



AGENDA

Community Planning Advisory Committee

Wednesday, Oct 6, 2021 at 7:00 p.m.
Council Chambers, City Hall

Mandate: *The mandate of the committee is to provide feedback to applicants and advice to Council on land use applications, policies, regulations and initiatives referred either directly by Council or through the Development Approval Procedures Bylaw.*

1. **CALL TO ORDER AND ACKNOWLEDGEMENT (7:00pm)**
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 meetings in person in accordance with COVID-19 safety protocols. Masks are mandatory. Since space in the Council Chamber is limited, public attendance will be on a first-come, first-served basis as space permits.
2. **AGENDA APPROVAL (7:00pm)**
3. **ADOPTION OF SEPT. 1, 2021 MINUTES* (7:05pm)**
4. **NEW BUSINESS**
 - a. **Review of updated CPAC Terms of Reference* (7:05pm)**
Christina
5. **COUNCIL REFERRALS (7:10pm)**
 - a. **Zoning Bylaw Amendment application 3360-21-10 and Development Permit application 3060-21-16 – 431 1st Avenue* (20 minutes)**
 - b. **Official Community Plan & Zoning Bylaw Amendment application 3360-20-10 - 1301 & 1391 Rocky Creek Road* (30 minutes)**
6. **MONTHLY BRIEFING (8:00pm)**
File Updates
7. **NEXT MEETING - TBD**
8. **ADJOURNMENT (8:05pm)**

*Attachments



MINUTES

Community Planning Advisory Committee

Wednesday, September 1, 2021 at 7:00 p.m.
via Zoom

-
- PRESENT:** Acting Chair – Steve Frankel; Members – Brian Childs, Abbas Farahbakhsh, Tamara Hutchinson, Jason Robertson; Council Liaison – Tricia McKay; Senior Planner & Recorder – Christina Hovey; Planner – Julie Thompson
- ABSENT:** Chair - Jason Harrison; Member – Jennifer Sibbald
- GUESTS:** Applicant – Toby Seward (3360-21-03)
-

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 People.

1. ACTING CHAIR

Steve Frankel was selected as the acting chair by unanimous consent.

2. AGENDA APPROVAL

It was moved, seconded and carried that the Agenda of September 1, 2021 be approved.

3. ADOPTION OF MINUTES

It was moved, seconded and carried that the Minutes of August 4, 2021 be approved.

4. NEW BUSINESS

None.

5. COUNCIL REFERRALS

a. Facade Development Permit application 3060-21-14 – 516 1st Avenue

Julie Thompson briefly introduced the file, the applicant was not in attendance. Tiles were damaged on the front of the building and need to be replaced. The paint on the trim of the building, cream, black, and burgundy to match the tile and existing awning. One CPAC member remembers that the building was updated in the 1980s which included the changes to the roofline.

It was moved, seconded and carried that CPAC recommend that DP 3060-21-14 (516 1st Avenue) be approved as presented.

b. Zoning Bylaw Amendment application 3360-21-03 – Lot B Russell Road

Julie Thompson briefly introduced the file. Subdivision of the property will yield 2 additional lots (10 rather than 8) with a change in the zone from R-1 to R-1-B which allows for a smaller parcel size. Toby Seward then spoke on behalf of the applicant and was available for questions. He said that the applicant would be required to build a 2/3 road which would include 7.5m of paving, a sidewalk and a cul-de-sac large enough to allow a fire truck or garbage truck to turn around.

CPAC had a general discussion about subdivision in South Ladysmith and a desire to see more tree retention, greenspace, walking and cycling connections, and high quality housing and/or affordable housing.

CPAC would prefer to have more detail on landscaping plans for this type of development, although this is generally not provided at the time of a zoning amendment. There was also discussion about whether the houses would feel cramped on the parcels and whether there would be adequate parking for all the houses and suites.

It was moved, seconded and carried that CPAC recommends that Council approve rezoning application 3360-21-03 (Lot B – Russell Road) on the condition of provision of a tree preservation covenant, and provision of adequate landscaping and greenspace.

6. MONTHLY BRIEFING

File Updates:

- DP 3060-21-13 (32 High Street, Temperance Hotel) was approved.

7. NEXT MEETING – TBD

8. ADJOURNMENT

It was moved, seconded and carried that the meeting be adjourned at 8:35pm.

Acting Chair (S. Frankel)

RECEIVED:

Corporate Officer (D. Smith)

COMMUNITY PLANNING ADVISORY COMMITTEE**Type**

- Council Committee Task Force

Mandate

The Community Planning Advisory Committee is a Select Committee of Council pursuant to section 142 of the Community Charter.

The mandate of the committee is to provide feedback to applicants and advice to Council on land use applications, policies, regulations and initiatives referred either directly by Council or through the Development Approval Procedures Bylaw.

The Community Planning Advisory Committee (the Committee) will provide:

- (a) Feedback to applicants and recommendations to Council on the following types of development applications, using the principles set out in Schedule A:
- Amendments to the Official Community Plan (OCP) where a change in land use designation is proposed.
 - Amendments to the Zoning Bylaw where change in zone, land use and/or density is proposed.
 - Issuance of a Development Permit where new construction is proposed in accordance with the guidelines for the Downtown (DPA 2).
 - Development or redevelopment of land, buildings or structures that are on the Community Heritage Register.
- (b) Advice to Council or participate on a project advisory committee or task force on behalf of the Committee for Town-initiated land use initiatives, policies or plans, such as new OCP policies, a major review of the OCP, a new area plan, or significant amendments to the Zoning Bylaw.

Authority

This is an advisory committee. The Committee will review matters as outlined within the Committee Mandate, and make recommendations to Council.

Membership and Terms

The Committee will be comprised of the following:

- Seven citizen members
- One Council liaison to facilitate ongoing communication between Council and the Committee on matters referred by Council (This is an *ex-officio* or non-voting role)
- One alternate Council liaison (This is an *ex-officio* or non-voting role)

Each member appointed by Council shall serve a two year term. A member appointed by Council shall serve a maximum of six consecutive years.

Membership Requirements/Qualifications

Members of the Committee will represent the diversity of the community.

The seven citizen members of the Committee will represent a broad range of skills and/or experience in economic and social development, housing, design, and the environment, in areas such as:

- Development economics
- Ladysmith's social issues, including housing
- Preservation and restoration of heritage buildings
- Architecture, urban design or landscape architecture
- Environmental protection and climate change.

Staff Support

The Committee will be supported by one Development Services Department staff liaison (This is an *ex-officio* or non-voting role.)

Reporting

Committee recommendations related to development applications will be conveyed to Council through the established development review process, and generally contained in staff reports to Council. Committee minutes will be provided to Council on a regular basis.

Meeting Management**(a) Chairperson**

- The Chairperson will be elected annually by the members.
- The first Chairperson will be elected at the first meeting of the Committee, and annually thereafter at the first meeting following July 1st.
- If the Chairperson is unable to attend a meeting, the members present will select an acting Chairperson for that meeting.
- An *ex-officio* member may not serve as Chairperson of the Committee.

(b) Meeting Times and Procedures

- The Committee will meet once per month, if there are referrals to consider.
- The meeting location will be published in the meeting agenda.
- The Council Procedure Bylaw of the Town applies to meetings of the Committee.
- Meetings of the Committee will be open meetings pursuant to section 93 of the *Community Charter*.

(c) Agendas and Minutes

- Staff in the Development Services Department, in consultation with the Chairperson, will prepare the meeting agenda and distribute it to the members of the Committee one week prior to the meeting date.
- Recording of meeting minutes will be assigned by the Director of Development Services. Draft minutes will be reviewed by the Chairperson.
- Draft minutes will be distributed with the meeting agenda package.
- Recommendations from the Committee will be included in the Staff Report to Council on the referred matter.
- Minutes of the Committee meetings will be posted on the Town of Ladysmith website and included in Council agenda packages.

Alignment with Council Strategic Priorities

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

Amended: September 21, 2021

Schedule A

1. Application Review Process Principles

(a) OCP or Zoning Bylaw Application Review

- Staff will provide a report outlining the general proposal which will be included in the meeting agenda package.
- The Community Planning Advisory Committee will:
 - Refer to the Official Community Plan and Council's strategic priorities in the review of the proposal
 - Hear from the applicant and its consulting team through a brief presentation to summarize the proposal.
 - Consider each proposal on its own merits.
 - Provide its advice to Council in the form of a motion

(b) Development Permit Application Review

- Staff will provide a report outlining the general proposal which will be included in the meeting agenda package.
- The Community Planning Advisory Committee will:
 - Use the design guidelines contained within the Official Community Plan in the review of development permit proposals.
 - Hear from the applicant's design team through a brief presentation to summarize their design criteria and proposal.
 - Consider each proposal as an expression of the evolution of the streetscape of the Downtown and aim for the highest standard of excellence in the built environment.
 - Consider each proposal on its own merits.
 - Provide its advice to Council in the form of a motion or statement of review.

CPAC REFERRAL REPORT

Report Prepared By: Julie Thompson, Planner
Meeting Date: October 6, 2021
File No: DP 3060-21-16 & ZBL 3360-21-10
Re: Façade Development Permit Application & Rezoning Application – 431 1st Avenue

EXECUTIVE SUMMARY:

A façade Development Permit (DP) application and rezoning application have been received for the building at 431 1st Avenue to facilitate the construction of a fourth residential dwelling unit in the attic space of the building. The Community Planning Advisory Committee (CPAC) is being asked to provide comments on the proposed façade DP and rezoning application per the Committee's Terms of Reference.

PROPOSAL:

The building located at 431 1st Avenue is a two-storey commercial building currently containing a restaurant (Plantitude) and retail store (White Space Living) on the first storey. Three dwelling units are located in the second storey of the building. The applicant is proposing to add a fourth dwelling unit in the attic space above the second storey, adding dormers into the roof on each of the four building elevations, and two balconies on the rear elevation, requiring a façade DP application. A rezoning is required as the proposed floor space ratio (FSR) is larger than the maximum FSR permitted in the Zoning Bylaw.



Figure 1 - Subject property.

Proposed Rezoning:

The subject property is zoned Downtown Commercial (C-2) in Zoning Bylaw No. 1860. The property was rezoned on a site specific basis in 2018 to allow four residential dwelling units and to change the minimum size of a one-bedroom dwelling unit. However, FSR regulations were not amended at the time. The maximum permitted FSR in the C-2 zone is 1.0.¹ The proposed FSR is approximately 1.64. Staff propose amending the C-2 zone on a site specific basis to allow an FSR of 1.7 for the subject property, to accommodate the proposed fourth dwelling unit.



Figure 2 - Front elevation with proposed dormers.

It is noted that the existing building is sited 2.65m from the rear parcel line and does not meet the required 3m rear setback. The proposed face of the rear dormer is in line with the face of the building. The new dormer is required to meet the current setbacks in the Zoning Bylaw. To accommodate this, the applicant can make a minor change to the design by moving the dormer back by 0.35m, or the setback can be amended as part of the rezoning application.

Proposed Façade DP:

The applicant is proposing to add a dormer to each of the four sides of the building, add two balconies at the rear, and replace the roof shingles. The proposed materials and colours are will match those of the existing building: the dormers will have white horizontal “hardiplank” exterior cladding with black trim and the new roof shingles will be black. The building’s cladding materials currently consist of black horizontal siding, white stucco and black trim. See Figure 2 for proposed front elevation. See Figure 3 for existing building. See attachment for all elevations.

¹ FSR is equal to the gross floor area of a building divided by the parcel area.



Figure 3 - Existing building at 431 1st Ave. Photo taken September 28, 2021.

The subject property is located in Development Permit Area 2 – Downtown (DPA 2) and Development Permit Area 4 – Multi-Unit Residential, therefore a DP must be issued prior to the proposed façade improvements. The objective of DPA 2 is to strengthen the historic downtown as the Town’s primary commercial area. New development in the downtown (including façade improvements) should make a positive contribution to revitalization of the area and to the greater whole of the Ladysmith experience. Where buildings will be altered, the guidelines support restoring historic/character defining elements. Relevant DPA 4 guidelines apply where the building consists of mixed residential and commercial uses.

According to the Community Heritage Register, the building’s character defining elements are:

- The building’s location within a large grouping of heritage buildings on the main commercial street.
- The building’s simple form, hipped roof and two-storey height.
- The building’s continuous commercial use for over a century.

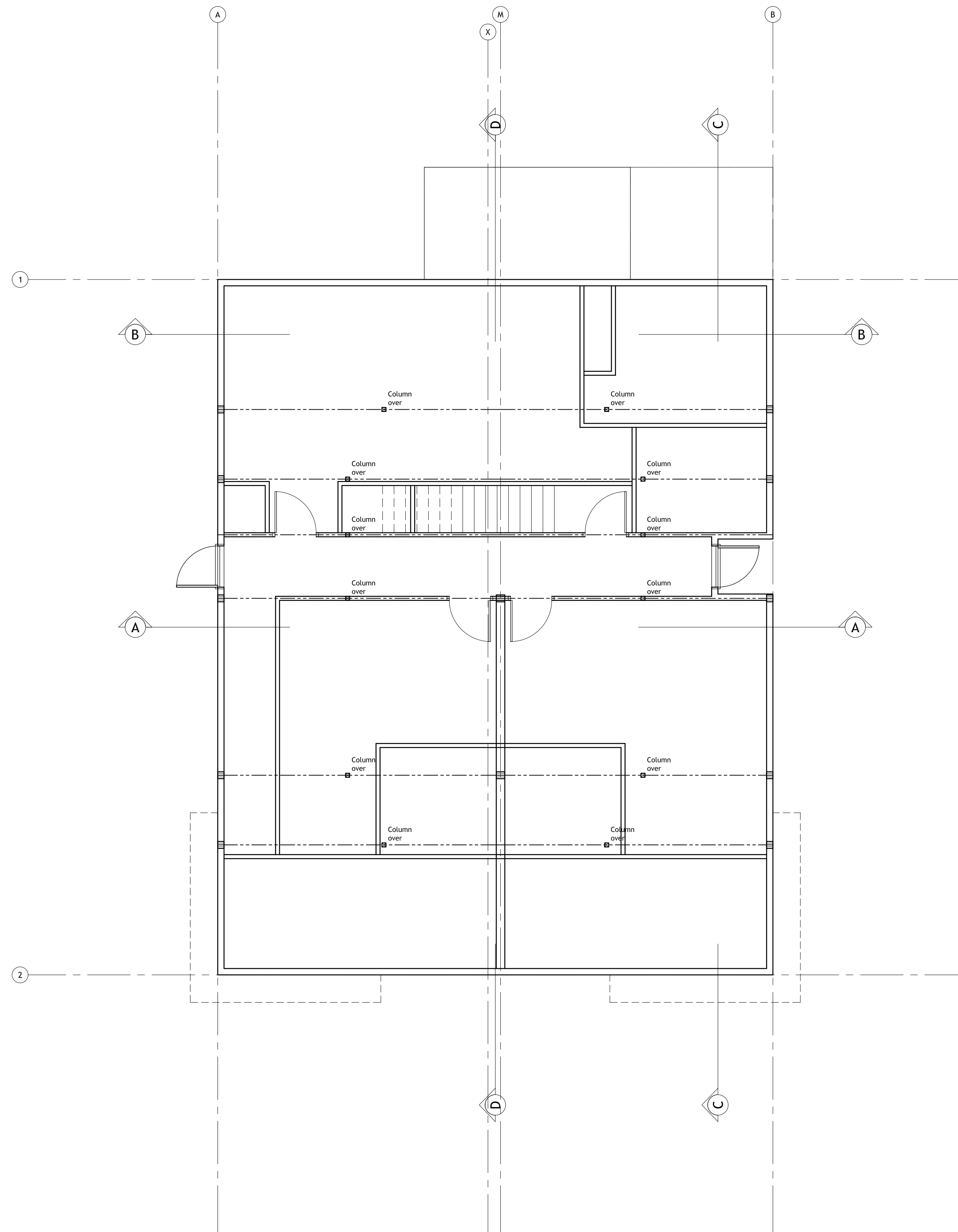
Table 1 summarizes the relevant DPA 2 and DPA 4 guidelines and staff observations:

Table 1 - Summary of DPA guidelines and staff observations.

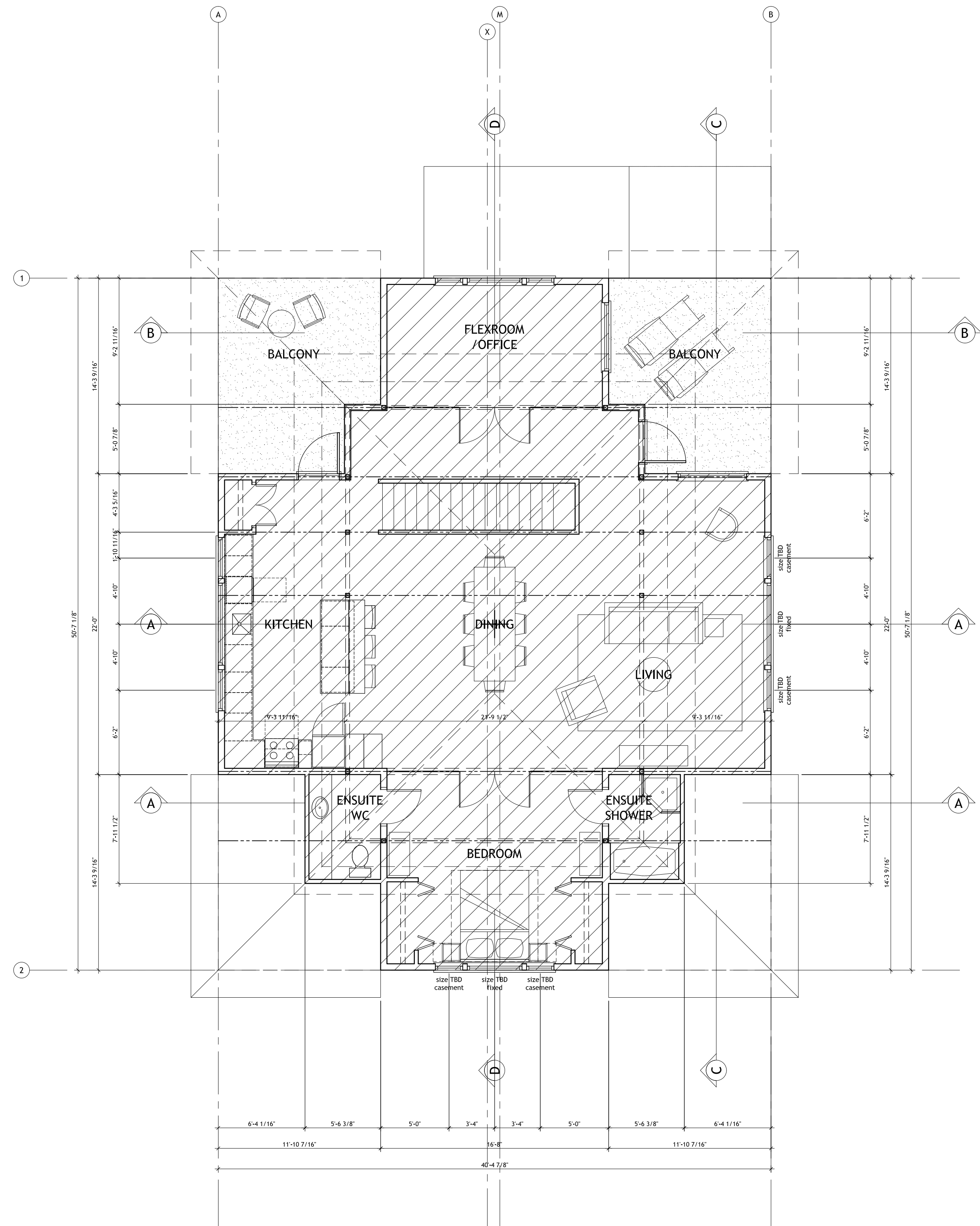
Guideline(s)	Staff Observations
Building Design	The design of the proposed improvements complements the design of the existing building.
Roof Form: sloped roofs should provide roofline modulation to provide visual interest. Dormers supported.	The proposed dormers add roofline modulation. They do not alter the overall hipped-roof form, which will remain intact.
Windows: should be architecturally compatible with the building's style and materials.	Proposed windows are compatible with the existing windows on the second storey of the building.
Preservation, rehabilitation & restoration of heritage buildings	While dormers are proposed to be added to the hipped-roof, the overall hipped-roof form will remain intact. The building's other character defining elements will also remain intact. The proposed dormers are visually compatible with the historic design of the existing building.
Livability (DPA 4 guidelines)	Visual privacy is maintained as the windows are high and away from the street. Private, outdoor balconies are provided off the rear of the building. The proposed stair within the building is not universally accessible but is consistent with the other 3 units, which are also accessed with stairs.

ATTACHMENT(S):

- Applicant submission
- Community Heritage Register Excerpt



2 RESIDENTIAL PLAN
Scale: 3/16" = 1'-0"
12 FT



1 ATTIC PLAN
Scale: 3/16" = 1'-0"
12 FT

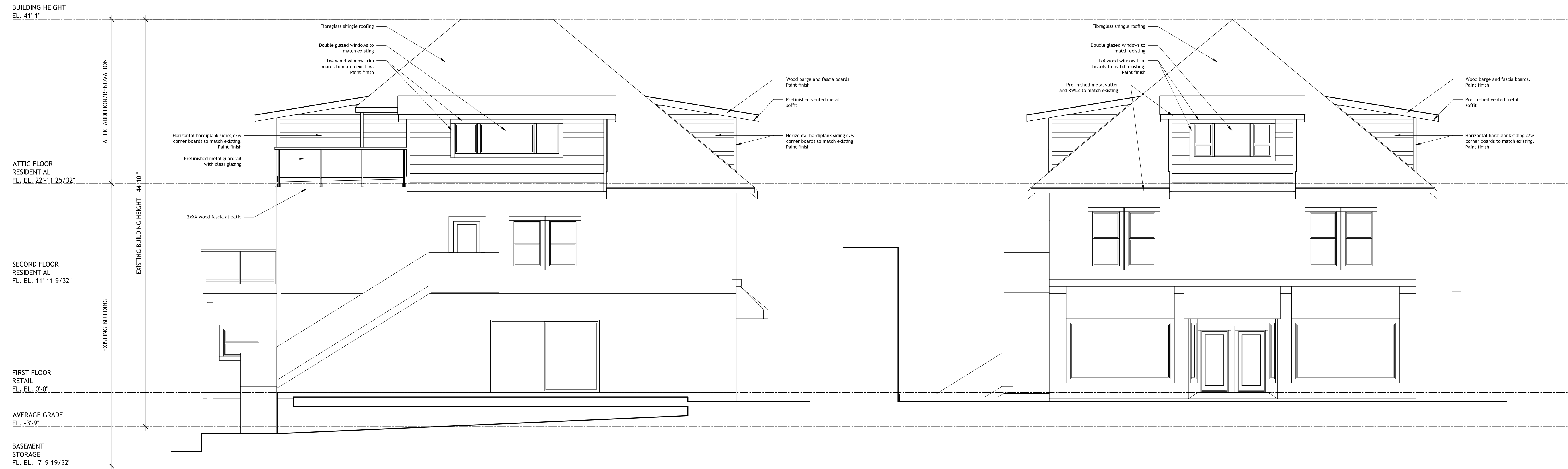
The Residences

Attic Addition
431 First Avenue
Ladysmith BC

title

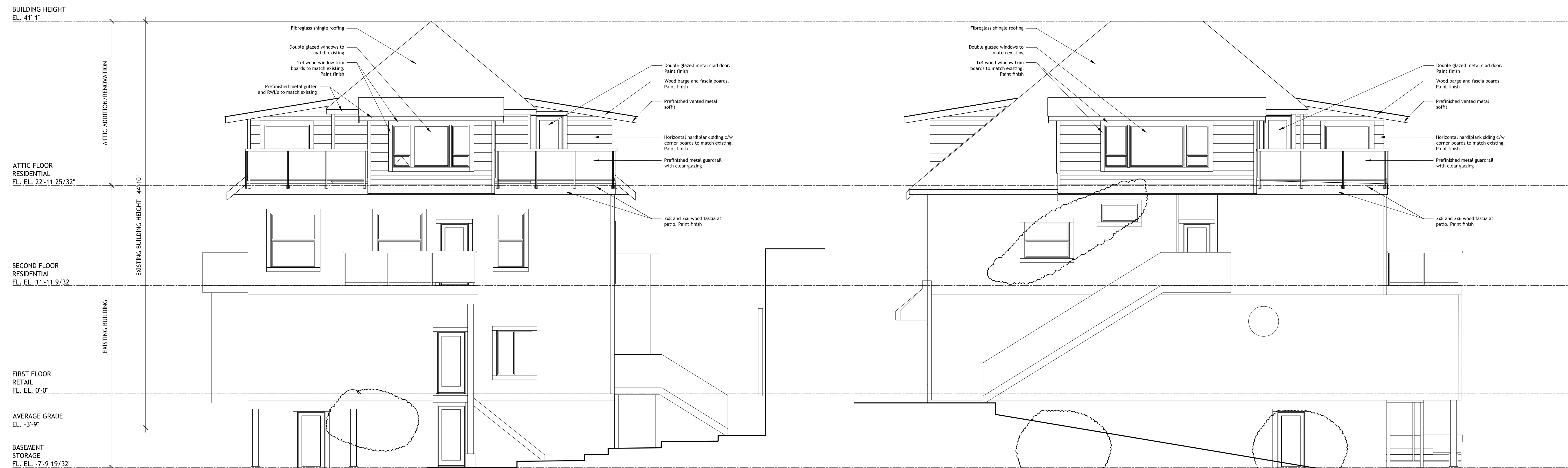
ATTIC &
RESIDENTIAL
FLOOR PLAN

date	Sept '20	scale	as shown
drawn	-	revision	0
sheet	-		



2 NORTH WEST ELEVATION (PATIO)
Scale: 3/16" = 1'-0"

1 SOUTH WEST ELEVATION (1ST AVE)
Scale: 3/16" = 1'-0"



3 NORTH EAST ELEVATION (REAR)
Scale: 3/16" = 1'-0"

4 SOUTH EAST ELEVATION (LANE)
Scale: 3/16" = 1'-0"

The Residences

Attic Addition
431 First Avenue
Ladysmith BC

title

ELEVATIONS

date	scale
30 Aug '21	3/16"=1.0'
drawn	revision
DJ	0
sheet	



LADYSMITH HOTEL 431 FIRST AVENUE

Added to Register in 2018

Description of Historic Place

The Ladysmith Hotel Building is a modest, two-storey commercial building on the east side of the main commercial street in Ladysmith, British Columbia. The historic place is confined to the building footprint.

Heritage Value

The Ladysmith Hotel Building's primary significance is as part of a large grouping of mainly intact historic buildings in Ladysmith's commercial core. Situated in the middle of

Ladysmith's main commercial thoroughfare, the building forms part of a long, almost continuous row of similarly proportioned historic buildings that collectively create a cohesive streetscape.

Built around 1900, the Ladysmith Hotel Building is a good example of Ladysmith's earliest commercial architecture. Just over a decade later, these types of simple, wooden buildings were replaced by more substantial, often brick buildings, which marked the end of the pioneer building era. The building was moved across the street around 1910 and, since that time, has been substantially renovated. Its original features, including a full-width verandah, were removed or obscured. The building's simple massing, hipped roof and modest ornamentation, however, remain intact and the building speaks directly to Ladysmith's earliest vernacular architecture.

The Ladysmith Hotel Building is valued for its association with pioneer entrepreneurs Christopher and Annie Stevens. The Stevens' built and operated this hotel and the Traveller's Hotel and held considerable property in the commercial core. The building immediately to the north, now a drugstore, was originally a commercial property known as the Stephens Block.

Associated with Ladysmith's earliest development, the Ladysmith Hotel Building has been in continuous commercial use for over a century and is a significant contributor to the heritage character of the area.

Character-Defining Elements

The character-defining elements of Ladysmith Hotel Building include:

- the building's location within a large grouping of heritage buildings on the main commercial street
- the building's simple form, hipped roof and two-storey height
- the building's continuous commercial use for over a century

REFERRAL REPORT

Report Prepared By: Christina Hovey, RPP, MCIP, Senior Planner
Meeting Date: June 6, 2018
File No: 3360-20-10
Re: **Official Community Plan and Zoning Bylaw Amendment Application for 1301 and 1391 Rocky Creek Road.**

EXECUTIVE SUMMARY:

The Town has received an application for an official community plan and zoning bylaw amendment at 1301 and 1391 Rocky Creek Road at the northern boundary of the Town. The conceptual plan for the 4.7ha site is for a mix of single family dwellings, townhouses, multi-family buildings, and some commercial.

This file has been referred to CPAC for comments in accordance with CPAC's Terms of Reference. The CPAC Terms of Reference provides the following guidance for reviewing OCP and Zoning Bylaw Applications:

- Refer to the Official Community Plan and Council's strategic priorities in the review of the proposal;
- Hear from the applicant and its consulting team through a brief presentation;
- Consider each proposal on its own merits.

INTRODUCTION/BACKGROUND:**Property Context:**

The subject property is 4.69 ha in size and located in the northeastern boundary of the Town. The property is between Rocky Creek Road and Ladysmith Harbour. The property is vacant, the majority of the property was formerly used as a campground/mobile home park and the northern part of the property is a rural residential property (also vacant).

The property is located between an industrial area and a rural residential area as follows:

- North: rural residential properties located within "Electoral Area H" of the Cowichan Valley Regional District (CVRD)
- Southeast and in Ladysmith Harbour: Ladysmith Marina
- South: Western Forest Products log sort
- West: light industrial area

Figure 1: Aerial Photo of 1301 & 1391 Rocky Creek Road



Existing OCP & Zoning

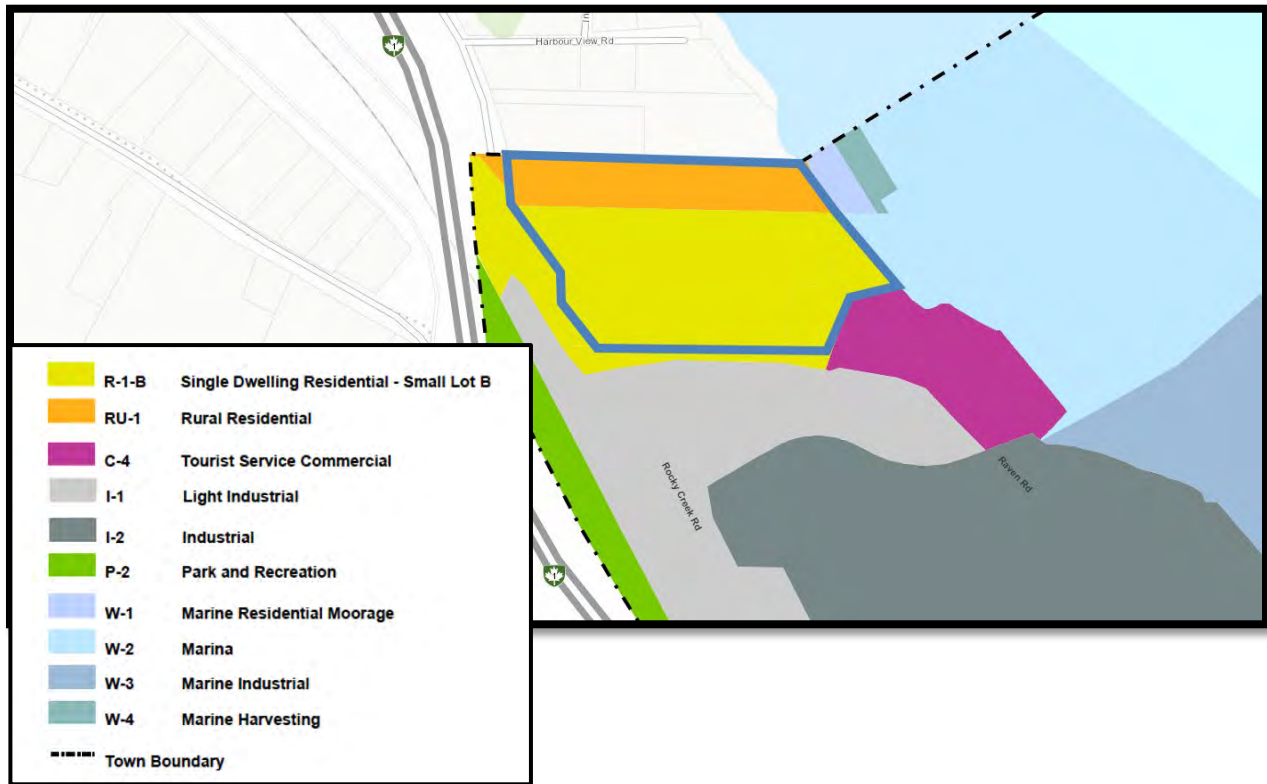
The property is currently designated Single Family Residential in the Official Community Plan (Bylaw No. 1488). The foreshore and adjacent water (Ladysmith Marina) is within DPA 1 – Maritime.

The property currently has two zones. The area closest to the northern boundary of the Town is in the Rural Residential zone (RU-1) and the rest of the property is in the Single Dwelling Residential – Small Lot B Zone (R-1-B). The following table describes what would be permitted under the existing zoning:

Zone	Maximum Density Permitted	Area (approx.)	Maximum number of Residential Parcels (approx.)
Rural Residential Zone (RU-1)	0.4ha	1.2ha	3 parcels
Single Dwelling Residential – Small Lot B Zone (R-1-B)	372m ²	3.5ha	70 parcels ¹
Total	--	4.7ha	73 parcels

¹ Excludes 25% of land allocated for interior roads and other public uses. This percentage is an estimate.

Figure 2: Zoning Map



Proposed Development:

The applicant is requesting site specific zoning to accommodate the concept plan (Attachment A) for the property – note that this is conceptual only. The proposed plan shows a mix of townhomes, single family homes, multi-family buildings and mixed use commercial/residential buildings as follows:

Land use/Building Type	Area (approx.)	Number of Residential Units (approx.)	Commercial Space (approx.)
Single Family	1.6ha	20-24 Parcels	N/A
Townhomes	1.3ha	20-24 units	450m ²
Multi-family Buildings & Mixed Use Commercial/ Residential Buildings	1.8ha	234-242 units (7 buildings, up to six storeys)	1,200m ²
Total	4.7ha	282 (60 units per hectare)	1650m²

The overall density proposed is based on the Medium Density Residential (R-3) zone which allows for a density of up to 60 units per hectare. However the proposal is different from what is permitted in the R-3 zone. The R-3 zone does not permit single family dwellings and only allows a maximum height of 12.0m whereas the applicant is requesting a maximum height of 18.0-20.0m.

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

Property OCP & Zoning History:

The subject property was brought into the Town boundary in 2002. The southern part of the property was previously used as a mobile home park/campground. According to the applicant, the mobile home park/campground was closed in 2011.

The property was zoned MP-1 Mobile Home Park in Zoning Bylaw No. 1160 which was repealed and replaced in 2014 with the current zoning bylaw (Bylaw No. 1860). A background report for the 2014 zoning review provided the following rationale for the change to the zoning on the property:

“The previous MP-1 Mobile Home Park Zone has been renamed R-1-B Single Dwelling Residential – Small Lot B in reflection of the small lot single unit dwellings that currently exist within those areas (Note: Existing mobile home parks would be zoned MHP-1 Mobile Home Park).”

The subject property was subdivided in 2019, and then sold to the current owners. Through the subdivision application, several covenants were placed on the property. The 2019 covenants include the following:

- Requirement to provide public access to Ladysmith Harbour;
- Requirement to provide pedestrian pathway along the waterfront;
- Restriction on the use of the property as a campground or mobile home park; and
- Confirmation of the right of the neighbouring mill to operate including the right to “interfere with the use and enjoyment” of the subject property due to noise, vibration, light, dust, odours etc.

Natural Environment:

The applicant submitted a “biophysical assessment” of the property prepared by a biologist (Attachment C). No watercourses were identified within the subject property

The report notes that the portion of the property that was formerly a mobile home park is mostly cleared, but some mature trees exist along the edges of the property. The northern part of the property is mostly treed. There are steep slopes adjacent to the water, treed with mainly bigleaf maple trees. The marine area includes seagrass. Though highly impacted by surrounding and past development the remnant habitats on the property and in the adjacent water can provide habitat for some species.

The recommendations of the report were mostly related to construction standards with a few relating to site layout, including:

- Consider aligning the waterfront trail to...minimize vegetation removal and retain mature trees if possible.
- Any future development should be designed to minimize vegetation removal and retain mature trees if possible.

- Limit foot traffic and riparian disturbance through the vegetated foreshore area by installing a raised staircase from the waterfront trail alignment to the downslope beach.

Other Information:

The applicant has proposed an approach to tree preservation on the property which is outlined in Attachment D – Tree Preservation.

The applicant has provided other technical information in support of this proposal including a transportation impact assessment, geotechnical assessment and conceptual site servicing report.

Since the property is located on the waterfront, the site has archaeological potential and archaeological investigations will be required prior to any development. Under the *Heritage Conservation Act* all archaeological sites, whether or not they have been recorded, are protected.

DISCUSSION:

Official Community Plan (Bylaw No. 1488):

Section 3.1 Growth Management and section 3.8 Management of Development of the Official Community Plan (OCP) include some of the OCP policies that are relevant to this proposal.

In 2018 the Official Community Plan was updated to recognize five key growth areas – Holland Creek, North Ladysmith, South Ladysmith, the Waterfront and Downtown infill (see Figure 3.1 of the OCP). It was estimated that based on the existing designations, these areas have the capacity to accommodate 6,165 additional residents. For reference, the population of Ladysmith grew by 1,950 in the fifteen year period from 2001 to 2016. The subject property is located within the area identified as “North Ladysmith”.

The Official Community Plan (OCP) provides the following guidance regarding appropriate locations for the multi-family residential designation (see Section 3.8.1 of the OCP):

“Generally, residential uses in the Multi-Family Residential Designation are located adjacent to major (collector) roads and near or with access to local commercial services, schools, recreation centres and/or parks... Designation of new locations for Multi-Family Residential development will, in addition to the above criteria, be assessed based on appropriate “fit” with the neighbourhood in terms of scale, traffic and parking, and servicing issues.”

Ongoing Official Community Plan Review:

In 2021, the Town of Ladysmith launched a comprehensive review of the Town’s Official Community Plan. The revised plan will update the community’s vision for land use and will include updated population projections, priorities for growth, and will identify the location, amount, type, and density of residential growth required to meet the anticipated housing needs over a period of at least 5 years. Updating an Official Community Plan typically takes at least 18 months.

Land Use Compatibility:

One challenge with this property is creating a development that is compatible with the existing surrounding uses. This is not an area that is currently identified for major growth or transition to a different land use, therefore the development for this property must “stand alone” and make sense in the context of the neighbouring industrial, light industrial, rural residential, and marina uses.

Community Amenity Contribution:

The applicant has offered to review potential neighbourhood projects to be considered for the amenity contribution.

The Town’s community amenity contribution policy requests \$1,000 per new residential unit of density in this case that would be approximately \$209,000.

ATTACHMENTS:

- A. Conceptual Plan
- B. Letter from Applicant
- C. Environmental Report
- D. Tree Preservation Strategy



PROPOSED DEVELOPMENT
 1301 / 1391 ROCKY CREEK ROAD
 LADYSMITH, B.C.
 CLIENT: ROCKY CREEK VENTURES INC.

bjk architecture inc.
 2122 Brandon Rd.
 Shawnigan Lake B.C.
 V0R 2W3
 Ph: 250-891-1602



CONCEPTUAL SITE PLAN

NOTE:
 THIS DRAWING IS SCHEMATIC ONLY.
 ALL INFORMATION HAS BEEN DERIVED FROM DOCUMENTS PROVIDED
 BY OTHER. ALL CONDITIONS ARE APPROXIMATE.

SITE DATA	
LEGAL DESCRIPTION:	LOT A, DISTRICT LOT 81,86 & 98, OYSTER DISTRICT, PLAN EPP87265, PID 030-801-460
CIVIC ADDRESS:	1301 / 1391 ROCKY CREEK ROAD, LADYSMITH B.C.
LOT SIZE:	+/- 11.59 ACRES
CURRENT ZONING:	1301 ROCKY CREEK ROAD - R-1-B SINGLE DWELLING RESIDENTIAL - SMALL LOT B ZONE 1391 ROCKY CREEK ROAD - RU-1 RURAL RESIDENTIAL

LEGEND			
(A)	MULTI-FAMILY RESIDENTIAL	(F)	WATERFRONT WALKWAY
(B)	COMMERCIAL / RESIDENTIAL	(G)	BELOW BUILDING PARKING
(C)	TOWNHOUSES - 20 UNITS	(P)	PARKING
(D)	SINGLE FAMILY LOTS - 22 LOTS		
(E)	PEDESTRIAN ACCESS / AMENITY		

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ISSUED: FEB.10 2020
 ISSUED: FEB.12 2020
 ISSUED: DEC.02 2020
 ISSUED: SEPT.02 2021

PR1

Attachment B

2020-December-02

Julie Thompson
A/Senior Planner, Development Services Department
Town of Ladysmith
132C Roberts Street, Ladysmith, BC
V9G 1A2

Dear Julie

Re: Application to Amend the OCP and Rezone Property at 1301 and 1391 Rocky Creek Road, Ladysmith

Further to our pre-application meetings regarding the proposed OCP amendment and rezoning of the above noted property, I am writing on behalf of the property owners, Rocky Creek Ventures Inc, to summarize the application.

Further to our discussions and a review of the Town of Ladysmith application forms and checklists, we have prepared an application package that includes the following;

- Application form, checklist and fees
- Summary letter
- OCP Amendment (Attachment A)
- Rezoning Amendment and Rationale (Attachment B)
- Neighbourhood Consultation Process (Attachment C)
- Map of the current zoning
- Site Plan from Brian Kapuscinski, BJK Architecture and Will Melville, Delinea Design
- Property Survey, Turner Surveying
- Preliminary Servicing Plan, Cascara Engineering
- Traffic Impact Assessment, Watt Engineering
- Environmental Assessment, Aquaparian Environmental
- Geotechnical Assessment, Lewkowich Engineering
- Site profile form
- Title Search
- Charges on Title
- BC Company Search

Property Description

The property is located at 1301 and 1391 Rocky Creek Road, east of the Island Highway, at the northern property boundary of the Town of Ladysmith and is approximately 2.0 km from the town centre. The legal description is Lot A, Plan EPP87265, District Lot 81, Land District 43 & DLS 86 & 98. PID 030-801-460. The property is 4.7 ha (11.59 acres).

The property was previously part of a larger property fronting on the Ladysmith Marina. The property was subdivided off the larger property in 2019 and sold to Rocky Creek Ventures Inc in July 2019. The property to the east and south is the Ladysmith Marina, to the south is the Western Forest Products mill, to the west is Rocky Creek Road which includes a number of light

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industry businesses across the road from the subject property and to the north are residential properties in the Cowichan Valley Regional District. Previously the Ladysmith Marina and the subject property were accessed from Gladden Road. A new road was constructed earlier in 2020, approximately 400m south of Gladden Road, which now serves the Ladysmith Marina and the Western Forest Products mill. Gladden Road will eventually be closed and it is proposed that two new access roads will be constructed into the subject property.

Current and Proposed OCP and Zoning

Official Community Plan (OCP)

Current – Single Family Residential

Proposed - Multi-Family Residential

Zoning

Current – Split Zoned, Single Dwelling Residential, Small Lot B (R-1-B) on the south side
Rural Residential (RU-1) on the north side

Proposed – Medium Density Residential (R-3) with site specific amendments or a
Comprehensive Development (CD) zone

Further description of the proposed OCP amendment and zoning is included in Attachments A and B of the application package.

Community Amenity Contribution

The Town of Ladysmith Community Amenity Contribution (CAC) policy outlines the provision for a CAC where a rezoning is considered. The policy encourages rezoning applicants to consider providing CAC's towards infrastructure and amenities as a way of ensuring that the proposed development makes a positive contribution to the neighbourhood and community at large.

The applicant wishes to review possible neighbourhood enhancement projects with planning staff, to determine which projects could be considered for allocation of CAC's.

Charges on Title

The property title includes a number of easements, statutory right of ways (SRW) and covenants that are registered on title, many that were registered when the property was subdivided in May, 2019. Key charges that are applicable to the redevelopment of this property include:

- SRW CA7488209: 1.5m Walkway required along waterfront portion of the property
- Covenant CA7488211; Requirement to provide a water system for the development
- Covenant CA7488213: Requirement to provide frontage works
- SRW CA7488213: Allows for noise and smell from the WFP mill

Issues noted on title including the 1.5m waterfront walkway, providing services to the site and frontage works have been incorporated in the planning and design of the site. Included in the future site and building designs will be features that partially shield the mill from the property, along with notification to future residents of the existing mill uses.

Please advise if additional information is required to support this OCP and rezoning application.

Yours truly,



Toby Seward
Seward Developments Inc

cc Rocky Creek Ventures Inc

Attachment A

Proposed OCP Amendment

1301 and 1391 Rocky Creek Road, Ladysmith

The Official Community Plan (OCP) designation for the property is single-family dwelling.

The proposal is to amend the OCP to designate the property as multi-family residential, which is the primary proposed use, together with consideration for a small amount of commercial space on the ground floor of the building facing Rocky Creek Road and the ground floor of one of the buildings located adjacent to the Ladysmith marina.

The Ladysmith OCP was originally adopted in June 2003 and there has been a number of amendments since that time.

The key sections in the Introduction to the OCP, Community Plan Organization (Section 1.1) that are applicable to this property are;

- 1.8.3 Land-use
- 1.8.4 Transportation
- 1.8.5 Servicing
- 1.10 Housing

Guiding principles in the OCP, Section 2.0 that are applicable to this property include:

- Promote environmental stewardship
- Manage growth in an orderly way
- Promote high-quality waterfront development
- Develop visually enhanced and vibrant neighbourhoods
- Promote an integrated approach to planning and development

Section 3.0 of the OCP addresses community management areas, including land use planning. Included in the section is growth management, which notes that Ladysmith has five areas where future population growth can be accommodated, including the waterfront (where this property is located) with a potential population of 2500 people.

Sections 3.1.3 and 3.1.4 outlines growth management objectives and policies. These objectives and policies outline the importance of pedestrian scale neighbourhoods, future growth areas, encouraging development at the waterfront for mixed residential, commercial and recreation uses, and management of stormwater, water, waste water and transportation in any future development.

Section 3.2 outlines land-use planning and community design objectives. This section of the OCP continues to emphasize Ladysmith's five growth areas (including the waterfront). Further in section 3.2.3, land-use planning and community design policies that are applicable to this development are as follows;

- The town defines intensive residential development to include all forms of residential development
- Reference is again made to the encouraging residential development in five areas over the next 5 to 20 years, which includes the waterfront.
- The town will encourage neighbourhoods that contain a variety of living accommodation, including residential units for a variety of ages, and for an aging population
- Design guidelines will be implemented for development of waterfront properties
- Secondary suites, including carriage houses and ground oriented cottage suites will be permitted.

The proposed amendment to the OCP from single family residential to multi-family residential meets with the policies and objectives noted above. The uses, densities, servicing and land use planning proposed for the site, as outlined in the attached application package, provides rationale for the proposed OCP amendment.

Attachment B

Proposed Rezoning Amendment

1301 and 1391 Rocky Creek Road, Ladysmith

The property is currently split zoned, including Single Dwelling Residential, Small Lot B, (R-1-B) on the south side of the property and Rural Residential (R-3) on the north side. The proposed zoning for the property is Medium Density Residential (R-3) with site specific amendments or a Comprehensive Development (CD) zone, that may better address the commercial uses proposed for the site.

The Medium Density Residential (R-3) zone allows 60 units per ha, which is consistent with a proposed site development. The maximum height the R-3 zone is 12.0 m, which may be exceeded if buildings up to six stories, (18 to 20m) are pursued for the site. Following is a summary of the zoning bylaw regulations that would apply to the Medium Density Residential (R-3) zone:

-Principal Uses: Multi-Unit Dwellings and Townhouse Dwelling (Single Family Dwelling would have to be added as a site specific amendment)

-No parcel shall be created which has an area less than 2,023 sq.m (Lot size would have to be amended to allow for single family lots)

-Floor Space Ratio shall not exceed 2.0 (Proposed use would comply)

-Maximum number of dwelling units is 60 units per ha (Proposed units comply)

-Parcel coverage shall not exceed 50% (Proposed coverage would comply)

-Height of Building is a maximum 12.0m (If six storey buildings were pursued, height would have to be amended to 18-20m)

-Parking requires one space per one bedroom unit and two spaces for two or more bedrooms. Proposed parking would be a combination of underground (for multi-family units) and surface parking. Further review would be needed to determine parking requirements.

If R-3 zoning was pursued, site-specific amendments noted above would be requested. The proposal to amend the zoning bylaw to a site specific zoning or CD zone would allow for building forms as shown on the site plan, included in the application package. Proposed building forms for the site are as follows:

1.) 20 to 24 townhouses in two-story building forms, located near the waterfront. The townhouses would be clustered in 4 to 7 unit buildings. One of the units closest to the Ladysmith Marina may be designed for commercial space on the lower floor to provide services for the property residents or the marina.

2.) 20 to 24 single-family dwellings lots, located in the centre of the property. A lane through the centre of the lots, may accommodate carriage houses in the back of each property.

3.) Seven multi family buildings with 24 to 30 units per building. Buildings would be 4-6 stories, with underground parking. Two of the buildings fronting Rocky Creek Road could be designed with commercial space on the lower floor.

In conjunction with the rezoning, Brian Kapuscinski, BJK Architecture and Will Melville, Delinea Design have been retained to prepare design services for the project. Mr. Kapuscinski and Mr. Melville will pursue a design that takes into account DPA residential guidelines for building form and character.

Rationale for the Proposed Rezoning

The property is sloped from Rocky Creek Road to the waterfront, allowing for waterfront views to be maintained from most of the site. The combination of single family lots, townhouses and multi-family buildings is being pursued to provide a variety of housing options and building forms.

Though the property is at the northern boundary of the Town of Ladysmith, it is still within walking distance to the downtown and close proximity to amenities and services. The development will be complimentary to the waterfront development that the town has initiated, in that it is planned to be phased over the next 5-10 years, provide various housing choices for people who wish to rent or purchase units and provide housing options for people who wish to live next to the Ladysmith Marina.

The proposed development is consistent with the policies and objectives in the OCP and rezoning from single family dwelling zoning to allow for multi-family units, along with providing access to the waterfront, will be a positive addition to the community.

Attachment C

Neighbourhood Consultation Process

1301 & 1391 Rocky Creek Road, Ladysmith

Following submission of the application for an OCP amendment and rezoning, the owners plan to initiate a neighbourhood consultation process to seek input from neighbourhood businesses and area residents regarding the proposed amendments.

Given the health and safety concerns regarding COVID 19, various approaches will be used to seek feedback from the neighbourhood regarding the proposed development. For any public meetings masks, hand sanitizer and associated safety precautions will be provided.

The proposed consultation will include the following steps:

1.) Neighbourhood Information Meetings (NIM) – A Neighbourhood Information meeting will be scheduled in January or February, to seek input on the proposed changes. The meeting will be held in a large venue, to allow for social distancing and associated safety precautions. Display boards will be set up to show the proposed development, plus information packages, feedback forms and sign in sheets will be available.

Participants will be encouraged to fill out feedback forms regarding the proposed OCP amendment and rezoning, plus the proposed development. Feedback received will be collected, summarized and forwarded to the town planning staff.

The NIM will be advertised through on-site signage, hand delivery/mail outs and newspaper advertisement.

2.) Written Correspondence - For people who do not wish to or cannot attend the NIM, information packages and feedback forms will be made available to area businesses and residents, asking them to email or mail responses back to the owner's representative. This feedback will also be forwarded to town planning staff.

3.) Follow Up Meetings - Depending on the feedback received, additional information meetings or mailouts will be scheduled to further explain the amendments requested.

The goal is to complete public consultation and provide feedback to the city by the end of February, 2021.



1301 & 1391 ROCKY CREEK ROAD BIOPHYSICAL ASSESSMENT



Completed For:
c/o Toby Seaward
Seaward Developments Inc.

January 20, 2020

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Attachments:

- Figure 1: Site Location Map
- Figure 2: Site Plan – Turner & Associates

- Appendix A: Site Photographs
- Appendix B: Wildlife Tree Stewardship & Great Blue Heron Atlas Search Results
- Appendix C: BC Conservation Data Centre Search Results



1.0 INTRODUCTION

Aquaparian Environmental Consulting Ltd (Aquaparian) was retained by you to complete a Biophysical Assessment (BA) of the property at 1301 & 1391 Rocky Creek Road. The property is located in the Town of Ladysmith and fronts the west shore of Ladysmith Harbour within Stuart Channel. The property is legally identified as follows:

- LOT A, District Lots 81, 86 and 98, Oyster District, Plan EPP87265.

This BA has been prepared to provide an environmental site description and characterization of the study area and to determine environmental features of the site that may pose a constraint for future development. As understood, this assessment is required to support a rezoning and subdivision application that is to be submitted to the Town of Ladysmith so that future redevelopment can be planned for the currently vacant parcel. As understood, the Town of Ladysmith is requiring a 3m wide waterfront trail to be installed within the subject parcel as a part of this application. This assessment will identify any environmentally sensitive features of the site and potential negative impacts to the environment from the project. In addition, the BA will provide general environmental protection measures to be followed during development and identify any environmental regulatory approvals or permits required for the proposed development. Aquaparian completed a site visit and assessment of the property on November 4, 2019 to document the environmental characteristics of the site.

A site location map of the study area has been included in this report as Figure 1. The site survey of the property produced by Turner & Associates has been included as Figure 2. A selection of site photographs taken during the site survey have been included within this document as Appendix A.

2.0 REGULATORY FRAMEWORK

The following is a list of federal, provincial and municipal environmental regulations, current at the date of preparing this report, that may apply to development of the subject parcel:

Town of Ladysmith Development Permit Area. The Town of Ladysmith (TOL) identifies the following Development Permit Areas (DPAs) on the subject lands:

- DPA 1 – Maritime: The lands and water included in DPA1 are located along the coast in the Town boundaries and comprise the upland, foreshore, and marine environments within this area (Town of Ladysmith Official Community Plan 2016 – Map 2). No distance



from the shoreline is specified.

- DPA 7 – Hazard Lands: Steep slope areas within the town boundary are subject to this DPA.

Federal Fisheries Act Section 35: has been recently repealed and replaced. On August 28, 2019, fish and fish habitat protection provisions under the new Fisheries Act, as well as some of the regulations that support these provisions, officially came into force. The new prohibitions include the following:

- No person shall carry on any work, undertaking or activity, other than fishing, that results in the death of fish; and,
- No person shall carry on any work, undertaking or activity that results in the harmful alteration, disruption or destruction of fish habitat. The definition of harmful alteration, disruption or destruction of fish habitat is any temporary or permanent change to fish habitat that directly or indirectly impairs the habitat's capacity to support one or more life processes of fish.

Federal Fisheries Act Section 36: Environment and Climate Change Canada administers Section 36 of the *Fisheries Act*, the key pollution prevention provision, prohibiting the deposit of deleterious substances into waters frequented by fish, unless authorized by regulations under the *Fisheries Act* or other federal legislation. A deleterious substance can be any substance that, if added to any water, would degrade or alter its quality such that it could be harmful to fish, fish habitat or the use of fish by people.

Federal Species-At-Risk Act (SARA) The Act is a key federal government commitment to prevent wildlife species from becoming extinct and secure the necessary actions for their recovery. It provides for the legal protection of wildlife species and the conservation of their biological diversity. The Act includes new provisions which provides legal protection of wildlife species and the conservation of their biological diversity on federal lands. Under SARA, it is an offense to:

- kill, harm, harass, capture, or take an individual of a species listed in Schedule 1 of SARA as endangered, threatened or extirpated;
- possess, collect, buy, sell or trade an individual of a species listed in Schedule 1 of SARA as endangered, threatened or extirpated; and,
- damage or destroy the residence (e.g. nest or den) of one or more individuals of a species listed in Schedule 1 of SARA as endangered, threatened or extirpated, if a recovery strategy has recommended the reintroduction of that extirpated species.

- Schedule 1 of SARA lists species that are legally designated as extirpated, endangered, threatened and of special concern (the prohibitions do not apply to species of special concern).

Federal Migratory Birds Convention Act, 1994. Most species of birds in Canada are protected under this act. "Migratory birds" are defined by Article I of the Convention which names the families and sub-families of birds protected and provides some clarification of the species included. In general, birds not falling under federal jurisdiction within Canada include grouse, quail, pheasants, ptarmigan, hawks, owls, eagles, falcons, cormorants, pelicans, crows, jays, kingfishers, and some species of blackbirds.

Section 34 of the Provincial Wildlife Act, states that a person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys:

- (a) a bird or its egg,
(b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or
(c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg.
- In areas with no local government nest tree protection bylaws, outside of the nesting season, a landowner has the right to cut down any trees right up to and beside a tree containing the nest. During the nesting season, such activity may 'molest' the nesting birds, and could result in an offense. Provincial guidelines indicate the songbird nesting season is from March 1st to August 15th of a given year. Bald eagle nesting season generally starts in January and extends until August 15th of a given year. Great blue heron nesting seasons occurs between April and May with chicks fledging the nest mid – August. Bird nesting assessment requirements are based on time of year for clearing and construction.

Heritage Conservation Act. All archaeological sites, recorded or not, are protected under the *Heritage Conservation Act* and must not be altered or damaged without a site alteration permit from the Archaeology Branch.

3.0 SITE DESCRIPTION

The subject parcel is located in the northern end of the Town of Ladysmith between Rocky Creek Road and Ladysmith Harbour. The parcel size is a total area of 11.6 acres (4.69 ha)



located at the following coordinates: 49° 00' 22.11" N / 123° 49' 53.71" W. The address of 1391 Rocky Creek Road is the northern section of the parcel and is zoned Rural Residential (RU-1) and 1301 Rocky Creek Road refers to the larger main portion of the parcel and is zoned Single Dwelling Residential – Small Lot B (R-1-B). The following covenants and easements are registered under this property: M76300, EW161088, FB383434, FB383440, FB383445, FB383467, FB383468, FB396708, CA7488208, CA7488209, CA7488210, CA7488211, CA7488213, CA7488215, CA7488217, CA7488218, CA7488220 & CA7488221.

The subject parcel is bounded to the east by Ladysmith Harbour and moorage for the Ladysmith Marina, to the west by Rocky Creek Road, to the north by residential lots and to the south by Gladden Road which serves as the entrance road to the Ladysmith Marina with the Western Forest Products log sort at the end of the road. The property has been mostly cleared in the past and operated as the Ivy Green Mobile Park until 2011. The site is currently vacant. Two remnant paved access roads with paved trailer pads branching off the roads bisect the centre of the property. The southeast corner of the property is a cleared gravelly parking area. Other previous development includes old retaining walls, foundations of removed structures, street lights and spoil piles. A low topographic depression is located in the centre of the parcel between the two access roads that may have been excavated in the past. There is no inflow or outflow drainage channel from the feature and no wetland vegetation is present. The depression was dry at the time of the site survey. Any water appears to be rapidly drained into the ground. No surface watercourses were identified on the property during the site inspection or on municipal or provincial maps.

The main part of the parcel (1301 Rocky Creek Road) is mostly cleared except for scattered second-growth tree stands with a few mature trees around the edges of the property. Many species of ornamental trees and shrubs have been previously planted between and around old trailer pads. The 1391 Rocky Creek Road portion is mostly vegetated with tree stands and invasive undergrowth. The foreshore slope is vegetated primarily with a dense canopy of bigleaf maple (*Acer macrophyllum*) trees.

The beach fronting the property is a protected shoreline composed of gravel and sand with a few cobbles / boulders, exposed shale bedrock within the intertidal zone and moderate driftwood and wood waste accumulation at the shoreline. The high water mark is at the base of a foreshore slope with a slope of approximately 40% and 3m high at the north end of the site; and 60% slope and 4-5m high towards the south end. This slope may be subject to DPA7 – Hazard Lands. A stormwater outfall with two PVC pipe outlets are near the top of bank of the foreshore slope. The shoreline of the neighbouring marina property to the south is armoured with rock rip rap.



4.0 ENVIRONMENTAL SETTING

4.1 Physical Resources

The following section provides a general overview of biophysical attributes and land use of the site documented by regulatory databases, crown publications and from Aquaparian's reconnaissance of the property.

4.1.1 Topography

The site is located within the Ladysmith Harbour waterfront area which is influenced by upslope surface run-off and tide level fluctuations at the shoreline. The overall topography of the site is characterized as moderately sloping (~10%) from the high point of land in the northwest near Rocky Creek Road to sea level in the east. The foreshore is steeply sloped (40-65%) and 3-5m high. Gladden Road along the southern property boundary is raised slightly with a slope down into the property. The property has been graded and terraced in places where trailer pads have been constructed. An old access road pathway along the northern property boundary has been built up with fill material so that the land slopes down on both sides of the site access road.

4.1.2 Climate

The property is located within the Moist Maritime Coastal Douglas-fir Subzone (CDFmm). The CDFmm is restricted to low elevations along southeast Vancouver Island from Bowser to Victoria, the Gulf Islands south of Cortes Island, and a narrow strip along the Sunshine Coast near Halfmoon Bay. Elevational limits range from sea level to approximately 150m.

The CDFmm lies in the rainshadow of the Vancouver Island and Olympic Mountains resulting in warm, dry summers and mild, wet winters. Growing seasons are very long and feature pronounced water deficits on zonal and drier sites. The CDFmm represents the mildest climate in Canada. (*Green and Klinka*).

4.1.3 Land/Soil

A review of the provincial map "Soils of South Vancouver Island" (1982) indicates soils found within the study area are consistent with the Quamichan (QU) soil association. Quamichan soils are common throughout the coastal Grand Fir – Western Red Cedar Forest Zone and occur mainly in the Nanaimo Lowland physiographic subdivision. They have developed in deep, sandy, gravelly fluvial, fluvio-glacial and/or marine deposits. Slopes are usually less than 5% with a gently rolling slope class and elevations range from sea level to about 300m. Soils are rapidly



drained with very gravelly to gravelly loamy sand being the usual texture in the upper horizons and with very gravelly loamy sand to very gravelly sand in the subsoil layers.

Quamichan soils exhibit a weakly podzolized surface and subsurface horizons are usually less than 70cm thick. A moderate to strongly cemented horizon is generally present at depths between 50 and 90cm. Parent material is relatively unweathered. The usual soil classification is Duric Dystric Brunisol (Jungen, 1985).

4.1.4 Surface Water

Surface water within the study area is directly related to the gently rolling topography, geology and vegetation community of the surrounding area. No watercourses were identified within the study site. The closest mapped watercourse is Rocky Creek located approximately 375m south of the subject property. A small unmapped, non-fish bearing drainage is located on the south side of Gladden Road.

A low topographic depression is located in the centre of the parcel between the two access roads that may have been excavated in the past. There is no inflow or outflow drainage channel from the feature and no wetland vegetation is present. The depression was dry at the time of the site survey (November 4, 2019). Any water appears to be rapidly drained into the ground.

A short section of ditch runs along Rocky Creek Road which was dry at the time of this assessment. The ditch begins across the road from the Madill sign approximately halfway along the western property boundary and slopes down towards the north. The ditch is approximately 100m long and terminates in the northwest corner of the subject parcel in a low-lying topographic depression just south of the driveway of the neighbour to the north (12375 Rocky Creek Road) and vegetated with Himalayan blackberry (*Rubus armeniacus*) and Nootka rose (*Rosa nutkana*). A small PVC outflow pipe discharges from the 12375 Rocky Creek Road property into the depression. The roadside ditch is man-made with no significant headwaters and does not appear to connect with any downstream watercourses / waterbodies.

4.1.5 Groundwater

Groundwater infiltration rates are likely high, as site soils are gravelly and rapidly draining. As a result, groundwater levels likely undergo strong seasonal fluctuations. No wetlands were identified in the study site.

4.2 Biological Resources

4.2.1 Flora

The native forest community at the site is associated with the biogeoclimatic zone of the Coastal Douglas Fir community and moist maritime subzone (CDFmm). The CDFmm classification is dominated by Douglas fir (*Pseudotsuga menziesii*), grand fir (*Abies grandis*), and western red cedar (*Thuja plicata*) tree species. The understory typically includes salal (*Gaultheria shallon*), dull Oregon-grape (*Mahonia nervosa*), oceanspray (*Holodiscus discolor*) and Oregon beaked moss (*Kindbergia oregana*). Less prominent species include baldhip rose (*Rosa gymnocarpa*), snowberry (*Symphoricarpos albus*), western trumpet honeysuckle (*Lonicera ciliosa*), vanilla leaf (*Achlys triphylla*) and electrified cat's tail moss (*Rhytidiadelphus triquetrus*) (Green and Klinka, 1994).

The subject property is highly impacted from past clearing, import of fill materials and invasion of non-native plant species. Most of 1301 Rocky Creek Road has been cleared in the past for the mobile home park with remnant tree stands remaining along Gladden Road, along Rocky Creek Road and along the foreshore slope. Remnant vegetation includes three shore pine (*Pinus contorta*) trees with an understory of Himalayan blackberry, salmonberry (*Rubus spectabilis*) and Nootka rose at the top of the foreshore slope along with a row of Douglas fir trees with Scotch broom (*Cytisus scoparius*) and common holly (*Ilex aquifolium*). The southeast corner of the parcel is a grassy and gravelly field. The narrow strip of vegetation along Gladden Road consists of Douglas fir, arbutus (*Arbutus menziesii*), Himalayan blackberry, English ivy (*Hedera helix*) and Scotch broom. An old brick retaining wall is situated at the toe of the slope that leads up to Gladden Road. A stand of a few mature Douglas fir trees is located in the southwest corner of the parcel along Gladden Road and along Rocky Creek Road. In the area where the trailer pads are located arbutus, red alder (*Alnus rubra*) and black cottonwood (*Populus trichocarpa*) trees and invasive Scotch broom are beginning to colonize. Planted ornamental or cultivated species between trailer pads include Aaron's beard (*Hypericum calycinum*), *Berberis* sp., cedar and pine hedges, and a row of red-osier dogwood (*Cornus sericea*). The gravelly topographic depression in the centre of the lot is vegetated with Douglas fir, mountain ash (*Sorbus sitchensis*), red alder, red elderberry (*Sambucus racemosa* ssp. *pubens*), Scotch broom, English ivy and grasses. An old concrete block retaining wall is located along the north side of the depression.

The 1391 Rocky Creek Road portion is mostly vegetated with tree stands and invasive undergrowth. The trees are mostly second-growth with a few mature trees. A mature bigleaf maple tree is in the eastern portion of the lot beside a Himalayan blackberry thicket and a stand of fruit trees. The ground in this area is covered with periwinkle (*Vinca* sp.) groundcover with minor common holly (*Ilex aquifolium*). The access road pathway that runs west sloping up to



Rocky Creek Road is tree-lined mostly with Douglas fir with some red alder, bigleaf maple and western redcedar in the understory. A stand of mature Douglas fir trees is located along Rocky Creek Road. The low-lying depression in the northwest corner of the lot is vegetated with Himalayan blackberry, Nootka rose with some young trees around the edge including bigleaf maple, Douglas fir and Sitka mountain ash.

The foreshore slope along the subject property is approximately 60% vegetated primarily with bigleaf maple trees with curved (pistol butt) trunks near the toe of the slope. The estimated density of the trees along the slope is 30 stems / 100m². Some exposed soil patches and minor signs of erosion along the base of the slope were observed. Understory species include primarily Nootka rose and salal with willow, western redcedar, oceanspray, Himalayan blackberry, bracken fern (*Pteridium aquilinum*), sword fern (*Polystichum munitum*), dull Oregon-grape, trailing blackberry (*Rubus ursinus*) and periwinkle.

Along the shoreline, seashore saltgrass (*Distichlis spicata*) and orache (*Atriplex patula*) were observed. A patch of sea asparagus (*Salicornia* sp.) has been planted along the shoreline of the neighbouring Ladysmith Marina property (901 Gladden Road) to the south. Salt marsh and seagrass biobands are indicated along the shoreline of the study area in the *Southern Strait of Georgia Marine Conservation Area Reserve Atlas* (Parks Canada).

4.2.2 Fauna

The habitat use for mammals in the study area is limited by surrounding development and land uses including residential and industrial development and the Island Highway to the west. The marine habitat and remnant forest patches of the property likely attract a variety of small mammals including several mustelids, river otter (*Lontra canadensis*), racoon (*Procyon lotor*), red-squirrel (*Tamiasciurus hudsonicus*), and several species of mice and voles. Larger mammals common to forested areas of Vancouver Island including black bear (*Ursus americanus*) and cougar (*Puma concolor cougar*) avoid the highly developed study area, but have been known to travel through these areas. Potential use by amphibian and reptile species is expected to be limited within the study site since the soils of the site are relatively dry. The northwestern garter snake (*Thamnophis ordinoides*) is one of the few reptiles expected to forage along the tree line and aquatic environment and the wandering garter snake (*Thamnophis elegans*) and Northern alligator lizard (*Elgaria coerulea*) are potentially found utilizing marine foreshore environments.

A detailed survey to confirm wildlife species presence was not completed as part of this study.

4.2.4 Birds

A variety of resident and migratory bird species are likely to inhabit and utilize the study area due to the terrestrial and marine foreshore habitat. Given the existing remnant second-growth forest canopy and retention of a few mature trees, the site should support a number of aerial insectivores and bark gleaners, goat suckers, as well as members of the corvid, thrush, and woodpecker families. It should be noted that the site visit was completed outside the migratory bird nesting period recognized for the area (March 1st to August 15th). Marine bird species likely to be found in the area include alcids, herons, cormorants, diving and dabbling ducks, petrels, geese, gulls, loons and grebes.

No raptor nests, guano splashes against trees, owl pellets, feathers, prey remains or plucking stations were detected during the site inspection. The small area of forest canopy indicates a low potential for breeding season use by inconspicuous nesting birds of prey. Potential use by raptors including hawks such as red-tailed hawk (*Buteo jamaicensis*), Cooper's hawk (*Accipiter cooperii*) and species of owls may occur as the open grassy areas may provide hunting grounds. Reviews of the provincial Wildlife Tree Stewardship (WITS) and Great Blue Heron nest inventory databases did not indicate the presence of any Bald eagle (*Haliaeetus leucocephalus*) nests or Great blue heron (*Ardea Herodias fannini*) nests on or near the property (Appendix B).

4.2.5 Fisheries

According to the provincial Habitat Wizard database, Rocky (Tyee) Creek (920-325000) to the south of the project area supports populations of cutthroat trout (*Oncorhynchus clarkii clarkii*), coho salmon (*Oncorhynchus kisutch*) and chum salmon (*Oncorhynchus keta*). The marine waters of Ladysmith Harbour support schools of migratory fish including juvenile salmon which tend to move along close to the shoreline.

The Department of Fisheries and Oceans (DFO) Cumulative Pacific herring (*Clupea pallasii*) spawn area on-line maps were consulted to determine potential herring spawning within the study area. The shoreline area of the subject property (Section 173s – S. Yellow Point) has been identified as a "Minor" depositional area for herring eggs. Herring spawning in the area is generally from the beginning of February to the end of April.

A DFO shellfish harvesting contamination closure (PSN-2018-521) prohibiting the harvesting of all bivalve molluscs is indicated for the study area (Area 17-1).



4.2.6 Marine Mammals

Marine mammals generally found within Ladysmith Harbour include harbour seals (*Phoca vitulina*) and Steller sea lions (*Eumetopias jubatus*). Other marine mammals periodically observed in Stuart Channel include killer whale (*Orcinus orca*) and harbour porpoise (*Phocoena phocoena*). These species do not often enter Ladysmith Harbour, but may enter the harbour occasionally in pursuit of prey species.

4.2.7 Species-At-Risk

The Species-at-Risk Act (SARA) is designed to prevent or reduce the likelihood of wildlife species becoming extinct or extirpated and to provide for the recovery and management of endangered, threatened and species of special concern as a result from harm by human activity. Provisions of SARA include prohibiting the taking or possession of listed species and the damaging or destruction of their residents and critical habitat.

A search of occurrence records for designated rare or endangered plant and animal species for the study area with the British Columbia Conservation Data Centre (BC CDC) resulted in no records of rare plant and animal species within the subject site.

Red-Listed species includes any ecological community, and indigenous species and subspecies that is extirpated, endangered, or threatened in British Columbia. Red-listed species and subspecies may be legally designated as, or may be considered candidates for legal designation as Extirpated, Endangered or Threatened under the *Wildlife Act*. Blue-Listed species includes any ecological community, and indigenous species and subspecies considered to be of special concern (formerly vulnerable) in British Columbia. A copy of the BC CDC Ecosystem Explorer search results for the region has been included as Appendix C.

There are a number of “at-risk” species which are considered to have some potential to occur at the study site. These species discussed briefly below:

Band-tailed Pigeon (*Patagioenas fasciata*): Blue-listed

The Canadian breeding range of this large pigeon is restricted to southern British Columbia, mainly on southern Vancouver Island and along the mainland coast. The Band-tailed Pigeon uses a variety of habitats in coastal B.C., including forest edges and openings, urban backyards, urban parks, bushland, golf courses, and orchards. Winter habitat includes open woodland and edges with berries and acorns. Fall migrants use open coniferous habitat near farmland, shorelines with mineral sites, riparian habitat, railways, farmyards, and regenerating clearcuts. The Band-tailed Pigeon eats mainly grain, fruit, acorns, pine nuts, and the flowers

and new buds of shrubs and trees. Primary threats to the Band-tailed Pigeon include forestry practices, urban and industrial development and climate change (BC CDC). The subject parcel provides suitable habitat for this species.

Western Screech-Owl (*Megascops kennicottii saturatus*): Blue-listed

Western screech-owls typically nest in open mixed deciduous-coniferous forests and riparian areas, as well as in pure stands of Douglas-fir. Most nests have been found at lower elevations (<500 m) in natural tree cavities and in artificial nest boxes. This species is mostly nocturnal, and preys on small mammals and invertebrates. It is considered to be a sensitive species due to its reliance on natural or artificial tree cavities, and because it is known to be preyed upon by barred owls, whose numbers have been on the rise in B.C. for decades (Fraser *et al.* 1999). Suitable nesting sites for this species may exist in snags within the study site.

4.3 LAND USE

4.3.1 Current Land Use

The study site is a vacant mobile home park that is zoned Rural Residential. The Ladysmith Marina property to the southeast is zoned Tourist Service Commercial (C-4), the land to the south is zoned Light Industrial (I-1) and the northern residential properties are outside of the Town of Ladysmith within the Cowichan Valley Regional District. Crown water lots fronting the subject property are zoned Marine Residential Moorage (W-1) and Marina (W-2). The marina moorage consists of seven finger docks that offer boat houses and small and large vessel moorage.

4.3.2 Archaeological Chance Finds

There may be potential for chance archaeological findings at the subject property. A request for archaeological information has been submitted to the BC Archaeology Branch on January 20, 2020 for the subject property. Any relevant archaeological information received by Aquaparian will be forwarded to the property owner. Archaeological sites, both recorded and unrecorded are protected under the *Heritage Conservation Act*. If an archaeological find is encountered during construction, activities must be halted and the BC Archaeological Branch contacted at 250-953-3334 for directions.

5.0 ENVIRONMENTAL PROTECTION MEASURES

The subject property has been highly impacted by past clearing, filling and development into a mobile home park. Extensive non-native plant species including Himalayan blackberry, English ivy, common holly, periwinkle, Aaron's beard and Scotch broom have invaded many areas of



the property. Historical logging practices (sorting, dumping, booming, etc) and coal mining activities (coal washing, transporting) have impacted the marine waters of Ladysmith Harbour. Current logging activities from the Western Forest Products log sort to the south of the property and the Shell Beach log sort across the water impact the Harbour. Development and boat traffic from the neighbouring Ladysmith Marina and Government Wharf further south also may present potential impacts to the marine habitat. Industrial and residential development of upland areas have fragmented the surrounding lands.

Despite these impacts, some remnant vegetation and habitat values have been retained including mature trees in scattered stand locations and riparian vegetation along the foreshore. A variety of plant and animal species likely utilize the marine and shoreline habitat. Seagrass beds provide important habitat for fish and invertebrate species which includes nursery, feeding and refuge functions for different stages of the life-cycle. The potential upland habitat value is considered low due to past clearing, development and invasive plant species. The retained tree stands and vegetation does however provide habitat for some mammal and bird species.

The length of the shoreline fronting the subject property is approximately 135m in length. The proposed trail is to be 3m wide along the waterfront of the property. The alignment is expected to require vegetation clearing for the alignment to construct the trail. In addition, there will be short-term disturbance impacts during the construction phase of the project including vegetation clearing, soil disturbance (grading) and installation of fill material, noise impacts from heavy equipment and the potential for accidental spills and potential water quality impacts to marine waters along the project alignment. Standard practices for erosion and sediment control, spill prevention and management will be required for this project during the construction phase.

The proposed development plan for the property has not been developed at this time. However, the following general environmental protection measures are provided for planning purposes. Additional measures may be warranted depending on what is proposed at detailed design:

- Vegetation clearing required is to be completed outside the peak songbird nesting season (March 1st – August 15th) unless a nesting bird survey is first completed by a suitably qualified Biologist;
- The herring spawning season for the study area is February 1st – April 30th. Limit construction activities to outside the herring spawning season if herring spawning is observed at or near the project site;
- Earthworks are to be completed during the dry season to prevent sediment migration into the marine foreshore. If earthworks cannot be completed during the dry months,

sediment and erosion measures are to be implemented (i.e. silt fence) to prevent migrating sediments from entering the foreshore;

- A suitably qualified environmental monitor should be on site during preliminary clearing works to ensure erosion and sediment control measures are in place and functioning properly. The monitor will also be available to provide additional measures as necessary based on site conditions at the time of the work;
- Retain a Professional Geotechnical Engineer to provide an assessment of potential geotechnical issues regarding the steep foreshore slope and waterfront trail construction which is expected to require a Development Permit under DPA7 Hazard Lands due to the slope;
- Retain a Certified Arborist to assess potential danger trees in the vicinity of development activities;
- Consider aligning the waterfront trail to previously cleared areas set back from the tree line of the top of foreshore slope vegetation to minimize removal of native vegetation;
- Trees to be retained near the trail construction footprint should be protected from damage. Install plastic snow-fencing around the drip lines of trees to prevent damage and compaction of root systems from heavy equipment;
- Any future development should be designed to minimize vegetation removal and retain mature trees if possible;
- Limit foot traffic and riparian disturbance through the vegetated foreshore area is recommended by installing a raised staircase from the waterfront trail alignment to the downslope beach;
- No sediment is to enter off-site drainages or beyond the top of foreshore slope—additional measures (such as additional silt fencing, straw bales, interceptor ditching, sediment control ponds, sediment traps, staged gravel filters, or other methods) may be required depending on weather conditions and construction method;
- Management of stockpiled soils including no stockpiling within 30m of the top of foreshore slope, covering with plastic if left on site for extended periods in the rainy season etc;

- Do not leave soils exposed to rainfall and potential run-off. Seeding exposed soils immediately upon completion and if necessary, temporarily covering with 1" straw to prevent surface erosion until grass germinates;
- Avoid tracking sediments onto roadways. Sweep up any tracked sediments;
- No deleterious substances (oils, grease, gasoline, diesel, etc.) are to be allowed to enter marine waters, the foreshore area or any off-site drainages;
- All heavy equipment used on-site should be inspected daily and have a proper spill prevention kit on board in case of any leakage or spills of hydrocarbon;
- On-site machinery should be power washed and free of leaks before entering the site;
- All spills into marine waters must be reported to **Emergency Management BC at 1-800-663-3456**; and,
- All fill brought to the site is to be clean i.e. free of hazardous contaminants and free of invasive weeds or seeds.

6.0 SUMMARY

Aquaparian was retained by Seaward Developments Inc on behalf of the property owners to complete a Biophysical Assessment of the subject property at 1301 & 1391 Rocky Creek Road to support future development plans. This Environmental Assessment report was completed to identify general habitat conditions and features within the study area. No detailed species presence assessments were completed for this study.

This report has been completed in accordance with generally accepted biological practices. No other warranty is made, either expressed or implied. Aquaparian trusts that the information provided in this report meets your requirements. Any questions regarding information provided in this document, please contact the undersigned at (250) 591-2258.

Respectfully submitted,

AQUAPARIAN ENVIRONMENTAL CONSULTING LTD.

Prepared by:

Reviewed by:



Crystal Campbell
Environmental Technician

Sarah Bonar R.P.Bio.
Senior Biologist/Principal

\\AQUAPARIAN-NAS\Documents\Projects\Projects\N567 1301 & 1391 Rocky Creek Rd\Rocky Creek Road Biophysical Report1.docx



7.0 REFERENCES

British Columbia Conservation Data Centre. BC Species and Ecosystem Explorer Search Results. <http://srmapps.gov.bc.ca/apps/eswp/>

BC Great Blue Heron Nest database Internet Website: <http://cmnmaps.ca/gbhe/>

BC Ministry of Environment. Habitat Wizard Database Internet Website: http://webmaps.gov.bc.ca/imf5/imf.jsp?site=moe_habwiz

Canadian Wildlife Service, Species at Risk database. Internet website: http://www.sis.ec.gc.ca/ec_species/

Fisheries and Oceans Canada. Area 173s (Herring Spawn Records). <https://www.pac.dfo-mpo.gc.ca/science/species-especes/pelagic-pelagique/herring-hareng/herspawn/172fig-eng.html>.

Green, R.N and K. Klinka, 1994. *A Field Guide for Site Identification and Interpretation for the Vancouver Forest Region*. 285 pp

Matsuda, B., D.M. Green, and R.W. Campbell. 2006. *Amphibians and Reptiles of British Columbia*. Royal B.C. Museum, Victoria, B.C. 266pp.

Parks Canada, 2008. Proposed Southern Strait of Georgia Marine Conservation Area Reserve Atlas. <https://www.ceaa.gc.ca/050/documents/p80054/115220E.pdf>

Pojar, J. , K. Klinka, and D.A. Demarchi. 1991. *The Coastal Douglas Fir Zone*. In. *Ecosystems of British Columbia*. J. Pojar and D. Meidinger eds. BC Ministry of Forests, Victoria, pp. 96 – 111.

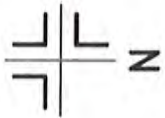
Wildlife Tree Stewardship (WITS) Atlas. Internet website: <http://www.cmnmaps.ca/wits/>

FIGURE 1
SITE LOCATION MAP

Figure 1. Site Location Map
1301 & 1391 Rocky Creek Road, Ladysmith, BC

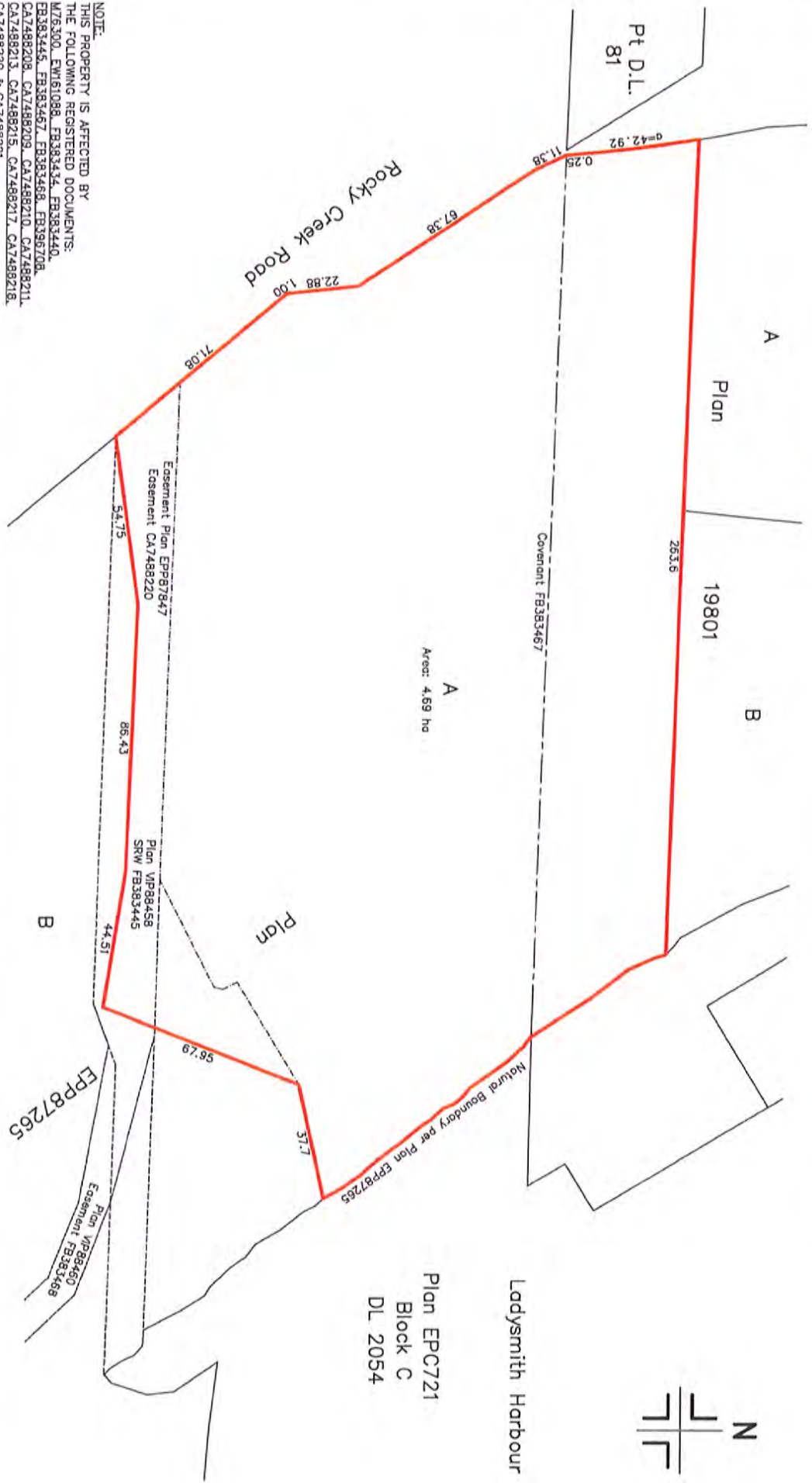


FIGURE 2
SITE PLAN



Ladysmith Harbour

Plan EPCT21
Block C
DL 2054

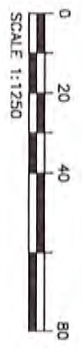


NOTE:
THIS PROPERTY IS AFFECTED BY
THE FOLLOWING REGISTERED DOCUMENTS:
M76300, EMI61088, FB383434, FB383440,
FB383445, FB383467, FB383468, FB383469,
CA7488208, CA7488209, CA7488210, CA7488211,
CA7488213, CA7488215, CA7488217, CA7488218,
CA7488220 & CA7488221.

SITE PLAN SHOWING:
LOT A, DISTRICT LOTS 81, 86 AND 98,
OYSTER DISTRICT, PLAN EPP87265.

Client: FMI DEVELOPMENTS
File: 19-153 Scale: 1:1250 Drawn By: DRW
City Address: 1301 & 1391 ROCKY CREEK ROAD, LADYSMITH
Property Zoning: R1-B & R1-1 Date: September 28, 2019

DISTANCES SHOWN ARE IN METRES AND ARE
DERIVED FROM EXISTING LAND TITLE RECORDS
(PLAN EPP87265).



Turner & Associates
Land Surveying
435 Terminal Avenue North
Nanaimo, BC V9S 4J8
www.turnersurveyors.ca

APPENDIX A

SITE PHOTOGRAPHS

Photo Sheet 1



Photo 1. The subject property at 1301 Rocky Creek Road that was previously a trailer park and is currently vacant with a proposal for rezoning and subsequent subdivision. The property fronts onto the Ladysmith Harbour and moorage for the Ladysmith Marina. The majority of the property has been previously cleared with scattered stands of second-growth trees remaining.



Photo 2. Showing the vegetated steep slope down to the shoreline from the top of bank. The tree canopy is comprised of bigleaf maple.



Photo 3. Showing the shoreline fronting the subject property facing south towards the marina. The high water mark is at the toe of the slope.



Photo 4. The shoreline fronting the property facing north. The beach is a gravel and sand beach with moderate driftwood accumulation and saltgrass.



Photo 5. The shoreline of the neighbouring residential property to the north of the subject parcel.

PHOTO SHEET 2



Photo 6. Showing the shoreline at the southern end of the parcel and the Ladysmith Marina to the south.



Photo 7. Two PVC drainage pipes near the top of the foreshore slope.



Photo 8. The previously cleared southeastern portion of the parcel with very gravelly substrate (fill materials). A row of fir trees is near the top of bank of the foreshore.



Photo 9. Two paved access roads with trailer pads bisect the centre of the 1301 Rocky Creek Road parcel.



Photo 10. Showing the second of the two paved trailer park access roads.

PHOTO SHEET 3



Photo 11. Showing one of many paved trailer pads that extend off the access roads.



Photo 12. Ornamental tree and shrub species have been planted between and around trailer pads. Showing a row of planted fir trees.



Photo 13. Old street light posts remain in the trailer park area.



Photo 14. Showing an old cinder block retaining wall at the base of the slope leading up to Gladden Road.



Photo 15. An old foundation for a structure that has been removed.



Photo 16. Showing a groundwater pipe and an old cinder block wall

PHOTO SHEET 4



Photo 17. A low topographic depression is located in the centre of 1301 Rocky Creek Road between the two access roads. The depression may have been excavated in the past. The depression was dry at the time of this assessment.



Photo 18. Showing the eastern end of the depression. The depression is isolated with no inflow/outflow drainage and with no wetland characteristics/vegetation. Any accumulated water appears to rapidly drain into the ground.



Photo 19. Showing expansive periwinkle groundcover located in the eastern portion of the 1391 Rocky Creek Road parcel.



Photo 20. Showing Himalayan blackberry thickets in the eastern portion of 1391 Rocky Creek Road.

PHOTO SHEET 5



Photo 21. The old access road trail along the northern property boundary of 1391 Rocky Creek Road that leads to Rocky Creek Road. The north side of the trail slopes down towards neighbouring residential properties.



Photo 22. A roadside ditch is located along the east side of Rocky Creek Road that begins across from the Madill site and runs north.



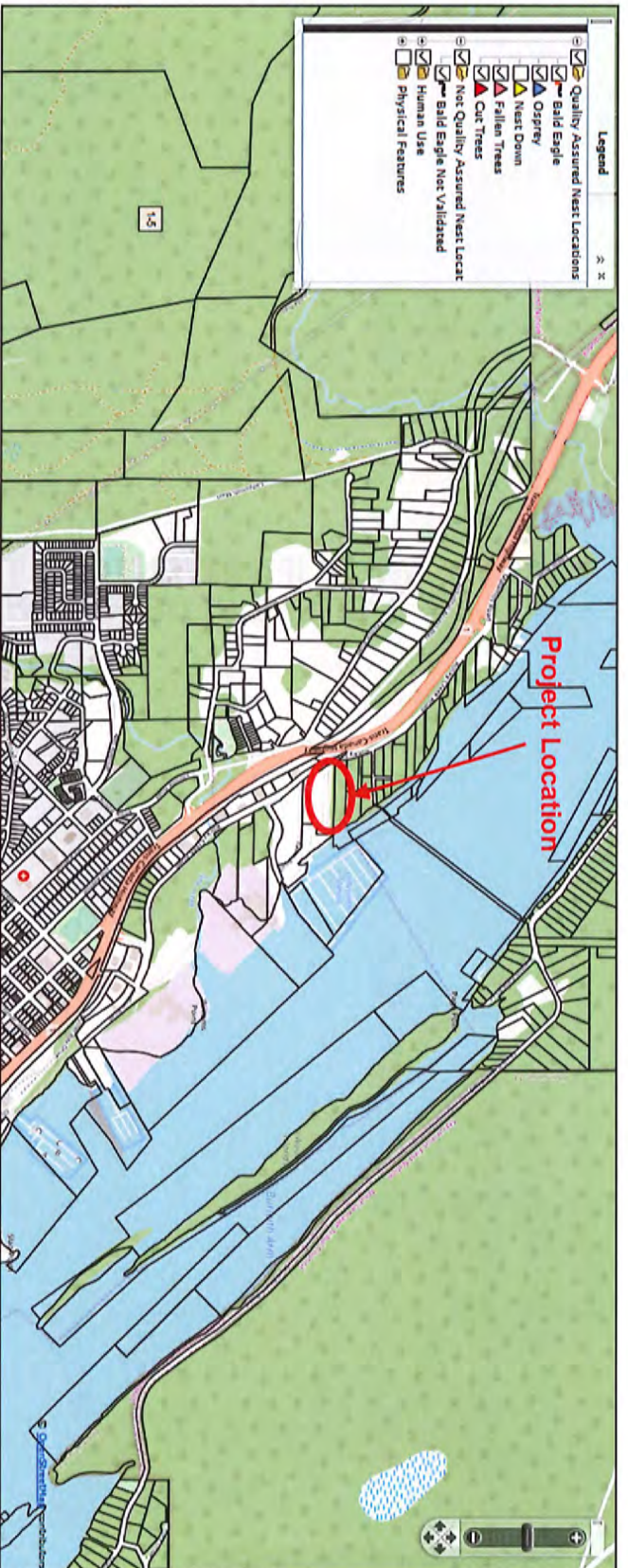
Photo 23. The roadside ditch alignment ends in a low depression of blackberry and Nootka rose in the northwest corner of the site that appears to have no outlet and collects stormwater runoff. The ditch and collection depression were dry at the time of this assessment.

APPENDIX B

WILDLIFE INVENTORY TREE STEWARDSHIP ATLAS & GREAT BLUE HERON ATLAS SEARCH RESULTS



Appendix B Wildlife Tree Stewardship Atlas Search Results



Great Blue Heron Atlas Search Results



APPENDIX C
BC CONSERVATION DATA CENTRE SEARCH RESULTS





iMapBC Mapping

Legend

Species and Ecosystems at Available Occurrences - CDI

- FEATURE_CODE
- Animal - Vertebrate
 - Animal - Invertebrate
 - Plant - Vascular
 - Plant - Non-vascular
 - Ecological Community



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Datum: NAD83
 Projection: WGS, 1984, Web_Mercator_Auxiliary
 Sphere

Key Map of British Columbia



BC Species and Ecosystems Explorer Search Results

Scientific Name	English Name	Biogeoclimatic Units	Provincial	BC List	Status			Provincial Land Use	
					Global	COSEWIC	SARA	FRPA	Objectives
<i>Accipiter gentilis laingi</i>	Northern Goshawk, <i>laingi</i> subspecies	CDF CWH	S2 (2010)	Red	G5T2 (2016)	T (2013)	1-T (2003)	Y	
<i>Ardea herodias fannini</i>	Great Blue Heron, <i>fannini</i> subspecies	CDF CWH	S2S3B,S4N (2018)	Blue	G5T4 (2016)	SC (2008)	1-SC (2010)	Y	
<i>Balsamorhiza deltoidea</i>	deltoid balsamroot	CDFmm CWHxm	S2 (2019)	Red	G5 (1988)	E (2009)	1-E (2003)		
<i>Brachyramphus marmoratus</i>	Marbled Murrelet	CDF CWH MH	S3B,S3N (2015)	Blue	G3 (2016)	T (2012)	1-T (2003)	Y	
<i>Carychium occidentale</i>	Western Thorn	CDF CWH	S3 (2015)	Blue	G3G4 (2002)				
<i>Claytonia washingtoniana</i>	Washington springbeauty	CDFmm CWHdm CWHxm IDFww	S2 (2017)	Red	G2G4 (2001)				
<i>Coenonympha tullia insulana</i>	Common Ringlet, <i>insulana</i> subspecies	CDF CWH	S1 (2013)	Red	G5T3T4 (1998)				
<i>Contopus cooperi</i>	Olive-sided Flycatcher	BWBS CDF CWH ESSF ICH IDF	S3S4B (2015)	Blue	G4 (2016)	SC (2018)	1-T (2010)		

									MH
									MS
									PP
									SBPS
									SBS
									SWB
<i>Corynorhinus townsendii</i>	Townsend's Big-eared Bat	BG	S3S4 (2015)	Blue	G4 (2016)				
		CDF							
		CWH							
		ICH							
		IDF							
		PP							
<i>Erynnis propretius</i>	Propretius Duskywing	CDF	S2 (2013)	Red	G5 (2009)				
		CMA							
		CWH							
		MH							
<i>Eumetopias jubatus</i>	Steller Sea Lion	CDF	S3B,S4N (2013)	Blue	G3 (2016)	SC (2013)	1-SC (2005)		
		CWH							
		MH							
<i>Falco peregrinus pealei</i>	Peregrine Falcon, <i>pealei</i> subspecies	CDF	S3S4 (2019)	Blue	G4T3 (2016)	SC (2017)	1-SC (2003)		
		CWH							
<i>Fratrercula cirrhata</i>	Tufted Puffin	CDF	S2S3B,S4N (2015)	Blue	G5 (2016)				
		CWH							
<i>Glaucidium gnoma swarthi</i>	Northern Pygmy-owl, <i>swarthi</i> subspecies	CDF	S3S4 (2018)	Blue	G4G5T3Q (2019)				Y
		CWH							
		MH							
<i>Haliotis kamtschaticana</i>	Northern Abalone	CDF	S2 (2002)	Red	G3G4 (2010)	E (2009)	1-E		
		CWH							

<i>Hemphillia glandulosa</i>	Warty Jumping-slug	CDF CWH	S2? (2015)	Red	G3G4 (2005)	SC (2013)	1-SC (2005)
<i>Hirundo rustica</i>	Barn Swallow	BAFA BG BWBS CDF CWH ESSF ICHH IDF IMA MH MS PP SBPS SBS SWB	S3S4B (2015)	Blue	G5 (2016)	T (2011)	1-T (2017)
<i>Megascops kennicottii kennicottii</i>	Western Screech-Owl, <i>kennicottii</i> subspecies	CDF CWH MH	S2S3 (2017)	Blue	G4G5T4 (2016)	T (2012)	1-T
<i>Mustela erminea anguinae</i>	Ermine, <i>anguinae</i> subspecies	CDF CWH MH	S3 (2010)	Blue	G5T3 (2016)		
<i>Nearctula sp. 1</i>	Threaded Vertigo	CDF CWH	S3 (2015)	Blue	G3G5 (2006)	SC (2010)	1-SC (2012)
<i>Patagioenas fasciata</i>	Band-tailed Pigeon	CDF CWH ICHH IDF MS SBS	S3S4 (2015)	Blue	G4 (2016)	SC (2008)	1-SC (2011)

<i>Phalacrocorax auritus</i>	Double-crested Cormorant	BWBS CDF CWH	S3S4 (2015)	Blue	G5 (2016)	NAR (1978)	
<i>Phalacrocorax penicillatus</i>	Brandt's Cormorant	CDF CMA CWH MH	S1B,S4N (2015)	Red	G5 (2016)		
<i>Pristiloma johnsoni</i>	Broadwhorl Tightcoil	CDF CWH MH	S3 (2015)	Blue	G3 (2013)		
<i>Progne subis</i>	Purple Martin	BWBS CDF CWH ICH	S3B (2015)	Blue	G5 (2016)		
<i>Prophya saon coeruleum</i>	Blue-grey Tairdropper	CDF CWH	S2S3 (2015)	Blue	G3G4 (2010)	T (2016)	1-E (2007)
<i>Pychoramphus aleuticus</i>	Cassin's Auklet	CDF CWH	S2B,S3N (2018)	Red	G4 (2016)	SC (2014)	1-SC (2019)
<i>Sericocarpus rigidus</i>	white-top aster	CDFmm CWHxm	S3 (2019)	Blue	G3 (2007)	SC (2009)	1-SC (2003)
<i>Sympetrum vicinum</i>	Autumn Meadowhawk	CDF CWH	S3S4 (2015)	Blue	G5 (2015)		
<i>Tyto alba</i>	Barn Owl	BG BWBS	S2? (2015)	Red	G5 (2016)	T (2010)	1-T (2018)

CDF
CWH
ICH
IDF
PP

Search Summary

Time Performed Mon Nov 18 09:31:49 PST 2019

Results

30 records.

Search Criteria

Animals OR Plants
AND BC Conservation Status:Red (Extirpated, Endangered, or Threatened) OR Blue (Special Concern)
AND Forest Districts:South Island Forest District (DSI) (Restricted to Red, Blue, and Legally designated species)
AND MOE Regions:1 - Vancouver Island (Restricted to Red, Blue, and Legally designated species)
AND Regional Districts: Cowichan Valley (CVRD)
AND Habitat Subtypes: Intertidal Marine,Mixed Forest (deciduous/coniferous mix),Sheltered Waters - Marine (Restricted to Red, Blue, and Legally designated species)
AND BGC Zone:
Sort Order:Scientific Name Ascending

Notes

1. Citation: B.C. Conservation Data Centre. 2019. BC Species and Ecosystems Explorer. B.C. Minist. of Environ. Victoria, B.C. Available: <http://a100.gov.bc.ca/pub/eswp/> (accessed Nov 18, 2019).
2. Forest District, MOE Region, Regional District and habitat lists are restricted to species that breed in the Forest District, MOE Region, Regional District or habitat (i.e., species will not be placed on lists where they occur only as migrants).
3. The data contained in the Results Export in BCSEE are provided under the [Open Government License - BC](#).

Christina Hovey

From: Toby Seward <toby.seward@shaw.ca>
Sent: September 27, 2021 12:02 PM
To: Christina Hovey
Subject: 1301/1391 Rock Creek Road, Ladysmith CPAC Meeting, 2021-October-06, Tree Management
Attachments: Scan2021-09-26_202524.pdf

Christina Hovey, Planner, Town of Ladysmith

1301/1391 Rocky Creek Road, CPAC Meeting, 2021-October-06

Re: Tree Management Plan for OCP and Rezoning Application

Further to recent discussions regarding a tree management plan and retention of trees for this property, following is a summary of a tree management strategy for consideration by Ladysmith Committees and Council for the proposed OCP and rezoning of these properties.

Attachments

- 1.) Survey plan showing proposed tree retention/buffer areas
- 2.) Concept site plan, showing townhouses at the waterfront, single-family dwellings in the middle of the site and multi family dwellings at the upper portion of the site, which will include some buildings fronting Rocky Creek Road
- 3.) Aerial photograph of the site, showing existing trees and roads

Tree Retention/Buffers

North - Trees along this property line are planned to be retained as a buffer between the development and property owners to the north

East - Trees at the waterfront are planned to be retained, subject to review of the location of a public walkway that is required by the town as part of the development

South - Trees along this property line are planned to be retained as a buffer

West - Trees along Rocky Creek Road are planned to be retained, subject to road access and location of buildings fronting the road

Impacts on Tree Retention

- 1.) Location of access roads from Rocky Creek Road and the internal road system
- 2.) Installation of servicing infrastructure
- 3.) Proposed building footprints
- 4.) Safety, wind and tree health
- 5.) Other impacts to be identified by consultants and town staff

Consultants

The owners have retained Sarah Bonar of Aquaparian Environmental (who carried out the initial environmental assessment for the site) and Peter Brinson, an arborist with VI Tree Service, to jointly work on a tree management plan for the property. The consultants initial site visit is scheduled for 2021- September-28 and will include a review of the trees on site, potential buffer widths, tree species, diameter, height, health, safety issues and other related issues that will be included in a tree management plan.

Development Process

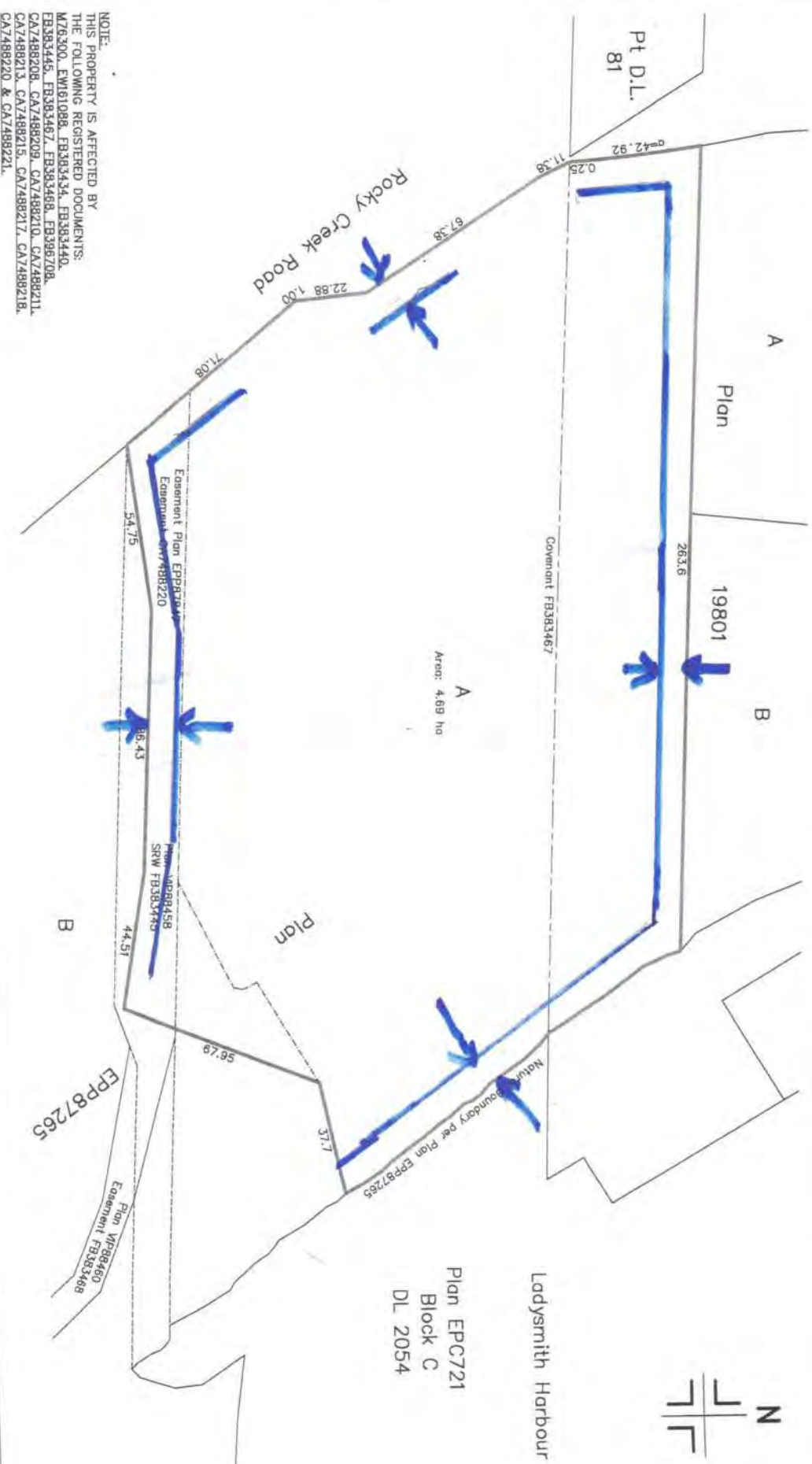
- 1.) Consideration of OCP and Rezoning Application - Ladysmith Council, committees and staff will review the land use amendments proposed for the property, as well as receive input from internal and external agencies and the public. This review will be based on the initial site plan prepared for the property, along with consultants reports for survey, civil engineering, geotechnical engineering, environmental assessment, traffic impact assessment and archeology assessment. A tree management plan will be completed at subdivision and development permit stages, as plans for the property are developed in more detail.
- 2.) Subdivision - Providing the OCP and rezoning application is approved, the consultants will prepare a subdivision plan, that will allow the project to be built out in various phases. As part of this subdivision process, roads and servicing infrastructure will be designed and installed, taking into consideration the impact these installations will have on the trees on site.
- 3.) Development Permit - Once the subdivision plan has been approved, development permit applications will be submitted for the project, including form and character design of the townhouses and multi family developments. As part of the development permit process, the architect and consultants will finalize infrastructure design, building designs and footprints, which will include tree retention and buffers proposed in the tree management plan.
- 4.) Building Permits - Permits will be taken out to allow construction to take place in various phases.

Tree Management Plan

Establishing and implementing a tree management plan will be an ongoing process throughout the development of the property and will need to be reviewed as infrastructure and building plans for the property are further established. The owners and their consultants plan to work with Ladysmith staff to identify processes and scheduling, to ensure the tree management plan is followed at the various development stages noted above.

Regards
Toby Seward
Seward Developments Inc

1301/1391 ROCKY CREEK RD



NOTE:
 THIS PROPERTY IS AFFECTED BY THE FOLLOWING REGISTERED DOCUMENTS:
 M76300, EMI61088, FB383434, FB383440, FB383445, FB383467, FB383468, FB383470, CAZ7488208, CAZ7488209, CAZ7488210, CAZ7488211, CAZ7488213, CAZ7488215, CAZ7488217, CAZ7488218, CAZ7488220 & CAZ7488221.

SITE PLAN SHOWING:
 LOT A, DISTRICT LOTS 81, 86 AND 98, OYSTER DISTRICT, PLAN EPP87265.

Client: TMI DEVELOPMENTS
File: 19-153
Scale: 1:1250
Drawn by: DNV
Site Address: 1301 & 1391 ROCKY CREEK ROAD, LADYSMITH
Property Zoning: RT-B & RD-1
Date: September 26, 2019

DISTANCES SHOWN ARE IN METRES AND ARE DERIVED FROM EXISTING LAND TITLE RECORDS (PLAN EPP87265).

0 20 40 80
 SCALE 1:1250

Turner & Associates
 Land surveying
 435 Terminal Avenue North
 Nanaimo, BC V9S 4J8
 250.753.9778
 www.turnersurveyors.ca

1301 / 1391 ROCKY CREEK RD



CONCEPTUAL SITE PLAN

NOTE:
THIS DRAWING IS FOR INFORMATION ONLY.
IT IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN APPROVAL OF THE ARCHITECT.
BY CHANGING, ALL CONDITIONS AND AGREEMENTS.

SITE DATA

LEGAL DESCRIPTION: LOT A, DISTRICT LOT 81, 88 & 89, OYSTER DISTRICT, PLAN EPP937285,
PID 000-001-480
CIVIC ADDRESS: 1301 / 1391 ROCKY CREEK ROAD, LADYSMITH B.C.
LOT SIZE: +/- 11.59 ACRES
CURRENT ZONING: 1301 ROCKY CREEK ROAD - R-1.8 SINGLE DWELLING RESIDENTIAL - SMALL LOT B ZONE
1391 ROCKY CREEK ROAD - RU-1 RURAL RESIDENTIAL

LEGEND

- A** MULTI-FAMILY RESIDENTIAL
- B** COMMERCIAL / RESIDENTIAL
- C** TOWNHOUSES - 20 UNITS
- D** SINGLE FAMILY LOTS - 22 LOTS
- E** PEDESTRIAN ACCESS / AMENITY
- F** WATERFRONT WALKWAY
- G** BELOW BUILDING PARKING
- P** PARKING

PROPOSED DEVELOPMENT
1301 / 1391 ROCKY CREEK ROAD
LADYSMITH, B.C.

CLIENT: ROCKY CREEK VENTURES INC.

b|k architecture inc.
2122 Branson Rd.
Surrey, BC V4A 4L4
PH: 250-591-1802



DATE: FEB. 10, 2020
ISSUED: FEB. 12, 2020
REVISED: DEC. 02, 2020
ISSUED: SEP. 02, 2021

PR1

1301 / 1391 ROCKY CREEK RD

