

Minutes of the Regular Meeting of Council of the District of Lantzville held on Wednesday, June 8, 2022, at 6:00 pm Electronically and in the Council Chamber, Municipal Hall, 2nd Floor – 7192 Lantzville Road, Lantzville, BC

PRESENT:

Council: Mayor Mark Swain
Councillor Will Geselbracht
Councillor Karen Proctor*
Councillor Ian Savage
Councillor Jamie Wilson

Staff: Trudy Coates, Director of Corporate Administration
Nelda Richardson, Deputy Director of Corporate Administration
Frank Limshue, Director of Planning and Community Services*
Raj Hayre, Director of Financial Services* (Joined at 6:04 pm)

**Participated electronically*

CALL TO ORDER

The Mayor called the meeting to order at 6:00 pm and acknowledged that the meeting was being held on the traditional territory of the Snaw-naw-as, the Nanoose First Nation.

ADOPTION OF THE AGENDA

MOVED and SECONDED, THAT the June 8, 2022 regular Council meeting agenda be adopted as presented, with additional information circulated for corrected agenda page 128, and public input received re agenda item 5. a) Public Hearing – Bylaw No. 302, 2022 (4 pieces of correspondence).
CARRIED UNANIMOUSLY

MOTION TO CLOSE THE MEETING TO THE PUBLIC - Nil

RECONVENE - Nil

PUBLIC AND STATUTORY HEARINGS

1. “District of Lantzville Zoning Bylaw No. 180, 2020, Amendment Bylaw (6935 Dickinson Road) No. 302, 2022”

At 6:02 pm, the Mayor declared open the electronic public hearing convened in order to receive and consider input from persons remotely or in the Council Chamber who believe that their interest in property is affected by proposed “District of Lantzville Zoning Bylaw No. 180, 2020, Amendment Bylaw (6935 Dickinson Road) No. 302, 2022”. The Mayor:

- noted the notice of public hearing was published, the Bylaw has received second reading and staff report and written public input received
- reviewed the purpose of the public hearing and procedures to follow during the hearing for anyone in attendance remotely or in the Council Chamber, its location and limited seating available in the Council Chamber, how to speak or register to speak, and noted the information available in the agenda and on the District website
- reviewed restrictions and procedures to follow
- noted that after the conclusion of the public hearing Council may, without further notice, give whatever effect Council believes proper to the representations made at the hearing and must not receive further submissions or correspondence from the public and questions can be directed to staff.

The Mayor called on Frank Limshue, Director of Planning and Community Services*, to introduce the proposed Bylaw. The Director of Planning and Community Services:

- shared his computer screen to highlight maps of the subject property, 6935 Dickinson Road, describe the property and the portion of the property proposed for subdivision if the Bylaw is approved which would include construction to extend Owen Road and a cul-de-sac
- reiterated the purpose of Bylaw 302, to rezone the subject property from Future Study Area Zone (F-SA) to Residential 5 Zone (R5) to facilitate an 8-lot subdivision on a portion of the subject property
- reviewed cash contribution offered by the applicant plus up to \$10,000 for a speed reader.

The Mayor called for the first time for persons registered to speak remotely who believed that their interest in property was affected by proposed Bylaw No. 302 and gave instructions to follow when called upon to speak and reiterated the instructions to register to speak.

Joan Jones*, 7255 Ellesmere Drive, spoke against proposed Bylaw 302, due to the absence of park space dedication, noting green space is a high priority in the Official Community Plan (OCP), green spaces reduce the need for driving, is educational, benefits mental and physical health, strengthens community bonds, creates habitats for birds and wildlife, runoff, and the funds contributed does not adequately fund green space replacement. She suggested the current plan does not fully comply with the OCP and concluded a little community park provides an enormous value.

Jonathan Lerner, 8354 Bayview Park Drive, spoke regarding Bylaw 302, indicating he was neither in favour or opposed to the development, noting flaws and opportunities for improvement, e.g. suggested accepting cash for parkland is shortsighted, prevents adding future parkland trail connections and community services, parkland should be a priority as a long-term community resource serving generations, noting developing vast parks and maintaining parkland is not required, and a treed parcel would be appreciated; and concluded recent increased taxes should fund parkland maintenance.

Brian Blood, 7075 Caillet Road stated he did not have a problem with the development, his hope it moves ahead and noted his main concerns with: the District failing to provide leadership to the applicant in the layout, one related to parkland, missed opportunity with neighbouring properties being developed to create a pedestrian trailway and connectivity, greenway to May Richards Bennett park in Nanaimo, identified in the OCP, suggested it should be reviewed, questioned the calculation of parkland contribution and amenities, suggested the amenity of \$3,000/lot set by the District is not enough, and should be \$5,000 or more considering the profit on the lots.

Hans Larsen, 7010 Owen Road, spoke against Bylaw 302, noting lack of information in response to enquiries, need for a buffer between the District of Lantzville and City of Nanaimo, suggested the development is not consistent with the OCP, expressed concern about the size of lots in comparison to the neighbourhood, and concluded the provision of \$10,000 for speed reader was a red herring as information is inadequate on the effectiveness of speed readers, and citizens are the final arbiters of community values.

The Mayor called for second time speakers and for any new registrations for speakers and reiterated the instructions.

Jonathan Lerner, 8354 Bayview Park Drive, spoke regarding Bylaw 302, noted concerns with lack of proper process required to decide on parkland among other things, noted studies conducted in other Lantzville areas with community input resulting in policies and guidelines on which to base parkland decisions, suggested there is a lack of studies for this area so Council does not have the proper information to make a decision on parkland before it, and recommended the application should be postponed until after all of the studies and community consultations resulting in guidelines have taken place rather than developing at break neck speed.

The Mayor called again for speakers and for any new registrations for speakers and reiterated the instructions.

The Mayor called for a third and final time for speakers. Staff reported the property owner's representative is going to log in remotely or by phone.

Hans Larsen, 7010 Owen Road, spoke again asking if Council had difficulty hearing him when he spoke earlier as he forgot to take his mask off. Council confirmed they had no issues.

Mayor Swain recessed the meeting to allow the property owner's representative, Toby Seward to call into the public hearing and provide his presentation by phone as he was experiencing technical difficulties while trying to join the hearing electronically due to his laptop.

MEETING RECESSED: 6:26 pm

MEETING RESUMED: 6:31 pm, with Mayor Swain, Councillors Geselbracht, Proctor*, Savage and Wilson in attendance. Also, in attendance: Director Coates, Deputy Director Richardson, Director Limshue*, and Director Hayre*.

The Mayor called the meeting back to order, noting the call for third and final time speakers has been given and called on the property owner's representative to speak.

Toby Seward, Seward Developments, 1820 Argyle Avenue, Nanaimo, representing the property owners, apologized for his laptop problems and spoke to the application noting:

- he previously spoke to Council on this development to rezone the property to R5 creating 8 lots of 1,200-1,500 sq. metres
- agreement with the staff report and recommendation
- they proposed to contribute \$3,000 per lot and agreed, after Council's request, to provide up to \$10,000 for a speed reader
- regarding the issue with parkland dedication, they would contribute 5% parkland but up until now it has been discussed as contributing 5% cash in lieu instead of parkland but when they get to subdivision stage, they will determine the District's Approving Officer's requirement.

The Mayor called for a third and final time for people participating remotely or in the Council Chamber, with new information to present, to speak.

The Mayor, before declaring the public hearing closed, reiterated that Council must not accept or consider submissions for comments from the public regarding Bylaw 302 after the hearing closes.

Seeing no one who wished to speak, the Mayor declared the public hearing for “District of Lantzville Zoning Bylaw No. 180, 2020, Amendment Bylaw (6935 Dickinson Road) No. 302, 2022” closed at 6:35 pm. He noted that was the end of the public hearing and Council was scheduled to consider third reading of Bylaw No. 302 later in the regular Council meeting agenda.

GENERAL MATTERS (Delegations/recognitions) – Nil

CONSENT AGENDA

C22-78 MOVED and SECONDED, THAT the recommendations listed for items 7a) to 7d) in the Consent Agenda, be approved.

CARRIED UNANIMOUSLY

- a) THAT the May 18, 2022, regular Council meeting minutes be approved, as presented.
CARRIED by Consent
- b) THAT the May 31, 2022, special Council meeting minutes be approved, as presented.
CARRIED by Consent
- c) THAT “District of Lantzville Water System Bylaw No. 140, 2018, Amendment (User Fees) Bylaw No. 308, 2022” be adopted.
CARRIED by Consent
- d) THAT “District of Lantzville Election and Assent Voting Bylaw No. 160, 2018, Amendment Bylaw No. 310, 2022” be adopted.
CARRIED by Consent

END OF CONSENT AGENDA

PUBLIC INPUT PERIOD

No written comments were received, one member of the public registered via Zoom, and two members of the public in the gallery provided public input on agenda items.

LEGISLATIVE MATTERS (Bylaws, development variance permits, agreements, contracts, grants, budgets)

1. **Bylaw No. 302**

C22-79 MOVED and SECONDED, THAT “District of Lantzville Zoning Bylaw No. 180, 2020, Amendment Bylaw (6935 Dickinson Road) No. 302, 2022” be given third reading.
CARRIED

2. **Bylaw No. 298**

MOTION ON THE FLOOR referred from the January 12, 2022 and February 23, 2022 regular Council meetings (No Mover or Seconder Required)
THAT second reading of “District of Lantzville Zoning Bylaw No. 180, 2020 Amendment (Miscellaneous) Bylaw No. 298, 2021” be rescinded.

C22-80 MOVED and SECONDED, THAT the motion on the floor be postponed to the July 6, 2022 regular Council meeting.
CARRIED UNANIMOUSLY

3. **Bylaw No. 283**

May 4, 2022 Motion on the Floor (No Mover or Seconder Required)

THAT “District of Lantzville Official Community Plan Bylaw No. 150, 2019, Amendment (Village South Special Area Plan) Bylaw No. 283, 2021” be given third reading.

MOVED and SECONDED, THAT the motion on the floor, *THAT “District of Lantzville Official Community Plan Bylaw No. 150, 2019, Amendment (Village South Special Area Plan) Bylaw No. 283, 2021” be given third reading*, be withdrawn; AND FURTHER THAT second reading of “District of Lantzville Official Community Plan Bylaw No. 150, 2019, Amendment (Village South Special Area Plan) Bylaw No. 283, 2021” given September 22, 2021 be rescinded.

CARRIED

Mayor Swain required reconsideration of the previous motion per s.131, Community Charter

C22-81

THAT the motion on the floor, *THAT “District of Lantzville Official Community Plan Bylaw No. 150, 2019, Amendment (Village South Special Area Plan) Bylaw No. 283, 2021” be given third reading*, be withdrawn; AND FURTHER THAT second reading of “District of Lantzville Official Community Plan Bylaw No. 150, 2019, Amendment (Village South Special Area Plan) Bylaw No. 283, 2021” given September 22, 2021 be rescinded.

CARRIED UNANIMOUSLY

MOVED and SECONDED, THAT “District of Lantzville Official Community Plan Bylaw No. 150, 2019, Amendment (Village South Special Area Plan) Bylaw No. 283, 2021” be given second reading as amended, and as further amended in Appendix 2, in 3.1 Zoning, Parks, Greenways, & Community Lands by striking “and trails is 21% of the (net) site area” and replacing with “3.85 hectares”.

MOVED and SECONDED, THAT the motion on the floor be referred back to staff to work with the developer to improve their application in the following ways:

- 1) reduce the density in order for the total units to be closer to the Official Community Plan’s range of 254 to 389 units plus 100 units of seniors supportive housing;
- 2) 100 units of seniors supportive housing must be guaranteed.

Mayor Swain recessed the meeting for two minutes.

MEETING RECESSED: 8:35 pm

MEETING RESUMED: 8:37 pm, with Mayor Swain, Councillors Geselbracht, Proctor*, Savage and Wilson in attendance. Also, in attendance: Director Coates, Deputy Director Richardson, Director Limshue*, and Director Hayre*.

REFERRAL MOTION ON THE FLOOR

THAT the motion on the floor be referred back to staff to work with the developer to improve their application in the following ways:

- 1) reduce the density in order for the total units to be closer to the Official Community Plan’s range of 254 to 389 units plus 100 units of seniors supportive housing;
- 2) 100 units of seniors supportive housing must be guaranteed.

DEFEATED

MAIN MOTION ON THE FLOOR AS AMENDED

THAT “District of Lantzville Official Community Plan Bylaw No. 150, 2019, Amendment (Village South Special Area Plan) Bylaw No. 283, 2021” be given second reading as amended, and as further amended in Appendix 2, in 3.1 Zoning, Parks, Greenways, & Community Lands by striking “and trails is 21% of the (net) site area” and replacing with “3.85 hectares”.

During the development of a further amendment or referral motion, Councillor Geselbracht raised a Point of Order regarding the motion being out of order and appealed the decision of the presiding member, the Mayor. The Mayor immediately called the following question noting he was prohibited from voting, and a tie vote passes:

“THAT the Chair be sustained?”

CARRIED

The ruling of the Chair was SUSTAINED.

MAIN MOTION ON THE FLOOR AS AMENDED

THAT “District of Lantzville Official Community Plan Bylaw No. 150, 2019, Amendment (Village South Special Area Plan) Bylaw No. 283, 2021” be given second reading as amended, and as further amended in Appendix 2, in 3.1 Zoning, Parks, Greenways, & Community Lands by striking “and trails is 21% of the (net) site area” and replacing with “3.85 hectares”.

MOVED and SECONDED, THAT the motion on the floor be referred to staff to develop a draft bylaw to increase the dedication of public lands from 4.85 ha. to 5.12 ha. in order to meet the 22% public park target of the Official Community Plan.

C22-82

MOVED and SECONDED, THAT the motions on the floor and the balance of the June 8, 2022 Council meeting agenda be referred to a special Council meeting to be held between June 13 to June 17, 2022.

CARRIED

ADJOURNMENT

MOVED and SECONDED, THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

MEETING ADJOURNED: 9:28 pm

Certified Correct:

ORIGINAL SIGNED

Trudy Coates, Director of Corporate Administration

Confirmed this 22nd day of June, 2022.

ORIGINAL SIGNED

Ian Savage, Acting Mayor