

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, May 3, 2010 at 7:30 p.m.

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

STAFF: Municipal Administrator, W. E. Cochrane
Municipal Clerk, L. Hilton
Confidential Secretary, K. Green
Deputy Municipal Administrator, M. Brennan
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.

LAND USE SECTION: (Chairman – Councillor Cassidy)

1. 2010-147 DIRECTOR OF BUILDING AND PLANNING, April 22, 2010
Re Development Variance Permit Application – 2744 Bowker Avenue

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 2744 Bowker Avenue, as outlined in correspondence item no. 2010-147, be prepared and brought forward to Council for consideration.

CARRIED

2. 2010-148 DIRECTOR OF BUILDING AND PLANNING, April 22, 2010
Re Development Variance Permit Application – 2383 Lyn Crescent

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 2383 Lyn Crescent, as outlined in correspondence item no. 2010-138, be prepared and brought forward to Council for consideration.

CARRIED

3. 2010-149 MUNICIPAL ADMINISTRATOR, April 19, 2010
2010-149-1 VICTORIA GOLF CLUB, April 30, 2010
Re Setback Requirements for Structures on Golf Courses in P-3 Zone

Councillor Cassidy declared a conflict of interest with respect to the setback requirements for structures on golf courses in the P-3 zone as he has a business relationship with the law firm representing a party involved in a legal matter with the Victoria Golf Club, which would be

subject to the proposed bylaw. Councillor Cassidy left the meeting at 7:33 p.m. and Mayor Causton assumed the Chair for this item.

The Municipal Administrator noted that at the March 8, 2010 meeting, Council heard from legal counsel for the owners of a property bordering the Victoria Golf Course and attention was drawn to an elevated tee box that was constructed along an adjacent homeowner's rear fence line. At that time, Council agreed that the absence of a setback requirement for structures was a legitimate regulatory issue that should be addressed and directed staff to draft an amendment to the P-3 zoning to add such a requirement for golf courses, and at a subsequent meeting held April 6, 2010, the Committee of the Whole asked that the proposed setback regulations be expanded to include raised tee boxes without retaining walls. At that meeting, it was recognized by the Committee that a civil suit between the two parties was currently under way.

Scott Kolb, representing the Victoria Golf Club, was in attendance, and spoke to the Club's letter (correspondence item no. 2010-149-1) requesting that the Municipality postpone consideration of any bylaw amendments pertaining to golf courses until the legal dispute between the neighbouring resident and the golf course has concluded as the Club is concerned that Council may inadvertently be caught in this legal issue and that any decision by Council could influence the outcome of the legal proceedings.

Responding to questions, Mr. Kolb assured the Committee that the Club will not be building any retaining walls or other construction, other than bunker renovations, that would have been restricted under the proposed bylaw.

John Alexander, of Cox, Taylor, Barristers & Solicitors, on behalf of his clients, the owners of property adjacent to the golf course, argued that Council should move forward with amending the structure setback regulations for the golf course properties as there is no connection between the private litigation and the requested bylaw regulation changes. Mr. Alexander said that his clients wished to raise this issue as a matter of community concern. Mr. Alexander urged the Committee to do the right thing and proceed to a public hearing and adopt the proposed bylaw.

Discussion ensued and members of the Committee expressed the view that there did not seem to be an urgent need to move forward with the Bylaw immediately. However, the point was made that it would be desirable to receive assurance from the affected golf courses that any structures that would not comply with the proposed bylaw would not be undertaken until a resolution of the aforementioned legal proceedings.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That correspondence items no. 2010-149 and 2010-149-1 be deferred to the next Committee of the Whole meeting, and that the Victoria Golf Club and the Uplands Golf Club be requested to confirm in writing that structures that would not comply with the proposed bylaw would not be erected prior to the conclusion of the legal proceedings between the Victoria Golf Club and an adjacent property owner.

CARRIED

Councillor Cassidy returned to the meeting at 8:04 p.m.

Mayor and Council took this opportunity to each express their sincere appreciation and thanks to William Cochrane, Municipal Administrator, for his dedication and hard work over the past 30 years, and wished him well during his upcoming retirement.

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 8:15 p.m.

Certified Correct:

Municipal Clerk

Chairman, Land Use Section