

CANADA)	IN THE MATTER OF
)	Rezoning Application RZ-A-07-21
Province of)	Rezoning Bylaw No. 1966 (the “Application”)
British Columbia)	

TO WIT:

I, Julie Lalik, resident of 3885 Lund Avenue in Smithers, British Columbia, DO SOLEMNLY DECLARE THAT:

1. I know or believe the following facts to be true. If my belief about facts is based on information from others, I have named the source of the information, and I believe that information to be true.
2. I have read, understood and agreed with the content of the Petition with its attached Rationale, which I understand will be submitted by my husband, Mr. David Lalik, in response to the Application.

Background

3. In June of 2017, my husband and I relocated to Smithers from Australia to be closer to our children and our grandchildren.
4. In July of 2017, my husband and I purchased the property at 3885 Lund Avenue (our “**Home**”). Our Home would have not even been considered for us to purchase if the M1A zoning had permitted a crematorium to be built next to us.

Our Property

5. Our Home is adjacent to the property wherein the proposed crematorium is designated to be constructed and operated according to the Application (the “**Proposed Site**”). I understand that the Proposed Site is situated on land owned by West-End Ventures Inc. (the “**Company**”).
6. Since purchasing our Home, my husband and I have worked tirelessly on our property. We continue to work on our Home and property in an effort to make both more aesthetically pleasing. Some efforts we have done to achieve this goal includes planting trees, maintaining a productive garden and yard, and installing a privacy fence at the back of our property.
7. My husband and I have poured a considerable amount of time, money and energy investing into our Home and property. We have renovated the interior and exterior of our house. Our purpose for investing all of our time, money and energy into our home and property was made for the sole purpose of being able to pass it on to our children and grandchildren for them to enjoy.
8. Our children and grandchildren often come visit. My granddaughter considers our front lawn as her own private playground. On warm summer days, we would casually float down the short stretch of Kathlyn Creek, which meanders through our property. We have always enjoyed the privilege of watching steelhead salmon rest in the creek on our property.

9. I am concerned that Kathlyn Creek, and our future use of it, is at risk if the Application succeeds. I know of no environmental testing that has been done to ensure that Kathlyn Creek will not be negatively affected by the Crematorium being constructed and operating.
10. I verily believe that the construction of a crematorium will directly and adversely affect our investment and the investment of many other property owners in the area. This is a major cause for concern for those of us who do not wish to sell and relocate. This is our home. We built a life here, and we are proud of what we have built.
11. Attached hereto and marked as Exhibit "A" is the view from our guesthouse on our property. Although it is difficult to discern the precise detail of what is in the adjacent property, one can see that there are miscellaneous vehicles, parts of vehicles, a septic mound and other unsightly obstacles that diminish the value of having a window face the Proposed Site. My granddaughter sleeps in the guesthouse from time to time, and I shiver at the thought of being put in a position where I have to explain to her what the plume of smoke is that is being emitted from the building next door or what the vehicles are loading or unloading at the Proposed Site.
12. I have previously called the Regional District of Bulkley Nechako (the "**Regional District**") to provide the Regional District with notice of the unsightly privacy fencing between our property and the Company's property.
13. Attached hereto and marked as Exhibit "B" is a photograph which features the Company's sea-cans supposedly serving as the privacy fence between the Proposed Site and our Home. The paint on the sea-cans is peeling away. The current business on the Proposed Site has used the top of the sea-cans to store bumpers for vehicles. My garden is within 10 meters of these sea-cans.
14. Attached hereto and marked as Exhibit "C" is a photograph of more tires that the business on the Proposed Site has leaned against the fence along our property. The tires leaning on the fence are now pushing the fence further into the chicken coop on our property.
15. Attached hereto and marked as Exhibit "D" is an application summary from May 17, 2016 (the "**2016 Application**"). In the 2016 Application, Bylaw 1768 was considered. One objective of Bylaw 1768, listed at page 317 of the 2016 Application, is to identify and implement the appropriate degree of landscaping and screening with special attention to the impacts on adjacent residential development and Highway 16. I verily believe the Company has failed to conduct itself in accordance with the objective set out in Bylaw 1768. I verily believe that the language in Bylaw 1768 would see that placing sea-cans with chipped or peeling paint, leaning tires that push the fence further into our chicken coop, and storing bumpers on the tops of the sea-cans and alongside our residential boundary is a blatant failure to respect the objective of Bylaw 1768. Simply put, there has been no special attention paid to the impacts on the adjacent residential property.
16. In the 2016 Application, at page 319, in the recommendations, the Planning Department for the Regional District of the Bulkley Nechako recommended the following, in part: "In general, the Planning Department does not recommend that small tenancy commercial or light industrial activity be allowed to spread along the highway in rural residential areas."
17. It is disappointing to hear that the Company is attempting to expand and diversify the commercial operations on their property when they have demonstrated a disregard for our home and property to this point.

The Crematorium

18. On November 7, 2021, at the information meeting held by the Company or the applicants of the Application, the matter of the property values were questioned. With respect, the response to my concern about the risk of a reduced value of our property because it is adjacent to a crematorium was inadequate. Ms. Laurel Menzel mentioned that BC Assessment reported that value for properties next to crematoriums still increased. I verily believe that this is misguided and fails to address the concern about a reduction in property values because of the close proximity of the crematorium. I was left with my question unanswered and dismissed as an opinion not a question.
19. Having worked in a law firm for many years, I am aware that there is a large gap between BC Assessment's value and the market value of property. BC Assessment is an unreliable source for the purpose of suggesting that having a crematorium next door would not affect property values.
20. I verily believe, when a prospective purchaser is considering two properties that are exactly the same, save for one property is adjacent to a crematorium and the other property is not, the property that is not adjacent to a crematorium would be preferable. I respectfully request that the Board for the Regional District considers this position with an open mind and as reasonable individuals.
21. In relation to the number of cremations which will be occurring at the Proposed Site, purportedly three per week, I verily believe that this is an inaccurate and misleading indicator of the intended use of the Proposed Site. If allowed to proceed, dead bodies from all the areas outside of the municipality of Smithers could be transported to the crematorium as it may be the nearest. The numbers quoted impugn the true viability of the business when considering the expense associated with building and equipment costs.
22. I am also concerned about the suggestion of the animal crematorium. Attached hereto and marked as Exhibit "E" is the Staff Report of the Regional District of Bulkley-Nechako dated November 18 2021. The report provides on page three as follows: "the cremation of animal remains may use a burning or alkaline hydrolysis process." The report further provides that the Company anticipates maximum of approximately 100 humans and 100 animals per year. I would like to know what the business plan is going forward with the Proposed Site. This remains largely unknown. The lack of transparency at this stage is a concern for the transparency moving forward.
23. Attached hereto and marked as Exhibit "F" is a letter dated November 5, 2021, from the Company issued to my husband and I (the "Company Letter"). On page 5 of the Company Letter, there is a map suggesting that the Company is planning on building a 1900 square foot building for cold storage units, a 1,200 square foot crematorium, a large sewage treatment area near my fence, and two buildings 56 x 56-feet each and labelled as an office and warehouse. The cold storage unit is not featured in the Public Information Package. This exclusion is relevant to the application and should have been disclosed.
24. A mortuary, if that is what the 1900-square foot cold storage building is for, is not expressly included as part of a crematorium. A "mortuary" is defined as place where dead bodies are kept before burial or cremation. I verily believe the mortuary would be better categorized under "cemetery" than "crematorium" pursuant to the Bylaws because the term for the storage of the dead bodies is not known. Attached hereto and marked as Exhibit "G" is an email from Mr. Jason Llewellyn to my husband, David Lalik, stating that a mortuary is not allowed as part of a crematorium use. If the cold storage is not a mortuary, I am uncertain why a 1900 square-foot building is necessary. This application is insufficient and has lacked full and complete disclosure.

The Company Letter

25. In response to paragraphs 2, 3 and 5 on page 2 of the Company Letter, I do not dispute that having a crematorium in the Bulkley Valley would be a benefit. I do, however, dispute that one should be built in an area that is surrounded by residential houses. Attached hereto and marked as Exhibit "H" is a letter my delegate, Mr. Lane Perry, emailed to an agent of the Company, Mr. Colin Bruinjes, wherein my delegate advised Mr. Bruinjes of an ideal alternative property to consider that was available at the time of Mr. Perry's letter.
26. In further response to paragraph 7 on page 2 of the Company Letter, this is a gross assumption that completely disregards the opinions and perspectives of the residents in the proximity of the Proposed Site. To suppose that the crematorium will fade into the background core disregards the different perspectives and people in the area surrounding the Proposed Site. The Company has not issued a survey of the nearby residents to positively state that this statement is true and accurate. I firmly disagree that this will be the case. I take medication for anxiety. This anxiety has escalated since I was first informed about this proposal in October from a representative of the Company.
27. Moreover, I have read the statutory declaration sworn by Ms. Roanne Kalkman on November 23, 2021, and I verily believe that the crematorium will not fade into the background for Ms. Kalkman.
28. In further response to paragraph 7 on page 2 of the Company Letter, the Company purports that there will be no visible emissions, excess noise or vehicle traffic. For the business to be viable, there must be vehicle traffic. The kinds of vehicles and the cargo they are bringing to the Proposed Site are part of the problem. To be clear, the vehicles will be carrying dead bodies and storing them in a building, waiting to be burnt. The stigma associated with the vehicles entering on the property, whether great or few, leaves a large, disturbing mental image every time a car is seen entering on to the Proposed Site.
29. In further response to paragraph 9 on page 2 of the Company Letter, this Application differs from the situation in Terrace because, in Terrace, the crematorium is already built. Those buying property near the crematorium would know that they live near a crematorium. This Application is to construct a new crematorium. To attempt to draw an inference that the purported lack of complaints from residents in Terrace means no residents nearby this crematorium will complain is presumptuous. Our opportunity to dispute the construction and operation of a crematorium in our neighbourhood is now. The circumstance in Terrace is readily distinguished from this situation.
30. In further response to paragraph 11 on page 3 of the Company Letter, this ignores a fact disclosed by the individual who participated in the information hearing on November 7, 2021, that the safe and reliable operation of crematoriums is contingent upon human operators. If operator errors are available to threaten the perfect operation of a crematorium, the crematorium presents a real and substantial risk for hazards.
31. It is also unclear what backup safety plans will happen for the cold storage unit if the power fails, which is a common event in this area of the Bulkley Valley. I suspect the minimum standard would be a backup generator, but these also fail from time to time. It is sickening to imagine the disturbing scene that would be next door to my house if the power goes out and the generators fail. These two events may be rare, but it is impossible to warrant that these two events will never happen.
32. In further response to paragraph 12 on page 3 of the Company Letter, the Company takes contrasting positions within the Company Letter. To describe the emissions are being produced

from only an average of 95 Smithers residents cremated each year juxtaposed with the position taken at paragraph 5 of page 2, wherein the author supports the lack of crematoriums, an apparent essential service, as a reason why people are relocating out of communities. If it is only 95 individuals being cremated each year, it remains unanswered whether the construction of a crematorium will remedy the social phenomenon of people relocating out of their communities.

33. In further response to paragraph 12 on page 3 of the Company Letter, I have never met anyone who has relocated, or considered relocating, to a different community on the basis that the destination community had a crematorium.

34. In further response to paragraph 13 on page 4 of the Company Letter, the author of the Company Letter supposes and assumes that the

“...crematorium will be forgotten about soon after it’s opened because most people in our community will not need our services often and our business will be a discreet, dignified facility following all rules for safety of person, structures, environment and promote a position perception within our community.”

Our Home is adjacent to the Proposed Site. The Application has caused me immense anxiety. To assume that the crematorium will be forgotten is offensive and is void of any empathy that should be owed to any neighbour in the Bulkey Valley. I respectfully invite members of the Board to apply some empathy to consider my perspective.

35. Finally, in further response to paragraph 13 on page 4 of the Company Letter, I have reservations about accepting the Company’s position that they will operate the crematorium with dignity and in compliance with all relevant rules. I have two sea-cans lined on my property serving as a “privacy fence”. On the top of this “privacy fence” are bumpers. I have tires leaning on my fence, pushing the fence further into our chicken coop. I look out my window of my guesthouse and I see a septic field, vehicles and vehicle parts, haphazardly scattered around the Proposed Site. I am apprehensive to make a complaint to the Company because of unwelcomed past interactions with the Company.

Summary

36. I have reviewed the purpose and policy objectives features in the Smithers Telkwa Rural Official Community Plan, Bylaw No. 1704, 2014 Schedule “A”, the Section 2 – Plan, Vision and Goals, which are attached hereto and marked as Exhibit “I”. I do not believe that the Proposed Site is suitable for the Project as it is in opposition to the General Plan Vision and the General Plan Goals.

37. I do not disagree that there is a public need for a crematorium in this region generally. However, there are number other zones with the proper designation for the proposed use which do not impact residential areas, or which would impact it to a lesser degree, as described in my delegate’s letter to Mr. Colin Bruinjes.

38. I respectfully prepare and submit this statutory declaration in an effort to allow me and my family to enjoy our home, our creek, our trees, our garden, our chickens, our view, and even the short stretch of Lund Avenue where we normally are able to breathe a sigh of relief as we approach our Home.

DECLARED BEFORE ME at
Smithers, British Columbia
on November 30, 2021



LANE J. PERRY
A Notary Public In and For the
Province of British Columbia
Box 790, 3875 Broadway Avenue
Smithers, BC V0J 2N0


Julie Lalik

ZIMMERMAN DE AOT SMO
 BOX 120 7812 HOSCHERLY VASINE
 HOSCHERLY DE ZIMMERMAN
 A HOSCHERLY HOSCHERLY DE
 HOSCHERLY

This is Exhibit "A" referred to in the
Affidavit of Jude Laik
sworn before me at Smithers
this 30 day of November

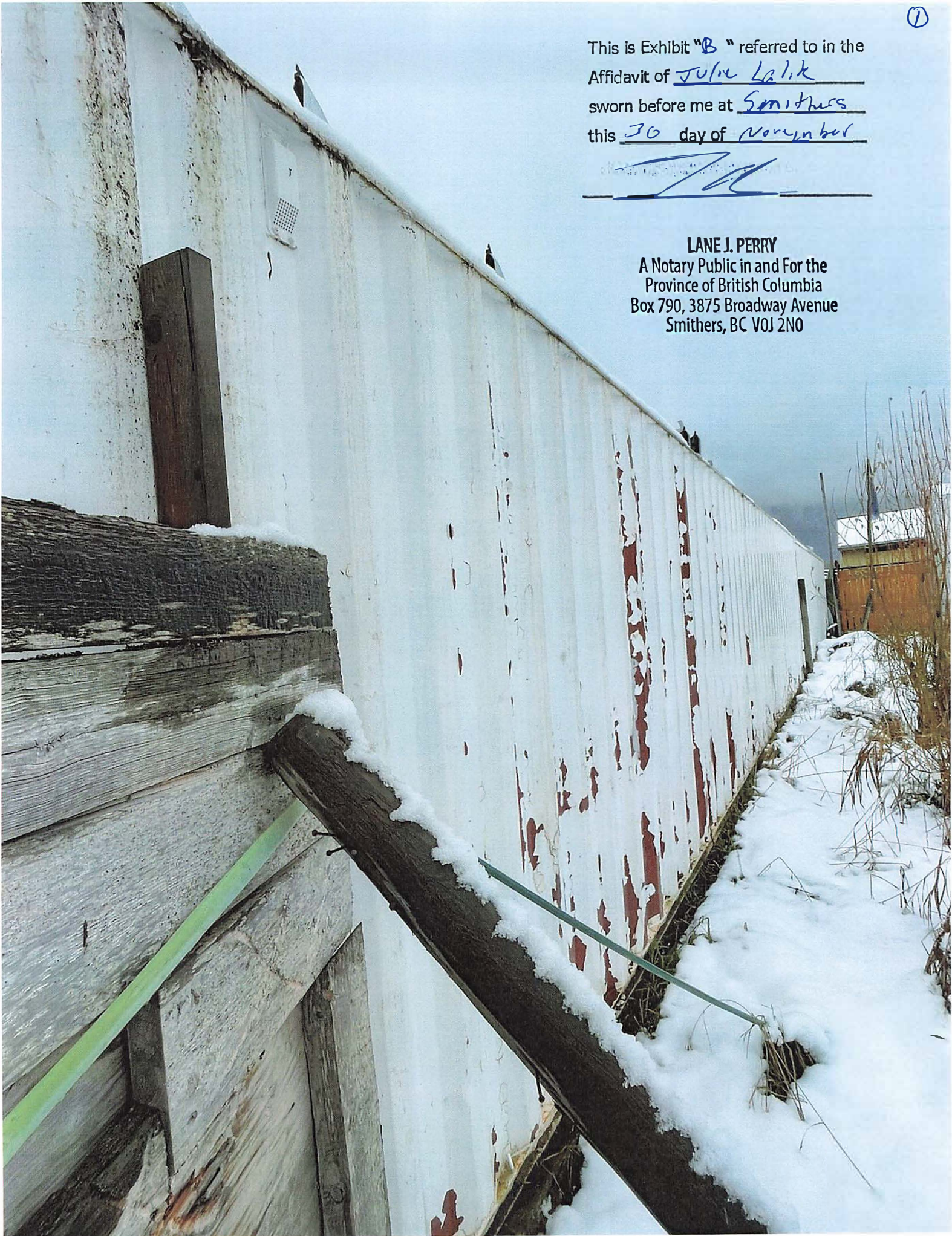
LANE J. PERRY
A Notary Public in and For the
Province of British Columbia
Box 750, 3875 Broadway Avenue
Smithers, BC V0J 2N0



This is Exhibit "B" referred to in the
Affidavit of Julie Lalik
sworn before me at Smithers
this 30 day of November

[Signature]


LANE J. PERRY
A Notary Public in and For the
Province of British Columbia
Box 790, 3875 Broadway Avenue
Smithers, BC V0J 2N0

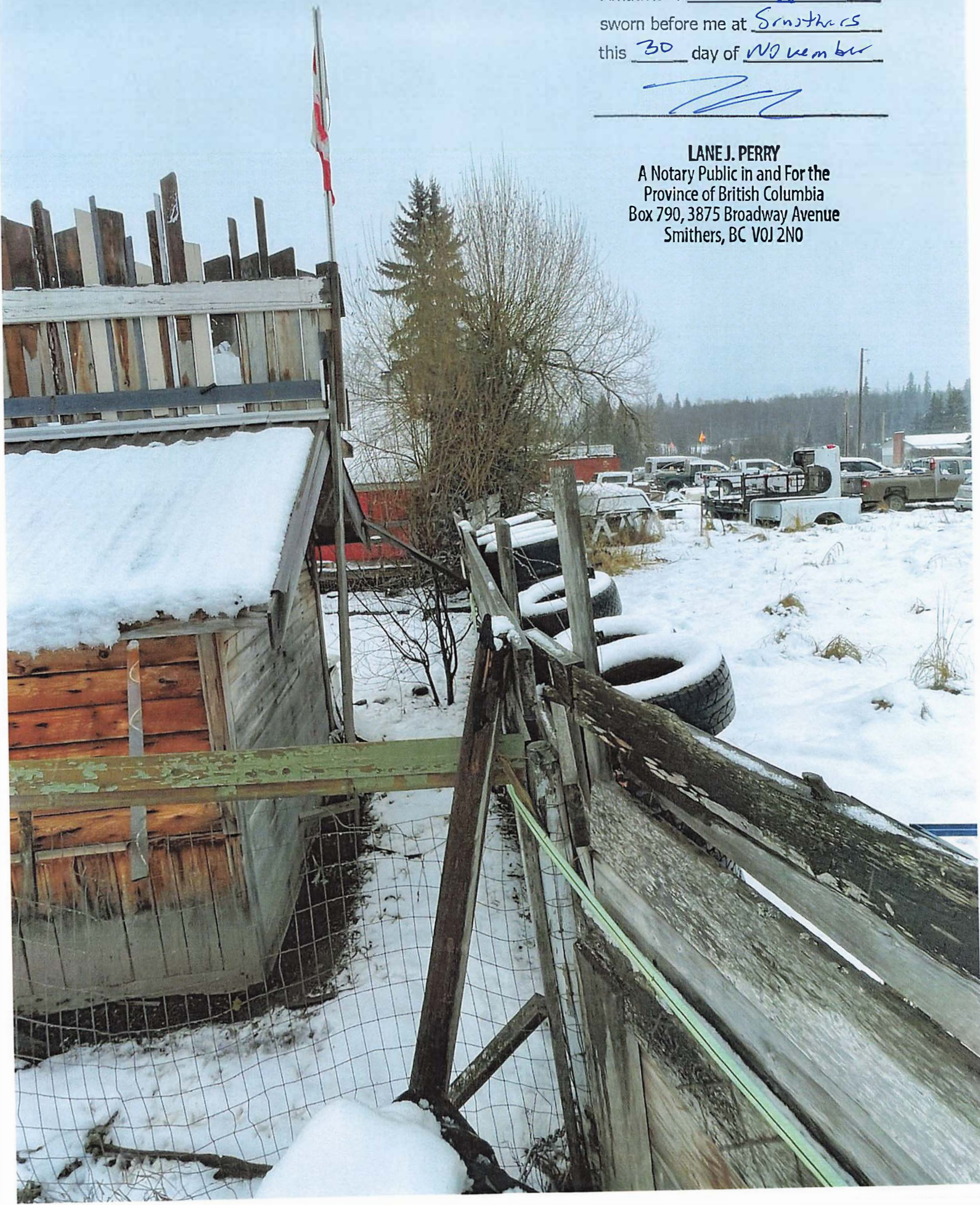




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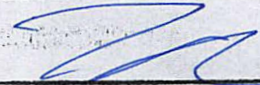
This is Exhibit "C" referred to in the
Affidavit of Sulve Lalik
sworn before me at Smithers
this 30 day of November


LANE J. PERRY
A Notary Public in and For the
Province of British Columbia
Box 790, 3875 Broadway Avenue
Smithers, BC V0J 2N0





1

REGIONAL DISTRICT OF BULKLEY-NECHAKO
This is Exhibit "D" referred to in the
Affidavit of Julie Dalke
sworn before me at Smithers
this 30 day of November




LANE J. PERRY
A Notary Public in and For the
Province of British Columbia
Box 790, 3875 Broadway Avenue
Smithers, BC V0J 2N0

AGENDA

MEETING NO. 7

MAY 26, 2016

P.O. BOX 820
BURNS LAKE, BC V0J 1E0
PHONE: (250) 692-3195 OR 1-800-320-3339
FAX: (250) 692-3305
www.rdbn.bc.ca

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WITHIN OUR REGION"

PLANNING DEPARTMENT COMMENTS

The public hearing for Bylaws No. 1712 and 1768 was held on May 16th, 2016. The report of the Public Hearing is attached to this report.

Official Community Plan (OCP) and Development Permit Areas (DPA)

Proposed Bylaw 1768 adds a new section regarding Development Permit Areas to the Smithers Telkwa Rural Official Community Plan, and designates the subject property as a highway corridor development permit area.

Section 488 (1)(a)(d) and (f) of the *Local Government Act* gives a local government the ability to designate land as a development permit area (DPA) in the OCP, for one or more purposes. The OCP must describe the special objectives or conditions that justify the DPA designation and also specify guidelines respecting the manner by which the special conditions or objectives will be addressed. Within a DPA a property owner must obtain a development permit before developing the land.

Bylaw 1768 states that the objectives are:

1. To provide for the appropriate form and character of commercial and industrial development given the high visibility of these areas and their exposure to Highway 16.
2. To facilitate the compatibility of site design and site function with the rural setting and adjacent land uses.
3. To identify and implement the appropriate degree of landscaping and screening with special attention to the impacts on adjacent residential development and Highway 16.
4. To accomplish the above in a manner that protects the natural environment, and retains as much as possible in its natural or existing state, and otherwise enhancing and facilitating natural processes and habitat where possible

The bylaw also outlines the exemptions for when a permit is not needed, such as for subdivision, temporary structures, minor construction or alteration, replacement or development activities that are not related to the commercial or industrial use of the land. The guidelines contain regulations about parking, lighting, landscaping, screening and signage.

Prior to development the property owner would be required must make an application to the RDBN. The application process involves the RDBN reviewing the development plans for conformity to the applicable guidelines. If the development plans do not conform to the guidelines the Board may deny the application and the development can not occur.

Zoning

As can be seen on the map below, there is a mix of zoning adjacent to the subject property. The lands zoned Light Industrial (M1) and Highway Commercial (C2) are

It is noted that the uses have also been added to the Light Industrial (M1) Zone as permitted uses.

Recommendations

In general, the Planning Department does not recommend that small tenancy commercial or light industrial activity be allowed to spread along the highway in rural residential areas. This type of strip development is attractive for business as the land has good exposure, can be inexpensive compared to other lands in commercial areas, and is less expensive to develop because of reduced development standards and regulations in the rural area. Accommodating strip commercial / industrial development along the highway is inefficient and there are notable aesthetic, function, and land use conflict related issues that will inevitably result.

However, the situation is complicated by the fact that the property is currently zoned C1. The property owner is making the argument that the proposed uses represent an improvement over the uses permitted in the C1 zone, and that the proposed uses are suitable for the property. This argument has merit in staff's opinion.

The designation of the property as a development permit area, and the Board's ability to ensure the development meets the guidelines outlined, provides some certainty regarding the manner in which the property may be developed. In staff's opinion this is important given the high visibility of this location, in the middle of a residential neighbourhood.

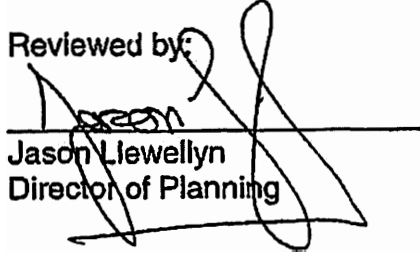
This proposal should not have a notable negative impact on the surrounding area, and be an improvement over the existing C1 zone.

Recommendations

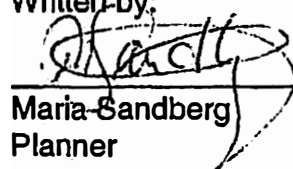
1. That the Regional District Board receive the Report of the Public Hearing for "Smithers Telkwa Rural Official Community Plan Amendment Bylaw No. 1768, 2016", and "Regional District of Bulkley-Nechako Rezoning Bylaw No. 1712, 2016".
2. That "Smithers Telkwa Rural Official Community Plan Amendment Bylaw No. 1768, 2016" and "Regional District of Bulkley-Nechako Rezoning Bylaw No. 1712, 2016" be given third reading.

Electoral Area Planning – All Directors/Majority

Reviewed by:


Jason Llewellyn
Director of Planning

Written by:


Maria Sandberg
Planner



REGIONAL DISTRICT OF BULKLEY-NECHAKO

STAFF REPORT

This is Exhibit "E" referred to in the Affidavit of Julie Lalik

sworn before me at Smithers
this 30 day of November

TO: Chair Thiessen and Board of Directors
FROM: Jason Llewellyn, Director of Planning
DATE: November 18, 2021
SUBJECT: Rezoning Application RZ A-07-21
1st and 2nd Reading for Rezoning Bylaw No. 1966

LANE J. PERRY
A Notary Public in and For the
Province of British Columbia
Box 790, 3875 Broadway Avenue
Smithers, BC V0J 2N0

RECOMMENDATION

1. That "Regional District of Bulkley-Nechako Rezoning Bylaw No. 1966, 2021" be given 1st and 2nd reading and subsequently be taken to Public Hearing.
2. That the Public Hearing for "Regional District of Bulkley-Nechako Rezoning Bylaw No. 1966, 2021" be delegated to the Director or Alternate Director for Electoral Area A.

VOTING

All / Directors / Majority

EXECUTIVE SUMMARY

The applicant is requesting a text amendment to the Zoning Bylaw to add Crematorium as a permitted use in the M1A Zone. There are two parcels in Electoral Area A zoned M1A (3844 Henry Road and 8150 Highway 16). The applicant proposes to establish a Crematorium at the 3844 Henry Road property.

Staff recognize that there is a need for cremation services in the region, and do not anticipate that a Crematorium would have a notable negative impact on the area surrounding either parcel. Therefore, it is recommended that "Rezoning Bylaw No. 1966, 2021" be given first and second reading and be taken to Public Hearing to allow area residents the opportunity to provide input.

APPLICATION SUMMARY

Name of Agent/Owner: West-End Ventures Inc.

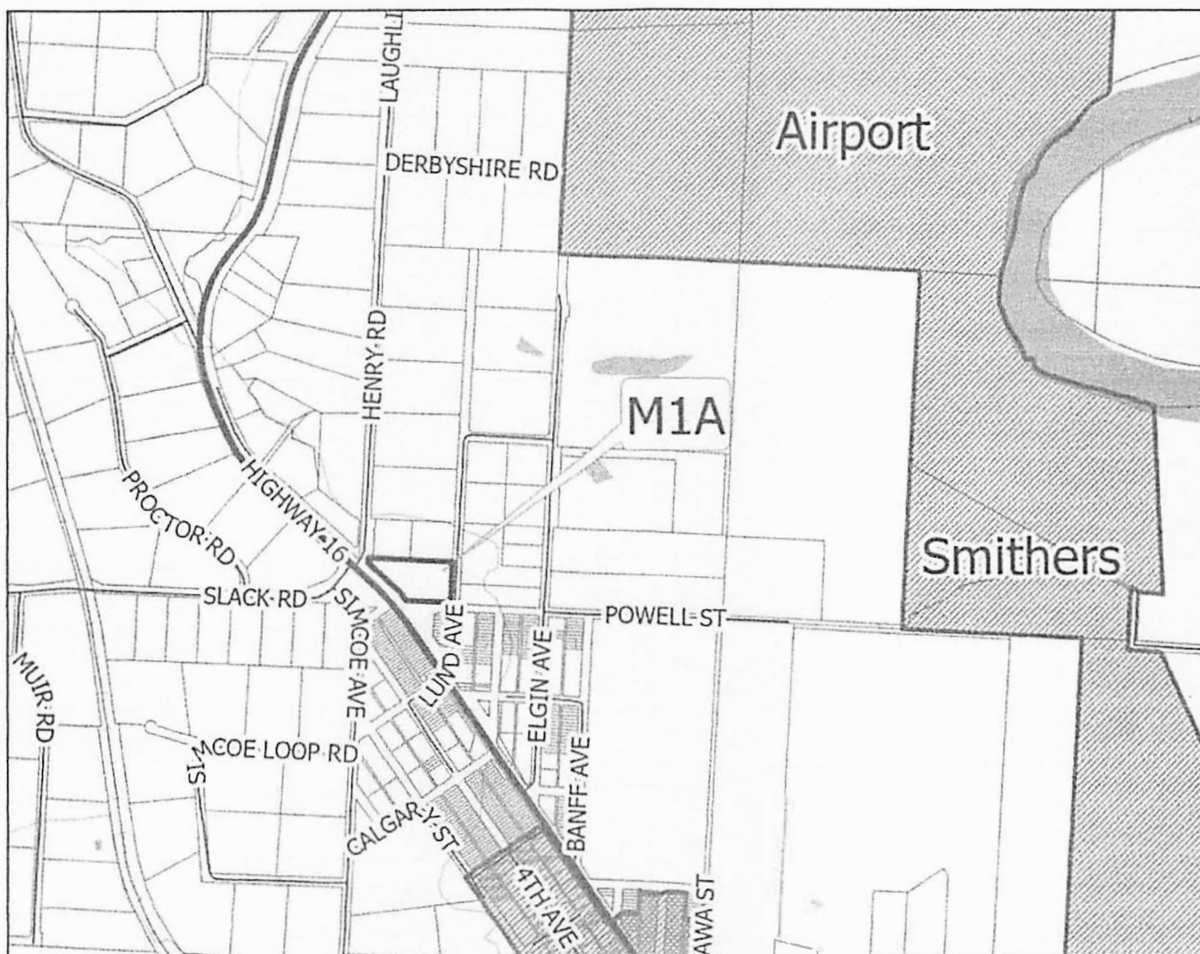
Electoral Area: A

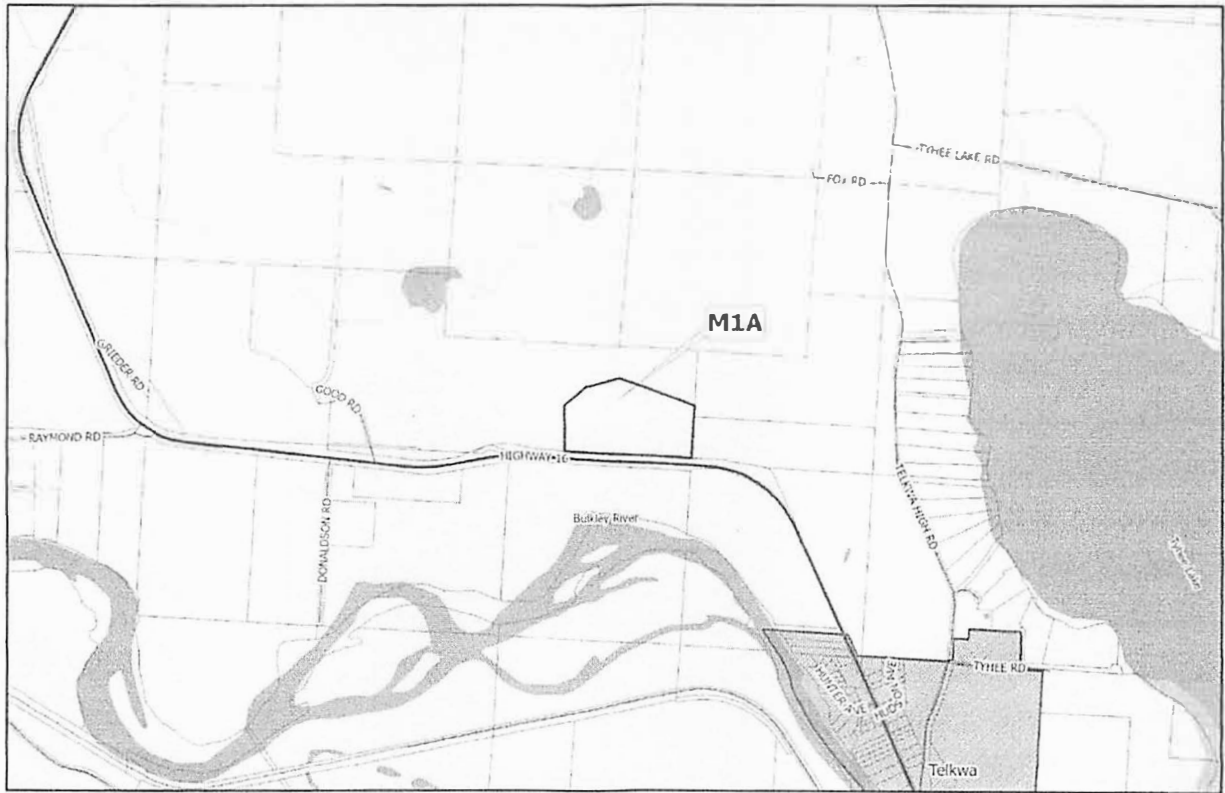
Subject Properties: 3844 Henry Road, ± 1.35 ha., (Lot 3, Section 2, Township 1A, CD, Plan 4733)
8150 Highway, ± 16.4 ha., (Lot 1, District Lot 256, Range 5, Coast District Plan PRP14250 Except Plan PRP14966)

Zoning: Light Industrial – Contracting (M1A) in “Regional District of Bulkley-Nechako Zoning Bylaw No. 1800, 2020.” (the Zoning Bylaw)

Existing Land Use: 3844 Henry Road - Vehicle rental and contracting business
8150 Highway 16 – Light Industrial Uses

Location:





Proposed Rezoning

The applicant is requesting a text amendment to the Zoning Bylaw to add Crematorium as a permitted use in the M1A Zone to allow the use on their 3844 Henry Road property. The proposed text amendment to the M1A Zone would allow a crematorium on two parcels in the RDBN, both of which are in Electoral Area A, as shown on the previous maps.

A crematorium means the use of land, building or other structure for the cremation of human or animal remains. The cremation of animal remains may use a burning or an alkaline hydrolysis process. The cremation of human remains may only use a burning process. The applicant anticipates that a maximum of approximately 100 humans and 100 animals would be cremated per year. The proposed rezoning would not allow the operation of a funeral home in the M1A Zone.

Crematoriums are currently permitted uses in the Light Industrial (M1), Heavy Industrial (M2), Agricultural Industry (M3), and Special Civic / Institutional (P1A) Zones.

DISCUSSION

The Regulation of Crematoriums

Crematoriums in BC are regulated by the Business Practices and Consumer Protection Authority and are subject to the regulations in the *Cremation, Interment and Funeral Services Regulation*. These regulations ensure local government approval of the land use and require operation of the cremation equipment according to manufacturers specifications, and other technical requirements. There is a general requirement under the *Environmental Management Act* (Section 6(4)), that applies to crematoriums, that a person must not introduce waste into the environment in such a manner or quantity as to cause pollution. However, emissions from crematoriums are not monitored by any Provincial Government agency and there are no specific emissions standards for crematoriums.

The Business Practices and Consumer Protection Authority says that local governments can set their own emissions standards; however, it is unclear under what authority this could be achieved by the RDBN.

Planning Department Comments

The applicant, in their attached letter, explains that there is a gap in service within the Smithers/Telkwa area, and residents must access cremation services in the communities of Terrace or Vanderhoof. Planning Department staff agree that this service is needed in the region, and that a crematorium is a commercial service use which is appropriately accommodated in the rural area given the increased potential for land use conflict in a high-density residential setting.

Staff's research has indicated that a properly operated crematorium may have little impact on the surrounding community. However, should the incineration equipment not operate properly there could be times where emissions are visible. In this case staff can not ensure the Board that there would be any meaningful action the RDBN could take to ensure the facility operated properly. Enforcement would be up to the Provincial Government.

There are approximately 22 residential dwellings within 200 metres of both properties. The applicant has proactively sent an information package to owners advising them of the application, and offering to answer any questions, in advance of any Public Hearing notification.

The 8150 Highway 16 property is in a sparsely populated area in the Agricultural Land Reserve (ALR). A Crematorium is not proposed for this property and could not be developed without Agricultural Land Commission (ALC) approval. The property owner was informed of the proposed change to the M-1A zone and had no objections.

Referral

The Advisory Planning Commission for Electoral Area A recommended that the application be supported. The Ministry of Transportation has no objection to the proposed text amendment. The Town of Smithers and Northern Health did not respond to the referral at the time of the writing of this report.

ATTACHMENTS

Rezoning Bylaw No. 1966, 2021

Letters and attachments submitted by the applicant link

- site plan and photos
- Letter from North Coast Cremation Services to Ms. Laurel Menzel, April 2, 2021
- Data Sheet X1000 machine
- Data Sheet Pet 400
- Letters of support

Background information provided by staff (links)

- **Cremation, Interment and Funeral Regulation. B.C. Reg. 298/2004.**
- **Consumer Protection BC. "Cemetery and Funeral Services: Crematory Technical Checklist".**
- **Juliette O'Keeffe. "Crematoria Emissions and Air Quality Impacts." National Collaborating Centre for Environmental Health. Mar 24, 2020.**
- **Letter from Vancouver Coastal Health regarding air emissions and crematoria. August 15, 2018.**
- **Haley Piagno & Reza Afshari. "Mercury from crematoriums: human health risk assessment and estimate of total emissions in British Columbia." The Canadian Public Health Association, 2020.**



REGIONAL DISTRICT OF BULKLEY-NECHAKO
BYLAW NO.1966, 2021

A Bylaw to Amend "Regional District of
Bulkley-Nechako Zoning Bylaw No. 1800, 2020"

The Board of the Regional District of Bulkley-Nechako in open meeting enacts as follows:

That "Regional District of Bulkley-Nechako Zoning Bylaw No. 1800, 2020" be amended by adding Crematorium to the list of Permitted Principal Uses for the Light Industrial – Contracting Zone in Section 22.1.1.

This bylaw may be cited as "Regional District of Bulkley-Nechako Rezoning Bylaw No. 1966, 2021".

READ A FIRST TIME this ____ day of _____, 2021

READ A SECOND TIME this ____ day of _____, 2021

PUBLIC HEARING HELD this ____ day of _____, 20__

READ A THIRD TIME this ____ day of _____, 20__

I hereby certify that the foregoing is a true and correct copy of "Regional District of Bulkley-Nechako Rezoning Bylaw No. 1966, 20__".

DATED AT BURNS LAKE this ____ day of _____, 2022

Corporate Administrator

ADOPTED this ____ day of _____, 2022

Chairperson

Corporate Administrator

WEST-END VENTURES INC.



PO BOX 820 SMITHERS BC V0J2N0

PHONE: 250-877-1267

November 5, 2021

Re: Application for zoning bylaw amendment

West-End Ventures Inc. File RZ A-07-21

Subject Property: 3844 Henry Road - Lot 3, Sec 2, TWNSHP 1A, RG5, CDPLAN 4733

Dear property owner and neighbour:

The owners of the above property have applied for a zoning bylaw amendment to add crematorium as a permitted use. The owners, West-End Ventures Inc. and operator, Laurel Menzel, feel there is a need for this essential service and it will benefit the region significantly. Included are a supplement letter, a site plan and the application process. The intent is to engage you, the neighbours, in the process. As part of this public engagement process you are invited to participate in a zoom meeting. The details are:

Topic: Community Info Meeting - Crematorium

Time: Nov 17, 2021 07:00 PM Vancouver

Join Zoom Meeting

<https://us02web.zoom.us/j/88617190457?pwd=eUN2N0NHVkd5GR1VpTFhTWntSmQ3UT09>

Meeting ID: 886 1719 0457

Passcode: 757415

Please contact the representatives below if you have any questions or concerns.

Property representative:

Colin Bruintjes

Phone: 250-877-1267

Email: colin@ctbcpa.ca

Operations representative:

Laurel Menzel

Phone: 250-321-2447

Email: Laurel.menzel@gmail.com

This is Exhibit F referred to in the
Affidavit of Julie Lalik
sworn before me at Smithers
this 30 day of November

We look forward to your feedback.

Your sincerely,

Colin Bruintjes

West-end Ventures Inc.

LANE J. PERRY
A Notary Public in and For the
Province of British Columbia
Box 790, 3875 Broadway Avenue
Smithers, BC V0J 2N0

SUPPLEMENTAL LETTER OF RATIONAL ZONING AMENDMENT

Proposal: The application is for the addition of cremation under the permitted uses of the Light Industrial - Contracting Zone of the Bulkley Nechako Regional District.

Rationale: There is a gap in service indicated by a 500km stretch without a crematorium within the regional district, despite a local cremation rate of 86% (statistic taken from 2019 Vital Statistics report on method of disposition), which clearly demonstrates this is a service residents are accessing elsewhere. Essential service in one's home community is always preferred.

Smithers residents are still accessing cremation services in the communities of Terrace and Vanderhoof at a rate of 86% of reported deaths, often involving the obtaining of permits to transport the deceased, purchasing transport containers and carrying out the transportation personally, which is not something many would choose.

Benefits: Lack of access to essential service is among the top reasons why families relocate out of communities (statistic taken from 2019 UBC CPD Report). Death care, in general, is essential and cremation, in particular, is essential in many cultural and religious practices as well as a logical choice for unexpected deaths that occur during winter. By amending the site specific bylaw to include cremation, room for these services to come to the valley will be made. Establishing a local crematorium, in an accessible location such as 3844 Henry Road, which addresses a current lack in service, is one way in which to attract new residents and maintain current ones.

Cemetery space is not unlimited and a crematorium has a significantly smaller footprint.

What about the Neighbours?

Much like Smithers' local funeral home residing in its downtown core, the crematorium will soon fade into the background as all buildings that were once new do.

Without visible emissions, excess noise or vehicle traffic, or a need to frequent the establishment often, the crematorium is entirely unlikely to cause any sort of disturbance to any neighbouring residences or businesses.

In Vanderhoof, BC, you'll find a crematorium existing without conflict in a commercial zone, one street off the main drag of downtown, while in Terrace, BC, you'll find a crematorium surrounded on all sides by residences. The city of Terrace confirms they have never received a complaint about the crematorium.

3

with redundant safety features to ensure safety and compliance with workplace safety guidelines.

In addition, crematoriums in British Columbia are permitted by Consumer Protection BC, who have their own requirements including a facility inspection and engineer sign off on installation. Please see attached Consumer Protection BC documents, Inspection Guide and Technical Checklist and letter from equipment manufacturer.

Emissions/Environmental Factors

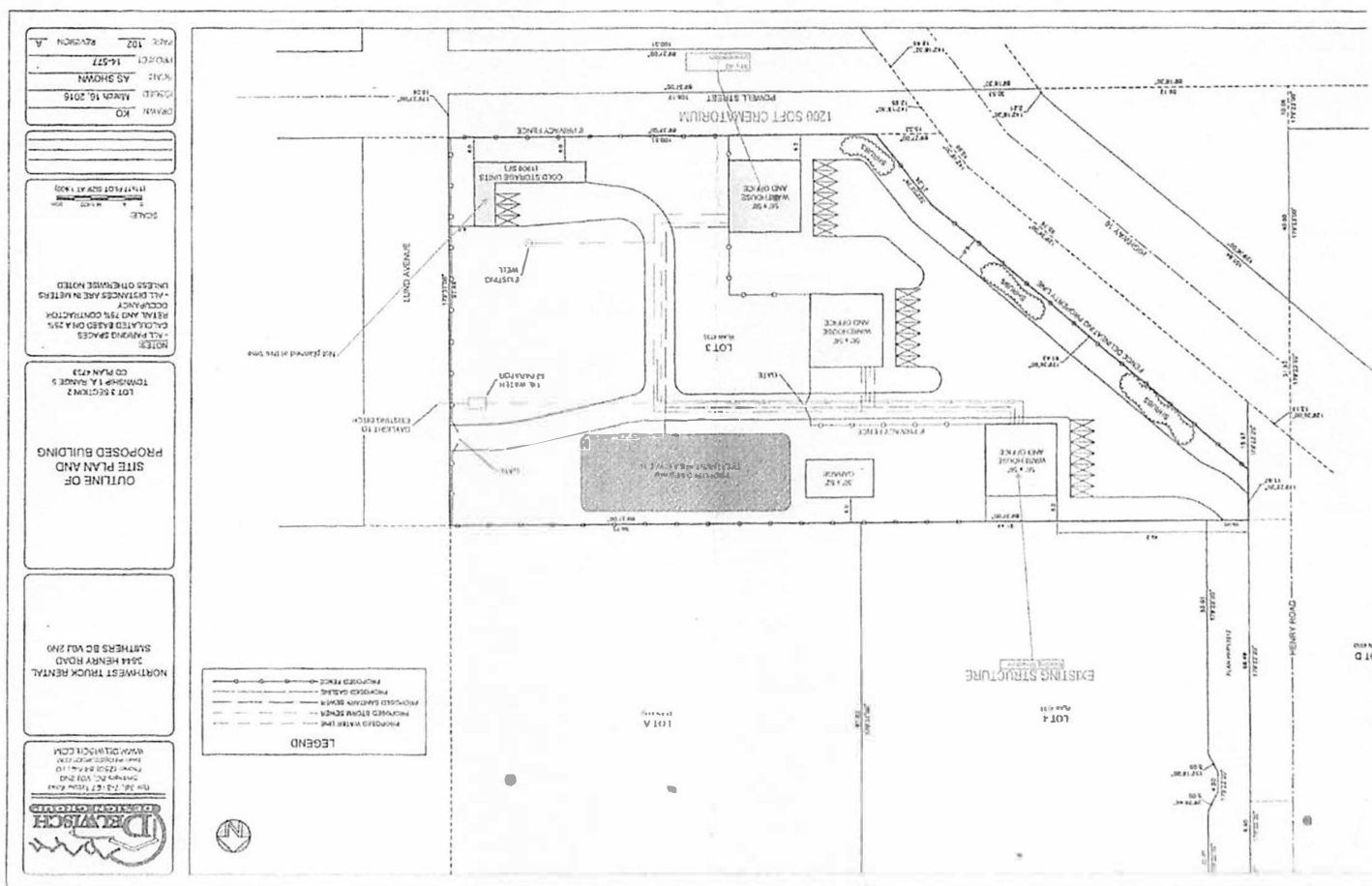
Modern cremation equipment is designed to reduce human or animal remains to a bone fragment state through combustion and dehydration. Combustion is the act or instance of burning. During the primary combustion the body is reduced to its molecular state (in gaseous form) and the carbon and hydrogen gasses from the body (and the hydrocarbon fuel) will be combusted a second time in a second chamber within the system. The secondary combustion allows added oxygen (as part of the overall system of "make-up" air) to connect with the carbon and hydrogen forming CO₂ and H₂O. Nitrogen, which is already present in the air we breathe, is also emitted. Obviously, perfection in combustion is impossible, but modern cremation equipment is designed to operate as close to perfection as possible. The emissions of hazardous gasses are so insignificant that they are not regulated federally (even the US EPA doesn't regulate the emissions from crematoria). A properly operated and properly maintained crematorium will far exceed provincial emission limits for all contaminants, even particulate matter (smoke). Even during an upset situation, which are incredibly uncommon, many do not know that the visible emissions are nothing more than carbon atoms that were not able to meet up with 2 oxygen atoms. Visible emissions from cremation are NOT human remains.

Considering that there are only an average of 95 Smithers residents cremated each year, the emissions will be virtually non-existent. (Statistics taken from Vital Statistics Method of Disposition Report 2015-2019)

Disease Transmission

Because combustion transforms the body and container to its molecular state, any pathogens that may be present are completely eradicated. The cells and their proteins are broken, as is all DNA/RNA and bacteria and viruses (even prions) are broken up as well. Cremation has been proven to kill ebola, HIV, corona viruses, etc. The risk in infection comes prior to the cremation whilst handling the remains in preparation for disposition. Using universal precautions is paramount for safety and is a best practice in death care. Having a local crematorium will lessen the distance to travel to be cremated and will reduce the likelihood of transfer of pathogens.

death eventually. Because our society tends to compartmentalize discussions of our and our loved one's inevitable demise, death care gets a bad rap. Most want to be cremated but most do not want to be reminded of that on a regular basis. Our crematorium will be forgotten about soon after it's opened because most people in our community will not need our services often and our business will be a discreet, dignified facility following all rules for safety of person, structures, environment and promote a positive perception within our community.



DATE: 2011
 PROJECT: 14.577
 SCALE: NTS
 DATE: March 11, 2016
 DRAWN: KO

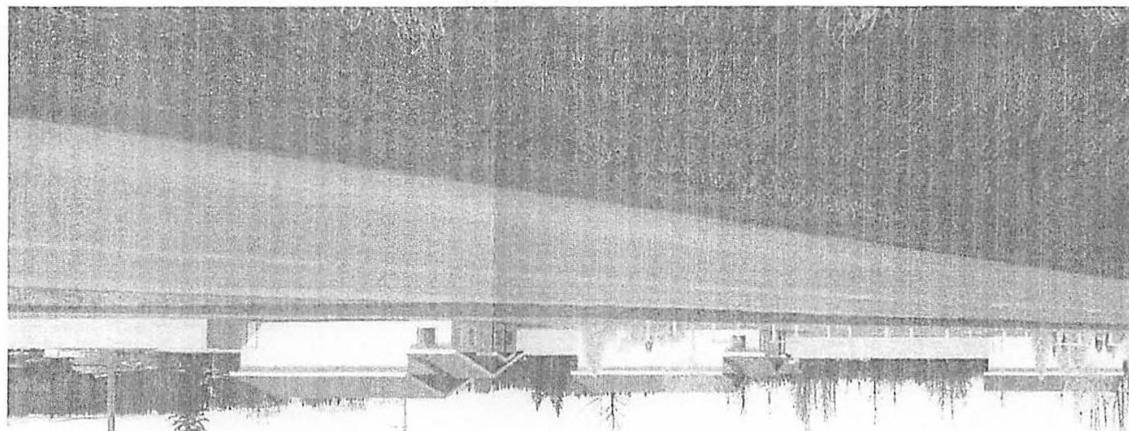
SHEET NO. 1
 OF 1



LOT 3 SECTION
 TOWNSHIP 1 A. RANGE 3
 COUNTY 403

PROPOSED SITE
 CONCEPT PHOTOS

WEST END VENTURES
 13411 HENRY ROAD
 SALEM, OR 97301
 VOL 2ND



Lane Perry

From: Julie Lalik
Sent: Monday, November 22, 2021 3:28 PM
To: Lane Perry
Subject: FW: [EXTERNAL]: lalik bylaw 1966 ,text ammenment. Nov 2021

Follow Up Flag: Follow up
Flag Status: Completed

FYI

This is Exhibit "G" referred to in the
Affidavit of Julie Lalik

sworn before me at Smithers
this 30 day of November



LANE J. PERRY

From: Jason Llewellyn <jason.llewellyn@rdbn.bc.ca>

Sent: Monday, November 22, 2021 3:10 PM

To: David Lalik <sea27sky@gmail.com>; Cheryl Anderson <cheryl.anderson@rdbn.bc.ca>; Mark Fisher <mark.fisher@rdbn.bc.ca>; Gladys Atrill <mayor@smithers.ca>; Annette Morgan <councillormorgan@telkwa.ca>; taddeo.kunkel@rdbn.bc.ca; Julie Lalik <admin@perryco.ca>

Subject: RE: [EXTERNAL]: lalik bylaw 1966 ,text ammenment. Nov 2021

A Notary Public in and For the
Province of British Columbia
Box 799, 3875 Broadway Avenue
Smithers, BC V0J 2N0

Hi David.

Cheryl advises me that the Board Meeting minutes are expected to be available by the end of the week. The resolutions specific to this rezoning are expected to be available tomorrow and will be included in the public information package.

Director Fisher is scheduled to Chair the public hearing. I cannot say at this time which other Directors may participate.

Bylaw 1966 adds Crematoruim as a permitted use to the M-1A zone. A morgue, mortuary, or funeral home are not allowed as part of a Crematorium use. On site refrigeration for bodies being held for cremation would be permitted as part of the Crematorium use.

I will have someone from our Environmental Services Department reach out to you.

Thank you for the feedback on the sign. We have a staff person heading to the site tomorrow to evaluate if the sign should be relocated to a more visible location.

Following the close of the public hearing on December 7th the RDBN Board is restricted in their ability to receive further comment on the application from the public or from the applicant to ensure all input is provided in a transparent and fair manner. Staff and the public hearing chair will provide a report of the public hearing to the Board for its consideration prior to consideration of 3rd reading of the bylaw.

I hope this answers your questions adequately, As always please be encouraged to contact me at any time if you have any additional questions.

Sincerely,

Jason Llewellyn
Director of Planning
Regional District of Bulkley-Nechako
P.O. Box 820



PERRY & COMPANY

BARRISTERS AND SOLICITORS

NOTARIES PUBLIC

* John L. Perry, LL.B.
* Sean E. Rowell, B.A., LL.B.
Lane J. Perry, B.A., J.D.
L. W. Perry (1921 - 2010)

* Dale E. Perry, B.A., LL.B.
Brooke E. Haberstock, B.A., J.D.
Morven A. Burch, BCom., J.D.

* Law Corporation

November 25, 2021

VIA EMAIL to colin@ctbcpa.ca

West-End Ventures Inc.
PO Box 820
Smithers, BC V0J 2N0

Dear Sirs / Mesdames:

RE: Provision of Notice of Alternative Land Available for Proposed Development

Please be advised that we have been retained by Mr. David Lalik and Mrs. Julie Lalik with regard to West-End Venture Inc.'s (the "Company") application to have the MIA zoning bylaw amended for the purpose of constructing and operating a crematorium on the land and property with a civic address of 3844 Henry Road near Smithers, BC (the "Property").

I respectfully disagree with the Company position that the Property is suitable for the proposed crematorium. I believe the Bulkley Valley would benefit from having such a service available, but not in a residential area. I also believe my clients' resistance to having a crematorium – with a cold storage facility – next door to their residence is not an unreasonable position. We have circulated a petition amongst my clients' neighbours and we have received support.

As such, in the event that you were otherwise unaware, I respectfully enclose a real estate listing for your review and consideration. In my opinion, the listed property would be much more suitable for a crematorium. This opinion is based on the location, the lack of residential properties nearby, the zoning, and the land being cleared and serviced.

Please be advised that I will be attending the Public Hearing on December 7, 2021.

Sincerely,

PERRY & COMPANY

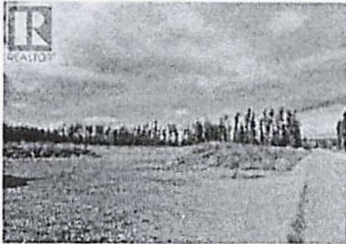
Per:

Lane J. Perry
LJP
Encl.

This is Exhibit "H" referred to in the
Affidavit of Julie Lalik
sworn before me at Smithers
this 30 day of November

LANE J. PERRY
A Notary Public in and For the
Province of British Columbia
Box 790, 3875 Broadway Avenue
Smithers, BC V0J 2N0
Telephone: 250-847-5634
Fax: 250-847-5634

3875 Broadway Avenue
P.O. Box 790, Smithers, B.C. V0J 2N0



\$249,000

10955 SKILLHORN ROAD
Smithers And Area (Zone 54), British
Columbia V0J2X1
MLS® Number: C8040361

Description

Cleared 5 acre industrial zoned lot in Telkwa BC. The lot is flat and all gravel, with flat access onto Skillhorn Rd. Industrial zone allows warehouse, storage, manufacturing and wholesale trade among other industrial uses. Accessory dwelling unit is also allowed. Property is fully cleared, has an earthen berm on two sides and power brought it. * PREC - Personal Real Estate Corporation (31707091)

Property Summary

Property Type
Vacant Land

Land Size
4.94 ac

Time on REALTOR.ca
63 days

Land

Lot Features

Road Type
Gravel road

Data provided by: [BC Northern Real Estate Board](#) 2609 Queensway, Prince George, British Columbia V2L 1N3



Sandra
Hinchliffe
Personal Real Estate
Corporation

RankMyAgent Rating
★★★★★
19 Reviews



📞 250-847-0725
📠 250-847-9039

**RE/MAX Bulkley Valley**

3588 Hwy 16, Box 3340
Smithers, British Columbia V0J2N0

☎ 250-847-5999

📠 250-847-9039

**Vanita Des Mazes**

☎ 250-847-5999

**RE/MAX Bulkley Valley**

3588 Hwy 16, Box 3340
Smithers, British Columbia V0J2N0

☎ 250-847-5999

📠 250-847-9039

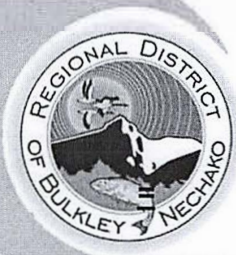


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REGIONAL DISTRICT
OF BULKLEY & NECHAKO

This is Exhibit "I" referred to in the
Affidavit of Julie Lalik
sworn before me at Smithers
this 30 day of November

LANE J. PERRY

A Notary Public in and For the
Province of British Columbia
Box 790, 3875 Broadway Avenue
Smithers, BC V0J 2N0

SMITHERS TELKWA RURAL OFFICIAL COMMUNITY PLAN

BYLAW No. 1704, 2014 Schedule "A"

Regional District of Bulkley-Nechako PLANNING DEPARTMENT

37 – 3RD AVENUE
P.O. Box 820
BURNS LAKE, BRITISH COLUMBIA
V0J 1E0

PHONE	(250) 692-3195
TOLL-FREE	(800) 320-3339
FAX	(250) 692-1220
EMAIL:	inquiries@rdbn.bc.ca

"A WORLD OF OPPORTUNITIES
WITHIN OUR REGION"

Section 2 – Plan Vision and Goals

2.1. General Plan Vision

Electoral Area A envisions its future as a safe, friendly, diverse, socially and economically vibrant, and ecologically healthy area. The residents of Electoral Area A understand that development and growth must occur in a manner that is not detrimental to the future viability of agriculture, the area's diverse natural habitat, the world class recreational opportunities, and the character of the rural communities. Residents enjoy a good quality of life that is based upon enjoyment and stewardship of the natural environment, support of and respect for neighbours, an affordable cost of living, a quiet and independent lifestyle, and a relatively stable regional economy. The vision includes communities that strive to protect, and build upon, the above noted positive aspects that contribute to quality of life and a healthy environment.

2.1.1. Vision for Agriculture

Maintaining the viability of the area's agricultural sector is critically important to the character and economy of the area. The residents of Electoral Area A support the goals and recommendations of the RDBN Agriculture Plan. The importance of the role of the Agricultural Land Reserve in preserving land for agricultural use is recognized. The consumption of local agriculture products is encouraged through promotion and support of local vendors. The intrusion of residential development into agricultural areas is recognized as a potential problem that will be guarded against.

2.1.2. Vision for Quality of Life

In addition to the aspects discussed in Section 2.1 above, rural quality of life includes a certain amount of independence from regulation and diversity of use. To this end, the individual use of rural properties will not be overly restricted and new regulations will only be considered when there is broad community support and a practical need. For sustainability, environmental, and social reasons the creation of new areas for rural residential development will be minimized, and preference will be given to opportunities for infill development which do not have an unacceptable negative impact on the character of an area. It is recognized that maintaining the positive character of existing rural residential neighbourhoods is very important. To accomplish this, the location, amount, and size of new rural residential parcels must be controlled.

The Regional District is recognized as playing an integral role in negotiating acceptable compromise where disagreement arises in development proposals between the applicant and the community. The vision is for communities that protect their positive aspects and characteristics, yet embrace and work towards necessary change for the benefit of the community.

2.1.3. Vision for the Environment

The value of the area's lakes, rivers, natural areas, and wildlife habitat are recognized as critical components of resident's quality of life and the local economy. The natural environment has significant aesthetic value and preservation of the environment, and important views are important. It is also recognized that the natural environment has inherent value that is independent of its benefits to residents. The responsible development of property and recreational use of the land is encouraged. The development approval process is expected to adequately consider and protect these values. Due to the high value of local surface water resources, those that live on or develop waterfront property are especially encouraged to protect water quality and the area's ecology.

The vision is for communities that protect the natural ecology of the area and promote responsible public access to, and enjoyment of, the area's lakes and rivers.

2.1.4. Vision for the Economy

The residents of Electoral Area A enjoy a relatively diversified economy that can be directly related to the high quality of life offered by the area's urban, rural, and natural environments. It is realized that a high quality of life and an attractive and highly functional built environment are key to facilitating further economic diversification beyond reliance on agriculture, mining, and the forest products industries. However, it is also realized that agriculture, mining, and the forest products industries are the backbone of the local economy, and the area's future relies on the health of these industries, and the acceptance of certain industrial uses in appropriate locations in the rural area. It is also noted that appropriate flexibility with regards to home occupations is important to maintaining a healthy economy and rural quality of life.

2.1.5. Vision for Sustainability and Climate Change

The Regional District of Bulkley-Nechako is committed to working towards sustainable development forms that result in positive social and economic impacts for the community, while protecting the environment. Land use and development patterns that work towards more complete and self-reliant communities are supported, including the facilitation of local food production and increased food security. The importance of sustainable development is recognized, especially within the context of environmental impact and climate change.

The Regional District of Bulkley-Nechako is committed to working with local communities in fulfilling its role to address climate change and to limit greenhouse gas emissions generated in the region. The plan achieves this by striving for limited rural sprawl, maintaining low rural residential densities,

facilitation of local food production and consumption, and encouraging land use patterns and uses that create more complete and energy efficient rural neighbourhoods and communities.

In summary, the Plan area's natural beauty, social environment, and economic opportunities attract a diversity of people, business and industry, and these attributes need to be protected and enhanced. In achieving the above the Plan strives to meet the needs of the present without compromising the area's natural, social and economic attributes and without compromising the ability of future generations to meet their own needs.

2.2. General Plan Goals

The Smithers Telkwa Rural Official Community Plan pursues the following goals in an effort to achieve the vision identified in Section 2.1 above.

- (1) The Plan strives to achieve land use patterns which support a diversified economy without compromising the rural character of the Plan area.
- (2) The Plan strives to achieve land use patterns that reflect a diversity of lifestyles, and economic and recreational activities without compromising the rural character of the Plan area.
- (3) The Plan strives to limit rural development to the minimum level necessary to support the region's economic and social needs, and make the best use of areas of existing development.
- (4) The Plan strives to recognize the unique natural characteristics of the Plan area and the protection of that character from incompatible forms of development.
- (5) The Plan strives to achieve protection and stewardship of environmentally sensitive attributes (including fish, riparian and wildlife habitat; and quality and quantity of ground and surface water).
- (6) The Plan strives to protect and preserve farm land and soil having agricultural capability, and encourage and support the appropriate utilization of that land for agricultural purposes.
- (7) The Plan strives to protect and preserve the character, and quality of life, of existing rural residential development.
- (8) The Plan strives to maintain a balance between the regulation of land use to protect community values and the desire of local residents for a lifestyle with a high degree of self-expression respecting use of their property.
- (9) The Plan strives to achieve appropriate and orderly rural growth with higher density development directed to the municipalities of Smithers and Telkwa.

- (10) The Plan strives to protect areas suitable for industrial land uses where appropriate.
- (11) The Plan strives to provide opportunities for neighbourhood commercial uses throughout the Plan area where appropriate, with non-local commercial development directed to the municipalities of Smithers and Telkwa.
- (12) The plan strives to increase opportunities for outdoor recreation for all residents, including access to lakes, rivers, trails and parks.

The Regional District of Bulkley Nechako is committed to achieving the goals and objectives of this Plan through application of the policies in Section 3.

