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**TOWN OF SIDNEY**

**MINUTES OF REGULAR COUNCIL MEETING**  
**Monday, September 24, 2018**  
**Council Chambers**  
**7:00 p.m.**

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

**ABSENT:** Councillor E. Bremner-Mitchell

**Staff:** R. Humble, Chief Administrative Officer  
A. Hicik, Director of Corporate Services  
B. Mikkelsen, Fire Chief  
M. van der Linden, Manager of Engineering & Environmental Services  
C. Newcomb, Acting Manager of Planning  
T. Restell, Manager of Finance  
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. Blair, 2312 Henry Avenue** – with respect to the Mayor’s comments at the Special Council Meeting on September 4 whereby he stated he is “speaking for the silent majority”, noted it as the always absent and speechless population who some leaders evoke to justify their actions; and stated that providing 2 minutes per speaker for public input on a major decision (i.e. the redevelopment of the Fire Hall and Parking Lot sites) is not speaking for the community or the silent majority.

Public Participation Period closed at 7:02 p.m.

**B. PRESENTATION**

- i. **Request for Funding – Blanket Exercise Train-the-Trainer**  
(see Correspondence – item 13a)  
*Presentation was cancelled.*

**C. 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. 2163 – Zoning Amendment No. 37**  
(To regulate Short Term Vacation Rentals).  
(see Bylaw – item 14b)

The following written submission(s) were received:

1. Email from W. Ewing, Seawind Way, dated September 1, 2018.
2. Email from D. Thompson, dated September 2, 2018.
3. Email from P. & S. Wilkins, Resthaven Drive, dated August 31, 2018.

4. Email from L. Reid, Allbay Road, dated September 6, 2018.
5. Email from A. Gray, Muriel Place, dated September 7, 2018.
6. Email from S. Duck, President of Sidney Community Association, dated September 10, 2018.
7. Email from R. & M. Hardie, Fourth Street, dated September 12, 2018.
8. Email from S. Duncan, Ardwell Avenue, dated September 16, 2018.
9. Email from P. Morninglight, White Birch Road, dated September 15, 2018.
10. Email from A. Hamilton, dated September 18, 2018.
11. Email from L. Cole, dated September 18, 2018.
12. Email from D. Calveley, 9655 First Street, dated September 19, 2018.
13. Email from D. Paquette (Sidney Waterfront Inn & Sidney Cannery), dated September 21, 2018.
14. Email from R. Wall, dated September 21, 2018.
15. Email from E. & J. Olson, dated September 21, 2018.
16. Email from R. Spooner, Second Street, dated September 20, 2018.
17. Email from D. Peat (Beacon Inn at Sidney), dated September 21, 2018.
18. Email from T. O'Keefe, Piercy Avenue, dated September 23, 2018.

The following verbal submission(s) were received:

1. **R. Hardie, 9751 Fourth Street – Opposed;** purchased a condo unit in a Commercial zone and did not find bylaws that restricting STR; hosts people from all over the world providing great tourism/economic benefits to Sidney; screens people before booking and has received no complaints; provides accommodation with personal touches not offered in regular hotels; not in direct competition with hotels who offer nightly rates; to restrict these rentals will have a negative effect on Sidney; and encouraged Council to reconsider the bylaw amendment and to allow STR in C1 zones or to allow existing STR to be grandfathered, as per City of Victoria.
2. **Property Owner, 9751 Fourth Street - Opposed;** owns a condo offering STR and agreed with the previous speaker; brings people from all over the world into the community; more growth because of rentals/tourism; people like the home-like-feel accommodation than hotels; and encouraged Council to re-think the wording and to consider the benefits to Sidney.

Mayor S. Price asked three times if there were any other submissions. There being none, the Public Hearing for Bylaw No. 2163 was official closed at 7:12 p.m.

## 2. APPROVAL OF AGENDA

- 2018.31.465 Moved by Councillor B. Fallot, seconded by Councillor C. McLennan, that the agenda be approved with the following additions:
1. item 1ci – 6 additional written submissions;
  2. item 1ci – staff report dated September 24, 2018;
  3. item 14c – 3 additional written submissions; and
  4. item 14d – 3 additional written submissions.

**MOTION CARRIED UNANIMOUSLY**

## 3. ADOPTION OF MINUTES

### a. Special Council Meeting – September 4, 2018

- 2018.31.466 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Minutes of the Special Council Meeting of September 4, 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

The Mayor reported on the following: 1. OCP Review – stated, if re-elected, would create a Vision Steering Committee, similar to that created in 2008, to comprehensively review the OCP, which will also include a housing needs assessment; and 2. UBCM Conference – advised that he, along with Councillors M. Lougher-Goodey and C. McLennan, attended the UBCM Conference and met with the Health Minister Andrew Dicks to discuss ways to deal with the doctors crisis and how to work together to bring a second doctors clinic to Sidney.

## 9. COUNCILLORS' REPORTS

- a. **Councillor M. Lougher-Goodey** – as Chair of the CRD Water Commission advised that the cost of wholesale water has increased 1.9%, however noted that it does not necessarily mean that water bills in Sidney will increase; and advised that the CRD's initiative to conserve water through banning the use of commercial once-through cool systems will need to be rescinded, as per the recent changes to the BC Building Code.

## 10. COMMITTEE REPORTS

### a. Economic Development Commission – September 6, 2018

2018.31.467 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that the Minutes of the Economic Development Commission Meeting of September 6, 2018, be received for information.

**MOTION CARRIED UNANIMOUSLY**

### b. Committee of the Whole – September 17, 2018

2018.31.468 Moved by Councillor T. Chad, seconded by Councillor C. McLennan, that the Minutes of the Committee of the Whole Meeting of September 17, 2018, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

#### R.1 Development Permit Application No. DP100773 (9989 & 9991 Fifth Street)

2018.31.469 (To construct a 4-storey, 19-unit multi-family building with underground parking). Moved by Councillor T. Chad, seconded by Councillor M. Lougher-Goodey, that Development Permit Application No. DP100773 (9989 & 9991 Fifth Street - to construct a 4-storey, 19-unit multi-family building with underground parking) be forwarded to the Advisory Planning Commission for further review and comment, subject to the applicant submitting an arborist report, prepared by a certified arborist, to include a tree retention plan, tree preservation and mitigation strategies.

**MOTION CARRIED UNANIMOUSLY**

#### R.2 Street Vending on Public Property

2018.31.470 Moved by Councillor T. Chad, seconded by Councillor B. Fallot, that the Street Vending Policy DV-010 be approved as amended.

**MOTION CARRIED UNANIMOUSLY**

### c. Advisory Planning Commission – September 18, 2018

2018.31.471 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the Minutes of the Advisory Planning Commission Meeting of September 18, 2018, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

**R.1 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).

2018.31.472

Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that Development Permit Application No. DP100739 (2313 Oakville Avenue - for the form and character of two small-lot single-family residential dwellings) be brought before Council for approval, provided that the property owner shall, prior to the issuance of Building Permit, meet the following conditions:

1. Address Design Guidelines 19.3.38 (design of open space) to the satisfaction of the Director of Development Services, Engineering, Parks and Works;
2. Submit and adhere to a tree retention plan, prepared by a certified arborist, which specifically examines and recommends measures to minimize the impact of the proposed driveway access and parking areas off of Oakville Avenue;
3. Provide a front yard driveway access and parking area plan, which adheres to the tree retention plan, to the satisfaction of the Director of Development Services, Engineering, Parks and Works;
4. Install tree protection fencing to the satisfaction of the Director of Development Services, Engineering, Parks and Works, keep the fencing in place until such time that all construction on the property is complete, and have all work inside the tree protection fencing to be undertaken under the direct supervision of a certified Consulting Arborist; and
5. 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. Sidney BIA Pilot Project Process - Budget & Timeline**

2018.31.473

Moved by Councillor P. Wainwright, seconded by Councillor M. Lougher-Goodey, that Sidney BIA Pilot Project Process – Budget & Timeline be tabled and referred to the Economic Development Commission for comment and recommendation.

**OPPOSED: Mayor S. Price & Councillor C. McLennan  
MOTION CARRIED: 4:2**

**b. Downtown Wayfinding Signage Proposal**

2018.31.474

Moved by Councillor C. McLennan, seconded by Councillor P. Wainwright, that staff be instructed to fabricate and install the wayfinding signage at the identified nineteen downtown locations and that the funding for the project be taken from the appropriate 2018 capital budget item and that the remaining surplus budget be reserved for other wayfinding initiatives.

**MOTION CARRIED UNANIMOUSLY**

**c. Capital Project (Malaview Sidewalk) Funding Agreement**

2018.31.475

Moved by Councillor B. Fallot, seconded by Councillor M. Lougher-Goodey, that the funding source for the Malaview Sidewalk project be amended to the Infrastructure Reserve, and the partial funding source for the paving portion of the Resthaven: Henry to Mills project be amended to the Gas Tax Reserve.

**MOTION CARRIED UNANIMOUSLY**

**d. Agreement – Operation of Tulista Boat Launch**

2018.31.476 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the user management agreement with the Sidney Anglers Association be renewed for an additional 5 years to December 31, 2023.

**MOTION CARRIED UNANIMOUSLY**

**e. Agreement – Management of Tulista Boat Launch Ticket Meter**

2018.31.477 Moved by Councillor T. Chad, seconded by Councillor B. Fallot, that the management contract with Robbins for management of the ticket meter be renewed for an additional 5 years to December 31, 2023.

**MOTION CARRIED UNANIMOUSLY**

**f. Agreement – Management of Long-Term Parking Lot A (Second & Bevan)**

2018.31.478 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that the management contract with Robbins for Lot A (Second Street & Bevan Avenue) be renewed for 5 additional years to December 31, 2023.

**MOTION CARRIED UNANIMOUSLY**

**g. Halloween Treat Street Event**

2018.31.479 Moved by Councillor C. McLennan, seconded by Councillor T. Chad, that the Sidney Business Improvement Area Society (SBIA) be granted permission to close Beacon Avenue, from First Street to Fifth Street, for their Halloween Treat Street event on October 31, 2018, subject to the following conditions:

1. That the SBIA provide proof of \$2,000,000 liability insurance naming the third party insured as the Town of Sidney for this event;
2. That the SBIA conform to all Town Bylaws;
3. That the SBIA provide all traffic control measures similar to the street market including a certified traffic control person on Landmark lane to allow two way alternating traffic;
4. That the SBIA send out notices (at least 4 weeks prior to the event) to affected residents/businesses advising of their event and provide a contact number should there be any concerns/questions;
5. That no costs are to be incurred by the Town in relation to this event.

**MOTION CARRIED UNANIMOUSLY**

**h. Monthly Building Permit Report – August 2018**

2018.31.480 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that the Monthly Building Permit Report for August 2018 be received for information.

**MOTION CARRIED UNANIMOUSLY**

**12. OTHER REPORTS**

**13. CORRESPONDENCE**

**a. Request for Funding – Blanket Exercise Train-the-Trainer**

2018.31.481 Moved by Councillor T. Chad, seconded by Councillor M. Lougher-Goodey, that the letter from J. Harrison, Foundry Victoria, the Saanich Peninsula Local Action Team, dated September 18, 2018, be received, and that their funding request for a Blanket Exercise be approved in the amount of \$750 and that the funds be allocated from grants.

**MOTION CARRIED UNANIMOUSLY**

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

**a. Bylaw No. 2151 – 2018 Tax Rate**

2018.31.482 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad that the staff report, dated September 5, 2018, advising of an administrative error in Schedule A of 2018 Tax Rate Bylaw No. 2151 that requires correction, received for information.

**MOTION CARRIED UNANIMOUSLY**

2018.31.483 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that Bylaw No. 2151 – 2018 Tax Rate be rescinded.

**MOTION CARRIED UNANIMOUSLY**

2018.31.484 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that Bylaw No. 2151 – 2018 Tax Rate be given first reading as amended.

**MOTION CARRIED UNANIMOUSLY**

2018.31.485 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that Bylaw No. 2151 – 20189 Tax Rate be given second reading.

**MOTION CARRIED UNANIMOUSLY**

2018.31.486 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that Bylaw No. 2151 - 2018 Tax Rate be given third reading.

**MOTION CARRIED UNANIMOUSLY**

**b. Bylaw No. 2163 – Zoning, Amendment No. 37**

(To regulate Short Term Vacation Rentals).

2018.31.487 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that, pursuant to public hearing and receipt of approval from the Ministry of Transportation and Infrastructure, Bylaw No. 2163 – Zoning, Amendment No. 37 be given third reading.

**MOTION CARRIED UNANIMOUSLY**

2018.31.488 Moved by Councillor P. Wainwright, seconded by Councillor T. Chad, that Bylaw No. 2163 – Zoning, Amendment No. 37 be adopted.

**MOTION CARRIED UNANIMOUSLY**

**c. Development Permit Application No. DP100762 & Development Variance Permit Application No. DV100265 (9861 Third Street)**

(To allow balconies and eaves to project into setbacks, reduce the driveway aisle width and to change adaptable unit requirements in order to construct a 4-storey multi-family residential development).

Written Submission(s):

1. Email from N. Hockey, 9904 Third Street, dated September 13, 2018.
2. Letter from E. Speck, 9875 Third Street, dated September 19, 2018.
3. Letter from R. & B. McCrea, 9875 Third Street, dated September 19, 2018.
4. Email from R. & R. Lake, dated September 23, 2018.

2018.31.489 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Development Variance Permit Application No. DV100265 (9861 Third Street - to allow balconies and eaves to project into setbacks, reduce the driveway aisle width and to change adaptable unit requirements in order to construct a 4-storey multi-family residential development) be approved and that Development Permit Application No. DP100762 be approved, subject to conditions as per Council Resolution No. 2018.30.450.

**MOTION CARRIED UNANIMOUSLY**

**d. Development Permit Application No. DP100768 & Development Variance Permit Application No. DV100270 (9824 Third Street)**

(To allow an increase in height, number of storeys and lot area to be utilized for parking in order to construct a 6-storey mixed-use building consisting of ground floor commercial, 5 upper floors containing 12 dwellings units and a two level parking garage).

Written Submission(s):

1. Letter from R. Lindsay, 9818 Third Street, dated August 6, 2018.
2. Email from N. Furlong, 2061 Brethour Park Way, dated September 17, 2018.
3. Email from J. & E. Olson, dated September 21, 2018.
4. Email from G. Eschun, 9818 Third Street, dated September 24, 2018.
5. Letter from J. Baxter, 9818 Third Street, dated September 24, 2018.

2018.31.490 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that Development Variance Permit Application No. DV100270 (9824 Third Street - to allow an increase in height, number of storeys and lot area to be utilized for parking in order to construct a 6-storey mixed-use building consisting of ground floor commercial, 5 upper floors containing 12 dwellings units and a two level parking garage) be approved, and that Development Permit Application No. DP100768 be approved, subject to conditions as per Council Resolution No. 2018.30.451.

**MOTION CARRIED UNANIMOUSLY**

**15. NEW BUSINESS**

**16. CORRESPONDENCE FOR INFORMATION**

2018.31.491 Moved by Councillor B. Fallot, seconded by Councillor C. McLennan, that the following consent business be received for information:

1. Letter from D. & W. Maddison, regarding tree removal permit for 2262 Markinch Place, dated August 22, 2018. Reply dated September 7, 2018.
2. Letter from Ministry of Municipal Affairs & Housing, regarding CRD's request for a review of the Regional Growth Strategy (RGS) sections of the *Local Government Act*, dated August 23, 2018.
3. Letter from ORCCA, expressing appreciation for receipt of 2018 grant-in-aid funding from the Town, dated August 23, 2018.
4. Letter from District of Ucluelet, regarding modernization of utility taxation, dated August 27, 2018.
5. Letter from aKd Resource, advising of their upcoming review of the Auditor General for Local Government and Office, dated August 29, 2018.
6. Letter from District of Oak Bay, regarding Local Government Vacancy Levy, dated August 31, 2018.
7. Letter from Canadian Federation of Independent Business, regarding the Municipal Red Tape Challenge, dated August 31, 2018.
8. Email from W. Debeck, providing input - parking survey, dated September 3, 2018.
9. Emails from C. Stephens, regarding "Call to Action" – an event to clean up Beacon Avenue, dated September 4 and September 10, 2018.
10. Email from R. Kirkham, regarding cleaning up downtown Sidney, dated September 4, 2018.
11. Letter from G. & J. Joyce, regarding parking in Sidney, dated September 5, 2018. Reply dated September 7, 2018.
12. Letter from District of Houston, regarding BC Wildfire Resources, dated September 5, 2018.
13. Email from S. Lang, regarding cleaning up downtown Sidney, dated September 6, 2018. Reply dated September 7, 2018.
14. Letter from Broadmead Care, expressing thanks for adoption of the tax exemption bylaw for Rest Haven Lodge, dated September 7, 2018.
15. Letter from P. Beck, requesting an off-leash dog park in Sidney, dated September 8, 2018. Reply dated September 17, 2018.
16. Email from L. Comber, regarding the Park Concept Plan project, dated September 9, 2018. Reply dated September 11, 2018.

17. Email from B. Ravenscroft, regarding parking in Sidney, dated September 10, 2018.
18. Letter from P. James, regarding increased growth and infrastructure upgrading, dated September 10, 2018. Reply dated September 11, 2018.
19. Email from J. Slade, regarding the Sidney Skate Park and little kids, dated September 12, 2018. Reply dated September 12, 2018.
20. Letter from K. Finley, regarding the Park Concept Plan for Resthaven Park, dated September 13, 2018. Reply dated September 17, 2018.
21. Letter from Sidney Community Association, regarding the Parks Concept Plan project, dated September 14, 2018. Reply dated September 17, 2018.
22. Email from G. & M. Chislett, regarding development in Sidney, dated September 15, 2018. Reply dated September 18, 2018.
23. Proclamation: September 29, 2018 as "Ride for Refuge Day".

**MOTION CARRIED UNANIMOUSLY**

**17. NOTICES OF MOTION**

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

- 2018.31.492 Moved by Councillor B. Fallot, seconded by Councillor C. McLennan, 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**

- 2018.31.493 Moved by Councillor B. Fallot, seconded by Councillor C. McLennan, that the meeting be adjourned at 8:05 p.m.

**MOTION CARRIED UNANIMOUSLY**

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MAYOR

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CORPORATE OFFICER