

MINUTES of a regular meeting of COMMITTEE OF THE WHOLE of the Municipal Council of The Corporation of the District of Oak Bay, held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Oak Bay, B.C., on Tuesday May 19, 2015 following a Special Council Meeting at 7:00 p.m.

PRESENT: Councillor K. Murdoch, Chair
Councillor H. Braithwaite
Councillor T. Croft
Councillor M. Kirby
Councillor E. W. Zhelka
Mayor Nils Jensen

STAFF: Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Municipal Treasurer, P. Walker
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

The Chair called the meeting to order at 7:21 p.m.

PARKS AND RECREATION ITEM(S):

1. ***Parks and Recreation Commission (P&R Comm) Minutes***
 - Note - Municipal Clerk - P&RComm Minutes, May 6, 2015
 - Minutes - Oak Bay Parks & Recreation Commission, May 6, 2015
 - Rpt Attach 1 - Program Reports Apr. 2015
 - Rpt Attach 2 - March Finance Summary 2015
 - Rpt Attach 3 - Reducing impacts of Public Events in Oak Bay Parks
 - Rpt Attach 4 - Permits for Use of Oak Bay Parks - Decision Guide
 - Rpt Attach 5 - Sports View Lounge Update

Ray Herman, Director of Parks and Recreation and Sandi Piercy, Chair of the Parks and Recreation Commission in attendance for this item

The Director of Parks and Recreation responded to questions from the Committee with respect to the "Permits for Use of Oak Bay Parks - Decision Guide", noting that it a consolidation of excerpts from different bylaws. Mr. Herman also reviewed his Sports View Lounge Update.

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, May 6, 2015, and the recommendations contained therein, be adopted.

CARRIED

FINANCE ITEM(S):

2. ***Monthly Financial Report***

- Report - Municipal Treasurer, May 13, 2015
- Rpt Attach - Statement, Capital, Investments, Prop. Taxes, Apr. 2015

The Municipal Treasurer provided an overview of her report and responded to questions with respect to the taxes owed by the Oak Bay Beach Hotel and the reserve fund established for the Uplands Combined Sewer Separation Project.

MOVED by Councillor Croft

Seconded by Councillor Braithwaite, That the monthly financial report of the Municipal Treasurer dated May 13, 2015 be received.

CARRIED

REGULATORY ITEM(S):

3. ***Advisory Planning Commission - Draft Bylaw***

- Report - Chief Administrative Officer, May 13, 2015
- Rpt Attach 1 - Draft Bylaw
- Corresp. Apr. 21 - May 15, 2015 - Advisory Planning Commission
- ADDENDA to Item 3 - Corresp. May 16 to May 19, 2015 - Advisory Planning Commission

Deborah Jensen, Planner, in attendance for this attendance for this item.

The Municipal Clerk provided an overview of the process to date and the current recommendation of the Chief Administrative Officer. Ms. Hilton noted that the draft bylaw provided to the Committee reflects the discussion and recommendations made at previous meetings.

Mike Wilmut, Oak Bay resident, noted his support for establishing an APC and expressed concerns with respect to the many challenges facing various neighbourhoods, but especially North Henderson. Turning to the wording of the draft bylaw, Mr. Wilmut commented that the membership should be reduced to seven members and that initial appointments should be for two and three year terms. He also questioned the value of having a youth member or a member with a development background and commented that holding only one meeting a month was unrealistic.

David Holland, Oak Bay resident, spoke in support of having representation from different geographical areas on the APC and stated that, although he does not agree with the concept of a youth representative, 35 years would be a more appropriate age if such a representative was to be included.

Bruce Filan, Oak Bay resident, expressed support for members on the APC that are knowledgeable, objective and without vested economic interest in the matters under consideration. Mr. Filan commented that the bylaw as written is too limiting with respect to the background of the members and that wording that provided flexibility in the event that suitable candidates could not be found would be preferable. He questioned the inclusion of a youth member or a member with a development background.

David Rodenhuis, Oak Bay resident, spoke in support of all members on the APC being residents of Oak Bay and home owners.

Anthony Mears, Oak Bay resident, questioned the proposed mandate of the APC, stating that it was too broad and should instead be focused on land use. Mr. Mears commented that members on the APC should be competent and neutral. He questioned the inclusion of wording with respect to In Camera meetings in the bylaw and drew attention to motions made with respect to membership language at the March Committee of the Whole meeting

Boudil Sim, Oak Bay resident, spoke against drastic changes to neighbourhoods in Oak Bay and noted the need for more community input.

Mary Douglas-Hunt, Oak Bay resident, noted that she supports the comments made previously by Mr. Wilmut and Mr. Filan. Ms. Douglas-Hunt commented that each member on the APC will have an important voice and that they should all be, if possible, home owners in Oak Bay, who have a significant investment in the community.

Andrew Stinson, Oak Bay resident, commented on the proposed membership for the APC, stating that the prescriptive approach taken allows for different opinions and viewpoints and so language should be included in the bylaw that if a suitable candidate can not be found the role remains vacant. Mr. Stinson spoke in support of having a youth member, commenting that youth can bring a needed perspective to the APC and emphasizing that up to a quarter of Oak Bay's residents are renters.

Committee discussion then ensued on the various sections within the draft bylaw.

With respect to the mandate of the Commission, staff clarified that the intent is for consideration to be given to land use, transportation, environment, climate change, economy, heritage, social and cultural considerations, but not that each category be given equal weight in that consideration.

Turning to the appointment process and terms of Commission membership, staff advised that after a member reached the maximum number of terms allowed under the bylaw, they would then need to step away from the Commission for a term before reapplying.

In respect to Commission meeting procedures, it was noted that the bylaw does allow for ad hoc meetings to be called as needed. Discussion then ensued regarding the closing of Commission meetings to the public, during which the Municipal Clerk clarified that there are provisions in the Community Charter that both allow and at times require this closure. Ms. Hilton commented that this wording has been included in the bylaw only for clarity and that the instances in which it would be used would be extremely rare. Responding to questions she noted that training with respect to the procedures and legislation governing closed meetings would be provided to Commission members during orientation.

Committee members then commented on the agenda and minutes section, during which it was noted that the provision of the agenda at least three working days prior to the scheduled meeting date was acceptable at this time, with the understanding that it could be reviewed later to determine if more time is necessary. It was also confirmed that both the agenda and minutes would be posted to the District's website.

The Committee then addressed the membership of the Commission. Support was expressed for a more flexible and less prescriptive approach, including that the Commission would be comprised of seven to nine members and wording to the effect that the District would “strive” to achieve members with specific backgrounds.

MOVED by Councillor Zhelka

Seconded by Councillor Braithwaite, That section 4.2 be amended to replace the wording “A broad representation of community interests and expertise” with the wording “Broad expertise”.

A discussion on the motion ensued with one member questioning how community interests can further the mandate of the Commission, while others expressed the need for a broad representation of the community on the Commission with a wide spectrum of opinions.

The question was then called.

DEFEATED
Councillor Zhelka in support of the motion

With respect to the proposed member with “development background”, the Planner clarified that the intention of the wording was to allow for a member with development expertise of a broad nature, which could include for example, an architect, a developer, or a realtor. Ms. Jensen noted that this kind of expertise has in her experience been valuable with her work with other advisory planning commissions.

Committee discussion continued in which a member of the Committee proposed expanding the definition section of the bylaw to include “development”, but at the conclusion of the discussion the consensus of the Committee was rather that the wording under the membership section be revised to more accurately reflect the broader category of expertise desired in this regard.

MOVED by Councillor Croft

Seconded by Councillor Zhelka, That section 4.2 (f) be revised to read “one member under 35 years of age”.

In response to questions from the Committee, the Planner noted that having a youth member on the Commission, as currently proposed in the draft bylaw is a common practice on advisory planning commissions which provides a particular perspective on the community. Ms. Jensen noted that the age of 25 allowed for participation from both high school and post-secondary students.

In support of the motion, it was noted that raising the age would increase the level of expertise available for appointment. In opposition to the motion members spoke to the value of explicitly valuing the perspective of the youth in the community.

CARRIED
Councillors Kirby and Murdoch in opposition

There being no further discussion on specific sections of the bylaw, the Committee then turned to consider the draft bylaw overall, noting that the bylaw with the changes discussed was ready to be brought forward to Council and that it could be amended in the future if required.

MOVED by Councillor Braithwaite

Seconded by Councillor Croft, That the draft Advisory Planning Commission Bylaw, with the following amendments:

1. the number of members being between 7 and 9;
 2. the wording with respect to the background of members being less prescriptive in approach by the inclusion of the use of the word “strive”;
 3. the replacement of a youth member with a member under 35 years of age, as previously resolved; and
 4. the description being broadened for the member with a “development” background;
- be brought forward to a future meeting of Council for consideration.

CARRIED

With the consensus of the Committee a recess was called at 9:26 p.m. and the meeting resumed at 9:31 p.m.

ENGINEERING SERVICES ITEM(S):

4. ***Boulevard Encroachment Agreement Application - 607 Beach Drive***
 - Report - Director of Engineering Services, May 12, 2015
 - ADDENDA to Item 4 - Corresp up to May 19, 2015 - Boulevard Encroachment Agreement

The Director of Engineering Services provided an overview of his report.

Fay Pettapiece, applicant, reviewed her request for a Boulevard Encroachment Agreement, emphasizing that, after extensive effort and cost, she has not found a material that will grow well in this location on her property, including grass, without becoming unsightly.

Committee discussion ensued with respect to the importance of keeping boulevards free of obstacles to mobility and from potential trip and fall hazards.

The Director of Engineering Services provided clarification with respect to the provisions in the bylaw regarding materials permitted on boulevards and it was noted that Parks staff are responsive to discussions on various kinds of plantings.

Ed Sim, Oak Bay resident, expressed his concerns with regards to the restrictions on boulevard encroachments in the bylaw noting that it has been very challenging to grow grass on his property as well.

Discussion ensued with respect to the provisions in the bylaw regarding the placement of irrigation on boulevards.

Phyllis Campanello, Oak Bay resident, commented that she has walked past the subject property and finds the current treatment much more appealing, although she understands the concerns regarding the impact on mobility. She questioned if consideration could be given to using a different kind of material.

It was the view of some members of the Committee that while the rock treatment was aesthetically pleasing, residents should utilize treatments on boulevards that maintain municipal standards, particularly with respect to safety.

MOVED by Councillor Braithwaite

Seconded by Councillor Zhelka, That it be recommended to Council that the Boulevard Encroachment Agreement application for 607 Beach Drive be denied and that the applicant be requested to reinstate the boulevard with grass, or appropriate plantings pursuant to the Streets and Traffic Bylaw.

CARRIED

LAND USE APPLICATIONS:

5. ***Uplands Building Permit Application (UBP) - 2955 Rutland Road***

- Report - Director of Building and Planning, May 12, 2015
- Rpt Attach 1 - ADP Minutes, May 5, 2015
- Rpt Attach 2 - Municipal Arborist's Memo, Apr. 30, 2015
- Rpt Attach 3 - Applicant's Letter, Rus Colins, Apr. 14, 2015
- Rpt Attach 4 - Materials & Colours Checklist, Apr. 14, 2015
- Plans - UBP - 2955 Rutland Rd, rcvd, Apr. 15, 2015

MOVED by Councillor Kirby

Seconded by Councillor Braithwaite, That it be recommended to Council that the proposed plans for the construction of an attached garage and exterior updates to the principal building located at 2955 Rutland Road be approved as to siting and architectural design

CARRIED

6. ***Uplands Building Permit (UBP) Application - 3155 Beach Drive***

- Report - Director of Building and Planning, May 11, 2015
- Rpt Attach 1 - ADP Minutes, May 5, 2015
- Rpt Attach 2 - Municipal Arborist's Memo, Apr. 30, 2015
- Rpt Attach 3 - Applicant's Letter, J. Jarmula - Apr. 15, 2015
- Plans - UBP - 3155 Beach Dr, rcvd, Apr. 15, 2015

MOVED by Councillor Braithwaite

Seconded by Councillor Croft, That it be recommended to Council that the revised design, received April 15, 2015 for the house located at 3155 Beach Drive be approved as to architectural design

CARRIED

7. ***Uplands Building Permit Application (UBP) - 3520 Upper Terrace Road***

- Report - Director of Building and Planning, May 11, 2015
- Rpt Attach 1 - ADP Minutes, May 5, 2015
- Rpt Attach 2 - Municipal Arborist's Memo, Apr. 30, 2015

- Rpt Attach 3 - Applicant's Letter, M. Huxley, Apr. 15, 2015
- Rpt Attach 4 - Materials & Colours Checklist, Apr. 16, 2015
- Plans - UBP - 3520 Upper Terr, rcvd, Apr. 16, 2015

MOVED by Councillor Croft

Seconded by Councillor Braithwaite, That it be recommended to Council that the proposed plans for the renovations to the existing house located at 3520 Upper Terrace Road be approved as to architectural design.

CARRIED

8. ***Uplands Building Permit Application (UBP) - 3390 Beach Drive***

- Report - Director of Building and Planning, May 12, 2015
- Rpt Attach 1 - ADP Minutes - May 5, 2015
- Rpt Attach 2 - Municipal Arborist's Memo, Apr. 30, 2015
- Rpt Attach 3 - M. Gye Urban Forestry, May 12, 2015
- Rpt Attach 4 - Applicant's Letter, M.J. Moody, Mar. 24, 2015
- Rpt Attach 5 - Materials & Colours Checklist, Mar. 24, 2015
- Plans - UBP Siting - 3390 Beach Dr, rcvd, Mar 24, 2015 #1
- Plans - UBP Siting - 3390 Beach Dr, rcvd, Mar 24, 2015 #2

The Director of Building and Planning responded to questions from the Committee, clarifying that the siting component of the proposal had been brought forward in advance of the design component in order to address the needs of the applicant and that it was anticipated that only minor amendments to the design and materials were contemplated, and that after these amendment were made these too be referred to the Committee.

Michael Moody, architect, responded to questions from the Committee with respect to retention of trees on site.

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That it be recommended to Council that the proposed plans for the construction of a residential dwelling located at 3390 Beach Drive be approved as to siting.

CARRIED

9. ***Uplands Building Permit Application (UBP) - 3530 Midland Road***

- Report - Director of Building and Planning, May 11, 2015
- Rpt Attach 1 - ADP Minutes, May 5, 2015
- Rpt Attach 2 - Arborist's Memo, Apr. 30, 2015
- Rpt Attach 3 - Applicant's Letter, K. Baker, Apr. 10, 2015
- Plans - UBP - 3530 Midland Rd, rcvd, Apr. 10, 2015

MOVED by Councillor Kirby

Seconded by Councillor Croft, That it be recommended to Council that the proposed plans for the construction of a conservatory with an open patio area beneath located at 3530 Midland Road be approved as to siting and architectural design.

CARRIED

10. ***Development Variance Permit and Architectural Design and Siting Application - 3220 Weald Road***

- Report - Director of Building and Planning, May 12, 2015
- Rpt Attach 1 - ADP Minutes, May 5, 2015
- Rpt Attach 2 - Arborist's Memo, Apr. 30, 2015
- Rpt Attach 3 - Applicant's Letter, B. Canfield, Apr. 13, 2015
- Rpt Attach 4 - Applicant's Letter, B. Canfield, Apr. 13, 2015
- Plans - DVP - UBP - 3220 Weald Rd, rcvd, Apr. 9, 2015

The Director of Building and Planning gave an overview of his report.

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That it be recommended to Council that the proposal to:

1. construct an in ground swimming pool and accessory building at 3220 Weald Road be approved as to architectural design and siting; and
2. increase the number of accessory buildings and reduce the required setback between the in ground swimming pool and the pool shed at 3220 Weald Road be approved, subject to the issuance of a development variance permit, and further that a resolution authorizing the issuance of a development variance permit, as outlined in the May 12, 2015 report of the Director of Building and Planning, be prepared and brought forward to a meeting of Council for consideration.

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

CARRIED

ADJOURNMENT:

11. ***Motion to Adjourn***

Moved by Councillor Braithwaite

Seconded by Councillor Kirby, That the Committee of the Whole meeting be adjourned.

CARRIED

The meeting adjourned at 10:24 p.m.

Certified Correct

Municipal Clerk

Chair