

**THE CORPORATION OF THE DISTRICT OF PEACHLAND**

**Regular Council Meeting Minutes  
Held Tuesday, November 23, 2004 at 7:00 p.m.  
In the Council Chambers, Peachland Community Centre**

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**PRESENT:** Mayor Harriman, Councillors Fraser, Hallberg, Henderson, Hurd, Moritz and Reid

Acting Administrator Doug Pryde  
Corporate Officer Betty Briggs  
Director of Operations Joe Mocilac  
Director of Planning & Development Services Chris Prosser

Members of the Public  
Members of the Media

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**CALL TO ORDER:** Mayor Harriman called the Regular Council Meeting to order at 7:00 p.m.

**AMENDMENTS TO  
THE AGENDA** None.

**APPROVAL OF  
THE AGENDA** MOVED by Councillor Henderson, SECONDED by Councillor Hallberg:  
THAT the Agenda be approved as circulated.

**CARRIED.**

**ADOPTION OF THE MINUTES**

**ADOPT MINUTES** MOVED by Councillor Moritz, SECONDED by Councillor Fraser:

THAT the Minutes of the Regular Council Meeting held November 9, 2004 be adopted as circulated.

**CARRIED.**

MOVED by Councillor Reid, SECONDED by Councillor Hallberg:

THAT the Minutes of the Committee of the Whole Meeting held November 16, 2004 be adopted as circulated.

**CARRIED.**

**PRESENTATIONS AND DELEGATIONS**

**BOARD FOR LIFE  
SOCIETY**

Mr. Dave Preston, President, provided an update on the Society's current status regarding fund-raising and Infrastructure Grant application, and design and construction planning for the skate park. He acknowledged the commitment of Council in the donation of land in Cousins Park, and \$40,000 towards the project. The Society, with assistance of Planner Chris Prosser, has submitted an application for a Canada/BC Infrastructure grant, and have been advised that the Society cannot apply; the District must apply for the grant, and must commit to 1/3 of the \$300,000 project cost. If the grant is not approved, nothing changes. The Society will work to raise the balance of the District's share (\$60,000.)

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**BOARD FOR LIFE**  
**(CONT.)**

MOVED by Councillor Moritz, SECONDED by Councillor Hallberg:

THAT Council submit a grant application for the Peachland Skate Park under the Canada/BC Infrastructure Grant Program in the amount of \$300,000;

AND THAT the District's gross funding share be contingent upon acceptance for funding under the Canada/BC Infrastructure Grant Program in the amount of \$300,000;

AND THAT the funding for the District's share be removed from the Parks and Equipment Reserve Fund.

**CARRIED.**

It was noted that tax receipts for donations to the project can be issued by the District.

**RESTORATIVE**  
**JUSTICE**

Mrs. Lillian MacLeod, Coordinator for Peachland Restorative Justice, provided information on the program and detailed the differences between criminal justice and community justice forums. The philosophy of restorative justice is based on community healing, and involves the offender, victim, families, RCMP and trained and accredited facilitators meeting face to face to solve the problem. The offender must admit guilt; an honest apology to the victim brings forgiveness. The program deals with civil matters such as neighbourhood disputes and harassment, and criminal matters for young offenders and adults such as theft, assault, break and enters.

MOVED by Councillor Moritz, SECONDED by Councillor Fraser:

THAT Mrs. MacLeod be granted an extension of time for her presentation.

**CARRIED.**

Mrs. MacLeod advised that the restorative justice program began in New Zealand in 1988 with good results; it came to Canada in 1995, with a training session for facilitators in Regina in 1997. The Peachland program was started by Bob Harriman, and currently has 6 trained and accredited facilitators; all are volunteers. Responding to a question about repeat offences from program participants, the Mayor noted that through the court system, 60% plus will reoffend; through the restorative justice program only 7% reoffend. Mrs. MacLeod advised that Peachland Elementary School has been approached regarding using the program for bullying offences. She will report back to Council on this. Financing is through the Province at \$5,000 per year, which is used for training.

Mayor Harriman thanked Mrs. MacLeod for the interesting presentation, and noted that the Restorative Justice Program is always looking for volunteers.

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**E. LEPEY**

Mrs. Elizabeth Lepey thanked Council for awarding her the Citizen of the Year award, mainly for her volunteering, and noted that Peachland has many wonderful volunteers, including Judy Bedford, Patricia Ryder, Barb Dionne, Wilma MacKinnon, Suzy Clark. She also thanked Mr. Stewart from the Lakeshore Inn for displaying on the motel sign congratulations for the Citizen of the Year award. She thanked Valley Music Festival organizers for treating the event volunteers so well; Linda and Ernie Sarsons and family for helping her at the July 1<sup>st</sup> parade, as well as Sharon Hallberg and Shayn Moritz. She suggested Peachland's welcome signs should state, "Historic Peachland – Home of the Best Peach and Best Volunteers."

**PLATEAU HEIGHTS GROUP**

Mr. Chris Scowen, 3609 Lever Court, addressed Council on behalf of residents in the Plateau Heights group, requesting that Council designate the District-owned Coldham Road pit property as parkland, and notify the group of any proposed zoning change for the property. He submitted a petition signed by 96 residents of the area.

**MAYOR AND COUNCILLOR'S REPORTS**

**MAYOR HARRIMAN**

Mayor Harriman reported 147 hours spent on Mayor's duties in October, the highlights of which were the Fall Fair and the Hallowe'en event. He thanked Councillor Hallberg for chairing the November 9<sup>th</sup> Regular Council Meeting.

**ZONING BYLAW #1734 WOODSMITH**

Under authority of the Community Charter, the Mayor brought back to the table for reconsideration Zoning Amendment Bylaw Number 1734, 2004.

MOVED by Councillor Hallberg, SECONDED by Councillor Hurd:

THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1734, 2004 be read a Third Time;

AND THAT a restrictive covenant be registered on the property title limiting density to 21 units.

Discussion took place with Councillor Reid noting his opposition to this Bylaw since it was presented to Council June 22, 2004, and following at a Development Services Committee meeting on July 13, 2004, due to the roadway intersection at Princeton/Somerset, and the grade and sight lines at the access to the property. The Roadway Network Plan identified the intersection as problematic. The Development Services Committee recommended that Council direct staff to commence engineered drawings for the intersection to improve traffic flow, grade and sight lines, including costs for improvements. That was unanimously passed by Council on July 27<sup>th</sup>. A ballpark figure for the reconstruction was \$400,000, with the developer contributing approximately \$190,000. The costs have now been estimated at \$700,000. A request for quotes has been issued and more accurate costs for the project may be available by mid-December. He expressed concern that this development could be

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**ZONING BYLAW**  
**#1734 (CONT.)**

approved without the costs of the intersection reconstruction known, which could be a substantial amount of taxpayers' money.

MOVED by Councillor Reid, SECONDED by Councillor Fraser:

THAT Third Reading and registration of a restrictive covenant limiting density to 21 units for Zoning Bylaw No. 1375 Amendment Bylaw Number 1734, 2004, be tabled to the December 14, 2004 Regular Council Meeting.

**DEFEATED.**

Mayor Harriman, Councillors Hallberg, Henderson, Hurd, and Moritz  
OPPOSED.

Further discussion took place:

Councillor Henderson stated his resolution at the last meeting had the intent to learn costs of the upgrades. He is in favour the development, and feels that each area as it develops will get road works improved.

Councillor Hurd understood the intersection was conditional on Pincushion Ridge development.

Councillor Moritz supports safety improvements and learning costs, however, the traffic impact study noted that this development will have minimal impact on the intersection. The developer, though open, public process, has cooperated to decrease the density.

Councillor Reid stated the issue is not the number of vehicles from the development, but that the intersection needs to be rebuilt; the development should not proceed. A solution suggested previously was to amalgamate this property with the adjacent property and have access from Columbia, not Somerset.

**MAIN MOTION**

THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1734, 2004 be read a Third Time;

AND THAT a restrictive covenant be registered on the property title limiting density to 21 units.

**CARRIED.**

Councillors Fraser and Reid OPPOSED.

**COUNCILLOR REID**

Councillor Reid attended Remembrance Day ceremonies and noted with gratification that attendance is up, in Peachland and across Canada. He also attended Committee of the Whole meeting, Business After Hours at Curves with food from Blind Angler Grill, a Water Committee meeting, the Fire Department Officers' Banquet with food from the Gasthaus, and a Development Services Committee meeting this morning. The minutes will be included in the next Council agenda.

**COUNCILLOR**  
**FRASER**

Councillor Fraser attended Remembrance Day ceremonies, Committee of the Whole, CAO Search Committee, Fire Department Dinner, and Christmas Celebration Committee meeting, where plans have been finalized. Awards Night has been set for April 22, 2005. At an Okanagan

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**COUNCILLOR FRASER (CONT.)** Regional Library Board meeting held November 17<sup>th</sup>, the 2005 budget was approved, with an average increase per capita of \$1.03. Funding has been included to have additional open hours at the Peachland Branch.

**COUNCILLOR HENDERSON** Councillor Henderson encouraged everyone to attend Christmas Light-up, and has attended all the meetings he was supposed to.

**COUNCILLOR HURD** Councillor Hurd spoke in favour of development, noting it can improve the quality of life, for instance: original Terraces brought extension to Huston Road for an alternate route to Highway 97, the Peachland Village Mall has increased tax and Business License revenues, Building Permit revenues this year have brought in \$175,000, new sidewalks and pathways have been constructed, strata communities provide alternative housing choices, and Peachland Elementary School has declining enrollment.

Regarding roads, Councillor Hurd has measured the grade at intersections around the District, and shoed the following:

- 11.9% - Hawkes Street (development approved weeks ago)
- 8.2% - below Chateau on the Green (development approved)
- 5.6% - Princeton/Somerset
- 10.5% - Greata – second worse

Councillor Hurd stated that the money hasn't been spent for design of the Somerset/Princeton intersection, and he wants staff to tell Council which intersections have priority, and will put forward a notice of motion later in this meeting.

**COUNCILLOR HALLBERG** Councillor Hallberg attended Remembrance Day ceremonies, Business After Hours at Curves/Blind Angler Grill, 4 meetings, Regional District meeting on behalf of the Mayor, Fire Department Dinner, and 3 meetings today.

**COUNCILLOR MORITZ** Councillor Moritz attended Development Services Committee meeting this morning, and advised the minutes will be included in the next agenda.

**STAFF REPORTS**

**BUDGET APPROVAL ROOF 4426 5<sup>TH</sup> ST.** The Director of Operations presented a report requesting early budget approval for a new roof at 4426 5<sup>th</sup> Street, the Wellness Centre building. The roof is failing and should be replaced as soon as possible. The low quote was submitted by Hansen Roofing.

MOVED by Councillor Fraser, SECONDED by Councillor Hallberg:

THAT Council authorizes early budget approval of \$4500 from the Building Reserve Fund account for the installation of a new roof at 4426 5<sup>th</sup> Street.

**CARRIED.**

**NOTICE OF MOTION**

**COUNCILLOR HURD** Councillor Hurd put forward the following for consideration at the December 14, 2004 Regular Council Meeting:

THAT Council rescind the motion to spend \$40,000 on design of the Somerset/Princeton intersection;

AND THAT Council direct staff to advise of priorities for intersection improvements.

**BYLAWS**

**Bylaws for First and Second Readings:**

**#1740 ZONING  
4356 BEACH AVE.  
NATHAN CONST.**

The Director of Planning & Development Services presented a report requesting First and Second Readings and that a Public Hearing be scheduled for January 4, 2005. The application to rezone from R-1 Single Family Residential to R-3 Multi-Family (Low Density) Residential, is consistent with the Official Community Plan and the Beach Avenue Neighbourhood Plan, however, a side yard setback variance is required. The proposal is for 7 units on the lot at 4356 Beach Avenue.

MOVED by Councillor Reid, SECONDED by Councillor Fraser:

THAT the rezoning application for Zoning Bylaw No. 1375 Amendment Bylaw Number 1740, 2004 be referred to the Development Services Committee for review.

**DEFEATED.**

Mayor Harriman, Councillors Hallberg, Henderson and Moritz OPPOSED.

Councillor Reid noted this is a complex application requiring side yard setbacks and should be reviewed by Development Services Committee. Councillor Fraser questioned how the project will fit on the long, narrow lot. The Planner confirmed that on initial review of the application, it conforms with the OCP and Beach Avenue Neighbourhood Plan. Councillor Moritz stated that all of Council should look at this, with Development Services Committee looking at variances, etc. He questioned green space, parking requirements, parking for RVs and boats. The Planner responded that all parking is internal, with 2 external visitor stalls, and that the Zoning Bylaw does not contain requirements for RV parking. The side yard setback variance is consistent with in-fill development; the 3 plex and 4 plex received setback relaxations.

MOVED by Councillor Henderson, SECONDED by Councillor Hallberg:

THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1740, 2004 be read First and Second Times;

AND THAT the Bylaw be referred to Development Services Committee for review.

**CARRIED.**

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**#1739 ZONING**  
**5200 HUSTON ROAD**  
**PINTO ESTATES**

The Director of Planning & Development presented a report requesting First and Second Readings and a Public Hearing be scheduled for Zoning Amendment Bylaw Number 1739, 5200 Huston Road, to rezone from RR-1 Rural Residential to R-1 Single Family Residential zone. The rezoning conforms to the Official Community Plan.

Council members questioned the Ministry of Transportation's comments of no objection when it is apparent some of this property would be required for Highway 97 four-laning. The Planner responded that staff were surprised that MOT don't feel justified in acquiring right-of-way, and have checked several times on this. MOT only commented on drainage ditch requirements. The right-of-way requirement may surface at time of subdivision application. Responding to a question of interconnecting pathways and parkland, the Planner advised that 5% parkland or cash in lieu is required; parkland in the form of a tot lot, and pathway interconnection will be required here, as there is nothing else nearby.

MOVED by Councillor Hurd, SECONDED by Councillor Henderson:

THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1739, 2004 be read First and Second Times;

AND THAT a Public Hearing be scheduled.

**CARRIED.**

**ADJOURNMENT**

MOVED by Councillor Hallberg, SECONDED by Councillor Henderson:

THAT the Regular Council Meeting adjourn at 8:46 p.m.

**CARRIED.**

(Original signed by Mayor and Corporate Officer)

**Certified Correct.**

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**Mayor**

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**Corporate Officer**

Dated at Peachland, B.C.  
This 15<sup>th</sup> day of December, 2004.