

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, September 12, 2011 at 7:30 p.m.

PRESENT: Mayor C. M. 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
Director of Engineering Services, D. Marshall

Mayor Causton called the meeting to order at 7:34 p.m.

PRESENTATION:

Recognition of Renovation and Building Achievement Awards

Mayor Causton provided an overview of the Recognition of Renovation and Building Achievement Awards Program, saying that when it was established in 2004 Council envisaged the awards would recognize outstanding renovation achievements in Oak Bay.

In honour of and out of respect for Councillor Allan Cassidy, who sadly passed away in July of this year, Mayor Causton proposed that the Award Program be renamed the “Allan Cassidy Recognition of Renovation and Building Achievement Awards Program”.

Mayor Causton presented awards to two property owners, who each gratefully accepted a local artist’s original rendering of their building. The awards were presented to Gary and Tracey Leibel, 2128 Neil Street and Quon Lowe, 2405 Eastdowne Road.

Mayor Causton thanked the recipients and artists for their participation and thanked the Panel for its work in reviewing the nominated projects and choosing the two recipients.

ADOPTION OF MINUTES:

Council – August 15, 2011

MOVED by Councillor Braithwaite
Seconded by Councillor Ney, That the minutes of the Council meeting held on Monday, August 15, 2011, be adopted.

Responding to a question from a member of Council regarding the potential appointment of a member to the Provincial Capital Commission, Mayor Causton advised that he spoke with the Chair of the Commission and was advised that it was not necessary for Oak Bay to appoint a representative for the remainder of 2011.

The question was then called.

CARRIED

Committee of the Whole – September 6, 2011

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the minutes of Committee of the Whole meeting held on Tuesday, September 6, 2011, and the recommendations contained therein, be adopted.

CARRIED

There was consensus to vary the order of the agenda to bring forward for consideration correspondence items no. 2011-284, 2011-285 and 2011-286.

COMMUNICATIONS:

1. 2011- 284 FIRE CHIEF, August 23, 2011
Re University of Victoria Confined Space Rescue Service Agreement

(Fire Chief Gerry Adam, Oak Bay Fire Department, was in attendance for this item.)

Fire Chief Adam provided an overview of the proposed University of Victoria confined space rescue service five-year agreement as described in his memorandum, correspondence item no. 2011-284.

Acknowledging that the District of Saanich has proposed to undertake the billing and remittance of the annual fee on behalf of both the District of Saanich and the District of Oak Bay, and that the agreement itself does not specifically address this, staff was requested to ensure that the arrangements in this regard are included in a letter sent to the participants along with the signed copy of the agreement.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the Mayor and Municipal Clerk be authorized to execute the University of Victoria Confined Space Rescue Service Agreement with the University of Victoria for a five-year period, as substantially set out in the agreement attached to correspondence item no. 2011-284.

CARRIED

2. 2011-285 GOODLIFE FITNESS VICTORIA MARATHON, July 14, 2011
Re Request for Temporary Road Closures for 2011 GoodLife Fitness Victoria Marathon – October 9, 2011

Responding to questions from Council, Cathy Noel, GoodLife Fitness Victoria Marathon, provided an overview of the event, noting that although the route is the same as in previous years it will begin 15 minutes earlier.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That permission be granted for the temporary road closures and occupancy of the same streets in Oak Bay used for the Marathon in 2010 and detailed in correspondence item no. 2011-285 for the staging of the 2011 GoodLife Fitness Victoria Marathon on Sunday, October 9, 2011, subject to the event organizer 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 event and providing evidence of public liability insurance in the amount of not less than \$3,000,000;

- 2) agree to pay all invoices from the Municipality for costs incurred in connection with the event;
- 3) agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instructions from the Police; and
- 4) agree to provide sufficient notice to all property owners along the proposed route,

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

CARRIED

3. 2011-260 DIRECTOR OF BUILDING AND PLANNING, August 3, 2011
2011-286-1 JOHN AND AKEMI RANKIN, August 24, 2011
Re Development Variance Permit Application – 2251 Cadboro Bay Road
(Oak Bay Lodge)

Councillor Copley declared a conflict of interest with respect to the development variance permit application for 2251 Cadboro Bay Road as her father is a resident of Oak Bay Lodge. Councillor Copley left the meeting at 7:51 p.m.

The Director of Building and Planning provided an outline of the proposed variances being requested with respect to the Oak Bay Lodge proposed redevelopment that would see the existing three storey care facility being replaced with a six storey multi-winged facility, which would be approximately the same size as the existing building and would be situated in a similar location.

Patrick Cotter, Architect, along with Howard Johnson, Chief Executive Officer, and Dayle Krahn, Chief Property and Development Officer, Baptist Housing, were in attendance to provide an overview and PowerPoint presentation of the proposed redevelopment of the property. Mr. Johnson advised that the proposed project will be a joint venture involving the Capital Regional Hospital Board, Vancouver Island Health Authority, and Baptist Housing.

Following discussion and various questions and comments being responded to by staff and the applicants, it was suggested by members of Council that a second public information session be scheduled by the applicants in addition to the one currently scheduled, and that this item be brought back to the Committee of the Whole following those public information sessions. Staff was requested to post the information regarding the public information sessions on the municipal website.

Members of Council also suggested that it would be helpful to have a model of the proposed development available for viewing. In the meantime, it was pointed out that the Building Department will have the plans available to the public for review.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That correspondence item no. 2011-260 be referred to the October 3, 2011 Committee of the Whole meeting to allow time for the applicants to report on the results of the public information sessions.

CARRIED

Councillor Copley returned to the meeting at 9:05 p.m.

PRESENTATION:

4. 2011-283 BC HYDRO, August 3, 2011
Re Smart Meter Exchange Program Presentation

Mayor Causton acknowledged that it is unusual for Council to include an issue on the agenda where the Municipality has no legal jurisdiction, however, he said, a significant amount of correspondence has been received from the community expressing concerns and looking for information about the smart meter program, and he expressed his appreciation that BC Hydro offered to attend a meeting to provide information to Council on this topic.

Ted Olynyk, Manager, Community Relations, BC Hydro, provided a PowerPoint presentation with respect to smart metering, noting that the new system will create a more efficient and less costly electricity system. Mr. Olynyk provided information about the program benefits including improved operational efficiency, greater customer choice and control, reduced electricity theft, and in-home feedback tools for customers to monitor their electricity use. He also provided information on the WI-FI technology in response to concerns that have been raised.

Following the presentation and discussion, members of Council expressed the view that it would be desirable for BC Hydro to undertake a public consultation and information session with the Oak Bay community, and in recognizing that the program is already underway, Council said it was hopeful that BC Hydro would arrange the requested public session as soon as possible within the next three weeks.

It was further noted that the issue of smart meters will be discussed at the upcoming Union of British Columbia Municipalities convention.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That a letter be sent to BC Hydro requesting it undertake a public consultation and information session with the Oak Bay community, with respect to the smart meter exchange program, as soon as possible within the next three weeks.

CARRIED

5. 2011-271 BETH MURRAY, July 31, 2011
2011-271-1 JULITA TRAYLEN AND FRASER CAMPBELL, August 5, 2011
Re Request to Amend Animal Control Bylaw for the Purpose of Keeping Chickens

The Municipal Administrator noted that two property owners have requested that the Animal Control Bylaw be amended to reduce the minimum lot size required for keeping poultry.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the request to amend the Animal Control Bylaw with respect to keeping chickens, be referred to Committee of the Whole for review and that staff prepare a report in this regard.

Members of Council suggested, in particular, that a staff report on the possibility of requiring less of a setback for a chicken coop where a property abuts a public lane.

The question was then called.

CARRIED

6. 2011-287 DIRECTOR OF BUILDING AND PLANNING, September 8, 2011
Re Request for Building and Anti-Noise Bylaw Amendments

The Director of Building and Planning provided a more detailed review of options identified in his August 1, 2011 report, in respect to dealing with long term construction projects.

There was discussion regarding the options proposed, and how they would be applied to ongoing construction issues.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That staff be directed to draft amendments to the Building Bylaw and the Anti-Noise Bylaw to implement recommendations No. 1, 2, and 4 as outlined in the memorandum from the Director of Building and Planning, dated August 1, 2011, attached to correspondence item no. 2011-287, to be brought forward to Council for consideration.

There was further discussion regarding the various scenarios with respect to the proposed bylaw amendments and questions from Council were answered by staff.

The question was then called.

CARRIED

7. 2011-288 VICTORIA REMEMBRANCE DAY COMMITTEE POPPY FUND,
September 1, 2011
Re Request to Distribute Poppies

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That permission be granted to the Victoria Remembrance Day Committee Poppy Fund to conduct the sale of poppies in public places in Oak Bay from October 28, 2011 to November 10, 2011, exclusive of Sunday, October 30th and November 6th, 2011.

CARRIED

8. 2011-289 MR. AND MRS. GUSTAVSON, September 2, 2011
2011-289-1 AUSTIN HAMILTON, September 2, 2011
Re Development Variance Permit – 3140 Beach Drive

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That correspondence items no. 2011-289 and 2011-289-1 be received.

CARRIED

9. 2011- 278 CHRIS ZATYLN Y AND LEANNE LA PRAIRIE, July 25, 2011
Re Development Variance Permit – 2608 Lincoln Road

Councillor Braithwaite declared a conflict of interest with respect to the development variance permit application for 2608 Lincoln Road as she lives near the applicant and may be in the notification area. Councillor Braithwaite left the meeting at 10:30 p.m.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That correspondence item no. 2011-278 be received.

CARRIED

Due to Councillor Braithwaite declaring a conflict of interest, it was the consensus of Council to vary the order of the agenda and to bring forward for consideration at this time the development variance permit resolution for 2608 Lincoln Road.

RESOLUTIONS:

Development Variance Permit – 2608 Lincoln 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 2608 Lincoln Road (Lot 26, Block 11, Section 2, Victoria District, Plan 379), 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>
4.10.4 and 4.10.5 No sound emitting structure shall be sited within 3 m of any property line, or in a side yard	3.0m	0.8m	2.2m

to accommodate the siting of a heat pump as shown on the plans appended to Committee of the Whole agenda item 2010-130, being a memorandum from the Director of Building and Planning dated April 14, 2010.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 2608 Lincoln Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Councillor Braithwaite returned to the meeting at 10:31 p.m.

COMMUNICATIONS (Continued):

10. 2011-281-1 DANIEL ROBBINS, August 22, 2011
2011-281-2 DANIEL ROBBINS *et al*, September 2, 2011
Re Development Variance Permit – 295 King George Terrace

MOVED by Councillor Copley

Seconded by Councillor Jensen, That correspondence items no. 2011-281-1 and 2011-281-2 be received.

CARRIED

NEW BUSINESS:

Request for Victoria Region Transit Future Plan Briefing

Councillor Jensen drew attention to a recent communication regarding the Victoria Regional Transit Commission and the BC Transit Board of Directors' approval of the Victoria Region Transit Future Plan, and members of Council agreed to request that BC Transit staff be requested to provide a briefing of the Plan at a public meeting of Council some time in the future.

Proposed Town Hall Meeting

At a Council meeting in June, recalled Councillor Copley, there was discussion about holding another Town Hall meeting, and suggested Council should follow through with a meeting this Fall.

Following some discussion, while the importance of hearing from the public was acknowledged, it was agreed that it may not be an opportune time to host a Town Hall meeting with the local election to be held in November, and there was consensus not to schedule a meeting at this point.

Proposed Ban of Bottled Water in Oak Bay Recreation and Municipal Facilities

Councillor Ney drew attention to a recent decision made by the District of Saanich to discontinue selling bottled water from its recreation centres and municipal buildings, and requested that Councillor Braithwaite, as liaison to the Oak Bay Parks and Recreation Commission, bring the subject forward for consideration.

Urban Deer

In response to Councillor Ney's question regarding where the issue of deer stands at present, Mayor Causton acknowledged that Council has received a number of letters regarding the increasing problem of deer in Oak Bay. He advised that the topic of urban deer will be discussed with the Province at the Union of British Columbia Municipalities conference being held at the end of September. Responding to questions with respect to consideration of the issue at the Capital Regional District level, Mayor Causton said it has not yet been further discussed, but is expected to be considered in October.

TABLED:

Development Variance Permit – 3140 Beach Drive

MOVED by Councillor Herbert

Seconded by Councillor Jensen, 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 3140 Beach Drive (Lot 2, Section 31, Victoria District, Plan 19957), varying the following provisions of Bylaw No. 3531, being the Zoning Bylaw, 1986, as amended:

<u>Bylaw Section</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
6.2.4. (2) © + Schedule "C" <i>Minimum interior side lot line setback for accessory building</i>	4.57 m	3.2 m	1.37 m
4.17.1 <i>Maximum exposed face of retaining wall</i>	1.2 m	4.1 m	2.9 m

to accommodate a new dwelling and accessory building as shown on the plans appended to Committee of the Whole agenda item 2011-259, being a memorandum from the Director of Building and Planning dated August 3, 2011.

CARRIED

(Councillor Braithwaite against the motion)

Moved by Councillor Braithwaite
Seconded by Councillor Jensen, That the meeting proceed beyond the 11 o'clock p.m. hour of adjournment fixed by the *Procedure Bylaw*.

CARRIED UNANIMOUSLY

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

CARRIED

RESOLUTIONS continued:

Development Variance Permit – 1070 Transit 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 1070 Transit Road (Lot 7, Section 23, Victoria District, Plan 3828), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
4.6.5.(1) Permits additional projections into the required front setback of 1.2 meters			
Front stair	6.42m	5.93m	.49m
6.5.4.(2)(a) Minimum front lot line setback	7.62m	7.5m	0.12m
6.5.4.(7) Minimum clear space between buildings	3.0m	.95m	2.05m
6.5.4.(11) Minimum interior side lot line setback of the second storey	3.0m	2.48m	.52m

to accommodate the raising of the existing dwelling, and construction of a new deck and front stair as shown on the plans appended to Committee of the Whole agenda item 2011-280, being a memorandum from the Director of Building and Planning dated August 25, 2011.

MOVED by Councillor Herbert
Seconded by Councillor Jensen, That the motion in respect to the development variance permit for 1070 Transit Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 295 King George Terrace

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 295 King George Terrace (Parcel A (DD 104638I), of Lot R, Block 2, Section 22, Victoria District, Plan 1087, and of Lot 1, Section 22, Victoria District, Plan 3318), 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.(6)(b) Maximum gross floor area above .8 meters below grade	360m ²	450.6m ²	90.6m ²

to accommodate a roof deck as shown on the plans appended to Committee of the Whole agenda item 2011-281, being a memorandum from the Director of Building and Planning dated August 30, 2011.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the motion in respect to the development variance permit for 295 King George Terrace be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 3205 Exeter Road

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the Director of Building and Planning be authorized to issue a Development Variance Permit to amend Development Variance Permit #049-2009 and Development Variance Permit #024-2011, with respect to 3205 Exeter Road (Amended Lot 8 (DD 253708-I), Block C, Section 31, Victoria District, Plan 3599), 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)(a) Minimum front lot line setback	10.66m	10.26m	0.4m
6.2.4.(2)(e) + Schedule 'C' Total of side lot lines setback	10.97m	7.43m	3.54m

to accommodate the construction of additions to the dwelling as shown on the plans appended to Committee of the Whole agenda item 2011-282, being a memorandum from the Director of Building and Planning dated August 30, 2011.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the motion in respect to the development variance permit for 3205 Exeter Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Canceling of Council Meeting – September 26, 2011

It was acknowledged that due to the upcoming Union of British Columbia Municipalities convention scheduled for September 25 to 30, 2011, there will not be a quorum for the September 26, 2011 meeting of Council.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the regular meeting of Council scheduled for Monday, September 26, 2011 be cancelled.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss:

- a) personal information about an 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;
- b) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality; and
- c) labour relations or other employee relations.

CARRIED

The meeting adjourned at 11:03 p.m.

Certified Correct:

Municipal Clerk

Mayor