



## TOWN OF LADYSMITH

A regular meeting of the  
Council of the Town of Ladysmith  
will be held in Council Chambers at City Hall on

**MONDAY, FEBRUARY 2, 2009  
at 7:00 P.M.**

# AGENDA

### CALL TO ORDER

**Page**

1      **AGENDA APPROVAL**

2      **EXECUTIVE SESSION (6:00 p.m.)**

In accordance with Section 90(1) of the *Community Charter*, the first section of the meeting will be held In Camera to consider the following items:

- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- litigation or potential litigation affecting the municipality;

3      **ARISE AND REPORT**

4      **MINUTES**

Adoption of following minutes:

- January 5, 2009
- January 12, 2009
- January 19, 2009
- January 26, 2009

**1 - 4**  
**5 - 6**  
**7**  
**9 - 10**

5      **DELEGATIONS**

5.1      Presentation to Winner of Ladysmith Trolley Logo Competition  
Ms. Carleigh Yeomans

5.2      Presentation to Former Council Member  
Mayor Hutchins to Jan Christenson

6      **PUBLIC HEARINGS**

None

7      **BYLAWS (OCP / ZONING)**

None.

8      **PROCLAMATIONS**

8.1      Mayor Hutchins has proclaimed February, 2009 as "Heart Month" in the Town of Ladysmith.

- 8.2 Mayor Hutchins has proclaimed February 6 to 14, 2009 as “Spirit of BC Week” in the Town of Ladysmith. Page
- 8.3 Mayor Hutchins has proclaimed February 20, 2009 as “Kinsmen and Kinettes Day” and February 15 to 21, 2009 as “Kinsmen and Kinettes Week – A Celebration of Kinsmen and Kinettes in Canada” in the Town of Ladysmith.
- 8.4 Mayor Hutchins has proclaimed April 25, 2009 as “World Malaria Prevention Day” in the Town of Ladysmith.
- 9 **DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS**
- 9.1 In accordance with section 131 of the Community Charter Mayor Hutchins requests Council’s reconsideration of the following motion which was adopted at the January 5, 2009 meeting:
- CS-2009-004: That Development Permit Application 3090-08-07 submitted by Shoa Organization Services Ltd. to vary the height and maximum allowable finished floor area for the development of Lots 1 to 30, District Lt 52, Oyster District, Plan VIP (TBD) (Battie Drive) be denied.*
- Development Variance Permit 3090-08-07 **11 - 20**  
Shoa Organizational Services Ltd.  
(Battie Drive and Thetis Drive)  
(Lots 1 to 30, District Lot 52, Oyster District, Plan VIP -TBD)  
• Applicant Moni Khan will be in attendance at the meeting to provide new information regarding this application.
- 10 **COUNCIL COMMITTEE REPORTS**
- Mayor R. Hutchins**  
CVRD; Task Force on Emergency Preparedness; Trolley Committee; Early Years Partnership
- Councillor S. Bastian**  
Advisory Planning Commission; Protective Services Committee; Trolley Committee
- Councillor J. Dashwood**  
Protective Services Committee; Trolley committee; Liquid Waste Management Committee
- Councillor S. Arnett**  
Economic Development Commission; Parks, Recreation & Culture Commission; Chamber of Commerce
- Councillor D. Paterson**  
Government Services Committee; Parks, Recreation and Culture Commission; Celebrations Committee; Festival of Lights
- 10.1 Government Services Committee Recommendations **21 - 23**  
Re: January 19, 2009 Meeting Recommendations
- Councillor L. Evans**  
Heritage Revitalization Advisory Commission; Community Health Advisory Committee; Social Planning Cowichan
- Councillor B. Whittington**  
Vancouver Island Regional Library Board; Advisory Design Panel; Environment Commission

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14 <b>NEW BUSINESS</b> None.	
15 <b>UNFINISHED BUSINESS</b>  At the Government Services Committee meeting held on January 19, 2009 Committee received notification from Local Government Program Services Branch that the Town’s application for Phase II of the Community Tourism Program was approved. In accordance with Town Policy Staff requests Council’s consideration of the following resolution in this regard:  <i>That:</i> a) <i>the grant in the amount of \$53,356.48 for Phase 2 of the Community Tourism Program be received and that a letter of thanks for the grant be forwarded to the Local Government Program Services Branch.</i> b) <i>the Mayor and Corporate Officer be authorized to sign the agreement on behalf of the Town.</i> c) <i>the 5 year financial plan and budget be amended accordingly.</i>	
16 <b>QUESTION PERIOD</b>	

**ADJOURNMENT**



## Town of Ladysmith

Minutes of a meeting of Council of the Town of Ladysmith held in Council Chambers at City Hall on Monday, January 5, 2009 at 7:00 p.m.

### **COUNCIL MEMBERS PRESENT:**

Mayor Rob Hutchins	Steve Arnett
Scott Bastian	Jill Dashwood
Lori Evans	Bruce Whittington
Duck Paterson	

### **STAFF PRESENT:**

Ruth Malli	Sandy Bowden
Rebecca Kalina	

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Mayor Hutchins called the meeting to order at 6:00 p.m.

### **EXECUTIVE SESSION**

2009-001: It was moved, seconded and carried that this meeting retire into Executive Session (6:00 p.m.) pursuant to Section 90(1) of the Community Charter to consider the following items:

- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

### **AGENDA APPROVAL**

The Mayor requested Council's consideration of amending the agenda by deleting the item regarding the presentation to the winner of the Ladysmith Trolley Logo Competition. The Mayor noted that this presentation will be made at the February 2, 2009 Council meeting.

2009-002: It was moved, seconded and carried that the agenda for Monday, January 5, 2009 be adopted as amended.

### **MINUTES**

2009-003: It was moved, seconded and carried that the minutes of the regular meeting of Council on December 1, 2008 and the minutes of the special meeting of Council on December 15, 2008 be adopted as circulated.

### **DELEGATIONS**

Celeste Zimmer from the Nanaimo Recycling Exchange presented information on the Environmental Education Program that the NRE offers in the Cowichan Valley and Nanaimo. Mayor Hutchins thanked Ms. Zimmer for her informative presentation.

### **DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS**

2009-004: It was moved, seconded and carried that Development Permit Application 3090-08-07 submitted by Shoa Organization Services Ltd. to vary the height and maximum allowable finished floor area for the development of Lots 1 to 30, District Lt 52, Oyster District, Plan VIP (TBD) (Battie Drive) be denied.

### **COUNCIL / COMMITTEE REPORTS**

Mayor R. Hutchins

- The Mayor noted that \$67,000 was budgeted for snow removal and the overrun to date is approximately \$30,000 due to the severe winter weather conditions in December and early January.

2009-005: It was moved, seconded and carried that a letter of thanks be sent to all Town staff for their hard work during the recent snow storms.

Councillor S. Bastian

- The Protective Services Committee will meet in early February and the Trolley Committee will be meeting on January 13, 2009.

Councillor J. Dashwood

- The Liquid Waste Management meeting was cancelled in December due to inclement weather and will be rescheduled in January.

Councillor S. Arnett

- Attended the Chamber of Commerce Board meeting on December 17, 2008 and announced the new Board of Directors.

Councillor D. Paterson

- Festival of Lights will be taking down lights on Sunday January 11, 2009 and volunteers are appreciated.

- A meeting was held between Festival of Lights, Hydro and Town of Ladysmith staff to look at energy conservation options in conjunction with the festival.

- Equipment has now been ordered for the Aggie Hall upgrade and renovations will be underway in the near future.

2009-006: It was moved, seconded and carried that a letter of congratulations be sent to those involved in the 2008 Festival of Lights.

#### GOVERNMENT SERVICES COMMITTEE RECOMMENDATIONS

2009-007: It was moved, seconded and carried that the Town meet with residents of Hooper Place, adjacent to the Sunset Woods subdivision, to discuss options for removal of the tree buffer between the properties, and other measures to address neighbourhood concerns.

2009-008: It was moved, seconded and carried that the recommendations of the South Ladysmith Reservoir Preliminary Design Report be included in the 2009 budget considerations.

2009-009: It was moved, seconded and carried that the recommendation regarding the replacement of vehicle unit 59 be referred back to staff for further review and that staff be requested to consider environmental impacts in this review.

2009-010: It was moved, seconded and carried that the report from the Director of Public Works, dated December 10, 2008, regarding feedback from the Chemainus Road public meeting be received and filed.

2009-011: It was moved, seconded and carried that staff be requested to provide suggestions on compensation for affected residents in the construction zone of Chemainus Road, once issues arising from the construction are discussed with the contractor.

2009-012: It was moved, seconded and carried that Council authorize the payment of \$17,668.40 to the developer for the Town's share of the storm sewer on 4th Avenue, with 67% of the cost to come from the Roads DCC and 33% from unallocated surplus;

AND THAT the financial plan be amended to accommodate the expenditure.

2009-013: It was moved, seconded and carried that Public Works be authorized to clean up the property and remove the vehicles and boat at 26 Kitchener Street and to charge the owner of the property for the cleanup, removal and storage.

2009-014: It was moved, seconded and carried that if the Towns for Tomorrow grant for Aggie Field is unsuccessful, that staff be authorized to submit an application to the program for Phase 1 of a centralized water treatment facility at the Arbutus site.

2009-015: It was moved, seconded and carried that the letter from W. Stubbington regarding the Ladysmith cemetery be received and referred to Staff for a report, and that the letter writer be advised that the Town concurs with the establishment of a columbarium at the cemetery and that the columbarium is included in the Town's Five Year Plan.

Councillor L. Evans

- Councillor Evans has returned from holidays and will now be undertaking her duties as a Council member.

Councillor B. Whittington

- Councillor Whittington will be attending the Vancouver Island Regional Library Board meeting in late January.

- The Environmental Commission meeting in December was cancelled due to the poor weather conditions and will meet again in January.

## **REPORTS**

2009-016: It was moved, seconded and carried that the Fire Chief's Reports for October and November 2008 be received and filed.

2009-017: It was moved, seconded and carried that the Building Inspector's reports for October 2008 and November 2008 be received and filed.

2009-018: It was moved, seconded and carried that Town of Ladysmith Highway Closure and Dedication Removal Bylaw 2008, No. 1663 be read a third time.

2009-019: It was moved, seconded and carried that staff be authorized to award the contract for the replacement of the water main to Dave Stalker Excavating Ltd. at the hourly rates quoted.

2009-020: It was moved, seconded and carried that the contract for the supply of the materials for the replacement of the water main be awarded to Andrew Sheret Limited for the unit prices quoted.

2009-021: It was moved, seconded and carried that the Leadership BC-Ladysmith 5 Star Cultural Connections Project to create strengthened community connections between Ladysmith and the Chemainus First Nation community be endorsed by the Town of Ladysmith.

2009-022: It was moved, seconded and carried that staff be authorized to apply for a grant from the Union of BC Municipalities Community to Community Connections program to support the Leadership BC-Ladysmith 5 Star Cultural Connections Project to create strengthened community connections between Ladysmith and the Chemainus First Nation community.

2009-023: It was moved, seconded and carried that staff be authorized to apply for a grant of \$50,000 from the Community Action on Energy and Efficiency (CAEE) Gold program, for the purpose of implementing innovative energy efficiency and/or green house gas reduction initiatives.

## **CORRESPONDENCE**

2009-024: It was moved, seconded and carried that the Pound Report for October and November 2008 from Coastal Animal Control Services be received and filed, noting the error in the licensing numbers for November 2008.

2009-025: It was moved, seconded and carried that the Town of Ladysmith consents to the adoption of CVRD Bylaw No. 3235 - Social Planning Cowichan Annual Financial Contribution Service Establishment Bylaw, 2008.

## **QUESTION PERIOD**

A member of the audience requested clarification on the Spirit Square application and planning process. R. Malli, City Manager and Mayor Hutchins reviewed the application process and noted that Council requested that the project be postponed until the conclusion of the community visioning process. Council will be receiving the visioning

report from the consultant at a special Council meeting on Monday, January 26, 2009 at 6:00 p.m. in Council Chambers. Once the report has been reviewed planning may commence for the Spirit Square with community stakeholders being invited to be involved in the process.

**EXECUTIVE SESSION**

2009-026: It was moved, seconded and carried that this meeting retire into Executive Session (8:26 p.m.) pursuant to Section 90(1) of the Community Charter to consider the following items:

- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

**ARISE AND REPORT**

2009-027: It was moved, seconded and carried that the Executive Session of Monday, January 5, 2009 arise with report (10:15) on the following items:

- It was moved, seconded and carried that staff be authorized to add a 20 per cent contingency amount to the funding of the contract for an environmental and geotechnical evaluation of Town-owned lands between Transfer Beach and Williams Point along Ladysmith Harbour by Golder and Associates as approved at the Executive Meeting of December 15, 2008;

AND THAT the Financial Plan for 2010 be amended to accommodate the potential additional expenditure of \$24,200.

- It was moved, seconded and carried that Development Permit 3060-08-16 for 336 Belaire St. (Lot 1, District Lot 56, Oyster District, Plan 27861 be approved to permit the development of an office building containing nine business units, subject to the applicant improving the plans to meet the requirements of Development Permit Area 3 Design Guidelines by (1) increasing the landscape buffer between the parking area and the residential units by removing two east side parking stalls and adding landscaping trees and shrubs in the stall area, (2) replacing the front entry doors (south elevation) with a commercial glass double door unit, and (3) removing the Sweet Gum tree on the landscape plan,

AND THAT Development Permit 3060-08-16 include a condition reducing the required number of parking spaces by two regular spaces,

**ADJOURNMENT**

2009-028: It was moved, seconded and carried to adjourn the meeting at 10:15 p.m.

**CERTIFIED CORRECT:**

\_\_\_\_\_  
Mayor (R. Hutchins)

\_\_\_\_\_  
Corporate Officer (S. Bowden)





## Town of Ladysmith

Minutes of the Special Meeting of Council of the Town of Ladysmith held in Council Chambers at City Hall on Monday, January 12, 2009 at 6:00 p.m.

### **COUNCIL MEMBERS PRESENT:**

Mayor Rob Hutchins	Steve Arnett
Scott Bastian	Jill Dashwood
Lori Evans	Duck Paterson
Bruce Whittington	

### **STAFF PRESENT:**

Ruth Malli

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2009-029: It was moved, seconded and unanimously carried by all members of Council that the requirement to give notice of the Special Council meeting to be held on January 12, 2009 be waived in accordance with Section 127(4) of the Community Charter.

Mayor Hutchins called the meeting to order at 6:00 p.m.

### **EXECUTIVE SESSION**

2009-030: It was moved, seconded and carried that this meeting retire into Executive Session (6:30 p.m.) pursuant to Section 90(1) of the Community Charter to consider the following items:

- discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report];
- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

### **AGENDA APPROVAL**

2009-031: It was moved, seconded and carried that the agenda for Monday, January 12, 2009 be adopted as discussed.

### **REPORTS**

2009-032: It was moved, seconded and carried that staff be authorized to apply for a grant in the amount of \$5,000 from 2010 Legacies Now and the Province of British Columbia to support activities for the Spirit of BC Week 2009 in the Town of Ladysmith.

### **ARISE AND REPORT**

2009-033: It was moved, seconded and carried that the Executive Session of Monday, January 12, 2009 arise without report (10:30 p.m.).

### **ADJOURNMENT**

2009-034: It was moved, seconded and carried to adjourn the meeting at 10:30 p.m.

**CERTIFIED CORRECT:**

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Mayor (R. Hutchins)

Corporate Officer (S. Bowden)



## Town of Ladysmith

Minutes of the Special Meeting of Council of the Town of Ladysmith held in Council Chambers at City Hall on Monday, January 19, 2009 at 10:26 p.m.

### **COUNCIL MEMBERS PRESENT:**

Mayor Rob Hutchins

Scott Bastian

Lori Evans

Bruce Whittington

Steve Arnett

Jill Dashwood

Duck Paterson

### **STAFF PRESENT:**

Ruth Malli

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Mayor Hutchins called the meeting to order at 10:26 p.m.

### **AGENDA APPROVAL**

2009-035: It was moved, seconded and carried that the agenda for Monday, January 19, 2009 be adopted as discussed.

### **COUNCIL / COMMITTEE REPORTS**

#### **GOVERNMENT SERVICES COMMITTEE RECOMMENDATION**

2009-036: It was moved, seconded and carried that letters of support be forwarded to the Ladysmith Maritime Society for their applications to Island Communities Economic Trust and Community Futures.

### **ADJOURNMENT**

2009-037: It was moved, seconded and carried to adjourn the meeting at 10:30 p.m.

### **CERTIFIED CORRECT:**

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Mayor (R. Hutchins)

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Corporate Officer (S. Bowden)





## Town of Ladysmith

Minutes of the Special Meeting of Council of the Town of Ladysmith held in Council Chambers at City Hall on Monday, January 26, 2009 at 6:00 p.m.

### COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins  
Jill Dashwood  
Duck Paterson

Scott Bastian  
Lori Evans  
Bruce Whittington

### COUNCIL MEMBERS ABSENT:

Steve Arnett

### STAFF PRESENT:

Ruth Malli  
Felicity Adams

Sandy Bowden  
Rebecca Kalina

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Mayor Hutchins called the meeting to order at 5:00 p.m.

### EXECUTIVE SESSION

2009-038: It was moved, seconded and carried that this meeting retire into Executive Session (5:00 p.m.) pursuant to Section 90(1) of the Community Charter to consider the following items:

- discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report].

### ARISE AND REPORT

2009-039: It was moved, seconded and carried that the Executive Session of Monday, January 26, 2009 arise without report (5:50 p.m.).

### AGENDA APPROVAL

2009-040: It was moved, seconded and carried that the agenda for Monday, January 26, 2009 be adopted as distributed.

### DELEGATIONS

Mark Holland of HB Lanarc presented to Council the final Community Visioning Report which includes a sustainability strategy for Ladysmith, an overall vision for the Town and specific visioning concepts for the downtown, waterfront and Holland Creek. The Mayor thanked Mr. Holland for his presentation and delivery of the final report. Council reviewed the report and requested several minor amendments to the document.

2009-041: It was moved, seconded and carried that the report prepared by HB Lanarc entitled "Ladysmith - A Community Vision for a Sustainable West Coast Town" be accepted as amended.

2009-042: It was moved, seconded and carried that the Visioning Report be referred to staff for review and report back to Council.

### ADJOURNMENT

2009-043: It was moved, seconded and carried to adjourn the meeting at 6:49 p.m.

CERTIFIED CORRECT:

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Mayor (R. Hutchins)

Corporate Officer (S. Bowden)



Town of Ladysmith

**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Manager of Development Services  
Date: December 22, 2008  
File No: 3090-08-07

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Re: Development Variance Permit Application – Shoa Organizational Services Ltd. Lots 1 to 30, District Lot 52, Oyster District, Plan VIP (TBD) (Battie Drive and Thetis Drive)

RECOMMENDATION:

Option 1:

THAT Council directs staff to proceed with the statutory notice for DVP application 08-07.

Option 2: (recommended option)

THAT Council does not support DVP application 08-07 and denies the application.

BACKGROUND / HISTORY:

*Council Authority*

The *Local Government Act* enables Council to vary zoning regulations, except use and density regulations through the issuance of a development variance permit. This is a discretionary decision of Council.

Notice that a development variance permit may be issued is required to be provided (by mail) to neighbouring properties. The notice area is 60 metres of the boundary of a parcel that is subject to the permit.

*Zoning Regulations and Variances*

The Zoning Bylaw contains regulations of general application. That is to say that they work generally for parcels in the Town but have not been tested on every parcel. To some extent, zoning regulations are in place to create neighbourly development patterns.

In some circumstances (such as redevelopment of an existing building or structure or some other site specific reason), the regulations are difficult to meet or by varying the regulations, the development outcome would be better. In other cases, there may be a community benefit to a different form of development.

Requests to vary the Town's Zoning Bylaw are typically for height or setback. Variance applications are usually for one parcel and specific details are provided by the applicant to support the request. It is suggested to applicants to discuss their request with the affected neighbours before the formal statutory notice is provided by

the Town. Council requires that the applicant hold a neighbourhood meeting where a height variance request is greater than 3 metres.

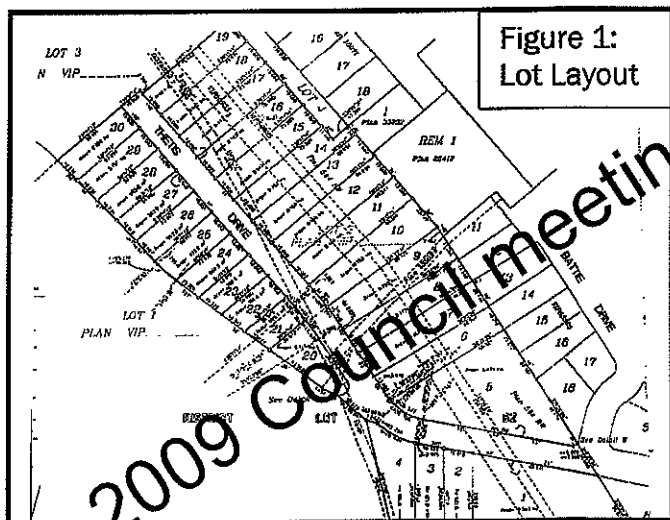
Where there is a pattern of similar variance requests, this can be an indicator that a certain regulation requires changing. Typically, variances for new parcels would not be sought as the parcel should be designed for the purpose intended and therefore new development can meet the zoning regulations.

**Applicant's Request**

Shoa Organizational Services Ltd. has applied for the following two types of variances for the residences in the new 30 lot subdivision above Battie Drive.

1. To increase the permitted maximum height for each residence from 9.0 metres to 10.0 metres for all of the parcels (see Table 1).

2. To increase the permitted maximum allowable finished floor area for many of the homes in the new subdivision from 240 sq.m. up to 325 sq.m. (see Table 2). 'Finished floor area' is defined in the Zoning Bylaw as the area of the floor on any storey of a building. The attached Figures 2 to 6, submitted with the application, show the housing form that is proposed.



The 30 lots are in the "Urban Residential Zone" (UR-1).

Typically, applicants provide specific information to support the application, such as a specific building height calculation. In this case, the applicant is requesting a height variance for all lots in the subdivision. There has not been enough information provided to determine if the height variance is warranted. For example, a height survey for each of the parcels could be provided. To meet the zoning regulations the designer could look at options such as adjusting the roof pitch or reducing the ceiling height (minimum 10 metres is proposed) or sinking the basement further into the ground.

With respect to the finished floor area variance request, the applicant wishes to build large homes.

Table 1: Height Variance Request

	Permitted residence height (UR-1)	Proposed residence height
Lot #1 to 30	9.0 metres (29.5 ft)	10 metres (33 ft)



Table 2: Finished Floor Area Variance Request

	Max finished floor area (UR-1)	Proposed main floor area
Lot #1	240 m <sup>2</sup> (2583.3 ft <sup>2</sup> )	325 m <sup>2</sup> (3500 ft <sup>2</sup> )
Lot #5	240 m <sup>2</sup> (2583.3 ft <sup>2</sup> )	260 m <sup>2</sup> (2800 ft <sup>2</sup> )
Lot #6 to 19	240 m <sup>2</sup> (2583.3 ft <sup>2</sup> )	240.6 m <sup>2</sup> (2590 ft <sup>2</sup> )
Lot #20	240 m <sup>2</sup> (2583.3 ft <sup>2</sup> )	241.5 m <sup>2</sup> (2600 ft <sup>2</sup> )

**POLICY ANALYSIS:**

A guiding principle in the Official Community Plan (OCP) states that “future neighbourhoods will need to be planned and designed so that they complement the overall character of Ladysmith and provide for attractive and sustaining neighbourhoods” (OCP Section 2.1.7). The OCP also states the need to retain the residential form and character of Ladysmith to maintain the town’s unique identity (OCP Section 1.8.2). The Visioning process recently completed in Ladysmith further emphasizes the community’s desire that new development should “weave heritage character, style and memory into its physical form” (Holland, 2008).

In 2006, Council specifically amended the Zoning Bylaw to decrease the permitted height of a principal building from 10 metres to 9 metres in the UR-1, R-1, and R-2 zones. The staff report (by the previous Manager of Development Services) which explains the rationale for this Zoning Bylaw amendment is attached to this report. The 2006 report states that the full 3 storey building scale is not appropriate for single family or two family dwellings in a neighbourhood setting in Ladysmith.

The proposed large house sizes submitted by the applicant (see attached Figures 2 to 6) do not reflect the small town character that is intended for Ladysmith residential neighbourhoods. The footprint of the home does not represent a sustainable design, nor does the design draw from the heritage character and style of Ladysmith. Council does not have the authority to regulate the design of single family residences, other than intensive residential development.

It is recommended that Council honour the guiding principles in the OCP and the 2006 amendment to the Zoning Bylaw by not supporting the request to increase the height in the UR-1 zone for the subject 30 lot single family residential subdivision, nor the larger floor area for the new homes.

I concur with the recommendation:

*R. Malli*

Ruth Malli, City Manager

**ATTACHMENTS:**

- 2006 Staff Report
- Figures 2 to 6



## Town of Ladysmith

### **STAFF REPORT - 2006**

To: Mayor & Council  
From: Bruce Anderson, Manager of Development Services  
Date: February 15, 2006  
File No: 3360-20-06-01

---

Re: Review of Height Limits - Zoning Bylaw

#### RECOMMENDATION:

That Council give First and Second Reading to "Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 54) 2006, No. 1590" to reduce the height limit for a principal building in the R-1, UR-1, and R-2 zones from 10.0 metres to 9.0 metres. Council may also set a Public Hearing date for March 20, 2006, or give direction to staff to give notice to waive the Public Hearing process should the amendment be considered to conform to the Official Community Plan.

#### BACKGROUND / HISTORY:

Staff were directed by Council to conduct a review of the height limit for dwellings in the R-1, UR-1 and R-2 zones and have the Advisory Planning Commission review and recommend on the approach to address the issue.

Recent construction of certain single family dwellings within the current 10 metre maximum height limit in the R-1 zone has raised the issue of whether the scale of some of the recent building is appropriate for the community – in particular a full 3 storey single dwelling may not be the expected building response to the Zoning Bylaw height regulations. Typically the expectation is at most a 2.5 storey dwelling. There are some instances where a dwelling has a 2 storey height on the street elevation and a 3 storey height down a sloping rear yard. The overall effect of this example is a 2 storey dwelling. However, with the 10.0 metre height maximum where there is a sloped parcel and using a low pitch roof (4/12 vs. 6/12), a builder is able to achieve a full 3 storey dwelling. While this has not been a common scenario in the past, a few recent examples have demonstrated the potential is there within the Zoning Bylaw regulations. It has been identified that this full 3 storey building scale is not appropriate for single family or two family dwellings in a neighbourhood setting.

Staff review of several Island communities has revealed a range of 7.5 metres to 10.0 metres. The typical seems to be 9.0 metres. Where the lower height limit of 7.5 metres is in place it is typically measuring to mid-point of eaves to peak instead of to the highest point of the structure. Measuring from average natural

grade to the highest point of a structure is the approach for the 9.0 metre height limit in communities.

Staff review of the reduction of the 10.0 metre height limit to a 9.0 metre height limit (as illustrated on attached height diagrams) is the reduced height limit will ensure at most a 2.5 storey dwelling. On this basis a reduction to a 9.0 metre height limit for the R-1, UR-1, and R-2 zones would ensure a full 3 storey structure is not allowed in Ladysmith in these particular zones.

ADVISORY PLANNING COMMISSION

The Advisory Planning Commission at their February 14, 2006 meeting made the following recommendation to Council:

“That the reduction in the height of a principal building in the R-1, UR-1, and R-2 zones be recommended for approval.”

2006

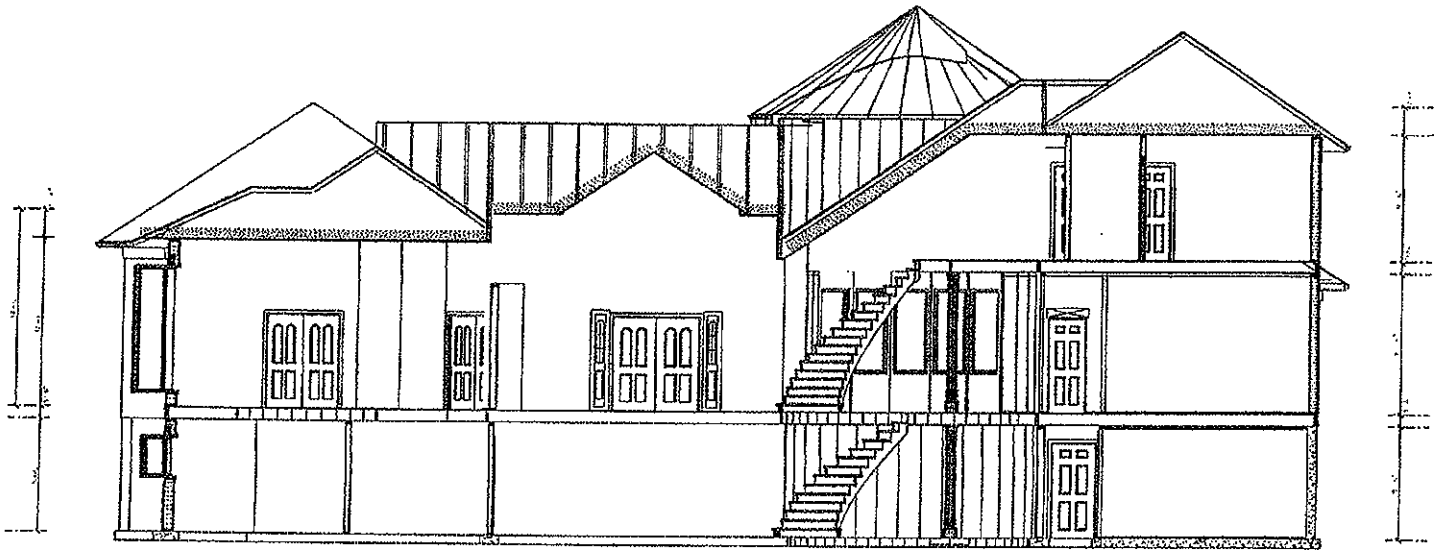
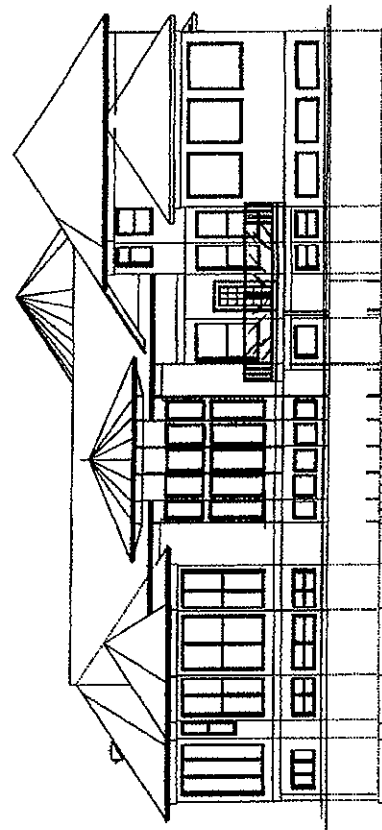
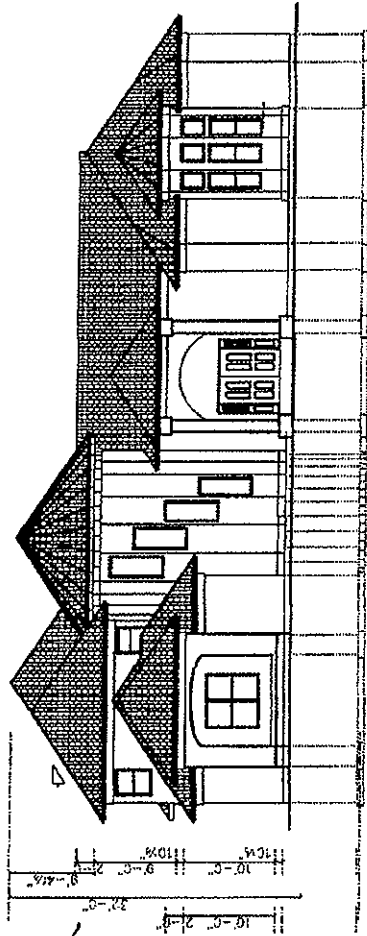


Figure 2  
Shoa Organizational Services Ltd.  
Lot 1  
Proposed House Plans

PLAN LOT 1



32'

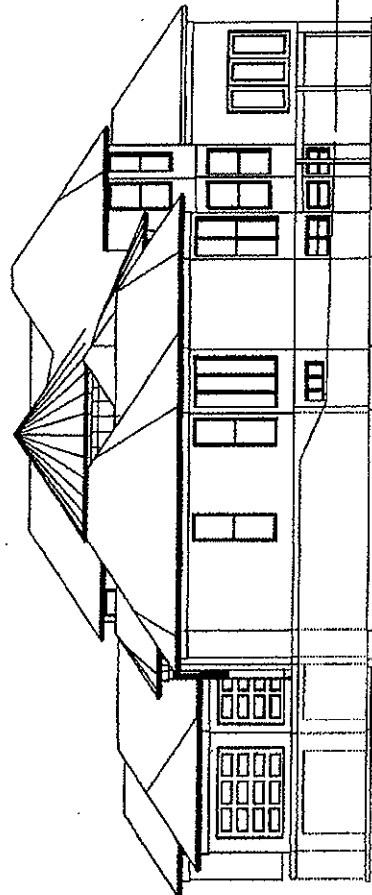
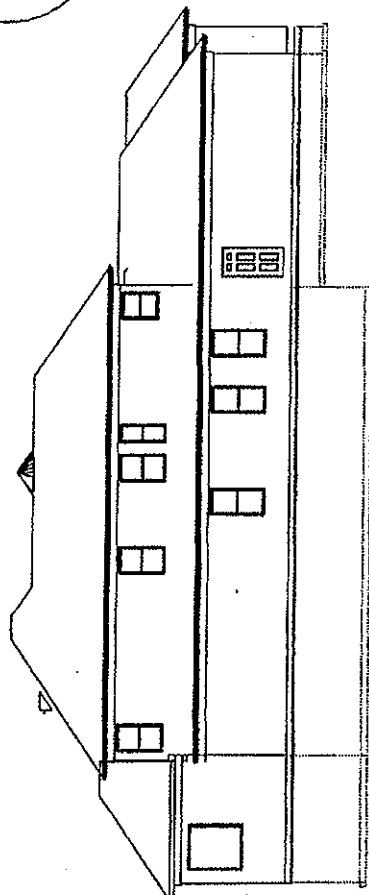
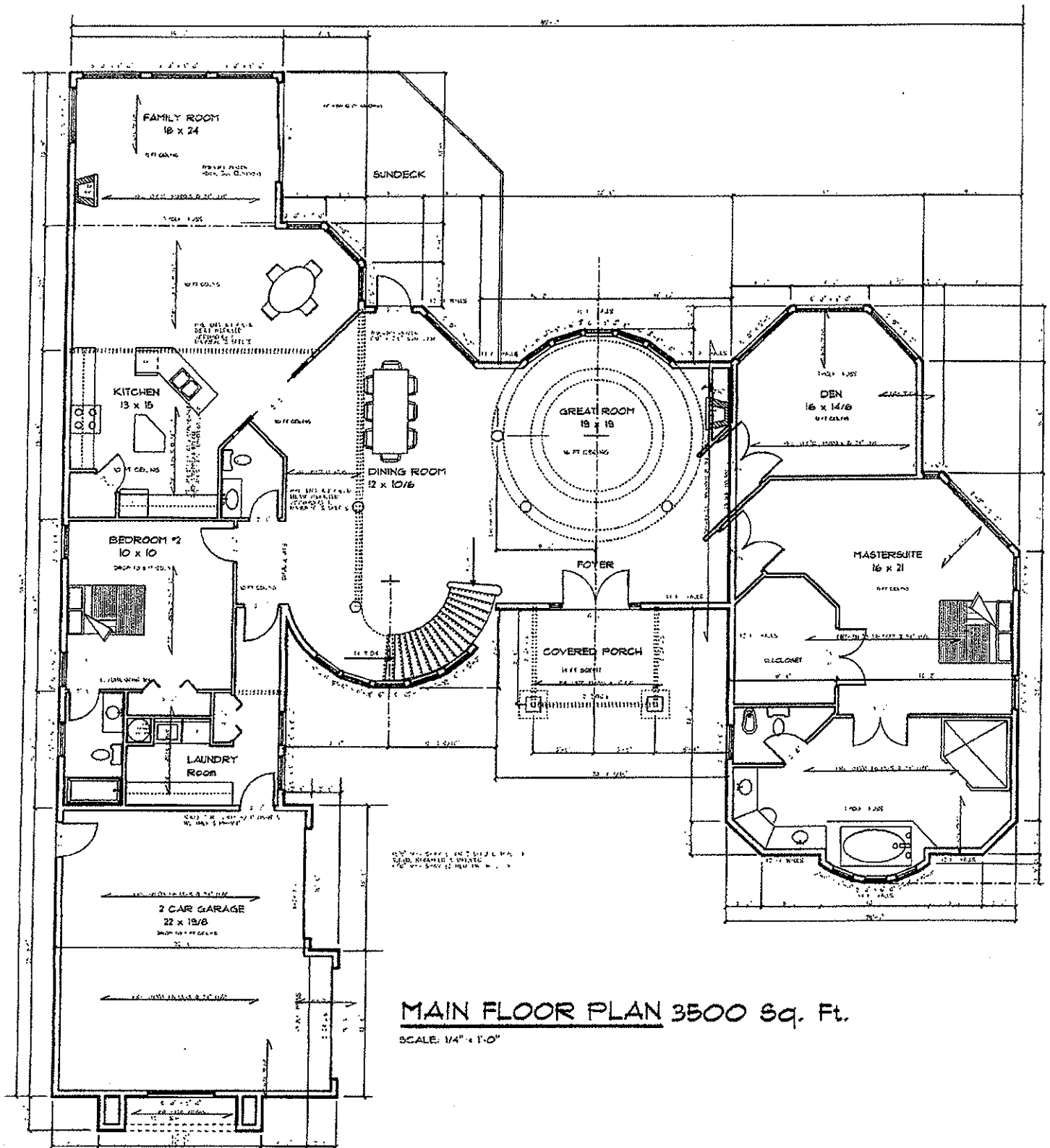


Figure 3  
Shoa Organizational Services Ltd.  
Lot 1.  
Proposed House Plans



**MAIN FLOOR PLAN 3500 Sq. Ft.**  
 SCALE: 1/4" = 1'-0"

Figure 4  
 Shoa Organizational Services Ltd.  
 Lot 1  
 Main Floor Plan

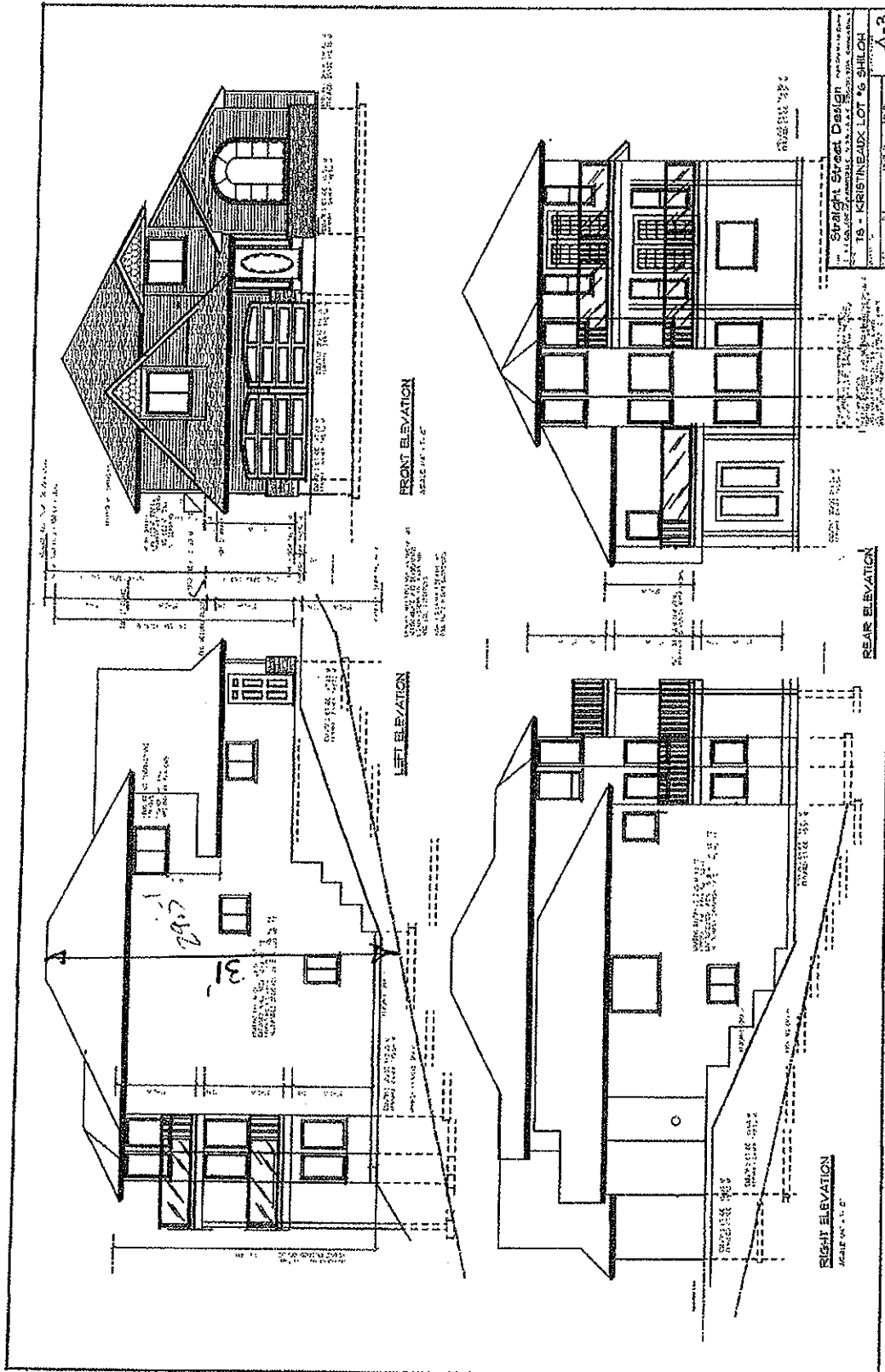


Figure 5  
 Shoja Organizational Services Ltd.  
 Lot 6 to 19  
 Proposed House Plans

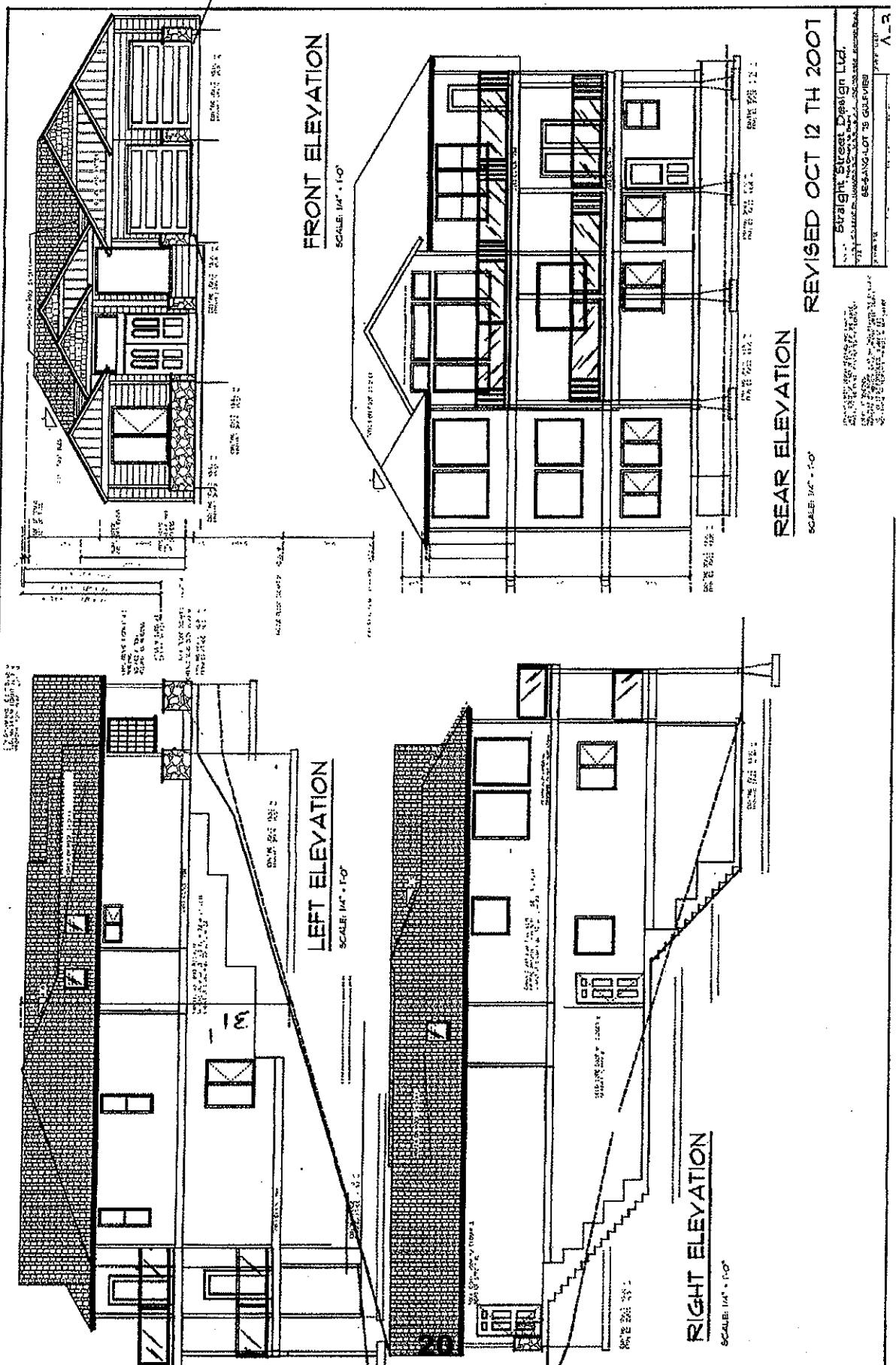


Figure 6  
 Shoa Organizational Services Ltd.  
 Lot 21 to 30  
 Proposed House Plans

REVISED OCT 12 TH 2007

Scale: 1/4" = 1'-0"

Scale: 1/4" = 1'-0"

Scale: 1/4" = 1'-0"

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Town of Ladysmith

**COMMITTEE REPORT**



**LADYSMITH**

To: Mayor and Council  
From: Councillor Duck Paterson, Chair  
Date: January 21, 2009  
File No: 0550-20

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Re: GOVERNMENT SERVICES COMMITTEE - January 19, 2009

At its meeting on January 19, 2009 the Government Services Committee recommended to Council the following:

1.) That:

(a) staff be directed to include in Bylaw 1672, the triangular shaped area of land located generally west of the hydro line containing Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608 and other parcels within the Town's urban containment boundary;

(b) Council give first and second reading to Bylaw 1672 and Bylaw 1673,

(c) the Public Hearing for this application be scheduled for March 2, 2009,

(d) with respect to opportunities for consultation on the OCP amendment for application 3360-06-13 that Council refer Bylaw 1672 to School District #68 and review Bylaw 1672 with the Chemainus First Nation Band Council at the next joint Council meeting.

.2) that the requirement for on-site sewerage treatment for rezoning application 3360-06-13 be amended to require downstream sewer upgrades identified as undersized for this development .

.3) that the dual (grey water reuse) system in the proposed development (rezoning application 3360-06-03) be referred back to staff for review and report prior to Council's consideration of third reading of Bylaw 1672 and 1673.

.4) That staff be directed to prepare an amendment to Town of Ladysmith Development Procedures Bylaw 2008, No. 1667 for the consideration of development variance permit applications by Council, as follows:

a) Staff to undertake the notice and forward the application directly to Council for consideration for the following types of DVP applications.

- setback requests for the redevelopment or expansion of an existing development
- setback requests for new development that are 0.6 of a metre or less
- height requests for less than 0.6 metres;

b) Consideration of and direction regarding notice on all other DVP applications will be recommended to Council by the Government Services Committee.

.5) That Council support the Heritage Revitalization Advisory Commission to organize and sponsor a Heritage Tourism Workshop.

.6) That Section 55 of the Cemetery Bylaw be amended to read as follows: "Floral tributes may be removed by the Caretaker and disposed of when their condition is considered to be detrimental to the appearance and beauty of the Cemetery" and further that Section 56 be deleted.

.7) That staff be requested to include cemetery fines in the Municipal Ticketing Bylaw 1457.

.8) That Bylaw 1668 (Town of Ladysmith Cemetery Management Bylaw) be referred to the February 2, 2009 Council meeting for first three readings.

.9) That the replacement of the bridge at the West end of the Holland Creek Trail system with a new structure be referred to the 2010 budget;

AND THAT information obtained during the community visioning process be used to help determine the design of the bridge.

.10) That the Town of Ladysmith not charge for water and sewer service at the boat ramp washroom / change rooms / office located at the foot of Ludlow Road and that the Town of Ladysmith be authorized to install a water meter to determine water consumption for the wharf.

.11) That Staff be authorized to enter into a short term lease agreement with Nanaimo Youth Services on a month-to-month basis for use of the lower level of 224 High Street for the purpose of conducting customer service and tourism training at a monthly lease rate of \$800 per month.

.12) That Section 12.5 be deleted from the Council Procedures Bylaw 2008, No. 1666.  
(Opposed Vote - Councillor J. Dashwood)

.13) That Section 15.3 be amended as follows: deletion of "by the mover and seconder of the motion" and further that Section 1.8 be deleted from Council Procedure Bylaw 2008, No. 1666.

.14) That Council endorses the draft "Council Procedures Bylaw 2008, No. 1666" as amended and direct staff to place the bylaw on the February 2, 2008 Regular Council agenda for the first three readings;

AND FURTHER that staff be directed to process the statutory notification of Council's consideration of final adoption of the bylaw at the Council meeting scheduled for March 2, 2008 at 7:00 p.m. in accordance with the Community Charter.

.13) That Council confirm the annual Five Year Financial Plan review schedule as outlined in the City Manager's memo dated January 4, 2009.

.14) That Council authorize the extension of the existing lease and operating agreement with the Ladysmith Chamber of Commerce for the operation of the Visitor Information Centre, for the period January 1, 2009 to December 31, 2009.

.15) That the letter from S. Clark, Program Officer, Local Government Program Services, regarding the Town's approved application for funding through Phase 2 of the Community Tourism granting program be received and filed.

.16) That the letter from Minister B. Lekstrom of the Ministry of Community Development, regarding the Trees for Tomorrow initiative be referred to the Director of Parks, Recreation and Culture for review.

.17) That the letter from the Association of Vancouver Island and Coastal Communities regarding 2009 Resolutions and Annual General Meeting be circulated to Council for information.

.18) That letters of support be forwarded to the Ladysmith Maritime Society for their applications to Island Communities Economic Trust and Community Futures.

.19) That staff be directed to prepare a letter of support for the Rain Forest Challenge Race and that the draft letter be placed on the next Council meeting agenda for review.





# Ladysmith Fire / Rescue

P.O. Box 760 Ladysmith, B.C. V9G 1A5  
 Phone: 250-245-6436 • Fax: 250-245-0917



## FIRE CHIEF'S REPORT MONTH: **December**, 2008

TYPE OF CALL OUT	J	F	M	A	M	J	J	A	S	O	N	D	YEAR'S TOTALS
Burning complaints		1				1	1	3	2	1	1		10
False Alarms: Alarm Pulled	2	1										1	4
False Alarms: Citizen Mistake		1	1	1	1	2		2	1		4	3	20
False Alarms: Electrical Problems	2	2	1	1	4	3	2	2		4	1	3	26
False Alarms: Wrong Dept. called				1									1
Fire: Car					2	2					1	1	6
Fire: Chimney	2	3								2			7
Fire: Structure	3		2		2	3	2	1	2			1	16
Fire: Bush								2					2
First Responder	4	1	2	1	2	2		1	2	2	1	7	25
Hydro Line Down	1	1								8	1	1	12
Leaking Gas: Natural Gas	1	2			2		1			1	1	2	10
Leaking Gas: Vehicle						1				1	1		3
Motor Vehicle Accident (MVA)		3	2	6	3	4	1	1	1	2	4	8	35
Mutual Aid	1		1		1	2	4			1	1		11
Miscellaneous: (itemized below)	2	2		1	3	3	1	1	6	6	1	3	29
<b>MONTH TOTALS</b> (not incl. Practises)	<b>18</b>	<b>17</b>	<b>9</b>	<b>11</b>	<b>20</b>	<b>23</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>28</b>	<b>17</b>	<b>30</b>	<b>212</b>
Practises, Totals for each Month*	4	4	4	5	4	4	5	4	5	4	4	5	52

**EXPLANATION OF MISCELLANEOUS – REPORTED ABOVE: (3)**

- 2 X water main breaks (flooding)
- Garbage can fire @ Primary school

**FALSE ALARMS (location/owner):**

- 210 Buller faulty sensor
- 293 Gill Rd. – cooking
- 139 Glen Ave – cooking
- Intermediate School – cooking
- Intermediate School – pulled alarm
- 520 Wilrose Pl. – faulty sensor
- 17 Roberts St Telus Bldg – faulty sensor

**COMPARISONS:**

Year to Date / 08 212 (excl. practises)  
 Year to Date / 07 184 (excl. practises)  
 Year to Date / 06 179 (excl. practises)

**APPROVED:**

*Ray Delcor*  
 Fire Chief



**TOWN OF LADYSMITH  
BUILDING PERMIT SUMMARY REPORT  
MONTH: DECEMBER 2008**

Commercial	Industrial	Institutional	(New) Residential	# Dwelling Units	Residential Adds / Renos	Permits This Month	Permits For Year To Date	Bldg & Pibg Permit Fees This Month	Permit Values This Month	Permit Values This Year
255,000	441,000	1	946,000	7	1,500	8	141	11186	1643,500	14816111

**SUMMARY - YEAR TO DATE**

	Commercial	Industrial	Institutional	(New) Residential	# Dwelling Units	Residential Adds / Renos	Permits This Month	Permits For Year To Date	Bldg & Pibg Permit Fees This Month	Permit Values This Month	Permit Values This Year				
JAN	\$ 120,000	2	\$ -	0	0	\$ -	7	10	\$ 20,300	5	14	14	\$ 11,165	\$ 1,277,300	\$ 1,277,300
FEB							2	4	\$ 11,000	2	5	19	\$ 8,057	\$ 1,290,000	\$ 2,567,300
MAR	\$ 40,000	2	\$ 40,000	2	4	\$ 60,000	4	4	\$ 60,000	8	16	35	\$ 6,956	\$ 825,000	\$ 3,392,300
APR							8	9	\$ 89,120	8	17	52	\$ 10,955	\$ 1,380,120	\$ 4,722,420
MAY							7	7	\$ 48,360	7	14	66	\$ 8,486	\$ 1,006,360	\$ 5,728,780
JUN							3	3	\$ 163,518	4	7	73	\$ 4,772	\$ 583,518	\$ 6,312,298
JUL	\$ 640,000	1					7	11	\$ 92,500	11	19	92	\$ 13,013	\$ 1,844,500	\$ 8,156,798
AUG	\$ -	1	\$ -	1	5	\$ 82,000	5	5	\$ 82,000	6	13	105	\$ 6,813	\$ 781,300	\$ 8,938,098
SEP	\$ 1,800,000	2					6	15	\$ 15,200	6	14	119	\$ 17,832	\$ 2,704,513	\$ 11,642,611
OCT	\$ 50,000	1	\$ -	5	3	\$ 15,000	2	3	\$ 15,000	2	11	130	\$ 3,071	\$ 465,000	\$ 12,107,611
NOV	\$ 900,000	2					1	1			3	133	\$ 6,178	\$ 1,065,000	\$ 13,172,611
DEC	\$ 255,000	1	\$ 441,000	1	7	\$ 1,500	1	7	\$ 1,500	1	8	141	\$ 11,186	\$ 1,643,500	\$ 14,816,111
TOTAL	\$ 3,805,000	12	\$ 1,304,000	8	79	\$ 548,498	60	141	\$ 108,484	\$ 14,816,111					

# of Demolitions for month - 0 , for YTD - 2

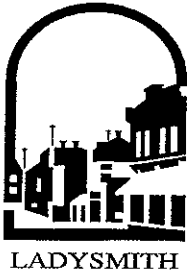
**COMPARISONS**

*[Signature]*  
BUILDING INSPECTOR

# DWELLING UNITS / VALUE	PERMITS ISSUED / VALUE
YEAR TO DATE / 08	YEAR TO DATE / 08
79 \$ 9,009,613	141
YEAR TO DATE / 07	YEAR TO DATE / 07
67 \$ 9,787,775	140
YEAR TO DATE / 06	YEAR TO DATE / 06
98 \$ 11,901,212	181
	\$ 14,816,111
	\$ 15,172,014
	\$ 29,713,888







Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Joe Friesenhan, Director of Public Works  
Date: November 8, 2008  
File No:

---

Re: CASSIDY AQUIFER ASSESSMENT AND EVALUATION

RECOMMENDATION:

For your information in preparation for the 2009 budget process.

BACKGROUND / HISTORY:

In August of 2005, Council awarded a contract to EBA Engineering Consulting Ltd to assess the Geological and Hydrological conditions of Stocking Lake, Holland Lake, and Prevost Lake to develop options for consideration to increase the reliability and quantity of the available surface water supply for the Towns future use. Council also wanted to determine the feasibility of bringing water into the Town from the Cassidy Aquifer.

Koers & Associates Engineering Ltd. have completed an assessment of the availability and viability of piping water from the Cassidy Aquifer to the Town. The report identifies two aquifers present in the Cassidy area that may be considered for exploration and development.

A copy of the report is available at Corporate Services.

The recommendations from the report are included in the 5 year Capital Plan submitted as a separate report.

ATTACHMENTS:

None.

I concur with the recommendation:

  
\_\_\_\_\_  
Ruth Malli, City Manager





Town of Ladysmith  
**STAFF REPORT**

To: R. Malli, City Manager  
From: S. Bowden, Director of Corporate Services  
Date: January 27, 2009  
File No: 1855-20

---

Re: **PHONE VOTE RATIFICATION**  
**UBCM – Built Environment and Active Transportation (BEAT) Planning Grant**

**RECOMMENDATION**

That Council ratify the following motion that was presented on January 27, 2009:

*That staff submit an expression of Interest to UBCM for a Built Environment and Active Transportation (BEAT) planning grant to:*

- *update the Town's 2000 Bicycle Plan,*
- *identify and design cycling infrastructure (signage, routes, markings, bike racks, etc),*
- *identify linkages to regional bike routes,*
- *prepare bicycle friendly policies for inclusion into the Town's OCP,*
- *prepare a cycling brochure for residents and visitors.*

*AND if the EOI is successful to submit a grant application.*

**BACKGROUND**

Members of Council were surveyed by telephone on Tuesday, January 27, 2009 regarding a request for approval for staff to submit an expression of interest to UBCM for a Built Environment and Active Transportation (BEAT) Planning Grant.

- Grants are between \$15,000 to \$25,000
- EOI deadline is Jan 30, 2009. Notified of success by Feb 13th with grant to be submitted by March 6th with award by March 13th.
- If successful, commence March 30 with completion by Dec 31, 2009

All members of Council expressed their support for staff to proceed with the expression of interest application. This matter now requires ratification by Council.

I concur with the recommendation.

  
\_\_\_\_\_  
Ruth Malli, City Manager

**ATTACHMENTS:**

None.





## Town of Ladysmith

### **STAFF REPORT**

To: Ruth Malli, City Manager  
From: Patrick Durban,  
Director of Parks, Recreation & Culture  
Date: January 28, 2009  
File No:

---

Re: AGGIE HALL KITCHEN UPGRADE

**RECOMMENDATION:**

THAT Council approve the revised budget for upgrades to the Aggie Hall kitchen with the additional funds allocated from prior years surplus in Parks, Recreation and Culture operating budget, to a maximum of \$15,000, and that the purchasing policy be waived in order that the work can be completed in a timely manner.

**BACKGROUND / HISTORY:**

The Town, in partnership with Ladysmith Family & Friends (LAFF) have been working on a major upgrade to the kitchen at the Aggie Hall for a number of years. A budget of \$95,000, (\$45,000 LAFF, \$50,000 Town) was established and the equipment was ordered in 2008.

The work will commence the second week of February 2009 with anticipated completion by early March. A number of additional measures are required both for health and building code requirements as well as ensuring the job is completed correctly. These include the requirement for an exhaust and fire suppression system and because the kitchen needs to be rewired, the walls have to be removed so insulation and drywall could be used and new millwork (storage).

In addition, a corner of the kitchen floor has to be levelled and the westerly roof section is in need of immediate repair. Therefore the required additional funding to \$15,000, which could be brought forward from unallocated surplus to allow this project to be completed.

**FINANCIAL / LEGISLATIVE / LEGAL IMPLICATIONS:**

A breakdown of the costs to complete this project is as follows:

Kitchen equipment	\$49,000
Exhaust / fire suppression	15,300
Replace roof	5,200
Re-plumbing	2,000
Electrical (requires 3 phase)	20,000
Insulation / drywall / painting	6,000
Demolition and prep	5,000
Millwork (Storage)	5,000
Contingency	2,500
	<hr/>
	110,000
Funding approved in 2008	95,000
Difference	15,000

I concur with the recommendation

---

Ruth Malli, City Manager





Town of Ladysmith

**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Patrick Durban,  
Director of Parks, Recreation & Culture  
Date: January 28, 2009  
File No:

---

Re: LOT CONSOLIDATION AND SUBDIVISION

RECOMMENDATION:

THAT Council authorize staff to offer for sale Town property off Battie Drive (Lot 5, DL52, Plan VIP86054) to the adjacent property owners for consolidation and subdivision.

BACKGROUND / HISTORY:

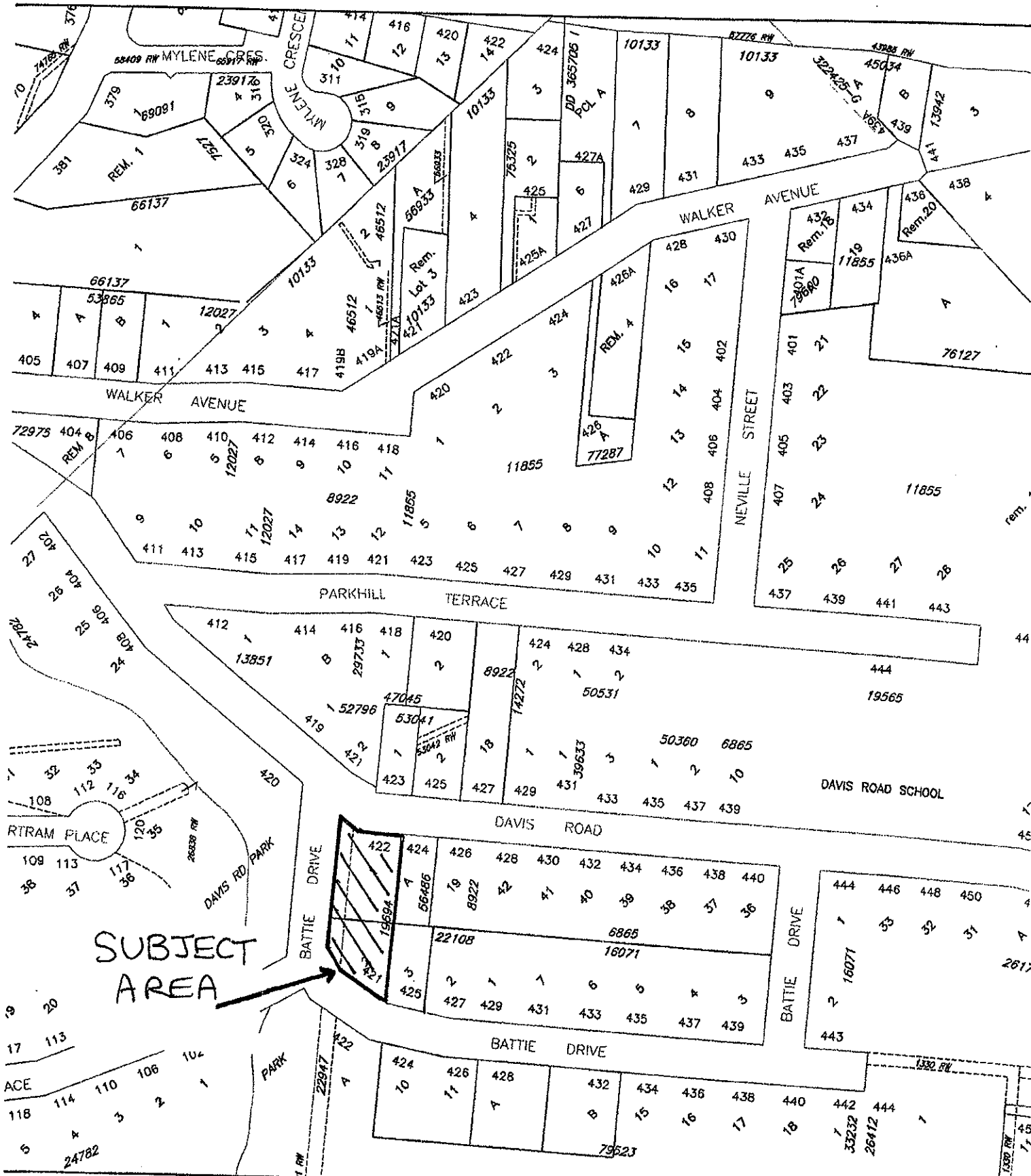
Council authorized staff to investigate the potential for property consolidation and subdivision on lands in the Battie Drive area. Attached is a sketch plan indicating the proposal together with a map showing the location.

ATTACHMENTS:

Plan  
Map

I concur with the recommendation

  
\_\_\_\_\_  
Ruth Malli, City Manager

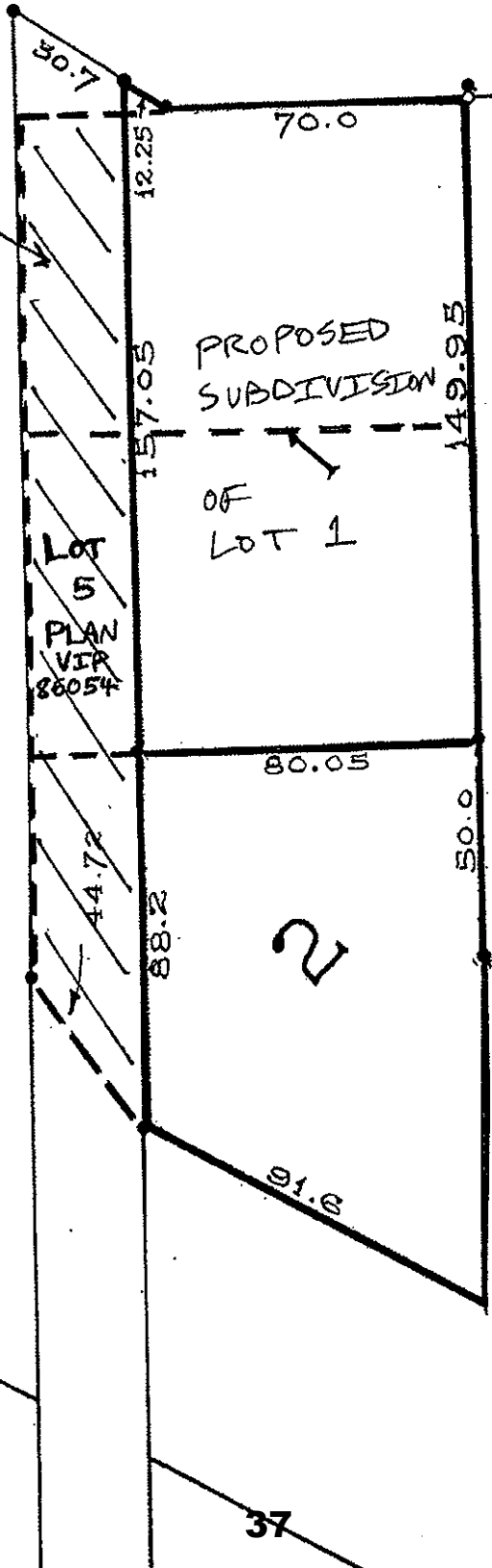




# DAVIS RD.

# BATTIE DRIVE

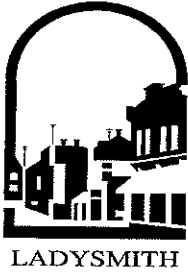
TOWN OWNED PROPERTY



CONSOLIDATE  
TOWN OWNED  
PROPERTY WITH  
LOT'S 1 & 2.  
LOT 1 ABLE  
TO SUBDIVIDE  
INTO TWO LOTS.  
LOT 1 HAS TWO  
RESIDENCES ON  
THE ONE LOT NOW.  
THIS WILL ALLOW  
FOR TWO SEPARATE  
LOTS WITH A  
RESIDENCE ON  
EACH.  
LOT 2 WILL  
REMAIN AS ONE  
LOT.

1.  
set.





Town of Ladysmith  
**STAFF REPORT**

To: Mayor & Council  
From: R. Malli, City Manager  
Date: January 26, 2009  
File No: 3900-20 (No. 1674)

---

Re: Reserve Funds Expenditure Bylaw – Cemetery Care

RECOMMENDATION:

That Council give the Town of Ladysmith Cemetery Care Trust Funds Appropriation Bylaw 2009, No. 1674 first, second and third readings.

BACKGROUND:

“Cemetery Care Trust Fund Appropriation Bylaw 2009, No. 1674” is attached. The purpose of this bylaw is to authorize the transfer of \$2,300.00 from the Cemetery Care Trust Fund.

This bylaw may be introduced and read a first, second and third time at the February 2, 2009 Council meeting.

ATTACHMENT:

Cemetery Care Trust Funds Appropriation Bylaw 2009, No. 1674

TOWN OF LADYSMITH

**BYLAW NO. 1674**

A bylaw to appropriate monies from the Cemetery Care Trust Fund.

**WHEREAS** the sum of \$140,367.90 is on deposit in the Cemetery Care Trust Fund; and

**WHEREAS** it is deemed necessary to appropriate the sum of up to \$2,300.00 from the Cemetery Care Fund for the purpose of the Cemetery: and

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

1. The sum of up to two thousand three hundred dollars (\$2,300.00) is hereby appropriated from the Cemetery Care Trust Fund and transferred to the General Revenue Fund to provide for the cemetery.
2. This bylaw may be cited as the "Cemetery Care Trust Fund Appropriation Bylaw 2009, No. 1674".

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

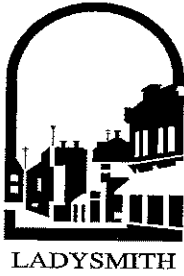
**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
Mayor (R. Hutchins)

\_\_\_\_\_  
Corporate Officer (S. Bowden)



Town of Ladysmith  
**STAFF REPORT**

To: Mayor & Council  
From: R. Malli, City Manager  
Date: January 28, 2009  
File No: 3900-20 (No. 1669)

---

Re: Development Cost Charges (Roads) Restricted Reserve

RECOMMENDATION:

That Council give the Town of Ladysmith Development Cost Charges Roads Appropriation Bylaw 2009, No. 1669 first, second and third readings.

BACKGROUND:

“Development Cost Charges Roads Appropriation Bylaw 2009, No. 1669” is attached. This bylaw authorizes the transfer of funds in the amount of \$751,682 from the DCC – Roads Reserve to fund the following contained in the Financial Plan:

Chemainus Road	\$690,754
Davis Road Sidewalk	40,498
Walkem-Christie Sidewalk	<u>20,430</u>
	<u>\$751,682</u>

This bylaw may be introduced and read a first, second and third time at the February 2, 2009 Council meeting.

ATTACHMENT:

DCC Roads Appropriation Bylaw 2009, No. 1669

TOWN OF LADYSMITH

**BYLAW NO. 1669**

A bylaw to appropriate monies from the Development Cost Charges (Roads) Restricted Reserve.

**WHEREAS** the Town of Ladysmith has collected monies under the authority of the provisions of the Development Cost Charges Bylaw, 2000, No. 1374, of the Town of Ladysmith, which monies have been deposited in the Development Cost Charges Reserve Fund; and

**WHEREAS** there is an unappropriated balance in the Development Cost Charges (Roads) Restricted Reserve of \$1,084,106.37, and

**WHEREAS** it is deemed appropriate to use a portion of the monies set aside under said Bylaw No. 1374 for the purpose of debt repayment for and construction of road projects;

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

1. The sum of seven hundred fifty-one thousand six hundred and eighty-two dollars (\$751,682) is hereby appropriated from the Development Cost Charges Restricted Reserve (Roads), to be expended for the purpose of debt repayment for and construction of road projects.
2. Should any of the above amount remain unexpended after the expenditures hereby authorized have been made, any unexpended balance shall be returned to the credit of the said Reserve Fund.
3. This bylaw may be cited as the "DCC Roads Appropriation Bylaw 2009, No. 1669".

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Mayor (R. Hutchins)

\_\_\_\_\_  
Corporate Officer (S. Bowden)



Town of Ladysmith

**STAFF REPORT**

To: Mayor & Council  
From: R. Malli, City Manager  
Date: January 28, 2009  
File No: 3900-20 (No. 1676)

---

Re: Reserve Funds Expenditure Bylaw – Parks

RECOMMENDATION:

That Council give the Town of Ladysmith DCC Parks Appropriation Bylaw 2009, No. 1676 first, second and third readings.

BACKGROUND:

Town of Ladysmith DCC Parks Appropriation Bylaw 2009, No. 1676 is attached. This bylaw permits the appropriation of up to \$71,204 from the DCC – Parks for the following projects contained in the Financial Plan – DCC – Parks:

Transfer Beach Washrooms	\$71,204
--------------------------	----------

Any unexpended funds will be returned to the Reserve Fund.

This bylaw may be introduced and read a first, second and third time at the February 2, 2009 Council meeting.

ATTACHMENT:

DCC Parks Appropriation Bylaw 2009, No. 1676

TOWN OF LADYSMITH

**BYLAW NO. 1676**

A bylaw to appropriate monies from the Development Cost Charges (Open Space & Parkland) restricted Reserve.

---

**WHEREAS** the Town of Ladysmith has collected monies under the authority of the provisions of the Development Cost Charges Bylaw, 2000, No. 1374, of the Town of Ladysmith, which monies have been deposited in the Development Cost Charges Restricted Reserve; and

**WHEREAS** there is an unappropriated balance in the Development Cost Charges (Open Space & Parklands) Restricted Reserve of \$1,194,426; and

**WHEREAS** it is deemed appropriate to use a portion of the monies set aside under said Bylaw No. 1374 for the purpose of development of Parkland and Open Space;

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

1. The sum of seventy-one thousand two hundred and four dollars (\$71,204) is hereby appropriated from the Development Cost Charges (Open Space & Parklands) Restricted Reserve, to be expended for the purpose of development of Open Space and Parkland.
2. Should any of the above amount remain unexpended after the expenditures hereby authorized have been made, any unexpended balance shall be returned to the credit of the said Restricted Reserve.
3. This bylaw may be cited as the "DCC Parks Appropriation Bylaw 2009, No. 1676".

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_,

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_,

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_,

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_,

---

Mayor (R. Hutchins)

---

Corporate Officer (S. Bowden)





Town of Ladysmith  
**STAFF REPORT**

To: City Manager  
From: Director of Public Works  
Date: January 29, 2009  
File No:

---

Re: **CHEMAINUS ROAD RECONSTRUCTION**

**RECOMMENDATION:**

That Council authorize an amendment to the project costs for the reconstruction of Chemainus Road to \$2.998 million and that the financial plan be amended accordingly:

MRIF Grant Funding	\$1,800,000
Taxation (2008)	251,515
Development Cost Charges - Roads	690,754
Development Cost Charges - Water	129,879
New Deal Community Works Fund Contribution	<u>126,512</u>
	\$2,998,660

**BACKGROUND / HISTORY:**

In January 2007, Council passed resolution #CS2007-027 authorizing staff to apply for grant funding for repairs and reconstruction to Chemainus Road. At that time, the projected cost was \$2,695,904. The work did not commence until summer, 2008. Council has been advised that costs were anticipated to be higher than originally budgeted. It is now projected that the final cost will be 11 per cent higher than the original budget, or \$2,998,660.

The main factors behind the increased costs are unforeseen expenses. Additional costs were incurred to build a higher retaining wall along Chemainus Road after site conditions were inspected by the geotechnical engineers, including new soil and fill required to backfill behind the retaining wall due to poor condition of the existing soil (\$185,000). The change to the retaining wall brought about a requirement to move hydro/telephone poles, relocate the hydro line, remove trees and relocate gas lines (\$55,000). Additional on-site engineering supervision was also required.

Given the complexity and scope of this undertaking, and the fact that project completion is two years after the original cost estimates, the project engineers advise us that increased costs of 11 per cent are neither unexpected nor unreasonable.

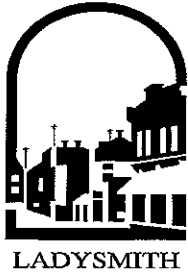
**ATTACHMENTS:**

None.

I concur with the recommendation

  
\_\_\_\_\_  
Ruth Malli, City Manager





Town of Ladysmith  
**STAFF REPORT**

To: Council  
From: Ruth Malli, City Manager  
Date: January 30, 2009  
File No:

---

Re: GREEN MUNICIPAL FUND

**RECOMMENDATION:**

That Council authorize staff to apply for a Green Municipal Fund grant in the amount of \$73,000 for the Ladysmith Waterfront Brownfield Study and environmental assessment, and that the financial plan be amended accordingly.

**SUMMARY OF KEY POINTS:**

In resolution CS 2008-623, Council authorized staff to negotiate a cost-sharing agreement with the province of BC to engage Golder and Associates to conduct an environmental assessment of the Ladysmith waterfront, to a maximum of \$121,000. In Resolution CS 2009-027, Council approved a further 20 per cent contingency for that assessment, to a maximum of \$24,200.

Since approving those expenditures, staff have determined that this study would be eligible for funding through the Green Municipal Fund program of the Federation of Canadian Municipalities. The program will fund up to 50 per cent of the eligible costs, which total \$146,000.

**ATTACHMENTS:**

"None".



**RECEIVED**  
 JAN 14 2009  
 TOWN OF LADYSMITH

**COASTAL ANIMAL CONTROL SERVICES OF BC LTD**

2202 Herd Rd. Duncan, BC. V9L 6A6

(250) 748-3395

**TOWN OF LADYSMITH POUND REPORT**

December, 2008

<b>Disposition of Impounded Dogs</b>	<b>Current Month</b>	<b>2008 Totals</b>
Stray dogs impounded	1	17
Stray dogs claimed	0	10
Stray dogs put up for adoption	0	5
Stray dogs euthanized	0	2
Stray livestock / cats	0	0
<b>Calls Received and Investigated</b>	<b>3</b>	<b>97</b>
Aggressive dogs	0	19
Dogs at large	2	45
Noise (barking) complaints	0	25
Other non specific dog related calls	1	7
Wildlife / livestock / cats	0	1
<b>Monthly Pound and Board Fees Collected</b>	<b>\$0.00</b>	<b>\$1025.00</b>
Impound fees	\$0.00	\$885.00
Daily board fees	\$0.00	\$240.00
<b>Tickets issued</b>	<b>0</b>	<b>7</b>
Unlicenced dog	\$00.00	\$0.00
Dog at large	\$00.00	\$400.00
Dangerous dog at large	\$00.00	\$750.00
<b>Licencing Statistics</b>	<b>Tags</b>	<b>0</b>
	<b>Revenue</b>	<b>\$0.00</b>
		<b>1023</b>
		<b>\$23895.00</b>

Trevor Hughes





# Georgia Strait Alliance

Caring for our Coastal Waters

www.GeorgiaStrait.org

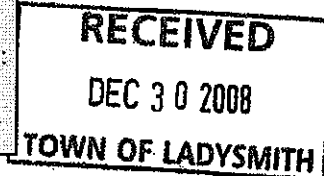
December 16, 2008

Mayor and Council  
Town of Ladysmith  
PO Box 220 410 Esplanade  
Ladysmith, BC V9G 1A2

That Council consider if it wishes to provide a letter of support for this initiative.

I concur with the recommendation:

*R. Mall*  
R. Mall, City Manager



Dear Mayor and Council:

Re: Request for Support of Province of BC funding for research into closed containment salmon aquaculture technology.

As you may be aware, the Select Standing Committee on Finance and Government Services, in the 2009 Budget Consultation Process, recommended that the Province of BC fund closed containment fish farming technology research. Their recommendation was based on input from industry players and the environmental community who presented a joint submission that proposed an Aquaculture Innovation Fund.

We hope that your community will support the call for provincial funding for research into closed containment technology. Please add your voice to those of the Strathcona Regional District, Village of Sayward, Village of Alert Bay, Tofino-Long Beach Chamber of Commerce, and numerous individuals and businesses in requesting that the provincial government fund closed containment research.

Time is of the essence, and we hope you will communicate your support for closed containment research funding to the Province of BC very soon. We have enclosed several documents to aid you in this process. Please keep us informed on your participation.

Thank you for your consideration.

Sincerely,

Michelle Young  
Salmon Aquaculture Campaigner

/encl.

**MAIN OFFICE** membership—correspondence

195 Commercial St.  
Nanaimo, BC V9R 5G5  
Ph: (250) 753-3459 Fax: (250) 753-2567  
gsa@GeorgiaStrait.org

**VANCOUVER OFFICE**

Suite 607—207 W. Hastings St.  
Vancouver, BC V6B 1H7  
Ph: (604) 633-0530



Excerpt from:

The Legislative Assembly of BC  
Report on the Budget 2009 Consultations

Select Standing Committee on Finance and Government Services  
Second Report, November 2008  
Page 22

## **AQUACULTURE**

The Finance Committee heard concerns about the impact of open-net-pen fish farms on the marine environment. Others, though, proposed that fish farming could be a viable and sustainable industry. For example, an interesting joint proposal was submitted by Marine Harvest Canada and the Coastal Alliance for Aquaculture Reform, a coalition of seven environmental groups representing the David Suzuki Foundation, Friends of Clayoquot Sound, Georgia Strait Alliance, Living Oceans Society, Raincoast Conservation Society, T. Buck Suzuki Environmental Foundation and the Watershed Watch Salmon Society. They requested funding for ocean-based closed-containment pilot projects, which could generate an innovative, 'made-in-B.C.' solution to developing a sustainable industry in the province. Here is a sample of views on this type of proposal:

*"The Coastal Alliance for Aquaculture Reform and Marine Harvest Canada recommend that the provincial government make a substantial investment in a new, closed-system aquaculture innovation pilot program to ensure that a fund is created to allow for development assistance for three commercial-scale pilot projects. Such a program should be set up in 2009 with funds becoming available for pilot projects by the end of that year. We estimate the cost to be \$14 million; \$10 million of public funding and \$4 million from private sources."* (David Lane, Coastal Alliance for Aquaculture Reform; Clare Backman, Marine Harvest Canada, Campbell River, WS286)

*"The majority of B.C. salmon farms are operated by companies with head offices outside of Canada. The global aquaculture industry suffers from many of the same issues wherever it operates. It would be nice if the solution, developing closed-system technologies, came from this province."* (Rob Walker, Middle Bay Sustainable Aquaculture Institute, Courtenay hearing)

*"Invest in restoring the health of wild salmon stocks by moving to closed-containment fish farms."* (Darcy Mann, Victoria, Survey864)

### *Committee Decision*

The Finance Committee supports additional investment in aquaculture projects that offer the potential of developing a made-in B.C. solution to the challenges facing the global industry. We urge the government to consider becoming a funding partner with the federal government and private industry in pilot projects for developing ocean-based, closed-containment fish farming technology.



Honourable Gordon Campbell  
Premier of BC  
Room 156 Parliament Buildings  
Victoria BC V8V 1X4

SAMPLE LETTER

Dear Premier Campbell,

We strongly recommend the recent announcement that you take the advice of your finance committee to invest in developing closed containment fish farming technology in order to protect the wild salmon of British Columbia from the impacts of open net pen salmon aquaculture.

Wild salmon are enormously important to the ecosystem, economy, and culture of BC. Research published in the top journal Science shows that sea lice from salmon farms are driving some wild pink salmon runs to extinction. As we know that pink salmon provide food for other species of salmon, this puts all wild salmon at risk. Action must be taken to protect all of BC's wild salmon for the long term.

The latest scientific research published in the North American Journal of Fisheries Management indicates that juvenile Fraser River Salmon are being infested by sea lice from open net pen salmon farms as they pass between Vancouver Island and mainland BC on their way to the ocean. Exhaustive studies in the Broughton Archipelago point to the likelihood that these infestations will prove fatal.

The only way to avoid this and still maintain a vital aquaculture industry in BC is to separate commercially farmed fish from the natural environment by moving the farms into closed containment, thus limiting negative environmental impacts, especially the transmission of diseases and parasites between farmed and wild salmon.

We support the allocation of funds by the provincial government toward the establishment of a closed system aquaculture innovation pilot program, sufficient to support more than one commercial scale project, and that the provincial government initiate work on a comprehensive strategy for a full scale transition of the industry to closed system aquaculture.

Over the long term, closed system salmon aquaculture is the only solution to continuing the salmon farming industry without sacrificing our wild salmon. It is urgent that you act on this issue immediately, as the danger to the wild salmon has reached crisis proportions. The Science paper—supported by an international academic community—leaves no doubt that open net-cage salmon farming is devastating wild salmon populations, putting coastal ecosystems and communities at risk.

Your government can prevent the tragic loss of BC's wild salmon. Invest in a commercial scale closed containment fund to jump start a coast wide transition to more sustainable salmon farming practices. There is no time to waste. Farmed fish must be separated from wild stocks in order to protect the wild populations.

Yours sincerely,

CC:  
Honourable Stan Hagen, Provincial Minister of Agriculture and Lands  
Honourable Gail Shea, Federal Minister of Fisheries and Oceans  
Michelle Young; Georgia Strait Alliance

# ECONOMIES, HEALTHY OCEANS

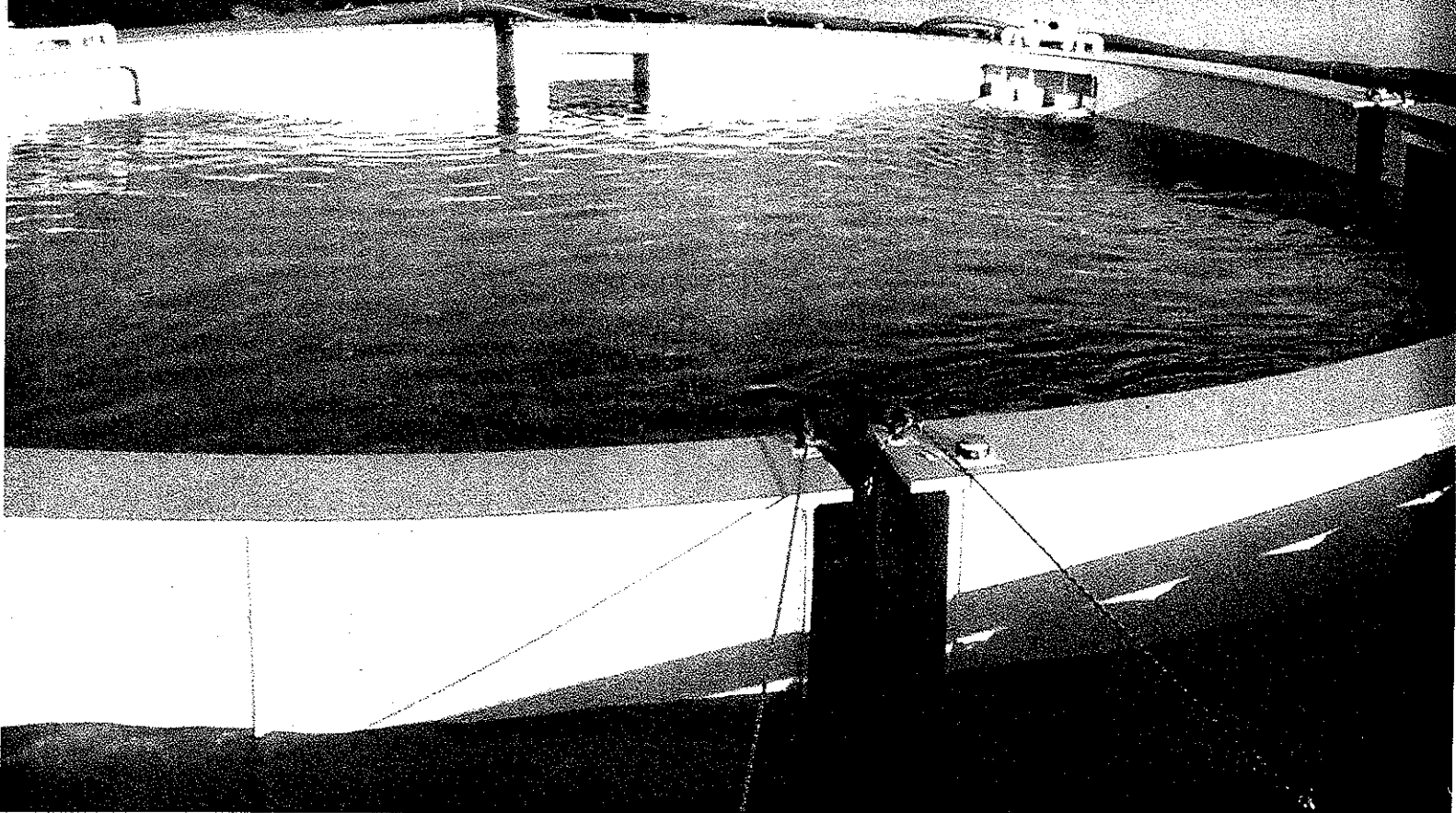


Photo: Neptune Industries, Florida, USA

**P**eople throughout the world love to eat seafood. And no wonder. Fish and other seafood are tasty and nutritious. They are a healthy source of protein, vitamins, and essential omega-3 fatty acids. As the global demand for seafood increases and ecological constraints put limits on wild fish supplies, aquaculture is becoming an important means of satisfying that demand.

Over the past three decades, aquaculture worldwide has grown by about 11 per cent a year, and now provides about one third (40 million megatons) of global fisheries production.

*continued....*

But not all aquaculture is equally beneficial. In particular, open net-cage farms producing fish such as salmon have serious negative impacts. At their worst, they cause devastating damage to the marine environment, threatening wild salmon runs, shellfish beds, marine mammals, and many other species living in the area. Even so, salmon farming has become an important part of many coastal economies. Our goal is to achieve both financially viable aquaculture and healthy local ecosystems.

Closed system aquaculture (CSA) is already providing better ways to farm fish. This involves barrier technologies that ensure no contact between wild and farmed fish, thus eliminating the most negative impacts of fish farming and significantly reducing others. Around the world, CSA is producing fish and profits without degrading the rich abundance of oceans, lakes, and streams.

An examination of existing CSA reveals a large and complex range of technologies with varying methods of treatment for both incoming and effluent waters. All involve a physical barrier between the fish and the natural environment. These range from pond and ditch systems, which are the earliest form of closed system aquaculture, to impermeable barrier systems, such as raceways and tanks. CSA systems include those using a one-time flow-through of water with varying degrees of input and output water-treatment methods and fully recirculating systems where water is largely reused.

Geographically, CSA is found everywhere from land-locked ur-

ban centres to sea-based tanks. Systems may depend on municipal water, groundwater, lakes, rivers, or the ocean. This range and diversity of existing and emerging technologies is a promising sign that closed systems can be successfully adapted to meet specific geographic conditions and respond to social conditions such as consumer demand, policy, and legislation.

## Closed system aquaculture is already providing better ways to farm fish

In the Netherlands, for example, environmental and social concerns have led to policy and legislation requiring 100 per cent of aquaculture to be CSA, using recirculated water. Some governments, such as those in the European Union, have implemented subsidies and tax reforms to encourage development and adoption of these new technologies.

Closed system aquaculture comes in many configurations. See below for examples of the most typical forms

### Recirculating tanks

Recirculating tanks are often located where land and water is limited. When a system reuses 60 to 70 per cent of treated effluent water, it is considered to be a recirculating aquaculture system (RAS). Some systems recirculate more than 95 per cent of their water.

Tanks come in a variety of forms. Circular tanks are often used because of their self-cleaning properties. Polygon shapes, however, are more space efficient. These systems are often modular and scalable, which allows producers to add greater capacity at their own pace without having to interrupt operations.

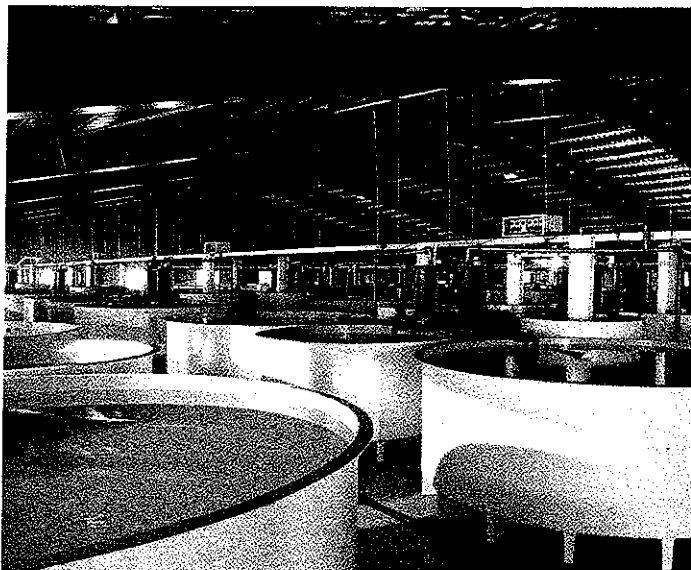


photo: Cell Aquaculture Systems Europe, Netherlands

5

### Flow-through systems

Flow-through systems allow water to enter and exit through the tanks or holding areas. Incoming water is almost always treated for bacteria, parasites, and disease, and outgoing water is treated to varying extents. Solid wastes are frequently collected and treated, possibly composted. Flow-through tanks are similar to recirculating tanks. These, however, are more commonly found where reliable water sources are available. They are made from a range of materials, in circular as well as square shapes. Hard-walled systems are generally made from reinforced plastic, fibreglass, concrete, or aluminium, and can be land-based or float in lakes or the ocean. Soft-walled are made from plastic.

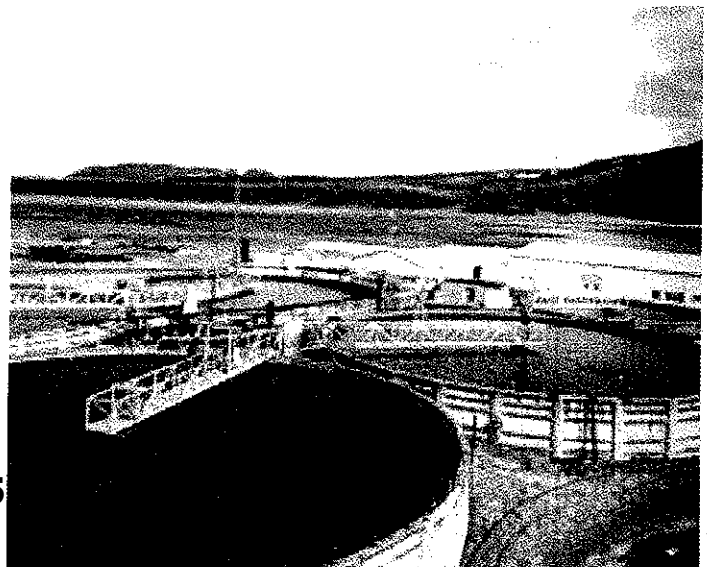
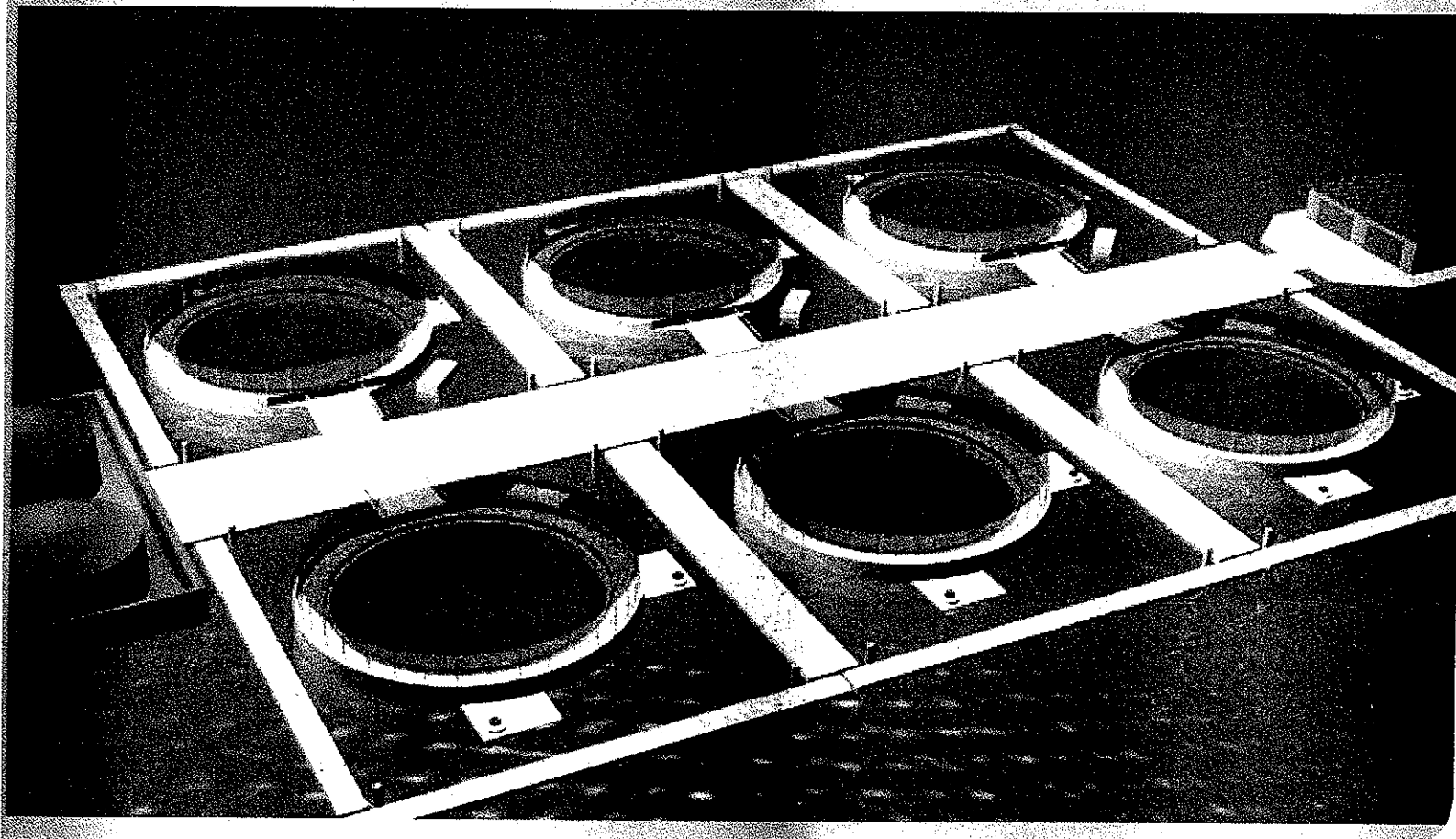


photo: Silfursteinnur Ltd, Iceland



Raceways (recirculating or flow-through) are long structures, sometimes hundreds of metres. Water flows through them, staying in any one spot only a short time. They are characterized by a low water volume-to-container surface area. This is appropriate for certain species, such as trout, which thrive in a simulated stream flow, and flat fish, such as flounder or sole, which need large surface areas. Modern raceway systems are made from a variety of materials – concrete, plastic, or steel – and can be outdoor or indoor, partially or fully recirculating, or gravity fed by a stream. Recirculating raceways are operated as land-based systems. These can be on a single level or stacked to increase production per unit of floor area.

Inland ponds and channels are considered to be closed systems because, even though they contact the soil and ground, the fish are free from traditional predators and cannot escape to mix with wild species, and any diseases generated in the enclosures can be contained. These systems can be lined with membranes or mud, but this is generally not the case. Ponds are similar to tanks but are dug into the ground, and channels are similar to raceways but in the ground.



photo: Aqvaplan-Niva, Norway



photo: Agassiz Aquafarms, Manitoba, Canada

Despite some challenges around initial higher investments, CSA offers tremendous economic opportunity. A survey of existing and emerging technologies indicates that this sector has a vibrant research-and-development component. The increasing global demand for seafood products coupled with increasing concern over aquaculture's impact on natural ecologies (manifest as tightening regulation and consumer trends) is encouraging companies to invest in research and development of closed system technologies. Some proponents of closed containment systems maintain that the short-term capital investment required will be offset by gains associated with being able to control losses suffered in open net pen production systems due to predation, escapement, changing ocean conditions, diseases, and other challenges.

Producers of fish and developers of CSA technology are creating commercial operations in countries as varied as Iceland, Morocco, the Netherlands, and China, in rural areas and in semi-urban zones using ocean water, groundwater, and even municipal water supplies. An increasing variety and number of finfish are being raised fully to harvest size. The most common species being harvested are Nile tilapia, trout, Arctic char, Atlantic halibut, turbot, barramundi, several varieties of Australian perch, sea bream, and sea bass.

There are almost as many different systems as there are operations, each operation being tailored to specific needs. What all CSA systems share is their ability to separate the fish from the natural environment, control their inputs to reduce disease, optimize growth and minimize mortality, and control their outputs to limit external impacts on the environment.

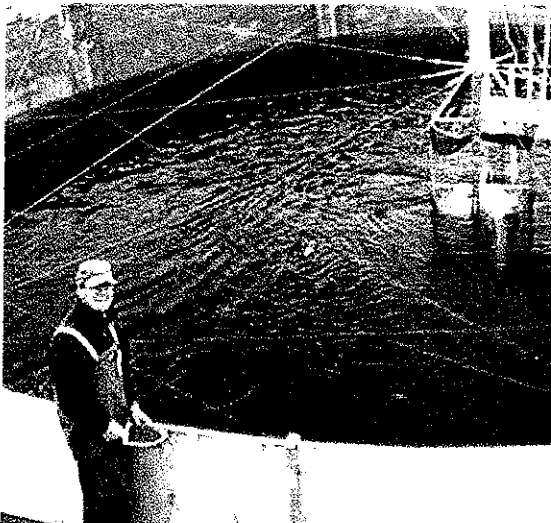


photo: Mariculture Systems, Wash. USA

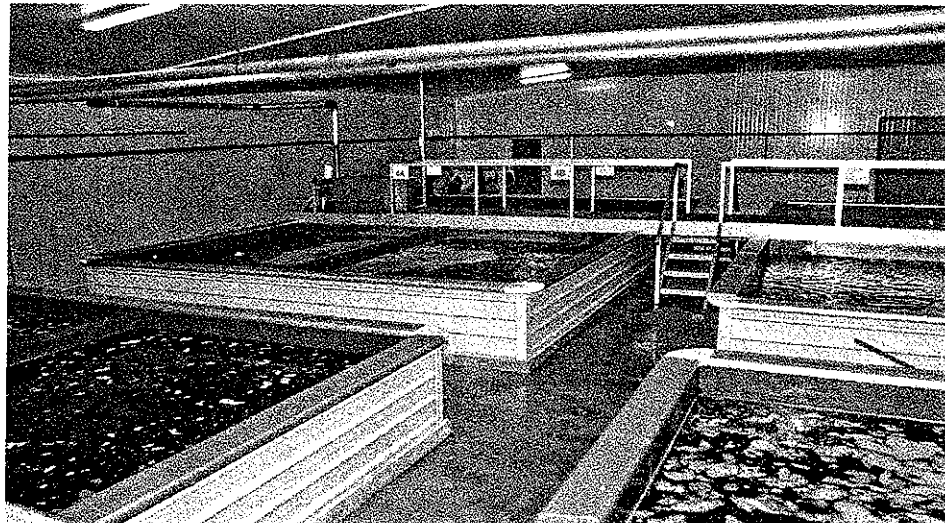


photo: FutureSea, BC, Canada

Environmental and health concerns are increasingly driving consumer demands as well as prompting tighter regulatory conditions for food production in general. While this has been sufficient to move the industry rapidly in Europe, additional measures may be necessary to increase the pace of CSA in North America. The Open Ocean Aquaculture Bill in the U.S. is proposing added costs for open net-pen production. In B.C., the Special Committee on Sustainable Aquaculture has called for a complete transition to closed containment aquaculture, and globally the World Bank has recommended that environmental costs be borne by the industry. Combined socio-environmental concerns, increasing efficiencies of production, and regulatory changes make CSA an increasingly interesting option for future fish production.

Beyond being a way to supply food for people around the world, aquaculture also offers many economic opportunities, particularly the development of environmentally sound technologies. CSA has the potential to offer greater economic benefits to coastal communities than open net aquaculture, and new technology development has the potential to create new jobs, particularly if the systems can be exported to other producing nations.

This is a summary of the report  
Global Assessment of Closed-System Aquaculture.  
Produced by the David Suzuki Foundation and  
Georgia Strait Alliance  
on behalf of the  
Coastal Alliance for Aquaculture Reform.

The full report is available at  
[www.davidsuzuki.org](http://www.davidsuzuki.org), [www.georgiastrait.org](http://www.georgiastrait.org),  
and [www.farmedanddangerous.org](http://www.farmedanddangerous.org).



David  
Suzuki  
Foundation

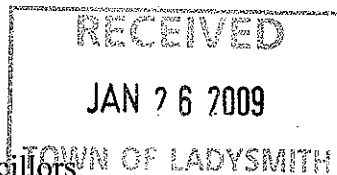






## Honours and Awards Secretariat

January 19, 2009



His Worship Robert Hutchins and Councillors  
Town of Ladysmith  
PO Box 220 Stn Main  
Ladysmith BC V9G 1A2

Dear Mayor and Councillors:

**Re: Order of British Columbia ~ 2009 Call for Nominations**

It is time once again to “call for nominations” for the Order of British Columbia, the Province’s highest award for excellence and outstanding achievement. I seek your assistance in informing your municipality about this opportunity to take part in the public recognition of its outstanding citizens. Could you bring this up at your next council meeting?

An independent Advisory Council chaired by the Chief Justice of British Columbia considers nominations to the Province’s highest award for excellence and outstanding achievement. Two hundred and seventy-five distinguished British Columbians have been honoured since 1990. 2009 marks the 20<sup>th</sup> Anniversary of the Order!

For your information, a report listing all of the recipients of the Order is available on our website <http://www.protocol.gov.bc.ca/protocol/prgs/obc/obc.htm>. If you would like this report broken down by City/Town, please contact our office.

Nomination forms for the Order are available from the Honours and Awards Secretariat in Victoria, (250) 387-1616, on the website: <http://www.protocol.gov.bc.ca/protocol/prgs/obc/obc.htm> or from the nearest Government Agent. Completed nominations must be received by the Secretariat by March 10, 2009 to be considered for an award this year.

Your continuing support of the Order of British Columbia is very much appreciated.

Yours sincerely,

Karen Felker  
Coordinator



Telephone: 250 387-1616 Fax: 250 356-2814





That Council appoint a representative to the CSAC and advise the CVRD accordingly.

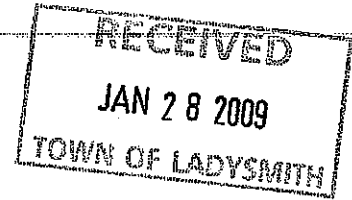
I concur with the recommendation:



R. Malli, City Manager



C.V.R.D



January 27, 2009

File No: 0540-20-CSAC/06

Town of Ladysmith  
PO Box 220, 410 Esplanade  
LADYSMITH, BC V9G 1A2

**Attention: Sandy Bowden, Director of Corporate Services**

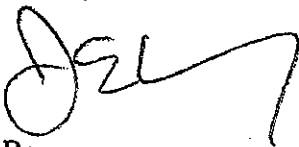
**Re: Community Safety Advisory Committee Membership**

The CVRD Board of Directors has a Community Safety Advisory Committee whose purpose is to provide advice, expertise, and recommendations to the CVRD Board on broad community safety issues. It also serves as a regional forum for inter-agency and inter-municipal cooperation. Membership on the Committee includes a Town of Ladysmith Council representative.

The commitment of membership includes attending a meeting approximately every second month, keeping up to date with issues and projects, and optional volunteer work such as safety audits. Attached are the Committee's Terms of Reference for your information.

If someone from your organization would like to sit on the Committee, please forward their name and contact information to the undersigned by mail, email to [dbeesley@cvrld.bc.ca](mailto:dbeesley@cvrld.bc.ca) or by phone to 250-746-2503.

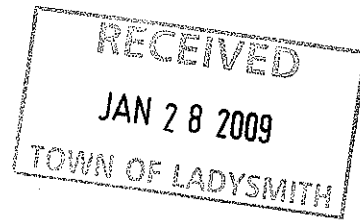
Yours truly,



Joe Barry  
Corporate Secretary

JEB/db

Attachment



## Community Safety Advisory Committee TERMS OF REFERENCE

### 1. ESTABLISHMENT

The Board Chair establishes the committee for terms that last one year. As a standing committee of the Board, the role of the Community Safety Advisory Committee is advisory. Advice, comments or recommendations from the committee shall be forwarded to the Board when appropriate.

### 2. COMPOSITION

The Advisory Committee will have a broad representation from local government, geographic areas, and community groups. Members are appointed by the Board Chair and should remain flexible based on the needs and ability of members to participate in the committee. Membership must include one CVRD Director and *may* include any combination of the following:

- 1 additional CVRD Director
- 1 Councillor from the City of Duncan
- 1 Councillor from the Municipality of North Cowichan
- Councillors from the Town of Ladysmith and Town of Lake Cowichan
- 1 School trustee from District 79
- RCMP
- First Nations
- 1 or 2 members at large representing the public. These individuals should be experienced in the areas of safer/healthy communities, social planning, and/or community development.

#### *Community Groups*

- Community Options Society
- Cowichan Family Life
- Cowichan Women Against Violence Society
- disAbility Resource Centre
- Social Planning Cowichan
- Cowichan Lake Community Services

Committee members will elect a Chair, and the Chair will appoint a Vice-Chair. Both of these are for one-year terms. Committee membership appointments will be renewed annually. The committee may form task and project oriented sub-committees and working groups to address specific issues if needed. These sub-committees can involve other stakeholders.



### **3. PURPOSE AND ROLE**

To advise the CVRD on community safety issues of regional, inter-municipal, and inter-agency importance. Advice may be in reference to programs, plans, policies, guidelines, or other local government policy instruments. The committee also serves as a forum for multi-sectoral discussion where local government and community groups can work together. The committee has a leading role in providing advice and support to safer communities initiatives across the region.

### **4. REFERRALS**

The committee will be a conduit for recommendations arising from its members and from community initiatives, and for issues referred by the Board through commissions, elected officials, and staff requests. The committee acts as a resource for planning staff at various local governments and to Advisory Planning Commissions. Examples where the committee may have input include transit development, facility development and major development applications.

### **5. MEETINGS / PROCEDURES**

The Advisory Committee will meet at the call of the Chair, usually on a bimonthly basis. The committee is not a formal decision-making body, but rather a forum for inter-regional and inter-agency discussion, issue identification and resolution. The quorum for the committee is five members.

### **6. RESOURCES & COMMUNICATION**

#### *CVRD Staff Liaison:*

The staff liaison will facilitate the work of the committee by working with Safer Futures and by providing support and research services. The liaison ensures that the CAO and the Board Chair are informed of major issues.

#### *CSAC Recording Secretary:*

The recording secretary will organize meeting logistics, keep committee records, and prepare agendas and distribute them to the committee members at least 72 hours prior to the meeting (via e-mail). The recording secretary will distribute the minutes of the Community Safety Advisory Committee to the CVRD Board upon adoption, and will assist with other duties as required.

#### *Committee Chair:*

The Chair of the committee will make regular reports to the Board on the activities of the committee.

*Safer Futures:* This program of the Cowichan Women Against Violence Society acts as a key resource to the committee and may provide expertise and research where requested.



## **7. GENERAL MATTERS**

Volunteers of the Advisory Committee serve without remuneration. However, mileage will be provided. The CVRD may by resolution dissolve the Community Safety Advisory Committee, remove a member at any time, and amend these Terms of Reference. The Regional Board may remove from membership any member appointed who has failed to attend two consecutive meetings without good cause.

Advisory Committee meetings are open to the public; however, a meeting may be closed to the public in accordance with the provisions of the *Community Charter*.

A distribution list will be instituted where agenda, minutes and other items of interest are distributed to individuals and agencies who are not part of the committee but who may benefit from the information shared.

That the petition be referred to the Parks, Recreation & Culture Commission for review and recommendation.

Mayor and Council

I concur with the recommendation:

January, 2009

Town of Ladysmith

*R. Mall*  
R. Mall, City Manager

RECEIVED  
JAN 28 2009

Re: "Doggy Drinking Fountain"

We are all regular users of the off-leash dog park at Transfer Beach, and are grateful that the Town has provided this facility. It is something that helps make Ladysmith such a special place to live. Dog owners in other jurisdictions occasionally drop by and are envious of what we have.

The purpose of this letter is to ask Council to consider making a small improvement to the dog park – something the dogs would really appreciate. - Would it be possible to install some sort of 'doggy drinking fountain', or other source of fresh water for the dogs? Things get pretty dry down there during the summer, and as you know, running dogs can get very thirsty.

We understand there is a water main running under the park, and perhaps this could be tapped into (at modest expense) to provide water for our dogs.

Thank you for your consideration.

*Doep  
Maggie*

*Can we also have 2 more benches so we can sit, watch dogs*

Name	Address
Bill Verghere	641 - 3rd Ave. 245-2113
Bob Robertson	1131 - 3rd Ave. 245-3681
Jinck M. RENSE	20 Glen Ave 245-3966
Jeanne Juck	17-White St 245-8450
Peter + Hilde Muller	18-245-Oyston Cove.
Jue Rothor	245-8161
Dave CEMUK	8 White St.
Brenda HURVEY	470 Louise Rd 9245
Wendy Kirkness	1118 Second Ave. 245-5675
Myna Bartlett	148-658 Alderwood Dr. 245-9886
Angela Blusk	5025 Zimberis Drive 1961m6
Martene Zelder	#14-332 Belaire ST 1961B1

*Cole  
Dally*

*LISA BATES*

*320 BULLER ST.*



TOWN OF LADYSMITH

**BYLAW NO. 1666**

**A BYLAW TO ESTABLISH PROCEDURES FOR THE CONDUCT OF COUNCIL AND COUNCIL COMMITTEE MEETINGS FOR THE TOWN OF LADYSMITH**

**WHEREAS** Section 124 of the *Community Charter* prescribes that Council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business;

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

**1. INAUGURAL MEETING OF COUNCIL**

1.1 The Inaugural Meeting of Council shall be held on the first Monday of December following a local government election. At this inaugural meeting the Mayor shall appoint a Councillor to serve as the Deputy Mayor to serve in the absence, illness or disability of the Mayor. The Mayor may from time to time change the appointment of the Deputy Mayor.

**2. REGULAR MEETINGS OF COUNCIL**

2.1 Subject to Subsection 2.2 to 2.4 inclusive of this bylaw, regular meetings of Council shall be held on the first and third Monday of each month at 7:00 p.m. in the Council Chambers at City Hall, except where Council determines that a meeting will be held elsewhere.

2.2 When a regular Council Meeting falls on a statutory holiday, as defined in the *Interpretation Act*, the meeting shall be held on the next business day following which is not a holiday.

2.3 A regular meeting may be cancelled by a resolution of Council, provided that two consecutive meetings are not cancelled.

2.4 The Mayor may, after providing at least two clear day's written notice, through the office of the Corporate Officer postpone any regular meeting of Council to a day, time and place named in such notice.

2.5 A regular meeting shall adjourn at 11:00 p.m. unless a resolution to proceed beyond that time is passed.

**3. NOTICE OF REGULAR COUNCIL MEETINGS**

3.1 At least 72 hours before a regular meeting of Council, the Corporate Officer must give public notice of the time, place and date of the meeting by way of a notice posted on the notice board. The "notice board" is the notice board at City Hall.

3.2 At least 24 hours before a regular meeting of Council, the Corporate Officer must give further public notice of the meeting by:

- (a) posting a copy of the agenda on the notice board; and
- (b) leaving copies of the agenda at the reception counter at City Hall for the purpose of making them available to members of the public.

3.3 At least 24 hours before a regular meeting of Council, the Corporate Officer must deliver a copy of the agenda to each member of Council at the place to which the Council member has directed notices to be sent.

**4.0 NOTICE OF SPECIAL COUNCIL MEETINGS**

- 4.1 Except where notice of a special meeting is waived under Section 127(4) of the *Community Charter*, at least 24 hours before a special meeting of Council, the Corporate Officer must:
- (a) give advance public notice of the time, place and date of the meeting by way of notice posted on the notice board at City Hall; and
  - (b) give notice of the special meeting in accordance with Section 127 of the *Community Charter*.

**5.0 NOTICE OF COMMITTEE MEETINGS**

- 5.1 In this section:  
"Primary Committee" means the following committee of council:
- (a) Government Services
- "Secondary Committee" means a committee of council which is not a Primary Committee.
- 5.2 At least 72 hours before a regular meeting of a Primary Committee, the Corporate Officer must give public notice of the time, place and date of the meeting by way of a notice posted on the notice board.
- 5.3 At least 24 hours before a regular meeting of a Primary Committee, the Corporate Officer must give further public notice of the meeting by:
- (a) posting a copy of the agenda on the notice board; and
  - (b) leaving copies of the agenda at the reception counter at City Hall for the purpose of making them available to members of the public.
- 5.4 At least 24 hours before a regular meeting of a Primary Committee, the Corporate Officer must deliver a copy of the agenda to each member of the committee at the place to which the committee member has directed notices to be sent.
- 5.5 At least 24 hours before:
- (a) a special meeting of a Primary Committee, or
  - (b) a meeting of a Secondary Committee
- the Corporate Officer must give advance public notice of the time, place and date of the meeting by way of a notice posted on the notice board.

**6.0 ATTENDANCE OF PUBLIC AT MEETINGS**

- 6.1 Subject to Sections 90(3) and 133(1) of the *Community Charter*, all Council meetings must be open to the public.
- 6.2 Where Council wishes to close a meeting to the public, it may do so by adopting a resolution in accordance with Section 90 of the *Community Charter*.
- 6.3 This section applies to meetings of bodies referred to in Section 93 of the *Community Charter*, including, without limitation:
- (a) Select or standing committees of council
  - (b) Board of Variance
  - (c) Court of Revision
  - (d) Advisory Commissions
  - (e) Other Commissions

**7. SPECIAL AND "IN CAMERA" MEETINGS OF COUNCIL**

- 7.1 Special Meetings of Council when required shall be open to the public, except



- where Council has determined by resolution that it is in the public interest to exclude the public from such meetings.
- 7.2 Only those matters shown on the agenda of a Special Meeting shall be dealt with at that Special Meeting of Council, except where a resolution to place an additional item on the agenda has been passed unanimously at that meeting, as the first item of business.
- 7.3 Special Meetings of Council held with the public excluded shall be called "Executive Session" Meetings, and only the following matters may be considered at such meetings:
- 7.3.1 personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
  - 7.3.2 personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
  - 7.3.3 labour relations or other employee relations;
  - 7.3.4 the security of the property of the municipality;
  - 7.3.5 the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
  - 7.3.6 law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
  - 7.3.7 litigation or potential litigation affecting the municipality;
  - 7.3.8 an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;
  - 7.3.9 the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - 7.3.10 information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;
  - 7.3.11 negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;
  - 7.3.12 discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 (annual municipal report);
  - 7.3.13 a matter that, under another enactment, is such that the public may be excluded from the meeting;
  - 7.3.14 the consideration of whether a council meeting should be closed under provisions of the Community Charter;
  - 7.3.15 the consideration of whether the authority under section 91 of the *Community Charter (other persons attending closed meetings)* should be exercised in relation to a council meeting
- 7.4 A part of a council meeting must be closed to the public if the subject matter being considered related to one or more of the following:
- 7.4.1 a request under the *Freedom of Information and Protection of Privacy Act*, if the council is designated as head of the local public body for the purposes of that Act in relation to the matter;

- 7.4.2 the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between the provincial government or the federal government or both and a third party;
- 7.4.3 a matter that is being investigated under the *Ombudsman Act* of which the municipality has been notified under section 14 of the *Community Charter* (ombudsman to notify authority) of that *Act*;
- 7.4.4 a matter that, under another enactment, is such that the public must be excluded from the meeting.

## 8. COUNCIL MEETING AGENDA

- 8.1 Prior to each regular, Special or Inaugural Meeting, the Corporate Officer shall prepare an agenda of all business to be brought before the Council at such meeting, and Council shall proceed with the business in the order set out, unless that agenda is altered by resolution.
- 8.2 All documents intended to be submitted for the agenda of a regular meeting of Council must be delivered to the Corporate Officer not later than 4:00 p.m. on the Wednesday preceding the day of the regular meeting, except that when a holiday falls on the intervening Friday, the documents must be delivered not later than 4:00 p.m. on the Tuesday preceding the day of the regular Council Meeting.
- 8.3 The agenda for regular Council Meetings, for Special Council Meetings for the purpose of holding Public Hearings shall be made available to the public in accordance with Council policy.
- 8.4 Council may by resolution, at a regular Council Meeting, as the first item of business after the adoption of the minutes of the previous meeting:
  - 8.4.1 add further items to the agenda; and
  - 8.4.2 delete any items from the agenda.
- 8.5 Subject to Subsection 20.3, any items added to the agenda in accordance with Subsection 8.4.1 shall be delegable, and any item deleted from the agenda in accordance with Subsection 8.4.2 shall cease to be delegable.

## 9. OPENING OF PROCEEDINGS

- 9.1 As soon after the time for a meeting as there is a quorum present, the Mayor shall, if present, take the Chair and call the meeting to order.
- 9.2 Where the Mayor is absent, the Acting Mayor shall take the Chair and call the meeting to order.
- 9.3 Where both the Mayor and Acting Mayor are not in attendance within fifteen minutes after the time appointed for a meeting, the Corporate Officer shall call the members to order, and if a quorum is present, the members shall choose a member to Chair the meeting until the arrival of the Mayor or Acting Mayor.
- 9.4 If a quorum is not present within fifteen minutes after the time fixed for a meeting, the Corporate Officer shall record the names of the members present, and the meeting shall be deemed to have been cancelled.

## 10. MINUTES OF COUNCIL AND STANDING COMMITTEES

- 10.1 The minutes of the proceedings of Council Meetings shall be kept as statutorily required.
- 10.2 The minutes of the proceedings of Standing Committees shall be kept as statutorily

required.

- 10.3 Not less than 48 hours before the holding of each regular meeting the Corporate Officer shall send to each member of Council, a copy of the minutes of:

10.3.1 the last regular Council meeting;

10.3.2 any Special Council meetings, including Public Hearings;

10.3.3 Standing Committee meetings of Council;

10.3.4 Advisory commission and other commission meetings

for their adoption or receipt at the next regular meeting, where such meetings or hearings have been held more than five days prior to that regular Council Meeting.

## 11. RULES OF CONDUCT IN COUNCIL CHAMBERS

- 11.1 Members shall address the presiding member by that person's title of Mayor, Acting Mayor, Chair or Councillor.
- 11.2 A member shall not speak disrespectfully of Her Majesty The Queen or any other member of the Royal Family, the Governor General, the Lieutenant Governor, persons administering the Government of Canada or British Columbia, Council, or the members of Council.
- 11.3 A member shall not use words in a Council Meeting which, in the opinion of the Chair, are offensive.
- 11.4 When a member is speaking, another member shall not disturb or interrupt the speaker, except to raise a point of order.
- 11.5 When the Chair is putting a question, no member shall absent himself without permission from the Chair.
- 11.6 Every member shall abide by the decision of the Chair on points of order, practice, and the interpretation of Council procedures, and every member has the right of statutory appeal.
- 11.7 Where any member is disrespectful to any of the persons mentioned in Section 11.2 of this bylaw, or if he resists the rules of conduct or debate, the Chair may ask for that member to withdraw their remarks and may order the member to leave their seat. If the member refuses to leave, the Chair may order the removal of the member for the remainder of that meeting, and shall then declare a ten minute recess. If the offending member apologizes, Council may, by resolution, permit the member to resume their seat.

## 12. RULES OF DEBATE IN COUNCIL CHAMBERS

- 12.1 A member shall not speak other than on the motion under debate.
- 12.2 The Chair, or any member through the Chair, may call a Point of Order regarding the subject matter which the member is addressing.
- 12.3 When a Point of Order is raised, the Chair shall immediately suspend the debate, and the member in question shall refrain from speaking until the Point of Order is determined.
- 12.4 A member may request the motion under discussion to be read at any time during debate, but may not interrupt a member who is speaking.
- 12.5 Questions of information or clarification may be addressed to a speaker through the Chair, and the member to whom such questions are addressed shall be permitted the

opportunity to reply.

12.6 A member shall not speak to any motion, or provide clarification of any matter, for a period longer than five minutes, without permission from Council. The mover of a motion may, however, speak again to close debate but shall be limited to a further five minutes.

12.7 After a question has been called by the Chair, a member shall not speak to the motion and no member shall make a further motion until after the result of the vote has been declared. The decision of the Chair as to whether the question has been called shall be final.

### 13. ANNUAL MEETING

13.1 The Corporate Officer must give notice of the council meeting or other public meeting in respect of which Council has resolved to consider:

13.1.1 the annual report prepared under Section 98 of the *Community Charter*, and

13.1.2 submissions and questions from the public

by giving public notice by

13.1.3 posting notice of the date, time and place of the annual meeting on the notice board at City Hall, and

13.1.4 publishing notice of the date, time and place of the annual meeting in accordance with Section 94 of the *Community Charter*.

### 14. ELECTRONIC MEETINGS

14.1 Subject to the *Community Charter*

14.1.1 a special meeting may be conducted by means of electronic or other communication facilities,

14.1.2 a member of Council or a council committee who is unable to attend a council meeting or a council committee meeting, as applicable, may participate in the meeting by means of electronic or other communication facilities.

### 15. MOTIONS

15.1 When a motion has been moved and seconded, the Chair shall permit debate on that motion, and that motion shall be recorded in the minutes.

15.2 The Chair, after determining that all members wishing to speak on the matter have done so, may close debate by calling the question on the motion.

15.3 After a motion has been stated or read, it is deemed to be in the possession of the Council and it may be withdrawn by the mover and seconder of the motion, only with the unanimous consent of the Council members present.

15.4 When a motion is under consideration, and prior to the calling of the question, only the following motions shall be entertained, and in the following precedence:

15.4.1 a motion to refer;

15.4.2 a motion to amend;

15.4.3 a motion to table;

15.4.4 a motion to call the question.

- 15.5 Where the Chair is of the opinion that a motion is contrary to the rules and privileges of Council, the Chair shall advise the members accordingly without calling the question, and shall cite without argument or comment, the rule or authority applicable to the case. A member of Council who is dissatisfied with the decision of the Chair shall have the statutory right of appeal.
  - 15.6 When an amendment to a main motion has been moved and seconded, the Chair shall on the request of a member, state the original motion, and the amendment, and shall permit debate only on the amendment.
  - 15.7 A member, other than the mover of a main motion, may propose an amendment to that motion, but that amendment must be disposed of before any subsequent amendments are proposed.
  - 15.8 If the amending motion is defeated and no further amendments are proposed, the Chair shall again propose the main motion, and debate may ensue on the main motion. If the amending motion is passed and no further amendments are proposed, the Chair shall then propose the main motion as amended.
  - 15.9 A member may propose a sub-amendment to an amendment, and the provisions of Subsections 15.7, 15.8 and 15.9 regarding entitlement to move and speak to amendments, and with regard to the sequence in which the Chair shall deal with amendments shall also apply, so far as applicable, to sub-amendments.
  - 15.10 The Chair shall put amendments to Council in the following order:
    - 15.10.1 the sub-amendment;
    - 15.10.2 the amendment to the main motion;
    - 15.10.3 the main motion.
  - 15.11 The amendments permitted under Subsection 15.7 and the sub-amendments permitted under Subsection 15.10 may be proposed by the deletion, addition, or substitution of words or figures, provided such words or figures do not, in the opinion of the Chair, affect the main motion or the amendment, whichever is applicable, to the extent that it is either:
    - 15.11.1 negated; or
    - 15.11.2 changed in such a way that either an alternative action is proposed or all reference to the original action is eliminated.
- 16. RESCINDING OF A RESOLUTION**
- 16.1 A resolution adopted at a regular or special Council meeting may be rescinded at the next regular Council meeting provided:
    - 16.1.1 Council has given due consideration to the actions, if any, taken by an officer, employee or agent of the Town on the basis of such resolution; and
    - 16.1.2 A Notice of Motion regarding the intent to rescind has been served by a member who voted with the prevailing side; and either at the meeting at which the resolution was adopted, or in writing to the Corporate Officer prior to the next regular Council meeting in accordance with Subsection 8.2.
  - 16.2 The server of a Notice of Motion in accordance with Subsection 16.1 shall, upon the motion being seconded, be requested by the Chair to state the reasons for the Notice. If the member who served the Notice is not present, the Notice of Motion shall be deemed to have been withdrawn.
  - 16.3 A motion resulting from a Notice of Motion served under Subsection 16.1 to rescind

a resolution of Council:

- 16.3.1 is debatable;
- 16.3.2 may not be amended, tabled or referred;
- 16.3.3 is not delegable; and
- 16.3.4 may only be withdrawn by the server on a Point of Order, prior to being seconded or, upon being seconded, only with the unanimous consent of all the members present.

#### 17. RECONSIDERATION OF A DEFEATED MOTION

- 17.1 A motion which has been defeated at a regular or special Council meeting may be reconsidered by the Council provided that the request to reconsider is:
  - 17.1.1 brought forward by a member who voted with the prevailing side; and
  - 17.1.2 presented either at the meeting at which the resolution was defeated, or the next regular Council meeting provided the member presents the request in writing to the Corporate Officer in accordance with Subsection 8.2.
- 17.2 The Server of a Notice of Motion in accordance with Subsection 17.1 shall, upon the motion being seconded, be requested by the Chair to state the reasons for the Notice. If the member who served the Notice is not present, the Notice of Motion shall be deemed to have been withdrawn.
- 17.3 A motion to reconsider a defeated motion resulting from a Notice of Motion served under Subsection 11.1:
  - 17.3.1 may not be amended, tabled or referred;
  - 17.3.2 is not delegable; and
  - 17.3.3 may only be withdrawn by the server on a Point of Order, prior to being seconded; or upon being seconded, only with the unanimous consent of all the members present.
- 17.4 A motion to reconsider a defeated motion, resulting from a Notice of Motion, is debatable as to the merits of reconsideration and, if passed, Council shall immediately reconsider the original motion. The original motion:
  - 17.4.1 is debateable;
  - 17.4.2 may not be amended, tabled, referred or withdrawn; and
  - 17.4.3 is not delegable.
- 17.5 Council shall not reconsider any defeated motion under this Subsection more than once.
- 17.6 The provisions of this Section shall also apply to Special "Executive Session" Meetings and a Notice of Motion in connection with the reconsideration of a defeated motion at a Special "Executive Session" Meeting, unless Council authorizes that such actions be considered at a regular meeting.

#### 18. VOTING ON A MOTION

- 18.1 Whenever a vote of Council is taken for any purpose, each member of the Council present shall signify their vote upon the motion by raising their hand, whereupon the Chair shall declare the result. The Corporate Officer shall record the results of the vote in the minutes.
- 18.2 When a motion under consideration contains several propositions, the vote upon each proposition shall be taken separately, if so requested by any member of

Council. A further mover and seconder shall not be required for each proposition, and the question shall be called on each proposition based on the original mover and seconder.

18.3 After council has taken a vote on any motion, Council shall not vote on that motion again at that same meeting.

18.4 When a vote is taken, all negative votes shall be recorded.

#### 19. PROCEDURES FOR DELEGATIONS TO COUNCIL

19.1 A person or organization wishing to address Council as a delegation shall be heard by Council provided notification of this intent, including a summary of the matter which is the subject of the delegation and of the specific action which is being requested from Council by the delegation, is submitted to the Corporate Officer in accordance with the requirements of Subsection 8.2 of this Bylaw, for circulation with the Council agenda.

19.2 Notwithstanding Subsection 19.1 of this Bylaw, a person or organization wishing to address Council as a delegation, and who has not complied with the requirements of Subsection 8.2 of this Bylaw, may do so with a two-thirds majority consent of the Council.

19.3 Notwithstanding Subsection 19.1 of this Bylaw, delegations shall not be heard at regular or Special Council Meetings on matters relating to:

19.3.1 Official Community Plan amendment bylaws or zoning amendment bylaws which have received first reading and which have not yet been adopted or defeated;

19.3.2 Development Permits or Development Variance Permits except where Council is considering the issuance of such a permit at the same meeting.

19.4 The provisions of Subsections 19.1 to 19.3 inclusive do not apply to a Special Council Meeting for the purpose of holding Public Hearings on land use matters.

19.5 A delegation intending to use audio or audio-visual equipment or both, for the purposes of making a submission to Council shall advise the Corporate Officer prior to the Council meeting, of the intent to use such equipment, on the understanding that the Town will assist with, but not be responsible for, the provision of the necessary equipment.

#### 20. PROCEDURES REGARDING BYLAWS

20.1 Every proposed bylaw, except a bylaw requiring a Public Hearing, may be introduced and given first, second and third readings in one motion.

20.2 The introduction and readings of a bylaw shall be undertaken separately if so requested by any member of Council.

20.3 Any member may move that Council, after any reading of a bylaw, consider the bylaw clause by clause.

20.4 Every proposed bylaw shall come into force and effect on the date of adoption unless, in accordance with the provisions of the *Community Charter*, a subsequent date is specified in the bylaw.

20.5 Every proposed bylaw on which a Public Hearing is required shall, upon being given first and second reading, be submitted to a future meeting for the purpose of holding Public Hearings for which all statutory notification and advertising requirements can be satisfied unless Council, by resolution, directs otherwise.

**21. PROCEDURES FOR PUBLIC HEARINGS ON LAND USE MATTERS**

- 21.1 All Public Hearings shall be held at meetings of Council, and except as otherwise stated, the rules of Council shall be observed, so far as may be applicable, during these Public Hearings.
- 21.2 Prior to each Council meeting for the purpose of holding Public Hearings, the Corporate Officer shall prepare an agenda of all business to be dealt with at such meeting, and Council shall proceed with the business set out in that agenda, unless that agenda is altered by resolution.
- 21.3 Each speaker will be permitted to address the hearing for a maximum of ten (10) minutes. All comments must be relevant to the issues at hand.
- 21.4 The bylaws will be considered individually and in numerical order, unless otherwise indicated, and the order of proceedings, after completion of the opening statement, will be as follows:
  - 21.4.1 a brief statement by the Corporate Officer regarding the bylaw under consideration;
  - 21.4.2 a brief presentation will be requested from the applicant or agent for each land use application;
  - 21.4.3 the Corporate Officer will report on written submissions which have been received as part of the record;
  - 21.4.4 oral submissions from the public will then be heard;
  - 21.4.5 supplementary oral submissions from the public and the developer (if any) will then be heard. A limit of ten minutes applies to supplementary submissions;
  - 21.4.6 the bylaw readings will be considered at the next regular Council meeting.

**22. STANDING COMMITTEES OF COUNCIL AND SELECT COMMITTEES**

- 22.1 At the Inaugural Meeting of Council, or at such other times as considered appropriate, the Mayor may establish Standing Committees of Council, and shall appoint members thereto.
- 22.2 The Mayor shall be an Ex-Officio member of all Committees established in accordance with Subsection 22.1 of this bylaw, and shall be entitled to vote at all meetings thereof. In the absence of the Mayor, the Acting Mayor shall have the same Ex-Officio voting privileges at Standing and Select Committee Meetings, except where the Acting Mayor is already a voting member of that Committee.
- 22.3 The mandate of each of the Standing Committees of Council shall be as established by Council policy, but the general duties of Standing and Select Committees shall be to:
  - 22.3.1 report to Council from time to time, as often as the interests of the Town require, on all matters connected with the duties imposed upon them, and to recommend such action by Council as may be deemed necessary and expedient; and
  - 22.3.2 consider and report upon all matters referred to them by Council.
- 22.4 Any business referred to a Standing Committee shall not be determined by Council until the Committee has reported on it, unless the Committee fails to report within the time set in the referral motion or, if no time is set, within a time considered by Council to be reasonable.
- 22.5 Members may attend the meetings of a Standing Committee of which they are not a member and;



- 22.5.1 may participate in discussion on items on the Committee agenda upon being recognized by the Chair;
- 22.5.2 shall not be allowed to vote at the Committee meeting of which they are not a member.

The provisions of this Subsection do not apply to the Mayor or, in the Mayor's absence, the Acting Mayor.

**23. MISCELLANEOUS PROVISIONS**

- 23.1 All points of procedure not provided for in this bylaw shall be decided in accordance with Roberts Rules of Order.
- 23.2 If any Section, Subsection, Paragraph, Clause or Phrase of this bylaw is held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.
- 23.3 Any provision of this bylaw, excluding those governed by the *Local Government Act* and *Community Charter*, may be waived by a majority of the Council members present.

**24. REPEAL OF PREVIOUS BYLAWS**

- 24.1 "Procedure Bylaw 1995, No. 1159" and any amendments thereto is hereby repealed.

**25. CITATION**

- 25.1 This bylaw may be cited for all purposes as "Council Procedure Bylaw 2009, No. 1666".

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer



Town of Ladysmith

**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Sandy Bowden, Director of Corporate Services  
Date: December 3, 2008 (updated January 9, 2009)  
File No: 0530-00

Re: COUNCIL PROCEDURES BYLAW

RECOMMENDATION:

That it be recommended to Council that Council endorse the draft "Council Procedures Bylaw 2008, No. 1666" as presented and direct Staff to place the bylaw on the February 2, 2008 Regular Council agenda for first three readings; and further that Staff be directed to process the statutory notification of Council's consideration of final adoption of the bylaw at the Council meeting scheduled for March 2, 2009 at 7:00 p.m. in accordance with the *Community Charter*.

SUMMARY OF KEY POINTS:

As Council is aware, Section 124 of the Community Charter states that Council must establish the general procedures to be followed by council and council committees in conducting their business. The current Council Procedure Bylaw 1995, No. 1159 has been amended by bylaw several times and requires updating and consolidating. The following amendments to the Council Procedure Bylaw are proposed for Council's consideration. Several items noted are considered housekeeping items. Significant amendments to the bylaw are denoted with an arrow in the right hand margin of the bylaw document.

- Delete all references to the "Municipal Act" and replace with the appropriate legislation (i.e. either the "Local Government Act" or the "Community Charter");
- Delete all references to "Clerk" and "Manager of Corporate Services" and replace with "Corporate Officer";
- Amend Section 1.1 to state that the Inaugural Meeting of Council shall be held on the first Monday of December following a local government election (as required by Section 125[1] of the *Community Charter*);
- Amend start time for all regular meetings of Council from 7:30 p.m. to 7:00 p.m. (in accordance with the current practice) and confirm the frequency of the meetings to twice per month (first and third Monday);
- Consolidate all amendments to Bylaw 1159 into the new Bylaw No. 1666;
- Delete all references to gender to ensure gender neutrality;
- Renumber sections as appropriate;
- Other housekeeping matters.

In accordance with Section 124(3) of the Community Charter "A bylaw under this section must not be amended, or repealed and substituted, unless the council first gives notice in accordance with section 94 [public notice] describing the proposed changes in general terms." Staff will process the necessary notice prior to adoption of the bylaw.

I concur with the recommendation:

ATTACHMENT:

Council Procedure Bylaw 2008, No. 1666 (DRAFT)

  
Ruth Malli, City Manager

**TOWN OF LADYSMITH**

**BYLAW No. 1668**

**A Bylaw to provide for the regulation, operation, and maintenance of  
the Municipal Cemetery**

---

A. **WHEREAS** pursuant to the *Community Charter* Council may, by bylaw, among other powers, regulate, maintain and operate cemeteries and establish the fees, terms and conditions under which persons may acquire the right to make use of areas or lots in a municipal cemetery, subject to the *Cremation, Interment and Funeral Services Act*;

B. **AND WHEREAS** the *Cremation, Interment and Funeral Services Act*, provides that every operator of a cemetery must make bylaws, including bylaws respecting the administration and operation of the cemetery, the rights, privileges and responsibilities of the operator, rates and charges and the size, class and kind of memorials;

C. **AND WHEREAS** the Town of Ladysmith, which owns and operates a cemetery, has established itself as a Board of Cemetery Trustees in accordance with the *Cremation, Interment and Funeral Services Act*;

D. **AND WHEREAS** the Council of the Town of Ladysmith wishes to delegate to the Director of Public Works certain specific administrative powers of the Council relating to the operation and management of the cemetery owned by the Town of Ladysmith;

**NOW THEREFORE**, under its statutory powers, including Section 8(f) of the *Community Charter, S.B.C. 2003, c.26*, the Council of the Town of Ladysmith in open meeting assembled enacts the following provisions:

**TITLE**

1. This Bylaw may be cited for all purposes as the "Town of Ladysmith Cemetery Management Bylaw 2009, No. 1668".

**DEFINITIONS**

2. In this Bylaw terms defined in the *Cremation, Interment, and Funeral Services Act* and this bylaw shall have that meaning unless expressly defined otherwise herein, and the following words have the meaning ascribed to them unless the context otherwise requires:

**ADMINISTRATOR** means the Director of Public Works of the Town, or duly appointed deputy or designate.

**APPLICANT** means an individual who applies to the Town for a Right of Interment.

**BURIAL VAULT** means a protective, sealable outer receptacle, into which a casket or urn is placed, designed to restrict the entrance of gravesite elements into the casket or urn.

**CARETAKER** means the person duly authorized by the Town to perform Interments and to care for and maintain the Cemetery.

**CEMETERY** means the "Town of Ladysmith Cemetery" at 320 Christie Road, being lands described as:

Lot 2, Block 84 A&B, Plan Number 28037, Land District 43, PID 002-273-217, Folio number 445-1345.000,

and future development on the east side of the cemetery described as:

Lot A, VIP 71585, District Lot 147, Land District 43, PID 024-914-410, Folio number 445-1449.020

set apart or used as a place of burial of human remains or cremated remains, together with any incidental or ancillary buildings on the land.

**CEMETERY POLICY** means the written guidelines and procedures established by the Administrator and utilized for management of the Cemetery.

**CHILD** means a person twelve (12) years of age or younger.

**ACT** means the *Cremation, Interment and Funeral Services Act, S.B.C. 2004, C.35* administered by the Administrative Authority, as may be amended or replaced from time to time and all regulations made thereunder.

**CO-MINGLED** means the intentional mixing of the Cremated Remains of more than one deceased person.

**CONTROL OF DISPOSITION** means the authority to control the disposition of the Human Remains or Cremated Remains in accordance with section 5 of the Act.

**COUNCIL** means the Council of the Town of Ladysmith.

**CREMATED REMAINS** means the human bone fragments that remain after cremation that may also include the residue or any other materials cremated with the Human Remains.

**CREMATION VAULT** means a receptacle made of durable material placed in a ground cremation Lot to encase an urn, or urns, holding cremated remains. A Cremation Vault has a lid and is placed during the Interment process.

**EXHUMATION** means the exposure of interred Human Remains for viewing or for examination, whether in or removed from the Lot in which the Human Remains had been interred.

**FAMILY MEMBER** means a parent or step-parent, a grandparent or step- grandparent, a sibling (natural, adopted or step), a Spouse, a child (natural, adopted or step) or a grandchild (natural, adopted or step).

**FEES** means the schedule of fees as prescribed in the Town of Ladysmith Fees and Charges Bylaw No. 1644.

**FORMER RESIDENT** means a person who resided in the Town of Ladysmith limits for at least ten (10) consecutive years.

**FUNERAL PROVIDER** means an individual licensed under the Act to provide funeral services.

**GRAVE LINER** means a receptacle made of durable material placed around the casket to provide reinforcement to the Lot and which is placed during the burial process.

**HOLIDAY** means a holiday as defined in the *Interpretation Act*.

**INTERMENT PERMIT** means a permit document that authorizes the Interment of a deceased person (Schedule B).

**INTERMENT RIGHT HOLDER** means a person who holds a Right of Interment Certificate (Schedule A).

**INURNMENT** means the process of placing Cremated Remains in a receptacle, such as an Urn, and the placement of that receptacle into a Niche.

**LOT** means a discrete space used, or intended to be used in the Cemetery, for the Interment of Human Remains or Cremated Remains under a Right of Interment Certificate and includes a grave, crypt, Niche or plot, but does not include the placement of Cremated Remains in a Scattering Garden or Ossuary.

**MEDICAL HEALTH OFFICER** means the person from time to time having jurisdiction as the Medical Health Officer for the Town.

**NICHE** means a space, usually within a Columbarium, designed for the Inurnment of Cremated Remains.

**OSSUARY** means a receptacle, usually located below ground, for the placement of non-recoverable, Co-mingled Cremated Remains.

**RESIDENT** means a person who resided or owned property within the Town of Ladysmith limits immediately before death or moving to a care facility.

**RIGHT OF INTERMENT** means a certificate that provides for the right for the interment of Human Remains or Cremated Remains in a designated Lot.

**SCATTERING** means the non-recoverable dispersal of Cremated Remains over a body of land or water within a defined area of the Cemetery.

**SCATTERING GARDEN** means a designated area for the placement of non-recoverable, co-mingled cremated human remains in a garden area.

**TOWN** means the Town of Ladysmith.

**TRANSFER FEE** means fees levied to cover administrative costs associated with the transfer or surrender of a Right of Interment or other services.

**URN** means any receptacle, temporary or permanent, used for the encasement of Cremated Remains.

#### **APPLICATION OF BYLAW**

3. This Bylaw applies to the Cemetery, and to the Interment within the Cemetery, of the human deceased, and for its management, operation and preservation and the terms, conditions and fees set out shall apply to every Right of Interment within the Cemetery.
4. The administration of the Cemetery shall be carried out in accordance with the Act, regulations pursuant to the Act and this Bylaw.
5. The Council of the Town shall continue as the Board of Cemetery Trustees.
6. Council may determine from time to time the size and layout of the Lots, the developments and improvements to be carried out and made in and to the Cemetery, subject to compliance with the requirements of the Act.
7. A copy of the plan of the Cemetery shall be filed with the Administrative Authority.

#### **ADMINISTRATION OF BYLAW**

8. The Administrator is responsible for the general administration of the Bylaw and is authorized to:
  - a. maintain all records and information for the administration, operation, maintenance and management of the Cemetery as is required by the Administrative Authority under the Act;
  - b. issue all Rights of Interment and permits required and authorized by this Bylaw, except as otherwise provided in this Bylaw; and
  - c. establish Cemetery Policy, subject to this Bylaw and Council direction.

#### **RIGHT OF INTERMENT**

9. A person may apply to the Administrator for a Right of Interment Certificate for a vacant, unreserved Lot (Schedule A, "Right of Interment Certificate").
10. A Right of Interment Certificate does not vest in the holder any title or interest in the land or Lot but instead provides for the right to inter the person named on the Right of Interment Certificate.

#### **RIGHT OF INTERMENT CERTIFICATE**

11. The Administrator shall issue a Right of Interment Certificate to an applicant who meets the requirements of this Bylaw and pays the fees prescribed in Bylaw No. 1644.
12. The issuance of a Right of Interment Certificate does not entitle the holder to require the Town to inter the Human Remains or Cremated Remains of the designated person in the Lot unless the Interment Right Holder complies with all provisions of this Bylaw, including, without limitation, the payment of all Fees related to the Interment, and obtains an Interment Permit.
13. A Right of Interment Certificate for any unused Lots may be transferred to another family member. The Interment Right Holder or executor must provide this request in writing (Schedule D) and the original Interment Right Certificate must be surrendered to the Town.
14. An administration fee is payable to the Town in respect of an Interment right transfer.

15. An Interment Right Holder shall either reserve the right to use that Lot for himself or herself or authorize another family member to be interred in the Lot to which the Right of Interment Certificate refers.
16. An Interment Right Holder may only designate one Lot for his or her own use.
17. A Right of Interment Certificate may be surrendered to the Town. A refund, equal to the purchase price less the Care Fund contribution and administration fee, will be issued to the Interment Right Holder provided:
  - a. there are no Interments in the designated Lot;
  - b. the Interment Right Holder or his executor provides written notice to the Town of intent to surrender the right (Schedule E);
  - c. the original license or Right of Interment Certificate is surrendered;
  - d. the applicable Administration Fee is paid; and
  - e. any Fees for the removal of any Memorial that is on, or embracing the surrendered Lot, is paid.
18. All applications for a Right of Interment Certificate or an Interment Permit must be made at the Public Works Office between the hours of 8:30 a.m. – 12:00 noon and 12:30 p.m. - 4:00 p.m. on weekdays except holidays.

#### INTERMENTS

19. An Interment shall be made within the Cemetery once the person with Control of Disposition has obtained an Interment Permit and paid all applicable Fees.
20. Only Human Remains, or Cremated Remains, may be interred or memorialized in the Cemetery.
21. No person other than the Caretaker or a person under the authority of the Caretaker shall carry out an Interment. An Interment shall only be conducted in predefined Lots approved by the Administrative Authority.
22. Application for an Interment Permit shall be made at least two (2) working days before the Interment is to take place. The Administrator may schedule the Interment in a shorter time frame subject to full compliance with all other applicable provisions of this By-law.
23. An Interment of Cremated Remains is to be completed within 30 days of all Fees being paid.
24. The bodies of persons who have died having any infectious disease, as defined in the *Health Act R.S.B.C. 1996, c.179*, or legislation that replaces the *Health Act*, shall be interred as directed by the Medical Health Officer.
25. The Administrator shall follow any instructions of the Medical Health Officer in the preparation and placement of the Interment.
26. When an Interment for a person with an infectious disease needs to occur outside regular working hours, the Administrator must authorize such Interment and must follow the Medical Health Officer's instructions.
27. The following apply to all in-ground Interments:
  - (a) A Grave Liner or Burial Vault is required for each in-ground burial Interment.
  - (b) A Cremation Vault is required for each in-ground cremation Interment.
  - (c) All Cremated Remains must be interred in a sealed container constructed of permanent, durable material approved by the Administrator.

- (d) The Administrator may allow for the interment of up to eight (8) Cremated Remains on any full-size lot in addition to one (1) casket burial provided there is no objection to the Interment of Cremated Remains by next of kin, as defined in the Act. Schedule F must be completed.
  - (e) No casket burial is permitted in a Lot after Cremated Remains have been interred in that Lot.
  - (f) Cremated Remains placed on a full-size burial Lot are not Co-mingled.
  - (g) Each cremation Lot may hold one (1) Cremation Vault containing one (1) set of cremated remains in a single vault or two (2) sets of cremated remains in a double vault.
  - (h) Each full casket interment in the cemetery shall be made in a grave, which when filled and closed, provides not less than 0.9m (3 feet) of earth between the upper surface of the grave liner and the general ground level around the gravesite.
  - (i) Each in-ground Interment of cremated remains shall be made, in a cremation vault in the Lot, in a grave dug to a depth of 0.6m (2 feet.).
  - (j) The Administrator must supply permission for the purchase of any Grave Liner or Burial Vault from a source other than the Town, with permission based on the item's size, design, material and construction.
  - (k) The installation of Burial Vaults will be subject to a handling Fee and must be paid in full prior to installation. The Administrator may request that Grave Liners or Burial Vaults be installed by their supplier, under the supervision of the Caretaker, with the installation being at the Applicant's expense.
  - (l) Any charges incurred by the Cemetery above and beyond the standard scope of services, in the handling of Grave Liners or Burial Vaults not supplied by the Town will be charged to the Applicant for an Interment Permit and must be paid prior to Interment.
28. Cremated Remains placed in a Columbarium must be enclosed in a sealed container or Urn constructed of permanent, durable material approved by the Administrator.
29. Cremated Remains placed in an Ossuary are permanent, non-recoverable and Co-mingled. Placement of Cremated Remains in the Ossuary will only be performed by the Caretaker.
30. Scattering of Cremated Remains is permanent and non-recoverable and is permitted only in designated locations and under the supervision of the Caretaker.
31. All interments shall be performed between the hours of 9:30 a.m. and 3:00 p.m., Monday to Friday except the Administrator may schedule Saturday, Sunday or Statutory Holiday Interments subject to the payment of additional Fees and availability of the Caretaker. The person with Control of Disposition shall be responsible for any late arrival Fees if the Human Remains or Cremated Remains are delivered to the Cemetery outside of the above prescribed times.

#### **EXHUMATIONS AND DISINTERMENTS**

32. Pursuant to Section 16 of the Act a Cemetery must not exhume or disinter Human Remains until:
- a. the Administrator receives a written request to do so from the person who has the Control of Disposition of the remains;
  - b. approval of the Exhumation by the Administrative Authority is received by the Administrator unless the remains are being interred in another lot in the cemetery;
  - c. the Administrator gives written notice to, and receives permission from, a Medical Health Officer for the area of the health region in which the Cemetery is located when the Human Remains are those of a person who, at the time of death, was known to have had an infectious or contagious disease or other disease dangerous to public health; and

- d. payment of the prescribed Fee is received, or acceptable payment arrangements have been made with the Administrator.
- e. The person applying for the Exhumation assumes responsibility for any damage that may occur to a casket, urn or other container as a result of the Exhumation.

33. The Town's responsibility with respect to Exhumation or Disinterment is limited to:

- a. excavation of sufficient quantities of soil to permit access to the Human or Cremated Remains;
- b. removal of intact burial containers; and
- c. closure of the Lot.

but the Town does not assume any responsibility for damage that may occur to a casket, urn or other container.

34. In accordance with Section 18 of the Act, a Funeral Provider employed at the expense of the Interment Right Holder or their successors is required for the handling of any Human Remains unless the remains are being interred in another lot in the cemetery.

### **MEMORIALS**

35. Memorials will only be installed, removed or modified in the Cemetery when:

- a. an Interment Right Holder or authorized representative, or a person authorized by the Administrator, has made application to the Administrator, and obtained a 'Memorial Permit' (Schedule C).
- b. the applicable contribution is paid to the Care Fund as required in the Act; and
- c. all outstanding fees relating to the Lot, Interment and Memorial installation have been paid in full; and
- d. the deceased person has been interred in the Lot.

36. All Memorials shall only be placed, installed or removed by the Caretaker or other person authorized by the Administrator.

37. All Memorials shall be constructed of granite or bronze or other material of a permanent nature as approved by the Administrator. Bronze Memorials must be set on a concrete or granite base.

38. Installation of Memorials shall occur between 8:30 a.m. and 3:00 p.m. Monday to Friday, excluding statutory holidays. Installations will be made as soon as possible after delivery of the Memorial to the Town and timelines may vary depending on scheduling issues, weather conditions and ground conditions.

39. The Town does not assume a duty to repair any breakage or damage to any Memorial or to replace any damage, defacement or removal of a Memorial from the Cemetery, except as shall arise as the result of the negligence of the Caretaker.

### **Ground Interment Memorials**

40. A Memorial in respect of an inground Interment, including those for cremation Lots, shall be installed flush with the ground except in areas designated for upright markers.

41. A Memorial Permit (Schedule C) shall be issued by the Administrator to authorize installation of all ground interment Memorials.

42. The Administrator may refuse to issue a permit to the Applicant if the Applicant has failed to comply with the requirements of this Bylaw. The Administrator may reject Memorials, despite the prior issuance of a Memorial Permit, when the Memorial does not comply with the specifications in this Bylaw, is not in keeping with the standards of the Cemetery, or contains epitaphs deemed inappropriate by the Administrator, including reference to pets.



43. The maximum finished dimensions of in-ground MEMORIALS (granite or bronze attached to a concrete base) shall be:

Single Cremation Lot: Maximum 50 x 30 cm (20" x 12")

Double Cremation Lots: (two adjacent plots) Maximum 70 x 40 cm (28" x 16")

Single Burial Lot: Maximum 60 x 30 cm (24" x 12")

Double Burial Lots: (two adjacent plots) Maximum 75 x 45 cm (30" x 18")

The thickness of all Memorials shall be approximately 10 cm (4")

#### **Cremation Memorials**

44. Cremation Memorials apply to any bronze plaque for use on a Columbarium, Memorial board or Memorial rock but do not include Memorials for in-ground cremation Interments.

45. Bronze plaques for Cremation Memorials shall be installed by the Town and must conform to the approved design and specifications of the applicable section of the Cemetery as established by the Town.

46. Where incorrect inscription instructions, dimensions, specifications or locations are given on the Memorial installation application and signed by the Interment Right Holder, their successors or the cremation Memorial supplier, then the cremation Memorial shall be removed and reinstalled at the expense of the Interment Right Holder or their successors.

#### **GENERAL PROVISIONS AND REGULATIONS**

47. Every person, including those in funeral processions, when entering and while within a Cemetery, shall obey the instructions of the Caretaker.

48. No person shall disturb the peace, quiet and good order of a Cemetery.

49. The Caretaker may require a person who contravenes section 48 to immediately leave the Cemetery.

50. No person shall discharge any firearm within a Cemetery, except at Military Funerals where the discharge of firearms is permitted only in regular volleys, under the command of the officer in charge, and only during the conduct of the burial service.

51. The Cemetery shall be deemed to be open to the public at sunrise every morning and closed to the public at sunset every evening.

52. Cemetery roadways are for the exclusive use of Interment processions, Cemetery patrons, or others as approved by the Administrator. Vehicles shall not exceed twenty (20) kilometres per hour. All operators of vehicles shall at all times obey the directions and orders of the Caretaker.

53. No person owning or having custody, care or control of a dog shall allow the dog to be within a Cemetery unless the dog is kept on a leash of a maximum length of three (3) metres.

54. No person owning or having custody, care or control of a dog shall allow the dog to deposit excrement within a Cemetery unless that person immediately removes the excrement and disposes of it in a sanitary manner not within the Cemetery.

55. Floral tributes may be removed by the Caretaker and disposed of when their condition is considered to be detrimental to the appearance and beauty of the Cemetery.

56. No person, other than the Caretaker, shall plant, remove, cut down or destroy any tree, shrub, plant, flower, bulb or decorative feature within a Cemetery.

57. No Lot shall be defined by a fence, railing, coping, hedge or by any other marking except a Memorial as permitted in the Memorial provisions of this By-law.

58. No person, other than the Administrator, shall solicit orders for goods or services within a Cemetery.

59. No person shall destroy, damage or deface any Lot, Memorial, fence, vegetation, gate or any structure in a Cemetery or injure or deface any Cemetery improvements.

- 60. No person shall deposit any rubbish or offensive material within a Cemetery.
- 61. No person shall play any game or sport within the Cemetery.
- 62. No person shall carry, or possess, a bottle or other container of liquor as defined in the *Liquor Control and Licensing Act*(British Columbia) while in the Cemetery.

**CARE FUND**

- 63. A Care Fund for the future maintenance and care of the Cemetery and the Lots therein is hereby established, set aside and maintained. All monies in the Care Fund will be held and invested in accordance with the requirements of the Act.
- 64. The Care Fund will be maintained with the Town’s bankers in an account to be designated as the “Cemetery Care Fund”. The City Manager and Manager of Finance will be responsible for all deposits to such account and for ensuring that:
  - a. the account at all times complies with the provisions of the Act;
  - b. any investment of any monies in the Care Fund is permitted under the Act; and
  - c. any interest earned on the investments of the Care Fund may be used for maintenance and care of the Cemeteries in the year in which the interest and income is earned, or may be retained in the Care Fund to increase the principal sum.
- 65. The Administrator may, on behalf of the Town, accept voluntary payments to the Care Fund from any person or organization.
- 66. The principal sum of the Care Fund will not be reduced other than in accordance with an order from the Administrative Authority pursuant to the Act.

**PENALTY FOR INFRACTIONS**

- 67. Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, omits or neglects to fulfill, observe, carry out or perform a duty or obligation imposed by this bylaw, shall be liable on summary conviction to a penalty of not less than \$125 and not more than \$2,000 plus the cost of the prosecution, or to a term of imprisonment not exceeding three (3) months, or both.

**REPEAL OF PREVIOUS BYLAWS**

- 68. “Town of Ladysmith Cemetery Management Bylaw 1992, No. 1032” and all amendments thereto are hereby repealed.

**READ A FIRST TIME** on the                    day of                    , 2009

**READ A SECOND TIME** on the            day of                    , 2009

**READ A THIRD TIME** on the            day of                    , 2009

**ADOPTED** on the                            day of                    , 2009

\_\_\_\_\_  
 Mayor  
 (R. Hutchins)

\_\_\_\_\_  
 Corporate Officer  
 (S. Bowden)



# TOWN OF LADYSMITH

330 – 6<sup>th</sup> Avenue, P.O. Box 220, Ladysmith, B.C. V9G 1A2  
Public Works Office: (250) 245-6445 • Fax (250) 245-0932 • www.ladysmith.ca

## RIGHT OF INTERMENT CERTIFICATE

## Schedule "A"

Lot Address: A \_\_\_\_\_ C \_\_\_\_\_ M \_\_\_\_\_ P \_\_\_\_\_

Right of Interment agreement between the Town of Ladysmith and

Certificate Holder: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

**IN CONSIDERATION** of the price paid by the Certificate Holder to the Town, the parties covenant and agree, subject to the *Cremation, Interment and Funeral Services Act*, as follows:

Lot	_____
Care Fund	_____
GST	_____
<b>TOTAL</b>	_____

- The Town hereby grants to the Certificate Holder a **right to use** the above **Regular / Cremation** Lot in the Ladysmith cemetery for the interment of the person named in this agreement subject to the terms of the Cemetery Management Bylaw, upon payment of the applicable fee and receipt of an Interment Permit.
- The Certificate holder acknowledges that this agreement is for the **use of the Lot** and that an additional charge will be payable in accordance with the Town of Ladysmith Cemetery Management Bylaw for an Interment Permit prior to use of the Lot for the interment process carried out by the Town.
- The Administrator may allow for the interment of up to eight (8) Cremated Remains on any full-size lot in **addition** to one (1) casket burial provided there is no objection to the Interment of Cremated Remains by next of kin, as defined in the Act and subject to the Cemetery Management Bylaw. (Schedule F to be completed)
- The Right to the Lot under this Agreement may be **transferred** by the Certificate Holder to a Family Member who wishes to use the Lot, if the Lot is unused, upon the Certificate Holder and that other person making an application to the Town (on Schedule D), paying the transfer fee prescribed in the Cemetery Management Bylaw, and surrendering the original Interment Right Certificate.
- The Certificate Holder may **surrender** the Right of Interment Certificate to the Town. (Schedule E). A refund, equal to the purchase price less the Care Fund contribution and administration fee, will be issued to the Certificate Holder subject to Section 17 of the Cemetery Management Bylaw provided there are no Interments or Memorials in the designated Lot.
- The Certificate Holder is hereby advised that, in certain limited circumstances outlined in Section 43 of the *Business Practices and Consumer Protection Act*, this agreement may be **cancelled** and refunded in full.
- The Town reserves the right to **reclaim** the interment rights for any unused Lot where such reclamation shall be carried out in compliance with Section 25 of the *Cremation, Interment and Funeral Services Regulations* (See excerpts on reverse of form).
- This **Agreement** is binding upon the **Town** and its successors and assigns and on the **Certificate Holder** and his or her heirs, executors, administrators and personal representatives if they comply with all the applicable provisions of the Cemetery Management Bylaw prior to the use of the Lot.

\_\_\_\_\_  
Rights Holder Signature

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Town of Ladysmith Authorized Signature

\_\_\_\_\_  
Date:

## **RIGHT OF INTERMENT**

**(Excerpts from the Town of Ladysmith Cemetery Management Bylaw)**

### **RIGHT OF INTERMENT**

9. A person may apply to the Administrator for a Right of Interment Certificate for a vacant, unreserved Lot (Schedule A, "Right of Interment Certificate").
10. A Right of Interment Certificate does not vest in the holder any title or interest in the land or Lot but instead provides for the right to inter the person named on the Right of Interment Certificate.

### **RIGHT OF INTERMENT CERTIFICATE**

11. The Administrator shall issue a Right of Interment Certificate to an applicant who meets the requirements of this Bylaw and pays the fees prescribed in Bylaw No. 1644.
12. The issuance of a Right of Interment Certificate does not entitle the holder to require the Town to inter the Human Remains or Cremated Remains of the designated person in the Lot unless the Interment Right Holder complies with all provisions of this By-law, including, without limitation, the payment of all Fees related to the Interment, and obtains an Interment Permit.
13. A Right of Interment Certificate for any unused Lots may be transferred to another family member. The Interment Right Holder or executor must provide this request in writing (Schedule D) and the original Interment Right Certificate must be surrendered to the Town.
14. An administration fee is payable to the Town in respect of an Interment right transfer:
15. An Interment Right Holder shall either reserve the right to use that Lot for himself or herself or authorize another family member to be interred in the Lot to which the Right of Interment Certificate refers.
16. An Interment Right Holder may only designate one Lot for his or her own use.
17. A Right of Interment Certificate may be surrendered to the Town. A refund, equal to the purchase price less the Care Fund contribution and administration fee, will be issued to the Interment Right Holder provided:
  - a. there are no Interments in the designated Lot;
  - b. the Interment Right Holder or his executor provides written notice to the Town of intent to surrender the right (Schedule E);
  - c. the original license or Right of Interment Certificate is surrendered;
  - d. the applicable Administration Fee is paid; and
  - e. any Fees for the removal of any Memorial that is on, or embracing the surrendered Lot, is paid.
18. All applications for a Right of Interment Certificate or an Interment Permit must be made at the Cemetery Office between the hours of 8:30 a.m. - 12:00 noon and 12:30 p.m. - 4:00 p.m. on weekdays except holidays.

## **RECLAMATION OF UNUSED INTERMENT RIGHTS**

**(Excerpts from the Cremation, Interment and Funeral Services Regulation of BC)**

- Section 25 (1) With prior approval of the director, an operator may sell a right of interment for a lot in a place of interment where the right of interment for the lot has been sold previously, but only if:
- a) the owner of the right of interment is at least 90 years of age, or if not living, would be at least 90 years of age,
  - b) a period of at least 50 years has elapsed from the date the prior right of interment was sold,
  - c) at least 90 days have passed since the date the operator sent a notice of the operator's intention to resell the right of interment to the last known address of the interment right holder and the operator has not received a response from the interment right holder, and
  - d) the operator has made diligent attempts to contact the interment right holder but has not been able to locate or contact the interment right holder.



# TOWN OF LADYSMITH

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## INTERMENT PERMIT

## Schedule "B"

Lot Address: A \_\_\_\_\_ C \_\_\_\_\_ M \_\_\_\_\_ P \_\_\_\_\_ Lot Occupied  Yes  No

Date (of booking): \_\_\_\_\_ Time: \_\_\_\_\_

### DECEASED INFORMATION

Name: \_\_\_\_\_ Age: \_\_\_\_\_

Address: \_\_\_\_\_ Sex: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Date of Death: \_\_\_\_\_ Place of Death: \_\_\_\_\_

### NEXT OF KIN (CIFSA Sec 5)

Name: \_\_\_\_\_ Relationship to Deceased: \_\_\_\_\_

Address: \_\_\_\_\_ City/Province: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

INTERMENT  Full Burial  Cremation Burial Cremation Certificate Attached  Yes  No

Interment Date: \_\_\_\_\_ Day: \_\_\_\_\_ Time: \_\_\_\_\_

Funeral Director: \_\_\_\_\_ Will family be present at graveside  Yes  No

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

(To confirm above arrangements)

**No arrangements will be made without Funeral Directors Confirmation which can be faxed back to 250-245-0932**

### ACKNOWLEDGEMENT OF AUTHORITY

By signing this form, I certify and represent to the Town Of Ladysmith that I am the legally authorized representative of the above named deceased person, and that I have authority for the control of the disposition of human remains in accordance with the order of priority set out in section 5 of the Cremation and Funeral Services Act. I acknowledge that the Town is relying on this representation. I further agree to indemnify and save harmless the Town of Ladysmith, its officers and employees, from all actions, liability, costs, expenses, demands or claims resulting from this authorization. I hereby authorize the interment of the above named deceased under the terms and conditions outlined herein and accept the responsibility for costs associated with this authorization. I acknowledge that the interment must comply with the Town of Ladysmith Cemetery Management Bylaw # 1668.

Signature of Next of Kin (or Authorized Person)

Print Name

Relationship to Deceased

Office Confirmation # (from Database): _____	Arranged by: _____
A/R Invoice #: _____	Funeral Director Faxed and Confirmed (date & time): _____
Public Works Employee Notified (name): _____	Date & Time: _____
Interment confirmed by: _____	Death/Cremation Certificate Filed (date): _____

**CONTROL OF DISPOSITION – Section 5**

(1) The right of a person to control the disposition of the human remains or cremated remains vests in, and devolves on, the following persons in order of priority:

- (a) the personal representative named in the will of the deceased;
- (b) the spouse of the deceased;
- (c) an adult child of the deceased;
- (d) an adult grandchild of the deceased;
- (e) if the deceased was a minor, a person who was a legal guardian of the person of the deceased at the date of death;
- (f) a parent of the deceased;
- (g) an adult sibling of the deceased;
- (h) an adult nephew or niece of the deceased;
- (i) an adult next of kin of the deceased, determined on the basis provided by sections 89 and 90 of the Estate Administration Act;
- (j) the minister under the Employment and Assistance Act or, if the official administrator under the Estate Administration Act is administering the estate of the deceased under that Act, the official administrator;
- (k) an adult person having a personal or kinship relationship with the deceased, other than those referred to in paragraphs (b) to (d) and (f) to (i).

(2) If the person at the top of the order of priority set out in subsection (1) is unavailable or unwilling to give instructions, the right to give instructions passes to the person who is next in priority.

(3) If, under subsection (1), the right to control the disposition of human remains or cremated remains passes to persons of equal rank, the order of priority

- (a) is determined in accordance with an agreement between or among them, or
- (b) in the absence of an agreement referred to in paragraph (a), begins with the eldest of the persons and descends in order of age.

**WRITTEN AUTHORIZATION – Section 8**

(3) An operator of a cemetery, mausoleum and crematorium must not dispose of human remains unless

- (a) the operator is authorized to do so under the Vital Statistics Act, and
- (b) the operator
  - (i) is ordered to do so by a medical health officer under the Health Act, or
  - (ii) has received the authorization from the person who, under section 5, has the right to control the disposition of the human remains.

**PROTECTION FROM LIABILITY – Section 9**

If

- (a) there is an error or omission in an authorization provided under section 8 to an operator or a funeral provider, or
- (b) the person who signed an authorization provided under section did not have the authority to give the directions set out in the authorization,

the operator or funeral provider is not liable for acting on the authorization unless the operator or funeral provider knew, or ought to have known, that the facts stated in the authorization were not true or the person giving the authorization did not have the authority to do so.

**DEFINITION OF SPOUSE**

"spouse" means a person who

- (a) is married to another person,
- (b) is united to another person by a marriage that, although not a legal marriage, is valid at common law, or
- (c) has lived and cohabited with another person in a marriage-like relationship, including a marriage-like relationship between persons of the same gender, for a period of at least 2 years immediately before the other person's death;

---

**Cemetery Management By-law No. 1668**

The use of any lot, exercise of interment rights, installation of any memorial, visitation of any memorial site and performance of all services is subject to the bylaws, rules and regulations of the Town of Ladysmith as may be currently in effect or from time-to-time amended.

**Town of Ladysmith, Cemetery Services Information Policy**

The Cemetery collects and uses personal information solely for the purpose of providing client families with the products and services they request and, as required by law, to retain a permanent record of every interment within the Town operated cemetery, and is subject to Privacy Legislation and Cemetery policy.

Staff will be pleased to provide you with the location of a burial site. Staff are prohibited from providing any other personal information about deceased persons interred, or Rights Holders, at the Town Cemetery.



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## MEMORIAL PERMIT

## Schedule "C"

(To be submitted along with payment.)

Lot Address: A \_\_\_\_\_ C \_\_\_\_\_ M \_\_\_\_\_ P \_\_\_\_\_

Request Date: \_\_\_\_\_  New  Remove & Replace

In Memory of: \_\_\_\_\_

Marker Size: \_\_\_\_\_  Single  Double  Bronze plaque

Permit Fee: Single Marker (see reverse) \$ \_\_\_\_\_ Care Fund \$ \_\_\_\_\_ plus GST Total \$ \_\_\_\_\_

Double Marker (see reverse) \$ \_\_\_\_\_ Care Fund \$ \_\_\_\_\_ plus GST Total \$ \_\_\_\_\_

Plaque \$ \_\_\_\_\_ Care Fund \$ \_\_\_\_\_ plus GST Total \$ \_\_\_\_\_

Marker Type:  Granite  Bronze on concrete  Bronze cremation plaque

Requested By: Name/Company: \_\_\_\_\_

Address: \_\_\_\_\_

Comments:

This permit is issued in accordance with and subject to Cemetery Management Bylaw # 1668\*, Town of Ladysmith Fee Setting Bylaw # 1644, and rules and regulations of the Town of Ladysmith Cemetery as they may be in effect at the time of purchase or, as they may be amended from time to time thereafter.

\*Copy of Cemetery Management Bylaw # 1668 and Fee Setting Bylaw # 1644 are available upon request.

**Memorials shall only be placed, installed or removed by the Caretaker or other person duly authorized by the Town of Ladysmith.**

**TOWN OF LADYSMITH AREA ONLY**

T.O.L. Approval:

Date:

T.O.L. Comments:

Installation Date:

A/R Invoice Number:

**MEMORIALS**      (Excerpts from the Town of Ladysmith Cemetery Management Bylaw)

35. Memorials will only be installed, removed or modified in the Cemetery when:
- a. an Interment Right Holder or authorized representative, or a person authorized by the Administrator, has made application to the Administrator, and obtained a 'Memorial Permit' (Schedule C).
  - b. the applicable contribution is paid to the Care Fund as required in the Act; and
  - c. all outstanding fees relating to the Lot, Interment and Memorial installation have been paid in full; and
  - d. the deceased person has been interred in the Lot.
36. All Memorials shall only be placed, installed or removed by the Caretaker or other person authorized by the Administrator.
37. All Memorials shall be constructed of granite or bronze or other material of a permanent nature as approved by the Administrator. Bronze Memorials must be set on a concrete or granite base.
38. Installation of Memorials shall occur between 8:30 a.m. and 3:00 p.m. Monday to Friday, excluding statutory holidays. Installations will be made as soon as possible after delivery of the Memorial to the Town and timelines may vary depending on scheduling issues, weather conditions and ground conditions.
39. The Town does not assume a duty to repair any breakage or damage to any Memorial or to replace any damage, defacement or removal of a Memorial from the Cemetery, except as shall arise as the result of the negligence of the Caretaker.

**Ground Interment Memorials**

40. A Memorial in respect of an inground Interment, including those for cremation Lots, shall be installed flush with the ground except in areas designated for upright markers.
41. A Memorial Permit (Schedule C) shall be issued by the Administrator to authorize installation of all ground interment Memorials.
42. The Administrator may refuse to issue a permit to the Applicant if the Applicant has failed to comply with the requirements of this By-law. The Administrator may reject Memorials, despite the prior issuance of a Memorial Permit, when the Memorial does not comply with the specifications in this By-law, is not in keeping with the standards of the Cemetery, or contains epitaphs deemed inappropriate by the Administrator, including reference to pets.
43. The maximum finished dimensions of in-ground MEMORIALS (granite or bronze attached to a concrete base) shall be:
- |   |                                |
|---|--------------------------------|
| Single Cremation Lot:                       | Maximum 50 x 30 cm (20" x 12") |
| Double Cremation Lots: (two adjacent plots) | Maximum 70 x 40 cm (28" x 16") |
| Single Burial Lot:                          | Maximum 60 x 30 cm (24" x 12") |
| Double Burial Lots: (two adjacent plots)    | Maximum 75 x 45 cm (30" x 18") |
- The thickness of all Memorials shall be approximately 10 cm (4")

**Cremation Memorials**

44. Cremation Memorials apply to any bronze plaque for use on a Columbarium, Memorial board or Memorial rock but do not include Memorials for in-ground cremation Interments.
45. Bronze plaques for Cremation Memorials shall be installed by the Town and must conform to the approved design and specifications of the applicable section of the Cemetery as established by the Town.
46. Where incorrect inscription instructions, dimensions, specifications or locations are given on the Memorial installation application and signed by the Interment Right Holder, their successors or the cremation Memorial supplier, then the cremation Memorial shall be removed and reinstalled at the expense of the Interment Right Holder or their successors.





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## RIGHT OF INTERMENT TRANSFER

## Schedule "D"

Lot Address: A \_\_\_\_\_ C \_\_\_\_\_ M \_\_\_\_\_ P \_\_\_\_\_

Under Section 13 of the *Town of Ladysmith Cemetery Management By-law*, I hereby request that the Right of Interment Certificate for the above Lot, as registered to me \_\_\_\_\_ be transferred from my name to that of:

New Rights Holder: \_\_\_\_\_

Address: \_\_\_\_\_

Town/Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

I hereby surrender the original Right of Interment Certificate and confirm there have been no interments in the Lot, nor memorials placed on the Lot and I agree to pay the Administration Fee as prescribed.

\_\_\_\_\_  
Right of Interment Holder Signature

\_\_\_\_\_  
Printed Name

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Date: \_\_\_\_\_

Administration Fee \_\_\_\_\_

GST \_\_\_\_\_

**TOTAL** \_\_\_\_\_

Date Records Amended: \_\_\_\_\_ By: \_\_\_\_\_ A/R Invoice #: \_\_\_\_\_

## INTERMENTS

(Excerpts from the Town of Ladysmith Cemetery Management Bylaw)

### RIGHT OF INTERMENT

10. A Right of Interment Certificate does not vest in the holder any title or interest in the land or Lot but instead provides for the right to inter the person named on the Right of Interment Certificate.

### RIGHT OF INTERMENT CERTIFICATE

11. The Administrator shall issue a Right of Interment Certificate to an applicant who meets the requirements of this Bylaw and pays the fees prescribed in Bylaw No. 1644.
12. The issuance of a Right of Interment Certificate does not entitle the holder to require the Town to inter the Human Remains or Cremated Remains of the designated person in the Lot unless the Interment Right Holder complies with all provisions of this By-law, including, without limitation, the payment of all Fees related to the Interment, and obtains an Interment Permit.
13. A Right of Interment Certificate for any unused Lots may be transferred to another family member. The Interment Right Holder or executor must provide this request in writing (Schedule D) and the original Interment Right Certificate must be surrendered to the Town.
14. An administration fee is payable to the Town in respect of an Interment right transfer:
15. An Interment Right Holder shall either reserve the right to use that Lot for himself or herself or authorize another family member to be interred in the Lot to which the Right of Interment Certificate refers.
16. An Interment Right Holder may only designate one Lot for his or her own use.
17. A Right of Interment Certificate may be surrendered to the Town. A refund, equal to the purchase price less the Care Fund contribution and administration fee, will be issued to the Interment Right Holder provided:
  - a. there are no Interments in the designated Lot;
  - b. the Interment Right Holder or his executor provides written notice to the Town of intent to surrender the right (Schedule E);
  - c. the original license or Right of Interment Certificate is surrendered;
  - d. the applicable Administration Fee is paid; and
  - e. any Fees for the removal of any Memorial that is on, or embracing the surrendered Lot, is paid.
18. All applications for a Right of Interment Certificate or an Interment Permit must be made at the Cemetery Office between the hours of 8:30 a.m. – 12:00 noon and 12:30 p.m. - 4:00 p.m. on weekdays except holidays.



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## RIGHT OF INTERMENT SURRENDER

## Schedule "E"

Lot Address: A \_\_\_\_\_ C \_\_\_\_\_ M \_\_\_\_\_ P \_\_\_\_\_

Under Section 17 of the *Town of Ladysmith Cemetery Management By-law*, I hereby surrender to the Town of Ladysmith the Right of Interment for the above Lot.

I hereby surrender the original Right of Interment Certificate and confirm there have been no interments in the Lot, nor memorials placed on the Lot and I agree to pay the Administration Fee as prescribed.

\_\_\_\_\_  
Right of Interment Holder Signature

\_\_\_\_\_  
Printed Name

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Date: \_\_\_\_\_

Original price paid for Right of Interment (less the  
Maintenance Care Fund contribution) \*

Plus GST paid on \*

Less Administration Fee (\$ \_\_\_\_\_)

Less GST on Administration Fee (\$ \_\_\_\_\_)

**REFUND TOTAL**

Date Records Amended: \_\_\_\_\_ By: \_\_\_\_\_ Refund Cheque #: \_\_\_\_\_

Original Invoice #: \_\_\_\_\_ Dated: \_\_\_\_\_ A/R Reference: \_\_\_\_\_

## RIGHT OF INTERMENT CERTIFICATE

(Excerpts from the Town of Ladysmith Cemetery Management Bylaw)

### RIGHT OF INTERMENT CERTIFICATE

11. The Administrator shall issue a Right of Interment Certificate to an applicant who meets the requirements of this Bylaw and pays the fees prescribed in Bylaw No. 1644.
12. The issuance of a Right of Interment Certificate does not entitle the holder to require the Town to inter the Human Remains or Cremated Remains of the designated person in the Lot unless the Interment Right Holder complies with all provisions of this By-law, including, without limitation, the payment of all Fees related to the Interment, and obtains an Interment Permit.
13. A Right of Interment Certificate for any unused Lots may be transferred to another family member. The Interment Right Holder or executor must provide this request in writing (Schedule D) and the original Interment Right Certificate must be surrendered to the Town.
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  - a. there are no Interments in the designated Lot;
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  - d. the applicable Administration Fee is paid; and
  - e. any Fees for the removal of any Memorial that is on, or embracing the surrendered Lot, is paid.
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## ADDITIONAL INTERMENTS IN A LOT

## Schedule "F"

Lot Address: A \_\_\_\_\_ C \_\_\_\_\_ M \_\_\_\_\_ P \_\_\_\_\_

Grave of: \_\_\_\_\_

I (we), being persons having priority in connection with disposition of human remains or cremated remains as set out in Section 5 of the *Cremation, Interment and Funeral Services Act*, in relation to the original occupant of this grave, hereby authorize the Town of Ladysmith to inter the ashes of:

\_\_\_\_\_

in the grave space occupied by: \_\_\_\_\_

*The undersigned represents to the Town of Ladysmith that they notified the immediate next-of-kin of the original person(s) interred in the above lot and that the immediate next-of-kin agree to the additional interment.*

***The undersigned further acknowledge that the Town is relying on this representation and agree to indemnify and save harmless the Town of Ladysmith, its officers and employees, from all actions, liability, costs, expenses, demands or claims resulting from the additional interment authorized by this permit.***

\_\_\_\_\_  
Signed

Date \_\_\_\_\_

\_\_\_\_\_  
Signed

Date \_\_\_\_\_

\_\_\_\_\_  
Signed

Date \_\_\_\_\_

\_\_\_\_\_  
Signed

Date \_\_\_\_\_

\_\_\_\_\_  
Signed

Date \_\_\_\_\_

Town of Ladysmith Approval: \_\_\_\_\_ Date: \_\_\_\_\_

**THE CREMATION, INTERMENT AND FUNERAL SERVICES ACT (excerpts);**

**CONTROL OF DISPOSITION – Section 5**

- (1) The right of a person to control the disposition of the human remains or cremated remains vests in, and devolves on, the following persons in order of priority:
- (a) the personal representative named in the will of the deceased;
  - (b) the spouse of the deceased;
  - (c) an adult child of the deceased;
  - (d) an adult grandchild of the deceased;
  - (e) if the deceased was a minor, a person who was a legal guardian of the person of the deceased at the date of death;
  - (f) a parent of the deceased;
  - (g) an adult sibling of the deceased;
  - (h) an adult nephew or niece of the deceased;
  - (i) an adult next of kin of the deceased, determined on the basis provided by sections 89 and 90 of the Estate Administration Act;
  - (j) the minister under the Employment and Assistance Act or, if the official administrator under the Estate Administration Act is administering the estate of the deceased under that Act, the official administrator;
  - (k) an adult person having a personal or kinship relationship with the deceased, other than those referred to in paragraphs (b) to (d) and (f) to (i).
- (2) If the person at the top of the order of priority set out in subsection (1) is unavailable or unwilling to give instructions, the right to give instructions passes to the person who is next in priority.
- (3) If, under subsection (1), the right to control the disposition of human remains or cremated remains passes to persons of equal rank, the order of priority
- (a) is determined in accordance with an agreement between or among them, or
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**WRITTEN AUTHORIZATION – Section 8**

- (3) An operator of a cemetery, mausoleum and crematorium must not dispose of human remains unless
- (a) the operator is authorized to do so under the Vital Statistics Act, and
  - (b) the operator
    - (i) is ordered to do so by a medical health officer under the Health Act, or
    - (ii) has received the authorization from the person who, under section 5, has the right to control the disposition of the human remains.

**THE CREMATION, INTERMENT AND FUNERAL SERVICES ACT (excerpts);**

**PROTECTION FROM LIABILITY – Section 9**

- If
- (a) there is an error or omission in an authorization provided under section 8 to an operator or a funeral provider, or
  - (b) the person who signed an authorization provided under section did not have the authority to give the directions set out in the authorization,

the operator or funeral provider is not liable for acting on the authorization unless the operator or funeral provider knew, or ought to have known, that the facts stated in the authorization were not true or the person giving the authorization did not have the authority to do so.

**DEFINITION OF SPOUSE**

- "spouse" means a person who
- (a) is married to another person,
  - (b) is united to another person by a marriage that, although not a legal marriage, is valid at common law, or
  - (c) has lived and cohabited with another person in a marriage-like relationship, including a marriage-like relationship between persons of the same gender, for a period of at least 2 years immediately before the other person's death;

**Cemetery Management By-law No. 1668**

The use of any lot, exercise of interment rights, installation of any memorial, visitation of any memorial site and performance of all services is subject to the bylaws, rules and regulations of the Town of Ladysmith as may be currently in effect or from time-to-time amended.

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Staff will be pleased to provide you with the location of a burial site. Staff are prohibited from providing any other personal information about deceased persons interred, or Rights Holders, at the Town Cemetery.



Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Joe Friesenhan, Director of Public Works  
Date: November 17, 2008  
File No:

This report was reviewed at the Government Services Committee meeting on January 19, 2009.

Re: CEMETERY BYLAW

RECOMMENDATION:

That the Government Services Committee recommend that Council adopt the attached Bylaw for the regulation, operation, and maintenance of the Town of Ladysmith Cemetery.

BACKGROUND / HISTORY:

The operation and maintenance of the Town of Ladysmith Cemetery comes under the jurisdiction of the Business Practices & Consumer Protection Authority (BPCPA). An audit of our cemetery was completed by the BPCPA in April of 2008 that identified the necessity for the Town to revise the cemetery bylaw and record keeping practices.

The attached bylaw and schedules have been written to address the shortfalls of the existing cemetery bylaw and practices. The new bylaw covers additional areas of operation and proposed changes that are required to allow for the construction of columbarium and other improvements identified in the Ladysmith Cemetery Expansion report adopted by Council in February of 2005.

Further development of the cemetery, such as columbarium, scattering garden or ossuary is subject to capital approvals but we propose immediate changes to the cremation plot sizes. The present cremation plot is approximately 30" X 60" and we propose to make these 30" X 30" for the use of one single or one double cremation vault and memorial.

All pricing for Cemetery Fees and Charges will now be included in Bylaw #1644, The Town of Ladysmith Fees and Charges Bylaw.

The major changes proposed from the existing bylaw are:

- Revised description of "Resident"
- New description of "Former Resident", "Family Member", "Niche", "Ossuary", and "Scattering Garden"
- Section 13 - Internment rights can be transferred to a family member

- Section 17 - Internment rights can be surrendered to the Town
- Section 27(d) - proposing that 8 cremated remains be allowed on a full plot (formerly 4)
- Section 27(g) - allow double size cremation vaults to be used
- Section 28 - Columbarium regulations
- Section 29 - Ossuary regulations
- Section 30 - Scattering of Ashes regulations
- Section 43 - maximum size of Memorials specified
- Sections 44 & 45 - Memorials for columbarium and scattering proposed
- Section 53 & 54 - conduct of dog owners in cemetery
- Section 56 - Artificial flowers removed March 15<sup>th</sup> each year (presently March 1<sup>st</sup>)
- Section 64-67 - Maintenance of Care Fund

Changes to the Schedules are as follows:

- Schedule A - now incorporates a legal agreement (as required by BPCPA) and the option of reselling any reserved lots still unused after 50 years.
- Schedule B - Internment permit revised
- Schedule C - Memorial permit revised
- Schedule D - new form for 'Right of Internment Transfer'
- Schedule E - new form for 'Right of Internment Surrender'
- Schedule F - new form for 'Additional Internments in a Lot'

ATTACHMENTS:

Draft Bylaw #1668.

I concur with the recommendation:

  
 \_\_\_\_\_  
 Ruth Malli, City Manager



TOWN OF LADYSMITH

BYLAW NO. 1672

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

---

**WHEREAS** pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

**AND WHEREAS** after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Official Community Plan Bylaw, 2003, No. 1488".

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

- (1) Schedule "A" - "Town of Ladysmith Community Plan" is amended by:
  - (a) including on Figure 6:  
the subject area shown on Schedule 1 attached to this Bylaw within the Urban Containment Boundary.
  - (b) placing on Map 1 "Land Use":  
"Multi-Family Residential" on the subject property Lot 3, Block 1399, Oyster District, Plan VIP75559 Except part in Plan VIP80608 as shown on Schedule 2 attached to this Bylaw.
  - (c) placing on Map 2 "Development Permit Areas":  
"Development Permit Area 4 - Multi-Family Residential" and "Development Permit Area 7 - Hazard Lands" on the subject property Lot 3, Block 1399, Oyster District, Plan VIP75559 Except part in Plan VIP80608 as shown on Schedule 2 attached to this Bylaw.
- (2) Schedule "C" - "Holland Creek Area Plan" is amended by:
  - (a) deleting the following residential policy:  
" 3.1.2.11 An Urban Reserve will be designated in an isolated portion of the northwest of the Plan Area to provide for forestry uses over the near term and long term potential urban residential uses for a future period beyond the life of this Local Area Plan."
  - (b) placing on Figure 4:  
"Multi-Family" on the subject property Lot 3, Block 1399, Oyster District, Plan VIP75559 Except part in Plan VIP80608 as shown on Schedule 2 attached to this Bylaw.
  - (c) amending "Table 1: Residential Land Use" - Total Developable Area as follows:  
reducing "Reserve" by 5.3 ha and increasing "Multi-Family Development" by 5.3 ha.

**CITATION**

- (3) This bylaw may be cited for all purposes as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No.23), 2008, No. 1672".

**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

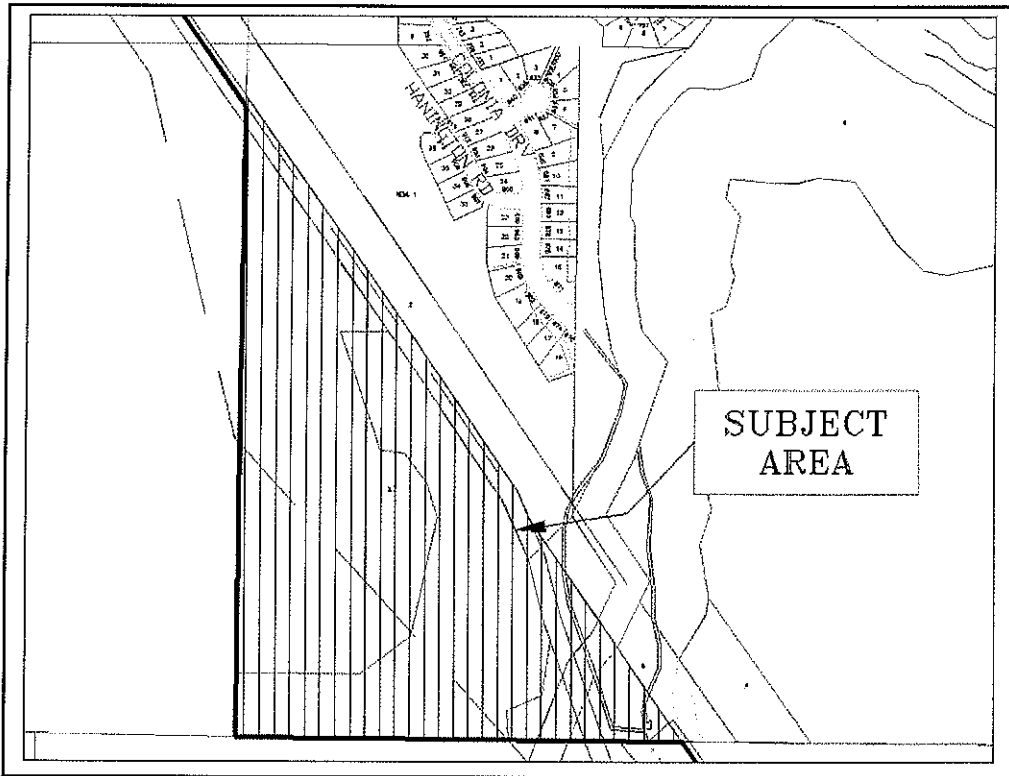
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Mayor (R. Hutchins)

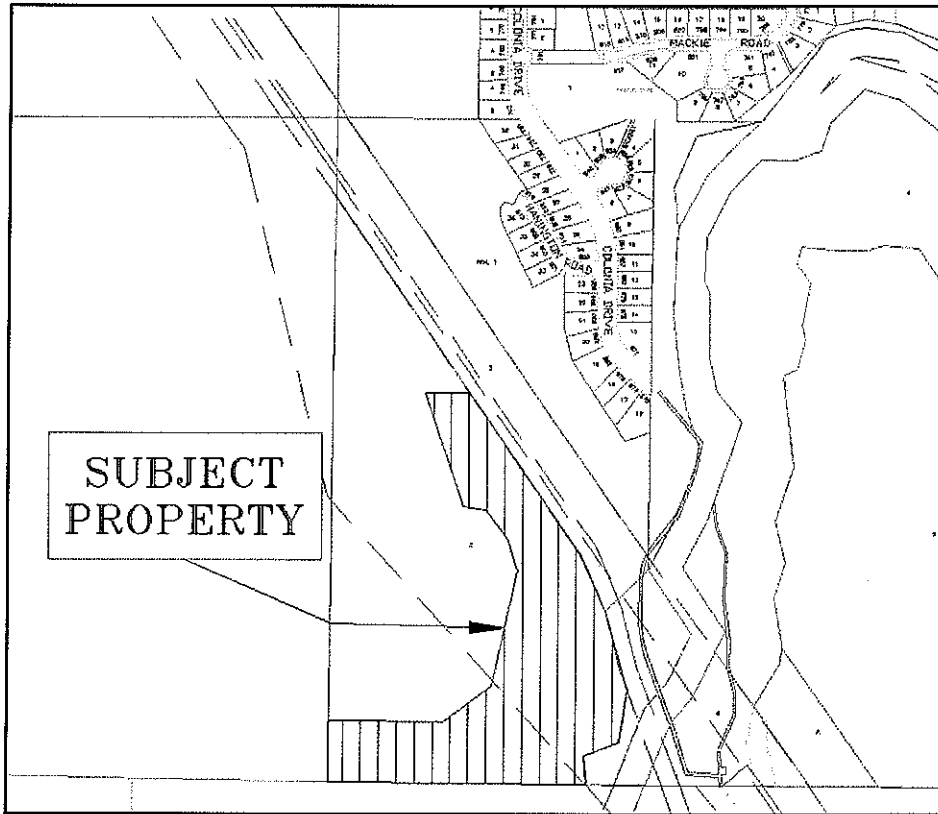
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Corporate Officer (S. Bowden)

Bylaw 1672 - Schedule 1



Bylaw 1672 - Schedule 2



TOWN OF LADYSMITH

BYLAW NO. 1673

A bylaw to amend "Town of Ladysmith Zoning Bylaw, 1995, No. 1160"

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**WHEREAS** pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the zoning bylaw;

**AND WHEREAS** after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 1995, No. 1160";

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

- (1) The text of "Town of Ladysmith Zoning Bylaw 1995, No. 1160" as amended is hereby further amended by adding the following site specific regulations to Section 13.0 Medium Density Residential Zone:
  - (a) "13.2 (2)(a) Despite 13.2 (2) the height of an apartment building located on Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608 shall not exceed 14.0 metres (4 storey).", and
  - (b) "13.2 (4)(a) Despite 13.2(4) the number of residential units located on Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608 shall not exceed 190 units."
- (2) The map, being 'Schedule A' to "Town of Ladysmith Zoning Bylaw 1995, No. 1160" is hereby amended by placing:  
"Medium Density Residential (R-3-A) Zone" on the subject property Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608 as shown on Schedule 1 attached to this Bylaw.

**CITATION**

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No.71), 2008, No. 1673".

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

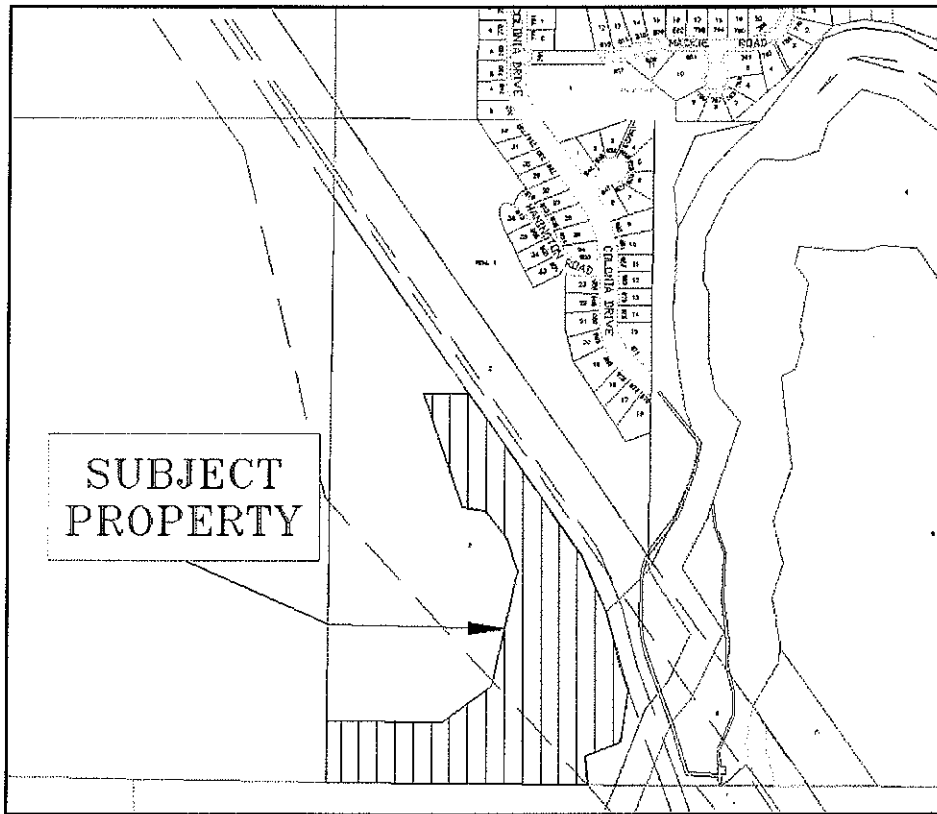
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Mayor (R. Hutchins)

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Corporate Officer (S. Bowden)

Bylaw 1673 - Schedule 1









Town of Ladysmith

**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Manager of Development Services  
Date: January 12, 2009  
File No: 3360-06-13

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Re: OCP AND ZONING BYLAW AMENDMENT APPLICATION - UPPER HOLLAND CREEK (GPM Developments Ltd.) - Subject property: Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608

RECOMMENDATION:

That the Government Services Committee recommends that Council:

- (a) directs staff to include in Bylaw 1672, the triangular shaped area of land located generally west of the hydro line containing Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608 and other parcels within the Town's urban containment boundary;
- (b) amends the requirement for on-site sewerage treatment for rezoning application 3360-06-13 to a requirement for downstream sewer upgrades identified as undersized for this development and a dual (grey water reuse) system in the proposed development,
- (c) gives first and second reading to Bylaw 1672 and Bylaw 1673,
- (d) sets a Public Hearing date of March 2, 2009,
- (e) with respect to opportunities for consultation on the OCP amendment for application 3360-06-13 that Council refer Bylaw 1672 to School District #68 and review Bylaw 1672 with the Chemainus First Nation Band Council at the next joint Council meeting.

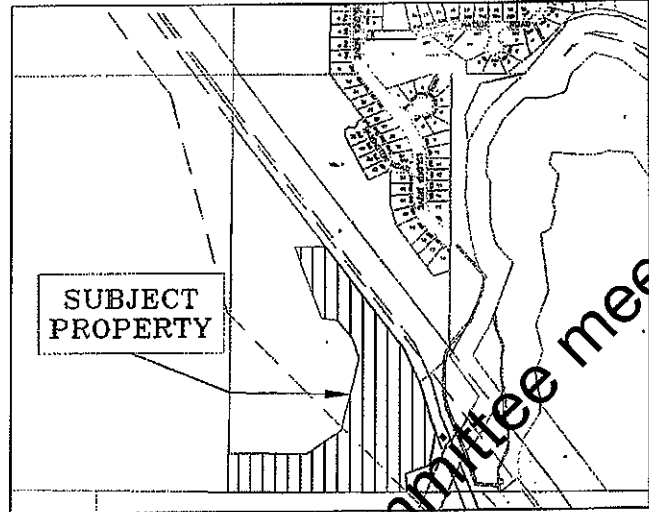
BACKGROUND / HISTORY:

Council has the authority to amend, by bylaw, the Official Community Plan and the Zoning Bylaw. Such amendments require a public hearing to be held prior to third reading of the bylaws.

The applicant is proposing to rezone the lands to Medium Density Residential (R-3-A) Zone with a maximum density of 190 units located within three 4-storey condominium apartments and 30 townhouse units.

- The apartment unit sizes range from 525 to 1150 sq.ft. and the townhouse units would be about 2000 sq.ft.

- The proposed maximum building height is 14 metres (4-storey condominium).
- 294 parking spaces would be provided (183 underground and 111 surface spaces).
- A park dedication of 2.5 acres adjacent to Holland Creek Park is proposed.
- The project is not proposed as a LEED® project, but would be built to Built Green™ standards for multi-family development.
- Rental of units would be expressly permitted within the condominium buildings.



The proposal has been considered by the Advisory Planning Commission and the Advisory Design Panel and Council has previously considered these comments. Both commissions were generally in support of the rezoning proposal.

At its meeting held August 5, 2008, Council provided direction to prepare bylaws, subject to road access being resolved to the satisfaction of the Town. Primary road access via Malone Road has now been resolved to the satisfaction of the Town.

Also at that time, Council has provided direction that the following amenities and commitments are to be secured through a covenant registered on the title of the subject property. The preparation and review of the covenant is the responsibility of the applicant. Such agreements are registered prior to final consideration of the bylaws by Council. The covenant has not yet been provided.

- 2.5 acre park dedication and development, including removal of invasive species, picnic tables, benches and trails to connect to the existing Holland Creek trail,
- Project construction to a Built Green Multi Pilot program standard,
- Rental of units expressly permitted within the condominium buildings,
- Implementation of the recommendations of the Preliminary Geotechnical Assessment by Levelton Consultants Ltd. Dated April 28, 2008,
- On-site storm water management and on-site sewerage treatment (see discussion in the next section below),
- Trolley bus stop at the site to serve the development to meet the Town's transit objectives, and
- \$80,000 amenity contribution at the time of building permit.

#### ANALYSIS:

Bylaw 1672 amends the Official Community Plan and Holland Creek Area Plan and Bylaw 1673 amends the Zoning Bylaw.

**Bylaw 1672:**

*Official Community Plan Amendments*

This Bylaw includes the subject property within the "urban containment boundary" that has been established in the Official Community Plan (OCP). The Bylaw also adds the subject property to Development Permit Area 4 – Multi-Family Residential (DPA4) and Development Permit Area 7 - Hazard Lands (DPA7). A development permit would be required prior to alteration of the land and construction of buildings.

Two options are presented with respect to the lands to be included within the urban containment boundary: the subject property only or the entire triangular portion of land located west of the hydro right-of-way including the subject property. It is expected that all of the lands within this area will be proposed for residential development.

*Holland Creek Area Plan Amendments:*

Bylaw 1672 changes the land use designation of the subject property from "Reserve" to "Multi-Family". It also deletes policy 3.1.2.11 as it would no longer be relevant if the rezoning is successful. Technical data in the plan is also updated.

**Bylaw 1673:**

Bylaw 1673 rezones the subject property from Single Family to Multi-Family. The Bylaw also includes two site specific amendments to permit the height of the condominium apartment buildings to be 14 metres (4 storeys) and a maximum of 190 units.

**Access and Servicing:**

The applicant has provided agreements from the affected property owners regarding primary road access from Malone Road to the subject property as required by Council.

Council has directed that on-site sewage treatment is to be provided. The applicant's engineers have reviewed this requirement and have made an alternate proposal to the Town to manage the sewage flows from the development through the reduction of outflows (source control) combined with improvements to the downstream capacity. The proposal is that:

1. The downstream portion of the sewer system, identified as being under-sized for this development by Herold Engineering, will be improved to provide additional sewer capacity. Latecomer's charges would apply to future development benefiting from these upgrades.
2. The developer will pay the Town the full amount of the sanitary sewer DCCs in addition to the developer paying the cost of improving downstream works.
3. The project will be built to the CHA Built Green Program which includes low flow appliances such as washing machines which would substantially reduce the flow.

Staff has reviewed and support the revised proposal, with the addition of the installation of a dual (grey water re-use) system within the proposed development.

**OCP Consultation:**

The *Local Government Act* requires that when an OCP is being prepared or amended that Council consider opportunities for consultation, including with the regional district, adjacent municipalities, first nations, school district and provincial and federal governments. It is recommended that Bylaw 1672 be referred to School District #68 and reviewed with Chemainus First Nation Band Council.

The applicant held a public information meeting on March 25, 2008; about 10 to 12 people attended. The applicant advises that the issues identified by the public were: stormwater management, slope stability, blasting during construction, traffic generated by the project and phasing of construction. These concerns have been addressed through the rezoning process. At the time of the public meeting, primary access from Malone Road was not yet determined. The housing options presented were favourable to several people.

I concur with the recommendation:

  
\_\_\_\_\_  
Ruth Mall, City Manager

ATTACHMENTS:

- Bylaws 1672 and 1673.

Reviewed at previous Government Services Committee meeting.