

## STAFF REPORT TO COUNCIL

**Report Prepared By:** Andrew Wilson, Planner  
**Reviewed By:** Jake Belobaba RPP, MCIP, Director of Development Services  
**Meeting Date:** November 19, 2024  
**File No:** 3360-18-11  
**RE:** Zoning Bylaw Amendment – 10910 Westdowne Road

**RECOMMENDATION:**

That Council:

1. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, No. 2173”;
2. Direct staff to proceed with scheduling and notification of a public hearing for “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw No. 2173” pursuant to section 464(1) of the *Local Government Act*;
3. Direct staff to refer “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, No. 2173” to the Ministry of Transportation and Infrastructure, after third reading of the bylaw, pursuant to section 52 of the *Transportation Act*;
4. Require that the applicant, as a condition of approval, following third reading and prior to adoption of Bylaw No. 2173:
  - a. retain a qualified engineer to submit a stormwater management plan satisfying the conditions noted in the November 19, 2024 staff report to Council;
  - b. construct and pave the apron and throat of the driveway access to Ministry of Transportation and Infrastructure driveway standards; and
  - c. register on the title of the subject property a stormwater management covenant prepared by the Town’s solicitor at the cost of the applicant with the conditions described in the November 19, 2024 report to Council.

**EXECUTIVE SUMMARY:**

The purpose of this report is to introduce a rezoning application to allow an outdoor commercial storage yard at 10910 Westdowne Road for Council consideration. Staff recommend that Council give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw No. 2173” and direct that a public hearing be held.



**PREVIOUS COUNCIL DIRECTION:**

| <b>Resolution</b> | <b>Meeting Date</b> | <b>Resolution Details</b>  |
|-------------------|---------------------|--|
| 2011-467          | November 7, 2011    | It was moved, seconded and carried that Development Variance Permit 3090-11-01 be approved, to permit a variance to Section C-4.05(f) and 4.05(g) of the Subdivision Control Bylaw No. 1115 to allow the property at 10910 Westdowne Road (Lot 1 District Lot 72, Oyster District, Plan 8793, Except Part in Plan 895 RW), to be subdivided into two lots subject to approval and registration of a covenant that states the following: <ol style="list-style-type: none"> <li>a) To postpone the required connection to the water supply until prior to issuing a building permit for either of the proposed two lots; and</li> <li>b) To postpone the required connection to the sanitary sewer system until within two years of the sanitary sewer being available to either of the proposed two lots.</li> </ol>   |
| CS 2018-266       | July 16, 2018       | <i>Moved and seconded:</i><br>That Council:<br>1. Issue Development Permit 3060-18-06 to permit land clearing and riparian restoration on Lot B, District Lot 72, Oyster District, Plan EPP20506 (10910 Westdowne Road); and<br>2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-18-06.<br><i>Motion carried.</i>  |
| CS 2018-445       | November 19, 2018   | <i>Moved and seconded:</i><br>That Council, having considered the application (3360-18-11) to amend the Zoning Bylaw for the property legally described as Lot B, District Lot 72, Oyster District, Plan EPP20506 (10910 Westdowne Road) to <ol style="list-style-type: none"> <li>a) Add 'storage yard' as a site specific principal permitted use;</li> <li>b) Add a definition of 'contractor tool crib'; and</li> <li>c) Amend the definition of 'storage yard' to include RVs, boats and contractor tool cribs:</li> </ol> <ol style="list-style-type: none"> <li>1. Direct staff to commence the preparation of the Zoning Bylaw amending bylaw for application 3360-18-11 (10910 Westdowne Road).</li> <li>2. Direct that prior to presenting the Zoning Bylaw amendment bylaw to Council for consideration, the owners of 10910 Westdowne Road shall complete the following:               <ul style="list-style-type: none"> <li>• Obtain a building permit for the retaining wall;</li> <li>• Obtain a demolition permit for the dwelling; and</li> <li>• Connect the property to the Town of Ladysmith water system as required by DVP 11-01 and Covenant CA2774644; and</li> <li>• Submit the riparian landscape bond of \$1200 (DP 18-06)</li> </ul> </li> </ol> <i>Motion carried.</i> |
| CS 2018-466       | November 19, 2018   | <i>Moved and seconded:</i><br>That Council direct staff to investigate the number of shipping containers permitted on industrial zoned properties in other municipalities for the purpose of storage, and report back to Council.<br><i>Motion carried.</i>  |

**INTRODUCTION/BACKGROUND:**

Subject property

The subject property is a 1.05ha parcel located at 10910 Westdowne Road. The property is currently designated Industrial under “Official Community Plan Bylaw 2022, No. 2200”, zoned Light Industrial (I-1) under “Town of Ladysmith Zoning Bylaw 2014, No. 1860” and falls within Development Permit Area 5 – Industrial (DPA 5) and Development Permit Area 6 – Riparian (DPA 6). Adjacent land uses include:

- North: Industrial (I-1) zoned land containing a house.
- East: Westdowne Road and TransCanada Highway. Lands opposite the highway are in the CVRD.
- South: Indoor and outdoor commercial storage facility (CVRD land).
- West: Riparian and vacant (treed) Industrial Crown land.

A transit stop is located to the south in front of the Town and Country Mobile Home Park on Westdowne Road with service to Nanaimo and Duncan.

A riparian area bisects the property. The front of the property currently contains outdoor storage of RVs, boats, and other vehicles, a small electrical building, a graveled area for outdoor storage, a perimeter fence, and retaining wall. The rear of the property is vacant and vegetated. A map of the subject property is provided as Attachment A.

Background:

The owners submitted a rezoning application on September 14, 2018 to resolve a bylaw enforcement issue as the existing outdoor commercial storage yard had been operating on the property contrary to the Zoning Bylaw; outdoor commercial storage is not a permitted use in the I-1 zone. The file was first reviewed by Council on November 19, 2018, and further consideration was deferred by Council until a number of issues provided in Table 2 were resolved. Table 2, below, summarizes the actions taken in response to Council’s direction from the November 19, 2018 meeting.

*Table 2: Council Direction and Staff Comments*

| <b>Council Direction</b>                        | <b>Staff Comments</b>  |
|---|--|
| Obtain a building permit for the retaining wall | The applicant had originally constructed a lock-block retaining wall that was high enough to trigger the requirement for a building permit. Instead of obtaining a building permit for the wall, the applicant rebuilt the retaining wall as a stepped retaining wall that meets Zoning Bylaw regulations and does not require a building permit. The wall consists of two steps 4.5m apart, with a height of 1.1m and 0.6m per step. Staff consider this requirement to be met. |
| Obtain a demolition permit for the dwelling     | The applicants obtained a demolition permit for the dwelling on January 22, 2021. The dwelling was demolished with a final inspection completed  |

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|  | by the building inspector on December 9, 2022. This requirement is complete.   |
| Connect the property to the Town of Ladysmith water system as required by DVP 11-01 and Covenant CA2774644 | Covenant CA2774644 specifies that the construction of new buildings must not occur without a connection to the Town’s water supply. There are no new buildings proposed as part of this application; therefore, a connection is not required. Future building permits will not be issued unless a functioning water service is installed. Staff consider this requirement to be met. |
| Submit the riparian landscape bond of \$1,200 (DP 18-06)   | The applicant submitted the bond on January 7, 2021. This requirement is complete.   |

The applicants also applied for a development permit (DP 18-10) application in 2018 for excavation, landscaping, and fencing. Additional information was requested as the application was incomplete and the application was put on hold. The applicants have now provided staff with additional information needed to continue processing the DP application, which will proceed to Council for consideration at a later meeting.

The applicants provided the \$1200 landscaping bond for DP 18-06 to cover the costs of the required remediation of the riparian area on the property. A report from the applicant’s biologist was provided to the Town on June 14, 2023, confirming the remediation had been completed.

Signage on the property was found to be non-compliant with the Sign & Canopy Bylaw. As such, staff requested that the applicants submit a sign permit and development variance permit (DVP) application to bring the signage into compliance with the signage regulations. The applicant has since applied, and the DVP application will proceed to Council for consideration at a later meeting.

**PROPOSAL:**

The applicant is requesting an amendment to the Zoning Bylaw to permit an outdoor commercial storage yard use for the commercial storage of RVs, boats, and contractor tool cribs. The proposal requires a site-specific amendment to the I-1 zone on the property. No buildings are proposed, as the use will only be operated outdoors. Density regulations, such as floor space ratio and parcel coverage, and other building regulations, such as building height, are not proposed to change. The applicant letter of rationale is provided as Attachment D.

The applicant has also requested that shipping containers be permitted on the property as these are commonly used as contractor tool cribs. Current regulations in the Zoning Bylaw restrict the number of shipping containers per property in industrial zones, thus, per Council’s direction, staff investigated the number of shipping containers permitted on industrial zoned properties in other municipalities for storage purposes, as summarized in Table 5. A breakdown of the features of the proposed development is provided in Table 3.

Table 3: Application Summary

|                                | Current/Required                       | Proposed   |
|--------------------------------|--|--|
| <b>OCP Designation</b>         | Industrial                             | No change.   |
| <b>Development Permit Area</b> | DPA 5 – Industrial<br>DPA 6 – Riparian | No change.   |
| <b>Zoning Bylaw</b>            | I-1                                    | I-1 with the following site-specific regulations: <ul style="list-style-type: none"> <li>• permitting ‘storage yard’ on the property</li> <li>• permitting a maximum of 20 shipping containers</li> <li>• adding shipping container regulations for siting and grouping size</li> <li>• 30m front parcel line setback for shipping containers</li> </ul> |
|                                | Definitions                            | Amend the definition of ‘storage yard’ in the definitions section of the Zoning Bylaw to include RV, boat, and contractor tool crib.<br><br>Add a definition for ‘contractor tool crib’ in the definitions section of the Zoning Bylaw.  |
|                                | Shipping Container Regulations         | Amend the regulations for Shipping Containers by adding Fire Department approval for ventilation.  |

The development currently consists of:

- A large gravel area where vehicles are stored.
- A stepped retaining wall near the middle of the property.
- Fencing around the perimeter of the property.

**ANALYSIS:**

For the reasons outlined below, staff are recommending that Bylaw No. 2173 be given first and second readings.

**Official Community Plan**

The subject property is located in the Industrial designation in the OCP. The Industrial designation applies to industrial park areas and the industrial waterfront area and is intended to accommodate industrial development and employment centres. It provides for a range of industrial and light industrial uses, and limited commercial uses to support industrial parks. The proposed use is consistent with the Industrial designation. Table 4, below, summarizes other relevant OCP policies and provides an analysis of the proposal against these policies:

Table 4: Official Community Plan policy review

| Policy/Policy Category  | Comments  |
|---|---|
| 1.1 Growth Policies   |   |
| j. Preserve existing industrial lands for employment, as industrial land use is in relatively short supply in the region, and consistent with the Cowichan Industrial Land Use Strategy (2019). | The land has remained undeveloped as an industrial land use. The proposed development presents an opportunity to establish additional industrial activities within Ladysmith’s south end.   |
| 2.4 General Land Use Policies   |   |
| X. Prioritize infill and avoid greenfield development to reduce pressures on natural areas.   | Development on the subject property would constitute infill development as the applicant is proposing to develop an existing parcel within an existing industrial area.   |
| Y. New development should protect and enhance natural assets including tree stands, natural features, habitat areas, the Salish Sea and shoreline, streams, and wetlands.                       | The subject property contains a creek and a riparian area. A DP was issued in 2018 which identified the creek and adjacent streamside protection and enhancement area (SPEA) and identified restoration of the SPEA. SPEA restoration was completed and a report from the applicant’s Qualified Environmental Professional (QEP) was submitted in July 2023, confirming this. The creek and SPEA will maintain protection through the Riparian Development Permit Area (DPA 6), the Provincial Riparian Areas Protection Regulation (RAPR), and the SPEA restoration.   |
| Aa. New development should incorporate the use of green infrastructure for rainwater management – including groundwater infiltration, rainwater detention, and rain gardens – in all land uses. | <p>Staff are recommending a stormwater management plan be secured as a condition of Bylaw No. 2173 approval through registration of a covenant under the <i>Land Title Act</i>. Staff also intend for a stormwater management plan to be a condition of DP 18-10.</p> <p>The site on which the use is located has a surface material of crushed gravel, which is permeable. Paving the storage area can be prohibited through mechanisms including the Development Permit and covenant. Staff are not recommending the prohibition of paving as a condition of Bylaw No. 2173. As a requirement of DP 18-10, staff have requested the applicant submit a report by a QEP to provide recommendations for spill containment and prevention. All QEP recommendations will be made a condition of DP 18-10.</p> |
| Ak. Existing industrial lands, including marine industrial areas, should be protected for employment uses.  | Industrial development on the subject property would protect and preserve it as an industrial site.   |
| Transportation  |   |

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| <p>2.39 In lower density areas such as South and North Ladysmith, support other transit service delivery models such as Digital On-Demand Transit, as well as continued coverage and service capacity for people with a disability through handyDART.</p>  | <p>HandyDART service is not necessary for this development due to its nature as an outdoor storage facility. The application was referred to BC Transit for comment. BC Transit have no concerns or recommendations with respect to the proposal.</p>   |
| <p>2.40 Identify strategic investments in bus stops to improve accessibility, amenity provision and overall user experience. This included maintaining a priority list of desired transit shelter/stop upgrades that can be used to inform participation in BC Transit’s cost-shared stop improvement program as well as to leverage any available transit infrastructure funding from other levels of government.</p> | <p>The subject property is near a transit stop on Westdowne Road. BC Transit is not recommending improvements to the transit stop at Westdowne and Thicke Roads as they don’t expect the proposed development to generate an increase in transit demand, and the stop doesn’t have a high amount of activity currently.</p> |
| <p>Parks and Open Space</p>  |   |
| <p>4.1 In general prioritize the following areas for parkland acquisition: waterfront areas; ecologically sensitive areas; areas where parkland is lacking for nearby residents; areas of historical or cultural significance; and areas for carbon sequestration.</p>   | <p>The creek and wetland on the subject property is protected under the Riparian Area Regulation as a Streamside Protection and Enhancement Area (SPEA). No parkland acquisition is being considered as part of this application as there are no nearby park connections or trail connectivity.</p>                         |
| <p>4.3 Consider parkland acquisition that complements compatible existing and proposed public uses such as schools, daycares, healthcare and community centres and places of worship.</p>  |   |
| <p>4.4 Undevelopable areas (e.g. Streamside Protection and Enhancement Areas, hazard lands) will not be accepted as statutory parkland dedication (e.g. subdivision park dedication requirements). Undevelopable areas should be “returned to Crown”, in addition to statutory park dedication area and/or protected by other means (e.g. covenants).</p>  |   |
| <p>4.24 Prioritize the acquisition of critical habitat and ecosystems for parks and conservation.</p>  |   |

| Municipal Infrastructure   |  |
|--|--|
| 5.3 Where technically and operationally feasible and aligned with the vision and goals of this OCP, support variances to development and servicing specifications to permit green infrastructure, public amenities, and/or active transportation.  | The proposed development requires a variance to the Zoning Bylaw and the Development and Subdivision Servicing Bylaw to allow operation of the development with an on-site septic system in the absence of community sanitary sewer services. The servicing will be evaluated in more detail at the DP stage.  |
| 5.12 New development and rainwater infrastructure should be designed to manage flows to pre-development rates and factoring in future climate change projections. This includes preventing frequently occurring small rainfall events from becoming surface run-off and ensuring the maintenance of minimum base flows, and in some instances augmented base flows, in water bodies. | Current Town Engineering standards do not require pre-development flow rates for rainwater management. Rainwater management improvements that go beyond what bylaws currently require, such as pre-development rates, can be secured as a condition of rezoning approval through registration of a covenant. As noted above, staff are recommending a stormwater management plan be secured through registration of a covenant as a condition of Bylaw No. 2173. |
| 5.14 Support the integration of rainwater detention, infiltration, and conveyance systems with community or natural amenity space where possible. New development must implement their own sustainable rainwater management infrastructure.  |  |
| 5.15 Mimic natural ecosystem processes in rainwater system design and construction as much as possible. This includes minimizing runoff, maximizing infiltration, preserving and protecting the water absorbing capabilities of soil, vegetation and trees particularly along riparian corridors, and minimizing impervious surfaces on both private and public lands.               | The proposal includes gravel for surfacing of the parking area. Paving is not proposed. A covenant could be registered to require a permeable surface of the parking area.   |
| 5.16 Encourage rainwater capture and discharge to ground where appropriate on public and private properties, while reducing impact to downslope properties.  |  |
| 5.17 Stormwater quality should meet applicable standards from the BC stormwater planning guidebook at the time it is discharged into receiving waterbodies.  |  |



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| Social Infrastructure  |   |
| 6.6 Universal design principles should be applied in the review of development applications and in the design of new or retrofitted public facilities and infrastructure early in design and evaluation.   | No public infrastructure improvements are being proposed with this application.   |
| Local Economy  |   |
| 7.5 While recognizing the importance of Downtown as being the largest employment hub, support the retention of – and multi-modal access to – employment lands in other commercial and industrial areas including the waterfront area, midtown and south Ladysmith. | The subject property is in south Ladysmith. Development of the lands as an outdoor storage facility would help support its retention as industrial lands. While it is not expected that the proposed use will generate a lot of new employment opportunities, the use does not consist of any buildings and the property could still be used for an array of other industrial uses should this use not succeed in the long-term.  |
| 7.12 Consider development proposals' impacts on and resilience to climate change during the approvals process.   | Transportation is the number one contributor of greenhouse gas (GHG) emissions in Ladysmith. The proposed development is in south Ladysmith which is not a transit-oriented area, resulting in few opportunities for active and alternative modes of transportation to the development. However, the use is for storage of vehicles such as boats and RVs and is not expected to generate regular traffic to the property. Having an outdoor storage facility such as this for boats and RVs will allow Ladysmith residents to store their recreational vehicles closer to home, which will reduce the distance that they might otherwise travel to store their vehicles at facilities elsewhere. |
| 7.13 Existing industrial lands – both in terms of lands that are designated for industrial land uses and lands that are currently being used for industrial land uses – should be protected.   | The proposal will keep the land within the Industrial designation and Industrial zoning. The proposed development is for industrial uses.   |
| Green Buildings  |   |
| 8.4 All new buildings subject to rezoning should achieve net zero emissions as a condition of rezoning. This means that 100% of new buildings' space and water heating and cooling needs are met by zero emissions systems starting immediately                    | No new buildings are being proposed as part of this rezoning application.   |

Development Permit Areas:

The subject property is partially located DPA 6 – Riparian. A wetland reach of a tributary of Stocking Creek is located on the property (see figure 1). Stocking Creek is a fish-bearing watercourse.

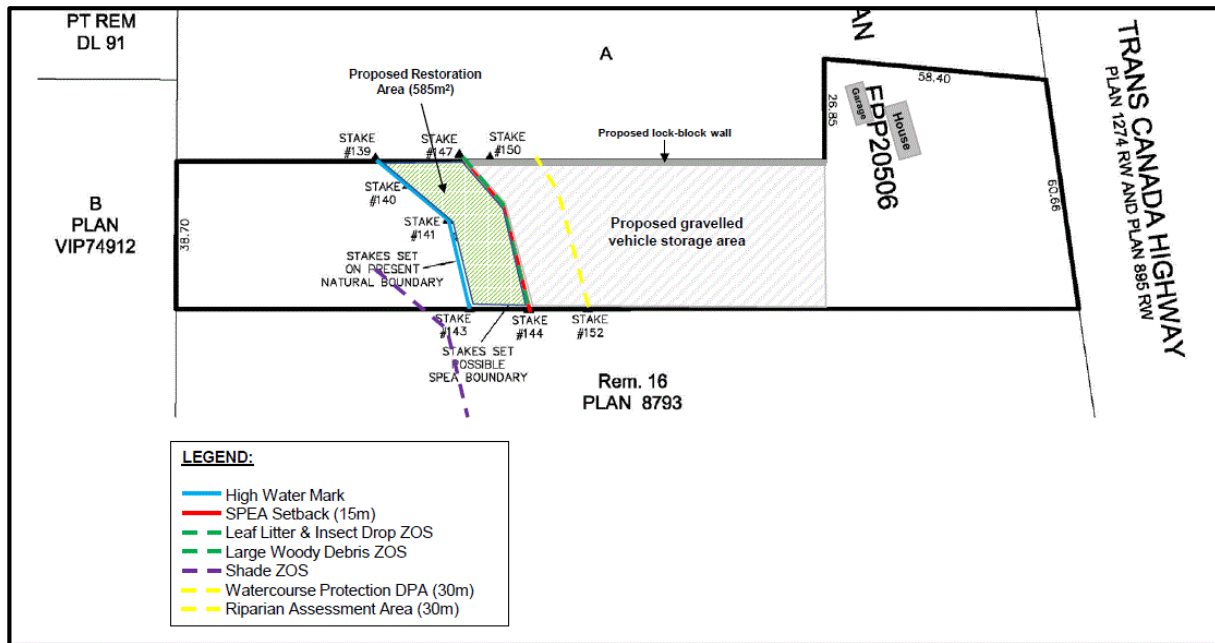


Figure 1: SPEA & DPA 6 location

Riparian DP 18-06 was issued in 2018 to allow for vegetation clearing, grading, placement of gravel, and restoration of the riparian area on the property. During the DP process, the proposed development was assessed by a Qualified Environmental Professional (QEP) who determined that the proposed development is not expected to impact the riparian area and wetland. The QEP recommended restoration of the Streamside Protection and Enhancement Area (SPEA) along the wetland and SPEA fencing, which was completed. Should additional site works be proposed within the DPA 6 area on the property, a new riparian DP will be required. DP18-06 is attached for reference as Attachment E.

The subject property is located within DPA 5 – Industrial. The applicants applied for an industrial DP for landscaping, a retaining wall, and fencing to screen the proposed use. The DP is currently in process and will proceed to Council for consideration should the rezoning application be approved.

Zoning Bylaw:

The subject property is zoned I-1. The I-1 zone does not permit the proposed commercial outdoor storage yard use. ‘Storage yard’ is listed as a permitted use in the I-2 zone but its definition does not include the storage of RVs, boats, and contractor tool cribs. Staff recommended in the Staff report to Council, dated November 19, 2018, that:

- Storage yard be added as a site-specific principal use to the I-1 zone for the subject property.

- The storage yard definition be amended to include storage of RVs, boats, and contractor tool cribs.
- Add a definition of ‘contractor tool crib’ to the Zoning Bylaw.

These changes are proposed in Bylaw No. 2173 (see Attachment C).

Storage yard is a permitted principal use only in the Industrial I-2 zone, therefore a change to the definition of storage yard to include RVs, boats, and contractor tool cribs will affect all I-2 zoned properties (see Attachment B Zoning Map).

Smaller shipping containers are often used as the storage space for contractor tools (e.g. used as contractor tool cribs), and the applicants would also like to store any size shipping container on the property for general storage use. However, the Zoning Bylaw restricts the number of shipping containers permitted on industrial lands to three. As such, Council has directed staff to investigate the number of shipping containers permitted on industrial zoned properties in other municipalities for storage purposes. The analysis is provided below.

Proposed changes to the general shipping containers regulations and site-specific regulations regarding shipping containers in Bylaw No. 2173 include the following:

- A requirement for all shipping containers to be vented to the satisfaction of the Ladysmith Fire Department.
- Shipping containers specific to this site:
  - Shall have a front parcel line setback of 30.0 metres.
  - Shall be limited to a maximum of twenty.
  - Must not be stacked.
  - Must not be altered or pre-altered in any way.
  - Must have approval by the Town of Ladysmith Building Official for surfacing and siting.
  - A grouping of shipping containers:
    - Must not exceed 500.0 square metres
    - Shall not be located closer than 6.0 metres to another grouping.
    - Shall have a fire access route approved by the Ladysmith Fire Department.

Shipping Containers:

At the November 18, 2018 Council meeting, Council directed staff to investigate the number of shipping containers permitted on industrial zoned properties in other municipalities for the purpose of storage. Table 5, below, summarizes shipping container regulations in four Vancouver Island jurisdictions.

*Table 5: Shipping Container regulations in other jurisdictions*

| Local Gov't        | Bylaw        | Shipping Container Regulation  |
|--------------------|--------------|--|
| City of Parksville | Zoning Bylaw | <ul style="list-style-type: none"> <li>• Shipping containers are included in the definition for <i>medium industry</i>.</li> </ul> |

|                            |                           |  |
|----------------------------|---------------------------|--|
|                            |                           | <ul style="list-style-type: none"> <li>Shipping containers shall be setback a minimum of 30m from a lot line adjacent to the Highway or E&amp;N Railway.</li> <li>Individual access to containers is not permitted.</li> </ul> <p>Note: No maximum numbers of containers are specified except for use during construction.</p> |
| District of North Cowichan | Zoning Bylaw              | <ul style="list-style-type: none"> <li>Maximum 2 shipping containers per site in Industrial Light Zone</li> <li>Maximum 1 shipping container per 1 acre up to a maximum of 10 in Heavy Industrial Zone.</li> </ul>   |
| CVRD                       | Building Regulation Bylaw | <ul style="list-style-type: none"> <li>Siting or locating a shipping container requires a building permit.</li> </ul> <p>Note:<br/>Shipping containers are not specifically regulated in the Zoning Bylaw. The number of permitted shipping containers is limited by parcel coverage.</p>                                      |
| City of Nanaimo            | Zoning Bylaw              | <ul style="list-style-type: none"> <li>No more than 2 containers permitted in the I4 Zone for up to 2 years for temporary use. No more than 1 in all other Zones for a period of 30 days or up to 1 year.</li> </ul>   |

The number of shipping containers permitted on a parcel varies from maximum numbers of shipping containers in industrial zones in North Cowichan and the City of Nanaimo, to no maximums in medium industrial zones in the City of Parksville. The Cowichan Valley Regional District has no maximum shipping container regulations.

Ladysmith Building and Plumbing Bylaw does not specifically regulate shipping containers, and a building permit is not required. The BC Building Code does not recognize shipping containers as buildings. Due to the potential to use shipping containers as individual storage lockers, the Building Department has recommended that up to 20 containers should be treated in the same way that a Self-Service Storage Building would be treated under the BC Building Code. These recommendations have been incorporated in the draft Bylaw No. 2173.

The proposed bylaw includes an addition to the Shipping Containers regulations for ventilation to be approved by the Ladysmith Fire Department. Proper ventilation in shipping containers is important to controlling temperature and to limiting odors and condensation.

*Ministry of Transportation and Infrastructure Requirements:*

As a condition of approval, the Ministry of Transportation and Infrastructure have outlined the following conditions that must be met prior to their final approval:

- An approved commercial access permit to the Highway;
- The apron and throat of the access is to be constructed and paved to Ministry Standard (see Chapter 502 of the most current [Standard Specifications for Highway Construction](#));
- No storm drainage shall be directed toward Ministry ditches. This includes run-off from the internal road system or development run-off; and,
- All surface and subsurface drainage/storm water from the development is to be dealt with onsite.

These conditions are incorporated into the recommended motions to Council, and if approved, will be a requirement for approval prior to adoption of the Bylaw.

Stormwater Management:

Discharge of storm water is proposed overland to the creek. Town of Ladysmith Engineering provided recommendations for Stormwater Management including:

- A stormwater management system is required to detain and treat water prior to entering the creek and to maintain pre-development flow from 2017 at post construction.
- A storm management system must be designed by a professional and include a maintenance guide or manual.

Current Town Engineering standards do not require pre-development flow rates for rainwater management. Rainwater management improvements that go beyond what bylaws currently require, such as pre-development rates, can be secured as a condition of rezoning through registration of a covenant. As noted in the section above, MOTI requirements include specific storm drainage conditions. Staff are recommending Council require the applicant to provide a Stormwater Management Plan by a Qualified Engineer and secure it on title through a s.219 covenant. This plan must address the approval conditions of MOTI and meet the Town of Ladysmith Engineering recommendations.

Servicing:

A development variance permit (DVP 11-01) was approved by Council in 2011-2012 to vary the Subdivision Control Bylaw to allow a two-lot subdivision in which the two new lots (10920 & 10910 Westdowne Road) were not required to be connected to Town water and sewer at time of subdivision. The DVP states:

1. That when an owner of the land applies for a building permit they must design and construct an approved connection to the Town water system; and
2. An owner of the land must connect to the Town's sanitary sewer system within two years of it being available. An approved septic system would be permitted for a new building on the land until that time.

The two-lot subdivision was approved and covenant CA2774644 was registered on the title of both new parcels. The covenant states that the owner of the land shall not build or construct a building on the land until the owner has first at their sole cost designed and installed a connection to the Town of Ladysmith water system and any necessary extension of a water main to allow such a connection. The covenant also states that the two lots must connect to the Town of Ladysmith sanitary sewer system within two years of it becoming available to the land.

The water main was extended along the property frontage to allow for future connection. However, the property cannot connect to the main until on-going water quality issues are resolved.

Due to the nature of the proposed use (e.g., outdoor storage yard, no employees on-site, no building facilities<sup>1</sup>), sewer and water services are not needed at this time. However, in order to permit the proposed outdoor storage facility, an additional DVP application is required to vary the Zoning Bylaw requirement which states that all uses permitted under zoning must be connected to a community water and community sewer system.

Analysis Summary:

Staff are supportive of the request to add outdoor commercial storage yard as a permitted use on the subject property as there is a need for temporary RV and boat storage in Ladysmith. The storage of 20 shipping containers is not a concern provided the regulations of the draft Zoning Bylaw Amendment are adopted as proposed.

**ALTERNATIVES:**

Council can choose to:

1. Deny the application.
2. Elect not to hold a public hearing in accordance with section 464(2) of the *Local Government Act* and direct that staff publish notice of the application in accordance with section 467 of the *Local Government Act*.
3. Defer consideration of the application and refer the proposal to a subsequent meeting of Council.
4. Amend the proposed bylaw and give the bylaw first and second readings as amended.
5. Refer the application back to staff for further review, as specified by Council.
6. Refer the application back to the Community Planning Advisory Committee for additional comment.

**FINANCIAL IMPLICATIONS:**

N/A

**LEGAL IMPLICATIONS:**

Standard requirements for Council consideration and referrals established under provincial legislation have been accounted for in staff's review of the application and in the recommendations of this report. At this time, there are no special legal considerations for this proposal.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

If Council endorses the proposed bylaw amendments a public hearing is required pursuant to section 464(1) of the *Local Government Act* and newspaper and mail notification must be carried out pursuant to section 466(1) of the *Local Government Act*.

Council can elect not to have a public hearing under 464(2) of the *Local Government Act* because an OCP amendment is not required to approve the proposed rezoning. However, staff recommend holding a public hearing as policies supporting the proposed amendments are not

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<sup>1</sup> There is one small (less than 10m<sup>2</sup>) electrical utility shed on the property for BC Hydro infrastructure.

explicit and due to notification requirements, there are no time savings achieved by not holding a hearing.

**INTERGOVERNMENTAL REFERRALS:**

The application must be referred to the Ministry of Transportation and Infrastructure as required under applicable legislation. A preliminary referral was sent to MOTI for their initial analysis and recommendations. Additionally, courtesy referrals were sent to the Cowichan Valley Regional District, BC Transit, and the Ministry of Water, Land, and Resource Stewardship. Table 3 summarizes referrals to date, responses received, and staff’s comments.

*Table 6: Intergovernmental Referral Comments*

| <b>Referred (Yes/No)</b> | <b>Agency</b>                                     | <b>Applicable Legislation</b>                   | <b>Agency/Staff Comments</b>   |
|--------------------------|---|---|--|
| Yes                      | Ministry of Transportation and Highways           | <a href="#">s. 52 of the Transportation Act</a> | See ‘Ministry of Transportation and Infrastructure Recommendations’ above.   |
| Yes                      | Ministry of Water, Land, and Resource Stewardship | N/A   | No issues were identified. Any further development within the 30m Riparian Assessment Area (RAA) requires a new Riparian DP. |
| Yes                      | Cowichan Valley Regional District                 | N/A   | The CVRD interests are unaffected by this application.   |
| Yes                      | BC Transit  | N/A   | BC Transit has no concerns with the proposal.  |

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The application was circulated to Town departments for review and comment. Their comments are summarized below:

*Table 7: Interdepartmental Referral Comments*

| <b>Referred (Yes/No)</b> | <b>Department</b>       | <b>Comments</b>   |
|--------------------------|-------------------------|---|
| Yes                      | Infrastructure Services | Engineering recommended the following: <ul style="list-style-type: none"> <li>• Installation of a stormwater management system to detain and treat water prior to entering the creek and to maintain pre-development flow 2017 at post construction.</li> <li>• Future construction will require an erosion and sediment control plan.</li> </ul> |

|     |   |  |
|-----|---|--|
|     |   | <ul style="list-style-type: none"> <li>Spill prevention and contamination containment recommendations are to be provided by a QEP.</li> </ul>  |
| Yes | Building Inspection                     | Due to the potential to use shipping containers as individual storage lockers, the Building Department has provided recommendations outlined in the 'Shipping Containers' section above. |
| No  | Parks Recreation and Culture            | N/A  |
| No  | Financial Services                      | N/A  |
| No  | Legislative Services/Corporate Services | N/A  |
| Yes | Fire/Protective Services                | The Fire Chief has no concerns regarding storage of hazardous or flammable products. No concerns were expressed regarding the number of shipping containers.                             |

**COMMUNITY PLANNING ADVISORY COMMITTEE (CPAC) REVIEW:**

The application was reviewed by CPAC at their April 3, 2024 meeting. CPAC passed the following resolution:

*“It was moved, seconded, and carried that the Community Planning Advisory Committee recommends that Council approve Zoning Bylaw Amendment 3360-18-11 (10910 Westdowne Road) as presented, with the following recommendations:*

- That a stormwater management plan and spill prevention and containment plan be submitted by a qualified professional prior to Bylaw adoption and ensure that the associated recommended measures in the plans are fulfilled;*
- That any landscaping plan approved by Council substantially improves the public realm (on the outside of the fence) with a diverse mix of native species adjacent to Westdowne Road; and*
- That the Fire Chief take a close look at the potential risks of storing hazardous and flammable materials.”*

CPAC comments regarding landscaping have been provided to the applicant for their consideration, however, landscaping must meet the DPA guidelines for the Development Permit which falls outside of the scope of consideration by CPAC. The application was referred to the Fire Chief, and upon review, he had no concerns regarding the storage of hazardous and flammable materials. A stormwater management plan is being made a condition of Bylaw approval. As recommended by Engineering, Staff has requested the applicant submit a memo from a QEP providing recommendations for spill prevention and contamination containment which will form part of the conditions of the Development Permit.



**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- Core Infrastructure
- Official Community Plan Implementation
- Waterfront Area Plan

- Economy
- Leadership
- Not Applicable

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

**Allison McCarrick , Chief Administrative Officer**

**ATTACHMENT(S):**



- A. Subject Property Map
- B. Zoning Map
- C. Bylaw 2173
- D. Applicant Rationale Letter
- E. DP 3060-18-06

# ATTACHMENT A

## SUBJECT PROPERTY MAP

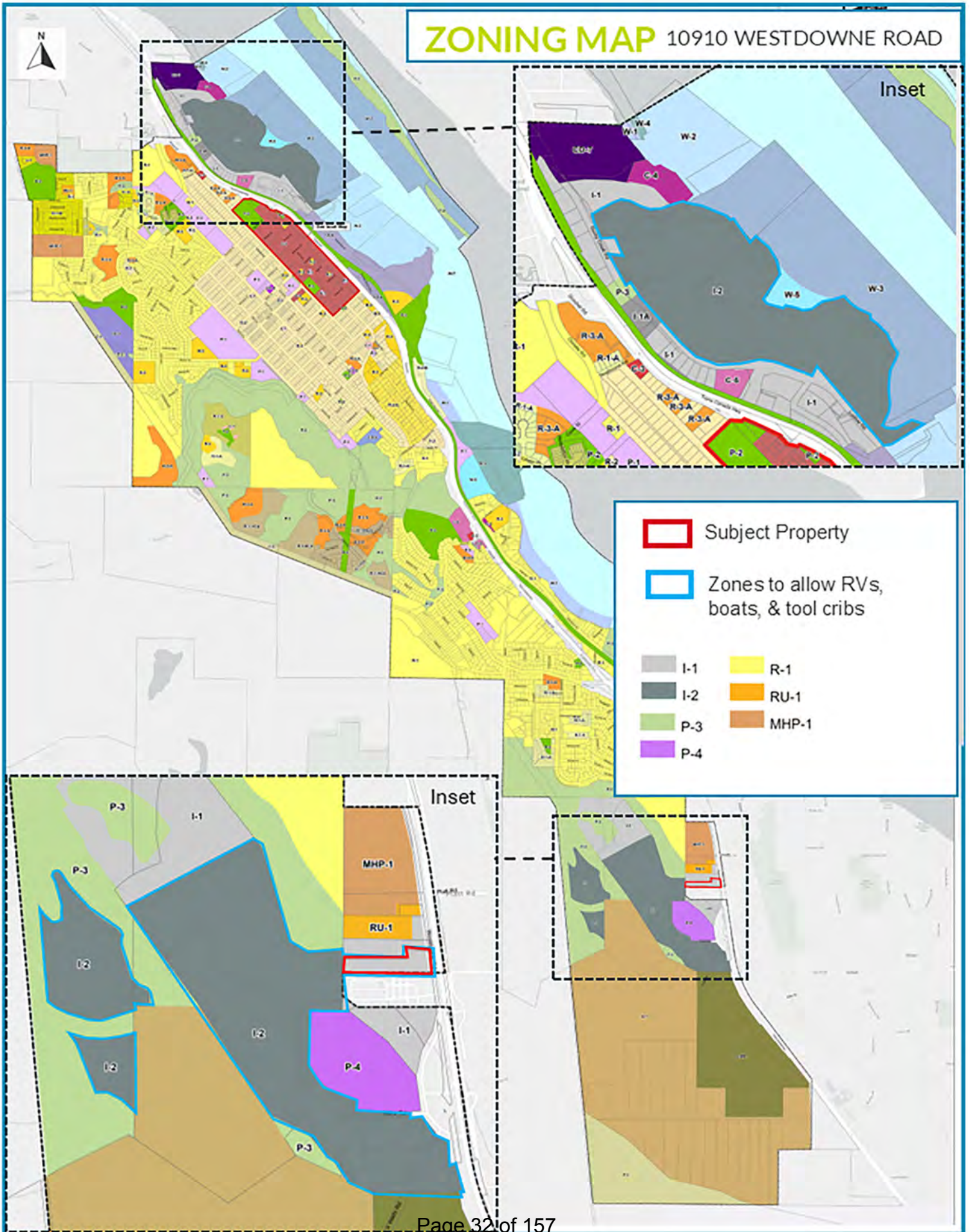
10910 WESTDOWNE ROAD



-  Subject Property
-  Municipal Boundary

0 10 50  
Meters

ATTACHMENT B



# ATTACHMENT C

## TOWN OF LADYSMITH

### BYLAW NO. 2173

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

The Council of the Town of Ladysmith in open meeting assembled enacts the following to effect changes to "Town of Ladysmith Zoning Bylaw 2014, No. 1860":

1. Schedule A – Zoning Bylaw Text is amended as follows:
  - a. The definition of 'Contractor Tool Crib' is added as follows:  
"CONTRACTOR TOOL CRIB: means a portable structure, mobile trailer, or *Intermodal Shipping Container* used for storage and supply of contractor tools and materials.
  - b. The definition of 'Storage Yard' is amended to add the words "*Recreation Vehicle, Boat, Contractor Tool Crib,*" after "public utility equipment,"
  - c. The "Shipping Containers" regulations is amended by adding the following to the end of Section 5.18(a):  
  
"vii) Shall be vented to the satisfaction of the Ladysmith Fire Department."
  - d. New site-specific regulations are added to Section 12.2 "Light Industrial (I-1)" as follows:
    - i. The following is added to the end of Section 12.2(9):  
  
"g) For the *Parcel* legally described as Lot B, District Lot 72, Oyster District, Plan EPP20506 (10910 Westdowne Road), the following site-specific regulations shall apply:
      - i. *Storage Yard* is a permitted *Principal Use*.
      - ii. Despite Section 12.2(5)(c), no *Intermodal Shipping Container* shall be located closer to the *Front Parcel Line* than the minimum *Setback* of 30.0 metres.
      - iii. Despite Section 5.18(a), *Intermodal Shipping Containers*:
        1. shall be limited to a maximum of twenty (20) per *Parcel*.
        2. must not be stacked.
        3. must not be altered or pre-altered in any way other than to add ventilation pursuant to Section 5.18(a)(vii); and
        4. a grouping of *Intermodal Shipping Containers* shall not:
          - a. cover an area greater than 500.0 square

- metres;
- b. be located closer than 6.0 metres of another grouping;
- c. shall have a fire department access route approved by the Ladysmith Fire Department."

**Citation**

- 2. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw No. 2173".

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024  
**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024  
**PUBLIC HEARING HELD** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024  
**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024  
**APPROVED BY MINISTRY OF TRANSPORTATION**  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2024  
**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Acting Mayor (T. McKay)

\_\_\_\_\_  
Corporate Officer (Sue Bouma)

# ATTACHMENT D

Van-Isle Storage Ltd.  
10910 Westdowne Rd  
Ladysmith BC  
V9G 1X5

## **Re: Industrial Development Permit Application - 3060-18-10**

To whom it may concern,

This letter outlines the proposed project details at the above-noted property address (10910 Westdowne Rd) and is intended to suffice the Industrial Development Permit application (3060-18-10) and comply with the DPA 5 industrial guidelines.

The property is to be transformed from its current residential non-conforming state, to better align with the I-1 light industrial zoning as it was intended. We are proposing to operate a storage business from this site, with an immediate plan to store vehicles, and a long-term plan to build structures for the purposes of indoor storage. We have realized a demand for storage on Vancouver Island, most specifically, limited resources for individuals seeking to store recreational vehicles away from their homes and/or neighborhoods. A business of this type will bring patrons from other cities and provinces to Ladysmith, which will ultimately increase consumer spending at local and nearby establishments. It is our plan to provide a much-needed service to the public, while at the same time improving the sustainability and facade of a property seen by all commuters of the Island Highway as they pass through the Town of Ladysmith.

We want to thank you in advance for your time and consideration with regard to our application to develop the property.

Yours truly,

Van-Isle Storage Ltd.

# ATTACHMENT E



## TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 489 *Local Government Act*)

FILE NO: 3060-18-06

DATE: July 16, 2018

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Name of Owner(s) of Land (Permittee): Van-Isle Storage Ltd.

Applicant: Ryan Bishop and Chris Ronald

Subject Property (Civic Address): 10910 Westdowne Road

---

1. This Development Permit is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.
2. This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon:  
  

Lot B  
District Lot 72  
Oyster District  
Plan EPP20506  
PID# 028-923-669  
(referred to as the "Land")
3. This Permit has the effect of authorizing the alteration of land designated in the *Official Community Plan* under section 488(1)(a) of the *Local Government Act*; subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw 2014, No. 1860.
5. The Permittee, as a condition of the issuance of this Permit, agrees:
  - i. To protect the Streamside Protection and Enhancement Area (SPEA) which is 15 metres from the highwater mark on the eastern side of the wetland on the Land as shown in **Figure 1** within this Permit.

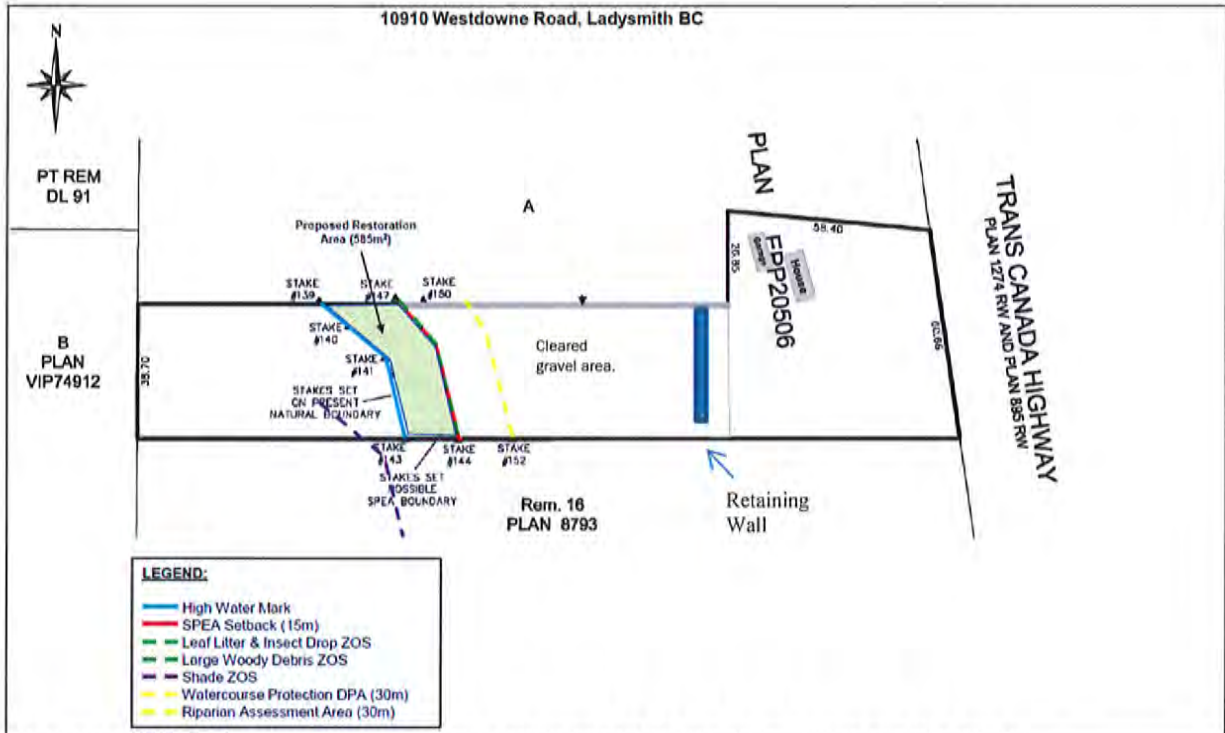


Figure 1: 10910 Westdowne Road - Location of SPEA and Restoration Area

- ii. That no encroachment or development activities may take place within the SPEA except for the removal of invasive species (i.e. blackberry bushes) and SPEA restoration.
- iii. That prior to land clearing outside of the SPEA:
  - a) Provide a survey to the Town showing the location of the SPEA.
  - b) Place snow fencing around the drip line of the trees in the SPEA to ensure the trees are not damaged during land clearing.
  - c) Install a silt fence along the SPEA boundary to ensure that no deleterious substances may enter the SPEA.
- iv. That after land clearing and prior to SPEA restoration:
  - a) Remove invasive species within the SPEA during dry weather.
  - b) Place a layer of straw over the exposed soils within the SPEA until replanting can occur.
- v. To restoration of the SPEA as follows:
  - a) Where there are existing native trees and shrubs within the SPEA new plantings are to occur interspersed.
  - b) Plant placement should mimic natural growth patterns, i.e. clusters of the same species.
  - c) Plant placement shall be generally as shown in **Schedule A: Planting Illustration** attached to this Permit.



- d) Installation of vegetation within the SPEA must be completed in the fall or early spring and must be maintained and irrigated as necessary for optimal survival.
- e) The required species and numbers of plants required to be planted in the SPEA are shown in Table 1.

**Table 1: Plants Required for the ~585m2 SPEA restoration area**

| PLANT COMMON NAME | SPECIES                              | SPACING BETWEEN PLANTS | POT SIZE | REQUIRED NUMBER OF PLANTS |
|-------------------|--------------------------------------|------------------------|----------|---------------------------|
| Salmonberry       | <i>Rubus spectabilis</i>             | 1 m <sup>2</sup>       | #1       | 75                        |
| Red elderberry    | <i>Sambucus racemosa ssp. pubens</i> | 5m <sup>2</sup>        | #5       | 4                         |
| Nootka rose       | <i>Rosa nutkana</i>                  | 1 m <sup>2</sup>       | #1       | 40                        |
| Snowberry         | <i>Symphoricarpos albus</i>          | 1 m <sup>2</sup>       | #1       | 40                        |
| Red-osier dogwood | <i>Cornus sericea</i>                | 2 m <sup>2</sup>       | #1       | 10                        |
| Sword fern        | <i>Polystichum munitum</i>           | 1 m <sup>2</sup>       | #1       | 30                        |
| Western redcedar  | <i>Thuja plicata</i>                 | 5 m <sup>2</sup>       | #1       | 6                         |
| TOTAL             |                                      |                        |          | 205                       |

- vi. After restoration of the SPEA:
    - a) Install fencing or other permanent demarcation suitable to the site along the SPEA boundary to prevent further encroachment. Demarcation options include fencing, a row of boulders or a hedge.
  - vii. The land clearing activity and restoration plantings shall be monitored by a Qualified Environmental Professional (QEP) and a completion inspection report from the QEP confirming compliance with the conditions in Section 5 of this Permit must be submitted to the Town prior to the release of the security referred to in Section 6 of this Permit.
6. This Permit is issued on the condition that the Permittee has provided to the Town of Ladysmith security in the form of an irrevocable Letter of Credit to guarantee the performance of the conditions in section 5 of this Permit. The Letter of Credit shall be for a period of one year, shall be automatically extended, and shall be in the amount of \$2,400.
  7. Should the Permittee fail to satisfy the conditions referred to in section 5 and 6 of this Permit, the Town of Ladysmith may undertake and complete the works required to satisfy the landscaping conditions at the cost of the Permittee, and may apply the security in payment of the cost of the work, with any excess to be returned to the Permittee.
  8. Should there be no default as herein provided, or where a Permit lapses, the Town of Ladysmith shall return any security provided to the Permittee.

9. If the Permittee does not substantially start any land clearing permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
10. The plans and specifications attached to this Permit are an integral part of this Permit.
11. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (**3060-18-06**) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
12. This Permit prevails over the provisions of the Bylaw in the event of conflict.
13. Despite issuance of this permit, construction may not start without a Building Permit or other necessary permits.

**AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH  
ON THE 16<sup>TH</sup> DAY OF JULY, 2018.**

  
MAYOR

  
CORPORATE OFFICER

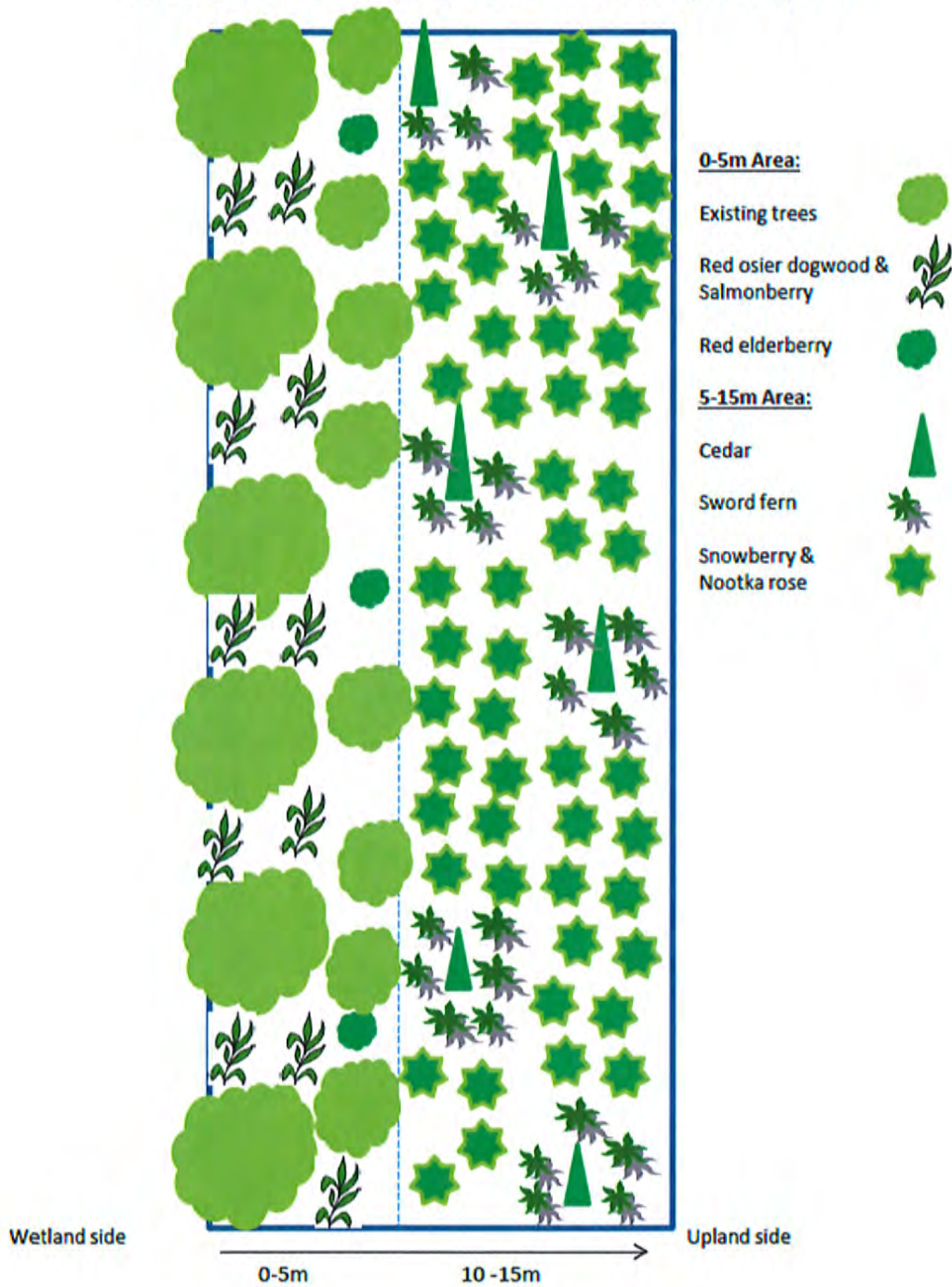
  
OWNER

Ryan Bishop  
PLEASE PRINT NAME

  
OWNER

CHRIS POWERS  
PLEASE PRINT NAME

**Planting Illustration – Typical Section to Locate Species by Area**



DP# 3060-18-06

Approved Schedule

Schedule A: Planting Illustration  
 DP 3060-18-06  
 10910 Westdowne Road  
 Van Isle Storage Ltd.