

**REGULAR MEETING OF COUNCIL  
AGENDA**

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**DATE:** Monday, September 16, 2019  
**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 September 3, 2019

**P1**

**3. PUBLIC AND STATUTORY HEARINGS**

0004-19-ZTA-END (Morris)

Background: Memo prepared by Planner and Deputy Corporate Officer dated August 26, 2019

**P8**

**4. PETITIONS AND DELEGATIONS**

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

Okanagan Regional Library – 2020 Contribution

Memo prepared by Chief Financial Officer dated 11, 2019

**P20**

**6. BYLAWS**

City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1684, 2019  
*3<sup>rd</sup> reading and adoption*

**P21**

**7. REPORTS**

Mayor and Council

**Verbal**

Area F Director

**Verbal**

RDNO Building Permit Summary for August 2019

**P23**

**8. NEW BUSINESS**

Bylaw Enforcement Statistics for Second Period of 2019 (May-Aug) **P24**  
Memo prepared by Planner and Deputy Corporate Officer dated September 9, 2019

Update on Citizens on Patrol **P28**  
Memo prepared by Planner and Deputy Corporate Officer dated September 10, 2019

Proposed Date and Time for 2019 Business Walk **P29**  
Memo prepared by Planner and Deputy Corporate Officer dated September 11, 2019

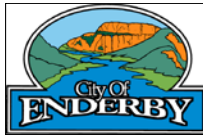
License of Occupation – Synod of the Diocese of Kootenay (608 Knight Avenue) **P30**  
Memo prepared by Planner and Deputy Corporate Officer dated September 12, 2019

**9. PUBLIC QUESTION PERIOD**

**10. CLOSED MEETING RESOLUTION**

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

**11. ADJOURNMENT**



## THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Tuesday, September 3, 2019 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 Raquel Knust  
Councillor Brian Schreiner  
Councillor Shawn Shishido

Staff: Chief Administrative Officer – Tate Bengtson  
Planner and Deputy Corporate Officer – Kurt Inglis  
Recording Secretary – Laurel Grimm

Other: The Press and Public

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### **APPROVAL OF AGENDA**

Moved by Councillor Baird, seconded by Councillor Schreiner  
*“THAT the September 3, 2019 Council Meeting agenda be approved as circulated.”*

CARRIED

### **ADOPTION OF MINUTES**

Regular Meeting Minutes of August 12, 2019  
Moved by Councillor Schreiner, seconded by Councillor Knust  
*“THAT the August 12, 2019 Council Meeting minutes be adopted as circulated.”*

CARRIED

Moved by Councillor Schreiner, seconded by Councillor Knust  
*“THAT Council resolves to go into Committee of the Whole to consider amending the August 12, 2019 Committee of the Whole minutes previously adopted.*

*AND THAT Council amends the previously adopted Committee of the Whole minutes of August 12, 2019 to replace ‘Coffee meeting with Council for the Village of Chase on October 1, 2019’ with ‘Coffee meeting with Council to be hosted October 1, 2019.’*

*AND FURTHER THAT the Committee of the Whole rises and reports its resolution.”*

CARRIED

**PETITIONS AND DELEGATIONS**

Proclamation of National Health and Fitness Day

Sheryl Hay, Enderby and District Recreation Services, spoke to the proclamation and its relevance to Enderby recently being named Canada’s Most Active Community.

Moved by Councillor Schreiner, seconded by Councillor Knust  
*“THAT Council declares the first Saturday in June as National Health and Fitness Day.*

*AND THAT Council authorizes the Mayor and Corporate Officer, respectively, to sign and seal the proclamation.”*

CARRIED

Okanagan Regional Library

Jeremy Sundin, Chief Financial Officer, presented on behalf of the Okanagan Regional Library (ORL). The following points were discussed:

- The ORL has 32 branches in the Okanagan Region which includes space at UBCO and the Administrative Building in Kelowna.
- Enderby is the only municipality which has been charging property tax to their facilities.
- Every other permissive tax exemption applicant that applied was successful other than the ORL.
- Stated that if the ORL owner the property instead of leasing the exemption would be automatic.
- The reasoning for being denied the exempt status was that both the City and Area F use this service and therefore Area F should be responsible for a portion of the exemption, which would be better obtained through the ORL’s ability to requisition.
- ORL has no ability to target a particular community or communities with its requisition, so it is spread across the region. The ORL board will be reviewing the Financial Allocation Model Analysis during the next year.

Council advised Mr. Sundin that it would consider his request later in the agenda along with the other permissive tax exemptions.

**DEVELOPMENT MATTERS**

0020-19-DVP-END

Legal: Lot 1, District Lot 150, Osoyoos Division Yale District  
 Plan: 27530  
 Address: 602 Knight Avenue, Enderby BC  
 Applicant: St. George Anglican Church

Moved by Councillor Baird, seconded by Councillor Schreiner  
*“THAT Council authorize the issuance of a Development Variance Permit for the property legally described as LOT 2 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 20377 and located at 608 Knight Avenue, Enderby B.C. to permit a variance to Section 602.10.b of Zoning Bylaw No. 1550, 2014 by reducing the minimum front yard setback area from 6 m (19.68 feet) to 0 m (0 feet), as shown on the attached Schedule "A", subject to the applicant entering into a License of Occupation with the City of Enderby for that portion of the wheelchair ramp that extends into the Knight Avenue road dedication.”*

CARRIED

*Councillor Baird declared a conflict of interest due to an employment relationship and left the room (4:51 p.m.)*

0004-19-ZTA-END

Legal: Lot A Section 27 Township 18 Range 9 W6M Kamloops Division Yale District Plan 27938  
Plan: KAP59880 (Except Plan 65977)  
Address: 145 Gunter Ellison Road, Enderby BC  
Applicant: Eric and Cherie Morris

Moved by Councillor Baird, seconded by Councillor Schreiner  
*“THAT Zoning Bylaw Amendment Bylaw No. 1684, 2019 be given First and Second Reading and forwarded to a Public Hearing.”*

CARRIED

*Councillor Baird re-entered the room (4:54 p.m.)*

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

UBCM 2019 Resolution on Transportation Network Services

Moved by Councillor Baird, seconded by Councillor Schreiner  
*“THAT Council endorses the resolution titled Enabling Viable and Competitive Transportation Network Services in Small Rural and Remote Communities;*

*AND THAT Council directs staff to submit the resolution to the Union of British Columbia Municipalities for consideration at the 2019 conference;*

*AND FURTHER THAT Council directs staff to circulate the resolution to municipalities and regional districts in British Columbia to seek its support at the 2019 Union of British Columbia Municipalities convention.*

CARRIED

**BYLAWS**

None

**REPORTS**

Childcare Planning Grant Progress

Kara Wilhelms, project manager, presented an update on the community childcare planning process. This includes building an inventory, needs assessment and action plan for improving access to childcare in the community. A childcare survey to help understand the needs, availability, and opportunities in Enderby and area went live on August 30, 2019 and will be available until mid-October.

Salmon Arm Security Services

Prasad Sumanth of Salmon Arm Security gave a presentation. Contract completion date is September 17, 2019.

- Lots of positive feedback received from the community

- This summer had a heavy focus on the education component

Highlights included educating residents about the off-leash dog park and reuniting a missing child with their family. Alternating patrol times were implemented so that the security presence was available at unpredictable times. Public security is measured more by deterrence than incidents.

#### Area F Director

Problems with tubers on the Shuswap River and continuing to identify and implement solutions. Discussions with the Ministry of Transportation and Infrastructure about putting up additional signs. RCMP has suggested that a shuttle service be implemented to manage parking issues.

Some concerns have been noted about telecommunications towers being installed on or near residential properties in Area F.

Attended the Friday Night Lights. Was a great event.

Looking to meet in October to brainstorm solutions for dealing with river concerns.

#### Mayor and Council Reports

##### Councillor Davyduke

- Attended Friday Night Lights; there were some issues with garbage collection.
- NexusBC Community Resource Centre
  - o Youth program available in Enderby for persons aged 18-24. Pre-requisite is that you cannot be on employment insurance. These are one on one meetings with a 75% success rate.
- WorkBC
  - o WorkBC Assistive Technology Services – Access funding for a product or service that will help you overcome barriers to work.
  - o Open House on September 19, 2019 from 3:00 p.m. to 5:00 p.m.

##### Councillor Case

- Attended Friday Night Lights. A large number of cars registered for the event. Restaurants and food trucks were sold out of product.
- Identified a pothole on Old Salmon Arm Road. Staff would refer it to AIM Roads as it is within the Province's jurisdiction.

##### Councillor Schreiner

- Asked staff to research formulas for calculating the economic impact of community events.

##### Mayor McCune

- Shuswap Tourism is looking for another member to sit on the board. He suggested that the Chamber of Commerce should appoint the representative given the Chamber's role in tourism.
- Highway 97A yellow lines north of Enderby need to be reviewed. Passing lanes may not be appropriate to road conditions, design, and posted speeds. Staff to speak with the Ministry of Transportation and Infrastructure on these concerns.
- Discussion on community composting incentive. There may be interest in the community to have a compost bin that could be located adjacent to the Harvest Hut. Approximate

costs are \$170/month. There was a discussion on how to manage smell and cross-contamination from illegal dumping.

- Cops for Cancer 2019 ride on September 5, 2019.
- Community to Community meeting scheduled for September 9, 2019 at 9:00 a.m.
- Attended the Quaaout Lodge meeting information session on doctor shortages
- Alyson Witts has collected flyers posted on poles around town, including several for out-of-town, illegal cannabis dispensaries. Contact will be made with these entities to advise them of proper channels for promotion.

Chief Administrative Officer

- Verbal update on Reservoir Road construction. On schedule at this time. The water line condition is such that it will not need to be repaired in full, so the original plan to replace the water services will continue. There will be a realignment to one part of the water line that is too close to the bank on a sharp corner. There will also be a need to add a fire hydrant, which will need to be connected to the Reservoir Road main. Part of Revel has been excavated for the planned separation of the storm and sanitary sewer infrastructure, but the street base is in poor condition on the entire road, so the project team is evaluating whether additional reconstruction of Revel may be advisable and more cost-effective than doing it as a stand-alone project.

Councillor Knust

- Requested semi-annual reports from Citizens on Patrol, Bylaw Enforcement and Fire Department.

**NEW BUSINESS**

2020-2023 Permissive Tax Exemptions

Moved by Councillor Schreiner, seconded by Councillor Case

*“THAT Council approves providing the properties listed below with a permissive tax exemption for the 2020-2023 taxation years:*

<i>Pioneer Place Society</i>	<i>1104 Belvedere Street</i>	<i>\$11,828</i>
<i>Enderby &amp; Dist. Senior Citizens Complex</i>	<i>606 Stanley Avenue</i>	<i>\$2,147</i>
<i>Enderby &amp; Dist. Senior Citizens Complex</i>	<i>1011 George Street</i>	<i>\$3,739</i>
<i>Provincial Rental Housing</i>	<i>708 Granville Avenue</i>	<i>\$18,002</i>
<i>Enderby Fraternal Hall Society</i>	<i>507 Mill Avenue</i>	<i>\$1,242</i>
<i>Royal Canadian Legion</i>	<i>909 Belvedere Street</i>	<i>\$1,452</i>
<i>St. Andrew's United Church - Trustee</i>	<i>606 Regent Avenue</i>	<i>\$1,034</i>
<i>St. Andrew's United Church - Trustee</i>	<i>1110 Belvedere Street</i>	<i>\$708</i>
<i>Enderby Evangelical Chapel</i>	<i>706 Mill Avenue</i>	<i>\$880</i>
<i>Synod Diocese of Kootenay</i>	<i>602 Knight Avenue</i>	<i>\$1,098</i>
<i>Synod Diocese of Kootenay</i>	<i>608 Knight Avenue</i>	<i>\$535</i>
<i>Enderby Jehovah Witnesses</i>	<i>115 George Street</i>	<i>\$3,190</i>
<i>Roman Catholic Bishop of Kamloops</i>	<i>1406 George Street</i>	<i>\$1,106</i>
<i>Seventh-Day Adventist Church</i>	<i>703 Old Vernon Street</i>	<i>\$2,777</i>
<i>172965 Canada Ltd - City Hall Parking Lot</i>	<i>907 George Street</i>	<i>\$2,320</i>
<i>City of Enderby - Drill Hall</i>	<i>208 George Street</i>	<i>\$5,266</i>
<i>City of Enderby - Drill Hall Parking Lot</i>	<i>206 George Street</i>	<i>\$923</i>
<i>City of Enderby - Drill Hall Parking Lot</i>	<i>204 George Street</i>	<i>\$1,498</i>
<i>City of Enderby - Museum</i>	<i>903 George Street</i>	<i>\$5,090</i>
<i>City of Enderby - Info Centre</i>	<i>700 Railway Street</i>	<i>\$1,608”</i>

CARRIED

Moved by Councillor Schreiner, seconded by Councillor Davyduke  
*“THAT the City of Enderby agrees to contribute its proportionate share of the 2020 property taxes for that portion of the property located at 514 Cliff Avenue, Enderby BC, leased by Okanagan Regional Library, based on the total assessed values of the City of Enderby and Area F of the Regional District of the North Okanagan;*

*AND THAT the City of Enderby invites discussion with the Regional District of the North Okanagan with respect to a contribution for the remaining value that is attributed to Area F;*

*AND FURTHER THAT staff are directed to bring back a recommendation as to whether this value be paid as a Grant in Lieu or Property Tax Exemption to the Okanagan Regional Library.”*

CARRIED

OPPOSED Councillor Knust/Baird

Digital Billboard Sponsorship Application – Church of Jesus Christ of Latter-day Saints

Moved by Councillor Baird, seconded by Councillor Schreiner  
*“THAT Council authorizes a digital billboard sponsorship for the Church of Jesus Christ of Latter-day Saints valued at \$2,800 in-kind.”*

CARRIED

Naming of Laneways to the North and South of Cliff Avenue

Moved by Councillor Baird, seconded by Councillor Schreiner  
*“THAT Council directs Staff to send correspondence to property owners affected by the potential naming of the dedicated laneways to the north and south of Cliff Avenue, on the eastern side of George Street, in order to notify them of the City's intent and request that they notify Staff of any potential concerns;*

*AND THAT should the aforementioned property owners not identify any significant concerns associated with the naming of the laneways which would warrant further consideration, Council directs Staff to send correspondence to the Enderby & District Heritage Commission requesting that the Commission short-lists a number of potential heritage street names from Schedule "1" of the Street Names Policy, which are the most meaningful to the area in the vicinity of the lanes and prepare the required bylaw to formally name the laneways following consideration of the recommendations of the Heritage Commission and input of affected property owners.*

CARRIED

Green Communities Committee Correspondence

Moved by Councillor Baird, seconded by Councillor Schreiner  
*“THAT the Green Communities Committee Correspondence be received and filed.”*

CARRIED

**PUBLIC QUESTION PERIOD**

None



**CLOSED MEETING RESOLUTION**

Moved by Councillor Baird, seconded by Councillor Davyduke (6:07 p.m.)

*“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) (f) and (k) and 90 (2) (b) of the Community Charter.”*

CARRIED

**ADJOURNMENT**

Moved by Councillor Knust, seconded by Councillor Schreiner

*“That the regular meeting of September 3, 2019 adjourn at 7:00 p.m.”*

CARRIED

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**MAYOR**

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**CORPORATE OFFICER**

Agenda

**CITY OF ENDERBY  
ZONING TEXT AMENDMENT APPLICATION**

File No.: 0004-19-ZTA-END

August 26, 2019

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**APPLICANT:** Eric Morris

**OWNER:** Eric and Cherie Morris

**LEGAL DESCRIPTION:** LOT A SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN  
KAMLOOPS DIVISION YALE DISTRICT PLAN 27938

**P.I.D.:** 004-686-438

**CIVIC ADDRESS:** 145 Gunter Ellison Road, Enderby BC

**PROPERTY SIZE:** 4.86 acres (1.97 hectares)

**ZONING:** Country Residential (C.R)

**O.C.P DESIGNATION:** Country Residential

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

**PROPOSED TEXT AMENDMENT** Amend the City of Enderby Zoning Bylaw No. 1550, 2014 to permit a detached secondary suite to accompany a single family dwelling/mobile home, and to permit a detached secondary suite to be located on the second storey level of an accessory residential building

**RECOMMENDATION:**

THAT Zoning Bylaw Amendment Bylaw No. 1684, 2019 which proposes to amend the City of Enderby Zoning Bylaw No. 1550, 2014 to permit a detached secondary suite to accompany a single family dwelling/mobile home, and to permit a detached secondary suite to be located on the second storey level of an accessory residential building, for the property legally described as LOT A SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 27938 and located at 145 Gunter Ellison Road, Enderby BC be given First and Second Reading and forwarded to a Public Hearing.

**BACKGROUND:**

This report relates to an application to amend the City of Enderby Zoning Bylaw No. 1550, 2014 to permit a detached secondary suite to accompany a single family dwelling/mobile home, and be located on the second storey level of an accessory residential building, for the property legally described as LOT A

SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 27938 and located at 145 Gunter Ellison Road, Enderby BC. The proposed amendments to the Zoning Bylaw would enable the applicant to construct an accessory residential building (garage/shop) with a detached secondary suite on the second storey level.

#### Site Context

The 4.86 acres (1.97 hectares) subject property is located on the western side of Gunter Ellison Road, which is identified in Schedule 'C' of the City's Official Community Plan as a 'municipal major collector' road. Access to the property is gained via a gravelled driveway off of Gunter Ellison Road, but the property also has road frontage off of Timberlane Road to the west, with Timberlane Road being constructed to a gravelled rural standard. The property slopes in an easterly direction, towards Gunter Ellison Road.

A mobile home is located in the northeast corner of the lot, with the remainder of the site remaining treed. The mobile home is serviced via community water and a private septic system.

The subject property and properties to the north, west, and south are zoned Country Residential (C.R) and are designated in the Official Community Plan as Country Residential. The properties to the east are outside of municipal boundaries and are located in Area 'F' of the Regional District of North Okanagan.

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

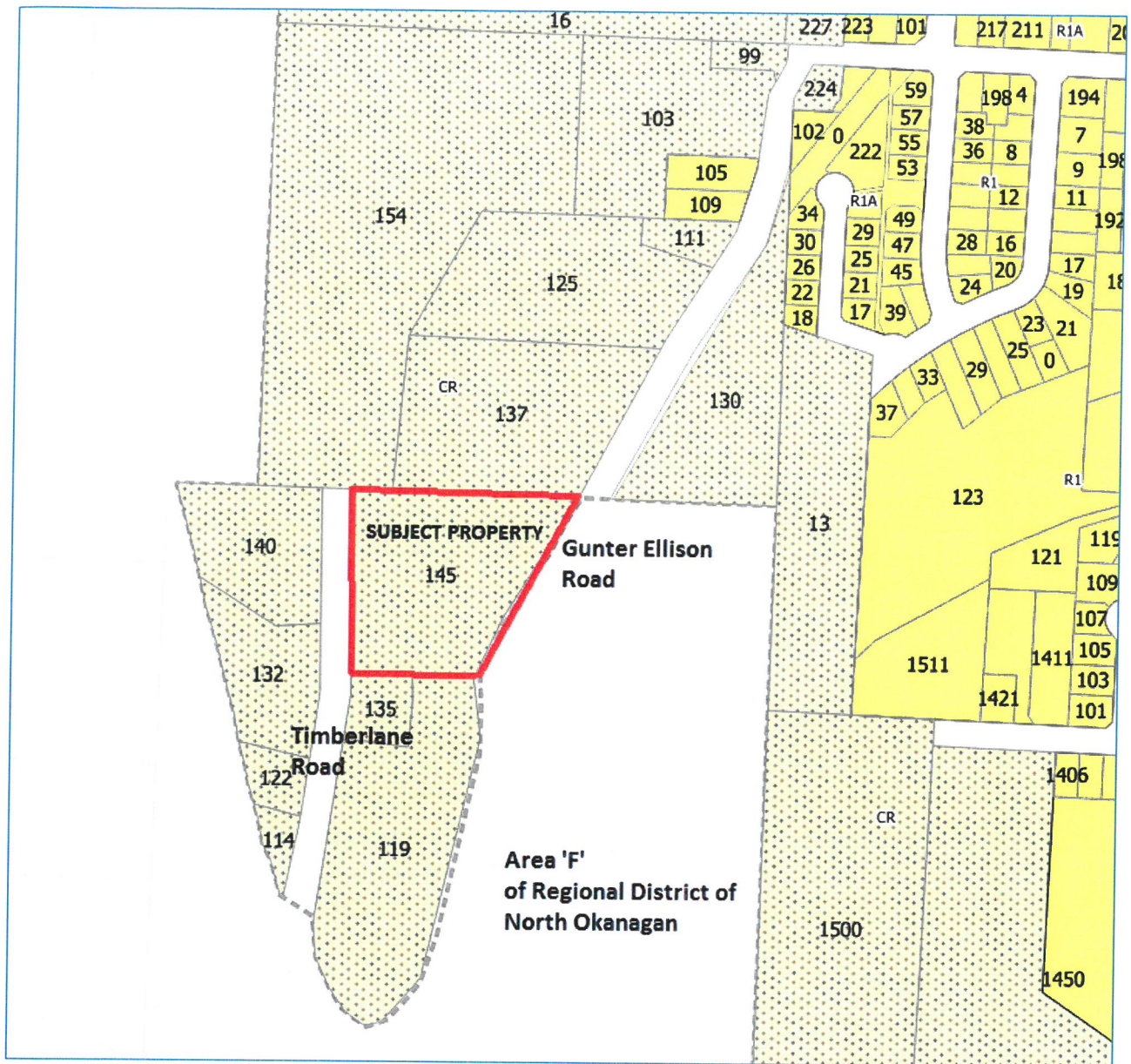


Figure 1: Zoning Map

Dotted - Country Residential (C.R)  
Yellow - Residential Single Family (R.1/R.1-A)

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



Figure 2: Orthophoto

\*NOTE: Google Earth has incorrectly labelled Gunter Ellison Road as Salmon Arm Drive in the orthophoto above.

## The Proposal

The applicant is proposing to construct an accessory residential building (shop/garage) on the western edge of the property, adjacent to Timberlane Road, with a detached secondary suite on the second storey level. The detached suite would be serviced via community water and a new septic system which would be separate from the septic system currently servicing the mobile home. The applicant is proposing that the accessory residential building and detached suite will be accessed via a new driveway off of Timberlane Road.

As detached suites are not a permitted use within the Country Residential Zone, and detached suites are not permitted on the second storey level of accessory residential buildings, the applicant is proposing to amend the text of the City of Enderby Zoning Bylaw No. 1550 accordingly.

### **ZONING BYLAW:**

The subject property is currently zoned Country Residential (C.R); uses permitted 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.

The applicant has not developed a formal site plan or construction drawings for the proposed development at this time. The applicant will be required to submit these plans and drawings at the Building Permit stage, should the proposed zoning text amendments be approved. Once the plans and drawings have been submitted by the applicant as part of a Building Permit application, they will be reviewed against the City's detached secondary suite regulations for consistency. Given that the detached secondary suite regulations were designed for typical urban-scale residential lots, it is anticipated that the applicant will likely require variances given that the subject property is a rural, acreage lot.

### **OFFICIAL COMMUNITY PLAN:**

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

Policy 3.3.c - Council recognizes that development of land has social impacts and will act

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

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

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

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

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

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

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

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

#### **REFERRAL COMMENTS:**

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

No comments were received in response to the referral.

#### **PLANNING ANALYSIS:**

The City of Enderby Planner raises no objections to the applicant's request to amend the Zoning Bylaw to permit a detached secondary suite to accompany a single family dwelling/mobile home, and to permit a detached secondary suite to be located on the second storey level of an accessory residential building, for the subject property located at 145 Gunter Ellison Road, and recommends that Council supports the application for the following reasons:

- Given the property's large area of 4.86 acres, and the fact that the majority of the site remains treed which provides natural screening, it is not anticipated that the development of detached secondary suite on the second storey of an accessory residential building would result in any

negative spill over effects to neighbouring properties, nor detract from the character or aesthetics of the site or neighbourhood more broadly;

- Supporting the application would facilitate infill development, which is a key element of Smart Growth development and is supported in the OCP, and provides the following community benefits:
  - More efficient use of land by increasing the ratio of improvement-to-land values;
  - Reducing pressures related to greenfield development and boundary expansion which in turn facilitates urban containment and rural protection; and
  - Focusing future growth within developed areas of the community in order to maximize the value of existing infrastructure.
- Facilitating the development of a detached secondary suite on the subject property will add to the community's supply of affordable rental housing;
- Although the accessory residential building and detached suite are proposed to be accessed via a driveway off of Timberlane Road, which is currently constructed to rural gravelled standard, it is anticipated that the incremental impacts to this road as a result of the proposed development will be minimal;
- It is not anticipated that the proposal would negatively affect the use and enjoyment of the subject or neighbouring properties.

## SUMMARY

This is an application to amend the City of Enderby Zoning Bylaw No. 1550, 2014 to permit a detached secondary suite to accompany a single family dwelling/mobile home, and to permit a detached secondary suite to be located on the second storey level of an accessory residential building, for the property legally described as LOT A SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 27938 and located at 145 Gunter Ellison Road, Enderby BC.

It is recommended that Zoning Bylaw Amendment Bylaw No. 1684, 2019 be given First and Second Reading and forwarded to a Public Hearing.

---

**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  
ZONING TEXT AMENDMENT APPLICATION  
SUBJECT PROPERTY MAP**

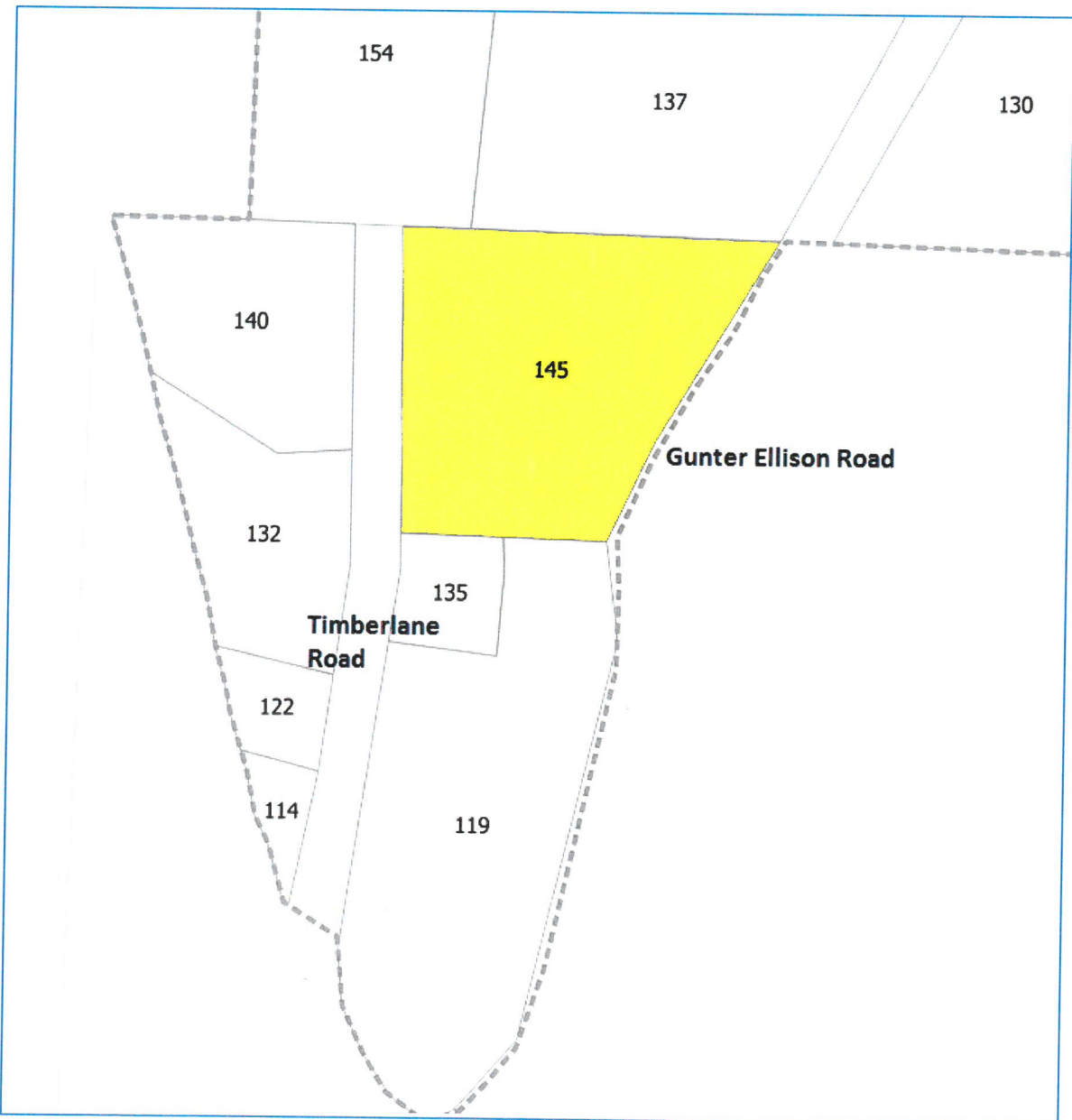
**File:** 0004-19-ZTA-END

**Applicant:** Eric Morris

**Owner:** Eric and Cherie Morris

**Location:** 145 Gunter Ellison Road, Enderby BC

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# DOUG CLARK ,ROWP

228 Beattie Rd.  
Enderby, BC V0E 1V5

Ph. 250-838-6230  
Fax 250-838-6258  
e-mail - dc.construction@telus.net

ROWP # OW0166

Workers Comp. #233140-141  
GST # 101467439

July 10, 2019

## Planner/ Installer Review Report

### Re: Proposed Septic System for Eric and Cherie Morris

Civic Address: 145 Gunther Ellison Road, Enderby BC V0E 1V0

Legal: Lot A Plan 27938 ODYD

### To whom it may concern

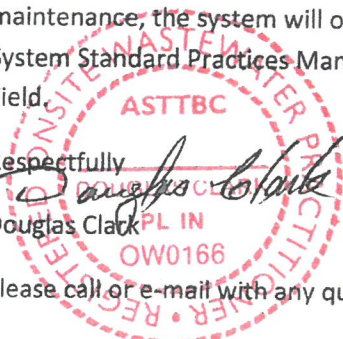
This letter certifies that the above referenced property will support a 2 bedroom with a Type 1 sewage system, including a reserve field area. The site is on the East Side of Timberline Road near its termination to the North. ( See Map enclosed)

Based on the results of an onsite review and the documentation provided by the owner's to Doug Clark ROWP.OW0166 the above described property will support a 2 bedroom home. With regular maintenance, the system will operate in accordance with the design specifications of the BC Sewerage System Standard Practices Manual and will not create a Health Hazard. There is room for a Reserve Field.

Respectfully,

  
Douglas Clark

Please call or e-mail with any questions or concerns.





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### 145 GUNTER-ELLISON RD ENDERBY VOE 1V1

Area-Jurisdiction-Roll: 20-208-0653.000

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**Total value \$241,400**

2019 assessment as of July 1, 2018

Land	\$215,000
Buildings	\$26,400
Previous year value	\$243,100
Land	\$215,000
Buildings	\$28,100

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<b>Property information</b>	Are the property details correct?	<b>Legal description and parcel ID</b>
Year built	1974	Lot A Plan KAP27938 Section 27 Township 18 Range 9 Meridian Land District 25
Description	Manufactured Home-Single Wide	PID: 004-686-438
Bedrooms		
Baths		
Carports		
Garages		
Land size	4.86 Acres	<b>Sales history (last 3 full calendar years)</b>
First floor area		No sales history for the last 3 full calendar years
Second floor area		
Basement finish area		
Strata area		
Building storeys		
Gross leasable area		<b>Manufactured home</b>
Net leasable area		Width 12 Ft
No.of apartment units		Length 56 Ft
		Total area 672 Sq Ft

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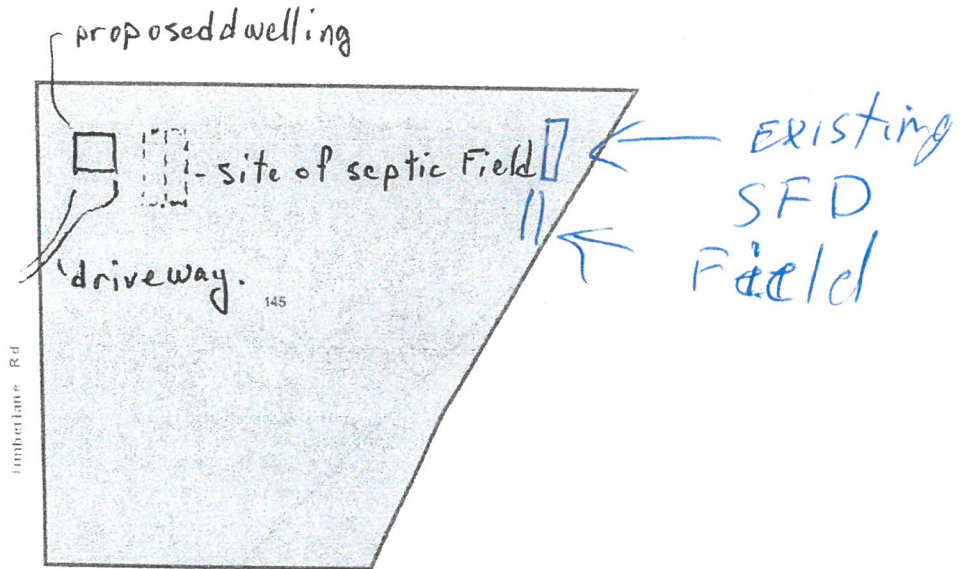
Map

Neighbouring properties

Sample sold properties



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Agenda

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

**To:** Tate Bengtson, CAO  
**From:** Jennifer Bellamy, CFO  
**Date:** September 11, 2019  
**Subject:** Okanagan Regional Library – 2020 Contribution

---

**Recommendation:**

THAT Council approves providing the Okanagan Regional Library with an operating grant in 2020 equal to the City of Enderby's share of the property taxes based on the total assessed values of the City of Enderby and Area F of the Regional District of the North Okanagan.

**Background:**

At the September 3, 2019 regular meeting, Council approved providing the Okanagan Regional Library with a contribution to its property tax value. As the Library is used by both City and Area F taxpayers, the City will contribute its share of the property taxes based on the total assessed property values for both the City and Area F.

To keep the process simple, it is recommended that the contribution be provided through a one-time grant rather than through a permissive tax exemption bylaw. This will allow Council to consider future requests without having to go through the process of amending the tax exemption bylaw, along with incurring the associated costs to do so. As assessed values change each year, providing a grant will allow the City to easily adjust the grant value based on its proportionate share. This will also provide some time for Council to evaluate this approach in light of the forthcoming conversations with Area F.

Based on the 2019 assessed values, the City's share of the Library's property taxes would have been 30% or \$1,536.18, which will require a 0.1% tax increase to fund in 2020. Note that this would be based on regular assessed values and not converted assessed values. Other shared services are based on converted assessed values which provide a higher allocation to nonresidential properties. As library services are primarily used by residents, regular assessed values is recommended to be used as the assessment basis.

Respectfully Submitted

  
Jennifer Bellamy  
Chief Financial Officer

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1684, 2019

A BYLAW TO AMEND THE TEXT OF THE CITY OF ENDERBY ZONING BYLAW NO. 1550,  
2014 AND AMENDMENTS THERETO

---

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

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

AND WHEREAS Council of the City of Enderby has determined to make an amendment to "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014";

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

1. This bylaw may be cited as the "City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1684, 2019".
2. Division Seven - Rural Zones (C.R) of Schedule "A" of Zoning Bylaw No. 1550, 2014 is hereby amended by adding Section 701.10.i as follows:
  - i. Notwithstanding the permitted uses outlined in Section 701.1 of this Bylaw, a detached secondary suite is permitted to accompany a single family dwelling/mobile home for the property legally described as LOT A SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 27938 and located at 145 Gunter Ellison Road, Enderby BC.
3. Division Three - General Regulations of Schedule "A" of Zoning Bylaw No. 1550, 2014 is hereby amended by adding Section 317.5 as follows:
  5. Notwithstanding Section 317.3 above, a detached secondary suite is permitted on the second storey level of an accessory residential building for the property legally described as LOT A SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 27938 and located at 145 Gunter Ellison Road, Enderby BC.

READ a FIRST time this 3<sup>rd</sup> day of September, 2019.

READ a SECOND time this 3<sup>rd</sup> day of September, 2019.

Advertised on the 5<sup>th</sup> day of September, 2019 and the 12<sup>th</sup> day of September, 2019 and a Public Hearing held pursuant to the provisions of Section 464 of the *Local Government Act* on the 16<sup>th</sup> day of September, 2019.

READ a THIRD time this 16<sup>th</sup> day of September, 2019.

ADOPTED this 16<sup>th</sup> day of September, 2019.

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MAYOR

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CORPORATE OFFICER



**RDNO Building Permits Issued Comparison for Year/Month - Summary**

**Area: CITY OF ENDERBY**

**Category: BUILDING PERMITS**

**Year: 2019 Month: 08**

Folder Type	2019/08		2018/08		2019 to 08		2018 to 08					
	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created				
ACCESSORY BUILDING	0	0	0	0	0	0	0	0				
AGRICULTURAL BUILDING	0	0	0	0	0	0	0	0				
COMMERCIAL BUILDING	0	0	0	0	0	0	0	0				
DEMOLITION	0	0	0	0	0	0	0	0				
END - ACCESSORY BUILDING	1	0	1,350	1	0	1,350	2	0				
END - COMMERCIAL BUILDING	1	0	20,000	2	0	115,000	1	0				
END - DEMOLITION	0	0	0	2	0	15,000	1	0				
END - INDUSTRIAL BUILDING	0	0	0	0	0	0	1	0				
END - MODULAR HOME	0	0	0	0	0	200,000	1	0				
END - MULTI FAMILY DWELLING	0	0	0	1	0	14,000	3	1				
END - SIGN	0	0	0	1	0	300,000	2	2				
END - SINGLE FAMILY DWELLING	0	0	0	2	0	65,000	0	0				
INDUSTRIAL BUILDING	0	0	0	1	0	481,001	10	3				
INSTITUTIONAL	0	0	0	0	0	0	0	0				
MANUFACTURED HOME	0	0	0	0	0	0	0	0				
MODULAR HOME	0	0	0	0	0	0	0	0				
MULTI FAMILY DWELLING	0	0	0	0	0	0	0	0				
PLUMBING	0	0	0	0	0	0	0	0				
POOL	0	0	0	0	0	0	0	0				
RETAINING WALL	0	0	0	0	0	0	0	0				
SIGN	0	0	0	0	0	0	0	0				
SINGLE FAMILY DWELLING	0	0	0	0	0	0	0	0				
SOLID FUEL BURNING APPLIANC	0	0	0	0	0	0	0	0				
<b>Report Totals</b>	<b>2</b>	<b>0</b>	<b>21,350</b>	<b>6</b>	<b>3</b>	<b>550,000</b>	<b>8</b>	<b>0</b>	<b>677,351</b>	<b>20</b>	<b>6</b>	<b>2,330,318</b>

THE CORPORATION OF THE CITY OF ENDERBY

Agenda

MEMO

To: Tate Bengtson, Chief Administrative Officer  
From: Kurt Inglis, Planner and Deputy Corporate Officer  
Date: September 9, 2019  
Subject: Bylaw Enforcement Statistics for Second Period of 2019 (May - Aug)

---

**RECOMMENDATION**

THAT Council receives this memorandum for information.

**BACKGROUND**

The bylaw enforcement statistics for the second period of 2019 (May-Aug) are attached to this memorandum as Appendix "A"; the highlights of these statistics are as follows:

- A total of 122 complaints were received between May 1, 2019 and August 31, 2019;
- Of these 122 complaints, 54.1% were received from the public and 45.9% came through observation by the Bylaw Enforcement Officer or City Staff;
- The most common complaints were related to unsightly properties, excessive barking, and unlawful parking (combined 58.2% of complaints);
- The 122 complaints received for the second period of 2019 is an increase from the 95 complaints received for the second period of 2018;
- Of the 122 complaints, 70 (57.4%) were resolved through voluntary compliance or were already compliant upon investigation; and
- A total of 16 Orders to Comply were issued along with 10 tickets.

Respectfully Submitted,



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Kurt Inglis  
Planner and Deputy Corporate Officer

**Appendix "A" - BYLAW COMPLAINT STATISTICS FOR SECOND PERIOD OF 2019 (MAY-AUG)**

<b>BREAKDOWN OF COMPLAINTS</b>		
<b>Category</b>	<b>No. of Complaints</b>	<b>Percentage of Complaints</b>
Property	59	48.4%
Dogs	18	14.8%
Parking/Traffic	16	13.1%
Zoning	14	11.5%
Public Spaces	6	4.9%
Nuisance	6	4.9%
Construction**	2	1.6%
Business Licensing	1	0.8%
<b>TOTAL</b>	<b>122</b>	
<b>Identified By</b>	<b>Bylaw Enforcement / Staff</b>	<b>Public</b>
	56 (45.9%)	66 (54.1%)

\*\*NOTE: Many construction related issues are identified directly by the Building Inspector, and are not received as bylaw complaints, and therefore may not be reported in the statistics

<b>PROPERTY COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Property Complaints</b>
Unightly Property	50	84.7%
Derelict Vehicles	4	6.8%
Civil matters	2	3.4%
Rubbish Overflowing from Container	2	3.4%
Vegetation overhanging on to roadway	1	1.7%
<b>TOTAL</b>	<b>59</b>	

<b>DOG COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Dog Complaints</b>
Excessive Barking	11	61.1%
Dog at Large	4	22.2%
Dog Attack	3	16.7%
<b>TOTAL</b>	<b>18</b>	

<b>PARKING/TRAFFIC COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Parking/Traffic Complaints</b>
Unlawful parking	10	62.5%
Derelect vehicle	3	18.8%
Blocking flow of pedestrian traffic	2	12.5%
Continuous parking of recreational vehicle	1	6.3%
<b>TOTAL</b>	<b>16</b>	

<b>ZONING COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Zoning Complaints</b>
Unlawful use	7	50%
Unlawful signage	3	21.4%
Unlawful growing of cannabis plants outdoors	2	14.3%
Unlawful storage of trailer on residential property	1	7.1%
Unlawful screening	1	7.1%
<b>TOTAL</b>	<b>14</b>	

<b>PUBLIC SPACES COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Public Spaces Complaints</b>
Taking abode in a public space	2	33.3%
Smoking/vaping in unpermitted area	2	33.3%
Unlawful panhandling	2	33.3%
<b>TOTAL</b>	<b>6</b>	

<b>NUISANCE COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Nuisance Complaints</b>
Annoyance or nuisance by unsightliness or the emission of odours	3	50%
Excessive noise	2	33.3%
Backyard burning using non-CSA approved container	1	16.7%
<b>TOTAL</b>	<b>6</b>	

<b>CONSTRUCTION COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Construction Complaints</b>
Unlawful construction without a permit	1	50%
Unlawful structure	1	50%
<b>TOTAL</b>	<b>2</b>	

<b>BUSINESS LICENSING COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Business Licensing Complaints</b>
Failure to adhere to business license regulations	1	100%
<b>TOTAL</b>	<b>1</b>	

<b>OUTCOMES</b>							
<b>Voluntary Compliance / Already Compliant</b>	<b>Warning / Monitor Property</b>	<b>Orders to Comply</b>	<b>Tickets</b>	<b>Compliance Agreements</b>	<b>Vehicles Towed</b>	<b>Surrender of Dog</b>	<b>Investigations Still in Progress</b>
70	22	16	10	5	3	1	3

\*\*NOTE: Some complaints resulted in multiple outcomes (i.e. issuance of both an Order to Comply and a Bylaw Notice)

THE CORPORATION OF THE CITY OF ENDERBY

Agenda

MEMO

To: Tate Bengtson, Chief Administrative Officer  
From: Kurt Inglis, Planner and Deputy Corporate Officer  
Date: September 10, 2019  
Subject: Update on Citizens on Patrol Program

---

**RECOMMENDATION**

THAT Council receives this memorandum for information.

**BACKGROUND**

In 2017, the City of Enderby re-launched the Citizens on Patrol (COP) program. COP is a way for local volunteers to serve as “eyes and ears” to help spot crime or other suspicious activity. Volunteers work in teams patrolling neighbourhoods in marked vehicles, observing and reporting any activity that may need a police presence or could help the police in an investigation. The COP presence provides enhanced situational awareness and deterrence of criminal activity.

To date the City has undertaken two volunteer drives for its COP program, one in the spring of 2018 and one in the winter of 2019. Prior to joining the program, applicants are required to pass a screening, obtain a criminal record and vulnerable sector check, and attend a training session.

The safety of COP volunteers is paramount, and the City has implemented a number of policies and procedures in order to ensure that patrols are taking place in a controlled and safe manner.

The following are some highlights of the COP program:

- Active volunteers - 12
- Number of patrols undertaken - 74
- Volunteer hours spent patrolling the community (May 2018 - Sept 2019) - 400.5 hours
- Tips received through the online COP Tips page - 48
- Median patrol length - 3 hours

The value of the COP program is an increased presence which helps to deter criminal activity; as deterrence is defined by the absence of statistics, it is difficult to quantify.

Respectfully Submitted,



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Kurt Inglis  
Planner and Deputy Corporate Officer

Agenda

**THE CORPORATION OF THE CITY OF ENDERBY**

**MEMO**

To: Tate Bengtson, Chief Administrative Officer  
From: Kurt Inglis, Planner and Deputy Corporate Officer  
Date: September 11, 2019  
Subject: Proposed Date and Time for 2019 Business Walk

---

**RECOMMENDATION**

THAT Council identifies a preferred date between October 7-18 for the 2019 Business Walk;  
AND THAT Council confirms that 10:00 am - 12:00 pm is an acceptable time for the 2019 Business Walk;  
AND THAT the Enderby & District Chamber of Commerce be advised of the date and time of the 2019 Business Walk and be invited to participate.

**BACKGROUND**

Enderby City Council, in cooperation with the Enderby & District Chamber of Commerce and Community Futures North Okanagan, undertook its fourth annual Business Walk on October 4, 2018. The intent of this Business Walk was to learn more about local businesses through face-to-face interviews and to identify opportunities for further supporting community economic development; the British Columbia Economic Development Association has identified Business Walks as a key way to support business retention and expansion.

In past years, Business Walks in the community have been scheduled to correspond with Small Business Week which is towards the end of October. Last year Council chose to go with an earlier date, as the weather is generally milder and there is better availability for Community Futures representatives. Given this, Staff are recommending that Council choose a preferred date between October 7-18 for the 2019 Business Walk, and confirms that 10:00 am - 12:00 is an appropriate time for the event.

Furthermore, Staff recommend that the Enderby & District Chamber of Commerce be advised of the date and time of the 2019 Business Walk and be invited to participate.

Respectfully Submitted,



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Kurt Inglis  
Planner and Deputy Corporate Officer

THE CORPORATION OF THE CITY OF ENDERBY

Agenda

MEMO

To: Tate Bengtson, Chief Administrative Officer  
From: Kurt Inglis, Planner and Deputy Corporate Officer  
Date: September 12, 2019  
Subject: License of Occupation - Synod of the Diocese of Kootenay (608 Knight Avenue)

---

**RECOMMENDATION**

THAT Council authorizes the Mayor and Corporate Officer to execute the attached License of Occupation, substantially as presented, with the Synod of the Diocese of Kootenay for the purposes of a concrete wheelchair ramp at 608 Knight Avenue, Enderby BC.

**BACKGROUND**

At its Regular Meeting of September 3, 2019, Enderby City Council authorized the issuance a Development Variance Permit in relation to a concrete wheelchair ramp at 608 Knight Avenue. Given that a portion of the proposed wheelchair ramp would extend into the Knight Avenue road dedication, the issuance of the Permit was subject to the property owner entering into a License of Occupation with the City of Enderby.

Staff are recommending that Council authorize the Mayor and Corporate Officer to execute the attached standard License of Occupation agreement.

Respectfully Submitted,



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Kurt Inglis  
Planner and Deputy Corporate Officer



**LICENSE OF OCCUPATION**

BETWEEN:

THE CORPORATION OF THE CITY OF ENDERBY  
619 Cliff Avenue, P. O. Box 400  
Enderby, B. C. V0E 1V0  
(the "City")

OF THE FIRST PART;

AND:

The Synod of the Diocese of Kootenay  
201-380 Leathead Road  
Kelowna, B. C. V1X 2H8  
(the "Licensee")

OF THE SECOND PART;

**WHEREAS**

- A. The City of Enderby has agreed to grant a License of Occupation (hereinafter referred to as the "License") over that portion of highway shown and outlined in red on Schedule "A" attached to and forming part of this License (hereinafter referred to as the "Land");
- B. Under Section 35(11) of the *Community Charter*, the Council of the City may, by by-law, or resolution, grant a license of occupation or an easement, or permit an encroachment, in respect of a highway;

**NOW THEREFORE**, in consideration of the fee to be paid by, and the covenants of the licensee, the parties agree as follows:

**1. GRANT OF LICENSE**

- 1.01** The City, on the terms set forth herein, hereby grants to the Licensee, a License to enter on the Land for purposes of a concrete wheelchair ramp.

**2. DURATION**

- 2.01** The duration of the License and the rights herein granted shall be for a term of three (3) years commencing on the 18th day of September, 2019, (herein called the "Commencement Date") and ending on the 18th day of September, 2022, unless cancelled in accordance with the terms hereof. The License is renewed on a year to year basis on the same terms and conditions subject to the cancellation provisions set out in Section 5.01.

**3. LICENSEE'S COVENANTS**

- 3.01** The Licensee covenants with the City:
  - a) to pay and discharge when due, all applicable taxes, levies, charges and assessments now or hereafter assessed, levied or

charged which relate to the Land or any improvements thereon which the Licensee is liable to pay;

- b) the Licensee shall observe, fulfill and comply promptly at his own expense with the requirements of every applicable statute, law, regulation or bylaw of any federal, provincial or municipal government, agency or authority or of any association of insurance underwriters or agents, and all notices, orders or direction in pursuance of same, whether served upon the Licensee or the City. The Licensee shall indemnify and save the City harmless from all costs, charges or damages which the City may incur or suffer by reason of the Licensee's breach of any statute, law, regulation or bylaw;
- c) not to commit or suffer any wilful or voluntary waste, spoil or destruction on the land or do or suffer to be done thereon anything that may be or become a nuisance or annoyance to the owners or occupiers of adjoining land;
- d) to deliver annually to the City on the anniversary date of the signed, proof of insurance, receipts or other evidence of insurance premiums, and other monetary obligations of the Licensee required to be observed by the Licensee pursuant to this License. In addition, the Licensee is to have the City named as a third party on the insurance;
- e) to indemnify and save the City harmless against all losses, damages, costs and liability, including fees of solicitors and other professional advisors arising out of:
  - i) any breach, violation or non-performance of any covenant, condition or agreement in this License by the Licensee;
  - ii) any personal injury, death or property damage occurring on the Land or happening by virtue of the Licensee's occupation of the Land.
- f) to keep the Land in a safe, clean and sanitary condition satisfactory to the City and to make clean and sanitary any portion of the Land or any improvement that the City may direct by notice in writing to the Licensee;
- g) the Licensee shall not at any time during the term or any renewal or replacement thereof, use, exercise or carry on or permit to suffer to be used, exercised or carried on, in or upon the Land or any part thereof any noxious, illegal, immoral or offensive trade, business, occupation or calling, and no act, matter or thing whatsoever shall at any time during the said term be done in or upon the Land or any part thereof which shall be or grow to the annoyance, nuisance, damage or disturbance of other tenants or other lands and premises or the owners or occupants thereof;

- h) the City shall have the right at any time to enter upon the Land for the purposes of inspecting the works, and reconstructing, maintaining, repairing, inspecting, testing or removing any public works, utility or highway existing at the date of this License in the vicinity of the works. The City shall in undertaking such activities use reasonable efforts to cause its officers, employees, agents and contractors to minimize any disruption or damage to the works or to the business of the Licensee;
- i) the License does not permit the restriction of common law right of passage by the public over the Land. The Licensee acknowledges and agrees that the Land is a highway and that the City has the authority under Section 36(3) of the *Community Charter* to restrict the common law right of passage by the public over a highway if deemed necessary.
- j) to use and occupy the Land in accordance with the provisions of the License including those set forth in the Special Proviso Schedule, if applicable;
- k) on the expiration or at the earlier cancellation of the License:
  - i) to quit peaceably and deliver possession of the Land to the City,
  - ii) to remove all buildings, machinery, plant equipment and apparatus and all other improvements to or things on the Land, from the Land,
  - iii) to restore the surface of the Land to its original condition, and to the extent necessary, this covenant shall survive the expiration or cancellation of this License;
- l) the Licensee agrees to obtain and maintain comprehensive general liability insurance on the Lands providing coverage for personal injury and property damage arising out of the existence and use of the Land and the works, in the amount of not less than Two Million Dollars (\$2,000,000) per occurrence and on the terms satisfactory to the City, **and agrees that the City shall at all times be named as additional insured in the policy of insurance.** A copy of the current insurance policy shall be provided annually to the City by the insurer. The policy shall also contain a clause providing that the insurer will give the City 30 days prior written notice in the event of cancellation or material change. The amount of insurance provided for herein shall be increased if so required by the City to a reasonable amount specified by the City, in accordance with subsection o) of Section 3.01;
- m) the Licensee hereby releases and forever discharges the City from all manner of claims of any nature whatsoever which may arise by reason of any act or omission of the City pursuant to this License;

- n) No provision of this License and no act or omission or finding of negligence, whether joint or several, as against the City, in favour of any third party, shall relieve the Licensee from liability to the City, whether such liability arises under this License, under the provisions of the **Local Government Act, the Community Charter** or otherwise;
- o) notwithstanding subsection l) of Section 3.01, the City may from time to time notify the Licensee that the amount of insurance posted by the Licensee pursuant to that subsection be changed and the Licensee shall, within ninety (90) days of receiving such notice, cause the amount of insurance posted, pursuant to subsection l) of Section 3.01, to be changed to the amount specified in the notice and deliver to the City written confirmation of the change.
- p) The Licensee shall not erect any buildings or structures on the Land without the prior written approval of the City.

#### 4. ASSIGNMENT

- 4.01** The Licensee shall cause any purchaser or transferee of their property legally described as LOT 2 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 20377 and located at 608 Knight Avenue, Enderby B.C to assume the obligation of the Licensee and to advise the City of the assumption.

#### 5. CANCELLATION

- 5.01** In the event that:

- a) the City requires the Land for its own use or in its sole discretion, considers that it is in the public interest to cancel the rights herein granted, in whole or in part,
- b) the Licensee ceases to use the Land for the purposes permitted herein,
- c) the City, in its sole discretion, considers that it is no longer necessary for the Licensee to use the Land for the purposes permitted herein,

the City may, on ninety (90) days written notice to the Licensee, cancel this License and the rights herein granted, in whole or in part.

- 5.02** In the event that the Licensee fails to observe or perform any of the covenants, agreements, provisions or conditions contained herein, and such failure continues for a period of ninety (90) days after the giving of written notice by the City to the Licensee of the nature of the failure, the City may cancel this License and, notwithstanding subsection k) of

Section 3.01, any buildings, machinery, plant equipment and apparatus and all other improvements to the Land shall become, at the discretion of the City, the property of the City.

**5.03** In the event that:

- a) the License hereby granted should be taken in execution or attachment by any person or the Licensee commits an act of bankruptcy, becomes insolvent or is petitioned into bankruptcy or voluntarily enters into an agreement with his creditors,
- b) the City discovers that the Licensee either in his application for this License or otherwise has, in the opinion of the City, misrepresented or withheld any fact material to the application,

the City may, on forty (40) days written notice to the Licensee, cancel this License and the rights herein granted.

**5.04** Thirty-five (35) days after the expiration or cancellation of this License, any improvements or fixtures that remain unremoved from the Land shall be absolutely forfeited to and become the property of the City and the City may remove them from the Land and the Licensee shall, on demand, compensate the City for all costs incurred by the City respecting their removal.

**5.05** The Licensee shall not be entitled to any compensation, whether for damages or otherwise, in respect of a cancellation of this License by the City under this article.

## **6. NOTICE**

**6.01** Where service of a notice or a document is required under this License, the notice or document shall be in writing and shall be deemed to have been served if delivered to, or if sent by prepaid registered mail addressed to the City and the Licensee at the addresses specified for each on the first page of this License, and where service is by registered mail, the notice or document shall be conclusively deemed to have been served on the eighth (8<sup>th</sup>) day after its deposit in a Canada Post Office at any place in Canada.

**6.02** Either party may, by notice in writing to the other, specify another address for service of notices under this License and where another address is specified under this section, notices shall be mailed to that address in accordance with this article.

**6.03** Notwithstanding Section 6.01, any written notice to be served or given by the City to the Licensee under this License shall be effectively given or served by posting the same in a conspicuous place on the Land.

**7. MISCELLANEOUS**

- 7.01** No term, condition, covenant or other provision herein shall be considered to have been waived by the City unless such waiver is expressed in writing by the City. Any such waiver of any term, condition, covenant or other provision herein shall not be construed as or constitute a waiver of any further or other breach of the same or any other term, condition, covenant, or other provision and the consent or approval of the City shall not be considered to waive or render unnecessary such consents or approvals to any subsequent similar act by the Licensee.
- 7.02** No remedy conferred upon or reserved to the City is exclusive of any other remedy herein or provided by law, but such remedy shall be cumulative and shall be in addition to any other remedy herein or hereafter existing at law, in equity, or by statute.
- 7.03** Upon the Licensee paying the fee hereby reserved at the times and in the manner herein provided and performing the covenants on the Licensee's part herein contained, the Licensee shall and may peaceably possess and enjoy the Land for the term hereby granted and any renewal or replacement thereof without any interruption or disturbance from the City or any person or persons lawfully claiming by, from, or under the City.
- 7.04** The terms and provisions of this License shall extend to, be binding upon and inure to the benefit of the parties hereto and their successors and permitted assigns.
- 7.05** The Licensee acknowledges and agrees that this License does not give the Licensee a registerable interest in the Land and the Licensee will not register or attempt to register this or any related document or any notice or claim in respect of it in any land title office.

**8. INTERPRETATION**

- 8.01** In this License, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and a corporation.
- 8.02** The captions and headings contained in this License are for convenience only and are not to be construed as defining or in any way limiting the scope or intent of the provisions herein.
- 8.03** If any section of this License or any part of the section is found to be illegal or unenforceable, that part or section shall be considered separate and severable and the remaining parts or section shall not be affected thereby and shall be enforceable to the fullest extent permitted by law.

**IN WITNESS WHEREOF**, the parties hereby affixed their signatures on the day and year first above written.

_____	)	_____
Witness	)	Licensee
	)	
	)	_____
	)	Licensee
	)	
	)	_____
	)	Mayor, City of Enderby
	)	
	)	_____
	)	Administrator, City of Enderby
	)	

SCHEDULE "A"

