

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, Victoria, B.C., on Monday June 24, 2019 at 7:00 PM.

We acknowledge that the land on which we gather is the traditional territory of the Coast and Straits Salish Peoples. Specifically we recognize the Lekwungen speaking people, known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

PRESENT: Mayor K. Murdoch, Chair  
Councillor A. Appleton  
Councillor H. Braithwaite  
Councillor C. Green  
Councillor E. Paterson  
Councillor E.W. Zhelka  
Councillor T. Ney

STAFF: Chief Administrative Officer, L. Varela  
Director of Corporate Services, W. Jones  
Deputy Director of Corporate Services, D. Hopkins  
Director of Building and Planning, B. Anderson  
Manager of Planning, D. Jensen

The Mayor called the meeting to order at 7:01 p.m.

AMENDMENT OF THE AGENDA:

MOVED and seconded: That the agenda be amended to bring forward consideration of Bylaw No. 3531.104 following the Minutes and Reports Section.

**CARRIED**

MINUTES AND REPORTS:

1. **Minutes**

- Council Meeting held June 10, 2019
- Committee of the Whole Meeting held June 17, 2019
- Special Council Meeting held June 18, 2019

MOVED and seconded: That the meeting minutes and recommendations contained therein be adopted from the Council meeting held June 10, 2019.

A question was raised regarding agenda item no. 15 regarding Councillors Paterson and Zhelka voting in opposition to the motion.

MOVED and Seconded: That the meeting minutes and recommendations contained therein be adopted from the Council meeting held June 10, 2019 as amended.

**CARRIED**

MOVED and seconded: That the meeting minutes and recommendations contained therein be adopted from Committee of the Whole meeting held June 17, 2019 and the Special Council meeting held June 18.

**CARRIED**

**BYLAWS:**

11. ***For Third Reading and Adoption (subject to the outcome of the Public Hearing)***
- Bylaw No. 3531.104, Zoning Amendment Bylaw, 2019
  - Report 2506/2512 Wootton (ZON00032)

MOVED and seconded: That Bylaw No. 3531.104, Zoning Amendment Bylaw, 2019 be read a third time.

**DEFEATED**

*With Councillors Green, Paterson, Zhelka opposed*

**MAYORS REMARKS:**

2. Mayor's Murdoch stated

The Mayor commented that he participated in the Summer Art Tour and a number of other events and reflected on the importance of the community gatherings. Mayor Murdoch said he appreciates the support of Council and the community of those gatherings. He noted that at the start of summer there are public art events underway including activities scheduled for the upcoming Arts and Culture Week, the Oak Bay Business Improvement Association Night Markets, street music, block parties, fundraisers such as Sausagefest, the Parks and Recreation activities and camps, and countless ways of enjoying these activities. Mayor Murdoch thanked all of the community members involved in organizing these great events that are hosted through volunteerism and staff support.

**PUBLIC PARTICIPATION PERIOD:**

3. V. Byggdin, Oak Bay resident, said that he lives across from the proposed project at 602 Newport Avenue and asked that Council not pass the first two readings of the associated bylaws. He said approval would ruin the ambience of Linkleas through this spot zoning approach. He invited members of Council and the Oak Bay Heritage Commission to walk Linkleas with the area neighbours and to collaborate in the development of a plan to protect the area. He expressed concern regarding potential damage during construction to a large tree located at the bottom of his driveway that extends across Linkleas and into the applicant's backyard. Mr. Byggdin asked about the aging infrastructure and whether it could withstand the heavy equipment traffic related to the construction and if the applicant would be responsible to fund replacement of the existing pipes. He reemphasized that the unique rural setting of Linkleas should be protected, that a plan is required to guide Community Amenity Contributions, and that approval of this application may encourage similar requests by others.

K. Wright, Oak Bay resident, commented that the owner of 602 Newport Avenue had not completed an appropriate consultation process with neighbours. Mr. Wright requested that development proposal be delayed until proper community consultation could occur. He noted that he was against spot zoning in Oak Bay as proposed with this development.

P. Kehl, Oak Bay resident, asked that a Public Hearing date be scheduled to a later date, ideally in September, to allow residents who are away on vacation to participate in the process.

R. Louie, Oak Bay resident, said that conservation of Linkleas Lane is important to him and he is concerned about the impact of this application on the area. Mr. Louis noted the proposed widening of the lane and commented that these heritage assets need to be preserved. He stated that this is a natural habitat in an urban area that needs to be protected and that applications such as 602 Newport Avenue will negatively impact it. Mr. Louie said the area is not large, but is special and asked that Council take special care in making decisions concerning this application.

R. Roy, Oak Bay resident, said that a surprising number of neighbours had not been consulted regarding the application at 602 Newport. He asked that a Public Hearing date be set after the holidays to allow for proper public consultation.

M. Cumming, Oak Bay resident, said that ongoing discussion with the applicant at 1561 York Place suggest that he would like to withdraw his Heritage Revitalization Proposal for the property. Ms. Cumming asked that the applicant and neighbours meet again for a final attempt at implementing Oak Bay's first Heritage Conservation Area project. She expressed concerns about damaging effects on existing Garry oaks from blasting associated with construction. Ms. Cumming commented that she was hopeful that the applicant would be encouraged to return to discussions with the neighbours.

#### NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

##### 5. ***New Business***

Mayor Murdoch said that the private property at 1561 York Place was not currently subject to any heritage recognition or conservation. He said that he would like to bring up the discussion of adding the property to the heritage registry, not as a form of protection, but as recognition of the history of the property and the heritage assets on it.

MOVED and seconded: That staff be directed to bring a report to Council regarding the viability of adding the property at 1561 York Place to the Heritage Registry and indicating which heritage assets would be included.

The Mayor acknowledged the respectful work that Mr. Miller and his wife have undertaken to date to preserve the heritage aspects of the property.

M. Miller, Applicant, read a prepared letter to Council. Mr. Miller noted that he has withdrawn the Heritage Revitalization Agreement application previously submitted to proceed with construction of the family home. He said that he has been made aware of continued interest to find a suitable alternate location for the carriage house located on the property at 1561 York Place and has agreed to work with Council and District staff, on a voluntary basis, to find a suitable donor site for the structure until August

31, 2019.

Mayor Murdoch said that the motivation behind the motion is to signal that through the Statement of Significance and the Heritage Revitalization Agreement process there was recognition that there is heritage value of this site. Adding the property to the heritage registry captures the stories for archival purposes and should there be future substantial land use changes, it would help frame those discussions.

**The Question was then put and it was CARRIED**

Councillor Paterson introduced a Notice of Motion regarding Council's re-examination of municipal policies and bylaws for the Approving Officer to better understand the authority of Council and the role of the Approving Officer in land application processes for consideration at a future Council meeting.

***CRD Update***

Mayor Murdoch reported that the Capital Regional District's 2018 Annual Report is now available on their website.

***Verbal Reports***

Councillor Braithwaite reported that the Ride Don't Hide event occurred over the weekend and highlighted Council's support and participation noting that Councillor Appleton rode 100 km as part of the event. She said that on June 28 there will be a free BBQ on the Municipal Hall front lawn to kick off the Canada Day weekend and that Music on the Beach kicks off the same date at 6:00 p.m. at Willows Beach. Councillor Braithwaite noted that the Arts Alive Tour includes 11 new sculptures and that the pianos are to be out in the community by Friday, June 28. She added that information pertaining to the walking tours of the art works along Oak Bay Avenue is available on the Oak Bay Parks and Recreation website. She thanked the Public Arts Committee and the Arts Laureate, Barb Adams, for their efforts in bringing this together for our enjoyment.

Councillor Green said that she met with City of Victoria Council members to discuss the format of the public community meetings and learned about their goals and objectives for those meetings. She attended the Greater Victoria Labour Relations Association Meeting on Wednesday, June 19 with Mayor Murdoch and the CAO. Councillor Green also participated in the Arts Alive Tour. She enjoyed the event and encouraged members of the public to participate in the upcoming tours as some artists are present to discuss their works and some of the donors are also in attendance. She thanked Oak Bay Parks, Recreation and Culture for the provision of a bus and driver for the event. She also noted that she enjoyed attending the Business Improvement Area Mixer with the Oak Bay Tourism Committee members.

Councillor Paterson said that she attended the Water Commission tour of the new disinfection plant on June 14, 2019 which including the unveiling of the new mobile unit used to provide disinfected potable water in response to emergencies in the CRD. Councillor Paterson noted that this was a great tour presented by the Water Commission staff where they shared ideas for future projects to increase safety and also the work they undertaking in analyzing the impacts of climate change on their

business plans. She reported that she attended the Heritage Foundation meeting in May and announced that the Foundation will be hosting a family architectural scavenger hunt on Saturday, July 20, 2019 from 1:00 p.m. – 3:00 p.m. on the front lawn of the Municipal Hall with refreshments and prizes.

Councillor Zhelka reported that the Oak Bay Emergency Program emergency communications trailer has arrived to replace MERV and that the volunteers are very excited.

Mayor Murdoch said that Sausagefest, a fundraiser by the Oak Bay Fire Department took place over the weekend raising funds for the Oak Bay Sea Rescue. The Mayor stated that he attended the Victoria Regional Transit Commission Board meeting and received a year end update. He noted that the Commission reported there were 27.3 million transit passengers in 2018 representing a 3.3% increase year-over-year. He also noted that concern was expressed that Gas Tax represents a significant source of their funding and these amounts are diminishing so funds will need to be supplemented from other places. He said that there is a plan to add 24 buses over and some new routes over the next three years. He also acknowledged the recent announcement of widening of the lanes out towards the western communities, and that that there is an update to the services in the Jubilee area and that Transit representatives will be coming to a meeting in July to present to those to Council and the community.

#### RESOLUTIONS:

6. **Resolution Notice - Modernizing Property Tax Homeowner Grant Assessment - Proposed by Mayor Murdoch**
  - Resolution Notice - Modernizing Property Tax Homeowner Grant Assessment - Proposed by Mayor Murdoch

Mayor Murdoch presented the resolution introduced at the June 17, 2019 Committee of the Whole meeting. He noted that, if approved by Council, this resolution would be forwarded to the Union of British Columbia Municipalities for consideration at the upcoming annual convention.

MOVED and seconded: That

WHEREAS the Provincial Homeowner Grant has the stated intention of reducing the property tax paid on a principal residence (gov.bc.ca);

AND WHEREAS the grant threshold has increased by only 3.125% (\$50,000) between 2017 and 2019 while average property values in many areas (including southern Vancouver Island) have increased by 12-25% in that period causing many homes to surpass the grant threshold;

AND WHEREAS as the value of an “average” home approaches the grant threshold in some areas, many non-luxury primary residences which have qualified for the grant in the past are losing the grant, resulting in an increased tax burden of \$570;

AND WHEREAS where there are high average and median home prices it demonstrates a lack of available lower-cost housing options;

AND WHEREAS the Province already provides differentiated grant levels based on consideration of multiple factors including rural/urban and geographic locations, homeowner age and other factors;

THEREFORE BE IT RESOLVED THAT the UBCM request that the BC Government review the Homeowner Grant exemption level to incorporate consideration of the average value of homes in a municipality or region in addition to the other current considerations.

**CARRIED**

7. **Resolution Notice - Blue Dot Initiative - Proposed by Councillor Appleton**

- Resolution Notice - Blue Dot Initiative - Proposed by Councillor Appleton

Councillor Appleton provided an overview of the resolution introduced at the June 17, 2019 Committee of the Whole meeting. He said that the Blue Dot Initiative is a worthy project for Council's consideration and reflects goals that are congruent with the current Strategic Plan and the values of many Oak Bay residents.

MOVED and seconded: That

WHEREAS the Blue Dot Project represents a Canada-wide initiative to recognize Canadians' right to a healthy environment;

AND WHEREAS the District of Oak Bay has declared a Climate Emergency, recognizing the need for direct action to address the threat posed by climate change;

AND WHEREAS the citizens of Oak Bay consistently place the natural environment of their community as one of their most cherished values;

THEREFORE BE IT RESOLVED THAT that staff be directed to prepare a report on the Blue Dot Initiative so Council may consider its adoption.

**CARRIED**

8. **Resolution Notice - Library Funding - Proposed by Councillor Appleton**

- Resolution Notice - Library Funding - Proposed by Councillor Appleton

Councillor Appleton summarized the resolution introduced at the June 17, 2019 Committee of the Whole meeting.

MOVED and seconded: That

WHEREAS libraries are a social justice equalizer that provide universal access to information and learning materials irrespective of income levels;

AND WHEREAS restoring funding to libraries supports the BC Government's agenda to eliminate poverty and address social justice in BC;

AND WHEREAS funding rates have been frozen since 2009 and inflationary costs have increasingly been put on municipal property tax payers which is a regressive approach to funding public libraries;

AND WHEREAS libraries now provide a huge diversity of services and resources beyond books, requiring additional funding to be innovative and relevant;

AND WHEREAS Council stands in solidarity by calling on the Province to recommit to a progressive form of financing for public libraries;

THEREFORE BE IT RESOLVED THAT the Council request the Mayor to write the Minister of Education and the Premier to advocate for the restoration of library funding to a level that reflects both inflationary cost increases since 2009 and the value of the system to the Province;

AND FURTHER THAT Council endorse the preparation of a resolution to the Union of BC Municipalities to be presented at the September 2019 Convention advocating for the restoration of library funding.

**CARRIED**

9. **Resolution Notice - Beverage Container Recycling System - Proposed by Councillor Braithwaite**
- Beverage Container Recycling System

Councillor Braithwaite provided a brief overview of the resolution introduced at the June 17, 2019 Committee of the Whole meeting.

MOVED and Seconded: That

WHEREAS increasing the effectiveness of BC's beverage container recycling system will result in fewer containers becoming ocean litter, while reducing greenhouse gases through recycling, avoiding taxpayer waste management costs, and creating green jobs;

THEREFORE BE IT RESOLVED THAT Council for the District of Oak Bay support the Ocean Legacy Foundation request to the Province of BC to:

1. Increase the regulated deposit rate;
2. Add all beverage containers to the deposit refund system;
3. Require producers to collect and report on the recycling of bottle caps;
4. Raise regulated targets to at least that achieved by Alberta and Saskatchewan, with long-term targets matching the EU;
5. Enforce the regulated targets in a meaningful way, such as requiring producers to pay for the clean-up of ocean plastics equal to the amount by weight that they fail to collect and recycle;

AND FURTHER THAT that this resolution be referred to the Union of BC Municipalities for consideration at the 2019 Annual Convention.

**CARRIED**

**BYLAWS:**

10. **Bylaw Memorandum**
- Bylaw Memorandum - 3531.104, 3732 and 4733
12. **For First and Second Reading and Setting of a Public Hearing Date**
- Bylaw No. 4732, 602 Newport Avenue Heritage Revitalization Agreement Authorization Bylaw, 2019
  - Report - 602 Newport Avenue (HRA00007/HAD00011)

MOVED and seconded: That 602 Newport Avenue Heritage Revitalization Agreement Bylaw, 2019 No. 4732 be given first and second reading.

**CARRIED**



MOVED and seconded: That a Public Hearing be held to consider Bylaw No. 4732 to be held at the Oak Bay Municipal Hall to be held at the Oak Bay Municipal Hall on July 8, 2019 at 6:00 pm in Council Chambers and that notice be given in accordance with the *Local Government Act*.

MOVED and seconded: That the motion be amended to set the Public hearing date as July 22, 2019.

**DEFEATED**

*With Councillors Appleton, Braithwaite, Ney and Mayor Murdoch opposed*

**The Question on the main motion was then called and it was CARRIED**

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

- Bylaw No. 4733, 602 Newport Avenue Heritage Designation Bylaw, 2019
- Report - 602 Newport Avenue (HRA00007/HAD00011)

MOVED and seconded: That 602 Newport Avenue Heritage Designation Bylaw, 2019 No. 4733 be given first and second reading.

**CARRIED**

MOVED and seconded: That a Public Hearing be held to consider Bylaw No. 4733 to be held at the Oak Bay Municipal Hall to be held at the Oak Bay Municipal Hall on July 8, 2019 at 6:00 pm in Council Chambers and that notice be given in accordance with the *Local Government Act*.

**CARRIED**

*With Councillors Green, Paterson and Zhelka opposed*

ADJOURNMENT:

14. ***Motion to Adjourn to In Camera***

MOVED and seconded: That in accordance with section 90(1)(a) and (c) of the *Community Charter*, that the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss 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; and labour relations or other employee relations.

**CARRIED**

The open portion of the meeting adjourned at 8:42 p.m.

Certified Fair and Accurate:

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Mayor

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Deputy Director of Corporate Services