

MINUTES of the regular meeting of the 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, Victoria, B.C. on Monday November 18, 2019 At 7:00 PM

We acknowledge that the land on which we gather is the traditional territory of the Coast and Straits Salish Peoples. Specifically we recognize the Lekwungen-speaking peoples, known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

PRESENT: Mayor K. Murdoch, Chair
Councillor A. Appleton
Councillor H. Braithwaite
Councillor C. Green
Councillor T. Ney
Councillor E. Paterson
Councillor E.W. Zhelka

STAFF: Chief Administrative Officer, L. Varela
Director of Corporate Services, D. Hopkins
Director of Planning and Development, B. Anderson
Manager of Parks, C. Hyde-Lay
Manager of Planning, D. Jensen
Manager of Recreation and Cultural Services, S. Meikle
Recorder, A. Nurvo

CALL TO ORDER:

Mayor Murdoch called the meeting to order at 7:00 p.m.

PARKS, RECREATION AND CULTURE ITEM(S):

1. Parks Recreation and Culture Commission Minutes

The Manager of Recreation and Cultural Services provided an update of the Commission meeting held on November 6, 2019, including the approval of the draft budget and answered questions from Council.

Council discussion ensued including:

- Request that staff provide a summary of security deposits for trees at year end.
- Request that staff reports include all information relating to tree removal applications, including how many are granted and how many are denied.
- Request that staff review the communications plan to ensure adequate public notification is provided for all community events.

MOVED and seconded: That the minutes of the meeting of the Oak Bay Parks, Recreation and Culture Commission held November 6, 2019, and the recommendations contained therein, be adopted.

CARRIED

COMMUNICATIONS:

2. Tree Protection Bylaw

The Manager of Parks provided an overview of his Report dated November 18, 2019 and reviewed the proposed changes to the Tree Protection Bylaw, which include ensuring trees are protected during development and adding an obligation to maintain, protect and manage trees. The urban forest is vital to the community, provides immense benefit which increases in value as trees age, and complements the District's climate change strategies. Staff requested feedback from Council and the public on the draft Bylaw as revised.

PUBLIC INPUT

Ron Carter, Oak Bay resident, spoke in support of the revised Tree Protection Bylaw as it is one of the solutions to the climate crisis and is in harmony with other regional bylaws and urban forest strategies. Mr. Carter advised that while only nine significant trees have been identified in the District, from a quick review he had identified 80 worthy of consideration. He encouraged Council to consider a program similar to Saanich's grants to add incentives to owners to consent to their trees being designated as significant.

Mayor Murdoch asked for an estimation of approximate costs to carry out proper pruning and maintenance on a large mature tree. In response, the Manager of Parks advised that a very rough estimate to prune a large Garry Oak is approximately \$800 depending on the extent of the work required, usually done once every 5-10 years and that the District has approximately \$80,000 available in a reserve.

Rick Marshall, Oak Bay resident, spoke in support of the Bylaw. The size for protected trees is proposed to be reduced from 60 cm to 30 cm which is a very substantial mature tree. He suggested that this be reduced to 20 cm to protect more trees and that additional native species with smaller limits be added to the protected trees list. He noted that there is no penalty if someone damages a protected tree on public property but there is if they damage one on their own property.

John Armitage, Oak Bay resident, stated that trees are our natural heritage and this Bylaw addresses the competing values of allowing development and preserving trees. He stated that we need to make it plain that we take tree preservation seriously, including enforcement through fines, fees, and tree management plans.

Council discussion ensued as follows:

- The current Bylaw provides that trees under 60 cm would not be protected, and the new Bylaw reduces that to 30 cm, which is consistent with other Regional municipalities, and that a further reduction can be considered in the future.
- There is a need to engage the community on what makes a tree significant, such as historic, cultural, landmark, or habitat features, and to encourage owners to include trees on their property to be designated as significant.
- Council should consider offering financial compensation to owners to encourage them to maintain significant trees on their property.
- The Bylaw adds a new requirement for a Tree Management Plan to provide details of all off site trees with critical root zones on the subject property, and how any impacts of development will be mitigated.
- Council should consider whether minor applications can be exempted from some requirements so they do not incur significant costs.

MOVED and seconded: That Council refer the draft Tree Protection Bylaw to an upcoming Council meeting for consideration and Readings.

MOVED and seconded: That the Motion be amended to add that trees of cultural significance to Indigenous people be added.

CARRIED

The question was called on the Main Motion as Amended.

DEFEATED

With Mayor Murdoch and Councillors Braithwaite, Green and Ney opposed

MOVED and seconded: That staff be directed to bring to a future Committee of the Whole options for the draft Tree Protection Bylaw that contains language around inclusion of Indigenous significant trees, options for delegation and scalability of applications, and options for public engagement.

CARRIED

With Councillors Paterson and Zhelka opposed

ADJOURNMENT:

3. **Motion to Adjourn**

MOVED and seconded: That the meeting be adjourned at 10:06 p.m.

CARRIED

The meeting adjourned at 10:06 p.m.

Certified Correct:

Chair

Director of Corporate Services