

CITY OF LANGFORD

MINUTES OF THE REGULAR MEETING OF COUNCIL

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

**Council Chambers Closed due to COVID-19
Meeting by Teleconference**

*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.

PRESENT

Acting Mayor M. Sahlstrom; Councillors: D. Blackwell, L. Seaton, N. Stewart, L. Szpak and R. Wade.

ATTENDING

Director of Corporate Services, B. Hutchins; Director of Engineering, M. Mahovlich; Director of Planning and Subdivision, M. Baldwin; Director of Finance, M. Dillabaugh; Manager of Legislative Services, M. Watmough; and Manager of IT, K. Dube.

ABSENT

Mayor S. Young, and Chief Administrative Officer, D. Kiedyk.

1. CALL TO ORDER

Acting Mayor Sahlstrom called the meeting to order at 5:31 pm.

2. APPROVAL OF THE AGENDA

MOVED BY: COUNCILLOR SEATON

SECONDED: COUNCILLOR WADE

That Council approve the agenda as presented.

CARRIED.

3. PUBLIC HEARING

a) BYLAW NO. 1904

**"Langford Zoning Bylaw, Amendment No. 589, (Omnibus No. 51 – City Centre 1 Zone),
Bylaw No. 1904,
2020".**

The Acting Mayor opened the Public Hearing for Bylaw No. 1904 at 5:31 pm, and read a statement to inform those present of the public hearing procedure.

Director of Planning Matthew Baldwin advised that the following Omnibus No.51 contemplates amending the text of the Zoning Bylaw to add a new downtown zone. The new CC1, City Centre 1, Zone will be applied to properties that are outside of the core Goldstream Avenue area, or main thoroughfares such as Peatt or Jacklin Road.

This is being proposed in order to create a zone with regulations special to the downtown that will support the recent changes made to Langford's Design Guidelines for the Downtown

As part of this application, a public hearing is required in accordance with the regulations of the Local Government Act.

Notifications and advertisements have been placed as required by the Local Government Act.

The Acting Mayor called a first time for presentations.

None presented.

Acting Mayor Sahlstrom called a second time for presentations.

Resident on Hockley Ave– Called to express support for the Bylaw. Stated that their concerns had been addressed and they are in support

Acting Mayor Sahlstrom called a third and final time for speakers. There being none, he declared the Public Hearing for Bylaw No. 1904 closed at 5:42 p.m.

b) BYLAW NO. 1920

"Langford Zoning Bylaw, Amendment No. 597, (Omnibus No. 53–Various Amendments), Bylaw No. 1920, 2020".

The Acting Mayor opened the Public Hearing for Bylaw No. 1920 at 5:42 pm, and read a statement to inform those present of the public hearing procedure.

Director of Planning Matthew Baldwin advised that Bylaw No. 1920 proposes the following broad changes to Zoning Bylaw No. 300:

- the removal of flex suites from the C9 Zone;
- amending density bonus provisions of the CD20 Zone to split the base density and amenity contributions between the two separate development sites;
- inserting minimum lot size exemptions for boundary adjustment subdivisions and transportation corridor uses; and
- amending Schedule E of the CD1 Zone.

Notifications and advertisements have been placed as required by the Local Government Act.

The Acting Mayor called a first time for presentations.

None presented.

Acting Mayor Sahlstrom called a second time for presentations.

None presented.

Acting Mayor Sahlstrom called a third and final time for speakers. There being none, he declared the Public Hearing for Bylaw No. 1920 closed at 5:44 p.m.

4. ADOPTION OF COUNCIL MINUTES

a) Minutes of the Regular Meeting of Council – July 20, 2020

MOVED BY: COUNCILLOR SEATON
SECONDED: COUNCILLOR BLACKWELL

That Council approve the minutes of the special meetings of Council held on July 20, 2020.

CARRIED.

5. OTHER BOARD AND COMMISSION MINUTES

**a) Minutes of the West Shore Parks and Recreation Board of Directors Meeting–
June 18, 2020**

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR SATON

That Council receive the minutes of the West Shore Parks and Recreation Board of Directors Meeting held on June 18, 2020.

CARRIED.

6. COMMITTEE RESOLUTIONS

a) Parks, Recreation, Culture and Beautification Committee – July 23, 2020
**1. Minutes of the Parks, Recreation, Culture and Beautification Committee
Meeting – July 23, 2020**

MOVED BY: COUNCILLOR SEATON
SECONDED: COUNCILLOR BLACKWELL

That Council receive the minutes of the Parks, Recreation, Culture and Beautification Committee held on July 23, 2020.

CARRIED.

2. Naming of the New Park on Azurite Crescent

MOVED BY: COUNCILLOR SEATON
SECONDED: COUNCILLOR WADE

That Council name the new park on Azurite Crescent "Southpoint Park".

CARRIED.

b) Protective Services Committee – July 28, 2020

1. Minutes of the Protective Services Committee Meeting – July 28, 2020

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR BLACKWELL

That Council receive the minutes of the Protective Services Committee held on July 28, 2020.

CARRIED.

2. Approval to Develop a Bylaw Notice Adjudication System

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR STEWART

That Council direct Staff to formally request the Ministry of Attorney General to enact a regulation to make the Local Government Bylaw Notice Enforcement Act applicable to the City of Langford; and,

That Council direct Staff to prepare a Bylaw Notice Enforcement Bylaw, Screening Officer Policy, and amendments to existing bylaws as necessary to implement a bylaw adjudication system.

CARRIED.

3. Evacuation Route Plan and Hazard, Risk, Vulnerabilities Assessment

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR WADE

That Council receive the report for information only.

CARRIED.

7. PUBLIC PARTICIPATION

Resident on Spencer Rd - Letter was sent to council from the Tri-way residents' legal counsel. Need to allow residents a satisfactory outcome, everyone is housed, everybody treated the same.

2nd Resident on Spencer Rd - Referenced letter from J. Hartshorne. Said Mr. Hartshorne had received a number of concerns about differing information from representatives. These representatives are our duly elected reps. We stand together. Once we elect our representatives it is not up to the developer to question our choice. There has been no direct information from Tri-Way other than a short meeting with the public relations manager. In 6 months, no one has gotten back. They were supposed to talk one on one at the beginning. It is too early to rezone the park

3rd Resident Spencer Rd - Redevelopment of the park will happen. I believe in general people are more than willing to cooperate. Understand our position, protections have been eliminated or ignored; assurances were changed or disappeared. In the Mayor's May 2019 letter residents were assured that there would be a comprehensive compensation plan in place before rezoning. People relied on these statements. In February 2020 it was stated that the covenant would apply only until residents and council approve a comprehensive plan of compensation. The Draft covenant does not give the participation or protection. The draft covenant sets out the compensation and then says this is accepted to be a comprehensive compensation plan. This is different from the January presentation; changes raise red flags. This is without council being included and residents being part of it. Need to find a way that commitments are honoured. Require a detailed plan like the one in January 2020 that includes more detail, things such as when would compensation be paid; which year of assessed value would be used. Need details to relieve anxiety.

Jim Hartshorne, Developer - Current owners have held the property since 1940, the mobile home park has been there since its inception in 1958; 80% of the trailers are over 45 years old. In addition, the septic need replacing. Total servicing needs in the park are in the millions. CRD housing – priority placements Tri-Way park residents. 18-month construction period. Park is protected until they become the owner. The developer is not yet the owner so cannot make decisions about compensation at this time. Intent of the covenant is to mitigate concerns. This is a 50+ acre parcel, the mobile home park is 12 acres. There will be a 1000 square foot amenity building that will be available to the residents of the park. The park cannot be reduced to less than 40 units. 55% of the units will be maintained in their location, 15% will be in new area. 30% of residents have indicated that they wish to leave, move their mobile home or go into the CRD housing, if they qualify. The owners of mobile homes that are staying in place will have the option of selling on the open market. This is a long-term multi-faceted complex development it is going to be a thorough, thoughtful and costly development.

4th Resident on Spencer Rd - I am an elected representative. I have been involved for the last 7 months, we are liaisons between the developer and residents. Have asked for a number of clarifications, receive conflicting or no answers. Residents are eager to know plans and details. Were told will have say in comprehensive compensation, now staff says there is no say. Want to confirm that the covenant includes wording to protect. Draft covenant indicates the parties have already agreed
Bring issues to table for discussion, urge council to clarify residents concerns that have been brought fwd.

2nd Resident on Spencer Rd - This is short of a case of private expropriation. Compensation should be decided before rezoning, need to know what the parameters are.

3rd Resident on Spencer Rd - Propose we come together to sit together and talk this through, we can solve this by face to face or zoom.

Resident on White Pine Terr - The covenant is a layer of protection that is not available without the rezoning. Covenant provides the opportunities everyone is looking for.

1st Resident on Spencer Rd - It was originally understood that anyone who wanted the buyout would get it. Some of the people have very old decrepit trailers that won't move or sell.

5th Resident on Spencer Rd - Moved in October 2019, just before being notified the park was up for sale. No one will buy a home when they don't know what is happening. It is costing us \$1400 per month to keep the house, can't have someone rent or even have a caretaker live there.

Jim Hartshorne, Developer - Talked about the incredible circumstances to make the project. This is a community; there are technical issues, the residential tenancy act and the mobile home act. There is a high level of frustration. Something needs to move here, we continue to pursue communication. In our situation, we are going broke because there is no way out of it. Unsure future we have to deal with.

Resident on Carr Rd - Mom lives in Park. Understand that the developer will not buy the parcels without the rezoning, residents have to have compensation before rezoning, clarification on that.

3rd Resident on Spencer Rd - Feel that it is disingenuous to say the developer can't take on the compensation until they are the owners, have taken on the obligation to install sewer. Could put a provisional comprehensive plan for compensation in place prior to the rezoning.

2nd Resident on Spencer Rd - Could have a hypothetical plan and map for where the 40 units would be located, that information would be invaluable. Put provisional rider on the zoning and I will remove my objection if that goes on before rezoning.

Jim Hartshorne, Developer - The covenant was put in place to secure the 12 acres and each home. Currently over 25 units are being held in the CRD housing for people in the park. Most people are on a month to month agreement with the park.

2nd Resident on Spencer Rd - Regarding the month to month, we pay property taxes to the City of Langford.

8. NOTICE OF INTENT

a) TUP20-0004 – 2981 AND 2985 Awsworth Rd

MOVED BY: COUNCILLOR BLACKWELL

SECONDED: COUNCILLOR WADE

That Temporary Use Permit No. TUP20-0004 be issued by the Council for the City of Langford to Niall Paltiel, Keycorp Consulting Ltd. Has applied on behalf of Susan Gale and Todd Edward Wilson to allow for the operations of a truck terminal facility at 2981 and 2985 Awsworth Rd subject to the following terms and conditions:

1. Appendix

The site shall be developed in accordance with the site plan attached (Appendix A) to the report dated 29 June 2020.

2. Variances

The following regulations of Zoning Bylaw No. 300 are varied under Section 493 of the *Local Government Act*:

- a) That applicant must, prior to issuance, complete the following:
 - I. Remove trucks from the site and cease use of a truck terminal facility until a Development Permit has been issued by the Director of Planning or a Business License has been issued, whichever is first;
 - II. Remove any dirt piles left in City road right of way to the satisfaction of the Director of Engineering;
 - III. Decommission site access from Sooke Road/Highway 14 to the satisfaction of the Director of Engineering. Vehicular access to the site may only occur from Awsworth Road;
 - IV. Register a Section 219 covenant, registered in priority of all other charges on title, that agrees to the following:
 - 1) That the property shall only be used for a single-family dwelling until a Development Permit has been issued (or exemption if applicable) and a Business License has been issued; and
 - 2) That the applicant agrees to implement and maintain any and all recommendations regarding proximity to the Agricultural Land Reserve as per the Edge Plan prepared by C&F Land Resource Consultants Ltd, dated April 17, 2020.
- b) That the activities relating to the Temporary Use Permit occur outside of the Agricultural Land Reserve designated land.
- c) That they be allowed to stay a week plus one day, then be required to move.

3. Conditions

The following requirements are imposed under Section 493 of the *Local Government Act*:

- a) That the application be authorized for three years with an expiry date of 20 July 2023. The application can be requested to be renewed for an additional three years. After the sixth year, a new application process will be required.

CARRIED.

9. REPORTS

- a) **Application for a Temporary Use Permit at 890 Goldstream Avenue to allow the operation of an after-school computer coding programing for children.**
 - **Staff Report (Planning)**

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR WADE

That Council proceed with the consideration of Temporary Use Permit TUP20-0003 at 890 Goldstream Avenue to allow a computer programming school for children for the period of three years, subject to the following terms and conditions:

- a) That addressing for the three units be clarified and revised as required to the satisfaction of the Fire Chief prior to issuance of a business licence;
- b) That the applicant will retain an Architect to supply the appropriate code analysis for the building change of use and to ensure code compliant fire separations and B.C. Building Code 2018 code requirements are met for the unit prior to a business licence being issued, to the satisfaction of the Chief Building Inspector;
- c) That the Temporary Use Permit be issued only to Jesse Bowness, doing business as Code Ninjas Westshore and not be transferred to any subsequent business or business owner should Jesse Bowness, Code Ninjas Westshore cease to operate.

CARRIED.

- b) Variances Associated with Rezoning of 494 Goldstream Avenue from One- and Two-Family Residential (R2) Zone to City Centre (CC1) to Allow for a 6-Storey Mixed-Use Building**
 - **Staff Report (Planning)**

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR WADE

That Council give 1st reading to Bylaw 1905 to amend the zoning designation of the property located at 494 Goldstream Avenue from R2 (One- and Two-Family Residential) to CC1 (City Centre); and

Authorize the Director of Planning to issue the following variances in the Form and Character Development Permit for 494 Goldstream Avenue:

- a. That Section 6.57.06(2)(a) be varied to reduce the minimum exterior side yard setback from the required 4.0m to 2.0m.
- b. That Section 6.57.06(2)(b) be varied to reduce the minimum interior side yard setback from the required 3.0m to 2.0m.
- c. That Section 6.57.08(1) be varied to reduce the minimum distance of an unenclosed surface parking space to a lot line abutting a highway from the required 3.0m to 2.0m.
- d. That Section 6.57.08(3) be varied to reduce the minimum landscaped area between surface parking stalls and rear lot line from the required 3.0m to 2.0m.

CARRIED.

**c) Disposition of Portions of 2855 West Shore Parkway and 1365 Goldstream Ave
- Staff Report (Administration)**

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR WADE

That Council approve the disposition on the terms and conditions of the attached purchase and sale agreement with Canwest Hotels Ltd, for an approximate 1.8 ha (4.5 ac) portion of the properties legally described as Lot 1 Section 1 Goldstream District Plan VIP69106 and Lot 2 Section 1 Goldstream District Plan 12263 Except Part In Plan EPP60296; AND

Direct Staff to proceed with legal surveys to subdivide the lands to be purchased from the parent parcels, and into two ultimate lots.

CARRIED.

10. BYLAWS

a) BYLAW NO. 1847

**"City of Langford Fees and Charges, Amendment No. 13, Bylaw No. 1847, 2020".
(ADOPTION)**

MOVED BY: COUNCILLOR SEATON
SECONDED: COUNCILLOR WADE

That Council adopt Bylaw No. 1847.

CARRIED.

b) BYLAW NO. 1864

**"Langford Zoning Bylaw, Amendment No. 574, (Omnibus No. 52 – Residential Zone Combining), Bylaw No. 1864, 2020".
(ADOPTION)**

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR BLACKWELL

That Council adopt Bylaw No. 1864.

CARRIED.

c) BYLAW NO. 1885

**"Langford Zoning Bylaw, Amendment No. 583, (1100 McCallum Rd and 2780 Spencer Rd), Bylaw No. 1885, 2020".
(ADOPTION)**

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR WADE

That Council adopt Bylaw No. 1855.

CARRIED.

d) BYLAW NO. 1893

"Langford Zoning Bylaw, Amendment No. 586, (721, 749, 755, 759, 767, 769 Meaford Ave), Bylaw No. 1893, 2020".

(ADOPTION)

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR BLACKWELL

That Council adopt Bylaw No. 1893.

CARRIED.

e) BYLAW NO. 1904

"Langford Zoning Bylaw, Amendment No. 589, (Omnibus No. 51 – City Centre 1 Zone), Bylaw No. 1904, 2020".

(SECOND AND THIRD READINGS)

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR WADE

That Council give Bylaw No. 1904 second and third readings.

CARRIED.

f) BYLAW NO. 1905

"Langford Zoning Bylaw, Amendment No. 590, (494 Goldstream Ave), Bylaw No. 1905, 2020".

(FIRST READING)

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR WADE

That Council give Bylaw No. 1905 first reading.

CARRIED.

g) BYLAW NO. 1913
**“City of Langford Tax Exemption Public Athletic and Library Facility Bylaw No. 1588,
2015 Amendment No. 1, Bylaw No. 1913, 2020.”**
(FIRST, SECOND AND THIRD READINGS)

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR WADE

That Council give Bylaw No. 1913 first, second and third readings.

CARRIED.

h) BYLAW NO. 1920
**“Langford Zoning Bylaw, Amendment No. 597, (Omnibus No. 53–
Various Amendments), Bylaw No. 1920, 2020”.**
(SECOND AND THIRD READINGS)

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR WADE

That Council give Bylaw No. 1920 second and third readings.

CARRIED.

i) BYLAW NO. 1922
“Peatt Road DCC Agreement (Project 13)”.
(ADOPTION)

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR STEWART

That Council adopt Bylaw No. 1922.

CARRIED.

j) BYLAW NO. 1923
“Highway 14 (Sooke Road) DCC Agreement (Project 24)”.
(ADOPTION)

MOVED BY: COUNCILLOR SEATON
SECONDED: COUNCILLOR WADE

That Council adopt Bylaw No. 1923.

CARRIED.

k) BYLAW NO. 1928
“2020 Tax Sale Deferment Bylaw No. 1928, 2020”
(FIRST, SECOND AND THIRD READINGS AND ADOPTION)

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR STEWART

That Council give Bylaw No. 1928 first, second and third readings and adoption.

CARRIED.

11. IN-CAMERA RESOLUTION

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR STEWART

THAT Council close the meeting to the public pursuant to section 90 (1) e of the *Community Charter* to consider:

- **the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.**

CARRIED.

12. ADJOURNMENT

Acting Mayor Sahlstrom adjourned the meeting at 7:13 pm.

PRESIDING COUNCIL MEMBER:

CERTIFIED CORRECT
Corporate Officer