

THE CORPORATION OF THE DISTRICT OF PEACHLAND

**Regular Council Meeting Minutes
Held Tuesday, August 14, 2007 at 7:00 p.m.
In the Council Chambers, Peachland Community Centre**

PRESENT: Mayor Reid, Councillors Condon, Fraser, Hallberg, Nielsen & Thorne

Acting CAO/Director of Finance Doug Pryde
Corporate Officer Betty Briggs
Director of Planning & Development Services David Smith
Planning Assistant Paul Dupuis

Members of the Public
Members of the Media

ABSENT: Councillor Moritz

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

AMENDMENTS TO THE AGENDA Added: addendum to 7-E: Brent Road Fire Protection Agreement
Removed: 7-F: Controlled Substances Property Remediation Bylaw Number 1826, 2007

APPROVAL OF THE AGENDA MOVED by Councillor Hallberg, SECONDED by Councillor Fraser:

THAT the Agenda be approved as amended.

CARRIED.

RECESS The meeting was recessed at 7:02 pm to allow Shaw Cable to set up the camera equipment.

RECONVENE The meeting reconvened at 7:08 p.m.

PRESENTATIONS & DELEGATIONS

REGIONAL WASTE Ms. Carol Suhan, Waste Reduction Coordinator, made a presentation

PILOT PROJECT regarding a pilot project for automated refuse and recycling collection. The pilot project will be held from September 18 to December, 2007, with 500 sample homes in Kelowna, Westbank and Peachland. The project will include garbage, recycling and yard waste collection.

Ms. Suhan answered questions from Council members, and was thanked by Mayor Reid for the presentation.

BC FRUIT GROWERS Mr. Glen Lucas, General Manager, gave a presentation on 'Industry with a Future,' and outlined BC Fruit Growers' Association strategy, including restructuring, quality, marketing, labour and new varieties.

Mr. Lucas answered questions from Council members, and was thanked by Mayor Reid for the presentation.

ADOPT MINUTES

ADOPT MINUTES

MOVED by Councillor Thorne, SECONDED by Councillor Condon:

THAT the Minutes of the Public Hearing held July 10, 2007 for Zoning Bylaw No. 1375 Amendment Bylaw Number 1844, 2007, be adopted as circulated.

CARRIED.

MOVED by Councillor Fraser, SECONDED by Councillor Thorne:

THAT the Minutes of the Regular Council Meeting held July 10, 2007, be adopted as circulated.

CARRIED.

COMMITTEE & STAFF REPORTS

Committee Reports:

BUSINESS DEV.

Councillor Nielsen noted that the Minutes of the July 10, 2007 meeting, attached, have no recommendations for Council action.

ELUC

Councillor Nielsen noted the recommendation regarding gravel extraction in the July 17, 2007 minutes attached.

MOVED by Councillor Nielsen, SECONDED by Councillor Condon:

THAT Regional District of Central Okanagan be advised that the 'crushing and screening – gravel extraction permit' on Lot 1 & 13, DL 1380, located at 4508 and 4544 (Westside Electoral Area – Trepanier Road at Maxwell Road) is not supported by the District of Peachland;

AND THAT the Ministry of Energy & Mines undertake a Demand Supply Study (Capacity Study) for the Okanagan Valley, to address the overall management of gravel resources and environmental protection;

AND THAT the District of Peachland offers support to the RDCO's recommendation passed on July 9, 2007.

CARRIED.

CENTENNIAL COM.

Information regarding Centennial Committee members was received for information.

Staff Reports:

JULY DEPARTMENT REPORTS

Councillor Condon requested a breakdown of PFRS incidents as to fires and motor vehicle accidents. Councillor Thorne asked if the verbal warnings being issued by the Bylaw Enforcement Officer are having results.

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JULY REPORTS
(CONT.)

MOVED by Councillor Hallberg, SECONDED by Councillor Condon:

THAT the Departmental Reports for July, (i) to (vi) be received for information.

CARRIED.

BRENT ROAD FIRE
PROTECTION

Acting CAO Doug Pryde presented a report requesting a 3 year extension and an amendment with regards to hydrant maintenance to the Brent Road Fire Protection Agreement.

Council members questioned whether providing this service contravenes Council's new policy requiring a boundary extension before provision of services. Mayor Reid clarified that this agreement is with another regional government entity, not a private land owner.

MOVED by Councillor Hallberg, SECONDED by Councillor Fraser:

THAT Council amends the Brent Road Fire Protection Agreement to extend fire protection to Brent Road from January 1, 2007 to December 31, 2009;

AND THAT Article #3 – Water Supply (e) be amended to read:

The Central Okanagan Regional District shall provide annual service and maintenance on the hydrants.

CARRIED.

MIABC VOTING
DELEGATES

MOVED by Councillor Condon, SECONDED by Councillor Hallberg:

THAT Council appoints Mayor Reid as the District of Peachland's voting delegate for the Municipal Insurance Association of BC annual general meeting to be held September 25, 2007 in Vancouver, with Councillor Fraser as the alternate delegate.

CARRIED.

OCP & ZONING
AMENDMENTS
#1845 & 1846

Director of Planning & Development Services David Smith presented a report outlining the history of the application for Official Community Plan and Zoning Bylaw amendments for 4372 Beach Avenue, Walter & Biglow, to allow short term tourist accommodation. He also noted legal advice received, as directed by ELUC, and presented the OCP Amendment Bylaw No. 1845 and Zoning Amendment Bylaw No. 1846 for First and Second Readings. The proposed development is for a vacant lot on Beach Avenue, and would consist of a duplex at the front where the property owners would live, with 4 short term vacation rental units in the rear, as well as an accessory building (garage.)

Council members discussed this application:

- a minimum occupancy of not less than 7 days is listed in the bylaw; can there be a maximum
- maximum time of 8 months permanent rental (ie. Oct. – May) to differentiate from secondary suites (Mr. Smith: could be refined in Zoning Amendment Bylaw)

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- 1845 & 1846 (CONT.)**
- how can rental terms be monitored (Mr. Smith: legal advice that this is difficult; possibly a Sec. 219 covenant on title)
 - owner occupation is required in bylaw; how will it be enforced if property sells
 - why amend OCP to permit this, when we have problems now
 - this is a real legal problem
 - rezone fan area 'commercial' for motels
 - shouldn't vote for a new zone as a 'pilot project;' a new zone is permanent
 - ELUC looked at short term rental policy in April, but put aside as there were more pressing issues, and realized enforcement would be problematic; this application provided an opportunity to look again at short term rental policy, but ELUC recognized this would be a profound change to the OCP and all of Council should consider it
 - not in favour of changing OCP for a pilot project on prime Beach Avenue property
 - pilot project in another neighbourhood more possible
 - as a tourist destination, Peachland needs to implement something

MOVED by Councillor Nielsen, SECONDED by Councillor Condon:

THAT the application by Walter & Biglow for Official Community Plan and Zoning Bylaw amendments for Lot 4, Plan 5230, DL 220, 4372 Beach Avenue, to permit short term tourist accommodation, be denied.

CARRIED.

Councillor Hallberg OPPOSED.

**TEMPORARY
COMMERCIAL USE
HAINLE WINERY/
TREPANIER MANOR**

Director of Planning & Development Services David Smith presented a report regarding a Temporary Commercial Use Permit application for Vineyard Estates located at 5355 Trepanier Bench Road to allow an administrative office and marketing showroom for the proposed Trepanier Manor. The application was circulated to adjacent property owners and advertised in the local paper, as required by the *Local Government Act*. Two letters of opposition have been received, one from Keith and Olive Fielding, and one from Roderick MacLeod.

Mr. Smith clarified that the proposed commercial use is not permitted in the zoning for the winery, therefore a building permit for the office construction could not be issued, resulting in this Temporary Commercial Use Permit application.

MOVED by Councillor Nielsen, SECONDED by Councillor Hallberg:

THAT Council approves a Temporary Commercial Use Permit for Hainle Vineyard Estates located at 5355 Trepanier Bench Road to allow an administrative office and marketing showroom for proposed Trepanier Manor Development.

Further discussion took place:

Mr. Smith clarified that the *Local Government Act* dictates the 2 year term for the Temporary Commercial Use Permit.

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**TEMPORARY
COMMERCIAL USE
(CONT.)**

Mr. Tilman Hainle, 5266 Coldham Road:

- family started vineyard and winery, and applied for first 'J' license
- believes in due process
- winery has been using facility on behalf of Trepanier Manor for sales events
- A-1 zoned land, no other commercial use is allowed
- Trepanier Manor is already advertising sales centre at Hainle Vineyard opening August 18th (Globe and Mail article and advertisement provided)
- Trepanier Manor's Scott Wilshaw has no space, hence Building Permit application, hence question of commercial use
- this is a farce; all the changes are already done
- supports intelligent, environmentally sensitive development on the property
- Council should not allow blatant disregard for due process; this should be done in accordance with the rules of Peachland
- does not own Hainle Vineyard Estates; sold to Walter Huber and family

Sarah Norman, 5266 Coldham Road:

- should respect not be shown for historically significant winery
- organization has adequate funds to build sales centre on their own property

Rod MacLeod, Trepanier Bench Road (above winery):

- lived above winery for 7 years, no problems with Tilman Hainle until winery sold
- new owners have busted open a road, no permissions
- residential farming area
- current owner shows total disrespect for Council
- nothing temporary about this
- Westside Weekly of Aug. 1 has advertisement that sales centre opens Aug. 18
- already has a sign advertising Trepanier Manor
- has been fighting these owners for years – is a NIMBY
- total disregard

Council members further discussed this application:

- visited today; room is built, door was locked, 'Trepanier Manor' is etched in glass
- challenges with current owners

Question was called on the motion:

THAT Council approves a Temporary Commercial Use Permit for Hainle Vineyard Estates located at 5355 Trepanier Bench Road to allow an administrative office and marketing showroom for the proposed Trepanier Manor development.

DEFEATED.
Unanimous.

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**DP TRANSFER
STREAMLINE TO
SOUTH-WESTERN
VENTURES
6056 HAWKES RD.**

Director of Planning & Development Services David Smith presented a report requesting transfer of Development Permit for 6056 Highway 97 at Hawkes Road from Willowbrook Investments Ltd./Streamline Inc. to South-Western Ventures, 6056 Highway 97 at Hawkes Road, for a 7 unit strata project approved in 2006.

MOVED by Councillor Hallberg, SECONDED by Councillor Condon:

THAT the recommendation be amended to include, 'on condition that all funds owing to the District be paid to it.'

CARRIED.

MOVED by Councillor Hallberg, SECONDED by Councillor Condon:

THAT Council authorize the transfer of Development Permit #4-10,008 from Streamline Inc. to South-Western Ventures of Kelowna;

AND THAT all conditions of the Development Permit, including the Development Agreement and all other associated project obligations required by the District continue to apply to the new owners;

AND THAT the transfer be approved on condition that all funds owing to the District be paid to it.

CARRIED.

OCP UPDATE

MOVED by Councillor Condon, SECONDED by Councillor Hallberg:

THAT the Official Community Plan Update – Open House Exit Survey, be received for information.

CARRIED.

**RDOS REFERRAL
GREATA RANCH**

Director of Planning & Development Services David Smith presented a report regarding a referral from RDOS regarding proposed 20 room agri-tourism development at Greata Ranch.

MOVED by Councillor Hallberg, SECONDED by Councillor Fraser:

THAT the District of Peachland forward comments to the Regional District of Okanagan Similkameen that:

- the District does not object to rezoning for a proposed 20 room agri-tourism development on the site of Greata Ranch;
- the non-objection to the proposed development not be construed as an endorsement that Peachland will provide municipal services to the site.

CARRIED.

ZONING AMENDMENT MOVED by Councillor Thorne, SECONDED by Councillor Hallberg:
BYLAW #1844
DUPUIS 4026
BEACH AVE.

THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1844, 2007 be finally reconsidered and adopted.

CARRIED.

Councillor Fraser OPPOSED.

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TRAFFIC AMEND.
BYLAW #1851

MOVED by Councillor Fraser, SECONDED by Councillor Condon:

THAT Traffic Regulations Bylaw No. 1534 Amendment Bylaw Number 1851, 2007 be finally reconsidered and adopted.

CARRIED.

MAYOR & COUNCILLORS' REPORTS

COUNCILLOR
HALLBERG

Councillor Hallberg commended the organizers of the Ogopogo Arts Festival on an excellent event.

MAYOR REID

Mayor Reid commended the Recreation Director and staff for the successful Rattlesnake Island Swim last weekend.

OTHER BUSINESS

IN CAMERA MTG.

MOVED by Councillor Nielsen, SECONDED by Councillor Fraser:

THAT an In Camera Meeting be held at 1:00 p.m. September 11, 2007, pursuant to Sec. 90(1)(a) [personnel] and (e) [land] of the *Community Charter*.

CARRIED.

QUESTION PERIOD

V. WARNER

Ms. Vicky Warner, 6310 Topham Place:

- water in Faulder has recently been tested with high levels of uranium; does Peachland/Ponderosa water get tested for uranium?
- does the public have access to water test results?

Mayor Reid noted that the Director of Operations is not here tonight; a report will come to the next Council Meeting.

ADJOURNMENT

MOVED by Councillor Nielsen:

THAT the Regular Council Meeting adjourn at 9:14 p.m.

CARRIED.

(Original signed by Mayor & Corporate Officer)

Certified Correct.

Mayor

Corporate Officer

Dated at Peachland, B.C.
This 12th day of September, 2007.