

Corporation of the Township of Esquimalt

COMMITTEE OF THE WHOLE

Monday, February 14, 2011

Esquimalt Municipal Hall – Council Chambers

7:10 pm.

MINUTES

PRESENT: Mayor Barbara Desjardins (Chair), Councillor Meagan Brame, Councillor Randall Garrison, Councillor Don Linge, Councillor Bruce McIldoon, Councillor Alison Gaul, Councillor Lynda Hundleby.

STAFF: Karen Blakely, Director of Financial Services
Mary Turner, Deputy Director of Financial Services
Barbara Snyder, Director of Development Services
Jeff Miller, Director of Engineering and Public Works
Carollyne Evans, Corporate Administrator

OTHER: Anthony Beks, Recording Secretary

1. CALL TO ORDER

Mayor Desjardins called the meeting to order at 7:10 p.m. She introduced Karen Blakely, new Director of Financial Services, and welcomed her to the Township.

2. LATE ITEMS

(1) Invitation to Tour Waste Water Treatment Plants in Washington State, February 18, 2011 Item 9(3).

3. APPROVAL OF THE AGENDA

MOTION: That the agenda be approved as amended. **MOVED/SECONDED** Councillor Brame/Councillor Garrison. **CARRIED UNANIMOUSLY.**

4. MINUTES

(1) Minutes of the Regular Committee of the Whole, January 10, 2011

MOTION: That the Minutes of the Regular Committee of the Whole meeting, January 10, 2011 be approved. **MOVED/SECONDED** Councillor Brame/Councillor Linge. **CARRIED UNANIMOUSLY.**

(2) Minutes of the Special Committee of the Whole, January 24, 2011

MOTION: That the Minutes of the Special Committee of the Whole meeting, January 24, 2011 be approved. MOVED/SECONDED Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

5 PRESENTATIONS

(1) Manuel Achadinha, CEO, BC Transit

Mayor Desjardins welcomed Manuel Achadinha to the meeting.

Mr. Achadinha advised that the purpose of his presentation was to respond to comments and issues raised by Council. He stated that Transit's goal is to map out the future of moving people in an environmentally responsible way, which includes walking, biking and transit. This is being done though consultation with local municipalities. To date eleven municipalities have endorsed the Plan and have identified concerns and priorities. He reviewed travel corridors, addressed technologies and took questions and feedback from Councillors.

Mr. Achadinha asked Council for a letter of endorsement in support of Transit's 25 year Vision and Goals as well as to direct staff to work with BC Transit to support the Transit Future Network in the Township's transportation and land use plans.

Mayor Desjardins thanked Mr. Achadinha for attending the meeting and advised that Council will discuss this matter at a future meeting to action.

(2) Fraser Smith, Urban Systems, Development Cost Charges

Mr. Smith spoke to his report, noting the legislation is very specific for the use of development cost charges [DCCs] for funding the capital costs of growth related infrastructure and providing and improving parkland. DCCs are not recommended for Esquimalt at this time due to its limited growth potential, limited availability of required infrastructure plans, and limited staff resources to administer a DCC program. Suitable tools for the Township would include works and services requirements and negotiated agreements to fund growth related infrastructure.

6. DELEGATIONS

(1) Esquimalt High School Music Parents Association, Valentunes

Four students from grades 9 through 12 in the Esquimalt High School Music Program delivered delightful Valentunes to Council. Mayor Desjardins thanked Matthew Robertson, Lucius Hall, Charles Cayer and Elijah Marrett-Hitch and she will be sending a letter to their music teacher, Jenn Treble.

7. STAFF REPORTS

Administration

(1) Role of Staff Liaison Appointment to Council Committees, Staff Report No. ADM-11-012

MOTION: That Council Policy ADMIN – 61 be adopted. MOVED/SECONDED Councillor Gaul/Councillor Brame. **CARRIED UNANIMOUSLY.**

- (2) Terms of Reference – Centennial Celebrations Select Committee, Staff Report No. ADM-11-013

MOTION: That Council postpone discussion on Council Policy No. ADMIN – 63, Terms of Reference – Centennial Celebrations Select Committee to the next Committee of the Whole on March 14, 2011. MOVED/SECONDED Councillor Linge/Councillor Gaul. **CARRIED UNANIMOUSLY.**

- (3) Centennial Event: 2012 UBCM Convention, Staff Report No. ADM-11-014

Discussion ensued on program ideas. Staff were asked to cost out Council's ideas for presenting a clinic at the 2012 UBCM as well as ideas for a partners program that could include such ideas as walking tours, tea in the park, and tours of military sites. It was noted that the 2012 UBCM will be held in Victoria, thus reducing travel costs. Staff were asked to bring back the average cost of travel to UBCM, not including registration fee.

MOTION: That Staff Report No. ADM-11-014, Centennial Event: 2012 UBCM Convention, be received. MOVED/SECONDED Councillor Brame/ Councillor Hundleby. **CARRIED UNANIMOUSLY.**

MOTION: That Staff Report No. ADM-11-014, Centennial Event: 2012 UBCM Convention, be referred to the Centennial Celebrations Select Committee and the Arts, Culture & Special Events Advisory Committee for feedback. MOVED/SECONDED Councillor Hundleby/Councillor Linge. **CARRIED UNANIMOUSLY.**

Finance

- (4) Memorandum from Mary Turner, Deputy Director of Financial Services, dated February 10, 2011, Re: 2011 – 2015 Financial Plan Schedule

MOTION: That the Memorandum from Mary Turner, Deputy Director of Financial Services, dated February 10, 2011, Re: 2011 – 2015 Financial Plan Schedule, be received. MOVED/SECONDED Councillor Linge/Councillor Brame. **CARRIED UNANIMOUSLY.**

Staff were asked to bring back potential meeting dates for the Local Grant Committee.

Development Services

- (5) Development Variance Permit, 924 and 928 Selkirk Avenue, [Lot 3, Block 1, Section 10, Esquimalt District, Plan VIP862 And Lot 4, Block 1, Section 10, Esquimalt District, Plan VIP862], Staff Report No. DEV-11-011

Councillor Linge declared himself in a conflict of interest by virtue of his business relationship with the applicant and left Council Chambers at 8:25 p.m.

MOTION: That the proponent be permitted to speak to the application. MOVED/SECONDED Councillor Garrison/Councillor Gaul. **CARRIED UNANIMOUSLY.**

Mr. Robb stated the open lattice fence was approved by the Advisory Planning Commission and he is surprised that staff are recommending to Council that the application be denied. He referred to his letter of December 10, 2010 that spoke to most of the issues. Mr. Robb stated there is historical basis for exemption to the bylaw on the understanding of what the property's front and back is. He stated it is his belief that the front yard faces the Gorge, his home is orientated that way with the living room facing the Gorge, and requested Council grant an exemption to the bylaw that considers that part of the property toward the Gorge as the back yard. Mr. Robb asked for cost recovery of the application fee.

Discussion ensued. Staff were asked to ascertain if any view corridors are blocked by the fencing.

MOTION: That the application for a Development Variance Permit authorizing the construction shown on the attached photographs, at Lot 3 Block 1 Section 10 Esquimalt District Plan VIP862 And Lot 4 Block 1 Section 10 Esquimalt District Plan VIP862 [924 and 928 Selkirk Avenue] and including the following variance be forwarded to Council with a recommendation to forward to a variance hearing being held and that appropriate notification be sent.

Approval of this proposal requires the following relaxation of Zoning Bylaw 1992, No. 2050, **Section 36(10) – Fencing** – a relaxation of the requirement that the Height of a Fence within 7.5 metres of a Highway adjoining the Front Yard shall not exceed 1.2 metres, i.e. the permitted fence height would increase 0.8 metres from 1.2 metres to 2.0 metres.

MOVED/SECONDED Councillor Garrison/Councillor Brame **CARRIED UNANIMOUSLY.**

Councillor Linge returned to Council Chambers at 8:44 p.m.

RECESS Council took a brief recess at 8:45 p.m.

RECONVENE Council reconvened at 8:50 p.m.

(6) Development Cost Charges, Staff Report No. DEV-11-012

MOTION: That the following recommendations from the DCC Feasibility Final Report prepared by Fraser Smith of Urban Systems and dated February 7, 2011 be forwarded to Council with a recommendation of approval:

Recommendation #2 – the Township should continue to use the works and services provisions of its existing subdivision bylaw to ensure that the community receives the required engineering infrastructure to service

development in the community.

Recommendation #3 – The Township should continue to use the provisions of its existing subdivision bylaw to ensure that the community receives the required contribution to parkland acquisition necessary to support development in the community.

Recommendation #5 – The Township should consider the use of negotiated agreements to secure specific engineering works as a complementary tool to works and services requirements. This tool will have limited application in Esquimalt due to the type and amount of development anticipated in the community. MOVED/SECONDED Councillor McIldoon/Councillor Brame.

MOTION TO AMEND: That all recommendations in the DCC Feasibility Report be included in the recommendation for approval including:

Recommendation #1 - The Township should not establish a DCC capital program and DCC bylaw at this time.

Recommendation #4 – The Township should not pursue the use of latecomer agreements as alternative financial tools to help meet the community's growth related engineering infrastructure needs at this time. This tool should be considered in unique situations.

MOVED/SECONDED Councillor Hundleby/Mayor Desjardins. **CARRIED.** (Mayor Desjardins, Councillors Hundleby, Linge, Brame, Gaul in favour; Councillors Garrison, McIldoon opposed.)

THE QUESTION WAS CALLED ON THE MAIN MOTION AS AMENDED.
CARRIED UNANIMOUSLY.

(7) Heat Pump Regulation, Staff Report No. DEV-11-014

MOTION: That Staff Report No. DEV-11-014, Heat Pump Regulation, be received. MOVED/SECONDED Councillor Hundleby/Councillor Linge. **CARRIED UNANIMOUSLY.**

(8) Development Permit with Variances, 946 Forshaw Road, [Lot 3, Section 2, Esquimalt District, Plan 6330], Staff Report No. DEV-11-015

MOTION: That Charlotte Reading be permitted to speak to the application. MOVED/SECONDED. Councillor Garrison/Councillor Brame. **CARRIED UNANIMOUSLY.**

Mrs. Reading stated she and her husband bought the property two years ago. They did not know about the 20 metre set back from the Gorge and did not read that in the bylaw. They finished the boat house themselves in August 2010 and did not know it was sitting on crown land. They spent considerable funds on a survey and full landscape plan.

Director Snyder stated that accessory buildings are prohibited on properties that front Forshaw Road. Council noted that although the structure is attractive, the recommendation from the Advisory Planning Commission is clear.

MOTION: That the application for a Development Permit to authorize an Accessory Building within 20 metres of the High Water Mark of the Gorge Waterway and limiting landscaping on the northern portion of Lot 3, Section 2, Esquimalt District, Plan 6330 [946 Forshaw Road] to that shown on the landscape plan provided by LADR Landscape Architects, stamped "Received December 23, 2010" and including the following waivers and relaxations to Official Community Plan Bylaw, 2006, No. 2646 and Zoning Bylaw, 1992, No. 2050, be **denied**.

Official Community Plan Bylaw, 2006, No. 2646, Section 9.6.5(a) – a waiver from the requirement that new buildings and structures not be located within 20 metres of the High Water Mark of the Gorge Waterway and a 16.15 metre reduction in the required setback between any building or structure and the High Water Mark of the Gorge Waterway from 20 metres to 3.85 metres.

Zoning Bylaw, 1992, No. 2050, Section 36(8)(a) – Lot Coverage – a one percent (1%) increase to the thirty percent (30%) lot coverage limit for all Principle Buildings, Accessory Buildings and Structures [i.e. from 30% to 31%].

Zoning Bylaw, 1992, No. 2050, Section 36(9)(b)(ii) – Side Setback – a 3.0 metre reduction to the required 3.6 metre setback from an Exterior Side Lot Line [i.e. from 3.6 metres to 0.6 metres].

Zoning Bylaw, 1992, No. 2050, Section 36(9)(b)(iii) – Rear Setback – a waiver from the required 1.5 metre setback from a Rear Lot Line [i.e. from 1.5 metres to 0 metres].

Zoning Bylaw, 1992, No. 2050, Section 36(9)(b)(iv) – Waterfront Setback – a 0.65 metre reduction to the required 4.5 metre setback from the High Water Mark [i.e. from 4.5 metres to 3.85 metres]. **MOVED/SECONDED Councillor Garrison/Councillor Gaul. CARRIED UNANIMOUSLY.**

- (9) Rezoning Application and Development Permit, 363 Kinver Street, [Lot 1, Section 11, Esquimalt District, Plan 6063], Staff Report No. DEV-11-016

Councillor Linge declared himself in a conflict of interest by virtue of his business relationship with the applicant and left Council Chambers at 9:30 p.m.

Council expressed appreciation for the applicant's spirit of compromise in addressing Council's concerns with the parking alignment and other upgrades.

MOTION: That the application for rezoning authorizing a new single family dwelling and development permit limiting the form and character of development to that shown on architectural plans provided by Mesa Design Group stamped "Received January 31, 2011", the landscape plan prepared by Koi Dragon Enterprises Ltd., stamped "Received January 31, 2011", and sited as detailed on the survey plan prepared by Robert Hartnell Land Surveyor stamped "Received November 19, 2010", be forwarded to Council with a recommendation of approval, subject to appropriate notification, preparation of amending bylaws and a public hearing being held. **MOVED/ SECONDED Councillor Hundleby/Councillor Gaul. CARRIED UNANIMOUSLY.**

Mayor Desjardins commented that Esquimalt has declared itself a solar community and would like to see new homes put in solar technology.

Councillor Linge returned to Council Chambers at 9:37 p.m.

8. MAYOR'S AND COUNCILLORS' REPORTS

- (1) Report from Mayor Barbara Desjardins, Meeting with Esquimalt Residents Association

MOTION: That the report from Mayor Barbara Desjardins regarding the meeting with the Esquimalt Residents Association be received. **MOVED/SECONDED.** Councillor Brame/Councillor Garrison. **CARRIED UNANIMOUSLY.**

9. COMMUNICATIONS

- (1) Letter from Bob McMinn, dated January 26, 2011, Re: Mary Lake Conservancy

MOTION: That the letter from Bob McMinn, dated January 26, 2011, Re: Mary Lake Conservancy be received. **MOVED/SECONDED** Councillor Linge/Councillor McIldoon. **CARRIED UNANIMOUSLY.**

- (2) Letter from the BC Seniors Games Society, dated January 28, 2011, Re: Invitation to Host the BC Seniors Games

MOTION: That the letter from the BC Seniors Games Society, dated January 28, 2011, Re: Invitation to Host the BC Seniors Games be received. **MOVED/SECONDED** Councillor Brame/Councillor Gaul. **CARRIED UNANIMOUSLY.**

- (3) February 18, 2011 Visit to Wastewater Treatment Projects

Mayor Desjardins asked that any public and Councillors wishing to go on the tour to so advise the Corporate Administrator.

MOTION: That the information on the tour of the waste water treatment plants in Washington State, February 18, 2011 be received. **MOVED/SECONDED** Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

10. OTHER BUSINESS

- (1) 2009 – 2011 Strategic Plan

Mayor Desjardins thanked Council and staff for all their hard work in the last two years shown by the accomplishments in the Strategic Plan. Council made some amendments. The amended Plan will be brought back to the Regular Council meeting on February 21, 2011.

MOTION: That the 2009 – 2011 Strategic Plan be received. **MOVED/SECONDED** Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

(2) Continued Discussion of Nine Policy Papers for CRD Regional Sustainability Strategy

Council made some general comments about the policy papers, noting that a lot of work had gone into the papers and they were good overall. The policy papers did not provide a financial and planning context or give indications of cost implications.

Staff were asked to place this item on the February 21, 2011 Regular Council agenda for further discussion.

11. **PUBLIC QUESTION AND COMMENT PERIOD**

There were no comments from the public.

12. **ADJOURNMENT**

MOTION: That the meeting be adjourned at 9:55 p.m. and reconvene *In Camera*. MOVED/SECONDED Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 14TH DAY OF MARCH, 2011

CERTIFIED CORRECT:

LAURIE HURST
DEPUTY CORPORATE ADMINISTRATOR