

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, November 17, 2008 at 7:30 p.m.

PRESENT: Councillor H. Braithwaite, Acting Mayor
Councillor S. F. B. Carson
Councillor A. R. Cassidy
Councillor P. Copley
Councillor J. D. Herbert
Councillor N. B. Jensen

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

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

FINANCE SECTION: (Chairman – Councillor Braithwaite)

1. 2008-286 MUNICIPAL TREASURER, November 1, 2008
Re October Monthly Financial Report

MOVED by Councillor Jensen
Seconded by Councillor Copley, That the October monthly financial reports be received.

CARRIED

RECREATION SECTION: (Chairman – Councillor Carson)

2. 2008-287 OAK BAY PARKS AND RECREATION COMMISSION, November 5, 2008
Re Minutes of the Meeting

(Agnes Szilos, Director of Parks and Recreation, and Stephen Gorman, Chairman, Oak Bay Parks and Recreation Commission, in attendance for this item)

Petition to Light Oak Bay Sports Fields

Stephen Gorman, responding to a query from a member of the Committee about the potential for improving fields and adding lighting to sports fields in Oak Bay, said that at the Parks and Recreation Commission meeting discussion touched on budget restraints as well as previous concerns expressed by neighbours not wanting lighted fields in their neighbourhood.

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, November 5, 2008, and the recommendations contained therein, with the exception of the recommendations regarding the 2009 operating and capital budgets, and the 2009 fees and charges, be adopted.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the proposed Parks and Recreation 2009 operating budget, capital budget and fees and charges, other than those fees and charges that come into effect January 1, 2009, be referred to Estimates Committee.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

3. 2008-288 DIRECTOR OF BUILDING AND PLANNING, November 13, 2008
Re Application for Development Variance Permit – 2078 Carnarvon Street

The Director of Building and Planning provided an overview of the development variance permit application noting that renovations had been made previously without the proper building permits. As the permits are now being applied for, said Mr. Thomassen, variances are required to allow neither of the two required parking spaces to be covered, and to permit paving in the front yard to accommodate onsite parking.

Mr. Thomassen answered questions regarding the work done and the requested variances and concerns regarding the original work being done by previous owners without permits were noted.

With respect to the variance for the maximum paved area for the front yard, members of the Committee questioned how the area proposed would be able to accommodate the required onsite parking spaces given the allowable driveway crossing width.

Questions regarding the removal of the secondary suite were also raised, and in the absence of the owner to answer these and other enquiries, it was felt that the application should be deferred.

MOVED by Councillor Carson

Seconded by Councillor Herbert, That the request for a development variance permit for 2078 Carnarvon Street be deferred to a future Committee of the Whole meeting pending the applicant being present to provide further information regarding the proposed development.

CARRIED

4. 2008-289 MUNICIPAL ADMINISTRATOR, November 12, 2008
2008-289-1 PAUL AND DIANE ERICKSON, November 3, 2008
Re Accessory Building Lot Coverage Regulations

The Municipal Administrator provided a brief overview of the accessory building lot coverage regulations, noting that the current limit is set at five percent coverage in all zones. Referring to his memorandum, Mr. Cochrane noted that although Bylaw No. 4436 was rejected, there remained interest at the Council level to pursue an amendment to the current “five percent of lot area” limit so as to allow the construction of a double garage on a standard RS-5 parcel of land (i.e. 6,000 square feet). Meeting this objective would require a formula which, for such a lot, produced an accessory building lot coverage limit in the 420 – 475 square foot range, depending on whether or not it was desired to leave some scope for a small garden shed as well.

Mr. Cochrane went on to say that the stated objective could readily be achieved through a lot coverage regulation expressed along the lines of “475 square feet or five percent of lot area, whichever is greater”. This option would, however, establish a 475 square foot “floor” which could produce a higher than appropriate density for smaller lots. For example, in the case of a 4,500 square foot lot, he said the 475 square foot limit amounts to a lot coverage in excess of ten percent, which is a very high allowance for accessory buildings.

To address this concern, Mr. Cochrane noted that the basic 475 square foot “floor” could be qualified by adding a proviso to the effect that in no case may the accessory building lot coverage exceed a specified percentage.

Discussion ensued with respect to the option, outlined in Mr. Cochrane’s memorandum, and Mr. Cochrane responded to questions from the Committee members regarding various scenarios and circumstances that could potentially arise as a result of them.

Members of the Committee indicated that they would like to see further discussion on this topic and that it would be beneficial to have visual examples of the effects of the various options discussed and as outlined in Example No. 3 and No. 4 of the memorandum, and Mr. Thomassen agreed to provide site plan examples in this regard.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That correspondence item no. 2008-289 be deferred to a future meeting of Committee of the Whole, and that visual representations of Example No. 3 and Example No. 4 as laid out in correspondence item no. 2008-289 be provided by staff for the Committee’s consideration.

CARRIED

PUBLIC WORKS SECTION: (Chairman – Councillor Herbert)

5. 2008-290 DIRECTOR OF ENGINEERING SERVICES, November 12, 2008
Re Potable Water Cross Connections

Referring to his memorandum, the Director of Engineering Services noted that the Capital Regional District’s (CRD) Cross Connection Control Bylaw impacts municipal water service procedures with respect to protecting the drinking water supply in the region. Mr. Marshall added that the CRD’s mandate to install a backflow preventer to address cross connections in single family dwellings would be applicable only when water services are being upgraded or replaced.

What is being proposed by the Engineering Department said Mr. Marshall, is that wherever the CRD Bylaw requires the installation of such a device, that it be carried out by the Municipality to ensure a consistent standard of installation.

Following a review, Municipal staff determined that the current workload would not be adversely impacted by this requirement and that a proposed \$175 fee for this service would, on average, cover the cost of the service. The fee, he said, could be revisited annually.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That it be recommended to Council that staff be directed to draft an amendment to *Bylaw No. 3370, Water Rate Bylaw, 1981* with respect to requiring the installation of backflow preventers and applying a charge of \$175.00 for the installation as outlined in correspondence item no. 2008-290.

CARRIED

ADJOURNMENT:

MOVED by Councillor Herbert

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

CARRIED

The meeting adjourned at 8:22 p.m.

Certified Correct:

Municipal Clerk

Chairman, Finance Section

Chairman, Recreation Section

Chairman, Land Use Section

Chairman, Public Works Section