

MINUTES of a regular meeting of the MUNICIPAL COUNCIL of The Corporation of the District of Oak Bay, held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Oak Bay, B.C., on Monday, January 11, 2010, 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 N. B. Jensen  
Councillor T. Ney

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

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

MAYOR'S REMARKS:

Mayor Causton welcomed everyone to Oak Bay's 104<sup>th</sup> year of Municipal Council.

Mayor Causton noted that in October of 2009, with a mixture of sadness and celebration Oak Bay said goodbye to Agnes Szilos, after 30 years of excellent service while working with Oak Bay Parks and Recreation.

This year, he said, the District of Oak Bay will be facing a unique and challenging responsibility of saying goodbye to Bill Cochrane, who has been with the Municipality for 30 years, and then choosing a new Chief Administrative Officer. The Mayor went on to say that the Chief Administrative Officer is the key figure with whom the Council works and who sets the tone for the municipality, and although it will be sad we will celebrate the end of a marvellous tenure of service to one Municipality. Mayor Causton advised that Councillor Cassidy will chair a committee, along with Councillor Braithwaite, Councillor Jensen and himself to undertake finding a replacement.

Mayor Causton drew attention to other projects and challenges likely to be faced in 2010, including a fifteen-month deadline to split the combined sewer pipe in the Uplands, should the offered grants be utilized, the future of both the Oak Bay Lodge and the Oak Bay High School, the new Oak Bay Beach Hotel construction, the restoration of the United Church on Granite Street, and the building of the Oak Bay Sea Rescue boathouse.

Attention was drawn to the progress being made on the new elevator at the Monterey Centre, which, the Mayor said leaves planned projects at Carnarvon Park and Henderson Park still awaiting funds that could trigger the work to proceed.

Looking forward in 2010, Mayor Causton drew attention to a few of the anticipated celebrations that include the 2010 Olympics, the 100<sup>th</sup> anniversary of the Navy, and the World Cup kick-off in South Africa in June.

Mayor Causton also thanked senior management staff for the excellent job they do, and the support and advice they give that helps Council do a better job for the Municipality. He expressed his appreciation to members of Council for their input and support, and different experiences and backgrounds that help with Council deliberations, and benefit the community in that the best decisions are made after thoughtful and balanced input.

With respect to greenhouse gas emissions, Mayor Causton noted that staff has been working on reducing emissions which is evident when comparing the fleet of municipal vehicles now versus five years ago, adding that the Police Department is one of the leading departments in the country in terms of looking at alternative fuel vehicles.

Mayor Causton went on to say that the Secondary Suites Review Committee should be coming forward to Council with recommendations in the near future.

Turning to animal control services, Mayor Causton noted how he felt additional communication training for officers would address the number of complaints he receives in that regard.

Mayor Causton turned towards the idea of enhancing alternative transportation in Oak Bay, starting with Avenue. He said he will be expanding the existing Community Initiatives Committee, under Councillor Herbert, and asking Councillor Jensen to join the Committee deliberations to address this topic.

With respect to Oak Bay's role in helping the downtown area, the Mayor thanked Councillor Herbert for taking over the duties with CRD's Core Area Waste Management Committee to allow him more time to participate in the downtown initiatives, saying he feels some progress has been made in this regard.

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

ADOPTION OF MINUTES:

*Special Council – December 14, 2009*

MOVED by Councillor Braithwaite  
Seconded by Councillor Copley, That the minutes of the Special Council meeting held on Monday, December 14, 2009, be adopted.

CARRIED

*Council – December 14, 2009*

MOVED by Councillor Herbert  
Seconded by Councillor Braithwaite, That the minutes of the Council meeting held on Monday, December 14, 2009, be adopted.

CARRIED

*Special Council – December 17, 2009*

MOVED by Councillor Ney

Seconded by Councillor Braithwaite, That the minutes of the Special Council meeting held on Thursday, December 17, 2009, be adopted.

CARRIED

*Committee of the Whole – January 4, 2010*

MOVED by Councillor Cassidy

Seconded by Councillor Jensen, That the minutes of Committee of the Whole meeting held on Monday, January 4, 2010, and the recommendations contained therein, with the exception of correspondence item no. 2010-18 regarding a development variance permit application for 2434 Cranmore Road, be adopted.

Councillor Cassidy indicated a conflict of interest regarding correspondence item no. 2010-18, as was noted in the minutes, due to a personal relationship with the applicant. Councillor Cassidy left the meeting at 7:45 p.m.

The question was then called.

CARRIED

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the recommendation contained in the minutes of the Committee of the Whole meeting held on Monday, January 4, 2010, regarding correspondence item no. 2010-18, a development variance permit application for 2434 Cranmore Road, be adopted.

CARRIED

Councillor Cassidy returned to the meeting at 7:46 p.m.

*Special Council – January 4, 2010*

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That the minutes of the Special Council meeting held on Monday, January 4, 2010, be adopted.

CARRIED

PRESENTATION:

***Vancouver Island Health Authority Representatives re Oak Bay Lodge***

*(Howard Waldner, Services President and Chief Executive Officer, Neil Sweeney Chief, Communications and External Relations, and Chris Sullivan Director, Capital Planning, Vancouver Island Health Authority, in attendance for this item.)*

Howard Waldner, provided Council with an overview of the Vancouver Island Health Authority's (VIHA's) plans to address residential care beds on South Vancouver Island.

As part of a commitment to redevelop the old and aging senior residential care facilities, Mr. Waldner said that VIHA has posted a Request For Proposals (RFP) seeking a purchaser for the Oak Bay Lodge and Mount Tolmie Hospital that would also build and operate a new purpose-built residence. Mr. Waldner said that the RFP proposal deadline has been extended to the end of February. He added that the RFP seeks applications from interested groups to provide 325-400 publicly funded beds and up to 100 assisted living units as well as other supplementary community services.

Mr. Waldner advised that the Oak Bay Lodge currently has 247 beds and Mt. Tolmie Hospital offers a 73-bed complex care facility. He said that both buildings have significant ongoing maintenance issues, including corroding pipes, and upgrades would not be an efficient use of resources. It was noted by Mr. Waldner that the Oak Bay Lodge was built in 1972 for a different purpose than what it is used for now and it no longer meets the required Provincial standards for care facilities. He added that to provide care that is safe for both staff and residents, it is necessary to replace these two buildings with a new single facility. As requested by a member of Council, Mr. Waldner said he could provide the reports with respect to the condition of the Oak Bay Lodge.

Mr. Waldner commented that it would be up to the new owner, along with Council, if necessary, to determine the future use of the Oak Bay Lodge property, once a new facility was constructed.

The Municipal Administrator, responding to a question from Council, advised that the current zoning of this property is special institutional use (P2), which is principally for assembly use, such as churches, halls, schools, and long term care institutions.

Responding to various questions from Council regarding the RFP process and the anticipated use of the property, Mr. Waldner commented that it would depend on the responses, adding that VIHA will carefully evaluate each proponent's application.

Mr. Waldner responded to numerous questions regarding the Oak Bay Lodge property, and members of Council expressed their concerns with the Lodge's proposed closure, noting the valuable resource that Oak Bay Lodge provides for the community.

Mr Waldner concluded by saying that VIHA will endeavour to update Oak Bay Council regarding the process as it unfolds.

Mayor Causton thanked the Vancouver Island Health Authority representatives for providing Council with an update on the future of the Oak Bay Lodge.

#### COMMUNICATIONS:

1. 2010-20 DIRECTOR OF PARKS AND RECREATION, January 7, 2010  
Re Tender Award Recommendation – Henderson Centre Boiler

*(Lorna Curtis, Director of Parks and Recreation in attendance for this item.)*

The Director of Parks and Recreation provided an overview of her memorandum, noting the recommendation to award the tender to the one respondent, Clemco Mechanical Ltd.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the tender for the Henderson Centre Boiler be awarded to Clemco Mechanical Ltd. at a total cost of \$82,950.00.

CARRIED

2. 2010-1 MUNICIPAL ADMINISTRATOR, December 8, 2009  
2010-21 BRENDA HENDERSON, January 7, 2010  
2010-21-1 KERR WOOD LEIDAL, January 8, 2010  
2010-21-2 ROBERT AND TIBBIE ADAMS, January 8, 2010  
2010-21-3 PAM AND BRUCE CAMPBELL, January 8, 2010  
2010-21-4 MICHAEL STEVULAK, January 8, 2010  
2010-21-5 W. F. CASELTON, January 8, 2010  
2010-21-6 TOM TIEDJE, January 9, 2010  
2010-21-7 JOHN AND ELISABETH DE MOOR, January 9, 2010  
2010-21-8 JERRY WOYTACK, January 9, 2010  
2010-21-9 J. WOYTACK, January 9, 2010  
2010-21-10 JANE CASELTON, January 10, 2010  
2010-21-11 JIM AND ELAINE REED, January 10, 2010  
2010-21-12 DAVID AND BARBARA YOUNG, January 10, 2010  
2010-21-13 BRYAN AND LYNDA BRADBURY, January 11, 2010  
2010-21-14 LYNNE AND TREVOR BENNETT, January 11, 2010  
2010-21-15 BARBARA AND STEVE MCKERRELL, January 11, 2010  
2010-21-16 DAVID BLACK *et al*, January 11, 2010  
2010-21-17 DON AND LORNA ELDER, January 8, 2010  
2010-21-18 PETER AND LINDA MADDAUGH, January 10, 2010  
2010-21-19 LYLE AND ELEANOR HESS, [Undated]  
Re Proposed Uplands Sewer Separation System

MOVED by Councillor Herbert

Seconded by Councillor Copley, That correspondence items no. 2010-21 to 2010-21-19 be received.

CARRIED

Councillor Cassidy reiterated points he made at the January 6, 2010 Special Council meeting. He agreed with points made about there not being any science behind the mandate from the Province to separate the combined sewer lines in the Uplands, but acknowledged the imperative that overflows must be addressed in that way.

Council, he said, has been working towards a possible solution for years in good faith, settling on what was thought to be a good compromise. However, said Councillor Cassidy, in listening to those who have spoken to Council on the subject, it is clear Uplands residents do not want an option that includes pumps on private property. Therefore, he said, in his view Council should abandon the low pressure system option and start the process of working towards a gravity system.

Speaking to the costs involved with separating the sewer system, Councillor Cassidy expressed the view that they should not be borne disproportionately by the Uplands property owners.

The issue, said Councillor Cassidy, has become divisive and that does not accomplish anything. A better solution needs to be found, which he felt was a gravity system.

Councillor Herbert provided an overview of the construction of the east coast interceptor, which was designed to overflow in periods of high rain, which was acceptable at the time.

Now, he said, the regulations have changed, and the Province requires that the Municipality address the overflow issue. His question, therefore, was when might the senior levels of government decide that all ground water must be treated?

Turning to the relationship with regional sewage treatment, said Councillor Herbert, it is difficult to get anyone interested in it although the potential costs are enormous. However, like with the issue before Council, when the time comes to fund sewage treatment, people may say they did not know anything about it.

Drawing attention to the inflow and infiltration issues in Oak Bay, which, he said, are the worst in the region, Councillor Herbert noted that overall it appears those issues will not have a large impact on the proposed sewage treatment plants. With respect to the need for sewage treatment, he said, he has not seen any clear evidence that treatment will improve the environment, and it is possible that in dealing with the sludge created from sewage treatment may harm the environment more than help it.

In respect to the issue at hand, said Councillor Herbert, the Uplands sewer has been brought up in many public meetings over the years, and reported on in the Oak Bay News. The low pressure system was proposed as a solution with a number of advantages, such as being less intrusive on the private properties, less disruptive to the public streets and less costly to the homeowner regarding work on private property, there would be a good chance for a grant, and it would have backflow prevention devices.

However, said Councillor Herbert, further hard questions should have been asked, such as the result of a long power outage, whether engineers would choose a low pressure system for their own homes, and what happens when the pump fails. Also, he said, perhaps discussion with those who service pumps would have been helpful.

Councillor Herbert commented that he is surprised at the new conditions that seem to have arisen with respect to the Municipality owning the pumps for a ten-year period.

Given all the comments he has heard, said Councillor Herbert, he will vote in favour of starting over, hopefully without losing the grant, although he suspects that the 18.5 million dollar estimate for a gravity system could be significantly more than that in the end.

Councillor Jensen said that Council's role is to find a sensible and affordable solution to the Provincial requirement to separate the combined sewer in the Uplands. It is clear, he said, that Uplands residents would prefer a gravity system although Council is obligated to ensure tax dollars are spent wisely.

Referring to a suggestion by an Uplands resident that Council be guided by the notion of equitable treatment of all residents (i.e. the installation of a gravity sewer like there is in the rest of the Municipality), Councillor Jensen felt such thinking would pit one part of the Municipality against the other. Additionally, he said, equity should not be the basis upon which Council makes policy decisions. He used underground lighting as an analogy, noting that if the principle of equity were applied, the Municipality would have paid for all the underground lighting on a portion of Beach Drive even though it was only installed in front of one block of homes. The principle of fiscal responsibility and due diligence, said Councillor Jensen, is what should guide Council, and what he has seen guide Council in his time serving the Community.

Councillor Jensen drew attention to the gap between the cost of the gravity system the Uplands residents say they favour and the low pressure system that is proposed, and the

related costs of regional sewage treatment. Together, he said, the costs will be significant. The low pressure system, though, could be implemented with no tax impact and could result in reduced sewage treatment costs down the road.

Council must decide, said Councillor Jensen, whether or not the low pressure system will adequately do the job and if it is affordable. Councillor Jensen addressed each of the main arguments he heard against the low pressure system explaining that: with respect to the impact on mature gardens, a gravity system would require deeper, straight trenches whereas the low pressure system would require shallower and narrower trenches that could bend around other structures; the consultant has said odour should not be an issue with the pumps which has been the case with his own pump; noise issues would be similar with either system; backflow issues could arise with either system, although a gravity system would see sewer backup from the system in the street and a low pressure system would see sewer backup from the individual property; breakdowns and clogs would occur less often with a low pressure system than with a gravity system; a gravity system would be an advantage over a low pressure system during power outages which would disable the pump, however, the tank has a storage capacity of approximately eight hours and most outages are shorter than that; reliability issues exist with all equipment, which will break down at some point, although access for repairs is straightforward with a pump.

Considering all the points made above, Councillor Jensen indicated that the low pressure system would be more than adequate for the job it would be designed for and was the best value for the money. He further noted that the estimated \$18.5 million for a gravity system will result in a large tax increase for years to come for all Oak Bay properties.

The Municipal Administrator responded to questions regarding the plan currently on file with the Capital Regional District to install a new gravity storm system in increments until the five-year storm requirement was satisfied. He noted that plan would still see a substantial number of homes having to install a sump pump to pump the storm water into the new storm system, which would flow by gravity to the Humber and Rutland pump stations.

Councillor Ney noted that when the low pressure sewer system was settled upon as the preferred option it was in an attempt to respond to the regulations while taking advantage of the potential grant funding. There were other good reasons as well, she said, for choosing the low pressure system at that time, and the onus was on Council to be fiscally responsible – and still is.

However, said Councillor Ney, in light of the feedback from Uplands residents, it is clear that they feel cheaper is not always better, and clearly they do not want the low pressure system. As for funding a new gravity system, Councillor Ney said that while some Uplands residents said they are prepared for the higher cost, the rest of the community has not been heard from in that regard.

Councillor Ney suggested that a wider sweeping consultation process should be undertaken, which could lead to a new grant program being available, and the current grant funding should be left on the table.

Councillor Copley noted she still had questions about the low pressure system and has felt some discomfort with that option from the start, although clearly it is a cost effective solution in the short term.

Referring to previous comments about sewer pumps being manufactured outside of Canada, with pumps being necessary under the low pressure system, Councillor Copley noted she would like to see a more local solution.

Council, said Councillor Copley, has known for some time that the Uplands combined sewer needs to be separated, and it is important that the right decision is made although she did not feel Council was at the right solution yet.

The grant, she acknowledged, would benefit the whole Municipality, not just the Uplands, and without the grant, the costs of a different solution in the future would be borne by the Municipality as a whole.

Councillor Braithwaite said she heard clearly from Uplands residents that they want the best available solution for the sewer system. She went on to note that the best solution of today may not be the best solution of tomorrow, including the installation of a gravity sewer system.

The low pressure system, said Councillor Braithwaite was seen as a good alternative, and that it is Council's duty to work towards the solution that is in the best interests of the community as a whole.

Councillor Braithwaite acknowledged that while perhaps more questions could have been asked, the new information that has been received over the past couple of weeks has caused her to want to step back and undertake further consultation, and not proceed as planned with the low pressure system. However, she said, that creates a dilemma with respect to the effect of such a decision on the rest of the Oak Bay residents. All residents are equal, she said, and not in terms of the percentage of taxes they pay.

Accepting his role in what he referred to as a breakdown in communication, Mayor Causton noted that Council thought it had until 2016 to complete the project. The plan, he said, included funding for communication with residents. With no date change allowed in terms of the grant requirement for project completion, said Mayor Causton, he did not believe the project could be done by March 2011, taking into account all the various factors.

The low pressure system was felt to be the best option in terms of the impact on the whole community, said Mayor Causton. The sewer system costs should be borne by the whole municipality with no special treatment for any one area. The question, then, is what is the best system for the next 100 years?

Mayor Causton said he did some research on previous engineering reports, reviewing the various options that have been explored for addressing the Uplands combined sewer, noting that at one point a low pressure system was discarded due to its maintenance and operation costs. He was personally keen on a storage option that was proposed years ago, which was not discarded by the engineers, but by the Province, he said. The Province needs to be engaged to find a different solution, added Mayor Causton.

Drawing attention to the fact that the solution has to be arrived at through a partnership with the residents, as they are key in that they have to hook up to the new system, Mayor Causton said that a solution needs to be found that everyone can live with.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That correspondence item no. 2010-1 be received.

CARRIED



Mayor Causton called a recess at 9:50 p.m.

3. 2010-22 VICTORIA WHEELERS CYCLING CLUB, December 14, 2009  
Re Request for Road Closures for Cycling Race Around Windsor Park -  
May 5, 2010 and July 25, 2010

Referring to the note from the Municipal Clerk regarding past concerns raised in respect to road closures for race events conflicting with the use of the park facilities by other groups, it was the view of Council that the event organizer should contact staff and the other park users during the proposed cycling races, and advise Council how any conflicts are to be addressed.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the request for road closures for the cycling race around Windsor Park be deferred.

CARRIED

4. 2010-23 OAK BAY LAWN BOWLING CLUB, December 15, 2009  
Re Request for Financial Assistance

John Cossom, President, Oak Bay Lawn Bowling Club, addressed Council with respect to his letter requesting financial assistance to replace the roof that he said is beyond its life on the Anderson House building in Carnarvon Park, noting the Municipality did agree to bear the cost of the roof replacement of the Clubhouse building in 2002.

Responding to a question from Council, the Municipal Administrator advised that previously the Municipality has contributed to upgrades and structural repairs, has also denied such requests, and, at times, has entered into a cost sharing agreement in respect to municipal building improvements. While the Club is responsible for maintenance, he said, roof replacement would be seen as the responsibility of the Municipality, although it could not be compelled to fund the work.

A member of Council recalled that a grant of \$60,000, over a three year period, was provided for the expansion and renovation of the Oak Bay Lawn Bowling Clubhouse a few years ago.

In response to a question about the urgency for the roof replacement, Council was advised that the roof is not leaking yet but that it should be replaced within a reasonable timeframe, according to advice received by a roofing consultant. Mayor Causton asked if Mr. Cossom could provide a copy of the roofing consultant's report for the Estimates Committee.

MOVED by Councillor Cassidy

Seconded by Councillor Herbert, That the request for financial assistance from the Oak Bay Lawn Bowling Club in the amount of \$10,000 be referred to Estimates Committee.

Staff was asked to provide the historical information regarding Municipally funded capital upgrades with respect to the Oak Bay Lawn Bowling Clubhouse at the 2010 Estimates Committee when the matter is to be considered again.

The question was then called.

CARRIED

5. 2010-24 FEDERATION OF CANADIAN MUNICIPALITIES, December 2, 2009  
Re Annual Municipal Dues

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That payment of the invoice for the 2010-2011 Federation of Canadian Municipalities membership dues in the amount of \$2,538.50 (which excludes the optional travel contribution) be approved.

CARRIED

6. 2010-25 CAPITAL REGIONAL DISTRICT, December 10, 2009  
Re Request for Consent to Adopt Bylaw No. 3652, Housing Trust  
Fund Service Establishment Bylaw No. 1, 2005, Amendment Bylaw  
No. 6, 2009

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That consent be given to the adoption of Bylaw No. 3652, Capital Regional District Regional Housing Trust Fund Service Establishment Bylaw No. 1, 2005, Amendment Bylaw No. 6, 2009 in accordance with Section 801.4 of the *Local Government Act*.

CARRIED

7. 2010-26 MUNICIPAL TREASURER, January 7, 2010  
Re Request for Early 2010 Capital Approval

Attention was drawn to the requests for early spending approval for vehicle purchases, and in response to a question from a member of Council, the Municipal Administrator advised that staff is aware of the expectation to look at more environmentally friendly alternatives when purchasing equipment.

With respect to the proposed purchase of a fuel management system, Mr. Cochrane said that the software would more accurately monitor the public works, parks, police and fire departments fuel use.

Turning to the request for early approval for sidewalk replacement work in the amount of \$45,000, it was suggested that in order to provide more flexibility with the larger projects coming forward in 2010, perhaps this approval should be reduced to \$25,000.

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That early spending approval be given for the capital projects and equipment replacement purchases as detailed in the memorandum from the Municipal Treasurer dated January 7, 2010 (correspondence item no. 2010-26), with the exception of reducing the sidewalk replacement spending approval from \$45,000 to \$25,000.

CARRIED

NEW BUSINESS:

***Rock Retaining Wall Development – 63 Sylvan Lane***

In response to concerns expressed by members of Council regarding the rock retaining wall at 63 Sylvan Lane, the Director of Building and Planning advised that he is expecting a full geotechnical engineering report this week for his review. Mr. Thomassen confirmed that a permit is required for the retaining wall, based on a submitted design prior to work starting,

however, in this case, the construction was done without the Building Department's knowledge or a permit. Mr. Thomassen said that a geotechnical engineer was involved at the early stages of the construction of the retaining wall.

Responding to a concern expressed about the amount of fill used on the property, the Director of Engineering Services advised that 40 cubic yards is allowed to be brought in from off-site before a permit is required. It was noted that a significant amount of the fill came from excavation of the property in relation to the development.

With respect to the maximum allowable height for a retaining structure, it was suggested by a member of Council that perhaps the Bylaw should be re-examined to consider changes in that regard.

Responding to further questions, the Municipal Administrator noted that this issue would only come back before Council if the geotechnical reports are unsatisfactory, and then staff could possibly seek Council authority for more formal enforcement action.

**TABLED:**

***Development Variance Permit – 3465 Midland Road***

MOVED by Councillor Herbert

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 3465 Midland Road (Lot 3, Section 31, Victoria District, Plan 10433) varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

Bylaw Section	Permitted	Requested	Variance
6.2.4. (3)(a) and Schedule "B" Maximum Building Height	7.32 m	7.39 m	0.07 m
6.2.4. (3)(b) and Schedule "B" Maximum Occupiable Height	4.57 m	5.12 m	0.55 m

to accommodate the proposed addition to the dwelling, as shown on the plans attached to Committee of the Whole agenda item #2009-375, being a memorandum from the Director of Building and Planning dated December 1, 2009.

CARRIED

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

CARRIED

***Development Variance Permit – 195 Sunny Lane***

MOVED by Councillor Cassidy

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 195 Sunny Lane (Lot 2, Section 22, Victoria District, Plan 2103) varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

Bylaw Section	Permitted	Requested	Variance
4.15.1 Maximum Paved Surface (Front Yard)	25 %	59%	24 percentage points

to accommodate replacing the existing hard surfacing in the front yard, as shown on the plans attached to Committee of the Whole agenda item #2009-376, being a memorandum from the Director of Building and Planning dated December 3, 2009.

CARRIED

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

CARRIED

***Oak Bay High School Redevelopment – Hiring of Independent Consultant***

Councillor Jenson advised that he recently met with Dave Thompson, Principal, to discuss the possibility of engaging a consultant, suggesting that this item be deferred to allow time for some of the members of Council to meet with the Principal and Trustees to discuss the School District's budget regarding hiring a project consultant.

The view was expressed that it is not the municipality's role to sit as an approving body or to be part of hiring a consultant to oversee the development of a new high school in Oak Bay, although it was felt input from Council on the redevelopment was important.

MOVED by Councillor Cassidy

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

That the District of Oak Bay recommend to the School District that they jointly begin the process of hiring an independent consultant to explore mutual interests regarding the Oak Bay High School development.

CARRIED

There was further discussion on the appropriateness of the Municipality inserting itself in the project with the proposal to help fund a consultant for another property owner's development plans.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the motion be re-tabled.

The view was expressed that the issue should be dealt with definitively versus re-tabling the motion. It was noted, however, that re-tabling would provide an opportunity for more information to be obtained before making a decision.

The question was then called.

CARRIED

*(Mayor Causton, Councillors Cassidy and Herbert against the motion)*

***Establishment of Transportation Priorities – Task Force***

MOVED by Councillor Jensen

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

That a task force on walking and cycling in Oak Bay be established and that it report back to Council in 2010 on ways to increase cycling and walking in Oak Bay.

CARRIED

Mayor Causton said that he did not feel that it was necessary to create a new task force and that the existing Community Initiatives Committee could take on the task of investigating transportation alternatives for Oak Bay Village, including looking at sidewalk widening and cycling lanes and general improvement of the Village. The Mayor also noted that he would like to include seeking professional support for this task in the upcoming budget deliberations in April.

While the view was expressed that a task force could have a broader scope and mandate to devise a master plan for the whole Municipality, it was the majority view that the Community Initiatives Committee should be assigned the task of focusing on transportation alternatives and improvements for Oak Bay Village at this time considering the amount of work already being done on other initiatives.

It was further noted that staff would be requested to place an advertisement seeking volunteers for the Community Initiatives Committee in the newspaper.

The question on the main motion was then called.

DEFEATED

*(Mayor Causton, Councillor Braithwaite, Cassidy, Herbert and Ney against the motion)*

**RESOLUTIONS:**

There was consensus to vary the order of the agenda.

Councillor Jensen indicated a conflict inasmuch as he lives near the applicant with respect to the Development Variance Permit Application for 1335 Oliver Street, and, further he said, he has recently become aware that a family relation is in the process of entering into a contractual relationship with the owner of 3295 Midland Road, and left the meeting at 10:43 p.m.

***Development Variance Permit –1335 Oliver 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 1335 Oliver Street (Lot 1, Section 23, Victoria District, Plan 14277), varying the following provision of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended, with respect to the siting of a principal building:

Bylaw Section		Required	Requested	Variance
6.5.4(2)(e) (Minimum Total of Side Lot Line Setbacks)		4.57 m	4.21 m	0.36 m

to accommodate an addition to the south side of the residence on the said parcel, as shown on the plans appended to Committee of the Whole agenda item #2010-13, being a memorandum from the Director of Building and Planning dated December 18, 2009.”

MOVED by Councillor Cassidy

Seconded by Councillor Herbert, That the motion with regard to the development variance permit for 1335 Oliver Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit – 3295 Midland Road***

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 3295 Midland Road (Lot 11, Section 31, Victoria District, Plan 10433), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended, with respect to the siting of a principal building:

Bylaw Section		Required	Requested	Variance
Schedule “C” & s. 4.6.5(2) (Minimum Interior Side Lot Line Setback: Eaves)		4.12 m	3.50 m	0.62 m

to accommodate the extension of the eave of the roof on the north side of the residence on the said parcel, as shown on the plans appended to Committee of the Whole agenda item #2010-16, being a memorandum from the Director of Building and Planning dated December 29, 2009.”

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the motion with regard to the development variance permit for 3295 Midland Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Councillor Jensen returned to the meeting at 10:44 p.m.

***Development Variance Permit –2732 Bowker Avenue***

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2732 Bowker Avenue (Lot 29, Section 61, Victoria District, Plan 874), varying the following provision of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended, with respect to the gross floor area of a principal building:

Bylaw Section	Permitted	Requested	Variance
6.5.4(6)(b) Maximum Gross Floor Area Higher Than 0.8 m Below Grade	300 m <sup>2</sup>	326 m <sup>2</sup>	26 m <sup>2</sup>

to accommodate the construction of an addition to the residence on the said parcel, as shown on the plans appended to Committee of the Whole agenda item #2010-14, being a memorandum from the Director of Building and Planning dated December 18, 2009.

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That the motion with regard to the development variance permit for 2732 Bowker Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit –168 Barkley Terrace***

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 168 Barkley Terrace (Lot A, Block 3, Sections 19, 46 & 47, Victoria District, Plan VIP79113), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended, with respect to the gross floor area of a principal building:

Bylaw Section	Permitted	Requested	Variance
6.4.4(6)(b) (Maximum Gross Floor Area)	480 m <sup>2</sup>	667 m <sup>2</sup>	187 m <sup>2</sup>
6.4.4(6)(b) (Maximum Gross Floor Area Higher Than 0.8 m Below Grade)	360 m <sup>2</sup>	453 m <sup>2</sup>	93 m <sup>2</sup>

to accommodate the construction of a new single family dwelling on the said parcel, as shown on the plans appended to Committee of the Whole agenda item #2010-15, being a memorandum from the Director of Building and Planning dated December 21, 2009.

MOVED by Councillor Herbert  
Seconded by Councillor Cassidy, That the motion with regard to the development variance permit for 168 Barkley Terrace be tabled to allow notice to be given in accordance with *the Local Government Act*.

CARRIED

***Development Variance Permit – 2266 Tinto Street***

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 2266 Tinto Street (Lot 9, Block 1, Section 22, Victoria District, Plan 1160), varying the following provision of Bylaw No. 3531 (*Zoning Bylaw, 1986*, as amended):

Zoning Bylaw Section	Permitted	Requested	Variance
S. 4.15.1 Max. % of Front Yard Allowed to be Paved	25%	45.5%	20.5 % points

to accommodate the development of a driveway on the said parcel, as shown on the plans appended to Committee of the Whole agenda item #2010-17, being a memorandum from the Director of Building and Planning dated December 30, 2009, and the south elevation on Banks Design drawing no. A-4, dated January 6, 2010

MOVED by Councillor Herbert  
Seconded by Councillor Ney, That the motion in respect of the development variance permit for 2266 Tinto Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit –2434 Cranmore Road***

Councillor Cassidy indicated a conflict noting his personal relationship with the applicant, and left the meeting at 10:45 p.m.

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2434 Cranmore Road (Lot 16, Section 61, Victoria District, Plan 1266), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, with respect to the siting of buildings:

Bylaw Section	Required	Requested	Variance
6.5.4(2)(a) (Minimum Front Lot Line Setback, Accessory Building)	7.62 m	0.30 m	7.32 m
6.5.4(2)(c) (Minimum Interior Side Lot Line Setback, Accessory Building)	0.61 m	0.40 m	0.21 m



6.5.4(7) (Minimum Buildings)	Clear Space Between	3.00 m	2.35 m	0.65 m
6.5.4(2)(e) (Minimum Setbacks, Principal Building)	Total of Side Lot Line	4.57 m	3.03 m	1.54 m
4.6.5(1) & 6.5.4(2)(a) (Minimum Unenclosed Stairs)	Front Lot Line Setback,	6.42 m	5.22 m	1.20 m

to accommodate the construction of a detached carport along with the relocation of the front stairs accessing the residence on the said parcel, as shown on the plans appended to Committee of the Whole agenda item #2010-18, being a memorandum from the Director of Building and Planning dated December 17, 2009.

MOVED by Councillor Herbert  
 Seconded by Councillor Braithwaite, That the motion in respect of the development variance permit for 2434 Cranmore Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Councillor Cassidy returned to the meeting at 10:45 p.m.

***Crown Land Tenure Offer Re Oak Bay Sea Rescue Society Boathouse***

The Municipal Administrator explained that while a five-year licence had been applied for to accommodate the new Sea Rescue boathouse, the Province has offered a twelve-year licence to terminate with the main lease from the Province. Mr. Cochrane said he is satisfied that the twelve-year agreement does not impose the type of liabilities that would require the assent of the electors to authorize approval. Once the licence agreement is executed, said Mr. Cochrane, a sublease to the Oak Bay Marina with a requirement to permit the new Oak Bay Search and Rescue Boathouse will be pursued and brought to Council for approval.

MOVED by Councillor Herbert  
 Seconded by Councillor Braithwaite, That the Municipal Clerk be authorized, on behalf of the District of Oak Bay, to accept the offer of licence from the Ministry of Agriculture and Lands, Province of British Columbia, dated December 8, 2009, for the aquatic lands shown on Appendix "A" of Bylaw No. 4474, and to execute the Licence of Occupation Agreement substantially in the form dated for reference January 1, 2010 and, further, that staff continue working towards the contemplated sub-lease of the area to the Oak Bay Marina (1992) Ltd. and undertake the advertising of the proposed disposition of land through the sub-lease as required by statute.

CARRIED

**BYLAWS:**

***For Adoption***

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That Bylaw No. 4493, *Building and Plumbing Bylaw Amendment Bylaw No. 1, 2010*, be adopted.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That Bylaw No. 4496, *Willows Pavilion Licence Authorization Bylaw, 2010*, be adopted.

CARRIED

***For Second Reading***

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That second reading of Bylaw No. 4494, *Official Community Plan Bylaw Amendment Bylaw No. 1, 2010*, given December 14, 2009, be rescinded.

The question was then be called.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That Bylaw No. 4494, *Oak Bay Official Community Plan Bylaw Amendment Bylaw No. 1, 2010*, having been examined in conjunction with the Five Year Financial Plan and the Capital Regional District's Core Area Liquid Waste Management and Solid Waste Management Plans, be read a second time.

CARRIED

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

MOVED by Councillor Herbert  
Seconded by Councillor Copley, That Bylaw No. 4491, *Animal Control Bylaw Amendment Bylaw No. 1, 2010*, be introduced and read a first time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Copley, That Bylaw No. 4491, *Animal Control Bylaw Amendment Bylaw No. 1, 2010*, be read a second time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Copley, That Bylaw No. 4491, *Animal Control Bylaw Amendment Bylaw No. 1, 2010*, be read a third time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Copley, That Bylaw No. 4492, *Ticket Information Utilization Bylaw Amendment Bylaw No. 1, 2010*, be introduced and read a first time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Copley, That Bylaw No. 4492, *Ticket Information Utilization Bylaw Amendment Bylaw No. 1, 2010*, be read a second time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Copley, That Bylaw No. 4492, *Ticket Information Utilization Bylaw Amendment Bylaw No. 1, 2010*, be read a third time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Braithwaite, That Bylaw No. 4500, *Carnarvon Allenby Fireman's Baseball and Softball Association Licence Authorization Bylaw, 2010*, be introduced and read a first time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Braithwaite, That Bylaw No. 4500, *Carnarvon Allenby Fireman's Baseball and Softball Association Licence Authorization Bylaw, 2010*, be read a second time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Braithwaite, That Bylaw No. 4500, *Carnarvon Allenby Fireman's Baseball and Softball Association Licence Authorization Bylaw, 2010*, 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 10:52 p.m.

Certified Correct:

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

\_\_\_\_\_  
Mayor