



## REGULAR MEETING OF COUNCIL

### AGENDA

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**DATE:** Monday, March 5, 2018  
**TIME:** 4:30 p.m.  
**LOCATION:** Council Chambers, Enderby City Hall

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**1. APPROVAL OF AGENDA**

**2. ADOPTION OF MINUTES**

[Regular Meeting Minutes of February 19, 2018](#)

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**3. PUBLIC AND STATUTORY HEARINGS**

**4. PETITIONS AND DELEGATIONS**

**5. DEVELOPMENT MATTERS**

[0014-18-DVP-END](#) (Development Variance Permit)

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- Lot E, Sec 27, Township 18, Range 9, W6M, KDYD, Plan 5293 Except: (1) Parcel G(DD 152175F and Plan B68998, (2) Plans 7600, 10853, 17166, 28974 and KAP46393 – 16 Purnell Drive;
- Parcel G (DD152175F and Plan B6998) of Lot E, Section 27, Township 18, Range 9, W6M, KDYD, Plan 5293 Except Plan KAP59464 – 24 Purnell Drive;
- Lot 1, Section 27, Township 18, Range 9, W6M, KDYD, Plan KAP46912 – 99 Gunter Ellison Road

Applicants: Del and Coleen Purnell

Co-Applicants: Dale Baker and Bonny Kilgour

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

**7. BYLAWS – 3<sup>rd</sup> Reading**

[Development Cost Charges Bylaw No. 1646, 2018](#)

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A bylaw to impose development cost charges

[Development Cost Charges Waivers and Reductions Bylaw No. 1647, 2018](#)

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A bylaw to waive or reduce development cost charges

**BYLAWS – Adoption**

[Good Neighbour Bylaw No. 1517, 2013 Amendment Bylaw No. 1648, 2018](#)

pg 37-39

A bylaw to amend Good Neighbour Bylaw No. 1517, 2013

**BYLAWS – 3 Readings**

[Parks, Recreation and Culture Fees Imposition Bylaw No. 1578, 2015 Amendment  
Bylaw No. 1649, 2018](#)

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A bylaw to amend Parks, Recreation and Culture Fees Imposition Bylaw No. 1578, 2015

**8. REPORTS**

Mayor and Council

**9. NEW BUSINESS**

[City of Salmon Arm](#) – Correspondence dated February 13, 2018

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Re: Support for Flexible Ride-Sharing Regulation

[Little Free Library Request – Literacy Alliance of the Shuswap Society](#) – Memo from  
Planner and Deputy Corporate Officer dated March 1, 2018

pg 44-49

**10. PUBLIC QUESTION PERIOD**

**11. CLOSED MEETING RESOLUTION**

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

**12. ADJOURNMENT**

## THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, February 19, 2018 at 4:30 p.m. in the Council Chambers of City Hall

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Present: Mayor Greg McCune  
Councillor Tundra Baird  
Councillor Brad Case  
Councillor Roxanne Davyduke  
Councillor Brian Schreiner

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

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### **APPROVAL OF AGENDA**

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

- Village of Chase – support for ride-sharing

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

Carried

### **ADOPTION OF MINUTES**

Regular Meeting Minutes of February 5, 2018

Moved by Councillor Baird, seconded by Councillor Schreiner that the minutes of the regular meeting of February 5, 2018 be adopted as circulated.

Carried

### **PETITIONS AND DELEGATIONS**

Kindale Development Association – Cindy Masters, Development Officer

Re: Presentation of Commemorative Plaque for Random Acts of Kindness in 2017

Ms. Masters reported that Kindale received Canada 150 grant funds for a project they called “Random Acts of Kindness” (RAK). Their goal was to encourage 150 RAKs in Vernon, Armstrong, Enderby, and Salmon Arm. They are excited to report that they recorded 36,672 RAKs.

A plaque was presented in appreciation of Enderby’s contribution to the project.

### **BYLAWS – 3 Readings**

Good Neighbour Bylaw No. 1517, 2013 Amendment Bylaw No. 1648, 2018

A bylaw to amend Good Neighbour Bylaw No. 1517

Moved by Councillor Case, seconded by Councillor Baird that Good Neighbour Bylaw No. 1517, 2013 Amendment Bylaw No. 1648, 2018 be given three readings.

Carried

## **BYLAWS – 2 Readings**

### Development Cost Charges Bylaw No. 1646, 2018

A bylaw to impose development cost charges

### Development Cost Charges Waivers and Reductions Bylaw No. 1647, 2018

A bylaw to waive or reduce development cost charges

Moved by Councillor Baird, seconded by Councillor Schreiner that Council give two readings to the City of Enderby Development Cost Charges Bylaw No. 1646, 2018 and the City of Enderby Development Charges Waivers and Reductions Bylaw No. 1647, 2018;

AND THAT Council direct staff to arrange for an opportunity for persons interested in the proposed bylaws to make representation before Council prior to third reading.

Carried

## **REPORTS**

### Councillor Schreiner

Curling Club:

- Enderby is hosting the Provincial Senior Women's Championship this week. There are 8 teams from around BC. The opening ceremonies are taking place tomorrow at 5:15 pm.
- Last week, the Club hosted the stick curling championships.

### Chief Administrative Officer

- The CAO reported that Armstrong has received a podium from RDNO and has given Enderby their old one. A thank you letter will be sent.
- A request has been made from residents of Preston Crescent who maintain the tot-lot. They are asking permission to have Green Velvet Lawn Care service the lot. There will be no cost to the city. Council agreed to give permission subject to reconsideration should there be objections raised by the neighbourhood.

### Building Permit Detail Report – January 2018

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

Carried

### Council Disclosure of Contracts – October – December 2017

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

Carried

## **NEW BUSINESS**

District of Tumbler Ridge – Correspondence dated February 1, 2018

Re: Letter of Support for Flexible Ride-Sharing

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

Carried

Strategic Wildfire Prevention Initiative – Firesmart Planning and Activities Grant Program – Memo from Planner and Deputy Corporate Officer dated February 14, 2018

Moved by Councillor Baird, seconded by Councillor Case that Council direct staff to submit an application under the *Firesmart Planning and Activities Grant Program* to undertake a community-wide FireSmart educational campaign.

Carried

Asset Management Planning Grant for Policy and Framework Development – memo from Chief Administrative Officer dated February 14, 2018

Moved by Councillor Baird, seconded by Councillor Case that Council support an application to the Asset Management Planning Program for the development of an Asset Management Policy and Condition Assessment Framework, with the \$15,000 grant value matched by local government in-kind contribution inclusive of grant management and policy development.

Carried

*Late Item:* *Village of Chase – Correspondence dated January 18, 2018*

*Re: Sharing of Revenue from Cannabis Sales*

Moved by Councillor Schreiner, seconded by Councillor Case that a letter be issued to the Village of Chase and copied to UBCM member municipalities in support of the equitable revenue sharing of cannabis sales to local government to offset cost associated with the legalization of marihuana.

Carried

## **PUBLIC QUESTION PERIOD**

None

## **CLOSED MEETING RESOLUTION**

Moved by Councillor Case, seconded by Councillor Schreiner 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 5:35 p.m.

Moved by Councillor Davyduke, seconded by Councillor Baird that the regular meeting adjourn at 5:35 p.m.

Carried

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**MAYOR**

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**CHIEF ADMINISTRATIVE OFFICER**

Agenda

**CITY OF ENDERBY  
DEVELOPMENT VARIANCE PERMIT APPLICATION**

**File No: 0014-18-DVP-END**

**March 1, 2018**

**APPLICANT:** Del and Coleen Purnell  
(Co-applicants: Dale Baker and Bonny Kilgour)

**LEGAL DESCRIPTIONS**

**AND LOCATIONS:** 16 Purnell Drive, Enderby BC V0E 1V1 - Lot E, Section 27, Township 18, Range 9, W6M, KDYD, Plan 5293 Except: (1) Parcel G (DD 152175F and Plan B6998), (2) Plans 7600, 10853, 17166, 28974 and KAP46393  
24 Purnell Drive, Enderby BC V0E 1V1 - Parcel G (DD 152175F and Plan B6998) of Lot E, Section 27, Township 18, Range 9, W6M, KDYD, Plan 5293 Except Plan KAP59464  
99 Gunter Ellison Road, Enderby BC V0E 1V1 - Lot 1, Section 27, Township 18, Range 9, W6M, KDYD, Plan KAP46912

**PID #s:** 16 Purnell Drive - 010-360-298  
24 Purnell Drive - 002-653-923  
99 Gunter Ellison Road - 017-729-971

**PROPERTY SIZES:** 16 Purnell Drive - 6.92 hectares (17.09 acres)  
24 Purnell Drive - 1.06 hectares (2.608 acres)  
99 Gunter Ellison Road - 0.142 hectares (0.35 acres)

**ZONING & OCP**

**DESIGNATIONS:** 16 Purnell Drive Zoning: Residential Single Family (R.1-A)  
Country Residential (C.R)  
OCP: Residential Low Density  
Country Residential  
24 Purnell Drive Zoning: Residential Single Family (R.1-A)  
Country Residential (C.R)  
OCP: Residential Low Density  
Country Residential  
99 Gunter Ellison Road Zoning: Country Residential (C.R)  
OCP: Residential Low Density  
Country Residential

## **PROPOSED VARIANCES:**

Vary Sections 308.4.a, 602.3, 701.9.e.v, 1101.3.b.ii, and 1101.3.b.iii of the City of Enderby Zoning Bylaw No. 1550, 2014 in order to increase the maximum number of accessory residential buildings for 16 Purnell Drive, reduce the minimum front yard setback requirement for an accessory residential building on 16 Purnell Drive, reduce the minimum side yard setback requirement for an accessory building on 99 Gunter Ellison Road, reduce the minimum width of a private access driveway for all properties, and increase the maximum slope of a private access driveway for 16 and 24 Purnell Drive.

Vary Sections 2.0, 3.0, 4.0, 5.0, 6.0, 7.3, and 7.4 of Schedules "A" and "B" of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 in order to not dedicate and construct Purnell Drive as a local road, not install community water/sewer/storm drainage works, not install street lighting, and not provide underground wiring for power, telephone and cablevision.

Waive the minimum lot frontage requirement for proposed Lot 2.

## **RECOMMENDATIONS:**

THAT Council authorize the issuance of a Development Variance Permit for the property legally described as Lot E, Section 27, Township 18, Range 9, W6M, KDYD, Plan 5293 Except: (1) Parcel G (DD 152175F and Plan B6998), (2) Plans 7600, 10853, 17166, 28974 and KAP46393 and located at 16 Purnell Drive to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- Section 308.4.a by reducing the minimum front yard setback requirement for an accessory residential building from 8 m (26.25 feet) to 4.9 m (16.08 feet), as shown on the attached Schedule "A";
- Section 602.3 by increasing the maximum number of accessory residential buildings from two (2) to four (4), as shown on the attached Schedule "A";
- Section 1101.3.b.ii by reducing the minimum width of a private access driveway from 5.5 m (18.04 feet) for the first 6 m (19.68 feet) from the finished road surface, and 4 m (13.12 feet) thereafter, to 3 m (9.843 feet), as shown on the attached Schedule "A" ; and
- Section 1101.3.b.iii by increasing the maximum slope of a private access driveway from 15% to 17.4%, as shown on the attached Schedule "A",

Subject to the owners of 16 Purnell Drive obtaining an *Unconstructed Road Right of Way Access Area Permit* from the City of Enderby to facilitate access to 16 Purnell Drive.

AND THAT Council authorize the issuance of a Development Variance Permit for the property legally described as Parcel G (DD 152175F and Plan B6998) of Lot E, Section 27, Township 18, Range 9, W6M, KDYD, Plan 5293 Except Plan KAP59464 and located at 24 Purnell Drive to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- Section 1101.3.b.ii by reducing the minimum width of a private access driveway from 5.5 m (18.04 feet) for the first 6 m (19.68 feet) from the finished road surface, and 4 m (13.12 feet) thereafter, to 3 m (9.843 feet), as shown on the attached Schedule "A"; and



- Section 1101.3.b.iii by increasing the maximum slope of a private access driveway from 15% to 17.4%, as shown on the attached Schedule "A",

Subject to the owners of 24 Purnell Drive obtaining a *Unconstructed Road Right of Way Access Area Permit* from the City of Enderby to facilitate access to 24 Purnell Drive.

AND THAT Council authorize the issuance of a Development Variance Permit for the property legally described as Lot 1, Section 27, Township 18, Range 9, W6M, KDYD, Plan KAP46912 and located at 99 Gunter Ellison Road to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- Section 701.9.e.v by reducing the minimum side yard setback requirement for an accessory building from 3 m (9.843 feet) to 1.7 m (5.577 feet), as shown on the attached Schedule "A"; and
- Section 1101.3.b.ii by reducing the minimum width of a private access driveway from 5.5 m (18.04 feet) for the first 6 m (19.68 feet) from the finished road surface, to 5 m (16.404 feet), as shown on the attached Schedule "A",

Subject to the owners of 99 Gunter Ellison Road indemnifying and saving harmless the City of Enderby from all costs, charges or damages which the City may incur or suffer by reason of the issuance of the Development Variance Permit described above.

AND THAT Council authorize the issuance of a Development Variance Permit for the properties legally described as, i) Lot E, Section 27, Township 18, Range 9, W6M, KDYD, Plan 5293 Except: (1) Parcel G (DD 152175F and Plan B6998), (2) Plans 7600, 10853, 17166, 28974 and KAP46393 and located at 16 Purnell Drive, and ii) Parcel G (DD 152175F and Plan B6998) of Lot E, Section 27, Township 18, Range 9, W6M, KDYD, Plan 5293 Except Plan KAP59464 and located at 24 Purnell Drive, to permit variances to the following sections of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000:

- Section 2.0 of Schedule "A" and Schedule "B" by not dedicating and constructing Purnell Drive as a local road;
- Section 3.0 of Schedule "A" and Schedule "B" by not installing community water works within Purnell Drive;
- Section 4.0 of Schedule "A" and Schedule "B" by not installing community sanitary sewer works within Purnell Drive;
- Section 5.0 of Schedule "A" and Schedule "B" by not installing community storm drainage works within Purnell Drive;
- Section 6.0 of Schedule "A" and Schedule "B" by not providing street lighting along Purnell Drive; and
- Section 7.3 and 7.4 of Schedule "A" and Schedule "B" by not providing underground wiring for power, telephone and cablevision along Purnell Drive,

Subject to the owners of 16 and 24 Purnell Drive:

- Obtaining *Unconstructed Road Right of Way Access Area Permits* from the City of Enderby to facilitate access to 16 and 24 Purnell Drive;
- Registering a covenant on the titles of 16 and 24 Purnell Drive which:

- a. States that the property cannot be further subdivided until such time as the entirety of Purnell Drive, to the extent of its northern boundary, is constructed to the City of Enderby's Subdivision Servicing and Development Bylaw standard;
- b. Explicitly acknowledges the *Unconstructed Road Right of Way Access Area Permit* and states that access to the property is subject to the Permit; and
- c. Indemnifies and saves harmless the City of Enderby from any loss, claim, damage or harm.

AND THAT Council authorizes Staff to discharge the existing no-build covenant registered on the title of 24 Purnell Drive, subject to the owners of 16 and 24 Purnell Drive satisfying the requirements noted above.

AND THAT the minimum lot frontage requirement of Section 1101.1.b.i of the City of Enderby Zoning Bylaw No. 1550, 2014 be waived by permitting the frontage along proposed Lot 2 to be less than one-tenth of the perimeter of the parcel, as shown on the attached Schedule "A".

#### **BACKGROUND:**

This report relates to a Development Variance Permit application for a proposed boundary lot adjustment subdivision involving the properties located at 16 Purnell Drive, 24 Purnell Drive, and 99 Gunter Ellison Road. The proposed boundary lot adjustment subdivision is intended to achieve two primary objectives:

- i. Legalize the encroachment of an existing accessory residential building from 99 Gunter Ellison Road onto 16 Purnell Drive; and
- ii. Realign the lot layouts of 16 and 24 Purnell Drive in order to increase the short-term building potential for 24 Purnell Drive, and increase the long-term subdivision potential for 16 Purnell Drive.

In order to obtain final approval for their boundary lot adjustment subdivision application, the applicants are required to demonstrate that their proposal meets all requirements of the City of Enderby's Zoning Bylaw and Subdivision Servicing Development Bylaw. There are a number of instances where the proposal does not conform to the Zoning Bylaw, due to existing non-conformities on the properties, and therefore variances are required prior to final subdivision approval; the required variances to address existing non-conformities on the properties include increasing the maximum number of accessory residential buildings, reducing the minimum front yard setback requirement for an accessory residential building, reducing the minimum side yard setback requirement for an accessory building, and reducing the minimum width and maximum slope of a private access driveway. Furthermore, the proposed boundary lot adjustment subdivision triggers a number of provisions within the City of Enderby Subdivision Servicing and Development Bylaw which requires the applicants to construct Purnell Drive as a local road, install community water/sewer/storm drainage works, install street lighting, and provide underground wiring for power, telephone and cablevision; the applicants are seeking variances to the Subdivision Servicing and Development Bylaw in order to waive these construction and servicing requirements.

#### Site Context

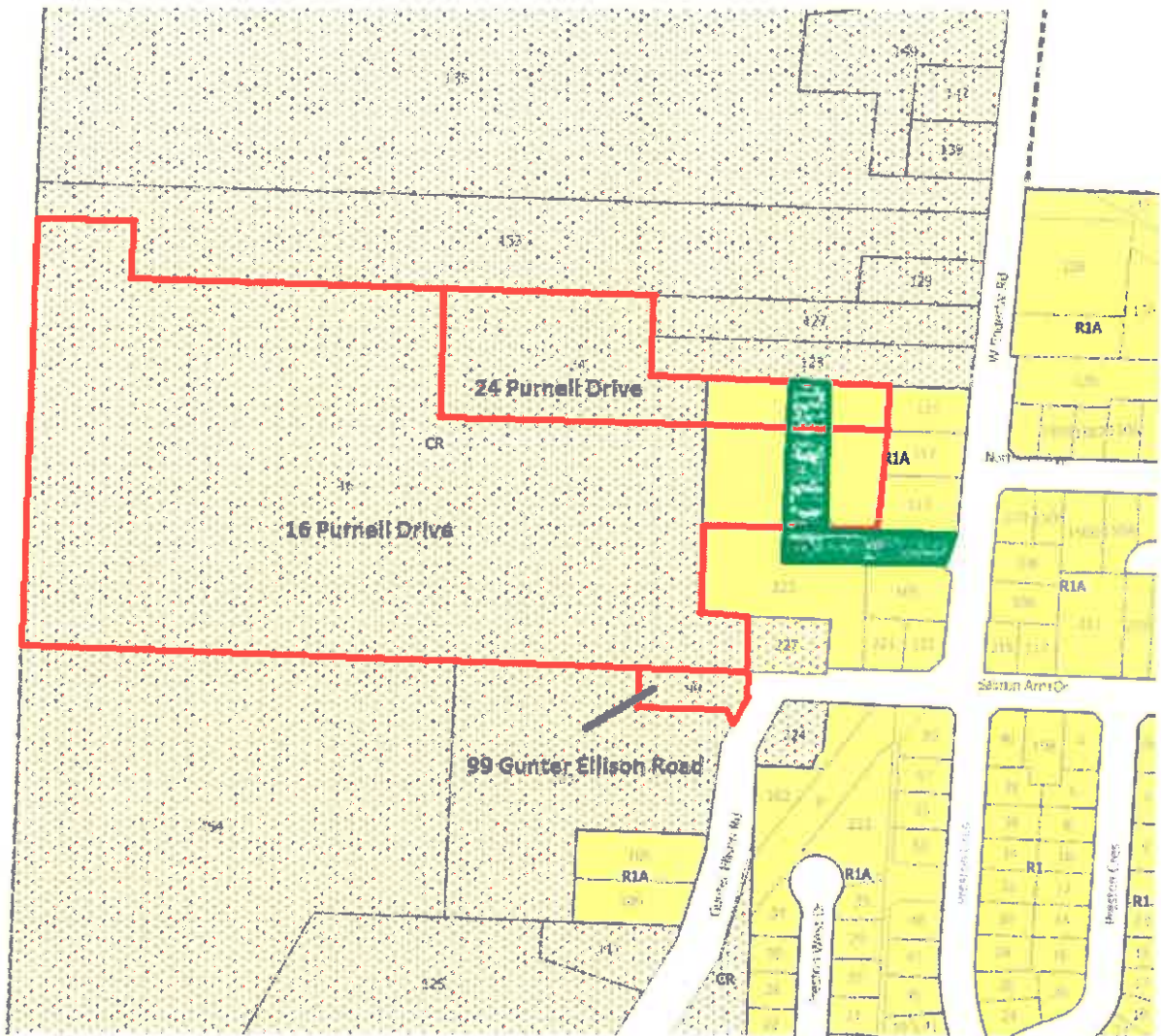
16 and 24 Purnell Drive are located along Purnell Drive, a dedicated but unconstructed road that runs perpendicular to West Enderby Road which is identified as a Municipal Major Collector within the City's

Official Community Plan (OCP). 16 Purnell Drive is 6.92 hectares (17.09 acres) in area and the property significantly slopes from west to east. The western portion of the property has the most significant slopes and is heavily treed. A single-family dwelling and four accessory residential buildings are located on a bench directly west of the Purnell Road dedication, with the area to the east being a relatively flat landscaped area. Access to the site is gained via a ~3 m (9.8 ft) wide private driveway located within the Purnell Drive road dedication. 24 Purnell Drive is 1.06 hectares (2.608 acres) in area and has largely the same site characteristics as 16 Purnell Drive. There are currently no improvements on 24 Purnell Drive (given a no-build covenant registered on the title of the property) and there is no constructed access to the site.

99 Gunter Ellison Road is 0.142 hectares (0.35 acres) in area, is heavily treed, and significantly slopes from west to east. The property is located along the eastern side of Gunter Ellison Road, which is identified as a Municipal Major Collector within the City's OCP. A single-family dwelling is located on the eastern portion of the property and directly to the east is a small accessory residential building which encroaches onto 16 Purnell Drive. Access to the property is gained via a ~5 m (16.4 ft) wide driveway off of Gunter Ellison Road.

16 and 24 Purnell Drive have a dual zoning designation of Residential Single Family (R.1-A) and Country Residential (C.R), and are designated in the OCP as Residential Low Density and Country Residential. 99 Gunter Ellison Road is zoned Country Residential (C.R) and is designated in the OCP as Residential Low Density and Country Residential. Properties to the north and south are zoned Residential Single Family (R.1-A) and Country Residential (C.R) and are designated Residential Low Density and Country Residential in the OCP. Properties to the east are zoned Residential Single Family (R.1-A) and are designated Residential Low Density in the OCP. Properties to the west are located within Area 'F' of the Regional District of the North Okanagan.

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



**Figure 1: Zoning Map**

- CR (beige): Country Residential (C.R) Zone
- R1A (yellow): Residential Single Family (R.1-A) Zone
- Green: Unconstructed Purnell Drive

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

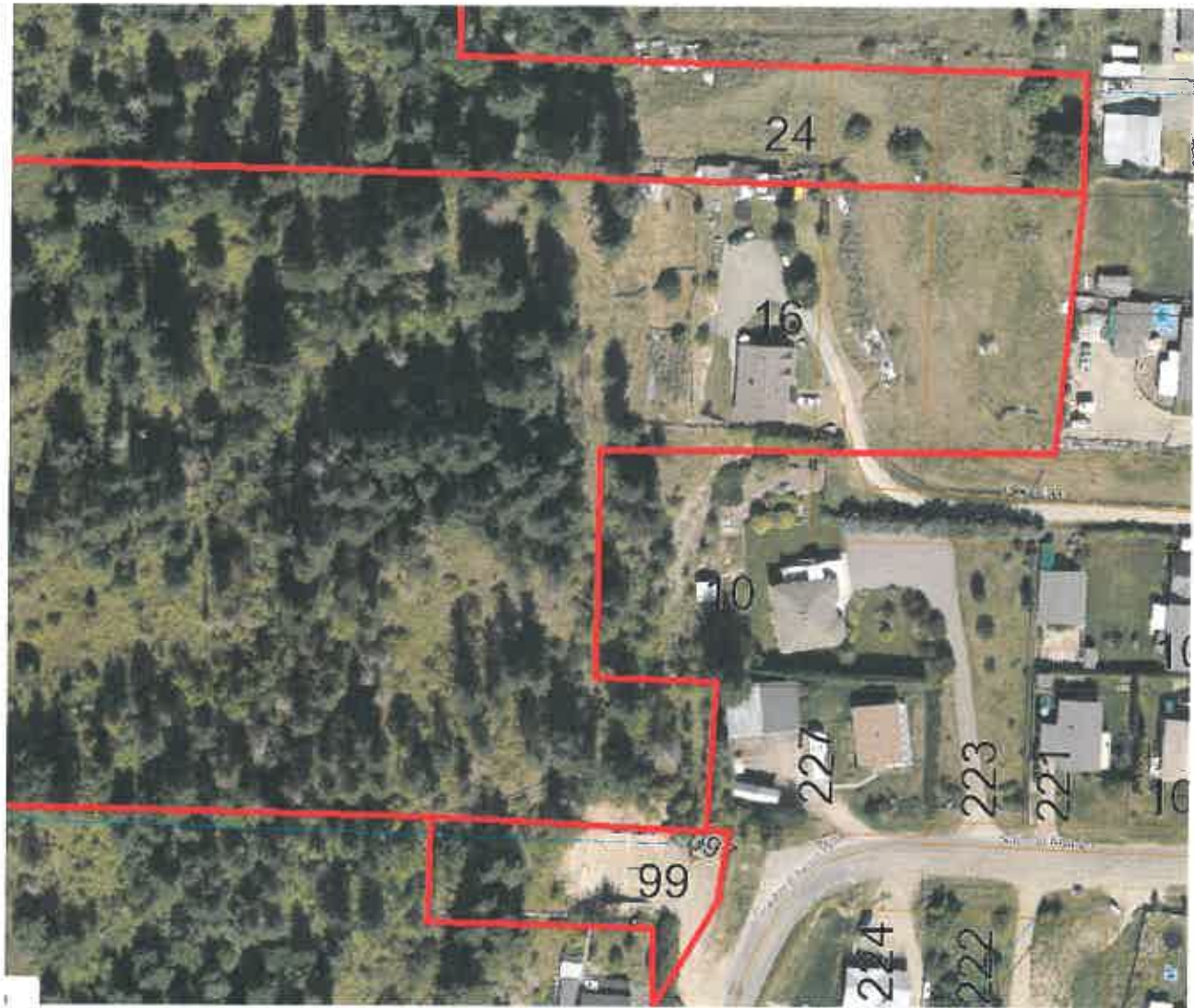


Figure 2: Orthophoto

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

#### Development History

In October of 1991, the applicants (Coleen and Del Purnell) received final subdivision approval for the creation of 5 new lots which would front West Enderby Road and a new roadway, Purnell Drive. However, final subdivision approval was given without the construction works being completed by the developer (the applicants). Given that Purnell Drive was not constructed to City of Enderby Bylaw standards, newly created Lot E (16 Purnell Drive) could not demonstrate reasonable access to the property and a Building Permit was not able to be issued.

In 1994, the City of Enderby entered into a Letter Agreement with the applicants to allow them to construct a private driveway and install private water/sewer connections within the Purnell Drive road dedication, at

their expense and their liability, in order to provide suitable access to 16 Purnell Drive and facilitate the construction of a single family dwelling on this lot; access and servicing for 16 Purnell Drive has occurred via a private driveway and private utilities within the Purnell Drive road dedication ever since.

In 1997, the owners of a neighbouring lot to the north submitted a subdivision application proposing a new lot fronting West Enderby Road and the remainder of the parent lot to front Purnell Drive (now 24 Purnell Drive). The owners of the neighbouring lot also submitted a Development Variance Permit application requesting to waive the requirement to construct and service Purnell Drive (given that the proposed subdivision triggered the construction and servicing of Purnell Drive), with a Development Variance Permit ultimately being issued subject to the following conditions:

1. A covenant being registered on the title of 24 Purnell Drive which prohibits the construction of any building or structure on the property unless and until Purnell Drive is constructed and serviced to the standards of the City of Enderby; and
2. The covenant shall acknowledge the fact that construction and servicing of Purnell Drive shall be carried out at the sole expense of the owner and not the City of Enderby.

The covenant was registered in June of 1997.

The applicants ultimately purchased 24 Purnell Drive and continue to own the property to this day; this property has remained virtually undevelopable given the aforementioned no-build covenant registered on the title of the property.

The applicants engaged with City of Enderby Staff in 2016 to explore finding a resolution to this land matter involving Purnell Drive which had been outstanding for a number of years. Staff identified a solution which would improve the utility of the currently undevelopable 24 Purnell Drive, while at the same time providing fairness to other properties fronting unconstructed Purnell Drive. This solution involved:

1. Discharging the existing no-build covenant registered on the title of 24 Purnell Drive;
2. Discharging the existing Letter Agreement with 16 Purnell Drive;
3. Issuing an *Unconstructed Road Right of Way Access Area Permit* to Coleen and Del Purnell for 16 and 24 Purnell Drive; and
4. Requiring Coleen and Del Purnell to register a new covenant on the title of both 16 and 24 Purnell Drive which:
  - i. States that the property cannot be further subdivided until such time as the entirety of Purnell Drive, to the extent of the property's northern boundary, is constructed to the City of Enderby's Subdivision Servicing and Development Bylaw standard;
  - ii. Explicitly acknowledges the *Unconstructed Road Right of Way Access Area Permit* and states that access to the property is subject to the Permit; and
  - iii. Indemnifies and saves harmless the City of Enderby from any loss, claim, damage or harm.

The *Unconstructed Road Right of Way Access Area Permit* is intended to improve certainty relative to maintenance responsibilities, damages, liability, private utility services, etc., which in turn would enable the City to rely on the Permit as a reasonable means of securing access and servicing for both properties, until such time as the construction of Purnell Drive is triggered through future subdivision. Given that suitable

access and servicing of 24 Purnell Drive could be demonstrated once an *Unconstructed Road Right of Way Access Area Permit* has been issued, the no-build covenant would become exhausted at that point and could be formally discharged by the City. Furthermore, the Purnell's requirement to register a new covenant on the title of the subject properties would achieve the following:

- i. Providing fairness to neighbouring properties that also front Purnell Drive; while these properties do not rely upon Purnell Drive for access currently, these properties may have subdivision potential and therefore the applicant's responsibility to construct Purnell Drive in the future (should they wish to develop) must be preserved; and
- ii. Ensuring that prospective property purchasers are aware that, i) the properties are unable to be subdivided until the entirety of Purnell Drive, to the extent of the property's northern boundary, is constructed to the City of Enderby's Subdivision and Servicing Development Bylaw standard, and ii) access to the properties is subject to an *Unconstructed Road Right of Way Access Area Permit*.

This solution was endorsed by Council at its Regular Meeting of June 20, 2016.

Before the aforementioned solution was implemented, the applicants brought forward a boundary lot adjustment subdivision proposal (further discussed in the next section); Staff recommended that the applicants submit their application for this proposal prior to implementing the solution described above, as once the required covenant was registered on the titles of 16 and 24 Purnell Drive it would prohibit a future subdivision (including a boundary lot adjustment) unless Purnell Drive was constructed and serviced to the City's Subdivision Servicing and Development Bylaw standard.

### The Proposal

As shown on the attached Schedule 'A', the applicants are proposing a boundary lot adjustment subdivision involving 16 Purnell Drive, 24 Purnell Drive, and 99 Gunter Ellison Road. The proposal involves extending the northern lot boundary of 99 Gunter Ellison Road further to the north, such that an existing accessory residential building would be entirely contained on the property and no longer encroach onto 16 Purnell Drive. The proposal also modifies the lot boundaries of 16 and 24 Purnell Drive such that the two properties would no longer be split east to west via the Purnell Drive road dedication, and instead 16 Purnell Drive would encompass all lands to the west of the Purnell Drive dedication, and 24 Purnell Drive would encompass lands to the east. The applicants feel that this modification to the lot layouts would increase the short-term potential for developing a single-family dwelling on 24 Purnell Drive, as the new lot layout would facilitate improved access and the flatter topography is more conducive to a building site (assuming the existing no-build covenant is discharged), while the increase in lot area for 16 Purnell Drive would increase the property's long-term subdivision potential. From Staff's perspective, this approach is also in line with the best practice of not having parcels bisected by a public road, which generally results unusable space.

In order to obtain final approval for their boundary lot adjustment subdivision application, the applicants are required to demonstrate that their proposal meets all requirements of the City of Enderby's Zoning Bylaw and Subdivision Servicing Development Bylaw. There are a number of instances where the subject properties do not *currently* conform to the Zoning Bylaw, and therefore variances are required prior to final

subdivision approval; the required variances to the Zoning Bylaw to address existing non-conformities on the properties include:

- Section 308.4.a by reducing the minimum front yard setback requirement for an accessory residential building from 8 m (26.25 feet) to 4.9 m (16.08 feet) for 16 Purnell Drive, as shown on the attached Schedule "A";
- Section 602.3 by increasing the maximum number of accessory residential buildings from two (2) to four (4) for 16 Purnell Drive, as shown on the attached Schedule "A";
- Section 701.9.e.v by reducing the minimum side yard setback requirement for an accessory building from 3 m (9.843 feet) to 1.7 m (5.577 feet) for 99 Gunter Ellison Road, as shown on the attached Schedule "A";
- Section 1101.3.b.ii by reducing the minimum width of a private access driveway from 5.5 m (18.04 feet) for the first 6 m (19.68 feet) from the finished road surface, and 4 m (13.12 feet) thereafter, to 3 m (9.843 feet) for 16 and 24 Purnell Drive, as shown on the attached Schedule "A";
- Section 1101.3.b.ii by reducing the minimum width of a private access driveway from 5.5 m (18.04 feet) for the first 6 m (19.68 feet) from the finished road surface, to 5 m (16.404 feet) for 99 Gunter Ellison Road, as shown on the attached Schedule "A"; and
- Section 1101.3.b.iii by increasing the maximum slope of a private access driveway from 15% to 17.4% for 16 and 24 Purnell Drive, as shown on the attached Schedule "A".

Furthermore, the proposed boundary lot adjustment subdivision triggers Sections 2.0-7.4 of Schedules "A" and "B" of the City of Enderby Subdivision Servicing and Development Bylaw which require the applicants to construct Purnell Drive as a local road, install community water/sewer/storm drainage works, install street lighting, and provide underground wiring for power, telephone and cablevision; the applicants are seeking variances to the Subdivision Servicing and Development Bylaw in order to waive these construction and servicing requirements, and instead continue to access and service 16 and 24 Purnell Drive via a private access driveway and private utilities within the Purnell Drive road dedication.

Lastly, the applicants require a lot frontage waiver for proposed Lot 2 given that its frontage is less than one-tenth of the perimeter of the parcel, as shown on the attached Schedule "A".

#### **ZONING BYLAW:**

Proposed Lot 3 (99 Gunter Ellison Road) and a portion of proposed Lot 2 (16 Purnell Drive) are zoned Country Residential (C.R) and the permitted uses within this zone include accessory buildings and structures, accessory employee residential use, accessory produce and fruit sales, civic and public service use, boarding/lodging/rooming houses, convalescent/nursing/personal care homes, intensive agricultural use, limited agricultural use, mobile homes, single family dwellings, two family dwellings, secondary suites, bed and breakfasts, and dog kennels.

Proposed Lot 1 (24 Purnell Drive) and a portion of proposed Lot 2 are zoned Residential Single Family (R.1-A) and the permitted uses within this zone include accessory residential, restricted agricultural use, single family dwellings, secondary suites, bed and breakfasts, and civic and public service use.



The proposal as compared to the Country Residential (C.R) and Residential Single Family (R.1-A) zone requirements are as follows:

CRITERIA	C.R ZONE REQUIREMENTS	R.1-A ZONE REQUIREMENTS	PROPOSAL
Accessory Building Setbacks (min.)			
Front Yard	N/A	8 m (26.25 feet)	Proposed Lot 1 = N/A Proposed Lot 2 = 4.9 m (16.08 feet) Proposed Lot 3 = N/A
Exterior Side Yard	N/A	8 m (26.25 feet)	Proposed Lot 1 = N/A Proposed Lot 2 = > 8 m Proposed Lot 3 = N/A
Rear Yard/Side Yard	N/A	1.5 m (4.9210 feet)	Proposed Lot 1 = N/A Proposed Lot 2 = > 1.5 m Proposed Lot 3 = N/A
Other Buildings	N/A	3 m (9.842 feet)	Proposed Lot 1 = N/A Proposed Lot 2 = > 3 m Proposed Lot 3 = N/A
Buildings Per Lot (max.)	1 single family dwelling or 1 two family dwelling or one 1 mobile home	1 single family dwelling; and 2 accessory residential buildings	Proposed Lot 1 = N/A  Proposed Lot 2 = 1 single family dwelling and 4 accessory residential buildings  Proposed Lot 3 = 1 single family dwelling and 1 accessory building
Lot Area (min.)	2 ha (4.942 acres, 20,000 m <sup>2</sup> )	450 m <sup>2</sup> (4,844 square feet)	Proposed Lot 1 = 0.239 ha (2,390 m <sup>2</sup> ) Proposed Lot 2 = 8.01 ha (80,100 m <sup>2</sup> ) Proposed Lot 3 = 0.159 ha (1,590 m <sup>2</sup> )
Lot Coverage (max.)	30% for all buildings and structures	50% for all buildings and structures and 60% for all buildings and structures together with driveways and parking areas	Proposed Lot 1 = N/A Proposed Lot 2 = <50% Proposed Lot 3 = <30%

CRITERIA	C.R ZONE REQUIREMENTS	R.1-A ZONE REQUIREMENTS	PROPOSAL
Lot Frontage (min.)	10% of the perimeter of the parcel	15 m (49.21 feet)  10% of the perimeter of the parcel  12 m (39.37 feet) for pie-shaped lots or other irregularly shaped or asymmetrical lots located in residential zones	Proposed Lot 1 = 104.5 m, >10% of the perimeter of the parcel Proposed Lot 2 = 79.4 m, 5.9% of the perimeter of the parcel Proposed Lot 3 = 36.8 m, >10% of the perimeter of the parcel
Setbacks (min.)			
Exterior Side Yard	12 m (39.37 feet)	5 m (16.40 feet)	Proposed Lot 1 = N/A Proposed Lot 2 = N/A Proposed Lot 3 = N/A
Front Yard	12 m (39.37 feet)	6 m (19.68 feet)  4.5 m (14.76 feet) on lots exceeding 20% average natural slope	Proposed Lot 1 = N/A Proposed Lot 2 = 8.3 m Proposed Lot 3 = 12.2 m
Rear Yard	8 m (26.25 feet)	6 m (19.68 feet)  4.5 m (14.76 feet) on lots exceeding 20% average natural slope	Proposed Lot 1 = N/A Proposed Lot 2 = > 6 m Proposed Lot 3 = > 8 m
Side Yard	3 m (9.842 feet)	1.2 m (3.94 feet)	Proposed Lot 1 = N/A Proposed Lot 2 = 3.2 m Proposed Lot 3 = 3.6 m
Other Buildings	3 m (9.842 feet)	3 m (9.842 feet)	Proposed Lot 1 = N/A Proposed Lot 2 = > 3 m Proposed Lot 3 = > 3 m

**OFFICIAL COMMUNITY PLAN:**

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

- 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.a - Council recognizes that social well-being of all citizens and positive social development is vital to a healthy community and will act to support these through its planning and day-to-day decisions.
- 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 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.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.

#### **REFERRAL COMMENTS:**

The subject application was referred to the City of Enderby Public Works Manager, Building Inspector, Fire Chief, BC Hydro, Telus, and Shaw.

A Shaw representative stated that their interests are unaffected and they have no objection to the subject application.

No other comments were received in response to the referral.

#### **PLANNING ANALYSIS:**

##### Number of Accessory Residential Buildings - 16 Purnell Drive

The City of Enderby Planner raises no objections to the applicant's request to vary Section 602.3 of the Zoning Bylaw by increasing the maximum number of accessory residential buildings from two (2) to four (4) for 16 Purnell Drive, as shown on the attached Schedule "A", for the following reasons:

- These accessory residential buildings have been in place for a number of years, therefore the issuance of a variance would not result in any tangible change to the property but instead would legalize an existing non-conformity to the Zoning Bylaw;
- Although the portion of the subject property upon which the accessory residential buildings sit is zoned Residential Single Family (R.1-A), the subject property is rural in nature given its lot large lot area (6.92 hectares) and remaining Country Residential (C.R) zoning designation and therefore four accessory residential buildings is reasonable; and
- It is not anticipated that permitting the four existing accessory residential buildings would have a negative impact on the use and enjoyment of the subject or neighbouring properties, given that these buildings are not in close proximity to any neighbouring properties or buildings.

##### Front Yard Setback for Accessory Residential Building - 16 Purnell Drive

The City of Enderby Planner raises no objections to the applicant's request to vary Section 308.4.a of the Zoning Bylaw by reducing the minimum front yard setback requirement for an accessory residential building from 8 m (26.25 feet) to 4.9 m (16.08 feet) for 16 Purnell Drive, as shown on the attached Schedule "A", for the following reasons:

- The subject accessory residential building has been in this location for a number of years, therefore the issuance of a variance would not result in any tangible change to the property but instead would legalize an existing non-conformity to the Zoning Bylaw;
- The subject and neighbouring properties are largely undeveloped, large tracts of land, therefore an accessory residential building with a reduced front yard setback would not detract from the existing character of the neighbourhood; and
- It is not anticipated that a reduced front yard setback area for an accessory residential building would have a negative impact on the use and enjoyment of the subject or neighbouring properties.

#### Width and Slope of Private Access Driveway - 16 and 24 Purnell Drive

The City of Enderby Planner raises no objections to the applicant's request to vary Section 1101.3.b.ii and 1101.3.b.iii by reducing the minimum width of a private access driveway to 3 m (9.843 feet) and increasing the maximum slope of a private access driveway from 15% to 17.4% for 16 and 24 Purnell Drive, as shown on the attached Schedule "A", for the following reasons:

- Staff are recommending that the issuance of a variance to reduce the standards of a private access driveway be subject to the applicants obtaining an *Unconstructed Road Right of Way Access Area Permit* for 16 and 24 Purnell Drive, which will enable the City to impose terms and conditions on the permit to clarify responsibilities and reduce potential liability to the City; such terms and conditions include indemnification, minimum maintenance standards, and the requirement to remove the driveway and private services should the City wish to install, or require the installation of, municipal services in the future;
- A variance would not affect how the private access driveway currently functions, as it has been in place to the current standard for a number of years, but instead would legalize an existing non-conformity to the Zoning Bylaw;
- Staff do not anticipate that the narrower width or increased slope would create any safety concerns, and the City would not be exposed to any liability as indemnification provisions are built directly into the *Unconstructed Road Right of Way Access Area Permit*; and
- It is not anticipated that the reduced width and increased slope of a private access driveway would have a negative impact on the use and enjoyment of the subject or neighbouring properties, given that it already exists in this condition.

#### Side Yard Setback for Accessory Residential Building and Width of Private Access Driveway - 99 Gunter Ellison Road

The City of Enderby Planner raises no objections to the applicant's request to vary Section 701.9.e.v and 1101.3.b.ii of the Zoning Bylaw by reducing the minimum side yard setback requirement for an accessory building from 3 m (9.843 feet) to 1.7 m (5.577 feet) and reducing the minimum width of a private access driveway to 5 m (16.404 feet) for 99 Gunter Ellison Road, as shown on the attached Schedule "A", for the following reasons:

- Given the rural nature of the subject and neighbouring properties, the accessory residential building is not in close proximity to any buildings on surrounding properties;
- The owners of the neighbouring property upon which the reduced side yard would abut are the applicants of this proposal, and are therefore supportive of the variance request;
- A variance would not affect how the private access driveway currently functions, as it has been in place to the current standard for a number of years, but instead would legalize an existing non-conformity to the Zoning Bylaw;
- It is not anticipated that the narrower width of the private access driveway would create any safety concerns, however, Staff are recommending that the issuance of the variance be subject to the owners of 99 Gunter Ellison Road indemnifying and saving harmless the City from all costs, charges or damages which the City may incur or suffer by reason of the issuance of the variance, therefore avoiding any potential liability to the City; the reason why this is an explicit requirement for the owners of 99 Gunter Ellison Road and not the owners of 16 and 24 Purnell Drive, is that owners of the properties along Purnell Drive will be subject to an *Unconstructed Road Right of Way Access Area Permit* (given that their private access driveway is located within the road dedication) and indemnification provisions are built directly into this Permit; and
- It is not anticipated that a reduced side yard setback area for the accessory residential building, nor a reduced width of a private access driveway, would have a negative impact on the use and enjoyment of the subject or neighbouring properties.

#### Construction and Servicing of Purnell Drive

The City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 requires any subdivision (including a boundary lot adjustment subdivision) to provide certain levels of works and services in order to ensure the proposed development meets bylaw standards. In this case, the proposed boundary lot adjustment subdivision triggers Sections 2.0-7.4 of Schedule "A" and "B" of the Subdivision Servicing and Development Bylaw and requires the construction of Purnell Drive as a local road and the installation of, i) community water works, ii) community sanitary sewer works, iii) community storm drainage works, iv) street lighting, and, v) underground wiring for power, telephone and cablevision. The applicants are requesting variances to Sections 2.0-7.4 of Schedules "A" and "B" of the Subdivision Servicing and Development Bylaw in order to waive these construction and servicing requirements.

Staff are supportive of the applicant's request to waive the requirements to construct and service Purnell Drive, but are recommending that the issuance of variances be subject to a number of conditions.

Firstly, Staff are recommending that the applicants be required to obtain an *Unconstructed Road Right of Way Access Area Permit* from the City of Enderby in order to permit 16 and 24 Purnell Drive to be accessed and serviced via the existing private access driveway and private utilities within the Purnell Drive road dedication; this Permit would override the existing Letter Agreement between the City and applicants for 16 Purnell Drive. The *Unconstructed Road Right of Way Access Area Permit* has been structured to impose terms and conditions to clarify responsibilities and reduce potential liability to the City, with terms and conditions relating to indemnification, maintenance standards, and the requirement to remove driveway improvements and private services should the City wish to install municipal services in the future. Although

waiving the requirements to construct and Purnell Drive will result in a shared driveway for 16 and 24 Purnell Drive, which creates the potential for a civil conflict should the applicants choose to sell one of these parcels in the future (i.e. multiple property owners sharing a single driveway), the City can rely on the terms and conditions within the *Unconstructed Road Right of Way Access Area Permit* to ensure that the roles, responsibilities and expectations of the Permit holders are explicitly clear, which will reduce the potential for future conflict and keep the City's involvement to a bare minimum.

In keeping with past policy direction (i.e. Council resolution passed at its regular meeting of June 20, 2016), Staff are also recommending that the issuance of a variance to waive the requirements to construct and service Purnell Drive be subject to the applicants registering a covenant on the titles of 16 and 24 Purnell Drive which, i) states that the property cannot be further subdivided until such time as the entirety of Purnell Drive is constructed to the City of Enderby's Subdivision Servicing and Development Bylaw standards, ii) explicitly acknowledges the *Unconstructed Road Right of Way Access Area Permit* and states that access to the property is subject to the Permit, and iii) indemnifies and saves harmless the City of Enderby from any loss, claim, damage or harm. This approach will achieve the following:

- i. Improving fairness to neighbouring properties that also front Purnell Drive; while these properties do not rely upon Purnell Drive for access currently, these properties may have subdivision potential and therefore the applicant's responsibility to construct Purnell Drive in the future (should they wish to develop) must be preserved;
- ii. Ensuring that prospective property purchasers are aware that, i) the properties are unable to be subdivided until the entirety of Purnell Drive, to the extent of the property's northern boundary, is constructed to the City of Enderby's Subdivision and Servicing Development Bylaw standard, and ii) access to the properties is subject to an *Unconstructed Road Right of Way Access Area Permit*; and
- iii. Minimizing potential liability to the City of Enderby associated with having a private access driveway on an unconstructed public road.

Once the aforementioned requirements have been satisfied, reasonable access to 24 Purnell Drive will have been demonstrated; at that point, the no-build covenant registered on the property will be considered exhausted and it is recommended that Council authorize Staff to discharge this covenant.

Lastly, given that private utility companies have not communicated any concerns with the proposal to not provide underground wiring for power, telephone and cablevision, Staff anticipate that 16 and 24 Purnell Drive can be serviced by private utility companies via overhead lines in lieu of underground wiring (which is currently the case for 16 Purnell Drive).

#### Lot Frontage - Proposed Lot 2

The City of Enderby Planner raises no objections to the applicant's request to waive the lot frontage requirement of Section 1101.1.b.i of the Zoning Bylaw by permitting the frontage of proposed Lot 2 to be less than one-tenth of the perimeter of the parcel, as shown on the attached Schedule "A", for the following reason:

- The requirement to have a lot frontage no less than one-tenth of the permit of the parcel is excessive in this case, given the property's extremely large lot perimeter arising from its lot area of 6.92 hectares.
- The reduced lot frontage would not restrict the future subdivision potential for proposed Lot 2; and
- It is not anticipated that the reduced lot frontage would have a negative impact on the use and enjoyment of the subject or neighbouring properties.

## SUMMARY

This report relates to a Development Variance Permit application for a proposed boundary lot adjustment subdivision involving the properties located at 16 Purnell Drive, 24 Purnell Drive, and 99 Gunter Ellison Road, Enderby BC. In order to obtain final approval for their boundary lot adjustment subdivision application, the applicants are proposing a series of variances to the City of Enderby Zoning Bylaw No. 1550, 2014 and City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 including increasing the maximum number of accessory residential buildings, reducing the minimum front yard setback requirement for an accessory residential building, reducing the minimum side yard setback requirement for an accessory building, reducing the minimum width and maximum slope of a private access driveway, not dedicating and constructing Purnell Drive as a local road, not installing community water/sewer/storm drainage works and street lighting, and not providing underground wiring for power, telephone and cablevision; the applicants also require a lot frontage waiver for proposed Lot 2. The City of Enderby Planner is supportive of the lot frontage waiver and variance requests, subject to a number of conditions.

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**Prepared By:**



Kurt Inglis, MCIP, RPP  
Planner and Deputy Corporate Officer

**Reviewed By:**



Tate Bengtson  
Chief Administrative Officer

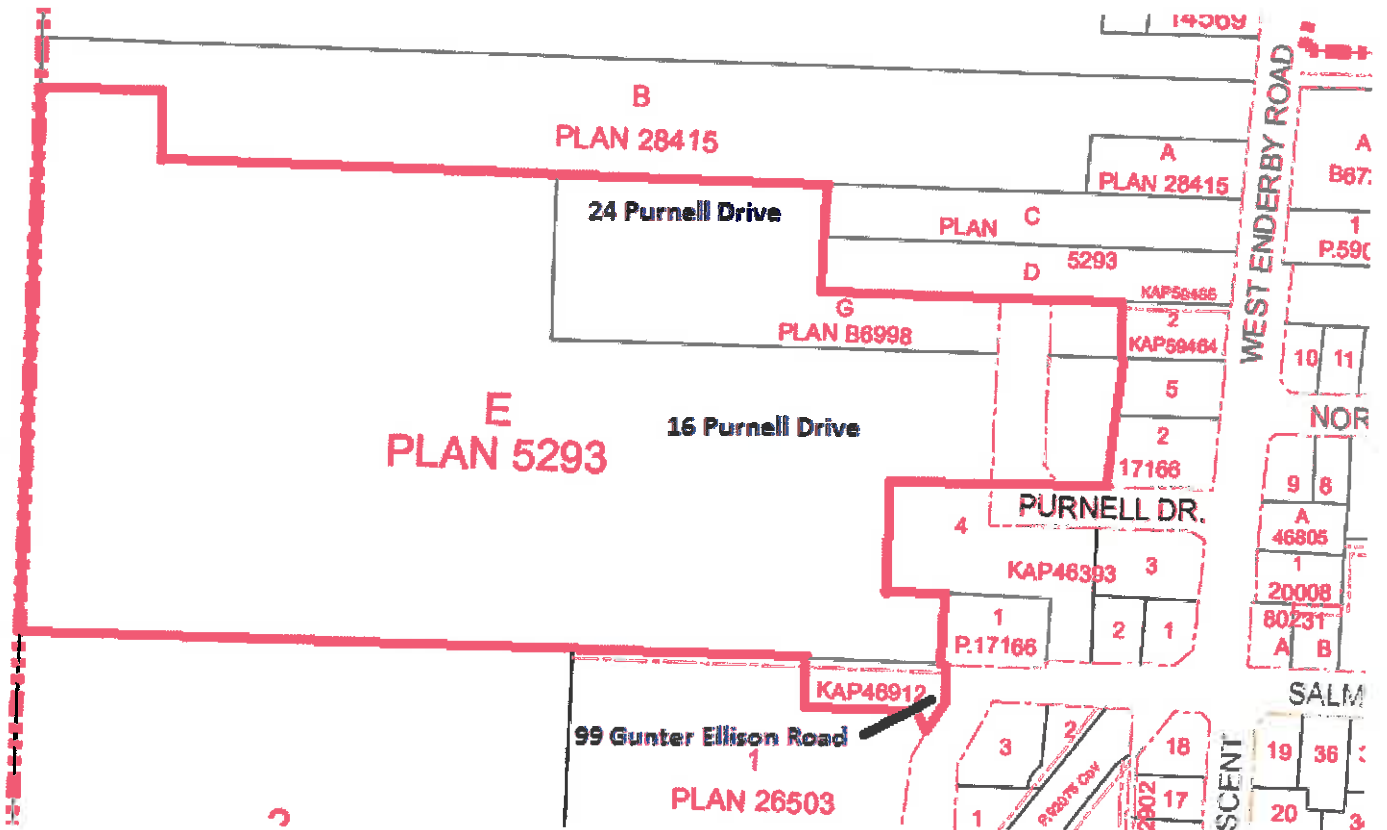
**THE CORPORATION OF THE CITY OF ENDERBY**  
**DEVELOPMENT VARIANCE PERMIT APPLICATION**  
**SUBJECT PROPERTY MAP**

**File:** 0014-18-DVP-END

**Applicant:** Del and Coleen Purnell

**Location:** 16 Purnell Drive/24 Purnell Drive/99 Gunter Ellison Road, Enderby BC

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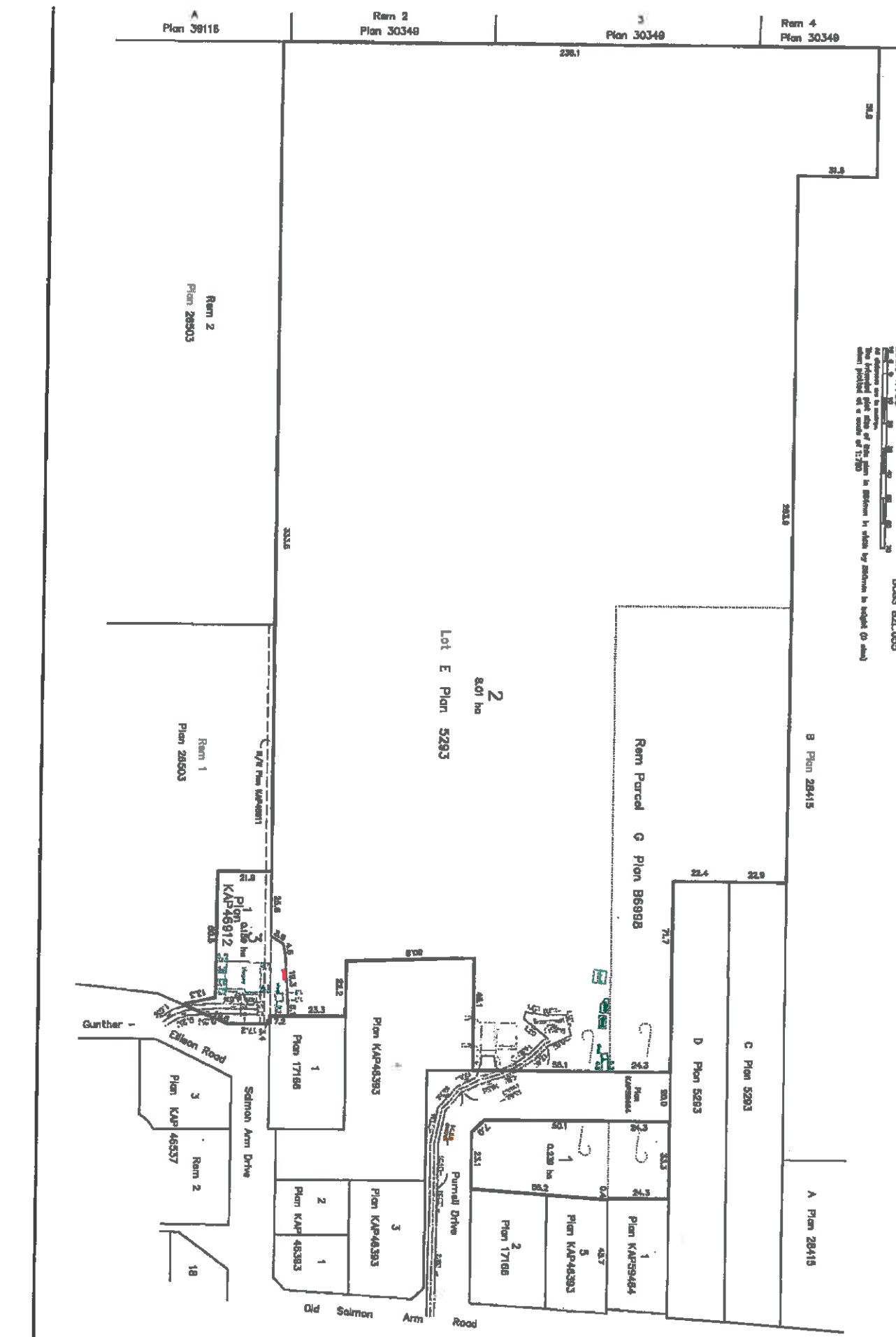




Schedule "A"

Sketch Plan of Proposed Subdivision of Parcel G, Plan B6998 (Except Plan KAP46912) Lot E, Plan 5293 (Except 1/2 Parcel G (00112175' and Plan B6998) and Lot 1, Plan KAP46912, and Lot 1, Plan KAP46912, Sec 27, Tp 18, R 9, W6M, KDYD

Scale 1:750  
BOS 82L 005  
The proposed subdivision is shown in relation to other parcels in the vicinity of the same.



Division  
BOS 82L 005  
Plan 28503-17

## Kurt Inglis

---

**From:** Bettyann Kennedy [bkennedy@cityofenderby.com]  
**Sent:** January-02-18 8:19 AM  
**To:** 'Kurt Inglis'  
**Subject:** FW: Coleen Purnell

**From:** Joe Johnson [mailto:jo@brownejohnson.com]  
**Sent:** Thursday, December 28, 2017 10:07 AM  
**To:** greg.routley@rdno.ca  
**Cc:** info@cityofenderby.com  
**Subject:** Coleen Purnell

Hi Greg,

As per Coleen's request, please be advised that the average width of the driveway to Lot E Plan 5293 is 3 metres, and that the average width of the driveway to Lot 1 Plan KAP46912 is 5 metres.

Please let me know if you have any questions.

Kind regards,

Joe

Joseph (Joe) C. Johnson, *BCLS, CLS*  
**Browne Johnson Land Surveyors**  
Box 362 201-371 Alexander St  
Salmon Arm, BC V1E 4N5  
250-832-9701 | [brownejohnson.com](http://brownejohnson.com)



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THE CORPORATION OF THE CITY OF ENDERBY  
BYLAW NO. 1646

A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES

---

WHEREAS the Local Government Act provides that Council may, by Bylaw, impose development cost charges on every person who obtains approval of a Subdivision or a Building Permit authorizing the construction, alteration or extension of a building or structure for the purpose of providing funds to assist the local government to pay the capital costs of providing, constructing, altering or expanding sewage, water, drainage and highway facilities, other than off-street parking facilities, directly or indirectly, the development for which the charge is being imposed;

AND WHEREAS Council has taken into consideration the provisions of Section 564(4) of the Local Government Act;

AND WHEREAS the charges imposed by this Bylaw are related to capital costs attributable to projects included in the Official Community Plan and Financial Plan of the City of Enderby;

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

1. **CITATION**

- a. This Bylaw may be cited as “City of Enderby Development Cost Charges Bylaw No. 1646, 2018”.

2. **DEFINITIONS**

- a. In this Bylaw,

“**Building Permit**” means a permit issued by the *City* that authorizes the construction, alteration or extension of a building or structure;

“**City**” means the City of Enderby;

“**Council**” means the duly elected Council of the *City*;

“**Dwelling Unit**” has the same meaning as defined in the *Zoning Bylaw*, and expressly includes single-family and two-family dwellings, mobile homes, row housing, and multiple family dwellings, but excludes Attached Secondary Suites and Detached Secondary Suites;

“**Eligible Development**” has the same meaning as defined in section 563(1) of the *Local Government Act*;

“**Subdivision**” means a subdivision of land into two or more parcels under the *Land Title Act* or the *Strata Property Act*;

“Zoning Bylaw” means City of Enderby Zoning Bylaw No. 1550, 2014.

### 3. DEVELOPMENT COST CHARGES

a. Every person who obtains:

1. approval of a *Subdivision*; or
2. a *Building Permit* authorizing the construction, alteration or extension of a building or structure;

shall pay to the *City* the applicable development cost charges as set out in Schedule “A” and in accordance with the areas specified in Schedules “B” and “C”.

b. Development cost charges shall be collected as follows:

1. Upon approval of a *Subdivision* of land within zones where a maximum of one dwelling unit per parcel is permitted, at the time of approval of the *Subdivision*;
2. Upon approval of a *Subdivision* of land within zones where a maximum of two dwelling units per parcel is permitted, at the time of approval of the *Subdivision*; and
3. Upon issuance of a *Building Permit* authorizing the construction, alteration, or extension of a building or structure where development occurs within zones permitting mixed use or more than two dwelling units per parcel.

c. A development cost charge is payable where a *Building Permit* authorizes the construction, alteration or extension of a building that will, after the construction, alteration or extension, contain fewer than 4 self-contained *Dwelling Units* and be put to no other use other than the residential use in those *Dwelling Units*.

d. Every person who obtains a *Building Permit* shall have paid to the *City*, at the time of issuing the *Building Permit*, the applicable development cost charges set out in Schedule “A”, except to the extent that development cost charges were paid in relation to the *Subdivision* of the parcel in respect of which the *Building Permit* was issued.

e. The charges specified in Schedule “A” shall be based on the proposed use of the building indicated in the *Building Permit* application. Where there is more than one such use, each use is subject to the applicable charge specified in Schedule

“A”, which shall be calculated separately and then added together for the total development cost charges attributable to the development.

## **2. INSTALMENTS AND REFUNDS**

- a. A developer liable to pay a development cost charge may elect to pay it by instalments in accordance with the *Development Cost Charge (Instalments) Regulation, B.C. Reg. 166/84*.
- b. All development cost charges imposed may be paid by instalments.

## **3. EXEMPTIONS**

- a. Development cost charges are not payable in accordance section 561 of the *Local Government Act*.

## **4. WAIVERS AND REDUCTIONS**

- a. Council may, by bylaw, waive or reduce a development cost charge payable for *Eligible Development*.

## **5. DEDUCTIONS**

- a. Development cost charges must be deducted in accordance with Section 565 of the *Local Government Act*.
- b. Development cost charges imposed pursuant to this Bylaw on residential developments shall be credited one (1) *Dwelling Unit* for each fully serviced *Dwelling Unit* that existed prior to the issuance of the *Building Permit*.

## **6. CREDITS AND REBATES**

- a. Should a developer wish, with the approval of the *City*, to proceed with an out-of-sequence development, the costs of the respective works and services provided by the developer shall receive a credit which will be deducted from the applicable development cost charge payable.
- b. Should a developer wish, with the approval of the *City*, to proceed with a development before trunk services fronting the property are installed in the area, a developer may construct the required works to a trunk standard in exchange for a rebate of the incremental portion of costs beyond the local service requirement.
- c. Credits and rebates are only applicable to new infrastructure which is included in this Bylaw as an eligible project.

- d. No credit or rebate shall exceed the value of the particular development cost charge payable against which it is deducted.

**7. SEVERABILITY**

- a. Any section, sub-section, sentence, clause or phrase of this Bylaw that is for any reason held to be invalid by the decision of any Court of competent jurisdiction may be severed from this Bylaw without affecting the validity of the remaining portions of this Bylaw.

**8. REPEAL OF PREVIOUS BYLAWS AND IN-STREAM PROTECTION**

- a. City of Enderby Development Cost Charge Bylaw No. 1112, 1994 is repealed in its entirety except as it applies to in-stream applications pursuant to sections 511 and 568 of the *Local Government Act*, unless the applicant agrees in writing that this Bylaw should have effect.

**9. EFFECTIVE DATE**

- a. In all cases except those granted in-stream protection in accordance with Section 8(a) of this Bylaw, this Bylaw shall be effective upon the date of its adoption.

READ a FIRST time this 19<sup>th</sup> day of February, 2018.

READ a SECOND time this 19<sup>th</sup> day of February, 2018.

READ a THIRD time this \_\_ day of \_\_\_\_\_, 2018.

APPROVED pursuant to section 560(1) of the *Local Government Act* this \_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Inspector of Municipalities

ADOPTED this \_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

## Schedule "A" - Development Cost Charge Rates

### Sanitary Sewer

Area (as shown on Schedule "B")	Development Cost Charge Per Dwelling Unit
Downtown Area	\$1,930.50
Knoll Area (A, B, C and D)	\$2,247.30
Knoll/Western Uplands Area (E and F)	\$1,930.50
Western Uplands Area (G)	\$2,871.00

### Storm Sewer

Area (as shown on Schedule "B")	Development Cost Charge Dwelling Unit
Knoll Area	\$960.00
Western Uplands Area	\$510.00

### Roads

Area (as shown on Schedule "B")	Development Cost Charge Per Dwelling Unit
Knoll Area	\$2,480.00
Western Uplands Area	\$2,420.00

### Water

Area (as shown on Schedule "C")	Development Cost Charge Per Dwelling Unit
Pressure Zone #1	\$1,805.00
Pressure Zone #2	\$1,740.00

## **Schedules “B” and “C” - Development Cost Charge Rates**

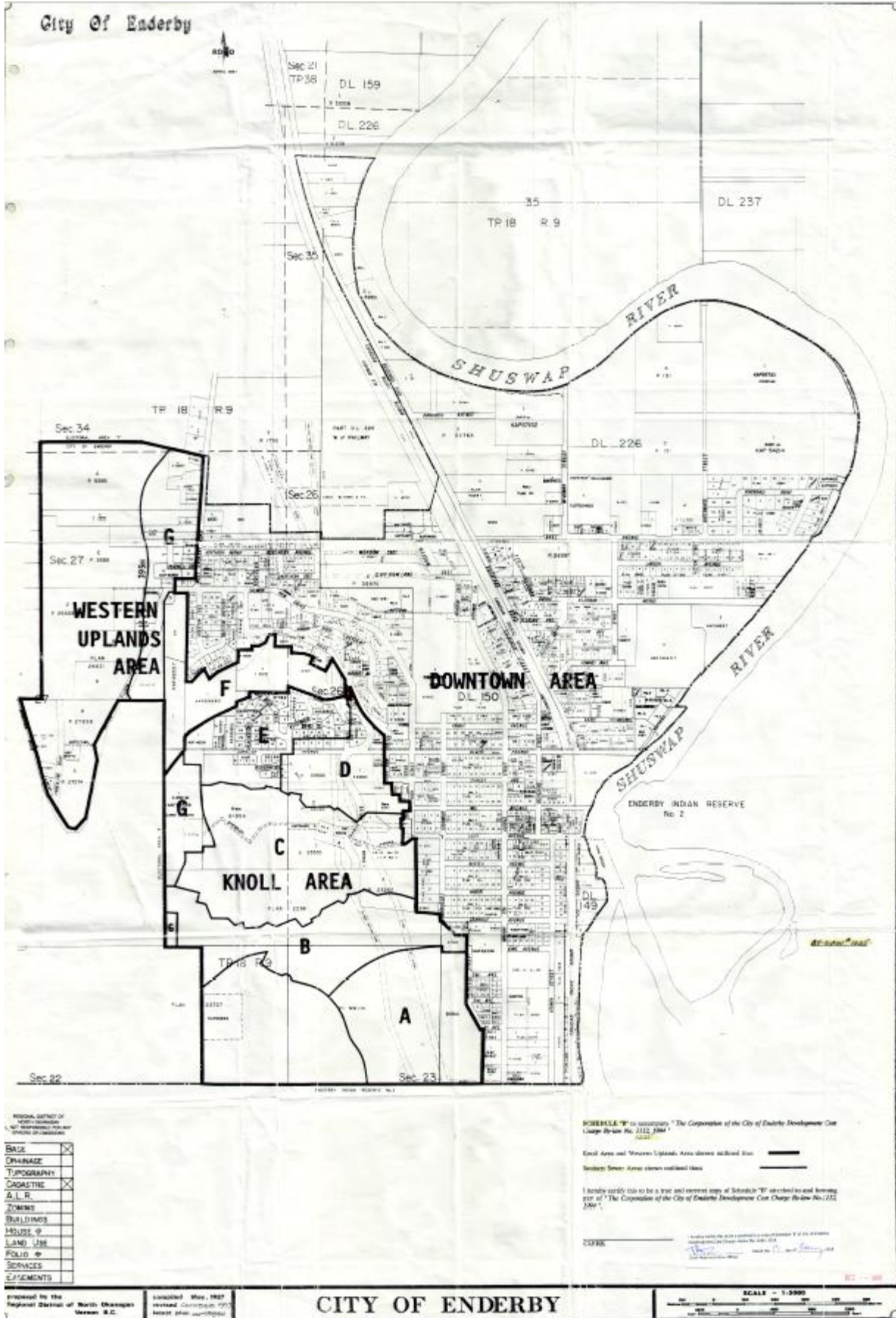
Development Cost Charges Map Schedule “B”, certified true on February 13, 2018 by the Corporate Officer for the City of Enderby, is hereby included by reference.

Development Cost Charges Map “C”, certified true on February 13, 2018 by the Corporate Officer for the City of Enderby, is hereby included by reference.

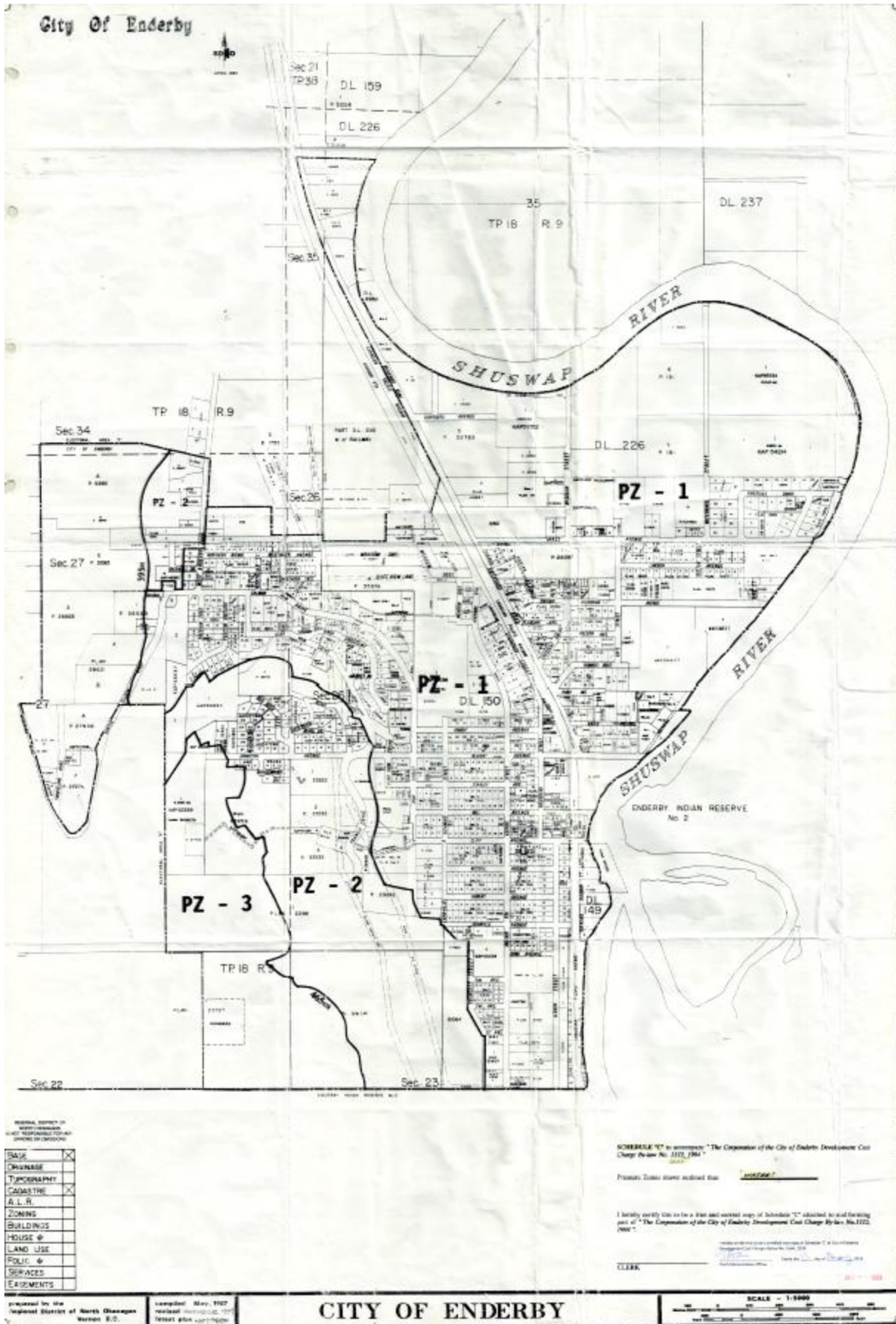
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# Schedule "B" (reproduction)



# Schedule "C" (reproduction)



THE CORPORATION OF THE CITY OF ENDERBY  
BYLAW NO. 1647

A BYLAW TO WAIVE OR REDUCE DEVELOPMENT COST CHARGES

---

WHEREAS section 563(2) of the Local Government Act provides that Council may, by bylaw, waive or reduce a development cost charge for an eligible development;

AND WHEREAS Council has adopted City of Enderby Development Cost Charges Bylaw No. 1646, 2018;

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

**1. CITATION**

- a. This Bylaw may be cited as “City of Enderby Development Cost Charges Waivers and Reductions Bylaw No. 1647, 2018”.

**2. DEFINITIONS**

- a. In this Bylaw, the definitions listed in City of Enderby Development Cost Charges Bylaw No. 1646, 2018 are included by reference.

**3. WAIVERS AND REDUCTIONS**

- a. Development cost charges may be waived or reduced if a *Building Permit* is issued to authorize the construction of *Not-for-profit Rental Housing* and the owner enters into a housing agreement with the *City* pursuant to Section 483 of the *Local Government Act*, in which case the development cost charges shall be waived or reduced to the extent specified in the housing agreement bylaw.

**4. SEVERABILITY**

- a. Any section, sub-section, sentence, clause or phrase of this Bylaw that is for any reason held to be invalid by the decision of any Court of competent jurisdiction may be severed from this Bylaw without affecting the validity of the remaining portions of this Bylaw.

**5. EFFECTIVE DATE**

- a. This Bylaw shall be effective upon the date of its adoption.

READ a FIRST time this 19<sup>th</sup> day of February, 2018.

READ a SECOND time this 19<sup>th</sup> day of February, 2018.

READ a THIRD time this \_\_\_ day of \_\_\_\_\_, 2018.

ADOPTED this \_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1648

A BYLAW TO AMEND THE CITY OF ENDERBY GOOD NEIGHBOUR BYLAW NO. 1517, 2013

WHEREAS Council of the City of Enderby has adopted "The City of Enderby Good Neighbour Bylaw No. 1517, 2013";

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 Good Neighbour Bylaw No. 1517, 2013 Amendment Bylaw No. 1648, 2018".
2. PART IV - PROPERTY MAINTENANCE of City of Enderby Good Neighbour Bylaw No. 1517, 2013 is hereby amended by including Section 4.6.1 as follows:
  - 4.6.1 No person shall place, leave or allow any vehicle, article, thing, snow, or other matter to interfere with access to or to be located within one (1) metre of a fire hydrant or fire connection.
3. PART IV - PROPERTY MAINTENANCE of City of Enderby Good Neighbour Bylaw No. 1517, 2013 is hereby amended by replacing Section 4.10 as follows:
  - 4.10 If, in the opinion of the *Bylaw Enforcement Officer*, the owner of *real property* or other responsible person fails to comply with a requirement of this Bylaw, the *Bylaw Enforcement Officer* is delegated the authority to issue a Compliance Order requiring that the owner or other responsible person brings the *real property* into compliance within a reasonable period of time.
4. PART IV - PROPERTY MAINTENANCE of City of Enderby Good Neighbour Bylaw No. 1517, 2013 is hereby amended by replacing Section 4.18.g as follows:
  - g) the Council reconsideration provisions outlined in Part VIII of this Bylaw.
5. PART IV - PROPERTY MAINTENANCE of City of Enderby Good Neighbour Bylaw No. 1517, 2013 is hereby amended by deleting Section 4.19.
6. PART V - NUISANCE SMOKE/OPEN AIR BURNING of City of Enderby Good Neighbour Bylaw No. 1517, 2013 is hereby amended by replacing the second paragraph of Section 5.2 as follows:

When specifically allowed to burn under this bylaw, no *person* may start a fire if wind and weather are such that to do so is likely to be hazardous, or when inconsistent with a Provincial regulation or enactment, or when the Fire Chief, Chief Administrative Officer, or Emergency Operations Centre Director has implemented a ban or prohibition upon such activities, unless authorized in writing.

7. PART VII - ENFORCEMENT AND PENALTY of City of Enderby Good Neighbour Bylaw No. 1517, 2013 is hereby amended by deleting Section 7.8.
8. City of Enderby Good Neighbour Bylaw No. 1517, 2013 is hereby amended by including PART VIII - COUNCIL RECONSIDERATION and renumbering subsequent Parts of the Bylaw as follows:
  - 8.1 A person may request that Council reconsider:
    - a) the issuance or terms of a Compliance Order;
    - b) the placement on an Enhanced Compliance Schedule for a 12 month period; or
    - c) a demand for payment of Excessive Nuisance Abatement Fees;by submitting a written request for reconsideration to the City's Corporate Officer in accordance with Section 8.2 of this bylaw.
  - 8.2 All requests for reconsideration must:
    - a) be submitted in writing to the Corporate Officer within:
      - i. ten (10) days of the Compliance Order being served in accordance with Sections 4.10 and 4.11 of this bylaw;
      - ii. three (3) days of the Compliance Order being served in accordance with Sections 4.10, 4.11, and 4.17 (a) of this bylaw (Enhanced Compliance Schedule);
      - iii. thirty (30) days of receiving written notice confirming that a property has been placed on an Enhanced Compliance Schedule for a 12 month period; or
      - iv. ten (10) days of the demand for payment of Abatement Fees or the demand for payment of Excessive Nuisance Abatement Fees is issued by the City;as the case may be; and
    - b) include a description of the grounds upon which the request for Council reconsideration is made.
  - 8.3 Upon receipt of a request for reconsideration, the Corporate Officer shall schedule the time, date, and place for Council to hear the matter.
  - 8.4 Upon reconsidering the matter, Council may confirm, set aside, or alter the order, placement, or demand, as it may deem appropriate.
9. Schedule "A" of City of Enderby Good Neighbour Bylaw No. 1517, 2013 is hereby amended by including the definition of 'Compliance Order' as follows:

"Compliance Order" means an order issued pursuant to Section 4.10 of this bylaw;

10. Schedule "D" of City of Enderby Good Neighbour Bylaw No. 1517, 2013 is hereby amended by replacing the definition of 'derelict vehicle' as follows:

"derelict vehicle" means any vehicle or part thereof, typically propelled otherwise than by muscle power which:

- (a) is physically wrecked or disabled;
- (b) is not capable of operating under its own power; or
- (c) does not have attached number plates for the current year pursuant to the regulations of the *Motor Vehicle Act* of the Province of British Columbia

READ a FIRST time this 19<sup>th</sup> day of February, 2018.

READ a SECOND time this 19<sup>th</sup> day of February, 2018.

READ a THIRD time this 19<sup>th</sup> day of February, 2018.

ADOPTED this day of , 2018.

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

# THE CORPORATON OF THE CITY OF ENDERBY BYLAW No. 1649

A bylaw to amend Parks, Recreation and Culture Fees Imposition Bylaw No. 1578, 2015

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**WHEREAS** The Council of the Corporation of the City of Enderby has adopted "The Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1578, 2015";

**AND WHEREAS** Council wishes to amend the fees;

**NOW THEREFORE** the Council of the Corporation of the City of Enderby, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "The Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1578, 2015 Amendment Bylaw No. 1649, 2018".
2. Schedule "C" and Schedule "D" of "The Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1578, 2015" are deleted and Schedule "C" and Schedule "D" attached to and forming part of this bylaw are substituted therefore.

READ a FIRST time this day of , 20.

READ a SECOND time this day of , 20.

READ a THIRD time this day of , 20.

ADOPTED this day of , 20.

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Mayor

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Chief Administrative Officer



**SCHEDULE "C" – POOL FEES**

<b>Rates effective January 1, 2017</b>			
<b>Drop In (per visit)</b>			
	<b>Per Swim</b>	<b>10-Visit Pass</b>	<b>1-Month Pass</b>
Public Swim – Adult	4.00	36.00	44.00
Public Swim – Youth or Senior	3.50	31.50	38.50
Public Swim – Preschool 3-5 yrs	2.50	22.50	27.50
Public Swim – 2yrs and under	Free	n/a	n/a
Public Swim – Family	10.00	90.00	105.00
Public Swim – Parent & Tot 0-2 yrs	Free	n/a	n/a
Toonie Swim	2.00	n/a	n/a
Dash n Splash	6.00	n/a	n/a
Youth Night	5.00	n/a	n/a
Aqua Fit – Youth or Senior	6.00	54.00	63.00
Aqua Fit – Adult	6.50	58.50	68.25
<b>Not-for-profit licensed preschool or youth organization:</b>			
	<b># of Youth/Preschool</b>	<b>Rate per swim</b>	
	8-12	20.00	
	13-20	32.50	
	21-30	52.50	
	30+	52.50 plus \$2.00 for each additional Youth/Preschool	
<b>Rentals (per hour)</b>			
Up to 50 persons			67.00
51-85 persons			91.50
Swim club			25.00
SD #83			<b>JOINT USE AGREEMENT</b>
Not-for-profit licensed preschool or youth organization			17.25/lifeguard/hr

**SCHEDULE "D" – PARK FEES**

<b>Rates effective January 1, 2018</b>	
Park Rates	
Grindrod Park overnight camping (per night; ancillary to baseball tournament)	17.75
Riverside Park – Youth (per day; includes ball diamond area)	250.00
Riverside Park – Adult / Commercial (per day; includes ball diamond area)	500.00
Gazebo	
Daily Rental	120.00
Damage Deposit (per rental)	500.00
Kitchen Clean-up (per rental)	52.00
Ball Diamonds	
Adult League (per team per season)	375.00
Minor League (per team per season)	179.00
Non-League (per diamond per day)	93.00
Funtastic	408.00

**City of Salmon Arm**

500 - 2 Avenue NE

Mailing Address: Box 40

Salmon Arm, BC V1E 4N2

Tel: 250.803.4000 Fax: 250.803.4041

www.salmonarm.ca



*From the Office of the Mayor*

February 13, 2018

City of Enderby  
PO Box 400  
Enderby, BC V0E 1V0

Attention: Mayor Greg McCune

Dear Sir:

Re: Letter of Support for Adoption of a Flexible Ride-Sharing Regulation

At the Regular Council Meeting of the City of Salmon Arm on January 29, 2018, Council passed the following Resolution:

“THAT: Council issue a letter in support of the City of Enderby’s initiatives towards a Flexible Ride-Sharing Regulation in the Province of BC.”

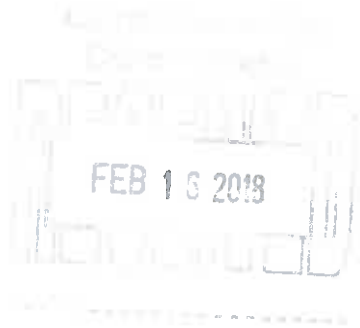
The City of Salmon Arm is in agreement that a Flexible Ride-Share Regulation in the Province of BC would be beneficial to communities such as the City of Enderby that are currently without a transit system. Having a system in place that would provide transportation options to the residents of Enderby would be a substantial benefit to their community.

Please accept this letter of support for these initiatives.

Sincerely,

Nancy Cooper  
Mayor

cc UBCM Municipalities



THE CORPORATION OF THE CITY OF ENDERBY

Agenda

**MEMO**

To: Tate Bengtson, Chief Administrative Officer  
From: Kurt Inglis, Planner and Deputy Corporate Officer  
Date: March 1, 2018  
Subject: Little Free Library Request - Literacy Alliance of the Shuswap Society

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**RECOMMENDATION**

THAT Council supports the request from the Literacy Alliance of the Shuswap Society to install a Little Free Library in the garden bed of the Cliff Avenue Breezeway, with location to be determined in consultation with the City's gardener;

AND THAT Council supports the installation of Little Free Libraries on City property adjacent to the Enderby & District Chamber of Commerce and Enderby & District Community Resource Centre, subject to the Literacy Alliance of the Shuswap Society receiving support from these organizations and the proposed locations not creating any operational concerns.

**BACKGROUND**

The Literacy Alliance of the Shuswap Society (LASS) has received a grant from the First West Foundation to build and install Free Little Libraries throughout the community, which are defined as "small, free-standing structures that provide a weather resistant space for book sharing in places where community gathers". LASS has requested that the City of Enderby supports the installation of a Free Little Library in the garden bed of the Cliff Avenue breezeway.

Staff do not have any concerns with the requested location as the breezeway garden bed provides a soft space where the structure could be easily erected without requiring any hard mounting to the built environment (i.e. bolting to concrete); furthermore, this location would not interfere with the movement of pedestrians. Staff are recommending that LASS consults with the City's gardener in advance to ensure an agreeable location relative to plantings and irrigation.

LASS has also advised that they have identified the Enderby & District Chamber of Commerce and Enderby & District Community Resource Centre as potential sponsors for Little Free Library locations; Staff are supportive of the Little Free Libraries being installed on City property adjacent to these locations (Chamber building is in Belvidere Park and the area adjacent to the sidewalk fronting the Resource Centre is City boulevard) subject to LASS receiving support from these organizations and the proposed locations not creating any operational concerns.

Respectfully Submitted,



Kurt Inglis  
Planner and Deputy Corporate Office

## Little Free Libraries Enderby 2018

The Literacy Alliance of the Shuswap Society (LASS) has received a grant from the First West Foundation to build, install and support 3 or more Little Free Libraries in Enderby! The libraries are fully funded, supported and maintained through LASS; we would love to partner with you to host a space for a Little Free Library!

Little Free Libraries are a small free standing structure that provides a weather resistant space for book sharing in places where community gathers. Little Free Libraries are a non profit organization with the goal of encouraging reading and strengthening community. We will be submitting all Enderby locations to the global little free libraries map – talk about putting our little city on the map!

Little Free Libraries through the Spread the Word Program has the potential to impact the community in the following positive ways:

- Bring community together and make books available where people gather
- make books available outdoors and create accessibility to literacy for all ages at all times
- beautify public spaces
- cultivate generosity and sharing
- promote non-digital experiences
- and “Little Free Libraries” in particular make people happy!

Several designs are available; A.L. Fortune Secondary has been approached to build the libraries through their wood working programs. Creator names will be included on the libraries as well as any funders/supporters of each library. A sponsorship plaque will be placed on each Library to recognize your organization as a host!

Please find a Little Free Library Photo and Installation guidelines attached. Please visit <https://littlefreelibrary.org/build/> to view potential designs and get ideas of what your Little Free Library could look like!

We would like to see the libraries set in commonly used areas in Enderby such as the Chamber of Commerce, Cliff Ave Breezeway Garden, and Community Resource and Community Use Buildings, please see attached map for potential little free library locations. In addition to LASS routinely maintaining the libraries, employees and Service Providers that notice the library is low on books or has any damage are encouraged to contact Darcy Calkins, Literacy Outreach Coordinator for LASS.

We will host a Story Walk Book Reading for the opening of the Libraries. Project completion date is set for May 1 2018.

Please direct further questions regarding this project to Katrina Hobart, Project Manager 250.463.3541, [ecdcoordinator@gmail.com](mailto:ecdcoordinator@gmail.com) .



**City of Enderby Sponsorship Request:**

We would love to see a Little Free Library at the heart of our city. The Cliff Avenue Breezeway garden bed would be an ideal place for a Little Free Library. Picture a Little Free Library nestled in the garden bed invoking wonder in the minds of children and cultivating a place where literacy is shared and valued. Please see attached map for proposed locations. We are open to suggestion as well!



This is the Little Free Library situated in Downtown Salmon Arm. It is well used and maintained. Salmon Arm has 15 Little Free Library Locations and the best used ones are in the heart of the city.

LASS requests your sponsorship in hosting the Library on City grounds and planning for Library installation. Please see Library installation plans attached. Libraries work well being installed on soft ground or surfaces however they can also be installed using cement bolts (as pictured in Salmon Arm). (Map of potential locations attached, we are open to suggestion for the library locations).

Other potential sponsors include:

Enderby Chamber of Commerce/ Recreation Services

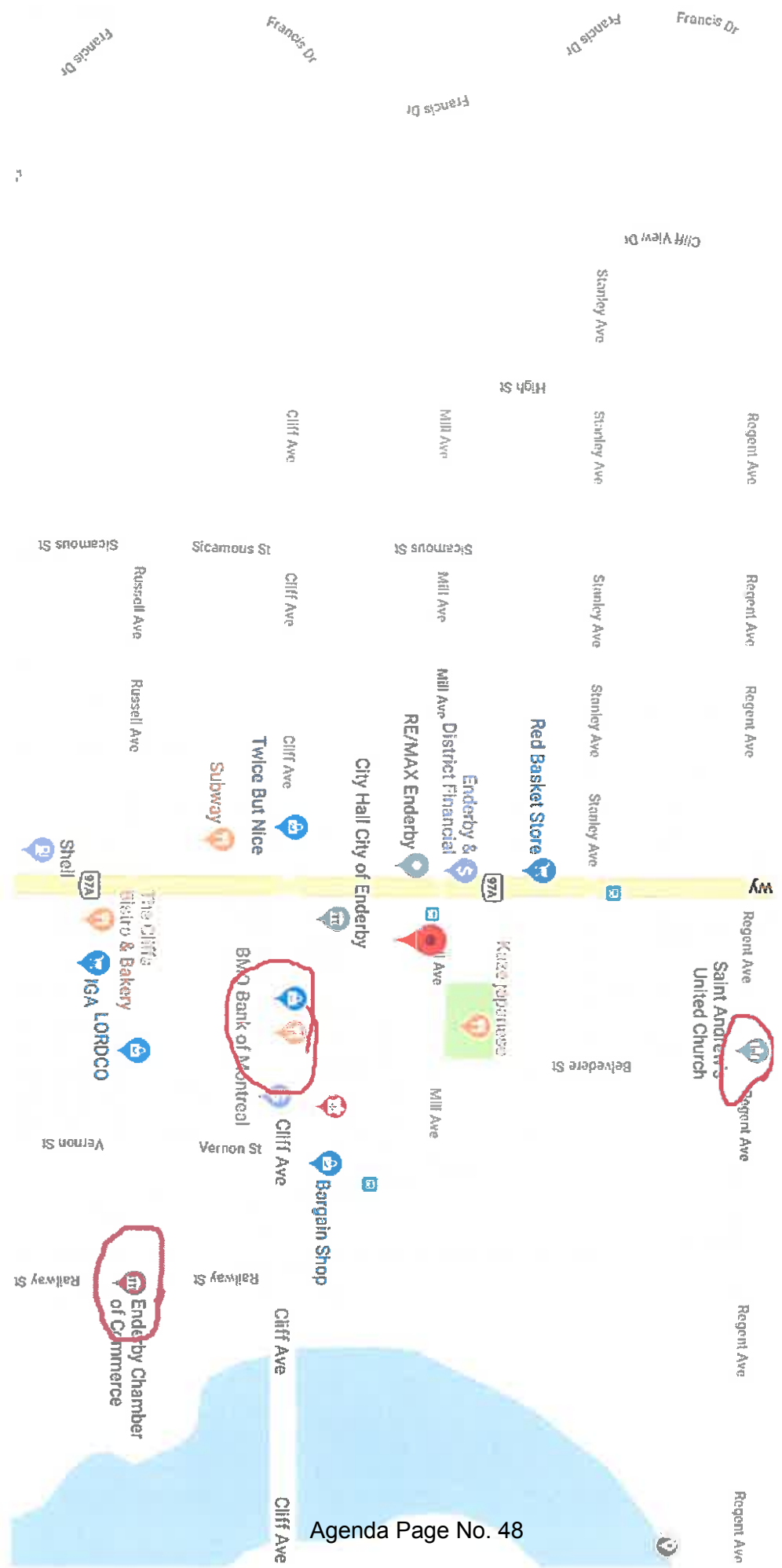
Enderby and District Community Resource Centre

We hope that the City of Enderby will join LASS on the journey of bringing Little Free Libraries to our great community!

If you have questions please don't hesitate to contact Katrina Hobart, Project Manager at 250.463.3541 or [ecdcoordinator@gmail.com](mailto:ecdcoordinator@gmail.com)



Little Free Libraries come in all different designs and can be customized to the space they occupy!





# How to install Your Little Free Library

## Materials

- 8 ft - 4" x 4" post
- 2 ft - 2" x 6" piece of wood
- 6 - 2 1/2" lag screws
- 3" exterior lag screws

**1.** To start, you will need an 8 ft. - 4" x 4" treated post. Any kind will work, but cedar tone is our favorite.

**2.** Cut the post 5 ft. long.

**3.** With the remaining piece make side angle braces. Cut each piece 10 3/4" long and cut 45° angles on the ends.

**4.** Cut a platform as wide as the Little Free Library out of the 2" x 6" piece of wood.

**5.** Mount the angled braces to the 5 ft. post with 3" exterior lag screws and then attach the 2" x 6" platform using 6- 2 1/2" lag screws. First, pre-drill a slightly smaller hole to make it easier to install the lag screw. Use 3" lag screws to enhance the holding power.

**6.** Dig a 24" deep hole and install the post. Make sure to use a level and tamp the dirt hard with a shovel to secure the post.

**7.** Drill 6 holes through the bottom of the Little Free Library. The holes need to match up with the post platform. Use the 6- 2 1/2" lag screws to attach the platform to the library.

**8.** You are done! Now take a picture of you and your friends by your Little Free Library and register it via our website: [www.littlefreelibrary.org](http://www.littlefreelibrary.org). Go to the contacts section to find registration.

**9.** Build another Little Free Library. People always say, you can't just build one!

