

**THE CORPORATION OF THE DISTRICT OF PEACHLAND**

**Regular Council Meeting Minutes  
Held Tuesday, October 22, 2013 at 7:070 PM  
In the Council Chambers – Community Centre**

---

**PRESENT:** Mayor Fielding, Councillors Condon, Fortin, Hall, Kerbes Moberg and Schierbeck

CAO Elsie Lemke  
Corporate Officer Polly Palmer  
Director of Operations Joe Mitchell  
Director of Community Services Cheryl Wiebe  
Interim Planning Director Tina Atva  
Fire Chief Dennis Craig

Members of the Public  
Members of the Media

**ABSENT:** Nil

---

**CALL TO ORDER** Mayor Fielding called the meeting to order at 7:00 p.m.

**AMENDMENTS TO THE AGENDA** Add item 9B – Medical Marihuana Production Licenses – Zoning Amendment

**APPROVAL OF THE AGENDA** MOVED by Councillor Fortin, SECONDED by Councillor Schierbeck:

RC-10/22/13-001 THAT the agenda be approved as amended.

**CARRIED.**

**PRESENTATIONS & DELEGATIONS**

Nil.

**ADOPTION OF MINUTES**

**REGULAR COUNCIL MINUTES** MOVED by Councillor Schierbeck, SECONDED by Councillor Condon:

RC-10/22/13-002 THAT the Regular Council meeting minutes held Tuesday, October 8, 2013 be adopted as presented.

**CARRIED.**

**SPECIAL COUNCIL MINUTES** MOVED by Councillor Condon, SECONDED by Councillor Moberg:

RC-10/22/13-003 THAT the Special Council Meeting Minutes held Tuesday, October 8, 2013 be adopted as presented.

**CARRIED.**

**UNFINISHED BUSINESS**

Nil.

**COMMITTEE & STAFF REPORTS**

**MINUTES FOR  
INFORMATION**

MOVED by Councillor Condon, SECONDED by Councillor Schierbeck:

RC-10/22/13-004 THAT the minutes of the COTW meeting held October 8, 2013 be received for information

**CARRIED.**

MOVED by Councillor Fortin, SECONDED by Councillor Condon:

RC-10/22/13-005 THAT the minutes of the PEDC meeting held September 12, 2013 be received for information

**CARRIED.**

**COTW SUMMARY -  
DOG PARK  
STRATEGY**

Discussion ensued relative to:

- the proposal for a fenced dog park on Strachan's corner on Beach Avenue
- the amendments coming forward from the COTW meeting including: changing the notation of years to phases, and deleting point 4 regarding the fenced dog park on Beach Avenue on Strachan's corner

MOVED by Councillor Condon, SECONDED by Councillor Moberg:

RC-10/22/13-006 THAT the 25 year dog park strategy be amended to read the "multiple year" dog park strategy in the "following phases"

**CARRIED.**

MOVED by Councillor Schierbeck, SECONDED by Councillor Kerbes:

RC-10/22/13-007 THAT the dog park strategy be amended by removing item 4 regarding budget recommendations

**CARRIED.**

MOVED by Councillor Condon, SECONDED by Councillor Schierbeck:

RC-10/22/13-008 THAT the multiple year, dog park strategy be approved in the following phases:

1. Staff to initiate the process to update the Official Community Plan, Shoreline Plan and Parks Bylaw and submit budget recommendation for consideration of fencing at T-dock/Doggie Beach;
2. Staff submit a budget recommendation for consideration of fencing at Sanderson Park;
3. Staff review dog park trends and demands for Council consideration and submit a budget recommendation for consideration of fencing at MacKinnon Park or another suitable location in the Trepanier Corridor;
4. Staff review dog park trends and demands for Council consideration and submit a budget recommendation for consideration of fencing at Pincushion Place or another suitable location in the Ponderosa Corridor;
5. Staff review dog park trends and demands for Council consideration and submit a budget recommendation for consideration to fencing the Compost Site (*\*contingent on allowed use and lease agreements with the Province of British Columbia*)

**CARRIED.**

**Regular Council Meeting Minutes**

October 22, 2013

Page 3

**FIFTY PLUS  
ACTIVITY CENTRE  
LEASE**

MOVED by Councillor Condon, SECONDED by Councillor Moberg:

RC-10/22/13-009 THAT Council approves renewing the Fifty Plus Activity Centre building lease as presented at the October 8, 2013 COTW meeting.

**CARRIED.**

**ADMINISTRATION & FINANCE**

**COUNCIL  
PROCEDURE  
BYLAW NO. 2043,  
2013**

Council Procedure Bylaw No. 2043 was presented for first three readings.

MOVED by Councillor Condon , SECONDED by Councillor Moberg:

RC-10/22/13-010 THAT Council Procedure Bylaw No. 2043, 2013 be read a First, Second and Third time.

**CARRIED.**

**2013 TAX  
EXEMPTION  
BYLAW NO. 2064,  
2013**

Tax Exemption Bylaw No. 2064, 2013 was presented for final reconsideration and adoption.

MOVED by Councillor Kerbes, SECONDED by Councillor Condon:

RC-10/22/13-011 THAT District of Peachland 2013 Tax Exemption Bylaw No. 2064, 2013 be given Final Reconsideration and Adoption

**CARRIED.**

**REGIONAL  
STARLING  
CONTROL  
PROGRAM  
SERVICE AREA  
ESTABLISHMENT  
BYLAW**

Regional Starling Control Program Service Area Establishment Bylaw was presented for Council's consent.

MOVED by Councillor Condon, SECONDED by Councillor Moberg:

RC-10/22/13-012 THAT the District of Peachland consents to Regional District of Central Okanagan Starling Control Program Service Area Establishment Bylaw No. 1332.

**CARRIED.**

**BRENT ROAD FIRE  
PROTECTION  
AGREEMENT**

Brent Road Fire Protection 5 year renewal agreement was presented for approval.

MOVED by Councillor Moberg, SECONDED by Councillor Fortin:

RC-10/22/13-013 THAT Council renews the Brent Road Fire Protection Agreement for five (5) years to December 31, 2017; and

THAT the Mayor and Corporate Officer be authorized to execute the renewal agreement.

**CARRIED.**

**PLANNING & DEVELOPMENT**

**DEVELOPMENT  
VARIANCE PERMIT  
(DVP13/10,011) –  
5261 BUCHANAN  
ROAD**

Interim Planning Director Tina Atva presented a report regarding a Development Variance Permit for 5261 Buchanan Road, noting that:

- The Zoning Bylaw permits a front yard fence height of 4 feet
- Where there is a fence on top of a retaining wall, it shall be determined the measurement in the combination of the complete height

- The proposal is for a combined fence and retaining wall of 10 feet
- Notification to property owners was sent out in accordance to the *Local Government Act*
- Two letters were received: one letter of support and letter of concern about the fence blocking the view
- Chain link and open mesh fences are not required to have a permit
- Building inspector and applicant discussed 4 foot retaining wall and was advised that he would not require a permit

Discussion ensued relative to:

- Construction prior to obtaining a permit
- \$450 is the amount of a Development Variance Permit application fee, application fees are non refundable
- Communication between staff and applicant

MOVED by Councillor Schierbeck, SECONDED by Councillor Moberg:

RC-10/22/13-014 THAT Council approve the Development Variance Permit #DVP13/10,001 for the lot legally described as Lot 3, DL 449, ODYD, Plan 37515 (5261 Buchanan Road) to vary the height of a fence and retaining wall from 1.2m (4ft) to 10 ft.

**DEFEATED**  
**Mayor Fielding OPPOSED.**  
**Councillor Fortin OPPOSED.**  
**Councillor Kerbes OPPOSED.**  
**Councillor Condon OPPOSED.**

MOVED by Councillor Fortin , SECONDED by Councillor Condon:

RC-10/22/13-015 THAT Council waive the \$450 application fee for Development Variance Permit DVP12/10,001 for 5261 Buchanan Road, to vary the height of a fence and retaining wall from 4 ft to 10 ft

**DEFEATED.**  
**Mayor Fielding OPPOSED.**  
**Councillor Fortin OPPOSED.**  
**Councillor Kerbes OPPOSED.**  
**Councillor Condon OPPOSED.**  
**Councillor Hall OPPOSED.**  
**Councillor Schierbeck OPPOSED.**  
**Councillor Moberg OPPOSED.**

**CONFLICT OF INTEREST**

Mayor Fielding declared conflict of interest because of the proximity of his home to the proposed development and left the meeting at 7:45 p.m.

**ZONING AMENDMENT BYLAW NO. 2052, 2013 - TREPANIER BENCH ROAD**

Interim Planning Director Tina Atva presented a report regarding Zoning Bylaw Amendment No. 2052, 2013 to change the zoning designation from RR-1 (Rural Residential) zone to R-3 (Multiple Family –Low Density Residential), for 5325 Trepanier Bench Road and 5334 Huston Road.

Discussion ensued relative to:

- Comprehensive Development (CD) Zones
- Environmental Assessment and surface water on the property
- whether the site is suitable for multi family development
- the benefits to creating a CD zone

MOVED by Councillor Schierbeck, SECONDED by Councillor Fortin:

RC-10/22/13-016 THAT Zoning Bylaw No. 1375, 1996 Amendment Bylaw No. 2052, 2013 be read a First and Second time on the condition that the applicant provides the following information prior to a Public Hearing:

- Detailed Traffic Report
- Environmental Report
- Potential Geotechnical Report; and
- Detailed site information (e.g. cross section and retaining wall)

**DEFEATED**  
**Councillor Hall Opposed.**  
**Councillor Condon Opposed.**  
**Councillor Kerbes Opposed.**

**MAIN MOTION**

MOVED by Councillor Hall, SECONDED by Councillor Fortin:

RC-10/22/13-017 THAT Council direct planning staff to work with the applicant to create a comprehensive development CD zone for multiple residential based on the R3 zone. That detailed plans be required showing the size, shape and siting of the buildings. That the buildings be limited to two storeys and that they are designed to blend with the adjacent development (known as the Terraces). That as far as possible that all natural slopes be maintained to reduce the use of retaining walls.

MOVED by Councillor Schierbeck, SECONDED by Councillor Moberg:

**MAIN MOTION  
DEFERRED**

RC-10/22/13-018 THAT the main motion be deferred.

**DEFEATED**  
**Councillor Hall Opposed.**  
**Councillor Kerbes Opposed.**  
**Councillor Fortin Opposed.**  
**Councillor Condon Opposed.**

**MAIN MOTION**

MOVED by Councillor Hall, SECONDED by Councillor Fortin:

RC-10/22/13-017 THAT Council direct planning staff to work with the applicant to create a comprehensive development CD zone for multiple residential based on the R3 zone. That detailed plans be required showing the size, shape and siting of the buildings. That the buildings be limited to two storeys and that they are designed to blend with the adjacent development (known as the Terraces). That as far as possible that all natural slopes be maintained to reduce the use of retaining walls.

**DEFEATED**  
**Councillor Kerbes Opposed.**  
**Councillor Fortin Opposed.**  
**Councillor Condon Opposed.**  
**Councillor Moberg Opposed.**  
**Councillor Schierbeck Opposed.**

MOVED by Councillor Hall, SECONDED by Councillor Fortin:

RC-10/22/13-019 THAT Zoning Amendment Bylaw No. 2052 be deferred until the following information be provided:

- Detailed Traffic Report
- Environmental Report
- Potential Geotechnical Report
- Detailed site information (e.g. cross section and retaining wall); and

THAT staff report the merits of using a Comprehensive Development zone rather than a R-3 (multi-family residential) zone.

**CARRIED.**  
**Councillor Condon Opposed.**

Mayor Fielding returned to the meeting at 8:07 p.m.

**DISTRICT ENERGY  
READY BUILDINGS  
- POLICY OPTIONS**

District Energy Ready Buildings- Policy Options report for the District of Peachland was presented for information.

MOVED by Councillor Schierbeck, SECONDED by Councillor Kerbes:

RC-10/22/13-020 THAT Council receives the report titled "Policy Options for District Energy Ready Buildings: District of Peachland", dated July 29, 2013 for information.

**CARRIED.**

**MEDICAL  
MARIHUANA  
PRODUCTION  
LICENSE – ZONING  
AMENDMENT**

Chief Administrative Officer, Elsie Lemke presented a report regarding Health Canada changing the medical marihuana licenses, noting that:

- Health Canada is currently accepting applications for commercial production licenses under the new Marihuana for Medical Purposes Regulations (MMPR)
- Local governments looking to regulate or prohibit the location of commercial producers within their community will need to get appropriate zoning in place, which will require a Zoning Bylaw amendment
- Under the MMPR, applicants are required to notify the local police force, fire authority and local government of their pending application for a license with Health Canada and the location of the proposed facility

Discussion:

- The District can prohibit uses in different zones
- A number of communities are going to prohibit this use in all zoning areas other than industrial
- The District has not yet received an application
- The RCMP support that all the municipalities have similar zoning requirements

MOVED by Councillor Condon, SECONDED by Councillor Kerbes,

RC-10/22/13-021 THAT Council direct the preparation of a Zoning Bylaw amendment to regulate or prohibit the location of commercial producers of medical marihuana within the District.

**CARRIED.**

**PUBLIC WORKS**

Nil.

**MAYOR & COUNCILLORS' REPORTS**

**COUNCILLOR  
SCHIERBECK**

Councillor Schierbeck reported that

- he attended the Okanagan Regional Library Board meeting
- the outdoor fitness equipment has been installed at Harold's walkway and a ribbon cutting ceremony will be held on November 13<sup>th</sup>. He thanked the Lions Club, Rotary Club and Recreation staff for seeing this project to fruition.

**COUNCILLOR  
FORTIN**

Councillor Fortin reported that she attended the:

- CEDC Business Walk,
- 50 plus Activity Centre Anniversary Party; and
- The Primary School opening

**MAYOR FIELDING**

Mayor Fielding reported that:

- he attended the RDCO governance committee meeting
- He attended the Regional Growth Strategy meeting
- He attended the 14<sup>th</sup> anniversary of Peachland Rotary
- Encouraged residents to take part in the Regional Travel Survey.

**NOTICE OF MOTION**

Nil.

**CORRESPONDENCE**

**FOR ACTION:**

Nil.

**FOR INFORMATION:**

**OKANAGAN  
REGIONAL  
LIBRARY  
BOARD REPORT**

Discussion:

- Some communities thought they may not be getting value for their money with the Regional Library service
- An accountant has completed an audit report to show communities their value for money
- Peachland is getting more value for their money while Salmon Arm and West Kelowna will see some changes

MOVED by Councillor Condon, SECONDED by Councillor Kerbes:

RC-10/22/13-022 THAT Council receives the Regional District of Central Okanagan Board Highlights for information.

**CARRIED.**

MOVED by Councillor Schierbeck, SECONDED by Councillor Condon:

RC-10/22/13-023 THAT Council receives the Okanagan Regional Library Board Value for Money review for information.

**CARRIED.**

**OTHER BUSINESS**

It was noted that chain link fences of any height are permitted within the District without a building permit; Council would like this to be reviewed. It will be brought forward with the first draft of the new Zoning Bylaw.

**QUESTION PERIOD**

**KIMBERLY  
BEHER, 5399  
CLARENCE RD**

Kimberly Bher, 5399 Clarence Road, queried as to the process for making comments to be considered by Council before a zoning bylaw is adopted.

It was noted that residents within a 100 meters of proposed developments will be notified of a Public Hearing, and their chance to write letters in regards to the development. They also have the opportunity to speak relative to the issue at the Public Hearing, or can contact a member of council or staff prior to the Public Hearing.

**ADJOURNMENT**

MOVED by Councillor Moberg:

RC-10/22/13-024 THAT the Regular Council adjourn at 8:28 p.m.

**CARRIED.**

**Certified Correct.**

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Corporate Officer**

Dated at Peachland, B.C.

This 12 day of November, 2013.