



TOWN OF SIDNEY

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

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

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

A. PUBLIC PARTICIPATION PERIOD

1. **J. Barker, 9706A Third Street** – regarding the proposed development at 9716 Third Street, expressed concerns regarding construction management with respect to building at a zero lot line and the negative impacts on the neighboring properties.
2. **C. Ozawa, 10448 Resthaven Drive** – regarding the Development Variance Application for 10389 Patricia Place, expressed concerns regarding the overall pattern of every development requiring a variance and the effect of light blockage on neighboring properties.
3. **S. Garnett, 9583 Christine Place** – questioned how the 40% cost overrun on the Community Safety Building was unforeseeable and of the potential for further cost overruns, and therefore felt that the project should have come back to the community rather than Council selecting the assent free borrowing option.

Public Participation Period closed at 7:10 p.m.

B. PUBLIC HEARING

Mayor S. Price noted the rules of the procedure for public hearing. The Chief Administrative Officer read the notice for the public hearing.

- i. **Bylaw No. 2146 – Official Community Plan, Amendment No. 20**
(To include the West Sidney Local Area Plan).

(see Bylaw – item 14a)

The following written submission(s) were received:

1. District of North Saanich, email dated October 20, 2017.

The following verbal submission(s) were received:

1. **J. Gifford, 10448 Allbay Road – SUPPORT**; requested an update on the relocation of the Canada Post mailboxes and the Truck Route Bylaw and pedestrian improvements along Galaran Road; and was pleased with the inclusion of 6 storey buildings for affordable housing.

2. **S. Garnet, 9583 Christine Place – OPPOSED;** stated it is difficult to relocate Canada Post mailboxes; did not support 5-6 storey buildings and that 3-4 storeys is a more reasonable fit for the area; and that adding new growth the Beacon/Galaran roundabout will not be able to accommodate more vehicles.

Mayor S. Price asked three times if there were any other submissions. There being none, the Public Hearing for Bylaw No. 2146 was official closed at 7:21 p.m.

2. APPROVAL OF AGENDA

2017.28.464 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the agenda be approved with the addition to item 1bi- District of North Saanich, email dated October 20, 2017.

MOTION CARRIED UNANIMOUSLY

3. ADOPTION OF MINUTES

a. Regular Council Meeting – October 10, 2017

2017.28.465 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Minutes of the Regular Council Meeting of October 10, 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 – October 10, 2017

i. Disposition of Fire Hall & Civic Site Analysis

Resolution: that staff be directed to prepare a Request for Expressions of Interest for the sale of the current Fire Hall site, located at 9837 Third Street, and the adjacent Town Public Parking Lot B, located at 9821 Third Street, with the condition that as part of any future redevelopment the purchaser provide a minimum of 30 Town controlled public parking spaces.

6. DELEGATIONS

a. Port Sidney Marina – 2018 National Paddle Board Championships

Mr. Duane Shaw, of Mill Bay Marine Group, presented the proposal for Port Sidney Marina to host the 2018 National Standup Paddle Board Championships in Sidney from May 26th to May 28th, which would be sponsored by Surf Canada. He noted that paddle boarding will become an official Olympic sport in 2024 and is hoping that this event will become an annual event in Sidney. He advised that the proposal is to hold a 200m sprint course and a 12km long distance course between the waters of Port Sidney Marina and Beacon Wharf. Mr. Shaw requested Council's support for the event by allowing use of Beacon Park and portions of the waterfront walkway area for vendors during the event. He stated the event will attract international competitors and spectators and have a positive impact on local businesses.

2017.28.466 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Port Sidney Marina work with Town staff to obtain the necessary approvals for the proposed 2018 National Paddle Board Championships.

MOTION CARRIED UNANIMOUSLY

7. PETITIONS

8. MAYOR'S REPORT

9. COUNCILLORS' REPORTS

10. COMMITTEE REPORTS

a. Committee of the Whole – October 16, 2017

2017.28.467 Moved by Councillor P. Wainwright, seconded by Councillor M. Lougher-Goodey, that the Minutes of the Committee of the Whole Meeting of October 16, 2017, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1 Establishment of a Community Health Network

2017.28.468 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that funding consideration for the establishment of a Community Health Network on the Saanich Peninsula be refer to the 2018 budget deliberations.

MOTION CARRIED UNANIMOUSLY

R.2 Development Variance Permit Application No. DV100240 (9344 Lochside Drive) (To relax the minimum building envelope width and to waive the minimum frontage for a two-lot subdivision).

2017.28.469 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan:

1. That Section 4.1 of Subdivision and Development Bylaw No. 1390 (that no parcel of land has less than 10% of its perimeter fronting on a street) be waived for the subdivision of 9344 Lochside Drive; and
2. That owners and tenants in occupation of property within 75 m (246 ft) of 9344 Lochside Drive be notified regarding Development Variance Permit Application No. DV100240 (to permit a building area width of 8.35 metres) and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance.

MOTION CARRIED UNANIMOUSLY

R.3 Development Variance Permit Application No. DV100241 (2433 Malaview Avenue) (To increase the amount of vehicle parking spaces in the front yard of an existing multi-family development).

2017.28.470 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan:

1. That Section 4.1 of Subdivision and Development Bylaw No. 1390 (that no parcel of land has less than 10% of its perimeter fronting on a street) be waived for the subdivision of 2433 Malaview Avenue; and
2. That owners and tenants in occupation of property within 75 m (246 ft) of 2433 Malaview Avenue be notified regarding Development Variance Permit Application No. DV100241 (to increase the number of vehicle parking spaces in the front yard area from 13 spaces to 27 spaces) and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance.

OPPOSED: Councillors: E. Bremner-Mitchell & T. Chad

MOTION CARRIED 4:2

R.4 Development Variance Permit Application No. DV100242 (2240 & 2250 Beacon) (To install two non-conforming fascia signs on the subject properties).

2017.28.471 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that owners and tenants in occupation of property within 75m (246ft) of 2240 and 2250 Beacon Avenue be notified regarding Development Variance Permit Application No. DV100242 to:

1. increase the maximum permitted vertical dimensions of two fascia signs in Sign District C from 0.6m (1.97ft) to 0.77m (2.53ft) (Dickens Liquor Shoppe) and from 0.6m (1.97ft) to 0.95m (3.12ft) (Dickens Public House);

2. relax the maximum percentage of illuminated area of the sign from 50% to 71% for the Liquor Shoppe Sign and to 56% for the Public House Sign; and
 3. permit more than the copy of the two proposed signs to be illuminated; and
- that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance.

MOTION CARRIED UNANIMOUSLY

b. Advisory Planning Commission – October 17, 2017

- 2017.28.472 Moved by Councillor M. Lougher-Goodey, seconded by Councillor E. Bremner-Mitchell, that the Minutes of the Advisory Planning Commission Meeting of October 17, 2017, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1 Development Permit Application No. DP100728 and Development Variance Permit Application No. DV100239 (9716 Third Street)

(To construct 4 storey mixed-use commercial/residential development with ground floor commercial space and 9 multi-family dwelling units).

- 2017.28.473 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan:

1. That owners and tenants in occupation of property within 75m (246ft) of 9716 Third Street be notified regarding Development Variance Permit Application No. DV100239 (to relax the percentage of lot area occupied by parking areas, loading areas, and access aisles for the proposed development) and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance;
2. That Development Permit Application No. DP100728 (to permit the construction of a four-storey mixed use development consisting of ground floor commercial and 9 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. DP100728, the property owner shall, prior to the issuance of Building Permit:
 - a. Register a restrictive covenant on the subject property which would ensure that the future strata council may not restrict occupancy in the building based on age;
 - b. Address Development Permit Guidelines No. 21.3.40 (utility kiosk screening) to the satisfaction of the Director of Development Services, Engineering, Parks and Works; and
 - c. 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. Cannabis Legislation & Regulation in BC

- 2017.28.474 Moved by Councillor T. Chad, seconded by Councillor C. McLennan, that Council determine whether to respond to the Province on the legislation and regulation of non-medicinal cannabis.

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

MOTION DEFEATED 5:1

2017.28.475 Moved by Councillor P. Wainwright, seconded by Councillor T. Chad, that Council not respond to the Province on the legislation and regulation of non-medicinal cannabis.

MOTION CARRIED UNANIMOUSLY

2017.28.476 Moved by Councillor T. Chad, seconded by Councillor C. McLennan, that staff develop an approach to review and amend the Town's regulations and policies for the legalization of non-medicinal cannabis and report back to Council.

MOTION CARRIED UNANIMOUSLY

b. Funding for Sidney Museum & Archives

2017.28.477 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor M. Lougher-Goodey:

1. That the remaining \$9,000 repayment from the Sidney Museum & Archives Society be forgiven;
2. That the Town's funding agreement with the Sidney Museum & Archives Society be indexed to annual inflation, beginning in 2018; and
3. That the Historical Museum Lease & Operating Agreement be brought back for renewal with the above-noted funding changes.

MOTION CARRIED UNANIMOUSLY

c. 2017 Sparkles Parade – PCS

2017.28.478 Moved by Councillor C. McLennan, seconded by Councillor E. Bremner-Mitchell, that the Sidney Sparkles Parade be approved, subject to the following conditions:

1. That PCS obtain approval from the RCMP to ensure adequate traffic control is in place for public safety;
2. That PCS conform to all Town Bylaws;
3. That PCS arrange a meeting with Town staff and the RCMP to review safety requirements (at least 3 weeks prior to the event);
4. That PCS send out notices two weeks prior to the event to affected businesses and residents advising of the events schedule for December 3rd and provide a contact number should there be any concerns/questions.

MOTION CARRIED UNANIMOUSLY

12. OTHER REPORTS

13. CORRESPONDENCE

a. Single-Use Plastic Bag Ban

2017.28.479 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor C. McLennan, that the email from the CRD, dated October 6, 2017, providing the Single-Use Plastic Bag Ban draft model bylaw, be received for information.

OPPOSED: Councillor T. Chad
MOTION CARRIED 5:1

14. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION

a. Bylaw No. 2146 – Official Community Plan, Amendment No. 20
(To include the West Sidney Local Area Plan in the OCP).

2017.28.480 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that, pursuant to public hearing, Bylaw No. 2146 – Official Community, Amendment No. 20 (West Side Local Area Plan) be given third reading.

OPPOSED: Councillor T. Chad
MOTION CARRIED 5:1

2017.28.481 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Bylaw No. 2146 – Official Community, Amendment No. 20 (West Side Local Area Plan) be adopted.

OPPOSED: Councillor T. Chad
MOTION CARRIED 5:1

b. Bylaw No. 2147 – Delegation of Authority

(To delegate operational decision-making power and signing authority to Town Officers).

2017.28.482 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that the staff report dated October 13, regarding the proposed Delegation of Authority Bylaw 2147, be received for information and that Bylaw No. 2147 – Delegation of Authority be introduced and given first reading.

MOTION CARRIED UNANIMOUSLY

2017.28.483 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Bylaw No. 2147 – Delegation of Authority be given second reading.

MOTION CARRIED UNANIMOUSLY

2017.28.484 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that Bylaw No. 2147 – Delegation of Authority be given third reading.

MOTION CARRIED UNANIMOUSLY

c. Development Variance Permit Application No. DV100235 (10389 Patricia Place)

(To reduce the rear setback and minimum footprint area to allow for the construction of a two-family dwelling).

Written Submission(s):

1. Letter from L. Lee, 10377 Patricia Place, dated October 16, 2017.
2. Letter from C. Ozawa, 10448 Resthaven Drive, October 17, 2017.

2017.28.485 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Development Variance Permit Application No. DV100235 (10389 Patricia Place – to reduce the rear setback and minimum footprint area to allow for the construction of a two-family dwelling) be approved.

MOTION CARRIED UNANIMOUSLY

d. Development Variance Permit Application No. DV100236 (101-2537 Beacon Ave)

(To allow two portable signs to be placed on the property).

(No written submissions were received).

2017.28.486 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that Development Variance Permit Application No. DV100236 (101-2537 Beacon Avenue – to allow two portable signs to be placed on the property) be approved.

MOTION CARRIED UNANIMOUSLY

e. Development Variance Permit Application No. DV100238 (2410 Malaview Avenue)

(To reduce the exterior side yard setback and the maximum distance eaves and gutters can project into the setback area to allow for an addition to an existing institutional building).

Written Submission(s):

1. Letter from B. Foster, 2420 Malaview Avenue, dated October 13, 2017.

2017.28.487 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Development Variance Permit Application No. DV100239 (9775 Fourth Street - to reduce the exterior side yard setback and the maximum distance eaves and gutters can project into the setback area to allow for an addition to an existing institutional building) be approved.

MOTION CARRIED UNANIMOUSLY

15. NEW BUSINESS

16. CORRESPONDENCE FOR INFORMATION

2017.28.488 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that the following correspondence be received for information:

1. Email from Community Energy Association, invitation to the Climate Leadership Institute training opportunity – November 1-3, 2017, dated October 5, 2017.
2. Letter from Island Health, regarding air quality related health concerns due to domestic wood burning and backyard burning, dated October 6, 2017.

MOTION CARRIED UNANIMOUSLY

17. NOTICES OF MOTION

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

2017.28.489 Moved by Councillor M. Lougher-Goodey, 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 Council and Officers be excluded from the meeting to consider confidential matters relating to personnel 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

2017.28.490 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that the meeting be adjourned at 8:02 p.m.

MOTION CARRIED UNANIMOUSLY

MAYOR

CORPORATE OFFICER