

THE CORPORATION OF THE DISTRICT OF PEACHLAND

**Special Open Council Meeting Minutes
Held Thursday, September 18, 2003 at 7:00 p.m.
In the Council Chambers, Peachland Community Centre**

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

Administrator Peter Jmaeff
Director of Planning & Development Services Chris Prosser
Deputy Treasurer Linda Rich
Contract Planner Dan Huang

Members of the Public

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

ADOPTION OF THE MINUTES

ADOPT MINUTES MOVED by Councillor Hallberg, SECONDED by Councillor Reid:

THAT the Minutes of the Regular Council Meeting held September 9, 2003 be adopted as circulated.

CARRIED.

MOVED by Councillor Fraser, SECONDED by Councillor Henderson:

THAT the Minutes of the Public Hearing held September 9, 2003 for Zoning Bylaw No. 1375 Amendment Bylaw Number 1692, 2003 be adopted as circulated.

CARRIED.

PRESENTATIONS AND DELEGATIONS

G. YATES

Mr. Gary Yates read a letter he submitted to Council dated September 11, 2003, and distributed another letter dated September 18, 2003, regarding the provision of water service to his property at 4713 MacKinnon Road, outside District boundaries. This letter asked for permission to be included in the municipal boundaries of the District of Peachland. Mr. Yates said that he has spoken to his neighbours and they have indicated that they have no problems with his request for boundary expansion.

Councillor Moritz asked if item 4 on the letter regarding DCCs for water, if the \$2818 was per lot or for both lots. He also asked if the \$10,000 would be placed in trust until the issue of boundary expansion is settled.

Councillor Fraser asked if boundary expansion is possible if done this way, and the Mayor advised that it can.

Mayor Harriman advised that approval for the water connection should have been dealt with in open Council, however, he believes that Mr. Yates acted in good faith.

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YATES WATER
(CONT.)

Councillor Reid said that the issue of debate over boundary expansion is not on the table, and that Council is here tonight to question Mr. Yates about his water servicing problems. He advised that if boundary expansion is to be debated tonight, then that issue needs to be added to the Agenda.

MOVED by Councillor Fraser, SECONDED by Councillor Hallberg:

THAT annexation of the Yates property into Peachland be added to this Agenda under 2: A-1.

CARRIED.

Councillor Moritz asked Mr. Yates exactly what he expects ongoing water usage charges to be. He then asked Council if it was appropriate to charge a water surcharge if no agreement is reached for boundary expansion with Mr. Yates.

DISTRICT OF
SUMMERLAND

Mayor Tom Johnston displayed a map showing Summerland's watershed, including Headwaters, Peachland and Crescent Lakes. He talked about a joint plan to increase the water stored in Peachland Lake so that the District of Summerland could divert water from there if needed. He would like a joint effort of staff from both municipalities to coordinate the feasibility of doing this project together.

Summerland's Administrator Evan Parliament spoke about establishing an insurance policy for continued water supply to Summerland. He advised that they have established 8 options, but have only presented one of them tonight. Summerland estimates that will require \$20,000,000 of borrowing to double the capacity required for Summerland. They are looking at options of wells, Okanagan Lake, increasing dam storage, as well as joint projects. Summerland wishes to work on a plan over the winter to cut consumption by 55%.

Councillor Hurd asked the question of Mr. Parliament: when Summerland was experiencing drought, why were agricultural users allowed high volumes of water?

Mayor Johnston advised that the issue was resolved by way of fines, turn offs, use of heavy hands, and that metering is being seriously considered. He then asked that staff meet next week at the UBCM Convention to discuss this joint effort between the District of Peachland and the District of Summerland.

Councillor Hallberg advised that it is expected that next summer will be equally as dry as this year.

Mayor Harriman thanked Mayor Johnston and Mr. Parliament for their presentation and said that he is looking forward to meeting for discussions at UBCM.

UNFINISHED BUSINESS

**OATHS – CHRIS
PROSSER**

The Administrator read the Oaths of Office and Allegiance to Mr. Prosser, Director of Planning and Development Services, who so swore.

**YATES BOUNDARY
EXPANSION DEBATE**

Mayor Harriman commented on fiscal responsibility of the District of Peachland. He feels that Mr. Yates acted in good faith to install his 2 water connections. He said that our engineers feel that there will not be an effect on water pressure or water supply to the taxpayers of the District. The Mayor advised that it would cost the District of Peachland many dollars to include this property in the municipal boundaries.

Councillor Hallberg asked about how many tax dollars per year these properties would generate. The Administrator advised that tax revenue would be about \$1900. He said that the property has farm status and that it would require about 400 meters of road at \$8/meter, road cost totaling about \$3200.

Councillor Henderson advised Council to look to the future. In about 5 or 6 years, Westbank will be incorporated. This property will either be with Peachland or with Westbank. He asked Mr. Yates which municipality he would rather be included in.

Mr. Yates advised that there is no further subdivision potential for this property because it is a cliff. He does not have preference as to which municipality he would be included with.

Councillor Reid stated that the economic value of the property would increase with the addition of a water service connection, and this would be reflected in an increased property assessment. He asked the Contract Planner to explain to Council the boundary expansion process.

The Contract Planner explained the mechanics of boundary expansion and the time frames. The first step would be that the applicant requests to the District to be included in municipal boundaries. If Council ratifies the request, the request is then sent to CORD for approval and then all the appropriate agencies, such as Highways, fire protection and municipal affairs.

After all of the technical aspects are settled, the Deputy Minister advises the municipality, who in turn advertises under the Counter Petition process. If successful under the Counter Petition process, the property is then added to the municipal property rolls. The entire process could be complete anywhere from 3 to 6 months.

Councillor Reid asked about the restrictive covenant requested in June. The Contract Planner advised that the restrictive covenant application would be appropriate for this property.

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**YATES BOUNDARY
EXPANSION (CONT.)**

Councillor Moritz noted that it is his opinion that this property is already benefiting from being adjacent to the District of Peachland. He would like to pursue boundary expansion to include the Yates property. He would like water to be provided immediately.

Councillor Hallberg asked that the Administrator prepare a report to Council outlining the costs/benefits of this property joining in to the District of Peachland municipal boundaries.

Councillor Henderson asked if Mr. Yates is now receiving municipal water, and that Administrator advised that he is not. Councillor Henderson stated that he would like the water connected as soon as possible.

Councillor Reid noted that because the issue of supply of municipal water is outside our boundary, he would like to see the District enter into a contract with an expiry date of 1 year or so. This would allow time to get all the facts.

Councillor Henderson said he supports this boundary expansion request. He would like to negotiate with Mr. Yates regarding the second letter presented to Council.

Councillor Fraser said that the problem is with the District of Peachland, and she would like Mr. Yates to get water and have this bylaw approved.

Councillor Moritz said that he wants to see some action, and that he supports entering into a contract with Mr. Yates. He would like to proceed with the intent of boundary expansion, and that DCCs would be held until this issue is settled. He would like to see a surcharge added to water rates set for Mr. Yates at 1.2 times the municipal rate.

Councillor Hallberg agreed that a contract should be drafted until this issue is settled.

Councillor Henderson said he does not support the bylaw, and he wants things made right by the District.

Councillor Reid said a series of resolutions needs to be made to deal with the issues:

1. that the District agrees in principle with this boundary expansion;
2. that pending completion of the annexation study, require that Mr. Yates sign a contract for supply of water to his property.

Mayor Harriman said that there is no shortage of water or water pressure to supply water to this property. The Mayor does not want this property in our boundaries because it would cost the District for this property to be included in municipal boundaries.

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YATES BOUNDARY EXPANSION (CONT.) MOVED by Councillor Hallberg, SECONDED by Councillor Reid:

THAT the District of Peachland enter into a contract with Mr. Gary Yates to provide water for a period of one year, with immediate energization of the water connection to the property;

AND THAT the Administrator prepare a report to Council outlining a cost/benefit analysis of the request from Mr. Yates so that they can make an informed decision about annexation.

WITHDRAWN.

Councillor Moritz requested that the motion be amended to be reformatted into two separate motions, one to immediately and temporarily supply water for one year, and another to pursue boundary expansion.

Councillor Hallberg requested that her motion be withdrawn and re-submitted as two separate motions.

MOVED by Councillor Hallberg, SECONDED by Councillor Reid:

THAT the District of Peachland immediately initiate a connection for water supply for Mr. Yates for a period of one year;

AND THAT the Administrator be requested to prepare a more comprehensive report to Council on the annexation.

CARRIED.

Mayor Harriman OPPOSED.

MOVED by Councillor Moritz, SECONDED by Councillor Hallberg:

THAT if the District of Peachland provides water to the Yates property, the water usage rate be 1.2 times the rate currently charged.

DEFEATED.

Councillor Moritz IN FAVOUR.

Councillor Henderson preferred the motion be amended to add that the standard municipal rate be applied if the boundary expansion is successfully completed.

Councillor Reid said that Mr. Yates should not be charged a surcharge because of the error in dealing with this issue In Camera and the subsequent letter of October 8, 2002.

Councillor Reid instructed the Administrator to enter into a contract for a one year period for supply of water with the rate to be the same as the taxpayers of the District of Peachland, and that the Administrator have a restrictive covenant placed on the property, and that Mr. Yates bear the cost of the restrictive covenant.

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YATES BOUNDARY EXPANSION (CONT.) MOVED by Councillor Moritz, SECONDED by Councillor Henderson:

THAT the Administrator prepare a contract to supply water to the Yates property with an expiry date of one year, and that a restrictive covenant against future subdivision be placed immediately upon the property, and that Mr. Yates bear the costs incurred for the restrictive covenant.

CARRIED.

**ZONING AMEND.
BYLAW NO. 1692
ISLAND VIEW VILLA**

The Contract Planner briefly presented the report regarding this bylaw which Council had received at the September 9th Regular Meeting.

MOVED by Councillor Hallberg, SECONDED by Councillor Hurd:

THAT Bylaw Number 1692 to amend Zoning Bylaw No. 1375 by changing the zoning designation of Lot 2, Plan KAP49050 and Lot 50, Plan KAP44215, DL 449, ODYD, from R-3 (Low Density Multiple Family Residential) zone to CD-5 (Comprehensive Development) zone be read a second and third time;

AND THAT final adoption of the zone amending bylaw is 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.

Discussion on the above motion included:

Councillor Moritz noted that there are six or so issues that he needs clarified: emergency access, water, sight lines, drainage, storm sewers, spring flows. He asked about item 6 on the Golder report where Golder recommended that drainage from the property be diverted to our storm sewer rather than the sanitary sewer.

Terry Tanner said that in 1992, Urban Systems recommended that flows from the Coquihalla onto the property be handled by a drywell. He also said that storm water is not a problem.

Councillor Moritz said that he was only referring to the area at the shale end of the property. Does that water drain into our storm drains. Councillor Moritz referred to the Golden report section on liquefaction.

Mr. Tanner said that Golder must sign off and that the developer is responsible. The developer will adhere to Golder's recommendations.

Councillor Moritz asked if the storm water system will accommodate the extra water from the northeast development.

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ZONING BYLAW
#1692 (CONT.)

The Administrator said that the storm water from a solid pipe may not handle flows if the existing drywells are inadequate. He said that he needs information on water flow in solid pipe and how it would be dispersed.

Mr. Tanner said that gravity will take over, however, a pipe is an interceptor that takes water away.

The Administrator noted that the ditch is about 150 meters in length. Certain amounts of water will disperse naturally, but if contained in a solid pipe, the District is not sure whether the existing storm sewer is adequate.

Mr. Tanner asked where the extra water is going to come from. Xeriscape plantings will catch the water. He also advised that the civil engineers are in favour of the pipe. This would alleviate the water drainage problem of MacNeill Court.

The Administrator wants a response from Golder regarding the storm water dispersment from shale area that will be captured in a solid pipe.

Councillor Reid agreed with the Administrator's request for a response from Golder. He would like to know the capacity of the drywells.

Councillor Hallberg clarified the difference between liquefaction and liquification.

Councillor Moritz questioned the natural spring; he would like to know where the spring is, and has the spring issue been resolved. Point #5 is alright with him now.

Councillor Hallberg advised that these questions have already been answered by EBA Engineering.

Councillor Reid said that the letter from Golder addresses the issue of land subsidence.

Councillor Moritz asked about future expansion on Trepanier Road, and there will be more development up there. He asked about 3-laning Trepanier.

The Administrator advised that there is adequate space for a third lane, but it will be expensive due to the need for retaining walls.

Councillor Moritz wants landscaping low to allow sight lines.

Mr. Tanner advised that a sign is required, and it will sit back on the property and will not impede the views.

Councillor Moritz asked if the developer wants to partner with the District of Peachland regarding a potable water study.

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Mr. Tanner advised that the current zoning allows 130 units, and that the proposed development is 60 units, therefore a reduction in units will mean the obligation of the District to supply water is reduced by 70 units.

Councillor Moritz expressed concerns regarding upper Road B emergency access.

Mr. Tanner advised that there is a 'T' to allow backing in and out for emergency vehicles, and that the Fire Chief said this is acceptable. Mr. Tanner said that the Fire Chief does not favour a cul-de-sac configuration for emergency vehicles.

Mayor Harriman advised that the Fire Chief agrees with the proposed emergency access.

Councillor Reid asked as to whether the Administrator felt that the District of Peachland has done its due diligence for this development. The Administrator stated that based on our knowledge, due diligence has been done.

MAYOR'S REPORT

**STAFF EDUCATION
& TRAINING POLICY**

MOVED by Councillor Fraser, SECONDED by Councillor Hallberg:

THAT the Staff Education and Training Policy #PER-190 be amended to reflect that a formal contract document be signed by the employee and the District of Peachland stating that in the event that the training program or academic course is not successfully completed, the employee will reimburse the full amount of the tuition paid by the District of Peachland to the District.

CARRIED.

Councillor Moritz OPPOSED.

Councillor Reid felt that this amendment will encourage staff to upgrade. Councillor Moritz wanted paragraph 5 to include minor amendments. Councillor Hallberg asked if CUPE needs to be notified of this amendment, and the Administrator advised that notification is not required.

ADJOURN

MOVED by Councillor Hallberg, SECONDED by Councillor Reid:

THAT the Special Open Council Meeting adjourn at 8:55 p.m.

CARRIED.

(Original signed by Mayor & Clerk)

Certified Correct.

Mayor

Municipal Clerk

Dated at Peachland, B.C.
This 15th day of October, 2003.

