

THE CORPORATION OF THE DISTRICT OF PEACHLAND

**Regular Council Meeting Minutes
Held Tuesday, October 22nd, 2002 at 7:00 p.m.
In the Council Chambers, Peachland Community Centre**

PRESENT: Mayor Waldo, Councillors Dionne, Fraser, Gough, Nielsen, Papineau and Whitelegg

Administrator Peter Jmaeff
Deputy Clerk/Administrative Assistant Betty Briggs
Treasurer Doug Pryde
Director of Operations Joe Mocilac
Planning Technician Heidi Simkins
Planner Dan Huang, Urban Systems Ltd.

Members of the Public
Members of the Media

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

ADOPTION OF THE MINUTES

ADOPT MINUTES MOVED by Councillor Papineau, SECONDED by Councillor Fraser:

THAT the Minutes of the Regular Council Meeting held October 8, 2002, and the Minutes of the Public Hearing for Official Community Plan Bylaw No. 1600 Amendment Bylaw Number 1653, 2002, held October 8, 2002, be adopted as circulated.

CARRIED.

PUBLIC HEARING

**ZONING AMEND.
BYLAW #1653
GERRIE** Mayor Waldo opened the Public Hearing at 7:03 p.m.

MOVED by Councillor Dionne, SECONDED by Councillor Whitelegg:

THAT the Public Hearing for Zoning Bylaw No. 1375 Amendment Bylaw Number 1653, 2002 be closed at 7:26 p.m.

CARRIED.

DELEGATIONS AND PRESENTATIONS

BRITISH CAR CLUB Mr. Dave Perchie requested Council's permission for the Okanagan British Car Club to display cars in downtown Peachland July 5, 2003, with final details to be worked out prior to the event.

MOVED by Councillor Dionne, SECONDED by Councillor Gough:

THAT the Okanagan British Car Club be granted permission to display cars in downtown Peachland on July 5, 2003.

CARRIED.

PFRS

Fire Chief Wilson advised that the Peachland Fire and Rescue Service has been planning for five years to acquire a new piece of apparatus, which will replace the rescue truck and pumper. American Lafrance representatives provided a visual display of their company and products. Grant Topham advised Council that the new truck will replace 3 units that are in service at present, and will meet WCB requirements for SCBA. James Springer advised that the apparatus has compressed air foam capability, which is the future of fire fighting.

Mayor Waldo thanked the Fire Department representatives and American Lafrance representatives for their presentations.

R. MACLEOD

Mr. Roderick MacLeod, 5290 Trepanier Bench Road, advised that he purchased his home in April, 2000, knowing that a 'cottage winery' business was located next door. The new owner of the winery has plans for expansion, which Mr. MacLeod opposes as they impact his home and its safety, as well as the safety of people using Trepanier Bench Road. He met today with Mr. Huber and his contractor and has conflicting stories from the winery and the municipality regarding the Trepanier Bench Road right-of-way. Mr. MacLeod wants the municipality to take back its road allowance which Hainle Winery is using. He feels the bank is eroding and the geotechnical engineer report prepared for Mr. Huber is not to be believed. The winery has expropriated land and the municipality must take it back. The winery will want to take the next piece of right-of-way to improve visibility on the curve on Trepanier Bench Road.

Mr. Jmaeff advised that the winery has not requested to lease or purchase the land and that the municipality would not lease or sell the land as it is road right-of-way and may be required for road improvements in the future. Mr. Jmaeff further explained that the winery is 19 meters from Mr. MacLeod's property line, that although there were problems in the past with the new owners of the winery not following proper procedures, they now are, and have closed the driveway as Mr. MacLeod requested and have provided a geotechnical report for the slope.

Mayor Waldo thanked Mr. MacLeod for his presentation.

MAYOR AND COUNCILLOR'S REPORTS

**COUNCILLOR
WHITELEGG**

Councillor Whitelegg reported that a meeting was held today regarding corporate fund raising for the Wellness Centre. The Councillors will work independently on this, and will keep the new Council apprised.

MAYOR WALDO

Mayor Waldo advised that the final Council workshop will be held Nov. 5th.

Mayor Waldo advised that Mr. Stan March submitted a proposal to eliminate turns at the mall, and create a service road from Clements Crescent to Ponderosa Drive with a traffic light at 13th Street.

Mayor Waldo requested that staff prepare a report explaining the sewer projects for clarification. He also reported receiving complaints regarding the lack of signage on the Princeton Avenue sewer project.

Regular Council Meeting Minutes
October 22nd, 2002
Page 3

MAYOR WALDO
(CONT.)

Mayor Waldo advised that a \$10,000 water study grant will look at temporarily connecting the Ponderosa system to the Trepanier system when needed.

Mr. Lloyd Collin has requested consideration of changing "Question and Answer Period" to "Council Information" so that residents do not have to ask a question.

Mayor Waldo reported that the Regional District is receiving pressure from the Province to approve the Crystal Mountain development proposal.

Mayor Waldo and the Administrator presented a rendering of the proposed downtown redevelopment.

COUNCILLOR
PAPINEAU

Councillor Papineau announced the Wellness Centre garage sale this Saturday.

Councillor Papineau reported on an excellent Community Events 2003 meeting.

The Queen's Jubilee Committee has received a letter from the Queen's lady in waiting thanking Peachland for its interest and celebration.

COUNCILLOR
DIONNE

Councillor Dionne advised that the Unit 10 Foreshore Review Committee will meet this Thursday at 7:00 p.m. It is anticipated that no more than 3 meetings will be required to review Unit 10 and provide recommendations to Council.

COUNCILLOR
GOUGH

Councillor Gough reminded everyone of the Trade Show this Saturday at the Community Centre.

COUNCILLOR
FRASER

Councillor Fraser attended the auction at the Little Schoolhouse last Friday night.

Councillor Fraser will attend a full day Okanagan Regional Library Board meeting tomorrow.

UNFINISHED BUSINESS

SEWER COSTS

MOVED by Councillor Nielsen, SECONDED by Councillor Gough:

WHEREAS the Federal Government of Canada and the Government of British Columbia have combined to grant the residents of Peachland in excess of six million dollars to assist our community in construction of sewer works;

AND FURTHER THAT the cost to some homeowners of Peachland to link their residences to the sewer system may be excessive;

NOW THEREFORE, the District of Peachland guarantees Peachland homeowners that an amount not to be exceeded will be established in order to link their properties to the sewer system;

AND THAT additional costs, if any, will be deducted from the Federal and Provincial grants.

**SEWER COSTS
(CONT.)
AMEND MOTION**

MOVED by Councillor Whitelegg, SECONDED by Councillor Fraser:

THAT the main motion be amended to delete the last clause, "AND THAT additional costs, if any, will be deducted from the Federal and Provincial grants."

In discussion, the following points were mentioned:

- where will the money come from
- can we make changes to the project application which has been approved
- the governments make grants for works, not details
- environmental impacts on the Lake and failing septic systems are concerns
- suggest we arrange financial assistance for those who need it
- fewer houses would be serviced due to reduced dollars available
- there is capacity to be creative and use imagination to serve residents
- grant was to reduce pollution of the Lake
- challenge to Administration staff
- no amount is being set until costs are known
- more costs to residents in bylaw requirement to remove or fill septic tanks
- applaud the effort but why the urgency until costs are known

AMENDMENT

MOVED by Councillor Whitelegg, SECONDED by Councillor Fraser:

THAT the main motion be amended by deleting the last clause, "AND THAT additional costs, if any, will be deducted from the Federal and Provincial grants."

CARRIED.

Councillor Papineau OPPOSED.

**MAIN MOTION AS
AMENDED**

MOVED by Councillor Nielsen, SECONDED by Councillor Gough:

WHEREAS the Federal Government of Canada and the Government of British Columbia have combined to grant the residents of Peachland in excess of six million dollars to assist our community in construction of sewer works;

AND FURTHER THAT the cost to some homeowners of Peachland to link their residences to the sewer system may be excessive;

NOW THEREFORE the District of Peachland guarantees Peachland homeowners that an amount not to be exceeded will be established in order to link their properties to the sewer system.

CARRIED.

Councillors Dionne and Papineau OPPOSED.

STAFF REPORTS

**FORESHORE LEASE
COUNTER PETITION**

The Administrator presented a report advising that the counter petition process is concluded, and that no petitions were received opposing the signing of a 30 year lease for the Foreshore.

**FORESHORE
LEASE (CONT.)**

MOVED by Councillor Papineau, SECONDED by Councillor Dionne:

THAT Council authorizes the Mayor and Municipal Clerk to sign the 30 year Foreshore Lease between the District of Peachland and the Ministry of Sustainable Resources Management/Land and Water British Columbia Inc.

CARRIED.

E.O.C. LEVEL 2

The Administrator advised Council of his attendance at an Emergency Operations Centre level 2 course and the certificate obtained.

**SNEAKY PEACH
PUB COLD BEER &
WINE STORE**

The Administrator presented a report requesting Council's approval of the Sneaky Peach Pub's application to the Liquor Control and Licensing Branch for a cold beer and wine store within the current premises.

MOVED by Councillor Nielsen, SECONDED by Councillor Whitelegg:

THAT Council provides a statement of no objection to the owner of the Sneaky Peach Pub's application for a cold beer and wine store at its present location.

CARRIED.

**REZONING
BRAEMAR**

The Planning Technician presented a report regarding an application by Braemar Developments Ltd. to rezone Lots 1 & 2, Plan KAP53591, 3996 Beach Avenue, from C-6 Campground Commercial zone to R-4 Multiple Family Medium Density zone.

Architect for the project, Mr. Clive MacKenzie, presented a graphic display of the proposed project, and advised that an engineering firm has been engaged to deal with traffic and environmental issues.

MOVED by Councillor Nielsen, SECONDED by Councillor Gough:

THAT Zoning Bylaw No. 1375, 1996 be amended by changing the zoning designation of Lots 1 & 2, Plan KAP53591, DL 220, from the C-6 (Campground Commercial) zone to the R-4 (Multiple Family Medium Density) zone;

AND THAT Council give consideration to First Reading of Bylaw Number 1656;

AND THAT a Public Hearing for Bylaw Number 1656 be scheduled;

AND THAT final adoption of the zone-amending bylaw be held until such time as the developer has entered into an agreement for the provision of off-site services;

AND THAT final adoption of the zone-amending bylaw occurs in conjunction with the approval of a development permit for new construction on the land.

CARRIED.

**DEVELOPMENT
VARIANCE PERMIT
#60 – 4449 LOGAN**

The Planning Technician presented a report regarding the application for a development variance permit for a side yard setback variance of the RR-1 zone from 4.5 meters (15 feet) to 3.94 meters (13 feet) to allow for the compliance with building regulations in the construction of a new single family home at 4449 Logan Road, Lot 3, Plan 21887, DL 449.

Regular Council Meeting Minutes
October 22nd, 2002
Page 6

DEV. VARIANCE #60 (CONT.) The Planning Technician explained that due to a requested re-survey, the foundation of the house under construction is situated within the side yard setback area by .55 m (approx. 2 feet.) The house is located 13 feet from the property pin rather than the required 15 feet.

Mr. Richard Mayo, 5741 Somerset, asked Council to consider sending this application to the Board of Variance, as it creates a hardship for his property.

MOVED by Councillor Fraser, SECONDED by Councillor Nielsen:

THAT Development Variance Permit application #60 be referred to the Board of Variance.

In response to Council questions, the Planning Technician advised that this case was not considered a 'hardship' as the house did not exist before, the houses are 28 feet from each other; the Board of Variance would take another 3 to 4 weeks which leaves the contractor with a stop-work order – this creates a hardship.

Councillor Dionne asked what is the definition of hardship, and stressed the need for meetings of the Development Services Committee to review these issues.

Mrs. Margaret Mayo advised Council that it is creating a hardship and that Council had no idea of the history. The Mayos believe the first survey was done wrong on purpose.

Mr. James Zelznick, Jazel Contracting, and representing the owner Neil Payne, provided a brief history of how many times the property and foundation were surveyed.

Councillor Nielsen left Council Chambers at 9:58 p.m.

EXTEND MEETING MOVED by Councillor Papineau, SECONDED by Councillor Whitelegg:

THAT the Meeting be extended beyond 10:00 p.m.

CARRIED.

Councillor Nielsen returned to Council Chambers at 10:02 p.m.

DEV. VARIANCE #60 (CONT.) Mr. Mayo asked if Council was dealing with the variance application. He was advised that a variance to Council is \$450, and to the Board of Variance is \$150, in an effort to deter applications to Council.

Councillor Dionne stated there are too many unknowns at present to deal with this. Councillor Gough suggested calling a Special Open Council Meeting to deal with this once staff have provided more information.

Mr. Mayo stated that this is a hardship; legally, the house doesn't belong there. He is absolutely opposed to Council listening to this surveyor who has no legal right to speak.

Regular Council Meeting Minutes
October 22nd, 2002
Page 7

DEV. VARIANCE #60 MOVED by Councillor Fraser, SECONDED by Councillor Nielsen:
(CONT.)

THAT Development Variance Permit application #60 be referred to the Board of Variance.

DEFEATED.

Mayor Waldo, Councillors Dionne, Gough and Whitelegg OPPOSED.

MOVED by Councillor Dionne, SECONDED by Councillor Nielsen:

THAT Development Variance Permit application #60 be tabled to the next Council Meeting for the purpose of gathering sufficient information to make a decision.

CARRIED.

Councillors Fraser and Gough OPPOSED.

MOVED by Councillor Dionne, SECONDED by Councillor Papineau:

THAT the preceding resolution to table Development Variance Permit application #60 to the next Council Meeting be rescinded.

CARRIED.

MOVED by Councillor Gough, SECONDED by Councillor Fraser:

THAT Council hear from staff and the surveyor regarding the Development Variance Permit application.

DEFEATED.

Councillors Dionne, Nielsen, Papineau and Whitelegg OPPOSED.

MOVED by Councillor Dionne, SECONDED by Councillor Papineau:

THAT Development Variance Permit application #60 be tabled until the soonest possible time for Council to deal with this, once more information is provided.

CARRIED.

**FIRE TRUCK
FUNDING**

The Treasurer presented a report outlining two options available to Council for funding the acquisition of a new fire truck.

MOVED by Councillor Nielsen, SECONDED by Councillor Dionne:

THAT Council authorizes staff to lease a 2002 Rescue Pumper Fire Truck for Peachland Fire and Rescue Service at a value not to exceed \$485,000;

AND THAT Council authorizes staff to enter in to a 20 year lease with On-Line Finance and Leasing Corporation to fund the Rescue Pumper Fire Truck.

CARRIED.

Councillor Fraser OPPOSED.

Councillor Fraser was of the opinion that the resolution should include the requirement for a counter petition opportunity as the agreement proposed exceeds five years.

OTHER BUSINESS

IN CAMERA MEETING MOVED by Councillor Fraser, SECONDED by Councillor Gough:

THAT an In Camera Meeting be held at 10:00 a.m. Tuesday, November 12, 2002 pursuant to Section 242(2) of the *Local Government Act*.

CARRIED.

BYLAWS

Bylaws for Final Reconsideration and Adoption:

**O.C.P. AMEND.
#1653**

MOVED by Councillor Papineau, SECONDED by Councillor Dionne:

THAT Official Community Plan Bylaw No. 1600 Amendment Bylaw Number 1653, 2002 be finally reconsidered and adopted.

CARRIED.

**PUB. WORKS FEES
#1655**

MOVED by Councillor Fraser, SECONDED by Councillor Nielsen:

THAT Public Works Fees and Charges Bylaw Number 1655, 2002 be finally reconsidered and adopted.

CARRIED.

Bylaw for Rescinding of Third Reading & Third Reading as Amended:

**SEWER COLLECT.
SPEC. AREA LOAN
AUTHORIZATION
#1604**

The Treasurer presented a report explaining the need to rescind 3rd Reading of Bylaw Number 1604, 2001 due to the reduced grant received and the resulting changes to the map which forms part of the bylaw.

MOVED by Councillor Papineau, SECONDED by Councillor Dionne:

THAT Council rescinds Third Reading of Phase 1-d and Phase 2 Sewer Collection System Specified Area Loan Authorization Bylaw Number 1604, 2001;

AND THAT Phase 1-d and Phase 2 Sewer Collection System Specified Area Loan Authorization Bylaw Number 1604, 2001 be read a Third Time as amended.

CARRIED.

Bylaw for Second and Third Reading:

**ZONING AMEND.
#1654 – LAKE AVE.
3-PLEX**

Councillor Fraser stated that she is opposed to the Zoning Amendment Bylaw due to the fact that residents of the Bluewaters area were promised there would be no multiple family development in the foreseeable future.

Councillor Gough stated that more time was needed to consider the comments made during the Public Hearing held at the beginning of this meeting.

Regular Council Meeting Minutes
October 22nd, 2002
Page 9

ZONING AMEND.
#1654 – LAKE AVE.
3-PLEX (CONT.)

MOVED by Councillor Gough, SECONDED by Councillor Fraser:

THAT Second and Third Readings of Zoning Amendment Bylaw Number 1654, 2002 be tabled.

DEFEATED.

Mayor Waldo, Councillors Dionne, Nielsen, Papineau & Whitelegg OPPOSED.

MOVED by Councillor Nielsen, SECONDED by Councillor Dionne:

THAT Zoning Bylaw Number 1375 Amendment Bylaw Number 1654, 2002 be read a Second and Third Time.

CARRIED.

Councillor Fraser OPPOSED.

Councillor Whitelegg requested clarification on the multiple family development time period in the Bluewaters area. The Planning Technician read from the Beach Avenue Neighbourhood Plan, which in essence states that the Bluewaters area would remain single family residential until the infrastructure servicing was in place.

ZONING AMEND.
#1656- BRAEMAR

MOVED by Councillor Nielsen, SECONDED by Councillor Dionne:

THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1656, 2002 be read a First Time.

CARRIED.

QUESTION AND ANSWER PERIOD

ALEX SIM

Mr. Sim advised that although he has called the Municipal Office several times, there is no definitive plan or costs for the sewer project. Staff need to do their homework and residents need to know the costs.

The Administrator responded that the hook-up cost could reach \$250 per inspection, and that Council wants the annual charge to be the same as in the downtown area. However, the capital costs are not yet known because the final drawings are not complete.

WALTER HUBER

Mr. Huber asked why the Municipality would enter into a 20 year lease for a new fire truck rather than use reserve fund and short term borrowing, which would save money.

The Treasurer responded that the reserve fund would be depleted and the municipality's short term borrowing power would be reduced.

DEL SECORD

Mr. Secord requested clarification, regarding the sewer project, that a parcel tax and an acreage tax are the same thing.

The Administrator responded that properties under 1/3 acre in size are only assessed a parcel tax; properties larger are assessed both a parcel and an acreage tax.

Regular Council Meeting Minutes

October 22nd, 2002

Page 10

R. JEAN COLDHAM Mrs. Coldham stated that she is in favour of the sewer project, because the sewer project in the Bluewaters area was handled quite well with numerous public meetings and information available.

R. & M. MAYO Mr. and Mrs. Mayo asked if they would be afforded an opportunity to speak again to the development variance issue, and if they could submit written statements. The answer was 'yes' to both.

ADJOURN MOVED by Councillor Nielsen, SECONDED by Councillor Dionne:

THAT the Regular Council Meeting adjourn at 10:58 p.m.

CARRIED.

(original signed by Mayor and Clerk)

Certified Correct.

Mayor

Municipal Clerk

Dated at Peachland, B.C.

This 14th day of November, 2002.