



TOWN OF SIDNEY

MINUTES OF REGULAR COUNCIL MEETING Monday, March 9, 2020 Council Chambers 6:00 p.m.

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

ABSENT: Councillor S. Garnett

Staff: R. Humble, Chief Administrative Officer
J. Clary, Director of Engineering
A. Verhagen, Senior Manager of Current Planning
B. DeMaere, Manager of Engineering
S. Nelson, Corporate Officer

1. CALL TO ORDER

The Mayor called the meeting to order at 6:00 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

2020.07.098 Moved by Councillor B. Fallot, seconded by Councillor C. Rintoul, that the agenda be approved with additions to the following items:

1. item 5bi - email from S. & P. Wilkins, dated March 2, 2020; and
2. item 14a - email from J. Gifford, dated March 9, 2020.

MOTION CARRIED UNANIMOUSLY

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

1. **D. Falconer, 10457 Resthaven Drive** – referring to item 14a, requested that the proliferation of moorage buoys in Tsehum Harbour be dealt with, with some urgency; stated that, with the OCP review, the Town needs to determine the vision for this area; thanked the Town for the steps taken with respect to Resthaven Linear Park; stated problem in Tsehum Harbour has grown, but not yet in Roberts Bay and urged Council to take immediate steps to protect Roberts Bay by banning mooring buoys except those protected by riparian rights; noted the issue in Tsehum Harbour is a longer process and encouraged Council to put a plan in motion and to take some action at the Harbour.
2. **G. Goodwin, 10457 Resthaven Drive** - congratulated the Town for the prompt attention to Resthaven Linear Park and preventing the beach from becoming a park and ride for boats; expressed concerns regarding the negative impacts on the migratory bird sanctuary and the increased number of free moorage at Tsehum Harbour; understands the matter is multi-jurisdictional but that there is an opportunity for the Town, along with North Saanich, to take a leadership role while working with the federal and provincial governments to reduce live-a-boards in Tsehum Harbour; and suggested implementing a leasing system that would generate revenue and regulate the number of boats.
3. **D. Prittie, President of Boating BC** – stated they promote boating and educate boaters on proper disposal of boats; stated unauthorized moorage on Crown land

- should not be permitted; and urged Council to put pressure on the federal and provincial governments to no longer delay the matter and to manage it.
4. **M. Falconer, 10457 Resthaven Drive** – stated that the root cause of the unauthorized moorage is that all three levels of government choose not to regulate them; being on prime real estate stated some are being rented-out for profit; and urged Council of the need to regulate them.
 5. **J. Sears, 2040 White Birch Road** - expressed concerns regarding the migratory bird sanctuary and the negative impacts on the environment; stated the native habitat is disappearing; and asked if the Town could do something.
 6. **C. Evans, 10301 Menagh Place** – stated low disturbance mapping is being carried out via camera and that Roberts Bay residents are constantly monitoring the number of buoys, noting there are currently 12 buoys attached to some form of permanent ground tackle.
 7. **S. Sabathil, North Saanich resident** - expressed concerned regarding the COVID-19 virus, specifically that seniors are in danger of dying from it expressed concerns regarding the thousands of tourists from risky countries traveling to Canada; and requested the Mayor to contact Immigration Canada to request their intentions respecting non-essential travel and will they change their policy.

Public Participation Period closed at 6:26 p.m.

B. PUBLIC HEARINGS
C. PRESENTATIONS

5. A. BYLAWS

i. Bylaw No. 2187 - Reserve Fund Establishment, Amendment No. 1

2020.07.099 Moved by Councillor S. Duncan, seconded by Councillor B. Fallot, that Bylaw No. 2187 - Reserve Fund Establishment, Amendment No. 1, be adopted.

MOTION CARRIED UNANIMOUSLY

B. DEVELOPMENT PERMITS & DEVELOPMENT VARIANCE PERMITS

i. Development Permit Application No. DP100781 and Development Variance Permit Application No. DV100274 (10502 and 10504 Resthaven Drive)

(To reduce - setback of an accessory structure, number of adaptable dwelling units and minimum width of access aisle for rear parking for the renovation of the existing 2-storey duplex into a townhouse development consisting of 4 multi-family dwelling units).

Written submission(s):

1. Email from S. & P. Wilkins, dated March 2, 2020.

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

1. That Development Variance Application No. DV100274 (10502 and 10504 Resthaven Drive - to vary the requirements for an accessory building setback, number of adaptable units provided, and access aisle width) be approved subject to the following conditions:
 - a. That the applicant redesign the accessory building to eliminate the canopy over the rear parking area in order to eliminate the need for a variance;
 - b. That as conditions of approval of Development Variance Permit Application No. DV100274, the property owner shall:
 - i. Prior to issuance of Building Permit, register a covenant on title specifying that the drive aisle accessing the rear parking area is to remain free of obstructions at all times,

- ii. Prior to 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;
 - iii. Prior to issuance of Building Permit, register a statutory right-of-way to allow for a portion of the public sidewalk to be located on the subject property;
 - iv. Prior to issuance of Occupancy Permit, install a sign for vehicles exiting the site reading "Yield to Oncoming Traffic" as per the Memorandum from Watt Consulting Group dated March 8, 2019; and
 - v. Install a 2.0 metre wide concrete sidewalk along the entire frontage of the property as part of the frontage works associated with this development; and
2. That if Council authorizes the issuance of the Development Variance Permit Application No. DV100274, then Development Permit Application No. DP100781 (for the form and character of a two storey townhouse development containing 4 dwelling units) be brought before Council for consideration of approval with the following conditions:
- a. That the property owner be required to submit revised architectural and landscape plans addressing Development Permit Guidelines No. 20.3.21 (pedestrian walkway surface materials), No. 20.3.29 (utility kiosk and meter locations) and No. 20.3.34 (tree canopy over public sidewalks) to the satisfaction of the Senior Manager of Current Planning;
 - b. That 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; and
 - c. That if the protected Douglas fir tree on the neighbouring property at 10390 Patricia Place is not removed by the Town's planned infrastructure work on sewer and storm mains in that area, then the applicant shall install tree protection fencing to the satisfaction of the Director of Engineering prior to commencing any site work and retain an Arborist to supervise any excavation within the root zone of the protected tree.

2020.07.100 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that item 2. above be amended as follows:

- "2. That if Council authorizes the issuance of the Development Variance Permit Application No. DV100274, then Development Permit Application No. DP100781 (for the form and character of a two storey townhouse development containing 4 dwelling units) be approved, subject to the following conditions:"

MOTION CARRIED UNANIMOUSLY

2020.07.101 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that item 1.a. above be amended as follows:

- "a. That the applicant redesign the accessory building to the satisfaction of the Senior Manager of Current Planning to eliminate the canopy over the rear parking area in order to eliminate the need for a variance;"

MOTION CARRIED UNANIMOUSLY

The question was called on the original motion as amended:

2020.07.102 Moved by Councillor B. Fallot, seconded by Councillor P. Wainwright:

1. That Development Variance Application No. DV100274 (10502 and 10504 Resthaven Drive - to vary the requirements for an accessory building setback, number of adaptable units provided, and access aisle width) be approved subject to the following conditions:
 - a. That the applicant redesign the accessory building to the satisfaction of the Senior Manager of Current Planning to eliminate the canopy over the rear parking area in order to eliminate the need for a variance;

- b. That as conditions of approval of Development Variance Permit Application No. DV100274, the property owner shall:
 - i. Prior to issuance of Building Permit, register a covenant on title specifying that the drive aisle accessing the rear parking area is to remain free of obstructions at all times,
 - ii. Prior to 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;
 - iii. Prior to issuance of Building Permit, register a statutory right-of-way to allow for a portion of the public sidewalk to be located on the subject property;
 - iv. Prior to issuance of Occupancy Permit, install a sign for vehicles exiting the site reading "Yield to Oncoming Traffic" as per the Memorandum from Watt Consulting Group dated March 8, 2019; and
 - v. Install a 2.0 metre wide concrete sidewalk along the entire frontage of the property as part of the frontage works associated with this development; and
2. That if Council authorizes the issuance of the Development Variance Permit Application No. DV100274, then Development Permit Application No. DP100781 (for the form and character of a two storey townhouse development containing 4 dwelling units) be approved, subject to the following conditions:
 - a. That the property owner be required to submit revised architectural and landscape plans addressing Development Permit Guidelines No. 20.3.21 (pedestrian walkway surface materials), No. 20.3.29 (utility kiosk and meter locations) and No. 20.3.34 (tree canopy over public sidewalks) to the satisfaction of the Senior Manager of Current Planning;
 - b. That 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; and
 - c. That if the protected Douglas fir tree on the neighbouring property at 10390 Patricia Place is not removed by the Town's planned infrastructure work on sewer and storm mains in that area, then the applicant shall install tree protection fencing to the satisfaction of the Director of Engineering prior to commencing any site work and retain an Arborist to supervise any excavation within the root zone of the protected tree.

MOTION CARRIED UNANIMOUSLY

6. ADOPTION OF MINUTES

a. Regular Council Meeting - February 24, 2020

- 2020.07.103 Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that Minutes of the Regular Council Meeting of February 24, 2020, be adopted as presented.

MOTION CARRIED UNANIMOUSLY

7. BUSINESS NOT COMPLETED AT A PREVIOUS REGULAR MEETING

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

a. Council In-Camera Meeting - February 24, 2020

i. Resignation - Economic Advisory Committee

Resolution: 1. that the email from N. King, dated February 13, 2020, advising of her resignation from the Economic Advisory Committee, be accepted and that a letter be sent to Ms. King thanking her for her service. 2. that a letter be sent to the Sidney Business Improvement Area Society (SBIA) requesting that they nominate a new member to serve on the Town's Economic Advisory Committee.

9. PETITIONS & DELEGATIONS

10. MAYOR'S REPORT

The Mayor was pleased to acknowledge that the Coast Salish Spindle Whorl Carving, created by Artist Chazz Elliott of Tsartlip First Nation, has been installed in the Council Chambers. He advised of the special unveiling ceremony held on February 26, in the Council Chambers, and is honoured to have the inspirational carving within the Town Hall in recognition of the WSÁNEĆ people who have lived on this land for thousands of years.

11. COUNCILLORS' REPORTS

12. COMMITTEE REPORTS

a. Committee of the Whole Meeting - March 2, 2020

2020.07.104 Moved by Councillor P. Wainwright, seconded by Councillor S. Duncan, that Minutes of the Committee of the Whole Meeting of March 2, 2020, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1 Development Variance Permit Application No. DV100293 (9335 Webster Place)
(To reduce the minimum required front yard setback in order to legalize a recently constructed addition to a single family dwelling).

2020.07.105 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that owners and tenants in occupation of property within 75m (246ft) of 9335 Webster Place be notified regarding Development Variance Permit Application No. DV100293 (to relax the minimum front yard setback) and that any written correspondence received for forwarded to Council at the time of consideration of approval of the variance.

MOTION CARRIED UNANIMOUSLY

R.2 2020 Grants-in-Aid Requests

Mayor C. McNeil-Smith left the meeting room at 6:41 p.m., citing a potential conflict of interest as his business benefits from the events during the Literary Festival.

2020.07.106 Moved by Councillor T. O'Keeffe, seconded by Councillor C. Rintoul, that the Sidney & Peninsula Literary Festival be approved for a 2020 grant-in-aid in the amount of \$500.

MOTION CARRIED

Mayor C. McNeil-Smith returned to the meeting at 6:42 p.m.

Councillor S. Duncan left the meeting room at 6:42 p.m., citing a potential conflict of interest as she was recently on the Board of Cycling Without Age Society and is a Scouter with the Sidney Guides & Scouts.

2020.07.107 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the Sidney Guide & Scott Hall Society and the Cycling Without Age Society be approved for a 2020 grant-in-aid in the amount of \$1,000 each.

MOTION CARRIED

Councillor S. Duncan returned to the meeting at 6:42 p.m.

Councillor C. Rintoul left the meeting room at 6:43 p.m., citing a potential conflict of interest as his son is a grade 12 graduating student.

2020.07.108 Moved by Councillor P. Wainwright, seconded by Councillor S. Duncan, that the Peninsula Dry Grade Society be approved for a 2020 grant-in-aid in the amount of \$1,000.

MOTION CARRIED

Councillor C. Rintoul returned to the meeting at 6:43 p.m.

2020.07.109 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the following 2020 grant-in-aid requests be approved:

1.	Saanich Marine Rescue Society	\$2,800
2.	Peninsula Streams (Core Operations)	\$1,500
3.	Peninsula Streams (School Programs)	\$1,000
4.	Vancouver Island South Film & Media Commission	\$500
5.	Saanich Peninsula Folk & Fiddle Festival Society	\$1,000
6.	Geronimo Canoe Club	\$1,000
7.	Saanich Peninsula Pipe Band	\$500
8.	Crisis Intervention & Public Information Society	\$700
9.	Greater Victoria Bike to Work Society	\$500
10.	676 Kittyhawk Sponsoring Committee Society	\$750
11.	Navy League of Canada	\$750
12.	BC Aviation Museum Society	\$500

MOTION CARRIED UNANIMOUSLY

(Total 2020 Grant-in-Aid = \$15,000)

R.3

2020.07.110 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that the following 2020 grant-in-aid requests be denied:

1. Sidney Art & Media Society (Radio Sidney)
2. ORCCA (Oral Care for Children and Adolescents)
3. Wounded Warriors Canada
4. Mount Newton Centre Society
5. Sidney Concert Society
6. Peninsula Figure Skating Club
7. Saanich Peninsula Piranha Swim Club
8. Capital Regional Food & Agricultural Initiatives Roundtable

MOTION CARRIED UNANIMOUSLY

R.4

2020.07.111 Moved by Councillor P. Wainwright, seconded by Councillor T. O'Keeffe, that a general discussion regarding grants-in-aid (i.e. line items in the budget vs. individual requests and setting criteria for awarding grants) be deferred to a future Committee of the Whole Meeting.

MOTION CARRIED UNANIMOUSLY

R.5

2020.07.112 Moved by Councillor P. Wainwright, seconded by Councillor T. O'Keeffe, that the letters being sent to organizations that have been approved grant-in-aid funding include a request that the Town's grant funding (and other municipal grants) be listed as a separate revenue source in their Financial Statements.

MOTION CARRIED UNANIMOUSLY

13. STAFF REPORTS

a. VAA Development Referral – Titan Boats (2035 Beacon Ave West)

2020.07.113 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that staff be directed to reply to the Victoria Airport Authority with a statement of no significant concerns regarding the Development Referral for the property at 2035 Beacon Avenue West (Titan Boats), with the following comments for consideration by the Victoria Airport Authority:

1. That the north elevation be modified to increase visual interest along the building face fronting Beacon Avenue West;

2. That the proposed outdoor storage area be revised to ensure no overlap with any required parking space and/or access aisle to a required parking space;
3. That the perimeter fence be modified to provide a year-long visual barrier for the proposed outdoor storage area;
4. That the proposed fire hydrant be relocated to the south side of Beacon Avenue West;
5. That any proposed BC hydro extension and site servicing be installed underground, and;
6. That the proposal be revised to include additional lighting for the proposed driveway and nearby multi-modal flight path.

MOTION CARRIED UNANIMOUSLY

b. Subdivision Application No. SA100206 (9495 Maryland Drive)

(To waive frontage requirement in order to subdivide property into two fee simple lots).

- 2020.07.114 Moved by Councillor P. Wainwright, seconded by Councillor T. O'Keeffe, that section 4.1 of the 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 proposed Lots A and B of the subdivision of 9495 Maryland Drive.

MOTION CARRIED UNANIMOUSLY

c. Bed Races on Beacon - Sunday, August 30, 2020

- 2020.07.115 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that the Saanich Peninsula Hospital and Healthcare Foundation (SPHHF) be granted permission to close Beacon Avenue, from Fifth Street to Third Street, and a half block both north and south on Fourth Street between the hours of 9:00 am to 5:00 pm on Sunday, August 30, 2020, to hold their annual Bed Races on Beacon Avenue event, subject to the following conditions:

1. That SPHHF provide the Town with proof of \$5,000,000 liability insurance naming the Town of Sidney as a third party insured during the course of the events;
2. That SPHHF conform to all Town Bylaws;
3. That SPHHF arrange a meeting with Town staff, the Fire Department and the RCMP to review safety/traffic requirements at least 30 days prior to the event;
4. That SPHHF send out notices to affected residents/businesses advising of the event on August 30, 2020 and provide a contact number should there be any concerns/questions (at least 2 weeks prior to the event);
5. That the SPHHF make their event smoke and vape free;
6. That the SPHHF work with the Town to provide and maintain temporary toilet facilities for the event. The number and locations of these facilities to be approved by the Town; and
7. That no costs are to be incurred by the Town in relation to this event.

MOTION CARRIED UNANIMOUSLY

14. CORRESPONDENCE

a. Proliferation of Private Mooring Buoys in Tsehum Harbour

- 2020.07.116 Moved by Councillor B. Fallot, seconded by Councillor T. O'Keeffe, that the letter from Tsehum Harbour Stakeholder Group, dated February 29, 2020, expressing concerns regarding the proliferation of private mooring buoys in Tsehum Harbour, be referred to staff to work with North Saanich staff for a report to Council.

MOTION CARRIED UNANIMOUSLY

15. NEW BUSINESS

The Mayor advised that the Town's Emergency Executive Committee has been discussing the Town's role with respect to concerns of the COVID-19 virus and has been receiving updates from the Regional and Provincial health authorities. He advised the Town has plans should the situation evolve beyond today and encouraged everyone in the community to access definite resources for guidance, including the Town's website. With respect to travel and ports of entry, the Mayor noted it is being taken into consideration by the federal authorities.

16. CORRESPONDENCE FOR INFORMATION

2020.07.117 Moved by Councillor P. Wainwright, seconded by Councillor S. Duncan, that the following correspondence be received for information:

1. Letter from City of Langford, regarding CRD Regional Park Land Acquisition Fund, dated February 13, 2020.
2. Letter from D. Kelm, regarding BC Transit buses at Fifth Street and James White Boulevard, received February 13, 2020. Reply dated February 27, 2020.
3. Letter from the Wilderness Committee, regarding a fossil fuel free future, dated February 6, 2020.
4. Email from M. Dickens, suggesting the Town consider a bylaw to eliminate the burning of coal and wood for domestic heating, dated February 21, 2020. Reply dated February 28, 2020.

MOTION CARRIED UNANIMOUSLY

17. NOTICES OF MOTION

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

2020.07.118 Moved by Councillor B. Fallot, seconded by Councillor P. Wainwright, 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 respecting personal information, pursuant to section 90.1 (a) of the *Community Charter* and that the Council continue the meeting in closed session.

MOTION CARRIED UNANIMOUSLY

19. ADJOURNMENT

2020.07.119 Moved by Councillor B. Fallot, seconded by Councillor S. Duncan, that the meeting be adjourned at 7:28 p.m.

MOTION CARRIED UNANIMOUSLY

MAYOR

CORPORATE OFFICER