



MINUTES OF THE REGULAR MEETING
HELD AT DISTRICT OF SUMMERLAND
COUNCIL CHAMBERS
13211 HENRY AVENUE, SUMMERLAND, BC
ON MONDAY, APRIL 27, 2015

MEMBERS PRESENT:

Mayor Peter Waterman

Councillor Richard Barkwill
Councillor Toni Boot
Councillor Erin Carlson
Councillor Doug Holmes
Councillor Janet Peake
Councillor Erin Trainer

Staff Present:

Linda Tynan, CAO

Lorrie Coates, Director of Finance
Don Darling, Director of Works and Utilities
Maureen Fugeta, Corporate Officer
Ian McIntosh, Director of Development Services
Maarten Stam, Manager of Works

1. CALL TO ORDER

Mayor Waterman called the meeting to order at 7:00 p.m.

2. ADOPTION OF MINUTES

2.1 Adoption of Minutes

Moved and Seconded,

THAT the Special and Regular Council meeting minutes dated April 13th, 2015,
be adopted.

Carried.

3. RESOLUTION TO ADOPT THE AGENDA

The Corporate Officer stated that there are three amendments to tonight's Regular meeting, as follows:

1. Item 15.2 Domestic Water Service
2. Item 15.3 No Post Barriers – to defer
3. Item 16.1 Attendance at the FCM conference

Moved and Seconded,

THAT the Regular Council meeting be adopted, as amended.

Carried.

4. DELEGATIONS

- 4.1 Delegation: Summerland Rotary Club (Sunday Market)
Members: Paul Barber and Roch Fortin

Paul Barber and Roch Fortin on behalf of the Summerland Rotary Club were requesting in-kind support and assistance in making the Summerland Sunday Market a reality.

Moved and Seconded,

THAT the requests from the Summerland Rotary Club for a proposed Sunday Market as outlined in their correspondence dated April 21st, 2015, be referred to staff.

Carried.

5. PUBLIC HEARING FOR 4816 NIXON ROAD - BYLAWS 2015-007; 2015-010 AND 2015-011

- 5.1 Zoning/OCP Amendment Application for Lot 22, DL 488, Plan 310 (4816 Nixon Rd) - Bylaws 2015-007; 2015-010 and 2015-011
Official Community Plan Bylaw must receive an affirmative vote of a majority of all Council members (4).

Mayor Waterman read the Public Hearing Statement at 7:18 p.m.

The Director of Development Services provided a brief overview of the Zoning/OCP Amendment for 4816 Nixon Road.

Mayor Waterman invited members of the public to speak, stating their name and address at the lectern.

Sally Gfeller, 5011 Nixon Rd

- requested clarification of walkway connection
- dedicated park and pedestrian access
- concerned elderly and young people on the street (sidewalk?)

Mike Daviduk, 5001 Weldon

- concerned with parking in cul-de-sac
- pedestrian network in Trout Creek
- are pets allowed on walkway

Sharon Mansiere, 4416 Williams

- thank you to the family; didn't expect this type of development
- concerned with habitat
- would like to see this area as another Adams Bird Sanctuary
- concerned with 'pinch points' in subdivision

Aldo Clinaz, 5002 Weldon

- concerned with parking
- how to deal with parking in cul-de-sac
- no parking signs and enforcement of same

Taylor Arkenstine, 5006 Weldon

- safety for young children and elderly on the street
- parking area will be busy in cul-de-sac

Kim Arkenstine, 5006 Weldon

- consideration for entrance to development on a different road
- installation of speed bumps

Stephanie (?), 5002 Nixon Road

- supports the development
- good fit for our neighbourhood

Jul Yates, 6011 Nixon Road

- concerned with parking in cul-de-sac
- entrance into development to come off of Croil; existing walking path

Sharon Mansiere, 4416 Williams

- concerned with poplar trees being removed

Mike Holler, Prairie Valley Road

- communities for the people
- project looks awesome
- protecting certain areas is great
- we have to enjoy these spaces

Taylor Arkenstine, 5006 Weldon

- do not overuse the land; will lose species
- very important to preserve what we have for future generations to come

Public Hearing ended at 7:38 p.m.

Council discussed preservation of land, environmental values, walkway and zoning.

Moved and Seconded,

- 1) THAT Bylaw 2015-007 to amend Official Community Plan Bylaw 2000-310 to:
 - change the designation of Lot 22, DL 488, Plan 310, located at 4816 Nixon Road from Agricultural to Low Density Residential, be read a second and third time;

AND THAT Bylaw 2015-010 to amend Zoning Bylaw 2000-450 to:

- rezone Lot 22, DL 488, Plan 310, located at 4816 Nixon Road from A1-Agricultural Small Acreage Zone to RSD2-Residential Large Lot, be read a second and third time;

AND FURTHER THAT adoption of the bylaw amendments be considered in conjunction with a Section 219 Covenant registered on the title of the property prohibiting subdivision unless it is in substantial conformance with the plan attached as Schedule 'C' to the Director of Development Services staff report dated April 13th, 2015, including dedication of parkland as shown on the plan;

- 2) THAT Bylaw 2015-011 to amend Official Community Plan Bylaw 2014-002 (currently at third reading) to:
 - change the designation of Lot 22, DL 488, Plan 310, located at 4816 Nixon Road from Agricultural to Low Density Residential be read a second and third time.

Carried.

6. PUBLIC HEARING FOR 2705 JOHNSON ST - BYLAW 2015-008

6.1 Bylaw 2015-008 - Zoning Amendment Lot B, DL 488, Plan 26797 (2705 Johnson Street)

Mayor Waterman read the Public Hearing Statement at 7:50 p.m.

The Director of Development Services provided a brief overview of the Zoning Amendment (site specific) for 2705 Johnson Street.

Mayor Waterman invited members of the public to speak, stating their name and address at the lectern.

Darone Davis, 2520 Johnson

- lives directly across the street from the applicant
- fully supports the application for a home occupation that involves canine boarding

Public Hearing ended at 7:58 p.m.

Council discussed dog runs outside the property, indoor kennels, site specific situation and fencing of property.

Moved and Seconded,

THAT Zoning Bylaw Amendment (Minor Text Amendments) Bylaw 2015-009 be read a second and third time.

Carried.

7. PUBLIC HEARING FOR MINOR TEXT AMENDMENTS BYLAW 2015-009

7.1 Bylaw 2015-009 - Minor Text Amendments to Zoning Bylaw 2000-450

Mayor Waterman read the public hearing stated at 8:05 p.m.

The Director of Development Services provided a brief overview of the Minor Text Amendments to the Zoning Bylaw.

Mayor Waterman invited members of the public to speak, stating their name and address at the lectern. There were none. Public Hearing ended at 8:10 p.m.

Moved and Seconded,

THAT Zoning Bylaw Amendment (Minor Text Amendments) Bylaw 2015-009 be read a second and third time.

Carried.

8. PUBLIC COMMENT OPPORTUNITY - 15 MINUTES MAXIMUM

(2 minutes per speaker)

Comments/Questions must pertain to Agenda items

***agenda items that can be commented on by the public are highlighted**

(exception: no comments on any item with a statutory requirement, such as Zoning/OCF Amendments; DVP and TUP applications)

Kirsten Derosier; 10720 Prairie Valley Road

- barriers block off access into my back yard
- assumed there would be sidewalks installed and/or low lying curbs
- hard time getting trailer out
- driveway very tight
- not safe and look cheap
- not an acceptable option for me and I'm not happy

Dawn Richards, 14119 Prairie Valley Road

- speaking on Item 15.2 Second Water Service
- most people seem to be in agreement with rates as outlined in letter sent
- are the rates based on arable land or just lot size
- individuals who decided not to have the separate irrigation line; this should be re-addressed by staff

Stu (?) 11101 Prairie Valley Road

- moved to Summerland 12 years ago
- we were promised a sidewalk
- concerned with safety of children who are now walking on the barrier
- want this fixed
- Phase 1: what it should look like with bike path; sidewalk; benches; lighting

Terra White, 11316 Prairie Valley Road

- no longer have access for utility trailer to back yard
- Difficulty backing in and out of our driveway; you need to back into your driveway
- Barriers create a very narrow opening; hit it
- Safety for children; kids walk on top of it; no longer a safe zone

Holly Karnish, 11110 Prairie Valley Road

- Promised a sidewalk
- Meetings shown two plans; there were options; no discussion
- Extremely busy road; made it wider; people drive faster; more dangerous
- Disgusting; embarrassing

Frank (?)

- Item 15.2 Domestic 2nd Water Service - Irrigation issue
- Poor transition in communication re irrigation; paying for irrigation water; \$70.00 for a year; poorly communicated expectations;

Al Tinka, 6719 Beggs Street

- word 'arable' missing from recommendation (Item 15.2 – Domestic 2nd Water Service)

Mike Holler, Prairie Valley Road

- speaking on behalf of daughter and son-in-law who live on Prairie Valley Rd
- barriers do not service any real purpose
- difficult for large trucks coming down the road (eg bikers; pedestrians); makes for dangerous situation

Christy Thiessen, Ganzveld Avenue

- Unsightly barriers; kids walking to school
- Residents concerned; no parking
- Parking inside the white lane; additional vehicles
- In the absence of a proper sidewalk; parked vehicle onto a very busy road

Jenny Chick, 6831 Faircrest

- Barriers; permanent; home is a big investment
- Property value has definitely gone down
- Concerned with safety of children

9. MAYOR'S REPORT

Attended the following events and activities:

- SADI fundraiser at Zia's Restaurant; silent and live auction
- Anti-Bullying presentation at Penticton Lakeside Resort
- Earth Week
- Philosopher's Café – Henry Michaels-First Nations knowledge keeper; Don Gayton – biologist and writer
- Trails BC – AGM at the IOOF

April 28th designated National Day of Mourning for workers who lost their lives on the job

Celebration of Life for past public works employee, Gary Williams taking place tomorrow at Providence Funeral Home.

10. CAO'S REPORT

- Continuing meetings with staff; introduced to initiatives
- opportunity to meet with a number of residents
- attending a Trail Society meeting tomorrow to discuss upcoming Test of Humanity bike race and ATV users
- working with FortisBC to bring proposed 'Agreement' back to the Council table

11. DEVELOPMENT SERVICES DEPARTMENT REPORTS

- 11.1 Official Community Plan (OCP) Amendment re Urban Growth Strategy
OCP Amendment requires a majority vote of full Council (4).
Public Hearing to be held Monday, May 11th, 2015.

The Director of Development Services provided a brief overview of the OCP Amendment re Urban Growth Strategy.

Council discussed consultations, environmental and agricultural assessment, future vision for the properties and rationale for properties not included in the amendment.

Moved and Seconded,

THAT 2nd and 3rd readings of Summerland Official Community Plan Bylaw No. 2014-002, be rescinded;

AND THAT Summerland Official Community Plan Bylaw No. 2014-002 as amended, be given 2nd reading;

AND FURTHER THAT a public hearing be scheduled for Monday, May 11th, 2015.

Carried.

- 11.2 Development Variance Permit Application for Lot 10, DL 454, ODYD, Plan 26226 - 7706 Higgin Avenue
Mayor Waterman to ask for comments from the public.

The Director of Development Services provided a brief overview of the application for a Development Variance Permit for 7706 Higgin Avenue.

Mayor Waterman invited members of the public to speak, stating their name and address at the lectern.

Mary Anne Smirle, 7718 Higgin

- opposed to the variance
- concerned with size of carriage house

Glen Hiebert, owner of 7706 Higgin

- property is not to subdivide
- utilize the space available; footprint for the garage in the back
- to be used when kids come home
- process of building this so we can't subdivide
- space over top of garage, turn into a living area

Council discussed carriage house allowance, secondary suites and a variance being an instrument for land use planning.

Moved and Seconded,

THAT the request for a Development Variance Permit to vary Section 7.4.1(c) of the Zoning Bylaw to increase the maximum gross floor area of a carriage house from 60.0m² (646ft²) to 77m² (826ft²), be denied.

DEFEATED

Moved and Seconded,

THAT the request for a Development Variance Permit to vary Section 7.4.1(c) of the Zoning Bylaw to increase the maximum gross floor area of a carriage house from 60.0m² (646ft²) to 77m² (826ft²), be approved.

Carried.

- 11.3 Development Variance Permit Application for Lot B, DL 455, ODYD, Plan KAP51373 - 5492 Solly Road
Mayor Waterman to ask for comments from the public.

Moved and Seconded,

THAT a Development Variance Permit to vary Section 4.5.4 of the Zoning Bylaw to allow an accessory building in the front yard of the property, be approved;

AND THAT the variance only apply for a carriage house developed in substantial conformance with the plans attached to the Director of Development Services report dated April 27th, 2015, as Schedule 'B'.

Carried.

- 11.4 Development Permit for 17818 Matsu Drive

Moved and Seconded,

THAT a Development Permit for Lot 25, DL 454, ODYD, Plan 160, located at 17818 Matsu Drive to allow the property to be subdivided in substantial conformance with the plan attached as Schedule C, provided that a restrictive covenant is registered on the title of the property to ensure the site is developed in accordance with the environmental assessment provided in support of this application, be approved.

Carried.

11.5 Proposed Street Name for Dale Avenue Subdivision

Moved and Seconded,

THAT 'Lighthouse' be added to the approved list of names in accordance with the terms of Street Naming Policy 300.1.

Carried.

Motion re Extension of Meeting

Moved and Seconded,

THAT the Regular Council meeting be continued after 10:00 p.m.

Carried.

Mayor Waterman called for a five minute break at 9:50 p.m.

Meeting reconvened at 9:55 p.m.

12. STAFF AND OTHER REPORTS

12.1 Recommendations from the Committee of the Whole:

The Corporate Officer introduced two 'recommendations' from this morning's Committee of the Whole meeting:

1. 2014 Financial Statements
2. Terms of Reference – Committees

2014 Financial Statements

Moved and Seconded,

THAT Council authorize the allocation of the 2014 surplus to reserve accounts outlined in the Director of Finance staff report dated April 16th, 2015.

Carried.

Terms of Reference – Committees

Moved and Seconded,

THAT the Terms of Reference for the Agricultural Advisory Committee, the Water Advisory Committee, the Sister City Advisory Committee, Climate Action Committee and Summerland Official Community Plan Bylaw Review Committee, be adopted as amended;

AND THAT the Advisory Design Panel, be discontinued.

Carried.

12.2 Domestic Second Water Service

The Corporate Officer stated that the first paragraph of the recommendation is to add the word 'arable' prior to the word 'acres' in all instances.

Moved and Seconded,

THAT the Fees and Charges Bylaw 98-001 (Schedule 'B') Water Rates and Fees, be amended to include the following charge:

Domestic Second Water Service

'WHERE a property is under 2.0 arable acres (.81 ha) and there is an existing second water service in place as of April 15, 2015 and the purpose of the second water service is Domestic Seasonal Water Use, the annual charge shall be \$44.00 for properties that are .5 arable acres or less; \$112.00 for properties that are between .51 and 1.0 arable acres; \$184.00 for properties that are between 1.01 and 1.5 arable acres; and \$254.00 for properties that are between 1.51 and 1.99 arable acres;

AND THAT any property owner with a Domestic Second Water Service with a meter shall not be charged for that metered consumption;

AND FURTHER THAT the revenue from this annual charge be reserved to fund costs associated with water metering and the review of water rates.'

Carried.

12.3 No-Post Barriers - Prairie Valley Road

The Corporate Officer stated that the following is to be referred back to staff.

Moved and Seconded,

THAT Item 12.3 No Post Barriers – Prairie Valley Road be referred back to staff for re-consideration and discussions on alternative options; and a future report back to Council.

Carried.

12.4 Trans Canada Trail - Safety Improvements

Moved and Seconded,

THAT staff be authorized to proceed with design and construction of safety improvements to the Fenwick Road entrance of the Trans Canada Trail at an estimated cost of \$30,000 and further, that staff be directed to include a transfer of \$30,000 from General Revenue Reserve to Capital Projects on the final Five Year Financial Plan to be used for this purpose.

Carried.

12.5 BC Transit - GradPASS Transit Program

Moved and Seconded,

THAT Council support the GradPASS Transit Program, to promote public transit as a lifestyle choice to Grade 12 students;

AND THAT Council approve the graduating Grade 12 students to ride the bus free of charge for any two consecutive days in June, 2015.

Carried.

13. COUNCILLOR'S REPORT

Councillor Trainer:

- Earth week; thanks to the volunteers (M. Holler, B. Thorburn and Lisa Scott)
- Trout Creek clean up – 35 bags of trash collected
- Attended TrailsBC AGM
- Sign up for Bike to Work week May 25th to 29th (biketoworkweek.ca/Summerland)

Councillor Barkwill:

- Attended TrailsBC AGM
- Friday, May 1st – BC Federation of Labour to discuss minimum wage; Lier House, Penticton

Councillor Boot:

- Attended RDOS meeting April 16th
- Took part in Earth Week activities
- Attended Business After Business
- April 28th to May 1st – attending SILGA
- Attended seminar and workshop on food security
- Bought a bike and helmet; ready to go bike to work week

Councillor Carlson:

- Toured the new Library site under construction; Summerland is lucky to be participating in a great new Library building
- Took part in Earth Week activities (infilling plants at Dale Meadows Park)
- Condolences to the Brown family

Councillor Holmes:

- Attended Cultural Plan Task Force inaugural meeting; Denise Espeut-Post as Chair and Barbara Thorburn as Vice-Chair
- Cultural Plan Task Force members attended ArtsBC in Penticton
- Looking forward to Gord Hume workshop
- Completed painting of 'banner'

Councillor Peake:

Attended the following events and activities:

- ArtsBC conference
- Philosophers Café
- Sister City Committee meeting
- TrailsBC AGM (TOTA new mandate; trails; biking and hiking)

14. PUBLIC/MEDIA QUESTION PERIOD

****Public/Media Question Period - up to 15 minutes on any matter of Local Government Interest
(2 minutes per speaker)***

Media comment: thank you to Councillor Carlson in mentioning the Brown family and the death of Denis Brown, a long time Summerland resident.

15. ADJOURN

The Regular Council meeting adjourned at 10:53 p.m.

Certified Correct:

Mayor
/mf

Corporate Officer