



REGULAR MEETING OF COUNCIL

AGENDA

DATE: Monday, October 2, 2017
TIME: 4:30 p.m.
LOCATION: Council Chambers, Enderby City Hall

1. APPROVAL OF AGENDA

2. ADOPTION OF MINUTES

[Regular Meeting Minutes of September 18, 2017](#)

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3. PUBLIC AND STATUTORY HEARINGS

4. PETITIONS AND DELEGATIONS

5. DEVELOPMENT MATTERS

[207 George Street – Discharge of Covenant KM48193](#) – Memo from Planner and Deputy Corporate Officer dated September 28, 2017

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6. BUSINESS ARISING FROM THE MINUTES AND/OR UNFINISHED BUSINESS

7. BYLAWS – 3 Readings

[Permissive Tax Exemption Bylaw No. 1641, 2017](#)

A bylaw to exempt certain properties from taxation for 2018

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8. REPORTS

Mayor and Council

9. NEW BUSINESS

10. PUBLIC QUESTION PERIOD

11. CLOSED MEETING RESOLUTION

Closed to the public, pursuant to Section 90 (1) (k) of the *Community Charter*

12. ADJOURNMENT

THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, September 18, 2017 at 4:30 p.m. in the Council Chambers of City Hall

Present: Mayor Greg McCune
Councillor Tundra Baird
Councillor Brad Case
Councillor Roxanne Davyduke
Councillor Raquel Knust
Councillor Brian Schreiner
Councillor Shawn Shishido

Chief Administrative Officer – Tate Bengtson
Planner and Assistant Corporate Officer – Kurt Inglis
Recording Secretary – Bettyann Kennedy
The Press

APPROVAL OF AGENDA

The following item was added to the agenda under New Business:

- Myeloma Walk – request for ad on digital billboard
- Enderby Fire Society – Request for Letter of Support
- Adams River Salmon Society – Proclamation: “Month of the Returning Salmon”

Moved by Councillor Baird, seconded by Councillor Schreiner that the agenda be approved as amended.

Carried

ADOPTION OF MINUTES

Regular Meeting Minutes of September 5, 2017

Moved by Councillor Schreiner, seconded by Councillor Case that the minutes of the regular meeting of September 5, 2017 be adopted as circulated.

Carried

BYLAWS – Adoption

Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1636, 2017

A bylaw to amend Zoning Bylaw No. 1550, 2014 with policy for detached suites, short-term rentals, marijuana-related businesses, nuisances in all zones, and minor housekeeping items

Moved by Councillor Case, seconded by Councillor Davyduke that Zoning Bylaw No. 1550, 2014 Amendment Bylaw No, 1636, 2017 be adopted.

Carried

Streets and Traffic Bylaw No. 1471, 2010 Amendment Bylaw No. 1639, 2017

A bylaw to amend Streets and Traffic Bylaw No. 1471, 2010

Moved by Councillor Baird, seconded by Councillor Shishido that Streets and Traffic Bylaw No. 1471, 2010 Amendment Bylaw No. 1639, 2017 be adopted.

Carried

Stormwater Protection and Drainage Regulation Bylaw No. 1640, 2017
A bylaw to protect stormwater and regulate drainage

Moved by Councillor Knust, seconded by Councillor Davyduke that Stormwater Protection and Drainage Regulation Bylaw No. 1640, 2017 be adopted.

Carried

REPORTS

Public Hearing Notes – September 5, 2017

Moved by Councillor Baird, seconded by Councillor Case that the Public Hearing Notes of September 5, 2017 be received and filed.

Carried

Building Permit Detail Report – August 2017

Moved by Councillor Case, seconded by Councillor Schreiner that the report be received and filed.

Carried

NEW BUSINESS

Green Communities Committee – Correspondence dated September 1, 2017
Re: Level 2 Recognition

Moved by Councillor Shishido, seconded by Councillor Davyduke that the correspondence be received and filed.

Carried

Detached Suites Policy – Memo from Planner and Deputy Corporate Officer dated September 13, 2017

Moved by Councillor Knust, seconded by Councillor Shishido that Council adopt the Detached Suites Policy as presented.

Carried

Proposed Date and Time for 2017 Business Walk – Memo from Planner and Deputy Corporate Officer dated September 13, 2017

Moved by Councillor Case, seconded by Councillor Baird that the 2017 Business Walk take place Thursday, October 19, 2017 from 10:00 am – 12:00 pm;

AND THAT the Enderby and District Chamber of Commerce be advised of the date and time of the 2017 Business Walk and be invited to participate.

Carried

Late Item: Myeloma Canada “Walk the Walk” – Request for Advertising on Digital Billboard

Moved by Councillor Schreiner, seconded by Councillor Knust that Council approve Digital Billboard Sponsorship for Myeloma Canada valued at \$2,100.

Carried

Late Item: Enderby Fire Society – Request for Letter of Support

Moved by Councillor Case, seconded by Councillor Davyduke that the City issues a letter of support for the Enderby Fire Rescue Society for the fundraising project to raise \$600,000 for a Fire Hall expansion.

Carried

Late Item: Adams River Salmon Society – Proclamation: Month of the Returning Salmon

Moved by Councillor Baird, seconded by Councillor Shishido that Council declares October 2017 as the Month of the Returning Salmon in Enderby.

Carried

Mayor McCune publicly proclaimed October 2017 as “Month of the Returning Salmon” in Enderby.

PUBLIC QUESTION PERIOD

None

CLOSED MEETING RESOLUTION

Moved by Councillor Case, seconded by Councillor Shishido 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) (k) and 90 (2) (b) of the *Community Charter*.

Carried

ADJOURNMENT

The regular meeting reconvened at 6:25 p.m.

Moved by Councillor Case, seconded by Councillor Knust that the regular meeting adjourn at 6:25 p.m.

Carried

MAYOR

CHIEF ADMINISTRATIVE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner and Deputy Corporate Officer
Date: September 28, 2017
Subject: 207 George Street - Discharge of Covenant KM48193

RECOMMENDATION

THAT the Corporate Officer be authorized to register Section 219 Covenants (No Transfer) on the titles of the properties legally described as Lot 1, District Lot 150, KDYD, Plan KAP61900 (located at 207 George Street) and Lot 2, District Lot 150, KDYD, Plan KAP61900 (located at 204 Vernon Street) which would:

- i. Restrict the transfer of either parcel unless the parcels are transferred concurrently to the same purchaser; and
- ii. Restrict access to 207 George Street to only off of Vernon Street unless and until a sufficient portion of First Avenue is constructed to provide for an approved access in accordance with the Preliminary Layout Approval dated October 3, 1997.

AND THAT Council authorizes the Corporate Officer to discharge Covenant KM48193 registered on the title of the property legally defined as Lot 1, District Lot 150, KDYD, Plan KAP61900 (located at 207 George Street), conditional upon the registration of the Section 219 Covenants (No Transfer) described above.

BACKGROUND

In 1998, the property legally described as Lot 1, District Lot 150, KDYD, Plan KAP61900 and located at 207 George Street was created through a 2-lot subdivision. During the subdivision application process, the Ministry of Transportation and Infrastructure identified concerns related to access and advised the City of Enderby Approving Officer that there was to be no direct access off of Highway 97A for the subject property; in response to this, the Preliminary Layout Approval issued by the Approving Officer (attached) required the following:

- A 25 m wide road dedication along the property's southerly boundary (First Avenue); and
- The registration of a restrictive covenant which prohibits development on the site until such time as a portion of First Avenue is constructed which would allow for driveway access off of this road.

The intent of the restrictive covenant was to ensure that development of the site did not occur until reasonable access was demonstrated via First Avenue, given that direct access off of an arterial highway was not viable in the Ministry's opinion.

The applicant met the conditions of the Preliminary Layout Approval by dedicating 25 m along the southern property boundary for road purposes (i.e. First Avenue) and registering Covenant KM48193 on the title of 207 George Street (hereafter referred to as the 'No Build Covenant') which restricted development of the

site until a portion of First Avenue had been constructed, and the subdivision was ultimately approved. The site currently remains undeveloped and no portion of First Avenue has been constructed; given this, the No Build Covenant remains on title.

The City has received a request from Dwayne Baumle, owner of 204 Vernon Street and agent acting on behalf of the owner of 207 George Street, to discharge the No Build Covenant registered on the title of 207 George Street. Mr. Baumle has advised that the purpose of the request is to facilitate his purchase of the property, such that he could expand his existing business at 204 Vernon Street (Cedar Solutions & Millworks) onto 207 George Street; the expansion would involve using 207 George Street for the purposes of outdoor lumber storage. Given that the No Build Covenant restricts development of the site such that there can be no improvements, to the extent that it prohibits the grading of the property and the erection of fencing/screening, Mr. Baumle's proposed use is dependent upon the covenant's discharge.

It should be noted that in 2004, Mr. Baumle owned 207 George Street and had similar plans of using this property for outdoor lumber storage purposes in conjunction with his business at 204 Vernon Street. In order to facilitate this previous proposal, Mr. Baumle applied to Council to rezone 207 George Street to the Service Commercial (C.4) zone and to amend the text of the Zoning Bylaw to allow a lumber storage use to take place outside of an enclosed building; the bylaws associated with the proposed rezoning and zoning text amendment were adopted by Council at the regular meeting of October 4, 2004. Ultimately, 207 George Street was never used for outdoor lumber storage purposes and Mr. Baumle subsequently sold the property to the current owner. However, outdoor lumber storage remains a permitted use within this Service Commercial (C.4) zone.

With regards to the recent request to discharge the No Build Covenant, Mr. Baumle is in a unique position in that his property at 204 Vernon Street can be used to provide access to 207 George Street via Vernon Street. It is Staff's opinion that if reasonable access to 207 George Street is able to be demonstrated off of Vernon Street, then the intent of the No Build Covenant has been satisfied and it could then be discharged.

Staff are recommending that Council authorize the discharge of the No Build Covenant registered on the title of 207 George Street, subject to the registration of Section 219 Covenants (No Transfer) on the titles of 207 George Street and 204 George Street which would:

- i. Restrict the transfer of either parcel unless the parcels are transferred concurrently to the same purchaser; and
- ii. Restrict access to 207 George Street to only off of Vernon Street unless and until a sufficient portion of First Avenue is constructed to provide for an approved access in accordance with the Preliminary Layout Approval dated October 3, 1997.

By restricting the transfer of either parcel unless the parcels are transferred concurrently to the same purchaser (i.e. could not sell one lot without the other), the lots are in effect consolidated and access to 207 George Street via Vernon Street is preserved for the duration of the covenant (which could only be terminated with the consent of the City or otherwise by court order under certain conditions); this approach would replicate the functional intent of the original No Build Covenant (requiring reasonable access), while providing that the No Transfer Covenant could be discharged if First Avenue were to be constructed and suitable access to 207 George Street provided.

Staff have consulted with the Ministry of Transportation and Infrastructure regarding the proposal; the District Development Technician with the Ministry verbally advised City Staff that she was supportive of the proposal. Although the Ministry is not party to the No Build Covenant (i.e. City could discharge the covenant without the support of the Ministry), Staff felt it prudent to engage with the Ministry given the background on this file.

If Council does not authorize the discharge of the No Build Covenant over 207 George Street, the site would in all likelihood remain undeveloped until such time as market pressures were significant enough for a developer to justify the costs related to constructing a portion of First Avenue, at which point the No Build Covenant could be discharged. The costs of constructing roads to service new development are generally borne by developers and the roads are then turned over to the City as a public asset. In the case of First Avenue, Staff do not anticipate circumstances in the short to medium term where the City would construct First Avenue independent of a private developer.

Should Council authorize the discharge of the No Build Covenant over 207 George Street, and Mr. Baumle were to purchase the property and proceed with expanding his business onto the site for the purposes of outdoor lumber storage, there are a number of zoning bylaw requirements that would apply to this development, including:

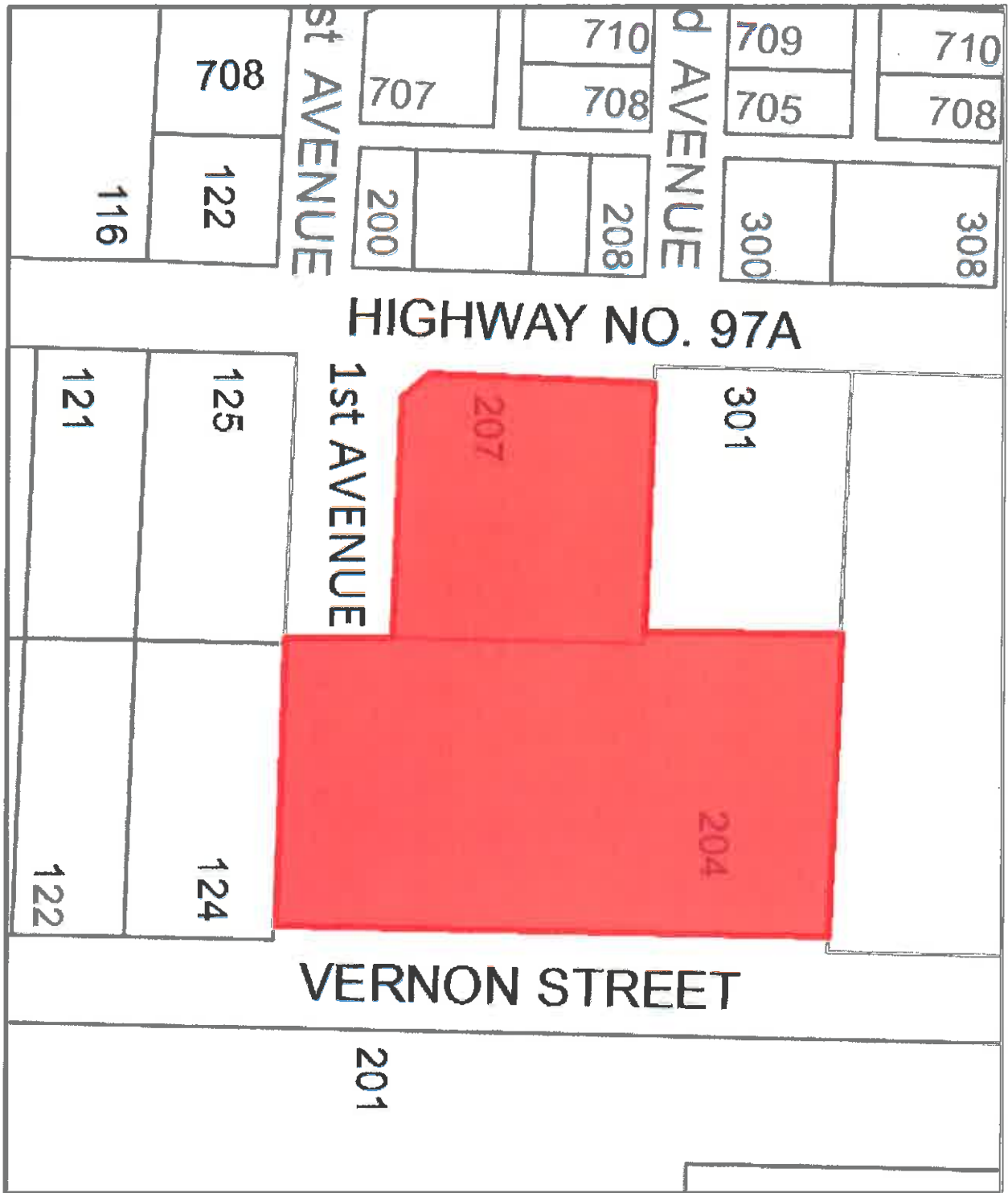
- Screening the areas of the lot used for outdoor lumber storage;
- Prohibiting the piling of materials above required screening;
- Landscaping any areas of the lot not used for buildings, display, parking, or access driveways;
- Providing landscaped buffer areas adjacent to the neighbouring multi-family development, George Street, and the First Avenue dedication;
- Meeting minimum setbacks from property lines for any proposed structures (including lumber storage racks); and
- Potentially other requirements, depending upon the specifics of the applicant's proposal.

Please note that if Council is strongly opposed to the use of 207 George Street for outdoor lumber storage purposes, Council may choose to direct Staff to prepare a Zoning Text Amendment Bylaw to remove outdoor lumber storage as a permitted use within the Service Commercial (C.4) zone.

Respectfully Submitted,



Kurt Inglis
Planner and Deputy Corporate Officer



THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1641

A bylaw of the Corporation of the City of Enderby to exempt certain properties from taxation for the year 2018.

WHEREAS Section 224 of the Community Charter provides that Council may by bylaw grant exemption from taxation of certain land or improvements or both;

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

- a. **Folio 208.0020.000** - Lot 1, Plan KAP67159, DL 150 [PID 024-819-310] [1104 Belvedere Street]. Registered Owner and Occupier - **Pioneer Place Society**.
- b. **Folio 208.0023.022** - Lot A, Plan KAP54361, DL 150 [PID 023-025-930] [606 Stanley Avenue]. Registered Owner and Occupier - **Enderby & District Senior Citizens Complex**.
- c. **Folio 208.0294.000** - Lot 3, Block 16, Plan KAP211A, DL 150, KDYD, Except Plan B5857 Lot 2, Block 16, Plan KAP211A, DL 150, KDYD [PID 012-594-059 & PID 012-594-067] [1101 George Street]. Registered Owner and Occupier - **Enderby & District Senior Citizens Complex**.
- d. **Folio 208.0607.007** - Lot 1, Plan KAP77756, DL 150, [PID 026-240-319] [708 Granville Avenue]. Registered Owner – **Provincial Rental Housing Corp.** Occupier – **Enderby Seniors Housing Society**. Phase 2 improvements to be 100% exempt only.
- e. **Folio 208.0590.500** - Lot 5, Plan KAP6406, DL 150 [PID 010-101-578] [507 Mill Avenue]. Registered Owner and Occupier - **Enderby Fraternal Hall Society**.
- f. **Folio 208.0017.000** - Lot 30, Plan KAP211, DL 150 [PID 012-454-842] [909 Belvedere Street]. Registered Owner and Occupier - **Royal Canadian Legion Branch #98**. Class 8 portion of property to be 100% exempt.
- g. **Folio 208.0298.000** - Lot 5, Block 16, Plan KAP211A, DL 150 [PID 005-363-195] [606 Regent Avenue]. Registered Owner and Occupier - **St Andrew's United Church – c/o Trustees**.
- h. **Folio 208.0018.000** - Lot 31, Plan KAP211, DL 150 [PID 005-363-187] [1110 Belvedere Street]. Registered Owner and Occupier - **St Andrew's United Church – c/o Trustees**.
- i. **Folio 208.0113.100** - Lot Z, Plan KAP211A [PID 012-591-904] [706 Mill Avenue]. Registered Owner and Occupier - **Enderby Evangelical Chapel**.

- j. **Folio 208.0358.004** - Lot 1, Plan KAP27530, DL 150 [PID 004-825-683] [602 Knight Avenue]. Registered Owner and Occupier – **Synod of the Diocese of Kootenay**.
- k. **Folio 208.0356.000** - Lot 2, Plan KAP20377, Section 26, Township 18, Range 9, Meridian W6 [PID 003-932-150] [608 Knight Avenue]. Registered Owner and Occupier – **Synod of the Diocese of Kootenay**.
- l. **Folio 208.0607.100** - Lot 1, Plan KAP10055, DL 150 [PID 009-593-764] [115 George Street]. Registered Owner and Occupier - **Trustees of the Enderby Congregation of Jehovah's Witnesses**.
- m. **Folio 208.0618.200** - Lot 1, Plan KAP12491, DL 150 [PID 009-422-323] [1406 George Street]. Registered Owner and Occupier - **Roman Catholic Bishop of Kamloops**.
- n. **Folio 208.0269.100** - Lot 4, Block 14, Plan KAP211A, DL 150 [PID 009-553-479 & PID 012-593-851] [907 George Street]. Registered Owner - **172965 Canada Limited c/o Imperial Oil Limited**. Occupier - **The Corporation of the City of Enderby** (Parking lot behind City Hall).
- o. **Folio 208.0492.000** - Lot 1, Block 3, Plan KAP920, DL 150 [PID 009-974-148] [208 George Street]. Registered Owner - **The Corporation of the City of Enderby**. Occupier – **Enderby Drill Hall Committee** (Drill Hall).
- p. **Folio 208.0493.000** - Lot 2, Block 3, Plan KAP920, DL 150 [PID 009-974-164] [206 George Street]. Registered Owner - **The Corporation of the City of Enderby**. Occupier – **Enderby Drill Hall Committee** (Drill Hall Parking Lot).
- q. **Folio 208.0494.000** - Lot 3, Block 3, Plan KAP920, DL 150 [PID 009-974-083] [204 George Street]. Registered Owner - **The Corporation of the City of Enderby**. Occupier - **Enderby Drill Hall Committee** (Drill Hall Parking Lot).
- r. **Folio 208.0270.000** - Lot 2, Block 14, Plan KAP211A, DL 150, KDYD, REFERENCE POSTING PLAN KAP37747 Lot 3, Block 14, Plan KAP211A, DL 150, KDYD, EXCEPT THE EASTERLY 30.3 FEET THEREOF. REFERENCE POSTING PLAN KAP37747 [PID 012-593-877 & PID 012-593-842] [903 George Street]. Registered Owner - **The Corporation of the City of Enderby**. Occupier – **Enderby & District Community Museum Society**.
- s. **Folio 208.0602.000** - Lot 2, Plan KAP211B, DL 149, KDYD, EXC SHUSWAP AND OKANAGAN RAILWAY R/W AS SHOWN ON PL OF BELVEDERE Lot 3, Plan KAP211B, DL 149, KDYD, EXCEPT SHUSWAP AND OKANAGAN RAILWAY R/W AS SHOWN ON PLAN OF BELVEDERE Lot 4, Plan KAP211B, DL 149, KDYD, EXCEPT SHUSWAP AND OKANAGAN RAILWAY R/W AS SHOWN ON PLAN OF BELVEDERE Lot 1, Plan KAP211B, DL 149, KDYD, EXC THE R/W OF THE SHUSWAP AND OKANAGAN RAILWAY AS SHOWN ON THE PLAN OF SAID TOWNSITE OF BELVIDERE, KDYD, LICENSE TO OCCUPY ALL THAT UNSURVEYED CROWN FORESHORE BEING PT OF THE BED OF THE SHUSWAP RIVER AND FRONTING LOTS 1, 2, 3 & 4 DL149 CONTAINING 1.00 HA +/- FOR PUBLIC RECREATION & PUBLIC BOAT

LAUNCH PURPOSES, Lease/Permit/Licence #345675 [PID 012-826-901, PID 012-826-910 & PID 012-826-928] [700 Railway Street]. Registered Owner - **The Corporation of the City of Enderby**. Occupier – **Enderby & District Chamber of Commerce** (Information Centre).

- t. **Folio 208.0212.000** - Lot 9, Block 11, Plan KAP211A, DL 150 KDYD Lot 8, Block 11, Plan KAP211A, DL149-150, KDYD [PID 012-453-463 & PID 012-453-447] [703 Old Vernon Street]. Registered Owner and Occupier - **Seventh-day Adventist Church (BC Conference)**. 50% of the land to be exempt and 70% of improvements to be exempt.
2. The term of the exemptions shall be for one year and shall be reviewed on an annual basis.
 3. This bylaw may be cited as the **“City of Enderby 2018 Tax Exemption Bylaw No. 1641, 2017”**.
 4. **“City of Enderby 2017 Tax Exemption Bylaw No. 1613, 2016”** is hereby repealed.

READ A FIRST TIME this ____ day of October, 2017;

READ A SECOND TIME this ____ day of October, 2017;

READ A THIRD TIME this ____ day of October, 2017;

ADOPTED this ____ day of October, 2017.

MAYOR

CHIEF ADMINISTRATIVE OFFICER