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**TOWN OF SIDNEY**

**MINUTES OF REGULAR COUNCIL MEETING**  
**Monday, February 25, 2019**  
**Council Chambers**  
**7:00 p.m.**

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**PRESENT:** Mayor C. McNeil-Smith  
Councillors: S. Duncan, B. Fallot, S. Garnett, T. O'Keefe, C. Rintoul and P. Wainwright

**Staff:** R. Humble, Chief Administrative Officer  
C. Newcomb, Senior Manager of Planning  
M. van der Linden, Acting Director of Engineering  
B. Robinson, Manager of Public Works & Parks  
T. Restell, Manager of Finance  
S. Nelson, Corporate Officer

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

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

**A. PUBLIC PARTICIPATION PERIOD**

1. **J. Baker, 9706 Third Street** – regarding new construction taking place on the neighboring property, expressed concerns of trespassing and requested Council to consider establishing a policy (for in-fill development with zero lot lines) to require the developer/property owner to obtain permission from the adjacent property owner(s) prior to workers entering onto adjacent properties for the purpose of construction.

Public Participation Period closed at 7:07 p.m.

**2. APPROVAL OF AGENDA**

- 2019.14.101 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that the agenda be approved with the following amendments:
1. addition of item 13d – Working Group on Health Care on the Peninsula;
  2. addition of item 17a – Displacement of Tenants; and
  3. that item 16.2 be raised and moved to item 15 – New Business for discussion.

**MOTION CARRIED UNANIMOUSLY**

**3. ADOPTION OF MINUTES**

**a. Special Council Meeting – February 6, 2019**

- 2019.14.102 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that Minutes of the Special Council Meeting of February 6, 2019, be adopted.

**MOTION CARRIED UNANIMOUSLY**

**b. Special Council Meeting – February 19, 2019**

- 2019.14.103 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that Minutes of the Special Council Meeting of February 19, 2019, be adopted.

**MOTION CARRIED UNANIMOUSLY**

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

**5. BUSINESS ARISING FROM MINUTES** *(for information only)*

**a. Council In-Camera – February 6, 2019**

**i. Strategic Plan 2019-2022** *(see Staff Report – item 11a)*

**6. DELEGATIONS**

**7. PETITIONS**

**8. MAYOR’S REPORT**

**9. COUNCILLORS’ REPORTS**

**10. COMMITTEE REPORTS**

**a. Advisory Planning Commission – February 19, 2019**

2019.14.104 Moved by Councillor P. Wainwright, seconded by Councillor T. O’Keeffe, that Minutes of the Advisory Planning Commission Meeting of February 19, 2019, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

**R.1 Development Permit Application No. DP100782 & Development Variance Permit Application No. DV100279**

**(2319/2325 Brethour Avenue & 9927 Seventh Street)**

(To construct a 4-storey, 34-unit multi-family development with variance requests for entrance canopy, rooftop access and rooftop patio railing).

2019.14.105 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot:

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. DV100279 (to vary the front yard setback, increase the permitted front yard canopy projection, reduce setbacks for the rooftop access structure, and install an over height rooftop patio railing) 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 as a condition of approval of Development Variance Permit Application No. DV100279, the property owner shall, prior to the issuance of Building Permit, 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;
3. That Development Permit Application No. DP100782 (for the form and character of a 4 storey residential building) be brought before Council for consideration of approval if Council authorizes the issuance of the Development Variance Permit, provided that:
  - a. As a condition of approval of Development Permit Application No. DP100782, the property owner shall, 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 APC Reporting to Council**

Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the Advisory Planning Commission Chair, Vice-Chair or designate be available to comment on the APC report at Council meetings.

**The question on the motion was not called.**

2019.14.106 Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that this matter be **tabled** so that staff can review and have further discussion with the Advisory Planning Commission.

**OPPOSED: Councillor T. O'Keeffe  
MOTION CARRIED 6:1**

**b. Committee of the Whole – February 19, 2019**

2019.14.107 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that Minutes of the Committee of the Whole Meeting of February 19, 2019, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

**R.1 Council Expense Policy**

2019.14.108 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Council's expense for extra business insurance coverage for their personal vehicles be covered by the Town.

**OPPOSED: Councillor S. Garnett  
MOTION CARRIED 6:1**

**R.2 Development Variance Permit Application No. DV100274 and Development Permit Application No. DP100781 (10502 & 10504 Resthaven Drive)**

(To relax requirements for accessory structure setback, an adaptable unit and access aisle width in order to allow the renovation of an existing two-storey, two-family dwelling into a 4-unit townhouse development).

2019.14.109 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Development Variance Permit Application No. DV100274 and Development Permit Application No. DP100781 (10502 & 10504 Resthaven Drive - for the construction of a four unit townhouse development) be forwarded to the Advisory Planning Commission for further review and comment, subject to the following condition:

1. That prior to review by the Advisory Planning Commission, the applicant submit a report prepared by a qualified professional assessing the functionality of the drive aisle at the proposed width.

**OPPOSED: Councillor S. Garnett  
MOTION CARRIED 6:1**

**11. STAFF REPORTS**

**a. Town of Sidney Strategic Plan 2019-2022**

2019.14.110 Moved by Councillor B. Fallot, seconded by Councillor T. O'Keeffe, that the Town of Sidney Strategic Plan 2019 – 2022 be approved and disseminated to the community via the Town's website, social media outlets, *Town Talk* and media release.

**MOTION CARRIED UNANIMOUSLY**

- b. Development Variance Permit Application No. DV100276 (9690/9692 First Street)**  
(To relax the footprint requirement of Strata Lot 1 in relation to Strata Lot 2 by 15.1% of the required size).

2019.14.111 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that owners and tenants in occupation of property within 75m (246ft) of 9690 and 9692 First Street be notified regarding Development Variance Permit Application No. DV100276 (to allow for a reduction to the footprint of Strata Lot 1 with respect to Strata Lot 2) and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance.

**MOTION CARRIED UNANIMOUSLY**

- c. Enforcement Options – Unsightly Storage of Recycling & Waste Material (2471 Beacon Avenue - Starbucks)**

2019.14.112 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that staff be directed to provide firm but steady education to encourage Starbucks to clean-up and maintain the recycling area behind their business and that staff increase the education pressure until compliance is gained and maintained on a long term basis.

**OPPOSED: Councillors: S. Garnett, T. O'Keeffe & C. Rintoul**  
**MOTION CARRIED 4:3**

- d. Third Street Beach Access Volunteer Stewardship Initiative**

2019.14.113 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that an expenditure of \$1,200 for the Greater Victoria Green Team to organize a volunteer stewardship event to remove invasive plants from the Third Street Beach Access in the Roberts Bay Environmentally Sensitive Area be approved.

**MOTION CARRIED UNANIMOUSLY**

## **12. OTHER REPORTS**

- a. Sidney Event Advisory Group 2018 Report**

2019.14.114 Moved by Councillor T. O'Keeffe, seconded by Councillor S. Garnett, that the report from Sidney Business Improvement Area Society, advising on the activities and accomplishments of the Sidney Event Advisory Group in 2018, be received for information.

**MOTION CARRIED UNANIMOUSLY**

## **13. CORRESPONDENCE**

- a. Smart Cities Challenge - Smart Mobility Proposal**

2019.14.115 Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that the letter from South Island Prosperity Project (SIPP), dated February 8, 2019, be received, and that the Town provide a letter of support for their Smart Mobility Proposal, subject to Council approving financial support to SIPP.

**MOTION CARRIED UNANIMOUSLY**

- b. Grant Application - Playground Replacement at Greenglade Community Centre**

2019.14.116 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the email, from Panorama Recreation, dated February 14, 2019, be received and that the Town provide a letter of support for their grant application for playground replacement at the Greenglade Community Centre.

**MOTION CARRIED UNANIMOUSLY**

**c. Victoria Regional Transit Commission**

2019.14.117 Moved by Councillor T. O'Keeffe, seconded by Councillor B. Fallot, that the correspondence dated February 14, 2019, advising of the new members appointed to the Victoria Regional Transit Commission, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**d. Working Group on Health Care on the Peninsula**

2019.14.118 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that the letter from MLA Adam Olsen, dated February 8, 2019, be received and that Councillor T. O'Keeffe be appointed to participate in a multi-jurisdictional working group to discuss health-related issues on the Saanich Peninsula.

**MOTION CARRIED UNANIMOUSLY**

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

**15. NEW BUSINESS**

With respect to item 16.2, Councillor S. Duncan stated that, while the Town does not have a substantial amount of forest cover, it may be beneficial for the Town to send a representative to attend the initial meeting on a Regional Vegetation Management Strategy, with respect to forest fire management and joint emergency response with the District of North Saanich.

R. Humble, Chief Administrative Officer, advised that he would discuss the matter with the Fire Chief and provide a response back to Council.

**16. CORRESPONDENCE FOR INFORMATION**

2019.14.119 Moved by Councillor P. Wainwright, seconded by Councillor T. O'Keeffe, that the following correspondence be received for information:

1. Newsletter from Vancouver Island Regional Library, dated January 19, 2019.
2. Letter from District of Highlands, regarding regional vegetation management strategy, dated January 24, 2019.
3. Letter from E. Tull, regarding elimination of rental restriction bylaws, dated February 6, 2019.
4. Letter from K. McMullin, regarding bonus density within the zoning bylaw, dated February 4, 2019. Reply dated February 7, 2019.
5. Correspondence from Island Health, how to address improperly discarded needles and how municipalities can provide assistance, dated February 6, 2019.
6. Email from E. Diller, expressing support that the Town has chosen to sign on to the letter to the Premier recommending action by MOTI on the E&N railways, dated February 6, 2019. Reply dated February 13, 2019.
7. Correspondence from South Island Prosperity Project, announcing two more First Nations members joining SIPP, dated February 8, 2019.
8. Email from P. Lamb, regarding no rental bylaw and Speculation Tax, dated February 10, 2019.
9. Email from W. Franklin, regarding cat licensing, dated February 11, 2019. Reply dated February 15, 2019.
10. Email from W. Ewing, regarding snow removal, dated February 13, 2019. Reply dated February 13, 2019.
11. Email from P. LeBlanc, regarding snow removal, dated February 13, 2019.
12. Email from Destination Greater Victoria, regarding Greater Victoria Flower Count, dated February 14, 2019.

**MOTION CARRIED UNANIMOUSLY**

**17. NOTICES OF MOTION**

**a. Displacement of Tenants**

With respect to a concern raised by a member of the public at the February 19, 2019, Council Meeting, Councillor S. Garnett gave notice of the following motion to be considered at the next regular Council meeting:

*That staff be directed to consider and bring a report to Council on the options and legality of assisting with tenant displacement for a development that does not require an OCP Amendment, Zoning Amendment or subdivision approval.*

**18. MOTION TO GO "IN-CAMERA" (CLOSED MEETING) – not required.**

**19. ADJOURNMENT**

2019.14.120 Moved by Councillor B. Fallot, seconded by Councillor C. Rintoul, that the meeting be adjourned at 8:13 p.m.

**MOTION CARRIED UNANIMOUSLY**

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MAYOR

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CORPORATE OFFICER