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## TOWN OF SIDNEY

### MINUTES OF REGULAR COUNCIL MEETING Monday, January 14, 2019 Council Chambers 7:00 p.m.

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**PRESENT:** Mayor C. McNeil-Smith  
Councillors: S. Duncan, B. Fallot, S. Garnett, T. O’Keeffe, C. Rintoul and P. Wainwright

**Staff:** R. Humble, Chief Administrative Officer  
A. Hicik, Director of Corporate Services  
B. Mikkelsen, Fire Chief  
C. Newcomb, Acting Manager of Planning  
M. van der Linden, Acting Director of Engineering  
B. Robinson, Manager of Public Works & Parks  
S. Nelson, Corporate Officer

**1. CALL TO ORDER / PUBLIC PARTICIPATION PERIOD (maximum 20 minutes) / INTRODUCTIONS / PRESENTATIONS / PUBLIC HEARINGS**

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

**A. PUBLIC PARTICIPATION**

1. **E. Wright, 2384 Ocean Avenue** – requested a clock and temperature display be installed at the Fifth Street and Ocean Avenue roundabout, as it would be beneficial to those arriving to and departing from the Sidney Ferry Terminal.
2. **J. Blair, 2312 Henry Avenue** – referring to item 16.2, expressed concerns regarding the Town’s response to the request for a bus shelter on Resthaven Drive at Amelia Avenue, and requested the Town appoint a liaison to BC Transit and the Provincial Government to advocate for improved transit services in Sidney.
3. **B. Brooks, 9906 Resthaven Drive** – with vehicles speeding down Resthaven Drive and repeated accidents involving parked vehicles, requested speed bumps or rumble strips be installed between Brethour Avenue and Sidney Avenue.

Public Participation Period closed at 7:09 p.m.

**B. PRESENTATIONS**

- i. **Development Variance Permit Application No. DV100273 (2345 Oakville Ave)**  
(To relax the height and storey requirements for the two approved single-family dwellings proposed for the property).

*(see Staff Report – item 11c)*

Paul Boyer and Loreen Wahlstrom, applicants/owners, requested consideration for an increase in height for the proposed 2 new single-family dwellings following a discovery from their engineers that the plans are too low to connect by gravity to the Town’s drain system on the street. Ms. Wahlstrom advised they were provided with 3 options to address the issue: 1. pump up to the drain line; 2. build retaining walls and then build the houses on the new grade; or 3. raise the height of the houses. She advised that they wish to proceed with option 3 as it would safely connect to the system and protect them from flooding.

- ii. **Development Variance Permit Application No. DV100276 (9690 & 9692 First Street)**  
(To relax the footprint requirement of Strata Lot 1 in relation to Strata Lot 2 by 3%).  
*(see Staff Report – item 11d)*

Dirk Wyatt, applicant/owner, advised that the relaxation of the footprint area would provide Strata Lot 2 (9690 First Street) with additional space for the workshop, laundry room and exercise area and Strata Lot 1 (9692 First Street) with an exterior garage with access off Oakville Avenue. He requested approval to move 25m<sup>2</sup> from Strata Lot 1 to Strata Lot 2.

- iii. **Development Variance Permit Application No. DV100278 (2348 Beacon Avenue)**  
(To relax zoning requirements for the approved mixed-use building proposed for the property).  
*(see Staff Report – item 11f)*

Silvia Bonet, applicant/project architect, advised that the development application for the mixed-used building received previous approval and this additional variance request is to permit the following amendments to the proposal: 1. that the main floor commercial space at the rear be converted to an adaptable 1-bedroom unit; and 2. that the 3-bedroom unit on the third floor be converted into two, 1-bedroom units. Ms. Bonet advised the second and fourth floors remain the same.

Julie Cove, owner, explained that she received professional advice regarding her development and was advised: 1. that the rear commercial space would be difficult for a business due to the lack of customer access off Beacon Avenue; and 2. that 3-bedroom units were the most difficult to sell and there is more need for 1-bedroom units. Ms. Cove noted that, not being a “developer”, is accepting the advice and requesting approval for the changes to 11 units, instead of 9 units.

Council had some questions and discussion ensued with the following comments:

- concerns with the residential unit at the rear not being in a suitable or desirable location
- unfortunate to remove commercial space from the downtown core
- the rear residential unit may be an affordable option

## 2. APPROVAL OF AGENDA

2019.03.008 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the agenda be approved with the amendment that item 16.2 be discussed under item 15 – New Business.

**MOTION CARRIED UNANIMOUSLY**

## 3. ADOPTION OF MINUTES

### a. Regular Council Meeting – December 17, 2018

2019.03.009 Moved by Councillor S. Garnett, seconded by Councillor T. O’Keeffe, that Minutes of the Regular Council Meeting of December 17, 2018, be adopted as presented.

**MOTION CARRIED UNANIMOUSLY**

### b. Special Council Meeting – January 8, 2019

2019.03.010 Moved by Councillor S. Garnett, seconded by Councillor T. O’Keeffe, that Minutes of the Special Council Meeting of January 8, 2019, be adopted as presented.

**MOTION CARRIED UNANIMOUSLY**

## 4. BUSINESS NOT COMPLETED AT A PREVIOUS REGULAR MEETING

**5. BUSINESS ARISING FROM MINUTES** *(for information only)*

**a. Council In-Camera Meeting – December 17, 2018**

**i. 2019 Citizen Appointments - Committees/Commission/Boards  
Advisory Planning Commission**

**Resolution:** *that the following appointments be made to the Advisory Planning Commission:*

- *John Crowhurst, Denny Gelinis, Patrick Killeen, Kelly Bull-Tomer, Bernardine van der Meer, Donald Macnamara, Clarence Bolt, Douglas Watt, Don Carscadden and Graden Sol, as members for a two-year term, ending December 2020; and*
- *Jason Rodd as an alternate member for a one-year term, ending December 2019.*

**b. Council In-Camera Meeting – January 8, 2019**

**i. OCP Review Options**

**Resolution:** *that the staff memorandum dated January 4, 2019, providing options for review of the Town's OCP, be received for information.*

**6. DELEGATIONS**

**7. PETITIONS**

**8. MAYOR'S REPORT**

**a. Update - Acting Mayor's List**

2019.03.011 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that the updated 2019 Acting Mayor's List be approved as presented.

**MOTION CARRIED UNANIMOUSLY**

**9. COUNCILLORS' REPORTS**

**a. Councillor S. Garnett** – advised that the Sidney Museum & Archives will be holding a Chief Dan George exhibit from June 21 to September 30, 2019, as part of June's National Indigenous History Month.

**10. COMMITTEE REPORTS**

**11. STAFF REPORTS**

**a. Signage Proposal - Saanich Peninsula Lions Food Bank (9586 Fifth Street)**

2019.03.012 Moved by Councillor B. Fallot, seconded by Councillor S. Duncan, that Saanich Peninsula Lions Food Bank be authorized to install a new Low-mount Free Standing Sign in front of the building located at 9586 Fifth Street.

**MOTION CARRIED UNANIMOUSLY**

**b. Development Variance Permit Application No. DV100272 (2258 Markinch Place)**  
(To allow for a recently built over-height fence to remain along the rear lot line).

2019.03.013 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot:

1. That owners and tenants in occupation of property within 75m (246ft) of the property that is the subject of Development Variance Permit Application No. DV100272 (2258 Markinch Place - to relax the fence height in the rear yard) be notified regarding the proposed variance and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance; and

2. That if approved, the fence be reduced in height to 1.52 m (5.0ft) above the top of the retaining wall as a condition of approval.

**OPPOSED: Mayor C. McNeil-Smith**  
**MOTION CARRIED 6:1**

- c. Development Variance Permit Application No. DV100273 (2345 Oakville Avenue)**  
(To relax the height and storey requirements for the two approved single-family dwellings proposed for the property).

2019.03.014 Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that owners and tenants in occupation of property within 75 metres (246 ft) of the property that is the subject of Development Variance Permit Application No. DV100273 (2345 Oakville Avenue - to vary the requirements for height and number of permitted storeys) be notified regarding the proposed variance and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance.

**MOTION CARRIED UNANIMOUSLY**

- d. Development Variance Permit Application No. DV100276 (9690 & 9692 First Street)**  
(To relax the footprint requirement of Strata Lot 1 in relation to Strata Lot 2 by 3%).

2019.03.015 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that owners and tenants in occupation of property within 75m (246ft) of 9690 and 9692 First Street be notified regarding Development Variance Permit Application No. DV100276 (to allow for a reduction to the footprint of Strata Lot 1 with respect to Strata Lot 2) and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance.

**MOTION CARRIED UNANIMOUSLY**

- e. Development Variance Permit Application No. DV100277 (10148 Bowerbank Road)**  
(To relax the gross floor area requirement of the second storey of the single-family dwelling to allow for a new secondary suite).

2019.03.016 Moved by Councillor B. Fallot, seconded by Councillor T. O'Keeffe, that owners and tenants in occupation of property within 75m (246ft) of 10148 Bowerbank Road be notified regarding Development Variance Permit Application No. 100277 and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance.

**MOTION CARRIED UNANIMOUSLY**

- f. Development Variance Permit Application No. DV100278 (2348 Beacon Avenue)**  
(To relax zoning requirements for the approved mixed-use building proposed for the property).

2019.03.017 Moved by Councillor T. O'Keeffe, seconded by Councillor C. Rintoul, that owners and tenants in occupation of property within 100 metres (328 ft) of the property that is the subject of Development Variance Permit Application No. DV100278 (2348 Beacon Avenue - to vary the requirements for the number of 3 bedroom units) be notified regarding the proposed variance and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance.

**OPPOSED: Councillor B. Fallot**  
**MOTION CARRIED 6:1**

- g. Contract - 2019 Trucking & Excavating Services**

2019.03.018 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that a one-year extension to the Trucking and Excavating service contract for 2019 with the current provider, W.A. Jones, at the same unit prices as in 2017 and 2018, be approved.

**OPPOSED: Councillor T. O'Keeffe**  
**MOTION CARRIED 6:1**

**12. OTHER REPORTS**

**13. CORRESPONDENCE**

**a. BC Building Code - Accessible Parking**

2019.03.019 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that the email from MLA Adam Olsen, dated December 11, 2018, regarding the BC Building Code and accessibility parking, be referred to staff for a report.

**MOTION CARRIED UNANIMOUSLY**

**b. Final Project Report - Revitalization of Sidney Sculpture Walk**

2019.03.020 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that the correspondence from the Sidney Business Improvement Area Society (SBIA), dated December 2018, providing a report on the Revitalization of the Sidney Sculpture Walk, be received and that this matter be referred to staff for a report on the future of the Sculpture Walk.

**MOTION CARRIED UNANIMOUSLY**

**c. Improving Opportunities for Local Daycare**

2019.03.021 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that the correspondence from the District of Saanich, dated January 2 and January 8, 2019, be received and that the Town participate in the joint municipal application to the UBCM for the Community Child Care Planning Program in order to fund a gap analysis study for daycare services.

**MOTION CARRIED UNANIMOUSLY**

**14. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION**

**a. Bylaw No. 2168 – Noise, Amendment No. 3**  
(To amend the permitted hours of construction).

2019.03.022 Moved by Councillor B. Fallot, seconded by Councillor S. Duncan, that Bylaw No. 2168 – Noise, Amendment No. 3 be introduced and given first reading.

**MOTION CARRIED UNANIMOUSLY**

2018.03.023 Moved by Councillor B. Fallot, seconded by Councillor S. Duncan, that Bylaw No. 2168 – Noise, Amendment No. 3 be given second reading.

**MOTION CARRIED UNANIMOUSLY**

2018.03.024 Moved by Councillor B. Fallot, seconded by Councillor S. Duncan, that Bylaw No. 2168 – Noise, Amendment No. 3 be given third reading.

**MOTION CARRIED UNANIMOUSLY**

**15. NEW BUSINESS**

With respect to item 16.2 and comments during public participation period, Mayor C. McNeil-Smith explained that installing a shelter at the bus stop location on Resthaven Drive at Amelia Avenue is in fact expensive and not substantiated for its use (with only up to 15 users per day). He also explained that bus shelters are not part of the Town's infrastructure, but that of BC Transit. The Mayor advised that although the 3 Peninsula municipalities have only one combined seat on the Victoria Regional Transit Commission, the 3 Mayors will be collaborating and gathering citizen's feedback and taking it back to the rest of the Commission.

**16. CORRESPONDENCE FOR INFORMATION**

2019.03.025 Moved by Councillor B. Fallot, seconded by Councillor T. O'Keeffe, that he following correspondence be received for information:

1. Email from B. Books, Resthaven Drive, providing a variety of ideas for the Town's consideration regarding development and construction, dated November 22, 2018. Reply dated December 13, 2018.
2. Email from A. Waring, Lovell Avenue, requesting a bus shelter at Resthaven Drive and Amelia Avenue, dated December 2, 2018. Reply dated December 13, 2018.
3. Letter from M. Steward, Sidney's Pacific Palettes, expressing appreciation regarding the Town's utility box beautification project, dated December 8, 2018.
4. Email from L. Sutherland, regarding the development at 9716 Third Street, dated January 2, 2019. Reply dated January 3, 2019.
5. Correspondence from the Municipal Insurance Association (MIA), regarding the establishment and future of the Association, received January 2, 2019.

**MOTION CARRIED UNANIMOUSLY**

**17. NOTICES OF MOTION**

**18. MOTION TO GO "IN-CAMERA" (CLOSED MEETING)**

2019.03.026 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that it is in the opinion of Council that the public interest requires that persons other than members of Council and Officers be excluded from the meeting to consider confidential matters relating to personal and land issues, pursuant to section 90.1 (a) and (e) of the *Community Charter* and that Council continue the meeting in closed session.

**MOTION CARRIED UNANIMOUSLY**

**19. ADJOURNMENT**

2019.03.027 Moved by Councillor B. Fallot, seconded by Councillor P. Wainwright, that the meeting be adjourned at 8:36 p.m.

**MOTION CARRIED UNANIMOUSLY**

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MAYOR

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CORPORATE OFFICER