

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, December 6, 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, M. Brennan
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 took the opportunity to thank volunteers responsible for the many wonderful festive activities recently held in Oak Bay, such as the Village Light Up, Truck Parade, Gallery Walk, and the Sea of Lights Parade.

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

RECREATION SECTION: (Chairman – Councillor Braithwaite)

1. 2010-308 OAK BAY PARKS AND RECREATION COMMISSION December 1, 2010
Re Minutes of the Meeting

(Janet Barclay, Manager, Recreation Program Services, in attendance for this item.)

Allotment Garden Plots

Responding to questions from a member of the Committee, Councillor Braithwaite advised that although staff have found one appropriate additional allotment garden site in Oak Bay, it was determined that due to the amount of staff time and the cost to maintain and administer the plots it was recommended that consideration of developing a new site should wait until the 12-14 new plots on the south side of Bowker Creek at Monteith Avenue have been allocated and in use for one year, as the waitlist may be greatly reduced by that time.

Some members of the Committee asked that staff provide more detailed information related to costs to maintain allotment gardens, including a cost comparison with other municipalities, the possible location of the proposed new site for future garden plots, and alternative management models.

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, December 1, 2010, and the recommendations contained therein, be adopted.

CARRIED

2. 2010-309 DIRECTOR OF PARKS AND RECREATION, December 2, 2010
Re Signage for Oak Bay Branch Library

MOVED by Councillor Herbert

Seconded by Councillor Copley, That it be recommended to Council that the plans to upgrade the Greater Victoria Public Library Oak Bay Branch signage as outlined in correspondence item no. 2010-309, being a memorandum from the Director of Parks and Recreation dated December 2, 2010, be approved.

CARRIED

FINANCE SECTION: (Chairman – Councillor Jensen)

3. 2010-310 MUNICIPAL TREASURER, December 2, 2010
Re 2011 Water and Sewer User Charges

The Municipal Treasurer provided an overview of her memorandum containing the proposed 2011 water and sewer rates, based upon the current formulas. She noted that, as previously directed by Council, 35% of the net costs of the Water Fund are covered by a flat charge, and 65% of the costs are covered by a consumption charge. In the Sewer Fund, she said, currently 70% of the municipal costs are collected through a user charge, based on the quantity of water used by a property, while the remaining 30% is raised through taxes. New Oak Bay regional sewer debt taken on after 2005, she noted, is funded 70% by a user charge, with the remainder being paid through the Capital Regional District taxation requisition.

Ms. Walker pointed out that water usage was down last year in Oak Bay along with other municipalities, therefore, the proposed rates have been set to cover any continued decreases in that regard.

Attention was drawn to ongoing programs in the Water Fund budget, such as the valve turning program and water meter replacement program, with staff answering questions from Council regarding those programs.

Discussion turned to the current formula for covering the regional sewer costs, and it was pointed out that both the City of Victoria and the District of Saanich recover regional sewer costs completely through a user charge and this will continue as the sewer treatment costs are added. Mayor Causton suggested that perhaps both Oak Bay's new debt and new operating costs related to regional sewage treatment should be covered 100% through a sewer user charge based on water consumption. He felt that a staff report to outline both the pros and cons of such a change should be brought forward as soon as possible so that this option could be contemplated prior to considering a new sewer rates Bylaw.

Councillor Herbert expressed the view that perhaps such a change would be premature, and that Council should wait and see what happens at the regional level first. The taxpayers, he said, need to know exactly what the sewage treatment costs them. He further pointed out that there is no assurance that enough would be recovered through a user charge based solely on water consumption.

Responding to questions from Council, the Director of Engineering Services advised that while the sewer infrastructure in Oak Bay is adequate, inflow and infiltration is an issue and addressing it is costly. The additional flow attributable to inflow and infiltration, he said, will impact Oak Bay's costs in relation to regional sewer treatment.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the proposed water rates outlined in correspondence item no. 2010-310 be incorporated into the necessary bylaw to be brought forward to Council for formal consideration.

CARRIED

MOVED by Councillor Ney

Seconded by Councillor Copley, That staff be directed to prepare a report outlining considerations in relation to recovering 100% of the new regional sewer debt and operating costs through sewer user charges for consideration at the next meeting of Council.

CARRIED

4. 2010-311 MUNICIPAL ADMINISTRATOR, December 1, 2010
 - 2010-311-1 STUART CULBERTSON, November 17, 2010
 - 2010-311-2 CAROL HUBBERSTEY, November 25, 2010
 - 2010-311-3 CAROL HUBBERSTEY, November 25, 2010
 - 2010-311-4 PEG FRANK, November 29, 2010
- Re Alternative Transportation Considerations in Road Work Design

Councillor Jensen drew attention to the additional correspondence received, which he thought offered some reasonable alternative transportation suggestions. He also drew attention to excerpts from the City of Colwood and the Town of View Royal's Official Community Plans with respect to transportation alternatives that he asked staff to circulate prior to the meeting.

Referring to his memorandum and draft policy, the Municipal Administrator clarified that staff anticipated a budget procedure approach that would consider all modes of transportation when contemplating new roadwork. Mr. Brennan noted that if Oak Bay wished to follow the City of Colwood and the Town of View Royal, then an amendment to the Official Community Plan would be required.

Gerald Smeltzer, Director of the Community Association of Oak Bay, came forward and provided an overview of the Active Transportation Forum facilitated by the Association in November 2010, and thanked those members of Council that were able to attend.

Mr. Smeltzer advised that representatives from the Capital Regional District were also in attendance and that the CRD has been working on a regional pedestrian and cycling master plan to determine the region's priorities for the next few years, which is anticipated to go to the CRD Board late December or early January.

With respect to the Oak Bay High School redevelopment, it was pointed out that discussion at the Forum suggested that Oak Bay look into upgrading the alternative transportation infrastructure in and around the school and that perhaps grant funding could be sought in that regard. Other local governments, he said, have been successful in securing funding for such projects.

Responding to questions regarding grants that have been applied for and received by Oak Bay, the Director of Engineering Services outlined the funding secured for the Foul Bay bike lane and Beach Drive repaving projects. He also pointed out that where projects have been identified and planned for by Council, staff do research available grants, which are taken advantage of whenever possible.

Councillor Herbert expressed his opinion that while he is supportive of considering cycling infrastructure it should not detract from keeping the roads in good repair, noting his concern that not enough is being spent on roads.

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That it be recommended to Council that the Alternative Transportation Considerations in Road Work Design Policy, attached to correspondence item no. 2010-311, being a memorandum from the Municipal Administrator dated December 1, 2010, be adopted.

It was the view of some members of the Committee that budgeting direction to staff may not be clear enough without having an alternative transportation plan in place to insure that transportation infrastructure is not pursued in a piecemeal fashion. Providing a plan and setting priorities, it was noted, would be desirable to provide clear direction in that regard.

The question was then called.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That correspondence items no. 2010-311 to 2010-311-4 be received.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

5. 2010-312 DIRECTOR OF BUILDING AND PLANNING, December 1, 2010
 - 2010-312-1 DON AND KATHRYNE MCCARTHY, [Undated]
 - 2010-297 DIRECTOR OF BUILDING AND PLANNING, November 2, 2010
 - 2010-297-1 DON MCCARTHY, November 11, 2010
- Re Uplands Building Permit Application – 3055 Cadboro Bay Road

Councillor Cassidy noted that as requested at the last Committee of the Whole meeting, the applicant submitted redesigned plans that address the concerns expressed by a neighbour and will see the Garry Oak tree located in the back of the property retained. Councillor Cassidy drew attention to a second letter (correspondence item no. 2010-312-1) from the neighbours to the south supporting the revised plans.

Although it was suggested that it would be beneficial for the Committee of the Whole to seek input from the Advisory Design Panel regarding the revised plans, it was the majority view of the Committee that the revisions accomplish what was requested and the project should not be further delayed.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That it be recommended to Council that the plans to construct a new residential dwelling at 3055 Cadboro Bay Road be approved as to siting and architectural design.

CARRIED

(Councillor Jensen against the motion)

6. 2010-313 DIRECTOR OF BUILDING AND PLANNING, November 29, 2010
Re Development Variance Permit (Subdivision) Application – 754
Mountjoy Avenue

The Director of Building and Planning provided a brief overview of the application for variances with respect to the proposed subdivision of 754 Mountjoy Avenue, noting that the variance to designate the north boundary line as an interior side lot line versus the rear lot line, as required by the Zoning Bylaw, is not necessary to permit the subdivision, but would allow for a larger building footprint inasmuch as a smaller setback would be required. Mr. Thomassen further noted that the shape of the lots would require a variance in any event, so the applicant has applied for both variances.

Responding to questions regarding building design, Mr. Thomassen advised that as the Deputy Approving Officer, should the subdivision go forward, he would require a design approval covenant as one of the conditions of approval.

Responding to a member of the Committee expressing concern that approval of this subdivision could trigger other large properties in the area to do the same, which could change the character of the street, Mr. Thomassen advised that the other lots may not have the required frontage to allow for subdividing their property. Mr. Thomassen advised that without the variances the subdivision could possibly still occur into two or, perhaps, three lots, although it is difficult to know what might be permitted without detailed plans and a thorough review.

Responding to various questions, Ian Waller, owner and applicant, advised that the layout would include a curved driveway with three large lots, approximately ¼ acre each. Mr. Waller said he has spoken to five of the immediate neighbours about the work being proposed.

Further discussion ensued with members of the Committee commenting on various aspects of the proposal and questions from the Committee being answered by staff and the applicant.

While concerns were raised regarding the potential impact of the proposed three lot bare land strata subdivision on the character of the area, it was the majority view that proceeding to the notification stage of the development permit process in order to receive input from residents in the vicinity was supportable.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That a resolution authorizing the issuance of development variance permit with respect to 754 Mountjoy Avenue, as outlined in correspondence item no. 2010-313, be brought forward for formal consideration.

CARRIED
(*Councillor Braithwaite against the motion*)

7. 2010-314 DIRECTOR OF BUILDING AND PLANNING, November 29, 2010
Re Development Variance Permit Application – 2657 Cavendish Avenue

Councillor Herbert declared a conflict of interest with respect to the development variance permit application for 2657 Cavendish Avenue noting he lives across the street from the applicant and may be in the notification area. Councillor Herbert left the meeting at 9:12 p.m.

Bruce Wilkin, Bruce Wilkin Design, explained that the additional paved area is needed to reinstate the walkway to the house, improve access to the garage, and provide additional off street parking beside the house. He further noted that the existing garage could accommodate one vehicle.

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2657 Cavendish Avenue, as outlined in correspondence item no. 2010-314, be prepared and brought forward to Council for consideration.

CARRIED

Councillor Herbert returned to the meeting at 9:17 p.m.

8. 2010-315 DIRECTOR OF BUILDING AND PLANNING, November 30, 2010
Re Development Variance Permit Application – 315 King George Terrace

Attention was drawn to comments from one of the neighbours included in the application package (correspondence item no. 2010-315), and David Yamamoto, Zebra Design, confirmed that the comments have been incorporated into the plans as presented.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 315 King George Terrace, as outlined in correspondence item no. 2010-315, be prepared and brought forward to Council for consideration.

CARRIED

9. 2010-316 MUNICIPAL CLERK, December 1, 2010
2010-248 OAK BAY LAWN BOWLING CLUB, August 25, 2010
Re Licence of Occupation Renewal

With respect to questions regarding the licence of occupation renewal and proposed changes to it, John Cossom, Past President, Oak Bay Lawn Bowling Club, advised that through a series of meetings with Mayor Causton, Councillor Braithwaite, the Chair of the Parks and Recreation Commission, and some members of the Club, the view emerged that the Club should have the ability to occasionally rent out the premises to assist with raising funds the Club needs to maintain the buildings. It was also suggested that a ten-year rather than a five-year licence agreement be sought to provide more certainty to the Club. Mayor Causton said that the thought behind a ten-year agreement was that if Council continues not to provide funding for major building repairs, the Club may have to apply for a loan, noting that a financial institution may be more inclined to loan the Club funds knowing it has occupancy of the building for a lengthier term.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That a Bylaw to authorize execution of the proposed licence of occupation agreement between the District of Oak Bay and the Oak Bay Lawn Bowling Club as attached to correspondence item no. 2010-316 be prepared and brought forward to Council for consideration.

Staff responded to various questions with respect to the proposed changes to the licence agreement, saying that the Club would be permitted to charge a fee to rent the building rooms to non-profit community groups and that the rental fee must first be approved by the Corporation.

A member of the Committee suggested that the availability of rooms for rent should be advertised on the Parks and Recreation website, and staff agreed to make arrangements in that regard.

The question was then called.

CARRIED

Traffic Control Order, Cycling Lane – Foul Bay Road

Councillor Herbert said that the traffic control order to implement a cycling lane on Foul Bay Road along with intersection changes and new parking restrictions that would be coming forward to the December 13, 2010 meeting of Council, flowing from a Council directive at the November 22, 2010 meeting, should be deferred until January 10, 2011. This would allow time for adjacent residents that would be most affected by the changes to be notified and provide input.

There was consensus that staff should notify area residents of the opportunity to provide input on the proposed changes and to bring forward the traffic control order to the first Council meeting in January.

ADJOURNMENT:

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 9:43 p.m.

Certified Correct:

Municipal Clerk

Chairman, Recreation Section

Chairman, Finance Section

Chairman, Land Use Section