

**THE CORPORATION OF THE DISTRICT OF PEACHLAND**

**Regular Council Meeting Minutes  
Held Tuesday, June 12, 2007 at 7:00 p.m.  
In the Council Chambers, Peachland Community Centre**

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**PRESENT:** Mayor Reid, Councillors Condon, Fraser, Hallberg, Moritz, Nielsen and Thorne

CAO Elsie Lemke  
Corporate Officer Betty Briggs  
Director of Finance Doug Pryde  
Director of Operations Dave Gold  
Director of Planning & Development Services David Smith

Members of the Public  
Members of the Media

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

**APPROVAL OF THE AGENDA** MOVED by Councillor Hallberg, SECONDED by Councillor Condon:

THAT the Agenda be approved as circulated.

**CARRIED.**

**PRESENTATIONS & DELEGATIONS**

**P. RYDER**

Mrs. Patricia Ryder expressed appreciation to Council for taking an interest in preserving the top of the mountain between Gorman's mill and Okanagan Lake, where housing developments are proposed. She requested that Council require developers to landscape and post bonds to ensure the work is completed. She reported that a phone survey done 4 years ago regarding downtown development had lots of people wanting only the height of the existing hotel on Beach Avenue, with possibly 4 to 5 storey buildings behind.

**ADOPTION OF THE MINUTES**

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

THAT the Minutes of the Regular Council Meeting held May 22, 2007 be adopted as circulated.

**CARRIED.**

**COMMITTEE & STAFF REPORTS**

**Committee Reports:**

**PUBLIC SAFETY & SECURITY**

Chair Councillor Thorne reported that the Committee reviewed materials regarding Beach Avenue parking restrictions, and deemed no hardships would be imposed on residents, and recommended no further action. The Committee also reviewed the draft Controlled Substances Property Remediation Bylaw, which is on this Agenda for consideration.

CAO Elsie Lemke presented a report regarding Controlled Substances Property Remediation Bylaw Number 1826, 2007, which noted that an

**Regular Council Meeting Minutes**  
**June 12, 2007**  
**Page 2**

**PUBLIC SAFETY &  
SECURITY (CONT.)**

advertisement will be placed in the local paper, and notices to property owners will be sent early next year, with the requirements of this Bylaw highlighted.

Council members discussed the proposed Bylaw and received clarification on several points.

MOVED by Councillor Thorne, SECONDED by Councillor Hallberg:

THAT Controlled Substances Property Remediation Bylaw Number 1826, 2007, be read First and Second Times;

AND THAT public input be requested on the Bylaw, through newspaper advertising, to be submitted by July 9, 2007;

AND THAT the Bylaw be forwarded, after Third Reading, to the Ministry of Health.

**CARRIED.**

**ELUC**

Chair Councillor Condon noted the Minutes of the May 29<sup>th</sup> meeting are included in the Agenda package, and one item is listed later in this meeting.

**Staff Reports:**

**MAY DEPARTMENT  
REPORTS**

MOVED by Councillor Moritz, SECONDED by Councillor Fraser:

THAT the Departmental Reports (i) to (v) for May be received.

**CARRIED.**

**PRIMARY SCHOOL  
IN CAMERA**

CAO Elsie Lemke presented a report on In Camera resolutions relating to the Peachland Primary School building. A Request for Proposals for the building was issued last week, with a September 4, 2007 deadline for submission. The RFP is available at the District Office.

**LAKESHORE  
GARDENS SOLID  
WASTE REFUND**

Director of Finance Doug Pryde presented a report requesting a partial refund to 101 units at Lakeshore Gardens for the 2007 Solid Waste Collection and Disposal Parcel Tax assessment.

MOVED by Councillor Condon, SECONDED by Councillor Thorne:

THAT Council authorizes partially refunding the 2007 Solid Waste Collection and Disposal Parcel Tax assessment for the period from May 1<sup>st</sup> to December 31<sup>st</sup>, 2007, to the owners of the 101 units in the Lakeshore Gardens located at 3996 Beach Avenue.

**CARRIED.**

**BYLAW #1844  
4026 BEACH AVE.  
DUPUIS**

Director of Planning & Development Services David Smith presented a report regarding the rezoning application for 4026 Beach Avenue from R-1 Single Family Residential to R-2A Townhouse Residential zone, to accommodate a proposed four dwelling unit multiple family dwelling on

**Regular Council Meeting Minutes**  
**June 12, 2007**  
**Page 3**

**BYLAW #1844**  
**(CONT.)**

the site. He noted that ELUC had recommended the Bylaw proceed and provided a history of the property. The applicant held the required public open house at the site.

MOVED by Councillor Condon, SECONDED by Councillor Fraser:

THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1844, 2007, be read First and Second Times;

AND THAT the applicant be advised that the following will be required before a Public Hearing is held:

- completed engineering design and costing;
- a storm water management plan for the site
- a concept landscape plan for the site
- elevation drawings showing exterior design including reference to colour palette and materials.

**CARRIED.**

Councillor Moritz OPPOSED.

In response to questions from Council members, Mr. Smith advised that engineering, bonding and DCCs are addressed at Development Permit stage.

**DEV. PERMIT EXT.**  
**4596 PRINCETON**  
**WALNUT ESTATES**

Director of Planning David Smith presented a report requesting a 90 day to the Development Permit for Walnut Estates, 4596 Princeton Avenue, which expires June 27, 2007.

Council members discussed the fees and costs involved, the access to Somerset, requirements should the extension be denied.

MOVED by Councillor Hallberg, SECONDED by Councillor Condon:

THAT Council authorizes an extension of 90 days, to September 25, 2007, for completion of conditions for the approval of a Development Permit for the Walnut Estates project on Block 30, Plan 125, Except Plan M14975, DL 490, located at the intersection of Princeton Avenue and Somerset Avenue, 4596 Princeton Avenue, for 21 dwelling units on 1.02 ha or 2.54 ac.

**CARRIED.**

Mayor Reid, Councillors Fraser and Thorne OPPOSED.

**DVP 07/10,005**  
**5207 LAW ST.**  
**LARSEN**

Director of Planning David Smith presented a report requesting approval of a development variance application to vary the height of buildings in the A-1 Rural Agricultural zone from 9m (30 ft.) to 13.5m (44.3 ft.) for 5207 Law Street. The reasons for the request are to accommodate an elevator for wheelchair accessibility and to gain better lake views.

Council members discussed the request at length, and expressed concerns with the height and the possible impact on future subdivision/development once the area is serviced with municipal water and sewer.

**Regular Council Meeting Minutes**  
**June 12, 2007**  
**Page 4**

**DVP07/10,005**  
**(CONT.)**

Council agreed to allow the applicant to speak.

Mr. Niels Larsen, applicant, advised that accessibility is the whole idea; the east side is ground level to the main floor, with a full basement, lowered front yard; the back yard has the large height. The elevator requires room at the top for equipment. The property slopes north down to south; from straight back, the roof is at the height of the property, with Crown land behind.

Mayor Reid asked if anyone in the audience had comments. There were none.

MOVED by Councillor Fraser, SECONDED by Councillor Thorne:

THAT Council approves Development Variance Permit application DVP07/10,005, to vary the height of buildings in the A-1 Rural Agricultural zone from 9m (30 ft.) to 13.5m (44.3 ft.) for Lot 7, Plan 518, DL 1274, 5207 Law Street, to allow for the construction of a single family home.

Council members further discussed this application.

MOVED by Councillor Hallberg, SECONDED by Councillor Condon:

THAT Development Variance Permit 07/10,005 be tabled to the next Regular Council Meeting to allow the Director of Planning & Development Services to discuss the height variance with the applicant.

**CARRIED.**

**TREPANIER MANOR**  
**SEWER SERVICING**

Director of Operations Dave Gold presented a report requesting Council's support for Option 2 sanitary sewer servicing to the Trepanier Manor project, due to insufficient support from the Desert Pines neighbourhood for Option 3.

MOVED by Councillor Nielsen, SECONDED by Councillor Moritz:

THAT based on insufficient favourable support determined from the public meeting held May 16, 2007 with Desert Pines area residents, that Option 3 sanitary sewer route (through Desert Pines neighbourhood) not be pursued at this time;

AND THAT Council support the Option 2 sanitary sewer route for the Trepanier Manor project, running from the project site to MacKinnon Road, to Coldham Road, to Trepanier Bench Road, across Highway 97 and connecting to the existing District sanitary sewer near 3898 Beach Avenue;

AND THAT Council supports entering into a Latecomer Agreement with the Trepanier Manor Group developer related to the Option 2 sanitary sewer route excess service;

**TREPANIER MANOR (CONT.)** AND THAT all costs of preparing the Latecomer Agreement be at the developer's expense.

**CARRIED.**

**MAYOR & COUNCILLORS' REPORTS**

**COUNCILLOR NIELSEN** Councillor Nielsen noted that this Council is now half-way through its 3 year term, and has provided responsible and decisive leadership. Mid-term encourages others, and a new civic political party has been formed, and the letters to the editor have begun.

**COUNCILLOR FRASER** Councillor Fraser attended a Canada Day meeting and advised that Recreation Director Pelma Haffenden has planning well in hand.

**COUNCILLOR THORNE** Councillor Thorne chaired an Active Communities Committee meeting on May 25; chaired Public Safety & Security Committee meeting on May 29; today attended a Via 97 International Alliance Board meeting.

**MAYOR REID** Mayor Reid noted the Westside governance vote on Saturday, June 16<sup>th</sup>, and profound changes could follow.

**CORRESPONDENCE**

**OSOYOOS** MOVED by Councillor Fraser, SECONDED by Councillor Condon:

THAT Council supports the Town of Osoyoos in its lobbying effort to move the Southern Interior Recreational Equine Centre project forward and bring equestrian activities back to the region.

**CARRIED.**

Noted for information:

- copy of letter from School District No. 23 to Minister of Transportation re: speed limit on Highway 97 through Peachland;
- letter from Rick Thorpe, Minister of Small Business and Ida Chong, Minister of Community Services re: single business license for BC

**OTHER BUSINESS**

**IN CAMERA MTG.** MOVED by Councillor Thorne, SECONDED by Councillor Hallberg:

THAT an In Camera Meeting be held at 1:00 p.m. June 26, 2007, pursuant to Sec. 90(1)(e)[land] of the *Community Charter*.

**CARRIED.**

**QUESTION PERIOD**

**R.J. COLDHAM** Mrs. Jean Coldham expressed dissatisfaction with the sound system in Council Chambers and the Main Hall of the Community Centre; she asked how much longer Lakeshore Gardens will be under construction; what type of units are in Lakeshore Gardens; how much of Beach Avenue will it take; will the public washroom remain; why wasn't Todd Road widened; why isn't Princeton Avenue widened by developers.

**Regular Council Meeting Minutes**  
**June 12, 2007**  
**Page 6**

The Director of Planning was asked to provide a response regarding Lakeshore Gardens construction period.

**G. BURGESS**

Mr. Greg Burgess asked if taxpayers will pay Councillor Nielsen's travel expenses to attend Council meetings after he moves to Vancouver, and how many Council meetings does Councillor Nielsen have to attend.

Councillor Nielsen responded that he was elected to a 3 year term and has an obligation to serve that term; there is no obligation in the Province to reside in the community where elected; \$10,000 for a by-election is significant when not necessary; if Council wants him to step down, they only have to ask.

Mayor Reid advised Mr. Burgess that Councillor Nielsen will not be entitled to travel expenses to attend Council meetings, and that any Councillor that misses more than 4 meetings in a row can be disqualified.

**ADJOURNMENT**

MOVED by Councillor Condon:

THAT the Regular Council Meeting adjourn at 8:32 p.m.

**CARRIED.**

**Certified Correct.**

(Original signed by Mayor & Corporate Officer)

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**Mayor**

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**Corporate Officer**

Dated at Peachland, B.C.  
This 27<sup>th</sup> day of June, 2007.