

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, March 5, 2012 at 7:30 p.m.

PRESENT: Mayor N. Jensen, Chair
Councillor P. Copley
Councillor C. Green
Councillor J. Herbert
Councillor M. Kirby
Councillor K. Murdoch
Councillor T. Ney

STAFF: Municipal Administrator, M. Brennan
Municipal Clerk, L. Hilton
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

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

REGULATORY SECTION: (Chair – Councillor Murdoch)

1. 2012-87 DIRECTOR OF BUILDING AND PLANNING, February 9, 2012
Re: Proposed Amendments to Animal Control Bylaw – Chicken Coops

The Director of Building and Planning provided a brief overview of his report regarding proposed amendments to the Animal Control Bylaw to, among other things, reduce setbacks for chicken coops and eliminate minimum lot size limitations, along with easing the permitting process, as had been requested by Committee of the Whole.

Doug Clarke, Oak Bay resident, suggested that, in response to staff concerns regarding complaints about roosters which arise as a result of chicks being purchased before their sex can be determined, only the keeping of pullets be allowed. Pullets, he explained, are adolescent hens. This approach was supported by members of the Committee, and it was agreed to include it in any bylaw amendment.

MOVED by Councillor Herbert
Seconded by Councillor Copley, That staff be requested to draft an amendment to the Animal Control Bylaw, as outlined in correspondence item no. 2012-87, to be brought forward to Council for formal consideration.

John Palmer, Oak Bay resident, expressed concern about keeping chickens and the potential for contracting the Asian flu, which a member of the Committee said should not be an issue according to research done in this regard.

The question was then called.

CARRIED

2. 2012-88 DIRECTOR OF BUILDING AND PLANNING, February 29, 2012
Re: Proposed Amendments to Zoning and Anti-Noise Bylaws – Generators

Referring to his memorandum (correspondence item no. 2012-88), the Director of Building and Planning described the proposed Zoning and Anti-Noise Bylaw amendments that would be

required to accommodate the installation of private generators in Oak Bay in response to a directive from Council to provide a staff report in this regard.

John Palmer, Oak Bay resident, expressed concerns related to the safety aspects of storing fuel containers on private property for use with generators, along with the noise issues related to heat pumps which, he felt, were the real problem.

Mr. Thomassen, responding to questions, noted that there are provincial gas safety regulations to be complied with in respect to fuel sources, however, it was suggested that should bylaw amendments come forward, additional information on any safety aspects could be brought forward at that time.

Michael Donald, Oak Bay resident, echoed the concerns raised by Mr. Palmer.

MOVED by Councillor Herbert

Seconded by Councillor Green, That staff be requested to draft amendments to the Zoning and Anti-Noise Bylaws, as outlined in correspondence item no. 2012-88, to be brought forward to Council for formal consideration.

CARRIED

LAND USE SECTION: (Chair – Councillor Copley)

3. 2012-89 DIRECTOR OF BUILDING AND PLANNING, February 29, 2012
Re: Uplands Design Guidelines

Attention was drawn to the memorandum from the Director of Building and Planning regarding the Advisory Design Panel's recommendations for amendments to the Uplands Design Guidelines, and Larry McCann, previous Panel member, Patricia Wilson, Duane Ensing, and Nigel Banks, current Panel members, were in attendance to discuss the recommendations along with Council's overall regulatory power with respect to the Uplands. In respect to regulatory powers, Mr. Thomassen noted that concerns were raised by Council in the past regarding the maximum lot coverage permitted in the Uplands along with the impact of developments bordering on Uplands Park.

There was discussion regarding the proposed amendments to the Uplands Design Guidelines, with members of the Panel providing their views on them in relation to how they affect their role as an advisory body to Council.

Dr. McCann, also an Uplands historian, noted that the original subdivision did not contemplate huge houses, noting also that the layout is significantly different now compared to the original layout. He provided further information from his research on the Uplands noting that the Uplands was originally considered to be a "residential park" to be enjoyed by area residents and the community as a whole, noting he felt the original intent should be maintained and that it would be reasonable to control the size of the houses.

Discussion turned to the Oak Bay Special Powers Act that allows Council to regulate design and siting, among other things, and it was noted that besides adopting the Uplands Regulation Bylaw for this purpose, Council also regulates other aspects of development in the Uplands through the Zoning Bylaw. Questions regarding the opportunity for imposing additional regulations arose, and whether or not the size of a building could be controlled through the Uplands Regulation Bylaw.

Several other questions were raised which members of the Committee requested staff to report back on.

MOVED by Councillor Herbert

Seconded by Councillor Green, That staff be requested to provide a report to the Committee including further information on the following:

- The process for amending the Uplands Design Guidelines;
- Options for including educational information regarding landscaping and building materials in the Guidelines;
- Amendments to the Advisory Design Panel establishment resolution;
- Clarification of the regulatory powers available to Council for the Uplands (e.g. viewscape/park like setting);
- Consideration of utilizing more contemporary legislation;
- The authority of the Advisory Design Panel; and
- Options for reducing the allowable lot coverage in the Uplands.

CARRIED

4. 2012-90 FOCUS CORPORATION, PLANNING CONSULTANT, March 5, 2012
2012-90-1 DOUG MOLLARD, March 4, 2012
Re: Progress Report for 2251 Cadboro Bay Road (Oak Bay Lodge)
Development Variance Permit Application

Councillor Copley excused herself from the discussion as her father is a resident of Oak Bay Lodge. Councillor Copley left the meeting at 8:54 p.m. Mayor Jensen assumed the Chair for this item.

Felice Mazzoni, and Jason Niles, in attendance representing Focus Corporation, provided an overview of their report (correspondence item no. 2012-90) outlining a proposed public consultation process in relation to the development variance permit application.

Mr. Niles noted that advertisements would include dates and times for accepting comments from the public and having discussions regarding the development, noting the scope for input would be focussed on the variance requests and planning issues. He went on to describe the inclusive public process proposed.

Some members of the Committee provided input on the proposed consultation plan, noting the types of information that should be made available to the public and the need for a broad consultation process that includes the entire community. The view that the proposed time frames for the displays to be available were too short was expressed.

Responding to questions, Mr. Niles indicated that the process would include coordination with the applicants, who would be following their own consultation process as well.

There was consensus to hear from the public at this point.

Eric Fraikin, Oak Bay resident, noted he did not see any mention of the Oak Bay Lodge residents, who will be very affected by the redevelopment, or the current Lodge employees. He also drew attention to the lack of a design exercise which he felt restricts discussion with the public.

Paul Merner, Oak Bay resident, noted the consultation process needs to be a two way exchange that will illicit input from both neighbours and the broader community. He also said he felt the information gathered through the last application process should be summarized, analyzed, and included in the consultation process.

Doug Mollard, Oak Bay resident, acknowledged the expected changes to staffing numbers were still unknown, and stated that the consultation process must be done right. He queried how the consultation process would identify residents of other jurisdictions who participate in the consultation process.

Questions should be raised and answered through the consultation, said Mr. Mollard, stating the need for a dialogic and engaging process with the broader community. He suggested the consultation process make use of smaller working groups, with recommendations to Council coming from the community.

Michael Donald, Oak Bay resident, stated the view that any photographs used in the consultation process should be taken from the least desirable positions.

Donna Harrison, Oak Bay resident, noted that she wanted input into the design through a democratic process, with information collected by Focus Group being taken into account. Actual numbers of those in support of or against the application, she said, should not be taken into account, questioning how Focus would use the input received constructively.

Leona Frenette, Oak Bay resident, voiced her dismay as she thought Oak Bay would be hiring a Planner to provide advice regarding the appropriateness of the facility for the site. She also noted concerns about the fact that the type of care proposed for the site really makes it a 24 hour a day hospital, noting the reduced life expectancy of residents given the tertiary care model proposed and the associated turn over of residents.

Ms. Frenette queried whether the development is really what Oak Bay residents want.

Mayor Jensen brought back the focus of the discussion to the consultation plan, noting that the consultants had been engaged to provide planning advice along with a proposed consultation plan. The final report, he said, would talk about impacts and issues and other considerations as well.

Keith Mathers, Oak Bay resident, noted that the proposed consultation process does not answer questions that have been raised, noting all residents in the area should be contacted for input as to the effect of the project on them. He added that with the Oak Bay High School redevelopment ready to commence, residents are looking at that construction disruption at the same time as the Oak Bay Lodge property redevelopment, noting the residents do not deserve that.

Dayle Krahn, Vice President Property Maintenance & Development, Baptist Housing Society, said he was in attendance to listen to what the consultation process was going to be, noting that Baptist Housing will do all that is necessary in that regard.

Members of the Committee discussed various aspects of the proposed consultation plan, with varying views and opinions being expressed on the plan as well as on other potential approaches to consultation, such as advertising in other newspapers, town hall meetings, and the use of small neighbourhood meetings.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the consultant be requested to come back with a revised public consultation plan in respect to the development variance permit application for 2251 Cadboro Bay Road.

CARRIED

Councillor Copley returned to the meeting at 10:06 p.m.

PUBLIC WORKS: (Chair – Councillor Herbert)

5. 2012-91 DIRECTOR OF ENGINEERING SERVICES, February 29, 2012
Re: Boulevard Encroachment Application – 134 Barkley Terrace

Responding to questions from the Committee, the Director of Engineering Services noted that if the Committee decides to recommend to Council that an encroachment be permitted, it is his recommendation to require that the owner move the rock wall built without permission on municipal property back two metres from the edge of the road to reduce the potential pedestrian trip hazard.

There was discussion regarding the need to move the wall back a full two metres, and Mr. Marshall indicated that a lesser amount may be acceptable given the unique nature of Barkley Terrace.

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That it be recommended to Council that approval be given for a boulevard encroachment adjacent to 134 Barkley Terrace for the purpose of maintaining a rock wall, as detailed in the plans attached to correspondence item 2012-91, subject to the applicant engaging a structural engineer to certify the wall structure, subject to the wall being moved up to two metres back, or whatever lesser amount is deemed practicable by the Director of Engineering Services, from the edge of the road, and further, subject to the property owners entering into an encroachment agreement.

CARRIED

ADJOURNMENT:

MOVED by Councillor Copley

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

CARRIED

The meeting adjourned at 10:24 p.m.

Certified Correct:

Municipal Clerk

Chair, Regulatory Section

Chair, Land Use Section

Chair, Public Works Section