

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, May 25, 2009 at 7:30 p.m.

PRESENT: Mayor C. M. Causton (Chairman)
Councillor H. Braithwaite
Councillor A. R. Cassidy
Councillor P. Copley
Councillor J. D. Herbert
Councillor T. Ney

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

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

ADOPTION OF MINUTES:

Council – May 11, 2009

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the minutes of the Council meeting held on Monday, May 11, 2009, be adopted.

CARRIED

Special Council – May 13, 2009

MOVED by Councillor Copley
Seconded by Councillor Braithwaite, That the minutes of the Special Council meeting held on Wednesday, May 13, 2009, be adopted.

CARRIED

Committee of the Whole – May 19, 2009

MOVED by Councillor Ney
Seconded by Councillor Copley, That the minutes of the Committee of the Whole meeting held on Monday, May 19, 2009, and the recommendations contained therein, be adopted.

Boulevard Encroachment Applications

In response to Mayor Causton asking if staff required further direction from Council with respect to providing a report on revising the existing boulevard encroachment application procedure, the Director of Engineering Services felt staff had enough information to proceed, noting he would bring forward a report to a future Committee of the Whole meeting.

It was suggested that any new boulevard encroachment guidelines and/or forms be placed on the municipal website along with a list of suggested suitable boulevard plantings. As well, it was suggested that the existing guidelines be sent out to landscaping companies that work in Oak Bay.

The question was then called.

CARRIED

PRESENTATION:

1. 2009-190 BOWKER CREEK URBAN WATERSHED RENEWAL INITIATIVE, May 7, 2009
Re Bowker Creek Initiative 2008 Annual Report/Funding for Coordinator

(Tanis Douglas, Bowker Creek Initiative Coordinator, and Jody Watson, Chair of Bowker Creek Initiative and Harbours and Watersheds Coordinator, Capital Regional District, in attendance for this item.)

Tanis Douglas, Bowker Creek Initiative Coordinator, provided a slide presentation to update Council on the activities of the Bowker Creek Initiative over the past year. Ms. Douglas drew attention to the annual report, providing an overview of the vision of the Initiative, the activities taking place to achieve its goals, and a look at what is planned for the future in terms of continuing to implement activities designed to achieve the goals of the Bowker Creek Watershed Management Plan.

Noting that a funding application for the Monteith Street site was successful, Ms. Douglas touched on the plans for the major restoration of that area that will include a limited number of garden plots being established, a demonstration native plant garden, an information kiosk, and a community space.

Jody Watson, Chair of the Bowker Creek Initiative and Harbours and Watersheds Coordinator, drew attention to the Bowker Creek Initiative Progress Review that took place in November 2008 where approaches to fully implement the Watershed Plan were discussed. Ms. Watson noted that the committee members agreed that the most effective action to date has been the hiring of a coordinator, along with the outreach activities.

Ms. Watson thanked Oak Bay staff members, Dave Marshall, Director of Engineering Services and Lorne Middleton, Manager of Oak Bay Parks Services, for their continuing contribution to the Initiative.

Ms. Watson and Ms. Douglas answered questions from Council with respect to the continuing plans of the Bowker Creek Watershed Management Plan aimed at reducing the volume of water going into Bowker Creek, and Council acknowledged its appreciation for all the good work taken on by the Bowker Creek Initiative.

Information with respect to the funding sources for the Bowker Creek Initiative Coordinator's salary and various project funding was provided by Ms. Watson.

Ms. Watson noted that continued funding for the Bowker Creek Initiative Coordinator position for a three year period (2010 to 2012) was being sought based on the existing cost sharing formula with Saanich (59%), Victoria (24%) and Oak Bay (18%).

A member of Council encouraged the Bowker Creek Initiative to continue seeking other funding sources that may be available to it outside of the Municipal and Capital Regional District resources.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That correspondence item no. 2009-190 be received and that support in principle be given for Oak Bay's contribution to the cost for the Bowker Creek Initiative Coordinator position for 2010 to 2012.

CARRIED

COMMUNICATIONS:

2. 2009-191 FIRE CHIEF, May 20, 2009
Re Union of British Columbia Municipalities – Age-Friendly
Community Planning Grant Application

(Gerry Adam, Fire Chief, in attendance for this item.)

Referring to his memorandum the Fire Chief provided an overview of the Age-Friendly Community Planning grant application and advised that Oak Bay Council would be required to endorse the application for 100% funding submitted to the Union of British Columbia Municipalities.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That staff be authorized to make application under the Union of British Columbia Municipalities Age Friendly Community Planning Grant Program for \$10,000 to assist the Oak Bay Emergency Program to assess the strengths and vulnerabilities of Oak Bay's senior population in the event of a major emergency or large-scale disaster.

CARRIED

3. 2009-192 DIRECTOR OF PARKS AND RECREATION, May 15, 2009
Re Replacement of Heat Exchanger – Oak Bay Recreation Centre

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That the Parks and Recreation Department request for early spending approval for the purchase of a replacement heat exchanger for the Oak Bay Recreation Centre, at a cost of \$13,031, be approved in principle.

CARRIED

4. 2009-193 CAPITAL REGIONAL DISTRICT, May 7, 2009
Re Millstream Meadows Site Remediation – Invitation to Participate in
Subcommittee to Review Cost Sharing

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That Councillor Tara Ney be appointed as the District of Oak Bay's representative on the Capital Regional District Environmental Services Millstream Meadows Site Remediation Subcommittee.

CARRIED

- 5 2009-194 CAPITAL REGIONAL DISTRICT, May 14, 2009
Re Request for Consent to Adopt Bylaw No. 3614, Traffic Safety
Commission Establishment Bylaw No. 1, 1990, Amendment Bylaw No.
3, 2009

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That consent be given to the adoption of Capital Regional District Bylaw No. 3614, Traffic Safety Commission Establishment Bylaw No. 1, 1990, Amendment Bylaw No. 3, 2009 in accordance with Section 801.4 of the *Local Government Act*.

CARRIED

6. 2009-195 ED WALKER, May 19, 2009
Re Request for Road Closure for Block Party on Pacific Avenue – July
1, 2009

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That permission be given for the closure of Pacific Avenue between Eastdowne Road and Cadboro Bay Road on Tuesday, July 1, 2009, from 1:00 o'clock p.m. to 6:00 o'clock p.m., for the purpose of a neighbourhood block party.

CARRIED

7. 2009-196 ANN AND IAN MACMILLAN, May 21, 2009
2009-196-1 PETER HUTCHINSON, May 21, 2009
2009-196-2 STEPHANIE USTINA, [Undated]
2009-196-3 GERALDINE PEET, May 21, 2009
2009-196-4 RICHARD CORMAN, May 25, 2009
2009-196-5 JIM AND JEAN NOONE, May 25, 2009
2009-196-6 GERALD AND JANICE PORTER, May 25, 2009
Re Development Variance Permit Application – 2064 Penzance Road

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That correspondence item no. 2009-196 to 2009-196-6 be received.

CARRIED

TABLED:

Development Variance Permit Application – 2555 Lansdowne Road

MOVED by Councillor Herbert

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 with respect to 2555 Lansdowne Road (Lot 6, Block 19, Section 31, Victoria District, Plan 1216A), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended, with respect to the height of a principal building:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.2.4(3)(a) & Schedule B Maximum Building Height	7.32 m	8.00 m	0.68 m
6.2.4(3)(b) & Schedule B Maximum Occupiable Height	4.57 m	5.64 m	1.07 m
6.2.4(3)(c) & Schedule B Maximum Roof Height	9.14 m	12.24 m	3.10 m

to accommodate the modification of a previously approved renovation plan by the lifting of the existing dwelling, as shown on the sketches appended to Committee of the Whole agenda item #2009-163, being a memorandum from the Director of Building and Planning dated April 28, 2009.

CARRIED

Noting that there was no one in attendance who wished to speak to the application, the question on the main motion was then called.

CARRIED

Development Variance Permit Application – 2064 Penzance Road

MOVED by Councillor Ney

Seconded by Councillor Copley, 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 2064 Penzance Road (Lot B, Section 46, Victoria District, Plan 8028) varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended, with respect to the height and setback of a principal building:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4(3)(a) & Schedule B Maximum Building Height	6.83 m	8.25 m	1.42 m
6.5.4(11) Minimum Second Storey Setback from Interior Side Lot Line	3.00 m	2.29 m	0.71 m

to accommodate the retention intact of a new single family dwelling under construction on the said land, as shown on the sketches appended to Committee of the Whole agenda item #2009-164, being a memorandum from the Director of Building and Planning dated April 24, 2009.

CARRIED

At the invitation of the Chair for interested parties to speak to the application, Steve Bowker said this is a neighbourhood that is well established with long time residents and it is his view that developers tend to build the largest house possible to maximize their profit.

Mr. Bowker questioned why new construction on a bare lot would require variances in the first place and felt that the process may be flawed if it is necessary to issue a stop work order, noting that the problems should be caught before getting to this stage.

Darlene Kokoske commented that she lives behind 2064 Penzance and her view has been affected by the new construction. Ms. Kokoske added that in a small area such as theirs, a house design should fit the neighbourhood rather than create an eyesore for the neighbours.

In an attempt to negotiate with the builder/owner, Ms. Kokoske said she called the homeowner six to seven times to try to negotiate changes, even offering a portion of her land, but Mr. Knight was not willing to make any changes to the development.

Drawing attention to a comment that was made at the last meeting, a member of Council noted that if the parapets were removed the owner could then build a higher sloped roof than what is being built, wondering what would be more imposing to the neighbourhood.

Ms. Kokoske said she was unaware of that option but expressed concerned that the existing situation is clearly too high and ugly and she is more concerned about the community aspect of the structure not fitting into the neighbourhood.

Peter Hutchinson, referred to his letter included in the agenda package and commented that aside from this being an ugly building, it is the high protruding wall, which is over the maximum permitted height, that will significantly impact the skyline of the neighbourhood.

Acknowledging that it appeared that there was confusion and misinterpretation with two different sets of plans being submitted to the Building Department, the over-height parapets should not be “varianced away”, he said.

With respect to the planned solar panels on the roof, Mr. Hutchinson said that is the builder’s business but they should not be installed in contravention of the regulations.

Stephanie Ustina stated that she lives next door to the development site noting that the developer does not live there and will likely sell the property in a year’s time.

Referring to her letter, Ms. Ustina said the roofline changes seem arbitrary and serve no purpose and that should solar panels be added she feels that protection of the panels at the back is not necessary.

Ms. Ustina expressed her concern that the property already has two approved balconies and that the requested variance for a two foot wide side balcony should not be granted as it is just five feet from her home.

Responding to Mayor Causton, Ms. Ustina said that the developer had not shared drawings prior to commencement of the development. Ms. Ustina added that when she advised the developer that her gutter had been damaged through construction activities on his site, and he did repair it.

In conclusion, Ms. Ustina added that hers is a neighbourhood where there is concern for each others welfare.

Roger Tallentire stated that his home is the tallest building on the street, adding that his concern is with the fact that no information with respect to this development was provided to area residents ahead of time. He also expressed concern that the building diagrams submitted to the Building Department were unclear.

Mr. Tallentire felt that any alternatives to the proposed roof design, and their potential effect to the roof height versus the proposed parapets, should be known to the neighbours.

Responding to questions regarding roof design alternatives that could be available to the owner, the Director of Building and Planning explained that it might be possible for the sides of the non-conforming parapets to be sloped without meeting at the top, at a height approximately one foot higher than the existing parapets.

Mr. Thomassen also advised that in his interpretation of the regulations if the applicant withdrew the development variance permit application and reduced the existing parapets to the six inch high curb around the perimeter that was originally approved, no variance for the roof would be required.

Responding to various questions from Council, Mr. Thomassen said that following concerns expressed by a neighbour that the building height appeared to exceed what was originally approved, the applicant was requested to obtain a survey, which later confirmed that the structure was not in compliance with the Zoning Bylaw in that regard. Therefore, due to the construction not being in accordance with the previously approved plans, a stop work order was issued. He added that the applicant thought that the revised plans complied and that it was a misinterpretation of the building regulations that led to the building height being in excess of that permitted.

It was the majority view of Council that allowing the parapets to remain would adversely affect the neighbourhood, and therefore that the variance request should be denied. It was also pointed out that inasmuch as the applicant started with a bare lot he should be able to build within the regulations.

The question on the main motion was then called.

DEFEATED

Development Variance Permit Application – 2547 Musgrave Street

MOVED by Councillor Herbert

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 2547 Musgrave Street (Lot 6, Block 7, Section 2, Victoria District, Plan

379), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended, with respect to the height and setback of a principal building:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.4.4(3)(b) & Schedule B Maximum Occupiable Height	4.27 m	4.88 m	0.61 m
6.4.4(11) Minimum Second Storey Setback from Interior Side Lot Line	3.00 m	1.52 m	1.48 m

to accommodate the lifting of the existing dwelling in order to develop the lowest floor level, along with an addition plus deck at the rear of the dwelling, as shown on the sketches appended to Committee of the Whole agenda item #2009-165, being a memorandum from the Director of Building and Planning dated April 27, 2009.

CARRIED

Noting that there was no one in attendance who wished to speak to the application, the question on the main motion was then called.

CARRIED

RESOLUTIONS:

Development Variance Permit Application – 190 King George Terrace

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 190 King George Terrace (Lot 1, Section 46, Victoria District, Plan 5008) varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.4.4(2) (a) Minimum Front Lot Line Setback	7.62 m	4.52 m	3.1 m
6.4.4(6) (b) Maximum Gross Floor Area	480 sq m	486 sq m	6 sq m
6.4.4(6) (b) Maximum Gross Floor Area above 0.8 m below Grade	360 sq m	402 sq m	42 sq m

to accommodate a second floor addition and front terrace, as shown on the plans attached to Committee of the Whole agenda item #2009-177, being a memorandum from the Director of Building and Planning dated May 11, 2009.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 190 King George Terrace be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit Application – 2218 Central Avenue

MOVED by Councillor Copley

Seconded by Councillor Ney, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2218 Central Avenue (Lot B, Section 22, Victoria District, Plan 8790) that will vary the following provisions of Bylaw No. 3540 (Parking Facilities Bylaw, 1986), with respect to the number and type of required on-site parking spaces:

<u>Parking Facilities Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.7 and Schedule 'A', A.1(a) Minimum No. of Parking Spaces	2 spaces, Incl. 1 in building	1 space (none in Building)	1 space (waive the “1 space in building” requirement)

to accommodate the proposal to provide only one, uncovered parking stall in the front yard, as shown on the plan received May 20, 2009 and printed for the purposes of the May 25, 2009 Council meeting.

Concerns were expressed regarding the parking needs of future owners, along with concerns regarding why the parking regulations are continually being varied when the current Parking Facilities Bylaw works well.

MOVED by Councillor Copley

Seconded by Councillor Ney, That the motion in respect to the development variance permit for 2218 Central Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

DEFEATED

(Councillor Braithwaite, Cassidy and Herbert against the motion)

Following a question regarding procedure, and where the application now stands as the tabling motion to allow notice to be given in accordance with the *Local Government Act* was defeated, the Municipal Administrator advised that the motion to issue the permit was live, and could be defeated, however, it could not be adopted without pursuing the required notification to owners and residents in the vicinity.

Councillor Cassidy noted that he did not object to allowing neighbours the opportunity to comment, indicating he would be amenable to changing his vote in that regard. After review of the applicable legislation, Mr. Cochrane advised that the Mayor has the authority to require reconsideration of a motion at the same meeting or, pursuant to the Procedure Bylaw, any member of Council could raise the question of reconsideration at the next regular meeting after a resolution is adopted.

Mayor Causton returned the question on the tabling motion for reconsideration.

The question was then called.

CARRIED

Development Variance Permit Application – 476 Transit Road

Mayor Causton indicated a conflict as he lives next to the subject property, advising that he would be unable to participate in discussion or vote on the matter. He left the meeting at 8:50 p.m.

Acting Mayor Braithwaite assumed the Chair.

MOVED by Councillor Herbert

Seconded by Councillor Cassidy, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 476 Transit Road (Parcel A of Lots 1 & 2, Block A, Section 22, Victoria District, Plan 74E) 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>
6.4.4(3) (a) Maximum Building Height	7.32 m	7.64 m	0.32 m

to accommodate the roof of the new house design, as shown on the plans attached to Committee of the Whole agenda item #2009-179, being a memorandum from the Director of Building and Planning dated May 12, 2009.

MOVED by Councillor Herbert

Seconded by Councillor Cassidy, That the motion in respect to the development variance permit for 476 Transit Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Mayor Causton returned to the meeting at 8:51 p.m.

Development Variance Permit Application – 2120 Fair Street

MOVED by Councillor Copley

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2120 Fair Street (Amended Lot B, Section 28, Victoria District, Plan 21648) varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4(2)(b) Minimum Rear Lot Line Setback (Upper Dormers)	7.62 m	4.2 m	3.42 m

6.5.4(2)(b) Minimum Rear Lot Line Setback (Carport/Deck)	7.62 m	6.73 m	0.89 m
6.5.4(3)(b) and Schedule 'B' Maximum Occupiable Height	4.75 m	4.82 m	0.25 m
6.5.4(6) (a) Maximum Gross Floor Area at a Level Higher than 0.8 metres Below Grade	240 sq m	262 sq m	22 sq m
6.5.4(11) Minimum Interior Side Lot Line Setback of the Second Storey	3.0 m	2.4 m	0.6 m

to accommodate renovations to the single family dwelling as shown on the plans attached to Committee of the Whole agenda item #2009-181, being a memorandum from the Director of Building and Planning dated May 13, 2009.

MOVED by Councillor Cassidy
Seconded by Councillor Braithwaite, That the motion in respect to the development variance permit for 2120 Fair Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit Application – 1941 Crescent Road

MOVED by Councillor Herbert
Seconded by Councillor Ney, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1941 Crescent Road (Lot 19, Section 19, Victoria District, Plan 291) varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.15.1 Maximum Paved Surface of the Front Yard	34.84 sq m 25%	49.8 sq m 36%	15 sq m 11%
6.5.4(6) (b) Maximum Gross Floor Area	420 sq m	446.5 sq m	26.5 sq m
6.5.4(6) (b) Maximum Gross Floor Area Above 0.8 metres Below Grade	300 sq m	323.8 sq m	23.8 sq m
6.5.4(11) Minimum Interior Side Lot Line Setback -- Second Storey	3.0 m	1.52 m	1.48 m

to accommodate the proposed single family dwelling as shown on the plans attached to Committee of the Whole agenda item #2009-182, being a memorandum from the Director of Building and Planning dated April 29, 2009.

MOVED by Councillor Cassidy

Seconded by Councillor Ney, That the motion in respect to the development variance permit for 1941 Crescent Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

RESOLUTIONS:

There was consensus to vary the order of the Agenda.

Summertime Meeting Schedule

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That Council's regular meeting schedule be suspended for the months of July and August 2009, and that the following schedule be substituted:

July 2009

Committee of the Whole	July 13, 2009 @ 7:30 p.m.
Council	July 20, 2009 @ 7:30 p.m.

August 2009

Committee of the Whole	August 10, 2009 @ 7:30 p.m.
Council	August 17, 2009 @ 7:30 p.m.

CARRIED

BYLAWS:

For Adoption

MOVED by Councillor Herbert

Seconded by Councillor Copley, That Bylaw No. 4468, *Tree Protection Bylaw Amendment Bylaw No. 1, 2009*, be adopted.

Responding to a question from a member of Council, the Municipal Administrator advised that staff was requested to prepare an amendment to the Tree Protection Bylaw that would expand the grounds to allow the issuance of a tree removal permit at the staff level where there is damage to a significant structure as a result of the tree, and to also broaden Council's discretion to approve tree removal permits. He noted that while Council cannot give itself total discretion, the Bylaw amendment incorporates the possibility of a Council level decision where hardship has been demonstrated or where the retention of the tree would detract from the amenities expected to be enjoyed on the property and allowing its removal would not detract from the intent of the Bylaw.

Responding to further questions, Mr. Cochrane noted that the expanded discretion where hardship is established is not seen in Bylaws of other municipalities in the region, and that Council would be taking on a role intended for the Board of Variance.

Opposition to the Bylaw was voiced and it was pointed out that continual amendments to the Bylaw would erode its intent.

DEFEATED

(Councillor Braithwaite, Cassidy and Copley against the motion)

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That Bylaw No. 4469, *Refuse Collection and Disposal Bylaw Amendment Bylaw No. 3, 2009*, be adopted.

CARRIED

(Mayor Causton and Councillor Herbert against the motion)

MOVED by Councillor Herbert

Seconded by Councillor Copley, That Bylaw No. 4470, *Sale of Compost Bylaw Amendment Bylaw, 2009*, be adopted.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That Bylaw No. 4471, *Ticket Information Utilization Bylaw Amendment Bylaw No. 1, 2009*, be adopted.

CARRIED

Mayor Causton asked if anyone in attendance wished to address Council regarding the proposed amendment to the Financial Plan.

MOVED by Councillor Cassidy

Seconded by Councillor Copley, That Bylaw No. 4472, *Financial Plan Bylaw, 2009, Amendment Bylaw No. 1, 2009*, be adopted.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That Bylaw No. 4473, *Fire Machinery and Equipment Depreciation Reserve Fund Appropriation Authorization Bylaw No. 2, 2009*, be adopted.

CARRIED

For First, Second and Third Reading

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That Bylaw No. 4475, *Financial Plan Bylaw, 2009, Amendment Bylaw No. 2, 2009*, be introduced and read a first time.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Braithwaite, That Bylaw No. 4475, *Financial Plan Bylaw, 2009, Amendment Bylaw No. 2, 2009*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That Bylaw No. 4475, *Financial Plan Bylaw, 2009, Amendment Bylaw No. 2, 2009*, be read a third time.

CARRIED

MOVED by Councillor Copley
Seconded by Councillor Herbert, That Bylaw No. 4476, *Capital Works and Equipment Reserve Fund Appropriation Authorization Bylaw, No. 2, 2009*, be introduced and read a first time.

CARRIED

MOVED by Councillor Copley
Seconded by Councillor Herbert, That Bylaw No. 4476, *Capital Works and Equipment Reserve Fund Appropriation Authorization Bylaw, No. 2, 2009*, be read a second time.

CARRIED

MOVED by Councillor Copley
Seconded by Councillor Herbert, That Bylaw No. 4476, *Capital Works and Equipment Reserve Fund Appropriation Authorization Bylaw, No. 2, 2009*, be read a third time.

CARRIED

RESOLUTIONS: (Continued)

Crown Land Tenure Application – Oak Bay Sea Rescue Boat House

The Municipal Administrator noted that the complex land tenure issues that would arise with respect to the request to rebuild and expand the Oak Bay Sea Rescue boat house at the proposed location on the Oak Bay Marina docks are anticipated to result in a long drawn out process with respect to the process to amend the 30 year lease between the Municipality and the Oak Bay Marina (1992) Ltd. Mr. Cochrane drew attention to the two-step process that was endorsed by Council at its meeting held May 11, 2009, which presented an interim option that would see the Municipality apply for a “Community Institutional” type of tenure from the Province, which the Municipality could then sublease directly to the Sea Rescue Society. If approved, this would allow the construction to be undertaken sooner rather than later.

Mr. Cochrane noted that the Oak Bay Marine Group has advised it strongly objects to the option of the Municipality subleasing a licence to the Sea Rescue Society although representatives declined the offer to submit a letter to Council in this regard.

Although Provincial staff originally advised that a licence could not be subleased to the Oak Bay Marine Group as it is a commercial entity and therefore would have to be subleased to the Sea Rescue Society itself, said Mr. Cochrane, the Province was contacted a second time and it was suggested that perhaps there is a possibility a licence could be subleased to the Marina

depending on the nature of the proposed terms. Therefore, said Mr. Cochrane, Council could initiate the application process at this time, while making any decisions with respect to its options to sublease the licence, if the application is successful, at a later date.

Responding to a question from a Council member as to why the Oak Bay Marine Group objects to the proposal, Mayor Causton said it has nothing to do with the two groups but with the Oak Bay Marine Group's previous experience with third party agreements.

Mr. Cochrane added that in any sublease with the Oak Bay Marine Group, it would be written that no additional rent would be charged to the Oak Bay Sea Rescue Society for the new licence area. Inasmuch as the sublease terms would have to be acceptable to the Marina, this could lengthen the process.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That staff be authorized to make an application to the Province of BC for a Community/Institutional Crown Land Tenure for the aquatic lands adjacent to the area currently leased to the District of Oak Bay to encompass the proposed Oak Bay Sea Rescue boat house.

CARRIED

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

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That Bylaw No. 4474, *Eighty-Third Zoning Bylaw Amendment Bylaw, 2009*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That Bylaw No. 4474, *Eighty-Third Zoning Bylaw Amendment Bylaw, 2009*, be read a second time.

A member of Council who was absent when the request for a Zoning Bylaw amendment was first considered asked for clarification with respect to the new proposed boathouse requirements.

Jeff Dubney, Oak Bay Sea Rescue Society, provided a summary of the need to replace the existing boat house and the Society's requirements to increase the size and functionality of the rescue station for the future as was relayed to Council on May 11, 2009.

The question was then called.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That a public hearing on Bylaw No. 4474 be held at the Oak Bay Municipal Hall, on June 22, 2009, 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 Cassidy, That the meeting of Council be adjourned.

CARRIED

The Council meeting adjourned at 9:30 p.m.

Certified Correct:

Municipal Clerk

Mayor