

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, September 6, 2011 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor H. Braithwaite
Councillor P. Copley
Councillor J. D. Herbert
Councillor N. B. Jensen
Councillor T. Ney
STAFF: Municipal Administrator, M. Brennan
Municipal Clerk, L. Hilton
Confidential Secretary, K. Green
Director of Building and Planning, R. Thomassen

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

FINANCE SECTION: (Chairman – Councillor Jensen)

1. 2011-275 MUNICIPAL TREASURER, August 2, 2011
Re Monthly Financial Reports

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the July monthly financial reports be received.

CARRIED

EMERGENCY PLANNING AND FIRE SECTION: (Chairman – Councillor Ney)

2. 2011-276 FIRE CHIEF, August 11, 2011
Re Emergency Program Five-Year Strategic Plan

(Gerry Adam, Fire Chief, and Dave Cockle, Deputy Fire Chief, in attendance for this item.)

Fire Chief Adam and Deputy Fire Chief Cockle provided an overview of the Emergency Program Five-Year Strategic Plan, which has been reviewed by the Emergency Planning Policy Committee, noting that it sets out emergency planning objectives and associated budget requirements.

The Fire Chief and Deputy Chief responded to comments and questions on various aspects of the Plan from members of the Committee, and drew attention to the recommendation to seismically upgrade the Municipal Hall and to install a generator. In response to their questions and comments regarding emergency planning overall, the Fire Chief noted that many of the issues raised will be addressed in the revised Emergency Response and Recovery Plan binders, which will be circulated next week.

With respect to regional planning, Fire Chief Adam advised that progress is continually being made in that regard.

Attention was drawn to the results of the Royal Roads University Capstone Engagement Program regarding a United Nations International Strategy for Disaster Reduction campaign, and it was again noted that the Oak Bay Emergency Program received top marks in this regard.

Mayor Causton, on behalf of the Committee, took the opportunity to thank staff and the many volunteers for their hard work and dedication in planning to keep Oak Bay safe.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That it be recommended to Council that the Emergency Program Five-Year Strategic Plan be endorsed.

CARRIED

It was acknowledged that while the Plan has received support in general, implementation of specific objectives would be subject to the required budget approval.

RECREATION SECTION: (Chairman – Councillor Braithwaite)

3. 2011-277 OAK BAY PARKS AND RECREATION COMMISSION, August 24, 2011
Re Minutes of the Meeting

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

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, August 24, 2011, and the recommendations contained therein, with the exception of the recommendation regarding the draft Wall of Fame policy update and the proposed prohibition of dogs in Carnarvon Water Park, be adopted.

CARRIED

Draft Wall of Fame Policy Update

With respect to the proposed Wall of Fame policy revisions, as included in the agenda package, it was pointed out that by changing the Wall of Fame recipient selection criteria from ten or more years to fifteen or more years of community service contribution, it may limit and possibly exclude deserving individuals that perhaps have worked on a specific project for less time but contribute as much as someone who serves the community over a fifteen year period.

Responding to some of the comments made by members of the Committee, Lorna Curtis, Director of Parks and Recreation, advised that the policy is used more as a guideline, which allows the Committee flexibility in making recommendations to Council.

After further discussion it was the consensus of the Committee to refer the proposed policy back to the Wall of Fame Committee to consider revising the time stipulation with respect to nominating and selecting individuals, and to look at the value of a person's contribution rather than just the number of years of service. It was also suggested that a clause could be added that allows for some discretion in applying the criteria and that the order of the criteria could also be changed to lessen the emphasis on length of service to the community.

Proposed Prohibition of Dogs in Carnarvon Water Park

MOVED by Councillor Copley

Seconded by Councillor Herbert, That staff bring forward for Council's consideration an Animal Control Bylaw amendment to prohibit dogs in Carnarvon Water Park at all times, as recommended by the Parks and Recreation Commission.

CARRIED

On behalf of the Committee, Mayor Causton congratulated the Oak Bay Recreation Centre staff for receiving 'the best recreation centre' award, and he also acknowledged an impressive increase in summer camp registration for 2011.

LAND USE SECTION: (Acting Chairman – Mayor Causton)

4. 2011- 278 CHRIS ZATYLNLY AND LEANNE LA PRAIRIE, July 25, 2011
- EXCERPT FROM COMMITTEE OF THE WHOLE MEETING MINUTES, April 19, 2010
- 2010-130 DIRECTOR OF BUILDING AND PLANNING, April 14, 2010
Re Development Variance Permit Application – 2608 Lincoln Road

Councillor Braithwaite declared a conflict of interest with respect to the development variance permit application for 2608 Lincoln Road as she lives near the applicant and may be in the notification area. Councillor Braithwaite left the meeting at 8:14 p.m.

Responding to a question regarding the noise level limits associated with the heat pump, the Director of Building and Planning advised that when tested in 2010 the pump met the noise level requirements, however, he will request staff to test the current noise level again. Mr. Thomassen added that the variance is required for the siting of the heat pump in the side yard only.

Chris Zatylny, homeowner, provided an overview explaining that although there are other possible locations on his property to place the heat pump, the current location was chosen by his former contractor with whom he was involved in legal proceedings to have the heat pump removed and reinstalled in a compliant location on the property. Mr. Zatylny said that since being awarded compensation (although the funds have not come through) he has installed sound barriers and is now asking the Committee to resume consideration of his original development variance permit application from 2010.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2608 Lincoln Road, as outlined in correspondence item no. 2010-130, be prepared and brought forward to Council for consideration.

CARRIED

Councillor Braithwaite returned to the meeting at 8:24 p.m.

5. 2011-279 DIRECTOR OF BUILDING AND PLANNING, August 24, 2011
Re Development Permit with Variances Application – 2187 Oak Bay Avenue

As requested, the Director of Building and Planning provided an overview of the variances being request to accommodate proposed facia signs at 2187 Oak Bay Avenue as described in his memorandum.

Following discussion, it was felt by members of the Committee that although the bank is expanding there seems to be a generous amount of signage already in place, noting that the two existing signs should be adequate.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That it be recommended to Council that a development permit, with variances, with respect to 2187 Oak Bay Avenue, as outlined in correspondence item no. 2011-279, be denied.

CARRIED

6. 2011-280 DIRECTOR OF BUILDING AND PLANNING, August 25, 2011
Re Development Variance Permit Application – 1070 Transit Road

The Director of Building and Planning provided an overview of the proposed variances being requested as detailed in correspondence item no. 2011-280, noting that the existing house siting is non-conforming. He said that the applicant wishes to raise the dwelling to create a more useable basement and to build a new deck and front stair.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 1070 Transit Road, as outlined in correspondence item no. 2011-280, be prepared and brought forward to Council for consideration.

CARRIED

7. 2011-281 DIRECTOR OF BUILDING AND PLANNING, August 30, 2011
2011-281-1 DANIEL ROBBINS, August 22, 2011
2011-281-2 DANIEL ROBBINS *et al*, September 2, 2011
Re Development Variance Permit Application – 295 King George Terrace

The Director of Building and Planning advised that the dwelling is under construction, however, the owner wishes to increase the floor area by creating a deck above the garage. Mr. Thomassen confirmed that the size of the building will remain the same, although a floor area variance would be required for the proposed deck.

Daniel Robbins, applicant, said he is asking to be able to use the entire roof for the deck versus the smaller portion as previously planned. Dr. Robbins felt that a deck, with greenery, would be more aesthetically pleasing than a flat black roof for nearby residents to look upon.

The applicant and Mr. Thomassen answered various questions for the Committee with respect to questions about privacy, and Dr. Robbins said this could be addressed by adding screening and greenery to the deck.

In closing, Dr. Robbins noted that all the neighbours he spoke with supported the proposed deck development.

MOVED by Councillor Jensen

Seconded by Councillor Ney, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 295 King George Terrace, as outlined in correspondence item no. 2011-281, be prepared and brought forward to Council for consideration.

CARRIED

8. 2011-282 DIRECTOR OF BUILDING AND PLANNING, August 30, 2011
Re Uplands Building Permit and Development Variance Permit
Amendment Application – 3205 Exeter Road

The Director of Building and Planning noted that the applicant realized there was an error in determining the front setback for the addition that was suppose to be inline with the existing living room that was previously requested and approved, and therefore is now requesting a revised variance to slightly increase the front setback.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That it be recommended to Council that the revised plans for 3205 Exeter Road be approved as to siting, subject to the issuance of a development variance permit, and further that a resolution authorizing the issuance of a development variance permit to amend DVP # 049-2009 and # 024-2011, as outlined in correspondence item no. 2011-282, be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 8:55 p.m.

Certified Correct:

Municipal Clerk

Chairman, Finance Section

Chairman, Recreation Section

Acting Chairman, Land Use Section