

MINUTES of a meeting of the COMMITTEE OF THE WHOLE of the Municipal Council of The Corporation of the District of Oak Bay, held at Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Victoria, B.C., on Monday, March 21, 2016, at 7:00 PM.

PRESENT: Councillor M. Kirby, Chair
Councillor H. Braithwaite
Councillor T. Croft
Mayor N. Jensen, attending by telephone
Councillor K. Murdoch
Councillor T. Ney
Councillor E. Zhelka, attending by telephone

STAFF: Chief Administrative Officer, H. Koning
Acting Director of Corporate Services, M. Jones
Director of Financial Services, D. Carter
Deputy Director of Financial Services, F. Pimentel
Planner, D. Jensen
Acting Deputy Director of Corporate Services, D. Schaffer

The Chair called the meeting to order at 7:00 PM.

PARKS AND RECREATION ITEMS:

1. ***Parks, Recreation and Culture Commission (PR&CComm) Minutes***
 - Memo - Acting Director of Corporate Services - PR&CComm Minutes, March 2, 2016
 - Minutes - PR&CComm – Mar. 2, 2016
 - Rpt. Attach. 1 – Program Reports
 - Rpt. Attach. 2 – Finance Summary
 - Rpt. Attach. 3 – 2015 Tree Permit Summary

Ray Herman, Director of Parks, Recreation and Culture, in attendance for this item.

The Director of Parks, Recreation and Culture introduced the report from the PR&CComm. The Director noted for the Committee that adoption of the minutes of the meeting does not connote approval of the Commission's annual budget.

MOVED and seconded: That the minutes of the meeting of the Oak Bay Parks Recreation and Culture Commission held March 2, 2016 and the recommendations contained therein, be adopted except for the recommendations with respect to the granting of road occupancy for the Kool Oak Bay Half-Marathon and permission for the conducting of commercial activities in Willows Beach Park for the MEC Paddlefest, which will be placed on the Council agenda for the March 29 meeting.

CARRIED

Mayor Jensen exited the meeting at 7:06 PM.

FINANCE ITEM(S):

2. ***Monthly Financial Report***

- Report – Director of Financial Services, Mar. 16, 2016
- Rpt. Attach. – Statement, Capital, Investments, Prop. Taxes, Feb. 2016

The Director provided an overview of her report.

In response to a question from Committee, the Director noted that fine revenues are up compared to 2015 at the same time due to increased collection.

MOVED and seconded: That the report from the Director of Financial Services dated March 16, 2016, be received for information.

CARRIED

Mayor Jensen re-entered the meeting at 7:08 PM.

LAND USE APPLICATIONS:

3. ***Uplands Siting and Design Application: 3085 Southdowne Road***

- Report – Planner, March 15, 2016
- Plans – ADP – 3085 Southdowne Road, March 14, 2016

The Planner provided an overview of the application.

During discussion by the Committee, questions arose with respect to tree removal and it was noted that most trees were appropriate for removal, and that the owners have indicated they are willing to work with the District's arborist in managing the trees. It was further noted that some aspects of the house that is being removed will be recycled into the design of the new house.

MOVED and seconded: That it be recommended to Council that the proposal to construct a principal building at 3085 Southdowne Road, as outlined in the March 14, 2016 report for ADP00040, be approved as to architectural design and siting.

CARRIED

4. ***Architectural Siting and Design Application – 48 Maquinna Street***

- Report – Planner, March 11, 2016
- Plans – DVP ADP – 48 Maquinna Street, Feb. 22, 2016
- Plans – Landscape – DVP ADP – 48 Maquinna Street, Feb. 19, 2016

Russ Collins, representative for the applicant, was in attendance.

The Planner provided an overview of the application.

It was noted that this application and the next application for consideration on this agenda, 52 Maquinna Street, are two parts of a single subdivision.

MOVED and seconded: That it be recommended to Council that the proposal to construct a principal building at 48 Maquinna Street, as outlined in the March 11, 2016 report for ADP00034, be approved as to architectural design and siting.

In response to questions from Council, the Planner noted:

- Council policy dictates that siting and design issues come back to Council when a covenant is required for a project;
- The Advisory Design Panel uses the same assessment checklist for projects as it does for Uplands siting and design approvals.

In response to questions from Committee, the applicants' representative noted that the proposed houses at 48 and 52 Maquinna were designed to have similar features but differences in details, and that a contemporary look was requested. He noted that the desire was to have the houses be complementary.

The question was then called.

CARRIED

5. ***Architectural Siting and Design, Development Variance Permit Application – 52 Maquinna Street***

- Report – Planner, March 11, 2016
- Plans – DVP ADP – 52 Maquinna Street, March 11, 2016
- Plans – Landscape – DVP ADP – 52 Maquinna Street, Feb. 19, 2016

Russ Collins, representative for the applicants, was in attendance.

The Planner provided an overview of the application.

In response to questions from Committee, the applicants' representative noted that the requested variance for an additional seven per cent paved lot coverage was needed since the Advisory Design Panel was not supportive of the proposed grass strips incorporated into the initial proposal, and the ADP advised that he request the variance instead. He further noted that he agreed with the ADP assessment of the original design.

MOVED and seconded: That it be recommended to Council that the proposal to:

- a) construct a principal building at 52 Maquinna Street be approved as to architectural design and siting; and
- b) Increase the maximum paved surface within a front yard at 52 Maquinna Street be approved subject to the issuance of a development variance permit, and further that a resolution authorizing the issuance of a development variance permit, as outlined in the March 11, 2016 report for DVP00035, be prepared and brought forward to a meeting of Council.

In response to a question from Council, the developer noted that if it was Committee's wish he could bring plans in for an altered driveway that would allow for a more permeable surface, and provide these plans in time to make the agenda for the Council meeting of March 29.

MOVED and seconded: That the motion be amended to add, immediately after the words 'subject to' and before the words 'the issuance of a . . .', the words: 'the proponent submitting a new plan that would include permeable pavers in the central area of the driveway, and'.

CARRIED

The question on the main motion as amended was then called.

CARRIED

6. ***Architectural Siting and Design Application: 430 St. Patrick Street, Proposed Lot 1***

- Report – Planner, March 14, 2016
- Plans – ADP – 430 St. Patrick Lot 1, Jan. 15, 2016

The Planner provided an overview of the application and noted it was one lot of a two-lot subdivision.

MOVED and seconded: That it be recommended to Council that the proposal to construct a principal building and accessory building for proposed Lot 1, 420 St. Patrick Street, as outlined in the March 14, 2016 report for ADP00030, be approved as to architectural design and siting.

CARRIED

7. ***Architectural Siting and Design Application: 430 St. Patrick Street, Proposed Lot 2***

- Report – Planner, March 14, 2016
- Plans – ADP – 430 St. Patrick Street Lot 2, March 14, 2016

Tim Rodier, representative of the applicants, and Brian Sharp, applicant, were in attendance for this item.

The Planner provided an overview of the application.

In response to a question from Committee, the applicants' representative noted that the accessory building will be 210 square feet in size and confirmed that the proposed garage is attached to the house.

MOVED and seconded: That it be recommended to Council that the proposal to construct a principal building and accessory building at Lot 2, 430 St. Patrick Street, as outlined in the March 14, 2016 report for ADP00031, be approved as to architectural design and siting.

Marion Cumming, Oak Bay resident, stated concerns about the status of excavation on the site in relation to potential archaeological issues.

The applicant's representative and the applicant responded to questions from the Committee, clarifying the reasoning and process for raising the dwelling, actions taken to date with respect to archaeological activity, and confirmation from BC Hydro that the power lines can not be buried underground at this location.

The question was then called.

CARRIED

8. ***Development Variance Permit Application – 2773 Somass Drive***

- Report – Planner, March 11, 2016
- Plans – DVP – 2773 Somass Drive, Feb. 23, 2016
- Corresp. Up to March 17, 2016 – DVP application – 2773 Somass Dr.

The Planner provided an overview of the application.

In response to questions from Committee, the Planner noted that the retaining wall goes up from the pool, and that the variances requested are not variances to the foreshore area and are compliant with the OCP.

MOVED and seconded: That it be recommended to Council that the proposal to:

- a) construct an outdoor pool and reduce the minimum distance between buildings and structures; and
- b) construct a retaining wall and relax the maximum permitted height of a retaining wall at 2773 Somass Drive be approved subject to the issuance of a development variance permit, and further that a resolution authorizing the issuance of a development variance permit, as outlined in the March 11, 2016 report for DVP00032, be prepared and brought forward to a meeting of Council for consideration.

CARRIED

9. ***Development Variance Permit – 1033 Monterey***

- Report – Planner, March 11, 2016
- Plans – DVP – 1033 Monterey Avenue, February 18, 2016

The Planner provided an overview of the application.

MOVED and seconded: That it be recommended to Council that the proposal to construct an attached garage and:

- a) Reduce the minimum permitted setback to the rear lot line, interior side lot line, and minimum permitted stair projection into a rear yard; and
 - b) Increase the maximum paved surface within the front yard;
- at 1033 Monterey Avenue be approved subject to the issuance of a development variance permit, and further that a resolution authorizing the issuance of a development variance permit, as outlined in the March 11, 2016 report for DVP00034, be prepared and brought forward to a meeting of Council for consideration.

CARRIED

REGULATORY ITEM(S):

10. ***Urban Deer Management Strategy & Urban Wildlife Stewardship Society (UWSS) Grant Request***

- Memorandum – Chief Administrative Officer, Mar. 17, 2016
- Rpt. Attach. 1 – Corresp. From MFLNO, Call For Proposals, Dec. 18, 2015
- Rpt. Attach. 2 – Corresp. Urban Wildlife Stewardship Society, Jan. 22, 2016
- ADDENDA – Presentation, UWSS, Mar. 21, 2016
- ADDENDA – Corresp. – Urban Deer Management Strategy & UWSS Grant Request, Mar. 18 – 21, 2016

Ralph Archibald, Kristy Kilpatrick and Bryan Gates, Urban Wildlife Stewardship Society (UWSS), were in attendance for this item.

The Chief Administrative Officer (CAO) introduced her memorandum and briefly outlined the issues identified therein.

Ralph Archibald, UWSS member, provided Committee with a presentation outlining the goals of UWSS and its plans for the coming year. He drew attention to the costs to Oak Bay if the District agreed to contract with UWSS to conduct its proposed survey and explore non-lethal methods of controlling deer in the District, and added that an immuno-contraceptive program would require a five-year commitment.

Discussion ensued regarding the methodology of the proposed survey, who would conduct the survey, and the need to create a model that includes movement of deer in and out of the community, birth rates and death rates of deer, and whether or not compensatory reproduction is taking place after last year's cull.

Responding to questions from Committee, Mr. Archibald noted that the community would be asked what the 'right number' of deer in Oak Bay would be, and indicated that UWSS feels that upon establishing the attitudes of the community through the survey, there might not be a need to do anything about deer populations at all.

Responding again to questions from Committee, Mr. Archibald noted the desire of UWSS is to gather information with scientific rigor and this proposal is an opportunity to do something different than what has been done in the past. He and Bryan Gates noted that UWSS feels that without an accurate count of deer and a survey of the public's attitudes toward deer, it is impossible to say whether or not there is an issue of overpopulation of deer. When asked if UWSS would ever support a cull, Mr. Archibald replied that it would not.

Committee discussed its interest in reducing human-deer conflict in the community. It was noted that deer issues are controversial in the community and that it is difficult to get permits to do the type of research UWSS is suggesting.

In response to questions from Committee, Mr. Archibald stated that in other jurisdictions immuno-contraception has proved effective and noted that education, surveying and deer counts should precede any further intervention. He noted that deer are mobile and that it would be

difficult to gauge the effectiveness of interventions given the difficulty of getting an accurate count.

MOVED and seconded: That it be recommended to Council that staff be directed to contract with UWSS to initiate a deer management program that includes public education, a survey of attitudes and a deer count, as per the proposal dated January 20, 2016 from UWSS.

MOVED and seconded: That the motion be amended to add “and costs up to \$17,750.”

Discussion ensued on the question of embarking on a deer management program over the long term, whether Committee feels there is a problem, and whether it can be solved by taking action rather than studying the issue further. It was further discussed whether the District can deal with the deer issue on its own or whether a solution requires cooperation with the other municipalities in the region and the provincial government, from which permits must be received before any actions can be taken.

Discussion then turned to the UWSS’s proposal, specifically with regard to the proposed attitude study. Some members of Committee were in favour of the proposed arrangement given the expertise present among UWSS members and the work already done on the issue, while others were opposed, suggesting that UWSS might be perceived as not being open to all viewpoints given its role as an advocacy group.

In response to questions from Committee, Mr. Archibald and Ms. Kilpatrick stated that education has proven effective in other jurisdictions and there is a need to understand what the public’s attitude is toward deer. They noted that UWSS has already started on the content of the survey and it would be conducted by a third-party group and not by UWSS members. Ms. Kilpatrick commented that it was her understanding that a deer management program was under way in Esquimalt including a survey, public education and a deer count.

Marion Cumming, Oak Bay resident, noted that she has been impressed with UWSS, who are all volunteers and who raised a considerable amount of funds from people who care about a compassionate path. She noted that Oak Bay can be a model for the whole Earth and this is an opportunity to take measures to serve others.

Andrew Stinson, Oak Bay resident, asked if the \$17,750 cap suggested in the amending motion would cover the cost of surveying the full community, noting his feeling that if community opinion is sought it should be sought from the entire community.

In response to Mr. Stinson’s comment, Mr. Archibald replied that a full community survey might cost as much as \$30,000.

MOVED and seconded: That the meeting be extended past 10:30 PM.

MOVED and seconded: That the motion to extend be amended to extend the meeting to 10:45 PM.

CARRIED

The question on the main motion as amended was then called.

CARRIED

Committee again discussed whether the UWSS was the appropriate body with which to contract for the survey, and whether the provincial government allows such subcontracting.

In response to questions from Committee, the CAO noted that any funds received from the Province for projects of any kind must flow through the local government involved in the issue and that the municipality is responsible for the expenditures and for management of the program. She further noted that no projects of this kind proceed without the involvement of District staff.

The question on the amendment was then called.

DEFEATED

Mayor Jensen and Councillors Braithwaite, Croft,
Kirby and Murdoch against the motion

The question on the main motion was then called.

DEFEATED

Mayor Jensen and Councillors Braithwaite, Croft,
Kirby and Murdoch against the motion

MOVED and seconded: That it be recommended to Council that the responsibility for deer management in partnership with the Province be accepted in principle.

A discussion ensued in which the Committee clarified that incorporating “partnership” in the motion was meant to address the province’s ownership of deer.

Mayor Jensen exited the meeting at 10:45 PM.

A brief recess was called at 10:45 PM.

Mayor Jensen rejoined the meeting at 10:48 PM.

The meeting reconvened at 10:48 PM.

The question was then called.

CARRIED

Councillors Zhelka and Kirby against the motion

MOVED and seconded: That the meeting extend to 11 PM.

CARRIED

MOVED and seconded: That staff be directed to provide a high-level costing of what an attitude survey would cost to produce in Oak Bay to the Estimates Committee.

MOVED and seconded: That the motion be amended to add the word 'values' in front of survey.

DEFEATED
Mayor Jensen and Councillors Braithwaite, Croft,
Kirby, Murdoch and Ney against the motion

The question on the main motion was called.

CARRIED

A discussion ensued in which it was clarified that, given that \$40,000 was already identified in the provisional budget for deer management, further consideration could be given during the Estimates Committee discussions as to the specific actions, if any, to be taken with these funds.

ADJOURNMENT:

11. *Motion to Adjourn*

MOVED and seconded: That the meeting be adjourned.

CARRIED

The meeting adjourned at 10:55 PM.

Certified Correct:

Councillor Kirby, Chair

Acting Director of Corporate Services