



Council Minutes

February 7, 2022, 5:30 PM

Electronic Meeting

PRESENT:	Mayor S. Young	Councillor N. Stewart
	Councillor D. Blackwell	Councillor L. Szpak
	Councillor M. Sahlstrom	Councillor R. Wade
	Councillor L. Seaton	
ATTENDING:	D. Kiedyk, Chief Administrative Officer	Y. Nielsen, Manager of Parks and Recreation-Remote
	M. Watmough, Acting Director of Corporate Services	Wayne Robinson, Manager of Building Services - Remote
	M. Baldwin, Director of Planning and Subdivision	K. Dube, Manager of Information Technology
	M. Dillabaugh, Director of Finance	C. Lowe, IT Support Specialist
	M. Mahovich, Director of Engineering and Public Works	L. Stohmann, Deputy Director of Planning and Subdivision
	L. Fletcher, Manager of Community Safety and Municipal Enforcement-Remote	

**Due to COVID-19 Council Chambers is Closed
Meeting by Teleconference**

1. TERRITORIAL ACKNOWLEDGEMENT

2. CALL TO ORDER

Mayor Young called the meeting to order at 5:35 pm.

3. APPROVAL OF THE AGENDA

THAT Council approve the agenda as presented.

4. PUBLIC HEARINGS

4.1 BYLAW NO. 2014

The Mayor opened the Public Hearing for Bylaw No. 2014 at 5:35 pm.

Director of Planning Matthew Baldwin advised that Sean Lubick has applied on behalf of 1299107BC Ltd., Sheila and Doug Popadyne, and Telluride Holdings Inc. to amend the zoning of 3420 Luxton Rd, 1120 Finney Rd, 3219 Loledo Pl, and 3235 Loledo Place from the RR2 (Rural Residential 2) Zone to the RS1 (Residential Small Lot 1) Zone.

This is being proposed in order to allow for the development of large lots, small lots, duplexes, and townhomes.

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

In support of these/this application, the applicant has agreed to provide:

1. The following contributions, as a bonus for increased density, the per residential unit, prior to issuance of a building permit:
 - i. \$660 towards the Affordable Housing Reserve Fund per half duplex or single-family lot less than 550 m²;
 - ii. \$3,960 towards the General Amenity Reserve Fund per half duplex or single-family lot less than 550 m²;
 - iii. \$1,000 towards the Affordable Housing Reserve Fund per single family lot 550 m² or greater;
 - iv. \$6,000 towards the General Amenity Reserve Fund per single family lot 550 m² or greater
 - v. \$610 towards the Affordable Housing Reserve Fund per townhouse unit; and
 - vi. \$3,660 towards the General Amenity Reserve Fund per townhouse unit
2. AND provide prior to bylaw adoption a Section 219 covenant registered in priority of all other charges on title that agrees to the following:
 - i. That the following will be provided and implemented to Bylaw No. 1000 standards to the satisfaction of the Director of Engineering prior subdivision approval or the issuance of a building permit, whichever is first:
 - a) Full frontage improvements including the completion of Finney Road which will require two driving lanes, streetlights, bike lanes, road stormwater control, and a sidewalk.
 - b) A storm water management plan;
 - c) A construction parking management plan;
 - ii. That road dedication for the extension of Finney Road will be provided, to the satisfaction of the Director of Engineering;
 - iii. That the developer will connect and be responsible for any upgrades required to the services and utilities required for the development;
 - iv. That the site is in proximity to agricultural and business park areas, and that these may create general noise, odour, and other nuisances, and agree that the owner and all future owners assume all risk and annoyance of such nuisances.

Council also resolved to make the following amendments:

1. Amend the RS1 (Residential Small Lot 1) Zone to allow two-family dwellings pursuant to the regulations of the R2 (One- and Two-Family Residential) Zone; and
2. Amend the RS1 (Residential Small Lot 1) Zone to allow townhouses on the subject properties.

These changes have been incorporated into the bylaw that is the subject of this Public Hearing.

Council had asked that, prior to Public Hearing, staff receive feedback on the proposal from the Ministry of Transportation. This has been received.

Council had asked that the applicant provide a Traffic Impact Assessment and site plan showing the proposed lot layout and access prior to this Public Hearing. The Traffic Impact Assessment has been provided. The applicant respectfully requests leave from the requirement to provide a lot layout prior at this time as the design and layout of a future subdivision may be constrained by circumstances beyond his control, and presenting a plan of subdivision at this time may be premature, and bind him to a particular lot layout which may or may not be achievable. This proposal is consistent with the Official Community Plan Hillside or Shoreline designation.

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

Mayor Young called a first time for presentations.

S. Lubick, 221 Navigators Rise - Has made the application for the development. The application meets the City's Official Community Plan. Has had only 2 neighbours' reach out for information. Believes there is need for the mix use development in the neighbourhood. The local infrastructure will be enhanced.

W. Hobbs, 3442 Luxton Rd - Can the public see the storm water management report? Is concerned about flooding in their area. What type of storm water plan would be implemented? Wants to know about access on Finney Rd.

Michelle Mahovlich, Director of Engineering and Public Works, responded - At this stage of development, there is a storm water technical memo available to the developers. To make them aware of the options available to them. A full detail storm water management plan is not required until Development Permit or Subdivision stage. Storm management plans are based on the land that is developed.

To the question of site access of Finney Rd, Bylaw 1000 standards will be met during construction.

L. Thorpe, 3213 Loledo Pl - Is a resident in the neighbourhood. Didn't receive notice of the development. Where will traffic access be Finney Rd or Loledo Pl?

Michelle Mahovlich, Director of Engineering and Public Works, responded - the traffic access will on Finney with the road to be extended. and the access to Sooke Rd to be completed by 2024. Hopes for construction to be completed before beginning of Occupancy of the development. Possible access to construction from Loledo Pl. But until final plans are presented, construction access roads are not finalized.

R. Mew, 1131 Finney Rd - Family owns the farmland across from the development. Excited about the development. Redeveloping the farm, hoping to serve the neighborhood. Supportive of the mix use development. Happy that Finney Rd would be developed.

M. Wagner, #104-2669 Deville Rd - Believes the public hearing is too early in the process of development for the public to be informed. Concerned about the lack of medical care in the City. Concerned about the growth rate.

C. Harder, #405-844 Goldstream Ave - Echo's previous comments. Too early in the process for residents to ask questions. Would like more information made available to the public. Wants the infrastructure improved in the development area.

W. Hobbs, 3442 Luxton Rd - Has some answers to the Finney Rd connector. Concerned about the increase of traffic in the area. Concerned the area won't have sewer available.

L. Plomp, 3592 Whimfield Ter - Echo's the remarks of the previous callers. There are 3 requirements for the developer to meet before bringing the application to a public hearing. Prevision of a storm water plan, a traffic impact assessment, lot layout plan. Concerned about a traffic assessment without knowing how many residents will access the area. Not fair to residents to comment about a development, without having more information available to them about the details of the development.

R. Johal, 1119 Finney Rd - Family owns property near the development. Concerned about traffic issue on Finney Rd. Would like the road to connect to Latoria Rd or Happy Valley Rd. Caller is concerned about a storm management plan and how it may affect his residence. Would like Council to table the application for 2 weeks. Would like to see proper screening.

A. De Medeiros, 2313 Echo Valley Dr - Echoing the concerns of the other callers. Believes there is a lack information available. Take in a public consultation.

J. Gintaut, 1331 Ravensview Dr. - Would like traffic assessment to be made public.

Mayor Young called a second time for presentations.

R. Coutrey, 205-847 Goldstream Ave - Supports this development. Likes the mix use opportunity. Trying to provide large lots and small lots. Likes that infrastructure will be improved in the area. Finney Rd connectivity is important. Concerned about housing shortage and affordability. Believes the number one factor hindering this, is lack of supply.

R. Mew, 1131 Finney Rd - Owns the farm across from the development, which is welcomed. Approves the development even though the details of infrastructure and traffic are to be worked out. Appreciates the assistance of City staff. Looks forward to the expansion of services to the area.

C. Harder, #405-844 Goldstream Ave - Echo the previous callers. To table this bylaw until there is additional information available to public. Concerned about the traffic in the area.

Mayor Young called for a third and final time for presentations. There being none, he declared the Public Hearing for Bylaw No. 2014 closed at 6:10 p.m.

4.2 BYLAW NO. 2015

The Mayor opened the Public Hearing for Bylaw No. 2015 at 6:10 pm.

Director of Planning Matthew Baldwin advised that Gary Lunn has applied on behalf of Walking Stick Developments to amend the zoning of 3216 Happy Valley from the 'Rural Residential 2' Zone to the 'Residential Townhouse 1' Zone.

This is being proposed in order to allow for the development of 18 townhouses.

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

In support of this application, the applicant has agreed to provide the following as a bonus for increased density, the applicant will provide the following contributions per townhouse dwelling prior to building permit:

1. \$610 towards the Affordable Housing Reserve Fund; and
2. \$3,660 toward the General Amenity Reserve Fund.

Prior to bylaw adoption, the applicant will register a section 219 covenant that agrees to the following:

1. That full frontage improvements, a storm water management plan, and a construction parking plan be provided and implemented to Bylaw 1000 standards to the satisfaction of the Director of Engineering prior to issuance of a building permit.

This proposal is consistent with the Official Community Plan 'Neighbourhood' designation.

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

Mayor Young called a first time for presentations.

S. Geary, 1375 Bear Mountain Pkwy - Concerned about the brain injury program being impacted. Believes the financial benefits of the development, don't outweigh the cost of the impact to people using the program.

J. Gintaut, 1331 Ravensview Dr. - Will there be a half road for access still made? Hopes that a half road will be made available.

Mayor Young called a second time for presentations.

No presentations.

Mayor Young called a third time for presentations.

L. Plomp, 3592 Whimfield Ter - Calling about letters that are attached from the Director of the Brain Injury program. Would like a response to those letters to the public.

M. Wagner, #104-2669 Deville Rd - Concerned about the impact on the brain injury program. Concerned about the lack of information. Concerned about the lack of response publicly to letters that get sent into Council.

W. Hobbs, 3442 Luxton Rd - Concern about the impact of development to the brain injury program.

C. Harder, #405 844 Goldstream Ave - Echoing comments of previous callers. Has personal relationship to someone that uses the brain injury program. Concerned about the safe access to the program.

G. Lunn, 7041 Veyaness Rd, Saanichton - The applicant of the development. Wants to state that the development has no impact on the Brain Injury Program.

S. Geary, 1375 Bear Mountain Pkwy - Any construction noise is significant to people with a brain injury.

Mayor Young stated that the brain injury program's building is being sold by the private owner.

Mayor Young called a final time for presentations, there being none he declared the Public Hearing for Bylaw No. 2015 closed at 6:22 p.m.

4.3 BYLAW NO. 2011

The Mayor opened the Public Hearing for Bylaw No. 2011 at 6:22 pm.

Director of Planning Matthew Baldwin advised that Dave Smith has applied on behalf of BC1075549 to amend the zoning of 629 Rockingham Road, and a portion of 621 Rockingham Road from the R2 (One- and Two-Family Residential) to the RS1 (Residential Small Lot 1) Zone.

This is being proposed in order to allow for the development of approximately 19 single family dwellings.

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

In support of these/this application, the applicant has agreed to provide:

1. As a bonus for increased density, the following contributions per lot, prior to subdivision approval:
 - a. \$3,960 towards the General Amenity Reserve Fund for the creation of a single-family lot less than 550 m²;
 - b. \$660 towards the Affordable Housing Reserve Fund for the creation of a small lot for the creation of a single-family lot less than 550 m²;
2. And prior to Bylaw Adoption, a Section 219 covenant, registered in priority of all other charges on title, that agrees to the following:
 - i. That all frontage improvements to Bylaw 1000 standards are provided to the satisfaction of the Director of Engineering, including the construction of a sidewalk and road edge parking along Rockingham Road, prior to the issuance of a building permit or subdivision approval, whichever comes first;
 - ii. That a Stormwater Management Plan be provided and all required measures recommended be implemented by the owner as a condition of subdivision approval, to the satisfaction of the Director of Engineering;
 - iii. That a Construction Parking Management Plan be provided to the satisfaction of the Director of Engineering prior to any alteration of the land.

Council has also directed staff to provide notice that Council will consider issuing a Development Variance Permit with the following variance for the property at 621 and 629 Rockingham Road:

- a. That Section 6.31A.06(3) be varied to reduce the rear lot line setback from the required 7.5 m to 0.9 m for the existing duplex structure only.

This proposal is consistent with the Official Community Plan Neighbourhood designation.

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

Mayor Young called a first time for presentations.

No presentations.

Mayor Young called a second time for presentations.

No presentations.

Mayor Young called a third and final time for presentations. There being none, he declared the Public Hearing for Bylaw No. 2011 closed at 6:25 p.m.

4.4 BYLAW NO. 2027

The Mayor opened the Public Hearing for Bylaw No. 2027 at 6:25 pm.

Director of Planning Matthew Baldwin advised that Dave Smith has applied on behalf of BC1075549 to amend the zoning of a portion of 629 Rockingham Road from the R2 (One- and Two-Family Residential) to the RM2A (Attached Housing) Zone.

This is being proposed in order to allow for the development of a future townhouse site.

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

In support of these/this application, the applicant has agreed to provide:

1. As a bonus for increased density, the following contributions per unit, prior to Building Permit issuance:
 - a. \$3,660 towards the General Amenity Reserve Fund for the creation of a townhouse unit; and
 - b. \$610 towards the Affordable Housing Reserve Fund for the creation of a townhouse unit;
2. And, prior to Bylaw Adoption, a Section 219 covenant, registered in priority of all other charges on title, that agrees to the following:
 - i. That all frontage improvements to Bylaw 1000 standards are provided to the satisfaction of the Director of Engineering, including the construction of a sidewalk and road edge parking along Rockingham Road, prior to the issuance of a building permit or subdivision approval, whichever comes first;
 - ii. That a Stormwater Management Plan be provided and all required measures recommended be implemented by the owner as a condition of subdivision approval, to the satisfaction of the Director of Engineering;
 - iii. That a Construction Parking Management Plan be provided to the satisfaction of the Director of Engineering prior to any alteration of the land.

Council has also directed staff to:

1. Amend Section 6.31A.02(1) within the RM2A (Attached Housing) Zone to change the minimum lot area required for subdivision from 1,800 m² to 1,600 m².
2. Provide notice that Council will consider issuing a Development Variance Permit with the following variance for the property at 621 and 629 Rockingham Road:
 - b. That Section 6.31A.06(3) be varied to reduce the rear lot line setback from the required 7.5 m to 0.9 m for the existing duplex structure only.

This proposal is consistent with the Official Community Plan Neighbourhood designation.

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

Mayor Young called a first time for presentations.

D. Smith, the applicant - The development will provide more family housing. Has met with the local neighbours and has received 6 letters of support.

M. Wagner, #104-2669 Deville Rd - There is a stand of trees that the caller would like to have protected. Keep mature trees and greenspace.

Mayor Young called a second time for presentations.

No presentations.

Mayor Young called a third and final time for presentations. There being none, he declared the Public Hearing for Bylaw No. 2027 closed at 6:30 p.m.

5. PUBLIC PARTICIPATION

T. Sunshine, 501 Langvista Dr. - Item 10.2; The cul de sac has only one paved parking available. City frontage should be available to everyone. Caller would like to meet with city staff to resolve the parking issues.

M. Hall, 541 Langvista Dr. - Item 10.2; Recently moved to area and is concerned about the parking issues on the street. Doesn't think that the applicant needs special parking.

M. Sunshine, 501 Langvista Dr. - Item 10.2; The street has had parking issues for past 18 months on the street. Limited amount of parking. Would like to thank the Bylaw team of Langford. Is sensitive to the needs of the neighbors. But believes the requestors driveway can accommodate special vehicles. Suggested maybe landscaping changes to the applicants property to accommodate special vehicles.

L. Plomp, 3592 Whimfield Ter - Items 8.1.1, 11.2 and 12.1; Hopes that the City engages the City of Colwood to discuss their Dust Control Bylaw and hopes the City reconsiders having a Bylaw. Happy that Council is considering the implementation of a Code of Conduct. Caller is concerned about taking on a debt. Quoted Bylaw 1780, caution is necessary when taking on debt.

S. Geary, 1375 Bear Mountain Pkwy - Item 13.1; Does the amendment of the Bylaw interfere with the forested area?

Matthew Baldwin, Director of Planning responded - This change in the bylaw will not affect the area of greenspace available.

R. Coutrey, #205-847 Goldstream Ave - Items 8.1.1; Regarding the Dust Control Bylaw update. Appreciates that there is a procedure instead of a bylaw. The procedure allows for mitigating dust on a case-by-case basis. Has great success with the procedure in place. Item 11.1; Had an opportunity to be involved in the attainable housing program. Supports the amended policy. There is interest amongst developers to partake in the program.

W. Hobbs, 3442 Luxton Rd - Items 8.1.1, 11.2 and 12.1; Would like the City to reach out to residents about dust control. Caller believes that Council needs a Code of Conduct. Caller is confused about why The City is borrowing money for a developer.

A. Hull 541 Langvista Dr. - Item 10.2; The street as had existing issues with parking and if there is less parking available for visitors. It will cause more issues.

J. Gintaut, 1331 Ravensview Dr. - Item 11.2; Provide answers to 3 questions. 1. Why is it a benefit to the Langford taxpayers to assume the risk of borrowing 46 million dollars and the responsibility of undertaking construction, rather than have property owner/developer assume their own risk and responsibility? 2. What collateral is being put forth to secure the property owner/ developers ability to repay the loan, plus interest, plus any additional costs? 3. If this would to proceed, what would be the cost of implementing the loan?

Michael Dillabaugh, Director of Finance responded - The risk of borrowing are born by the property owners of the area. Done through property taxes. That is how the city guarantee's repayment. The cost of administration fees are minimal.

J. Gintaut, 1331 Ravensview Dr. - Item 12.1; There is not enough information available about the code of conduct on the Agenda.

M. Wagner, #404-2669 Deville Rd - Item 8.1.1; Reference to public input in 2016, but it now 2022. There is more dust and should be controlled by a Bylaw. Item 11.2; Doesn't seem to be an advantage to Langford. So why take on the risk? Who pays for the debt if they default? Item 12.1 Not enough information on the Agenda.

B. Armstrong, 2813 Rodney Rd - Item 8.1.1; A Dust Control Bylaw is needed. Developers are not responding quickly. Item 8.1.2; Concerned about the homeless community. Have a lack of services in Langford.

L. Hitchen, 2418 Prospector Way - Items 8.1.1; Concerned about dust at City Gate. Concerned about lung health. Spoke to Work Safe BC and not the City. What measures has the city taken to protect residents from silica dust? Item 12.1; Happy to see a code of conduct being implemented. Would like a code of conduct for speaking to the public at Council meetings.

A. De Medeiros, 2313 Echo Valley Dr. - Item 8.1.1; Didn't complain to the City about the dust in their area. Would like some accountability about the the dust at construction sites. Item 11.2; Some questions were answered, but still unsure of the benefits to Langford. Item 12.1; Happy about the code of conduct being implemented.

S. Geary, 1375 Bear Mountain Pkwy - Item 8.1.1; Regarding the dust bylaw, discussed the medical implications of silica.

Second time for callers

L. Plomp, 3592 Whimfield Ter - Item 8.1.1; Appreciated that the amendment of the resolution to consult with City of Colwood was included. Thank you to Councillor Szpak for bringing the matter back to Council. Thank you to Councillor Szpak for initiating the Code of Conduct for Council.

M. Sunshine, 501 Langvista Dr. - Item 12.1; City of Langford values excellence and collaboration. Having the Council code of conduct, the City can demonstrate its commitment to working together in a respectful and positive way.

W. Hobbs, 3442 Luxton Rd - Item 8.1.1; Would like Council to reconsider having a Dust Control Bylaw.

Mayor Young responded - Dust Bylaw does not affect just the Langford, but also Highlands. Possibly initiate communication with the District of Highlands.

M. Wagner, #404-2669 Deville Rd - Item 8.1.1; Encouraged about the Dust Control Bylaw being investigated with other communities. Item 12.1; Wanted to clarify that caller was not criticizing the City staff. Wants public input after Council decisions are made.

6. ADOPTION OF COUNCIL MINUTES

6.1 Regular Council Meeting Minutes - January 24, 2022.

That Council approve the minutes of the regular meeting of Council held on January 24, 2022.

7. OTHER BOARD AND COMMISSION MINUTES

7.1 West Shore Parks and Recreation Society Board of Directors Meeting - December 9, 2021

That Council receive the minutes of the West Shore Parks and Recreation Board of Directors Meeting held on December 9, 2021.

8. COMMITTEE RESOLUTIONS

8.1 Protective Services Committee meeting - September 28, 2021.

8.1.1 Dust Control Update

MOVED BY: SZPAK

SECONDED: SAHLSTROM

THAT Council amend the resolution to add:

2. Make no changes to current practices regarding dust management in Langford;

and

3. Follow up with Cities of Colwood and Highlands with respect to the utility of their Dust Bylaw.

Motion CARRIED.

8.2 Protective Services Committee Meeting - January 25, 2022.

8.2.1 Minutes of the Protective Services Committee Meeting - January 25, 2022.

MOVED BY: SZPAK

SECONDED: SAHLSTROM

THAT Council receive the minutes of the Protective Services Committee meeting held on January 25, 2022.

Motion CARRIED.

8.2.2 Application for a Liquor Primary Licence for Laser Obsession Beauty Spa located at UNIT- 1311 Lakepoint Way.

MOVED BY: SZPAK

SECONDED: SAHLSTROM

THAT Council:

1. Inform the Liquor Control and Licensing Branch that the City of Langford will opt out of conducting our own notification for the application for Liquor Primary License for Laser Obsession Beauty Spa at 104- 1311 Lakepoint Way.

Motion CARRIED.

8.2.3 Building Department Five Year Financial Plan for 2022-2026

MOVED BY: SZPAK

SECONDED: SAHLSTROM

THAT Council:

Approve, in principle, the Building Department Five-Year Financial Plan for 2022 - 2026 as presented in the staff report dated January 25, 2022 and refer it to the Director of Finance for consideration and inclusion in the consolidated 2022 - 2026 Five-Year Financial Plan.

Motion CARRIED.

8.2.4 Fire Department Five Year Financial Plan for 2022-2026

MOVED BY: SZPAK

SECONDED: SAHLSTROM

THAT Council:

Approve, in principle, the Fire Services Five Year Financial Plan for 2022 – 2026 as presented in the Staff Report dated January 25, 2022, and refer it to the Director of Finance for inclusion in the City's 2022-2026 Five Year Financial Plan.

Motion CARRIED.

8.2.5 Police Services Five Year Financial Plan for 2022-2026

MOVED BY: SZPAK
SECONDED: SAHLSTROM

THAT Council:

Approve, in principle the Police Services Proposed Five Year Financial Plan for 2022-2026 and refer it to the Director of Finance for inclusion in the consolidated 2022-2026 Five Year Financial Plan

Motion CARRIED.

8.2.6 Community Safety and Municipal Enforcement Department Five Year Financial Plan for 2022-2026

MOVED BY: SZPAK
SECONDED: SAHLSTROM

THAT Council:

Approve, in principle the 2022 - 2026 Community Safety and Municipal Enforcement Operating and Capital Budgets listed and refer them to the Director of Finance for inclusion in the City's 2022 – 2026 Five Year Financial Plan

Motion CARRIED.

8.2.7 Departmental Update

MOVED BY: SZPAK
SECONDED: SAHLSTROM

THAT Council receives the report for information.

Motion CARRIED.

8.3 Parks, Recreation, Culture & Beautification Committee Meeting - January 26, 2022.

8.3.1 Minutes of the Parks, Recreation, Culture & Beautification Committee Meeting - January 27, 2022.

MOVED BY: SEATON
SECONDED: WADE

THAT Council receive the minutes of the Parks, Recreation, Culture & Beautification Committee meeting held on January 27, 2022.

Motion CARRIED.

8.3.2 Parks and Recreation Five Year Financial Plan for 2022-2026

MOVED BY: SEATON

SECONDED: SAHLSTROM

THAT Council:

Approve, in principle the 2022 - 2026 Parks Operating and Capital Budgets listed and refer them to the Director of Finance for inclusion in the City's 2022 – 2026 Five Year Financial Plan

Motion CARRIED.

8.4 Planning, Zoning and Affordable Housing Committee Meeting - January 31, 2022.

8.4.1 Minutes of the Planning, Zoning and Affordable Housing Committee Meeting - January 31, 2022.

MOVED BY: BLACKWELL

SECONDED: WADE

THAT Council receive the minutes of the Planning, Zoning and Affordable Housing Committee meeting held on January 31, 2022.

Motion CARRIED.

8.4.2 Application for a Development Variance Permit to vary the total permitted area of façade sign from 37.78m², previously varied by DVP99-0005, to allow for a total façade sign area of 53.43m² for Staples at 789 McCallum Road.

MOVED BY: BLACKWELL

SECONDED: SZPAK

THAT Council:

1. Direct staff to provide notice that Council will consider issuing a Development Variance Permit for the property at 789 McCallum Rd with the following variances:
2. That Section 10(a)(i) of Sign Bylaw No. 1250 be varied to increase the total allowable façade sign area to 53.43m².

Subject to the following terms and conditions:

1. That the signs must reflect only the information and esthetic in accordance with the plans attached to this report as Appendix A and B, and may only be placed in the locations as shown on the site map in Appendix C;
2. That the red background of the building be suitably refinished so that the area that was under the previous signage is no longer of a different colour from the remainder of the façade;
3. That the banner sign on the west façade of the building be removed;

Motion CARRIED.

- 8.4.3 Application for Development Variance Permit to allow a 1.82 m (6.0 ft) high composite solid board fence to be constructed on a lot line abutting a Highway at 2620 Mica Place.

MOVED BY: BLACKWELL

SECONDED: WADE

THAT Council:

1. Direct staff to provide notice that Council will consider issuing a Development Variance Permit for the property at 2620 Mica Place with the following variance:
 1. That Section 3.21.03(3) of Zoning Bylaw No. 300 be varied from the requirement of a maximum 1.2m (3.9 ft) high, wrought iron, picket or similar style fence providing less than complete visual screening to allow a 1.82m (6.0 ft) high solid board fence;

Subject to the following terms and conditions:

1. That the site is developed in accordance with the plan attached to this report as Appendix B;

Motion CARRIED.

- 8.4.4 Application for Development Variance Permit to allow for a setback and height variance at 2936 and 2940 Irwin Road

MOVED BY: BLACKWELL

SECONDED: WADE

THAT Council:

1. Direct staff to provide notice that Council will consider issuing a Development Variance Permit for 2936 and 2940 Irwin Road with the following variances:
 1. That Section 6.80A.07 of Zoning Bylaw No. 300 be varied to increase the maximum height of a building or structure from 12 m (39.4 ft) to 27.5 m (90 ft); and
 2. That Section 6.80A.08(1) of Zoning Bylaw No. 300 be varied to reduce the front lot line setback from the required 7.5 m to 0 m;

Motion CARRIED.

9. NOTICES OF INTENT

9.1 TUP21-0005 - 107-797 Goldstream Avenue

MOVED BY: BLACKWELL
SECONDED: WADE

That Temporary Use Permit No. TUP21-0005 is issued by the Council for the City of Langford to Opal Cannabis Corp. for it to operate a Cannabis Retail Store on the property legally described as Lot A, Section 72, Esquimalt District, Plan VIP54588, PID No. 017-835-933 (107-797 Goldstream Avenue), in accordance with Section 493 of the Local Government Act, subject to the following terms and conditions, and notwithstanding Sec. 3.02.02(5) of Zoning Bylaw No. 300:

1. Conditions

FORM AND CHARACTER

a) Opal Cannabis Corp. shall submit, prior to issuance of a business license or occupancy permit (whichever comes first), a site plan, elevation drawings, signage schedule, landscape plan and parking layout that meet the Development Permit requirements for the Commercial and/or Downtown Langford Development Permit areas and Sign Bylaw No. 1250, as determined by the Director of Planning;

b) Exterior walls shall be treated in a manner and colour that is consistent with other parts of the building which the business occupies. If the non-medical cannabis retail store occupies a standalone building, then the exterior of the building will exhibit

colours from a muted, earth tone palette with contrasting accent colours for windows, trim and doors. Bold or vivid colours that are intended to be distinctive and eye-catching (e.g.: lime green or fire engine red) may be used on signage, but not on the building façade or trim to the satisfaction of the Director of Planning;

c) All windows shall be opaque, or constructed with spandrel panels behind. Windows and spandrels may not be embellished with any form of imagery;

d) Shipping containers may not be placed on property to which this permit is issued;

e) Security devices, such as window bars or roll shutters, shall be deployed on the inside of doors or windows so as to be unobtrusive and invisible from the street;

f) Opal Cannabis Corp. shall provide security measures associated with the premises from which the non-medical cannabis retail store will operate in accordance with all applicable federal and provincial laws including, without limitation, the regulations, terms and conditions outlined in the Cannabis Control and Licensing Act of B.C.;

g) Opal Cannabis Corp. shall address issues of nuisance with respect to odours, smoke and noise relating to public use of cannabis and cannabis products in accordance with all applicable federal and provincial laws including, without limitation, the regulations, terms and conditions outlined in the Cannabis Control and Licensing Act of B.C.;

h) Opal Cannabis Corp. shall address impairment issues relating to public use of cannabis and cannabis products for non-medical purposes in accordance with all applicable federal and provincial laws including, without limitation, the regulations, terms and conditions outlined in the Cannabis Control and Licensing Act of B.C.;

i) The non-medical cannabis retail store must be a stand alone business;

j) The hours of operation of the non-medical cannabis retail store shall be limited to between the hours of 9:00 a.m. to 9:00 p.m. Sunday through Wednesday and 9:00 a.m. to 10:00 p.m. Thursday through Saturday;

k) Opal Cannabis Corp. shall provide educational initiatives and materials associated with the impacts and related social concerns of the non-medical use of cannabis and cannabis products in accordance with all applicable federal and provincial laws including, without

limitation, the regulations, terms and conditions outlined in the Cannabis Control and Licencing Act of B.C., and as outlined in the Cannabis Retail Store Terms and Conditions, a handbook for the sale of nonmedical cannabis in British Columbia;

l) Without limiting the foregoing, Opal Cannabis Corp. shall conform to the regulations stipulated in the Cannabis Control and Licencing Act of British Columbia B.C. Reg.202/2018;

m) Without limiting the foregoing, Opal Cannabis Corp. shall ensure that the non-medical cannabis retail sale is in compliance with all applicable laws, including all City bylaws;

SITE LIGHTING

o) A site lighting plan shall be submitted prior to the issuance of a Building Permit and to the satisfaction of the Director of Engineering;

p) Site lighting shall:

- i. Be controlled in such a manner as to prevent any illumination of the night sky or the projection of light above a horizontal plane measured 90 degrees from vertical;
- ii. Not include Metal Halide type lighting;
- iii. Be designed to foster security, but not to shine onto adjoining lands or roads;
- iv. Entries should be illuminated and visible from the street. Security lighting should have armoured housings; and
- v. Vehicular and pedestrian access to the site shall be illuminated in a manner that facilitates visibility and entrance movements from the adjacent road.

SIGNAGE

q) All signage shall be subject to a subsequent Sign Development Permit application process and shall be constructed and placed in accordance with Langford Sign Bylaw No.1250 and to the satisfaction of the Director of Planning;

r) All signage shall be architecturally compatible with the style, composition, materials, colours, and details of the buildings within the development;

s) The location and size of signs shall be architecturally integrated with the overall design of the buildings;

t) Signage for the development shall be constructed and placed in accordance with Langford Sign Bylaw No.1250 and to the satisfaction of the Director of Planning;

u) As a condition of issuance of this permit, and notwithstanding what is permitted by Bylaw No.1250, the business is limited to three signs only. This may be either affixed to the façade of the building or affixed to a window or landmark/pylon. This signage shall indicate the name of the business only, and shall not display company slogans, and may not employ any play on words with respect to cannabis or drug culture. This signage may be internally illuminated in accordance with City guidelines, but may not be animated in any way or have variable messaging;

v) Notwithstanding article (u), the business may have one illuminated sign which indicates that the business is open, provided that this signage is affixed to the interior of a door or window visible from the street, and does not exceed an area of 0.2m² (2ft²);

w) Sandwich board type signs are prohibited;

LANDSCAPING

x) Landscaping, if required, shall be provided, and shall:

- i. Be provided with the objective of providing screening to protect the privacy of occupants of adjacent properties;
- ii. Be provided with the objective of providing an effective screen at the time of planting;
- iii. Use plant species which may be considered drought resistant;
- iv. Be irrigated by an automatic underground watering system;

y) Landscape and screening areas shall have a minimum width of 1.0 m (3.3 ft);

z) Landscaping/screening areas between parking areas and roads should be a minimum height of 1.2 m (4 ft) at time of planting;

aa) If the construction period is longer than eight (8) months, decorative hoarding shall be installed around the site to screen the construction site from public view to the satisfaction of the Director of Planning;

bb) If required, Opal Cannabis Corp., shall provide, a written estimate to be submitted by a landscape architect, registered in British Columbia, for the installation of all hard and soft landscaping works illustrated on the approved landscape plan;

cc) If required, Opal Cannabis Corp., shall provide, prior to issuance of a building permit, a written undertaking that a landscape architect has been retained to supervise the installation of the landscape work in accordance with an approved landscape plan and provide a final site inspection and report to the Director of Planning confirming substantial compliance with the approved landscape plan;

dd) If required, Opal Cannabis Corp., shall provide, prior to issuance of a building permit, written authorization for the City of Langford or its agents to enter the premises and expend any or all of the deposit to complete the landscape works to the satisfaction of the Director of Planning in accordance with the submitted plans in the event that the landscape works are not completed within the one-year period following final building inspection. The authorization shall include provision that where works on a property create a hazard on surrounding lands, basic remedial works such as stabilization of hazardous trees will be undertaken on the affected lands at the owner's expense;

ee) If required, Opal Cannabis Corp., shall provide, prior to issuance of a building permit, an undertaking that if the property is offered for sale before the landscape works are completed in accordance with the approved landscape plans, all prospective purchasers will be advised of the landscape requirements of the City of Langford in connection with the property;

ff) The landscape deposit or a portion of the deposit shall be returned upon receipt of a signed statement of partial or substantial completion from the landscape architect approved by the City of Langford's Director of Planning. Partial completion may be considered when a major portion of the site is developed in all respects;

FENCING

gg) Solid fencing that is a minimum 1.8m (6.0 ft) in height and of a type satisfactory to the Director of Planning shall be installed along any property boundary that directly abuts a residential use;

hh) Chain link, razor-wire, barb-wire or other sharp fencing construction is not permitted;

PARKING

ii) Small car parking spaces must be clearly marked "small car use only" as per Section 4.01.04 of Zoning Bylaw No. 300; and

jj) Vehicle parking should be screened from public view and curbed to protect pedestrian paths, building and landscaped areas;

STORMWATER MANAGEMENT

ll) A stormwater management plan, if required, shall be provided, to the satisfaction of the Director of Engineering, prior to issuance of a building permit;

mm) Due regard shall be given to maintaining the normal drainage system of the subject property, and regulating both the quality and quantity of storm water run-off from the site, with the expressed objectives of:

i. Not increasing the volume of stormwater discharge from the site;

ii. Not increasing the sediment loadings of stormwater discharge from the site;

iii. Preventing potential spills of hazardous materials, oils and other contaminants into the

stormwater discharge from the site; and iv. Stormceptors™ or equivalent approved equipment shall be incorporated to remove oil wastes and sediments from storm water.

GENERAL

nn) All soil removal and deposit works and blasting works shall be approved by the Engineering Department, as required by Bylaw Nos. 181 and 1000, before commencing work. This permit does not imply any approval of such works;

oo) All road frontage improvements, use of road rights-of-way, off-site works and services shall be approved by the Engineering Department before commencing work. This permit does not imply any approval of such works;

pp) On-site services are not to be installed in advance of obtaining the necessary permits from the Building and Engineering Departments;

qq) Full frontage improvements shall be provided in accordance with Bylaw No. 1000, and to the satisfaction of the Director of Engineering;

rr) The non-medical cannabis retail store shall be operated by Opal Cannabis Corp. at #107 797 Goldstream Ave.; and

ss) This permit is issued to and is for the sole benefit of Opal Cannabis Corp. and does not authorize the operation of a non-medical cannabis retail store by any other person at any other location.

If a previous Development Permit has been issued with respect to Form and Character and no new buildings or exterior renovations are being proposed some of these conditions may be waived.

Local Government Recommendations:

The applicant has completed the financial and security checks with the Province and has applied for a Temporary Use Permit.

The application was reviewed and a report was written with information regarding location and other key factors for council to consider.

Notices were sent out to any resident/property owner within a 30 meter radius of the location notifying them of the application and the upcoming meetings. They were welcomed to attend

the meetings via teleconference as per the Covid -19 protocol. They were able to view the

complete Notice and other material that Council may consider in relation to the temporary use

permit online alternately it could be made available to them via email by contacting the Planning Department for more information regarding the proposal. No responses from the

public regarding Opal Cannabis Corp. were noted.

Council reviewed the report and made any recommendations they wanted considered and

directed staff to prepare notices of Council's intention to consider issuance of a Temporary Use Permit.

One week before the issuance meeting, a notice was put in the newspaper informing the public of the intent to issue a Temporary Use Permit and invites the public to attend the meeting virtually. In the case of Opal Cannabis Corp. no public at the virtual meeting raised any concerns.

Council concluded that no negative impact on the community is anticipated if the Provincial licencing application is approved. The approval of a Temporary Use Permit allows for the ongoing assessment of land use compatibility with the surrounding community. No objections were made by Council and the TUP was approved.

Whereas:

A. The non-medicinal use of cannabis and cannabis related products has historically been prohibited by federal law in Canada and, as a result, has historically been prohibited by the City under its Zoning Bylaw No. 300;

B. On October 17, 2018, the Federal Government legalized the non-medicinal use of cannabis and cannabis products;

C. The Federal Government and the Provincial Government have developed a regulatory framework for the retail sale of cannabis and cannabis products for non-medicinal use;

D. The City wishes to authorize the retail sale of cannabis and cannabis products within its boundaries, but recognizes that there are challenges associated with it doing so;

E. The City issued the Request for Proposals for the Retail Sales of Cannabis and Cannabis Related Products to seek proposals from individuals and organizations interested in undertaking the retail sale of cannabis and cannabis products for non-medicinal use within the City's boundaries, and required that proposals include details as to how the challenges with the retail sale of cannabis and cannabis products would be addressed;

F. The City received and reviewed over 30 proposals in response to the Request For Proposals, and identified Opal Cannabis Corp. proposal as one that best, addressed the challenges with the retail sale of cannabis and cannabis products; and,

G. Opal Cannabis Corp. is committed to assisting the City and taking positive steps to address the challenges with the retail sale of cannabis and cannabis products,

Now therefore be it resolved that Council issue Temporary Use Permit TUP21-0005 to Opal Cannabis Corp. for it to operate a Cannabis Retail Store at #107 797 Goldstream Avenue subject to the terms and conditions,

AND THAT commencement of the TUP be subject to an occupancy permit for the tenant improvement to #107 797 Goldstream Avenue being issued by the City of Langford in the Temporary Use Permit as presented.

2. Bonding

Prior to the issuance of a Building Permit, Opal Cannabis Corp. must deposit the following security under Section 502 of the Local Government Act:

- a) If Required, a landscape security deposit in the amount of 100% of the estimated cost of providing all hard and soft landscaping; and
- b) An engineering security deposit to the satisfaction of the Director of Engineering for works that may include frontage improvements and roadway damage deposit pursuant to City bylaws.

3. Expiry

That the Temporary Use Permit be issued for a period of 36 months and will expire 36 months to the day from the date that the occupancy is issued or alternately on the 22nd day of February 2025.

Motion CARRIED.

10. CORRESPONDENCE

10.1 BC Wildfires Petition - Letter of Support

MOVED BY: SZPAK
SECONDED: SEATON

THAT Council:

1. Receive the BC Wildfires Petition Letter of Support from Mayor Gina McKay of The District of Stewart, BC.

AND

2. Send a letter of support for the BC Wildfires Petition.

Motion CARRIED.

Councillor Sahlstrom and Councillor Szpak left the meeting at 7:39 p.m. due to a conflict.

10.2 Right to Occupy Request - Ed Court

MOVED BY: BLACKWELL

SECONDED: SZPAK

THAT Council:

Refer the Right to Occupy 508 Langvista Drive, to the Transportation and Public Works Committee.

Motion CARRIED.

Councillor Sahlstrom and Councillor Szpak returned to the meeting at 7:40 p.m.

11. REPORTS

11.1 POL-0166-PLAN - Attainable Home Ownership Program Policy

MOVED BY: BLACKWELL

SECONDED: WADE

THAT Council:

1. Approve Attainable Home Ownership Program Policy POL-0166-Plan as drafted;

Motion CARRIED.

11.2 Centre Mountain Local Area Services – Water, Residential Roadway, Business Park Roadway

MOVED BY: WADE

SECONDED: SEATON

THAT Council:

1. Consider giving "Centre Mountain Water Service Establishment Bylaw No. 2038, 2022" first, second and third readings; and
2. Consider giving "Centre Mountain Water Service Loan Authorization Bylaw No. 2039, 2022" first, second and third readings; and
3. Consider giving "Centre Mountain Residential Community Roadway Service Establishment Bylaw No. 2040, 2022" first, second and third readings; and
4. Consider giving "Centre Mountain Residential Community Roadway Service Loan Authorization Bylaw No. 2041, 2022" first, second and third readings; and
5. Consider giving "Centre Mountain Business Park Community Roadway Service Establishment Bylaw No. 2042, 2022" first, second and third readings; and

6. Consider giving “Centre Mountain Business Park Community Roadway Service Loan Authorization Bylaw No. 2043, 2022” first, second and third readings;

And that Council direct staff to require the owners within the Local Service Area to commute payments at the earlier of subdivision or building permit.

Motion CARRIED.

12. NOTICE OF MOTION

12.1 Code Of Conduct For Council

MOVED BY: SZPAK

SECONDED: STEWART

THAT Council:

Adopt a Code of Conduct before the end of this term for the benefit of present and future Councils.

Motion DEFEATED.

Amendment: MOVED BY: WADE

SECONDED: SAHLSTROM

THAT Council:

Wait for guidelines from the Province and then draft Langford's Code of Conduct accordingly.

For (4): SAHLSTROM, SEATON, STEWART, and WADE

Against (2): BLACKWELL, and SZPAK

Motion CARRIED. (4 to 2)

13. BYLAWS

13.1 BYLAW NO. 1997 (Background report attached)

MOVED BY: WADE

SECONDED: BLACKWELL

THAT Council rescind first reading of Bylaw No.1997 and give new first reading.

Motion CARRIED.

13.2 BYLAW NO. 2011

MOVED BY: BLACKWELL

SECONDED: WADE

THAT Council give Bylaw No. 2011 second and third readings.

Motion CARRIED.

13.3 BYLAW NO. 2014

MOVED BY: BLACKWELL

SECONDED: WADE

THAT Council give Bylaw No. 2014 second and third readings.

Motion CARRIED.

13.4 BYLAW NO. 2015

MOVED BY: BLACKWELL

SECONDED: WADE

THAT Council give Bylaw No. 2015 second and third readings.

Motion CARRIED.

13.5 BYLAW NO. 2027

MOVED BY: BLACKWELL

SECONDED: WADE

THAT Council give Bylaw No. 2027 second and third readings.

Motion CARRIED.

13.6 BYLAW NO. 2038

MOVED BY: BLACKWELL

SECONDED: SZPAK

THAT Council give Bylaw No. 2038 first, second and third readings.

Motion CARRIED.

13.7 BYALW NO. 2039

MOVED BY: WADE

SECONDED: BLACKWELL

THAT Council give Bylaw No. 2039 first, second and third readings.

Motion CARRIED.

13.8 BYLAW NO. 2040

MOVED BY: WADE
SECONDED: BLACKWELL

THAT Council give Bylaw No. 2040 first, second and third readings.

Motion CARRIED.

13.9 BYLAW NO. 2041

MOVED BY: WADE
SECONDED: BLACKWELL

THAT Council give Bylaw No. 2041 first, second and third readings.

Motion CARRIED.

13.10 BYLAW NO. 2042

MOVED BY: WADE
SECONDED: BLACKWELL

THAT Council give Bylaw No. 2042 first, second and third readings.

Motion CARRIED.

13.11 BYLAW NO. 2043

MOVED BY: WADE
SECONDED: BLACKWELL

THAT Council give Bylaw No. 2043 first, second and third readings.

Motion CARRIED.

14. IN CAMERA RESOLUTION

MOVED BY: SZPAK
SECONDED: BLACKWELL

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

- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- 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;
- a matter that, under another enactment, is such that the public may be excluded from the meeting.

Motion CARRIED.

15. RISE AND REPORT

15.1 Completion of Starlight Expansion

MOVED BY: SZPAK

SECONDED: SAHLSTROM

THAT Council:

Approve \$8,516,000 be included in the 2022-2026 Five Year Financial Plan for the purposes of BC Hydro Pole Relocation, Starlight Stadium north side grandstand construction;

Direct staff to enter into an agreement with BC Hydro to proceed with the hydro pole relocation project;

Direct staff to begin the procurement processes to complete Starlight Stadium expansion.

Motion CARRIED.

15.2 Committee Appointment

MOVED BY: SAHLSTROM

SECONDED: STEWART

THAT Council appoint Councillor Wade in place of Councillor Szpak as Chair of the Protective Services Committee on an interim basis.

Motion CARRIED.

15.3 Appointment to CRD Climate Action Inter-Municipal Task Force

MOVED BY: WADE

SECONDED: SAHLSTROM

THAT Council:

Appoint Mayor Young as the City's representative on the CRD Climate Action Inter-Municipal Task Force until December 31, 2022.

Motion CARRIED.

16. ADJOURNMENT

Mayor Young adjourned the meeting at 8:48 pm.

Presiding Council Member

Certified Correct - Corporate Officer

DRAFT