



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 21, 2011
at 7:00 p.m.

A G E N D A

Page

CALL TO ORDER

1. EXECUTIVE SESSION

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:

- 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
- 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
- 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 is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity
- labour relations or other employee relations

2. RISE AND REPORT

3. AGENDA APPROVAL

4. MINUTES

Adoption of the following minutes:

- 4.1. Regular Meeting – February 7, 2011

1 - 10

5. PUBLIC HEARING

None

6. BYLAWS (OCP / ZONING)

None

7. DELEGATIONS

None

8. PROCLAMATIONS

- 8.1. Mayor Hutchins has proclaimed the month of March 2011 as Community Social Services Awareness Month in the Town of Ladysmith
- 8.2. Mayor Hutchins has proclaimed May 29, 2011 as the Day of the Honey Bee in the Town of Ladysmith

9. DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS

None

10. STAFF / ADVISORY COMMITTEE REPORTS

- | | |
|---|----------------|
| 10.1. Development Cost Charge (DCC) Bylaw Review – DCC Rate Option 9 and Affordable Housing DCC Options | 11 – 22 |
| 10.2. Tender Award – Five Ton Truck | 23 – 24 |
| 10.3. Tender Awards – Town of Ladysmith Annual Tenders | 25 – 26 |
| 10.4. Contract Award – Sustainability Implementation Plan | 27 – 28 |
| 10.5. Contract Award – Land Agent Services for Town-Owned Lands | 29 – 38 |
| 10.6. Ladysmith Skatepark Project Request for Funding | 39 – 41 |
| 10.7. Energy Recovery Project | 42 – 48 |
| 10.8. Appointment of Election Officers | 49 – 50 |

11. CORRESPONDENCE

- 11.1. Chris and Beverley Wood
Request to remove breed-specific language from the Dog Licensing, Control and Pound Bylaw
- 51 – 78**

Staff Recommendation:

That Council consider whether it wishes to refer the request from Chris and Beverley Wood in their letter of January 26, 2011, to consider removing breed-specific language from the Dog Licensing, Control and Pound Bylaw, to staff to review and report back.

12. BYLAWS

- | | |
|---|----------------|
| 12.1. Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 28) 2009, No. 1700
May be adopted | 79 – 84 |
| 12.2. Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 77) 2009, No. 1701
May be adopted | 83 – 87 |

- Council held a public hearing on Bylaws 1700 and 1701 on November 2, 2009, and gave third reading o December 7, 2009. The purpose of the Bylaw amendments is to permit development of a 13-unit residential development at 315 Holland Creek Place. At the time of third reading, there were two covenants to be registered on title. These covenants have now been registered and the Bylaws may now be adopted.*
- 12.3. Ladysmith Development Procedures Bylaw 2008 No. 1667 Amendment Bylaw 2011, No. 1750 (Development Procedures)** **88**
May be adopted
- The purpose of Bylaw 1750 is to amend the Development Procedures Bylaw in order to incorporate a Sustainable Development Checklist.*
- 12.4. Ladysmith Sign and Canopy Bylaw 1995, No. 1176, Amendment Bylaw 2011, No. 1751** **89 - 94**
May be read a first, second and third time.
- The purpose of Bylaw 1751 is to make improvements to the review and processing of signage permit applications, as directed by Council at its regular meeting on November 1, 2010.*
- 12.5. Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2011, No. 1752** **95 - 96**
May be read a first, second and third time
- The purpose of Bylaw 1752 is to amend Fees and Charges Bylaw No. 1644 in order to incorporate housekeeping changes in response to Council direction on November 1, 2010*

13. NEW BUSINESS**14. UNFINISHED BUSINESS**

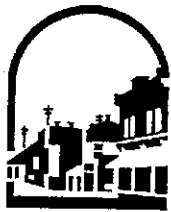
None

15. QUESTION PERIOD

Persons wishing to address Council during “Question Period” must be Town of Ladysmith residents, non-resident property owners, or operators of a business.

- Individuals must state their name and address for identification purposes
- Questions must relate strictly to matters which appear on the Council agenda at which the individual is speaking
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine
- Questions must be brief and to the point
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council

ADJOURNMENT



LADYSMITH

TOWN OF LADYSMITH
MINUTES OF A REGULAR MEETING OF COUNCIL
MONDAY, FEBRUARY 7, 2011 - 7:00 P.M.
COUNCIL CHAMBERS, CITY HALL

COUNCIL MEMBERS PRESENT

Mayor Rob Hutchins
Councillor Jillian Dashwood
Councillor Bruce Whittington

Councillor Steve Arnett
Councillor Lori Evans

Councillor Scott Bastian
Councillor Duck Paterson

COUNCIL MEMBERS ABSENT

STAFF PRESENT

Ruth Malli

Sandy Bowden

Felicity Adams

CALL TO ORDER

Mayor Hutchins called the meeting to order at 6:15 p.m.

EXECUTIVE SESSION

2011-055

It was moved, seconded and carried that this meeting retire into Executive Session at 6:15 p.m.

AGENDA APPROVAL

Mayor Hutchins called the Regular Session of Council to order at 7:00 p.m.

2011-056

It was moved, seconded and carried that the agenda be adopted as circulated.

MINUTES

2011-057

It was moved, seconded and carried that the minutes of the Regular Council Meeting of January 17, 2011 be adopted as circulated.

2011-058

It was moved, seconded and carried that the minutes of the Special Council Meeting of January 31, 2011 be adopted as circulated.

PUBLIC HEARINGS

Official Community Plan and Zoning Bylaw Amendments
Public Hearing for Bylaw 1736 and Bylaw 1737 (Riparian Area Regulation)

A Public Hearing for Bylaws 1736 and 1737 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Monday, February 7, 2011, commencing at 7:02 p.m.

Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 34), 2010, No. 1736

Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 84), 2010, No. 1737

Applicant Agent: Town of Ladysmith

Public Attendance: 33

Mayor Hutchins welcomed the public and noted that the public input portion of the hearing would take place in two parts - Part 1 would entertain questions clarifying the Bylaw and Part 2 would afford attendees an opportunity to provide comments to Council on the Bylaw.

Felicity Adams, Director of Development Services, provided an overview of the application submitted by the Town of Ladysmith.

The purpose of Bylaw 1736 is to amend the Official Community Plan to include policies and development permit guidelines to implement the Provincial Riparian Areas Regulation. The Holland Creek Area Plan and the South Ladysmith Plan are also amended to reference the revised Development Permit Area. In summary, the bylaw proposes to:

- include policy directed at protecting all riparian areas, fish bearing and non-fish bearing.
- remove references to the previous *Provincial Streamside Protection Regulation* and replace them with the *Provincial Riparian Areas Regulation*.
- improve the high level policies aimed at protecting environmentally sensitive areas.
- replace the entire section of "Development Permit Area 6 - Environmentally Sensitive Areas (DPA 6)" and replaces it with "Development Permit Area 6 - Riparian Development Permit Area" including a new justification and guidelines that will protect fish bearing and non-fish bearing riparian areas.

The purpose of Bylaw 1737 is to amend the Zoning Bylaw by including a reference to the Riparian Development Permit Area requirements and advising that any development proposal for a building or structure to be located within 30 metres of a natural watercourse shall require an application to the Town of Ladysmith for a Riparian Development Permit.

The proposed bylaws are consistent with the core 'Visioning Report Sustainability Goals', one of which is to "protect and enhance the ecosystems and biodiversity locally, regionally, and globally." The implementation of the Riparian Areas Regulation is a "green OCP" policy amendment.

Council referred the proposal to the Advisory Planning Commission. At its October 12th, 2010 meeting, the Advisory Planning Commission made the following recommendation to Council.

It was moved, seconded and carried that the Advisory Planning Commission supports the proposed riparian protection revisions to Development Permit Area 6 in the Official Community Plan.

The Public Hearing notice was printed in the Chronicle newspaper on January 25, 2011 and February 1, 2011 and posted on community notice boards throughout Town, as well as on the Town's website. A copy was made available at the front counter at City Hall for the two week notice period.

No written submissions and no telephone or in-person enquiries were received at City Hall in connection with this Public Hearing.

Mayor Hutchins called for questions a first time.

Mayor Hutchins called for questions a second time.

Mayor Hutchins called for questions a third time.

Hearing no further questions Mayor Hutchins called a first time for comments to Council regarding the proposed Bylaw amendments.

Mayor Hutchins called for comments a second time.

Mayor Hutchins called for comments a third time.

Hearing no comments Mayor Hutchins called for any written submissions.

No written submissions were received.

Mayor Hutchins declared the Public Hearing for Bylaw 1736 and 1737 closed at 7:06 p.m.

**Public Hearing for Town of Ladysmith Bylaws 1738 and 1744
Official Community Plan and Rezoning Bylaw Amendment
(Ladysmith Bicycle Plan Policies)**

Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 35), 2010, No. 1738

Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 85), 2010, No. 1744

Applicant Agent: Town of Ladysmith

Public Attendance: 33

Mayor Hutchins welcomed the public and noted that the public input portion of the hearing would take place in two parts - Part 1 would entertain questions clarifying the Bylaw and Part 2 would afford attendees an opportunity to provide comments to Council on the Bylaw.

Felicity Adams, Director of Development Services, provided an overview of the application submitted by the Town of Ladysmith.

The purpose of Bylaw 1738 is to amend the Official Community Plan to add policies that will assist the Town in achieving the goals of the *Ladysmith Bicycle Plan*.

In summary, Bylaw 1738 proposes the following:

- New and improved language so that bicycle supportive policies are more fully integrated into the vision, guiding principles, goals, objectives and policies of the OCP.
- Specific reference to the *Ladysmith Bicycle Plan* in the 'Implementation' section of the OCP.
- Amending Map 3 "Transportation" to reflect the new bike route with priority, lower priority, and future facility improvements. The key feature of the bicycle route network is a connected spine of high quality facilities, linking major destinations.

The purpose of Bylaw 1744 is to amend the Zoning Bylaw to include an option in the off-street parking requirements for parking areas greater than 5 vehicles, such that a reduction in the required vehicle parking spaces is permitted where bicycle parking is provided. The design guidelines and required ratios for bicycle parking are drawn from the recommendations of the *Ladysmith Bicycle Plan*.

The Visioning Report identifies 'low impact transportation' as one of the eight pillars of sustainability for Ladysmith. To facilitate a shift from a reliance on the car, the Town could provide supportive infrastructure for alternative methods of transportation such as cycling. The Bicycle Plan focuses on improvements such as

designating an updated cycling route and recommending separated bike facilities to make cycling an easier choice. The target market for the Bicycle Plan is the 60% "interested, but concerned" who would like to cycle but first need a safe environment to do so. The integration of the Bicycle Plan into the OCP is a "green OCP" policy amendment.

Council referred the proposal to the Advisory Planning Commission. At its October 12th, 2010 meeting, the Advisory Planning Commission made the following recommendation to Council.

It was moved, seconded and carried that the Advisory Planning Commission supports proposed Bylaw 1738 as well as amending the Zoning Bylaw to include optional reduced parking spaces when bicycle parking is provided.

The Public Hearing notice was printed in the Chronicle newspaper on January 25, 2011 and February 1, 2011 and posted on community notice boards throughout Town, as well as on the Town's website. A copy was made available at the front counter at City Hall for the two week notice period.

One written submission and no telephone or in-person enquiries were received at City Hall in connection with this Public Hearing.

Mayor Hutchins called for questions a first time.

Mayor Hutchins called for questions a second time.

Mayor Hutchins called for questions a third time.

Hearing no further questions Mayor Hutchins called a first time for comments to Council regarding the proposed Bylaw amendments.

Doug Fraser, 293 Bayview Avenue, Ladysmith—commented that rising gasoline prices will effect change and he therefore supports the Ladysmith Bicycle Plan and related bylaw amendments.

Mayor Hutchins called for comments a second time.

Mayor Hutchins called for comments a third time.

Hearing no comments Mayor Hutchins called for any written submissions.

No further written submissions were received.

Mayor Hutchins declared the Public Hearing for Bylaws 1738 and 1744 closed at 7:17 p.m.

BYLAWS

(OCP / ZONING)

- 2011-059** Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 34), 2010, No. 1736
It was moved, seconded and carried that Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 34), 2010, No. 1736 be read a third time and adopted.
- 2011-060** Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 84), 2010, No. 1737
It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 84), 2010, No. 1737 be read a third time and adopted.
- 2011-061** Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 35), 2010, No. 1738
It was moved, seconded and carried that Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No.35), 2010, No. 1738, be read a third time and adopted.
- 2011-062** Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 85), 2010, No. 1744
It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 85), 2010, No. 1744 be read a third time and adopted.

DELEGATIONS

- 2011-063** Carrie Alexander, Leadership Society of Vancouver Island
Carrie Alexander from the Leadership Society of Vancouver Island made a brief presentation to Council regarding proposed improvements to the Ladysmith Skatepark and requested that Council consider granting early approval of a request to contribute \$12,000 to the project.
It was moved, seconded and carried that the request from the Leadership Society of Vancouver Island to contribute \$12,000 to the proposed improvements to the Ladysmith Skatepark be referred to staff to review funding options and report back to Council.
- Bev Park, President and Chief Operating Officer, Couverdon Real Estate and James Miner, Planning Consultant, Sasaki Associates Inc.
Ms Park and Mr. Miner made a presentation to Council regarding a community consultation process Couverdon plans to undertake with respect to proposed use of lands currently owned by Couverdon (TimberWest). The process would include the discussion of the protection of watershed land and viewsapes on properties outside of the proposal.

**DEVELOPMENT PERMITS
AND DEVELOPMENT
VARIANCE PERMITS**

- 2011-064** **Development Variance Permit Application – 209 French Street**
It was moved, seconded and carried that Council approve Development Variance Permit (DVP) 3090-10-04 to vary parcel coverage, side yard setbacks, and horizontal dimension for a dwelling and carport on Lot 5, Block 44, District Lot 56, Oyster District, Plan 703A (209 French Street) and that the Mayor and Corporate Officer be authorized to sign DVP 3090-10-04.
- 2011-065** It was moved, seconded and carried that Council issue Hazard Lands Development Permit 3060-10-10 for the construction of a dwelling and carport on Lot 5, Block 44, District Lot 56, Oyster District, Plan 703A (209 French St), and that the Mayor and Corporate Officer be authorized to sign the Development Permit.

**COUNCIL COMMITTEE
REPORTS**

- Councillor Dashwood reported that the Ladysmith Chamber of Commerce has requested a joint dinner social between the Chamber Board of Directors and Council. Council requested staff to determine a suitable date for this event.
- 2011-066** **Government Services Committee Recommendations**
It was moved, seconded and carried that the complaints from Grahame and Marie Quakenbush and Donna Blyth regarding the height of hedges and the definition of 'fence' in the Zoning Bylaw be referred to the next Government Services meeting in order for staff to provide further information regarding bylaws in other municipalities governing height and width of hedges.
- 2011-067** It was moved, seconded and carried that a property agent be engaged to begin discussions with Island Timberlands about the right to carry out test drilling at a site identified as Site A in the Technical Memo from EBA Engineering, dated March 26, 2010, and if successful, to negotiate the provision of a community well site within the proposed Timberlands development, with all necessary provisions for wellhead and aquifer protection.
- 2011-068** It was moved, seconded and carried that the removal of the Smarag Junipers in front of Ladysmith Flowers and Gifts (formerly Lait Bloomer Florists) to the Ladysmith Arboretum be approved, with the cost to be paid by Ladysmith Flowers and Gifts.
- 2011-069** It was moved, seconded and carried that the Town participate as an exhibitor with a booth in the 2011 Ladysmith Home, Garden

and Business Show at a cost of \$250, and that all members of Council participate.

Councillor Paterson reported that the Ladysmith Celebrations Society recently held a successful meeting and elected a full slate of directors. The organization has changed the date of Ladysmith Days to August 13 and 14 from the August long weekend, and believes that this change will attract more attendees to the festivities.

STAFF / ADVISORY COMMITTEE REPORTS

- 2011-070** **Strata Conversion Application – 218 Bayview Avenue**
It was moved, seconded and carried that Council not support the request for the Town to accept a 125 per cent bond, letter of credit, or cash-in-lieu for the \$137,300 value of remedial measures identified in the Building Code Compliance Report for 218 Bayview Avenue by Curtis Paxton Miles, Architect, dated December 2010.
- 2011-071** It was moved, seconded and carried that Council not require the installation of a fire sprinkler system at 218 Bayview Avenue, Ladysmith as a condition of strata conversion approval.

Councillors Paterson and Evans opposed.
- 2011-072** It was moved, seconded and carried that staff be requested to develop a strata conversion policy.
- 2011-073** **Secondary Suites—Contract Award for Consultation, Policy and Regulation**
It was moved, seconded and carried that the Secondary Suites—Consultation, Policy and Regulation contract be awarded to CitySpaces Consulting Ltd. in the amount of \$39,515 plus applicable taxes.
- 2011-074** **Request for Letter of Support from Heritage B.C.**
It was moved, seconded and carried that a letter be sent to the B.C. Heritage Minister expressing concerns about the present state of the province's heritage and making a call to renew the provincial heritage program
- 2011-075** **Funding Process– Ladysmith and District Historical Society**
It was moved, seconded and carried that staff be requested to investigate a fee for service contract with the Ladysmith and District Historical Society for the provision of archival services to the community.

Councillor Arnett declared a possible conflict of interest with respect to the following agenda item and excused himself from the meeting.

- 2011-076** **Ladysmith Maritime Society- Request for Cost Sharing**
It was moved, seconded and carried that the request from the Ladysmith Maritime Society for a contribution from the Town for debris clean-up in District Lot 2016 be referred to the February 21, 2011 meeting of Council.
- 2011-077** It was moved, seconded and carried that staff be directed to negotiate a new contract with the Ladysmith Maritime Society regarding the washroom facility at the Machine Shop.
- 2011-078** It was moved, seconded and carried that Council consider providing up to \$40,000 for the construction of the land portion of a sewage pump-out station at the Ladysmith Community Marina.
- 2011-079** It was moved, seconded and carried that staff be requested to obtain cost estimates for a second road egress at the Ladysmith Community Marina.

Councillor Arnett rejoined the meeting

- 2011-080** **Heritage Canada and Service Canada Grant Applications**
It was moved, seconded and carried that staff be authorized to make application for a Heritage Canada grant in the amount of \$2,000 for Canada Day celebrations and a Service Canada grant in the amount of \$2,000 for summer student employment.

CORRESPONDENCE

- 2011-081** **Isabelle Ouelette, Ladysmith and District Historical Society**
It was moved, seconded and carried that staff be directed to bring forward an amendment to the Heritage Revitalization Advisory Commission bylaw to include provision for a representative from the Ladysmith and District Historical Society to sit on the Heritage Revitalization Advisory Commission as a liaison between the two groups.
- 2011-082** **Wendy Sayers, Arts on the Avenue**
It was moved, seconded and carried that the request for the Town of Ladysmith to sponsor Arts on the Avenue 2011 be referred to the Grants-in-Aid process.
- 2011-083** **Danyta Welch, Union of BC Municipalities**
It was moved, seconded and carried that Council acknowledge receipt of the Community to Community grant and direct staff to establish a date for a forum to be held with the Stz'uminus First

Nation.

BYLAWS

Town of Ladysmith Development Procedures Bylaw 2008, No. 1667, Amendment Bylaw 2011, No. 1750

2011-084

It was moved, seconded and carried that Town of Ladysmith Development Procedures Bylaw 2008, No. 1667, Amendment Bylaw 2011, No. 1750 be read a first, second and third time.

EXECUTIVE SESSION

2011-085

It was moved, seconded and carried that the Regular Session of Council be adjourned at 9:10 p.m. and that the Executive Session be reconvened.

RISE AND REPORT

The Executive Session of Council rose with report on the following items:

- Council reappointed Brian Bancroft and Brian Childs to the Advisory Planning Commission
- Council reappointed of Lisa Bates and John Perry to the Parks, Recreation and Culture Commission.

ADJOURNMENT

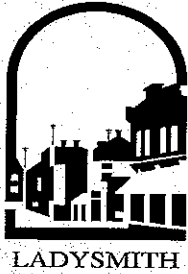
2011-086

It was moved, seconded and carried that this meeting of Council be adjourned at 10:00 p.m.

Mayor (R. Hutchins)

CERTIFIED CORRECT

Corporate Officer (S. Bowden)



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: February 16, 2011
File No: 3900-07 DCC Review

Re: DEVELOPMENT COST CHARGE (DCC) BYLAW REVIEW: DCC RATE OPTION 9 AND AFFORDABLE HOUSING DCC OPTIONS

RECOMMENDATION(S):

1. That Council direct staff to proceed with preparing a new Development Cost Charge Bylaw based on the Option 9 rates, including Option 9b for the Roads DCC.
2. That Council direct staff to include a review of DCC bylaws for eligible affordable rental housing within the 2011 budget process.

PURPOSE:

The purpose of this report is to provide Council with (a) Roads DCC and Parks DCC project reductions if the Roads and Parks DCC rates are held at current bylaw levels, (b) information regarding affordable housing and the application of DCCs, and (c) a new Development Cost Charge (DCC) rate option 9.

INTRODUCTION/BACKGROUND:

At its meeting held December 20, 2010, Council provided the following direction.

It was moved, seconded and carried that staff be requested to investigate whether offsets for affordable housing are permissible under provincial legislation governing Development Cost Charges.

It was moved, seconded and carried that staff be requested to report back to Council with further options for new Development Cost Charges rates based on maintaining the parks and roads fees at current levels, with specific reference to which projects could be removed from the list, or where the project scope might have to be reduced.

SCOPE OF WORK:

The DCC consultant provided a report with the information requested by Council which is attached to this report.

Overall Reduction to Hold to Current Rate Levels

The reduction in total project costs for Parks DCC projects and Roads DCC projects to hold the rates at current levels is as follows:

Parks – reduce project list by \$387,500

Roads – reduce project list by \$2,575,000

Staff Recommendation

In summary, while the Parks reductions of \$387,500 could be found, the Roads reductions identified by staff totalled \$2,020,000 (Option 9b) which is \$550,000 short of the required reduction to hold to the single family residential and small lot single family residential Road DCC rate to the current level (Option 9a). As explained in the attached memo, bringing the Road DCC rates in line with current charges is not as simple as the Parks category.

Parks:

The recommended Parks reductions are:

P3 Lot 108 - Reduce by \$200,000

P11 Waterfront - Reduce by \$187,500

PARKLAND ACQUISITION & IMPROVEMENT DCC			
Land Use Category	Proposed (Option 8)	Current Bylaw	Option 9
Single-Family Residential	\$1,886.31	\$1,758.15	\$1,758.14
Small-Lot Single Family	\$1,697.68	\$1,758.15	\$1,582.33
Multi-Family Residential	\$1,509.05	\$1,406.52	\$1,406.51
Institutional - Care Facility	\$943.16	\$0.00	\$879.07

Roads:

The recommended Roads (Option 9b) reductions are: \$2,020,000 comprised of

#11 2nd Ave Retaining Wall - reduce to \$0

#12 Waterfront - reduce to \$0

If Council wishes to achieve Option 9b for the Roads DCC, it will need to identify an additional \$555,000 in reductions from the Roads project list. If a project is not on the DCC project list does not mean that it won't be required, rather it means that DCCs will not be available to help fund the cost of the project.

ROADS DCC				
Land Use Category	Proposed (Option 8)	Current Bylaw	Option 9a	Option 9b
Single-Family Residential	\$4,099.53	\$3,460.36	\$3,460.09	\$3,598.02
Small-Lot Single Family	\$3,689.57	\$3,114.32	\$3,114.08	\$3,238.22
Multi-Family Residential	\$2,508.91	\$2,768.29	\$2,117.57	\$2,201.99
Downtown Multi-Family	\$1,619.25	\$2,768.29	\$1,366.68	\$1,421.16
Commercial	\$96.38	\$17.30	\$81.35	\$84.59
Downtown Commercial	\$64.26	\$17.30	\$54.23	\$56.40
Industrial	\$28.93	\$5.19	\$24.41	\$25.39
Institutional - Care Facility	\$1,139.47	\$0.00	\$961.74	\$1,000.08
Institutional - School	\$64.00	\$0.00	\$54.02	\$56.17

Affordable Housing:

As outlined in the attached memo, the DCC program being considered by Council already includes some elements that will benefit smaller lots and multi-family units which tend to be more affordable housing units. In addition, the Downtown waiver for eligible developments could assist with the development of more affordable housing within the downtown.

In addition, if Council wishes to pursue further DCC reductions for affordable housing it could fund the review of other municipalities' bylaws that provide an exemption for eligible affordable rental housing (not-for profit and/or for-profit) as permitted by the *Local Government Act*. Housing that is not rental is not eligible for DCC reductions under the affordable housing provisions.

ALTERNATIVES:

That Council provide direction to staff regarding further reductions to the Roads DCC project list.

FINANCIAL IMPLICATIONS:

Keeping the Town's capital (DCC) program up-to-date is an important element of the Town's wise financial management.

LEGAL IMPLICATIONS:

The adoption of the new DCC Bylaw establishing rates requires approval of the Inspector of Municipalities.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Council is considering other rate options following feedback received through the public and stakeholder consultation process.

Option 9 (with Option 9b for the Roads DCC) results in the following proposed rates.

Land Use Category	Current Rate	Stakeholder Consultation (Option 7)	Proposed Option 9 (with Option 9b for Roads)
Single Family Residential	\$8,884.77	\$15,848	\$12,780
Small Lot Single Family	\$8,172.11	\$11,746	\$9,400
Multi-Family Residential	\$7,014.27	\$9,567	\$7,635
Downtown Multi-Family	n/a	\$8,634	\$6,836
Commercial (Per m2 gross floor area)	\$25.00	\$112.46	\$97.68
Downtown Commercial (Per m2 gfa)	n/a	\$73.90	\$64.25
Industrial (Per m2 gross floor area)	\$8.86	\$42.71	\$36.60
Institutional - Care Facility (per bed)	n/a	\$5,522	\$4,383
Institutional (Per m2 gross floor area)	n/a	\$99.90	\$85.59

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

All departments have been involved in the review process.

RESOURCE IMPLICATIONS:

The cost of the DCC Bylaw Review is included in the Financial Plan for 2010 and budget request for 2011.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Review of the Town's DCC bylaw to include sustainability objectives such as climate and energy issues is included as an implementation strategy in the Visioning report.

Council has previously provided direction to staff to proceed with the development of bylaws to waive DCCs for eligible developments in the Downtown and also the reduction for eligible developments with low environmental impact.

ALIGNMENT WITH STRATEGIC PRIORITIES:

All six of Council's strategic directions are relevant to the DCC Bylaw Review.

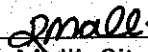
- Wise financial management
- Effective land use planning and community design
- Dynamic economic development
- Enhanced standard of infrastructure
- Responsible stewardship of the environment
- Safe and healthy community

The completion of the DCC Bylaw Review is one of Council's Top 25 strategic priorities.

SUMMARY:

One of Council's Top 25 strategic priorities is the DCC Bylaw review. This report provides Council with another option to consider and information regarding DCCs and their application to affordable housing projects.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

- Memorandum dated January 28, 2011 from Sherry Hurst, Leftside Partners Inc. and Allan Neilson-Welch, Neilson-Welch Consulting Inc.
- DCC project lists – Option 9



MEMO

TO: FELICITY ADAMS, DIRECTOR OF DEVELOPMENT SERVICES

FROM: SHERRY HURST, LEFTSIDE PARTNERS INC.
ALLAN NEILSON-WELCH, NEILSON-WELCH CONSULTING INC.

DATE: JANUARY 28, 2011

RE: DCC UPDATE

OBJECTIVE

Council has requested that staff consider opportunities for reducing the proposed development cost charge rates, and in particular the road and park development cost charges, with an aim of maintaining similar rates to those currently in place. Council wants to understand the impacts of the resulting reductions to the proposed DCC programs. Reducing the number and scope of projects in the parks and roads DCC programs is one way of reducing the resulting DCC rates. In addition, Council has also requested information on reducing DCCs for affordable housing.

DISCUSSION

1. *Parks and Roads DCCs – Maintaining Current Rates*

a) Parkland Acquisition and Improvement DCC

The following chart provides the rates last presented to Council in December (Option 8), as well as the current park DCC charges. The Option 8 rates involved an adjustment in the Parks capital DCC program through the removal of the FJCC/High School fields project, as well as reducing the scope of the Aggie project.

PARKLAND ACQUISITION & IMPROVEMENT DCC			
Land Use Category	Proposed (Option 8)	Current Bylaw	Difference
Single-Family Residential	\$1,886.31	\$1,758.15	\$128.16
Small-Lot Single Family	\$1,697.68	\$1,758.15	-\$60.47
Multi-Family Residential	\$1,509.05	\$1,406.52	\$102.53
Institutional - Care Facility	\$943.16	\$0.00	\$943.16

Given the updated growth and development projections, as well as the impact factors, to reduce the proposed Option 8 single-family parks DCC rate to reflect the same as the current parks DCC rate, a further reduction of approximately \$387,500 (which represents \$257,000 in DCC recoverable) would be required from the Parks projects. The results of this reduction are shown in the following chart (as Option 9a).



PARKLAND ACQUISITION & IMPROVEMENT DCC			
Land Use Category	Proposed (Option 8)	Current Bylaw	Option 9a
Single-Family Residential	\$1,886.31	\$1,758.15	\$1,758.14
Small-Lot Single Family	\$1,697.68	\$1,758.15	\$1,582.33
Multi-Family Residential	\$1,509.05	\$1,406.52	\$1,406.51
Institutional - Care Facility	\$943.16	\$0.00	\$879.07

Option 9a assumes there would still be a DCC in place for institutional care or assisted living facilities, even though this charge is not currently in place. Notably, this change would result in a small-lot charge that is lower than the existing small-lot park DCC, due to updates to the assumption of household size since 2000.

b) Road/transportation DCC

Bringing the proposed Road DCC rates in line with current charges is not as simple as the Parks example. Several changes have been made in the calculation of the proposed road DCC that alter the structure relative to the current rates. New categories have been introduced, including downtown commercial and downtown multi-family rates, as well as institutional rates. In addition, the relative impact factors for each land use has changed quite significantly over the past 10 years, and best practices have been established to ensure rates are based on relevant and justifiable trip generation figures. The following chart provides the Road DCC rates last presented to Council (Option 8), compared with the current road DCC charges:

ROADS DCC			
Land Use Category	Proposed (Option 8)	Current Bylaw	Difference
Single-Family Residential	\$4,099.53	\$3,460.36	\$639.17
Small-Lot Single Family	\$3,689.57	\$3,114.32	\$575.25
Multi-Family Residential	\$2,508.91	\$2,768.29	-\$259.38
Downtown Multi-Family	\$1,619.25	\$2,768.29	-\$1,149.04
Commercial	\$96.38	\$17.30	\$79.08
Downtown Commercial	\$64.26	\$17.30	\$46.96
Industrial	\$28.93	\$5.19	\$23.74
Institutional - Care Facility	\$1,139.47	\$0.00	\$1,139.47
Institutional - School	\$64.00	\$0.00	\$64.00

Based on the most recent trip generation data, the relative impact between the various land uses is much different from that estimated in 1999, and implemented in 2000. This helps to explain why the proposed road DCCs for multi-family residential are already



below the current rates, while single-family rates are proposed to increase. Accordingly, a reduction in the overall DCC Road and transportation project program does not have the same impact on all rates.

The reduction in the roads DCC program required to achieve similar single-family road DCC rates as the current Road DCC would be \$2,575,000 (\$1,708,000 DCC recoverable portion). The impact of such a reduction on Road DCC rates is shown in the chart below, and labelled as Option 9a.

ROADS DCC			
Land Use Category	Proposed (Option 8)	Current Bylaw	Option 9a
Single-Family Residential	\$4,099.53	\$3,460.36	\$3,460.09
Small-Lot Single Family	\$3,689.57	\$3,114.32	\$3,114.08
Multi-Family Residential	\$2,508.91	\$2,768.29	\$2,117.57
Downtown Multi-Family	\$1,619.25	\$2,768.29	\$1,366.68
Commercial	\$96.38	\$17.30	\$81.35
Downtown Commercial	\$64.26	\$17.30	\$54.23
Industrial	\$28.93	\$5.19	\$24.41
Institutional - Care Facility	\$1,139.47	\$0.00	\$961.74
Institutional - School	\$64.00	\$0.00	\$54.02

While this change would result in single-family and small-lot road DCCs that are the same as current levels, the multi-family rates would be significantly below current road DCC rates (the proposed Option 8 rates already are lower than current levels), but the remaining commercial, industrial and institutional rates would still be considerably higher than the current DCCs. The results of this analysis highlight the fact that the Town's current commercial and industrial rates are well below the rates reflective of the impacts of these uses as well as current best practices.

c) Options

There are a variety of options for reducing DCC rates. Reducing the scope and cost of projects included in the DCC capital program is one approach, and the relative impacts are illustrated in the above examples. As demonstrated, reductions in the overall project costs in any one DCC category will not necessarily result in the current rates for all land uses, because the review has not simply added projects to the DCC list, but has updated the DCC calculations and relative impacts of each land use to reflect smart growth principles, updated growth projections and best practices.

Other options include increasing the municipal assist factor to one or more DCC categories (roads, parks, drainage, water or sewer), as well as pursuing a waiver or reduction to DCCs within the downtown area (which Council has supported), consistent with the legislative changes that allow for reductions for development that is designed to result in a low environmental impact (which compact downtown development can be



considered to be). Notably a waiver or reduction would apply to all downtown development (multi-family and commercial).

2. DCC Reductions for Affordable Housing

Council has also requested information on affordable housing as it relates to DCCs. The amendments to the *Local Government Act* that were introduced in 2008 enable the Town to reduce or waive DCCs for two categories of affordable housing:

- not-for-profit rental housing, including supportive living housing; and,
- for-profit affordable rental housing.

To exempt or reduce charges for these types of developments, the Town would need to determine which types of developments it would like to waive or reduce charges for (for-profit affordable rental housing and/or not-for-profit rental housing), define what it means by those terms (i.e. what constitutes affordable), establish what criteria or conditions must be met to receive the waiver or reductions, as well as what reductions or waivers can be obtained (50%, 100%, etc.), and to include that information within a bylaw.

Virtually any exemptions for rental housing will require the Town to initiate and monitor housing agreements and Section 219 covenants to ensure the units continue to be operated by non-profit agencies, rented rather than sold, and rented at rates or levels that are defined as affordable for the specified period of time (typically 15 or 20 years).

Some municipalities have proceeded with bylaws regarding exemptions, including Metro Vancouver, Kelowna, Chilliwack, North Vancouver, Sooke and Parksville, offering the exemption or reduction to either one or both of the types of rental housing. In Metro Vancouver, which levies development cost charges for sewer and drainage, the region waives DCCs where the owners:

- register a Section 219 covenant to use the dwelling units as affordable rental housing for at least 20 years; or
- file a rental disclosure statement (as per Section 139 of the *Strata Property Act* that sets out a minimum 20 year rental period) and signs a covenant; or
- enter into a lease agreement with a public housing body, and the housing body agrees to sublet and operate the unit for 20 years or more.

Metro Vancouver has very specific definitions of both for-profit rental housing, and not-for-profit rental housing (i.e. excludes community care or continuing care facilities, public or private hospitals, housing-based health facilities that provide hospitality support services and personal health care, etc.), and identifies specific rent levels (80% of average market rent identified by CMHC) as well as who the units can be rented to (income levels relative to median household income) for each bedroom category (bachelor, 1 bedroom, 2 bedroom and 3 or more bedroom units).

Parksville waives the applicable DCC if the unit or building is the subject of a housing agreement with the City, which guarantees the affordable rental of the unit for a period of



at least 15 years (with affordable defined as not more than 30% of annual gross income for people with 80% or less of the median household income in the City of Parksville).

Bylaws regarding DCC waivers or reductions for non-profit rental or for-profit affordable rental housing can be initiated (and repealed) at any time, and unlike a development cost charge bylaw, do not require approval by the Inspector of Municipalities.

Other ways to support affordable housing through DCCs include ensuring that more affordable units, such as small single-family housing as well as higher density multi-family units, are not penalized through the DCC rate structure. In particular, a density-gradient approach that has lower DCCs for higher density units helps to maintain the affordability of smaller units. The proposed DCCs for Ladysmith have accounted for this through a reduced small-lot single-family rate, as well as a lower multi-family residential DCC within the downtown area, where higher densities are permitted. Therefore, where higher densities are allowed and encouraged within the City through zoning and OCP designations, there is a lower DCC associated with this type of development already built into this DCC proposal.

Another key source of affordable housing for many communities is secondary suites. The Town of Ladysmith is embarking a secondary suite policy review, and the implications of suites as a form of affordable housing, and impacts associated with that development form will be discussed. Most BC municipalities that permit secondary suites do not levy development cost charges for this type of development, specifically as a means of encouraging and supporting affordable rental housing at a more realistic scale for many communities. There are some exceptions such as the City of Kelowna, which charges a \$2,500 DCC that is unrelated to the actual cost impact of the housing form on infrastructure.

TOWN OF LADYSMITH - DEVELOPMENT COST CHARGE ESTIMATES
DCC COST ESTIMATES (Road Projects)

Year	Project	Cost	Comments & Description	Benefit Factor	Benefit to New Development	DCC Recoverable	Municipal Assist Factor 1%	Municipal Responsibility
1	Roberts St. from 2nd to 4th Ave	\$600,000.00	Includes curb & gutter, sidewalk, traffic calming, landscaping street lights, and storm drainage.	67%	\$402,000	\$397,980	\$4,020	\$202,020
2	Walkem Rd. from 4th Ave to 628 Walkem Rd	\$775,000.00	Includes curb & gutter, sidewalk, traffic calming, landscaping street lights, and storm drainage.	67%	\$519,250	\$514,058	\$5,193	\$260,843
3	South Davis Rd. from Hall Rd. to South Battle Dr.	\$700,000.00	Includes curb & gutter, sidewalk, traffic calming, landscaping street lights, and storm drainage.	67%	\$469,000	\$464,310	\$4,690	\$235,660
4	4th Ave. & 4th Ave ext. Alderwood Rd. to Beldie St.	\$3,900,000.00	Includes curb & gutter, sidewalk, traffic calming, landscaping street lights, and storm drainage.	67%	\$2,613,000	\$2,566,870	\$28,130	\$1,313,130
5	Dunsmuir Cres. From Malone Rd. to 6th Ave.	\$650,000.00	Includes curb & gutter, sidewalk, traffic calming, landscaping and storm drainage.	67%	\$435,500	\$431,145	\$4,355	\$218,865
6	Malone Rd. from Mackle Rd. to Sivers Plc.	\$190,000.00	Includes sidewalk, traffic calming, and landscaping.	67%	\$127,300	\$126,027	\$1,273	\$63,973
7	6th Ave. from Methuen St. to Symonds St.	\$1,700,000.00	Includes curb & gutter, sidewalk, traffic calming, landscaping street lights, and storm drainage.	67%	\$1,139,000	\$1,127,610	\$11,390	\$572,380
8	Symonds St. from 2nd. to 4th Ave.	\$1,200,000.00	Includes curb & gutter, sidewalk, traffic calming, landscaping street lights, and storm drainage.	67%	\$804,000	\$795,960	\$8,040	\$404,040
9	Buller St. from Esplanade Ave. to 4th Ave.	\$1,140,000.00	Includes curb & gutter, sidewalk, traffic calming, landscaping street lights, and storm drainage.	67%	\$763,800	\$756,162	\$7,638	\$383,838
10	High St. 2nd. To 3rd. Ave.	\$310,000.00	Includes curb & gutter, sidewalk, traffic calming, landscaping street lights, and storm drainage.	67%	\$207,700	\$205,623	\$2,077	\$104,377
11	2nd Ave Rejoining Wall from French St. pass Warren St. (Length 140.0m)	\$0.00	Based on Durcan Engineering Design	67%	\$0	\$0	\$0	\$0
12	Dogwood-Belaine to Stephenson	\$0.00	Based on Herold Engineering Design & Estimate	67%	\$0	\$0	\$0	\$0
13	DL 108 road access	\$1,000,000.00	Calculated 25% higher than year 2000 estimate	67%	\$670,000	\$663,300	\$6,700	\$336,700
14	Collectors/downtown sidewalks & bvdts	\$230,000.00	Includes curb & gutter, sidewalk, traffic calming, landscaping and storm drainage.	67%	\$154,100	\$152,559	\$1,541	\$77,441
15	Bicycle infrastructure	\$250,000.00	landscaping, street lighting, bird improvements	67%	\$167,500	\$165,825	\$1,675	\$84,175
16	Russell Road - Balfour to Hooper	\$500,000.00	bike lanes (on and off road)	67%	\$335,000	\$331,660	\$3,350	\$168,350
17	First Avenue	\$400,000.00	Includes curb & gutter, sidewalk, traffic calming, landscape, street lights and storm drainage	67%	\$268,000	\$265,320	\$2,680	\$134,680
18	Totals	\$1,533,750.00		67%	\$1,027,613	\$1,017,336	\$10,276	\$516,414
		<u>\$15,075,750.00</u>			<u>\$10,102,763</u>	<u>\$10,001,735</u>	<u>\$101,028</u>	<u>\$5,077,015</u>

TOWN OF LADYSMITH - DEVELOPMENT COST CHARGE ESTIMATES
DCC COST ESTIMATES (Water Projects)

Year	Project	Cost	Comments & Description	Benefit Factor	Benefit to New Development	DCC Recoverable	Municipal Assist Factor	Municipal Responsibility
1	Farrell Rd. from Sterling Dr. to South Waits Rd.	\$740,000.00	Includes main line, fittings, service line and water meters	67%	\$495,800	\$490,842	\$4,958	\$249,158
2	Craig Rd end to Russell Rd.	\$375,000.00	Approx 750m of 300mm pipe	80%	\$300,000	\$297,000	\$3,000	\$78,000
3	Distribution Network Improvement Projects	\$1,600,000.00	Includes main line, fittings, service line and water meters Upgrade of all 100mm pipes approx. 4800m	40%	\$640,000	\$633,600	\$6,400	\$966,400
4	Waterfront Infrastructure	\$0.00	Calculated 25% higher than year 2000 estimates	67%	\$0	\$0	\$0	\$0
5	Water Supply Improvement	\$8,912,500.00	Water improvements up to 18,000 population. The option for to term supply. With present population of 8,100 suggested DCC portion is 55% (18000-8100)/8000	55%	\$4,901,875	\$4,852,856	\$49,019	\$4,059,644
	Totals	<u>\$11,627,500.00</u>			<u>\$6,337,675</u>	<u>\$6,274,298</u>	<u>\$63,377</u>	<u>\$5,353,202</u>

TOWN OF LADYSMITH - DEVELOPMENT COST CHARGE ESTIMATES

DCC COST ESTIMATES (Storm Projects)

Year	Project	Cost	Comments & Description	Benefit Factor	Benefit to New Development	Municipal Assist Factor	DCC Recoverable	Municipal Responsibility
1	3rd. Ave from Roberts St. to Flume Line	\$260,000.00	Includes main line, manholes, catch basin and service lines	67%	\$174,200	\$1,742	\$172,458	\$87,542
2	Flume Line from 4th. Ave. to 1st. Ave.	\$260,000.00	Includes main line, manholes, catch basin and service lines	67%	\$174,200	\$1,742	\$172,458	\$87,542
3	Sillin Dr. Easement from Symonds St. to Walkern Rd.	\$360,000.00	Lining 750 mm Trunk Main	67%	\$254,600	\$2,546	\$252,054	\$127,946
4	DL 108 storm sewer (on 4th access)	\$72,000.00		67%	\$48,240	\$482	\$47,758	\$24,242
5	Bayview Ave. from Dogwood Dr. to TCH	\$320,000.00	Includes main line, manholes, catch basin and service lines	67%	\$214,400	\$2,144	\$212,256	\$107,744
6	Waterfront Infrastructure	\$0.00	Calculated 25% higher than year 2000 estimate	67%	\$0	\$0	\$0	\$0
Totals		\$1,232,000.00			\$865,640	\$8,656	\$856,984	\$435,016

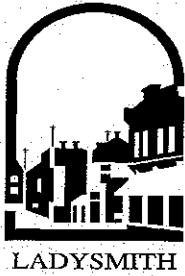
TOWN OF LADYSMITH - DEVELOPMENT COST CHARGE ESTIMATES

DCC COST ESTIMATES (Sanitary Sewer Projects)

Year	Project	Cost	Comments & Description	Benefit Factor	Benefit to New Development	Municipal Assist Factor	DCC Recoverable	Municipal Responsibility
1	Farell Rd. from Stirling Dr. to South Wells Rd.	\$1,100,000.00	Includes main line, manholes, service line and two lift stations	67%	\$737,000	\$7,370	\$729,630	\$370,370
2	Lining old line from Strathcona to lane near Centaph	\$250,000.00		100%	\$250,000	\$2,500	\$247,500	\$2,500
3	Waterfront	\$0.00	Calculated 25% higher than year 2000 estimate	67%	\$0	\$0	\$0	\$0
4	Sewage Treatment Upgrade (Secondary Treatment)	\$13,900,000.00	For 15,000 Population (grant accounted for)	46%	\$6,394,000	\$63,940	\$6,330,060	\$7,569,940
5	Sewage Treatment Upgrade (beyond 15,000 pop)	\$4,000,000.00	\$19.5 million project, with 2.3 spent in 2009, \$3.3 grant remaining as at Jan 2010 Extra to bulkout for 30,000 Population	0%	\$0	\$0	\$0	\$4,000,000
Totals		\$19,250,000.00			\$7,381,000	\$73,810	\$7,307,190	\$11,542,810

TOWN OF LADYSMITH - DEVELOPMENT COST CHARGE ESTIMATES
 DCC COST ESTIMATES (Parks Acquisition and Improvement Projects)

Year	Project	Cost	Comments & Description	Benefit Factor	Benefit to New Development	Municipal Assist Factor	DCC Recoverable	Municipal Responsibility
P1	Rocky Creek Trail	\$240,000.00		67%	\$160,800	\$1,608	\$159,192	\$90,808
P2	Holland Creek Community Park/School	\$300,000.00		67%	\$201,000	\$2,010	\$198,990	\$101,010
P3	108 Playing Field	\$3,425,000.00	\$1,375 million in grants taken off \$5 million total	67%	\$2,294,750	\$22,946	\$2,271,803	\$1,153,198
P4	FJCC/High School Fields	\$0.00	left out for future review	67%	\$0	\$0	\$0	\$0
P5	Aggie	\$50,000.00	\$1.3 million phase 2 to be considered at next review	67%	\$33,500	\$335	\$33,165	\$16,835
P6	Golf course	\$90,000.00		67%	\$60,300	\$603	\$59,697	\$30,303
P7	Beach Access Points	\$30,000.00		67%	\$20,100	\$201	\$19,899	\$10,101
P8	New Holland Creek Trails	\$500,000.00		67%	\$335,000	\$3,350	\$331,650	\$168,350
P9	DL 146 (Lot A)	\$200,000.00		67%	\$134,000	\$1,340	\$132,660	\$67,340
P10	Neighbourhood Park	\$100,000.00		67%	\$67,000	\$670	\$66,330	\$33,670
P11	Waterfront Park	\$1,312,500.00		67%	\$879,375	\$8,794	\$870,581	\$441,919
P12	Russell Road (2 fields)	\$750,000.00		67%	\$502,500	\$5,025	\$497,475	\$252,525
Totals		\$5,997,500.00			\$4,698,325.00	\$46,883.25	\$4,651,441.75	\$2,355,088.25



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Joe Friesenhan, Director of Public Works
Date: February 11, 2011
File No:

Re: EQUIPMENT TENDER

RECOMMENDATION(S):

That Council award the tender for the replacement of Unit 58, a 1996 GMC 5 ton single axel truck, to P & R Truck Centre for a 2011 Freightliner automatic for the tendered price of \$119,103.49 (HST included)

PURPOSE:

To award the tender for the replacement of Unit 58, 1996 GMC Dump truck.

INTRODUCTION/BACKGROUND:

Invitational tenders were sent out to all dealers for the replacement of Unit 58, a 1996 GMC 5 ton single axle truck. Unit 58 was to be replaced in 2006 but was moved forward annually as it was in good operating condition until this year. Due to the age of the truck, many of the repair parts are unavailable. The result of the tender is as follows:

Premium Truck & Trailer Inc	\$112,642.88 (automatic)
P & R Truck Centre	\$119,103.49 (automatic)
P & R Truck Centre Commercial	\$114,428.47 (Manual)
Harbour International Trucks	\$118,817.44 (automatic)
Inland Kenworth	\$114,151.46 (Manual)
Inland Kenworth	\$107,156.00 (Manual)
Inland Kenworth	\$113,036.00 (automatic)

A review of the tenders shows that the truck from Premium Truck & Trailer Inc is a 2010 model that was originally purchased by the City of Enderby and was in an accident during delivery. It does not meet the specifications requested at time of tender. The cost to add the items to make it meet our specs is approximately \$5,000 plus an additional \$1,000 to have it delivered to Ladysmith.

The units offered by Inland Kenworth do not offer a hydraulic driven PTO or a traction differential switch. Harbour International is located in Vancouver which would make any warranty work more difficult. The unit is a Ford that has a scissor lift in place of a straight hydraulic cylinder.

A review of the fuel efficiency of the various models shows that the automatic obtains 1.5 additional miles per gallon over the manual transmission.

SCOPE OF WORK:

Purchase unit and make ready for use.

ALTERNATIVES:

- Purchase lowest price unit and not meet specifications
- Purchase best suited unit for the work required
- Not purchase and maintain existing unit as long as possible
-

FINANCIAL IMPLICATIONS:

The funds for the truck are in the Equipment Replacement Reserve.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Public Works and Finance

RESOURCE IMPLICATIONS:

Work handled by current employees

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Purchase of a new vehicle would align with the #2 strategy of the Sustainability Visioning Report, A Low Impact Transportation System, by increasing fuel efficiency and therefore reducing emissions.

ALIGNMENT WITH STRATEGIC PRIORITIES:

N/A

SUMMARY:

Invitational Tenders were received for the replacement of unit 58, a 1996 GMC 5 ton single axel truck. The best fuel efficient unit is the automatic. Not all the units met the specifications asked for.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Tenders can be viewed at City Hall



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Joe Friesenhan, Director of Public Works
Date: February 14, 2011
File No:

Re: AWARD OF ANNUAL TENDERS

RECOMMENDATION(S):

That Council award the annual tenders for the PROVISION OF various services for 2011 to the low tenders as follows:

- | | |
|---------------------------------------|-----------------------------------|
| • Container Rental & Garbage Disposal | Greater Nanaimo Hauling Co. Lt. |
| • Asphalt Paving | Hub City Paving |
| • Gravel Supply | Island Aggregate |
| • Lab Testing | M.B. Laboratories Ltd. |
| • Survey & Layout Services | MCCallan Construction Survey Ltd. |
| • Septic Services | Coast (VI) Environmental |
| • Chemical Supply | Clartech |
| • Ready Mix Concrete | Bedrock Redi-Mix Ltd. |

PURPOSE:

To award the tenders for various services provided for 2011.

INTRODUCTION/BACKGROUND:

Annual tenders were received for the following services. The entire tender packages may be viewed at Corporate Services at City Hall. The low tender for the various services are as follows:

- | | |
|---------------------------------------|-----------------------------------|
| • Container Rental & Garbage Disposal | Greater Nanaimo Hauling Co. Lt. |
| • Asphalt Paving | Hub City Paving |
| • Gravel Supply | Island Aggregate |
| • Lab Testing | M.B. Laboratories Ltd. |
| • Survey & Layout Services | MCCallan Construction Survey Ltd. |
| • Septic Services | Coast (VI) Environmental |
| • Chemical Supply | Clartech |
| • Ready Mix Concrete | Bedrock Redi-Mix Ltd. |

SCOPE OF WORK:

Award of Annual Tenders

ALTERNATIVES:

Reject tenders and re-tender

FINANCIAL IMPLICATIONS:

The cost of the various services has been included in the relevant 2011 budgets.

LEGAL IMPLICATIONS:

Valid reason needs to be given if low tender not being used.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Public Works and Finance Departments

RESOURCE IMPLICATIONS:

Present employees

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

N/A

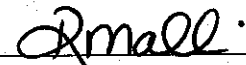
ALIGNMENT WITH STRATEGIC PRIORITIES:

N/A

SUMMARY:

Invitational tenders were sent out to various companies for the supply of equipment, materials and services for 2011. The lowest tender for each specific area has been recommended for approval.

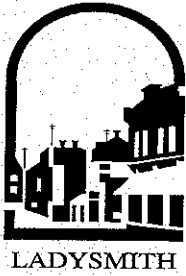
I concur with the recommendation.



Ruth Mali, City Manager

ATTACHMENTS:

The tenders may be viewed at City Hall.



Town of Ladysmith
STAFF REPORT

To: Council
 From: Ruth Malli, City Manager
 Date: February 15, 2011
 File No:

RE: TOWN OF LADYSMITH COMMUNITY SUSTAINABILITY IMPLEMENTATION PLAN

RECOMMENDATION(S):

That Council award the contract for the Ladysmith Community Sustainability Implementation Plan to HB Lanarc Consultants Ltd in the amount of \$57,823 for fees, an estimate of \$3600 for disbursements and project management of 5% (\$2891) for a total estimated cost of \$64,314 plus applicable taxes.

PURPOSE:

The purpose of this report is to provide Council with information to award a contract for the Community Sustainability Implementation Plan.

It is recommended that Council receive the report and award the contract as recommended and that staff be directed to commence the work according to the schedule included in the contractor proposal and staff work plans (completion by Dec 31, 2011).

INTRODUCTION/BACKGROUND:

Council has provided direction for staff to proceed with the implementation of the Visioning Plan. Previous direction from Council approved the work and the acceptance of a grant to complete the work. The next step is to award the contract.

CS 2010- 270	Jun- 07- 2010	It was moved, seconded and carried that staff be requested to submit an application to the Green Municipal Fund Sustainability Planning Program to develop a community sustainability plan based on the report "Ladysmith: A Community Vision for a Sustainable West Coast Town."
CS 2010- 348	Jul- 19- 2010	It was moved, seconded and carried that the Town of Ladysmith develop a Community Sustainability Plan which will include sustainability targets based on the report "Ladysmith: A Community Vision for a Sustainable West Coast Town", and that it be confirmed that funding for this initiative of up to \$35,750 in cash and in-kind contributions is included in the 2010-2014 Financial Plan, and that the Financial Plan be amended accordingly.
CS 2010- 524	Dec- 06- 2010	It was moved, seconded and carried that the Mayor and Corporate Officer be authorized to sign the agreement with the Green Municipal Fund for up to \$35,750 to support the Town of Ladysmith Community Sustainability Plan, and that the Financial Plan be amended accordingly, and that a letter of thanks be sent to the Federation of Canadian Municipalities.

SCOPE OF WORK:

The Request for Proposals and application for and receipt of the grant is completed. The next step is to award the contract to the consultant and to direct staff to do the project.

ALTERNATIVES:

Council could choose to award the work to another contractor or not award the work to any contractor and not complete the project. Not awarding the work would result in the loss of the grant.

FINANCIAL IMPLICATIONS:

The 2011-2015 Financial Plan includes both the grant and expenditure for this work. The quote is within the budgeted amount. The funding is in place from the prior year and will be brought forward.

LEGAL IMPLICATIONS:

The contract award is in compliance with the RFP guidelines, which clearly outlined the selection criteria.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Since the completion of the Visioning Document in 2008, the Town and the community have implemented many of the recommended actions that the community endorsed. The community was highly supportive of this work and indications are that citizens support this continued direction.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

All Departments are involved in some way in sustainability. All departments will be involved in the project.

RESOURCE IMPLICATIONS:

Additional resources and qualified expertise are needed to move forward on the implementation of community sustainability. A grant has been obtained to fund this project.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The project is strongly aligned with the visioning report, as it is the next step in the implementation of the plan.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Alignment with Strategic Direction (SD) E-Responsible Stewardship of the Environment (setting environmental policy and standards), SD F-A Safe & Healthy Community (community leadership and education); SD C-Dynamic Economic Development (setting strategic directions for economic development).

SUMMARY:

Council has provided direction that staff apply for grants and issue an RFP for the completion of a sustainability implementation plan. This work has been completed, a grant obtained and the RFP process completed. The decision in front of Council with this report is to award the work to the recommended consultant through the RFP process.



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Sandy Bowden, Director of Corporate Services
Date: February 10, 2011
File No:

Re: Contract Award – Request for Proposals No. 2011-CS-01 – Land Agent Services for Town-Owned Lands

RECOMMENDATION(S):

That Council award the contract for the provision of land agent services for Town-owned lands to Capital Asset Group in the amount of \$3,467/month plus real estate brokerage and marketing fees as outlined in the submission dated February 1, 2011, and that the Five Year Financial Plan be amended accordingly.

PURPOSE:

The purpose of this report is to advise Council of the outcome of the recent Request for Proposals (RFP) No. 2011-CS-01 for land agent services for Town-owned properties and to award the contract for this service.

INTRODUCTION/BACKGROUND:

Council directed staff to prepare a limited distribution request for proposals for a Land Agent to market Town-owned lands and to report back to Council with the fee and service proposal. On January 14, 2011 RFP No. 2011-CS-01 was issued. One response to the RFP was submitted by Capital Asset Group. The submission was evaluated on the following criteria as outlined in the RFP document:

- Proponent's experience and related projects, including marketing sites where environmental investigation is underway
- Schedule of work
- Fee proposal
- Quality of goods or services, including timeliness and quality of support and follow-up

A representative of Capital Asset Group (Marianne Stolz) attended a site visit of the subject lands on January 20, 2011 accompanied by the Director of Development Services and the Director of Parks, Recreation and Culture. A subsequent meeting was held with Ms. Stolz on February 10, 2011 with the Director of Corporate Services and the Director of Development Services to clarify various aspects of the submission.

SCOPE OF WORK:

Capital Asset Group recommends the following process:

- **Land Use Planning and Review/Market Analysis** – The proponent will prepare a comprehensive report for each property and include strategies and recommendations to achieve the Town's objectives. This report will provide a detailed market analysis of the subject lands which will include a review of the status of the lands from the perspective of highest and best use. The timeframe for this component of the project is noted as two months; however, the proponent notes that this can be accomplished in less time if that is Council's direction.
- **Project Management** – The proponent will manage all land use planning activities such as prepare applications, administer communications, manage environmental assessment activities, etc. and will attend any site meetings, maintain contact with external consultants and provide detailed monthly reports to the Town.
- **Real Estate Brokerage and Marketing Services** – Capital Asset Group will provide real estate brokerage and marketing services as required. The services shall include real estate negotiations and transactions; MLS listings; coordinate site signage and visits; and prepare all offers to purchase and sale agreements. The proponent has an extensive network of investors which will be consulted as the project proceeds.

It should be noted that the proponent has extensive experience in all aspects of the real estate industry and held the position of Manager of TimberWest Properties for a five year period.

ALTERNATIVES:

Council could direct staff to re-issue the RFP to seek other submissions.

FINANCIAL IMPLICATIONS:

The total contract price for land agent services is \$41,600 plus commissions on any land sales.

LEGAL IMPLICATIONS:

RFP process and contract award is in accordance with the Town's Purchasing Policy. Disposition of Town-owned land requires statutory notification.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

It is anticipated that marketing and appropriate development of the subject Town-owned lands will be positively received by the public provided that an appropriate public process is pursued.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Director of Corporate Services will manage the contract. All other departments will be involved at various stages of the process.

RESOURCE IMPLICATIONS:

The majority of the work associated with this project will be completed by the proponent.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Staff anticipates that this project will align with the following "8 Pillars of Sustainability" as noted in the visioning report:

1. Complete Community Land Use
3. Green Buildings
4. Multi-use Landscapes
5. Innovative Infrastructure
8. Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

Land Sales/Land Agent Services is one of the strategic priorities for the Corporate Services and Development Services Departments.

SUMMARY:

Council directed staff to process an RFP for land agent services for Town-owned lands. The RFP was issued on January 14, 2011 and one submission was received from Capital Asset Group. Staff recommends that Council award the contract for land agent services to Capital Asset Group in accordance with the submission dated February 1, 2011.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Excerpts from Capital Asset Group Proposal Submission dated February, 2011 - Land Agent Services for Town-owned Lands

**Capital Asset Group
Proposal
Town of Ladysmith**

**Land Agent Services
Town-Owned Lands
(RFP 2011-CS-01)**

February 1, 2011

Disclaimer

The information contained herein was prepared by Capital Asset Group for discussion purposes only with the Town of Ladysmith and does not form any contractual basis by either party. The Town of Ladysmith makes use of this information at its own risk. As this information is confidential, recipients may not reproduce or distribute it without prior written authorization by Capital Asset Group.

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Section 1.01 Overview

CAPITAL ASSET GROUP ("CAG") has prepared the following proposal in response to the TOWN OF LADYSMITH (the "Client") Request for Proposal 2011-CS-01 (the "RFP") for Land Agent Services for Town-Owned Lands. CAG proposes to undertake a service agreement (the "Contract") with the Client to provide specific land agent services to achieve the Client's objective of managing the marketing and sale of the Subject Areas (the "Lands") as shown under Appendices I, II, III, IV, V.

The following terms of reference, respond to the proposal submission requirements of the RFP and are based on preliminary information provided by the Client's representative, Felicity Adams (Director of Development Services) and site tour of the Subject Lands on January 20, 2011.

Section 1.02 Schedule of Work

CAG will complete the following work, as outlined below and provide certain deliverables within the specified Contract term as follows:

Service	Scope of Work	Deliverable	Timeline
Land Use Planning and Review	CAG will complete a comprehensive review of all available data and material related to the Lands with the purpose of completing a current market analysis.	CAG will prepare a Comprehensive Report for each subject area including strategies and recommendations for achieving the Client's objectives.	Reports will be provided to the Client for review and approval two (2) months following commencement of the Contract.
Project Management	CAG will manage all land use planning activities related to the Lands including but not limited to: preparation of any application requirements, administering communications, managing environmental assessment activities, coordinating external consultants and facilitating related activities.	CAG will attend any on-site meetings, maintain direct contact with external consultants and provide detailed monthly reports to the Client confirming current status of activities.	Ongoing, effective immediately following acceptance of the Contract and until such time as the Contract expires or CAG and the Client determine the requirement is no longer necessary.
Real Estate Brokerage and Marketing Services	CAG will represent the Client as Listing Brokerage for the sale of all Lands and provide full real estate marketing services. Services shall include, but not limited to: representing the Client in all real estate negotiations and transactions; provide full Multiple Listing services, co-ordinate any site signage requirements, conduct property tours, prepare all Offers to Purchase and Sale Agreements, and any other brokerage services as mutually agreed upon by CAG and the Client.	CAG will provide a monthly activity report confirming sales activity to date and status of any Offers to Purchase. CAG will maintain regular communications with co-operating real estate brokers and promote the Lands to its corporate network of investors, and individual purchasers.	The Listing Agreement will take effect immediately following acceptance of the Contract and remain in effect for a period of one (1) year.

Section 1.03 Term of Contract

The Term of the Contract shall be one (1) year commencing immediately following acceptance of the Contract.

Section 1.04 Fee Proposal

The following compensation shall be paid by the Client for services rendered as follows:

Service	Fee Schedule*
Land Use Planning and Review	Review and preparation of the Comprehensive Report (all subject areas). Total fee including HST is \$8000.00
Project Management	Monthly retainer fee for ongoing Project Management services (assuming one (1) year contract). Total fee including HST is \$33,600.00.
Real Estate Brokerage and Marketing Services	For each sale transacted under the Contract, as represented by CAG, a gross commission shall be paid to CAG brokerage and due upon transfer of title as follows: <ol style="list-style-type: none">1. For any single family lots or strata units developed on the Lands and based on total sale price - 6% of the first \$100,000 and 3% on the remaining balance plus HST.2. For all other Lands - 5% plus HST of the total sale price. Note: Commissions due to co-operating brokers shall be paid by CAG to the co-operating brokerage.

*All compensation shown under the Fee Schedule shall be due and payable as indicated or upon invoice.

Section 1.05 Miscellaneous Terms and Conditions

- **Limited Authority as Agent** – The Client acknowledges that CAG as a Consultant, is offering only those services as specified above under Section 1.02 – Schedule of Work.
- **Disclosure of Information and Conflicts of Interest** – Both parties agree to fully disclose all relevant and material information which might be directly or indirectly detrimental to the other party or any of its affiliates or subsidiaries.
- **Non-Exclusive Agent** – The Client acknowledges that, in the event CAG is the successful proponent under the RFP that the services offered are non-exclusive and that CAG shall be free to engage in any other business or activity, at such times and places and in such manner as it may choose, provided same shall be for the sole account and expense of CAG and shall not result in any expense to the Client.

- **Indemnification** – Both CAG and the Client shall indemnify the other.
- **Preparation of Agreement** - In the event CAG is the successful proponent under the RFP, both parties shall mutually agree upon the content and form of any future Contract agreement.
- **Reference and Referral** – The Client agrees to provide CAG a written referral letter within thirty (30) days of the expiry date of the Agreement.
- **Ancillary Costs** - The Client acknowledges that the Fee Proposal under Section 1.04 does not include ancillary costs for any external consultant/contractor requirements that may be necessary to implement approved recommendations. CAG will prepare the necessary reporting and cost estimates for the Client's approval on an as need basis.

Section 1.06 Qualifications and Experience

CAPITAL ASSET GROUP

Established in 1998, Capital Asset Group spent several years in Alberta before expanding into the B.C. marketplace. Having developed a cohesive alliance between the two provinces, Capital Asset Group provides a broad range of real estate services with a specialization in higher use timberland portfolios. Over the last several years, Vancouver Island, British Columbia has become an emerging real estate market, offering unique opportunities for investment and development. To meet this demand, our Company opened a Vancouver Island office to provide distinctive real estate brokerage and consulting services.

CAG Projects – Vancouver Island

- Eaglewood at Qualicum Beach, Qualicum Beach – Project Marketing
- Rockcliffe Park, Nanoose – Project Marketing
- TimberWest Forest Corp., Vancouver Island – Sales, Marketing, Project Management, Environmental Assessment and Remediation
- Brooks Landing, Nanaimo, BC and Coronation Mall, Ladysmith, BC – Leasing, Marketing, Project Management, Environmental Assessment and Remediation

REFERENCES – see Appendix VI

Section 1.07 Contact Information

CAPITAL ASSET GROUP

5975 Schooner Way

Nanaimo, BC V9V 1E8

Office: (250) 585-8466

Fax: (250) 758-8242

Website: www.capitalassetgroup.ca

Attention: Marianne Stolz

Section 1.08 Summary

CAG would be pleased to offer its services to the Town of Ladysmith. As a qualified professional, Marianne Stolz will diligently represent the Client and undertake the position as Land Agent for the Town of Ladysmith. CAG is prepared to comply with all licensing and registration requirements, as specified under the RFP.

Section 1.09 Appendices

Appendix I – Compiled Map

Appendix II – Subject Area 1 (Parcels A & B) - Christie Road

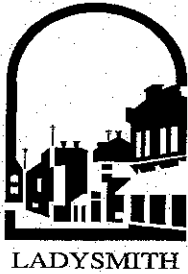
Appendix III – Subject Area 2 - North off Fourth Avenue

Appendix IV – Subject Area 3 - Russell Road

Appendix V – Subject Area 4 - North off Davis Road

Appendix VI – References

Appendix VII – Resume



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Pat Durban, Director of Parks, Recreation and Culture
Date: February 21, 2011
File No:

RE: LADYSMITH SKATEPARK PROJECT

RECOMMENDATION(S):

It is recommended that:

- a) Council approve the request from Leadership Vancouver Island to contribute up to \$12,100 towards the improvements to the Ladysmith Skatepark, and that the funds be allocated from the 2011 Annual Budget; and
- b) Staff be directed to submit an application for funding through the Municipal Insurance Association Risk Management Insurance Grant Program for up to \$6,649 (Town's current allocation) for this project.

PURPOSE :

The purpose of this report is to provide Council with information on the potential of funding the Ladysmith Skatepark Project proposal.

INTRODUCTION/BACKGROUND:

At the February 7, 2011 Council Meeting, staff were directed to prepare a report on the funding request from the Leadership Vancouver Island team 'Board Members' to explore potential funding options for the project.

The Skatepark project is working to improve the skate features of the Park, improve safety for users and provide a family atmosphere by engaging youth in the construction and design of the park. An initial design was provided to Council at the February 7 meeting along with an initial budget and project description.

To date the Team has raised approximately \$18,860 in contributions and in-kind support for the project and are still fundraising, but need up to \$12,100 in order to move forward. The group has indicated that it intends to continue fundraising with an aim to lower the total project cost.

At the end of the project, the Skatepark improvements will be owned and maintained by the Town. Essentially, the Town is contributing up to \$12,100 for an upgraded park which has been built wholly by the community groups.

SCOPE OF WORK:

Town staff will continue to liaise with the project team (via the Director of Parks, Recreation and Culture) throughout the course of this project. It is anticipated that

construction will begin upon Council approval, with engineered drawings completed and the budget being finalized. The anticipated Skatepark opening is May 28, 2011.

ALTERNATIVES:

Council may choose not to support the Skatepark Project.

FINANCIAL IMPLICATIONS:

To date the Team has raised approximately \$18,860 in contributions and in-kind support for the project and are still fundraising, but need approximately \$12,100 in order to move forward.

As the Project is utilizing construction help from Ladysmith Secondary School's construction class, the timelines are short in order to get the project underway and begin construction within the current school year.

LEGAL IMPLICATIONS:

There are no legal implications involved with making this decision.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Many Community groups have already endorsed this project and have contributed with financial or in-kind contributions and donations. The Skatepark will be closed during the construction phase of the project and the Leadership group will be working with the users to make them aware of this.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Ladysmith Parks, Recreation and Culture department is in support of this project.

RESOURCE IMPLICATIONS:

N/A.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT

The Ladysmith Skatepark Project is consistent with Strategy #7: A Healthy Community (Community Visioning Document) by continuing to work to get youth involved in the Town while also encouraging recreational, healthy and active opportunities for residents.

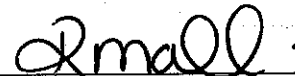
ALIGNMENT WITH STRATEGIC PRIORITIES:

This initiative is aligned with Strategic Direction 6 - Safe and Healthy Community.

SUMMARY:

That Council consider budgeting \$12,100 in funds to contribute to the Leadership Vancouver Island team to upgrade the Ladysmith Skatepark.

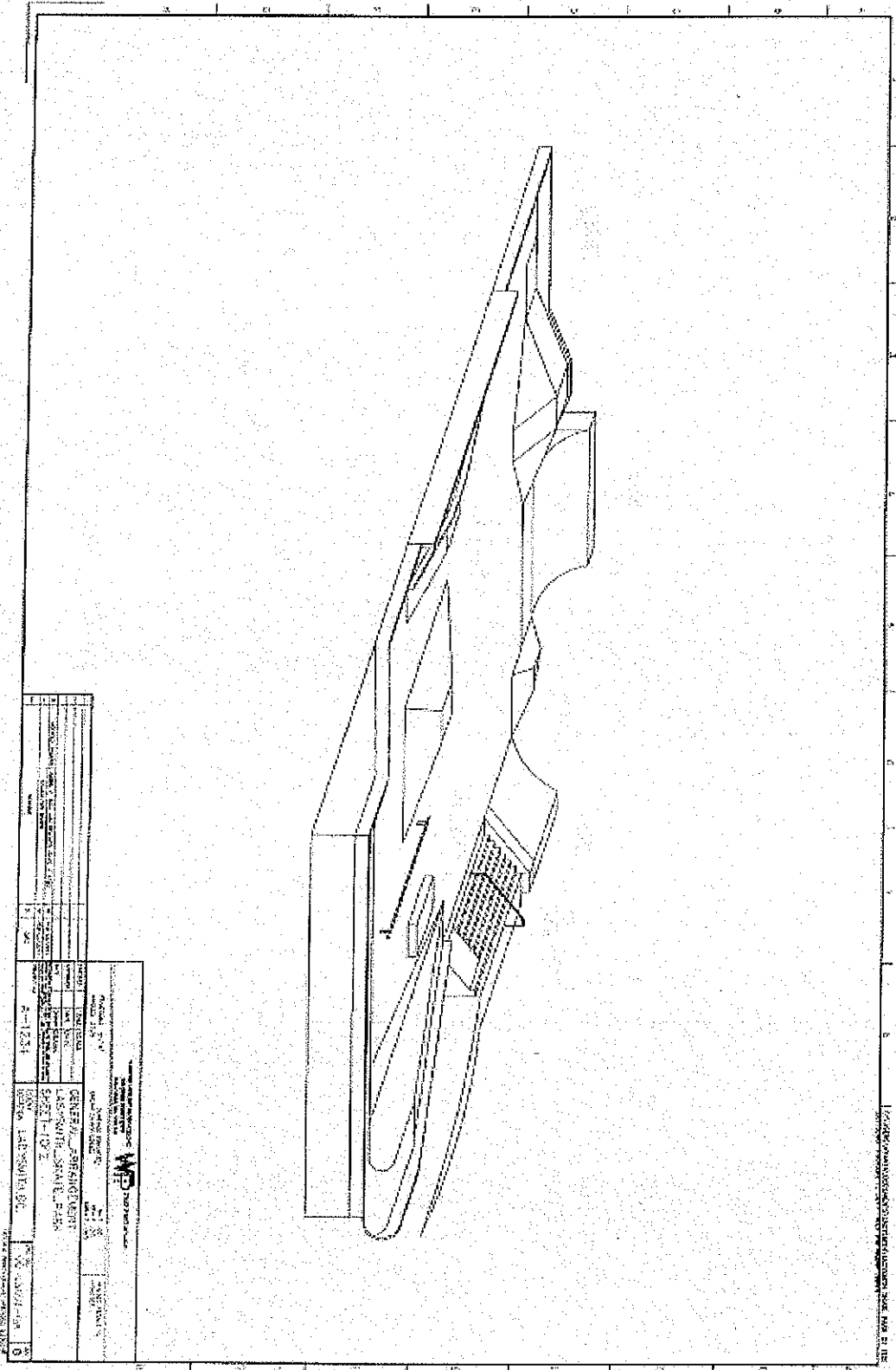
I concur with the recommendation.



Ruth Malli, City Manager

Attachment:

Skatepark Design Drawing





Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Joe Friesenhan, Director of Public Works
Chris Trumpy, Manager, Special Projects
Date: February 21, 2011
File No:

Re: Update on Energy Recovery Project

RECOMMENDATION(S):

1. That Council receive this report for information on the updated costs of the proposed energy recovery project.

PURPOSE:

The purpose of this report is to update Council on the projected cost of energy recovery project that is currently under consideration from the Province for funding under the Towns for Tomorrow program.

INTRODUCTION/BACKGROUND:

In March of 2010, Council authorized staff to do a detailed design of Phase One of the centralized treatment facility, the dual pipeline from the South end Chlorinator to the Arbutus Reservoir and a new power supply to the reservoir. As part of the design, Council requested that we investigate any opportunities for energy recovery throughout the process. The firm Koers & Associates Engineering Ltd. (Koers Engineering) was engaged to complete the detailed design. Associated Engineering was engaged as a sub-consultant to identify any opportunities for energy recovery. This report was reviewed by Council at an October 13, 2010 meeting (attached).

Hydraulic energy recovery projects take advantage of situations where excess hydraulic pressure must be removed at a specific location in a water system. Eight scenarios were evaluated against a number of criteria in the initial engineering study with the South end Pressure Reducing Valve (PRV) being identified as an attractive opportunity due to estimated annual generation and the payback period compared to other scenarios.

On January 10, 2011 Council approved the submission of an application to the Towns for Tomorrow program for grant funding of \$375,000 towards this initiative. At the request of the Province, the Town requested and received updated cost estimates from Koers Engineering (attached) which, due to inflationary pressures on equipment, are now estimated to be \$941,000.

SCOPE OF WORK

If approval is received from the Province, next steps include working with BC Hydro and an engineering firm to finalize the project proposal including engineering design,

develop an electricity purchasing agreement and complete necessary applications to begin construction.

ALTERNATIVES:

N/A

FINANCIAL IMPLICATIONS:

At the request of the Province the Town has requested and received revised cost estimates from Koers Engineering. Due to inflationary trends associated with the equipment needed for the project the revised capital cost estimate is \$941,000 up from \$710,000. The revised business case for the project is below.

This project would generate approximately \$48,000 per year in net revenue for the Town. By leveraging a Towns for Tomorrow grant of \$375,000 to construct the project the business case is made even stronger. The capital cost estimate of \$335,000 is considered a Class D estimate and may be subject to change following more refined design estimates.

Business Case¹ – Hydraulic Energy Recovery

	No Grant	Grant
Capital Cost (to Town)	\$940,800	\$565,800
Internal Rate of Return	2%	7%
Net Present Value	-\$200,909.39	\$159,667.53
Simple Payback (Years)	19.60	11.79

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Visioning Report and Energy Plan provide clear direction to guide the Town's actions towards the development of renewable energy sources. An energy recovery option is anticipated to be received positively by the citizens because:

1. It supports the Community Energy Plan and Visioning Report.
2. The project diversifies the Town of Ladysmith's revenue streams and provides long-term value to the taxpayer.
3. It demonstrates leadership and highlights Ladysmith's role as a leader in sustainability.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

RESOURCE IMPLICATIONS:

If approval is received from the Province, next steps include working with BC Hydro and an engineering firm to finalize the project proposal including engineering design, develop an electricity purchasing agreement and complete necessary applications to begin construction.

¹ This business case does not include potential borrowing costs.

ALIGNMENT WITH STRATEGIC PRIORITIES:

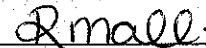
The 2010 strategic directions include implementing the Visioning Report along with the Energy Plan; both identify the development of clean and renewable energy sources as a priority.

Wise financial management is one of the Town's first strategic priorities. This project will demonstrate wise financial management by providing value to the taxpayer by diversifying and strengthening Town revenue sources.

SUMMARY:

That Council receive this report for information on the updated costs of the proposed energy recovery project.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Previous Council Report (January 10, 2011)

Revised Cost Estimate from Koers & Associates Engineering Ltd.



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Joe Friesenhan, Director of Public Works, Chris Trumpy,
Manager – Special Projects
Date: January 10, 2011
File No:

RE: HYDRAULIC ENERGY RECOVERY – TOWNS FOR TOMORROW GRANT PROGRAM

RECOMMENDATION(S):

That Council consider submitting a grant application for hydraulic energy recovery under the Towns for Tomorrow grant program.

PURPOSE :

The purpose of this report is to present a business case analysis and rationale for the development of hydraulic energy recovery on a town water supply line. Hydraulic energy recovery was supported in the *Ladysmith Community Vision for a Sustainable West Coast Town* (Visioning Report) and the *Town of Ladysmith Community Energy Plan* (Energy Plan).

The Towns for Tomorrow Program provides an excellent opportunity to strengthen the business case of the project by lowering the capital cost and providing a long-term diversified revenue source to the Town.

INTRODUCTION/BACKGROUND:

In March 2010, Council authorized staff to carry out a detailed design of Phase One of the centralized water treatment facility, the dual pipeline from the South End Chlorinator to the Arbutus Reservoir and a new power supply to the reservoir. As part of the design, Council requested that staff investigate any opportunities for energy recovery throughout the process. Koers & Associates Engineering Ltd. were engaged to complete the detailed design. Associated Engineering was engaged as a sub-consultant to identify any opportunities for energy recovery. This report was reviewed by Council at its October 13, 2010 meeting (attached).

Hydraulic energy recovery projects take advantage of situations where excess hydraulic pressure must be removed at a specific location in a water system. Eight scenarios were evaluated against a number of criteria in the initial engineering study with the South End Pressure Reducing Valve (PRV) being identified as an attractive opportunity due to estimated annual energy generation and the payback period compared to other scenarios.

Utilizing the South End PRV site for electricity generation will result in an annual generation of 657,000 kilowatt hours, generating \$48,000 annually in net revenue and displacing approximately 17 tonnes of greenhouse gas (GHG) per year.

SCOPE OF WORK:

The proposed scope of work would involve submitting the Hydraulic Energy Recovery project to the Towns for Tomorrow Grant Program for approval. Upon approval, the Town would then commence work with BC Hydro and an engineering firm to refine the proposal and move towards receiving the necessary approvals for construction.

ALTERNATIVES:

Council could direct staff not to proceed with the hydraulic energy proposal and choose one of the other projects considered for the funding (sportsfields and fire hall.)

FINANCIAL IMPLICATIONS:

This project would generate approximately \$48,000 per year in net revenue for the Town. By leveraging a Towns for Tomorrow grant of \$375,000 to construct the project the business case is made even stronger. The capital cost estimate to the Town of \$335,000 is considered a Class D estimate and may be subject to change following more refined design estimates.

Business Case¹ – Hydraulic Energy Recovery

	Without Grant	With Grant
Capital Cost (to Town)	\$710,000	\$335,000
Internal Rate of Return	4%	14%
Net Present Value	\$21,013.68	\$381,590.61
Simple Payback (Years)	14.79	6.98

LEGAL IMPLICATIONS:

There are no legal implications involved with making this decision.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Visioning Report and Energy Plan provide clear direction to guide the Town's actions towards the development of renewable energy sources. An energy recovery option is anticipated to be received positively by the citizens because:

1. It supports the Community Energy Plan and Visioning Report.
2. The project diversifies the Town of Ladysmith's revenue streams and provides long-term value to the taxpayer.
3. It demonstrates leadership and highlights Ladysmith's role as a leader in sustainability.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Staff involvement from Public Works, Financial Services and the City Manager would be required to move this proposal forward.

¹ This business case does not include potential borrowing costs.

RESOURCE IMPLICATIONS:

The Town would need to invest approximately \$335, 000 (this cost is subject to final engineering design) in the project to ensure this project is completed. Next steps would include working with BC Hydro and an engineering firm to finalize the project proposal including engineering design, develop an electricity purchasing agreement and complete necessary applications to begin construction.

ALIGNMENT WITH STRATEGIC PRIORITIES:

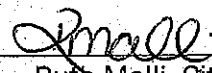
The 2010 strategic directions include implementing the Visioning Report along with the Energy Plan; both identify the development of clean and renewable energy sources as a priority.

Wise financial management is one of the Town's first strategic priorities. This project will demonstrate wise financial management by providing value to the taxpayer through the diversification and strengthening of Town revenue sources.

SUMMARY:

It is recommended that Council consider the hydraulic energy recovery proposal for an application under the Towns for Tomorrow funding program.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Previous Council Report with Technical Memorandum No. 1



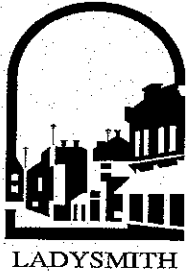
CLIENT City of Ladysmith
 PROJECT: PRV Energy Recovery
 Date: 11-Feb-11

DESCRIPTION: Class "D" Cost Estimate

SUMMARY SHEET

Total				
DIRECT COSTS	TOTAL	Civ/Struct	Mech/Proc	Elect/Cont
Site Development	\$ 10,000	\$ 10,000	\$ -	\$ -
Site Works	\$ 10,000	\$ 10,000	\$ -	\$ -
Concrete Works and Structures	\$ 5,000	\$ 5,000	\$ -	\$ -
Process Mechanical	\$ 100,000	\$ -	\$ 100,000	\$ -
Building Mechanical	\$ 15,000	\$ -	\$ 15,000	\$ -
Electrical, Instrumentation and Controls	\$ 140,000	\$ -	\$ -	\$ 140,000
Overheads, Bonding and Insurance	\$ 20,608	\$ 1,840	\$ 8,464	\$ 10,304
Head office O/H @ 5%	\$ 14,000	\$ 1,250	\$ 5,750	\$ 7,000
Performance Bond @ 0.43%	\$ 1,204	\$ 108	\$ 495	\$ 602
Labour and Material Bond @ 0.43%	\$ 1,204	\$ 108	\$ 495	\$ 602
Insurance @ 1.5%	\$ 4,200	\$ 375	\$ 1,725	\$ 2,100
Contractor Profit @ 8%	\$ 24,049	\$ 2,147	\$ 9,877	\$ 12,024
TOTAL DIRECT COSTS	\$ 325,000	\$ 28,987	\$ 133,341	\$ 162,328
INDIRECT COSTS				
Design Engineering (9%)	\$ 29,250			
Construction Engineering (3%)	\$ 9,750			
Construction Management (3%)	\$ 9,750			
Owner Overhead (3%)	\$ 9,750			
SOP and Interconnection Applications	\$ 50,000			
Electrical Service	\$ 50,000			
Incremental Cost of Pipeline Upgrade	\$ 300,000			
TOTAL INDIRECT COSTS	\$ 459,000			
TOTAL DIRECT AND INDIRECT COSTS	784,000			
Contingency (20%)	156,800			
TOTAL PROJECT COST	\$ 941,000			
ENERGY RECOVERY PROJECT COST				

Notes: 1. Does not include HST.



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Sandy Bowden, Director of Corporate Services
Date: February 9, 2011
File No:

Re: **APPOINTMENT OF ELECTION OFFICERS**

RECOMMENDATION(S):

That Council appoint the following election officers for the upcoming 2011 Local Government Elections:

<i>Name and Position</i>	<i>Election Officer Position</i>
Sandy Bowden, Director of Corporate Services	Chief Election Officer
Joanna Winter, Manager of Administrative Services	Deputy Chief Election Officer

PURPOSE:

The purpose of this staff report is to request Council to appoint election officers for the upcoming 2011 Local Government Elections in accordance with the current legislation.

INTRODUCTION/BACKGROUND:

Section 41(1) of the *Local Government Act* requires a local government to appoint a Chief Election Officer and Deputy Election Officer for each local government voting opportunity. A local government election will take place in 2011. This year general voting day is Saturday, November 19th.

SCOPE OF WORK:

Upon ratification of the appointment of the two election officer positions, various election tasks will be assigned and completed as required. Both election officers will attend a training session taking place in Nanaimo on March 8, 2011.

ALTERNATIVES:

Council could appoint alternate individuals to the two election officer positions.

FINANCIAL IMPLICATIONS:

Compensation for the Chief and Deputy Chief Election Officers will be determined at a later date after an external review is completed.

LEGAL IMPLICATIONS:

Failure to appoint election officials is in contravention of the Local Government Act.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

n/a

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

n/a

RESOURCE IMPLICATIONS:

No additional resources are required.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

n/a

ALIGNMENT WITH STRATEGIC PRIORITIES:

Conducting local government elections is a statutory requirement and therefore a strategic priority for the Corporate Officer.

SUMMARY:

In accordance with the Local Government Act, a local government must appoint a Chief Election Officer and a Deputy Chief Election Officer for each local government voting opportunity. A local government election will take place on Saturday, November 19, 2011. Council's consideration of ratifying these appointments is requested at this time.

I concur with the recommendation.



Ruth Mall, City Manager

ATTACHMENTS:

None



439 Walker Ave.
Ladysmith, BC, V9G 1V7
tel: 250-245-9191, fax: 604-677-5470
toll-free: 1-888-602-9361

FEB - 1 2011

Mayor Rob Hutchins and Council
Town of Ladysmith
P.O. Box 220
Ladysmith, BC
V9G 1A2

Jan. 26, 2011

Dear Mayor and Council:

It has been brought to our attention that Ladysmith Bylaw 1554 ('Dog Licensing, Control and Pound Bylaw') discriminates against us in our enjoyment of Ladysmith's public spaces on the same terms as our neighbours. We object strongly to this, and hereby request that you initiate steps immediately to remove this language from the bylaw.

The bylaw imposes requirements on the owners of identified dog breeds, and dogs believed to be "mixed" with those breeds, that are not placed on other dog owners. As numerous other jurisdictions have found, these restrictions are insupportable legally, scientifically, or on the best available evidence of actual canine attacks. They are not only unnecessary to the control of actually dangerous dogs (amply covered by other language in the bylaw), but divert public resources away from valid enforcement activity.

Please see the attached documents for supporting detail on each of these points, including these highlights:

- Available data on actual dog attacks by breed in Canada and the U.S., current to 2010, show no correlation with breeds restricted under our bylaw.
- Arbitrary deprivation of the right to enjoy property is prohibited under the Canadian Charter of Rights.
- It is impossible to distinguish one dog "breed" from another to scientific or legal standard of proof. Ladysmith's breed bylaw is therefore either unenforceable or applies to every dog in town.
- Over 9,000 US animal control officers are among many professional groups that denounce breed specific bylaws. Others include: the

Canadian Safety Council, BC SPCA, and Canada and US Veterinary Medical Associations.

- Recognizing these shortcomings other jurisdictions including Vancouver have rejected breed-specific bylaw language. Neither the C.V.R.D. nor the city of Duncan restricts dogs by breed.
- Our own animal control officer has confirmed to us in person that language in the Ladysmith bylaw (similar to Duncan and CVRD bylaw) identifying individual animals that have shown a disposition to attack humans or other animals without provocation as "dangerous," is fully adequate to enforcement requirements.

The 'breed-specific' language in our bylaw is unlawful, insupportable on the facts and ultimately unenforceable—as well as unnecessary.

It is our understanding that it has, in fact, never been tested in court. Allowing it to remain on the books however invites a future test, which the Town will certainly lose—although perhaps only after it and the contesting party have been obliged to spend considerable sums of money needlessly.

We respectfully submit that the breed specific language in this bylaw should be removed, and we offer our participation in any review of its value and validity that you should choose to undertake or commission.

Thank you for your time.



Chris Wood



Beverley Wood

439 Walker Avenue
Ladysmith, B.C.
250.245.9191

(attachments)

Index of attachments:

1: 'Stop Unfair Discrimination Against Pet Owners' – Document prepared by Chris and Beverley Wood summarizing the case against breed-specific language in Ladysmith's Dog Licensing Bylaw.

2: Canadian Journal of Emergency Medicine, Sept. 2005: dogs involved in 287 reviewed cases of biting, by breed. Note that of the five breeds responsible for 61% of bites over five years, *only one* appears on Ladysmith's restricted list (and it is not the bite leader). Three of Ladysmith's restricted breeds *make no appearance on this list at all*.

3: Dog Attack Deaths and Maimings, US and Canada, Sept. 1982 to June, 2010. Note again that of the five breeds listed with the most recorded attacks, only one appears on Ladysmith's restricted list. Also that three breeds restricted in Ladysmith (non-'pit' Staffordshire, American Staffordshire and English bull terriers) *collectively*, were responsible for fewer attack injuries than *any* of: Boxers, German Shepherds, Labradors, Akitas, Chows and Rottweilers—*none* of which are 'restricted' in Ladysmith.

4: Partial list of organizations that oppose breed-specific dog bylaw language. Note that it includes the 9,300-member U.S. National Animal Control Association, the organization that represents men and women who deal with dangerous dogs daily.

5: City of Duncan Bylaw No. 2048, 2008: A bylaw to provide for the licensing and regulation of dogs, pages 1 and 2. Please note under 'Interpretation' the designation of "Dangerous Dog," and that this bylaw gives Animal Control Officers authority to designate *any* dog as "dangerous" if the officer "has reasonable grounds to believe it is likely to kill or seriously injure a person."

6: News coverage of Calgary's record drop in dog attacks *after* it repealed breed-specific bylaw language.

Stop unfair discrimination against pet-owners!

What's wrong with Ladysmith's dog by-law?

Nothing—*except the part that's discriminatory, arbitrary, unenforceable, unconstitutional, and a losing court case just waiting to cost us money.*

Much of our animal control bylaw is just fine. It gives Animal Control Officers (ACOs) authority to ensure that any dog "with a known propensity, tendency or disposition to attack without provocation," or any dog an ACO has "reasonable grounds to believe" has such a tendency, is effectively controlled.

The trouble begins when the **bylaw goes on to punish pets which have absolutely no "known propensity" for attack.**

Section 1 of the bylaw singles out several dog breeds and their owners for arbitrary penalty. These "restricted" breeds are named as: "Pit Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, English Bull Terrier, Staffordshire Terrier; and any dog of mixed breeding, over the age of four months which includes the aforementioned breeds."

This breed-specific (BS) language **discriminates** against owners of named breeds with requirements and restrictions not placed on other dog-owners. It **violates principles of justice** by declaring any individual dog identified with the named breeds as "dangerous", and their owner subject to sanction without any evidence being presented or required. Moreover, since no test exists to prove the breed parentage of any dog (see below), the BS bylaw's wording **effectively declares every Ladysmith mutt to be 'dangerous'**.

Courts across Canada have found breed-specific bylaws are **arbitrary, discriminatory, vague, unsupported by evidence, unconstitutional** and **unenforceable**. They have been overturned in Nova Scotia and rejected in New Brunswick; numerous municipalities have repealed or rejected BS dog laws for the same reasons.

Ladysmith's 'Dog Licensing, Control and Pound Bylaw' empowers ACOs to declare as "Dangerous" *any* dog that demonstrates a violent propensity. This is similar to Duncan's bylaw, which states: "The

classification of a dog as a Dangerous Dog will be done by the Animal Control Officer." An ACO we know tells us: that Duncan's bylaw provides all the authority they need to address problem cases; that the absence of BS language is not reflected in any greater dog trouble in Duncan: and, in fact, that Duncan's bylaw allows them to focus on real problem dogs (of any breed) rather than chasing unnecessary restrictions on inoffensive pets.

In other words, Ladysmith's BS by law is unnecessary, ineffective, unjustified, arbitrarily discriminates against scores of Ladysmith residents, and ultimately cannot be enforced. Left in place **it will inevitably be challenged**, and Ladysmith **taxpayers will be obliged to pay** for an expensive and inevitable legal loss.

Keep the teeth in our 'dangerous dog' law? You bet.

But Ladysmith should **drop the BS language** in its bylaw now, before an unnecessary court case forces it to anyway, and before any more Ladysmith citizens and pets face another day of discrimination.

<<<>>>

The Ladysmith BS bylaw turns mutts into dog criminals.

In addition to its many other legal flaws, the wording of the Ladysmith by-law actually defines, "any dog of mixed breed," (that would be you, Heinz 57!) that may have parents from one of the listed breeds as a "restricted" and "dangerous" animal. Since *there is no test* to prove or disprove whether a particular dog has genes from one of the restricted breeds, *this could be any dog*.

Enforced to the letter, **this BS bylaw makes it an offence to walk any non-purebred dog in Ladysmith without a muzzle.**

The BS bylaw creates 2nd class citizens.

The BS bylaw discriminates. It allows some Ladysmith pet-owners to enjoy the use of their property (their pets) in public, while making it an offense punishable by a fine of up to \$500 for other Ladysmith pet-owners *to do exactly the same thing*. This kind of **arbitrary discrimination** and deprivation of the enjoyment of property **is illegal in Canada** (the closest parallel in laws for people were race-based statutes that, for example, prohibited some Canadians from voting. We threw those out long ago.)

Canadian law does allow some kinds of discrimination. Sex-offenders, for example, may be restricted in the company they keep. But this kind of discrimination must be "clearly and demonstrably justified" with specific and relevant evidence. By contrast the BS bylaw deprives some Ladysmith citizens of the same pet companionship their neighbours enjoy—*without presenting any evidence at all* to justify the discrimination.

The BS bylaw wastes public money.

We all pay enough for municipal services like garbage collection and road repair. It's wasteful to spend money requiring Animal Control Officers to respond to breed-based complaints against well-behaved dogs, diverting their attention and time from animals *of any breed* that have demonstrated an aggressive temperament.

That's why **the National Animal Control Association**, representing more than 9,300 A.C.O.s in the United States, **has spoken out against BS dog bylaws**, noting that: "Dangerous and/or vicious animals should be labeled as such as a result of their actions or behavior and not because of their breed."

The BS bylaw is ineffective.

Some dogs are dangerous. Dog bites and dog attacks maim and even kill people annually. We need strong bylaw language to control dogs that demonstrate a risk of becoming violent. *And we have it.* Other sections of the Ladysmith bylaw empower Animal Control Officers to take whatever action is necessary against dogs that have attacked humans or other animals without provocation, or dogs that an ACO has "reasonable grounds" to suspect *are likely* to attack people or other animals.

Breed-specific language in the bylaw gives ACOs *no additional authority*, it merely **requires them to discriminate** against some Ladysmith pets and pet-owners, based on old ideas that have been discredited by numerous studies and inquiries, judicial and otherwise.

The BS bylaw is even illegal.

Courts have found that BS bylaws violate rights guaranteed in the Canadian Charter of Rights and Freedoms. These include the right to fair treatment ("equal benefit of the law") and the right "not to be

deprived thereof except in accordance with the principles of fundamental justice." One of those principles says that administrative decisions like the designation of a dog as dangerous must be based on logical proof or evidence (the very meaning of "reasonable grounds"). The BS bylaw tramples on these rights by arbitrarily penalizing some pet-owners for the same activities that other pet-owners may enjoy, *without providing any reasonable justification* for doing so.

In 2006, Justice Stroud of the Nova Scotia Provincial Court struck down a BS bylaw there for being, "vague and over-reaching and **based upon fiction** as opposed to objective or scientific standards." The Justice added: "**It infringes on s. 7 of the Charter** and cannot be saved by s. 1."

(For those without their copy of the Charter handy, Section 7 protects us from imprisonment—as, for example, for failure to pay a fine under a BS bylaw—"except in accordance with the principles of fundamental justice". Section 1 only allows restrictions on our freedom that are "reasonable" and "demonstrably justified" in a free society. The BS bylaw *failed both constitutional tests.*)

The BS bylaw is unenforceable.

New Brunswick and other places across Canada have dropped BS language from dog control legislation because **it cannot be enforced**. One reason is that such laws violate the Charter (see above) and are therefore illegal in themselves. Another reason is that it is impossible to conclusively demonstrate a dog's 'breed'—making it **legally impossible to prove** that *any* individual dog is of *any* breed.

Genetically, a dog is a dog is a dog. Put DNA from a Great Dane and a teacup Chihuahua under a microscope for comparison, and *there is no difference*. That's one reason cited by many US courts for tossing out BS bylaws there. The Canadian Veterinary Medical Association has spoken out against BS bylaws as unworkable for the same reason: "Genetically **all dogs are indistinguishable** and there is no scientific means to determine a breed of dog that can withstand the rigors of legal challenge."

Legally speaking, "breed" isn't a word that means anything, which makes discrimination based on it just as meaningless.

BS dog bylaws encourage inhumane treatment.

Humane care standards require that dogs be provided with sufficient exercise. Many Ladysmith pet owners provide that by taking

their dogs for walks. The BS bylaw forces owners of listed breeds *regardless of their dog's history or behaviour*, to walk their animals on a short (6 ft) leash and muzzled. A muzzle inherently stresses a dog wearing one, and leaves it defenseless against attack by another animal (and yes, we're sorry to say that we've more than once seen a loose dog, not a 'restricted' breed, attack without provocation a dog on a leash in Ladysmith). An owner might reasonably be reluctant to walk their pet under those circumstances—**forcing them to choose between two inhumane options**: neglect their dog's exercise needs, or expose it to injury.

But aren't some dog breeds just more violent and aggressive?

The short answer is 'no'.

Drawing conclusions by working back from reported dog attacks is prone to many kinds of error. Is a breed involved in many attacks because it is more prone to unprovoked attack, or simply because it is more popular and therefore there are more dogs of that breed around? Or is it because that breed is popular among people seeking to make a certain social statement (we hear not many Miniature Poodles get work guarding crime dens)?

Then again, what we mean by 'breed' isn't clear either. Neither DNA scientists nor veterinarians can reliably distinguish one 'breed' from another.

But here's what we know. The five breeds that did the most biting in Canada over five years (as compiled by the Canadian Journal of Emergency Medicine) were, in descending order: #1: Rottweilers, #2: German Shepherds, #3: Huskies, #4: Pit Bulls and #5: Collies.*

Ladysmith's BS bylaw names only one of these breeds—and that one is not even in the top three! Even on its own terms (which are, as we have noted, legally and constitutionally flawed), the BS bylaw "Restricted" breed list is arbitrary and **does not reflect the best available, or indeed any, evidence.**

*Another list, by the Canadian Safety Organization, gives a slightly different top four: German Shepherds, Rottweilers, Cocker Spaniels and Golden Retrievers.

What about Pit Bulls?

It's true that in dog-attack lore, this 'breed'* is often identified. The trouble with attack statistics however, is that they cannot control for how dog owners employ or treat their animals. It's a sad fact that

some people in society like to show off a threatening display. For some of these people, Pit Bull terriers are the 'go-to' muscle breed. Other owners will treat, train and discipline animals of the same breed to be safe companions.

At the same time, not everyone who chooses a dog for its threatening display will choose a Pit Bull. One breed growing in popularity for this purpose (tragically) is the 45 kg Presa Canario, yet neither it nor any of the three breeds that actually bite more people in Canada than do Pit Bulls, Presas or any other, is on Ladysmith's BS list.

* Whether Pit Bulls are a 'breed' at all (and note other problems with the term) is also in dispute. The Canadian Kennel Club does not recognize the breed, nor does the UK Kennel Club. Only the American Kennel Club does so.

What are some other places doing?

New Brunswick abandoned a province-wide BS law when a standing committee of its legislature recommended against it, noting: "The stereotyping of certain breeds of dogs is unfair and under inclusive as it ignores the existence of other dogs with dangerous tendencies and it ignores the conduct of irresponsible dog owners."

After bylaw officers in Calgary led a successful campaign to remove BS language in the city's bylaw, dog attacks fell to the lowest level in 25 years.

Many other communities have already rejected BS bylaws, including Duncan, Vancouver, Port Coquitlam, Delta and North Vancouver.

What should Ladysmith do?

The way to *stop this unfair discrimination* against Ladysmith pet-owners, avoid an inevitable, costly and futile legal fight, and return our bylaw officers' focus to where it belongs—truly dangerous animals—is simple: **amend the 'Dog Licensing, Control and Pound Bylaw' to remove all prejudicial reference to breed**, remove the BS designation of "Restricted Dog," and provide **one evidence-based standard for designation of an animal as "Dangerous"**.

Show your support at www.sanedoglawsinLadysmith.com

was known to the victim and did not have a history of unusual behaviour. The immunization status of the dog was not documented in 3 of these cases, complete in 1 case, and incomplete 1 case. Public health was involved in all 5 cases, and subsequent animal testing found no evidence of rabies.

Table 4 summarizes the signs of infection and antibiotic administration. Prophylactic antibiotics were prescribed to 213 patients (74.2%), 8 of whom still developed a wound infection. The most frequently prescribed antibiotic in these 8 cases was amoxicillin clavulanate (5 cases). Signs of infection were documented in 16 cases (5.6%). Of the 16 infected bites, 9 involved the hand, 6 the face and 1 the arm. Three of the 16 children had puncture wounds, all to the

hand, and none had received prophylactic antibiotics. In the antibiotic group, wound irrigation was documented in only 1 case. Two children in this group also had their wounds sutured. In 1 case, an 11-year-old girl was bitten in the arm by a husky, needed more than 10 sutures, and was sent home on oral erythromycin. Two days later she developed cellulitis and required operating room débridement. In another case, a 7-year-old boy developed periorbital cellulitis 24 hours after a facial laceration was sutured (>10 sutures) and treated with amoxicillin clavulanate. Among the children who had not received any antibiotics, 5 patients had not re-

Table 2. Chart information on the dogs involved in the 287 cases reviewed

Variable	No. (and %)
Relationship to victim	
Known	212 (73.9)
Stray / stranger	29 (10.1)
Not documented	46 (16.0)
Vaccination record of the dog	
Complete	106 (36.9)
Incomplete	15 (5.2)
Not documented	166 (57.8)
Behaviour of dog	
Normal	31 (10.8)
Abnormal	12 (4.2)
Not documented	244 (85.0)
Type of dog*	
Not documented	215 (74.9)
Specified	72 (25.1)
Rottweiler	21 (28.8)
German shepherd	11 (15.1)
Husky	5 (6.8)
Pit bull†	4 (5.5)
Collie	4 (5.5)
Cocker spaniel	3 (4.1)
Doberman pinscher	3 (4.1)
Bulldog	2 (2.7)
Golden retriever	2 (2.7)
Sheepdog	2 (2.7)
Other‡	15 (20.5)

*Chart information on the type of dog was probably provided by the victim's family in most cases; therefore, incorrect identification is possible, especially with the less recognizable breeds and with dogs unknown to the victim

†See Discussion section for a definition of "pit bulls."

‡One case each involving the following breeds: Akita, beagle, basset hound, chow chow, dachshund, doxine, Great Dane, Labrador retriever, malamute, poodle, sheltie, springer spaniel, Saint Bernard, terrier and wolf-dog.

Table 3. Bite characteristics as recorded in the charts of the 287 cases reviewed

Variable	No. (and %)
Location of bite	
Face	168 (58.5)
Extremity	102 (35.5)
Head	4 (1.4)
Buttock	4 (1.4)
Chest	2 (0.7)
Neck	2 (0.7)
Scrotum	1 (0.3)
Severity of wound	
Mild	132 (46.0)
Moderate	83 (28.9)
Severe	72 (25.1)
>10 sutures	69 (95.8)
Fracture	4 (5.6)
OR repair	21 (29.2)
Fatality	1 (1.4)
Sutures required	
No	132 (46.0)
Yes	155 (54.0)
No. of sutures	
1-5	55 (35.5)
6-10	31 (20.0)
>10	69 (44.5)
Consultation required	
No	199 (69.3)
Yes	88 (30.7)
Plastic surgery	67 (76.1)
Ophthalmology	14 (15.9)
Infectious diseases	13 (14.8)
Orthopedics	3 (3.4)
Urology	1 (1.1)
Neurosurgery	1 (1.1)

OR = operating room.

Dog attack deaths and maimings, U.S. & Canada September 1982 to June 25, 2010

Reports are logged as received, and the current log is printed out as requested.

Compiled by the editor of **ANIMAL PEOPLE** from press accounts since 1982, this table covers only attacks by dogs of clearly identified breed type or ancestry, as designated by animal control officers or others with evident expertise, who have been kept as pets.

Due to the exclusion of dogs whose breed type may be uncertain, this is not a complete list of fatal and otherwise serious dog attacks; but there have been very few qualifying attacks by dogs of uncertain ancestry in recent decades.

Attacks by police dogs, guard dogs, and dogs trained specifically to fight are also excluded. "Attacks doing bodily harm" includes all fatalities, maimings, and other injuries requiring extensive hospital treatment. "Maimings" includes permanent disfigurement or loss of a limb. Where there is an asterisk (*), please see footnotes. If there are more "attacks" than "victims," it means that there were multiple dogs involved in some attacks. If the numbers of "victims" does not equal the numbers of "deaths" and "maimings," it means that some of the victims -- in attacks in which some people were killed or maimed -- were not killed or maimed.

Over the duration of the data collection, the severity of the logged attacks appears to be at approximately the 1-bite-in-10,000 level.

The "%/dogs" column states the percentage of each breed of dog among 3.2 million classified ads listing dogs for sale at web sites during the first half of 2010. Similar data has been collected in many previous years, but has not previously been included in this table. If a percentage is not listed for a breed or mix, it either appears to be too low to calculate or too difficult to isolate from other variants of the breed or mix.

There is a persistent allegation by pit bull terrier advocates that pit bulls are over-represented among reported dog attack deaths and maimings because of misidentifications or because "pit bull" is, according to them, a generic term covering several similar types of dog. However, the frequency of pit bull attacks among these worst-in-10,000 cases is so disproportionate that even if half of the attacks in the pit bull category were misattributed, or even if the pit bull category was split three ways, attacks by pit bulls and their closest relatives would still outnumber attacks by any other breed.

Note: to ensure that the columns are aligned properly, please print this table from e-mail using a non-proportional font, such as Courier or Roman Fixed Width.

Breed	Attacks doing bodily harm [dogs X victims]	Child victims	Adult victims	Deaths	Maimings	%/dogs	Notes
Akita	50	34	14	1	41	.009	
Akita mix (inspecific)	2	2	0	0	2		
Akita/Chow mix	3	3	0	0	3		
Akita/Lab mix	1	1	0	0	1		
Akita/terrier mix	2	1	0	0	1		
Airedale/boxer	1	1	0	1	0		#
Airedale	1	1	0	1	0	.006	

Australian blue heeler	13	4	2	1	5		
Australian shepherd	7	5	0	0	2		
Australian shepherd mix	1	0	1	1	0		#
Basset/GSD mix	1	1	0	1	0		
Basset/beagle mix	1	1	0	0	1		
Basset/Lab mix	1	1	0	1	0		
Beagle	2	2	0	1	1	.012	#
Belgian shepherd (Malinois)	7	4	3	0	4	.005	
Blue heeler	5	2	2	0	4		
Border collie	2	1	1	1	2	.008	#
Boxer	45	13	13	4	18	.016	#
Boxer/bull mastiff mix	1	1	0	0	1		
Boxer/German shepherd mix	1	1	0	1	0		
Boxer mix	2	2	0	1	1		
Briard	2	0	1	1	0	.004	
Brittany spaniel	4	1	0	0	1	.010	
Bulldog (American, not pit)	4	0	3	2	2		
Bulldog (English)	19	10	4	1	12	.017	
Bull mastiff (Presa Canario)	58	22	21	9	31	.013	
Bull mastiff/German shepherd	2	1	0	1	0		
Buff mastiff/Rottweiler	2	1	1	0	2		
Bull mastiff/Boxer	1	1	0	1	0		
Bull terrier (not pit)	3	1	1	0	1		
Cane Corso/Italian mastiff	6	1	4	1	5		
Catahoula	3	0	1	0	1		
Catahoula/pit bull mix	1	0	1	1	0		
Caucasian shepherd	1	0	1	0	1		
Cavalier King Charles spaniel	1	0	1	0	1		#
Chihuahua	1	1	0	1	1	.024	#
Chow	53	35	15	7	35	.016	
Chow/German shepherd	1	0	1	0	1		
Chow/husky mix	2	2	0	1	1		
Chow/Labrador mix	4	4	0	0	3		
Chow/Sharpei mix	1	1	0	0	1		
Chow mix (other)	4	4	0	1	3		
Cocker spaniel	1	1	0	0	1	.012	
Collie	4	4	0	1	3	.006	
Collie/retriever mix	1	1	0	0	1		
Coonhound	1	1	0	0	0	.006	
Dalmatian	3	3	0	0	3	.007	
Dalmatian/Akita mix	1	1	0	0	1		
Dachschund	6	3	3	1	6	.011	#
Doberman	14	8	6	6	7	.008	#
Doberman/Great Dane mix	1	1	0	0	1		
Dogo Argentino	1	1	0	0	1		
Doge de Bordeaux	2	1	0	0	1		
East Highland terrier	1	0	1	1	0		#
Fila Brasileiro	1	1	0	0	1		
German shepherd	79	52	20	9	50	.018	
German shepherd mix	37	26	8	7	24		#
German shepherd/husky mix	5	4	1	1	3		
German shepherd/Lab mix	7	1	2	0	3		
Golden retriever	9	7	2	2	6	.012	#
Golden retriever mix	1	0	1	1	0		#
Great Dane	29	7	7	3	12	.013	
Great Pyranees	3	0	2	1	1	.002	
Greyhound	1	1	0	0	1	.012	
Husky	56	36	4	21	14	.081	

Husky/Malamute mix	2	2	0	0	2		
Husky/Labrador mix	1	0	1	0	1		
Jack Russell terrier	3	2	1	2	0	.013	#
Labrador	36	25	11	3	28	.116	#
Labrador mix	12	10	2	0	11		#
Labrador/boxer mix	1	0	1	0	0		
Lab-Doberman	1	1	0	0	1		
Lab-St. Bernard	1	1	0	0	1		
Malamute	9	7	2	4	3	.007	
Maremma	1	0	1	0	1		
Mastiff	20	16	4	4	12	.001	
Mini-pinscher	1	1	0	0	1		#
Norwegian elkhound	1	0	1	0	1	.004	#
Old English sheep dog	2	1	1	2	0	.007	#
Pit bull terrier	1552	691	529	166	859	.041	#
Pit bull boxer mix	16	6	6	1	9		
Pit bull/chow mix	5	2	3	1	3		
Pit bull/Doberman/GSD/Lab	2	2	0	0	2		
Pit bull/GSD mix	4	2	1	0	3		
Pit bull/Lab mix	21	17	5	3	16		#
Pit/Rhodesian ridgeback mix	2	2	0	0	2		
Pit bull/Rott. mix	40	7	4	2	9		
Pit bull/Sheltie mix	7	4	0	0	4		
Pit bull/Weimaraner mix	1	0	1	0	1		
Pit mix unknown	4	2	1	0	3		
Pointer mix	1	0	1	0	0		#
Pomeranian	1	1	0	1	0		
Poodle	2	1	1	0	2	.014	#
Poodle/terrier	1	1	0	0	1		
Pug	1	1	0	0	1		
Pug/Rottweiler mix	2	1	0	1	0		
Queensland heeler	3	0	1	0	1		
Rhodesian ridgeback	2	2	0	0	2		
Rottweiler	457	262	118	73	246	.009	#
Rottweiler/chow mix	1	1	0	0	1		
Rottweiler/GSD mix	15	8	6	3	11		
Rottweiler/Labrador	7	6	1	0	7		
Russian terrier	1	0	1	0	1		
Saint Bernard	6	3	0	1	1	.018	
Schnauzer	1	0	1	1	0	.008	#
Sharpei	5	5	0	0	5	.006	
Sharpei/Rottweiler	2	1	0	0	1		
Sharpei/unknown mix	1	1	0	0	1		
Sharpei/Labrador	1	1	0	0	1		
Springer spaniel	3	4	0	0	4		
Terrier mix (not pit bull)	1	0	1	0	1		
Tosa	1	1	0	0	1		
Weimaraner	2	2	0	1	1	.007	
West Highland terrier	1	0	1	1	0		#
Wheaten terrier	2	1	0	0	1		
Wolf hybrid	82	68	4	19	46	.003	#
Total:	2864	1480	846	368	1613	.578	
Pit bulls & close pit mixes:	1654	733	549	173	905	.050	
	57%	50%	65%	47%	56%		

Pit bulls, Rottweilers, Presa Canarios, and their mixes:	2291	1040	702	253	1216
	80%	70%	83%	69%	75%
Pit, Rott, Wolf hybrid	2093	1016	663	255	1155
	73%	69%	78%	69%	71%

Airedale/boxer: The only listed attack was by 10 dogs at once.

Australian shepherd mix: Involved with golden retriever mix in July 26, 2008 fatal attack on Lorraine May, 74, of Titusville, Florida.

Beagle: The fatality was a strangulation caused by tugging on a leash which was around a child's neck.

Border collie: Involved in 4-dog attack. The other dogs were two American bull dogs and a mastiff.

Boxer: Fatal attack on 3-week-old infant also involved a Rottweiler.

Cavalier King Charles spaniel: Gary Abbuhl, 65, suffered fractured femur & other injuries on March 5, 2009 in Boulder, Colorado after dog belonging to Kelly Engholt, 31, ran into his bicycle.

Dachshund: Julia Beck, 87, of Fort Wayne, died 5/15/05, two weeks after attack by dachshund & Lab at home she shared with Michael T. Kitchen, 48, and Linda A. Kitchen, 57. Linda Floyd, 56, a diabetic, lost toe to dachshund who gnawed it off in her sleep 6/30/08.

Doberman: At least two Dobermans were among 16 dogs who are believed to have killed Sherry Schweder, 65, and her husband Luther Schweder, on August 15, 2009 in Lexington, Georgia.

Chihuahua: Dog on retractable leash leaped up and bit the lip of a six-year-old who was riding past on a bicycle. The bicycle's momentum and restraint on the dog apparently increased the severity of the injury (8-12-08, Springfield Township, Indiana.)

East Highland terrier: Victim, age 75, died of heart attack.

German shepherd mix: One fatality victim, age 83, was apparently killed by an overly rowdy greeting. The victim was knocked down and suffered multiple broken bones, but was not bitten. The dog had bitten a person on a previous occasion. In that case, the skin was not broken. Another 83-year-old victim was killed by either a German shepherd/Labrador mix or a pit bull terrier, but it was not clear whether both dogs attacked her, or just one of them. An 18-day-old child was killed in an attack also involving a pit bull terrier/golden Lab mix.

Golden retriever: One dog responsible for an attack was rabid. Another accidentally strangled Kaitlyn Hassard, 6, of Manorville, Long Island, on 1/24/06, by tugging at her scarf.

Golden retriever mix: Involved with Australian shepherd mix in July 26, 2008 fatal attack on Lorraine May, 74, of Titusville, Florida.

Jack Russell terrier: Patricia Schneider, 50, of Discovery Bay, Calif., whose spleen had been removed, died in 2/98 of infection, 3 days after receiving infected bite on lip at home of Diane Gardner and Elaine Goodney.

Labrador: Adult victim was attacked in her home by as many as 23 dogs owned by daughter. The Lab who severely mauled Jasmine Charboneau, 2, on 7/29/04 in Devils Lake, ND, proved to be rabid.

Labrador mix: Reports varied as to whether one case was severe enough to include.

Mastiff: One mastiff attack also involved an attacking pit bull terrier.

Mini-pinscher: One miniature pinscher apparently joined two pit bull terriers in attacking a child. The dog has also been identified in some accounts as a Doberman. Either way, this isolated event is not of statistical significance relative to the larger patterns of dog attacks.

Old English sheep dog: Gertrude Monroe, 87, mother of Kathryn Schwarb of Birmingham, Michigan, on December 19, 1984 tripped over King Boots, 8, an award-winning show dog belonging to Schwarb, and was severely bitten. Whether Monroe died of the bites, the fall, or a heart attack or stroke preceding the fall was not clearly established. King Boots was defanged and castrated, by judicial order, as this was the second biting incident involving him.

Pit bull terrier: One case involved a dog who assisted in a killing carried out by a human. Another case was a 6-year-old girl who was caught and strangled by a pit bull's chain. An 83-year-old victim was killed by either a German shepherd/Labrador mix or a pit bull terrier, but it was not clear whether both dogs attacked her, or just one of them. One case involved a woman who was apparently killed by two pit bulls and one Rottweiler. Rashawn Thompson, 18, was mauled on 4/25/07 by 13 dogs, including one pit bull

and 12 of unidentifiable mix. As many as 27 pit bull puppies in August 2008 used terminal cancer patient Michael Warner, 55, "as a food source," according to Pierce County sheriff's spokesman Ed Troyer. Warner died from his injuries. Louanne Okapal, 55, of Sauk County, Wisconsin, suffered severe facial injuries on February 14, 2009 when a pit bull attacked a horse she was saddling and the horse kicked her in the face. A woman who was not named by police was killed on June 4, 2008 in Hayward, California, when a leashed pit bull ran after his owner, who had bicycled across railway tracks in front of an oncoming train, and dragged the woman in front of the train. The pit bull was also killed. This chart formerly included a stat line separate from pit bulls for "American bulldogs." That line recorded an attack on September 13, 2007 in Livingston County, Michigan, by five dogs described by Livingston County animal control director Anne Burns as resembling an "English bulldog on stilts." Photos subsequently established that these dogs were in fact pit bull terriers. They killed two adults. Animal control officer Teresa Foss, 48, of Plainfield, Connecticut, died on October 8, 2009, from head injuries suffered when a pit bull she had been called to apprehend apparently knocked her down. Ethel Baker Horton, 65, of Lee County, Wisconsin, died of a heart attack on March 4, 2010 while intervening in an attack on her husband, Jerry Horton, 71. Portland, Oregon police officer Stephen Gandy, 33, suffered a life-threatening blood infection from a bite by a pit bull on April 12, 2010.

Pit bull/golden Lab mix: One child was killed in an attack also involving a German shepherd mix.

Pointer mix: Was involved in attack on Iran Menses, 66, of Los Angeles, on 5/28/00, along with two pit bull terriers, but apparently did not inflict any of Menses' injuries.

Poodle: Very strange case involved prescription drug use possibly affecting dog as well as victim.

Rottweiler: Jonathon Chandler, 6 months, of Lancaster, Ohio, was reportedly crushed in bed by the family Rottweiler. Four other children, ages 2-11, were removed from home of Shelly Fisher; case was investigated as possible negligent homicide. Another case involved a woman who was apparently killed by two pit bulls and one Rottweiler. The May 15, 2005 death of Neil Pera in Wallingford, Connecticut, was attributed by the coroner to cirrhosis of the liver, but police photographs of his remains and the reports of the responding police officers indicate that innumerable bites were involved, apparently as Pera curled into a fetal position to avoid further injury. He died afterward, stretched out on his badly bitten back. Joe Mortensen, 22, of Dix Hills, N.Y., was mauled by two Rottweilers belonging to James Mazzone, 44, in June 2007, when the Rottweilers allegedly attacked his pit bull mix. A man fleeing an attack by two Rottweilers was critically injured by a car on September 20, 2009 in Fort Wayne, Indiana. Mail carrier Hao Yun "Eddie" Lin of Oceanside, California, suffered a fatal head injury in a fall while trying to evade a lunging Rottweiler on May 25, 2010. Michael Winter, 30, of Henrietta Township, Lorain County, Ohio, was killed on June 15, 2010 by a reportedly Rottweiler-led pack also including five bull mastiffs and three pit bull/boxer mixes.

Schnauzer: A schnauzer joined a pit bull in fatally injuring Mike Rocha Gomez, 86, on October 14, 2005 in West Covina, California.

West Highland terrier: Rose Kazarian, 75, suffered a fatal heart attack after a bite by a leashed West Highland terrier while visiting her husband's grave at the Hope Cemetery in Worcester, Massachusetts.

Wolf hybrid: One adult victim was a small woman who was defending two children. The other was a small woman, 61, who was apparently defending her dog. In that instance, the wolf hybrid was identified as being a wolf hybrid/German shepherd cross, with the German shepherd configuration dominant. Some experts are skeptical that the animal had any wolf ancestry at all.

Analysis

The tallies of attacks, attacks on children, attacks on adults, fatalities, and maimings on the above data sheet must be evaluated in three different contexts. The first pertains to breed-specific characteristic behavior, the second to bite frequency as opposed to the frequency of severe injuries. and the third to degree of relative risk.

Of the breeds most often involved in incidents of sufficient severity to be listed, pit bull terriers and their close mixes make up only about 5% of the total U.S. dog

population, according to my frequent surveys of regionally balanced samples of classified ads of dogs for sale, but they constitute more than 20% of the dog population in U.S. animal shelters at any given time, according to my 2004 and 2008 single-day shelter inventory surveys, the most recent of which brought responses from a regionally balanced sampling of 62 shelters, holding 5,236 dogs on the survey date. Animal control shelters, with the primary responsibility for responding to "dangerous dog" calls, made up 60% of the survey base and held 23% pit bulls.

Pit bulls are noteworthy on the chart above for attacking adults almost as frequently as children. This is a very rare pattern: children are normally at greatest risk from dogbite because they play with dogs more often, have less experience in reading dog behavior, are more likely to engage in activity that alarms or stimulates a dog, and are less able to defend themselves when a dog becomes aggressive. Pit bulls seem to differ behaviorally from other dogs in having far less inhibition about attacking people who are larger than they are. They are also notorious for attacking seemingly without warning, a tendency exacerbated by the custom of docking pit bulls' tails so that warning signals are not easily recognized. Thus the adult victim of a pit bull attack may have had little or no opportunity to read the warning signals that would avert an attack from any other dog.

Rottweilers by contrast show a fairly normal child/adult attack ratio. They seem to show up disproportionately often in the mauling, killing, and maiming statistics simply because they are both quite popular and very powerful, capable of doing a great deal of damage in cases where bites by other breeds might be relatively harmless.

Wolf hybrids, German shepherds, and huskies are at the extreme opposite end of the scale, almost never inflicting severe injury on adults—but it would be a huge mistake to assume that these seemingly similar patterns reflect similar behavior. They do not. According to an analysis by the late Robert Lewis Plumb, done at the peak of wolf hybrid popularity in the mid-1990s, at a time when German shepherds were also much more popular than today, German shepherds and German shepherd mixes in which the German shepherd line predominates together amounted to 16% of the entire U.S. and Canadian dog population, according to the data Plumb was able to assemble about breed-specific licensing, or just about nine million total dogs. There were by contrast only about 300,000 recognized wolf hybrids: about one for every 30 German shepherds. Relative to their overall numbers, wolf hybrids were accordingly 60 times more likely to kill or maim a child than a German shepherd—and that was before even beginning to consider the critical behavioral distinctions.

German shepherds are herding dogs, bred for generations to guide and protect sheep. In modern society, they are among the dogs of choice for families with small children, because of their extremely strong protective instinct. They have three distinctively different kinds of bite: the guiding nip, which is gentle and does not break the skin; the grab-and-drag, to pull a puppy or lamb or child away from danger, which is as gentle as emergency circumstances allow; and the reactive bite, usually in defense of territory, a child, or someone else the dog is inclined to guard. The reactive bite

usually comes only after many warning barks, growls, and other exhibitions intended to avert a conflict. When it does come, it is typically accompanied by a frontal leap for the wrist or throat.

Because German shepherds often use the guiding nip and the grab-and-drag with children, who sometimes misread the dogs' intentions and pull away in panic, they are involved in biting incidents at almost twice the rate that their numbers alone would predict: approximately 28% of all bite cases, according to a recent five-year compilation of Minneapolis animal control data. Yet none of the Minneapolis bites by German shepherds involved a serious injury: hurting someone is almost never the dogs' intent.

In the German shepherd mauling, killing, and maiming cases I have recorded, there have almost always been circumstances of duress: the dog was deranged from being kept alone on a chain for prolonged periods without human contact, was starving, was otherwise severely abused, was protecting puppies, or was part of a pack including other dangerous dogs. None of the German shepherd attacks have involved predatory behavior on the part of an otherwise healthy dog.

Every one of the wolf hybrid attacks, however, seems to have been predatory. Only four of the fatality victims were older than age seven, and all three were of small stature. The first adult fatality was killed in the presence of her two young sons, whom she was apparently trying to protect. The second was killed while apparently trying to protect her dog. Most of the victims were killed very quickly. Some never knew the wolf hybrid was present. Some may never have known what hit them. Some were killed right in front of parents, who had no time to react.

Unlike German shepherds, wolf hybrids are usually kept well apart from children, and from any people other than their owners. Yet they have still found more opportunity to kill and maim than members of any other breeds except pit bull terriers and Rottweilers, each of whom may outnumber wolf hybrids by about 10 to 1.

Huskies appear to be a special case, in that even though they are common in the U.S., the life-threatening attacks involving them have virtually all occurred in Alaska, the Northwest Territories, the Yukon, Labrador, and the northernmost parts of Quebec. In these regions, huskies are frequently kept in packs, in semi-natural conditions, and in some cases are even allowed to spend summers without regular human supervision. Thus many of the husky attack cases might be viewed more as attacks by feral animals, even though they technically qualified for this log because they were identified as owned and trained animals, who were supposed to know that they were not to attack.

Akitas, Malamutes, and Samoyeds have a similar attack pattern, but while these are also "northern breeds" commonly used to pull sleds, most of the attacks by Akitas, Malamutes, and Samoyeds have occurred in ordinary home situations. Cumulatively, the northern breeds appear to have an attack pattern resembling that of wolf hybrids more than that of most other dogs—which might merely point toward the numbers of wolf hybrids who are illegally kept under the pretense that they are various of the northern

breeds.

What all this may mean relative to legislation is problematic. Historically, breed-specific legislation has proved very difficult to enforce because of the problems inherent in defining animals for whom there may be no breed standards, or conflicting standards. Both pit bull terriers and wolf hybrids tend to elude easy legal definition; neither can they be recognized by genetic testing.

The traditional approach to dangerous dog legislation is to allow "one free bite," at which point the owner is warned. On second bite, the dog is killed. The traditional approach, however, patently does not apply in addressing the threats from pit bull terriers, Rottweilers, and wolf hybrids. In more than two-thirds of the cases I have logged, the life-threatening or fatal attack was apparently the first known dangerous behavior by the animal in question. Children and elderly people were almost always the victims.

Any law strong enough and directed enough to prevent the majority of life-threatening dog attacks must discriminate heavily against pit bulls, Rottweilers, wolf hybrids, and perhaps Akitas and chows, who are not common breeds but do seem to be involved in disproportionate numbers of life-threatening attacks. Such discrimination will never be popular with the owners of these breeds, especially those who believe their dogs are neither dangerous nor likely to turn dangerous without strong provocation. Neither will breed discrimination ever be acceptable to those who hold out for an interpretation of animal rights philosophy which holds that all breeds are created equal. One might hope that educating the public against the acquisition of dangerous dogs would help; but the very traits that make certain breeds dangerous also appeal to a certain class of dog owner. Thus publicizing their potentially hazardous nature has tended to increase these breeds' popularity.

Meanwhile, because the humane community has demonstrated a profound unwillingness to recognize, accept, and respond to the need for some sort of strong breed-specific regulation to deal with pit bulls and Rottweilers, the insurance industry is doing the regulating instead, by means which include refusing to insure new shelters which accept and place pit bulls. That means a mandatory death sentence for most pit bulls, regardless of why they come to shelters.

This is not a problem for older shelters, which have long established insurer relationships, but it is a hell of a problem for organizations without long histories of successful and mostly accident-free adoption, predating the present abundance of pit bulls and Rottweilers in the shelter dog population.

Individual dog owners are also getting clobbered, either with liability premiums so high that no one can afford to keep pit bulls or Rottweilers, or by inability to find an insurer willing to cover anyone who has such a dog--or any other dog breed with a bad reputation, whether or not the reputation is deserved. (Compare attacks by pit bulls with attacks by Dobermans on the chart above.) This in turn means more pit bulls,

Rottweilers, et al being surrendered to shelters, when their people cannot find rental accommodations or even buy a house because of their inability to obtain liability insurance.

The humane community does not try to encourage the adoption of pumas in the same manner that we encourage the adoption of felis catus, because even though a puma can also be box-trained and otherwise exhibits much the same indoor behavior, it is clearly understood that accidents with a puma are frequently fatal.

For the same reason, it is sheer foolishness to encourage people to regard pit bull terriers and Rottweilers as just dogs like any other, no matter how much they may behave like other dogs under ordinary circumstances.

Temperament is not the issue, nor is it even relevant. What is relevant is actuarial risk. If almost any other dog has a bad moment, someone may get bitten, but will not be maimed for life or killed, and the actuarial risk is accordingly reasonable. If a pit bull terrier or a Rottweiler has a bad moment, often someone is maimed or killed--and that has now created off-the-chart actuarial risk, for which the dogs as well as their victims are paying the price.

Pit bulls and Rottweilers are accordingly dogs who not only must be handled with special precautions, but also must be regulated with special requirements appropriate to the risk they may pose to the public and other animals, if they are to be kept at all.

Merritt Clifton, editor

ANIMAL PEOPLE

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4

Who's Against BSL?

Many animal welfare organizations have issued formal position statements AGAINST breed specific legislation. These organizations realize that BSL does not target the true problem of irresponsible dog ownership and, therefore, it is an ineffective method of discriminatory animal control.

Below are just a few of these organizations:

Canada Safety Council

Canadian Kennel Club

Canadian Veterinary Medical Association

Canadian Federation of Humane Societies

BC SPCA

National Companion Animal Coalition

Dog Legislative Council of Canada

National Animal Control Association

Humane Associations of Georgia, Wisconsin, Ottawa, Idaho

Association of Pet Dog Trainers

American Kennel Club

Society for the Prevention of Cruelty to Animals (SPCA)

American Veterinary Medical Association

National Association of Dog Obedience Instructors

National Animal Interest Alliance

American Animal Hospital Association

International Association of Animal Behavior Consultants

California Veterinary Medical Association

Colorado Veterinary Medical Association

Texas Veterinary Medical Association

Louisiana Veterinary Medical Association

Chicago Veterinary Medical Association

American Humane Society

Maryland Veterinary Medical Association

New York State Veterinary Medical Association

American Temperament Test Society

American Dog Owner's Association

American Canine Federation

International Association of Canine Professionals

American Dog Breeders Association Inc.

SPCA Los Angeles

The Centers for Disease Control

5

THE CORPORATION OF THE CITY OF DUNCAN

BYLAW NO. 2048, 2008

**A BYLAW TO PROVIDE FOR THE LICENSING AND REGULATION OF
DOGS IN THE CITY OF DUNCAN**

The Council of the City of Duncan enacts as follows:

TITLE

1. This Bylaw may be cited as "**Dog Licence and Control Bylaw No. 2048, 2008**".

INTERPRETATIONS

2. In this Bylaw:

"**Animal Control Officer**" means the person appointed by resolution of the Council as Animal Control Officer to enforce the provisions of this Bylaw, and includes all Bylaw Officers, Bylaw Enforcement Officers, or Bylaw Compliance Officers appointed by resolution of the Council as such from time to time.

"**Bark Excessively**" means any barking, howling, yelping or cries that unduly disturb the peace, quiet, rest, comfort or tranquillity of the surrounding neighbourhood or vicinity, or of persons in the neighbourhood or vicinity.

"**City**" means the City of Duncan.

"**Council**" means the Council of the City of Duncan.

"**Dangerous Dog**" means any dog which has killed or injured a person or domestic animal, or any dog the Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person because of, but not limited to:

- a) its known propensity, tendency or disposition to attack without provocation other domestic animals or humans, or otherwise threaten the safety of persons or domestic animals; or
- b) when unprovoked, it attacks, chases, or approaches a person upon the street, sidewalk or any public place in a menacing fashion or apparent attitude of attack; or
- c) he has reason to believe the dog is owned or harboured primarily or in part for the purpose of dog fighting or is owned or trained for dog fighting.

Notwithstanding the above, a dog must not be deemed to be a Dangerous Dog if the bite, attack, or threat of attack was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner of the dog, or was teasing, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

“Designated Dog Area” means any area designated by resolution of Council as a place where a dog need not necessarily be on a leash but must still be under the care and control of its owner such that it will obey verbal or hand commands to come when directed to do so.

“dog” means any animal of the canine species, irrespective of age or sex.

“impounded” means when a dog is seized, delivered, received, or taken into a Pound or in the custody of the Animal Control Officer or Poundkeeper.

“Leash” means a line or chain that does not exceed a length of 6 feet (183 centimetres) that is of sufficient strength to restrain a dog without breaking.

“muzzled” means properly fitted with a humane device placed over the mouth of a dog that is of sufficient strength and design to prevent the dog from biting any person or animal.

“owner” includes any person who owns, possesses, or harbours any dog, or has custody, control or care of any dog.

“Park” means and includes public parks, playgrounds, squares, greens, driveways, roadways, paths, (including buildings) which are posted, designated and or zoned as park by the City of Duncan, other than designated dog areas.

“person” includes any corporation, partnership or party and the heirs, executors, administrators and other legal representatives of such person to whom the context can apply according to law.

“Pound” means any facility maintained, or operated as an impoundment or boarding facility in accordance with this Bylaw.

“Poundkeeper” means the person or organization employed, or contracted, from time to time by the City for the purpose of maintenance, operation and regulation of a Pound in accordance with the provisions of this Bylaw, including the care, euthanasia and disposal of the animals, and the collection and remission of fees, and must include any assistant Poundkeeper so employed, the Animal Control Officer, or the operator of any Pound that meets the provisions of this Bylaw from which the City purchases boarding or impoundment services from time to time.

Home

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Defending Dog

United in the fight of our dogs' lives



The Calgary Model

The animal control bylaw in Calgary, Alberta, Canada has been hailed by many as a HUGE success. While other cities and provinces in Canada are banning breeds, Calgary is choosing education program and stronger enforcement. What's the end result? By all accounts, reports and statistics, the bylaw is working! Not only that, the bylaw works so well and the results are so highly praised, Calgary is inspiring animal control officials outside of Canada to use the bylaw as a model for their own animal control ordinances.

The following is written by Dana Grove:

The bylaw officers in Calgary have taken a stand against breed banning, and responded to dog bite concerns with a tougher licensing program and stronger enforcement. The City of Calgary also spends considerable funds on dog safety public awareness and education campaigns. Research shows that just 1 hour of dog safety training in grades 2 and 3 can reduce these attacks by 80%.

"We don't punish breeds, we punish behavior," said chief bylaw officer Bill Bruce. "The bottom line

Pit Bull 101

The Noble Rottie

Identification

Issues

is, we believe all dogs are capable of biting." In Calgary, 90 per cent of dogs are licensed, allowing bylaw officers to keep track of pets and owners. The city also has a strict fine structure that includes a \$250 penalty for chase incidents and \$350 fines for bites. The bylaw also allows the officers to declare specific dogs as "dangerous" and this label brings with it higher license fees, muzzling rules and age restrictions on the dog's handlers. The bylaw states that a dog can only be destroyed by owner request or court order.

Discounting the CDC Report

The county of Newell in Alberta received dozens of letters and e-mails from around the world from people who oppose breed restrictions, said deputy Reeve Jack Harbinson.

Helpful Facts and Statistics

"We decided after listening to the people, they were right," he said. The success of their actions? Approximately 1000 reported dog bites in 1985 and 260 reported dog bites in 2003.

Calgary's dangerous dog legislation was implemented in response to the bite problem. Dangerous dog, not dangerous breed. The results speak for themselves - a 70% drop in the number of OVERALL dog bites.

The measures Calgary has taken have shown results, and set a model and a precedent that should be implemented across Canada. THIS is the model Ontario should be looking at...

http://www.bcdhumanesociety.com/calgary_solution.htm

Calgary dog attacks fall to lowest level in 25 years

City a leader in reducing canine problems, says top bylaw officer

By Sean Myers, Calgary Herald/February 21, 2009

Attacks by aggressive dogs are at the lowest level they've been in 25 years despite a steady population growth and the absence of breed-specific legislation brought in to tackle canine issues in other jurisdictions.

Despite the low numbers, Calgary's top bylaw officer plans to delve deeper into the causes of dog attacks to try to bring the incidents even lower.

"This is exactly what we've been targeting," said Bill Bruce. "Our ultimate goal, of course, is to get it to zero, or as close to that as possible."

Bruce said Calgary is a leader in reducing dog attacks in Canada, noting that he often receives invitations from animal services around the world to talk about the work done here to reduce dog bites.

Calgary bylaw officers recorded 340 reported aggressive dog incidents in 2008 which included chases, bites and damage to property.

Of those, 145 complaints were bites.

In 2007, 374 aggressive dog calls were made, including 137 bites, and in 2006, of 402 aggressive dog complaints, 199 were for bites.

By comparison, back in 1985, the city received a whopping 1,938 aggressive dog complaints, including 621 bites, at a time when Calgary had a population of just over 600,000.

A new pet owner bylaw was brought in three years ago that included stiffer fines and a recognition that aggressive behaviour in dogs is normally traced back to irresponsible owners. Bruce said both the heavier penalties -- ranging from \$350 to \$1,500, to euthanizing the dog--and the philosophy of blaming bad owners rather than pets has helped reduce incidents.

This year, Bruce is launching a pilot project where he'll have six officers dedicated to following up every aggressive dog complaint to identify common factors in attacks that can be addressed in future bylaw enforcement and public education campaigns.

"We want to look at everything that led up to an aggressive dog attack," said Bruce. "We're hoping to find four to six common things that people do that causes dogs to bite. Our goal is not to have anyone bitten by a dog."

At the same time Bruce investigates softer approaches to addressing pet owner issues, he's also been given a bigger stick with which to penalize chronically non-compliant dog owners.

In the fall, bylaw enforcement gained the right to tag a dog as a nuisance pet, which means doubling the fines on the owner.

One dog has already received this designation, according to Bruce.

Brandy Campbell-Biggs, president of Pit Bulls For Life, a non-profit animal rescue operation geared specifically toward pit bulls, said targeting bad owners instead of stigmatizing entire breeds is the key to reducing aggressive incidents.

While dog bites have been going down, the number of pit bulls coming to the city has been increasing,

she said.

She doesn't know how many there are in the city, but her organization has placed 160 pit bulls in foster homes or with permanent adoptive owners in Calgary over the past three and a half years.

Pit Bulls For Life brings the dogs in from jurisdictions with breed-specific legislation that sees many breeds deemed dangers, including pit bulls, targeted for euthanasia. She said 20 per cent of the dogs they help come from Ontario.

"We have a lot more pit bulls in Calgary now," said Campbell-Briggs. "Part of the reason is we don't have breed-specific legislation. I'm proud to be a Calgarian because our animal by-law officers deal with specific incidents and don't deal with it as a breed issue. There's no bias and that's so important."

Pit Bulls For Life doesn't take in any dogs with histories of aggression toward humans or other animals and says it works with the city bylaw department to educate owners.

Canada Post has also noticed a slight reduction in dog incidents involving its letter carriers in Calgary that bucks the trend nationally.

From January to August last year, 25 dog incidents were reported by carriers, two of which resulted in time off work. In the same time period in 2007, 28 incidents were reported, with three requiring time away from work.

An aggressive dog can lead to an entire block losing mail service until the animal is brought under control.

"We have to ensure the safety of our employees--your front step and front yard are our employees' workplace," said Andreean Wolvers, Canada Post safety manager for Calgary. "We tell our employees when in doubt, get out."

Wolvers says partnerships with the city and other organizations that send employees into residential neighbourhoods has helped reduce dog attacks on posties.

"The city and Bill Bruce have been very proactive," said Wolvers.

The Calgary Humane Society said the working relationship it has with the city is unique in Canada.

"We have a very collaborative relationship. When we talk to other humane societies, they say we're the only ones they've heard of that have a positive working relationship with the city bylaw department," said Calgary Humane Society spokeswoman Lindsay Jones.

"Other cities learn from us and the way we do things here."

smyers@theherald.canwest.com

<http://www.calgaryherald.com/Life/Calgary+attacks+fall+lowest+level+years/1313555/story.html>

Sun, March 18, 2007

Attacks, aggressive dog incidents down

UPDATED: 2007-03-18 14:32:23 MST

Bylaw boss credits new rules, owner awareness

By NADIA MOHARIB, SUN MEDIA

The number of aggressive dog incidents in the city is down with officials crediting beefed up bylaws for the decline.

The rate of aggression cases between dogs dropped by 56%, from 162 to 72 between 2005 and last year, bylaw boss Bill Bruce told the Sun.

Biting incidents are also down by 21% to 199, he added.

"It wasn't all about cats," he said referring to the city's highly publicized introduction of a cat bylaw.

"We did a lot to change our bylaws."

He said **stiff fines for offences combined with increased education** likely led to the good news.

Owners can face fines of \$350 if their dogs bite someone and \$750 if that person needs medical attention.

An attack can mean a fine of \$1,500.

Being blamed for a dog on dog attack sees an owner stuck with a \$250 fine.

"You, as a pet owner are 100 percent responsible," Bruce said.

"It's not controlling pets, it's about holding people responsible for their pets."

In the city of Calgary all cats and dogs three months of age and older must have a licence.

The penalty for not licensing a cat or dog is \$250.00. A animal licence enables Animal Services to return a missing cat or dog as soon as possible to an owner.

According to the latest city census there are 92,563 dogs in Calgary up from 83,475 in 1998.

The 2001 census showed there were about 90,000 cats, up by nearly 50% from the previous polling of Calgarians.

<http://catsun.cance.ca/News/Alberta/2007/03/18/3776727.html>

TOWN OF LADYSMITH

BYLAW NO. 1700

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) Bylaw No. 1488: Schedule "A" – *Town of Ladysmith Community Plan Map 1 – Land Use* is amended by placing "Multi-Family Residential" on Lot 1, District Lot 43, Oyster District, Plan 32981, Except Part in Plan 37237, 48015, VIP80990, VIP85254 (315 Holland Creek Place) as shown on Schedule 1 attached to this bylaw.
- (2) Bylaw No. 1488: Schedule "A" – *Town of Ladysmith Community Plan Map 2 – Development Permit Areas* is amended by placing "Development Permit Area 4 – (DPA4)" on Lot 1, District Lot 43, Oyster District, Plan 32981, Except Part in Plan 37237, 48015, VIP80990, VIP85254 (315 Holland Creek Place) as shown on Schedule 2 attached to this bylaw.
- (3) Bylaw No. 1488: Schedule "C" – *Holland Creek Area Plan Figure 4 – Parks & Open Space, Land Use & Circulation* is amended by placing "Multi-Family" on a portion of Lot 1, District Lot 43, Oyster District, Plan 32981, Except Part in Plan 37237, 48015, VIP80990, VIP85254 (315 Holland Creek Place) as shown on Schedule 3 attached to this bylaw.

CITATION

- (4) This bylaw may be cited for all purposes as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 28), 2009, No. 1700".

READ A FIRST TIME on the 2nd day of November, 2009

READ A SECOND TIME on the 2nd day of November, 2009

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

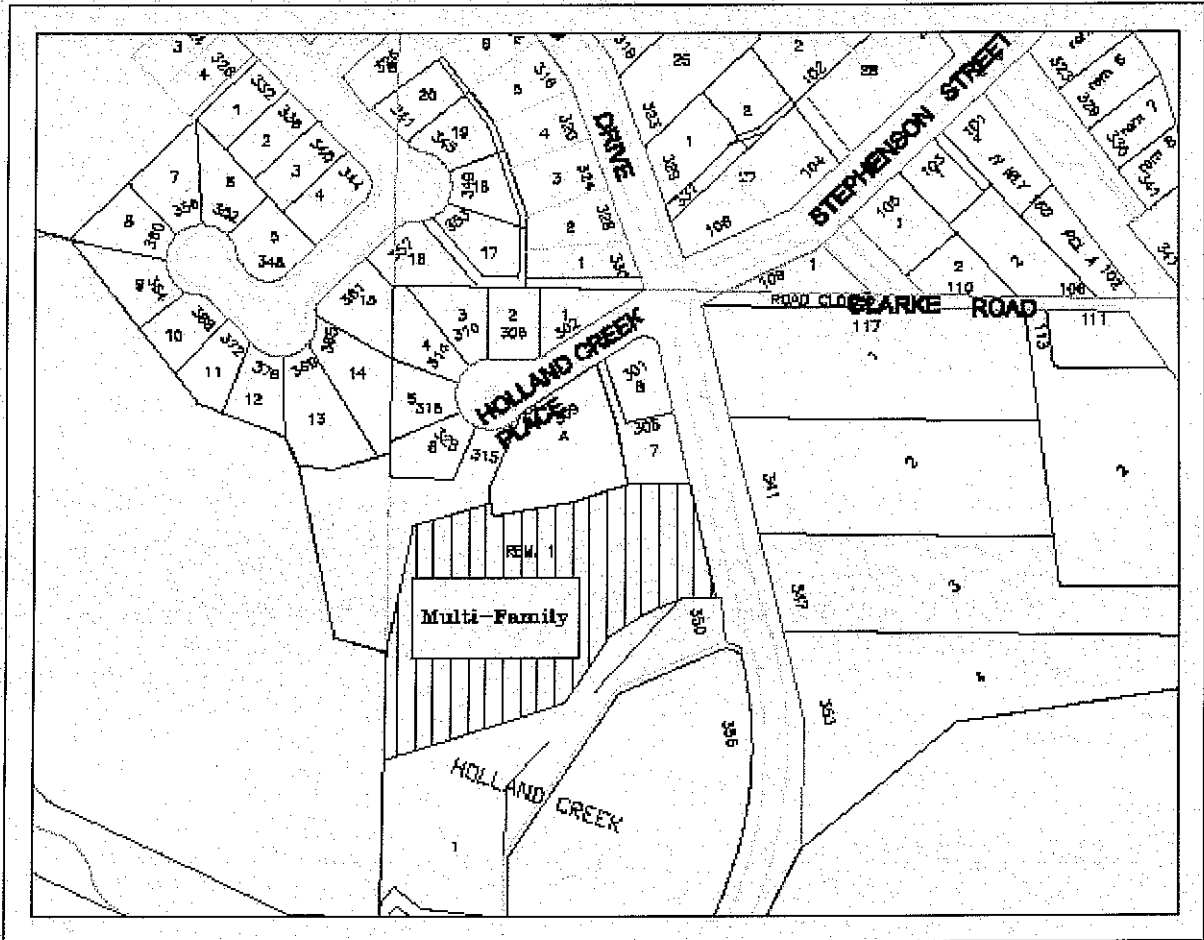
on the 7th day of December, 2009

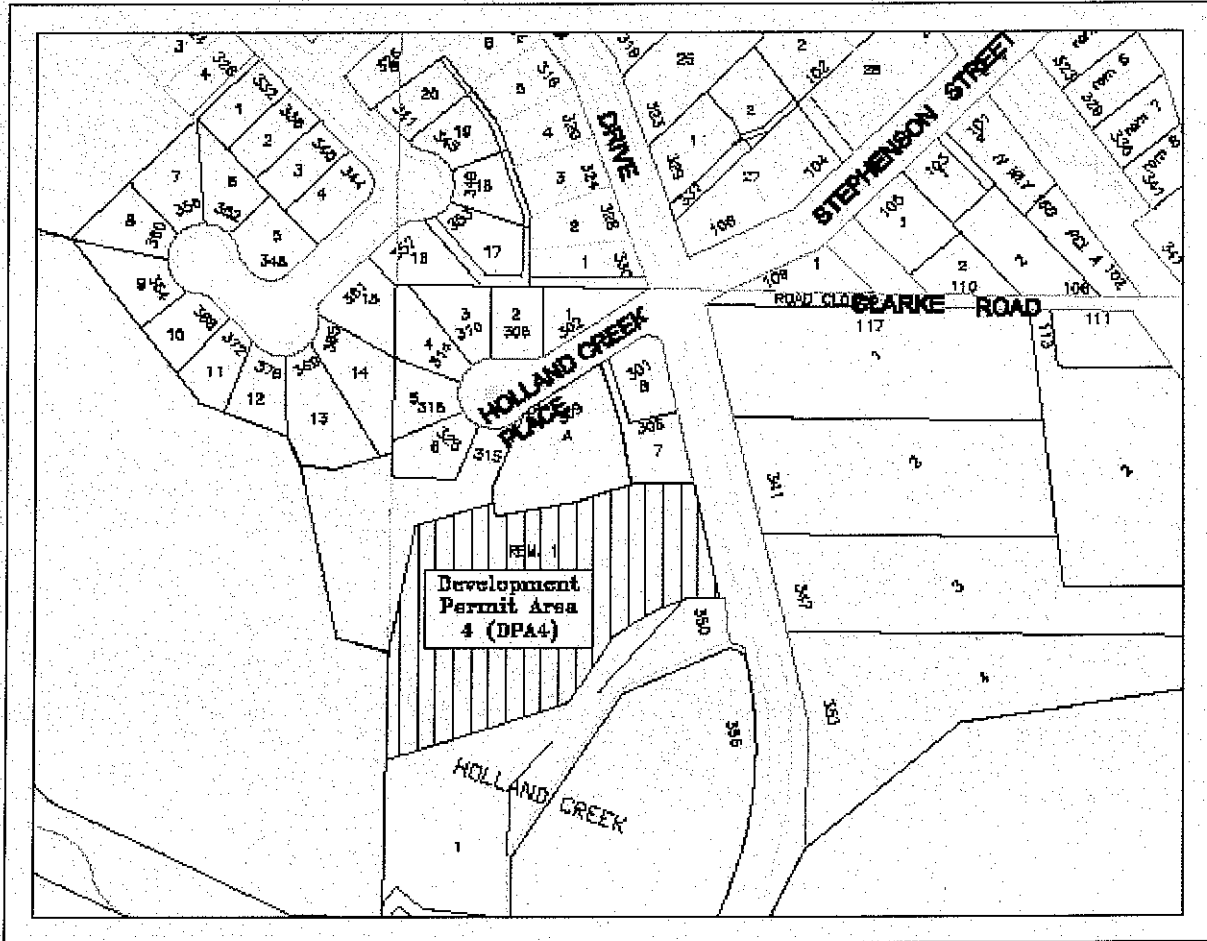
READ A THIRD TIME on the 15th day of February, 2010

ADOPTED on the day of

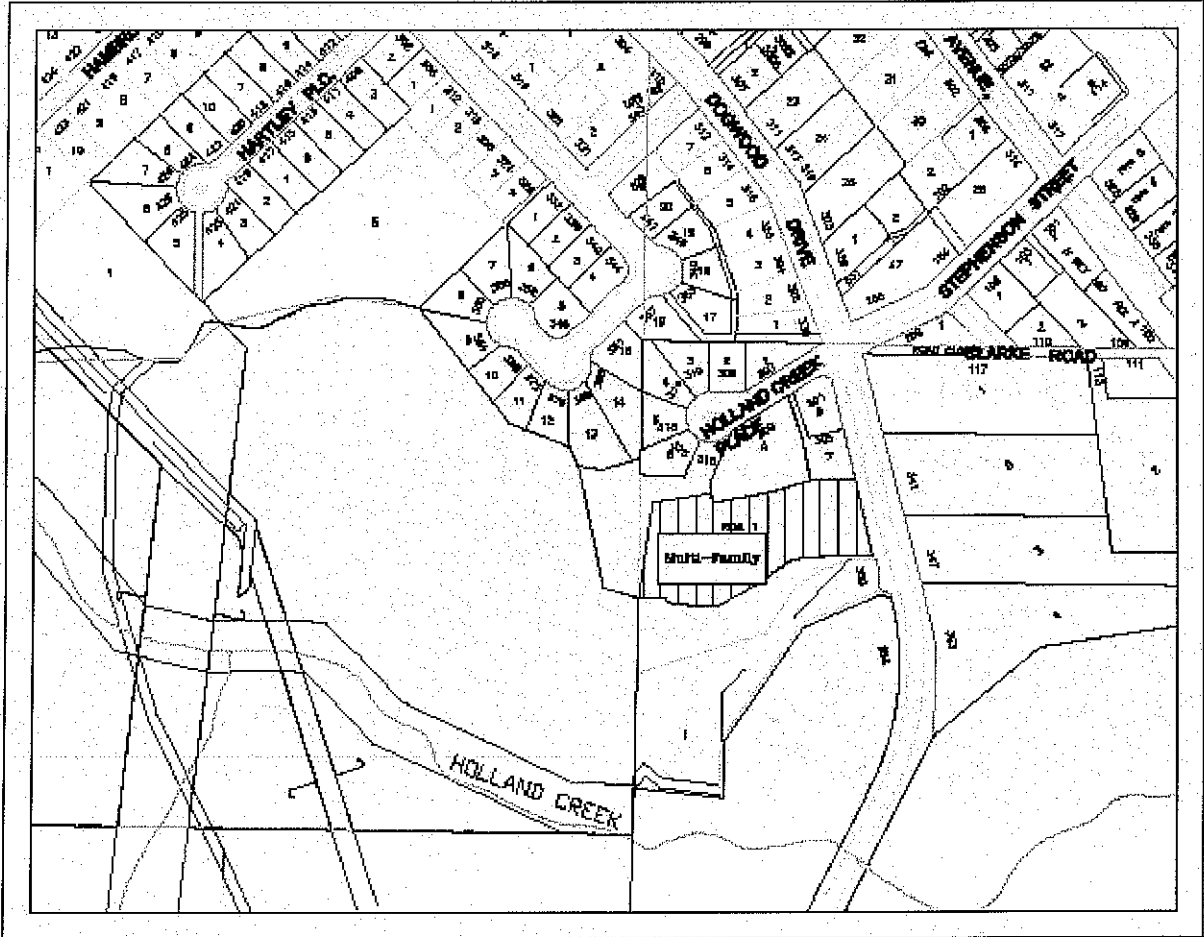
Mayor (R. Hutchins)

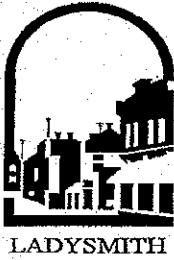
BYLAW No. 1700 - SCHEDULE 1





BYLAW No. 1700 – SCHEDULE 3





Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Manager of Development Services
Date: November 2, 2009
File No: 3360-09-03

Re: **OFFICIAL COMMUNITY PLAN (OCP) AMENDMENT & REZONING APPLICATION**
315 Holland Creek Place - Lot 1, DL 43, Oyster District, Plan 32981

RECOMMENDATION(S):

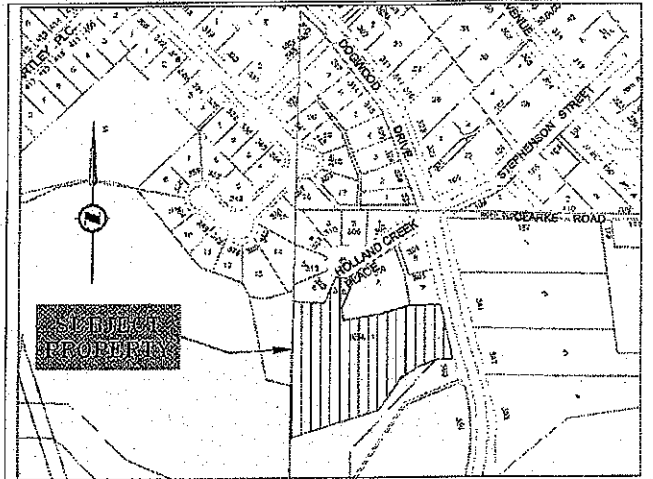
1. That Council give first and second reading to Bylaw 1700 cited as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No.28), 2009 No.1700" and Bylaw 1701 cited as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No.77), 2009, No. 1701".
2. That a public hearing be scheduled for Bylaw 1700 and Bylaw 1701 on December 7, 2009.

PURPOSE:

The purpose of this report is to present Bylaw 1700 to amend the Official Community Plan and Bylaw 1701 to amend the Zoning Bylaw, and to seek direction to schedule a public hearing.

INTRODUCTION/BACKGROUND:

On October 19 Council passed a motion directing staff to prepare bylaws to amend the Official Community Plan and Zoning Bylaw to permit 13 residential units at 315 Holland Creek Place and to work with the developer towards a land-use agreement for the proposed development, such that the developer contributes \$5000 to the amenity fund, constructs a walkway from the east end of the site to the sidewalk at Dogwood Drive, protects the entire bank area with a restrictive covenant, and utilizes many 'build green' practices in the development of the 13 units.



SCOPE OF WORK:

Bylaw 1700 proposes to amend the Official Community Plan by:

- placing 'Multi-Family Residential' as a designation on the subject property;
- placing 'Development Permit Area 4 - DPA4' on the subject property; and
- amending the Holland Creek Area Plan by placing 'Multi-Family' on the buildable area of the subject property.

Bylaw 1701 proposes to amend the Zoning Bylaw by:

- adding a new zone 'Low Density Residential (R-3-B)'; and
- placing 'Low Density Residential (R-3-B)' on the subject property.

ALTERNATIVES:

That Council provide additional direction regarding OCP and Zoning Bylaw Amendment application 3360-09-03 (Holland Creek Holdings - Kolk).

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS:

If the application proceeds a public hearing is required.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

If the application proceeds the applicant will be required to hold a neighbourhood information meeting prior to a public hearing. The application has been referred to the Stz'uminus First Nation, the Advisory Planning Commission, and the Advisory Design Panel and their comments were previously provided to Council.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to the Engineering Department, Fire-Chief, and to the Subdivision Approving Officer for review and their comments have been incorporated into the proposal.

RESOURCE IMPLICATIONS:

Processing rezoning applications is a core function of the Development Services Department. Processing this application is within available staff resources.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning and community design is a Council strategic direction.

SUMMARY:

It is recommended to give first and second reading to Bylaw 1700 and 1701 and to set a public hearing date.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Bylaw 1700

Bylaw 1701

TOWN OF LADYSMITH

BYLAW NO. 1701

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

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 a new zone "Low Density Residential (R-3-B)", as shown on Schedule 1 to this Bylaw.
- (2) The zoning map, being 'Schedule A' to "Town of Ladysmith Zoning Bylaw 1995, No. 1160", is hereby amended by placing "Low Density Residential (R-3-B)" on Lot 1, District Lot 43, Oyster District, Plan 32981, Except Part in Plan 37237, 48015, VIP80990, VIP85254 (315 Holland Creek Place) as shown on Schedule 2 to this Bylaw.

CITATION

- (3) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 77), 2009, No. 1701".

READ A FIRST TIME on the 2nd day of November, 2009

READ A SECOND TIME on the 2nd day of November, 2009

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the 9th day of December, 2009

READ A THIRD TIME on the 15th day of February, 2010

ADOPTED on the day of

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

BYLAW No. 1701 – SCHEDULE 1

13A.0 LOW DENSITY RESIDENTIAL ZONE (R-3-B)

13A.1 Permitted Uses

Subject to the conditions of use below, the following uses and no other uses are permitted in this Zone:

- (a) two family residential dwelling;
- (b) multi-family residential dwelling;
- (c) home occupation.

13A.2 Conditions of Use

- (1) The maximum parcel coverage shall not exceed 33.0 percent and the maximum floor space ratio is 0.66.
- (2) The height of a principal building shall not exceed 9.0 metres; except where a principal building roof pitch is less than 4:12, then the maximum height shall be 7.5 metres.
- (3) No buildings or structures located on a parcel within this zone shall be closer than:
 - (a) 6.0 metres to the front lot line;
 - (b) 3.0 metres to one side lot line and a minimum of 1.5 metres to the other side lot line;
 - (c) 1.5 metres to the rear lot line.
- (4) The maximum number of dwelling units permitted in this zone is 15 units per hectare of land. A parcel may contain more than one principal building.
- (5) Areas with a grade greater than 30% and sensitive natural areas shall be retained in their natural state.
- (6) The minimum finished floor area for each type of dwelling unit contained in a multi-family residential use building shall be in compliance with the requirements set out in the table below:

Type of Dwelling	Minimum Finished Floor Area Per Dwelling
Bachelor Dwelling Unit	32.0 square metres
One Bedroom Dwelling Unit	60.0 square metres
Two Bedroom Dwelling Unit	70.0 square metres
Three Bedroom Dwelling Unit	85.0 square metres
Townhouse	70.0 square metres

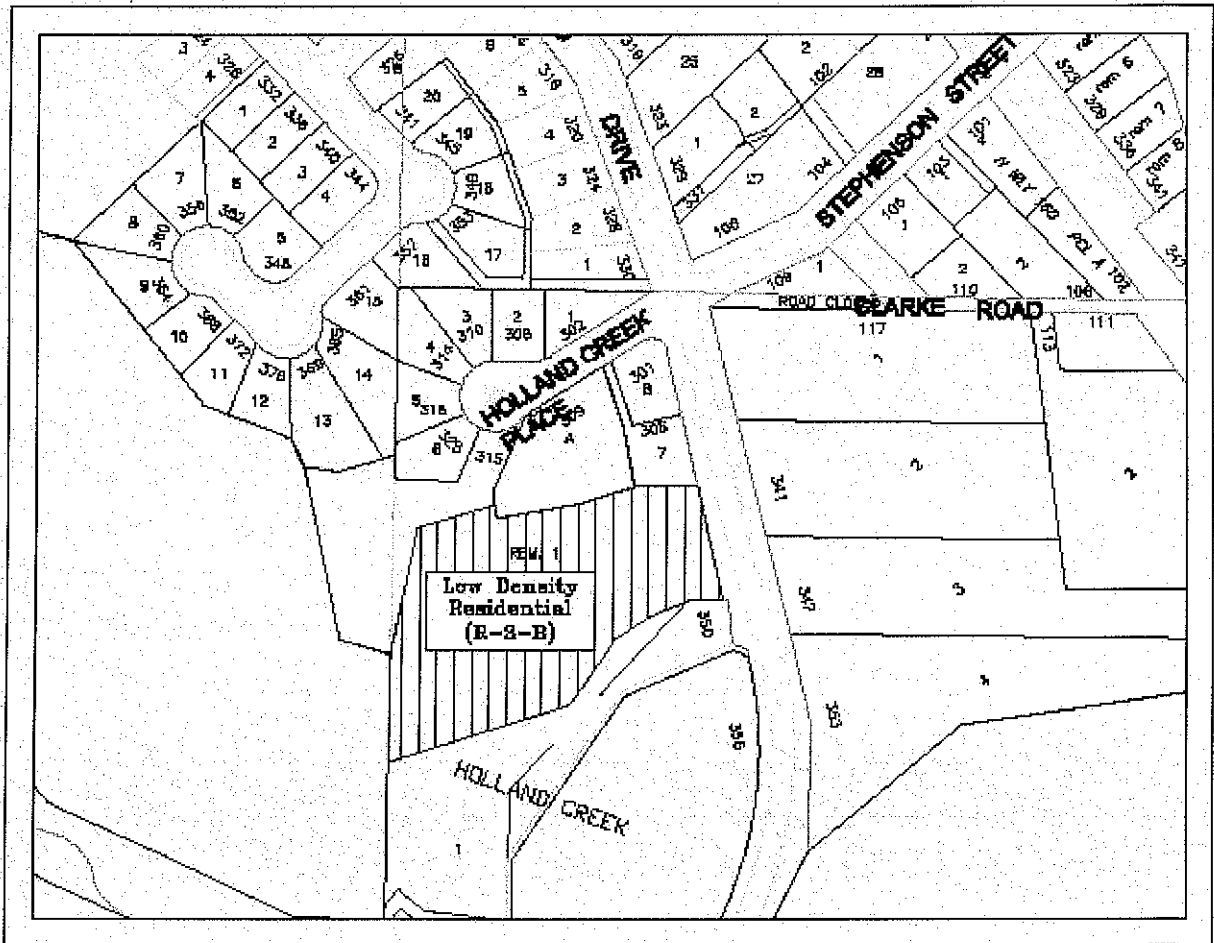
13A.3 Minimum Lot Size

- (1) All development must be connected to water and sewer services.
- (2) The minimum parcel size permitted shall not be less than 1334 square metres.

13A.4 Off Street Parking and Loading

Off street parking and loading must be provided as required by the Municipality's parking regulations.

BYLAW No. 1701 – SCHEDULE 2



TOWN OF LADYSMITH

BYLAW NO. 1750

A BYLAW TO AMEND THE LADYSMITH DEVELOPMENT PROCEDURES BYLAW 2008, NO. 1667

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

1. Amendment:

Section 3 "Application Procedure" is amended by adding the following new section (e):

"3(e) Accompanied by a completed Sustainable Development Checklist prescribed by the Director and approved by Council, as follows:

- (i) Every application for an amendment to the Official Community Plan and the Zoning Bylaw must provide the Sustainable Development Checklist; and
- (ii) Every application for a Development Permit, Development Variance Permit and a Temporary Use Permit is encouraged to provide the Sustainable Development Checklist."

2. Citation

This bylaw may be cited for all purposes as "Ladysmith Development Procedures Bylaw 2008, No. 1667 Amendment Bylaw 2011, No. 1750".

READ A FIRST TIME on the 7th day of February, 2011

READ A SECOND TIME on the 7th day of February, 2011

READ A THIRD TIME on the 7th day of February, 2011

ADOPTED on the _____ day of _____, 2011

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

TOWN OF LADYSMITH

BYLAW NO. 1751

A bylaw to amend Sign and Canopy Bylaw 1995, No. 1176 of the Town of Ladysmith.

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

Town of Ladysmith Sign and Canopy Bylaw 1995, No. 1176 is hereby amended as follows:

1. Delete the following definitions in Section 1.0 and replace with the text as noted:
 - "Highway" has the same meaning as in the *Community Charter*;
 - "Owner" has the same meaning as in the *Community Charter* and refers to the owner of the property on or from which a sign is placed or attached;
 - "Zone" means a zone established by the Municipality's land use bylaw adopted under Part 26 of the *Local Government Act*.
2. Delete the first sentence of Section 3.1.2 and replace it with the following:

"The Building Inspector shall not issue a sign permit until the permit fee as prescribed in Fees and Charges Bylaw 2008, No. 1644 is paid to the Municipality; and"
3. Delete Section 3.4.1 and replace it with the following:

"All applicants for a sign permit under any of the provisions of this bylaw shall at the same time pay the fees prescribed in Fees and Charges Bylaw 2008, No. 1644."
4. Delete Section 6.1 heading and replace it with the new heading "Institutional".
5. Delete Section 6.8 heading and replace it with the new heading "Downtown Core".
6. Delete Section 7.1 heading and replace it with the new heading "Downtown Core/Downtown Mixed Use, Home Occupation, Bed and Breakfast, Daycare, Mobile Home Park Zones".
7. Delete Section 7.2 heading and replace it with the new heading "Institutional, Highway Commercial, Industrial, Local and General Commercial Zones".
8. Delete Section 8.3 and replace it with the following:

"On completion of the installation of a sign for which a sign permit has been issued, the permittee shall immediately give the Building Inspector the sign permit and notice of completion."
9. Delete Schedule A (fees outlined in Fees and Charges Bylaw 2008, No. 1644).
10. Delete Schedule C (Sign Application) and replaced it with Schedule 1 attached to and forming part of this bylaw.

CITATION

11. This bylaw may be cited as "Ladysmith Sign and Canopy Bylaw 1995, No. 1176, Amendment Bylaw 2011, No. 1751".

READ A FIRST TIME on the _____ day of _____, 2011
READ A SECOND TIME on the _____ day of _____, 2011
READ A THIRD TIME on the _____ day of _____, 2011
ADOPTED on the _____ day of _____, 2011



TOWN OF LADYSMITH

Sign Permit and/or Façade Development Permit Application Form

(Schedule "C" of Bylaw No. 1176)

<input type="checkbox"/> Sign (4520-____-____)	<input type="checkbox"/> Façade (3060-____-____)	<input type="checkbox"/> Both (3060-____-____)
Applicant Information		
Applicant Name		
Business Name		
Telephone	Cell Phone	Email
Mailing Address		Postal Code
Project Information		
Project Civic Address		
Sign/Canopy Company	Phone	Email
<p style="text-align: center;"><u>SIGNAGE</u></p> <p>Provide a scaled drawing detailing:</p> <ul style="list-style-type: none"> <input type="checkbox"/> type of signage <input type="checkbox"/> size of signage (all dimensions) <input type="checkbox"/> location of signage on building, window(s), and /or canopy <input type="checkbox"/> wording, size & type of lettering <input type="checkbox"/> colour scheme <input type="checkbox"/> materials <input type="checkbox"/> footing details (if applicable) 	<p style="text-align: center;"><u>FAÇADE - Canopies/Awnings</u></p> <p>Provide a scaled drawing detailing:</p> <ul style="list-style-type: none"> <input type="checkbox"/> size of canopy <input type="checkbox"/> colour(s) of canopy <input type="checkbox"/> canopy material <input type="checkbox"/> location of canopy on building <p><i>*For lettering on canopies use SIGNAGE list in left-hand column</i></p>	<p style="text-align: center;"><u>FAÇADE - Painting, Windows, Siding and Architectural Details</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> 2 sets of paint colour chips <input type="checkbox"/> Sample of siding/exterior finishing <p>Provide a scaled drawing detailing:</p> <ul style="list-style-type: none"> <input type="checkbox"/> location of each paint colour <input type="checkbox"/> type, style, and location of windows and/or other architectural details
Authorization – All property owners on Certificate of Title must complete this section		
I/We hereby declare that:		
<ul style="list-style-type: none"> a) all of the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge, true and correct in all respects. b) the Town of Ladysmith may discuss the application with the sign and/or canopy company. 		
Registered <u>Owner's</u> Name:	Registered <u>Owner's</u> Signature:	Date:
	<i>This application is made with my full knowledge and consent.</i>	
Registered <u>Owner's</u> Name:	Registered <u>Owner's</u> Signature:	Date:
	<i>This application is made with my full knowledge and consent.</i>	
Applicant's Name:	Applicant's Signature:	Date:
<p>Before submitting your application: Contact the Planning Technician, Development Services Department 132C Roberts Street, Ladysmith, BC Telephone: 250-245-6400 Email: sblumensaat@ladysmith.ca</p>	<p>To submit by mail: Town of Ladysmith P.O. Box 220 Ladysmith, BC 90 1A2</p>	<p>To submit in person: City Hall 410 Esplanade Ladysmith, BC</p>

OFFICE USE ONLY

Development Services Department – Design Review

OCP Land Use	Development Permit Area	Downtown Specified Area <input type="checkbox"/> yes <input type="checkbox"/> no
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Heritage Revitalization Advisory Commission recommendation (if applicable)

Bylaw Requirements for signage:

- be made of wood, metal, or plastic material to replicate wood or metal
- be compatible with the building and heritage downtown
- have a border
- have lettering that is equally spaced with a maximum of three type faces
- not be lit or have lighting by spotlight, floodlight or other incandescent light fixtures

Visioning:

- be artistic, professionally crafted, artisanal and expressive

Comments/Recommendations:

Development Services Review _____ Date _____

Building/Bylaw Department – Technical Review

Land Use (Sign and Canopy Bylaw #1176) – is the signage type/canopy permitted?

Signage Calculation:

Total Allowable Signage:

Total Already Used:

Total Available:

Total Applied for:

Canopy Considerations:

Other Considerations (Trim, Windows, etc.)

Comments/Recommendations:

Building Inspector _____ Date _____

- In most of the communities, development permits are not issued but sign permits are issued. Many communities have development permit guidelines for signs but have found this requirement to be unwieldy.
- Heritage alteration permits are used in Nanaimo and Victoria for buildings located within a Heritage Conservation Area. If the building is on the Heritage Register, signs are referred to the Nanaimo Heritage Commission. Otherwise, the review process in other communities was a staff process.

SCOPE OF WORK:

The following scope of work is recommended as a means to "ease the process" for Ladysmith businesses to meet Sign and Canopy Bylaw requirements.

Phase 1 - Proposed amendments to the Sign and Canopy Bylaw and OCP

(a) Sign and Canopy Bylaw 1176

- Remove Schedule A (Fees) and add \$100 sign permit fee to the Fees and Charges Bylaw.
- Remove Schedule C (Sign Application). (This form would be replaced by a new combined Sign Permit /Development Permit form that would not be a part of the bylaw.)
- Remove Schedule F (DSA Design Guidelines) and insert relevant sections of the design guidelines (e.g. for signs and canopies) to the text of Bylaw 1176.
- Amend land use areas in Bylaw 1176 to match to the OCP land use designations where they are inconsistent (e.g. Institutional and Downtown Core)

(b) OCP Bylaw 1488

- Add DP exemption for "signage-only" proposals. (A new sign permit would be created to replace the current use of a sign permit and development permit.)

Phase 2 - Process improvements (sign review and processing)

This phase would involve simplifying administration and timelines. An information guide and checklist for signage would be created and distributed by staff to business owners and applicants.

ALTERNATIVES:

That any or all of the phases not be undertaken.

FINANCIAL IMPLICATIONS:

Staff would undertake this work. The Development Services Department budget includes funding for the creation of "ease of process" materials.

LEGAL IMPLICATIONS:

None.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

As part of its strategic planning for 2010, the Economic Development Commission identified that "ease of process" related to development applications should be reviewed. This initiative is consistent with that objective.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Corporate Services Department and Building Inspector would also be involved in the implementation of this project.

RESOURCE IMPLICATIONS:

Staff would undertake and coordinate this work.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Visioning Report includes the community's preference with respect to signage and form and character. The proposal would be one means of moving forward this direction.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Implementing investor communications initiatives is a 2010 strategic plan goal.

SUMMARY:

Staff has identified bylaw amendments to streamline the sign permitting process. Several house-keeping amendments to the Sign and Canopy Bylaw and Official Community Plan are recommended.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

"None".



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: October 8, 2010
File No: Bylaw 1176

Re: **SIGN PERMITTING PROCESS – RECOMMENDATIONS**

RECOMMENDATION(S):

That the Government Services Committee recommends to Council a two phase process to simplify the permitting process for business signage.

Phase 1 – Amendments to the Sign and Canopy Bylaw and OCP

Phase 2 – Process improvements (sign information, review and inspection)

PURPOSE:

The purpose of this report is to seek direction to undertake bylaw amendments that would result in improvements to the review and processing of signage proposals.

INTRODUCTION/BACKGROUND:

Business signage is regulated by the Sign and Canopy Bylaw. The Building Inspector reviews proposals for technical compliance with the regulations and Development Services staff undertakes review of the form and character of signs. In the Downtown Specified Area, design guidelines are in the Sign and Canopy Bylaw, elsewhere design guidelines are contained in the Official Community Plan. The Building Inspector refers signs in the Downtown Specified Area to the Heritage Revitalization Advisory Commission.

The current process would benefit from streamlining and clarification for business owners and tenants, as compliance with the Sign and Canopy Bylaw is low. For example, in the Downtown Specified Area, a review of files and signage installed during the period January 2009 to date, identified that generally less than 15% of businesses engage in the sign permitting process; about 25% start the process but abandon it; and 60% do not engage at all. Staff recommends that simplifying the process to require only one permit would make the process easier for the business community.

To determine whether this situation is unique to Ladysmith, staff undertook a telephone survey of other municipalities (City of Duncan, City of Nanaimo, City of Victoria, City of Nelson, City of Kimberley and Village of Kaslo). The following information confirmed our experience and also provided potential permitting improvements.

- It is common for businesses not to follow the established process for signage approval.
- All the municipalities surveyed have older Sign Bylaws that need updating.

TOWN OF LADYSMITH

BYLAW NO. 1752

A bylaw to amend "Ladysmith Fees and Charges Bylaw 2008, No. 1644"

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

1. Delete Schedule "1" of "Ladysmith Fees and Charges Bylaw 2008, No. 1644" and replace it with the following Schedule "1":

SCHEDULE "1"

TOWN OF LADYSMITH FEES AND CHARGES BYLAW NO. 1644

<i>Item:</i>	<i>Fee</i>
Miscellaneous Fees:	
Copies of Extracts of Minutes	\$0.25/page
Copies of Bylaws and Council Minutes	\$0.25/page
Certificate of Outstanding Taxes	\$15.00
Fence Line Fee	\$75.00
Topographic Maps	\$25.00
Waterfront Area Plan	\$20.00
Holland Creek Area Plan	\$20.00
South Ladysmith Area Plan	\$15.00
Official Community Plan	\$30.00
Engineering Specifications	\$30.00
Comfort Letter	\$100.00
Memorial Park Bench	\$2,500.00
Zoning Bylaw (text only)	\$10.00
Zoning Map	\$15.00
Ladysmith Visioning Report	\$25.00
Application Fees:	
OCP/Zoning Amendment	\$1,500.00 + Advertising cost
Subdivision	\$300.00 + \$100.00 per lot
Development Permit- Multiple Family, Commercial, Industrial	\$750.00
Development Permit- Downtown Specified Area Signage / Façade Improvement	\$100.00
Development Permit- Environmentally Sensitive Areas and Hazard Lands (DPA 6&7)	\$100.00
Development Permit- Amendment	\$100.00
Development Variance Permit	\$750.00
Board of Variance	\$750.00

Application Fees (cont'd):	
Temporary Use Permit	\$1,000.00 + Advertising Costs
Strata Conversion	\$200.00 per unit to a maximum of \$2,500.00
Revitalization Tax Exemption Application Fee	\$250.00
Sign Permit	\$100.00
Development Variance Permit - Signage	\$100.00
Real Estate Sign	\$20.00 per agency
Temporary Sign/Banner Deposit	\$10 + \$100 performance bond per sign/banner

2. Citation

This bylaw may be cited for all purposes as "Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2011, No. 1752".

READ A FIRST TIME on the _____ day of _____, 2011

READ A SECOND TIME on the _____ day of _____, 2011

READ A THIRD TIME on the _____ day of _____, 2011

ADOPTED on the _____ day of _____, 2011

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)