



PUBLIC HEARING BINDER

**ROAD CLOSURE BYLAW, OFFICIAL COMMUNITY PLAN
AND ZONING BYLAW AMENDMENT**

APPLICATION #3360-20-02

**Aaron Vornbrock – Urban Design Group Architects Ltd
1130 Rocky Creek Road**

JUNE 15, 2021, 6:00pm

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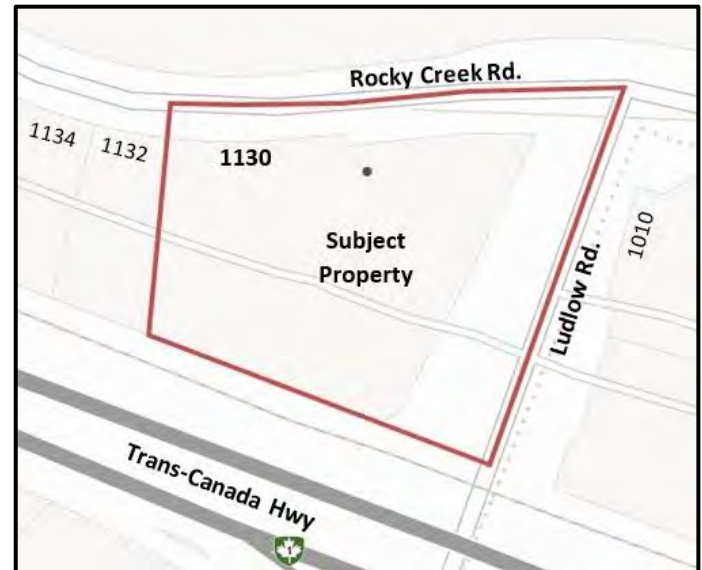
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**Road Closure Bylaw, Official Community Plan Bylaw Amendment and Zoning Bylaw Amendment
Bylaw Nos. 2067, 2068 and 2069
Tuesday, June 15, 2021, 6:00pm**

Pursuant to Section 40(3) of the *Community Charter* and Section 466 of the *Local Government Act*, we advise you that a Public Hearing is scheduled to consider Bylaw Nos. 2067, 2068, and 2069.

Public Hearing Date

Tuesday, June 15, 2021 at 6:00pm, to be held virtually in accordance with Ministerial Order M192, to reduce the risk of COVID-19 transmission. Attendees must register to join the Public Hearing. Instructions on how to register, how to participate, and how to provide written submissions can be found here: www.ladysmith.ca/publichearings. If you do not have internet or computer access, please call the Development Services office (250-245-6415) in advance of the Public Hearing during office hours for information on how to register and participate. **If you plan to attend the virtual Public Hearing, written submissions are also encouraged should technical difficulties arise during the Public Hearing.**



Anyone who considers their interest in property to be affected by the proposed Bylaws will be given reasonable opportunity to be heard at the Public Hearing or by written submission respecting matters contained in the Bylaws.

Subject Property

1130 Rocky Creek Road (Lot A, District Lots 24 and 38, Oyster District Plan VIP71248 (PID: 024-839-370))

What is the Proposal About?

If approved:

- Bylaw No. 2067 will close and remove the road dedication on thin strips of land along Ludlow and Rocky Creek Road adjacent to 1130 Rocky Creek Road. This will make the boulevard narrower along these two sections of road. The Town intends to sell these lands to the property owner at 1130 Rocky Creek Road.
- Bylaw No. 2068 will amend the OCP to change the subject property from “Industrial” to “General Commercial” and Bylaw No. 2069 will amend the Zoning Bylaw to change the subject property from CD-1 “Tourist Service” to C-5 “Shopping Centre Commercial” with site-specific provisions, in order to permit a retail plaza and drive-through coffee shop at 1130 Rocky Creek Road.

Where Can I Get More Information?

A copy of the proposed Bylaws and related information may be viewed at the Town of Ladysmith City Hall located at 410 Esplanade, Ladysmith, BC, or the Development Services office located at 132C Roberts Street, until June 15, 2021. Office hours are Monday to Friday 8:30am to 4:00pm, excluding statutory holidays. The proposed Bylaws and related information are also available at www.ladysmith.ca/publichearings.

How Do I Make a Written Submission?

Written submissions received by 3:00pm on June 15, 2021, will be included in the Public Hearing agenda. Written submissions can be: emailed to info@ladysmith.ca; mailed to Town of Ladysmith, PO Box 220, Ladysmith, BC V9G 1A2; or delivered in person to City Hall, 410 Esplanade. Please be advised that the content of submissions will be made public and form a part of the public record for this hearing.

Notice Issued by the Corporate Officer.

QUESTIONS?

Questions can be directed to staff in the **Town of Ladysmith Development Services Department** by calling **250-245-6415** or emailing info@ladysmith.ca. www.ladysmith.ca



TOWN OF LADYSMITH

BYLAW NO. 2067

A Bylaw to Close and Remove the Dedication of a Highway

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

1. Those portions of road shown as “road to be closed” on Reference Plan EPP110196, prepared by Ryan J. Turner, B.C.L.S., a copy of which is attached as Schedule 1 and forms a part of this bylaw, is closed to all traffic.
2. The dedication as highway of that part of the road referred to in Section 1 is removed.
3. The Mayor and Corporate Officer are hereby authorized to execute all necessary documents as may be required to carry out the purpose of this bylaw.

Citation

4. This Bylaw may be cited for all purposes as “Road Closure and Dedication Removal Bylaw 2021, No. 2067”.

READ A FIRST TIME on the 1st day of June, 2021

READ A SECOND TIME on the 1st day of June, 2021

Notice of intention to proceed with this bylaw was published on the 3rd day of June, 2021 and the 10th day of June, 2021 in the Ladysmith Chronicle newspaper, circulating in the Town of Ladysmith, pursuant to section 94 of the *Community Charter*.

READ A THIRD TIME on the 15th day of June, 2021

APPROVED by the Ministry of Transportation and Infrastructure on the

27th day of July, 2021

ADOPTED on the 7th day of September, 2021

Mayor (A. Stone)

Corporate Officer (D. Smith)

TOWN OF LADYSMITH

BYLAW NO. 2067

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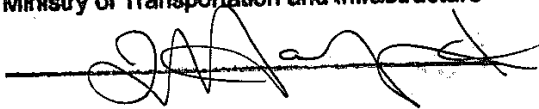
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READ A THIRD TIME on the 15th day of June, 2021
APPROVED by the Ministry of Transportation and Infrastructure on the
day of ,
ADOPTED on the day of ,

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

this 27 day of July 2021
Ministry of Transportation and Infrastructure



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

Mayor (A. Stone)

Corporate Officer (D. Smith)

TOWN OF LADYSMITH

BYLAW NO. 2068

A Bylaw to amend "Official Community Plan Bylaw 2003, No. 1488"

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

1. Delete the first sentence of the General Commercial paragraph of section 3.8.1:

"The General Commercial designation is applied to the commercial area located at Coronation Mall and is intended for commercial uses that serve a market area both within and beyond the local community, and to function as a secondary commercial focus to the downtown core."

and replace with:

"The General Commercial designation is applied to the commercial areas located at Coronation Mall and at 1130 Rocky Creek Road, and is intended for commercial uses that serve a market area both within and beyond the local community, and to function as commercial concentrations that are secondary to the downtown core."

2. "Map 1 – Land Use":
 - (a) Change "Industrial" designation to "General Commercial" for Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) as shown in Schedule 1 which is attached to and forms a part of this bylaw.
3. "Map 2 – Development Permit Areas":
 - (a) Delete "DPA 5 – Industrial" from Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) as shown in Schedule 1 which is attached to and forms a part of this bylaw.

Citation

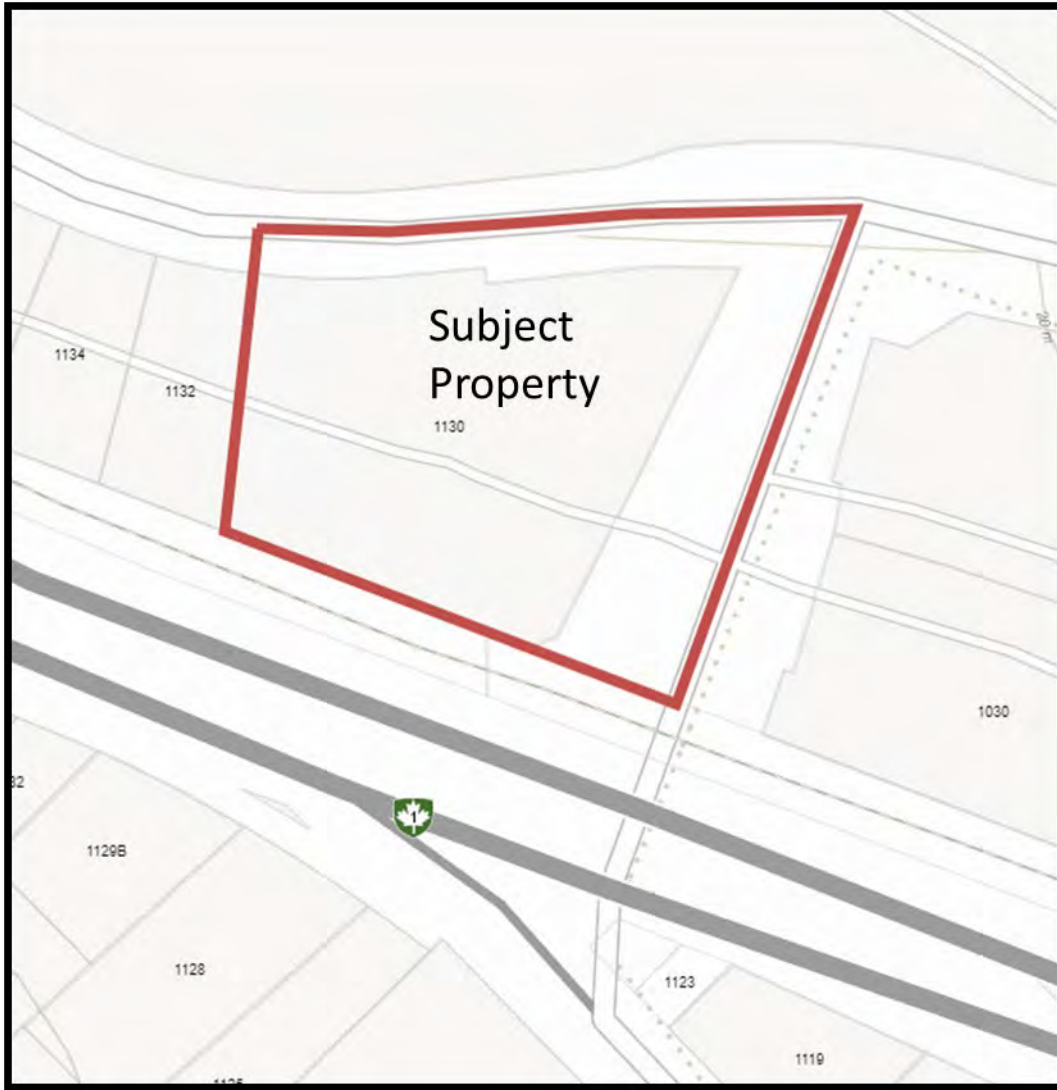
4. This Bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 65) 2021, No. 2068".

READ A FIRST TIME on the 1st day of June, 2021
READ A SECOND TIME on the 1st day of June, 2021
PUBLIC HEARING held on the 15th day of June, 2021
READ A THIRD TIME on the 15th day of June, 2021
ADOPTED on the 20th day of September, 2022

Mayor (A. Stone)

Corporate Officer (D. Smith)

Schedule 1
Subject Property



TOWN OF LADYSMITH

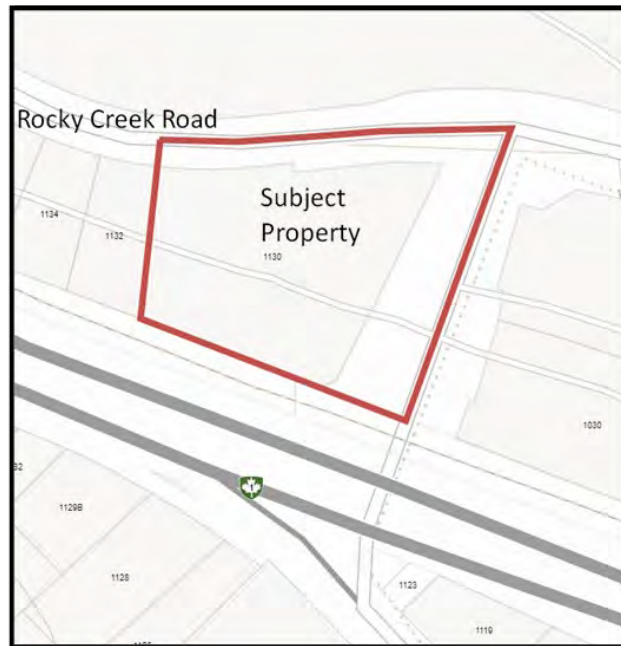
BYLAW NO. 2069

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

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

1. "Schedule A - Zoning Bylaw Text":
 - a) Delete "Tourist Service" "CD-1" from Section "9.1 Creation of Zones";
 - b) Replace subsection 1. p) of section "11.5 Shopping Centre Commercial (C-5)" with the following:
 - p) *Cannabis Retail Sales* but in the parcels contained within the shaded areas identified on Figures 11.5 and 11.6;
 - c) Add Figure 11.6 following Figure 11.5 in section "11.5 Shopping Centre Commercial (C-5)" as shown below:

Figure 11.6



- d) Add a new Section 7 "Site Specific Regulations" to section "11.5 Shopping Centre Commercial (C-5)" as follows:
 7. Site Specific Regulations
 - a) For the *Parcel* legally described as Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) all

Buildings must meet or exceed Step 1 of the British Columbia Energy Step Code.

- b) Notwithstanding section 6.3 subsection a)vi) a maximum of one *Use* with a *Drive-through* service is permitted on the *Parcel* legally described as Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road), provided that any *Buildings* associated with the *Drive-through Use* meet or exceed Step 2 of the British Columbia Energy Step Code.
 - c) For the *Parcel* legally described as Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) the following additional *Principal Uses* are permitted:
 - i) *Animal Day Care.*
 - ii) *Artist Studio.*
 - iii) *Building Supply Sales.*
 - iv) *Cottage Industry.*
 - v) *Garden Centre.*
 - vi) *Home Improvement Service Industry.*
 - vii) *Micro-Brewery.*
 - viii) *Laboratory.*
 - ix) *Media Production Studio.*
 - x) *Neighbourhood Pub.*
 - xi) *Non-Motorized Recreational Equipment Sales or Rental.*
 - xii) *Print Shop.*
 - xiii) *Re-Store.*
 - e) Delete section “17.1 Comprehensive Development 1 – Tourist Service (CD-1)” in its entirety and replace with “17.1 Comprehensive Development 1 – Reserved for Future Use”.
2. “Schedule B – Zoning Bylaw Map”:
- a) Change the zone from “CD-1 Tourist Service” to “C-5 Shopping Centre Commercial” for Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) as shown in Schedule 1 which is attached to and forms a part of this bylaw; and,
 - b) Delete “CD-1 Tourist Service” from the legend.

Citation

3. This Bylaw may be cited for all purposes as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069”.

READ A FIRST TIME on the 1st day of June, 2021

READ A SECOND TIME on the 1st day of June, 2021

PUBLIC HEARING held on the 15th day of June, 2021

READ A THIRD TIME on the 15th day of June, 2021

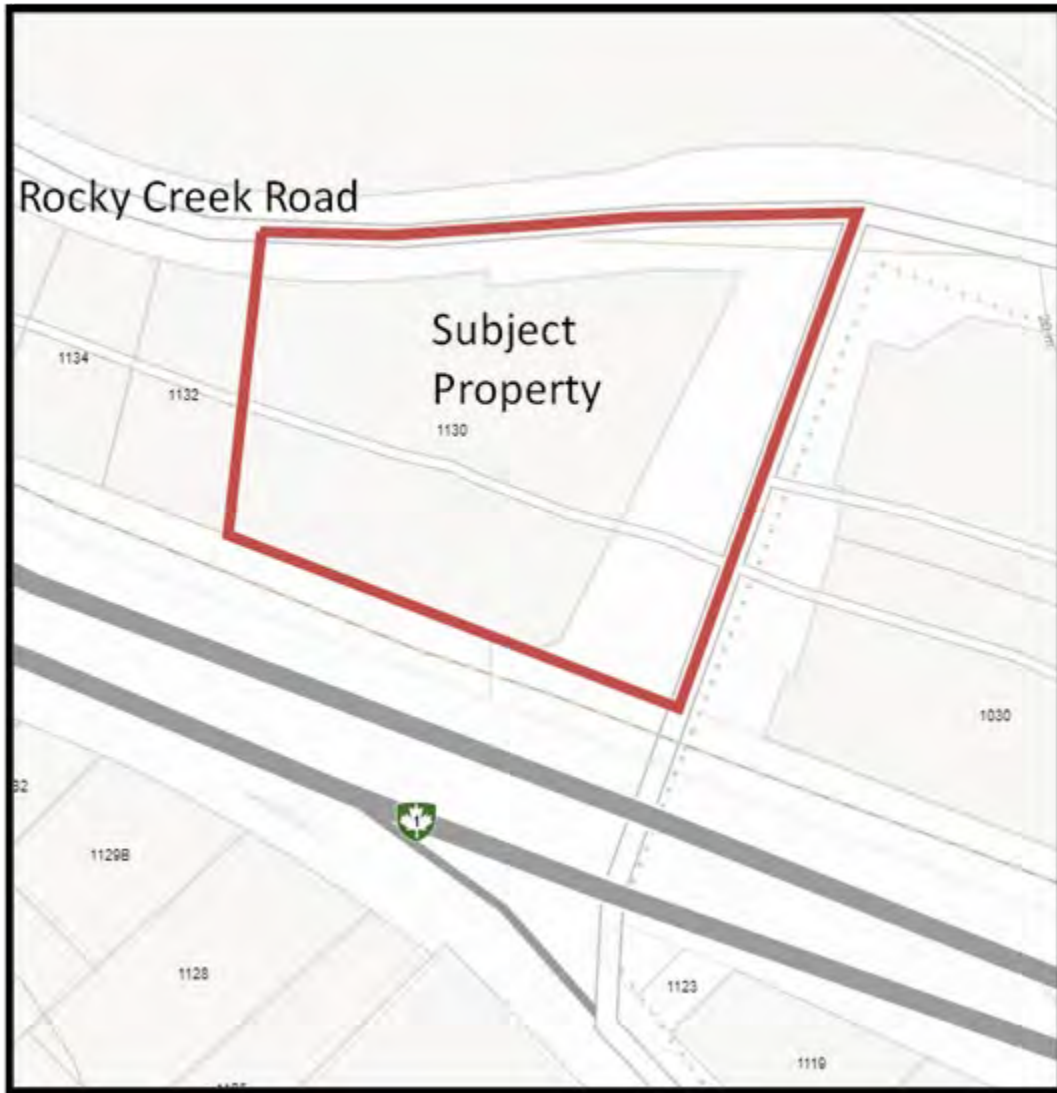
APPROVED by the Ministry of Transportation and Infrastructure
on the 27th day of July, 2021

ADOPTED on the 20th day of September, 2022

Mayor (A. Stone)

Corporate Officer (D. Smith)

Schedule 1
Subject Property




Citation

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READ A FIRST TIME on the 1st day of June, 2021
READ A SECOND TIME on the 1st day of June, 2021
PUBLIC HEARING held pursuant to the provisions of the *Local Government Act* on the 15th day of June, 2021
READ A THIRD TIME on the 15th day of June, 2021
APPROVED by the Ministry of Transportation and Infrastructure on the _____ day of _____,
ADOPTED on the _____ day of _____,

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

this 27 day of July, 2021
Ministry of Transportation and Infrastructure



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

Mayor (A. Stone)

Corporate Officer (D. Smith)

CS 2021-181

By unanimous consent Council recessed at 7:15 p.m. to allow for a five minute break.

Council reconvened the meeting at 7:20 p.m.

12. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING

12.1 OCP & Zoning Amendment Application – 1130 Rocky Creek Road

CS 2021-182

That Council:

1. Give first and second readings to “Road Closure and Dedication Removal Bylaw 2021, No. 2067”;
2. Direct staff to deliver notice to the Ministry of Transportation and Infrastructure, Island Corridor Foundation, BC Hydro, Fortis BC, Shaw Communications and Telus, of Council’s intention to adopt Bylaw No. 2067, in accordance with section 40(4) of the *Community Charter*;
3. Give first and second readings to “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 65) 2021, No. 2068”;
4. Consider Bylaw No. 2068 in conjunction with the Town’s Financial Plan, the Town’s Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Master Plan in accordance with section 477(3) of the *Local Government Act*;
5. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069”;
6. Direct staff to proceed with scheduling and notification for a Public Hearing for Bylaw Nos. 2067, 2068 and 2069 in accordance with section 40(3) *Community Charter* and section 464 of the *Local Government Act*;
7. Subject to adoption of Bylaw No. 2067, authorize the sale of the lands that are the subject of that bylaw to the developer for appraised market value; and,
8. Require that the developer, at their cost, complete the following prior to adoption of Bylaw Nos. 2068 and 2069:
 - a. Consolidate the subject property, legally described as Lot A, Districts 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) with the area shown as “road to be closed” in Reference Plan EPP110196, shown in Schedule 1 of Bylaw No. 2067;

- b. Dedicate to the Town for road, the area shown as “road” on Reference Plan EPP110197, included in the May 18, 2021 staff report to Council as Attachment D;
- c. Pursuant to Section 507 of the *Local Government Act*, enter into an agreement with the Town to provide a median on Ludlow Road and a roundabout at the intersection of Rocky Creek Road and Ludlow Road to be built in accordance with the standards established by the Town, with the Town contributing \$1 million to the project in accordance with “Town of Ladysmith Development Cost Charges Bylaw 2019, No. 2008”;
- d. Update Covenant FB234682, registered to the title of the subject property, legally described as Lot A, Districts 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) as follows:
 - i. Replace Sections 2.a) (Green Building Standards and Practices) and b) (Landscaping) with a requirement that the rain water management be designed in accordance with “Stormwater Planning: A Guidebook for British Columbia”, requiring that the development be designed to accommodate “HandyDART” buses and that the development include a minimum of two “quick charge” electric vehicle charging stations;
 - ii. Amend Section 2.c) to require landscaping, including a local historical artifact or a public art installation, in the centre of the Ludlow/Rocky Creek Road roundabout;
 - iii. Delete Section 3; and
 - iv. Add a new section requiring that the development and adjacent boulevards be provided with an outdoor electrical supply and outlets which can be used by the Town for special events; and
- e. Register an easement or statutory right-of-way in favour of BC Hydro on the subject property.

Motion Carried

OPPOSED: Councillor Stevens

STAFF REPORT TO COUNCIL

Report Prepared By: Christina Hovey, MCIP, RPP, Senior Planner
Meeting Date: June 1, 2021
File No: 3360-20-02 & 3060-20-19
RE: OCP & Zoning Amendment Application – 1130 Rocky Creek Road

RECOMMENDATIONS:

That Council:

1. Give first and second readings to “Road Closure and Dedication Removal Bylaw 2021, No. 2067”;
2. Direct staff to deliver notice to the Ministry of Transportation and Infrastructure, Island Corridor Foundation, BC Hydro, Fortis BC, Shaw Communications and Telus, of Council’s intention to adopt Bylaw No. 2067, in accordance with section 40(4) of the *Community Charter*;
3. Give first and second readings to “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 65) 2021, No. 2068”;
4. Consider Bylaw No. 2068 in conjunction with the Town’s Financial Plan, the Town’s Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Master Plan in accordance with section 477(3) of the *Local Government Act*;
5. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069”;
6. Direct staff to proceed with scheduling and notification for a Public Hearing for Bylaw Nos. 2067, 2068 and 2069 in accordance with section 40(3) *Community Charter* and section 464 of the *Local Government Act*;
7. Subject to adoption of Bylaw No. 2067, authorize the sale of the lands that are the subject of that bylaw to the developer for appraised market value; and,
8. Require that the developer, at their cost, complete the following prior to adoption of Bylaw Nos. 2068 and 2069:
 - a. Consolidate the subject property, legally described as Lot A, Districts 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) with the area shown as “road to be closed” in Reference Plan EPP110196, shown in Schedule 1 of Bylaw No. 2067;
 - b. Dedicate to the Town for road, the area shown as “road” on Reference Plan EPP110197, included in the May 18, 2021 staff report to Council as Attachment D;
 - c. Pursuant to Section 507 of the *Local Government Act*, enter into an agreement with the Town to provide a median on Ludlow Road and a roundabout at the intersection of

Rocky Creek Road and Ludlow Road to be built in accordance with the standards established by the Town, with the Town contributing \$1 million to the project in accordance with “Town of Ladysmith Development Cost Charges Bylaw 2019, No. 2008”;

- d. Update Covenant FB234682, registered to the title of the subject property, legally described as Lot A, Districts 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) as follows:
 - i. Replace Sections 2.a) (Green Building Standards and Practices) and b) (Landscaping) with a requirement that the rain water management be designed in accordance with “Stormwater Planning: A Guidebook for British Columbia”, requiring that the development be designed to accommodate “HandyDART” buses and that the development include a minimum of two “quick charge” electric vehicle charging stations;
 - ii. Amend Section 2.c) to require landscaping, including a local historical artifact or a public art installation, in the centre of the Ludlow/Rocky Creek Road roundabout;
 - iii. Delete Section 3; and
 - iv. Add a new section requiring that the development and adjacent boulevards be provided with an outdoor electrical supply and outlets which can be used by the Town for special events; and
- e. Register an easement or statutory right-of-way in favour of BC Hydro on the subject property.

EXECUTIVE SUMMARY:

The applicant is proposing to amend the Official Community Plan (OCP) designation and zoning at 1130 Rocky Creek Road to allow for a commercial plaza with a drive-through coffee shop. The subject property is currently designated “Industrial” under the OCP, and zoned “Comprehensive Development 1 – Tourist Commercial” under the Zoning Bylaw. To accommodate the proposed development, the OCP designation would be changed to “General Commercial” and the zoning would be changed to “Shopping Centre Commercial (C-5)” with site specific provisions.

Subject to the outcomes of the Public Hearing, staff are recommending approval of the application subject to a number of conditions; most importantly, constructing a roundabout at the intersection of Ludlow and Rocky Creek Road and contributing approximately \$700,000 to the cost of the project.

PREVIOUS COUNCIL DIRECTION:

Resolution/ Bylaw/ Date	Details
CS 2020-201, July 7, 2020	<p>That Council direct that application 3360-20-02 (1130 Rocky Creek Road) proceed for further consideration, and,</p> <p>a. Having considered s. 475 of the Local Government Act (consultation during OCP development) direct staff to refer application 3360-20-02 to:</p> <ul style="list-style-type: none"> • Stz'uminus First Nation • School District 68 (Nanaimo Ladysmith) • The Community Planning Advisory Committee • The BC Ministry of Transportation and Infrastructure, BC Transit, and BC Hydro; • The Ladysmith Chamber of Commerce, and the Ladysmith Downtown Business Association; and <p>b. Direct staff to work with the applicant regarding a potential sale of surplus road right-of-way along Rocky Creek Road and Ludlow Road adjacent to 1130 Rocky Creek Road.</p>
CS 2020-202, July 7, 2020	<p>That Council direct staff to discuss the following list with the applicant prior to further consideration of application 3360-20-02:</p> <ul style="list-style-type: none"> • clarity regarding the roundabout and provisions within the development to ensure that it can be accommodated • the possible provision of electric vehicle chargers, particularly fast chargers (not level two) • a request for clarity regarding signage design prior to the application proceeding • ensurance that the trees and buildings in the development have power to accommodate the Town's annual Light Up and other events • a review of the existing covenant regarding the 49th Parallel sign • provision for future hydrogen filling if a gas station is included in the plan • plans to tie in Ladysmith's heritage by installing an artifact • the possibility of a public art installation in keeping with the Town's Public Art Strategy • the possibility of installing a lit community reader board • the Town's request for a simultaneous submission of the Zoning Amendment application with the Development Permit to ensure control of form and character • the Town's request for more than average tree coverage and landscaping standards • the Town's request to incorporate design elements that are of "Gateway to Community" calibre • the possible provision of a transit stop within the development or on the road in front of the development
CS 2018-409, Oct. 15, 2018	<p>That Council confirm the inclusion of the Ludlow Road/Rocky Creek Road roundabout recommended by the Ludlow Roadway Driveways Feasibility Assessment in the Town's proposed new Development Cost Charges program.</p>
CS 2018-410, Oct. 15, 2018	<p>That Council direct staff to include the extension of the median on Ludlow Road as recommended by the Ludlow Road Driveways Feasibility Assessment in the 2019-2023 Financial Plan for discussion.</p>
Bylaw No. 1950, May 14, 2018	<p>1130 Rocky Creek Road:</p> <ul style="list-style-type: none"> • OCP designation changed from Mixed Use Waterfront" to "Industrial • The Town initiated this change as part of the Waterfront Plan

Resolution/ Bylaw/ Date	Details
Bylaw Nos. 1937, 1938, Dec. 4, 2017	Five parcels adjacent to 1130 Rocky Creek Road: <ul style="list-style-type: none"> • OCP designation changed to Industrial • Zoning changed to Light Industrial
Bylaw Nos. 1652, 1653, Dec. 15, 2008	1130 Rocky Creek Road and five adjacent parcels: <ul style="list-style-type: none"> • OCP designation changed from Industrial to Mixed Use Waterfront • Zoning changed from Light Industrial to Comprehensive Development 1 – Tourist Commercial

INTRODUCTION/BACKGROUND:

The subject property, shown in Figure 1, is located between the Trans-Canada Highway and Rocky Creek Road, on the west side of Ludlow Road. It is approximately 0.8 hectares in size and slopes from the highway down towards Rocky Creek Road. The intersection of Ludlow and the Trans-Canada Highway includes Ladysmith gateway signage and is a main route into the downtown via 1st Avenue.



Figure 1: Subject Property

Proposed Development:

The applicant is proposing a commercial plaza with approximately 1,866m² (20,084 square feet) of floor space in three buildings:

- A 962m² (10,355 square foot) retail space;
- A 210m² (2,250 square feet; 40 seats) drive-through coffee shop; and
- 694m² retail space to be divided into six smaller units.

The concept plans for the proposed development are provided in Attachment F

OCP and Zoning History:

The OCP designation and zoning in this area have changed several times. In 2008, the OCP designation and zoning on the subject property and five adjacent parcels on Rocky Creek Road were changed from Light Industrial to Comprehensive Development 1 – Tourist Service zone (CD-1). The Comprehensive Development Zone allows for a hotel and related uses. The hotel development did not proceed, and in 2017 the OCP designation and zoning on the five adjacent parcels were changed back to Light Industrial (I-1). In 2018, as part of the Waterfront Area Plan, the Town changed the OCP designation on the subject property from “Mixed Use Waterfront” to “Industrial”. The zoning on the subject property is still the CD-1 zone.

Recent Reports Provide Context for the Current Proposal:

Two recent reports provide context for the current proposal: the Ladysmith Economic Development Strategy (2018) and the Cowichan Industrial Land Use Strategy (2019). Both of these reports can be accessed online.¹ The previous staff report to Council for this file (July 7, 2020) committed to providing a discussion of the findings of these reports as context to the 1130 Rocky Creek Road proposal.

Ladysmith Economic Development Strategy (Vann Struth Consulting Group, 2018):

Although the Economic Development Strategy largely emphasizes downtown enhancement and local business, it does see a role for regional/highway commercial, including limited opportunities within Town boundaries. The foci for large scale commercial development is identified as the Oyster Bay development, and the Nanaimo Airport lands. Attracting regional/highway commercial development is not assessed as a strategic priority in the report. The challenges identified in the economic development strategy included a limited supply of leasable space for retail and food service (though this was seen as cyclical) and low supply of industrial land – particularly 0.4 to 0.8 hectare serviced parcels (such at 1130 Rocky Creek Road).

Cowichan Industrial Land Use Strategy (Urban Systems, 2019):

The Strategy identifies a lack of industrial land throughout the Cowichan Region. The report notes that there is a premium on large, serviced, flat parcels as well as on waterfront industrial properties. One of the recommendations of the strategy is that local governments should avoid rezoning lands that are currently zoned for industrial use. 1130 Rocky Creek Road would not have been considered industrial land in this study. Although the property is designated Industrial in the OCP, it is zoned for commercial use. The strategy suggests that it is ideal for industrial properties to have a slope of less than 5% (best) or 10% and that larger industrial uses generally need parcels that are at least 2 to 4 hectares in size. The

¹ The Ladysmith Economic Development Strategy (2018): <https://www.ecdevcowichan.com/wp-content/uploads/FINAL-Sept-19-Ladysmith-Economic-Development-Strategy.pdf>

The Cowichan Industrial Land Use Strategy (2019): <https://www.ecdevcowichan.com/wp-content/uploads/March-18-Final-Draft-Industrial-Land-Use-Strategy-Copy.pdf>

subject property drops at least 8.5m over 63m in length on the north side, a slope of approximately 14%. The subject property is 0.8ha in size.

DISCUSSION/ANALYSIS:

The subject property is currently designated “Industrial” (OCP Bylaw No. 1488) in the OCP, and zoned “Comprehensive Development 1 – Tourist Commercial” (Zoning Bylaw No. 1860). To accommodate the proposed development, the OCP designation would be changed to “General Commercial” and the zoning would be changed to “Shopping Centre Commercial (C-5)” with site specific provisions.

Official Community Plan Bylaw No. 1488 Amendment:

Proposed Bylaw No. 2068 would add 1130 Rocky Creek Road to the “General Commercial” designation and acknowledge the property under “General Commercial” in section 3.8.1 of the OCP.

OCP policies that are relevant to the proposal for the subject property include:

- Commercial development is directed principally to the downtown core and the south end (Coronation Mall), with complementary commercial areas provided to serve the mixed use waterfront as well as local neighbourhoods (Section 3.5 (8)); and
- The General Commercial designation is applied to the commercial area located at Coronation Mall and is intended for commercial uses that serve a market area both within and beyond the local community, and to function as a secondary commercial focus to the downtown core (Section 3.8.1).

The proposal is a notable change to the OCP since the General Commercial designation currently only applies to Coronation Mall. However, the scale of the proposed development is much smaller than Coronation Mall. For context, the grocery store at the Coronation Mall and the 49th Parallel Building on 1st Avenue each exceed 2,000m² in floor area, whereas all three proposed buildings on the subject property have a combined floor area less than 1,900m².

At present, there is little vacancy at Coronation Mall, and the applicant states that tenants have been secured for a portion the proposed development (Buildings A and B in Attachment F). This indicates that there is at least some demand for the additional general commercial space.

As a way to mitigate the potential for competition with downtown businesses and the loss of an industrial property, staff have added a range of permitted uses to the site. The recommended permitted uses include low-nuisance, light industrial uses that are appropriate for the site due to the context, but that might not be appropriate for, or feasible in, the downtown (e.g. cottage industry, home improvement service industry, laboratory, pet daycare).

Development Permit Areas:

The subject property is within Development Permit Area (DPA) 3 – Commercial, and DPA 5 – Industrial. The proposed OCP amendment (Bylaw No. 2068) would remove DPA 5 – Industrial from the property since the proposed use is commercial. Both DPA 3 and DPA 5 address similar topics (Building Design, Landscaping, Rainwater Management, etc).

The applicant has made a Development Permit (DP) application (Attachment F), in accordance with the request of Council, to preview the proposed form and character of the development in conjunction with the proposed OCP and Zoning amendments. At this time, staff have not completed a full evaluation of the proposal against the DPA guidelines and the plans provided for the DPA may still change. However,

to date the applicant has been responsive to comments from staff, and staff are satisfied with the proposed development in general. If the current application is approved, staff will bring the DP application to Council for approval at a future meeting.



Figure 2: Conceptual Rendering

Zoning Bylaw No. 1860:

The existing zoning on the property is CD-1 Comprehensive Development 1 – Tourist Service. This zoning allows for a hotel and a range of uses compatible with a hotel, such as a neighbourhood pub and a farmer’s market, but specifically excludes other uses, notably retail sales, and convenience store. The existing zoning also permits up to 30 dwelling units.

Proposed Zoning Amendment: C-5 Shopping Centre Commercial with Site Specific Provisions:

In order to accommodate the proposed development, Bylaw No. 2069 proposes to change the property to Shopping Centre Commercial (C-5), with the following site-specific provisions to allow for:

- A drive-through, provided the buildings associated with the drive-through meet Step 2 of the BC Energy Step Code;
- Additional uses that are permitted under the existing zoning (e.g. micro-brewery, and non-motorized recreational equipment sales or rental); and
- Additional uses that are compatible with the surrounding industrial lands (e.g. garden centre, and home improvement service industry).

The site-specific provisions for the property also require that all buildings in the development meet Step 1 of the BC Energy Step Code.

Proposed Bylaw No. 2069 also amends the cannabis retail provisions for the C-5 zone to allow for a non-medical cannabis retail store on the subject property. Cannabis retail is currently permitted in the C-5 zone, but only at Coronation Mall. Cannabis retail is also permitted in the I-1 zone on Rocky Creek Road.

Proposed Partial Road Closure (Bylaw No. 2067) and Sale and Proposed Road Dedication:

“Road Closure and Dedication Removal Bylaw 2021, No. 2067” would close and remove the road dedication from parts of Rocky Creek Road and Ludlow Road. The applicant is requesting to purchase the portions of the road rights-of-way adjacent to the property that are considered surplus to the Town’s needs. At the same time, the applicant is required to dedicate a portion of their property to the Town for the planned Ludlow/Rocky Creek Road roundabout.

The applicant has commissioned a survey of the land to be dedicated to the Town and the surplus land where the road can be closed. The survey plans show:

- 193.2m² of Rocky Creek Road to be closed;
- 732.5m² of Ludlow Road to be closed; and
- 292.5m² of the subject property to be dedicated as road.

The Town’s Engineering Department has reviewed the request to purchase the surplus road. The proposal has also been circulated to the Ministry of Transportation and Infrastructure (MoTI) for comment since MoTI will need to approve Bylaw No. 2067 prior to adoption.

Subject to Council’s decision, and approval of Bylaw No. 2067:

- The Town will have the property appraised and will sell the surplus property to the applicant for market value, less the market value of the road dedication;
- The applicant will dedicate as road the area shown on Reference Plan EPP110197 (Attachment D);
- The applicant will then consolidate the surplus road lands into the subject property to expand the developable area; and
- The applicant will also be required to work with BC Hydro to ensure the road closure does not impact electrical infrastructure in the area.

Proposed Roundabout:

The Waterfront Area Plan Transportation Review completed in 2018 by Binnie and Associates recommends a concrete median on Ludlow Road and a roundabout at the Ludlow/Rocky Creek Road intersection to improve pedestrian cyclist and intersection capacity and with a recommended completion date of 2023².

Based on the findings of the Waterfront Area Plan Transportation Review, the Ludlow/Rocky Creek Road roundabout was identified as a Development Cost Charges (DCC) project. The DCC Bylaw allocates \$1,000,000 for the roundabout with \$990,000 funded from DCCs and a \$10,000 municipal assist from the Town’s capital budget. The Town started designing the roundabout in 2020 and the cost estimate is \$1,696,880³. Approximately \$700,000 more than the DCC budget.

Right-in/right-out only access for driveways onto Ludlow Road must be enforced and necessitate a roundabout:

Currently, the Home Hardware access onto Ludlow Road is limited to right-in and right-out movements. Despite this restriction, it is common to see vehicles making left turns out of Home Hardware towards

² This coincides with the end of the first phase of residential development identified in the Waterfront Area Plan.

³ Ludlow/Rocky Creek Road Roundabout cost estimate: base estimate: \$1,234,100 + field review + 25% contingency = \$1,696,880

the highway (as shown in Figure 3). As more traffic is added to this area, these turns, which are already unsafe and contrary to the *Motor Vehicle Act*, will become more risky.

The proposed driveway onto Ludlow Road from 1130 Rocky Creek Road would also be restricted to right-in/right-out traffic movements. However, people may be tempted to turn left into the development from Ludlow Road. The combination left turns from both sites would be unsafe. Accordingly, a concrete median must be added to Ludlow Road as a physical barrier preventing these left turns.



Figure 3: Existing Traffic Movements at Ludlow/Rocky Creek often require U-turns or unlawful left turns onto Ludlow

The concrete median on Ludlow Road is also a condition from MoTI, which must approve the proposed zoning amendment (Bylaw No. 2069).

Once the concrete median is in place, all vehicles turning from the Highway onto Ludlow Road and exiting Home Hardware will be funneled towards the Ludlow/Rocky Creek Road intersection. From there, vehicles would turn onto Rocky Creek Road, or do a U-turn or look for another way to return to the Highway (as shown in Figure 3).

The roundabout resolves the issues noted above by creating a clear, safe and easy route for traffic to circulate in and out of all developments in the area to Rocky Creek Road, Ludlow Road and the Highway

without the need for unlawful left hand turns or U-turns. Other developments in this area, for example the Town’s planned developments for the waterfront area, will also add traffic to (and benefit from) this intersection.



Figure 4: Ludlow/Rocky Creek Road Roundabout Design

Staff recommend that the roundabout be constructed by the developer, as a condition of rezoning:

For the reasons noted above, the proposed development at 1130 Rocky Creek Road will trigger the need for a roundabout at the Ludlow/Rocky Creek Road intersection. The amount allocated for the roundabout through the DCC bylaw is not sufficient. Accordingly, staff recommend that the roundabout be constructed by the developer as a condition of the proposed rezoning as an excess or extended services requirement under section 507 of the *Local Government Act*. The developer will be entitled to a “latecomer agreement” in accordance with section 508 of the *Local Government Act*. Under this agreement, “latecomer charges” would be levied for any new development that benefits from the roundabout over the next 15 years. The “latecomer charges” are levied by the Town and paid to the developer.

Staff note that the applicant for 1130 Rocky Creek Road provided a Traffic Impact Assessment (Attachment G). Although the traffic study indicated that the volume of traffic produced by the new development could be accommodated without the roundabout, several sections of the report assume that the roundabout will be built.

Alternatives to requiring that the developer construct the roundabout:

Staff explored multiple alternatives to the roundabout, none of which appear viable. Table 1 provides a summary of these alternatives.

Table 1: Roundabout Alternatives

Alternative:	Comments:
No change to the Ludlow/Rocky Creek Road intersection.	<ul style="list-style-type: none"> The BINNIE report for the waterfront identifies the need for the roundabout given the existing and planned development. MoTI (and the Town) require construction of a concrete median to enforce right-in/right-out only driveways on Ludlow.
Delay construction of the Roundabout.	<ul style="list-style-type: none"> The driveway access from 1130 Rocky Creek Road onto Ludlow Road triggers the need for the concrete median which in turn triggers the need for the roundabout. The Town would still need to resolve how to pay for the roundabout.
Prohibit 1130 Rocky Creek Road from having an access driveway onto Ludlow Road.	<ul style="list-style-type: none"> With the proposed scale of commercial uses, two access driveways allow for much better vehicle flow within the site. The Town would still need to resolve how to pay for the roundabout.
Delay or phase the 1130 Rocky Creek Road development.	<ul style="list-style-type: none"> The applicant does not wish to delay the project. If the rezoning application is rejected, the roundabout can be delayed. If phased, the first phase of the development would be the large retail store and drive through coffee shop. These uses will generate enough vehicle and delivery truck traffic to warrant the road improvements. Phasing the development may add cost. The Town would still need to resolve the issue of how to pay for the roundabout.
Amend the DCC Bylaw to increase the estimated cost of the roundabout and change the amount covered by DCC's and other funding sources.	<ul style="list-style-type: none"> Section 564 of the <i>Local Government Act</i>, requires the Town to carefully consider DCC's against a long list of prescribed criteria. An extensive analysis would be required prior to submitting DCC's for provincial approval, which would be an unbudgeted expense to the Town and an added delay for the developer. DCC amendments must be approved by the Province under section 560 of the <i>Local Government Act</i>. This would delay the proposed development and there is no guarantee that the Province would approve the changes. Currently there is only \$1.2 million in the DCC roads reserve. Even if the amount to be covered by DCC's is increased, there is not enough money yet in the account to cover the cost \$1.7 million cost of the roundabout. The proposed development would need to be either delayed while the Town waited for more DCC's to come in, or the Town would have to borrow, tax or halt other projects to cover the shortfall in the interim.
The Town could pay the full cost of the roundabout as an excess service and collect latecomer fees under section 508 of the <i>Local Government Act</i> .	<ul style="list-style-type: none"> The amount of latecomer fees that the Town would collect is unpredictable and would likely not cover the full cost. The Town would finance this option by borrowing from other reserves or through property tax. The final cost to the Town would depend on future development in the area.
The Town could pay the full cost of the roundabout as an excess service and charge a service tax under section 508 of the <i>Local Government Act</i> and	<ul style="list-style-type: none"> A majority of impacted property owners would need to agree to the charge, which makes this option very uncertain. This would cause a substantial delay for the 1130 Rocky Creek Road development.

Alternative:	Comments:
Division 5 of Part 7 of the <i>Community Charter</i> .	<ul style="list-style-type: none"> The Town would finance this option by borrowing from other reserves or through property tax. The Town would collect funds annually through the service tax.
The Town could pay the full cost of the roundabout from the capital or reserve budget.	<ul style="list-style-type: none"> The Town would need to pay an additional \$700,000 for the difference between the amount budgeted through the DCC Bylaw and the current cost estimates. Since the property taxes have been set for 2021, the roundabout could only be funded this year by deferring other planned projects. The additional \$700,000 would likely result in a future property tax increase.

DCC Road Reserve:

As of March 31, 2021, there was approximately \$1,250,000 in the Roads DCC fund. There are approximately \$750,000 in DCC road projects budgeted to be funded from this reserve in 2021, leaving \$500,000 to fund the roundabout. The Town is required to contribute \$990,000 from the DCC fund to the roundabout project. If all the DCC road projects proceed, the Town will be required to borrow \$490,000 from another DCC reserve (e.g. Storm Drainage fund or Water fund) to finance this project.

Covenant / Community Amenity Contribution:

There is an existing covenant (FB234682) under section 219 of the *Land Title Act* on the property which was placed on title as part of the 2008 development proposal (Attachment E). Staff recommend that the covenant be updated to reflect the new proposal for the property. Table 2 summarizes the existing covenant requirements and the proposed changes.

Table 2: Proposed changes to existing covenant

Existing Requirements:	Proposed Requirements:	Staff Comments:
Green Building Standards and Practices which include: <ul style="list-style-type: none"> Rainwater collection and reuse. Permeable pavement for the parking areas. Bus stop. 	Green Building Standards and Practices which include: <ul style="list-style-type: none"> Managing rainwater in accordance with the guidelines in “Stormwater Planning: A Guidebook for British Columbia” Designing the development to accommodate “HandyDART” buses Providing a minimum of two EV charging stations 	<ul style="list-style-type: none"> There are also rainwater and landscaping guidelines in the Development Permit Area guidelines. Rainwater reuse and permeable pavers would have been more practical for a hotel development than for the proposed commercial uses. BC Transit has not identified the subject property as a proposed location for a bus stop. However HandyDART will be provided to the site. The zoning amendment bylaw requires that the buildings meet Step 1 of the BC Energy Step Code, and Step 2 in the case of the drive-through.
Landscaping: <ul style="list-style-type: none"> A Landscape Plan prepared by a landscape architect, maximize absorbent landscaping, use native, drought tolerant species, etc. 	Requirement to be deleted.	These requirements are captured in the Landscaping Guidelines in the Development Permit Area.

Existing Requirements:	Proposed Requirements:	Staff Comments:
Local Heritage and Public Green Space: <ul style="list-style-type: none"> • Provision of an outdoor public space within the development to accommodate a local historical artifact. • Means to recognize the location of the 49th parallel within the development. 	Local Heritage and Public Green Space: <ul style="list-style-type: none"> • Provision of landscaping within the roundabout (similar to the roundabout at 1st and Symonds). • Provision of an artifact or a piece of public art in the roundabout. 	<ul style="list-style-type: none"> • Staff have not been able to source an artifact. The new requirement would allow the option to provide public art if an artifact cannot be found. • Public Art would be reviewed in accordance with the Public Art policy. • The 49th Parallel appears to fall within the road right-of-way. There is an existing monument to the 49th Parallel 1st Avenue.
\$1,000 per multi-family unit to be paid into the Town's amenity fund.	Requirement to be deleted.	No dwelling units are proposed.

Summary of Analysis:

Given the community vision for the waterfront and the development trends in the area immediately surrounding 1130 Rocky Creek Road, the existing zoning on the property which envisions a hotel development no longer seems appropriate. The proposed site-specific zoning allows for a range of uses that are compatible with the surrounding industrial area and smaller industrial type businesses may locate to the site in the short or long term.

The applicant has been responsive to the requests from Council and staff regarding design, landscaping, and environmental standards (Attachment H).

In addition, the developer has agreed to construct and partially fund the Ludlow/Rocky Creek Road roundabout which will accelerate a project that should benefit the surrounding properties and the community.

Subject to the conditions outlined in the recommendations to Council, staff recommend that the application be supported to proceed to Public Hearing.

ALTERNATIVES:

Council can choose to:

- 1) Defeat Road Closure Bylaw No. 2067, and direct the developer to amend the development proposal to be contained within the existing parcel boundaries.
- 2) Deny OCP and Rezoning Application No. 3360-20-01, 1130 Rocky Creek Road, and defeat Bylaw Nos. 2068 and 2069.
- 3) Amend any of the proposed bylaws and give the bylaws first and second readings as amended.
- 4) Amend, add or remove the proposed conditions of the OCP and Zoning Bylaw amendments.
- 5) Refer the application back to staff for further review as specified by Council.

FINANCIAL IMPLICATIONS:

Following first reading of an OCP amendment bylaw, Council must consider the bylaw in the context of the Town's Financial Plan (s.477(3), *Local Government Act*).

In accordance with the DCC program, the Town must allocate \$1 million towards the roundabout project: \$990,000 from DCCs, and \$10,000 from the Town's capital budget. The \$990,000 DCC

contribution for this project will strain the DCC Road Reserve. As of March 31, 2021, there was approximately \$1,250,000 in the Roads DCC fund, but approximately \$750,000 in DCC road projects are already budgeted to be funded from this reserve in 2021. If all the DCC road projects proceed, the Town will be required to borrow \$490,000 from another reserve.

The Town is also paying for the roundabout design which was included in the 2020 & 2021 Financial Plans at a cost of \$109,750 with funding from ICBC (\$9,750) and the Gas Tax (\$100,000).

The cost estimate for the construction of the roundabout is \$1.7million, meaning that the Town will contribute approximately 60% of the cost of construction, leaving slightly more than 40% of the cost for the developer to pay. The developer will be entitled to a “latecomer agreement” in accordance with section 508 of the *Local Government Act*. Under this agreement, “latecomer charges” would be levied for any new development that benefits from the roundabout over the next 15 years. The “latecomer charges” are levied by the Town and paid to the developer.

As noted above, it is not recommended that for the Town to pay the additional \$700,000 needed to construct the roundabout. Doing so would require a deferral of current capital road projects, funding from other reserves, future increased local or general taxes or combinations thereof.

LEGAL IMPLICATIONS:

The *Local Government Act* requires that Council consider any OCP amendment in conjunction with its financial plan and any waste management plan. (See the “Financial Implications” section of this report for information on how this amendment may impact the Town’s Financial Plan.) There are two waste management plans in effect for the Town: The Town of Ladysmith Liquid Waste Management Plan and the CVRD Solid Waste Management Plan.⁴

In accordance with the *Transportation Act*, Bylaw No. 2069 (zoning amendment) must be approved by MoTI prior to adoption. This is because the subject property is within 800m of the Trans-Canada Highway. MoTI has indicated that construction of a concrete median/traffic island on Ludlow Road will be a condition of approval.

Bylaw No. 2067 (road closure) is subject to the *Community Charter*. The *Charter* requires the Town to publish notice of its intention to adopt this bylaw, to deliver notice to the operators of utilities whose transmission or distribution facilities or works Council considers may be affected, and to provide an opportunity for persons who consider they are affected to make representations to Council. The opportunity for persons to make representations to Council is intended to be held in conjunction with the Public Hearing for Bylaw Nos. 2068 and 2069.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The application has been presented to the community at a Neighbourhood Information Meeting, and was referred to the Community Planning Advisory Committee for comment. Pending Council’s decision, a Public Hearing will be held for the proposed bylaws in accordance with the *Local Government Act* and the *Community Charter*.

⁴ The Town of Ladysmith Liquid Waste Management Plan (2013) <https://www.ladysmith.ca/discover-ladysmith/community-plans/liquid-waste-management-plan>

The Cowichan Valley Regional District Solid Waste Management Plan (2020): <https://www.cvrdb.ca/SWMP>

Neighbourhood Information Meeting (NIM):

A NIM was held on July 23, 2020 at Eagles Hall. Two members of the public attended the meeting (see Attachment I)

Community Planning Advisory Committee (CPAC):

CPAC reviewed application No. 3360-20-02 for 1130 Rocky Creek Road on August 5, 2020 (Attachment J) and passed the following resolution:

It was moved, seconded and carried that the Community Planning Advisory Committee:

1. Supports the OCP & Zoning Bylaw amendment to allow for commercial uses on 1130 Rocky Creek Road.

2. Supports allowing drive-through restaurants at 1130 Rocky Creek Road, but consideration should be given to requiring a logical offset to potential carbon emissions/air pollution impacts, for example by requiring electric vehicle quick charge stations.

3. Recommends that Council take the following items into consideration regarding application 3360-20-02 (1130 Rocky Creek Road):

- Electric vehicle quick charge stations should be required.*
- The property should be as “green” as possible maximizing landscaped/permeable areas, and using low-impact methods for rainwater management.*
- The property is a gateway into Ladysmith.*

It was moved, seconded and carried that the Community Planning Advisory Committee (CPAC) did not have enough information to comment on the form and character of the proposed development at 1130 Rocky Creek Road. The Committee requests that Council refer additional information about the proposed form and character to a future CPAC meeting.

As noted above, two electrical vehicle “quick charge” stations are proposed. The drive-through coffee shop will be built to Step 2 of the BC Energy Step Code and all other buildings will be built to BC Energy Step Code Step 1. These aspects of the development will be secured by zoning or covenant. In addition, DPA 3 - Commercial provides guidance for the form and character of the buildings, landscaping and rainwater management.

CPAC was provided with the preliminary site plan and renderings from the DP application. This application would not be referred to CPAC automatically based on the CPAC Terms of Reference however, Council may refer the DP application to CPAC for additional comment, when the application is brought forward for Council’s review.

EXTERNAL REFERRAL:

The *Local Government Act* requires that the local government consider providing opportunities for consultation for a proposed OCP amendment. The Act also requires that the local government consult with the local school district regarding any OCP amendment.

As specified in Council Resolution No. CS 2020-201, the application for 1130 Rocky Creek Road was circulated to the following governments and organizations for comment in September 2020:

- Stz’uminus First Nation;
- School District 68 (Nanaimo Ladysmith);
- Community Planning Advisory Committee (see above);
- BC Ministry of Transportation and Infrastructure, BC Transit, and BC Hydro; and
- Ladysmith Chamber of Commerce, and Ladysmith Downtown Business Association.

Table 3 summarizes the responses received to the Town’s referral and staff comments.

Table 3: External Referral Responses

Government or Organization	Referral Response	Comments
MoTI	<ul style="list-style-type: none"> • The proposed access onto Ludlow does not meet the recommended distance to the intersection with the highway. • MOTI is willing to support a Right In, Right Out access on to Ludlow Road despite the spacing. Conditional on the construction of a concrete island median to physically bar vehicles from making a left turn into the development. 	<ul style="list-style-type: none"> • Staff recommend that concrete traffic islands be required on Ludlow as a condition of the rezoning. • Bylaws Nos. 2067 and 2069 must both be approved by MoTI prior to adoption.
BC Transit	<ul style="list-style-type: none"> • The nearest transit stop (1st Ave at Symonds) is within 400m of the subject property so an additional transit stop is not recommended for the property. • The site should be designed to accommodate “HandyDART” buses which provide door-to-door accessible service. 	<ul style="list-style-type: none"> • Staff recommend that the Covenant on the property be amended based on this recommendation. • Staff will refer the DP application to BC Transit so they can confirm that the site can accommodate the “HandyDART” buses.
BC Hydro	<ul style="list-style-type: none"> • Closing portions of the road on Rocky Creek Road and Ludlow Road would put BC Hydro’s existing infrastructure in trespass, therefore a right-of-way is required. • All structures must meet the minimum clearance from the power lines. • The utility poles may be relocated, but at the developer’s cost. 	<ul style="list-style-type: none"> • Staff recommend that an easement or right-of-way be registered on the property in favour of BC Hydro as a condition of the rezoning. • According to the applicant, they have begun working with BC Hydro to meet their requirements.

On April 22, 2021 the Town sent a follow up referral to the Stz’uminus First Nation when the applicant requested that certain uses (gas bar and service station/oil change) be added to the proposal.

On May 20, 2021, the Coast Salish Development Corporation responded to the Town’s referral on behalf of Stz’uminus First Nation (Attachment K). Their response questioned whether there is a need for more gas stations and service stations in the area. The response stated:

“given our economic pursuits just a few minutes down the road from the referral site, we would be concerned that this may adversely impact our existing businesses”.

In addition, staff consider that including uses such as a gas bar or service station would make it difficult for the site to achieve the urban design goals set by Council. Accordingly, proposed Bylaw No. 2069 does

not provide for a gas bar or a service station. The applicant has agreed to these limitations on the permitted uses for the property.

INTERDEPARTMENTAL REFERRAL:

Staff in the Engineering Department and the Finance Department have been involved in this application. Pending Council's decision, the Engineering Department will continue to work with the developer on the Ludlow/Rocky Creek Road roundabout. In addition, the DP application will be circulated to other Town departments as well as BC Transit.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENTS:

- A. Road Closure Bylaw No. 2067
- B. OCP Amendment Bylaw No. 2068
- C. Zoning Amendment Bylaw No. 2069
- D. Road Dedication Reference Plan EPP110197
- E. Existing Covenant FB234682
- F. Development Permit Application No. 3060-20-19
- G. Traffic Impact Assessment
- H. Update on Council Requests from July 7, 2020
- I. Neighbourhood Information Meeting Summary
- J. CPAC Minutes, August 5, 2020
- K. Stz'uminus First Nation Referral Response

TOWN OF LADYSMITH

BYLAW NO. 2067

A Bylaw to Close and Remove the Dedication of a Highway

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

1. Those portions of road shown as “road to be closed” on Reference Plan EPP110196, prepared by Ryan J. Turner, B.C.L.S., a copy of which is attached as Schedule 1 and forms a part of this bylaw, is closed to all traffic.
2. The dedication as highway of that part of the road referred to in Section 1 is removed.
3. The Mayor and Corporate Officer are hereby authorized to execute all necessary documents as may be required to carry out the purpose of this bylaw.

Citation

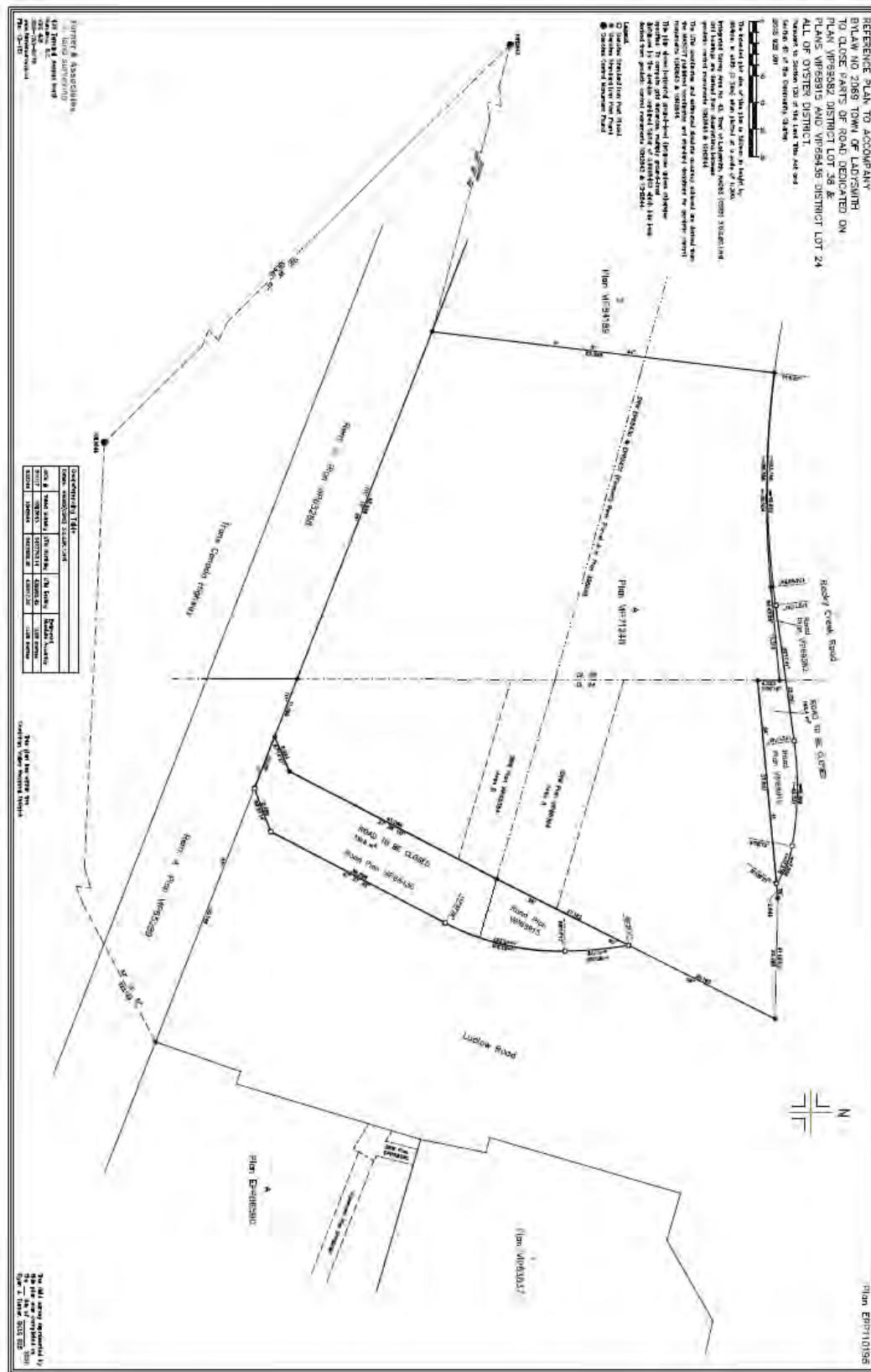
4. This Bylaw may be cited for all purposes as “Road Closure and Dedication Removal Bylaw 2021, No. 2067”.

READ A FIRST TIME on the _____ day of _____,
READ A SECOND TIME on the _____ day of _____,
Notice of intention to proceed with this bylaw was published on the ____ day of _____,
2021 and the _____ day of _____, 2021 in the Ladysmith Chronicle newspaper,
circulating in the Town of Ladysmith, pursuant to section 94 of the *Community Charter*.
READ A THIRD TIME on the _____ day of _____,
APPROVED by the Ministry of Transportation and Infrastructure on the _____
day of _____,
ADOPTED on the _____ day of _____,

Mayor (A. Stone)

Corporate Officer (D. Smith)

Schedule 1 Road Closure Plan



TOWN OF LADYSMITH

BYLAW NO. 2068

A Bylaw to amend "Official Community Plan Bylaw 2003, No. 1488"

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

1. Delete the first sentence of the General Commercial paragraph of section 3.8.1:

"The General Commercial designation is applied to the commercial area located at Coronation Mall and is intended for commercial uses that serve a market area both within and beyond the local community, and to function as a secondary commercial focus to the downtown core."

and replace with:

"The General Commercial designation is applied to the commercial areas located at Coronation Mall and at 1130 Rocky Creek Road, and is intended for commercial uses that serve a market area both within and beyond the local community, and to function as commercial concentrations that are secondary to the downtown core."

2. "Map 1 – Land Use":
 - (a) Change "Industrial" designation to "General Commercial" for Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) as shown in Schedule 1 which is attached to and forms a part of this bylaw.
3. "Map 2 – Development Permit Areas":
 - (a) Delete "DPA 5 – Industrial" from Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) as shown in Schedule 1 which is attached to and forms a part of this bylaw.

Citation

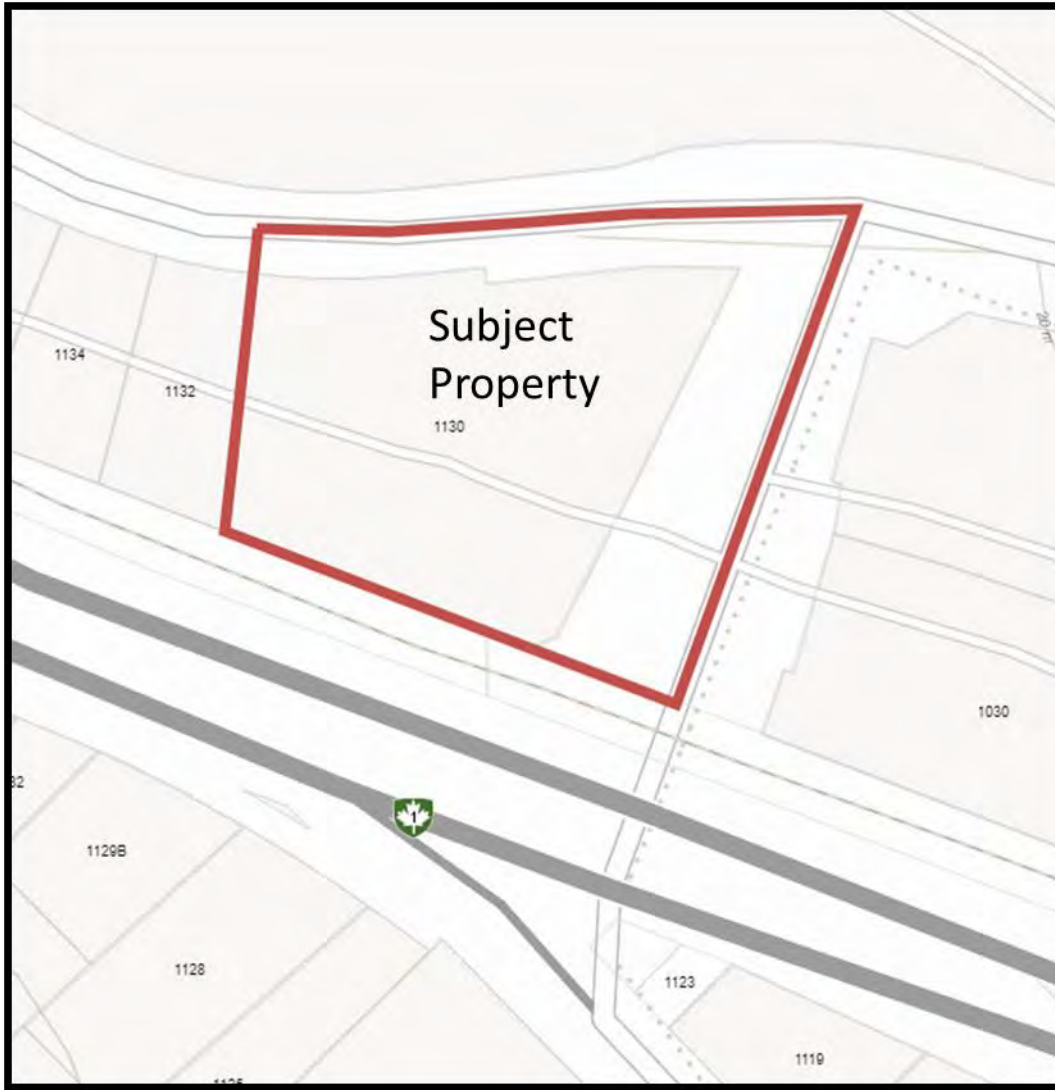
4. This Bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 65) 2021, No. 2068".

READ A FIRST TIME on the day of ,
READ A SECOND TIME on the day of ,
PUBLIC HEARING held pursuant to the provisions of the *Local Government Act* on the
 day of ,
READ A THIRD TIME on the day of ,
ADOPTED on the day of ,

Mayor (A. Stone)

Corporate Officer (D. Smith)

**Schedule 1
Subject Property**



TOWN OF LADYSMITH

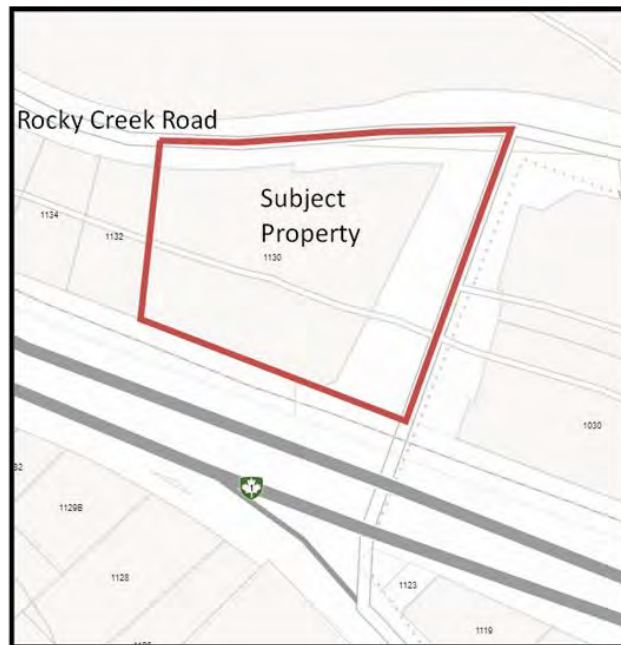
BYLAW NO. 2069

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

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

1. “Schedule A – Zoning Bylaw Text”:
 - a) Delete “Tourist Service” “CD-1” from Section “9.1 Creation of Zones”;
 - b) Replace subsection 1. p) of section “11.5 Shopping Centre Commercial (C-5)” with the following:
 - p) *Cannabis Retail Sales* but in the parcels contained within the shaded areas identified on Figures 11.5 and 11.6;
 - c) Add Figure 11.6 following Figure 11.5 in section “11.5 Shopping Centre Commercial (C-5)” as shown below:

Figure 11.6



- d) Add a new Section 7 “Site Specific Regulations” to section “11.5 Shopping Centre Commercial (C-5)” as follows:
 7. Site Specific Regulations
 - a) For the *Parcel* legally described as Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) all *Buildings* must

meet or exceed Step 1 of the British Columbia Energy Step Code.

- b) Notwithstanding section 6.3 subsection a)vi) a maximum of one *Use* with a *Drive-through* service is permitted on the *Parcel* legally described as Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road), provided that any *Buildings* associated with the *Drive-through Use* meet or exceed Step 2 of the British Columbia Energy Step Code.
 - c) For the *Parcel* legally described as Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) the following additional *Principal Uses* are permitted:
 - i) *Animal Day Care.*
 - ii) *Artist Studio.*
 - iii) *Building Supply Sales.*
 - iv) *Cottage Industry.*
 - v) *Garden Centre.*
 - vi) *Home Improvement Service Industry.*
 - vii) *Micro-Brewery.*
 - viii) *Laboratory.*
 - ix) *Media Production Studio.*
 - x) *Neighbourhood Pub.*
 - xi) *Non-Motorized Recreational Equipment Sales or Rental.*
 - xii) *Print Shop.*
 - xiii) *Re-Store.*
 - e) Delete section “17.1 Comprehensive Development 1 – Tourist Service (CD-1)” in its entirety and replace with “17.1 Comprehensive Development 1 – Reserved for Future Use”.
2. “Schedule B – Zoning Bylaw Map”:
- a) Change the zone from “CD-1 Tourist Service” to “C-5 Shopping Centre Commercial” for Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) as shown in Schedule 1 which is attached to and forms a part of this bylaw; and,
 - b) Delete “CD-1 Tourist Service” from the legend.

Citation

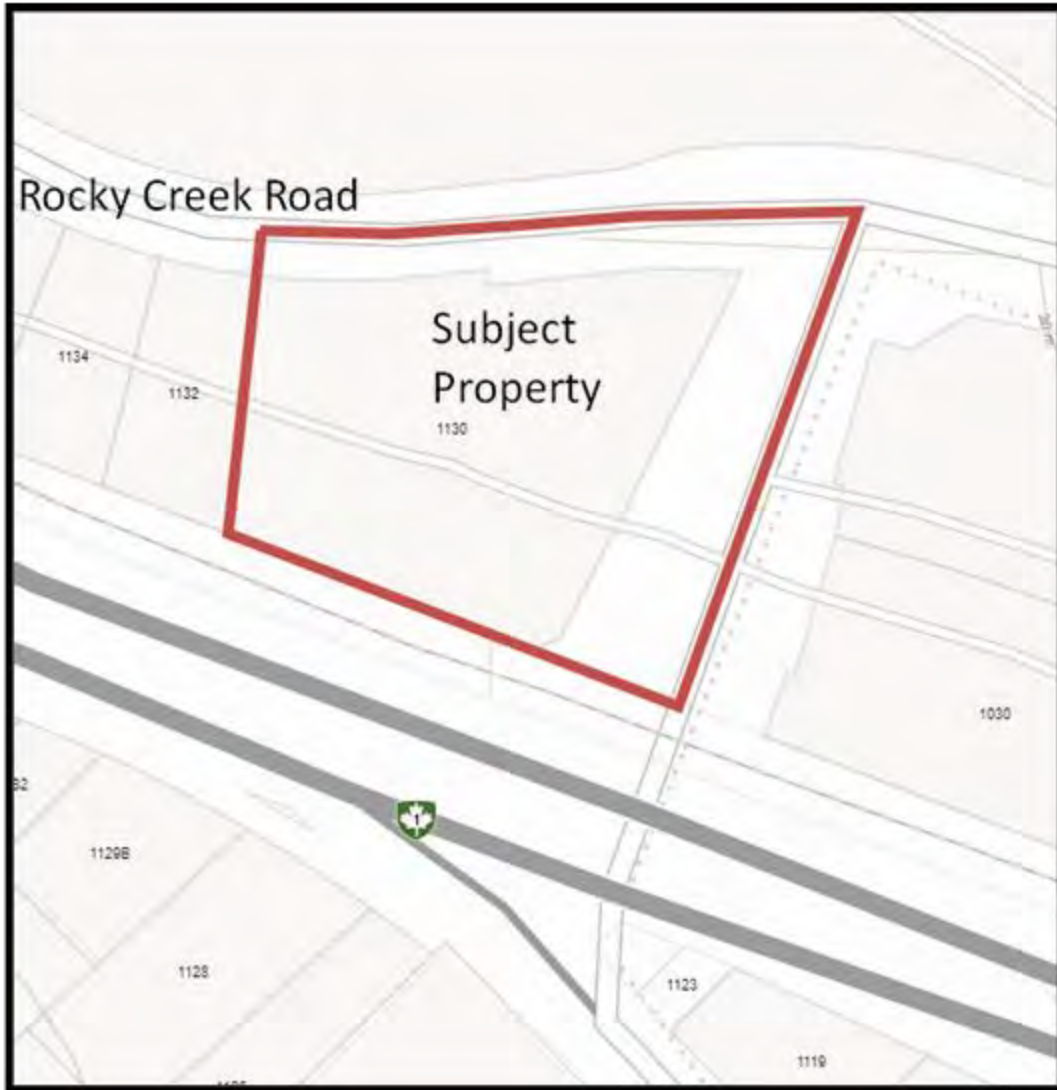
3. This Bylaw may be cited for all purposes as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069”.

READ A FIRST TIME on the day of ,
READ A SECOND TIME on the day of ,
PUBLIC HEARING held pursuant to the provisions of the *Local Government Act* on the day of ,
READ A THIRD TIME on the day of ,
APPROVED by the Ministry of Transportation and Infrastructure on the day of ,
ADOPTED on the day of ,

Mayor (A. Stone)

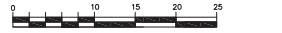
Corporate Officer (D. Smith)

Schedule 1
Subject Property



REFERENCE PLAN OF:
 LOT A, DISTRICT LOTS 24 AND 38,
 OYSTER DISTRICT, PLAN VIP71248 &
 THOSE PORTIONS OF CLOSED ROAD
 AS SHOWN ON PLAN EPP110196.

Pursuant to Sections 100(1)(b) & 107 of the Land Title Act
 BCCS 92B 091



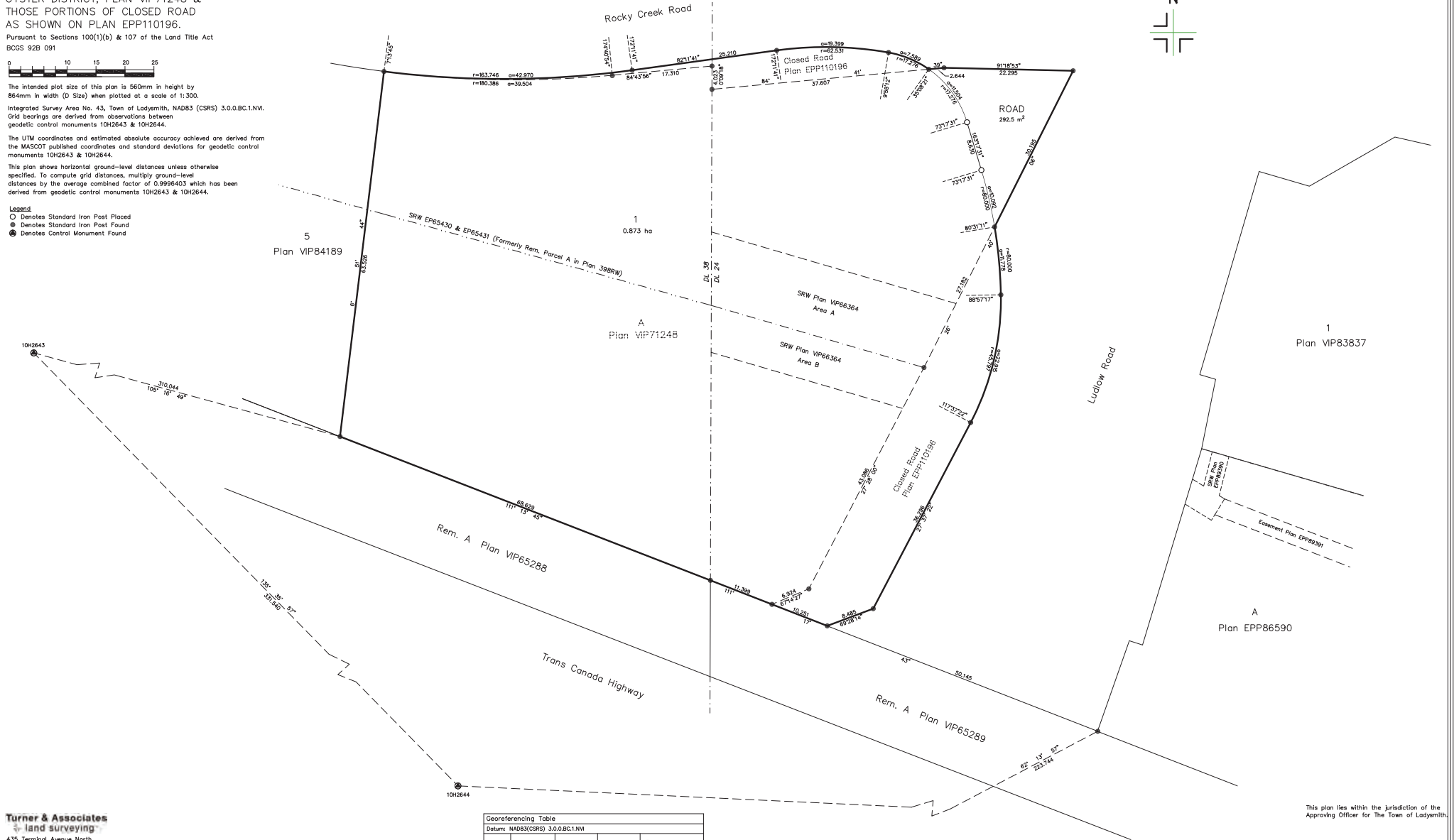
The intended plot size of this plan is 560mm in height by
 864mm in width (D Size) when plotted at a scale of 1:300.

Integrated Survey Area No. 43, Town of Ladysmith, NAD83 (CSRS) 3.0.0.BC.1.NV.
 Grid bearings are derived from observations between
 geodetic control monuments 10H2643 & 10H2644.

The UTM coordinates and estimated absolute accuracy achieved are derived from
 the MASCOT published coordinates and standard deviations for geodetic control
 monuments 10H2643 & 10H2644.

This plan shows horizontal ground-level distances unless otherwise
 specified. To compute grid distances, multiply ground-level
 distances by the average combined factor of 0.9996403 which has been
 derived from geodetic control monuments 10H2643 & 10H2644.

- Legend**
- Denotes Standard Iron Post Placed
 - Denotes Standard Iron Post Found
 - ⊙ Denotes Control Monument Found



Turner & Associates
 land surveying
 435 Terminal Avenue North
 Nanaimo, B.C.
 VNS 4J8
 250-753-9778
 www.turnersurveys.ca
 Fax: 12-151

Georeferencing Table				
Datum: NAD83(CSRS) 3.0.0.BC.1.NV				
OCM #	Tablet Marking	UTM Northing	UTM Easting	Estimated Absolute Accuracy
811117	10H2643	5427793.14	439285.42	0.06 metres
833749	10H2644	5427556.35	439517.30	0.06 metres

This plan lies within the
 Cowichan Valley Regional District.

This plan lies within the jurisdiction of the
 Approving Officer for The Town of Ladysmith.

The field survey represented by
 this plan was completed on
 the ___ day of ___, 2021.
 Ryan J. Turner, BCLS 825


Attachment E

-5 DEC 2008 09 30

FB234682

LAND TITLE ACT
Form C (Section 233)
Province of British Columbia

GENERAL INSTRUMENT - PART 1 (This area for Land Title Office Use) Page 1 of 7 pages

1. Application: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)
Fabris McIver Hornquist & Radcliffe
Barristers & Solicitors
40 Cavan Street, PO Box 778
Nanaimo, BC V9R 5M2: 250-380-7744
File: _____ Authorized Signatory 
LTO Client Number: 10294 via: Kerry A. Pollner
Registry Co. Ltd. 10100

2. Parcel Identifier(s) and Legal Description(s) of Land: CH 08/12/05 09-31-46 01 VI 826441
(PID) (Legal Description) CHARGE \$66.15
See Schedule See Schedule

3. Nature of Interest Description	Document Reference (page & paragraph)	Person Entitled to Interest
Section 219 Covenant	Entire Document	Grantee

4. Terms: Part 2 of this instrument consists of (select one only)
(a) Filed Standard Charge Terms D.F. No.
(b) Express Charge Terms Annexed as Part 2
(c) Release There is no Part 2 of this instrument

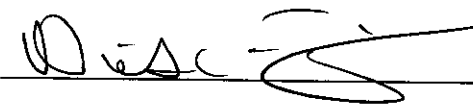
A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged on the Land described in Item 2.

5. Transferor(s)(Grantor(s)):
G-FORCE AUTOMOTIVE LTD., (Inc. No. 694309), PO Box 31, Port McNeill, BC V0N 2R0
ISLAND POINTE MORTGAGE CORPORATION, (Inc. No. BC0427161), PO Box 970, 1123 Carey Place,
Ladysmith, BC V9G 1A7

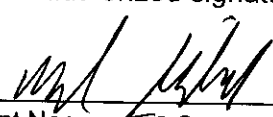
6. Transferee(s)(Grantee(s)): (including postal address(es) and postal code(s)) *
TOWN OF LADYSMITH, P.O. Box 220, Stn Main, Ladysmith, B.C. V9G 1A2

7. Additional or Modified Terms: N/A

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

Officer Signature: 
NICOLAI FABRIS
Barrister & Solicitor
P.O. BOX 778
NANAIMO, B.C.
V9R 5M2

Execution Date:		
Y	M	D
2008	11	10

Party(ies) Signature:
G-FORCE AUTOMOTIVE LTD,
by its authorized signatories:

Print Name: TED SCHOFIELD
Print Name: _____

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

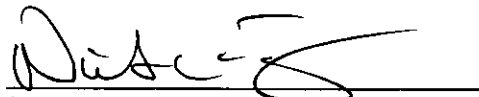
* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
** If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

LAND TITLE ACT
Form D
EXECUTIONS CONTINUED

Officer Signature:

Execution Date:

Party(ies) Signature:

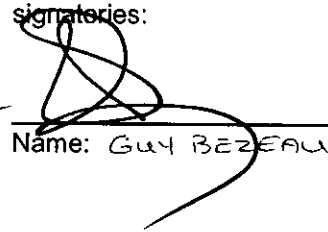


(as to the signatures of the principals of
Island Pointe Mortgage Corporation)

NICOLAI FABRIS
Barrister & Solicitor
P.O. BOX 778
NANAIMO, B.C.
V9R 5M2

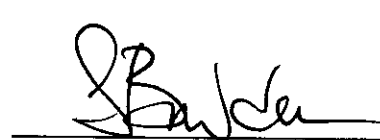
Y	M	D
2008	10	28
2008	11	17

ISLAND POINTE MORTGAGE CORPORATION, by its authorized signatories:

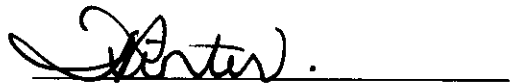

Name: GUY BEZEAU

Name:

TOWN OF LADYSMITH by its authorized signatories


Mayor **ROB HUTCHINS**
Manager of Corporate Services

Sandy Bowden
Director of Corporate Services
Town of Ladysmith



(as to the signatures of the principals of
the Town of Ladysmith)

JOANNA WINTER
Deputy Corporate Officer
Commissioner for taking
Oaths and Affidavits
410 Esplanade
P.O. Box 220
Ladysmith, BC V9G 1A2
Phone: 250-245-6400

Officer Certification

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

Land Title Act
Form E
SCHEDULE

Page 3

Enter the required information in the same order as the information must appear on the Freehold Transfer Form, Mortgage Form or General Document Form.

2. Parcel Identifier(s) and Legal Description(s) of Land:
(PID) (Legal Description)

024-839-370	Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248
027-329-135	Lot 1, District Lot 38, Oyster District, Plan VIP84189
027-329-143	Lot 2, District Lot 38, Oyster District, Plan VIP84189
027-329-151	Lot 3, District Lot 38, Oyster District, Plan VIP84189
027-329-160	Lot 4, District Lot 38, Oyster District, Plan VIP84189
027-329-178	Lot 5, District Lot 38, Oyster District, Plan VIP84189

TERMS OF INSTRUMENT - PART 2

WHEREAS:

A. The Grantor, Island Pointe Mortgage Corporation, is the registered owner in fee simple of:

PID(S):	LEGAL(S):
027-329-135	Lot 1, District Lot 38, Oyster District, Plan VIP84189
027-329-143	Lot 2, District Lot 38, Oyster District, Plan VIP84189
027-329-151	Lot 3, District Lot 38, Oyster District, Plan VIP84189
027-329-160	Lot 4, District Lot 38, Oyster District, Plan VIP84189
027-329-178	Lot 5, District Lot 38, Oyster District, Plan VIP84189

(herein sometimes referred to as "Lots 1 to 5")

AND The Grantor, G-Force Automotive Ltd., is the registered owner in fee simple of:

PID:	LEGAL:
024-839-370	Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248

(herein sometimes referred to as "Lot A")

(Lots 1 to 5 and Lot A herein collectively referred to as the "**Land**");

B. The Grantee is the Town of Ladysmith;

C. The Grantor has made application to:

- (i) designate in accordance with bylaw number 1652, Lots 1 to 5 as mixed use residential/commercial and Lot A as resort/commercial; and
- (ii) rezone the Land to comprehensive development (CD-1) zone in accordance with bylaw number 1653;

D. The Grantor has offered to grant this Covenant to be registered against title to the Land pursuant to s. 219 of the *Land Title Act*, and the Grantee has agreed to accept this Covenant.

NOW THEREFORE, in consideration of the payment of the sum of \$10.00 by the Grantee to the Grantor and the premises and the covenants herein contained and for other valuable consideration, receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto covenant and agree with the other as follows:

1. The Grantor covenants and agrees that it shall not:

- (a) subdivide the Land;

- (b) construct any building or structures upon the Land; or
- (c) take any proceedings to compel the Grantee to issue a development permit or building permit for any such construction;

unless it complies with those items set out in paragraph 2.

2. No development shall take place on the Land unless in compliance with the following:

- (a) Green Building Standards and Practices, which include:
 - i. Integrated on site rainwater/storm water/grey water collection, storage and reuse (example: toilet flushing and irrigation)
 - ii. Above ground parking to be designed with permeable surfacing; and
 - iii. Bus stop within and/or around the development;
- (b) Landscaping:
 - i. Landscape Plan, prepared by a Landscape Architect, which would maximize absorbent landscaping, the use of drought tolerant landscaping, use of native species, and rainwater/storm water collection and reuse. The landscape plan should focus on integrating the development within the site and with neighbouring projects and the highway;
- (c) Local Heritage and Public Green Space:
 - i. As part of the landscape plan, the provision of outdoor public space within the development to accommodate a local historical artifact (as part of the Town's artifact route), and a means to recognize the location of the 49th Parallel within the development.

to the satisfaction of the Town's Manager of Development Services and Director of Public Works.

- 3. The Grantor agrees to pay to the credit of the Grantee's Development/Amenity Fund, the sum of **ONE THOUSAND (\$1,000.00) DOLLARS** for each multi-family residential unit to be constructed on the Land, such amount to be paid at the time of the issuance of an Occupancy Permit for each residential unit.
- 4. The Grantor and the Grantee agree that the enforcement of this Agreement shall be entirely within the discretion of the Grantee and that the execution and registration of this covenant against the title to the Land shall not be interpreted as creating any duty on the part of the Grantee to the Grantor or to any other person to enforce any provision or the breach of any provision of this Agreement.
- 5. Nothing contained or implied herein shall prejudice or affect the rights and powers of the Grantee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Land as if the Agreement had not been executed and delivered by the Grantor.

6. The Grantor hereby releases and forever discharges the Grantee, its officers, employees and agents, of and from any claim, cause of action, suit, demand, expenses, costs and expenses, and legal fees whatsoever which the Grantor can or may have against the said Grantee for any loss or damage or injury, including economic loss or deprivation, that the Grantor may sustain or suffer arising out of this Agreement, or the limitations on the use of the Lands resulting from this Agreement.
7. The Grantor covenants and agrees to indemnify and save harmless the Grantee, its officers, employees and agents, from any and all claims, causes of action, suits, demands, expenses, costs and expenses, and legal fees whatsoever that anyone might have as owner, occupier or user of the Land, or by a person who has an interest in or comes onto the Land, or by anyone who suffers loss or injury, including economic loss, or loss or damage to his person or property, that arises out of this Agreement, or the limitations on the use of the Lands resulting from this Agreement.
8. It is mutually understood, acknowledged and agreed by the parties hereto that the Grantee has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Grantor other than those contained in this Agreement.
9. This Agreement shall be registered as a first charge against the Land and the Grantor agrees to execute and deliver all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
10. The Grantor shall pay the legal fees of the Grantee in connection with the preparation and registration of this Agreement. This is a personal covenant between the parties.
11. The Grantor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions hereinbefore set out and they shall be binding upon the Grantor as personal covenants only during the period of its respective ownership of any interest in the Land.
12. The restrictions and covenants herein contained shall be covenants running with the Land and shall be perpetual, and shall continue to bind all of the Lands when subdivided, and shall be registered in the Victoria Land Title Office pursuant to section 219 of the *Land Title Act* as covenants in favour of the Grantee as a first charge against the Land.
13. This Agreement shall enure to the benefit of the Grantee and shall be binding upon the parties hereto and their respective heirs, executors, successors and assigns.
14. Wherever the expressions "Grantor" and "Grantee" are used herein, they shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.
15. The Grantor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
16. Time is of the essence of this Agreement.

Page 7

17. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.

IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C (pages 1 and 2) attached hereto.

END OF DOCUMENT

•
•
•



MINUTES
Community Planning Advisory Committee
Wednesday, August 5, 2020 at 7:00 p.m.
Aggie Hall (1110 1st Avenue)

PRESENT: Acting Chair – Jason Harrison; Members – Brian Childs, Tamara Hutchinson, Jennifer Sibbald; Council Liaison – Tricia McKay; Senior Planner & Recorder – Christina Hovey, Planner – Julie Thompson

ABSENT: Members – Tony Beckett, Steve Frankel, Lacey McRae Williams

GUESTS: Applicants – Robyn Kelln, Ashley Garib

The meeting was called to order at 7:10 p.m.

1. SELECTION OF ACTING CHAIR

That in the absence of Lacey McRae Williams, it was moved, seconded and carried that Jason Harrison act as the meeting chair. Jason Harrison opened the meeting by recognizing the traditional territory of the Stz'uminus First Nation.

1. AGENDA APPROVAL

It was moved, seconded and carried that the Agenda of August 5, 2020 be approved.

2. ADOPTION OF MAY 6, 2020 MINUTES

It was moved, seconded and carried that the Minutes of May 6, 2020 be approved.

3. COUNCIL REFERRALS

a. OCP & Zoning Bylaw amendment application

3360-19-02 (Lot 20 Trans Canada Hwy & 670 Farrell Road)

Applicant Robyn Kelln was available to answer Community Planning Advisory Committee (CPAC) questions.

CPAC did not provide a recommendation on whether they support the OCP and Zoning Bylaw amendment; however, they identified the following issues that Council should take into consideration:

- Protection of the natural environment and preserving the mature trees that are currently on the property.
- Traffic and especially highway access at Davis Road, this is already an existing issue, but the proposed development will contribute additional traffic to the intersection.
- Parkland dedication/greenspace should be required rather than cash-in-lieu. It is important for the new residents to have access to greenspace.
- Connecting the community to the Town's trail network should be a priority.

b. OCP & Zoning Bylaw amendment application

3360-20-02 (1130 Rocky Creek Road)

Applicant Ashley Garib introduced the application and was available to answer CPAC questions.

It was moved, seconded and carried that the Community Planning Advisory Committee:

1. Supports the OCP & Zoning Bylaw amendment to allow for commercial uses on 1130 Rocky Creek Road.
2. Supports allowing drive-through restaurants at 1130 Rocky Creek Road, but consideration should be given to requiring a logical offset to potential carbon emissions/air pollution impacts, for example by requiring electric vehicle quick charge stations.
3. Recommends that Council take the following items into consideration regarding application 3360-20-02 (1130 Rocky Creek Road):
 - Electric vehicle quick charge stations should be required.
 - The property should be as “green” as possible maximizing landscaped/permeable areas, and using low-impact methods for rainwater management.
 - The property is a gateway into Ladysmith.

It was moved, seconded and carried that the Community Planning Advisory Committee (CPAC) did not have enough information to comment on the form and character of the proposed development at 1130 Rocky Creek Road. The Committee requests that Council refer additional information about the proposed form and character to a future CPAC meeting.*

4. **NEW BUSINESS**

None.

5. **MONTHLY BRIEFING**

None.

6. **NEXT MEETING - TBD**

7. **ADJOURNMENT**

It was moved, seconded and carried that the meeting be adjourned at 9:05 pm.

Acting Chair (J. Harrison)

RECEIVED:

Corporate Officer (D. Smith)

*Note: High-level information was provided to CPAC so they could provide preliminary input into the proposed form and character of the development. The full development permit application (DP 3060-20-19) has not been referred to CPAC. Under the CPAC Terms of Reference, only Development Permits within the Downtown are referred to CPAC, however Council may choose to refer any application to CPAC.

Christina Hovey
Senior Planner, Development Services Department
Town of Ladysmith
chovey@ladysmith.ca

May 20, 2020

Re: File RZ-3360-20-02

Dear Council,

We are in receipt of the referral dated September 14, 2020 and the update to the referral dated April 22, 2021 regarding the application for OCP and Zoning Bylaw Amendment at 1130 Rocky Creek Road. As the economic development arm of Stz'uminus First Nation, we are responding on Stz'uminus' behalf to this referral.

Stz'uminus has never ceded any site within its traditional territory including the site at 1130 Rocky Creek Road and as a result any change to the land, such as rezoning or new construction is of concern for Stz'uminus First Nation.

With the signing of the Naut'sa mawt Accord and the MOU, Stz'uminus and the Town of Ladysmith set out on a joint journey of collaboration. Stz'uminus and the Town of Ladysmith are continually building a solid relationship in the spirit of trust and mutual prosperity. This forms the foundation for working together in all areas including matters related to Stz'uminus reconciliation, our joint interest in Ladysmith Harbour as well as in decisions regarding land development such as this referral. It is time to work together as one and equally consider the health of the Town of Ladysmith's businesses and Stz'uminus' businesses.

Initially the application only featured a Dollarama and a Starbucks. The recent update proposes the addition of a gas station and/or a service station. When considering an amendment of the Official Community Plan, the following questions must be asked: Does the market support another gas station and/or a service station in the area? How will the new development affect the viability of existing businesses in the surrounding areas?

Given our economic pursuits just a few minutes down the road from the referral site we would be concerned how this may adversely impact our existing businesses.

We appreciate your consideration on this matter and hope that the Town of Ladysmith will make a decision that is in the best interests of all stakeholders.

Sincerely,



Ray Gauthier, CEO
Coast Salish Development Corp.

3. MINUTES

3.1 Minutes of the Special Meeting of Council held June 16, 2020

CS 2020-199

That Council approve the minutes of the Special Meeting of Council held June 16, 2020.

Motion Carried

3.2 Minutes of the Special Meeting of Council held June 23, 2020

CS 2020-200

That Council approve the minutes of the Special Meeting of Council held June 23, 2020.

Motion Carried

4. DEVELOPMENT APPLICATIONS

4.1 OCP and Zoning Amendment Application – 1130 Rocky Creek Road

CS 2020-201

That Council direct that application 3360-20-02 (1130 Rocky Creek Road) proceed for further consideration, and,

a. Having considered s. 475 of the Local Government Act (consultation during OCP development) direct staff to refer application 3360-20-02 to:

- o Stz'uminus First Nation
- o School District 68 (Nanaimo Ladysmith)
- o The Community Planning Advisory Committee
- o The BC Ministry of Transportation and Infrastructure, BC Transit, and BC Hydro;
- o The Ladysmith Chamber of Commerce, and the Ladysmith Downtown Business Association; and

b. Direct staff to work with the applicant regarding a potential sale of surplus road right-of-way along Rocky Creek Road and Ludlow Road adjacent to 1130 Rocky Creek Road.

Motion Carried

CS 2020-202

That Council direct staff to discuss the following list with the applicant prior to further consideration of application 3360-20-02:

- clarity regarding the roundabout and provisions within the development to ensure that it can be accommodated
- the possible provision of electric vehicle chargers, particularly fast chargers (not level two)
- a request for clarity regarding signage design prior to the application proceeding
- ensurance that the trees and buildings in the development have power to accommodate the Town's annual Light Up and other events
- a review of the existing covenant regarding the 49th Parallel sign
- provision for future hydrogen filling if a gas station is included in the plan
- plans to tie in Ladysmith's heritage by installing an artifact
- the possibility of a public art installation in keeping with the Town's Public Art Strategy
- the possibility of installing a lit community reader board
- the Town's request for a simultaneous submission of the Zoning Amendment application with the Development Permit to ensure control of form and character
- the Town's request for more than average tree coverage and landscaping standards
- the Town's request to incorporate design elements that are of "Gateway to Community" calibre
- the possible provision of a transit stop within the development or on the road in front of the development

Motion Carried

OPPOSED: Councillor Stevens

4.2 Development Variance Permit – 1010 2nd Avenue

CS 2020-203

That Council:

1. Issue Development Variance Permit 3090-20-02 to vary the southeast side parcel line setback requirement from 1.5m to 0.52m for a storage room attached to the dwelling at 1010 2nd Avenue; and
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-20-02.

Motion Carried

STAFF REPORT TO COUNCIL

Report Prepared By: Christina Hovey, MCIP, RPP
Meeting Date: July 7, 2020
File No: 3360-20-02
RE: **OCP & ZONING AMENDMENT APPLICATION – 1130 ROCKY CREEK ROAD**

RECOMMENDATION:

That Council provide direction as to how it wishes to proceed with application 3360-20-02 (1130 Rocky Creek Road) as outlined under the Alternatives section of the staff report.

EXECUTIVE SUMMARY:

The applicant is proposing to amend the OCP designation and zoning at 1130 Rocky Creek Road to allow a commercial plaza. The subject property is currently designated “Industrial” (OCP Bylaw No. 1488) in the OCP, and zoned “Comprehensive Development 1 – Tourist Commercial” (Zoning Bylaw No. 1860). To accommodate the proposed development, the OCP designation would be changed to “General Commercial” and the zoning would be changed to “Shopping Centre Commercial (C-5)”.

Staff is not making a recommendation for or against the proposal at this time. If Council supports further consideration of the application, staff will provide a recommendation once internal, intergovernmental, and community input has been gathered and development approval information has been reviewed. At this time, Council is being asked to decide if the application should be considered further. Council may direct staff to proceed with further processing of the application, direct that changes be made to application prior to further consideration or Council may reject the application. If Council directs that the application proceed, the applicant will be required to complete a neighbourhood information meeting and to provide additional reports including a traffic impact study and economic feasibility/impact study.

PREVIOUS COUNCIL DIRECTION:

Resolution/Bylaw # & Meeting Date	Details
Bylaw No. 1950 May 14, 2018	1130 Rocky Creek Road: <ul style="list-style-type: none"> • OCP designation changed from Mixed Use Waterfront” to “Industrial • This Town initiated this change as part of the Waterfront Plan
Bylaws No. 1937, No. 1938 Dec. 4, 2017	Five parcels adjacent to 1130 Rocky Creek Road: <ul style="list-style-type: none"> • OCP designation changed to Industrial • Zoning changed to Light Industrial



Resolution/Bylaw # & Meeting Date	Details
Bylaws No. 1652 & No. 1653 Dec. 15, 2008	1130 Rocky Creek Road and five adjacent parcels: <ul style="list-style-type: none"> • OCP designation changed from Industrial to Mixed Use Waterfront • Zoning changed from Light Industrial to Comprehensive Development 1 – Tourist Commercial

INTRODUCTION/BACKGROUND:



Figure 1: Subject Property

The subject property is located between the Trans-Canada Highway and Rocky Creek Road, on the west side of Ludlow Road. It is approximately 0.8 hectares in size and slopes from the highway down towards Rocky Creek Road. The intersection of Ludlow and the Trans-Canada Highway includes Ladysmith gateway signage and is a main route into the downtown via First Avenue.

The following table describes the surrounding properties:

Direction	Use
West	Vacant Light Industrial
East	Light Industrial
North	Industrial
South	Park (Bob Stuart Park) and Residential (Single Detached and Multiple Dwelling) on the opposite side of the Trans-Canada Highway

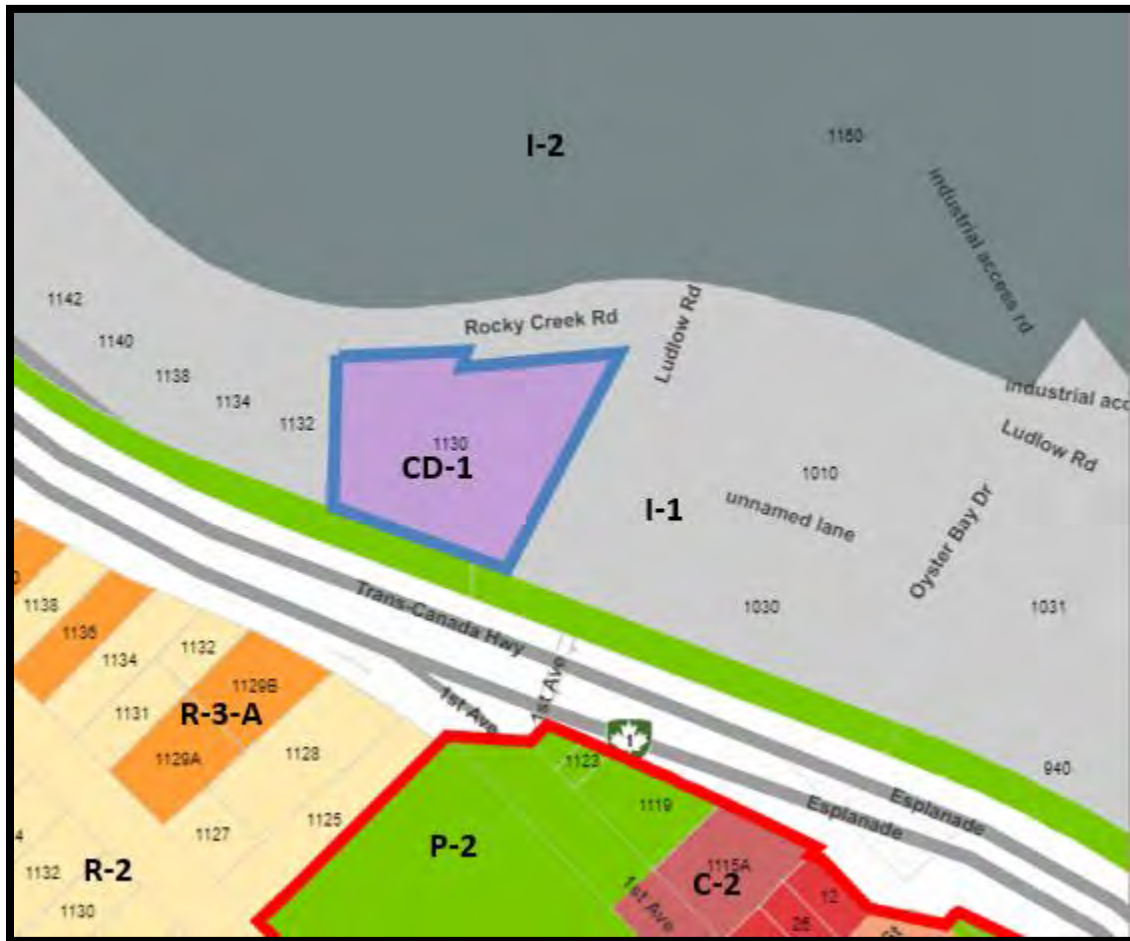


Figure 2: Surrounding Zoning

The applicant is proposing to amend the OCP designation and zoning at 1130 Rocky Creek Road to allow for a commercial plaza.

The current conceptual site plan (attached) for the commercial plaza includes (approximately) 2,180 square metres (23, 500 square feet) of commercial space which includes:

- a 930 square metre (10,000 square foot) retailer;
- two drive-through cafes/restaurants (40 seats each);
- four smaller 130 square metre (1,500 square feet) retail units; and,

- A 240 square metre (2,600 square feet) space allocated for office *or* retail space.

In 2017 a rezoning application was made for the subject property. Similar to this application, it included a range of commercial uses and a drive-through restaurant. The application was withdrawn prior to being considered by Council.

Proposed (Partial) Road Closure & Roundabout:

The applicant is proposing to purchase from the Town the portions of the road rights-of-ways adjacent to the property that are considered surplus. The identified areas include approximately 80 square metres from the Rocky Creek Road right-of-way and 980 square metres from the Ludlow right-of-way. This proposal is shown in the attached Conceptual Site Plan.

The Town's Engineering Department has been involved in the discussions with the applicant regarding surplus land in the rights-of-way, and has provided preliminary support for the suggestion. The proposal has also been circulated to the Ministry of Transportation and Infrastructure for comment. If this proposal is acceptable to the Town, there will be a process to follow for road closure and disposition.

A full traffic impact study will be required if this application proceeds. The proposal includes high-traffic uses and the subject property is located at the intersections of Rocky Creek Road, Ludlow Road, and the Trans-Canada Highway.

The Town has an upcoming project to install a roundabout at the corner of Rocky Creek Road and Ludlow Road. Some land from the subject property may need to be added to the intersection to allow space for the roundabout. The design for the roundabout is not yet complete.

ANALYSIS:

The subject property is currently designated "Industrial" (OCP Bylaw No. 1488) in the OCP, and zoned "Comprehensive Development 1 – Tourist Commercial" (Zoning Bylaw No. 1860). To accommodate the proposed development, the OCP designation would be changed to "General Commercial" and the zoning would be changed to "Shopping Centre Commercial (C-5)".

OCP and Zoning History:

The OCP designation and zoning in this area have changed several times. In 2008, the OCP designation and zoning on the subject property and five adjacent parcels on Rocky Creek Road were changed from light industrial to a comprehensive development zone.

The comprehensive development zone allowed for a hotel and related uses. The hotel development did not proceed, and in 2017 the OCP designation and zoning on the five adjacent parcels were returned to light industrial (I-1). In 2018, as part of the Waterfront Plan, the Town changed the OCP designation on the subject property from “Mixed Use Waterfront” to “Industrial”. All six properties remain vacant.

Existing Covenant on Subject Property / Community Amenity Contribution:

There is an existing covenant on the property from the 2008 development proposal. The existing covenant requires:

- Use of green building and landscaping standards;
- Provision of a transit stop;
- Provision of an outdoor public space and historical artifact acknowledging the location of the 49th Parallel; and,
- \$1,000 of amenity contribution per residential unit.

This covenant will be reviewed and staff may recommend that it be amended or replaced as part of this application, which will include a review of the proposal under the Town’s community amenity contribution policy.

Official Community Plan Bylaw No. 1488:

Economic Development, Industrial, and Commercial Policies:

OCP policies that are relevant to the proposal for the subject property include:

- Commercial development is directed principally to the downtown core and the south end (Coronation Mall), with complementary commercial areas provided to serve the mixed use waterfront as well as local neighbourhoods (Section 3.5 (8))
- The General Commercial Designation is applied to the commercial area located at Coronation Mall and is intended for commercial uses that serve a market area both within and beyond the local community, and to function as a secondary commercial focus to the downtown core (Section 3.8.1)
- The Industrial designation is applied to industrial park areas and the industrial waterfront area and is intended to accommodate industrial development and

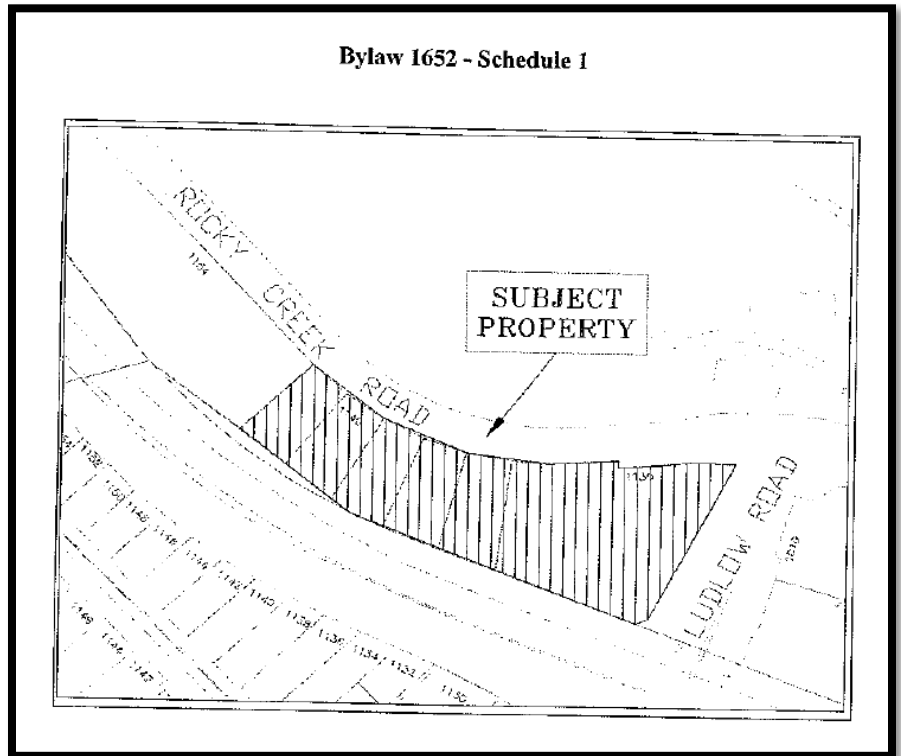


Figure 3: Subject Properties from 2008 Development Proposal

employment centres. It provides for a range of industrial and light industrial uses, and limited commercial uses to support industrial park areas (Section 3.8.1)

Waterfront Area Plan:

As part of the adoption of the Waterfront Area Plan in 2018, the OCP designation on the subject property was changed from “Waterfront Mixed Use” to “Industrial”. The subject property is not within the boundary of the waterfront plan and is approximately 450 metres northwest of the edge of the plan.

Development Permit Areas:

If the proposed development proceeds, the design and built form of the development will be important. The intersection of Ludlow Road and the Trans-Canada Highway is a gateway to Ladysmith. The subject property is within Development Permit Area (DPA) 3 – Commercial, and DPA 5 – Industrial. The applicant would be required to design the site and buildings to meet the DPA guidelines, which address building design, building siting and massing, landscaping, and other matters.

Zoning Bylaw No. 1860:

Existing Zoning: CD-1 Comprehensive Development 1 – Tourist Service

When the tourist service zoning was established on the subject property in 2008, the anticipated use was a hotel (tourist accommodation). This zoning allows for a range of uses compatible with a hotel, such as a neighbourhood pub and a farmer’s market, but specifically excludes other uses, notably retail sales, and convenience store. The existing zoning also permits up to 30 dwelling units. The proposed development is primarily retail sales with two drive-through restaurants , which is incompatible with the existing zoning on the property.

Potential Zoning Amendment: C-5 Shopping Centre Commercial

In order to accommodate the proposed development, a Zoning Bylaw amendment would likely change the property to Shopping Centre Commercial (C-5), with a site-specific provision to allow for two drive-through restaurants.

Currently, the only existing C-5 zoning in Ladysmith is located at the corner of Davis Road and the Trans-Canada Highway (the Coronation Mall, and the adjacent Dairy Queen).

New zoning for the subject property could include site-specific provisions to allow for greater flexibility for the site, for example to allow for dwelling units and/or compatible employment/industrial uses.

Drive-Through Service:

Section 6.3 of Zoning Bylaw No. 1860 specifically prohibits drive-through services in all zones. This provision was adopted as part of the 2014 review of the Zoning Bylaw. The prohibition on drive-through service was added to the Zoning Bylaw at the direction of Council.

There are four existing drive-through restaurants in Ladysmith that pre-date the 2014 Zoning Bylaw change , three at (or near) Coronation Mall (including McDonalds, Kentucky Fried Chicken, and Dairy Queen) and one on First Avenue (Tim Horton's). No additional drive-through restaurants have been authorized since the new Zoning Bylaw was adopted in 2014.

Other Recent Reports:

Two recent reports provide context for the current proposal:

- The Ladysmith Economic Development Strategy (Vann Struth Consulting Group, 2018); and
- The Cowichan Industrial Land Use Strategy (Urban Systems, 2019).

These two reports both identify lack of serviced industrial land in Ladysmith as a challenge for economic development. At 0.8 hectares, the subject property is one of the largest serviced, vacant industrial properties in Ladysmith. Staff will provide additional discussion/analysis of these two reports in relation to this application if the application proceeds.

Summary of Analysis:

Given the community vision for the waterfront, and the development trends in the area immediately surrounding 1130 Rocky Creek Road, the existing zoning on the property no longer seems appropriate. There appears to be a policy basis for retaining the industrial designation of the site and rezoning the site to industrial use. There may also be a policy basis to support the applicant's proposal, particularly if the proposed retail and commercial uses are compatible with industrial uses.

As noted above, staff are not prepared to make a recommendation at this time and will provide a more comprehensive analysis if Council directs that this application be given further consideration.

NEXT STEPS:

If this application proceeds:

- The applicant is required hold a neighbourhood information meeting.
- The applicant will be required to provide additional information including a comprehensive traffic impact study and economic feasibility/impact information.
- The application will be widely referred for comment, including internal referrals and referrals to:
 - The Stz'uminus First Nation (in accordance with the Memorandum of Understanding between the First Nation and the Town)
 - School District 68 (Nanaimo Ladysmith)
 - The Ministry of Transportation and Infrastructure
 - BC Transit
 - BC Hydro
 - The Community Planning Advisory Committee
 - The Ladysmith Chamber of Commerce
 - The Ladysmith Downtown Business Association

- The applicant may submit a development permit application, to be processed concurrently with the OCP and zoning amendment application (Note: this is not required, however the applicant has stated that they intend to submit a development permit application).

These next steps will require additional effort and expense from the applicant. Council may choose to reject the application or request revisions at any time during the application process. However, if Council is unwilling to consider this application further, rejecting the application now would spare the applicant additional effort and expense. Similarly, if Council is unwilling to consider specific aspects of the application further, or wishes to advise the applicant of specific aspects of the proposal it wishes to see prior to further consideration, now is an appropriate time to do so.

ALTERNATIVES:

1. Deny OCP and Rezoning Application No. 3360-20-01, 1130 Rocky Creek Road.
2. Direct that application 3360-20-02 (1130 Rocky Creek Road) proceed for further consideration, and,
 - a) Having considered s. 475 of the Local Government Act (consultation during OCP development) direct staff to refer application 3360-20-02 to:
 - i. Stz'uminus First Nation
 - ii. School District 68 (Nanaimo Ladysmith)
 - iii. The Community Planning Advisory Committee
 - iv. The BC Ministry of Transportation and Infrastructure, BC Transit, and BC Hydro; and
 - v. The Ladysmith Chamber of Commerce, and the Ladysmith Downtown Business Association.
 - b) Direct staff to work with the applicant regarding a potential sale of surplus road right-of-way along Rocky Creek Road and Ludlow Road adjacent to 1130 Rocky Creek Road.
3. Direct that changes be made to the proposal prior to further consideration, as specified by Council.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

If Council refuses the application:

- Council will have fulfilled the s. 460 requirement of the *Local Government Act*, that local government must consider every application for an amendment to an official community plan or zoning bylaw.
- The applicant may not reapply for a 12 month period (Development Procedures Bylaw No. 1667), unless Council passes an affirmative vote of at least two-thirds of the members of Council who are eligible to vote (*Local Government Act*, s. 460).

However, the applicant may immediately make a new application, if they make material changes to the proposed amendment(s).

If Council allows the application to proceed:

- The *Local Government Act* (s. 475) requires that when considering an amendment of an official community plan “the proposing local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.” Accordingly:

“ the local government must

- (a) consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing, and
- (b) specifically consider whether consultation is required with the following:
 - (i) the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan;
 - (ii) the board of any regional district that is adjacent to the area covered by the plan;
 - (iii) the council of any municipality that is adjacent to the area covered by the plan;
 - (iv) first nations;
 - (v) boards of education, greater boards and improvement district boards;
 - (vi) the Provincial and federal governments and their agencies.”

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

In accordance with the requirements of the Town’s procedure bylaws and the *Local Government Act*:

- the applicant will be required to hold a neighbourhood information meeting;
- the application will be referred to the Community Planning Advisory Committee;
- notification will need to be published/delivered; and,
- a Public Hearing will need to be held.

Additional public notification would be required in order to reconfigure Rocky Creek Road and Ludlow Road to sell surplus land to the applicant.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Other departments will provide comments following consideration of the application by Council.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |

- Healthy Community
- Not Applicable

- Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

- Infrastructure
- Community
- Waterfront

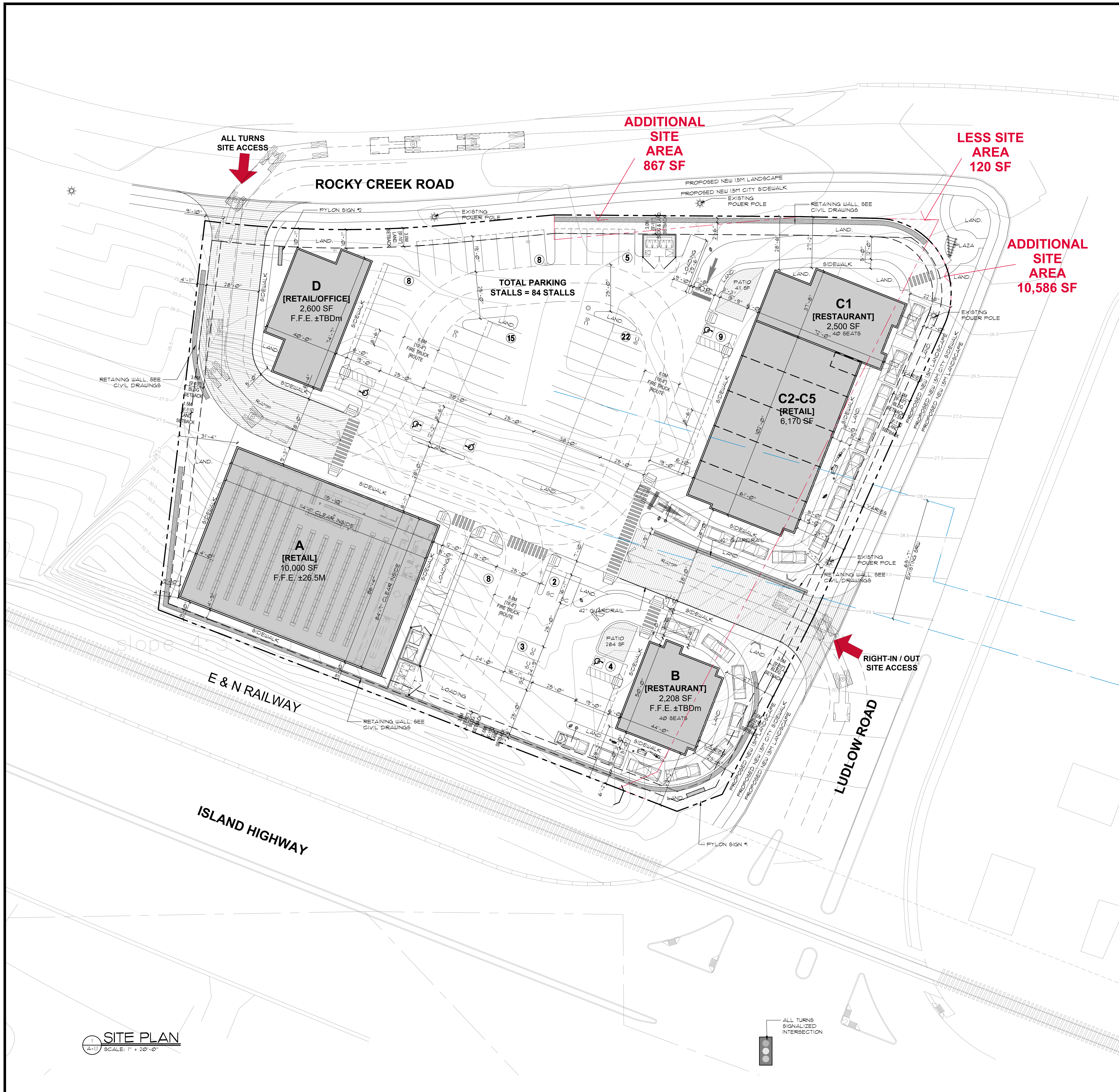
- Economy
- Not Applicable

I approve the report and recommendation(s).

Erin Anderson, Acting Chief Administrative Officer

ATTACHMENT(S):

CONCEPTUAL SITE PLAN



AERIAL PLAN
SCALE: NTS

SITE INFORMATION:

LEGAL DESCRIPTION:	LOT A, DISTRICT LOTS 24 AND 38, OYSTER DISTRICT, PLAN VIP1248
CIVIC ADDRESS:	1130 ROCKY CREEK ROAD, LADYSMITH, BC
EXISTING ZONING:	CD1 (TOURIST SERVICE)
EXIST. LOT AREA (DL 38 & DL 24):	87,177 SF (8,099 SM)
- LESS LANDS:	120 SF (11 SM)
+ ADDITIONAL LANDS:	11,453 SF (1,064 SM)
PROPOSED LOT AREA:	98,510 SF (9,152 SM)
BUILDING AREA (G.F.A.):	23,478 SF (2,181 SM)
LOT COVERAGE:	23,478 SF / 100,140 SF x 100 = 23.4%
FLOOR AREA RATIO: (MAX. 0.6)	0.234

GROSS FLOOR AREAS:

PROPOSED BUILDING AREAS:	
BUILDING A [RETAIL]:	10,000 SF (929 SM)
BUILDING B [RESTAURANT]:	2,208 SF (205 SM)
BUILDING C1 [RESTAURANT]:	2,500 SF (232 SM)
BUILDING C2-C5 [RETAIL]:	6,170 SF (573 SM)
BUILDING D [RETAIL OR OFFICE]:	2,600 SF (242 SM)
TOTAL GROSS FLOOR AREA:	23,478 SF (2,181 SM)

PARKING REQUIREMENTS:

TOTAL PARKING REQUIRED:	75 STALLS
TOTAL PARKING PROVIDED:	84 STALLS + 21 D/T QUEUE = 105 STALLS
PARKING RATIO (INCL. D/T QUEUE):	4.5 / 1,000 SF & 4.8 / 100 SM
PARKING PROV'D BREAKDOWN:	REGULAR STALLS = 71 (84.5%) HANDICAPPED STALLS = 5 (6.0%) SMALL CARS = 8 (9.5%)

PARKING REQUIREMENTS & CALCULATIONS:

RETAIL OR OFFICE (1 PER 323 SF (30 SM) GFA) = 18,770 SF / 323 SF = 58.1 STALLS	
RESTAURANT OR COFFEE SHOP (1 PER 5 SEATS) = 80 SEATS / 5 = 16 STALLS	
TOTAL PARKING REQUIRED =	74.1 STALLS
COMMERCIAL LOADING: 2 PER 5,393SF (501 SM) TO 26,910 SF (2500 SM) = 2	

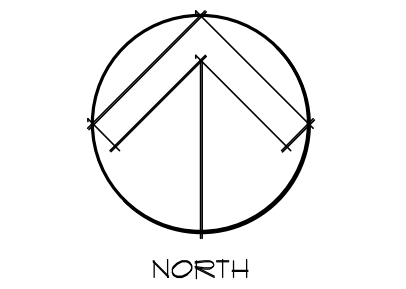
PARKING SIZES:

REGULAR CAR STALL	2.6m (8'-6") x 5.8m (19'-0")
HANDICAP CAR STALL (MIN. 5% OF REQ'D)	3.7m (12'-2") x 5.8m (19'-0")
SMALL CAR STALL (MAX 25% OF REQ'D)	2.5m (8'-3") x 4.9m (16'-1")
LOADING SPACE	3.0m (9'-10") x 9.0m (29'-6")
MANOEUVERING AISLE	7.3m (24'-0")
*ADD 0.6m (2'-0") TO ANY PARKING STALL ADJACENT TO A FENCE, WALL, STRUCTURE	

GENERAL NOTE:
BOUNDARIES SHOWN HEREON ARE DERIVED FROM EXISTING RECORDS AND MUST BE CONFIRMED BY SURVEY PRIOR TO THE DETERMINATION OF DIMENSIONS OR AREAS FOR DEVELOPMENT PURPOSES.

SITE PLAN
SCALE: 1" = 20'-0"

20/05/20	ISSUED FOR REVIEW
11/06/20	ISSUED FOR PERMIT
06/07/20	DESCRIPTION
06/07/20	DESCRIPTION
06/07/20	DESCRIPTION



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consultant

COMMERCIAL DEVELOPMENT
1130 Rocky Creek Road, Ladysmith, BC
For OYSTER HARBOUR DEVELOPMENT CORP.



420 - 745 THURLOW ST
VANCOUVER, BC V6E 0C5
TELEPHONE 604-687-2334

project number **4874**

sheet title **SITE PLAN OPTION 5**

date 2020-05-11 sheet number
scale AS NOTED
drawn CDC
checked AW
A=1:1



MINUTES

Community Planning Advisory Committee

Wednesday, August 5, 2020 at 7:00 p.m.
Aggie Hall (1110 1st Avenue)

PRESENT: Acting Chair – Jason Harrison; Members – Brian Childs, Tamara Hutchinson, Jennifer Sibbald; Council Liaison – Tricia McKay; Senior Planner & Recorder – Christina Hovey, Planner – Julie Thompson

ABSENT: Members – Tony Beckett, Steve Frankel, Lacey McRae Williams

GUESTS: Applicants – Robyn Kelln, Ashley Garib

The meeting was called to order at 7:10 p.m.

1. SELECTION OF ACTING CHAIR

That in the absence of Lacey McRae Williams, it was moved, seconded and carried that Jason Harrison act as the meeting chair. Jason Harrison opened the meeting by recognizing the traditional territory of the Stz'uminus First Nation.

1. AGENDA APPROVAL

It was moved, seconded and carried that the Agenda of August 5, 2020 be approved.

2. ADOPTION OF MAY 6, 2020 MINUTES

It was moved, seconded and carried that the Minutes of May 6, 2020 be approved.

3. COUNCIL REFERRALS

a. OCP & Zoning Bylaw amendment application

3360-19-02 (Lot 20 Trans Canada Hwy & 670 Farrell Road)

Applicant Robyn Kelln was available to answer Community Planning Advisory Committee (CPAC) questions.

CPAC did not provide a recommendation on whether they support the OCP and Zoning Bylaw amendment; however, they identified the following issues that Council should take into consideration:

- Protection of the natural environment and preserving the mature trees that are currently on the property.
- Traffic and especially highway access at Davis Road, this is already an existing issue, but the proposed development will contribute additional traffic to the intersection.
- Parkland dedication/greenspace should be required rather than cash-in-lieu. It is important for the new residents to have access to greenspace.
- Connecting the community to the Town's trail network should be a priority.

b. OCP & Zoning Bylaw amendment application

3360-20-02 (1130 Rocky Creek Road)

Applicant Ashley Garib introduced the application and was available to answer CPAC questions.

It was moved, seconded and carried that the Community Planning Advisory Committee:

1. Supports the OCP & Zoning Bylaw amendment to allow for commercial uses on 1130 Rocky Creek Road.
2. Supports allowing drive-through restaurants at 1130 Rocky Creek Road, but consideration should be given to requiring a logical offset to potential carbon emissions/air pollution impacts, for example by requiring electric vehicle quick charge stations.
3. Recommends that Council take the following items into consideration regarding application 3360-20-02 (1130 Rocky Creek Road):
 - Electric vehicle quick charge stations should be required.
 - The property should be as “green” as possible maximizing landscaped/permeable areas, and using low-impact methods for rainwater management.
 - The property is a gateway into Ladysmith.

It was moved, seconded and carried that the Community Planning Advisory Committee (CPAC) did not have enough information to comment on the form and character of the proposed development at 1130 Rocky Creek Road. The Committee requests that Council refer additional information about the proposed form and character to a future CPAC meeting.*

4. NEW BUSINESS
None.

5. MONTHLY BRIEFING
None.

6. NEXT MEETING - TBD

7. ADJOURNMENT

It was moved, seconded and carried that the meeting be adjourned at 9:05 pm.

Acting Chair (J. Harrison)

RECEIVED:

Corporate Officer (D. Smith)

*Note: High-level information was provided to CPAC so they could provide preliminary input into the proposed form and character of the development. The full development permit application (DP 3060-20-19) has not been referred to CPAC. Under the CPAC Terms of Reference, only Development Permits within the Downtown are referred to CPAC, however Council may choose to refer any application to CPAC.

STAFF REPORT CPAC

Report Prepared By: Julie Thompson, Planner
Meeting Date: August 5, 2020
File No: 3360-20-02
RE: OCP & ZONING AMENDMENT APPLICATION - 1130
ROCKY CREEK ROAD

EXECUTIVE SUMMARY:

The applicant is proposing to amend the OCP designation and zoning at 1130 Rocky Creek Road to allow a commercial plaza. The subject property is currently designated "Industrial" (OCP Bylaw No. 1488) in the OCP, and zoned "Comprehensive Development 1 - Tourist Commercial" (Zoning Bylaw No. 1860). To accommodate the proposed development, the OCP designation would be changed to "General Commercial" and the zoning would be changed to "Shopping Centre Commercial (C-5)".

The Community Planning Advisory Committee (CPAC) is being asked to provide comments regarding the proposed land use changes as well as form and character elements of the proposal.

PREVIOUS COUNCIL DIRECTION:

On July 7th, 2020 Council directed that the application proceed for further consideration and directed that staff discuss the following list with the applicant prior to further consideration:

- Clarify regarding the roundabout and provisions within the development to ensure that it can be accommodated
- The possible provision of electric vehicle chargers, particularly fast chargers (not level two)
- A request for clarity regarding signage design prior to the application proceeding
- Ensurance that the trees and buildings in the development have power to accommodate the Town's annual Light Up and other events
- A review of the existing covenant regarding the 49th Parallel sign
- Provision for future hydrogen filling if a gas station is included in the plan
- Plans to tie in Ladysmith's heritage by installing an artifact
- The possibility of a public art installation in keeping with the Town's Public Art Strategy
- The possibility of installing a lit commodity reader board

- The Town’s request for a simultaneous submission of the Zoning Amendment application with the Development Permit to ensure control of form and character
- The Town’s request for more than average tree coverage and landscaping standards
- The Town’s request to incorporate design elements that are of “Gateway to Community” caliber
- The possible provision of a transit stop within the development or on the road in front of the development

Minutes from the July 7th Council meeting regarding the rezoning application are attached to this report.

INTRODUCTION/BACKGROUND:



Figure 1: Subject Property

The subject property is located between the Trans-Canada Highway and Rocky Creek Road, on the west side of Ludlow Road. It is approximately 0.8 hectares in size and slopes from the highway down towards Rocky Creek Road. The intersection of Ludlow and the Trans-Canada Highway includes Ladysmith gateway signage and is a main route into the downtown via First Avenue.

The following table describes the surrounding properties:

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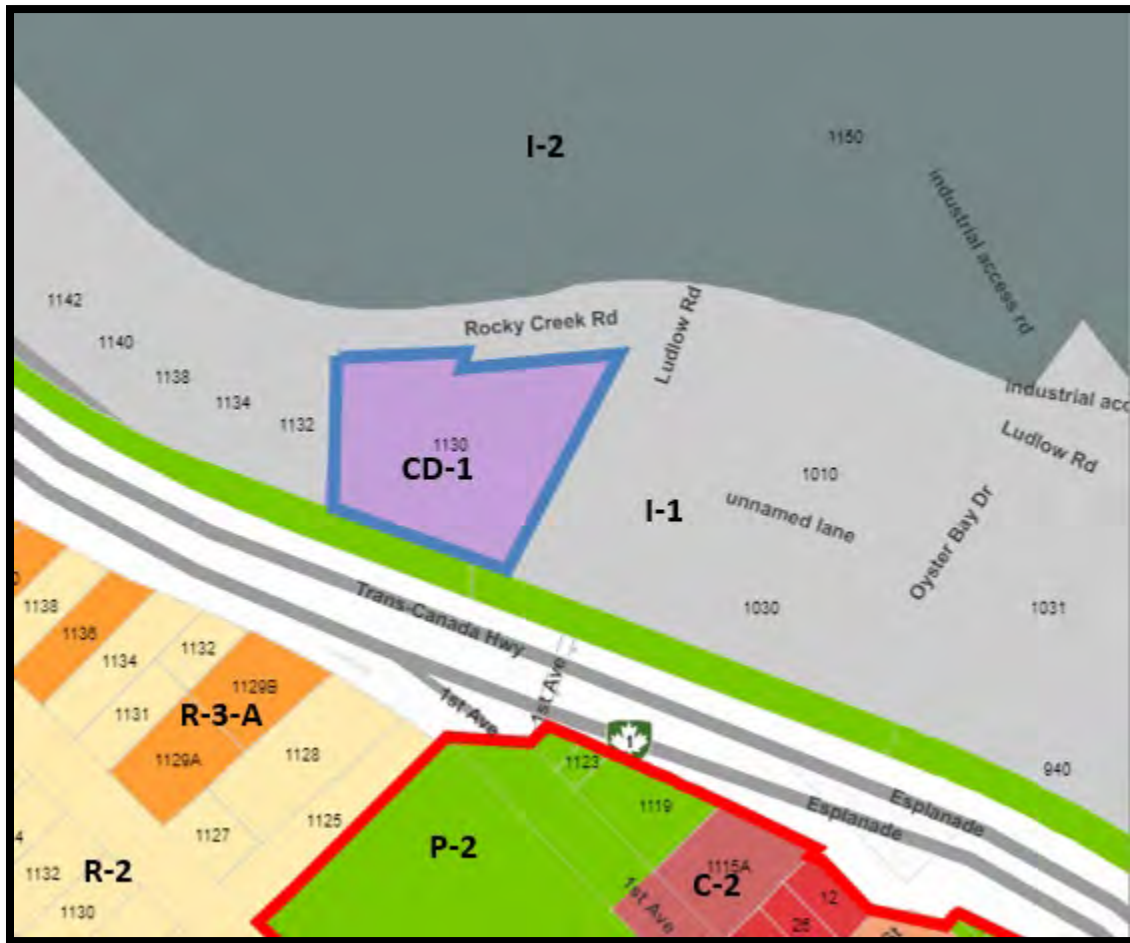


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- two drive-through cafes/restaurants (40 seats each);
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- A 240 square metre (2,600 square feet) space allocated for office *or* retail space.

In 2017 a rezoning application was made for the subject property. Similar to this application, it included a range of commercial uses and a drive-through restaurant. The application was withdrawn prior to being considered by Council.

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The Town's Engineering Department has been involved in the discussions with the applicant regarding surplus land in the rights-of-way, and has provided preliminary support for the suggestion. The proposal has also been circulated to the Ministry of Transportation and Infrastructure for comment. If this proposal is acceptable to the Town, there will be a process to follow for road closure and disposition. On July 7, 2020 Council directed staff to work with the applicant regarding the potential road closure and sale/transfer of surplus land.

A full traffic impact study will be required if this application proceeds. The proposal includes high-traffic uses and the subject property is located at the intersections of Rocky Creek Road, Ludlow Road, and the Trans-Canada Highway.

The Town has an upcoming project to install a roundabout at the corner of Rocky Creek Road and Ludlow Road. Some land from the subject property may need to be added to the intersection to allow space for the roundabout. The design for the roundabout is not yet complete.

ANALYSIS:

The subject property is currently designated "Industrial" (OCP Bylaw No. 1488) in the OCP, and zoned "Comprehensive Development 1 - Tourist Commercial" (Zoning Bylaw No. 1860). To accommodate the proposed development, the OCP designation would be changed to "General Commercial" and the zoning would be changed to "Shopping Centre Commercial (C-5)".

OCP and Zoning History:

The OCP designation and zoning in this area have changed several times. In 2008, the OCP designation and zoning on the subject property and five adjacent parcels on Rocky Creek Road were changed from light industrial to a comprehensive development zone.

The comprehensive development zone allowed for a hotel and related uses. The hotel development did not proceed, and in 2017 the OCP designation and zoning on the five adjacent parcels were returned to light industrial (I-1). In 2018, as part of the Waterfront Plan, the Town changed the OCP designation on the subject property from “Mixed Use Waterfront” to “Industrial”. All six properties remain vacant.

Existing Covenant on Subject Property / Community Amenity Contribution:

There is an existing covenant on the property from the 2008 development proposal. The existing covenant requires:

- Use of green building and landscaping standards;
- Provision of a transit stop;
- Provision of an outdoor public space and historical artifact acknowledging the location of the 49th Parallel; and,
- \$1,000 of amenity contribution per residential unit.

This covenant will be reviewed and staff may recommend that it be amended or replaced as part of this application, which will include a review of the proposal under the Town’s community amenity contribution policy.

Official Community Plan Bylaw No. 1488:

Economic Development, Industrial, and Commercial Policies:

OCP policies that are relevant to the proposal for the subject property include:

- Commercial development is directed principally to the downtown core and the south end (Coronation Mall), with complementary commercial areas provided to serve the mixed use waterfront as well as local neighbourhoods (Section 3.5 (8))

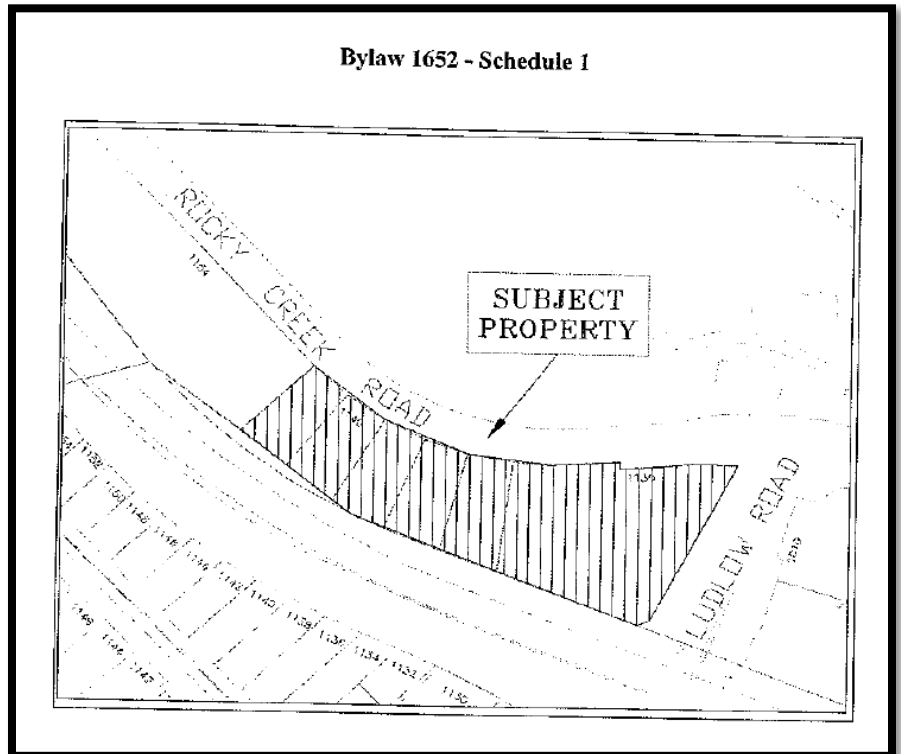


Figure 3: Subject Properties from 2008 Development Proposal

- The General Commercial Designation is applied to the commercial area located at Coronation Mall and is intended for commercial uses that serve a market area both within and beyond the local community, and to function as a secondary commercial focus to the downtown core (Section 3.8.1)
- The Industrial designation is applied 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 park areas (Section 3.8.1)

Waterfront Area Plan:

As part of the adoption of the Waterfront Area Plan in 2018, the OCP designation on the subject property was changed from “Waterfront Mixed Use” to “Industrial”. The subject property is not within the boundary of the waterfront plan and is approximately 450 metres northwest of the edge of the plan.

Development Permit Areas:

If the proposed development proceeds, the design and built form of the development will be important. The intersection of Ludlow Road and the Trans-Canada Highway is a gateway to Ladysmith. The subject property is within Development Permit Area (DPA) 3 – Commercial, and DPA 5 – Industrial. The applicant would be required to design the site and buildings to meet the DPA guidelines, which address building design, building siting and massing, landscaping, and other matters. At the request of Council, the applicant has submitted a DP application in tandem with the rezoning application. The DP site plan, conceptual design renderings, and signage plan are attached to this report for reference. At the time of writing this report, the DP application has not yet been reviewed by staff.

Zoning Bylaw No. 1860:

Existing Zoning: CD-1 Comprehensive Development 1 – Tourist Service

When the tourist service zoning was established on the subject property in 2008, the anticipated use was a hotel (tourist accommodation). This zoning allows for a range of uses compatible with a hotel, such as a neighbourhood pub and a farmer’s market, but specifically excludes other uses, notably retail sales, and convenience store. The existing zoning also permits up to 30 dwelling units. The proposed development is primarily retail sales with two drive-through restaurants, which is incompatible with the existing zoning on the property.

Potential Zoning Amendment: C-5 Shopping Centre Commercial

In order to accommodate the proposed development, a Zoning Bylaw amendment would likely change the property to Shopping Centre Commercial (C-5), with a site-specific provision to allow for two drive-through restaurants.

Currently, the only existing C-5 zoning in Ladysmith is located at the corner of Davis Road and the Trans-Canada Highway (the Coronation Mall and the adjacent Dairy Queen).

New zoning for the subject property could include site-specific provisions to allow for greater flexibility for the site, for example to allow for dwelling units and/or compatible employment/industrial uses.

Drive-Through Service:

Section 6.3 of Zoning Bylaw No. 1860 specifically prohibits drive-through services in all zones. This provision was adopted as part of the 2014 review of the Zoning Bylaw. The prohibition on drive-through service was added to the Zoning Bylaw at the direction of Council.

There are four existing drive-through restaurants in Ladysmith that pre-date the 2014 Zoning Bylaw change, three at (or near) Coronation Mall (including McDonalds, Kentucky Fried Chicken, and Dairy Queen) and one on First Avenue (Tim Horton's). No additional drive-through restaurants have been authorized since the new Zoning Bylaw was adopted in 2014.

Other Recent Reports:

Two recent reports provide context for the current proposal:

- The Ladysmith Economic Development Strategy (Vann Struth Consulting Group, 2018); and
- The Cowichan Industrial Land Use Strategy (Urban Systems, 2019).

These two reports both identify lack of serviced industrial land in Ladysmith as a challenge for economic development. At 0.8 hectares, the subject property is one of the largest serviced, vacant industrial properties in Ladysmith.

Summary of Analysis:

Given the community vision for the waterfront, and the development trends in the area immediately surrounding 1130 Rocky Creek Road, the existing zoning on the property no longer seems appropriate. There appears to be a policy basis for retaining the industrial designation of the site and rezoning the site to industrial use. There may also be a policy basis to support the applicant's proposal, particularly if the proposed retail and commercial uses are compatible with surrounding industrial uses.

Neighbourhood Information Meeting:

The applicant held a neighbourhood information meeting (NIM) on July 23rd, 2020 at the Eagle's Hall. At the time of writing this report, a summary the views expressed by the public at the NIM has not been received from the applicant. However, the applicant has provided the description of the proposal that was shared at the NIM, which is attached to this report.

NEXT STEPS:

CPAC is being asked to provide comments on the proposed Zoning Bylaw and OCP amendment application for a commercial plaza at 1130 Rocky Creek Road. CPAC may also provide comments regarding the form and character proposed for the site. CPAC's

comments will be forwarded to Council when the application proceeds to Council for 1st and 2nd reading.

ATTACHMENT(S):

Applicant Proposal Description (Prepared for Neighbourhood Information Meeting)

DP Site Plan

DP Conceptual Design

DP Signage Design

July 7th Council Meeting Minutes

Commercial Development
1130 Rocky Creek Road, Ladysmith BC



Prepared for Neighbourhood Information Meeting
Oyster Harbour Development Corp
Ashley Garib, (604) 970-8042
Email: ashley.g@telus.net
July 20, 2020

Development Information

Oyster Harbour Development Corp. is pleased to present the proposed development for 1130 Rocky Creek Road. This development information summary will provide a high-level overview of the proposed development.

- Oyster Harbour Development Corp. is a single purpose company, incorporated for the purposes of this development. The name Oyster Harbour is used for its historical significance to the Town of Ladysmith. The parent corporation Joshua Development Corporation is privately held and has been active in real estate development since the company's founding in 1993 by its President, Ashley Garib. Ashley has 32 years of real estate development experience. Joshua Development Corporation works with BC communities to develop properties into thriving spaces while achieving their mutual development goals.
- Property History – The Property was sold to Oyster Harbour Development Corp. by the previous mortgagee who obtained it through foreclosure. The previous owner has been involved with this property and the adjacent lots since 2006. Multiple developments have been proposed for the site in this time period including warehouses, condos and a hotel. These previous proposed developments were viewed to be not economically feasible and have resulted in the land remaining vacant.
- Our analysis has determined this site is not suited for residential uses as previously proposed. This was demonstrated by the poor uptake of the previous condo units above the warehouses on the adjacent lots. A key consideration with this site is the busy highway and commercial businesses nearby, which is a less desirable location for residents generally and especially in a community that has alternative areas more suitable for residential growth. Residents generally prefer quieter locations. Particularly families with young children who would have safety concerns being located so close to a major thoroughfare. Also, we understand that the adjacent lots were recently bought out of foreclosure by CO OP with the intention to develop a gas station and convenience store, which further reduces the desirability of residential in this location.
- The sloping topography allows only for a portion of the site to be developed. This would limit the loading areas and circulation as well as “storefronts” for customer access. These are key components to the success of Light Industrial and Industrial developments. The limited yield of area for development coupled with the extensive site preparation and construction of retaining walls will drive the overall project cost up. Therefore, pushing Light Industrial and Industrial rents far beyond what the market could bear for Ladysmith. This makes the Industrial model unfeasible.

- Our analysis has shown that this site is well positioned for commercial development with services such as quick service restaurants and retailers. Attributes that support this as the highest and best use of this property include exposure and access to the highway, which are key components for commercial retail and convenience centres.
- This is an opportunity to add commercial activity and services in the Town of Ladysmith. This in turn will increase the tax base, create new employment opportunities, and improve the aesthetics for the community (see attached Economic Opportunity Estimates on page 5).
- National Tenants have committed with long term leases and have targeted opening in Spring 2021. Construction will begin immediately once The Town of Ladysmith approves all permits and zoning. To meet these timelines, site preparation of “cutting and filling” the steeply sloped site is best done in the drier summer months, when the moving of soils is most efficient. Current environmental and geotechnical studies have been completed, as well as preliminary civil engineering design. Construction of the buildings will be carried out over a 6-8 month timeframe.
- These prospective Tenants will provide employment with benefits such as extended medical, dental, and post secondary tuition support. They also invest in their local communities and want to establish long term ties. (see attached Economic Opportunity Estimates on page 5).
- Economic stability of large national Tenants – they have the means to largely withstand recessions and economic downturns being part of a national network and revenue program. This helps commercial spaces stay vibrant and avoids vacancies. This property is a “gateway” to the Town of Ladysmith making it important to maintain thriving businesses at the entry into the community. In addition, this sustains services and maintains economic stability during troubled times such as the current pandemic.
- Key factors driving location selection for these Tenants are the highway visibility and access as well as the size of their premises and required parking to accommodate their customers. There are not suitable sites with the visibility and square footage required at either Coronation Mall or in the Downtown area. These Tenants serve different customers than businesses in the Downtown area.
- The site plan (see attached Preliminary Site Plan on page 6) has been designed to enhance walkability while ensuring that people in transit on the highway can easily access the businesses. The drive thru capability will increase convenient service to a cross section of customers including; accessibility for people with physical disabilities, with young children, and seniors. This is another factor that keeps these businesses viable and is part of a well established and proven business model.

- The buildings (see attached Preliminary Renderings on pages 7-8) have been designed in accordance with community aesthetics and will have high end building materials used throughout.
- The aim is to provide a good balance between the heritage of the Waterfront and Downtown coupled with the need of residents and visitors to access convenience services close by.

Key Points

- This site has remained vacant for 15+ years despite multiple attempts at residential and industrial developments. Multiple factors outlined above demonstrate that commercial development is the highest and best use for this property.
- The Town of Ladysmith and its residents stand to benefit economically from this development both through an increase in tax base and the creation of stable employment opportunities. The national Tenants that will locate here are invested in the community's development for the long run. To get an idea of the economic benefits, please see attached Economic Opportunity Estimates on page 5.
- The required environmental and geotechnical studies have already been completed and Tenants have committed to the project with long term leases. Once development permits and zoning approvals are received by the developer, construction will begin immediately. Ladysmith will realize the economic opportunities from this development in a short timeframe creating ongoing employment. The targeted opening for this project is Spring 2021.
- The site will be developed complimentary to the Town of Ladysmith's plans to revitalize the Waterfront and Downtown areas. The buildings will be designed in accordance with community aesthetics, will have high end building materials used throughout and will help increase the vibrancy of the area.

Economic Opportunity Estimates

CURRENT STATUS - VACANT LAND	in \$'s	Number of Jobs	Benefit
Property Taxes	\$16,238		✓
Employment	\$0	0	✗
Employment benefits - pension, medical, dental, post-secondary Contributions etc.			✗
Construction	\$0	0	✗
Service Revenue - garbage removal, landscaping, common area maintenance etc.	\$0	0	✗
CURRENT ECONOMIC BENEFITS	\$16,238	0	
CONSTRUCTION PHASE			
Property Taxes	\$16,238		✓
Employment	\$0	0	✗
Employment benefits - pension, medical, dental, post-secondary Contributions etc.			✓
Construction	\$7,000,000	100	✓
Service Revenue - garbage removal, landscaping, common area maintenance etc.	\$20,000	4	✓
ECONOMIC BENEFITS DURING CONSTRUCTION PHASE	\$7,036,238	104	
COMPLETED DEVELOPMENT			
Property Taxes	\$176,000		✓
Employment	\$1,800,000	120	✓
Employment benefits - pension, medical, dental, post-secondary Contributions etc.			✓
Construction	\$0	0	✗
Service Revenue - garbage removal, landscaping, common area maintenance etc.	\$108,000	10	✓
ANNUAL PERPETUAL ECONOMIC BENEFIT OF COMPLETED DEVELOPMENT	\$2,084,000	130	

Preliminary Renderings

Overview



View from Intersection - Northeast



View from Rocky Creek Access - Southwest



View from Parking Lot - Southwest





1	20/07/20	DP APPLICATION
	no	by/mm/YY description
		revisions

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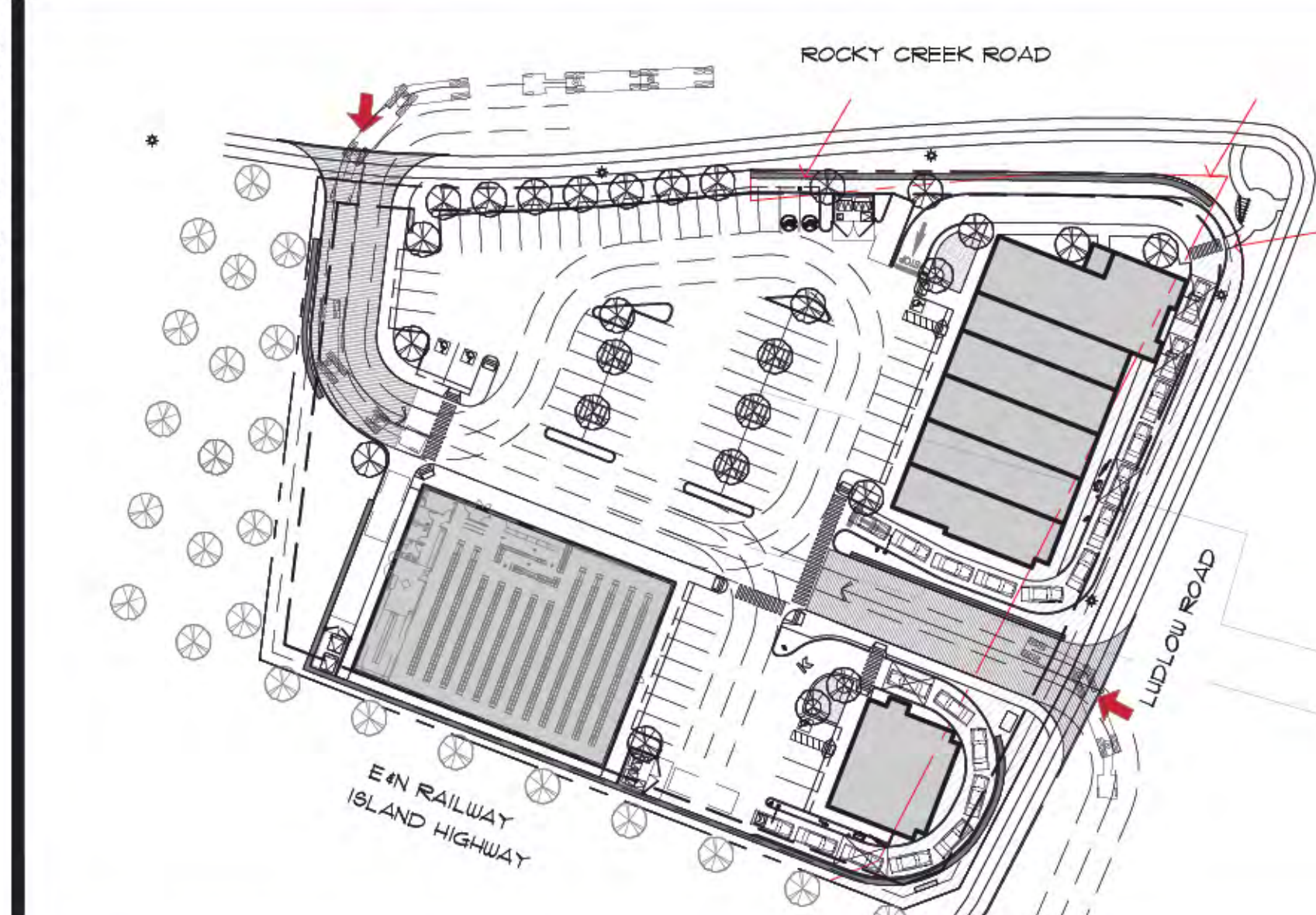
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consultant

AERIAL KEY PLAN



SITE KEY PLAN



PROJECT DATA	CIVIC ADDRESS	1130 ROCKY CREEK ROAD LADYSMITH, BC	OWNER OYSTER HARBOUR DEVELOPMENT CORP. Ashley M. Garib 3750 St. Paul's Ave North Vancouver BC Phone : 604.570.8042 Cellphone : 604.570.8042 E-mail : ashley.g@ohd.us.net	ARCHITECT URBAN DESIGN GROUP ARCHITECTS LTD. Fariba Ghareei, Architect AIBC 4420 - 745 Thurlow Street Vancouver, B.C. V6C 5S5 Phone : 604.687.2334 Cellphone : 604.329.7050 E-mail : faribag@udga.com	CIVIL HEROLD ENGINEERING Patrick Ryan, P.Eng. Principal Herold Engineering Limited pr: 250.725.9558 c: 250.713.4450 a: 3701 Sinton Road Nanaimo, BC V9T 2H1 e: P.Ryan@heroldengineering.com www.heroldengineering.com	SURVEYOR MCELHANNY ASSOCIATES LAND SURVEYING LTD. Tyson Quackebush Suite #1-1351 Estevan Road Nanaimo, BC V9S 3Y3 Phone : 250.716.3336; 778.762.8654 Cellphone : 778.268.1358 E-mail : tyquackebush@mcelhannay.com	TRAFFIC Madine King, P.Eng., PTOE Regional Lead, Transportation 1250-368-5077 ext. 423 D 250-410-1029 C 250-634-4112 E mking@wattconsultinggroup.com	LEGAL DESCRIPTION	LOT A, DISTRICT LOTS 24 AND 38, OYSTER DISTRICT, PLAN VIP71248	DRAWING LIST	ARCHITECTURAL	A-0.0 COVER SHEET A-1.1 SITE PLAN A-1.2 PYLON SIGN AND STREETScape A-A2.1 BLDG A FLOOR PLAN A-A2.2 BLDG A ROOF PLAN A-A-3.1 BLDG A EXTERIOR ELEVATIONS A-A-3.2 BLDG A EXTERIOR MATERIALS AND FINISHES A-A-3.3 BLDG A EXTERIOR RENDERING A-A-3.4 BLDG A EXTERIOR SIGNAGE A-B-2.1 BLDG B FLOOR PLAN A-B-2.2 BLDG B ROOF PLAN A-B-3.1 BLDG B EXTERIOR ELEVATIONS A-B-3.2 BLDG B EXTERIOR MATERIALS AND FINISHES A-B-3.3 BLDG B EXTERIOR RENDERING A-B-3.4 BLDG B EXTERIOR SIGNAGE A-C-2.1 BLDG C FLOOR PLAN A-C-2.2 BLDG C ROOF PLAN A-C-3.1 BLDG C EXTERIOR ELEVATIONS A-C-3.2 BLDG C EXTERIOR MATERIALS AND FINISHES A-C-3.3 BLDG C EXTERIOR RENDERING A-C-3.4 BLDG C EXTERIOR SIGNAGE	LANDSCAPE	L-1 LANDSCAPE PLAN L-1A LANDSCAPE DETAILS	SURVEY	00348-0-V-1 SK TOPOGRAPHIC SURVEY
	ZONING	CD1 (TOURIST SERVICE)						ARCHITECTURAL			LANDSCAPE					
	PROJECT DESCRIPTION	PROPOSED COMMERCIAL DEVELOPMENT CONSISTING OF NEW SITE DEVELOPMENT AND NEW CONSTRUCTION OF 3 ONE-STORY COMMERCIAL BUILDINGS						ARCHITECTURAL			LANDSCAPE					
	DEVELOPMENT PERMIT	DP NUMBER: N/A APPROVED DATE: N/A						ARCHITECTURAL			LANDSCAPE					

COMMERCIAL DEVELOPMENT
1130 Rocky Creek Road, Ladysmith, BC
For OYSTER HARBOUR DEVELOPMENT CORP.



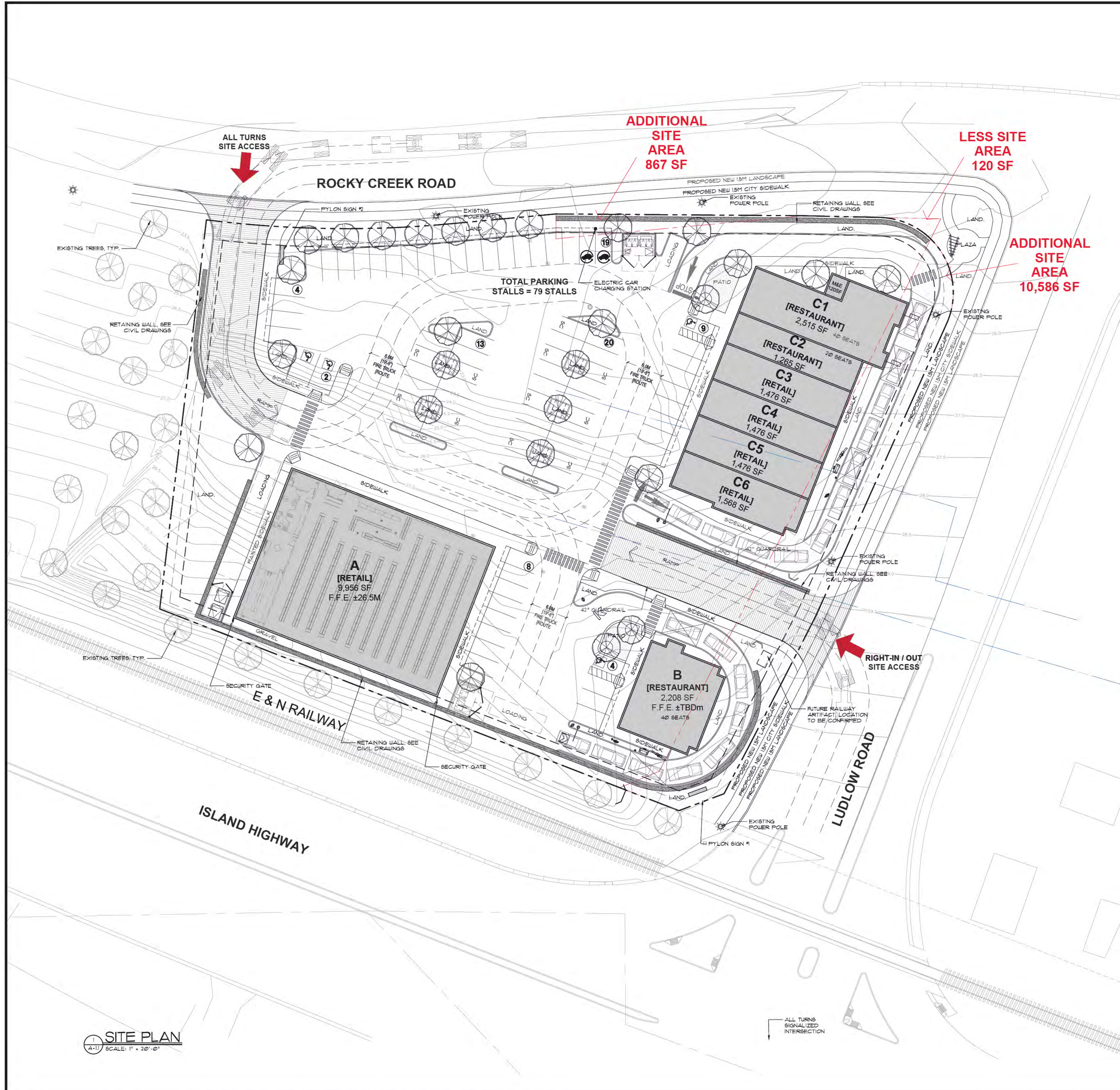
420 - 745 THURLOW ST
VANCOUVER, BC V6C 5S5
TELEPHONE 604 687 2334

project number **4874**

sheet 15a

COVER SHEET

date 2020-07-14 sheet number
scale AS NOTED
draw MM
checked BJ/RS/MM
A-0.0



2 AERIAL PLAN
SCALE: NTS

SITE INFORMATION:

LEGAL DESCRIPTION:	LOT A, DISTRICT LOTS 24 AND 38, OYSTER DISTRICT, PLAN VIP71248
CIVIC ADDRESS:	1130 ROCKY CREEK ROAD, LADYSMITH, BC
EXISTING ZONING:	CD1 (TOURIST SERVICE)
EXIST. LOT AREA (DL 38 & DL 24):	87,177 SF (8,099 SM)
- LESS LANDS:	120 SF (11 SM)
+ ADDITIONAL LANDS:	11,453 SF (1,064 SM)
PROPOSED LOT AREA:	98,510 SF (9,152 SM)
BUILDING AREA (G.F.A.):	22,060 SF (2,050 SM)
LOT COVERAGE:	22,060 SF / 100,140 SF x 100 = 22.0%
FLOOR AREA RATIO (MAX. 0.6)	0.220

GROSS FLOOR AREAS:

PROPOSED BUILDING AREAS:	
BUILDING A [RETAIL]:	9,956 SF (925 SM)
BUILDING B [RESTAURANT]:	2,208 SF (205 SM)
BUILDING C1 [RESTAURANT]:	2,515 SF (234 SM)
BUILDING C2 [RESTAURANT]:	1,265 SF (118 SM)
BUILDING C3-C6 [RETAIL] + M&E ROOM:	6,116 SF (568 SM)
TOTAL GROSS FLOOR AREA:	22,060 SF (2,050 SM)

PARKING REQUIREMENTS:

TOTAL PARKING REQUIRED:	70 STALLS
TOTAL PARKING PROVIDED:	79 STALLS + 21 D/T QUEUE = 100 STALLS
PARKING RATIO (INCL. D/T QUEUE):	4.5 / 1,000 SF & 4.9 / 100 SM
PARKING PROVD BREAKDOWN:	REGULAR STALLS = 64 (81.0%) HANDICAPPED STALLS = 4 (5.1%) SMALL CARS = 11 (13.9%)

PARKING REQUIREMENTS & CALCULATIONS:

RETAIL OR OFFICE (1 PER 323 SF (30 SM) GFA) = 16,072 SF / 323 SF = 49.76 STALLS
RESTAURANT OR COFFEE SHOP (1 PER 5 SEATS) = 100 SEATS / 5 = 20 STALLS
TOTAL PARKING REQUIRED = 69.76 STALLS
COMMERCIAL LOADING: 2 PER 5,393 SF (501 SM) TO 26,910 SF (2500 SM) = 2

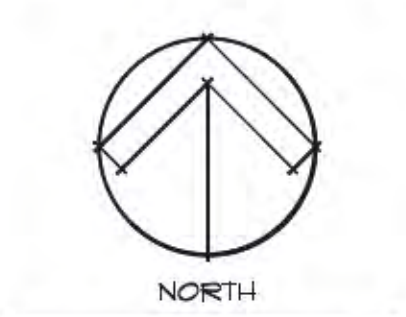
PARKING SIZES:

REGULAR CAR STALL	2.6m (8'-6") x 5.8m (19'-0")
HANDICAP CAR STALL (MIN. 5% OF REQ'D)	3.7m (12'-2") x 5.8m (19'-0")
SMALL CAR STALL (MAX 25% OF REQ'D)	2.5m (8'-3") x 4.9m (16'-1")
LOADING SPACE	3.0m (9'-10") x 9.0m (29'-6")
MANOEUVERING AISLE	7.3m (24'-0")
*ADD 0.6m (2'-0") TO ANY PARKING STALL ADJACENT TO A FENCE, WALL, STRUCTURE	

GENERAL NOTE:
BOUNDARIES SHOWN HEREON ARE DERIVED FROM EXISTING RECORDS AND MUST BE CONFIRMED BY SURVEY PRIOR TO THE DETERMINATION OF DIMENSIONS OR AREAS FOR DEVELOPMENT PURPOSES.

1 SITE PLAN
SCALE: 1" = 20'-0"

2	20/07/21	ISSUED FOR DP
1	20/07/21	ISSUED FOR REVIEW
1	20/04/03	ISSUED R2/03P AMENDMENT
no by/mm/YY description		
revisions		



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consultant

COMMERCIAL DEVELOPMENT
1130 Rocky Creek Road, Ladysmith, BC
For OYSTER HARBOUR DEVELOPMENT CORP.



urban design
architects ltd.

420 - 745 THURLOW ST
VANCOUVER, BC V6C 6K5
TELEPHONE 604 687 2334

project number **4874**

sheet 15a
SITE PLAN

date	2020-07-16	sheet number	
scale	AS NOTED		
drawn	CDC		
checked	BJ/RS/W		
			A=1.1



MINUTES OF A SPECIAL MEETING OF COUNCIL

Tuesday, July 7, 2020
7:00 P.M.

This meeting was held electronically as per Ministerial Order No. M192

Council Members Present:

Mayor Aaron Stone
Councillor Duck Paterson
Councillor Amanda Jacobson
Councillor Rob Johnson

Councillor Tricia McKay
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Erin Anderson
Chris Barfoot
Jake Belobaba
Ryan Bouma
Christina Hovey

Donna Smith
Julie Thompson
Mike Gregory
Sue Bouma

1. CALL TO ORDER

Mayor Stone called this Special Meeting of Council to order at 7:00 p.m., recognizing that it was taking place across Stz'uminus Nation lands and in various locations throughout Coast Salish territory.

Mayor Stone congratulated Councillor Jacobson on the arrival of her baby girl and expressed appreciation that she was able to attend the meeting.

Mayor Stone also expressed appreciation regarding the receipt of a \$3.3 million grant for the Arts and Heritage Hub - the "public heart" of the Waterfront Area Plan.

2. AGENDA APPROVAL

CS 2020-198

That Council approve the agenda for this Special Meeting of Council for July 7, 2020.

Motion Carried

3. MINUTES

3.1 Minutes of the Special Meeting of Council held June 16, 2020

CS 2020-199

That Council approve the minutes of the Special Meeting of Council held June 16, 2020.

Motion Carried

3.2 Minutes of the Special Meeting of Council held June 23, 2020

CS 2020-200

That Council approve the minutes of the Special Meeting of Council held June 23, 2020.

Motion Carried

4. DEVELOPMENT APPLICATIONS

4.1 OCP and Zoning Amendment Application – 1130 Rocky Creek Road

CS 2020-201

That Council direct that application 3360-20-02 (1130 Rocky Creek Road) proceed for further consideration, and,

- a. Having considered s. 475 of the Local Government Act (consultation during OCP development) direct staff to refer application 3360-20-02 to:
 - o Stz'uminus First Nation
 - o School District 68 (Nanaimo Ladysmith)
 - o The Community Planning Advisory Committee
 - o The BC Ministry of Transportation and Infrastructure, BC Transit, and BC Hydro;
 - o The Ladysmith Chamber of Commerce, and the Ladysmith Downtown Business Association; and
- b. Direct staff to work with the applicant regarding a potential sale of surplus road right-of-way along Rocky Creek Road and Ludlow Road adjacent to 1130 Rocky Creek Road.

Motion Carried

CS 2020-202

That Council direct staff to discuss the following list with the applicant prior to further consideration of application 3360-20-02:

- clarity regarding the roundabout and provisions within the development to ensure that it can be accommodated
- the possible provision of electric vehicle chargers, particularly fast chargers (not level two)
- a request for clarity regarding signage design prior to the application proceeding
- ensurance that the trees and buildings in the development have power to accommodate the Town's annual Light Up and other events
- a review of the existing covenant regarding the 49th Parallel sign
- provision for future hydrogen filling if a gas station is included in the plan
- plans to tie in Ladysmith's heritage by installing an artifact
- the possibility of a public art installation in keeping with the Town's Public Art Strategy
- the possibility of installing a lit community reader board
- the Town's request for a simultaneous submission of the Zoning Amendment application with the Development Permit to ensure control of form and character
- the Town's request for more than average tree coverage and landscaping standards
- the Town's request to incorporate design elements that are of "Gateway to Community" calibre
- the possible provision of a transit stop within the development or on the road in front of the development

Motion Carried

OPPOSED: Councillor Stevens

4.2 Development Variance Permit – 1010 2nd Avenue

CS 2020-203

That Council:

1. Issue Development Variance Permit 3090-20-02 to vary the southeast side parcel line setback requirement from 1.5m to 0.52m for a storage room attached to the dwelling at 1010 2nd Avenue; and
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-20-02.

Motion Carried

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

5.1 **Zoning Bylaw Amendment Application – 1148 Rocky Creek Road**

CS 2020-204

That Council:

1. Proceed with third reading of Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No. 31) 2020, No. 2040; and
2. Direct staff to refer Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No. 31) 2020, No. 2040 to the Ministry of Transportation and Infrastructure pursuant to section 52 of the Transportation Act.

Motion Carried

6. **REPORTS**

6.1 **COVID-19 Ministerial Order M192 – Open Meetings and Electronic Hearings**

CS 2020-205

That, pursuant to Ministerial Order No. M192, the attendance of the public at Town of Ladysmith Council and Committee meetings cannot be accommodated in accordance with the applicable requirements or recommendations under the *Public Health Act*, because the Council Chamber does not allow for appropriate physical distancing between Council, staff and the public in attendance; and there are no other Town facilities presently available that will allow physical attendance of the public without compromising the options of attending the meeting electronically via Zoom and viewing the meeting via livestream on YouTube; and

That the Town of Ladysmith is ensuring openness, transparency, accessibility and accountability for meetings by:

1. allowing the public to hear and see the proceedings by electronic means;
2. allowing the public to submit input on agenda items by email;
3. providing notice of the meeting;
4. making the meeting agenda, as well as all other relevant documents, available on the Town website;
5. providing email notification of publication of agendas to subscribers;
6. archiving meeting video for future viewing by members of the public; and
7. continuing to investigate options to facilitate public participation.

Therefore, be it resolved that Council and Committee meetings be held electronically and in the absence of the public in accordance with Ministerial Order M192, for the duration of the Provincial Health Officer's Order on Mass Gathering Events and the Provincial State of Emergency made March 18, 2020 and any extension of that declaration in effect.

Motion Carried

6.2 2020 Utility Due Dates

Council discussed the extension of 2020 utility bill due dates. There is no change to the current due dates.

6.3 Economic Recovery - COVID 19

CS 2020-206

That Council give first three readings to "Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #8, 2020, No. 2042" to clarify regulations for sidewalk patios and "parklets".

Motion Carried

6.4 Sealegs Kayaking – Request for Rent Relief

CS 2020-207

That Council direct staff to investigate waiving section 13 of the Lease and Access Agreement with Sealegs Kayak Rentals and Marine Adventures for 2020 if that section is not part of the provisions for day camps.

Motion Carried

CS 2020-208

That Council deny the request from Sealegs Kayak Rentals and Marine Adventures for a reduction in rent for the period of March to August, 2020.

Motion Carried

7. NEW BUSINESS

7.1 Ladysmith and District Historical Society Annual Report

Council thanked the Ladysmith and District Historical Society for their hard work in promoting heritage and tourism in Ladysmith.

8. QUESTION PERIOD

A member of the public enquired whether staff had received time off with pay in 2020, and if so, what was the reasoning, how many had received it, and what were the costs to tax payers.

9. ADJOURNMENT

CS 2020-209

That this Special meeting of Council adjourn at 8:41 p.m.

Motion Carried

Mayor (A. Stone)

Corporate Officer (D. Smith)

Subject to Adoption

Christina Hovey
Senior Planner, Development Services Department
Town of Ladysmith
chovey@ladysmith.ca

May 20, 2020

Re: File RZ-3360-20-02

Dear Council,

We are in receipt of the referral dated September 14, 2020 and the update to the referral dated April 22, 2021 regarding the application for OCP and Zoning Bylaw Amendment at 1130 Rocky Creek Road. As the economic development arm of Stz'uminus First Nation, we are responding on Stz'uminus' behalf to this referral.

Stz'uminus has never ceded any site within its traditional territory including the site at 1130 Rocky Creek Road and as a result any change to the land, such as rezoning or new construction is of concern for Stz'uminus First Nation.

With the signing of the Naut'sa mawt Accord and the MOU, Stz'uminus and the Town of Ladysmith set out on a joint journey of collaboration. Stz'uminus and the Town of Ladysmith are continually building a solid relationship in the spirit of trust and mutual prosperity. This forms the foundation for working together in all areas including matters related to Stz'uminus reconciliation, our joint interest in Ladysmith Harbour as well as in decisions regarding land development such as this referral. It is time to work together as one and equally consider the health of the Town of Ladysmith's businesses and Stz'uminus' businesses.

Initially the application only featured a Dollarama and a Starbucks. The recent update proposes the addition of a gas station and/or a service station. When considering an amendment of the Official Community Plan, the following questions must be asked: Does the market support another gas station and/or a service station in the area? How will the new development affect the viability of existing businesses in the surrounding areas?

Given our economic pursuits just a few minutes down the road from the referral site we would be concerned how this may adversely impact our existing businesses.

We appreciate your consideration on this matter and hope that the Town of Ladysmith will make a decision that is in the best interests of all stakeholders.

Sincerely,



Ray Gauthier, CEO
Coast Salish Development Corp.

April 22, 2021

Our File No. RZ-3360-20-02

Stz'uminus First Nation
Chief and Council

Care of:

Ray Gauthier
Coast Salish Development Corporation
12605 Trans-Canada Highway
Ladysmith, BC, V9G 1M5
And via email: ray.gauthier@coastsalishdevcorp.com

RE: **Application for OCP and Zoning Bylaw Amendment at 1130 Rocky Creek Road**

This is an update to the Official Community Plan referral regarding a proposed development at 1130 Rocky Creek Road. The referral was originally sent on September 14, 2020, and I have attached the earlier referral for convenience.

We would like to provide some updates and further details regarding this application:

- Please see attached for the latest site plan and renderings for the proposed development.
 - According to the applicant, Building "A" is intended to be a "Dollarama", Building "B" is intended to be a drive-through "Starbucks", and Building "C" is unknown.
- The applicant has recently asked if a gas station (up to 6 pumps) and/or a service station (2 bay oil change) could be added to the zoning.
- The permitted uses for the proposed zone (C-5) as well as the proposed additional uses are listed on the next page.
 - The gas station and service station uses were requested by the applicant.
 - The other uses come from the existing zone (CD-1 tourist commercial) and the I-1 zone which is on the neighbouring properties.

Thank you for your attention to this matter,



Christina Hovey, Senior Planner
Development Services Department
Town of Ladysmith



Enclosures:

- 2021.02.17 – 1130 Rocky Creek Road Site Plan and Rendering
- 2020.09.14 Referral Letter and Report

Proposed Permitted Uses for 1130 Rocky Creek Road Zoning Application

Permitted Uses in Proposed Zone (Shopping Centre Commercial C-5):

- *Retail Sales.*
- *Restaurant.*
- *Office.*
- *Assembly.*
- *Visitor Centre.*
- *Liquor Retail Sales.*
- *Personal Repair Service.*
- *Animal Grooming.*
- *Convenience Store.*
- *Coffee Shop.*
- *Cultural Facility.*
- *Personal Service Establishment.*
- *Indoor Recreation Facility.*
- *Commercial School.*
- *Veterinary Clinic.*
- *Cannabis Retail Sales*

Additional Permitted Uses (requested by applicant):

- *Retail Sales.*
- *Gas Bar.*

Additional Permitted Uses (based on existing zoning on the property & zoning on neighbouring properties):

- *Animal Daycare*
- *Building Supply Sales*
- *Garden Centre*
- *Micro-Brewery*
- *Media Production Studio*
- *Non-Motorized Recreational Equipment Sales or Rental*
- *Re-Store*
- *Artist Studio*
- *Cottage Industry*
- *Home Improvement Service Industry*
- *Laboratory*
- *Neighbourhood Pub*
- *Print Shop*



AERIAL PLAN
SCALE: NTS



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SITE INFORMATION:

LEGAL DESCRIPTION:	LOT A, DISTRICT LOTS 24 AND 38, OYSTER DISTRICT, PLAN V1P71248
CIVIC ADDRESS:	1130 ROCKY CREEK ROAD, LADYSMITH, BC
EXISTING ZONING:	CD1 (TOURIST SERVICE)
EXIST. LOT AREA (DL 38 & DL 24):	87,177 SF (8,099 SM)
PROPOSED LOT AREA:	93,920 SF (8,687 SF)
BUILDING AREA (G.F.A.):	20,084 SF (1,866 SM)
LOT COVERAGE:	20,084 SF / 93,920 SF x 100 = 21.4%
FLOOR AREA RATIO: (MAX. 0.6)	0.214

GROSS FLOOR AREAS:

PROPOSED BUILDING AREAS:	
BUILDING A [RETAIL]:	10,355 SF (962 SM)
BUILDING B [RESTAURANT]:	2,250 SF (209 SM)
BUILDING C [RETAIL]:	7,479 SF (695 SM)
TOTAL GROSS FLOOR AREA:	20,084 SF (1,866 SM)

PARKING REQUIREMENTS:

TOTAL PARKING REQUIRED:	63 STALLS
TOTAL PARKING PROVIDED:	80 STALLS + 10 IN D/T QUEUE
PARKING RATIO (NOT INCL. D/T QUEUE):	4.0 / 1,000 SF & 4.3 / 100 SM
PARKING RATIO (INCL. D/T QUEUE):	4.5 / 1,000 SF & 4.8 / 100 SM
PARKING PROVID BREAKDOWN:	REGULAR STALLS = 72 (90%) HANDICAPPED STALLS = 4 (5%) SMALL CARS = 2 (2.5%) ELECTRIC VEHICLE = 2 (2.5%)

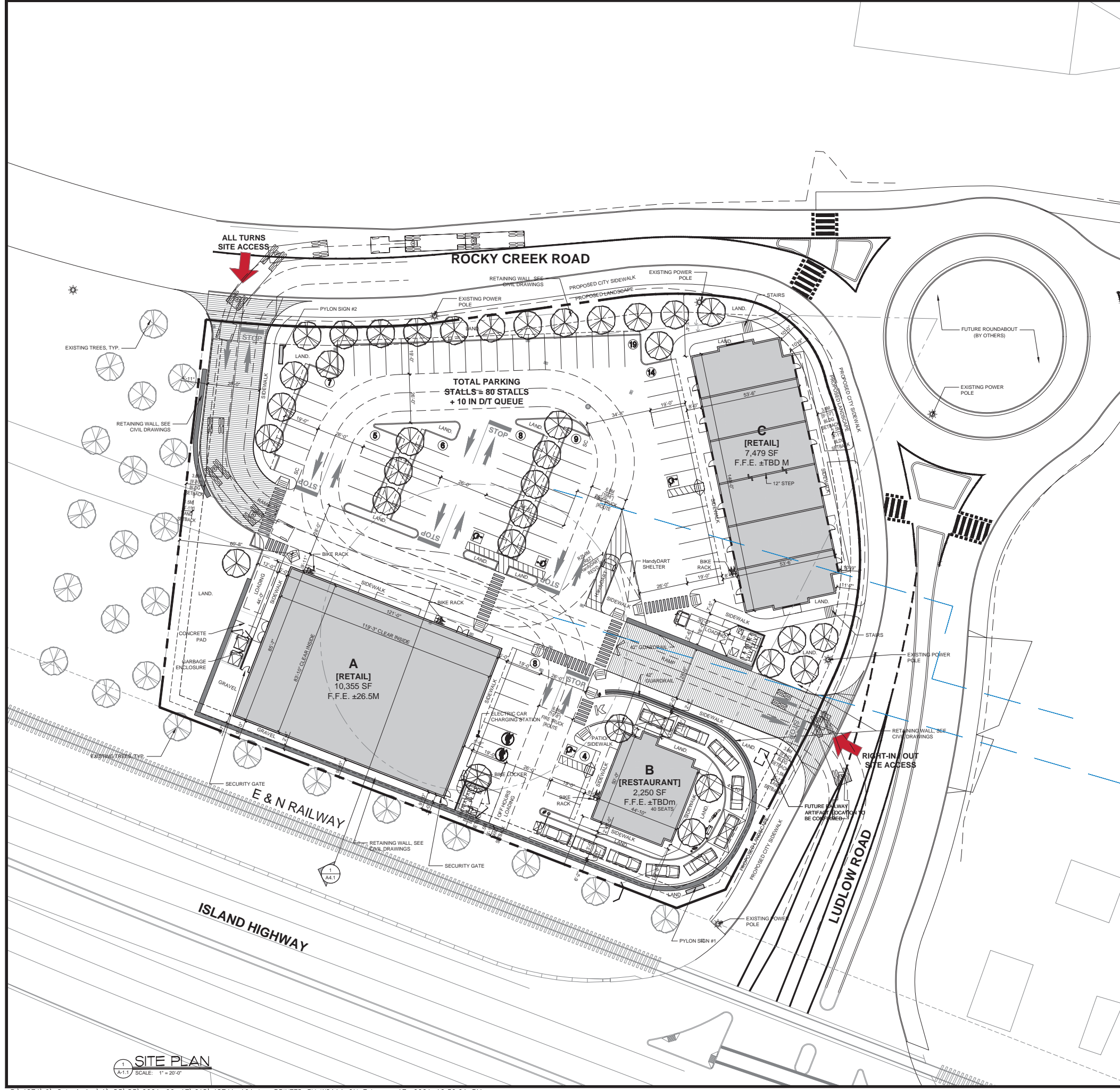
PARKING REQUIREMENTS & CALCULATIONS:

RETAIL OR OFFICE (1 PER 323 SF (30 SM) GFA) = 17,834 SF / 323 SF = 55.21 STALLS
RESTAURANT OR COFFEE SHOP (1 PER 5 SEATS) = 40 SEATS / 5 = 8 STALLS
TOTAL PARKING REQUIRED (ROUND NEAREST) = 63.21 STALLS
COMMERCIAL LOADING: 2 PER 5,393SF (501 SM) TO 26,910 SF (2500 SM) = 2
BICYCLE, CLASS A (LOCKERS): 1 PER 10 EMPLOYEES; 0.6m W. x 1.8m L.
BICYCLE, CLASS B (RACKS): 10% OF REQUIRED PARKING SPACES = 63 x 10% = 6.3

PARKING SIZES:

REGULAR CAR STALL	2.6m (8'-6") x 5.8m (19'-0")
HANDICAP CAR STALL (MIN. 5% OF REQ'D)	3.7m (12'-2") x 5.8m (19'-0")
SMALL CAR STALL (MAX 25% OF REQ'D)	2.5m (8'-3") x 4.9m (16'-1")
LOADING SPACE	3.0m (9'-10") x 9.0m (29'-6")
MANOEUVERING AISLE	7.3m (24'-0")
*ADD 0.6m (2'-0") TO ANY PARKING STALL ADJACENT TO A FENCE, WALL, STRUCTURE	

GENERAL NOTE:
BOUNDARIES SHOWN HEREON ARE DERIVED FROM EXISTING RECORDS AND MUST BE CONFIRMED BY SURVEY PRIOR TO THE DETERMINATION OF DIMENSIONS OR AREAS FOR DEVELOPMENT PURPOSES.



SITE PLAN
SCALE: 1" = 20'-0"

COMMERCIAL DEVELOPMENT
1130 ROCKY CREEK ROAD, LADYSMITH, BC
FOR OYSTER HARBOUR DEVELOPMENT CORP.



architects ltd.

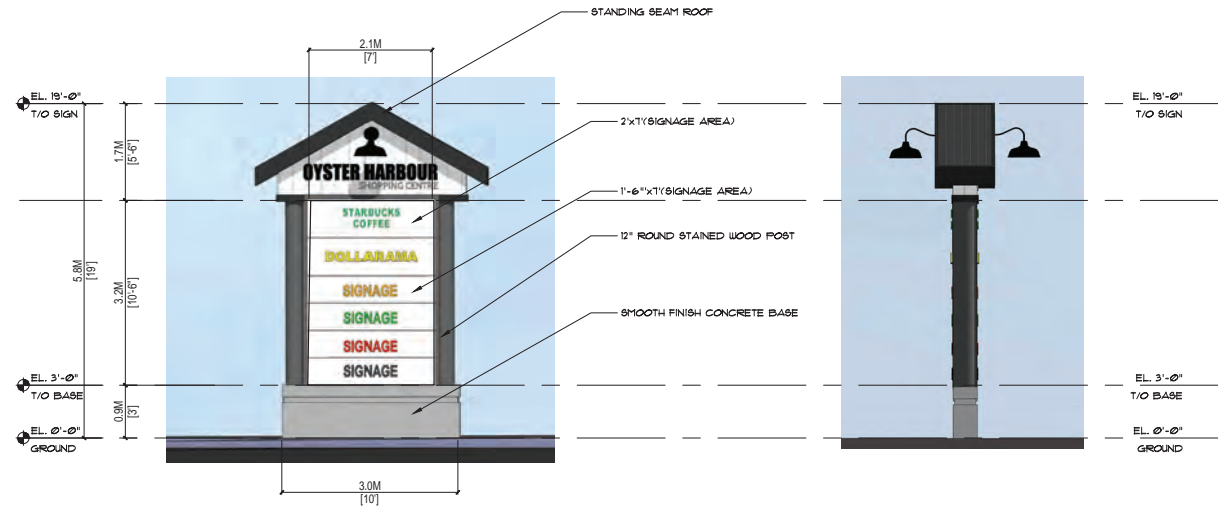
810-675 WEST HASTINGS
VANCOUVER, BC V6S 1N2
TELEPHONE 604-687-2334

project number 4874

sheet title SITE PLAN

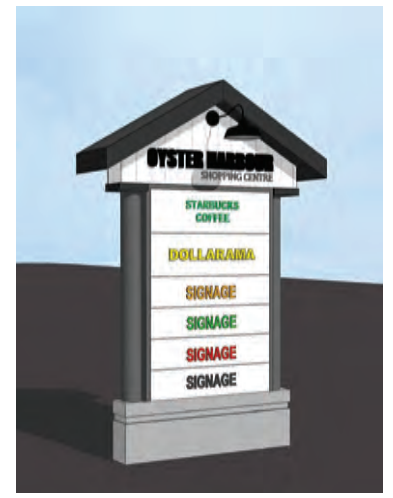
date	2021-07-16	sheet number	
scale	AS NOTED		
drawn	CDC		
checked	AV		

PYLON SIGN INFORMATION:
 PYLON SIGN (22 SIDES) =
 3.21 (10'-6") x 2.11 (7'-0") x 2 = 6.72 SM (12.3 SF) x 2
 PLUS 2.11 (7'-0") x 0.4m (1'-2") x 0.8 SM (0.6 SF) x 2
 TOTAL COPY AREA PROPOSED = 1.52 SM (0.9 SF) PER SIDE
 TOTAL COPY AREA PERMITTED = 1.6 SM (0.9 SF) PER SIDE



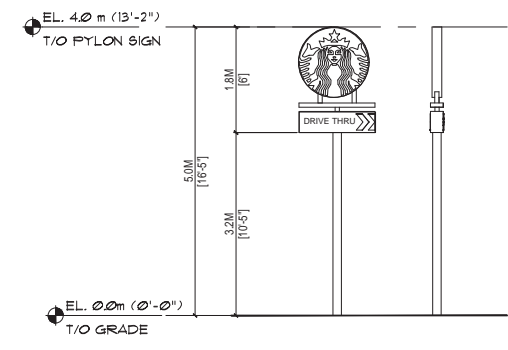
2 PYLON SIGN FRONT VIEW
 SCALE: NTS

3 SIDE ELEVATION
 SCALE: NTS



3 3D VIEW
 SCALE: NTS

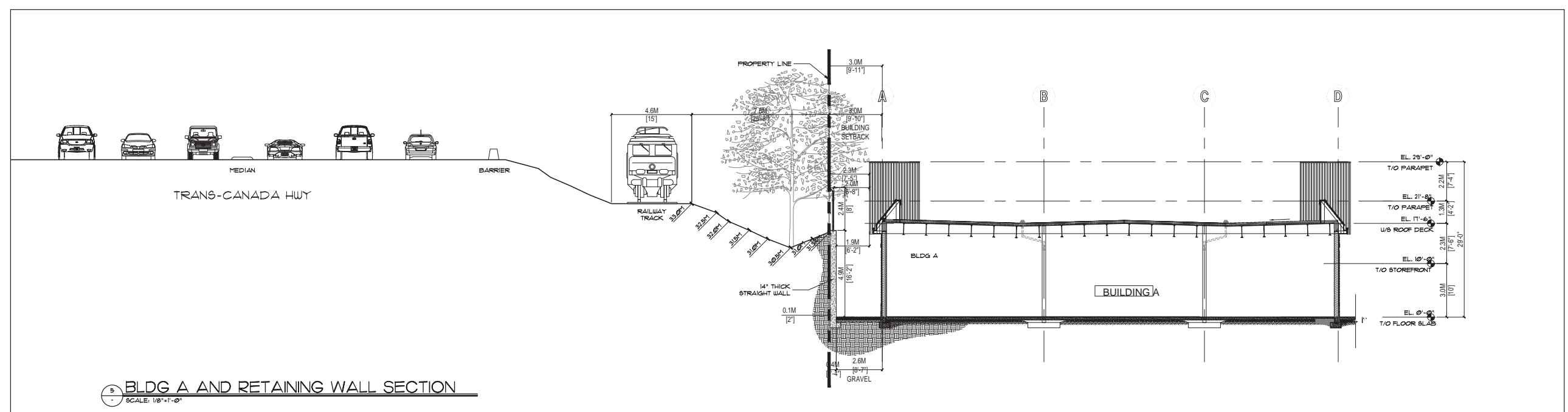
DIRECTIONAL SIGN INFORMATION:
 PYLON SIGN (22 SIDES) =
 1.2m (4'-0") RADIUS x 1.1 SM (12.51 SF) x 2
 PLUS 1.3m (4'-4") x 0.4m (1'-2") x 0.8 SM (0.6 SF) x 2
 TOTAL COPY AREA PROPOSED = 3.38 SM (35.26 SF)



4 BLDG B DIRECTIONAL SIGN
 SCALE: NTS



1 STREETSCAPE
 SCALE: NTS

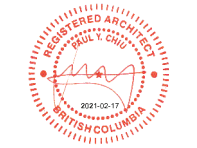


5 BLDG A AND RETAINING WALL SECTION
 SCALE: 1/8"=1'-0"

NO.	DATE	DESCRIPTION
1	2021-02-17	RE-ISSUED FOR DP
2	2020-07-27	ISSUED FOR DP
3	NO/NO	DESCRIPTION

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 consultant

COMMERCIAL DEVELOPMENT
 1130 ROCKY CREEK ROAD, LADYSMITH, BC
 FOR OYSTER HARBOUR DEVELOPMENT CORP.



architects ltd.
 810-675 WEST HASTINGS
 VANCOUVER, BC V6B 1N2
 TELEPHONE 604-687-2334

project number 4874
 sheet title
PYLON SIGN AND STREETSCAPE
 date 2020-07-27 sheet number
 scale
 draw NP/NV
 checked



Your File #: 3360-20-02
eDAS File #: 2020-04431
Date: Oct/16/2020

Town of Ladysmith
Julie Thompson
C-132 Roberts Street
PO Box 220
Ladysmith, British Columbia V9G1A2
Canada

Attention: Julie Thompson Acting Senior Planner

**Re: Proposed General Referral Approval Application for:
Lot A District Lots 24 and 38 Oyster District Plan VIP71248
Map: 1159319,445040
1130 Rocky Creek Road, Ladysmith**

The following comments have been received by the Ministry Engineer regarding the TIA:

- MOTI would like the access to meet the minimum recommended distance from the intersection as mentioned in the report (70m). This would put it generally in the vicinity of the access to the Home Hardware, and I think is more appropriate.

I also feel that we could likely restrict this access to right out only, as most in-bound traffic is likely to be pass by trips on the highway, especially during peak hours, and they'll have to go down to the full movement access to get in, anyway. If we don't restrict to RO only, I want some aggressive traffic islands installed to prevent a left turn in from Ludlow.

I'd like to know more about the TOL's timeline for installing a roundabout at the intersection of Ludlow and Rocky Creek Road. They appear to be leaning heavily on this for mobility and civil improvements.

If you have any questions please feel free to call Jamie Leigh Hopkins at (250) 734-4825.

Yours truly,

Jamie Leigh Hopkins
Development Services Officer

Local District Address
Vancouver Island District Third Flr 2100 Labieux Road Nanaimo, BC V9T 6E9 Canada Phone: (250) 751-3246 Fax: (250) 751-3289

From: [Randle, Susan J TRAN:EX](#)
To: [Christina Hovey](#)
Cc: [Hopkins, Jamie TRAN:EX](#)
Subject: 1130 Rocky Creek Road
Date: April 1, 2021 6:13:58 PM

Hi Christina,

Thank you for the meeting this afternoon. Sorry it's taken me so long to write you this email.

In regards to our discussion, over and above the original points submitted by MOTI, we are willing to support a Right In, Right Out access to Ludlow Road despite the lack of spacing to the intersection. This is contingent on the construction of a concrete island median to physically bar vehicles from making a left turn into the development.

MOTI is not making acceptance contingent on the construction of the proposed roundabout at the intersection of Ludlow and Rocky Creek; that may be completed at the Town's discretion.

Let me know if you have further questions. You can contact me via email, or directly at my number below.

Thanks,

Susan Randle, P.Eng.

District Engineer

Ministry of Transportation and Infrastructure | Vancouver Island District

2100 Labieux Road, Nanaimo, BC, V9T 6E9

Phone: 250-734-4805 Email: Susan.Randle@gov.bc.ca

Development Referral Response

October 19, 2020

Development Location: 1130 Rocky Creek Road File No. 3360-20-02

Local Government: Town of Ladysmith

Transit System: Cowichan Valley Regional District Transit

Context

An OCP amendment and rezoning from an Industrial to Commercial zone are proposed to permit the development of quick service restaurants and retailers. Primary renderings envision three separate buildings with storefronts and two drive-thru restaurants facing a large parking lot.

The Proposed Development

- Is not currently served by transit. However, this area is included in proposed long term plans for service, depending on supporting land uses and population density, transit system development and funding availability.
 - The Cowichan Valley Region Transit Future Plan (2012) designates Rocky Creek Road for future Neighborhood Service (see Appendix I).
- This development area is located within the service area for handyDART, which offers accessible door-to-door shared transit service for registered users with permanent or temporary disabilities that prevent them from using fixed route transit without assistance. Design considerations should be given to ensuring this site is accessible for service by a community-sized handyDART bus for potential clientele accessing the proposed commercial development.

Transit Supportive Land Use

- The proposed orientation to the street is not generally supportive of transit and walkability as buildings face away from pedestrian access points and instead are oriented toward the customer or employee arriving by personal vehicle to the parking lot.
- As an employment centre, it is unlikely the development will be served by transit in the short to medium term as a result of its relatively low density.
 - It is estimated that the development will create 120 jobs once complete. Noting the location, access, and position of the buildings in relation to the adjacent Trans-Canada Highway 1, it is likely that transit trips generated by the site will be by employees of the development rather than by customers. Thus, the development is not expected to be a significant trip generator. However, if transit service to the development was requested in the future, the cost of extending existing routes from the western portion of the highway should be considered. Extending existing routes results in higher costs to the transit system as additional service hours are required. This can also create longer, more circuitous trips for existing transit users, degrading trip times and overall transit experience.

- Cowichan Valley Service Design Standards and Performance Guidelines dictate that transit routes should be direct and straightforward, consistent, simple, and focused on areas of higher population and job density. Deviations, extra turning movements, routing through parking lots and other high-conflict zones should be avoided

Bus Stops

- The nearest transit stop is located at 1st Ave at Symonds St (ID: 106050), approximately 370 meters from the proposed site. BC Transit recommends distances of no more than 400 metres to the nearest transit stop for transit accessibility.
 - This stop services all three existing Ladysmith routes:
 - Route 31 Ladysmith Alderwood with local service to the Town of Ladysmith on weekdays and Saturdays
 - Route 34 Ladysmith/Chemainus with regional service to Chemainus with connections to Route 6 which services Chemainus, Crofton, and Duncan on weekdays and Saturdays
 - Route 36 Ladysmith/Duncan Express with service to Duncan on weekdays and Saturdays
- Interregional transit service between Cowichan Valley Regional District and Regional District of Nanaimo is planned for implementation in the short-term. Exact routing and potential transit locations are yet to be determined. Any potential transit stops near the proposed development will be discussed as appropriate with the Town of Ladysmith, Ministry of Transportation and Infrastructure, and potentially the applicant depending on implementation timing of the proposed route.

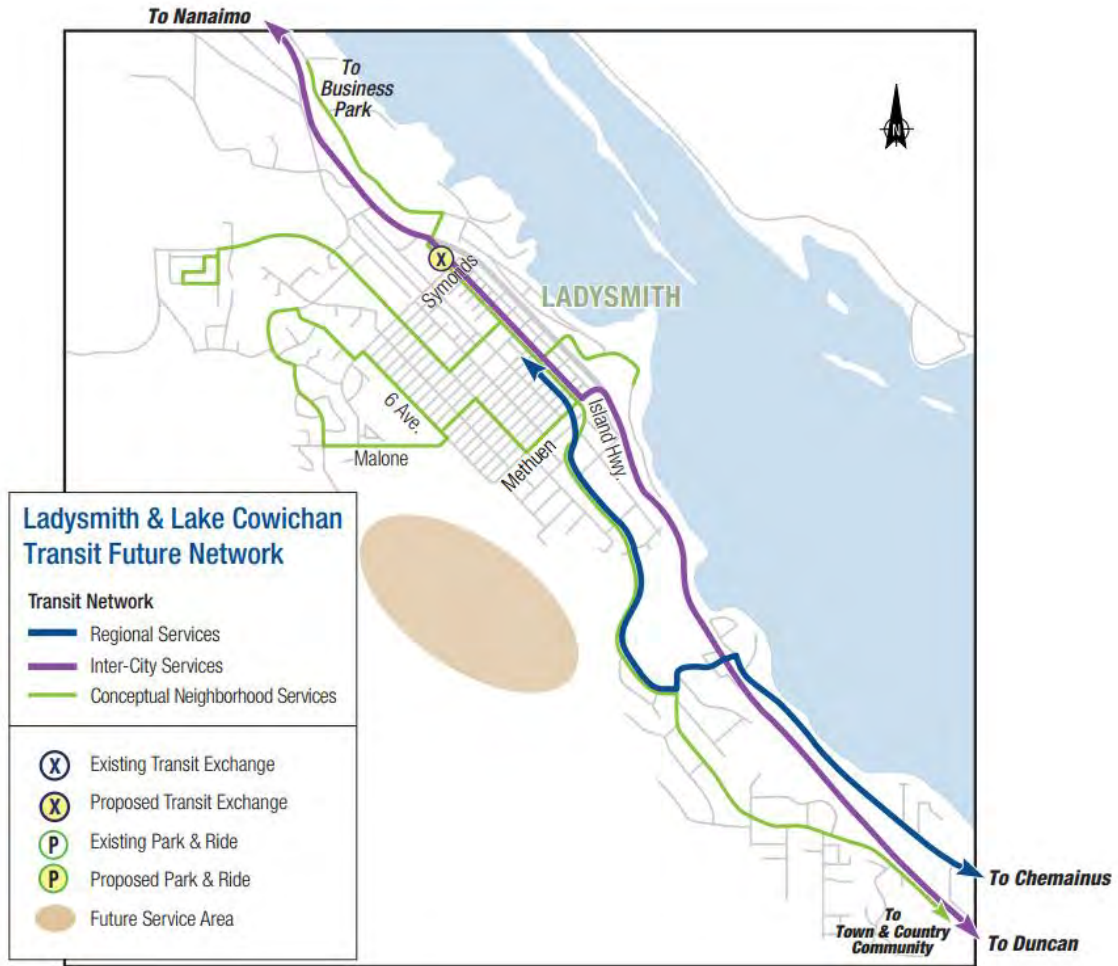
BC Transit Level of Support

- BC Transit has no objection to the development as it is within a 400 metre walking distance from existing local and regional transit. BC Transit is happy to engage with the applicant in the future regarding bus stops or service to the area if the application proceeds.

Thank you for the opportunity to review this proposed development. If you have any questions or would like further comments on this proposal, please contact:

Ericka Amador, MCP
Transit Planner
BC Transit Planning
Phone: 250-995-5837
Email: ericka_amador@bctransit.com

Appendix I



Christina Hovey

From: Julie Thompson
Sent: October 28, 2020 3:42 PM
To: 'Amador, Ericka'
Cc: 'Rachelle Rondeau'
Subject: RE: Town of Ladysmith - Development Services Referral - Zoning/OCP Amendment - 1130 Rocky Creek Road

Thank you, Ericka, for this very helpful information! I'll let you know if I have any further questions.

Cheers,

Julie

From: Amador, Ericka <Ericka_Amador@BCTransit.Com>
Sent: October 28, 2020 3:16 PM
To: Julie Thompson <jthompson@ladysmith.ca>
Cc: 'Rachelle Rondeau' <Rachelle.Rondeau@cvrd.bc.ca>
Subject: RE: Town of Ladysmith - Development Services Referral - Zoning/OCP Amendment - 1130 Rocky Creek Road

Hi Julie,

Cowichan Valley Transit Service Design Standards suggest a gross density of 10 persons/square kilometer over a minimum area of 10 hectares as generally the minimum to support local transit service with headways of 1 to 2 hours.

Residential units, at these or higher densities, could warrant a future stop in this location. However, until there is more development on the east side of the Trans Canada Highway 1, deviations to service this development would decrease the directness of existing routes and increase transit servicing costs. This should be considered by the local government who sets service levels.

As for handyDART design considerations, please see below

Parking for a handyDART vehicle should be up to 9 metres in length and within 25 metres of the main building entrance, with sufficient roadway around the vehicle to allow for other vehicles to easily pass by when parked.

- The fleet is currently made up mostly of older handyDART vehicles which have rear lifts to deploy passengers with mobility aids onto the road surface. While the newer vehicles have side ramps which deploy onto the sidewalk. It is anticipated that over time the older vehicles will be replaced with the newer style side loading ramps. To remove any possible conflict between the loading of passengers from the rear of the older vehicles and other vehicle traffic, **nose in parking of the handyDART vehicles is not recommended.** The handyDART zone should be adjacent to a sidewalk / curb for its full length. Preferably the facilities would have a pullout so that the rear loading vehicles do not have to worry about unloading into traffic.
- The zone should be within sight of an indoor area that offered seating and phone access for waiting handyDART riders, as well as near outdoor covered seating.

The handyDART loading/unloading zone, should conform to BC Transit's Infrastructure Design Guidelines available here: <https://www.bctransit.com/documents/1507213417526>.

The following outlines the handyDART vehicle dimensions and operations. Vehicle illustrations are also included to provide an indication of each vehicles door location.

handyDART Vehicle	Width (m)	Height (m)	Length (m)	Turning Radius (m)		Angle (degrees)		
				Curb to curb	Wall to wall	Approach	Departure	Breakover
Ford Polar (older style vehicles)	2.44	2.95	7.57	9.3	9.8	32	13	22
Arboc	2.41	3.02	8.05	8.8	9.1	26	11	11.56



Ford Polar
 Length: 7.57m
 Width: 2.44m
 Height: 2.95m
 Rear lift doors



Arboc
 Length: 8.05m
 Width: 2.41m
 Height: 3.02m
 Side door ramp deployment
 dimensions??

Please do not hesitate to contact BC Transit with any further enquires that you may have and we welcome and would appreciate the opportunity to review the designated handyDART locations once design specifications have been completed.

From: Julie Thompson <jthompson@ladysmith.ca>
Sent: Tuesday, October 27, 2020 10:26 AM

To: Amador, Ericka <Ericka_Amador@BCTransit.Com>

Subject: [Warning: Exercise Caution]RE: Town of Ladysmith - Development Services Referral - Zoning/OCP Amendment - 1130 Rocky Creek Road

[External]

Hi Ericka –

The referral response mentions the low density of the site not being supportive of a transit stop. I am wondering, what type of density would create a significant enough trip generation to warrant a future transit stop? Would the site need to include residential units, for example?

Also, do you have any recommended or specific site design considerations for the handyDART service?

Thank you,



Julie Thompson

Acting Senior Planner

Development Services Department

Phone: 250.245.6420

132C Roberts St. **MAIL** PO Box 220 Ladysmith, BC V9G1A2

Celebrate our Present. Embrace our Future. Honour our Past.

Development Services is now open in a limited capacity to the public with new COVID-19 protocols in place. We are responding to all email and phone enquiries and accepting applications electronically. The public can access resources, building information and commonly requested forms through the Business & Development section of our website: <https://www.ladysmith.ca/business-development/application-forms>. To provide the best service possible, we recommend contacting us by phone or email to determine if a visit to our office is necessary.

From: Amador, Ericka <Ericka_Amador@BCTransit.Com>

Sent: October 19, 2020 1:18 PM

To: Julie Thompson <jthompson@ladysmith.ca>

Cc: Rachele Rondeau <Rachele.Rondeau@cvrd.bc.ca>

Subject: RE: Town of Ladysmith - Development Services Referral - Zoning/OCP Amendment - 1130 Rocky Creek Road

Hi Julie,

Please find attached BC Transit's response to the development referral at 1130 Rocky Creek Road.

Thanks,

Ericka

From: Thompson, Aaron <Aaron_Thompson@BCTransit.Com>

Sent: Tuesday, September 15, 2020 2:20 PM

To: Amador, Ericka <Ericka_Amador@BCTransit.Com>

Subject: FW: Town of Ladysmith - Development Services Referral - Zoning/OCP Amendment - 1130 Rocky Creek Road

Aaron Thompson

Transit Planner

BC Transit

520 Gorge Road East

Victoria, BC V8W 9T5

O: 250-995-5641 | c: 778-677-7556

aaron_thompson@bctransit.com | bctransit.com

From: Julie Thompson <jthompson@ladysmith.ca>

Sent: Tuesday, September 15, 2020 2:14 PM

Subject: Town of Ladysmith - Development Services Referral - Zoning/OCP Amendment - 1130 Rocky Creek Road

[External]

Hello –

The Town of Ladysmith Development Services department is seeking comments regarding a proposed Zoning Bylaw and Official Community Plan Amendment for commercial plaza development located at 1130 Rocky Creek Road. Attached are the following documents:

- Cover letter
- Referral report
- Applicant Proposal Description
- **Development Permit Application Submission - Note – file too large to send but the documents can be obtained here:** <https://share.ladysmith.ca/s/SCNr7o88Dr7g8ix>
 - o Design Plans (includes Site Plan)
 - o Landscape Details
 - o Landscape Plan
 - o Site Grading Plan
 - o Civil Site Servicing Report
- July 7 Council Meeting Minutes
- Applicant Neighbourhood Information Meeting Summary
- Draft Traffic Impact Assessment

If you have any comments regarding this application, please submit them by **October 19, 2020**. If no comments are received, your agency's interests are assumed to be unaffected. Please contact me if you have any questions (contact info in signature).

Thank you!

TOWN OF LADYSMITH

Julie Thompson

Acting Senior Planner

Development Services Department

Phone: 250.245.6420

132C Roberts St. **MAIL** PO Box 220 Ladysmith, BC V9G1A2

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please inform us by returning a copy of the Email with the subject line marked "wrong address" and then deleting the Email, and any attachments and any copies of it.

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Christina Hovey

From: Design, CVI <CVI.Design@bchydro.com>
Sent: January 8, 2021 4:09 PM
To: Julie Thompson
Subject: RE: [External] Town of Ladysmith - Development Services Referral - Zoning/OCP Amendment - 1130 Rocky Creek Road

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Julie,
BC Hydro Distribution has concerns with this proposed amendment to the Official Community Plan and Zoning Bylaw for 1130 Rocky Creek Road in the Town of Ladysmith. Closing portions of the road on Rocky Creek Rd and Ludlow Rd would put BC Hydro's existing infrastructure in trespass, therefore a BC Hydro statutory Right of Way to protect BC Hydro's interest would be required. Also, any proposed structure requires a minimum of 3m's point to point clearance from our 25kV powerline to maintain WSBC limits of approach.

There is a potential to relocate these jointly owned BC Hydro/Telus poles, anchors, and wires, however it would be at the developers cost.

Thanks,

Dan Harapnuk | CVI Technologist Design Workleader, Distribution Design

BC Hydro
PO Box 1500, 400 Madsen Rd
Nanaimo, BC, V9R 5M3

P 250 755 4719
M 250 713 3489
E dan.harapnuk@bchydro.com

www.bchydro.com/MyHydroConnections

Smart about power in all we do.

From: Julie Thompson <jthompson@ladysmith.ca>
Sent: 2021, January 05 2:12 PM
To: Design, CVI <CVI.Design@bchydro.com>
Subject: [External] Town of Ladysmith - Development Services Referral - Zoning/OCP Amendment - 1130 Rocky Creek Road

Security Risk Assessment: Use Caution

The email is from <jthompson@ladysmith.ca> with a friendly name of [Julie Thompson <jthompson@ladysmith.ca>](mailto:jthompson@ladysmith.ca)

DO NOT click on links or open attachments unless you trust the sender and are expecting the link or attachment.
If you suspect this message to be phishing, please report it to BC Hydro [Phishing Support](#)

Hello –

The Town of Ladysmith Development Services department is seeking comments regarding a proposed Zoning Bylaw and Official Community Plan Amendment for commercial plaza development located at 1130 Rocky Creek Road. Attached are the following documents:

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- Referral report
- Applicant Proposal Description
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 - o Design Plans (includes Site Plan)
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 - o Site Grading Plan
 - o Civil Site Servicing Report
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- Applicant Neighbourhood Information Meeting Summary
- Draft Traffic Impact Assessment

Please note that the site plan and building designs are subject to change. If you have any comments regarding this application, please submit them by **January 29, 2021**. If no comments are received, your agency's interests are assumed to be unaffected. Please contact me if you have any questions (contact info in signature).

TOWN OF LADYSMITH

Julie Thompson

Acting Senior Planner

Development Services Department

Phone: 250.245.6420

132C Roberts St. **MAIL** PO Box 220 Ladysmith, BC V9G1A2

Celebrate our Present. Embrace our Future. Honour our Past.

Development Services is now open in a limited capacity to the public with new COVID-19 protocols in place. We are responding to all email and phone enquiries and accepting applications electronically. The public can access resources, building information and commonly requested forms through the Business & Development section of our website: <https://www.ladysmith.ca/business-development/application-forms>. To provide the best service possible, we recommend contacting us by phone or email to determine if a visit to our office is necessary.

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September 14, 2020

File No. 3360-20-02

Stz'uminus First Nation
Chief and Council
12611A Trans-Canada Highway
Ladysmith, BC
V9G 1M5

Attn: Referrals

Dear Chief Roxanne Harris:

RE: Official Community Plan Referral – Subject Property: 1130 Rocky Creek Road (PID 024-839-370)

This letter is an Official Community Plan referral to Stz'uminus First Nation to receive your comments regarding a proposed amendment to the Official Community Plan 1130 Rocky Creek Road. This application is being referred to the Stz'uminus First Nation pursuant to the Memorandum of Understanding and s.475 of the Local Government Act.

Nature and Scope of the Proposal

An application has been received by the Town of Ladysmith to amend the Official Community Plan to change the designation of the property located at 1130 Rocky Creek Road from "Industrial" to "General Commercial". The applicant proposes to develop a commercial plaza on the property.

Timing

The Town would respectfully request a reply by October 19, 2020. Please identify any aboriginal rights and interests that may be impacted by this proposed amendment. We would like to hear your views on how those rights and interests may be impacted by this proposal. Please advise us if you would like additional time to review the application.



Figure 1: Subject Property

The Town of Ladysmith Council may move forward with the approval process after October 19, 2020. A public hearing will be required to be held after that date.

Traditional Territory

Land within the boundary of the Town of Ladysmith is located within the traditional territory of the members of the Hul'qumi'num Treaty Group as identified in its Statement of Intent.

Archaeology and Environment

The Town has utilized the Provincial Archaeology Branch records and no records were identified on the subject properties.

The subject properties do not contain streams nor sensitive ecosystems (as identified through the provincial sensitive ecosystem inventory).

Decision Making

The decision to change the Official Community Plan and Zoning Bylaw is solely a decision of the Council of the Town of Ladysmith. The Crown is not involved in this decision making process.

Associated Documents:

Enclosed please find the following documents:

- Staff Report
- Applicant Proposal Description
- Development Permit Application Submission
 - Design Plans (includes Site Plan)
 - Landscape Details
 - Landscape Plan
 - Site Grading Plan
 - Civil Site Servicing Report
- July 7 Council Meeting Minutes
- Applicant Neighbourhood Information Meeting Summary
- Draft Traffic Impact Assessment

Deadline

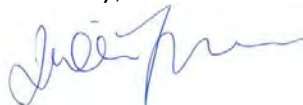
Once the public hearing on the proposed bylaw amendment has been held, the Town of Ladysmith Council may no longer receive input on the proposal. The date of the public hearing has not been set. It will not be held before October 19, 2020.

Contact Information

If you have any questions regarding the application, please contact me at 250-245-6420.

Thank you for your attention to this matter.

Sincerely,



Julie Thompson
Acting Senior Planner

Enclosures

cc Ray Gauthier

September 11, 2020

File No. 3360-20-02

Attn: Referrals

To Whom it May Concern:

RE: **OFFICIAL COMMUNITY PLAN REFERRAL – SUBJECT PROPERTY: 1130 ROCKY CREEK ROAD (PID 024-839-370)**

This letter is a referral to your organization requesting your comments regarding a proposed amendment to the Official Community Plan and Zoning Bylaw for 1130 Rocky Creek Road in the Town of Ladysmith. This application is being referred to your organization pursuant to s.475 of the Local Government Act.

Nature and Scope of the Proposal

An application has been received by the Town of Ladysmith to amend the Official Community Plan and Zoning Bylaw to accommodate a proposed commercial plaza on the subject property, 1130 Rocky Creek Road. The subject property is currently designated “Industrial” (OCP Bylaw No. 1488) in the OCP, and zoned “Comprehensive Development 1 – Tourist Commercial” (Zoning Bylaw No. 1860). To accommodate the proposed development, the OCP designation would be changed to “General Commercial” and the zoning would be changed to “Shopping Centre Commercial (C-5)”.

Timing

The Town would respectfully request a reply by October 19, 2020.

We would like to hear your views on how your organization’s interests may be impacted by this proposal. Please advise us if you would like additional time to review the application.

The Town of Ladysmith Council may move forward with the approval process after October 19, 2020. A public hearing will be required to be held after that date.



Referral Organizations

The Town of Ladysmith has referred this application to the following agencies and organizations:

- BC Ministry of Transportation and Infrastructure
- BC Transit
- BC Hydro
- Nanaimo-Ladysmith School District 68
- Ladysmith Chamber of Commerce
- Ladysmith Downtown Business Association

The Town has also referred this application to the Stz'uminus First Nation. The application was reviewed by the Community Planning Advisory Commission on August 5, 2020.

Associated Documents:

Enclosed please find the following documents:

- Staff Report
- Applicant Proposal Description
- Development Permit Application Submission
 - Design Plans (includes Site Plan)
 - Landscape Details
 - Landscape Plan
 - Site Grading Plan
 - Civil Site Servicing Report
- July 7 Council Meeting Minutes
- Applicant Neighbourhood Information Meeting Summary
- Draft Traffic Impact Assessment

Deadline

Once the public hearing on the proposed bylaw amendment has been held, the Town of Ladysmith Council may no longer receive input on the proposal. The date of the public hearing has not been set. It will not be held before October 19, 2020.

Contact Information

If you have any questions regarding the application, please contact me at 250-245-6420.

Thank you for your attention to this matter.

Sincerely,

Julie Thompson
Acting Senior Planner

REFERRAL REPORT

Report Prepared By: Julie Thompson, Acting Senior Planner
Meeting Date: September 11, 2020
File No: 3360-20-02
RE: OCP & ZONING AMENDMENT APPLICATION - 1130 ROCKY CREEK ROAD

PURPOSE:

The purpose of this report is to introduce application 3360-20-02 to amend the OCP designation and zoning at 1130 Rocky Creek Road to allow a commercial plaza. The subject property is currently designated “Industrial” (OCP Bylaw No. 1488) in the OCP, and zoned “Comprehensive Development 1 - Tourist Commercial” (Zoning Bylaw No. 1860). To accommodate the proposed development, the OCP designation would be changed to “General Commercial” and the zoning would be changed to “Shopping Centre Commercial (C-5)”.

The Town is requesting comments on this file from governments and agencies who may have an interest.



Figure 1: Subject property.

INTRODUCTION/BACKGROUND:

The subject property is located between the Trans-Canada Highway and Rocky Creek Road, on the west side of Ludlow Road. It is approximately 0.8 hectares in size and slopes from the highway down towards Rocky Creek Road. The intersection of Ludlow and the Trans-Canada Highway includes Ladysmith gateway signage and is a main route into the downtown via First Avenue.

The following table describes the surrounding properties:

Direction	Use
West	Vacant Light Industrial
East	Light Industrial
North	Industrial
South	Park (Bob Stuart Park) and Residential (Single Detached and Multiple Dwelling) on the opposite side of the Trans-Canada Highway

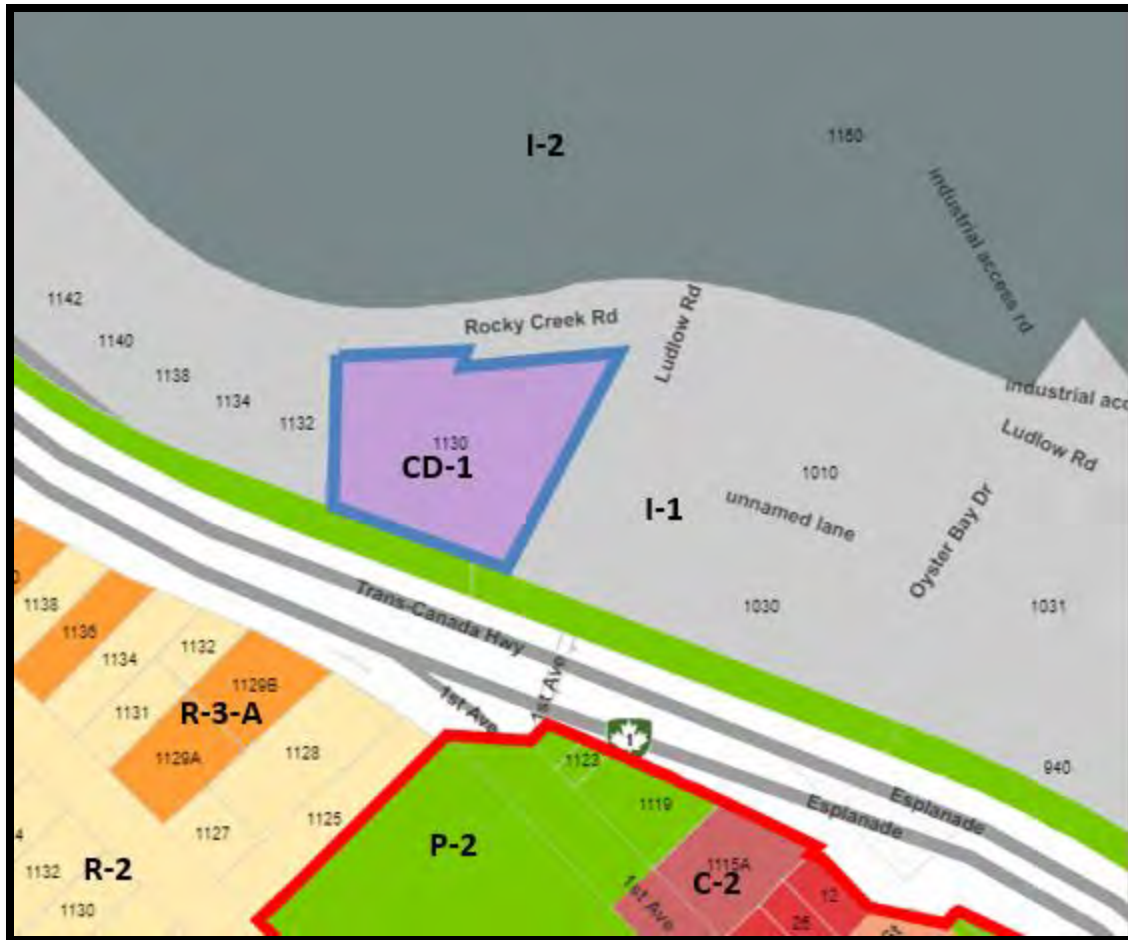


Figure 2: Surrounding Zoning

The applicant is proposing to amend the OCP designation and zoning at 1130 Rocky Creek Road to allow for a commercial plaza.

The current conceptual site plan (attached) for the commercial plaza includes (approximately) 2,180 square metres (23, 500 square feet) of commercial space which includes:

- a 930 square metre (10,000 square foot) retailer;
- two drive-through cafes/restaurants (40 seats each);
- four smaller 130 square metre (1,500 square feet) retail units; and,
- A 240 square metre (2,600 square feet) space allocated for office or retail space.

In 2017 a rezoning application was made for the subject property. Similar to this application, it included a range of commercial uses and a drive-through restaurant. The application was withdrawn prior to being considered by Council.

This application was considered by Council on July 7, 2020. The Council meeting minutes are attached to this report.

Proposed (Partial) Road Closure & Roundabout:

The applicant is proposing to purchase from the Town the portions of the road rights-of-way adjacent to the property that are considered surplus. The identified areas include approximately 80 square metres from the Rocky Creek Road right-of-way and 980 square metres from the Ludlow right-of-way. This proposal is shown in the attached site plan (see DP application submission).

The Town's Engineering Department has been involved in the discussions with the applicant regarding surplus land in the rights-of-way, and has provided preliminary support for the suggestion. The proposal has also been circulated to the Ministry of Transportation and Infrastructure for comment. If this proposal is acceptable to the Town, there will be a process to follow for road closure and disposition. On July 7, 2020 Council directed staff to work with the applicant regarding the potential road closure and sale/transfer of surplus land.

A full traffic impact study will be required if this application proceeds. A draft traffic impact study is attached to this report. The proposal includes high-traffic uses and the subject property is located at the intersections of Rocky Creek Road, Ludlow Road, and the Trans-Canada Highway.

The Town has an upcoming project to install a roundabout at the corner of Rocky Creek Road and Ludlow Road. Some land from the subject property may need to be added to the intersection to allow space for the roundabout. The design for the roundabout is not yet complete.

ANALYSIS:

The subject property is currently designated "Industrial" (OCP Bylaw No. 1488) in the OCP, and zoned "Comprehensive Development 1 - Tourist Commercial" (Zoning Bylaw No. 1860). To accommodate the proposed development, the OCP designation would be changed to "General Commercial" and the zoning would be changed to "Shopping Centre Commercial (C-5)".

OCP and Zoning History:

The OCP designation and zoning in this area have changed several times. In 2008, the OCP designation and zoning on the subject property and five adjacent parcels on Rocky Creek Road were changed from light industrial to a comprehensive development zone.

The comprehensive development zone allowed for a hotel and related uses. The hotel development did not proceed, and in 2017 the OCP designation and zoning on the five adjacent parcels were returned to light industrial (I-1). In 2018, as part of the Waterfront Plan, the Town changed the OCP designation on the subject property from “Mixed Use Waterfront” to “Industrial”. All six properties remain vacant.

Existing Covenant on Subject Property / Community Amenity Contribution:

There is an existing covenant on the property from the 2008 development proposal. The existing covenant requires:

- Use of green building and landscaping standards;
- Provision of a transit stop;
- Provision of an outdoor public space and historical artifact acknowledging the location of the 49th Parallel; and,
- \$1,000 of amenity contribution per residential unit.

This covenant will be reviewed and staff may recommend that it be amended or replaced as part of this application, which will include a review of the proposal under the Town’s community amenity contribution policy.

Official Community Plan Bylaw No. 1488:

Economic Development, Industrial, and Commercial Policies:

OCP policies that are relevant to the proposal for the subject property include:

- Commercial development is directed principally to the downtown core and the south end (Coronation Mall), with complementary commercial areas provided to serve the mixed use waterfront as well as local neighbourhoods (Section 3.5 (8))
- The General Commercial Designation is applied to the commercial area located at Coronation Mall and is intended for commercial uses that serve a market area both within and beyond the local community, and to function as a secondary commercial focus to the downtown core (Section 3.8.1)
- The Industrial designation is applied to industrial park areas and the industrial waterfront area and is intended to accommodate industrial development and

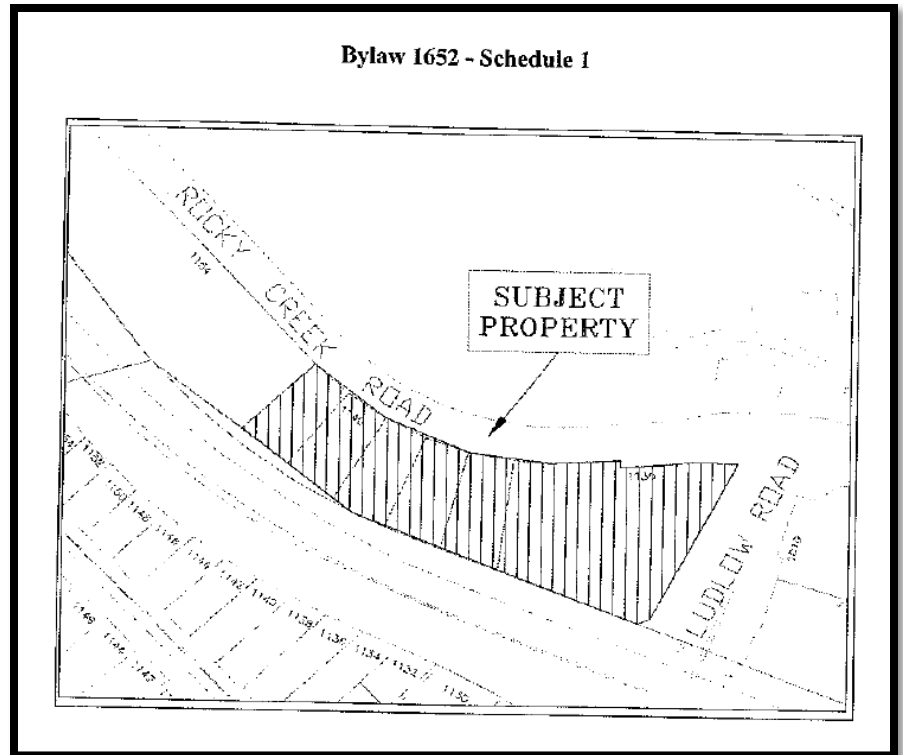


Figure 3: Subject Properties from 2008 Development Proposal

employment centres. It provides for a range of industrial and light industrial uses, and limited commercial uses to support industrial park areas (Section 3.8.1)

Waterfront Area Plan:

As part of the adoption of the Waterfront Area Plan in 2018, the OCP designation on the subject property was changed from “Waterfront Mixed Use” to “Industrial”. The subject property is not within the boundary of the waterfront plan and is approximately 450 metres northwest of the edge of the plan.

Development Permit Areas:

If the proposed development proceeds, the design and built form of the development will be important. The intersection of Ludlow Road and the Trans-Canada Highway is a gateway to Ladysmith. The subject property is within Development Permit Area (DPA) 3 – Commercial, and DPA 5 – Industrial. The applicant would be required to design the site and buildings to meet the DPA guidelines, which address building design, building siting and massing, landscaping, and other matters. At the request of Council, the applicant has submitted a DP application in tandem with the rezoning application. The DP application submission is attached to this report for reference. At the time of writing this report, the DP application has not been reviewed in detail by staff for compliance with the DPA guidelines.

Zoning Bylaw No. 1860:

Existing Zoning: CD-1 Comprehensive Development 1 – Tourist Service

When the tourist service zoning was established on the subject property in 2008, the anticipated use was a hotel (tourist accommodation). This zoning allows for a range of uses compatible with a hotel, such as a neighbourhood pub and a farmer’s market, but specifically excludes other uses, notably retail sales, and convenience store. The existing zoning also permits up to 30 dwelling units. The proposed development is primarily retail sales with two drive-through restaurants, which is incompatible with the existing zoning on the property.

Potential Zoning Amendment: C-5 Shopping Centre Commercial

In order to accommodate the proposed development, a Zoning Bylaw amendment would likely change the property to Shopping Centre Commercial (C-5), with a site-specific provision to allow for two drive-through restaurants.

Currently, the only existing C-5 zoning in Ladysmith is located at the corner of Davis Road and the Trans-Canada Highway (the Coronation Mall and the adjacent Dairy Queen).

New zoning for the subject property could include site-specific provisions to allow for greater flexibility for the site, for example to allow for dwelling units and/or compatible employment/industrial uses.

Drive-Through Service:

Section 6.3 of Zoning Bylaw No. 1860 specifically prohibits drive-through services in all zones. This provision was adopted as part of the 2014 review of the Zoning Bylaw. The prohibition on drive-through service was added to the Zoning Bylaw at the direction of Council.

There are four existing drive-through restaurants in Ladysmith that pre-date the 2014 Zoning Bylaw change, three at (or near) Coronation Mall (including McDonalds, Kentucky Fried Chicken, and Dairy Queen) and one on First Avenue (Tim Horton's). No additional drive-through restaurants have been authorized since the new Zoning Bylaw was adopted in 2014.

Other Recent Reports:

Two recent reports provide context for the current proposal:

- The Ladysmith Economic Development Strategy (Vann Struth Consulting Group, 2018); and
- The Cowichan Industrial Land Use Strategy (Urban Systems, 2019).

These two reports both identify lack of serviced industrial land in Ladysmith as a challenge for economic development. At 0.8 hectares, the subject property is one of the largest serviced, vacant industrial properties in Ladysmith.

Summary of Analysis:

Given the community vision for the waterfront, and the development trends in the area immediately surrounding 1130 Rocky Creek Road, the existing zoning on the property no longer seems appropriate. There appears to be a policy basis for retaining the industrial designation of the site and rezoning the site to industrial use. There may also be a policy basis to support the applicant's proposal, particularly if the proposed retail and commercial uses are compatible with surrounding industrial uses.

Neighbourhood Information Meeting:

The applicant held a neighbourhood information meeting (NIM) on July 23rd, 2020 at the Eagle's Hall. A summary of the views expressed by the public at the NIM is attached. The applicant has also provided the description of the proposal that was shared at the NIM, which is attached to this report.

SUMMARY:

The Town of Ladysmith is requesting your comments and recommendations regarding OCP and Zoning Amendment application 3360-20-02.

ATTACHMENT(S):

Applicant Proposal Description (Prepared for Neighbourhood Information Meeting)

DP Application Submission (includes site plan)

July 7th Council Meeting Minutes

Applicant Neighbourhood Information Meeting Summary
Draft Traffic Impact Assessment

DEVELOPMENT APPLICATION PACKAGE

<input type="checkbox"/> Official Community Plan (OCP) Amendment	<input type="checkbox"/> Zoning Bylaw Amendment	<input checked="" type="checkbox"/> OCP and Zoning Bylaw Amendment
<input type="checkbox"/> Development Permit (DP)	<input type="checkbox"/> Development Variance Permit (DVP)	<input type="checkbox"/> Temporary Use Permit (TUP)

Applicant Information

Applicant Name: FARIBA GHARAEI, ARCHITECT AIBC

Company Name: URBAN DESIGN GROUP ARCHITECTS LTD.

Telephone: 604-687-2334

Cell Phone: 604-329-7090

E-Mail: FARIBAG@UDGA.COM

Mailing Address: 420-745 THURLOW ST, VANCOUVER, BC

Postal Code: V6E 0C5

Property Information

Civic Address of property: 1130 ROCKY CREEK RD, LADYSMITH, BC

Current Use of property: NO USE (EMPTY LOT)

Size of property: 8,099 SM / 87,177 SF

Project Information

For all applications complete the attached 'Development Application Checklist'.

In a separate letter fully describe the proposed development. OCP and Zoning Bylaw amendment applicants are required to include details of community benefits and a "vision context statement" explaining how the proposal meets the 'Community Vision for a Sustainable West Coast Town'.

Authorization - All property owners on the certificate of title must complete this section.

I/We hereby declare that all of the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge, true and correct in all respects.

Registered Owner's: (This application is made with my full knowledge and consent)

Registered Owner's Name: Cowichan Valley Mortgages Ltd.	Signature: <i>B. W. Blodick</i>	Date: Nov. 14, 2019
Registered Owner's Name:	Signature:	Date:
Applicant's Name: FARIBA GHARAEI, ARCHITECT AIBC	Signature: <i>F. Gharaei</i>	Date: 2020-03-26

The personal information on this form is collected under the authority of the *Community Charter* and will be used for the purpose of running the municipality. If you have any questions about the use and collection of this information, contact the Corporate Officer- 250.245.6417

To submit by mail: Town of Ladysmith P.O. Box 220 Ladysmith, B.C. V9G 1A2	To submit in person: City Hall 410 Esplanade Ave. Ladysmith, B.C.	For further information: Development Services Department 132C Roberts St., Ladysmith, B.C. Telephone: 250.245.6410 Email: ds@ladysmith.ca
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250.245.6415 / info@ladysmith.ca / www.ladysmith.ca

132 C Roberts Street MAIL PO Box 220, Ladysmith, BC V9G

GET CONNECTED   

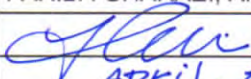
cowichan



DEVELOPMENT APPLICATION CHECKLIST

Basic Requirements		Check, if provided	Office Use Only
1	A completed application form, project description letter, and checklist(s)	<input checked="" type="checkbox"/>	
2	Application Fee	<input checked="" type="checkbox"/>	
3	State of Title of Certificate (current within 60 days)	<input checked="" type="checkbox"/>	
4	Copies of covenants, rights of way, easements registered on the Title	<input checked="" type="checkbox"/>	
5	Permission of the Registered Owner(s) (signature on application form or letter of authorization)	<input checked="" type="checkbox"/>	
6	Proof of ownership of the company on certificate of title (if applicable)	<input checked="" type="checkbox"/>	
7	Site Profile Form, if applicable (available from the Development Services Department or at www.ladysmith.ca/business-development)	<input checked="" type="checkbox"/>	
8	Riparian Area Assessment Report, if applicable	<input type="checkbox"/>	N/A
9	Survey for the subject property (completed by a B.C. Land Surveyor)	<input checked="" type="checkbox"/>	
Site Plan - Data Sheet Provide these items in the form of a data sheet on the site plan. Use metric dimensions.			
1	Architect/Designer (phone/fax number/email address)	<input checked="" type="checkbox"/>	
2	Name of Registered Owner(s)	<input checked="" type="checkbox"/>	
3	Address of subject property (civic address and legal description of property)	<input checked="" type="checkbox"/>	
4	Site Area (from a site survey)	<input checked="" type="checkbox"/>	
5	Parcel Coverage	<input checked="" type="checkbox"/>	
6	Floor Area / Number of Dwelling Units	<input checked="" type="checkbox"/>	
7	Floor Space Ratio	<input checked="" type="checkbox"/>	
8	Building height and number of storeys	<input checked="" type="checkbox"/>	
9	Landscape requirements (shade trees and landscape buffers)	<input checked="" type="checkbox"/>	
10	Off-street parking calculation (vehicle, loading, and bicycle)	<input checked="" type="checkbox"/>	
11	Development Permit Area, if applicable	<input checked="" type="checkbox"/>	
Site Plan (1 full size, 3 reduced (8.5 x 11), digital) Provide these items on the site plan. Use metric dimensions.			
1	North arrow, scale, date of plan	<input checked="" type="checkbox"/>	
2	Dimensions (based on the BCLand Surveyor survey for the subject property); and show all property lines, rights of way, easements, and/or covenant areas	<input checked="" type="checkbox"/>	
3	Detail to show compliance to the Zoning Bylaw regulations for the subject property	<input type="checkbox"/>	
4	Location, number and dimensions of all off street parking and loading areas	<input checked="" type="checkbox"/>	
5	Existing and proposed vehicle, pedestrian and bicycle access points to the site and off street parking and loading areas	<input checked="" type="checkbox"/>	
6	Water bodies, water courses, contours, and other significant natural features including grades (overlay RAR and/or SPEA areas if applicable)	<input type="checkbox"/>	N/A
7	Works & services improvements adjacent to the development site such as sidewalks and street trees etc. (contact TOL Engineering Dept. 250.245.6445)	<input type="checkbox"/>	N/A



Elevation Plans (1 full size, 3 reduced (8.5 x 11), digital)		Check, if provided	Office Use Only
1	Average, existing and finished grades	<input checked="" type="checkbox"/>	
2	Building height (B.C. Land Surveyor height survey may be required)	<input checked="" type="checkbox"/>	
3	Building elevations, including window and door details	<input checked="" type="checkbox"/>	
4	Dimensioned walkways and surface treatment	<input checked="" type="checkbox"/>	
5	Exterior finishing materials and colours (sample board)	<input checked="" type="checkbox"/>	
6	Streetscape sketch showing project relationship to neighbouring properties/context	<input checked="" type="checkbox"/>	
7	Coloured rendering (building massing/perspective & landscape plan)	<input checked="" type="checkbox"/>	
8	Design rationale	<input checked="" type="checkbox"/>	
Landscape Plan (1 full size, 3 reduced (8.5 x 11), digital)			
1	Detailed plan showing retained trees, new plantings, shade trees and landscape buffers (including species, size, quantity, location, irrigation, finished grade)	<input checked="" type="checkbox"/>	
2	Surface materials, including paving treatment	<input checked="" type="checkbox"/>	
3	Site signage and lighting	<input checked="" type="checkbox"/>	
4	Final grading plan and location of retaining walls (with height and material details)	<input checked="" type="checkbox"/>	
5	Outdoor structures, including recycling/garbage enclosure, fencing	<input checked="" type="checkbox"/>	
6	Cost estimate for completion of landscaping from a Landscape Professional. (Security will be required prior to issuance of a development permit.)	<input checked="" type="checkbox"/>	
Signage Plan (1 full size, 3 reduced (8.5 x 11), digital)			
1	Size, type and location of sign(s) and/or canopy (Refer to the Sign and Canopy Bylaw)	<input checked="" type="checkbox"/>	
2	Appearance details, including materials & paint /colour samples (signs and canopy)	<input checked="" type="checkbox"/>	
3	Coloured renderings (showing sign and canopy design and locations)	<input checked="" type="checkbox"/>	
Engineering (1 full size, 3 reduced (8.5 x 11), digital)			
1	Engineering and serving pre-design submission	<input checked="" type="checkbox"/>	
2	Final grading plan - from property line to property line showing landscaping, building elevations and grade implications to adjacent properties and the street	<input checked="" type="checkbox"/>	
Reports/Studies/Other (2hard copies, digital)			
1	Traffic study	<input type="checkbox"/>	N/A
2	View study, shadow study	<input type="checkbox"/>	N/A
3	Heritage or archaeological assessment	<input type="checkbox"/>	N/A
4	See the Community Amenity Contribution (CAC) policy for rezoning applications	<input type="checkbox"/>	N/A
5	Describe green building and design features that are proposed in the development	<input type="checkbox"/>	N/A
6	Impact study (economic, environmental, infrastructure, CPTED)	<input checked="" type="checkbox"/>	
7	If a public meeting was held, provide a complete summary of comments heard and describe how the development proposal responds to neighbourhood interests.	<input type="checkbox"/>	N/A
Submitted by:			
Applicant's Name:	FARIBA GHARAEI, ARCHITECT AIBC	<input type="checkbox"/>	
Applicant's Signature:		<input type="checkbox"/>	
Date:	APRIL, 02, 2020	<input type="checkbox"/>	



1130 ROCKY CREEK ROAD DEVELOPMENT

Traffic Impact Assessment

Author: MJ Oh

Reviewer: Nadine King, P.Eng., PTOE

Prepared for: Oyster Harbour Development Corp

#501-740 Hillside Avenue
Victoria, BC V8T 1Z4

Our File: 2841.B01

T 250.388.9877

Date: April 21, 2021

F 250.388.9879

wattconsultinggroup.com

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1.0 INTRODUCTION

Watt Consulting Group was retained by Oyster Harbour Development Corp. to conduct a traffic impact assessment (TIA) for a proposed commercial development at 1130 Rocky Creek Road in Ladysmith, BC. This report reviews existing and post development traffic conditions for both the short (opening day) and long term (10 years post opening day) horizon. The report also reviews the site access and active transportation to access the site.

1.1 STUDY AREA

The study area for this project includes the following two key intersections:

- Highway 1 / 1st Avenue – Ludlow Road; and
- Ludlow Road and Rocky Creek Road.

Figure 1 shows the study area and site location.

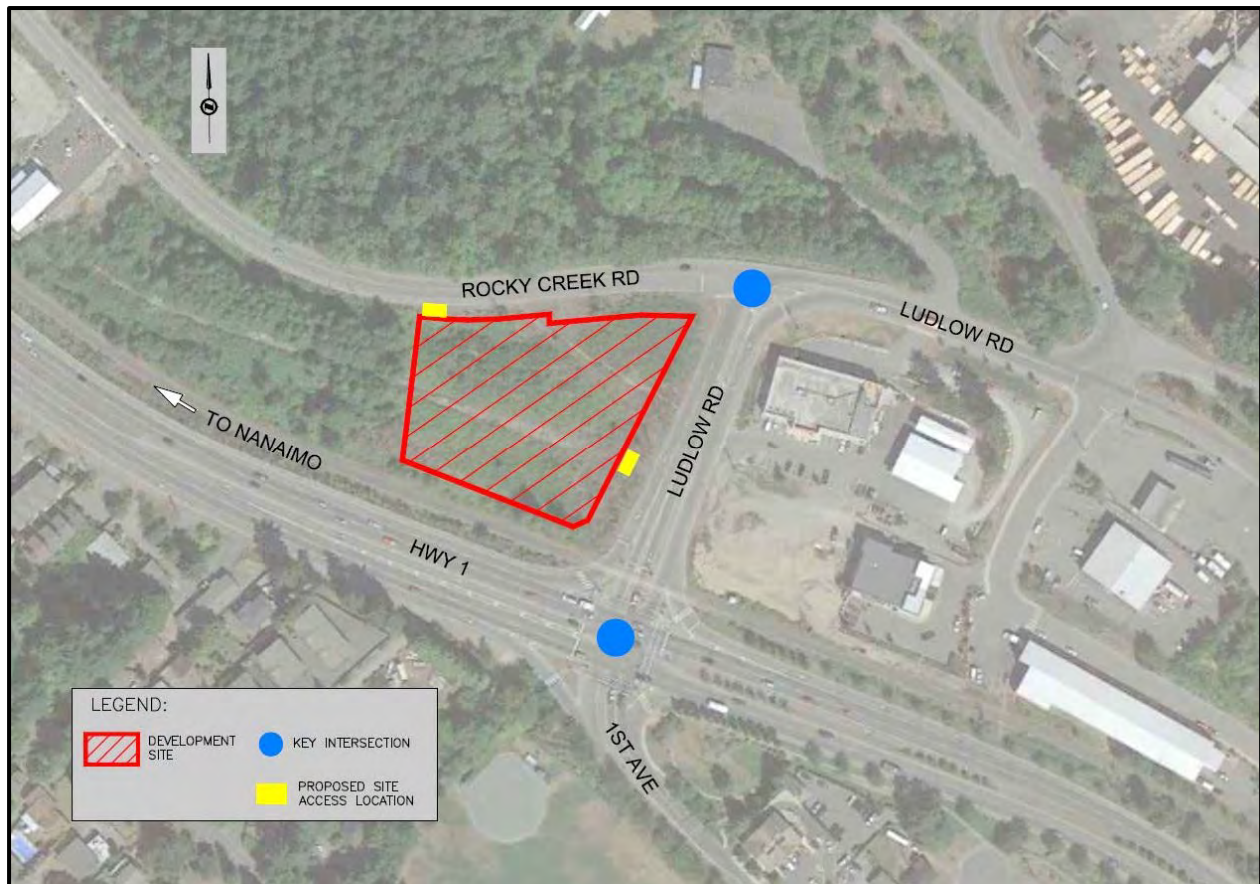


Figure 1: Study Area and Site Location

2.0 EXISTING CONDITIONS

2.1 LAND USE

The proposed site is currently zoned as Tourist Service Commercial (CD 1) and undeveloped. The surrounding land use is industrial / commercial along Ludlow Road, Oyster Bay Drive and Rocky Creek Road including two mills.

2.2 ROAD NETWORK

Highway 1 is a four lane divided road which runs east-west parallel to the water. 1st Avenue is a two lane road which runs roughly parallel with Highway 1 until it ties into Highway 1 at the west end of downtown. The signalized intersection of Highway 1/1st Avenue/Ludlow Road provides the main access/exit point to the west end of the core area as well as access to the Rocky Creek Road / Ludlow Road commercial / industrial area.

Ludlow Road is a two lane local road connecting the seashore industrial area of the town (Government Harbour, Pulp Mill, and Industrial Park on Oyster Bay Drive) to Highway 1/1st Avenue/Ludlow Road. The east side of the development fronts Ludlow Road. Rocky Creek Road runs between the water and Highway 1, parallel to the highway, from Ludlow Road to the west. Rocky Creek Road is also a two lane road with a wide paved shoulder on the south side of the road. The E&N Railway is located between Highway 1 and the south property line of the development site. There is a railway crossing on Ludlow Road just north of the intersection of Highway 1/1st Avenue/Ludlow Road.

Ludlow Road/Rocky Creek Road is an unsignalized 3-legged intersection (stop controlled). Rocky Creek Road forms the west leg while Ludlow Road forms the south and east legs. Currently, there is a stop sign on Rocky Creek Road (west leg) and on the south leg of Ludlow Road, while the east leg (Ludlow Rd) free flow. This unusual stop sign configuration has Ludlow Road as the major street despite the 90° turn in the road.

The posted speed limit is 70 km/h on Highway 1 and 50 km/h on all other roads within the study area.

2.3 TRAFFIC COUNT

For Ludlow Road/Rocky Creek Road, traffic counts were collected for the AM and PM peak hours on Wednesday March 3rd, 2020.

For Highway 1/1st Avenue/Ludlow Road, new traffic counts were not available due to the global spread of COVID-19 (Coronavirus) during the study period (spring 2020). The highway intersection counts were collected from MOTI's website. For Highway 1/1st Avenue/Ludlow Road, 2020 existing volumes were produced from 2005 signal dump data (measured in June 2005) and adjusted based on the MOTI's historical growth factors (UTVS No: 24) and balanced to 2020 counts at Ludlow Road/Rocky Creek Road. See **Figure 2** for existing traffic volumes.

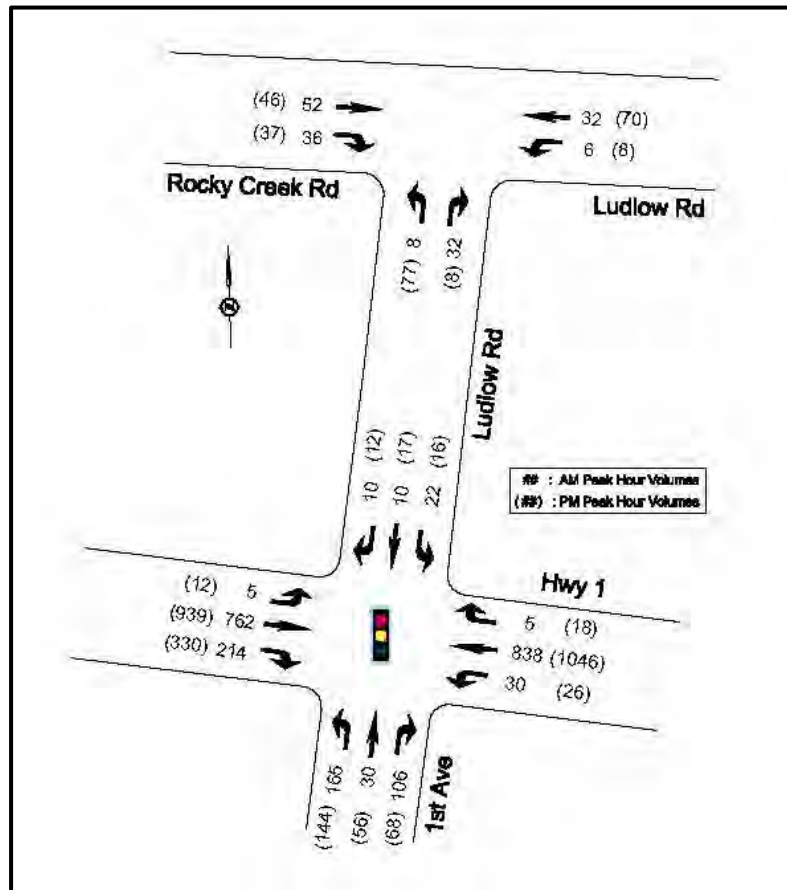


Figure 2: Existing Traffic Volumes

2.4 TRAFFIC MODEL

Weekday AM and PM peak hour traffic conditions will be modeled using Synchro Studio (version 9) for the opening year full build-out and 10 year post opening year with and without the development traffic to identify long term impacts of the development.

Measures of effectiveness (MOEs) will be evaluated for level of service (LOS), 95th percentile queues, total delay, and volume-to-capacity ratios (v/c). The delays and type of traffic control were used to determine the level of service. The levels of service were broken down into six letter grades with LOS A being excellent operations and LOS F being unstable / failure operations. On Highway 1 MOTI's goal is to maintain LOS C or better for through movements on the highway and LOS E or better for side streets and left turn movements. A description of level of service and Synchro is provided in **Appendix A**.

The short and long term horizons will be evaluated for impacts to traffic operations with and without the development. The results will be used to determine if road improvements are needed as a result of background traffic growth or as a result of the development.

2.5 TRAFFIC CONDITIONS

Existing traffic conditions including the adjacent 1301/1391 Rocky Creek Road development trips were analyzed using Synchro and SimTraffic. See **Figure 3** for background volumes for 2020 opening day.

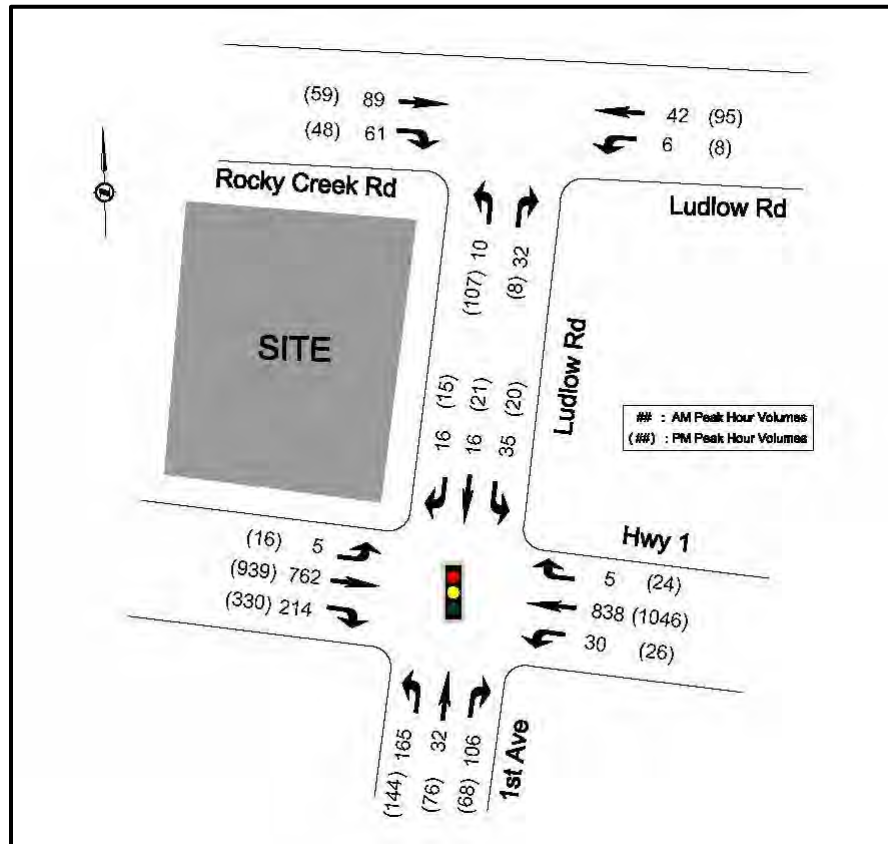


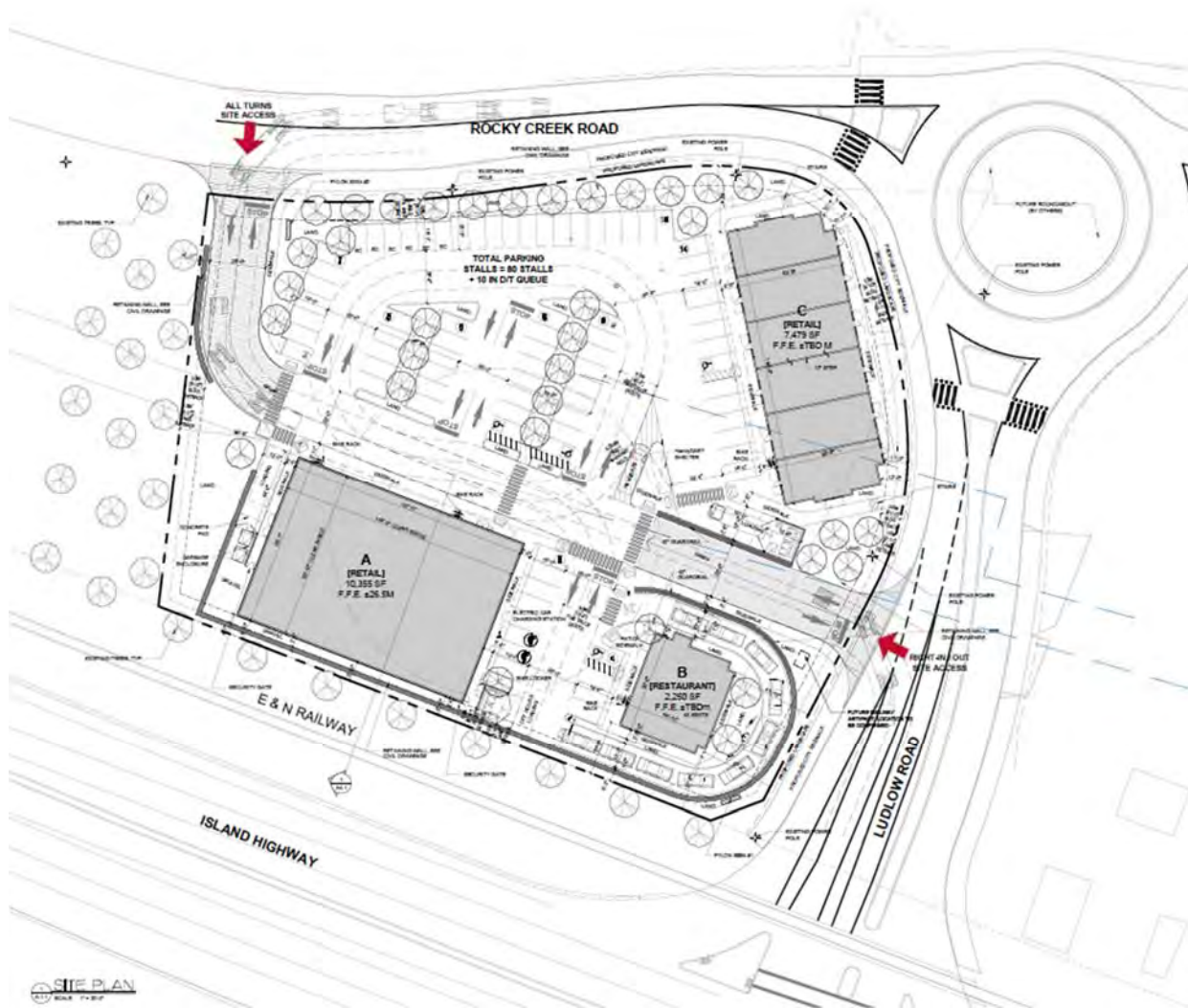
Figure 3: 2020 Background Volumes with Adjacent Development Traffic

The intersection of Highway 1/1st Avenue will operate at a LOS C or better. At the intersection of Rocky Creek Road / Ludlow Road the intersection operates at a LOS A in the AM and PM peak hour. **Table 6** and **7** summarize LOS, delays and queues for 2020 background.

3.0 POST DEVELOPMENT CONDITIONS

3.1 SITE ACCESS

Two site accesses are proposed: one full movement access is located at the west end of the Rocky Creek Road frontage and one right in / out access is located on Ludlow Road. See **Figure 4** for the proposed site plan and accesses.



*site plan from Urban Design Group

Figure 4: Proposed Site Plan and Accesses

3.2 PROPOSED LAND USE

The proposed use is a small commercial centre which is composed of a drive-through restaurant and commercial/retail stores. **Table 2** summarizes the proposed land uses.

TABLE 1: PROPOSED LAND USES

Proposed Land Uses
<ul style="list-style-type: none"> • 17,834 sq. ft. of Commercial Retail • 2,250 sq. ft. of Fast-food Restaurant with Drive-Through

3.3 TRIP GENERATION

Trip generation rates were estimated using the 10th Edition of the ITE Trip Generation Manual. Trip generation rates for the weekday AM and PM peak hours are shown in **Table 2**.

Table 3 summarizes the trip generation estimates for each of the site’s proposed land uses in the AM and PM peak hours. In total, the development will generate 199 trips in the AM peak hour and 206 trips in the PM. There will, however, be internal site trips and pass-by trips for the proposed land uses, and this must be accounted for in establishing the ultimate net traffic and distribution patterns.

TABLE 2: PEAK HOUR TRIP GENERATION RATES

ITE Land Use		Weekday AM			Weekday PM		
Code	Description	Rate*	In	Out	Rate	In	Out
820	Commercial Retail (Shopping Centre)	0.94	62%	38%	3.81	48%	52%
934	Fast Food Restaurant w Drive-Through	40.19	51%	49%	32.67	52%	48%

*Trip Rates per 1,000 sq. ft.

TABLE 3: PEAK HOUR DEVELOPMENT TRIPS

Description	GFA	Weekday AM			Weekday PM		
		In	Out	Total	In	Out	Total
Commercial Retail	17,834 sq. ft.	11	6	17	33	35	68
Drive-Through Restaurants	2,250 sq. ft.	46	45	91	38	36	74
Totals		57	51	108	71	71	142

3.4 INTERNAL AND PASS-BY TRIPS

As a mixed-use development, there would be internal trips between the drive-through restaurants and retail land uses. An internal capture rate is a percentage reduction that is applied to the trip generation estimates for individual land uses to account for internal trips on the site. The internal trips are subtracted out before pass-by trip rates are applied. The internal trips were applied to only PM peak hour as the generated retail trips are very low in the AM peak hour due to many stores not being open in the AM peak hour.

The *ITE Trip Generation Manual: User’s Guide and Handbook Volume 1*) provides a methodology for estimating internal capture rates for mixed use sites. This methodology utilized the internal trip percentages for the land uses from ITE, NCHRP, and a previous study (from MOTI) to estimate the number of internal trips between the various land uses.

At full build-out, the internal capture rate is estimated to be an overall **35%** (50 internal trips) in the PM peak hour. **Table 4** provides a summary of the internal and net external trips at full build-out.

TABLE 4: INTERNAL AND NET EXTERNAL TRIPS AT FULL BUILD-OUT

Types of Trip	AM Peak Hour			PM Peak Hour		
	Inbound	Outbound	Total	Inbound	Outbound	Total
Total Trips	57	51	108	71	71	142
Internal Trips	-	-	-	25	25	50
Net External	57	51	108	46	46	92

There are two types of external trips for the commercial / retail land uses: primary and pass-by (diverted) trips. Primary trips are new trips to/from the site (i.e. additional vehicles on the road). Pass-by trips are those made by vehicles already passing the site on an adjacent roadway, but still enter/exit the site. For the purposes of this study the pass-by trips would be from Highway 1.

For the proposed development, pass-by trips would be generated by the retail and drive-through restaurants. Average peak hour pass-by trip rates were based on the ITE manual and a previous study for MoTI: **22%** (AM) and **34%** (PM) for the retail traffic, and **49%** (AM) and **50%** (PM) for the drive-through restaurant. The estimated pass-by trips would be **94 vehicles** in the AM peak hour and **78 vehicles** in the PM peak hour.

Table 5 provides a summary of the primary and pass-by trips at full build-out.

TABLE 5: PRIMARY AND PASS-BY TRIPS

Types of Trip	AM Peak Hour			PM Peak Hour		
	Inbound	Outbound	Total	Inbound	Outbound	Total
Primary Trips	32	28	60	26	26	52
Pass-by Trips	25	23	48	20	20	40

A previous site plan for this development had an additional fast food restaurant and about 3,000 sq. ft. less commercial. The change to the current site plan reduced the traffic by 91 vph in the AM peak hour and 64 vph in the PM peak hour. Since the previous analysis did not identify the need for any mitigation measures the higher generating site plan traffic was utilized for the modelling. See **Appendix B** for the previous land use, trip generation, internal trips, and breakdown of primary and pass-by trips.

3.5 TRIP ASSIGNMENT

Trips were assigned to the roadway network based on the existing trip distributions and key destinations / origins in the area. The following is the trip assignment percentages.

Split Percentages of Primary Trips: AM Peak Hour

- 85% of site trips are from / to the Highway 1 / 1st Avenue Intersection
- 10% of site trips are from / to Rocky Creek Road (West)
- 5% of site trips are from / to Ludlow Road (East)

Split Percentages of Primary Trips: PM Peak Hour

- 85% of site trips are from / to the Highway 1 / 1st Avenue Intersection
- 8% of site trips are from / to Rocky Creek Road (West)
- 7% of site trips are from / to Ludlow Road (East)

The resulted trip assignment for AM and PM peak hours, based on the higher site traffic, are shown in **Figure 5**. Note negative trips are due to diverted pass-by trips

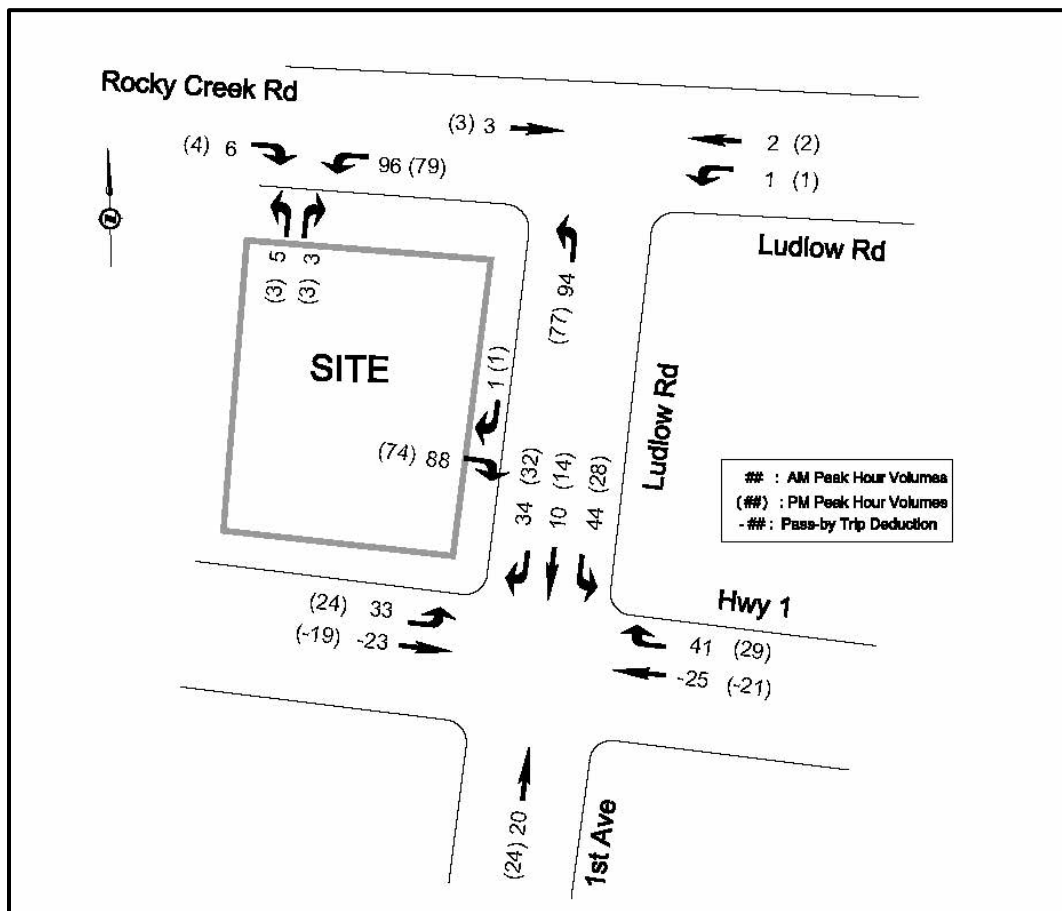


Figure 5: Trip Assignment – AM and PM Peak Hours

3.6 OPENING DAY TRAFFIC CONDITIONS

At the two study intersections, with the higher site traffic, traffic impacts by the development will not be significant. At Highway 1 / 1st Avenue, the highway movements remain at a LOS C or better in the AM and PM peak hours with the development. The southbound left and through movements will drop to a LOS D from a LOS C in the PM peak hour. However, the southbound additional delays will be less than 4 additional seconds in the PM peak hour. At the intersection, a maximum v/c ratio is 0.57 in the AM peak hour and 0.71 in the PM peak hour with the addition of the development traffic. With the reduction in traffic generated by this development even less additional delay will be experienced by the southbound movements.

At Ludlow Avenue/Rocky Creek Road, all movements operate at a LOS A and no queuing issues were identified. Therefore, no mitigation measures are required due to the development. At the proposed two site accesses, all movements will operate at a LOS A/B with no queuing issues.

Figure 6 shows the 2020 post-development volumes. **Table 6** and **7** summarize LOS, delays and queues for 2020 background and post development.

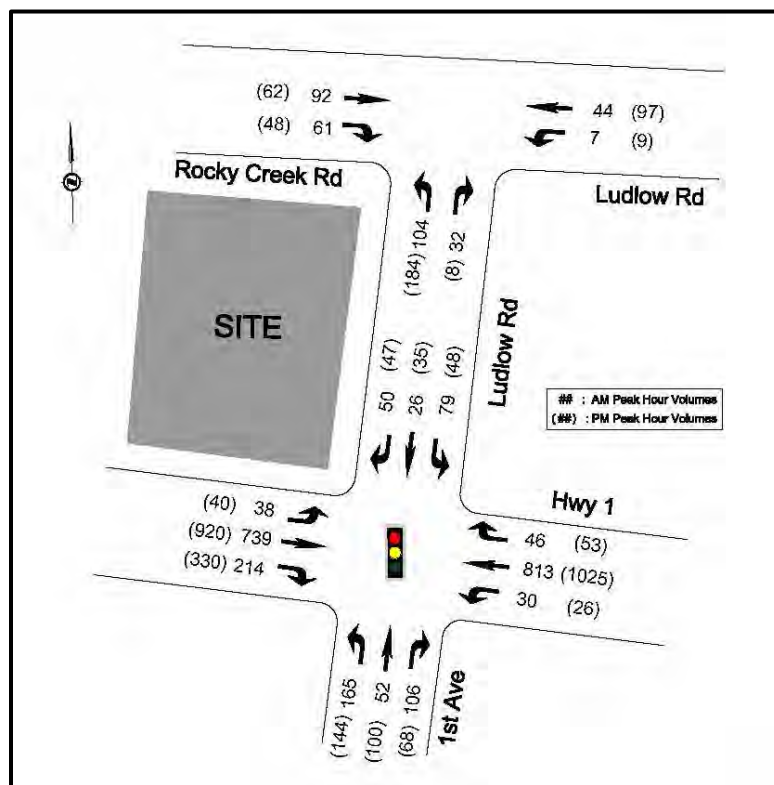


Figure 6: 2020 Post Development Volumes

TABLE 6: 2020 AM PEAK HOUR TRAFFIC CONDITIONS COMPARISON

Intersection	Movement	2020 Background			2020 Post Development		
		LOS	Delay (s)	95 th Queue (m)	LOS	Delay (s)	95 th Queue (m)
Hwy 1/ 1 st Ave-Ludlow Rd (Signalized)	EBL	B	12.4	4.5 (165)	B	12.7	14.9 (165)
	EBT	B	12.1	49.1	B	13.0	50.8
	EBR	A	2.9	0	A	2.9	0
	WBL	B	16.8	13.8 (145)	C	20.4	14.0 (145)
	WBT	B	16.2	53.6	C	21.3	63.2
	WBR	A	0	0	A	0.2	0
	NBL	C	29.1	33.9 (75)	C	30.1	45.3 (75)
	NBLTR	B	12.1	59.1	B	17.0	68.5
	SBL	C	34.9	18.4 (40)	D	42.9	28.2 (40)
	SBT	C	33.7	13.4	C	34.3	17.7
	SBR	A	0.4	0	A	1.3	0
Ludlow Rd / Rocky Creek Rd	EBTR	A	2.3	20.8	A	2.5	21.1
	WBLT	A	0.0	0	A	0.0	0
	NBL	A	2.8	8.4 (40)	A	3.3	18.3 (40)
	NBR	A	0.7	0	A	0.3	0

*Note: 95th Queues and Ludlow/Rocky Creek LOS and Delays are based on SimTraffic results, (##) = Existing turn lane length

TABLE 7: 2020 PM PEAK HOUR TRAFFIC CONDITIONS COMPARISON

Intersection	Movement	2020 Background			2020 Post Development		
		LOS	Delay (s)	95 th Queue (m)	LOS	Delay (s)	95 th Queue (m)
Hwy 1/ 1 st Ave-Ludlow Rd (Signalized)	EBL	B	12.2	9.5 (165)	B	13.4	14.0 (165)
	EBT	B	12.9	59.8	B	14.3	60.5
	EBR	A	2.8	0	A	2.9	0
	WBL	B	17.3	14.1 (145)	C	21.0	14.8 (145)
	WBT	B	17.8	66.2	C	24.6	71.0
	WBR	A	0	0	A	0.2	0
	NBL	C	28.4	21.9 (75)	C	28.6	30.7 (75)
	NBLTR	C	22.3	54.6	C	26.7	62.0
	SBL	C	33.8	13.3 (40)	D	37.1	18.9 (40)
	SBT	C	33.7	13.2	D	35.2	19.1
	SBR	A	0.3	0	A	1.3	0
Ludlow Rd / Rocky Creek Rd	EBTR	A	2.5	19.2	A	2.7	20.9
	WBLT	A	0.0	0	A	0.1	0.9
	NBL	A	3.8	17.7 (40)	A	3.7	23.2 (40)
	NBR	A	0.6	0	A	0.0	0

*Note: 95th Queues and Ludlow/Rocky Creek LOS and Delays are based on SimTraffic results, (##) = Existing turn lane length

4.0 LONG TERM TRAFFIC CONDITIONS

A 10 year horizon post development opening day condition analysis was undertaken. The historical 10-year growth factor (1.8%) for Highway 1 was used to adjust the background volumes to 2030 for Highway 1/1st Avenue. For the Ludlow Road/Rocky Creek Road intersection, a 2.0% annual growth rate was applied to obtain 2030 background volumes as a worst-case scenario.

4.1 2030 BACKGROUND TRAFFIC

See **Figure 7** for 2030 background volumes for the 10-year horizon after opening day. At Highway 1 / 1st Avenue without the development in 2030, all movements will operate at a LOS C or better except the southbound left movement (LOS D) in the AM peak hour. At Ludlow Avenue/Rocky Creek Road, all movements will operate at a LOS A in the peak hours with the existing control and the proposed roundabout.

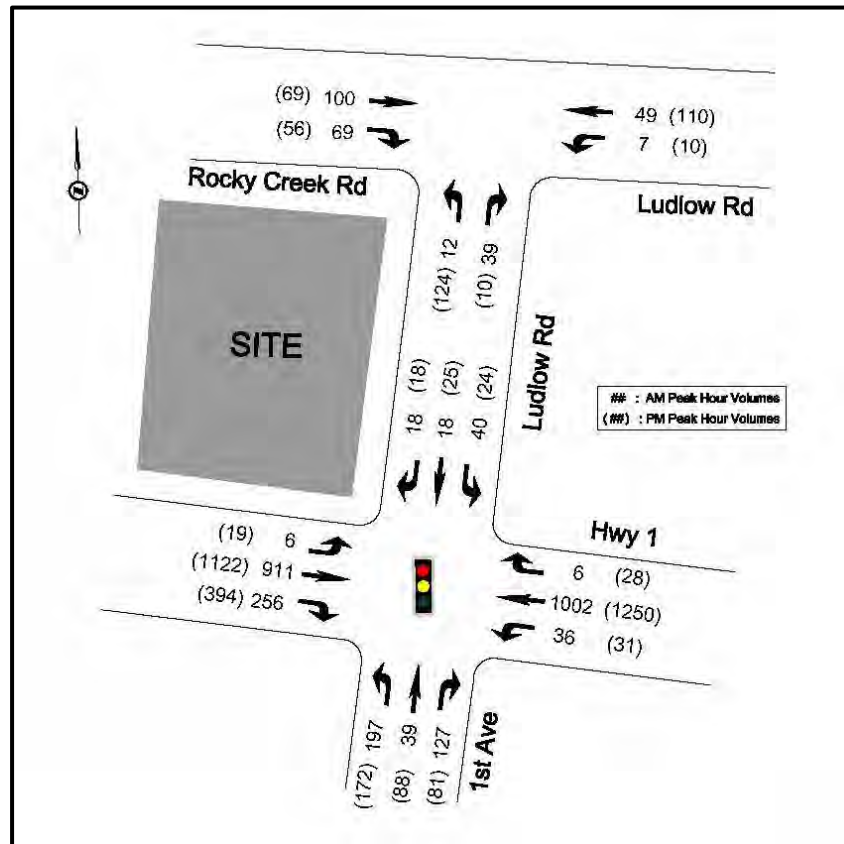


Figure 7: 2030 Background Volumes

4.2 2030 POST DEVELOPMENT ANALYSIS RESULTS

At Highway 1 / 1st Avenue with the higher development traffic added to the 2030 background volumes all movements will operate at a LOS C or better in the AM peak hour except the southbound left which will remain at a LOS D. In the AM, several movements will drop from LOS B to LOS C with the addition of the higher development traffic. In the PM peak hour the southbound left turn movement will drop from a LOS C to LOS D and several other movements will drop from LOS B to C (westbound left and westbound through). Those movements that drop a LOS due to the higher generating site plan may not drop with the revised site plan. Overall, even with the higher site traffic the intersection operates well in the long term.

At Ludlow Avenue/Rocky Creek Road, all movements will operate at a LOS A/B in the AM and PM peak hours with the development. The northbound left queue will remain within the existing storage length with the development. The proposed development does not trigger the need for any mitigation measures based on the 2030 post development analysis.

See **Figure 8** for 2030 post development volumes for the 10-year horizon after opening day. **Table 8** and **9** summarize LOS, delays and queues for 2030 background and post development.

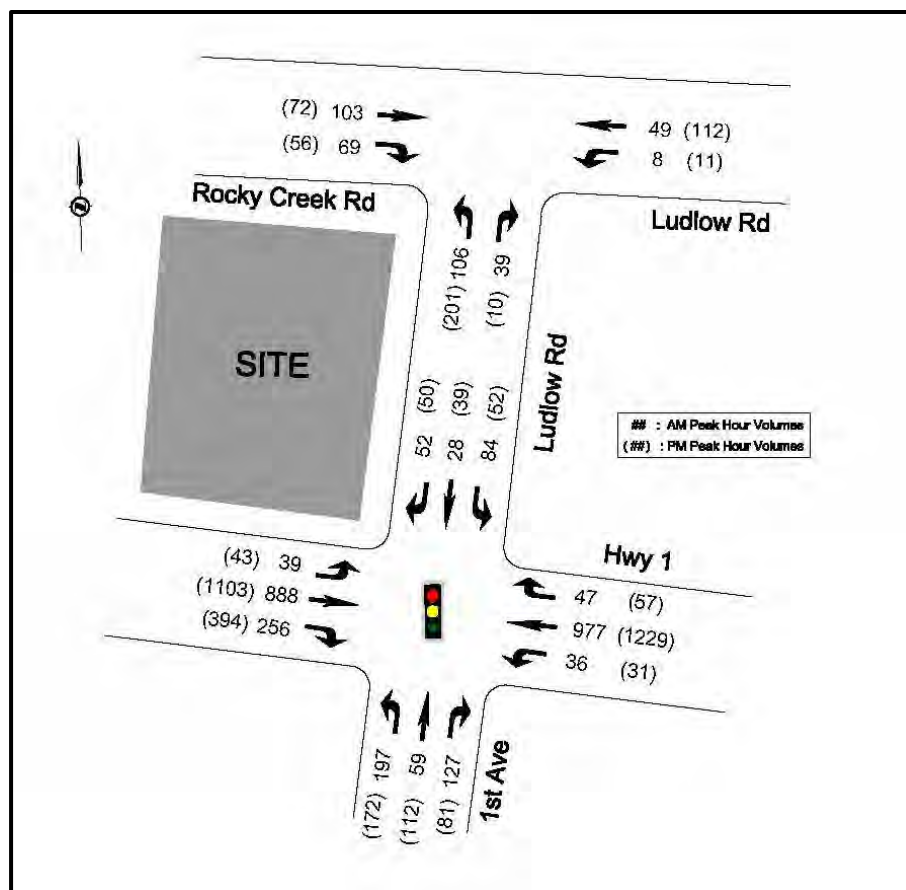


Figure 8: 2030 Post Development Volumes

TABLE 8: 2030 AM PEAK HOUR TRAFFIC CONDITIONS COMPARISON

Intersection	Movement	2030 Background			2030 Post Development		
		LOS	Delay (s)	95 th Queue (m)	LOS	Delay (s)	95 th Queue (m)
Hwy 1/ 1 st Ave-Ludlow Rd (Signalized)	EBL	B	12.7	6.3 (165)	B	13.7	15.1 (165)
	EBT	B	13.6	58.1	B	14.7	62.7
	EBR	A	2.9	0	A	2.9	2.4
	WBL	B	18.3	17.7 (145)	C	21.9	15.1 (145)
	WBT	B	18.5	63.4	C	24.8	82.4
	WBR	A	0	0	A	0.2	0
	NBL	C	30.0	46.7 (75)	C	31.1	57.1 (75)
	NBLTR	B	12.0	72.0	C	20.1	80.4
	SBL	D	35.7	19.0 (40)	D	44.6	24.2 (40)
	SBT	C	34.2	13.7	C	34.9	16.7
	SBR	A	0.4	0	A	1.4	0
Ludlow Rd / Rocky Creek Rd	EBTR	A	2.4	22.3	A	2.6	24.3
	WBLT	A	0.0	0	A	0.0	0
	NBL	A	2.7	9.2 (40)	A	2.9	14.4 (40)
	NBR	A	1.0	4.3	A	0.0	2.1

*Note: 95th Queues based on SimTraffic results, (##) = Existing turn lane length

TABLE 9: 2030 PM PEAK HOUR TRAFFIC CONDITIONS COMPARISON

Intersection	Movement	2030 Background			2030 Post Development		
		LOS	Delay (s)	95 th Queue (m)	LOS	Delay (s)	95 th Queue (m)
Hwy 1/ 1 st Ave-Ludlow Rd (Signalized)	EBL	B	12.2	9.5 (165)	B	13.4	14.0 (165)
	EBT	B	12.9	59.8	B	14.3	60.5
	EBR	A	2.8	0	A	2.9	0
	WBL	B	17.3	14.1 (145)	C	21.0	14.8 (145)
	WBT	B	17.8	66.2	C	24.6	71.0
	WBR	A	0	0	A	0.2	0
	NBL	C	28.4	21.9 (75)	C	28.6	30.7 (75)
	NBLTR	C	22.3	54.6	B	26.7	62.0
	SBL	C	33.8	13.3 (40)	D	37.1	18.9 (40)
	SBT	C	33.7	13.2	C	35.2	19.1
	SBR	A	0.3	0	A	1.3	0
Ludlow Rd / Rocky Creek Rd	EBTR	A	2.6	20.8	A	2.6	20.8
	WBLT	A	0.0	0	A	0.0	0
	NBL	A	3.8	17.4 (40)	A	3.9	25 (40)
	NBR	A	1.4	0	A	0.0	0

*Note: 95th Queues based on SimTraffic results, (##) = Existing turn lane length

4.3 ROUNDABOUT REVIEW FOR LUDLOW ROAD / ROCKY CREEK ROAD

The Town of Ladysmith is planning for a roundabout at Ludlow Road/Rocky Creek. With the implementation of the roundabout the intersection of Ludlow Road / Rocky Creek Road will operate at a LOS A in the long term.

5.0 GEOMETRICS AND SAFETY

5.1 ACCESS SPACING

On the Ludlow Road frontage, the proposed access is located 55m off the Highway 1 intersection which is less than TAC's suggested minimum corner clearance of 70m for arterial roads from a signalized major intersection. Since the right out is located at the end of the left turn storage if vehicles are stored in the left turn lane exiting vehicles may have to wait to enter the left turn lane. The southbound 95th percentile queues, in the long term, are expected to be less than 25m which provides sufficient room for a right turning vehicle to exit the driveway and join the back of the queue. Therefore the location of the right in / right out on Ludlow Road is appropriate. The addition of the roundabout at Ludlow Road / Rocky Creek Road will include a median that extends to the railway and will ensure left turns into the driveway do not occur (and cause impacts to traffic at Highway 1 / 1st Avenue).

The access on the Rocky Creek Road is on the western edge of the property approximately 110m from the Ludlow Road / Rocky Creek Road intersection.

5.2 LEFT TURN LANE

At the site access on Rocky Creek Road, a westbound left turn lane is not warranted based on 2020 and 2030 post development volumes.

5.3 RIGHT-OF-WAY WIDTH OF LUDLOW ROAD

Currently Ludlow Road has a four to five lane cross section including a median and turn lane. Based on the long term analysis results, it is identified laning improvements (road widening) are not required on Ludlow Road between Rocky Creek Road and Highway 1. The existing Ludlow Road right-of-way is up to 55m wide which is more right-of-way than required for the long term needs on Ludlow Road.

6.0 ACTIVE TRANSPORTATION

6.1 PEDESTRIAN AND CYCLING FACILITIES

There are no existing sidewalk and cycling facilities on the Rocky Creek Road or Ludlow Road frontages. Cyclists use the paved shoulders on both sides on Rocky Creek Road.

Upgrades to accommodate bicycles and pedestrians is required along both frontages. The planned roundabout design has a multi-use pathway along the site frontages. These frontage improvements for bicycles and pedestrians should be coordinated with the Town.

6.2 TRANSIT

Along 1st Avenue, there are three BC Transit Bus routes; however, these routes do not extend to Ludlow Road. Route 31 provides circulation services within Town of Ladysmith. Route 34 provides services between Ladysmith and Chemainus and Route 36 provides express services between Ladysmith and Duncan. The closest bus stop is at 1st Avenue/Symonds Street and is located within a walking distance (250m) from the site; however, transit users would have to cross Highway 1 to access the bus. The Town is liaising with RDN Transit to determine the desire to extend the bus routes to or through this site as well as any plans for a transit route to Nanaimo which could stop at this intersection (on Highway 1). If transit is planning for a stop on Highway 1 this would be coordinated between RDN Transit, Town of Ladysmith, and MoTI.

7.0 CONCLUSIONS

The two key intersections within the study area operate at a LOS C or better in the AM and PM peak hours. The development impacts to the two study intersections are minimal in the long term.

At Highway 1 / 1st Avenue all movements will operate at a LOS C or better in the short term with the development with the higher level traffic generation except the southbound left turn which will operate at a LOS D during the PM peak hour only. The lower traffic generation (64 vph in the PM peak hour), with the revised site plan will reduce the impact to the southbound left and may not drop it an LOS. In the long term, all movements will be at a LOS C or better with the development except the southbound left which will operate at LOS D in the AM peak hour (with and without the development) and potentially in the PM peak hour with the development.

At Ludlow Road / Rocky Creek Road all movements operate at a LOS A in the long term with the existing stop control or as a roundabout. At the proposed two site access, all movements will operate at a LOS A/B. A westbound left turn lane is not required on Rocky Creek Road at the site access based on 2030 post development volumes. At the proposed right in / out access on Ludlow Road, no operational issues and the southbound queues from the highway signal will not block the site access.

Upgrades to provide pedestrian/bicycle facilities is required along both site frontages. BC Transit services are provided at 1st Avenue within a walking distance from the site; however, the closest stop requires crossing Highway 1 and walking to the 49th Parallel Grocery Store. The Town should coordinate with RDN Transit to determine if there is a plan for bus service to extend to Ludlow Road / Rocky Creek Road. This may include ensuring buses can travel through the site or if with the roundabout transit would add a stop on Ludlow Road before looping back to the 49th Parallel stop (current turnaround point.)

8.0 RECOMMENDATION

The developer is recommended to:

- Work with the site to confirm the required pedestrian and bicycle upgrades along the two frontages (multi-use pathway with landscaping or sidewalk, bicycle facility, and landscaping)

The Town to coordinate with RDN Transit regarding transit future plans for Highway 1 / Ludlow Road / Rocky Creek Road to determine if new stops are required to be planned for or if the site needs to accommodate a transit vehicle.

APPENDIX A: SYNCHRO BACKGROUND

SYNCHRO MODELLING SOFTWARE DESCRIPTION

The traffic analysis was completed using Synchro and SimTraffic traffic modeling software. Results were measured in delay, level of service (LOS) and 95th percentile queue length. Synchro is based on the Highway Capacity Manual (HCM) methodology. SimTraffic integrates established driver behaviours and characteristics to simulate actual conditions by randomly “seeding” or positioning vehicles travelling throughout the network. The simulation is run five times (five different random seedings of vehicle types, behaviours and arrivals) to obtain statistical significance of the results.

Levels of Service

Traffic operations are typically described in terms of levels of service, which rates the amount of delay per vehicle for each movement and the entire intersection. Levels of service range from LOS A (representing best operations) to LOS E/F (LOS E being poor operations and LOS F being unpredictable/disruptive operations). LOS E/F are generally unacceptable levels of service under normal everyday conditions.

The hierarchy of criteria for grading an intersection or movement not only includes delay times, but also takes into account traffic control type (stop signs or traffic signal). For example, if a vehicle is delayed for 19 seconds at an unsignalized intersection, it is considered to have an average operation, and would therefore be graded as an LOS C. However, at a signalized intersection, a 19 second delay would be considered a good operation and therefore it would be given an LOS B. The table below indicates the range of delay for LOS for signalized and unsignalized intersections.

Table A1: LOS Criteria, by Intersection Traffic Control

Level of Service	Unsignalized Intersection Average Vehicle Delay (sec/veh)	Signalized Intersection Average Vehicle Delay (sec/veh)
A	Less than 10	Less than 10
B	10 to 15	11 to 20
C	15 to 25	20 to 35
D	25 to 35	35 to 55
E	35 to 50	55 to 80
F	More than 50	More than 80

**APPENDIX B: PREVIOUS SITE PLAN TRAFFIC GENERATION
(USED IN ANALYSIS)**

Table B1: Peak Hour Trip Generation Rates

ITE Land Use		Weekday AM			Weekday PM		
Code	Description	Rate*	In	Out	Rate	In	Out
820	Commercial Retail (Shopping Centre)	0.94	62%	38%	3.81	48%	52%
934	Fast Food Restaurant w Drive-Through	40.19	51%	49%	32.67	52%	48%

*Trip Rates per 1,000 sq. ft.

Table B2: Peak Hour Development Trips

Description	GFA	Weekday AM			Weekday PM		
		In	Out	Total	In	Out	Total
Commercial Retail	14,666 sq. ft.	9	5	14	27	29	56
Drive-Through Restaurants	4,600 sq. ft.	94	91	185	78	72	150
Totals		103	96	199	105	101	206

Table B3: Internal and Net External Trips at Full Build-Out

Types of Trip	AM Peak Hour			PM Peak Hour		
	Inbound	Outbound	Total	Inbound	Outbound	Total
Total Trips	103	96	199	105	101	206
Internal Trips	-	-	-	21	21	42
Net External	103	96	199	84	80	164

Table B4: Primary and Pass-By Trips

Types of Trip	AM Peak Hour			PM Peak Hour		
	Inbound	Outbound	Total	Inbound	Outbound	Total
Primary Trips	55	50	105	44	42	86
Pass-by Trips	48	46	94	40	38	78

November 26, 2020

0037-086/02

Via email: rbouma@ladysmith.ca

Town of Ladysmith Engineering & Public Works Department
330 Sixth Ave, Box 220
Ladysmith, BC
V9G 1A2

Attn: Ryan Bouma, P.Eng. - Senior Engineering Technologist

**Re: Ludlow Road & Rocky Creek Road Roundabout, Ladysmith, BC
Preliminary Design**

Dear Ryan:

This letter summarizes the preliminary design for the construction of a new roundabout at the intersection of Ludlow Road and Rocky Creek Road in Ladysmith, BC.



Figure 1: Project Location (Credit Google Maps)

1. BACKGROUND

Herold Engineering Limited was approached by Town engineering staff in March 2020 to complete a preliminary design and cost estimate for this proposed project. The scope of work included the following:

- Topographic Survey
- Prepare AutoCAD / Civil 3D baseplan
- Traffic assessment and preliminary design of geometry
- Review of grading and impacts on utilities
- Coordination
- Cost Estimate

2. PRELIMINARY DESIGN

2.1. Surface Works and Grading

A preliminary design was completed by Watt Consulting Group in June 2020 (See Appendix A), providing projected traffic count data and rationale supporting a roundabout at this location, and provided the design geometry to suit the variety of vehicles expected to use the roundabout, which is a LG5 logging truck.

In total, approximately 130m of Rocky Creek Road and 120m (south leg) and 90m (east leg) of Ludlow Road would be included in the scope of the project.

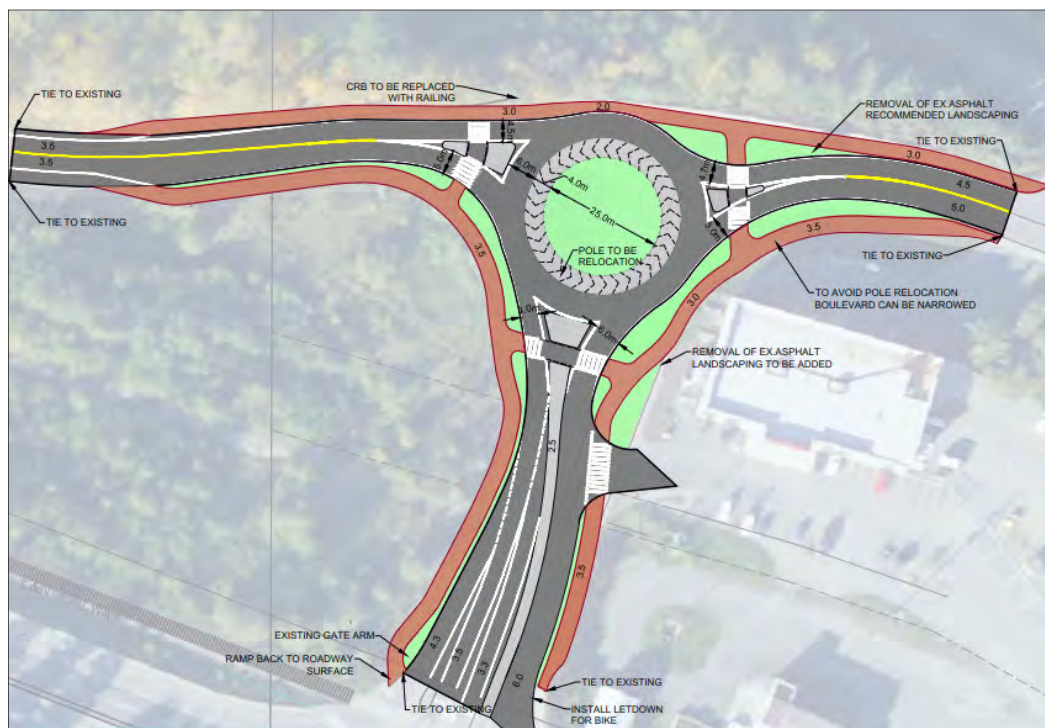


Figure 2: Preliminary Design (Credit: Watt Consulting)

2.2. Horizontal Alignment

The layout and geometry of the preliminary design factored in constraints such as lot boundaries, topography, existing driveways, and existing utilities. Due to the size of the proposed roundabout, there is a requirement for approximately 322m² (26m x 32m x 30m triangle) in property acquisition over the northeast corner of 1130 Rocky Creek Road, which is currently undergoing a re-zoning application.

Additional refinements were made during the engineering design to reduce the overall scale of the project footprint, and some of the walkways and boulevard spaces are narrower than those shown in the Watt Consulting report.

2.3. Vertical Alignment

To keep the cross-fall of the roundabout at 3.0% grade, vertical geometry of the approaches was revised to suit. The largest revisions were to the Rocky Creek Road alignment, west of the roundabout, where grades were raised by approximately 1.0m from existing.

Vertical curvature was based on the Transportation Association of Canada (TAC) Geometric Design Guide for Canadian Roads (2017) requirements for 50 km/h roadways (K=7 for crest curves, K=5-6 for sag curves under street lighting conditions). Vertical grades match existing at tie-in locations.

2.4. Driveways

Driveway connections are being maintained for at all existing driveways (1010 and 1030 Ludlow Road, Nicholson Road) as well as for the proposed development at 1130 Rocky Creek Road, which includes driveways off of the Rocky Creek Road and Ludlow Road (south leg) frontages.

2.5. Utilities (Municipal)

It is our understanding that the existing utilities were installed in and around the late 1990's and are in good condition, as well as being appropriately sized for future development.

Aside from re-located catch basins to suit the proposed roadway geometry, no municipal utility upgrades are proposed with this project (watermain, sanitary sewer, storm sewer).

Street lighting is being proposed for the project footprint.

2.6. Utilities (Private)

There is one BC Hydro pole that will need to be relocated into the landscaped area in the middle of the roundabout. Preliminary discussions with BC Hydro about converting all existing BC Hydro infrastructure to underground, within the project footprint, suggest it would be very expensive and was not considered as part of this preliminary design.

3. COST ESTIMATE

A Class C cost estimate was prepared (See Appendix C) using cost data from recent City of Nanaimo capital works projects, including specifically the tender comparison data for the Rutherford Road / Nelson Road roundabout project from April 2017, which was of similar scale.

• Base Price	\$1,234,100
• Field Engineering (10%)	\$123,410
• Contingency (25%)	\$339,370
Total	\$1,696,880

Please note that the following studies were not included with the preliminary design:

- Geotechnical investigation – we have not allowed for overexcavation beyond the underside of existing base course (within existing roadway) or 200mm stripping depth (outside of existing roadway) to accommodate for potentially unsuitable soils.
- Street lighting design – we have made an allowance for street lighting but a design would refine this scope
- Environmental Assessment – we understand that the development at the site of 1130 Rocky Creek Road has discovered contaminated soils near previous railway track alignment through the site.

4. CONCLUSION

Please note that this was a preliminary design and the elements described above are subject to change during detailed design.

Herold Engineering Limited appreciates the opportunity to be of service for this project. If you have any comments, or additional requirements at this time, please contact us at your convenience.

Submitted by:

HEROLD ENGINEERING LIMITED

Prepared by:



Patrick Ryan, P.Eng.

Attachments:

Appendix A Watt Consulting Preliminary Design
Appendix B 0037-086 CSK1 – CSK3
Appendix C Class C Cost Estimate

Appendix A

Herold Engineering Ltd.
3701 Shenton Road
Nanaimo, BC V9T 2H1

June 12, 2020
Our File: 2846.B01

Attention: Patrick Ryan, P.Eng.

RE: ROCKY CREEK ROAD / LUDLOW ROAD ROUNDABOUT REVIEW AND PRELIMINARY DESIGN

1.0 INTRODUCTION

Watt Consulting Group was retained by Herold Engineering Ltd. to undertake a review and preliminary design for a roundabout at the intersection of Rocky Creek Road / Ludlow Road in Ladysmith (see **Figure 1**).



Figure 1: Study Intersection

2.0 2030 TRAFFIC VOLUMES AND ANALYSIS

Traffic conditions were investigated to assess the traffic conditions in the longer term (10 year horizon). Traffic conditions were modeled using Sidra modelling software. Sidra provides results in terms of delay, level of service, and queue length, based on intersection geometry and traffic characteristics. Traffic conditions were investigated for the PM peak hour, which is the typically worst-case recurring traffic condition period. Existing traffic volumes were collected at Rocky Creek Road / Ludlow Road on Wednesday March 3rd, 2020. A 2% annual growth rate was applied to the count to establish the 2030 horizon background traffic volumes. Projected traffic volumes for known proposed developments in the area (1130 Rocky Creek Road and 1301-1391 Rocky Creek Road) were added to the 2030 background traffic.

Figure 2 illustrates the 2030 PM peak hour traffic at Rocky Creek Road / Ludlow Road.

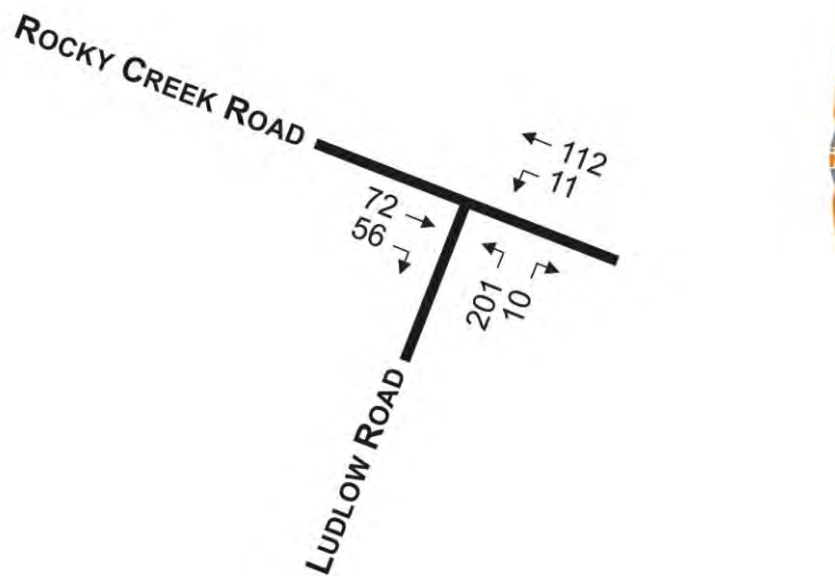


Figure 2: 2030 PM Peak Hour Traffic Volumes

Table 1 summarize LOS, delays and queues for 2030 PM Peak hour with the intersection converted to a single lane roundabout.

TABLE 1: 2030 PM PEAK HOUR TRAFFIC CONDITIONS

Intersection	Movement	LOS	Delay (s)	95 th Queue (m)
Ludlow Rd / Rocky Creek Rd	EBTR	A	4.5	1
	WBLT	A	4.9	1
	NBLR	A	3.8	1

In 2030 the single lane roundabout will operate at an excellent level of service (LOS A) with less than one vehicle queue lengths. Therefore from a capacity perspective a roundabout has significant capacity to accommodate traffic into the future.

3.0 ROUNDABOUT DESIGN

3.1 DESIGN VEHICLE

Since Western Forest Products Inc. has two mills along Rocky Creek Road / Ludlow Road, with one located east of the intersection and the other located west of the intersection, all movements were designed to accommodate LG5 logging truck vehicles. These vehicles have a slightly worse turning radius than a WB-20 so large tractor trailers can also be accommodated. The logging trucks and large tractor trailers will be required to utilize the mountable truck apron. The design of the transition from the circulatory roadway and the mountable apron should consider how much vertical deflection should be created. Too little difference in elevation between the roadway and the apron and passenger vehicles will be able to easily use the space and travel too fast through the intersection. Too much vertical difference and it could create unbalanced loads as the trucks travel through the intersection.

3.2 ROUNDABOUT GEOMETRY

The inscribed diameter of the roundabout is 45m, with a 6.0m travel lane, and a 4.0m mountable apron. The centre island (non-mountable area) of the roundabout is 25.0m. On the drawings the centre island is shown as landscaping; however, there is a wide range of materials / features that could be placed in the centre island. The key criteria is that it doesn't allow vehicles to traverse the space and does not encourage people to walk to / congregate in the centre island. Centre islands may be grass, rocks with shrubs/low plantings, trees, art

piece (like the anchor at the First Street roundabout) that highlights the nature of Ladysmith (coal, logging, train, etc.).

The placement of the roundabout avoids the steep grade on the north side of the intersection and the retaining wall in the southeast quadrant. There is one utility pole and anchor that will be required to be removed/relocated as it is within the circulatory roadway.

Each approach entry and exit widths were designed to accommodate the design vehicle. The widths range from 4.0m to 6.0m. The northbound entry leg could be narrowed. It is currently shown as a 6m width lane to accommodate potential vehicle breakdowns; however, a lane width of 6m could be construed as two travel lanes (even without a dashed line) or increase vehicle speeds. It is recommended that this approach lane be narrowed to at least 4.3m with the entry flaring to accommodate the entry of the design vehicle. As a 4.3m lane confident cyclists could share the lane with a vehicle. Narrowing the lane will also reduce the crossing distance of the northbound entry leg for pedestrians/cyclists crossing and the extra width could be added to the centre median (and add landscaping) or to the boulevard.

Of key importance in good roundabout design is ensuring deflection upon vehicle entry, and that this deflection be a physical component of the design. This deflection is crucial in conveying to approaching vehicles that they must slow down and deflect to the right, and painting the deflection alone without the physical reinforcement is not sound practice. Over time paint may fade or may be rendered less visible due to lighting and weather conditions, and at best only provides passive guidance, whereas physical deflection will actively provide both safety and operational benefits inherent in the best roundabout designs. The physical deflection, through islands, has been included as part of this design, and is a requisite part of this design.

The concrete roadside barrier (CRB) along the north side of the road will need to be removed to accommodate the design. A railing is to be provided along the backside of the pathway to prevent pedestrians and cyclists from falling down the steep grade.

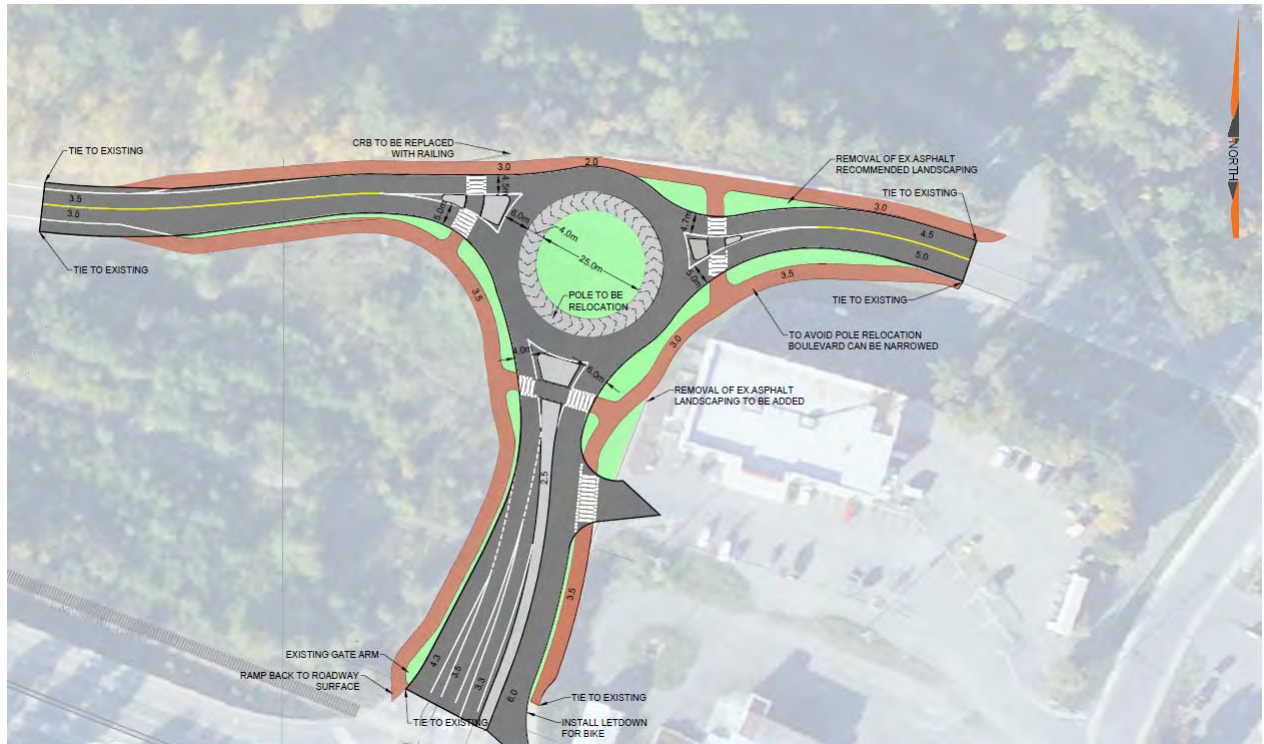


Figure 3: Roundabout Design Geometry

3.3 PEDESTRIANS/CYCLISTS ACCOMMODATION

Currently there is some sidewalk along the east side of Ludlow Road, but no facilities on the west side. On the south side of Rocky Creek Road / Ludlow Road there is a patchwork of sidewalks with wide, but poorly marked shoulder. The north side of Rocky Creek Road / Ludlow Road has shoulders.

While not currently an east-west parallel route for pedestrians and cyclists traveling within and through Ladysmith Ludlow Road /Rocky Creek has the ability to become a parallel all ages and ability route that avoids cyclists having to cycle on shoulders along Highway 1 for 2.9km. Ludlow Road / Rocky Creek Road connects to Transfer Beach Boulevard in the east and almost at Oyster Bay in the west. Ludlow Road also has connections to the Fisherman's Wharf Trail and Dog Patch Trail into Transfer Beach.

At the roundabout cyclists and pedestrians were designed to be accommodated in a separate (all ages and abilities) facility. On the north side of the roundabout a 3m pathway with a short 2m pinch point is provided from the Mill access (east) and the west edge of

1130 Rocky Creek Road. In the southwest quadrant of the roundabout the existing shoulder will transition to a 3.5m pathway around 1130 Rocky Creek Road before ending prior to the railway crossing. In the southeast quadrant a 3.0 to 3.5m pathway is provided from the existing sidewalk near the railway crossing and end at the Home Hardware driveway. All the pathways are intended to provide for two way pedestrians and one way cyclist movements. At the west end of the project cyclists and pedestrians will transition on/off the pathway back onto shoulders. On the east end of the project the north side will connect with the shoulder at the Mill road. For the south side pedestrians will continue on the sidewalk while cyclists will transition back onto the road.

It should be noted that an existing utility pole and anchor are shown within the pathway on the southeast quadrant. If desired, to avoid having an obstruction in the pathway, the pathway could be shifted to the northwest and reduce the available landscape.

At the E&N Railway line, south end of the project. Northbound cyclists may use the crosswalk to access the sidewalk and then path; however, if cyclists bike through the intersection (or turn off from the Highway) a ramp will be required to be provided to allow cyclists to access the pathway. In the southbound direction there will be a gap in the active network as there is currently no shoulder for the southbound right turn onto the highway, across the railway. The Town should review the ability to extend a shoulder from the southbound right turn crosswalk to the end of the pathway.

As noted the circulatory roadway is 6m and the entry/exit widths of the roundabout are 4.0 to 6.0m. Confident cyclists will be able to take the lane, through the roundabout, if desired as bicycle and vehicle speeds become close and due to slower vehicle speeds allow cyclists to safely take a lane and have vehicles travel behind, for the short distance.

It is recommended that the regulatory sign that a custom sign that has both a bicycle and pedestrian on it be utilized at the crossings, rather than the standard pedestrian crossing signs. This sign is suggested in BC's Active Transportation Guide; however, this sign is not standard (i.e. in MUTCDC or BC MoTI Sign Guide). Town should also ensure that they have a bylaw that legally allows cyclists to bike through a crosswalk. Without this bylaw the bike/pedestrian crossing sign would be mis-leading cyclists into thinking it is legal to bike

through this crosswalk. (Currently bicycles are prohibited in the Motor Vehicle Act from cycling through crosswalks without a municipal bylaw.)



Figure 4: Bicycle / Pedestrian Crossing Sign (BC Active Transportation Guide)

3.4 PROPERTY ACQUISITION

The roundabout placement required avoiding construction north of the existing CRB as there is a steep grade beyond the CRD. The existing retaining wall in the southeast quadrant was also a constraint that required to be avoided. Therefore the placement of the roundabout required shifting towards the southwest quadrant. Property is required from 1130 Rocky Creek Road to allow for the roundabout and pathways. The required property is approximately 30.0m along the Ludlow Road frontage and 35.5m along the Rocky Creek Road an approximate area of 385m² (0.1ac). Figure 4 illustrates the area required from the Southwest property.

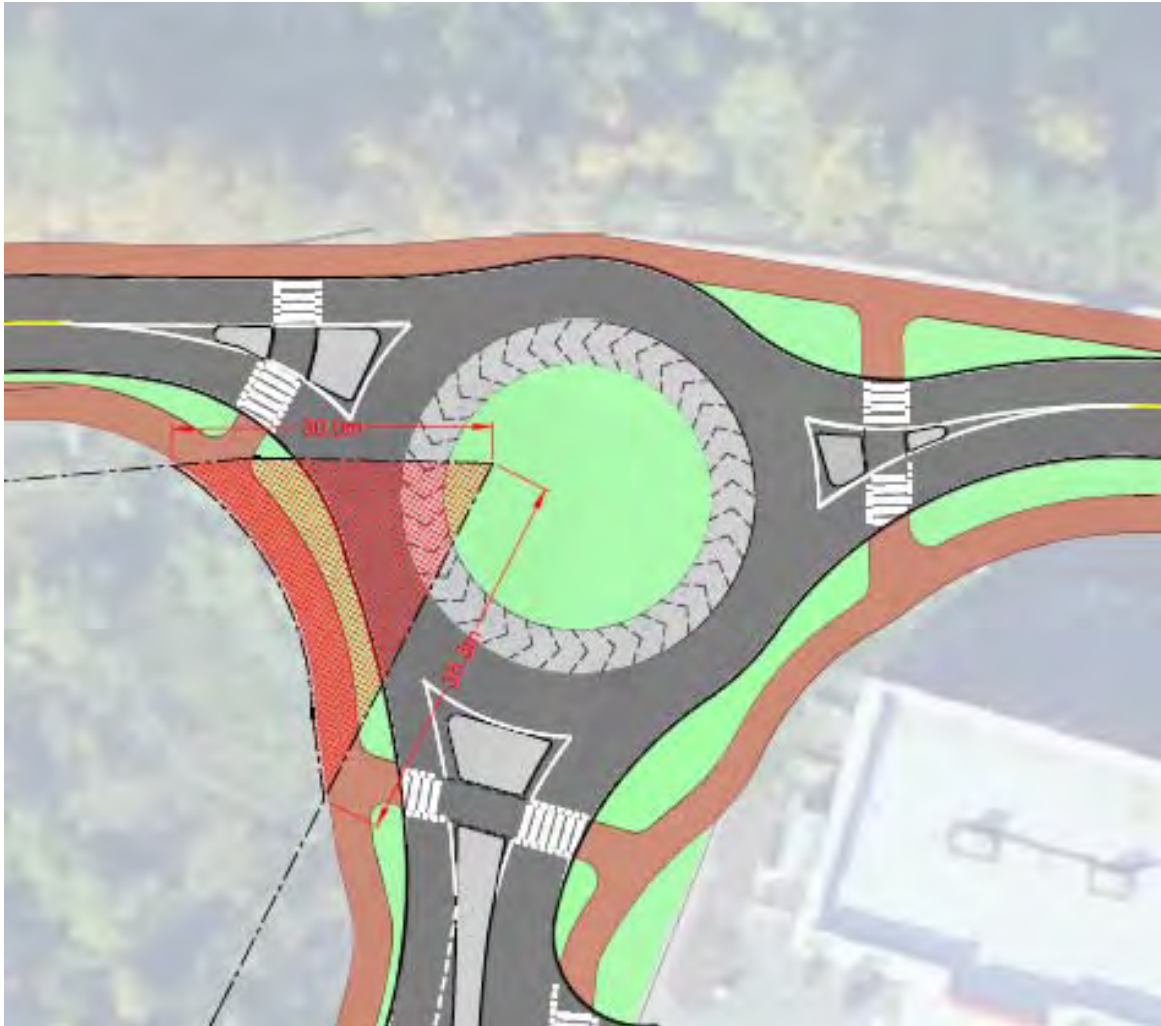


Figure 5: Property Acquisition

3.5 PRELIMINARY DESIGN

Enclosed is 11x17 preliminary design drawing for the roundabout. Autocad files will be provided to Herold Engineering for the detailed design stage.

4.0 CONCLUSIONS

A single lane, 45m inscribed diameter roundabout will be able to handle existing and projected traffic volumes for more than 10 years. The roundabout design accommodates pedestrians and cyclists in a separate facility that provides protection for the high volume of truck traffic in the area as well as the continuation of a safe parallel route to using Highway

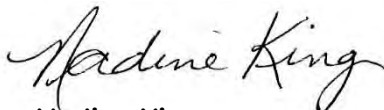
1. The design provides bicycle and pedestrian connectivity to Highway 1/ Ludlow Road traffic signal where pedestrians and cyclists can access the core area of Ladysmith.

Property (385m²) is required from 1130 Rocky Creek Road to accommodate the design as well as the relocation of one utility pole (and anchor). The existing CRB can be removed and replaced with a railing to protect pedestrians/cyclists from the grade drop. Autocad drawings will be provided to Herold Engineering.

Please feel free to contact me at 250-634-4112 if there are any questions.

Sincerely,

Watt Consulting Group



Nadine King, P.Eng., PTOE

Senior Transportation Engineer

T 250-388-9877 ext. 423

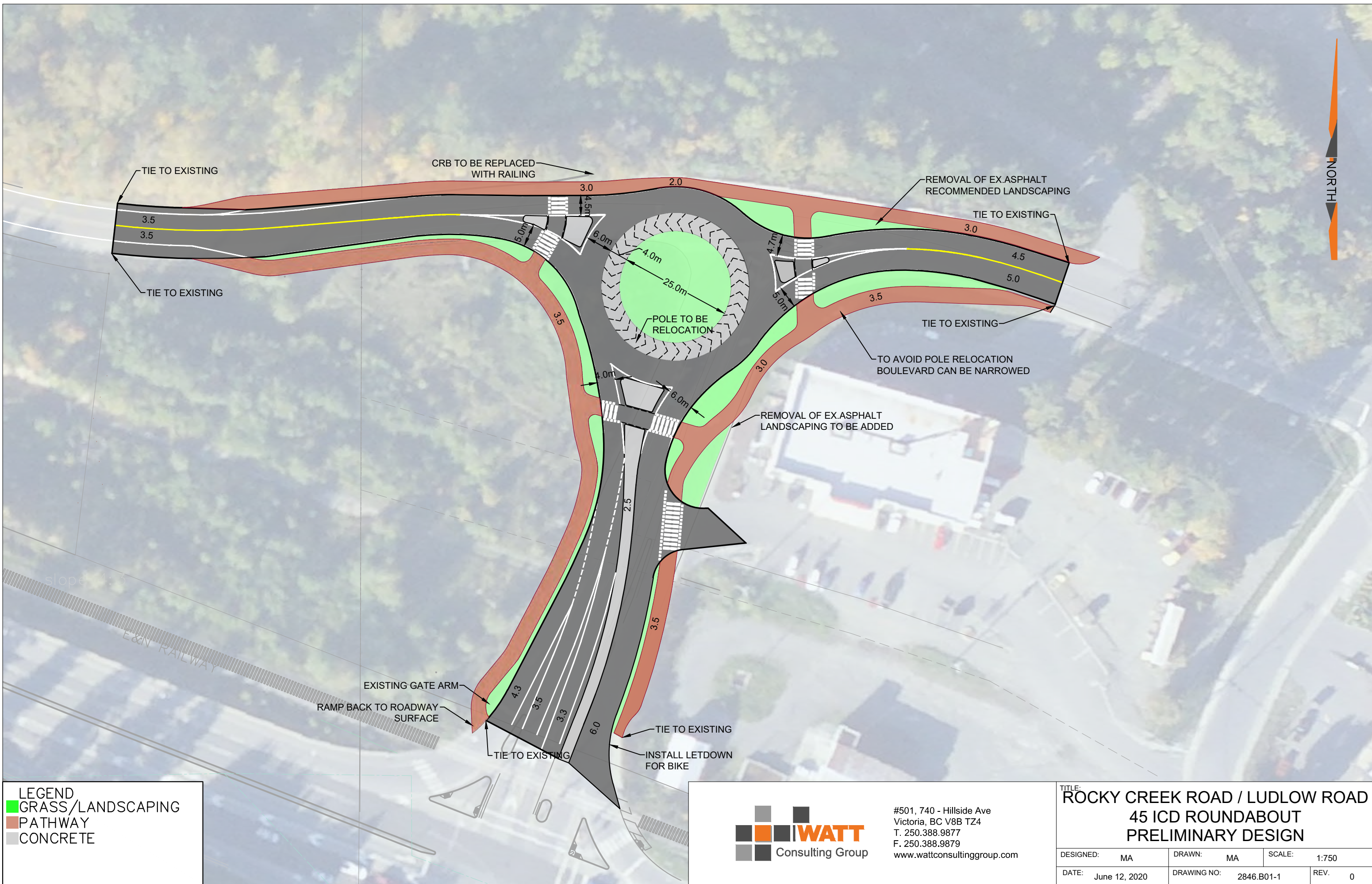
D 250-410-1058 C 250-634-4112

E nking@wattconsultinggroup.com

#WEAREWATT

Encl. Preliminary Design Drawing

PROJECT: C:\Users\mlee\Documents\1 - Projects\2846 - Rocky Creek\5 - Design\Roadway\Roundabout Civil CAD 2020 06 12 v5 - detailed.dwg
 PLOT DATE: 6/12/2020 3:57 PM
 PLOTTED BY: Michael Lee



LEGEND

	GRASS/LANDSCAPING
	PATHWAY
	CONCRETE



#501, 740 - Hillside Ave
 Victoria, BC V8B TZ4
 T. 250.388.9877
 F. 250.388.9879
 www.wattconsultinggroup.com

TITLE: ROCKY CREEK ROAD / LUDLOW ROAD 45 ICD ROUNDABOUT PRELIMINARY DESIGN			
DESIGNED:	MA	DRAWN:	MA
DATE:	June 12, 2020	SCALE:	1:750
DRAWING NO:	2846.B01-1	REV.	0

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

2020-07-15
Our File No: 2846.B01

Attention: Ryan Bouma

Re: Sensitivity Analysis Rocky Creek Development Areas

1. INTRODUCTION

This letter is to assess the operation of the planned roundabout at Rocky Creek / Ludlow with the full build out of all land uses along Rocky Creek Road and Ludlow Road in Ladysmith, BC. **Figure 1** outlines the zoning map for the area. The areas outlined in the red dash were considered for potential redevelopment.

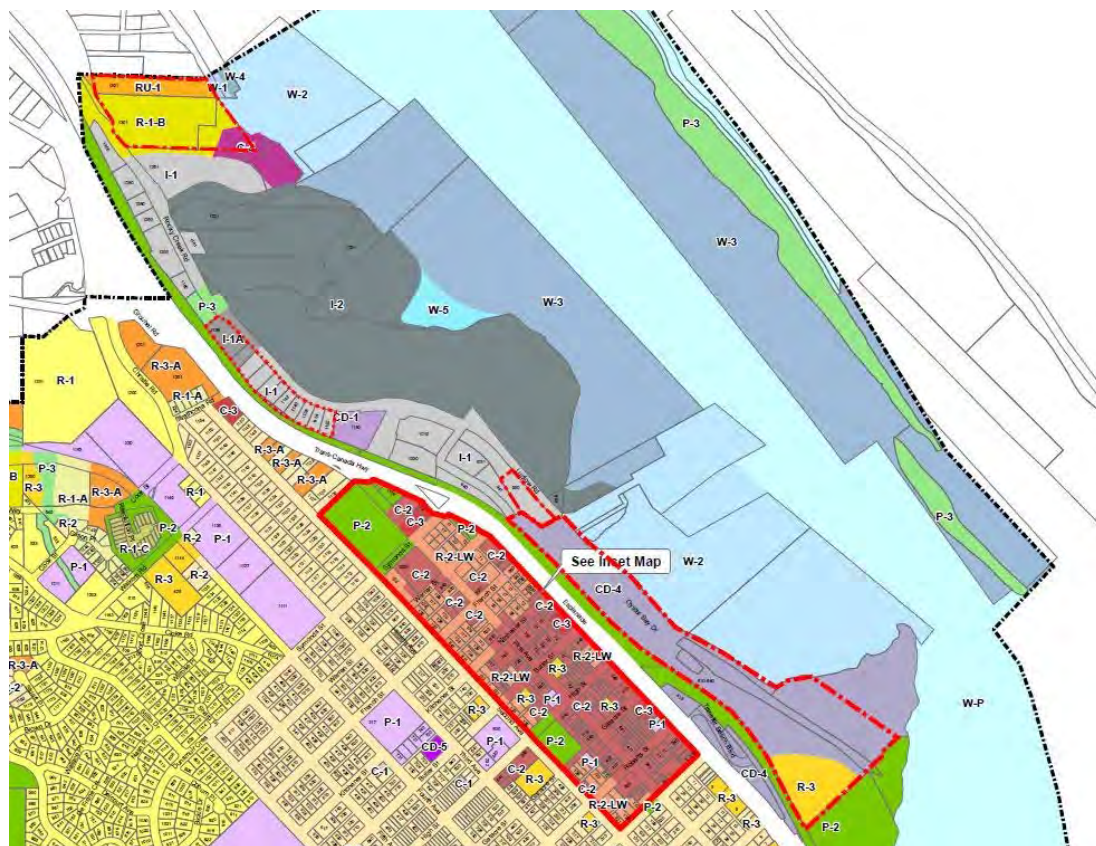


Figure 1: Site Context

2. LAND USE DENSITIES

The key properties that have the potential to redevelop include 1301/1391 Rocky Creek Road and 1130 Rocky Creek Road as well as the lands between 1130 Rocky Creek and P-3, the CD-4 zoned property and 930 Ludlow Rod. The 1301/1391 and 1130 Rocky Creek Road properties have development plans and were previously included in the long term analysis of the roundabout. For the remaining lands the following land uses were identified.

Table 1: Potential Land Uses along Rocky Creek / Ludlow Roads

Land use	Total Area sqft
Commercial west of Ludlow Rd	60000
CD4 - Commercial	25000
930 Ludlow Rd - Office	10000
930 Ludlow Rd - Warehouse	50000

3. TRIP GENERATION

Site trips were estimated from the Institute of Transportation Engineers' (ITE) Trip Generation Manual (10th Edition). The additional trips that could be generated are 345 trips (160 inbound / 185 outbound) during the PM peak hour. See **Table 2**.

Table 1: Proposed Land uses Development Trip Generation

Land use	Total Area sqft	TRIPS GENERATED PM PEAK HOUR		
		TOTAL	IB	OB
Commercial west of Ludlow Rd	60000	229	110	119
CD4 - Commercial	25000	95	46	50
930 Ludlow Rd - Office	10000	12	2	10
930 Ludlow Rd - Warehouse	50000	10	3	7
Total		345	160	185

4. TRAFFIC OPERATIONS

With the addition of the traffic from the other potential developable properties the roundabout, as designed, at the intersection of Rocky Creek Road/Ludlow Road will operate at a LOS A in the longer term. There is significant spare capacity at this roundabout to accommodate additional traffic if other properties development or there is a change in zoning for higher density use.

5. CONCLUSIONS AND RECOMMENDATIONS

The proposed roundabout at the intersection of Rocky Creek Road/Ludlow Road with an inscribed circle of 45m will operate at an excellent condition in the long term. The roundabout has significant spare capacity to accommodate more traffic than is projected.

Please feel free to contact me at 250-634-4112 if there are any questions.

Sincerely,

WATT Consulting Group



Nadine King, P.Eng, PTOE

Regional Lead, Transportation

T 250-388-9877 ext. 423

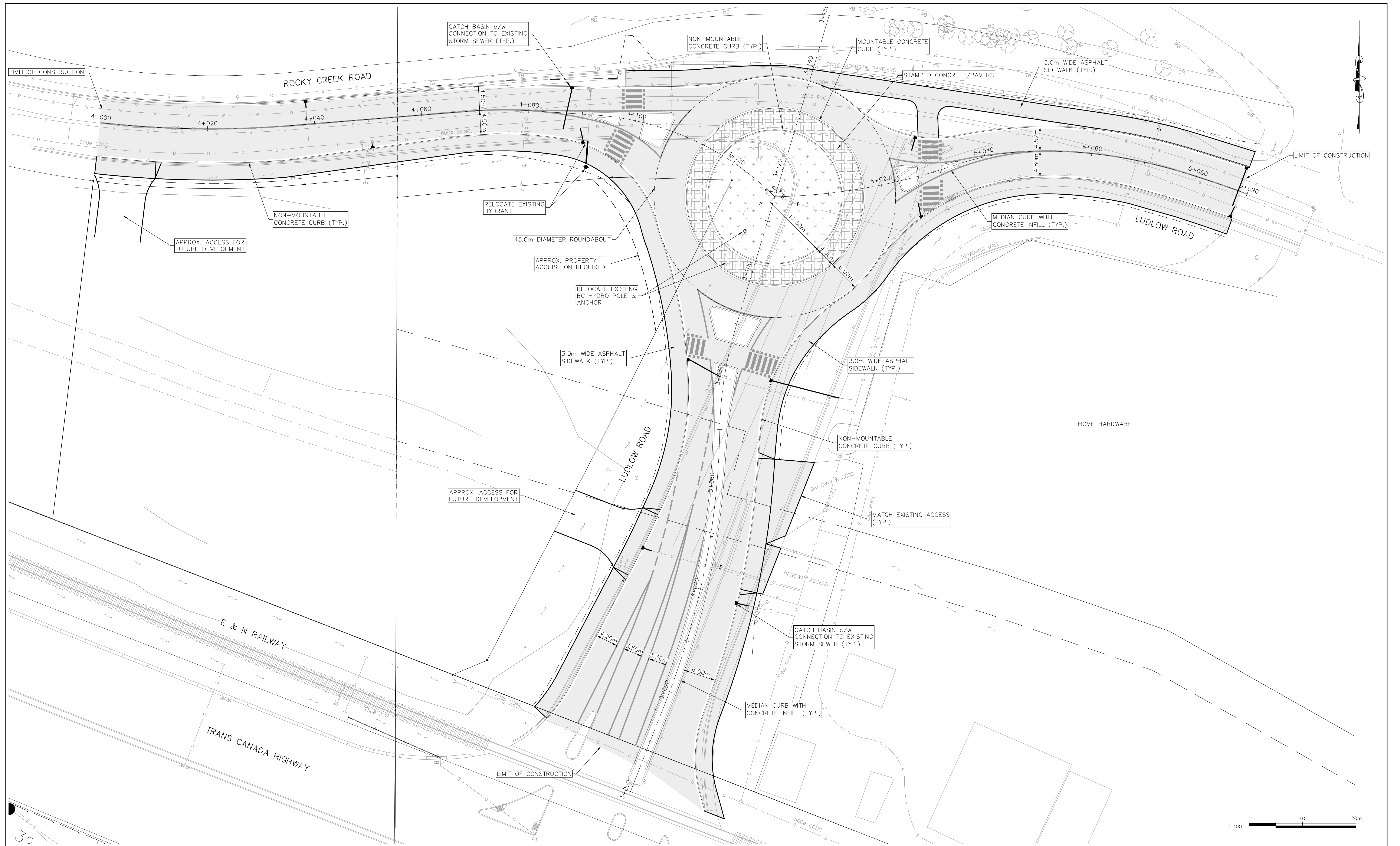
D 250-410-1058 **C** 250-634-4112

E nking@wattconsultinggroup.com

#WEAREWATT

Appendix B

File: H:\Projects\037-086 LudlowRocky Creek Roundabout - Preliminary Design\04C Drawings\037-086 Base.dwg Plot Time: Nov 16, 2020 - 9:26am User: IBarer



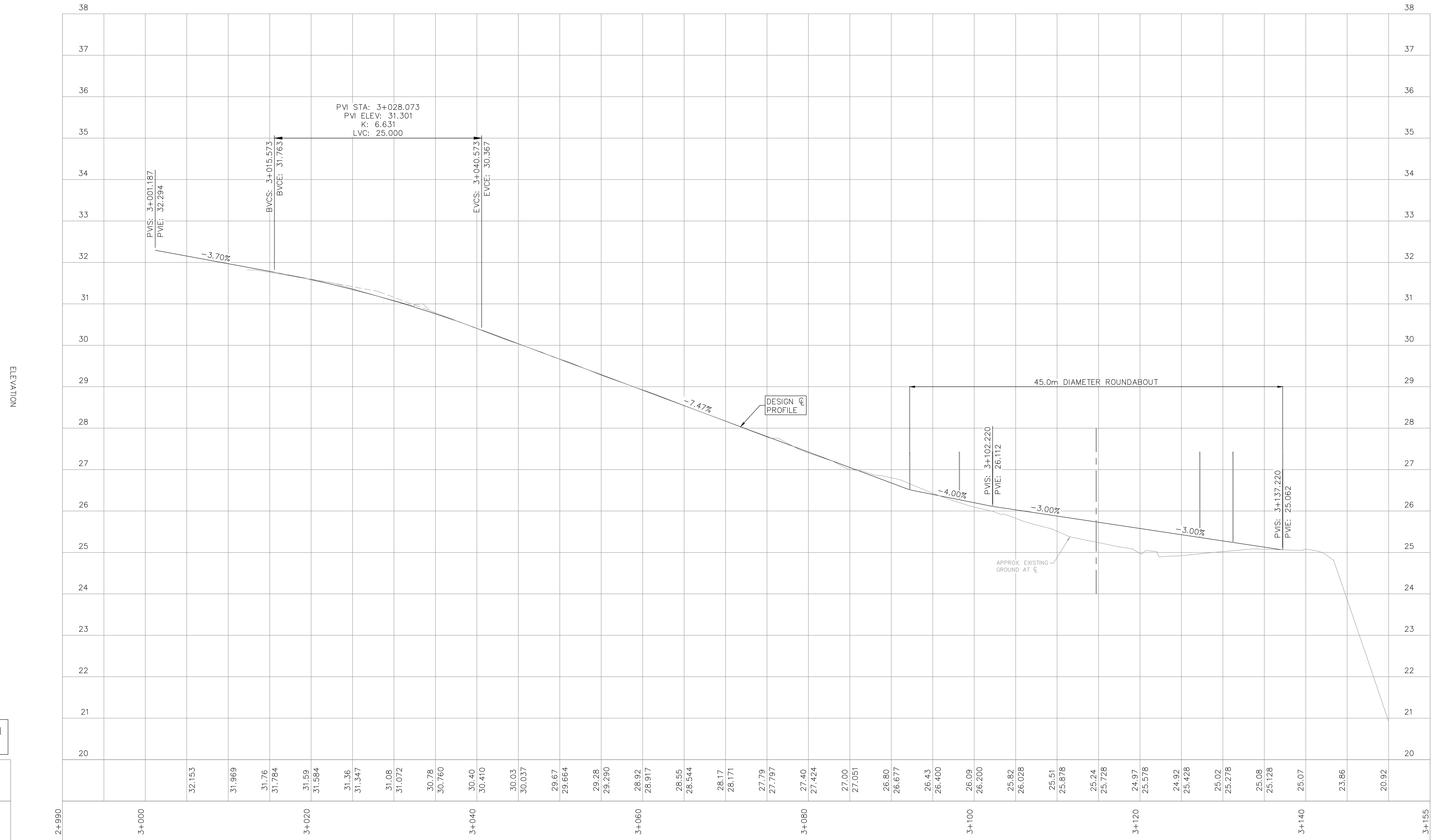
WATER PROPOSED WATERMAIN WATER SERVICE CAPPED END VALVE FIRE HYDRANT REDUCER	WATER EXISTING WATERMAIN WATER SERVICE CAPPED END VALVE FIRE HYDRANT REDUCER	SAN PROPOSED SANITARY MAIN CAPPED END MANHOLE CLEANOUT	SAN & TEL EXISTING SANITARY MAIN CAPPED END MANHOLE TEL CROSSING	STORM PROPOSED STORM MAIN CAPPED END MANHOLE CATCHBASIN TYPE 1&2 CATCHBASIN TYPE 3 CLEANOUT	STORM EXISTING STORM MAIN CAPPED END MANHOLE CATCHBASIN
---	---	---	---	--	--

REV. NO.	DATE	REVISION DESCRIPTION	SIGNATURE	PREPARED BY

HEROLD ENGINEERING
 3701 Stewart Rd. Nanaimo, BC V9T 3H1
 Tel: 250-751-8558 Fax: 250-751-8559
 Email: mail@heroldengineering.com

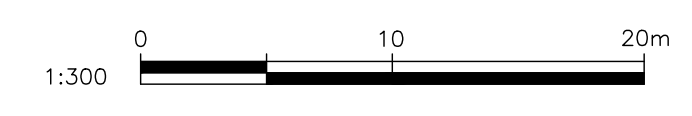
TOWN OF LADYSMITH
 TITLE: LUDLOW ROAD ROUNDABOUT SITE PLAN

SHEET No: CSK1
 VER. No: V: N/A
 SCALE: H: 1:300
 FILE: 0037-086
 DRAWN BY: IEB DESIGNED BY: PGR
 DATE: 2020.11.16



ALIGNMENT: Ludlow Road - Proposed
STATION: 2+990.000 : 3+155.000

Existing and Proposed Ground Elevations
L: Ludlow Road - og
R: Ludlow Road - Proposed Design
CL Chainage



WATER PROPOSED		WATER EXISTING		SAN PROPOSED		SAN & TEL EXISTING		STORM PROPOSED		STORM EXISTING	
	WATERMAIN		WATERMAIN		SANITARY MAIN		SANITARY MAIN		STORM MAIN		STORM MAIN
	WATER SERVICE CAPPED END		WATER SERVICE CAPPED END		CAPPED END		CAPPED END		CAPPED END		CAPPED END
	VALVE		VALVE		MANHOLE		MANHOLE		MANHOLE		MANHOLE
	FIRE HYDRANT		FIRE HYDRANT		CLEANOUT		CLEANOUT		CLEANOUT		CLEANOUT
	REDUCER		REDUCER				TEL CROSSING		CATCHBASIN TYPE 1&2		CATCHBASIN
									CATCHBASIN TYPE 3		
									CLEANOUT		

REV. NO.	DATE	REVISION DESCRIPTION	SIGNATURE	PREPARED BY



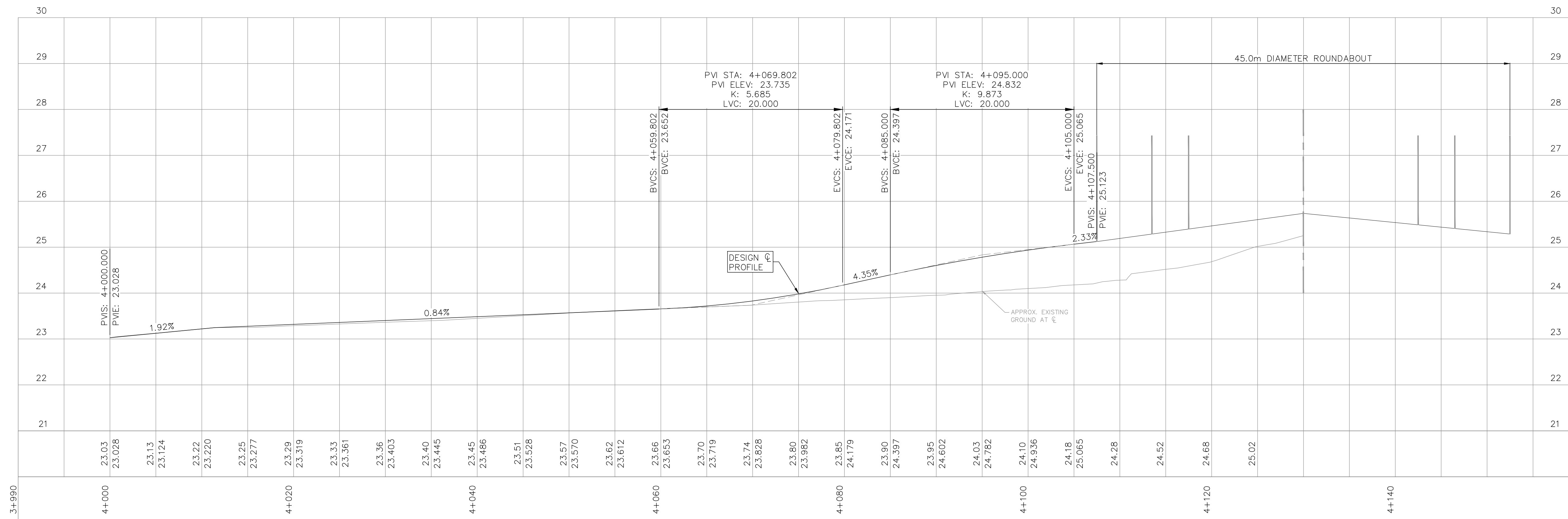
TOWN OF LADYSMITH
TITLE: LUDLOW ROAD ROUNDABOUT
LUDLOW ROAD PROFILE
SOUTH OF ROUNDABOUT

SHEET No:	VER. No:
CSK2	
SCALE: H: 1:250	V: 1:250
FILE: 0037-086	
DRAWN BY: IEB	DESIGNED BY: PGR
DATE: 2020.11.16	

ALIGNMENT: Rocky Creek Road - West
STATION: 3+990.000 : 4+160.000

Existing and Proposed Ground Elevations
L: Rocky Creek Road - West og
R: Rocky Creek Road - West - Design

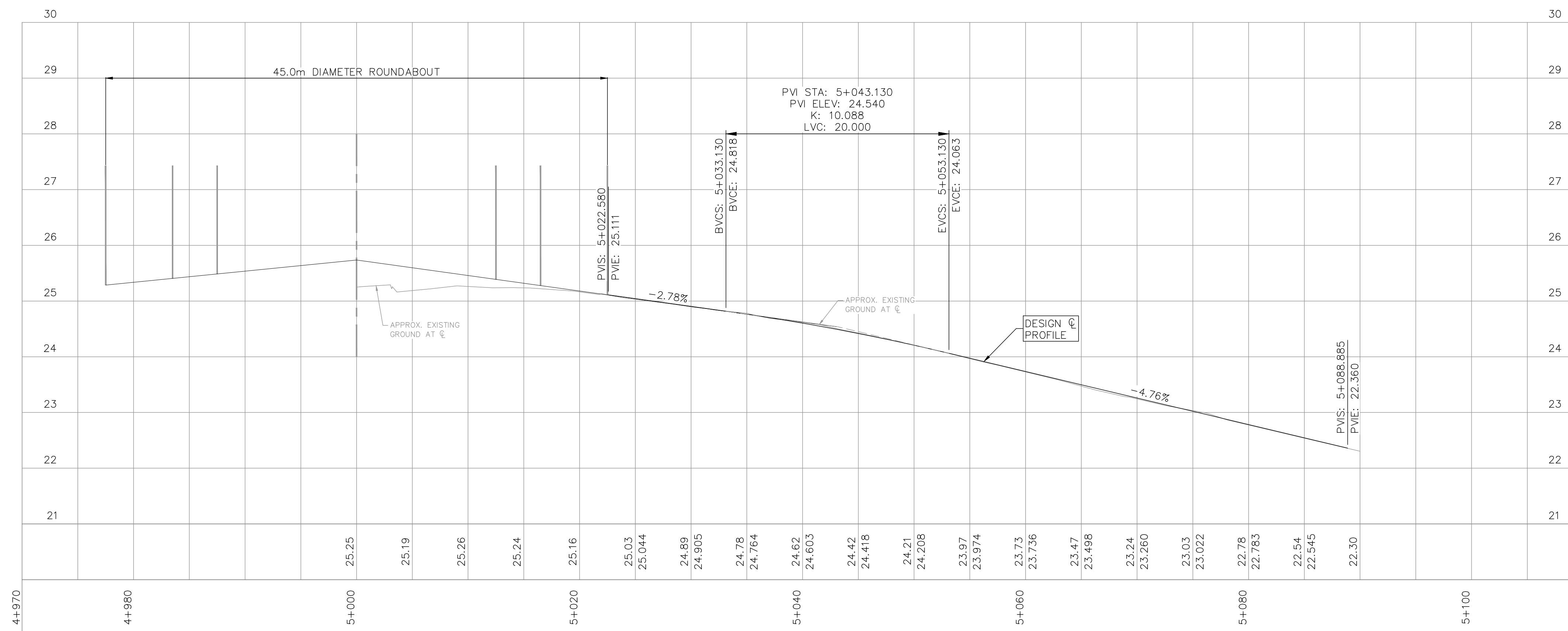
CL Chainage



ALIGNMENT: Ludlow Road - East
STATION: 4+970.000 : 5+110.000

Existing and Proposed Ground Elevations
L: Ludlow Road - East og
R: Ludlow Road - East - Design

CL Chainage



WATER PROPOSED		WATER EXISTING		SAN PROPOSED		SAN & TEL EXISTING		STORM PROPOSED		STORM EXISTING	
W	WATERMAIN	W	WATERMAIN	S	SANITARY MAIN	S	SANITARY MAIN	D	STORM MAIN	D	STORM MAIN
W	WATER SERVICE	W	WATER SERVICE	⌈	CAPPED END	⌈	CAPPED END	⌈	CAPPED END	⌈	CAPPED END
⌈	CAPPED END	⌈	CAPPED END	⊙	MANHOLE	⊙	MANHOLE	⊙	MANHOLE	⊙	MANHOLE
⊙	VALVE	⊙	VALVE	⊙	MANHOLE	⊙	MANHOLE	⊙	MANHOLE	⊙	MANHOLE
⊙	FIRE HYDRANT	⊙	FIRE HYDRANT	⊙	CLEANOUT	⊙	CLEANOUT	⊙	CLEANOUT	⊙	CLEANOUT
⊙	REDUCER	⊙	REDUCER	⊙	CLEANOUT	⊙	CLEANOUT	⊙	CLEANOUT	⊙	CLEANOUT

REV. NO.	DATE	REVISION DESCRIPTION	SIGNATURE	PREPARED BY

HEROLD ENGINEERING
3701 Sheppard Rd. North York, ON M2N 3H1
Tel: 250-751-8558 Fax: 250-751-8559
Email: mail@heroldengineering.com



TOWN OF LADYSMITH
TITLE: LUDLOW ROAD ROUNDABOUT
ROCKY CREEK ROAD PROFILE (WEST)
LUDLOW ROAD PROFILE (EAST)

SHEET No:	VER. No:
CSK3	
SCALE: H: 1:250	V: 1:250
FILE: 0037-086	
DRAWN BY: IEB	DESIGNED BY: PGR
DATE: 2020.11.16	

Appendix C

Project Cost Estimate Summary

Town Projects #:
Project Name: Ludlow & Rocky Creek Road Roundabout

Estimate completed by: IEB/JM
Date:

SAP Leg	Description	Planning (Class C)	50% Design Class B	95% Design Class B	100% Design Class A
	Accuracy (for use in -99 Contingency)	25%	20%	15%	10%
-03	Land				
-05	Construction				
	Section 2 - General Conditions	37,022	N/A	N/A	N/A
	Section 3 - General Requirements	111,723	N/A	N/A	N/A
	Section 4 - Trench Excavation, Bedding, Backfill	34,000	N/A	N/A	N/A
	Section 5 - Water	1,900	N/A	N/A	N/A
	Section 6 - Sanitary	180	N/A	N/A	N/A
	Section 7 - Storm	37,120	N/A	N/A	N/A
	Section 8 - Curbs & Sidewalks	255,435	N/A	N/A	N/A
	Section 9 - Streets	268,500	N/A	N/A	N/A
	Section 10 - Roadway Lighting & Traffic Signals	105,000	N/A	N/A	N/A
	Section 12 - Asphaltic Concrete Paving	375,800	N/A	N/A	N/A
	Section 14 - Landscape	7,400	N/A	N/A	N/A
	-05 Construction Subtotal	\$ 1,234,081	\$ -	\$ -	\$ -
-06	Private Utilities (Hydro, Telus, Terasen, Shaw)		\$ -	\$ -	\$ -
-07	Environmental Monitor				
-09	Field Engineering, Testing	\$ 123,408			
-12	Town - Supplied Materials				
-13	Other				
	Subtotal:	\$ 1,357,489	\$ -	\$ -	\$ -
-99	Contingency (Based on Class)	\$ 339,372	\$ -	\$ -	\$ -
	Total Estimated Costs	\$ 1,696,861	\$ -	\$ -	\$ -

Budget: 0 0 0 0

FUNDING ALLOCATION - individual utility value (Sections 5, 6, 7 and 8-12)

Roads					
Storm					
Water					
Sanitary					
	\$ -	\$ -	\$ -	\$ -	\$ -

FUNDING SUMMARY

DCC Roads
Roads Capital
DCC Storm
Storm Capital
DCC Water
Water Capital
DCC Sanitary
Sanitary Capital
Private Contributions
Grants
ICBC
Other

Total Budget: 0 0 0 0

-06 Private Utilities:

BC Hydro
Telus
Shaw Cable
FortisBC
E&N Railway

Subtotal 0 0 0 0

Notes:

- Does not include allowance for contaminated soils or overexcavation of unsuitable fills

Cost Estimate Schedule of Quantities and Prices

Town Project #:
Project Name: **Ludlow & Rocky Creek Road Roundabout**

Item	Description	Est.Qty.	Units	Unit Price	Total
Section 2 General Conditions					
2.1	Location of Works - Project Layout	1	LS	\$ 37,022	\$ 37,022
Total Section 2					\$ 37,022
Section 3 General Requirements					
3.1	<u>Existing Structures and Utility Works</u> Location of Existing Structures				
a)	Storm, Sanitary, Water	5	ea	\$ 500	\$ 2,500
b)	Hydro, Telus, Gas	2	ea	\$ 500	\$ 1,000
3.2	Control of Public Traffic	1	LS	\$ 62,938	\$ 62,938
3.3	<u>Removal of Existing Pipe</u>				
a)	100mm to 200mm (PVC)	14	m	\$ 40	\$ 560
3.4	<u>Removal of Existing Structures</u>				
a)	Catch Basins	11	ea	\$ 500	\$ 5,500
b)	Concrete No-Post Barrier	37	ea	\$ 225	\$ 8,325
3.5	<u>Plug to Abandon Existing Pipe</u>				
a)	200mm	4	ea	\$ 225	\$ 900
3.6	<u>Temporary Features</u>				
a)	Temporary Access Road	1	LS	\$ 30,000	\$ 30,000
Total Section 3					\$ 111,723
Section 4 Trench Excavation, Bedding and Backfill					
4.1	Imported Granular Fill	300	tonne	\$ 20	\$ 6,000
4.2	<u>Surface Restoration</u> <u>TEMPORARY SURFACE RESTORATION</u>				
a)	RAP (50 mm thick)	700	m ²	\$ 15	\$ 10,500
b)	Cold Mix (50 mm thick)	350	m ²	\$ 50	\$ 17,500
Total Section 4					\$ 34,000
Section 5 Water Distribution System					
5.6	<u>Hydrant Assemblies</u>				
a)	Relocate Hydrant (incl. new valve & lead)	1	ea	\$ 1,900	\$ 1,900
Total Section 5					\$ 1,900
Section 6 Sanitary Sewer System					
6.1	<u>Pre-cast Manhole Sections</u>				
a)	1050mm dia.	0.3	vm	\$ 600	\$ 180
Total Section 6					\$ 180
Section 7 Storm Sewer System					
7.1	<u>Piping</u>				
a)	200mm dia. PVC DR 35	42	m	\$ 250	\$ 10,500
7.2	<u>Service Junctions</u>				

Cost Estimate Schedule of Quantities and Prices

Town Project #:
Project Name: Ludlow & Rocky Creek Road Roundabout

Item	Description	Est.Qty.	Units	Unit Price	Total
a)	200mm dia.	2	ea	\$ 475	\$ 950
7.3	<u>Connections to Existing Piping and Appurtenances</u>				
a)	200mm dia.	7	ea	\$ 400	\$ 2,800
b)	250mm dia.	2	ea	\$ 500	\$ 1,000
c)	600 mm dia.	3	ea	\$ 1,050	\$ 3,150
7.4	<u>Precast Manholes Sections</u>				
a)	1500mm dia.	0.6	vm	\$ 1,200	\$ 720
7.5	Catchbasins	12	ea	\$ 1,500	\$ 18,000
Total Section 7					\$ 37,120
Section 8 Curbs and Sidewalks					
8.1	<u>Curbs</u>				
a)	Non-Mountable Curb and Gutter	692	m	\$ 140	\$ 96,880
b)	Median Curb	249	m	\$ 125	\$ 31,125
c)	Mountable Curb and Gutter	104	m	\$ 170	\$ 17,680
8.2	<u>Sidewalks, Miscellaneous Sidewalks and Crossings</u>				
a)	Median Infill	260	m ^c	\$ 150	\$ 39,000
b)	Concrete pavers 80mm red, Herringbone pattern	316	m ^c	\$ 150	\$ 47,400
8.3	<u>Cutting and Removal of existing Sidewalk</u>				
a)	Cutting	3	m	\$ 30	\$ 90
b)	Removal	416	m ^c	\$ 25	\$ 10,400
8.4	<u>Cutting and Removal of existing Curb & Gutter</u>				
a)	Concrete	643	m	\$ 20	\$ 12,860
Total Section 8					\$ 255,435
Section 9 Streets					
9.1	Stripping and Common Excavation	2280	m ³	\$ 25	\$ 57,000
9.2	Over Excavation				
a)	Place Import Granular Material		tonne	\$ 28	\$ -
9.3	Imported Granular Fill	1320	tonne	\$ 18	\$ 23,760
9.4	Sub-grade Preparation	7480	m ²	\$ 2	\$ 14,960
9.5	Sub-base	4860	tonne	\$ 22	\$ 106,920
9.6	<u>Base Course</u>				
a)	Road	1970	tonne	\$ 30	\$ 59,100
9.7	<u>Traffic Signs</u>				
a)	Supply and Install new Sign	12	ea	\$ 350	\$ 4,200
b)	Relocate existing Sign	10	ea	\$ 200	\$ 2,000
c)	Remove existing Sign	4	ea	\$ 140	\$ 560

Cost Estimate Schedule of Quantities and Prices					
Town Project #: Project Name: Ludlow & Rocky Creek Road Roundabout					
Item	Description	Est.Qty.	Units	Unit Price	Total
Total Section 9					\$ 268,500
Section 10	Roadway Lighting & Traffic Signalization				
10.1	Street lighting	1	LS	\$ 100,000	\$ 100,000
10.2	BC Hydro Pole Relocation	1	ea	\$ 5,000	\$ 5,000
Total Section 10					\$ 105,000
Section 12	Asphalt Concrete Paving				
12.1	Cutting of Existing Asphalt Pavement	52	m	\$ 7	\$ 364
12.2	<u>Removal of Existing Pavement</u>				
a)	Excavation	5230	m ²	\$ 8	\$ 41,840
12.3	<u>Adjustment of Services</u>				
a)	Valves	2	ea	\$ 125	\$ 250
b)	Manholes	6	ea	\$ 330	\$ 1,980
c)	Air Release	1	ea	\$ 500	\$ 500
12.4	Tack Coat	3896	m ²	\$ 1	\$ 3,896
12.5	Asphaltic Concrete				
a)	50mm Thickness (sidewalks & driveways)	1633	m ²	\$ 35	\$ 57,155
b)	50mm Thickness (road - bottom lift)	3896	m ²	\$ 35	\$ 136,360
c)	50mm Thickness (road - top lift)	3813	m ²	\$ 35	\$ 133,455
Total Section 12					\$ 375,800
Section 14	Landscaping and Irrigation				
14.1	Seeding w/soil 100mm Depth				
a)	100mm Depth	740	m ²	\$ 10	\$ 7,400
Total Section 14					\$ 7,400
Summary					
Section 2	General Conditions				\$ 37,022
Section 3	General Requirements				\$ 111,723
Section 4	Trench Excavation, Bedding and Backfill				\$ 34,000
Section 5	Water Distribution System				\$ 1,900
Section 6	Sanitary Sewer System				\$ 180
Section 7	Storm Sewer System				\$ 37,120
Section 8	Curbs and Sidewalks				\$ 255,435
Section 9	Streets				\$ 268,500
Section 10	Roadway Lighting & Traffic Signalization				\$ 105,000
Section 12	Asphalt Concrete Paving				\$ 375,800
Section 14	Landscaping and Irrigation				\$ 7,400
TOTAL ALL SECTIONS					\$ 1,234,081

Attachment I

Neighbourhood Information Meeting Report 1130 Rocky Creek Road (Application # 3360-20-02)

Meeting Date: *23 July 2020*

Application File No.: *3360-20-02*

Host Attendees: *Ashley Garib, Oyster Harbour Development Corp (role – development information) & Kelly Hirsch, Kaivalya Research Ltd (role – venue management)*

Public Attendees: *2*

Complete and Detailed Summary of Comments from the Public

- The 2 attendees did not complete comment cards but both had a long discussion with Ashley Garib about the proposed development and expressed their support for the development. They heard about the NIM from the notice mailed to their address – 1253 Selkirk Dr. Nanaimo, BC. They are the owners of 1125 2nd Ave in Ladysmith, BC.
- [REDACTED] who works at the [REDACTED] also had discussions with Ashley Garib and is supportive of the development.

Attachments:

Copy of newspaper meeting notice – *'Notice Meeting Ashley'*

Copy of invitation mailed to all recommended addresses provided – *'TOL NIM – Mailing Letter'*

Venue photos – *.jpg files attached*

Submitted by: (Kelly Hirsch, Kaivalya Research, 28 July 2020)

Notice of Neighbourhood Information Meeting

Members of the public are invited to attend
an information meeting regarding:
OCP and Zoning Amendment Application
3360-20-02: 1130 Rocky Creek Road

Date: 23 July 2020

Time: 7 – 9pm

Location: Eagles Building - 921 1st Ave, Ladysmith, BC

Further information or questions of clarification
may be directed to Ashley Garib,

Oyster Harbour Development Corp – ashley.g@telus.net

Please note: We are following the recommended and required
COVID-19 WorkSafeBC precautions in holding this meeting.

Oyster Harbour Development Corp.
3790 St. Pauls Ave., North Vancouver, BC
V7N 1T3

14 July 2020

Owner – «Street_Address»
«Mailing_Address»
«City» BC «Postal_Code»

Notice of Neighbourhood Information Meeting

Re: OCP and Zoning Amendment Application # 3360-20-02: 1130 Rocky Creek Road, Ladysmith BC

To Whom It May Concern:

Members of the public are invited to attend an information meeting regarding:
OCP and Zoning Amendment Application # 3360-20-02: 1130 Rocky Creek Road, Ladysmith BC

Date: 23 July 2020

Time: 7 – 9pm

Location: Eagles Building – 921 1st Ave, Ladysmith, BC

Further information or questions of clarification may be directed to Ashley Garib, Oyster Harbour Development Corp – ashley.g@telus.net

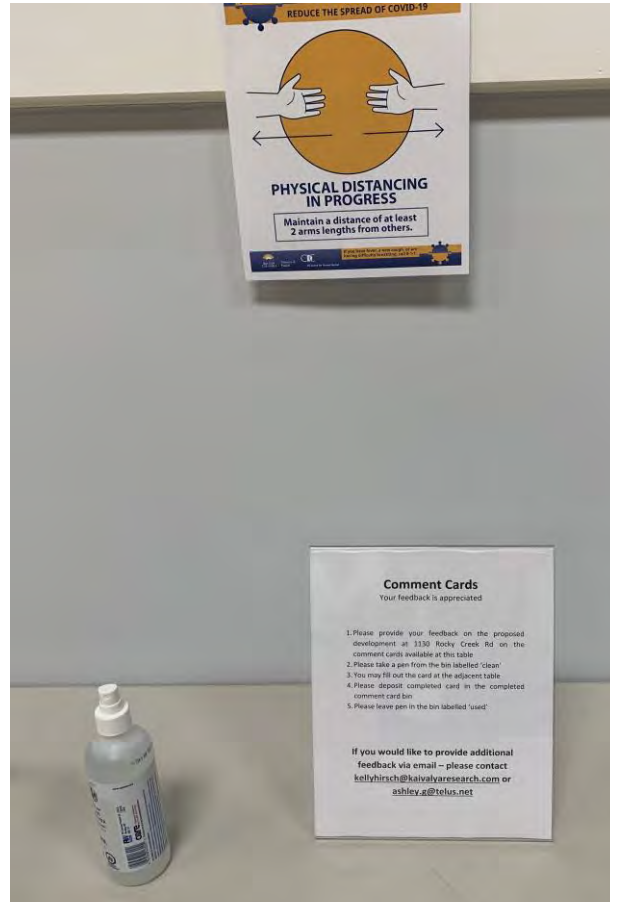
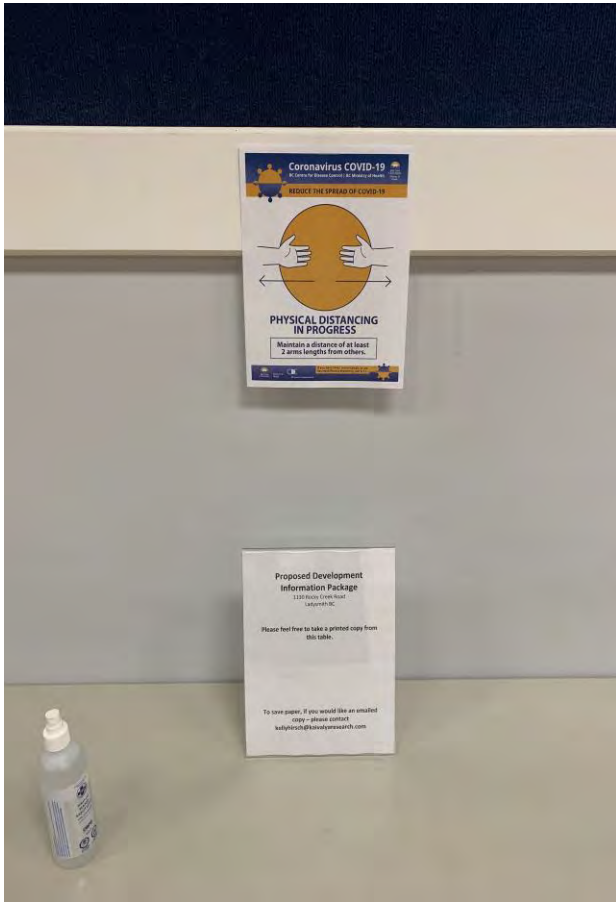
Please note that we are following the recommended and required COVID-19 WorkSafeBC precautions in holding this meeting.

We look forward to your attendance at the meeting.

Sincerely,

Ashley Garib, President
Oyster Harbour Development Corp.
ashley.g@telus.net







Commercial Development
1130 Rocky Creek Road, Ladysmith BC



Prepared for Neighbourhood Information Meeting
Oyster Harbour Development Corp
Ashley Garib, (604) 970-8042
Email: ashley.g@telus.net
July 20, 2020

Development Information

Oyster Harbour Development Corp. is pleased to present the proposed development for 1130 Rocky Creek Road. This development information summary will provide a high-level overview of the proposed development.

- Oyster Harbour Development Corp. is a single purpose company, incorporated for the purposes of this development. The name Oyster Harbour is used for its historical significance to the Town of Ladysmith. The parent corporation Joshua Development Corporation is privately held and has been active in real estate development since the company's founding in 1993 by its President, Ashley Garib. Ashley has 32 years of real estate development experience. Joshua Development Corporation works with BC communities to develop properties into thriving spaces while achieving their mutual development goals.
- Property History – The Property was sold to Oyster Harbour Development Corp. by the previous mortgagee who obtained it through foreclosure. The previous owner has been involved with this property and the adjacent lots since 2006. Multiple developments have been proposed for the site in this time period including warehouses, condos and a hotel. These previous proposed developments were viewed to be not economically feasible and have resulted in the land remaining vacant.
- Our analysis has determined this site is not suited for residential uses as previously proposed. This was demonstrated by the poor uptake of the previous condo units above the warehouses on the adjacent lots. A key consideration with this site is the busy highway and commercial businesses nearby, which is a less desirable location for residents generally and especially in a community that has alternative areas more suitable for residential growth. Residents generally prefer quieter locations. Particularly families with young children who would have safety concerns being located so close to a major thoroughfare. Also, we understand that the adjacent lots were recently bought out of foreclosure by CO OP with the intention to develop a gas station and convenience store, which further reduces the desirability of residential in this location.
- The sloping topography allows only for a portion of the site to be developed. This would limit the loading areas and circulation as well as “storefronts” for customer access. These are key components to the success of Light Industrial and Industrial developments. The limited yield of area for development coupled with the extensive site preparation and construction of retaining walls will drive the overall project cost up. Therefore, pushing Light Industrial and Industrial rents far beyond what the market could bear for Ladysmith. This makes the Industrial model unfeasible.

- Our analysis has shown that this site is well positioned for commercial development with services such as quick service restaurants and retailers. Attributes that support this as the highest and best use of this property include exposure and access to the highway, which are key components for commercial retail and convenience centres.
- This is an opportunity to add commercial activity and services in the Town of Ladysmith. This in turn will increase the tax base, create new employment opportunities, and improve the aesthetics for the community (see attached Economic Opportunity Estimates on page 5).
- National Tenants have committed with long term leases and have targeted opening in Spring 2021. Construction will begin immediately once The Town of Ladysmith approves all permits and zoning. To meet these timelines, site preparation of “cutting and filling” the steeply sloped site is best done in the drier summer months, when the moving of soils is most efficient. Current environmental and geotechnical studies have been completed, as well as preliminary civil engineering design. Construction of the buildings will be carried out over a 6-8 month timeframe.
- These prospective Tenants will provide employment with benefits such as extended medical, dental, and post secondary tuition support. They also invest in their local communities and want to establish long term ties. (see attached Economic Opportunity Estimates on page 5).
- Economic stability of large national Tenants – they have the means to largely withstand recessions and economic downturns being part of a national network and revenue program. This helps commercial spaces stay vibrant and avoids vacancies. This property is a “gateway” to the Town of Ladysmith making it important to maintain thriving businesses at the entry into the community. In addition, this sustains services and maintains economic stability during troubled times such as the current pandemic.
- Key factors driving location selection for these Tenants are the highway visibility and access as well as the size of their premises and required parking to accommodate their customers. There are not suitable sites with the visibility and square footage required at either Coronation Mall or in the Downtown area. These Tenants serve different customers than businesses in the Downtown area.
- The site plan (see attached Preliminary Site Plan on page 6) has been designed to enhance walkability while ensuring that people in transit on the highway can easily access the businesses. The drive thru capability will increase convenient service to a cross section of customers including; accessibility for people with physical disabilities, with young children, and seniors. This is another factor that keeps these businesses viable and is part of a well established and proven business model.

- The buildings (see attached Preliminary Renderings on pages 7-8) have been designed in accordance with community aesthetics and will have high end building materials used throughout.
- The aim is to provide a good balance between the heritage of the Waterfront and Downtown coupled with the need of residents and visitors to access convenience services close by.

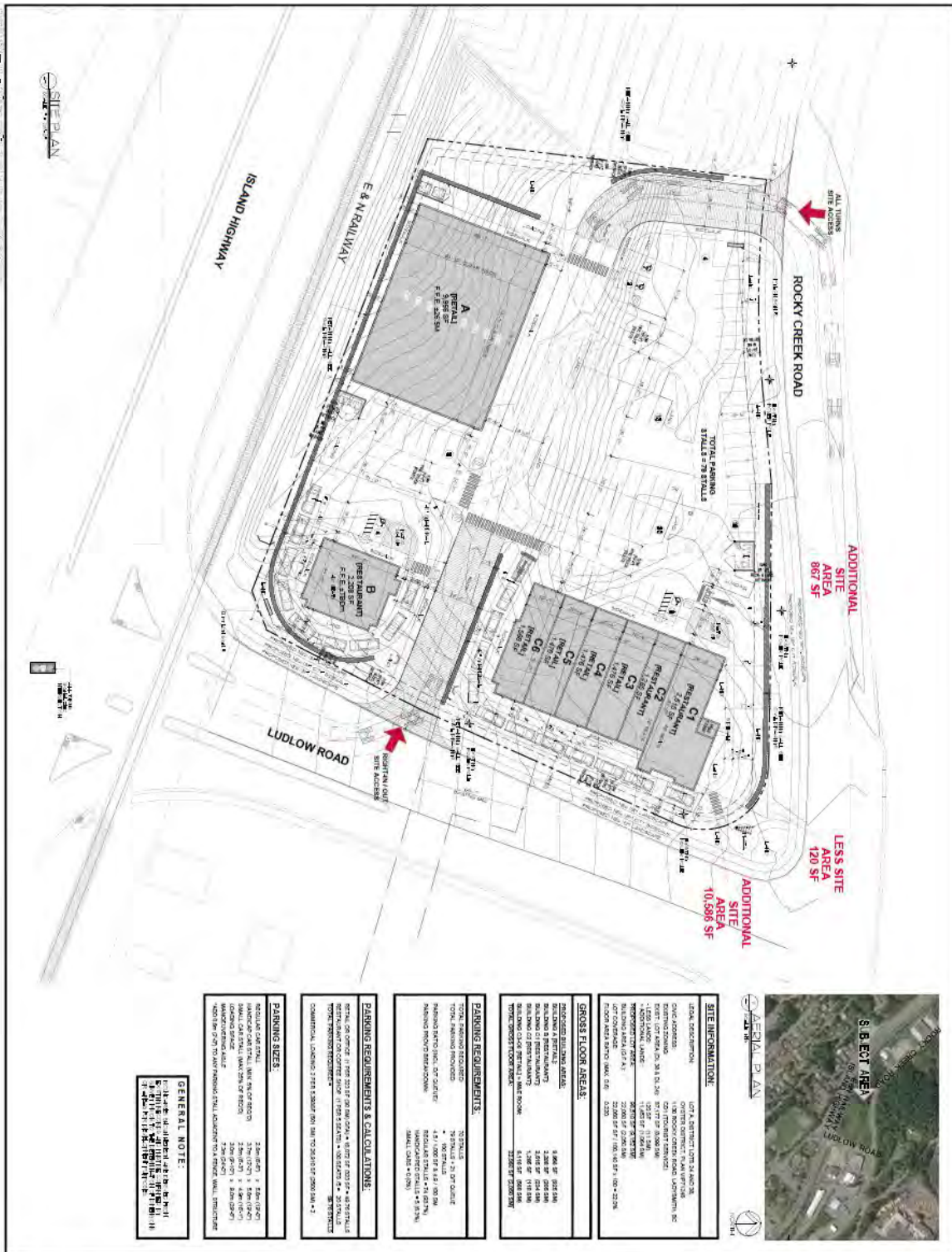
Key Points

- This site has remained vacant for 15+ years despite multiple attempts at residential and industrial developments. Multiple factors outlined above demonstrate that commercial development is the highest and best use for this property.
- The Town of Ladysmith and its residents stand to benefit economically from this development both through an increase in tax base and the creation of stable employment opportunities. The national Tenants that will locate here are invested in the community's development for the long run. To get an idea of the economic benefits, please see attached Economic Opportunity Estimates on page 5.
- The required environmental and geotechnical studies have already been completed and Tenants have committed to the project with long term leases. Once development permits and zoning approvals are received by the developer, construction will begin immediately. Ladysmith will realize the economic opportunities from this development in a short timeframe creating ongoing employment. The targeted opening for this project is Spring 2021.
- The site will be developed complimentary to the Town of Ladysmith's plans to revitalize the Waterfront and Downtown areas. The buildings will be designed in accordance with community aesthetics, will have high end building materials used throughout and will help increase the vibrancy of the area.

Economic Opportunity Estimates

CURRENT STATUS - VACANT LAND	in \$'s	Number of Jobs	Benefit
Property Taxes	\$16,238		✓
Employment	\$0	0	✗
Employment benefits - pension, medical, dental, post-secondary Contributions etc.			✗
Construction	\$0	0	✗
Service Revenue - garbage removal, landscaping, common area maintenance etc.	\$0	0	✗
CURRENT ECONOMIC BENEFITS	\$16,238	0	
CONSTRUCTION PHASE			
Property Taxes	\$16,238		✓
Employment	\$0	0	✗
Employment benefits - pension, medical, dental, post-secondary Contributions etc.			✓
Construction	\$7,000,000	100	✓
Service Revenue - garbage removal, landscaping, common area maintenance etc.	\$20,000	4	✓
ECONOMIC BENEFITS DURING CONSTRUCTION PHASE	\$7,036,238	104	
COMPLETED DEVELOPMENT			
Property Taxes	\$176,000		✓
Employment	\$1,800,000	120	✓
Employment benefits - pension, medical, dental, post-secondary Contributions etc.			✓
Construction	\$0	0	✗
Service Revenue - garbage removal, landscaping, common area maintenance etc.	\$108,000	10	✓
ANNUAL PERPETUAL ECONOMIC BENEFIT OF COMPLETED DEVELOPMENT	\$2,084,000	130	

Preliminary Site Plan



SITE INFORMATION:

LEGAL DESCRIPTION:	LOT 4, DISTRICT OF SURREY
OWNER:	OYSTER HARBOUR DEVELOPMENT CORP.
PROJECT NAME:	1130 ROCKY CREEK ROAD, LADYSMITH, BC
DATE:	2023.08.28
SCALE:	1:1000
PROJECT NO.:	23-0000000-0000
LOT AREA:	22,000 SQ. FT. (202,000 SQ. M)
FLOOR AREA:	22,000 SQ. FT. (202,000 SQ. M)

PROPOSED BUILDING AREAS:

RESTAURANT	3,500 SQ. FT.
RESTAURANT	2,500 SQ. FT.
RESTAURANT	1,500 SQ. FT.
RESTAURANT	1,500 SQ. FT.
RESTAURANT	1,500 SQ. FT.
RESTAURANT	1,500 SQ. FT.
RESTAURANT	1,500 SQ. FT.
RESTAURANT	1,500 SQ. FT.
RESTAURANT	1,500 SQ. FT.
RESTAURANT	1,500 SQ. FT.

PARKING REQUIREMENTS:

TOTAL PARKING REQUIRED:	20 STALLS
TOTAL PARKING PROVIDED:	20 STALLS
ADDITIONAL PARKING PROVIDED:	20 STALLS
TOTAL PARKING PROVIDED:	40 STALLS

PARKING REQUIREMENTS & CALCULATIONS:

RESTAURANT (1,500 SQ. FT.)	1 STALL
RESTAURANT (1,500 SQ. FT.)	1 STALL
RESTAURANT (1,500 SQ. FT.)	1 STALL
RESTAURANT (1,500 SQ. FT.)	1 STALL
RESTAURANT (1,500 SQ. FT.)	1 STALL
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RESTAURANT (1,500 SQ. FT.)	1 STALL
RESTAURANT (1,500 SQ. FT.)	1 STALL
RESTAURANT (1,500 SQ. FT.)	1 STALL

PARKING SIZES:

REGULATED CAR STALL	2.4m (8'0")
REGULATED CAR STALL WITH BARRIER	2.4m (8'0")
REGULATED CAR STALL WITH BARRIER AND CHAIR	2.4m (8'0")
REGULATED CAR STALL WITH BARRIER AND CHAIR AND BIKE	2.4m (8'0")
REGULATED CAR STALL WITH BARRIER AND CHAIR AND BIKE AND TRICYCLE	2.4m (8'0")
REGULATED CAR STALL WITH BARRIER AND CHAIR AND BIKE AND TRICYCLE AND STROLLER	2.4m (8'0")
REGULATED CAR STALL WITH BARRIER AND CHAIR AND BIKE AND TRICYCLE AND STROLLER AND WHEELCHAIR	2.4m (8'0")

GENERAL NOTE:

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.

2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED.

4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE SPECIFIED.

5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE RAILWAY UNLESS OTHERWISE SPECIFIED.

6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE HIGHWAY UNLESS OTHERWISE SPECIFIED.

7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CANAL UNLESS OTHERWISE SPECIFIED.

8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE TRENCH UNLESS OTHERWISE SPECIFIED.

9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRAIN UNLESS OTHERWISE SPECIFIED.

10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE UTILITY UNLESS OTHERWISE SPECIFIED.

11. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE STRUCTURE UNLESS OTHERWISE SPECIFIED.

12. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE EQUIPMENT UNLESS OTHERWISE SPECIFIED.

13. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE FURNITURE UNLESS OTHERWISE SPECIFIED.

14. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE PLANT UNLESS OTHERWISE SPECIFIED.

15. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LANDSCAPE UNLESS OTHERWISE SPECIFIED.

16. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE SITE UNLESS OTHERWISE SPECIFIED.

odirect
1130 ROCKY CREEK ROAD
LADYSMITH, BC V2R 1A1
TEL: 604.273.8888
WWW.ODIRECT.COM

COMMERCIAL DEVELOPMENT
1130 Rocky Creek Road, Ladysmith, BC
For OYSTER HARBOUR DEVELOPMENT CORP.

1130 ROCKY CREEK ROAD
LADYSMITH, BC V2R 1A1
TEL: 604.273.8888
WWW.ODIRECT.COM

1130 ROCKY CREEK ROAD
LADYSMITH, BC V2R 1A1
TEL: 604.273.8888
WWW.ODIRECT.COM

Preliminary Renderings

Overview



View from Intersection - Northeast



View from Rocky Creek Access - Southwest



View from Parking Lot - Southwest



ROCKY CREEK ROAD

ROAD CENTRELINE

CONCRETE CURB GUTTER

NOTES:

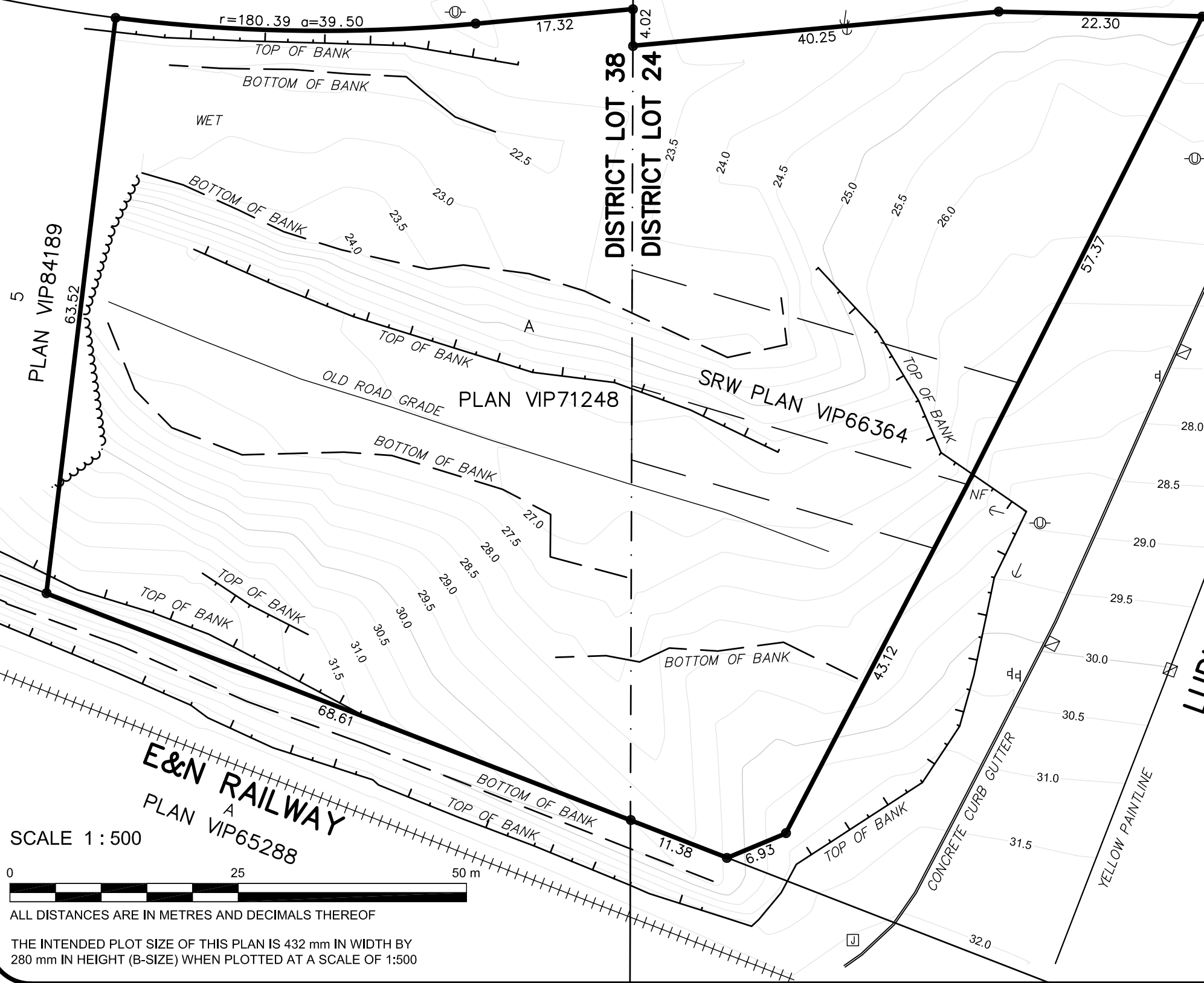
1. PARCEL DIMENSION ARE IN METRES AND DERIVED FROM FIELD SURVEY AND EXISTING LAND TITLE OFFICE RECORDS, BEING PLAN VIP71248
2. ELEVATIONS ARE IN METRES AND GEODETIC DERIVED FROM CONTROL MONUMENT 10H2644, ELEVATION= 53.326m
3. DATE OF FIELD SURVEY: MAY 16, 2017
4. CONTOUR INTERVAL IS 0.5m
5. TITLE SUBJECT TO:
STATUTORY RIGHT OF WAY EL137728
STATUTORY RIGHT OF WAY EP65430
STATUTORY RIGHT OF WAY EP65431
COVENANT FB234682
6. THIS PLAN IS PREPARED SOLELY FOR A LIMITED CONTRACTUAL USE BETWEEN McElHANNEY ASSOCIATES AND OUR CLIENT
7. THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS

LEGAL DESCRIPTION: LOT A, DISTRICT LOTS 24 AND 38, OYSTER DISTRICT, PLAN VIP71248

PID: 024-839-370

LEGEND

	SIGN
	CATCH BASIN
	FIRE HYDRANT
	GUY WIRE
	IRON PIN - FOUND
	MANHOLE - SANITARY
	MANHOLE - STORM
	POLE - HYDRO/TELEPHONE POLE
	VALVE - WATER
	JUNCTION BOX
	CONCRETE CURB GUTTER
	BOTTOM OF BANK
	TOP OF BANK
	ROAD CENTRELINE
	TREE DRIPLINE
	RAIL CENTRELINE



McElhanney
McElhanney Associates Land Surveying Ltd.
SUITE #1 - 1351 ESTEVAN ROAD PH (250) 716-3336
NANAIMO, BC V9S 3Y3

SAL TOOR
Client

TOPOGRAPHIC SURVEY
1130 ROCKY CREEK ROAD, LADYSMITH
Title

Date:	MARCH 25, 2020	MCSL PROJECT No.
Scale:	AS SHOWN	2232-00348-0
Drawn:	TQ	Drawing No.
Checked:	TQ	00348-0-V-1 SK

Plotted: March 25, 2020, 09:34:25



ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF

THE INTENDED PLOT SIZE OF THIS PLAN IS 432 mm IN WIDTH BY 280 mm IN HEIGHT (B-SIZE) WHEN PLOTTED AT A SCALE OF 1:500



September 9, 2020

Victoria File: 26250-20/23843
SITE: 23843

VIA EMAIL: RyanT@hemmera.com and chovey@ladysmith.ca

Cowichan Valley Mortgages Ltd.
c/o Hemmera Envirochem Inc.
18th Floor, 4730 Kingsway
Burnaby, BC V5H 0C6
Attention: Ryan Taylor

Town of Ladysmith
410 Esplanade, PO Box 220
Ladysmith, BC V9G 1A2
Attention: Christina Hovey

Dear Ryan Taylor and Christina Hovey:

**Re: Site Profile Submission – Zoning and Development Application
1130 Rocky Creek Road, Ladysmith
PID: 024-839-370**

This letter is to acknowledge receipt of a satisfactorily completed site profile pertaining to the above-referenced site as well as the following supporting documentation:

1. The Letter Report titled *Confirmation of No Schedule 2 Activities – 1130 Rocky Creek Road, Ladysmith, BC*, prepared by Hemmera Envirochem Inc., dated August 14, 2020, for the site along with a written opinion from Lora Paul, Approved Professional, indicating that no contamination has migrated onto this parcel.
2. Report titled *Phase 1 Environmental Site Assessment – 1130 Rocky Creek Road, Ladysmith, BC*, prepared by Hemmera Envirochem Inc., dated November 1, 2019; and
3. Report titled *Updated Phase 1 Environmental Site Assessment – 1130 Rocky Creek Road, Ladysmith, BC*, prepared by Hemmera Envirochem Inc., dated August 14, 2020.

Based upon the submitted information, and in accordance with section 40(1) of the *Environmental Management Act*, a site profile is not required for parcels that have no history of activities listed in Schedule 2 of the Contaminated Sites Regulation. Furthermore, the director

does not require or intend to order a site investigation under section 41 of the *Environmental Management Act* (Act).

Please be advised of the following:

- the absence of a requirement to undertake a site investigation does not necessarily mean that the site is not a contaminated site. It is recommended that the proponent retain a qualified environmental consultant to identify and characterize any soil, groundwater, sediment and/or vapour of suspect environmental quality encountered during any subsurface work at the subject site; and
- those persons undertaking site investigations and remediation at contaminated sites in British Columbia are required to do so in accordance with the requirements of the Act and its regulations. The ministry considers these persons responsible for identifying and addressing any human health or environmental impacts associated with the contamination.

Decisions of a Director may be appealed under part 8 of the Act.

Please contact the Site Identification Officer at SiteProfiles@gov.bc.ca if you have any questions about this letter.

Yours truly,



Valentina Yetskalo
for Director, *Environmental Management Act*

cwd\

Phase I Environmental Site Assessment 1130 Rocky Creek Road, Ladysmith, BC

Prepared for:

Joshua Development Corporation
3790 St. Paul's Avenue
North Vancouver, BC V7N 1T3

Project No. 104390-01

November 1, 2019

Prepared by:

Hemmera Envirochem Inc.
18th Floor, 4730 Kingsway
Burnaby, BC V5H 0C6
T: 604.669.0424
F: 604.669.0430
hemmera.com

EXECUTIVE SUMMARY

Hemmera Envirochem Inc. (Hemmera), a wholly owned subsidiary of Ausenco Canada Ltd. (Ausenco), was retained by Joshua Development Corporation to conduct a Phase I Environmental Site Assessment (ESA) for the property located at 1130 Rocky Creek Road, Ladysmith, BC ("the Site"). It is our understanding that the Phase I ESA is being completed for due diligence purposes in support of a potential acquisition of the Site.

The objective of this Phase I ESA is to identify Areas of Potential Environmental Concern (APECs) and Potential Contaminants of Concern (PCOCs) associated with present and/or historical on and off-Site activities that may have affected soil, soil vapour, and groundwater at the Site. The Phase I ESA has been completed in accordance with the *Canadian Standards Association's (CSA) Standard Z-768-01 for Phase I Environmental Site Assessments*.

The Site is currently vacant and vegetated with a footpath crossing the northeast corner of the Site. The Site is bounded by Rocky Creek Road to the north, Ludlow Road to the east, a railway track and the Island Highway to the south and vacant, vegetated lots to the west. The Site has been vacant and vegetated since circa 1942, with a road crossing the middle of the Site from east to west from circa 1942 to the late 1990s or early 2000s, when the road appears to have been abandoned, the road is not currently present on the Site. No current or historical operations of environmental concern were identified on the Site during the site visit or through the historical records review.

The area to the north and west of the Site has been vacant and vegetated since circa 1942. Rocky Creek Road, adjacent to the north of the Site, was a railway from the late 1940s to 2000s when the railway was converted to Rocky Creek Road. The area to the southeast of the Site has been a railway, followed by the Island Highway and then by residential buildings since the early 1940s. The area to the east of the Site was vacant and vegetated from the early 1940s to approximately 1950 when it began to be developed for commercial use with Ludlow Road being constructed adjacent to the Site to the east in the early 2000s. The Phase I ESA identified no APECs in regards to current or historical off-Site operations.

Based on the findings of this Phase I ESA, no on-site or off-Site APECs were identified and no further investigation is recommended. The railways noted to the north and south of the property are considered environmental issues (due to creosote rail ties and ballast rock) but are considered low risk to the Site.

This Work was performed in accordance with Professional Services Agreement between Hemmera Envirochem Inc. (Hemmera), a wholly owned subsidiary of Ausenco Engineering Canada Inc. (Ausenco), and Joshua Development Corporation (Client), dated October 12, 2019 (Contract). This Report has been prepared by Hemmera, based on fieldwork conducted by Hemmera, for sole benefit and use by Joshua Development Corporation. In performing this Work, Hemmera has relied in good faith on information provided by others, and has assumed that the information provided by those individuals is both complete and accurate. This Work was performed to current industry standard practice for similar environmental work, within the relevant jurisdiction and same locale. The findings presented herein should be considered within the context of the scope of work and project terms of reference; further, the findings are time sensitive and are considered valid only at the time the Report was produced. The conclusions and recommendations

contained in this Report are based upon the applicable guidelines, regulations, and legislation existing at the time the Report was produced; any changes in the regulatory regime may alter the conclusions and/or recommendations.

This Executive Summary is not intended to be a stand-alone document, but a summary of findings as described in the following Report. It is intended to be used in conjunction with the scope of services and limitations described therein.

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APPENDICES

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Appendix C Aerial Photographs
Appendix D BC ENV Site Registry Search
Appendix E Federal Contaminated Sites Search
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1.0 INTRODUCTION AND OBJECTIVES

Hemmera Envirochem Inc. (Hemmera), a wholly owned subsidiary of Ausenco Canada Ltd. (Ausenco), was retained by Joshua Development Corporation to conduct a Phase I Environmental Site Assessment (ESA) for the property located at 1130 Rocky Creek Road, Ladysmith, BC ("the Site"). It is our understanding that the Phase I ESA is being completed for due diligence purposes in support of a potential acquisition of the Site. The objective of this Phase I ESA is to identify Areas of Potential Environmental Concern (APECs) and Potential Contaminants of Concern (PCOCs) associated with present and/or historical on and off-Site activities that may have affected soil, soil vapour, and groundwater at the Site.

This Work was performed in accordance with Professional Services Agreement between Hemmera Envirochem Inc. (Hemmera), a wholly owned subsidiary of Ausenco Engineering Canada Inc. (Ausenco), and Joshua Development Corporation (Client), dated October 12, 2019 (Contract). This Report has been prepared by Hemmera, based on fieldwork conducted by Hemmera, for sole benefit and use by Joshua Development Corporation. In performing this Work, Hemmera has relied in good faith on information provided by others, and has assumed that the information provided by those individuals is both complete and accurate. This Work was performed to current industry standard practice for similar environmental work, within the relevant jurisdiction and same locale. The findings presented herein should be considered within the context of the scope of work and project terms of reference; further, the findings are time sensitive and are considered valid only at the time the Report was produced. The conclusions and recommendations contained in this Report are based upon the applicable guidelines, regulations, and legislation existing at the time the Report was produced; any changes in the regulatory regime may alter the conclusions and/or recommendations.

2.0 SCOPE OF WORK

The Phase I ESA has been completed in accordance with the *Canadian Standards Association's (CSA) Standard Z-768-01 for Phase I Environmental Site Assessments*, and involved a review of current and historical operations on the Site, and concerns associated with the current and historical use of adjacent and up-gradient properties. Sources of information reviewed included:

1. Current land title;
2. Aerial photographs;
3. Municipal records;
4. Topographical and surficial geology maps;
5. BC Ministry of Environment and Climate Change Strategy (ENV) Site Registry;
6. Federal Contaminated Sites Inventory;
7. Contaminated Sites Approved Professionals (CSAP) mapping tool; and,
8. Site visit (including site photographs, documentation of surrounding land use, and observations of any potential concerns or activities associated with the Site itself or surrounding properties).

The Site visit included a review of the Site for APECs (i.e., observed or suspected spills, storage tanks, etc.), as well as other potential environmental concerns (i.e., proximity of the Site to sensitive areas, activities on adjacent properties). No interviews were conducted as part of the Site visit, as no contacts were available with knowledge of the historical operations. No previous environmental reports, street directories or fire insurance plans were available for review for the Site.

3.0 SITE INFORMATION

The Site is comprised of one legal lot located at 1130 Rocky Creek Road, which is currently vacant and vegetated. A general description of the Site and current title information are provided in **Table A**, below.

Table A Site Description

Legal Description	LOT A DISTRICT LOTS 24 AND 38 OYSTER DISTRICT PLAN VIP71248
Parcel Identifier Number (PID)	024-839-370
Registered Land Owner	Cowichan Valley Mortgages Ltd., Inc. No. BC0361391
Leases, Covenants or Land Title Transfers, Related to Environmental Contamination Issues	None observed.
Latitude and Longitude (approximate)	48° 59' 58.24" N 123° 49' 31.17" W
Zoning	CD-1: Tourist Service
Approximate Area	8,000 m ²

Hemmera completed a current title search for this property (**Appendix B**) but did not conduct a historical title search as it was not warranted given the information available.

3.1 Topography and Groundwater Flow

A summary of the local geology, topography and inferred groundwater flow direction at the Site is presented in **Table B** and **Table C**, below.

Table B Surficial Geology

Type	7a/5
Description	Marine Deposits (7a) silt, clay, stony clay and till-like mixtures, thickness up to 5 feet, resting upon Ground Moraine Deposits (5), till, lenses of gravel, sand and silt

Table C Topography and Groundwater Flow

Site Topography	The Site slopes inwards towards the centre of the lot.
Regional Topography	The region slopes downwards to the northeast towards Ladysmith Harbour.
Closest Surface Water Body	The closest surface water body is Ladysmith Harbour, approximately 190 m to the northeast of the Site. Tyee Creek, which discharges to Ladysmith Harbour is located approximately 200 m to the north of the Site.
Description of Water Bodies on the Site	No water bodies were observed on the Site.
Inferred Groundwater Flow Direction	Groundwater is inferred to flow towards Ladysmith Harbour, to the northeast or east.

4.0 RECORDS REVIEW

Historical records were reviewed to evaluate contamination risk by identifying land uses at the Site and surrounding area over time. The following subsection detail the results of the records review.

4.1 Aerial Photographs

Aerial photographs for the Site and surrounding area were obtained from the University of British Columbia Geographic Information Centre for the years 1942, 1950, 1952, 1958, 1962, 1967, 1972, 1976, 1980, 1984, 1989, 1993, 1998 and 2007 and are provided in **Appendix C**, aerial photographs for the years subsequent to 2007 were viewed on Google Earth. The aerial photograph review can be summarized as follows:

- On-Site: from 1942 to present, the Site has been vacant and vegetated, with a road crossing the Site from east to west circa 1942 to between 1998 and 2005 when the road appears to have been abandoned.
- Off-Site: from 1942 to present the surrounding area to the southeast has been a railway, followed by the Island Highway and then residential buildings. The area to the east of the Site was vacant and vegetated from 1942 to approximately 1950 when it began to be developed with what appear to be commercial buildings, Ludlow Road was constructed adjacent to the Site to the east between in the early 2000s, the current configuration of commercial buildings have been in place since early 2013. To the north of the Site, a railway was present from the late 1940s to 2000s when the railway was converted to Rocky Creek Road. The area to the north of Rocky Creek Road has been vacant and vegetated since 1942, with the existing sawmill along the foreshore being constructed in the late 1960s or early 1970s. To the west of the Site has been vacant and vegetated from 1942 to the early 2000s, when the area began to be developed by what appears to be commercial buildings, the area adjacent to the Site remains vacant and vegetated.

4.2 BC Site Registry

The BC Online Site Registry is a database of sites that have submitted information to the BC ENV with respect to the *BC Environmental Management Act*. A search of the BC ENV Online Site Registry was conducted and contains sites listed as of October 24, 2019. Hemmera's search of the ENV Site Registry through iMap BC (**Appendix D**) identified five properties on file within a 500 m radius of the Site. Of these, two are located within close proximity and summarised below and shown on **Figure 1**.

Table D Summary of BC Site Registry Results

Site ID	Site Address	Approximate Location Relative to the Site	Comments
1701	1152 Trans-Canada Highway	190 m (west, cross-gradient)	<p>The registry entry identifies this property as having had vehicle repair and petroleum dispensing facilities, both Schedule 2 uses.</p> <p>A remediation was carried out on the property in 2018 with multiple Schedule 2 uses listed on the Site Registry for the property.</p> <p>A report detailing off-site investigation of MOTI lands was submitted to the BC ENV in 1995. No notice of off-site migration has been submitted for the Site.</p> <p>Based on the location of the property in relation to the Site, 190 m away and cross-gradient, this property is not considered an APEC for the Site.</p>
12891	1030 Oyster Bay Drive	95 m (east, cross-gradient)	<p>The registry entry identifies this property as having had vehicle repair and petroleum dispensing facilities, both Schedule 2 uses.</p> <p>A development permit was released in 2011 with the condition that remediation be completed within five years of the November 18, 2011 release letter.</p> <p>A soil vapour and groundwater monitoring report was subsequently submitted to the BC ENV on March 1, 2017, but no remediation is indicated on the site registry entry.</p> <p>Based on the location of the property cross-gradient to the Site, and as a notice of off-site migration has not been issued for the property, (which would suggest off-site migration of contamination had occurred), this property is not considered an APEC for the Site.</p>

4.3 CSAP GIS Map Search

The Contaminated Sites Approved Professional (CSAP) Geographic Information System (GIS) mapping tool was searched on October 24, 2019. The CSAP GIS mapping tool identifies sites with legal instruments or background releases issued by the BC ENV from late 2012 to present. The search was conducted on a 500 m radius from the Site, and no results were identified. A map of the search is included in **Appendix D**.

4.4 Federal Contaminated Site inventory

The Federal Contaminated Sites Inventory (FCSI) includes information on all known federal contaminated sites under the custodianship of departments, agencies and consolidated Crown corporations as well as those that are being or have been investigated to determine whether they have contamination arising from past use that could pose a risk to human health or the environment. The inventory also includes non-federal contaminated sites for which the Government of Canada has accepted some or all financial responsibility.

A search of the FCSI was conducted on October 24, 2019. No federal contaminated sites were identified within 500 m of the Site. The federal contaminated sites map is provided in **Appendix E**.

4.5 Water Wells

A search of the BC ENV Water Resources Atlas conducted on October 24, 2019 did not identify any water wells on the Site. One water well was identified to the southwest of the Site (approximately 95 m from the Site boundary). Note that groundwater well locations are reported on well cards by well drillers but there are no statutory requirements for the drillers to submit these records to the Provincial Government. Therefore, not all water wells are represented in the databases. A map illustrating the water well search relative to the Site can be found in **Appendix F**.

4.6 Schedule 2 Site Activities

Schedule 2 of the CSR lists a number of Industrial and Commercial activities that could result in contamination. The Phase I ESA did not identify any Schedule 2 Activities on the Site.

5.0 SITE VISIT

A site visit was conducted by Hemmera on October 23, 2019 to assess the conditions of the Site and surrounding area. The following sections outline the observations made during the Site visit. Site visit photographs are provided in **Appendix A**.

5.1 Site Description

The Site is a vegetated, vacant lot (**Photo 1**) that slopes towards the center of the lot. A footpath crosses northeast corner of the Site from Ludlow Road to Rocky Creek Road (**Photo 2**). The road which formerly crossed the middle of the Site was not observed during the Site visit, the area of the former road was observed to be overgrown (**Photo 3**).

5.2 Ground Observations

The following table, **Table E**, provides a summary of ground observations for the Site.

Table E Ground Observations

Ground Cover	Approximately 95% vegetated and 5% pathways / clearings (Photos 1 and 2)
Evidence of Fill	None observed.
Site Drainage/Infiltration	No drainage observed on-Site. Off-Site drainage is primarily to the municipal storm sewer system via various catch basins observed on the adjacent Rocky Creek Road (Photo 4).
Surface Water	None observed.
Monitoring Wells	None observed.
Sewage Disposal and/or Connection	None observed.
Waste Water or Other Discharges from Site	None observed.
Water Connection	None observed on-Site. A fire hydrant was observed at the north edge of the Site (Photo 5).
Water Wells	None observed.
Gas Connection	No
Evidence of Underground Storage Tanks (USTs) and/or Aboveground Storage Tanks (ASTs)	No evidence of USTs or ASTs was observed.
Storage of Hazardous Materials and/or Wastes	None observed.
Signs of Spills, Staining on Ground, or Evidence of Surface Contamination	Some household refuse was observed on the Site (Photo 6), no evidence of contamination, such as staining, was observed in these areas.
Transformers or Capacitors	None observed.
Right of Ways	None observed.

5.3 Building Observations

No buildings were observed on-Site.

5.4 Current Surrounding Land Use

The current surrounding land use is presented below in **Table F** below.

Table F Current Surrounding Land Use

Orientation	Land Use	Potential Concern/ Comments
North	Bounded by Rocky Creek Road, then a vacant, vegetated lot (Photo 7).	No
East	Bounded by Ludlow Road, then a commercial lot with Home Hardware and Ladysmith Motorsports (Photo 8).	No
South	Bounded by a railway track and the Island Highway (Photo 9). Further to the south is residential houses.	No
West	Bounded by multiple vegetated, vacant lots (Photo 10).	No

5.5 Special Attention Substances

Special attention items or substances, as defined by the *Canadian Standards Association*, are "substances that require special attention because of heightened public concern or specific environmental legislation". As there are no structures on-site, and no special attention substances were identified.

6.0 SUMMARY DISCUSSION

6.1 On-Site

The Site is currently vacant and vegetated with a footpath crossing the northeast corner of the Site. The Site is bounded by Rocky Creek Road to the north, Ludlow Road to the east, a railway track and the Island Highway to the south and vacant, vegetated lots to the west. The Site has been vacant and vegetated since circa 1942, with a road crossing the middle of the Site from east to west from circa 1942 to the late 1990s or early 2000s, when the road appears to have been abandoned, the road is not currently present on the Site.

No current or historical operations of environmental concern were identified on the Site during the site visit or through the historical records review.

6.2 Off-Site

The area to the north and west of the Site has been vacant and vegetated since circa 1942. Rocky Creek Road, adjacent to the north of the Site, was a railway from the late 1940s to 2000s when the railway was converted to Rocky Creek Road. The area to the southeast of the Site has been a railway, followed by the Island Highway and then by residential buildings since the early 1940s. The area to the east of the Site was vacant and vegetated from the early 1940s to approximately 1950 when it began to be developed for commercial use with Ludlow Road being constructed adjacent to the Site to the east in the early 2000s.

The railways were identified as an environmental issue (creosote rail ties and ballast rock can impact underlying soil quality) but are considered low risk to the Site as the current and former railways are located off-Site.

The Phase I ESA identified no APECs in regards to current or historical off-Site operations.

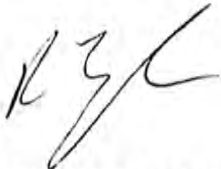
7.0 CONCLUSION & RECOMMENDATIONS

Based on the findings of this Phase I ESA, no on-site or off-Site APECs were identified and no further investigation is recommended.

8.0 CLOSURE

We sincerely appreciate the opportunity to have assisted you with this project and if there are any questions, please do not hesitate to contact the undersigned by phone at 604.669.0424.

Report prepared by:
Hemmera Envirochem Inc.



per: Evelyn Playle, P.Eng.
Environmental Engineer

Report reviewed by:
Hemmera Envirochem Inc.



Ryan Taylor, B.Sc.
Project Manager

Report senior reviewed by:
Hemmera Envirochem Inc.

**ORIGINAL SIGNED
AND STAMPED**

Lora Paul, P.Eng, CSAP
Senior Project Manager

This document represents an electronic version of the original hard copy document, sealed, signed and dated by Lora Paul, P.Eng, CSAP and retained on file. The content of the electronically transmitted document can be confirmed by referring to the original hard copy and file. This document is provided in electronic format for convenience only. Hemmera Envirochem Inc. shall not be liable in any way for errors or omissions in any electronic version of its report document.

9.0 REFERENCES

Aerial photographs for 1942, 1950, 1952, 1958, 1962, 1967, 1972, 1976, 1980, 1984, 1989, 1993, 1998 and 2007 obtained from UBC Geographic Information Centre.

British Columbia Contaminated Sites Regulation (BC CSR). BC Reg. 375/96, including amendments up to B.C. Reg. 13/2019, effective January 24, 2019.

British Columbia Ministry of Environment and Climate Change Strategy, Environmental Management Act, Contaminated Sites Regulation, B.C. Reg. 375/96, November 21, 2018.

British Columbia Ministry of Environment and Climate Change Strategy, iMapBC; <https://maps.gov.bc.ca/ess/hm/imap4m/>.

British Columbia Ministry of Environment and Climate Change Strategy, Site Registry Database, accessed online via BC Online at <https://www.bconline.gov.bc.ca/>.

Canadian Standards Association's (CSA) *Standard Z-768-01 for Phase 1 Preliminary Site Investigations, the Environmental Management Act, Contaminated Sites Regulation, Section 58*

Contaminated Sites Approved Professionals Society of British Columbia. BC Contaminated Sites Documents, accessed online at <https://gis2.hemmera.com/maps/csap/>.

Geological Survey of Canada, Geology by E.C. Halstead, Surficial Geology Duncan British Columbia, Map 14-1965, 1965.

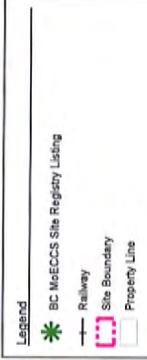
Treasury Board of Canada Secretariat, Federal Contaminated Sites Inventory, accessed online at: <http://www.tbs-sct.gc.ca/fcsi-rscf/home-accueil-eng.aspx>

FIGURE

Figure 1 Site Location and Layout

Phase I Environmental Site Assessment
 1130 Rocky Creek Road, Ladysmith, BC

Site Location and Layout

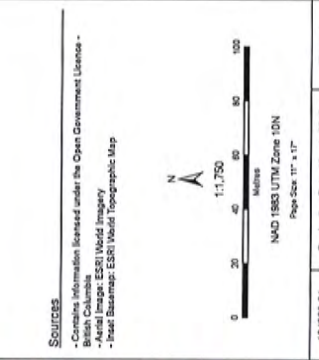


NOTES

1. All mapped features are approximate and should be used for discussion purposes only. It is intended to be a "background" document, but the subject of the information contained within the referenced Report. It is intended to be used in conjunction with the scope of services and limitations described therein.

SOURCES

- Coronair Information licensed under the Open Government License - British Columbia
- Aerial Imagery: ESRI World Imagery
- Inset Basemap: ESRI World Topographic Map



10430-01 Production Date: Nov 1, 2019 Figure 1

Hemmera Assessment
 Joshua Development Corp.



APPENDIX A
Site Photographs



Photo 1 View of the vegetated, vacant Site, facing southwest (October 23, 2019).



Photo 2 View of the vegetated, vacant Site showing pathways / clearings, facing west (October 23, 2019).



Photo 3 Location of where former road would cross Ludlow Road, facing north (October 23, 2019).



Photo 4 View of the municipal storm sewer catch basin off-site on Rocky Creek Road, facing south (October 23, 2019).



Photo 5 Fire hydrant adjacent to the north of the Site, on Rocky Creek Road, facing east (October 23, 2019).



Photo 6 Household garbage observed on the Site, facing east (October 23, 2019).



Photo 7 Surrounding land use to the north showing Rocky Creek Road and the vegetated, vacant lot, facing west (October 23, 2019).



Photo 8 Surrounding land use showing Ludlow Road and the commercial buildings to the east of the Site, facing north (October 23, 2019).



Photo 9 Surrounding land use to the south showing the railroad tracks and part of the Island Highway, facing west (October 23, 2019).



Photo 10 Surrounding land use to the west showing the vegetated, vacant lots, facing west (October 23, 2019).

APPENDIX B
Current Land Title

TITLE SEARCH PRINT

2019-10-24, 10:03:01

File Reference: 104390-01

Requestor: Evelyn Playle

Declared Value \$901768

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District

Land Title Office

VICTORIA

VICTORIA

Title Number

From Title Number

CA3426851

FB250811

Application Received

2013-10-29

Application Entered

2013-11-05

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

COWICHAN VALLEY MORTGAGES LTD., INC.NO. BC0361391
528 VOUTRAIT ROAD
MILL BAY, B.C.
V0R 2P3

Taxation Authority

Ladysmith, Town of

Description of Land

Parcel Identifier:

024-839-370

Legal Description:

LOT A DISTRICT LOTS 24 AND 38 OYSTER DISTRICT PLAN VIP71248

Legal Notations

SUBJECT TO EXCEPTIONS AND RESERVATIONS CONTAINED IN ORDER IN COUNCIL
FILED DF N63774

Charges, Liens and Interests

Nature:

EXCEPTIONS AND RESERVATIONS

Registration Number:

M76300

Registered Owner:

ESQUIMALT AND NANAIMO RAILWAY COMPANY

Remarks:

INTER ALIA

AFB 9.693.7434A,

FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

TITLE SEARCH PRINT

2019-10-24, 10:03:01
Requestor: Evelyn Playle

File Reference: 104390-01
Declared Value \$901768

Nature: UNDERSURFACE RIGHTS
Registration Number: 107095G
Registration Date and Time: 1943-09-24 10:00
Registered Owner: VACUUM WOOL LIMITED
Remarks: INTER ALIA
DD 30920N

Nature: UNDERSURFACE RIGHTS
Registration Number: D23415
Registration Date and Time: 1975-01-27 08:10
Registered Owner: HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA
Remarks: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

Nature: STATUTORY RIGHT OF WAY
Registration Number: EL137728
Registration Date and Time: 1997-12-02 09:31
Registered Owner: TIMBERWEST FOREST CORP.
INCORPORATION NO. A0083605
Transfer Number: FB425410
Remarks: AREA A IN PLAN VIP66364

Nature: STATUTORY RIGHT OF WAY
Registration Number: EP65430
Registration Date and Time: 2000-08-03 12:20
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks: PART

Nature: STATUTORY RIGHT OF WAY
Registration Number: EP65431
Registration Date and Time: 2000-08-03 12:20
Registered Owner: TELUS COMMUNICATIONS (B.C.) INC.
INCORPORATION NO. A51167
Remarks: INTER ALIA
PART

Nature: COVENANT
Registration Number: FB234682
Registration Date and Time: 2008-12-05 09:30
Registered Owner: TOWN OF LADYSMITH

Duplicate Infeasible Title NONE OUTSTANDING

Transfers NONE

TITLE SEARCH PRINT

File Reference: 104390-01

Declared Value \$901768

2019-10-24, 10:03:01

Requestor: Evelyn Playle

Pending Applications

NONE

APPENDIX C

Aerial Photographs

1942



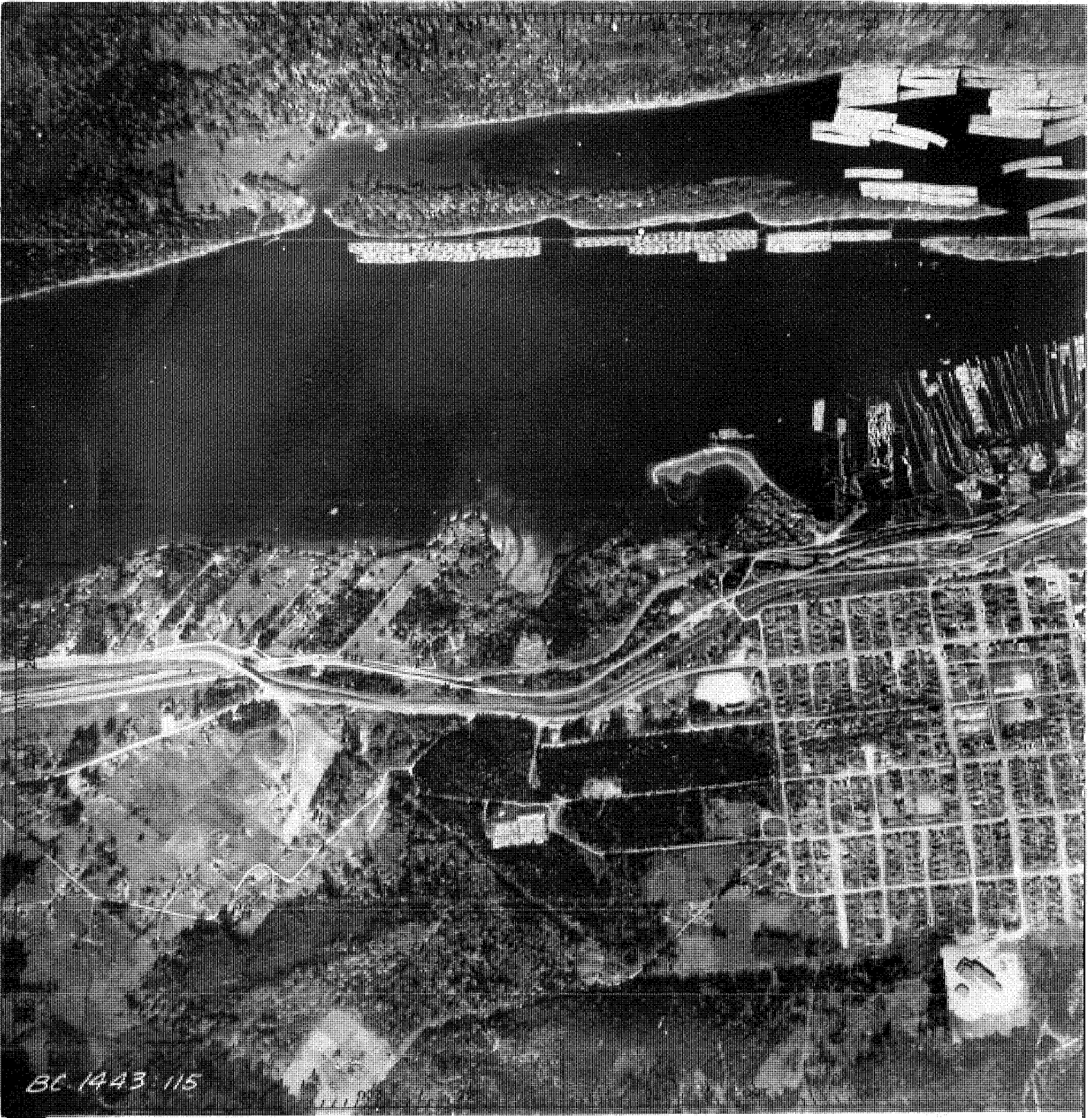
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BC 1053 P4





BC 1443 115

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BC5047:114

1967

680-92250A



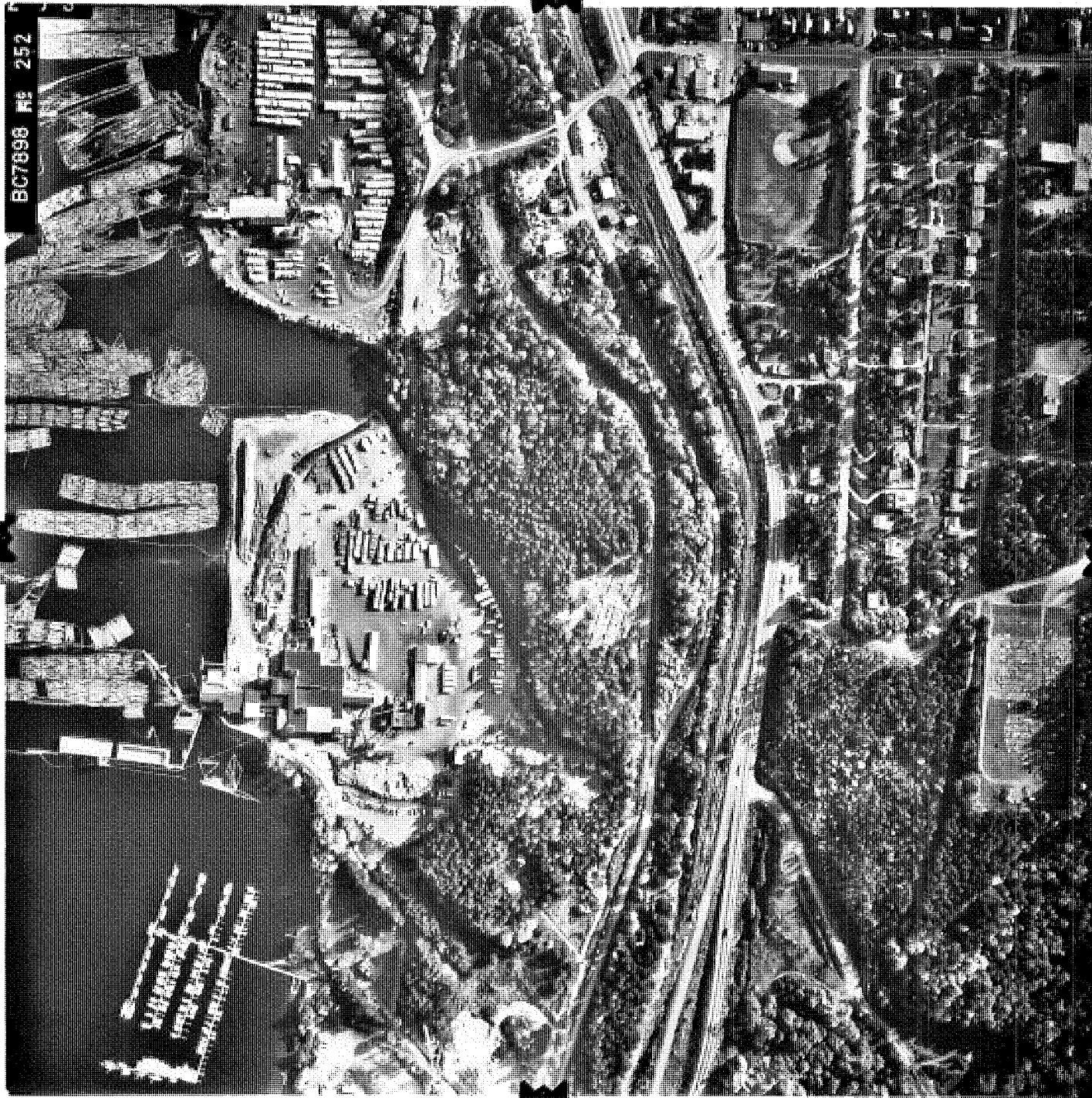
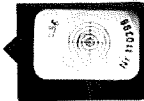
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1976



1980



30 BCC 264 177



1984

Universitas Brawijaya

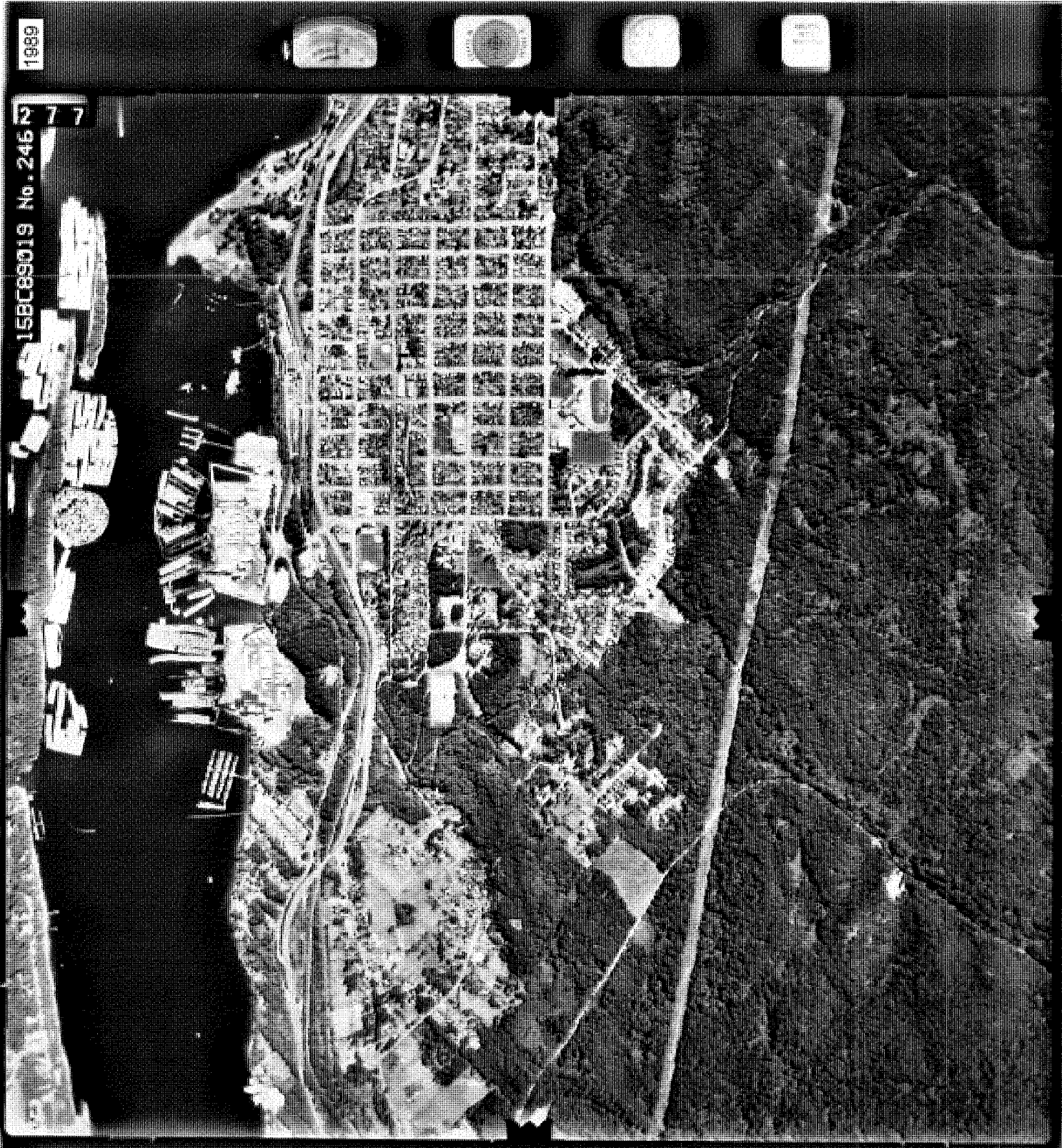


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1989

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1993

15 BCB 93093 No. 231





Province of British Columbia

1998

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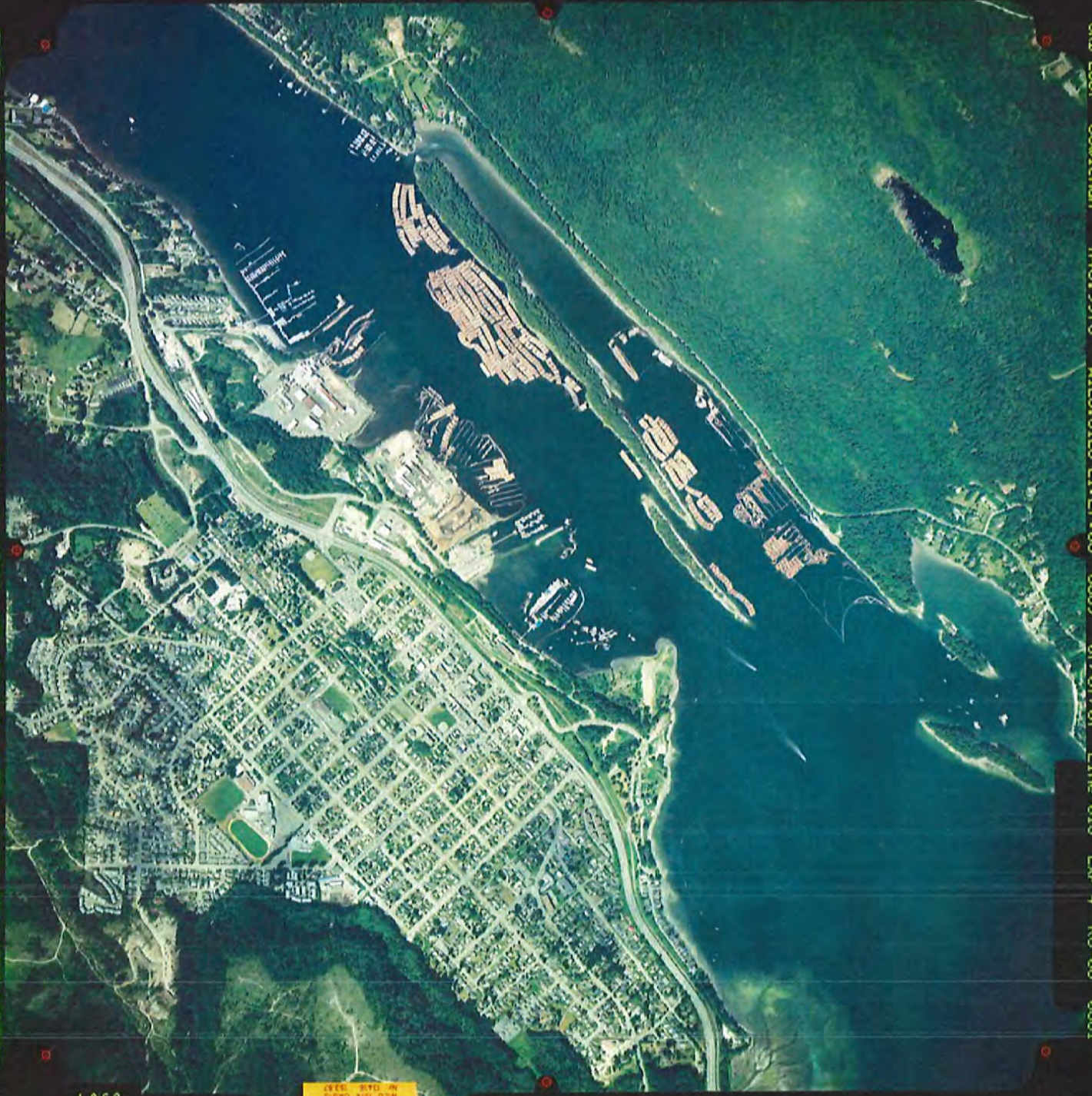
2007

CRD 2007 Cowichan N48.9975 M123.8128 21:27:03 8589 07/07/07 Line-015 Exp 4 RC-06 0381

FS125 1/1000 f/4.0 FF1.3 EC 0 * SP- v/h, 02580 008 dt016.0 ds002 26.2v -58mb ER00 CM15373

0381

NO DATE SET



APPENDIX D
BC ENV Site Registry Search



Site Registry Results

Legend

- Environmental Remediation

0 0.18 0.37 km

1: 9,028

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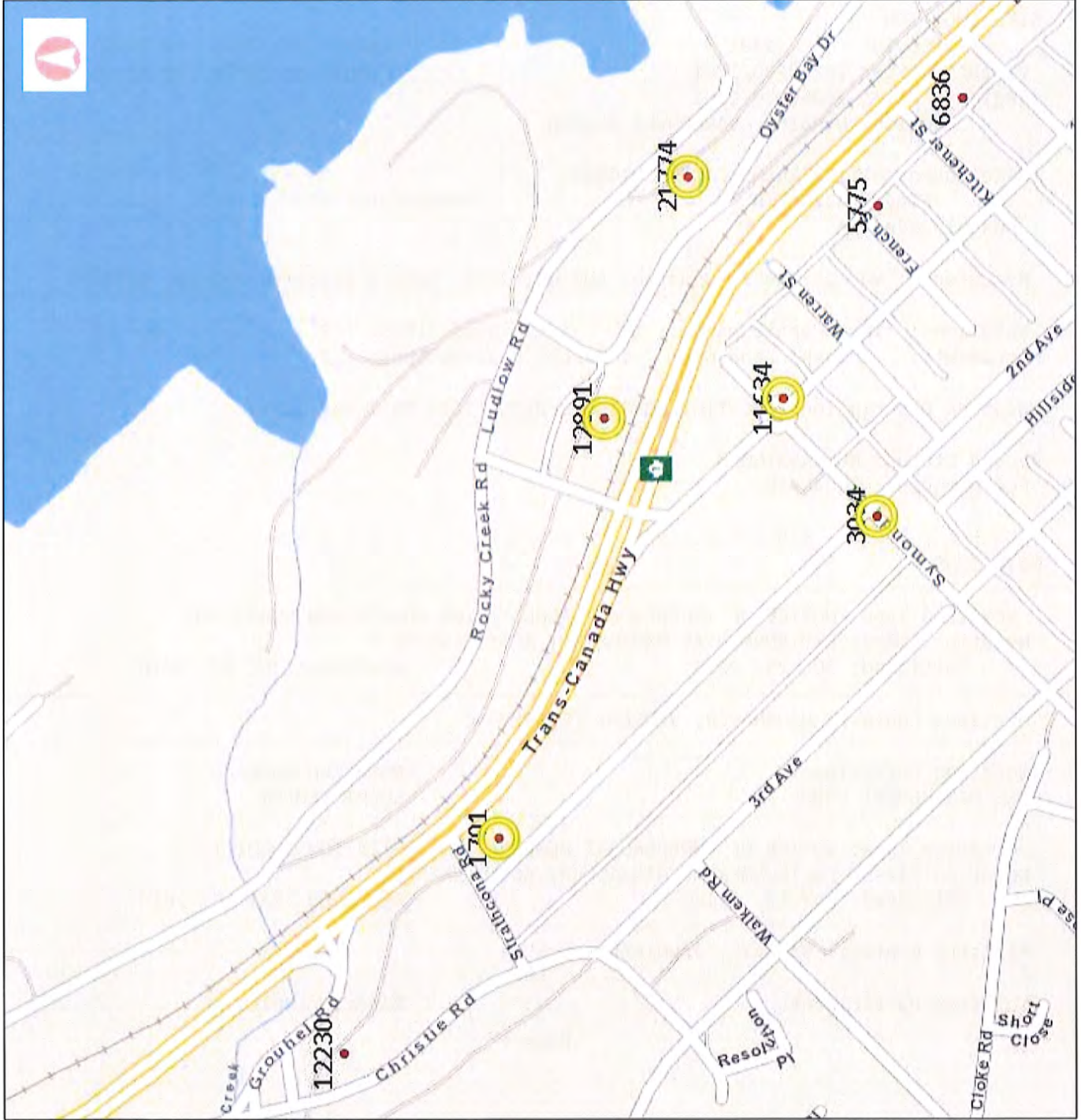
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Datum: NAD83

Projection: WGS_1984_Web_Mercator_Auxiliary_Sphere

Key Map of British Columbia



As of: OCT 20, 2019 BC Online: Site Registry 19-10-24
For: PK66793 HEMMERA ENVIROCHEM INC. 09:07:21
Folio: 104390-01 Page 1

Detail Report

SITE LOCATION

Site ID: 1701 Latitude: 48d 59m 59.6s
Victoria File: 26250-20/1701 Longitude: 123d 49m 45.4s
Regional File: 26250-20/1701
Region: NANAIMO, VANCOUVER ISLAND

Site Address: 1152 TRANS-CANADA HIGHWAY
City: LADYSMITH Prov/State: BC
Postal Code: NA

Registered: NOV 25, 1997 Updated: AUG 08, 2018 Detail Removed: AUG 08, 2018

Notations: 10 Participants: 12 Associated Sites: 0
Documents: 3 Susp. Land Use: 4 Parcel Descriptions: 3

Location Description: LOCATION CONFIRMED USING ICIS ON 1 MAY, 2014

Record Status: NOT ASSIGNED
Fee category: UNRANKED

=====
NOTATIONS

Notation Type: NOTICE OF INDEPENDENT REMEDIATION COMPLETION SUBMITTED
Notation Class: ENVIRONMENTAL MANAGEMENT ACT: GENERAL
Initiated: JUL 23, 2018 Approved: JUL 23, 2018

Ministry Contact: HANEMAYER, VINCENT (SURREY) C

Notation Participants Notation Roles
DSG MANAGEMENT GROUP SUBMITTED BY

Notation Type: NOTICE OF INDEPENDENT REMEDIATION INITIATION SUBMITTED
Notation Class: ENVIRONMENTAL MANAGEMENT ACT: GENERAL
Initiated: MAY 15, 2014 Approved: MAY 15, 2014

Ministry Contact: SAMWAYS, JENNIFER

Notation Participants Notation Roles

WITTICH ENVIRONMENTAL SERVICES

SUBMITTED BY

Note: START: 2012-05-19

Notation Type: NOTICE OF INDEPENDENT REMEDIATION COMPLETION SUBMITTED

Notation Class: ENVIRONMENTAL MANAGEMENT ACT: GENERAL

Initiated: MAY 15, 2014

Approved: MAY 15, 2014

Ministry Contact: SAMWAYS, JENNIFER

Notation Participants

WITTICH ENVIRONMENTAL SERVICES

Notation Roles

SUBMITTED BY

As of: OCT 20, 2019

BC Online: Site Registry
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NOTATIONS

Note: COMPLETED: 2012-06-21

Notation Type: SITE RISK CLASSIFIED - SITE IS NON-HIGH RISK

Notation Class: ENVIRONMENTAL MANAGEMENT ACT: GENERAL

Initiated: MAY 15, 2014

Approved: MAY 15, 2014

Ministry Contact: O'GRADY, TYLER

Notation Participants

WITTICH ENVIRONMENTAL SERVICES

Notation Roles

SUBMITTED BY

Notation Type: SITE PROFILE REVIEWED - FURTHER INVESTIGATION REQUIRED BY THE
MINISTRY

Notation Class: ENVIRONMENTAL MANAGEMENT ACT: GENERAL

Initiated: MAY 01, 2014

Approved:

Ministry Contact: HANEMAYER, VINCENT (SURREY) C

Note: STAGE 1 AND 2 PRELIMINARY SITE INVESTIGATIONS COMPLETED.

2_SiteRegDetailSiteID1701Lat48Long123.txt

Required Actions: DETAILED SITE INVESTIGATION AND SITE RISK CLASSIFICATION REPORT

Notation Type: SITE PROFILE RECEIVED
Notation Class: ENVIRONMENTAL MANAGEMENT ACT: GENERAL
Initiated: APR 24, 2014 Approved:

Ministry Contact: HANEMAYER, VINCENT (SURREY) C

Notation Participants Notation Roles
WITTICH ENVIRONMENTAL SERVICES SITE PROFILE SUBMITTED BY

Notation Type: SITE INVESTIGATION REPORT SUBMITTED
Notation Class: ADMINISTRATIVE
Initiated: JUN 01, 1995 Approved: JUN 01, 1995

Ministry Contact: PATTEN, BARRY

Notation Participants Notation Roles
SEACOR ENVIRONMENTAL ENGINEERING INC (NANAIMO SUBMITTED BY
(SKINNER STREET))
PETRO-CANADA (HEAD OFFICE) REQUESTED BY

Note: SITE DECOMMISSIONING REVIEW PETRO-CANADA OUTLET NO. 95017, 1152 TRANS-CANADAS HIGHWAY, LADYSMITH, B.C.

Notation Type: SITE INVESTIGATION REPORT SUBMITTED
Notation Class: ADMINISTRATIVE
Initiated: MAY 10, 1995 Approved: MAY 10, 1995

As of: OCT 20, 2019 BC Online: Site Registry 19-10-24
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NOTATIONS Page 3

Ministry Contact: PATTEN, BARRY

2_SiteRegDetailSiteID1701Lat48Long123.txt

Notation Participants Notation Roles
SEACOR ENVIRONMENTAL ENGINEERING INC (NANAIMO SUBMITTED BY
(SKINNER STREET)
PETRO-CANADA (HEAD OFFICE) REQUESTED BY

Note: OFFSITE INVESTIGATION OF MOTH LANDS. SITE REVIEW REPORT - MINISTRY OF
TRANSPORTATION AND HIGHWAYS LANDS, PETRO-CANADA OUTLET NO. 95017, 1152
TRANS-CANADA HIGHWAY, LADYSMITH, BC.

Notation Type: SITE INVESTIGATION REPORT SUBMITTED
Notation Class: ADMINISTRATIVE
Initiated: FEB 17, 1995 Approved: FEB 17, 1995

Ministry Contact: PATTEN, BARRY

Notation Participants Notation Roles
SEACOR ENVIRONMENTAL ENGINEERING INC (NANAIMO SUBMITTED BY
(SKINNER STREET)
PETRO-CANADA (HEAD OFFICE) REQUESTED BY

Note: PRELIMINARY: REMEDIAL PLAN PETRO-CANADA OUTLET #95017 1152
TRANS-CANADA HIGHWAY, LADYSMITH, BC.

Notation Type: REMEDIATION PLAN REPORT SUBMITTED
Notation Class: ADMINISTRATIVE
Initiated: FEB 17, 1995 Approved: FEB 17, 1995

Ministry Contact: PATTEN, BARRY

Notation Participants Notation Roles
SEACOR ENVIRONMENTAL ENGINEERING INC (NANAIMO SUBMITTED BY
(SKINNER STREET)
PETRO-CANADA (HEAD OFFICE) REQUESTED BY

Note: CONCEPTUAL: REMEDIAL PLAN PETRO-CANADA OUTLET #95017 1152 TRANS-CANADA
HIGHWAY, LADYSMITH, BC.

=====

SITE PARTICIPANTS

Participant: ANALYTICAL SERVICE LABORATORIES LTD (VANCOUVER)
Role(s): ANALYTICAL LAB
Start Date: JUN 30, 1994 End Date:

Participant: GROVE SERVICE LTD (NANAIMO)
Role(s): PROPERTY OWNER
Start Date: JUL 17, 1974 End Date:

Participant: HANEMAYER, VINCENT (SURREY) C

Role(s): MAIN MINISTRY CONTACT

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SITE PARTICIPANTS

Start Date: APR 24, 2014 End Date:

Participant: HARDY BBT LIMITED (BURNABY)
Role(s): ENVIRONMENTAL CONSULTANT/CONTRACTOR
Start Date: OCT 23, 1990 End Date:

Participant: MINISTRY OF TRANSPORTATION AND HIGHWAYS (BURNABY)
Role(s): POTENTIALLY AFFECTED PARTY
Start Date: JUN 28, 1994 End Date:

Participant: O'GRADY, TYLER
Role(s): MINISTRY CONTACT
Start Date: MAY 15, 2014 End Date:

Participant: PATTEN, BARRY
Role(s): MAIN MINISTRY CONTACT
Start Date: MAY 27, 1994 End Date: MAR 31, 2003

Participant: PATTERSON, ROBERTA A
Role(s): MAIN MINISTRY CONTACT
Start Date: APR 01, 2003 End Date: DEC 05, 2006
Notes: DEFAULT AFTER BARRY PATTEN

Participant: PETRO-CANADA (HEAD OFFICE)
Role(s): OPERATOR
Start Date: MAR 01, 1988 End Date:
Notes: HISTORICAL START DATE

Participant: SAMWAYS, JENNIFER
Role(s): MINISTRY CONTACT
Start Date: MAY 15, 2014 End Date:

2_SiteRegDetailSiteID1701Lat48Long123.txt

Participant: SEACOR ENVIRONMENTAL ENGINEERING INC (NANAIMO (SKINNER STREET))

Role(s): ENVIRONMENTAL CONSULTANT/CONTRACTOR

Start Date: MAY 27, 1994

End Date:

Notes: GORDON JESSE

Participant: WITTICH ENVIRONMENTAL SERVICES

Role(s): SITE PROFILE COMPLETOR
SITE PROFILE CONTACT

Start Date: APR 24, 2014

End Date:

=====

Title: SITE DECOMMISSIONING REVIEW PETRO-CANADA OUTLET NO 95017 1152
TRANS-CANADA HIGHWAY LADYSMITH BC

Authored: JUN 01, 1995

Submitted: JUN 01, 1995

Participants

Role

SEACOR ENVIRONMENTAL ENGINEERING INC (NANAIMO (SKINNER STREET))

AUTHOR

As of: OCT 20, 2019

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DOCUMENTS

PETRO-CANADA (HEAD OFFICE)
PATTEN, BARRY

COMMISSIONER
REVIEWER

Title: SITE REVIEW REPORT-MINISTRY OF TRANSPORTATION AND HIGHWAYS LANDS
PETRO-CANADA OUTLET NO 95017 1152 TRANS-CANADA HIGHWAY LADYSMITH BC

Authored: MAY 09, 1995

Submitted: MAY 10, 1995

Participants

Role

SEACOR ENVIRONMENTAL ENGINEERING INC (NANAIMO (SKINNER STREET))

AUTHOR

PETRO-CANADA (HEAD OFFICE)
PATTEN, BARRY

COMMISSIONER
REVIEWER

Title: REMEDIAL PLAN PETRO-CANADA OUTLET #95017 1152 TRANS-CANADA HIGHWAY
LADYSMITH BC

2_SiteRegDetailSiteID1701Lat48Long123.txt

Authored: FEB 09, 1995

Submitted: FEB 17, 1995

Participants

SEACOR ENVIRONMENTAL ENGINEERING INC (NANAIMO (SKINNER STREET))
PETRO-CANADA (HEAD OFFICE)
PATTEN, BARRY

Role
AUTHOR
COMMISSIONER
REVIEWER

=====

Description: APPLIANCE/EQUIP OR ENGINE REPAIR/RECONDITION/CLEANING/SALVAG
Notes: INSERTED FOR SITE PROFILE DATED 2014-04-24(described on Site Profile dated 14-04-24)

Description: AUTO/TRUCK/BUS/SUBWAY/OTHER VEHICLE REPAIR/SALVAGE/WRECKING
Notes: INSERTED FOR SITE PROFILE DATED 2014-04-24(described on Site Profile dated 14-04-24)

Description: PETRO. PROD., /PRODUCE WATER STRG ABVEGRND/UNDERGRND TANK
Notes:

Description: PETRO. PROD., DISPENSE FACILITY, INC. SERV STA./CARDLOT
Notes:
=====

PARCEL DESCRIPTIONS

Date Added: APR 24, 2014 Crown Land PIN#:
LTO PID#: 005142169 Crown Land File#:
Land Desc:

Date Added: APR 24, 2014 Crown Land PIN#:
LTO PID#: 005740142 Crown Land File#:
Land Desc: LOT 11, DISTRICT LOT 139, OYSTER DISTRICT, PLAN 7217

Date Added: NOV 21, 1995 Crown Land PIN#:
LTO PID#: 005740151 Crown Land File#:
Land Desc: LOT 12, DISTRICT LOT 139, OYSTER DISTRICT, PLAN 7217
=====

CURRENT SITE PROFILE INFORMATION (Sec. III to X)

Site Profile Completion Date: APR 24, 2014

Local Authority Received: APR 24, 2014

Ministry Regional Manager Received: APR 24, 2014 Decision: MAY 01, 2014
Decision: INVESTIGATION REQUIRED

Site Registrar Received: APR 24, 2014 Entry Date: MAY 01, 2014

III COMMERCIAL AND INDUSTRIAL PURPOSES OR ACTIVITIES ON SITE
Schedule 2

Table with 2 columns: Reference and Description. Rows include E1 (APPLIANCE/EQUIP OR ENGINE REPAIR/RECONDITION/CLEANING/SALVAG), F5 (PETRO. PROD., DISPENSE FACILITY, INC. SERV STA./CARDLOT), F7 (PETRO. PROD., /PRODUCE WATER STRG ABVEGRND/UNDERGRND TANK), and G2 (AUTO/TRUCK/BUS/SUBWAY/OTHER VEHICLE REPAIR/SALVAGE/WRECKING).

AREAS OF POTENTIAL CONCERN

- Petroleum, solvent or other polluting substance spills to the environment greater than 100 litres?.....NO
Residue left after removal of piled materials such as chemicals, coal, ore, smelter slag, air quality control system baghouse dust?.....NO
Discarded barrels, drums or tanks?.....NO
Contamination resulting from migration of substances from other properties?.....NO

FILL MATERIALS

- Fill dirt, soil, gravel, sand or like materials from a contaminated site or from a source used for any of the activiities listed under Schedule 2?.....NO
Discarded or waste granular materials such as sand blasting grit, asphalt paving or roofing material, spent foundry casting sands, mine ore, waste rock or float?.....NO
Dredged sediments, or sediments and debris materials originating from locations adjacent to foreshore industrial activities, or municipal sanitary or stormwater discharges?.....NO

WASTE DISPOSAL (QUESTIONS AS OF JANUARY 1 2009)

- Materials such as household garbage, mixed municipal refuse, or demolition debris?.....NO
Waste or byproducts such as tank bottoms, residues, sludge, or flocculation precipitates from industrial processes or wastewater treatment?.....NO
Waste products from smelting or mining activities, such as smelter slag, mine tailings, or cull materials from coal processing?.....NO

Waste products from natural gas and oil well drilling activities, such as drilling fluids and muds?.....NO
Waste products from photographic developing or finishing laboratories; asphalt tar manufacturing; boilers, incinerators or other thermal facilities (eg. ash); appliance, small equipment or engine repair or salvage; dry cleaning operations (eg. solvents); for from the cleaning or repair of parts of boats, ships, barges, automobiles or trucks,

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including sandblasting grit or paint scrapings?.....NO

TANKS OR CONTAINERS USED OR STORED, OTHER THAN TANKS USED FOR RESIDENTIAL HEATING FUEL

Underground fuel or chemical storage tanks other than storage tanks for compressed gases?.....YES
Above ground fuel or chemical storage tanks other than storage tanks for compressed gases?.....YES

HAZARDOUS WASTES OR HAZARDOUS SUBSTANCES

PCB-containing electrical transformers or capacitors either at grade, attached above ground to poles, located within buildings, or stored?....NO
Waste asbestos or asbestos containing materials such as pipe wrapping, blown-in insulation or panelling buried?.....NO
Paints, solvents, mineral spirits or waste pest control products or pest control product containers stored in volumes greater than 205 litres?...NO

LEGAL OR REGULATORY ACTIONS OR CONSTRAINTS

Government orders or other notifications pertaining to environmental conditions or quality of soil, water, groundwater or other environmental media?.....NO
Liens to recover costs, restrictive covenants on land use, or other charges or encumbrances, stemming from contaminants or wastes remaining onsite or from other environmental conditions?.....NO
Government notifications relating to past or recurring environmental violations at the site or any facility located on the site?.....NO

X ADDITIONAL COMMENTS AND EXPLANATIONS

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End of Detail Report

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For: PK66793 HEMMERA ENVIROCHEM INC. 09:06:56
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Detail Report

SITE LOCATION

Site ID: 12891 Latitude: 48d 59m 56.0s
Victoria File: 26250-20/12891 Longitude: 123d 49m 24.0s
Regional File:
Region: NANAIMO, VANCOUVER ISLAND

Site Address: 1030 OYSTER BAY DRIVE
City: LADYSMITH Prov/State: BC
Postal Code:

Registered: MAR 24, 2011 Updated: MAR 03, 2017 Detail Removed: MAR 03, 2017

Notations: 5 Participants: 4 Associated Sites: 0
Documents: 5 Susp. Land Use: 2 Parcel Descriptions: 5

Location Description: SITE CREATED BY SITE PROFILE, ENTERED 2011-03-21

Record Status: NOT ASSIGNED
Fee category: NOT APPLICABLE

=====
NOTATIONS

Notation Type: SITE RISK CLASSIFIED - SITE IS NON-HIGH RISK
Notation Class: ENVIRONMENTAL MANAGEMENT ACT: GENERAL
Initiated: NOV 18, 2011 Approved: NOV 18, 2011

Ministry Contact: HANEMAYER, VINCENT (SURREY) C

Note: CLASSIFICATION SUBMITTED IN SUPPORT OF SCENARIO 5 RELEASE OF
DEVELOPMENT PERMIT

Notation Type: REQUIREMENT(S) IMPOSED UNDER EMA SECTION 54(3)(D)
Notation Class: ENVIRONMENTAL MANAGEMENT ACT: GENERAL
Initiated: NOV 18, 2011 Approved: NOV 18, 2011

Ministry Contact: HANEMAYER, VINCENT (SURREY) C

Required Actions: REMEDIATION MUST BE COMPLETED WITHIN FIVE YEARS OF THE 18

3_SiteRegDetailSiteID12891Lat48Long123.txt

NOVEMBER, 2011 RELEASE LETTER. REMEDIATION MUST BE CONFIRMED ACCORDING TO APPLICABLE LEGISLATION AND MINISTRY GUIDANCE. WITHIN 90 DAYS OF COMPLETING REMEDIATION, A REPORT SUMMARIZING CONFIRMATION OF REMEDIATION SHALL BE SUBMITTED TO THE DIRECTOR.

Notation Type: RELEASE OF APPROVING AUTHORITY UNDER ACCEPTANCE OF INDEPENDENT REMEDIATION ISSUED

Notation Class: ENVIRONMENTAL MANAGEMENT ACT: GENERAL

Initiated: NOV 18, 2011

Approved: NOV 18, 2011

Ministry Contact: HANEMAYER, VINCENT (SURREY) C

Note: RELEASE OF DEVELOPMENT PERMIT APPLICATION UNDER SCENARIO 5

As of: OCT 20, 2019

BC Online: Site Registry

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NOTATIONS

(REDEVELOPMENT)

Notation Type: SITE PROFILE REVIEWED - FURTHER INVESTIGATION REQUIRED BY THE MINISTRY

Notation Class: ENVIRONMENTAL MANAGEMENT ACT: GENERAL

Initiated: MAR 21, 2011

Approved:

Ministry Contact: LARSEN, KELLI

Required Actions: DETAILED SITE INVESTIGATION

Notation Type: SITE PROFILE RECEIVED

Notation Class: ENVIRONMENTAL MANAGEMENT ACT: GENERAL

Initiated: MAR 14, 2011

Approved:

Ministry Contact: LARSEN, KELLI

Notation Participants

R.W. (BOB) WALL LTD.

Notation Roles

SITE PROFILE SUBMITTED BY

=====

SITE PARTICIPANTS

Participant: EBA A TETRA TECH COMPANY
Role(s): ENVIRONMENTAL CONSULTANT/CONTRACTOR
Start Date: MAY 12, 2011 End Date:

Participant: LARSEN, KELLI
Role(s): MAIN MINISTRY CONTACT
Start Date: MAR 14, 2011 End Date:

Participant: R.W. (BOB) WALL LTD.
Role(s): SITE PROFILE COMPLETOR
SITE PROFILE CONTACT
Start Date: MAR 14, 2011 End Date:

Participant: TERRA-NORTH INC.
Role(s): PROPERTY OWNER
Start Date: MAR 14, 2011 End Date:

=====

DOCUMENTS

Title: SOIL VAPOUR AND GROUNDWATER MONITORING REPORT, 1030 OYSTER BAY DRIVE
LADYSMITH, BC
Authored: APR 01, 2013 Submitted: MAR 01, 2017

Participants Role
EBA A TETRA TECH COMPANY AUTHOR

Notes: ELECTRONIC VERSION ONLY

Title: REMEDIATION PLAN, REDEVELOPMENT OF 1030 OYSTER BAY DRIVE, LADYSMITH,
BC

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DOCUMENTS

Participants Authored: NOV 07, 2011 Submitted: NOV 09, 2011
Role

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EBA A TETRA TECH COMPANY AUTHOR
TERRA-NORTH INC. COMMISSIONER

Title: SUPPLEMENTAL INVEIGATION, 1030 OYSTER BAY DRIVE, LADYSMITH, BC
Authored: OCT 25, 2011 Submitted: NOV 09, 2011

Participants Role
EBA A TETRA TECH COMPANY AUTHOR
TERRA-NORTH INC. COMMISSIONER

Title: STAGE 2 PRELIMINARY SITE INVEIGATION, 1030 OYSTER BAY DRIVE,
LADYSMITH, BC
Authored: JUL 13, 2011 Submitted: NOV 09, 2011

Participants Role
EBA A TETRA TECH COMPANY AUTHOR
TERRA-NORTH INC. COMMISSIONER

Title: STAGE 1 PRELIMINARY SITE INVEIGATION, 1030 OYSTER BAY DRIVE,
LADYSMITH, BC
Authored: MAY 12, 2011 Submitted: NOV 09, 2011

Participants Role
EBA A TETRA TECH COMPANY AUTHOR
TERRA-NORTH INC. COMMISSIONER

=====
SUSPECTED LAND USE

Description: AUTO/TRUCK/BUS/SUBWAY/OTHER VEHICLE REPAIR/SALVAGE/WRECKING
Notes: INSERTED FOR SITE PROFILE DATED 2011-02-28(described on Site
Profile dated 11-02-28)

Description: PETRO. PROD., DISPENSE FACILITY, INC. SERV STA./CARDLOT
Notes: INSERTED FOR SITE PROFILE DATED 2011-02-28(described on Site
Profile dated 11-02-28)

=====
PARCEL DESCRIPTIONS

Date Added: FEB 28, 2011 Crown Land PIN#:
LTO PID#: 025143476 Crown Land File#:
Land Desc: LOT 1 DISTRICT LOT 24 OYSTER DISTRICT PLAN VIP72824, EXCEPT
PART IN PLAN VIP81529

Date Added: APR 02, 2011 Crown Land PIN#:
LTO PID#: 026789001 Crown Land File#:
Land Desc: LOT A DISTRICT LOT 24 OYSTER DISTRICT PLAN VIP81529

Date Added: OCT 06, 2007 Crown Land PIN#:
LTO PID#: 027236986 Crown Land File#:
Land Desc: LOT 1 DISTRICT LOT 24 OYSTER DISTRICT PLAN VIP83837

Date Added: OCT 07, 2019

Crown Land PIN#:

As of: OCT 20, 2019

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PARCEL DESCRIPTIONS

LTO PID#: 030721083

Crown Land File#:

Land Desc: LOT A DISTRICT LOT 24 OYSTER DISTRICT PLAN EPP86590

Date Added: OCT 07, 2019

Crown Land PIN#:

LTO PID#: 030721091

Crown Land File#:

Land Desc: LOT B DISTRICT LOT 24 OYSTER DISTRICT PLAN EPP86590

CURRENT SITE PROFILE INFORMATION (Sec. III to X)

Site Profile Completion Date: FEB 28, 2011

Local Authority

Received: FEB 28, 2011

Ministry Regional Manager Received: MAR 14, 2011

Decision: MAR 21, 2011

Decision: INVESTIGATION REQUIRED

Site Registrar

Received:

Entry Date:

III COMMERCIAL AND INDUSTRIAL PURPOSES OR ACTIVITIES ON SITE

Schedule 2

Reference

Description

F5

PETRO. PROD., DISPENSE FACILITY, INC. SERV STA./CARDLOT

G2

AUTO/TRUCK/BUS/SUBWAY/OTHER VEHICLE REPAIR/SALVAGE/WRECKING

AREAS OF POTENTIAL CONCERN

Petroleum, solvent or other polluting substance spills to the environment

greater than 100 litres?.....NO

Residue left after removal of piled materials such as chemicals, coal,

ore, smelter slag, air quality control system baghouse dust?.....NO

Discarded barrels, drums or tanks?.....NO

Contamination resulting from migration of substances from other

properties?.....NO

3_SiteRegDetailSiteID12891Lat48Long123.txt

FILL MATERIALS

- Fill dirt, soil, gravel, sand or like materials from a contaminated site or from a source used for any of the activities listed under Schedule 2?.....NO
- Discarded or waste granular materials such as sand blasting grit, asphalt paving or roofing material, spent foundry casting sands, mine ore, waste rock or float?.....NO
- Dredged sediments, or sediments and debris materials originating from locations adjacent to foreshore industrial activities, or municipal sanitary or stormwater discharges?.....NO

WASTE DISPOSAL (QUESTIONS AS OF JANUARY 1 2009)

- Materials such as household garbage, mixed municipal refuse, or demolition debris?.....NO
- Waste or byproducts such as tank bottoms, residues, sludge, or flocculation precipitates from industrial processes or wastewater treatment?.....NO
- Waste products from smelting or mining activities, such as smelter slag, mine tailings, or cull materials from coal processing?.....NO

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- Waste products from natural gas and oil well drilling activities, such as drilling fluids and muds?.....NO
- Waste products from photographic developing or finishing laboratories; asphalt tar manufacturing; boilers, incinerators or other thermal facilities (eg. ash); appliance, small equipment or engine repair or salvage; dry cleaning operations (eg. solvents); for from the cleaning or repair of parts of boats, ships, barges, automobiles or trucks, including sandblasting grit or paint scrapings?.....NO

TANKS OR CONTAINERS USED OR STORED, OTHER THAN TANKS USED FOR RESIDENTIAL HEATING FUEL

- Underground fuel or chemical storage tanks other than storage tanks for compressed gases?.....YES
- Above ground fuel or chemical storage tanks other than storage tanks for compressed gases?.....NO

HAZARDOUS WASTES OR HAZARDOUS SUBSTANCES

PCB-containing electrical transformers or capacitors either at grade,
attached above ground to poles, located within buildings, or stored?....NO
Waste asbestos or asbestos containing materials such as pipe wrapping,
blown-in insulation or panelling buried?.....NO
Paints, solvents, mineral spirits or waste pest control products or pest
control product containers stored in volumes greater than 205 litres?...NO

LEGAL OR REGULATORY ACTIONS OR CONSTRAINTS

Government orders or other notifications pertaining to environmental
conditions or quality of soil, water, groundwater or other
environmental media?.....NO
Liens to recover costs, restrictive covenants on land use, or other
charges or encumbrances, stemming from contaminants or wastes remaining
onsite or from other environmental conditions?.....NO
Government notifications relating to past or recurring environmental
violations at the site or any facility located on the site?.....NO

X ADDITIONAL COMMENTS AND EXPLANATIONS

End of Detail Report



Layers

Search

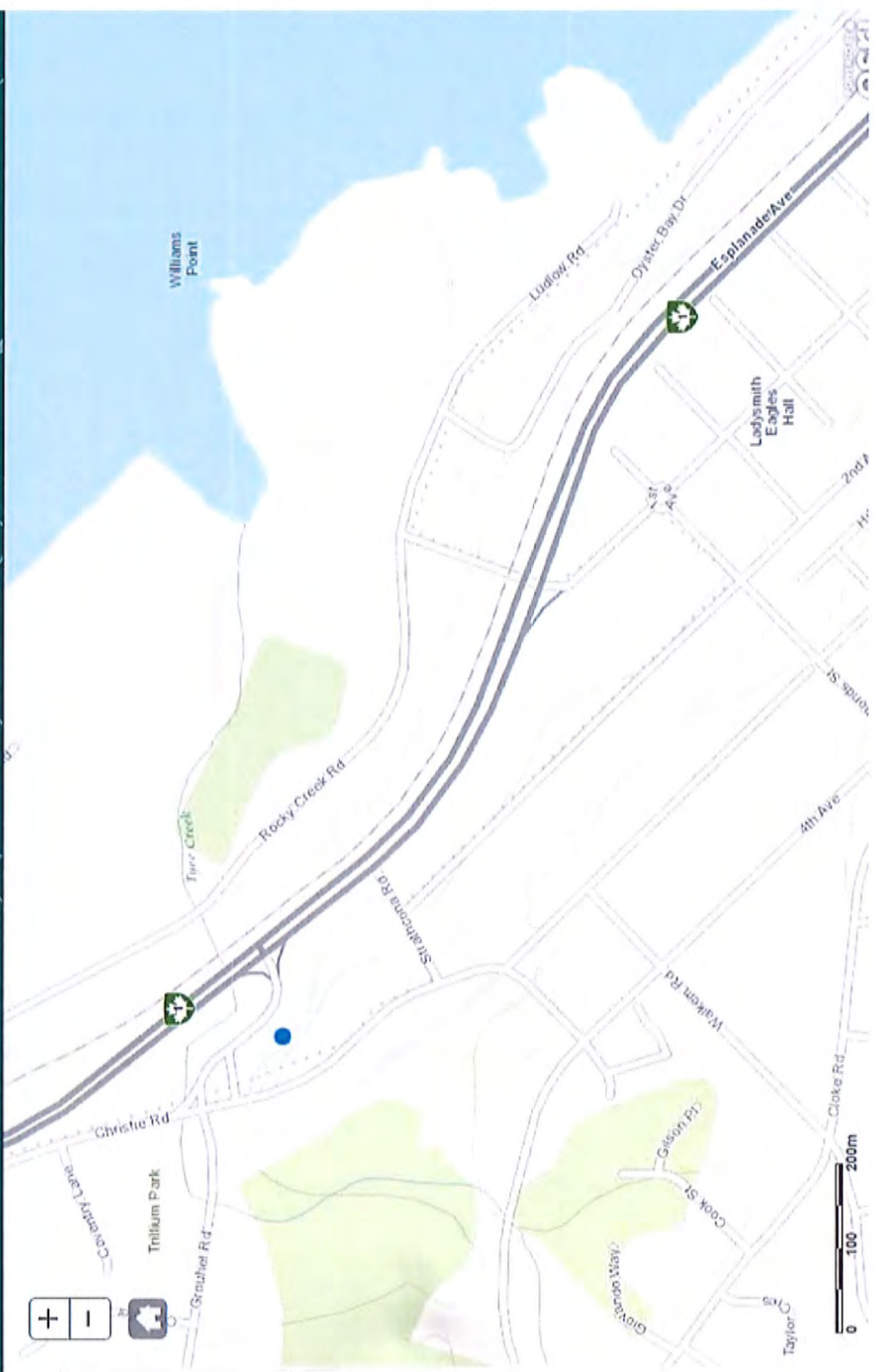
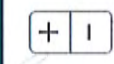
Tools

Legend

MoE Sites - Drinking Water Applicability

- DW Applies
- DW Not applicable
- DW unknown

Basemaps



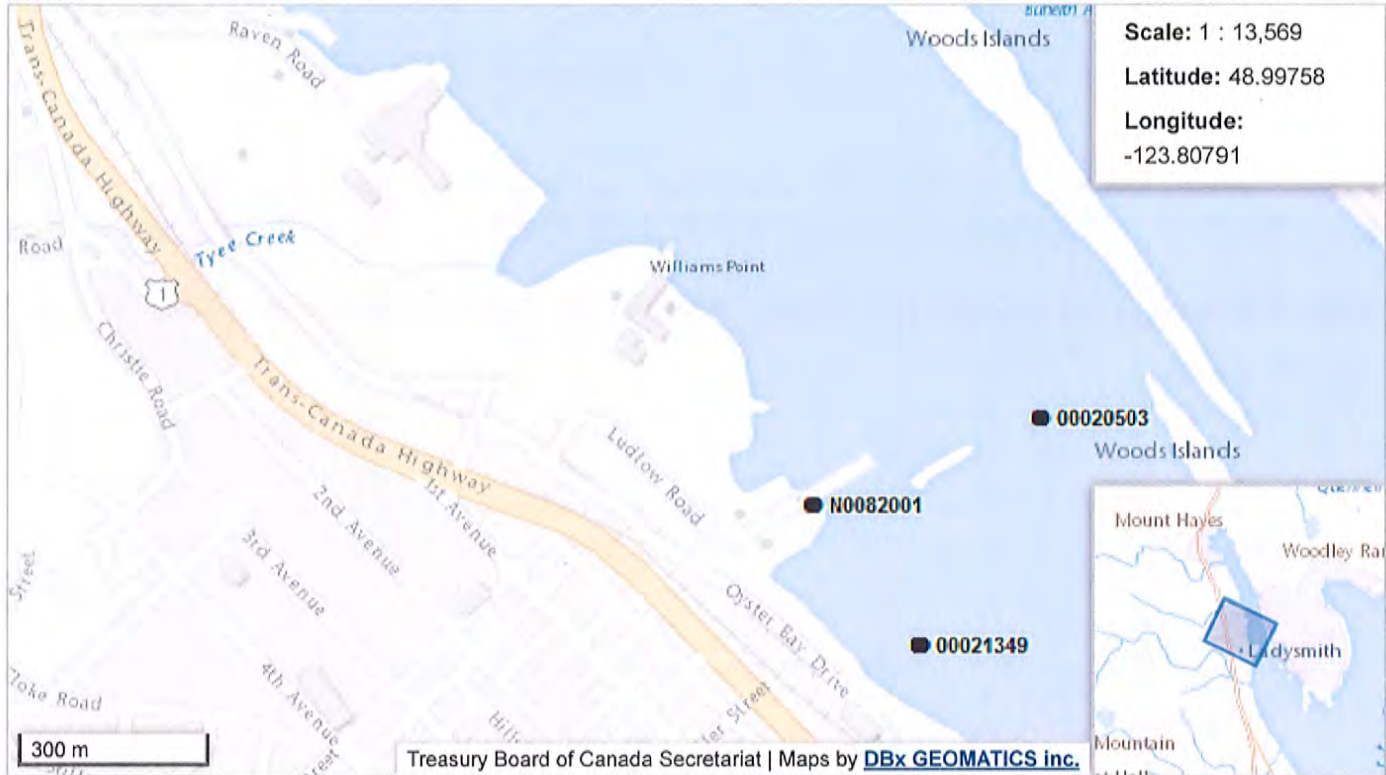
APPENDIX E
Federal Contaminated Sites Search

Treasury Board of Canada Secretariat

[Home](#) > [OCG](#) > [Real Property Management](#) > [FCSI](#) > DFRP/FCSI - Map Navigator

DFRP/FCSI - Map Navigator

Area: Ladysmith, Cowichan Valley H **Content:** 0 Federal Property, 0 Federal Building, 7 Federal Contaminated Sites



Layers

- ★ Federal Properties
- ★ Federal Buildings
- ● ● Federal Contaminated Sites
- Economic Region
- Census Divisions
- Census Subdivisions
- Metropolitan Areas
- Federal Electoral Districts
- Treaty Areas

¹ This layer is visible only when the map scale is smaller than 1:3,000,000.

² ● Suspected ● Active ● Closed

Google base maps are only available when the map scale is smaller than 1:60,000.

IMPORTANT NOTE: The tables below are currently not synchronized with the map content.
Please click on the following button if you want to update the tables content: [UPDATE TABLES](#)

Federal Properties (0) / Parcels (0) | Federal Buildings (0) | Federal Contaminated Sites (0)

No record found.

APPENDIX F

Water Well Search



iMapBC Mapping

Legend

- Water Wells - All

0 0.09 0.18 km



1:4,514

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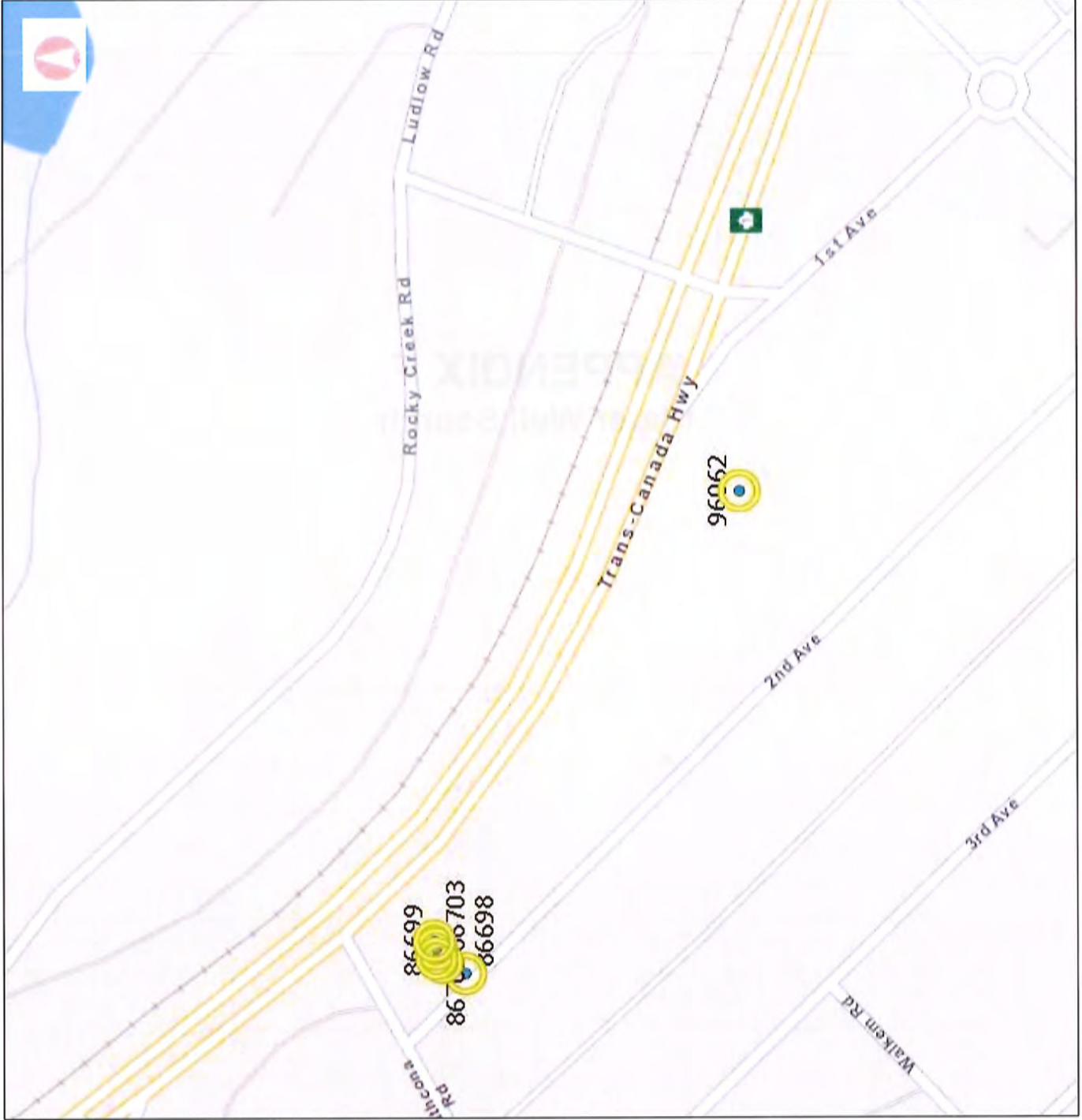
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Datum: NAD83

Projection: WGS_1984_Web_Mercator_Auxiliary_Sphere

Key Map of British Columbia





**PHASE 1 AND UPDATED PHASE 1
PRELIMINARY SITE INVESTIGATION**

**1130, 1132, 1134, 1138, 1140, 1146, and 1154
Rocky Creek Road – Ladysmith, BC**

**Mr. Guy Bezeau
Box 970
Ladysmith, BC V9G 187**

**Wanda Miller, B.Sc., G.I.T., A.Ag.
Madrone Environmental Services Ltd.
1081 Canada Avenue Duncan, BC, V9L 1V2**

October 31, 2008

MADRONE ENVIRONMENTAL SERVICES LTD.

1081 CANADA AVENUE • LADYSMITH • BC • V9L 1V2

TEL. 250.746.5545 • FAX 250.746.5850 • WWW.MADRONE.CA



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APPENDIX C
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APPENDIX D
AIR PHOTOS

EXECUTIVE SUMMARY

Madrone Environmental Services Ltd. (Madrone) was retained by Mr. Guy Bezeau (the client) to complete an updated Phase 1 Preliminary Site Investigation (PSI) of the property located at 1150 Rocky Creek Road (now split into lots with their own addresses), and a new Phase 1 PSI for the adjacent lot located at 1130 Rocky Creek Road.

The legal description and current ownership for the property at 1130 Rocky Creek Road is as follows:

- Parcel Identifier 024-839-370.
- Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248
- Registered Owner in fee simple is G-Force Automotive LTd., Inc. No. 694, 309, Box 31 Port McNeill, BC, V0N 2R0

The original property located at 1150 has been split into 6 separate lots, and are currently owned by Island Pointe Mortgage Corporation, Inc. No. BC0427161, PO Box 970, 1123 Carey Place, Ladysmith, BC V9G 1A7. The legal description for the lots is as follows:

- 1154 Rock Creek Road
 - Rem B, District Lot 38, Oyster District, Plan VIP71248
 - P.I.D.
- 1146 Rocky Creek Road
 - Lot1 , District Lot 38, Oyster District, Plan VIP71248
 - P.I.D. 027-329-135
- 1140 Rocky Creek Road
 - Lot2 , District Lot 38, Oyster District, Plan VIP71248
 - P.I.D. 027-329-143

- 1138 Rocky Creek Road
 - Lot 3, District Lot 38, Oyster District, Plan VIP71248
 - P.I.D. 027-329-151

- 1134 Rocky Creek Road
 - Lot 4, District Lot 38, Oyster District, Plan VIP71248
 - P.I.D. 027-329-160

- 1132 Rocky Creek Road
 - Lot 5, District Lot 38, Oyster District, Plan VIP71248
 - P.I.D. 027-329-178

Based on the results of this investigation, Madrone concludes the following with respect to potential contamination on the site:

- There is a *low* likelihood that current practices on the property have caused significant contamination of soil or groundwater.
- There is a *low* likelihood of contaminants migrating onto the site from nearby properties.

A Phase 2 environmental site assessment is not recommended for the site. If previously unknown, important Potential Contaminants of Concern (PCOC) information is brought to the client's attention after this report is finalized, we should be contacted immediately



PHASE 1, AND UPDATED PHASE 1 PRELIMINARY SITE INVESTIGATION

Phase 1 Preliminary Rocky Creek Road Ladysmith, BC

1 INTRODUCTION

Madrone Environmental Services Ltd. (Madrone) was retained by the Mr. Guy Bezeau (the client), to complete an updated Stage 1 Preliminary Site Investigation (PSI) of the site located at 1150 Rocky Creek Road, and a Phase 1 PSI for 1130 Rocky Creek Road, in Ladysmith, BC.

The legal description and current ownership for the property at 1130 Rocky Creek Road is as follows:

- Parcel Identifier 024-839-370.
- Lot A, District Lots 24 and 38, Oyster District, Plan VIP71248
- Registered Owner in fee simple is G-Force Automotive Ltd., Inc. No. 694, 309, Box 31 Port McNeill, BC, V0N 2R0

The original property assessed in 2006, located at 1150 has since been split into 6 separate lots, and are currently owned by Island Pointe Mortgage Corporation, Inc.No. BC0427161, PO Box 970, 1123 Carey Place, Ladysmith, BC V9G 1A7. The legal description for the lots is as follows:

- 1154 Rock Creek Road
 - Lot B, District Lot 38, Oyster District, Plan VIP71248
 - P.I.D. 024-839-370

- 1146 Rocky Creek Road
 - Lot1 , District Lot 38, Oyster District, Plan VIP71248
 - P.I.D. 027-329-135

- 1140 Rocky Creek Road
 - Lot2 , District Lot 38, Oyster District, Plan VIP71248
 - P.I.D. 027-329-143

- 1138 Rocky Creek Road
 - Lot 3, District Lot 38, Oyster District, Plan VIP71248
 - P.I.D. 027-329-151

- 1134 Rocky Creek Road
 - Lot 4, District Lot 38, Oyster District, Plan VIP71248
 - P.I.D. 027-329-160

- 1132 Rocky Creek Road
 - Lot 5, District Lot 38, Oyster District, Plan VIP71248
 - P.I.D. 027-329-178

This report is being completed to update the previous Stage 1 PSI that we conducted at 1150 Rocky Creek Road in 2006¹ as well to conduct a Phase 1 on the smaller adjacent property located at 1130 Rocky Creek Road. Since the previous report, the property has been cleared and a building has been erected in the northern end of the property (i.e., northern end of Rem. B lot).

The purpose of this investigation is to assess the potential for contamination to on the newly acquired property at 1130 Rocky Creek Road, as well as the potential for contamination that may have occurred on the original, adjacent property at 1150 Rocky Creek Road since the previous report.

A Phase 1 PSI typically consists of a review of historical uses of the site and a visual site inspection to identify potential contamination and other environmental liabilities. Madrone understands that this investigation was commissioned to provide the client with a new, as well as updated Phase 1 investigation required as a due diligence prerequisite to a corporate acquisition.

The industrially zoned properties are within the Township of Ladysmith, and are located approximately 1 km north of Ladysmith town centre along the Trans Canada Highway. The properties are located between the E&N single track rail line and Trans Canada Highway to the west and Rocky Creek Road to the east. The property is industrially zoned, and located within a light industrial area as well as residential areas. The general location of the site is shown below in Figure 1, and a copy of the property maps provided by the client are located in Appendix A.

¹ W. Miller. 2006. Stage 1 Preliminary Site Investigation 1150 Rocky Creek Road, Ladysmith, BC.
Prepared by Madrone, for the client, Seven Links Marketing and Development Ltd. (included the current client, Mr. Guy Bezeau)

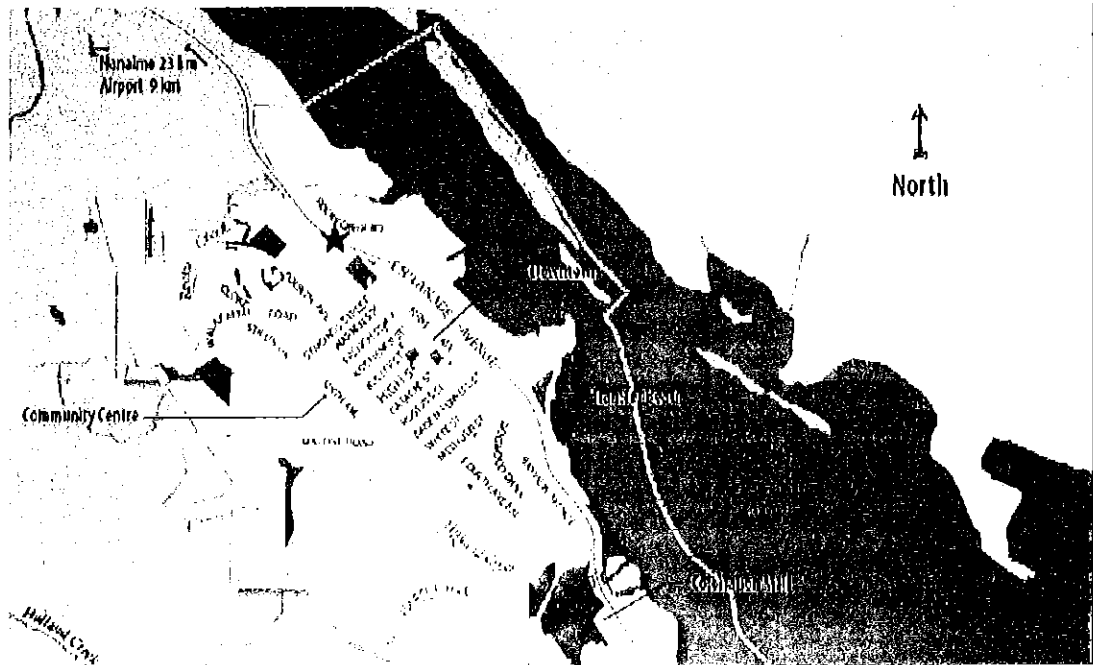


FIGURE 1. Overview of property location (red star). From client provided Cunningham & Rivard Appraisal report.

1.1 BC Regulatory Framework

Environmental protection of air, soils, surface waters, and groundwater quality in British Columbia is principally managed by the Ministry of Environment (MoE), under authority of the *Environmental Management Act*² and its subordinate regulations and amendments. Under the MoE's jurisdiction, site owners/operators are subject to environmental operating protocols and reporting requirements, contamination standards, and liabilities defined by though not limited to the following (presented for information purposes only):

- Contaminated Sites Regulation (CSR)³ – defines numerical contamination standards for soils and water, site/materials management, and reporting requirements.
- Hazardous Waste Regulation (HWR)⁴ – provides additional standards and protocols for managing materials defined as “hazardous waste.”
- Municipal Sewage Regulation (MSR)⁵ – governs the management of sewage effluents and disposal, including septic field disposal to the ground.

² *Environmental Management Act (SBC 2003), Chapter 53.*

³ *Contaminated Sites Regulation, BC Reg. 375/96, includes Reg. 76/2005.*

⁴ *Hazardous Waste Regulation, BC Reg. 63/88, includes BC Reg. 464/2004.*

⁵ *Municipal Sewage Regulation, BC Reg. 129/99, includes BC Reg. 321/2004.*

Site owner/operators in BC are also open to additional potential environmental liabilities through the following jurisdictions:

- *Fisheries Act*, Department of Fisheries and Oceans (DFO) – stringent enforcement of federal regulations controlling degradation/destruction of stream fisheries habitat.
- Municipal/Regional Bylaws – criteria controlling effluent discharges to sewer systems, and regulations for the protection of sensitive biophysical zones/sites.

To my knowledge, no circumstances currently exist that would create a statutory requirement to submit this report to government agencies. However, this PSI report conforms to standard reporting requirements of the Contaminated Sites Regulation, and associated protocols and guidelines established by the Environmental Management Branch of the MoE.

1.2 Scope of Current Investigation

A Phase 1 PSI is undertaken to determine whether there is potential for contamination in contravention of environmental regulations. Current and historical uses of the site since the previous report (2006) have been reviewed to identify possible types of contamination, if any, that might be present, based on contaminants that occur regularly or occasionally on sites with similar usage. Adjacent properties and land-use activities are also scrutinized as potential off-site sources of contamination that could affect the property.

A Phase 1 PSI seeks to indicate the probable nature and location of any potential or apparent contamination, but specifically excludes the use of intrusive sampling and/or analytical testing. A Phase 1 PSI specifically does not constitute an audit of environmental management systems. This report will review the original report done on the site, assess the current site practices, and conduct an updated site investigation for the property. These investigations are intended to reduce uncertainty regarding the potential for contamination of the site, but cannot completely eliminate the possibility of undetected contamination.

2 Investigation Procedures

2.1 Land Titles and Ownership

A historical land titles search was conducted by Madrone for the properties at the original 1150 Rocky Creek Road address in the 2006 report. A historical title search on the property located at 1130 Rocky Creek Road was done for this report. Copies of the land titles can be found in Appendix B.

2.2 Electronic Site Registry Search

A small area search of the BC online Site Registry database⁶ was done on October 24, 2008 for the properties and the area surrounding the property. The database consists of information retained by the provincial government on the environmental condition of the land⁷. It is **not** a registry of contaminated sites, although some sites on the registry are contaminated. Most sites have already been investigated and require minor remediation, or have already been cleaned up to government requirements.

The search is done to minimize potential liability, and to research any potential contaminants of concern (PCOC) that may exist or may have existed on the property in question, or the area surrounding the property.

The site registry search was centered on latitude 48 degrees, 59 minutes, 58.1 seconds and longitude 123 degrees, 49 minutes, 30.4 seconds and covered areas within a 1 km diameter. The BC Online Site Registry results are provided in Appendix C.

2.3 Review of Historical Aerial Photographs

Historical aerial photographs of the properties and adjacent areas were examined in the original report (and reviewed again for this report) for evidence of past land-use activities on and around the study area that could have generated potential contamination. The air photos used in the original report included an overview from 1952 to 1998, and can be found in Appendix D.

2.4 Personal Interviews

The purpose of the interviews is to determine what activities have been carried out on the site in recent history. The interviewees provided information on the current site usage, historical uses of the property, past infrastructures on the sites, as well as information regarding the land uses in area.

Interviews were conducted with the following persons:

- Mr. Guy Bezeau – Property owner and agent at Re/max. Mr. Bezeau provided information regarding site history and hazardous materials use and storage on the property, and the results of a previous Stage 1 PSI conducted on the site.
- Mr. Tom Skarvig – Building Inspector and Bylaw Enforcer for the Town of Ladysmith. Mr. Skarvig is a long-term resident of the area and could recall the history of the site and the surrounding area for the past 25 years. He also provided information regarding the history of the area, and hazardous materials use and storage on the property as well as the surrounding properties, based on personal knowledge and town records.

⁶ BC Online website: <https://www.bconline.gov.bc.ca/>.

⁷ Ibid 5, p. 4.

- Mr. Gordon Littlejohn – Manager of Timberwest’s director of real estate. Contact was made with Mr. Littlejohn; however, input was not received by the time of the final report

2.5 On-site Inspection

The property was inspected on October 27, 2008. Access to the property was unrestricted and all of the requested areas were inspected. Site inspection activities were limited to visual observations of the site and cursory inspections of adjacent properties.

3 Physical Setting and Site Characterization

3.1 Property Setting

The properties are located in the northern limits of the township of Ladysmith, approximately 1 km northwest of the downtown core. The properties are situated on a broad bench approximately 200 m west and upslope of a sawmill along Ladysmith Harbour and are bound by the E&N Railway and the Trans-Canada Highway to the west, and the Rocky Creek Road to the east.

1130 Rocky Creek Road located in southern end of the parcel, and is 0.81 ha (2 acres). The remaining lots (updated property), is located in the central and northern parcel area, and covers an area of 2.1 ha (5.19 acres). The northern end of the parcel is currently being developed with cleared land being prepped for foundations, and a single building erected along the northern boundary of the properties. 1130 Rocky Creek Road consists of shrubs and grasses, with a dirt road leading from the southern edge of the property to the northern area of the site along the western, upper slopes.



FIGURE 2. Overview of property location from 2005 image from GoogleEarth® outlined in red

3.2 Municipal Zoning

The properties are situated within the jurisdiction of the Town of Ladysmith; the property at 1130 Rocky Creek Road is zoned I-1 and the remaining lots to the north are I-1A zoned are zoned light industrial. A zoning map of the area is provided in Figure 3 on next page.

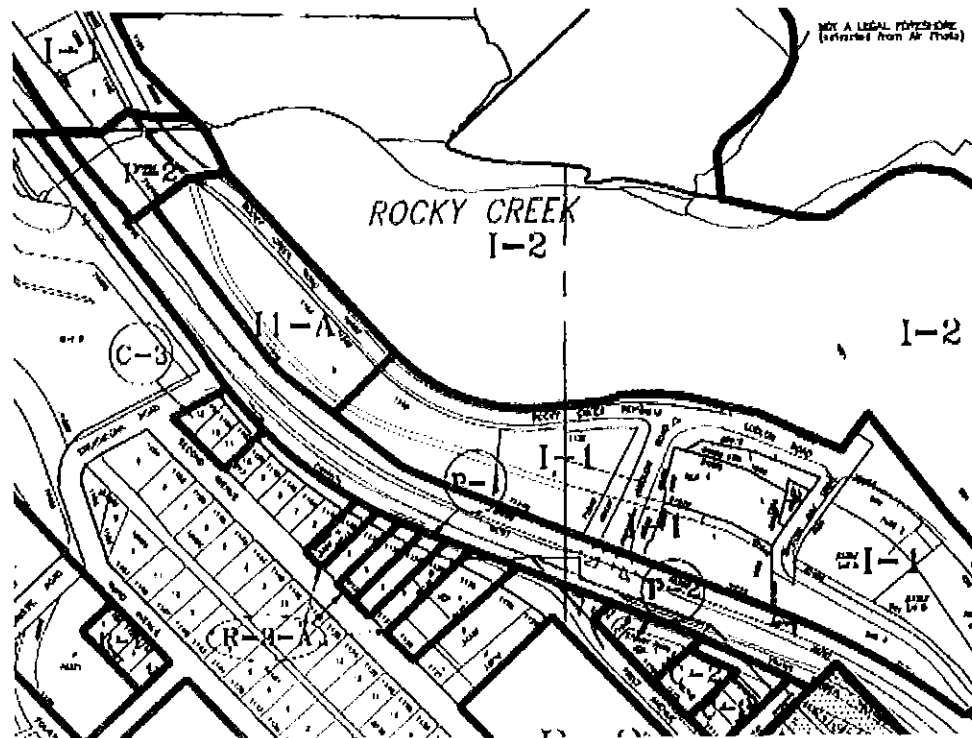


FIGURE 3. Overview of zoning classifications (I-1-A and I-1 in top centre of map). Map source from the planning and permitting section of the Ladysmith town website: <http://www.ladysmith.ca/index.php>

3.3 Physiography and Drainage

The parcel includes an upper benchy area to the west with steep, short fillslopes leading to a broad benchy area running to Rocky Creek Road.

A dirt road sits on an upper hench in, and cleared land being prepped for construction on the lower bench on the eastern side of the property. The soils on the northern portion of the site have been reworked during land clearing and construction, with piles and berms of soils generated from excavation located throughout the central and northern parcel. The upslope terrain between the road and the railway is slightly irregular, with reworked slopes leading to the narrow railway bed and steeper slopes up to the highway. The railway bed and its fillslope are not included within the property. The southern area (1130 Rocky Creek Road) has undulating slopes between 5% to 15% and has not been cleared.

The soils on the site are mapped as a mix of Qualicum, Fairbridge/Cowichan, and to a lesser extent, Tolmie⁸. Qualicum soils are glaciofluvial in nature with typically very gravelling and well drained. Fairbridge, Cowichan and Tolmie soils are marine deposits typically silty and sandy with seasonally perched water tables. The underlying bedrock of the sites is mapped as the Upper Cretaceous Nanaimo Group, consisting of undivided sedimentary rocks.⁹ No bedrock outcrops were observed onsite (sedimentary rocks were observed along steep slopes leading to Rocky Creek) and there are no mapped coal beds in the area.¹⁰

The site is fairly wet, with water flowing from the upper western slopes to the lower eastern slopes along Rocky Creek Road. The lower (eastern) property area where the land has recently been leveled displayed evidence of poor to imperfect drainage. A ditch has been excavated below the dirt road and along the edge of the leveled ground. The water is directed to an existing grassy ditchline along Rocky Creek Road, where it flows into a concrete culvert and likely into the town's storm water sewer along Rocky Creek Road (a discharge culvert was not found on the lower edge of Rocky Creek Road).

A small metal pipe culvert was also observed in the centre of the property leading from the fillslope of the road, approximately 1 m below the natural soil depth to the recently excavated ditch. A small flow of water was entering the excavated ditchline. The southern area of the site is well to moderately well drained. Minor ponding was observed along the dirt road on the site, and likely occurs along the lower southeastern corner of the parcel.

The subsurface hydrologic gradient likely reflects the surface topography with a west to east gradient towards Ladysmith Harbour.

3.4 Groundwater and Surface Water

There is no mapped aquifer at the site; the closest mapped aquifer is located across the Trans-Canada Highway approximately 50 m – 100 m west and upslope of the site. The mapped aquifer is rated as low for both productivity and demand, and has moderate vulnerability.¹¹ The aquifer material is bedrock, and the subsurface hydrologic gradient likely reflects the surface topography with a west-southwest to east-northeast gradient towards Ladysmith Harbour.

A search of the Ministry of Environment BC Water Resource Atlas returned approximately 17 wells within 500 m² of the site, and several more beyond. There are no wells mapped as being located on the property and the closest are 100 m to the east.

⁸Soils of Southern Vancouver Island mapsheet from the MoE Technical Report #17, Victoria, BC, 1985; and the Soils of Southeast Vancouver Island Duncan-Nanaimo Area (Mapsheet 92B.091); both at 1:20000 scale. From the Canadian Soil Information System Publications website: <http://sis.agr.gc.ca/cansis/intro/html>.

⁹ Ministry of Energy, Mines, and Resources Webpage: MapPlace – BCGS Geoscience Map: <http://webmap.em.gov.bc.ca/mapplace/minpot/bcgs.cfm>; accessed October 27, 2008

¹⁰ Ministry of Environment – BC Water Resources Atlas. Webpage: <http://srmapps.gov.bc.ca/apps/wrbc/>; accessed October 28, 2008

¹¹ Ibid., pp. 7.

3.5 Climatic Characteristics

The nearest Environment Canada weather station is Nanaimo A⁷, approximately 5 km north of the property, at an elevation of 28 m above mean sea level. Records for this station are available for the 30-year period from 1971 to 2000. Mean annual precipitation was 1163 mm, with the majority of that falling during October through March. The site may receive slightly less precipitation than the climate station due to the slightly lower elevation.

4 Current Property Descriptions

The northern and central areas of the parcel (i.e. the updated portion of the properties) is currently being cleared and prepared for building construction. One, two storey building is located along the northern property boundary, with the site immediately south of that being built on (foundation and wall supports were being built during the site visit). It also appears that there are two more sites in the central area being prepared for foundations, with the land mostly leveled and piles of soils surrounded the cleared off areas. The excavated ditch runs along the back (western) side of the leveled land, leading to Rocky Creek Road. There are several piles of excavated soils along the leveled land on the lower bench of the property as well as along the edges of the built road on the upper bench of the property. The piles consisted of on-site soils, with a mix of sand, silt, and gravels, as well as a few pieces of old woody debris. There are utility poles that run along the eastern side of Rocky Creek Road, with one transformer located along the northeastern property boundary.

The southern portion of the property (1130 Rocky Creek Road) remains undeveloped and consists of grasses, shrubs and a few young trees. The road runs along the upper bench area of the property, accessing the parcel to the north.

Figure 4 below depicts an overview of current site conditions.

⁷ Environment Canada's National Climate Data and Information Archive - Canadian Climate Normals or Averages 1971-2000 website: http://climate.weatheroffice.ec.gc.ca/climate_normals/index_e.html. Accessed October 28, 2008

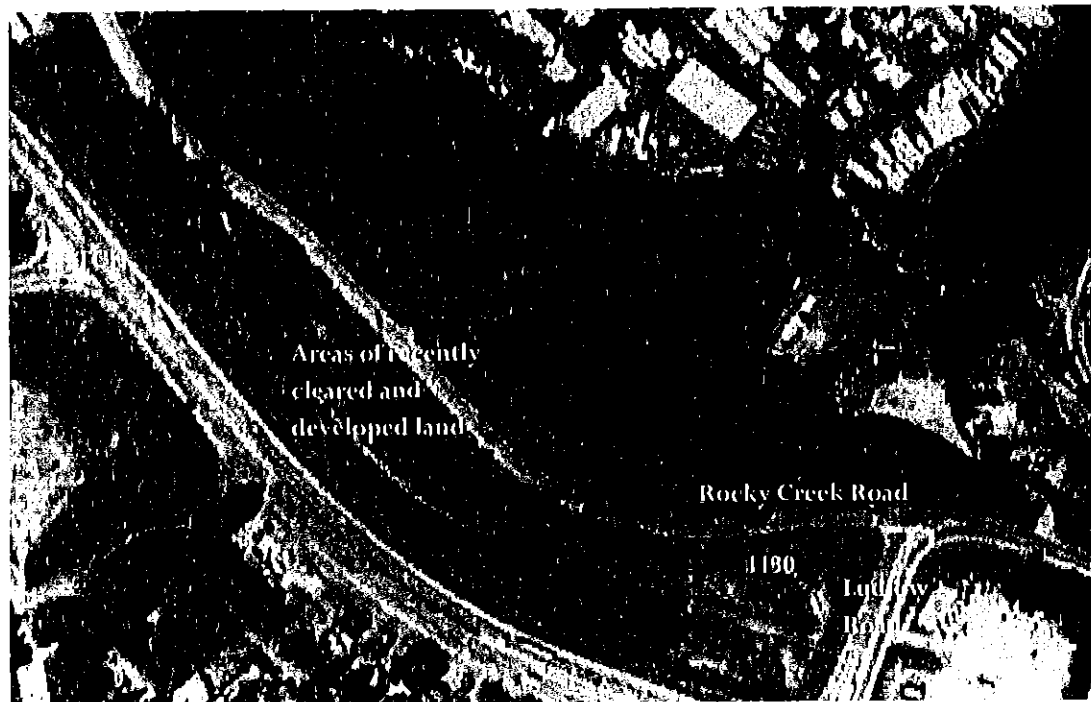


FIGURE 4. Close up of property and overview of site conditions. 2005 image from GoogleEarth®

4.1 Municipal Services and Utilities

The property has access to a full level of services but they have not yet been connected. Overhead lines running along Rocky Creek Road can provide hydro, telephone and cablevision utility services.

4.2 Adjacent Lands

The properties are located in an industrial and service commercial neighbourhood. Land to the north includes a small park area with a deeply incised stream, and just north of the park is a new building with the business Laurie Hatton and Company (heating, air conditioning, ventilation) warehouse. To the east are in forestry use (undeveloped second growth timber) with marina lands further east along Ladysmith Harbour. To the south and west, across the Trans Canada Highway, are residential, spot commercial, rural residential and vacant residential properties. The new Home Hardware store, a card lock gas station and public marina docks are located across and at the end of Ludlow Road, south-southeast of the property.

5 Site Utilization History

The utilization and general history of the site was reconstructed based on air photo review, land title information, and personal interviews, and from information in the original report.

Updated Properties (1132, 1134, 1138, 1140, 1146 and 1154)

Previous to the current owners, IBR Bio-Recovery (Van Is.) Ltd. owned the property since August 2002. Prior to IBR's purchase, there had been no development or changes to the property, and there were no structures built on-site. Previous to the current property configuration, the site was split into two parcels in 1999, and registered to various registered companies and private owners. (See Appendix B for Historical Land Titles.)

Previous owners of the site(s) include:

- BC Transportation Financing Authority (1999–2000)
- TimberWest Forest Limited (1994–1999)
- Elk Falls Wood Products Limited (1993–1994)
- Crown Forest Industries Limited (1984–1993)
- Crown Zellerbach Canada Limited and Crown Zellerbach Building Materials Limited (1964–1984)
- Comox Logging and Railway Company (both parcels from 1943–1964 and 1956–1964)
- Vacuum Wool Limited (1942–1943; one parcel only)
- Canadian Collieries (Dunsmuir) Limited (one parcel only, 1917–1943; sold to Comox Logging in 1943)

New Property (1130 Rocky Creek Road)

The property located at 1130 Rocky Creek Road, was owned by BC Transportation Financial Authority from 1999 to 2004, when the current owner purchased the land. Previous to the amalgamation in 2000, the property was split into four separate lots, two of which are part of the northern parcel area, and the other two being located at the current location of 1130 Rocky Creek Road. Previous to the current ownership of this property, the lot was owned by a few timber companies, and was likely tied to the usage of the adjacent northern properties. These companies included; Timberwest – Elkfalls Wood Products Ltd. – Crown Forest Industries – Crown Zellerbach Buildings Materials Ltd. – Comox Logging Company. As with the adjacent northern properties, this site was also owned by Vacuum Wool.

Site History

Since the early 1900s, the land surrounding the property has been continually developed to what it is today. The railway adjacent to the site was in use during the turn of the century, and coal products were transported to docking bays along the harbour.

This is seen by land ownership by coal industry companies such as Collieries (Dunsmuir) Limited and Vacuum Wool between 1917 and 1943. According to Mr. Skarvig, a housing camp for immigrant coal workers was located immediately east of the property, and a small rail yard was located immediately south of the site during the coal dock and barging days. At the area south of the site, train cars were parked when not in use, and ash dumps from coal trains were periodically created.

In the early 1930s, coal mining and shipping in the Ladysmith area ceased, and logging took over as is indicated by the various logging companies owning the property between 1943 and 1999. Sawmills along the harbour were built, and trains and trucks began hauling timber to the waterfront via access roads near and along the site. A few decades later, access roads for logging trucks were built from the old Island Highway to waterfront docks and sawmill (currently operated by West Fraser Timber Co.), which included the old road on the site being investigated.

Commercial, industrial, and residential development surrounding the site began to grow in the early 1950s. The Island Highway adjacent to the site was upgraded in the mid-1990s, and Rocky Creek Road was built in the late 1990s (represented by ownership by BC Transportation Financing Authority, tied to the Ministry of Transportation and Highways). Throughout this period, the site being investigated was never developed or used in conjunction with any adjacent development. The current land owners harvested the timber on the site approximately three years ago; since then, the site has remained undeveloped.

6 Past and Present Practices on the Site

Past activities on the properties include the use of the road on the site, land clearing, and timber harvesting. The northern end of the parcel is currently being developed.

6.1 Potential Hazardous Materials

According to interviews with knowledgeable persons, and until recently, the site has never been developed, there are no potentially hazardous materials that have been, or are currently used or stored on the site.

6.1.1 Onsite Construction

According to the client, there has been no storage of any hazardous materials on site during construction (i.e., fuel for machines etc.) and there have been no major leaks or spills during the process.

6.1.2 Power Transformers

The transformer located in the along the northeastern edge of the property is marked with a white circle, indicating that it has been tested to have less than 50 ppm of polychlorinated biphenyl (PCB) content, which is below allowable concentrations.

6.1.3 Rall Line

As no changes are evident to the track area (i.e. single track with commuter and freight train use periodically), it is likely that practices have remained the same.

6.2 Waste Management

With the exception of the minor occurrence of scattered refuse along the perimeter of the properties, there are no hazardous materials on site. Timber on the property was harvested a few years ago, so any waste from harvesting practices was likely confined to minor fluid leaks.

7 Assessment of Possible Contamination

7.1 Recorded Occurrences of Contamination

Information from the BC Online Site Registry search¹³ indicated that there have been no recorded occurrences of confirmed contamination on the property. The Site Registry search found four sites (one new site from when the original report was completed) within a 500 m radius of the properties that had records of contamination. Refer to Appendix C for copies of the Site Registry search documents.

7.2 Potential On-site Sources of Contamination

The past use and current developments on the properties have unlikely to have resulted in significant soil or groundwater contamination, and there are no recorded occurrences of contamination on the properties.

Consequently, there is low likelihood that PCOCs exist on the site.

¹³ BC Online Site Registry Search website: https://www.bconline.gov.bc.ca/site_reg.html (Accessed June 15, 2008)

7.3 Migration of Contamination from Adjacent Properties

The search of the BC Environmental Site Registry within an area with a 500 m radius of the site being inspected revealed three known entries, and 1 new entry.

- 840 First Avenue (Site ID 5775)
- 209 Symonds Street (Site ID 3034)
- 1152 Trans-Canada Highway (Site ID 1701)
- 728 Esplanade Street (Site ID 6836) – New Entry since original report

The business of Big-O Tires is located at 840 First Avenue in Ladysmith, with contamination located near the southeast corner of the intersection of First Avenue and French Street, along the south side of and adjacent to the Big-O store. The store is located approximately 800 m southwest and downslope of the property being assessed. The type of contamination is unknown; however, the site was registered on September 2, 1999 and removed on March 17, 2000, and has a status of inactive with no further action warranted.

The second site located at 209 Symonds Street was registered on October 7, 1997 and has a status of inactive with no further action warranted. The property is stated as being a small site with simple contamination. This site is located approximately 750 m southwest and downslope of the property being assessed.

Ladysmith Car Care is currently located at 1152 Trans-Canada Highway, which is directly west and across the highway from the site being investigated. The property was the site of a Petro-Canada Service Station previous to the current business, and was subject to a site investigation in 1995. A remediation plan and a site decommissioning review were also submitted in 1995 based on the presence of underground and above-ground storage tanks. The detailed report states that the site was registered on November 25, 1997, updated on August 13, 2004, and the detail removed August 13, 2004. The record status is listed as active and under assessment; however, there does not appear to be remediation going on at the current business. It is unknown if contaminants migrated off this property. To reach the site currently under investigation, contaminants migrating southeast from the old Petro-Canada gas station towards the study area would have to run under the Trans-Canada Highway, and likely would have been intercepted by ditchlines. In 1999, Thurber Engineering conducted a Stage 1 assessment¹⁴ of the properties downslope of the Trans-Canada Highway in connection with the highway upgrading.

¹⁴ Thurber Engineering Ltd. 1999. *Property Located Between Trans-Canada Highway and Rocky Creek Road Ladysmith, BC. Environmental Site Assessment*. Prepared for the BC Ministry of Transportation and Highways.

Their assessment included the property assessed in this current report. They concluded, with respect to the old Petro-Canada Station's potential for contamination, that "the ground condition and physical geometry of the area indicates that the potential of contaminants migration from these sites to the subject property is low."

The property located at 738 Esplande Street (Site ID 6836), is approximately 850 m to the southwest of the properties, and is the site of a Shell Gas Station. According to the detailed site registry report, the site is active and under remediation with complex contamination.

Activities reported for this site include:

- 2000 – Notice of Independent Remediation Initiation submitted by Morrow Environmental Consultants Inc (Morrow) for the Shell Service Station on behalf of Shell Canada Products Limited.

- 2001
 - Morrow complete a supplementary site investigation and a remedial action plan for the site.
 - 2001 – An Approval in Principle Requested by Shell Canada (i.e. to carry out the remedial action plan).
 - 2001- Detailed Site Investigation Report Internal review requested by Shell Canada.

- 2003 – Approval in Principle issued
 - Site updated and removed from the Site Registry in June of 2003.

The site was removed from the registry, and since, no follow-up reports have been submitted to the Ministry of Environment. This, and given the likely hydrologic gradient towards Ladysmith Harbour (east and away from the properties being investigated); it is unlikely that contaminants have migrated to the properties being investigated.

We conclude from this that there is low likelihood of contamination migrating from nearby properties onto the subject site.

7.4 Migration of Contamination to Adjacent Properties

It is unlikely that if PCOCs were generated by the fire, they would have been contained on the concrete or asphalt, and not directly exposed to the soil or water for a substantial amount of time in which they could be transported in large volumes offsite. No evidence was discovered that would lead to the conclusion that onsite activities and materials usage would result in contamination of adjacent properties.

8 Conclusions and recommendations

Based on evidence produced by this Stage 1 PSI, Madrone concludes the following with respect to potential contamination on the site:

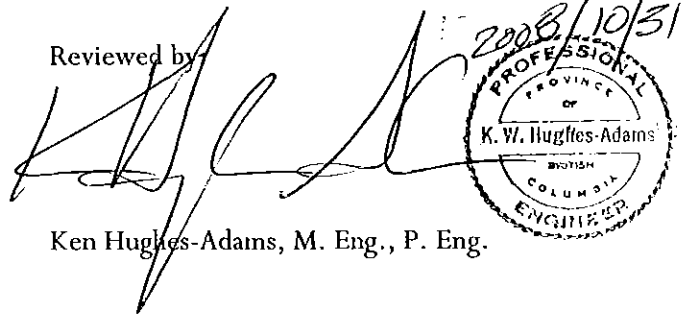
- 1 There is a *low* likelihood that current practices on the property since the original report prepared (2006) have caused significant contamination of soil or groundwater.
- 2 There is a *low* likelihood of contaminants migrating onto the site from nearby properties.
- 3 Based on the foregoing, we conclude that no other further investigations are warranted.

Prepared by:

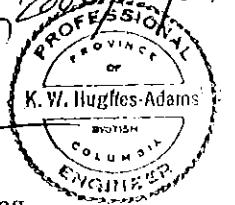


Wanda Miller, B. Sc., G.I.T., A. Ag.

Reviewed by:



2008/10/31



Ken Hughes-Adams, M. Eng., P. Eng.

9 Limitations

An environmental site investigation can reduce, but not wholly eliminate uncertainty regarding the potential for contamination at a site, given reasonable limits of time and cost. Madrone Environmental Services Ltd. (Madrone) has conducted this investigation and prepared this report in a manner consistent with the level of care normally exercised by environmental professionals currently practicing in the area under similar conditions and budgetary constraints. No other warranties, either expressed or implied, are made. If unexpected environmental conditions are encountered on the site, Madrone must be notified in order that we may determine if modifications to our findings are necessary.

The findings of this investigation and report are based in part on information provided to Madrone by the client and other individuals or organizations, as referenced in this report. While Madrone believes that this information was provided in good faith, and has attempted to verify the information where practical, Madrone does not accept any responsibility for any inaccuracies, deficiencies, or omissions contained in this report, based on the use of this information.

The findings of this investigation and report are based in part on Madrone's visual observations of environmental site conditions. Our opinion cannot be extended to portions of the site that were unavailable for direct observations due to circumstances reasonably beyond Madrone's control. Madrone investigated environmental conditions on the site only with respect to environmental regulations currently in effect within the applicable jurisdiction.

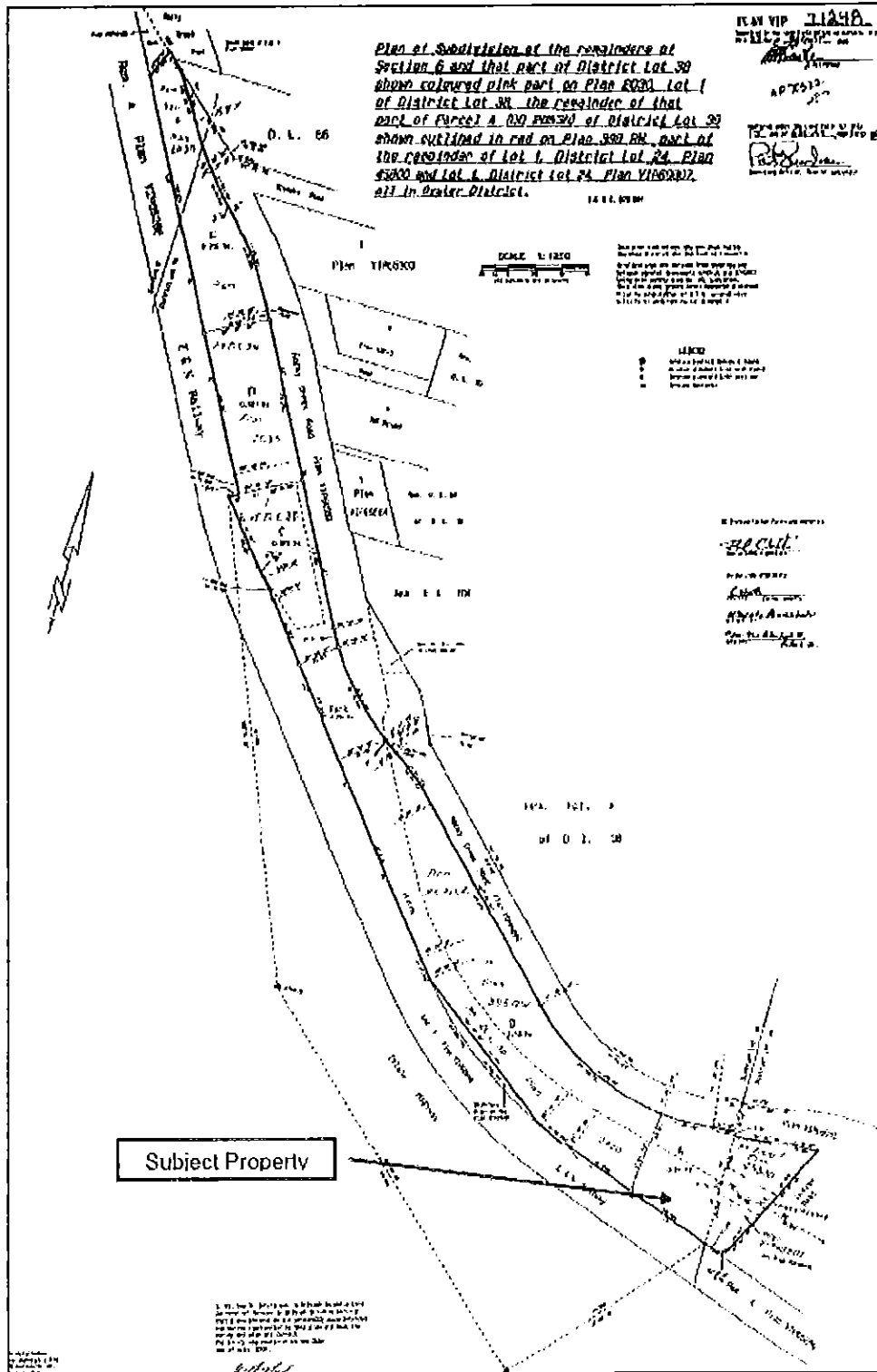
Madrone has prepared this report for the exclusive use of its client, Mr. Guy Bezeau (the client). This report is intended to assist the client in a business decision. The liability of the site, if any, is not transferred to Madrone, and Madrone makes no recommendation regarding the purchase, sale, or investment in the property.

Any third-party use of this report, or reliance placed on it, or decisions taken based on it, is the responsibility of such third parties. Madrone accepts no responsibility for any damages suffered by any other such third party, or any claims made by any other such third party as a result of decisions made or actions taken, based on this report.

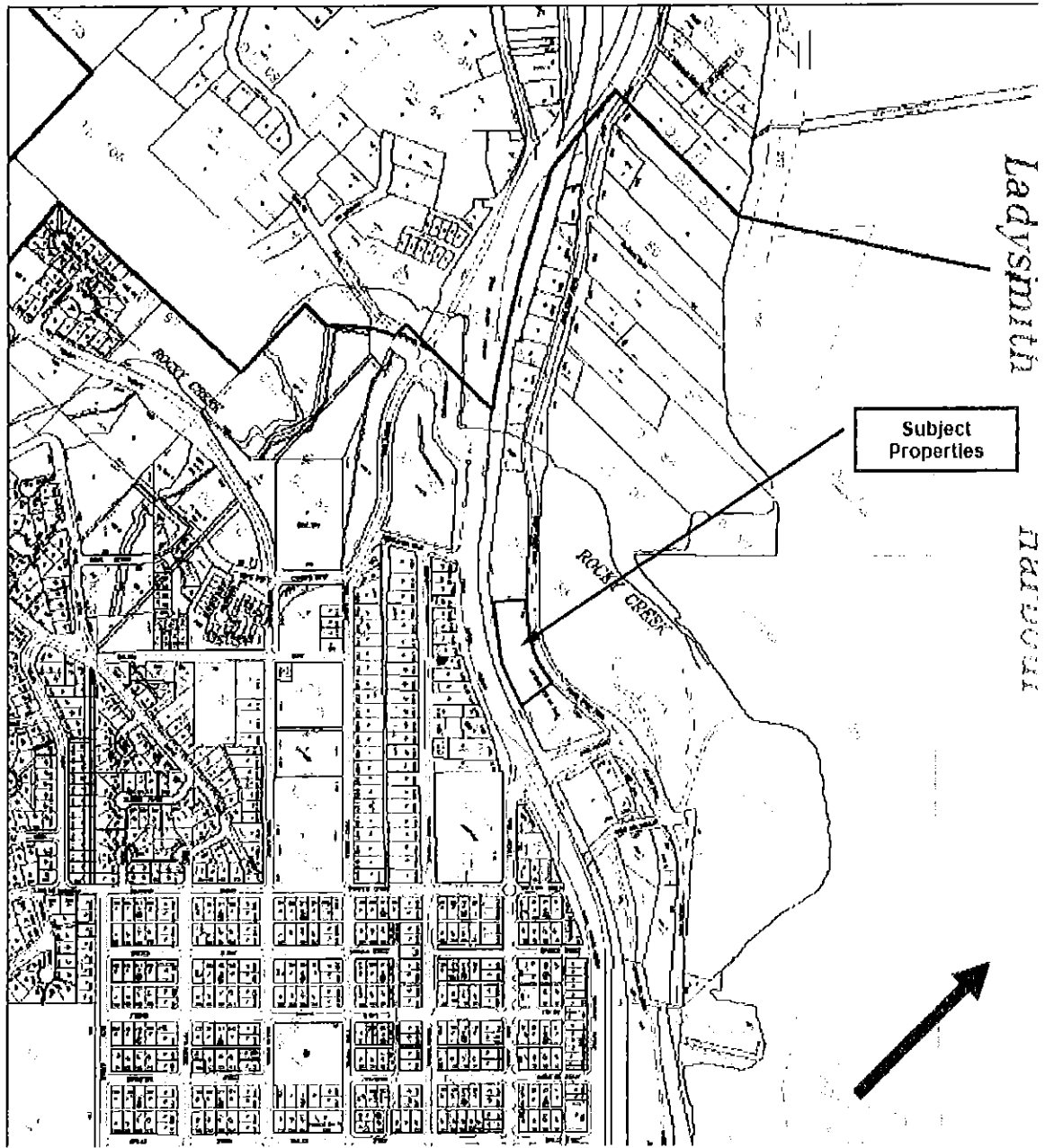


APPENDIX A

Property Maps

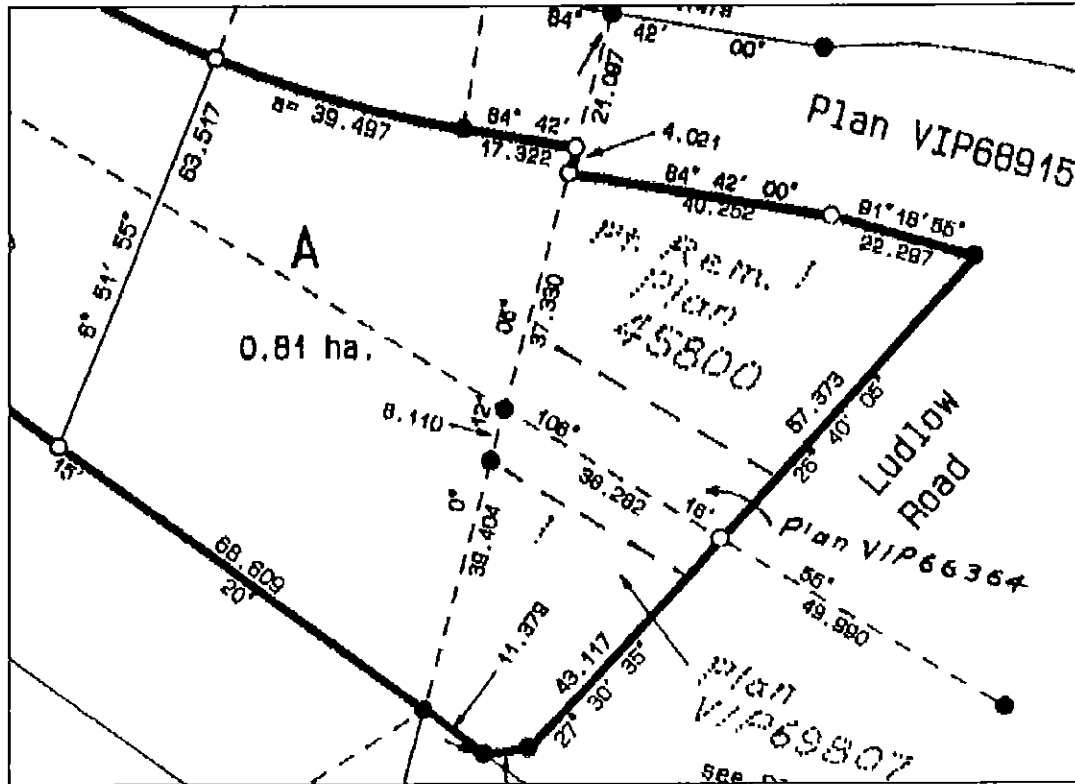


MAP 1. Property Survey Plan Overview with 1130 highlighted. Survey provided by the client from Cunningham & Rivard Appraisals document

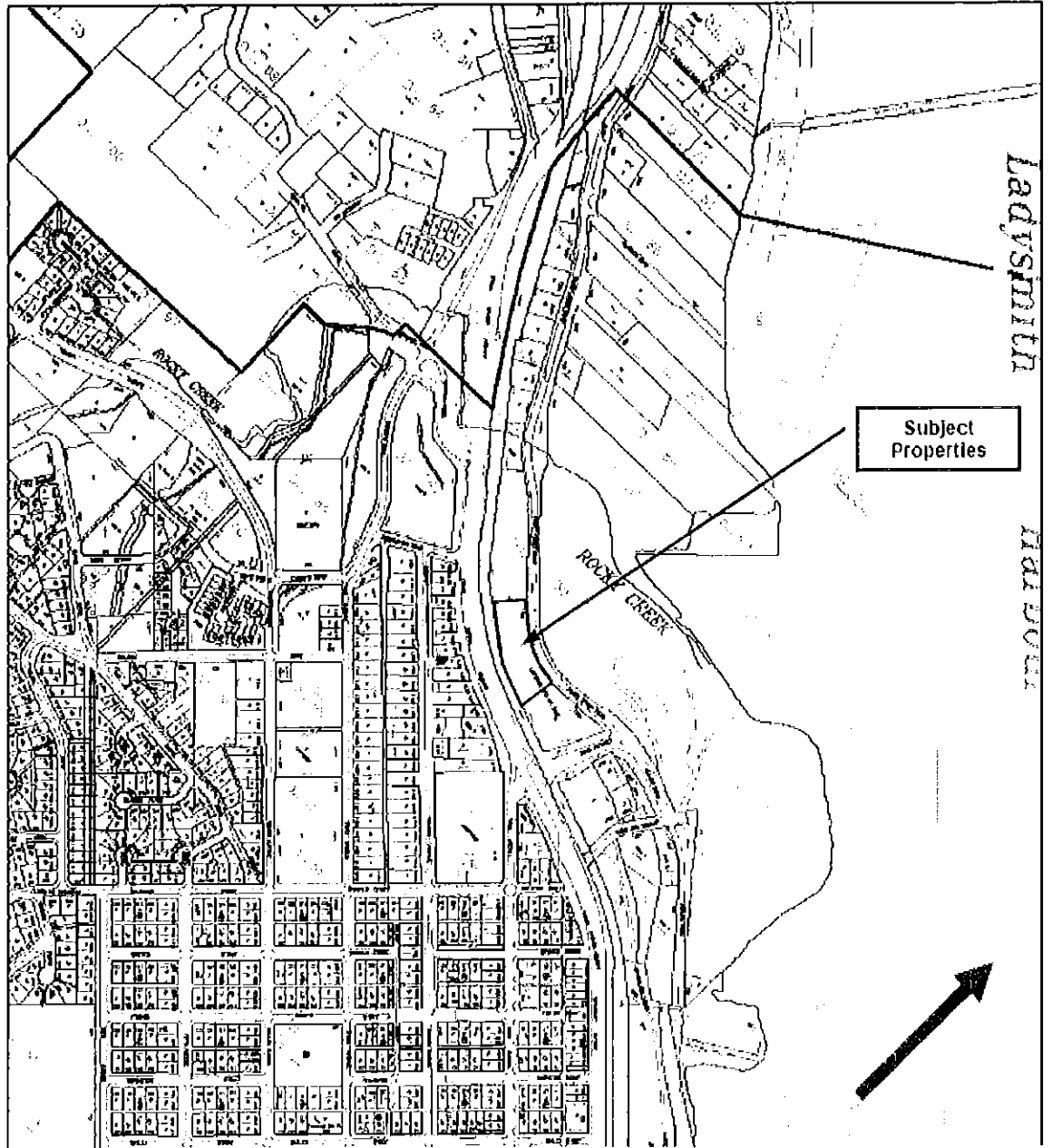


MAP 2. Property located at 1130 Rocky Creek Road (from Cunningham & Rivard Appraisals document)

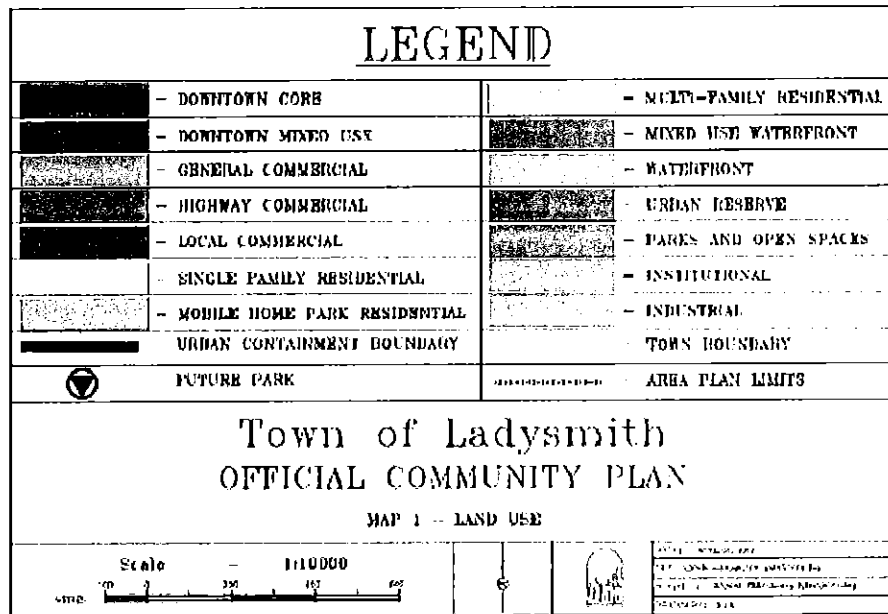
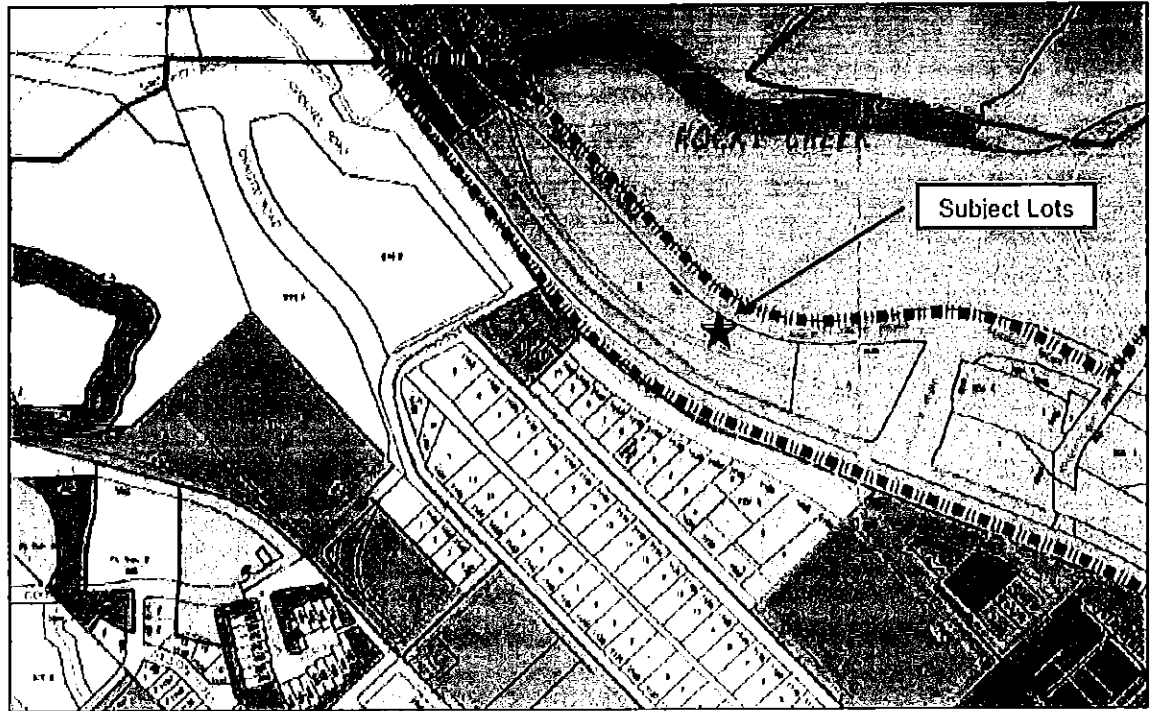
ENLARGED EXCERPT OF VIP71248



MAP 3. Enlarged view of property at 1130 Rocky Creek Road (from Cunningham & Rivard Appraisals document)



MAP 4. Updated property located at 1132 to 1154 Rocky Creek Road (from Cunningham & Rivard Appraisals document)



MAP 6. Ladysmith OCP map showing overview of land useage. Survey provided by the client from Cunningham & Rivard Appraisals document



MADRONE
environmental services ltd.

APPENDIX B

Land Title Search Documentation

TITLE SEARCHES

ADDENDUM 4-1

Date: 08/07/31 TITLE SEARCH PRINT - VICTORIA Time: 15:12:38
Requestor: (PA75444) CUNNINGHAM & RIVARD APPRAIS. (NANAIMO) LTD Page: 001
TITLE - CA711947

VICTORIA LAND TITLE OFFICE TITLE NO: CA711947
FROM TITLE NO: FB127409

APPLICATION FOR REGISTRATION RECEIVED ON: 28 FEBRUARY, 2008
ENTERED: 05 MARCH, 2008

REGISTERED OWNER IN FEE SIMPLE:
ISLAND POINTE MORTGAGE CORPORATION, INC.NO. BC0427161
PO BOX 970, 1123 CAREY PLACE
LADYSMITH, BC
V9G 1A7

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 027-329-135
LOT 1 DISTRICT LOT 38 OYSTER DISTRICT PLAN VIP84189

LEGAL NOTATIONS:

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL
GOVERNMENT ACT, SEE EP96966

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

DEPTIONS AND RESERVATIONS
M76300

REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9.693.7434A,
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

UNDERSURFACE RIGHTS

107095G 1943-09-24 10:00

REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED
107095G

REMARKS: DD 30920N

UNDERSURFACE RIGHTS

D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA
D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

STATUTORY RIGHT OF WAY

CONTINUES ON PAGE 002



TITLE SEARCHES

ADDENDUM 4-2

Date: 08/07/31 TITLE SEARCH PRINT - VICTORIA Time: 15:12:38
Requestor: (PA75444) CUNNINGHAM & RIVARD APPRAIS. (NANAIMO) LTD Page: 002
TITLE - CA711947

EP65431 2000-08-03 12:20
REGISTERED OWNER OF CHARGE:
TELUS COMMUNICATIONS (B.C.) INC.
INCORPORATION NO. A51167
EP65431
REMARKS: INTER ALIA
PART

MORTGAGE
FA96121 2006-08-08 09:30
REGISTERED OWNER OF CHARGE:
BIRCHWOOD ESTATES LTD.
INCORPORATION NO. 658152
FA96121
REMARKS: INTER ALIA

STATUTORY RIGHT OF WAY
FB63893 2007-06-25 11:36
REGISTERED OWNER OF CHARGE:
BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
FB63893
REMARKS: INTER ALIA

STATUTORY RIGHT OF WAY
FB63894 2007-06-25 11:36
REGISTERED OWNER OF CHARGE:
TELUS COMMUNICATIONS INC.
FB63894
REMARKS: INTER ALIA

PRIORITY AGREEMENT
FB63895 2007-06-25 11:36
REMARKS: INTER ALIA
GRANTING FB63893 PRIORITY OVER FA96121

PRIORITY AGREEMENT
FB63896 2007-06-25 11:36
REMARKS: INTER ALIA
GRANTING FB63894 PRIORITY OVER FA96121

COVENANT
FB127414 2007-12-07 11:52
REGISTERED OWNER OF CHARGE:
TOWN OF LADYSMITH
FB127414
REMARKS: INTER ALIA

PRIORITY AGREEMENT
FB127415 2007-12-07 11:52
REMARKS: INTER ALIA
GRANTING FB127414 PRIORITY OVER
CA527828, CA527829 AND FA96121

MORTGAGE

CONTINUES ON PAGE 003

TITLE SEARCHES

ADDENDUM 4-3

Date: 08/07/31 TITLE SEARCH PRINT - VICTORIA Time: 15:12:38
Requestor: (PA75444) CUNNINGHAM & RIVARD APPRAIS. (NANAIMO) LTD Page: 003
TITLE - CA711947

FB149798 2008-02-28 14:57
REGISTERED OWNER OF CHARGE:
LADYSMITH & DISTRICT CREDIT UNION
FB149798
REMARKS: INTER ALIA

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, I.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***



TITLE SEARCHES

ADDENDUM 4-4

Date: 08/07/31 TITLE SEARCH PRINT - VICTORIA Time: 15:13:00
Requestor: (PA75444) CUNNINGHAM & RIVARD APPRAIS.(NANAIMO)LTD Page: 001
TITLE - CA711948

VICTORIA LAND TITLE OFFICE TITLE NO: CA711948
FROM TITLE NO: FB127410

APPLICATION FOR REGISTRATION RECEIVED ON: 28 FEBRUARY, 2008
ENTERED: 05 MARCH, 2008

REGISTERED OWNER IN FEE SIMPLE:
ISLAND POINTE MORTGAGE CORPORATION, INC.NO. BC0427161
PO BOX 970, 1123 CAREY PLACE
LADYSMITH, BC
V9G 1A7

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 027-329-143
LOT 2 DISTRICT LOT 38 OYSTER DISTRICT PLAN VIP84189

LEGAL NOTATIONS:

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL
GOVERNMENT ACT, SEE EP96966

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300

REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300
REMARKS: AFB 9.693.7434A,
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

UNDERSURFACE RIGHTS
107095G 1943-09-24 10:00
REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED
107095G
REMARKS: DD 30920N

UNDERSURFACE RIGHTS
D23415 1975-01-27 08:10
REGISTERED OWNER OF CHARGE:
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA
D23415
REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

STATUTORY RIGHT OF WAY

CONTINUES ON PAGE 002



TITLE SEARCHES

ADDENDUM 4-5

Date: 08/07/31 TITLE SEARCH PRINT - VICTORIA Time: 15:13:01
Requestor: (PA75444) CUNNINGHAM & RIVARD APPRAIS. (NANAIMO) LTD Page: 002
TITLE - CA711948

EP65431 2000-08-03 12:20
REGISTERED OWNER OF CHARGE:
TELUS COMMUNICATIONS (B.C.) INC.
INCORPORATION NO. A51167
EP65431
REMARKS: INTER ALIA
PART

MORTGAGE
FA96121 2006-08-08 09:30
REGISTERED OWNER OF CHARGE:
BIRCHWOOD ESTATES LTD.
INCORPORATION NO. 658152
FA96121
REMARKS: INTER ALIA

STATUTORY RIGHT OF WAY
FB63893 2007-06-25 11:36
REGISTERED OWNER OF CHARGE:
BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
FB63893
REMARKS: INTER ALIA

STATUTORY RIGHT OF WAY
FB63894 2007-06-25 11:36
REGISTERED OWNER OF CHARGE:
TELUS COMMUNICATIONS INC.
FB63894
REMARKS: INTER ALIA

PRIORITY AGREEMENT
FB63895 2007-06-25 11:36
REMARKS: INTER ALIA
GRANTING FB63893 PRIORITY OVER FA96121

PRIORITY AGREEMENT
FB63896 2007-06-25 11:36
REMARKS: INTER ALIA
GRANTING FB63894 PRIORITY OVER FA96121

COVENANT
FB127414 2007-12-07 11:52
REGISTERED OWNER OF CHARGE:
TOWN OF LADYSMITH
FB127414
REMARKS: INTER ALIA

PRIORITY AGREEMENT
FB127415 2007-12-07 11:52
REMARKS: INTER ALIA
GRANTING FB127414 PRIORITY OVER
CA527828, CA527829 AND FA96121

MORTGAGE

TITLE SEARCHES

ADDENDUM 4-6

CONTINUES ON PAGE 003

Date: 08/07/31 TITLE SEARCH PRINT - VICTORIA Time: 15:13:01
Requestor: (PA75444) CUNNINGHAM & RIVARD APPRAIS. (NANAIMO) LTD Page: 003
TITLE - CA711948

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REGISTERED OWNER OF CHARGE:
LADYSMITH & DISTRICT CREDIT UNION
FB149798
REMARKS: INTER ALIA

PRIORITY AGREEMENT
FB149799 2008-02-28 14:57
REMARKS: INTER ALIA
GRANTING FB149798 PRIORITY OVER FA96121

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE; NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***



TITLE SEARCHES

ADDENDUM 4-7

Date: 08/07/31 TITLE SEARCH PRINT - VICTORIA Time: 15:13:19
Requestor: (PA75444) CUNNINGHAM & RIVARD APPRAIS.(NANAIMO)LTD Page: 001
TITLE - CA711949

VICTORIA LAND TITLE OFFICE TITLE NO: CA711949
FROM TITLE NO: FB127411

APPLICATION FOR REGISTRATION RECEIVED ON: 28 FEBRUARY, 2008
ENTERED: 05 MARCH, 2008

REGISTERED OWNER IN FEE SIMPLE:
ISLAND POINTE MORTGAGE CORPORATION, INC.NO. BC0427161
PO BOX 970, 1123 CAREY PLACE
LADYSMITH, BC
V9G 1A7

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 027-329-151
LOT 3 DISTRICT LOT 38 OYSTER DISTRICT PLAN VIP84189

LEGAL NOTATIONS:

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL
GOVERNMENT ACT, SEE EP96966

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS

M76300
REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9,693,7434A,
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

UNDERSURFACE RIGHTS

107095G 1943-09-24 10:00
REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED
107095G

REMARKS: DD 30920N

UNDERSURFACE RIGHTS

D23415 1975-01-27 08:10
REGISTERED OWNER OF CHARGE:
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA
D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

STATUTORY RIGHT OF WAY

CONTINUES ON PAGE 002

TITLE SEARCHES

ADDENDUM 4-8

Date: 08/07/31 TITLE SEARCH PRINT - VICTORIA Time: 15:13:19
Requestor: (PA75444) CUNNINGHAM & RIVARD APPRAIS. (NANAIMO) LTD Page: 002
TITLE - CA711949

EP65431 2000-08-03 12:20
REGISTERED OWNER OF CHARGE:
TELU COMMUNICATIONS (B.C.) INC.
INCORPORATION NO. A51167
EP65431
REMARKS: INTER ALIA
PART

MORTGAGE

FA96121 2006-08-08 09:30
REGISTERED OWNER OF CHARGE:
BIRCHWOOD ESTATES LTD.
INCORPORATION NO. 658152
FA96121
REMARKS: INTER ALIA

STATUTORY RIGHT OF WAY

FB63893 2007-06-25 11:36
REGISTERED OWNER OF CHARGE:
BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
FB63893
REMARKS: INTER ALIA

STATUTORY RIGHT OF WAY

FB63894 2007-06-25 11:36
REGISTERED OWNER OF CHARGE:
TELU COMMUNICATIONS INC.
FB63894
REMARKS: INTER ALIA

PRIORITY AGREEMENT

FB63895 2007-06-25 11:36
REMARKS: INTER ALIA
GRANTING FB63893 PRIORITY OVER FA96121

PRIORITY AGREEMENT

FB63896 2007-06-25 11:36
REMARKS: INTER ALIA
GRANTING FB63894 PRIORITY OVER FA96121

COVENANT

FB127414 2007-12-07 11:52
REGISTERED OWNER OF CHARGE:
TOWN OF LADYSMITH
FB127414
REMARKS: INTER ALIA

PRIORITY AGREEMENT

FB127415 2007-12-07 11:52
REMARKS: INTER ALIA
GRANTING FB127414 PRIORITY OVER
CA527828, CA527829 AND FA96121

MORTGAGE

CONTINUES ON PAGE 003



TITLE SEARCHES

ADDENDUM 4-9

Date: 08/07/31 TITLE SEARCH PRINT - VICTORIA Time: 15:13:19
Requestor: (PA75444) CUNNINGHAM & RIVARD APPRAIS.(NANAIMO)LTD Page: 003
TITLE - CA711949

FB149798 2008-02-28 14:57
REGISTERED OWNER OF CHARGE:
LADYSMITH &, DISTRICT CREDIT UNION
FB149798
REMARKS: INTER ALIA

PRIORITY AGREEMENT
FB149799 2008-02-28 14:57
REMARKS: INTER ALIA
GRANTING FB149798 PRIORITY OVER FA96121

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***



TITLE SEARCHES

ADDENDUM 4-10

Date: 08/07/31 TITLE SEARCH PRINT - VICTORIA Time: 15:13:36
Requestor: (PA75444) CUNNINGHAM & RIVARD APPRAIS. (NANAIMO) LTD Page: 001
TITLE - CA711950

VICTORIA LAND TITLE OFFICE TITLE NO: CA711950
FROM TITLE NO: FB127412

APPLICATION FOR REGISTRATION RECEIVED ON: 28 FEBRUARY, 2008
ENTERED: 05 MARCH, 2008

REGISTERED OWNER IN FEE SIMPLE:
ISLAND POINTE MORTGAGE CORPORATION, INC.NO. BC0427161
PO BOX 970, 1123 CAREY PLACE
LADYSMITH, BC
V9G 1A7

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 027-329-160
LOT 4 DISTRICT LOT 38 OYSTER DISTRICT PLAN VIP84189

LEGAL NOTATIONS:

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL
GOVERNMENT ACT, SEE EP96966

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS

M76300

REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9,693.7434A,
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

UNDERSURFACE RIGHTS

107095G 1943-09-24 10:00

REGISTERED OWNER OF CHARGE:

VACUUM WOOL LIMITED
107095G

REMARKS: DD 30920N

UNDERSURFACE RIGHTS

D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA
D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

STATUTORY RIGHT OF WAY

CONTINUES ON PAGE 002



TITLE SEARCHES

ADDENDUM 4-11

Date: 08/07/31 TITLE SEARCH PRINT - VICTORIA
Requestor: (PA75444) CUNNINGHAM & RIVARD APPRAIS. (NANAIMO) LTD
TITLE - CA711950

Time: 15:13:36
Page: 002

EP65431 2000-08-03 12:20
REGISTERED OWNER OF CHARGE:
TELUS COMMUNICATIONS (B.C.) INC.
INCORPORATION NO. A51167
EP65431
REMARKS: INTER ALIA
PART

MORTGAGE
FA96121 2006-08-08 09:30
REGISTERED OWNER OF CHARGE:
BIRCHWOOD ESTATES LTD.
INCORPORATION NO. 658152
FA96121
REMARKS: INTER ALIA

STATUTORY RIGHT OF WAY
FB63893 2007-06-25 11:36
REGISTERED OWNER OF CHARGE:
BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
FB63893
REMARKS: INTER ALIA

STATUTORY RIGHT OF WAY
FB63894 2007-06-25 11:36
REGISTERED OWNER OF CHARGE:
TELUS COMMUNICATIONS INC.
FB63894
REMARKS: INTER ALIA

PRIORITY AGREEMENT
FB63895 2007-06-25 11:36
REMARKS: INTER ALIA
GRANTING FB63893 PRIORITY OVER FA96121

PRIORITY AGREEMENT
FB63896 2007-06-25 11:36
REMARKS: INTER ALIA
GRANTING FB63894 PRIORITY OVER FA96121

COVENANT
FB127414 2007-12-07 11:52
REGISTERED OWNER OF CHARGE:
TOWN OF LADYSMITH
FB127414
REMARKS: INTER ALIA

PRIORITY AGREEMENT
FB127415 2007-12-07 11:52
REMARKS: INTER ALIA
GRANTING FB127414 PRIORITY OVER
CA527828, CA527829 AND FA96121

MORTGAGE

CONTINUES ON PAGE 003

TITLE SEARCHES

ADDENDUM 4-12

Date: 08/07/31 TITLE SEARCH PRINT - VICTORIA Time: 15:13:36
Requestor: (PA75444) CUNNINGHAM & RIVARD APPRAIS.(NANAIMO)LTD Page: 003
TITLE - CA711950

FB149798 2008-02-28 14:57
REGISTERED OWNER OF CHARGE:
LADYSMITH & DISTRICT CREDIT UNION
FB149798
REMARKS: INTER ALIA

PRIORITY AGREEMENT
FB149799 2008-02-28 14:57
REMARKS: INTER ALIA
GRANTING FB149798 PRIORITY OVER FA96121

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

TITLE SEARCHES

ADDENDUM 4-13

Date: 08/07/31 TITLE SEARCH PRINT - VICTORIA Time: 15:13:54
Requestor: (PA75444) CUNNINGHAM & RIVARD APPRAIS. (NANAIMO) LTD Page: 001
TITLE - CA711951

VICTORIA LAND TITLE OFFICE TITLE NO: CA711951
FROM TITLE NO: FB127413

APPLICATION FOR REGISTRATION RECEIVED ON: 28 FEBRUARY, 2008
ENTERED: 05 MARCH, 2008

REGISTERED OWNER IN FEE SIMPLE:
ISLAND POINTE MORTGAGE CORPORATION, INC. NO. BC0427161
PO BOX 970, 1123 CAREY PLACE
LADYSMITH, BC
V9G 1A7

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 027-329-178
LOT 5 DISTRICT LOT 38 OYSTER DISTRICT PLAN VIP84189

LEGAL NOTATIONS:

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL
GOVERNMENT ACT, SEE EP96966

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS

M76300

REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9.693.7434A,
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

UNDERSURFACE RIGHTS

107095G 1943-09-24 10:00

REGISTERED OWNER OF CHARGE:

VACUUM WOOL LIMITED

107095G

REMARKS: DD 30920N

UNDERSURFACE RIGHTS

D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA

D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

STATUTORY RIGHT OF WAY

CONTINUES ON PAGE 002



TITLE SEARCHES

ADDENDUM 4-14

Date: 08/07/31 TITLE SEARCH PRINT - VICTORIA Time: 15:13:55
Requestor: (PA75444) CUNNINGHAM & RIVARD APPRAIS. (NANAIMO) LTD Page: 002
TITLE - CA711951

EP65431 2000-08-03 12:20
REGISTERED OWNER OF CHARGE:
TELUS COMMUNICATIONS (B.C.) INC.
INCORPORATION NO. A51167
EP65431
REMARKS: INTER ALIA
PART

MORTGAGE

FA96121 2006-08-08 09:30
REGISTERED OWNER OF CHARGE:
BIRCHWOOD ESTATES LTD.
INCORPORATION NO. 658152
FA96121
REMARKS: INTER ALIA

STATUTORY RIGHT OF WAY

FB63893 2007-06-25 11:36
REGISTERED OWNER OF CHARGE:
BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
FB63893
REMARKS: INTER ALIA

STATUTORY RIGHT OF WAY

FB63894 2007-06-25 11:36
REGISTERED OWNER OF CHARGE:
TELUS COMMUNICATIONS INC.
FB63894
REMARKS: INTER ALIA

PRIORITY AGREEMENT

FB63895 2007-06-25 11:36
REMARKS: INTER ALIA
GRANTING FB63893 PRIORITY OVER FA96121

PRIORITY AGREEMENT

FB63896 2007-06-25 11:36
REMARKS: INTER ALIA
GRANTING FB63894 PRIORITY OVER FA96121

COVENANT

FB127414 2007-12-07 11:52
REGISTERED OWNER OF CHARGE:
TOWN OF LADYSMITH
FB127414
REMARKS: INTER ALIA

PRIORITY AGREEMENT

FB127415 2007-12-07 11:52
REMARKS: INTER ALIA
GRANTING FB127414 PRIORITY OVER
CA527828, CA527829 AND FA96121

MORTGAGE

CONTINUES ON PAGE 003



TITLE SEARCHES

ADDENDUM 4-15

Date: 08/07/31 TITLE SEARCH PRINT - VICTORIA Time: 15:13:55
Requestor: (PA75444) CUNNINGHAM & RIVARD APPRAIS. (NANAIMO) LTD Page: 003
TITLE - CA711951

FB149798 2008-02-28 14:57
REGISTERED OWNER OF CHARGE:
LADYSMITH & DISTRICT CREDIT UNION
FB149798
REMARKS: INTER ALIA

PRIORITY AGREEMENT
FB149799 2008-02-28 14:57
REMARKS: INTER ALIA
GRANTING FB149798 PRIORITY OVER FA96121

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***



lot A Ph VII. 71248

EN 74488

EN 70722

EN 105881

EN 105883

EN 4007

EN 137776

EN 38535

EN 12602

EN 15811

EN 87939

STOP

EN 35)

EN 88940

EN 31888

Date: 08/10/21 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - EW74488

Time: 09:45:16
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EW74488
FROM TITLE NO: EP70322

APPLICATION FOR REGISTRATION RECEIVED ON: 15 JUNE, 2004
ENTERED: 30 JUNE, 2004

REGISTERED OWNER IN FEE SIMPLE:
G-FORCE AUTOMOTIVE LTD., INC.NO. 694,309,
BOX 31
PORT MCNEILL, BC
VON 2R0

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 024-839-370
LOT A DISTRICT LOTS 24 AND 38 OYSTER DISTRICT PLAN VIP71248

LEGAL NOTATIONS:

SUBJECT TO EXCEPTIONS AND RESERVATIONS CONTAINED IN ORDER IN COUNCIL
FILED DF N63774

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300

REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9.693.7434A,
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

UNDERSURFACE RIGHTS
107095G 1943-09-24 10:00
REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED
107095G
REMARKS: DD 30920N

UNDERSURFACE RIGHTS
D23415 1975-01-27 08:10
REGISTERED OWNER OF CHARGE:
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA
D23415
REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

STATUTORY RIGHT OF WAY

CONTINUES ON PAGE 002

Date: 08/10/21 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - EW74488

Time: 09:45:17
Page: 002

EL137728 1997-12-02 09:31
REGISTERED OWNER OF CHARGE:
TIMBERWEST FOREST CORP.
INCORPORATION NO. 0535950
FB45421
REMARKS: AREA A IN PLAN VIP66364

STATUTORY RIGHT OF WAY
EP65430 2000-08-03 12:20
REGISTERED OWNER OF CHARGE:
BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
EP65430
REMARKS: INTER ALIA
PART

STATUTORY RIGHT OF WAY
EP65431 2000-08-03 12:20
REGISTERED OWNER OF CHARGE:
TELUS COMMUNICATIONS (B.C.) INC.
INCORPORATION NO. A51167
EP65431
REMARKS: INTER ALIA
PART

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 08/10/21 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - EP70322

Time: 09:45:16
Page: 001

SECTION 98 LAND TITLE ACT

VICTORIA LAND TITLE OFFICE TITLE NO: EP70322
FROM TITLE NO: EN105884
EN38535
EN87939 X
EP351

APPLICATION FOR REGISTRATION RECEIVED ON: 22 AUGUST, 2000
ENTERED: 07 SEPTEMBER, 2000

TITLE CANCELLED: 30 JUNE, 2004

REGISTERED OWNER IN FEE SIMPLE:
BC TRANSPORTATION FINANCING AUTHORITY
SUITE 300 - 940 BLANSHARD STREET
VICTORIA, BC
V8W 3E6

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 024-839-370
LOT A DISTRICT LOTS 24 AND 38 OYSTER DISTRICT PLAN VIP71248

LEGAL NOTATIONS:

SUBJECT TO EXCEPTIONS AND RESERVATIONS CONTAINED IN ORDER IN COUNCIL
FILED DF N63774

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS

M76300
REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9.693.7434A,
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E AND N RAILWAY COMPANY

UNDERSURFACE RIGHTS

107095G 1943-09-24 10:00
REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED
107095G
REMARKS: DD 30920N

UNDERSURFACE RIGHTS

D23415 1975-01-27 08:10
REGISTERED OWNER OF CHARGE:

CONTINUES ON PAGE 002

Date: 08/10/21 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - EP70322

Time: 09:45:17
Page: 002

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA
D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

STATUTORY RIGHT OF WAY

EL137728 1997-12-02 09:31

REGISTERED OWNER OF CHARGE:
TIMBERWEST FOREST LIMITED
INCORPORATION NO. 545319

EL137728

REMARKS: AREA A IN PLAN VIP66364

STATUTORY RIGHT OF WAY

EP65430 2000-08-03 12:20

REGISTERED OWNER OF CHARGE:
BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
EP65430

REMARKS: INTER ALIA
PART

STATUTORY RIGHT OF WAY

EP65431 2000-08-03 12:20

REGISTERED OWNER OF CHARGE:
TELUS COMMUNICATIONS (B.C.) INC.
INCORPORATION NO. A51167

EP65431

REMARKS: INTER ALIA
PART

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

2004-06-30

ALLEW74488

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 08/10/22 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - EN105884

Time: 13:22:16
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EN105884
FROM TITLE NO: EN105883

APPLICATION FOR REGISTRATION RECEIVED ON: 19 NOVEMBER, 1999
ENTERED: 22 NOVEMBER, 1999

TITLE CANCELLED: 07 SEPTEMBER, 2000

REGISTERED OWNER IN FEE SIMPLE:
BRITISH COLUMBIA TRANSPORTATION FINANCING AUTHORITY
P.O. BOX 9900
STN. PROV. GOVT,
VICTORIA, BC
V8W 9R1

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 024-631-710
LOT 1 DISTRICT LOT 24 OYSTER DISTRICT PLAN VIP69807

LEGAL NOTATIONS:

SUBJECT TO EXCEPTIONS AND RESERVATIONS CONTAINED IN ORDER IN COUNCIL
FILED DF N63774

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS

D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA
D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

2000-09-07

ALL VIP71248EP70322

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 08/10/22 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - EN105883

Time: 13:25:51
Page: 001

SECTION 98 LAND TITLE ACT

VICTORIA LAND TITLE OFFICE TITLE NO: EN105883
FROM TITLE NO: EN4507

APPLICATION FOR REGISTRATION RECEIVED ON: 19 NOVEMBER, 1999
ENTERED: 22 NOVEMBER, 1999

TITLE CANCELLED: 22 NOVEMBER, 1999

REGISTERED OWNER IN FEE SIMPLE:
CARMICHAEL HOLDINGS LTD., INC.NO. 201472
BOX 1043
LADYSMITH, BC
VOR 2E0

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 024-631-710
LOT 1 DISTRICT LOT 24 OYSTER DISTRICT PLAN VIP69807

LEGAL NOTATIONS:

SUBJECT TO EXCEPTIONS AND RESERVATIONS CONTAINED IN ORDER IN COUNCIL
FILED DF N63774

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS

D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA

D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

1999-11-22

ALLEN105884

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 08/10/22 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - EN4507

Time: 13:27:21
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EN4507
FROM TITLE NO: EL137726

APPLICATION FOR REGISTRATION RECEIVED ON: 18 JANUARY, 1999
ENTERED: 18 JANUARY, 1999

TITLE CANCELLED: 22 NOVEMBER, 1999

REGISTERED OWNER IN FEE SIMPLE:
CARMICHAEL HOLDINGS LTD., INC.NO. 201472
BOX 1043
LADYSMITH, BC
VOR 2E0

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-654-485
LOT 2, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 41439 EXCEPT PART
IN PLAN VIP68436

LEGAL NOTATIONS:

SUBJECT TO EXCEPTIONS AND RESERVATIONS CONTAINED IN ORDER IN COUNCIL
FILED DF N63774

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS

D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA

D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

1999-11-22

PART PLAN VIP69807EN105883

1999-11-22

REMEN105890

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 08/10/22 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - EP351

Time: 13:22:27
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EP351
FROM TITLE NO: EN88940

APPLICATION FOR REGISTRATION RECEIVED ON: 21 DECEMBER, 1999
ENTERED: 04 JANUARY, 2000

TITLE CANCELLED: 07 SEPTEMBER, 2000

REGISTERED OWNER IN FEE SIMPLE:
BC TRANSPORTATION FINANCING AUTHORITY
SUITE 300 - 940 BLANSHARD STREET
VICTORIA, BC
V8W 3E6

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-165-212
THAT PART OF DISTRICT LOT 38, CONTAINING 10.12 ACRES MORE OR LESS, OYSTER
DISTRICT, SHOWN COLOURED PINK ON PLAN 2030 EXCEPT PART IN PLANS VIP69583
AND VIP69936

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS
D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA

D23415
REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

2000-09-07
PART VIP71248EP70322
2000-09-07
PART VIP71248EP70323
2000-09-07
PART VIP71248EP70324
2000-09-07
PT VIP71248EP70325
2000-09-07
REM VIP71248EP70326

CONTINUES ON PAGE 002

Date: 08/10/22

Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA

BURNS REGISTRY SERVICES LTD.

TITLE - EP351

Time: 13:22:27

Page: 002

*** CURRENT INFORMATION ONLY -- NO CANCELLED INFORMATION SHOWN ***

Date: 08/10/22
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EN88940

Time: 13:29:12
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EN88940
FROM TITLE NO: EN31888

APPLICATION FOR REGISTRATION RECEIVED ON: 28 SEPTEMBER, 1999
ENTERED: 24 NOVEMBER, 1999

TITLE CANCELLED: 04 JANUARY, 2000

REGISTERED OWNER IN FEE SIMPLE:
BC TRANSPORTATION FINANCING AUTHORITY
SUITE 300 - 940 BLANSHARD STREET
VICTORIA, BC
V8W 3E6

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-165-212
THAT PART OF DISTRICT LOT 38, CONTAINING 10.12 ACRES MORE OR LESS, OYSTER
DISTRICT, SHOWN COLOURED PINK ON PLAN 2030 EXCEPT PART IN PLAN VIP69583

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS
D23415 1975-01-27 08:10
REGISTERED OWNER OF CHARGE:
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA
D23415
REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:
2000-01-04
PARTEN115884
2000-01-04
REMAINDEREP351

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 08/10/22 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - EN38535

Time: 13:23:03
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EN38535
FROM TITLE NO: EM120602

APPLICATION FOR REGISTRATION RECEIVED ON: 06 MAY, 1999
ENTERED: 06 MAY, 1999

TITLE CANCELLED: 07 SEPTEMBER, 2000

REGISTERED OWNER IN FEE SIMPLE:
BC TRANSPORTATION FINANCING AUTHORITY
300 - 940 BLANSHARD STREET
VICTORIA, BC
V8W 3E6

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 010-208-640
LOT 1, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 45800, EXCEPT PART IN
PLAN VIP68915

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300

REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9.693.7434A,
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E AND N RAILWAY COMPANY

UNDERSURFACE RIGHTS
107095G 1943-09-24 10:00
REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED
107095G
REMARKS: DD 30920N

STATUTORY RIGHT OF WAY
EL137728 1997-12-02 09:31
REGISTERED OWNER OF CHARGE:
TIMBERWEST FOREST LIMITED
INCORPORATION NO. 545319
EL137728
REMARKS: AREA A IN PLAN VIP66364

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

CONTINUES ON PAGE 002

Date: 08/10/22

TITLE SEARCH PRINT - VICTORIA

Time: 13:23:04

Requestor: (PI58053)

BURNS REGISTRY SERVICES LTD.

Page: 002

TITLE - EN38535

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

2000-09-07

PART VIP71248EP70322

2000-09-07

REMEP75213

*** CURRENT INFORMATION ONLY -- NO CANCELLED INFORMATION SHOWN ***

Date: 08/10/22 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - EM120602

Time: 13:30:17
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EM120602
FROM TITLE NO: EM15811

APPLICATION FOR REGISTRATION RECEIVED ON: 17 DECEMBER, 1998
ENTERED: 19 JANUARY, 1999

TITLE CANCELLED: 06 MAY, 1999

REGISTERED OWNER IN FEE SIMPLE:
BC TRANSPORTATION FINANCING AUTHORITY
300 - 940 BLANSHARD STREET,
VICTORIA, BC
V8W 3E6

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 010-208-640
LOT 1, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 45800

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300

REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9.693.7434A,
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E AND N RAILWAY COMPANY

UNDERSURFACE RIGHTS
107095G 1943-09-24 10:00
REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED
107095G
REMARKS: DD 30920N

STATUTORY RIGHT OF WAY
EL137728 1997-12-02 09:31
REGISTERED OWNER OF CHARGE:
TIMBERWEST FOREST LIMITED
INCORPORATION NO. 545319
EL137728
REMARKS: AREA A IN PLAN VIP66364

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

CONTINUES ON PAGE 002

Date: 08/10/22
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EM120602

Time: 13:30:18
Page: 002

TRANSFERS:

1999-05-06 NO TITLE
PART IN PLAN VIP68915 (ROAD ONLY)EN38534
1999-05-06
ALLEN38535

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

TITLE SEARCHES

ADDENDUM 6-1

Page 1 of 3

Date: 07/12/19 TITLE SEARCH PRINT - VICTORIA
Requestor: (PA92914) HUTCHINSON & HOYT LAND SURVEYING
TITLE - FB127942

Time: 15:05:08
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: FB127942
FROM TITLE NO: F002000

APPLICATION FOR REGISTRATION RECEIVED ON: 07 DECEMBER, 2007
ENTERED: 11 DECEMBER, 2007

REGISTERED OWNER IN PRE SIMPLIF:
HERITAGE BUSINESS PARK LTD., INC.NO. BC0796957
PO BOX 970
LADYSMITH, BC
V9G 1A7

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 024-039-043
LOT B DISTRICT LOT 38 OYSTER DISTRICT PLAN V1P71248,
EXCEPT PART IN PLAN V1P84189

LEGAL NOTATIONS:

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL
GOVERNMENT ACT, SEE BP96966

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS

M76300
REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: APB 9,693,7434A,
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

UNDERGROUND RIGHTS

1070950 1943-09-24 10:00

REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED

1070950
REMARKS: DD 30920X

UNDERGROUND RIGHTS

D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA

D23415
REMARKS: INTBR ALIA, ASSIGNMENT OF 1951900 (DD 740A0N
AND 379703I) SEE 325300G

https://www.bconline.gov.bc.ca/cgi/retrieve_object.cgi?Text+9/25theal%2Bdalluuru%2Bthea... 19/19/07

NF8415

CONTINUES ON PAGE 002

Date: 07/12/10
Requestor: (PA52914)

TITLE SEARCH PRINT - VICTORIA
HUTCHINSON & HOYT LAND SURVEYING
TITLE - FB127942

Time: 15:08:08
Page: 002

STATUTORY RIGHT OF WAY
BP65431 2006-08-03 12:20
REGISTERED OWNER OF CHARGE:
TELUS COMMUNICATIONS (B.C.) INC.
INCORPORATION NO. A61167
BP65431
REMARKS: INTER ALIA
PART

MORTGAGE
PA96121 2006-09-09 09:30
REGISTERED OWNER OF CHARGE:
BIRCHWOOD ESTATES LTD.
INCORPORATION NO. 658152
PA96121
REMARKS: INTER ALIA

STATUTORY RIGHT OF WAY
FB63893 2007-06-25 11:36
REGISTERED OWNER OF CHARGE:
BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
FB63893
REMARKS: INTER ALIA

STATUTORY RIGHT OF WAY
FB63894 2007-06-26 11:36
REGISTERED OWNER OF CHARGE:
TELUS COMMUNICATIONS INC.
FB63894
REMARKS: INTER ALIA

PRIORITY AGREEMENT
FB63895 2007-06-25 11:36
REMARKS: INTER ALIA
GRANTING FB63893 PRIORITY OVER PA96121

PRIORITY AGREEMENT
FB63896 2007-06-25 11:36
REMARKS: INTER ALIA
GRANTING FB63894 PRIORITY OVER PA96121

COVENANT
FB78666 2007-07-27 14:57
REGISTERED OWNER OF CHARGE:
TOWN OF LADYSMITH
FB78666
REMARKS: INTER ALIA

PRIORITY AGREEMENT
FB78667 2007-07-27 14:57

TITLE SEARCHES

ADDENDUM 5-3

Page 3 of 3

REMARKS: INTER ALIA
GRANTING FB78666 PRIORITY OVER FA49909 AND
FA96121

CONTINUES ON PAGE 003

Date: 07/12/18 TITLE SEARCH PRINT - VICTORIA
Requestor: (FA52914) HUTCHINSON & HOYT LAND SURVEYING
TITLES - FB127942

Time: 15:08:08
Page: 003

MORTGAGE
CA527828 2007-08-03 11:02
REGISTERED OWNER OF CHARGE:
ISLAND SAVINGS CREDIT UNION
CA527828
REMARKS: INTER ALIA

ASSIGNMENT OF RENTS
CA527829 2007-08-03 11:02
REGISTERED OWNER OF CHARGE:
ISLAND SAVINGS CREDIT UNION
CA527829
REMARKS: INTER ALIA

PRIORITY AGREEMENT
FB82144 2007-08-03 11:29
REMARKS: INTER ALIA
GRANTING CA527828 PRIORITY OVRR FA96121

PRIORITY AGREEMENT
FB82145 2007-08-03 11:28
REMARKS: INTER ALIA
GRANTING CA527829 PRIORITY OVRR FA96121

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 06/03/24
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EP78899

Time: 14:37:57
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EP78899
FROM TITLE NO: EP70323

APPLICATION FOR REGISTRATION RECEIVED ON: 20 SEPTEMBER, 2000
ENTERED: 22 SEPTEMBER, 2000

REGISTERED OWNER IN FEE SIMPLE:
IBR BIO-RECOVERY (VAN. IS.) LTD., INC.NO. 596,570,
52 RIVERSIDE DRIVE
NORTH VANCOUVER, BC
V7H 1T4

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 024-839-043
LOT B DISTRICT LOT 38 OYSTER DISTRICT PLAN VIP71248

LEGAL NOTATIONS:

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL
GOVERNMENT ACT, SEE EP96966

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS

M76300
REGISTERED OWNER OF CHARGE:
ESQUJMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9.693.7434A,
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

UNDERSURFACE RIGHTS

107095G 1943-09-24 10:00

REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED
107095G

REMARKS: DD 30920N

UNDERSURFACE RIGHTS

D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA
E23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

STATUTORY RIGHT OF WAY

CONTINUED ON PAGE 002

Date: 06/03/24
Requestor: (P158053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EP78899

Time: 14:37:57
Page: 002

EP65430 2000-08-03 12:20
REGISTERED OWNER OF CHARGE:
BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
EP65430
REMARKS: INTER ALIA
PART

STATUTORY RIGHT OF WAY
EP65431 2000-08-03 12:20
REGISTERED OWNER OF CHARGE:
TELUS COMMUNICATIONS (B.C.) INC.
INCORPORATION NO. A51167
EP65431
REMARKS: INTER ALIA
PART

MORTGAGE
EW73738 2004-06-14 10:37
REGISTERED OWNER OF CHARGE:
HSBC BANK CANADA
EW73738

ASSIGNMENT OF RENTS
EW73739 2004-06-14 10:37
REGISTERED OWNER OF CHARGE:
HSBC BANK CANADA
EW73739

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELED INFORMATION SHOWN ***

Date: 06/03/24
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EP70323

Time: 14:39:05
Page: 001

SECTION 98 LAND TITLE ACT

VICTORIA LAND TITLE OFFICE TITLE NO: EP70323
FROM TITLE NO: EN87939
EP351

APPLICATION FOR REGISTRATION RECEIVED ON: 22 AUGUST, 2000
ENTERED: 07 SEPTEMBER, 2000

TITLE CANCELLED: 22 SEPTEMBER, 2000

REGISTERED OWNER IN FEE SIMPLE:
BC TRANSPORTATION FINANCING AUTHORITY
SUITE 300 - 940 BLANSHARD STREET
VICTORIA, BC
V8W 3E6

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 024-839-043
LOT B DISTRICT LOT 38 OYSTER DISTRICT PLAN VIP71248

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300

REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: RFB 9.693.7434A,
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

UNDERSURFACE RIGHTS
107095G 1943-09-24 10:00
REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED
107095G
REMARKS: DD 30920N

UNDERSURFACE RIGHTS
D23415 1975-01-27 08:10
REGISTERED OWNER OF CHARGE:
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA
D23415
REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

CONTINUES ON PAGE 002

Date: 06/03/24 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - EP70323

Time: 14:39:05
Page: 002

STATUTORY RIGHT OF WAY
EP65430 2000-08-03 12:20
REGISTERED OWNER OF CHARGE:
BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
EP65430
REMARKS: INTER ALIA
PART

STATUTORY RIGHT OF WAY
EP65431 2000-08-03 12:20
REGISTERED OWNER OF CHARGE:
TELUS COMMUNICATIONS (B.C.) INC.
INCORPORATION NO. A51167
EP65431
REMARKS: INTER ALIA
PART

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:
2000-09-22
ALLEP78899

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 06/03/24

TITLE SEARCH PRINT - VICTORIA

Time: 14:40:17

Requestor: (PI58053)

BURNS REGISTRY SERVICES LTD.

Page: 001

TITLE - EP351

VICTORIA

LAND TITLE OFFICE

TITLE NO: EP351

FROM TITLE NO: EN88940

APPLICATION FOR REGISTRATION RECEIVED ON: 21 DECEMBER, 1999

ENTERED: 04 JANUARY, 2000

TITLE CANCELLED: 07 SEPTEMBER, 2000

REGISTERED OWNER IN FEE SIMPLE:

BC TRANSPORTATION FINANCING AUTHORITY
SUITE 300 - 940 BLANSHARD STREET
VICTORIA, BC
VBW 3E6

TAXATION AUTHORITY:

TOWN OF LADYSMITH

DESCRIPTION OF LAND:

PARCEL IDENTIFIER: 000-165-212
THAT PART OF DISTRICT LOT 38, CONTAINING 10.12 ACRES MORE OR LESS, OYSTER
DISTRICT, SHOWN COLOURED PINK ON PLAN 2030 EXCEPT PART IN PLANS VIF69583
AND VIF69936

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE

CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS

D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA

D23415

REMARKS: IMPER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 3797831) SEE 325303G

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

2000-09-07

PART VIF71248EP70322

2000-09-07

PART VIF71248EP70323

2000-09-07

PART VIF71248EP70324

2000-09-07

PT VIF71248EP70325

2000-09-07

REM VIF71248EP70326

CONTINUES ON PAGE 002

Date: 06/03/24

TITLE SEARCH PRINT - VICTORIA

Time: 14:40:17

Requestor: (PI58053)

BURNS REGISTRY SERVICES LTD.

Page: 002

TITLE - EP351

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 06/03/24
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EN88940

Time: 14:44:08
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EN88940
FROM TITLE NO: EN31888

APPLICATION FOR REGISTRATION RECEIVED ON: 28 SEPTEMBER, 1999
ENTERED: 24 NOVEMBER, 1999

TITLE CANCELLED: 04 JANUARY, 2000

REGISTERED OWNER IN FEE SIMPLE:
BC TRANSPORTATION FINANCING AUTHORITY
SUITE 300 - 940 BLANSHARD STREET
VICTORIA, BC
V8W 3E6

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-165-212
THAT PART OF DISTRICT LOT 38, CONTAINING 10.12 ACRES MORE OR LESS, OYSTER
DISTRICT, SHOWN COLOURED PINK ON PLAN 2030 EXCEPT PART IN PLAN V11'69583

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS

D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA

D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

2000-01-04

PARTEN115884

2000-01-04

REMAINDEREP351

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 06/03/24

TITLE SEARCH PRINT - VICTORIA

Time: 14:44:51

Requestor: (PI58053)

BURNS REGISTRY SERVICES LTD.

Page: 001

TITLE - EN31888

VICTORIA LAND TITLE OFFICE TITLE NO: EN31888
FROM TITLE NO: EH148400

APPLICATION FOR REGISTRATION RECEIVED ON: 16 APRIL, 1999
ENTERED: 19 APRIL, 1999

TITLE CANCELLED: 24 NOVEMBER, 1999

REGISTERED OWNER IN FEE SIMPLE:
BC TRANSPORTATION FINANCING AUTHORITY
SUITE 300 - 940 BLANSHARD STREET
VICTORIA, BC
V8W 3E6

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-165-212
THAT PART OF DISTRICT LOT 38, CONTAINING 10.12 ACRES MORE OR LESS, OYSTER
DISTRICT, SHOWN COLOURED PINK ON PLAN 2030

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS
D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA
D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

1999-09-28 NO TITLE
PART 1K PLAN V1P69583 ROAD ONLYEN88939
1999-11-24
REMAINDERFN88940

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 06/03/24 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - EH148400

Time: 14:46:20
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EH148400
FROM TITLE NO: EG17930

APPLICATION FOR REGISTRATION RECEIVED ON: 10 NOVEMBER, 1994
ENTERED: 29 NOVEMBER, 1994

TITLE CANCELLED: 19 APRIL, 1999

REGISTERED OWNER IN FEE SIMPLE:
TIMBERWEST FOREST I LIMITED, (INCP. NO. 440,252)
7TH FLOOR, 700 WEST GEORGIA STREET,
P.O. BOX 10058,
PACIFIC CENTRE,
VANCOUVER, B.C.
V7Y 1J7

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-165-212
THAT PART OF DISTRICT LOT 38, CONTAINING 10.12 ACRES MORE OR LESS, OYSTER
DISTRICT, SHOWN COLOURED PINK ON PLAN 2030

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS
D23415 1975-01-27 08:10
REGISTERED OWNER OF CHARGE:
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA

D23415
REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:
1999-04-19
ALLEN31888

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 06/04/04
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EG17930

Time: 16:27:19
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EG17930
FROM TITLE NO: EG10507

APPLICATION FOR REGISTRATION RECEIVED ON: 15 FEBRUARY, 1993
ENTERED: 24 FEBRUARY, 1993

TITLE CANCELLED: 29 NOVEMBER, 1994

REGISTERED OWNER IN FEE SIMPLE:

ELK FALLS WOOD PRODUCTS LIMITED, (INC. NO. 440,252),
9TH FLOOR, 700 WEST GEORGIA STREET,
VANCOUVER, B. C.,
V7Y 1J7

TAXATION AUTHORITY:

TOWN OF LADYSMITH

DESCRIPTION OF LAND:

PARCEL IDENTIFIER: 000-165-212
THAT PART OF DISTRICT LOT 38, CONTAINING 10.12 ACRES MORE OR LESS, OYSTER
DISTRICT, SHOWN COLOURED PINK ON PLAN 2030

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE

CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS

D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA

D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

1994-11-29

ALLEH148400

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 06/04/04

TITLE SEARCH PRINT - VICTORIA

Time: 16:28:03

Requestor: (PI58053)

BURNS REGISTRY SERVICES LTD.

Page: 001

TITLE - EG10507

VICTORIA

LAND TITLE OFFICE

TITLE NO: EG10507

FROM TITLE NO: P79017

APPLICATION FOR REGISTRATION RECEIVED ON: 28 JANUARY, 1993

ENTERED: 08 FEBRUARY, 1993

TITLE CANCELLED: 24 FEBRUARY, 1993

REGISTERED OWNER IN FEE SIMPLE:

CROWN FOREST INDUSTRIES LIMITED, (INCORPORATION NO. 379379),
9TH. FLOOR, 700 WEST GEORGIA STREET,
P.O. BOX 10058 PACIFIC CENTRE,
VANCOUVER, B.C.,
V7Y 1J7.

TAXATION AUTHORITY:

TOWN OF LADYSMITH

DESCRIPTION OF LAND:

PARCEL IDENTIFIER: 000-165-212
THAT PART OF DISTRICT LOT 38, CONTAINING 10.12 ACRES MORE OR LESS, OYSTER
DISTRICT, SHOWN COLOURED PINK ON PLAN 2030

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE

CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS

D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA

D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

1993-02-24

ALLEG17930

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 06/04/04

TITLE SEARCH PRINT - VICTORIA

Time: 16:28:44

Requestor: (PI58053)

BURNS REGISTRY SERVICES LTD.

Page: 001

TITLE - P79017

VICTORIA

LAND TITLE OFFICE

TITLE NO: P79017

FROM TITLE NO: M116388

APPLICATION FOR REGISTRATION RECEIVED ON: 13 SEPTEMBER, 1985

ENTERED: 01 OCTOBER, 1985

TITLE CANCELLED: 08 FEBRUARY, 1993

REGISTERED OWNER IN FEE SIMPLE:

CROWN FOREST INDUSTRIES LIMITED, (INC. NO. 97002)

700 - 815 WEST HASTINGS STREET

VANCOUVER, B.C.

V6C 2Y4

TAXATION AUTHORITY:

TOWN OF LADYSMITH

DESCRIPTION OF LAND:

PARCEL IDENTIFIER: 000-165-212

THAT PART OF DISTRICT LOT 38, CONTAINING 10.12 ACRES MORE OR LESS, OYSTER DISTRICT, SHOWN COLOURED PINK ON PLAN 2030

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE

CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS

D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA

D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N AND 379783I) SEE 325303G

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

1993-02-08

ALLEG10507

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

VICTORIA LAND TITLE OFFICE TITLE NO: M116388
FROM TITLE NO: 66619W

APPLICATION FOR REGISTRATION RECEIVED ON: 07 DECEMBER, 1983
ENTERED: 09 DECEMBER, 1983

TITLE CANCELLED: 22 APRIL, 1986

REGISTERED OWNER IN FEE SIMPLE:
CROWN ZELLERBACH CANADA LIMITED,
1030 WEST GEORGIA STREET,
VANCOUVER, B.C.

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-165-212
THAT PART OF DISTRICT LOT 38, CONTAINING 10.12 ACRES MORE OR LESS, OYSTER
DISTRICT, SHOWN COLOURED PINK ON PLAN 2030

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS
D23415 1975-01-27 08:10
REGISTERED OWNER OF CHARGE:
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA

D23415
REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N AND
379783I) SEE 325303G

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:
1985-09-13
ALLP79017

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***



2

Title No. 6-6-6-1-9 - W
Continued
Register Vol.
From Title No. 356042-1

LAND REGISTRY ACT
(FORM F, SECTION 143)

CERTIFICATE OF INDEFEASIBLE TITLE

Land Registry Office, Victoria, British Columbia.

~~This is to certify~~ that the undermentioned registered owner in fee-simple is absolutely and indefeasibly entitled in fee-simple, subject to such charges, liens, and interests as are notified by endorsement hereon, and subject to the conditions, exceptions, and reservations set out hereon, to the land situated in the Province of British Columbia, and more particularly described below.

Registered owner in fee-simple: Application for registration received

Description of land: (See back hereof for transfers (if any) of the land or a part thereof).

Fourthly: That part of Lot 38, containing 10.22 acres more or less

Fifthly: That part of Lot 24 containing 15.69 acres more or less
EXCEPT that part of said Lot 24 included within the boundaries
of Plan 4224

All of which said lands are in Oyster District and more particularly shown coloured pink on Plan 2030

CHARGES, LIENS, AND INTERESTS*

Nature of Charge; Number; Date and Time of Application	Registered Owner of Charge	Remarks

No. 354042-1



Register, Vol. 1403

LAND REGISTRY ACT
FORM 1 (Section 143)

From Certificate No. 74856-N

This certificate of indefeasible title is void as against the title of any person adversely in actual possession of and rightly entitled to the land included in same at the time of the application upon which this certificate was granted, and who continues in possession, and is subject to—

- (1) The subsisting exceptions or reservations contained in the original grant from the Crown;
- (2) Any Dominion or Provincial tax, rate, or assessment of the date of the application for registration imposed or made a lien or which may thereafter be imposed or made a lien on the land;
- (3) Any municipal charge, rate, or assessment of the date of the application for registration imposed or which may thereafter be imposed on the land, or which had theretofore been imposed for local improvements or otherwise and which was not then due and payable, including any charge, rate, or assessment imposed by any public corporate body having taxing powers over an area in which the land is situated;
- (4) Any lease, or agreement for lease, for a period not exceeding three years, where there is actual occupation under the same;
- (5) Any public highway or right-of-way, water-course, or right of water, or other public easement;
- (6) Any right of expropriation by Statute;
- (7) Any lien, or mechanics' lien, judgment, caveat, or other charge, or any assignment for the benefit of creditors or receiving order or authorized assignment under the Bankruptcy Act, registered since the date of the application for registration;
- (8) Any condition, exception, reservation, charge, lien, or interest noted or endorsed thereon;
- (9) The right of any person to show that the whole or any portion of the land is by wrong description of boundaries or parcels improperly included in this certificate;
- (10) The right of any person to show fraud, wherein the registered owner or wherein the person from or through whom the registered owner derived his right or title otherwise than bona fide for value has participated in any degree;
- (11) Any restrictive condition, right of reverter, or obligation imposed on the land by the Forest Act when noted and endorsed thereon.

Certificate of Indefeasible Title

Date of application for registration, the 11th day of December at 10:00 A.M. 1964

This is to certify that **CROWN ZELLERBACH BUILDING MATERIALS LIMITED**
1030 West Georgia Street
Vancouver 5, B.C.

is absolutely and indefeasibly entitled in fee-simple, subject to such charges, liens, and interests as are notified by endorsement hereon, and subject to the conditions, exceptions, and reservations set out hereon, to those

pieces of land situate in the Nanaimo Assessment District, Village of Ladysmith (as to Fifthly and part of Fourthly) and Diamond Crossing Improvement District (as to Secondly and Thirdly)

and Province of British Columbia, and more particularly known and described as:—

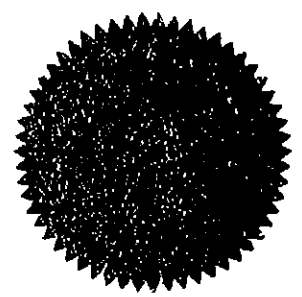
- FIRST:** A strip of land lying between Lots Eighteen (18) and Fifty-one (51) containing Six and Two tenths (6.2) acres more or less.
 - SECONDLY:** That part of Lot Eighteen (18), containing Five and Ninety-five hundredths (5.95) acres more or less.
 - THIRDLY:** Those parts of Section Six (6) containing respectively Nine and Five tenths (9.5) acres and Eight Tenths (0.8) of an acre more or less.
 - FOURTHLY:** That part of Lot Thirty-eight (38), containing Ten and Twelve hundredths (10.12) acres more or less.
 - FIFTHLY:** That part of Lot Twenty-four (24) containing Fifteen and Sixty-nine hundredths (15.69) acres more or less Except that part of said Lot Twenty-four (24) included within the boundaries of Plan 4224.
- All of which said Lands are in Oyster District and more particularly shown coloured pink on Plan 2030.

3.1.12.64
66896
PUL

THE FOLLOWING PIECES OF LAND HAVE BEEN TRANSFERRED			
LAND			CONT. NO.

In witness whereof I have hereunto set my hand and seal of office at Victoria, British Columbia, this 11 day of December 19 64

J. D. H. Smith



REGISTRAR

M = Mortgage in fee.
 R Z = Right to purchase.
 S.R.P. = Subright to purchase.
 L.P. = Life purchase.
 L = Lease.
 R.C. = Restrictive Covenant.

U: Underlease rights. Except such
 minerals and underlease rights as a
 noted elsewhere in the G.O.M.

CHARGES, LIENS, AND INTEREST

1 OTHER AMOUNTS TO
 FOLLOW HERE

REGISTER'S SIGNATURE
 TO BE HERE

LAND	Name of Charge	No.	Date of Applica- tion	Time	OWNER OF CHARGE	Value or Amount	PARTICULARS, TERMS, RATE, ETC.	No.	Date
	All	U	1971/10-6		Canadian Collieries (Donnsmuir) Limited.		D.S. 74845-W		
	All inter alia	M	119479-G	26.6.46 11.27 a.m.	National Trust Company Limited, in Trust D.D. 119479-G.		From Canadian Collieries (Donnsmuir) Limited, being Mtgs. of 1953/98-G, i.e. by Mtg. of Trust deed to secure bonds in the amounts as therein stated. (Declared value \$1,500,000). Note: For supplemental trust deed supplemental hereto see 130828-G, 149538-G, 169650-G, 174177-G and 187496-G. (C/C issued 28.1.49)		

Date: 06/03/24

TITLE SEARCH PRINT - VICTORIA

Time: 14:40:41

Requestor: (PI58053)

BURNS REGISTRY SERVICES LTD.

Page: 001

TITLE - EN87939

VICTORIA LAND TITLE OFFICE TITLE NO: EN87939
FROM TITLE NO: EN31889

APPLICATION FOR REGISTRATION RECEIVED ON: 28 SEPTEMBER, 1999
ENTERED: 04 OCTOBER, 1999

TITLE CANCELLED: 07 SEPTEMBER, 2000

REGISTERED OWNER IN FEE SIMPLE:
BC TRANSPORTATION FINANCING AUTHORITY
SUITE 300 - 940 BLANSHARD STREET
VICTORIA, BC
V8W 3E6

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-877-891
THAT PART OF PARCEL A (DD 2853N), DISTRICT LOTS 24 AND 38, OYSTER DISTRICT,
SHOWN OUTLINED IN RED ON PLAN 398 RW EXCEPT PARTS IN PLANS 45800 AND
VIP69582

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300

REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9.693.7434A,
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

UNDERSURFACE RIGHTS
107095G 1943-09-24 10:00
REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED
107095G
REMARKS: DD 30920N

STATUTORY RIGHT OF WAY
EP65430 2000-08-03 12:20
REGISTERED OWNER OF CHARGE:
BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
EP65430

STATUTORY RIGHT OF WAY

CONTINUES ON PAGE 002

Date: 06/03/24

TITLE SEARCH PRINT - VICTORIA

Time: 14:40:41

Requestor: (PI58053)

BURNS REGISTRY SERVICES LTD.

Page: 002

TITLE - EN87939

EP65431 2000-08-03 12:20

REGISTERED OWNER OF CHARGE:

TELUS COMMUNICATIONS (B.C.) INC.

INCORPORATION NO. A51167

EP65431

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

2000-09-07

PART VIP71248EP70322

2000-09-07

REM VIP71248EP70323

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 06/03/24

TITLE SEARCH PRINT - VICTORIA

Time: 14:47:05

Requestor: (PI58053)

BURNS REGISTRY SERVICES LTD.

Page: 001

TITLE - EN31889

VICTORIA LAND TITLE OFFICE TITLE NO: EN31889
FROM TITLE NO: EH148395

APPLICATION FOR REGISTRATION RECEIVED ON: 16 APRIL, 1999
ENTERED: 19 APRIL, 1999

TITLE CANCELLED: 04 OCTOBER, 1999

REGISTERED OWNER IN FEE SIMPLE:
BC TRANSPORTATION FINANCING AUTHORITY
SUITE 300 - 940 BLANSHARD STREET
VICTORIA, BC
V8W 3E6

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-877-891
THAT PART OF PARCEL A (DD 2853N), DISTRICT LOTS 24 AND 38, OYSTER DISTRICT,
SHOWN OUTLINED IN RED ON PLAN 398 RW EXCEPT THAT PART IN PLAN 45800

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300

REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9.693.7434A,
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

UNDERSURFACE RIGHTS
107095G 1943-09-24 10:00
REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED
107095G
REMARKS: DD 30920N

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:
1999-09-23 NO TITLE
PT IN PLAN VIP69582 ROAD ONLYEN87938
1999-10-04

CONTINUES ON PAGE 002

Date: 06/03/24
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EN31889

Time: 14:47:05
Page: 002

REMAINDEREN87939

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 06/04/04
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EH148395

Time: 16:20:31
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EH148395
FROM TITLE NO: EG17925

APPLICATION FOR REGISTRATION RECEIVED ON: 10 NOVEMBER, 1994
ENTERED: 29 NOVEMBER, 1994

TITLE CANCELLED: 19 APRIL, 1999

REGISTERED OWNER IN FEE SIMPLE:

TIMBERWEST FOREST 1 LIMITED, (INCP. NO. 440,252),
7TH FLOOR, 700 WEST GEORGIA STREET,
P.O. BOX 10058,
PACIFIC CENTRE,
VANCOUVER, B.C.
V7Y 1J7

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:

PARCEL IDENTIFIER: 000-877-891
THAT PART OF PARCEL A (DD 2853N), DISTRICT LOTS 24 AND 38, OYSTER DISTRICT,
SHOWN OUTLINED IN RED ON PLAN 398 RW EXCEPT THAT PART IN PLAN 45800

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS

M76300

REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9.693.7434A,
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

UNDERSURFACE RIGHTS

107095G 1943-09-24 10:00

REGISTERED OWNER OF CHARGE:

VACUUM WOOL LIMITED

107095G

REMARKS: DD 30920N

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

1999-04-19

CONTINUES ON PAGE 002

Date: 06/04/04
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EH148395

Time: 16:20:31
Page: 002

ALLEN31889

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

VICTORIA LAND TITLE OFFICE TITLE NO: EG17925
FROM TITLE NO: EG10502

APPLICATION FOR REGISTRATION RECEIVED ON: 15 FEBRUARY, 1993
ENTERED: 24 FEBRUARY, 1993

TITLE CANCELLED: 29 NOVEMBER, 1994

REGISTERED OWNER IN FEE SIMPLE:
ELK FALLS WOOD PRODUCTS LIMITED, (INC. NO. 440,252),
9TH FLOOR, 700 WEST GEORGIA STREET,
VANCOUVER, B. C.,
V7Y 1J7

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-877-891
THAT PART OF PARCEL A (DD 2853N), DISTRICT LOTS 24 AND 38, OYSTER DISTRICT,
SHOWN OUTLINED IN RED ON PLAN 398 RW EXCEPT THAT PART IN PLAN 45800

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300
REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9.693.7434A,
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E AND N RAILWAY COMPANY

UNDERSURFACE RIGHTS
107095G 1943-09-24 10:00
REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED
107095G
REMARKS: DD 30920N

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:
1994-11-29
ALL EHD48395

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 06/04/04

Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA

BURNS REGISTRY SERVICES LTD.

TITLE - EB19054

Time: 16:24:11

Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EB19054
FROM TITLE NO: N79426

APPLICATION FOR REGISTRATION RECEIVED ON: 24 FEBRUARY, 1988
ENTERED: 07 MARCH, 1988

TITLE CANCELLED: 08 FEBRUARY, 1993

REGISTERED OWNER IN FEE SIMPLE:
CROWN FOREST INDUSTRIES LIMITED, (INC. NO. 338,579),
600 - 815 WEST HASTINGS STREET,
VANCOUVER, B.C.
V6C 2Y4

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-877-891
THAT PART OF PARCEL A (DD 2853N), DISTRICT LOTS 24 AND 38, OYSTER DISTRICT,
SHOWN OUTLINED IN RED ON PLAN 398 RW EXCEPT THAT PART IN PLAN 45800

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS

M76300

REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: A.F.B. 9.693.7434A, SECTION 172(3)
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E AND N RAILWAY COMPANY

UNDERSURFACE RIGHTS

107095G 1943-09-24 10:00

REGISTERED OWNER OF CHARGE:

VACUUM WOOL LIMITED

107095C

REMARKS: DD 30920N

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

1993-02-08

ALLEG10502

CONTINUES ON PAGE 002

Date: 06/04/04
requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EB19054

Time: 16:24:11
Page: 002

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 06/04/04 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - N79426

Time: 16:24:53
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: N79426
FROM TITLE NO: 66622W

APPLICATION FOR REGISTRATION RECEIVED ON: 23 OCTOBER, 1984
ENTERED: 09 NOVEMBER, 1984

TITLE CANCELLED: 07 MARCH, 1988

REGISTERED OWNER IN FEE SIMPLE:
CROWN FOREST INDUSTRIES LIMITED, (INC. NO. 97,002),
#700 - 815 WEST HASTINGS STREET,
VANCOUVER, B.C.,
V6C 2Y4

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-877-891
THAT PART OF PARCEL A (DD 2853N), DISTRICT LOTS 24 AND 38, OYSTER DISTRICT,
SHOWN OUTLINED IN RED ON PLAN 398 RW CONTAINING 10.14 ACRES MORE OR LESS

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300
REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300
REMARKS: A.F.B. 9.693.7434A
SECTION 172(3)

UNDERSURFACE RIGHTS
107095G 1943-09-24 10:00
REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED
107095G
REMARKS: DD 30920N

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:
1988-03-07
PART - SUBD BY PLAN 45800EB15403
1988-03-07
PART - SUBD BY PLAN 45800EB15404
1988-03-07
REMEB19054

CONTINUES ON PAGE 002

Date: 06/04/04
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - N79426

Time: 16:24:53
Page: 002

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***



LAND-REGISTRY ACT
(FORM F, SECTION 143)

Title No. 66622 - W

Register Vol. _____

From Title No. 354045-I

CERTIFICATE OF INDEFEASIBLE TITLE

Land Registry Office, Victoria, British Columbia.

This is to certify that the undermentioned registered owner in fee-simple is absolutely and indefeasibly entitled in fee-simple, subject to such charges, liens, and interests as are notified by endorsement hereon, and subject to the conditions, exceptions, and reservations set out hereon, to the land situated in the Province of British Columbia, and more particularly described below.

Registered owner in fee-simple: Application for registration received 31st December, 1970

CROWN ZELLERBACH CANADA LIMITED

1030 West Georgia Street

Vancouver 5, B.C.

Description of land: (See back hereof for transfers (if any) of the land or a part thereof). (Nanaimo Assessment District, Town of Ladysmith and Diamond Improvement District (as to Secondly)

First: That part of Parcel "A" (D.D. 2853-N) of Lots 24 and 38, Oyster District, shown outlined in red on Plan 398 R.W. containing 10.14 acres more or less

Secondly: That part of Lot 104, Oyster District, shown outlined in red on Plan 398 R.W. containing .19 of an acre more or less

CHARGES, LIENS, AND INTERESTS

Nature of Charge; Number; Date and Time of Application	Registered Owner of Charge	<div style="border: 1px solid black; padding: 2px; text-align: center;"> CANCELLED 13-11-1974 By <u>N 2942</u> Per <u>[Signature]</u> </div>
exceptions and Reservations 102993-G U 107095-J	Esquimalt and Nanaimo Railway Company Vacuum Wool Limited	D.D. 30920-II

In witness whereof I have hereunto set my hand and the seal of my office aforesaid, this _____ day of _____ 1971

30920-N

From Certificate No.



LAND REGISTRY ACT
FORM F (Section 143)

3 5 4 0 4 5 - I

No.

1403

Register, Vol.

Certificate of Indefeasible Title

11th

December at 10:00 A.M.

64

Date of application for registration, the day of 19.....

This is to certify that **CROWN ZELLERBAOH BUILDING MATERIALS LIMITED**
1030 West Georgia Street
Vancouver 5, B.C.

- This certificate of indefeasible title is void as against the title of any person adversely in actual possession of and rightly entitled to the land included in same at the time of the application upon which this certificate was granted, and who continues in possession, and is subject to:-
- (a) The subsisting exceptions or reservations contained in the original grant from the Crown;
 - (b) Any Dominion or Provincial tax, rate, or assessment at the date of the application (or registration imposed or made a lien or which may thereafter be imposed or made a lien on the land;
 - (c) Any municipal charge, rate, or assessment at the date of the application for registration imposed or which may thereafter be imposed on the land, or which had theretofore been imposed for local improvements or otherwise and which was not then due and payable, including any charge, rate, or assessment imposed by any public corporate body having taxing powers over an area in which the land is situated;
 - (d) Any lease, or agreement for lease, for a period not exceeding three years, where there is actual occupation under the same;
 - (e) Any public highway or right-of-way, water-course, or right of water, or other public easement;
 - (f) Any right of expropriation by Statute;
 - (g) Any lien, pendens or mechanics' lien, judgment, caveat, or other charge, or any assignment for the benefit of creditors or receiving order or authorized assignment under the *Bankruptcy Act*, registered since the date of the application for registration;
 - (h) Any condition, exception, reservation, charge, lien, or interest noted or endorsed thereon;
 - (i) The right of any person to show that the whole or any portion of the land is by wrong description of boundaries or parcels improperly included in this certificate;
 - (j) The right of any person to show fraud, wherein the registered owner or wherein the person derived his right or title otherwise than *bona fide* for value has participated in any degree;
 - (k) Any restrictive condition, right of reverter, or obligation imposed on the land by the *Parcel Act* when noted and endorsed thereon.

is absolutely and indefeasibly entitled in fee-simple, subject to such charges, liens, and interests as are notified by endorsement hereon, and subject to the conditions, exceptions, and reservations set out hereon, to those

piece of land situate in the Nanaimo Assessment District, Village of Ladysmith and Diamond Crossing Improvement District (as to Secondly)

and Province of British Columbia, and more particularly known and described as:-

FIRST: That part of Parcel "A" (D.D. 2853-N) of Lots Twenty Four (24) and Thirty-eight (38), Oyster District, shown outlined in red on Plan 398-R.W. containing Ten and Fourteen hundredths (10.14) acres more or less;

SECONDLY: That part of Lot One hundred and Four (104), Oyster District, shown outlined in red on Plan 398 R.W. containing Nineteen hundredths (0.19) of an acre more or less.

THIS CERTIFICATE MAY BE AFFECTED BY THE LAND ACT AMENDMENT ACT, 1981

THE FOLLOWING PIECES OF LAND HAVE BEEN TRANSFERRED			
LAND	CERT. NO.		

31. 12. 70
6622. 11
Reg.

In witness whereof I have hereunto set my hand and seal of office
Victoria

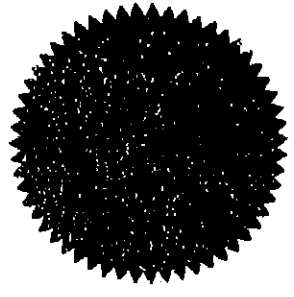
at British Columbia,

this 2nd day of December

1964

J. S. McLean
Registrar

HVERI





No. 30920-31

From Certificate No. 29674-21

This Certificate of Indefeasible Title is valid as against the title of any person adversely in actual possession of and rightly entitled to the hereditaments included in same at the time of the application upon which this Certificate was granted, and who continues in possession, and is subject to—

- (a.) The subsisting exceptions or reservations contained in the original grant from the Crown;
- (b.) Any Dominion or Provincial tax, rate, or assessment at the date of the application, for registration imposed or made or then or which may thereafter be imposed or made a lien on the land;
- (c.) Any municipal charge, rate, or assessment at the date of the application for registration imposed or which may thereafter be imposed on the land, or which had theretofore been imposed for local improvements or alterations and which was not then due and payable, including any charge, rate, or assessment imposed by any public corporate body having taxing powers over an area in which the land is situated;
- (d.) Any lease, or agreement for lease, for a period not exceeding three years, where there is actual occupation under the same;
- (e.) Any public highway or right-of-way, water-course, or right of water, or other public easement;
- (f.) Any right of expropriation by Statute;
- (g.) Any lien pending or merchant's lien, judgment, caveat, or other charge, or any assignment for the benefit of creditors or receiving order or authorized assignment under the "Bankruptcy Act," registered since the date of the application for registration;
- (h.) Any condition, exception, reservation, charge, lien, or interest noted or endorsed hereon;
- (i.) The right of any person to show that the whole or any portion of the land is by wrong description of boundaries or parcels improperly included in this certificate;
- (j.) The right of any person to show fraud, wherein the registered owner or wherein the person from or through whom the registered owner derived his right or title otherwise than bona fide for value has participated in any deceit.

Certificate of Indefeasible Title

Date of Application for registration, the 8th day of September at 2.05 p.m., 1943.
Register, Vol. 124

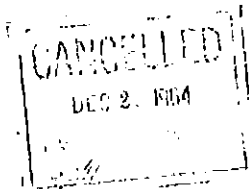
This is to certify that **COLOX LOGGING & RAILWAY COMPANY, of 355 Burrard Street, Vancouver, British Columbia,**

is absolutely and indefeasibly entitled in fee-simple, subject to such charges, liens, and interests as are notified by endorsement hereon, and subject to the conditions, exceptions, and reservations set out hereon, to those pieces of land situate in the Nanaimo Assessment District and ~~Lady Smith School District~~ and Province of British Columbia, and more particularly known and described as:—

- FIRST:— That part of Parcel "A" (D.D. 2853-11) of Lots twenty-four (24) and thirty-eight (38), OYSTER DISTRICT, shown outlined in red on Plan 398-N.W. containing ten and fourteen hundredths (10.14) acres more or less;
- SECONDLY:— That part of Lot one hundred and four (104), OYSTER DISTRICT, shown outlined in red on Plan 398-N.W. containing nineteen hundredths (0.19) of an acre more or less.

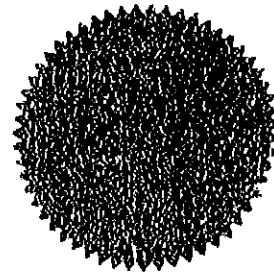
THE FOLLOWING PIECES OF LAND HAVE BEEN TRANSFERRED:

Land	Cert. No.
26	31



In witness whereof I have hereunto set my hand and seal of office at Victoria, British Columbia, this 21st day of September 1943.

R.N.C. Henderson
Deputy Registrar



From Certificate No. 29466-N



No. 29674-1

This Certificate of Indefeasible Title is void as against the title of any person adversely in actual possession of and rightly entitled to the hereditaments included in same at the time of the application upon which this Certificate was granted, and who continues in possession, and is subject to—

- (a) The subsisting exceptions or reservations contained in the original grant from the Crown;
- (b) Any Dominion or Provisos, tax, rate, or assessment at the date of the application for registration imposed or made a lien or which may thereafter be imposed or made a lien on the land;
- (c) Any municipal charge, rate, or assessment at the date of the application for registration imposed or which may thereafter be imposed on the land, or which had theretofore been imposed for local improvements or otherwise and which was not then due and payable, including any charge, rate, or assessment imposed by any public corporate body having taxing powers over an area in which the land is situated;
- (d) Any lease, or agreement for lease, for a period not exceeding three years, where there is actual occupation under the same;
- (e) Any public highway or right-of-way, water-course, or right of water, or other public easement;
- (f) Any right of expropriation by Statute;
- (g) Any lien pending or mechanic's lien, judgment, caveat, or other charge, or any assignment for the benefit of creditors or receiving order or authorized assignment under the "Bankruptcy Act" registered since the date of the application for registration;
- (h) Any condition, exception, reservation, charge, lien, or interest noted or endorsed hereon;
- (i) The right of any person to show that the whole or any portion of the land is by wrong description of boundaries or parcels improperly included in this certificate;
- (j) The right of any person to show fraud, wherein the registered owner or wherein the person from or through whom the registered owner derived his right or title otherwise than bona fide for value has participated in any degree.

Certificate of Indefeasible Title

Date of Application for registration, the thirteenth day of December at 12.12 p.m., 1942

Register, Vol. 119

This is to certify that VACUUM WOOL LIMITED, of LadySmith, British Columbia,

is absolutely and indefeasibly entitled in fee-simple, subject to such charges, liens, and interests as are notified by endorsement hereon, and subject to the conditions, exceptions, and reservations set out hereon, to those

pieces of land situate in the Central Assessment District and LadySmith School District and Province of British Columbia, and more particularly known and described as:—

FIRSTLY: Parcel "A" (D.D. 2853-N) of Lots twenty-four (24) and thirty eight (38), OYSTER DISTRICT, containing forty-four (44) acres, more or less;

SECONDLY: One and twenty-three hundredths (1.23) acres, more or less, of Right of Way shown coloured Red on Plan 25 R.W., OYSTER DISTRICT;

THIRDLY: Lot one hundred and thirty-six (136) of Lot twenty-four (24), OYSTER DISTRICT, containing thirty-four hundredths (0.34) of an acre, more or less, as shown outlined in Red on Plan deposited under D.D. 11429-N;

FOURTHLY: Lot one hundred and four (104), OYSTER DISTRICT, containing five and eight-tenths (5.8) acres, more or less;

FIFTHLY: Lot one hundred and twenty-eight (128), COLUMBIAN DISTRICT, containing sixty-seven (67) acres, more or less.

THE FOLLOWING PIECES OF LAND HAVE BEEN TRANSFERRED:

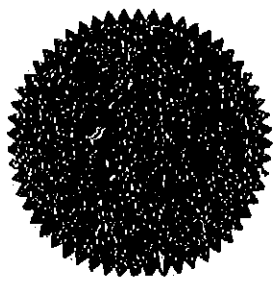
Land	Cell No.
Pl. 1011 A. of Fourthly Plan	30920
Pl. 117 A. of Fourthly Plan	397KW
Pl. 100 A. of Fourthly Plan	55570
Part of Certificate (Plan 12225)	2105 0 714
Rem. 132 x 42 ft. by map	347368
all of 5thly	349122
all of 2ndly	

CONVERTED SECTION 172(3)

FEB - 1 1988

In witness whereof I have hereunto set my hand and seal of office at Victoria, British Columbia, this 13th day of December 1942

[Signature]
Registrar



This Certificate of Indefeasible Title is void as against the title of any person adversely in actual possession of and rightly entitled to the benefits included in same at the time of the application upon which this Certificate was granted, and who continues in possession, and is subject to:

- (a.) The subsisting exceptions or reservations contained in the original grant from the Crown;
- (b.) Any Dominion or Provincial tax, rate, or assessment at the date of the application for registration imposed or made by a town or which may thereafter be imposed or made by a town or the land;
- (c.) Any municipal charge, rate, or assessment at the date of the application for registration imposed or which may thereafter be imposed on the land, or which had theretofore been imposed for local improvements or otherwise and which was not then due and payable, including any charge, rate, or assessment imposed by any public corporate body having taxing powers over an area in which the land is situated;
- (d.) Any lease, or agreement for lease, for a period not exceeding three years, where there is actual occupation under the same;
- (e.) Any public highway or right-of-way, water-course, or right of water, or other public easement;
- (f.) Any right of expropriation by Statute;
- (g.) Any liens or mechanics' lien, judgment, caveat, or other charge, or any assignment for the benefit of creditors or receiving order or authorized assignment under the "Bankruptcy Act," registered since the date of the application for registration;
- (h.) Any condition, exception, reservation, charge, lien, or interest noted or endorsed hereon;
- (i.) The right of any person to show that the whole or any portion of the land is by wrong description of boundaries or parcels improperly included in this certificate;
- (j.) The right of any person to show fraud, wherein the registered owner or wherein the person from or through whom the registered owner derived his title or title otherwise than bona fide for value has participated in any degree.

From Certificate No. 28761-11



No. 29466-6

Certificate of Indefeasible Title

Date of Application for registration, the Third day of November of 1942 A.D.

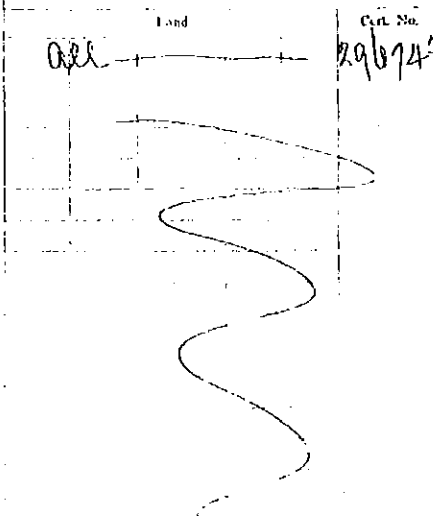
Register, Vol. 118

This is to certify that E. ROLAND TAYLOR, of 1245 JARVIS AVENUE, LOUIS H. DIETNER, of 1436 Mathews Avenue, EARL H. FINNERTY, of 940 Station Street and HAROLD D. HAYWOOD, of 7465 Drummond Drive, all of Vancouver, British Columbia,

are absolutely and indefeasibly entitled in fee-simple, subject to such charges, liens, and interests as are notified by endorsement hereon, and subject to the conditions, exceptions, and reservations set out hereon, to those pieces of land situate in the Nanaimo Knowledge District and Ladysmith School District and Province of British Columbia, and more particularly known and described as:-

- FIRSTLY: Parcel "A" (D.D. 2853-N) of Lots twenty-four (24) and thirty-eight (38), OYSTER DISTRICT, containing forty-four (44) acres, more or less;
- SECONDLY: One and twenty-three hundredths (1.23) acres, more or less of Right of Way shown coloured Red on Plan 25-R.W., OYSTER DISTRICT;
- THIRDLY: Lot one hundred and thirty-six (136) of Lot twenty-four (24), OYSTER DISTRICT, containing thirty-four hundredths (0.34) of an acre, more or less, as shown outlined in Red on plan deposited under D.D.11429-N;
- FOURTHLY: Lot one hundred and four (104), OYSTER DISTRICT, containing five and eight-tenths (5.8) acres, more or less;
- FIFTHLY: Lot one hundred and twenty-eight (128), CONICHA DISTRICT, containing sixty-seven (67) acres, more or less.

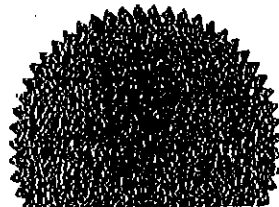
THE FOLLOWING PIECES OF LAND HAVE BEEN TRANSFERRED:



18-12-42

[Handwritten signature]

In witness whereof I have hereunto set my hand and seal of office at Victoria, British Columbia, this 25th day of November 1942



This Certificate of Indefeasible Title is void as against the title of any person adversely in actual possession of and rightly entitled to the hereditaments included in same at the time of the application on which this Certificate was granted, and is subject to—



No. 28508

Certificate of Indefeasible Title

- (a) The subsisting exceptions or reservations contained in the original grant from the Crown;
- (b) Any Provincial tax, rate, or assessment at the date of the application for registration imposed or which may thereafter be imposed on the land, or which had theretofore been imposed and which was not then due and payable;
- (c) Any municipal charge, rate, or assessment at the date of the application for registration imposed or which may thereafter be imposed on the land, or which had theretofore been imposed for local improvements or otherwise and which was not then due and payable;
- (d) Any lease, or agreement for lease, for a period not exceeding three years, where there is actual occupation under the same;
- (e) Any public highway or right-of-way, water-course or right of water, or other public easements;
- (f) Any right of expropriation by Statute;
- (g) Any tax pending, mechanic's lien, judgment, caveat, lease, or other charge, or any assignment for the benefit of creditors registered since the date of the application for registration;
- (h) Any condition, exception, or reservation endorsed hereon;
- (i) The right of any person to show that any portion of the land is by wrong description of boundaries or parcels improperly included in this certificate;
- (j) The right of any person to show fraud, wherein the registered owner has participated in any degree.

Date of Application, the Eight day of August, at 1.53 p.m., A.D. 1917.
 Register of Indefeasible Fees, Vol. 101, Fol.

This is to certify that CANADIAN COLLIERIES (DUNSMUIR) LIMITED, of Victoria, B.C., is

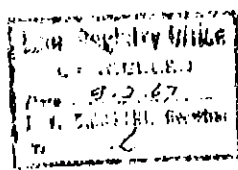
Willage of Ladysmith (as to 6)

absolutely and indefeasibly entitled in Fee-simple, subject to such encumbrances, liens, and interests as are notified by endorsement hereon, and subject to the exceptions and reservations printed hereon, to those pieces of land known as and being in Oyster District,

more particularly described as follows:-

1. A strip of land lying between Lots Eighteen (18) and Fifty-one (51), containing Six and Two-tenths (6.2) acres, more or less.
2. Part of Lot Eighteen (18), containing Five and Ninety-five One-hundredths (5.95) acres, more or less.
3. Parts of Section Six (6), containing respectively Nine and Five-tenths (9.5) acres, and Eight-tenths (0.8) of an acre, more or less.
4. Part of Lot Thirty-eight (38), containing Ten and Twelve One-hundredths (10.12) acres, more or less.
5. Part of Lot Twenty-four (24), containing Fifteen and Sixty-nine One-hundredths (15.69) acres, more or less.
6. Part of Lot Fifty-six (56), containing Thirty-three and Five-tenths (33.5) acres, more or less.

All of which said lands are more particularly shown and coloured pink on Map 2030.



SUBDIVISION MAPS.			
THE FOLLOWING PIECES OF LAND HAVE BEEN TRANSFERRED:			
Land	Mfr.	Rows	Civ. No.
4.84	Sec. of Lot 15	100	567.11
<i>Part of 1/16th section in Red</i>			
<i>Plan 786 R11</i>			
<i>All of 1st 2nd 3rd 4th and 5th</i>			
<i>Rows of 5th</i>			
<i>Row 65</i>			
<i>5352212</i>			
<i>74856</i>			
<i>74857</i>			

In witness whereof I have hereunto set my hand and Seal of Office at Victoria, British Columbia, this Twenty-third day of October, 1917.

[Signature]
 Registrar General.

lot A Pt VII. 71248

EW 74488

EW 110322

EN 105881

EN 105883

EN 4507

EW 137726

EW 148390

EG 17931

EG 10608

N 54467

M 114195

66619 W

30.42 S

74856 N

N 63774

CROWN GRANT

EN 38535

EM 12602

EM 15811

EN 148392

EG 17933

EG 10510

EO 18407

N 79476

66672 W

354045 E

30920 N

29674 N

10000 N

EN 87939
STOP

EN 35)

EN 88940

EN 31888

Date: 08/10/28

Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA

BURNS REGISTRY SERVICES LTD.

TITLE - EM15811

Time: 16:01:32

Page: 001

VICTORIA

LAND TITLE OFFICE

TITLE NO: EM15811

FROM TITLE NO: EH148392

APPLICATION FOR REGISTRATION RECEIVED ON: 16 FEBRUARY, 1998
ENTERED: 16 FEBRUARY, 1998

TITLE CANCELLED: 19 JANUARY, 1999

REGISTERED OWNER IN FEE SIMPLE:

THE CROWN IN RIGHT OF BRITISH COLUMBIA
C/O MINISTRY OF TRANSPORTATION AND HIGHWAYS,
6475 METRAL DRIVE,
NANAIMO, BC
V9T 2L9.

TAXATION AUTHORITY:

TOWN OF LADYSMITH

DESCRIPTION OF LAND:

PARCEL IDENTIFIER: 010-208-640
LOT 1, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 45800

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE

CHARGE NUMBER	DATE	TIME
---------------	------	------

EXCEPTIONS AND RESERVATIONS

M76300

REGISTERED OWNER OF CHARGE:

ESQUIMALT AND NANAIMO RAILWAY COMPANY

M76300

REMARKS: AFB 9.693.7434A,

FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E AND N RAILWAY COMPANY

UNDERSURFACE RIGHTS

107095G 1943-09-24 10:00

REGISTERED OWNER OF CHARGE:

VACUUM WOOL LIMITED

107095G

REMARKS: DD 30920N

STATUTORY RIGHT OF WAY

EL137728 1997-12-02 09:31

REGISTERED OWNER OF CHARGE:

TIMBERWEST FOREST LIMITED

INCORPORATION NO. 545319

EL137728

REMARKS: AREA A IN PLAN VIP66364

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

CONTINUES ON PAGE 002

Date: 08/10/28
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EH148392

Time: 16:02:37
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EH148392
FROM TITLE NO: EG17933

APPLICATION FOR REGISTRATION RECEIVED ON: 10 NOVEMBER, 1994
ENTERED: 30 JANUARY, 1995

TITLE CANCELLED: 16 FEBRUARY, 1998

REGISTERED OWNER IN FEE SIMPLE:
TIMBERWEST FOREST I LIMITED, INC.NO. 440252
7TH FLOOR - 700 WEST GEORGIA STREET
P.O. BOX 10058
VANCOUVER, BC
V7Y 1J7

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 010-208-640
LOT 1, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 45800

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300
REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9.693.7434A,
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E AND N RAILWAY COMPANY

UNDERSURFACE RIGHTS
107095G 1943-09-24 10:00
REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED
107095G
REMARKS: DD 30920N

STATUTORY RIGHT OF WAY
EL137728 1997-12-02 09:31
REGISTERED OWNER OF CHARGE:
TIMBERWEST FOREST LIMITED
INCORPORATION NO. 545319
EL137728
REMARKS: AREA A IN PLAN VIP66364

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

CONTINUES ON PAGE 002

Date: 08/10/28 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - EH148392

Time: 16:02:37
Page: 002

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

1998-02-16

ALLEM15811

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 08/10/28 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - EG17933

Time: 16:04:33
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EG17933
FROM TITLE NO: EG10510

APPLICATION FOR REGISTRATION RECEIVED ON: 15 FEBRUARY, 1993
ENTERED: 24 FEBRUARY, 1993

TITLE CANCELLED: 30 JANUARY, 1995

REGISTERED OWNER IN FEE SIMPLE:

ELK FALLS WOOD PRODUCTS LIMITED, (INC. NO. 440,252),
9TH FLOOR, 700 WEST GEORGIA STREET,
VANCOUVER, B. C.,
V7Y 1J7

TAXATION AUTHORITY:

TOWN OF LADYSMITH

DESCRIPTION OF LAND:

PARCEL IDENTIFIER: 010-208-640
LOT 1, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 45800

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE

CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS

M76300

REGISTERED OWNER OF CHARGE:

ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9.693.7434A,

FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E AND N RAILWAY COMPANY
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

UNDERSURFACE RIGHTS

107095G 1943-09-24 10:00

REGISTERED OWNER OF CHARGE:

VACUUM WOOL LIMITED
107095G

REMARKS: DD 30920N

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

1995-01-30

ALLEH148392

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 08/10/29 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - EG10510

Time: 08:35:12
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EG10510
FROM TITLE NO: EB15403

APPLICATION FOR REGISTRATION RECEIVED ON: 28 JANUARY, 1993
ENTERED: 08 FEBRUARY, 1993

TITLE CANCELLED: 24 FEBRUARY, 1993

REGISTERED OWNER IN FEE SIMPLE:
CROWN FOREST INDUSTRIES LIMITED, (INCORPORATION NO. 379379),
9TH. FLOOR, 700 WEST GEORGIA STREET,
P.O. BOX 10058 PACIFIC CENTRE,
VANCOUVER, B.C.,
V7Y 1J7.

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 010-208-640
LOT 1, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 45800

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300
REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: A.F.B. 9.693.7434A, SECTION 172(3)
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E AND N RAILWAY COMPANY

UNDERSURFACE RIGHTS
107095G 1943-09-24 10:00
REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED
107095G
REMARKS: DD 30920N

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:
1993-02-24
ALLEG17933

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 08/10/29
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EB15403

Time: 08:45:46
Page: 001

SECTION 98 LAND TITLE ACT

VICTORIA LAND TITLE OFFICE TITLE NO: EB15403
FROM TITLE NO: N79426

APPLICATION FOR REGISTRATION RECEIVED ON: 24 FEBRUARY, 1988
ENTERED: 07 MARCH, 1988

TITLE CANCELLED: 08 FEBRUARY, 1993

REGISTERED OWNER IN FEE SIMPLE:
CROWN FOREST INDUSTRIES LIMITED, (INC. NO. 338,579),
600 - 815 WEST HASTINGS STREET,
VANCOUVER, B.C.
V6C 2Y4

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 010-208-640
LOT 1, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 45800

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300

REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: A.F.B. 9.693.7434A, SECTION 172(3)
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E AND N RAILWAY COMPANY

UNDERSURFACE RIGHTS
107095G 1943-09-24 10:00
REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED
107095G
REMARKS: DD 30920N

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:
1993-02-08
ALLEG10510

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 08/10/30
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - N79426

Time: 09:33:55
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: N79426
FROM TITLE NO: 66622W

APPLICATION FOR REGISTRATION RECEIVED ON: 23 OCTOBER, 1984
ENTERED: 09 NOVEMBER, 1984

TITLE CANCELLED: 07 MARCH, 1988

REGISTERED OWNER IN FEE SIMPLE:
CROWN FOREST INDUSTRIES LIMITED, (INC. NO. 97,002),
#700 - 815 WEST HASTINGS STREET,
VANCOUVER, B.C.,
V6C 2Y4

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-877-891
THAT PART OF PARCEL A (DD 2853N), DISTRICT LOTS 24 AND 38, OYSTER DISTRICT,
SHOWN OUTLINED IN RED ON PLAN 398 RW CONTAINING 10.14 ACRES MORE OR LESS

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300

REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: A.F.B. 9.693.7434A
SECTION 172(3)

UNDERSURFACE RIGHTS
107095G 1943-09-24 10:00
REGISTERED OWNER OF CHARGE:
VACUUM WOOL LIMITED
107095G
REMARKS: DD 30920N

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE:
ISSUED: 1984-11-19 FILING REFERENCE: N85259
TO: PEARLMAN & LINDHOLM, (W.D. MURRAY)
3RD FLOOR, 736 BROUGHTON STREET,
VICTORIA, B. C.,
SURRENDERED: 1987-10-28

TRANSFERS:
1988-03-07

CONTINUES ON PAGE 002

Date: 08/10/30
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - N79426

Time: 09:33:55
Page: 002

PART - SUBD BY PLAN 45800EB15403
1988-03-07
PART - SUBD BY PLAN 45800EB15404
1988-03-07
REMEB19054

CORRECTIONS:

C0001 CHARGE NUMBER DATE: M76300 1986-09-22 12:31
PREVIOUS TEXT:
01/08/1983

C0002 CHARGE NUMBER TIME: M76300 1986-09-22 12:31
PREVIOUS TEXT:
08:00

ET62424A CHARGE OWNER NAME CORRECTED M76300 2002-06-05 09:30

3049 T2A1

LAND REGISTRY ACT
(FORM F, Section 143)

Title No. 616/622-1-W

Register No.

From Title No. 3540/5-1

CERTIFICATE OF INDEFEASIBLE TITLE

Land Registry Office, Victoria, British Columbia.

Wherin to certify that the undermentioned registered owner in fee simple absolutely and indefeasibly entitled in fee simple, subject to such charges, liens, and interests as are notified by endorsement hereon, and subject to the conditions, exceptions, and reservations set out hereon, to the land situated in the Province of British Columbia, and more particularly described below,

Registered owner in fee simple: Application for registration received 31st December, 1970

CROWN ZELLERBACH CANADA LIMITED

1030 West Georgia Street

Vancouver 5, B.C.

Description of land: (See back hereof for transfers (if any) of the land or a part thereof). (Nanaimo Assessment District, Town of Ladysmith and Diamond Improvement District (as to Secondly)

First: That part of Parcel "A" (D.D. 2853-N) of Lots 24 and 38, Oyster District, shown outlined in red on Plan 398 R.W. containing 10.14 acres more or less

Secondly: That part of Lot 104, Oyster District, shown outlined in red on Plan 398 R.W. containing .19 of an acre more or less

CHARGES, LIENS, AND INTERESTS

CANCELLED
13/11/70
By [Signature]
Per [Signature]

Nature of Charge, Number, Date and Time of Application	Registered Owner of Charge	
Exceptions and Reservations 102993-G	Esquimalt and Nanaimo Railway Company	
U 107095-G	Vacuum Wool Limited	D.D. 30920-N

In witness whereof I have hereunto set my hand and the seal of my office aforesaid, this 11th day of January 1971

3541045
3 5 4 0 4 5 - 1

30920-N



LAND REGISTRY ACT
FORM F (Section 143)

No. 1403
Register, Vol. 64

This certificate of indefeasible title is void as against the title of any person adversely in actual possession of and rightly entitled to the land included in same at the time of the application upon which this certificate was granted, and who continues in possession, and is subject to--

- (a) The subsisting exceptions or reservations contained in the original grant from the Crown;
- (b) Any Dominion or Provincial tax, rate, or assessment at the date of the application for registration imposed or made a lien or which may thereafter be imposed or made a lien on the land;
- (c) Any municipal charge, rate, or assessment at the date of the application for registration imposed or which may thereafter be imposed on the land, or which had theretofore been imposed for local improvements or otherwise and which was not then due and payable, including any charge, rate, or assessment imposed by any public corporate body having taxing powers over an area in which the land is situated;
- (d) Any lease, or agreement for lease, for a period not exceeding three years, where there is actual occupation under the same;
- (e) Any public highway or right-of-way, water-course, or right of water, or other public easement;
- (f) Any right of expropriation by Statute.
- (g) Any lien pendens or mechanics' lien, judgment, caveat, or other charge, or any assignment for the benefit of creditors or receiving order or authorized assignment under the *Bankruptcy Act*, registered since the date of the application for registration;
- (h) Any condition, exception, reservation, charge, lien, or interest noted or endorsed thereon;
- (i) The right of any person to show that the whole or any portion of the land is by wrong description of boundaries or parcels improperly included in this certificate;
- (j) The right of any person to show fraud, wherein the registered owner or wherein the person from or through whom the registered owner derived his right or title otherwise than bona fide for value has participated in any degree;
- (k) Any restrictive condition, right of reverter, or obligation imposed on the land by the *Forest Act* when noted and endorsed thereon.

Certificate of Indefeasible Title

Date of application for registration, the 11th day of December at 10:00 A.M. 1964

This is to certify that **CROWN ZELLERBACH BUILDING MATERIALS LIMITED**
1030 West Georgia Street
Vancouver 5, B.C.

is absolutely and indefeasibly entitled in fee-simple, subject to such charges, liens, and interests as are notified by endorsement hereon, and subject to the conditions, exceptions, and reservations set out hereon, to those

pieces of land situate in the **Nanaimo Assessment District, Village of Ladysmith and Diamond Crossing Improvement District (as to secondly)**

and Province of British Columbia, and more particularly known and described as:—

FIRST: That part of Parcel "A" (D.D. 2853-N) of Lots Twenty Four (24) and Thirty-eight (38), Oyater District, shown outlined in red on Plan 398-R.W. containing Ten and Fourteen hundredths (10.14) acres more or less;

SECONDLY: That part of Lot One hundred and Four (104), Oyater District, shown outlined in red on Plan 398 R.W. containing Nineteen hundredths (0.19) of acre more or less.

THIS CERTIFICATE MAY BE AFFECTED BY THE LAND ACT AMENDMENT ACT, 1961

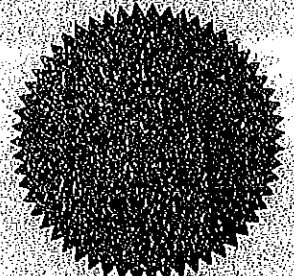
THE FOLLOWING PIECES OF LAND HAVE BEEN TRANSFERRED				CERT. No.
LAND				

31. 12. 64
[Signature]
[Initials]

In witness whereof I have hereunto set my hand and seal of office
Victoria, British Columbia,

December 2nd day of 1964

[Signature]
Registrar





No. 29674-N

From Certificate No. 29466-N

Certificate of Indefeasible Title

Date of Application for registration, the seventeenth day of December at 12.12 p.m., 1942

Register, Vol. 119

Who in to certify that VACUUM WOOL LAPPED, of Ladysmith, British Columbia,

is absolutely and indefeasibly entitled in fee-simple, subject to such charges, liens, and interests as are notified by endorsement hereon, and subject to the conditions, exceptions, and reservations set out hereon, to those Village of Ladysmith
pieces of land situated in the Nanaimo Assessment District and Ladysmith School District and Province of British Columbia, and more particularly known and described as:-

- FIRSTLY: Parcel "A" (D.D. 2853-N) of Lots twenty-four (24) and thirty eight (38), OYSTER DISTRICT, containing forty-four (44) acres, more or less;
- SECONDLY: One and twenty-three hundredths (1.23) acres, more or less, of Right of Way shown coloured Red on Plan 25 R.W., OYSTER DISTRICT;
- THIRDLY: Lot one hundred and thirty-six (136) of Lot twenty-four (24), OYSTER DISTRICT, containing thirty-four hundredths (0.34) of an acre, more or less, as shown outlined in Red on Plan deposited under D.D. 11429-N;
- FOURTHLY: Lot one hundred and four (104), OYSTER DISTRICT, containing five and eight-tenths (5.8) acres, more or less;
- FIFTHLY: Lot one hundred and twenty-eight (128), CASHIUM DISTRICT, containing sixty-seven (67) acres, more or less.

- This Certificate of Indefeasible Title is void as against the title of any person adversely in actual possession of and rightly entitled to the premises included in some of the items of the application upon which this Certificate is granted, and who continues in possession, and is subject to:-
- The subsisting exceptions or reservations contained in the original grant from the Crown;
 - Any Decisions or Provincial tax, rate, or assessment, as in force at the date of the application for registration, imposed or made a lien or which may thereafter be imposed or made a lien on the land;
 - Any municipal charge, rate, or assessment of the date of the application for registration, imposed or which may thereafter be imposed on the land, or which has theretofore been imposed, for local improvements or otherwise, and which was not then due and payable, including any charges, rates, or assessments imposed by any public corporation or body having taxing powers over an area in which the land is situated;
 - Any lease, or agreement for lease, for a period not exceeding three years, where there is actual occupation under the same;
 - Any public highway or right-of-way, water-course, or right of water, or other public easement;
 - Any right of expropriation by Statute;
 - Any *lis pendens* or *interdictio*, *Rechtsmangel*, *causal*, or other charge, or any assignment for the benefit of creditors or receiving order or substituted assignment under the "Bankruptcy Act" registered since the date of the application for registration;
 - Any condition, exception, reservation, charge, lien, or interest noted or indicated hereon;
 - The right of any person to show fraud, wherein the registered owner or whomever the person from or through whom the registered owner derived his title or title otherwise than by descent or devise has participated in any degree.

Plan 17025 (Part of First 14)

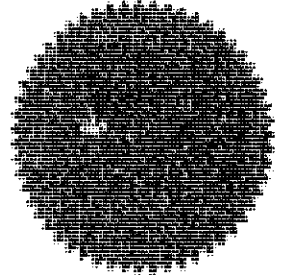
Land	Cert. No.
Pt. 10 N. 1/4 of Section 27 Plan 189 RW	30920
Pt. 19 N. 1/4 of Section 27	25570
Pt. 10 S. 1/4 of Section 27	345474
Rem. Part 2 4th by and	347368
all of 5th by	349022
all of 2nd by	

CONVERTED SECTION 172(3)

18 - 1 - 1948

In witness whereof I have hereunto set my hand and seal of office at Victoria, British Columbia, this 18th day of December 1942

[Signature]
Registrar.



Date: 08/10/28
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EL137726

Time: 16:01:13
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EL137726
FROM TITLE NO: EH148390

APPLICATION FOR REGISTRATION RECEIVED ON: 02 DECEMBER, 1997
ENTERED: 05 DECEMBER, 1997

TITLE CANCELLED: 18 JANUARY, 1999

REGISTERED OWNER IN FEE SIMPLE:
CARMICHAEL HOLDINGS LTD., INC.NO. 201472
BOX 1043
LADYSMITH, BC
VOR 2E0

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-654-485
LOT 2, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 41439

LEGAL NOTATIONS:

SUBJECT TO EXCEPTIONS AND RESERVATIONS CONTAINED IN ORDER IN COUNCIL
FILED DF N63774

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS

D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA

D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

STATUTORY RIGHT OF WAY

EL137727 1997-12-02 09:31

REGISTERED OWNER OF CHARGE:

TIMBERWEST FOREST LIMITED
INCORPORATION NO. 545319

EL137727

REMARKS: AREA B ON PLAN VIP66364

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

1999-01-18 NO TITLE

PART IN PLAN VIP68436 (ROAD ONLY)EN4506

CONTINUES ON PAGE 002

Date: 08/10/28
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EL137726

Time: 16:01:13
Page: 002

1999-01-18EN4507
REM

*** CURRENT INFORMATION ONLY -- NO CANCELLED INFORMATION SHOWN ***

Date: 08/10/28
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EH148390

Time: 16:02:25
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EH148390
FROM TITLE NO: EG17931

APPLICATION FOR REGISTRATION RECEIVED ON: 10 NOVEMBER, 1994
ENTERED: 29 NOVEMBER, 1994

TITLE CANCELLED: 05 DECEMBER, 1997

REGISTERED OWNER IN FEE SIMPLE:
TIMBERWEST FOREST I LIMITED, (INCORP. NO. 440,252),
7TH FLOOR, 700 WEST GEORGIA STREET,
P.O. BOX 10058,
PACIFIC CENTRE,
VANCOUVER, B.C.
V7Y 1J7

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-654-485
LOT 2, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 41439

LEGAL NOTATIONS:

SUBJECT TO EXCEPTIONS AND RESERVATIONS CONTAINED IN ORDER IN COUNCIL
FILED DF N63774

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS

D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA

D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 3797831) SEE 325303G

MORTGAGE

EL68592 1997-06-13 09:06

REGISTERED OWNER OF CHARGE:

THE TORONTO-DOMINION BANK

EL68592

REMARKS: INTER ALIA

AS TO THE SPECIFIC MORTGAGE ONLY

MORTGAGE

EL68597 1997-06-13 09:07

REGISTERED OWNER OF CHARGE:

THE TORONTO-DOMINION BANK

EL74166

CONTINUES ON PAGE 002

Date: 08/10/28
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EH148390

Time: 16:02:26
Page: 002

REMARKS: INTER ALIA
AS TO THE SPECIFIC MORTGAGE ONLY

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

1997-12-05

ALL EL137726

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 08/10/28
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - EG17931

Time: 16:03:25
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EG17931
FROM TITLE NO: EG10508

APPLICATION FOR REGISTRATION RECEIVED ON: 15 FEBRUARY, 1993
ENTERED: 24 FEBRUARY, 1993

TITLE CANCELLED: 29 NOVEMBER, 1994

REGISTERED OWNER IN FEE SIMPLE:
ELK FALLS WOOD PRODUCTS LIMITED, (INC. NO. 440,252),
9TH FLOOR, 700 WEST GEORGIA STREET,
VANCOUVER, B. C.,
V7Y 1J7

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-654-485
LOT 2, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 41439

LEGAL NOTATIONS:

SUBJECT TO EXCEPTIONS AND RESERVATIONS CONTAINED IN ORDER IN COUNCIL
FILED DF N63774

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS
D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA
D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

1994-11-29

ALLEH148390

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 08/10/29 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - EG10508

Time: 08:35:23
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: EG10508
FROM TITLE NO: N54467

APPLICATION FOR REGISTRATION RECEIVED ON: 28 JANUARY, 1993
ENTERED: 08 FEBRUARY, 1993

TITLE CANCELLED: 24 FEBRUARY, 1993

REGISTERED OWNER IN FEE SIMPLE:
CROWN FOREST INDUSTRIES LIMITED, (INCORPORATION NO. 379379),
9TH. FLOOR, 700 WEST GEORGIA STREET,
P.O. BOC 10058 PACIFIC CENTRE,
VANCOUVER, B.C.,
V7Y 1J7.

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-654-485
LOT 2, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 41439

LEGAL NOTATIONS:
SUBJECT TO EXCEPTIONS AND RESERVATIONS CONTAINED IN ORDER IN COUNCIL
FILED DE N63774

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS
D23415 1975-01-27 08:10
REGISTERED OWNER OF CHARGE:
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA

D23415
REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:
1993-02-24
ALLEG17931

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Date: 08/10/30
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - N54467

Time: 09:33:10
Page: 001

SECTION 98 LAND TITLE ACT

VICTORIA LAND TITLE OFFICE TITLE NO: N54467
FROM TITLE NO: M116195
N63774

APPLICATION FOR REGISTRATION RECEIVED ON: 16 JULY, 1984
ENTERED: 20 AUGUST, 1984

TITLE CANCELLED: 08 FEBRUARY, 1993

REGISTERED OWNER IN FEE SIMPLE:
CROWN FOREST INDUSTRIES LIMITED (INC. NO. 97,002)
1030 WEST GEORGIA STREET,
VANCOUVER, B. C.,
V6E 2Y3

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-654-485
LOT 2, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 41439

LEGAL NOTATIONS:

SUBJECT TO EXCEPTIONS AND RESERVATIONS CONTAINED IN ORDER IN COUNCIL
FILED DF N63774

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS

D23415 1975-01-27 08:10

REGISTERED OWNER OF CHARGE:
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA
D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE:

ISSUED: 1985-11-12 FILING REFERENCE: P97801
TO: CROWN FOREST INDUSTRIES ATTN.S.E.GRAHAM
815 WEST HASTINGS ST.
VANCOUVER BC V6C 2Y4
SURRENDERED: 1992-08-11

TRANSFERS:

1993-02-08
ALLEG10508

CONTINUES ON PAGE 002

Date: 08/10/30
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - N54467

Time: 09:33:10
Page: 002

CORRECTIONS: NONE

Date: 08/10/30
Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA
BURNS REGISTRY SERVICES LTD.
TITLE - N63774

Time: 09:34:13
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: N63774
FROM TITLE NO:
CROWN GRANT

APPLICATION FOR REGISTRATION RECEIVED ON: 20 AUGUST, 1984
ENTERED: 20 AUGUST, 1984

TITLE CANCELLED: 20 AUGUST, 1984

REGISTERED OWNER IN FEE SIMPLE:
CROWN FOREST INDUSTRIES LIMITED
1030 WEST GEORGIA STREET,
VANCOUVER, B. C.,
V6E 2Y3

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-654-469
ALL THAT PART OF DISTRICT LOT 24, OYSTER DISTRICT WITHIN CLOSED ROAD
DESCRIBED IN DD N63774

LEGAL NOTATIONS:

SUBJECT TO EXCEPTIONS AND RESERVATIONS CONTAINED IN ORDER IN COUNCIL
FILED DF N63774

ARGES, LIENS AND INTERESTS: NONE

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS:

1984-08-20

PART---LOT 2, PLAN 41439-----N54466

1984-08-20

REM---LOT 2, PLAN 41439-----N54467

CORRECTIONS: NONE

Date: 08/10/30 TITLE SEARCH PRINT - VICTORIA
Requestor: (PI58053) BURNS REGISTRY SERVICES LTD.
TITLE - M116195

Time: 09:52:08
Page: 001

VICTORIA LAND TITLE OFFICE TITLE NO: M116195
FROM TITLE NO: 66619W

APPLICATION FOR REGISTRATION RECEIVED ON: 06 DECEMBER, 1983
ENTERED: 18 APRIL, 1985

TITLE CANCELLED: 04 MARCH, 1988

REGISTERED OWNER IN FEE SIMPLE:
CROWN FOREST INDUSTRIES LIMITED, (INC. NO. 97,002),
1030 WEST GEORGIA STREET,
VANCOUVER, B.C.,
V6E 2Y3

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 000-165-255
THAT PART OF DISTRICT LOT 24 CONTAINING 15.69 ACRES MORE OR LESS,
OYSTER DISTRICT, SHOWN COLOURED PINK ON PLAN 2030 EXCEPT PLAN 4224

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS
D23415 1975-01-27 08:10
REGISTERED OWNER OF CHARGE:
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA
D23415

REMARKS: INTER ALIA, ASSIGNMENT OF 195198G (DD 74848N
AND 379783I) SEE 325303G

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE:
ISSUED: 1986-03-06 FILING REFERENCE: R17883
TO: CROWN FOREST INDUSTRIES LIMITED, LANDS & PROPERTIES
815 WEST HASTINGS STREET,
VANCOUVER, B.C., V6C 2Y4 ATTN: SUSAN E. GRAHAM
SURRENDERED: 1987-10-28

TRANSFERS:
1984-08-20
PART---LOT 1, PLAN 41439-----N54466
1984-08-20
PART--LOT 2, PLAN 41439-----N54467
1988-03-04
ALLS110894

CONTINUES ON PAGE 002

Date: 08/10/30

Requestor: (PI58053)

TITLE SEARCH PRINT - VICTORIA

BURNS REGISTRY SERVICES LTD.

TITLE - M116195

Time: 09:52:08

Page: 002

CORRECTIONS:

T0001 TRANSFER TEXT:
PREVIOUS TEXT:
REM---LOT 2, PLAN 41439-----

1985-04-18 16:44

L0002 PARCEL TEXT: 000-165-255
PREVIOUS TEXT:
LOT 24,

1986-04-21 11:12



From Certificate No. 28508-1

No. 74256-3

This Certificate of Indefeasible Title is void as against the title of any person adversely in actual possession of and title being excluded in the land indicated by the lot (or lots) of the application upon which this Certificate was registered, and the contents of possession, and is subject to--

- (a) The subsisting exceptions or reservations contained in the original grant from the Crown;
(b) Any Dominion or Provincial tax, rate, or assessment at the date of the application for registration;
(c) Any municipal taxes, rate of assessment at the date of the application for registration;
(d) Any lease or agreement for lease for a period not exceeding three years;
(e) Any public highway or right-of-way, water course, or right of water;
(f) Any right of appropriation by Statute;
(g) Any liens or mechanics' lien, judgment, caveat, or other charge;
(h) The right of any person to show that the whole or any portion of the land is by wrong description of boundaries or parcels;
(i) The right of any person to show fraud;
(j) Any restrictive condition, right of way, or obligation imposed on the land by the 'Forest Act'.

Certificate of Indefeasible Title

Date of application for registration, the 1st day of March at 3:28 p.m., 1956
Register, Vol. 360

Given in to certify that

COMOX LOGGING AND RAILWAY COMPANY,

6th Floor, The Canadian Bank of Commerce Bldg., 640 West Hastings St.,
Vancouver, B. C.

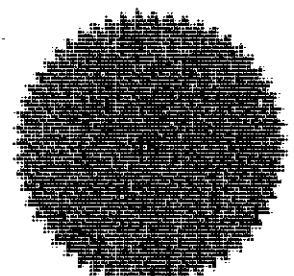
are absolutely and indefeasibly entitled in fee-simple, subject to such charges, liens, and interests as are notified by endorsement hereon, and subject to the conditions, exceptions, and reservations set out hereon, to those Village of Ladysmith (and Fifth of 7th 1/2) pieces of land situate in the Nanaimo Assessment District and Province of British Columbia, and more particularly known and described as:-

- FIRST: A strip of land lying between Lots eighteen (18) and fifty-one (51) containing six and two tenths (6.2) acres more or less.
SECONDLY: That part of Lot eighteen (18), containing five and ninety-five hundredths (5.95) acres more or less.
THIRDLY: Those parts of Section six (6) containing respectively nine and five tenths (9.5) acres and eight tenths (0.8) of an acre more or less.
FOURTHLY: That part of Lot thirty-eight (38), containing ten and twelve hundredths (10.12) acres more or less.
FIFTHLY: That part of Lot twenty-four (24) containing fifteen and sixty-nine hundredths (15.69) acres more or less EXCEPT that part of said Lot twenty-four (24) included within the boundaries of Plan 4224.
All of which said Lands are in Oyster District and more particularly shown and coloured pink on Plan 2030.

Table with columns: LAND, CERT. NO. The following pieces of land have been transferred: [Handwritten entries in the table]

In witness whereof I have hereunto set my hand and seal of office at Victoria, British Columbia, this 11th day of April 1956

[Handwritten signature]



(OVBR)

As Of: OCT 19, 2008

BC Online: Site Registry

08/10/24

For: PE37785 MADRONE ENVIRONMENTAL SERVICES (DUN 16:11:25

Folio: 08.0347

Page 1

4 records selected for 0.5 km from latitude 48 deg, 59 min, 58.1 sec
and Longitude 123 deg, 49 min, 30.4 sec

Site Id	Lastupd	Address / City
0001701	04AUG13	1152 TRANS-CANADA HIGHWAY LADYSMITH
0003034		209 SYMONDS STREET LADYSMITH
0005775	00MAR17	840 FIRST AVENUE LADYSMITH
0006836	03JUN09	728 ESPLANADE STREET LADYSMITH

As of: OCT 19, 2008 BC Online: Site Registry 08-10-24
For: PE37785 MADRONE ENVIRONMENTAL SERVICES (DU 16:13:49)

Folio: 08.0347 Page 1

Synopsis Report

SITE LOCATION

Site ID: 1701 Latitude: 48d 59m 59.6s
Victoria File: Longitude: 123d 49m 45.0s
Regional File: 26250-20/1701
Region: NANAIMO, VANCOUVER ISLAND

Common Name:

Site Address: 1152 TRANS-CANADA HIGHWAY
City: LADYSMITH Prov/State: BC
Postal Code:

Registered: NOV 25, 1997 Updated: AUG 13, 2004 Detail Removed: AUG 13, 2004

Locations: 4 Participants: 8 Associated Sites: 0
Documents: 3 Susp. Land Use: 2 Parcel Descriptions: 1

Location Description: LOCATION DERIVED FROM GPS PROJECT ENVIC RVR # P102321A

Status: ACTIVE - UNDER ASSESSMENT

Fee category: UNRANKED

No Site Profile has been submitted for this site

End of Synopsis Report

As of: OCT 19, 2008 BC Online: Site Registry 08-10-24
For: PE37785 MADRONE ENVIRONMENTAL SERVICES (DU 16:13:49)

Folio: 08.0347 Page 1

Synopsis Report

SITE LOCATION

Site ID: 6836 Latitude: 48d 59m 44.7s
Victoria File: Longitude: 123d 49m 06.3s
Regional File: 26250-20/6836
Region: NANAIMO, VANCOUVER ISLAND

Common Name:

Site Address: 728 ESPLANADE STREET
City: LADYSMITH Prov/State: BC
Postal Code:

Registered: AUG 25, 2000 Updated: JUN 09, 2003 Detail Removed: JUN 03, 2003

Locations: 4 Participants: 5 Associated Sites: 0
Documents: 3 Susp. Land Use: 0 Parcel Descriptions: 1

Location Description: SUBMITTED LAT/LONG (48.59.58/123.49.23) NOT ACCURATE

Status: ACTIVE - UNDER REMEDIATION
Fee category: MEDIUM SITE, COMPLEX CONTAMINATION

No Site Profile has been submitted for this site

End of Synopsis Report



APPENDIX D

Air Photos

SCHEDULE 1 Site Profile

Version 4.0

Introduction

Under section 40 of the *Environmental Management Act*, a person who knows or reasonably should know that a site has been used or is used for industrial or commercial purposes or activities must in certain circumstances provide a site profile.

Schedule 2 of the Contaminated Sites Regulation sets out the types of industrial or commercial purposes or activities to which site profile requirements apply.

If section 40 of the Environmental Management Act applies to you and you know or reasonably should know that the site has been used or is used for one of the purposes or activities found in Schedule 2 of the Contaminated Sites Regulation, you may be required to complete the attached site profile.

Notes/Instructions:

Persons preparing a site profile *must* complete Section I, II and III, answer all questions in sections IV through IX, and sign section XI. If the site profile is not satisfactorily completed, it will not be processed under the *Environmental Management Act* and the Contaminated Sites Regulation. Failure to complete the site profile satisfactorily may result in delays in approval of relevant applications and in the postponement of decisions respecting the property.

The person completing this site profile is responsible for the accuracy of the answers. Questions must be answered *to the best of your knowledge*.

Section 27 (1) of the *Freedom of Information and Protection of Privacy Act* requires that provision of personal information concerning an individual must be authorized by that individual. Persons completing the site profile on behalf of the site owner must be authorized by the site owner.

One (1) site profile may be completed for a site comprised of more than one titled or untitled parcel, but individual parcels must be identified.

The latitude and longitude (accurate to 0.5 of a second using North American Datum established in 1983) of the centre of the site must be provided. Also, please attach an accurate map, containing latitude, longitude and datum references, which shows the boundaries of the site in question. Please use the largest scale map available.

If the property is legally surveyed, titled and registered, then all PID numbers (**P**arcel **I**Dentifiers – Land Title Registry system) must be provided for *each* parcel as well as the appropriate legal description.

If the property is untitled Crown land (no PID number), then the appropriate PIN numbers (**P**arcel **I**dentification **N**umbers – Crown Land registry system) for each parcel with the appropriate land description should be supplied.

If available, the Crown Land File Number for the site should also be supplied.

Anything submitted in relation to this site profile will become part of the public record and may be made available to the public through the Site Registry as established under the *Environmental Management Act*.

Under section 43 of the *Environmental Management Act*, corporate and personal information contained in the site profile may be made available to the public through the Site Registry. If you have questions concerning the collection of this information, contact the Site Registrar, at site@gov.bc.ca. For questions on site profiles, please send a message to siteprofiles@gov.bc.ca.

I CONTACT IDENTIFICATION

A. Name of Site Owner:

Last ALDRICH First BARRIE Middle Initial(s) W (and/or, if applicable)
Company COWICHAN VALLEY MORTGAGES LTD
Owner's Civic Address 528 VOYTRAIT ROAD
City MILL BAY Province/State B.C.
Country CANADA Postal Code/ZIP VOR 2P3

B. Person Completing Site Profile (Leave blank if same as above):

Last _____ First _____ Middle Initial(s) _____ (and/or, if applicable)
Company _____

C. Person to Contact Regarding the Site Profile:

Last _____ First _____ Middle Initial(s) _____ (and/or, if applicable)
Company _____

Mailing Address _____

City _____ Province/State _____

Country _____ Postal Code/ZIP _____

Telephone (250) 743-5113 Fax () _____

II SITE IDENTIFICATION

Please attach a site location map

All Property

Coordinates (using the North American Datum 1983 convention) for the centre of the site:

Latitude: Degrees _____ Minutes _____ Seconds _____

Longitude: Degrees _____ Minutes _____ Seconds _____

Please attach a map of appropriate scale showing the boundaries of the site.

For Legally Titled, Registered Property

Site Street Address (if applicable) 1130 ROCKY CREEK RD

City LADYSMITH, BC Postal Code _____

PID numbers and associated legal descriptions. *Attach an additional sheet if necessary.*

PID

Legal Description

074-839-370

LOT A, DISTRICT LOTS 24 AND 38 OYSTER
DISTRICT PLAN VIP 71248

Total number of titled parcels represented by this site profile is: 1

For Untitled Crown Land

PIN numbers and associated Land Description. *Attach an additional sheet if necessary.*

PIN

Land Description

Total number of untitled crown land parcels represented by this site profile is: _____

(and, if available)

Crown land file numbers. *Attach an additional sheet if necessary.*

III COMMERCIAL AND INDUSTRIAL PURPOSES OR ACTIVITIES

Please indicate below, in the format of the example provided, which of the industrial and commercial purposes and activities from Schedule 2 have occurred or are occurring on this site.

EXAMPLE

Schedule 2

Description

Reference

E1 appliance, equipment or engine repair, reconditioning, cleaning or salvage
F10 solvent manufacturing or wholesale bulk storage

Please print legibly. Attach an additional sheet if necessary

Schedule 2

Description

Reference

IV AREAS OF POTENTIAL CONCERN			
	Is there currently or to the best of your knowledge has there previously been on the site any (please mark the appropriate column opposite the question):	YES	NO
A.	Petroleum, solvent or other polluting substance spills to the environment greater than 100 litres?		X
B.	Residue left after removal of piled materials such as chemicals, coal, ore, smelter slag, air quality control system baghouse dust?		X
C.	Discarded barrels, drums or tanks?		X
D.	Contamination resulting from migration of substances from other properties?		X
V FILL MATERIALS			
	Is there currently or to the best of your knowledge has there previously been on the site any deposit of (please mark the appropriate column opposite the question):	YES	NO
A.	Fill dirt, soil, gravel, sand or like materials from a contaminated site or from a source used for any of the activities listed under Schedule 2?		X
B.	Discarded or waste granular materials such as sand blasting grit, asphalt paving or roofing material, spent foundry casting sands, mine ore, waste rock or float?		X
C.	Dredged sediments, or sediments and debris materials originating from locations adjacent to foreshore industrial activities, or municipal sanitary or stormwater discharges?		X
VI WASTE DISPOSAL			
	Is there currently or to the best of your knowledge has there previously been on the site any landfilling, deposit, spillage or dumping of the following materials (please mark the appropriate column opposite the question):	YES	NO
A.	Materials such as household garbage, mixed municipal refuse, or demolition debris?		X
B.	Waste or byproducts such as tank bottoms, residues, sludge, or flocculation precipitates from industrial processes or wastewater treatment?		X
C.	Waste products from smelting or mining activities, such as smelter slag, mine tailings, or cull materials from coal processing?		X
D.	Waste products from natural gas and oil well drilling activities, such as drilling fluids and muds?		X
E.	Waste products from photographic developing or finishing laboratories; asphalt tar manufacturing; boilers, incinerators or other thermal facilities (e.g. ash); appliance, small equipment or engine repair or salvage; dry cleaning operations (e.g. solvents); or from the cleaning or repair of parts of boats, ships, barges, automobiles or trucks, including sandblasting grit or paint scrapings?		X

VII TANKS OR CONTAINERS USED OR STORED, OTHER THAN TANKS USED FOR RESIDENTIAL HEATING FUEL			
	Are there currently or to the best of your knowledge have there been previously on the site any (please mark the appropriate column opposite the question):	YES	NO
A.	Underground fuel or chemical storage tanks other than storage tanks for compressed gases?		X
B.	Above ground fuel or chemical storage tanks other than storage tanks for compressed gases?		X
VIII HAZARDOUS WASTES OR HAZARDOUS SUBSTANCES			
	Are there currently or to the best of your knowledge have there been previously on the site any (please mark the appropriate column opposite the question):	YES	NO
A.	PCB-containing electrical transformers or capacitors either at grade, attached above ground to poles, located within buildings, or stored?		X
B.	Waste asbestos or asbestos containing materials such as pipe wrapping, blown-in insulation or panelling buried?		X
C.	Paints, solvents, mineral spirits or waste pest control products or pest control product containers stored in volumes greater than 205 litres?		X
IX LEGAL OR REGULATORY ACTIONS OR CONSTRAINTS			
	To the best of your knowledge are there currently any of the following pertaining to the site (please mark the appropriate column opposite the question):	YES	NO
A.	Government orders or other notifications pertaining to environmental conditions or quality of soil, water, groundwater or other environmental media?		X
B.	Liens to recover costs, restrictive covenants on land use, or other charges or encumbrances, stemming from contaminants or wastes remaining onsite or from other environmental conditions?		X
C.	Government notifications relating to past or recurring environmental violations at the site or any facility located on the site?		X
X ADDITIONAL COMMENTS AND EXPLANATIONS			
<p>(Note 1: Please list any past or present government orders, permits, approvals, certificates and notifications pertaining to the environmental condition, use or quality of soil, surface water, groundwater or biota at the site.</p> <p>Note 2: If completed by a consultant, receiver or trustee, please indicate the type and degree of access to information used to complete this site profile. Attach extra pages, if necessary):</p> <hr/> <hr/> <hr/>			

XI SIGNATURES

The person completing the site profile states that the above information is true based on the person's current knowledge as of the date completed.

B. W. Aldrich
Signature of person completing site profile

2019-11-14
Date completed: (YY-MM-DD)

XII OFFICIAL USE

Local Government Authority

Reason for submission *(Please check one or more of the following)* Soil removal
 Subdivision application Zoning application Development permit Variance permit Demolition permit

Date received:	Local Government contact : Name _____ Agency _____ Address _____ Telephone _____ Fax _____	Date submitted to Site Registrar:	Date forwarded to Director of Waste Management:
----------------	--	-----------------------------------	---

Director of Waste Management

Reason for submission *(Please check one or more of the following)*

Under Order Site decommissioning Foreclosure

Date received:	Assessed by: Name _____ Region _____ Telephone _____ Fax _____ If site profile entered, SITE ID # _____	Investigation Required? YES NO	Decision date:
----------------	---	---------------------------------------	----------------

Site Registrar

Date received:	Entered onto Site Registry by:	SITE ID #:	Entry date:
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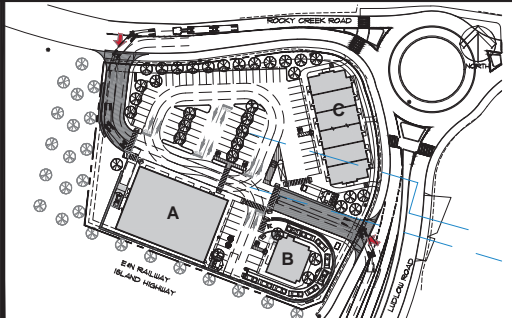
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consultant

AERIAL KEY PLAN



SITE KEY PLAN



PROJECT DATA
CIVIC ADDRESS 1130 ROCKY CREEK ROAD LADYSMITH, BC
LEGAL DESCRIPTION LOT A, DISTRICT LOTS 24 AND 38, OYSTER DISTRICT, PLAN VIP71248
ZONING CD1 (TOURIST SERVICE)
PROJECT DESCRIPTION PROPOSED COMMERCIAL DEVELOPMENT CONSISTING OF NEW SITE DEVELOPMENT AND NEW CONSTRUCTION OF 3 ONE-STORY COMMERCIAL BUILDINGS
DEVELOPMENT PERMIT DP NUMBER: N/A APPROVED DATE: N/A

OWNER OYSTER HARBOUR DEVELOPMENT CORP. 2700 W. Park Ave. North Vancouver BC V4L 2A2 Phone: 604-670-2042 Cellphone: 604-670-8632 E-mail: khalley@ohdc.com
ARCHITECT URBAN DESIGN GROUP ARCHITECTS LTD. PAUL CHIU, ARCHITECT, LEED AP 428-748 THORNLOW STREET Vancouver, B.C. V6C 0C3 Phone: 604-267-2334 Fax: 604-688-0836 E-mail: paul@udg.ca E-mail: aaron@udg.ca
LANDSCAPE PWS LANDSCAPE ARCHITECTS. PATRICK CAMPBELL 1100-418 STILL CREEK DRIVE Phone: 604-232-9811 E-mail: pat@pmlandscape.com
CIVIL HEROLD ENGINEERING PATRICK BYRNE, P.Eng. Principal Herold Engineering Limited 1100-418 STILL CREEK DRIVE Vancouver, BC V6C 2H1 E: 2011 Elphinstone Road Nanaimo, BC V9T 2H1 P: 250-713-4490 F: 250-713-4490 W: www.heroldengineering.com
SURVEYOR MCHELMANNEY ASSOCIATES LAND SURVEYING LTD. JAMES MCHELMANNEY 1100-418 STILL CREEK DRIVE NANAIMO, BC V9T 2H1 Phone: 250-713-2336; 778-762-0654 Cellphone: 778-266-1320 E-mail: james@mcchehmanney.com
TRAFFIC Nadine King, P.Eng., PTOE Principal Engineering Associates D 250-410-1555 C 250-444-4112 E nking@wattsonitgroup.com

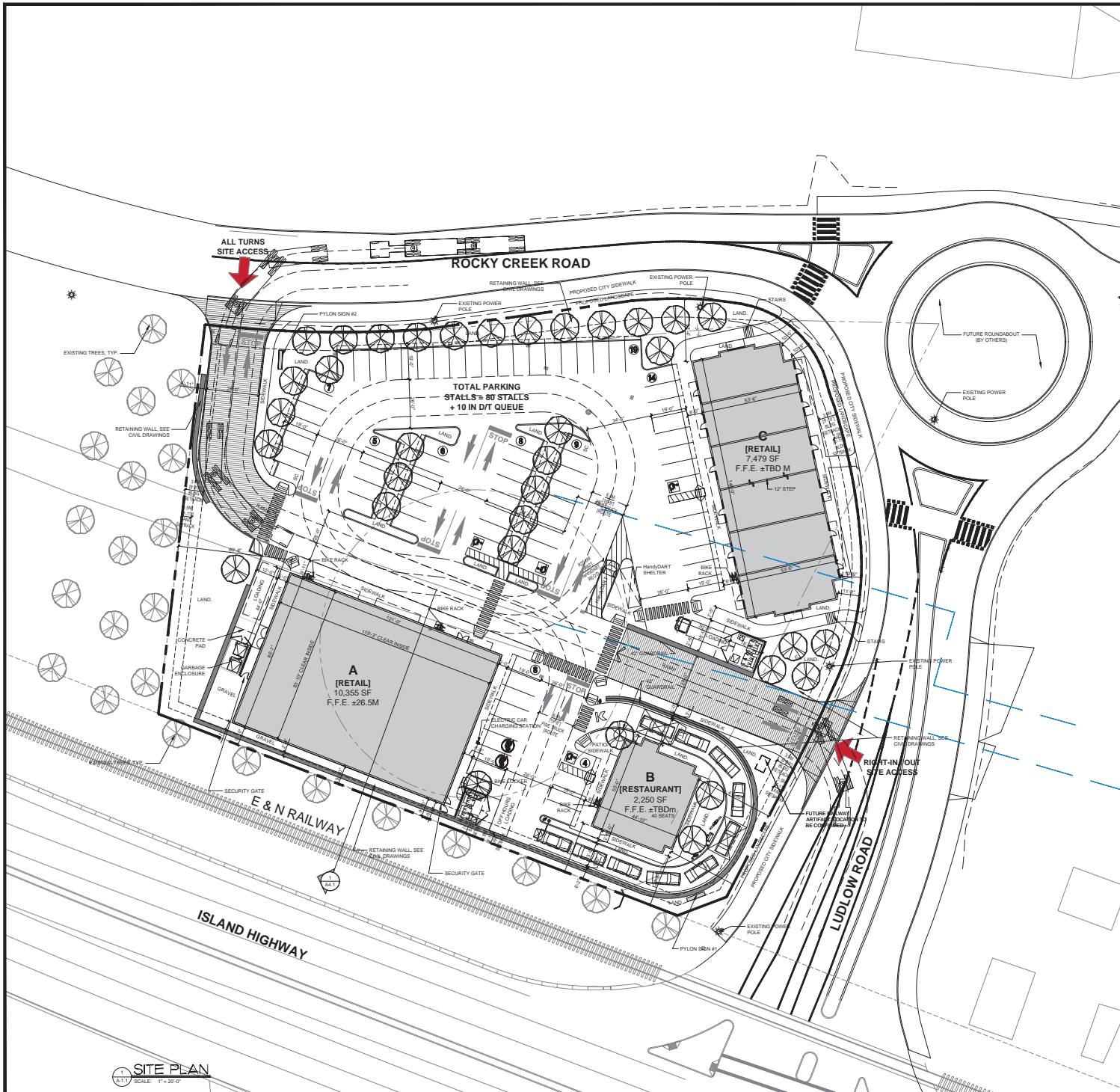
DRAWING LIST	ARCHITECTURAL
	A-0-0 COVER SHEET
	A-1.1 SITE PLAN
	A-1.2 PYLON SIGN AND STREETSCAPE
	A-A2.1 BLDG A FLOOR PLAN
	A-A2.2 BLDG A ROOF PLAN
	A-A3.1 BLDG A EXTERIOR ELEVATIONS
	A-A3.2 BLDG A EXTERIOR MATERIALS AND FINISHES
	A-A3.3 BLDG A EXTERIOR RENDERING
	A-B-3.4 BLDG A EXTERIOR SIGNAGE
	A-B-2.1 BLDG B FLOOR PLAN
	A-B-2.2 BLDG B ROOF PLAN
	A-B-3.1 BLDG B EXTERIOR ELEVATIONS
	A-B-3.2 BLDG B EXTERIOR MATERIALS AND FINISHES
	A-B-3.3 BLDG B EXTERIOR RENDERING
	A-B-3.4 BLDG B EXTERIOR SIGNAGE
	A-C-2.1 BLDG C FLOOR PLAN
	A-C-2.2 BLDG C ROOF PLAN
	A-C-3.1 BLDG C EXTERIOR ELEVATIONS
	A-C-3.2 BLDG C EXTERIOR MATERIALS AND FINISHES
	A-C-3.3 BLDG C EXTERIOR RENDERING
	A-C-3.4 BLDG C EXTERIOR SIGNAGE

LANDSCAPE	SURVEY
L-1 LANDSCAPE PLAN	00348-0-V1-SK TOPOGRAPHIC SURVEY
L-2 PLANTING PLAN	
L-3 EXISTING TREE MANAGEMENT PLAN	
L-4 LANDSCAPE SPECIFICATION	
CIVIL	
SK-2 SITE GRADING PLAN	Rev-A

COMMERCIAL DEVELOPMENT
1130 ROCKY CREEK ROAD, LADYSMITH, BC
FOR OYSTER HARBOUR DEVELOPMENT CORP.



architects ltd
810-675 WEST HASTINGS
VANCOUVER, BC V6B 1N2
TELEPHONE 604-687-2244
project number 4874
sheet title COVER SHEET
date 2021-02-17 sheet number
scale AS NOTED
drawn MK
checked A-0-0



AERIAL PLAN
SCALE: NTS

SITE INFORMATION:

LEGAL DESCRIPTION:	LOT A, DISTRICT LOTS 24 AND 38, OYSTER DISTRICT, PLAN V1P71248
CIVIC ADDRESS:	1130 ROCKY CREEK ROAD, LADYSMITH, BC
EXISTING ZONING:	CD1 (TOURIST SERVICE)
EXIST. LOT AREA (DL 38 & DL 24):	87,177 SF (8,099 SM)
PROPOSED LOT AREA:	93,920 SF (8,687 SF)
BUILDING AREA (G.F.A.):	20,084 SF (1,866 SM)
LOT COVERAGE:	20,084 SF / 93,920 SF x 100 = 21.4%
FLOOR AREA RATIO: (MAX. 0.6)	0.214

GROSS FLOOR AREAS:

PROPOSED BUILDING AREAS:	
BUILDING A [RETAIL]:	10,355 SF (962 SM)
BUILDING B [RESTAURANT]:	2,250 SF (209 SM)
BUILDING C [RETAIL]:	7,479 SF (695 SM)
TOTAL GROSS FLOOR AREA:	20,084 SF (1,866 SM)

PARKING REQUIREMENTS:

TOTAL PARKING REQUIRED:	63 STALLS
TOTAL PARKING PROVIDED:	80 STALLS + 10 IN D/T QUEUE
PARKING RATIO (NOT INCL. D/T QUEUE):	4.0 / 1,000 SF & 4.3 / 100 SM
PARKING RATIO (INCL. D/T QUEUE):	4.5 / 1,000 SF & 4.9 / 100 SM
PARKING PROVIDED BREAKDOWN:	REGULAR STALLS = 72 (90%) HANDICAPPED STALLS = 4 (5%) SMALL CARS = 2 (2.5%) ELECTRIC VEHICLE = 2 (2.5%)

PARKING REQUIREMENTS & CALCULATIONS:

RETAIL OR OFFICE (1 PER 323 SF (30 SM) GFA) = 17,834 SF / 323 SF = 55.21 STALLS	
RESTAURANT OR COFFEE SHOP (1 PER 5 SEATS) = 40 SEATS / 5 = 8 STALLS	
TOTAL PARKING REQUIRED (ROUND NEAREST) =	63.21 STALLS
COMMERCIAL LOADING: 2 PER 5,393 SF (501 SM) TO 26,910 SF (2500 SM) = 2	
BICYCLE, CLASS A (LOCKERS): 1 PER 10 EMPLOYEES; 0.6m W. x 1.8m L.	
BICYCLE, CLASS B (RACKS): 10% OF REQUIRED PARKING SPACES = 63 x 10% = 6.3	

PARKING SIZES:

REGULAR CAR STALL	2.6m (8'-6") x 5.8m (19'-0")
HANDICAP CAR STALL (MIN. 5% OF REQ'D)	3.7m (12'-2") x 5.8m (19'-0")
SMALL CAR STALL (MAX 25% OF REQ'D)	2.5m (8'-3") x 4.8m (16'-1")
LOADING SPACE	3.0m (9'-10") x 9.0m (29'-6")
MANOEUVERING AISLE	7.3m (24'-0")
*ADD 0.6m (2'-0") TO ANY PARKING STALL ADJACENT TO A FENCE, WALL, STRUCTURE	

GENERAL NOTE:
BOUNDARIES SHOWN HEREON ARE DERIVED FROM EXISTING RECORDS AND MUST BE CONFIRMED BY SURVEY PRIOR TO THE DETERMINATION OF DIMENSIONS OR AREAS FOR DEVELOPMENT PURPOSES.

COMMERCIAL DEVELOPMENT
1130 ROCKY CREEK ROAD, LADYSMITH, BC
FOR OYSTER HARBOUR DEVELOPMENT CORP.

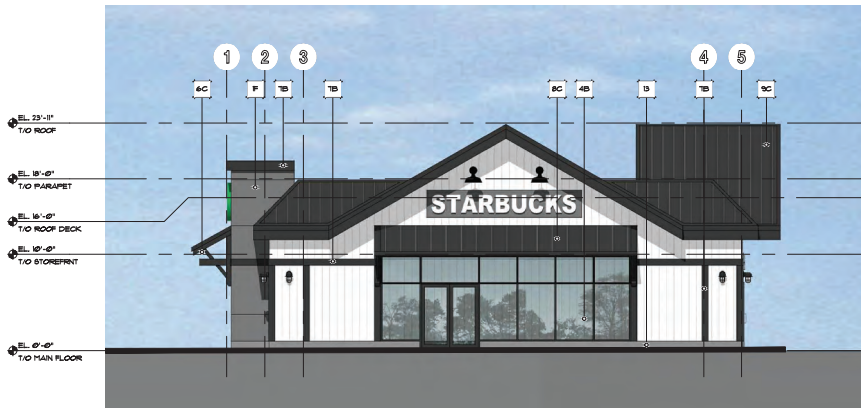


Urbanloop
architects ltd.

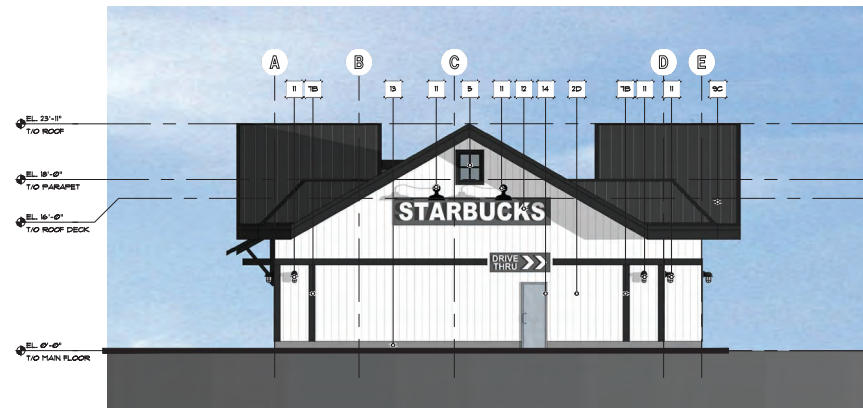
810-675 WESTHASTINGS
VANCOUVER, BC V6Z 1K1
TELEPHONE 604-487-2334

Project number: 4874
Sheet No: **SITE PLAN**

Scale: AS NOTED
A-1.1



1 WEST ELEVATION
SCALE: 3/16" = 1'-0"



2 EAST ELEVATION
SCALE: 3/16" = 1'-0"



3 NORTH ELEVATION
SCALE: 3/16" = 1'-0"



4 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"

EXTERIOR MATERIALS	
1	EPG
2	VERTICAL METAL SIDING
3	PRE-FINISHED METAL PANEL
4	ANODIZED ALUMINUM STOREFRONT GLAZING WINDOW DOORS
5	SPANDREL GLASS
6	DECORATIVE METAL BRACING, PAINTED
7	METAL FLASHING CASCADIA
8	STANDING BEAM METAL CANOPY

9	METAL ROOF STANDING BEAM
10	METAL TRIM
11	LIGHT FIXTURE - SEE ELECTRICAL
12	SIGNAGE BY TENANT
13	SMOOTH FINISH NATURAL CONCRETE UPSTAND
14	METAL DOOR
15	PAINT FINISH

EXTERIOR COLOURS	
A	DARK BRONZE
B	BLACK
C	CHARCOAL
D	CASCADIA SURF, WHITE
E	NOT USED
F	BP 225-30 GRAY SHOWER
G	WHITE
H	NOT USED

FASCIA SIGNAGE:	
INDIVIDUALLY LIT CHANNEL LETTERS (BY TENANT)	

NO.	DATE	REVISION

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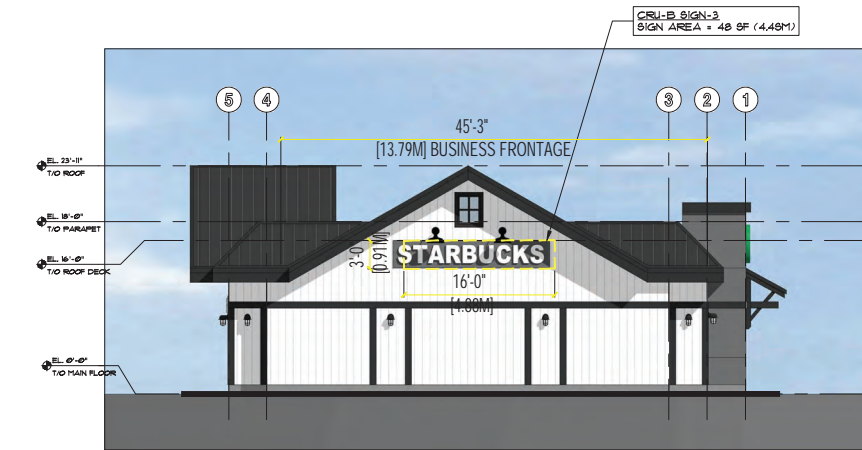
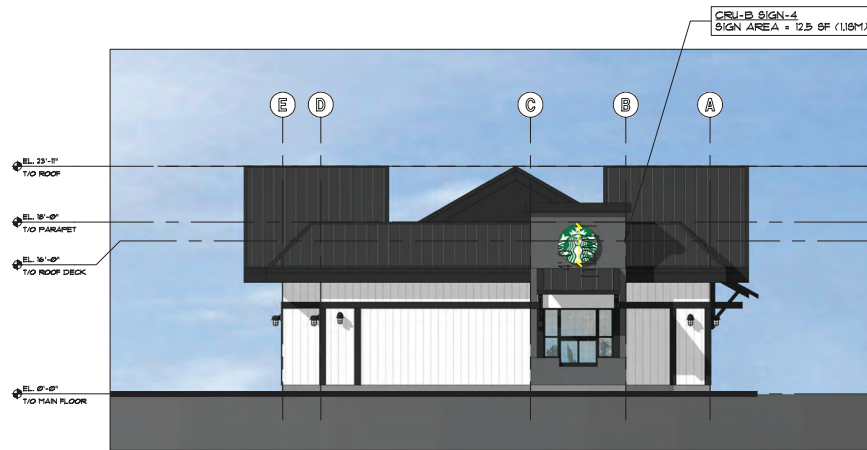
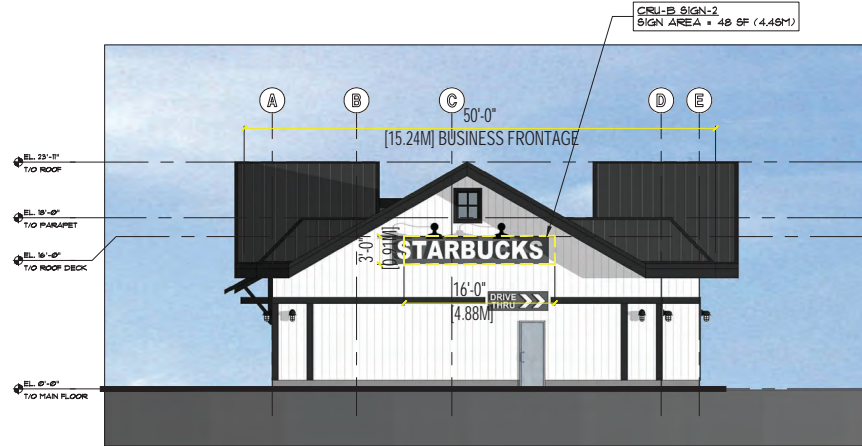
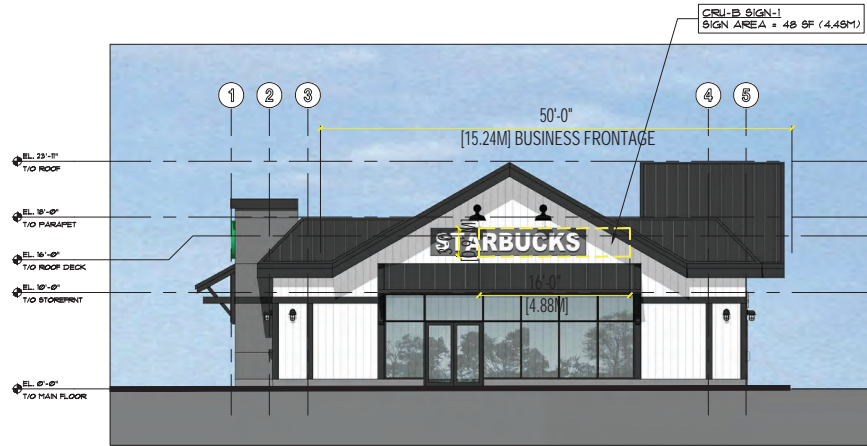
COMMERCIAL DEVELOPMENT
1130 ROCKY CREEK ROAD, LADYSMITH, BC
FOR OYSTER HARBOUR DEVELOPMENT CORP.



architects ltd.

810-675 WEST HASTINGS
VANCOUVER, BC V6B 1N2
TELEPHONE: 604-687-2234

project number: 4874
sheet title: BLDG. B COLOURED ELEVATIONS
sheet number: 001-04-01
scale: AS NOTED
author: AP
checked: ABG
date: 01



FREEFORM CONNECTED CHANNEL LETTERS



FREEFORM CUTOUT LOGO



INDIVIDUAL CHANNEL LETTERS

NOTE: BACKGROUND MUST BE OPAQUE.
BACKLIT SIGNS SHALL NOT BE PERMITTED.

FASCIA SIGNAGE CALCULATION

BYLAW 1176: MAX. PERMISSIBLE SIGN AREA = 0.1 SM FOR EVERY 0.30 M OF THE OCCUPANT'S BUSINESS FRONTAGE

WEST AND EAST BUSINESS FRONTAGE = 15.24 M
PERMITTED MAX. SIGN AREA = $0.1 (15.24 / 0.3) = 5.08 \text{ SM} (55 \text{ SF})$

SOUTH BUSINESS FRONTAGE = 13.0 M
PERMITTED MAX. SIGN AREA = $0.1 (13.0 / 0.3) = 4.6 \text{ SM} (49.5 \text{ SF})$

PROPOSED SIGN AREA

NORTH ELEVATION (STORE ENTRANCE)
CRU-A SIGN-1 = 48 SF (4.48M²)

SOUTH ELEVATION
CRU-A SIGN-2 = 48 SF (4.48M²)

EAST ELEVATION
CRU-A SIGN-3 = 48 SF (4.48M²)

NORTH ELEVATION
CRU-A SIGN-4 = 12.5 SF (1.18M²)

COMMERCIAL DEVELOPMENT
1130 ROCKY CREEK ROAD, LADYSMITH, BC
FOR OYSTER HARBOUR DEVELOPMENT CORP.



architects ltd.

810-675 WEST HASTINGS
VANCOUVER, BC V6Z 1N2
TELEPHONE 604-687-2224

project number 4874

sheet title **BLDG-B EXTERIOR SIGNAGE**

date 2021-02-17 sheet number

scale AS NOTED

author MW

checked AW

date 21

Received June 9, 2021

To: Town of Ladysmith – Council

I would like to support the project that is being considered for the corner of Ludlow Road and Rocky Creek Road.

My name is Barrie Aldrich, I am a retired businessman and have been involved with many developers in the Town of Ladysmith over the past couple of decades and owning and paying taxes on several addresses.

Past developers I have worked with have built apartments, homes and a subdivision.

I tell you this because I think this proposed development will increase and generate a favorable tax base for the town and its citizens for many years to come.

I understand that the proposed tenants are national and recognizable companies that will stay for many years and be beneficial to the residents and will create many new jobs.

The proposed corner is a gateway corner on the highway with control traffic lights, and as such the proposed development will enhance and beautify this corner greatly.

Please support and vote in favor of this proposal.

Sincerely,

Barrie Aldrich

Received June 14, 2021

From: Palad, Aurora
Sent: June 14, 2021 3:42 PM
To: Christina Hovey <chovey@ladysmith.ca>
Subject: Property Referral

Hello,

I reviewed the proposed road closure plan on the attached document and don't see any conflict with the existing Fortis infrastructure.

Yours truly,

Aurora R Palad
Planning & Design Technician
Fortis BC Install Centre

June 2, 2021

File No. 3360-20-02

Attn: Referrals

To Whom it May Concern:

RE: **NOTICE OF PROPOSED ROAD CLOSURE - ADJACENT TO 1130 ROCKY CREEK ROAD (PID 024-839-370)**

The Town of Ladysmith intends to adopt Bylaw No. 2067 (attached) which will close a portion of Ludlow Road and Rocky Creek Road in Ladysmith. Bylaw No. 2067 was given first and second readings on June 1, 2021. This letter is a referral to your organization in accordance with section 40(4) of the Community Charter which requires the Town of Ladysmith to deliver notice to the operators of utilities whose transmission or distribution facilities or works Council considers may be affected by the bylaw.

A Public Hearing is scheduled for 6:00pm on Tuesday June 15, 2021 to provide an opportunity for persons who consider that they are affected by Bylaw No. 2067 to make representations to Council. The Notice of Public Hearing, including details of how to participate is attached.

Please contact me at 250-714-9294 or chovey@ladysmith.ca if you have any questions or wish to discuss the file.

Thank you for your attention to this matter.

Sincerely,



Christina Hovey, RPP, MCIP
Senior Planner

Attachments:

- Road Closure and Dedication Removal Bylaw No. 2067
- Public Hearing Notice for Bylaw Nos. 2067, 2068 and 2069

TOWN OF LADYSMITH

BYLAW NO. 2067

A Bylaw to Close and Remove the Dedication of a Highway

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

1. Those portions of road shown as "road to be closed" on Reference Plan EPP110196, prepared by Ryan J. Turner, B.C.L.S., a copy of which is attached as Schedule 1 and forms a part of this bylaw, is closed to all traffic.
2. The dedication as highway of that part of the road referred to in Section 1 is removed.
3. The Mayor and Corporate Officer are hereby authorized to execute all necessary documents as may be required to carry out the purpose of this bylaw.

Citation

4. This Bylaw may be cited for all purposes as "Road Closure and Dedication Removal Bylaw 2021, No. 2067".

READ A FIRST TIME on the _____ day of _____,
READ A SECOND TIME on the _____ day of _____,
Notice of intention to proceed with this bylaw was published on the ____ day of _____,
2021 and the _____ day of _____, 2021 in the Ladysmith Chronicle newspaper,
circulating in the Town of Ladysmith, pursuant to section 94 of the *Community Charter*.
READ A THIRD TIME on the _____ day of _____,
APPROVED by the Ministry of Transportation and Infrastructure on the _____
day of _____,
ADOPTED on the _____ day of _____,

Mayor (A. Stone)

Corporate Officer (D. Smith)

Schedule 1 Road Closure Plan

