

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 Tuesday, October 14, 2008 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor H. Braithwaite
Councillor S. F. B. Carson
Councillor A. R. Cassidy
Councillor P. Copley
Councillor J. D. Herbert

STAFF: Municipal Administrator, W. E. Cochrane
Municipal Clerk, L. Hilton
Director of Building and Planning, R. Thomassen
Municipal Treasurer, P. A. Walker
Director of Engineering Services, D. Marshall
Fire Chief, G. Adam
Superintendent of Public Works, P. Barnett

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

AGENDA:

MOVED by Councillor Braithwaite
Seconded by Councillor Cassidy, That the memorandum from the Municipal Administrator dated October 14, 2008 regarding the Regional Growth Strategy Dispute – Statement of Disputed Issue (correspondence item no. 2008-256) be added to the agenda.

CARRIED

ADOPTION OF MINUTES:

Public Hearing – September 29, 2008

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the report of the Public Hearing held on Monday, September 29, 2008, be adopted.

CARRIED

Council – September 29, 2008

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the minutes of the Council meeting held on Monday, September 29, 2008, be adopted.

Heritage Building Preservation – Property Taxation Relief Incentives/House Demolitions

Councillor Cassidy provided an overview of the discussion of the Heritage Committee at the meeting he attended with respect to his proposal to implement a tax incentive program for modest heritage properties. The discussion was fruitful with support being expressed for the possibility, he said, although more investigation and discussion on such a program would be required, along with Council discussion on the policy making aspects.

Tinto Street

Mayor Causton noted that a cost estimate provided by the Public Works Department to place boulders along the south side of Tinto Street to prevent unauthorized parking and enable the boulevard grass to be re-instated was surprisingly high. When he raised the idea at the last Council meeting, said Mayor Causton, he had something much less extensive in mind, such as smaller rocks that could be removed at a later date once the boulevard grass was restored.

There was consensus to install a smaller barrier to parking on the boulevard than what had been discussed at the staff level, and it was noted that any action taken could be revisited in the future.

The question was then called.

CARRIED

Special Council – October 6, 2008

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the minutes of the Special Council meeting held on Monday, October 6, 2008, be adopted.

CARRIED

Committee of the Whole – October 6, 2008

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the minutes of the Committee of the Whole meeting held on Monday, October 6, 2008, and the recommendations contained therein, be adopted.

CARRIED

COMMUNICATIONS:

1. 2008-251 MUNICIPAL ADMINISTRATOR, October 10, 2008
2008-246 MUNICIPAL ADMINISTRATOR, September 26, 2008
2008-246-1 CAPITAL REGIONAL DISTRICT, September 4, 2008
Re Organic Kitchen Waste Pilot Program – Supplementary Report

The Municipal Administrator provided an overview of the discussion at the last Committee of the Whole meeting, noting that the Capital Regional District will end the pilot organics collection program at the end of 2008 and has asked whether or not Oak Bay intends to continue with the collection after that time.

At the Committee meeting a decision on the extension of the pilot until such time as a regional organic waste collection program is considered was deferred to the next meeting of Council and staff was requested to obtain information on the Town of View Royal's organics collection program which involves contracting out the service, which it was felt might assist Council in making its own decision.

Attention was drawn to the additional information provided by Mr. Cochrane with respect to the future of the program and the implications for developing a municipal wide program,

along with the information on the Town of View Royal's program and current tendering process.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the organic waste collection program continue within the four current pilot areas, with the cost of the biodegradable bags to be borne by the participants.

Mayor Causton noted that he would be inquiring with the Capital Regional District whether or not its recycling contractor might be interested in extending its service to include compost pickup with recycling materials versus Oak Bay crews collecting the organic waste, as an experiment prior to the CRD contemplating implementing such a program after 2012, when its current contract for recycling collection expires.

It was suggested that compost education be considered by the Capital Regional District or Oak Bay, and it was agreed that education on a regional basis would be preferable. Mayor Causton advised he would investigate the CRD's plans in that regard.

The question was then called.

CARRIED

2. 2008-252 MUNICIPAL CLERK, October 10, 2008
- 2008-205 BILL AND NORMA SELWOOD, July 21, 2008
- 2008-205-1 TALBOT MACKENZIE & ASSOCIATES, July 4, 2008
- 2008-205-3 MUNICIPAL ARBORIST, July 24, 2008
Tree Protection Bylaw – Request for Reconsideration of Permit Denial
(2755 Lansdowne)

The Municipal Administrator noted that when the request for reconsideration of a staff refusal to issue a permit for the removal of a large *Cedrus deodara* at 2755 Lansdowne Road first came before Council, it was found that none of the criteria for ordering the issuance of a permit applied pursuant to the Tree Protection Bylaw, and the matter was deferred pending staff providing information on a possible amendment to the Bylaw to expand the grounds for the granting of a tree removal permit, exercisable at the Council level, with respect to a situation where there was an obvious and well-substantiated potential for damage, even if the tree was not unhealthy.

An amendment has since been adopted, and with that now in place, said Mr. Cochrane, the request for removal of the tree at 2755 Lansdowne Road is before Council for a decision.

MOVED by Councillor Herbert

Seconded by Councillor Carson, That the issuance of a permit for the removal of the 63 cm d.b.h. *Cedrus deodara* tree, located on the private property adjacent to the house at 2755 Lansdowne Road, be ordered pursuant to Section 21.1 of the *Tree Protection Bylaw*.

Mr. Cochrane confirmed that such an order includes the requirement for one replacement tree, and that a security deposit of \$250.00 would also be required in relation to the replacement tree.

The question was then called.

CARRIED

3. 2008-253 THOMAS ZABAN, September 2, 2008
2008-253-1 PEARLMAN LINDHOLM BARRISTERS & SOLICITORS, September
24, 2008
Re Request to Purchase Public Lane Adjacent to 2765 Lansdowne Road

Thomas Zaban provided a package of plans to members of Council that illustrated and provided possible options for dealing with the current situation with respect to the lane adjacent to his property which was previously paved incompletely in that it does not meet up with the driveway on his property, resulting in an unpaved gap.

Mr. Zaban noted that he wished to either purchase the lane to provide the required land to finish his driveway, be granted permission to possibly increase the paved area in the municipal lane by three or four square metres to complete the driveway and provide more room for turning vehicles out of his driveway, or build a new driveway parallel to the paved public lane on his private land.

Responding to questions from Council, the Municipal Administrator advised that he would not recommend closing and selling the public lane, noting that it is a public road that could conceivably be needed for access to the adjacent property at 2765 Lansdowne Road in the future even though it is not used for access at present. Elimination of the potential access, said Mr. Cochrane, could possibly reduce the value of that adjacent property.

With respect to the gap between the paved lane and the driveway on private property, Mr. Cochrane said he could not see why the gap, which he would not treat as a driveway crossing, could not be paved at Mr. Zaban's expense, to simply widen the lane slightly. Additionally, if desired, the paving could be expanded into the area which has previously been excavated inasmuch as the tree, with whose roots the excavation had interfered with, will be removed.

Council provided an opportunity for Mr. and Mrs. Selwood, the owners adjacent to the lane at 2765 Lansdowne Road, to speak to the letter submitted by their legal counsel on their behalf, and the options under discussion.

Mr. Selwood indicated that he liked the open space and green area, and would not favour further paving of the lane. Furthermore, he said, he would like to see the grass that has been excavated reinstated.

Following further discussion, members of Council did not appear favourably disposed to the closure and sale of the lane, however, the view was expressed that there might be another mutually satisfactory solution to Mr. Zaban's needs and the desires of his neighbours as well.

With that in mind, it was suggested that more detailed discussion could be held at a future Committee of the Whole meeting, following a meeting between Mr. Zaban and the Selwoods to discuss potential options and hopefully reach consensus on a the most appropriate proposal for the Committee's consideration. Mayor Causton offered to meet with the property owners on site to assist where possible, and members of Council indicated their support in that regard.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That correspondence item 2008-253 be referred to a future meeting of the Committee of the Whole following discussions between the owners of 2755 and 2765 Lansdowne Road.

CARRIED

4. 2008-254 MUNICIPAL TREASURER, September 30, 2008
Re Request for Early Approval to Replace Fire Engine

The Fire Chief was in attendance and answered questions from Council with respect to his request for early approval for the purchase of a replacement fire engine to save costs over the higher price for 2009 which is when the replacement of the vehicle was planned for, and his request that Council approve dealing with Sutphen Corporation on the purchase versus going tender as per the District's purchasing policy.

Chief Adam noted that the Fire Department's previous after-sale service from Sutphen Corporation has been very good, and that the last two times the Department went to tender for fire engines, Sutphen was the only manufacturer that could provide the equipment that was needed, and the same situation was expected with respect to the proposed purchase.

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That early spending approval be given for the Fire Department capital purchase of a replacement fire engine as outlined in correspondence item no. 2008-254, being a memorandum from the Municipal Treasurer dated September 30, 2008, and further, that approval be given for dealing with Sutphen Corporation on the purchase.

Chief Adam answered further questions from Council regarding the proposed purchase and the Fire Department fleet in general

The question was then called.

CARRIED

5. 2008-255 ROBERT HALL, October 7, 2008
2008-255-1 QUADRA PACIFIC PROPERTIES CORP., October 9, 2008
2008-255-2 MICHELE LONGPRE AND MICHAEL BOHNET, October 10, 2008
Re Development Variance Permit – 2181 Haultain Street

MOVED by Councillor Braithwaite

Seconded by Councillor Carson, That correspondence items no. 2008-255 to 2008-255-2 be received.

CARRIED

6. 2008-256 MUNICIPAL ADMINISTRATOR, October 14, 2008
Re Regional Growth Strategy Dispute – Joint Statement of Dispute Issue

MOVED by Councillor Cassidy

Seconded by Councillor Carson, That the Municipal Administrator be authorized, on behalf of the District of Oak Bay, to sign off on the following joint statement of the issue of dispute pursuant to Section 19(1) of the *Regional Growth Strategies Regulation* (BC Reg 192/98):

The amendment of the Regional Growth Strategy (RGS) to extend the Regional Urban Containment and Servicing Policy Area (RUCSPA) within the District of Highlands in order to extend services and accommodate a comprehensive development area.

CARRIED

TABLED:

Development Variance Permit – 2181 Haultain Street

Councillor Cassidy declared a conflict inasmuch as he has had a business relationship with a member of the applicant's family. Councillor Cassidy left the meeting at 8:42 p.m.

MOVED by Councillor Carson

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 2181 Haultain Street (Lots 1, 2, 3, Section 28, Victoria District, Plan 9860) that will vary the following provisions of Bylaw No. 3540 (*Parking Facilities Bylaw, 1986*), with respect to the number of required on-site parking spaces:

| <u>Parking Facilities Bylaw Section</u> | <u>Required</u> | <u>Requested</u> | <u>Variance</u> |
|--|-----------------|------------------|-----------------|
| 4.3.1 and Schedule A. 2 Minimum No. of Parking Spaces | 5 | 0 | 5 |

to accommodate the creation of two additional residential rental suites within an unused space in the existing building as shown on the plans attached to Committee of the Whole agenda item #2008-235, being a memorandum from the Director of Building and Planning dated September 10, 2008.

CARRIED

Robert Hall, Eastdowne Road, expressed the view that the two additional suites proposed, without an increase in parking to accommodate it, would exacerbate an already severe parking problem in the area, especially in the evenings and on weekends.

With respect to the concerns raised in the correspondence received and by the previous speaker on the matter with respect to increasing a parking problem in the area, it was noted that the applicant at the last meeting indicated that most tenants in his building were students, many without cars, and that he could endeavour to rent the new suites only to tenants without cars. It was suggested that data on the actual number of tenants with cars would be useful, and Mr. Asfar confirmed that he would provide the information prior to the next meeting of Council in this regard.

MOVED by Councillor Carson

Seconded by Councillor Herbert, That the motion in respect of the development variance permit for 2181 Haultain Street be re-tabled pending receipt of information from the applicant with respect to the number of tenants with vehicles.

CARRIED

Councillor Cassidy returned to the meeting at 8:53 p.m.

RESOLUTIONS:

Development Variance Permit – 2342 Hamiota Street

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2342 Hamiota Street (Lot 14, Block 1, Section 61, Victoria District, Plan 876) that will vary 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> |
|--|-----------------|------------------|-----------------|
| 6.5.4.(2) (a) Minimum Front Lot Line Setback (New Deck) | 7.62 m | 4.06 m | 3.56 m |
| 6.5.4.(2) (a) + 4.6.5.(1) Minimum Front Lot Line Setback + stair/landing permitted projections | 6.42 m | 2.89 m | 3.53 m |

to accommodate enclosing an existing covered front porch and construction of a deck addition at the front of the dwelling as shown in the plans attached to Committee of the Whole agenda item #2008-247, being a memorandum from the Director of Building and Planning dated September 30, 2008.

MOVED by Councillor Cassidy

Seconded by Councillor Herbert, That the motion in respect of the development variance permit for 2342 Hamiota Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Traffic Control Order No. 2008-08 – Crosswalks – Bowker Avenue and Windsor Road

There was discussion regarding the crosswalk proposed by Committee of the Whole at its October 6, 2008 meeting for Bowker Avenue on the west side of the intersection with St. Ann Street. That crosswalk, it was suggested, may not be necessary as there is already a crosswalk at Hampshire Road. The proposed crosswalk would also decrease the amount of street parking in the area, which includes the Tennis Club, it was noted.

There was agreement to eliminate the above noted crosswalk from the proposed traffic control order.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite:

1. That lines be painted on Windsor Road on the west side of the intersection with Hampshire Road to designate the location of a pedestrian crosswalk as more particularly shown on the sketch attached hereto; and
2. That lines be painted on Windsor Road on the west side of the intersection with Monterey Avenue to designate the location of a pedestrian crosswalk as more particularly shown on the sketch attached hereto.

CARRIED

Traffic Control Order No. 2008-09 – Intersection of Central and Mt. Joy

MOVED by Councillor Herbert

Seconded by Councillor Cassidy, That Section 1 of Traffic Control Order 93-33 be amended by inserting the following words immediately before the period at the end of the section:

and that the word "Stop" be painted on the surface of the street facing westbound traffic approaching the stop sign.

CARRIED

Appointment of Deputy Approving Officer

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That the appointment of Nigel Beattie as Deputy Approving Officer for the District of Oak Bay, made January 10, 2005, be rescinded, and that Roy Thomassen, Director of Building and Planning, be appointed as Deputy Approving Officer for the District of Oak Bay pursuant to the *Land Title Act*.

CARRIED

BYLAWS:

MOVED by Councillor Herbert

Seconded by Councillor Copley, That Bylaw No. 4433, *Property Tax Exemption Bylaw, 2008*, be adopted.

CARRIED

MOVED by Councillor Copley

Seconded by Councillor Herbert, That Bylaw No. 4434, *Rubbish and Weed Control Bylaw Amendment Bylaw No. 1, 2008*, be adopted.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That Bylaw No. 4435, *Ticket Information Utilization Bylaw Amendment Bylaw No. 4, 2008*, be adopted.

CARRIED

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That Bylaw No. 4437, *Scout Hall Licence Authorization Bylaw, 2008*, be adopted.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That Bylaw No. 4438, *Land Use Application Procedure and Fee Assessment Bylaw Amendment Bylaw, 2008*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Cassidy, That Bylaw No. 4438, *Land Use Application Procedure and Fee Assessment Bylaw Amendment Bylaw, 2008*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Cassidy, That Bylaw No. 4438, *Land Use Application Procedure and Fee Assessment Bylaw Amendment Bylaw, 2008*, be read a third time.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That the meeting of Council be adjourned.

CARRIED

The meeting adjourned at 9:04 p.m.

Certified Correct:

Municipal Clerk

Mayor