



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

A G E N D A
REGULAR MEETING OF COUNCIL

Monday, October 6, 2008
7:00 p.m.
Esquimalt Council Chambers

1. CALL TO ORDER

2. LATE ITEMS

3. APPROVAL OF THE AGENDA

4. MINUTES

(1) Minutes of the Regular Meeting of Council, September 15, 2008 Pg. 1 – 5

5. PUBLIC INPUT (On items listed on the Agenda)

Excluding items which are or have been the subject of a Public Hearing.

6. HEARING

**(1) HEARING – DEVELOPMENT VARIANCE PERMIT
[372 POOLEY PLACE]**

- i) Notice of Hearing Pg. 6
- ii) Background Information - *Available for Viewing Separately*
 - Staff Report No. DEV-08-081

PUBLIC INPUT

**(2) HEARING – DEVELOPMENT PERMIT WITH A VARIANCE
[774 FAIRVIEW ROAD]**

- i) Notice of Hearing Pg. 7
- ii) Background Information - *Available for Viewing Separately*
 - Staff Report No. DEV-08-082

PUBLIC INPUT

ADJOURNMENT OF HEARING

7. HEARING STAFF REPORTS

(3) Hearing for Development Variance Permit, 372 Pooley Place, [Lot 1, Section 11, Esquimalt District, Plan VIS2352], Staff Report No. DEV-08-089 Pg. 8 – 25

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- (4) Hearing for Development Permit with a Variance, 774 Fairview Road, [Lot 10, Block 1, Section 10, Esquimalt District, Plan 1127], Staff Report No. DEV-08-090 Pg. 26 – 35
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8. DELEGATIONS

- (1) Benedict and Victoria Chow, Re: Barrier Installation to Prevent Vehicles Sliding on to Property Pg. 36- 39
- (2) Sherri K. Robinson, Re: A Matter of Municipal Honor Pg. 40

9. STAFF REPORTS

Administration

- (1) Update of Appointment of Directors and Officers, Deputy and Acting Appointments, Staff Report No. ADM-08-028 Pg. 41

Finance

- (2) Requests for 2008 Property Tax Penalty Reversal, Staff Report No. FIN-08-016 Pg. 42 – 51
- (3) Permissive Tax Exemptions – 2009, Staff Report No. FIN-08-017 Pg. 52 – 57
- (4) Celebration of Lights, Staff Report No. FIN-08-018 Pg. 58 – 63
- (5) Tax Sale – 2008, Staff Report No. FIN-08-019 Pg. 64 – 65

Development

- (6) Use of Remaining Tourism Funds, Staff Report No. DEV-08-083 Pg. 66 – 69
- (7) Amendment to Zoning Bylaw for Accessory Structures, Staff Report No. DEV-08-087 Pg. 70 – 71
- (8) Proposed Amendment to the Regional Growth Strategy Arbitration Process, Staff Report No. DEV-08-088 Pg. 72 – 81

Parks and Recreation

- (9) Community Gardens Policy, Staff Report No. P&R-08-015 Pg. 82 – 87
- (10) Regional Recreation Pass, Staff Report No. P&R-08-016 Pg. 88 – 91

10. MAYOR'S AND COUNCILLORS' REPORTS

- (1) Report from Mayor Clement, Federation of Canadian Municipalities (FCM) National Board of Director Meetings, Jasper, Alberta, September 3 – 6, 2008 Pg. 92 – 112
- (2) Report from Councillor Desjardins, Request for Funding to Attend Federation of Canadian Municipalities (FCM) Committee Meetings, November 19 – 22, 2008 Pg. 113

11. **REPORTS FROM COMMITTEES**

- (1) Committee of the Whole Report, October 6, 2008
[Motion to approve the recommendations]
- (2) Minutes from the Advisory Planning Commission meeting, June 17, 2008 Pg. 114 – 121
- (3) Minutes from the Advisory Planning Commission meeting, July 15, 2008 Pg. 122 – 128
- (4) Draft minutes from the Advisory Planning Commission meeting, August 19, 2008 Pg. 129 – 138
- (5) Draft minutes from the Parks and Recreation Commission meeting, September 11, 2008 Pg. 139 – 143
- (6) Draft minutes from the Access Awareness Committee meeting, September 17, 2008 Pg. 144 – 146

12. **COMMUNICATIONS**

- (1) Letter from Shoreline Community Middle School, dated September 11, 2008, Re: Thank You for Local Grant Pg. 147
- (2) Email from Benthe Jansen-Jones, dated September 12, 2008, Re: Staff Report Re: Traffic on Old Esquimalt Road Pg. 148 – 149
- (3) Letter from the International Brotherhood of Electrical Workers, dated September 12, 2008, Re: Victoria Needs Diversity in their Transportation System Pg. 150 – 151
- (4) Letter from Minister Tom Christensen, dated September 16, 2008, Re: Foster Family Month Pg. 152 – 154
- (5) Letter from the Victoria Police Board, dated September 17, 2008, Re: September 8th Times Colonist Newspaper Advertisement Pg. 155 – 156
- (6) Email from Geoff Pearce, dated September 18, 2008, Re: Revised Commuter Rail Referendum Question Report Pg. 157 – 159
- (7) Letter from the Capital Regional District, dated September 19, 2008, Re: CRD Bylaw 3558, Traffic Safety Commission Establishment Bylaw No. 1, 1990, Amendment Bylaw No 2, 2008 Pg. 160 – 164
- (8) Letter from the BC First Nations Forestry Council, dated September 26, 2008, Re: First Nations Federal Election Campaign Petition – Mountain Pine Beetle Pg. 165 – 167

13. **BYLAW**

For Adoption

- (1) Animal Bylaw, 2002, No.2495, Amendment Bylaw [No. 3], 2008, Pg. 168 – 169
No. 2692

14. **NOTICE OF MOTION**

- (1) Capital Regional Emergency System Telecommunications Inc. Pg. 170 – 173
(CREST)

- (2) Neighbourhood Zero Emission Vehicles Pg. 174 – 177

15. **PUBLIC QUESTION AND COMMENT PERIOD**

Excluding items which are or have been the subject of a Public Hearing.

16. **MOTION TO GO IN CAMERA**

- (1) Motion to go *In Camera* pursuant to Section 90 of the *Community Charter* to discuss receipt of advice that is subject to solicitor-client privilege and labour relations and other employee relations, pursuant to Sections 90(1) (i) and (c) and that the general public be excluded.

17. **ADJOURNMENT**



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MINUTES
REGULAR MEETING
OF MUNICIPAL COUNCIL
MONDAY, SEPTEMBER 15, 2008
7:00 P.M.
COUNCIL CHAMBERS

PRESENT: Councillor Hy Freedman, Acting Mayor
Councillor Lynda Hundleby
Councillor Barbara Desjardins
Councillor Donald Linge

REGRETS: Councillor Jane Sterk
Mayor Chris Clement

STAFF: T. Day, Chief Administrative Officer
G. Côté, Director of Engineering and Public Works
L. Hurst, Director of Financial Services
B. Snyder, Director of Development Services
M. Lagoa, Assistant to the Corporate Administrator
D. Knight, Executive Assistant

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

2. LATE ITEMS

There were no late items.

3. APPROVAL OF THE AGENDA

Moved by Councillor Hundleby, seconded by Councillor Linge that the agenda be approved.

The motion **CARRIED**.

4. PRESENTATION

(1) Recognition of Improvements to Houses, Staff Report No. DEV-08-084

(a) Certificates of Recognition

- David and Kathleen Mick
- Constance McCann and Anthony Gibb
- Ross Griffin
- Carmen Cadrin and Barry Ralston

Acting Mayor Hy Freedman presented Recognition Certificates to Kathleen Mick, Constance McCann, Ross Griffin and Barry Ralston for their outstanding efforts in preserving and enhancing the heritage character of their homes.

Mr. Griffin thanked all those who helped to make his project happen.

5. MINUTES

(1) Minutes of the Regular Meeting of Council, September 2, 2008

Moved by Councillor Desjardins, seconded by Councillor Hundleby that the Minutes of the Regular Meeting of Council, September 2, 2008 be adopted.

The motion **CARRIED**.

6. PUBLIC INPUT (On items listed on the Agenda)

Excluding items which are or have been the subject of a Public Hearing.

No members of the public participated in the public input opportunity.

7. **STAFF REPORTS**

Finance

(1) Audited Financial Statements, Staff Report No. FIN-08-014

Moved by Councillor Hundleby, seconded by Councillor Linge that Council receive the audited consolidated financial statements for the year ended December 31, 2007.
The motion **CARRIED**.

Engineering and Public Works

(2) E & N Trail – Lampson Street to Hutchinson Avenue, Staff Report No. EPW-08-034

The Director of Engineering and Public Works reported that local residents did not want to see the E&N Trail use Wurtele Place due to concerns with privacy and parking. The CRD came up with an alternative to use a portion of the Colville Laneway for the trail. Staff and residents support the alternative and Mr. Coté would like support from Council before confirming the alternate location with the CRD.

Moved by Councillor Desjardins, seconded by Councillor Linge that Council approve the use of a 180 m long portion of the Colville Laneway between Macleod Ave and Hutchinson Ave for the E&N Trail. This portion of the laneway will become shared-use land for vehicles, cyclists and pedestrians.
The motion **CARRIED**.

(3) Traffic Order – Residential Parking Permit Zone on Craigflower Road, Staff Report No. EPW-08-035 (Moved to Item 11 (2) of Agenda)

(4) Bus Stop on Admirals Road, Staff Report No. EPW-08-036

The Director of Engineering and Public Works is proposing to relocate a bus stop on Admirals Road. He noted that BC Transit has deferred the location of the bus stop to the Township as long as the new location meets safety requirements.

Moved by Councillor Hundleby, seconded by Councillor Linge that Council approve Traffic Order No. 1157 to establish a bus stop on Admirals Road in front of 622 Admirals Road and to repeal Traffic Order No. 218.
The motion **CARRIED**.

8. **MAYOR'S AND COUNCILLORS' REPORTS**

There were no reports.

9. **REPORTS FROM COMMITTEES**

(1) **Report from the Regular Committee of the Whole, September 8, 2008**

Moved by Councillor Linge, seconded by Councillor Hundleby to approve the recommendations in the Regular Committee of the Whole Report, September 8, 2008.
The motion **CARRIED**.

10. **COMMUNICATIONS**

(1) Letter from the BC Egg Marketing Board, dated August 28, 2008, Re: UBCM – Resolution B154 – Humane Egg Production Practices

(2) Letter from Minister Chuck Strahl, dated August 28, 2008, Re: Competing Land Needs – Acquisition of Federal Land for a Sewage Treatment System

Moved by Councillor Desjardins, seconded by Councillor Linge that Mayor Clement advise the Core Area Liquid Waste Committee and the CRD Board to include the Township of Esquimalt in discussions with First Nations and DND regarding lands for sewage treatment.
The motion **CARRIED**.

(3) Letter from CUPE BC, dated September 3, 2008, Re: Trade Investment and Labour Mobility Agreement (TILMA)

(4) Email from Tony Gibb, received August 29, 2008, Re: Bike Lanes

(5) Card from Residents of 848 Esquimalt Road, received September 8, 2008, Re: Beautification of Esquimalt Road

Moved by Councillor Hundleby, seconded by Councillor Linge that Correspondence Items 1, 3, 4 and 5 be received for information.
The motion **CARRIED**.

11. **BYLAWS**

For Adoption

(1) **Streets and Traffic Regulation Bylaw, 2005, No. 2607, Amendment Bylaw [No. 3], 2008, No. 2697**

Moved by Councillor Linge, seconded by Councillor Desjardins that *Streets and Traffic Regulation Bylaw, 2005, No. 2607, Amendment Bylaw [No. 3], 2008, No. 2697* be adopted.
The motion **CARRIED**.

(2) Traffic Order – Residential Parking Permit Zone on Craigflower Road, Staff Report No. EPW-08-035 (Moved from Item 7 (3) of Agenda)

Moved by Councillor Desjardins, seconded by Councillor Linge that Council approve Traffic Order No. 1156 to establish a Residential Parking Permit Zone on Sioux Place and on the north side of Craigflower Road between the east limit of the property at 1102 Craigflower Road and Sioux Place.
The motion **CARRIED**.

12. RISE AND REPORT

(1) Moved by Councillor Hundleby, seconded by Councillor Linge that the report from the *In Camera* Meeting of Council, September 15, 2008 endorsing the Safety Policy be received.

13. PUBLIC QUESTION AND COMMENT PERIOD

Excluding items which are or have been the subject of a Public Hearing.

No members of the public participated in the Public Question and Comment Period.

14. ADJOURNMENT

Moved by Councillor Linge, seconded by Councillor Hundleby that the meeting be adjourned at 7:38 p.m.
The motion **CARRIED**.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS DAY OF , 2008

CERTIFIED CORRECT

TOM DAY
DEPUTY MUNICIPAL CLERK



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Website: www.esquimalt.ca Email: info@esquimalt.ca

Voice: (250) 414-7100
Fax: (250) 414-7111

September 17, 2008

NOTICE OF HEARING

An application for a Development Variance Permit has been received from Michael Saari and Cathy McPherson, the registered owners of Lot 1, Section 11, Esquimalt District, Plan VIS2352 [372 Pooley Place].

Purpose of the Application:

The applicant is requesting a Development Variance Permit to facilitate the expansion of an existing deck. There will be no increase to the Floor Area of the building. The subject property was built to the maximum site coverage allowed under the RD-1 [Two Family Residential] zone when it was originally constructed. As such, expanding the existing structure requires approval of the following variance to Zoning Bylaw No. 2050.

Section 38(8)(a) – Lot Coverage - a 1.4% increase in the allowable Lot Coverage from 30% to 31.4% of the Area of the Parcel.



Site Location: Lot 1, Section 11, Esquimalt District, Plan VIS2352
[372 Pooley Place]

The Municipal Council will consider this application at **7:00 p.m., Monday October 6, 2008, in the Council Chambers, Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C.** Affected persons may make representations to Council at that time or submit a written submission prior to that date.

Information related to this application may be reviewed at the Development Services counter, Municipal Hall, 1229 Esquimalt Road, from 8:30 a.m. until 4:30 p.m., Monday to Friday (excluding Saturdays, Sundays and Statutory Holidays) until October 6, 2008.

BARBARA SNYDER, DIRECTOR
DEVELOPMENT SERVICES



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Website: www.esquimalt.ca Email: info@esquimalt.ca

Voice: (250) 414-7100
Fax: (250) 414-7111

September 17 2008

NOTICE OF HEARING

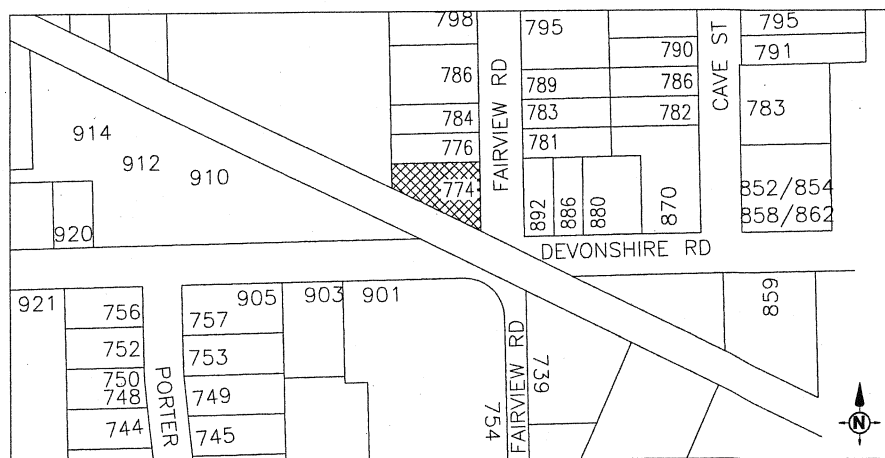
An application for a Development Permit including Variances has been received from Brian Headland, Operation Manager for Praxair Products Incorporated, the registered owner of Lot 10, Block 1, Section 10, Esquimalt District, Plan 1127 [774 Fairview Road].

Purpose of the Application:

The applicant proposes to reduce the size of the existing building while simultaneously improving the functionality of the site to meet the needs of the business. As part of this application upgrades to the site including landscaping and fencing are required. As this proposal does not meet the landscaping requirements outlined in Zoning Bylaw No. 2050, nor the parking requirements outlined in Parking Bylaw No. 2011, the following variances are required.

Zoning Bylaw No. 2050, Section 53(6)(b) – Screening and Landscaping – a 1% reduction for the required landscaped area of a parcel, from 5% of the land area of the parcel to 4% of the land area of the parcel and exemption from the requirement to locate landscaping along the front lot line of the property.

Parking Bylaw No. 2011, Section 9(1) – Provision and maintenance of Off-Street Parking and Loading Areas – an exemption from the requirement that manoeuvring aisles shall be provided on the same Parcel as the use, building or structure for which they are required.



Site Location: Lot 10, Block 1, Section 10, Esquimalt District, Plan 1127 [774 Fairview Road].

Should these variances be approved, a Development Permit, limiting the form and character of development to that shown on architectural and landscape plans prepared by A.J. Finlayson Architect Ltd., stamped "Received September 2, 2008" will be registered on the title of Lot 10, Block 1, Section 10, Esquimalt District, Plan 1127 [774 Fairview Road].

The Municipal Council will consider this application at **7:00 p.m., Monday October 6, 2008, in the Council Chambers, Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C.** Affected persons may make representations to Council at that time or submit a written submission prior to that date.

Information related to this application may be reviewed at the Development Services counter, Municipal Hall, 1229 Esquimalt Road, from 8:30 a.m. until 4:30 p.m., Monday to Friday (excluding Saturdays, Sundays and Statutory Holidays) until October 6, 2008.

BARBARA SNYDER, DIRECTOR
DEVELOPMENT SERVICES



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

STAFF REPORT

Date: September 30, 2008 **REPORT NO.** DEV-08-089
To: Tom Day, Chief Administrative Officer
From: Barbara Snyder, Director, Development Services
Trevor Parkes, Senior Planner
Subject: **DEVELOPMENT VARIANCE PERMIT**
372 Pooley Place
[LOT 1, SECTION 11, ESQUIMALT DISTRICT, PLAN VIS2352]

RECOMMENDATION

That Development Variance Permit No. 03/2008 authorizing construction as shown on plans submitted with the application stamped "Received June 13, 2008" and as detailed on the elevation drawing and on the BCLS Certificate prepared by Michael Claxton Land Surveying Inc. stamped "Received July 31, 2008" and including the following relaxation to Zoning Bylaw No. 2050 be approved, issued and registered on the title of Lot 1, Section 11, Esquimalt District, Plan VIS2352 [372 Pooley Place].

Bylaw No. 2050, Section 38(8)(a) – Lot Coverage - a 1.4% increase in the allowable Lot Coverage from 30% to 31.4% of the Area of a Parcel.

Barbara Snyder
Director, Development Services

Trevor Parkes
Senior Planner

SUMMARY

The applicant is requesting a Development Variance Permit to facilitate the expansion of an existing deck. The subject property was built to the maximum site coverage allowed under the RD-1 [Two Family Residential] zone when it was originally constructed. As such, adding any new structure or expanding the existing structure requires approval of a development variance permit.

BACKGROUND

APC Comments: This application was considered by APC on the evening of August 19, 2008. The applicant was asked to provide additional letters of approval from their neighbours directly to the east. The applicant agreed to follow up with this request. The Commission forwarded the application to Council with a recommendation of approval.

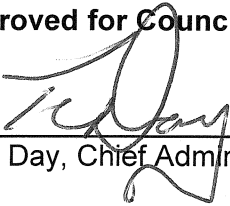
Attached are letters of support for this application from the residents of 371-373 Pooley Place stamped "Received August 29, 2008".

Committee of the Whole: The application was presented to Committee of the Whole on September 8, 2008. COTW accepted the staff recommendation that a Development Variance Permit be prepared and returned to Council.

Council: The minutes from Committee of the Whole were received at the regular meeting of Council on September 15, 2008. Staff were directed to prepare the Development Variance Permit and return it to council after the appropriate notification had been sent to surrounding properties detailing the requested variance.

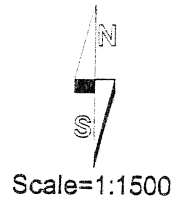
Public Notification: As this proposal requires a variance to Zoning Bylaw No. 2050, owners and occupiers of parcels within 15 metres [50 ft.] of the subject property were mailed notification on September 17, 2008 indicating that Council will be considering the requested variance on Monday, October 6, 2008. To date, no responses have been received from the public relating to this application.

Approved for Council's consideration:



Tom Day, Chief Administrative Officer

Dated: Oct 1/08





CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Website: www.esquimalt.ca Email: info@esquimalt.ca

Voice: (250) 414-7100
Fax: (250) 414-7111

September 17, 2008

NOTICE OF HEARING

An application for a Development Variance Permit has been received from Michael Saari and Cathy McPherson, the registered owners of Lot 1, Section 11, Esquimalt District, Plan VIS2352 [372 Pooley Place].

Purpose of the Application:

The applicant is requesting a Development Variance Permit to facilitate the expansion of an existing deck. There will be no increase to the Floor Area of the building. The subject property was built to the maximum site coverage allowed under the RD-1 [Two Family Residential] zone when it was originally constructed. As such, expanding the existing structure requires approval of the following variance to Zoning Bylaw No. 2050.

Section 38(8)(a) – Lot Coverage - a 1.4% increase in the allowable Lot Coverage from 30% to 31.4% of the Area of the Parcel.



Site Location: Lot 1, Section 11, Esquimalt District, Plan VIS2352
[372 Pooley Place]

The Municipal Council will consider this application at **7:00 p.m., Monday October 6, 2008, in the Council Chambers, Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C.** Affected persons may make representations to Council at that time or submit a written submission prior to that date.

Information related to this application may be reviewed at the Development Services counter, Municipal Hall, 1229 Esquimalt Road, from 8:30 a.m. until 4:30 p.m., Monday to Friday (excluding Saturdays, Sundays and Statutory Holidays) until October 6, 2008.

BARBARA SNYDER, DIRECTOR
DEVELOPMENT SERVICES

June 6, 2008



To Whom It May Concern

We have no objection to the renovations that Cathy and Mike Saari have planned for the outside deck at 372 Pooley Place

Signed

P. Khan
1033 BEWDLEY AVE
VICTORIA BC

Owners -

VVA 5M17

May 12, 2008

To Whom this may concern

We have no objection to the renovations that Cathy and Mike Saari have planned for their outside deck at 372 – Pooley Place.

Signed

P. Bodnar

Pricinia Bodnar

E. Bodnar
Edward Bodnar

Owners, 370 – Pooley Place.



June 6, 2008

To Whom It May Concern

We have no objection to the renovations that Cathy and Mike Saari have planned for the outside deck at 372 Pooley Place

Signed

A. Wendt
B. Wendt

Owners - 1035 Bowdley Ave
361-9861

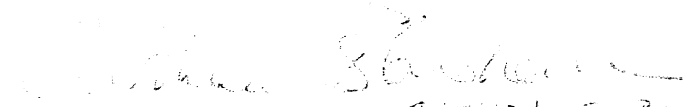



June 6, 2008

To Whom It May Concern

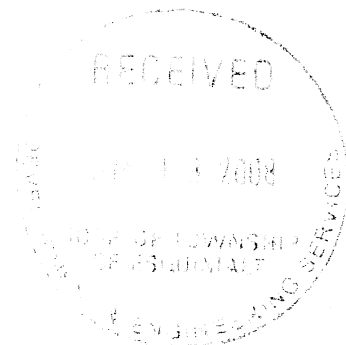
We have no objection to the renovations that Cathy and Mike Saari have planned for the outside deck at 372 Pooley Place

Signed


CATHERINE BLONDEAU

MIKE BLONDEAU

Owners -

372 Pooley Place



August 25, 2008

To Whom It May Concern

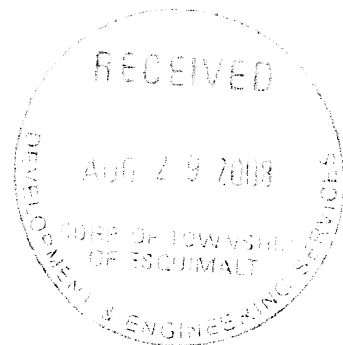
We have no objection to the renovations that Cathy and Mike Saari have planned for the outside deck at 372 Pooley Place

Signed

C. L. Bue

371 POOLEY PLACE

Owners - VICTORIA BC



August 25, 2008

To Whom It May Concern

We have no objection to the renovations that Cathy and Mike Saari have planned for the outside deck at 372 Pooley Place

Signed

Ray Caray
Accepted by

Owners -

Ray - Tracy Caray
373 POOLEY PLACE



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

DEVELOPMENT VARIANCE PERMIT

NO. 03/2008

Owner: Cathy McPherson and Michael Saari
372 Pooley Place
Esquimalt BC, V9A 6Y5

Lands: Lot 1, Section 11, Esquimalt District, Plan VIS2352

Address: 372 Pooley Place, Esquimalt, BC

Conditions:

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit regulates the development of lands by varying the provisions of Zoning Bylaw No. 2050 as follows:

Bylaw No. 2050, Section 38(8)(a) – Lot Coverage - a 1.4% increase in the allowable Lot Coverage from 30% to 31.4% of the Area of a Parcel.

3. Approval of this Development Variance Permit is issued in general accordance with construction plans submitted with the application stamped "Received June 13, 2008" and sited as detailed on the BCLS Certificate prepared by Michael Claxton Land Surveying Inc. stamped "Received July 31, 2008" both of which are attached hereto as Schedule 'A'.
4. The lands shall be developed in accordance with the terms and conditions and provisions of this Permit, provided that minor variations which do not affect the overall building design may be permitted by the Director of Development Services
5. The terms, conditions and covenants contained herein shall ensure to the benefit of and be binding upon the Owners, their executors, heirs or administrators, successors and assigns as the case may be or their successors to title in the lands.
6. This Development Variance Permit is not a Building Permit.

7. This Permit lapses two (2) years after the date it is issued if the holder of the Permit does not substantially start any construction with respect to which the Permit was issued.
8. For the purposes of this Development Variance Permit, the holder of the Permit shall be the owner(s) of the lands.

ISSUED BY MUNICIPAL COUNCIL RESOLUTION ON THE ____ DAY OF _____, 2008

SIGNED THIS _____ DAY OF _____, 2008

Director
Development Services

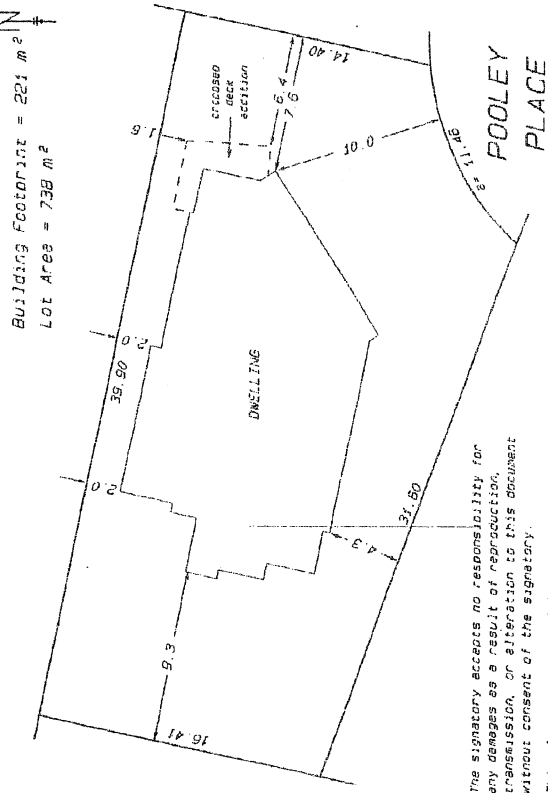
Corporate Administrator
Corporation of the Township
of Esquimalt

RAY TO MANCE SAHRA

6524044 B.C. Land Surveyors Site Plan of
Strata Lots 1 & 2, Strata Plan VIS2352,
Section 11, Esquimalt District

Scale 1:250
All distances are in metres.
Lot dimensions derived from registered
plans and not verified by this survey.

CIVIC ADDRESS: 370 & 372 Pooley Place, Victoria, B.C.
PIOS: 017-791-201 & 017-791-219



The signatory accepts no responsibility for
any damages as a result of reproduction,
transmission, or alteration to this document
without consent of the signatory.
This plan was prepared for design
purposes and is for the exclusive
use of our client.
Field Survey: July 18, 2008

MICHAEL CLAXTON
LAND SURVEYING INC.
B.C. LAND SURVEYORS
Unit 80A, 4223 Commercial Circle
VICTORIA, B.C. V8Z 6N6
PHONE 479-2258 FAX 479-5833
FILE 28135-312-CC

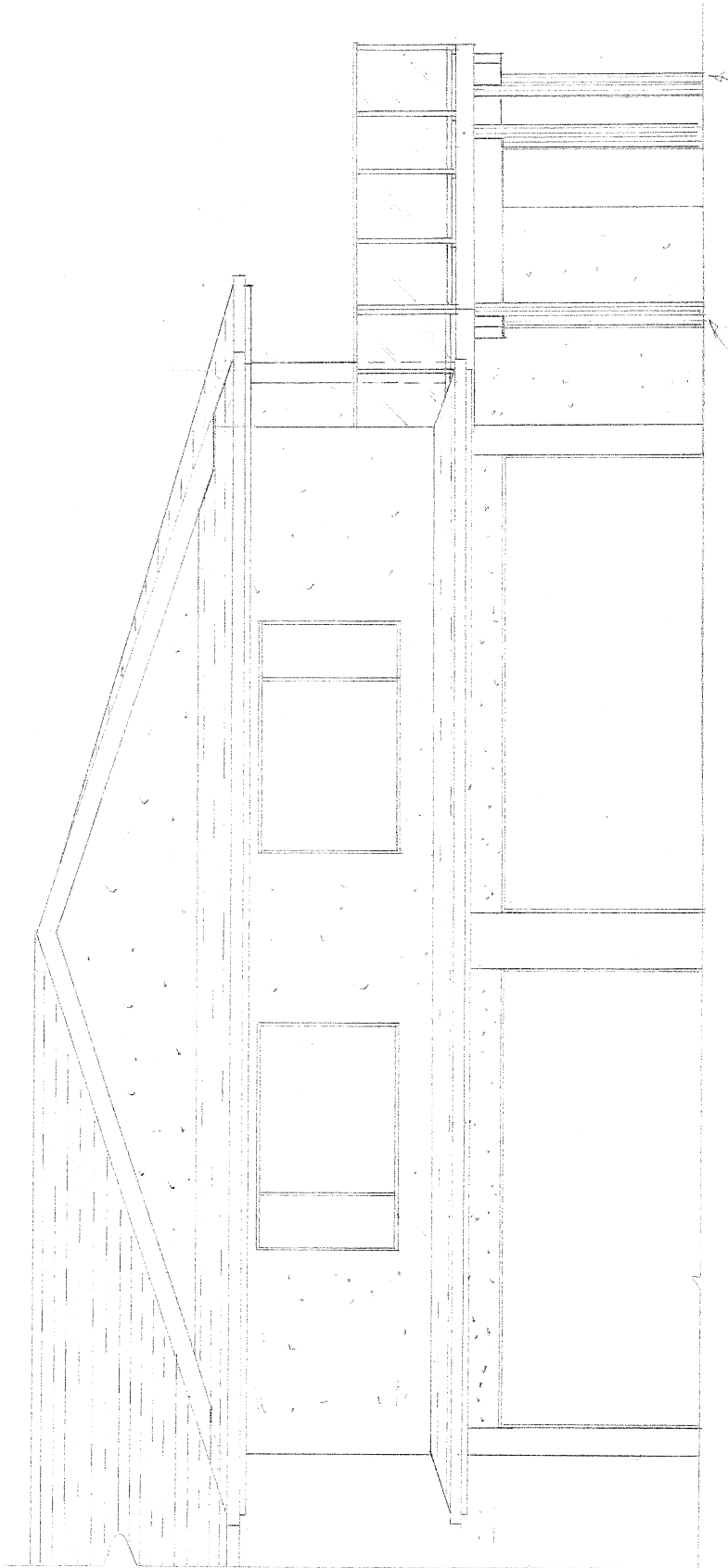
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SITE INFORMATION

SITE AREA ALLOWABLE 4/30% 738 m²
EXISTING 4/30% 221 m²
PROPOSED 4/31.4% 231.83 m²



THIS IS SCHEDULE 1 OF
DEVELOPMENT PERMIT NO. 2008-11-001
CORPORATE ADMINISTRATOR

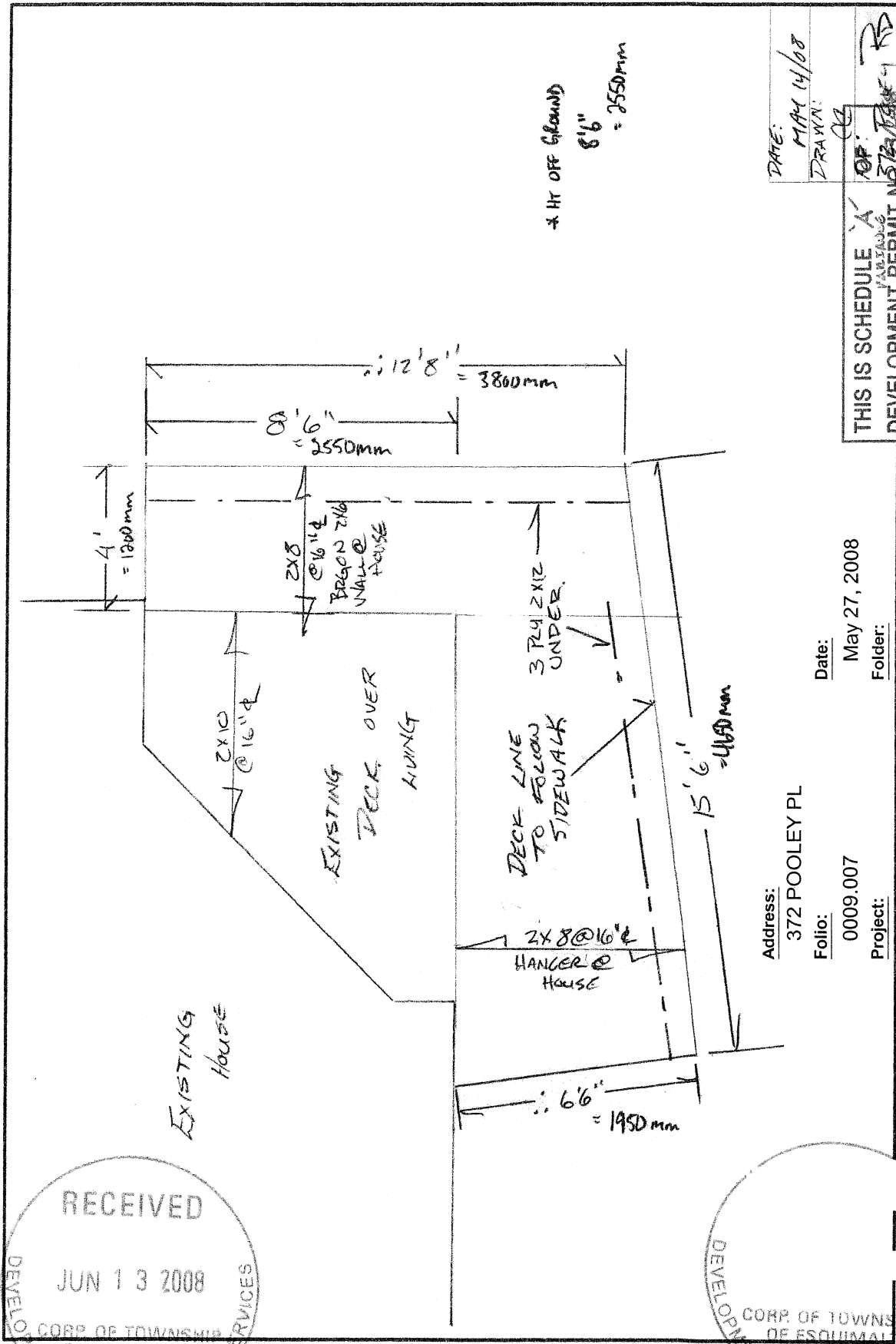


PROPOSED FRONT ELEVATION

THIS IS SCHEDULE 'A' OF
DEVELOPMENT PERMIT NO. 2008-0012

CORPORATE ADMINISTRATOR

FLOOR PLAN NTS

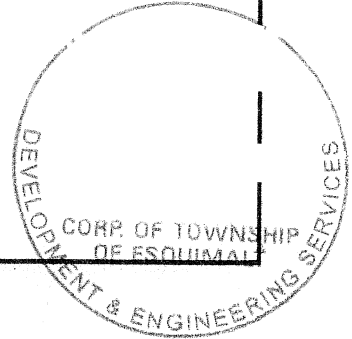
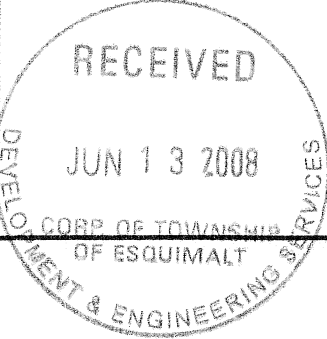


DATE: MAY 14/08
 DRAWN: [Signature]

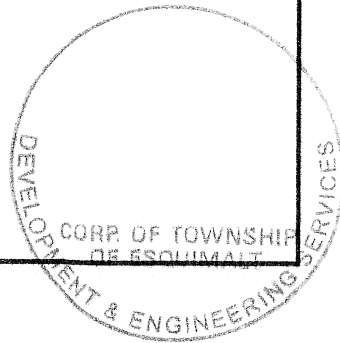
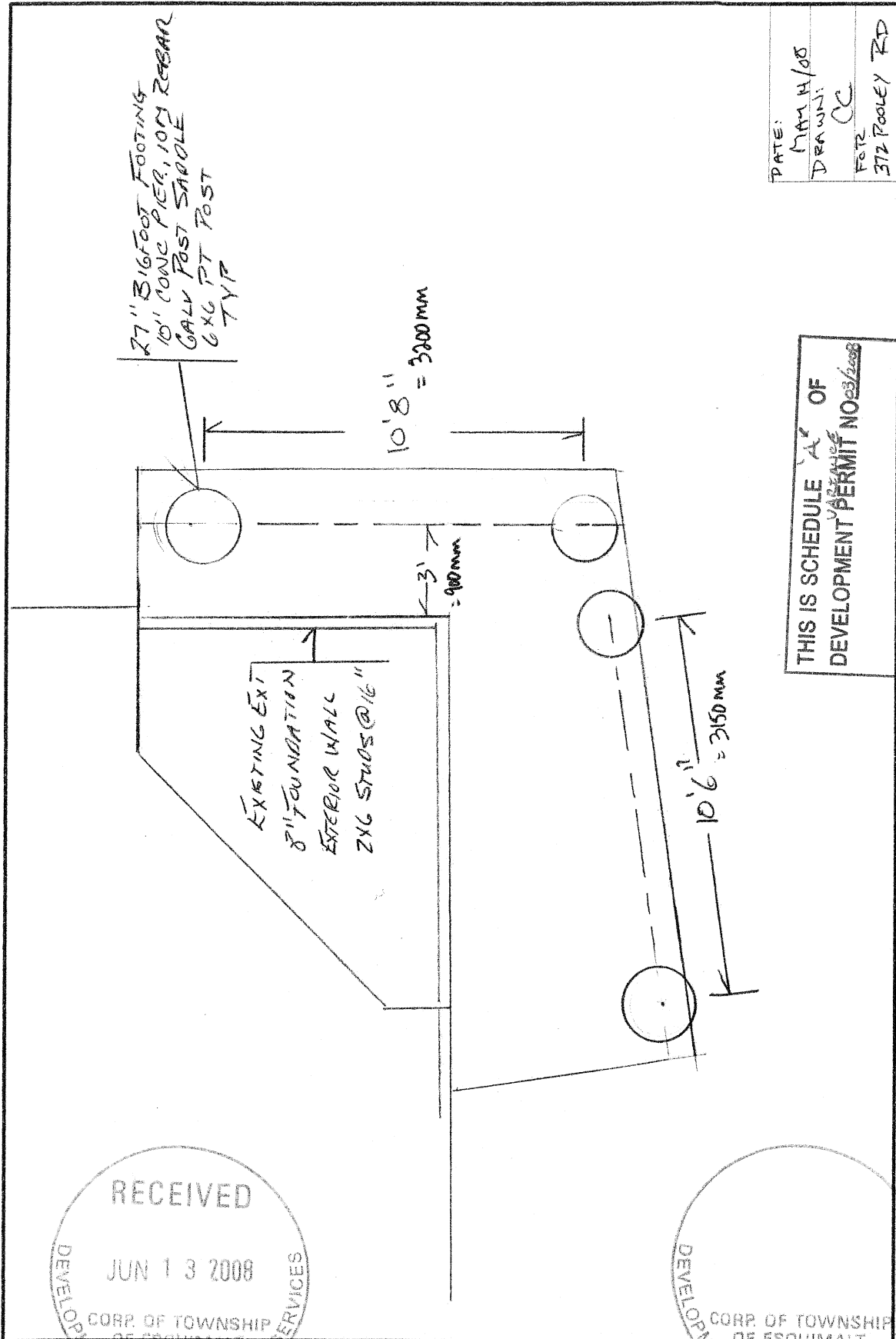
THIS IS SCHEDULE 'A'
 DEVELOPMENT PERMIT NO. [Number] [Signature]
 CORPORATE ADMINISTRATOR

Address: 372 POOLEY PL
 Folio: 0009.007
 Project: [Blank]
 Date: May 27, 2008
 Folder: [Blank]
 BP012481

Type / Subject:
 RESIDENTIAL - SFD - ADD
 Building Permit





FOUNDATION PLAN N.T.S

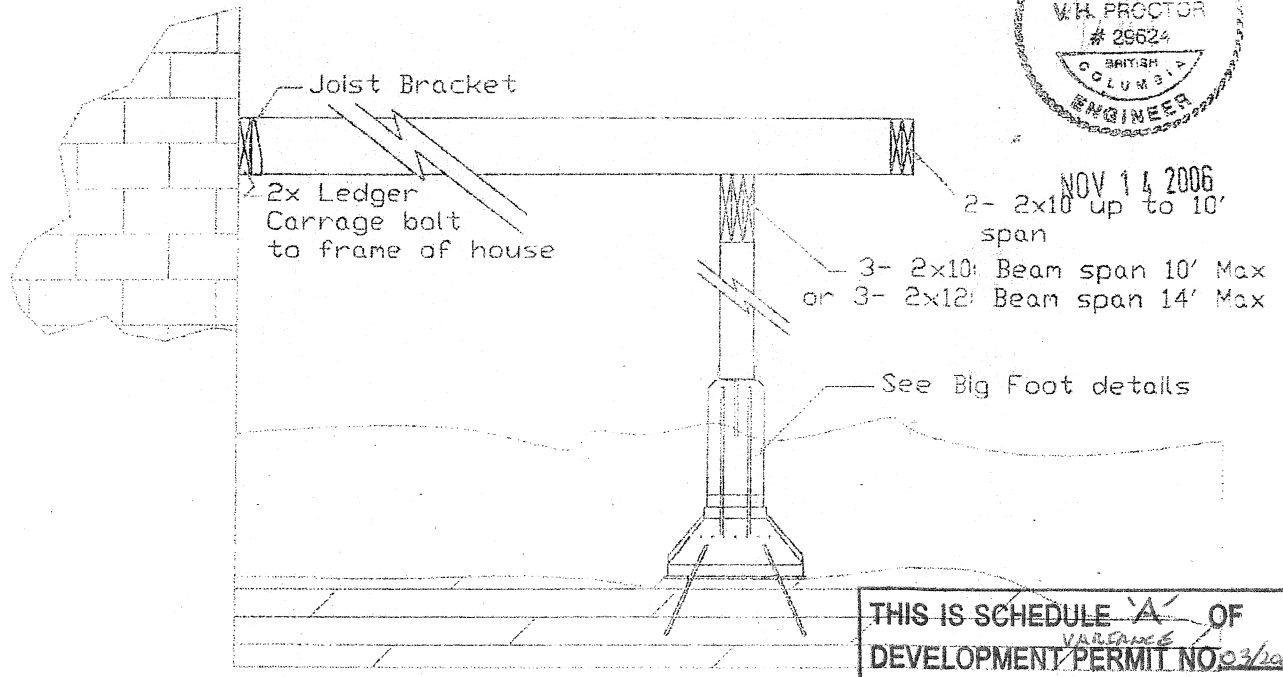


THIS IS SCHEDULE A OF DEVELOPMENT PERMIT NO 03/2008

CORPORATE ADMINISTRATOR

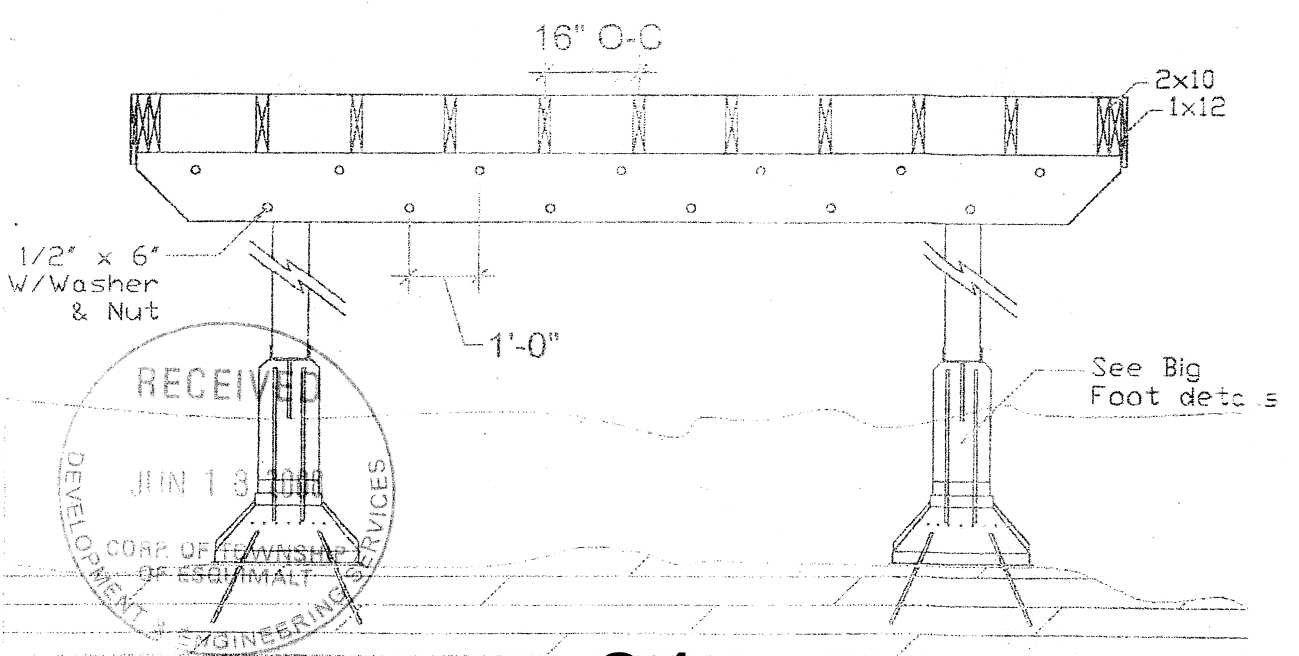
 BLUE MOUNTAIN ENGINEERING VICTORIA, B.C. P 250-858-2491 F 250-658-0735 bluemountainengineering@yahoo.ca	No	DATE	ISSUES/REVISIONS	JOB ADDRESS	
				LEGAL ADDRESS	
	JOB NUMBER				
	SHEET OF				
	DATE CREATED		DWG #	11281	


SINGLE BEAM LEDGER BOARD - 6x6 Post Side View

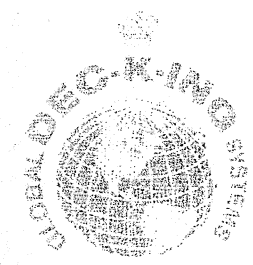


THIS IS SCHEDULE **A** OF
 DEVELOPMENT PERMIT NO. **03/2008**
 CORPORATE ADMINISTRATOR

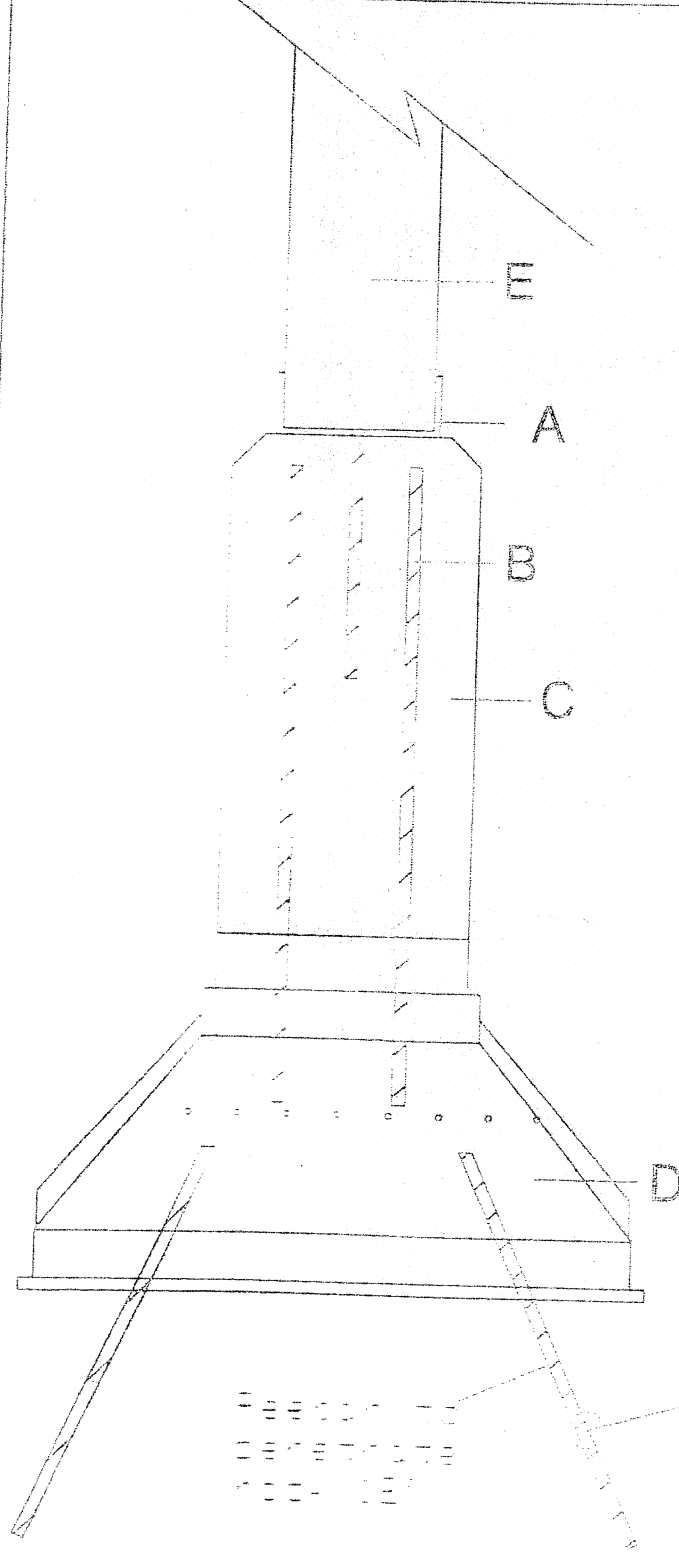
SINGLE BEAM LEDGER BOARD - 6x6 Post Front View



 BLUE MOUNTAIN ENGINEERING VICTORIA, B.C. P 250-858-2491 F 250-658-0735 bluemountainengineering@yahoo.ca	NO	DATE	ISSUES/REVISIONS	JOB ADDRESS
				LEGAL ADDRESS
	JOB NUMBER			
	SHEET OF			
	DATE CREATED			DWG # 11284



NOV 14 2006



DESCRIPTION	
A	Powder Coated 6"x6" Post Saddle
B	3/8" Steel Rebar
C	Concrete - 10" Diameter Sono Tube
D	20" Big Foot Plastic Form
E	6"x6" Pressure Treated Support Post

THIS IS SCHEDULE *A* OF
 DEVELOPMENT PERMIT NO. *03/2008*
 CORPORATE ADMINISTRATOR





CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

STAFF REPORT

Date: October 1, 2008 **REPORT NO.** DEV-08-090
To: Tom Day, Chief Administrative Officer
From: Barbara Snyder, Director, Development Services
Trevor Parkes, Senior Planner
Subject: **DEVELOPMENT PERMIT**
774 Fairview Road
[LOT 10, BLOCK 1, SECTION 10, ESQUIMALT DISTRICT, PLAN 1127]

RECOMMENDATION

That Development Permit No. 14/2008 authorizing construction as shown on architectural and landscape plans prepared by A.J. Finlayson Architect Ltd., stamped "Received September 24, 2008", and including the following relaxations to Zoning Bylaw No. 2050 and Parking Bylaw No. 2011 be approved, issued and registered on the title of Lot 10, Block 1, Section 10, Esquimalt District, Plan 1127 [774 Fairview Road].

Zoning Bylaw No. 2050, Section 53(6)(b) – Screening and Landscaping – a 1% reduction for the required landscaped area of a parcel, from 5% of the land area of the parcel to 4% of the land area of the parcel and exemption from the requirement to locate landscaping along the front lot line of the property.

Parking Bylaw No. 2011, Section 9(1) – Provision and maintenance of Off-Street Parking and Loading Areas – an exemption from the requirement that maneuvering aisles shall be provided on the same Parcel as the use, building or structure for which they are required.

Trevor Parkes
Senior Planner

Barbara Snyder
Director, Development Services

PURPOSE

The applicant proposes to reduce the size of the existing building while simultaneously improving the functionality of the site to meet the needs of the business. This application meets the terms of the I-1 (Light Industrial) Zone with the exception of the requirements that landscaping shall occupy no less than 5% of the land area of the parcel and that all parking spaces, loading areas and maneuvering aisles be provided on the parcel for which they are required. Variances to these requirements are being sought and are supported by staff. Evaluation of this site reveals that the addition of more landscaping on another portion of the site will not benefit the public while it will hinder the functionality of the site for its existing use.

This applicant will be required to enter into an encroachment agreement with the Township to permit the use the municipal boulevard as part of their business operation. As part of this agreement the applicant has committed to install and maintain irrigated landscaping on the north and south ends of the boulevard as well as installing coloured asphalt to interrupt the massing of the parking/maneuvering area fronting the business.

This proposal is also in keeping with intent of the Official Community Plan which designates the site as Industrial. As this business is located within Development Permit Area No. 3 - Industrial, a Development Permit is required before a Building Permit can be issued.

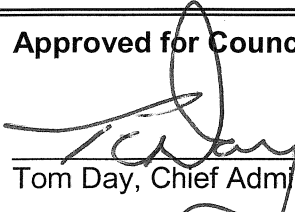
BACKGROUND

Advisory Planning Commission: This application was considered by APC on the evening of August 19, 2008. Members commented that this application represented a desirable improvement to the industrial park. Members did raise concerns relating to the large mass of asphalt in front of the business and asked the applicant to work to soften the effect of that area. The Commission forwarded the application to Council with a recommendation of approval.

Committee of the Whole: The application was presented to Committee of the Whole on September 8, 2008. COTW accepted the staff recommendation that a Development Permit including Variances be prepared and returned to Council.

Council: The minutes from Committee of the Whole were received at the regular meeting of Council on September 15, 2008. Staff were directed to prepare the Development Permit including Variances and return it to council after the appropriate notification had been sent to surrounding properties detailing the requested variances.

Public Notification: As this proposal requires variances to Zoning Bylaw No. 2050 and to Parking Bylaw No. 2011, owners and occupiers of parcels within 15 metres [50 ft.] of the subject property were mailed notification on September 17, 2008 indicating that Council will be considering the requested variances on Monday, October 6, 2008. To date, no responses have been received from the public relating to this application.

<p>Approved for Council's consideration:</p> <p> _____ Tom Day, Chief Administrative Officer</p> <p>Dated: <u>Oct. 2/08</u></p>

921
921
924



Scale=1:1500

ELLERY ST

931/929

905

885

877

855

798

FAIRVIEW RD

795

CAVE ST

795

786

789

790

791

784

783

786

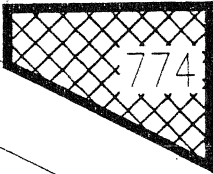
783

776

781

782

0



774

892

886

880

870

852/854

858/862

DEVONSHIRE RD

905

903

901

7

3

9

45

41/743

7

31/733

29

7

754

744

FAIRVIEW RD

739

888

734

878

E & N RAILWAY

859

835



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Website: www.esquimalt.ca Email: info@esquimalt.ca

Voice: (250) 414-7100
Fax: (250) 414-7111

September 17 2008

NOTICE OF HEARING

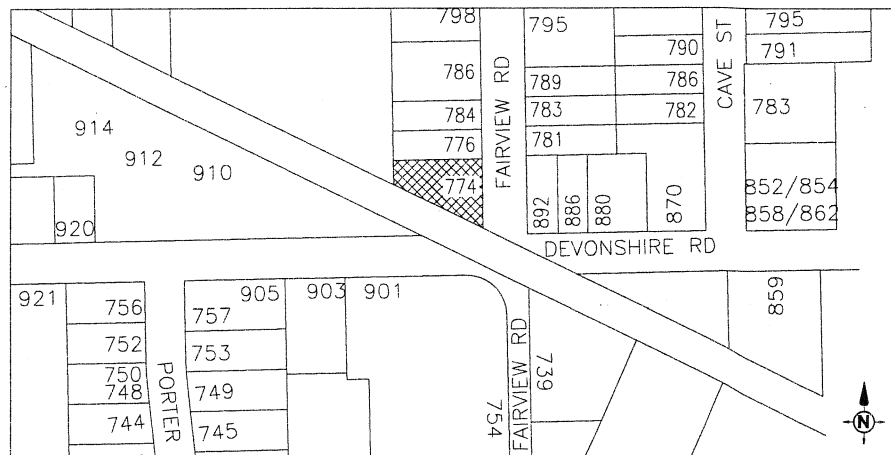
An application for a Development Permit including Variances has been received from Brian Headland, Operation Manager for Praxair Products Incorporated, the registered owner of Lot 10, Block 1, Section 10, Esquimalt District, Plan 1127 [774 Fairview Road].

Purpose of the Application:

The applicant proposes to reduce the size of the existing building while simultaneously improving the functionality of the site to meet the needs of the business. As part of this application upgrades to the site including landscaping and fencing are required. As this proposal does not meet the landscaping requirements outlined in Zoning Bylaw No. 2050, nor the parking requirements outlined in Parking Bylaw No. 2011, the following variances are required.

Zoning Bylaw No. 2050, Section 53(6)(b) – Screening and Landscaping – a 1% reduction for the required landscaped area of a parcel, from 5% of the land area of the parcel to 4% of the land area of the parcel and exemption from the requirement to locate landscaping along the front lot line of the property.

Parking Bylaw No. 2011, Section 9(1) – Provision and maintenance of Off-Street Parking and Loading Areas – an exemption from the requirement that manoeuvring aisles shall be provided on the same Parcel as the use, building or structure for which they are required.



Site Location: Lot 10, Block 1, Section 10, Esquimalt District, Plan 1127 [774 Fairview Road].

Should these variances be approved, a Development Permit, limiting the form and character of development to that shown on architectural and landscape plans prepared by A.J. Finlayson Architect Ltd., stamped "Received September 2, 2008" will be registered on the title of Lot 10, Block 1, Section 10, Esquimalt District, Plan 1127 [774 Fairview Road].

The Municipal Council will consider this application at **7:00 p.m., Monday October 6, 2008, in the Council Chambers, Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C.** Affected persons may make representations to Council at that time or submit a written submission prior to that date.

Information related to this application may be reviewed at the Development Services counter, Municipal Hall, 1229 Esquimalt Road, from 8:30 a.m. until 4:30 p.m., Monday to Friday (excluding Saturdays, Sundays and Statutory Holidays) until October 6, 2008.

BARBARA SNYDER, DIRECTOR
DEVELOPMENT SERVICES

9.5 Development Permit Area No. 3 – Industrial

9.5.1 Scope

All lands designated Industrial on the Plan Maps are part of DPA No. 3 and are shown on “Schedule C” of this Plan.

9.5.2 Category

Section 919(1)(f) of the *Local Government Act* – form and character, industrial.

9.5.3 Justification

The Devonshire/Viewfield Road industrial area is surrounded by residential neighbourhoods. In order to ensure that any future development in this area is undertaken in a manner that will be compatible with the surrounding residential uses, development permits will be required for new construction and renovations in Development Permit Area No. 3.

Goals for Development Permit Area No. 3 are:

- a) to encourage environmentally friendly light industry in the Devonshire/Viewfield industrial park; and
- b) to encourage revitalization and enhancement of the existing industrial areas.

9.5.4 Requirements of Owners of Land within the Development Permit Area

- a) Owners of land within Development Permit Area No. 3 must not do any of the following without first obtaining a development Permit in accordance with the guidelines for this Development Permit Area:
 - i) subdivide lands; or
 - ii) construct or alter a building or structure;without first obtaining a Development Permit in accordance with the guidelines of this Development Permit Area.
- b) Exemptions:

The following do not require a development permit:

 - i) construction of buildings or structures less than 10 square meters in area;
 - ii) minor additions to existing buildings where the floor area of the addition does not exceed 10 percent of the ground floor area of the building;
 - iii) emergency repairs to existing structures and public walkways where a potential safety hazard exists;
 - iv) fences;
 - v) the cutting of trees as permitted by the municipal tree protection bylaw; and
 - vi) replacement or changing of existing signs, provided the sign area is not to be increased.

9.5.5 Guidelines for Owners of Land within the Development Permit Area

- a) Buildings should be designed to minimize the intrusion into the privacy of existing surrounding homes.
- b) Buildings should be located to avoid casting shadows onto adjacent residential properties.
- c) Outdoor storage and parking areas will be screened by berms, fences, landscaping or solid noise-absorbing barriers or a combination of these methods. Landscaping should also be incorporated within the parking areas to "break up" large expanses of pavement.
- d) The style and finish of new buildings should enhance the appearance of the industrial area, which is surrounded by urban residential development.
- e) Buildings should be designed to avoid doors and openings that would tend to direct noise in the direction of immediately adjacent residentially-zoned lands.
- f) Retention and protection of trees and the natural habitat is encouraged wherever possible.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

DEVELOPMENT PERMIT

NO. 14/2008

Owner: Praxair Products Inc.
City Centre Plaza Phase 1
1200-1 City Centre Drive
Mississauga ON L5B 1M2

Lands: Lot 10, Block 1, Section 10, Esquimalt District, Plan 1127

Address: 774 Fairview Road

Conditions:

1. This Development Permit is issued subject to compliance with all of the bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit regulates the development of lands by varying the provisions of Zoning Bylaw No. 2050 as follows:

Section 53(6)(b) – Screening and Landscaping – a 1% reduction for the required landscaped area of a parcel, from 5% of the land area of the parcel to 4% of the land area of the parcel and exemption from the requirement to locate landscaping along the front lot line of the property.
3. This Development Permit regulates the development of lands by varying the provisions of Parking Bylaw No. 2011 as follows:

Section 9(1) – Provision and maintenance of Off-Street Parking and Loading Areas – an exemption from the requirement that maneuvering aisles shall be provided on the same Parcel as the use, building or structure for which they are required.
4. Approval of this Development Permit is issued in accordance with architectural and landscape plans prepared by A.J. Finlayson Architect Ltd., stamped “Received September 24, 2008”, attached hereto as Schedule ‘A’.

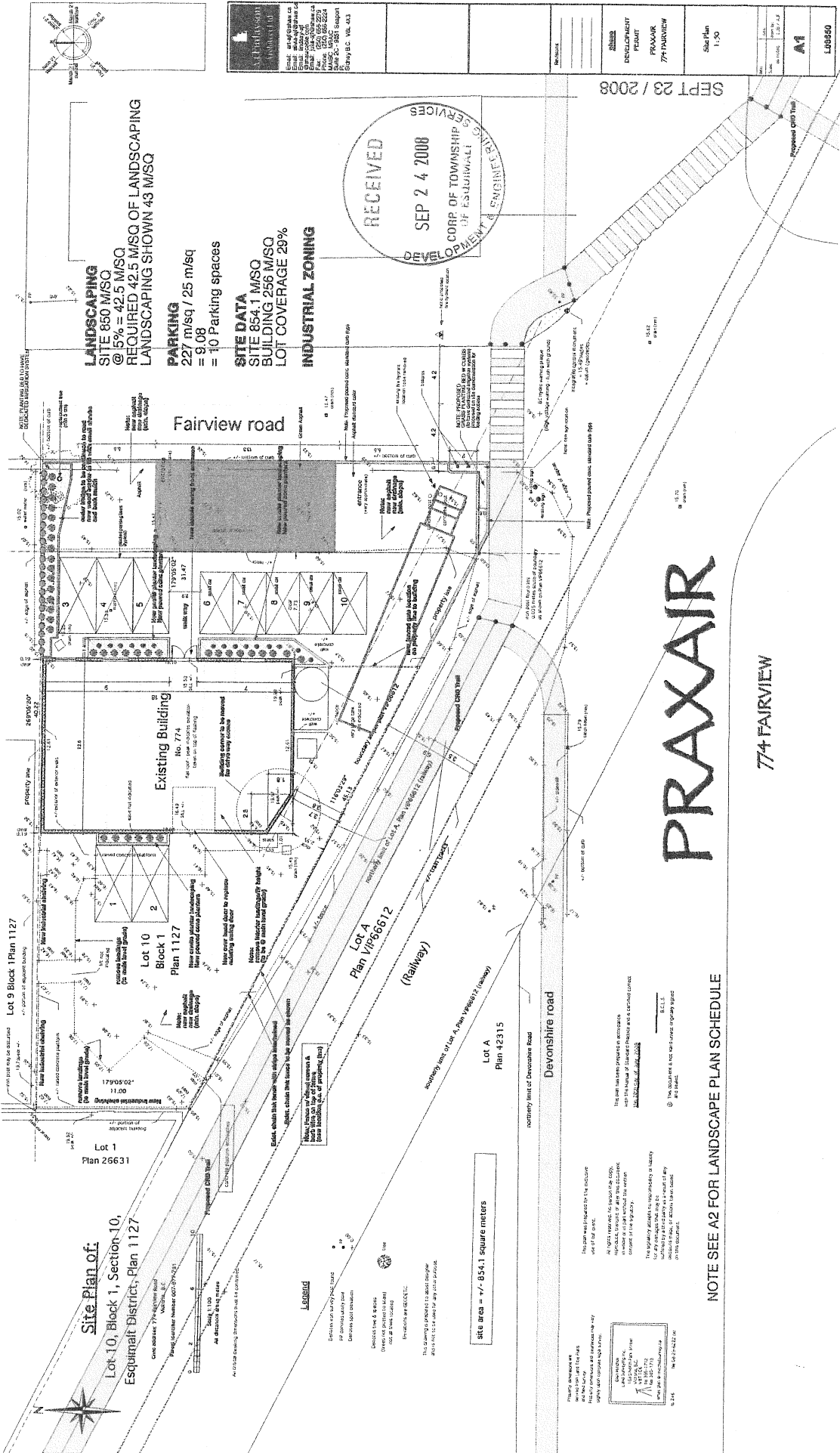
5. The lands shall be developed in accordance with the terms and conditions and provisions of this Permit, provided that minor variations which do not affect the overall building design may be permitted by the Director of Development Services.
6. The terms, conditions and covenants contained herein shall ensure to the benefit of and be binding upon the Owners, their executors, heirs or administrators, successors and assigns as the case may be or their successors to title in the lands.
7. This Development Permit is not a Building Permit.
8. This Permit lapses two (2) years after the date it is issued if the holder of the Permit does not substantially start any construction with respect to which the Permit was issued.
9. For the purposes of this Development Permit, the holder of the Permit shall be the owner(s) of the lands.

ISSUED BY MUNICIPAL COUNCIL RESOLUTION ON THE _____ DAY OF _____, 2008

SIGNED THIS _____ DAY OF _____, 2008

Director
Development Services

Corporate Administrator
Corporation of the Township
of Esquimalt



LANDSCAPING
 SITE 850 M/SQ
 @ 5% = 42.5 M/SQ
 REQUIRED 42.5 M/SQ OF LANDSCAPING
 LANDSCAPING SHOWN 43 M/SQ

PARKING
 227 m/sq / 25 m/sq
 = 9.08
 = 10 Parking spaces

SITE DATA
 SITE 854.1 M/SQ
 BUILDING 256 M/SQ
 LOT COVERAGE 29%

INDUSTRIAL ZONING

RECEIVED
 SEP 24 2008
 DEVELOPMENT & ENGINEERING SERVICES
 CORP. OF TOWNSHIP OF ESQUIMALT

SEPT 23 / 2008

THIS IS SCHEDULE 'A' OF
 DEVELOPMENT PERMIT NO. 14/2008

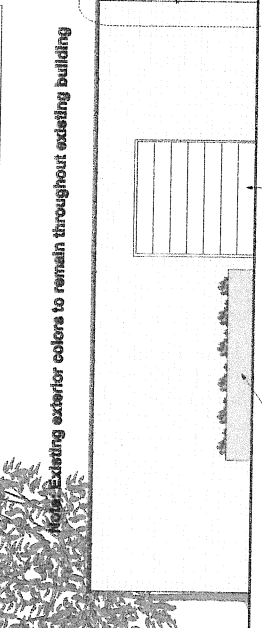
CORPORATE ADMINISTRATOR

PRAXAIR

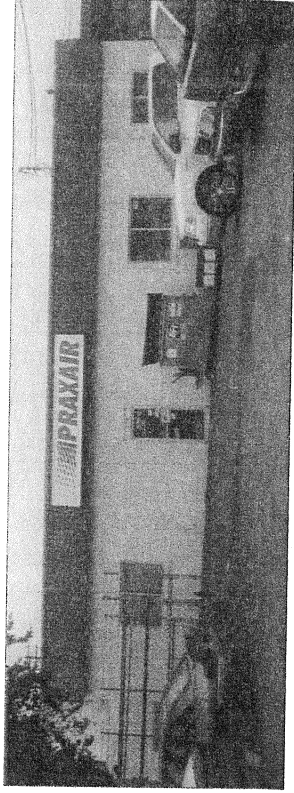
774 FAIRVIEW

NOTE SEE A2 FOR LANDSCAPE PLAN SCHEDULE

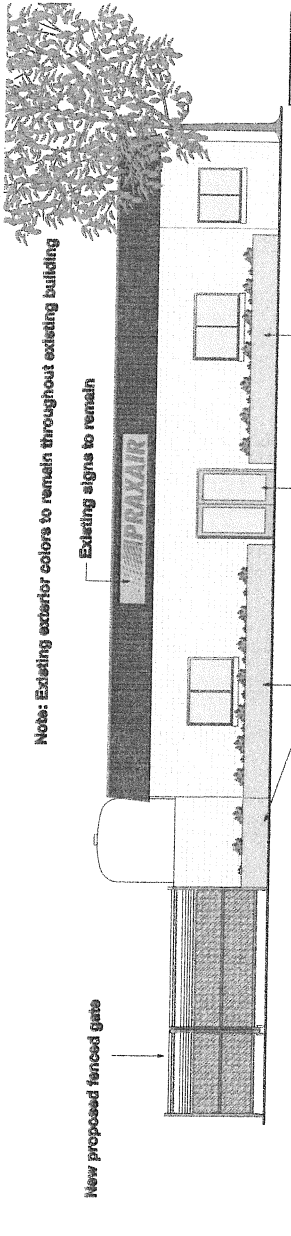
LANDSCAPING (SEE A1)	
	Cedar hedge
	Large shrubs, 3' high approx 5' spacing
	Small shrubs, 18" high approx 2' spacing
	Small shrubs, 12" high approx 2' spacing
	Bark mulch
	4"x4" cut cedar
	poured concrete
	black well



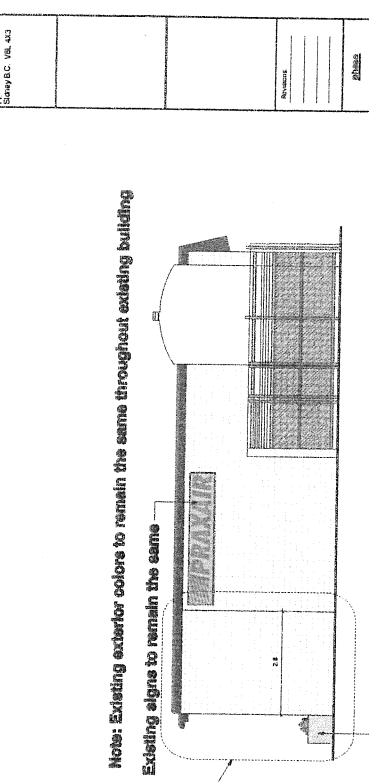
WEST ELEVATION
Scale 1:50



**PICTURE OF EAST FACING EXISTING BUILDING
WITH EXISTING COLORS TO REMAIN**



EAST ELEVATION
Scale 1:50



SOUTH ELEVATIONS
Scale 1:50

DATE	1/20
DESCRIPTION	PRAXAIR
PROJECT	7/77/00VIEW
REVISIONS	
DATE	1/20
BY	
CHECKED	
APPROVED	
SCALE	A2
PROJECT NO.	L08450

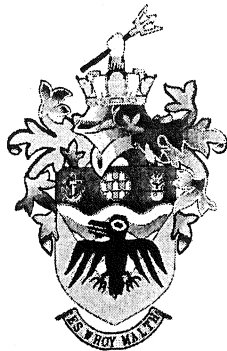
Note: North elevation not seen from exterior

RECEIVED
SEP 24 2008
CORP. OF TOWNSHIP OF ESQUIMAULT
DEVELOPMENT & ENGINEERING SERVICES

THIS IS SCHEDULE 'A' OF
DEVELOPMENT PERMIT NO. 14/2008

CORPORATE ADMINISTRATOR

SEPT 23 / 2008



Corporation of the Township of Esquimalt

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., V9A 3P1
Website: www.esquimalt.ca

Phone: (250) 414-7100
Fax: (250) 414-7111

APPLICATION TO MAKE PRESENTATION TO THE MUNICIPAL COUNCIL

*Agenda
Gilbert*

Pursuant to *Council Procedure Bylaw, 2004, No. 2585, Sections 41-46, Delegations and Petitions, (see reverse side)* Council may allow an individual or a delegation to address Council at the meeting provided written application has been received by the Corporate Officer by 12 Noon on the Wednesday prior to the meeting. Each address must be limited to five minutes unless a longer period is agreed to by resolution of those Members present.

DATE OF COUNCIL MEETING: Oct. 6 / 08

NAME: BENEDICT & VICTORIA CHOW

ORGANIZATION: _____

ADDRESS: _____

TELEPHONE: _____ FAX: _____

REASONS FOR APPEARING: PROPOSE TO HAVE BARRIERS OF
SOME KIND (PREFERABLY BOULDERS AS PER LETTER
TO MAYOR) INSTALLED BY QUALIFIED PERSONNEL
FOR TOWNSHIP OF ESQUIMALT TO PREVENT
VEHICLES FROM SLIDING ONTO OUR PROPERTY .

RECEIVED

AUG 27 2008

CORPORATION OF THE
TOWNSHIP OF ESQUIMALT

August 27, 2008
Date

Benedict Chow
Signature

Mayor Chris Clement
Township of Esquimalt

copy to David + Chris
5830-01 report
to Council

August 12, 2008

Your Worship Mayor Clement:

RE: Landscaping on municipal land in front of 933 and 937 Mesher Place

I am writing to council to seek your assistance in dealing with a potentially dangerous situation in my neighbourhood before any problems occur. I live on a cul de sac that slopes very dramatically towards my house (see photos of cul-de-sac and neighbourhood) and there have been safety issues on vehicles driving along the steep cul-de-sac. We have been advised by our long time neighbours that there have been traffic accidents involving vehicles sliding down the slope into the boulevard in front of our property, including a 4x4 truck of our neighbour at #931 and a car from #934.

We have been advised by neighbours that the south stretch of Mesher Place cul-de-sac is particularly treacherous and would become extremely slippery when the road surface has frost or snow. Residents would have to move car and park along the T-intersection by Delwood Road and Mesher Place overnight if snow is forecasted to avoid being stuck below.

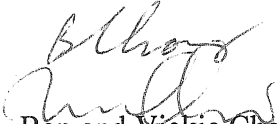
One good way to prevent vehicles from sliding down onto the property is to put in a few boulders similar to those placed on municipal lands in the neighbourhood as shown in photos attached. C.N. Ryzuk & Associates, Geotechnical/Material Engineering recommended it is viable to place a few scattered large boulders in the landscaped (Township) area to prevent vehicles from sliding onto the property during wet or icy conditions.

In light of the above, we would propose to have a few boulders similar to the ones on the boulevard of # 911 Mesher Place to be placed by qualified personnel from Esquimalt.

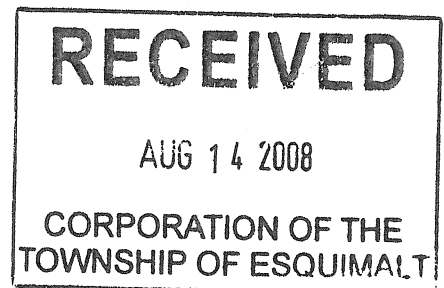
We would be most happy to work with the Township to enhance appeal and safety of the boulevard while limiting liability to the municipality in event of another vehicular mishap that may be forth coming this fall or winter. We undertake to plant appropriate shrubbery and flowers to produce attractive garden areas around the boulders.

We would request that the landscaping and boulder placement proposition be put on the next agenda of Council meeting as I would like to attend and to make a presentation to Council.

Respectfully,


Ben and Vickie Chow
937 Mesher Place

c.c. Councillor Barbara Desjardins
c.c. Trevor Parkes, Senior Planner
c.c. Andy Katschor, Manager, Parks Services



Encl.



Area where boulders could be placed to prevent vehicles from sliding down



Looking south from cul-de-sac towards #937 Mesher



Boulders by a curved roadside on Glendale Road



More boulders by roadside on a slope to prevent vehicles from sliding onto property



Boulder protecting electrical distributor box in area



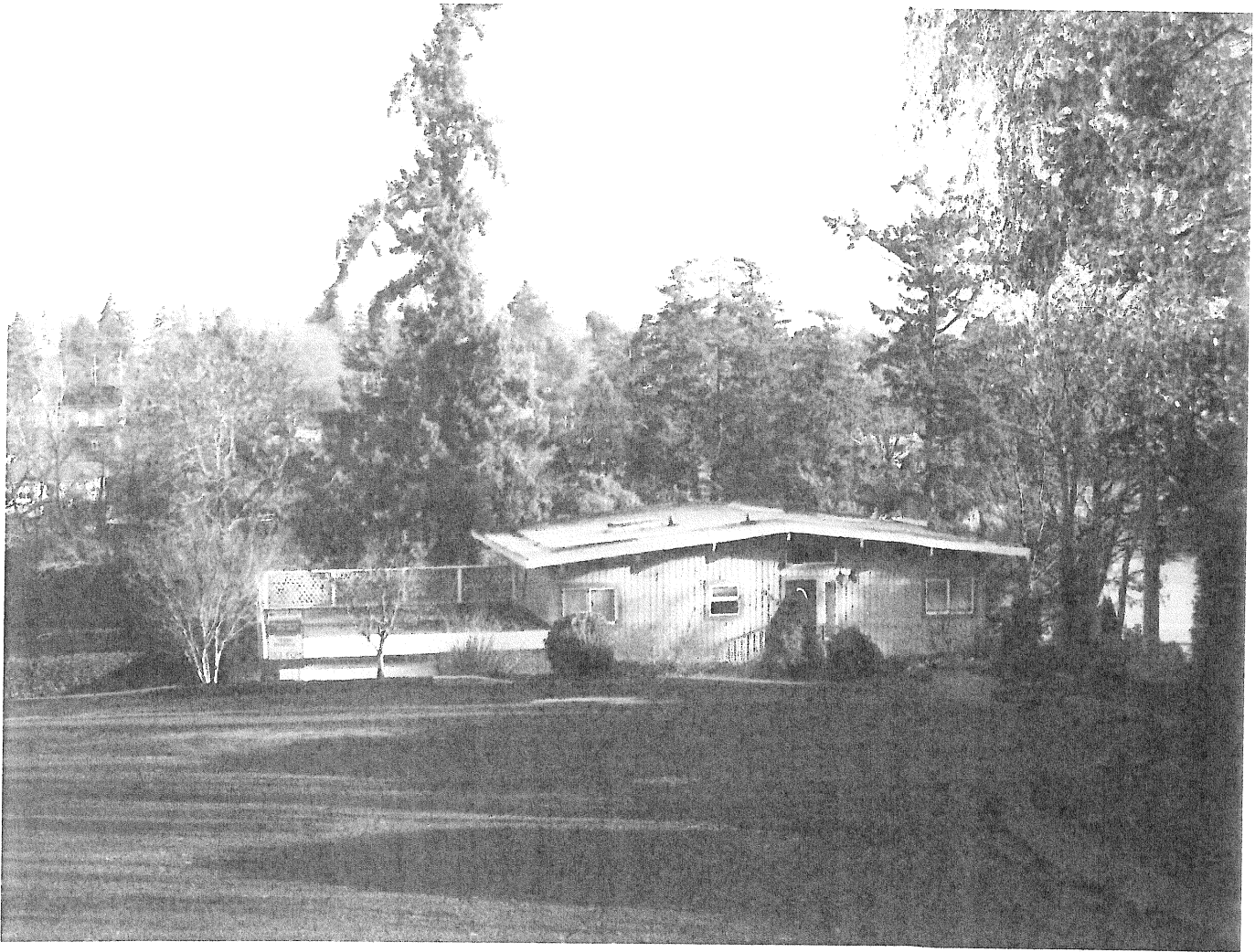
Boulders on township land at #928 Mesher Place



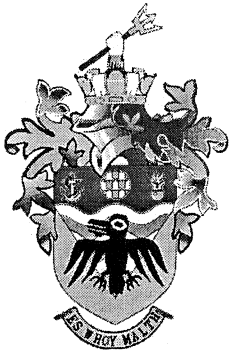
More curbside boulders on #928 Mesher Place



Looking north from #937 Mesher towards cul-de-sac



Icy road surface remained after sunny breaks on the steep slope in front of 937 Mesher Place taken last fall.



Agenda Tom

Corporation of the Township of Esquimalt

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., V9A 3P1
Website: www.esquimalt.ca

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APPLICATION TO MAKE PRESENTATION TO THE MUNICIPAL COUNCIL

Pursuant to *Council Procedure Bylaw, 2004, No. 2585, Sections 41-46, Delegations and Petitions, (see reverse side)* Council may allow an individual or a delegation to address Council at the meeting provided written application has been received by the Corporate Officer by 12 Noon on the Wednesday prior to the meeting. Each address must be limited to five minutes unless a longer period is agreed to by resolution of those Members present.

DATE OF COUNCIL MEETING: 6 October 2008

NAME: Sherri K. Robinson

ORGANIZATION: _____

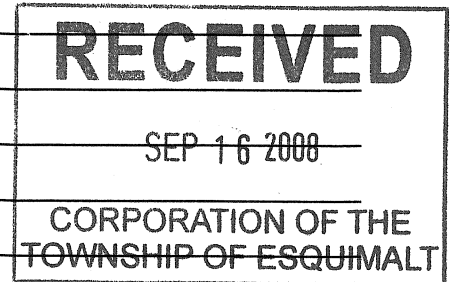
ADDRESS: _____

ESQUIMALT B.C.

TELEPHONE: _____ FAX: _____

REASONS FOR APPEARING: _____

a matter of municipal honour!



Date 16 September 2008

Signature Sherri K. Robinson



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111


STAFF REPORT

DATE: October 6, 2008 **REPORT NO.** ADM-08-028
TO: Mayor and Council
FROM: Tom Day, Chief Administrative Officer
SUBJECT: Update of Appointment of Directors and Officers, Deputy and Acting Appointments

RECOMMENDATION:

1. That the following appointment names be revised and new appointment for Larry Randle be adopted:

Tom Day	-	Chief Administrative Officer Deputy Corporate Administrator
Laurie Hurst	-	Director of Financial Services - Collector of Taxes - Deputy Chief Administrative Officer (in the absence of Tom Day) - Acting Deputy Corporate Administrator
Larry Randle	-	Corporate Administrator - Head, Freedom of Information & Protection of Privacy - Deputy Chief Election Officer



Tom Day
Chief Administrative Officer



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

STAFF REPORT

DATE: September 24, 2008 **REPORT NO.** FIN-08-016
TO: Tom Day, Chief Administrative Officer
FROM: Laurie Hurst, Director of Financial Services
SUBJECT: **Requests for 2008 Property Tax Penalty Reversal**

RECOMMENDATION:

That Council NOT forward the requests for reversal of the 2008 property tax penalties to the Minister of Community Services.

BACKGROUND:

Request #1 – Mr. Tony Gibb

Mr. Gibb has written requesting that Council authorize the waiving of the 2008 penalty of \$223.80 for late payment of property tax due on his property.

Mr. Gibb acknowledges that his payment was received by the Township past the due date. Mr. Gibb requests that consideration be given to reversing the penalty based on the intent to pay by the due date that is supported by the date on which the Home Owner Grant was claimed electronically.

While it may have been Mr. Gibb's intent to submit payment in full for the 2008 property taxes by the due date, the fact remains that there were insufficient funds to cover the payment at the tax due date and funds were not received by our office until 5 days after the due date.

Payment of the outstanding taxes was received by the Township on July 7, 2008. The penalty remains outstanding.

Request #2 – Ms. Rachelle Dempster

Ms. Dempster has written requesting that the 2008 penalty of \$57.00 for an unclaimed Home Owner Grant be waived.

As explained in the attached letter Ms. Dempster states that she did not claim the grant based on incorrect information received from her mortgage company.

The Township cannot be responsible for incorrect information given to the taxpayer by a third party. As per Ms. Dempster's letter, she acknowledges receipt of the property tax notice and states that she then forwarded the document to her financial institution. There are instructions contained on the property tax notice under the section titled *Important Information*, for the various payment methods including payment at banks and payment by mortgage company. It is clearly noted under these sections that the application for home owner grant must still be submitted to the Township by the property tax due date. Specifically, the section on payment by mortgage company further states that the home owner grant **must be submitted by a registered owner** and must be received by the Township by the due date to avoid penalty.

The home owner grant was claimed September 4, 2008 and the penalty remains outstanding.

Request #3 – Mr. Mark Brodie

Mr. Brodie is requesting reversal of the penalty for late payment of taxes in the amount of \$246.22.

As in the attached letter, Mr. Brodie states that as new property owners, they have not paid taxes previously and erred in their initial payment.

Review of the property tax notices mailed in late May, 2008 confirmed that the original notice was correctly addressed to the current owner. The statement of outstanding taxes sent in August 2008 was correctly mailed to the same address. The due date for payment is clearly identified on the property tax notice.

Payment for outstanding property taxes was received September 4, 2008 and the penalty of \$246.22 remains outstanding.

Request #4 – Mr. Barry Hall

Mr. Hall is requesting reversal of the penalty for late payment of taxes in the amount of \$109.13.

As in the attached letter, Mr. Hall confirms that his initial payment of outstanding taxes via cheque was returned by the bank which initiated the levy of late payment penalty.

The penalty for late payment is added to unpaid property taxes as directed by our governing legislation under section 234(1) of the *Community Charter and Municipal Tax Regulation B.C. Reg 426/2003*. The addition of the penalty is mandatory and the amount is nondiscretionary. Mr. Hall's argument that the penalty is illegal and excessive should be directed to the Provincial Government rather than the Township of Esquimalt.

DISCUSSION:

Neither the Collector of Taxes nor Council have the authority to waive the 10% penalty assessed on outstanding property taxes. Council could petition the Minister of Community Services under *Local Government Act* section 315.3 for authority to write off the penalty however I do not recommend this option. In the case of property taxes this provision is generally used only in cases where taxes are uncollectible (e.g., a former occupier of crown lands that cannot be located) or where an assessment error has been made in a prior year and not discovered until the current year (when it is too late for a supplementary assessment roll).

In the past Council has never requested the Minister to authorize the waiving of penalties in circumstances where the taxpayer has missed the deadline for payment of taxes (which includes applying for the Home Owner Grant).

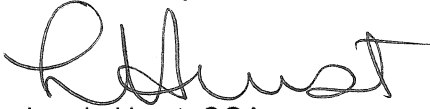
For further information, attached is a ruling on late payment penalty reversal. While the specific circumstances of this case are not exactly the same as those contained in this report, the reasons stated in the ruling contain the following relevant points:

- penalty for late payment is mandatory
- tax *Regulation* and *Community Charter* does not grant the municipality or collector any discretion in relation to the penalty

ALTERNATIVES:

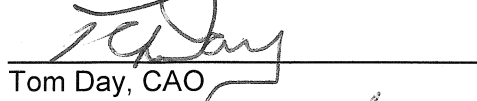
1. Deny requests for reversal of penalty.
2. Instruct staff to forward appeals to the Ministry of Community Services

Submitted by:



Laurie Hurst, CGA
Director of Financial Services

Approved for Council's consideration:



Tom Day, CAO

Dated: Sept 25/08

MUNICIPAL LAW - Taxation - Definitions.

The penalty under s. 5 of the *Municipal Act Tax Regulation*, B.C. Reg. 62/84 gives rise to absolute liability.

Younger Extraction Plant Inc. v. Taylor Management Co. (March 17, 2006), Vancouver Registry, L043148 (B.C. S.C.) Russell, J. (Order No. 006 087 090 - 15 pages) Counsel: K. Krenn for Petitioners; C.S. Murdy, A. Seymour for Respondent.

Decision: Petition dismissed.

Facts: The respondent delivered notices of real property tax levies for 2003 to the petitioners for their properties. Taxes were due and payable on July 2, 2003. The taxes were tendered by the petitioners one day late. The system that the petitioners had in place that had worked for years failed because their business administrator was ill. The respondent assessed a 10% penalty. The petitioners sought a declaration that the property tax penalties were administratively imposed penalties that gave rise to strict liability and that they had a due diligence defence. The petitioners sought to set aside the penalty.

Reasons: The penalty for the late payment of property taxes was mandatory. The starting point was a rebuttable presumption that liability was strict and a due diligence defence was available. The presumption in favour of strict liability could be rebutted if the legislature made it clear that guilt would follow proof merely of the proscribed act. The presumption in favour of strict liability applied in this case. In determining whether the penalty gave rise to absolute or strict liability the factors to consider were: the overall regulatory pattern adopted by the legislator; the subject matter of the legislation; the importance of the penalty; and the precision of the language used in the enactment. Taking into account the four factors the presumption of strict liability was rebutted. Guilt would follow proof merely of the proscribed act. The penalty under s. 5 of the *Municipal Act Tax Regulation*, B.C. Reg. 62/84 gave rise to absolute liability. The decision was based on the nature of the penalty and the clear, directive language in the *Regulation* and the *Local Government Act*, R.S.B.C. 1996, c. 323 combined with the legislator's decision not to grant to the municipality or the collector any discretion in relation to the penalty. Even if the defence of due diligence was available to the petitioners they failed to satisfy that defence in the circumstances.

Statutes Considered: *Local Government Act*, R.S.B.C. 1996, c. 323

Regulations Considered: *Municipal Act Tax Regulation*, B.C. Reg. 62/84, s. 5

August 29, 2008

Corporation of the Township of Esquimalt
Municipal Hall, 1229 Esquimalt Road
Victoria BC V9A 3P1

To Whom It May Concern:

Re: 1381 Lyall Street – statement of outstanding taxes
Folio – 0788.000

Please find enclosed a copy of a statement of outstanding taxes that I received in the mail the other day and a copy of the Electronic Home Owner Grant.

I dropped in to municipal hall today to determine what the \$223.80 charge was related to as I had the understanding that my taxes had been paid in full. I was advised that due to a late payment of taxes a 10% levy had been imposed.


I would like to appeal this charge. While I understand that the payment was received by the municipality several days past the due date my intent was to have had the payment made on the actual due date. You will see that the date on the Electronic Home Owner Grant was May 27th and this is the same date in which I set up the post dated electronic payment from my bank account. Unfortunately, on the due date for the taxes the balance left in my account was \$100 short of the total amount due. I discovered the error on July 5th and immediately made up the shortfall and made the full payment on that day although the municipality did not receive the payment until Monday, July 7th.

The reason I want you to consider the appeal of the penalty is that my intent to pay the amount due on time is clear. The advance application for the home owner grant and the arrangement for the electronic payment proves that I had full intent to pay the taxes at the appropriate time. It's only through an accounting error, which I admit was on my side, that the fully payment was not made. However, it was immediately rectified and full payment made.

I am aware of the policy in place but I think the intent of the policy is to encourage people who purposely do not make their payments in a timely manner do so and not to penalize those citizens who have every intent of making their payments on time but due to a minor accounting anomaly slip up.

Again, I am asking for an appeal and a dismissal of the penalty imposed and look forward to hearing the results of your consideration of this appeal.

Sincerely



Anthony C. Gibb
1318 Lyall Street
Victoria BC V9A 5H9

Rachelle Dempster
504 Constance Ave
Victoria BC
V9A 6N4
250-710-3605

Ms. Laurie Hurst
Director of Finance
250-414-7141

Dear Ms. Hurst,

I recently received a statement from the Corporation of the Township of Esquimalt dated Aug, 25/2008, stating I owe \$570.00 of outstanding taxes and a penalty of \$57.00 for a total of \$627.00.

In May 2007 I bought my first home. Last July (2007) I came into your office and paid my taxes, this year (2008 taxes) I decided to through my mortgage company (First line Mortgages) to pay the taxes. I sent them the annual tax bill and specifically asked them if there was anything else I needed to do. They were clear that I did not need to do anything else and the full tax bill would be paid.

After calling your office yesterday I learned that there was an unclaimed Home Owners Grant. Given the advice and direction of my mortgage company I was unaware that I had to claim this. If I had known I would have been in the office to claim well before the tax deadline of July 02/2008 as I literally live just around the corner from your office.

Please consider waiving the penalty of \$57.00 as I was misguided, I am a new homeowner and was misinformed. The late claiming of my Home Owners Grant was not intentional.

Thanks for your time and attention to this matter.



Rachelle Dempster

September 3, 2008

The Township of Esquimalt
Municiple Hall
1229 Esquimalt Road
Victoria, B.C.
V9A 3P1



Attention: Property Taxes Group

Dear Sir/Madam,

I received a Statement of Outstanding Taxes dated August 25, 2008 indicating a Taxes Penalty of \$246.22 (see attached copy of Statement).

I immediately paid the Current Taxes of \$2462.18 online via TD.

As residents of Alberta and new owners of property in Victoria we have not paid taxes previously and have obviously erred in our initial payment to you. I can only ask if you would waive the Penalty in this instance and assure you we will be timely next time.

Yours sincerely,


Mark Brodie

403 615 5758.

Laurie

1085 Tillicum Rd
Apt 109
Victoria, BC
V9A 7B3

RECEIVED
SEP 22 2008
CORPORATION OF THE
TOWNSHIP OF ESQUIMALT

King

18 Sept 08

The Mayor
Corp of the Township of Esquimalt.
1229 Esquimalt Rd.
Esquimalt B.C. V9A-3 P1.

LT 79 Sec 10 Esquimalt
V15 3743.

Dear Sirs,

I recently had to pay a 10% on my Property Tax - because of my error of placing the wrong account number on my cheque - this cost me a penalty of \$109.00.

I now read with interest an article in the Times Colonist 17 Sept 08 that this charge is illegal. My calculation is that this penalty is equal to 192% pa which I believe is excessive. Please refund my \$109.00 less any administration ^{costs} that you can prove ^{you} incurred.

Please reply within 60 days or I will place my claim with the small claims court and advise Time Colonist with the result.

Yours truly
B. Hull.



**CORPORATION OF THE
TOWNSHIP OF ESQUIMALT**

1229 Esquimalt Road
Esquimalt, BC V9A 3P1
Tel: (250) 414-7107

2008 PROPERTY TAX NOTICE

DUE DATE: Wednesday, July 2, 2008



1

10% PENALTY IF NOT PAID OR GRANT NOT CLAIMED BY JULY 2, 2008

HALL, BARRY
109-1085 TILlicUM RD
VICTORIA BC V9A 7M3

LEGAL DESCRIPTION			
LT 79 SEC 10 ESQD PL VIS3743			
TOTAL NET ASSESSED VALUES FOR TAXATION PURPOSES			
CLASS	GENERAL	SCHOOL	HOSPITAL
1 - Res	271,000	271,000	271,000

FOLIO NUMBER	0009.521	ACCESS	731216
PROPERTY ADDRESS	109 1085 TILlicUM RD		
PID	023-112-565	RATES	

		COLUMN A	COLUMN B	COLUMN C
		NO GRANT	BASIC GRANT	ADDITIONAL GRANT
SCHOOL - NON RESIDENTIAL		0.00	0.00	0.00
SCHOOL - RESIDENTIAL	1.76370	477.96	477.96	477.96
Less: Home Owner Grant			-477.96	-477.96
NET SCHOOL TAXES		477.96	0.00	0.00
BC ASSESSMENT	0.06150	16.67	16.67	16.67
BC TRANSIT	0.14240	38.59	38.59	38.59
MUNICIPAL	4.43548	1,202.02	1,202.02	1,202.02
MUNICIPAL FINANCE AUTHORITY	0.00020	0.05	0.05	0.05
REGIONAL DISTRICT	0.54074	146.54	146.54	146.54
REGIONAL HOSPITAL DISTRICT	0.20101	54.47	54.47	54.47
NET OTHER GOVERNMENT TAXES		1,458.34	1,458.34	1,458.34
Less: Residual Home Owner Grant			-92.04	-367.04
NET MUNICIPAL TAXES		0.00	-92.04	-367.04
TOTAL NEW TAX LEVIES		1,936.30	1,366.30	1,091.30
Tax Prepayments/Adjustments		109.13	109.13	109.13
TOTAL OUTSTANDING TAXES		2,045.43	1,475.43	1,200.43

RECEIVED AT:
CORPORATION OF THE TOWNSHIP OF ESQUIMALT
ESQUIMALT BC V9A 3P1 (250) 414-7107

Receipt: 1514/6 Jul 21, 2008
Dated: Jul 21, 2008 01:17:19 PM
Station: POS1/CASH1

TXPMT 0009.521 1,200.43

Total 1,200.43

CHEQUE HALL, BARRY -1,200.43

Customer Copy

AMOUNT DUE JULY 2, 2008

A - NO GRANT	B - BASIC GRANT	C - ADD'L GRANT
\$2,045.43	\$1,475.43	\$1,200.43

DETACH AND RETURN TO:

50

Bell ExpressVu late charge ruled illegal

Ontario ruling casts wide spotlight on administrative charges

SARAH SCHMIDT
Canwest News Service

Bell ExpressVu's "administrative" charge to customers who fail to pay their monthly bill on time is illegal, an Ontario judge has ruled in a class-action lawsuit that throws into disarray the common corporate practice of charging consumers late fees.

In a rebuttal to Bell ExpressVu's central argument — that its \$25 fee is an administrative fee to cover costs in recouping money from wayward

customers — the Ontario Superior Court dismissed late Monday the company's motion to toss out the case. Instead, Justice Paul Perell ruled in favour of the plaintiff, Ottawa-area subscriber Peter De Wolf, in a summary judgment.

Even though the company "denies that the administration fee is the price of granting an indulgence for late payment," the court didn't buy the argument and ruled that the fee is indeed an illegal charge because it imposes a criminal rate of interest.

Canada's anti-usury provision in the Criminal Code outlaws annual interest charges in excess of 60 per cent.

Perell zeroed in on the fact that Bell continues to offer the satellite television service even as customers are in arrears. He pointed to the "bold state-

ment that there is no evidence of an agreement or arrangement on the part of Bell ExpressVu to extend credit. In my opinion, that statement is not correct," Perell wrote.

"What Bell ExpressVu appears to be doing is extending credit rather than accepting the customer's breach and enforcing the contract."

In an interview, De Wolf said the decision is great news for consumers in their fight against late fees or "administrative" charges — a common feature in customer agreements in the telecommunications sector and beyond.

"It's a huge decision. This puts all the other companies on notice that you can't charge these types of fees and get away with it."

A spokesman for Bell said the company is reviewing the decision, and

declined further comment.

John Lawford, staff counsel for the Public Interest Advocacy Centre, says he fully expects the company to appeal the decision, but its challenge will be hampered by Perell's record.

"Perell can pretty much write any book on any area of law he wants. In particular, he's often looked at debt, credit and payment issues, so if the Court of Appeal works the way it should, this should be an unappealable judgment."

Lawford said the principle is simple: "It just comes down to companies can't use legal trickery to try to explain charges away when they have the effect of interest."

Bell ExpressVu's legal footing would be more solid if it cut off the service of late-payers, the judge wrote.



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

STAFF REPORT

DATE: September 24, 2008 **REPORT NO.** FIN 08-017
TO: Mayor and Council
FROM: Local Grant Committee
SUBJECT: Permissive Tax Exemptions – 2009

RECOMMENDATIONS:

That Tax Exemption (Non-Profit Organizations) Bylaw, 2008, No. 2696 be given 1st, 2nd and 3rd reading.

BACKGROUND:

Section 224 of the *Community Charter* gives Council the authority to grant permissive assessment exemptions from property taxes for periods of up to 10 years. Council must pass a bylaw and, prior to adoption of the bylaw, notice of the proposed exemptions must be posted on the public notice board and advertised once each week for two consecutive weeks in a newspaper circulating in the municipality. A copy of the advertisement is attached for your information.

There are no set criteria for reviewing permissive exemption requests; however, consideration is given to the programs and services provided by each organization, their contributions to the community, and the impact of the cost of property taxes on their financial standing.

A permissive exemption may be for 100% of the assessed value of land and improvements, or some portion thereof.

In August, letters were sent to all organizations that received permissive tax exemptions for 2007 advising of the requirement to submit their requests and financial information. All organizations were also required to have a representative present at the meeting of the Permissive Tax Exemption Committee (Local Grant Committee) on September 17, 2007.

For timing purposes, this report needs to be approved (or amended and approved) and the accompanying bylaw should receive first three readings at the Council meeting of October 6, 2008. Public notice of the intention to adopt this bylaw will be published for two consecutive weeks in the Esquimalt News on October 8 and October 15. Council can give final adoption at the October 20 meeting. The process must be complete and the BC Assessment Authority must have the approved bylaw by October 31, 2008.

DISCUSSION:

Requests for continuation of their permissive tax exemptions for 2009 were received from the following organizations:

- Boys and Girls Club Services of Greater Victoria (410 Macaulay Street)
- City of Victoria (portion of Bernard Park)
- Esquimalt Anglers' Association (Fleming Beach Park)
- Esquimalt Neighbourhood House Society (511 Constance Avenue)
- Island Corridor Foundation (Wurtele Place)
- Rock Solid Foundation (1235 Esquimalt Road – old Public Works Yard)
- Prostitutes Empowerment Education & Resource Society (Unit 1, 744 Fairview Road)
- Habitat Acquisition Trust (550 Garrett Place)
- The Victoria First Church of the Nazarene (Unit 2, 831 Devonshire Road)
- Victoria Operatic Society (Unit 10, 744 Fairview Road)
- Royal Canadian Legion Esquimalt Dockyard Branch No. 172 (622 Admirals Road)
- The Ismaili Jamatkhana and Centre (1250 Esquimalt Rd)


The Committee was satisfied with all submissions and supports the continuation of each assessment exemption.

ALTERNATIVES:

1. Approve permissive tax exemptions as presented.
2. Add or delete as determined by Council.



Laurie Hurst, CGA
Director of Financial Services

<p>Approved for Council's consideration:</p> <p> _____ Tom Day, CAO</p> <p>Dated: <u>Oct 1/08</u></p>

**CORPORATION OF THE TOWNSHIP OF ESQUIMALT
Notice of Tax Exemption Bylaw**

Take notice that the Council of the Corporation of the Township of Esquimalt intends to adopt Tax Exemption (Non-Profit Organizations) Bylaw, 2008, No. 2696 under the authority of section 224 of the Community Charter.

The purpose of the proposed tax exemption bylaw is to exempt the non-profit organizations listed below from property taxes imposed under section 197(1)(a) of the Charter for the year 2009.

Organization Name and Property Description	Estimate of Amount of Taxes That Would Be Imposed on the Property If It Were Not Exempt		
	2009	2010	2011
Boys and Girls Club Services of Greater Victoria Roll No. 01-307-3628.025 Portion of Lot 1, Section 11, Plan 41833 PID: 017-114-501 Lessee - 410 Macaulay Street	\$3,321	\$3,468	\$3,476
Corporation of the City of Victoria Roll No. 01-307-0001.006 Portion of Lot 1, Sections 11 and 32, Plan 5678 PID: 005-979-064 Portion of Barnard Park off Sea Terrace	\$2,389	\$2,495	\$2,500
Esquimalt Anglers' Association Roll No. 01-307-0001.037 Portion of Lot 7, Section 11, Plan 6644 PID: 005-861-926 Occupier - 1101 Munro Street (<i>Fleming Beach Park</i>)	\$189	\$197	\$198
Esquimalt Neighbourhood House Society Roll No. 01-307-3928.000 Lot K (DD EH50220), Suburban Lot 38, Plan 2854 PID: 018-722-971 511 Constance Avenue	\$8,512	\$8,890	\$8,910
Island Corridor Foundation Roll Nos 01-307-0003.060, 01-307-0003.061 & 01-307-0003.062 Lot A, Section 10 & 11, Plan VIP66612 Primary PID: 023-795-212, additional PID: 024-019-721	\$4,991	\$5,213	\$5,224
Rock Solid Foundation Roll No. 01-307-0001.045 Portion of Lot B, Plan 18121 PID: 003-882-794 Occupier - 1235 Esquimalt Road (<i>old Public Works Yard</i>)	\$1,663	\$1,737	\$1,741
Prostitutes Empowerment Education & Resource Society Roll Nos. 01-307-0009.113 & 01-307-0009.118 Strata Lots 1 & 6, Section 10, Strata Plan VIS2853 PID: 018-375-570 and 018-398-928 Unit 1, 744 Fairview Road	\$8,540	\$8,919	\$8,939
Habitat Acquisition Trust Roll No. 01-307-3940.001 Lot 1, Section 11, Plan VIP77333	\$13,539	\$14,140	\$14,172
The Victoria First Church of the Nazarene Roll No. 01-307-0008.725 Strata Lot 2, Section 10, Strata Plan SP788 PID: 000-766-658 Unit 2, 831 Devonshire Road	\$16,197	\$16,916	\$16,954
Victoria Operatic Society Roll No. 01-307-0009.116 Strata Lot 4, Section 10, Strata Plan VIS2853	\$10,237	\$10,691	\$10,715
The Esquimalt Dockyard Branch No. 172 of the Canadian Legion of the British Empire Service League Roll No. 01-307-1550.000 Lots 155, 156, 157 and 158, Suburban Lot 43, Plan 2854, Except That Part of Lot 158 in Red on Plan 312 BL PID: 006-390-897, 006-386-865, 006-386-881 and 006-387-098 622 Admirals Road	\$18,497	\$19,319	\$19,362
The Ismaili Jamatkhana and Centre (0768944 BC Ltd) Roll No. 01-307-2897.000 Lot A, Esquimalt District, Plan 12973 PID: 004-683-561 1250 Esquimalt Road	\$6,301	\$6,581	\$6,596

Any person who wishes to review a copy of the proposed tax exemption bylaw may do so by contacting the Director of Financial Services, Corporation of the Township of Esquimalt, 1229 Esquimalt Road, Esquimalt, BC V9A 3P1. Telephone 414-7141.

This notice is given in accordance with Section 227 of the *Community Charter*.

Dated this 8th day of October, 2008.

Laurie Hurst, CGA
Director of Financial Services

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2696

A Bylaw to provide tax exemption for certain lands
and improvements for the year 2009.

WHEREAS it is provided by Section 224 of the *Community Charter* that on or before October 31 in any year, the Council may, by bylaw, exempt from taxation under Section 197(1)(a) of the said *Charter* for not longer than 10 years, certain lands or improvements or both;

AND WHEREAS it is expedient that the lands or improvements or both set out hereafter be so exempted from taxation for the year 2009;

AND WHEREAS public notice of this Bylaw has been given in accordance with Sections 94 and 227 of the *Community Charter*;

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as the "TAX EXEMPTION (NON-PROFIT ORGANIZATIONS) BYLAW, 2008, NO. 2696".
2. Pursuant to Section 224 of the *Community Charter*, the lands or improvements or both set out in Schedule "A" attached to and forming part of this Bylaw are hereby exempted from taxation imposed under Section 197(1)(a) of the said *Charter* for the year 2009.

READ a first time by the Municipal Council on the day of October, 2008.

READ a second time by the Municipal Council on the day of October, 2008.

READ a third time by the Municipal Council on the day of October, 2008.

ADOPTED by the Municipal Council on the day of October, 2008.

CHRIS CLEMENT
MAYOR

LARRY RANDLE
MUNICIPAL CLERK

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2696
SCHEDULE "A"

1. That portion of Lot 1, Section 11, Esquimalt District, Plan 41833 (Parcel Identifier 017-114-501; Roll No. 01-307-3628.025; 410 Macaulay Street), and any improvements thereon, held by the **Boys and Girls Club Services of Greater Victoria** and operated as an institution licenced under the *Community Care and Assisted Living Act*.
2. That portion of the lands described as Lot 1, Sections 11 and 32, Esquimalt District, Plan 5678 located within the boundaries of the Corporation of the Township of Esquimalt (portion of **Barnard Park**; Parcel Identifier 005-979-064; Roll No. 01-307-0001.006; Sea Terrace), and any improvements thereon, owned by the **Corporation of the City of Victoria**, a municipality, and used for a purpose of the municipality.
3. That portion of the land and improvements on Lot 7, Section 11, Esquimalt District, Plan 6644 (Parcel Identifier 005-861-926; Roll No. 01-307-0001.037; 1101 Munro Street) held by the **Esquimalt Anglers' Association**, a charitable, philanthropic or other not for profit corporation, and used for a purpose that is directly related to the purposes of the corporation.
4. The lands described as Lots 155, 156, 157 and 158, Suburban Lot 43, Esquimalt District, Plan 2854, Except That Part of Lot 158 in Red on Plan 312 BL (Roll No. 01-307-1550.000; Parcel Identifier Nos. 006-390-897, 006-386-865, 006-386-881 and 006-387-098; 622 Admirals Road), and improvements thereon, owned by **The Esquimalt Dockyard Branch No. 172 of the Canadian Legion of the British Empire Service League**, a charitable, philanthropic or other not for profit corporation, and used for a purpose that is directly related to the purposes of the corporation, to the extent of 50% of the Class 6 Business & Other and 100% of the Class 8 Recreational & Non-Profit assessed values as classified under the *Assessment Act*.
5. The lands described as Lot K (DD EH50220), Suburban Lot 38, Esquimalt District, Plan 2854 (Parcel Identifier 018-722-971; Roll No. 01-307-3928.000; 511 Constance Avenue), and any improvements thereon, being premises owned by the **Esquimalt Neighbourhood House Society**, a charitable, philanthropic or other not for profit corporation, and used for a purpose that is directly related to the purposes of the corporation.
6. The lands described as Strata Lots 1 and 6, Section 10, Esquimalt District, Strata Plan VIS2853 (Parcel Identifiers 018-375-570 and 018-398-928; Roll Nos. 01-307-0009.113 and 01-307-0009.118; Unit 1, 744 Fairview Road), and any improvements thereon, owned by the **Prostitutes Empowerment Education & Resource Society**, a charitable, philanthropic or other not for profit corporation, and used for a purpose that is directly related to the purposes of the corporation.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2696
SCHEDULE "A"

7. That portion of the land and improvements on Lot B, Esquimalt District, Plan 18121 (Parcel Identifier 003-882-764; Roll No. 01-307-0001.045; 1235 Esquimalt Road) held by the **Rock Solid Foundation**, a charitable, philanthropic or other not for profit corporation, and used for a purpose that is directly related to the purposes of the corporation.
8. The lands described as Strata Lot 2, Section 10, Esquimalt District, Strata Plan SP788 (Parcel Identifier 000-766-658; Roll No. 01-307-0008.725; Unit 2, 831 Devonshire Road), and any improvements thereon, being premises owned by **The Victoria First Church of the Nazarene**, a charitable, philanthropic or other not for profit corporation, and used for a purpose that is directly related to the purposes of the corporation.
9. The lands described as Strata Lot 4, Section 10, Esquimalt District, Strata Plan VIS2853 (Parcel Identifier 018-375-600; Roll No. 01-307-0009.116; Unit 10, 744 Fairview Road), and any improvements thereon, being premises owned by the **Victoria Operatic Society**, a charitable, philanthropic or other not for profit corporation, and used for a purpose that is directly related to the purposes of the corporation.
10. The lands described as Lot 1, Section 11, Esquimalt District, Plan VIP77333, (Parcel Identification No. 026-001-039; Roll No. 01-307-3940.001; 550 Garrett Place), and any improvements thereon, held by **Habitat Acquisition Trust**, a charitable, philanthropic or other not for profit corporation, and used for a purpose that is directly related to the purposes of the corporation.
11. The lands described as Lot A, Section 10 & 11, Plan VIP66612 Lease GCMK-506-0301 within right of way leased to Esquimalt Municipality for road encroachment (.247A) and part in Lot A, Section 2 (Reference Plan VIP65446) Right of Way & SRW over VIP70031 excluding leased portion and SRW over VIP70308 & VIP70137, VIP70477 & VIP70478, Lot A, Plan VIP65446, Esquimalt Land District, Lot A, Plan VIP66612, Section 10&11, Esquimalt Land District, (Primary Parcel Identification no. 023-795-212, secondary Parcel Identification No. 024-019-721; Roll Nos. 01-307-0003.060, 01-307-0003.061, and 01-307-0003.062) and any improvements thereon, held by **The Island Corridor Foundation**, a charitable, philanthropic or other not for profit corporation, and used for a purpose that is directly related to the purposes of the corporation.
12. The lands described as Lot A, Esquimalt District, Plan 12973 (Parcel Identification No. 004-683-561; Roll No. 01-307-2897.000; 1250 Esquimalt Road, Ismaili Jamatkhana and Centre), and any improvements thereon, held by **0768944 B C LTD**, a charitable, philanthropic or other not for profit corporation, and used for a purpose that is directly related to the purposes of the corporation.



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

STAFF REPORT

DATE: September 29, 2008 **REPORT NO.** FIN 08-018
TO: Tom Day, CAO
FROM: Laurie Hurst, Director of Financial Services
SUBJECT: Celebration of Lights

RECOMMENDATIONS:

That Council recognize the Celebration of Lights Committee and support the annual event by adopting an administration policy similar to ADMIN - 39.

BACKGROUND:

The attached correspondence was received by Council at a regular meeting August 18, 2008. Council referred the correspondence to staff for more information.

The Buccaneer Days Committee is a quasi committee of Council in that Council does not appoint all of the members on the Committee. Council appoints a current Councillor to an advisory position on the Committee and a representative from Parks and Recreation. The complete list of Committee members is submitted to Council for ratification by the Committee.

Subsequent to the July 12, 1993 Terms of Reference referred to by the Chair of the Celebration of Lights Committee, Council adopted Administration Policy ADMIN – 39 on May 16, 2006 (copy attached). The policy is very clear in that Council continues to support the Buccaneer Days Committee and Buccaneer Weekend events but that the event is not considered to be a 'municipal' function.

This status is further verified by the fact that the Township does not cover any of the Buccaneer Days events under our insurance umbrella nor does the Township contribute any actual funding for the committee. The only financial contribution that the Township does make is to reimburse the committee for the cost of insurance. The Buccaneer Days Committee is responsible for obtaining and making payment for insurance coverage under their own rider. The Township reimburses the committee for their expenditure.

DISCUSSION:

In the correspondence of July 2, 2008 from the Celebration of Lights Committee, there was specific reference to having "... Committee of Council status to the organizers... assured access to municipal resources including staff support and access to facilities, as well as certain legal and insurance

protections.” There are a few differences between the 1993 Terms of Reference and the 2006 Administration Policy, one of which is fundamental. The 1993 specification was that the *responsibility for operation of Buccaneer Days be with Council*. The 2006 policy clearly indicates that Council and staff continue to *support* the Buccaneer Day Committee as **they** undertake the activities. As a result of the policy, legal and insurance protections for the events do not lie with the Township, but rather with the committee.


ALTERNATIVES:

1. Leave status of Celebration of Lights Committee and event as it is presently.
2. Recognize the Celebration of Lights Committee as a Committee of Council and the event as a municipal function as requested.
3. Recognize the Celebration of Lights Committee and event similar to that of Buccaneer Days by adopting an Administration Policy.



Laurie Hurst, CGA
Director of Financial Services

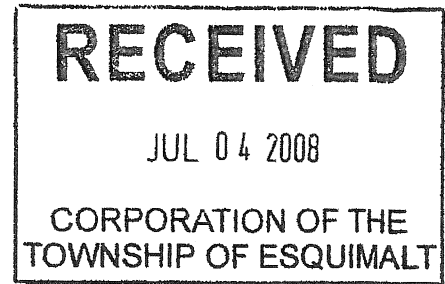
Approved for Council's consideration:



Tom Day, CAO

Dated: Oct 1/08

ESQUIMALT'S "CELEBRATION OF LIGHTS" COMMITTEE
c/o Esquimalt Chamber of Commerce
1153 Esquimalt Rd., Box 36019
Victoria, British Columbia
V9A 7J5



Esquimalt Council
1229 Esquimalt Road
Esquimalt, British Columbia
V9A 3P1

Agenda

July 2, 2008

Dear Members,

Regarding – Request for Committee of Council Status

I am writing on behalf of Esquimalt's Celebration of Lights Committee to request that the Corporation of the Township of Esquimalt formally recognize this Committee by giving it status as a Committee of Council as is provided to the organizers of Esquimalt Buccaneer Days.

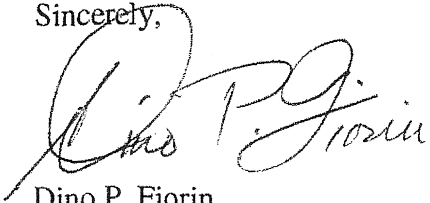
As you may know, the Celebration of Lights Committee has for the past several years organized a Christmas celebration including a local parade and entertainment on the first Tuesday evening of December. Esquimalt's Celebration of Lights is becoming the community's winter community celebration event and Buccaneer Days are Esquimalt's summer community celebration event. Like Buccaneer Days, the Celebration of Lights attracts a large attendance from Esquimalt and neighbouring residents and positively reflects on Esquimalt.

In 1993, Esquimalt Council provided Committee of Council status to the organizers of Esquimalt Buccaneer Days (see attachment). This status provides the organizing committee with assured access to municipal resources including staff support and access to facilities, as well as certain legal and insurance protections.

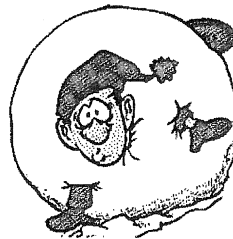
We believe that similar status would be beneficial to Esquimalt's Celebration of Lights. Many of our Committee Members also help organize Buccaneer Days, and there are potential synergies between the two committees.

We would be interested in meeting with you to further discuss our request and look forward to hearing from you at your earliest convenience.

Sincerely,

A handwritten signature in cursive script that reads "Dino P. Fiorin". The signature is written in black ink and is positioned above the printed name.

Dino P. Fiorin
Chairman



Keep the ball rolling....

Esquimalt Buccaneer Days Terms of Reference

As adopted by the Corporation of the Township of Esquimalt at the Regular Meeting of Council on July 12, 1993:

Councillor King moved, seconded by Councillor Halbert, that the following recommendations of the buccaneer Days Committee be endorsed:

- (a) That Buccaneer Days continue and that the responsibility for its operation be with Council.
- (b) That the Parks and Recreation Commission be relieved of their responsibility for conducting Buccaneer Days.
- (c) That the Advisory Celebrations Committee be disbanded.
- (d) That a Councillor be appointed to act in an advisory and liaison capacity with the Committee.
- (e) That the Director, Parks and Recreation Services appointed as the staff liaison to the Organization Committee.
- (f) That the Committee be structured as follows:
 - Coordinators - The organization responsible to coordinate for a two year period
 - Members - Councillor for Liaison
 - Director, Parks and Recreation required to act as liaison of space and equipment. Will also liaise with other Municipal Departments.
 - One member of next organization to coordinate.
 - One member from major venues.
 - Esquimalt Anglers Association
 - The Royal Canadian Legion, Esquimalt Dockyard Branch
 - Esquimalt Chamber of Commerce
 - Esquimalt Lions Club
 - The above-named groups to look after Bullen Park activities, Buccaneer Days Parade, Advertising, Arena and Lot activities, etc.
- (g) That the Rainy Day Reserve Fund be capped at \$8,000. All money in excess generated by the ten percent of net profits in excess of \$100 from all participating organizations be deposited in the Friends of the Buccaneer Account for following year's operation. These monies, along with the solicitation of donations, would minimize any request for Public Funds.

And further, that the following recommendation be submitted to a future Council meeting for consideration:

- (h) That there be no charge for the use of facilities for Buccaneer participants.

The motion **CARRIED**.



COUNCIL POLICY

TITLE: Buccaneer Days	NO. ADMIN - 39
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PURPOSE

To ensure continued support for the Buccaneer Days Committee and Buccaneer Weekend events by Esquimalt Municipal Council and staff as required.

Council will support the Buccaneer Day Committee as they undertake the following activities:

1. Plan and implement all activities associate with Buccaneer Day weekend.
2. Look after Bullen Park activities, Buccaneer Days Parade, Advertising, Arena and Lot activities, etc.
3. Liaise with various service clubs and organizations in providing activities to Esquimalt residents.
4. Work with municipal staff to coordinate services, facilities, and staff as required.
5. Find sources of funding and grants to support activities.

APPOINTMENTS

1. That a Councillor be appointed to act in an advisory and liaison capacity with the Committee and attend committee meetings.
2. That a representative from Parks and Recreation be appointed by the Department and attend committee meetings.
3. The Buccaneer Days Committee shall annually submit to the Municipal Council for ratification, a list of Committee liaisons representing the following community groups:
 - Esquimalt Lions
 - Esquimalt Chamber of Commerce
 - Esquimalt Legion
 - Esquimalt Anglers
 - Esquimalt Arts and Crafts

The Buccaneer Days Committee may, in addition to those organizations listed above, invite representation from other community groups/organizations.

SUPPORT

1. Staff

The Township of Esquimalt provides staff support in a variety of ways. The following teams may be involved, as required and approved by the Director or Chief of the Department:

- Parks and Recreation
- Public Works
- Administration
- Fire Department

2. Financial

The Township of Esquimalt provides free access to municipal facilities for the event and does not charge out the costs associated with staff or equipment.

EFFECTIVE DATE: May 16, 2006	APPROVED BY: Council	REF:	AMENDS NO.	PAGE 1 OF1
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CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

STAFF REPORT

DATE: September 30, 2008 **REPORT NO.** FIN 08-019
TO: Tom Day, CAO
FROM: Laurie Hurst, Director of Financial Services
SUBJECT: Tax Sale - 2008

RECOMMENDATIONS:

That Council receive this report for information.

BACKGROUND:

As per Part 11 of the Local Government Act, at 10:00 am on the last Monday in September, at the council chambers, the tax collector must conduct the annual tax sale by offering by public auction each parcel of real property on which taxes are delinquent.

Notice of the time and place of the tax sale and the description and street address, if any, of the property subject to tax sale must be published in at least 2 issues of a newspaper. The last publication must be at least 3 days and not more than 10 days before the date of the tax sale. For 2008, the publication dates were October 17 and 24.

DISCUSSION:

The following property was sold for taxes at the 2008 tax sale. As there were no bidders at or above the upset price the municipality was deemed the purchaser:

Legal Description	Civic Address	Upset Price	Owner(s)
Lot B, Section 11 Esquimalt Land District	429 Lampson Street	\$529,548.95	607730 BCLTD

The owner at the time of tax sale, or the holder of a registered financial charge, may redeem a property from tax sale within one year of the date of the sale upon payment of the upset price plus interest at prime plus 3%.

The upset price is comprised of the following:

Delinquent Taxes/Interest/Utilities	\$139,027.45
Arrears Taxes/Interest/Utilities	\$181,125.43
Current Taxes and Penalty	\$184,097.41
Administration Fee 5%	\$25,212.51
Land Title Fees	\$86.15

Each year we budget for \$50,000 for tax sale purchases and \$50,000 for tax sale redemptions. The above total is in excess of the amount budgeted. As there are multiple persons registered in the land title office as owners of charges on the property, I fully expect that this property will be redeemed within the prescribed period (prior to September 29, 2009).

In the unlikely event that the property was not redeemed, the Township would then have title transferred and take possession of the property. Further actions would have to be examined at this time and may include sale of the property.


ALTERNATIVES:

N/A



Laurie Hurst, CGA
Director of Financial Services

Approved for Council's consideration:



Tom Day, CAO

Dated: Oct 1/08

STAFF REPORT

DATE: 1 October 2008 **REPORT NO.** DEV-08-083
TO: Tom Day, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
SUBJECT: USE OF REMAINING TOURISM FUNDS

RECOMMENDATION

1. That staff be authorized to investigate the cost of providing an information kiosk and public washroom at the entrance to the West Bay walkway and if the cost would not exceed the funds remaining in the Community Tourism Program grant that staff be authorized to proceed with the installation; or
2. That staff be authorized to investigate the cost of providing information kiosks only to be installed at both the entrance to the West Bay Walkway and the old municipal hall site adjacent to Esquimalt Road and if the costs would not exceed the funds remaining in the Community Tourism Program grant that staff be authorized to proceed with the installation; or
3. That staff be authorized to investigate the cost of providing a single information kiosk at the entrance to the West Bay walkway and if the costs would not exceed the funds remaining in the Community Tourism Program grant that staff be authorized to proceed with the installation.

BACKGROUND

Over the past year Chemistry Consulting completed a Tourism Action Plan for Esquimalt. The cost of preparing this Plan was covered by a grant from the Union of BC Municipalities. There is \$17,000. of the grant amount remaining and UBCM has confirmed that the municipality may use those funds to implement any of the recommendations in the Tourism Action Plan as long as the work is completed by December 2008.

The only implementation items which could fit within this small budget and short time frame are:

- 1) the installation of an Information Kiosk and
- 2) installation of signage

These 2 items could be combined into covered kiosk with space to mount permanent maps and information pieces alerting tourists to events, facilities and points of interest as well as temporary postings for events. This kiosk [similar to what Oak Bay has in front of their municipal hall] could be installed either at the entrance to the West Bay Walkway or in front of the old municipal hall adjacent to Esquimalt Road.

.../2

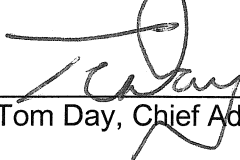
The Director of Parks and Recreation has recommended that, if the funds are sufficient, it would be desirable to have a combined washroom [single stall] and information kiosk in this location.

Preliminary investigations indicate the cost of a kiosk [without a washroom] would be approximately \$6000. to \$8000. depending on the size and style.



Barbara Snyder
Director of Development Services

Approved for Council's consideration:



Tom Day, Chief Administrative Officer

Dated: Oct 1/08



Examples of Information Kiosks used in parks and other settings



UNION OF
BRITISH
COLUMBIA
MUNICIPALITIES

Administration provided
by UBCM

Funding provided by:
Province of B.C.



LGPS Secretariat

Municipal House
545 Superior St
Victoria BC V8V 1T7

Phone: 250 356-5134
Fax: 250 356-5119

Website:

www.civicnet.bc.ca
under
Programs & Services

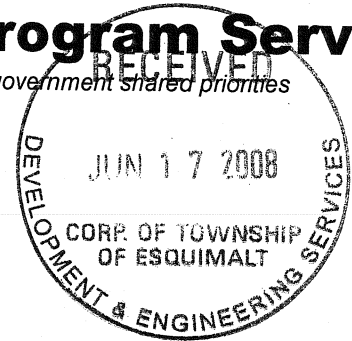
Local Government
Program Services

Local Government Program Services

...programs to address provincial-local government shared priorities

June 13, 2008

Township of Esquimalt
1229 Esquimalt Road
Esquimalt, BC V9A 3P1



Attention: Barbara Snyder, Director of Development Services

RE: COMMUNITY TOURISM PROGRAM (PHASE 1)
Reporting dated June 6, 2008

Dear Ms. Snyder:

Thank you for your recent report on tourism activities completed under the Community Tourism Program (phase 1). Congratulations on completion of your Tourism Action Plan.

On reviewing your financial statements, we note that you were able to come in under budget on your project and that you would like to begin implementation of the recommendations included in your completed plan.

Implementation of your plan is in keeping with the original application, and we can confirm that we have approved the implementation of these projects with the residual funds available in your phase 1 allocation.

We have extended your reporting deadline to December 31, 2008 in order that you can complete your project. We do regret however, that as per the grant guidelines, we cannot release the holdback for your project until all funds are fully spent. The holdback will be released on receipt of a final report and financial statement summarizing what was accomplished with the balance of your funds.

If you have any questions or concerns with regard to this correspondence, please feel free to contact me at 250-356-0876 or by e-mail at sclark@civicnet.bc.ca.

Sincerely,

Sue Clark
Program Officer

± 17,000.

STAFF REPORT

DATE: 30 September 2008 **REPORT NO.** DEV-08-087
TO: Tom Day, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
SUBJECT: **AMENDMENT TO ZONING BYLAW FOR ACCESSORY STRUCTURES**

RECOMMENDATION

1. That ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW [NO.182], 2008, NO. 2699 which would allow for an Accessory Building for urban hens to be located within the front yard setback, provided it is suitably screened, be given 1st and 2nd reading; and
2. That staff be directed to advertise the proposed amendment and schedule a Public Hearing for November 3, 2008.

BACKGROUND

Animal Bylaw [No. 2692] and Zoning Bylaw [No. 2050] have recently been amended to allow the keeping of urban hens either in portable 'chicken arcs' or permanent hen houses.



One further amendment is required to the Zoning Bylaw to allow those temporary of permanent chicken houses to be located within the 7.5 metre front yard setback provided that they are suitably screened. This change was discussed at the September 8th meeting of the Committee of the Whole. This change was incorporated into the Animal Bylaw which was amended on September 15th, 2008.

Bylaw No. 2699 would amend Zoning Bylaw No. 2050 by adding the following words and figures as item (3) of clause 21 in Part 4 - General Regulations:

- "(3) *Notwithstanding the restriction, contained elsewhere in this Bylaw, on placing Accessory Buildings in front of the front face of a Principal Building, Structures used to house Urban Hens, as regulated by the Animal Bylaw, may be located within the front yard setback provided that the Structure is screened by vegetation of a sufficient height and width to prevent the Structure being visible from the street or from any adjacent residence.*"



Barbara Snyder
Director of Development Services

<p>Approved for Council's consideration:</p> <p> _____ Tom Day, Chief Administrative Officer</p> <p>Dated: </p>
--

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2699

A Bylaw to amend Bylaw No. 2050, cited as the
"Zoning Bylaw, 1992, No. 2050"

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP
OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW [NO.182], 2008, NO. 2699".
2. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended as follows:
 - (1) by adding the following words and figures to Part 4 - General Regulations, clause 21:
 - "(3) *Notwithstanding the restriction, contained elsewhere in this Bylaw, on placing Accessory Buildings in front of the front face of a Principal Building, Structures used to house Urban Hens, as regulated by the Animal Bylaw, may be located within the front yard setback provided that the Structure is screened by vegetation of a sufficient height and width to prevent the Structure being visible from the street or from any adjacent residence.*"

READ a first time by the Municipal Council on the ---- day of -----, 2008.

READ a second time by the Municipal Council on the ---- day of -----, 2008.

A Public Hearing was held pursuant to Sections 890 and 892 of the *Local Government Act* on the ---- day of -----, 2008.

READ a third time by the Municipal Council on the ---- day of ----, 2008.

ADOPTED by the Municipal Council on the ---- day of ----, 2008.

STAFF REPORT

DATE: 29 September 2008 **REPORT NO.** DEV-08-088
TO: Tom Day, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
**SUBJECT: PROPOSED AMENDMENT TO THE REGIONAL GROWTH STRATEGY
ARBITRATION PROCESS**

FOR INFORMATION

On January 7th, 2008 Council considered a proposed amendment to the CRD Regional Growth Strategy [RGS] to alter the Regional Urban Containment and Servicing Policy Area [RUCSPA] to include additional area within the District of Highlands and passed a motion to **refuse** the amendment as proposed by Bylaw No. 3443, Capital Regional District Growth Strategy Bylaw No. 1, 2002, Amendment Bylaw No. 1, 2007'. That decision was conveyed to the CRD.

In early 2008, Gordon Sloan was appointed as a facilitator to assist in finding agreement on the amendment. Mr. Sloan met with local governments that chose to participate, including Esquimalt. However, his report of June 20, 2008 which outlined potential options for resolving the dispute was not accepted by all member municipalities.

On August 13th, the CRD Board received the facilitator's report and passed the following resolution:

"That it be recommended to the Minister that this process be folded into the five year RGS review and resolution sought through that process."

The Minister of Community Development, Blair Lekstrom, has now decided that this issue is to be resolved through full arbitration under Section 860 of the *Local Government Act*. The reasons for this decision are set out in his letter of September 25th to Denise Blackwell, CRD Chair [copy attached]. Glen Sigurdson has been chosen as the arbitrator for this dispute. Also attached is an excerpt from the *Regional Growth Strategies: An Explanatory Guide* [pages 23 - 27] that discusses the various processes for settling a RGS dispute.

As Esquimalt is one of the member municipalities of the CRD, there is the opportunity to participate in the arbitration process should Council wish to. If Esquimalt does want to participate, the arbitrator must be informed of Council's decision by Monday, October 13th, 2008.

After advising the arbitrator, each local government that chooses to participate in the arbitration process has until November 10th, 2008 to submit their proposal for resolving the

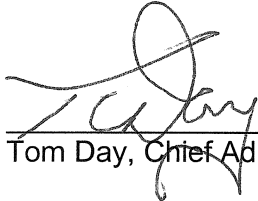
issue. Once the arbitrator has made a decision, it is final and binding on all of the local governments affected, whether or not they chose to participate in the process.

The arbitrator's fees, expenses and process administration costs are to be shared proportionally between the proposing Board and the local governments that choose to participate in the process. A local government's own costs to participate, including preparation of a final proposal and other written submissions are borne by that jurisdiction only.



Barbara Snyder
Director of Development Services

Approved for Council's consideration:

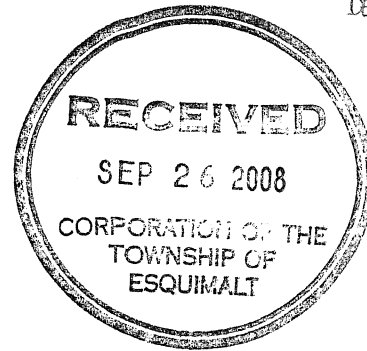


Tom Day, Chief Administrative Officer

Dated: _____

Oct 1/08

DEX-00-0000



Ref: 128710

September 25, 2008

Ms. Denise Blackwell
 Chair
 Capital Regional District
 625 Fisgard Street
 PO Box 1000
 Victoria, BC V8W 2S6

Dear Chair Blackwell:

Thank you for your letter of August 19, 2008, regarding the proposed amendment to the Capital Regional District's (CRD) Regional Growth Strategy (RGS), to alter the Regional Urban Containment and Servicing Policy Area (RUCSPA) to include additional area within the District of Highlands (District).

It is my understanding that this issue first came forward on March 8, 2006, when the CRD Board voted to accept the District's Regional Context Statement that contained policies to adjust the RUCSPA. The CRD then followed up by developing an RGS amendment bylaw in July 2007 to implement this direction, as it was contrary to the original RGS. When acceptance was not reached on the proposed amendment, the Ministry of Community Development (Ministry) and the CRD cost shared on the appointment of a facilitator in early 2008 to assist in finding agreement on the amendment. The facilitator extended the acceptance period to provide time for a full discussion on the outstanding issue and determine if agreement on an acceptable outcome was possible. The facilitator met with all affected local governments that chose to participate, and produced a report on June 20, 2008, outlining the interests and potential options for resolving the dispute.

.../2



Ministry of Community
 Development

Office of the Minister

Mailing Address:
 PO Box 9056 Stn Prov Govt
 Victoria BC V8W 9E2
 Phone: 250 387-2283
 Fax: 250 387-4312

Location:
 Room 133
 Parliament Buildings
 Victoria
www.gov.bc.ca/cserv

Chair Blackwell

Page 2

You have now advised me that there is still no acceptance on the RGS amendment bylaw from member municipalities. At this point in time, as required under section 859(2) of the *Local Government Act* (Act), I am faced with a decision to direct that the dispute be addressed either through a non-binding process or be settled through arbitration.

In the resolution passed at the August 13, 2008 CRD Board meeting, the CRD Board recommended that resolution of this matter be sought through a non-binding process, specifically the 5-year RGS review. If I were to consider a non-binding dispute resolution process, the 5-year RGS review would not be considered a non-binding resolution process under section 859 of the Act. One of the principles underpinning the regional growth strategy legislation is to ensure certainty and closure with respect to the resolution of any outstanding issue. The RUCSPA amendment issue has been under discussion and negotiation for quite some time. While I can appreciate the CRD Board's interest in directing the matter into the broader 5-year RGS review process, this does not provide any certainty with respect to finding a resolution, nor would any form of non-binding dispute resolution. I am, therefore, directing that the matter be resolved through arbitration under the provisions of section 860 of the Act.

The Act provides for three different forms of arbitration: 1) peer panel review; 2) final proposal arbitration; or 3) full arbitration. I am not confident that agreement can be reached between the numerous parties on the form of arbitration to be used, nor on the choice of arbitrator, as there has been no agreement to date on resolving the dispute. Therefore, as authorized under sections 860(3) and 861(2)(b) of the Act, I am further directing that the dispute over the RGS amendment be settled through final proposal arbitration and that Mr. Glenn Sigurdson be the arbitrator to conduct the settlement proceedings. Final proposal arbitration is based on written submissions by those local governments that decide to participate.

It is important that the current CRD Board and councils of the affected municipalities achieve resolution on this RGS bylaw amendment. I do not want potentially new councils and CRD Board members to have to deal with this after the upcoming local government elections. To this end, the selection of Mr. Glenn Sigurdson as arbitrator is effective as of September 29, 2008. With the process starting on this date, the CRD Board and other affected local governments must advise the arbitrator by October 13, 2008 if they are going to participate in the arbitration. Further, as required under section 19 of the Regional Growth Strategies Regulation (BC Reg. 192/98), a joint statement indicating the disputed RGS amendment issue is required by October 27, 2008. Finally, each local government participating in the arbitration is required to have its written submission to the arbitrator no later than November 10, 2008. The arbitrator then has three weeks in which to make his decision.

.../3

Chair Blackwell
Page 3

I do appreciate that the CRD Board did not request that this matter be resolved through arbitration. I would like to emphasize that although I am directing this matter to arbitration, the affected local governments can come to agreement on an acceptable resolution at any point in time during the arbitration process. This would negate the need for the arbitration process to continue. In addition, even after the arbitrator has made a decision, the CRD Board and the affected local governments have 60 days to agree on an alternative resolution before the arbitrator's decision becomes binding. So in effect, while I have determined that arbitration on this issue should proceed, that does not have to stop the CRD Board, and affected local governments, from continuing to work together to find a mutually agreeable solution.

Ministry staff will be in contact with staff from the CRD and affected local governments to provide details of next steps for proceeding with the final proposal arbitration process.

Sincerely,

**ORIGINAL
SIGNED BY**

Blair Lekstrom
Minister

(pc's sent via fax on September 25, 2008)

pc: His Worship Mayor Mark Cardinal, District of Highlands, Fax: 250 474-3677
His Worship Mayor Jack Mar, District of Central Saanich, Fax: 250 652-0135
His Worship Mayor Jody Twa, City of Colwood, Fax: 250 478-7516
His Worship Mayor Chris Clement, Township of Esquimalt, Fax: 250 414-7111
His Worship Mayor Stewart Young, City of Langford, Fax: 250 391-3428
His Worship Mayor John Ranns, District of Metchosin, Fax: 250 474-6298
His Worship Mayor Ted Daly, District of North Saanich, Fax: 250 656-3155
His Worship Mayor Christopher Causton, District of Oak Bay, Fax: 250 598-9108
His Worship Mayor Frank Leonard, District of Saanich, Fax: 250 475-5440
His Worship Mayor Don Amos, Town of Sidney, Fax: 250 655-4508
Her Worship Mayor Janet Evans, District of Sooke, Fax: 250 642-0541
His Worship Mayor Alan Lowe, City of Victoria, Fax: 250 361-0317
His Worship Mayor Graham Hill, Town of View Royal, Fax: 250 727-9551
His Worship Mayor W.J. (Jack) Peake, Chair, Cowichan Valley Regional District,
Fax: 250 746-2513

Settlement of an RGS

Closure on issues is needed, but the use of a final settlement process would only be used as a “last resort”, when all other methods of dispute resolution to facilitate reaching agreement have failed, or are destined to fail because differences are too deeply entrenched.

In the event that an affected local government notifies the minister that it will not accept the RGS, in spite of any non-binding process to be undertaken, the minister can refer the strategy for final settlement. Alternatively, if a non-binding resolution process has been used and the parties were still not able to reach agreement, the strategy will automatically be referred for settlement.

Section 861 outlines three options for final settlement—a peer panel, final proposal arbitration or full arbitration. The choice of settlement process is to be made by agreement between the regional district and the local government(s) that did not accept the RGS. If, within a reasonable time period, the parties cannot decide on the option to be used for final settlement of the strategy, the minister will choose the most appropriate settlement process based upon the issue(s) in dispute and specific circumstances.

Specific procedural rules for each of the three options are set out in regulation (B.C. Reg. 191.98 & 192.98).

Peer Panel

One settlement option draws on the resources of a panel of three individuals who are locally elected officials (current or former) or who, in the opinion of the minister, have appropriate experience in relation to local government matters. These individuals cannot be elected officials from a local government that is currently involved in the preparation of the RGS in question. A list of potential candidates for the peer panel who have the relevant knowledge and experience in local government matters and dispute resolution processes will be prepared by the minister in consultation with the UBCM. The selection of the panel will be made by the regional district and the local government(s) that did not accept the RGS, or by the minister if these parties cannot decide within a reasonable time period.

The panel will hear presentations from the local governments participating in the settlement proceedings and make any decision it considers appropriate to settle the disputed issues. Written reasons will be provided upon request, if the request is made prior to the panel retiring to make its decision after the proceedings have concluded. This option may give local governments some comfort that the members of the panel will be familiar with the issues before them and it gives an opportunity for those not involved in the dispute to try to resolve it for them.

Final Proposal Arbitration

A second option for final settlement is by an individual arbitrator who determines each disputed issue by **selecting one** of the final written proposals submitted by the participating parties.

Each party participating in the process files a written recommendation for resolution of the disputed issue with the arbitrator. The arbitrator would not have to prepare written reasons and would simply choose one of the final proposals submitted. Written reasons are not required in this option, as the nature of the final proposal arbitration process makes the giving of reasons often very difficult. The arbitrator may not like any of the proposals but must choose one of them. The RGS will be settled after incorporation of the final proposal(s) selected by the arbitrator.

A list of potential arbitrators has been prepared by the minister in consultation with the UBCM. The candidates are experienced arbitrators, with extensive knowledge of the law. The selection of the arbitrator will be made by the regional district and the local government(s) that did not accept the RGS. If they cannot decide, the minister will select the arbitrator. Regulations prepared by the ministry determine how the proceedings are to be conducted. This will be the most time and cost-efficient method of final settlement, although suitable only for the least complex of issues.

Full Arbitration

The third option for settlement of an RGS is by an individual arbitrator who hears presentations from the local governments participating, but can make any decision they consider appropriate. Candidates will be experienced arbitrators, with extensive knowledge of the law. As with the other two options, the choice of arbitrator will be left up to the regional district and local governments which did not accept the RGS, or failing agreement, by the minister. Regulations specify how the proceedings are to be conducted. Written reasons for the decision are required. A list of potential arbitrators will be prepared by the minister in consultation with the UBCM.

Judicial Review

Section 862(6) provides for a judicial review of the panel or arbitrator's decision. The time period for initiating such a review is during the 60 days after the decision has been made. Judicial review involves the Supreme Court of British Columbia reviewing the way in which the panel or arbitrator made the decision. It is not an appeal of the merits of the decision.

General Provisions Regarding Settlement of an RGS

If there is more than one affected local government that has not accepted the RGS, whether the issues are the same or different, the strategy will be settled for all in the same settlement proceedings. All affected local governments, even if they accepted the RGS, may participate in the settlement process. In addition, the electoral area directors in the regional district where the proposed growth strategy will apply, and the provincial government, may make representations in the settlement process, subject to any conditions set by the panel or arbitrator. To ensure that there is closure, the decision resulting from the settlement process option will be final and binding on all the local governments affected, whether or not they chose to participate in the process. This means that the adjudicator—peer panel or arbitrator—has the ability to amend the RGS.

Section 864

(1) If a proposed regional growth strategy has been accepted by the affected local governments or has become binding under section 860(6), but has not been adopted by the proposing board, on the recommendation of the minister, the Lieutenant Governor in Council may, by order, specify a time by which the board must adopt the regional growth strategy.

(2) If the board does not adopt the regional growth strategy within the period specified under subsection (1), the Lieutenant Governor in Council may, by order, deem the regional growth strategy to have been adopted by the board, in which case it applies as if it had been adopted by a valid bylaw of the board.

Again, consistent with the principle that the planning system should be biased toward agreement, every opportunity is given to the parties to achieve agreement during final settlement. During a settlement proceeding, the parties can continue to negotiate on a mutually acceptable agreement, and at any point in the process the parties can reach agreement on the RGS, the affected local governments would accept it, and the proceedings would be terminated. Even at the stage where a decision has been made by a peer panel or arbitrator, the parties are provided an opportunity for “sober second thought”. Specifically, the regional district and affected local governments will have 60 days, after a decision has been rendered, in which to negotiate a different resolution for the strategy before the panel’s or arbitrator’s decision becomes final and binding. This provides the final opportunity for reaching agreement, as there has to be a mechanism that will ultimately bring the issue(s) and, therefore, the RGS process, to closure.

Once settlement of an RGS is achieved, the regional district goes on to give the strategy third reading and bylaw adoption. If the regional district fails to adopt the RGS, Cabinet can require the regional district adopt the strategy within a specified time period (section 864).

The fees and expenses of a peer panel or arbitrator and administrative costs of the process, in addition to the costs incurred by the individual parties participating in the process, will be paid by the parties participating in the settlement process. The costs will be shared proportionately between the proposing regional district and the affected local governments that participate, on the basis of the converted value of land and by improvements in their jurisdictions. This is the same cost-sharing formula described in the non-binding resolution processes section (page 22). If agreed to by the parties, the fees, expenses and administrative costs can be allocated on any other basis. In addition, a peer panel or arbitrator has the authority to reallocate the costs after hearing all the parties and making a decision.

With the emphasis of the legislation on working cooperatively and reaching agreement on a growth strategy that meets everyone's needs, it is anticipated that only in the rarest of circumstances will there be a referral to the minister for direction on any of the final settlement processes outlined above.

Putting the Strategy to Work—Implementing an RGS

Once an RGS has been adopted, all subsequent regional district bylaws and all works and services undertaken by the regional district, or by a greater board or an improvement district must be consistent with the RGS. This section parallels section 884 of the *Local Government Act*, requiring a municipality's actions to be consistent with its OCP while not committing the municipality to projects specified in it (since conditions may change, making a particular project no longer feasible). This requirement ensures that regional growth strategies have the intended binding effect on actions of local bodies, with the limitation that these actions do not include specific projects that may be planned.

Developing Regional Context Statements

Within two years of adopting a regional growth strategy, a municipality must adopt a regional context statement (section 866) which:

- identifies the relationship between the official community plan and the content of a regional growth strategy; and,
- specifies how the OCP and the RGS would be made consistent over time.

A regional context statement must be submitted for acceptance to the regional district. Reference should be made to Part 3 of this document for a more detailed description of a regional context statement and its relationship to the growth strategy.



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt BC V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

STAFF REPORT

DATE: 1 October 2008 **REPORT NO. P&R-08-015**
TO: Tom Day, Chief Administrative Officer
FROM: Christine Morissette, Director of Parks and Recreation Services
SUBJECT: **Community Gardens Policy**

RECOMMENDATION

That Council endorse the Township of Esquimalt Community Gardens Policy.

BACKGROUND

The Township of Esquimalt supports the principles of economic, environmental and social sustainability, and understands that it must be proactive to ensure that future generations have the same opportunities and quality of life that residents enjoy today.

The Township is also committed to providing, encouraging and leveraging the development of facilities, amenities and programs to enhance the health and quality of life for all residents. In 2007, Esquimalt launched its Nutrition Strategy and Food Security Project, **Esquimalt Eats for Health**, to educate the community about healthy eating, and to work toward building a food secure climate. Support for community gardens is a natural next step in this direction.

Community gardens are widely seen as essential to urban environments. They provide public access to food, open space, environmental education, recreation and social opportunities. Community gardens are neighbourhood gathering places that foster the development of community identity and spirit, and allow for interaction with nature and the productive use of land.

Urban population growth in the Capital Region, both current and projected, will result in many more families living in multi-unit housing. Urban growth in Esquimalt is increasingly accommodated in new housing created through redevelopment and infill. In communities where people do not have access to their own yards, or have a place to garden or grow food, community gardens flourish.

At a regular meeting of Council on 7 July 2008, Council requested that staff prepare a Community Gardens Policy. For the purposes of the attached Community Gardens Policy, a community garden is defined as a plot of public or private land where members

of a community gardening group produce vegetables, fruits and flowers (native or ornamental) based on an agreement with the land owner. Demonstration gardening and other instructional programming may also take place in community gardens.

DISCUSSION

The Community Gardens Policy supports the Township of Esquimalt's commitment to sustainability and food security. It also allows residents of all ages and backgrounds to garden in a community context where they can improve their quality of life and their natural environment.

The policy will allow the Township of Esquimalt to facilitate the creation of community gardens where available land exists, where neighbours have been consulted and are supportive, and where a community gardening group demonstrates an interest and commitment to operating the site.

If Council approves a Community Gardens Policy, staff could:

1. Identify potential community garden sites in Esquimalt
2. Facilitate partnerships between the Township and other property owners and community residents for the establishment of self-sustaining community gardens
3. Provide strategic support to community gardening groups.

The Parks and Recreation Commission has provided its support for the adoption of a Community Gardens Policy. The Environmental Advisory Committee and the Advisory Planning Commission were also asked to comment on the policy. One response was received, inquiring about the need for fencing and other deterrents for pest control, and whether the municipality would purchase and install community tool sheds and fencing.

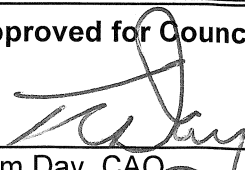
FINANCIAL IMPLICATIONS

If staff prepares a community garden strategy (to identify potential community garden sites on Esquimalt-owned land, appropriate community gardening groups, start-up requirements and costs, community consultation strategies and staffing needs), this initiative could form part of the Township of Esquimalt 2009 – 2010 work plan. This foundation work could be done with existing resources. However, additional resources would likely be required to coordinate and implement a community gardens program.

Christine Morissette

Christine Morissette
Director of Parks and Recreation Services

Approved for Council's consideration:


Tom Day, CAO

Dated:  09/25/08



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

COUNCIL POLICY

TITLE: Community Gardens	NO.
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CONTEXT

The Township of Esquimalt supports the principles of economic, environmental and social sustainability, and understands that it must be proactive to ensure that future generations have the same opportunities and quality of life that residents enjoy today.

The Township is committed to providing, encouraging and leveraging the development of facilities, amenities and programs to enhance the health and quality of life for all residents. In 2007, Esquimalt launched its Nutrition Strategy and Food Security Project, **Esquimalt Eats for Health**, to educate the community about healthy eating, and to work toward building a food secure climate. Support for community gardens is a natural next step in this direction.

Community gardens are widely seen as essential to urban environments. They provide public access to food, open space, environmental education, recreation and social opportunities. Community gardens are neighbourhood gathering places that foster the development of community identity and spirit, and allow for interaction with nature and the productive use of land.

Urban population growth in the Capital Region, both current and projected, will result in many more families living in multi-unit housing. Urban growth in Esquimalt is increasingly accommodated in new housing created through redevelopment and infill. In communities where people do not have access to their own yards, or a place to garden or grow food, community gardens flourish.

DEFINITION

For the purposes of this policy, a community garden is defined as a plot of public or private land where members of a community gardening group produce vegetables, fruits and flowers (native or ornamental) based on an agreement with the land owner. Demonstration gardening and other instructional programming may also take place in community gardens.

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GOALS OF THE COMMUNITY GARDENS POLICY

1. To support the Township of Esquimalt's commitment to sustainability and food security
2. To allow Esquimalt residents of all ages and backgrounds to garden in a community context where they can improve their quality of life and their natural environment.

OBJECTIVES OF THE COMMUNITY GARDEN POLICY

1. To identify potential community garden sites in Esquimalt
2. To facilitate partnerships between the Township and other property owners and community residents for the establishment of self-sustaining community gardens
3. To provide strategic support to community gardening groups.

ESQUIMALT SUPPORT FOR COMMUNITY GARDENS

The Township of Esquimalt will facilitate the creation of community gardens where available land exists, where neighbours have been consulted and are supportive, and where a community gardening group demonstrates an interest and commitment to operating the site.

Esquimalt may also offer the following support as resources are available:

- Promote awareness of community gardening on Esquimalt-owned land
- Make information available to those residents who wish to participate in community gardening initiatives
- Where appropriate, offer undeveloped parcels of Esquimalt-owned land as potential garden sites
- Provide in-kind support, such as personnel and material resources, to prepare the land by removing unwanted vegetation and debris, adding compost, and providing a metered water connection.

CONDITIONS OF USE FOR MUNICIPAL PROPERTY

The following conditions will apply to all community gardens situated on Esquimalt-owned property:

- The garden is developed at minimal cost to the Township
- A community consultation process is undertaken by the proponents to determine how the community garden group and the neighbourhood can benefit and support each other
- Environmental innovation, demonstration and education are encouraged
- The community gardening group agrees to develop, manage and operate the garden according to a License of Use Agreement with the Township which

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specifies the terms of use, management responsibilities, user fees and access procedures.

GUIDELINES FOR SELECTING COMMUNITY GARDEN SITES

In identifying potential sites for community gardens, the following guidelines will be considered:

- Interest and commitment of a volunteer, non-profit community gardening group
- Availability of the site
- Informed and supportive neighbours
- Sufficient soil quality, drainage and sun exposure
- Proximity to public transit
- Access to a municipal water line
- A License of Use Agreement for up to three years
- Location outside areas of environmental sensitivity or hazard.

DEFINITIONS

Areas of environmental sensitivity: riparian areas or areas containing threatened, endangered or protected ecosystems

Areas of hazard: steep slopes or areas with potential for erosion

Community Garden: a plot of public or private land where members of a community gardening group produce vegetables, fruits and flowers (native or ornamental) based on an agreement with the land owner. Demonstration gardening and other instructional programming may also take place in community gardens.

Food security: actions that ensure all people in a community have access to culturally acceptable, nutritionally adequate food through local, non emergency sources at all times

Sustainability: social, economic and environmental practices that ensure future generations will have the same opportunities and quality of life that people enjoy today

Undeveloped parcels of Esquimalt-owned land: municipal lands that have minimal development potential, such as vacant lots, municipal rights of way and parks, where gardening will not impede intended uses.

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APPENDIX – Conditions for License of Use Agreement Between the Township of Esquimalt and a Community Garden Group

A License of Use Agreement between the Township of Esquimalt and a Community Garden Group authorizes the group to develop and maintain a community garden on Esquimalt-owned land. The agreement will include at least the following conditions:

- The term of the agreement will be up to three years, with an option to renew
- The Township of Esquimalt may provide in-kind support, such as personnel and material resources, to prepare the land (removing unwanted vegetation and debris, and adding compost) and provide a metered water connection
- The Community Garden Group will be responsible for the overall management of the garden site and for assuming all maintenance responsibilities and associated operating costs related to community garden infrastructure
- The Community Garden Group will develop site use regulations, and members will be asked to sign a contract indicating their compliance with regular maintenance and operational standards
- Membership in the Community Garden Group and use of the site will be revoked for non compliance with the use agreement or for inappropriate activity on the site
- Gardening practices will adhere to the Township’s Pesticide Use Reduction Bylaw
- Produce and other plants grown on the site are not for private profit
- Access to the community garden for the enjoyment of the general public is permitted and facilitated
- Each Community Gardening Group is required to have liability insurance
- Community Garden Group contact information will be posted at each site to assist in establishing positive relationships with neighbours.

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CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt BC V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

STAFF REPORT

DATE: 1 October 2008 **REPORT NO. P&R-08-016**
TO: Tom Day, Chief Administrative Officer
FROM: Christine Morissette, Director of Parks and Recreation Services
SUBJECT: **Regional Recreation Pass**

RECOMMENDATIONS

1. That Council support the Intermunicipal Regional Recreation Pass initiative; and
2. That Parks and Recreation Regulation Bylaw 2007, No. 2665, Amendment Bylaw [No.2], 2008, No. 2700 be given 1st, 2nd and 3rd reading.

BACKGROUND

The role of recreation in our communities has changed. Today our recreation facilities are seen as “health centres”, holistic and diverse in services and programs. Governments now promote community wellness and recreation in response to mounting concerns over population health. And as baby boomers become more committed to maintaining their personal health, they expect community recreation to provide a range of health related programs. Recreation centres are experiencing a significant increase in participation in health and fitness programs, and participation in fitness related programs and weight rooms is now rivalling that of our bread and butter facilities such as swimming pools and arenas.

To respond to the changing face of recreation and community wellness, the Intermunicipal Recreation Managers Committee has developed several successful regional programs over the past several years:

- April Fit-in-Fitness Pass
- Leisure Involvement for Everyone (LIFE)
- Active Parents Pass
- Intermunicipal Recreation 2 for 1 Pass.

The concept of a Regional Recreation Pass is the most recent and far reaching initiative to date. Public awareness linking personal fitness and health has resulted in strong interest in and demand for access to recreation facilities using a single regional pass. The Regional Recreation Pass is a timely response to this public interest. As well, cross use and cross promotion of recreation facilities is a cost-effective method of increasing participation and revenue while responding to increased demand in virtually all program areas.

DISCUSSION

A Regional Recreation Pass will entitle pass holders to access any recreation facility drop-in activities in the Capital Region, regardless of the municipality where people purchase their pass. The Intermunicipal Recreation Managers propose to offer the Regional Recreation Pass initially as a pilot project. This will allow staff to evaluate the success of the initiative, and modify or cancel it if it is deemed to be unsuccessful. The cost of a Regional Recreation Pass has been set at \$420.10. This cost lends itself to marketing "Fit For 2010".

To date, Oak Bay, Sooke Parks and Recreation, and Panorama Recreation have approved the Regional Recreation Pass, subject to all municipalities participating. Saanich and Victoria expect to receive approval in early October.

The Multi Ticket and Monthly Pass schedule, with the proposed Regional Pass, is attached.

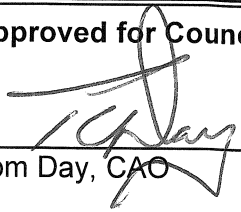
FINANCIAL IMPLICATIONS

There are no financial implications associated with the Regional Recreation Pass.

Because Fees and Charges are covered in Schedule A of the Parks and Recreation Regulation Bylaw, this initiative must be approved by Council.

Christine Morissette

Christine Morissette
Director of Parks and Recreation Services

Approved for Council's consideration:  _____ Tom Day, CAO
Dated: <u>Oct 1/08</u>

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2700

A Bylaw to amend Bylaw No. 2665, cited as the
Parks and Recreation Regulation Bylaw, 2007, No. 2665

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF
ESQUIMALT, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "*PARKS AND RECREATION REGULATION BYLAW 2007, NO. 2665, AMENDMENT BYLAW [NO. 2], 2008, NO. 2700*".
2. That *Parks and Recreation Regulation Bylaw No. 2665, Schedule 'C', Fees and Rentals Charges* be amended as follows:
 - (1) by deleting that part of Schedule 'C', Section 8, Schedules, titled as 'Multi Ticket and Monthly Passes', and substituting the attached Section 8, Schedules, titled as 'Multi Ticket and Monthly Passes'.
3. This Bylaw, Schedule 'C' Fees and Rentals Charges, Schedule 'C', Section 8, Schedules, titled as 'Multi Ticket and Monthly Passes' shall come into force on the first day following its adoption.

Read a first time by the Municipal Council on the ___ day of ___, 2008.

Read a second time by the Municipal Council on the ___ day of ___, 2008.

Read a third time by the Municipal Council on the ___ day of ___, 2008.

ADOPTED by the Municipal Council on the ___ day of ___, 2008.

CHRIS CLEMENT
MAYOR

LARRY RANDLE
DIRECTOR OF CORPORATE
SERVICES

8. Schedules

**Esquimalt Parks and Recreation Services
Fees and Rental Schedules**

Multi Ticket and Monthly Passes

Current	Age	Single	Book of 10	Book of 25	1 Month Pass	3 Month Pass	6 Month Pass	1 Year Pass	Annual Regional Pass
Adult	19 +	\$5.50	\$49.50	\$116	\$55	\$109	\$200	\$335	\$420.10
Child	6-12	\$2.50	\$22.50	\$53	\$26	\$43.50	\$80	\$134	-
Youth	13-18	\$2.50	\$22.50	\$53	\$26	\$43.50	\$80	\$134	-
Senior/Student	60 +	\$4	\$36	\$85	\$42	\$81	\$150	\$250	-
Preschool	0-5	Free	-	-	-	-	-	-	-
Family	-	\$11	\$93.50	\$220	\$107	\$208	\$384	\$640	-

*Family rate applies to up to 2 adults and children under 18 years of age living in the same household.

***Membership Cancellation fee is \$27.90. No cancellation under three months.**

Group Rates

Groups must be 10 or more people and be booked through an Aquatic Leader at least one day in advance.

Ages 6-18	\$1.75/child
Adult	\$4
Senior	\$3

Parent Swim while Child in Lesson

\$1.50

Multi-ticket and monthly ticket rates are calculated based on base rates.



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MAYOR'S AND COUNCILLORS' REPORTS

Report from: Mayor Chris Clement

Subject: FCM National Board of Director Meetings
Jasper, Alberta – September 3 to 6, 2008

Council Agenda: October 6, 2008

Thursday, September 4

Committee of the Whole Meeting – 8:15 am

President, Jean Perrault – President's Report
Introduction of new Board members. Acknowledgement of Volunteers.

Basile Angelopoulos – Environmental
Randy Golden – Public Safety

Highlights

- Reimbursement of GST
- Gas Tax - \$2 billion next year
- Building Fund and Public Transit Fund

Need to present unified front – partnerships between Provincial Associations and FCM.
Federal infrastructure deficit = \$123 billion
- reduction of Federal surplus, upcoming federal election
Local issues should be a focus for federal parties
- public safety, water, infrastructure, transit, affordable housing
Federal government must do something to mitigate economic changes

Brock Carleton – Executive Director

Election Preparation
Effective Advocacy – Election 2008

Past successes \$4.5 billion commitment from federal government
Also knowledge Transfer and Capacity-Building
Strengthening relationships with federal officials
FCM is known as a fair, non-partisan and valued partner
Growing public uncertainty around:
- economic issues
- shrinking federal surplus
- infrastructure failures
- higher gas prices
- environmental concerns

Core message – investments in strong cities and communities
- jobs in short term, growth in long term

- increased competitiveness

Status quo is unacceptable
Municipal fiscal imbalance – growing responsibilities
Contradicted by inadequate revenue tools

Core Platform

- National Action Plan on Housing and Homelessness
- Strong Policing and safe streets
- Affordable, sustainable transit
- Secure public infrastructure

Other leveraging opportunities:

- Rights of way
- Immigration
- Canada's place in the world and in Afghanistan

Election Strategy

- Leadership voice – in the news
- Influence insiders
- Key ridings and hot issues
- Mobilize issues champions at local community
- Identify potential advocacy partnerships with key national stakeholders

Comments – questions

- Affordable/subsidized housing
- Climate change/global warming
- Childcare

Friday, September 5, 2008

FCM National Board of Director's – Orientation Guide 9:45 am

BC Region Caucus Meeting – 10:15 am

Frank Leonard – Chair

1. Summary of Activities

- Conference calls between Directors once a month.
- Election issue planning

Plan for FCM to coordinate a one-day event (October) to engage federal candidates in discussion of FCM issues.

General discussion from Caucus on upcoming federal election issues from FCM perspective (top four are infrastructure deficit, inequality by funding, housing, public safety).

Fiscal imbalance runs through all of our issues.

2. Request from GVRD to have a Specific Spot for Director on Board of FCM.

Marvin Hunt, former President of UBCM, indicated that Lois Jackson (Mayor of Delta and Chair of GVRD) had made request; however the TOR for FCM stipulates that BC has 8

Board members – 1 from UBCM, 1 from either Surrey or Burnaby, 1 from Vancouver and 5 at Large.

Standing Committees 11:30 am – 4:15 pm

STANDING COMMITTEE ON ENVIRONMENTAL ISSUES AND SUSTAINABLE DEVELOPMENT

Approval of Agenda

Approval of Report from the March 2008 Meeting

Action Items Status Report

Policy and Advocacy Priorities (2008 to 2009)

1. Climate Change

- (a) Transit, need for predictable, permanent strategy.
- (b) Adoption, raise awareness of the effects of climate change on Canada's cities
- (c) Municipal protocols for carbon offsets

2. Wastewater Regulations

3. Solid Waste Management

Note: Other Issues – Renewable Energy

- Pesticides
- Invasive Species
- National Building Code

Resolutions were endorsed by the Committee on:

1. Federal Regulation of Domestic Pesticides
2. Nation wide Ban of Phosphorous from household Dishwasher Detergents

Decision Reports.

1. Towards a Renewed Advocacy Strategy on Climate Change:
Transit, Adoption and Municipal offset Credit Protocols (Endorsed)
2. Wastewater Regulations (Endorsed)
A recent cabinet decision has earmarked the Building Canada Fund as a source of funding to aid municipalities in achieving wastewater regulations.
(FCM does not support such a position).
3. Green Municipal Corporation (Endorsed)
Approval given to purchase offsets from the GMC in the amount of \$3,003 to offset the travel of members for Jasper Board meetings.
4. Small Communities Water Supplies Advisory Group
Terms of reference for establishment passed.

Updates on Environmental Policy

1. Municipal Solid Waste – development of policy position paper.
2. National Transit Strategy
Discussion for development of a focused discussion around land use and need for a national train implementation strategy.

Report from the Center for Sustainable Community Development

- Update on Partners for Climate Protection program
- Capacity Building

- 2008 sustainable Community Mission

Green Municipal Corp (wholly owned by FCM – not for profit)

GHG Emission Reductions: Creation, Purchase and Aggregation for Canadian Communities.

- Created to gain experience in “carbon markets”
- Assisting municipalities to access carbon markets
Voluntary markets vs. Regulated markets
 - Voluntary not required by government to meet emission reduction targets.
 - Regulated – purchaser buy offsets as a compliance strategy to meet regulated emission reduction targets (very strict controls)
- 1990 GHG emission 600 MT/year
- 2005 GHG emission 750 MT/year
- Federal regulatory framework is being imposed on large emitters
Doug Salloum, GM dsalloum@fcm-gmc.ca

Saturday, September 5 – 10 am to 2 pm

STANDING COMMITTEE ON COMMUNITY SAFETY AND CRIME PREVENTION

Action Items Status Report (Approved)

2008 – 2009 Policy and Advocacy Priorities

1. Follow-up and Engagement on the Report “Towards Equity and Efficiency in Policing”
2. Federal Government Engagement in Pandemic Planning
3. Produce a research paper examining RCMP contracts (and related issues).

Decision Reports

1. Report on Submission to Pandemic Influenza Preparedness Health Operations Working Group (Passed)
2. Report on Policing Advocacy
 - community advocacy from councils, boards, associations (Passed)
3. Report on Research to Examine RCMP Municipal Contract Policing
 - Issue raised of providing updates of the activity to provincial Solicitor Generals or Attorney Generals
 - RCMP have been contacted and generally supportive (Passed)

Resolutions

Resolution that the FCM request the Government of Canada to establish Canadian Standards for helmets for sporting activities including skiing, snow boarding, bicycle riding, roller blading, skateboarding and using other small wheeled vehicles. (Endorsed)

Update Reports

1. Update on the National Strategy for Critical Infrastructure
 2. Update on Private Members’ Legislation Related to Community Safety
 3. Update on the Canadian Red Cross Auxiliary Role Project
 4. Update on Crime Prevention and Emergency Preparedness
- (all recommendations passed by Committee).

Two Oral Presentations

1. Report of the Joint Committee on Community Corrections
2. Presentation from the RCMP

[Quality of Life Reporting System – may be available for small communities in future]

RCMP – Police Service Agreements and the Renegotiation Process

Police Service Agreements are for 20 years (1992-2012) and between the Federal Government (Public Safety Canada) and individual jurisdictions (municipality/aboriginal community) or province/territory.

Scope of Contract Policing (no traditional bargaining process)

- 73 % of Canadian land mass
- 190 municipalities
- 544 First Nations communities
- Over 650 detachments

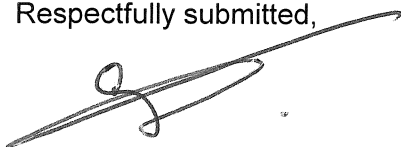
Issues raised

- Staff often moved frequently (no continuity or consistency)
- No civilian oversight or direct accountability
- Lack of traditional labour processes

Benefits of Contract Policing Model (by RCMP)

- Professional police force with high standards
- Immediate access to specialized services
- Access to resources for deployment in time of need
- “two-hats” role?
- “political” independence with sensitivity to local needs
- Promotes cooperation between municipal, provincial and federal government
- Scope allows for efficient introduction of initiatives
- Standardized police service

Respectfully submitted,



Chris Clement
Mayor

Diane Knight

From: Brock Carlton (ceo@fcm.ca) [ceo@fcm.ca]
Sent: September 17, 2008 10:56 AM
To: Mayor
Subject: Summary of Deliberations September 2008 Board/Résumé du Conseil de septembre 2008
Attachments: Report to Council - September2008English.doc; Rapport de la reunion du conseil-septembre2008.doc

(Le français suit l'anglais)

MEMORANDUM TO

THE FCM NATIONAL BOARD OF DIRECTORS:

SUMMARY OF THE MEETING OF THE NATIONAL BOARD OF DIRECTORS AND

STANDING COMMITTEE MEETINGS

JASPER, ALBERTA

SEPTEMBER 3-6, 2008

OVERVIEW

FCM's proposed federal election strategy dominated the discussion when the National Board of Directors met in Jasper, Alta., Sept. 3-6, 2008. Throughout the week, municipal leaders debated and provided feedback on the proposed strategy which focuses on key advocacy priorities including infrastructure investments; public transit; policing and community safety; the environment; affordable housing; and northern and rural sustainability.

Board members specifically requested that the \$123-billion municipal infrastructure deficit be a key part of FCM's election strategy, and that restoring the municipal fiscal balance also remain an important objective for FCM. Board members were advised that their suggestions would be incorporated into FCM's election strategy to be considered by the Executive Committee during the week of September 8, 2008.

A new orientation guide for board members was distributed at the outset of the meetings and received positive feedback. The guide provides detailed information about the roles and responsibilities of directors; FCM's governance framework, including the General Bylaws and Code of Ethical Conduct; as well as FCM's priority issues, key facts and figures, and milestones.

The Board's Standing Committees discussed policy priorities for the coming year and also covered a range of issues in their meetings. For example, the Committee on Social-Economic Development heard from John Reilly, of the City of Edmonton's Office of Diversity and Inclusion, on the city's development of an immigration and settlement policy.

The Committee on Environmental Issues and Sustainable Development endorsed its three key policy and advocacy priority areas for 2008-2009 as climate change, solid waste and wastewater. The Committee on International Relations adopted recommendations on a working paper on Afghanistan that discusses the possible future role that Canadian municipalities might play in that country. And the Committee on Community Safety and Crime

Prevention heard presentations from RCMP Chief Supt. Fraser Macaulay and Public Safety Canada's Scott Merrithew, who discussed RCMP contract policing and the process currently underway to renegotiate these contracts.

The September 6 Board meeting concluded with a discussion on a proposal to increase the 2009 annual conference registration fees. The increased fees are being introduced because the conference venue at Whistler, B.C., has limited trade show space which limits the number of exhibitor booths that can be sold; increased operational costs due to hosting the conference in a remote location; and purchasing carbon offsets for conference facilities and hotels. The Board voted in favour of a motion to increase 2009 conference registration fees.

STANDING COMMITTEE ON COMMUNITY SAFETY AND CRIME PREVENTION

Chair Randy Goulden welcomed committee members and introduced the new Vice-Chair, Mayor Charles Crosby.

Staff presented to the committee proposed priorities for the coming year, including follow-up and engagement on the report *Towards Equity and Efficiency in Policing*, federal government engagement in pandemic planning, and research to examine RCMP contract policing, as well as the role played by the RCMP in meeting federal policing responsibilities. The Standing Committee endorsed the proposed priorities.

The committee considered and adopted a resolution for the Minister of Health to establish a national strategy for the prevention of head injury to youth in sport. Staff then provided an update on progress made on a number of other issues, including emergency preparedness, critical infrastructure protection, and private members legislation related to community safety. The committee adopted a resolution in support of the Canadian Red Cross' Auxiliary Role Project.

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STANDING COMMITTEE ON MUNICIPAL FINANCE AND INTERGOVERNMENTAL ARRANGEMENTS

Chair Kathy Jeffery welcomed committee members and provided an overview of the agenda.

The committee discussed the earlier recommendation to hold a strategic planning session for the committee at this meeting. Staff reported that with the number of new and important issues now facing the committee, the need for this session had diminished in the near term. The Committee will revisit the need for a strategic planning session at its November Meeting.

The committee then began its discussion of recommended priorities for the year ahead. FCM staff provided a brief summary of the priorities recommended for 2008-2009: municipal fiscal balance; public private partnerships; and economic development.

There was a discussion how the organization should pursue its long-term, financial objectives. Committee members emphasized that the fiscal imbalance – and securing new revenue sources to address it – must remain a central priority. It was also noted that the infrastructure deficit, and the need for response from all orders of government, continues to be a pressing issue that resonates with Canadians.

On the topic of P3s, it was noted that FCM should urge the federal government to take responsibility for designing the fund in a way that makes funding accessible and useful to municipalities. Later in the agenda the committee engaged in a more in-depth discussion with consultants for the federal government on the design of the new federal P3 fund.

Members discussed the idea of the committee playing an increased role in economic development issues, and noted the need to clarify the parameters and objectives of FCM advocacy in this area. It was agreed that effective economic development is important to cities and communities, but that it is also a complex and challenging policy area requiring further strategic analysis. The committee adopted a recommendation to form a working group on economic development.

Representatives of various Provincial-Territorial municipal associations provided a brief update on the most important issues in their respective regions.

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Chair Jeff McConnell welcomed members and provided an overview of the meeting's agenda. Before proceeding with its regular business, the committee was introduced to a representative of the Commonwealth Local Government Forum.

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There was an election for Chair and Vice-Chair for the Rural Forum. President Don Johnson and President David Marit were acclaimed to the chair and vice-chair positions respectively.

The Chair and staff provided comments on the policy priorities for the Rural Forum. There was an in-depth discussion by Forum members on the relationship of past priorities with the priorities presented at this meeting. FCM staff explained that FCM is developing a rural advocacy strategy with an overarching theme of rural economic development and that the priorities outlined at this meeting fall under and support this theme. It was decided to add a fourth priority – Infrastructure and Transport to Support Rural Sustainability – to the existing ones (which is already a priority of Municipal Infrastructure and Transport).

FCM staff presented information reports on several issues including public private partnerships, small and regional airports, rights of way and an RCMP research paper. As well FCM-DFO Working Group Co-Chair Ron Bell provided an update on the work done since the FM-DFO Memorandum was signed at the March 2008 Board Meeting.

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Updates on Regional Champions Campaign initiatives were provided by Chair McConnell (Toronto), and Councillor Desjardins (Esquimalt), Councillor Leibovici (Edmonton), Councillor Jeffery (Collingwood), Councillor Burcher (Guelph), Councillor Kositsky (Langley), Councillor Ceschi-Smith (Brantford) and Councillor Anton (Vancouver).

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by October 1, 2008.

Committee members overwhelmingly supported a proposal from Equal Voice, a non-partisan, non-profit organization that promotes the election of women to all orders of government in Canada, to collaborate on a program designed to engage young girls in civic and political life so that they will be politically literate and aspire to be future political leaders.

STANDING COMMITTEE ON ENVIRONMENTAL ISSUES AND SUSTAINABLE DEVELOPMENT

Committee chair Basile Angelopoulos welcomed the committee and introduced the vice-chair Councilor Marguerite Ceschi-Smith from Brantford Ontario and Councilor Robert Wrye from the Union of Nova Scotia Municipalities.

The Committee endorsed the proposed policy and advocacy priority areas for 2008-2009 as Climate change, Wastewater and Solid Waste. Within the climate change priority, three sub-priorities were identified: transit, adaptation and municipal carbon offset credits. In addition, it was formally proposed and accepted that brownfields and water, including drinking water, bulk water exports, water diversion, water bottling, and source protection be included as "Other issues" within the priorities memo.

Each of the priority areas were subsequently addressed in reports from staff. Key concerns raised included ensuring the rural view within the transit strategy, emphasizing extended producer responsibility for national strategy on solid waste, and communicating the need to promote tools and programs for adapting to climate change beyond infrastructure. Specifically on solid waste, the committee highlighted the need to share best management practices and economic feasibility studies to better address this growing concern. It was noted that the Centre for Sustainable Community Development had an online solid waste resource specifically for municipalities. A further memo was presented and approved to establish an ad-hoc advisory group for Health Canada of municipal experts for small community water supplies.

Catherine Marchand, the new Director of Centre for Sustainable Community Development, provided an update on the Partner for Climate Protection program, the 2008 Sustainable Community Mission and the 2008 FCM-CH2MHill Sustainable Community Awards. Her report also highlighted the success of their webinar outreach tool (web-based seminar) and the continued work to improve and increase the webinar series in the coming year.

Doug Salloum of the Green Municipal Corporation presented the latest information on the various offset trading systems within Canada as well as how municipalities could participate and the need for municipal carbon offset protocol guidelines. Also presented was a proposal to purchase carbon offset credits for travel-related emissions associated with the Jasper Board meeting which were recommended to the board for approval.

Finally, the transit memo and the recently released transit survey were presented. The survey was released last Monday and highlighted the importance of transit to Canadians in regards to lowering Canadians' impact on the environment. This will be a key advocacy angle in promoting public transit for the upcoming elections and following months.

STANDING COMMITTEE ON INTERNATIONAL RELATIONS

Following introduction of new SCIR members the Chair called for a motion to receive the report from the March 2008 SCIR meeting. A motion to adopt the final SCIR Terms of Reference was also received. Tim Kehoe, Director of the International Centre for Municipal Development

(ICMD), and Richard Smith, Senior Policy and Network Analyst, (ICMD) provided an overview of the context in which FCM's international programs are operating and offered members an update on ICMD programming, policy and advocacy, networks and governance. Tim Kehoe also provided an overview of the Director's Report which was subsequently received.

The Strategic Priorities and Implementation Plan for the period 2008-2010 were reviewed by Tim Kehoe. Comments and feedback were provided by members, and this feedback will be incorporated into the final document to be presented at the November 2008 meeting.

The delegation from the Commonwealth Local Government Forum (CLGF) was introduced to the Committee. Representing CLGF were: Basil Morison, Chairperson, Hon. James Burly, Minister of Local Government, Mauritius, Mr. Bojrazsingh Boyramboll, Permanent Secretary, Ministry of Local Government, Mauritius and Carl Wright, Secretary General. A presentation was made by CLGF that was followed by questions from the Committee.

The FCM Working Paper on Afghanistan was presented by Richard Smith and members provided their feedback. A motion was made to adopt the recommendations in the Working Paper on Afghanistan, dated August 13, 2008, that will allow staff to make a policy recommendation to the Board of Directors at the November 2008 meeting. The motion was carried.

The memo on International Assignments for 2008-09, was received by the Committee. Members were asked to complete the experience profile sheet found in their package and return it to ICMD staff. The Chair will then appoint members as representatives for any vacant international assignments.

THE NORTHERN AND REMOTE FORUM

The Chair, President Gordon Van Tighem opened the meeting, with a brief review of the Building Canada Fund process in the territories and other provinces and reported on the meetings that have been held with federal Ministers and the Prime Minister and members of the Northern and Remote Forum over the past year.

The Chair presented the policy priorities to the members of the Northern and Remote Forum and there was a general discussion on sovereignty. The discussion highlighted that the definitions of sovereignty are different for the government of Canada and northern municipalities. It was decided to add Canada Post to the policy priority "other issues" and a request was made that FCM staff set up consultation meetings with Canada Post to discuss how services will be provided to northern communities in the future and to determine the results of the recent Canada Post Strategic Review.

There was also a brief discussion on the scheduling of the Northern and Remote Forum meeting and after FCM staff explained the process it was decided that it would be preferable to stay with the present scheduling.

STANDING COMMITTEE ON SOCIAL-ECONOMIC DEVELOPMENT

Chair Councillor Leonore Foster opened the meeting by introducing herself and her two Vice-Chairs Councillor Jenny Gerbasi and Councillor Bob Long.

Staff presented recommended policy priorities for the Standing Committee, and the importance of the priorities in relation to FCM's election strategy platform. There was an in-depth discussion on how the priorities were determined and whether other priorities could be added. Staff provided information on the priority planning process.

FCM staff provided updates on various issues including housing advocacy, the immigration research project, the Quality of Life Reporting System, the Land Management Project and the Affordability and Choice Today (ACT) program.

There was a presentation by John Reilly, Senior Diversity and Inclusion Consultant with the City of Edmonton's Office of Diversity and Inclusion. He spoke about the city of Edmonton's experience in developing an immigration and settlement policy for the city.

NOTE AU

CONSEIL NATIONAL D'ADMINISTRATION DE LA FCM :

RÉSUMÉ DE LA RÉUNION DU CONSEIL NATIONAL D'ADMINISTRATION ET DES RÉUNIONS

DES COMITÉS PERMANENTS

JASPER (ALBERTA)

DU 3 TO 6 SEPTEMBRE 2008

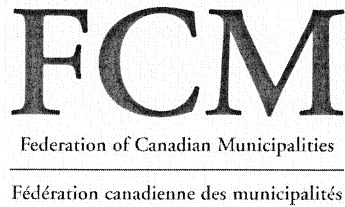
APERÇU

La stratégie envisagée par la FCM dans le cadre de la présente campagne électorale fédérale a dominé les débats lors de la réunion de septembre du Conseil national d'administration, à Jasper (Alberta), du 3 au 6 septembre 2008. Durant toute la semaine, les élus municipaux ont discuté et fait connaître leurs points de vue au sujet de la stratégie proposée. Axée sur les enjeux prioritaires de la FCM, cette stratégie met l'accent sur les investissements dans les infrastructures; les transports en commun; les services policiers et la sécurité au sein des collectivités; l'environnement; le logement abordable; et la viabilité des collectivités nordiques et rurales.

Les membres du Conseil ont demandé, en particulier, que le déficit de 123 milliards de dollars des infrastructures municipales occupe une place centrale dans la stratégie électorale de la FCM. Ils ont aussi insisté pour que le rétablissement de l'équilibre financier municipal demeure parmi les grands objectifs de la FCM. Les membres du Conseil ont été assurés que leurs suggestions seraient incorporées dans la stratégie de la FCM qui sera étudiée par le Comité exécutif pendant la semaine du 8 septembre 2008.

Un nouveau Guide d'orientation à l'intention des membres du conseil a été distribué au début de la réunion. Ce guide, qui a reçu un accueil favorable, renferme des renseignements détaillés sur les rôles et responsabilités des administrateurs; sur le cadre de gouvernance de la FCM, notamment les Règlements généraux de la Corporation et le Code d'éthique; de même que sur les enjeux prioritaires de la FCM, les faits saillants et données, ainsi que les événements marquants.

À leurs réunions, les Comités permanents du Conseil ont discuté des priorités d'orientation pour la prochaine année et d'une gamme d'enjeux. Par exemple, le Comité du développement socio-économique a reçu un exposé de John Reilly, du bureau de la division et de l'inclusion de la Ville d'Edmonton, portant sur la politique d'immigration et d'établissement des immigrants



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The Committee endorsed the proposed policy and advocacy priority areas for 2008-2009 as Climate change, Wastewater and Solid Waste. Within the climate change priority, three sub-priorities were identified: transit, adaptation and municipal carbon offset credits. In addition, it was formally proposed and accepted that brownfields and water, including drinking water, bulk water exports, water diversion, water bottling, and source protection be included as "Other issues" within the priorities memo.

Each of the priority areas were subsequently addressed in reports from staff. Key concerns raised included ensuring the rural view within the transit strategy, emphasizing extended producer responsibility for national strategy on solid waste, and communicating the need to promote tools and programs for adapting to climate change beyond infrastructure. Specifically on solid waste, the committee highlighted the need to share best management practices and economic feasibility studies to better address this growing concern. It was noted that the Centre for Sustainable Community Development had an online solid waste resource specifically for municipalities. A further memo was presented and approved to establish an ad-hoc advisory group for Health Canada of municipal experts for small community water supplies.

Catherine Marchand, the new Director of Centre for Sustainable Community Development, provided an update on the Partner for Climate Protection program, the 2008 Sustainable Community Mission and the 2008 FCM-CH2MHill Sustainable Community Awards. Her report also highlighted the success of their webinar outreach tool (web-based seminar) and the continued work to improve and increase the webinar series in the coming year.

Doug Salloum of the Green Municipal Corporation presented the latest information on the various offset trading systems within Canada as well as how municipalities could participate and the need for municipal carbon offset protocol guidelines. Also presented was a proposal to purchase carbon offset credits for travel-related emissions associated with the Jasper Board meeting which were recommended to the board for approval.

Finally, the transit memo and the recently released transit survey were presented. The survey was released last Monday and highlighted the importance of transit to Canadians in regards to lowering Canadians' impact on the environment. This will be a key advocacy angle in promoting public transit for the upcoming elections and following months.

STANDING COMMITTEE ON INTERNATIONAL RELATIONS

Following introduction of new SCIR members the Chair called for a motion to receive the report from the March 2008 SCIR meeting. A motion to adopt the final SCIR Terms of Reference was also received. Tim Kehoe, Director of the International Centre for Municipal Development (ICMD), and Richard Smith, Senior Policy and Network Analyst, (ICMD) provided an overview of the context in which FCM's international programs are operating and offered members an update on ICMD programming, policy and advocacy, networks and governance. Tim Kehoe also provided an overview of the Director's Report which was subsequently received.

The Strategic Priorities and Implementation Plan for the period 2008-2010 were reviewed by Tim Kehoe. Comments and feedback were provided by members, and this feedback will be incorporated into the final document to be presented at the November 2008 meeting.

The delegation from the Commonwealth Local Government Forum (CLGF) was introduced to the Committee. Representing CLGF were: Basil Morison, Chairperson, Hon. James Burly, Minister of Local Government, Mauritius, Mr. Bojrazsingh Boyramboll, Permanent Secretary, Ministry of Local Government, Mauritius and Carl Wright, Secretary General. A presentation was made by CLGF that was followed by questions from the Committee.

The FCM Working Paper on Afghanistan was presented by Richard Smith and members provided their feedback. A motion was made to adopt the recommendations in the Working Paper on Afghanistan, dated August 13, 2008, that will allow staff to make a policy recommendation to the Board of Directors at the November 2008 meeting. The motion was carried.

The memo on International Assignments for 2008-09, was received by the Committee. Members were asked to complete the experience profile sheet found in their package and return it to ICMD staff. The Chair will then appoint members as representatives for any vacant international assignments.

THE NORTHERN AND REMOTE FORUM

The Chair, President Gordon Van Tighem opened the meeting, with a brief review of the Building Canada Fund process in the territories and other provinces and reported on the meetings that have been held with federal Ministers and the Prime Minister and members of the Northern and Remote Forum over the past year.

The Chair presented the policy priorities to the members of the Northern and Remote Forum and there was a general discussion on sovereignty. The discussion highlighted that the definitions of sovereignty are different for the government of Canada and northern municipalities. It was decided to add Canada Post to the policy priority "other issues" and a request was made that FCM staff set up consultation meetings with Canada Post to discuss how services will be provided to northern communities in the future and to determine the results of the recent Canada Post Strategic Review.

There was also a brief discussion on the scheduling of the Northern and Remote Forum meeting and after FCM staff explained the process it was decided that it would be preferable to stay with the present scheduling.

STANDING COMMITTEE ON SOCIAL-ECONOMIC DEVELOPMENT

Chair Councillor Leonore Foster opened the meeting by introducing herself and her two Vice-Chairs Councillor Jenny Gerbasi and Councillor Bob Long.

Staff presented recommended policy priorities for the Standing Committee, and the importance of the priorities in relation to FCM's election strategy platform. There was an in-depth discussion on how the priorities were determined and whether other priorities could be added. Staff provided information on the priority planning process.

FCM staff provided updates on various issues including housing advocacy, the immigration research project, the Quality of Life Reporting System, the Land Management Project and the Affordability and Choice Today (ACT) program.

There was a presentation by John Reilly, Senior Diversity and Inclusion Consultant with the City of Edmonton's Office of Diversity and Inclusion. He spoke about the city of Edmonton's experience in developing an immigration and settlement policy for the city.

Diane Knight

From: Barbara Desjardins [bdesjardins@shaw.ca]
Sent: September 24, 2008 08:30 AM
To: Laurie Hurst; Diane Knight
Subject: submission for council meeting monday

*Agenda
- Mayor Council Reports*

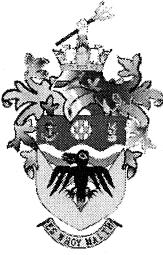
Hi Laurie:

Please add on to the report that I sent from FCM, this request for funding.

I am requesting funding of up to \$1500.00 for the next FCM committee meetings to be held in Ottawa November 19-22 2008.

This funding will only be required if I am successful in the election. Mr Tom Day has indicated there are funds available to send both myself and Mayor Clement. It is my opinion that the elected mayor (of Nov 2008) should attend to provide continuity for Esquimalt to continue to be a part of a larger and stronger voice to the federal government, and also be respectful of Esquimalt residents tax dollar.

Barb Desjardins
Esquimalt Councillor



**CORPORATION OF THE TOWNSHIP OF ESQUIMALT
ADVISORY PLANNING COMMISSION
MINUTES OF REGULAR MEETING
HELD ON
JUNE 17, 2008
COUNCIL CHAMBERS**

MEMBERS PRESENT:	Paulette Flannagan, Chairperson Talya Cohen Terry Eckstein Gerald Froese Brian Gordon Donald Marsden
REGRETS:	Ramona Scott
TECHNICAL STAFF:	Trevor Parkes, Senior Planner
COUNCIL LIAISON:	Hy Freedman
SECRETARY:	Marie Letham

There were 26 members of the public in attendance

I. CALL TO ORDER

Paulette Flannagan, Chairperson, called the meeting to order at 7:00 p.m. and outlined the meeting procedures.

II. ADOPTION OF AGENDA

Moved by Brain Gordon, and seconded by Don Marsden, that the agenda be adopted as distributed.
The motion **CARRIED**.

III. ADOPTION OF MINUTES
Minutes of the Regular Meeting of May 20, 2008

No minutes were available for adoption.

IV. STAFF REPORTS

(1) **DEVELOPMENT PERMIT**
Peter Cavin [Country Grocer]
1153 Esquimalt Road

Proposal is to renovate the exterior north face of the existing one storey building [Country Grocer].

Peter Cavin was in attendance to outline the proposal for renovations to Country Grocer. He outlined with the moving of the Royal Bank to the old Field's space, Country Grocer would be expanding into the space previously occupied by the bank. He commented that the existing signage is staying and no new additional signage is proposed at this time. Exterior improvements include freshly painted metal fascia and flashing, new decorative stone veneer and new vertical cedar board and batt siding. There will be a new entrance/exit vestibule addition.

Brian Gordon inquired of the applicant whether they would be upgrading their recycle and garbage area.

Public Input:

No members of the public spoke to this application.

RECOMMENDATION:

Moved by Don Marsden, seconded by Brian Gordon, that the Esquimalt Advisory Planning Commission (APC) resolves to forward your application for a Development Permit for Lot A, Section 11, Esquimalt District, Plan 15195, Except Plan 24210 (1153 Esquimalt Road) to Council with a **recommendation of approval**.
The motion **Carried Unanimously**.

(2) **DEVELOPMENT PERMIT**
082420 BC Ltd [Biki Kang]
912 & 914 Carlton Terrace/924 & 928 Esquimalt Road

Proposal is to building a new 4 storey, 44 unit condominium building at the southwest corner of Carlton Terrace and Esquimalt Road.

912 & 914 Carlton Terrace/924 & 928 Esquimalt Road (cont'd)

The owner, Biki Kang, Vincent, and Misra Architect were in attendance to outline the proposal. Vincent outlined the history of the properties and that it was their intention to demolish the existing buildings and construct a new building. He stated that this would clean up the area.

Misra outlined the proposal to building a 4 storey, 44 unit condominium building. Parking will be provided for 58 vehicles. He commented that Landscaping is being provided in accordance with the bylaw. The building will incorporate green building features, as well as low water showers, toilets. There will be a rain water collector for the irrigation system.

Talya Cohen asked how they will handle parking during construction.

Vince stated there will be some on site and at the back of the adjoining apartment and the rear of the cul-de-sac.

Public Input:

No members of the public spoke to this application.

RECOMMENDATION:

Moved by Don Marsden, seconded by Talya Cohen, that the Esquimalt Advisory Planning Commission resolves to recommend that the application for a Development Permit for Lots 1, 2, 3, and 4, Section 10, Esquimalt District, Plan 13060 (924 and 928 Esquimalt Road, and 912 and 914 Carlton Terrace) including the variance listed below be forwarded to Council with a recommendation of approval.

Section 44(4)(a) – Building Height – a **3.6 metre increase in the permitted Height, from 11 metres to 14.6 metres**
The motion **CARRIED UNANIMOUSLY**

The opinions and comments of the APC are as follows:

- like the look of the project, complements to the architect;
- will enhance the entrance to esquimalt and improve the street scape;
- projects fits the site

**(3) DEVELOPMENT PERMIT
Mandalay Developments
849 Dunsmuir Road [Phase 3 - Swallows Landing]**

Proposal is for 6 Single Family Dwellings [Building Strata]

849 Dunsmuir (cont'd)

Sean Price attended to outline the proposal, which is Phase 3 of the Swallows Landing project. Originally the CD zone was for up to ten townhouses, they now wish to amend the zone to construct six single family strata dwellings.

The applicant outlined the design plans for the dwellings.

Public Input:

Penny Campbell (no address given) inquired as to the actual lot size.

Mr. Price outlined the lot size.

RECOMMENDATION:

Moved by Don Marsden, seconded by Brian Gordon, the Advisory Planning Commission (APC) resolves to forward your application for a Development Permit for Lot 1, Section 11, Esquimalt District, Plan VIP78069, (847 Dunsmuir Road) to Council with a **recommendation of approval.**

The motion **Carried Unanimously**

The Commission also made the following comments:

1. That the applicant consider embellishing the façade on the Dunsmuir Side;
2. that landscaping plans be expanded upon;
3. that the applicant provide a colour board and more details regarding the look of the metal roofs for the presentation to Committee of the Whole and Council;

The opinions and comments of the APC are as follows:

- members expressed disappointment in the quality of the presentation and lack of presentation materials (i.e, colour board, material boards) and encouraged the applicant to make a better presentation at Committee of the Whole.
- some members expressed concern regarding the metal roofs and if this material would be a suitable fit for the neighbourhood.

**(4) REZONING AND DEVELOPMENT PERMIT APPLICATIONS
Robert Schmidt [Monimos Equities and Development]
622 Admirals Road [Esquimalt Dockyard Branch 172 of the Royal
Canadian Legion]**

The rezoning of the subject property is requested to allow a proposed 20 storey, 250 unit mixed used commercial and residential tower.

Robert Schmidt, Monimos Equities and Development, Chris Fitzpatrick, Chief Executive Officer, Michael Levin, Architect, and Jim Partlow, Landscape Architect, were in attendance to outline the proposal.

Chris Fitzpatrick outlined the relationship of Monimos and this joint commercial/residential veteran/Legion proposal.

He commented that this will be a beautiful project and a benefit to the community at large.

Michael Levin, Architect, outlined the three levels of underground parking, and the flow of traffic into the site. He commented that they had engaged a Traffic Consultant.

Michael Levin outlined the functions of each floor; ground floor, patio and Legion; second floor, would be offices-medical/dental which connects to the Veterans' areas. West side, main lobby, pool/gym, storage area.

Jim Partlow, Landscape Architect, with the aid of display boards, outlined the landscape plan, and outlined the materials to be used for the patio areas and main drop-off area to the lobby. He indicated the terrace and sunroom, tot area at the back, as well as outdoor seating areas.

Paulette Flannagan asked Michael Levin to clarify the number of underground parking spaces and the parking for the Legion. She expressed serious concerns regarding the lack of parking.

Michael Levin outlined the areas on the display boards, and indicated that a Parking Study was being undertaken by Bunt and Associates.

Terry Ecksten commented that he was surprised at the presentation and felt that the application was being rushed, many details lacking.

Doug Grant, Manager of the Legion, commented that the parking lot is rarely full. That people used alternate means of transportation, there is a bus stop right across the street.

Brian Gordon inquired about the green features of this project.

Michael Levin, responded that the project will not be LEED certified, but will be “built-green”. He did not have a list of all the green features at this time.

Brian Gordon asked the developer why 20 storeys?

Chris Fitzpatrick commented that it is not economically viable to do less than 20.

Gerry Froese asked with reference to an amendment to the OCP, what enhancements have the applicants brought to the table, what are the green features? Are there provisions for recycling and waste water management (he used as an example the Dockside Green).

He commented that the bicycles being provided is an enhancement, he asked if an allowance had been made for bike lanes.

Chris Fitzpatrick responded that a bike lane is to be provided.

Public Input:

Al Fleury, Bewdley Avenue commented:

- that 20 storey building would give a “canyon effect”;
- that trees that are on the property are not shown on the plans;
- that it would provide economic benefit to Esquimalt

Jo-Anne Kim, 654 Grenville Avenue commented:

- that she is concerned about the impact of the height;
- that the OCP was developed with consultation with the whole community for all of Esquimalt;
- that a Traffic Study should be provided;
- that Admirals Road is a very busy road, overflow traffic onto Grenville Avenue which already has a lot of traffic on it;
- concerned about a bike lane on Admirals Road which is an extremely busy road.

Alison, 626 Grenville Avenue commented:

- that she had questions regarding the Shadowing Study

(Michael Levin explained the shadowing photos)

Penny Campbell, 329 Plaskett Place commented that:

- that Esquimalt does not need a 20 storey building to be a “*World Class Area*” as indicated by Chris Fitzpatrick in his opening remarks.

Rod Laverge, 485 Fraser Street commented:

- that Esquimalt was already “*World Class*”;
- concern regarding the lack of parking, in the C-3 zone should provide 240 spaces –concerned about 136 lost;
- that there is a need for more than 20 veterans units;
- that there is a lot missing from the proposal, no colour boards, no material boards, application appears to be rushed,.

Correspondence from Kim Bellefontaine, 1162 Hadfield Avenue was given to the Secretary for the records. She has concerns regarding the height of the building, that 20 storeys is too tall a structure. She is concerned about the precedent setting .

Terry Eckstein inquired about the bicycle storage.

Michael Levin responded there will be bike storage, that the plans do not show the storage area at this time.

Chris Fitzpatrick commented that there will be 5000 square feet of storage.

RECOMMENDATION:

Moved by Don Marsden, seconded by Talya Cohen, that the Esquimalt Advisory Planning Commission (APC) resolved that the application for Rezoning and a Development Permit be **tabled** and that the application be returned to a Special Meeting of the Advisory Planning Commission on July 15, 2008 with the items and information described below.

1. That a copy of the Traffic Study be provided;
2. That a clearer idea of what features qualify for density Bonusing and variation from the Official Community Plan be provided;
3. That details be provided regarding exterior materials, cladding, green features, landscape design, bicycle storage;
4. That details be provided regarding the commercial signage;
5. That more details regarding the number of veterans units and space design specifics be provided;
6. That a better streetscape be provided;
7. That the amenities being provided be clearly outlined .

The Motion **Carried: 5 For 1 against**

The opinions and comments of the APC are as follows:

- concerned about 20 storeys;
- concerned about lack of parking being provided;
- insufficient information was provided;

- the application appeared rushed;
- developer displayed an “attitude”;

VI. COUNCIL LIAISON

Councillor Freedman commented that he would like Staff to give the status report

VII. PLANNER’S STATUS REPORT

Trevor Parkes, Senior Planner, gave a verbal report on the status of applications before Council.

VII. NEW BUSINESS

Spring/Fall Bus Tour

In response to a question regarding the bus tour, Barbara Snyder, Director of Development Services, indicated that the tour is on the agenda, but waiting until after the Municipal Elections in order to invite new Councillors.

VII. NEXT MEETING

Special Meeting, 7:00 p.m. July 15, 2008

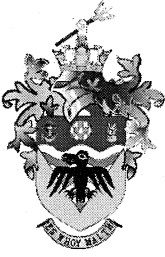
X. ADJOURNMENT

On motion the meeting adjourned at 10:00 p.m.

Certified correct:

Paulette Flannigan, Chairperson

Adopted at meeting August 18, 2008



**CORPORATION OF THE TOWNSHIP OF ESQUIMALT
ADVISORY PLANNING COMMISSION
MINUTES OF SPECIAL MEETING
HELD ON
JULY 15, 2008
COUNCIL CHAMBERS**

MEMBERS PRESENT: Paulette Flannagan, Chairperson
Talya Cohen
Terry Eckstein
Gerald Froese
Brian Gordon
Ramona Scott

REGRETS: Don Marsden

TECHNICAL STAFF: Trevor Parkes, Senior Planner

COUNCIL LIAISON: Hy Freedman

SECRETARY: Marie Letham

There were 36 members of the public in attendance

I. CALL TO ORDER

Paulette Flannagan, Chairperson, called the meeting to order at 7:00 p.m. and outlined the meeting procedures and the advisory role of the Advisory Planning Commission.

II. ADOPTION OF AGENDA

Moved by Terry Eckstein, seconded by Ramona Scott, that the agenda be adopted as distributed.
The motion **CARRIED**.

III. ADOPTION OF MINUTES

Minutes of the Regular Meeting of June 17 and May 20, 2008

No minutes were available for adoption.

IV. STAFF REPORT

REZONING AND DEVELOPMENT PERMIT APPLICATIONS

Robert Schmidt [Monimos Equities and Development]

622 Admirals Road [Esquimalt Dockyard Branch 172 of the Royal Canadian Legion]

This application was tabled from the June 17th, 2008 meeting. The proposal at that meeting was for 20 storey, 250 unit mixed use commercial residential tower. The proposal is now for a 19 storey, 237 unit mixed use, commercial and residential tower.

Chris Fitzpatrick, CEO, Monimos Equities and Development, Robert Schmidt, Project Manager, Mike Levin, Architect, Les Archer, Transportation Planner, Bunt and Associates were in attendance. Chris Fitzpatrick stated at their Landscape Architect, Jim Partlow, would also be in attendance and had been delayed.

Mike Levin addressed the seven items that the APC had requested from the June meeting:

- Copy of Traffic Study provided;
- Identified features provided for density Bonusing and the variation from the OCP;
- Details regarding exterior materials, cladding, green features, landscape design, bicycle storage;
- Details regarding commercial signage- that there would be no commercial venture except for the Legion.
- Streetscape provided;
- Outlined the number of veterans units at 15 fully accessible apartments on the second and third floors, designed to universal standards.

Referring to the revised parking layout [which was provided as part of the agenda package to the APC members and staff] that the first level would accommodate 67 cars, second level, 82 cars and the third level 84 cars. The Legion has been allotted 41 stalls. There are 15 accessible stalls in the underground parking.

He stated that they had been in discussions with BC Transit regarding their free bus program and making passes available to people for two years.

He also commented on the Victoria car/share program.

Mike Levin indicated that Chris Fitzpatrick would outline the amenities being provided later in the presentation.

He outlined the following:

- Storm water interceptor for handling of waste water;
- Bike program – supply bicycle to residents;
- Bike storage in the underground area entry ramp.

Mike Levin stated that they had contacted CEPTED, incorporating crime prevention through the design of the building.

Les Archer, Bunt and Associates outlined the projects he had been involved with the Municipality of Esquimalt and commented on the Admirals Road corridor improvements.

He outlined the Traffic Study and ways of mitigating traffic.

Paulette Flannigan commented that she felt that the report was positive but she still has concerns regarding the parking, especially for the Legion, she does not feel that the parking for the commercial (i.e. Legion) and visitor parking is enough.

Les Archer commented that they are looking at some shared parking in the evening for visitors at the municipal parking across from the Town Hall. He will be in discussions with the Director of Engineering.

Doug Grant, that the Legion currently has 66 parking spaces and that they are rarely full.

One of the APC members expressed concern about the evening parking on Admirals Road.

Gerry Froese stated that he thought the traffic plan was good. He asked a question regarding the curb cut-in in front of the Liquor Store.(?)

At this point, Jim Partlow, Landscape Architect, arrived and outlined the revised landscape plan. He also outlined the green roof plantings on the terraces. Individual decks will also have plantings as well as a central green area.

Brian Gordon commented that he had concerns about the car parking for the commercial space that was to be tenanted.

Chris Fitzpatrick stated that they sacrificed the tenant and dropped the commercial space in order to reduce density and height.

Brian Gordon inquired about the bus pull-out, if there was enough room for cars to continue along.

Les Archer responded that yes there was enough clearance (6 metres). He commented about a possible re-location of the bus stop as the owner of the Ovation (at Admirals and Esquimalt Roads) was in discussions to move the stop towards the water or perhaps the other direction.

Brian Gordon outlined that he has serious problems with the project, that it is way over what the OCP allows. During the OCP review the residents indicated that they did not want over 10 storeys.

Chris Fitzpatrick commented that if the main issue is height, he referred to Swallows Landing, which is two large buildings. He stated that lots of people look at it, not a lot of impact. He commented that time has passed since the OCP was adopted and has not kept up with the current market.

He commented that the Constance building may not be building due to the costs. He stated that the building can only be lowered to a point, height and density are needed to make the project economically viable.

Brian Gordon referred to a project brought forwarded at the June meeting that was to be four storeys and that the developer said they could make money with a four storey building.

Christ Fitzpatrick stated he could not comment on other individuals projects.

Terry Eckstein commented about the Constance building at 14 storeys and now cannot build. He stated he had a hard time accepting that.

He commented that the parking is so far short of the requirement and he does not feel that there is a strong argument for the shortage of almost 100 spots short. Going down one floor does not do anything. He expressed concern of where do the visitors go? Does not feel parking issues answered.

With reference to questions regarding green roof and whether they can be insured. Mike Levin commented that they have done buildings with green roofs and are insured under HPO. Green roofs can be insured, if you are certified and you are recognized by the insurance industry.

Public Input:

JoAnne Kim, 654 Grenville Avenue expressed concern:

- Traffic study was good;
- DND traffic from 6:30 – 7:30 a.m. hard to get out of her driveway;
- Traffic at Admirals and Craigflower stuck for hours, incredibly busy;
- What about parking for the works during construction;

- Legion has special events parking is all over the place
- Height in the OCP is concern of all Esquimalt residents;
- Afraid would open in other areas;
- Design is great;
- Would open the door to the whole area

Allison Gaul, 626 Grenville Avenue commented:

- building has been taken down one storey, is it the same height?
- Concerned about shadowing

[Mike Levin explain the shadowing board]

Muriel Dunn, 1193 Old Esquimalt Road commented:

- that she is a long time resident and a Legion member;
- that she is opposed to 19 storeys;
- that the legion's financial problems and the proposed building must be divorced when considering the project;
- that Swallows Landing covers acreage, not a city lot;
- OCP is only one year old

Geoff Murray, 940 Dunsmuir Road commented:

- that there is no comparison between this project and Swallows Landing, project was developed over several years;
- concerned about the lack of green features; no on-site sewage treatment plant; no reservoir for brown water; or solar collection
- footprint is huge;
- that the developer was more concerned about profit, they are penny-pinching;
- that the design and height has nothing to do with the rest of the community; the community's interests should be respected;
- that this project has been poorly handled by the Legion;
- that Esquimalt is not ready for this type of development

Rod Lavergne, 485 Fraser Street commented:

- that he wished to advise the developer in response to a comment made earlier, that the OCP was out-dated, that the OCP was adopted in March, 2007;
- that during the OCP consultation that the residents stated that 10 storeys was what they wanted in the OCP
- on the parking requirements in the C-3 Zone.

Resident at 485 Foster Street, commented that they were not in support of the project.

Shaw (surname and address not audible) commented;

- that he had concerns regarding the parking;
- that the project was being built in isolation.

Barbara Von Der Osten Sacken, 1186 Old Esquimalt Road commented:

- that the developer should work within the OCP, that it is a real dis-service to the residents, who worked with the plan to have it put in place;
- that there are other ways to build.

Bruce McIldoon, 1165 Heald Avenue commented:

- that he cannot support this forum;
- that the information is not in order;
- that this project should go to Council to make the decision, that it is a hardship on the volunteer members;
- that there are parking issues;
- that traffic is impossible;
- that there is a sewage issue, a density of this project would use up the capacity;
- that Swallows Landing is a signature building, which took years to complete;
- Esquimalt is not ready for this type of development.

RECOMMENDATION:

Moved by Paulette Flannigan, Seconded by Terry Eckstein that the Esquimalt Advisory Planning Commission (APC) resolves that the application for Rezoning and a Development Permit for [Lot 155, Suburban Lot 43, Esquimalt District, Plan 2854; Lot 156, Suburban Lot 43, Esquimalt District, Plan 2854; Lot 157, Suburban Lot 43, Esquimalt District, Plan 2854; Lot 158, Suburban Lot 43, Esquimalt District, Plan 2854, Except Part in Red on Plan 312 BL [622 Admirals Road] be **declined**.

The motion **Carried Unanimously**.

The opinion and comments of the APC members are as follows:

- that the number of parking spaces being provided is of great concern;
- traffic pattern is of concern;
- concern was expressed about the height of the building;
- density is too much;
- concern expressed about sewer capacity;
- concerned about amendment to the OCP;

VI. PLANNER'S STATUS REPORT

Trevor Parkes, Senior Planner reported on the following applications:

349 Lampson Street, Rezoning and Development Permit – approved by Council
1195 Esquimalt Road (LTC)– Development Permit adopted
1026 Tillicum Road – Development Permit adopted
924/928 Esquimalt Road/912/914 Carlton Terrace – Development Permit adopted
1153 Esquimalt Road [Country Grocer] Development Permit adopted
Amendment to Development Permit Procedures Bylaw, adopted by Council, July 14, 2008
Amendment to CD 49 Zone (Swallows Landing) adopted by Council, July 14, 2008
Amendment to Zoning Bylaw – Two Family Residential/RD-2 & RD-3 Zones-adopted by Council, July 14, 2008
Amendment to Zoning Bylaw to allow Temporary Commercial and Industrial Use Permits, adopted by Council July 14, 2008
Amendment to Zoning Bylaw definitions and General Regulations to include Urban, adopted by Council, July 14, 2008

VII. NEW BUSINESS

VIII. NEXT REGULAR MEETING

Tuesday, August 19, 2008

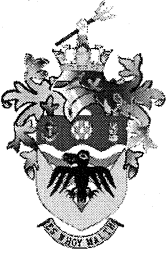
IX. ADJOURNMENT

On motion the meeting adjourned at 10:00 p.m.

Certified correct:

Paulette Flannigan, Chairperson

Adopted @ mtg - August 18/08



DRAFT

**CORPORATION OF THE TOWNSHIP OF ESQUIMALT
ADVISORY PLANNING COMMISSION
HELD ON
AUGUST 19, 2008
COUNCIL CHAMBERS**

MEMBERS PRESENT:	Paulette Flannagan, Chairperson Talya Cohen Terry Eckstein Gerald Froese Ramona Scott
REGRETS:	Don Marsden Brian Gordon
TECHNICAL STAFF:	Barbara Snyder, Director of Development Services Trevor Parkes, Senior Planner
COUNCIL LIAISON:	Hy Freedman
A/SECRETARY:	Shari Holmes-Saltzman, Planning Technician

There were 52 members of the public in attendance

I. CALL TO ORDER

The Chair called the meeting to order at 7:06 p.m. and outlined the meeting procedures and the advisory role of the Advisory Planning Commission.

II. ADOPTION OF AGENDA

Moved by Talya Cohen, seconded by Terry Eckstein, that the agenda be adopted as amended [late addition of building drawing for 12th Floor of 622 Admirals Application].
The motion **CARRIED**.

III. ADOPTION OF MINUTES

Minutes of the Regular Meeting of June 17 and July 15, 2008

Moved by Terry Eckstein, seconded by Ramona Scott the minutes of the regular meeting of June 17, 2008 and the minutes of the Special Meeting of July 15th, 2008 be adopted as circulated.

The motion **CARRIED**.

DRAFT

**MINUTES OF ADVISORY PLANNING COMMISSION
MEETING HELD ON AUGUST 19, 2008**

IV. BUSINESS FROM MINUTES

No business.

V. STAFF REPORTS

DEVELOPMENT VARIANCE APPLICATION

372 Pooley Place

Cathy McPherson and Michael Saari, owners/applicant

Michael Saari addressed his need to vary the lot coverage requirements so that he could increase the size of his deck. He explained that he suffers some health problems and that the variance would allow him better access to and from his house as well as allow him to be outside more.

Paulette Flannagan asked if his neighbours had been notified as she was concerned that the neighbours at 371 & 373 had not submitted letters. Michael Saari commented that it would be no problem to get letters if they were needed as he has spoken to those neighbours, one was in the process of moving in and the other was currently away on holidays.

Moved by Talya Cohen, Seconded by Ramona Scott that the Esquimalt Advisory Planning Commission (APC) resolves that the application for a Development Variance for Lot 1, Section 11, Esquimalt District, Plan VIS2352 [372 Pooley Place] be forwarded to Council with a **recommendation of approval**.
The motion **Carried Unanimously**.

DEVELOPMENT PERMIT APPLICATION

744 Fairview Road [Praxair]

Brian Headland

Brian Headland was speaking for the company in regards to this Development Permit. He told the ACP members that as a result of the new trail going in to the rear, he would need to modify the existing building in order for the larger trucks to have access to the rear of the building. He outlined the two variances required:

1. A decrease in the landscaping requirement by 1% (The requirement is 5% however as a result of the larger trucks needing access he would be unable to accommodate the full requirement so asked for a 1% variance.
2. Provision and maintenance of off-street parking.

He stated that Praxair was and wanted to continue to be good corporate citizens and noted that he would be removing the above grade loading docks and would be putting in privacy fencing to protect the views from the trail.

RECOMMENDATION:

Moved by Terry Eckstein, Seconded by Ramona Scott that the Esquimalt Advisory Planning Commission (APC) resolves that the application for a Development Permit for Lot 10, Block 1, Section 10, Esquimalt District, Plan 1127 [774 Fairview Road] be forwarded to Council with a **recommendation of approval.**

The motion **Carried Unanimously.**

REZONING AND DEVELOPMENT PERMIT APPLICATIONS

Robert Schmidt [Monimos Equities and Development]

622 Admirals Road [Esquimalt Dockyard Branch 172 of the Royal Canadian Legion]

This application was tabled from the June 17th, 2008 meeting and a Special Meeting of the Advisory Planning Commission was scheduled for July 15, 2008, pending the receipt of additional information from the applicant. The proposal at that meeting was for 20 storey, 250 unit mixed use commercial residential tower. The proposal is now for a 17 storey, 216 unit mixed use, commercial and residential tower.

Chris Fitzpatrick, CEO, Monimos Equities and Development, Robert Schmidt, Project Manager, Mike Levin, Architect, Les Archer, Transportation Planner, Bunt and Associates, and Jim Lee, legal counsel were in attendance.

Mike Levin provided a review of the project and noted that they have taken the APC's recommendations from the July meeting and have made changes to the proposal. Staff had recommended that the application go back to the APC as it was considered a new application. Several items had been changed for the new proposal:

- Reduced the number of units from 237 to 216;
- Reduction in height from 19 storey's to 17 storey's;
- FAR went from 7 to 6.2;
- More variety in unit sizes (Bachelor to 3 bedrooms);
- Increased parking;
- Landscape plan is the same as the last application however green terraces have been added; and
- Increased streetscape.

Les Archer spoke in detail about the transportation study and identified the multi-modal traffic numbers and direction.

Questions & Comments from APC members regarding the new proposal:

Paulette Flannagan noted there were several positive changes in this new application however she was still concerned about the height of the building and that

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the OCP clearly states that up to 10 storey's are acceptable. She questioned why the building had to be higher than the 14 storeys that was approved on Constance. She acknowledged that this project was important to the legion but questioned at what cost. Questions were also asked regarding comments she's heard that 25% of the units must be pre-sold prior to breaking ground, and wanted to know who would be responsible for the control of rental units, and how many would be allowed in the building and asked for clarification on this issue.

Chris Fitzpatrick responded by saying that the number of units available for rent will depend on sales and that he can't control that- it is an issue for the strata to figure out. He commented that the general trend is not for rentals and that strata's are trying to reduce rentals to increase property values. He stated that keeping the values high is important and that a further reduction in square footage will affect the sale ability and a smaller building will not get the same profit and would not be worth the investment

Paulette Flannagan asked if that meant that the Constance building would not be built as it was not considered profitable.

Chris Fitzpatrick responded by saying that the lender was concerned about the value of the building and that it would be up to the lender to decide if the density was enough to make it profitable.

Gerald Froese thanked the applicants for addressing the street. He commented that he likes height however it needs to be achieved through architectural design. He questioned the ability of the sewer infrastructure to handle the increased load that would result if this building was approved.

Barbara Snyder, Director of Development Services responded by stating that a preliminary agreement regarding infrastructure improvements was being worked on and that community amenities would fall under the Subdivision Servicing Bylaw.

Gerald Froese asked if the building footprint was the same.

Les Archer confirmed that the building footprint had not changed.

Terry Eckstein stated that he appreciated the efforts the applicants have gone to from the start of this process until now; however parking was a huge concern. There are know parking issues throughout Esquimalt and he doesn't want to make it worse. He asked why they only added an additional half floor of underground parking and not a full floor.

Chris Fitzpatrick stated that going a full floor would have cost another 1.5 million dollars.

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Terry Eckstein asked how many units were on the top two floors. He also noted that the green roofs were nice features.

Les Archer confirmed that there were 5 units in the top two floors however that the green roofs were not for people to walk on, there were for aesthetics only.

Trevor Parkes, Senior Planner stated that the Building Inspector had brought to his attention that there was some concern regarding insurance coverage for green roofs but that we were looking into it further.

Public Input:

Doug Grant, Manager of Esquimalt Legion, 561 Head Street commented:

- This opportunity for the legion would allow them to have a smaller, more manageable building;
- Had heard no resistance from residents in the area regarding the height;
- 189 signatures from residents who support the project;
- Feels it is a good start to the revitalization of the area;
- Doesn't care about the height of the building.

Joanne Kim, 654 Grenville Avenue commented:

- Questioned when the traffic study was done (June) and commented that this is not an accurate representation of the numbers in the area. When the ships come in September there are over 600 people on three ships and that would great affect the traffic;
- Commented that there is no sidewalk on Woodway and that a more intense traffic study should be completed on Woodway and Grenville;
- She noted that speed humps were added in the area as a result of traffic, and now there is even more traffic;
- Stated that the OCP may be considered a "guideline", however the residents see it as a plan for the neighbourhood;
- This plan has significant impacts on the area and that such a drastic change to the OCP so soon after its adoption should go to a public forum as it is not neighbourhood specific, it affects everyone;
- Questioned the proposal and wants to know what the average square footage is for the units.

George Prior, 1342 Saunders Street commented:

- He thinks shadows have a minimal effect on residents;
- The site must be built up;
- We should support the construction of this building.

Ches Dicks, [no address given] commented:

- Outlined benefits for the legion;
- Supports the project and stated that there is only one way to go and that is up;
- Need a vision for a master economic plan

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Doug Scott, 630 Constance Street commented:

- Questioned if the traffic study included the project at the bottom of Constance?
- There is a need for sidewalks in the area;
- He agrees that development is needed in Esquimalt however cannot support 17 storey's

Wendy White, 656 Grenville, commented:

- She has a background in architecture and understands what is proposed but does not feel that the building is "special enough" to go so far out of the OCP guidelines

Judy & Lorne Garth, (address not given) commented;

- They were harassed by Canada Post employee to sign the petition and questioned how the names were collected;
- Asked why this is happening during the summer while people are away?;
- Need more transparency;

Clive Price, 1124 Esquimalt Road commented:

- The APC is too concerned with traffic;
- There was a Rugby match recently at Bullen Park with over 3000 people. There was parking at Dockyard and everything ended fine in terms of traffic;
- Asked APC to have second thoughts about the proposal.

Salin Anderson, 1125 Esquimalt Road commented:

- 17 storey's greatly impacts traffic;
- Potential safety concerns associated with increased traffic.
- The legion does many great things, but they draw members regionally, which in turn affects the neighbourhood.

Dick Dubal, (address not giver), commented:

- Read a letter from a friend in support of the building.

Rod Laverne, 485 Fraser Street, commented:

- 17 storey's against the OCP;
- Suggested putting hydro poles underground
- Repairs to road with the 1.8 million dollar amenity package;
- Parking is a big problem;
- Suggested plug-ins for electric cars;
- Stated there would be no problem in getting insurance for green roofs
- What happens when the car share program is over?
- Quoted Mark Levin "working with transit to make bus passes available", they shall be available;

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- Veterans' accommodation: can any veteran live there or is it for seniors?
- Why not seeking green certification?
- Should stick with 10 storeys as it is stated in the OCP.

Jeff Moray, 970 Dunsmuir Road, commented that:

- The OCP outlines a land use plan that states the direction the Township will grow;
- It should be our choice to change the intent of the OCP, not the money lenders or the developers;
- This height discussion should be opened up to the public first, then we can evaluate the proposals based on a community consensus about height requirements;
- This building does not compare to Swallow's Landing-that project took three years;
- The residents of Esquimalt need to take control of their land use plan.

Jim Lee (lawyer for developer and resident of Esquimalt), 1075 Tillicum Road, owner of Gorge Point Pub comments:

- This is an important project for the legion and will benefit various organizations;
- Must consider the benefits;
- Housing is important and this is the ideal spot for increased density;

Alan Flurey, 1161 Bewdley Avenue, commented that:

- Significant benefits to the community from the legion;
- Will be a huge loss to the community.

Bruce McIlldoon, 1165 Heald Avenue, commented that:

- Height is a concern;
- Wants traffic study and sewer studies verified;
- Wants it to go to Council.

Andrew Holenchuk, 629 Fernhill Road commented that :

- Legion not sustainable;
- Future of Esquimalt is exciting;
- Support application;
- We should forecast the overall taxes for the site and know what we will be getting from the construction of that building that way we can approve the project.

Bob Campbell, 329 Plaskett Place, commented that:

- There are pros and cons;
- No question that the legion does good work however we have a responsibility to uphold the plans that were adopted only a year ago;

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- We must respect the public input that was given when the OCP review occurred.

John Radley, (no address given) Legion Member, commented that:

- Many good point brought up;
- Legion has done great things in the community;
- The legion will be residing in the building, it is not the Legion's building

Chris Fitzpatrick addressed some of the questions, concerns from the public:

- Feels that they are not getting a fair deal in regards to the building height;
- Doesn't understand the comment about Canada Post employees hassling residents- the survey was personally done by the developers (300 names to date);
- Many businesses in the area support proposal;
- It is up to the strata to maintain the car share program;
- Plug-ins provided for carts;
- Veterans housing is for seniors;
- 52% increase in amenity contributions;
- Felt that they has done everything they could do to meet the recommendations from APC and would like the APC to send it to Council.

Closing Comments/Questions/Opinions from APC:

- Why not seeking certification? (Mike Levin stated that the costs associated are too much however they are trying to include some "green standards").
- (Hydro) Pole locations were not mentioned. Where are they being moved to? Is putting them underground going to be a requirement? (Trevor Parkes said they were not sure at this time where they would be moved to. Mike Levin noted that this is something for BC Hydro to figure out and that is something that would be clarified from Engineering later in development).
- Traffic changed without the consultation of the industry.
- Still concerned about height and the community should decide what is an appropriate height if the OCP is not to be followed.
- OCP states certain things and they should be followed.
- That corner is the gateway to the Esquimalt Village Project and some members felt uncomfortable making a decision when the Esquimalt Village has not yet been designed.
- [APC] can't trade the community's vision to bail out the legion or to make a profit.
- The community needs to think about the future.
- The OCP also states that there is a strong sense of community in Esquimalt and we need to manage community growth- High rises are not a community builder.
- Community vision not consistent with the proposal.

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- Net taxes from residential developments do not pay for themselves and are therefore not considered a good contribution to the municipality and comments made earlier that it will bring in a good tax base are simply not true.
- Density is important however this building is not the solution.
- Not in favor of overriding the OCP.
- There are other potential options for the site.
- Development decisions should not be based on the survival of a community group.

RECOMMENDATION:

Moved by Paulette Flannigan, Seconded by Ramona Scott that the Esquimalt Advisory Planning Commission (APC) resolves that the application for Rezoning and a Development Permit for [Lot 155, Suburban Lot 43, Esquimalt District, Plan 2854; Lot 156, Suburban Lot 43, Esquimalt District, Plan 2854; Lot 157, Suburban Lot 43, Esquimalt District, Plan 2854; Lot 158, Suburban Lot 43, Esquimalt District, Plan 2854, Except Part in Red on Plan 312 BL [622 Admirals Road] be **forwarded to Council without an APC decision and with strong concerns about overriding the Official Community Plan's ten storey maximum height requirement.**

The motion **Carried Unanimously.**

VI. PLANNER'S STATUS REPORT

No report available.

VII. COUNCIL LIAISON

Councillor Freedman stated he had nothing to report at this time.

VIII. NEW BUSINESS

The Chair raised concern regarding attendance of member(s) at meetings, and clarified the terms of reference in the APC Bylaw that outlines the responsibility of members to attend. Staff noted that at this time, no members have missed more than two consecutive meetings. Members were reminded that it is the responsibility of individual members to notify staff if they will be absent from a meeting. The members agreed that of a member cannot commit to attend, they should be asked to step down or they may be replaced.

IX. NEXT REGULAR MEETING

Tuesday, October 15, 2008.

**MINUTES OF ADVISORY PLANNING COMMISSION
MEETING HELD ON AUGUST 19, 2008**

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X. ADJOURNMENT

On motion the meeting adjourned at 10:42 p.m.

Certified correct:

Paulette Flannigan, Chairperson

DRAFT

Corporation of the Township of Esquimalt



ESQUIMALT PARKS AND RECREATION COMMISSION

REGULAR MEETING SEPTEMBER 11, 2008

7:00 p.m.

Council Chambers, Esquimalt Municipal Hall



MINUTES

Present: Commissioner R. Fyfe, Chair
Commissioner J. Parlee
Commissioner D. Linge
Commissioner M. Mitchell-Starkey
Commissioner S. Zeitz
Commissioner G. Murray

Staff: C. Morissette, Director, Esquimalt Parks and Recreation Services
J. Byron, Recreation Manager
C. Weber, Secretary to the Director of Parks and Recreation Services

Regrets: Commissioner L. Hundleby

The meeting commenced at 7:00 p.m.

1. APPROVAL OF AGENDA

Moved by Commissioner Linge, seconded by Commissioner Mitchell-Starkey that the agenda for the meeting of September 11, 2008 be approved.

The motion **CARRIED**.

2. MINUTES

Moved by Commissioner Mitchell-Starkey, seconded by Commissioner Parlee that the Minutes from the Regular Parks and Recreation Commission Meeting held on June 5, 2008 be approved.

The motion **CARRIED**.

3. STAFF REPORTS

- (1) A report from the Director regarding Community Gardens and the Draft Community Gardens Policy.
Commissioners requested that staff investigate alternative methods of insurance coverage for groups, and guidelines with groups that currently exist. Commissioners are to forward additional comments to the Administration Office by September 24, 2008.

Moved by Commissioner Parlee, seconded by Commissioner Mitchell-Starkey that the recommendations in the Director's report be approved as follows: That the Parks and Recreation Commission receive the draft Township of Esquimalt Community Gardens policy for discussion, and forward Commission's comments to Council.

The motion **CARRIED**.

- (2) A report from the Manager of Recreation Services and the Manager of Parks Services – Overview of 2008 Accomplishments to Date. Commissioner Linge requested that staff report back on the amount of funds left in the budget for Archie Browning Sports Centre repairs. Moved by Commissioner Mitchell-Starkey, seconded by Commissioner Zeitz that the report from the Director be received for information.

The motion **CARRIED**.

- (3) A report from the Manager of Parks Services regarding a proposal for a new playground at Memorial Park. The Commission requested that staff report back on the following:
- Retention of green space at Memorial Park
 - Alternative playground equipment
 - What the heritage alteration permit requires
 - Options for sponsorship recognition.

Moved by Commissioner Mitchell-Starkey, seconded by Commissioner Linge that the recommendations in the Director's report be approved as follows:

1. That the Parks and Recreation Commission support in principle the construction of a new playground on the west side of Memorial Park.
2. That the Chair of the Parks and Recreation Commission write a memo to the Cultural Advisory Committee advising them of the proposed project.

The motion **CARRIED**.

4. MANAGEMENT REPORTS

- (1) The Director reported:
- Parks and Recreation Strategic Plan – staff attended a leadership group meeting in August to review the work that Commission has done to date, and to fill in some of the blanks and identify future challenges.
 - A presentation was made to Council seeking financial assistance for a music festival in Esquimalt Gorge Park in 2009. Due to lack of funds, Council will not be approving the proposal at this time.
 - Parks Labourer – Seasonal was hired late in the summer and is working in various parks. Although this position was not hired specifically for playgrounds maintenance, the Director assured Commission that staff's commitment to playground repair has not been lost and that staff will continue to work from their work plan.

Moved by Commissioner Parlee, seconded by Commissioner Murray that the Director's Report and the Manager of Parks Services Report be received and filed.

The motion **CARRIED**.

- (2) The Manager of Recreation Services reported:
- A meeting was held with Victoria Minor Hockey to discuss adults conduct at hockey games.
 - 2,500 copies of the Walking Guide were printed and distributed to the Recreation Centre and the Sports Centre. Copies were also distributed to the Times Colonist 120K Fair, Pedometer Lending Program in libraries in Esquimalt, Saanich and Oak Bay, and community events.
 - The first meeting of the Police Advisory Group was a very good opener and Inspector Les Sylven, Victoria Police Department, West Division, was very open to committee comments. The second meeting is scheduled for the end of September.
 - The opportunities for Seniors and Youth to date are: pickle ball, drop in chess, teens volunteering at the seniors lunches, volunteer tennis instructor – a senior teaching families, and staff have applied for a grant and a component of the grant will be a reading program.
 - Christina Moog, Aquatic and Fitness Coordinator, has been asked to present at the 2008 UBCM Conference on the Esquimalt Eats for Health Nutrition Strategy.

Commissioner Parlee thanked staff for creative thinking.

Commissioner Murray reported that the bicycle lock program initiated by reception staff is great idea.

Moved by Commissioner Murray, seconded by Commissioner Zeitz that the Manager of Recreation Services Report be received and filed.

The motion **CARRIED**.

5. COMMISSION DISCUSSION AND SUB-COMMITTEE REPORTS

The Commission discussed the following:

- Commissioner Mitchell-Starkey will not be available to sit on the Access Awareness Committee.
- Commissioner Parlee thanked staff for working to improve communications throughout the municipality.
- Applications for tile donations at the Recreation Centre have been low. Staff reported that donation information will be placed on a page on the new website.
- 2012 Centennial – Commission inquired as to whether this was on either Council's radar or staff's radar. Commissioner Linge reported that nothing formal has been initiated to date.

Esquimalt Parks and Recreation Commission Minutes
Regular Meeting of September 11, 2008
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5. 6. INFORMATION / CORRESPONDENCE

- (1) A letter to the Commission from Tara Hastings, Chair, Environmental Advisory Committee regarding Draft Pesticide Reduction Bylaw.

Moved by Commissioner Linge, seconded by Commissioner Mitchell-Starkey that the letter be received and filed.

The motion **CARRIED**.

- (2) A copy of a letter to Rob Barr, President, Victoria Esquimalt Lacrosse Association from Janet Jones, Chair, Esquimalt Cultural Advisory Committee regarding Victoria Esquimalt Lacrosse Association Mural.

Moved by Commissioner Linge, seconded by Commissioner Mitchell-Starkey that the letter be received and filed.

The motion **CARRIED**.

- (3) A copy of a letter from Tom Woods, Canadian Classics Rugby Society, to the Mayor with a brief report on the Rugby Canada Challenge held at Bullen Park on June 27th and 28th.

Moved by Commissioner Mitchell-Starkey, seconded by Commissioner Parlee that the information be received and filed.

The motion **CARRIED**.

- (4) A copy of a letter from Stephanie Gabel, Play Greater Victoria, to the Mayor announcing that Esquimalt was nominated in several categories for the Early Years Community Appreciation Awards.

Moved by Commissioner Mitchell-Starkey, seconded by Commissioner Parlee that the information be received and filed.

The motion **CARRIED**.

- (5) An email from Brett Harper, Aquatic Programmer, regarding results from the Vancouver Island Regional Championships – Lifeguard Competition.

Moved by Commissioner Mitchell-Starkey, seconded by Commissioner Parlee that the information be received and filed.

The motion **CARRIED**.

- (6) A copy of a letter to Mayor Clement from the BC Games regarding an invitation to bid to host the 2012 and 2014 BC Summer and Winter Games.

Moved by Commissioner Linge, seconded by Commissioner Mitchell-Starkey that the letter be received and filed.

The motion **CARRIED**.

- (7) A copy of a staff report from the Director to Tom Day, Chief Administrative Officer regarding Release of Funds to Address Unexpected Sports Centre Needs.

Moved by Commissioner Mitchell-Starkey, seconded by Commissioner Parlee that the information be received and filed.

The motion **CARRIED**.

- (8) A letter from Mayor Clement to prospective funders in Japan regarding Esquimalt's New Japanese Garden at Esquimalt Gorge Park.

Moved by Commissioner Mitchell-Starkey, seconded by Commissioner Parlee that the information be received and filed.

The motion **CARRIED**.

- (9) Monthly Event Listing – September 2008.
Moved by Commissioner Mitchell-Starkey, seconded by Commissioner Parlee
that the information be received and filed.
The motion **CARRIED**.

6. ADJOURNMENT

Moved by Commissioner Mitchell Starkey that the meeting be adjourned at
8:25 p.m.

CERTIFIED CORRECT

Christine Morissette, Secretary

Chairperson, Esquimalt Parks and
Recreation Commission



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**MINUTES
ACCESS AWARENESS COMMITTEE**

Wednesday, September 17, 2008

4:00 P.M.

Wurtele Room, Esquimalt Municipal Hall

- PRESENT:** Councillor Barbara Desjardins (Chair)
Councillor Don Linge
Joe Buczkowski, Community Representative
Brian Gray, Community Representative
Meagan Duncan, Community Representative
Emmy Labonté, Community Representative
- STAFF:** Gilbert Coté – Director of Engineering and Public Works (Staff Liaison)
Andy Katschor – Parks Manager (Staff Liaison)
Deborah Liske – Recording Secretary
- REGRETS:** Maureen Mitchell-Starkey
Walter Gattinger, Esquimalt Legion Representative
Mia Shinbrot, Community Representative
Barbara Amberstone, Community Representative

1. CALL TO ORDER

Councillor Desjardins called the meeting to order at 4:04 p.m.

2. LATE ITEMS

The following late items were introduced:

Add to Agenda item **5. OLD BUSINESS** (3) Proposed New Sidewalk Construction Program for Next Five Years

Add new Agenda item **5. OLD BUSINESS** (4) Access Town

3. APPROVAL OF THE AGENDA

Moved by Brian Gray, seconded by Joe Buczkowski, that the agenda of the Access Awareness Committee meeting of September 17, 2008 be approved with the inclusion of the late agenda items.

The motion **CARRIED**.

4. APPROVAL OF MINUTES

Moved by Brian Gray, seconded by Councillor Linge that the minutes of June 18, 2008 be approved as presented.

The motion **CARRIED**.

5. OLD BUSINESS

- (1) Report on Meeting with Darin Ramsey at BC Transit, April 8, 2008

Defer to next meeting.

- (2) Buccaneer Days / Access Awareness Day

The Committee continued to discuss incorporating a Access Awareness showcase during Buccaneer Days along with the merits of keeping the two events separate. It was determined through discussion that the two events be kept separate with the Access Awareness Committee participating in some capacity at Buccaneer Days and also continuing to organize the Access Awareness Day event in June. The opportunity to highlight accessibility issues to a large number of people during Buccaneer Days was noted.

Suggestions for the Committees contribution at Buccaneer Days included:

- Videotape the activities of Access Awareness Day to play at Buccaneer Days.
- Highlight an accessible sport.
- Research other visual aids.

Emmy Labonté and Andy Katschor will continue to work on the sub-committee for the Access Awareness Day event. Brian Gray and Joe Buczkowski will liaise with the Buccaneer Days Committee to arrange the Access Awareness Committees participation at Buccaneer Days.

The Access Awareness Day sub-committee will contact Marnie Essery, Chair of the Intermunicipal Advisory Committee on Disability Issues for additional information for the Esquimalt Access Awareness Day event.

- (3) Proposed New Sidewalk Construction Program for Next Five Years (**Late Item**)

The Director of Engineering and Public Works reviewed a proposed five-year plan for municipal sidewalks and would like to receive feedback from Committee members on which streets and roads require sidewalks in order to provide a draft plan to Council. Once feedback is received, a list will be compiled and prioritized. It was requested that suggestions be forwarded to the Director of Engineering and Public Works via email. A map showing the locations of existing sidewalks is also available. The Director of Engineering and Public Works will forward a pdf copy of the map to all Committee members.

The Director of Engineering and Public Works outlined the necessary criteria (in priority sequence) for the installation of sidewalks:

- Major roads and collector roads (sidewalks located on both sides of the road).
- Along bus routes (minimum of sidewalk on one side of the road).
- School locations.
- Commercial and business establishments.

It was requested that a copy of the Esquimalt Pedestrian Charter accompany the map to be sent to Committee members.

The Committee also discussed the permitted uses of a sidewalk i.e.: pedestrian only and pedestrian/cyclist. The Director of Engineering and Public Works will review the bylaw(s) associated to permitted uses of sidewalks.

These items will be discussed further at the next meeting.

(4) Access Town (**Late Item**)

Meagan Duncan provided the Committee with a newspaper article on local hotel accessibility. The Committee discussed with Emmy Labonté noting that the local bed & breakfasts have mentioned that they face many challenges in making their accommodations accessible due to the high costs associated with renovating.

Moved by Councillor Linge, seconded by Emmy Labonté that the Committee forward a letter to the B & B's and the two hotels located within the municipality for a listing of the level and type of accessibility of their accommodations.
The motion **CARRIED**.

6. **REPORTS FROM SUB-COMMITTEES**

(1) Measuring – Up Sub-Committee Update

Councillor Desjardins reported that a meeting of the group municipalities is scheduled for next week, September 23, 2008. Andy Katschor will be attending and will report back to the Committee at the next Access Awareness Committee meeting.

7. **COMMITTEE ANNOUNCEMENTS / REPORTS**

Councillor Desjardins noted that Maureen Mitchell-Starkey will no longer be the Parks and Recreation Commission representative. A new representative will have to be designated.

8. **NEXT MEETING**

The next meeting of the Access Awareness Committee will take place on Wednesday, October 15, 2008 at 4:00 p.m. in the Council Chambers at the Esquimalt Municipal Hall.

9. **ADJOURNMENT**

Moved by Councillor Linge, seconded by Emmy Labonté that the meeting adjourn at 5:09 p.m.
The motion **CARRIED**.

Councillor Barbara Desjardins, Chair

This day of , 2008

SHORELINE COMMUNITY MIDDLE SCHOOL

2750 Shoreline Drive, Victoria, BC V9B 1M6
Telephone: 386-8367 Fax: 361-2630



RECEIVED
SEP 16 2008
CORPORATION OF THE
TOWNSHIP OF ESQUIMALT

*Agenda
Larocel*

Finance Committee
Town of Esquimalt
1229 Esquimalt Road
Victoria, BC V9A 3P1

September 11/08

Dear Mayor and Council Members,

We would like to acknowledge and thank you for your contribution of \$2000 to Shoreline Community School Association this year.

These funds are being used to help maintain our full time program manager's position which ensures ongoing community classes that for many years have been enjoyed by citizens of Esquimalt, View Royal and Greater Victoria. Our programming also includes a very successful youth drop-in program called Nights Alive. Between 60-75% of the young people who regularly attend live in Esquimalt. In addition, we are piloting an after-school program this fall for Shoreline Middle School students. Response to this new program has been overwhelming and of the 20 families who are currently participating, 14 are from Esquimalt.

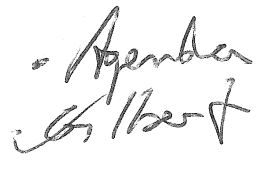
We appreciate your much needed financial support and feel that Esquimalt citizens are being well served by your commitment.

Sincerely,

Lloyd Sargison, President
Shoreline Community School Association

Dana Robertson

From: Bob Jones [HONEZ@telus.net]
Sent: September 12, 2008 10:13
To: Council
Subject: Staff Report re: Traffic on Old Esquimalt Road



Mayor and Council:

After reading the staff report prepared by the Director of Traffic and Engineering my concerns continue. It is my understanding that the purpose of a staff report is to provide factual information regarding issues before council, to which the elected officials of the municipality apply their policy decisions. Much of this staff report seems to be comprised of the opinion and policy of a non-resident public employee, not fact.

No where in any letter or E-Mail to mayor and council is there a concern expressed about a lack of a sidewalk on the north side of Old Esquimalt Road. In fact, if research was done, it would be noted that the residents made it clear (in a petition to the municipality) that a sidewalk was expressly not desired. The concern that was expressed was that the walkway through l'Ecole Victor Brodeur has created a pedestrian traffic pattern that has people crossing the street mid-block, walking down the side of the street without a sidewalk. People are walking around and behind vehicles parked on the street and driveways on a side of the road where motorists are already challenged by having to back out around parked cars into speeding traffic. Pedestrians should not be walking on this side of the road. It is a situation created entirely by the walkway and it is unsafe.

The Director of Traffic and Engineering's contention that the walkway was designed to provide public access to the sports field at l'Ecole Victor Brodeur and therefore should not be closed is absolutely ridiculous. The walkway is used almost exclusively as a conduit to Tim Hortons and the A & W. I challenge the municipality to count the numbers of people who use either of the gates to actually access the sports field. If Esquimalt is in support of making an already unfit population even more so by providing a short cut to fast food I could not argue with this walkway but to pretend that it is important as a point of access to locals wishing to use the field is disingenuous. Anyone wishing to use the field can walk the short distance to the Head Street entrances.

The Director of Traffic and Engineering provides this single excuse for recommending the gateways not be closed. In recommending closure of the gateways I provide the concerns for safety of pedestrians being led into speeding traffic on Old Esquimalt Road, concerns for the safety of students at the school who have all manner of strangers wandering through their playing area throughout the day, safety of field users who encounter drug users or the remnants of drug use on the field and safety of the health of the community that seems to be encouraging lack of activity and promoting fast food.

Closure of the gateways would also completely eliminate the problems around residential parking. It is not as though there are no other entrances to this field. Access can be gained all along the Head Street side.

The Director of Traffic and Engineering also recommends against partial closure of Old Esquimalt Road. One piece of supporting information provided is that Old Esquimalt Road has been a designated Collector Road for 50 years and that it is designated so, formally, in the official community plan. He might also have noted that 50 years ago a daily count of 50 cars would have been average and that throughout most of that 50 years there was no Lampson/Head/Old Esquimalt intersection. If he was providing council with complete information he would have noted that Old Esquimalt was partially closed and did, in fact, have limited access before the current intersection was created.

It is ironic that the official community plan is mentioned as a prohibiting factor to altering access to Old Esquimalt Road because the plan states: **CRAIGFLOWER ROAD AND ESQUIMALT ROAD WILL CONTINUE TO SERVE AS THE MUNICIPALITY'S PRINCIPAL EAST/WEST THROUGH-TRAFFIC ROUTES. THROUGH TRAFFIC WILL BE ENCOURAGED TO USE THESE ROUTES RATHER THAN LOCAL ROUTES.**

Old Esquimalt Road begins just a few metres away from Esquimalt Road and yet there is no encouragement at that point to use Esquimalt Road. In fact, the municipality has done the opposite - limiting access on Esquimalt Road, thereby encouraging traffic onto Old Esquimalt Road! In the middle of the Esquimalt Industrial Park there

is a logical flow of roadway to Lampson Street (and thereby Craigflower and Esquimalt Roads) and yet traffic pours onto Old Esquimalt Road via a narrow lane, without any discouragement. In fact, the Director of Traffic and Engineering actually argues against some suggested traffic calming measures on the residential street of Old Esquimalt Road because it might be *troublesome* for the trucks from the Industrial Park! What are the trucks even doing on this street?

The staff report seems to suggest that the mayor and council can pick and choose which historical data they would like to reference, whether they want to rely on opinion or fact and which parts of the community plan they wish to observe.

The staff report describes Old Esquimalt Road as an "important" east/west alternative in case of emergency. Again, Old Esquimalt Road had limited access in the past and this was never an issue. In modern communities it is not unusual to see urban residential roads closed to all but local residents and bus/emergency vehicles. The report also notes that the street is part of a bus route. Effectively, only one stop would be changed if the bus was re-routed through the Industrial Park (closer to where most riders are going to/coming from). Or the route could remain the same with the buses passing through a "buses and emergency vehicles only" lane - a normal traffic set up in urban communities.

Trying to resolve the issues on Old Esquimalt Road has been made all the more frustrating because of the attitude of the municipality. It was my expectation that a concern about safety in the municipality would be met with equal concern from elected officials. I expected the council to look at positive ways to solve the problem. I didn't expect to be ignored. I didn't expect to be repeatedly told there was no problem. When it was finally admitted that there was a problem I didn't expect to hear a litany of reasons why there was nothing to be done about them. This has been a completely disappointing endeavour made all the more so by the lack of participation of the mayor and council. You are the elected officials but we hear nothing from you.

Benthe Jansen-Jones
876 Old Esquimalt Road
(250) 382-1656

Agenda

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INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

SEP 23 2008

IBEW



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Local 230

Established in Victoria in 1902

Room 204-2780 Veterans Memorial Pkwy Victoria, BC, V9B 3S6

Victoria - Telephone 388-7374 * Fax 388-6313

Email: bmfs@ibew230.org

www.ibew230.org

September 12, 2008

Ministry of Transportation
Legislative Building Room 306
P.O. Box 9055 STN Provincial Government
Victoria, BC V8W 9E2

Attention: Minister Kevin Falcon

Dear Sir,

Re: Victoria Needs Diversity in their Transportation System

Many successful North American cities provide an opportunity for visitors and workplace commuters to utilize a variety of ways to travel in and out of the core city to the outlying areas without using a personal vehicle. Whether it's by surface train, subway system or elevated train commuters will have options. The reasons for these alternate ways to travel are likely as diverse as the cities themselves however the one common theme of responsibility is their local, provincial/state, and federal governments built and/or maintained them to serve the people of the city.

Victoria is long overdue to upgrade the southern portion of the historic E&N Railway Line, and the reasons are as obvious and painful as the Colwood crawl, or the public outcry of "no carbon tax". We need to reduce our downtown arterial street congestion thereby limiting idling vehicles (which appears to have many governments at the legislative table drafting anti-idling laws), road maintenance, and unproductive wasteful time. We need to reduce the amount of parking spaces to allow for a larger residential footprint in the downtown area so downtown working people can choose to live downtown and reduce their personal living costs which also increases the downtown residential municipal tax base, and possibly most importantly we need to continue to reduce our carbon emissions by reducing the need for downtown working people to take their personal vehicles.

The growing population in the Westshore Communities is the catalyst for change and the reasons to pursue this very tangible and beneficial new outlook on our inter-community transportation system which could serve Victoria, Esquimalt, View Royal, Langford and further north. With tens of thousands of people who currently live within walking distance of the Railway Line, and if we act quick enough while Langford has the property for a park and ride along the rail-line, so a Victoria light rail transit could further serve north island commuters as well.

In 2004 several municipal governments along with First Nations stepped up to the plate to help save this integral transportation system through the Island (Railway) Corridor Foundation. It is now time for our provincial and federal counterparts to do the same.

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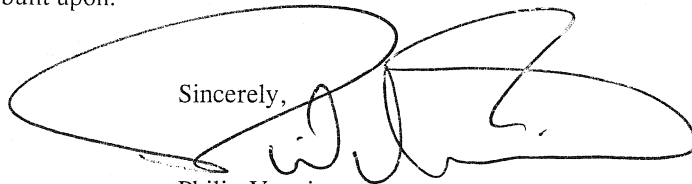
One hundred and twenty years ago these governments entered into a partnership with Confederation and the E&N Railway was an important part of that deal, it is an absolute shame to walk along this railway and see its current condition, the time is now to invest in a new light rail transit system while the corridor is functional and still available.

My great-grandfather John Bell, maintained the Island railway tracks for over 30 some years after returning home from Vimy Ridge, but this letter is not about hanging onto heritage, this letter is about the vision our elected leadership should have for the future of the communities you have sworn an oath to serve. A vision which would have a practical purpose for everyone living in the southern Island today and for those that will choose our region to reside in the future. The south Island communities of Colwood and Langford have joined together to create an "Official Community Plan" (OCP), the OCP recognizes the Westhills development, the largest development to ever take place on Vancouver Island and it notes the train to be an integral part of that development. At the town hall meeting facilitated to lay-out the OCP participants conveyed that they currently needed alternate modes of transportation in and out the city of Victoria today! Light Rail Transit, Sea Bus whatever was needed but alternatives are needed today!

A further purpose to which many governments struggle with today and every government will struggle with in the future. Fossil fuel gas guzzling ozone depleting individual modes of transportation, we are all going to have to break-off our love affair with our vehicles and move towards modes of mass transportation. Many studies that support this approach throughout North America are over twenty years old and closer to home were commissioned prior to the World Exposition in 1986. My understanding is there are newer studies commissioned by the likes of BC Ferries to better understand Vancouver Island's growth and transportation needs into the immediate future which are supportive as well.

We are asking of you and the Provincial Government to contact your Federal counterpart(s) to begin the discussions with Via Rail and come up with the necessary funding to see this important transportation infrastructure for Victoria and southern Vancouver Island preserved and built upon.

Sincerely,



Philip Venoit
Business Manager/
Financial Secretary
Past President of the Vancouver Island - Council of
Railway Unions
Co-chair of the Vancouver Island Railway
Development Initiative (VIRDI)

PMV/jc
cope 15

- cc. Carol James, MLA Leader of the Official Opposition, Victoria-James Bay
- Rob Fleming, MLA Victoria-Hillside
- Maurine Karagianas, MLA Esquimalt Metchosin
- John Horgan, MLA Malahat-Juan de Fuca
- Honourable Lawrence Cannon, MP Federal Transport Minister
- Denise Savoie, MP Victoria
- Dr. Keith Martin, MP Esquimalt-Juan de Fuca
- Honourable Allan Lowe - Mayor City of Victoria
- Honourable Chris Clement - Mayor Township of Esquimalt
- Honourable Graham Hill - Mayor Township of View Royal
- Honourable Stew Young - Mayor City of Victoria

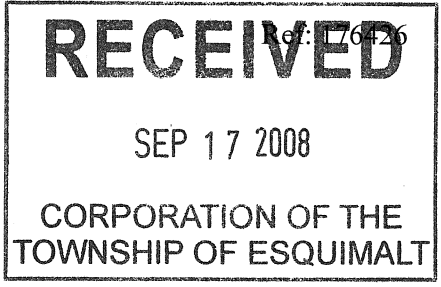
GC
(Acting)



Agenda
Agenda

September 16, 2008

His Worship Mayor Chris Clement and Council
Township of Esquimalt
1229 Esquimalt Rd
Victoria BC V9A 3P1



Dear Mayor Clement and Council:

Once again, October has been proclaimed as Foster Family Month in British Columbia. During the month, there will be a variety of events throughout the province to recognize foster parents and show appreciation for the contributions they have made to children and families in our communities. I encourage you to join the province in showing foster parents that you appreciate their efforts by supporting local businesses and community centres to sponsor appreciation and public awareness events.

There are more than 3,200 foster families in British Columbia providing care to over 6,000 children and youth. Still, there is a need for more individuals and families to open their hearts and their homes. The most important qualifications are a desire to provide a supportive and caring environment and make a positive difference in a child's life.

Ongoing support and recognition in the community are vital to help encourage more people to get involved and show existing families that their efforts are appreciated. Foster parents help make our communities stronger by providing the foundation a child needs to develop and grow into a confident adult.

We would be pleased to post any information you send us regarding events in your community on our dedicated web pages. Please send information to maryann.anderson@gov.bc.ca and visit the Web site at www.strongsafesupported.com/awareness for more information and the most up to date calendar of events. If you would like additional information, we encourage you to contact Chuck Eamer, the ministry's Regional Executive Director for your community, at 250 952-4780.

On behalf of the Honourable Gordon Campbell, Premier, and the Government of British Columbia, we thank you for your recognition of the foster families in your community who open their homes and hearts to care for vulnerable children and youth.

Sincerely,

Tom Christensen
Minister

Enclosure

Ministry of Children and Family Development	Office of the Minister	Mailing Address: Parliament Buildings Victoria BC V8V 1X4	Location: Parliament Buildings Victoria
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FACTSHEET

September 2008

Ministry of Children and Family Development

FOSTER CARE IN BRITISH COLUMBIA

The government of British Columbia has proclaimed October Foster Family Month to recognize foster parents and show appreciation for the contributions they have made to children and families in our communities.

KEY FACTS

- Foster family homes are the primary placement resource for children in care. The Province has approximately 9,000 children in its care, and of those, about 6,000 children and youth are placed with approximately 3,200 foster families.
- Twenty-four delegated Aboriginal agencies, the Federation of Aboriginal Foster Parents and the ministry are working with Aboriginal communities and groups to increase the number of Aboriginal foster homes, and to build the capacity of Aboriginal communities to provide support for vulnerable children.
- Foster families may provide care on an emergency, short or long term basis. They provide children with a safe, nurturing, and supportive home when they need it the most.
- Approximately 35 per cent of children in care who are adopted are adopted by their foster family.
- The British Columbia Federation of Foster Parent Associations, the Federation of Aboriginal Foster Parents and regional foster parent support agencies provide a range of support, education and advocacy services for foster parents.
- There is always a need for more individuals and families to become foster parents. There is an ongoing effort to recruit foster parents of all cultural, social and ethnic backgrounds, so that children in care can maintain their cultural and community connections.
- The main qualification a foster parent needs is a desire to provide a supportive and caring environment and to make a positive difference in a child's life. Foster parents must be in good physical and mental health, pass a criminal record check, and supply three character references.
- During the application process a ministry or delegated Aboriginal agency social worker conducts a family assessment (home study) at the applicant's home. Applicants also take 18 hours of orientation (pre-service training). On average, the approval process takes three months. Once approved, foster parents participate in the 53-hour BC Foster Parent Education Program.

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- Foster parents receive a payment of \$780 to \$888 a month, depending on the age of the child. There are three types of foster homes:
 - Restricted foster homes are usually the homes of relatives or family friends who have a significant relationship with the child.
 - Regular foster homes provide care for up to six children of varying ages and needs. Usually, the foster family has not previously known these children.
 - Specialized foster homes provide supervision and three different levels of care for children with physical, mental, behavioural or emotional needs. These foster parents receive an additional monthly service payment between \$397 and \$2509 per child, depending on the level of care they provide, and the needs of the child.
- Every foster child has a care plan that outlines the type of care required to meet his or her circumstances, and a plan to either return the child to the parents or to another permanent home. For many children in continuing care, foster families provide a permanent home right through to adult life, while also supporting the child's ongoing connection to their families and communities.
- For more information on foster care, visit the Ministry of Children and Family Development website at www.mcf.gov.bc.ca/foster or call the Fosterline toll-free at 1 800 663-9999.

-30-

Contact: Communications
 Ministry of Children and Family Development
 250 356-2939



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September 17, 2008

**VICTORIA POLICE
DEPARTMENT**
850 Caledonia Ave
Victoria, British Columbia
Canada V8T 5J8

Capital Region Emergency Services Telecommunications Inc.
Attn: Hy Freedman, Chair
108 – 800 Kelly Road, Suite 482
Victoria, BC V9B 6J9

Dear Mr. Freedman:

Re: September 8th Times Colonist Newspaper Advertisement

Mayor Alan Lowe, Chair
Victoria Police Board

At its regular monthly meeting on Tuesday September 9th the Victoria Police Board (the "Board") had an opportunity to consider the referenced newspaper advertisement.

Mayor Chris Clement,
Vice-Chair,
Victoria Police Board

While it is difficult for the Board to determine the utility of such a "progress report" to the general public, (it does not appear that the status of the CREST program is a mainstream topic of dinner time conversation) the usefulness of such a report when it contains patently misleading information is all the more questionable.

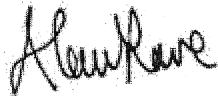
We resolved as a Board to inquire how CREST could have reported to the public that "Signals are loud and clear in upgraded areas" in the face of a 17 page report detailing approximately 210 separate incidents of failed or inadequate radio communications over the two month period from early July to the date of your newspaper report.

The troubles with the system have been well documented and the demonstrated inability of CREST to fully acknowledge and correct the problems has been equally clearly recorded. You will likely recall that the Victoria Police Board resolved at a recent meeting to explore an alternative communications delivery system – this step was taken as a result of the demonstrated refusal of CREST to respond in a meaningful way to the ongoing reports of communication failures.

The Board was advised at the September 9th meeting of yet another missed deadline and we now understand that the promised September 30th "go-live" date for Phase 2 has been postponed again, despite Mr. Freedman's fervent assurances to the contrary in his meeting with the Board on July 17, 2008. The Board was not surprised at this postponement – but still disappointed that another deadline will be missed.

It is for that reason that the Board is continuing its exploration of communication system alternatives. When we have identified a preferred alternative we will be approaching CREST to discuss financial solutions that work for both CREST and VicPD. To the extent that CREST is concerned about the satisfaction of this particular constituent member of the 36 member agencies we suggest for the future that available financial resources be devoted to addressing deficiencies in the system rather than publishing false comfort reports to the public of Greater Victoria.

Yours truly,



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Alan Lowe, Chair
Victoria Police Board

- C. I/Chief Bill Naughton, Victoria Police Department
Councillor Dean Fortin, City of Victoria CREST Board Member
His Worship Chris Clement
City of Victoria Council
Township of Esquimalt Council

Agenda

Tom Day

From: Gay Pearce [gayandgeoff@shaw.ca]
Sent: September 18, 2008 11:31
To: backhouse@lanarc.ca; Denise Blackwell; Don McGregor; 'Geoff Young - Work'; graham Hill; Jody Twa; jim hartshorne; Mayor
Cc: cpease@city.colwood.bc.ca; Jack Peake; jbowden@cityoflangford.ca; jpeake@lakecowichan.ca; mmahovlich@threepointproperties.com; rbuchan@cityoflangford.ca; rohan@keycorpconsulting.com; Tom Day
Subject: Fw: revised Commuter Rail Referendum question report
Attachments: Report (IC) - Commuter Rail(3), 08Sep15.doc

This is a draft question for seeking the opinion of the electors at the November elections. This was discussed at the last C4CR meeting and we were asked to circulate it for your own consideration. It would also be discussed at the next C4CR meeting on Wednesday October 1st @4:30. We feel it is important the all municipalities in the CRD that have the E&N railway service available to them pose the same question to the electors so as to avoid confusion.

Geoff Pearce

----- Original Message -----

From: Julie Coneybeer
To: Geoff Pearce (gayandgeoff@shaw.ca)
Cc: Jim Bowden
Sent: Friday, September 12, 2008 2:04 PM
Subject: revised Commuter Rail Referendum question report

Julie Coneybeer, Administrative Assistant
 City of Langford
 2nd Floor, 877 Goldstream Avenue
 Victoria, BC V9B 2X8
 phone: (250) 478-7882 fax: (250) 391-3178
jconeybeer@cityoflangford.ca
www.cityoflangford.ca



Staff Report to Council (In Camera)

Date: September 15th, 2008
File: 0560-20 In-Camera Reports
Subject: Commuter Rail Question

BACKGROUND:

As Council is aware, Langford has been a strong supporter of the establishment of a Commuter Rail Service from Langford to Victoria for several years and has had elected as well staff representation on the Communities for Commuter Rail (C4CR) Committee since its inception. Council has also provided financial support to study the feasibility of establishing the service. Langford's strong commitment to this initiative is based on the fact that the use of the rail line connecting Langford and Victoria is seen as paramount to the continued sustainable development of Langford and the Westshore.

Council and the C4CR Committee on behalf of the Community have been lobbying the Federal and Provincial government to support a Commuter Rail Service and have requested, on numerous occasions, funding to upgrade the track and assist with the operation of the rail service. To enable Council and the C4CR committee to leverage the strong community support that appears to exist for this initiative when discussing the need for senior government assistance, it is proposed that Council formally identify the community's support for the establishment of a Commuter Rail Service.

Section 83 of the Community Charter provides the ability for Council to seek the community's opinion on a question that the Council believes affects the municipality, by voting or any other process the Council considers appropriate and the results are not binding on Council. As there is a Local Government Election occurring November 15th it would be an opportune time to gage the public's support for commuter rail service through the placing of questions on the election ballot related to the service.

The suggested question(s), subject to Council's approval and suggested wording changes, to be put to the community are as follows:

Are you in favour of the Government of British Columbia in partnership with the Federal Government, providing funding to improve the rail infrastructure on Vancouver Island E&N railway and having BC Transit provide commuter rail passenger service from Langford to Victoria as an alternate mode of Public Transportation to bus service?

YES NO

Financial Implications:

As the Local Government election is being on November 15th, 2008 there would be very little cost of including these questions on the ballot.

OPTIONS:

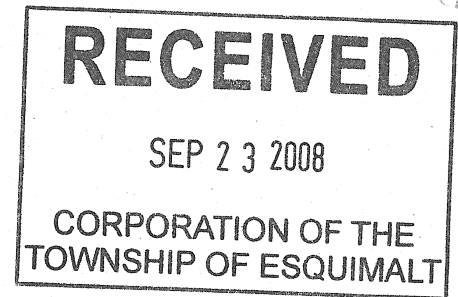
1. That Council direct Staff to place the question noted in the report on the ballot of the Local Government Election to be held November 15th, 2008
2. That Council indicate that it does not want the question added to the ballot of the upcoming Local Government Election to be held November 15th, 2008.

Respectfully submitted,

Jim Bowden
Deputy Administrator

Steve Ternent
Treasurer

Rob Buchan
Clerk Administrator



September 19, 2008

Ms. Diane Knight
Executive Assistant
Township of Esquimalt
1229 Esquimalt Road
Esquimalt, BC, V9A 3P1

Dear Ms. Knight:

RE: CRD Bylaw 3558, Traffic Safety Commission Establishment Bylaw No. 1, 1990, Amendment Bylaw No. 2, 2008

Please place CRD Bylaw 3558, copy enclosed at third reading, on your next Council agenda with a request to give consent to the adoption of the bylaw in accordance with Section 801.4 of the *Local Government Act*.

The purpose of Bylaw 3558 is to add the District of North Saanich as a participant in the Extended Service of the Traffic Safety Commission. On June 14, 1989, Bylaw 1718, "Traffic Safety Commission Bylaw No. 1, 1989" created a Commission for the purpose of reviewing traffic safety problems in this region and making recommendations to the CRD Board for the purpose of reducing or eliminating the problems, and for planning and operating traffic safety education programs as provided for in the annual budget of the commission. Currently, the participants in the extended service are the three electoral areas and nine of the thirteen municipalities (excludes Colwood, Metchosin, North Saanich and View Royal).

Adding North Saanich as a participant slightly reduces the requisition costs to the other participants, as noted on the attached schedule which indicates the level of requisition for 2008 and for 2009 based on 2008 converted assessments.

Over the years, the CRD Traffic Safety Commission has been involved in numerous regional projects, including:

- produced versions 1& 2 of a CD released to promote safer driving for seniors, "*Older and Wiser: Safer Driving for Seniors*"
- participated in "*Enhanced Enforcement*" campaigns - current focuses include seatbelts, drunk driving, aggressive driving, etc.
- in cooperation with the Vancouver Island Health Authority, presented "Grandparent Safety Day"
- participated in Vehicle Advertising Campaign - featuring traffic safety messages on VIHA vehicles and BC Transit buses
- spearheaded "*Make the Malahat Safer*" campaign
- supported "*Booster Seat Awareness*" campaign
- produced "*Intersection Crash Diagram*" - aiming to identify intersections with a high number of crashes

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The membership of the Commission includes a CRD Director and Alternate Director, as well as representatives from the medical community, community health, police, business, university research, traffic engineering sectors, community programs, managers, and traffic safety education. Attached is list showing the current membership of the Traffic Safety Commission

Please contact Rita Estock, CRD Corporate Services, 250.360.3011, for questions regarding the bylaw.

Yours sincerely,

A handwritten signature in cursive script that reads "Carmen Thiel".

Carmen I. Thiel
Corporate Officer

Encl.

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3558

A BYLAW TO AMEND BYLAW NO. 1828 "TRAFFIC SAFETY COMMISSION ESTABLISHMENT BYLAW NO. 1, 1990" TO ADD THE DISTRICT OF NORTH SAANICH AS A PARTICIPANT

NOW THEREFORE, the Board of the Capital Regional District in open meeting assembled, enacts as follows:

- 1. Bylaw No. 1828, the "Traffic Safety Commission Establishment Bylaw No. 1, 1990" is amended as follows:

By deleting Section 4 in its entirety and substituting the following:

"4. The Electoral Areas of Juan de Fuca, Salt Spring Island and Southern Gulf Islands and the Municipalities of Sidney, Saanich, Victoria, Oak Bay, Esquimalt, Central Saanich, Sooke, Langford, Highlands and North Saanich include the participating areas for this Extended Service."

- 2. This bylaw may be cited as "Traffic Safety Commission Establishment Bylaw No. 1, 1990, Amendment Bylaw No. 2, 2008".

CONSENTED TO BY AT LEAST TWO THIRDS of the Electoral Ares of Juan de Fuca, Salt Spring Island and Southern Gulf Islands and the Town of Sidney, District of Saanich, City of Victoria, District of Oak Bay, Township of Esquimalt, District of Central Saanich, District of Sooke, City of Langford, District of Highlands and District of North Saanich.

READ A FIRST TIME THIS 10th day of September 2008

READ A SECOND TIME THIS 10th day of September 2008

READ A THIRD TIME THIS 10th day of September 2008

APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS day of 2008

ADOPTED THIS day of 2008

CHAIR

SECRETARY

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS

day of 2008

CAPITAL REGIONAL DISTRICT 2008 REQUISITION

1.230 TRAFFIC SAFETY COMMISSION

Municipalities	Actual Assessments	Basis of Apportionment Converted Assessments	Percent of Total	Proposed 2009 Requisition	Actual 2008 Requisition
City of Victoria	16,028,536,497	2,155,465,825	26.6%	16,496	17,358
District of Central Saanich	3,393,656,311	399,808,571	4.9%	3,060	3,220
Township of Esquimalt	2,248,723,255	252,340,339	3.1%	1,931	2,032
City of Langford	4,687,104,794	610,689,690	7.5%	4,674	4,918
District of Saanich	21,182,643,684	2,319,045,834	28.7%	17,748	18,676
District of Oak Bay	5,398,095,089	558,101,511	6.9%	4,271	4,494
District of North Saanich	3,741,734,956	401,685,536	5.0%	3,074	0
Town of Sidney	2,719,699,712	327,474,775	4.0%	2,506	2,637
District of Highland	488,088,946	50,991,918	0.6%	390	411
District of Sooke	1,707,839,245	186,061,615	2.3%	1,424	1,498
	61,596,122,489	7,261,665,614	89.8%	55,575	55,244
Electoral Areas					
Juan de Fuca	1,346,697,485	161,275,472	2.0%	1,234	1,299
Saltspring Island	3,203,393,293	338,774,629	4.2%	2,593	2,728
Southern Gulf Islands	2,862,727,740	295,813,790	3.7%	2,264	2,382
	7,412,818,518	795,863,891	9.8%	6,091	6,409
First Nations					
Tsawout	136,338,200	16,288,826	0.2%	125	131
Songhees	135,930,500	15,189,970	0.2%	116	122
				241	253
	69,281,209,707	8,089,008,301	100.0%	61,907	61,907

Maximum Levy: None stated.

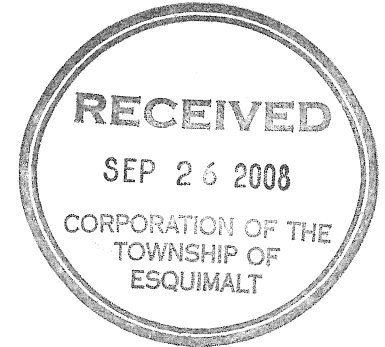
CRD Traffic Safety Commission Membership

Name	Organization
Supt. Grant Brilz	B.C. Ambulance Service
Joe Cardle, Principal (represents school districts)	Campus View Elementary School
Sgt. Rob Dibden	Victoria Police
Insp. Bob Downie	Saanich Police
Julie Duhamel (represents public health nursing)	Vancouver Island Health Authority
Chris Foord, Co-Chair of CRD TSC Also Chair of Youth and Children Subcommittee	Transportation Consultant
Chief Paul Hames (represents B.C. Association of Chiefs of Police)	Central Saanich Police
S/Sgt. Andrew Isles	Integrated Road Safety Unit
Barb McLintock, Chair of Media Subcommittee	BC Coroners Service
Alan Perry	Bike to Work Victoria
Patrick Seward	Campus Security Services, University of Victoria
Insp. Ted Smith	Vancouver Island Traffic Services, RCMP
Dr. Richard Stanwick, Co-Chair of CRD TSC	Vancouver Island Health Authority
Cst. Brad Walker	West Shore RCMP
Director Leif Wergeland Representing CRD Board (Alternate: Director Jack Mar)	District of Saanich (District of Central Saanich)
Colleen Woodger Road Safety Coordinator, South Vancouver Island	ICBC

BC First Nations Forestry Council



Agenda



Friday, September-26-08

**Re: First Nations Federal Election Campaign Petition
Mountain Pine Beetle**

Dear Mayor and Council,

Please find attached to this fax a First Nations Federal Election Campaign Petition – Mountain Pine Beetle.

The petition is self explanatory, and as we are into an election mode the importance of this petition cannot be over stressed in order to gain action on these very important issues.

There for we respectfully request your assistance and assign a local champion to obtain signatures on this petition from your community members. We urgently need the completed signed forms faxed back to our office by October 3rd, 2008.

Any help that you provide on this important initiative would be greatly appreciated.

Sincerely,

Albert Gerow
Director of Operations

B.C. FIRST NATIONS FORESTRY COUNCIL



PETITION

Asking Federal Government to Live up to its MPB Commitments and Responsibilities

As concerned non aboriginal citizens, the signatories below have added their support to the following petition from BC's First Nations peoples.

“WHEREAS:

“The Federal Conservatives promised in the last federal election to provide \$1 billion in funding to address the mountain pine beetle crisis in BC, yet their government has so far committed only 20% of that funding and has spent even less; AND

“Only a few million dollars of this limited federal money for BC has made its way to First Nations over the past 2.5 years to address the pine beetle crisis in their communities; AND

“The federal government’s failure to live up to its commitments has not allowed the provincial government to keep its commitment to provide 20% (\$200 million) of the promised federal funding to First Nations; AND

“The federal government has ignored repeated requests over its term in office to work with BC First Nations and the provincial government to address the crisis that faces 103 First Nations Communities located in the pine beetle destruction zone; AND

“This government has even ignored the unanimous June 2008 recommendations of the Natural Resources committee, signed by its own members, that it immediately begin such work and provide the necessary resources; AND

“The aforementioned communities have spent this summer living in fear of being annihilated by major forest fires, and in most cases have had no real wildfire response or evacuation plans in place; AND

“These communities have survived only by sheer good fortune and cannot expect to be so fortunate next summer; AND

“The federal government now has some breathing room to do what should have been done years ago – provide the funding and other resources to permit the planning and execution of fire-clearing around these communities this winter; AND

“This work, together with other initiatives, is required to ensure the long-term economic and cultural survival of these communities now that their normal environment has been devastated by the pine beetle; AND

“The federal opposition parties have indicated their support for the government to provide the necessary funding, thereby allowing these measures to be pursued by the current minority government;

B.C. FIRST NATIONS FORESTRY COUNCIL



“We the undersigned call on Prime Minister Steven Harper to:

1. Immediately establish a high level tripartite panel of senior federal and provincial ministers and BC First Nations leaders to create a response plan and prioritize the work schedules;
2. Provide the necessary funding from its promised \$1-billion mountain pine beetle budget to permit priority work to begin this winter on the clearing of fire breaks, and to ensure wildfire-response and evacuation plans are in place by next summer;
3. Commit to a longer-term funding plan to complete the fire-break work and to help affected First Nations build the capacity to engage in bio fuel and other economic initiatives. It is essential for First Nations to build the capacity and resources to respond to the changing forest environment and to create a sustainable future for their children;
4. Complete these steps in the fall of 2008 and before any election might be called. Promises of future assistance are not acceptable as our communities cannot afford to waste another winter waiting for promises to be kept.”

NAME (Print)	Community	mail, email or Ph:	Signature	Date

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2692

A Bylaw to amend Bylaw No. 2495, cited as the
"Animal Bylaw, 2002, No. 2495"

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP
OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "ANIMAL BYLAW, 2002, NO. 2495, AMENDMENT BYLAW [NO.3], 2008, NO. 2692".
2. That Bylaw No. 2495, cited as the "Animal Bylaw, 2002, No. 2495" be amended as follows:
 - (1) by adding the following words and figures in Part 6 - Birds, Rabbits, Rodents, and Other Animals:

"Section 57.1

Notwithstanding the provisions of Section 56, no more than four [4] Urban Hens may be kept on any parcel zoned for Single Family Residential Use provided that:

- a) *no roosters, cocks, or cockerels are kept on the property;*
- b) *a minimum enclosed area of 0.4 m² [4 sq. ft.] is provided per hen or chicken;*
- c) *any structure containing hens or chickens, whether portable or stationary, is always located at least 1.5 metres from any property line;*
- d) *only one structure containing hens or chickens is permitted on a parcel;*
- e) *the ground underneath any structure housing hens or chickens is kept clean and dry and the structure placed on a solid surface during prolonged periods of wet weather;*
- f) *hens or chickens are not permitted to run at large;*
- g) *every structure housing hens and chickens and the grounds surrounding it are kept free of vermin;*
- h) *any diseased hen or chicken is killed and the carcass destroyed;*
- i) *no slaughtering of hens or chickens occurs on the property;*
- j) *structures housing hens or chickens are kept clean and free of odours;*
- k) *poultry manure and waste products are composted or disposed of to prevent odours;*

- l) *any structure containing hens or chickens, whether that structure is portable or stationary, must not be located within the front yard setback unless such structure is screened by vegetation of a sufficient height and width to prevent the structure being visible from the street or from any adjacent residence."*

READ a first time by the Municipal Council on the 23rd day of June, 2008.

READ a second time by the Municipal Council on the 23rd day of June, 2008.

A Public Hearing was held pursuant to Sections 890 and 892 of the *Local Government Act* on the 14th day of July, 2008.

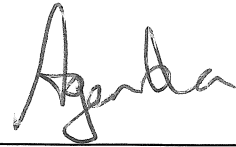
READ a third time by the Municipal Council on the 15th day of September, 2008.

ADOPTED by the Municipal Council on the ---- day of ----, 2008.

CHRIS CLEMENT
MAYOR

TOM DAY
DEPUTY MUNICIPAL CLERK

NOTICE OF MOTION



Request for Notice of Motion, Pursuant to Sections 54 and 55, Council Procedure Bylaw, 2004, No. 2585.

Introduced: Regular Council – October 6, 2008

From: Councillor Hy Freedman

Subject: **Capital Regional Emergency System Telecommunication Inc. (CREST)**

WHEREAS:

The Corporation of the Township of Esquimalt is a shareholder (owning one share) of the Capital Region Emergency System Telecommunication Inc. (CREST), which provides interoperable emergency radio communications to the Victoria Police Department (VicPD) and the Esquimalt Fire Department among other users, and

WHEREAS:

A letter dated September 17, 2008 addressed to CREST (attached) from the Victoria Police Board indicates that;

- "... the Board is continuing its exploration of communication system alternatives. When we have identified a preferred solution we will be approaching CREST to discuss financial solutions that work for both CREST and VicPD.", and

WHEREAS:

- CREST remains on time, and within budget, in regard to the upgrade of the system.
- Testing to date of Phase 1 of the upgrade delivered results greater than contracted with Motorola in regards to coverage and reliability. CREST and Motorola results, subject to independent testing, exceeded 97% required by all users and emergency standards.
- Upgrades to any radio communication system require a time period of refinement and optimization where operational issues are identified and rectified. Any issues during this period were resolved and the CREST system in Phase 1 is now in a steady state, with the system providing excellent communications to the Victoria Police Department.
- CREST is delivering a system that received unanimous shareholders approval (including that of Victoria and Esquimalt). All users of the system also unanimously approved specifications and the improvements to the system.
- Not using the CREST system would require the VicPD to repay to CREST the VicPD portion of all of the incurred capital expenditures to date causing.
- Using the CREST system together with an alternative system would cause the VicPD to increase its operating and capital costs unnecessarily, and

WHEREAS:

The Corporation of the Township of Esquimalt would be required to pay approximately 14% of the operating and capital expenditures noted above, which expenditures would be more effectively used for Township of Esquimalt directed programs and services and which would cause unnecessary additional financial hardship to Township of Esquimalt taxpayers.

... 2

THEREFORE BE IT RESOLVED:

That the Corporation of the Township of Esquimalt advise the Victoria Police Board and the City of Victoria that it will not approve its portion of any future Victoria Police Department budget which includes capital expenditures for any alternative emergency radio or cell phone system to be used either in replacement of the CREST system, or to be used in conjunction with the CREST system.

AND THEREFORE BE IT FURTHER RESOLVED:

That the Corporation of the Township of Esquimalt provide a copy of this resolution to the Solicitor General and Minister of Public Safety.

Background

Acting AC



RECEIVED
SEP 19 2008
CORPORATION OF THE
TOWNSHIP OF ESQUIMALT

COPY
Agenda

Agenda

**VICTORIA POLICE
DEPARTMENT**
850 Caledonia Ave
Victoria, British Columbia
Canada V8T 5J8

September 17, 2008

Capital Region Emergency Services Telecommunications Inc.
Attn: Hy Freedman, Chair
108 – 800 Kelly Road, Suite 482
Victoria, BC V9B 6J9

Dear Mr. Freedman:

Re: September 8th Times Colonist Newspaper Advertisement

Mayor Alan Lowe, Chair
Victoria Police Board

At its regular monthly meeting on Tuesday September 9th the Victoria Police Board (the "Board") had an opportunity to consider the referenced newspaper advertisement.

Mayor Chris Clement,
Vice-Chair,
Victoria Police Board

While it is difficult for the Board to determine the utility of such a "progress report" to the general public, (it does not appear that the status of the CREST program is a mainstream topic of dinner time conversation) the usefulness of such a report when it contains patently misleading information is all the more questionable.

We resolved as a Board to inquire how CREST could have reported to the public that "Signals are loud and clear in upgraded areas" in the face of a 17 page report detailing approximately 210 separate incidents of failed or inadequate radio communications over the two month period from early July to the date of your newspaper report.

The troubles with the system have been well documented and the demonstrated inability of CREST to fully acknowledge and correct the problems has been equally clearly recorded. You will likely recall that the Victoria Police Board resolved at a recent meeting to explore an alternative communications delivery system – this step was taken as a result of the demonstrated refusal of CREST to respond in a meaningful way to the ongoing reports of communication failures.

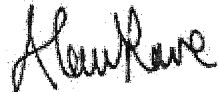
The Board was advised at the September 9th meeting of yet another missed deadline and we now understand that the promised September 30th "go-live" date for Phase 2 has been postponed again, despite Mr. Freedman's fervent assurances to the contrary in his meeting with the Board on July 17, 2008. The Board was not surprised at this postponement – but still disappointed that another deadline will be missed.

WEBSITE:
www.victoriapolice.ca

...2

It is for that reason that the Board is continuing its exploration of communication system alternatives. When we have identified a preferred alternative we will be approaching CREST to discuss financial solutions that work for both CREST and VicPD. To the extent that CREST is concerned about the satisfaction of this particular constituent member of the 36 member agencies we suggest for the future that available financial resources be devoted to addressing deficiencies in the system rather than publishing false comfort reports to the public of Greater Victoria.

Yours truly,



COPY

Alan Lowe, Chair
Victoria Police Board

- C. I/Chief Bill Naughton, Victoria Police Department
- Councillor Dean Fortin, City of Victoria CREST Board Member
- His Worship Chris Clement
- City of Victoria Council
- Township of Esquimalt Council

NOTICE OF MOTION

Request for Notice of Motion, Pursuant to Sections 54 and 55, Council Procedure Bylaw, 2004, No. 2585.

Introduced: Regular Council – October 6, 2008

From: Councillor Barbara Desjardins

Subject: **Neighbourhood Zero Emission Vehicles**



WHEREAS: Esquimalt encourages reduction of greenhouse gas emissions and alternatives to fossil fuel vehicles and;

WHEREAS: The Province of British Columbia has approved the use of neighbourhood zero emission vehicles under section 24.07 of the Motor Vehicle Act Regulations

- “ 2) A person may drive or operate a neighbourhood zero emission vehicle in a municipality
- a) On a highway or class of highway that has a speed limit of 40 Km/hr or less, or
 - b) If authorized by bylaw of the council of a municipality, on a highway or class of highway that has a speed limit of over 40 km/hr but no more than 50 km/hr” and;

WHEREAS: Other municipalities have written and adopted a bylaw to authorize the use of low speed electric powered vehicles on public highways and;

THEREFORE BE IT RESOLVED: That the Municipality of Esquimalt adopt a bylaw to allow the use of neighbourhood zero emission vehicles on its streets, which have speed limits not exceeding 50 km.

Additional Information Attached:

- (1) The Corporation of the District of Oak Bay Bylaw No. 4421 – Authorizing the Use of Low-Speed Electric-Powered Vehicles on Public Highways
- (2) British Columbia Motor Vehicle Act Regulation Schedule 4, Division 24, Regulations Regarding Vehicles of Unusual Size, Weight or Operating Characteristics, 24.07, Neighbourhood Zero Emissions Vehicles

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4421

A Bylaw to authorize the use of low-speed electric-powered vehicles on public highways

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

1 In this Bylaw,

“Municipality” means the area contained within the geographical limits of the district municipality of Oak Bay;

“neighbourhood zero emission vehicle” means a vehicle that travels on 4 wheels and is powered by an electric motor that is designed to allow the vehicle to attain a speed of 32 kilometres per hour but not more than 40 kilometres per hour in a distance of 1.6 kilometres on a paved level surface, and which

- (1) meets or exceed standards of the *Motor Vehicle Safety Act* (Canada) for a low-speed vehicle and bears a compliance label for a low-speed vehicle in accordance with that Act; or
- (2) if imported to Canada, has been imported as an admissible low-speed vehicle in accordance with the *Motor Vehicle Safety Act* (Canada) requirements and
 - (a) bears a compliance label for a low-speed vehicle in accordance with that Act; or
 - (b) meets applicable federal United States laws in accordance with the *Motor Vehicle Safety Act* (Canada).

2 A person may drive or operate a neighbourhood zero emission vehicle on any highway within the Municipality that has a speed limit of over 40 kilometres per hour but no more than 50 kilometres per hour.

3 The authority conferred by Section 2 is in addition to the authority under Section 24.07(3)(a) of the *Motor Vehicle Act Regulations*, B.C. Reg. 26/58, as amended, for a person to drive or operate a neighbourhood zero emission vehicle on a highway that has a speed limit of 40 kilometres per hour or less.

4 This Bylaw may be cited as the *Low-Speed Electric-Powered Vehicle Authorization Bylaw, 2008*.

READ a first, second and third time by the Municipal Council on July 21, 2008

FINALLY ADOPTED by the Municipal Council on August 18, 2008

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation
of the District of Oak Bay

Neighbourhood zero emission vehicles

24.07 (1) No person may drive or operate a neighbourhood zero emission vehicle on a highway or class of highway except as authorized under this section.

(2) A person may drive or operate a neighbourhood zero emission vehicle in unorganized areas of British Columbia

(a) on a highway or class of highway that has a speed limit of 40 km/hr or less, or

(b) if authorized by a road use permit issued by the Minister of Transportation and Infrastructure under section 209 (2) (d) of the Act, on a highway or class of highway that has a speed limit of over 40 km/hr but no more than 50 km/hr.

(3) A person may drive or operate a neighbourhood zero emission vehicle in a municipality

(a) on a highway or class of highway that has a speed limit of 40 km/hr or less, or

(b) if authorized by bylaw of the council of a municipality, on a highway or class of highway that has a speed limit of over 40 km/h but no more than 50 km/hr.

(4) A person who drives or operates a neighbourhood zero emission vehicle as authorized by subsection (2) or (3) may cross a highway that has a speed limit that is not greater than 80 km/hr at an intersection to enable the person to continue on a highway on which the person is authorized to drive or operate a neighbourhood zero emission vehicle.

(5) A person commits an offence who operates a neighbourhood zero emission vehicle in contravention of this section.

[en. B.C. Reg. 145/2008, s. 5.]

Grandparenting of neighbourhood zero emission vehicles

24.08 (1) If a person owns or leases a neighbourhood zero emission vehicle on the day before this section comes into force,

(a) Division 7B applies to the neighbourhood zero emission vehicle, and

(b) sections 7.01 (3), 7.09 (3) and 24.07 do not apply to the neighbourhood zero emission vehicle

as long as the neighbourhood zero emission vehicle continues to be owned or leased by the person who owned or leased it on the day before this section comes into force.

(2) A person described in subsection (1) may apply to the director to exempt the person from subsection (1).

[en. B.C. Reg. 145/2008, s. 5.]

Schedule

[en. B.C. Reg. 91/99, s. 3.]