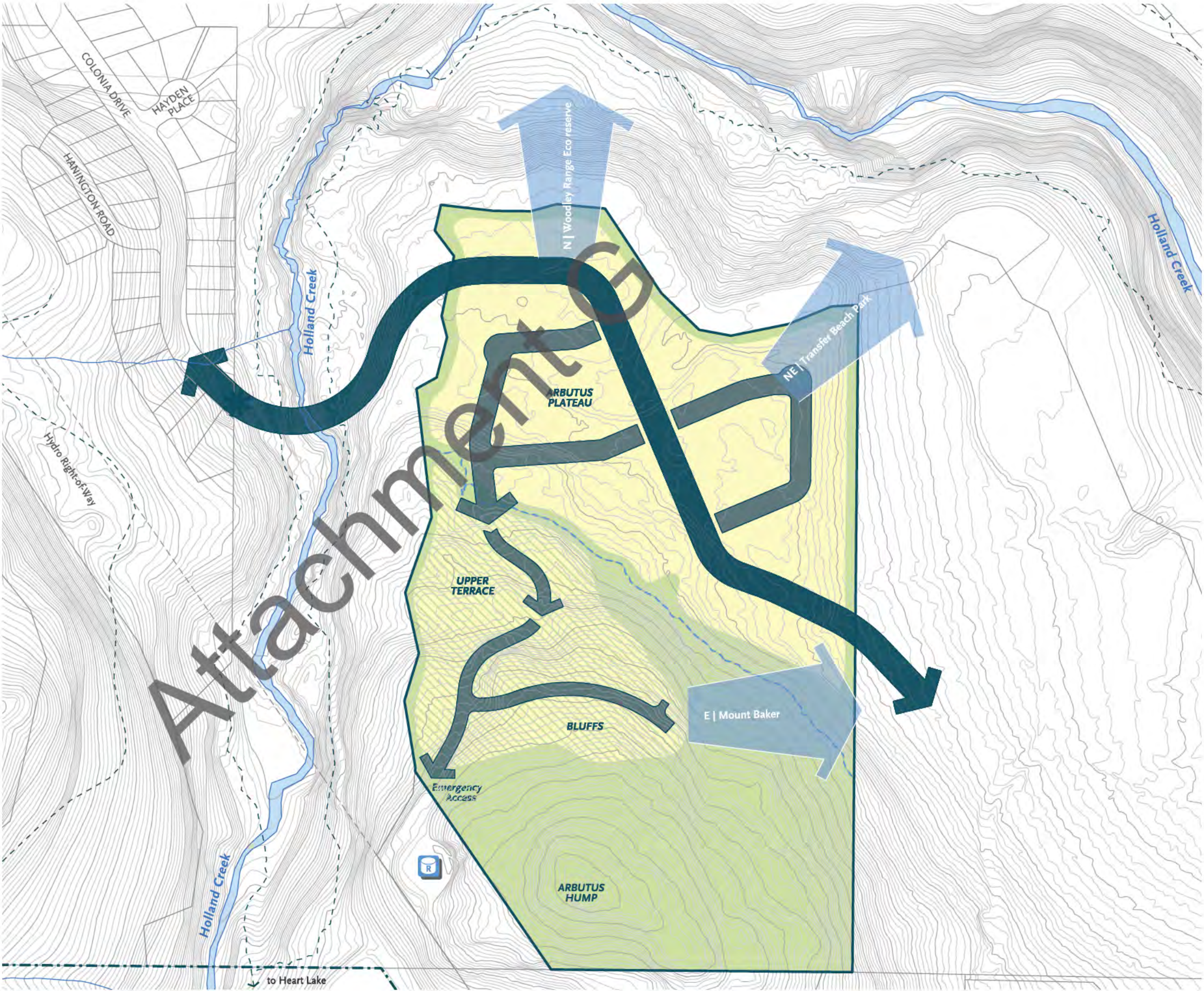
**Establish Parks:** Create a new central neighbourhood park, offering a community gathering space and active play with connections to the Arbutus Hump lookout and Holland Creek recreation network.



# STRUCTURING PLAN

## FITTING THE LAND

- The central challenge involved in envisioning the neighbourhood is to maintain a strong connection with natural landscape features, including Arbutus Hump and Holland Creek. The Neighbourhood design thoughtfully responds to the land's distinctive features and provides a series of neighbourhood clusters with a variety of housing types while preserving and offering public access to the summit of Arbutus Hump.
- The site is structured by the extension of the Colonia Drive collector with a connected local street pattern intersecting the collector to the east and west. Above the water service line, a Strata Street provides access to the hillside enclave, sitting below Arbutus Hump.
- The neighbourhood streets include street trees, pedestrian and cycling friendly facilities linking natural and active parks as part of the future linkage between North and South Ladysmith.
- New trails provide outdoor recreation opportunities and connect to the Holland Creek trail network and Arbutus Hump.

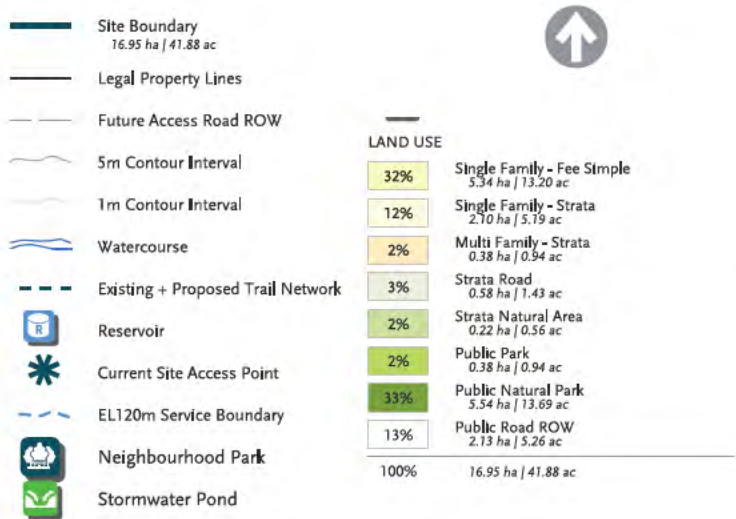




# NEIGHBOURHOOD CONCEPT PLAN

## A HOME FOR EVERYONE

- Reflecting living on nature's doorstep, the plan offers a variety of housing types to support a range of family lifestyles, life stages and incomes, and includes:
  - 110 Single-Family Homes | fee simple;
  - 32 Single-Family Homes | strata, and;
  - 26 Townhomes | strata.
- The development structure takes direction from the land use pattern established in the Holland Creek Local Area Plan.
- The plan offers 168 homes, averaging 3.9 UPA.





# PARKS AND TRAIL PLAN

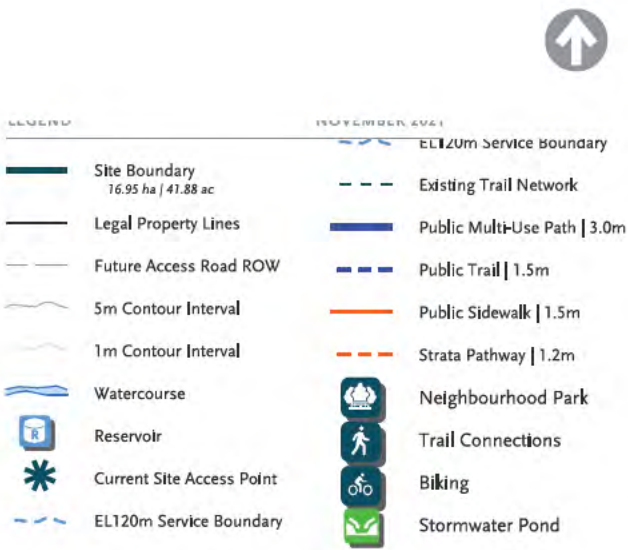
## CONNECTING WITH NATURE

Recognizing and respecting the value of the lands for their ecological significance, the Neighbourhood design weaves a series together a series of active trails, protected natural areas, and public parks. Over five kilometres of new sidewalks, trails and MUP's are added through the Neighbourhood Concept.

The new proposed trail system offers a community wide destination with access to the Arbutus Hump. The trail system connects with the existing trail network within the Holland Creek and Heart Lake recreation corridors.

A active park is proposed at the centre of the Neighbourhood to serve as a community heart and social gathering place and trailhead for access to the Arbutus Hump.

A minimum vertical separation distance of 25 metres is achieved between the nearest home and the Summit of the Arbutus Hump to ensure sufficient visual and physical separation.





# HOLLAND HEIGHTS COMMUNITY BENEFITS



## COMMUNITY CONNECTOR

### REALIZING THE AREA PLAN

- Following the Area Plan, the proposed extension of Colonia Drive to Dogwood is critical to providing the required municipal roads and services to the designated growth area. Lamont Land has begun the process of completing this connection with the approval and construction of the Holland Creek Bridge Crossing.
- Extending from the Holland Creek Crossing, the Neighbourhood incorporates the required Urban Collector serving to connect the future Neighbourhood with the surrounding community.
- The Collector will reduce traffic demand on Dogwood Drive and serve as a new cycling, pedestrian, and vehicle connection between north and south Ladysmith, completing the vision established in the Official Community Plan and Holland Creek Local Area Plan.

## WALKABLE NEIGHBOURHOOD

### MAKING THINGS WALKABLE

- A network of tree-lined pedestrian and cycling pathways are incorporated within the public + strata street network.
- A gateway experience is established through the Holland Creek collector re-enforcing the neighbourhood's natural setting.
- Streets are tree lined, extensively landscaped, and include pedestrian scaled lighting.

### MAKING THINGS SAFE

- A gateway experience is established through the Holland Creek collector re-enforcing the neighbourhood's natural setting.
- Streets are tree lined, extensively landscaped, and include pedestrian scaled lighting.
- Homes are street fronting and address the public realm with “eyes on the street + parks”.

### TRADITIONAL NEIGHBOURHOOD

- Homes serviced by rear lanes serve to reduce pedestrian conflict while strengthening the relationship to the public realm.

## CELEBRATING NATURE

### CONNECTING WITH NATURE

- Recognizing and respecting the value of the lands for their ecological significance, the Neighbourhood design weaves a series together a series of active trails, protected natural areas, and public parks. Over five kilometres of new sidewalks, trails and MUP's are added through the Neighbourhood Concept.
- The new proposed trail system offers a community wide destination with access to the Arbutus Hump. The trail system connects with the existing trail network within the Holland Creek and Heart Lake recreation corridors.
- A active park is proposed at the centre of the Neighbourhood to serve as a community heart and social gathering place and trailhead for access to the Arbutus Hump.
- A minimum vertical separation distance of 25 metres is achieved between the nearest home and the Summit of the Arbutus Hump to ensure sufficient visual and physical separation.

## HOUSING DIVERSITY

### A HOME FOR EVERYONE

- Reflecting living on natures doorstep, the plan offers a variety of housing types to support a range of family lifestyles, life stages and incomes, and includes:
  - 109 Single-Family Homes | fee simple;
  - 33 Single-Family Homes | strata, and;
  - 30 Townhomes | strata.
- The development structure takes direction from the land use pattern established in the Holland Creek Local Area Plan.
- The plan offers 168 homes, averaging 3.9 UPA, below the projected density of 200 units.



# HOLLAND HEIGHTS CONCEPT

## DESIGN FEATURES

1. **Diversity of Home Forms + Sizes:** 168 Single Family + Townhomes provide for a variety of lifestyles, life stages and incomes.
2. **Respecting the Arbutus Hump:** The Arbutus Hump summit is preserved and visually separated from the Neighbourhood while giving access to the public to enjoy the views.
3. **Connections to Nature:** The Neighbourhood Concept preserves ~30% for Active and Nature Parks including a new trail network that connects the existing Holland Creek Trail System to the summit of the Arbutus Hump.
4. **Pedestrian Friendly:** Coherent pattern of streets, lanes and sidewalks promote walking and cycling.
5. **Park-front Living:** Series of park-fronting homes enhance Village character and safety with “eyes on the park.”
6. **Traditional Character:** Home styles and architectural details that celebrate Kettle Valley’s form and character.
7. **Linking Ladysmith:** Colonia Drive extension across Holland Creek, provides municipal roads and servicing that will eventually to link North and South Ladysmith by an alternative route.





Attachment G

# HOLLAND HEIGHTS | Design Summary

## Section 3 | TECHNICAL APPENDICES





**NEWCASTLE  
ENGINEERING LTD.**

#4-3179 BARONS ROAD, ROAD, NANAIMO V9T 5W5

PHONE: (250) 756-9553

FAX: (250) 756-9503

November 24, 2021

0831-020

Lamont Land Inc.

**Attn.: Mr. Scott Lamont**

200-5716 1 Street SE

Calgary, AB T2H 1H8

By email: [scott@lamontland.com](mailto:scott@lamontland.com)

Dear: Mr. Lamont

**RE: SITE SERVICING REPORT TO SUPPORT REZONING APPLICATION FOR  
THE PROPOSED HOLLAND HEIGHT DEVELOPMENT OF REMAINDER LOT  
5, PLAN VIP75559, OYSTER DISTRICT.**

#### **1. INTRODUCTION**

Newcastle Engineering Ltd was retained to conduct a servicing study to support the rezoning application for Remainder Lot 5, Plan VIP75559, Oyster District which forms a portion of the area outlined by the Town of Ladysmith in Holland Creek Area Plan (HCAP). The HCAP is composed of several properties of which only the above-mentioned property is included in this rezoning application. However, the remaining two lots within the HCAP will require the extension of servicing through the properties in order to provide services to the parcel included in the rezoning application. Therefore, the area under review will be defined as onsite works for the lots included with the rezoning and offsite works for the remaining two lots that will require serving extensions to the subject property but are not included in the rezoning application, see drawing 0831-020-100 in Appendix 1 for a site plan showing these areas.

The subject property is the Holland Heights Neighborhood and the legal description is Remainder Lot 5, Plan VIP75559, Oyster District.

The lots comprising the offsite works areas are Lot A, District Lot 110E&N, Oyster District, Plan VIP75849 and Part of Lot A, Block 192 & District Lot 103, Oyster District, Plan EPP63594, Except Plan EPP67741, EPP75579, EPP80490, EPP98460 and EPP98461 and Part of Lot 1, Block 192 & District Lot 103, Oyster District, Plan EPP67741. These properties make up the remainder of the HCAP.

Holland Creek borders the subject property on the west and the north and is zoned as park land. This strip of park provides a buffer between the proposed development and the existing single family residential lots off of Colonia Drive to the west and Malone Road to the north. On the south west boundary of the site are Town of Ladysmith lands



which house a water storage reservoir. Final, the south side of the property is bordered by existing park land on the Arbutus Hump. Currently, the subject property is zoned R-1 Single Family Residential and is comprised of forested areas and recently logged sections.

The rezoning proposal is to create a comprehensive development zone for the subject property or Town of Ladysmith existing zones with no proposed increase in the allowable density. Each of the lots created at the time of subdivision will be provided with a municipal water, sanitary and storm service.

## 2. WATER DISTRIBUTION

### 2.1. EXISTING INFRASTRUCTURE

The Town of Ladysmith has two sources for their water supply the first being the Stocking Lake reservoir and secondary intake structure on Holland Creek. Both sources feed into the reservoir located on the Arbutus Hump prior to distribution throughout the Town. The Top Water Level of the Arbutus Hump reservoir is 163m which gives a maximum service area up to the 130m elevation. The TWL of the Arbutus Hump reservoir and the topography of the Town of Ladysmith necessitate that there are several pressure zones within the distribution system.

Directly to the south of the subject property is the Town of Ladysmith reservoir that feeds both the high and low pressure zones. Distribution mains run from the reservoir west to Colonia Road to feed North Ladysmith and southeast around the Arbutus hump to feed south Ladysmith.

AS part of the crossing extension of Colonia a new 450mm PVC water main is being installed and will be capped off at the west property line of the onsite area.

### 2.2. POPULATION PROJECTIONS

The population projections for the onsite area are based on a proposed density of 170 units which is taken from the lot layout provided by Ekistics. For the offsite areas, the unit counts are conceptual and based on input from the respective property owners for the remaining lots in the HCAP. A value of 2.3 people per unit was used in calculating the projected population for residential units within on and offsite areas. The table below summarizes the unit distribution per area and the projected population at total build out:

**Table 1: Population Projections**

Location	Lots	Comprehensive Development Zone	Single Family Residential (units)	Low Density Residential (units)	Population Density (ppu)	Total Population
Onsite	REM. LOT 5 Plan 75559	168		-	2.3	387
Offsite	Part Rem. A Plan EPP63594		300	310	2.3	1403
	Rem. LOT A Plan 75849		176	-	2.3	405



### 2.3. WATER DEMAND PROJECTIONS

Based on information taken from the "Town of Ladysmith /Saltair Water Supply & Distribution Preliminary Design, Final Report" dated July 18, 2003 by Earth Tech water Quality & Treatment the per capita demands are calculated to be:

Average Day Demand (ADD) = 482 lpcd  
Maximum Day Demand (MDD) = 1,019 lpcd  
Peak Hour Demand (PHD) = 2,030 lpcd

Using the above per capita demand values with the population projections for both the on and offsite area's the calculated water demand are:

**Table 2: Water Demand Projections**

Location	Lots	Average Day Demand (lps)	Maximum Day Demand (lps)	Peak Hour Demand (lps)
Onsite	REM. LOT 5 Plan 75559	2.2	4.6	9.1
Offsite	Part Rem. A Plan EPP63594	7.8	16.5	33.0
	Rem. LOT A Plan 75849	2.3	4.8	9.5

### 2.4. FIRE DEMAND CRITERIA

Fire demand criteria within the onsite area is as per the Town of Ladysmith Engineering Standards and Specifications Manual section 4A which requires that fire demand be in accordance with the "Water Supply for Public Fire Protection" as published by the Fire Underwriter's Survey. Fire demand calculations using the Fire Underwriter's Survey are a function of the building size, type and location and as such it will be necessary to calculate the worst case demand within a given area at the detailed design stage.

### 2.5. WATER DEMAND CRITERIA

Water demand design criteria are from the Town of Ladysmith Engineering Standards and Specifications Manual section 4A. Any proposed water system upgrades must be able to meet these requirements under various demand scenarios. The criteria for adequate system design are:

Maximum desired Static Pressure = 700kPa (100psi)  
Minimum Pressure – PHD = 275 kPa (40psi)  
Minimum Pressure – MDD + Fire at hydrant = 140 kPa (20psi)  
Minimum Static Pressure at building site = 275 kPa (40psi)

### 2.6. PROPOSED DISTRIBUTION NETWORK

The existing ground elevation on the subject property ranges from approximately 95m in the northeast corner to 190m at the peak of Arbutus hump in the south. Therefore, portions of property will be within existing high-pressure zone while the lands in the south above 130m will be unserviceable with the current pressure zones.



A high-pressure distribution system will be required to service areas of between 85m and 130m. At least two connections to the existing high pressure distribution main that borders the property will be required to facilitate the effective looping of the water mains. The proposed high pressure distribution main will be designed to allow for its extension through the offsite lands to the east in order to service those properties and complete a secondary loop to the existing main that runs parallel to the Town boundary on the south side of the offsite lands. Confirmation of sizing and configuration of mains associated with the high-pressure system will be required during detailed design. A preliminary water main layout for the onsite area can be found on drawing 0831-020-103 in Appendix 1.

At this time sections of the subject property that are above 130m cannot be serviced from the existing Town of Ladysmith water system without the addition of booster pumps. These lands are proposed as a private strata development and a private booster pump system will be required to provide adequate flows and pressure for both domestic and fire flow scenarios. The location and size of the pump station will be determined as part of the detailed design associated with that phase of development.

### **3. SANITARY SEWAGE**

#### **3.1. EXISTING INFRASTRUCTURE**

The Town of Ladysmith has a waste water treatment plant, located at the south end of Oyster Cove Road, which is the terminus for the sanitary sewage collection system. The sanitary sewage collection system has two main tributary areas with Holland Creek forming the boundary between the northern and southern areas. Sanitary drainage south of Holland Creek is collected mainly by a gravity sewer system with an area north of the Trans-Canada highway being serviced by a force main. The connection point for the sanitary force main to the gravity main is approximately 160m south east of the intersection of Davis Road and the Trans-Canada Highway. All of the sanitary effluent is directed to a trunk main located along the TransCanada Highway which flows to the northwest and feeds into the waste water treatment facility.

The HCAP is currently serviced by a 200mm main that runs east along Rollie Rose Drive to Dogwood Drive. From Dogwood the main runs through the Ladysmith golf course before turning to the south east and connecting with the main on Davis Road. A 100mm force main is being constructed as part of the Colonia Drive extension to the subject property. This force main will connect to the existing gravity system that flows north along Colonia Drive.

#### **3.2. SANITARY SEWER FLOWS**

Sewage flows for the on and offsite areas were calculated as per the Town of Ladysmith Engineering Standards and Specifications section 5A and the completed sanitary sewer flow calculation sheet can be found in Appendix 2. The total flow from the onsite area is 9.4l/s while the total flow from the HCAP is 33.2l/s.

The existing main that runs downstream of the ball fields was previously identified as having insufficient capacity to convey the flow from the total build out of all lands within the HCAP. The existing 200mm main downstream from the ball fields on Dogwood



Drive has a design capacity of 27.4 L/s. Therefore, upgrades to the downstream gravity system will be required once a total unit count of 610 units is reached within the Holland Creek Area Plan.

### **3.3. PROPOSED SANITARY SEWER SYSTEM**

The onsite sanitary sewer system will be a gravity system and will be designed as per the town of Ladysmith's Engineering Standards and Specifications section 5A. A schematic plan for the sanitary sewer system in the onsite area has been prepared and can be found on drawing 0831-020-104 in Appendix 1. Pipe size and location are to be confirmed during detailed design. The sanitary main will extend through the offsite lots to connect to the existing sanitary sewer stub in Rolie Rose Drive, the location of this main will need to be coordinated with the adjacent land owners to ensure the routing meets the development requirements for those lands, see drawing 0831-020-106 in Appendix 1 for a conceptual layout

Should the timing of the gravity main extension to the east through the offsite areas not meet the development goals for the subject property it could be possible to utilize the 100mm force main being installed along Colonia Drive. Onsite sewage would need to be collected at a pump station via the above-mentioned gravity system. The effluent would then be pumped via a force main to make the connection to the stub on Colonia drive. Analysis of the downstream mains would be required at the time of detailed design to confirm downstream capacity of this system.

Once 610 units have been constructed within the HOAP this will trigger the need for upgrades of the existing system downstream from the ball fields. The upgrades will require the replacement of the existing 200mm main with a 250mm main, the routing and pipe size would be determined at as part of that detailed design process.

## **4. STORM WATER**

### **4.1. EXISTING DRAINAGE CONDITIONS**

The topography of the onsite area is comprised of a district high point, the arbutus hump, in the south of the property which then slopes down to a terrace in the north. This terrace general slopes to the northeast and northwest and drains into Holland Creek. There are no defined drainages that cross the onsite area so flow is presumed to be a combination of shallow sheet flow and in ground interflow.

Holland Creek is a fish bearing waterways and contains flow year-round. Improvements have been made to Holland Creek for habitat restoration and in particular salmon spawning features have been added to the creek west of the site. These improvements include constructed side channels and placement of wood debris. The improvements have been installed from the E&N railway culvert to several hundred meters upstream of the Dogwood Drive bridge.

There is a mix of vegetation ranging from mature forests on Arbutus Hump to recently logged sections, a detailed description of the existing vegetation can be found in the report titled "Environmental Assessment for Proposed Holland Heights Subdivision, Development Permit Area 11" by Corvidae Environmental Consulting Inc.



#### **4.2. STORM WATER MANAGEMENT**

The intent of the Storm Water Management plan (STWMP) is to maintain the watershed function and quality through a combination of retention of green space and manmade features. This section identifies the positive measures this development proposes for storm water management onsite along with challenges and methods that will be implemented to address concerns regarding managing rainfall on this specific site in an environmentally sensitive manner to mitigate the potential for future problems. A preliminary storm drainage management area plan, 0831-020-105 has been prepared and is included in Appendix 1 of this report.

Retention of green space is an important factor in maintaining the predevelopment function of the watershed as retained green spaces will have no net impact on the ground water regime or watershed function. Provision of green spaces will be through the preservation of existing vegetated areas and the creation of manmade green spaces.

The goal of the STWMP is to mimic as closely as possible the predevelopment functionality of the watershed, with flows to Holland Creek being maintained at the predevelopment frequency and volumes. This may require multiple discharge points to the holland creek. Runoff onsite will generally be collected in piped systems and conveyed to the discharge points by way of pipe systems. Diversion structures will be used to regulate the flow rate into Holland Creek at set predevelopment values. Each potential discharge point will require its own design and due to site constraints, there is no single approach that can be applied in all locations. Drainage areas and the associated discharge point can be found on the storm water management plan included in Appendix 1.

In addition to maintaining the surface flows into Holland Creek, storm water management features will be included in lot development to facilitate the recharge of the ground water. Single family residential lots will be equipped with on-site detention/infiltration structures to both facilitate ground water recharge and attenuate the runoff flow rate. On multi-family sites a combination of facilities ranging from rain garden, bio-swales and detention facilities will be implemented on a site by site basis.

Runoff from road ways may require volume/frequency control as well as quality control. Some methods of source control for the road ways are vegetated bioswales, rain gardens community stormwater management features such as ponds or inground detention tanks. In areas where the grade of the road is too steep to allow for the use of swales standard detention facilities may be required and could be in the form of oversized pipes complete with a diversion manhole for the regulation of the discharge flow rate. These detention facilities could be located under the road way or in town parks.

#### **4.3. STORM WATER RUNOFF QUALITY**

As mentioned previously, the onsite runoff is tributary to fish bearing creeks and as such it is important to treat the storm water to ensure water quality of the streams is not negatively impacted by the quality or quantity of the post-development storm water runoff.

Periods of construction are a potential source of pollution in the form of silts and other fine particles suspended in the storm water runoff and each phase of the project will require a site specific erosion and sediment control plan be put in place prior to



commence of work, with the recommended measures being maintained until completion and establishment of landscaping.

A combination of the following measures may be incorporated into the detailed design of the storm water management system to address runoff water quality:

- Where possible, runoff from paved roadways will be directed to bioswales, rain gardens or constructed wetlands to remove silts, hydrocarbons and heavy metals prior to connection to the storm sewer system;
- Runoff from multi-family residential parking areas will be directed through bioswales, rain gardens or alternate filtration devices for silt, hydrocarbon and heavy metal removal.
- Catchbasins will be installed along roadways, equipped with hooded outlets to provide some silt and hydrocarbon removal.

#### 4.4. STORM WATER DETENTION VOLUMES

We have performed a preliminary analysis of pre and post development flow conditions for onsite areas and calculated the resulting required storage volumes based on limiting the post development 10-year return period flow rate to the 10-year pre-development flow rate. Preliminary detention volumes were calculated for each of the differing drainage areas as outlined in the preliminary storm water management plan in Appendix 1. The rational method was used for this calculation with and are reported based on an assumed discharge point for each area. The required detention volumes will be achieved through the use of various facilities as outline in the preceding sections which will be distributed throughout the associated drainage area.

Both runoff flow rate and preliminary detention volumes were calculated using the rational method. The total required preliminary detention volume for each drainage areas are found in the Table 3, refer to Appendix 3 for calculation details. These volumes will be refined during detailed design of each phase of the development.

**Table 3: Preliminary Storm Water Detention Volumes**

Contributing Drainage Area	Discharge Location	Drainage Area Detention Volume (m <sup>3</sup> )
A	1	170
B	1	316
C	2	22
D	3	13
E	4	22

#### 5. CONCLUSION

Connection points to the existing water distribution systems are located adjacent to the site at multiple locations. Confirmation of onsite pipe sizing and configuration will be established during detailed design. The water systems adjacent to the study area will require analysis by the Town of Ladysmith to determine if any off-site upgrades are



required to meet the serving requirements outlined in this report. In addition, a private onsite booster pump station will be required to service any proposed development above the 130m contour.

A sanitary sewer will be required to be extended to the subject property from the existing stub on Rollie Rose Drive. This gravity system will require upgrades downstream of the HCAP once a unit count of 610 units is reached within the HCAP. A secondary sewer servicing option is to use the existing forcemain in Colonia Drive to accept sewage from the onsite area. This option would require the construction of an onsite forcemain and lift station.

Storm sewer services can be provided to the proposed lots that meet the Town of Ladysmith standards. The goal of the storm water management system will be to mimicking the pre-development functionality of the watershed through the use of the various storm water management features mentioned in the previous section.

Please contact our office if you require additional information regarding the proposed servicing of this project.

Yours truly,

**Newcastle Engineering Ltd.**

EGBC Permit to Practice Number 1000856



Drew Beiderwieden, P.Eng

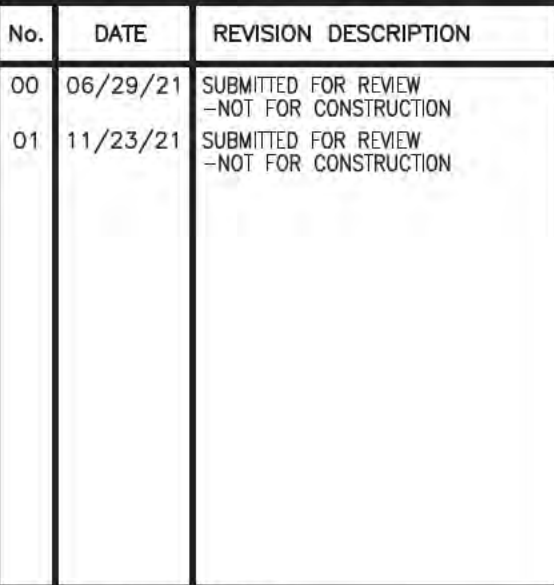
Attachment G



Appendix 1

Attachment G





REM. LOT 5, PLAN VIP75559

PROP.		EXIST.
----	WATERMAIN	----
----	STORM SEWER	----
----	SANITARY SEWER	----
----	GAS MAIN	----
----	ELECTRICAL DUCT	----
~ ~ ~ ~	INLET/OUTLET HEADWALL	~ ~ ~ ~
~ ~ ~ ~	DITCH INLET/OUTLET	~ ~ ~ ~
~ ~ ~ ~	SWALE	~ ~ ~ ~
=====	EDGE OF PAVEMENT	=====
=====	VALVE BOX	=====
-----	LIMIT OF CONSTRUCTION	-----
~ ~ ~ ~	HYDRANT	~ ~ ~ ~
~ ~ ~ ~	ABOVE GROUND FLUSHOUT	~ ~ ~ ~
~ ~ ~ ~	BELOW GROUND FLUSHOUT	~ ~ ~ ~
~ ~ ~ ~	CATCHBASIN	~ ~ ~ ~
~ ~ ~ ~	DITCH INLET CATCHBASIN	~ ~ ~ ~
~ ~ ~ ~	MANHOLE	~ ~ ~ ~
~ ~ ~ ~	CLEANOUT	~ ~ ~ ~
~ ~ ~ ~	HYDRO. POLE	~ ~ ~ ~
~ ~ ~ ~	CAP	~ ~ ~ ~
~ ~ ~ ~	STREETLIGHT	~ ~ ~ ~
~ ~ ~ ~	FENCE	~ ~ ~ ~

ENGINEER'S SEAL	DESIGN	DB
	DRAWN	JTD
	PLOT DATE	11-23-21
	PRINT DATE	

CLIENT NAME

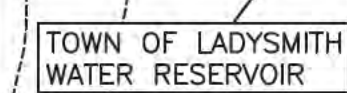
DRAWING TITLE

SITE PLAN

PROJECT No. 0831-020

CITY PLAN No. \_\_\_\_\_

NEL DWG No.	REVISION	TITLE
0831-020-100	REV01	SITE PLAN
0831-020-101	REV01	PRELIMINARY ROAD WORKS PLAN
0831-020-102	REV01	PRELIMINARY WATER SERVICING PLAN
0831-020-103	REV01	PRELIMINARY SANITARY SERVICING PLAN
0831-020-104	REV01	PRELIMINARY STORM WATER SERVICING PLAN
0831-020-105	REV00	PRELIMINARY OFFSITE CONNECTION PLAN



ALL CONCEPTUAL PIPE SIZES, GRADES AND MATERIALS ARE PRELIMINARY AND ARE SUBJECT TO DETAILED DESIGN.

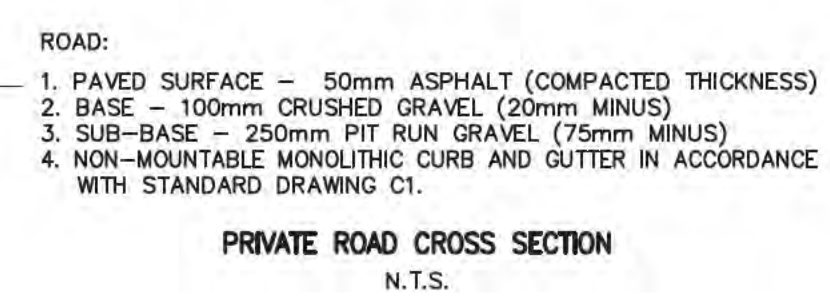
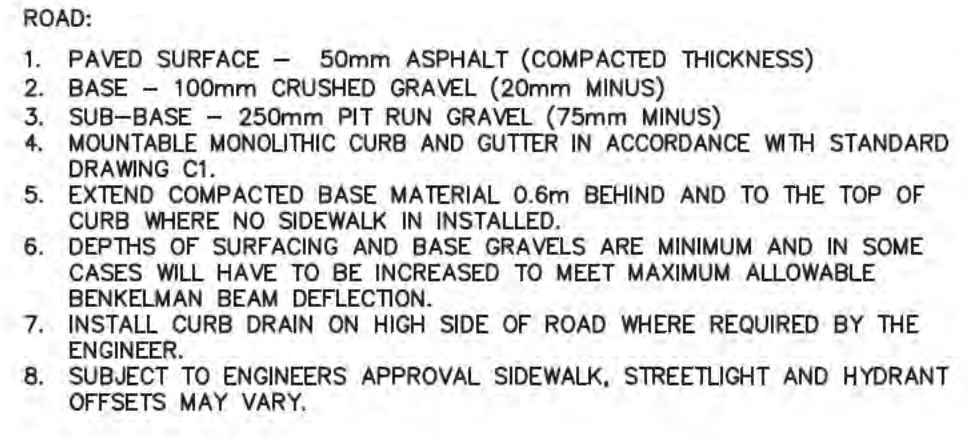
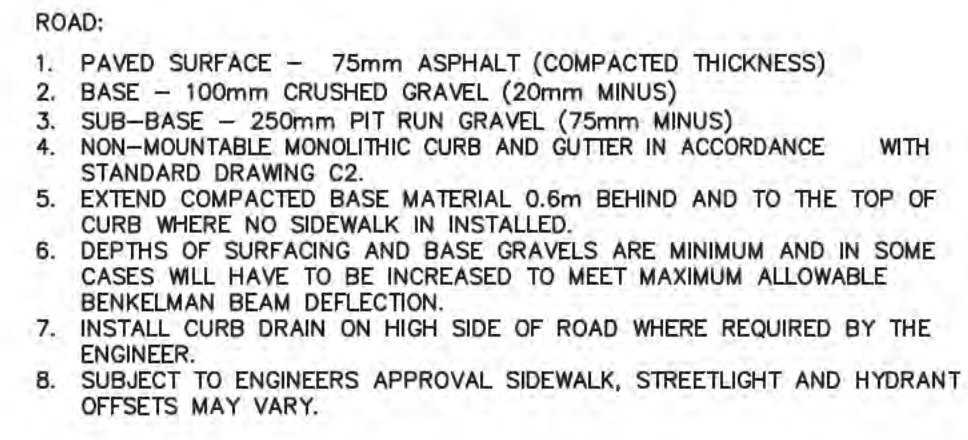
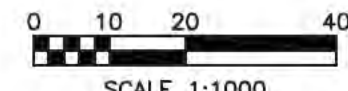
INDIVIDUAL LOT SERVICES ARE NOT SHOWN FOR CLARITY. PRIVATE ON-SITE WORKS AND SERVICES FOR INDIVIDUAL LOTS ARE NOT INCLUDED.

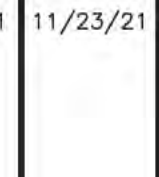












































THE LOCATIONS OF EXISTING SERVICES ARE SHOWN APPROXIMATELY AND SHALL BE CONFIRMED IN THE FIELD BY THE CONTRACTOR PRIOR TO THE COMMENCEMENT OF WORK. EXISTING & PROPOSED SERVICES MAY REQUIRE ADJUSTMENT WHERE A CONFLICT OCCURS. THE ENGINEER SHALL BE NOTIFIED OF ANY CONFLICT.

THE TOWN OF LUDSMITH RESERVOIR IS SHOWN AT AN ASSUMED LOCATION



1. ALL CONCEPTUAL PIPE SIZES, GRADES AND MATERIALS ARE PRELIMINARY AND ARE SUBJECT TO DETAILED DESIGN.
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4. THE TOWN OF LADYSMITH RESERVOIR IS SHOWN AT AN ASSUMED LOCATION



 <b>NEWCASTLE ENGINEERING LTD.</b> 4-3179 BARONS ROAD NANAIMO, B.C. V9T 5W5 PHONE (250) 756-8553			
No.	DATE	REVISION DESCRIPTION	
00	06/29/21	SUBMITTED FOR REVIEW -NOT FOR CONSTRUCTION	
01	11/23/21	SUBMITTED FOR REVIEW -NOT FOR CONSTRUCTION	
BENCHMARK DESCRIPTION  ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM TOWN OF LADYSMITH LIDAR INFORMATION.			
SITE LEGAL DESCRIPTION  REM. LOT 5, VIP75559			
LEGEND			
PROP.		EXIST.	
 WATERMAIN  STORM SEWER  SANITARY SEWER  GAS MAIN  ELECTRICAL DUCT  INLET/OUTLET HEADWALL  DITCH INLET/OUTLET  SWALE  EDGE OF PAVEMENT  VALVE BOX  LIMIT OF CONSTRUCTION  HYDRANT  ABOVE GROUND FLUSHOUT  BELOW GROUND FLUSHOUT  CATCHBASIN  DITCH INLET CATCH-BASIN  MANHOLE  CLEANOUT  HYDRO POLE  CAP  STREETLIGHT  FENCE		                     	
NOTE:			
ENGINEER'S SEAL		DESIGN <div style="text-align: right; font-weight: bold;">DB</div> DRAWN <div style="text-align: right; font-weight: bold;">JTD</div> PLOT DATE <div style="text-align: right; font-weight: bold;">11-23-21</div> PRINT DATE	
HORIZONTAL SCALE 1:1000		VERTICAL SCALE	
CLIENT NAME			
PROJECT NAME  <div style="text-align: center; font-size: 1.2em;"> <b>ARBUTUS NEIGHBOURHOOD LADYSMITH, BC</b> </div>			
DRAWING TITLE  <div style="text-align: center; font-size: 1.5em;"> <b>PRELIMINARY ROAD WORKS PLAN</b> </div>			
PROJECT No. <div style="text-align: center; font-weight: bold;">0831-020</div>			
DRAWING No. <div style="text-align: center; font-weight: bold;">101</div>		REVISION No. <div style="text-align: center; font-weight: bold;">01</div>	
CITY PLAN No.			



BENCHMARK DESCRIPTION

ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM TOWN OF LADYSMITH LIDAR INFORMATION.

SITE LEGAL DESCRIPTION

REM. LOT 5, VIP75559

### LEGEND

PROP.		EXIST.
----	WATERMAIN	----
----	STORM SEWER	----
----	SANITARY SEWER	----
----	GAS MAIN	----
----	ELECTRICAL DUCT	----
⌋	INLET/OUTLET HEADWALL	⌋
⌋	DITCH INLET/OUTLET	⌋
⌋	SWALE	⌋
----	EDGE OF PAVEMENT	----
⌋	VALVE BOX	⌋
-----	LIMIT OF CONSTRUCTION	-----
⌋	HYDRANT	⌋
⌋	ABOVE GROUND FLUSHOUT	⌋
⌋	BELOW GROUND FLUSHOUT	⌋
⌋	CATCH-BASIN	⌋
⌋	DITCH INLET CATCH-BASIN	⌋
⌋	MANHOLE	⌋
⌋	CLEANOUT	⌋
⌋	HYDRO POLE	⌋
⌋	CAP	⌋
⌋	STREET LIGHT	⌋
⌋	FENCE	⌋

NOTE:

ENGINEER'S SEAL	DESIGN	DB
	DRAWN	JTD
	PLOT DATE	11-23-21
	PRINT DATE	

HORIZONTAL SCALE 1:1000	VERTICAL SCALE
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CLIENT NAME \_\_\_\_\_

PROJECT NAME

ARBUTUS  
NEIGHBOURHOOD  
LADYSMITH, BC

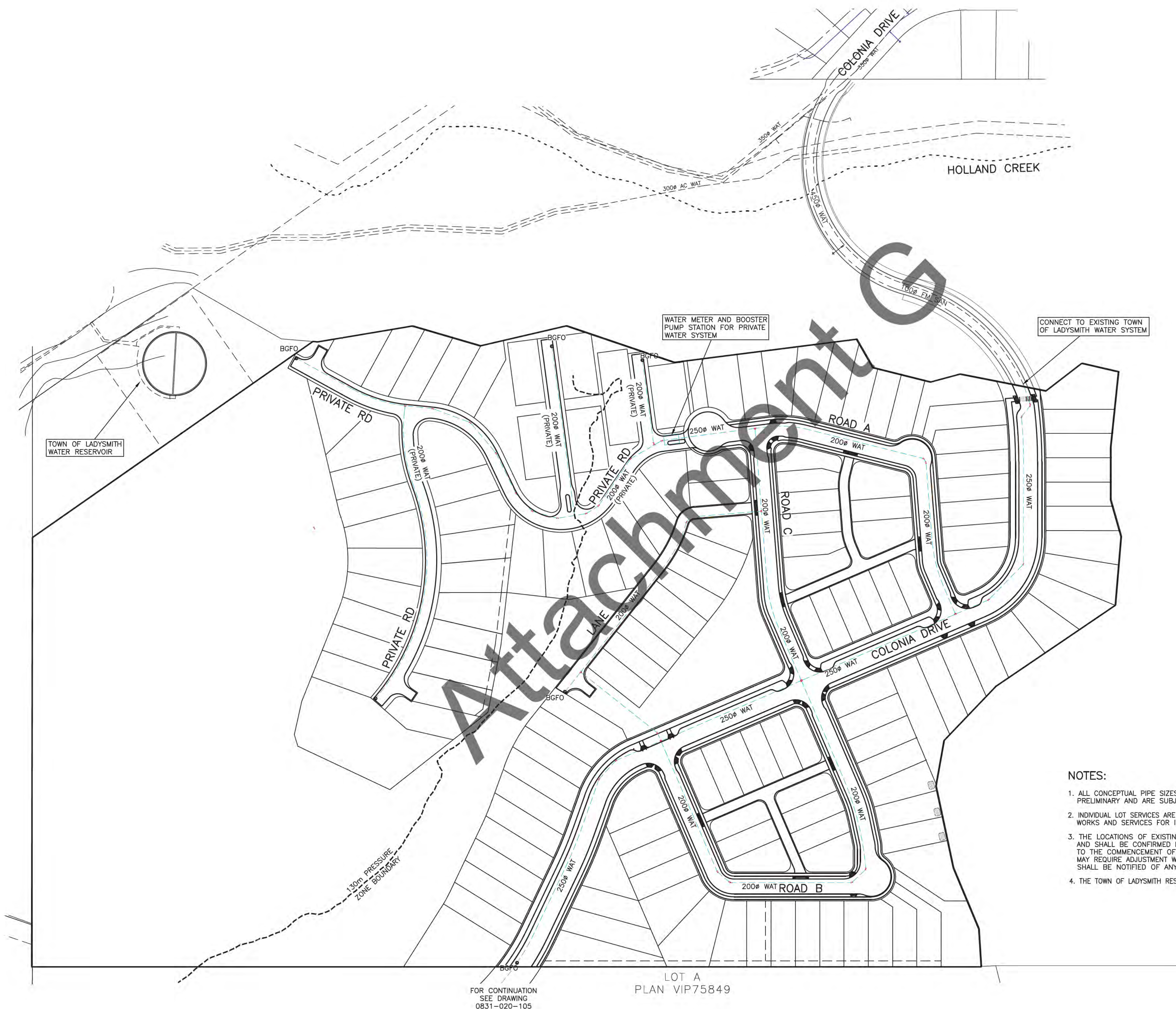
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# PRELIMINARY WATER SERVICING PLAN

PROJECT No. 0831-020

DRAWING No.	REVISION No.
102	01

CITY PLAN No. \_\_\_\_\_





No.	DATE	REVISION DESCRIPTION
00	06/29/21	SUBMITTED FOR REVIEW -NOT FOR CONSTRUCTION
01	11/23/21	SUBMITTED FOR REVIEW -NOT FOR CONSTRUCTION

BENCHMARK DESCRIPTION

ELEVATIONS ARE GEODETIC AND ARE  
DERIVED FROM TOWN OF LADYSMITH  
LIDAR INFORMATION.

SITE	LEGAL DESCRIPTION
------	-------------------

REM. LOT 5, VIP75559

### LEGEND

PROP.	SYMBOL	EXPLANATION
----	----	WATERMAIN
----	----	STORM SEWER
----	----	SANITARY SEWER
----	----	GAS MAIN
----	----	ELECTRICAL DUCT
----	----	INLET/OUTLET HEADWALL
----	----	DITCH INLET/OUTLET
----	----	SWALE
----	----	EDGE OF PAVEMENT
----	----	VALVE BOX
----	----	LIMIT OF CONSTRUCTION
----	----	HYDRANT
----	----	ABOVE GROUND FLUSHOUT
----	----	BELOW GROUND FLUSHOUT
----	----	CATCHBASIN
----	----	DITCH INLET CATCHBASIN
----	----	MANHOLE
----	----	CLEANOUT
----	----	HYDRO POLE
----	----	CAP
----	----	STREETLIGHT

NOTE

ENGINEER'S SEAL	DESIGN	D
	DRAWN	J
	PLOT DATE	11-2
	PRINT DATE	

HORIZONTAL SCALE 1:1000	VERTICAL SCALE
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CLIENT NAME

PROJECT NAME

**ARBUTUS  
NEIGHBOURHOOD**  
LADYSMITH, BC

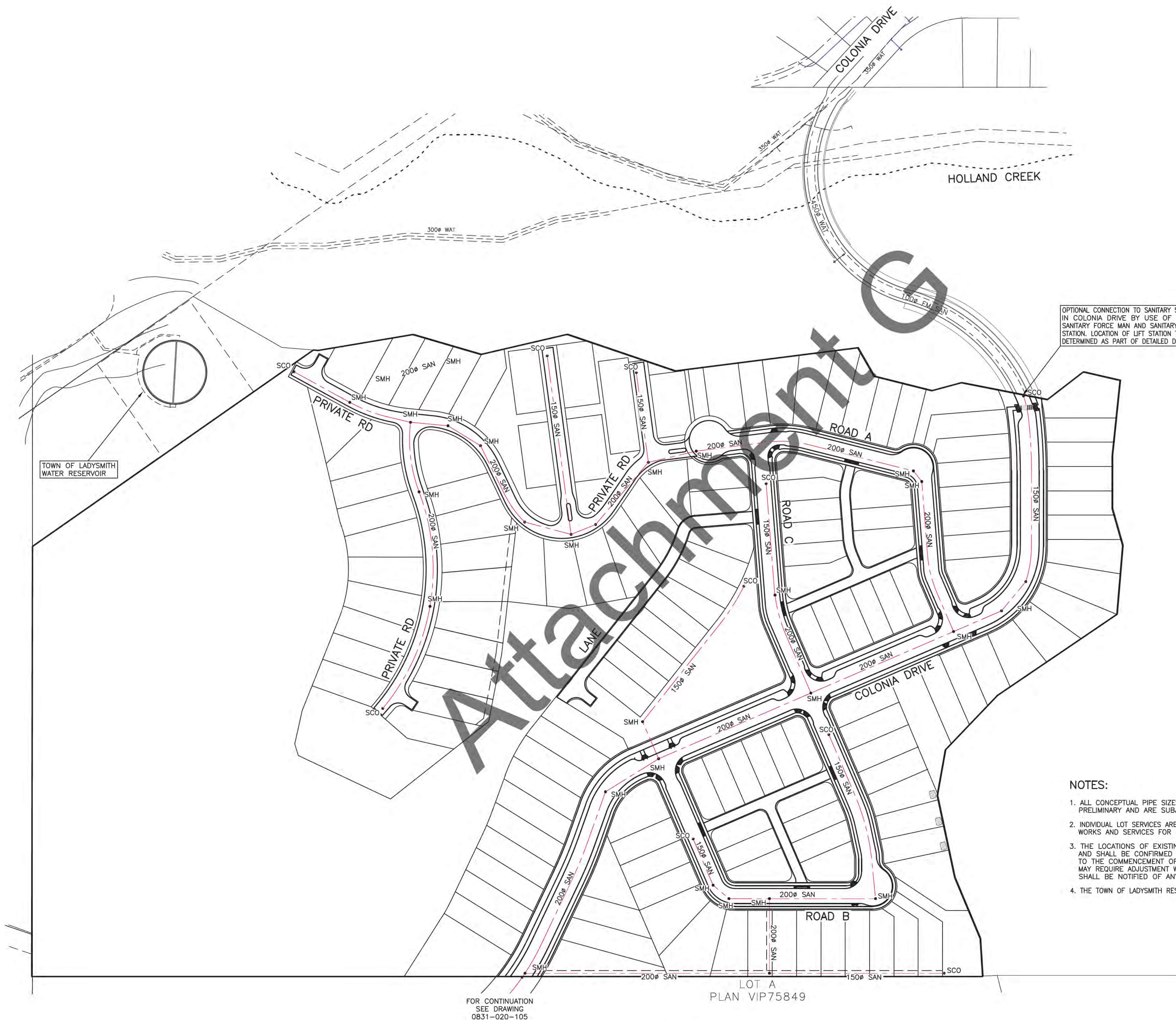
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# PRELIMINARY SANITARY SERVICING PLAN

PROJECT No. 0831-020

DRAWING No.	REVISION No.
103	0

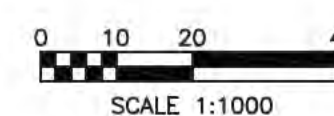
CITY PLAN No.



NOTES:

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4. THE TOWN OF LADYSMITH RESERVOIR IS SHOWN AT AN ASSUMED LOCATION

FOR CONTINUATION  
SEE DRAWING  
0831-020-105





BENCHMARK DESCRIPTION

SITE | LEGAL DESCRIPTION

REM. LOT 5, VIP75559

PROP.	EXI
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NOTE:

HORIZONTAL SCALE 1:1000	VERTICAL SCALE
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CLIENT NAME \_\_\_\_\_

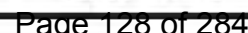
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PROJECT No. 0831-020

CITY PLAN No. \_\_\_\_\_

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4. FOR ROAD CROSS SECTIONS SEE DWG. No 0831-020-100
5. POST DEVELOPMENT STORM RUNOFF IS NOT TO EXCEED PRE-DEVELOPMENT LEVELS UP TO THE 1 IN 10 YEAR STORM EVENT. ONSITE DETENTION AND INFILTRATION SYSTEMS ARE SUBJECT TO DETAILED DESIGN.
6. THE TOWN OF LADYSMITH RESERVOIR IS SHOWN AT AN ASSUMED LOCATION

FOR CONTINUATION  
SEE DRAWING  
0831-020-105





BENCHMARK DESCRIPTION

ELEVATIONS ARE GEODETIC AND ARE  
DERIVED FROM TOWN OF LADYSMITH  
LIDAR INFORMATION.

SITE LEGAL DESCRIPTION

REM. LOT 5, PLAN VIP75559

### LEGEND

NOTE

HORIZONTAL SCALE 1:1000	VERTICAL SCALE
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CLIENT NAME

PROJECT NAME

ARBUS  
NEIGHBOURHOOD  
LADYSMITH, BC

DRAWING TITLE

PRELIMINARY  
OFFSITE CONNECTION  
PLAN

PROJECT No.

0831-020

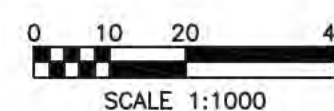
DRAWING No.

105

REVISION No.

00

CITY PLAN No.



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Appendix 2

Attachment G



SANITARY SEWER FLOW ANALYSIS- CALCULATION SHEET

PROJECT:		ARBUTUS NEIGHBOURHOOD								PROJECT #: 0831-020							
ENGINEERING COMPANY:		NEWCASTLE ENGINEERING LTD.								DATE: 2021-11-24				<div style="border: 1px solid black; padding: 5px;"> Mannings Formula  <math>V = (1/n) \times R^{2/3} \times S^{1/2}</math>  <math>Q = V \times A</math>  PVC            n = 0.011  CONC.        n = 0.013 </div>			
ADDRESS:		#4-3179 BARONS ROAD, NANAIMO								DESIGN: D. BEIDERWIEDEN							
ENGINEER:		DREW BEIDERWIEDEN								SHEET: __ OF __							

							Sewage Flow			Infiltration		Total Flow		Proposed or Existing Sewer			
Location	Lots	Total Area	Proposed Units	Density (pph)	Density (ppl/ppu)	Equivalent Population	Cumulative Equivalent Population	Peak Flow AWWF (LPCPD)	Peak Flow (MLD)	Infiltration (MLD)	Cumulative Infiltration (MLD)	Total (MLD)	Flow (L/s) "Q"	Pipe Size (mm) "D"	Pipe Slope (%) "S"	Velocity (m/s)	Capacity (l/s)
Onsite	REM. LOT 5 Plan 75559	16.69	168	36	2.3	386	386	1628	0.629	0.187	0.187	0.816	9.4	200	0.50	0.87	27.409
Offsite	Part Rem. A Plan EPP63594	17.37	176	36	2.3	405	791	1284	1.016	0.195	0.381	1.397	16.2	200	0.50	0.87	27.409
Offsite	Rem. LOT A Plan 75849	44.83	610	50	2.3	1,403	2,194	905	1.985	0.502	0.884	2.869	33.2	250	0.50	1.01	49.695

Appendix 3

Attachment G



# **STORM FLOW ANALYSIS - PRE-DEVELOPMENT CALCULATION SHEET**

PROJECT: Arbutus Neighbourhood PROJECT #: 0831-020  
 ENGINEERING COMPA NEWCASTLE ENGINEERING LTD.  
 ADDRESS: #4-3179 BARONS ROAD, NANAIMO  
 ENGINEER: Drew Beiderwieden  
 DRAWING: 0831-020-104

	RETURN PERIOD: 10 year	
	DATE: 2021-11-24	<b>Mannings Formula</b> $V = (1/n) \times R^{2/3} \times S^{1/2}$ $Q = V \times A$ $n_{PVC} = 0.011$ $n_{CONC} = 0.013$
	DESIGN BY: D. Beiderwieden	
	SHEET:	

Rational Formula: Q=CxIxAx2.778							SEAL/ENGINEER'S STAMP							
Zone	Area (Ha) (A)	Coeff. ( C )	Area x Coeff. (AC)	Accum. Ax C	Time of Concent. (min)	Rainfall Concent. (mm/hr) (I)	Q <sub>100</sub> (l/s)	Diam. (mm) (D)	Design Slope (%) (S)	Installed Slope (%)	Cap. (l/s)	Velocity (m/s) (V)	Length MH to MH (m)	Time of flow- MH to MH (min)
A	3.96	0.3	1.19	1.19	15.0	39.3	129.8							
B	5.66	0.3	1.70	1.70	15.0	39.3	185.5							
C	4.75	0.3	1.43	1.43	15.0	39.3	155.7							
D	0.59	0.3	0.18	0.18	10.0	49.2	24.2							
E	1.01	0.3	0.30	0.30	10.0	49.2	41.4							

# STORM FLOW ANALYSIS - POST-DEVELOPMENT CALCULATION SHEET

PROJECT: Arbutus Neighbourhood      PROJECT #: 0831-020 ENGINEERING COMPA NEWCASTLE ENGINEERING LTD. ADDRESS: #4-3179 BARONS ROAD, NANAIMO ENGINEER: Drew Beiderwieden DRAWING: 0831-020-104							SEAL/ENGINEER'S STAMP			RETURN PERIOD: 10 year DATE: 2021-11-24 DESIGN BY: D. Beiderwieden SHEET:					Mannings Formula $V = (1/n) \times R^{2/3} \times S^{1/2}$ $Q = V \times A$ $n_{PVC} = 0.011$ $n_{CONC} = 0.013$	
Rational Formula: $Q = C \times I \times A \times 2.778$																
Zone	Area (Ha) (A)	Coeff. (C)	Area x Coeff. (AC)	Accum. Ax C	Time of Concent. (min)	Rainfall Concent. (mm/hr) (I)	$Q_{100}$ (l/s)	Diam. (mm) (D)	Design Slope (%) (S)	Installed Slope (%)	Cap. (l/s)	Velocity (m/s) (V)	Length MH to MH (m)	Time of flow- MH to MH (min)		
A	3.96	0.60	2.38	2.38	15.0	39.3	259.6									
B	5.66	0.65	3.68	3.68	15.0	39.3	402.0									
C	4.75	0.40	1.90	1.90	15.0	39.3	207.6									
D	0.59	0.60	0.35	0.35	10.0	49.2	48.4									
E	1.01	0.60	0.61	0.61	10.0	49.2	82.8									



**PRELIMINARY DETENTION VOLUME CALCULATION****METHOD: RATIONAL**

PROJECT: Arbutus Neighborhood

PROJECT #:

0831-020

DESIGNER: DREW BEIDERWIEDEN

ENGINEER:

Drew Beiderwieden

DRAWING: 0831-020-105

TRIBUTARY AREAS: A

Detention Volume (m<sup>3</sup>): 169.6

Duration (min)	Rainfall Concentration (mm/hr)	Q <sub>IN</sub> (L/s)	Average Q <sub>IN</sub> (L/s)	Q <sub>OUT</sub> (L/s)	Volume Detained (m <sup>3</sup> )	Cumulative Detention volume (m <sup>3</sup> )
0	0.0	0.0	0.0	129.8	0	0.0
10	49.2	324.8	162.4	129.8	19.5	19.5
15	39.3	259.6	292.2	129.8	48.7	68.3
20	33.6	221.5	240.6	129.8	33.2	101.5
25	29.7	195.8	208.7	129.8	23.7	125.1
30	26.8	177.1	186.5	129.8	17.0	142.1
35	24.6	162.6	169.9	129.8	12.0	154.1
40	22.9	151.1	156.9	129.8	8.1	162.3
45	21.4	141.6	146.3	129.8	5.0	167.2
50	20.2	133.6	137.6	129.8	2.3	169.5
55	19.2	126.7	130.2	129.8	0.1	169.6
60	18.3	120.8	123.8	129.8	-1.8	167.8
65	17.5	115.6	118.2	129.8	-3.5	164.3
70	16.8	110.9	113.3	129.8	-5.0	159.4
75	16.2	106.8	108.9	129.8	-6.3	153.1
80	15.6	103.1	104.9	129.8	-7.5	145.6
85	15.1	99.7	101.4	129.8	-8.5	137.1
90	14.6	96.6	98.1	129.8	-9.5	127.6
95	14.2	93.7	95.1	129.8	-10.4	117.2
100	13.8	91.1	92.4	129.8	-11.2	105.9
105	13.4	88.7	89.9	129.8	-12.0	94.0
110	13.1	86.4	87.6	129.8	-12.7	81.3
115	12.8	84.3	85.4	129.8	-13.3	68.0

**PRELIMINARY DETENTION VOLUME CALCULATION**  
**METHOD: RATIONAL**

PROJECT: Arbutus Neighborhood  
DESIGNER: DREW BEIDERWIEDEN  
DRAWING: 0831-020-105

PROJECT #: 0831-020  
ENGINEER: Drew Beiderwieden

TRIBUTARY AREAS: B

Detention Volume (m<sup>3</sup>): 315.5

Duration (min)	Rainfall Concentration (mm/hr)	Q <sub>IN</sub> (L/s)	Average Q <sub>IN</sub> (L/s)	Q <sub>OUT</sub> (L/s)	Volume Detained (m <sup>3</sup> )	Cumulative Detention volume (m <sup>3</sup> )
0	0.0	0.0	0.0	185.5	0	0.0
10	49.2	502.9	251.4	185.5	39.5	39.5
15	39.3	402.0	452.4	185.5	80.1	119.6
20	33.6	343.0	372.5	185.5	56.1	175.7
25	29.7	303.2	323.1	185.5	41.3	217.0
30	26.8	274.2	288.7	185.5	31.0	247.9
35	24.6	251.8	263.0	185.5	23.2	271.2
40	22.9	233.9	242.9	185.5	17.2	288.4
45	21.4	219.2	226.6	185.5	12.3	300.7
50	20.2	206.8	213.0	185.5	8.2	308.9
55	19.2	196.2	201.5	185.5	4.8	313.7
60	18.3	187.0	191.6	185.5	1.8	315.5
65	17.5	178.9	183.0	185.5	-0.8	314.8
70	16.8	171.8	175.4	185.5	-3.1	311.7
75	16.2	165.4	168.6	185.5	-5.1	306.6
80	15.6	159.6	162.5	185.5	-6.9	299.7
85	15.1	154.3	156.9	185.5	-8.6	291.1
90	14.6	149.5	151.9	185.5	-10.1	281.0
95	14.2	145.1	147.3	185.5	-11.5	269.5
100	13.8	141.1	143.1	185.5	-12.7	256.8
105	13.4	137.3	139.2	185.5	-13.9	242.9
110	13.1	133.8	135.6	185.5	-15.0	227.9
115	12.8	130.6	132.2	185.5	-16.0	211.9
120	12.5	127.6	129.1	185.5	-16.9	195.0
125	12.2	124.7	126.1	185.5	-17.8	177.2
130	11.9	122.1	123.4	185.5	-18.6	158.5
135	11.7	119.5	120.8	185.5	-19.4	139.1
140	11.5	117.2	118.4	185.5	-20.2	118.9
145	11.2	114.9	116.0	185.5	-20.9	98.1
150	11.0	112.8	113.8	185.5	-21.5	76.6
155	10.8	110.8	111.8	185.5	-22.1	54.4
160	10.6	108.8	109.8	185.5	-22.7	31.7
165	10.5	107.0	107.9	185.5	-23.3	8.4
170	10.3	105.3	106.1	185.5	-23.8	-15.4



**PRELIMINARY DETENTION VOLUME CALCULATION****METHOD: RATIONAL**

PROJECT: Arbutus Neighborhood

PROJECT #:

0831-020

DESIGNER: DREW BEIDERWIEDEN

ENGINEER:

Drew Beiderwieden

DRAWING: 0831-020-105

TRIBUTARY AREAS: C

Detention Volume (m<sup>3</sup>): 22.2

Duration (min)	Rainfall Concentration (mm/hr)	Q <sub>IN</sub> (L/s)	Average Q <sub>IN</sub> (L/s)	Q <sub>OUT</sub> (L/s)	Volume Detained (m <sup>3</sup> )	Cumulative Detention volume (m <sup>3</sup> )
0	0.0	0.0	0.0	155.7	0	0.0
10	49.2	259.7	129.9	155.7	-15.5	-15.5
15	39.3	207.6	233.7	155.7	23.4	7.9
20	33.6	177.1	192.4	155.7	11.0	18.9
25	29.7	156.6	166.9	155.7	3.3	22.2
30	26.8	141.6	149.1	155.7	-2.0	20.2
35	24.6	130.1	135.8	155.7	-6.0	14.3
40	22.9	120.8	125.4	155.7	-9.1	5.2
45	21.4	113.2	117.0	155.7	-11.6	-6.4
50	20.2	106.8	110.0	155.7	-13.7	-20.1
55	19.2	101.3	104.1	155.7	-15.5	-35.6
60	18.3	96.6	99.0	155.7	-17.0	-52.7

**PRELIMINARY DETENTION VOLUME CALCULATION****METHOD: RATIONAL**

PROJECT: Arbutus Neighborhood

PROJECT #:

0831-020

DESIGNER: DREW BEIDERWIEDEN

ENGINEER:

Drew Beiderwieden

DRAWING: 0831-020-105

TRIBUTARY AREAS: D

Detention Volume (m<sup>3</sup>): 12.8

Duration (min)	Rainfall Concentration (mm/hr)	Q <sub>IN</sub> (L/s)	Average Q <sub>IN</sub> (L/s)	Q <sub>OUT</sub> (L/s)	Volume Detained (m <sup>3</sup> )	Cumulative Detention volume (m <sup>3</sup> )
0	0.0	0.0	0.0	24.2	0	0.0
10	49.2	48.4	24.2	24.2	0.0	0.0
15	39.3	38.7	43.5	24.2	5.8	5.8
20	33.6	33.0	35.8	24.2	3.5	9.3
25	29.7	29.2	31.1	24.2	2.1	11.4
30	26.8	26.4	27.8	24.2	1.1	12.4
35	24.6	24.2	25.3	24.2	0.3	12.8
40	22.9	22.5	23.4	24.2	-0.2	12.5
45	21.4	21.1	21.8	24.2	0.7	11.8
50	20.2	19.9	20.5	24.2	-1.1	10.7
55	19.2	18.9	19.4	24.2	-1.4	9.3
60	18.3	18.0	18.4	24.2	-1.7	7.5
65	17.5	17.2	17.6	24.2	-2.0	5.6
70	16.8	16.5	16.9	24.2	-2.2	3.4
75	16.2	15.9	16.2	24.2	-2.4	1.0
80	15.6	15.4	15.6	24.2	-2.6	-1.6



**PRELIMINARY DETENTION VOLUME CALCULATION****METHOD: RATIONAL**

PROJECT: Arbutus Neighborhood

PROJECT #:

0831-020

DESIGNER: DREW BEIDERWIEDEN

ENGINEER:

Drew Beiderwieden

DRAWING: 0831-020-105

TRIBUTARY AREAS: E

Detention Volume (m<sup>3</sup>): 21.9

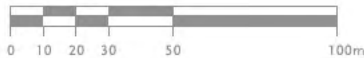
Duration (min)	Rainfall Concentration (mm/hr)	Q <sub>IN</sub> (L/s)	Average Q <sub>IN</sub> (L/s)	Q <sub>OUT</sub> (L/s)	Volume Detained (m <sup>3</sup> )	Cumulative Detention volume (m <sup>3</sup> )
0	0.0	0.0	0.0	41.4	0	0.0
10	49.2	82.8	41.4	41.4	0.0	0.0
15	39.3	66.2	74.5	41.4	9.9	9.9
20	33.6	56.5	61.4	41.4	6.0	15.9
25	29.7	49.9	53.2	41.4	3.5	19.5
30	26.8	45.2	47.6	41.4	1.8	21.3
35	24.6	41.5	43.3	41.4	0.6	21.9
40	22.9	38.5	40.0	41.4	-0.4	21.5
45	21.4	36.1	37.3	41.4	1.2	20.2
50	20.2	34.1	35.1	41.4	-1.9	18.3
55	19.2	32.3	33.2	41.4	-2.5	15.9
60	18.3	30.8	31.6	41.4	-3.0	12.9
65	17.5	29.5	30.1	41.4	-3.4	9.5
70	16.8	28.3	28.9	41.4	-3.8	5.8
75	16.2	27.2	27.8	41.4	-4.1	1.7
80	15.6	26.3	26.8	41.4	-4.4	-2.7



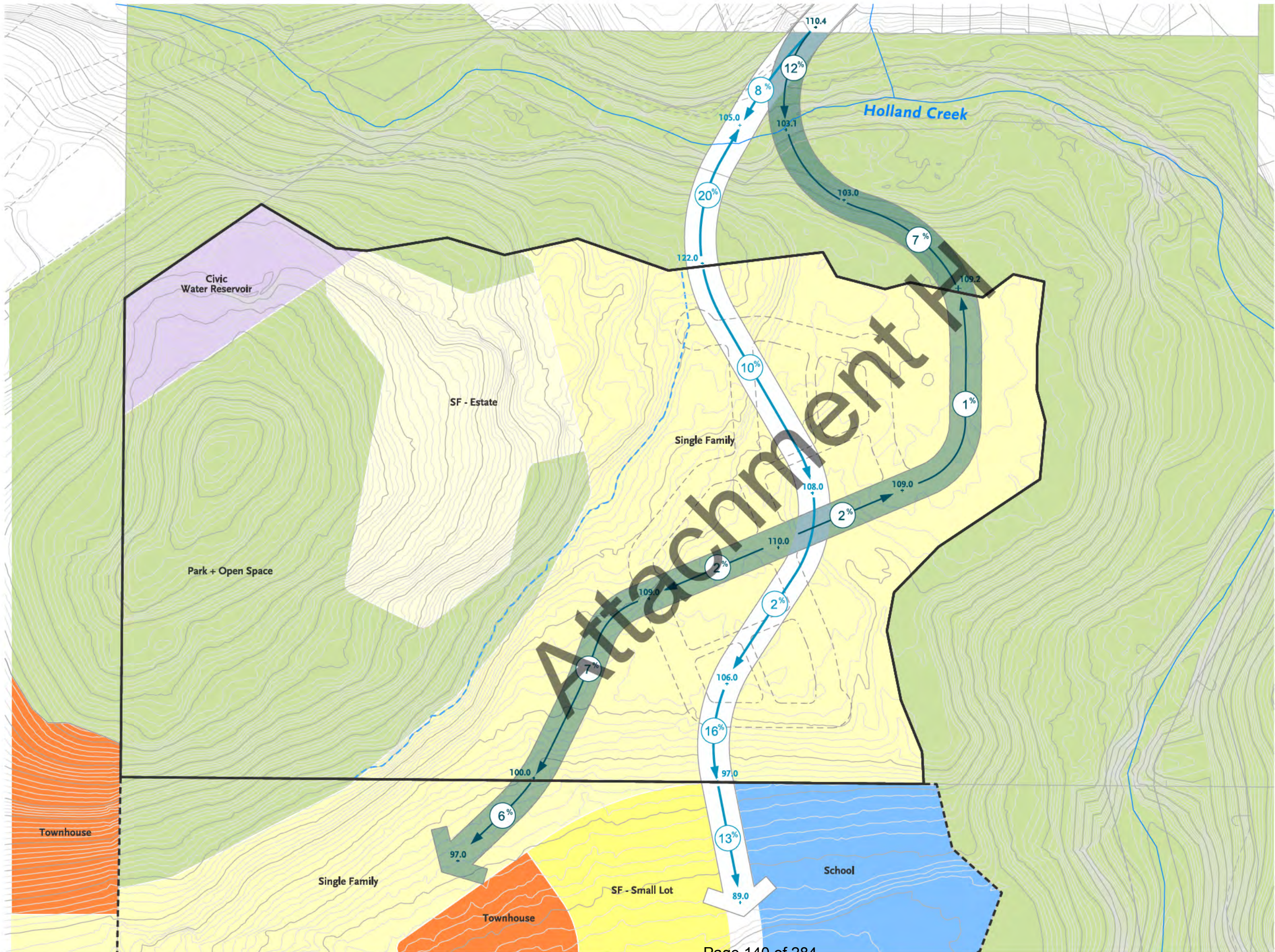
COLLECTOR ALIGNMENT  
COMPARISON

LEGEND JANUARY 2021

- Site Boundary  
17.80 ha / 43.98 ac
- Adjacent Site Boundary
- 5m Contour Interval
- 1m Contour Interval
- Watercourse
- EL120m Service Boundary
- Holland Creek Local Area Plan / OCP
  - ### Conceptual Construction Elevations
  - ##% Conceptual Road Grade
- EKISTICS Preliminary Design
  - ### Proposed Collector Construction Elevations
  - ##% Proposed Collector Road Grade
  - Proposed Local Road



EKISTICS





ZONING PLAN +  
OCP LAND USE OVERLAY

LEGEND APRIL 2022

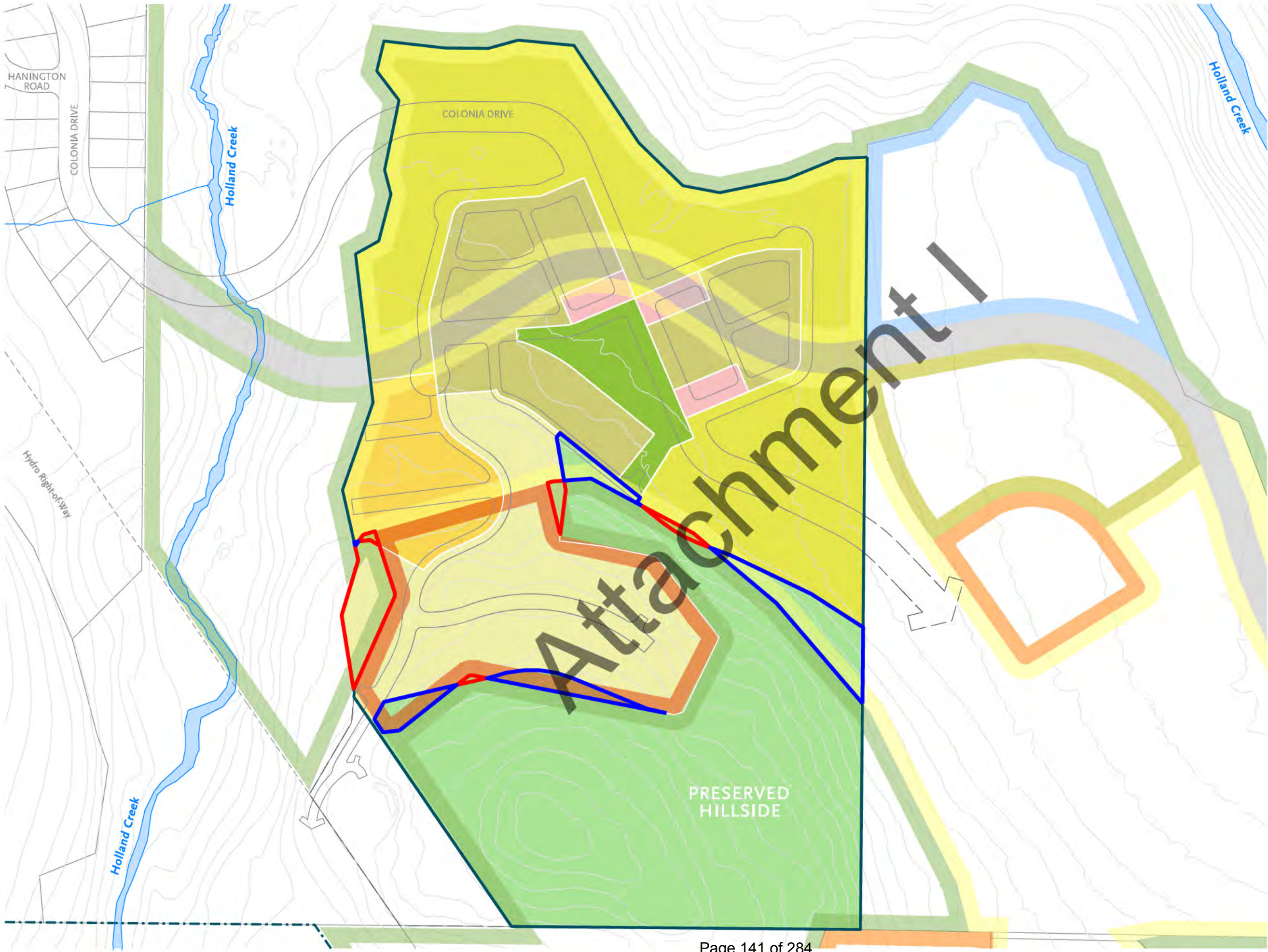
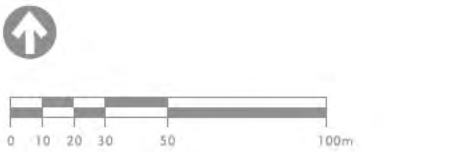
- Site Boundary 16.95 ha / 41.88 ac
- Municipal Boundary
- Land Use Change Line
- Future Access Road ROW
- 5m Contour Interval
- Watercourse

- OCP LAND USE
- Single-Family
  - Small-Lot Single-Family
  - Multi-Family
  - Estate Single-Family
  - School / Institutional
  - Park and Open Space
  - Main Road - Collector

PROPOSED ZONING

15%	R-1-A	Single Dwelling Residential	2.64 ha / 6.50 ac
29%	R-1-B	Single Dwelling Residential	4.94 ha / 12.21 ac
13%	R-1-C	Single Dwelling Residential	2.15 ha / 5.31 ac
2%	R-3	Multiple Units Dwelling	0.87 ha / 2.15 ac
5%	C-1	Local Commercial	0.27 ha / 0.67 ac
3%	P-2	Park and Recreation	0.52 ha / 1.28 ac
33%	P-3	Nature Park	5.57 ha / 13.76 ac
100%			16.95 ha / 41.88 ac

- Encroachment to Park Land Use 0.24 ha / 0.58 ac
- Unused Developable Land Use 0.46 ha / 1.13 ac





**From:** [O'Regan, Sacha FLNR:EX](#)  
**To:** [Jake Belobaba](#)  
**Cc:** [Christina Hovey](#); [Upham-Mills, Emily FLNR:EX](#); [Telfer, Kevin FLNR:EX](#)  
**Subject:** RE: Town of Ladysmith Development Referral: Holland Heights. File: 3360-21-08  
**Date:** March 22, 2022 4:00:24 PM

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Hi Jake,

Thank you for the opportunity to comment on this development. I will also take this opportunity to introduce myself and Emily (cc'd), two Ecosystem Biologists at MFLNRORD who joined the team this year. Our work focuses on urban/rural land use management and, as part of that, we review municipal referrals.

We have two main concerns with regards to the Lot 5 Holland Creek development. First, we strongly recommend not allowing development of provincially red-listed ecosystems (in this case, the Douglas-fir/Arbutus ecosystem). In keeping with the Green Bylaws Toolkit and the stance of the Coastal Douglas-fir Conservation Partnership, we recommend that Ladysmith alternatively increase housing density elsewhere within the parcel or other cleared parcels to meet housing supply targets. This alternative would showcase that Ladysmith values the land within its OCP urban containment boundary as a limited and important natural asset and that the town's housing needs can be met without unnecessarily destroying provincially rare at-risk ecosystems.

Second, we note on page 11 of the referral, titled 'A New Connection', that between Lot 5 and the remainder of the Holland Creek Development, the town plans to have three stream crossings over Pacific salmon bearing streams or tributaries to salmon bearing streams. It is best practice to minimize the number of stream crossings to minimize impacts on fish habitat and to preserve riparian forest. As such, we recommend investigating whether the road can be realigned so that it runs adjacent to or perhaps even within the existing right-of-way. That would avoid riparian forest loss along an additional section of Heart Creek and the unnamed tributary to Heart Creek further to the east. Beyond its value to fish and wildlife, riparian forest mitigates impacts of climate change and mediates the effects of high and low flows from extreme precipitation events and drought, which are increasing in frequency and severity with climate change.

Beyond those two primary concerns, if not already stated in the Environmental Assessment by Corvidae Environmental Consulting, the conditions below should also be met:

- A qualified environmental monitor should be on-site during construction works around waterbodies and any forest clearing.
- The qualified environmental monitor should inspect and ensure that heavy machinery is clean of soil and debris before beginning works to reduce spread of invasive plant species.
- The developer should remove all invasive plants introduced by construction activities for a period of at least five years, to ensure that the costs of invasive plant control do not fall on the town and taxpayers.
- Maintain a minimum 30 m setback around all streams in the Holland Creek watershed. RAPR assessments deal with impacts to fish bearing waters and waters that drain into fish bearing habitat, and so note that riparian buffer widths that may be satisfactory with regards to meeting the requirements of the *Riparian Areas Protection Act* do not always adequately mitigate impacts to other non-fish wildlife protected under the *Wildlife Act* or *Species at Risk Act*.



- Avoid ground disturbance during winter, which may result in harm or mortality to overwintering amphibians. A qualified environmental professional should conduct a search and salvage for amphibians prior to the developer clearing vegetation. A *Wildlife Act* permit will be required for the salvage.
- Vegetation clearing should be completed outside the bird nesting period from March 1 to August 31 to reduce impacts on bird species. A search for the nests of birds (eagles, peregrine falcons, gyrfalcon, ospreys and herons) protected under Section 34(b) of the *Wildlife Act* should be conducted before the start of vegetation clearing. Should the nest of a bird requiring protection under Section 34(b) of the *Wildlife Act* be located, please refer to the recommended buffer distances in Table 4.1 (Section 4) of *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* (<https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/laws-policies-standards-guidance/best-management-practices/develop-with-care>).
- Follow other relevant best management practices in *Develop with Care*.
- Employ an erosion and sediment control plan.
- Meet all requirements of the *Water Sustainability Act*.
- At road stream crossings, install directional fencing to direct amphibian movement under the crossing structures to ensure that amphibians do not experience road mortality as they travel. Refer to the provincial guidelines in the 2020 Guidelines for Amphibian and Reptile Conservation During Road Building and Management Activities in British Columbia for information about effective design and materials (<http://a100.gov.bc.ca/pub/eirs/finishDownloadDocument.do?subdocumentId=15141>).
- Ensure that this development and any future development in adjoining parcels are designed such that they preserve a continuous forested wildlife corridor to allow wildlife movement.

Feel free to get in touch if you would like to discuss any of these comments.

Cheers,

Sacha

Sacha O'Regan, MSc, RPBio

Ecosystems Biologist

West Coast Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

2080 Labieux Road

Nanaimo BC V9T 6J9

Email: [Sacha.O'Regan@gov.bc.ca](mailto:Sacha.O'Regan@gov.bc.ca)



## VICTORIA LAND TITLE OFFICE

**LAND TITLE ACT**  
**FORM C (Section 233) CHARGE**

Jun-12-2018 12:09:07.009

CA6857592 CA6857593

GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 21 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Brian James  
 Senini IAT7J9

Digitally signed by Brian  
 James Senini IAT7J9  
 Date: 2018.06.12  
 10:11:30 -07'00'

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Mary Lynn Shiels, Legal Assistant for  
 BRIAN J. SENINI LAW CORPORATION  
 30 FRONT STREET, P.O. BOX 190  
 NANAIMO BC V9R 5K9

File No. 217102  
 Tel: (250) 754-1234  
 Town of Ladysmith File: 3320-16-05  
 Type: Subdivision Covenant

Document Fees: \$143.16

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:  
 [PID] [LEGAL DESCRIPTION]

**030-139-520 LOT A, BLOCK 192, DISTRICT LOT 103, OYSTER DISTRICT, PLAN EPP63594  
 EXCEPT PLAN EPP67741 AND PLAN EPP75579**

STC? YES ☐

3. NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION  
**SEE SCHEDULE**

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

**0963984 B.C. LTD. (INC. NO. BC0963984) AND EDJ PROJECTS INC. (INC. NO. BC0885538)  
 (AS TO PRIORITY)**

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

**TOWN OF LADYSMITH**

410 ESPLANADE  
 LADYSMITH

BRITISH COLUMBIA  
 CANADA

V9G 1A2

7. ADDITIONAL OR MODIFIED TERMS:  
 N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Brian J. Senini  
 Barrister & Solicitor  
 30 Front Street, PO Box 190  
 Nanaimo, BC V9R 5K9  
 Tel: (250) 754-1234

Execution Date

Y	M	D
18	05	22

Transferor(s) Signature(s)

0963984 B.C. LTD. by its authorized  
 signatory:

JIM DICKINSON

## OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.



**LAND TITLE ACT  
FORM D**

**EXECUTIONS CONTINUED**

PAGE 2 of 21 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

\_\_\_\_\_  
Brian J. Senini  
Barrister & Solicitor  
30 Front Street, PO Box 190  
Nanaimo, BC V9R 5K9  
Tel: (250) 754-1234

Y	M	D
18	05	01

AS TO PRIORITY:

EDJ PROJECTS INC. by its authorized  
signatory:

\_\_\_\_\_  
Michele Dianne Jager

\_\_\_\_\_  
Erin Anderson  
Commissioner for Taking Affidavits in British Columbia  
410 Esplanade  
Ladysmith, BC V9G 1A2

18	06	11
----	----	----

Transferee's Signature:

TOWN OF LADYSMITH by its  
authorized signatories:

\_\_\_\_\_  
Mayor: Aaron Stone

\_\_\_\_\_  
Director of Legislative Services:  
Guillermo Ferrero

**OFFICER CERTIFICATION:**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.



FORM\_E\_V24

**LAND TITLE ACT  
FORM E****SCHEDULE**

PAGE 3 OF 21 PAGES

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

Section 219 Land Title Act

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Priority Agreement

granting the Covenant with one registration number  
less than this Priority Agreement priority over  
Mortgage CA6326700

Page 21, para 1 and 2

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION



## TERMS OF INSTRUMENT - PART 2

---

### 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 adopted Official Community Plan Amendment Bylaw, 2016, No. 1911 being an amendment to the Official Community Plan to approve a new Holland Creek Local Area Plan to guide the creation of a new neighbourhood;
- D. On June 27, 2017 the Town adopted 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;
- E. The developer has applied for approval to subdivide part of PID 030-139-520 LOT A BLOCK 192 DISTRICT LOT 103 OYSTER DISTRICT PLAN EPP63594 EXCEPT PLAN EPP67741 (the "Parent Parcel") to create 20 fee simple titles (the "Initial Parcels") and the Lands, being the Remainder as the first phase of a multi-phase subdivision of the Parent Parcel.
- F. The Owner and the Town acknowledge that it is in the public interest that development and use of the Lands be limited and that certain development requirements, which the Owner has freely agreed to grant, be secured by agreement, and the Owner 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*.
- G. The Transferor acknowledges that the Transferee is in the process of planning for the implementation of a comprehensive plan to facilitate the development and servicing of the Lands, together with adjacent lands and has agreed that this Covenant is necessary to provide for the proper future development and servicing of the Lands.
- H. 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**

1.1 In this Agreement the following words have the following meanings:

- (a) **"Hydro Right of Way"** means the statutory right of way with registration number EB73744, in favour of the British Columbia Hydro and Power Authority, being the Part shown in red on Plan 3253 RW, containing 2.452 hectares;
- (b) **"Local Area Plan"** means the Holland Creek Local Area Plan which is attached as Schedule "C" to the OCP;
- (c) **"Neighbourhood"** means the area within the boundaries of the Lands, Lot A, District Lot 110, Oyster District, Plan VIP75849, and Lot 5, Block 1399, Oyster District, Plan VIP75559, Except Part in Plan VIP82328; or any parcels into which they may be subdivided;
- (d) **"OCP"** means the Town of Ladysmith Official Community Plan Bylaw No. 1488, as amended from time to time.

1.2 In this Agreement a reference to a road shall be a reference to a road in the approximate location identified on the Plan attached to this Agreement as Schedule A, to be constructed as part of the subdivision and development of the Lands.

## **2. Restrictions on Use and Development:**

2.1 The Transferor covenants and agrees with the Transferee that it shall not subdivide the Lands except in strict accordance with this Agreement.



### **3. Preconditions of Subdivision and Development:**

#### **Local Site Triggers**

- 3.1 The Transferor may subdivide and develop those parts of the Lands shown on the proposed subdivision layout plan of Schedule "A", provided that the following conditions are met:
- (a) With respect to the area set out in Area B on Schedule A, where the Transferor has constructed or secured, to the reasonable satisfaction of the Approving Officer, the following:
    - (i) a connection from Road B onto the Hydro Right of Way for emergency vehicle access.
  - (b) With respect to the area set out in Area C on Schedule A, where the Transferor has constructed or secured, to the reasonable satisfaction of the Approving Officer, the following:
    - (i) Road B, including the north crossing over Heart Creek, from the intersection of Road B with Road A to the boundary of Lot A, District Lot 110, Oyster District, Plan VIP75849; and
    - (ii) a connection from the end of the constructed Road G onto the Hydro Right of Way for emergency vehicle access.
  - (c) With respect to the area set out in Area D on Schedule A, the Transferor has to the reasonable satisfaction of the Approving Officer, the following:
    - (i) dedicated and constructed, or dedicated and provided security for construction of, Road G over Heart Creek (south crossing); and
    - (ii) dedicated and constructed, or dedicated and provided security for construction of, a connection from the end of Road G onto the Hydro Right of Way for emergency vehicle access.

#### **Neighbourhood Cumulative Triggers**

- 3.2 Despite anything in this Agreement the Transferor shall not subdivide the Lands (including, for certainty, a subdivision of Area A) where such subdivision would result in the creation of parcels in the Neighbourhood allowing for development of:
- (a) more than 250 dwelling units, unless it has constructed a left turn lane into the Lands from Dogwood Drive in accordance with policy 9.2.11 of the Local Area Plan;
  - (b) more than 610 dwelling units, unless it has constructed and completed off-site municipal sanitary sewer infrastructure improvements as set out in the report dated March 19, 2015 prepared by Newcastle Engineering Ltd.



entitled "Rezoning Application Site Service Report" attached to this Covenant as Schedule B;

- (c) more than 600 dwelling units, unless it has constructed and completed a highway to access the Lands from Colonia Drive in accordance with policy 9.2.1 of the Local Area Plan; and
- (d) more than 900 dwelling units, unless it has completed construction of the highway to access the Lands from Thetis Drive in accordance with policy 9.2.1 of the Local Area Plan

or has made arrangements satisfactory to the Transferee in its sole discretion for the completion of such infrastructure, including obtaining all necessary dedications or rights of way and the securing of the obligation to construct and provide works under this section through deposit of a standby irrevocable letter of credit sufficient to secure the cost of completion of the works.

3.3 Section 3.1(b)(i) does not apply to the extent that:

- (a) the costs of constructing Road B are included by the Transferee in its Development Cost Charge Bylaw and the Transferor has paid, or has agreed (including by way of agreement under section 511(3) of the *Local Government Act*) to pay a development cost charge that includes such cost; and
- (b) no part of Road B is required as road frontage in connection with the development of any part of the Lands.

3.4 Section 3.1 does not apply within that part of the Lands shown as "Area A" on Schedule A.

3.5 Nothing in this section shall be interpreted as fettering the discretion of the Approving Officer with respect to any requirements for works and services required in relation to a subdivision of the Lands, beyond those referred to in this Covenant.

**4. Indemnity**

4.1 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.



**5. Release**

5.1 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.

**6. Priority**

6.1 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.

**7. No Prejudice to Public Rights**

7.1 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.

**8. Discharge**

8.2 The Transferee agrees that it shall at the request and cost of the Transferor discharge this covenant as regards one or more parcels of land where the parcels are included within a subdivision and the Transferor has completed the servicing in respect of that subdivision.

**9. Time**

9.1 Time is of the essence of this Agreement.

**10. Enurement of Obligations**

10.1 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.



**11. No Representations by Transferee**

- 11.1 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.

**12. Reimbursement of Transferor's Costs**

- 12.1 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.

**13. No Waiver**

- 13.1 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.

**14. Interpretation**

- 14.1 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.

**15. Remedies Cumulative**

- 15.1 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.

**16. Enforcement Discretion**

- 16.1 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.

**17. Covenants Run with the Land**

- 17.1 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.



**18. Further Assurances**

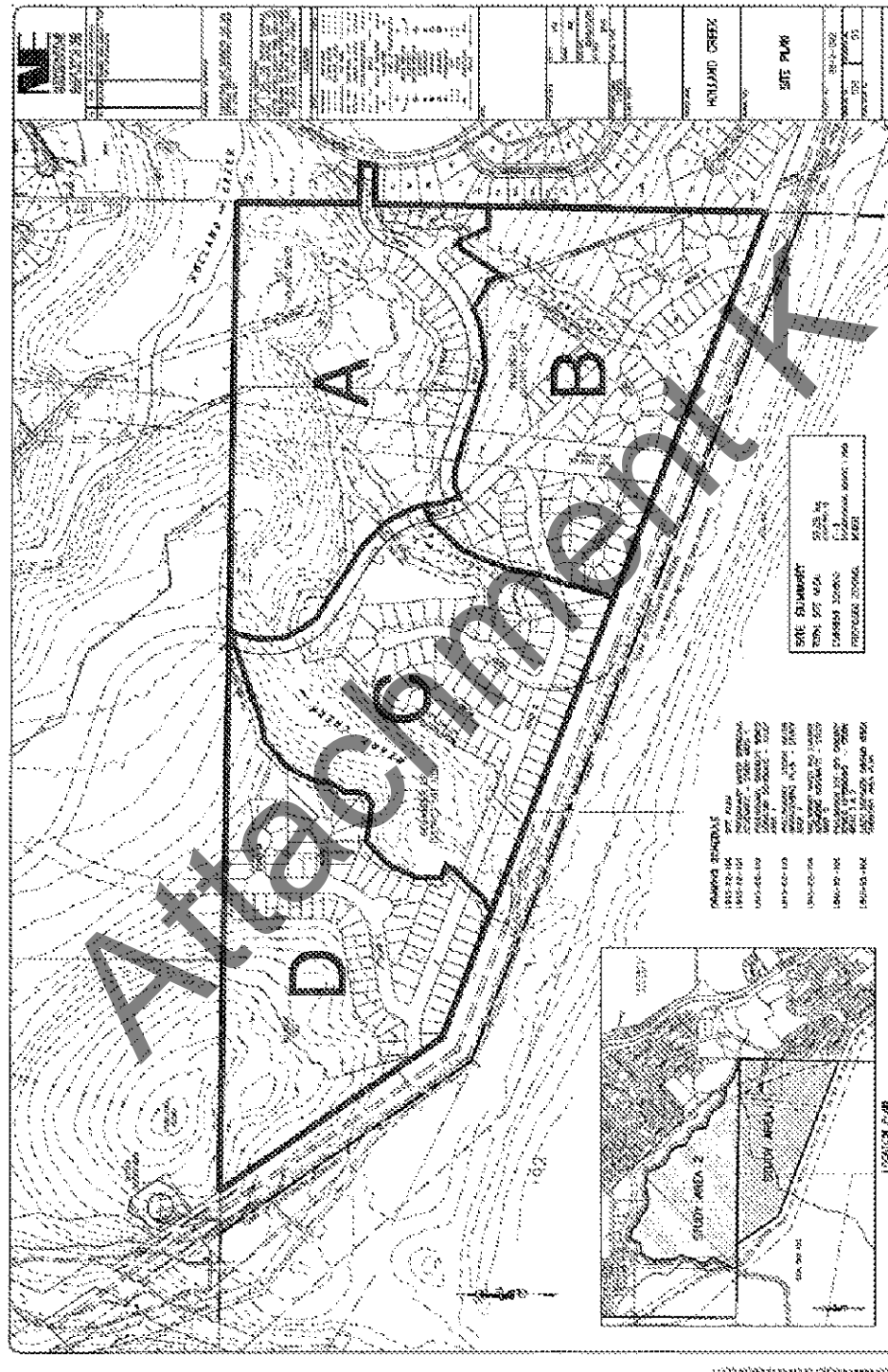
- 18.1 The Transferor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
- 18.2 If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
- 18.3 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 18.4 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.

Attachment



**SCHEDULE A**  
**Plan of Proposed Subdivision – Phase 1**





## SCHEDULE B Rezoning Application Site Service Report



**NEWCASTLE  
ENGINEERING LTD.**

#4-3179 BARONS ROAD, NANAIMO, B.C. V9T 5W5

PHONE: (250) 756-9553 FAX: (250) 756-9503

March 19, 2015

L845-02

Glencar Consultants Inc.  
**Attention: Glen Carey**  
6774 Dickinson Road,  
Lantzville, BC  
V9V 1A2

Dear Mr. Carey

**RE: REZONING APPLICATION SITE SERVICING REPORT FOR THE PROPOSED  
DEVELOPMENT OF LOT 1, D.L. 103, OYSTER DISTRICT, PLAN 34532;  
REMAINDER DISTRICT LOT 103, OYSTER DISTRICT, EXCEPT PART COLOURED  
RED SHOWN ON PLAN DEPOSITED UNDER DD3900 AND EXCEPT PART IN PLAN  
34532; BLOCK 192, OYSTER DISTRICT.**

### 1. INTRODUCTION

Newcastle Engineering Ltd was retained to conduct a servicing study for a portion of the area outlined by the Town of Ladysmith in Holland Creek Area Plan (HCAP). The HCAP is composed of several properties of which only three are included in this rezoning application. However the remaining two lots within the HCAP will require servicing through the properties in the rezoning application. Therefore the area under review will be defined as Study Area 1, the lots included for rezoning and Study Area 2, the remaining two lots that will require serving through Study Area 1 but are not included in the rezoning application, see drawing L845-02-100 in Appendix 1 for a site plan showing Study Area 1 and 2.

Properties included in Study Area 1 (SA1) are Lot 1, D.L. 103, Oyster District, Plan 34532 as well as Remainder District Lot 103, Oyster District, except part coloured red shown on plan deposited under DD3900 and except part in Plan 34532 and finally Block 192, Oyster District.

Study Area 2 (SA2) borders SA1 to the north is comprised of Lot A, District Lot 110E&N, Oyster District, Plan VIP75849 and Remainder Lot 5, Plan VIP75559, Oyster District these properties make up the remainder of the Holland Creek Area Plan, Holland Creek forms the north boundary of SA2.

Bordering the SA1 to the east is an area of existing single family residential lots off of Dogwood Drive and the Town of Ladysmith boundary forms the south limit of SA1.

Currently SA1 is zoned F-1 Forestry and is comprised of forested areas and recently



logged sections. A detailed description of the existing vegetation can be found in report titled "Bio-inventory Of Northern Portions of District Lot 103E&N and Block 192, Oyster District, Ladysmith" by Toth and Associates dated December 15, 2013.

The properties within SA1 are intended for rezoning to create a mix of R-1-A single family residential, R-3-A low density residential, commercial area and park/green space. Each of the residential and commercial lots will be provided with a municipal water, sanitary and storm service.

## 2. WATER DISTRIBUTION

### 2.1. EXISTING INFRASTRUCTURE

The town of Ladysmith has two sources for their water supply the first being the Stocking Lake reservoir and secondary intake structure on Holland Creek. Both sources feed into the reservoir located on the Arbutus Hump prior to distribution throughout the Town. The Top Water Level of the Arbutus Hump reservoir is 163m. The TWL of the Arbutus Hump reservoir and the topography of the Town of Ladysmith necessitate that there are several pressure zones within the distribution system.

In the vicinity of the SA1 there is an existing distribution main running along Dogwood Road and both a supply and distribution mains running through a right of way along the south boundary of SA1. The existing main located in Dogwood Drive is within a pressure zone that has a hydraulic grade line of 113m which limits domestic connections to this zone to an elevation at or below 85m. The distribution main located along the south boundary of the study area has a HGL of 158m which limits domestic connects to an elevation at or below 130m of elevation.

### 2.2. POPULATION PROJECTIONS

The population projections for the subject area are based on the information provided by Glencar Consulting Inc. and the respective property owners for SA2 regarding the number of proposed unit counts for each property. A value of 2.3 people per unit was used in calculating the projected population for residential units within the both SA1 and SA2 and a population density of 50 people per hectare was utilized for proposed commercial areas. The table below summarizes the unit distribution per study area and the projected population at total build out.

**Table 1: Population Projections**

Area	Lots	R-1-A Single Family Residential (units)	R-3-A Low Density Residential (units)	Commercial (ha)	Population Density (ppu)	Population Density (ppha)	Total Population
SA1	Lot 1, D.L. 103 and Block 192	300	310	0.3	2.3	50	1418
SA2	Lot A	176	-	-	2.3	-	405
	Rem. Lot 5	225	-	-	2.3	-	518



### 2.3. WATER DEMAND PROJECTIONS

Based on information taken from the "Town of Ladysmith /Saltair Water Supply & Distribution Preliminary Design, Final Report" dated July 18, 2003 by Earth Tech water Quality & Treatment the per capita demands are calculated to be:

Average Day Demand (ADD) = 482 lpcd  
Maximum Day Demand (MDD) = 1,019 lpcd  
Peak Hour Demand (PHD) = 2,030 lpcd

Using the above per capita demand values with the population projections for both study area's the calculated water demand are:

**Table 2: Water Demand Projections**

Area	Lots	Average Day Demand (lps)	Maximum Day Demand (lps)	Peak Hour Demand (lps)
SA1	Lot 1, D/L 103 & BLOCK 192	7.9	16.7	33.3
SA2	LOT A	2.3	4.8	9.5
	REM. LOT 5	2.9	6.1	12.2

### 2.4. FIRE DEMAND CRITERIA

Fire demand criteria within the study area is as per the Town of Ladysmith Engineering Standards and Specifications Manual section 4A which requires that fire demand be in accordance with the "Water Supply for Public Fire Protection" as published by the Fire Underwriter's Survey. Fire demand calculations using the Fire Underwriter's Survey are a function of the building size, type and location and as such it will be necessary to calculate the worst case demand within a given area at the detailed design stage.

### 2.5. WATER DEMAND CRITERIA

Design criteria for SA1 and SA2 are from the Town of Ladysmith Engineering Standards and Specifications Manual section 4A. Any proposed water system upgrades must be able to meet these requirements under various demand scenarios. The criteria for adequate system design are:

Maximum desired Static Pressure = 700kPa (100psi)  
Minimum Pressure – PHD = 275 kPa (40psi)  
Minimum Pressure – MDD + Fire at hydrant = 140 kPa (20psi)  
Minimum Static Pressure at building site = 275 kPa (40psi)

### 2.6. PROPOSED DISTRIBUTION NETWORK

The existing ground elevation in SA1 ranges from approximately 15m in the northeast corner to 175m in the west corner. Therefore portions of SA1 will be within both the existing low and high pressure zones and two separate distribution systems will be required to service SA1. Any future buildings below 85 meters in elevation will be serviced by a proposed low pressure system that will connect to the existing distribution main located on Dogwood Drive. In general this system will service lots in the northeastern side of SA1, refer to the schematic servicing drawing L845-02-101 found in the Appendix 2. The proposed low pressure distribution main within SA1 will be designed as per the Town of Ladysmith Engineering Standards and Specifications



Manual distribution system requirements including loops and an extension to the boundary with SA2. Confirmation of preliminary sizing and configuration of mains associated with the low pressure system will be required during detailed design. When development of SA2 proceeds a connection to the low pressure main on SA1 will allow for the servicing portions of SA2 that are below 85m in elevation.

A high pressure distribution system will be required to service areas of SA1 and SA2 between 85m and 130m. Two connections to the existing high pressure distribution main that runs along the south boundary of SA1 will be made to facilitate the effective looping of the watermain. The proposed high pressure distribution main will be designed to allow for its extension through SA2 in order to service those properties and complete a secondary loop to the existing main near Colonia Drive. Confirmation of sizing and configuration of mains associated with the high pressure system will be required during detailed design.

At this time sections of SA1 or SA2 that are above 130m cannot be serviced from the existing town of Ladysmith water system without the addition of booster pumps.

### 3. SANITARY SEWAGE

#### 3.1. EXISTING INFRASTRUCTURE

The Town of Ladysmith has a waste water treatment plant, located at the south end of Oyster Cove Road, which is the terminus for the sanitary sewage collection system. The sanitary sewage collection system has two main tributary areas with Holland Creek forming the boundary between the northern and southern areas. As the study area is located completely within the tributary area south of Holland Creek no examination of the sanitary sewer system in the northern tributary areas is required. Sanitary drainage south of Holland Creek is collected mainly by a gravity sewer system with an area north of the Trans-Canada highway being serviced by a force main. The connection point for the sanitary force main to the gravity main is approximately 160m south east of the intersection of Davis Road and the Trans-Canada Highway. All of the sanitary effluent is directed to a trunk main located along the TransCanada Highway which flows to the northwest and feeds into the waste water treatment facility.

Sanitary effluent from the study area will be through a new main that drains SA1 and SA2 east to Dogwood Drive with a connection to the existing system at manhole J60 refer to drawing L345-02-105 in Appendix 3 for details of the existing on-site sanitary sewer system. The existing sanitary mains then runs through the Ladysmith golf course before turning to the south east and connecting with the main on Davis Road.

#### 3.2. SANITARY SEWER FLOWS

Sewage flows were calculated as per the Town of Ladysmith Engineering Standards and Specifications section 5A and the completed sanitary sewer flow calculation sheet can be found in Appendix 4. Catchment areas used in this calculation are as outlined in drawing L345-02-106 found in Appendix 5 and are based on zoning as outlined by the Town of Ladysmith Zoning Bylaw 1160 and its accompanying map found in 'Schedule A' to the bylaw. As the area serviced by the force main is relatively small compared to the total South Ladysmith sanitary sewer tributary area the flow contribution from this area was calculated in the same manner as areas contribution by gravity sewer. Population



density from section 5A were used to assign a density to each zoning type found in the south Ladysmith sanitary sewer tributary area and are shown in Table 3.

**Table 3: Population Density per Zoning Type**

Zoning	Description	Density (People per hectare)
R-1	Suburban Residential	36
R-1-A	Medium Density Residential	45
R-2	Urban Residential	40
R-2-A	Residential	40
R-3	Multi-Family Residential	100
R-3-A	Medium Density Residential	65
R-3-B	Low Density Residential	48
C-1	Local Commercial	50
C-2	General Commercial	40
C-3	Highway/Service Commercial	40
CD-1	Comprehensive Development	50
I-1	Light Industrial	40
I-2	Heavy Industrial	36
P-1	Institutional	50
P-2	Parks	0

In developed single family residential areas the actual developed lots were counted and a density of 2.3 people per lot was used to calculate the area population. For areas where there was a mix of developed single family lots and parcels that are zoned residential but not currently developed to the limit of the allowable density, the underdeveloped area was multiplied by the appropriate density per area as outlined in Table 3. An equivalent population was then calculated for each area for use in determining the average wet weather flow.

### 3.3. SANITARY SEWERAGE FLOW ANALYSIS RESULTS

The capacity of the existing pipe system was evaluated under two scenarios: total build out of SA1 and total build out of the all properties in the Holland Creek Area Plan (SA1 and SA2). The flows generated from these two scenarios were added to the base flow from all properties in the south Ladysmith tributary area based on build out of those areas under their present zoning. For both scenarios the capacity of the existing system was evaluated from the proposed connection at manhole J60 through to the waste water treatment plant; please refer to drawing L845-02-105 for the location of the existing sanitary sewer system. The calculation results for both scenarios can be found in Appendix 4. Under the first scenario the existing sanitary sewer system downstream from the connection point at J60 has sufficient capacity to convey the additional flows generated by the development of SA1.

Under the second scenario the anticipated flows from the total build out of SA1 and SA2 would be greater than the capacity of some of the downstream sections of the existing sanitary system. In particular the section of the existing system from manhole J60 to H10 would have insufficient capacity. Downstream from manhole H10 the existing



system has the required capacity to accommodate the additional flows from both SA1 and SA2.

#### 3.4. PROPOSED SANITARY SEWER SYSTEM

The onsite sanitary sewer system will be a gravity system and will be designed as per the town of Ladysmith's Engineering Standards and Specifications section 5A. A schematic plan for the sanitary sewer system in SA1 has been prepared and can be found in Appendix 6. Pipe size and location are to be confirmed during detailed design. The sanitary main will extend through SA1 to the boundary of SA2 to allow for future connection of properties in SA2 to the system, see drawing L345-02-104 in Appendix 7.

Offsite improvements for flow generated from scenario 1 will include extension of mains from SA1 across Dogwood Drive to tie to existing manhole J60. This main will be sized to accommodate the ultimate flow condition of total build out of SA1 and SA2, refer to Appendix 3 for details of offsite improvements.

Once the total build out of SA1 flow condition is reached the commencement of SA2 will trigger the need for some upgrades of the existing system downstream from J60. When the upgrades are required we would propose replacing the existing 200mm main with a 250mm main from manhole J60 to J20. At manhole J20 we propose routing the sanitary main to the north between Holland Creek and the existing Coronation Mall and connecting back into the existing system at manhole TLS 90. This would eliminate the need to work within the Davis Road corridor. The section of sanitary main from manhole J20 to J10 would be abandoned.

#### 4. STORMWATER

##### 4.1. EXISTING DRAINAGE CONDITIONS

The topography of SA1 slopes generally from the south west down to the north east with the high point of SA1 being the shoulder of Arbutus Hump in the west corner of the property. Heart Creek and 2 other streams, Tributary 1 and Tributary 2 incise SA1, see the report by D.R. Clough Consulting titled "Holland Creek Watershed, Ladysmith BC, Environmental Assessment" dated March 20, 2013 for details regarding the three streams. The three streams are characterized by narrow channels and deep, steep sided ravines ranging in depth up to 25m. All three streams enter SA1 by crossing the hydro right of way that parallels the south boundary of SA1 and then flow generally from the south west to the north east across SA1 and are tributary to Holland Creek. Holland Creek and Heart Creek are fish bearing waterways and contain flow year round. Tributary 1 and 2 contain perennial flows and while they are non-fish bearing both tributaries discharge directly to Holland Creek just to the north of the study area. Improvements have been made to Holland Creek for habitat restoration and in particular salmon spawning features have been added to the creek. These improvements include constructed side channels and placement of wood debris. The improvements have been installed from the E&N railway culvert to several hundred meters upstream of the Dogwood Drive bridge.

Other existing drainage works on the site are associated with the remaining logging roads and will be removed as the logging roads are decommissioned.



There is a mix of vegetation ranging from mature forests in the stream ravines and on Arbutus Hump to recently logged sections see the bio-inventory report by Toth and Associates dated December 15, 2013 for details.

#### 4.2. STORM WATER MANAGEMENT

The intent of the Storm Water Management plan (STWMP) is to maintain the watershed function and quality through a combination of retention of green space and manmade features. This section identifies the positive measures this development proposes for storm water management in SA1 along with challenges and methods that will be implemented to address concerns regarding managing rainfall on this specific site in an environmentally sensitive manner to mitigate the potential for future problems. A preliminary storm drainage management area plan, L845-02-103 has been prepared for SA1 and is included in Appendix B of this report.

Retention of green space is an important factor to maintaining the predevelopment function of the watershed as retained green spaces will have no net impact on the ground water regime or watershed function. Provision of green spaces will be through the preservation of existing vegetated areas and creation of manmade green spaces. All of the streams that have been identified have been assigned a Stream Protection and Enhancement Area (SPEA) setback by D.R. Clough Consulting and the area within the SPEA setback will remain as native vegetation. In addition designated areas for park/green space have been identified in the rezoning Base Plan.

As the goal of the STWMP for SA1 is to mimic as closely as possible the predevelopment functionality of the watershed, the surface flow to the streams will be maintained at the predevelopment frequency and volumes. This will require multiple discharge point to the onsite streams. The drainage areas that are tributary to each stream have been identified and surface water runoff within these areas will be conveyed to the streams by way of pipe systems. Diversion structures will be used to regulate the flow rate into the streams at set predevelopment values. In doing so the base flows for the various sections of the streams will be maintained. Each discharge point will require its own design and due to site constraints there is no single approach that can be applied in all locations. Drainage areas and the associated discharge point can be found on the storm water management plan included in Appendix B.

In addition to maintaining the surface flows into the creeks, storm water management features will be included in lot development to facilitate the recharge of the ground water. Single family residential lots will be equipped with on-site detention/infiltration structures to both facilitate ground water recharge and attenuate the runoff flow rate. On multi-family sites a combination of facilities ranging from rain garden, bio-swales, constructed wetlands and detention facilities will be implemented on a site by site basis.

Runoff from road ways will require volume/frequency control as well as quality control. Some methods of source control for the road ways are the inclusion of infiltration swales along the road way to collect and attenuate the surface runoff from paved areas. Preliminary road cross sections and infiltration swale detail is included in Appendix 9. These infiltration swales would be equipped with a piped network to convey overflow greater than a set return period that would be determined during detailed design in conjunction with the geotechnical engineer. In areas where the grade of the road is too steep to allow for the use of swales standard detention facilities may be required and could be in the form of oversized pipes complete with a diversion manhole for the

regulation of the discharge flow rate. These detention facilities would be located under the road way

The existing storm main that collects runoff from Arbutus Crescent and Dogwood Drive west of Arbutus Crescent currently discharges into tributary 1 just north of the proposed site entrance. In order to reduce drainage into tributary 1 that currently has no storm water management controls this section of existing storm main will be connected to the proposed system for SA1. This will allow the drainage to be processed by the proposed storm water management features for SA1 with the intent to add a level of volume/frequency and quality control to this existing drainage.

#### 4.3. STORM WATER RUNOFF QUALITY

As mentioned previously, the runoff from SA1 is tributary to fish bearing creeks and as such it is important to treat the storm water to ensure water quality of the streams is not negatively impacted by the quality or quantity of the post-development storm water runoff.

Periods of construction are a potential source of pollution in the form of silts and other fine particles suspended in the storm water runoff and each phase of the project will require a site specific erosion and sediment control plan be put in place prior to commencement of work, with the recommended measures being maintained until completion and establishment of landscaping.

The following measures have been incorporated into the preliminary design of the storm water management system to address runoff water quality:

- Where possible, runoff from paved roadways will be directed to bioswales, rain gardens or constructed wetlands to remove silts, hydrocarbons and heavy metals prior to connection to the storm sewer system.
- Runoff from multi-family residential parking areas will be directed through bioswales, rain gardens or alternate filtration devices for silt, hydrocarbon and heavy metal removal.
- Catchbasins will be installed along roadways, equipped with hooded outlets to provide some silt and hydrocarbon removal.

#### 4.4. STORM WATER DETENTION VOLUMES

We have performed a preliminary analysis of pre and post development flow conditions for SA1 and calculated the resulting required storage volumes based on limiting the post development 10 year return period flow rate to the 10 year pre-development flow rate. Preliminary detention volumes were calculated for each of the differing drainage areas as outlined in the preliminary storm water management plan in Appendix 8 and are reported based on an assumed discharge point for each area. The required detention volumes will be achieved through the use of various facilities as outline in the preceding sections which will be distributed throughout the associated drainage area.

Both runoff flow rate and preliminary detention volumes were calculated using the rational method and verified by using AutoCAD C3D Storm and Sanitary Analysis software. In the computer model the Soil Conservation Society (SCS) TR-55 method was used as the hydrology method for the generation of the rainfall distribution and runoff calculations. The total required preliminary detention volume for each drainage



areas are found in the Table 4, refer to Appendix 10 for calculation details. These volumes will be refined during detailed design of each phase of the development.

**Table 4: Preliminary Storm Water Detention Volumes FOR SA1**

Contributing Drainage Area	Discharge Location	Drainage Area Detention Volume (m <sup>3</sup> )
A	1	92
B,C,D	2	365
E	3	26
F	4	66
G,F	5	20
I	6	40
J,K	7	56
L	8	25
M	9	12
N	10	147
O,P,Q,R	11	383

## 5. CONCLUSION

Connection points to the existing water distribution systems are located adjacent to the site at multiple locations. Confirmation of onsite pipe sizing and configuration will be established during detailed design. The water systems adjacent to the study area will require analysis by the Town of Ladysmith to determine if any off site upgrades are required to meet the serving requirements outlined in this report.

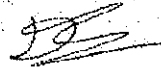
The existing offsite sanitary sewer has adequate capacity to accommodate the flows that will be generated in Study Area 1. However upgrades will be required to the existing system following total build out of Study Area 1 and upon commencement of development in Study Area 2.

Storm sewer services can be provided to the proposed lots in Study Area 1. The goal of the storm water management system will be to mimicking the pre-development functionality of the watershed through the use of the various storm water management features mentioned in the previous section.

Please contact our office if you require additional information regarding the proposed servicing of this project.

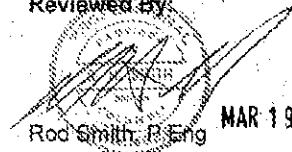
Yours truly,

Newcastle Engineering Ltd.



Drew Beidenwieden, EIT

Reviewed By



Rod Smith, P.Eng

MAR 19 2015



**CONSENT AND PRIORITY AGREEMENT**

In consideration of the sum of ONE (\$1.00) DOLLAR (the receipt of which is hereby acknowledged) the **EDJ PROJECTS INC.** (the "Mortgagee") as the holder of Mortgage charge CA6326700 (the "Charge") registered against the title of the Lands, hereby covenants and agrees with the parties hereto as follows:

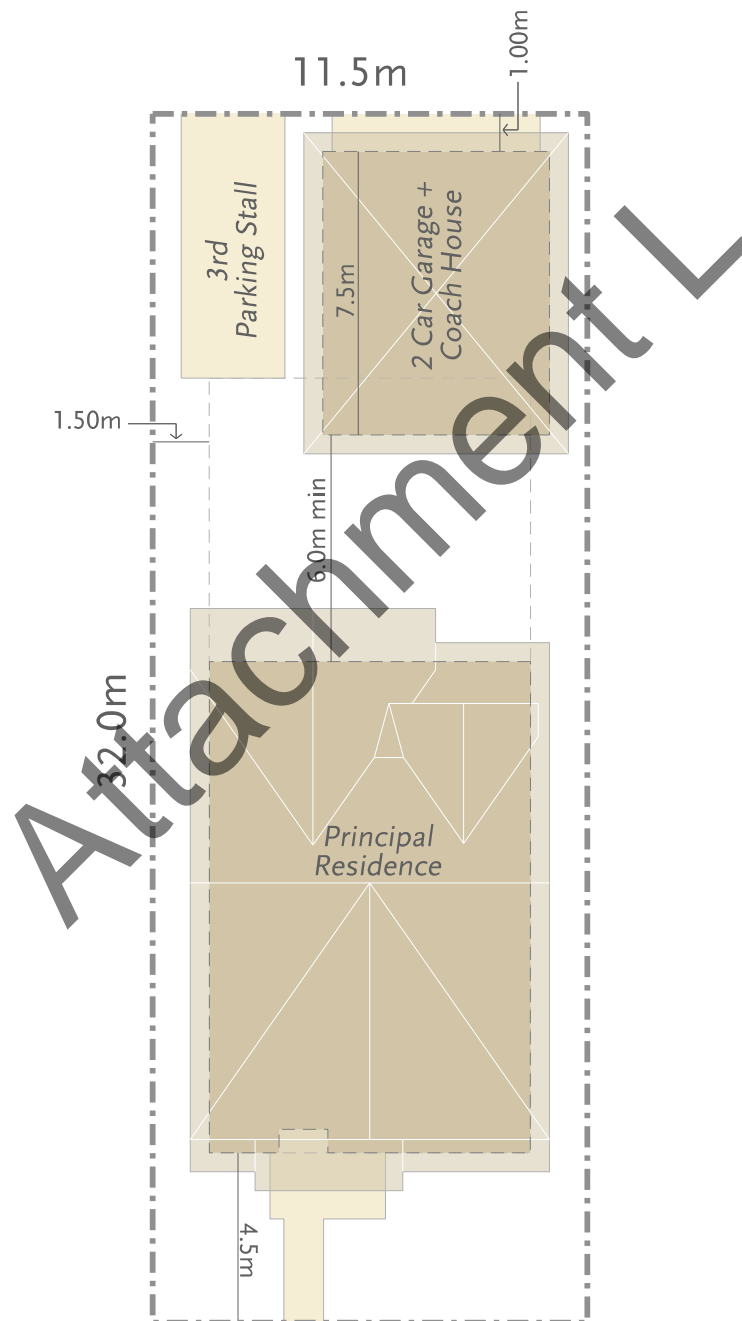
1. The Mortgagee consents to the granting and registration of this Agreement and the Mortgagee agrees that this Agreement binds its interest in and to the Lands.
2. The Mortgagee grants to the Town priority over this Agreement over all of the right, title and interest of the Mortgagee in and to the Lands and the Mortgagee postpones its Charge and all of its right, title and interest thereunder to this Agreement as if this Agreement had been executed, delivered and registered prior to the execution, delivery and registration of its Charge.

**IN WITNESS WHEREOF** the Mortgagee hereby acknowledges that this Consent and Priority Agreement has been duly executed and delivered by its execution of the Form D (Page 2) attached hereto



# Housing Prototype

## Single Family Lot | Detached Coach House



# MEMORANDUM

**To:** Theo Finseth - Ekistics  
**From:** Michael Skene P.L.Eng.  
**Our File #:** 3273.B01  
**Project:** Holland Creek North Development  
**Date:** March 22, 2022  
**RE:** Traffic Memo – Interim Traffic Review

## INTRODUCTION

Watt Consulting Group was retained by Ekistics to review the transportation impacts of the phased development in the Holland Creek neighbourhood in the Town of Ladysmith. A previous Traffic Impact Assessment (TIA) was done on 2015 by Watt Consulting Group (previously known as Boulevard Transportation Group) for full build out including a connection from Colonia Dr south-east through the neighbourhood to Dogwood Dr. However, the current proposed development phase will only connect to Colonia Rd at the north end of the site until the development to the south-east is complete. See the attached development site plan.



**Figure 1: Development Road Network**



## TRAFFIC ANALYSIS

All the traffic for this current phase of development is assigned to Colonia Dr access. Intersection traffic analysis at Malone Rd / Dunsmuir Cres, and Colonia Dr / Malone Rd intersections has been completed. These locations are consistent with the 2015 traffic impact study.

The analysis determined the following:

- The site will generate 146 trips in the PM peak (92 inbound / 54 outbound). 25% of trips were assigned to Dunsmuir Cres (based on existing ratios at Malone Rd / Dunsmuir Cres) with the rest continuing on Malone Rd.
- Both intersections operate with all movements at LOS A under 2022 existing and long term (2032) background conditions. (See summary tables below)

There are no operations issues in any of the horizons studied.

**TABLE 1: 2022 EXISTING / POST DEVELOPMENT CONDITIONS (PM PEAK)**

Intersection (NS / EW)	Move- ment	2022 Existing Conditions (PM Peak)			2022 Post Development Conditions (PM Peak)		
		LOS	Delay (s)	95 <sup>th</sup> % Queue (m)	LOS	Delay (s)	95 <sup>th</sup> % Queue (m)
Colonia Dr / Malone Rd	EB L/T/R	A	0.2	0	A	0.2	0
	WB L/T/R	A	1.8	0	A	5.2	2.1
	NB L/T/R	A	9.0	0.7	A	9.3	2.8
	SB L/T/R	A	9.3	0.7	B	11.6	0.7
Malone Rd / Dunsmuir Crescent	EB L/T	A	2.2	0	A	2.2	0.7
	WB T/R	A	0.0	0	A	0.0	0
	SB L/R	A	9.3	1.4	B	10.1	3.5

TABLE 2: 2032 BACKGROUND / POST DEVELOPMENT CONDITIONS (PM PEAK)

Intersection (NS / EW)	Move- ment	2032 Background Conditions (PM Peak)			2032 Post Development Conditions (PM Peak)		
		LOS	Delay (s)	95 <sup>th</sup> % Queue (m)	LOS	Delay (s)	95 <sup>th</sup> % Queue (m)
Colonia Dr / Malone Rd	EB L/T/R	A	0.2	0	A	0.2	0
	WB L/T/R	A	1.8	0	A	4.9	2.1
	NB L/T/R	A	9.0	1.4	A	9.4	3.5
	SB L/T/R	A	9.5	0.7	B	12.0	1.4
Malone Rd / Dunsmuir Crescent	EB L/T	A	2.2	0.7	A	2.2	0.7
	WB T/R	A	0.0	0	A	0.0	0
	SB L/R	A	9.5	2.1	B	10.4	3.5

## CONCLUSION AND RECOMMENDATIONS

The existing intersections of Colonia Dr / Malone Rd and Dunsmuir Cres / Malone Rd remain at a level of service A or B to the year 2032 with the additional traffic generated from this development phase. The Colonia Dr corridor and bridge over Holland Creek, which will be two-lanes can service this traffic volume.

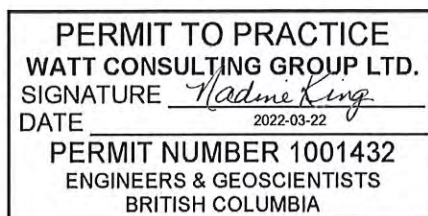
Sincerely,

Watt Consulting Group



Caytlin Kopeck, EIT  
Transportation Engineer-in-Training

Michael Skene, Eng. L  
Principal, Technical Lead







# MINUTES

## Community Planning Advisory Committee

Wednesday, February 2, 2022 at 7:00 p.m.  
Via Zoom

**PRESENT:** Chair – Jason Harrison; Members – Abbas Farahbakhsh, Brian Childs, Jason Robertson, Steve Frankel, Tamara Hutchinson; Council Liaison – Marsh Stevens; Director of Development Services, Jake Belobaba; Senior Planner & Recorder – Christina Hovey

**ABSENT:** Member – Jennifer Sibbald

**GUESTS:** Applicant – Theo Finseth, Gerry Lamont, Scott Lamont, Roy Moore, Randy Sieben (3360-21-08)

The meeting was called to order at 7:05pm, acknowledging with gratitude that Ladysmith is located on the traditional unceded territories of the Stz'uminus First Nation.

The Chair welcomed Councillor Marsh Stevens who is the Council Liaison to CPAC for this year.

### 1. AGENDA APPROVAL

It was moved, seconded and carried that the Agenda of February 2, 2022 be approved.

### 2. ADOPTION OF MINUTES

It was moved, seconded and carried that the Minutes of December 1, 2021 be approved.

### 3. COUNCIL REFERRALS

#### a. OCP & Zoning Bylaw Amendment application 3360-21-08

##### Holland Heights/Arbutus Hump

Theo Finseth provided a presentation on the proposed development on behalf of the applicant. Staff provided an introduction to the application and clarified the differences between the applicant's proposal and the existing Local Area Plan and zoning bylaw.

The applicant answered questions from the committee and provided the following comments/clarifications:

- A traffic study was not provided since the overall proposed density for the property is not higher than the existing permitted density.
- There is a potential route for an emergency access adjacent to the Town's water reservoir.
- The applicant is willing to enter into a covenant to secure tree preservation.
- The applicant stated that "there needs to be an economic argument for providing commercial space".

The Committee strongly emphasized the importance of the Holland Creek Trail and Arbutus Hump to the community. The Committee was generally supportive of the proposal to allow townhouses as well as detached homes on the property. The Committee expressed concerns that the south part of Ladysmith is underserved by commercial and other services/amenities. To promote a walkable lifestyle you need

to provide something to walk to. One committee member noted that all the trees were removed from the southern part of the Holland Creek Local Area Plan (outside of the park areas).

It was moved, seconded and carried that the Community Planning Advisory Committee supports OCP and Zoning Amendment Application 3360-21-08 (Holland Heights) to allow for a mix of residential uses in principle.

It was moved, seconded and carried that the Community Planning Advisory Committee strongly recommends that Council consider the following regarding 3360-21-08 (Holland Heights):

- Requiring a secondary emergency access for the multifamily (strata) area;
- Requiring a parking area for trail and park users;
- Requiring tree preservation;
- Requiring that local commercial space be provided;
- Requiring traffic analysis for the site; and
- Ensuring connectivity to neighbouring properties.

**4. NEW BUSINESS**

None.

**5. MONTHLY BRIEFING**

**File Updates:**

The following files that CPAC previously reviewed have been to Council since the last meeting:

- 431 1<sup>st</sup> Avenue (3360-21-10)
- 631 1<sup>st</sup> Avenue (3360-21-11)
- 1301 & 1391 Rocky Creek Road (3360-20-08)

CPAC members can review the Council Agendas and Minutes or call staff for further information.

**6. NEXT MEETING – TBD**

**7. ADJOURNMENT**

It was moved, seconded and carried that the meeting be adjourned at 8:45pm.

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Chair (J. Harrison)

**RECEIVED:**

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Corporate Officer (D. Smith)



**Minutes of the Parks, Recreation & Culture Advisory Committee**  
**Wednesday, March 16, 2022 at 7:00pm via ZOOM and**  
**Frank Jameson Community Centre, 810 6<sup>th</sup> Avenue**

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**COMMITTEE MEMBERS PRESENT:**

Tim Richards, Chair  
Councilor Duck Paterson  
Lesley Lorenz  
Jacqueline Huard

Bruce Mason  
Emily Weeks  
Lynda Baker

**STAFF PRESENT:**

Chris Barfoot, Lead  
Kim Cheang

**GUEST PRESENT:**

Elder George Harris

**REGRETS:**

Lucy Partington  
Geoff Dean  
Kelly Daniels

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The meeting was called to order at 7:04pm.

**CALL TO ORDER AND  
ACKNOWLEDGEMENT**

The Chair acknowledged with gratitude that this meeting takes place on the traditional, unceded territory of the Stz'uminus First Nation.

**AGENDA**

2022-07:

That the Parks, Recreation & Culture Advisory Committee approve the agenda for the meeting as presented.

*Motion Carried.*

**MINUTES**

2022-08:

That the Parks, Recreation & Culture Advisory Committee approve the minutes of the February 16, 2022 meeting as presented.

*Motion Carried*

2022-09:

That the Parks, Recreation & Culture Advisory Committee approve the minutes of the March 7, 2022 special meeting as presented.

*Motion Carried*

**NEW BUSINESS  
OLD BUSINESS**

Introduction Stz'uminus First Nation Elders – George Harris

Elder George Harris addressed the Committee and discussed the important connection the Stz'uminus people have with the water, land and environment.

## **OLD BUSINESS**

Elder Harris offered to introduce the Committee to an Elder who is recognized as an expert in medicinal and natural plants  
Park Implementation Plan Items Postponed until April

M. Gregory to provide a draft survey to bring back to the Committee based on comments and emerging themes from discussions.

### Review PATG Draft Guidelines

Commentaries of the Toolkit #1 - Acquisition of Public Art and Toolkit #3 – Deaccession of Public Art guidelines.

## **PRC DEPARTMENT UPDATE**

### PRC Department Update

Provided a copy for information.

2022-10:

That the Committee receive for information the Parks, Recreation & Culture Update dated March 16, 2022.

*Motion Carried*

## **NEXT MEETING**

Next meeting will be held at 7:00pm, April 20, 2022 at Frank Jameson Community Centre.

## **ADJOURNMENT**

2022-11:

That the Committee adjourn this meeting at 8:24pm.

*Motion Carried*



## STAFF REPORT TO COUNCIL

**Report Prepared By:** Jake Belobaba, Director of Development Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** April 19, 2022  
**File No:** 0400-80  
**Re:** School Site Acquisition Charges

**RECOMMENDATION:**

That Council:

1. Consider the proposed eligible school site requirements prepared by School District 68 pursuant to section 574(6) of the *Local Government Act* provided in Attachment A of the April 19, 2022 staff report;
2. Accept the resolution of the Board of Education for School District 68 respecting proposed eligible school site requirements; and
3. Direct staff to bring forward a bylaw imposing a School Site Acquisition Charge on duplex units once the new Official Community Plan is adopted.

**EXECUTIVE SUMMARY:**

School District 68 intends to implement a School Site Acquisition Charge (SSAC). The *Local Government Act* requires that a school district, proposing to impose SSACs, seek a resolution from affected local governments accepting the school district's projections used to develop a capital plan. School District 68 is also requesting that the Town adopt a bylaw under section 573(2) of the *Local Government Act* that would require SSACs to be payable on developments with two dwelling units.

**PREVIOUS COUNCIL DIRECTION:**

Resolution	Meeting Date	Resolution Details
CS 2019-239	2019-06-24	That Council direct staff to prepare: <ol style="list-style-type: none"> <li>a) A Development Cost Charges (DCC) reduction bylaw affordable rental housing policy, including eligibility conditions that could be considered on an individual project basis</li> <li>b) A bylaw to repeal the current DCC reduction bylaw for not-for-profit rental housing (Bylaw 1804).</li> <li>c) A bylaw to amend the Downtown DCC reduction (waiver) Bylaw 1781 to add a five year sunset clause.</li> </ol>

**INTRODUCTION/BACKGROUND:**

SSACs are charges imposed by a local school board, with the approval of the Province, that

require a local government to collect funds from eligible developments, to be transferred to the school board to purchase land for future school facilities. SSACs are collected at the same time as Development Cost Charges (DCCs) and cannot be used for construction costs.

Consent from an affected local government is not required for a school board to impose SSACs. However, section 574(6) of the *Local Government Act* requires a school board to seek comment from affected local governments, and local governments have the opportunity to accept or reject the school board's projections. A mediation process is outlined in the *Local Government Act* in cases where local governments reject the projections.

By default, SSACs are not payable on developments containing fewer than four dwelling units. However, Section 573(2) of the *Local Government Act* authorizes local governments to enact bylaws that impose SSACs on developments containing fewer than four dwelling units. School District 68 has requested that the Town enact such a bylaw and charge SSACs on developments containing two or more dwelling units. SSACs are also not payable on developments that are subject to a DCC reduction bylaw under section 563(2) of the *Local Government Act*<sup>1</sup>. Council passed a resolution on June 24, 2019 directing staff to enact a DCC reduction bylaw for affordable housing projects.

#### **PROPOSAL:**

School District 68 is requesting that:

1. Council accept the Board's January 26, 2022 resolution, provided in Attachment A; and
2. Adopt a bylaw under section 573(2) of the *Local Government Act* that would make SSACs payable on developments containing two or more units.

Staff are recommending that Council endorse School District 68's resolution and that a bylaw to require SSACs on two-unit developments be deferred until the new OCP is adopted.

Section 6 of the *SSAC Regulation* allows a local government to retain an administration fee of \$2,000/year plus 0.1% of SSACs collected. Staff are recommending that the Town collect these fees to offset the administrative costs of administering SSACs.

#### **DISCUSSION:**

##### **School Site Projections**

The *School Act*, *Local Government Act*, and *SSAC Regulation* lay out mandatory considerations for school boards in setting projections for school site requirements and facilities plans. These requirements include considering Official Community Plans. School District 68 staff and consultants worked with Town staff on setting their projections and incorporated the Town's Housing Needs Assessment<sup>2</sup> and current OCP, the former having the most current projections

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<sup>1</sup> A bylaw under 563(2) allows a local government to waive or reduce DCC's for affordable rental housing, small lot subdivisions and development designed to have a low environmental impact.

<sup>2</sup> Available at: <https://www.cvr.ca/3443/Municipal-Housing-Needs-Assessment-Report>



for housing units. The Housing Needs Assessment projects a population of 10,063 and a housing need of 510 additional units between 2020 and 2025 averaging approximately 100 units/year.

Currently there is more land in Ladysmith zoned for housing development than projected in the Housing Needs Assessment<sup>3</sup>. Subsequently, the School District used the Housing Needs Assessment projections as a basis, then assumed that surplus zoned land would induce further population growth (and thus more children). School District 68 projects a school aged population of 242 and 1,504 additional housing units over the next 10 years; or approximately 150 units/year. Generally speaking, School District 68's projections for housing units is 50% higher than the Town's, owing to the assumption that zoned lands will develop and lead to population growth over a 10-year timeframe.

It is open to debate whether zoned land will result in population growth, particularly the population of school-aged children. On one hand, zoned land does not have a direct impact on fertility or migration rates, it is unclear if areas zoned for growth will be developed within the next 10 years, nor is it certain what percentage of these new homes will house an increase in school aged children. On the other hand, it is conceivable that families with school aged children may migrate from areas with more expensive housing if housing supply exists in Ladysmith.

Nonetheless, because setting SSACs includes dividing land costs by projected housing units, a larger number of projected units lowers the per-unit SSAC. The Town is not obliged to use school facility projections for any other purpose<sup>4</sup> and the next housing needs assessment is due in 2023 (and every three years after that) providing the Town with continued opportunities to update its projections based on new data and trends. Subsequently, endorsing an "optimistic" growth projection presents no risk to the Town and has the benefit of lower development costs.

#### Bylaw to impose SSAC on two-unit developments

With the exception of homes with secondary suites or coach houses, staff are supportive of charging SSACs on two-unit developments. This would include duplexes and two lot single-family subdivisions. Imposing such a charge encourages maximizing site densities (e.g. a developer would not avoid SSACs by building a duplex instead of a fourplex). It is logical to assume that two unit developments are likely to house families with school aged children and therefore should contribute to school site acquisition.

However, staff recommend deferring the preparation and adoption of the requested bylaw until the Town's new OCP is adopted. The new OCP will contain a number of growth management policies and staff are working with the consultant to develop policies to incentivize growth in the Town's "core". This may include revisiting the DCC program, which has the

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<sup>3</sup> For example, Holland Creek alone provides for approximately 1,000 units.

<sup>4</sup> The *Local Government Act* requires the Town to consider its housing needs report for adopting or amending its OCP.

corollary effect of affecting SSACs, since SSACs are generally only payable when DCCs are payable. Council has already directed that a bylaw be developed to reduce or eliminate DCCs for affordable housing, however the *Local Government Act* also allows for DCC (and by extension SSAC) reductions for small lot subdivisions, and developments with low environmental impact. Deferring preparation of a bylaw to charge SSACs allows staff to focus on first completing the OCP, then to look holistically at DCCs and SSACs as a way of achieving growth, infrastructure, housing and environmental objectives.

Staff do not recommend imposing SSACs on secondary suites or coach houses because these types of housing provide important “mortgage helpers” and affordable housing and tend to be less suitable for families with children (largely in part due to their small size). Additionally, the construction of secondary suites and coach houses is easy to conceal to avoid permits, and additional costs collected at the permitting stage may encourage this behavior; resulting in housing that is unsafe.

#### Administration Fee

Calculating, collecting and transferring SSACs comes with an administrative burden on the Town that is not currently budgeted for. The nominal administrative fee allowed under the *SSAC Regulation* will offset the administrative costs to the Town created by a SSAC and will not dramatically reduce the amount of money allocated to acquiring land for schools.

#### **ALTERNATIVES:**

Council can choose to:

1. Reject the Board of Education for School District 68 resolution.
2. Accept the Board of Education for School District 68 resolution and direct that a bylaw to charge SSACs be brought forward for Council consideration immediately and/or direct that the administration fee not be charged.

#### **FINANCIAL IMPLICATIONS:**

The proposed administration fee is expected to offset some of the cost to the Town resulting from administering the SSAC program. Although the Town is required to charge and collect SSACs, the Town must “promptly” transfer this money to the School District.

#### **LEGAL IMPLICATIONS:**

N/A

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

The majority of Ladysmith properties fall within School District 68, though there are 26 properties that are within School District 79 (Cowichan Valley). These properties, mostly located south of Stocking Creek, will not be part of the SSAC.

The School District 68’s capital plan included public and stakeholder consultation. School District 68 also hosted a virtual town hall on March 29, 2022 regarding the proposed SSAC which local developers were invited to attend.



**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

N/A

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |   |   |
|---|---|
| <input type="checkbox"/> Infrastructure       | <input type="checkbox"/> Economy        |
| <input checked="" type="checkbox"/> Community | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront           |   |

***I approve the report and recommendations.***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENT:**

- A. School Board Notification and Resolution



FROM THE OFFICE OF THE SECRETARY-TREASURER

VISIT US ONLINE FOR MORE INFORMATION

[sd68.bc.ca](http://sd68.bc.ca) |      

February 9, 2022

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

Attention: Jake Belobaba, Director of Development Services

Dear Mr. Belobaba,

**Re: School Site Acquisition Charge**

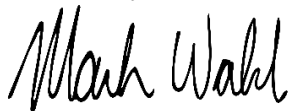
I write on behalf of Nanaimo-Ladysmith public schools. The Board of Education is in the process of implementing a School Site Acquisition Charge ("SSAC") pursuant to the *Local Government Act*. The District has now completed its enrollment projections and anticipated future school site needs.

On January 26, 2022, the Board passed a resolution to institute the charge. Following the requirements of legislation, we look forward to any comments or questions from you or your respective Council. In the event that you would like District staff to attend a Council meeting, we would be happy to arrange attendance at your convenience. In addition, we would also be available to meet with stakeholder groups to explain the SSAC and the reasoning behind it.

Following the 60 days consultation period, or if you respond that you accept the charge prior to the completion of that period, we anticipate the Board would pass a by-law to formalize the SSAC. We would also note that the intention of the Board is to request that the Town of Ladysmith apply the SSAC to developments that create at least 2 additional doors in the community. We note that the Board can institute the charges (subject to the dispute mechanism in legislation) on developments of 4 doors or more but the local jurisdiction has the discretion to apply to charge to the lower number. Given that infill creating at least two doors but less than four is likely to have single family dwellings, a housing type that creates a high number of school age children, the Board feels that the charge is appropriate in the circumstances.

We look forward to discussing this further and appreciate the work you do in growing our communities to welcome so many new families in the next decade.

Yours truly,



Mark Walsh  
Secretary-Treasurer

Direct: 250-741-5211

[Mark.Walsh@sd68.bc.ca](mailto:Mark.Walsh@sd68.bc.ca)



**School Site Acquisition Charge Resolution for the Town of Ladysmith  
and the Cowichan Valley Regional District**

**Whereas** Section 142 of the *School Act* requires that a School Board submit a capital plan to the Minister of Education; and

**Whereas** *Local Government Act* Section 574.2 requires that before a school board submits the capital plan required under School Act Section 142 it consult with each local government in the school district and, that the school board and local government make all reasonable efforts to reach agreement on the following:

A projection of the number of eligible development units to be authorized over the 10 year period that has been specified by the Minister of Education;

The projection of the number of school age children (as defined in the *School Act*) that will be added to the school district as the result of the eligible development units;

The approximate size and number of school sites required to accommodate the number of school age children projected as a result of the addition of eligible development units;

The approximate location and value of the school sites.

**It is resolved that:**

Based on information from local government, the School Board of School District 68 estimates that there will be 1,504 new development units in the Town of Ladysmith and Cowichan Valley Regional District over the next 10 years;

These 1,504 development units will be home to an estimated 242 school age children;

The areas of growth that have been identified are located in the Holland Creek area;

The School Board expects that some of these school age children may be accommodated in existing facilities. As most of those existing sites are over building capacity and at or nearing site capacity, there may be facilities that will require expansion will require acquisition of land adjacent to the existing school site to enable an expansion to occur; and,

The School Board expects that at least one new school site will be required as the result of growth in the school district.

According to Ministry of Education standards the new sites will require 2.7 hectares of land. These sites are expected to be purchased in the next 10 years and, at current land costs, the land will cost approximately \$4.2 million.



# Town of Ladysmith

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Presentation to Mayor and Council

Presented by Cory Vanderhorst

April 19, 2022



Wherever business takes you

MNP.ca



# Topics

- Financial statement highlights
- Draft audit report
- Audit findings report
- Auditor independence
- Financial analysis

# Legislative requirement

- Community Charter states:
  - Annual Financial Statements must be prepared by financial officer (s.165)
  - An auditor must be appointed (s.169)
  - Audit must provide a report to Council (s.177)



# Financial Statement Highlights

## Statement of Financial Position

		2021		2020
Cash and investments	\$	40,312,838	\$	32,457,247
Total financial assets	\$	42,657,112	\$	35,041,737
Debt	\$	17,083,928	\$	17,966,433
Total liabilities	\$	36,112,786	\$	32,173,820
Net financial assets	\$	6,544,326	\$	2,867,947
Tangible capital assets	\$	113,619,315	\$	113,991,578
Accumulated surplus	\$	120,353,143	\$	117,025,497

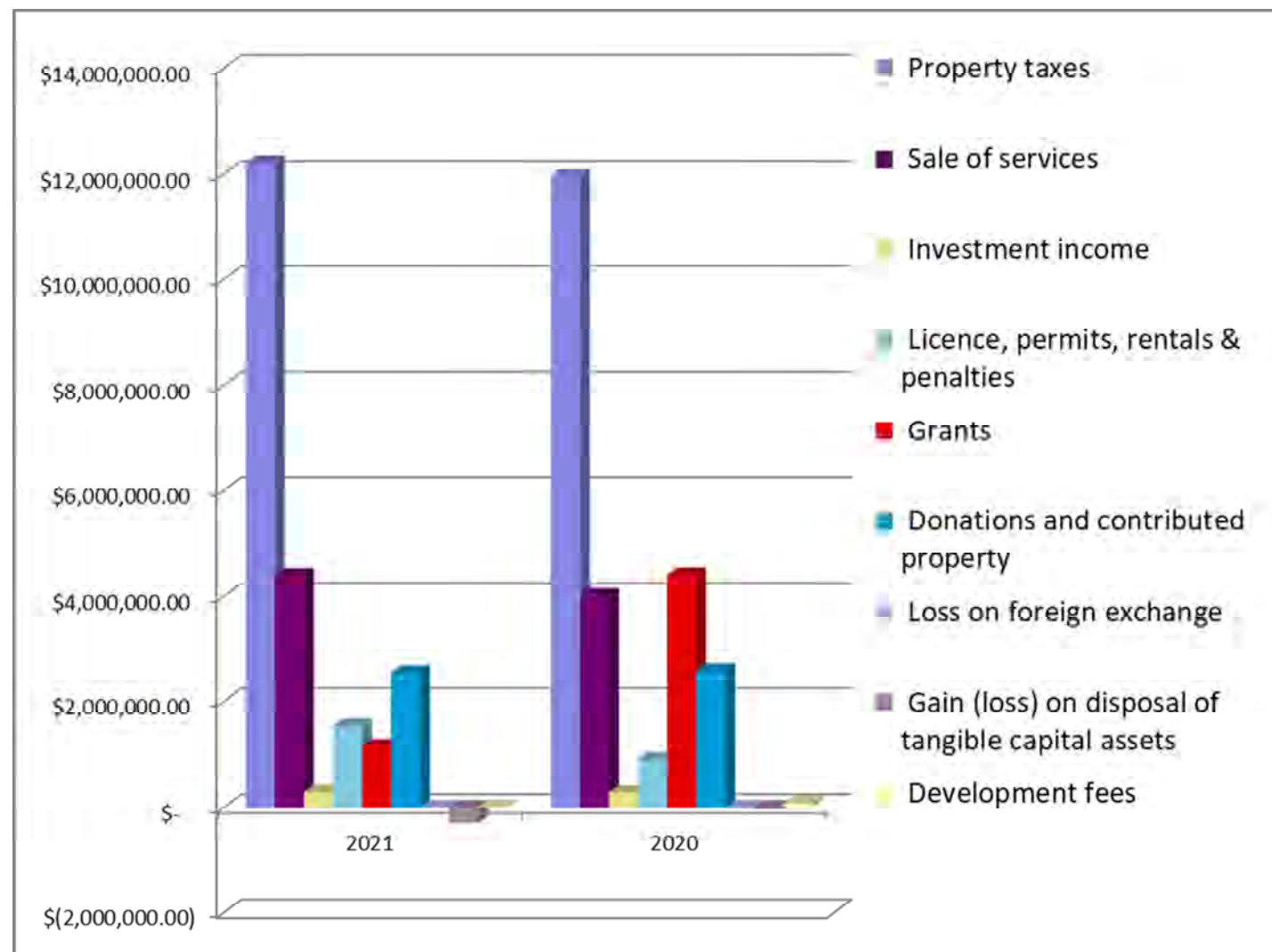
# Financial Statement Highlights

## Statement of Operations

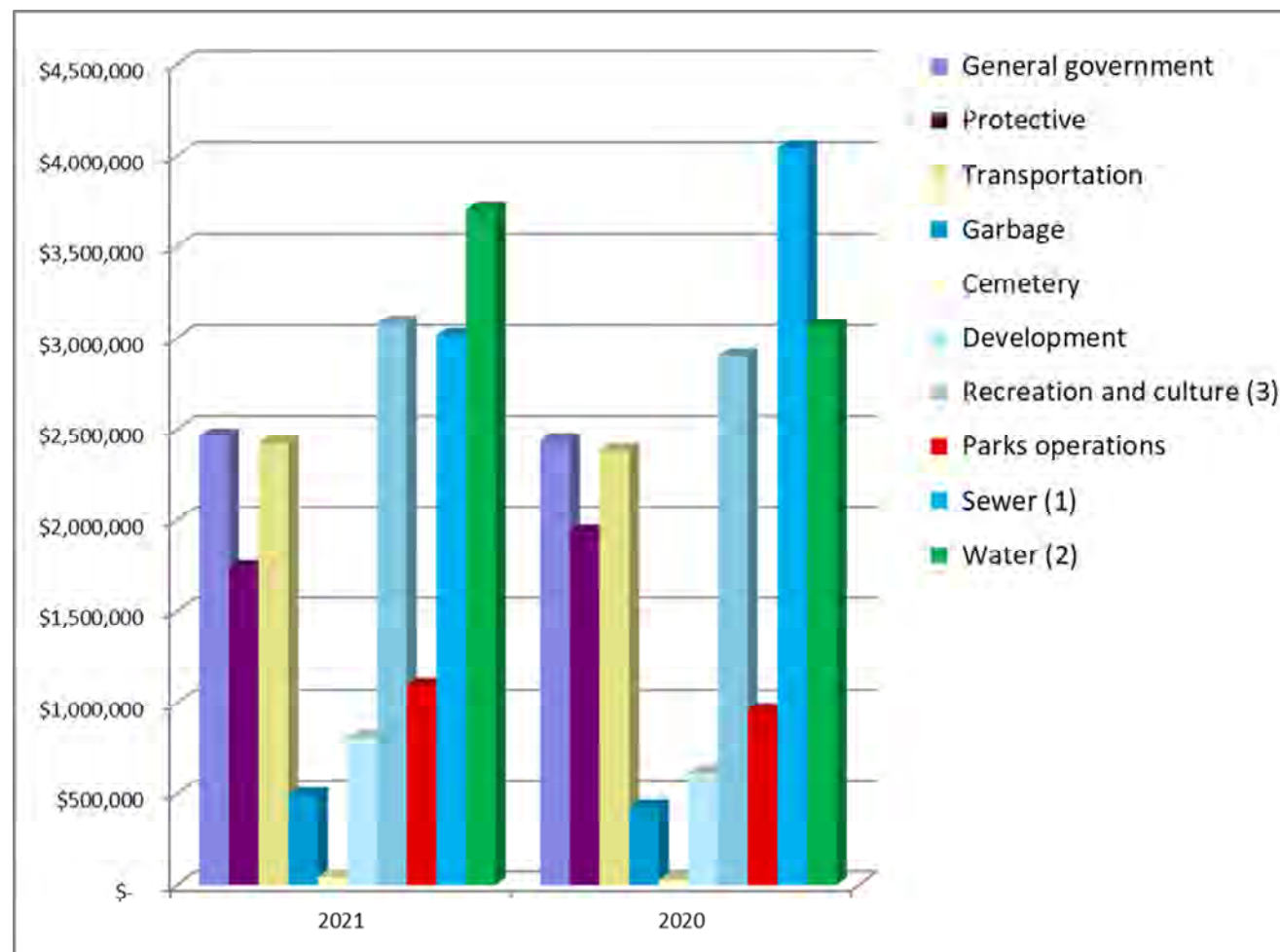
		2021		2020		Budget
Total revenue	\$	22,199,006	\$	24,498,044	\$	50,393,236
Total expenses	\$	18,871,360	\$	18,796,571	\$	23,220,501
Annual surplus	\$	3,327,646	\$	5,701,474	\$	27,172,735



# Financial Statement Highlights



# Financial Statement Highlights





# Financial Statement Highlights

## Statement of Cash Flows

		2021		2020
Provided by operations	\$	10,262,852	\$	13,586,110
Capital purchases (net of disposal proceeds)	\$	(1,586,858)	\$	(4,969,079)
Repayment of debt	\$	(820,403)	\$	(812,838)
Net increase in cash and short-term deposits	\$	7,855,591	\$	7,804,193

# Financial Statement Highlights

## Composition of Accumulated Surplus

		2021		2020
Invested in Capital Assets	\$	96,535,392	\$	96,025,150
Reserves	\$	3,592,745	\$	3,864,577
Capital funds	\$	761,835	\$	715,828
Appropriated equity	\$	15,152,267	\$	12,637,824
Unappropriated equity	\$	4,310,904		3,782,117
Total Accumulated Surplus	\$	120,353,143		117,025,497



# Draft audit report

- Unqualified opinion
- We will sign the report after:
  - Mayor and Council approval

# Auditor Findings Report

## Auditor responsibilities

- Examining controls in place to ensure accurate reporting of financial results
- Sampling transactions throughout the year to form an audit opinion
- Auditors do NOT look at every transaction to form an audit opinion



# Audit findings report

- Audit is complete and we are ready to sign the audit report after Council review and approve the financial statements
- Materiality \$875,000
- Engagement status:
  - We did not find:
    - Irregularities materially impacting the statements
    - Evidence of conflicts of interest, unusual related party transactions, or illegal or questionable payments

# Auditor Findings Report

During the audit we discussed matters with:

- Erin Anderson

We would like to formally acknowledge the excellent cooperation and assistance from management and staff



# Auditor Independence

- We confirm that MNP LLP is independent with respect to the Town of Ladysmith within the meaning of the Rules of Professional Conduct of CPA British Columbia as of April 19, 2022.

# Financial Analysis

## Sustainability

- Financial assets to liabilities: a ratio greater than 1 means financial resources are available to finance future operations. A ratio of less than 1 means future revenues are required to pay for past transactions
- Financial assets to liabilities has remained above 1 for the last five years, currently at 1.18.



# Financial Analysis

## Flexibility

- Net book value of capital assets to cost of capital assets: Reports the extent to which estimated useful lives of capital assets are available to provide services.
- Carrying value (or depreciated value) of capital assets is 67% at end of 2021. This ratio has consistently been between 67 and 69% for the last five years.

# Conclusion

Thank you

We would like to take this opportunity to answer any questions you have regarding the matters presented.

Presenter: Cory Vanderhorst



# Town of Ladysmith

## 2021 Audit Findings

Report to Mayor and Council

December 31, 2021

Cory Vanderhorst, CPA, CA  
T: (250) 734-4319  
E: [cory.vanderhorst@mnpc.ca](mailto:cory.vanderhorst@mnpc.ca)

April 19, 2022

Members of Mayor and Council of the Town of Ladysmith

Dear Sirs/Mesdames:

We are pleased to submit to you this report for discussion of our audit of the Consolidated financial statements of the Town of Ladysmith (the "Town") as at December 31, 2021 and for the year then ended. In this report we cover those significant matters which, in our opinion, you should be aware of as members of Mayor and Council.

We have completed our audit of the Consolidated financial statements of the Town which has been carried out in accordance with Canadian generally accepted auditing standards.

Unless unforeseen complications arise, our Independent Auditor's Report will provide an unmodified opinion to the Mayor and Council of the Town. A draft copy of our proposed Independent Auditor's Report is attached at the end of this report.

This report is intended solely for the information and use of Mayor and Council and management and should not be distributed to or used by any other parties than these specified parties.

The matters raised in this and other reports that will flow from the audit are only those which have come to our attention arising from or relevant to our audit that we believe need to be brought to your attention. They are not a comprehensive record of all the matters arising, and in particular we cannot be held responsible for reporting all risks in your business or all control weaknesses. This report has been prepared solely for your use and should not be quoted in whole or in part without our prior written consent. No responsibility to any third party is accepted as the report has not been prepared for, and is not intended for, any other purpose.

We would like to express our appreciation for the excellent cooperation we have received from management and employees with whom we worked.

We appreciate having the opportunity to meet with you and to respond to any questions you may have about our audit, and to discuss any other matters that may be of interest to you.

Sincerely,

A handwritten signature in black ink that reads "MNP LLP". The letters are stylized and connected, with a cursive-like flow.

MNP LLP

Chartered Professional Accountants



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# Introduction

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As auditors, we report to the Mayor and Council on the results of our examination of the Consolidated financial statements of the Town of Ladysmith (the "Town") as at and for the year ended December 31, 2021. The purpose of this Audit Findings Report is to assist you, as members of Mayor and Council, in your review of the results of our audit. To facilitate in your understanding of our findings, Appendix A to this report summarizes our audit process.

Our report will discuss the status of our engagement, as well as communicate to you significant audit, accounting and reporting matters arising from our procedures.

We hope that this report is of assistance to you, and we look forward to discussing our findings and answering your questions.

## Engagement Status

We have completed our audit of the Consolidated financial statements of the Town and are prepared to sign our Independent Auditor's Report subsequent to completion of the following procedure[s]:

- Mayor and Council review and approval of the Consolidated financial statements

## Independent Auditor's Report

We expect to have the above procedure completed and to release our Independent Auditor's Report on April 19, 2022.

Unless unforeseen complications arise, our Independent Auditor's Report will provide an unmodified opinion to the Mayor and Council of the Town. A draft copy of our proposed Independent Auditor's Report has been included with this report.



# Significant Audit, Accounting and Reporting Matters

## Audit and Reporting Matters

The following significant matters arose during the course of audit that we wish to bring to your attention.

Area	Comments
<b>Changes from Audit Service Plan</b>	<p>We previously presented our proposed Audit Service Plan to you on November 3, 2021. Over the course of our audit, the following deviations were made from this plan:</p> <ul style="list-style-type: none"><li>• Materiality used in the audit was dropped from a planned \$900,000, to \$875,000, based on actual revenues for the year.</li></ul>
<b>Final Materiality</b>	<p>Materiality is a concept used to assess the significance of misstatements or omissions that are identified during the audit and is used to determine the level of audit testing that is carried out. The scope of our audit work is tailored to reflect the relative size of operations of the Town, and is affected by our assessment of materiality and audit risk.</p> <p>Final materiality used for our audit was \$875,000 for December 31, 2021 and \$800,000 for December 31, 2020.</p>
<b>Difficulties Encountered</b>	<p>No significant limitations were placed on the scope or timing of our audit.</p>
<b>Identified or Suspected Fraud</b>	<p>Due to the inherent limitations of an audit and the nature of fraud, including attempts at concealment through forgery or collusion, an audit conducted in accordance with Canadian generally accepted auditing standards cannot be relied upon to detect fraud.</p> <p>While our audit cannot be relied upon to detect all instances of fraud, no incidents of fraud, or suspected fraud, came to our attention in the course of our audit.</p>
<b>Identified or Suspected Non-Compliance with Laws And Regulations</b>	<p>Nothing has come to our attention that would suggest any non-compliance with laws and regulations that would have a material effect on the Consolidated financial statements.</p>
<b>Matters Arising in Connection With Related Parties</b>	<p>No significant matters arose during the course of our audit in connection with related parties of the Town.</p>

Area	Comments
<b>Significant Deficiencies in Internal Control</b>	<p>Our audit process focuses on understanding the controls utilized in management's reporting systems, including for estimates, to the extent necessary to identify overall and specific financial reporting risks. This risk assessment allows us to concentrate our audit procedures on high risk areas and, where possible, place reliance on controls within the financial reporting system to reduce the extent of our testing.</p> <p>It is important to note that our assessment was not, nor was it intended to be, sufficient to comment or conclude on the sufficiency of internal controls.</p> <p>We are required under Canadian generally accepted auditing standards to communicate all significant deficiencies identified during an audit to Mayor and Council on a timely basis. However, we may not be aware of all significant deficiencies that do, in fact, exist.</p> <p>While our review of controls was not sufficient to express an opinion as to their effectiveness or efficiency, no significant deficiencies in internal control have come to our attention</p>
<b>Matters Arising from Discussions With Management</b>	<p>We would like to formally acknowledge the cooperation and assistance we received from the management and staff of the Town.</p> <p>There were no significant matters discussed, or subject to correspondence, with management that in our judgment need be brought to your attention.</p>
<b>Significant Differences</b>	<p>No significant differences were proposed to management with respect to the December 31, 2021 Consolidated financial statements.</p>
<b>Other Information</b>	<p>Pursuant to our responsibilities under Canadian generally accepted auditing standards, we have reviewed other financial and non-financial information included in documents containing the Consolidated financial statements and our Independent Auditor's Report thereon. We review these documents for the purpose of ensuring their content does not contradict information derived from our audit procedures.</p>



## Auditor's Views of Significant Accounting Practices

The application of Canadian public sector accounting standards allows and requires the Town to make accounting estimates and judgments regarding accounting policies and financial statement disclosures.

As auditors, we are uniquely positioned to provide open and objective feedback regarding your Town's accounting practices, and have noted the following items during the course of our audit that we wish to bring to your attention.

Area	Comments
<b>Accounting Policies</b>	The accounting policies used by the Town are appropriate and have been consistently applied.
<b>Financial Statement Disclosures</b>	The disclosures made in the notes to the Consolidated financial statements appear clear, neutral and consistent with our understanding of the entity and the amounts presented in the Consolidated financial statements.

## Other Matters

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### Management Representations

We have requested certain written representations from management, which represent a confirmation of certain oral representations given to us during the course of our audit. This letter, provided by management, has been included as additional material to this report.

### Auditor Independence

We confirm to Mayor and Council that we are independent of the Town. Our letter to Mayor and Council discussing our independence is included in this report.

# Appendix A - MNP Audit Process

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Our audit was carried out in accordance with Canadian generally accepted auditing standards, and included a review of all significant accounting and management reporting systems, with each material year end balance, key transaction and other events considered significant to the Consolidated financial statements considered separately.

Our audit process focused on understanding the controls utilized in management's reporting systems to the extent necessary to identify overall and specific financial reporting risks. This risk assessment enabled us to concentrate our audit procedures on the areas where differences were most likely to arise. [Where possible, reliance was placed on the controls within these systems to reduce the extent of our testing of transactions and year-end balances.] Our assessment was not, nor was it intended to be, sufficient to conclude on the effectiveness or efficiency of internal controls.

During the course of our audit, we have:

- Examined, on a test basis, evidence supporting the amounts and disclosures in the Consolidated financial statements;
- Assessed the accounting principles used and significant estimates made by management;
- Obtained an understanding of the Town and its environment, including management's internal controls (regardless of whether we relied on them for the purpose of the audit), sufficient to identify and assess the risks of material misstatement of the Consolidated financial statements and to design and perform audit procedures;
- Reviewed and assessed those accounting systems deemed necessary to support our audit opinion;
- Evaluated the overall Consolidated financial statement presentation;
- Performed a subsequent events review with management;
- Reviewed and assessed the status of contingencies, commitments and guarantees; and
- Reviewed and assessed exposure to environmental liabilities.

We have obtained written representations from management, included as additional materials following this report, in order to confirm oral representations given to us and reduce the possibility of misunderstanding. Specifically, we have obtained written confirmation of significant representations provided on matters that are:

- Directly related to items that are material, either individually or in the aggregate, to the Consolidated financial statements;
- Not directly related to items that are material to the Consolidated financial statements, but are significant, either individually or in the aggregate, to the engagement; and
- Matters relevant to management judgments or estimates that are material, either individually or in the aggregate, to the Consolidated financial statements.



# Independence Communication

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April 19, 2022

Members of Council  
Town of Ladysmith  
410 Esplanade, P.O. Box 220  
Ladysmith, BC V9G 1A2

Dear Sirs/Mesdames:

We have been engaged to audit the Consolidated financial statements of Town of Ladysmith (the "Town") as at December 31, 2021 and for the year then ended.

CAS 260 *Communication With Those Charged With Governance* requires that we communicate with you matters that are significant to our engagement. One such matter is relationships between the Town and its related entities or persons in financial reporting oversight roles at the Town and MNP LLP and any affiliates ("MNP") that, in our professional judgment, may reasonably be thought to bear on our independence. In determining which relationships to report, the Standard requires us to consider relevant rules and related interpretations prescribed by the appropriate professional accounting body and applicable legislation, covering such matters as:

- (a) Holding a financial interest, either directly or indirectly, in a client;
- (b) Holding a position, either directly or indirectly, that gives the right or responsibility to exert significant influence over the financial or accounting policies of a client or a related entity;
- (c) Personal or business relationships of immediate family, close relatives, partners or retired partners, either directly or indirectly, with a client or a related entity;
- (d) Economic dependence on a client; and
- (e) Provision of non-assurance services in addition to the audit engagement.

We are not aware of any relationship between the Town and MNP that, in our professional judgment, may reasonably be thought to bear on our independence, which have occurred from January 1, 2021 to April 19, 2022.

We hereby confirm that MNP is independent with respect to the Town within the meaning of the Code of Professional Conduct of the Chartered Professional Accountants of British Columbia as of April 19, 2022.

This report is intended solely for the use of Members of Council, management and others within the Town and should not be used for any other purposes.

We look forward to discussing with you the matters addressed in this letter as well as other matters that may be of interest to you at our upcoming meeting. We will be prepared to answer any questions you may have regarding our independence as well as other matters.

Sincerely,



MNP LLP  
Chartered Professional Accountants

# MADE <sup>IN</sup> CANADA

And proud of it!

At MNP we're proud to be the national accounting, consulting and tax firm that is 100% Made in Canada.

Our history defines who we are and our approach to business. Being a Canadian firm has helped shape our values, our collaborative approach, and the way we work with our clients, engaging them every step of the way.

We have a unique perspective. Our decisions are made here – decisions that drive Canadian business and help us all achieve success — and we know the impact that our choices have on the cities and towns we call home.

Throughout our six decades of work, we've seen our communities are more than just a place we do business in. They're a place where our families live, play, and thrive, and we work to make them the best places they can be.

Being 100% Canadian is something we wear proudly. This country provides us with great opportunities, and we're here to help our clients seize the opportunities so we can create a brighter future for the generations to come.



**TOWN OF LADYSMITH**  
**CONSOLIDATED FINANCIAL STATEMENTS**  
**DECEMBER 31, 2021**  
**~~AUDITED~~**

**INDEX TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2021**

Management Report

Independent Auditor's Report

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## STATEMENT OF MANAGEMENT'S RESPONSIBILITY

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The accompanying Consolidated Financial Statements are the responsibility of the management of the Town of Ladysmith and have been prepared in compliance with legislation, and in accordance with Canadian Public Sector Accounting standards.

In carrying out its responsibilities, management maintains appropriate systems of internal and administrative controls designed to provide reasonable assurance that transactions are executed in accordance with proper authorization, that assets are properly accounted for and safeguarded, and that financial information produced is relevant and reliable.

*MNP LLP* as the Municipality's appointed external auditors, have audited the Consolidated Financial Statements. The Auditor's report is addressed to the Mayor and members of Council and appears on the following page. Their opinion is based upon an examination conducted in accordance with Canadian Auditing Standards, performing such tests and other procedures as they consider necessary to obtain reasonable assurance that the Consolidated Financial Statements are free of material misstatement and present fairly the financial position and results of the Municipality in accordance with Canadian Public Sector Accounting Standards.

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Allison McCarrick  
Chief Administration Officer

## INDEPENDENT AUDITOR'S REPORT

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**TOWN OF LADYSMITH**  
**CONSOLIDATED STATEMENT OF FINANCIAL POSITION**  
**AS AT DECEMBER 31, 2021**

		<u>2021</u>	<u>2020</u>
Financial Assets			
Cash and short-term deposits	(Note 2)	\$ 40,312,838	\$ 32,457,247
Accounts receivable	(Note 4)	<u>2,344,274</u>	<u>2,584,490</u>
		<u>42,657,112</u>	<u>35,041,737</u>
Liabilities			
Accounts payable and accrued liabilities	(Note 5)	3,372,150	4,461,984
Post-employment benefits	(Note 6)	314,600	319,100
Deferred revenue	(Note 7)	3,481,042	1,494,902
Refundable deposits and other	(Note 8)	2,359,068	1,366,204
Restricted reserves	(Note 9)	495,736	485,631
Development cost charge reserve	(Note 10)	6,886,134	4,472,558
Federal gas tax reserve	(Note 11)	2,120,128	1,607,008
Equipment financing	(Note 12)	791,629	857,420
Short-term financing	(Note 13)	952,700	952,700
Debenture debt	(Note 14)	<u>15,339,599</u>	<u>16,156,313</u>
		<u>36,112,786</u>	<u>32,173,820</u>
Net Financial Assets		<u>6,544,326</u>	<u>2,867,917</u>
Non-Financial Assets			
Tangible Capital Assets	(Schedule II)	113,619,315	113,991,578
Prepays		103,139	103,210
Inventory		<u>86,363</u>	<u>62,792</u>
		<u>113,808,817</u>	<u>114,157,580</u>
Accumulated Surplus	(Note 19)	<u>\$ 120,353,143</u>	<u>\$ 117,025,497</u>

*Commitments and Contingencies (Note 15)*  
*Subsequent Events (Note 28)*

\_\_\_\_\_  
Director of Financial Services

*See accompanying notes to the consolidated financial statements*

**TOWN OF LADYSMITH**  
**CONSOLIDATED STATEMENT OF OPERATIONS**  
**AS AT DECEMBER 31, 2021**

		<u>2021</u>	<u>Budget 2021</u> (Note 20)	<u>2020</u>
Revenue				
Taxation	(Note 22)	\$ 12,213,646	\$ 12,161,186	\$ 11,962,782
Sale of Services	(Note 23)	4,392,239	4,141,270	4,014,713
Investment Income		284,829	235,883	279,681
Licence, Permits, Rentals & Penalties	(Note 24)	1,538,025	788,442	910,582
Grants	(Note 25)	1,151,138	28,286,120	4,401,211
Donations & contributed tangible capital assets		2,552,570	2,111,696	2,588,706
Loss on foreign exchange		(682)	-	(2,531)
Loss on disposal of tangible capital assets		(297,456)	-	(38,647)
Development fees		10,395	1,182,620	78,447
Gas tax funds utilized	(Note 11)	354,302	1,486,019	303,100
		<u>22,199,006</u>	<u>50,393,236</u>	<u>24,498,044</u>
Expenses				
General government services		2,464,818	3,033,176	2,439,412
Protective services		1,740,430	2,181,796	1,935,494
Transportation services		2,423,148	3,076,743	2,383,547
Garbage services		495,217	582,247	429,609
Cemetery services		41,051	29,624	25,910
Development services		808,511	1,235,400	614,932
Recreation and cultural services		3,083,722	3,390,074	2,903,436
Parks operation services		1,095,001	1,601,210	958,428
Sewer		3,014,472	3,362,308	4,042,452
Water		3,704,990	4,727,923	3,063,352
		<u>18,871,360</u>	<u>23,220,501</u>	<u>18,796,572</u>
Annual Surplus		3,327,646	27,172,735	5,701,472
Accumulated Surplus, beginning of year		<u>117,025,497</u>	<u>117,025,497</u>	<u>111,324,025</u>
Accumulated Surplus - end of year		<u>\$ 120,353,143</u>	<u>\$ 144,198,232</u>	<u>\$ 117,025,497</u>

*See accompanying notes to the consolidated financial statements*



**TOWN OF LADYSMITH**  
**CONSOLIDATED STATEMENT OF CASH FLOWS**  
**AS AT DECEMBER 31, 2021**

	<u>2021</u>	<u>2020</u>
Operating Transactions		
Annual Surplus	\$ 3,327,646	\$ 5,701,472
Less non-cash items included in surplus:		
Amortization	4,180,476	3,872,923
Loss on disposal of tangible capital assets	297,456	38,647
Actuarial adjustments on debenture debt	(62,102)	(51,502)
Contributed tangible capital assets	<u>(2,518,811)</u>	<u>(2,328,281)</u>
	5,224,666	7,233,260
Change in		
Accounts receivable	240,216	3,068,530
Prepaid expenses	71	(7,725)
Inventory	(23,571)	1,758
Accounts payable and accrued liabilities	(1,089,834)	901,433
Post employment benefits	(4,500)	56,700
Deferred revenues	1,986,140	883,424
Refundable deposits and other	992,864	546,437
Restricted reserves	10,105	11,151
Development cost charge reserve	2,413,576	758,170
Gas tax reserve	<u>513,120</u>	<u>132,973</u>
Cash provided by operating transactions	<u>10,262,852</u>	<u>13,586,110</u>
Capital Transactions		
Proceeds on sale of tangible capital assets	181,745	16,845
Cash used to acquire tangible capital assets	<u>(1,768,603)</u>	<u>(4,985,924)</u>
Cash used by capital transactions	<u>(1,586,858)</u>	<u>(4,969,079)</u>
Repayment of long-term debt and equipment financing		
Repayment of debt	<u>(820,403)</u>	<u>(812,838)</u>
Net Decrease in cash from financing	<u>(820,403)</u>	<u>(812,838)</u>
Increase in Cash and Short-Term Deposits	7,855,591	7,804,193
Cash and Short-Term Deposits - Beginning of Year	32,457,247	24,653,055
Cash and Short-Term Deposits - End of Year	<u>\$ 40,312,838</u>	<u>\$ 32,457,248</u>

*See accompanying notes to the consolidated financial statements*

**TOWN OF LADYSMITH**  
**CONSOLIDATED STATEMENT OF CHANGES IN NET FINANCIAL ASSETS**  
**AS AT DECEMBER 31, 2021**

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	<u>2021</u>	<u>Budget 2021</u> (Note 20)	<u>2020</u>
Annual Surplus	\$ 3,327,646	\$ 27,172,735	\$ 5,701,472
Acquisition of tangible capital assets	(4,287,414)	(41,647,859)	(7,314,206)
Amortization of tangible capital assets	4,180,476	3,872,923	3,872,923
Loss (gain) on sale of tangible capital assets	297,456	-	38,647
Proceeds from sale of tangible capital assets	181,745	-	16,845
Decrease (Increase) in inventories	(23,571)	-	1,758
Increase (Decrease) in prepaids	<u>71</u>	<u>-</u>	<u>(7,725)</u>
Change in Net Financial Assets	<u>3,676,409</u>	<u>(10,602,201)</u>	<u>2,309,714</u>
Net Financial Assets, beginning of year	<u>2,867,917</u>		<u>558,203</u>
Net Financial Assets, end of year	<u>\$ 6,544,326</u>		<u>\$ 2,867,917</u>

*See accompanying notes to the consolidated financial statements*



**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED DECEMBER 31, 2021**

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The Town of Ladysmith (the Town) was incorporated in 1904 under the provisions of the British Columbia Municipal Act. Its principal activities are the provision of local government services in the Town, as governed by the *Community Charter* and the *Local Government Act*.

**Note 1 - Significant Accounting Policies**

The notes to the consolidated financial statements are an integral part of these financial statements. They provide detailed information and explain the significant accounting and reporting policies and principles that form the basis of these statements. They also provide relevant supplementary information and explanations which cannot be expressed in the consolidated financial statements.

**(a) Basis of Presentation**

It is the Town's policy to follow Canadian public sector accounting standards for local governments and to apply such principles consistently. The financial resources and operations of the Town have been consolidated for financial statement purposes and include the accounts of all of the funds of the Town.

The consolidated financial statements are prepared using the accrual basis of accounting. The accrual basis of accounting records revenue as it is earned and measurable. Expenses are recognized as they are incurred and measurable based upon the receipt of goods and services or the creation of an obligation to pay.

The consolidated financial statements reflect the assets, liabilities, revenues and expenses and changes in fund balances and financial position of the Town. These consolidated financial statements consolidate the following operations:

General Revenue Fund	General Capital Fund
Water Revenue Fund	Water Capital Fund
Sewer Revenue Fund	Sewer Capital Fund
Reserve Fund	

**(b) Reporting Entity**

The consolidated financial statements include the assets, liabilities, revenue and expenses of the reporting entity. The reporting entity is comprised of all the funds, agencies, local boards, and committees of the Council which are controlled by the Town. Control is defined as the power to govern the financial and reporting policies of another organization with the expected

TOWN OF LADYSMITH  
NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS  
FOR THE YEAR ENDED DECEMBER 31, 2021

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**Note 1 - Significant Accounting Policies - (b) Reporting Entity (continued)**

benefits of risk of loss to the Town. The controlled organizations are consolidated after adjusting their accounting policies to a basis consistent with the accounting policies of the Town. Interfund and intercompany balances and transactions have been eliminated. The controlled organizations include DL 2016 Holdings Corporation, a wholly owned subsidiary of the Town.

**(c) Tangible Capital Assets**

Tangible capital assets are recorded at cost less accumulated amortization and are classified according to their functional use. Cost includes all amounts that are directly attributable to the acquisition, construction, development or betterment of the asset. Donated assets are recorded at their estimated fair value upon acquisition. Certain tangible capital assets for which historical cost information is not available have been recorded at current fair market values discounted by a relevant inflation factor. Certain assets are disclosed at a nominal value as the determination of current fair market value was not available. The Town does not capitalize interest charges as part of the cost of its tangible capital assets.

Tangible capital assets are amortized over their estimated useful life on the straight-line method at the following annual rates:

General Tangible Capital Assets

Land	Indefinite
Land Improvements	15 to 75 years
Buildings	25 to 40 years
Equipment, Furniture and Vehicles	5 to 60 years

Engineering Structures

Roads and Sidewalks	20 to 75 years
Storm and Sewer	25 to 75 years
Water	20 to 80 years

Constructions in progress contain capital projects underway but not yet complete or put into use. Once put into use, the asset will be amortized based on the above annual rates for the applicable category of work performed.

Certain assets have historical or cultural value including works of art, historical documents as well as historical and cultural artifacts that are not recognized as tangible capital assets



**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED DECEMBER 31, 2021**

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**Note 1 - Significant Accounting Policies – (c) Tangible Capital Assets (continued)**

because a reasonable estimate of the future benefits associated with such property cannot be made. Intangibles, Crown lands and other natural resources are not recognized as tangible capital assets.

**(d) Cash and Short-Term Deposits**

Cash and short-term deposits have maturities of three months or less from the date of acquisition, reported in Canadian funds using the exchange rate of the prescribed bank as of December 31.

**(e) Restricted Reserves and Deferred Revenues**

Receipts which are restricted by the legislation of senior governments or by agreement with external parties are deferred and reported as restricted reserves. When qualifying expenses are incurred, restricted reserves are brought into revenue at equal amounts, in accordance with Revenue Recognition policy 1(g). These revenues are comprised of the amounts shown in Note 9, 10, and 11.

Revenues received from non-government sources in advance of expenses which will be incurred in a later period are deferred until the associated purchase or expense is incurred.

**(f) Use of Estimates**

The preparation of financial statements in accordance with Canadian public sector accounting standards requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenue and expense during the reporting period. Significant areas requiring the use of management estimates relate to the collectability of accounts receivable, accrued liabilities, post-employment benefits, provisions for contingencies and amortization rates, useful lives and salvage values for determining tangible capital asset values. Actual results could differ from those estimates. Liabilities for contaminated sites are estimated based on the best information available regarding potentially contaminated sites that the Town is responsible for. Adjustments, if any, will be reflected in operations in the period of settlement.

**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED DECEMBER 31, 2021**

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**Note 1 - Significant Accounting Policies (continued)**

**(g) Revenue Recognition**

Taxation revenues are recognized at the time of issuing the property tax notices for the fiscal year. Fees and charges revenue are recognized when the services are rendered. Investment income is accrued as earned. Gain (loss) on foreign exchange has been recognized in the Statement of Operations using the exchange rate in effect on December 31, 2021.

Other revenues are recognized when earned in accordance with the terms of the agreement, when the amounts are measurable and when collection is reasonably assured.

The Town recognizes a government transfer as revenue when the transfer is authorized and all eligibility criteria, if any, have been met. Grants and donations are recognized in the financial statements in the period which the events giving rise to the transfer occur, eligibility criteria are met, and reasonable estimates of the amount can be made. A government transfer with stipulations giving rise to an obligation that meets the definition of a liability is recognized as a liability (deferred revenue). In such circumstances, the Town recognizes the revenue as the liability is settled.

Deferred revenue represents user charges and other fees which have been collected, for which the related services have yet to be provided. These amounts will be recognized as revenue in the fiscal year the services are provided.

**(h) Non-financial Assets**

Non-financial assets are not available to discharge existing liabilities and are held for use in the provision of services. They have useful lives extending beyond the current year and are not intended for sale in the ordinary course of operations. The change in non-financial assets during the year, together with the excess of revenues over expenses, provides the change in net financial assets for the year.

**(i) Inventory**

Inventory is valued at the lower of cost and net realizable value, determined on an average cost basis.



TOWN OF LADYSMITH  
NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS  
FOR THE YEAR ENDED DECEMBER 31, 2021

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**Note 1 - Significant Accounting Policies (continued)**

**(j) Liability for contaminated sites**

A liability for remediation of a contaminated site is recognized at the best estimate of the amount required to remediate the contaminated site when contamination exceeding an environmental standard exists, the Town of Ladysmith is either directly responsible or accepts responsibility, it is expected that future economic benefits will be given up, and a reasonable estimate of the amount is determinable. The best estimate of the liability includes all costs directly attributable to remediation activities and is reduced by expected net recoveries based on information available at December 31, 2021.

Included in tangible capital assets are specific properties that have been determined to be contaminated in excess of Provincial environmental standards and that require remediation activities. As the Town has not accepted responsibility for the contamination, no liability has been recorded for the estimated remediation costs. Future events may confirm the Town's responsibility, at which point a liability would be recorded. Any remediation activities that occur prior to the determination of responsibility will be expensed as incurred.

**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
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**Note 2 - Cash and Short-Term Deposits**

Cash and short-term deposits were comprised as follows:

	<u>2021</u>	<u>2020</u>
Cash	\$ 39,496,882	\$ 31,642,537
Short-term deposits	<u>815,956</u>	<u>814,710</u>
	<u>\$ 40,312,838</u>	<u>\$ 32,457,247</u>

Included in Cash is a deposit of \$181,272 (the equivalent of \$143,329 US Funds based on the exchange rate at the Ladysmith and District Credit Union on December 31, 2021). Short-term deposits consist of short-term investments in the Municipal Finance Authority of B.C. money market fund. The market value is equal to the carrying value.

Included in cash and short-term deposits are the following restricted amounts that are expended in accordance with the terms of the restricted reserves.

	<u>2021</u>	<u>2020</u>
Restricted reserves	\$ 495,736	\$ 485,631
Federal gas tax reserve	2,120,128	1,607,008
Development cost charges reserve	<u>6,886,134</u>	<u>4,472,558</u>
Total restricted cash	<u>\$ 9,501,997</u>	<u>\$ 6,565,197</u>

**Note 3 - Financial Instruments**

The Town as part of its operations carries a number of financial instruments. It is management's opinion the Town is not exposed to significant interest, currency or credit risk arising from these financial instruments, except as otherwise disclosed. The Town is exposed to currency risk on its US dollar bank account. Unless otherwise noted in Note 2, the fair value of these financial instruments approximates their carrying values.



**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
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**Note 4 - Accounts Receivable**

	<u>2021</u>	<u>2020</u>
Property taxes	\$ 838,969	\$ 926,947
Other government	538,722	611,261
User fees and other	958,790	1,033,536
Developer receivables	5,139	5,139
Employee receivables	<u>2,654</u>	<u>7,606</u>
	<u>\$ 2,344,274</u>	<u>\$ 2,584,490</u>

**Note 5 - Accounts Payable and Accrued Liabilities**

	<u>2021</u>	<u>2020</u>
General	\$ 1,106,367	\$ 1,784,974
Other governments	440,387	469,554
Salaries and wages	206,976	147,687
Contractor holdbacks	1,515,317	1,952,085
Accrued interest	<u>103,103</u>	<u>107,684</u>
	<u>\$ 3,372,150</u>	<u>\$ 4,461,984</u>

**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
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**Note 6 - Post-Employment Benefits**

The Town provides compensated absences to its employees to a maximum of 120 days. The Town also allows employees to defer unused vacation without any maximum. Any deferred vacation time remaining at retirement or termination is paid out at that time. The amount recorded for these benefits is based on an actuarial evaluation done by an independent firm using a projected benefit actuarial valuation method prorated on services. The last actuarial valuation was calculated at September 5, 2020 and has been extrapolated to December 31, 2021. The change in the liability in the financial statements in respect of obligations under the plan amounts to -\$4,500 (\$56,100 - 2020).

The accrued post-employment benefits are as follows:

	<u>2021</u>	<u>2020</u>
Balance, beginning of year	\$ 319,100	\$ 262,400
Current service costs	38,100	31,300
Benefits paid	(38,500)	(48,700)
Actuarial gain	(4,100)	74,100
Past service credit	-	-
Balance, end of year	<u>\$ 314,600</u>	<u>\$ 319,100</u>

The significant actuarial assumptions adopted in measuring the Town's post-employment benefits are as follows:

	<u>2021</u>	<u>2020</u>
Discount Rate	2.50%	2.00%
Expected Inflation Rate and Wage & Salary Increases	2.50%	2.50%



**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED DECEMBER 31, 2021**

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**Note 7 - Deferred Revenue**

	<u>2021</u>	<u>2020</u>
Licence fees & charges	\$ 20,857	\$ 20,053
Rental payments	-	12,441
Property tax prepayments	679,439	570,269
Subdivisions prepayments	153,715	107,215
Recreation prepayments	27,361	30,070
Utilities prepayments	18,701	22,175
Government grant prepayments	2,566,820	731,332
Other	14,149	1,346
	<u>\$ 3,481,042</u>	<u>\$ 1,494,902</u>

**Note 8 - Refundable Deposits and Other**

	<u>2021</u>	<u>2020</u>
Developer performance deposits	\$ 1,186,590	\$ 841,422
Damage deposits	395,950	299,500
Other	776,528	225,282
	<u>\$ 2,359,068</u>	<u>\$ 1,366,204</u>

**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED DECEMBER 31, 2021**

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**Note 9 - Restricted Reserves**

There are two reserves, LRCA Capital and B&G Capital for the replacement of specific building components located at 630 2nd Avenue and 220 High Street. The Town renewed the operating leases with the Ladysmith Seniors Society and the Ladysmith Resources Community Association (LRCA) in 2021.

<b>Description</b>	<b>Balance Dec. 31, 2020</b>	<b>Interest</b>	<b>Contributions</b>	<b>Expenditures</b>	<b>Balance Dec. 31, 2021</b>
Parking	\$ 108,648	\$ 1,092	\$ -	\$ -	\$ 109,740
Green Streets	1,538	15	-	-	1,554
Amphitheatre	10,494	106	-	-	10,599
B&G - Capital	55,929	588	5,064	-	61,582
LRCA Seniors -	309,022	712	2,527	-	312,261
<b>TOTAL</b>	<b>\$ 485,631</b>	<b>\$ 2,514</b>	<b>\$ 7,591</b>	<b>\$ -</b>	<b>\$ 495,736</b>

**Note 10 - Development Cost Charges Reserve**

Restricted reserves include Development Cost Charges (DCC's) which are charged to developers and utilized for infrastructure development.

<b>Description</b>	<b>Balance Dec. 31, 2020</b>	<b>Interest</b>	<b>Contributions</b>	<b>Expenditures</b>	<b>Balance Dec. 31, 2021</b>
DCC - Water	\$ 913,954	\$ 16,329	\$ 1,107,544	\$ -	\$ 2,037,827
DCC - Parks	1,022,740	11,855	270,651	-	1,305,246
DCC - Roads	1,067,270	13,301	406,592	(10,395)	1,476,768
DCC - Sewer	1,041,983	13,863	521,645	-	1,577,490
DCC - Storm	426,611	4,647	57,545	-	488,803
<b>TOTAL</b>	<b>\$ 4,472,558</b>	<b>\$ 59,995</b>	<b>\$ 2,363,977</b>	<b>\$ (10,395)</b>	<b>\$ 6,886,134</b>

Developers may be entitled to DCC credits in certain circumstances. There was \$31,563 provided in DCC-Water credits (\$62,091 for all DCC programs – 2020).



**TOWN OF LADYSMITH**  
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**Note 11 - Federal Gas Tax Reserve**

Gas Tax funding is provided by the Government of Canada. The use of the funding is established by a funding agreement between the Town and the Union of British Columbia Municipalities. Gas Tax funding may be used towards designated public transit, community energy, water, wastewater, solid waste and capacity building projects, as specified in the funding agreements. A one-time payment of \$414,804 was received in 2021 (\$0 - 2020). The funds are recorded on the consolidated financial statements as a restricted reserve.

	<u>2021</u>	<u>2020</u>
Opening balance of unspent funds	\$ 1,607,008	\$ 1,474,035
Add: Amounts received during the year	848,590	414,804
Interest earned	18,832	21,269
Less: Gas tax funds utilized	(354,302)	(303,100)
Closing balance of unspent funds	<u>\$ 2,120,128</u>	<u>\$ 1,607,008</u>

**Note 12 - Obligations under Equipment Financing**

The total equipment financing outstanding with the Municipal Finance Authority of British Columbia as at December 31, 2021 was \$791,629 (\$857,420 - 2020).

The Town has entered into equipment loans for the following purchases:

- 1) A five year equipment loan agreement with the Municipal Finance Authority of British Columbia which commenced May 2017 for the purchase of a 2012 Spartan fire truck. This was formerly a capital lease. The remaining obligation will be repaid with monthly loan payments in the amount of \$3,291 including interest at a monthly varying rate (December, 2021 was .97%). The balance of the loan at December 31, 2021, which is included in equipment financing, is \$181,987 (\$219,594 - 2020). Loan to expire May 2022.

**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
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**Note 12 - Obligations under Equipment Financing (continued)**

- 2) A five year equipment loan agreement with the Municipal Finance Authority of British Columbia which commenced September 2018 for the purchase of a 2018 Spartan fire truck. The remaining obligation will be repaid with monthly loan payments in the amount of \$2,835 including interest at a monthly varying rate (December, 2021 was .97%). The balance of the loan at December 31, 2021, which is included in equipment financing, is \$609,642 (\$637,825 - 2020). Loan to expire September 2023.

There are two equipment loans payable to the Municipal Finance Authority. The future minimum loan payments under the equipment loan obligation are as follows:

2022	\$ 43,555
2023	187,340
2024	560,733

Interest in the consolidated statement of operations is calculated as \$7,720 (\$15,285 - 2020).

The total equipment financing issued and outstanding with the MFA as at December 31, 2021 was \$791,629 (\$857,420 as at December 31, 2020). This balance is made up of:

	Balance Dec 31, 2020	Principal Payments	Balance Dec 31, 2021	Interest t
Spartan Fire Truck	\$ 219,594	\$ 37,608	\$ 181,986	\$ 1,888
Pumper Truck	637,826	28,183	609,643	5,832
	<u>\$ 857,420</u>	<u>\$ 65,791</u>	<u>\$ 791,629</u>	<u>\$ 7,720</u>



**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
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**Note 13 – Short-term Financing**

The total short-term financing outstanding with the Municipal Finance Authority of British Columbia as at December 31, 2021 was \$952,700 (\$952,700 – 2020). The Town entered into a short-term financing agreement which commenced September 2018 to borrow up to \$1,000,000 to purchase 1260 Churchill Place. As of December 31, 2021 \$952,700 in short-term financing was executed. Interest is charged at a daily varying rate (December 31, 2021 was 0.97). The full amount borrowed must be repaid by 2023.

Short-term interest in the consolidated statement of operations is calculated at \$8,123 (\$15,627 – 2020).

**Note 14 - Debenture Debt**

The Town of Ladysmith secures its long-term borrowing through the Municipal Finance Authority of BC (MFA). As a condition of each borrowing, a portion of the debenture proceeds is retained by the MFA as a debt reserve fund. As at December 31, 2021, the cash balance of the Town's debt reserve funds was \$231,994 (\$228,114 – 2020). Debt reserve funds are not recorded elsewhere in the financial statements.

The total long-term debt issued and outstanding with the MFA as at December 31, 2021 was \$15,339,599 (\$16,156,313 as at December 31, 2020). This balance is made up of:

**TOWN OF LADYSMITH**  
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**Note 14 - Debenture Debt (continued)**

	Original Amount	Balance Dec 31, 2020	Principal Payments	Balance Dec 31, 2021	Interest	Actuarial Adjustment	Interest Rate
<b>General Capital Fund</b>							
RCMP Building Issue #97 Term 2006-2031	\$ 2,750,000	\$ 1,542,132	\$ 114,348	\$ 1,427,784	\$ 48,125	\$ (48,315)	1.75%
<b>Water Capital Fund</b>							
Water Improvements Issue #118 Term 2012-2037	1,000,000	778,748	32,862	745,886	34,000	(8,850)	3.40%
Water Filtration Plant Issue #147 Term 2019-2044	6,000,000	5,835,433	169,504	5,665,929	159,600	(4,937)	2.66%
<b>Sewer Capital Fund</b>							
Sewer Treatment Plant Issue #138 Term 2016-2036	10,000,000	8,000,000	500,000	7,500,000	154,139	-	1.54%
	<u>\$ 19,750,000</u>	<u>\$ 16,156,313</u>	<u>\$ 816,714</u>	<u>\$ 15,339,599</u>	<u>\$ 395,864</u>	<u>\$ (62,102)</u>	

The following principal payments are payable over the next five years:

	General		Water		Sewer		Total
	Principal Repayment	Actuarial Sinking Fund Earnings	Principal Repayment	Actuarial Sinking Fund Earnings	Principal Repayment	Actuarial Sinking Fund Earnings	Net
2022	66,033	52,889	188,579	20,187	500,000	-	827,687
2023	66,033	57,645	188,579	26,791	500,000	-	839,049
2024	66,033	62,593	188,579	33,608	500,000	-	850,813
2025	66,033	67,738	188,579	40,643	500,000	-	862,993
2026	66,033	73,088	188,579	47,904	500,000	-	875,605
Thereafter	330,165	453,503	3,226,342	2,073,443	5,000,000	-	11,083,452

Debt interest, net of actuarial adjustment included in the consolidated statement of operations, is calculated at \$333,762 (\$354,678 – 2020).

On February 18, 2020, the electors approved an additional \$6.2 million dollars in long-term debt to increase the Town's water supply. This new debt has not been executed.



**TOWN OF LADYSMITH**  
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**Note 15 - Commitments and Contingencies**

**(a) Contingent Liabilities**

- i) The Town, as a member of the Cowichan Valley Regional District, is jointly and severally liable for operational deficits or long term debt related to functions in which it participates.
- ii) The loan agreements with the Municipal Finance Authority provide that if the Authority does not have sufficient funds to meet payments on its obligations it shall make payments from the Debt Reserve Fund which in turn is established by a similar Debt Reserve Fund in the Town and all other borrowing participants. If the Debt Reserve Fund is deficient the Authority's obligations become a liability of the regional district and may become a liability of the participating municipalities.
- iii) There were various claims made against the Town as at December 31, 2021 for incidents that arose in the ordinary course of operations. In the opinion of management and legal counsel, the outcomes of the lawsuits, now pending, are not determinable. As the outcomes are not determinable at this time, no amount has been accrued in the financial statements. Should any loss result from the resolution of these claims, such loss will be charged to operations in the year of resolution.

**(b) Pension Liability**

The Town and its employees contribute to the Municipal Pension Plan (a jointly trustee pension plan). The board of trustees, representing plan members and employers, is responsible for administering the plan, including investment of assets and administration of benefits. The plan is a multi-employer defined benefit pension plan. Basic pension benefits are based on a formula. As at December 31, 2021, the plan has about 220,000 active members and approximately 112,000 retired members. Active members include approximately 42,000 contributors from local governments.

Every three years, an actuarial valuation is performed to assess the financial position of the plan and adequacy of plan funding. The actuary determines an appropriate combined employer and member contribution rate to fund the plan. The actuary's calculated contribution rate is based on the entry-age normal cost method, which produces the long-term rate of member and employer contributions sufficient to provide benefits for average future entrants to the plan. This rate may be adjusted for the amortization of any actuarial funding surplus and will be adjusted for the amortization of any unfunded actuarial liability.

**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED DECEMBER 31, 2021**

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**Note 15 - Commitments and Contingencies – (b) Pension Liability (continued)**

The most recent valuation for the Municipal Pension Plan as of December 31, 2018, indicated a \$2.866 billion funding surplus for basic pension benefits on a going concern basis.

The Town of Ladysmith paid \$527,953 (2020 - \$499,569) for employer contributions to the Plan in fiscal 2021.

The next valuation will be as at December 31, 2021, with results available in 2022.

Employers participating in the plan record their pension expense as the amount of employer contributions made during the fiscal year (defined contribution pension plan accounting). This is because the plan records accrued liabilities and accrued assets for the plan in aggregate, resulting in no consistent and reliable basis for allocating the obligation, assets and cost to individual employers participating in the plan.

**(c) Reciprocal Insurance Exchange Agreement**

The Town is a subscribed member of the Municipal Insurance Association of British Columbia (The "Exchange") as provided by Section 3.02 of the Insurance Act of the Province of British Columbia. The main purpose of the Exchange is to pool the risks of liability so as to lessen the impact upon any subscriber. Under the Reciprocal Insurance Exchange Agreement the Town is assessed a premium and specific deductible for its claims based on population. The obligation of the Town with respect to the Exchange and/or contracts and obligations entered into by the Exchange on behalf of its subscribers in connection with the Exchange are in every case several, and not joint and several. The Town irrevocably and unconditionally undertakes and agrees to indemnify and save harmless the other subscribers against liability losses and costs which the other subscriber may suffer.



**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
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**Note 15 - Commitments and Contingencies (continued)**

**(d) Service Agreements & Rental Payments**

Service Agreements

	<u>2021</u>	<u>2020</u>
Ladysmith & District Historical Society	\$ 28,537	\$ 28,038
Ladysmith Resources Centre Association	43,838	42,978
Ladysmith Chamber of Commerce & Visitor Centre	<u>43,400</u>	<u>60,400</u>
	<u>\$ 115,775</u>	<u>\$ 131,416</u>

In 2017, the Town entered into a 5-year Service Agreement with the Ladysmith & District Historical Society (LDHS) for the occupancy, operation and management of the museum and archives. Also in 2017, the Town entered into a 5-year Service Agreement with the Ladysmith Resources Centre Association (LRCA). Both agreements may be renegotiated in 2022.

The Town provides the Ladysmith Chamber of Commerce & Visitor Centre annual funding to operate the visitor centre and provide support services for local businesses. The agreement is year-to-year. In July of 2020, the Town entered into 2-year pilot project with the Ladysmith Chamber of Commerce to promote economic development and tourism services. The initial payment of \$17,000 was made in 2020; the second payment of \$17,000 was postponed to 2022.

Rental payments under operating leases are expensed as incurred.

	<u>2021</u>	<u>2020</u>
132c Roberts Street - office space	\$ 28,653	\$ 28,598
17 & 25 Roberts Street - parking lot	<u>9,300</u>	<u>8,700</u>
	<u>\$ 37,953</u>	<u>\$ 37,298</u>

The Town entered into a 3-year lease with Ivory Tower Investments Ltd for the use of office space at 132c Roberts Street. The future monthly payments are \$2,824 for 2022 and 2023.

In 2017, the Town entered into a 3-year lease agreement with Paul Jorjorian for the rental of the 17 & 25 Roberts Street Parking Lot. The future monthly payment is \$800 for 2022, and \$825 for 2023.

**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED DECEMBER 31, 2021**

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**Note 16 - Significant Taxpayers**

The Town is reliant upon 10 taxpayers for approximately 12.09% (11.91% - 2020) of the total property tax revenue which includes Western Forest Products at approximately 6.51% (6.50% - 2020) of the total property tax revenue.

**Note 17 - Funds Held in Trust**

These funds account for assets which must be administered as directed by agreement or statute for certain beneficiaries; in particular, these funds are for the Cemetery Trust Fund. In accordance with PSAB recommendations on financial statement presentation, trust funds are not included in the Town's Financial Statements. A summary of trust fund activities by the Town is as follows:

	<u>2021</u>	<u>2020</u>
<b>Assets</b>		
Cash and short term investment	<u>\$ 169,227</u>	<u>\$ 164,942</u>
<b>Equity</b>		
Opening balance	\$ 164,942	\$ 161,557
Interest	1,684	2,153
Transfer interest to fund cemetery costs	(1,684)	(2,153)
Contributions	4,285	3,385
Refunds	<u>-</u>	<u>-</u>
Balance, end of year	<u>\$ 169,227</u>	<u>\$ 164,942</u>

**Note 18 - Comparative Figures**

Certain comparative figures have been reclassified to conform to the current year's presentation.



**TOWN OF LADYSMITH**  
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**Note 19 - Accumulated Surplus**

The Town segregates its accumulated surplus in the following categories:

	<u>2021</u>	<u>2020</u>
<b>Appropriated Equity</b> <i>(Note 26)</i>		
Continuing projects	\$ 4,899,793	\$ 3,482,640
General fund	6,456,011	5,545,769
Water fund	2,586,283	2,665,835
Sewer fund	<u>1,210,180</u>	<u>943,580</u>
	<u>15,152,267</u>	<u>12,637,824</u>
<b>Unappropriated Equity</b>		
General fund	2,295,424	1,753,516
Water fund	603,028	616,151
Sewer fund	1,412,450	1,412,450
General capital fund	283,233	254,812
Sewer capital fund	32,529	14,943
Water capital fund	<u>446,073</u>	<u>446,073</u>
	<u>5,072,739</u>	<u>4,497,945</u>
<b>Reserve Funds</b>		
Reserve funds <i>(Note 26)</i>	<u>3,592,745</u>	<u>3,864,577</u>
Equity in Tangible Capital Assets	<u>96,535,392</u>	<u>96,025,150</u>
Total Accumulated Surplus	<u><u>\$ 120,353,143</u></u>	<u><u>\$ 117,025,497</u></u>

**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
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**Note 20 - Annual Budget**

Fiscal plan amounts represent the Financial Plan Bylaw adopted by Council on May 4th, 2021.

The Financial Plan anticipated the use of surpluses accumulated in previous years to balance against current year expenses in excess of current year revenues. In addition, the Financial Plan anticipated capital expenses rather than amortization expense.

The following shows how these amounts were combined:

Financial Plan Balance for the year	\$ -
Add back:	
Amortization	(3,872,923)
Proceeds from new debt	(6,200,000)
Transfers to/from own funds	(5,391,308)
Less:	
Principal payments on debt	989,107
Capital expenditures per budget	44,567,785
Capital Expenditures expensed according to Tangible Capital Asset Policy	<u>(2,919,926)</u>
Adjusted Annual Surplus	<u>\$ 27,172,735</u>

**Note 21 - DL 2016 Holdings Corporation ("DL 2016")**

The Town of Ladysmith has an investment in DL 2016 Holdings Corporation, a wholly owned subsidiary company of the Town.

The Town of Ladysmith leases portions of its waterfront from the Province of British Columbia parts of which are subleased to DL 2016 for use as a marina.

DL 2016 has entered into operation and maintenance agreement and a license agreement with the Ladysmith Maritime Society (LMS) for the operation and management of the lease area. A portion of the moorage revenues from LMS are owed to DL 2016.

Pursuant to these agreements DL 2016 could provide security for debt financing in order for LMS to implement capital improvements to the lease area.



**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
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**Note 22 – Taxation**

Taxation revenue comprises the following amounts less transfer to other governments:

	<b>Actuals 2021</b>	<b>Actuals 2020</b>
<b>Taxes Collected:</b>		
General municipal purposes	\$ 8,918,112	\$ 8,720,390
Grants in lieu and 1% utility tax	163,500	173,002
Water and sewer parcel tax	3,132,034	3,069,391
School district	3,542,809	3,070,875
Regional hospital district	1,048,123	1,056,358
Regional district	1,655,183	1,583,873
BCAA and MFA	96,820	93,350
Library	425,760	429,596
	<u>\$ 18,982,342</u>	<u>\$ 18,196,835</u>
 <b>Less transfer to other governments</b>		
Province of BC (school taxes)	3,542,809	3,070,875
Cowichan Valley Regional Hospital District	1,048,123	1,056,358
Cowichan Valley Regional District	1,655,183	1,583,873
BC Assessment & Municipal Finance Authority	96,820	93,350
Vancouver Island Regional Library	425,760	429,596
	<u>6,768,696</u>	<u>6,234,052</u>
 <b>Net taxation for municipal purposes</b>	 <u><u>\$ 12,213,646</u></u>	 <u><u>\$ 11,962,782</u></u>

**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
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**Note 23 - Sale of Services**

	<u>Actuals 2021</u>	<u>Budget 2021</u>	<u>Actuals 2020</u>
Administration recoveries	\$ 48,424	\$ 26,855	\$ 42,616
Cemetery services	34,763	21,580	22,705
Fire service agreements	98,459	85,475	85,475
Public Works recoveries	82,420	-	5,969
Recreation services	325,723	328,406	200,245
Sewer utility fees	1,645,828	1,610,390	1,615,628
Solid waste fees	687,119	665,618	674,628
Water utility fees	<u>1,469,502</u>	<u>1,402,946</u>	<u>1,367,447</u>
	<u>\$ 4,392,239</u>	<u>\$ 4,141,270</u>	<u>\$ 4,014,713</u>

**Note 24 - Licences, Permits, Rentals & Penalties**

	<u>Actuals 2021</u>	<u>Budget 2021</u>	<u>Actuals 2020</u>
Facility Rentals & Leases	\$ 320,902	\$ 307,029	\$ 280,352
Fines	3,780	3,950	2,440
Licences	87,988	86,000	86,825
Penalties and interest	112,842	138,705	129,142
Permits, Licences & Fees	<u>1,012,513</u>	<u>252,758</u>	<u>411,823</u>
	<u>\$ 1,538,025</u>	<u>\$ 788,442</u>	<u>\$ 910,582</u>



**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED DECEMBER 31, 2021**

**Note 25 – Grants**

	<u>Actuals 2021</u>	<u>Budget 2021</u>	<u>Actuals 2020</u>
<b>Operating Grants</b>			
Traffic Fines Revenue	\$ 37,933	\$ 60,081	\$ 60,081
Small Communities	451,000	459,947	459,947
CVRD Recreation	175,281	178,297	165,361
COVID Restart Plan	-	-	2,343,000
Other	45,877	16,900	48,857
	<u>710,091</u>	<u>715,225</u>	<u>3,077,246</u>
<b>Capital Grants</b>			
Arts & Heritage Hub (Phase I)	\$ 147,916	\$ 3,606,500	\$ -
Brown Drive Railing	-	5,500	-
Buller Street Sidewalk	-	5,000	-
Childcare Space Creation	17,451	875,110	-
Downtown Patio	-	-	13,490
Emergency Support Service Program	5,974	7,563	17,437
Golf Course Trail & Net	-	-	3,516
ICBC Sign Reflectors	-	-	18,350
Lot 108 Park Plan	-	1,963,125	-
Ludlow/Rocky Creek Rd Roundabout	9,750	9,750	-
Machine Shop	-	-	974,534
Machine Shop Rehabilitation Phase 2	-	3,114,611	-
Poverty Reduction	7,925	7,925	17,075
Pre-Emption Highway Light	10,000	-	-
Stocking Lake Dam Repair	114,159	150,000	-
Tourism - Transfer Beach	39,831	701,552	-
Tree Replacements	2,860	6,000	2,700
UV Pilot Study	45,877	108,274	147,766
Water Supply Infrastructure	-	16,910,000	-
Waterfront Stage 1 Remediation	39,303	99,985	129,097
	<u>441,047</u>	<u>27,570,895</u>	<u>1,323,965</u>
<b>Total Grants</b>	<u>\$ 1,151,138</u>	<u>\$ 28,286,120</u>	<u>\$ 4,401,211</u>

*These notes form an integral part of these consolidated financial statements.*

**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED DECEMBER 31, 2021**

**Note 26 – Reserves & Appropriated Equity**

	Balance Dec. 31, 2020	Interest Allocated	Contributions	Funding	Balance Dec. 31, 2021
<b>RESERVES</b>					
Amenity Funds	\$ 116,852	\$ 1,177	\$ -	\$ -	\$ 118,028
Covid Safe Restart	2,226,476	-	-	456,752	1,769,724
Municipal Office reserve	475,000	-	60,000	-	535,000
Filming reserve	-	-	562	-	562
Perpetual Safety Fund	13,733	138	-	-	13,871
Sale Real Property	1,004,919	10,690	160,000	47,924	1,127,685
Tax Sale	27,598	278	-	-	27,876
<b>TOTAL RESERVES</b>	<b>\$ 3,864,577</b>	<b>\$ 12,283</b>	<b>\$ 220,562</b>	<b>\$ 504,676</b>	<b>\$ 3,592,745</b>
<b>APPROPRIATED EQUITY</b>					
General Operating Fund					
Continuing Projects	2,081,879	-	1,840,870	1,025,420	2,897,328
Future Projects	3,184,923	-	345,819	371,739	3,159,003
Equipment	835,382	-	454,172	8,111	1,281,443
Land & Building	430,487	-	128,875	69,695	489,667
Tax Contingency	7,986	-	-	-	7,986
Snow & Ice Removal	50,000	-	-	-	50,000
Infrastructure Deficit	412,150	-	250,921	-	663,071
Solid Waste	624,841	-	180,000	-	804,841
	<u>7,627,647</u>	<u>-</u>	<u>3,200,657</u>	<u>1,474,964</u>	<u>9,353,340</u>
Water Operating Fund					
Continuing Projects	1,058,070	-	710,206	561,518	1,206,758
Future Projects	2,141,760	-	311,938	391,490	2,062,208
MFA Surplus Refunds	524,076	-	-	-	524,076
Water Operating Fund Total	<u>3,723,906</u>	<u>-</u>	<u>1,022,144</u>	<u>953,008</u>	<u>3,793,042</u>
Sewer Operating Fund					
Continuing Projects	342,691	-	575,375	122,360	795,706
Future Projects	943,581	-	266,599	-	1,210,180
Sewer Operating Fund	<u>1,286,272</u>	<u>-</u>	<u>841,974</u>	<u>122,360</u>	<u>2,005,886</u>
<b>TOTAL APPROPRIATED EQUITY</b>	<b>\$ 12,637,825</b>	<b>\$ -</b>	<b>\$ 5,064,775</b>	<b>\$ 2,550,332</b>	<b>\$ 15,152,268</b>
<b>TOTAL RESERVES &amp; APPROPRIATED EQUITY</b>	<b>\$ 16,502,402</b>	<b>\$ 12,283</b>	<b>\$ 5,285,337</b>	<b>\$ 3,055,008</b>	<b>\$ 18,745,013</b>

*These notes form an integral part of these consolidated financial statements.*



**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED DECEMBER 31, 2021**

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**Note 27 - Segmented Information**

The Town is a diversified municipal government institution that provides a wide range of services to its citizens such as roads, water, sewer and drainage infrastructure, fire protection, police protection (RCMP), cemetery, recreation centre, garbage collection and parkland. Distinguishable functional segments have been separately disclosed in the segmented information. The nature of the segments and the activities they encompass are as follows:

**General Government Services**

The City Manager is the liaison between Council and the Town departments and staff. The Corporate Services Department supports the legislated activities of Council, and provides information to citizens with respect to Council/Committee processes, reporting procedures and decisions, and Town activities. Also included in General Government Services is the Finance Department, Information Technology, Human Resources, and Waterfront Area Plan Implementation.

**Protective Services**

Protection is comprised of fire protection, policing, and bylaw enforcement:

- Bylaw enforcement administers, monitors, and seeks compliance with the bylaws enacted by the Mayor and Council to regulate the conduct of affairs in the Town of Ladysmith.
- Fire protection is provided by the fire department, whose volunteer members receive compensation for each callout in which they take part.
- Policing is provided under contract with the RCMP operating from a detachment building located in and owned by the Town of Ladysmith.

**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED DECEMBER 31, 2021**

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**Note 27 - Segmented Information (continued)**

**Transportation, Solid Waste and Cemetery**

The Transportation (Public Works) Department is responsible for the infrastructure of the Town. Public works provides and maintains Town's roads, sidewalks, street lights, signage and line markings, storm drainage and hydrants.

Solid Waste (Public Works) is responsible for the garbage collection, kitchen organics and recycling programs operating in the Town of Ladysmith. Solid waste collection is performed by a contractor.

Cemetery (Public Works) Department provides cemetery services including the maintenance of the cemetery grounds.

**Development**

The Development Services Department provides short-term and long-term land use planning services. Long-term Planning includes work with the community on reviewing the Town's Official Community Plan, developing new Neighbourhood Plans, the Trail Plan and the review of relevant bylaws. Short term Planning includes the processing of development applications.

The Town of Ladysmith's Development Services and Public Works Departments work together to regulate all construction within the Town. This is achieved through the use of the Town of Ladysmith's Building and Plumbing Bylaw, the British Columbia Building Code, the British Columbia Fire Code and other related bylaws and enactments with the Town of Ladysmith.

**Recreation and Culture**

The Parks, Recreation and Culture Department contribute to the quality of life and personal wellness of the community through the provision of a variety of special events, programs, services and facilities. The Frank Jameson Community Centre is the location where the majority of the programs are offered.

**Parks**

Parks includes and provides maintenance of beach area, trails, golf course, spray-park, ball parks, and any other civic grounds.



**TOWN OF LADYSMITH**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED DECEMBER 31, 2021**

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**Note 27 - Segmented Information (continued)**

**Water**

Water includes all of the operating activities related to the treatment and distribution of water throughout the Town as well as ensuring clean and safe water to the Town, supplied through underground pipes and reservoirs,

**Sewer**

Sewer includes all of the operating activities related to the collection and treatment of waste water (sewage) and bio-solids composting throughout the Town as well as maintaining a separate system of underground pipes to collect sewer or waste water for proper treatment prior to discharging it.

**Note 28 – Significant events**

- (a) In March 2020, there was a global outbreak of COVID-19 (coronavirus), which has had a significant impact on municipalities through the restrictions put in place by the Canadian, provincial and municipal governments regarding travel, municipal operations and isolation/quarantine orders. At this time, it is unknown the extent of the impact the COVID-19 outbreak may have on the Town of Ladysmith as this will depend on future developments that are highly uncertain and that cannot be predicted with confidence. These uncertainties arise from the inability to predict the ultimate geographic spread of the disease, and the duration of the outbreak, including the duration of travel restrictions, office closures and disruptions, and quarantine/isolation measures that are currently, or may be put, in place by Canada and other countries to fight the virus.

**TOWN OF LADYSMITH**  
**STATEMENT OF OPERATIONS BY SEGMENT**  
**FOR THE YEAR ENDED DECEMBER 31, 2021**

**SCHEDULE I**

	<b>General Government</b>		<b>Protective Services</b>		<b>Transportation, Garbage &amp; Cemetery Services</b>		<b>Development Services</b>	
	<b>2021</b>	<b>2020</b>	<b>2021</b>	<b>2020</b>	<b>2021</b>	<b>2020</b>	<b>2021</b>	<b>2020</b>
<b>REVENUE</b>								
Tax	\$ 9,081,612	\$ 8,893,392	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sale of services	49,753	42,617	98,459	86,150	786,862	699,326	12,528	-
Investment income & MFA Refunds	284,829	279,681	-	-	-	-	-	-
Licence, Permits, Rentals & Penalties	71,948	89,199	186,625	163,206	202,267	159,479	863,126	312,732
Grants	451,000	2,802,947	37,933	60,081	23,737	31,840	39,303	129,097
Donations & contributed property	10,459	16,000	-	7,035	2,133,343	1,576,383	-	-
Loss on foreign exchange	(682)	(2,531)	-	-	-	-	-	-
Gain (loss) on disposal	34,025	(27,727)	-	-	21,745	16,845	-	-
Development fees	-	-	-	-	10,395	-	-	-
Gas tax fund utilized	-	-	-	-	61,661	46,035	65,203	-
<b>Total revenue</b>	<b>9,982,944</b>	<b>12,093,578</b>	<b>323,017</b>	<b>316,472</b>	<b>3,240,010</b>	<b>2,529,909</b>	<b>980,160</b>	<b>441,829</b>
<b>EXPENSES</b>								
Contracted Services	344,387	368,567	1,103,059	1,264,658	719,265	644,247	145,444	67,035
Service Agreements/Grants In Aid	172,475	172,972	-	-	-	-	-	-
Insurance	72,207	62,286	16,883	19,487	-	-	-	-
Interest	8,907	15,627	3,285	19,547	-	-	-	-
Materials & Supplies	46,613	60,876	98,001	99,255	157,462	137,107	19,951	11,671
Utilities & Telephone	13,463	15,180	4,886	6,173	155,650	148,947	5,531	4,846
Wages & Benefits	1,829,067	1,705,469	307,571	304,106	1,063,113	930,328	625,565	515,810
Other	(286,938)	(205,483)	21,486	41,384	(101,107)	56,762	9,674	11,442
Amortization	264,636	243,919	185,258	180,884	965,033	921,674	2,345	4,128
<b>Total expenses</b>	<b>2,464,818</b>	<b>2,439,412</b>	<b>1,740,430</b>	<b>1,935,494</b>	<b>2,959,416</b>	<b>2,839,066</b>	<b>808,511</b>	<b>614,932</b>
<b>Surplus (Deficit)</b>	<b>\$ 7,518,126</b>	<b>\$ 9,654,166</b>	<b>\$ (1,417,413)</b>	<b>\$ (1,619,021)</b>	<b>\$ 280,594</b>	<b>\$ (309,157)</b>	<b>\$ 171,649</b>	<b>\$ (173,103)</b>



**TOWN OF LADYSMITH**  
**STATEMENT OF OPERATIONS BY SEGMENT**  
**FOR THE YEAR ENDED DECEMBER 31, 2021**

**SCHEDULE I – CONTINUED**

Recreation & Culture Services		Parks Operations Services		Sewer Operations Services		Water Operations Services		Total Actual	Total Actual
2021	2020	2021	2020	2021	2020	2021	2020	2021	2020
\$ -	\$ -	\$ -	\$ -	\$ 1,318,800	\$ -	\$ 1,813,234	\$ -	\$ 12,213,646	\$ 11,962,782
325,723	200,245	-	3,300	1,648,894	362	1,470,020	1,367,447	4,392,239	4,014,713
-	-	-	-	-	-	-	-	284,829	279,681
168,552	145,963	-	-	23,243	5,384	22,263	4,247	1,538,025	910,582
416,073	1,215,088	23,055	14,392	45,877	147,766	114,159	-	1,151,138	4,401,211
21,800	12,400	1,500	2,336	176,833	331,892	208,635	642,660	2,552,570	2,588,706
-	-	-	-	-	-	-	-	(682)	(2,531)
-	-	-	-	(4,292)	(2,276)	(348,934)	(25,489)	(297,456)	(38,647)
-	-	-	-	-	-	-	78,446.98	10,395	78,447
-	-	98,732	-	128,706	257,065	-	-	354,302	303,100
932,148	1,573,696	123,287	20,028	3,338,061	740,192	3,279,377	2,067,311	22,199,006	24,498,044
384,973	512,660	73,033	33,627	276,554	1,187,875	699,288	702,925	3,746,005	4,781,593
-	-	-	-	-	-	-	-	172,475	172,972
41,815	55,811	4,717	4,580	41,009	40,911	33,112	16,902	209,743	199,977
-	-	-	-	154,139	164,455	179,813	186,257	346,143	385,884
162,650	136,299	104,688	108,225	235,799	325,106	406,336	294,131	1,231,501	1,172,671
209,232	186,034	8,354	10,323	162,393	167,284	68,845	72,965	628,355	611,751
2,008,493	1,734,056	484,388	444,552	632,275	620,944	996,801	862,922	7,947,274	7,118,186
37,674	39,788	171,391	106,515	211,820	189,709	345,388	240,497	409,388	480,614
238,884	238,788	248,430	250,607	1,300,484	1,346,169	975,406	686,754	4,180,476	3,872,923
3,083,722	2,903,436	1,095,001	958,428	3,014,472	4,042,452	3,704,990	3,063,352	18,871,360	18,796,572
\$ (2,151,574)	\$ (1,329,740)	\$ (971,714)	\$ (938,400)	\$ 323,589	\$ (3,302,260)	\$ (425,613)	\$ (996,041)	\$ 3,327,646	\$ 5,701,472

**TOWN OF LADYSMITH**  
**CONSOLIDATED STATEMENT OF TANGIBLE CAPITAL ASSETS**  
**FOR THE YEAR ENDED DECEMBER 31, 2021**

**SCHEDULE II**

	<u>Land</u>		<u>Land Improvements</u>		<u>Buildings</u>		<u>Vehicle Furniture &amp; Equipment</u>		<u>Transportation</u>
	<u>2021</u>	<u>2020</u>	<u>2021</u>	<u>2020</u>	<u>2021</u>	<u>2020</u>	<u>2021</u>	<u>2020</u>	<u>2021</u>
<b>COST</b>									
Opening Balance	\$ 10,518,581	\$ 10,492,216	\$ 9,533,068	\$ 9,259,385	\$ 25,741,080	\$ 23,714,208	\$ 9,337,652	\$ 8,931,746	\$ 30,313,284
Add: Additions	579,191	26,365	176,324	299,683	122,591	2,054,162	336,507	791,818	1,070,471
Less: Disposals	73,711	-	12,124	26,000	239,320	27,290	623,230	385,912	21,385
Less: Write-downs	-	-	-	-	-	-	-	-	-
Closing Balance	<u>11,024,061</u>	<u>10,518,581</u>	<u>9,697,268</u>	<u>9,533,068</u>	<u>25,624,351</u>	<u>25,741,080</u>	<u>9,050,929</u>	<u>9,337,652</u>	<u>31,362,370</u>
 <b>ACCUMULATED AMORTIZATION</b>									
Opening Balance	-	-	3,967,989	3,708,963	8,070,840	7,387,229	4,848,498	4,679,079	17,244,612
Add: Amortization	-	-	273,256	263,537	722,876	695,912	463,581	538,593	682,319
Less: Write-downs	-	-	-	-	-	-	-	-	-
Less: Disposals	-	-	12,124	4,511	92,038	12,301	606,821	369,174	20,480
Closing Balance	<u>-</u>	<u>-</u>	<u>4,229,121</u>	<u>3,967,989</u>	<u>8,701,678</u>	<u>8,070,840</u>	<u>4,705,258</u>	<u>4,848,498</u>	<u>17,906,451</u>
 <b>Net Book Value</b>	<u>\$ 11,024,061</u>	<u>\$ 10,518,581</u>	<u>\$ 5,468,147</u>	<u>\$ 5,565,079</u>	<u>\$ 16,922,673</u>	<u>\$ 17,670,240</u>	<u>\$ 4,345,671</u>	<u>\$ 4,489,154</u>	<u>\$ 13,455,919</u>



**TOWN OF LADYSMITH**  
**CONSOLIDATED STATEMENT OF TANGIBLE CAPITAL ASSETS**  
**FOR THE YEAR ENDED DECEMBER 31, 2021**

**SCHEDULE II (CONTINUED)**

<b>Linear Infrastructure</b>										
<b>Transportation</b>	<b>Sanitary Sewer</b>		<b>Storm</b>		<b>Water</b>		<b>Assets Under Construction</b>		<b>Total</b>	
<b>2020</b>	<b>2021</b>	<b>2020</b>	<b>2021</b>	<b>2020</b>	<b>2021</b>	<b>2020</b>	<b>2021</b>	<b>2020</b>	<b>2021</b>	<b>2020</b>
\$ 29,247,225	\$ 37,423,106	\$ 36,292,304	\$ 10,005,404	\$ 9,262,196	\$ 33,753,543	\$ 17,835,367	\$ 1,044,267	\$ 16,116,516	\$ 167,669,984	\$ 161,151,162
1,066,059	609,411	1,344,687	688,524	743,208	755,794	16,060,473	704,905	948,447	5,043,718	23,334,902
-	19,509	213,885	-	-	239,209	142,297	787,593	16,020,696	2,016,081	16,816,080
-	-	-	-	-	-	-	-	-	-	-
30,313,284	38,013,008	37,423,106	10,693,928	10,005,404	34,270,128	33,753,543	961,579	1,044,267	170,697,621	167,669,984
16,591,401	10,590,869	9,801,838	2,687,915	2,553,569	6,267,683	5,823,296	-	-	53,678,406	50,545,375
653,211	1,029,319	1,000,640	147,259	134,346	861,866	586,684	-	-	4,180,476	3,872,923
-	-	-	-	-	-	-	-	-	-	-
-	15,217	211,609	-	-	33,896	142,297	-	-	780,576	739,892
17,244,612	11,604,971	10,590,869	2,835,174	2,687,915	7,095,653	6,267,683	-	-	57,078,306	53,678,406
<b>\$ 13,068,672</b>	<b>\$ 26,408,037</b>	<b>\$ 26,832,237</b>	<b>\$ 7,858,754</b>	<b>\$ 7,317,489</b>	<b>\$ 27,174,475</b>	<b>\$ 27,485,860</b>	<b>\$ 961,579</b>	<b>\$ 1,044,267</b>	<b>\$ 113,619,315</b>	<b>\$ 113,991,578</b>

**TOWN OF LADYSMITH**

**BYLAW NO. 2105**

**A Bylaw to Dedicate 1250 Churchill Place as Park**

---

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

1. Lot 2, District Lot 97, Oyster District, Plan EPP117980, is hereby dedicated as park pursuant to section 30 of the *Community Charter*.

**Citation**

2. This Bylaw may be cited for all purposes as "Park Dedication Bylaw (1250 Churchill Place) 2022, No. 2105".

<b>READ A FIRST TIME</b> on the	15 <sup>th</sup> day of	March	, 2022
<b>READ A SECOND TIME</b> on the	15 <sup>th</sup> day of	March	, 2022
<b>READ A THIRD TIME</b> on the	15 <sup>th</sup> day of	March	, 2022
<b>ADOPTED WITH 2/3 MAJORITY</b> on the	day of		,2022

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Mayor (A. Stone)

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Corporate Officer (D. Smith)



**TOWN OF LADYSMITH**

**BYLAW NO. 2087**

**A Bylaw to amend “Official Community Plan Bylaw 2003, No. 1488”**

---

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to “Official Community Plan Bylaw 2003, No. 1488”:

1. Map 1 – Land Use: Is amended to change the Land Use Designation for of the eastern portion of The West 1/2 of the South 1/2 Of District Lot 97, Oyster District, Except Parts in Plans 24414, 26836, 27412 And VIP60630 (1260 Churchill Place) from Single Family Residential to Multi-family Residential and Parks and Open Spaces as shown on Schedule A attached to and forming a part of this bylaw.
2. Map 2 Development Permit Areas: Is amended to apply the Multi-Unit Residential Development Permit Area to the portion of The West 1/2 of the South 1/2 Of District Lot 97, Oyster District, Except Parts in Plans 24414, 26836, 27412 And VIP60630 (1260 Churchill Place) to be designated Multi-family Residential as noted in section 1 and shown on Schedule A attached to and forming a part of this bylaw.

**Citation**

3. This Bylaw may be cited for all purposes as “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 68) 2021, No. 2087”.

<b>READ A FIRST TIME</b> on the	5 <sup>th</sup>	day of	October,	2021
<b>READ A SECOND TIME</b> on the	5 <sup>th</sup>	day of	October,	2021
<b>PUBLIC HEARING</b> held pursuant to the provisions of the <i>Local Government Act</i>				
on the	2 <sup>nd</sup>	day of	November,	2021
<b>READ A THIRD TIME</b> on the	2 <sup>nd</sup>	day of	November,	2021
<b>ADOPTED</b> on the		day of ,		

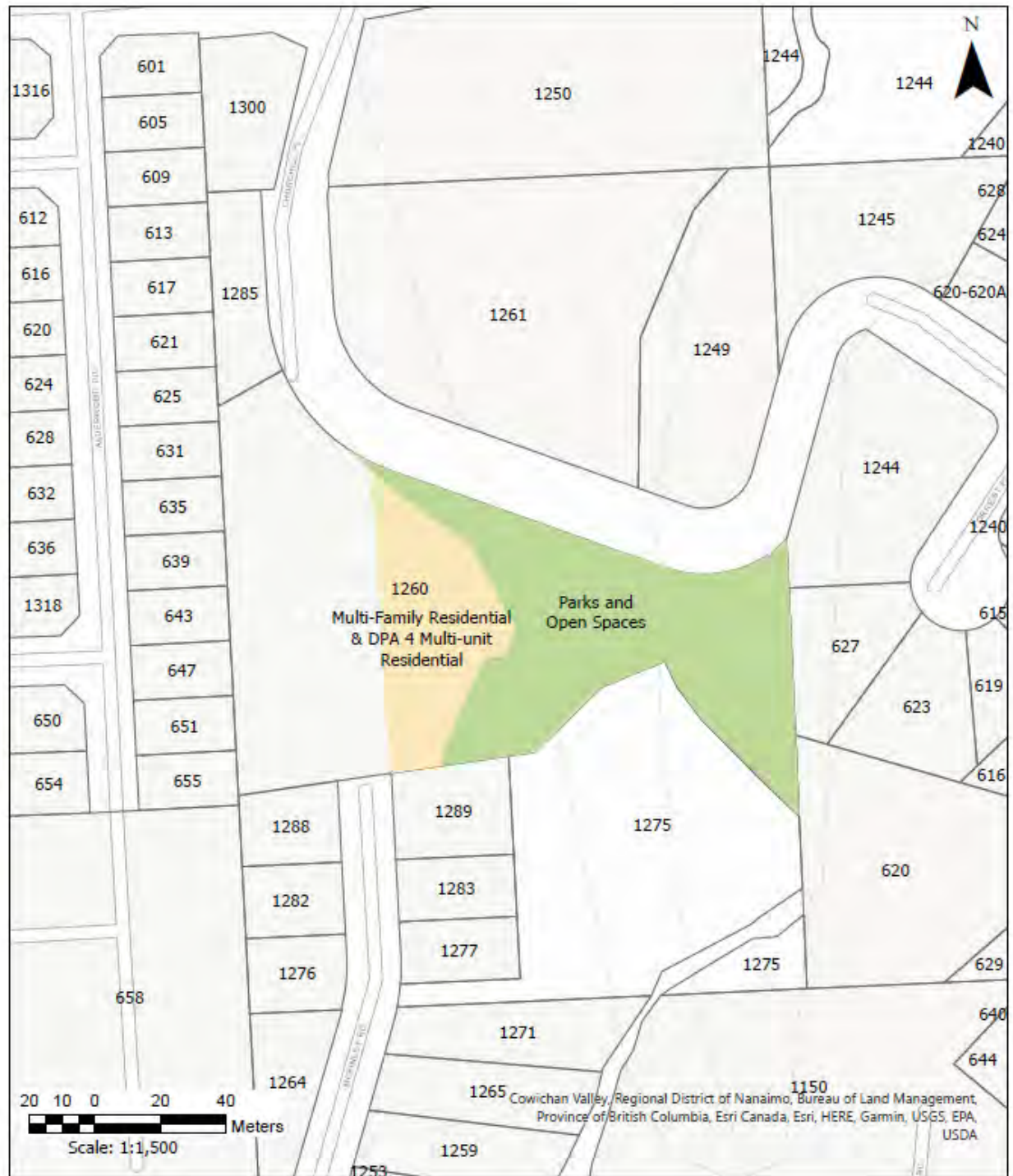
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Mayor (A. Stone)

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Corporate Officer (D. Smith)

## Schedule A





**TOWN OF LADYSMITH**

**BYLAW NO. 2088**

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

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The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to "Town of Ladysmith Zoning Bylaw 2014, No. 1860":

1. Schedule B – Zoning Bylaw Map is amended to change the zoning for The West 1/2 of the South 1/2 Of District Lot 97, Oyster District, Except Parts in Plans 24414, 26836, 27412 And VIP60630 (1260 Churchill Place) from Single Dwelling Residential (R-1) to Single Dwelling Residential Small Lot C (R-1-C), Medium Density Residential (R-3) and Nature Park (P-3) as shown on Schedule A, attached to and forming a part of this bylaw.

**Citation**

2. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 44) 2021, No. 2088".

<b>READ A FIRST TIME</b> on the	5 <sup>th</sup>	day of	October,	2021
<b>READ A SECOND TIME</b> on the	5 <sup>th</sup>	day of	October,	2021
<b>PUBLIC HEARING</b> held pursuant to the provisions of the <i>Local Government Act</i>				
on the	2 <sup>nd</sup>	day of	November,	2021
<b>READ A THIRD TIME</b> on the	2 <sup>nd</sup>	day of	November,	2021
<b>APPROVED</b> by the Ministry of Transportation & Infrastructure				
on the	29 <sup>th</sup>	day of	November,	2021
<b>ADOPTED</b> on the		day of ,		

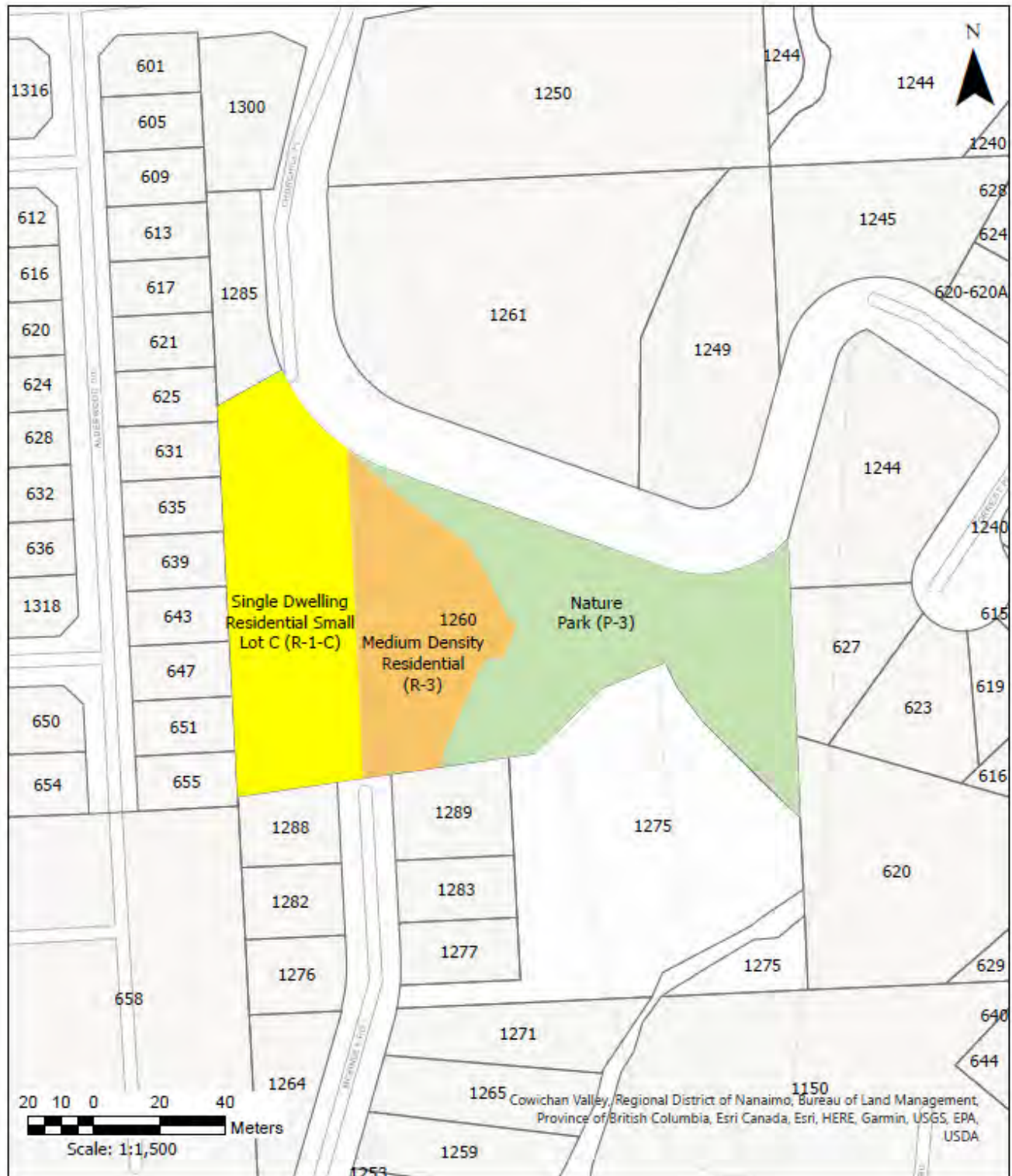
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Mayor (A. Stone)

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Corporate Officer (D. Smith)

## Schedule A





**TOWN OF LADYSMITH**

**BYLAW NO. 2088**

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

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to "Town of Ladysmith Zoning Bylaw 2014, No. 1860":

1. Schedule B – Zoning Bylaw Map is amended to change the zoning for The West 1/2 of the South 1/2 Of District Lot 97, Oyster District, Except Parts in Plans 24414, 26836, 27412 And VIP60630 (1260 Churchill Place) from Single Dwelling Residential (R-1) to Single Dwelling Residential Small Lot C (R-1-C), Medium Density Residential (R-3) and Nature Park (P-3) as shown on Schedule A, attached to and forming a part of this bylaw.

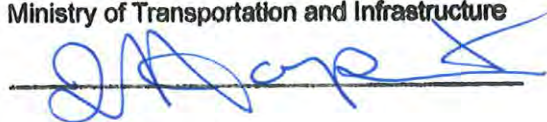
**Citation**

2. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 44) 2021, No. 2088".

**READ A FIRST TIME** on the 5<sup>th</sup> day of October, 2021  
**READ A SECOND TIME** on the 5<sup>th</sup> day of October, 2021  
**PUBLIC HEARING** held pursuant to the provisions of the *Local Government Act*  
on the 2<sup>nd</sup> day of November, 2021  
**READ A THIRD TIME** on the 2<sup>nd</sup> day of November, 2021  
**APPROVED** by the Ministry of Transportation & Infrastructure  
on the day of ,  
**ADOPTED** on the day of ,

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

this 29<sup>th</sup> day of November 2021  
Ministry of Transportation and Infrastructure



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

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

\_\_\_\_\_  
Corporate Officer (D. Smith)

## TOWN OF LADYSMITH

### BYLAW NO. 2089

#### **A Bylaw to Authorize a Housing Agreement.**

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**WHEREAS** Section 483 of the *Local Government Act* provides that Council may enter into a Housing Agreement with an owner which may include terms and conditions agreed to regarding the occupancy of the housing units identified in the Agreement;

**AND WHEREAS** the Council wishes to enter into such an Agreement with respect to certain housing units located in the Town of Ladysmith;

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

1. The Council of the Town of Ladysmith hereby authorizes the Mayor and Corporate Officer to enter into an Agreement, on behalf of the Town of Ladysmith, in substantially the form attached hereto as Schedule A; which sets out terms and conditions of the occupancy of the housing unit identified in the Agreement (the "Housing Agreement"). The land identified in the Agreement is legally described as "The West 1/2 of the South 1/2 Of District Lot 97, Oyster District, Except Parts in Plans 24414, 26836, 27412 And VIP60630".
2. Upon execution of the Agreement by the Mayor and Corporate Officer and application of the seal of the Town of Ladysmith, this Agreement shall be validly entered into as authorized by this Bylaw.
3. **Citation**  
This bylaw may be cited for all purposes as "Housing Agreement Bylaw 2021, No. 2089".

**READ A FIRST TIME** on the 5<sup>th</sup> day of October, 2021

**READ A SECOND TIME** on the 5<sup>th</sup> day of October, 2021

**READ A THIRD TIME** on the 5<sup>th</sup> day of October, 2021

**ADOPTED** on the day of ,

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Mayor (A.Stone)

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Corporate Officer (D. Smith)



## SCHEDULE A

### TERMS OF INSTRUMENT - PART 2

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#### HOUSING AGREEMENT, 219 COVENANT, AND RENT CHARGE

##### WHEREAS:

- A. The Owner is the registered owner in fee-simple of those lands and premises located within the Town of Ladysmith, in the Province of British Columbia, more particularly described as:
- PID 009-473-505  
The West 1/2 Of The South 1/2 Of District Lot 97, Oyster District,  
Except Parts In Plans 24414, 26836, 27412 And VIP 6063
- (the "Lands")
- B. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the Town of Ladysmith (the "Town") in respect of the use of land or construction on land;
- C. The parties wish to enter into this Agreement to provide for an affordable housing unit on the Land on the terms and conditions set out in this Agreement, and this Agreement is both a covenant under section 219 of the *Land Title Act* and a housing agreement under section 483 of the *Local Government Act*.

**THIS AGREEMENT** is evidence that in consideration of the mutual promises contained in it and in consideration of the payment of \$2.00 by the Town to the Owner, the receipt and sufficiency of which is hereby acknowledged by the Owner, the parties agree as follows:

#### PART I – DEFINITIONS

1. In this Agreement the following words have the following meanings:
- a. "Affordable Housing Unit" means a Dwelling Unit with no less than two bedrooms and no smaller than one thousand two hundred (1,200) square feet, and designated as an affordable housing unit in accordance with Part II herein to be used, occupied and Disposed of in accordance with this Agreement;
  - b. "Agreement" means this Housing Agreement and Covenant;
  - c. "CCPI" means the Core Consumer Price Index for Canada published from time to time by the Bank of Canada, or its successor in function;

- d. "Daily Amount" means \$500.00 per day as of December 31, 2021 adjusted thereafter by an amount determined by multiplying \$500.00 by the percentage change in the CCPI since December 31, 2021 to January 1 of the year that a written notice is delivered to the Owner by the Town pursuant to section 21 herein;
- e. "Dispose" means to transfer land by any method, and includes assign, give, sell, grant, charge, convey, bequeath, devise, lease, rent or sublet, divest, release, and agree to do any of those things;
- f. "Dwelling Units" means all residential dwelling units located or to be located on the Land whether those dwelling units are lots, strata lots or parcels, or parts or portions thereof, into which ownership or right of possession or occupation of the Land may be Subdivided (hereinafter defined);
- g. "General Instrument" means the Form C under the Land Title (Transfer Forms) Regulation, to which this Agreement is attached;
- h. "General Instrument Parcel" means the area of the legal parcel described in Item 2 of the General Instrument as at the date of registration of the General Instrument in the LTO;
- i. "Interest" means the property interest of the Owner in the Affordable Housing Unit;
- j. "LTO" means the Victoria Land Title Office, or its successor;
- k. "Owner" means the Transferor described in the General Instrument and any subsequent owner of the Land or of any part into which the Land is Subdivided, and includes any person who is a registered owner in fee simple of the Affordable Housing Unit from time to time;
- l. "Qualified Person" means an individual who meets the criteria stated in Schedule "A" to this Agreement;
- m. "Permitted Encumbrances" means the permitted encumbrances listed in Schedule "B" to this Agreement;
- n. "RFR" means a right of first refusal and option to purchase the Land granted or to be granted by the Owner to the Town;
- o. "Subdivide" means to divide, apportion, consolidate or subdivide the Land, or the ownership or right to possession or occupation of the Land into two or more lots, strata lots, parcels, parts, portions or shares, whether by plan, descriptive words or otherwise, under the *Land Title Act*, the *Strata Property Act*, or otherwise, and includes the creation, conversion, organization or development of "cooperative units" or "shared interests in land" as defined in the *Real Estate Act*;
- p. "Tenancy Agreement" means a tenancy agreement, lease, licence or other agreement granting rights to occupy the Affordable Housing Unit; and
- q. "Tenant" means an occupant of the Affordable Housing Unit by way of a Tenancy Agreement.



## **PART II – USE OF LAND AND CONSTRUCTION OF AFFORDABLE HOUSING UNIT**

2. The Owner covenants and agrees with the Town that:
  - a. the Land will not be developed and no building or structure will be constructed on the Land unless:
    - i. as part of the construction and development of any such building or structure, the Owner also designs and constructs to completion, in accordance with a building permit issued by the Town and in accordance with any development permit issued by the Town, an Affordable Housing Unit on the Land; and
    - ii. an RFR is fully registered against title to the Land in the LTO, with priority as set out in section 2(c) herein;
  - b. the Owner will at all times ensure that the Land is used and occupied in compliance with all statutes, laws, regulations, and orders of any authority having jurisdiction and without limiting the generality of the foregoing all bylaws of the Town and all federal, provincial, municipal or local laws, statutes or ordinances relating to environmental matters, including all rules, regulations, policies, guidelines, criteria or the like promulgated under or pursuant to any such laws; and
  - c. the Owner will do everything necessary, at the Owner's expense, to ensure that this Agreement and the RFR will be registered against title to the Land in priority to all charges and encumbrances which may have been registered or are pending registration against title to the Land save and except those specifically approved in writing by the Town or in favour of the Town.
3. The Owner will not apply for a discharge of this Agreement pursuant to section 6 in respect of any Dwelling Unit, and the Town will be under no obligation to provide such discharge, unless at the time that the Owner applies for the discharge the Owner is not in breach of any of its obligations under this Agreement and there is a Dwelling Unit on the Land which is designated as an Affordable Housing Unit pursuant to section 4 and for which occupancy permits have been issued by the Town and which are and always have been used, occupied and Disposed of in compliance with this Agreement.
4. An application for Affordable Housing Unit designation must be made by the Owner by written notice delivered to the Town and is irrevocable by the Owner upon receipt by the Town of the written notice, but no designation is effective unless and until the Town confirms in writing that the location and the size of the Dwelling Unit is approved by the Town for an Affordable Housing Unit, acting reasonably as a local government. If in the sole discretion of the Town the Owner has failed within a reasonable time to make application for an Affordable Housing Unit designation as required by this Agreement, the Town may in its sole discretion make such designation.
5. The Parties agree that once the Owner has complied with section 2(a), and provided the Owner is in compliance with section 3 and 4, this Agreement is intended only to apply to that portion of the Lands or any parcel into which the Lands have been Subdivided that contains the Affordable Housing Unit.

6. Subject to section 3, at the request of the Owner and at the Owner's sole expense, the Town will deliver to the Owner discharges of this Agreement in registrable form for each Dwelling Unit within the General Instrument Parcel:
  - a. that is a separate legal parcel; and
  - b. is not an Affordable Housing Unit.

### **PART III – USE AND OCCUPANCY OF AFFORDABLE HOUSING UNIT**

7. Unless the Town has permitted the Owner to rent out the Affordable Housing Unit in accordance with section 16 of this Agreement, the owner of the Affordable Housing Unit must occupy the unit for six months plus a day out of each calendar year. Those owners who wish to leave for a finite time of more than 12 months over two calendar years will have the opportunity to apply for an exemption to the Town, such exemption not to be unreasonably withheld.

### **PART IV – DISPOSITION OF THE AFFORDABLE HOUSING UNIT**

8. In this Part, the following words have the following meanings:
  - a. "Affordable Rate" means a rate determined from time-to-time by the Town's corporate officer in its sole discretion with reference to BC Government guidelines, if any;
  - b. "Appraisal Review Period" has the meaning stated in section 13(c) of this Agreement;
  - c. "Appraiser" means an appraiser accredited by the Appraisal Institute of Canada and duly qualified to appraise the Affordable Housing Unit;
  - d. "Below Market Value" means seventy (70%) percent of the Fair Market Value of the Affordable Housing Unit from time to time;
  - e. "Fair Market Value" of the Affordable Housing Unit means the purchase price from time to time which a willing purchaser would pay to a willing vendor, dealing at arm's length from each other, for the "Affordable Housing Unit, unencumbered with the exception of Permitted Encumbrances, as determined in accordance with section 13 of this Agreement;
9. The Owner will not Dispose of its Interest in the Affordable Housing Unit except in accordance with the terms and conditions set out in this Agreement and the RFR.
10. The Owner will only sell, assign, or otherwise transfer the Interest in the Affordable Housing Unit:
  - a. to a Qualified Person;
  - b. for price that is Below Market Value; and
  - c. subject to this Agreement and the RFR.



11. The Owner will give prior written notice of this Agreement and the RFR to any person to whom it proposes to Dispose of the Interest in the Affordable Housing Unit.
12. If at any time the Owner wishes to sell, assign or otherwise transfer the Affordable Housing Unit, the Owner will do so in accordance with a bona fide arm's length agreement of purchase and sale (or as a court may order in a proceeding to enforce a mortgage of the Affordable Housing Unit) and the Owner will, prior to:
  - a. listing or offering the Affordable Unit for sale; or
  - b. accepting an offer to purchase the Affordable Unit,deliver to the Town written notice of their intention to sell the Affordable Housing Unit, such notice to be in the form required by the Town.
13. Fair Market Value and Below Market Value will be determined in accordance with the following:
  - a. Within 7 days after the Owner notifies the Town of their intention to sell the Affordable Housing Unit, the Owner will select an Appraiser to be retained by the Owner to undertake an appraisal (the "**Owner Appraisal**") of the Fair Market Value of the Affordable Unit. The Owner will deliver a copy of the Owner Appraisal to the Town within 7 days after the Owner receives the Owner Appraisal.
  - b. If the Owner and the Town agree within 7 days after the Owner Appraisal is delivered to the Town that the Fair Market Value of the Affordable Housing Unit is as stated in the Owner Appraisal, the Fair Market Value stated in the Owner Appraisal, less thirty (30) percent will be the maximum price at which the Owner will be permitted to sell the Affordable Housing Unit during a period of 6 months commencing on the effective date of the Owner Appraisal.
  - c. If the Owner and the Town do not agree within 7 days (the "**Appraisal Review Period**") after the Owner Appraisal is delivered to the Town that the Fair Market Value of the Affordable Unit is as stated in the Owner Appraisal, the Town will retain its own Appraiser at its own expense to undertake an appraisal (the "**Town Appraisal**") of the Fair Market Value of the Affordable Housing Unit in which case the average of the Fair Market Value stated in the Owner Appraisal and the Town Appraisal, less thirty (30) percent will be the maximum price at which the Owner will be permitted to sell the Affordable Housing Unit during a period of 6 months commencing on the effective date of the Town Appraisal.
  - d. The Town will deliver a copy of the Town Appraisal to the Owner within 7 days after the Town receives the Town Appraisal.
  - e. If the Town Appraisal is not delivered to the Owner within 30 days after the end of the Appraisal Review Period, the Fair Market Value stated in the Owner Appraisal, less thirty (30) percent will be the maximum price at which the Owner will be permitted to sell the Affordable Housing Unit during a period of 6 months commencing on the effective date of the Owner Appraisal.
  - f. Each party will be responsible for the cost of its appraisal .

- g. Within 7 days after the Fair Market Value of the Affordable Housing Unit has been determined under subsections (b) or (c), the Town will notify the Owner of the maximum price, at which time the Owner will be permitted to offer to sell the Affordable Housing Unit, which price shall be deemed to be its Below Market Value.
  - h. The Owner will immediately deliver a true copy of any contract of purchase and sale which the Owner may enter into with respect to the sale of the Affordable Housing Unit or any interest therein (the "**Sale Contract**").
- 14. The Sale Contract will be in writing and will:
  - a. be for a selling price not greater than the Below Market Value of the Affordable Housing Unit;
  - b. be subject to the seller notifying the buyer in writing that the Town of Ladysmith has approved the terms of the sale of the Land to the buyer and that the Town has decided not to exercise its right of first refusal or option to purchase the Land with respect to this transaction only;
  - c. be subject to the Town determining and notifying the Owner in writing (within a period of 20 Business Days after the Town has received a true copy of the Sale Contract) that the Owner has complied with the requirements of Part 4 of this Agreement, and that it is satisfied that the buyer is a Qualified Person, failing which the Sale Contract will be null and void; and
  - d. include a statement that the buyer agrees to purchase the Affordable Housing Unit subject to the terms of this Housing Agreement and the RFR.
- 15. The Owner shall ensure that the Town is provided with any and all information it requires in order to satisfy itself that the prospective buyer is a Qualified Person, including but not limited to any information or documents contemplated in Schedule "A" to this Agreement.
- 16. The Town will not be obligated to review or make any determination with respect to a Sale Contract as stated in section 14 above if the date of receipt by the Town of a true copy of the Sale Contract and any other information required by the Town under section 15 is after the expiry of the 6 month period during which the Owner is permitted to sell the Affordable Housing Unit at the agreed upon Below Market Price. If the 6 month period has expired, the process under this Part IV of the Agreement will begin again, with the Owner giving fresh notice to the Town of their intention to sell the Affordable Housing Unit.
- 17. Upon notice from the executor of the Owner's estate, the Town may, at its sole discretion, waive the RFR and consent to a transfer of the Affordable Housing Unit to the children of the deceased Owner, provided that the children of the deceased Owner are of legal age and meet all of the requirements of a Qualified Person, including planning to reside in the unit as their primary residence. If the children of the deceased Owner own market real estate, they must agree to sell the market real estate within 6 months of taking ownership of the Affordable Housing Unit.
- 18. An Affordable Housing Unit cannot be transferred to an Owner's beneficiary under the age of 19. If the Owner's child or children are not yet of legal age, another family member or legal guardian may reside in the Affordable Housing Unit with the child or children until the child or children reach legal age.



19. Where an executor is holding title to an Affordable Housing Unit in trust, not living or intending to live in the Affordable Housing Unit with the child or children, and waiting for the Owner's beneficiary of the estate to come of age to inherit for the beneficiary's own use as their primary residence, the owner occupancy requirements set out in Part III will not be waived until the Owner's beneficiary is 19 years of age, provided the Affordable Housing Unit is rented in accordance with Part V of this Agreement.

## **PART V- RENTAL**

20. The Owner will not rent or lease the Affordable Housing Unit except in accordance with the following additional conditions:
  - a. in the case of hardship, as decided by the Town's chief administrative officer and upon making to the chief administrative officer in the form provided by the chief administrative officer, if any, the Affordable Housing Unit may be rented at an Affordable Rate for a period of no shorter than six months;
  - b. if a Qualified Person cannot be located to purchase the Affordable Housing Unit, as decided by the chief administrative officer in its sole discretion, and on making an application to the chief administrative officer in the form provided by the chief administrative officer, if any, the Affordable Housing Unit may be rented at an Affordable Rate for a period no shorter than six months.
  - c. where an executor is holding title to an Affordable Housing Unit in trust, not living or intending to live in the Affordable Housing Unit with the child or children, and waiting for the Owner's beneficiary of the estate to come of age to inherit for the beneficiary's own use as their primary residence in accordance with section 19 of this Agreement,
  - d. The maximum term of any rental shall be two years, at which point the Affordable Unit must be listed for sale. As an exception, In the circumstances governed by section 20(c), rental may continue until the beneficiary comes of age. Rental may continue at an Affordable Rate at the discretion of the chief administrative officer. If hardship continues or a qualified buyer cannot be located after this listing, additional sales listings may be required at any time at intervals decided by the chief administrative officer at its discretion.
  - e. Rental shall be to an individual who meets the income and place of work requirement to be a Qualified Person.
  - f. Any tenancy shall be governed by an agreement under the *Residential Tenancy Act* (BC), and shall include the following provisions:
    - i. Permitting the Owner to terminate the tenancy agreement in accordance with the *Residential Tenancy Act* if the tenant uses or occupies, or allows use or occupation of, the Affordable Housing Unit in breach of the use or occupancy restrictions contained in this Agreement;
    - ii. Explicitly prohibiting the assignability, sub-letting, and use of the Affordable Housing Unit for short term vacation rentals;

- iii. Explicitly specifying that only persons named in the tenancy agreement may occupy the Affordable Housing Unit;
  - iv. Providing that the Owner will have the right, at its option, to terminate the tenancy agreement should the tenant remain absent from the Affordable Housing Unit for three consecutive months or longer, notwithstanding the timely payment of rent; and
  - v. Prohibiting guests residing in the Affordable Housing Unit for more than 30 days, whether or not consecutive, in any 12 month period without prior written consent of the Owner;
  - g. The Owner shall terminate the tenancy if the tenant uses or occupies, or allows use or occupancy in breach of the use and occupancy restrictions in this Agreement.
  - h. the Owner will not require the Tenant to pay any extra charges or fees for use of any common property, limited common property, or other common area, or for sanitary sewer, storm sewer, water utilities or property taxes. For clarity, this section does not apply to cable television, telephone, Internet, other telecommunications, gas utility or electricity utility fees or charges; provided, however, that the Owner may charge a maximum of an additional \$75.00 per month if the Affordable Housing Unit is fully furnished and an additional \$25.00 per month if the Affordable Housing Unit contains a fully functioning washer and dryer.
  - i. the Owner will attach a copy of this Agreement to the Tenancy Agreement; and
  - j. the Owner will deliver a copy of the Tenancy Agreement to the Town upon demand.
21. The Owner will terminate any Tenancy Agreement where the Tenant uses or occupies, or allows use or occupation of an Affordable Housing Unit in breach of this Agreement, such termination to be in accordance with the terms of the Tenancy Agreement and the *Residential Tenancy Act* (British Columbia).
22. The Town may, in its sole discretion, provide written consent to the Owner from time to time to do something that is otherwise not permitted under this Agreement, on such terms and conditions as the Town considers desirable.
23. The Owner will be solely responsible for screening Tenants to determine whether or not they qualify to occupy the Affordable Housing Unit in accordance with this Agreement.

## **PART VI – DEMOLITION OF AFFORDABLE HOUSING UNIT**

24. The Owner will not demolish the Affordable Housing Unit unless:
- a. the Owner has obtained the written opinion of a professional engineer or architect who is at an arm's length to the Owner that it is no longer reasonable or practical to repair or replace any structural component of the Affordable Housing Unit, and the Owner has delivered to the Town a copy of the engineer's or architect's report; or



- b. the Affordable Housing Unit is damaged or destroyed, to the extent of 40% or more of their value above their foundations, as determined by the Town in its sole discretion, acting reasonably, and
- c. a demolition permit for the Affordable Housing Unit has been issued by the Town (unless the building has, or the Dwelling Units have been destroyed by an accident, act of God, or sudden and unanticipated force) and the Affordable Housing Unit has been demolished under that permit.

Following demolition, the Owner will use and occupy the replacement Dwelling Unit in compliance with this Housing Agreement, and sections 2(c) herein will apply to the construction of the replacement Dwelling Unit to the same extent and in the same manner as those sections apply to the construction of the original Dwelling Unit, and the Dwelling Unit must be approved by the Town as an Affordable Housing Unit in accordance with section 4.

In the event of damage or destruction to the Affordable Housing Unit, the Owner shall ensure that all insurance proceeds under the insurance policy required by section 32 of this Agreement are used to repair or replace the Affordable Dwelling Unit.

## PART VII – DEFAULT AND REMEDIES

- 25. The Owner agrees that, in addition to any other remedies available to the Town under this Agreement or at law or equity, if the Affordable Housing Unit is used or occupied in breach of this Agreement or rented at a rate in excess of that permitted under this Agreement, the Owner will pay, as a rent charge under section 25, the Daily Amount to the Town for each day of the breach of this Agreement. The Daily Amount is increased on January 1 of each year by an amount calculated by multiplying the Daily Amount of the previous January 1 by the percentage increase in the CCPI between that previous January 1 and the immediately preceding December 31. The Daily Amount is due and payable immediately upon receipt by the Owner of an invoice from the Town for the same.
- 26. The Owner hereby grants to the Town a rent charge under s. 219 of the *Land Title Act* (British Columbia), and at common law, securing payment by the Owner to the Town of any amount payable by the Owner pursuant to this Agreement. The Owner agrees that the Town, at its option, may enforce payment of such outstanding amount in a court of competent jurisdiction as a contract debt, by an action for and order for sale, by proceedings for the appointment of a receiver, or in any other method available to the Town in law or in equity.
- 27. If the Affordable Housing Unit is sold for a purchase price that is not Below Market Value in contravention of this Agreement, the Owner will pay the excess (the "**Excess Amount**") to the Town within 30 days after written demand is made by the Town. The amount remaining unpaid after the 30 days will bear interest at 10 percent calculated from the due date until the date paid, compounded annually not in advance. The Owner further acknowledges and agrees that the Town's Excess Amount is fair and reasonable and is not to be construed as a penalty or forfeiture but as liquidated damages. Whether a purchase price was not Below Market Value in contravention of this Agreement will be determined by an Appraiser retained by the Town for this purpose.

## **PART VIII – INTERPRETATION**

28. In this Agreement:

- a. reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
- b. article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- c. if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- d. reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- e. reference to any enactment is a reference to an enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- f. the provisions of s. 25 of the *Interpretation Act* with respect to the calculation of time apply;
- g. time is of the essence;
- h. all provisions are to be interpreted as always speaking;
- i. reference to a "party" is a reference to a party to this Agreement and to that party's respective successors, assigns, trustees, administrators and receivers. Wherever the context so requires, reference to a "party" also includes employees, agents, officers and invitees of the party;
- j. reference to a "day", "month", "quarter" or "year" is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the case may be, unless otherwise expressly provided; and
- k. where the word "including" is followed by a list, the contents of the list are not intended to circumscribe the generality of the expression preceding the word "including".

## **PART IX- MISCELLANEOUS**

29. **Housing Agreement.** The Owner acknowledges and agrees that this:

- a. Agreement constitutes a covenant under s. 219 of the *Land Title Act* and a housing agreement entered into under s. 483 of the *Local Government Act* (British Columbia);
- b. where an Affordable Housing Unit is a separate legal parcel the Town may file a notice of housing agreement under s. 483 of the *Local Government Act* in the LTO against title to the Affordable Housing Unit; and



- c. where the Affordable Housing Unit is not a separate legal parcel, or has not yet been constructed, or where the land has not yet been Subdivided to create the Affordable Housing Unit, the Town may file a notice of housing agreement under s. 483 of the *Local Government Act* in the LTO against title to the Land.
- 30. **Modification.** This Agreement may be modified or amended from time to time, by bylaw duly passed by the Council of the Town, if it is signed by the Town and a person who is the current registered owner of the Land.
- 31. **Management.** The Owner covenants and agrees that it will permit representatives of the Town to inspect the Affordable Housing Unit at any reasonable time, subject to the notice provisions in the *Residential Tenancy Act*. The Owner further covenants and agrees that it will maintain the Affordable Housing Unit in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Land.
- 32. **Insurance.** The Owner will at all times ensure that the Affordable Dwelling Unit is insured to its full replacement value, protecting it and any fixtures against "All Perils" of loss or damage including flood, sewer backup and earthquake, and will include boilers and pressure vessels, protecting against usual and unusual perils, including damage caused by rupture of steam pipes.
- 33. **Indemnity.** The Owner will indemnify and save harmless the Town and each of its elected officials, officers, directors, employees and agents, and their heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, actions, loss, damage, costs and liabilities which all or any of them will or may be liable for or suffer or incur or be put to by reason of or arising out of:
  - a. any act or omission of the Owner, or its officers, directors, employees, agents, contractors or other persons for whom at law the Owner is responsible;
  - b. the Owner's ownership, lease, operation, management or financing of the Land or the Affordable Housing Unit; or
  - c. any act or omission of the Town or any of its elected officials, board members, officers, directors, employees, agents or contractors in carrying out or enforcing this Agreement, except where such act or omission constitutes a breach of this Agreement by the Town or by any other person for whom at law the Town is responsible.
- 34. **Release.** The Owner by this Agreement releases and forever discharges the Town and each of its elected officials, officers, directors, employees and agents, and its and their heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of advice or direction respecting the ownership, lease, operation or management of the Land or any Affordable Housing Unit which has been or at any time after the commencement of this Agreement may be given to the Owner by all or any of them.
- 35. **Survival.** The obligations of the Owner set out in sections 33 and 34 will survive termination of this Agreement.

36. **Municipalities Power Unaffected.** This Agreement does not:
- a. affect or limit the discretion, rights, duties or powers of the Town under any enactment or at common law, including in relation to the use or subdivision of the Land;
  - b. impose on the Town any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement;
  - c. affect or limit any enactment relating to the use or subdivision of the Land; or
  - d. relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.
37. **Agreement for Benefit of Town only.** The Owner and the Town agree that:
- a. this Agreement is entered into only for the benefit of the Town;
  - b. this Agreement is not intended to protect the interests of the Owner, any tenant, or any future owner, lessee, occupier or user of the Property, the Land or the building or any portion thereof, including any Affordable Housing Unit;
  - c. the Town may at any time execute a release and discharge of this Agreement, without liability to anyone for doing so, and without obtaining the consent of the Owner.
38. **No Public Law Duty.** Where the Town is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the Town is under no public law duty of fairness or natural justice in that regard and agrees that the Town may do any of those things in the same manner as if it were a private party and not a public body.
39. **Notice.** Any notice required to be served or given to a party herein pursuant to this Agreement will be sufficiently served or given if delivered, to the postal address of the Owner set out in the records at the LTO, and in the case of the Town addressed:
- To: Town of Ladysmith  
410 Esplanade  
PO Box 220  
Ladysmith, BC V9G 1A2
- or to the most recent postal address provided in a written notice given each of the parties to the other. Any notice which is delivered is to be considered to have been given on the first day after it is dispatched for delivery.
40. **Enuring Effect.** This Agreement will extend to and be binding upon and enure to the benefit of the parties hereto and their respective successors and permitted assigns.
41. **Severability.** If any provision of this Agreement is found to be invalid or unenforceable such provision or any part thereof will be severed from this Agreement and the resultant remainder of this Agreement will remain in full force and effect.



42. **Waiver.** All remedies of the Town will be cumulative and may be exercised by the Town in any order or concurrently in case of any breach and each remedy may be exercised any number of times with respect to each breach. Waiver of or delay in the Town exercising any or all remedies will not prevent the later exercise of any remedy for the same breach or any similar or different breach.
43. **Sole Agreement.** This Agreement, and any documents signed by the Owners contemplated by this Agreement, represent the whole agreement between the Municipality and the Owner respecting the use and occupation of the Affordable Housing Units, and there are no warranties, representations, conditions or collateral agreements made by the Municipality except as set forth in this Agreement.
44. **Further Assurance.** Upon request by the Municipality the Owner will forthwith do such acts and execute such documents as may be reasonably necessary in the opinion of the Municipality to give effect to this Agreement.
45. **Covenant Runs with the Land.** This Agreement burdens and runs with the Land and every parcel into which it is Subdivided. All of the covenants and agreements contained in this Agreement are made by the Owner for itself, its personal administrators, successors and assigns, and all persons who after the date of this Agreement, acquire an interest in the Land.
46. **Limitation on Owner's Obligations.** The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.
47. **Equitable Remedies.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the Municipality for breach of this Agreement or the RFR and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement or the RFR.
48. **No Joint Venture.** Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the Municipality or give the Owner any authority to bind the Municipality in any way.
49. **Applicable Law.** Unless the context otherwise requires, the laws of British Columbia will apply to this Agreement and all statutes referred to herein are enactments of the Province of British Columbia. Without limiting the above, in the event of any conflict between any provision of this Agreement and the *Residential Tenancy Act*, this Agreement is without effect to the extent of the conflict.
50. **Deed and Contract.** By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

## **SCHEDULE A**

### **Qualified Buyer Criteria**

A Qualified Buyer means a person who meets the following criteria:

- (a) The person, or any member of the person's household, does not own, either directly or indirectly through a trust, business asset, or otherwise, any interest in real property anywhere in the world, from the time that such person enters into an agreement for the purchase of an Affordable Housing Unit until such person completes the purchase of an Affordable Housing Unit, unless:
  - i. the Assessed Value of all the real property he or she owns does not exceed 60% of the Assessed Value of the Affordable Housing Unit (as determined in accordance with Part IV of this Agreement); or
  - iii. the real estate he or she owns is located in the Town of Ladysmith; andthat person enters into an agreement with the Town to sell his or her interest in the real property within the time period specified by the Town, acting reasonably, or that person enters into an agreement with the Town with respect to the real property and the Affordable Housing Unit on terms acceptable to the Town in its sole discretion;
- (b) a person provides Proof of Income that their annual gross household income for each of the past five years is no more than ten percent greater than the median household income for Ladysmith for that year, using the most recent Census information, it being understood and agreed that the Town may, from time to time, grant an exemption from or vary such requirement if, in the opinion of the Town and having regard to prevailing market conditions, such exemption or variation is consistent with the continued use and availability of the Affordable Housing Unit as affordable housing;
- (c) a person who intends to immediately use and occupy the Affordable Housing Unit as their principal residence and not rent or lease the Affordable Housing Unit to any other person, nor leave the unit vacant, use it solely for a business or profession, or use it as a short- term vacation rental property of any kind; and
- (d) the person provides evidence to the satisfaction of the Town's chief administrative officer that the person or a member of the person's household is either employed or self-employed for an average of not less than 10 hours per week on an annual basis at a business located within the boundaries of the Town of Ladysmith

For the purpose of this Schedule:

"Fair Market Value" of real property owned by a purchaser means the purchase price from time to time which a willing purchaser would pay to a willing vendor, dealing at arm's length from each other, for the real property.



"Income" means the total household income before income tax from all sources of all persons intending to live in the Affordable Unit including, without limitation:

- (a) all income from earnings, including commissions and tips;
- (b) all income from all public and private pension plans, old age security and guaranteed income supplement;
- (c) all income received under the *Employment and Assistance Act* and the *Employment and Assistance for Persons with Disabilities Act*;
- (d) disabled veteran's allowance;
- (e) alimony;
- (f) child support;
- (g) workers' compensation benefits;
- (h) employment insurance;
- (i) non-repayable training allowances, research fellowships, and similar grants and
- (j) Income from Assets,

but excluding the following:

- i. child tax benefit;
- ii. capital gains, such as insurance settlement, inheritances, disability awards and sale of effects in the year they are received;
- iii. the earnings of a person aged 18 and under;
- iv. student loans, student loan equalization payments, student grants and bursaries
- v. shelter aid for elderly renters (SAFER) or rental assistance program (RAP) payments received prior to purchasing an Affordable Unit;
- vi. GST rebates;
- vii. taxable benefits received through employment;
- viii. government provided day care allowance; and
- ix. payments for foster children, or child in home of relative (CIHR) income under the *Employment and Assistance Act*.

"Income from Assets" means computing income from assets of all persons intending to live in an Affordable Housing Unit at a percentage per annum as determined by Town, excluding the first \$65,849.00 in assets of such persons, based on November 1, 2021 dollars, indexed over time by reference to changes from time to time in the consumer price index (all items, British Columbia) or if such consumer price index is no longer published, such substitute and comparable index as the NPO may designate.

"Proof of Income" means a tax return filed with Canada Revenue Agency or a notice of assessment from Canada Revenue Agency under the *Income Tax Act*.



**SCHEDULE "B"**  
**Permitted Encumbrances**

Charge Number	Description
M76300	Exception and Reservation in favour of E&N Railway
EF87178	SRW in favour of the Town of Ladysmith
EJ36041	SRW in favour of the Town of Ladysmith
EJ36043	Easement
	Any other encumbrances of a non-financial nature in favour of the Town of Ladysmith registered as a result of any rezoning, development permit, subdivision or building permit application.

**TOWN OF LADYSMITH**

**BYLAW NO. 2108**

**A bylaw establishing the Financial Plan for the years 2022-2026**

---

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

Administration

1. Schedule "A" attached to and forming a part of this bylaw is hereby adopted and shall be the Financial Plan for the Town of Ladysmith for the five years ending December 31, 2026.
2. Schedule "B" attached to and forming a part of this bylaw is hereby adopted and shall be the Statement of Objectives and Policies for the Town of Ladysmith for the five years ending December 31, 2026.

Repeal

3. The "Town of Ladysmith Financial Plan Bylaw 2021, No. 2072" in its entirety is hereby repealed.

Citation

4. This bylaw may be cited for all purposes as "Financial Plan Bylaw 2022, No. 2108".

**READ A FIRST TIME** on the                      day of  
**READ A SECOND TIME** on the                  day of  
**READ A THIRD TIME** on the                day of  
**ADOPTED** on the                               day of

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Mayor (A. Stone)

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Corporate Officer (D. Smith)

## SCHEDULE "A"

### 2022 – 2026 Financial Plan

	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
<b>REVENUES:</b>					
Revenue From Property Tax Values	9,450,931	9,837,144	10,502,164	11,183,563	11,720,103
Revenue From Grants In Lieu	177,139	179,189	181,339	183,515	185,717
Revenue From Parcel Taxes	3,167,836	3,180,556	3,193,278	3,206,051	3,218,875
Revenue From Fees & Charges	5,519,318	5,551,479	5,585,414	5,719,593	5,754,518
Revenue From Other Sources	29,145,813	954,197	1,455,968	2,631,291	2,007,806
	47,461,037	19,702,565	20,918,163	22,924,013	22,887,019
<b>EXPENSES:</b>					
General Operating Expense	11,694,998	11,834,385	12,134,965	12,442,430	12,629,787
Sanitary Sewer Operating Expenses	1,535,256	1,550,360	1,565,641	1,581,059	1,596,616
Water Operating Expenses	2,394,626	2,424,998	2,456,025	2,487,393	2,519,106
Interest Payments	616,337	636,337	963,337	964,237	964,237
Amortization	4,180,476	4,255,725	4,332,328	4,410,310	4,489,696
	20,421,693	20,701,805	21,452,296	21,885,429	22,199,442
Annual Surplus/Deficit	27,039,344	(999,240)	(534,133)	1,038,584	687,577
<b>Add back:</b>					
Amortization	4,180,476	4,255,725	4,332,328	4,410,310	4,489,696
<b>Capital Expenditures</b>					
General Capital	20,584,772	2,027,212	13,414,500	3,911,200	4,948,000
Sanitary Sewer Capital	3,314,079	485,000	1,440,000	580,000	1,260,000
Water Capital	28,484,051	625,927	1,385,000	1,350,000	4,970,000
Proceeds from New Debt	(8,300,000)	0	(10,900,000)	(30,000)	(3,725,000)
Principal Payments	1,966,572	1,085,872	1,412,872	1,413,772	1,525,522
Transfers from Reserves	(4,309,127)	(459,397)	(848,727)	(1,183,679)	(2,942,820)
Transfer to (from) Own Funds	(10,520,527)	(508,129)	(2,105,450)	(592,399)	(858,429)
Financial Plan Balance	-	-	-	-	-



## **SCHEDULE "B"**

### **Town of Ladysmith 2022 – 2026 Financial Plan Statement of Objectives and Policies**

In accordance with the *Community Charter*, the Town of Ladysmith (Town) is required to include in the Five Year Financial Plan, objectives and policies regarding each of the following:

1. The proportion of total revenue that comes from each of the funding sources described in the *Community Charter*;
2. The distribution of property taxes among the property classes; and
3. The use of permissive tax exemptions.

#### **Funding Sources**

Table 1 shows the proportion of total revenue proposed to be raised from each funding source in 2022. Table 2 shows a further breakdown of the funding proposed to come from reserves, Development Cost Charges and surpluses. Council currently has no specific policy surrounding the proportion of total revenue to come from each funding source.

Property taxes form the greatest proportion of revenue. As a revenue source, property taxation offers a number of advantages, for example, it is simple to administer and it is fairly easy for residents to understand. It offers a stable and reliable source of revenue for services that are difficult or undesirable to fund on a user-pay basis.

User fees and charges form a large portion of planned revenue. Many services can be measured and charged on a user-pay basis. Services where fees and charges can be easily administered include water and sewer usage, building permits, business licenses, and sale of services will be charged on a user-pay basis. User fees attempt to apportion the value of a service to those who use the service.

#### ***Objectives & Policies***

- The Town will increase the proportion of revenue that is received from user fees and charges until the fees and charges more closely meet the costs incurred to provide the services.
- The Town will review all user fee levels to ensure they are adequately meeting both the capital and delivery costs of the service.
- Water and Sanitary Sewer Rates will be reviewed to ensure that appropriate user fees are charged, rather than taxation, to lessen the burden on its limited property tax base.
- Borrowing will be considered when a capital project will provide benefits to taxpayers over a long period.

- Pursuant to Council's direction, the Town will build a reserve to fund major capital projects. A minimum of 10% prior year's municipal tax levy will be transferred to General Capital projects. A further 5% of the prior year's municipal tax levy will be transfer to an infrastructure deficit.

**Table 1: Sources of Revenue**

Revenue Source	Dollar (\$)	Percent (%)
Property value taxes	9,450,931	14%
Grants in Lieu	177,139	0%
Parcel Taxes	3,167,836	4%
User fees & charges	5,519,318	8%
Other Sources	3,843,713	5%
Borrowing	8,300,000	12%
Grants	25,302,100	35%
DCCs & Reserves	4,309,127	6%
Own Funds	11,319,536	16%

**Table 2: Utilization of Reserves, Development Cost Charges and Surplus for 2022**

Source	Dollar Value	% of Total
Development Cost Charges - Roads	1,849,020	12%
Development Cost Charges - Parks	50,000	0%
Development Cost Charges - Sewer	887,960	6%
Development Cost Charges - Water	92,500	1%
Cemetery Care Fund	1,950	0%
Gas Tax Funds	1,429,647	9%
Carry-forward reserve	5,041,802	32%
Safe-restart funds	197,152	1%
Surplus & Appropriated Equity	4,579,090	29%
Real Property Reserve	1,501,492	10%

### **Distribution of Property Tax Rates**

Table 3 outlines the distribution of property taxes among the property classes. The residential property class provides the largest proportion of property tax revenue. This is appropriate as this class also forms the largest portion of the assessment base and consumes the majority of Town services.

### ***Objectives & Policies***

- The amount of taxes to be collected from each of the classes will be reviewed each year.
- Supplement, where possible, revenues from user fees and charges to help to offset the burden on the entire property tax base.
- Continue to maintain and encourage economic development initiatives designed to attract more light industry, retail and commercial businesses to invest in the community.
- Align the distribution of tax rates among the property classes with the social and economic goals of the community, particularly to encourage economic and environmental sustainability opportunities.
- Regularly review and compare the Town's distributions of tax burden relative to other municipalities in British Columbia.

**Table 3: Distribution of 2022 Property Tax Rates**

	<b>2022</b>
<b>Property Class</b>	<b>% of Total Property Taxation</b>
Residential (1)	73.28%
Utilities (2)	0.58%
Supportive Housing (3)	0.00%
Major Industry (4)	11.51%
Light Industry (5)	1.01%
Business and Other (6)	13.36%
Managed Forest Land (7)	0.00%
Recreation/Non-profit (8)	0.25%
Farmland (9)	0.01%
<b>Total</b>	<b>100.00%</b>



### **Permissive Tax Exemptions & Revitalizations Tax Exemptions**

The Town supports non-profit organizations through permissive tax exemptions. Permissive tax exemptions will be reviewed annually and considered in conjunction with:

- (a) other assistance being provided by the Town;
- (b) the potential demands for Town services or infrastructure arising from the property;  
and
- (c) the amount of revenue that the Town will lose if the exemption is granted.

The Town believes revitalizations tax exemptions are an appropriate tool to assist the Town to achieve its strategic objectives. The Town can exempt municipal taxes for up to ten years where the project meets specific criteria and objectives as defined by bylaw. Recipients of exemptions must enter into a Revitalization Tax Exemption Agreement with the Town.

### ***Objectives & Policies***

- The Town will continue to provide permissive tax exemptions to some non-profit societies.
- Continue the use of the revitalization tax exemption for economic revitalization in order to encourage the commercial and industrial redevelopment of specific areas.

## TOWN OF LADYSMITH

### BYLAW NO. 2109

#### **A Bylaw for the levying of rates for Municipal, Library, Hospital and Regional District purposes for the year 2022**

---

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

1. Definitions

In this Bylaw, the following words, terms or phrases shall have the respective meaning assigned to them:

“City Hall”	means the Town of Ladysmith City Hall located at 410 Esplanade, Ladysmith, BC with a mailing address of Box 220, Ladysmith, BC V9G1A2.
“Collector”	means the person duly appointed as such from time to time by Council, and their designate.
“Alternative Municipal Tax Collection Scheme”	means the scheme for the payment of taxes established under sections 3, 4, and 5.2 of this bylaw.

2. Tax Rates

The following rates are hereby imposed and levied for the year 2022:

- 2.1 For lawful general purposes of the Town of Ladysmith on the value of land and improvements taxable for general municipal purposes, the tax rates shown in column ‘A’ of Schedule “A”, attached to and forming part of this Bylaw;
- 2.2 For lawful general purposes of the Town of Ladysmith on the value of land and improvements taxable for Library purposes, the tax rates shown in column ‘B’ of Schedule “A”, attached to and forming part of this Bylaw;
- 2.3 For purposes of the Cowichan Valley Regional District on the value of land and improvements taxable for Regional Hospital District purposes, the tax rates shown in column ‘C’ of Schedule “A”, attached to and forming part of this Bylaw; and
- 2.4 For purposes of the Cowichan Valley Regional Hospital District on the value of land and improvements taxable for Regional Hospital District purposes, the tax rates shown in column ‘D’ of Schedule “A”, attached to and forming part of this Bylaw.

3. Alternative Municipal Tax Collection Scheme

- 3.1 Unless section 3.3 applies, the rates and taxes imposed under this Bylaw are due and shall be paid on or before the 4<sup>th</sup> day of July, 2022.
- 3.2 An owner may elect to pay the rates and taxes imposed under this Bylaw in accordance with the Alternative Municipal Tax Collection Scheme by providing written notice of that election to the Collector at their office at City Hall, Ladysmith, BC on or before the 15<sup>th</sup> day of June, 2022.
- 3.3 An owner may elect to pay the rates and taxes imposed under this Bylaw in accordance with the General Tax Collection scheme established in the *Community Charter*, by providing written notice of that election to the Collector at their office at City Hall, Ladysmith, BC on or before the 15<sup>th</sup> day of June, 2022.
- 3.4 If an owner does not make an election under Section 3.2 or 3.3, the Alternative Municipal Tax Collection Scheme applies to the rate and taxes payable by that owner.

4. Penalties – Alternative Municipal Tax Collection Scheme

- 4.1 Upon the 5<sup>th</sup> day of July, 2022, or as soon thereafter as is practicable, the Collector shall add to the unpaid balance of the current year's taxes two (2) percent of the amount unpaid as of the 4<sup>th</sup> day of July, 2022.
- 4.2 Upon the 16<sup>th</sup> day of September, 2022, or as soon thereafter as is practicable, the Collector shall add to the unpaid balance of the current year's taxes an additional eight (8) percent of the amount unpaid as of the 15<sup>th</sup> day of September, 2022.

5. Supplementary Tax Rolls

- 5.1 Upon receipt of a Supplementary Tax Roll from BC Assessment, the Collector shall levy taxes in accordance with the rates specified in Schedule "A" of the Bylaw according to the taxable values as shown on the Supplementary Tax Rolls.
- 5.2 For each Supplementary Tax Roll, where the Alternative Municipal Tax Collection Scheme applies, the Collector shall add penalties to the unpaid amounts as follows:
  - a) Where Supplementary Tax Notices are sent before the 1<sup>st</sup> day of June, 2022, penalties shall be added as set out in Section 4 of this Bylaw; and
  - b) Where Supplementary Tax Notices are sent on or after the 15<sup>th</sup> day of August, 2022, ten (10) percent shall be added on any amount unpaid after thirty (30) days.



**Citation**

6. This Bylaw may be cited for all purposes as "Tax Rates Bylaw 2022, No. 2109".

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

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

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

**ADOPTED** on the                      day of

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Mayor (A. Stone)

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Corporate Officer (D. Smith)

**SCHEDULE "A"**  
**"Tax Rates Bylaw 2022, No.2109"**

Tax Rates (Dollars of Tax per \$1,000 Net Taxable Value)

PROPERTY CLASS		<u>A</u> Municipal	<u>B</u> Library	<u>C</u> Cowichan Valley Regional District	<u>D</u> Cowichan Valley Regional Hospital District
<b>1</b>	<b>Residential</b>	2.7886	0.1309	0.6122	0.3782
<b>2</b>	<b>Utilities</b>	25.0962	1.1781	2.1427	1.3237
<b>3</b>	<b>Supportive Housing</b>	2.7886	0.1309	0.6122	0.3782
<b>4</b>	<b>Major Industry</b>	87.7363	4.1184	2.0815	1.2858
<b>5</b>	<b>Light Industry</b>	11.5119	0.5403	2.0815	1.2858
<b>6</b>	<b>Business/Other</b>	10.0385	0.4712	1.4999	0.9266
<b>7</b>	<b>Managed Forest</b>	28.6593	1.3453	1.8366	1.1346
<b>8</b>	<b>Rec Non Profit</b>	1.9494	0.0915	0.6122	0.3782
<b>9</b>	<b>Farm</b>	35.4020	1.6618	0.6122	0.3782

## TOWN OF LADYSMITH

### BYLAW NO. 2110

#### **A Bylaw to impose a sewer parcel tax on owners of land in the Town of Ladysmith**

---

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

#### **Definitions**

1. In this Bylaw, the following words or terms shall have the respective meaning assigned to them:

"Parcel"	Means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2022 Revised Assessment Roll and all amendments thereto.
"Group of Parcels"	Means where a building or improvement is constructed over more than one parcel of land, those parcels, if contiguous, may be dealt with by the Assessor as one parcel and be assessed accordingly.

#### **Levy**

2. A parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the sewer system of the Town, or which is deemed to abut on the said sewer system.
3. The annual sewer parcel tax shall be in the amount of Three Hundred Fifty Dollars (\$350.00) per parcel or group of parcels.
4. The sewer parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes.
5. The sewer parcel tax shall have the same rights and remedies as other real property taxes
6. Every parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter*.



Repeal

7. "Sewer Parcel Tax Bylaw 2021, No. 2075" is hereby repealed.

Citation

8. This bylaw may be cited as "Sewer Parcel Tax Bylaw 2022, No. 2110".

<b>READ A FIRST TIME</b> on the	day of	, 2022
<b>READ A SECOND TIME</b> on the	day of	, 2022
<b>READ A THIRD TIME</b> on the	day of	, 2022
<b>ADOPTED</b> on the	day of	, 2022

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Mayor (A. Stone)

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Corporate Officer (D. Smith)

## TOWN OF LADYSMITH

### BYLAW NO. 2111

#### **A Bylaw to impose a water parcel tax on owners of land in the Town of Ladysmith**

---

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

#### **Definitions**

1. In this Bylaw, the following words or terms shall have the respective meaning assigned to them:

"Parcel"	means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2022 Revised Assessment Roll and all amendments thereto.
"Group of Parcels"	means where a building or improvement is constructed over more than one parcel of land, those parcels, if contiguous, may be dealt with by the Assessor as one parcel and be assessed accordingly.

#### **Levy**

2. A parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the water system of the Town, or which is deemed to abut on the said water system.
3. The annual water parcel tax shall be in the amount of Four Hundred and Fifty Nine Dollars (\$459.00) per parcel or group of parcels.
4. The water parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes.
5. The water parcel tax shall have the same rights and remedies as other real property taxes
6. Every parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter*.

Repeal

7. "Water Parcel Tax Bylaw 2021, No. 2074" is hereby repealed.

Citation

8. This bylaw may be cited as "Water Parcel Tax Bylaw 2022, No. 2111".

<b>READ A FIRST TIME</b> on the	day of	, 2022
<b>READ A SECOND TIME</b> on the	day of	, 2022
<b>READ A THIRD TIME</b> on the	day of	, 2022
<b>ADOPTED</b> on the	day of	, 2022

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Mayor (A. Stone)

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Corporate Officer (D. Smith)



## BYLAW STATUS SHEET

April 19, 2022

Bylaw #	Description	Status
2068	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 65) 2021, No. 2068" (to designate 1130 Rocky Creek Rd. as "General Commercial" to permit a commercial plaza with drive-through coffee shop)	First and second readings, June 1, 2021. Public Hearing and third reading June 15, 2021. Conditions to be met prior to adoption.
2069	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069" (to rezone 1130 Rocky Creek Rd. to "Shopping Centre Commercial" to permit a commercial plaza with drive-through coffee shop)	First and second readings, June 1, 2021. Public Hearing and third reading June 15, 2021. MOTI approval received July 27, 2021. Conditions to be met prior to adoption.
2083	"Park Dedication Bylaw 2022, No. 2083" (to dedicate eight previously undedicated properties as parkland and consolidate existing park dedication bylaws into a single bylaw)	First and second readings, January 11, 2022. Requires 2/3 majority approval.
2087	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 68) 2021, No. 2087" (to change the permitted land uses at 1260 Churchill Place from single-unit residential to a mix of multi-family residential, single family residential and park)	First and second readings, October 5, 2021. Public Hearing and third reading November 2, 2021.
2088	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 44) 2021, No. 2088" (to change the permitted land uses at 1260 Churchill Place from single-unit residential to a mix of multi-family residential, single family residential and park)	First and second readings, October 5, 2021. Public Hearing and third reading November 2, 2021. MOTI approval received November 29, 2021.
2089	"Housing Agreement Bylaw 2021, No. 2089" (to establish an agreement and covenant scheme related to the affordable housing unit identified for 1260 Churchill Place)	First, second and third readings, October 5, 2021.
2105	"Park Dedication Bylaw (1250 Churchill Place) 2022, No. 2105" (to dedicate 1250 Churchill Place as Park).	First, second and third readings, March 15, 2022. Requires LTO registration prior to adoption. Requires 2/3 majority approval.