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## TOWN OF SIDNEY

### MINUTES OF REGULAR COUNCIL MEETING Monday, July 9, 2018 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  
C. Newcomb, Acting 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. **M. Loveless, on behalf of Board of Peninsula Celebrations Society** – advised that the Canada/Sidney Days events this past weekend were a great success and thanked Council (specifically Councillor C. McLennan for continuing to be the parade marshal) and Town staff for their continued support.
2. **T. O’Keeffe, 2067 Piercy Avenue** – expressed concerns regarding the rapid pace of development and the ease in which the Town is agreeing to give up parking spaces; stated is not opposed to change or increased density as long as it’s balanced with the developers’ desire to maximizes their investments and with the needs of Sidney residents; expressed concerns regarding lack of parking and its impact on businesses particularly as Sidney is the retail hub for the Peninsula; stated appreciates the thoughtful questions from some of the Councillors when development plans are being presented; expressed concerns when a citizen’s comments at the June 25 Council meeting seem to be somewhat chastised; and stated appreciates those Council members who take the time to educate the public rather than to simply dismiss their complaints.

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

##### **B. SPECIAL PUBLIC PARTICIPATION OPPORTUNITY**

- i. **2017 Annual Report** *(see Report - item 11a)*

*There were no public speakers.*

##### **C. PRESENTATIONS**

- i. **2019 Sidney Calendars**

Mr. Bob McLure, Sidney Sister Cities Association, was pleased to present the 2019 Sidney wall and desk calendars that will be available for purchase at Tanner’s Book Store. He advised that this is the 10<sup>th</sup> edition of the wall calendar (which was initially created by the Town’s Executive Assistant), and is the 8<sup>th</sup> year the Association has produced the calendar.

**ii. Request for Tree Removal at 10526 Allbay Road**

*(see Correspondence – item 13a)*

Mr. David Watkins, neighbor on behalf Mr. B. & Mrs. J. Turner of 10526 Allbay Road, requested Council to consider approving the Turner's application to remove one Douglas Fir tree on their property due to safety concerns. He explained that the Turner's have tried their best to live with this tree and maintain it for several years, but have still had the tree's limbs fall onto their house several times (causing significant damages and continued concerns for their safety). Mr. Watkins advised that the Turner's want to keep the other Douglas Fir trees on their property, but that this particular tree is proven to be unsafe. He noted the situation is dangerous and that the Turner's are under constant stress and fear for their safety.

**iii. Development Permit Application No. DP100739 & Development Variance Permit Application No. 100252 (2313 Oakville Avenue)**

(To relax lot coverage and side interior setbacks to allow the construction of 2 single-family dwellings, each with a secondary suite).

*(see Report - item 11b)*

Mr. A. Dhaliwal, on behalf of Applicant, presented a revised plan, as per Council's resolution, for the construction of 2 single-family dwellings and advised they have submitted an Arborist's report and a detailed engineering drawing of the transition slope between the laneway and the driveway.

**iv. Development Permit Application No. DP100764 & Development Variance Permit Application No. DV100266 (2345 Oakville Avenue)**

(To relax lot coverage, accessory building setback, width and coverage, and parking dimensions to allow the construction of 2 single-family dwellings, each with a secondary suite).

*(see Report - item 11c)*

Mr. Paul Boyer, Applicant, presented the plans to subdivide the property into two lots in order to construct 2 single-family dwellings, each with a secondary suite on the lower level. He advised the homes are craftsman style, which fits in with the Orchard neighborhood, and meets the height requirements. He advised that the variances being requested are to accommodate access to the 2-car garage located off the laneway at the rear of property, and to allow for the parking spaces in the front yards, for the secondary suites, to be smaller than permitted.

**D. 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. 2161 - Zoning, Amendment No. 36**  
(To add broadcasting studio as a permitted use).

*(see Bylaw – item 14b)*

The following written submission(s) were received: None.

The following verbal submission(s) were received:

- 1. S. Garnett, 9583 Christine Place – IN FAVOUR;** expressed support for Radio Sidney and, in particularly, likes their mentoring program for high school students.

Mayor S. Price asked three times if there were any other submissions. There being none, the Public Hearing for Bylaw No. 2161 was official closed at 7:35 p.m.

**2. APPROVAL OF AGENDA**

2018.25.362 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that the agenda be approved with the following amendments:

1. item 10bR3 – staff memo dated July 9, 2018; and
2. new item 15a - New Business - Amendment to EDC's Terms of Reference.

**MOTION CARRIED UNANIMOUSLY**

**3. ADOPTION OF MINUTES**

**a. Regular Council Meeting – June 25, 2018**

2018.25.363 Moved by Councillor B. Fallot, seconded by Councillor C. McLennan, that Minutes of the Regular Council Meeting of June 25, 2018, be adopted as presented.

**MOTION CARRIED UNANIMOUSLY**

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

**5. BUSINESS ARISING FROM MINUTES**

**6. DELEGATIONS**

**7. PETITIONS**

**8. MAYOR'S REPORT**

**9. COUNCILLORS' REPORTS**

**10. COMMITTEE REPORTS**

**a. Audit & Finance Committee – June 25, 2018**

2018.25.364 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the Minutes of the Audit & Finance Committee Meeting of June 25, 2018, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

**R.1 Permissive Tax Exemption Request**

2018.25.365 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the request for a tax exemption from Broadmead Care for Rest Haven Lodge (2281 Mills Road) be approved for a four-year taxation period only, from 2019 to 2022.

**MOTION CARRIED UNANIMOUSLY**

**R.2 2017 Year End Financial Results**

2018.25.366 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the staff report dated June 6, 2018, providing information on the 2017 operating results, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**R.3 Request for Funding - Saanich Peninsula Chamber of Commerce**

2018.25.367 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the request for funding from the Saanich Peninsula Chamber of Commerce (\$25,000) be referred to the 2019 budget deliberations.

**OPPOSED: Councillors: E. Bremner-Mitchell & B. Fallot**  
**MOTION CARRIED 5:2**

**b. Advisory Planning Commission – July 3, 2018**

2018.25.368 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the Minutes of the Advisory Planning Commission Meeting of July 3, 2018, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

**R.1 Development Permit Application No. DP100753 and Development Variance Permit Application No. DV100258 (9633 Eighth Street)**

(To relax requirements for lot coverage and size of the second storey in order to allow the construction of a couplet house).

2018.25.369 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan:

1. That owners and tenants in occupation of property within 75m (246ft) of 9633 Eighth Street that is subject of Development Variance Permit Application No. DV100258 (to relax the maximum allowable lot coverage and gross floor area of the second storey) 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;
2. That Development Permit Application No. DP100753 (to permit the construction of a couplet dwelling) be brought before Council for consideration of approval if Council authorizes the issuance of the development variance permit; and,
3. That as conditions of approval of Development Permit Application No. DP100753, the property owner shall:
  - a. Address Design Guidelines No. 19.3.9 (window adjacencies), 19.3.2 (roof structures) and No. 19.3.32 (tree retention and placement) to the satisfaction of the Director of Development Services, Engineering, Parks and Works; and
  - 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.

**MOTION CARRIED UNANIMOUSLY**

**R.2 Development Permit Application No. DP100736 (9965 & 9981 Fourth Street)**

(To construct a 4-storey residential development consisting of a total of 32 units).

2018.25.370 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Development Permit Application No. DP100736 (for the form and character of a 4 storey residential development with 31 multi-family dwelling units) for 9965 & 9981 Fourth Street be approved, subject to the following condition:

1. That prior to the issuance of Building Permit the property owner shall:
  - a. Address Design Guidelines No. 20.3.9 (Location of garbage containers), No. 20.3.23 (hard-surfaced driveway materials), 20.3.28 (Ground floor units access to Fourth Street), 20.3.29 (utility kiosk screening) and 20.3.31 (hard landscaping elements) to the satisfaction of the Director of Development Services, Engineering, Parks and Works.
  - b. Address Off-Street Parking & Loading Bylaw No. 2140, Section 5.5.7 (rack protection against weather conditions) to the satisfaction of the Director of Development Services, Engineering, Parks and Works;
  - c. Register a restrictive covenant on the title of the property with the Town as a signatory, prohibiting the future strata council from passing any bylaws that may restrict occupancy of the building based on age; and
  - d. 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.

**OPPOSED: Councillor E. Bremner-Mitchell  
MOTION CARRIED 6:1**

**R.3 Development Permit Application No. DP100765 & Development Variance Permit Application No. DV100267 (9821 & 9837 Third Street)**

(To relax height, number of storeys, number, size and location of 3-bedroom units, and parking requirements in order to construct a 6 storey, mixed-used building consisting of ground floor commercial and five upper floors (85 units) and a 3 storey office building, with both buildings to be constructed on top of a shared underground parking garage).

2018.25.371

Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the applicant for Development Permit Application No. DP100765 & Development Variance Permit Application No. DV100267 (9821 & 9837 Third Street) address the following design guidelines and present the revised proposal at a future Advisory Planning Commission meeting:

1. Design Guideline No. 21.3.16 (upper storey setbacks) specifically for the north side of the building facing Sidney Avenue by adding a setback at the fifth storey level and another more substantial setback at the sixth storey level; and
2. Design Guidelines No. 21.3.1 (massing), No. 21.3.7 (retail frontages), No. 21.3.21 (side elevations), No. 21.3.22 (roof treatment), No. 21.3.24 (commercial facades), No. 21.3.26 (restaurant venting), No. 21.3.27 (canopies), No. 21.3.28 (avoiding large facades), No. 21.3.32 (hard surface materials), No. 21.3.39 (landscaping), No. 21.3.40 (utility kiosk location and screening), No. 21.3.45 (tree locations), No. 21.3.46 (site lighting), and No. 21.3.57 (signage).

**MOTION CARRIED UNANIMOUSLY**

**11. STAFF REPORTS**

**a. 2017 Annual Report**

2018.25.372

Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the Town of Sidney 2017 Annual Report be approved as presented.

**MOTION CARRIED UNANIMOUSLY**

**b. Development Permit Application No. DP100739 & Development Variance Permit Application No. 100252 (2313 Oakville Avenue)**

(To relax lot coverage and side interior setbacks to allow the construction of 2 single-family dwellings, each with a secondary suite).

2018.25.373

Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Development Permit Application No. DP100739 (for the form and character of two small-lot single-family dwellings) and Development Variance Permit No. DV100252 (to relax the maximum allowable lot coverage and side interior setbacks) for 2313 Oakville Avenue be forwarded to the Advisory Planning Commission for further review and comment.

**MOTION CARRIED UNANIMOUSLY**

**c. Development Permit Application No. DP100764 & Development Variance Permit Application No. DV100266 (2345 Oakville Avenue)**

(To relax lot coverage, accessory building setback, width and coverage, and parking dimensions to allow the construction of 2 single-family dwellings, each with a secondary suite).

2018.25.374

Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Development Permit Application No. DP100764 (to permit the construction of two small lot single-family dwellings) and Development Variance Permit Application No. DV100266 (to relax the requirements for lot coverage, accessory building setback, width and coverage and parking dimensions) for 2345 Oakville Avenue be forwarded to the Advisory Planning Commission for review and comment.

**MOTION CARRIED UNANIMOUSLY**

**d. Development Variance Permit Application No. DP100269 (2002 Melville Avenue)**  
(To relax fence height for an existing fence in the front yard).

- 2018.25.375 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot:
1. That owners and tenants in occupation of property within 75m (246ft) of 2002 Melville Avenue that is the subject of Development Variance Permit Application No. DV100269 (to relax the fence height in the front 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.
  2. That as a condition of DV100269, the fence not exceed a height of 1.8 m (5.9 ft) above the grade of the adjacent sidewalk.

**MOTION CARRIED UNANIMOUSLY**

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

- 2018.25.376 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot, that the staff report dated July 3, 2018, providing an update on previous, current and ongoing Council action items, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**f. Water Meters in Multi-Family Buildings**

- 2018.25.377 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot:
1. That staff be directed to bring forward an amendment to the Building Regulations Bylaw No. 2016 to require developers of multi-family buildings to install one appropriately sized water meter for the entire building; and
  2. That the change in standard for metering of multi-family building be applied immediately.

**OPPOSED: Councillors: E. Bremner-Mitchell, T. Chad,  
M. Lougher-Goodey & C. McLennan**  
**MOTION DEFEATED 4:3**

**12. OTHER REPORTS**

**13. CORRESPONDENCE**

**a. Request for Tree Removal at 10526 Allbay Road**

- 2018.25.378 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that the letter from B. & J. Turner, 10526 Allbay Road, dated June 19, 2018, requesting the removal of one Douglas Fir tree on their property due to safety concerns, be referred to staff for a report.

**MOTION DEFEATED UNANIMOUSLY**

- 2018.25.379 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that the request from B. & J. Turner, 10526 Allbay Road, dated June 19, 2018, to remove one Douglas Fir tree on their property due to safety concerns, be approved.

**MOTION CARRIED UNANIMOUSLY**

**b. Request for Support – Review of Regional Growth Strategy Legislation**

- 2018.25.380 Moved by Councillor P. Wainwright, seconded by Councillor E. Bremner-Mitchell, that the letter from CRD Board, dated June 26, 2018, be received and that the Town send a letter to the Minister of Municipal Affairs and Housing expressing support for the CRD Board's request to engage local governments in a comprehensive review and update of the Regional Growth Strategy (RGS) sections of the *Local Government Act*.

**MOTION CARRIED UNANIMOUSLY**

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

**a. Bylaw No. 2159 - Election Procedure Bylaw, Amendment No. 3**

(To update legislative section number references and other minor housekeeping items).

2018.25.381 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Bylaw No. 2159 – Election Procedure Bylaw, Amendment No. 3, be adopted.

**MOTION CARRIED UNANIMOUSLY**

**b. Bylaw No. 2161 - Zoning, Amendment No. 36**

(To add broadcasting studio as a permitted use).

2018.25.382 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that, pursuant to public hearing and receipt of approval from the Ministry of Transportation, Bylaw No. 2161 – Zoning, Amendment No. 36 be given third reading.

**MOTION CARRIED UNANIMOUSLY**

2018.25.383 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that Bylaw No. 2161 – Zoning, Amendment No. 36 be adopted.

**MOTION CARRIED UNANIMOUSLY**

**15. NEW BUSINESS**

**a. Amendment to EDC's Terms of Reference**

Councillor E. Bremner-Mitchell advised that, with only 8 appointed members (noting 2 vacancies) and the summer months approaching, it has been difficult for the Town's Economic Development Commission to reach a quorum.

2018.25.384 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor P. Wainwright, that the quorum requirements in the Terms of Reference for the Economic Development Commission be amended from 6 voting members to 50% + 1 of the current voting members.

**MOTION CARRIED UNANIMOUSLY**

**16. CORRESPONDENCE FOR INFORMATION**

2018.25.385 Moved by Councillor B. Fallot, seconded by Councillor M. Lougher-Goodey, that the following correspondence be received for information:

1. Letter from G. Moffat, Lochside Drive, regarding the Town's development framework and processes, dated May 10, 2018. Reply dated June 27, 2018.
2. Letter from Township of Spallumcheen, regarding Employer Health Tax, dated June 8, 2018.
3. Email from Mayor Helps, City of Victoria, regarding the South Island Project, dated June 22, 2018.
4. Letter from Vancouver Island Film & Media Commission, expressing thanks for the Town's 2018 grant funding, dated June 19, 2018.
5. Email from C. Peters, regarding Child Sex Trafficking in BC, dated June 26, 2018.
6. Email from C. Peters, regarding USA Government report on Human Trafficking and their focus on local communities, dated July 2, 2018.
7. Proclamation: July 9, 2018 - International Town Criers Day.

**MOTION CARRIED UNANIMOUSLY**

**17. NOTICES OF MOTION**

**a. Downtown Streetscape and Urban Design Standards**

Councillor P. Wainwright gave notice of the following motion to be considered at the next regular Council meeting:

*That future staff reports to Council, Committee of the Whole and to the Advisory Planning Commission which present an analysis of development proposals include a section which considers consistency with the Downtown Streetscape & Urban Design Standards.*

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

2018.25.386 Moved by Councillor B. Fallo, 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 a personal issue, pursuant to section 90.1 (a) of the *Community Charter* and that Council continue the meeting in closed session.

**MOTION CARRIED UNANIMOUSLY**

**19. ADJOURNMENT**

2018.25.387 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that the meeting be adjourned at 8:23 p.m.

**MOTION CARRIED UNANIMOUSLY**

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MAYOR

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CORPORATE OFFICER