

CITY OF LANGFORD
REGULAR MEETING OF COUNCIL

Monday, August 17th, 2020 @ 5:30 p.m.

Due to COVID-19 Council Chambers is Closed

Dial In: 1-855-703-8985 (Canada Toll Free) or 1-778-907-2071 **Conference ID:** 823 4300 8883

To Participate: During the public participation period, press *9 to "raise your hand".

Participants will be unmuted one by one when it is their turn to speak.

We may experience a delay in opening the meeting due to technical difficulties. In the event that the meeting does not start as scheduled please be patient and stay on the line, we will get started as quickly as possible. **Public Dial-In Details are also posted at www.langford.ca**

***The City advertised its intention to dispose of lands at 1000 Gade Road and indicated that the matter would be discussed at the August 17, 2020 Council meeting; however, as the agreement has not been finalized, this item will be postponed and the City will advertise the date of the meeting at which it will be considered.**

AGENDA

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1. <u>CALL TO ORDER</u>	
2. <u>APPROVAL OF THE AGENDA</u>	
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	(ADOPTION)	
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	(ADOPTION)	

c) BYLAW NO. 1885	220
"Langford Zoning Bylaw, Amendment No. 583, (1100 McCallum Rd and 2780 Spencer Rd), Bylaw No. 1885, 2020".	
(ADOPTION)	
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(ADOPTION)	
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(SECOND AND THIRD READINGS)	
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(FIRST READING)	
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(FIRST, SECOND AND THIRD READINGS)	
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Staff Report to Council

Date: July 20, 2020
Department: Planning
Application No.: Z19-0029
Subject: Bylaw No. 1885 - Application to Rezone 1100 McCallum Road and 2780 Spencer Road to a new Mixed Use Employment Zone (MUE3) to Allow for Residential, Multi-Family, and Commercial Developments

At their Regular Meeting of February 18, 2020 Council passed the following resolution with respect to the properties at 1100 McCallum Road and 2780 Spencer Road:

That Council:

1. *Proceed with consideration of Bylaw No. 1885 to amend the zoning designation of the property located at 1100 McCallum Road and 2780 Spencer Road from R2 (One- and Two- Family Residential), CD12 (Comprehensive Development – South Skirt Mountain), RR4 (Rural Residential 4), RH1 (Mobile Home Park), and CT1 (Tourist Commercial – Motel) to a new MUE3 (Mixed-Use Employment 3) Zone subject to the following terms and conditions:*
 - a) *That the applicant provides, **as a bonus for increased density**, the following contribution prior to issuance of a building permit or subdivision approval: (SECURED IN BYLAW)*
 - i. *The dedication to the City of at least 4.0 hectares of land in a form and location to the satisfaction of the Director of Planning; and*
 - ii. *The dedication to the City, or the registration of a non-disturbance covenant, of any additional lands that a qualified professional determines should be protected as per their analysis of the development permit areas; and*
 - iii. *The construction of an 93m² (1,000 ft²) amenity building within Area 5 shown in Appendix A for the use of the residents of the mobile home park to the satisfaction of the Director of Planning.*

-
- b) That the applicant provides, **prior to Public Hearing**, the following: **(COMPLETE)**
- i. A technical memo from an engineer that verifies storm water can be adequately managed on-site for the proposed development, to the satisfaction of the Director of Engineering.
- c) That the applicant provides, **prior to Bylaw Adoption**, a Section 219 covenant, registered in priority of all other charges on title, that agrees to the following: **(COMPLETE)**
- i. That an overall mixed use concept plan implementing the objectives of the Mixed-Use Employment Centre OCP designation for each area identified in Appendix A be provided to the satisfaction of the Director of Planning prior to issuance of a Form and Character Development Permit for that area; and
 - ii. That a no-build and non-disturbance covenant be registered on Area 5 identified in Appendix A that restricts the use to a mobile home park only until the mobile home residents and Council approves a compensation plan for home owners per Council's Manufactured Home Park Redevelopment Policy; and
 - iii. That a qualified archaeologist assess the site prior to any site disturbance, and that the applicant complete the recommendations of the archeologist's report as a condition of development; and
 - iv. That all road dedication of new roads and/or widening of existing roads is provided prior to issuance of a building permit or subdivision approval, whichever is first, to the satisfaction of the Director of Engineering and Approving Officer; and
 - v. That a Traffic Impact Assessment (TIA) be completed prior to issuance of a master plan development permit to the satisfaction of the Director of Engineering for the proposed development, and that the recommendations of the TIA be implemented; and
 - vi. That a Statutory Right of Way be provided on 1121 McCallum Road (identified as Area 1 on Appendix A) for access to lands to the west prior to issuance of a building permit or subdivision approval, whichever is first; and
 - vii. That all frontage improvements to Bylaw 1000 standards are provided prior to issuance of a building permit or subdivision approval, whichever is first, to the satisfaction of the Director of Engineering;
 - viii. That a storm water management plan be provided prior to issuance of a building permit or subdivision approval, whichever is first, and implemented as per Bylaw 1000, all to the satisfaction of the Director of Engineering; and
 - ix. That the required parking stalls for this development are allocated for the use by individuals in each unit, as required by Bylaw 300 and designed accordingly, and that parking stalls are not rented out individually;

COMMENTS

The applicant's lawyer has provided a section 219 covenant that has been signed by the owner along with an undertaking that states they will register the covenant against the title of the subject properties as soon as it has been signed by the City. This covenant agrees to items i – ix of Section C in Council's resolution of February 18, 2020.

Bylaw No. 1885 was signed by the Minister of Transportation on May 8, 2020

OPTIONS

That Council:

1. Adopt Bylaw No. 1885.

OR

2. Take no action at this time with respect to Bylaw No. 1885.

Respectfully Submitted,

Submitted by:	Robert Dykstra, MCIP, RPP Land Development Planner - Approved
Concurrence:	Marie Watmough, Manager of Legislative Services - Approved
Concurrence:	Chris Aubrey, Fire Chief - Approved
Concurrence:	Lorne Fletcher, Manager of Community Safety and Municipal Enforcement - Approved
Concurrence:	Cory Manton, Manager of Parks and Recreation - Approved
Concurrence:	Ivan Leung, P.Eng, Acting Director of Engineering - Approved
Concurrence:	Leah Stohmann, MCIP, RPP, Deputy Director of Planning - Approved
Concurrence:	Michael Dillabaugh, CPA, CA, Director of Finance - Approved
Concurrence:	Braden Hutchins, Director of Corporate Services - Approved
Concurrence:	Darren Kiedyk, Chief Administrative Officer - Approved

:rd

**CITY OF LANGFORD
BYLAW NO. 1885**

**A BYLAW TO AMEND BYLAW NO. 300,
"LANGFORD ZONING BYLAW, 1999"**

The Council of the City of Langford, in open meeting assembled, hereby enacts as follows:

- A. Langford Zoning Bylaw No. 300, 1999 is amended as follows:
1. By adding to Section 1.01 the following text, ' **"Automobile Dealership"** means a retail outlet that carries an automobile manufacturer's product line through a contract with the automobile manufacturer. The automobile dealership may sell and service automobiles and parts associate with automobiles.'
 2. By adding as Section 6.53C that text attached as Schedule B;
 3. By replacing Section 6(f) of Appendix G with the text attached as Schedule C;
 4. By replacing Section 10(e) of Appendix H with the text attached as Schedule C;
 5. By adding to the MUE3 (Mixed Use Employment 3) Zone the property legally described as LOT A SECTION 99 ESQUIMALT DISTRICT PLAN EPP21818, PID No. 029-066-361 (1100 McCallum Rd) and THAT PART OF SECTION 99, ESQUIMALT DISTRICT, BOUNDED AS FOLLOWS: ON THE NORTH BY THE SOUTH BOUNDARY OF PLAN 990 RW; ON THE EAST BY THE EASTERLY BOUNDARY OF SAID SECTION; ON THE SOUTH BY THE NORTHERLY BOUNDARIES OF PLAN 6546 AND 8988; AND ON THE WEST BY THE WESTERLY BOUNDARY OF SAID SECTION EXCEPT THAT PART IN PLAN VIP62431 AND VIP84622, PID No. 004-333-233 (2780 Spencer Rd) in the portions as shown shaded on Plan No. 1 attached to and forming part of this Bylaw.
 6. By adding as Schedule AM the map attached as Schedule D.
- B. This Bylaw may be cited for all purposes as "Langford Zoning Bylaw, Amendment No. 583, (1100 McCallum Rd and 2780 Spencer Rd), Bylaw No. 1885, 2020".

READ A FIRST TIME this 18th day of February, 2020.

PUBLIC HEARING WAIVED BY RESOLUTION OF COUNCIL this 6th day of April, 2020.

READ A SECOND TIME this 4th day of May, 2020.

READ A THIRD TIME this 4th day of May, 2020.

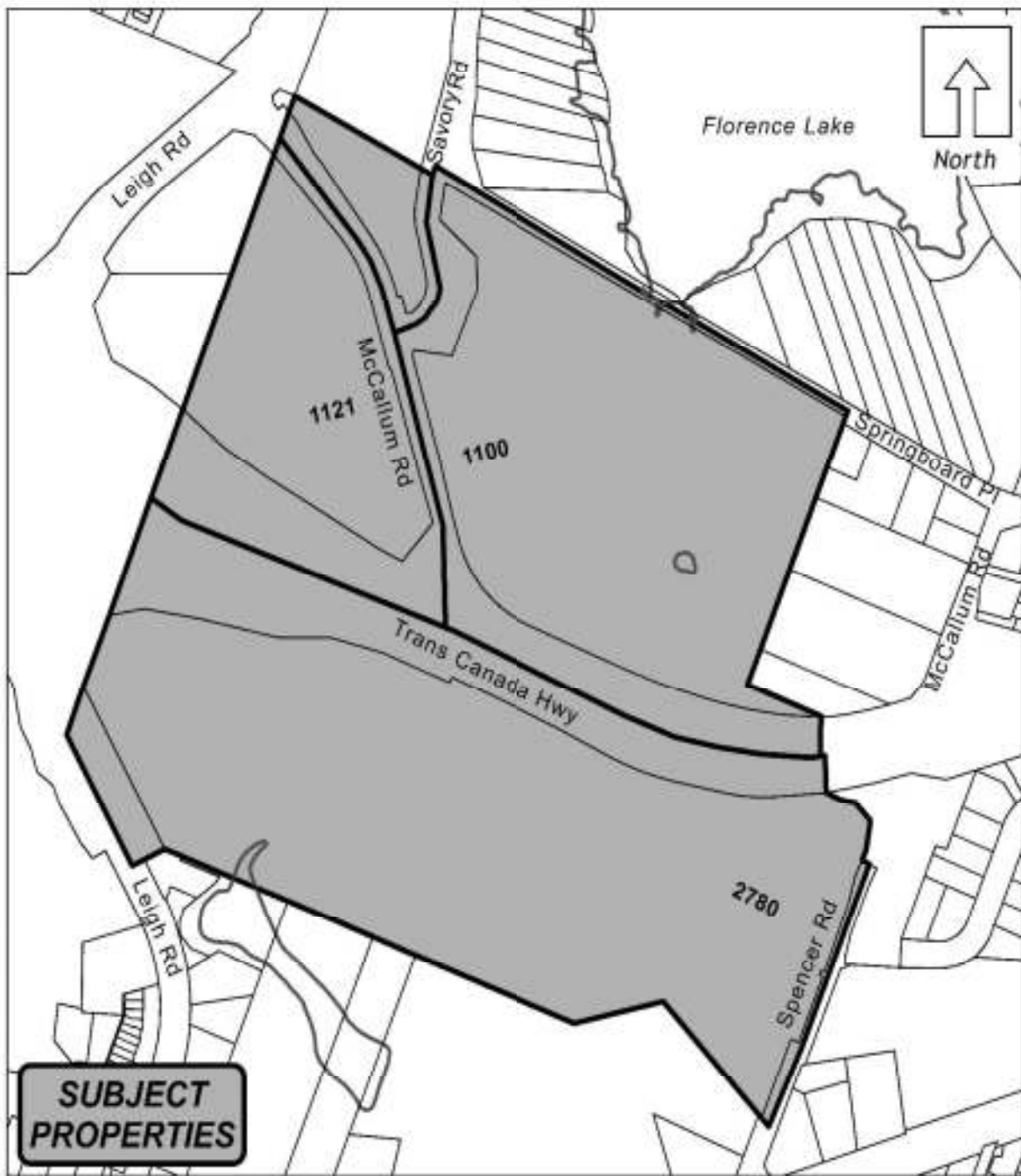
APPROVED BY THE MINISTRY OF TRANSPORTATION THIS 7th day of May, 2020.

ADOPTED this of, 2020.

MAYOR

(Certified Correct)
CORPORATE OFFICER

Schedule A



Document Name: Bylaw_1885

I HEREBY CERTIFY THIS TO BE A TRUE COPY
OF PLAN No. 1 AS DESCRIBED
IN SECTION A1 OF BYLAW No. 1885

MAYOR

ADOPTION: _____

CORPORATE OFFICER

Scale: N.T.S.

Last Revised: 1/16/2020

Schedule B

Section 6.53C – Mixed-Use Employment 3 (MUE3) Zone

(Bylaw 1885)

6.53C.01 Permitted Uses

- (1) With those portions of lands identified as 'Area 1' on the zone map attached as Schedule 'AM', the following uses and no others are permitted:

Restaurant, Retail and Other Service Commercial Uses

- (a) **Animal hospital** in enclosed buildings;
- (b) **Auction**;
- (c) **Automobile dealership**;
- (d) **Business support service**;
- (e) **Car wash**;
- (f) **Equipment sales, service, repair and rental, minor**
- (g) **Film production studio**;
- (h) **Financial institution**;
- (i) **Catering**;
- (j) **Gasoline service station**;
- (k) **Fitness centre**;
- (l) **Household equipment and appliance service and repair**;
- (m) **Hotel**;
- (n) **Licensed premises**;
- (o) **Liquor store**;
- (p) **Medical clinic**;
- (q) **Office**;
- (r) **Personal service establishment**;
- (s) **Pet daycare**;
- (t) **Restaurants, drive-through**;
- (u) **Retail store**;

General Uses

- (v) **Accessory buildings and uses**;
- (w) **Accessory unenclosed storage**;
- (x) **Temporary construction and real estate marketing office**;
- (y) **Uses permitted by Section 3.01 of this Bylaw**;

Business and Technology Uses

- (z) **Electronics sales, service and manufacturing;**
- (aa) **Research and development facility**
- (bb) **Educational, Cultural and Recreational Uses**
- (cc) **Community care facility;**
- (dd) **Cultural facility;**
- (ee) **Group daycare** subject to Section 3.26.02;
- (ff) **Recreation facility, indoor;**
- (gg) **Recreation facility, outdoor;**
- (hh) **School;**

Residential Uses

- (ii) **Apartment;**
 - (jj) **Assisted living;**
 - (kk) **Caretaker dwelling unit;**
 - (ll) **Home occupation** subject to Section 3.09;
 - (mm) **Townhouse;** and
- (a) **Manufactured home and modular housing,** subject to the Manufactured Home Park (RH1) Zone.
- (2) Within those portions of the lands identified as 'Area 2' on the zone map attached as Schedule 'AM', the following uses and no other are permitted:
- (b) **Apartment;**
 - (c) **Townhouse;**
 - (d) **Manufactured home and modular housing,** subject to the Manufactured Home Park (RH1) Zone.
- (3) Notwithstanding Section 6.53C.01(2), those portions of the lands identified as 'Area 2' on the zone map attached as Schedule 'AM' are permitted the uses under Section 6.53C.01(1) if no **manufactured home or modular housing** exists within any lot of 'Area 2'.

6.53C.02 Height of Principal Use Buildings

No **townhouse** may exceed a height of three storeys.

6.53C.03 Setbacks

- (1) No building or structure may be located:
- (a) Within 2.0m (6.5 ft) of any lot line that adjoins a highway;

(b) Within 6.0m (20 ft) of any lot line that adjoins a lot in a Residential or Multiple Residential Zone;

(2) Notwithstanding subsection 6.53C.03(1), no **townhouse** may be located:

- (a) Within 3.0m (9.8 ft) of any front lot line, nor within 5.5m (18 ft) of a portion of a building comprising of an attached garage;
- (b) Within 5.5m (18 ft) of any rear lot line;
- (c) Within 1.5m (5.0 ft) of an interior side lot line;
- (d) Within 3.5m (11.5 ft) of any exterior side lot line.

6.53C.04 Density of Development

(1) There may not be any development on any parcel of land that does not have access to a highway, and where a parcel of land has access to a highway there may not be more than one residential **dwelling unit** or more than 150m² of non-residential gross floor area in the Mixed-Use Employment 3 (MUE3) Zone;

(2) Notwithstanding subsection 6.53C.04(1), there may be more than one residential **dwelling unit**, and more than 150m² of non-residential gross floor area in Area 1 of Schedule 'AM' for the Mixed-Use Employment 3 (MUE3) Zone, if the owner of the land proposed to be built upon has:

- (a) Provided to the City of Langford, to the satisfaction of Council;
 - i. A minimum of 4.0 hectares of land dedication within in a form and location to the satisfaction of the Director of Planning; and
 - ii. Land dedication, or the registration of a non-disturbance covenant, of any additional lands within Area 1 of Schedule 'AM' that a qualified professional determines needs to be protected, as per their analysis of the development permit areas.

(3) Notwithstanding subsection 6.53C.04(1), there may be more than one residential dwelling unit, and more than 150m² of non-residential gross floor area in Area 2 of Schedule 'AM' for the Mixed-Use Employment 3 (MUE3) Zone, if the owner of the land proposed to be built upon has:

- (a) Provided, to the satisfaction of Council;
 - i. An amenity building with a minimum gross floor area of 93m² (1,000 ft²) within the mobile home park for the use of the residents of the mobile home park, designed to the satisfaction of the Director of Planning; and
 - ii. Land dedication, or the registration of a non-disturbance covenant, of any additional lands within Area 2 of Schedule 'AM' that a qualified professional determines needs to be protected, as per their analysis of the development permit areas.

(b) Maintained a minimum of 40 **manufactured home or modular housing** units within Area 2.

(4) Under no circumstances may the density of development within the MUE3 zone exceed a floor area ratio of 6:1;

- (5) Notwithstanding Section 6.53C.04(3), there may not be more than 78 manufactured or modular homes within 'Area 2' on the zone map attached as Schedule 'AM' nor may the density of any non-manufactured/modular homes exceed 50 units per hectare (20 units per acre) without implementing recommendations of a Traffic Impact Assessment that ensures vehicular movements are at an acceptable level of operational capacity.

6.53C.05 General

The relevant regulations of Part 3 of this Bylaw apply.

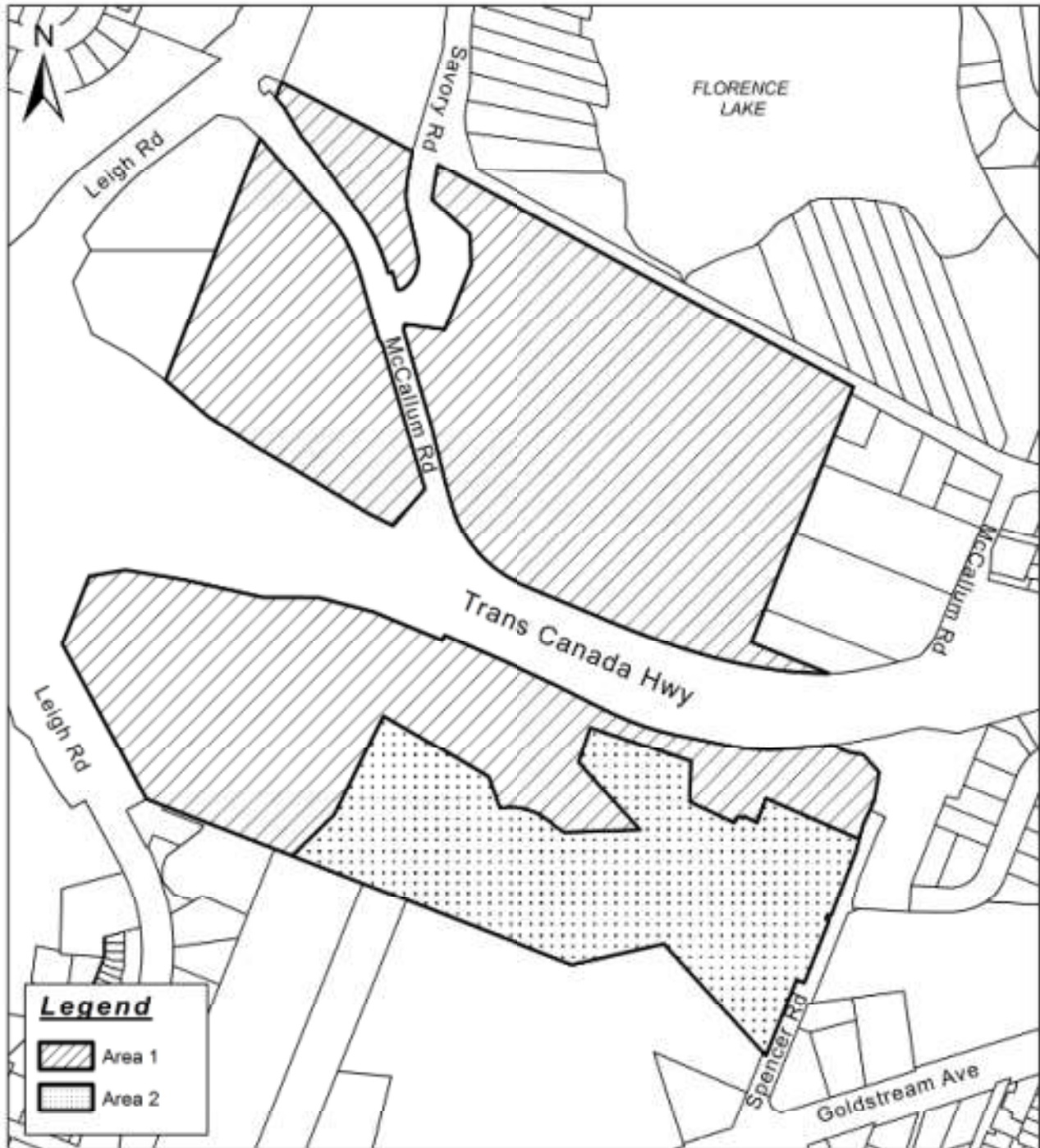
Schedule C

For those lands located within the Mixed-Use Employment 2 (MUE2) Zone and the Mixed-Use Employment 3 (MUE3) Zone, the following additional landscaping provisions shall apply:

- I. A continuous landscape and screening area not less than 2.0 m wide shall be provided along the developed portion of each lot which abuts a highway. The landscaping shall have a height of not less than 1.5 m and may include a decorative fence.
- II. A continuous landscape and screening area not less than 2.5 m wide containing a decorative fence not less than 1.8 m in height together with decorative planting must be provided along the developed portion of each lot which abuts a property in a Residential or Multiple Residential Zone, except where the boundary between the two lots is separated by a highway. This landscape and screening area may be interrupted at boulevard crossings, or to provide necessary pedestrian access for entering a building or for viewing shop windows.

Schedule D

SCHEDULE "AM" TO BYLAW No. 300



Mayor Young and Langford City Council
Cc Langford City Staff
July 15, 2020

Mayor Young and Council,

Residents of TriWay Mobile Home Park wish to express their concerns and disappointment in the manner in which the process of the rezoning has developed. Expectations based on a presentation by the developer, and outlines of the rezoning approvals, do not seem to jive with current realities and the Council Mobile Home Park Redevelopment Policy. Despite numerous meetings, many questions asked, and conflicting responses in return, staff may indicate that we have received explanations, and the developer may stand on his reputation as having shared updates, but there are major gaps.

1. CONFUSING TERMINOLOGY is a prime example. We have the Policy, the Mayor's letter, Council proceedings, developer's communications, and the proposed bylaw 1885, all referring to what appears to be the same aspect as "comprehensive plan for compensation", "compensation plan", "relocation assistance plan", "reorganization scheme", "comprehensive plan", and "re-location plan".

In places, Council is to approve this plan, and in other places residents are to have an opportunity to also approve it, while yet other places make no mention of approvals by anyone. Timing is also an issue, where at some points, this 'plan' is to be presented "at the time of application for rezoning or redevelopment", or "prior to Bylaw adoption". Nothing in the form of a 'comprehensive plan' has been presented to residents to date, nor has there been a plan of action for resident response.

2. DUE PROCESS, according to the MHP Redevelopment Policy, includes notifications to residents, either from the owner or from the applicant for redevelopment respectively, "within 48 hours of the application to the City", and "at least 25 calendar days prior to the matter being presented to Council". These notifications have not been forthcoming, in spite of the process carrying on to this late date. The resident approval of the 'plan' mentioned above has also not taken place to this date. The confusion and disappointment that exists has encouraged some residents to consider possible legal action, and others have pushed for strong media attention.

3. A PROTECTIVE COVENANT on the current MHP footprint has been mentioned, yet no opportunity for review of the wording in any form by residents has taken place to this date. It is expected that this "no-build and non-disturbance covenant" will form a basis for the 'plan' mentioned above, which requires resident approval. Without access to and review of the covenant wording, residents have no idea what they are getting into, what conditions their future tenancy entails, or pertinent details of or affecting the 'plan'. This covenant is also slated to end once agreement on a 'plan' has been made. Most recently it has been presented that an additional or replacement covenant will be registered by the City on the "new, (smaller) ... Park" after conditions are met – more confusion and misunderstanding for residents to try to wade through and make sense of.

What residents want to see take place, starting immediately:

Residents request that Council clarify for residents, before final approval of the rezoning bylaw, with clear and justifiable explanation for these missing and confusing aspects of the rezoning and redevelopment process as outlined in public documents.

Residents have expected that their approval of a 'plan' will be undertaken as promised, prior to rezoning. This 'plan' necessitates an outline of its presentation, its review by residents, and a methodology for tabulation of responses that includes the City, the developer, and residents.

Residents would like to see a Public Hearing be reinstated, or a similar opportunity for input and questions and answers, regarding concerns arising from delays and waiving of the expected date of April 6, albeit more complicated at that time due to the pandemic that is sweeping the globe.

Residents request that the wording of the covenant be shared with residents for a review and complete understanding of the language of the protection of the park, prior to Bylaw adoption.

In summary, residents feel strongly that they have been misled, misinformed, and to many extents and purposes – missed – in many important aspects of the process of the rezoning of TriWay Park. One Councillor has already publicly expressed regret that concerns of the residents could not be addressed. Expediency is not always conducive to effective results.

Over 100 seniors, owning their own homes in a potentially viable landlord-tenant arrangement, feel they have not had the opportunity for suitable engagement in this process, and feel ignored, overstepped, and sidelined.

In its Redevelopment Policy for mobile home parks, it states at the beginning that "...Council recognizes manufactured and modular home parks as an important source and supply of affordable housing in the City of Langford;". This does not appear to be the case, and Council has an opportunity to rectify this oversight with attention to the requests listed above. Residents anticipate response to these issues in the next few days.

Representatives Group,
Residents of TriWay Mobile Home Park

[Redacted]

Contacts:

[Redacted] [Redacted] [Redacted]
[Redacted] [Redacted] [Redacted]

Triway Developments Ltd.
116-967 Langford Parkway
Victoria, BC V9B 0A5
250-384-8024 Ext 300
info@triwaydevelopments.com

July 13th, 2020

Tri-Way Mobile Home Park Residents
2780 Spencer Rd

Hello!

Since our last meeting with Tri-Way Mobile Home Park residents, we have been continuing to work towards finalization of our plans for the redevelopment of the property. We have been in frequent contact with members of the committee that were elected to deal with us, but our hope was to meet again with all residents to update everyone with the latest, most accurate information about our progress. Unfortunately, due to the current Covid-19 situation this type of meeting is not possible. It is our hope that this letter will clarify where we are with the project we first introduced to the residents in January of this year.

For the past two months we have been dealing with obstacles that have the potential to delay or even derail this project, more specifically:

- Covid-19 has negatively affected the state of the economy, not just in Canada, but worldwide, and this has impacted financing options for this project.
- New and potentially costly storm water management issues have emerged.
- For this project to proceed, rezoning of the property must be achieved. There are issues with both the City of Langford and the current owners to be resolved before this will happen.

The status of Tri-Way Mobile Home Park

1. Due to delays caused by the above issues, we are still in the “due diligence” phase of exploring the viability of the project. If these issues are resolved satisfactorily, the anticipated completion date of the purchase is still expected to be no later than September 30, 2020.
2. After rezoning is achieved, the existing layout of Tri-Way Mobile home park will be legally protected by covenant in its current state until the following criteria have been achieved:

- a. A new (smaller) park reorganization scheme has been developed
 - b. B.C. Housing has approved a 58-unit, affordable rental building for the site.
 - c. A set of housing and/or rehousing options has been provided to any affected residents
 - d. The “re-location plan”, as defined by Langford City Council, has been approved.
3. As per the City of Langford requirements, the future (smaller) Tri-Way Manufactured Home Park layout will include the following:
- a. A minimum of 41 manufactured homes will remain in the future Tri-Way Park. This means that Triway Developments Ltd. may not reduce the number of mobile homes in the Park below 41.
 - b. A 1,000 square foot amenity space will be provided for the use of all residents as part of an affordable rental building to be approved by B.C. Housing.
4. As a condition of rezoning, the City of Langford will have put in place a covenant registered on the property title that ensures that the new (smaller) Tri-Way Mobile Home Park will continue to be legally protected as a mobile home park.

As you can imagine, this is not a quick process. We have a great deal of work to do with engineers, architects, and other consultants for the 50-acre project in its entirety.

Once we have a timeline for the development process, affected residents will receive 12 months’ notice prior to any changes to the locations of existing mobile homes, as is required under the BC Manufactured Home Act.

Tri-Way Seniors’ Building and Capital Region Housing Corporation (CRHC) Process Update

- 1. The previously, referenced 58-unit building will be a seniors-only, pet-friendly building comprised of bachelor, 1, and 2-bedroom units. It will be located on Spencer Road in the south east corner of the mobile home park, near the exit. No existing mobile home will need to be moved to accommodate the construction of this building. Rents will be determined by CRHC based upon their standard formula.
- 2. CRHC has given this project board approval and is anxious for the building to proceed. The final step in this process is approval of funding by BC Housing. This approval will allow for the very attractive rental rates we anticipate. We have been informed that this decision will be delayed until late fall of 2020, but in spite of the delay, we are confident that the building will proceed because of the strong support we have received from CRHC.

3. As a requirement for the funding application, the CRHC has recently asked us for a comprehensive list of Tri-Way residents who would potentially be interested in living in the Seniors' building. **This list is NON-BINDING and is separate from the applications referred to in item #4 below.**

Please call or email Robin at the office if you are at all interested in being included on this list. Deadline for submission of this list is August 20, 2020.

4. CRHC Applications:
 - a. Paper applications are finally available! Please let Robin know if you need one and we will drop it off or mail it to you.
 - b. For those who would like to apply online, you can do so at <https://housingapplication.bchousing.org/>
 - c. Formal applications are not required until the project has been approved by BC Housing. However, we would encourage residents to apply as soon as possible to help CRHC demonstrate the need for seniors' housing in the West Shore area. If you have questions about filling in this application, please contact our office - we will be pleased to offer any help we can.

What happens next?

1. We are hopeful that the rezoning of the property will be completed no later than September 1, 2020. The zoning needs to be in place for the purchase of the property by Tri-Way Developments Ltd.
2. We will be continuing to work with our engineers to design the sewer, water, hydro, roads, and other servicing upgrades required for the Tri-Way Mobile Home Park.
3. We will be working with our architect and engineers on designs for the entire 50-acre project.
4. It was our intention to present a preview of the proposed future park and all available housing options, including the 58-unit Senior's building, to Park residents prior to the closing of the property purchase. In our early discussions with Park residents, it was clear that the option of living in the proposed Seniors' building would be the first choice for a significant number of people. However, because of the previously mentioned delay in obtaining a decision by BC Housing on funding approval, we cannot make a firm commitment to provide this housing option until all necessary government approvals are in place. While we are still optimistic that this building will get final approval, we are experiencing unique times and the decision has been made to delay the preview of options until we can present a complete and accurate picture of the future of the project.

We appreciate your patience as we've maneuvered our way through the complicated and laborious re-development process. We are always happy to answer any specific questions you may have, please feel free at any time to contact Robin at our office. 250 384-8024 Ext 300 or email info@triwaydevelopments.com.

Sincerely,

Jim, Niall, and Robin
Triway Developments Ltd.

Triway Developments Ltd.
116-967 Langford Parkway
Langford, BC

Tri-Way Manufactured Home Park Residents Representatives
2780 Spencer Road
Langford, BC

July 28, 2020

Hello Tri-Way Manufactured Home Park Residents Representatives:

Upon receipt of your letter to the Triway Developments Team on July 3rd, 2020 and to the City of Langford Mayor and Council from July 15th, we have prepared the following response. There have been a number of assertions made which challenge the professional integrity of both our team and the City of Langford. We have been upfront, consistent and accountable to our commitments since first engaging with the Tri-Way property and have remained so despite the major challenges created by the COVID-19 pandemic, unforeseen site conditions and other influences beyond our control. Notwithstanding the fact that we still are not the owners of the property, we continue to diligently work to provide a current and future park which will establish a high level of certainty and dignity for all Tri-Way Residents.

Since indicating our intent to purchase this property and begin the rezoning process, we have established a clear vision for the future of the Park and property. This vision was influenced through a series of meaningful discussions with the Tri-Way residents, City of Langford and our development team. While a number of external influences have impacted our timing and the City's development process, our vision for the property has remained unchanged. We have adapted our application to respond to the changing global and local landscape and will continue to uphold our integrity and our word.

Below this letter, we have compiled a summary of our perspective throughout this process and we hope that it addresses the many assertions made by the Residents Representatives committee that have been alleged towards our development team and the City of Langford. Additionally, we would like to point out that the City of Langford has suggested that we meet with our team and yourselves to provide clarity to the many statements and concerns raised in your letters. To our knowledge you have not or confirmed this offer to meet.

Thank you for receiving this letter and for your time and consideration over the past 15 in person and video call meetings that you have attended with our project team. We have received a number of concerns from multiple Tri-Way residents about inconsistent and unclear communications coming from the Residents Representatives. In an attempt to reduce confusion and uncertainty on the process and future of this application and park, the Triway Developments team will opt to reach out to all Tri-Way Park residents through direct communication instead of through the MHP.

With respect,

Jim Hartshorne
President
Triway Developments Ltd.

1. **Vision for the Tri-Way Property:**
 - a. Tri-Way Developments, the City of Langford and community understand the value and importance of maintaining manufactured homes as a form of affordable housing tenure for seniors on the property;
 - b. The process outlined has always been to provide people with the ability to stay on the property if they chose or to move on to a more appropriate form of housing;
 - c. The formalized park plan and resident's options will only be actionable once the property is purchased by the developer (following rezoning);
 - d. To adhere to the following policies and regulations:
 - i. Provincial Manufactured Home Park Act;
 - ii. BC Tenancy Act;
 - iii. City of Langford Manufactured Home Park Redevelopment Policy;
 - iv. Mayor Youngs Letter (2018) to the Tri-Way Manufactured Home Park Residents.
2. **Application Influences:**
 - a. All development applications and proposals are fluid by nature and timelines and expectations are subject to change due to external influences (economy, City, legal, etc);
 - b. COVID-19 has affected this application in the following ways:
 - i. *Economic* - Global economic challenges require a higher degree of process and due diligence when dealing with financial institutions and investors;
 - ii. *Timing* - Municipal, consultant and sub-consultant office, administrative and technical delays have affected the proposed timing of the rezoning and purchase;
 - iii. *Process* - In adhering to the recommendations set out by the Provincial Medical Health Officer, and in accordance with the Local Government Act (2001), the City of Langford has decided to waive the Public Hearing. In place they have extended the time allowed for providing written feedback on the application. This feedback is reviewed in the same scope and regard as the feedback provided in a typical public hearing.
 - c. Due diligence has required a series of detailed engineering studies and reports to determine the feasibility of development on this site. These reports and studies have taken an unforeseen amount of time.
 - d. Demand for the affordable housing building: One thing that we did not anticipate in January during our initial meeting was the interest expressed by Tri-Way residents with respect to moving into a new, compatible building on the property. To respond to this demand, we have entered into an agreement with CRD Housing to apply for a partnership to provide an affordable, seniors housing building on the Tri-Way property. This building will provide former Tri-Way residents with secured preferential grant application processing for former Tri-Way residents.
3. **Ongoing Communications:**
 - a. Even before finalizing a purchase agreement, submitting a rezoning application and prior to owning the property, Tri Way developments has made their first priority to provide open, transparent and clear communication with the residents and the residents representatives committee.
 - b. The following communications with the Tri-Way residents has been provided since January 2020:
 - i. January mail-letter introducing the company contract to purchase;
 - ii. January 16 in-person meeting with over 100 individuals (representing over 60 households);

- iii. Three Door-to-Door Mail-Out Letters drafted by Tri-Way developments to explain timing, council process, covenants and assurances, and future plans, including the introduction of a proposed 5-storey CRD Housing below market rental rates;
 - iv. Interviews with all willing residents (over 65 completed) to explain the situation, subsidized housing opportunities and next steps for the Tri-Way Park;
 - v. Phone calls with residents to update on the process (following waiving on the public hearing), to check-in on how people are doing due to COVID challenges, and update residents on the status of the CRD Housing building;
 - vi. Ongoing availability and communications with the dedicated Tri-Way email address, Tri-Way dedicated phone line, Tri-Way website, and availability to answer questions or address concerns directly from residents.
- c. The following communications with the residents representatives since December 2019:
- i. Over 15 in person or zoom meetings to answer questions and address general resident concerns;
 - ii. Collaboration on residential mailers from both reps and the developer;
 - iii. Established an information meeting with Christine Culham from CRD Housing;
 - iv. Facilitated an information meeting with Matthew Baldwin from the City of Langford;
 - v. Ongoing availability and communications with the dedicated Tri-Way email address, Tri-Way dedicated phone line, Tri-Way website, and availability to answer questions or address concerns directly from residents representatives.

4. Things that have not changed that reinforce our vision:

- a. Creation of protective covenants and Land Use Bylaw through the rezoning process:
 - i. The intent of the covenant is to formalize the sequence and timing of the development of the lands for all parties and mitigate concerns around when development will occur for specific sites, such as the manufactured home park;
 - ii. The 12-acre parcel which encompasses the entirety of the current manufactured home park will not be developed until the provincial and municipal regulations and policies have been adhered to;
 - iii. Provide permanency of a future, smaller park by ensuring that the park may not be reduced to less than 40 units (or 50 % of the current park today);
 - iv. Creation of a 1,000m² amenity building which will serve current and future Tri-Way residents.
- b. During the lengthy development process, residents will not be rushed into making housing choices. People will be able to take their time with no undue pressure or urgency from the developer;
- c. We will continue to work on a case-by-case basis with residents to help determine their needs so that, in the event their home will not be able to be accommodated within the park, they are provided with fair and reasonable options which will respect their dignity and adhere to the policies and regulations.
- d. Residents who do not have to be relocated in the park will have the ability to sell their homes on the open market and will still be provided the option and preference to enter into the CRD Housing building if they are interested and qualify.

CLAY & COMPANY

BARRISTERS & SOLICITORS

JOHN L. CLAY (1951)

MARGARET SASGES, Q.C.*, Partner
ROBERT S. GILL*
ALMUT N. KEIL
NATALIE SPARLING

KRISTIL HAMMER*, Partner
PETER HARRISON
JILL C. McMILLAN
CHANELLE GILBERT

TELEPHONE: 250-386-2261
Toll Free: 877-688-9634
FACSIMILE: 250-389-1336

PAUL G. SCAMBLER, Q.C.*, Associate Counsel

IAN D. IZARD, Q.C., Retired
ROBERT L. RICHEY, Deceased

Writer's Voice Mail Box Number: 223
Writer's E-mail Address: nsparling@clay.bc.ca

ADDRESS: Main Floor, 837 Burdett Avenue
Victoria, British Columbia
Canada, V8W 1B3

Please reply attention: NATALIE SPARLING

Our File No.: 39638-001

VIA EMAIL: lstohmann@langford.ca

August 8, 2020

City of Langford
Planning Department
2nd floor, 877 Goldstream Ave.
Langford, BC V9B 2X8

Attention: Leah Stohmann
Dear Ms. Stohmann:

**Re: TriWay Mobile Home Park (the "Park")
2780 Spencer Road, Langford, BC (the "Property")
Bylaw No. 1885 (the "Bylaw")**

Further to your email of July 22, 2020, I write to set out my clients' concerns to clarify the items they seek to address.

There have been various representations throughout the rezoning process stating that the residents would have a significant role in determining and approving what a comprehensive plan of compensation under the City's Manufactured Home Park Redevelopment Policy (the "**Policy**") would look like. These representations have come primarily from the following sources:

1. The letter from Mayor Stewart Young dated May 31, 2019, which stated:

"...the City of Langford will not **rezone** any manufactured home park for any other use unless and until a comprehensive plan of compensation has been provided. This plan must be approved by Council, **but more importantly approved by the overwhelming majority of the residents of Tri-Way park**. As I stated, for something like this a simple majority of 50% +1 will not suffice." [emphasis added]

2. The plan recommended by the planning department and adopted by council at the first reading of the Bylaw. The recommendation stated:

“That a no-build and non-disturbance covenant be registered on Area 5 identified in Appendix A that restricts the use to a mobile home park only **until the mobile home residents and Council** approves a compensation plan for home owners per Council's Manufactured Home Park Redevelopment Policy.” [emphasis added]

3. Representations by the Developer with respect to the timing of when residents may elect to leave the park and receive compensation, which the residents understood to be in line with the City's requirements and part of the comprehensive plan to be approved.

The residents have strongly relied on these representations throughout the process of rezoning of the Property. It has become clear to them that these representations are not accurate and they are concerned that the residents are being excluded from the rezoning and redevelopment process contrary to these representations.

My email of July 20, 2020 to Robert Dykstra requested confirmation of when the representations regarding the residents' involvement in determining a comprehensive plan of compensation, as set out above, became inaccurate. This question was not addressed in your response of July 22, 2020 and we believe it has relevance as to whether this was accurately put before Council at the second and third reading on May 4, 2020. Our reading of the minutes is that Council approved the bylaw on the terms, inter alia, set out point two above.

As I understand it, the City presently takes the position that the Policy only requires the matter of a “comprehensive plan for compensation” to be addressed prior to development applications being submitted. This is not the interpretation my clients were led to believe would apply.

The present rezoning is merely step one in the redevelopment plans for the Property. A broad and inclusive interpretation of the Policy most intended to reflect the stated purposes of the Policy would recognize this. This interpretation, namely, that rezoning is part of redevelopment, is also consistent with the representations made by Mayor Young and the recommendations of the Planning Department at the first reading of the Bylaw. It is also consistent with paragraph 1(d) which states “That approval of any application for the redevelopment of any manufactured home park site be subject to a comprehensive plan for compensation, to the satisfaction of Council, in addition to the mandatory payment under the *Manufactured Home Park Tenancy Act*,... at the time of application for **rezoning or redevelopment** is provided to tenants...” (emphasis added).

This interpretation would also reflect the realities that the negative effect of rezoning has on the residents of the Park. It has been brought to my attention that due to the fact that there is so much uncertainty as to the future of the Park, residents who want to sell are unable to and, where they have been forced to relocate due to personal circumstances, they have been now forced to carry the costs under their current tenancy. A broad interpretation of the Policy would recognize the important of determining a comprehensive plan for compensation at stage one of any redevelopment, namely, the rezoning process. The residents are concerned with the timing and sequencing of this policy being developed and approved.

The residents are receiving mixed signals on what the City considers a “comprehensive plan for compensation”. The Policy is quite clear that it is to go beyond the minimum requirements under the *Manufactured Home Park Tenancy Act* but aside from that, leaves it to be “to the satisfaction of Council.” To what degree has this plan, that we understand is to be referenced in the proposed covenant, been discussed or approved by council?

We have received a copy of the draft covenant pursuant to a Freedom of Information request. Section 2 of the draft covenant provided states that the owner's use of the “covenant area” is restricted to a manufactured home park until “the Owner has provided compensation to each tenant... in accordance with the requirements

of the MHPTA or the [Policy], whichever is greater.” The covenant then goes on to state that “this Agreement represents a comprehensive plan for compensation satisfactory to City Council as required by the [Policy].”

Answers to questions posed by residents to City Planning Department received on 26th June 2020 also seem to imply that a, “comprehensive plan” simply equates to the better of City Policy or provincial legislation, which is not comprehensive and does not better City Policy.

While we appreciated that the covenant obtained as part of the Freedom of Information request was in draft form, and revisions may have occurred, my clients have concerns that this appears to not require Council to approve a comprehensive plan for compensation in accordance with section 1(d) of the Policy, which clearly contemplates such plan be to the satisfaction of Council. Simply declaring this to be satisfactory in the covenant does not seem sufficient if the matter has not actually been put to Council and appears to bypass the other procedural safeguards set out in the Policy that are intended to ensure that those affected have a reasonable opportunity to be heard. If in fact the covenant intends to finalize compensation now, then tenants should be provided the opportunity to address Council in a public setting. We understand certain promises have been made by the Developer as to how and when tenants may leave the Park if they elect to do so and it would seem reasonable that these would form part of any comprehensive plan.

The concern my clients have with respect to a “comprehensive plan of compensation” is not strictly about financial amounts, but more so the comprehensive nature of any such plan, including with respect to timing given the freezing or suspended effect that this is having on residents in the Park. This effect will only become worse as plans for development proceed, far in advance of any actual redevelopment. There is concern that this vulnerability could be heightened as tenants are unable to sell, unable to obtain financing or bridge financing for alternate accommodation, and constitute a vulnerable population. My clients in no way intend to imply this is the intent of the owner or developer, but it is an unavoidable effect that the process has on their lives and their inability to sell their homes while uncertainty remains.

In the residents’ view, the Policy is intended to protect their vulnerable position as a community of seniors and tenants residing in the Park and the continued backtracking and reversal in positions has resulted in a lack of confidence and a lack of ability to have their concerns addressed by Council.

With a view to advancing discussions, the residents seek written clarification as to:

1. The step-by-step process to be implemented generally and under the Policy as the Property undergoes rezoning and development, and as the footprint of the Current Park is reduced;
2. What role the City views the residents as having, if any, in determining and approving a “comprehensive plan for compensation”;
3. The City’s view of what constitutes a “comprehensive plan for compensation” under the Policy and how this will be determined. In particular, how such a plan would address the following:
 - a. the timing and terms of any compensation payment;
 - b. the year of Assessment to which compensation refers since city policy refers to date of application for rezoning or redevelopment
 - c. confirmation of the developer’s earlier representation that compensation would be Assessed Value plus 12 month’s rent; and
 - d. the process to be followed in the event a homeowner does not accept compensation and does not wish to move;
4. How the City intends to protect the residents of the Park within the confines of the Policy, given the residents’ vulnerable position;
5. Whether the material changes to the recommended covenant provisions from the first reading were properly put before council at the second and third reading; and

6. The status of the reserve fund contemplated in 1(j) of the Policy.

It is the residents view that given the substantial misrepresentations to date, the Bylaw should at a minimum recede back to third hearing and, preferably, that a public hearing be held as was initially intended in order to give residents full and adequate opportunity to address Mayor and Council. If the current form of Covenant does intend to finally deal with the matter of a comprehensive plan of compensation a public hearing should be held in accordance with the Policy.

My clients have accepted your invitation to a joint meeting, as had been proposed, to discuss the concerns set out above with a view of bringing clarity to the residents on how the redevelopment of the Property will unfold, at what stages certain determinations will be made, and what degree of involvement the residents will have. With these items being clarified, we believe the process will proceed much more efficiently. Residents recognise that change is inevitable and as expressed previously, accept the same and merely seek the clarity enabling them to plan, knowing the timeliness of the process and of compensation which in turn and where necessary will enable them to make alternate living arrangements.

Yours truly,

CLAY & COMPANY

per: *Natalie Sparling*

Natalie Sparling

NS/

Encl.

cc: Matthew Baldwin (mbaldwin@langford.ca)