



Council Agenda

Monday, June 5, 2023, 7:00 PM

Council Chambers & Electronic Meeting

Electronic Meeting Instructions

To Join a Meeting:

Log into Zoom.us or the Zoom app on your device.

Enter the Meeting ID: 897 0956 7061

Dial In: 1-855-703-8985 (Canada Toll Free) or 1-778-907-2071 Meeting ID: 897 0956 7061

To Participate: During the public participation period, press **Star (*) 9** to "raise your hand".

Participants will be unmuted one by one when it is their turn to speak.

When called upon, you will have to press *6 to unmute the phone from your side as well.

We may experience a delay in opening the meeting due to technical difficulties. In the event that the meeting does not start as scheduled please be patient and stay on the line, we will get started as quickly as possible.

Public Dial-In Details are also posted at www.langford.ca

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12. IN CAMERA RESOLUTION

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

- negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

13. ADJOURNMENT

PUBLIC HEARING
Monday, 5 June 2023

Bylaw No. 2126
File No. Z23-0003

A Bylaw to amend the City of Langford Zoning Bylaw No. 300 by amending the wording with respect to the storage of unlicensed vehicles to capture changes in ICBC licensing requirements and to exempt institutional uses from the fence height requirements.

**CITY OF LANGFORD
BYLAW NO. 2126**

**A BYLAW TO AMEND BYLAW NO. 300,
"LANGFORD ZONING BYLAW, 1999"**

The Council of the City of Langford, in open meeting assembled, hereby enacts as follows:

A. Langford Zoning Bylaw No. 300, 1999 is amended as follows:

1. Section 1.01 – Definitions - is amended by inserting the following definition:

*"**Vehicle Insurance**" means vehicle insurance as defined in the Insurance (Vehicle) Act".*

2. Section 1.01 – Definitions - is amended as follows:

*"**Unlicensed Vehicle**" means an automobile or large automobile that does not display number plates with active Vehicle Insurance."*

3. By deleting 3.03 (1) (a)-(b) and replacing it with the following:

a) *Except where specifically permitted, no **lot** with a **lot area** greater than or equal to 550 m² (5,920.2 ft²) may be used for the keeping of more than one **unlicensed vehicle**, other than a farm vehicle or **recreation vehicle**, which is not completely enclosed in a **building or structure**;*

b) *Except where specifically permitted, no **lot** with a **lot area** less than 550m² (5,920.2 ft²) may be used for the keeping of any **unlicensed vehicle** which is not completely enclosed in a **building or structure**;*

c) *No **lot** may be used for the keeping of detached parts of **automobiles** or **large automobiles**, unless the parts are completely enclosed in a permanent **building**;*

4. By deleting 3.03.02 and replacing it with the following:

*"No **unlicensed vehicle** of any type may be stored on a lot in a location between the **abutting highway** and the **front building line**."*

5. By deleting 3.03.03 and replacing it with the following:

*"No vacant **lot** in any **Residential Zone** may be used for the keeping of **unlicensed vehicles**, **large automobiles** or **automobile parts**."*

6. Section 3.21.03 – Fences – is amended by adding the following as Article (6):

*"Fences on **lots** containing Institutional uses are exempt from the height restrictions of this subsection".*

B. This Bylaw may be cited for all purposes as “Langford Zoning Bylaw, Amendment No. 698, (Omnibus No. 61 – Part 3: Unlicensed Vehicles and Institutional Fencing), Bylaw No. 2126, 2023”.

READ A FIRST TIME this 17th day of April, 2023.

PUBLIC HEARING held this day of , 2023.

READ A SECOND TIME this day of , 2023.

READ A THIRD TIME this day of , 2023.

APPROVED BY THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE this day of , 2023.

ADOPTED this day of , 2023.

PRESIDING COUNCIL MEMBER

CORPORATE OFFICER



City of Langford

Staff Report to Council

DATE: April 17, 2023

DEPARTMENT: Planning

APPLICATION NO.: Z23-0003 - Omnibus No. 61

SUBJECT: Part 3 Text Amendments Regarding Unlicensed Vehicles and Institutional Fencing

BACKGROUND:

Several amendments to Zoning Bylaw No. 300 are being proposed to address issues that have been brought to staff's attention. Given the comprehensive nature of the Zoning Bylaw, it is common practice to identify housekeeping amendments in response to administrative or design issues, and to ensure the bylaw is functioning as intended.

COMMENTARY:

This Omnibus is based on two specific amendments:

1. Amend the wording within Zoning Bylaw 300 with respect to the storage of vehicles – namely, by adding “unlicensed vehicle” to the definitions of Zoning Bylaw 300 to capture changes in ICBC licensing requirements; and
2. Amend the requirement for institutional developments to adhere to the fence height requirements. Institutional fencing often needs to meet other operational objectives.

Notes on Amendment 1: Regulation of Unlicensed Vehicles

The main objective of this amendment is to change the bylaw language to reflect a change in ICBC licensing practices. Zoning Bylaw 300 currently states that uninsured vehicles cannot be stored on private property, however the current language refers to a valid ICBC insurance decal. These decals are no longer required on license plates, leaving the Bylaw Department unable to visually determine the insurance status of stored vehicles, and the bylaw open to the interpretation that vehicles without a decal are not permitted. By changing the wording to reflect insurance status rather than decals, the bylaw can continue to be enforced as intended.

Updated wording to capture the changes to ICBC decal requirements would include:

- Lots greater than 550m² can store one unlicensed vehicle (RV's exempt);

- Lots less than 550m2 cannot store any unlicensed vehicles;
- No storage of automobile parts on any lot, except in an enclosed building;
- No storage of unlicensed vehicles between the road and the front building line on any lot;
- No storage of unlicensed vehicles, large automobiles, or automobile parts on any vacant lot in a Residential Zone.

Summary of proposed changes:

Zoning Bylaw 300	Existing	Proposed
Section 1.01 – Definitions Additions	---	“ <i>Vehicle Insurance</i> means vehicle insurance as defined in the <i>Insurance (Vehicle) Act</i> ”
Section 1.01 – Definitions Amendments	“ <i>Unlicensed Vehicle</i> means a motor vehicle that does not display number plates and a decal specific to the current year validation as required by the Motor Vehicle Act. (Bylaw No. 1944)”	“ <i>Unlicensed Vehicle</i> means an automobile or large automobile that does not display number plates with active Vehicle Insurance.”
Part 3 – General Regulations 3.03 Vehicle Storage	<p>(1) Except where specifically permitted, no lot with a lot area greater than or equal to 550 m2 may be used for the keeping of more than one automobile or large automobile, other than a farm vehicle or recreation vehicle, which is not completely enclosed in a building or structure and which does not have attached or affixed in the manner prescribed by the Motor Vehicle Act Regulations:</p> <p>(a) Motor vehicle number plates and a decal for the current license year issued in respect of that automobile or large automobile; or</p> <p>(b) An interim vehicle license issued in respect of that</p>	<p>(1) Except where specifically permitted, no lot with a lot area greater than or equal to 550 m2 may be used for the keeping of more than one unlicensed vehicle, other than a farm vehicle or recreation vehicle, which is not completely enclosed in a building or structure.</p> <p>(2) Except where specifically permitted, no lot with a lot area less than 550m2 may be used for the keeping of any unlicensed vehicle which is not completely enclosed in a building or structure;</p> <p>(3) No lot may be used for the keeping of detached parts of automobiles or large</p>

Zoning Bylaw 300	Existing	Proposed
	<p>automobile or large automobile pursuant to the Motor Vehicle Act Regulations; or</p> <p>(2) Except where specifically permitted, no lot with a lot area less than 550 m² may be used for the keeping of any farm vehicle or recreation vehicle;</p> <p>(3) No lot may be used for the keeping of detached parts of automobiles or large automobiles, unless the parts are completely enclosed in a permanent building.</p>	<p>automobiles, unless the parts are completely enclosed in a permanent building.</p>
3.03.02 – Vehicle Storage	<p>No unlicensed automobile or large automobile of any type may be stored on a lot in a location between the abutting highway and the front building line.</p>	<p>No unlicensed vehicle of any type may be stored on a lot in a location between the abutting highway and the front building line.</p>
3.03.03 – Vehicle Storage	<p>No vacant lot in any Residential Zone may be used for the keeping of unlicensed automobiles, large automobiles or automobile parts.</p>	<p>No vacant lot in any Residential Zone may be used for the keeping of unlicensed vehicles, large automobiles, or automobile parts.</p>

Notes on Amendment 2

Currently there are fence height restrictions for portions of lots fronting onto streets. These restrictions limit the height of a fence irrespective of the use of the property. Varying of height restrictions requires that Council issue a development variance permit for each property. However, institutional uses require an exemption from the fence height requirement, as institutional fencing usually needs to meet other operational objectives. An example of this is the fencing around the RCMP station on Atkins Avenue for which council issued a variance.

The proposed amendment would add section **3.21.03 (6) – Fences** as follows:

- *“Fences on lots containing Institutional uses are exempt from the fence height restrictions of this subsection”.*

FINANCIAL IMPLICATIONS:

There are no known financial implications for the proposed amendments.

LEGAL IMPLICATIONS:

There are no known legal implications for the proposed amendments.

OPTIONS:

Option 1

THAT Council give First Reading to Bylaw 2126.

OR

Option 2

THAT Council does nothing at this time with respect to Bylaw 2126.

SUBMITTED BY: David Sametz, MCIP, RPP, Planner II – Long Range Planning

Concurrence: Leah Stohmann, MCIP, RPP, Deputy Director of Planning and Subdivision

Concurrence: Donna Petrie, Senior Manager of Business Development and Events

Concurrence: Yari Nielsen, Director of Parks, Recreation and Facilities

Concurrence: Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

Concurrence: Katelyn Balzer, P.Eng., Director of Engineering and Public Works

Concurrence: Michael Dillabaugh, CPA, CA, Director of Finance

Concurrence: Marie Watmough, Deputy Director of Corporate Services

Concurrence: Braden Hutchins, Director of Corporate Services

Concurrence: Darren Kiedyk, Chief Administrative Officer

Motion CARRIED.

Amendment:

MOVED BY: WAGNER

SECONDED: HARDER

THAT Council direct staff to ensure that all trees that are within the area to be dedicated as park, are protected fully through the development process.

AND

THAT staff work with the developer and their landscape architect to ensure as many existing trees as possible, be incorporated into the landscape plan.

Motion CARRIED.

8.2 BYLAW NO. 2098 (Background report attached)

"Langford Zoning Bylaw, Amendment No. 692, (2833, 2835, 2837, and 2839 Knotty Pine Road) Bylaw No. 2098, 2022" (ADOPTION)

MOVED BY: YACUCHA

SECONDED: HARDER

THAT Council adopt Bylaw No. 2098.

Motion CARRIED.

8.3 BYLAW NO. 2126 (Background report attached)

"Omnibus No. 61 - Part 3: Unlicensed Vehicles and Institutional Fencing), Bylaw No. 2126, 2023" (FIRST READING)

MOVED BY: YACUCHA

SECONDED: HARDER

THAT Council give Bylaw No. 2126 first reading.

Motion CARRIED.

8.4 BYLAW NO. 2128 (Background report attached)

"City of Langford Alternative Municipal Tax Collection Scheme Bylaw, No. 2128, 2023".
(FIRST, SECOND AND THIRD READINGS)

MOVED BY: YACUCHA

SECONDED: MORLEY

THAT Council give 1st, 2nd and 3rd reading to Bylaw No. 2128, City of Langford Alternative Municipal Tax Collection Scheme Bylaw, No. 2128, 2023.

Langford housing starts open year at record pace

Bailey Moreton
News Staff

Langford has had its busiest start to the year since data collection began in terms of housing starts, according to the latest Canada Mortgage and Housing Corporation data.

The city has seen 570 housing starts of all types in the first four months of 2023 versus 333 in 2022. That's the highest figure in the first four months of the year Langford has seen since incorporation.

Most of those new builds are apartments (492), with 34 single-family homes, six semi-de-

tacheds, and 38 row-homes also started during that time period.

In total, Langford's under-construction inventory is also the highest it's been since CMHC data has been collected in 1991, with 2,243 units currently under construction in the city.

While construction activity is up, approval of new builds in council meetings has slowed.

Since they were sworn in on Nov. 7, 2023, Langford council has adopted rezoning bylaws which have paved the way for 375 residential units, although 288 of those were proposals that had come before previous mayor and council,

with the current council voting on adoption while not receiving any new information (after a public hearing, council is not allowed to hear new information on a proposal).

The city is in the midst of devising its strategic plan, with initial proposals coming before council at Thursday's (May 18) council meeting.

The city hired consultant James Ridge and city planner Brent Toderian to develop and advise on the plan, with council to consider

an "early guidance" version of the plan. That document will lay out the council's priorities to help guide the newly established sustainable development advisory committee. Those are split into two broad categories: "high-quality growth and density," which focuses on urban density while providing amenities, and "less impactful, more livable construction" which will look at development proposals to include a "good neighbour commitment."



A housing development under construction on Peatt Road in Langford on May 19. (Bailey Moreton/ News Staff)



City of Langford

Notice of Public Hearing

The City of Langford has received an application to amend Zoning Bylaw No. 300 by means of the proposed Bylaw noted below. All persons who believe that their interest in property is affected by the proposed Bylaw will be afforded an opportunity to be heard by presenting written submissions prior to 3 pm on the day of the Public Hearing or by making oral submissions at the Public Hearing. Please be advised that no submission may be received by Council after the close of the Public Hearing and any submissions made to Council, whether orally or in writing, will form part of the public record.

- Meeting Date and Time** 5th June, 7:00 pm
- Meeting Place** City Hall Council Chambers, Third Floor, 877 Goldstream Avenue
- Bylaw No.** 2126
- Location** All the properties located within the City of Langford Boundaries
- Purpose** To amend the City of Langford Zoning Bylaw No. 300 by amending the wording with respect to the storage of unlicensed vehicles to capture changes in ICBC licensing requirements and to exempt institutional uses from the fence height requirements.

PLEASE NOTE: This meeting will be held electronically and in person at the above address. Information about how to connect to this meeting is indicated in the table below.

Teleconference # 1-855-703-8985 (Canada Toll Free) OR 1-778-907-2071 (long distance charges may apply)
Meeting ID #897 0956 7061 – Zoom.us or Zoom app on your mobile device

Council will not answer questions about the proposal or proposed bylaw except to provide clarification. The purpose of the Public Hearing is for Council to hear the views and opinions of those members of the public who wish to make comments. Please have all your questions answered in advance of the Public Hearing by contacting the Planning Department as noted below.

The Agenda, including material that Council may consider in relation to the bylaw, will be posted to the City's website: <https://www.langford.ca/city-hall/agendas-and-minutes/> no later than the Friday before the public hearing. Correspondence may be submitted by emailing planning@langford.ca or by writing to Langford City Hall, 2nd Floor, 877 Goldstream Avenue, Langford, BC, V9B 2X8. You may also contact the Planning Department at (250) 478.7882.

Braden Hutchins
Director of Corporate Services



City of Langford

NOTICE OF LAND DISPOSITION

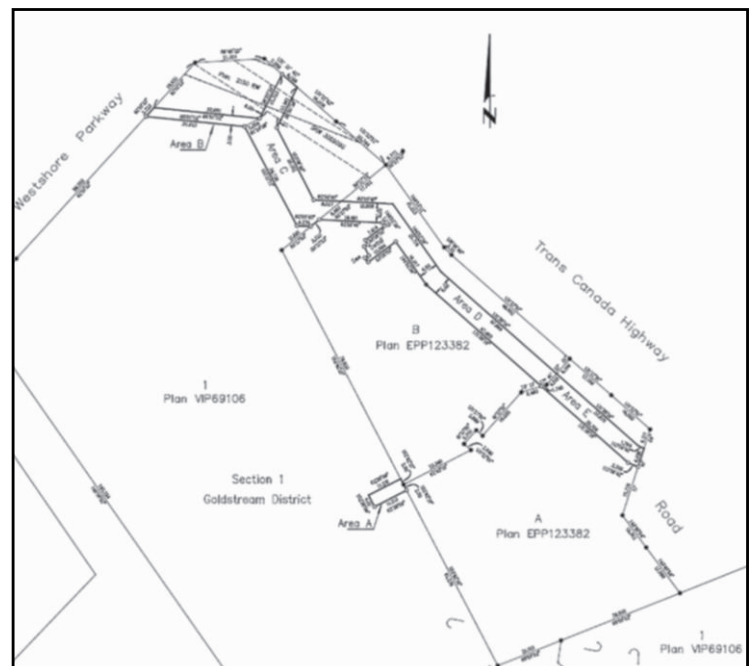
The City of Langford hereby gives public notice of its intention to grant CRD Water a Statutory Right-of-Way over Area C shown below for the purpose of installing a watermain. The City of Langford hereby also gives public notice of its intention to grant an easement to the landowner of 1365 Goldstream Avenue, Lot 2, Section 1, Goldstream District, Plan 12263 Except Part In Plan EPP60296, over Area A shown below for the purpose of installing a storm water overflow outlet.

The City owned land that these dispositions pertain to are legally described as: 2885 West Shore Parkway, Lot 1, Section 1, Goldstream District, Plan VIP69106.

The City is granting the Right-of-Way to CRD Water to extend watermain infrastructure, the consideration received by the City is the provision of the service.

The City is granting the Easement to the landowner of 1365 Goldstream Avenue. In consideration of the easement, the City will receive trail improvements including the purchase and installation of two new standard benches along the adjacent trail.

This disposition will be considered by the Council of the City of Langford at its regular meeting at City Hall, 3rd Floor, 877 Goldstream Avenue, June 5th, 2023, at 7 pm. Persons who consider they are affected by this disposition will be provided an opportunity to make representations to Council at the meeting, or by delivering a written submission to the Corporate Officer by 3 pm on that date.



Marie Watmough
Corporate Officer

'Elitist': Bear Mountain charging for trail use after landowners cut off access

The \$45 fee is under fire from area residents

Bailey Moreton
News Staff

Non-Bear Mountain residents will now have to pay \$45 to access the Finlayson Mountain Trail after the landowners cut off access.

Residents who live in the neighbourhood atop Skirt Mountain and are looking to walk down Country Club Way to access the trails beyond will now be redirected to the nearby activity centre, where they'll have to fill in a waiver if they're a resident and wear a wristband.

That's what happened to neighbourhood resident Kali Philp when she was out walking on May 24. Philp has lived in the neighbourhood for several years and dodged the fee, but worries the rule fuels a negative impression of the neighbourhood and makes Bear Mountain seem "elitist."

"Our neighbourhood is filled with nice people who kind of get painted with the same brush as this development company," she said. "Just like other Vancouver Islanders, we want to share nature."

Landowners Ecoasis Developments said the rule is merely an extension of its one-day recreational use fee which allows access to the Bear Mountain Activity Centre, including use of multiple gyms, a pool and other recreation

facilities.

Ruthanne Doyle, a spokesperson for Ecoasis, wrote in an email that the "Resort Trail Program" had been previously announced in 2021, but delayed due to COVID-19.

"The program was formulated in response to a significant increase in traffic on our private property and is part of our risk management program to meet increasingly stringent insurance requirements," Doyle wrote in an email.

Philp said she walks the trails daily and hadn't noticed an uptick in traffic – indeed, she prefers the trails when they are busier to help ward off any wildlife that may live in the area.

Doyle said the company consulted the City of Langford, District of Highlands, the RCMP and the community association about the rule change. The neighbouring hotels were also asked about joining a resort pass program but declined, according to Doyle.

Enforcement of the rule will be done by resort staff.

"Watching for wristbands, educating cyclists, hikers and walkers of the requirements and directing them to the Bear Mountain Activity Centre where waivers and further information

can be obtained is part of the scope of work. It's our hope that people respect that it is private property so greater enforcement is not required," said Doyle.



The entrance to Country Club Way is now closed, with people looking to access the trails behind either having to sign a waiver if they live in Bear Mountain or pay a \$45 access fee. (Bailey Moreton/News Staff)

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City of Langford
www.cityoflangford.ca

NOTICE OF MEETING TO CONSIDER 2022 ANNUAL REPORT


NOTICE IS HEREBY GIVEN, pursuant to Section 99 of the *Community Charter*, that the 2022 Annual Report will be considered at the following Council Meeting:

Monday June 19, 2023 @ 7:00 pm
City Hall Council Chambers
3rd Floor, 877 Goldstream Avenue
Langford, BC V9B 2X8

The public may ask questions by attending the meeting in person or electronically, or by e-mailing submissions to agendas@langford.ca prior to 4:30 p.m. Monday, June 19th, 2023. Please be advised that any submissions made to Council whether orally or in writing, will form part of a public record. Copies of the 2022 Annual Report will be posted at www.langford.ca and may be inspected at City Hall during normal business hours of 8:30 a.m. to 4:30 p.m., Monday to Friday (excluding statutory holidays) as of June 5, 2023.

Further inquiries may be directed to Marie Watmough, Deputy Director of Corporate Services, at 250-478-7882.

Marie Watmough
Deputy Director of Corporate Services


City of Langford

Notice of Public Hearing

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Meeting Date and Time 5th June, 7:00 pm
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Bylaw No. 2126
Location All the properties located within the City of Langford Boundaries
Purpose To amend the City of Langford Zoning Bylaw No. 300 by amending the wording with respect to the storage of unlicensed vehicles to capture changes in ICBC licensing requirements and to exempt institutional uses from the fence height requirements.

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Braden Hutchins
Director of Corporate Services



City of Langford

Special Council Minutes

May 11, 2023, 7:00 p.m.

Council Chambers & Electronic Meeting

PRESENT:	Mayor S. Goodmanson Councillor K. Guiry - Remote Councillor C. Harder Councillor M. Morley	Councillor L. Szpak Councillor M. Wagner Councillor K. Yacucha - Remote
ATTENDING:	M. Watmough, Deputy Director of Corporate Services M. Baldwin, Director of Planning and Subdivision M. Dillabaugh, Director of Finance K. Balzer, Director of Engineering and Public Works Y. Nielsen, Director of Parks, Recreation and Facilities	K. Dube, Senior Manager of Information Technology and GIS C. Aubrey, Fire Chief T. Block, GIS Technologist I B. Boisvert, Legislative Services Administrative Coordinator

Meeting available by teleconference

1. TERRITORIAL ACKNOWLEDGEMENT

M. Watmough, Deputy Director of Corporate Services, read the City of Langford's Territorial Acknowledgment.

2. CALL TO ORDER

Mayor Goodmanson called the meeting to order at 7:06 pm.

3. APPROVAL OF THE AGENDA

MOVED BY: MORLEY
SECONDED: WAGNER

THAT Council approve the agenda as presented.

Motion CARRIED.

4. PUBLIC PARTICIPATION

Greg, Florence Lake Rd - re: items 5.1 & 5.2 - Expressed concern regarding the tax increase influencing landlords to sell their investments. Expressed opposition to the tax increase.

L. Morton, Phelps Ave - re: items 5.1 & 5.2 - Expressed opposition to the tax increase. The speaker inquired about questions that arose from the previous Special Council meeting of May 8, 2023. Expressed concern about the new proposed RCMP hires and where will they be housed and where will the funding come from. The speaker inquired about the purchase of the YMCA, why would you consider buying the YMCA without a fulsome business case prepared with options? Which institution would we borrow the funds to purchase the YMCA? If you are not considering buying the YMCA this year, why is it included in the budget?

M. Dillabaugh, Director of Finance responded that multiple municipalities are responsible for the West Shore RCMP detachment. A plan is being devised during construction. The purchase of the YMCA is based on the City's obligation to pay a \$30,000,000,000 lease. Purchasing the building would mean that after the lease, the City will own the building. The purchasing of the YMCA building will come before Council at a future date.

R. Louie, Bellamy Rd - re: items 5.1 & 5.2 - Expressed feelings of being defeated and disappointment. Expressed concern regarding rental costs increasing. Expressed concern that long-time residents may leave the City. Expressed concern regarding not having a referendum about the YMCA. Expressed that staff increases should have been deferred. Expressed that there should have restructured the increase of the firefighters being hired. Expressed concern that Council did not negotiate the budget enough for the public. Expressed concern regarding the RCMP building. Expressed opposition to the tax increase.

S. Sifert, Walfred Rd - re: items 5.1 & 5.2 - Speaker is a long-time resident of the City of Langford. Expressed opposition to the tax increase. Expressed feelings of being dismissed and excluded from the process. Expressed concern regarding the amount development. Expressed concern regarding the process of public participation.

J. Relph, Knotty Pine Rd - re: items 5.1 & 5.2 - Expressed support for the budget.

M. Morton, Phelps Ave - re: items 5.1 & 5.2 - Expressed concern regarding the budget process. Expressed concern regarding the removal of the committee process. Expressed concern regarding the lack of response to their questions.

E. Wright, Commander Crt - re: items 5.1 & 5.2 - Expressed concern regarding the lack of leadership or direction in serving the public best interests in the budget process. Expressed concern regarding the process being transparent and fulsome. Expressed concern that the process excluded the public. Expressed that staff dictated the budget. Expressed opposition to the budget.

M. Wignall, Selwyn Rd - re: items 5.1 & 5.2 - The speaker echoed comments from previous speakers. Expressed that the public is being dismissed. Expressed that the process was not collaborative enough. Expressed criticism to the process, that the process was not transparent.

L. Foxall, Players Dr - re: items 5.1 & 5.2 - Expressed opposition to the budget. Expressed concern that Council are not being attentive to the public speakers. Expressed that the budget was for staff, not the public. Expressed that raising amenity fees will cut taxes 6%. Expressed that Council used 1.7 million from reserves to bring down the increase.

N. Johal, Walfred Pl - re: items 5.1 & 5.2 - Expressed concern regarding comments made by Councillor Yacucha. Expressed opposition to the tax increase. The speaker inquired about how

much taxes are collected from the YMCA. The speaker inquired about the maintenance fees for the YMCA. Expressed concern about the cost of the YMCA.

Councillor Yacucha responded by explaining the comment that the percentage increase and how it impacts a particular household.

Motion was made to extend the public participation.

Nicholas Johal, Walfred Pl - re: items 5.1 & 5.2 - Expressed concerns that the tax increase will cause undue burden to seniors, low-income households, and young adults. Expressed concern about the RCMP building. Expressed that developers should pay their fair share. Expressed that developers should support the infrastructure of the City. Expressed concern regarding transparency of the budget process. Expressed concern regarding the public ideas being dismissed. Expressed support for public safety but is concerned about the lack of support given to the RCMP.

R. MacBeth, Rita Rd - re: items 5.1 & 5.2 - Expressed concern that public suggestions were not reflected in the budget. Expressed concern that time attending Council meetings as been in vain. Expressed concern regarding the elimination of the Administration and Finance Committee before budget deliberations. Expressed concern about the purchase of the YMCA. Inquired about the use of the term class.

M. Dillabaugh, Director of Finance responded that the term class comes from BC Assessment and that they have 9 classes to determine properties.

C. Weatherston, Cressida Cres - re: items 5.1 & 5.2 - Expressed support for the tax increase. The speaker stated that other municipalities have the same average percentage increase.

B. Sahlstrom, Walfred Rd - re: item 5.1 - The speaker inquired how the tax increase will affect businesses.

M. Dillabaugh, Director of Finance responded to previous questions. YMCA does not pay property tax. Items on the budget will have due diligence through the Council process.

MOVED BY: WAGNER

SECONDED: MORLEY

THAT Council at 7:41 pm. extend the public participation for 30 minutes.

Motion DEFEATED.

MOVED BY: HARDER

SECONDED: SZPAK

THAT Council at 7:44 pm. extend the public participation for 30 minutes for first time speakers only or whichever comes first.

Motion Carried Unanimously

5. BYLAWS

5.1 BYLAW NO. 2130

“City of Langford 2023-2027 Financial Plan Bylaw No. 2130, 2023”. (ADOPTION)

MOVED BY: HARDER

SECONDED: SZPAK

THAT Council adopt City of Langford 2023-2027 Financial Plan Bylaw No. 2130, 2023.

Motion CARRIED.

5.2 BYLAW NO. 2131

"City of Langford Tax Rates Bylaw No. 2131, 2023." (ADOPTION)

MOVED BY: HARDER

SECONDED: MORLEY

THAT Council adopt City of Langford Tax Rates Bylaw No. 2131, 2023.

Motion CARRIED.

6. ADJOURNMENT

MOVED BY: HARDER

SECONDED: WAGNER

THAT Council adjourn the meeting.

Mayor Goodmanson adjourned the meeting at 8:02 pm.

Motion CARRIED.

Presiding Council Member

Certified Correct - Corporate Officer



City of Langford

Council Minutes

May 18, 2023, 7:00 p.m.

Council Chambers & Electronic Meeting

PRESENT:	Councillor L. Szpak - Acting Mayor Councillor K. Guiry Councillor C. Harder - Remote	Councillor M. Morley Councillor M. Wagner Councillor K. Yacucha
ABSENT:	Mayor S. Goodmanson	
ATTENDING:	D. Kiedyk, Chief Administrative Officer B. Hutchins, Director of Corporate Services M. Watmough, Deputy Director of Corporate Services M. Baldwin, Director of Planning and Subdivision M. Dillabaugh, Director of Finance K. Balzer, Director of Engineering and Public Works	K. Dube, Senior Manager of Information Technology and GIS L. Fletcher, Manager of Community Safety and Municipal Enforcement - Remote W. Schoenefuhs - Parks Planning Coordinator T. Block, GIS Technologist I B. Boisvert, Legislative Services Administrative Coordinator

Meeting available by teleconference.

1. TERRITORIAL ACKNOWLEDGEMENT

M. Watmough, Deputy Director of Corporate Services, read the City of Langford's Territorial Acknowledgment.

2. CALL TO ORDER

Acting Mayor L. Szpak called the meeting to order at 7:05 p.m.

3. APPROVAL OF THE AGENDA

MOVED BY: GUIRY
SECONDED: WAGNER

THAT Council approve the agenda as presented.

Motion CARRIED.

4. PRESENTATIONS

4.1 Strategic Plan - James Ridge

James Ridge presented to Council a summary of the City of Langford's Strategic Plan.

4.2 Building Cities Better - Brent Toderian

Brent Toderian presented to Council a summary of the City of Langford's Building Cities Better Plan.

5. PUBLIC PARTICIPATION

Greg, Florence Lake Rd - Expressed disappointment with the tax increase.

R. Hobbs, Luxton Rd - re: item 4.2 - Expressed concern regarding the removal of trees in their neighbourhood. Expressed concern regarding the building of tall concrete building, next to residential homes.

R. Louie, Bellamy Rd - re: item 7.1 - Expressed disappointment that the strategic plan was not in place prior to the budget release. Expressed that they would like input from the community partners, such as SD62. Expressed approval regarding keeping the trolleys. Expressed a need for more bus services to more areas. Expressed a desire for more public input in regard to the strategic plan. Expressed a desire to have a partnership with the indigenous community.

W. Hobbs, Luxton Rd - re: item 4.1 - Expressed a desire to have more community engagement regarding the strategic plan.

L. Foxall, Players Dr - re: item 4.2 - Expressed approval to increasing density in the downtown core. Expressed concern regarding remarks about less cars, more bike lanes, and less EV vehicles. Expressed concern regarding the removal of SUV and trucks in the area. Expressed concern about removing public input regarding development. Expressed concern regarding multiple public input avenues versus one place, that has already been in place. Expressed concern about politics being brought into the building better cities plan.

M. Sunshine, Langvista Dr - re: 4.1 and 4.2 - Expressed approval to the use of consultants. Expressed a desire that Council will take the advice from the consultants. re: item 7.1 - Expressed approval of the early guidance process. Expressed a desire for Council to continue to be bold in their decisions.

S. Costello, Robalee Pl - re: items 4.1, 4.2 and 7.1 - Expressed support for a refresh to the Official Community Plan. Expressed a desire for more public input.

S. Plank, Goldstream Ave - re: items 4.1, 4.2 and 7.1 - Expressed a desire for more public engagement regarding the strategic plan. Expressed support for the early guidance for the developers. Expressed a concern regarding the setbacks for buildings. Expressed support for more greenspace.

Nicholas Johal, Walfred Pl - re: items 4.1 and 4.2 - Expressed concern regarding removing SUVs and trucks from the area. Expressed concern regarding alternative transportation modes. Expressed concern regarding the cost of maintaining bike lanes.

K. Awram, Finlayson Arm Rd - re: items 4.1 and 4.2 - Expressed approval of a strategic plan. Expressed a desire for climate change mitigation. Expressed approval for an urban tree

management plan. Expressed approval for a construction management policy. Expressed a desire for public engagement and transparency. Expressed concern regarding pre-zoning and the need for public input.

W. Hobbs, Luxton Rd - re: item 7.1 - Expressed approval for the good neighbour clause in the report. Expressed a desire for bylaw enforcement on construction sites and to monitor businesses.

6. ADOPTION OF COUNCIL MINUTES

6.1 Minutes of the Special Council Meeting - May 1, 2023

MOVED BY: GUIRY
SECONDED: WAGNER

THAT Council approve the minutes of the meeting of Special Council held on May 1, 2023.

Motion CARRIED.

6.2 Minutes of the Council Meeting - May 1, 2023

MOVED BY: YACUCHA
SECONDED: MORLEY

THAT Council approve the minutes of the meeting of Council held on May 1, 2023.

Motion CARRIED.

6.3 Minutes of the Special Council Meeting - May 8, 2023

MOVED BY: GUIRY
SECONDED: WAGNER

THAT Council approve the minutes of the meeting of Special Council held on May 8, 2023.

Motion CARRIED.

7. REPORTS

7.1 Early Guidance for Development Connected to the Strategic Plan Update

MOVED BY: YACUCHA
SECONDED: GUIRY

THAT Council support in principle the following interim measure to provide Early Guidance for development applications:

1. HIGH QUALITY GROWTH AND DENSITY:

Council's intention is to support growth with an emphasis on successful urban community-building, while increasingly emphasizing the quality of new higher density development, particularly in the context of livability, sustainability, affordability, and development viability. The achievement of high-quality urban density will emphasize urban design and architectural design that results in engaging street-level activation and vibrancy, and an ambitious street tree canopy. Where taller buildings are proposed, floor plates should be relatively slim and well separated to avoid the individual or cumulative effects of excessive upper-floor massing.

In addition to design quality, considerations of high-quality urban density should include, where beneficial and viable, some or all of the following:

- Amenities supporting livability/quality of urban life at the building, block, and neighbourhood scale.
- Integration of existing mature, viable site trees where feasible relative to tree location, site conditions, development viability and other public interest considerations.
- Consideration of relative affordability opportunities.
- Inclusion of 2–3-bedroom apartments for families as well as other family supports such as in-suite storage, in-building amenities etc.
- Green design opportunities relative to architectural design and sustainable energy sources over-and-above City requirements.
- Avoidance of excessive vehicle parking, and strategic provision of enhanced supports for alternatives to vehicle ownership and use, including diverse urban biking options, walking, public transit use and carshare.
- Strategic supports in housing and mobility for accessibility.

2. LESS IMPACTFUL, MORE LIVABLE CONSTRUCTION:

To mitigate the construction impacts of medium and high-density growth on existing neighbours and neighbourhoods in a rapidly and continuously changing city, applications should propose and implement a well-considered “good neighbour commitment” that reflects established high-quality practice in maintaining urban livability during construction.

Motion CARRIED.

7.2 Strata Title Conversion of Commercial Building at 2826 Bryn Maur Road

MOVED BY: YACUCHA
SECONDED: MORLEY

THAT Council:

1. Resolve to wind up the existing strata and authorize the signature of necessary documents to wind up Strata VIS3403;

AND

2. Endorse the legal plan to create Strata Plan EPS8823 at 2826 Bryn Maur Road; subject to receiving confirmation from an Architect that the existing building substantially complies with the building regulations within the meaning of the Building Act.

Motion CARRIED.

7.3 Jordie Lunn Bike Park Clubhouse TUP

MOVED BY: WAGNER

SECONDED: YACUCHA

THAT Council direct staff to provide notice that Council will consider issuing a Temporary Use Permit for a period of three years for property located at 2990 and 2992 Irwin Rd, to allow for the following uses:

- i. Office; and
- ii. Retail Store.

AND

THAT Council direct staff to bring forward an omnibus amendment to Zoning Bylaw No. 300 to rezone the property at 2990 Irwin Road to reflect the uses permitted in the TUP.

Motion CARRIED.

8. ADJOURNMENT

MOVED BY: GUIRY

SECONDED: YACUCHA

THAT Council adjourn the meeting.

Acting Mayor L. Szpak adjourned the meeting at 9:39 p.m.

Motion CARRIED.

Presiding Council Member

Certified Correct - Corporate Officer



BOARD OF DIRECTORS

Minutes of the West Shore Parks and Recreation Society Board of Directors Meeting Thursday, April 13th, 2023, in the Westshore Room

PRESENT: Directors Leslie Anderson (via Teams), Shelly Donaldson, Kimberly Guiry (via Teams), and Dean Janzten

ABSENT: Director Damian Kowalewich

STAFF PRESENT:

Grant Brown, administrator
 Ron Dietrich, manager of operations
 Geoff Welham, manager of recreation
 Wei Wu, manager of finance and administration
 Erin Pirot, arena and events programmer
 April Luchinski, manager of human resources
 Chantelle Bremner, recorder

STAFF ABSENT: N/A

PUBLIC PRESENT: Pat Ford, JDF Senior's Association
 Lenora Lee, KPMG
 Sarah Burden, KPMG

CALL TO ORDER

1. The chair called the meeting to order at 5:31pm.

APPROVAL OF AGENDA

2. **MOVED/SECONDED BY DIRECTORS GUIRY AND ANDERSON THAT THE AGENDA BE APPROVED AS PRESENTED.**
CARRIED

APPROVAL OF MINUTES

3. **MOVED/SECONDED BY DIRECTORS DONALDSON AND GUIRY THE MINUTES OF THE REGULAR MEETING HELD MARCH 9TH, 2023, BE APPROVED AS PRESENTED.**
NO ERRORS, NO OMMISIONS.
CARRIED

PUBLIC PARTICIPATION

4. Pat Ford, President of the JDF Senior's Association commented that she was re-elected to the position of president for another year. The association currently has 1,127 members; 319 of which are new since January 2023.

CHAIR'S REMARKS

5. N/A

STANDING COMMITTEES

6. N/A

OLD BUSINESS

7. N/A

NEW BUSINESS**8. a) Arena and events department presentation**

Erin Pirot presented a PowerPoint presentation that highlighted the following:

- **Oversee**
 - Arenas, bookings, skating programs, birthday parties, special events, food and beverage services
- **Facilities**
 - The Q Centre Arena, JDF Arena, golf course, outdoor fields, indoor sports complex, bookings for all areas
 - Food and beverage, Q Centre Arena Concessions, Fieldhouse kitchen, café, JDF Arena Liquor license
- **Statistics**
 - Golf, lessons, arena use, ISC use, growth of events
- **Arena and Events Team**
 - Rob Wilson – Coordinator
 - Erin Pirot – Programmer
 - Le Vu – Team Lead
 - Glen Klassen – Sport Bookings
 - Hope Peden – Facility Bookings
- **Staff**
 - The department looks after over 60 RPT and aux staff members
- **Facility Hours Booked**
 - 2020
 - 1,125 hours in the ISC
 - 4,661 hours on the fields
 - 5,813 hours in the arenas
 - 2021
 - 2,938 hours in the ISC
 - 22,626 hours on the fields
 - 7,793 hours in the arenas
 - 2022
 - 3,291 hours in the ISC
 - 12,774 hours in the fields
 - 8,615 hours in the arenas

*COVID affected these numbers in 2020. There was an increase in 2021 due to the rental by Netflix for two shows and the vaccination clinic in the JDF 55+ Activity Centre.
- **Revenue Per Facility**
 - 2020
 - \$56,185 for the ISC

- \$56,629 for the fields
 - \$482,600 for the arenas
 - 2021
 - \$107,413 for the ISC
 - \$123,367 for the fields
 - \$600,641 for the arenas
 - 2022
 - \$188,624 for the ISC
 - \$225,000 for the fields
 - \$1,035,241 for the arenas
- Q Centre Arena Events
 - Victoria Shamrocks Sr. and Jr.
 - Victoria Grizzlies
 - Victoria Wolves
 - Slegg Pro Show
- 2022 Events
 - Judo Provincials
 - Home Show
 - BC Hockey's Program of Excellence
 - BC Senior Games
 - Layedout Show and Shine
- Arena Programs
 - Lessons offered – 790 hours = over 3,200 children annually
 - Private lessons – 97 hours
 - Public skate hours – 520 hours
 - Winter Wonderland – annual December event – 22 private bookings - \$5,300 in revenue
 - PowerWest Athletics – Mena Westhaver – high performance power skating classes & camps
 - South Island Ravens – Gus Ascroft – hockey for people with developmental disabilities
 - Sledge hockey – Zack Zitek – learn to play sledge hockey program with SportAbility BC
- Arena Program Registration
 - Number of registrants:
 - 2015
 - Approx. 450 in preschool lessons
 - Approx. 550 in school age lessons
 - 2016
 - Approx. 575 in preschool lessons
 - Approx. 550 in school age lessons
 - 2018
 - Approx. 500 in preschool lessons
 - Approx. 575 in school age lessons
 - Approx. 700 in PowerWest Athletics
 - 2019
 - Approx. 595 in preschool lessons
 - Approx. 650 in school age lessons
 - Approx. 775 in PowerWest Athletics
 - 2020
 - Approx. 175 in preschool lessons
 - Approx. 190 in school age lessons

- Approx. 10,10 in PowerWest Athletics
 - 2021
 - Approx. 300 in preschool lessons
 - Approx. 250 in school lessons
 - Approx. 1,375 in PowerWest Athletics
 - 2022
 - Approx. 600 in preschool lessons
 - Approx. 410 in school age lessons
 - Approx. 950 in PowerWest Athletics
- JDF Golf Course
 - The number of rounds per years is weather-dependent
 - The rounds played for 2021 was just over 40,000 – the highest it’s been since 2004.
- Q Centre Arena Concessions and Bars
 - Victoria Shamrocks
 - 2019 - generated a net revenue of \$108,239 and total sales of \$224,299
 - 2022 – generated a net revenue of \$77,589 and total sales of \$131,791
 - Victoria Grizzlies
 - 2018/2019 – generated a net revenue of \$38,218 and total sales of \$122,880
 - 2022/2023 – generated a net revenue of \$36,581 and total sales of \$123,837

* The increase in total sales for the Victoria Shamrocks in 2019 was due to the Mann Cup Tournament.

- Birthday parties
 - Previously looked after by the community recreation department but as of 2023 it is looked after by the events department.
- Conclusion
 - Looking forward to seeing the feasibility study being done by Saanich for the need for more arenas. At WSPR, we have a shortage of ice in the peak hours and often turn away inquiries. With more programmable ice time, we could offer and sell more ice programs and private lessons to the community.
 - The average usage is 1 arena per 15,000 people. In Victoria, it’s 1 arena per 28,000 people.
 - Staffing is an ongoing challenge in this market, which is resulting in the lack of food services available at the Q Centre Arena for events.
 - Currently working on the RFPs for the café, Fieldhouse kitchen and we’re looking into the possibility of someone to taking over the Q Centre Arena concessions so that we can better service our lease holders.
 - WSPR is interested in attracting more tradeshow and large events. The ideal time for this is between May and June, when both arenas have dry floor, and we can schedule the ISC turf to be out. By setting a booking window, and a starting place for fees, we could market the space and simplify bookings for the clerks.

ARENA/EVENTS STAFF LEFT THE MEETING AT 5:49 PM.

b) 2022 Auditor’s report

Lenora Lee and Sarah Burden, KPMG commented on the following:

- 2022 Audit Highlights
 - No outstanding matters and is considered a clean unqualified report with no material errors.

- The following changes in accounting standards were noted:
 - There is an upcoming change to the reporting standards for asset retirement obligations and is effective for fiscal years beginning on or after April 1, 2022.
 - There is a new revenue reporting standard effective for fiscal years beginning on or after April 1, 2023.
 - The retirement benefits standard, and post-employment benefits, compensated absences and termination benefits standard will be reviewed and the new standards will be effective for fiscal years beginning on or after April 1, 2026.
 - The new public private partnerships standard will be effective for fiscal years beginning on or after April 1, 2023.

MOVED/SECONDED BY DIRECTORS DONALDSON AND ANDERSON THAT THE 2022 AUDIT REPORT AND FINANCIAL STATEMENTS BE APPROVED.

CARRIED

LENORA LEE AND SARAH BURDEN LEFT THE MEETING AT 6:14PM.

c) Emergency Use of Facilities

Grant brown, administrator, highlighted the following:

- The City of Colwood has requested a renewal of the current MOU regarding emergency use of facilities. Staff are supportive of continuing the relationship with the City of Colwood and renewing the MOU for a ten-year term.
 - The MOU states that in the event of an emergency or disaster that leads to the municipality establishing an Emergency Operating Centre (EOC), it is common practice that many municipal buildings be designated and used in a coordinated response to the emergency.
 - The use by the City of Colwood may prevent program use and reduce WSPRS' program and rental offerings, resulting in a reduction of expected revenue and therefore an increase in the overall net expenditure for the year.
 - Due to the ownership and funding model of WSPR-owned land and infrastructure, the City of Colwood's use of WSPRS' facilities during an emergency may result in an increase to each municipalities' annual requisition required to prevent WSPRS from operating in a deficit. The Operating, Maintenance and Management Agreement dictates that WSPRS shall not operate at a deficit without prior approval of the municipalities.

MOVED/SECONDED BY DIRECTORS ANDERSON AND DONALDSON THAT THE MOU BE RENEWED WITH A TEN-YEAR TERM.

CARRIED

FOR INFORMATION

9. a) Skatepark update

Ron Dietrich, commented on the following:

- Project is paid in full and is on budget; 49% of the funding is from a government grant
- The foundation work and the rest of the project will be completed by next week
- WSPR will look after the landscaping
- Grand opening scheduled for May 13th at 1pm

b) Annual energy use report

Ron Dietrich, manager of operations, highlighted the following:

- Lowering energy consumption from both an environmental and cost savings viewpoint remains a priority for WSPRS. Over time, WSPRS has upgraded equipment to more energy efficient models, replacing lighting with LED units, expanding its Direct Digital Control system coverage to include the JDF Library and Centennial Centre, and adding heat recovery units to the pool air handling unit and most recently the JDF Arena ice plant. These changes have helped WSPRS offset rising utility costs.
- A common method to evaluate the environmental impacts on energy consumption with a building is Heating Degree Days which are the number of days that outside temperatures fall below 18 degrees Celsius, thus requiring building heat. The calculation is based on the mean average for the day and the distance from 18 degrees and can be summed over time. The increase will cause both gas and electricity costs to rise.

Grant Brown, administrator, and Ron Dietrich, manager of operations, commented on the following:

- Looking at more ways to reclaim heat from the arena to the pool boilers
- Would like to provide tangible statistics showing what the energy usage is per person
- Investigating peak demand charges and staggering start times of the Direct Digital Controls
- Changed the lights in the Q Centre Arena to LED
- Maximizing the heat pump in the JDF Arena to keep more heat in
- Switching 5 air handling units over to heat pumps to be more efficient

c) Administrator's report

Grant Brown, administrator, commented on the following:

Administration/Human Resources

The Skatepark work is moving forward despite the snow, cold temperatures, and demand for concrete. The finishing touches such as picnic tables and benches have arrived onsite. The logistics of moving two 2,500 lb granite benches into place are being discussed and the date for the grand opening is being looked at for mid to late May. The project remains on budget in part due to great collaboration between WSPRS staff, the contractor and donations of work provided by local construction companies.

A few procurement opportunities are currently in process. The Pool/Fitness Roof Invitation to Quote and the Pickleball Court Construction study Request for Proposal (RFP) closed at the end of March and submissions are being reviewed. The Café and Preferred Catering Service RFPs close the first week of April. Recently, an RFP for the provision of multisport programs and a Request for Expressions of Interest (RFEI) to operate concessions in the Q Centre Arena have gone online. The RFEI for concession operation is noncommittal and is being used to "test the waters" as staff continue to struggle with the recruitment of staff for this area.

For the first part of April, the finance team will be completing the 2022 year-end audit, financial statements, and the presentation of statements to the board in conjunction with KPMG. The remainder of April will see the team focusing on catching up on 2023's priorities and the 2022 Annual Report.

The human resources manager will be conducting another supervisor training session in April, covering how to provide feedback to staff. The HR team participated in the rollout of the Most Valuable You (MVYou) program with marketing to aid in staff recognition and retention. Over the next few weeks, HR will be focusing on statistics to prepare for the 2022 Annual Report as well as developing an HR dashboard that will provide supervisors and management accurate tracking of attrition, head counts, unplanned employee absences and recruitment to be reported on monthly.

Operations

Maintenance

Maintenance was busy with some unexpected issues this past month which included a fire panel failure in the Fieldhouse. For a few weeks, staff were required to stay on fire watch within the building until the new panel and field devices could be installed. Maintenance also noticed slight fluctuations in the chlorine in the pools and found the chemical controllers on the hot tub and leisure pool had worn out sensor caps which have now been replaced. The pool hot water tank for the lifeguard showers/sinks and first aid room failed; it too has been replaced. The hot tub heat exchanger sprung two separate leaks on the fittings leading in and out on the pool side. The entire unit needed to be dismantled and a section of the gasket repaired (the copper fittings were rebuilt as well). The pool main air handling unit had a control source issue that was preventing it from running based on the freeze stat, this was repaired. Lastly, the sump heater in the Q Centre Arena cooling tower had a dead short, the heater was taken out of the circuit to prevent this issue moving forward.

New lockdown procedures have been implemented on the afternoon and night shift, as well as a new elevator lockout. These changes have been put into place to prevent the public entering closed and restricted areas. As we tighten security, keys have been inventoried and spare sets are under lock and key themselves.

The temporary over ice flooring from the Q Centre Arena was test installed in the JDF Arena and issues were found with the boards not being square. A full test install will need to happen next ice season. The plan was to use the Q Centre Arena flooring in the JDF Arena when needed but the configurations do not match exactly, and some boards will need to be purchased and modified to accommodate. Maintenance completed renovations on the Fieldhouse washrooms to ensure we meet the Skatepark grant requirements. The Fieldhouse also underwent a full shut down where small aesthetic repairs were made to the floors, walls, and counters, and all spaces were thoroughly cleaned. The ISC netting repair was completed so that the vertical string keeps the bottom skirt high enough to not to interfere with programs. A more permanent fix will eventually be to upgrade to braided steel during the shutdown.

Parks

The mechanic has all the mowing equipment ready for the spring and the seasonal increase in field work and will be working on the 4053 bus and utility carts. Currently equipment is being used to complete the seventh hole tee renovations as its now rough shaped and staff are starting the final grade. Renovations also continue in the lawn bowls as the team has finished the plinths and back boards on 3 of the 4 greens and should be finished by the end of March. Aeration of the greens is scheduled for mid to end of April, weather dependent.

Ball diamond work has started and prepping for spring includes repairs to the fencing at the diamonds. Work has also started on the infields and the transition lips. Fields 2 and 3 are finished for the year and staff will be starting to do annual renovations.

There was an issue with the sewage line down to the parks yard, causing it to back up and not flow. Staff cleared it, and parks will be looking at scoping the sewer lines to determine their condition.

Summer auxiliary staff are being short listed and will be in place for the coming season as work ramps up for the growing season. As of March 20th, the site has received 1.24 inches of rain. This is 44% of average rainfall for the month. The temperatures have been all over the map creating inconsistent and poor growing conditions.

Programs

Community Recreation

Spring break camp numbers were full with waitlists. 333 kids registered for camps over the 2-week break, which was an increase of 39 kids over 2022. Camps included licensed care, Kinderprep, Horseback Riding, Tech camps, sports camps and Forest Camp.

The partnership was renewed with Royal Bay and Gable Craft homes which includes an \$1,800 grant for the "2023 Neighbourhood Nights program" which will occur weekly in the summer. This program encourages neighbours to engage with one another at the Meadow Park. Last year we saw upwards of 50 families participate each week. As well, the partnership with the CRD continues. Twice during the summer, the CRD will again host the StoryWalk at a Westshore park location. On these nights, the CRD provides the interpreters and an interactive nature display with a book that complements it. This partnership is also beneficial as both organizations market the program through their networks.

Programs are having great success with the French music contract. Two times per week, a French teacher leads 20 minutes of music, singing and games in French with all the 10-month preschool programs and daycare. She is fantastic and it is so great to hear the preschoolers singing French in the hallways and classrooms.

Staff launched a new app for childcare families called "Hi Mama", and it is being received so well by all the daycare families. Families get to see real time pictures and videos of their kids during the day. Parents communicate each day with sign in or letting us know their child is sick and not coming for the day. Staff can post pictures, videos and updates for the parents. The feedback has been amazing.

Aspiring Artists Art Parties were full to capacity in March and almost fully booked in April. Programs offered include Splatter Paint, Pottery, Glow in the Dark Painting, Polymer Clay and Canvas painting parties! The Aspiring Artists Easter Bunnies Pottery class was so popular, two extra classes were added in order to accommodate the huge waitlists! As well, staff are excited to bring on 3 new pottery volunteers to the team.

Fitness and Weights

The Take Heart and Breathe Well Cardiac Pulmonary Rehabilitation program continues to grow since it restarted with 12 participants in the program and 7 participants in the continuing maintenance program. Clients are referred to the program directly from their cardiologist in connection with Island Health referrals.

A new Aqua Zumba program that was added in the fall and continues to see growing success. The program started with only 4 participants and now has an average of 24 participants registered. The program highlights the growing demand for more evening AquaFit-based programs.

Staff added a youth fitness program called “Youth Fitness Foundations” which successfully ran for the first time since it was introduced. The program is designed to create a healthy lifestyle foundation with a focus on physical literacy skills, strength & cardio conditioning, speed and agility through exercises, games, and activities.

The fitness department welcomed a new hire for group fitness classes to help with the growing demand for added classes and staff coverage. AquaFit instructor staffing continues to pose a challenge with very few Instructors available regionally. A Regional AquaFit Foundations course was offered in early March hosted by Panorama Recreation Centre in efforts to train and recruit more instructors.

Aquatics

In March, the winter 2023 swimming lesson set concluded as well as a lifesaving program (Bronze Cross). 3 lifeguard and swim instructors were successfully interviewed, and 3 more junior instructors are scheduled for interviews in the coming weeks with the hope to have them starting in time for the spring lesson set.

Recently some accessibility challenges were experienced with failing lift motors, and during this month, staff assessed the accessibility needs and systems. Staff worked with occupational therapists and an accessibility equipment company (HME) to make improvements. A new lift motor system has been added to pool deck to improve the lift’s reliability and has performed well in its first use.

Over spring break, the pool has been busy with fun swims and rental groups. With no swimming lessons during the break, staff took the opportunity to test a new employee scheduling application. So far, it has reduced much administrative time on covering vacant shifts and communicating common scheduling changes to staff. Staff will report on it to management in more detail soon and are very excited about its potential.

Arena, Events and Golf

Congratulations go out to JDF Minor Hockey Teer 1 Grizzlies who won the Island Finals and are off to Provincials in Salmon Arm. They were the only JDF minor team to qualify for provincials. As the JDF minor hockey season is winding down, spring hockey in the Q Centre Arena has been scheduled with the Wolves and Grizzlies identification camps booked for April. Bookings staff have sent out the spring and summer contracts for all facilities as staff prepare for the transition of seasons. The Grizzlies Pride Night saw the addition of a new gender-neutral washroom in the Q Centre Arena with new signage and dividers added for privacy, this washroom will be available for all future events.

The golf course saw 1,091 rounds in a snowy February, and March started off with snow leaving the course closed for the 1st and 2nd. March has been a cold month resulting in rounds being down compared to previous weeks, however still managed 1,643 rounds as of March 20th.

PowerWest spring break camps were nearly full. The skateshop has wound down as the ice removal began at the end of March, marking the start of the dry floor season and the return of lacrosse.

Equity, Diversity and Inclusion

The JDF Seniors Association has now reached a membership of 1,098 members which is closing in on the pre-COVID numbers of 1,200. Their AGM was moved to April due to the snow in March.

Through a partnership with Thrive, staff held their first youth dinner. It took place on March 10th, following the Friday Night Youth Swim. The swim had record breaking attendance of 150 youth. The ISC was full, with all areas being used for sporting activities. The dinner saw 53 youth preregistered with drop-in dinners available. The final tally saw 101 youth fed a delicious free meal of hot soup, premade and build your own sandwiches, water and bubbly water.

Prior to the Grizzlies final 2022/23 regular season game on March 25th, WSPR staff joined MLA Mitzi Dean and representatives from the Grizzlies, Shamrocks and Wolves to sign the Period Promise which will see feminine hygiene products made available for the public at no cost in the WSPR facilities. Dispensers will be installed throughout the spring, to be fully in place by the summer.

Grant Brown, administrator verbally added to the report:

- The quote for the replacement of the pool roof came in \$150,000 less than what was budgeted. Will apply the surplus to other projects.
- David Hewko was the successful proponent of the Outdoor Pickleball Study RFP
- During the last three registration days, there was a large number of payment errors. Cause is unknown and staff are diligently working with the software application to figure out the reason for future registration days. If patrons inputted payment info, their spot was secured while staff completed baskets behind the scenes and were contacted for payment.
 - There was an overall 19% increase in registration this year compared to last year.

IN CAMERA

10. N/A

ADJOURNMENT

11. **MOVED/SECONDED BY DIRECTORS GUIRY AND DONALDSON THAT THE MEETING BE ADJOURNED AT 6:34PM.
CARRIED**



City of Langford

Committee of the Whole Minutes

April 17, 2023, 12:00 p.m.

Council Chambers & Electronic Meeting

PRESENT:	Councillor L. Szpak - Acting Chair Mayor S. Goodmanson - Remote Councillor K. Guiry Councillor C. Harder	Councillor M. Morley Councillor M. Wagner Councillor K. Yacucha
ATTENDING:	D. Kiedyk, Chief Administrative Officer B. Hutchins, Director of Corporate Services M. Baldwin, Director of Planning and Subdivision M. Dillabaugh, Director of Finance K. Balzer, Director of Engineering and Public Works Y. Nielsen, Director of Parks, Recreation and Facilities K. Dube, Senior Manager of Information Technology and GIS	D. Petrie, Senior Manager of Business Development and Events C. Aubrey, Fire Chief T. Preston, Superintendent, Westshore RCMP L. Fletcher, Manager of Community Safety and Municipal Enforcement W. Robinson, Manager of Building Services C. Staniforth, Financial Analyst C. Lowe, IT Support Specialist R. Hemsworth, Records Coordinator

Meeting available by teleconference.

1. TERRITORIAL ACKNOWLEDGEMENT

B. Hutchins, Director of Corporate Services, read the City of Langford's Territorial Acknowledgment.

2. CALL TO ORDER

The Chair called the meeting to order at 12:01 pm.

3. APPROVAL OF THE AGENDA

MOVED BY: GUIRY

SECONDED: WAGNER

THAT the Committee approve the agenda as presented.

Motion CARRIED.

4. ADOPTION OF THE MINUTES4.1 Minutes of the Committee of the Whole Meeting - March 27, 2023

MOVED BY: YACUCHA
 SECONDED: HARDER

THAT the Committee approve the minutes of the meeting of the Committee of the Whole held on March 27, 2023.

Motion CARRIED.

4.2 Minutes of the Committee of the Whole Meeting - March 30, 2023

MOVED BY: YACUCHA
 SECONDED: MORLEY

THAT the Committee approve the minutes of the meeting of the Committee of the Whole held on March 30, 2023.

Motion CARRIED.

4.3 Minutes of the Committee of the Whole Meeting - April 3, 2023

MOVED BY: YACUCHA
 SECONDED: HARDER

THAT the Committee approve the minutes of the meeting of the Committee of the Whole held on April 3, 2023.

Motion CARRIED.

5. PRESENTATIONS5.1 Summary of Proposed 2023-2027 Five Year Financial Plan - Director of Finance

Michael Dillabaugh, Director Finance gave a summary on the proposed 2023-2027 Five Year Financial Plan.

6. REPORTS6.1 2023 Budget and Five-Year Financial Plan 2023 - 2027

MOVED BY: GUIRY
 SECONDED: WAGNER

THAT the Committee of the Whole directs staff that they remove the Latoria Elementary School artificial turf field and lights from the five-year financial plan and reallocate the funds.

Motion CARRIED.

MOVED BY: YACUCHA
 SECONDED: HARDER

THAT the Committee of the Whole directs staff to leave the City paving allocation of the parking lot at Claude Road in the budget;

AND

Direct staff to bring forth a report regarding options for Council to deliberate at a later date.

Motion CARRIED.

MOVED BY: WAGNER

SECONDED: MORLEY

THAT the Committee of the Whole directs staff to look at alternative funding sources for the two items PD32 and PW09 of the five-year financial plan, that are currently proposed to be funded by property taxes.

Councillor Morley opposed.

Motion CARRIED.

7. ADJOURNMENT

MOVED BY: GUIRY

SECONDED: MORLEY

THAT the Committee adjourn the meeting.

The Chair adjourned the meeting at 3:41 pm.

Motion CARRIED.

Presiding Council Member

Certified Correct - Corporate Officer



City of Langford

Committee of the Whole Minutes

April 18, 2023, 7:00 p.m.

Council Chambers & Electronic Meeting

PRESENT: Mayor S. Goodmanson
Councillor K. Guiry
Councillor C. Harder
Councillor M. Morley

Councillor L. Szpak
Councillor M. Wagner
Councillor K. Yacucha

ATTENDING: D. Kiedyk, Chief Administrative Officer
B. Hutchins, Director of Corporate Services
M. Baldwin, Director of Planning and Subdivision
M. Dillabaugh, Director of Finance
K. Balzer, Director of Engineering and Public Works
Y. Nielsen, Director of Parks, Recreation and Facilities
K. Dube, Senior Manager of Information Technology and GIS

C. Aubrey, Fire Chief
L. Fletcher, Manager of Community Safety and Municipal Enforcement
W. Robinson, Manager of Building Services
C. Staniforth, Financial Analyst
T. Block, GIS Technologist I
R. Parmar, FOI Coordinator

Meeting available by teleconference.

1. TERRITORIAL ACKNOWLEDGEMENT

B. Hutchins, Director of Corporate Services, read the City of Langford's Territorial Acknowledgment.

2. CALL TO ORDER

The Chair called the meeting to order at 7:07 pm.

3. APPROVAL OF THE AGENDA

MOVED BY: YACUCHA

SECONDED: GUIRY

THAT the Committee approve the agenda as presented.

Motion CARRIED.

4. PRESENTATIONS

4.1 Summary of Proposed 2023-2027 Five Year Financial Plan - Director of Finance

M. Dillabaugh, Director of Finance gave a presentation on the proposed 2023-2027 Five-Year Financial Plan.

5. REPORTS

5.1 2023 Budget and Five-Year Financial Plan 2023 - 2027

MOVED BY: GUIRY
SECONDED: WAGNER

THAT the Committee of the Whole direct staff to increase budget from \$400,000 to \$800,000 on an ongoing basis and funded from the General Amenity Reserve Fund.

Motion CARRIED.

MOVED BY: HARDER
SECONDED: YACUCHA

THAT Committee of the Whole direct staff to include option A, as presented, for inclusion in the 2023-2027 Five-Year Financial Plan for Council's consideration at the May 1st regular meeting of Council.

Motion CARRIED.

MOVED BY: YACUCHA
SECONDED: SZPAK

THAT the Committee of the Whole at 10:01 p.m. extend the meeting to midnight or end of business.

Motion Carried Unanimously

MOVED BY: SZPAK
SECONDED: HARDER

THAT the Committee of the Whole direct staff to present a reduction of 2.51% from the five-year financial plan, which is a tax increase of 9.9%.

Councillors Yacucha, Guiry and Wagner opposed.

Motion CARRIED.

6. ADJOURNMENT

MOVED BY: YACUCHA
SECONDED: GUIRY

THAT the Committee adjourn the meeting.

The Chair adjourned the meeting at 10:48 pm.

Motion CARRIED.

Presiding Council Member

Certified Correct - Corporate Officer



City of Langford

Committee of the Whole Minutes

April 21, 2023, 11:30 a.m.

Council Chambers & Electronic Meeting

PRESENT:	Mayor S. Goodmanson Councillor K. Guiry Councillor C. Harder Councillor M. Morley	Councillor L. Szpak Councillor M. Wagner Councillor K. Yacucha
ATTENDING:	D. Kiedyk, Chief Administrative Officer B. Hutchins, Director of Corporate Services M. Baldwin, Director of Planning and Subdivision M. Dillabaugh, Director of Finance K. Balzer, Director of Engineering and Public Works Y. Nielsen, Director of Parks, Recreation and Facilities K. Dube, Senior Manager of Information Technology and GIS	D. Petrie, Senior Manager of Business Development and Events C. Aubrey, Fire Chief L. Fletcher, Manager of Community Safety and Municipal Enforcement - Remote W. Robinson, Manager of Building Services C. Staniforth, Financial Analyst B. Agland, System Administrator B. Boisvert, Legislative Services Administrative Coordinator

Meeting available by teleconference.

1. TERRITORIAL ACKNOWLEDGEMENT

B. Hutchins, Director of Corporate Services, read the City of Langford's Territorial Acknowledgment.

2. CALL TO ORDER

The Chair called the meeting to order at 11:35 a.m.

3. APPROVAL OF THE AGENDA

MOVED BY: GUIRY

SECONDED: YACUCHA

THAT the Committee approve the agenda as presented.

Motion CARRIED.

4. REPORTS4.1 2023 Budget and Five-Year Financial Plan 2023 - 2027 - Presentation by Director of Finance

MOVED BY: YACUCHA

SECONDED: SZPAK

THAT the Committee of the Whole recommends that Council reject the proposed reductions to the tax increase presented at the April 21, 2023, meeting, and forward the proposed 2023 - 2027 Five Year Financial Plan with a 12.41% tax increase in 2023 to Council.

Motion Carried Unanimously**5. ADJOURNMENT**

MOVED BY: SZPAK

SECONDED: GUIRY

THAT the Committee adjourn the meeting.

The Chair adjourned the meeting at 12:50 p.m.

Motion CARRIED.

Presiding Council Member

Certified Correct - Corporate Officer



City of Langford

Staff Report to Council

DATE: Monday, June 5, 2023

DEPARTMENT: Land Development

APPLICATION NO.: Development Permit No. DP23-0017

SUBJECT: 2885 West Shore Parkway – Statutory Right-of-Way and Easement Registration

BACKGROUND:

In 2022, the City of Langford sold 1365 Goldstream Avenue, Lot 2, Section 1, Goldstream District, Plan 12263 Except Part in Plan EPP60296 to 1326349 BC Ltd. A condition of the sale of this property was that the lot be constructed in accordance with the Attainable Housing Down Payment Assistance Program. This property is now under construction and has two multi-family buildings being built in accordance with the program.

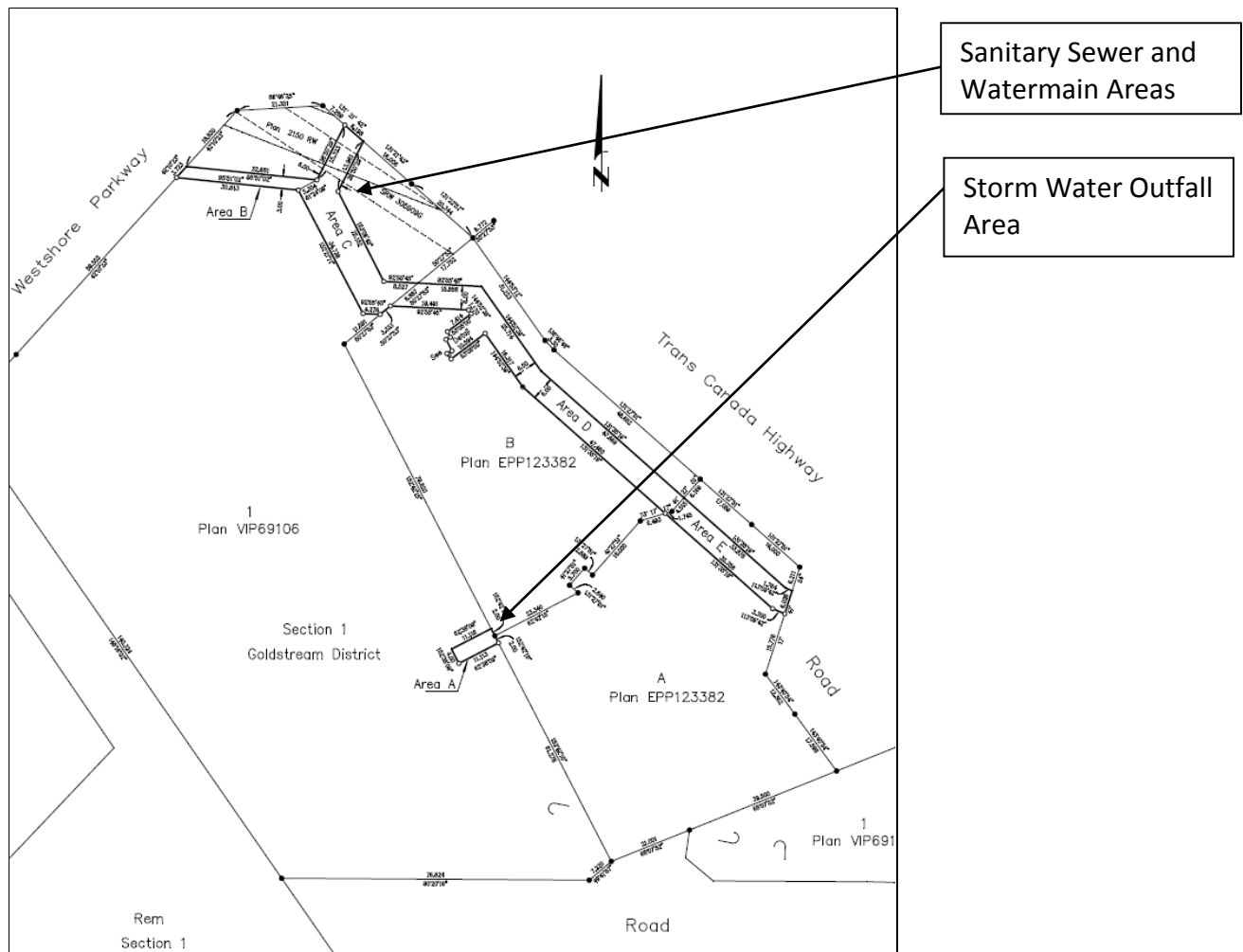
During the civil and site servicing design stage of the construction of these two buildings the owner requested to service the site with water, sanitary sewer, and storm drain overflow through minor portions of adjacent land owned by the city at 2885 West Shore Parkway, Lot 1, Section 1, Goldstream District, Plan VIP69106. Typically, services to developing lands are extended from municipal road but for this property servicing from Goldstream Avenue was determined not to be the best option. Staff reviewed the request internally as well as with the utility companies and the engineer of record. Based on the information provided and available it was determined that installing these services through 2885 West Shore Parkway in Statutory Right-of-Ways (SRW) and a private easement was the best option.

Shown below in Area C, a watermain extension from the Trans-Canada highway directly north of 2885 West Shore Parkway was determined the best connection point because there is a 300mm water distribution main there. On Goldstream Avenue the water distribution main does not extend beyond Lake End Road (approximately 350m East).

Shown below in Area B and C, a municipal owned sanitary sewer extension from West Shore Parkway was determined as the best option because the property could connect to sanitary sewer by gravity through that route. If they connected to the main on Goldstream Avenue they would need to tie into a sanitary sewer force main with a new pumped system.

Shown below in Area A: The storm drain overflow into 2885 West Shore Parkway was accepted as the practical option because there is no municipal storm drain system in this area and historically any storm water runoff from this property would naturally drain towards 2885 West Shore Parkway. During the review process staff required the owner to extend the storm drain overflow outlet under the multi-use path so that any possible discharge be directed downstream of the path. On Point Project Engineers have designed the storm water system for the buildings and parking lots in accordance with Langford Bylaw 1000. The onsite drainage system is designed with catch basins with sumps and then channeled into vertical seepage pits to infiltrate and treat the storm water runoff up to the 1:25-year storm event. According to On Points design the outlet overflow pipe "is meant only for the rainfall events that exceed the infiltration rate, which would be a 1:200-year event." There are no treatment systems available for overland flow in a 1:200-year event. There will be a covenant registered on title requiring the owner(s) to maintain their onsite storm water system(s) in good working order.

Statutory Right-of-Way Areas B and C, Easement Area A:



The proposed SRWs and Easement area over 2885 West Shore Parkway are within Potential Habitat and Biodiversity Development Permit Areas and overlaps with the edge of the 200-Yr Floodplain Development Permit Area. As such the owner engaged a biologist who provided an assessment of the lands, and a Development Permit (DP23-0017) was required to install these services under the supervision of the biologist. A condition of the Development Permit is to replant and restore habitat in the area, as well as reconstruct and improve the public trail. The owner has provided full security, in cash, to the city to complete the works.

A construction license (CON23-024) was entered into with the owner permitting them to install the servicing works. The owner provided the necessary insurance requirements, and their contractor has now completed the servicing works.

COMMENTARY:

The purpose of this report is to request council to authorize the registration of the SRWs and the easement on the title of 2885 West Shore Parkway. The SRW for sanitary sewer will be registered in favor of the City of Langford. The statutory right-of-way for the watermain will be registered in favor of CRD Water. The easement for the storm drain outlet will be registered in favour of 1326349 BC Ltd., which will transfer to the future stratas of the two buildings.

Granting an SRW or easement over city owned land is considered a disposition of an interest in land. Section 26 of the *Community Charter* requires the city to publish notice in accordance with Section 94 of the *Community Charter* before council disposes of an interest in any city owned land. Staff have completed this requirement and advertised this disposition in the paper two consecutive weeks prior to this meeting. The SRW for the sanitary sewer that will be registered in favor of the City of Langford is not considered a disposition, but it should be registered on the title as a separate interest in the land.

FINANCIAL IMPLICATIONS:

All cost associated with these SRWs and easement will be at the expense of the developer of 1365 Goldstream Avenue.

Once the SRW and Easement are registered it will be the charge holder's obligation to operate and maintain their utility at their own expense.

Staff have considered the need for consideration for these encumbrances. For the CRD Water SRW the consideration received by the City for this SRW area is the extension of the infrastructure for the provision of the water service. For the easement to the landowner for the storm water outlet, the consideration received by the City for SRW area is trail improvements including the purchase and installation of two new standard benches along the adjacent trail. In both cases staff have determined that the value of the consideration exceeds the value of the SRW areas.

LEGAL IMPLICATIONS:

The draft SRWs and easement are attached for reference and have been drafted using standard legal terms.

OPTIONS:**Option 1**

THAT Council authorize the Mayor and Chief Administrative Officer to enter into the Statutory Right-of-Way with CRD Water and the City of Langford, and to enter into the easement with 1326349 BC Ltd, substantially on the terms as attached, to install, repair and maintain their utility over the portion of city owned land at 2885 West Shore Parkway, Lot 1, Section 1, Goldstream District, Plan VIP69106, subject to minor amendments as may be necessary.

OR Option 2

THAT Council take no action at this time with respect to these Statutory Right-of-Ways and easement at 2885 West Shore Parkway.

SUBMITTED BY: Daryl Minifie, ASCT, Senior Land Development Technologist

Concurrence: Leah Stohmann, MCIP, RPP, Deputy Director of Planning and Subdivision

Concurrence: Donna Petrie, Senior Manager of Business Development and Events

Concurrence: Yari Nielsen, Director of Parks, Recreation and Facilities

Concurrence: Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

Concurrence: Katelyn Balzer, P.Eng., Director of Engineering and Public Works

Concurrence: Michael Dillabaugh, CPA, CA, Director of Finance

Concurrence: Marie Watmough, Deputy Director of Corporate Services

Concurrence: Braden Hutchins, Director of Corporate Services

Concurrence: Darren Kiedyk, Chief Administrative Officer



Land Title Act
Charge
 General Instrument – Part 1

1. Application

Reed Pope Law Corp
202 - 1007 Fort Street
Victoria BC V8V 3K5
2504195077

2. Description of Land

PID/Plan Number	Legal Description
024-550-451	LOT 1 SECTION 1 GOLDSTREAM DISTRICT PLAN VIP69106

3. Nature of Interest

Type	Number	Additional Information
STATUTORY RIGHT OF WAY		

4. Terms

Part 2 of this instrument consists of:

(b) Express Charge Terms Annexed as Part 2

5. Transferor(s)

CITY OF LANGFORD

6. Transferee(s)

CAPITAL REGIONAL DISTRICT
625 FISGARD STREET
VICTORIA BC V8W 1R7

7. Additional or Modified Terms



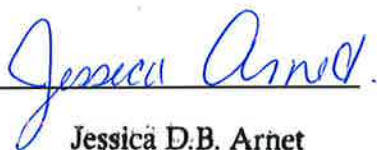

8. Execution(s)

This instrument creates, assigns, modifies, enlarges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature	Execution Date	Transferor / Transferee / Party Signature(s)
_____	<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;"> YYYY-MM-DD </div>	City of Langford By their Authorized Signatory _____

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature	Execution Date	Transferor / Transferee / Party Signature(s)
 Jessica D.B. Arnet Capital Regional District 625 Fisgard St., Victoria BC V8W 1R7 <i>A Commissioner for Taking Affidavits in the Province of British Columbia</i> Officer Certification	<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;"> YYYY-MM-DD 2023-02-03 Feb 28th, 2023 </div>	 Ian Jesney Acting General Manager Capital Regional District Integrated Water Services

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

TERMS OF INSTRUMENT - PART 2

WHEREAS:

- A. The Grantor is the registered owner of the land set out in item 2, Part 1 of this Instrument (the "**Grantor's Lands**");
- B. The Grantee is the Capital Regional District;
- C. This Right of Way is necessary for the operation and maintenance of the Works by the Grantee; and
- D. To facilitate the installation of a system of waterworks including all pipes, valves, fittings, conduits, wires, casings, fittings, lines, meters, appliances, attachments, devices and facilities in connection therewith (herein called the "**Works**"), the Grantor has agreed to permit the construction by the Grantee of the Works on a portion of the Grantor's Lands, and to permit the Grantee access through the Grantor's Lands, and to grant for those purposes the Right of Way in this Agreement.

NOW THEREFORE, in consideration of the sum of One (\$1.00) Dollar of lawful money of Canada, now paid by the Grantee to the Grantor (the receipt and sufficiency of which is hereby acknowledged by the Grantor), and in consideration of the covenants and conditions agreed to be observed and performed by the parties and for other valuable consideration:

1.0 THE GRANTOR:

- 1.1 Grants, conveys, confirms and transfers, in perpetuity, to the Grantee the full, free and uninterrupted right, license, liberty, privilege, permission and right of way to lay down, install, construct, entrench, operate, maintain, inspect, alter, remove, replace, bury, cleanse, string, and otherwise establish one or more systems of Works upon, over, under and across that portion of the Grantor's Lands shown as AREA A and outlined in bold black line on Statutory Right of Way Plan EPP125435 prepared by James Worton, B.C.L.S., a reduced copy of which is attached hereto as Schedule 'A' (the "**Right of Way**").
- 1.2 Covenants and agrees to and with the Grantee that the Grantee shall:
 - (a) for itself and its servants, agents, workers, contractors and all other licensees of the Grantee;
 - (b) together with machinery, vehicles, equipment, and materials;
 - (c) upon, over, under and across the Right of Way;
 - (d) as may be considered necessary, useful, or convenient by the Grantee for the purposes in section 1.1; and
 - (e) in connection with the operations of the Grantee in relation to the Works;

be entitled at all times to enter, use, pass and repass, labour, construct, erect, install, dig, carry away soil or other surface or subsurface materials, remove any growth, seedlings, trees, brush, buildings or obstructions now or hereafter in existence, store machinery, vehicles, equipment, materials and supplies used or to be used in connection with the construction of the Works, and place or store the surface or subsurface material to be excavated from the Right of Way.

- 1.3 Grants unto the Grantee the licence, permission, easement and right of way to lay down, install, erect, construct, operate, maintain, repair, inspect, alter, remove, replace, cleanse, string and otherwise establish one or more temporary systems of works upon the Right of Way in the event of a breakdown or malfunction of the Works.
- 1.4 Transfers, assigns and conveys to the Grantee all right, title and interest in and to any Works that the Grantee, or the Grantor have prior to this Agreement established or constructed or maintained or operated within the Right of Way or in relation to any similar Works previously constructed by any party whatsoever within the Right of Way.
- 1.5 Grants, conveys, confirms and transfers unto the Grantee for itself, and its employees, agents, workers, contractors and all other licensees of the Grantee together with machinery, vehicles, equipment and materials, the right at all times to enter upon and to pass and repass over such of the Grantor's Lands as may reasonably be required for the purpose of ingress to and egress from the Right of Way

2.0 THE GRANTOR COVENANTS:

- 2.1 Not, and not to permit any other person, to erect, place, install or maintain any building, structure or addition to a building or structure including, without limiting the generality of the foregoing, any mobile home, concrete or asphalt driveway or patio, fish pond, waterfall, retaining wall, derelict vehicle, shed, pipe, wire or other conduit on, over or under any portion of the Right of Way.
- 2.2 Not to do anything that in any way interferes with or damages or prevents access to or is likely to cause harm to the Works installed in or upon the Right of Way, including, without limiting the generality of the foregoing, erecting fences without reasonable access for the Grantee's maintenance personnel and equipment. Reasonable access shall include the provision of conveniently located access gates or openings.
- 2.3 Not to do or knowingly permit to be done any act or thing which will interfere with or injure the Works and in particular will not carry out any blasting on or adjacent to the Right of Way without the consent in writing of the Grantee, which consent shall not be unreasonably withheld.
- 2.4 Not to substantially add to or diminish the soil cover over any of the Works installed in the Right of Way and in particular, without limiting the generality of the foregoing, will not construct open drains or ditches along or across any of the Works installed in the Right of Way without the consent of the Grantee, which consent shall not be unreasonably withheld.
- 2.5 From time to time and at all times at the reasonable request and at the cost of the Grantee to do and execute or cause to be made, done or executed any further and other lawful acts, deeds, things, devices, conveyances and assurances in law required to ensure the Grantee of its rights under this Agreement.

3.0 THE GRANTEE COVENANTS:

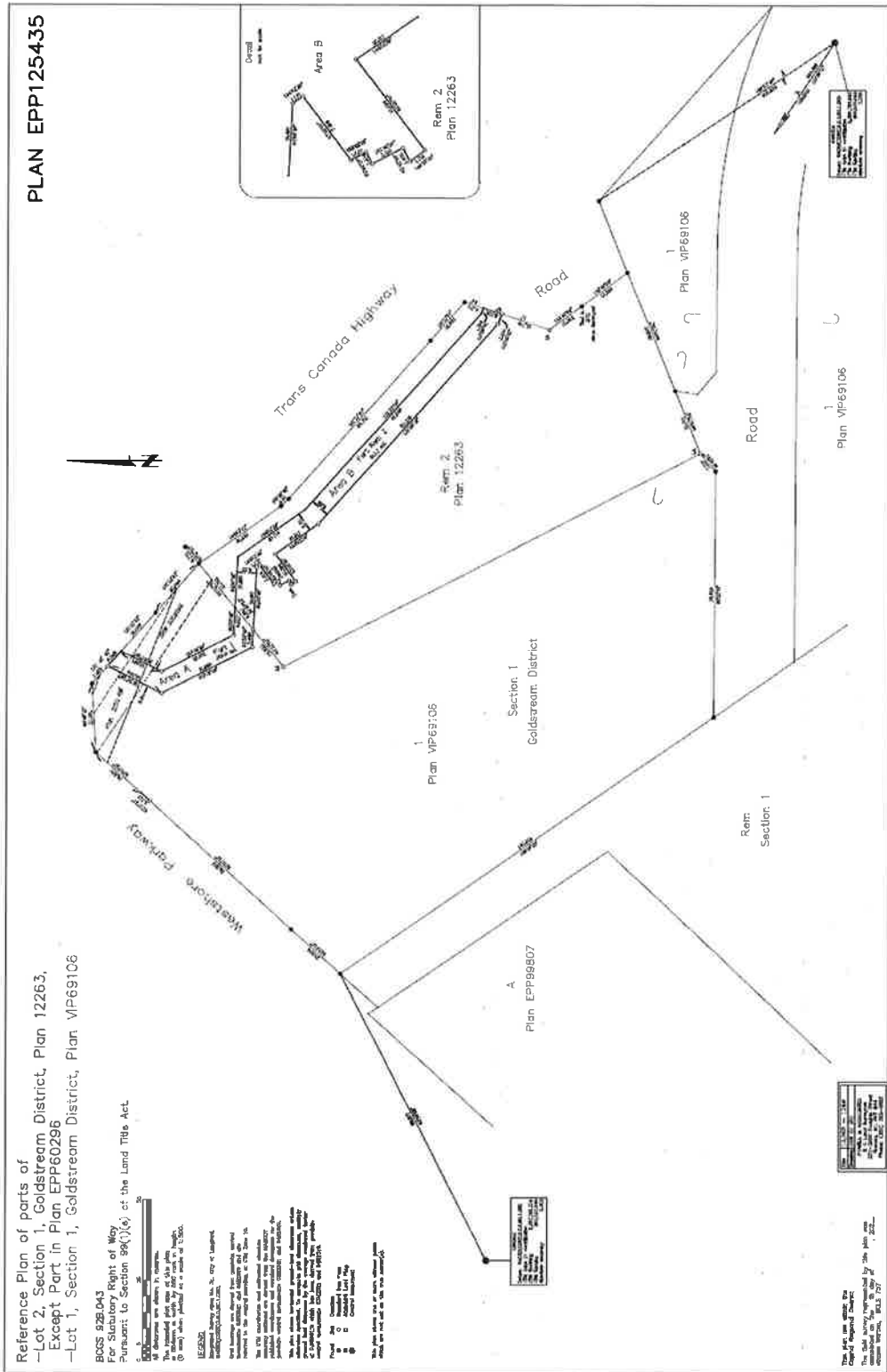
- 3.1 Not to bury any debris or rubbish of any kind in excavations or backfill, and to remove shoring and like temporary structures as backfilling proceeds.

- 3.2 To thoroughly clean all lands to which it has had access under this Agreement of all rubbish and construction debris created or placed thereon by the Grantee and to leave such lands in a neat and clean condition.
- 3.3 As soon as weather and soil conditions permit, and as often as it may exercise this right of entry to any of the Grantor's Lands, to replace the surface soil, reconstruct any disturbed trail works and replant the areas of disturbance as near as reasonably possible to the same condition as it was prior to the entry, in order to restore the natural drainage, public use and environmental sensitive areas on the Lands. This shall not require the Grantee to restore any improvements or structures in the Right of Way, or prevent the Grantee from clearing and removing structures, or trees compromising the integrity of the infrastructure in the Right of Way.
- 3.4 As far as reasonably possible, to carry out all work in a proper and workmanlike manner so as to do as little injury to the Grantor's Lands as possible.
- 4.0 THE PARTIES COVENANT TO AND AGREE WITH EACH OTHER, as follows:**
- 4.1 In spite of any rule of law or equity to the contrary, the Works brought on to, set, constructed, laid, erected in, upon or under the Right of Way by the Grantee shall at all times remain the property of the Grantee, even if the Works are annexed or affixed to the freehold, and the Works shall at any time and from time to time be removable in whole or in part by the Grantee.
- 4.2 In the event that the Grantee abandons the Works or any part of them, the Grantee may, if it so elects, leave the whole or any part of the Works in place and if so abandoned the Works, or part thereof, shall become the property of the Grantor.
- 4.3 No part of the title in fee simple to the Grantor's Lands shall pass to or be vested in the Grantee under or by virtue of this Agreement and the Grantor may fully use and enjoy all of the Grantor's Lands subject only to the rights and restrictions in this Agreement.
- 4.4 The Grantor acknowledges that (a) these Covenants are enforceable against the Grantor and his successors in title, but (b) the Grantor is not personally liable for breach of these Covenants after the Grantor has ceased to be the owner of the Lands.
- 4.5 If at the date hereof the Grantor is not the sole registered owner of the Grantor's Lands, this Agreement shall nevertheless bind the Grantor to the full extent of his interest therein, and if he shall acquire a greater of the entire interest in fee simple, this Agreement shall likewise extend to such after-acquired interests.
- 4.6 Where the expression "Grantor" includes more than one person, all covenants made by the Grantor shall be construed as being several as well as joint with respect to all persons constituting the Grantor.
- 4.7 If any part of this Agreement is found to be illegal or unenforceable because it creates a positive obligation for the Grantor or for any other reason, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.

- 4.8 This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors and assigns as the case may be and wherever the singular or masculine is used, it shall be construed as if the plural or the feminine or neuter, as the case may be, had been used, where the parties or the context hereto so require and the rest of the sentence shall be construed as if the grammatical and terminological changes thereby rendered necessary had been made.
- 4.9 This Agreement may be executed in counterpart with the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement. This Agreement may be delivered by electronic means.

The Grantor and Grantee acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C (pages 1 and 2) attached hereto.

SCHEDULE 'A' - PLAN EPP125435



PLAN EPP125435

Reference Plan of parts of
 - Lot 2, Section 1, Goldstream District, Plan 12263,
 Except Part in Plan EPP60296
 - Lot 1, Section 1, Goldstream District, Plan VP69106

BCGS 9326.043
 For: Stairway Right of Way
 Pursuant to Section 94(1)(6) of the Land Title Act

LEGEND:
 - Easement
 - Setback
 - Right of Way
 - Road
 - Boundary
 - Other

PROJECT INFORMATION:
 Plan No. EPP125435
 Date: 12/15/2011
 Author: [Name]
 Title: [Title]



Land Title Act

Charge

General Instrument – Part 1

1. Application

Reed Pope Law Corp
202 - 1007 Fort Street
Victoria BC V8V 3K5
2504195077

2. Description of Land

PID/Plan Number	Legal Description
024-550-451	LOT 1 SECTION 1 GOLDSTREAM DISTRICT PLAN VIP69106

3. Nature of Interest

Type	Number	Additional Information
STATUTORY RIGHT OF WAY		

4. Terms

Part 2 of this instrument consists of:

(b) Express Charge Terms Annexed as Part 2

5. Transferor(s)

CITY OF LANGFORD

6. Transferee(s)

CITY OF LANGFORD
2ND FLOOR, 877 GOLDSTREAM AVENUE
LANGFORD BC V9B 2X8

7. Additional or Modified Terms

**8. Execution(s)**

This instrument creates, assigns, modifies, enlarges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

YYYY-MM-DD

City of Langford
By their Authorized Signatory

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

YYYY-MM-DD

City of Langford
By their Authorized Signatory

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

--

TERMS OF INSTRUMENT – PART 2

STATUTORY RIGHT OF WAY FOR SANITARY SEWER

BETWEEN:

CITY OF LANGFORD
(the “Grantor”)

AND:

CITY OF LANGFORD
(the “Grantee”)

WHEREAS:

- A. The Grantor is the registered owner of the lands and premises located in the City of Langford, and legally described as:
- PID: 024-550-451
Lot 1, Section 1, Goldstream District, Plan VIP69106
(the “Lands”).
- B. The Grantor has agreed to grant this Statutory Right of Way in favour of the Grantee to construct, install, operate, maintain, repair and use certain works for sanitary sewer drainage across those portions of the Lands labelled as Area B and Area C on Reference Plan EPP124859, a copy of which is attached hereto as Schedule “A” (the “SRW Area”), all on the terms and conditions contained herein;
- C. Section 218 of the *Land Title Act* R.S.B.C. 1996, c. 250, provides that there may be registered as a charge against title to any land, a Right of Way in favour of the Grantee as set forth herein; and
- D. This Statutory Right of Way is necessary for the operation and maintenance of the Grantee’s undertaking.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the sum of **TEN DOLLARS (\$10.00)** of lawful money of Canada and other good and valuable consideration paid by the Grantee to the Grantor, the receipt of which is hereby acknowledged, the Grantor does hereby covenant and agree as follows:

GRANT OF STATUTORY RIGHT OF WAY

1. The Grantor, pursuant to Section 218 of the *Land Title Act*, for itself, its successors and assigns, hereby gives and grants unto the Grantee, the perpetuity, the full, free and unrestricted right, licence, liberty and easement and right-of-way on, over, under and through the SRW Area for:
 - a) the construction, installation, removal, alteration, repair, maintenance, operation, replacement and use of pipes, valves, fittings, manholes, conduits, culverts, facilities and all appurtenances necessary or convenient for the carrying of sanitary sewer as part of the Grantee’s system of sanitary works and drainage works (the “Works”);

- b) having unobstructed access to and from the SRW Area at any and all times;
 - c) making surveys and tests;
 - d) excavating or otherwise altering the contours of the SRW Area and backfilling trenches;
 - e) clearing the SRW Area and keeping it clear of anything which in the opinion of the Grantee constitutes or may constitute an obstruction to the Grantee's use of the SRW Area or the Works; and
 - f) doing all other things on the SRW Area as are reasonably necessary or incidental to the foregoing.
2. The Grantor hereby reserves for itself and retains for its servants, agents, licensees, invitees, successors and assigns the full right and liberty to use the SRW Area for any and all purposes to which the SRW Area may legally be put, provided that such uses do not unduly interfere with the grant in section 1 hereof.

GRANTEE'S COVENANTS

3. The Grantee covenants and agrees:
- a) to use the SRW Area and construct the Works in a good and workmanlike manner in order to cause no unnecessary damage or disturbance to the Grantor, the Lands or any improvements on the Lands;
 - b) to thoroughly clean all areas of the SRW Area to which it has had access under this Agreement of all rubbish and construction debris created or placed thereon by the Grantee and its invitees, servants, agents, workers, citizens, and licensees and agrees to maintain the SRW Area in a neat and clean condition;
 - c) not to disturb the soil, surface or any other portion of the SRW Area except as may be reasonably necessary for exercising its rights under the grant in section 1 hereof;
 - d) to make good at its own expense all damage or disturbance which may be caused to the SRW Area in the exercise of its rights under this Agreement; and
 - e) as soon as weather and soil conditions permit, and as often as it may exercise this right of entry to any of the Lands, to replace the surface soil, reconstruct any disturbed trail works and replant the areas of disturbance as near as reasonably possible to the same condition as it was prior to the entry, in order to restore the natural drainage, public use, and environmental sensitive areas on the Lands.

GRANTOR'S COVENANTS

4. The Grantor shall not:

- a) do or permit to be done any act or thing which in the reasonable opinion of the Grantee might interfere with, injure, impair the operating efficiency of, or obstruct access to or the use of the within statutory right of way or the Works;
- b) erect, place or maintain any building, structure or retaining wall on any portion of the SRW Area and will maintain the SRW Area free to sky;
- c) diminish or increase the soil cover over any Works installed in the SRW Area without the Grantee's approval;
- d) carry on blasting on or adjacent to the SRW Area without the Grantee's approval; and
- e) not in any way prohibit, obstruct, or otherwise prevent the Grantee from peaceably holding and enjoying the rights granted by this Agreement.

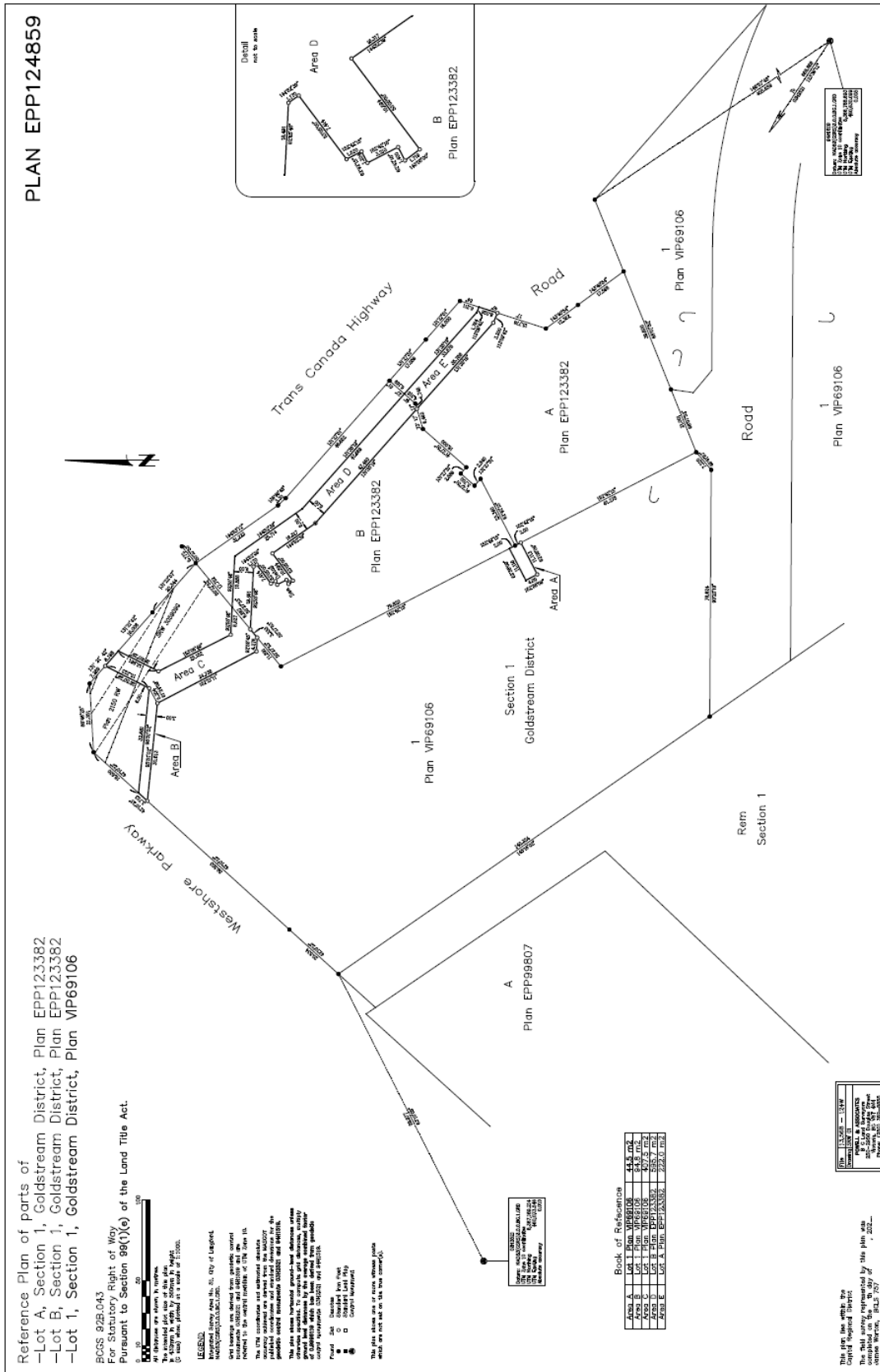
MISCELLANEOUS

5. The parties hereto each hereby covenant to and agree with the other that this Agreement runs with the Lands and each and every part into which the Lands may be subdivided or consolidated by any means (including subdivision plan, reference or explanatory plan, strata plan, bare land strata plan or lease), but no part of the fee of the Lands passes to or is vested in the Grantee under or by this Agreement and the Grantor may fully use the Statutory Right of Way and Lands subject only to the common law and the rights, obligations and restrictions expressly set out in this Agreement.
6. This Agreement enures to the benefit of and is binding on the parties notwithstanding any rule of law or equity to the contrary.
7. None of the covenants herein contained shall be personal or binding upon the parties hereto, save and except during their respective ownership of an interest in the Lands.
8. The Grantee is entitled to peaceably hold and enjoy the rights and liberties hereby granted without hindrance, molestation or interruption by the Grantor or any person, firm or corporation claiming by, through, under or in trust for the Grantor.
9. Any notice to be given pursuant to this Agreement must be in writing and must be delivered personally or by mail. The address of the Grantor for the purpose of notice is the address set out on the title to the Lands at the Land Title Office. The address for the Grantee for the purpose of notice is the Grantee's office address. Notice may be left at the relevant address in the same manner as ordinary mail is left by Canada Post and is to be deemed to have been given when delivered. Notwithstanding the above, any party may at any time give notice in writing to the other of any change of address and from and after the receipt of notice the address therein specified is to be deemed to be the address of such party for the giving of notice.
10. If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion is to be severed and the decision that it is invalid does not affect the validity of the remainder of this Agreement, the parties hereby agreeing that they would have entered into the Agreement without the severed provision.

11. This Agreement is the entire agreement regarding its subject between the parties, and no amendment of this Agreement, is valid or binding unless in writing and executed by the parties.
12. Every reference in this Agreement to a party is deemed to include the heirs, executors, administrators, successors, assigns, employees, agents, officers, and invitees of such party wherever the context so requires or allows.

IN WITNESS WHEREOF the parties hereto acknowledge that this Agreement has been duly executed and delivered by the execution of the Form C (and Form D if applicable) forming part of this Instrument, as of the date so executed.

SCHEDULE A – REFERENCE PLAN EPP124859





Land Title Act

Charge

General Instrument – Part 1

1. Application

Reed Pope Law Corporation
202 - 1007 Fort Street
Victoria BC V8V 3K5
250-383-3838

File no. 250-383-3838

2. Description of Land

PID/Plan Number	Legal Description
024-550-451	LOT 1 SECTION 1 GOLDSTREAM DISTRICT PLAN VIP69106

3. Nature of Interest

Type	Number	Additional Information
EASEMENT		Dominant Lands: Lot 2, Section 1, Goldstream District, Plan 12263, Except Part in Plan EPP60296 Servient Lands: Lot 1, Section 1, Goldstream District, Plan VIP69106

4. Terms

Part 2 of this instrument consists of:

(b) Express Charge Terms Annexed as Part 2

5. Transferor(s)

CITY OF LANGFORD

6. Transferee(s)

1326349 B.C. LTD. 116 - 967 LANGFORD PARKWAY VICTORIA BC V9B 0A5	BC1326349
---	-----------

7. Additional or Modified Terms



8. Execution(s)

This instrument creates, assigns, modifies, enlarges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

YYYY-MM-DD

City of Langford
By their Authorized Signatory

Print name:

Print name:

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

YYYY-MM-DD

1326349 B.C. Ltd.
By their Authorized Signatory

Print name:

Print name:

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

TERMS OF INSTRUMENT – PART 2

EASEMENT FOR STORM WATER

BETWEEN:

CITY OF LANGFORD
(the “Grantor”)

AND:

1326349 B.C. LTD.
(the “Grantee”)

WHEREAS:

- A. The Grantor is the registered owner of the lands and premises located in the City of Langford, and legally described as:

PID: 024-550-451
Lot 1, Section 1, Goldstream District, Plan VIP69106
(the “**Servient Lands**”).

- B. The Grantee is the registered owner of the lands and premises located in the City of Langford and legally described as:

PID: 004-052-544
Lot 2, Section 1, Goldstream District, Plan 12263, Except Part in Plan EPP60296
(the “**Dominant Lands**”).

- C. The owner of the Servient Lands has agreed to grant an easement in favour of the Dominant Lands to construct, install, operate, maintain, repair and use certain works for storm water drainage from the Dominant Lands across those portions of the Servient Lands labelled as Area A on Reference Plan EPP124859, a copy of which is attached hereto as Schedule “A” (the “**Easement Area**”), all on the terms and conditions contained herein.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration the mutual agreements herein contained and other good and valuable consideration paid among the parties hereto, the receipt of which is hereby acknowledged, the parties hereto covenant and agree as follows:

GRANT OF EASEMENT

1. The Grantor as owner of the Servient Lands hereby grants to the Dominant Lands the full, free and non-exclusive right, liberty and easement over the Easement Area, which will be appurtenant to and for the benefit of the Dominant Lands as dominant tenement, and will run with and bind the Servient Lands as servient tenement, for the owners of the Dominant Lands and its tenants and invitees, in common with the owner of the Servient Lands and all others now or hereafter having the like right, to enter into and upon the Easement Area for going, returning, passing and re-passing on foot and with vehicles for the purpose of:

- a) constructing, installing, operating, maintaining, repairing and using certain works for storm water drainage from the Dominant Lands across the Easement Area, including all pipes, valves, conduits, wires and other installations and equipment required for such service over, upon and under the Easement Area (the “**Works**”).
 - b) having unobstructed access to and from the Easement Area at any and all times;
 - c) making surveys and tests;
 - d) excavating or otherwise altering the contours of the Easement Area and backfilling trenches;
 - e) clearing the Easement Area and keeping it clear of anything which in the opinion of the owner of the Dominant Lands constitutes or may constitute an obstruction to its use of the Easement Area or the Works; and
 - f) doing all other things on the Easement Area as are reasonably necessary or incidental to the foregoing.
2. The Grantor as owner of the Servient Lands hereby reserves for itself and retains for its servants, agents, licensees, invitees, successors and assigns the full right and liberty to use the Easement Area for any and all purposes to which the Easement Area may legally be put, provided that such uses do not unduly interfere with the grant in section 1 hereof.
3. The Grantee as owner of the Dominant Lands covenants and agrees:
- a) to use the Easement Area and construct the Works in a good and workmanlike manner in order to cause no unnecessary damage or disturbance to the Servient Lands or any improvements thereon;
 - b) to thoroughly clean all areas of the Easement Area to which it has had access under this Agreement of all rubbish and construction debris created or placed thereon by the owner of the Dominant Lands and its invitees, servants, agents, workers, citizens, and licensees;
 - c) not to disturb the soil, surface or any other portion of the Easement Area except as may be reasonably necessary for exercising its rights under the grant in section 1 hereof;
 - d) to make good at its own expense all damage or disturbance which may be caused to the Easement Area in the exercise of its rights under this Agreement; and
 - e) as soon as weather and soil conditions permit, and as often as it may exercise this right of entry to any of the Servient Lands, to replace the surface soil, reconstruct any disturbed trail works and replant the areas of disturbance as near as reasonably possible to the same condition as it was prior to the entry, in order to restore the natural drainage, public use, and environmental sensitive areas on the Servient Lands.

GENERAL

4. The parties hereto covenant and agree that they will do and execute such further acts and deeds and give such further assurances as may be reasonably necessary to implement the true meaning of this Agreement.
5. The covenants and easements contained herein shall be covenants running with the lands but no part of the fee of the soil thereof shall pass to or be vested in any other party under or by this Agreement.
6. No provision of this Agreement shall be deemed to have been waived by any party unless written waiver signed by the party waiving a provision has first been obtained by the party asserting a waiver and, without limiting the generality of the foregoing, no condoning, excusing or overlooking by a part of a breach of the provisions hereof nor any earlier written waiver shall be taken to operate as a waiver or constitute acquiescence to subsequent default or breach of this Agreement by either party.
7. Any notice to be given pursuant to this Agreement must be in writing and may be delivered personally or sent by prepaid mail. The addresses of the parties for the purpose of notice are the addresses set out, in the case of the Grantor, on the title to the Servient Lands, and in the case of the Grantee, on title to the Dominant Lands. If notice is delivered personally, it may be left at the registered office of the addressee, or if no registered office is available, then at the relevant address in the same manner as ordinary mail is left by Canada Post and is to be deemed given when delivered. If notice is mailed, it is to be deemed given five days after mailing by deposit at a Canada Post mailing point or office. In the case of any strike or other event causing disruption of ordinary Canada Post operations, a party giving notice must do so by personal delivery as provided in this section. Any party may at any time give notice in writing to the other of any change of address and from and after the receipt of notice the address therein specified is to be deemed to be the address of such party for the giving of notice.
8. If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, the invalid portion is to be severed and the decision that it is invalid does not affect the validity of the remainder of this Agreement.
9. No amendment of this Agreement is valid or binding unless in writing and executed by the parties.
10. The easements granted hereby severally run with the Lands and each and every part into which the Lands may be subdivided or consolidated by any means (including subdivision plan, reference or explanatory plan, strata plan, bare land strata plan or lease), but no part of the fee of the Lands passes to or is vested in any other party under or by this Agreement and the grantors may fully use the Lands subject only to the common law and the rights, obligations and restrictions expressly set out in this Agreement. This Agreement enures to the benefit of and is binding on the parties notwithstanding any rule of law or equity to the contrary.

IN WITNESS WHEREOF the parties hereto acknowledge that this Agreement has been duly executed and delivered by the execution of the Form C (and Form D if applicable) forming part of this Instrument, as of the date so executed.



City of Langford

Staff Report to Council

DATE: Monday, June 5, 2023

DEPARTMENT: Engineering

SUBJECT: Sidewalk Infill Project Criteria Matrix

BACKGROUND:

Through the City's 2023 budget process, the sidewalk infill budget was increased from \$400,000 to \$800,000 and staff was directed to bring forward to Council an objective list of criteria for sidewalk infill project selection. The purpose of this report is to seek Council's approval of the proposed Sidewalk Infill Project Criteria Matrix (in **Appendix A**) as a tool to prioritize, tender, and award the construction of sidewalk infill and multi-use path projects annually within the approved sidewalk infill budget.

Traditionally, the sidewalk infill budget was utilized to fill gaps between two existing sidewalks and the annual project list was brought forward to Committee then Council for approval. It should be noted that it was never the intention to utilize this budget for long lengths of sidewalk or outward extensions. Staff have taken the approach of proposing sidewalk infill projects where development and frontage improvements are not likely to occur in the near future. Under the proposed Criteria Matrix, the definition and approach to sidewalk infill will remain; however, as an added efficiency, if the top projects are within budget for that year, they will no longer need to be brought back to Council for approval once the budget has been approved.

The sidewalk infill list is currently maintained manually by the Engineering Department. While staff have identified areas in need of sidewalks, resident requests have typically been relied on as a basis of creating the list. Staff are aware that more gaps exist and will continue to add projects on an ongoing basis.

The current inventory of sidewalks infill construction selection was based on the following:

- Budget constraints;
- Requests from public; and
- Presence of sidewalks on adjacent properties.

The current inventory map of the "top 10" sidewalk infill project locations (prior to introducing the scoring system) is shown in **Appendix B**. The current 5-year sidewalk infill project list including each description, estimated cost, comments, and prioritization score (for comparison) is shown in the table in **Appendix C**. Three example sidewalk infill project prioritization score cards including feature maps are shown in **Appendix D**.

COMMENTARY:

Staff are not aware of any specific tool or software available that determines the warranted location of sidewalk infill project within a city. Staff researched how other jurisdictions in Canada determined sidewalk priority criteria and have summarized the most common criteria categories below, in no particular order:

- Vicinity to schools, parks, or recreational facility;
- Use of non-formalized walkways;
- Sidewalks on adjacent properties;
- Requests from public;
- Roadway classification; and
- Connections to transit facilities.

After internal review and discussion, staff are recommending the follow criterion and points system [in parenthesis] (see **Appendix A** for scoring breakdown):

- Parks and Trails, Senior Centers, or Public Facilities [4 points maximum]
- Transit [4 points maximum]
- Road Classification [4 points maximum]
- Schools [4 points maximum]
- Town Centers [5 points maximum] (*e.g. Westhills Core, Belmont Market, Millstream Village and Downtown Langford*)
- Safety [4 points maximum]

The City's GIS software will apply the criteria, as per the criteria matrix. The scoring for each project will be totalled and then grouped into three generalized categories, for ease of reference:

- A **high** total score will be in the range of 18-25.
- A **medium** total score will be in the range of 9-17.
- A **low** total score will be in the range of 1-8.

Another consideration is how to score projects that could be constructed in conjunction with capital projects and development. Staff recommend that we do not include this directly in the scoring but note it in the comments, since those opportunities are not guaranteed and subject to change. Staff will only report back to Council when there is cost savings opportunity on a medium to low scoring project. If the project is already a high priority, and there's an imminent construction coordination benefit, it will be automatically prioritized (if within the approved budget).

The goal of this scoring system is to create an objective tool that will prioritize sidewalk infill requests that are the most regionally beneficial. As there will be limited funds available each year, the scoring system will identify sidewalk infill locations that will ensure the funds are being used in the most appropriate location without bias.

FINANCIAL IMPLICATIONS:

There is no direct cost associated with this Criteria Matrix as it applies to how projects will be prioritized within the approved budget each year.

When the selected projects for that year are complete, the remaining funds (if any) will be used for the design of future infill projects on the list or can be used in the current year to construct lower priority/smaller infill projects that are estimated to be within the remaining budget, if time allows in the construction season.

LEGAL IMPLICATIONS:

None noted.

OPTIONS:**Option 1**

THAT Council direct staff to use the Sidewalk Infill Project Criteria Matrix as a tool to prioritize construction of sidewalk infill and multi-use path projects, in accordance with the procedures in this report, until a master active transportation plan is finalized;

AND THAT Council approve the 5-Year Sidewalk Infill Projects in order of their general scoring priority taking into consideration cost savings opportunities within the approved annual budget for that given year.

OR Option 2

THAT Council receive this report for information only.

SUBMITTED BY: Kevin Bowbyes, Deputy Director of Engineering and Public Works

Concurrence: Donna Petrie, Senior Manager of Business Development and Events

Concurrence: Yari Nielsen, Director of Parks, Recreation and Facilities

Concurrence: Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

Concurrence: Katelyn Balzer, P.Eng., Director of Engineering and Public Works

Concurrence: Michael Dillabaugh, CPA, CA, Director of Finance

Concurrence: Marie Watmough, Deputy Director of Corporate Services

Concurrence: Braden Hutchins, Director of Corporate Services

Concurrence: Darren Kiedyk, Chief Administrative Officer

ATTACHMENTS:

Appendix A - Sidewalk Infill Project Criteria Matrix

Appendix B - Sidewalk Infill Inventory Map (Top 10)

Appendix C - Sidewalk Infill Project List with Scores (5-Year)

Appendix D - Example Sidewalk Infill Project Prioritization Score Cards and Feature Maps

Sidewalk Infill Project Criteria Matrix
20230605 Council Report

APPENDIX A**SIDEWALK INFILL PROJECT CRITERIA MATRIX**

CATEGORY	CRITERIA	SCORE
Proximity to Parks and Trails, Senior Centers, or Public Facilities [4]	Directly Adjacent to Facilities	4
	Within 200m of Facilities	3
	Within 200-400m of Facilities	2
	Within 400-800m of Facilities	1
Proximity to Transit [4]	On a bus route	4
	Within 200m of a bus route	3
	Within 200-400m	2
	Within 400-800m	1
Road Classification [4]	Major	4
	Collector	3
	Local	1
Proximity to Schools [4]	Within 100 m of an elementary/middle school	4
	Within 200 m of an elementary/middle school	3
	Within 200-400m of an elementary/middle school	2
	Within 400-800m of an elementary/middle school	1
Proximity to Town Centers [5]	Downtown Core	5
	Outside Downtown Core	2
Safety [4]	Obvious Non-Formalized Pathway	4
	Sidewalk Opposite Side of Road	3
	Public Request	2
	Incomplete Section of Sidewalk	1

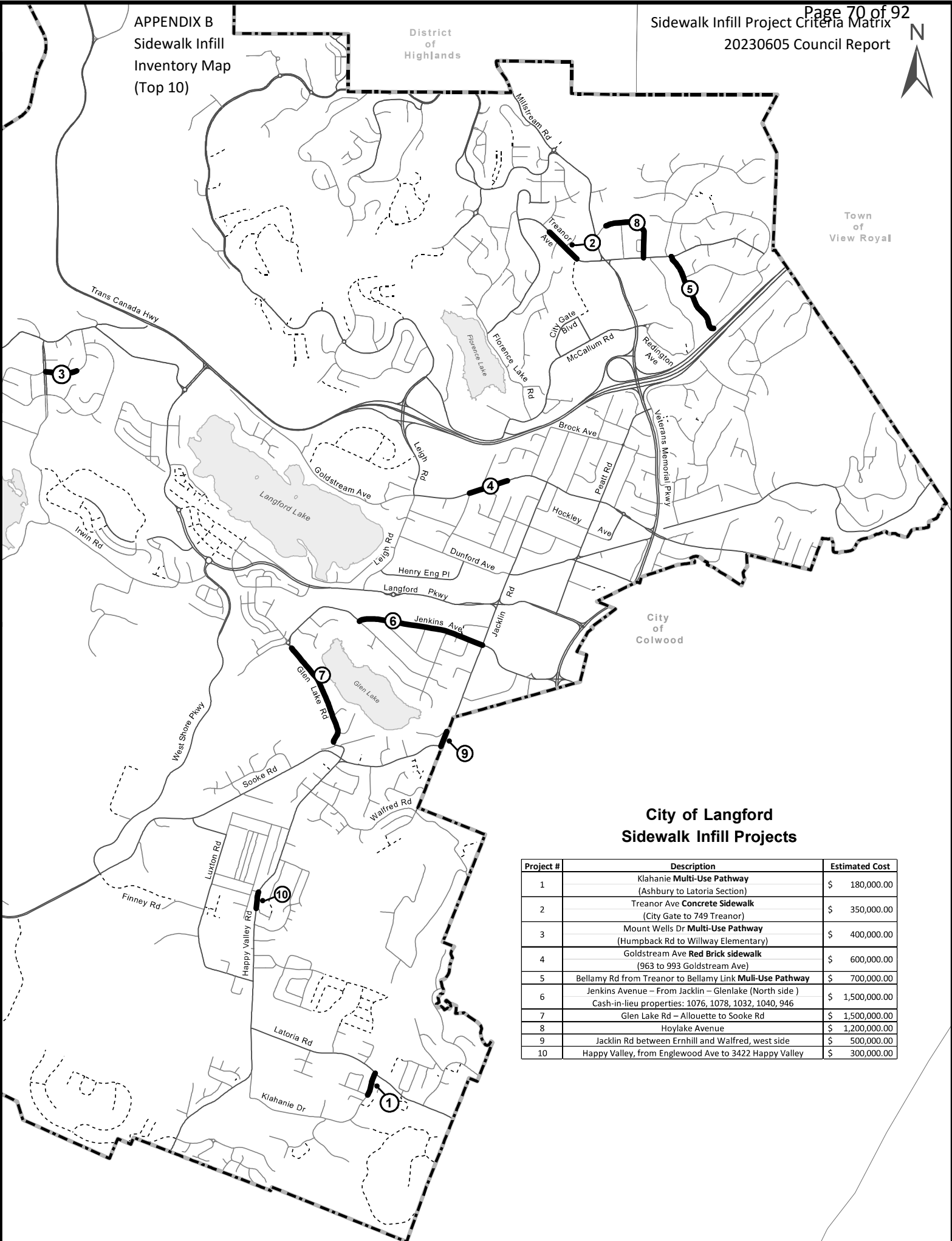


APPENDIX B
Sidewalk Infill
Inventory Map
(Top 10)

District
of
Highlands

Town
of
View Royal

City
of
Colwood



**City of Langford
Sidewalk Infill Projects**

Project #	Description	Estimated Cost
1	Klahanie Multi-Use Pathway (Ashbury to Latoria Section)	\$ 180,000.00
2	Treanor Ave Concrete Sidewalk (City Gate to 749 Treanor)	\$ 350,000.00
3	Mount Wells Dr Multi-Use Pathway (Humpback Rd to Willway Elementary)	\$ 400,000.00
4	Goldstream Ave Red Brick sidewalk (963 to 993 Goldstream Ave)	\$ 600,000.00
5	Bellamy Rd from Treanor to Bellamy Link Multi-Use Pathway	\$ 700,000.00
6	Jenkins Avenue – From Jacklin – Glenlake (North side) Cash-in-lieu properties: 1076, 1078, 1032, 1040, 946	\$ 1,500,000.00
7	Glen Lake Rd – Allouette to Sooke Rd	\$ 1,500,000.00
8	Hoylake Avenue	\$ 1,200,000.00
9	Jacklin Rd between Ernhill and Walfred, west side	\$ 500,000.00
10	Happy Valley, from Englewood Ave to 3422 Happy Valley	\$ 300,000.00

APPENDIX C**CITY OF LANGFORD 5-YEAR SIDEWALK INFILL PROJECT LIST (TOP 10)**

The following locations have been identified for consideration for new sidewalk or multi-use path installations within the next 5 years and now include each project's corresponding prioritization score in an additional column along the right for comparison:

Project #	Description	Estimated Cost	Comments	Score
1	Klahanie Multi-Use Pathway (Ashbury to Latoria Section)	\$180,000	135m of 3.0m Multi-Use Pathway. Concrete curb and asphalt pathway. Tendered with Latoria/Klahanie Traffic signal.	22
2	Treanor Ave Concrete Sidewalk (City Gate to 749 Treanor)	\$350,000	260m of 1.8m Concrete sidewalk. Connection to Lakepoint Elementary. Drainage works required.	23
3	Mount Wells Dr Multi-Use Pathway (Humpback Rd to Willway Elementary)	\$400,000	250m of Multi-Use Pathway. Concrete curb and asphalt. Drainage works required. Connection to Willway Elementary.	11
4	Goldstream Ave Red Brick sidewalk (963 to 993 Goldstream Ave)	\$600,000	180m of Red Brick sidewalk. Concrete curb and red brick pavers. Drainage works required. Connection to Spencer Middle School and Ruth King Elementary.	24
5	Bellamy Rd from Treanor to Bellamy Link Muli-Use Pathway	\$700,000	530m Multi-use Pathway. Drainage works required. Unsuccessful in the B.C. Active Transportation Grants Program application. Potential funding source DCCs.	13
6	Jenkins Avenue – From Jacklin – Glenlake (North side) Cash-in-lieu properties: 1076, 1078, 1032, 1040, 946	\$1.5M	Waiting for development in some areas. Cash in lieu for other areas. Split construction into multiple years. 5 Properties have provided cash-in-lieu totaling \$82,655.85, shown in the image below. This leaves 700m of sidewalk for future infill.	18
7	Glen Lake Rd – Allouette to Sooke Rd	\$1.5M	Sidewalks exist from south of Parkdale intermittently and there are proposed new developments near the slough that will be providing frontage improvements. Provide safe routes to school, multiple resident requests.	17
8	Hoylake Avenue	\$1.2M	Infill sidewalk on the odd numbered home side of Hoylake Road to continue it to and from Millstream School. Millstream School is the subject of a CRD Ready Set Roll 2021 program, and this was identified as a priority in that study. Estimated length 300m.	15
9	Jacklin Rd between Ernhill and Walfred, west side	\$500,000	About 150m concrete curb and sidewalk to complete the otherwise developer driven sidewalk network between Jacklin and Walfred Rd.	13
10	Happy Valley, from Englewood Ave to 3422 Happy Valley	\$300,000	Requires a legal survey, retaining wall and push braces on Hydro anchors.	14

TOTAL ESTIMATED COST: \$7,230,000

TOTAL ANNUAL AVAILABLE SIDEWALK INFILL BUDGET (2023): \$800,000

APPENDIX D**Example of Scoring – Project # 4 from the Sidewalk Infill List**

Sidewalk Infill Project Prioritization Score Card			
Project Name:	Goldstream Avenue Ave Sidewalk Infill		
Location:	963 to 993 Goldstream Ave		
Date:	2023-05-24		
Sidewalk Infill Prioritization Score			Max
			Score
Proximity to Parks and Trails, Senior Centers, or Public Facilities [4]	Directly Adjacent to Facilities	4	
	Within 200m of Facilities	3	3
	Within 200-400m of Facilities	2	
	Within 400-800m of Facilities	1	
Proximity to Transit [4]	On a bus route	4	4
	Within 200m of a bus route	3	
	Within 200-400m	2	
	Within 400-800m	1	
Road Classification [4]	Major	4	4
	Collector	3	
	Local	1	
Proximity to Schools [4]	Within 100 m of an elementary/middle school	4	4
	Within 200 m of an elementary/middle school	3	
	Within 200-400m of an elementary/middle school	2	
	Within 400-800m of an elementary/middle school	1	
Proximity to Town Centers [5]	Downtown Core	5	5
	Outside Downtown Core	2	
Safety [4]	Obvious Non-Formalized Pathway	4	4
	Sidewalk Opposite Side of Road	3	
	Public Request	2	
	Incomplete Section of Sidewalk	1	
Total Project Score		25	24
		Priority	High
Comments:	Cost savings opportunity with the replacement of aging cross culvert and associated drainage works		
Potential Funding:	Sidewalk Infill Budget		

APPENDIX D

Example of Scoring – Project # 4 Map

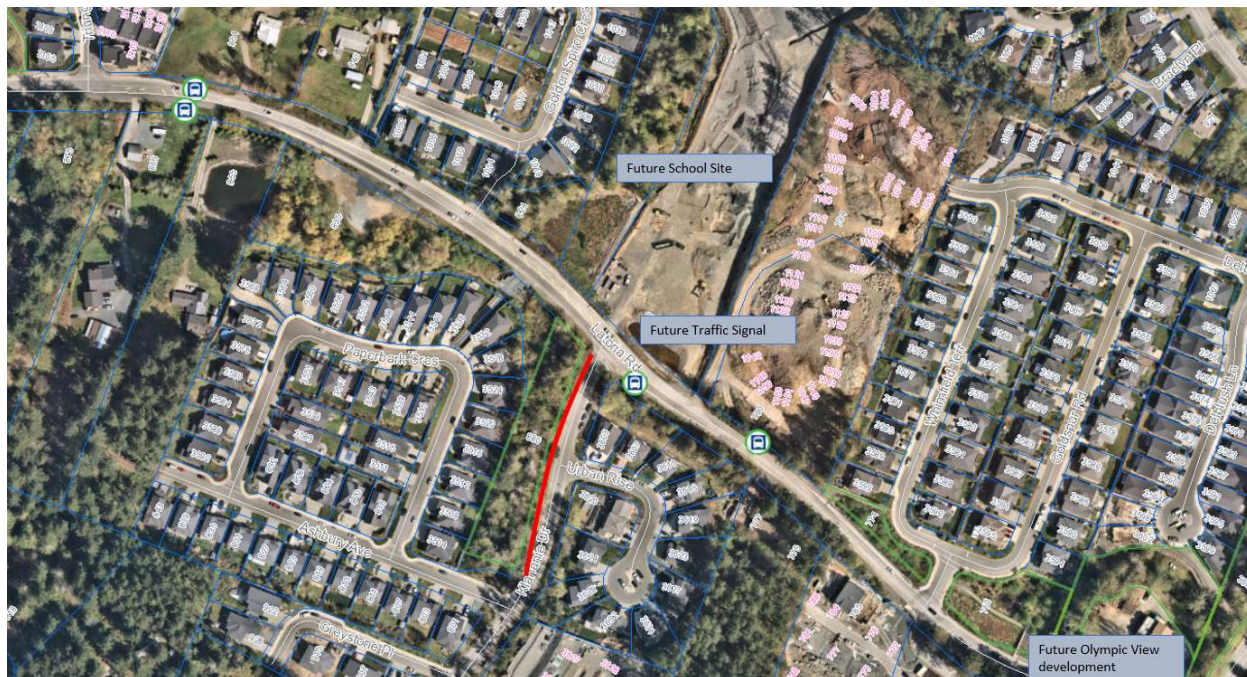


APPENDIX D**Example of Scoring – Project # 1 from the Sidewalk Infill List**

Sidewalk Infill Project Prioritization Score Card			
Project Name:	Klahanie Multi Use Pathway		
Location:	Latoria Rd to Ashbury		
Date:	2023-05-24		
Sidewalk Infill Prioritization Score			Max
			Score
Proximity to Parks and Trails, Senior Centers, or Public Facilities [4]	Directly Adjacent to Facilities	4	
	Within 200m of Facilities	3	
	Within 200-400m of Facilities	2	
	Within 400-800m of Facilities	1	
Proximity to Transit [4]	On a bus route	4	4
	Within 200m of a bus route	3	
	Within 200-400m	2	
	Within 400-800m	1	
Road Classification [4]	Major	4	4
	Collector	3	
	Local	1	
Proximity to Schools [4]	Within 100 m of an elementary/middle school	4	4
	Within 200 m of an elementary/middle school	3	
	Within 200-400m of an elementary/middle school	2	
	Within 400-800m of an elementary/middle school	1	
Proximity to Town Centers [5]	Downtown Core	5	
	Outside Downtown Core	2	2
Safety [4]	Obvious Non-Formalized Pathway	4	4
	Sidewalk Opposite Side of Road	3	
	Public Request	2	
	Incomplete Section of Sidewalk	1	
Total Project Score		25	18
		Priority	High
Comments:	Cost savings realized with coordinating the construction of the traffic signal at Latoria and Klahanie		
Potential Funding:	Multi Use Path Budget		

APPENDIX D

Example of Scoring – Project # 1 Map

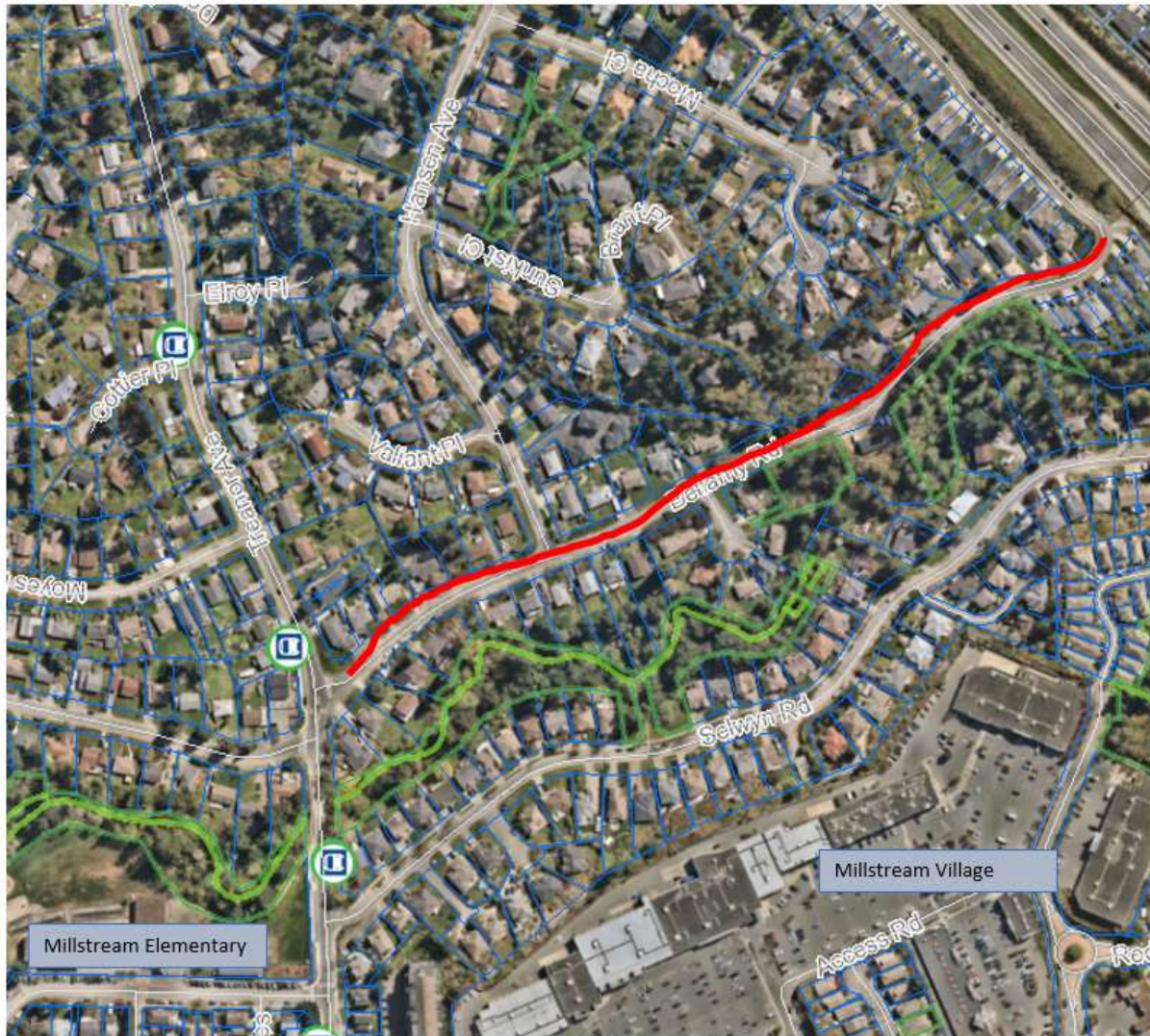


APPENDIX D**Example of Scoring – Project # 5 from the Sidewalk Infill List**

Sidewalk Infill Project Prioritization Score Card				
Project Name:	Bellamy Multi use Path			
Location:	from Bellamy Link to Treanor Ave			
Date:	2023-05-24			
Sidewalk Infill Prioritization Score			Max	Score
Proximity to Parks and Trails, Senior Centers, or Public Facilities [4]	Directly Adjacent to Facilities	4		
	Within 200m of Facilities	3		
	Within 200-400m of Facilities	2		
	Within 400-800m of Facilities	1		
Proximity to Transit [4]	On a bus route	4		
	Within 200m of a bus route	3	3	
	Within 200-400m	2		
	Within 400-800m	1		
Road Classification [4]	Major	4		
	Collector	3		
	Local	1	1	
Proximity to Schools [4]	Within 100 m of an elementary/middle school	4		
	Within 200 m of an elementary/middle school	3	3	
	Within 200-400m of an elementary/middle school	2		
	Within 400-800m of an elementary/middle school	1		
Proximity to Town Centers [5]	Downtown Core	5		
	Outside Downtown Core	2	2	
Safety [4]	Obvious Non-Formalized Pathway	4	4	
	Sidewalk Opposite Side of Road	3		
	Public Request	2		
	Incomplete Section of Sidewalk	1		
Total Project Score		25	13	
		Priority	Medium	
Comments:	Project has been rejected by province for grant funding			
Potential Funding:	Multi Use Path Budget			

APPENDIX D

Example of Scoring – Project # 5 Map





City of Langford

Staff Report to Council

DATE: Monday, June 5, 2023

DEPARTMENT: Engineering

SUBJECT: Construction Nuisance Dust Control Bylaw Review

BACKGROUND:

The purpose of this report is to provide Council with options for a Dust Bylaw, in response to direction from Council to Staff at the December 5th, 2022 Council Meeting.

Staff began with reviewing the drafted Bylaw No. 1666 “A Bylaw to Regulate the Emission of Dust” (attached for information) that was brought forward to the Protective Services Committee in 2016 and was subsequently withdrawn from the Council Meeting agenda and referred to the WSDA to work with Staff on a dust management strategy. Staff compared this draft bylaw to other adopted Dust Control Bylaws from neighbouring communities and found them to be very similar.

Staff then attempted to determine the effectiveness of the enacted Dust Control Bylaws in those municipalities and found overall that stand-alone Dust Control Bylaws are relatively difficult to enforce and easily disputed in Court. The source and intensity of fugitive dusts in many cases can be inconsistent or will change rapidly with wind/weather conditions and depending on the individual person, complaints and public expectations can be very subjective in nature. True measurable intensities are difficult to establish and impede documentation of sufficient reliable conclusive evidence to support the penalty beyond a reasonable doubt (Provincial Court test for a successful Conviction of Guilt).

Next, Staff reviewed the Subdivision and Development Servicing Bylaw No. 1000 and the Soil Deposit and Removal Bylaw No. 1800 for current dust control requirements. In Bylaw 1000, under Schedule 2, General Requirements Section 2.5, a mitigation plan may be required at the request of the City Engineer (see excerpt below).

2.5 Mitigation Planning

2.5.1 The City Engineer may request that the owner of lands for which an application to subdivide or develop has been submitted be required to prepare and submit a mitigation plan at the owner’s expense in accordance with sections 2.5.2 through 2.5.6 as they may apply to the lands. The mitigation plan is required where there are reasonable grounds to anticipate discharge of contaminants, pollutants, silts, airborne particulates (dust) or toxic material to natural watercourses, municipal ditches and sewage systems, public or private lands, waters or the atmosphere.

- 2.5.2 The plan shall include a statement of the expected nature, amount and concentration of contaminants, pollutants silts, airborne particulates (dust) and toxic materials from the land which are expected to be discharged to adjoining lands, water, natural watercourses, utility systems or the atmosphere during the course of subdivision, construction and development of the land.
- 2.5.3 The mitigation plan shall state the pertinent environmental standards that will govern the proposed discharge of contaminants, pollutants silts, airborne particulates (dust) or toxic materials to the air, soil or water during the course of subdivision, construction and development of the land.
- 2.5.4 The mitigation plan which requires works and services or facilities to control pollution or discharge during subdivision and development of the lands will include detailed plans and specifications of the works and services or facilities sealed by a Professional Engineer. Where a mitigation plan requires these works and services or facilities, the owner of the lands or their designated representative shall submit a letter of supervision that is an undertaking to inspect the construction, operation and decommissioning of the pollution control works and services and facilities.
- 2.5.5 Where applicable, the mitigation plan shall be referred to the Ministry authority having jurisdiction including Provincial and Regional agencies, where a discharge is anticipated to a municipal utility system or to the atmosphere.

In Bylaw 1800, under the soil removal and deposit permit requirements, Section 5.a., an application for a soil permit shall be submitted to the City Engineer and shall be accompanied by Items i through viii and Section 5.b. With the exception of Single-Family Dwellings with less than 300m³ of soil, the following additional items are required: Items i through iv; Item v. is a dust control plan (see excerpt below).

5. PERMITS

- a. An application for a soil permit shall be submitted to the City Engineer and shall be accompanied by:
- i. A permit fee in the amount calculated in accordance with Schedule A;
 - ii. The appropriate highway damage deposit in accordance with Schedule A if an equal or greater highway damage deposit has not been paid in conjunction with a building permit or subdivision application;
 - iii. The civic address and legal description of the property;

- iv. The start date and expected duration of the soil removal or deposit activities;
 - v. The location of all watercourses, waterworks, wells, ditches, drains, sewers, septic fields, catchbasins, culverts, manholes, rights-of-way, legal and geodetic survey monuments and markers, public utilities and public works on or within 30 m of the boundaries of the land, and the measures proposed to protect them;
 - vi. The proposed routes to be taken by vehicles transporting soil to or from the land;
 - vii. Copies of all certificates, permits and approvals as may be required by the Ministry of Water, Land and Air Protection under the Water Act or the Environmental Management Act, or by any other authority having jurisdiction over the proposed deposit or removal of soil, including completed site profile forms, with the required information about the past and present uses of the site, if the land has been used for industrial or commercial activities;
 - viii. The origin or destination of the soil;
- b. With the exception of Single Family Dwellings with less than 300m³ of soil, the following additional items are required:
- i. A certification by a Professional Engineer to the satisfaction of the City Engineer, as to the quantities of soil to be removed or deposited and the methodology of the proposed soil removal or deposition;
 - ii. A contour plan or plans prepared under the direction of the Professional Engineer in sufficient detail to show the present state of the land, the extent of soil removal or deposition contemplated, and the proposed surface and topography of the land after the soil removal or deposition has been completed.
 - iii. Certification by a British Columbia Land Surveyor, if in the opinion of the City Engineer, the extent of works require accurate topographic information, or to establish property lines;
 - iv. A storm water management plan in accordance with Bylaw No. 1000, which shall include erosion and silt control measures; and
 - v. A dust control plan.

Additionally, the City includes the following statement in every soil permit approval letter: “Dust control is the responsibility of the contractor/applicant/owner performing the work and is to be managed daily. All measures must be taken to limit airborne particulate.” Staff confirmed that Erosion and Sediment Control Plan (ESCP) submittals are being received and address dust control. However, this is usually subsidiary to the Environmental Protection Plan (EPP) which is Provincially mandated, and the mitigation measures are more related to environmental dust contamination with the level of mitigation being relative to the environmental sensitivity of the area. Environmental dust contamination is less of a concern in a fully urban area and falls more in the category of a nuisance, hence why additional urban specific measures should be considered.

Finally, Staff compared the penalty clauses in the Subdivision and Development Servicing Bylaw No. 1000 and the Soil Deposit and Removal Bylaw No. 1800 to the ones proposed in the draft Dust Bylaw No. 1666. All three had similar maximum fine amounts of \$10,000; however, the draft Bylaw No. 1666 had several additional standard clauses that would make it more enforceable by our bylaw officers.

Bylaw No. 1000 penalty clause (only applicable to Schedule 3 Earthworks):

- 3.2.8. Every person who fails to comply with any of the requirements of this section is liable to a fine and penalty of not more than \$10,000 for each offence and each day that an offence continues shall constitute a separate offence.

Bylaw No. 1800 penalty clause:

9. PENALTY

Any person who violates any provision of this bylaw or fails to comply with any permit issued under this bylaw commits an offense punishable on summary conviction and shall be liable to a fine not exceeding \$10,000

Draft Bylaw No. 1666 penalty clauses:

4. Enforcement - Penalties

- 4.1. Any person who contravenes this Bylaw commits an offence and upon summary conviction shall be liable to a fine not exceeding \$10,000.00
- 4.2. Each day that a contravention of this Bylaw continues shall constitute a separate offence.
- 4.3. This Bylaw may be enforced by means of a ticket in accordance with the Community Charter, SBC 2003 c 26 and in the form prescribed in the Community Charter Bylaw

Enforcement Ticket Regulation.

- 4.4. Employees of the city appointed by council for the enforcement of city bylaws or members of the RCMP are designated as Bylaw Enforcement Officers for the purpose of enforcing this Bylaw.
- 4.5. The words or expression shown in Column 1 of Schedule "A" which forms part of this Bylaw designate the offence committed under the Bylaw section number appearing in Column 2 opposite the words or expression.
- 4.6. The dollar amounts shown in column 3 of Schedule "A" establish the fines for the corresponding offences shown in Column 1.

SCHEDULE "A"

Dust Control Bylaw No. 1666, 2016

Offence	Section	Fine
Fail to prevent emission of dust	2	\$1,000

COMMENTARY:

Construction dust (and noise) nuisance complaints are primarily generated from the highest dust (and noise) producing operations including but not limited to demolition, land clearing, logging, piling, excavation, rock blasting, breaking, crushing, and hauling. Therefore, notifying all rezoning applicants and other permit applicants consistently early in the process of the City's expectations and obtaining a conforming plan from the applicant as a commitment they can be held to is key. This can be done in the form of a Construction Impact Management Strategy, as recommended by the Consultants for the Strategic Planning Initiatives and Official Community Plan Refresh.

This is both a proactive and educational approach, to have the developer/contractor plan for dust mitigation measures and other City expectations in their methodology prior to construction, such as Construction Parking and Delivery Management. Having the applicant's plan and policy commitment attached to their permit and/or statement of conditions is much more effective than a minor financial penalty. There are many excellent Good Neighbour Development Policy examples currently in place in other BC municipalities which Langford Staff (with input from our Consultants and Industry Partners) could use as a starting point to begin drafting guidelines for Langford's Construction Impact Management Strategy, with direction from Council.

Staff do not recommend adoption of a stand-alone Dust Control Bylaw due to the prototypical ineffectiveness and criticism that would follow; however, if Council would still wish to proceed with this bylaw, Staff would recommend refining the wording to be more specific to construction/production dust as a recurring nuisance to adjacent residential properties (possibly within a certain radius), where it was determined that the contractor/producer was negligent in taking “reasonable precautions” (or industry standard best management practices) to prevent the dust from becoming airborne. This would focus staff time on the most problematic sites.

Staff do recommend, in accordance with the *Early Guidance for Development* approach for “Less Impactful, More Livable Construction”, some minor modifications to Bylaws No. 1000 & 1800 (with the omnibus amendments to go to committee) could make the current dust control plan requirements more widely applicable and enforceable, while we build the more progressive Construction Impact Management Strategy. This way, in the meantime, if we receive multiple dust nuisance or contamination complaints that are verified and documented, and the contractors/developers are not responding to staff requests for mitigation or remediation, then the City could revoke their permit, fine them, issue a stop work order, and/or notify the Ministry of Environment, as deemed necessary and reasonable.

FINANCIAL IMPLICATIONS:

The recommended Bylaw amendments and policy changes would also apply to City capital projects, roads and/or facility construction sites. The additional measures/requirements would have to be budgeted into all projects, although most City projects already account for what is being proposed as mandatory. There is a possibility of additional Bylaw Enforcement Officer(s) being required to notify and/or enforce. Other additional standard staff time and consultant fees will be required to produce the Construction Impact Management Strategy.

LEGAL IMPLICATIONS:

Under Section 8 and Section 64 of the *Community Charter*, Council has authority to adopt Bylaws to regulate, prohibit and impose requirements with respect to nuisances, including dusts.

OPTIONS:

Option 1

THAT Council direct Staff to draft guidelines for review by the Sustainable Development Advisory Committee that will form, in whole or in part, the Construction Impact Management Strategy;

AND

THAT Council direct Staff to broaden the existing dust control plan requirements and incorporate the standard additional penalty clauses (from the draft Bylaw No. 1666) into Bylaw No. 1000 and/or 1800 with the omnibus amendments for review by the Sustainable Development Advisory Committee.

OR Option 2

THAT Council receive this report for information.

SUBMITTED BY: Katelyn Balzer, P.Eng., Director of Engineering and Public Works

Concurrence: Lorne Fletcher, Manager Community Safety and Municipal Enforcement

Concurrence: Donna Petrie, Senior Manager of Business Development and Events

Concurrence: Yari Nielsen, Director of Parks, Recreation and Facilities

Concurrence: Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

Concurrence: Katelyn Balzer, P.Eng., Director of Engineering and Public Works

Concurrence: Michael Dillabaugh, CPA, CA, Director of Finance

Concurrence: Marie Watmough, Deputy Director of Corporate Services

Concurrence: Braden Hutchins, Director of Corporate Services

Concurrence: Darren Kiedyk, Chief Administrative Officer

CITY OF LANGFORD**BYLAW NO. 1666****A BYLAW TO REGULATE THE EMISSION OF DUST**

WHEREAS Council is empowered to regulate, prohibit and impose requirements to protect and enhance the well-being of its community in relation to nuisances, disturbances and other objectionable situations;

NOW THEREFORE, the Council of the City of Langford, in open meeting assembled, enacts as follows:

1. **Citation**

This Bylaw may be cited for all purposes as the "City of Langford Dust Control Bylaw No. 1666, 2016".

2. **Dust Control**

Every person

2.1. In carrying out construction, excavation, repair, demolition or any other activity ancillary thereto;

or

2.2. In depositing, moving or removing any soil

Shall apply water or another dust suppressant to prevent the emission of dust that is liable to or does disturb the peace, rest, enjoyment, comfort or convenience of individuals or the public or to foul or contaminate the atmosphere.

3. **Enforcement – Corrective Steps**

3.1. The City may issue a notice in writing to a person not in compliance with Section 2 of the Bylaw requiring the person to comply with Section 2.

3.2. If a person fails within 24 hours to comply with a notice issued under Section 3.1 of this Bylaw, the city by its employees or authorized contractors may apply water or another dust suppressant to prevent the emission of dust that is liable to disturb the peace, rest, enjoyment, comfort or convenience of individuals or the public or to foul or contaminate the atmosphere.

3.3. If the City takes action pursuant to Section 3.2 of this Bylaw, the City may recover its costs as a debt from the owner of the parcel on which the activities listed in Section 2 are being carried out. An amount due to the city under this section may be collected in the same manner and with the same remedies as property taxes, and if due and payable on December 31 and unpaid on that date is deemed to be taxes in arrears.

4. Enforcement - Penalties

- 4.1. Any person who contravenes this Bylaw commits an offence and upon summary conviction shall be liable to a fine not exceeding \$10,000.00
- 4.2. Each day that a contravention of this Bylaw continues shall constitute a separate offence.
- 4.3. This Bylaw may be enforced by means of a ticket in accordance with the Community Charter, SBC 2003 c 26 and in the form prescribed in the Community Charter Bylaw Enforcement Ticket Regulation.
- 4.4. Employees of the city appointed by council for the enforcement of city bylaws or members of the RCMP are designated as Bylaw Enforcement Officers for the purpose of enforcing this Bylaw.
- 4.5. The words or expression shown in Column 1 of Schedule "A" which forms part of this Bylaw designate the offence committed under the Bylaw section number appearing in Column 2 opposite the words or expression.
- 4.6. The dollar amounts shown in column 3 of Schedule "A" establish the fines for the corresponding offences shown in Column 1.

READ A FIRST TIME this 5th day of December 2016.

READ A SECOND TIME this 5th day of December, 2016.

READ A THIRD TIME this 5th day of November, 2016.

ADOPTED this 19th day of December, 2016.

MAYOR

(Certified Correct)
CORPORATE OFFICER

SCHEDULE "A"
Dust Control Bylaw No. 1666, 2016

Offence	Section	Fine
Fail to prevent emission of dust	2	\$1,000



City of Langford

Staff Report to Council

DATE: Monday, June 5, 2023

DEPARTMENT: Engineering

SUBJECT: Award of Construction Contract Latoria-Klahanie Traffic Signal and Pedestrian Improvements

BACKGROUND:

On January 16th, 2023, a Staff Report was brought forward to Council for the Latoria Road New Signalized Intersection Road DCC Project. Council directed staff to tender the signalized intersection construction on Latoria Road at Klahanie Road in early 2023. Council also approved the inclusion of this project within the 2023 Capital Plan in the 2023-2027 Five Year Financial Plan to be funded by Road DCCs with a budget of \$900,000.

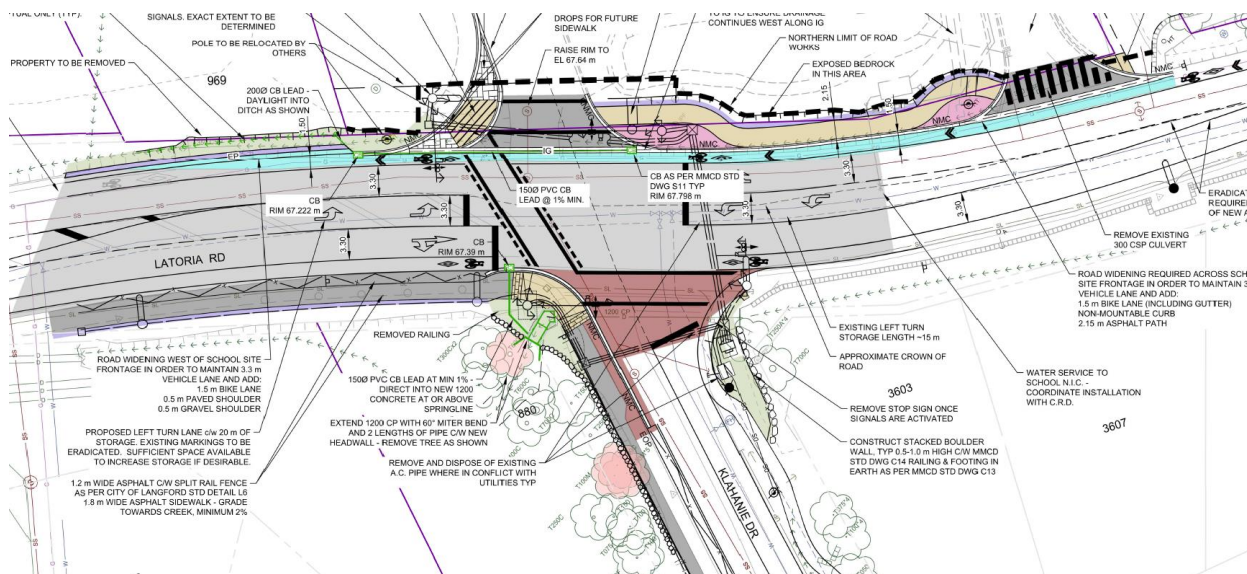


Figure 1: Latoria-Klahanie Signalized Intersection Plan View IFT Snippet

ICBC, through their Road Improvement Program, completed a Road Safety Audit at the 90 Percent Design Stage. ICBC may grant some funds towards this project (to be determined). Taking into consideration ICBC's comments and the Latoria Road Ultimate Pedestrian Network Alignment (attached to the previous

Award of Construction Contract Latoria-Klahanie
 Traffic Signal and Pedestrian Improvements
 20230605 Council Report
 Page 2 of 3

Staff Report to Council for information only), Staff incorporated Public Works scope items for connectivity and safety, as well as operational and cost effectiveness.

This type of construction coordination is common and encouraged because it results in less disruptions to the public and a more efficient use of tax dollars. A summary of the additional items are, including but not limited to: the multi-use path from Latoria down the West side of Klahanie to Ashbury and split-rail fence separation from the roadway which resulted in the Post Office Box having to be set-back, some retaining wall work, moving street-lighting, and a culvert extension, all while minimizing environmental impact. See snippets from issued for tender drawings below, for information only (Figure 1 & 2).

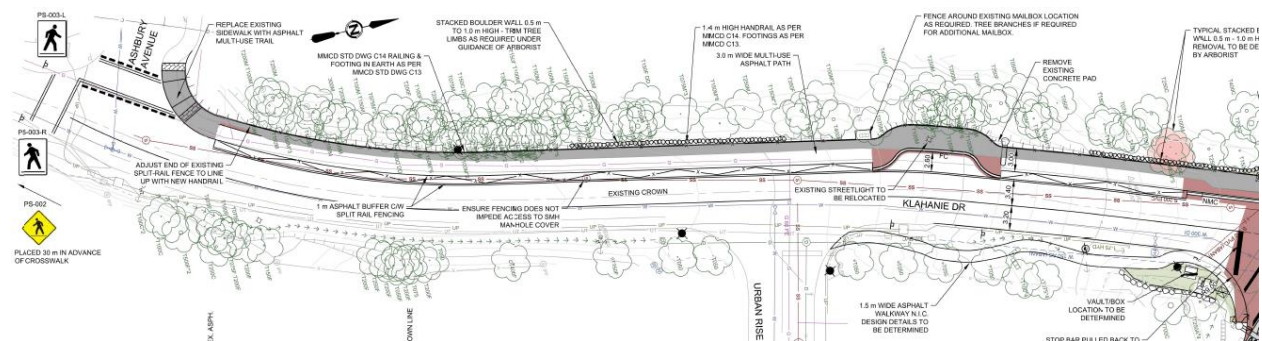


Figure 2: Klahanie Multi-Use Path Addition Plan View IFT Snippet

COMMENTARY:

The project was tendered publicly on BC Bid. The tender closed on Thursday May 11th at 2:00 p.m. A total of two (2) bids were received. In accordance with the City’s Purchasing Policy, all bids were opened and witnessed publicly. The bids were then reviewed by the project consultant, Associated Engineering (B.C.) Ltd. Results of the tender price are summarized in the table below, listed in alphabetical order. The tender price is listed exclusive of GST because the City claims the GST back. Both bids proposed a Substantial Performance date of September 30th, 2023 with a 12 week construction period.

CONTRACTOR	TENDER PRICE
Draycor Construction Ltd.	\$1,066,792.00
Hazelwood Construction Services Inc.	\$1,319,048.03*

*Tender price adjusted due to minor arithmetic errors

Draycor Construction Ltd. was the lowest bidder at an amount of \$1,066,792.00 plus GST and the only bid under the combined budget of \$1,170,000 (see breakdown under Financial Implications). Staff are therefore recommending that the construction contract for the Latoria-Klahanie Traffic Signal and Pedestrian Improvements project be awarded to Draycor Construction Ltd.

FINANCIAL IMPLICATIONS:

All capital scope items related to the signalization of the intersection, frontage works, site preparation, electrical, street lighting and hydro-pole relocation will be paid for out of the approved Road DCC project budget of \$900,000. All operational scope items will be paid for out of the appropriate Public Works budgets. The estimated budget for Road Maintenance in this area was \$90,000 and Multi-Use Path along Klahanie was \$180,000; for a combined total project budget of \$1,170,000.

LEGAL IMPLICATIONS:

None noted.

OPTIONS:**Option 1**

THAT Council award the construction contact for the Latoria-Klahanie Traffic Signal and Pedestrian Improvements project at an amount of \$1,066,792.00 plus GST to Draycor Construction Ltd. and fund the project with Road DCC, Road Maintenance, and Multi-Use Path budgets.

OR Option 2

THAT Council not award the construction contact for the Latoria-Klahanie Traffic Signal and Pedestrian Improvements project at this time.

SUBMITTED BY: Katelyn Balzer, P.Eng., Director of Engineering and Public Works

Concurrence: Donna Petrie, Senior Manager of Business Development and Events

Concurrence: Yari Nielsen, Director of Parks, Recreation and Facilities

Concurrence: Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

Concurrence: Katelyn Balzer, P.Eng., Director of Engineering and Public Works

Concurrence: Michael Dillabaugh, CPA, CA, Director of Finance

Concurrence: Marie Watmough, Deputy Director of Corporate Services

Concurrence: Braden Hutchins, Director of Corporate Services

Concurrence: Darren Kiedyk, Chief Administrative Officer

**CITY OF LANGFORD
BYLAW NO. 2126**

**A BYLAW TO AMEND BYLAW NO. 300,
"LANGFORD ZONING BYLAW, 1999"**

The Council of the City of Langford, in open meeting assembled, hereby enacts as follows:

A. Langford Zoning Bylaw No. 300, 1999 is amended as follows:

1. Section 1.01 – Definitions - is amended by inserting the following definition:

*"**Vehicle Insurance**" means vehicle insurance as defined in the Insurance (Vehicle) Act".*

2. Section 1.01 – Definitions - is amended as follows:

*"**Unlicensed Vehicle**" means an automobile or large automobile that does not display number plates with active Vehicle Insurance."*

3. By deleting 3.03 (1) (a)-(b) and replacing it with the following:

a) *Except where specifically permitted, no **lot** with a **lot area** greater than or equal to 550 m² (5,920.2 ft²) may be used for the keeping of more than one **unlicensed vehicle**, other than a farm vehicle or **recreation vehicle**, which is not completely enclosed in a **building or structure**;*

b) *Except where specifically permitted, no **lot** with a **lot area** less than 550m² (5,920.2 ft²) may be used for the keeping of any **unlicensed vehicle** which is not completely enclosed in a **building or structure**;*

c) *No **lot** may be used for the keeping of detached parts of **automobiles** or **large automobiles**, unless the parts are completely enclosed in a permanent **building**;*

4. By deleting 3.03.02 and replacing it with the following:

*"No **unlicensed vehicle** of any type may be stored on a lot in a location between the **abutting highway** and the **front building line**."*

5. By deleting 3.03.03 and replacing it with the following:

*"No vacant **lot** in any **Residential Zone** may be used for the keeping of **unlicensed vehicles**, **large automobiles** or **automobile parts**."*

6. Section 3.21.03 – Fences – is amended by adding the following as Article (6):

*"Fences on **lots** containing Institutional uses are exempt from the height restrictions of this subsection".*

B. This Bylaw may be cited for all purposes as “Langford Zoning Bylaw, Amendment No. 698, (Omnibus No. 61 – Part 3: Unlicensed Vehicles and Institutional Fencing), Bylaw No. 2126, 2023”.

READ A FIRST TIME this 17th day of April, 2023.

PUBLIC HEARING held this day of , 2023.

READ A SECOND TIME this day of , 2023.

READ A THIRD TIME this day of , 2023.

APPROVED BY THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE this day of , 2023.

ADOPTED this day of , 2023.

PRESIDING COUNCIL MEMBER

CORPORATE OFFICER