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## TOWN OF SIDNEY

### MINUTES OF REGULAR COUNCIL MEETING Monday, June 26, 2017 Council Chambers 7:00 p.m.

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**PRESENT:** Mayor S. Price  
Councillors: E. Bremner-Mitchell, T. Chad, B. Fallot, M. Lougher-Goodey, C. McLennan and P. Wainwright

**Staff:** R. Humble, Chief Administrative Officer  
A. Hicik, Director of Corporate Services  
T. Tanton, Director of Development Services, Engineering, Parks & Public Works  
B. Mikkelsen, Fire Chief  
A. Verhagen, Manager of Planning  
T. Restell, Manager of Finance  
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**

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

**A. PUBLIC PARTICIPATION PERIOD**

1. **E. Diller, 10464 Resthaven Drive** – expressed concerns regarding the existing and proposed new Off-Street Parking & Loading Bylaw: 1. not in support of expanding areas of payment in lieu for parking, however was in support of the funding going towards cycling and walking infrastructures; 2. not in support of increasing % of driveway area permitted in the front yard; 3. suggested section 4.11(3) should be repealed; and 4. suggested section 4.13(1) should be repealed.
2. **G. Rodger, 2236 James White Boulevard** – referring to item 11f, was pleased to see the developer has included 3 bedroom units within the development, and requested clarification with respect to the number of parking stalls being provided.
3. **R. Lake, North Saanich (Peninsula Marine Access Group)** - referring to item 13a, noted the continued need for another boat launch facility on the Peninsula and that receiving a letter of support from the Town would be of great benefit.
4. **S. Garnett, 9583 Christine Place** – expressed concerns regarding the lack of grounds maintenance in the Northbrook & Westbrook area, and that it should be part of the routine parks maintenance cycle.
5. **S. Duck, 9805 Second Street** – 1. suggested an appointment from the Sidney Community Association (SCA) to the Town's EDC; expressed support for the proposed new Off-Street Parking & Loading bylaw to be given more public exposure; and that the Arborist's comments at a recent SCA meeting be considered with respect to the proposed new Tree Preservation Bylaw.
6. **M. Marsh, 10510 Allbay Road** – noted the Town's goal of a pedestrian and cycling friendly community, however expressed serious concerns regarding parking in Sidney; stated that a majority of people still require the use of cars; advised of the difficulty in finding parking in the downtown; concerned multi-family dwellings are providing fewer than 1 stall per unit (as residents will then take up street parking, which is not good for businesses); stated that car share memberships are seldom used; and that reducing parking requirements with an already insufficient supply of parking in the Town is not good for businesses or residents.

Public Participation Period closed at 7:14 p.m.

**2. APPROVAL OF AGENDA**

2017.17.271 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that the agenda be approved as presented.

**MOTION CARRIED UNANIMOUSLY**

**3. ADOPTION OF MINUTES**

**a. Regular Council Meeting – June 12, 2017**

2017.17.272 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that Minutes of the Regular Council Meeting of June 12, 2017, be adopted as presented.

**MOTION CARRIED UNANIMOUSLY**

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

**a. EDC – Amendment to Terms of Reference**  
*(As per Council Resolution #2017.16.249).*

2017.17.273 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor C. McLennan, that Policy CC-002 – Committees/ Commissions/Boards be approved as amended.

**MOTION CARRIED UNANIMOUSLY**

**5. BUSINESS ARISING FROM MINUTES**

**6. DELEGATIONS**

**7. PETITIONS**

**8. MAYOR'S REPORT**

Mayor S. Price expressed appreciation to Mr. Kenny Podmore, Ms. Paula Kully, Mr. Brian Robinson and the Town's Public Works & Parks crews, and all of the many volunteers for their efforts in coordinating all of the Canada 150 events taking place in Town.

**9. COUNCILLORS' REPORTS**

**a. Councillor B. Fallot** – advised that ArtSea will be submitting suggestions for a graffiti art project.

**10. COMMITTEE REPORTS**

**a. Economic Development Commission – May 12, 2017**

2017.17.274 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor C. McLennan, that the Minutes of the Economic Development Commission Meeting of May 12, 2017, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**b. Committee of the Whole – June 19, 2017**

2017.17.275 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that the Minutes of the Committee of the Whole Meeting of June 19, 2017, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

- 2017.17.276 **R.1 Council Participation - Future of the McPherson Theatre**  
Moved by Councillor C. McLennan, seconded by Councillor E. Bremner-Mitchell, that the Town participate in discussions regarding the future of the McPherson Playhouse Theatre and that Councillor B. Fallot be appointed as the Town's representative.  
**OPPOSED: Councillors: T. Chad & M. Lougher-Goodey**  
**MOTION CARRIED 5:2**
- 2017.17.277 **R.2 Development Permit Application No. DP100715 and Development Variance Permit Application No. DP100225 (2471 Bevan Avenue)**  
(To construct a 3 storey development containing 4 dwelling units, 2 of which could be live/work units).  
Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that Development Permit Application No. DP100715 and Development Variance Permit Application No. DV100225 (2471 Bevan Avenue - to permit the construction of a 3-storey residential development consisting of 2 live/work units and 2 multi-family dwelling units) be forwarded to the Advisory Planning Commission for review and comment.  
**OPPOSED: Councillors: E. Bremner-Mitchell & B. Fallot**  
**MOTION CARRIED 5:2**
- 2017.17.278 **R.3 New Off-Street Parking & Loading Bylaw**  
Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that the proposed new Off-Street Parking & Loading Bylaw No. 2140 be amended by revising the parking requirement for Townhouse Dwelling to 1 per dwelling unit (i.e. remove 0.25 per unit for visitor parking) in section 4.11.3.  
**OPPOSED: Councillors: E. Bremner-Mitchell & B. Fallot**  
**MOTION CARRIED 5:2**
- 2017.17.279 **R.4**  
Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that the proposed new Off-Street Parking & Loading Bylaw No. 2140 be amended by deleting the reference to "Fire Station" in section 4.11.3.  
**MOTION CARRIED UNANIMOUSLY**
- 2017.17.280 **R.5**  
Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that the staff report dated June 13, 2017 be received and that Bylaw No. 2140 - Off-Street Parking & Loading be brought forward for Council's consideration with the two amendments.  
**MOTION DEFEATED UNANIMOUSLY**
- 2017.17.281 Moved Councillor P. Wainwright, seconded by Councillor B. Fallot, that the staff report dated June 13, 2017 be received and that Bylaw No. 2140 - Off-Street Parking & Loading be referred to a future Committee of the Whole meeting.  
**MOTION CARRIED UNANIMOUSLY**
- c. Advisory Planning Commission – June 20, 2017**
- 2017.17.282 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the Minutes of the Advisory Planning Commission Meeting of June 20, 2017, be received for information.  
**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

**R.1 Official Community Plan Amendment Application No. OP100033, Zoning Amendment Application No. RZ100097, Development Variance Permit Application No. DV100224, and Development Permit Application No. DP100712 (2268 - 2270 Henry Avenue)**

(To construct a three-storey 8 unit multi-family development).

2017.17.283

Moved by Councillor M. Lougher-Goodey, second by Councillor C. McLennan:

1. That staff prepare Official Community Plan and Zoning amendment bylaws in relation to Official Community Plan Amendment Application No. OP100033 and Zoning Amendment Application No. RZ100097 for 2268-2270 Henry Avenue, and that the bylaws be brought before Council for consideration of first and second readings and whether to schedule a public hearing on the bylaws;
2. That owners and tenants in occupation of property within 75m (246ft) of the property that is the subject of Development Variance Permit Application No. DV100224 (to relax the front, interior side, and rear setbacks, and to relax the depth of parking spaces) be notified regarding the proposed variances and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variances;
3. That Development Permit Application No. DP100712 (to permit the construction of a 3 storey multi-family residential development containing 8 dwelling units) be brought before Council for consideration of approval if Council authorizes the issuance of the Development Variance Permit;
4. That as a condition of approval of Development Permit Application No. DP100712, the property owner:
  - a. Address Design Guidelines No. 20.3.29 (utility kiosk screening) to the satisfaction of the Director of Development Services, Engineering, Parks and Works.
  - b. Pay to the Town a deposit in the amount of 115% of the estimated cost to complete the hard and soft landscaping for the development prior to the issuance of Building Permit; and
5. That as a condition of Zoning Amendment Application No. RZ100097, the property owner register a restrictive covenant on the title of the property prior to the issuance of Building Permit, prohibiting the future strata council from passing any bylaws that may restrict occupancy of the building based on age.

**MOTION CARRIED UNANIMOUSLY**

**11. STAFF REPORTS**

**a. Parks Master Plan**

2017.17.284

Moved by Councillor E. Bremner-Mitchell, seconded by Councillor M. Lougher-Goodey, that the proposed process/schedule for the development of the Parks Master Plan be approved as presented, with the addition of the following local groups being contacted for their input:

1. Residents of Reay Creek;
2. Friends of Shoal Harbour;
3. Peninsula Streams;
4. Victoria Airport Authority; and
5. Transport Canada.

**MOTION CARRIED UNANIMOUSLY**

2017.17.285

Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot, that the Town push pause on the installation of the volleyball courts in Tulsita Park until completion of the Parks Master Plan.

**OPPOSED: Mayor S. Price & Councillors: T. Chad, M. Lougher-Goodey & C. McLennan**

**MOTION DEFEATED 4:3**

**b. Downtown Waterfront Pilot Project**

2017.17.286 Moved by Councillor M. Lougher-Goodey, seconded by Councillor P. Wainwright, that a short term pilot project be implemented in the downtown waterfront area from July 3 to July 28, 2017, with the following elements:

1. Placing individual portable chairs and sports equipment in Beacon Park;
2. Painting maple leaves on the paved road surface from the turnaround at the east end of Beacon Avenue to the east end of Beacon Wharf; and
3. For one weekend within the timeframe of the pilot project, blocking off the paved road surface to general vehicle traffic by placing planters to narrow the entrance to the space and placing cones across the drive aisle, maintaining access for emergency vehicles and for those who have obtained Parks Use Permits for Beacon Park.

**OPPOSED: Councillor T. Chad  
MOTION CARRIED 6:1**

**c. 2016 Statement of Financial Information**

2017.17.287 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the Statement of Financial Information for the Town of Sidney for the year ended December 31, 2016 be approved.

**MOTION CARRIED UNANIMOUSLY**

**d. 2016 Year End Financial Results**

2017.17.288 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the staff report, dated May 30, 2017, providing information on the 2016 Year End Financial Results, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**e. Request for Consent to CRD Bylaw No. 4127 – Arts Development Program**

2017.17.289 Moved by Councillor T. Chad, seconded by Councillor P. Wainwright, that Council NOT give consent to the adoption of Bylaw No. 4127, Arts and Culture Support Service Establishment Bylaw No.1, 2001, Amendment Bylaw No. 4, 2017 and, if the bylaw is carried, the Town initiate the process to withdraw from the service at the beginning of next year.

**OPPOSED: Mayor S. Price  
MOTION CARRIED 6:1**

**f. Alterations to Development Proposal - Official Community Plan Amendment Application No. OP100032; Zoning Amendment Application No. RZ100096; Development Variance Permit Application No. DV100223; & Development Permit Application No. DP100708 (2211, 2213 & 2215 James White Boulevard)**

(To construct 3 multi-family buildings, each being 3 storeys with 8 dwelling units – 24 total units).

2017.17.290 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the staff report dated June 19, 2017, advising on the alterations to the development proposal for 2211, 2213 & 2215 James White Boulevard, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**g. Agreement with Central Saanich – Food Bank Operating Costs**

2017.17.291 Moved by Councillor C. McLennan, seconded by Councillor T. Chad, that the Service Agreement with the District of Central Saanich for Food Bank operating costs be approved and that the Mayor and Corporate Officer be authorized to execute the agreement.

**MOTION CARRIED UNANIMOUSLY**

**h. Downtown Street Banner Program**

2017.17.292 Moved by Councillor C. McLennan, seconded by Councillor E. Bremner-Mitchell, that Option 2 (that the Town take over the Downtown Street Banner Program) be selected and that the Town include funding in its annual budget for the program.

**MOTION CARRIED UNANIMOUSLY**

**i. Update - Adopt a Dog Program**

2017.17.293 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that Council approve the Town covering the shortfall of installation costs for the Board Dog sculpture, and that Council approve the name "Ollie" for the sculpture as this is a suitable dog's name but also the name of a fundamental skateboarding trick which would resonate with the skateboard community.

**MOTION CARRIED UNANIMOUSLY**

**j. Status Update – Outstanding Council Action Items**

2017.17.294 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan:

1. That resolution # 2013.38.458 be rescinded;
2. That item # 3 (garbage on boulevards) not be pursued any further; and
3. That the staff report, dated June 19, 2017, providing a status update on outstanding Council action items, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**12. OTHER REPORTS**

**13. CORRESPONDENCE**

**a. Request for Letter of Support – Boat Ramp Proposal**

2017.17.295 Moved by Councillor T. Chad, seconded by Councillor M. Lougher-Goodey, that the letter from Peninsula Marine Access Group, dated June 20, 2017, be received and that the Town provide a letter of support for the Group's pursuit for a facility to provide small trailered boat access to the Gulf Islands and the Gulf Islands National Park Reserve.

**MOTION CARRIED UNANIMOUSLY**

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

**a. Bylaw No. 2138 - Tree Preservation**

2017.17.296 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Bylaw No. 2138 – Tree Preservation be introduced and given first reading.

**MOTION CARRIED UNANIMOUSLY**

2017. 17.297 Moved by Councillor P. Wainwright, seconded by Councillor E. Bremner-Mitchell, that the definition of "tree" be amended as follows:

*Tree means a living perennial plant with a woody self-supporting main trunk with a diameter greater than 3cm.*

**MOTION CARRIED UNANIMOUSLY**

2017.17.298 Moved by Councillor P. Wainwright, seconded by Councillor E. Bremner-Mitchell, that the definition of "protected tree" be amended by adding the following subsection – "vi. listed in Schedule 'C'" and that Schedule A – Significant Trees of the existing Tree Preservation Bylaw No. 1663 be included as the Schedule C, with the deletion of trees that no longer exist.

**MOTION CARRIED UNANIMOUSLY**

2017.17.299 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that Bylaw No. 2138 – Tree Preservation be given second reading as amended.

**MOTION CARRIED UNANIMOUSLY**

2017.17.300 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that Bylaw No. 2138 – Tree Preservation be given third reading.

**MOTION CARRIED UNANIMOUSLY**

**b. Bylaw No. 2139 - Noise Bylaw, Amendment No. 2**

(To clarify areas where loading, unloading, deliveries, etc., times are restricted).

2017.17.301 Moved by Councillor P. Wainwright, seconded by Councillor E. Bremner-Mitchell, that third reading of Bylaw No. 2139 – Noise, Amendment No. 2, be rescinded.

**MOTION CARRIED UNANIMOUSLY**

2017.17.302 Moved by Councillor P. Wainwright, seconded by Councillor E. Bremner-Mitchell, that Bylaw No. 2139 – Noise, Amendment No. 2 be referred back to staff for a report addressing the Harbour Road Marine and West Sidney Industrial areas.

**MOTION CARRIED UNANIMOUSLY**

**c. Bylaw No. 2140 – Off-Street Parking & Loading**

(Includes the recommended amendments at Committee of the Whole on June 19).

*(This item has already been dealt with under item 10b.R.5).*

**d. Bylaw No. 2141 - Official Community Plan, Amendment No. 18 (2211, 2213 & 2215 James White Blvd)**

(To amend area from Intensive Single-Family Residential to Multi-Family (RES-3) to construct 3 multi-family buildings, each being 3 storeys with 8 dwelling units – 24 total units).

2017.17.303 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that Bylaw No. 2141 – Official Community Plan, Amendment No. 18 (2211, 2213 & 2215 James White Boulevard) be introduced and given first reading.

**MOTION CARRIED UNANIMOUSLY**

2017.17.304 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that Bylaw No. 2141 – Official Community Plan, Amendment No. 18 (2211, 2213 & 2215 James White Boulevard) be given second reading and that staff be authorized to advertise for public hearing.

**MOTION CARRIED UNANIMOUSLY**

**e. Bylaw No. 2142 - Zoning, Amendment No. 32 (2211, 2213 & 2215 James White Blvd)**

(To amend area from Single-Family High Density Residential – Swiftsure Area (R1.2) to Multi-Family Medium Density Residential (RM6) to construct 3 multi-family buildings, each being 3 storeys with 8 dwelling units – 24 total units).

2017.17.305 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that Bylaw No. 2142 – Zoning, Amendment No. 32 (2211, 2213 & 2215 James White Boulevard) be introduced and given first reading.

**MOTION CARRIED UNANIMOUSLY**

2017.17.306 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that Bylaw No. 2142 – Zoning, Amendment No. 32 (2211, 2213 & 2215 James White Boulevard) be given second reading and that staff be authorized to advertise for public hearing.

**MOTION CARRIED UNANIMOUSLY**

- f. **Development Variance Permit Application No. DV100227 (9904 Third Street)**  
(To vary fence height in the front yard of an existing multi-family townhouse).

No written public submissions were received.

- 2017.17.307 Moved by Councillor T. Chad, seconded by Councillor B. Fallot, that Development Variance Permit Application No. DV100227 (9904 Third Street – to vary fence height in the front yard of an existing multi-family townhouse) be approved.

**MOTION CARRIED UNANIMOUSLY**

**15. NEW BUSINESS**

**16. CORRESPONDENCE FOR INFORMATION**

- 2017.17.308 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the following correspondence be received for information:

1. Letter from N. Turkington, regarding parking in Sidney, received May 31, 2017. Reply dated June 19, 2017.
2. Letter from P. Parker, requesting brick pavers be installed along pathways in Eastview Park, dated June 6, 2017. Reply dated June 7, 2017.
3. Letter from Beacon Community Services, expressing appreciation for receipt of 2017 grant-in-aid, dated June 14, 2017.
4. Additional letter from the Town to B. Watson, regarding a public RV Sani-Dump Station, dated June 20, 2017.

**MOTION CARRIED UNANIMOUSLY**

**17. NOTICES OF MOTION**

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

- 2017.17.309 Moved by Councillor B. Fallot, seconded by Councillor E. Bremner-Mitchell, that it is in the opinion of Council that the public interest requires that persons other than members of the Committee and Officers be excluded from the meeting to consider confidential matters requiring discretion by government enactment and personnel issues, pursuant to section 90.1 (c) and (m) and 90.2(b) of the *Community Charter* and that the Committee continue the meeting in closed session.

**MOTION CARRIED UNANIMOUSLY**

**19. ADJOURNMENT**

- 2017.17.310 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that the meeting be adjourned at 8:45 p.m.

**MOTION CARRIED UNANIMOUSLY**

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MAYOR

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CORPORATE OFFICER