

**REGULAR MEETING OF COUNCIL
AGENDA**

DATE: September 3, 2024
TIME: 4:30 p.m.
LOCATION: Council Chambers, Enderby City Hall

The public may attend this meeting in person or by means of electronic facilities.

The City of Enderby uses Zoom for its electronic facilities and encourages those who are unfamiliar with the application to test it in advance; for technical support, please contact Zoom.

The access codes for this meeting are:

*Meeting ID: 896 1851 8506
Passcode: 958107*

If you would like to attend this meeting by means of electronic facilities and do not have a computer or mobile phone capable of using Zoom, please let us know and we can provide you with a number that you can call in from a regular telephone.

*When applicable, public hearing materials are available for inspection at
www.cityofenderby.com/hearings/*

1. LAND ACKNOWLEDGEMENT

We respectfully acknowledge that we are on the traditional and unceded territory of the Secwepemc.

2. APPROVAL OF AGENDA

THAT the September 3, 2024 Council Meeting agenda be approved as circulated.

3. ADOPTION OF MINUTES

3.1 Meeting Minutes of August 19, 2024

THAT the August 19, 2024 Council Meeting minutes be adopted as circulated.

Page 6

4. DELEGATIONS

**4.1 Cardiff Miller Art Warehouse
Presentation by Janet Cardiff**

Page 14

5. DEVELOPMENT MATTERS AND RELATED BYLAWS

5.1 Zoning Text Amendment #0016-24-ZTA-END

Legal: LOT 1 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE
6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN
KAP59880 EXCEPT PLAN KAP65977

Address: 123 Red Rock Crescent

Applicants: Eric and Leola Borhaven

Owners: Eric and Leola Borhaven

THAT City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1803,

Page 15

2024 which proposes to amend the City of Enderby Zoning Bylaw No. 1550, 2014 to permit a detached secondary suite to be located on the second storey level of an accessory residential building for the property legally described as LOT 1 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP59880 EXCEPT PLAN KAP65977 and located at 123 Red Rock Crescent, Enderby BC, be given First and Second Reading and forwarded to a Public Hearing.

5.2 Zoning Text Amendment #0015-24-ZTA-END

Page 24

Legal: PARCEL B (DD 179916F) BLOCK 13 DISTRICT LOT 150
KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE
DISTRICT PLAN 211A

Address: 612 Cliff Avenue

Applicants: Bradley Case

Owners: Brier Holdings Ltd.

THAT City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1799, 2024 which proposes to amend the text of City of Enderby Zoning Bylaw No. 1550, 2014 to increase the maximum permitted gross density for the property legally described as PARCEL B (DD 179916F) BLOCK 13 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A and located at 612 Cliff Avenue, Enderby BC, from 60 units per hectare (24.28 units per acre) to 79.79 units per hectare (32.29 units per acre), in order to increase the number of permitted residential dwelling units for the property from 2 to 3, be given Three Readings and Adoption;

AND FURTHER THAT should Council give Three Readings and Adoption to City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1799, 2024, such Adoption shall come into force and effect once the Ministry of Transportation and Infrastructure has endorsed the Bylaw.

5.3 Development Variance Permit #0070-24-DVP-END

Page 37

Legal: PARCEL B (DD 179916F) BLOCK 13 DISTRICT LOT 150
KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE
DISTRICT PLAN 211A

Address: 612 Cliff Avenue

Applicants: Bradley Case

Owners: Brier Holdings Ltd.

5.3.1 Public Input – Development Variance Permit #0070-24-DVP-END

5.3.2 Permit Issuance – Development Variance Permit #0070-24-DVP-END

THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as PARCEL B (DD 179916F) BLOCK 13 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A, and located at 612 Cliff Avenue, Enderby BC, to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- Section 901.2.a by increasing the maximum percentage of required parking spaces that can be made up of small-car parking from 40% to 50%, as shown on the attached Schedule 'A'; and
- Section 901.2.g.ii by reducing the minimum setback between a parking space and a dwelling from 1.5 m (4.92 feet) to 0.76 m (2.49 feet), as shown on the attached Schedule 'A'.

AND THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as PARCEL B (DD 179916F) BLOCK 13 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A, and located at 612 Cliff Avenue, Enderby BC, to permit a variance to Section 901.2.b of the City of Enderby Zoning Bylaw by waiving the requirement for right-angle off-street parking spaces to be serviced via an 8 m (26.25 foot) maneuvering aisle, as shown on the attached Schedule 'A' subject to the owner registering a covenant on the title of the property which releases, indemnifies, and holds harmless, including litigation costs, the City of Enderby for all matters related to or arising from the issuance of the Development Variance Permit and further affirms that the City's decision in granting the variance does not prejudice or affect its rights, powers, duties, or obligations with respect to the development of adjacent properties;

AND THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as PARCEL B (DD 179916F) BLOCK 13 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A, and located at 612 Cliff Avenue, Enderby BC, to permit a variance to Section 901.3 of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum number of off-street parking spaces from 11 to 4, as shown on the attached Schedule 'A', subject to the property owner registering a housing agreement by covenant on the title of the property, satisfactory to the City, which requires that the parking demands associated with the residential portion of the development are contained on-site and which shall be a material term of any tenancy agreement;

AND FURTHER THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as PARCEL B (DD 179916F) BLOCK 13 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A, and located at 612 Cliff Avenue, Enderby BC, to permit a variance to Section 1001.4.a.i of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the number of off-street loading spaces from 1 to 0, as shown on the attached Schedule 'A', subject to the property owner registering a covenant on the title of the property which requires off-street loading activities occur from the south side of the subject property.

- 5.4 Amendment to Development Variance Permit 0068-24-DVP-END
Memo prepared by Planner dated August 29, 2024
THAT Council amends Development Variance Permit 0068-24-DVP-END to clarify that the variances permitting an on-site sewage disposal system for the proposed subdivision at 247 Brickyard Road includes the provisions under Section 315 of the City of Enderby Zoning Bylaw No. 1550, 2014.

Page 53

6. CONTINUING BUSINESS AND BUSINESS ARISING FROM COMMITTEES AND DELEGATIONS

- 6.1 EV Charging Stations and Local Availability
Report by Council

7. BYLAWS

7.1 Metered Water Rates – Maximum Chargeable Consumption Page 56
THAT Council adopts the bylaw cited as “The City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1798, 2024”.

8. REPORTS

8.1 Mayor and Council Reports

8.2 Area F Director Report

8.3 Chief Administrative Officer Report

8.3.1 Council Inquiries

8.4 Bylaw Enforcement Statistics for Second Period of 2024 (May-Aug) Page 60
Memo prepared by Planner dated August 29, 2024
THAT Council receives and files the memorandum titled “Bylaw Enforcement Statistics for Second Period of 2024 (May-Aug)”.

9. NEW BUSINESS

9.1 Riverside RV Park – 2025 Camp Rates Page 63
Memo prepared by Chief Financial Officer dated August 27, 2024
THAT Council approves the following camp rates (inclusive of GST) at the Riverside RV Park for the 2025 camping season:

<i>Full Service Pull Through Site</i>	<i>\$46.00</i>
<i>Pull Service Back In Site</i>	<i>\$44.00</i>
<i>Water and Power Site</i>	<i>\$42.00</i>
<i>Power Site</i>	<i>\$40.00</i>
<i>Tent Site</i>	<i>\$33.00</i>

9.2 Designation of Ghanshyam Kaushik as Bylaw Enforcement Officer and Animal Control Officer Page 65
Memo prepared by Planner dated August 28, 2024
THAT Council designates Ghanshyam Kaushik as a Bylaw Enforcement Officer and Animal Control Officer for the City of Enderby.

9.3 City of Enderby Development Corporation Annual Information Meeting 2024 Page 66
Memo prepared by Chief Executive Officer dated August 29, 2024
THAT Council, in its capacity as the sole shareholder of the City of Enderby Development Corporation, resolves:

- 1. THAT, in accordance with Article 10.2 of the City of Enderby Development Corporation’s Articles of Incorporation, the shareholder consents to the business to be transacted at the annual general meeting, such that it is deemed to be held by this resolution and on the date of this resolution.*
- 2. AND THAT the annual reference date for the City of Enderby Development Corporation is September 3, 2024.*
- 3. AND THAT, in accordance with Article 10.3 of the City of Enderby Development Corporation’s Articles of Incorporation, and in lieu of the annual general meeting, an annual information meeting is hereby held on*

September 3, 2024 with notice given in substantially the same form as that required for notice of special meetings under section 9 of the City of Enderby Procedure Bylaw No. 1732, 2021.

4. *AND THAT, as there were no financial transactions for the City of Enderby Development Corporation for the fiscal year ended December 31, 2023 and the City of Enderby Development Corporation has no assets, liabilities and equity:*

a) *The appointment of auditors for the City of Enderby Development Corporation is waived in accordance with section 200 of the Business Corporations Act; and*

b) *The production and publication of financial statements for the City of Enderby Development Corporation is waived in accordance with section 203(2) of the Business Corporations Act.*

5. *AND THAT that the following persons, each of whom has consented in writing to act as a director, are appointed as directors of the City of Enderby Development Corporation, to hold office in the manner specified until the next annual general meeting of the City of Enderby Development Corporation or until their successors are appointed, subject to Article 14.6 of the City of Enderby Development Corporation's Articles of Incorporation:*

*Tate Bengtson (Chief Executive Officer)
Jennifer Bellamy (Chief Financial Officer)*

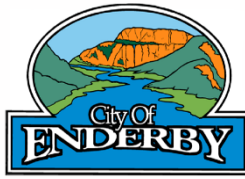
6. *AND FURTHER THAT all lawful acts, contracts, appointments, and payments of money by the directors of the City of Enderby Development Corporation, if any, since the last annual reference period, which coincides with the date of the recognition of the City of Enderby Development Corporation, and which have previously been disclosed to the shareholder, are hereby adopted, ratified, and confirmed.*

10. PUBLIC QUESTION PERIOD

11. CLOSED MEETING RESOLUTION

THAT pursuant to Section 92 of the Community Charter, the regular meeting convene In-Camera to deal with matters deemed closed to the public in accordance with Section 90 (1) (a) and 90 (2) (b) of the Community Charter.

12. ADJOURNMENT



THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, August 19, 2024 at 4:30 p.m. in Council Chambers.

Present: Mayor Huck Galbraith
Councillor Tundra Baird
Councillor Roxanne Davyduke
Councillor David Ramey
Councillor Sarah Yerhoff

Absent: Councillor Brian Schreiner
Councillor Shawn Shishido

Staff: Chief Administrative Officer – Tate Bengtson
Chief Financial Officer – Jennifer Bellamy
Planner – Kurt Inglis
Clerk-Secretary – Andraya Holmes

Other: Press and Public

LAND ACKNOWLEDGEMENT

We respectfully acknowledge that we are on the traditional and unceded territory of the Secwepemc.

APPROVAL OF AGENDA

3.6 – Adoption of Housing Agreement Authorization Bylaw No. 1697, 2024 was added to the agenda as a late item.

Moved by Councillor Baird, seconded by Councillor Ramey
“THAT the August 19, 2024 Council Meeting agenda be approved as amended.”

CARRIED

ADOPTION OF MINUTES

Meeting Minutes of July 15, 2024

Moved by Councillor Ramey, seconded by Councillor Davyduke
“THAT the July 15, 2024 Council Meeting minutes be adopted as circulated.”

CARRIED

DELEGATIONS

Electric Vehicle Charging Station

Virginia Smith introduced herself as a new resident of Enderby. Explained that she drives an electric vehicle, and that when she first moved here, there was a charging station located at the Quilakwa Canco. These charging stations have since been removed and she is requesting that the City install a charging station in Enderby. Noted that a good location may be at the Visitor Centre.

Councillor Yerhoff noted that she has been in contact with someone at Canco who reported that the charging stations were removed because of renovations and will be reinstated at some point in the future, but that there is not a confirmed timeline.

Council discussed the possibility of installing an EV charging station and grants available for a project like this. Council will follow up with Canco about plans to re-instate their charging stations, then report back at the next meeting before providing direction to Staff.

BYLAWS

Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 Amendment Bylaw No. 1795, 2024 and Bylaw Notice Enforcement Bylaw No. 1581, 2015 Amendment Bylaw No. 1796, 2024

Moved by Councillor Baird, seconded by Councillor Ramey
“THAT Council adopts the Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 Amendment Bylaw No. 1795, 2024;

AND THAT Council adopts the Bylaw Notice Enforcement Bylaw No. 1581, 2015 Amendment Bylaw No. 1796, 2024.”

CARRIED

Metered Water Rates – Maximum Chargeable Consumption

Moved by Councillor Ramey, seconded by Councillor Davyduke
“THAT Council provides three readings to the bylaw cited as “The City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1798, 2024.”

CARRIED

Housing Agreement Authorization Bylaw No. 1797, 2024 – 704 Cliff Avenue

Moved by Councillor Baird, seconded by Councillor Davyduke
“THAT Council adopts Housing Agreement Authorization Bylaw No. 1797, 2024.”

CARRIED

REPORTS

Mayor and Council Reports

Councillor Davyduke

Reported that the volunteer driver program through the Enderby & District Resource Centre was able to secure a grant and now has a vehicle. They are still looking for more volunteers.

Summer programs hosted by the EDCRC have been very successful including Art in the Park that had an average of 27 kids at each session and Play in the Park that had an average of 33 kids at each session.

Spoke with Conservation Officers who have worked on the river this summer. The officers reported that floaters have been very respectful and gave kudos to the Shuswap River Ambassador program.

Reported that Councillor Schriener, Councillor Yerhoff and herself will be attending UBCM this year and asked if Council could communicate any specific requests of them at the next meeting.

Councillor Yerhoff

Met with Dan Levitt, BC Seniors Advocate.

Attended the Chamber of Commerce meeting at Enderbeans.

Looking forward to Friday Night Lights.

Councillor Ramey

Reported that the Arts Council and the Courtyard Gallery are now separate entities.

Reported that it is nice to see the new street banners installed around the City.

Has received concerns from the public about graffiti.

Reported that there was a vehicle in the ditch by the health centre and that the ditch is hard to see and is a hazard.

Councillor Baird

Working with the Event Coordinator to get everything ready for Friday Night Lights.

Reported that the Harvest Hut has been very busy.

Asked for an update on having flashers installed on the stop sign by the library.

Chief Administrative Officer noted that he will follow up with RDNO again to obtain supplier information about the flashers.

Requested that Staff bring forward prior research about paid parking at the Visitor Centre and Tuey Park.

Mayor Galbraith

Working on scheduling a meeting with Splatsin Kukpi7 & Tkwamipla7 and Council.

Has been doing research on physician attraction and retention.

Chief Administrative Officer

Design work for the replacement of Reservoir 1 has been completed and submitted to the Interior Health Authority to obtain a Construction Permit. The Request for Proposals is scheduled to be issued in September, with construction starting in October. The bypass testing program was successful. The only public reports that were attributable to the bypass were associated with a pressure loss during the transition from the normal operating configuration to the bypass, which was restored automatically as pressures equalized throughout the system.

A commercial dive team was brought in to inspect the water intake and the pipe that leads from the intake to the transfer well. It was determined that there was a plug in the air lift system that was not allowing the compressed air to suck the riverbed sand up and into the current, which was why there was so much build up around the intake. It was also discovered that the intake pipe is approximately half full of sand. This pipe has never been cleared before as there is not a clear mechanism in place for doing so, so consultation is ongoing about the most productive way to achieve this.

The Pool's construction drawing development phase is on target for 50% completion at September 1st. This is the trigger for the submission to the Interior Health Authority for a Construction Permit.

The replacement header has been installed at the Arena. Testing is ongoing for any leaks at the connection points to the brine lines, and then the floor will be reinstated. The arena is on target to open the third week of September.

The Cenotaph Park stone planters have had irrigation installed and are now planted. Public Works has finished tidying up the area and reinstating two of the concrete pillars at the Mill Avenue entrance. They are waiting for the concrete on the pillars to cure, before coring into them to re-attach the fence chain.

The Russell Avenue road project is going fairly well. The contractor is trying to discover the origins of some pressure loss in the new water main, before it can be attached to the distribution system.

The Fire Department's command/utility vehicle arrived recently, and is being outfitted with lights, markings, radio, and running boards. The Fire Department was successful in receiving a new fire skid, donated from GlobalMedic, which will go in the box of the truck during wildfire season. The new truck will significantly enhance capacity for both wildfire response in the summer and servicing difficult to access properties in the winter.

After performing a review of purchasing 10 older style SCBA masks so that every member has one, versus an accelerated phase-in of the planned transition to the new SCBA system, it was determined that the latter offers better value-for-money, rather than purchasing what are essentially obsolete masks with limited availability of spare parts. This can be done within the approved financial plan and Shuswap River Fire Protection District were also able to support this direction.

The Events Planner has been very busy with Friday Night Lights and Enderbeer and Wine Festival. The website for Enderbeer is nearing completion and is located at www.enderbeerandwine.com.

Congratulated former RCMP Inspector Blake MacLeod, who has been appointed as Superintendent for the Vernon/North Okanagan RCMP Detachment.

The Fire Services Act has been replaced by the Fire Safety Act. There will be a variety of changes coming as a result around things like fire inspections and fire investigations. The changes are being reviewed to develop an implementation plan. One of the visible changes will be the discontinuation of the Local Assistant to the Fire Commissioner appointments, in favour of the local government designating a person, or class of persons, to serve as fire inspectors and fire investigators.

The residential garbage collection contract is expiring at the end of this year. A Request for Quote will be posted later this week. The proposed term will be three years, with two opportunities for three-year extensions, for a potential total of nine years. After talking with the industry, it was determined that opportunities for longer term contracts can lower prices. There will also be some new operational efficiencies implemented with this contract so that the contractor will be the first line of customer service, with City staff handling matters that the contractor is unable to resolve – this will help to streamline solutions and free up time that staff spend as intermediaries. Staff will still be working to resolve customer service problems – but will be able to concentrate resources on those where the problem needs to be escalated.

Councillor Ramey asked if the plan is to install boxwoods in the stone planters at cenotaph park.

Chief Administrative Officer responded that there are no plans to plant more boxwoods as it is expected boxwoods would continue to struggle with the climate going forward. Noted that the plan is to plant some form of evergreens in future years that will look good for Remembrance Day ceremonies in November. Because of the timing of planting this year, the garden contractor was limited in what plants they were able to source.

June 2024 Financial Report

Moved by Councillor Baird, seconded by Councillor Davyduke
“THAT the June 2024 Financial Report from the Chief Financial Officer be received for information”

CARRIED

Riverside RV Park – July 31, 2024 Financial Update

Moved by Councillor Baird, seconded by Councillor Yerhoff
“THAT Council receives the Riverside RV Park – July 31, 2024 Financial Update for information.”

CARRIED

Strategic Plan 2023-26 – Update 2024

Moved by Councillor Baird, seconded by Councillor Yerhoff
“THAT Council amends the City of Enderby Strategic Plan 2023-26 – Update 2024 by adding:

Align Official Community Plan and Zoning Bylaw with Interim Housing Needs Report.

as an objective under Strategic Priority #4 – Attainable and Affordable Housing;

AND THAT Council adopts the City of Enderby Strategic Plan 2023-26 – Update 2024.”
CARRIED

RDNO Building Permit Report – July 2024

Moved by Councillor Baird, seconded by Councillor Yerhoff
“THAT the RDNO Building Permit Report – July 2024 be received and filed.”
CARRIED

Vernon North Okanagan Detachment: 2nd Quarter (May to June) 2024

Moved by Councillor Ramey, seconded by Councillor Baird
“THAT Council receives and files the report titled Vernon North Okanagan Detachment: 2nd Quarter (May to June) 2024.”
CARRIED

NEW BUSINESS

Emergency Notification Software Costs and Stakeholder Contributions

Moved by Councillor Baird, seconded by Councillor Ramey
“THAT the City of Enderby continues to participate in the emergency notification software plan offered through the Regional District of North Okanagan.”
CARRIED

Disclosure of Contracts – Council

Moved by Councillor Ramey, seconded by Councillor Davyduke
“THAT Council receives the Disclosure of Contracts – Council memorandum dated July 23, 2024 for information.”
CARRIED

Temporary Road Closure Application – Enderby Friday Night Lights 2024

Moved by Councillor Baird, seconded by Councillor Davyduke
“THAT Council receives the City of Enderby Event Coordinator’s Temporary Road Closure Application (Enderby Friday Night Lights 2024) for information.”
CARRIED

Appointment of Kurt Inglis as Deputy Approving Officer

Moved by Councillor Davyduke, seconded by Councillor Baird
“THAT Council appoints Kurt Inglis as Deputy Approving Officer for the City of Enderby.”
CARRIED

Open Space in Southeast Corner of Riverside Park – Referral Decision

Councillor Ramey expressed that he is unhappy with the decision of the Enderby & District Services Commission and expressed that more park space is dedicated to ball diamonds than to any other use in Enderby parks. Asked for an explanation of this decision.

Councillor Baird explained that this topic was discussed at length at the previous Commission meeting and that a ball diamond being constructed here is not imminent, but that there was consensus that Riverside Park should continue to be developed as a sports park.

Moved by Councillor Davyduke, seconded by Councillor Yerhoff
“THAT Council receives and files the memorandum titled “Open Space in Southeast Corner of Riverside Park – Referral Decision.”

CARRIED

Establishment of a Public Art Select Committee

Moved by Councillor Dayduke, seconded by Councillor Yerhoff
THAT Council establishes a Public Art Select Committee to review existing public art within the community to identify opportunities for new, improved or changed public art, and report back to Council with its findings and opinions;

AND THAT Council appoints Councillor Ramey and Councillor Baird from Council to serve on the Public Art Select Committee;

AND FURTHER THAT Council appoints Neil Fidler and Jacques LesPinay from the Enderby & District Arts Council to serve on the Public Art Select Committee.”

CARRIED

Request for Four-Way Stop at Sicamous Street and Regent Avenue

Moved by Councillor Baird, seconded by Councillor Ramey
“THAT Council maintains the existing two-way stop at Sicamous Street and Regent Avenue;

AND THAT Council directs staff to deploy its traffic data collector to the Regent Avenue and Sicamous Street intersection to gather further information about vehicle behaviour;

AND FURTHER THAT Council directs staff to report back to Council should the evidence from its traffic data collector device indicate that, notwithstanding the general review of the intersection conditions, there is sufficient evidence of vehicle behaviour to warrant a four-way stop control configuration at the Sicamous Street and Regent Avenue intersection.”

CARRIED

Royal Canadian Legion Branch #98 Road Closure Application – Legion Week Outdoor Jam

Moved by Councillor Baird, seconded by Councillor Davyduke
“THAT Council receives the Royal Canadian Legion Branch #98’s Road Closure application (Legion Week – Outside Jam) for information.”

CARRIED

Physician Attraction and Retention Strategy

Council discussed the housing projects that are ongoing for physicians in Vernon and how Enderby might be able to attract doctors and keep them in the community, including discussion about availability of housing in Enderby.

Councillor Ramey noted that he has spoken to people in Peachland, where they were able to attract a number of physicians in the last few years, and that their recommendation was to look for doctors who are coming from small towns, particularly northern communities, who are looking for a place that feels like home. Also noted that there are many doctors in Revelstoke that are accepting patients and that although it is not ideal, this may be a solution for some residents of Enderby who are able to travel and need to see a doctor face-to-face.

Moved by Councillor Davyduke, seconded by Councillor Baird
“*THAT Council receives and files the news items titled “Workforce Housing Project Helps Bring More Doctors to North Okanagan” and “Vernon Council Agrees to Deal for Family Doctors Housing”.*”

CARRIED

CORRESPONDENCE AND INFORMATION ITEMS

Moved by Councillor Baird, seconded by Councillor Davyduke
“*THAT Council receives and files the correspondence and information items titled:*

- ForestryWorksforBC dated July 29, 2024
- Eliminate Fossil Fuel Funding of SILGA and UBCM dated July 30, 2024”

CARRIED

PUBLIC QUESTION PERIOD

There were no questions from the public

CLOSED MEETING RESOLUTION

Moved by Councillor Baird, seconded by Councillor Davyduke
“*THAT pursuant to Section 92 of the Community Charter, the regular meeting convene In-Camera to deal with matters deemed closed to the public in accordance with Section 90 (1) (b) and 90 (2) (b) of the Community Charter.*”

CARRIED

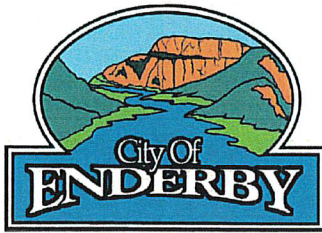
ADJOURNMENT

Moved by Councillor Baird, seconded by Councillor Ramey
“*THAT the regular meeting of August 19, 2024 adjourn at 6:36 p.m.*”

CARRIED

MAYOR

CORPORATE OFFICER



REQUEST TO APPEAR AS A DELEGATION

On 3 ~~28~~ 09 ~~09~~ 2024
Day Month Year

Date of Request _____

Name of Person Making Request Janet Cardiff for Cardiff Miller Art Warehouse

Name and Title of Presenter(s) Janet Cardiff

Contact Information _____

Details of Presentation We would like to present how CMAW contributes to the city + community + ask how the city can help us stay ... including making special allowance for us to have a sandwich

Desired Action from Council (check all that apply) board on the highway only when we are open

- Information Only
- Proclamation
- Funding Request
- Policy or Resolution

Please describe desired action in detail CMAW is open only special times. We want to have a sandwich

board on the highway only when open. We want the city to change policy for museums, cultural activities

Please attach any supporting documentation or presentation materials related to your delegation request. Please provide to staff at least one day in advance a digital copy of any presentation materials that you wish to have projected onto the conference screen. to allow

Sandwich boards. Change or adaptation of bylaw.

**CITY OF ENDERBY
ZONING TEXT AMENDMENT APPLICATION**

File No.: 0016-24-ZTA-END

August 29, 2024

APPLICANT/OWNER: Eric and Leola Borhaven

LEGAL DESCRIPTION: LOT 1 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP59880 EXCEPT PLAN KAP65977

P.I.D #: 023-859-440

CIVIC ADDRESS: 123 Red Rock Crescent, Enderby BC

PROPERTY SIZE: 2.75 hectares (6.79 acres/27,478 m²)

ZONING: Residential Single Family (R.1)

O.C.P DESIGNATION: Residential Low Density

PROPOSAL: Construct an accessory residential building (shop) with a detached secondary suite on the second storey level

PROPOSED TEXT AMENDMENT: Permit a detached secondary suite to be permitted on the second storey level of an accessory residential building

RECOMMENDATION:

THAT City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1803, 2024 which proposes to amend the City of Enderby Zoning Bylaw No. 1550, 2014 to permit a detached secondary suite to be located on the second storey level of an accessory residential building for the property legally described as LOT 1 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP59880 EXCEPT PLAN KAP65977 and located at 123 Red Rock Crescent, Enderby BC, be given First and Second Reading and forwarded to a Public Hearing.

BACKGROUND:

This report relates to a Zoning Text Amendment application for the property located at 123 Red Rock Crescent, Enderby. The applicant is proposing to construct a new accessory residential building (shop) with a detached secondary suite on the second storey level; in order to accommodate this proposed development, the applicant is proposing to amend the City of Enderby Zoning Bylaw No. 1550, 2014 in order to permit a detached secondary suite to be located on the second storey level of an accessory residential building.

Site Context:

The 2.75 hectare (6.79 acre/27,478 m²) property is located on the western side of the Red Crescent cul-de-sac. The property slopes steeply to the northwest and a significant portion of the property remains treed. Access to the property is gained via a gravel driveway off of Red Rock Crescent. A single family dwelling, built in 2008, is located in the central portion of the property, with a large accessory residential building to its southeast. The City of Enderby has a utility statutory right-of-way that runs northwest through the property to Preston Crescent, which is intended for future sanitary and storm sewer mains.

The subject property and properties to the north, east, and south are zoned Residential Single Family (R.1) and are designated in the OCP as Residential Low Density. The property to the west is zoned Country Residential (C.R) and is designated in the OCP as Residential Low Density.

The following map shows the Zoning designation of the subject and surrounding properties:

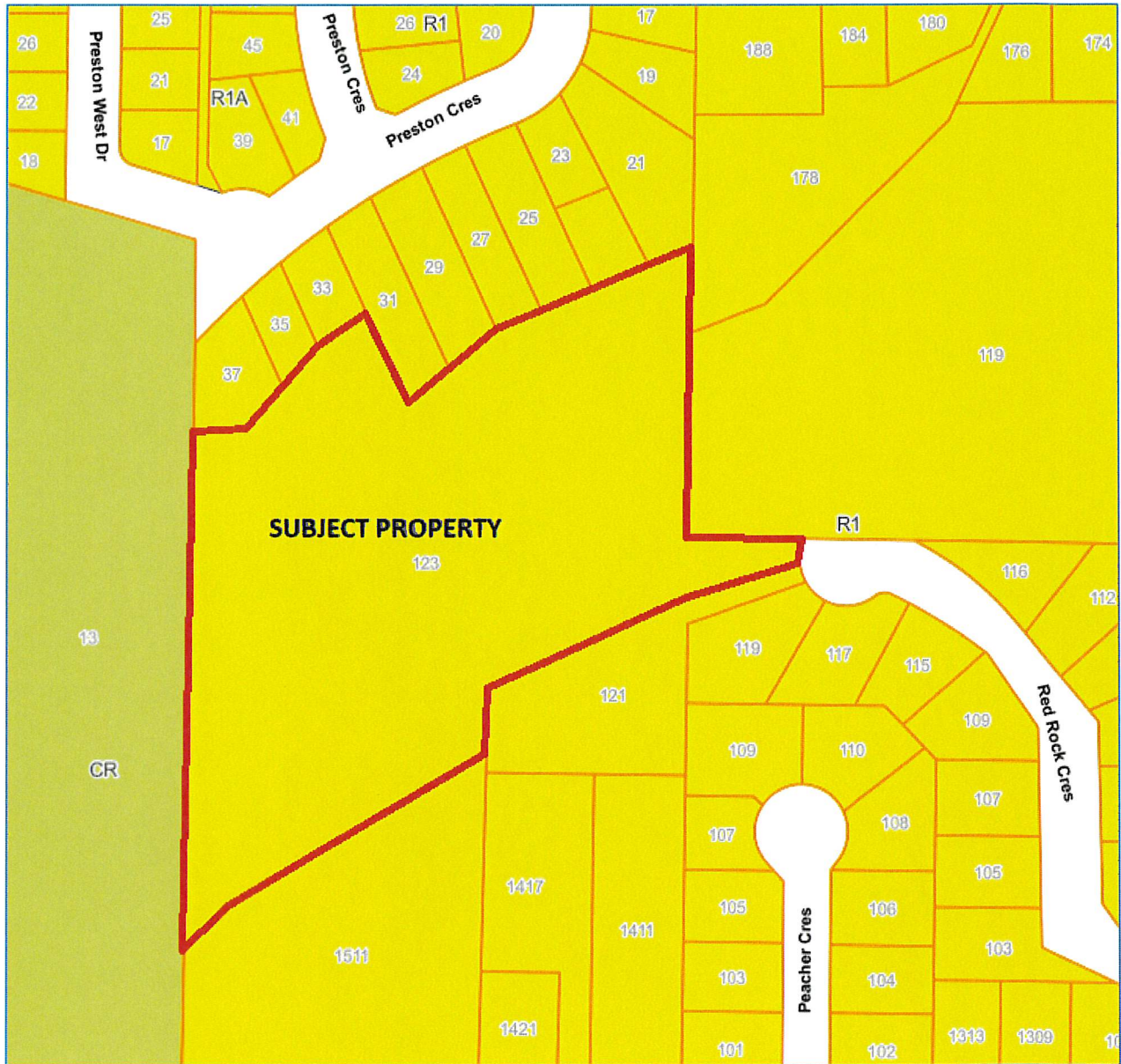


Figure 1: Zoning Map

Yellow – Residential Single Family (R.1)
 Beige – Country Residential (C.R)

The following orthophoto of the subject and surrounding properties was taken in 2011:



Figure 2: Orthophoto

****NOTE:** The property lines shown above are not an accurate representation of their true locations and are intended for display purposes only.

The Proposal

The applicant is proposing to construct a two-storey accessory residential building (shop) with a detached secondary suite on the second storey level. As shown on the site plan attached as Schedule 'A', the applicant is proposing to locate the new accessory residential building to the southwest of the existing single family dwelling. The proposed accessory residential building would be serviced via the City's community water and community sanitary sewer systems off of Red Rock Crescent.

ZONING BYLAW:

The property is currently zoned Residential Single Family (R.1) and uses permitted within this zone include:

- Accessory residential
- Restricted agricultural use
- Single family dwellings
- Two family dwellings
- Three family dwellings
- Four family dwellings
- Attached secondary suites
- Detached secondary suites
- Bed and breakfasts
- Civic and public service use
- The keeping of backyard hens
- The keeping of backyard bees

Although accessory residential buildings and detached secondary suites are both permitted uses in the Residential Single Family (R.1) zone, a detached secondary suite is not permitted to occur on the second storey level of an accessory residential building. Given this, in order to accommodate the proposed development, the applicant is proposing to amend the City of Enderby Zoning Bylaw No. 1550, 2014 in order to permit a detached secondary suite to be located on the second storey level of an accessory residential building.

***It should be noted that there are certain elements of the applicant's proposed development which are not consistent with the City of Enderby Zoning Bylaw No. 1550, 2014; these matters would be addressed through a separate Development Variance Permit application, should this Zoning Text Amendment application be approved.

OFFICIAL COMMUNITY PLAN:

The following policies from the City of Enderby Official Community Plan relate to this development:

Policy 2.2.b - To maintain and enhance the City of Enderby as a sustainable, diverse, vibrant, unique and attractive community.

Policy 2.2.c - To maintain and enhance the social well-being, development, and the quality of life for all citizens of Enderby.

Policy 2.2.f - To respect and preserve a process of open, flexible and participatory decision making in the ongoing planning and day-to-day decisions of the City.

Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.

REFERRAL COMMENTS:

The application was referred for comment to the City of Enderby Public Works Manager, Building Inspector, Fire Chief, and Ministry of Transportation and Infrastructure.

No comments of concern were received in response to the referral.

PLANNING ANALYSIS:

The City of Enderby Planner raises no objections to the applicant's request to amend the City of Enderby Zoning Bylaw No. 1550, 2014 in order to permit a detached secondary suite to be located on the second storey level of an accessory residential building, and upon consideration of input received at a Public Hearing, it is recommended that Council support the application. The rationale for why detached secondary suites are not permitted on the second storey level of accessory residential buildings is because it could have visual or privacy impacts to adjacent properties, which is compounded by the fact that accessory residential buildings have more lenient setbacks as compared to principal buildings and detached secondary suites; these visual and privacy impacts are most pronounced on typically-sized residential lots in the community, which are generally 450 m²-700 m² in area. However, the subject property is a very large lot (2.75 hectares or ~48x larger than a typical residential lot) and the proposed accessory residential building is setback considerably from the property lines (i.e. > 60 m (197 feet)); given this, it is not anticipated that the proposal would result in any privacy or visual impacts to adjacent properties.

SUMMARY

This report relates to a Zoning Text Amendment application for the property located at 123 Red Rock Crescent, Enderby. The applicant is proposing to construct a new accessory residential building (shop) with a detached secondary suite on the second storey level; in order to accommodate this proposed development, the applicant is proposing to amend the City of Enderby Zoning Bylaw No. 1550, 2014 in order to permit a detached secondary suite to be located on the second storey level of an accessory residential building.

The City of Enderby Planner recommends that Council support the application.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner

Reviewed By:



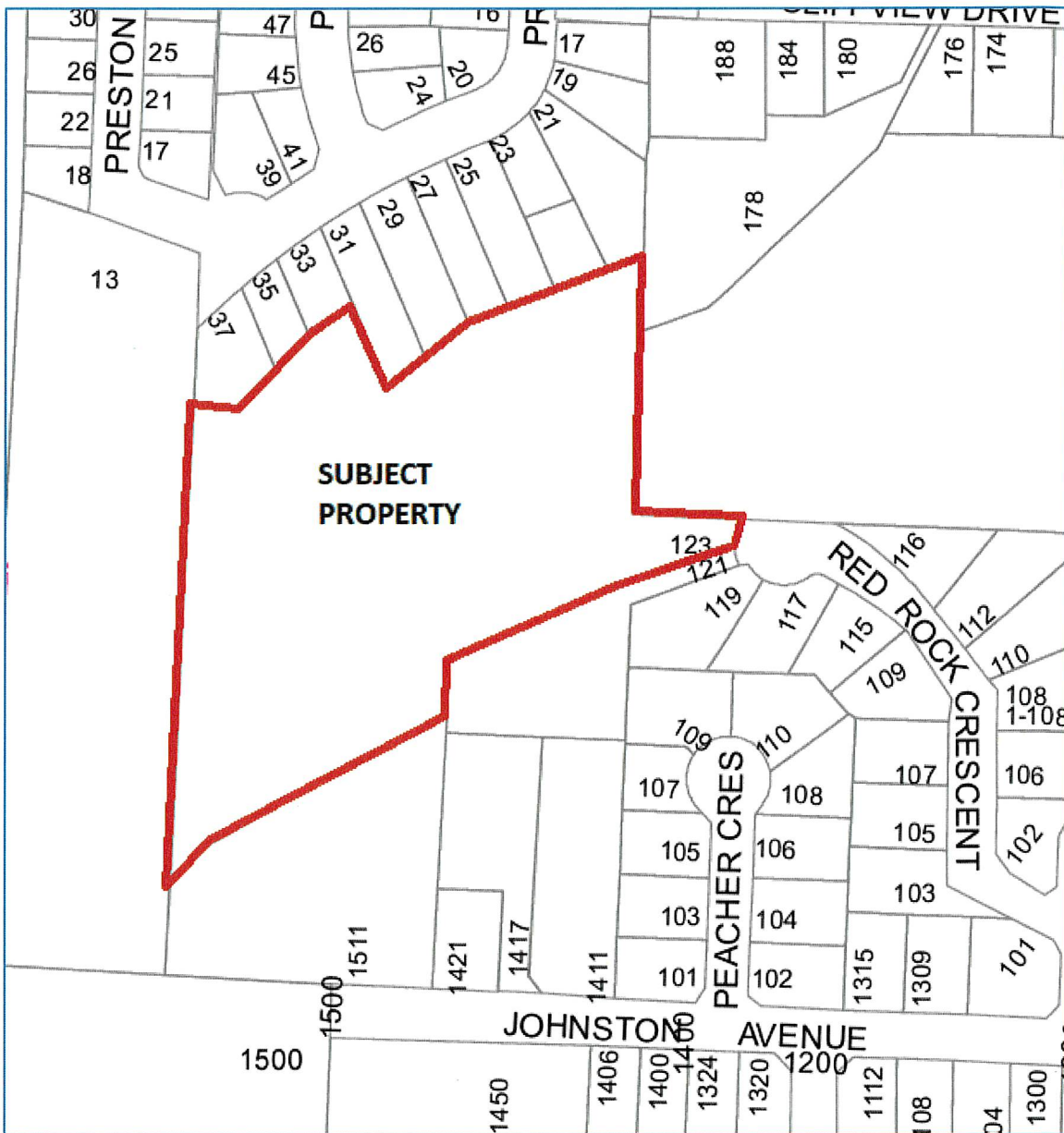
Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY
ZONING TEXT AMENDMENT APPLICATION
SUBJECT PROPERTY MAP

File: 0016-24-ZTA-END

Applicant/Owner: Eric and Leola Borhaven

Location: 123 Red Rock Crescent, Enderby BC



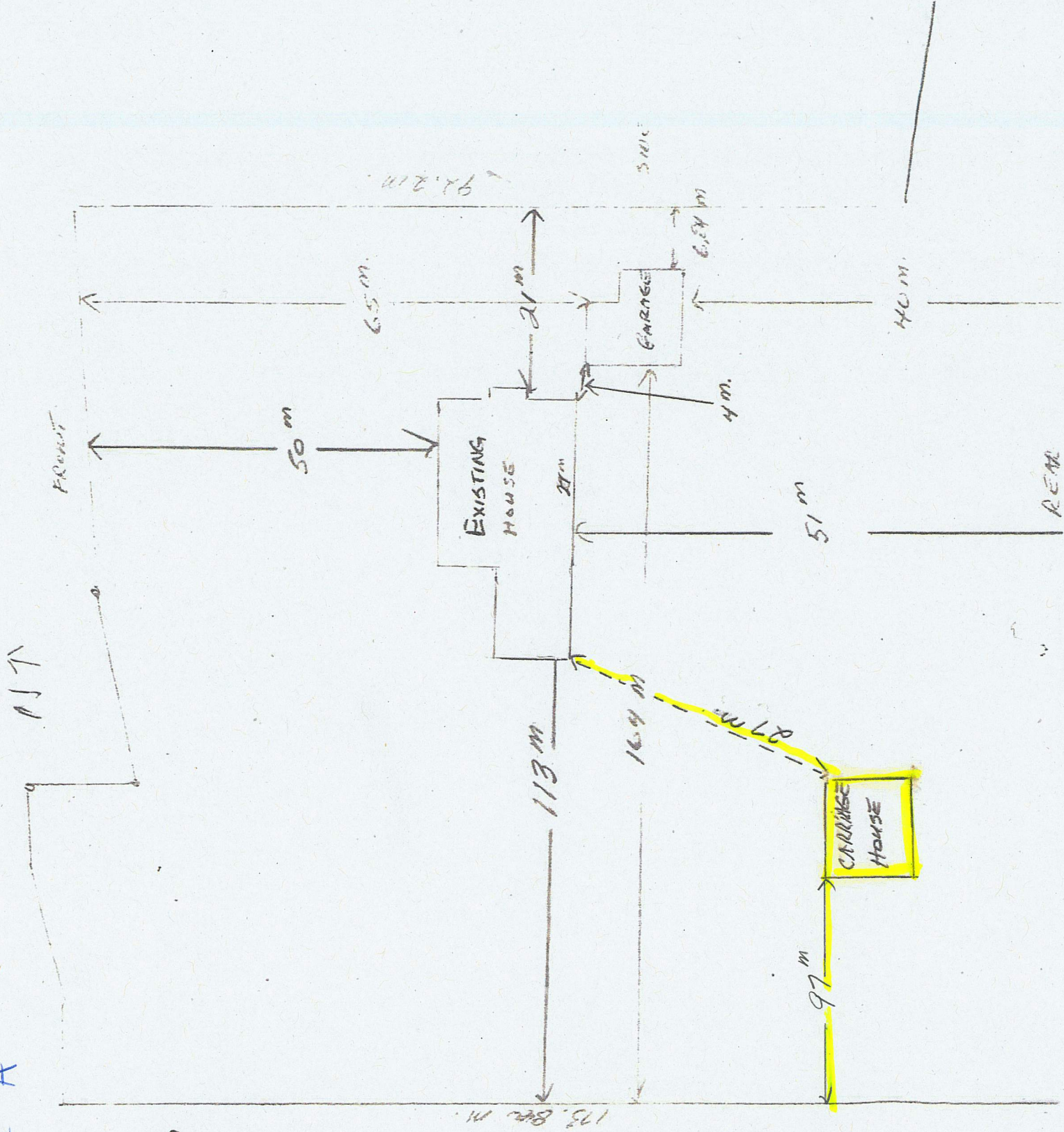
Schedule 'A'

ERIC / KENNETH
BORNHARTER

PID 023-859-440

123 REDBURN CRES
REDDENING D.C.

MEASUREMENTS
ARE APPROXIMATE



THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1803

A BYLAW TO AMEND THE CITY OF ENDERBY ZONING BYLAW NO. 1550, 2014

WHEREAS pursuant to Section 479 of the *Local Government Act*, Council of the City of Enderby may, by bylaw, divide the whole or part of the City of Enderby into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS Council has created zones, named each zone, established boundaries for those zones and regulated uses within those zones by Bylaw No. 1550, cited as "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014";

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1803, 2024".
2. DIVISION SIX – RESIDENTIAL ZONES is amended by including Section 601.11.c as follows:
 - c. A detached secondary suite is permitted to be located on the second storey level of an accessory residential building for the property legally described as LOT 1 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP59880 EXCEPT PLAN KAP65977, and located at 123 Red Rock Crescent, Enderby BC.

Public notice provided in an edition of the local/regional print newspaper on the day of , 2024 and posted on the City of Enderby website on the day of , 2024, and a Public Hearing held pursuant to the provisions of Section 464 of the *Local Government Act* on the day of , 2024.

READ a FIRST time this day of , 2024.

READ a SECOND time this day of , 2024.

READ a THIRD time this day of , 2024.

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i> this _____ day of _____, 20____</p> <p>_____</p> <p>for Minister of Transportation & Infrastructure</p>

ADOPTED this day of , 2024.

MAYOR

CORPORATE OFFICER

CITY OF ENDERBY
ZONING TEXT AMENDMENT APPLICATION

AGENDA

File No.: 0015-24-DVP-END

August 21, 2024

APPLICANT: Bradley Case

OWNER: Brier Holdings Ltd.

LEGAL DESCRIPTION: PARCEL B (DD 179916F) BLOCK 13 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A

P.I.D #: 012-503-550

CIVIC ADDRESS: 612 Cliff Avenue, Enderby BC

PROPERTY SIZE: 376.1 m² (4,048 square feet)

ZONING: General Commercial (C.1)

O.C.P DESIGNATION: General Commercial

PROPOSED TEXT AMENDMENT: Increase the maximum permitted gross density for the property from 60 units per hectare (24.28 units per acre) to 79.79 units per hectare (32.29 units per acre), in order to increase the number of permitted residential dwelling units for the property from 2 to 3

RECOMMENDATION:

THAT City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1799, 2024 which proposes to amend the text of City of Enderby Zoning Bylaw No. 1550, 2014 to increase the maximum permitted gross density for the property legally described as PARCEL B (DD 179916F) BLOCK 13 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A and located at 612 Cliff Avenue, Enderby BC, from 60 units per hectare (24.28 units per acre) to 79.79 units per hectare (32.29 units per acre), in order to increase the number of permitted residential dwelling units for the property from 2 to 3, be given Three Readings and Adoption;

AND FURTHER THAT should Council give Three Readings and Adoption to City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1799, 2024, such Adoption shall come into force and effect once the Ministry of Transportation and Infrastructure has endorsed the Bylaw.

BACKGROUND:

This report relates to a Zoning Text Amendment application for the property located at 612 Cliff Avenue, Enderby BC. As part of a proposed mixed-use development on the property, consisting of a two-storey building with ground floor commercial and 3 dwelling units on the second storey, the applicant is requesting to amend the text of City of Enderby Zoning Bylaw No. 1550, 2014 to increase the maximum permitted gross density for the property from 60 units per hectare (24.28 units per acre) to 79.79 units per hectare (32.29 units per acre), in order to increase the number of permitted residential dwelling units for the property from 2 to 3.

Site Context

The 376 m² (0.093 acre/0.0376 hectare) property is located in the commercial core of the community along the southern side of Cliff Avenue, which is identified in Schedule 'C' of the City's Official Community Plan (OCP) as a 'Municipal Commercial' road; the property is also located on the north side of Lambly Lane, which runs east-west between George Street (Highway 97A) and Vernon Street.

A one-storey commercial building is located on the property with the building having 0 m setbacks along the northern (front) and eastern (side) property lines. The commercial building is currently vacant but was most recently used as a restaurant. The building has access off of both Cliff Avenue and Lambly Lane and there are currently three off-street parking spaces on the southern portion of the property adjacent to Lambly Lane.

Due to unsafe conditions observed during a vacant building inspection in 2023 the City's Building Inspector has posted a 'Do Not Occupy' notice on the property, in accordance with Section 304 of the *City of Enderby Building Bylaw No. 1582, 2015*.

The subject property and properties to the north, east, southwest, and west are currently zoned General Commercial (C.1) and are designated in the OCP as General Commercial. The properties to the south (Russell Avenue parking lot) and northwest (City Hall) are zoned Assembly, Civic and Public Service (S.1) and are designated in the OCP as Institutional. The following map shows the zoning designation of the subject and surrounding properties:



Figure 1: Zoning Map

Purple – General Commercial (C.1)
 Teal – Assembly, Civic and Public Service (S.1)

The following orthophoto of the subject and surrounding properties was taken in 2011:



Figure 2: Orthophoto

Proposal:

The applicant is proposing to demolish the existing commercial building and construct a new two-storey building, consisting of ground floor commercial and 3 residential dwelling units on the second storey, as shown on the attached Schedule 'A'. The ground floor commercial space is proposed to be used as a print shop. Two of the residential dwelling units are proposed to be bachelor suites, while the third is proposed as a one-bedroom unit; the suites range in size from 60.67 m² (653 square feet) to 82.13 m² (884 square feet). Four off-street parking spaces are proposed along the southern portion of the property, two of which are proposed to be 'small-car' parking spaces. No off-street loading spaces are proposed.

ZONING BYLAW:

The subject property is zoned General Commercial (C.1) and uses within this zone include:

- Accessory buildings and structures
- Accommodation including dwelling units, hotels and motels
- Civic use
- Auditoriums, youth centres and social halls
- Educational facilities and professional studios
- Entertainment and recreation facilities
- Cannabis-Related Business
- Food service (excluding drive-through restaurants)
- Office and commerce facilities
- Public service use
- Retail sales
- Service and repair
- Transportation facilities

Section 401.11.d.v of the Zoning Bylaw states that dwelling units within the C.1 zone shall not exceed a gross density of 60 units per hectare (24.28 units per acre). Given the subject property's lot area of 0.038 hectares (0.093 acres/376.1 m²), the proposed 3 residential dwelling units would give the property a gross density of 79.79 units per hectare (32.29 units per acre) which exceeds the maximum for the C.1 zone. Given this, the applicant is proposing to amend the Zoning Bylaw to increase the maximum permitted gross density for the property from 60 units per hectare (24.28 units per acre) to 79.79 units per hectare (32.29 units per acre), which would increase the number of permitted residential dwelling units from 2 to 3.

***It should be noted that there are certain elements of the applicant's proposed development, as shown on the attached Schedule 'A', which are not consistent with the City of Enderby Zoning Bylaw No. 1550, 2014, which will be addressed through a separate Development Variance Permit application.

OFFICIAL COMMUNITY PLAN:

Policies contained within the Official Community Plan which apply to this development include:

Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.

Policy 3.3.h - Council will utilize the development approval process, including Phased Development Agreements, to secure an adequate supply of quality affordable, attainable and special needs housing which meets the needs of all residents of the community, regardless of age, mobility, background or socio-economic status.

Policy 4.4.c - Council will encourage and support a spectrum of housing choices throughout the community, including secondary suites, in order to meet the diverse housing needs of residents.

Policy 5.3.b - Council will review land use bylaws and policy in support of mixed uses in commercial, industrial and growth areas aimed at strengthening the existing business sector and attracting new business and industry.

Policy 5.3.f - Council will develop strategies and tools to encourage and facilitate infill and redevelopment within existing developed areas of the community.

Policy 8.3.h - Council will support infill and redevelopment within the community.

Policy 8.3.i - Council will employ Smart Growth principles in future development.

Policy 9.3.f - Council will develop a robust strategy to support infill, redevelopment, and brownfield reclamation that utilizes existing infrastructure, revitalizes the community, and enhances the use of underutilized lands.

Policy 20.3.f - Council will encourage infill, redevelopment and brownfield strategies that focus growth towards areas with existing infrastructure.

Policy 20.3.g - Council will support innovative options that will assist in maintaining appropriate levels of infrastructure and service delivery in a fiscally responsible manner.

REFERRAL COMMENTS:

The subject application was referred for comment to the City of Enderby Public Works Manager, Building Inspector, and Fire Chief. No comments of concern were received.

PLANNING ANALYSIS:

The City of Enderby Planner raises no objections to the applicant's request to amend the text of City of Enderby Zoning Bylaw No. 1550, 2014 to increase the maximum permitted gross density for the property from 60 units per hectare (24.28 units per acre) to 79.79 units per hectare (32.29 units per acre), in order to increase the number of permitted residential dwelling units for the property from 2 to 3. It is recommended that Council support the application for the following reasons:

- The proposal would facilitate infill development, which is a key element of Smart Growth development and is supported in the OCP, and provides the following community benefits:
 - More efficient use of land by increasing the ratio of improvement-to-land values;
 - Reducing pressures related to greenfield development and boundary expansion which in turn facilitates urban containment and rural protection;
 - Focusing future growth within developed areas of the community in order to maximize the value of existing infrastructure; and
 - Adding residential capacity without encroaching upon rural or environmentally sensitive areas.
- The proposal would further promote the downtown as a mixed-use area with a residential population that supports downtown businesses and aids in natural surveillance through 'eyes on the street';

- The proposal would foster additional rental housing within the community, which is identified as a key need in the City’s Housing Needs Assessment Report; and
- It is not anticipated that permitting a third dwelling unit on the property would negatively impact the use and enjoyment of the subject or surrounding properties.

***It should be noted that the provincial legislature enacted Bill 44 – 2023 *Housing Statutes (Residential Development) Amendment Act, 2023* on November 30, 2023. Bill 44 is aimed at creating more housing throughout the province. The legislation establishes circumstances in which local governments would be prohibited from holding public hearings; this includes prohibiting public hearings for proposed Zoning Bylaw amendments where:

- a) an official community plan is in effect for the area that is the subject of the zoning bylaw,
- b) the bylaw is consistent with the official community plan,
- c) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development, and
- d) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.

Given that the proposed Zoning Text Amendment Bylaw associated with this development satisfies the conditions described above, the City is prohibited from holding a public hearing for the Bylaw. In accordance with the legislative requirements, notice has been provided, prior to a potential first reading of the bylaw, advising that a public hearing is not being held, in accordance with Section 467 of the *Local Government Act* and the requirements of the City of Enderby Public Notice Bylaw No. 1770, 2023.

SUMMARY

This report relates to a Zoning Text Amendment application for the property located at 612 Cliff Avenue, Enderby BC. As part of a proposed mixed-use development on the property, consisting of a two-storey building with ground floor commercial and 3 dwelling units on the second storey, the applicant is requesting to amend the text of City of Enderby Zoning Bylaw No. 1550, 2014 to increase the maximum permitted gross density for the property from 60 units per hectare (24.28 units per acre) to 79.79 units per hectare (32.29 units per acre), in order to increase the number of permitted residential dwelling units for the property from 2 to 3.

The City of Enderby Planner is recommending that Council give Three Readings and Adoption to the associated Zoning Text Amendment Bylaw, with Adoption coming into force and effect once the Ministry of Transportation and Infrastructure has endorsed the Bylaw.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner

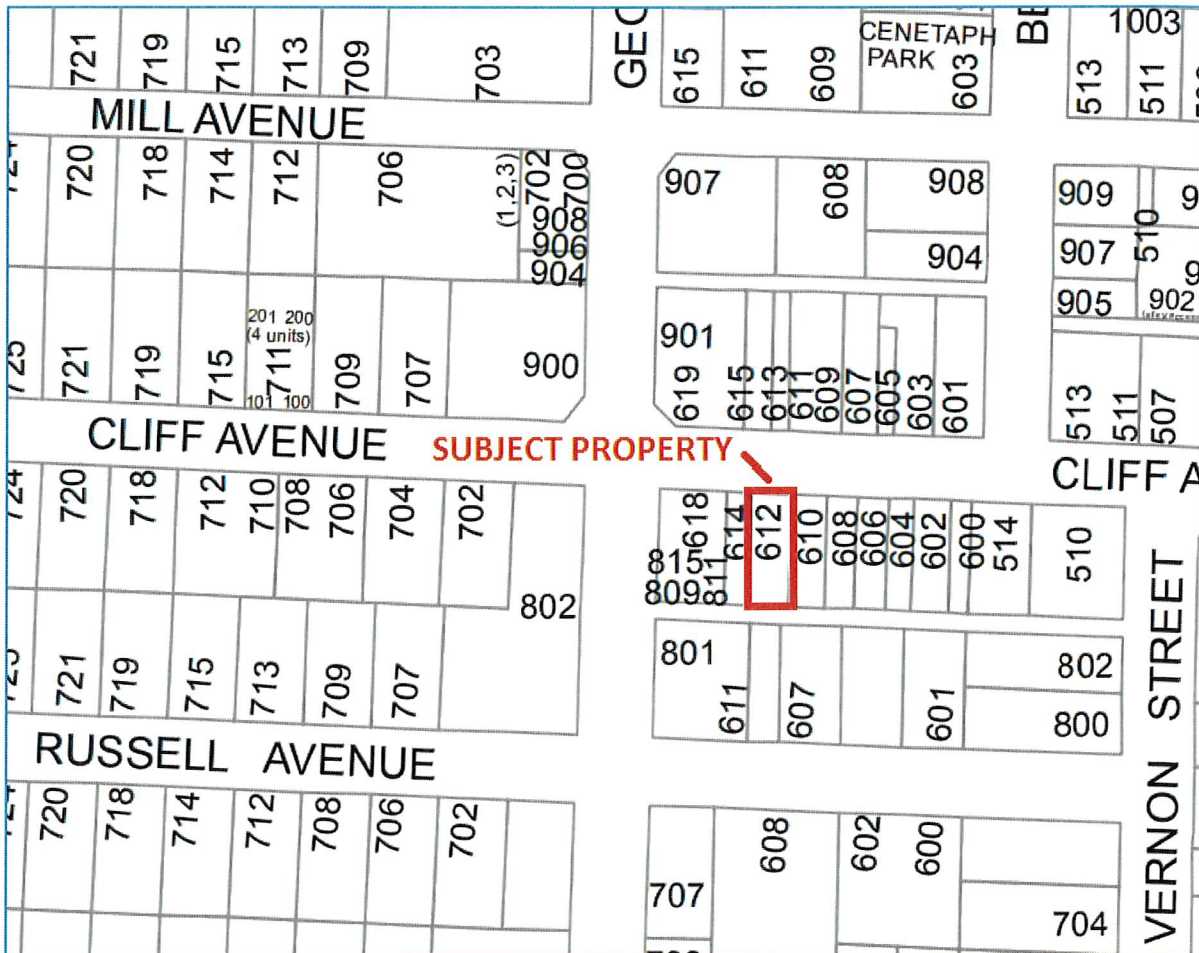
Reviewed By:



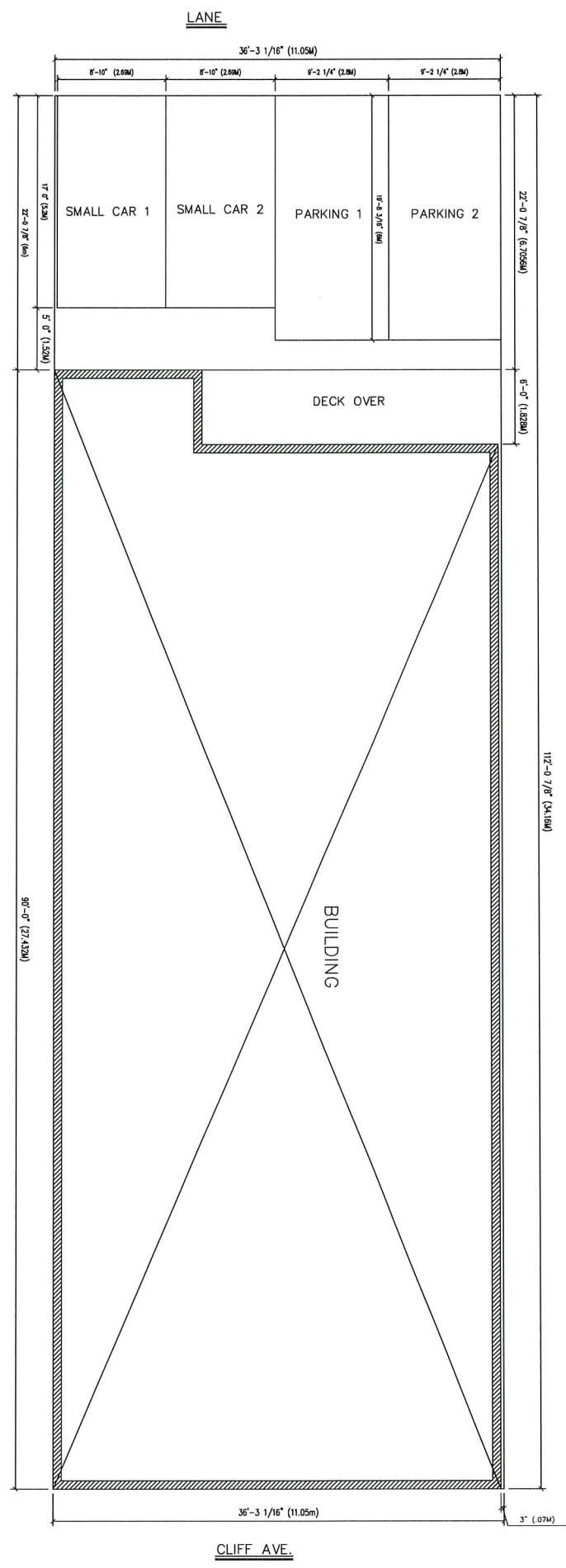
Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY
ZONING TEXT AMENDMENT APPLICATION
SUBJECT PROPERTY MAP

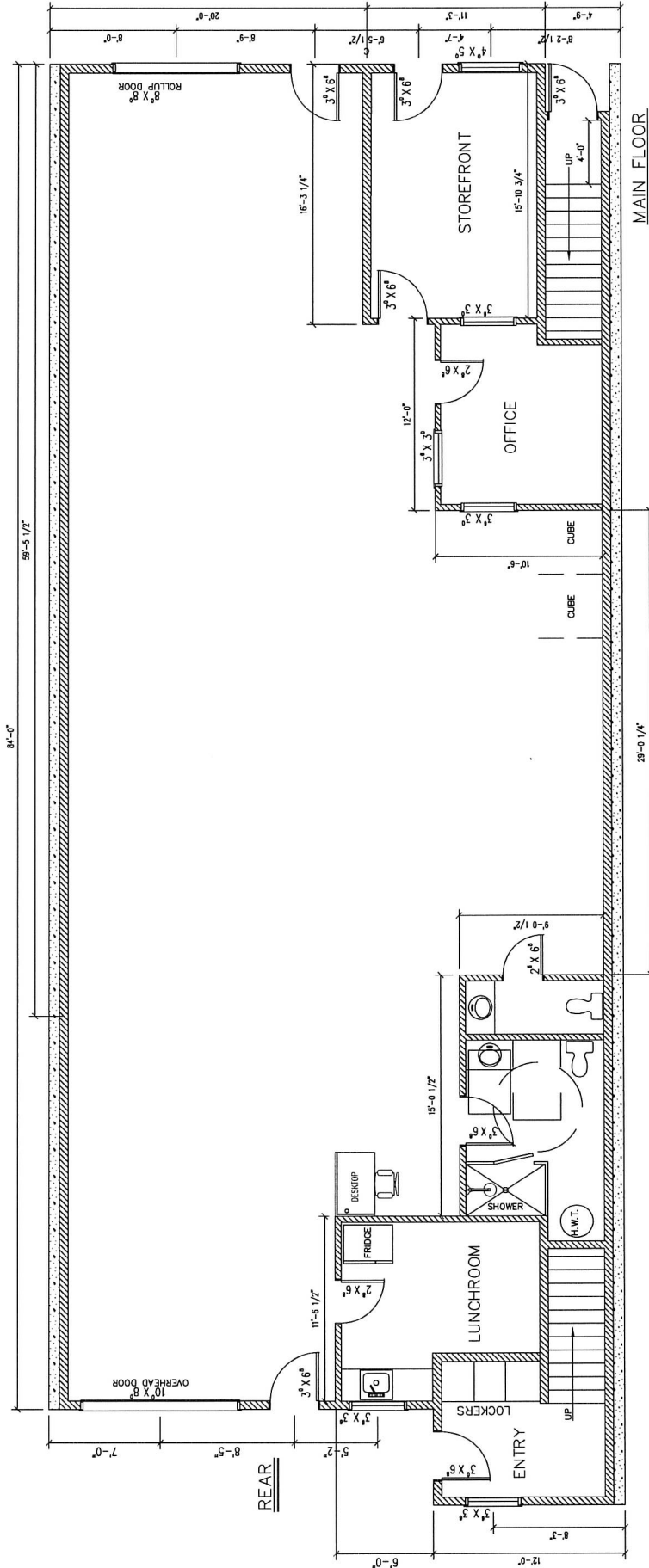
File: 0015-24-ZTA-END
Applicant: Bradley Case
Owner: Brier Holdings Ltd.
Location: 612 Cliff Avenue, Enderby BC



Schedule 'A'

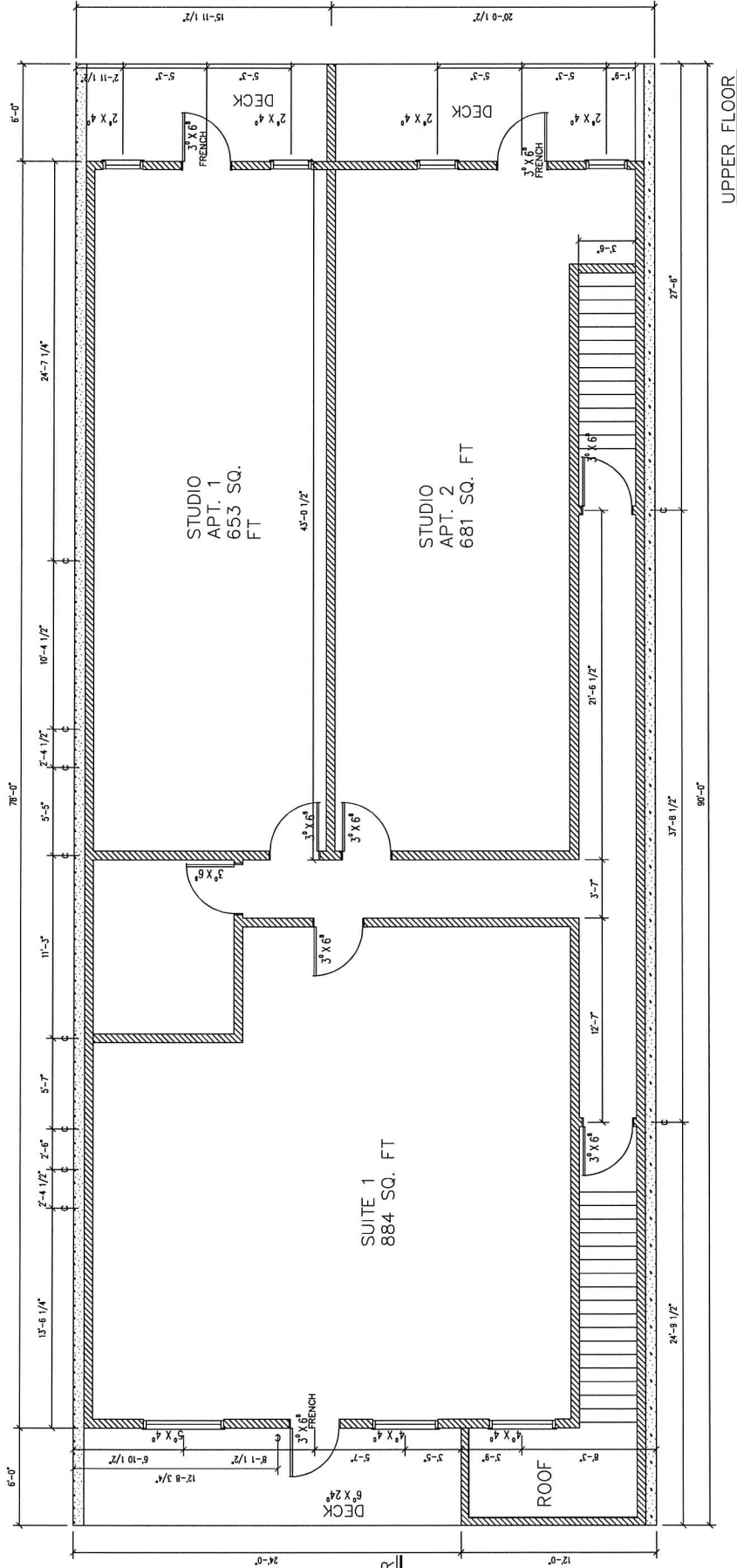


CASE HOLDINGS
 612 CLIFF AVE.
 NOT TO SCALE



BUILDING FOOTPRINT = 3096 SQ. FT.

CASE HOLDINGS
612 CLIFF AVE.
NOT TO SCALE

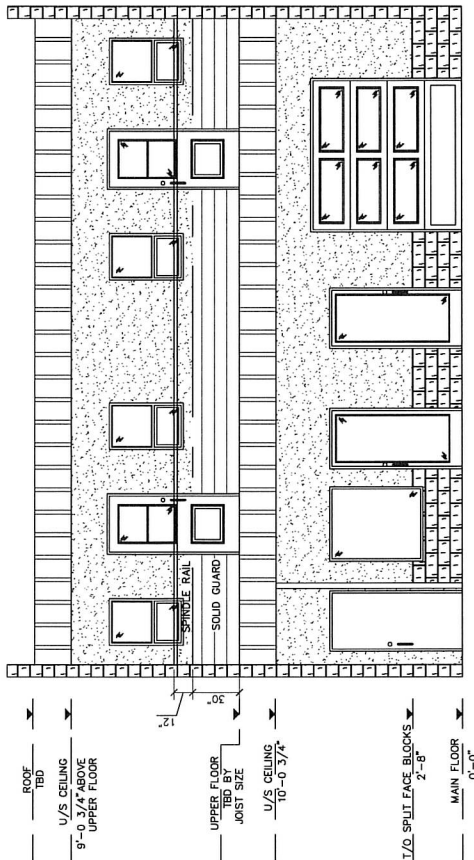


CASE HOLDINGS
612 CLIFF AVE.

NOT TO SCALE



REAR ELEVATION



FRONT ELEVATION

CASE HOLDINGS
612 CLIFF AVE.
NOT TO SCALE

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1799

A BYLAW TO AMEND THE CITY OF ENDERBY ZONING BYLAW NO. 1550, 2014

WHEREAS pursuant to Section 479 of the *Local Government Act*, Council of the City of Enderby may, by bylaw, divide the whole or part of the City of Enderby into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS Council has created zones, named each zone, established boundaries for those zones and regulated uses within those zones by Bylaw No. 1550, cited as "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014";

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1799, 2024".
2. DIVISION FOUR – COMMERCIAL ZONES is amended by including Section 401.11.j as follows:
 - j. Notwithstanding the density requirements outlined in Section 401.11.d.v of this Bylaw, the maximum permitted gross density for the property legally described as PARCEL B (DD 179916F) BLOCK 13 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A, and located at 612 Cliff Avenue, Enderby BC shall not exceed 79.79 units per hectare (32.29 units per acre).

Notice that the local government is prohibited from holding a public hearing provided in an edition of the local/regional print newspaper on the 16th day of August, 2024 and posted on the City of Enderby website on the 19th day of August, 2024.

READ a FIRST time this day of , 2024.

READ a SECOND time this day of , 2024.

READ a THIRD time this day of , 2024.

APPROVED pursuant to Section 52(3)(a) of the Transportation Act this day of , 2024.

Development Officer
Ministry of Transportation and Infrastructure

ADOPTED this day of , 2024.

MAYOR

CORPORATE OFFICER

**CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION**

AGENDA

File No.: 0070-24-DVP-END

August 21, 2024

APPLICANT: Bradley Case

OWNER: Brier Holdings Ltd.

LEGAL DESCRIPTION: PARCEL B (DD 179916F) BLOCK 13 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A

P.I.D #: 012-503-550

CIVIC ADDRESS: 612 Cliff Avenue, Enderby BC

PROPERTY SIZE: 376.1 m² (4,048 square feet)

ZONING: General Commercial (C.1)

O.C.P DESIGNATION: General Commercial

PROPOSED VARIANCES: i) increase the maximum percentage of required parking spaces that can be made up of small-car parking from 40% to 50%, ii) waive the requirement for right-angle parking spaces to be served via an 8 m maneuvering aisle, iii) reduce the minimum number of off-street parking spaces from 11 to 4, iv) reduce the minimum setback between a parking space and a dwelling from 1.5 m to 0.76 m, and v) reduce the minimum number of off-street loading spaces from 1 to 0.

RECOMMENDATION:

THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as PARCEL B (DD 179916F) BLOCK 13 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A, and located at 612 Cliff Avenue, Enderby BC, to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- Section 901.2.a by increasing the maximum percentage of required parking spaces that can be made up of small-car parking from 40% to 50%, as shown on the attached Schedule 'A'; and
- Section 901.2.g.ii by reducing the minimum setback between a parking space and a dwelling from 1.5 m (4.92 feet) to 0.76 m (2.49 feet), as shown on the attached Schedule 'A'.

AND THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as PARCEL B (DD 179916F) BLOCK 13 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A, and located at 612 Cliff Avenue, Enderby BC, to permit a variance to Section 901.2.b of the City of Enderby Zoning Bylaw by waiving the requirement for right-angle off-street parking spaces to be serviced via an 8 m (26.25 foot) maneuvering aisle, as shown on the attached Schedule 'A' subject to the owner registering a covenant on the title of the property which releases, indemnifies, and holds harmless, including litigation costs, the City of Enderby for all matters related to or arising from the issuance of the Development Variance Permit and further affirms that the City's decision in granting the variance does not prejudice or affect its rights, powers, duties, or obligations with respect to the development of adjacent properties;

AND THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as PARCEL B (DD 179916F) BLOCK 13 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A, and located at 612 Cliff Avenue, Enderby BC, to permit a variance to Section 901.3 of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum number of off-street parking spaces from 11 to 4, as shown on the attached Schedule 'A', subject to the property owner registering a housing agreement by covenant on the title of the property, satisfactory to the City, which requires that the parking demands associated with the residential portion of the development are contained on-site and which shall be a material term of any tenancy agreement;

AND FURTHER THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as PARCEL B (DD 179916F) BLOCK 13 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A, and located at 612 Cliff Avenue, Enderby BC, to permit a variance to Section 1001.4.a.i of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the number of off-street loading spaces from 1 to 0, as shown on the attached Schedule 'A', subject to the property owner registering a covenant on the title of the property which requires off-street loading activities occur from the south side of the subject property.

BACKGROUND:

This report relates to a Development Variance Permit application for the property located at 612 Cliff Avenue, Enderby BC. The applicant is requesting to vary the following Sections of the City of Enderby Zoning Bylaw No. 1550, 2014 as part of a proposed mixed-use development at 612 Cliff Avenue, Enderby BC, composed of a two-storey building with ground floor commercial and 3 dwelling units on the second storey:

- Section 901.2.a by increasing the maximum percentage of required parking spaces that can be made up of small-car parking from 40% to 50%;
- Section 901.2.b by waiving the requirement for right-angle off-street parking spaces to be serviced via an 8 m (26.25 foot) maneuvering aisle;
- Section 901.2.g.ii by reducing the minimum setback between a parking space and a dwelling from 1.5 m to 0.76 m;
- Section 901.3 by reducing the minimum number of off-street parking spaces from 11 to 4;

- Section 1001.4.a.i by reducing the number of off-street loading spaces from 1 to 0.

Site Context

The 376 m² (0.093 acre/0.0376 hectare) property is located in the commercial core of the community along the southern side of Cliff Avenue, which is identified in Schedule 'C' of the City's Official Community Plan (OCP) as a 'Municipal Commercial' road; the property is also located on the north side of Lambly Lane, which runs east-west between George Street (Highway 97A) and Vernon Street.

A one-storey commercial building is located on the property with the building having 0 m setbacks along the northern (front) and eastern (side) property lines. The commercial building is currently vacant but was most recently used as a restaurant. The building has access off of both Cliff Avenue and Lambly Lane and there are currently three off-street parking spaces on the southern portion of the property adjacent to Lambly Lane.

Due to unsafe conditions observed during a vacant building inspection in 2023, the City's Building Inspector has posted a 'Do Not Occupy' notice on the property, in accordance with Section 304 of the *City of Enderby Building Bylaw No. 1582, 2015*.

The subject property and properties to the north, east, southwest, and west are currently zoned General Commercial (C.1) and are designated in the OCP as General Commercial. The properties to the south (Russell Avenue parking lot) and northwest (City Hall) are zoned Assembly, Civic and Public Service (S.1) and are designated in the OCP as Institutional.

The following map shows the Zoning designation of the subject and surrounding properties:



Figure 1: Zoning Map

Purple – General Commercial (C.1)
 Teal – Assembly, Civic and Public Service (S.1)

The following orthophoto of the subject and surrounding properties was taken in 2011:



Figure 2: Orthophoto

Proposal:

The applicant is proposing to demolish the existing commercial building and construct a new two-storey building, consisting of ground floor commercial and 3 residential dwelling units on the second storey, as shown on the attached Schedule 'A'. The ground floor commercial space is proposed to be used as a print shop. Two of the residential dwelling units are proposed to be bachelor suites, while the third is proposed as a one-bedroom unit; the suites range in size from 60.67 m² (653 square feet) to 82.13 m²

(884 square feet). Four off-street parking spaces are proposed along the southern portion of the property, two of which are proposed to be 'small-car' parking spaces. No off-street loading spaces are proposed.

ZONING BYLAW:

The subject property is zoned General Commercial (C.1) and uses within this zone include:

- Accessory buildings and structures
- Accommodation including dwelling units, hotels and motels
- Civic use
- Auditoriums, youth centres and social halls
- Educational facilities and professional studios
- Entertainment and recreation facilities
- Cannabis-Related Business
- Food service (excluding drive-through restaurants)
- Office and commerce facilities
- Public service use
- Retail sales
- Service and repair
- Transportation facilities

The proposal as compared to the Zoning Bylaw requirements for the C.1 zone is as follows (highlighted items require a variance):

CRITERIA	C.1 ZONE REQUIREMENTS	PROPOSAL
Principal buildings per lot (max.)	1	1
Floor area (min.)	27 m ² (290.6 square feet) within each bachelor dwelling unit 40 m ² (430.6 square feet) within each one-bedroom dwelling unit	Bachelor units = 60.67 m ² (653 square feet) & 63.27 m ² (681 square feet) One-bedroom unit = 82.13 m ² (884 square feet)
Building height (max.)	Lesser of 12 m (39.37 feet) or three (3) storeys	~ 7.92 m (26.0 feet) and two (2) storeys
Lot area (min.)	200 m ² (2,153 square feet)	376 m ² (4,048 square feet)
Lot coverage (max.)	90%	< 90%
Lot frontage (min.)	7 m (22.97 feet)	11.05 m (36.25 feet)
Setbacks (min.)		
Front yard	0 m	0 m
Rear yard	6 m (19.68 feet)	6.71 m (22.01 feet)
Side yard	0 m	West = 0.07 m (0.25 feet) East = 0 m

CRITERIA	C.1 ZONE REQUIREMENTS	PROPOSAL
Location of dwelling units	Dwelling units must be above or behind commercial use and attached to principal commercial building	Above commercial use, attached to principal commercial building
Setback between parking space and dwelling unit	1.5 m (4.92 feet)	0.76 m (2.49 feet)
Number of off-street loading spaces (min.)	<p>RESIDENTIAL</p> <p>1 per bachelor dwelling unit = 2 1 per dwelling unit = 2 SUBTOTAL = 4</p> <p>COMMERCIAL</p> <p>1 per 2 employees (4) = 2 1.5 per press (3) = 5 SUBTOTAL = 7</p> <p>TOTAL = 11</p>	4
Percentage of small-car parking (max.)	40%	50%
Off-street parking space dimension (min.)	<p>6 m (19.68 feet) in length 2.8 m (9.186 feet) in width</p> <p>Small car = 5.2 m (17.06 feet) in length and 2.3 m (7.546 feet) in width</p>	<p>6 m (19.68 feet) in length 2.8 m (9.186 feet) in width</p> <p>Small car = 5.2 m (17.06 feet) in length and 2.59 m (8.50 feet) in width</p>
Maneuvering aisle dimensions (min.)	8 m (26.25 feet) for right-angle parking	No maneuvering aisle
Number of off-street loading spaces (min.)	1	0

***It should be noted that the proposed development is not consistent with the maximum permitted gross density requirements of the City of Enderby Zoning Bylaw No. 1550, 2014; this is being addressed through a separate Zoning Text Amendment application.

OFFICIAL COMMUNITY PLAN:

Policies contained within the Official Community Plan which apply to this development include:

- Policy 2.2.b - To maintain and enhance the City of Enderby as a sustainable, diverse, vibrant, unique and attractive community.
- Policy 2.2.c - To maintain and enhance the social well-being, development, and the quality of life for all citizens of Enderby.
- Policy 3.3.c - Council recognizes that development of land has social impacts and will act

through the approval process to minimize negative and maximize positive impacts.

REFERRAL COMMENTS:

The subject application was referred for comment to the City of Enderby Public Works Manager, Building Inspector, and Fire Chief.

The City of Enderby Public Works Manager provided the following comments:

With respect to the variance eliminating the loading spaces, it is important that the building design ensures that the commercial unit can be loaded from the rear. Temporarily blocking a portion of Lambly Lane to the south of the subject property would be acceptable, whereas doing the same on Cliff Avenue would cause significant congestion, disruption, and safety concerns. The building plans included in the referral package indicate that the preferred loading configuration is already contemplated by the applicant, but it should be secured through a covenant running with the land in case the building plans change or the ground floor commercial unit is partitioned in the future.

Regarding the lack of a maneuvering aisle for right-angle stalls, this is acceptable given the low quantity of stalls and the expected traffic volume and speed in the lane. However, it should be noted that buildings in this zone do not have a rear yard setback, which may cause visibility issues for those using the parking stalls, should the adjacent property to the east redevelop with zero offset from the rear property line. I would recommend that the variance be granted subject to the owner entering into a covenant that both indemnifies and saves harmless the City from matters arising from its variance decision and further affirms that the City's decision in granting this variance does not prejudice or affect its rights, powers, duties, or obligations with respect to the development of adjacent properties.

With respect to the small car ratio and reduction in quantity of required parking stalls, the net impact of the development proposal in terms of the reduced quantity of parking stalls is effectively 0. The previous commercial operation had an allocation of parking due to being inside the downtown designated parking area that would have carried over, had the existing building simply been proposed for renovation rather than reconstruction. It is reasonable to suggest that the commercial impact to the public parking inventory, based on floor space, will not exceed the prior use. With respect to the parking impact attributable to the residential portion, which is a new demand on inventory, 4 off-street parking stalls are required and 4 off-street parking stalls are provided, albeit with variances. The variances to off-street parking requirements are acceptable subject to the owner registering a housing agreement committing to managing their tenants' parking in accordance with the nature of the available stalls, as an express condition of the tenancy agreements.

No other comments of concern were received in response to the referral.

PLANNING ANALYSIS:

Percentage of Small Car Parking

The City of Enderby Planner raises no objections to the applicant's request to vary Section 901.2.a of the Zoning Bylaw by increasing the maximum percentage of required parking spaces that can be made up of small-car parking from 40% to 50%, as shown on the attached Schedule 'A', given that it is a relatively minor increase. Furthermore, it is recommended that approval of the variance to reduce the minimum number of parking spaces be subject to the registration of a housing agreement by covenant on the title of the property in order to ensure that the parking demands associated with the residential portion of the development are contained on-site and which shall be a material term of any tenancy agreement; such a housing agreement would limit the size and type of vehicles for the residential tenants, thus ensuring that the vehicles associated with tenants are appropriate for the off-street parking provided on-site.

Setback Between Parking Space and Dwelling

The City of Enderby Planner raises no objections to the applicant's request to vary Section 901.2.g.ii of the Zoning Bylaw by reducing the minimum setback between a parking space and a dwelling from 1.5 m (4.92 feet) to 0.76 m (2.49 feet), as shown on the attached Schedule 'A'. This particular zoning provision is intended to provide suitable separation between a parking space and a dwelling, such that the fumes from vehicles are not negatively impacting residents. In this case, the dwelling unit is on the second storey of the building and thus has significant vertical separation; given this, it is not anticipated that the proposed variance would have a negative impact on the future residents of the dwelling units. Should issues arise, as both the residential units and parking stalls are under the same ownership, the issue may be managed through on-site signs as a private property matter.

Maneuvering Aisle

The City of Enderby Planner raises no objections to the applicant's request to vary Section 901.2.b by waiving the requirement for right-angle off-street parking spaces to be serviced via an 8 m (26.25 foot) maneuvering aisle, as shown on the attached Schedule 'A', subject to conditions. Given that the proposed parking area is adjacent to Lambly Lane, which is of sufficient width and has limited traffic volumes and speeds, it is not anticipated that a lack of a maneuvering aisle would negatively impact the ability of a vehicle to safely maneuver on to or off of the property. Having said that, as discussed by the City's Public Works Manager in his referral comments, the General Commercial (C.1) zone permits 0 m setbacks and therefore there is the potential for a building on a neighbouring property to the east or west to be constructed directly on the southern property line, which would create a potential sightline issue for vehicles backing into Lambly Lane as they exit the subject property. However, this potential sight line issue is mitigated by the fact that:

1. Even if this variance were not granted, the potential sightline issue of the adjacent property would remain for any off-street parking due to the lack of a rear yard setback;

2. Lambly Lane's low traffic volume and low speed is not expected to increase given its limited (but valuable) purpose and adjacent roads, its relatively narrow dedicated width, and the quantity of road accesses available through the south side of the Russell Avenue parking lot; and
3. There are ways that occupants will adjust driving habits to mitigate the sightline challenge, such as backing into a parking stall or angling their vehicles as they back out to reduce the angle at which they enter the lane, thus improving their line of sight while signaling to oncoming traffic that a vehicle intends to enter the lane.

Given the above, and in accordance with the recommendation of the City's Public Works Manager, it is recommended that Council support the variance request subject to the owner registering a covenant on the title of the property which releases, indemnifies, and holds harmless, including litigation costs, the City of Enderby for all matters related to or arising from the issuance of the Development Variance Permit and further affirms that the City's decision in granting the variance does not prejudice or affect its rights, powers, duties, or obligations with respect to the development of adjacent properties; the registration of the Covenant will ensure the City is not taking on any liability associated with permitting a parking area without a maneuvering aisle, while also serving as a notice to future prospective property purchasers with respect to the matter.

Number of Off-Street Parking Spaces

The City of Enderby Planner raises no objections to the applicant's request to vary Section 901.3 of the Zoning Bylaw by reducing the minimum number of off-street parking spaces from 11 to 4, as shown on the attached Schedule 'A', subject to the property owner registering a housing agreement by covenant on the title of the subject property, satisfactory to the City, which requires that the parking demands associated with the residential portion of the development are contained on-site and which shall be a material term of any tenancy agreement. This condition will ensure that the parking demands associated with the residential component of the site do not overwhelm the parking capacity of the site, which could result in parking spill-over to the broader neighbourhood. It is anticipated that the parking available in the adjacent Russell Street parking lot, and the adjacent on-street parking on Cliff Avenue, are sufficient to accommodate the parking demands associated with the commercial use of the property.

Furthermore, it should be noted that the property is located in the Downtown Designated Parking Area and therefore is only required to provide off-street parking when there is new development, an addition to an existing building, or an increase in residential density. Given this, if the applicant had chosen to simply restore the existing commercial building instead of constructing a new building, they would only be required to provide on-site parking for the new residential dwelling units; in that case, the proposed 4 off-street parking spaces would have met the bylaw requirement and no variance would have been required.

Off-street Loading Zone

As discussed by the Public Works Manager in his comments above, Staff have concerns that if no loading zone is provided on site, a future commercial business may wish to rely on Cliff Avenue for loading purposes; although the temporary blocking of a portion of Lambly Lane to the south of the subject property would be acceptable, doing the same on Cliff Avenue would cause significant congestion, disruption, and safety concerns. Given this, it is recommended that Council authorize the issuance of a variance to Section 901.3 of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the number of off-street loading spaces from 1 to 0, as shown on the attached Schedule 'A', subject to the property owner registering a covenant on the title of the property which requires off-street loading activities occur only from the south side of the subject property.


SUMMARY

This report relates to a Development Variance Permit application for the property located at 612 Cliff Avenue, Enderby BC. The applicant is requesting to vary the following Sections of the City of Enderby Zoning Bylaw No. 1550, 2014 as part of a proposed mixed-use development at 612 Cliff Avenue, Enderby BC, composed of a two-storey building with ground floor commercial and 3 dwelling units on the second storey:

- Section 901.2.a by increasing the maximum percentage of required parking spaces that can be made up of small-car parking from 40% to 50%;
- Section 901.2.b by waiving the requirement for right-angle off-street parking spaces to be serviced via an 8 m (26.25 foot) maneuvering aisle;
- Section 901.2.g.ii by reducing the minimum setback between a parking space and a dwelling from 1.5 m to 0.76 m;
- Section 901.3 by reducing the minimum number of off-street parking spaces from 11 to 4;
- Section 1001.4.a.i by reducing the number of off-street loading spaces from 1 to 0.

The City of Enderby Planner is recommending that Council support all of the variance requests, with several of them being subject to conditions.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner

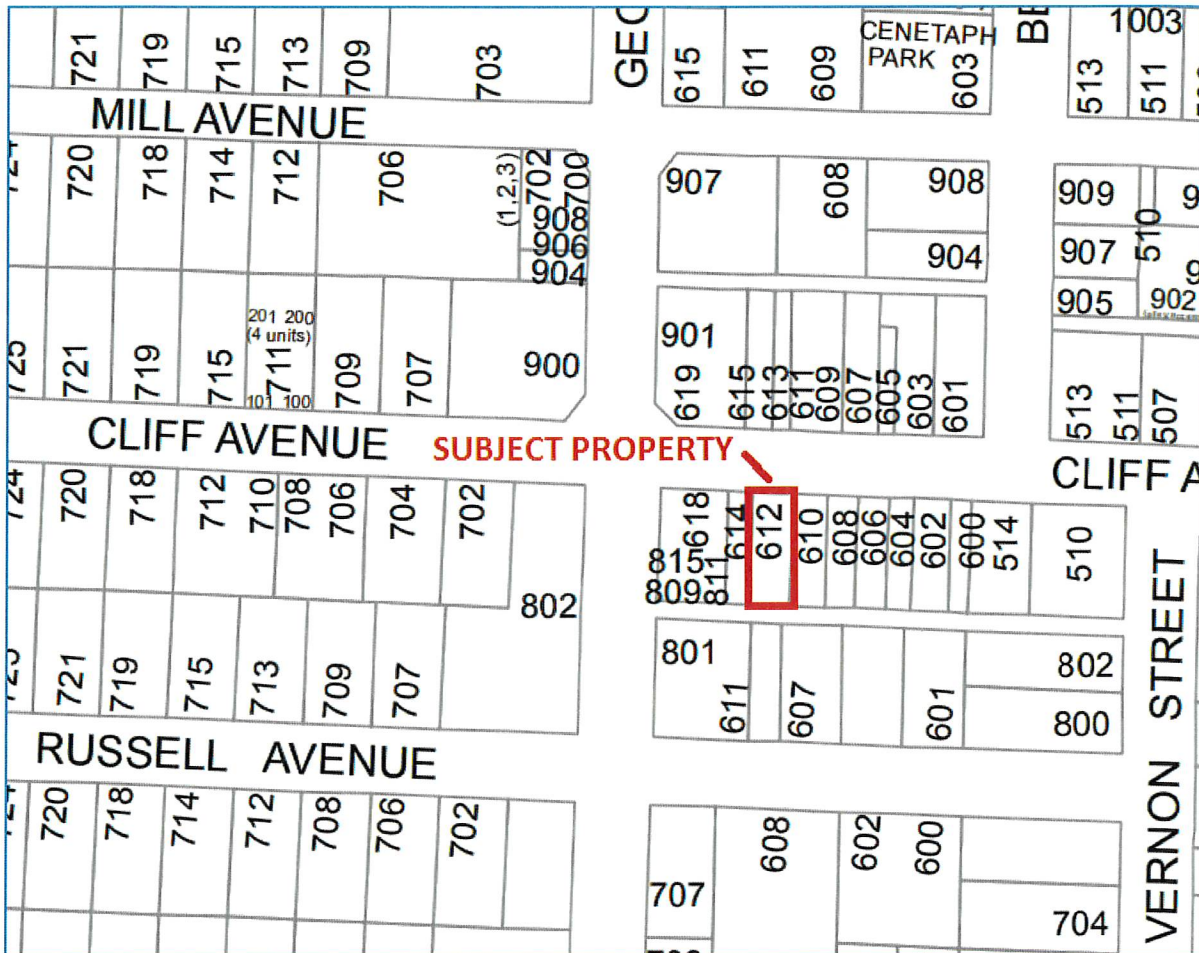
Reviewed By:



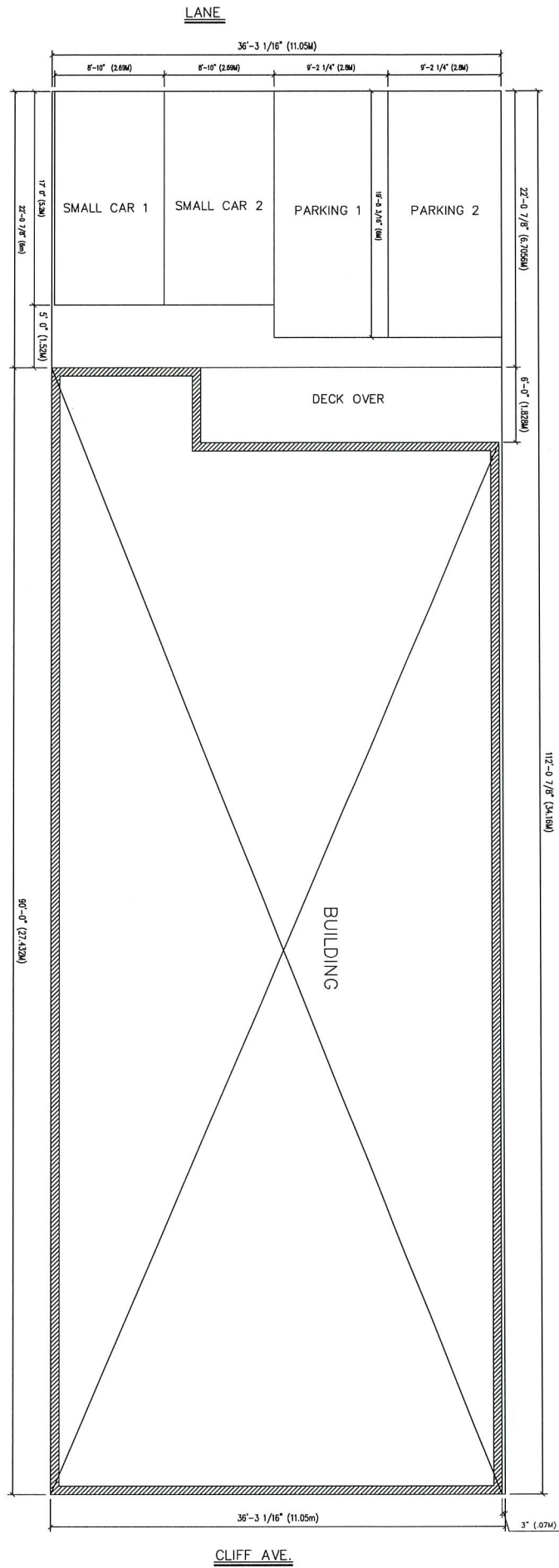
Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION
SUBJECT PROPERTY MAP

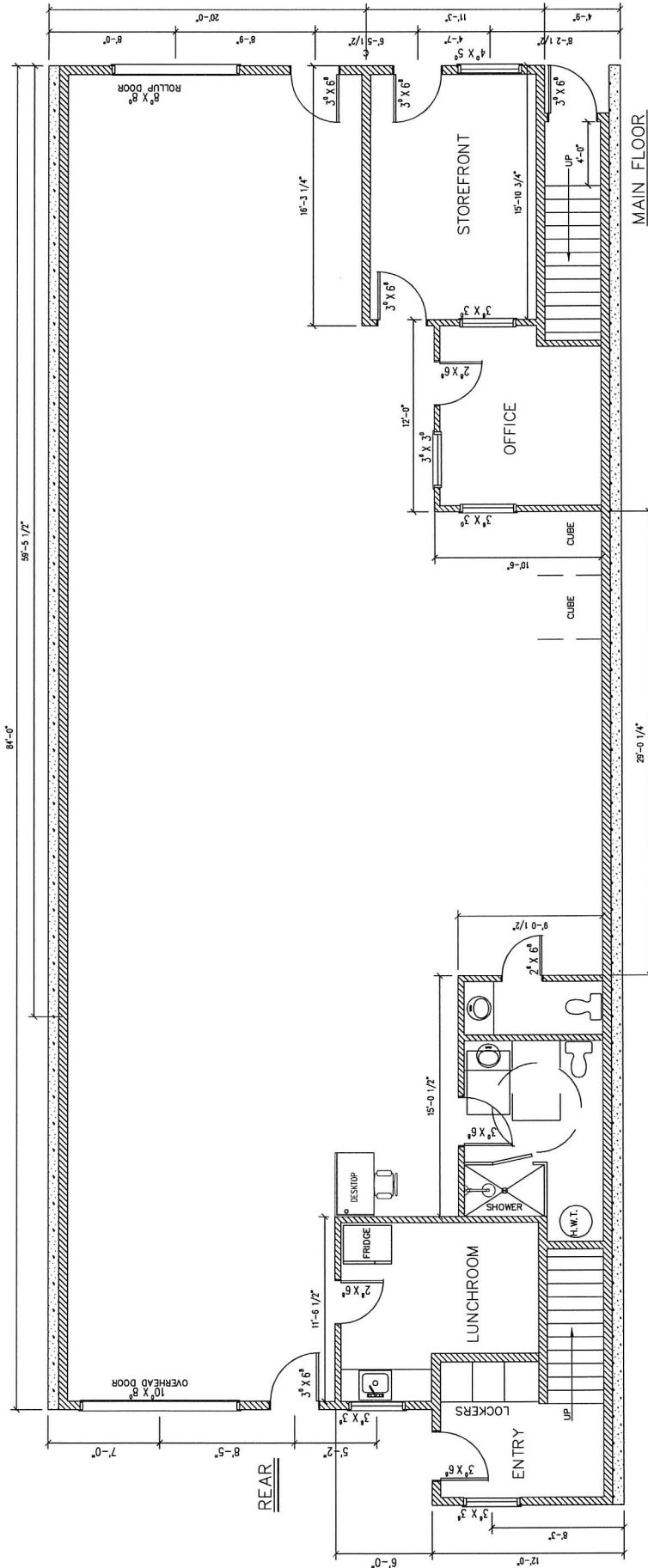
File: 0070-24-DVP-END
Applicant: Bradley Case
Owner: Brier Holdings Ltd.
Location: 612 Cliff Avenue, Enderby BC



Schedule 'A'

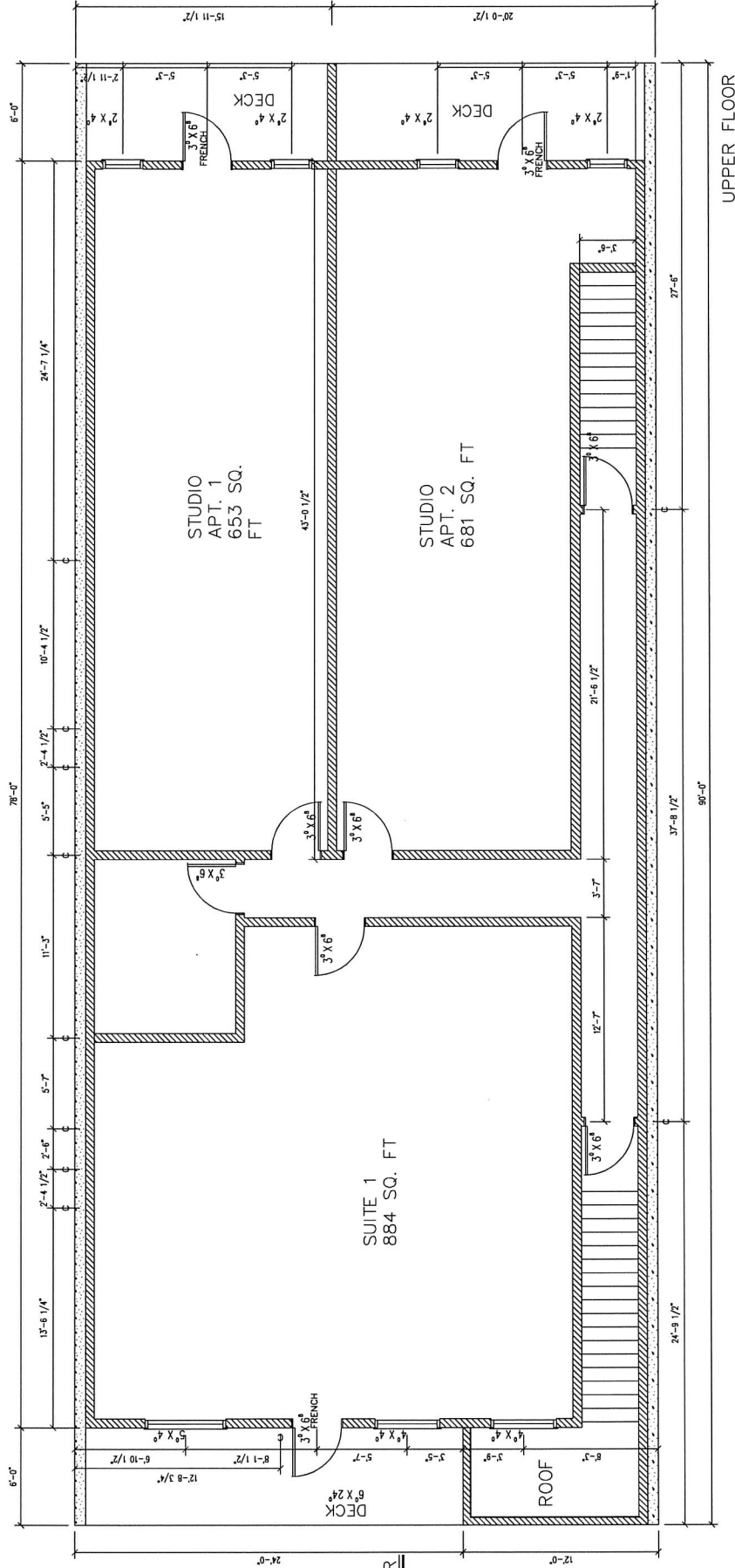


CASE HOLDINGS
612 CLIFF AVE.
NOT TO SCALE



BUILDING FOOTPRINT = 3696 SQ. FT.

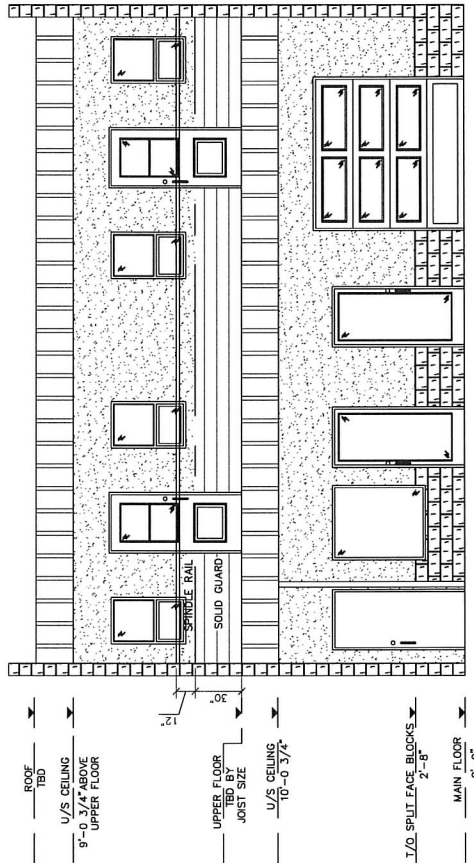
CASE HOLDINGS
 612 CLIFF AVE.
 NOT TO SCALE



CASE HOLDINGS
 612 CLIFF AVE.
 NOT TO SCALE



REAR ELEVATION



FRONT ELEVATION

ROOF TBD
 U/S CEILING 9'-0" 3/4" ABOVE UPPER FLOOR
 UPPER FLOOR TBD BY JOIST SIZE U/S CEILING 10'-0" 3/4"
 1/0 SPLIT FACE BLOCKS 2'-8"
 MAIN FLOOR 0'-0"

CASE HOLDINGS
 612 CLIFF AVE.
 NOT TO SCALE

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner
Date: August 29, 2024
Subject: Amendment to Development Variance Permit 0068-24-DVP-END

RECOMMENDATION

THAT Council amends Development Variance Permit 0068-24-DVP-END to clarify that the variances permitting an on-site sewage disposal system for the proposed subdivision at 247 Brickyard Road includes the provisions under Section 315 of the City of Enderby Zoning Bylaw No. 1550, 2014.

BACKGROUND

At its Regular Meeting of March 18, 2024, Enderby City Council considered a Development Variance Permit application for the property located at 247 Brickyard Road. The applicant is proposing to subdivide the property to create four lots, as shown on the attached Schedule 'A', and Council authorized variances to the following sections of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000:

- Section 4.0 of Schedule "A" and Schedule "B" by not requiring a connection to a community sanitary sewage system; and
- Section 4.2.9 of Schedule "A" by permitting an on-site sewage disposal system on a lot less than 2 hectares in size.

However, as part of the processing of the subdivision application for this property, it was determined that a variance to Section 315 of the City of Enderby Zoning Bylaw No. 1550, 2014 would also be required in order to permit a subdivision which creates lots less than 1 ha (2.471 acres) which are not connected to a community sewer system. As the applicant has not changed their proposal, and the additional variance is consistent with the variances permitted previously, it is recommended that Council amends Development Variance Permit 0068-24-DVP-END to clarify that the variances permitting an on-site sewage disposal system for the proposed subdivision at 247 Brickyard Road includes the provisions under Section 315 of the City of Enderby Zoning Bylaw No. 1550, 2014.

Respectfully Submitted,



Kurt Inglis
Planner

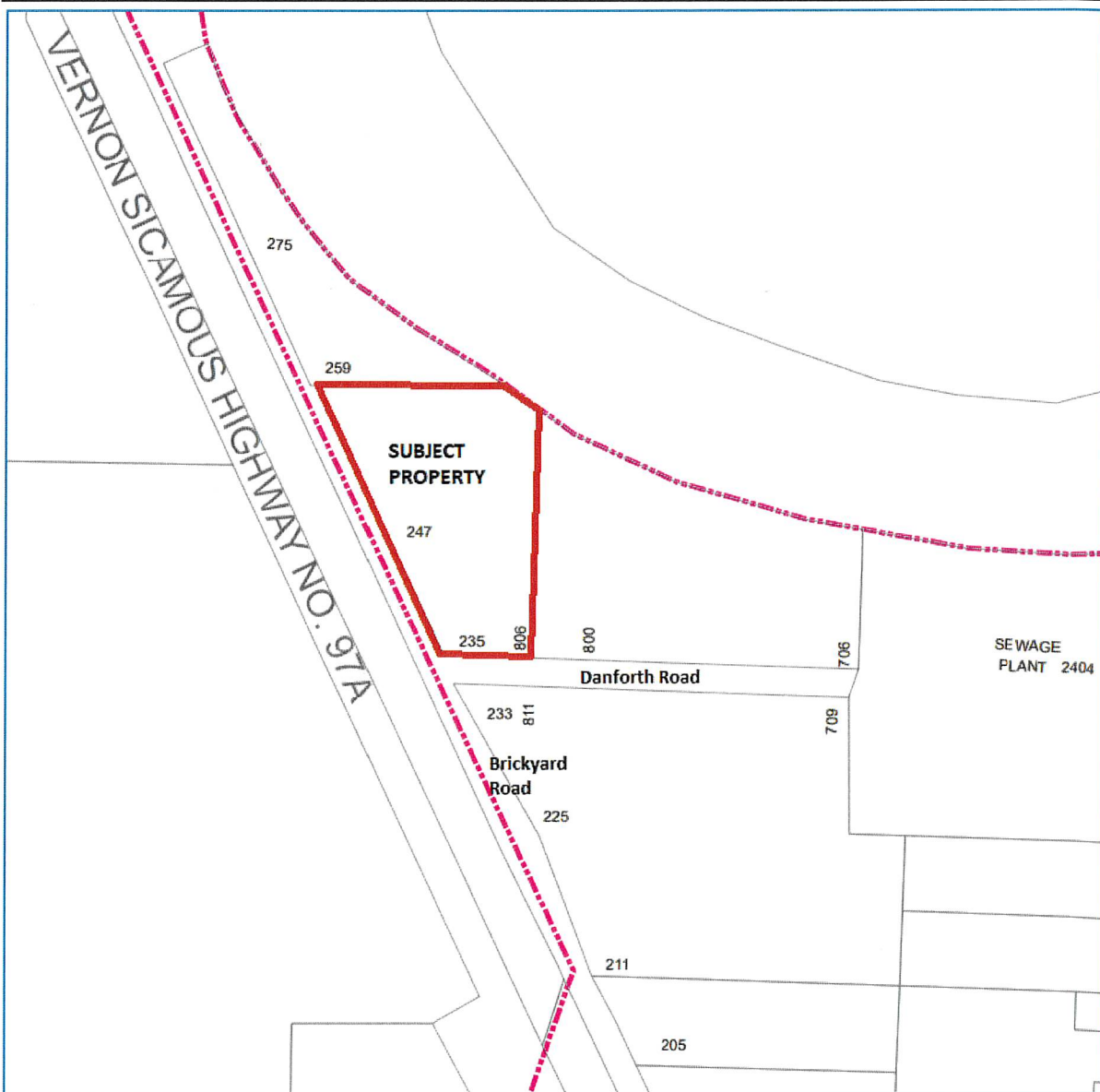
THE CORPORATION OF THE CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION
SUBJECT PROPERTY MAP

File: 0068-24-DVP-END (1834567 Holdings Ltd.)

Applicant: 1834567 Holdings Ltd.

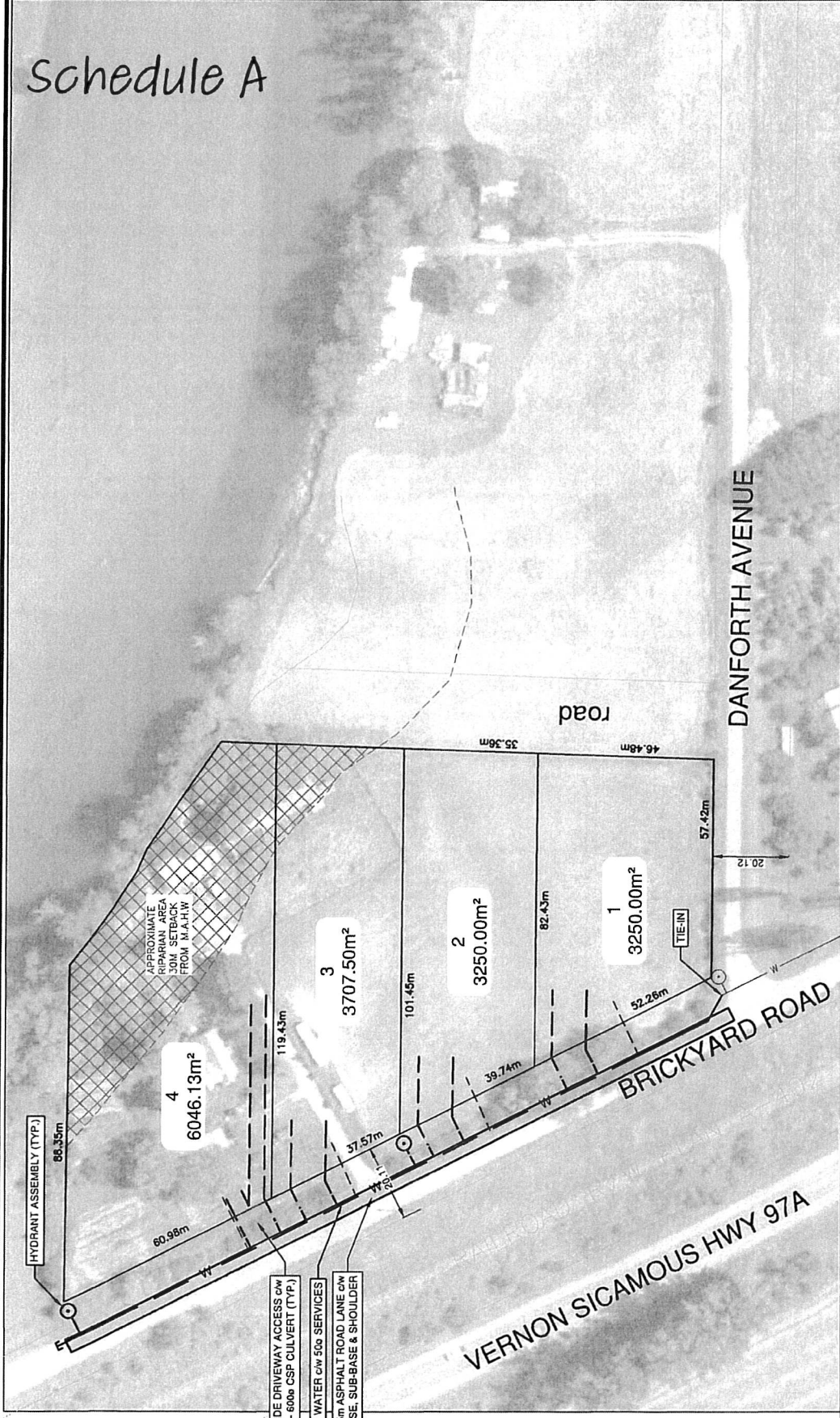
Owner: Cory M Holdings Ltd.

Location: 247 Brickyard Road, Enderby BC





Schedule A



NO.	DATE	DESCRIPTION	BY	APPD.

PROJECT NO. **TS24-2504**

DWG. NO. **C-1**

REVISION

GENTECH ENGINEERING INC. CIVIL ENGINEERING
 247 BRICKYARD ROAD
 ENDERBY, BC

PRELIMINARY LAYOUT PLAN

SCALE: 0 HORIZ. = 1:1000 40

PROFESSIONAL SEAL

COPYRIGHT RESERVED. THIS DESIGN AND PLANS IS AND AT ALL TIMES REMAINS THE PROPERTY OF GENTECH ENGINEERING INC. IT MAY NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT GENTECH ENGINEERING INC.'S CONSENT.
 EGB6 #1009246

- NOTES:**
- CONTRACTOR TO VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITIES WITH ALL UTILITY COMPANIES PRIOR TO DIGGING.
 - CONTRACTOR TO CO-ORDINATE UTILITY RELOCATION WORKS WITH UTILITY COMPANIES AS REQUIRED.
 - ALL CONSTRUCTION TO BE IN ACCORDANCE WITH CITY OF ENDERBY SERVICING AND DEVELOPMENT SERVICING BY-LAW.

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1798

A BYLAW TO AMEND FEES AND CHARGES BYLAW NO. 1479, 2010

WHEREAS Council of the City of Enderby has adopted "The City of Enderby Fees and Charges Bylaw No. 1479, 2010";

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "The City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1798, 2024".
2. Schedule "4" of the "City of Enderby Fees and Charges Bylaw No. 1479, 2010" is deleted and Schedule "4" attached to and forming part of this bylaw is substituted therefore.

READ a FIRST time this 19th day of August, 2024.

READ a SECOND time this 19th day of August, 2024.

READ a THIRD time this 19th day of August, 2024.

ADOPTED this _____ day of _____, 2024.

MAYOR

CORPORATE OFFICER

SCHEDULE 4
WATER USER FEES

Administered through the Water and Sprinkling Regulation Bylaw

USER FEES

Metered Rates

	<u>Flat Rate / Period</u>	<u>Consumption Rate / Period</u>
A. Single Family Residential		
Jan-Apr / Sep-Dec	\$ 81.07	\$ 0.61 / m ³ over 40 m ³ to 55 m ³ \$ 1.55 / m ³ over 55 m ³
May - Aug	\$ 81.07	\$ 0.61 / m ³ over 85 m ³ to 105 m ³ \$ 1.55 / m ³ over 105 m ³
B. Single Family Residential with Legalized Suite		
Jan-Apr / Sep-Dec	\$ 115.48	\$ 0.61 / m ³ over 65 m ³ to 80 m ³ \$ 1.55 / m ³ over 80 m ³
May - Aug	\$ 115.48	\$ 0.61 / m ³ over 105 m ³ to 125 m ³ \$ 1.55 / m ³ over 125 m ³ to
C. Strata Residential		
Jan-Apr / Sep-Dec	\$ 63.89	\$ 0.61 / m ³ over 30 m ³ to 40 m ³ \$ 1.55 / m ³ over 40 m ³
May - Aug	\$ 63.89	\$ 0.61 / m ³ over 70 m ³ to 80 m ³ \$ 1.55 / m ³ over 80 m ³
Irrigation:		
Metered		\$ 1.55 / m ³
Non-metered		\$ 1.55 / m ³ based on estimated volume
D. Multi Family Residential		
Jan-Apr / Sep-Dec	\$ 63.89	\$ 0.61 / m ³ over 30 m ³ to 40 m ³ \$ 1.55 / m ³ over 40 m ³
May - Aug	\$ 63.89	\$ 0.61 / m ³ over 70 m ³ to 80 m ³ \$ 1.55 / m ³ over 80 m ³
E. Business / Industrial	\$ 37.73	\$ 1.52 / m ³ over 24 m ³ to 60 m ³ \$ 0.71 / m ³ over 60 m ³
F. Business / Industrial with Residential	\$ 56.40	\$ 1.52 / m ³ over 35 m ³ to 60 m ³ \$ 0.71 / m ³ over 60 m ³
G. Institutional / Civic	\$ 37.73	\$ 1.52 / m ³ over 24 m ³ to 60 m ³ \$ 0.71 / m ³ over 60 m ³
Irrigation on separate meter		\$ 0.71 / m ³

H. Agricultural*

Properties with single family residential

Jan-Apr / Sep-Dec	\$ 88.44	\$ 0.61 / m ³ over 45 m ³
May - Aug	\$ 88.44	\$ 0.61 / m ³ over 90 m ³

Land only

Jan-Apr / Sep-Dec	\$ 0.61 / m ³	
May - Aug	\$ 0.61 / m ³	Irrigation

I. Home Hemodialysis**

\$ 0.61 / m³

* Agricultural rates are only applicable to properties classified as a "Farm" property by BC Assessment and are located within the City limits.

** Rate is subject to the City of Enderby having received a request from Interior Health and confirmation that a water meter has been installed on the patient's home hemodialysis unit to the satisfaction of the City of Enderby.

Non-Metered Rates

- Where metering is not possible, consumption is based on the average usage for the same property class.
- Where metering is possible, but refused, the user fee per period will be based on 450 m³ of consumption for the Jan - Apr and Sep - Dec periods and 900 m³ of consumption for the May – Aug period. These consumption amounts will increase by 25 m³ in the Jan - Apr and Sep - Dec periods and by 50 m³ in the May - Aug period each year.
- For properties located outside of City limits, an annual flat rate fee will be charged in addition to the User Fee. This flat rate fee will be equivalent to the annual frontage tax rate charged consistent with the City of Enderby Water Frontage Tax Bylaw and will be based on 100 feet of taxable frontage.

Late Penalty

Where payment is not made on or before the due date established by the Chief Financial Officer for each billing period there shall be payable a penalty of three (3%) percent on the total balance outstanding.

MISC. CHARGES

Connection Charge

- | | | |
|----|--|----------------------------------|
| a) | Inspection and Administration Fee | \$55.00 |
| | - Where a connection has been provided and paid for by a developer | |
| b) | Any additional work required | Cost plus 15% Administration Fee |

Failure or Refusal to Have a Water Meter Installed

\$750 over and above the cost of the water meter for the installation of the chamber plus any additional costs that pertain to installing the water meter outside the building.

Meter Reading Request

Per request \$25.00.

Hydrant Use

Water Usage

Application fee.....	\$50.00
Equipment Rental Fee per day or part thereof	\$30.00
Consumption Charge	\$ 3.00/m ³

* Fees shall not apply to a contractor retained by the City for City business.

Turn-On Turn-Off

Turn-Off for discontinuance of service.....	\$50.00
Turn-Off for temporary repairs.....	\$50.00
Turn-On	\$25.00

Note: No credit or rebate of charges paid or payable for the current calendar year will be granted following the cessation of service.

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner
Date: August 29, 2024
Subject: Bylaw Enforcement Statistics for Second Period of 2024 (May-Aug)

RECOMMENDATION

THAT Council receives and files the memorandum titled "Bylaw Enforcement Statistics for Second Period of 2024 (May-Aug)".

BACKGROUND

The bylaw enforcement statistics for the second period of 2024 (May-Aug) are attached to this memorandum as Appendix "A"; the highlights of these statistics are as follows:

- A total of 115 complaints were received from May to August of 2024, which is slightly less than the second period of 2023 (125 complaints);
- The most common complaints were related to unsightly properties, failure to maintain boulevards, and excessive noise (combined 51.3% of complaints);
- Of the 115 complaints, 94 (81.7%) were resolved through voluntary compliance or were already compliant upon investigation;
- Of the 115 complaints, 77 (67%) were identified by the Bylaw Enforcement Officer or Staff;
- The following enforcement measures were undertaken:
 - 14 warnings issued;
 - 7 Orders to Comply issued; and
 - 4 Bylaw Notices issued.

Respectfully Submitted,



Kurt Inglis
Planner

APPENDIX "A" - BYLAW COMPLAINT STATISTICS FOR SECOND PERIOD OF 2024 (MAY-AUG)

BREAKDOWN OF COMPLAINTS		
Category	No. of Complaints	Percentage of Complaints
Property	58	50.4%
Parking/traffic	16	13.9%
Dogs	13	11.3%
Public Spaces	13	11.3%
Nuisance	11	9.6%
Zoning	3	2.6%
Building	1	0.9%
TOTAL	115	
Identified By	Bylaw Enforcement / Staff	Public
	77 (67%)	38 (33%)

PROPERTY COMPLAINTS		
Type	No. of Complaints	Percentage of Property Complaints
Unsightly property	35	60.3%
Failure to maintain boulevard	13	22.4%
Sprinkling outside of permitted times	4	6.9%
Unlawful burning	3	5.2%
Deposit hazardous material	1	1.7%
Failure to remove wildlife attractant	1	1.7%
Rubbish overflowing from container	1	1.7%
TOTAL	58	

PARKING/TRAFFIC COMPLAINTS		
Type	No. of Complaints	Percentage of Parking/Traffic Complaints
Vegetation overhanging on to sidewalk	7	43.8%
Unlawful parking	5	31.3%
Detached trailer parking on roadway	3	18.8%
Deposit material on roadway	1	6.3%
TOTAL	16	

DOG COMPLAINTS		
Type	No. of Complaints	Percentage of Dog Complaints
Excessive Barking	7	53.8%
Dog on person attack	2	15.4%
Dog on dog attack	1	7.7%
Dog on cat attack	1	7.7%
Aggressive dog	1	7.7%
Dog at large	1	7.7%
TOTAL	13	
Complaints Per Jurisdiction	Enderby	Area 'F'
	8 (61.5%)	5 (38.5%)

PUBLIC SPACES COMPLAINTS		
Type	No. of Complaints	Percentage of Public Spaces Complaints
Taking Abode in a Public Space	9	69.2%
Unpermitted sandwich board on sidewalk	4	30.8%
TOTAL	13	

NUISANCE COMPLAINTS		
Type	No. of Complaints	Percentage of Nuisance Complaints
Excessive Noise	11	100%
TOTAL	11	

ZONING COMPLAINTS		
Type	No. of Complaints	Percentage of Zoning Complaints
Unlawful Use	2	66.6%
Unlawful Sign	1	33.3%
TOTAL	3	

BUILDING COMPLAINTS		
Type	No. of Complaints	Percentage of Building Complaints
Unlawful construction	1	100.0%
TOTAL	1	

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, CAO
From: Jennifer Bellamy, CFO
Date: August 27, 2024
Subject: Riverside RV Park – 2025 Camp Rates

RECOMMENDATION

THAT Council approves following camp rates (inclusive of GST) at the Riverside RV Park for the 2025 camping season:

Full Service Pull Through Site	\$ 46.00
Full Service Back In Site	\$ 44.00
Water and Power Site	\$ 42.00
Power Site	\$ 40.00
Tent Site	\$ 33.00

BACKGROUND

Revenues from the Riverside RV Park fund the operations of the RV Park, Visitor Centre and community events. Any profits realized over and above these functions, are either set aside to build up the financial resiliency of the RV Park or invested into the community in accordance with the Riverside RV Park Strategic Plan.

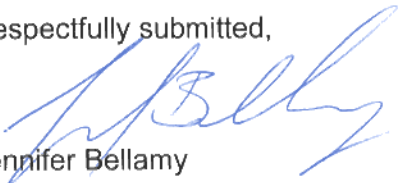
Although the camp rates charged currently cover the operating costs for these functions, as operating costs increase, less profits are available for financial resiliency and community investment. To continue to make progress on these objectives, the following camp rates are recommended for implementation for the 2025 season:

Site	Current Rate	Proposed Rate	Increase (\$)	Increase (%)
Full Service – Pull Through	44.00	46.00	2.00	4.5%
Full Service – Back In	42.00	44.00	2.00	4.8%
Water and Power	40.00	42.00	2.00	5.0%
Power	38.00	40.00	2.00	5.3%
Tent	32.00	33.00	1.00	3.1%

*Above prices are inclusive of GST

The proposed rates have been compared against nearby campgrounds to ensure they remain competitive and have been reviewed with the RV Park manager. The last fee increase implemented was for the 2023 season.

Respectfully submitted,



Jennifer Bellamy
Chief Financial Officer

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner
Date: August 28, 2024
Subject: Designation of Ghanshyam Kaushik as Bylaw Enforcement Officer and Animal Control Officer

RECOMMENDATION

THAT Council designates Ghanshyam Kaushik as a Bylaw Enforcement Officer and Animal Control Officer for the City of Enderby.

BACKGROUND

The City of Enderby currently contracts with SA Bylaw Services to provide bylaw enforcement and dog control services. Jonathan Hutton has been appointed to serve as the primary Bylaw Enforcement Officer and Animal Control Officer for the City and has been serving in this role since 2020. Salmon Arm Security has recently trained Ghanshyam Kaushik to serve as a back-up Officer in Mr. Hutton's absence.

Staff are recommending that Council designates Mr. Kaushik as a Bylaw Enforcement Officer so that he has the powers of such an Officer, pursuant to Section 264 of the *Community Charter* which states:

(1) A Council may, by bylaw,

(b) designate as a bylaw enforcement officer a person who comes within a class of persons prescribed by regulation[...]

Furthermore, it is recommended that Council designates Mr. Kaushik as an Animal Control Officer so that he has the powers granted to an Animal Control Officer under Section 49 [Special powers in relation to dangerous dogs] of the *Community Charter*.

Respectfully submitted,



Kurt Inglis
Planner

MEMO

To: Mayor and Council
From: Tate Bengtson, Chief Executive Officer
Date: August 29, 2024
Subject: City of Enderby Development Corporation Annual Information Meeting 2024

RECOMMENDATION

THAT Council, in its capacity as the sole shareholder of the City of Enderby Development Corporation, resolves:

1. THAT, in accordance with Article 10.2 of the City of Enderby Development Corporation's Articles of Incorporation, the shareholder consents to the business to be transacted at the annual general meeting, such that it is deemed to be held by this resolution and on the date of this resolution.
2. AND THAT the annual reference date for the City of Enderby Development Corporation is September 3, 2024.
3. AND THAT, in accordance with Article 10.3 of the City of Enderby Development Corporation's Articles of Incorporation, and in lieu of the annual general meeting, an annual information meeting is hereby held on September 3, 2024 with notice given in substantially the same form as that required for notice of special meetings under section 9 of the City of Enderby Procedure Bylaw No. 1732, 2021.
4. AND THAT, as there were no financial transactions for the City of Enderby Development Corporation for the fiscal year ended December 31, 2023 and the City of Enderby Development Corporation has no assets, liabilities and equity:
 - a) The appointment of auditors for the City of Enderby Development Corporation is waived in accordance with section 200 of the Business Corporations Act; and
 - b) The production and publication of financial statements for the City of Enderby Development Corporation is waived in accordance with section 203(2) of the Business Corporations Act.

5. AND THAT that the following persons, each of whom has consented in writing to act as a director, are appointed as directors of the City of Enderby Development Corporation, to hold office in the manner specified until the next annual general meeting of the City of Enderby Development Corporation or until their successors are appointed, subject to Article 14.6 of the City of Enderby Development Corporation's Articles of Incorporation:

Tate Bengtson (Chief Executive Officer)
Jennifer Bellamy (Chief Financial Officer)

6. AND FURTHER THAT all lawful acts, contracts, appointments, and payments of money by the directors of the City of Enderby Development Corporation, if any, since the last annual reference period, which coincides with the date of the recognition of the City of Enderby Development Corporation, and which have previously been disclosed to the shareholder, are hereby adopted, ratified, and confirmed.

BACKGROUND

The City of Enderby formed the City of Enderby Development Corporation in 2019 ("the Company"), with the approval of the Province's Inspector of Municipalities. The intent of the Company is to pursue economic and social development for the community, as well as generate non-tax revenue streams.

The Company is intended to enable the development of non-tax revenue streams while insulating the taxpayer from the risks associated with a business venture; an example of this could be a community forest, for instance. As there are administrative and cost burdens associated with a fully active municipal development corporation, the Company is being kept in a state of dormancy until those business opportunities arise. In other words, the significant groundwork involved in creating the Company has been completed so that can be called upon to serve its intended purpose quickly.

In the meantime, there are a series of procedural requirements that need to be carried out on an annual basis in order to ensure that Company remains a legal entity that is compliant with its enabling legislation; these requirements are relatively minimal for so long as the Company is effectively inactive but increase significantly once transactions and contracts occur.

Two directors are appointed and hold office as Chief Executive Officer and Chief Financial Officer; the directors of the Company are not sufficient to meet quorum and are limited to: activities related to maintaining the Company's corporate status; calling a meeting for the purposes of enabling the shareholder to elect or appoint directors to fill vacancies; and managing or supervising the business and affairs of the Company, if any.

Pursuant to section 182(1) of the Business Corporations Act, the Company must hold an annual general meeting at least once in each calendar year and not more than 15 months after the annual reference date for the preceding calendar year. The Company's Articles of Incorporation provide that an annual general meeting may be waived if an annual information meeting is held.

Pursuant to section 200 of the Business Corporations Act, directors are relieved from the obligation to produce financial statements if there is a unanimous resolution of the shareholders.

Similarly, pursuant to section 203(2) of the Business Corporations Act, a unanimous resolution of the shareholders waives the requirement to appoint an auditor for one financial year.

The above resolution is intended to complete the annual obligations of the Company. This approach minimizes costs until an opportunity arises for the Company to engage in business, at which point it will need to fund its expenses from its own revenues or receive assistance from the City of Enderby pursuant to its partnering agreement.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Tate Bengtson', written in a cursive style.

Tate Bengtson
Chief Executive Officer