

MINUTES of a regular meeting of the MUNICIPAL COUNCIL of The Corporation of the District of Oak Bay, held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Oak Bay, B.C., on Monday, January 10, 2011 at 7:30 p.m.

PRESENT: Mayor C. Causton, Chairman  
Councillor H. Braithwaite  
Councillor P. Copley  
Councillor J. D. Herbert  
Councillor N. B. Jensen  
Councillor T. Ney

STAFF: Municipal Administrator, M. Brennan  
Municipal Clerk, L. Hilton  
Confidential Secretary, K. Green  
Director of Building and Planning, R. Thomassen  
Municipal Treasurer, P. Walker  
Director of Engineering Services, D. Marshall

Mayor Causton called the meeting to order at 7:30 p.m.

AGENDA:

MOVED by Councillor Braithwaite  
Seconded by Councillor Jensen, That the agenda be amended to add correspondence item 2011-37 being a memorandum from the Municipal Treasurer regarding a request for early approval to purchase a deep fryer for the Oak Bay Recreation Centre.

CARRIED

ADOPTION OF MINUTES:

*Council – December 13, 2010*

MOVED by Councillor Braithwaite  
Seconded by Councillor Ney, That the minutes of the Council meeting held on Monday, December 13, 2010, be adopted.

With respect to the New Business section on page 8, it was noted that the Municipal Administrator had agreed to distribute sewer treatment cost sharing information following a meeting with the Minister of Environment.

The question was then called.

CARRIED

*Special Council – January 4, 2011*

MOVED by Councillor Copley  
Seconded by Councillor Braithwaite, That the minutes of the Council meeting held on Tuesday, January 4, 2011 be adopted.

CARRIED

*Committee of the Whole – January 4, 2011*

MOVED by Councillor Ney

Seconded by Councillor Herbert, That the minutes of Committee of the Whole meeting held on Tuesday, January 4, 2011, and the recommendations contained therein, be adopted.

CARRIED

MAYOR'S REMARKS:

Mayor Causton welcomed everyone to Oak Bay's 105th year of Municipal Council.

Mayor Causton noted that 2010 was the year that we said goodbye to Bill Cochrane and welcomed Mark Brennan as the new Municipal Administrator. In 2011, Oak Bay will say goodbye to Ron Gaudet, Chief Constable, after more than 30 years of dedicated service to the Oak Bay Police Department. Mayor Causton touched on the fact that succession planning is becoming ever more crucial as we will see more of our senior staff retiring in the next few years.

Mayor Causton acknowledged the senior management team for the excellent job they do going about their business in a balanced, non-flashy way. He expressed his appreciation to each member of Council for their great contribution and their deep concern for the betterment of the community.

With respect to some of the significant buildings in Oak Bay, the Mayor commented that Council is still awaiting news about possible redevelopment plans for the Oak Bay Lodge. He also noted that the Oak Bay High School and the proposed plans for the Neighbourhood Learning Centre seem to be progressing well, and that he is encouraged by the cooperation between the Municipality and the School District in seeing this project through. The Mayor acknowledged how the community has benefited from the elementary school changes and upgrades over the past few years. As well, he said that the Oak Bay Beach Hotel is continuing apace and will hopefully be close to completion by this time next year. Mayor Causton also congratulated the Mitchell Street United Church for successfully completing the restoration project in 2010.

Although not in Oak Bay, Mayor Causton drew attention to the new addition to the Royal Jubilee Hospital and the building upgrades at the University of Victoria, noting the significant impact these projects have on the region as a whole.

The Mayor noted that sadly, the internationally acclaimed Performing Arts School that is presently located at St. Mary's Church on Elgin Road is looking for a new home.

With respect to Carnarvon Park redevelopment, Mayor Causton said that with the proposed Neighbourhood Learning Centre being located at the Oak Bay High School, the Oak Bay Parks and Recreation Commission can turn its thoughts to how they are going to redevelop Carnarvon Park without having to invest in such a major building. He added that plans for an expansion of the fitness area at Henderson Centre are still relevant and waiting for possible stimulus funding.

Turning to the topic of the Uplands Sewer, the Mayor pointed out that it will be difficult to know the end cost due to archaeological concerns that may arise when digging, and said he feels that Oak Bay needs to find a less intrusive solution, especially given that the overflows are minimal and that storage tanks are being built in Saanich further up the line.

The Mayor asked the Municipal Administrator to organize two final public input meetings in February with respect to Secondary Suites saying he hoped that Council will make a decision on the subject by the end of March 2011.

The Mayor advised that along with the Uplands sewer and Oak Bay High School projects, Council has set heritage planning and an integrated transportation plan as priorities for 2011, adding that the Municipality will continue to enhance public landscape planning and to continue improving the energy efficiency of the public buildings and operations. He said he is looking forward to the report on how we did in 2010 on continuing to reduce our carbon footprint.

Turning to staffing, the Mayor noted that due to increased business, the resources of some departments, i.e. building department, should be re-examined. He also noted that he would like to see continued improvement to the website and to the Council Chambers' audio system.

Turning to the issue of public complaints, Mayor Causton noted that he has received considerably less complaints regarding animal control services, but parking enforcement complaints have increased, particularly in the Village, and he would like to see this issue addressed in 2011.

Mayor Causton closed by saying that it has been a great honour to serve the community, the region and the Province and he thanked all those who serve on municipal committees appointed by Council and the hundreds of people who volunteer their time for the community, and wished all a happy, healthy and prosperous year.

PRESENTATIONS:

1. -- OAK BAY FIRE DEPARTMENT  
Re Long Service Recognition

Mayor Causton presented long service recognition medals to Fire Fighter Duane Adsett, Lieutenant Donald Roskelley, Assistant Fire Chief Tomas Pearse, Deputy Chief David Cockle, and Fire Chief Gerry Adam in recognition of their many years of exemplary service to the Oak Bay Fire Department.

2. 2011-22 GREATER VICTORIA COALITION TO END HOMELESSNESS,  
Re Presentation

Debbie Thompson, Executive Director, Greater Victoria Coalition to End Homelessness, referring to the printed material included in the agenda package, provided an overview of the efforts being made by the Greater Victoria Coalition to End Homelessness and its commitment to end homelessness by 2018.

Ms. Thompson and Tony Joe, Co-Chair, Greater Victoria Coalition to End Homelessness, answered questions from Council following the presentation.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That correspondence item no. 2011-22 be received.

CARRIED

COMMUNICATIONS:

3. 2011-23 OAK BAY EMERGENCY PROGRAM  
Re Request for Support of the “Shakeout BC” Drill

MOVED by Councillor Herbert

Seconded by Councillor Copley, That Council approve staff participation in the “Great British Columbia Shakeout” drill to be held on Wednesday, January 26, 2011 as outlined in correspondence item no. 2011-23.

CARRIED

4. 2011-24 KIWANIS CLUB OF OAK BAY, December 10, 2010  
Re Request for Permission to Occupy Public Property

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That that permission be given to the Kiwanis Club of Oak Bay to have a kiosk set up on the front lawn of the Oak Bay Municipal Hall, on Saturday, January 15, 2011 from 10:00 o’clock a.m. to 4:00 o’clock p.m., subject to the Kiwanis Club of Oak Bay entering into a public property occupancy agreement in which it will among other standard requirements:

- 1) release and indemnify the Municipality from any claims or liability associated with the occupancy and provide evidence of public liability insurance in the amount of not less than \$3,000,000; and
- 2) agree to pay all invoices from the Municipality for costs incurred in connection with the event,

with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

5. 2010-302 GREATER VICTORIA DEVELOPMENT AGENCY, November 9, 2010  
Re Request for Financial Assistance

Sasha Angus, Economic Development Officer, Greater Victoria Development Agency, provided an overview of the benefits and purpose of the Greater Victoria Development Agency (GVDA), saying it is a support agency for local businesses and provides an industry-led solution to coordinated regional economic development. Mr. Angus drew attention to the operational activities and the strategic priorities to support growth and retention of local businesses. Mr. Angus noted that the region was named top investment jurisdiction on the west coast of North America.

Following Mr. Angus responding to various questions and comments, Council noted that the agency’s work has been helpful for the economic development of the Capital Region.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the grant request from the Greater Victoria Development Agency in the amount of up to \$10,000 be referred to Council’s Estimates Committee for consideration during budget deliberations.

CARRIED

6. 2011-25 OAK BAY LAWN BOWLING CLUB, December 12, 2010  
Re Request for Financial Assistance

Linda Carswell-Bland, President, Oak Bay Lawn Bowling Club, provided an overview of the Club's activities and responsibilities, adding that the Club is a great steward of Oak Bay's property. Ms. Carswell-Bland then addressed Council with respect to her letter requesting financial assistance to help pay for the roof that has been replaced on the Anderson House building in Carnarvon Park, which is a municipal building.

Responding to a question from a member of Council, Ms. Carswell-Bland noted that the Club currently has over 200 members paying dues of \$150 per year.

Attention was drawn to the licence agreement renewal, which appears later on the agenda, and it was noted the proposed changes to the license of occupation that authorizes the Club to rent out the building, provides a means to raise funds in support of projects such as roof replacement.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the request for financial assistance from the Oak Bay Lawn Bowling Club in the amount of \$6,404 be referred to Council's Estimates Committee for consideration during budget deliberations.

It was agreed that the Club would be requested to submit financial statements prior to Estimates Committee meetings.

CARRIED

7. 2011-26 NORTH HENDERSON RESIDENTS ASSOCIATION, December 31,  
2010  
Re Request for Financial Assistance

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the request for financial assistance from the North Henderson Residents Association be referred to Council's Estimates Committee for consideration during budget deliberations.

Staff was requested to ask the Association to provide information about the number of members and if the Association charges membership dues.

The question was then called.

CARRIED

8. 2011-27 FRIENDS OF UPLANDS PARK, January 5, 2011  
Re Request for Financial Assistance

Margaret Lidkea, representing the Friends of Uplands Park, provided an overview of the group's stewardship of Uplands Park over the years.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the request for financial assistance from the Friends of Uplands Park be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

9. 2011-28 VICTORIA SECULAR HUMANIST ASSOCIATION, November 29, 2010  
2011-28-1 VICTORIA SECULAR HUMANIST ASSOCIATION, December 12, 2010  
Re Permissive Tax Exemptions for Places of Worship

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That correspondence items no. 2011-28 and 2011-28-1 be received.

It was the view of some members of Council that the topic of permissive tax exemptions for places of worship could be explored further and that perhaps discussions could take prior to 2012 budget deliberations as it was felt that some of the points made by the Victoria Secular Humanist Association are worthy of consideration. It was further pointed out that policy changes suggested by the Association could provide a platform for faith organizations to highlight their charitable activities that benefit the community in relation to the tax exemptions.

Following discussion, it was agreed that staff could prepare a report regarding permissive tax exemptions for places of worship, and that the topic would be brought back to a future Committee of the Whole meeting for further discussion. It was also suggested that that the various places of worship in Oak Bay be invited to participate at that time, along with the Victoria Secular Humanist Association.

The question was then called.

CARRIED

10. 2011-29 MUNICIPAL TREASURER, January 5, 2011  
Re 2011 Provisional Budget

The Municipal Treasurer provided a brief overview of her memorandum regarding the 2011 provisional budget.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That correspondence item no. 2011-29 be received.

CARRIED

11. 2011-30 DIRECTOR OF BUILDING AND PLANNING, January 5, 2011  
Re Strata Conversion of Caretaker Suite – 1159 Beach Drive

Referring to his memorandum, the Director of Building and Planning provided information regarding a proposal to convert the caretaker suite at 1159 Beach Drive into a new strata lot, and to correct two lot line adjustments which would incorporate common property washrooms into the existing strata.

The conversion of the caretaker suite, said Mr. Thomassen, requires Council approval. Pointing to the *Strata Property Act*, he drew attention to the provisions of Section 242 (6) advising Council of the criteria to be considered in making its decision.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That the conversion of the part of the building included in the Explanatory Plan prepared by Glen Mitchell, B.C.L.S., dated December 2, 2010, creating Strata Lot 39, 41 and 42 of Strata Plan 97, Section 73, Victoria District, be approved pursuant to Section 242 of the *Strata Property Act*, and that the Municipal Clerk be authorized to certify such approval on the Explanatory Plan.

CARRIED

12. 2011-31 OAK BAY HERITAGE COMMITTEE, November 16, 2010  
Re Minutes of the Meeting

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the minutes of the Oak Bay Heritage Committee meeting held on November 16, 2010 be received.

Attention was draw to the Heritage Committee's budget and it was suggested that Councillor Ney discuss with the Committee the possibility of using some of the funds towards additions to the Community Heritage Register.

The question was then called.

CARRIED

13. 2011-32 PETER DAVIDSON AND FAMILY, December 11, 2010  
2011-32-1 BARBARA JULIAN, December 13, 2010  
2011-32-2 LOIS RHODES, January 7, 2011  
2011-32-3 DAVID CRUMP, January 7, 2011  
2011-32-4 DON AND LYNNE CRAIGDALLIE, January 7, 2011  
2011-32-5 DAVE CARIN, January 7, 2011  
2011-32-6 M. AND S. SHARLOW, January 7, 2011  
2011-32-7 NANCY AND BARRY WILKIN, January 7, 2011  
2011-32-8 LLOYD HOWARD, January 10, 2011  
2011-15 BARBARA JULIAN, December 7, 2010  
2011-15-1 BARRY CARIN, December 13, 2010  
Re Development Variance Permit – 754 Mountjoy Avenue
14. 2011-33 SEAN MARSHMAN AND PENNY-JO TUSON, December 14, 2010  
2011-33-1 KAREN SCHIBLI, January 10, 2011  
Traffic Control Order No. 2011-01 – Cycling Lane and Parking Restrictions, Foul Bay Road between Lansdowne and Mid Downe Road
15. 2011-34 BERNIE MACDONALD *et al*, [Undated]  
Re Development Variance Permit – 218 Beach Drive
16. 2011-35 COMMUNITY ASSOCIATION OF OAK BAY, December 28, 2010  
Re Bylaw No. 4520, Oak Bay Lawn Bowling Club Licence Authorization Bylaw, 2011
17. 2011-36 TARA KENNEDY AND DALE SPARROW, January 6, 2011  
Re Bylaw No. 4518, Pesticide Regulation Bylaw, 2010

MOVED by Councillor Jensen  
Seconded by Councillor Copley, That correspondence items no. 2011-32 to 2011-32-8, 2011-15, 2011-15-1, 2011-33, 2011-33-1, 2011-34 to 2011-36 be received.

CARRIED

18. 2011-37 MUNICIPAL TREASURER, January 10, 2011  
Re Request for Early Approval to Purchase Deep Fryer

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That early spending approval be given for the Parks and Recreation Department capital purchase of a replacement deep fryer at a cost of \$3,450, as outlined in correspondence item no. 2011-37, being a memorandum from the Municipal Treasurer dated January 10, 2011.

CARRIED

NEW BUSINESS:

*Deer in Urban Areas*

In respect to addressing issues related to deer in urban areas, Mayor Causton reiterated that he felt the issue should be dealt with at the regional level, noting that he raised the subject at the November 2010 Capital Regional District Board meeting and that he will bring it up again as new business at the next Board meeting in January.

TABLED:

***Development Variance Permit – 754 Mountjoy Avenue***

MOVED by Councillor Jensen  
Seconded by Councillor Ney, That the following motion be lifted from the table:

*That the Director of Building and Planning be authorized to issue a development variance permit to remove certain regulatory obstacles to the proposed bare land strata subdivision of Lot 1, Section 47, Victoria District, Plan 9023 (754 Mountjoy Avenue), which without in any way fettering the exercise of the judgment and authority of the Approving Officer under the Land Title Act, would vary the requirements of Sections 4.14.1(2) and 3.6.3 of Bylaw No. 3531 (Zoning Bylaw, 1986, as amended) and Section 8 of Bylaw No. 3578 (Subdivision and Development Bylaw, 1987, as amended), to allow:*

- (1) the proposed strata Lot 1 to have the north boundary line, 41.8 m in length, designated as the interior side lot line; and*
- (2) to allow the proposed strata Lots 1 and 2 to be created with a general shape different from the shape of the lots in the immediate area;*

*substantially as shown on the site plan of the proposed bare land strata subdivision prepared by Powell and Associates B.C. Land Surveyors dated October 8, 2010, attached to Committee of the Whole agenda item #2010-313, being a memorandum from the Director of Building and Planning dated November 29, 2010, when and if the Approving Officer grants preliminary approval to the proposed subdivision, and upon the applicant satisfying all conditions of preliminary approval set out by the Approving Officer including but not limited to the payment of all required off-site servicing costs and the execution of a covenant in favour of*



*the Municipality imposing a requirement for Municipal approval for building design for each of the proposed lots.*

CARRIED

Susan Hyatt, resident, said she lives about a block from 756 Mountjoy Road, and that the neighbours she spoke with are generally opposed to the proposal, and felt that Council should balance the need for density with other factors, noting that the natural beauty and special character of the street and neighbourhood should be recognized.

Ms. Hyatt pointed out that once a subdivision has been created, it cannot be undone, adding that although this proposed subdivision may not be seen from the street due to the lot configuration, it will still likely affect the streetscape for some neighbours.

Ms. Hyatt also expressed concern about the trees and wildlife that may be affected by the proposed changes to the property.

Responding to a member of Council asking for confirmation that the applicant would be permitted to subdivide the property into two lots without variances, the Director of Building and Planning advised that it would depend on several factors.

Responding to a member of Council, Ms. Hyatt said she felt it would make a difference if the property was subdivided into three lots rather than two, saying that more trees would have to be removed, and therefore more wildlife would be affected to accommodate three lots.

Mr. Thomassen provided a brief history of the land, noting he believed that in the 1950's or 1960's the two road front lots were subdivided off the property leaving the remaining land as it stands now. Mr. Thomassen added that the proposed configuration is different from neighbouring lots and that under current regulations, panhandle lots could not be created.

Ms. Hyatt expressed concern that allowing the variances that would allow the property to be subdivided could be precedent setting if other neighbours decide they want to subdivide their property as well.

Alan Lupin, resident, said he lives opposite from where the panhandle meets Mountjoy and he has appreciated all that has been said. He appealed to Council to realize the growth that is happening, which he feels is an invasion of development in the area, and that he wishes for careful consideration of the application noting that the "jewels" should be preserved. Dr. Lupin commented that the issue is not just three lots versus two, but it would also mean six vehicles versus four.

Ian Waller, applicant, clarified that what he is asking for is a variance to allow for a more aesthetically pleasing curved driveway rather than the permitted long straight driveway, which would not look as good. Mr. Waller felt that the plan will fit with the neighbourhood, adding that the house designs and siting would require Municipal approval. Mr. Thomassen confirmed that design and siting approval would be required.

With respect to the trees on the property, Mr. Waller said he plans to work to preserve as many of the trees as possible. He also drew attention to the letters of support for the proposal.

Mr. Waller advised Council that this is the first development of this kind for him, and that he plans to build a house on one of the lots and sell the other two lots.

Ewa Lupin, resident, agreed with other speakers that this would be precedent setting for the neighbourhood.

The point was made that perhaps a covenant could be placed on the property limiting the size of the houses on the three proposed lots, which might be more desirable than having two houses on two lots that could be built to the limits of the regulations without Council approval, should a two lot subdivision be approved by the Subdivision Approving Officer. The Municipal Administrator noted that while design and siting of the new houses could require Council approval, the applicant would be entitled to build to the size limits of the regulations.

Following further discussion with members of Council commenting on various aspects of the plans and various questions from Council being answered by staff and the applicant, it emerged that it was the majority view that the development variance permit application could not be supported as submitted inasmuch as the resulting development would not be in keeping with the surrounding area.

With no other members of the public wishing to speak to the application, the question on the main motion was then called.

DEFEATED UNANIMOUSLY

The Mayor called a short recess at this time.

It was the consensus of Council to amend the order of the agenda.

***Development Variance Permit – 315 King George Terrace***

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That the following motion be lifted from the table:

*That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 315 King George Terrace (Lot 2, Section 22, Victoria District, Plan 25324), varying the following provisions of Bylaw No. 3531, being the Zoning Bylaw, 1986, as amended:*

<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4 (3) and Schedule 'B' Maximum Occupiable Height	3.50 m	4.54 m	1.04 m
6.5.4 (a) Maximum Gross Floor Area Above 0.80 Metres Below Grade	240 sq m	263.38 sq m	23.38 sq m

*to accommodate the renovations to the single family dwelling, as shown on the plans appended to Committee of the Whole agenda item #2010-315, being a memorandum from the Director of Building and Planning dated November 30, 2010.*

CARRIED

Mathew Brummitt, applicant, advised that his two immediate neighbours have said they have no objection regarding the proposed variances.

With no one else wishing to speak to the application, the question on the main motion was then called.

CARRIED

***Development Variance Permit – 2657 Cavendish Avenue***

Councillor Herbert declared a conflict of interest with respect to the development variance permit application for 2657 Cavendish Avenue noting he lives across the street from the subject property. Councillor Herbert left the meeting at 10:09 p.m.

MOVED by Councillor Copley

Seconded by Councillor Braithwaite, That the following motion be lifted from the table:

*That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2657 Cavendish Avenue (Lot 43, Section 61, Victoria District, Plan 874), varying the following provision of Bylaw No. 3531, being the Zoning Bylaw, 1986, as amended:*

<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.15.1 Maximum 25% Paved Surface in the Front Yard	25% 437.5 sq ft	40% 700 sq ft	15 percentage points 262.5 sq ft

*to accommodate the proposed new driveway and parking area, as shown on the plans appended to Committee of the Whole agenda item #2010-314, being a memorandum from the Director of Building and Planning dated November 29, 2010.*

CARRIED

With no members of the public wishing to speak to the application, the question on the main motion was then called.

CARRIED

Councillor Herbert returned to the meeting at 10:11 p.m.

**RESOLUTIONS:**

***Traffic Control Order No. 2011-01 – Cycling Lane and Parking Restrictions, Foul Bay Road between Lansdowne and Mid Downe Road***

Patricia Kostek, Saanich resident, stated she has never seen a problem with not having a bike lane along this section of Foul Bay Road, and that as an avid cyclist herself, she can see the benefit to cyclists in extending the bike lane, however, she suggested that the bike lane not be extended north beyond Watson Street. Ms. Kostek said that eliminating the right hand turn lane from Foul Bay Road to Lansdowne Road and the parking on the east side of Foul Bay Road will cause congestion problems and will have a serious impact on the area residents. Ms. Kostek added that limiting street parking (more that it already is) will only increase the congestion and parking overuse of the area, particularly on Watson Street.

With respect to the right turn lane being eliminated, Ms. Kostek felt that this would increase traffic congestion during rush hour, making it even more difficult to enter Watson Street from Foul Bay Road.

A member of Council pointed out that the Engineering Department has expressed its concern about the overall plan and the right turn lane being eliminated and he suggested that Council delay considering the installation of a designated cycling lane and the restricted parking along Foul Bay Road between Lansdowne Road and Mid Downe Road, and that the consultant being hired to make recommendations regarding an Active Transportation Plan could review the area as a potential cycling lane route.

Mr. Thomas, Saanich resident, said he shares the same concerns expressed by Ms. Kostek, and suggested that cars and cycling traffic should each have designated streets.

Gregor Dixon, resident, said that when he moved to this location about a year ago one of the considerations and bonuses was the available street parking. Mr. Dixon commented that the anticipated traffic congestion and idling vehicles will have a negative impact on the carbon footprint, and that during peak hours it is already difficult enough to enter and exit his property, therefore, removing the right turn lane will only add to the situation.

In conclusion, Mr. Dixon suggested that the municipality could financially benefit by more strictly enforcing parking regulations in the area.

Glen Harper, resident, was in attendance and said he was also speaking on behalf of Mrs. de Faye, resident, saying that he observed the intersection for two hours and did not see any issues with cyclists, but he felt that eliminating the right turn lane would cause congestion as the traffic would back up. Mr. Harper suggested that the cycling lane be installed along Henderson Road instead.

With respect to safety, Mr. Harper said he has not seen an accident, and that the proposed changes will cause a great inconvenience to the neighbouring residents.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That Traffic Control Order No. 2011-01 not be proceeded with, and that the subject of the appropriateness of the portion of Foul Bay Road north of Mid Downe Road as a marked cycling route be referred to the Community Initiatives Committee for further review through the work of the consultant identified to provide recommendations with respect to an Active Transportation Plan for the Municipality.

Although some members of Council felt that the proposed work should move forward, and that the issue of parking could be dealt with as it was when cycling lanes were installed along Henderson Road, it was the majority view that the Traffic Control Order should not be proceeded with.

The question was then called.

**CARRIED**  
*(Mayor Causton and Councillor Jensen against the motion)*

***Development Variance Permit – 3475 Upper Terrace Road***

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3475 Upper Terrace Road (Lot A, Block 2, Section 31, Victoria District, Plan 37765), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.2.4 (2) (c) and Schedule ‘C’ Minimum Interior Side Lot Line Setbacks	4.57 m	4.16 m	0.41 m
6.2.4 (2) (e) and Schedule ‘C’ Minimum Total of Side Lot Line Setbacks	12.19 m	11.23 m	0.96 m

to accommodate the exercise/pool room extension to the dwelling, as shown on the plans appended to Committee of the Whole agenda item #2011-19, being a memorandum from the Director of Building and Planning dated December 14, 2010.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the motion in respect to the development variance permit for 3475 Upper Terrace Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit – 218 Beach Drive***

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 218 Beach Drive (Lot 5, Section 22, Victoria District, Plan 5604), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.4.4 (2) (b) Minimum Rear Lot Line Setback	7.62 m	1.67 m	5.95 m

to accommodate the construction of a deck, as shown on the plans appended to Committee of the Whole agenda item #2011-21, being a memorandum from the Director of Building and Planning dated December 24, 2010.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the motion in respect to the development variance permit for 218 Beach Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Appointment of Election Officers***

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That Lorraine Hilton be appointed as the Chief Election Officer and that Mark A. Brennan be appointed as the Deputy Chief Election Officer for the 2011 general local election in Oak Bay.

CARRIED

**BYLAWS:**

***For Adoption***

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That Bylaw No. 4520, *Oak Bay Lawn Bowling Club Licence Authorization Bylaw, 2011*, be adopted.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That Bylaw No. 4522, *Heritage Committee Structure Bylaw Amendment Bylaw, 2011*, be adopted.

CARRIED

***For Second and Third Reading***

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the following motion be lifted from the table:

*That Bylaw No. 4518, Pesticide Regulation Bylaw, 2010, be read for a second time.*

CARRIED

It was noted that the resolution to give Bylaw No. 4518 second reading was tabled in order to allow Parks and Recreation Department staff to be in attendance to answer questions that arose at the meeting where the Bylaw was last considered.

The Manager of Parks Services provided an overview of the current practices that Parks Department staff follow in respect to the use of pesticides now, without there being a pesticide regulation bylaw in place, noting that the Provincial guidelines are followed in this regard, including ensuring the certification of any employees that apply pesticides and submitting an annual report to the Province regarding pesticide use each year. Mr. Middleton pointed out that pesticides are used very rarely on public land in Oak Bay, and pursuant to the proposed Bylaw, staff would adhere to the Integrated Pest Management Policy contained therein with respect to using pesticides on public land in the rare instances when it is required.

There was further discussion regarding the process for members of the public to use pesticides, other than permitted pesticides as noted in the Bylaw, and it was pointed out that whether it is a member of the public using such a pesticide pursuant to receiving a permit from the Parks Department, or staff using such a pesticide pursuant to the requirements of the Integrated Pest Management Policy, public notification requirements apply.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That the meeting continue past the 11 o'clock p.m. hour of adjournment fixed by the Procedure Bylaw.

CARRIED UNANIMOUSLY

While the point was raised that there are other alternatives to deal with pest infestations, and that Oak Bay should follow the lead of some other local governments and eliminate the use of pesticides on public land, it was the majority view of Council to move forward with the Pesticide Regulation Bylaw as it stands now, and, over time, observe the results of the Bylaw.

Brian Sharp, member of Parks and Recreation Commission, stated that public education on the use of pesticides in Oak Bay would be undertaken.

The question was then called.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Braithwaite, That Bylaw No. 4518, *Pesticide Regulation Bylaw, 2010*, be read a third time.

CARRIED

***For First, Second and Third Reading***

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That Bylaw No. 4519, *Ticket Information Utilization Bylaw Amendment Bylaw No. 3, 2010*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That Bylaw No. 4519, *Ticket Information Utilization Bylaw Amendment Bylaw No. 3, 2010*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That Bylaw No. 4519, *Ticket Information Utilization Bylaw Amendment Bylaw No. 3, 2010*, be read a third time.

CARRIED

Mayor Causton asked if anyone in attendance wished to address Council regarding the proposed amendment to the Financial Plan. Seeing no one come forward, it was

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That Bylaw No. 4523, *Financial Plan Bylaw, 2010, Amendment Bylaw No. 1, 2011*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That Bylaw No. 4523, *Financial Plan Bylaw, 2010, Amendment Bylaw No. 1, 2011*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That Bylaw No. 4523, *Financial Plan Bylaw, 2010, Amendment Bylaw No. 1, 2011*, be read a third time.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Jensen, That Bylaw No. 4524, *Sewer User Charge Bylaw Amendment Bylaw, 2011*, be introduced and read a first time.

CARRIED  
(Councillor Herbert against the motion)

MOVED by Councillor Braithwaite  
Seconded by Councillor Jensen, That Bylaw No. 4524, *Sewer User Charge Bylaw Amendment Bylaw, 2011*, be read a second time.

CARRIED  
(Councillor Herbert against the motion)

MOVED by Councillor Braithwaite  
Seconded by Councillor Jensen, That Bylaw No. 4524, *Sewer User Charge Bylaw Amendment Bylaw, 2011*, be read a third time.

CARRIED  
(Councillor Herbert against the motion)

***For First and Second Reading and Setting of a Public Hearing Date***

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That Bylaw No. 4525, *2030 Milton Street Heritage Designation Bylaw Repeal Bylaw, 2011*, be introduced and read a first time.

CARRIED  
(Councillor Copley against the motion)

MOVED by Councillor Herbert  
Seconded by Councillor Braithwaite, That Bylaw No. 4525, *2030 Milton Street Heritage Designation Bylaw Repeal Bylaw, 2011*, be read a second time.

CARRIED  
(Councillor Copley against the motion)

MOVED by Councillor Herbert  
Seconded by Councillor Braithwaite, That a public hearing on Bylaw No. 4525 be held at the Oak Bay Municipal Hall, on January 24, 2011, at 7:30 p.m., and that notice be given in accordance with the Local Government Act.

CARRIED



ADJOURNMENT:

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss personal information about identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality.

CARRIED

The meeting adjourned at 11:10 p.m.

Certified Correct:

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Mayor