



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**MINUTES
REGULAR MEETING
OF MUNICIPAL COUNCIL
MONDAY, APRIL 28, 2014
7:00 P.M.
COUNCIL CHAMBERS**

PRESENT:

Mayor Barbara Desjardins
Councillor Meagan Brame
Councillor Dave Hodgins
Councillor Lynda Hundleby
Councillor Robert McKie
Councillor Tim Morrison
Councillor David Schinbein

STAFF:

Laurie Hurst, Chief Administrative Officer
Jeff Miller, Director of Engineering & Public Works
Bill Brown, Director of Development Services
Ian Irvine, Director of Financial Services
Anja Nurvo, Director of Corporate Services
Blair McDonald, Director of Community Safety Services
Trevor Parkes, Senior Planner
Louise Payne, Recording Secretary

OTHERS:

Sgt. Sean Plater, Victoria Police Department

1. CALL TO ORDER

Mayor Desjardins called the Regular Meeting to order at 7:02 pm. Mayor Desjardins advised that the flags were at half mast today in recognition of “Day of Mourning” for workers who have been killed on the job. Mayor Desjardins also expressed her condolences to the family of Thomas Halbert, a long time resident of the community and the first Master of the Supreme Court of BC.

2. LATE ITEMS

The following was added to the Agenda:

- Pertaining to Agenda Item 9 (1) PUBLIC HEARING – Rezoning Application (1030 Tillicum Road) – Additional Information
 - Email received from Catherine Lunan, dated April 28, 2014, Re: Petition Against 1030 Tillicum Road Rezoning application;
- Pertaining to Agenda Item 11 (3) Rezoning Application (468 Head Street, Triangle Estates) – Additional Information
 - Memorandum from Trevor Parkes, Senior Planner, dated April 28, 2014, Re: “Triangle Estates” – 468 Head Street – Edited Imagery

3. APPROVAL OF THE AGENDA

MOTION: Moved by Councillor McKie/Councillor Brame:
That the Agenda be approved as amended.

CARRIED UNANIMOUSLY.

4. MINUTES

MOTION: Moved by Councillor Brame/Councillor McKie:
That the minutes of the following meetings be adopted as circulated:
(1) Special Meeting of Council, April 7, 2014; and
(2) Regular Meeting of Council, April 7, 2014.

CARRIED UNANIMOUSLY.

5. PRESENTATIONS

- (1) Presentation of Volunteer Spirit Award to Meagan Klaassen

Mayor Desjardins presented a Volunteer Spirit Award to Meagan Klaassen, founder of the Lyall Street Action Committee.

- (2) Robert Molner, STAR Campaign, 2017 Yacht Race from Halifax to Esquimalt

Robert Molner, organizer of the STAR Campaign, made a presentation to Council on the upcoming 2017 Yacht Race from Halifax to Esquimalt via the Arctic’s Northwest Passage, and answered questions from Council.

(3) C.R.E.S.T., Public Safety Radio Transmission Site in Esquimalt

Gordon Horth of C.R.E.S.T. made a presentation to Council requesting a public safety radio transmission site in Highrock Park as the preferred site, and answered questions from Council.

Staff were directed to bring a report to Council on the preferred site for a public safety radio transmission site.

6. 2014 FINANCIAL PLAN AND PROPERTY TAX RATE PRESENTATION

The Director of Financial Services made a PowerPoint presentation with four tax rate scenarios: 1.81%, 1.24%, 0% and 1.04% tax rate increases.

Mayor Desjardins asked for public input on the 2014 property tax rates.

Richard Fyfe, resident, acknowledged all the hard work to manage the budget.

Catherine Lunan, resident, stated her support for a 0% tax rate increase.

Tina Prior, resident, stated her support for a 0% tax rate increase.

MOTION: Moved by Councillor Hodgins/Councillor McKie:
That Council approves a 0% increase in 2014 tax revenue in all classes.

CARRIED UNANIMOUSLY.

Staff were directed to prepare a news release regarding the 0% increase in 2014 tax revenue.

7. PUBLIC INPUT

Carole Witter, resident, expressed concerns with the development proposal for "Triangle Estates", noting that the West Bay Local Area Plan states that development should be in the best long term interest of the residents and the region. She requested an environmental and social review of the proposed development.

Eve Gordon, resident, read an article regarding the development of Mariners Village in Sooke stating that she would support that type of development at West Bay, noting that it would bring "new life" into Esquimalt.

Dean (surname unknown), resident, expressed concern with the height of the two proposed towers in the "Triangle Estates" development at West Bay and requested that the height be reduced to fit the scale of the area.

Geoff Murray, resident, expressed concern with the high density and the height of the proposed buildings in the “Triangle Estates” development proposal.

Mark Salter, resident, expressed concern with respect to the appearance and power supply of the proposed C.R.E.S.T. radio transmission tower in Highrock Park.

Emmy Labonte, resident, expressed concern with shadowing by the buildings proposed by the “Triangle Estates” development.

Muriel Dunn, resident, stated her objection to the proposed height of the buildings in the “Triangle Estates” development at West Bay, as they do not fit with the character of the area nor address the need for family housing.

Colin MacLock, resident, expressed concern with the “Triangle Estates” development proposal as it did not fit into the Marine-oriented village at West Bay.

Tina Prior, resident, expressed concern with the “Triangle Estates” development proposal, noting that she would like to see the developer keep some of the “ruggedness of the area”.

Michael Shore, resident, expressed concern with the size of the “Triangle Estates” development proposal, noting that he thought the proposed towers were too tall.

8. DELEGATION

Councillor McKie declared a conflict of interest with the upcoming Agenda item, as Chair of Buccaneer Days Committee, and left the meeting at 8:31 pm.

- (1) Bill Emery, Friend of Buccaneer’s, Annual Sky Divers and Insurance Mitigation

Bill Emery, a member of “Friend of Buccaneer’s”, expressed concern with the inspection clause of the municipal requirements for insurance mitigation for the annual sky divers jump during Buccaneer’s Days, and asked Council to reconsider the requirement for a site inspection prior to the day of the jump.

MOTION: Moved by Councillor Hundleby/Councillor Brame:

That Council refer Bill Emery’s request to reconsider the requirement for a site inspection prior to the day of the annual sky divers’ jump at Buccaneer’s Days and the liability issues to staff for a report to Council.

CARRIED UNANIMOUSLY.

Councillor McKie re-joined the meeting at 8:45 pm.

9. **PUBLIC HEARING – REZONING APPLICATION (1030 TILLICUM ROAD)**

Mayor Desjardins reviewed the Public Hearing process for Bylaw No. 2821 for 1030 Tillicum Road

The Senior Planner provided an overview of the rezoning application for 1030 Tillicum Road as a Power Point presentation and answered questions from Council.

Council Comments (*Staff response in italics*):

- Different proposal – have most of the concerns been addressed? *Second storey, dormer and size of the windows, because they “overlook” into neighbouring properties, have been redesigned; re: traffic concerns – proposed design with driveways, and cannot park in front;*
- Has a Traffic Study been done? *No, rezoning application does not trigger a Traffic Study; however, Tillicum/Gosper has been a concern for parking and access from Gosper – yellow curb painting and signs not working – could have a Traffic Study added to 2015 Budget;*
- Council needs to deal with the traffic issue and needs to hear back from Engineering.

David Lunt, representing the developer of 1030 Tillicum Road, reviewed the rezoning application and answered questions from Council regarding parking, traffic and “overlook”.

Mayor Desjardins called for members of the public whose interests were affected by the proposed rezoning application to make their concerns known to Council.

Catherine Lunan, resident, noted residents’ concerns on the petition that was included as a Late Item on the Agenda regarding traffic on Tillicum Road, and parking on Gosper Crescent.

John Inkpen, resident, expressed concerns with getting out onto Tillicum Road from Gosper Crescent and vehicles blocking his driveway.

Richard Fyfe, resident, expressed concerns with vehicles parking on Tillicum Road.

Mayor Desjardins called three times for members of the public to speak on the rezoning application and there were none.

Mayor Desjardins closed the Public Hearing on 1030 Tillicum Road at 9:05 pm.

RECESS AND RECONVENE

The Regular Meeting of Council recessed at 9:05 pm and reconvened at 9:11 pm, with all members of Council present.

10. PUBLIC HEARING STAFF REPORT

- (1) Rezoning Application, 1030 Tillicum Road (Lot 24, Block 2, Section 10, Esquimalt District, Plan 11214), Staff Report No. DEV-14-025

The Senior Planner advised that the applicant has registered a Section 219 covenant on the title of the subject property, prohibiting secondary suites; therefore Council could consider third reading and adoption of Bylaw No. 2821.

MOTION: Moved by Councillor Hodgins/Councillor Brame:

That Council, upon considering comments made at Public Hearing, resolves that Amendment Bylaw, 2014, No. 2821, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of PID 000-619-833, Lot 24, Block 2, Section 10, Esquimalt District, Plan 11214 [1030 Tillicum Road] shown cross hatched on Schedule 'A' of Bylaw No. 2821 from RD-3 [Two Family/ Single Family Residential] to CD No. 88 [Comprehensive Development District No. 88] be given third reading and adoption.

CARRIED UNANIMOUSLY.

11. STAFF REPORTS

Engineering and Public Works

- (1) Traffic Order for Colville Lane, Parking Restriction, Staff Report No. EPW-14-017

MOTION: Moved by Councillor Hundleby/Councillor Hodgins:

That Council authorize staff to issue a notice to the affected residents with two main options to get their feedback to the preferred option moving forward.

CARRIED (Councillor Schinbein opposed).

Development Services

- (2) Rezoning (Comprehensive Development District), 825 Lampson Street PID 000-017-817, Lot 2, Block 1, Section 10, Esquimalt District, Plan 6277, Staff Report No. DEV-14-022

The Director of Development Services reviewed the rezoning application in a Power Point presentation and answered questions from Council.

MOTION: Moved by Councillor Morrison/Councillor Hodgins:

1. That Council resolves that Bylaw No. 2828, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning

designation of PID 000-017-817, Lot 2, Block 1, Section 10, Esquimalt District, Plan 6277 [825 Lampson Street] shown cross hatched on Schedule 'A' of Bylaw No. 2828 from RD-3 [Two Family/ Single Family Residential] to CD No. 90 [Comprehensive Development District No. 90] be given first and second reading; and

2. That Council authorizes the Corporate Officer to schedule a public hearing for Zoning Amendment Bylaw No. 2828 and to advertise for same in the local newspaper.
3. That prior to the scheduling of the public hearing for Bylaw No. 2828 the applicant provide to the Township, and acceptable to the Director of Development Services a rainwater management plan [drainage plan] for the subject property.

CARRIED UNANIMOUSLY.

Mayor Desjardins declared a conflict of interest with the upcoming Agenda item, as her husband has done work for Triangle Estates and she is a resident of West Bay, and left the meeting at 9:34 pm.

Acting Mayor Dave Hodgins took the Chair.

- (3) Rezoning Application, 468 Head Street [Triangle Estates], PID 001-843-991 Lot 8, Block H, Section 11, Esquimalt District, Plan 292 [468 Head Street]; PID 006-720-439, Lot 5, Block H, Section 11, Esquimalt District, Plan 292 [470 Head Street]; PID 000-036-722, Lot 4, Block H, Section 11, Esquimalt District, Plan 292 [472 Head Street]; PID 009-175-024, Lot 1, Block H, Section 11, Esquimalt District, Plan 292 [515 Gore Street]; PID 009-175-016, Lot 2, Block H, Section 11, Esquimalt District, Plan 292 [509 Gore Street]; PID 000-704-580, Strata Lot 1, Section 11, Esquimalt District, Strata Plan 509, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 [922 Lyall Street]; PID 000-704-598, Strata Lot 2, Section 11, Esquimalt District, Strata Plan 509, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 [920 Lyall Street]; PID 009-175-008, Lot 6, Block H, Section 11, Esquimalt District, Plan 292 [918 Lyall Street]; and PID 009-174-885, Lot 7, Block H, Section 11, Esquimalt District, Plan 292 [912 Lyall Street], Staff Report No. DEV-14-026

The Senior Planner reviewed the rezoning application in a Power Point presentation and answered questions from Council.

MOTION TO EXTEND HOURS

MOTION: Moved by Councillor Morrison/Councillor Hundleby:
That Council extend the Regular meeting to 10:30 pm.

CARRIED UNANIMOUSLY.

Mark Lindholm, the applicant, reviewed the rezoning application and introduced his architect, John Crowhurst.

John Crowhurst, architect, reviewed the rezoning application with a Power Point presentation and answered questions from Council.

MOTION: Moved by Councillor McKie/Councillor Morrison:
That Council extend the Regular meeting to 10:40 pm.

CARRIED (Councillor Brame opposed).

MOTION: Moved by Councillor Morrison/Councillor McKie:

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2813, attached to Staff Report DEV-14-026 as Schedule "A", which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of PID 001-843-991 Lot 8, Block H, Section 11, Esquimalt District, Plan 292 [468 Head Street], PID 006-720-439, Lot 5, Block H, Section 11, Esquimalt District, Plan 292 [470 Head Street], PID 000-036-722, Lot 4, Block H, Section 11, Esquimalt District, Plan 292 [472 Head Street], PID 009-175-024, Lot 1, Block H, Section 11, Esquimalt District, Plan 292 [515 Gore Street], PID 009-175-016, Lot 2, Block H, Section 11, Esquimalt District, Plan 292 [509 Gore Street], PID 000-704-580, Strata Lot 1, Section 11, Esquimalt District, Strata Plan 509, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 [922 Lyall Street], PID 000-704-598, Strata Lot 2, Section 11, Esquimalt District, Strata Plan 509, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 [920 Lyall Street], PID 009-175-008, Lot 6, Block H, Section 11, Esquimalt District, Plan 292 [918 Lyall Street], and PID 009-174-885, Lot 7, Block H, Section 11, Esquimalt District, Plan 292 [912 Lyall Street] all of which are shown cross hatched on Schedule 'A' of Amending Bylaw No. 2813, from their current zoning designation, detailed on Schedule 'B' of Amending Bylaw No. 2813, to CD No. 86 [Comprehensive Development District No. 86] be given first and second reading; and
2. That Council authorizes the Corporate Officer to schedule a public hearing for Zoning Amendment Bylaw No. 2813, send mail notices and advertise for same in the local newspaper; and
3. That prior to the adoption of Bylaw No. 2813, the owner register a Section 219 Covenant on the title to the property in favour of the Township of Esquimalt, restricting use and development opportunities without the consolidation of the nine property titles, identified in Staff Report DEV-14-026, into one legal parcel; and
4. That prior to the adoption of Bylaw No. 2813, the owner reimburse the Township of Esquimalt, for all legal fees incurred by the Township related to the preparation of Bylaw No. 2813, the Section 219 Covenant, and other legal fees directly associated with this application.

CARRIED (Councillor Hundleby opposed).

Mayor Desjardins re-joined the meeting at 10:26 pm and took the Chair.

- (4) Development Permit, 1108 Craigflower Road, [PID 005-882-460, Lot 9, Section 10, Esquimalt District, Plan 6105], Staff Report No. DEV-14-027

The Senior Planner presented Staff Report No. DEV-14-027 and answered questions from Council.

MOTION: Moved by Councillor Morrison/Councillor Hodgins:
That Council resolves that Development Permit No. DP000016 limiting the form and character of development to that shown on architectural plans provided by Zebra Design, stamped "Received April 17, 2014" including exterior finishing consistent with the colour board provided by Zebra Design stamped "Received March 21, 2014", and landscape plans provided by Biophilia Design Collective Ltd., stamped "Received March 27, 2014", for the easternmost home sited on that portion of the parcel as detailed on the survey plan prepared by Alan Powell representing Powell and Associates BC Land Surveyors, stamped "Received March 21, 2014", be approved, and staff be directed to issue the permit and register the notice on the title of PID 005-882-460, Lot 9, Section 10, Esquimalt District Plan 6105 [1108 Craigflower Road].

CARRIED UNANIMOUSLY.

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

There were no reports from the Mayor or Councillors.

13. **REPORTS FROM COMMITTEES**

MOTION: Moved by Councillor Hodgins/Councillor Brame:
That the following reports from Committees were received:

- (1) Memorandum from the Heritage Advisory Committee, dated January 13, 2014, Re: Heritage Advisory Committee – 2013 Year End Report; and
- (2) Draft Minutes from the Environmental Advisory Committee meeting, March 27, 2014.

CARRIED UNANIMOUSLY.

- (3) Memorandum from the Environmental Advisory Committee (EAC), dated April 11, 2014, Re: 2013 CARIP Report and Carbon Offsets

MOTION: Moved by Councillor Brame/Councillor Morrison:
That further consideration of the memorandum from the EAC dated April 11, 2014 regarding 2013 CARIP Report and carbon offsets be referred to a Committee of the Whole meeting for discussion.

CARRIED UNANIMOUSLY.

14.

COMMUNICATIONS

- (1) Letter from Mayor Kevin Acton, Village of Lumby, dated April 8, 2014, Re: Concerns Regarding Recent Amendments to the Canada Post System

MOTION: Moved by Councillor Brame/Councillor Hundleby:
That the letter from Mayor Kevin Acton, Village of Lumby dated April 8, 2014 regarding the concerns with recent amendments to the Canada Post System be received.

CARRIED UNANIMOUSLY.

- (2) Letter from Prime Minister Stephen Harper, dated April 9, 2014 re: National Day of Honour on May 9th

MOTION: Moved by Councillor Morrison/Councillor McKie:
That Council postpone consideration of Prime Minister Harper's letter dated April 9, 2014 regarding "National Day of Honour" on May 9th, to the May 5, 2014 Regular Meeting of Council to observe a 2-minute silence to mark the end of the military mission in Afghanistan.

CARRIED UNANIMOUSLY.

- (3) Email from Child Find BC, received April 16, 2014, Re: Child Find BC Proclamation – May is National Missing Children's Month

MOTION: Moved by Councillor Hodgins/Councillor Brame:
That Council proclaims the month of May as "Child Find's Green Ribbon of Hope" month and May 25th, 2014 as "National Missing Children's Day" in the Township of Esquimalt.

CARRIED UNANIMOUSLY.

15.

RISE AND REPORT

- (1) Report from the Special *In Camera* Meeting of Council, April 28th, 2014 Re: Future of Wastewater Treatment in the Township of Esquimalt

At the Special *In Camera* meeting of Council held on April 28, 2014, Council passed the following resolution:

That Council approves the following strategic process in dealing with the future of wastewater treatment in the Township of Esquimalt:

- 1) Instruct staff to bring forward amending bylaws for both the Zoning Bylaw and the Official Community Plan to the May 5, 2014 Council meeting for first and second reading and consider holding the public hearings for the bylaw amendments concurrently on June 23, 2014 or later;*
- 2) Instruct staff and legal counsel to oppose CRD's Application to the Minister for an Order under section 37 of the Environmental Management Act, including for factual*

inaccuracies in CRD's submissions and for lack of conflict with the Township's Zoning Bylaw as it presently stands; and
3) *Support in principle the Living Building Competition sponsored by the Cascadia Green Building Council using the Esquimalt Village Plan as the project for the competition.*

16. PUBLIC QUESTION AND COMMENT PERIOD

There were no questions or comments from the public.

17. ADJOURNMENT

MOTION: Moved by Councillor McKie/Councillor Hundleby:

That the Regular Meeting of Council be adjourned at 10:35 pm.

CARRIED UNANIMOUSLY.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 5th DAY OF MAY, 2014

CERTIFIED CORRECT:

ANJA NURVO, CORPORATE OFFICER