



TOWN OF SIDNEY

MINUTES OF REGULAR COUNCIL MEETING
Tuesday, May 23, 2017
Council Chambers
7:00 p.m.

PRESENT: Acting Mayor E. Bremner-Mitchell
Councillors: T. Chad, B. Fallot, M. Lougher-Goodey, C. McLennan & P. Wainwright

ABSENT: Mayor S. Price

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
S. Nelson, Corporate Officer

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

Acting Mayor E. Bremner-Mitchell called the meeting to order at 7:00 p.m.

A. PUBLIC PARTICIPATION PERIOD

1. **D. Thorlacius, 2343 Bradford Avenue** - referring to item 6a, expressed support for staff's recommendation to deny removal of the Douglas Fir tree on Allbay Road stressing the importance of preserving these trees for the environment and the community.
2. **D. Hazlehurst, 10348 Resthaven Drive** - referring to item 6a, stated that all trees are diseased with some type of fungus, but it does not mean that they are terminally diseased and to give careful consideration to removal of protected trees for only valid safety reasons.

Public Participation Period closed at 7:05 p.m.

2. APPROVAL OF AGENDA

2017.15.231 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that the agenda be approved with the following additions:

1. item 6a - email from L. Comber, dated May 21, 2017.
2. item 6a - email from B. Peart, dated May 23, 2017.
3. item 6a – email from J. Gifford & B. Foster, dated May 23, 2017.

MOTION CARRIED UNANIMOUSLY

3. ADOPTION OF MINUTES

a. Regular Council Meeting – May 8, 2017

2017.15.232 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that Minutes of the Regular Council Meeting of May 8, 2017, be adopted as presented.

MOTION CARRIED UNANIMOUSLY

4. BUSINESS NOT COMPLETED AT A PREVIOUS REGULAR MEETING

5. BUSINESS ARISING FROM MINUTES

a. Council In-Camera Meeting – May 8, 2017

i. Resignation & New Appointment – Economic Development Commission

Resolution: that the email from Jane Powell, dated April 27, 2017, advising of her resignation from the Economic Development Commission be received; and that Ms. Denny Warner be appointed as the Saanich Peninsula Chamber of Commerce's representative on the Economic Development Commission for a one-year term, ending December 2017.

6. DELEGATIONS

a. Request for Tree Removal at 10526 Allbay Road

Mr. R. Turner, property owner, requested Council to consider their request to have 3 protected Douglas Fir trees removed from their property at 10526 Allbay Road citing safety concerns. He stated that they do not disagree with staff's comments, but rather are very concerned about their safety and further damage being done to their home. Mr. Turner advised they have spent thousands over the past 19 years on maintaining these trees, and on numerous roof repairs, and would just like to ensure their safety as the branches are now very large and dangerous.

Councillor P. Wainwright advised that, at this time, no application or Arborist's report has been received respecting these trees and suggested that should Mr. Turner wish to pursue this matter to submit an application for tree cutting and removal to the Town, along with the required report from a certified Arborist.

2017.15.233 Moved by Councillor P. Wainwright, seconded by Councillor M. Lougher-Goodey, that Mr. Turner's delegation requesting removal of 3 Douglas Fir trees at 10526 Allbay Road be received for information.

MOTION CARRIED UNANIMOUSLY

7. PETITIONS

8. MAYOR'S REPORT

9. COUNCILLORS' REPORTS

a. Councillor P. Wainwright – reported on the status of the Saanich Peninsula's sewage treatment plant operations, specifically that CRD staff have been instructed to review alternate options for handling the residual solids from the Peninsula plant separate from Victoria's core system. He provided a brief history of the situation - advising that the plant was originally designed to produce Class A biosolids and did, in fact, produce a very good product called Pengrow which was used by local farmers and citizens; however that in 2008 the CRD banned the application of biosolids to all lands in the Capital Region due to health/safety concerns; and since that time the residual solids from the Peninsula plant have been required to be sent to the Harland landfill. Councillor P. Wainwright stated that it makes more sense for the Peninsula to investigate options for handling its plant's own residual solids than joining with Victoria's core system.

10. COMMITTEE REPORTS

a. Committee of the Whole Meeting – May 15, 2017

2017.15.234 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the Minutes of the Committee of the Whole Meeting of May 15, 2017, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1 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).

2017.15.235

Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Official Community Plan Amendment Application No. OP100032, Zoning Amendment Application No. RZ100096, Development Variance Permit No. DV100223 and Development Permit Application No. DP100708 (2211, 2213 & 2215 James White Boulevard - to permit the construction of a 3 storey residential development with three 8 unit townhouse dwellings) be forwarded to the Advisory Planning Commission for review and comment.

MOTION CARRIED UNANIMOUSLY

b. Advisory Planning Commission – May 16, 2017

2017.15.236

Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that the Minutes of the Advisory Planning Commission Meeting of May 16, 2017, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendations(s) regarding:

R.1 Development Permit Application No. DP100694 (9600 Second Street)

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

2017.15.237

Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that Development Permit Application No. DP100694 (9600 Second Street - to permit the construction of a two-storey three unit multi-family townhouse development) be approved and that as a condition of approval, the property owner shall:

- a. Address Design Guideline no. 20.3.29 (utility kiosk screening) to the satisfaction of the Director of Development Services, Engineering, Parks and Works;
- b. Prior to the issuance of Building Permit, register a restrictive covenant on the title of the property requiring the installation of a storm water management system to control all storm water runoff for the proposed development in accordance with the Town's Subdivision and Development Bylaw No. 1390;
- c. Prior to the issuance of Building Permit, register a restrictive flood hazard covenant on the title of the property referencing the report from Kerr Wood Leidal Consulting Engineers dated May 8, 2017; and
- d. Prior to the issuance of Building Permit, 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.

MOTION CARRIED UNANIMOUSLY

R.2 Development Permit Application No. DP100705 & Development Variance Permit Application No. DV100222 (9775 Fourth Street)

(To increase number of storeys, allow live/work units on the ground floor, to reduce the number and location of required 3-bedroom units and parking in order to construct a 5-storey, mixed-use development consisting of 3 live/work units and 19 multi-family dwelling units).

2017.15.238

Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad:

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. DV100222 (9775 Fourth Street - to relax the number of

storeys, the number and location of required three bedroom units, parking requirements, and to allow for residential (live/work) on the ground floor for the proposed development) 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;

2. That Development Permit Application No. DP100705 (9775 Fourth Street - to permit the construction of a 5-storey, mixed-use development consisting of 3 live/work units and 19 multi-family dwelling units) be brought before Council for consideration of approval if Council authorizes the issuance of the Development Variance Permit; and
3. That as a condition of approval of Development Permit Application No. DP100705 and Development Variance Permit Application No. DV100222, the property owner shall:
 - a. Prior to the issuance of Building Permit, register a restrictive covenant on the subject property which would ensure that the future strata council may not restrict commercial uses in the three live/work units and also not restrict occupancy in the building based on age.
 - b. Prior to the issuance of occupancy permits for the building, be required to place signage clearly visible to vehicles exiting the parkade indicating that incoming vehicles have the right of way.
 - c. Prior to the issuance of Building Permit, address Development Permit Guidelines No. 21.3.32 (decorative paving), No. 21.3.40 (utility kiosk screening) and No. 21.3.42 (hard landscaping) to the satisfaction of the Director of Development Services, Engineering, Parks and Works.
 - d. Prior to the issuance of Building Permit, 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.

MOTION CARRIED UNANIMOUSLY

11. STAFF REPORTS

a. Agreements - Access Easement for CSB & Employee Parking Lot

2017.15.239 Moved by Councillor T. Chad, seconded by Councillor C. McLennan, that, subject to minor changes only, the Access Easement Agreement and Parking Agreement between the Town and Memorial Park Society be approved, and that the Mayor and Chief Administrative Officer be authorized to execute the agreements when finalized by staff.

MOTION CARRIED UNANIMOUSLY

b. Victoria Airport Authority Land Use Plan Amendments

2017.15.240 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that Council reply to Victoria Airport Authority with a statement of no concerns regarding the proposed amendments to their Land Use Plan, and that staff be directed to complete and return the VAA feedback form associated with this referral accordingly.

MOTION CARRIED UNANIMOUSLY

c. Hotel Tax

2017.15.241 Moved by Councillor T. Chad, seconded by Councillor M. Lougher-Goodey, that a hotel tax within the Town of Sidney not be pursued at this time.

MOTION CARRIED UNANIMOUSLY

d. Update on Regional Growth Strategy Dispute Resolution Process

2017.15.242 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that staff be directed to respond to the Capital Regional District with a statement indicating that the Town of Sidney will not participate in non-binding dispute resolution on the 2016 Regional Growth Strategy.

MOTION CARRIED UNANIMOUSLY

e. Monthly Building Permit Report

2017.15.243 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that he Monthly Building Permit Report for April 2017 be received for information.

MOTION CARRIED UNANIMOUSLY

12. OTHER REPORTS

13. CORRESPONDENCE

14. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION

15. NEW BUSINESS

16. CORRESPONDENCE FOR INFORMATION

2017.15.244 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that the following correspondence be received for information:

1. Email from City of Colwood, regarding the Intermunicipal Advisory Committee on Disability Issues, dated May 4, 2017.
2. Email from N. Ryder, regarding electromagnetic radiation, dated May 7, 2017.
3. Letter from ORCCA, expressing appreciation for receipt of the Town's 2017 grant-in-aid, dated April 13, 2017.
4. Proclamations: National Missing Children's Month and Missing Children's Day – May and May 25, 2017; Victims & Survivors of Crime Week – May 28 to June 3, 2017; and Intergenerational Day – June 1, 2017.

MOTION CARRIED UNANIMOUSLY

17. NOTICES OF MOTION

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

19. ADJOURNMENT

2017.15.245 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the meeting be adjourned at 7:40 p.m.

MOTION CARRIED UNANIMOUSLY

MAYOR

CORPORATE OFFICER