



---

**TOWN OF SIDNEY**

**MINUTES OF REGULAR COUNCIL MEETING**  
**Monday, December 16, 2019**  
**Council Chambers**  
**7:00 p.m.**

---

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

**Staff:** R. Humble, Chief Administrative Officer  
A. Hicik, Director of Corporate Services  
J. Clary, Director of Engineering  
B. Mikkelsen, Fire Chief  
A. Verhagen, Senior Manager of Current Planning  
C. Newcomb, Senior Manager of Long Range Planning  
B. Robinson, Manager of Public Works & Parks  
S. Nelson, Corporate Officer

**1. CALL TO ORDER**

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

**2. TERRITORIAL ACKNOWLEDGEMENT**

The Mayor respectfully acknowledged that this evening's meeting is being held on the traditional territory of the WSÁNEĆ people.

**3. APPROVAL OF AGENDA**

2019.45.603 Moved by Councillor B. Fallot, seconded by Councillor C. Rintoul, that the agenda be approved with the following:

1. addition of item 11a - Councillors' Report from Councillor T. O'Keeffe; and
2. addition to item 13c - Change to Parking Lot Lease.

**MOTION CARRIED UNANIMOUSLY**

**4. A. PUBLIC PARTICIPATION PERIOD (*maximum 20 minutes*)**

1. **J. Gifford, 10448 Allbay Road** - emphasized the need to move forward with the next steps identified in the West Side Local Area Plan, which are the establishment of the OCP Development Permit Area Guidelines and Zoning designations, and therefore supports Council's decision to deny the Skylark development proposal at this time.

Public Participation Period closed at 7:08 p.m.

**B. PUBLIC HEARINGS**  
**C. PRESENTATIONS**

**5. A. BYLAWS**

**i. Bylaw No. 2181 - Advisory Planning Commission**

2019.45.604 Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that Bylaw No. 2181 - Advisory Planning Commission be adopted.

**MOTION CARRIED UNANIMOUSLY**

ii. **Bylaw No. 2185 - Miscellaneous Fees & Charges Bylaw, Amendment No. 18**  
(To amend municipal road right of way permit fees).

2019.45.605 Moved by Councillor S. Duncan, seconded by Councillor T. O'Keeffe, that Bylaw No. 2185 - Miscellaneous Fees & Charges, Amendment No. 18 be introduced and given first reading.

**MOTION CARRIED UNANIMOUSLY**

2019.45.606 Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that Bylaw No. 2185 - Miscellaneous Fees & Charges, Amendment No. 18 be amended as follows:

"3. To take affect February 1, 2020."

**MOTION CARRIED UNANIMOUSLY**

2019.45.607 Moved by Councillor S. Duncan, seconded by Councillor T. O'Keeffe, that Bylaw No. 2185 - Miscellaneous Fees & Charges, Amendment No. 18 be given second reading as amended.

**MOTION CARRIED UNANIMOUSLY**

2019.45.608 Moved by Councillor S. Duncan, seconded by Councillor B. Fallot, that Bylaw No. 2185 - Miscellaneous Fees & Charges, Amendment No. 18 be given third reading.

**MOTION CARRIED UNANIMOUSLY**

**B. DEVELOPMENT PERMITS & DEVELOPMENT VARIANCE PERMITS**

i. **Development Variance Permit Application No. DV100287**  
**(9495 Maryland Drive)**

(To reduce minimum building envelope width, in order to allow a two-lot subdivision)

Ryan Large, Applicant, advised of the proposal to subdivide 9495 Maryland Drive into two single-family parcels, and requested consideration for a variance to reduce the minimum building width from 9.0m to 8.38m. He noted the reduction would not preclude the ability to construct functional interior living spaces and that in fact it would be more aesthetically pleasing and improve the streetscape.

Council members had questions regarding potential for secondary suites, expected sale price, etc. and encouraged the applicant to consider additional green/sustainable building construction.

2019.45.609 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul:

1. That owners and tenants in occupation of property within 75 m (246 ft) of 9495 Maryland Drive be notified regarding Development Variance Permit Application No. DV100287 (to permit a building area width of 8.38 m) and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance; and
2. That if Council authorizes the issuance of Development Variance Permit No. DV100287, the following conditions apply:
  - a. For Lot A, that portion of driveway located on the municipal boulevard shall be limited to a maximum width of 3.50 m (11.5 ft) and be located directly abutting a line extending out parallel with the east lot line of the property, and;
  - b. For Lot B, that portion of driveway located on the municipal boulevard shall be limited to a maximum width of 3.50 m (11.5 ft) and be located directly abutting a line extending out parallel with the west lot line of the property.

- c. That a restrictive covenant be registered on the titles of the proposed Lot A and Lot B limiting the driveway and parking area layout to that shown in Drawing Set V3 (site plan dated December 7, 2019).

**MOTION CARRIED UNANIMOUSLY**

- 2019.45.610 Moved by Councillor P. Wainwright, seconded by Councillor T. O'Keeffe, that the minimum building envelope dimensions in the Subdivision Bylaw be referred to staff for review, as a low priority item.

**MOTION CARRIED UNANIMOUSLY**

## **6. ADOPTION OF MINUTES**

### **a. Regular Council Meeting - November 25, 2019**

- 2019.45.611 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that Minutes of the Regular Council Meeting of November 25, 2019, be adopted as presented.

**MOTION CARRIED UNANIMOUSLY**

### **b. Council Organizational Meeting - December 2, 2019**

- 2019.45.612 Moved by Councillor S. Duncan, seconded by Councillor C. Rintoul, that Minutes of the Council Organization Meeting of December 2, 2019, be adopted as presented.

**MOTION CARRIED UNANIMOUSLY**

## **7. BUSINESS NOT COMPLETED AT A PREVIOUS REGULAR MEETING**

## **8. BUSINESS ARISING FROM MINUTES *(for information only)***

## **9. PETITIONS & DELEGATIONS**

## **10. MAYOR'S REPORT**

The Mayor thanked the Public Works & Parks staff for doing such a tremendous job on this year's Christmas decorations, and also the SBIA for their additional lighting of local businesses. The Mayor expressed appreciation to the Sidney Fire Department and all the volunteers for their efforts in collecting cash and food donations for the local Saanich Peninsula Food Bank, as part of their annual Christmas Food Drive.

## **11. COUNCILLORS' REPORTS**

- a. **Councillor T. O'Keeffe** - advised of her attendance at the following: 1. Chamber of Commerce Meeting - Home Office workshop will take place on February 25 at the Mary Winspear Centre, the Youth Employment Tour of the Industry concept has changed, i.e. students will have the opportunity to drop in on their own to specified local businesses during February and March; and preliminary designs for a new Information Centre has been completed with a First Nations Culture Centre component included and MOTI and BC Ferries continue to be supportive of the truck stop location; 2. VAA Noise Committee Meeting - complaints up 47% mainly due to the construction noise, there will be fewer training exercises of DND cyclone helicopters, and Nav Canada presented their Vancouver Airspace Modernization Project.

## **12. COMMITTEE REPORTS**

### **a. Economic Advisory Committee Meeting - November 22, 2019**

- 2019.45.613 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that Minutes of the Economic Advisory Committee Meeting of November 22, 2019, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**b. Committee of the Whole Meeting - December 9, 2019**

2019.45.614 Moved by Councillor T. O'Keeffe, seconded by Councillor S. Garnett, that Minutes of the Committee of the Whole Meeting of December 9, 2019, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

**R.1 Right of Way Permit Fee - Amendment to Miscellaneous Fees & Charges Bylaw**

2019.45.615 Moved by Councillor T. O'Keeffe, seconded by Councillor B. Fallot, that the staff report dated November 29, 2019, regarding a proposed right of way permit fee amendment, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**R.2 Official Community Plan Amendment Application No. OC100035, Zoning Amendment Application No. RZ100102, Development Permit Application No. DP100809 and Development Variance Permit Application No. DV100288 (2140 Skylark Lane)**

2019.45.616 (To allow the construction of a 3 storey, mixed use commercial/residential development with 2 live-work units and 10 multi-family residential dwelling units). Moved by Councillor T. O'Keeffe, seconded by Councillor S. Garnett, that Official Community Plan Amendment Application No. OP100035, Zoning Amendment Application No. RZ100102, Development Variance Permit No. DV100288 and Development Permit Application No. DP100809 (2140 Skylark Lane - to reduce the width of a 2-way drive-aisle and to change/reduce the requirements for class I and II bicycle parking in order to permit the construction of a 3 storey mixed use commercial/residential development containing 2 live-work units and 10 multi-family residential apartment dwellings) be denied.

**OPPOSED: Councillors: S. Duncan, B. Fallot & P. Wainwright  
MOTION CARRIED 4:3**

**R.3 Tenant Assistance Policy**

2019.45.617 Moved by Councillor T. O'Keeffe, seconded by Councillor B. Fallot, that the Tenant Assistance Policy DV-016 be adopted and that the policy be reviewed biennially to assess its performance and necessity.

**MOTION CARRIED UNANIMOUSLY**

**R.4 Proposed Approach to the OCP Review**

2019.45.618 Moved by Councillor T. O'Keeffe, seconded by Councillor S. Garnett:

1. That staff be directed to proceed with developing and issuing a Request for Proposals for consultant services to assist with a comprehensive review and update to Sidney's Official Community Plan.
2. That Mayor and Council send letters following project kick-off to affected organizations advising them of the Town of Sidney's intent to undertake a comprehensive review of the OCP and inviting them to provide early feedback as well as providing information on additional opportunities for consultation as the project progresses.
3. That a small working group comprised of the Mayor, Councillor P. Wainwright, the Chief Administrative Officer, and the Senior Manager of Long-Range Planning develop a Terms of Reference and establish the membership for an OCP Steering Committee and bring it forward to Council for their approval.

**MOTION CARRIED UNANIMOUSLY**

### 13. STAFF REPORTS

#### a. Update - Sidney OCP Regional Context Statement

2019.45.619 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that in accordance with Section 448 of the *Local Government Act*, the proposed update to the Regional Context Statement for Town of Sidney Official Community Plan Bylaw No. 1920 be submitted to the Board of the Capital Regional District for acceptance, with the following amendments:

1. Section 1.2 (and throughout the document) - replace the words "rural lifestyle" with "rural land uses"; and
2. Section 2.1, in the second paragraph, remove the word "While" and add "and" after the words "working harbour".

**MOTION CARRIED UNANIMOUSLY**

*Councillor B. Fallot left the meeting room at 805 p.m., citing a potential conflict of interest as she is a resident at Summergate Village.*

#### b. Summergate Village Land Use Contract / Zoning Process

2019.45.620 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul:

1. That a review of the Summergate Village (R4) Zone be undertaken following adoption of a new Town of Sidney Official Community Plan; and
2. That staff work with Summergate Village Strata Council to organize a public open house in early 2020 for all Summergate Village residents that includes a presentation by staff on key elements of the Summergate Village regulatory structure for informational purposes.

**MOTION CARRIED**

*Councillor B. Fallot returned to the meeting at 8:07 p.m.*

#### c. Public Parking Lot Lease - Third Street & Sidney Avenue

2019.45.621 Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that the Parking Lot Lease Agreement between the Town of Sidney and FHD Nominee Ltd. (for the public parking lot that is to be built as part of the redevelopment of the old Fire Hall and Third Street Parking Lot lands) be approved.

**MOTION CARRIED UNANIMOUSLY**

#### d. Use of Gas Tax Funds

2019.45.622 Moved by Councillor P. Wainwright, seconded by Councillor T. O'Keeffe, that the staff report, dated December 9, 2019, regarding the future use of Gas Tax Funds, be received for information.

**MOTION CARRIED UNANIMOUSLY**

#### e. Town Reserve Funds

2019.45.623 Moved by Councillor B. Fallot, seconded by Councillor C. Rintoul, that the staff report, dated December 4, 2019, regarding the Town's Reserve Funds, be received and that staff be authorized to bring forward a bylaw amendment to consolidate the Contingency Reserve into the General Capital Reserve, and abolish any reserves deemed to be unnecessary.

**MOTION CARRIED UNANIMOUSLY**

#### f. Amended Policy DV-013 - Bonus Density & Community Amenity Contributions

Moved by Councillor P. Wainwright, seconded by Councillor S. Duncan, that Town Policy DV-013 - Bonus Density & Community Amenity Contributions be approved as amended.

- 2019.45.624 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Policy DV-013 be further amended as follows:  
- removal of item 7.1 “(b) Sidewalk infill or extension projects”

**OPPOSED: Mayor C. McNeil-Smith & Councillors: S. Garnett & C. Rintoul**  
**MOTION CARRIED 4:3**

The question was called on the original motion with the amendment as follows:

- 2019.45.625 Moved by Councillor P. Wainwright, seconded by Councillor S. Duncan, that Town Policy DV-013 - Bonus Density & Community Amenity Contributions be approved as amended with a further amendment as follows:  
- removal of item 7.1 “(b) Sidewalk infill or extension projects”

**OPPOSED: Mayor C. McNeil-Smith & Councillors: B. Fallot, S. Garnett & T. O’Keeffe**  
**MOTION DEFEATED 4:3**

The Mayor, realizing an error in his vote and as per Section 131 of the *Community Charter*, requested the previous question be reconsidered.

- 2019.45.626 Moved by Councillor P. Wainwright, seconded by Councillor S. Duncan, that Town Policy DV-013 - Bonus Density & Community Amenity Contributions be approved as amended with a further amendment as follows:  
- removal of item 7.1 “(b) - Sidewalk infill or extension projects”

**OPPOSED: Councillors: B. Fallot, S. Garnett & T. O’Keeffe**  
**MOTION CARRIED 4:3**

- 2019.45.627 Moved by Councillor C. Rintoul, seconded by Councillor P. Wainwright, that the balance of the amenity reserves be combined into one fund.

**OPPOSED: Councillors: B. Fallot, S. Garnett & T. O’Keeffe**  
**MOTION CARRIED 4:3**

**g. 2020 Trucking and Excavating Services**

- 2019.45.628 Moved by Councillor S. Duncan, seconded by Councillor P. Wainwright, that a one-year extension to the Trucking and Excavator Service Contracts for 2020 with the current provided, at the same unit prices as held from 2016 through 2019, be approved.

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

**14. CORRESPONDENCE**

**15. NEW BUSINESS**

**16. CORRESPONDENCE FOR INFORMATION**

- 2019.45.629 Moved by Councillor B. Fallot, seconded by Councillor T. O’Keeffe, that the following correspondence be received for information:

1. Letter from residents, regarding parking on Resthaven Drive, received on October 30, 2019. Reply dated November 27, 2019.
2. Email from T. Gore, expressing traffic concerns on Beacon Avenue West, dated November 5, 2019. Reply dated November 15, 2019.
3. Letter from C. Chabun, regarding development at 9965 & 9981 Fourth Street, dated November 13, 2019. Reply dated November 19, 2019.
4. Email from J. Jenkins, regarding cannabis in Sidney, dated November 15, 2019. Reply dated November 18, 2019.
5. Email from J. Reichert, Victoria Horse Alliance, regarding horse-drawn carriages in Sidney, dated November 20, 2019. Reply dated November 20, 2019.
6. Email from J. Edwards, regarding the School District 63 strike, dated November 26, 2019. Reply dated November 27, 2019.

7. Letter from District of Saanich, regarding modernizing the *Motor Vehicle Act*, dated November 28, 2019.
8. Letter from Shoreline Medical, regarding third installment for repayment of the Town's loan, dated November 30, 2019.
9. Email from M., requesting free youth bus passes, dated December 6, 2019. Reply dated December 9, 2019.

**MOTION CARRIED UNANIMOUSLY**

**17. NOTICES OF MOTION**

**18. MOTION TO GO "IN-CAMERA" (CLOSED MEETING) - Not Required**

**19. ADJOURNMENT**

2019.45.630 Moved by Councillor B. Fallot, seconded by Councillor T. O'Keeffe, that the meeting be adjourned at 8:59 p.m.

**MOTION CARRIED UNANIMOUSLY**

---

MAYOR

---

CORPORATE OFFICER