

CITY OF LANGFORD
MINUTES OF THE REGULAR MEETING OF COUNCIL
Tuesday, April 6th, 2010 @ 7:00 p.m.
Council Chambers, 3rd Floor, 877 Goldstream Avenue

PRESENT

Acting Mayor L. Seaton, Councillors: D. Blackwell, M. Sahlstrom W. Sifert, L. Szpak and R. Wade.

ATTENDING

Administrator, Jim Bowden, Treasurer, Steve Ternent, Deputy Clerk, L. Kaercher, City Engineer, John Manson and City Planner, Matthew Baldwin.

ABSENT

Mayor S. Young.

1. CALL TO ORDER

The Acting Mayor called the meeting to order at 7:00 p.m.

2. APPROVAL OF THE AGENDA

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR SZPAK

That Council approve the Agenda as amended: Move item 8(a) Statutory Building Scheme for Various Properties on Walfred to 3(a) and renumber agenda.

CARRIED.

3. REPORT

Mr. Charles Horne of 766 Walfred Road addressed Council and provided an interpretation of covenants. Mr. Horne stated that members of his neighbourhood have retained a lawyer and intend on pursuing legal action should the rezoning be approved.

**a) Statutory Building Scheme for Various Properties on Walfred
- Staff Report (File No. 3220-20 Walfred 754)**

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR WADE

That Council refer the staff report dated April 6th, 2010 with respect to Mrs. Evol Karchut's letter dated March 10th, 2010 regarding covenants and statutory building schemes for various properties on Walfred to a 'In Camera' Council meeting to discuss the legal aspects of covenants with the City's lawyer.

CARRIED.

3. **PUBLIC HEARING**

a) **BYLAW NO. 1268 (File No. 3900-1268) "Langford Zoning Bylaw, Amendment No. 278, (935 Walfred Road), 2010".**

The Acting Mayor opened the Public Hearing for Bylaw No. 1268 at 7:25 p.m.

Acting Mayor Seaton advised members of the audience that any person present who believes that his or her interest is affected by the proposed bylaws shall be given an opportunity to be heard on the matters contained in the proposed bylaw. Those who wish to speak concerning this proposed bylaw should give their name, address and views concerning the proposed bylaw. Acting Mayor Seaton advised that after everyone has expressed their views, he shall state three times "Is there anyone else who wishes to be heard", and if no further views are forthcoming, the Public Hearing shall be declared closed.

The City Planner advised that the purpose of the Public Hearing was to hear from the public regarding Bylaw No. 1268 which, if adopted, would amend the zoning designation of 935 Walfred Road from GR2 (Greenbelt Residential 2) to the RS3 (Residential Small Lot 3) Zone. This is proposed in order to permit the development of approximately 24 single-family small lots.

In support of the rezoning, the applicant has agreed to:

1. Provide the following contributions per unit:
 - a) \$4,800 toward the General Amenity Reserve Fund;
 - b) \$2,500 toward the City Park Reserve Fund;
 - c) \$1,500 toward the ALR Acquisition Reserve Fund;
 - d) \$500 toward the Affordable Housing Reserve Fund; and
 - e) \$4.19 per m² of total site area toward the South Langford Stormwater Reserve Fund;
 - f) Two affordable houses; and
 - g) An additional \$56,056 toward the General Amenity Reserve Fund in lieu of open space dedication;
2. Register a covenant to establish that:
 - a) The applicant construct a trail and frontage improvements along the property's Walfred Road frontage;
 - b) The applicant will dedicate a 2.5 metre wide strip of land to along Walfred Road for road widening purposes; and
 - c) The applicant dedicate an additional 7 metre wide strip of land along Walfred Road for buffer and trail purposes.

This proposal is consistent with the Official Community Plan 'Hillside or Shoreline' designation. Notifications and advertisements have been placed as required by Council policy.

Mr. Mark Johnson on behalf of the proponent addressed Council and provided an overview of the proposed 24 lot subdivision.

The Acting Mayor called a first time for presentations.

Ms. Evol Karchut of 754 Walfred Road addressed Council and stated she is opposed to the development.

Acting Mayor Seaton called a second time for presentations.

Mr. Charles Horne of 766 Walfred Road addressed Council and requested Council to consider leaving the open space in lieu of accepting a cash donation toward the General Amenity Reserve Fund.

The Acting Mayor called a third time for presentations.

Mr. L. McIlwrick of 947 Walfred Road addressed Council and stated he is opposed to the development.

Acting Mayor Seaton called a final time for presentation, there being none, and the Acting Mayor officially declared the Public Hearing for Bylaw No. 1268 closed at 7:43 p.m.

4. ADOPTION OF MINUTES

a) Minutes of the Regular Meeting of Council – March 15th, 2010

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR SALHSTROM

That Council approve the Minutes of the Regular Meeting of Council on March 15th, 2010.

CARRIED.

5. RECEIPT OF OTHER BOARD AND COMMISSION MINUTES

a) West Shore Parks & Recreation – February 11th, 2010

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR SALHSTROM

That Council receive the Minutes of the West Shore Parks & Recreation Committee of February 11th, 2010.

CARRIED.

6. PUBLIC PARTICIPATION

Mr. Leonard Cole of 962 Whisperwind addressed Council with respect to Agenda item 7(a)(1).

7. COMMITTEE RESOLUTIONS

a) Planning, Zoning & Affordable Housing Committee – March 22nd, 2010

- 1. Application to rezone 962 Whisperwind Place and 990 Ironwood Court from R2 (One- and Two-Family Residential) to RS2 (Residential Small Lot 2) and to vary both rear yard setbacks from 6 metres (20 feet) to 3 metres (10 feet) to allow for the subdivision of the property developed with an existing detached duplex.(File No. Z-09-25 & DVP-10-05)**

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR BLACKWELL

That Council:

- 1. Direct staff to prepare a bylaw to amend the zoning of the subject property from R2 (One- and Two-Family Residential) to RS2 (Residential Small Lot 2) in order to accommodate the development of the property as shown on the plan presented by the applicant, subject to the following terms and conditions:**
 - a) That as a bonus for increased density on the subject property, the applicant agrees to provide the following contributions at the time of subdivision:
 - i) \$3,700 per unit toward the General Amenity Reserve Fund;
 - ii) \$2,500 per unit toward the City Park Reserve Fund;

- iii) \$600 per unit toward the ALR Acquisition Fund; and
- iv) \$500 per unit toward the Affordable Housing Reserve Fund;

- b) That the applicant have an appraisal done, prior to first reading, to determine the market value of the land after rezoning. An amount equal to 10% of the total value of the property shall be included in the bylaw to rezone the property as a contribution to the General Amenity Reserve Fund, payable at the time of subdivision, as cash in-lieu of open space;
- c) That the applicant submit a stormwater management plan and that this plan be reviewed and approved by staff, prior to public hearing;
- d) That the applicant provide, prior to bylaw adoption, a Section 219 covenant, registered in priority over all other charges on title, that agrees to the following:
 - I. That as a condition of subdivision, frontage improvements be provided to the current Subdivision and Servicing Bylaw standards, to the satisfaction of the City Engineer;
 - II. That the property will be developed according to the recommendations outlined in the stormwater management plan, as noted in item c) above, and to the satisfaction of the City Engineer; and
 - III. That no secondary suites are permitted in either dwelling;

AND

- 2. Proceed with DVP-10-05 to vary the rear yard setback for both dwellings from 6 metres (20 feet) to 3 metres (10 feet).

CARRIED.

2. Application for a Development Permit to vary Zoning Bylaw No. 300 Sections 6.21.03 (2) (c) & (d) to Permit the Construction of a Detached Duplex at 926 Rowils Crescent (File No. DP-10-08)

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR BLACKWELL

That Council:

- 1. Direct Staff to issue Development Permit No. DP-10-08 (926 Rowils Crescent) and to include the following variances:
 - i. That Section 6.21.03 (2)(c) and (d) be varied to permit one house to be located behind the other in a detached duplex development as shown on the site plan (Appendix A) at the subject property at 926 Rowils Crescent.
- 2. That Council accepts the neighbourhood input from this variance application public notification process as satisfying the 'pan-handle' policy neighbourhood input process.
- 3. That the applicant design the new building, to a design that is in keeping with the existing neighbourhood and to the satisfaction of the City Planner.

CARRIED.

3. Application for a Development Variance Permit to Vary the Minimum Lot Width and Minimum Setback to an Interior Side Yard Setback to Allow the Creation of One Additional Lot by Subdivision With a Conservation Area at 2681 Rainville Road. (File No. DVP-10-02)

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR BLACKWELL

That Council proceed with consideration of Development Variance Permit No. DVP-10-02 for the property at 2681 Rainville Road with the following variances:

- a. That Section 6.21.02(3) of the Zoning Bylaw (No. 300) to reduce the required lot width from 16 m (52.5 ft) to 10.66 m (35 ft); and

- b. That Section 6.21.06(b) of Zoning Bylaw No. 300 to reduce the minimum required setback to an interior side yard setback from 1.5m (5 ft) to 1.2 m (4 ft).

Subject to the following condition:

- i. that the applicant register a Sec. 219 conservation covenant on the portion of the subject property shown on the proposed plan of subdivision attached as Appendix "D" to the satisfaction of the City Planner prior to issuance of the proposed variances.

CARRIED.

- 4. Application for a Development Variance Permit to vary the height of a building from the maximum of 12.2m (40ft) to not more than four storeys and to vary the frontage improvements and to permit a roof overhang and patio encroachment in order to facilitate the construction of a four storey mixed-use residential/commercial building at 662 Goldstream Avenue (File No. DVP-09-20)**

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR BLACKWELL

That Council:

1. Proceed with consideration of Development Variance Permit No. DVP-09-20 for 662 Goldstream Avenue, with the following variances:
 - a. That 6.44A.06 (1) of Zoning Bylaw (No. 300) be varied to permit this project at 662 Goldstream Avenue to be of a maximum height of not more than four storeys;
 - b. That the Subdivision and Development Servicing Bylaw (No. 1000) be varied to eliminate the need to underground electrical, telecommunications, and other wiring services along the frontage of the property at 662 Goldstream Avenue subject to the following condition:
 - i. That Council accept a \$50,000 cash donation to the City of Langford to be allocated to the City Center Park Reserve Fund to be paid prior to issuance of a building permit; and
2. Direct Staff to orchestrate patio and roof overhang encroachment agreements.

CARRIED.

- 5. Application for a Development Variance Permit to Vary the Parking Ratio on a Four Storey Residential Building at 3240 Jacklin Road from the Required 1.75 Spaces Per Unit to 1.5 Spaces Per Unit (File No. DVP-09-17)**

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR BLACKWELL

That Council direct staff to vary 4.01.01 of Zoning Bylaw No. 300, Development Variance Permit 09-17 for 3240 Jacklin Road, to reduce the parking requirement for the apartment from the required 1.75 parking spaces per dwelling unit to 1.5 spaces per dwelling unit for the construction of a four storey residential building subject to the following condition:

- a) That 0.5 parking spaces per unit must be allocated as visitor or strata rental parking and shall not be sold as limited common property.

CARRIED.

- 6. Application to vary the minimum lot width requirement from 16 metres (52.5 feet) to 10.95 metres (35.9 feet) and 6.75 metres (22.2 feet) to allow for a two-lot subdivision at 2916 Aprell Place (File No. DVP-10-03)**

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR BLACKWELL

That Council proceed with consideration of Development Variance Permit No. DVP-10-03 for the proposed lots 1 and 2 at 2916 Aprell Place, with the following variances:

- a) That Section 6.20.02(3) of Zoning Bylaw No. 300 be varied by reducing the minimum lot width requirement from 16 m (52.5 ft) to 10.95 m (35.9 ft) for the proposed lot 1; and
- b) That Section 6.20.02(3) of Zoning Bylaw No. 300 be varied by reducing the minimum lot width requirement from 16 m (52.5 ft) to 6.75 m (22.2 ft) for the proposed lot 2.

CARRIED.

- 7. Planning Department Monthly Report – January & February, 2010 (File No. 0640-30)**

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR BLACKWELL

That Council receive the Planning Department Monthly Report for January and February, 2010.

CARRIED.

- b) Parks, Recreation, Cultural & Beautification Committee – March 22nd, 2010**
 - 1. Lakewood Parent Advisory Council Re: Playing Field at Lakewood School (File No. 6100-20)**

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR BLACKWELL

That Council receive the letter dated January 12, 2010 from Tina Madison, PAC President, Lakewood Parent Advisory Council, regarding support for a playing field at Lakewood School.

CARRIED.

- c) Protective Services Committee – March 23rd, 2010**
 - 1. RCMP Monthly Report – January 2010 (File No. 0640-30)**

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR SZPAK

That Council receive the RCMP Monthly Policing Report for January 2010.

CARRIED.

2. Bylaw Enforcement Department 2009 Summary Report (File No. 4020-20-7500-02)

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR SZPAK

That Council receive the Bylaw Enforcement Department 2009 Summary Report.

CARRIED.

8. REPORTS

**b) Granderson and Goldstream Road Closure & Disposition – Alteration of Plan Number
- Staff Report (File No. 3900-1267 – Road Closure Bylaw (Granderson Road from
652 to 666))**

MOVED BY: COUNCILLOR SIFERT
SECONDED: COUNCILLOR SZPAK

That Council:

1. Rescind the first three readings of Road Closure Bylaw 1267, 2010;
2. Instruct staff to alter Road Closure Bylaw 1267, 2010 to remove paragraph 2 and replace it with:

AND WHEREAS the Council of the City of Langford deems it expedient to close to traffic and remove the dedication of highway of those portions of highway comprising approximately 1303.6 square metres known as Granderson Road and 14.7 square metres known as Goldstream Avenue dedicated as highway by Plans 1739, 12272, 14555, and 14911 that are shown outlined in bold black on the reference plan prepared by James Worton, B.C.L.S., on the ___ day of _____, 2010, a reduced copy of which is attached hereto as Schedule "A" (the "Road Closure Plan");

3. Instruct staff to alter Road Closure Bylaw 1267, 2010 to remove Schedule "A" and replace it with the altered Schedule "A" (the "Road Closure Plan"); and
4. Give Road Closure Bylaw 1267, 2010 as altered the first three readings and to proceed with the notification process.

CARRIED.

**c) Revenue Anticipation Bylaw – Bylaw No. 1281
- Staff Report (File No. 3900-1281)**

MOVED BY: COUNCILLOR SAHLSTROM
SECONDED: COUNCILLOR SZPAK

That Council consider first three readings to "Revenue Anticipation Borrowing Bylaw No. 1281, 2010".

CARRIED.

9. CORRESPONDENCE

a) Capital Regional District

Re: CRD Bylaw No. 3692, Regional Parks Loan Authorization Bylaw No. 1, 2010
(File No. 0400-50 CRD)

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR WADE

That Council give consent to the adoption of CRD Bylaw No. 3692, Regional Parks Loan Authorization Bylaw No. 1, 2010.

CARRIED.

b) Heart & Stroke Foundation of BC & Yukon

Re: Annual Heart & Stroke Big Bike Ride Event (File No. 0320-20 H&S)

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR BLACKWELL

That Council grant permission the Heart & Stroke Foundation of BC & Yukon to hold their annual Big Bike Ride event on Friday, June 25th, 2010 on the route as outlined in their letter dated March 10th, 2010 to raise money and awareness for the Heart and Stroke Foundation.

CARRIED.

c) Canadian Cancer Society

Re: Letter of Appreciation (File No. 0320-20 C)

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR SIFERT

That Council receive the letter of appreciation dated March 22nd, 2010 from the Canadian Cancer Society with respect to proclaiming the month of April as Daffodil Month and April 9th as the inaugural Daffodil Day.

CARRIED.

d) Kang & Gill Construction Ltd

Re: Bonsai Tree Project Fund on Dunford Avenue (File No. 3220-20 937 Dunford #105)

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR BLACKWELL

That Council approve the Bonsai Tree Project Fund on Dunford Avenue as outlined in the letter dated March 30th, 2010 from Kang & Gill Construction Ltd.

CARRIED.

10. BYLAWS

a) BYLAW NO. 1267 (File No. 3900-1267)

“Granderson and Goldstream Road Closure Bylaw No. 1267”.
(RESCIND THIRD, SECOND AND FIRST READING, GIVE FIRST READING AS ALTERED, SECOND AND THIRD READING)

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR WADE

That Council rescind Third, Second and First Reading of Bylaw No. 1267.

CARRIED.

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR WADE

That Council give Bylaw No. 1267 First Reading as altered.

CARRIED.

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR WADE

That Council give Bylaw No. 1267 Second and Third Reading.

CARRIED.

b) BYLAW NO. 1268 (File No. 3900-1268)
"Langford Zoning Bylaw, Amendment No. 278, (935 Walfred Road), 2010".
(SECOND AND THIRD READING)

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR BLACKWELL

That Council give Bylaw No. 1268 Second and Third Reading.

CARRIED.

c) BYLAW NO. 1274 (File No. 3900-1274)
"City of Langford Housing Agreement (935 Walfred Road) Bylaw No. 1274, 2010".
(FIRST, SECOND AND THIRD READING)

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR SIFERT

That Council give Bylaw No. 1274 First, Second and Third Reading.

CARRIED.

d) BYLAW NO. 1277 (File No. 3900-1277)
"Building Bylaw No. 1277, Amendment No 3, 2010.
(ADOPTION)

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR WADE

That Council adopt Bylaw No. 1277.

CARRIED.

e) BYLAW NO. 1280 (File No. 3900-1280)
"Langford Official Community Plan Bylaw; Amendment No. 3 (Community Energy and Emissions Reduction Strategy), 2010".
(FIRST READING)

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR SAHLSTROM

That Council give Bylaw No. 1280 First Reading.

CARRIED.

**f) BYLAW NO. 1281 (File No. 3900-1281)
"Revenue Anticipation Borrowing Bylaw No. 1281, 2010".
(FIRST, SECOND AND THIRD READING)**

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR SAHLSTROM

That Council give Bylaw No. 1281 First, Second and Third Reading.

CARRIED.

11. 'IN CAMERA' RESOLUTION

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR SIFERT

- a) That it is the opinion of Council that the public interest requires that persons other than members of Council and Officers be excluded from the meeting to consider confidential information regarding Land Disposition and New Service under section 90 (1) (e) & (k) of the Community Charter.
- b) That Council continues the meeting in closed session.

CARRIED.

12. ADJOURNMENT

The Acting Mayor adjourned the meeting at 7:54 p.m.

MAYOR

CERTIFIED CORRECT
Clerk-Administrator