

Minutes of the Regular Meeting of Council of the District of Lantzville held on Wednesday, July 20, 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: Ronald Campbell, Chief Administrative Officer
Trudy Coates, Director of Corporate Administration
Nelda Richardson, Deputy Director of Corporate Administration
Frank Limshue, Director of Planning and Community Services*

**Participated electronically*

CALL TO ORDER

The Mayor called the meeting to order at 6:01 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 July 20, 2022 regular Council meeting agenda be adopted as amended, with additional information circulated for public input received re agenda item 3. a) Public Hearing – Bylaws No. 313 and No. 314, 2022; 75 pieces of correspondence and one petition including 41 signatures, public input received re agenda item 5. a) Public Input Period, and by moving items 7. a) Bylaw No. 313 and b) Bylaw No. 314 immediately following item 3. a) Public Hearing – Bylaws No. 313 and No. 314, 2022.

CARRIED UNANIMOUSLY

PUBLIC AND STATUTORY HEARINGS

Pursuant to section 100 of the *Community Charter*, Councillor Savage declared a conflict of interest for the following item, stating his property is near a portion of the proposed development and it could affect his property value. He immediately left the meeting at 6:05 pm.

1. **“District of Lantzville Official Community Plan Bylaw No. 150, 2019, Amendment (6671 and 6685/6685B Harwood Drive) Bylaw No. 313, 2022” & “District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (6671 and 6685/6685B Harwood Drive) Bylaw No. 314, 2022”**

At 6:05 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 Official Community Plan Bylaw No. 150, 2019, Amendment (6671 and 6685/6685B Harwood Drive) Bylaw No. 313, 2022” and “District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (6671 and 6685/6685B Harwood Drive) Bylaw No. 314, 2022”. The Mayor:

- 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 Bylaws. The Director of Planning and Community Services:

- shared his computer screen to highlight maps of the subject properties, 6671 and 6685/6685B, describe the property and the portion of the properties proposed for subdivision if the Bylaws are approved
- reiterated the purpose of Bylaws 313 and 314
- noted the existing zoning allows for up to 11 lots or dwellings and if approved, the bylaw would allow up to 34 units which would be serviced with community water and sewer
- reviewed the applicant's offer to add 8 parking spaces within the road right of way and a turn-around area near the end of Aulds Road, improving access to Copley Ridge trail network, including trailhead improvements.

Scott Mack, Townsite Planning Inc., 6670 Elm Road, representing the applicant, gave a presentation on the proposed OCP and Rezoning amendment and spoke in support of the application including noting:

- current zoning and OCP designation and applicant's vision for a low-density development where they could remain in their existing homes
- vision includes a mix primarily of 1/3 to 1/2 acre lots (80% of the site), allowing a variety of lot sizes, along with a small, seniors-oriented patio homes development at the east end of the site
- R1, R2 zoning and new R7 zone
- overall density of approximately 3 units to one acre, with a maximum of 21 lots over 11 acres
- subject properties are the only properties with the Estate designation east of Superior Road adjacent to water and sewer services and other developments in the area do not have an adjacent Estate designation buffer.

Mayor Swain recessed the meeting for two minutes due to technical difficulties with the audio video system.

MEETING RECESSED: 6:20 pm

MEETING RESUMED: 6:23 pm, with Mayor Swain, Councillors Geselbracht, Proctor* and Wilson in attendance. Also, in attendance: CAO Campbell, Director Coates, Deputy Director Richardson, and Director Limshue*.

Scott Mack continued, noting:

- accessible to services
- proposed as bare land strata
- Community Amenity Contributions (CACs) of \$3,000 for each additional unit (\$69,000); 8 stall parking area at end of Aulds within right of way; enhanced landscaping along Harwood Road; for an amenity package of roughly \$120,000 or \$5,700 per lot

- parkland cash in lieu of park as OCP does not include a designation for park in this area
- protection of environmentally area, protecting existing vegetation and providing trail connection
- public information meeting, and petition of support signed by 41 neighbours within the immediate area plus others submitted letters of support
- estimate of cash-in lieu, benefit of DCCs and increase to property taxes, three existing owners wish to remain in their homes, and requested support for the bylaws for third reading after which they would work with staff on the section 219 covenant.

The Mayor called for the first time for persons registered to speak who believed that their interest in property was affected by proposed Bylaws No. 313 and No. 314 and gave instructions to follow when called upon to speak and reiterated the instructions to register to speak.

Susan Cormie, 7130 Sebastian Road, noted the letter she submitted explaining why she feels the development is inappropriate, spoke against proposed Bylaws 313 and 314, suggested the estate residential lands are meant to buffer lands, not for infill, level of development is not desired by the residents, and there is no reasonable planning rationale to support this application and questioned if Council was putting property owner and developer interests ahead of community interests.

Joan Jones, 7255 Ellesmere Drive, spoke against the application, noting the Harwood properties were rezoned to Estate Residential in 2000, R1, R2 and new R7 permits 7 times the density allowed under current zoning, suggested it was not semi-rural and is against OCP guidelines, as there is no tree bylaw requested significant tree protection be added in the application, absence of parkland, questioned why the District asked for cash in lieu instead of greenspace, and expressed concern about the impact of removal of trees on water runoff, environmental impact and lack of a responsible plan.

Jonathan Lerner, 8354 Bayview Park Drive, spoke to ways to improve the development, concerns about lack of mandate to manage stormwater runoff, and new R7 zoning, and suggested the community asset contribution is not enough to sustain/doesn't cover the cost of maintenance and services around the development for 100s of new residents.

Brian Blood, 7075 Caillet Road, suggested there's a 'gold rush' until the election and density = developer money, expressed concerns with density, suggested current residents want community values respected, OCP and Zoning is meaningless, expressed concern that Minister Eby and others he have met support density, and suggested if the development is approved it would be open season on the OCP.

Hans Larsen, 7010 Owen Road, stated he and his wife are opposed to the OCP and Rezoning amendment proposal, expressed concern they did not receive an invitation to attend the applicant's information meeting and could not access feedback from the meeting, Estate Residential is designed to be a buffer, next to the rural and hydro right-of-way area, referenced current zoning and amenity contributions, expressed concern no parkland, accepting minimum statutory requirement of 5%, and this increase in density would not be permitted under 2005 OCP.

The Mayor again for speakers and for any new registrations for speakers remotely and in the gallery and reiterated the instructions.

The Mayor called for a third and final time for speakers.

Susan Cormie, 7130 Sebastion Road, noted concerns with ability to secure seniors and affordable housing, parking for marshalling is great but why stop there – where is the design and will it be paved, have a washroom, questioned if the townhouse area will be in a development permit area, and concluded the need for more parkland than 5%.

Joan Jones, 7255 Ellesmere Drive, regarding the public engagement process comment about 41 signatures on a petition, expressed concern there was no petition offered to the residents of the community; however, the Community Association set up a tent for 5 hours during which time 54 residents signed a letter adding their own opposition comments about this development, questioned the ethics of a majority of Council ‘rushing’ the process and suggested that Council should wait until after the election for the new Council that will represent the majority and put this and other major decisions ‘on hold’.

Hans Larsen, 7010 Owen Road, stated this location for seniors 55-plus housing seems inappropriate, perhaps they’re hoping an adjacent development will provide services, properties are not located within sewer service area, will downstream vacant property owners be at risk of lack of capacity to develop in the future, Development Cost Charges (DCCs) are restricted funds, referenced 2018 DCC report cost for residents of ‘assist factor’, and concluded residents through their participation in planning and public hearing processes are the final arbiters.

The Mayor reiterated that after the close of the hearing Council must not receive further comments regarding Bylaw Nos. 313 and 314, and he called for a third and final time for people participating remotely or in the Council Chamber, with new information to present, to speak.

Jonathan Lerner, 8354 Bayview Park Drive, noted the comment about the transition between properties and the dominoe effect, and concluded there needs to be some respect for the OCP and not go all the way up to R7 where the transition is lost.

Susan Cormie, 7130 Sebastion Road, clarified 1 acre vs 1 ha. size parcels which are not in community sewer, suggested the minimum parcel size to get a grant is 1 ha., questioned the impact to the upper Winds properties who have been waiting for safe water if this development is serviced with water which she feels should be first priority.

Joan Jones, 7255 Ellesmere Drive, spoke regarding concerns with fair procedure, speed of processing the application, lack of notice to residents not in the neighbourhood regarding the public information meeting and application, and reiterated this development should wait until after the election for the next Council.

Scott Mack, 6670 Elm Road, spoke in response to comments and questions raised, including timing, i.e., conceptual plans at rezoning stage with detailed plans at subdivision stage, e.g., storm water management, pre and post development requirements, quality and quantity, noted the seniors patio home site will require a form and character development permit, input from residents who signed the petition

should hold value equal to those who gave input against, not all seniors require services as many are still active, the District's engineer, Koers Engineering has reviewed the water and storm service and confirmed no concern with capacity, OCP documents evolve and amendments are necessary and part of the process, agree residents in Southwind and Northwind should have safe drinking water but concluded that it does not relate to this application, and public information meeting notice on sign was posted, as required, and in addition targeted invites were sent to 50 in the neighbourhood.

The Mayor called for speakers to register, and before declaring the public hearing closed, reiterated that Council must not accept or consider submissions for comments from the public regarding Bylaws 313 and 314 after the hearing closes.

Hans Larsen, 7010 Owen Road, spoke to the District's requirements for public information meeting notification, and suggested the District should review its policy to ensure the community has an opportunity to attend public information meetings, expressed concern about access to the petition posted as the last item on the District's website.

Staff confirmed written public input received by Noon, is added to the agenda and website, distributed to Council, and is available on the table at the entrance, copied on green pages.

Seeing no one who wished to speak, the Mayor declared the public hearing for "District of Lantzville Official Community Plan Bylaw No. 150, 2019, Amendment (6671 and 6685/6685B Harwood Drive) Bylaw No. 313, 2022" and "District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (6671 and 6685/6685B Harwood Drive) Bylaw No. 314, 2022" closed at 7:07 pm. He noted that was the end of the public hearing and Council was scheduled to consider third reading of Bylaws No. 313 and No. 314 later in the regular Council meeting agenda.

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

1. **Bylaw No. 313**

C22-131 MOVED and SECONDED, THAT "District of Lantzville Official Community Plan Bylaw No. 150, 2019, Amendment (6671 and 6685/6685B Harwood Drive) Bylaw No. 313, 2022" be given third reading.

CARRIED

2. **Bylaw No. 314**

C22-132 MOVED and SECONDED, THAT "District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (6671 and 6685/6685B Harwood Drive) Bylaw No. 314, 2022" be given third reading.

CARRIED

Councillor Savage returned to the meeting at 7:46 pm.

GENERAL MATTERS (Delegations/recognitions) – Nil

CONSENT AGENDA

C22-133 MOVED and SECONDED, THAT the recommendations listed for items 5a) to 5c) in the Consent Agenda, be approved.

CARRIED UNANIMOUSLY

- a) THAT the July 6, 2022 regular Council meeting minutes be approved, as presented.
CARRIED by Consent

- b) 2022 Summary of Council Resolutions – June 30, 2022 – For Information
CARRIED by Consent

- c) Lantzville Council Strategic Priorities/Objectives Worksheet Quarterly Status Report as at June 30, 2022 – For Information
CARRIED by Consent

END OF CONSENT AGENDA

PUBLIC INPUT PERIOD

One (1) written comment was received, no members of the public registered via Zoom, and no members of the public in the gallery provided public input on agenda items.

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

3. Bylaw No. 284

Pursuant to section 100 of the *Community Charter*, Councillor Proctor declared a conflict of interest for the following two (2) items, stating since she last participated in a vote or discussion on the Village South development (Bylaws 283 & 284) she had received a legal opinion. As a result, she declared that she was not entitled to participate in the discussion or vote because of the close proximity of her property to the development. She immediately left the meeting at 7:48 pm.

- i) **May 31, 2022 Motion on the Floor (No Mover or Seconder Required)**
THAT the Applicant of the Village South development, be requested to provide the clear and strong rationale to justify the proposed number of New Housing Units exceeding the anticipated Number of New Housing Units range as stated in the 2019 Official Community Plan.

During debate of the motion, Councillor Geselbracht raised a Point of Order regarding references made by members to correspondence received by Council from the developer prior to the meeting not included as additional information to the agenda package in following Council's Procedure Bylaw the letter was added to the Public Hearing on the July 25, 2022 Council agenda.

Mayor Swain reviewed the public hearing input procedure with staff, and ruled that members would refrain from referencing the correspondence.

MAIN MOTION ON THE FLOOR

THAT the Applicant of the Village South development, be requested to provide the clear and strong rationale to justify the proposed number of New Housing Units exceeding the anticipated Number of New Housing Units range as stated in the 2019 Official Community Plan.

DEFEATED

- ii) MOVED and SECONDED, THAT “District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Village South Special Area Plan Zone) Bylaw No. 284, 2021” second reading given July 6, 2022 be rescinded; AND FURTHER THAT “District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Village South Special Area Plan Zone) Bylaw No. 284, 2021”, Schedule 1, be amended in subsection 6, by striking “3m” for the front setback of a Rowhouse, Townhouse and inserting “6m”; be amended in subsection 7, by striking “3m” for the front setback of an Apartment and inserting “10m”; and by striking “3m” for the front setback of a Rowhouse, Townhouse, and inserting “6m”; be amended in subsection 8, by inserting, “Mixed Use” after “Apartment”; and by striking “3m” for the front setback of Apartment, Mixed Use, and inserting “10m”; AND FURTHER THAT “District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Village South Special Area Plan Zone) Bylaw No. 284, 2021” be given second reading as amended.

DEFEATED

Mayor Swain recessed the meeting for five minutes.

MEETING RECESSED: 8:40 pm

MEETING RESUMED: 8:45 pm, with Mayor Swain, Councillors Geselbracht, Proctor*, Savage, and Wilson in attendance. Also, in attendance: CAO Campbell, Director Coates, Deputy Director Richardson, and Director Limshue*.

4. **Bylaw No. 298**
Motion on the Floor from January 12, 2022, February 23, 2022, and June 8, 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.

MOVED and SECONDED, THAT the motion on the floor be postponed indefinitely.

DEFEATED

MAIN MOTION ON THE FLOOR

THAT second reading of “District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Miscellaneous) Bylaw No. 298, 2021” be rescinded.

DEFEATED

MOVED and SECONDED, THAT “District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Miscellaneous) Bylaw No. 298, 2021” be scheduled for an electronic public hearing.

The Mayor called for the unanimous consent required for the meeting to proceed beyond 9:30 pm; however, there was an objection.

MAIN MOTION ON THE FLOOR

THAT “District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Miscellaneous) Bylaw No. 298, 2021” be scheduled for an electronic public hearing.

CARRIED

ADJOURNMENT

**MOVED and SECONDED, THAT the meeting be adjourned.
CARRIED UNANIMOUSLY**

MEETING ADJOURNED: 9:26 pm

Certified Correct:

ORIGINAL SIGNED

Trudy Coates, Director of Corporate Administration

Confirmed this 7th day of September, 2022.

ORIGINAL SIGNED

Mark Swain, Mayor