

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 Monday, April 19, 2010 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor H. Braithwaite
Councillor A. R. Cassidy
Councillor P. Copley
Councillor J. D. Herbert
Councillor N. B. Jensen
Councillor T. Ney

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

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

FINANCE SECTION: (Acting Chairman – Mayor Causton)

1. 2010-127 MUNICIPAL TREASURER, April 7, 2010
Re Monthly Financial Reports

RESOLVED that the March monthly financial reports be received.

2. 2010-63 CITY OF VICTORIA, February 12, 2010
2010-63-1 MUNICIPAL TREASURER, February 17, 2010
Re Request for Financial Assistance – Our Place Society

Councillor Jensen entered the meeting at this time and assumed the Chair.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That financial assistance in the amount of \$5,370 be provided to the City of Victoria to offset its grant to the Our Place Society.

It was noted that at the April 15, 2010 Estimates Committee meeting the six attending members of the Committee were evenly divided on the issue of the grant requested by the City of Victoria to fund extended early morning hours of the downtown “Our Place” facility, and there was consensus at that time to refer the matter back to Committee of the Whole for a final recommendation to Council.

Although it was agreed by all members of the Committee that the Our Place Society would be a worthy recipient, it was the view of some members that providing financial assistance given the current financial statements of the Society show unspent resources of \$1.2 million, may not be an appropriate use of Municipal funds at this time. Other members of the Committee expressed their support for financially assisting the City of Victoria and ultimately the Our Place Society, noting that the issue of homelessness is not just the responsibility of the City, and that the funds the Society has could easily be depleted.

The question was then called.

CARRIED

(Councillor Cassidy, Herbert and Jensen against the Motion)

RECREATION SECTION: (Chairman – Councillor Braithwaite)

3. 2010-128 OAK BAY PARKS AND RECREATION COMMISSION, April 7, 2010
Re Minutes of the Meeting

(Lorna Curtis, Director of Parks and Recreation, Monty Holding, Chairman, Oak Bay Parks and Recreation Commission and Frank Carson, Chairman, Pesticide Use Reduction Review Committee, in attendance for this item.)

Councillor Braithwaite thanked the Pesticide Use Reduction Bylaw Review Committee, chaired by Frank Carson, for a job well done. She provided a brief overview of the Committee's recommendations, which include requesting that staff bring forward an Integrated Pest Management Policy and a Pesticide Use Reduction Bylaw that would mirror, with some changes as laid out in the staff memorandum, the District of Saanich's recently introduced pesticide use bylaw. It was also suggested that the bylaw should be accompanied by an educational campaign.

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, April 7, 2010, and the recommendations contained therein, with the exception of the items pertaining to a request by the Monterey Middle School "Me to We" team, the Victoria Francophone Society's request to hold a St. Jean Baptiste Day Celebration at Willows Park, and the pesticide bylaw recommendations, be adopted.

Tree Committee Report

With respect to the anticipated timeline for making recommendations for an Urban Forest Strategy Plan, Ms. Curtis advised that the Committee felt that Oak Bay would benefit from observing the process currently being undertaken by both the District of Saanich and the City of Victoria prior to making any recommendation in that regard.

The question was then called.

CARRIED

Permit Request for Willows Park – Monterey Middle School "Me to We" Team

MOVED by Councillor Cassidy

Seconded by Councillor Herbert, That pursuant to Section 5.1.4 and 5.1.4.(1) of the Zoning Bylaw, it be recommended to Council that approval be granted to the Monterey Middle School "Me to We" Team to occupy Willows Park on Saturday, May 8, 2010, from 11:00 o'clock a.m. until 2:00 o'clock p.m., for a Spring Fair for Haiti, including the sale of non-alcoholic refreshments and paid amusements in connection with the event, subject to the organization executing an agreement releasing and indemnifying the municipality from any claims arising out of the event and providing evidence of liability insurance of not less than \$3 million in this regard.

CARRIED

Permit Request for Willows Park – Victoria Francophone Society

MOVED by Councillor Cassidy

Seconded by Councillor Copley, That pursuant to Section 5.1.4 and 5.1.4.(1) of the Zoning Bylaw, it be recommended to Council that approval be granted to the Victoria Francophone Society to occupy Willows Park on Saturday, June 26, 2010, from 12:00 o'clock p.m. until 5:00 o'clock p.m., for a St. Jean Baptiste Day Celebration, including the sale of non-alcoholic refreshments in connection with the event, subject to the organization executing an agreement releasing and indemnifying the municipality from any claims arising out of the event and providing evidence of liability insurance of not less than \$3 million in this regard.

CARRIED

4. 2010-129 DIRECTOR OF PARKS AND RECREATION COMMISSION,
April 8, 2010
2010-129-1 ELIZABETH GARRETT, April 13, 2009
2010-129-2 BRIAN HOLL, April 19, 2009
2010-129-3 ANN KUCZERPA, May, 3, 2009
2010-129-4 BRITT KARLSTROM, November 13, 2009
2010-129-5 MICHELLE KIRBY, November 14, 2009
2010-129-6 RON CARTER, November 17, 2009
2010-129-7 BRENDA ZIMMER, November 25, 2009
2010-129-8 JEREMIE WHITE AND JEANENE WELSH, November 26, 2009
2010-129-9 ANNE TOLSON, November 26, 2009
2010-129-10 MARTI STEWART, November 26, 2009
2010-129-11 MARY STORZER, December 1, 2009
2010-129-12 CHRISTOPHER LAM, March 11, 2010
2010-129-13 LESLEY EWING, March 13, 2010
2010-129-14 MICHELLE KIRBY, March 15, 2010
2010-129-15 BRITT KARLSTROM, March 16, 2010
2010-129-16 TOM AND JILL CROFT, March 16, 2010
2010-129-17 BRITT KARLSTROM *et al*, March 17, 2010
2010-129-18 ANN KUCZERPA, April 13, 2010
Re Pesticide Use Reduction Bylaw

(Lorna Curtis, Director of Parks and Recreation, Monty Holding, Chairman, Oak Bay Parks and Recreation Commission and Frank Carson, Chairman, Pesticide Use Reduction Review Committee, in attendance for this item.)

MOVED by Councillor Herbert

Seconded by Councillor Copley, That staff be directed to draft a Pesticide Use Reduction Bylaw and Integrated Pest Management Policy, as described in correspondence item no. 2010-129, be brought forward to Council for formal consideration.

Attention was drawn to some of the changes to the District of Saanich bylaw that were recommended, and Mr. Carson provided comments in that regard. It was suggested that any concerns regarding the wording of the proposed Bylaw could be addressed through a review by the Municipality's solicitor.

With respect to the reference to an Integrated Pest Management Policy within the Bylaw, the Municipal Administrator suggested that the Policy be an attached schedule to the Bylaw. Responding to questions, Mr. Cochrane noted that the effective date would normally be when the bylaw is adopted, however, an alternate future effective date could be written in the bylaw, should that be desired.

The subject of public input was raised and it was suggested that interested parties should be encouraged to attend the Council meeting when the Bylaw would be presented, to express their views.

Members of the Committee were in agreement with respect to implementing a pesticide use educational component, and it was pointed out that the Capital Regional District has educational material that would be helpful.

The work of the Pesticide Committee was applauded, and its members were thanked for their commitment.

The question was then called.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

5. 2010-106 DIRECTOR OF BUILDING AND PLANNING, March 26, 2010
Re Development Variance Permit Application – 2644 Cavendish Avenue

Councillor Herbert declared a conflict of interest with respect to the development variance permit request for 2644 Cavendish Avenue as he lives near the applicant and may be in the notification area. Councillor Herbert left the meeting at 8:11 p.m.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2644 Cavendish Avenue, as outlined in correspondence item no. 2010-106, be prepared and brought forward to Council for consideration.

CARRIED

Councillor Herbert returned to the meeting at 8:13 p.m.

6. 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 request for 2608 Lincoln Road as she lives near the applicant and may be in the notification area. Councillor Braithwaite left the meeting at 8:13 p.m.

Responding to a question regarding the noise level limits associated with the heat pump, the Director of Building and Planning advised that the pump meets the requirements of the Zoning Bylaw in this regard, although a variance is required for the siting of the heat pump.

Chris Zatzlny, homeowner, advised that although there are other possible locations on his property to place the heat pump, the location was chosen by his former contractor with whom he is involved in legal proceedings to have him remove the heat pump and reinstall it in a compliant location on the property.

Members of the Committee agreed that the development variance permit application should be deferred until Mr. Zatzlny's outstanding legal issue has been resolved. It was suggested that once the proceedings have concluded, the applicant report back to the Municipal Clerk (in approximately six months time). If the heat pump has not been moved to a conforming location by then, the development variance permit application could be proceeded with.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the development variance permit with respect to 2608 Lincoln Road, as outlined in correspondence item no. 2010-130, be deferred until the applicant's legal proceedings with the contractor have been resolved.

CARRIED

Councillor Braithwaite returned to the meeting at 8:19 p.m.

7. 2010-131 DIRECTOR OF BUILDING AND PLANNING, April 14, 2010
Re Development Variance Permit Application – 2551 Florence Street

MOVED by Councillor Jensen

Seconded by Councillor Copley, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2551 Florence Street, as outlined in correspondence item no. 2010-131, be prepared and brought forward to Council for consideration.

CARRIED

8. 2010-132 DIRECTOR OF BUILDING AND PLANNING, April 14, 2010
Re Development Variance Permit Application – 2555 Lansdowne Road

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That a resolution authorizing the Director of Building and Planning to issue a development variance permit to amend DVP 039-2009 with respect to 2555 Lansdowne Road, as outlined in correspondence item no. 2010-132, be prepared and brought forward to Council for consideration.

CARRIED

9. 2010-133 DIRECTOR OF BUILDING AND PLANNING, April 10, 2010
Re Uplands Building Permit / Development Variance Permit Application
– 3460 Beach Drive

A member of the Committee expressed concern with respect to the size of the variance being requested, noting that the carport construction was done without the consent of the Municipality.

Bashir Qureshi, speaking on behalf of Surjit Sodhi, the homeowner, said that work stopped once Mr. Sodhi became aware that the proper process was not followed. Mr. Qureshi said that

Mr. Sodhi simply wanted to construct a carport to protect his vehicles from the elements. It was noted that the existing garage is being used for storage.

The Director of Building and Planning advised that should approval be given for the variance, the carport foundation may have to be rebuilt in order to meet the building code requirements.

There was discussion regarding alternate locations for the carport, and it was suggested that the existing garage could be used for vehicles, and a different storage area could be found. However, it was noted that approval has been recommended by the Advisory Design Panel, and should the application proceed to the notification stage, any concerns from neighbours would become known through that process.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That it be recommended to Council that the plans to construct a double carport at 3460 Beach Drive be approved as to siting and architectural design, subject to the issuance of a development variance permit, and further that a resolution authorizing the issuance of a development variance permit be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

(Councillor Herbert against the motion)

10. 2010-134 DIRECTOR OF BUILDING AND PLANNING, April 10, 2010
Re Uplands Building Permit / Development Variance Permit Application
– 3195 Cadboro Bay Road

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That it be recommended to Council that the plans to construct a second floor addition at 3195 Cadboro Bay Road be approved as to siting and architectural design, subject to the issuance of a development variance permit, and further that a resolution authorizing the issuance of a development variance permit be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

11. 2010-135 DIRECTOR OF BUILDING AND PLANNING, April 12, 2010
Re Uplands Building Permit Application – 3240 Exeter Road

Responding to questions regarding the amount of proposed paving for the project, Rus Collins, designer, advised that the plan provides guest parking without blocking the driveway, confirming that the proposed amount of paving is within that permitted.

Mr. Collins, also confirmed that there are plans to address water runoff from the slope of the lot, saying he will be working with the Engineering Department in that regard. It was suggested consideration be given to creating a rain garden to help manage the runoff.

Regarding trees on the property, Jim Partlow, Landscaper, advised that the majority of trees slated for removal are within the building envelope, and that the landscape design will include replacing some of the multi-stemmed and ivy covered trees on the property with Garry Oak trees.

Attention was drawn to aspects of the plan not related to the development variance permit application, and Mr. Collins was reminded that separate approval for the footpath on public property, for instance, would be required from the Engineering Department.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That it be recommended to Council that the plans to construct a new residential dwelling at 3240 Exeter Road be approved as to siting and architectural design.

CARRIED

There was consensus to amend the order of the agenda.

TRAFFIC SECTION: (Chairman – Councillor Copley)

13. 2010-114 DIRECTOR OF ENGINEERING SERVICES, March 30, 2010
Re Request to Change Loading Zone Hours Adjacent to 2187 Oak Bay Avenue

Councillor Herbert suggested this item once again be deferred to allow time for the Oak Bay Business Improvement Association's recommendations to be discussed by the Committee Initiatives Committee with respect to Oak Bay Avenue improvements, including comments on the suggestion to change the commercial loading zone hours adjacent to 2187 Oak Bay Avenue.

PUBLIC WORKS: (Chairman – Councillor Herbert)

12. 2010-136 DIRECTOR OF ENGINEERING SERVICES, April 14, 2010
2010-136-1 MUNICIPAL ADMINISTRATOR, February 12, 2010
Re Combined Sewers and the Municipal Sewage Regulation

In response to a directive from Council to bring forward a report summarizing in detail all of the options that have been examined over the last ten years with respect to the Uplands combined sewer system, the Director of Engineering Services provided a detailed review of his report with the aid of a visual presentation in this regard.

The Municipal Administrator drew attention to his memorandum regarding the Municipal Sewer Regulation, noting that in 2003 the Ministry of Environment attached a condition to its approval of the Capital Regional District's Core Area Liquid Waste Management Plan, which actually went beyond the requirements of the Municipal Sewage Regulation, which sets out a prohibition against overflows "during storm or snowmelt events with less than a five-year return period", by requiring the elimination of combined sewers in the Uplands. With respect to a question from a Committee member, Mr. Cochrane said that while it may be possible to appeal this directive, the focus of staff has been to work within the parameters given and as required by the Capital Regional District's Liquid Waste Management Plan.

A series of questions arose from members of the Committee regarding the options that have been explored in the past, and it was agreed that further information on a variety of issues would be helpful in moving forward with a plan for the Uplands sewer system, including representing the explored options in a chart or matrix for easier comparison.

Further information on the following items was also requested by the Committee:

- 1) Treatment options;
- 2) Storage tank/storm drain options and costs;
- 3) Hybrid solution (between a new deep sanitary sewer and low pressure system);
- 4) The number of pumps existing in the Uplands at present; and
- 5) On site storm water retention.

It was further suggested that once the options acceptable to the Province have been confirmed, that would be an opportune time to consult with the public regarding the Uplands sewer system.

ADJOURNMENT:

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 10:40 p.m.

Certified Correct:

Municipal Clerk

Chairman, Finance Section

Chairman, Recreation Section

Chairman, Land Use Section

Chairman, Public Works Section

Chairman, Traffic Section