

REGULAR MEETING OF COUNCIL AGENDA

DATE: December 7, 2020
TIME: 4:30 p.m.
LOCATION: Enderby City Hall

*Please contact Enderby City Hall at 250-838-7230 or info@cityofenderby.com by **3:30pm on the day of the meeting** to obtain access codes to attend the meeting electronically.*

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

If you do not have a computer or mobile phone capable of using Zoom, please let us know and we can provide you with a number that you can call in from a regular telephone.

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

1. APPROVAL OF AGENDA

2. ADOPTION OF MINUTES

2.1. Meeting Minutes of November 16, 2020

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3. PUBLIC AND STATUTORY HEARINGS

0008-20-OR-END

Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1711, 2020 and Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1712, 2020

Verbal

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

5. DEVELOPMENT MATTERS

5.1. 0008-20-OR-END

Page 5

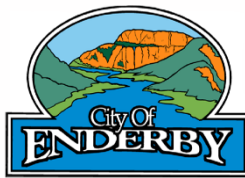
Legal: LOT A SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF
THE 6TH MERIDIAN KAMLOOPS DIVISION YALE
DISTRICT PLAN 27274 EXCEPT PLAN KAP59772
Address: 107 Timberlane Road, Enderby BC
Applicant: Stephen and Shelley Smith

5.2. 0009-20-OR-END

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Legal: PARCEL A (DD L23640) OF THE SOUTH WEST 1/4 OF
SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH
MERIDIAN KAMLOOPS DIVISION YALE DISTRICT
EXCEPT PLAN 27069
Address: 806 Cliff Avenue, Enderby BC
Applicant: Brandon Mazur
Owner(s): Bayssie Woinshet, 421457 BC Ltd., 419263 BC Ltd.

5.3.	<u>Road Closure and Removal of Dedication Bylaw No. 1707, 2020 (Unnamed and Unconstructed Road Adjacent to 321 Brickyard Road) - adoption</u>	Page 44
6.	BYLAWS	
6.1.	<u>Building Bylaw No.1582, 2015 Amendment Bylaw No.1713, 2020 adoption</u>	Page 59
7.	REPORTS	
7.1.	<u>Mayor and Council Reports</u>	Verbal
8.	NEW BUSINESS	
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8.4.	<u>Correspondence: City of Vernon</u> Withdrawal from the Inter-Municipal Fire Training Centre Service	Page 80
8.5.	<u>Correspondence: City of Vernon</u> Certified True Copy of Intermunicipal Fire Training Service Withdrawal Bylaw	Page 82
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10.	ADJOURNMENT	



THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held via video conference on Monday, November 16, 2020 at 4:32 p.m. in Council Chambers

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

Staff: Chief Administrative Officer – Tate Bengtson
Chief Financial Officer – Jennifer Bellamy
Planner and Deputy Corporate Officer – Kurt Inglis
Clerk Secretary – Laurel Grimm

Other: Brooke Hovey, Okanagan Advertiser
Richard Rolke, The Greater Vernon Chamber of Commerce
Stephen Smith

APPROVAL OF AGENDA

Moved by Councillor Case, seconded by Councillor Baird
“THAT the November 16, 2020 Council Meeting agenda be approved as circulated.”

CARRIED

ADOPTION OF MINUTES

Council Meeting Minutes of November 2, 2020

Moved by Councillor Knust, seconded by Councillor Baird
“THAT the November 2, 2020 Council Meeting minutes be adopted as circulated.”

CARRIED

Stephen Smith joined the meeting (4:33 p.m.)

Councillor Davyduke joined the meeting (4:33 p.m.)

BUSINESS ARISING FROM THE MINUTES AND/OR UNFINISHED BUSINESS

None

DEVELOPMENT MATTERS**0008-20-OR-END**

Legal: LOT A SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN
KAMLOOPS DIVISION YALE DISTRICT PLAN 27274 EXCEPT PLAN
KAP59772

Address: 107 Timberlane Road, Enderby BC

Applicant: Stephen and Shelley Smith

Moved by Councillor Schreiner, seconded by Councillor Baird

"THAT Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1711, 2020 which proposes to change the future land use designation of the property legally described as LOT A SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 27274 EXCEPT PLAN KAP59772, and located at 107 Timberlane Road, Enderby BC, from Country Residential/Agricultural to Residential Low Density be given First Reading;

AND THAT after First Reading of the Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1711, 2020 and in accordance with Sections 473 (2.1) and 477 of the Local Government Act, Bylaw No. 1711 be considered in conjunction with the City's Housing Needs Report, Financial Plan, and Regional Solid Waste Management Plan;

AND THAT after considering the Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1711, 2020 in conjunction with the City's Housing Needs Report, Financial Plan, and Regional Solid Waste Management Plan, Bylaw No. 1711 be given Second Reading and forwarded to a Public Hearing;

AND THAT the referral process which requests that various authorities and organizations review the amendments proposed by the Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1711, 2020, as outlined in this Staff Report, be considered appropriate consultation for the purposes of Sections 475 and 476 of the Local Government Act;

AND THAT Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1712, 2020 which proposes to rezone the property legally described as LOT A SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 27274 EXCEPT PLAN KAP59772, and located at 107 Timberlane Road, Enderby BC, from the Country Residential (C.R) zone to the Residential Single Family (R.1) zone be given First and Second Reading and forwarded to a Public Hearing;

AND FURTHER THAT a potential adoption of the Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1712, 2020 be subject to the applicant registering a Covenant on the title of the subject property which requires that any new lots created by subdivision of the subject property be a minimum of 2,000 m² (0.494 acres) in area, unless the properties are serviced by both community water and community sanitary sewer systems."

CARRIED

The Planner and Deputy Corporate Officer spoke to the report and opened the floor to Council for questions.

Councillor Shishido asked if the sewer main could be connected to this property, what the costs would be, and if this has been considered. Mr. Inglis stated that this would need to be funded by the applicant and it was likely to be a significant cost.

Councillor Case asked about the applicant's proposed trail dedication. He was advised that this proposal was probably not acceptable to the City and that cash in lieu for park acquisition elsewhere would likely be preferred. Mr. Inglis explained the park dedication requirements under the *Local Government Act*.

Access to the property would most likely be from Timberlane Road. An review by the Ministry of Transportation and Infrastructure will be completed at the subdivision stage of the application.

BYLAWS

Building Bylaw No.1582, 2015 Amendment Bylaw No.1713, 2020

Moved by Councillor Knust, seconded by Councillor Davyduke

THAT Council for the City of Enderby gives 1st, 2nd, and 3rd readings to the City of Enderby Building Bylaw No. 1582, 2015 Amendment Bylaw No. 1713, 2020."

CARRIED

REPORTS

Mayor and Council Reports

Councillor Baird

Councillor Baird provided a Christmas committee update. The committee is looking at holding a socially distanced Santa photo shoot at the Lions Gazebo on December 12, 2020. They are looking for volunteers.

Councillor Case will attend the Rail Trail Committee meeting on November 20, 2020 in Councillor Baird's place as she is unable to make it.

The Enderby and District Museum will be holding their Annual General Meeting on Friday at 3:00 p.m.

Councillor Davyduke

Expressed appreciation towards Councillor Baird and Councillor Knust for all their work on the Christmas Committee. Traditional Remembrance Day ceremonies were missed by many; however, the virtual ceremonies were well attended and successful. Thanks to the Enderby Legion Branch #98. Recreation Services are busy engaging the public and keeping busy.

Councillor Schreiner

Councillor Schreiner attended the CMHC Rapid Housing Initiative Meeting. He also attended the Regional Agricultural Advisory Committee meeting at the Regional District. The Province has declined to sign off on RDNO's single-use plastics ban bylaw.

Councillor Knust

The Good Food Box has received substantial start-up support from Vernon. This program is being ran out of the Enderby and District Seniors Centre. The Christmas Committee is looking to do a

Cookie Drop-Off from Santa and Mrs. Clause to replace the pancake breakfast. Details are still being worked out. Proposed costs to come forward at another meeting.

Chief Administrative Officer

The 3rd Avenue construction is complete with final inspections scheduled for Wednesday. Staff will be meeting with the Campground Manager to go over the off-season work and repair plan and do the annual inspection. Public Works is shifting into winter priorities. A revision to the Safe Operations Plan for the Arena has been posted to the website which reflects ViaSport's cohort model and reflects changes that have emerged as a result of operational and user group feedback.

3rd Quarter 2020 Policing Report

Moved by Councillor Baird, seconded by Councillor Shishido

"That the 3rd Quarter 2020 Policing Report be received and filed."

CARRIED

PUBLIC QUESTION PERIOD

None

CLOSED MEETING RESOLUTION

Moved by Councillor Schreiner, seconded by Councillor Knust (5:09 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)(c) and (e) of the Community Charter."

CARRIED

ADJOURNMENT

Moved by Councillor, seconded by Councillor

"That the regular meeting of November 16, 2020 adjourn at 6:13 p.m."

CARRIED

MAYOR

CORPORATE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Tate Bengtson, Chief Administrative Officer

From: Kurt Inglis, Planner and Deputy Corporate Officer

Date: December 1, 2020

Subject: 0008-20-OR-END (Smith) - Third Reading and Adoption of Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1711, 2020 and Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1712, 2020

RECOMMENDATION

THAT Council receives and files the attached Staff Report dated November 12, 2020;

AND THAT upon consideration of input at the Public Hearing, Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1711, 2020 which proposes to change the future land use designation of the property legally described as LOT A SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 27274 EXCEPT PLAN KAP59772, and located at 107 Timberlane Road, Enderby BC, from *Country Residential/Agricultural* to *Residential Low Density* be given Third Reading and Adoption;

AND THAT upon consideration of input at the Public Hearing, Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1712, 2020 which proposes to rezone the property legally described as LOT A SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 27274 EXCEPT PLAN KAP59772, and located at 107 Timberlane Road, Enderby BC, from the Country Residential (C.R) zone to the Residential Single Family (R.1) zone be given Third Reading and Adoption, with Adoption being subject to the applicant registering a Covenant on the title of the subject property which requires that any new lots created by subdivision of the subject property be a minimum of 2,000 m² (0.494 acres) in area, unless the properties are serviced by both community water and community sanitary sewer systems;

AND FURTHER THAT should Council give Third Reading and Adoption to Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1712, 2020, and the applicant has satisfied the condition described above, such Adoption shall come into force and effect once the Ministry of Transportation and Infrastructure has endorsed the Bylaw.

BACKGROUND

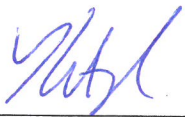
This is a Joint Official Community Plan Amendment and Rezoning Application for the property located at 107 Timberlane Road, Enderby BC. The applicant is proposing to change the Official Community Plan (OCP) designation of the subject property from *Country Residential/Agricultural* to *Residential Low Density*, and to rezone it from the Country Residential (C.R) zone to the Residential Single Family (R.1)

zone. The intent of the applicant is to proceed with a six-lot subdivision of the subject property, although it should be noted that at this point in the development process, the proposed subdivision plan is purely conceptual, and that if a rezoning and OCP amendment were to be approved the applicant would not be tied to this proposal. Although the applicant may intend to develop the property in accordance with the attached subdivision plan, it is important to note that the property could develop in any manner that is consistent with the Zoning Bylaw and Subdivision Servicing and Development Bylaw (unless otherwise varied), as well as any charges registered against the title of the property (covenants, statutory building scheme, etc.).

At the Regular Meeting of November 16, 2020, Council gave First and Second Readings to Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1711, 2020 and Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1712, 2020 and forwarded them to a Public Hearing; the Public Hearing provides an opportunity for all persons who believe that their interest in property is affected by the bylaws to make public representation.

It has been recommended that Adoption of Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1712, 2020 be subject to the applicant registering a Covenant on the title of the subject property which requires that any new lots created by subdivision of the subject property be a minimum of 2,000 m² (0.494 acres) in area, unless the properties are serviced by both community water and community sanitary sewer systems. Should this Bylaw be given Third Reading and Adoption, and the applicant has satisfied the aforementioned condition, the Bylaw would be forwarded to the Ministry of Transportation and Infrastructure for final endorsement.

Respectfully Submitted,



Kurt Inglis
Planner and Deputy Corporate Officer

CITY OF ENDERBY
OFFICIAL COMMUNITY PLAN AMENDMENT AND REZONING APPLICATION

File No: 0008-20-OR-END

November 12, 2020

APPLICANT: Stephen and Shelley Smith

OWNER(S): Stephen and Shelley Smith

LEGAL DESCRIPTION: LOT A SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN
KAMLOOPS DIVISION YALE DISTRICT PLAN 27274 EXCEPT PLAN KAP59772

PID #: 004-849-248

LOCATION: 107 Timberlane Road, Enderby BC

PROPERTY SIZE: 5.52 acres (2.23 hectares/22,300 square meters)

PRESENT ZONING: Country Residential (C.R)

PROPOSED ZONING: Residential Single Family (R.1)

PRESENT O.C.P:

DESIGNATION: Country Residential/Agricultural

PROPOSED O.C.P

DESIGNATION: Residential Low Density

PROPOSAL: Six-lot subdivision

RECOMMENDATION:

THAT Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1711, 2020 which proposes to change the future land use designation of the property legally described as LOT A SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 27274 EXCEPT PLAN KAP59772, and located at 107 Timberlane Road, Enderby BC, from *Country Residential/Agricultural* to *Residential Low Density* be given First Reading;

AND THAT after First Reading of the Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1711, 2020 and in accordance with Sections 473 (2.1) and 477 of the *Local Government Act*, Bylaw

No. 1711 be considered in conjunction with the City's Housing Needs Report, Financial Plan, and Regional Solid Waste Management Plan;

AND THAT after considering the Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1711, 2020 in conjunction with the City's Housing Needs Report, Financial Plan, and Regional Solid Waste Management Plan, Bylaw No. 1711 be given Second Reading and forwarded to a Public Hearing;

AND THAT the referral process which requests that various authorities and organizations review the amendments proposed by the Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1711, 2020, as outlined in this Staff Report, be considered appropriate consultation for the purposes of Sections 475 and 476 of the *Local Government Act*;

AND THAT Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1712, 2020 which proposes to rezone the property legally described as LOT A SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 27274 EXCEPT PLAN KAP59772, and located at 107 Timberlane Road, Enderby BC, from the Country Residential (C.R) zone to the Residential Single Family (R.1) zone be given First and Second Reading and forwarded to a Public Hearing;

AND FURTHER THAT a potential adoption of the Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1712, 2020 be subject to the applicant registering a Covenant on the title of the subject property which requires that any new lots created by subdivision of the subject property be a minimum of 2,000 m² (0.494 acres) in area, unless the properties are serviced by both community water and community sanitary sewer systems.

BACKGROUND:

This report relates to a Joint Official Community Plan Amendment and Rezoning Application for the property located at 107 Timberlane Road, Enderby BC. The applicant is proposing to change the Official Community Plan (OCP) designation of the subject property from *Country Residential/Agricultural* to *Residential Low Density*, and to rezone it from the Country Residential (C.R) zone to the Residential Single Family (R.1) zone. The intent of the applicant is to proceed with a six-lot subdivision of the subject property.

Site Context

The 5.52 acre (2.23 hectare) subject property is located on the west side of Gunter Ellison Road, which is identified as a Municipal Major Collector Road in the OCP, and the eastern side of Timberlane Road. The property is located on a hillside with steep grades that run from west to east. A single-family dwelling is located along the southern property boundary, with a driveway access off of Timberlane Road. The eastern half of the property is located within the Agricultural Land Reserve (ALR), with the ALR boundary bisecting the property in a southwest to northeast direction. The property is adjacent to the City's community water system on Timberlane Road, but the community sanitary sewer system terminates on Gunter Ellison Road approximately 300 meters to the north of the subject property.

The property is zoned Country Residential (C.R) and is designated as *Country Residential/Agricultural* in the OCP. The properties to the west and north are zoned Country Residential (C.R) and are designated as *Country Residential* in the OCP. The properties to the east and south are located in Electoral Area 'F' of the Regional District of North Okanagan.

The following figure shows the zoning designations of the subject and surrounding properties:

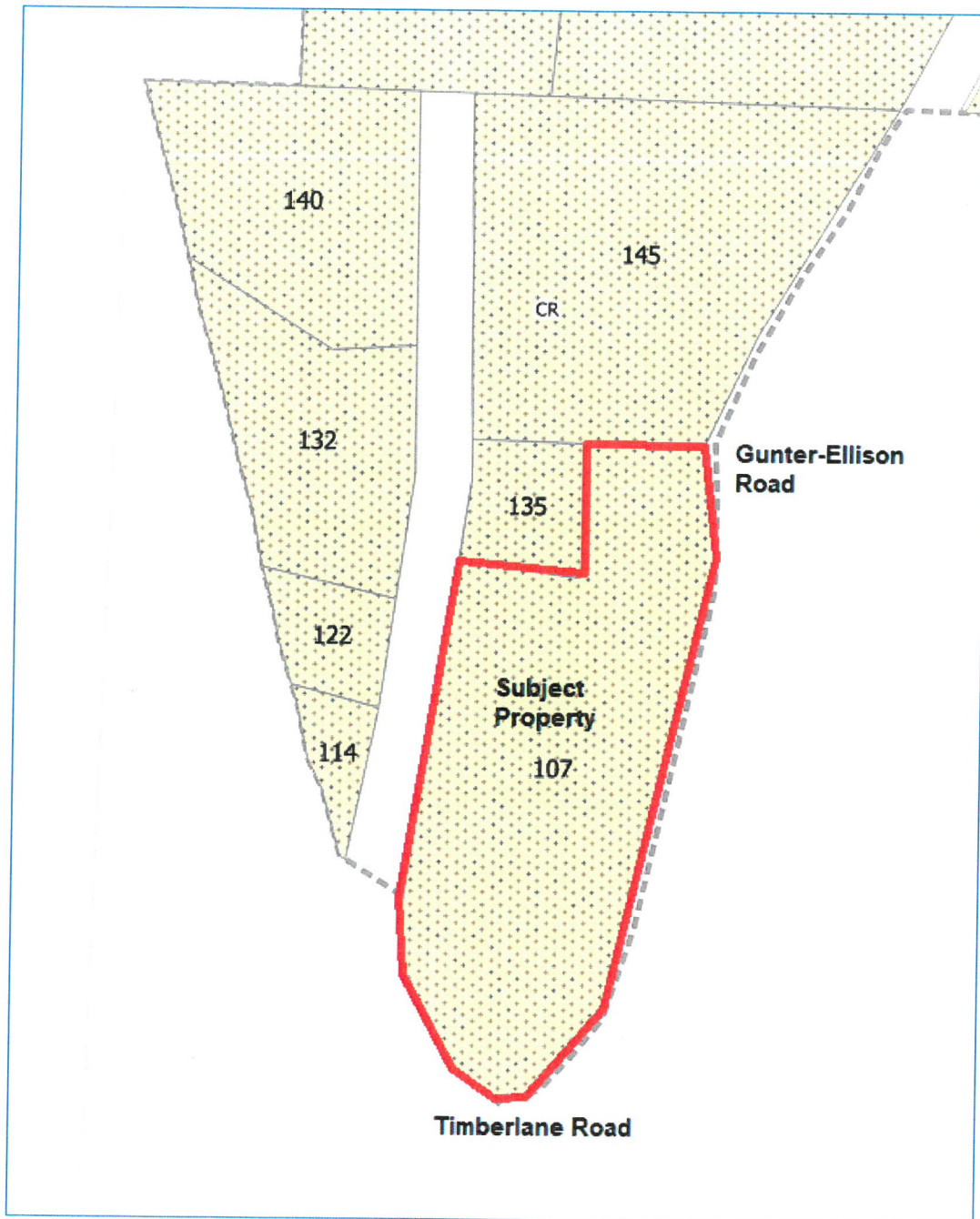


Figure 1: Zoning Map

Dotted: Country Residential (C.R)

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



Figure 2: Orthophoto

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

The Proposal

The applicant is proposing a six-lot subdivision of the property, with the proposed lots to have frontage off both Gunter-Ellison Road and Timberlane Road, as shown on the attached Schedule 'A'. The proposed lots range in area from 0.723 acres (2,929 square meters) to 0.951 acres (3,848 square meters). Given that the subject property's Country Residential (C.R) zoning designation requires lots to have a minimum area of 4.942 acres (19,911 square meters), the applicant is proposing to rezone the property to the Residential Single Family (R.1) zone, which has a minimum lot area of 560 square meters. Given that the OCP designates the future land use of the property as *Country Residential/Agricultural*, the proposed rezoning requires an amendment to the OCP to change the future land use designation of the property to *Residential Low Density*, which supports smaller lots and urban levels of development.

It should be noted that at this point in the development process, the proposed subdivision plan (Schedule 'A') is purely conceptual, and that if a rezoning and OCP amendment were to be approved, the applicant would not be tied to this proposal. Although the applicant may intend to develop the property in accordance with the attached subdivision plan, it is important to note that the property could develop in any manner that is consistent with the Zoning Bylaw and Subdivision Servicing and Development Bylaw (unless otherwise varied), as well as any charges registered against the title of the property (covenants, statutory building scheme, etc.). Based on the minimum lot area requirement of 560 square meters (0.138 acres) for the proposed Residential Single Family (R.1) zone, if the property is rezoned to R.1 then it could potentially be developed to a much higher density than the proposed six-lot subdivision (i.e. 20+ lots). It should be noted that higher densities would be subject to the applicant servicing the property through the community sanitary sewer system, given that Interior Health does not permit on-site septic systems on urban scale lots; servicing the development through the community sanitary sewer system would require an approximately 300 meter service extension from where the system currently terminates on Gunter Ellison Road to the north. Should the applicant seek a variance through the subdivision process to allow for on-site servicing in lieu of a service extension, this would in effect limit potential density on the subject property given that Interior Health only permits on-site septic systems on larger parcels.

ZONING BYLAW:

The subject property is zoned Country Residential (C.R) and 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, or rooming houses
- Convalescent, nursing, and personal care homes
- Intensive agricultural use
- Limited agricultural use

- Mobile homes
- Single family dwellings
- Two family dwellings
- Secondary suites
- Bed and breakfasts
- Dog kennels

Uses permitted within the proposed Residential Single Family (R.1) zone include:

- Accessory residential
- Restricted agriculture
- Single-family dwellings
- Secondary suites
- Bed and breakfasts
- Civic and public service use

OFFICIAL COMMUNITY PLAN:

Schedule 'E' – Regional Growth Strategy Designations of the OCP designates the subject property as a 'Future Growth Area'.

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

- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.
- Policy 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 9.3.c - Council supports a phased approach to development including consideration of alternate servicing standards within Growth Areas and Future Growth Areas.
- Objective 9.3.f - Council will allow for phased development in Future Growth Areas such that any new lots created are a minimum of 2,000 m², do not require new highway infrastructure, and are supported by sustainable alternate development standards relative to other infrastructure services.
- Policy 15.3.c - Council will consider working with the ALC to support refining the ALR boundaries to the west of the City of Enderby as it relates to the property legally described as Lot A, Plan 27274, Section 27, Township 18, Range 9, West of the 6th Meridian, Kamloops Division Yale District, Except Plan KAP59772 (*the subject property).

***Note: This policy has no bearing on the proposed Rezoning/OCP Amendment Application and would only be applicable in the case of a request to Council to support removing the subject property*

from the Agricultural Land Reserve. Given that the above policy is site specific to the subject property, Staff have included it only for information.

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

REGIONAL GROWTH STRATEGY

The North Okanagan Regional Growth Strategy (RGS) provides a common framework for regional and local planning in the North Okanagan and is intended to encourage development to be focused in existing growth areas and limit development in rural protection areas.

The application was referred to RDNO Staff, who provided the following comments on how the proposal relates to the RGS:

- *"In the Regional Growth Strategy (RGS), the subject parcel is located within a Future Growth Area, and as such no amendments or referrals would be required from an RGS perspective. As part of the definition of Future Growth Areas, the RGS states that once development begins within Future Growth Areas, these areas will be considered Growth Areas as defined within the RGS. The RGS defines Growth Areas as areas serviced by water and sewer infrastructure and are intended to contain urban densities (lots less than 1 ha). Connecting the proposed subdivision to both community water and community sewer infrastructure would be consistent with the intent of the RGS.*
- *Policy TI-3.1 of the RGS encourages the development of supportive policies that will focus growth toward areas with existing infrastructure. Policy TI-3.4 encourages the adoption of a phased approach to infrastructure expansion that minimizes the financial burden to municipalities."*

HOUSING NEEDS REPORT

As per Section 473 (2.1) of the *Local Government Act*, when a local government is amending its OCP in relation to statements or map designations relating to the location, amount, type and density of residential development required to meet anticipated housing needs, the local government must consider its most recently received Housing Needs Report. The City of Enderby received its first Housing Needs Report at the Regular Council Meeting of November 2, 2020, which can be accessed through the following link:

<https://www.cityofenderby.com/enderby-housing-needs-assessment-report/>

In the Planning Analysis section of this report is an overview of how the proposal relates to the outcomes of the Housing Needs Assessment Report.

REFERRAL COMMENTS:

The application was referred to the following individuals/agencies:

- City of Enderby Public Works Manager;
- City of Enderby Chief Financial Officer;
- Building Inspector;
- Fire Chief;
- RDNO Manager of Regional Engineering Services;
- RDNO Planning Staff;
- Ministry of Transportation and Infrastructure; and
- Agricultural Land Commission.

The following comments were received in response to the application

RDNO Manager of Regional Engineering Services

"No conditions need be applied with respect to solid waste management planning or SWMP [Solid Waste Management Plan] implementation."

City of Enderby Chief Financial Officer

"The rezoning/OCP amendment application would have no impact to the Financial Plan."

City of Enderby Public Works Manager

"In terms of land use planning, the applicant's proposal appears consistent with future growth projections for the area. However, growth places demands on servicing that will need to be addressed at subdivision."

This proposal, while only six lots, is located within a rural interface area where relatively small increases in development may affect existing service levels. Given this, services with marginal capacity may require upgrades in order to accommodate new development while protecting service levels for existing development."

At the subdivision stage, there will be a need for a geotechnical study and there will likely be a need for improvements with respect to traffic impacts and water supply demands. The applicant will also be required to demonstrate adequate stormwater management and, through the Interior Health Authority, that the proposed on-site septic systems can safely handle liquid waste from the proposed new parcels."

The proposed dedication of a public trail – which I recognize would happen at subdivision, and not at the time of an OCP amendment - does not appear to have any purpose and does not fit with master planning for pedestrian connectivity; given that it is on the side of a steep bank, it would be costly to upgrade the proposed alignment to the point where it may be safely used. As the public benefit of an unconnected trail along a bank is limited and the risks to the local

government high, staff suggest that this would not be acceptable parkland dedication; alternate acceptable parkland dedication should be identified if it is consistent with long-range planning, or otherwise cash-in-lieu towards park acquisition elsewhere, with a higher public benefit, should be paid at the time of subdivision.

As the proposal is consistent with future growth planning and density projections, staff do not have an objection to the proposed Official Community Plan and Zoning amendments on their face, but wish to advise that these are among the considerations that must be addressed during the subdivision process."

Ministry of Transportation and Infrastructure

"As the subject property is greater than 800m from a Controlled Access Highway, Ministry of Transportation and Infrastructure approval is not required for this proposal.

We have not created a file and have no comment."

RDNO Planning Staff

RDNO Planning Staff provided a range of comments in relation to:

- How the existing OCP land use designation of the subject property is compatible with the designations of surrounding properties in the RDNO, as noted in the Area 'F' OCP;
- How the proposal relates to the policies of the RGS; and
- The fact that the Ministry of Transportation & Infrastructure may require upgrades for those portions of Timberlane Road and Gunter-Ellison Road that fall within Electoral Area 'F'.

The full correspondence is attached as Schedule 'B'.

Agricultural Land Commission

"Given the location of the ALR boundary on the Property, it appears that the proposed subdivision associated with the Application would bisect the ALR. In order to subdivide property within the ALR, a subdivision application must be submitted to the ALC for review and approval. Moreover, the proposal map identifies a trail. Given this, review of the Application is premature in advance of the ALC reviewing the application(s)."

The full correspondence is attached as Schedule 'C'.

PLANNING ANALYSIS:

The City of Enderby Planner raises no objections to the applicant's request to change the Official Community Plan designation of the property from *Country Residential/Agricultural* to *Residential Low Density* and to rezone the subject property from the Country Residential (C.R) zone to the Residential Single Family (R.1), and upon consideration of input received at a Public Hearing, recommends that Council approve the subject application for the following reasons:

- The proposed land use is consistent with *Schedule 'E' – Regional Growth Strategy Designations* of the OCP, which designates the subject property as a Future Growth Area;
- The proposed land use would enable higher density residential development, which will increase the availability of housing within the community and increase the ratio of improvement-to-land values;
- Given the servicing costs associated with development of the City's future growth area of the Knoll, the community currently has a relatively low supply of vacant single-family lots which are available for new construction;
- The City of Enderby Housing Needs Report states, "*The limited growth in the housing sector over the past decade may be attributed to a relatively low supply of vacant lots in the community upon which single family dwellings could be developed.*"; it should be noted that the proposed development would introduce several new single-family lots to the community, which would help to facilitate additional growth in the housing sector; given the potential for secondary suites within these future single-family dwellings, the proposal could result in additional rental units within the community, which the Housing Needs Report identifies as a critical need;
- Although there are servicing challenges for the subject property, as discussed by the City's Public Works Manager, these issues would be addressed through the subdivision process, or the Development Variance Permit process if the applicant were to seek variances to the Subdivision Servicing and Development Bylaw (example: proposing on-site servicing instead of connecting to community systems); it should be noted that if the applicant were to seek variances, a public process would be triggered where adjacent land owners would have a chance to make public representation respecting those variances; and
- As a portion of the subject property is within the ALR, agricultural protection will be considered by the Agricultural Land Commission (ALC) when the applicant applies to the ALC for an ALR subdivision; should the ALC consider that the land is suitable farm land, and the subdivision of this land would negatively impact its farming potential, the ALC could choose to not support an ALR subdivision in which case the proposed subdivision would not be able to proceed at the local level, in the absence of a successful ALR Exclusion application.

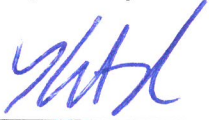
Objective 9.3.f of the OCP states that Council will allow for phased development in Future Growth Areas such that any new lots created are a minimum of 2,000 m², do not require new highway infrastructure, and are supported by sustainable alternate development standards relative to other infrastructure services. Given this, Staff are recommending that a potential adoption of the Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1712, 2020 be subject to the applicant registering a Covenant which requires that any new lots created by subdivision of the subject property be a minimum of 2,000 m² (0.494 acres) in area, unless the properties are serviced by both community water and community sanitary sewer systems. This requirement will ensure that the property develops in a phased manner, whereby any new lots created through subdivision must be larger in size until such time as access to both community water and community sanitary sewer systems is available, at which point an urban scale of development would be possible.

SUMMARY

This report relates to a Joint Official Community Plan Amendment and Rezoning application for the property located at 107 Timberlane Road, Enderby BC. In order to facilitate a six-lot subdivision of the subject property, the applicant is proposing to change the OCP land use designation of the property from *Country Residential/Agricultural* to *Residential Low Density*, and to rezone the subject property from the Country Residential (C.R) zone to the Residential Single Family (R.1) zone.

The City of Enderby Planner is supportive of the application, subject to the condition described above.

Prepared By:



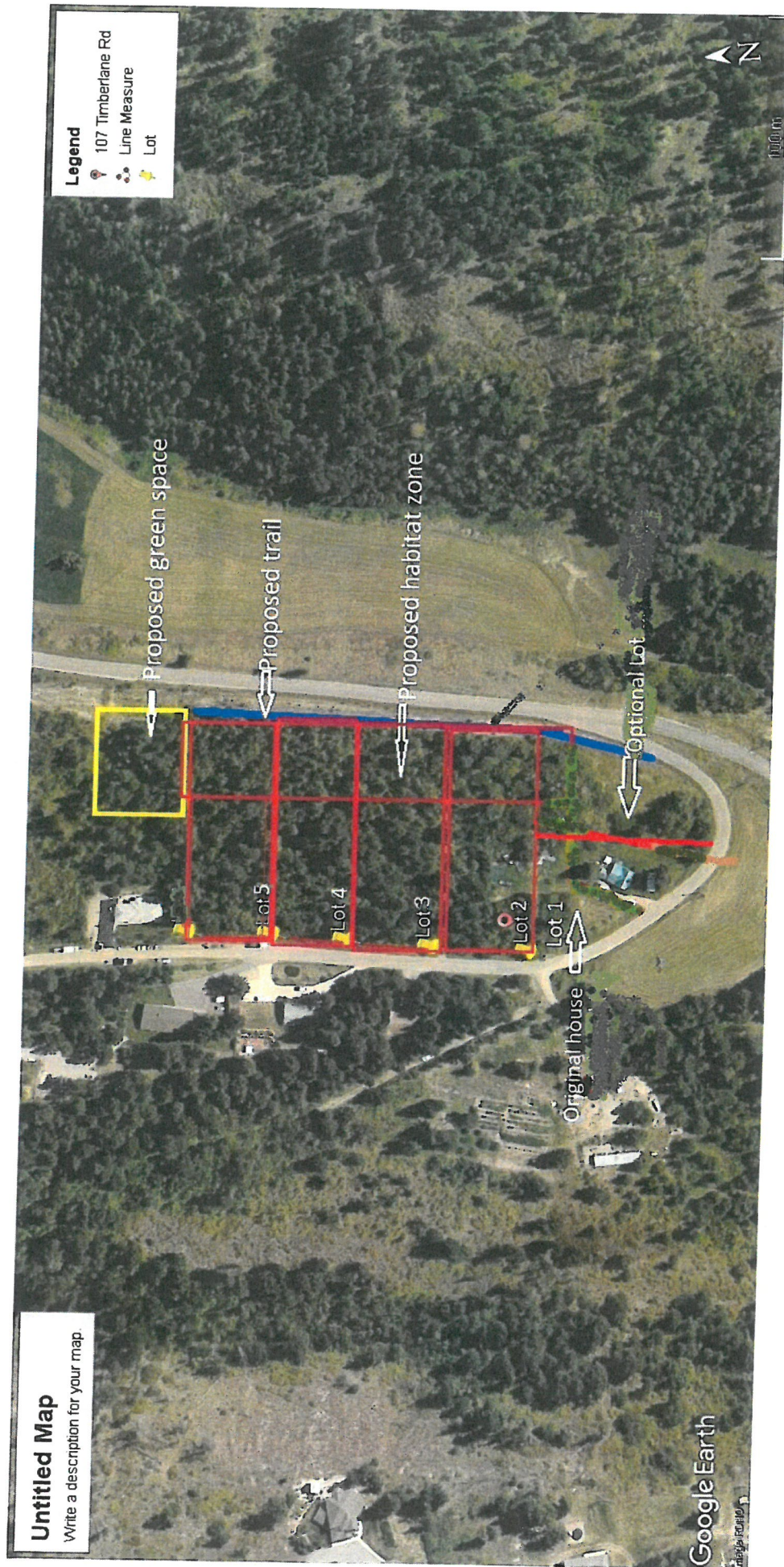
Kurt Inglis, MCIP, RPP
Planner and Deputy Corporate Officer

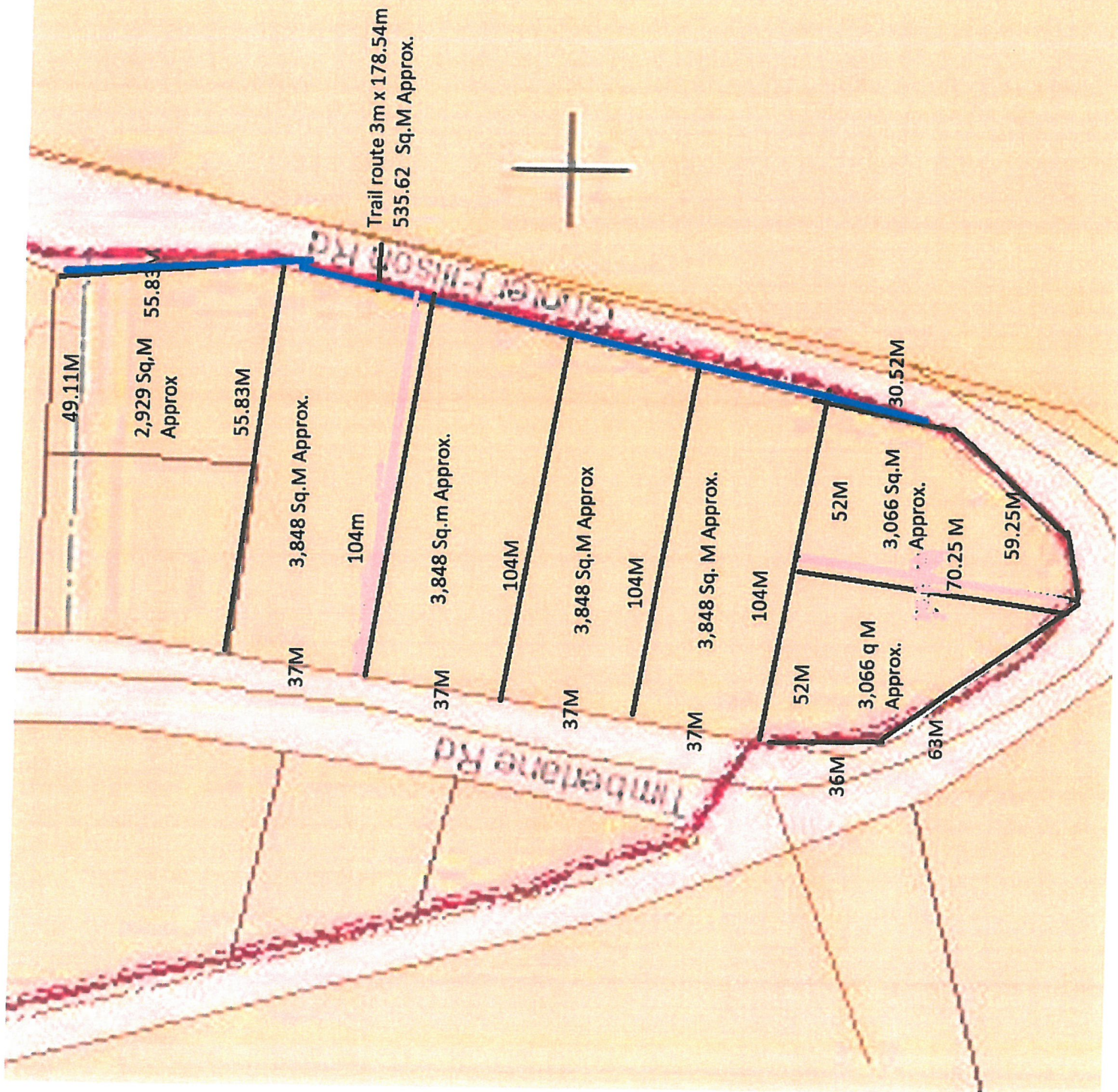
Reviewed By:



Tate Bengtson
Chief Administrative Officer

Schedule 'A'





Subdivision Points

- 1) The Proposed subdivision fits with the present neighbourhood
- 2) Lot size allows for a diverse housing choice as per OCP
- 3) Green space proposed exceeds OCP

These points will be covenanted in the building plan for this subdivision

- 1) The use of Herbicide and Pesticide will be prohibited.
- 2) Lawn areas will be wild flower base
- 4) Use of solar panels will be mandatory
- 5) All buildings will meet or exceed energy saving standards of the OCP.
- 6) All buildings will include water saving designs to maximize water usage and limit consumption.
- 7) All building roofs will be a living roof or solar panels creating a negative carbon footprint.
- 8) This development will increase the use of the latest technology to minimize carbon footprints and promote these technologies to the sub trades.
- 9) It will allow people who are interested in the ecology of the area to have an area they can live and work to promote new ideas.
- 10) Habitat zone will be established to protect ecology and allow for travel corridor for wildlife.



REGIONAL DISTRICT NORTH OKANAGAN

MEMBER MUNICIPALITIES:

CITY OF ARMSTRONG

CITY OF ENDERBY

DISTRICT OF COLDSTREAM

VILLAGE OF LUMBY

CITY OF VERNON

TOWNSHIP OF SPALLUMCHEEN

ELECTORAL AREAS:

"B" – SWAN LAKE

"C" – BX DISTRICT

"D" – LUMBY (RURAL)

"E" – CHERRYVILLE

"F" – ENDERBY (RURAL)

OFFICE OF: PLANNING DEPARTMENT

OUR FILE No.:

20-0980-END-REF

PID No.:

004-849-248

October 9, 2020

Kurt Inglis
City of Enderby
P.O. Box 400, 619 Cliff Avenue
Enderby, BC V0E 1V0

Dear Mr. Inglis:

Re: OCP Amendment and Rezoning Application 0008-20-OR-END, for the property legally described as Lot A, Sec 27, Twp 18, R9, W6M, KDYD, Plan 27274, Except Plan KAP59772 and located at 107 Timberlane Road, Enderby

The Regional District of North Okanagan would like to thank the City of Enderby for forwarding a copy of the above noted application for our review and comment. Planning staff have reviewed the application and provide the following comments for your consideration:

- The existing Country Residential and Agricultural land use designations specified in the City of Enderby Official Community Plan for the subject property is the same as and compatible with the Country Residential and Agricultural land use designations of surrounding properties within the Regional District as specified in the Electoral Area "F" Official Community Plan.
- In the Regional Growth Strategy (RGS), the subject parcel is located within a Future Growth Area, and as such no amendments or referrals would be required from an RGS perspective. As part of the definition of Future Growth Areas, the RGS states that once development begins within Future Growth Areas, these areas will be considered Growth Areas as defined within the RGS. The RGS defines Growth Areas as areas serviced by water and sewer infrastructure and are intended to contain urban densities (lots less than 1 ha). Connecting the proposed subdivision to both community water and community sewer infrastructure would be consistent with the intent of the RGS.
- Policy TI-3.1 of the RGS encourages the development of supportive policies that will focus growth toward areas with existing infrastructure. Policy TI-3.4 encourages the adoption of a phased approach to infrastructure expansion that minimizes the financial burden to municipalities.
- Gunter – Ellison Road is identified as a Municipal Major Collector in the City of Enderby OCP and as a Major Road within the Electoral Area "F" Official Community Plan. Upgrading of Gunter – Ellison Road and/or Timberlane Road may be required however, for roads and portions thereof within Electoral Area "F" this would be determined by the Ministry of Transportation and Infrastructure.

If you have any questions or need additional information, please call me at 250-550-3734 or email at marnie.skobalski@rdno.ca.

Yours truly,

Marnie Skobalski, RPP, MCIP

Planner II

/mjs

cc: Denis Delisle

Regional District of North Okanagan
9848 Aberdeen Road
Coldstream, BC
V1B 2K9

Toll Free: 1.855.650.3700
Phone: 250.550.3700
Fax: 250.550.3701
Web: www.rdno.ca
E-Mail: info@rdno.ca


Agricultural Land Commission

201 – 4940 Canada Way
 Burnaby, British Columbia V5G 4K6
 Tel: 604 660-7000 | Fax: 604 660-7033
www.alc.gov.bc.ca

October 20, 2020

Reply to the attention of Sara Huber
 ALC Issue: 51945
 Local Government File: 0008-20-OR-END

Kurt Inglis
 Planner and Deputy Corporate Officer, City of Enderby
kinglis@cityofenderby.com

Delivered Electronically
Re: City of Enderby Official Community Plan Amendment and Rezoning Application 008-20-OR-END

Thank you for forwarding a draft copy of City of Enderby (the "City") Official Community Plan (OCP) Amendment and Rezoning Application 0008-20-OR-END (the "Application") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Application is consistent with the purposes of the *ALC Act* (ALC Act), the Agricultural Land Reserve (ALR) General Regulation, (the "ALR General Regulation"), the ALR Use Regulation (the "ALR Use Regulation"), and any decisions of the ALC.

Current Proposal:

The Application proposes to amend the City's OCP from Country Residential and Agricultural to Residential Low Density and rezone from Country Residential to Residential Single Family on the property identified as 107 Timberland Road; PID: 004-849-248 (the "Property") to facilitate a 6-lot subdivision.

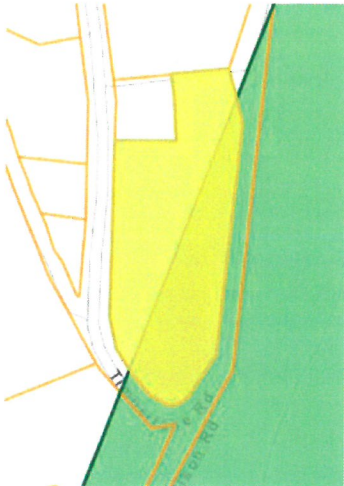
Proposal Map:

File History:

In 1975, the ALC approved the subdivision of the parent parcel into three lots of 2 ha, 2 ha, and 3.1 ha (Application 32675; Resolution #1435/1975). The subdivision was completed in 1976 (Plan KAP27274) and created the Property.

In 1997, a 0.2 ha lot was subdivided from the Property (Plan KAP59772) on the portion of the Property outside of the ALR. The Property is partially within the ALR.

ALR Context Map:



ALC Staff Comments:

Given the location of the ALR boundary on the Property, it appears that the proposed subdivision associated with the Application would bisect the ALR. In order to subdivide a property within the ALR, a subdivision application must be submitted to the ALC for review and approval. Moreover, the proposal map identifies a trail. Given this, review of the Application is premature in advance of the ALC reviewing the application(s).

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 236-468-3258 or by e-mail (Sara.Huber@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'Sara Huber', written over a white background.

Sara Huber, Regional Planner

Enclosure: Referral of Enderby 0008-20-OR-END

CC: Ministry of Agriculture – Attention: Alison Fox

51945m1

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1711

A BYLAW TO AMEND THE CITY OF ENDERBY OFFICIAL COMMUNITY PLAN BYLAW NO.
1549, 2014 AND AMENDMENTS THERETO

WHEREAS Council of the City of Enderby has determined to make an amendment to "City of Enderby Official Community Plan Bylaw No. 1549, 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 Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1711, 2020".
2. The future land use designation of the property legally described as LOT A SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 27274 EXCEPT PLAN KAP59772, and located at 107 Timberlane Road, Enderby BC, is hereby changed from *Country Residential/Agricultural* to *Residential Low Density*.

READ a FIRST time this day of , 2020.

READ a SECOND time this day of , 2020.

Advertised on the day of , 2020 and the day of , 2020, and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the day of , 2020.

READ a THIRD time this day of , 2020.

ADOPTED this day of , 2020.

MAYOR

CORPORATE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1712

A BYLAW TO AMEND 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";

WHEREAS Council of the City of Enderby has determined to make an amendment to "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. 1712, 2020".
2. The zoning designation of the property legally described as LOT A SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 27274 EXCEPT PLAN KAP59772, and located at 107 Timberlane Road, Enderby BC, is hereby changed from the from the Country Residential (C.R) zone to the Residential Single Family (R.1) zone.

READ a FIRST time this day of , 2020.

READ a SECOND time this day of , 2020.

Advertised on the day of , 2020 and the day of , 2020, and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the day of , 2020.

READ a THIRD time this day of , 2020.

APPROVED pursuant to Section 52(3)(a) of the Transportation Act this day of , 2020.

District Development Technician
Ministry of Transportation and Infrastructure

ADOPTED this day of , 2020.

MAYOR

CORPORATE OFFICER

CITY OF ENDERBY
OFFICIAL COMMUNITY PLAN AMENDMENT AND REZONING APPLICATION

File No: 0009-20-OR-END

December 2, 2020

APPLICANT: Brandon Mazur

OWNER(S): Bayssie Woinshet, 421457 BC Ltd., 419263 BC Ltd.

LEGAL DESCRIPTION: PARCEL A (DD L23640) OF THE SOUTH WEST 1/4 OF SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT EXCEPT PLAN 27069

PID #: 013-806-190

LOCATION: 806 Cliff Avenue, Enderby BC

PROPERTY SIZE: 4.53 acres (1.83 hectares/18,322 square meters)

PRESENT ZONING: Residential Single Family (R.1-A)

PROPOSED ZONING: Residential Multi-Family Medium Intensity (R.3)

PRESENT O.C.P DESIGNATION: Country Residential/Residential Medium Density

PROPOSED O.C.P DESIGNATION: Residential Medium Density

PROPOSAL: Strata subdivision

RECOMMENDATION:

THAT Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1713, 2020 which proposes to change the future land use designation of a portion of the property legally described as PARCEL A (DD L23640) OF THE SOUTH WEST 1/4 OF SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT EXCEPT PLAN 27069, and located at 806 Cliff Avenue, Enderby BC, from *Country Residential* to *Residential Medium Density*, be given First Reading;

AND THAT after First Reading of the Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1713, 2020 and in accordance with Sections 473 (2.1) and 477 of the *Local Government Act*, Bylaw No. 1713

be considered in conjunction with the City's Housing Needs Report, Financial Plan, and Regional Solid Waste Management Plan;

AND THAT after considering the Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1713, 2020 in conjunction with the City's Housing Needs Report, Financial Plan, and Regional Solid Waste Management Plan, Bylaw No. 1713 be given Second Reading and forwarded to a Public Hearing;

AND THAT the referral process which requests that various authorities and organizations review the amendments proposed by the Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1713, 2020, as outlined in this Staff Report, be considered appropriate consultation for the purposes of Sections 475 and 476 of the *Local Government Act*;

AND THAT Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1714, 2020 which proposes to:

1. Rezone the property legally described as PARCEL A (DD L23640) OF THE SOUTH WEST 1/4 OF SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT EXCEPT PLAN 27069, and located at 806 Cliff Avenue, Enderby BC, from the Residential Single-Family (R.1-A) zone to the Residential Multi-Family Medium Intensity (R.3) zone; and
2. Reduce the maximum permitted gross density for adult retirement housing, apartments or multi-family use on the aforementioned property from sixty (60) units per hectare (24.28 units per acre) to forty-one (41 units) per hectare (16.59 units per acre),

be given First and Second Reading and forwarded to a Public Hearing;

AND FURTHER THAT a potential adoption of Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1714, 2020 be subject to the applicant consolidating the existing statutory rights-of-way registered on the title of the subject property (Plan A1090 and Plan 39093), and updating the charge to reflect the change in land use.

BACKGROUND:

This report relates to a Joint Official Community Plan Amendment and Rezoning Application for the property located at 806 Cliff Avenue, Enderby BC. The applicant is proposing to change the Official Community Plan (OCP) designation for a portion of the subject property from *Country Residential* to *Residential Medium Density* and to rezone the property from the Residential Single-Family (R.1-A) zone to the Residential Multi-Family Medium Intensity (R.3) zone. The intent of the applicant is to proceed with a strata subdivision consisting of single-family units and potentially multi-family units, both of which may contain secondary suites.

Site Context

The 4.53 acre (1.83 hectare) subject property is undeveloped and located on the southwest corner of the intersection of Cliff Avenue and High Street, which are both designated as local roads in the OCP. The property is located on a hillside with slopes that run predominantly west to east and become more pronounced towards the southern and western property boundaries. The subject property has a road frontage of 9.54 m (31.31 feet) off of Cliff Avenue.

Community water, sanitary sewer and storm sewer system services are available adjacent to the property on Cliff Avenue.

The City's water supply mains to its reservoirs bisect the property and are secured through two abutting statutory rights-of-way. A private easement is registered on the title of the subject property which provides access rights to the adjacent property to the north.

The Zoning and OCP designations of the subject property and surrounding properties are as follows:

- Subject property - Zoned Residential Single Family (R.1-A) and designated in the Official Community Plan (OCP) as Country Residential/Residential Medium Density
- East property – Zoned Residential Multi-Family Medium Intensity (R.3) and designated in the OCP as Residential Low Density
- East properties – Zoned Residential Single Family (R.1-A) and designated in the OCP as Residential Low Density
- Northeast properties - Zoned Residential Single Family (R.1-A) and designated in the OCP as Residential Low Density
- Northeast property – Zoned Residential Two Family (R.2) and designated in the OCP as Residential Low Density
- North property – Zoned Assembly, Civic and Public Service (S.1) and designated in the OCP as Institutional
- North property – Zoned Residential Single Family (R.1-A) and designated in the OCP as Residential Medium Density/Country Residential
- West property – Zoned Residential Single Family (R.1-A) and Country Residential (C.R) and designated in the OCP as Country Residential
- South property – Zoned Residential Single Family (R.1-A) and designated in the OCP as Country Residential/Knoll Comprehensive Development Area

The following figure shows the zoning designations of the subject and surrounding properties:

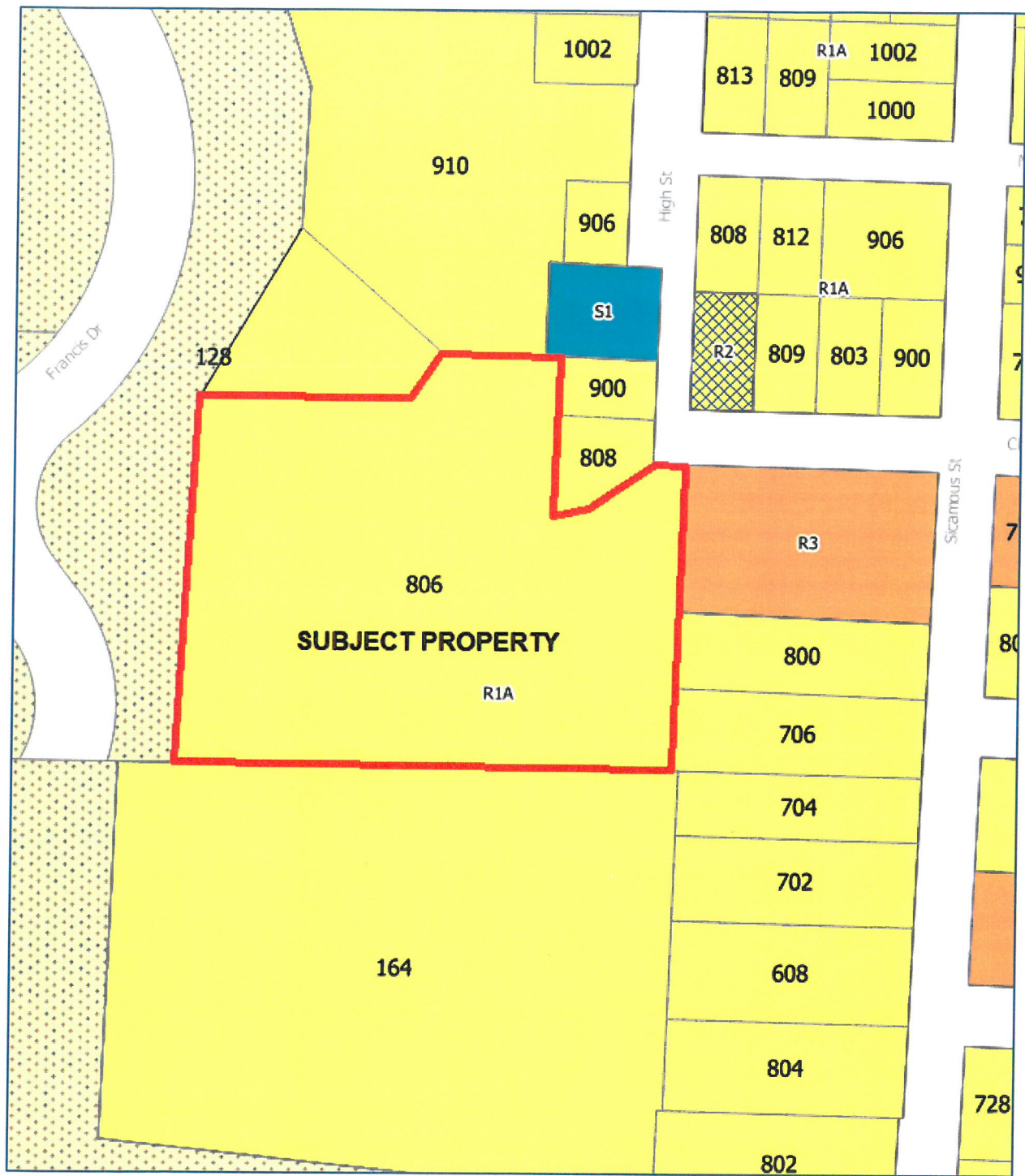


Figure 1. Zoning Map

Yellow – Residential Single Family (R.1-A)
 Crosshatch – Residential Two Family (R.2)
 Orange – Residential Multi-Family Medium Intensity (R.3)
 Dotted – Country Residential (C.R)
 Blue – Assembly, Civic and Public Service (S.1)

The following figure shows the OCP future land use designations of the subject and surrounding properties:

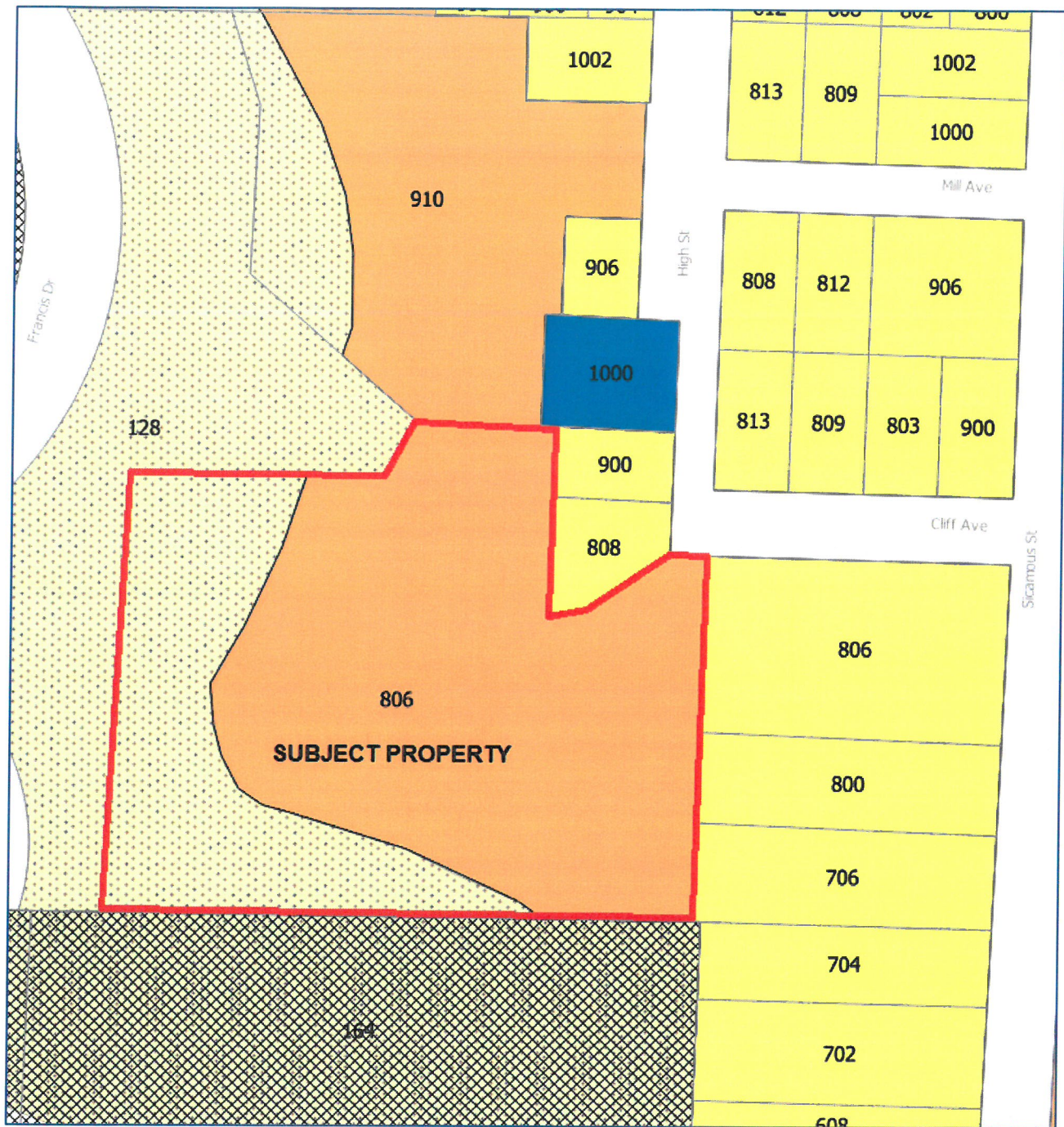


Figure 2. OCP Future Land Use Designations

Yellow – Residential Low Density

Orange – Residential Medium Density

Dotted – Country Residential

Cross Hatch – Country Residential/Knoll Comprehensive Development Area

Blue – Institutional

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



Figure 3: Orthophoto

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

The Proposal

The applicant is proposing to change the OCP designation for that portion of the subject property that is entirely *Country Residential* to *Residential Medium Density* (making it consistent with the rest of the parcel) and to rezone the property from the Residential Single-Family (R.1-A) zone to the Residential Multi-Family Medium Intensity (R.3) zone. The intent of the applicant is to proceed with a strata subdivision consisting of single-family units and potentially multi-family units, both of which may contain secondary suites.

A proposed site plan has not been provided by the applicant at this time but would be required as part of a subdivision application process, should this application be approved by Council. It should be noted that if the application were to be approved, the applicant would not be tied to their proposal of a strata development. Although the applicant may intend to develop the property in accordance with this proposal, it is important to note that if the application is approved then the property could develop in any manner that is consistent with the Zoning Bylaw and any charges registered against the title of the property (covenants, statutory building scheme, etc.).

It should be noted that the subject property's minimal road frontage of 9.54 m (31.31 feet) prevents the property from developing under a conventional subdivision (fee simple lots) as there is insufficient frontage to accommodate the required right-of-way for a local road, as specified in the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000. However, under a strata subdivision all internal roads are private and do not have to meet the specifications of the City's Subdivision Servicing and Development Bylaw, but instead would have to satisfy the Strata Property Act and associated Regulations, which could include having to demonstrate that the proposed access routes of the strata development meet good engineering standards.

ZONING BYLAW:

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

- Accessory residential;
- Restricted agriculture;
- Single family dwellings;
- Secondary suites;
- Bed and breakfasts; and
- Civic and public service use.

Uses permitted within the proposed Residential Multi-Family Medium Intensity (R.3) zone include:

- Apartment and multi-family residential;
- Adult retirement housing;
- Four family dwellings;
- Three family dwellings;
- Two family dwellings;
- Single family dwellings
- Row housing;
- Accessory residential;
- Boarding, lodging or rooming houses;
- Convalescent, nursing and personal care homes;
- Restricted agricultural use;
- Secondary suites;
- Bed and breakfasts; and
- Civic and public service use.

Section 604.11.b of the Zoning Bylaw states that the maximum permitted gross density for adult retirement housing, apartments or multi-family use within the R.3 zone shall not exceed sixty (60) units per hectare (24.28 units per acre); given the property's area of 4.53 acres, the maximum number of dwelling units permitted on the property would be 109.

Although the maximum permitted gross density limit for the R.3 zone theoretically allows for up to 109 dwelling units, Staff do not anticipate that it would be feasible for the subject property to develop to this density, even if a more intensive residential use was pursued (i.e. apartments), for the following reasons:

- The property has significant grades that would limit the area of the lot that can be used for intensive residential use;
- For apartment and multi-family uses, the Zoning Bylaw requires the provision of useable open space, maneuvering aisles, off-street parking areas, significant setbacks, etc., which limit the area of the lot that can be used for intensive residential use; and
- The Zoning Bylaw limits apartment uses to 3 stories in height which, when coupled with the items listed above, acts as a limiting factor on density.

OFFICIAL COMMUNITY PLAN:

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

- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.
- Policy 3.3.h - Council will utilize the development approval process, including Phased Development Agreements, to secure an adequate supply of quality affordable, attainable and special needs housing which meets the needs of all residents of the community, regardless of age, mobility, background or socio-economic status.
- Policy 4.4.c - Council will encourage and support a spectrum of housing choices throughout the community, including secondary suites, in order to meet the diverse housing needs of residents.
- Policy 5.3.f - Council will develop strategies and tools to encourage and facilitate infill and redevelopment within existing developed areas of the community.
- Policy 8.3.h - Council will support infill and redevelopment within the community.
- Policy 8.3.i - Council will employ Smart Growth principles in future development.
- Policy 9.3.f - Council will develop a robust strategy to support infill, redevelopment, and brownfield reclamation that utilizes existing infrastructure, revitalizes the community, and enhances the use of underutilized lands.
- Policy 20.3.f - Council will encourage infill, redevelopment and brownfield strategies that focus growth towards areas with existing infrastructure.
- Policy 20.3.g - Council will support innovative options that will assist in maintaining appropriate levels of infrastructure and service delivery in a fiscally responsible manner.

Schedule 'C' – Parks and Transportation Map of the OCP depicts a multi-use pathway being aligned through the subject property in order to provide connectivity to Johnston Park and the City's future growth area of the Knoll. Pursuant to Section 510 of the *Local Government Act*, an owner of land being subdivided must provide to the municipality park land in the amount of up to 5% of the land being subdivided, or cash-in-lieu of an equivalent value; it is anticipated that this trail would be secured through park land dedication at the subdivision stage.

HOUSING NEEDS REPORT

As per Section 473 (2.1) of the *Local Government Act*, when a local government is amending its OCP in relation to statements or map designations relating to the location, amount, type and density of residential development required to meet anticipated housing needs, the local government must consider its most recently received Housing Needs Report. The City of Enderby received its first Housing Needs Report at the Regular Council Meeting of November 2, 2020, which can be accessed through the following link:

<https://www.cityofenderby.com/enderby-housing-needs-assessment-report/>

In the Planning Analysis section of this report is an overview of how the proposal relates to the outcomes of the Housing Needs Assessment Report.

REFERRAL COMMENTS:

The application was referred to the following individuals/agencies:

- City of Enderby Public Works Manager;
- City of Enderby Chief Financial Officer;
- Building Inspector;
- Fire Chief;
- Regional District of North Okanagan Manager of Regional Engineering Services;
- Ministry of Transportation and Infrastructure.

The following comments were received in response to the application

City of Enderby Public Works Manager

"In terms of land use planning, the applicant's proposal appears consistent with future growth projections for the area. This is also an important area in terms of infrastructure and future trail connectivity.

The City's water supply mains to its reservoirs run through this parcel and are secured through a pair of statutory rights-of-way. These statutory rights-of-way will need to be updated to reflect the change in land use and should be consolidated at the same time. Rezoning should be conditional upon this occurring.

The subject parcel is identified in the Official Community Plan as part of a future trail alignment to Johnston Park and the Knoll, which would be dedicated at subdivision; given the grades, some preliminary design work will be required to identify a suitable alignment. As the access off Cliff Avenue and High Street is narrow, caution will need to be taken at the design stage to achieve pedestrian connectivity without inviting a conflict with vehicles. The neighbourhood design will need to consider how to integrate this public amenity into (and through) what is currently proposed as a strata so as to minimize conflicts with the future residential uses. As mentioned above, the narrow access will need to be designed in such a way that it follows good engineering practices.

At the subdivision stage, there will be a need for a geotechnical study and engineering analysis to confirm the adequacy of water supply and sanitary and storm sewer capacity. The latter will require the development to maintain pre-development flows."

City of Enderby Chief Financial Officer

"The proposed rezoning would not have any material impacts to the financial plan."

RDNO Manager of Regional Engineering Services

"No conditions need be applied with respect to solid waste management planning or SWMP [Solid Waste Management Plan] implementation."

PLANNING ANALYSIS:

The City of Enderby Planner raises no objections to the applicant's request to change the OCP future land use designation of the property from *Country Residential* to *Residential Medium Density* and to rezone the subject property from the Residential Single Family (R.1-A) zone to the Residential Multi-Family Medium Intensity (R.3) zone, and upon consideration of input received at a Public Hearing, recommends that Council approve the subject application for the following reasons:

- The proposal would facilitate infill development, which is a key element of Smart Growth development and is supported in the OCP, and provides the following community benefits:
 - More efficient use of land by increasing the ratio of improvement-to-land values;
 - Reducing pressures related to greenfield development and boundary expansion which supports urban containment and rural protection;
 - Focusing future growth within developed areas of the community in order to maximize the value derived from existing infrastructure; and
 - Adding residential capacity without encroaching upon rural protection zones.
- The proposed development of the property to a more intensive residential land use would foster additional housing in the community, while potentially broadening the spectrum of housing choices, both of which are key elements of Smart Growth;
- The City of Enderby Housing Needs Report states, *"The limited growth in the housing sector over the past decade may be attributed to a relatively low supply of vacant lots in the community upon which single family dwellings could be developed."*; it should be noted that the proposed strata development could introduce numerous new lots to the community, which would help to facilitate

additional growth in the housing sector, particularly in the form of attainable housing as strata units are generally priced lower than traditional fee simple lots; alternatively, the other permitted uses within the R.3 zone could involve the provision of rental units, which the Housing Needs Report identifies as a critical need;

- Given the property's large lot area, it is a prime candidate for development to a more intensive residential use;
- The subject property is adjacent to a large parcel to the east which is zoned Residential Multi-Family Medium Intensity (R.3), as well as a large parcel to the north which is designated in the OCP as Residential Medium Intensity (zoned Residential Single Family (R.1-A)); given this, the proposed development of the subject property to a higher intensity residential land use is consistent with current and future land uses within the immediate vicinity;
- Given the subject property's minimal road frontage of 9.54 m (31.31 feet), the property cannot develop under a traditional fee simple subdivision (i.e. single-family dwellings on fee simple lots) as there is insufficient lot frontage to accommodate the required right-of-way for a local road through the subject property; given this, the only meaningful residential development that could occur on the subject property (aside from the construction of one single-family dwelling) is some form of strata or multi-family development;
- The adjacent road network is sufficient to meet the traffic demands associated with a higher intensity residential use on the subject property, based on the following:
 - Cliff Avenue was re-constructed in 2013 and is of a sufficient standard to accommodate the demands of the development;
 - Given that there is approximately 81 m (266 feet) of distance between the subject property and the Cliff Avenue/Sicamous Street intersection, and this intersection is a 4-way stop, there are sufficient opportunities for traffic from the proposed development to gain access on to Sicamous Street without there being a potential for significant 'stacking' of vehicles up Cliff Avenue;
 - Given the property's location at the intersection of High Street and Cliff Avenue, there are adequate sight lines for vehicles from the property to safely gain access on to Cliff Avenue;
 - Sicamous Street is a minor-collector road and is able to safely accommodate traffic from the development to two lighted intersections on Highway 97A, which are in relatively close proximity to the subject property.

Although it is not anticipated that the subject property would be able to meet the maximum permitted gross densities allowable under the R.3 zone (60 units/hectare, 109 units total), for the reasons described on page 7 of this report, it is important to consider what maximum densities would be reasonable for the site. Given the subject property's location along a local road and on an interface with a single-family neighbourhood, Staff feel that the less intensive maximum permitted gross densities of the Residential Multi-Family Low Intensity (R.3-A) zone are more appropriate for the property. Given this, Staff are recommending that the application be supported subject to the Zoning Bylaw being amended to impose a reduced maximum permitted gross density of 41 units/hectare (16 units/acre) for any adult retirement housing, apartments or multi-family use on the property; this density limit would allow for a total of 72

units on the property (33.9% reduction), which the applicant has confirmed would be consistent with their development plans for the site.

Staff are recommending that support of the application be made subject to the updating and consolidation of the existing statutory rights-of-way registered on the title of the subject property (Plan A1090 and Plan 39093), consistent with the recommendation of the City's Public Works Manager.

SUMMARY

This report relates to a Joint Official Community Plan Amendment and Rezoning application for the property located at 806 Cliff Avenue, Enderby BC. The applicant is proposing to change the OCP designation for a portion of the subject property from *Country Residential* to *Residential Medium Density* and to rezone the property from the Residential Single-Family (R.1-A) zone to the Residential Multi-Family Medium Intensity (R.3) zone. The intent of the applicant is to proceed with a strata subdivision consisting of single-family units and potentially multi-family units, both of which may contain secondary suites.

The City of Enderby Planner is supportive of the application, subject to the conditions described above.

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

OCP/REZONING APPLICATION

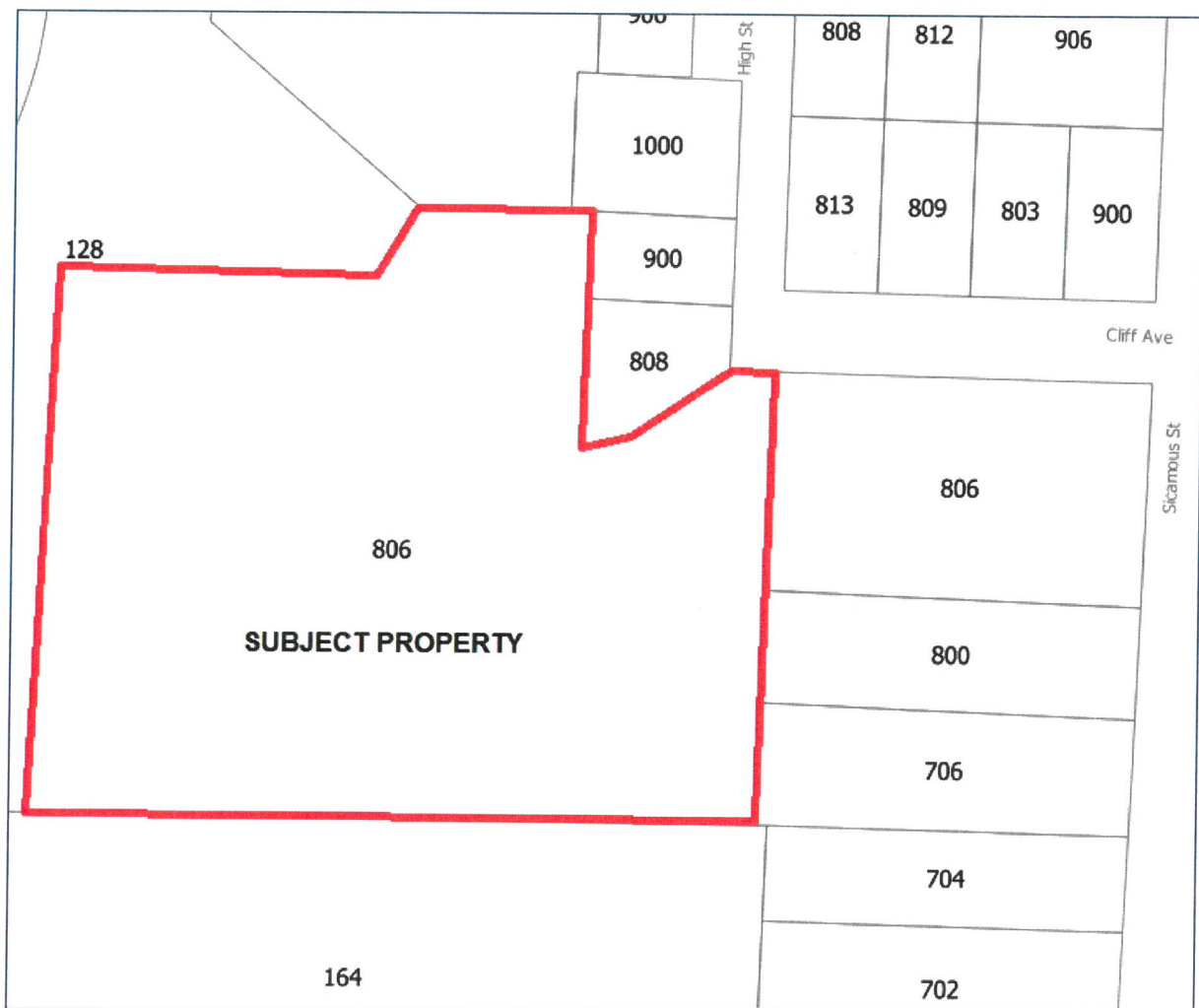
SUBJECT PROPERTY MAP

File: 0009-20-OR-END (Mazur)

Applicant: Brandon Mazur

Owner: Bayssie Woinshet, 421457 BC Ltd., 419263 BC Ltd.

Location: 806 Cliff Avenue, Enderby BC



THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1713

A BYLAW TO AMEND THE CITY OF ENDERBY OFFICIAL COMMUNITY PLAN BYLAW NO.
1549, 2014 AND AMENDMENTS THERETO

WHEREAS Council of the City of Enderby has determined to make an amendment to "City of Enderby Official Community Plan Bylaw No. 1549, 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 Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1713, 2020".
2. The future land use designation of a portion of the property legally described as PARCEL A (DD L23640) OF THE SOUTH WEST 1/4 OF SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT EXCEPT PLAN 27069, and located at 806 Cliff Avenue, Enderby BC, is hereby changed from *Country Residential* to *Residential Medium Density*.

READ a FIRST time this day of , 2020.

READ a SECOND time this day of , 2020.

Advertised on the day of , 2020 and the day of , 2020, and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the day of , 2020.

READ a THIRD time this day of , 2020.

ADOPTED this day of , 2020.

MAYOR

CORPORATE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1714

A BYLAW TO AMEND 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";

WHEREAS Council of the City of Enderby has determined to make an amendment to "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. 1714, 2020".
2. The zoning designation of the property legally described as PARCEL A (DD L23640) OF THE SOUTH WEST 1/4 OF SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT EXCEPT PLAN 27069, and located at 806 Cliff Avenue, Enderby BC, is hereby changed from the from the Residential Single Family (R.1-A) zone to the Residential Multi-Family Medium Intensity (R.3) zone.
3. Division Six - Residential Zones (R.3) of Schedule "A" of Zoning Bylaw No. 1550, 2014 is hereby amended by adding Section 604.11.j as follows:
 - j. Notwithstanding the maximum permitted gross densities outlined in Section 604.11.b of this Bylaw, the maximum permitted gross density for adult retirement housing, apartments or multi-family uses occurring on the property legally described as PARCEL A (DD L23640) OF THE SOUTH WEST 1/4 OF SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT EXCEPT PLAN 27069, and located at 806 Cliff Avenue, Enderby BC, shall not exceed forty-one (41 units) per hectare (16.59 units per acre).

READ a FIRST time this day of , 2020.

READ a SECOND time this day of , 2020.

Advertised on the day of , 2020 and the day of , 2020, and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the day of , 2020.

READ a THIRD time this day of , 2020.

APPROVED pursuant to Section 52(3)(a) of the Transportation Act this day of , 2020.

District Development Technician
Ministry of Transportation and Infrastructure

ADOPTED this day of , 2020.

MAYOR

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: December 2, 2020

Subject: Road Closure and Removal of Dedication Bylaw No. 1707, 2020 (Unnamed and Unconstructed Road Adjacent to 321 Brickyard Road) - Adoption

RECOMMENDATION

THAT Council adopts Road Closure and Removal of Dedication Bylaw No. 1707, 2020;

AND THAT adoption of Road Closure and Removal of Dedication Bylaw No. 1707, 2020 will come into force and effect once:

- i. The City has received letters of undertaking from the current owner, and the prospective future owner for which an offer has been accepted for the property, of the property legally described as THAT PART OF LOT 3 SHOWN ON PLAN B5731 DISTRICT LOT 226 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 1593 and located at 305 Brickyard Road, which states that the owner/future owner will register an 18.0 metre wide statutory right-of-way through the subject property to encompass works associated with the City's existing and future infrastructure, as shown on Schedule 'C' of the attached memorandum dated October 14, 2020; and
- ii. The owner of the property legally described as LOT 3 SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLAN B5731 and located at 275 Brickyard Road has entered into an indemnification agreement with the City of Enderby for cost recovery obligations under the *Environmental Management Act*, if any.

BACKGROUND

The owner of the property legally described as PARCEL A (DD 121824F AND PLAN B5872) OF LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 and located at 321 Brickyard Road requested the acquisition of a ~12 m wide unnamed and unconstructed road dedication directly south of the subject property (shown as 'Closed Road' on Schedule 'A' of the attached memorandum dated October 14, 2020), for the purposes of consolidating it with the subject property. This road closure and consolidation is intended to support development of the subject property, which is proposed for a modular home manufacturing facility. The subject road area was originally dedicated in 1920 when a number of parcels were created through subdivision. The road area was never constructed

nor maintained. At the time of subdivision, the subject property was outside the incorporated area of the City of Enderby.

As part of the road closure process, the property owner proposed to dedicate an equal portion of land as 'Road' on the property they own to the south legally described as LOT 3 SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLAN B5731 and located at 275 Brickyard Road (shown as 'Road' on Schedule 'B' of the attached memorandum dated October 14, 2020).

Council considered the request at its Regular Meeting of October 19, 2020, and passed a resolution which:

1. Gave three readings to the associated Road Closure and Removal of Dedication Bylaw 1707, 2020 and referred the bylaw to the Ministry of Transportation and Infrastructure and affected utility companies;
2. Made a potential disposal and transfer of the closed road area subject to the dedication of an equal portion of land as 'Road' on the property located at 275 Brickyard Road;
3. Directed Staff to advertise a Public Notice in the newspaper related to the proposed road closure;
4. Authorized the Mayor and Corporate Officer to execute the necessary agreements and documents on behalf of the City, while authorizing the Corporate Officer to file a certificate in the Land Title Office to effect a discharge of the Province's right of resumption for the unnamed road to be closed; and
5. Made a potential adoption of the Road Closure and Removal of Dedication Bylaw No. 1707, 2020 subject to:
 - i. The City receiving letters of undertaking from the current owner, and the prospective future owner for which an offer has been accepted for the property, of the property located at 305 Brickyard Road, which states that the owner/future owner will register an 18.0 metre wide statutory right-of-way through the subject property to encompass works associated with the City's existing and future infrastructure, as shown on Schedule 'C' of the attached memorandum dated October 14, 2020); and
 - ii. The owner of the property located at 275 Brickyard Road (location of area proposed for road dedication in exchange for road closure area) entering into an indemnification agreement with the City of Enderby for cost recovery obligations under the *Environmental Management Act*, if any.

Following Council's initial consideration of the proposed road closure, the Ministry of Transportation and Infrastructure has endorsed Bylaw No. 1707 and no concerns were brought forward by any affected utility companies as part of the referral process. Advertisements were placed in the November 26, 2020 and December 3, 2020 editions of the Okanagan Advertiser in order to advise the public of:

- The City's intention to close and cancel the dedication as highway of the unnamed road identified in Road Closure and Removal of Dedication Bylaw No. 1707, 2020;

- The City's intention to transfer the closed road to an adjacent property owner to consolidate with their lot located at 321 Brickyard Road, in exchange for an equal portion of road dedication from the property located at 275 Brickyard Road; and
- The opportunity for persons who feel affected by the proposed road closure to make representation to Council at its Regular Meeting of December 7, 2020.

Should Council adopt Road Closure and Removal of Dedication Bylaw No. 1707, 2020 and the applicant satisfies the conditions described above, Staff will work with the applicant to register the legal documents through the Land Titles Office to formally close the road and remove its dedication as highway, to transfer the closed road area to the adjacent property owner, and to facilitate the new road dedication at 275 Brickyard Road.

Respectfully Submitted,



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: October 14, 2020
Subject: Road Closure and Removal of Dedication Bylaw No. 1707, 2020 (Unnamed and Unconstructed Road Adjacent to 321 Brickyard Road)

RECOMMENDATION

THAT City of Enderby Road Closure and Removal of Dedication Bylaw No. 1707, 2020 be given three readings and referred to the Ministry of Transportation and Infrastructure and affected utility companies;

AND THAT in accordance with Sections 24 and 94 of the *Community Charter*, the attached Public Notice be published in the local newspaper for two consecutive weeks and posted on the City of Enderby public notice posting place, and that Council provide an opportunity at a Regular Council Meeting for persons that may be affected by the bylaw to make representation to Council;

AND THAT subject to appropriate notice and the adoption of City of Enderby Road Closure and Removal of Dedication Bylaw No. 1707, 2020, Council authorizes the disposal and transfer of the property (0.103 hectares) that was formerly the unnamed and unconstructed road closed under Bylaw No. 1707, 2020 to the owner of the property legally described as PARCEL A (DD 121824F AND PLAN B5872) OF LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 and located at 321 Brickyard Road so that the closed road area can be consolidated with the legally described property;

AND THAT the aforementioned disposal and transfer of the road area be subject to the dedication of an equal portion of land as 'Road' on the property legally described as LOT 3 SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLAN B5731 and located at 275 Brickyard Road, as shown on the attached Schedule 'B';

AND THAT the Mayor and Corporate Officer be authorized to execute the necessary agreements and documents on behalf of the City;

AND THAT pursuant to the Resumption of Highways Regulation, B.C. Reg. 245/2004, the Corporate Officer be authorized to file a certificate in the Land Title Office in order to effect a discharge of the Province's right of resumption for the unnamed road to be closed under City of Enderby Road Closure and Removal of Dedication Bylaw No. 1707, 2020;

AND THAT adoption of City of Enderby Road Closure and Removal of Dedication Bylaw No. 1707, 2020 be subject to:

- i. The City having received letters of undertaking from the current owner, and the prospective future owner for which an offer has been accepted for the property, of the property legally described as THAT PART OF LOT 3 SHOWN ON PLAN B5731 DISTRICT LOT 226 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 1593 and located at 305 Brickyard Road, which states that the owner/future owner will register an 18.0 metre wide statutory right-of-way through the subject property to encompass works associated with the City's existing and future infrastructure, as shown on the attached Schedule 'C'; and
- ii. The owner of the property legally described as LOT 3 SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLAN B5731 and located at 275 Brickyard Road entering into an indemnification agreement with the City of Enderby for cost recovery obligations under the *Environmental Management Act*, if any;

AND FURTHER THAT all costs related to advertising, survey, legal and other costs associated with raising title, sale, and transfer, shall be borne by the applicant.

BACKGROUND

The owner of the property legally described as PARCEL A (DD 121824F AND PLAN B5872) OF LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 and located at 321 Brickyard Road has requested the acquisition of a ~12 m wide unnamed and unconstructed road dedication directly south of the subject property (shown as 'Closed Road' on the attached Schedule 'A'), for the purposes of consolidating it with the subject property. This road closure and consolidation would support development of the subject property, which is proposed for a modular home manufacturing facility. The subject road area was originally dedicated in 1920 when a number of parcels were created through subdivision. The road area was never constructed nor maintained. At the time of subdivision, the subject property was outside the incorporated area of the City of Enderby.

As part of the road closure process, the property owner is proposing to dedicate an equal portion of land as 'Road' on the property to the south legally described as LOT 3 SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLAN B5731 and located at 275 Brickyard Road (shown as 'Road' on the attached Schedule 'B'). Given that the proposed road closure and consolidation would support development on the owner's parcel, and the owner is proposing to dedicate of an equal portion of land as 'Road' on a nearby parcel, Staff are recommending that Council proceeds with closing this portion of road and removing its dedication. Staff are recommending that the road closure be subject to the following:

1. The City receiving letters of undertaking confirming that the current and prospective future owners of the property located at 305 Brickyard Road (the owner of the parcel proposed for consolidation with the road area is not the current owner of 305 Brickyard Road, but does have an accepted offer on the lot) will register a 18.0 m wide statutory right of way through the subject property to encompass works associated with the City's existing, and to potentially accommodate a future lift station which would address stormwater management challenges in the northwest sector of the community, as shown on the attached Schedule 'C'; and

2. The owner of 275 Brickyard Road entering into an indemnification agreement with the City of Enderby for any cost recovery obligations under the *Environmental Management Act*, in order to limit any potential liability exposure associated with potential contamination of the area proposed for road dedication. It should be noted that Staff received a legal opinion regarding potential liability exposure given the history of the area proposed for road dedication (sawmill site) and the legal opinion confirmed that an indemnification agreement is an adequate tool to limit exposure, which has been recognized by the courts; this protection through an indemnification agreement is in addition to the protection afforded under Section 46 of the *Environment Management Act*, which states that a local government is not responsible for remediation of a contaminated site (which may or may not be the case with the area proposed for road dedication) if the area is being used for a roadway, highway, or right of way for sewerage or waterworks, as long the local government does not deposit the contamination.

The following summarizes the issues that must be considered by the City as part of the proposed road closure:

- ***Is the road vested with the City?***
Section 35 (1)(a) of the Community Charter vests with the municipality the soil and freehold of every highway in the municipality, subject to the exception listed in Section 35 (2); Section 35 (2) was reviewed by Staff and it was determined that no exceptions apply to the City of Enderby in this case, and therefore the road is vested with the City.
- ***Does the owner who originally dedicated the road continue to have an interest in the road?***
Where a highway was dedicated by subdivision or reference plan, the dedication may not be removed without the dedicating owner's consent if: (a) the highway has not been developed for its intended purpose, AND (b) the owner of the land at the time of the dedication is still the owner of all the parcels created by the subdivision or reference plan.

The road area in question was dedicated as part of a subdivision in 1920. Given that the owner of the land at the time of the dedication is no longer the owner of all the parcels created at subdivision, the owner who originally dedicated the road does not continue to have an interest in the road.

- ***Will the road closure affect access to a body of water?***

If a road area provides access to the ocean, a lake or a watercourse, the City may only dispose of the road:

- (a) in exchange for property that Council considers will provide public access to the same body of water that is of at least equal benefit to the public, or;
- (b) if the City places the proceeds received from the sale into a reserve fund to acquire property providing access to the same body of water of at least equal benefit to the public.

The road area in question does provide access to a body of water, albeit an unsafe access given that the road is unconstructed and the steepness of the river bank is significant; however, the owner of the adjacent parcel is proposing to dedicate an equal portion of land as 'Road' on the property located at 275 Brickyard Road (as shown on the attached Schedule 'B'). Given that the area proposed for dedication is of equal area to the proposed road closure area, and is adjacent to the same body of water and with the same severe access constraints, it is Staff's opinion that this proposed road dedication would provide an equivalent value.

- ***Will the road closure completely deprive an owner of access?***

The road area is unconstructed and is not used to provide access to any fronting properties, therefore the road closure will not deprive any property owners of access.

- ***Is the road area within 800 metres of an arterial highway?***

Yes, the road area is within 800 metres of Highway 97A, therefore the City will have to obtain approval from the Minister of Transportation and Infrastructure prior to adopting City of Enderby Road Closure and Removal of Dedication Bylaw No. 1707, 2020.

- ***Will utilities be affected by the road closure?***

The City will refer City of Enderby Road Closure and Removal of Dedication Bylaw No. 1707, 2020 and the reference plan to all applicable utility companies in order to determine if any utilities will be affected by the proposed road closure.

- ***Can the Province's right of resumption be cancelled?***

Pursuant to Sections 35 (7) and (8) of the *Community Charter*, the City's interest in its highways is subject to a right in favour of the Province to resume such highways for Provincial arterial highway purposes, transportation purposes, or park or ecological related purposes. As per the Resumption of Highways Regulation, B.C. Reg. 245/2004, if a closed highway is not adjacent to a park, recreation area or ecological reserve under the *Park Act*, the *Ecological Reserve Act*, or *Protected Areas of British Columbia Act* or an area to which an order under s.7 (1) of the *Environmental Land Use Act* applies, the right of resumption will be cancelled if the land is disposed to an adjoining landowner for the purpose of consolidating the former highway land with the adjoining owner's land; as this provision applies and the City is intending to dispose of the road area to an adjoining land owner for consolidation purposes, the Corporate Officer will file a certificate in the Land Titles Office in order to effect the discharge (see attached certificate).

- ***Is the City receiving fair market value from the purchaser of the sale of the road area?***

The City is prohibited from providing assistance to business, including selling land to a business at less than fair market value as defined under Section 25 of the *Community Charter*. The adjacent land owner is a developer and is therefore considered a 'business', and the City may not dispose of the land at less than fair market value.

It is Staff's opinion that the City would be receiving fair market value from the purchaser of the sale of the road area, based on the following:

- i. The road area proposed for closure and the area proposed for road dedication on the nearby parcel are the same size and have a similar context (i.e. both located along Brickyard Road, both adjacent to Shuswap River but providing no safe access, both are located in an industrial area);
- ii. The area proposed for road dedication has more road frontage than the area proposed for closure (43 m vs 13 m); and
- iii. There is significant value associated with obtaining an 18.0 m wide statutory right of way through the subject property to encompass existing works associated with the City's storm sewer system, and to potentially accommodate a future lift station which would address stormwater management challenges in the northwest sector of the community, to which Staff are recommending that the road closure be subject.

If Council gives Three Readings to City of Enderby Road Closure and Removal of Dedication Bylaw No. 1707, 2020, Staff will proceed with referring the proposed Bylaw to the Ministry of Transportation and Infrastructure and affected utility companies, and advertise the attached Public Notice in the local newspaper and on City of Enderby public notice posting place.

Respectfully Submitted,

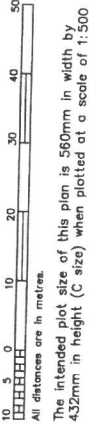


Kurt Inglis
Planner and Deputy Corporate Officer

Schedule 'A'

PLAN EPP101824

Reference Plan to Accompany
City of Enderby Road Closure
Bylaw Number 1707, 2020
of a Portion of Road,
District Lot 226,
KDYD, Plan 1593
Pursuant to Section 120 of the Land Title Act
and Section 40 of the Community Charter
BCGS 82L055



LEGEND

Grid bearings are derived from differential dual frequency GNSS observations and are referred to the central meridian of UTM Zone 11.

This plan shows horizontal ground level distances, unless otherwise specified. To compute grid distances, multiply ground distances by the average combined factor of 0.999832. The average combined factor has been determined based on an ellipsoidal elevation of 335 metres.

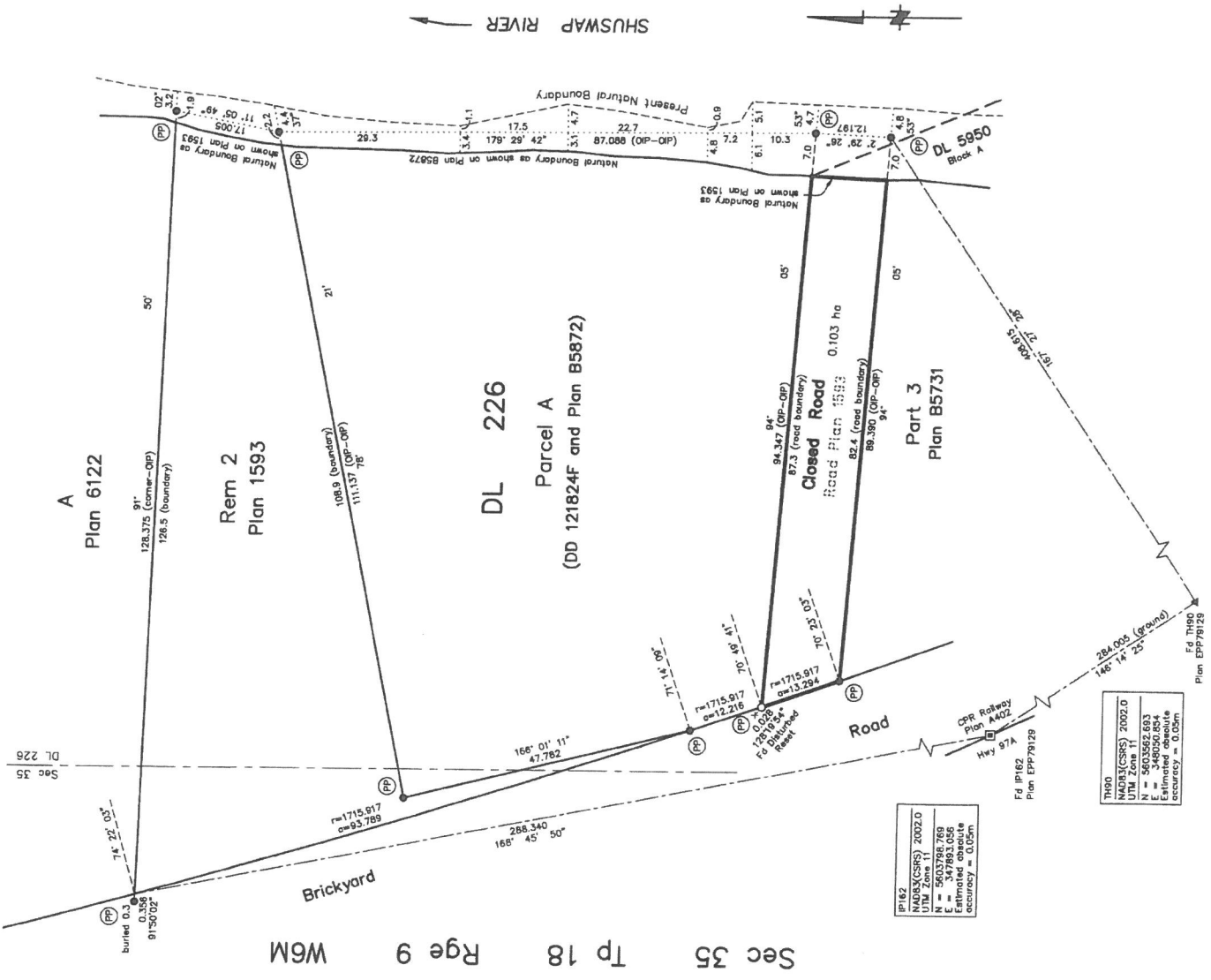
The UTM coordinates and estimated absolute accuracy achieved are derived from differential dual frequency GNSS observations post processed using the Natural Resources Canada Precise Point Positioning Service.

- Standard Iron Post Found (IP)
- Standard Iron Post Placed (PP)
- ▲ Traverse Hub Found
- Old Pattern Dominion Iron Post Found
- + Unmonumented point
- Fd Denotes Found
- (PP) See Posting Plan EPP79129

This plan lies within the Regional District of North Okanagan

The field survey represented by this plan was completed on the 28th day of August, 2020
Mark R. Mason, BCLS (929)

BROWNE JOHNSON LAND SURVEYORS
B.C. AND CANADA LAND SURVEYORS
SALMON ARM, B.C. 250-832-9701
File: 85-20 85-20.raw



IP162
NAD83(CSRS) 2002.0
UTM Zone 11
E = 5603562.693
N = 3480500.854
Estimated absolute
accuracy = 0.05m

IP163
NAD83(CSRS) 2002.0
UTM Zone 11
E = 5603562.693
N = 3480500.854
Estimated absolute
accuracy = 0.05m

Fd IP162
Plan EPP79129

The intended plot size of this plan is 560mm in width by 432mm in height (C size) when plotted at a scale of 1:500



● Standard Iron Post Found (OIP)
 ○ Standard Iron Post Placed (IP)
 ▲ Traverse Hub Found
 + Old Pattern Dominion Iron Post Found
 □ Unmonumented point
 Fd Denotes Found
 (P) See Posting Plan EPP79129

This plan lies within the jurisdiction of the Approving Officer for the City of Enderby

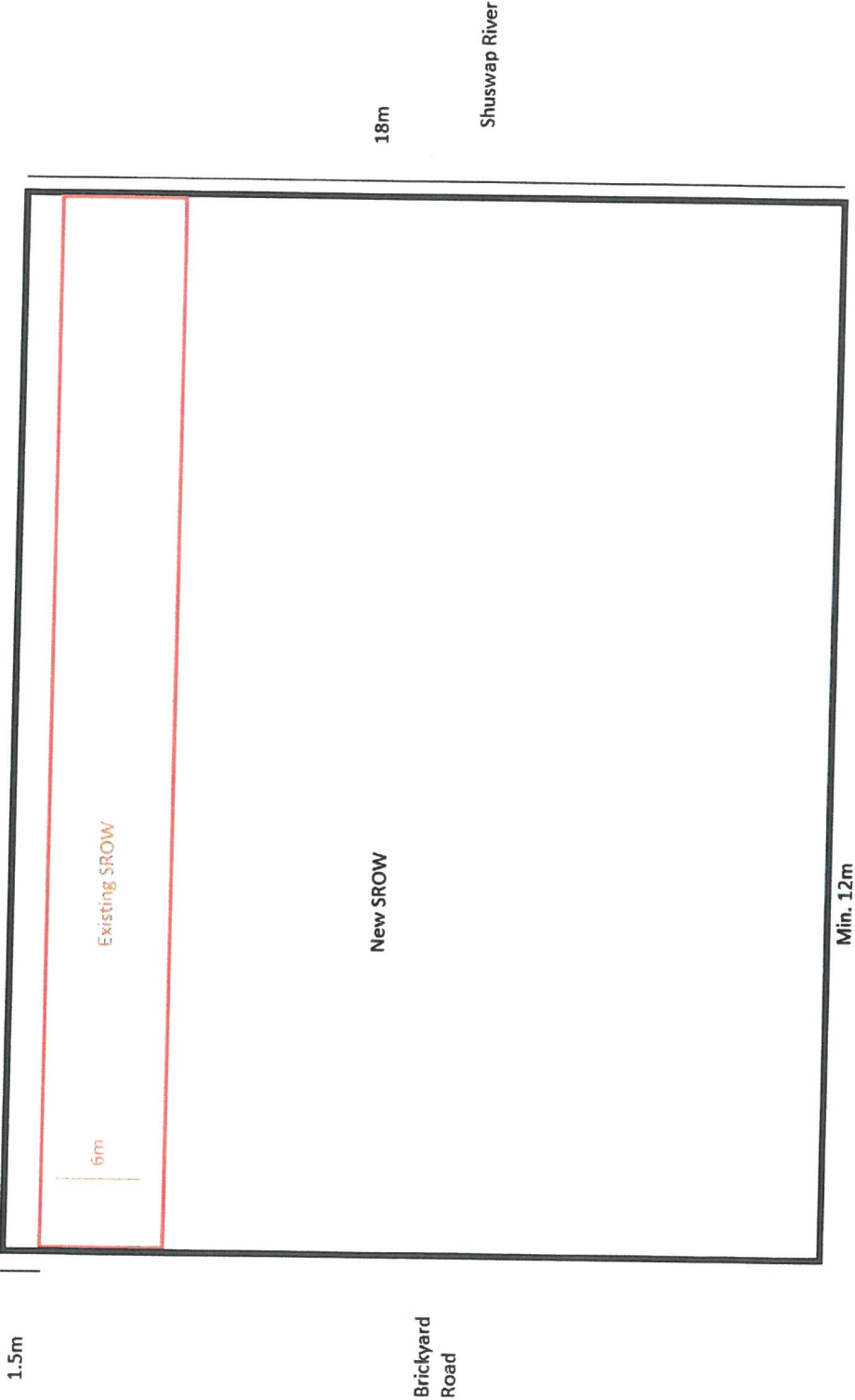
This plan lies within the Regional District of North Okanagan

The field survey represented by this plan was completed on the 28th day of August, 2020
Mark R. Mason, BCLS (929)

BROWNE JOHNSON LAND SURVEYORS
B.C. AND CANADA LANDS
SALMON ARM, B.C. 250-832-9701
File: 87-20 85-20 row

Schedule 'C'

Drawing not to scale, project north not true north - adjusted at survey stage



**Certificate Pursuant to Resumption of Highways Regulation
B.C. Reg. 245/2004 as amended by B.C. Reg. 18/2005**

I, Tate Bengtson, Corporate Officer for the City of Enderby hereby certify that:

- a) the municipality has, by City of Enderby Road Closure and Removal of Dedication Bylaw No. 1707, 2020 under Section 40 of the *Community Charter*,
 - i. closed the highway or portion, and
 - ii. removed its dedication,
- b) the closed highway or portion is not adjacent to,
 - i. a park, recreational area or ecological reserve established under the *Park Act*, the *Ecological Reserve Act* or the *Protected Areas of British Columbia Act*, or
 - ii. an area to which an order under Section 7 (1) of the *Environmental and Land Use Act* applies, and
- c) the land is to be disposed of
 - i. in exchange for land necessary for the purpose of improving, widening, straightening, relocating or diverting a highway, or
 - ii. to one or more adjacent landowners for the purpose of consolidating it with the landowners' existing adjacent parcel or parcels of land.

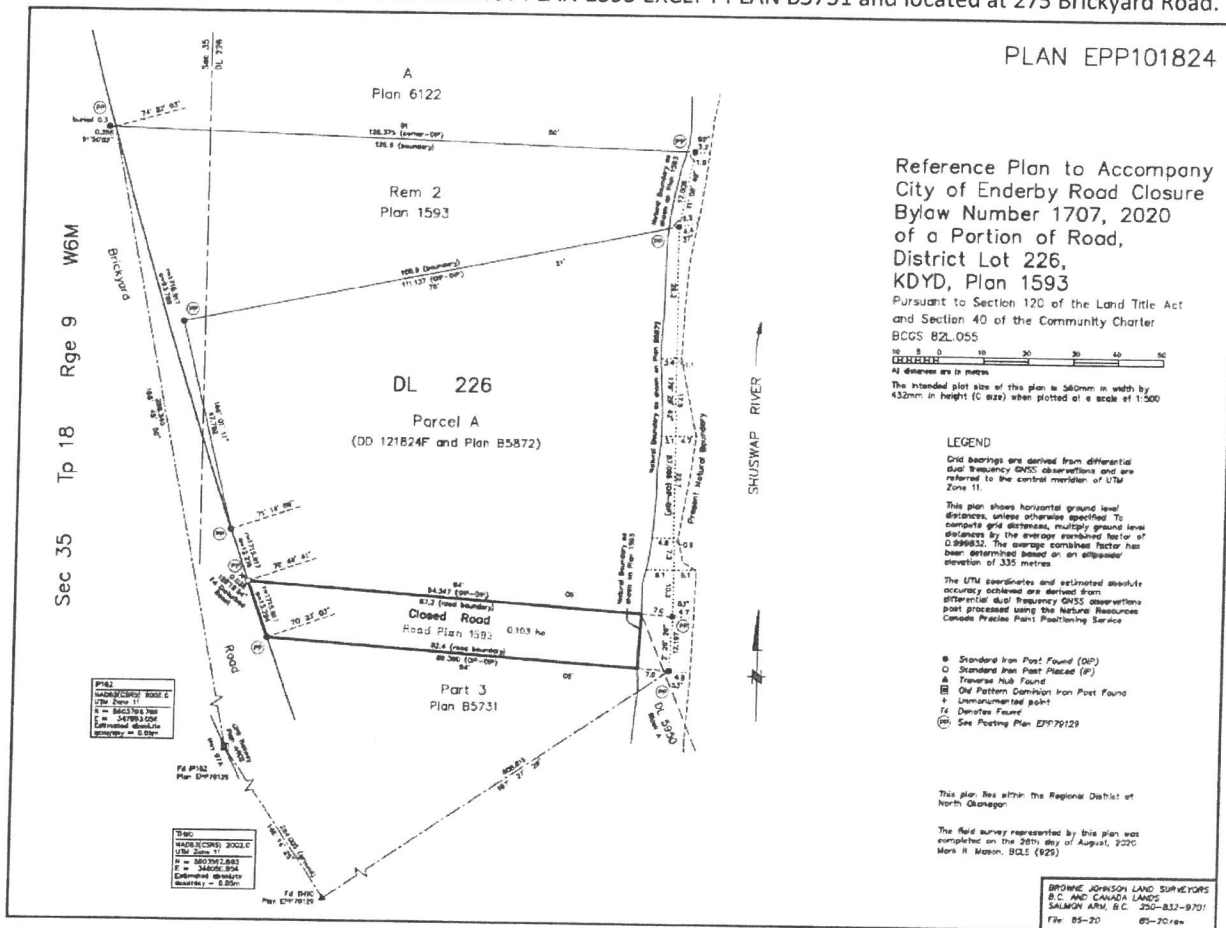
Certified true this day of , .

Tate Bengtson, Corporate Officer
City of Enderby

ROAD CLOSURE AND REMOVAL OF DEDICATION BYLAW NO. 1707, 2020

Public Notice of Permanent Road Closure, Removal of Highway Dedication and Land Disposal

The City of Enderby intends to close and cancel the dedication as highway of an unnamed and unconstructed highway, as shown on the sketch below, for the purposes of transferring it to an adjacent property owner to consolidate with their lot legally described as PARCEL A (DD 121824F AND PLAN B5872) OF LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 and located at 321 Brickyard Road, in exchange for an equal portion of road dedication from the property legally described as LOT 3 SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLAN B5731 and located at 275 Brickyard Road.



City of Enderby Road Closure and Removal of Dedication Bylaw No. 1707, 2020, which proposes to close the aforementioned road area and remove its dedication as highway, will be considered by Council at its Regular Meeting of _____, 2020 at 4:30 pm, which will be held electronically. All persons who consider they are affected by the bylaw will be provided an opportunity to make representation to Council by attending the meeting electronically or by delivering a written submission to the Corporate Officer by 4:30 pm on _____, 2020 (drop off at City Hall, 619 Cliff Avenue, or email to info@cityofenderby.com). Should you wish to attend the _____ Council meeting electronically, please refer to the agenda package for the Council meeting of _____, 2020 for instructions.

FH&P

LAWYERS LLP

400 - 275 Lawrence Avenue
Kelowna, BC V1Y 6L2
250.762.4222

www.fhplawyers.com
www.okanaganelderlaw.com

Email: dswitzer@fhplawyers.com

Direct: (250) 869.6029

Fax: (250) 762.8616

OUR FILE NO.: **11138-83325**

September 29, 2020

VIA EMAIL

City of Enderby
619 Cliff Avenue
PO Box 400
Enderby, BC V0E 1V0

Dear Sirs/Mesdames:

Re: Road Closure Application

Registered Owner: 1203167 B.C. Ltd.

Parcel Identifier: 011-519-827

Legal Description: PARCEL A (DD 121824F AND PLAN B5872) OF LOT 2
DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT
AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF
THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT
PLAN 1593

Civic Address: 321 Brickyard Road, Enderby, BC

Parcel Identifier: 011-519-878

Legal Description: LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE
DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9
WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION
YALE DISTRICT PLAN 1593 EXCEPT PLANS B5872 AND
B6868

Civic Address: 327 Brickyard Road, Enderby, BC

We act on behalf of 1203167 B.C. Ltd. in regards to the above noted matter.

We hereby apply on behalf of our client for a Road Closure in accordance with the attached
Reference plans prepared and certified by Mark Mason, BCLS, of Salmon Arm, BC.

We also attach hereto the following for your reference:

1. Title Searches; and
2. Environment Site Investigation.

Please confirm receipt of our application and advise as soon as possible if you require anything further from our client to proceed with this application.

Yours truly,

FH&P LAWYERS LLP

Per:


for
Dylan J. Switzer

/sls

Enc.

Agenda

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: November 5, 2020
Subject: Building Amendment Bylaw

RECOMMENDATION

THAT Council for the City of Enderby gives three readings to the City of Enderby Building Bylaw No. 1582, 2015 Amendment Bylaw No. 1713, 2020.

BACKGROUND

The City of Enderby contracts with the Regional District of North Okanagan for building inspection services. One of the underlying philosophies of the contract is that the parties will endeavour to harmonize their regulatory bylaws on matters that are applicable in both jurisdictions, for ease of administration and as an aid to the building community.

The attached bylaw amendment is relatively minor, and addresses three items:

1. Greenhouses, which are exempt from the requirement to obtain a building permit provided the siting and uses are consistent with the City's land use regulations, has been clarified to ensure that a cannabis production facility, if it is enclosed in a greenhouse-like structure, does not fall within this definition. In other words, a cannabis production facility must obtain a building permit prior to construction, which is important given the regulated nature of this use.

Nothing in this amendment adds or changes the City's land use regulations pertaining to cannabis production facilities; it simply ensures that the exemption remains only for greenhouses as understood at the time that the City's building bylaw was first adopted.

2. References to the *Architects Act* are explicitly incorporated into the text of the City's Building Bylaw to recognize it as a Provincial enactment that deals with a matter of health and safety. This is a result of a recent decision from the BC Supreme Court clarifying that building authorities must consider the *Architects Act* a Provincial health and safety enactment prior to issuance of a permit. The *Architects Act* establishes classes of buildings that must be designed by a registered architect; building authorities, it is now established, have an obligation to ensure that this occurs.

Historically, there had been ambiguity about whether regulatory authorities for buildings must enforce certain provisions of the *Architects Act* pertaining to the kinds of buildings that require design by a registered architect, or whether that properly falls to the Architectural Institute of BC to manage its profession. By deeming the *Architects Act* a Provincial health and safety enactment, the court decision made clear that this responsibility falls to the regulatory authorities for buildings.

A backgrounder from the Architectural Institute of BC is attached for further information on the court decision and the consequences for building authorities.

3. A correction to the wording for on-site sewer (septic) approvals has been included, to make it consistent with the Interior Health Authority's process.

The proposed changes are consistent with amendments to the Regional District's building bylaw.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1713

A BYLAW TO AMEND BUILDING BYLAW No. 1582, 2015

WHEREAS Council of the City of Enderby has adopted "City of Enderby Building Bylaw No. 1582, 2015";

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 Building Bylaw No. 1582, 2015 Amendment Bylaw No. 1713, 2020".
2. Section 105(2)(j) is amended by appending "and for the purpose of this Bylaw, buildings or structures used for cannabis production facilities are not considered greenhouses and therefore require a building permit."
3. Section 301(3) is amended by inserting "the *Architects Act*" after "the *Local Government Act*".
4. Section 402(4) is amended by inserting "the *Architects Act*" after "the *Community Charter*".
5. Section 402(9) is amended by inserting "the *Architects Act*" after "the *Community Charter*".
6. Section 808(2)(b) is amended by replacing "a Record of Sewerage System" with "a Sewerage System Letter of Certification".

READ a FIRST time this day of , 2020.

READ a SECOND time this day of , 2020.

READ a THIRD time this day of , 2020.

ADOPTED this day of , 2020.

MAYOR

CORPORATE OFFICER



August 26, 2020

Dear Colleagues:

Re: The “Langford Decision” and the Application of the *Architects Act*

On behalf of the Architectural Institute of British Columbia (the “AIBC”), I am reaching out to all local governments in British Columbia to share and provide context for a recent decision of the BC Supreme Court relating to the *Architects Act*. I hope that you will share this letter with your council and appropriate planning and building staff.

Overview

As a public interest regulator, the AIBC’s position has always been that the *Architects Act* is a public health and safety law that must be appropriately considered by all British Columbians, including local governments. Historically, some local governments have taken the stance that as long as the BC Building Code is complied with, there is no duty to consider whether permit applications are compliant with the *Architects Act*. The case below was an opportunity to find legal clarity and was advanced by the AIBC as a matter of public interest.

***The Architectural Institute of British Columbia v Langford (City)*, 2020 BCSC 801**

In June 2019, the AIBC initiated legal action against the City of Langford arising out of an illegal practice investigation initiated in response to a complaint by a member of the public who expressed concern that no architect has been involved in the planning or design of the building in which he had purchased a unit, contrary to the *Architects Act*. It was a matter of agreement between the parties that the building was of a size that required the involvement of an architect under the *Architects Act*. At issue was a decision by the City’s Chief Building Inspector to issue a building permit, despite the fact that the drawings submitted in support of the permit application were not prepared by an architect, contrary to the *Architects Act*. The AIBC brought a ‘judicial review’ and sought a declaration from the BC Supreme Court that the local government acted unreasonably by failing to consider the *Architects Act* in its permitting decision.

On May 29, 2020, the judgment in the City of Langford judicial review was released, and a declaration was issued by the court on the matter. The court declared that the decision of the Chief Building Inspector to issue a building permit was unreasonable because the drawings submitted in support of the application were non-compliant with the *Architects Act* as they were not prepared by an architect.

The full decision can be read [here](#).

Several highlights from the decision are summarized below:

- The *Architects Act* is clearly a law relating to “health and safety”: Architects’ involvement in projects is intended to minimize public risk, through their specialized training, their regulation by the AIBC, their mandatory insurance coverage, and their mandatory continuing education [paragraphs 88-92];

- “It is not a rational or acceptable outcome that a municipal building permit could be issued for a building which has clearly been designed in contravention of a relevant provincial statute respecting health and safety, that is, the *[Architects] Act*” [paragraph 96];
- In order for a decision-maker’s decision to be reasonable, all relevant factors must be taken into account, and the requirements of the *Architects Act* were not considered by the local government in this case [paragraphs 106-107];
- The Building Code is a regulation under the *Building Act*, and cannot take precedence over the *Architects Act* (in terms of a local government deciding which ‘laws’ to follow or consider) [paragraphs 110-112];
- Langford’s decision to issue the permit without considering the *Architects Act* was unreasonable, and “Intervention by this court is required to safeguard legality and rationality” [paragraphs 114-115]; and
- The remedy of a “declaration” was appropriate to “provide guidance to municipal officials exercising their permitting powers.” [paragraphs 116-120].

Outcome

This decision confirms that the law in British Columbia requires local governments to consider the *Architects Act* in their building permitting decision-making. Many local governments in B.C. do this already, and the AIBC is regularly contacted by building officials and others for assistance on whether an architect is required for a project. As indicated above, the decision goes further and holds that it is not a “rational or acceptable outcome” that a permit be issued for a building which has clearly been designed in contravention of the *Architects Act*, an Act respecting health and safety.

The judicial confirmation of the status of the *Architects Act* is of benefit to building officials, owners, local governments across the province, and ultimately, the public. The decision is a positive outcome that provides much-needed clarity regarding the intersection of the *Architects Act* and the local government permitting processes for the design and construction of buildings in British Columbia. The decision is not about ‘protecting architects’: the AIBC’s mandate is public protection, including ensuring that only qualified individuals practice architecture, and holding architects to account through the discipline process.

While the AIBC is responsible for enforcing the *Architects Act*, the court has made clear that local governments cannot ignore the provisions of the Act and indeed must consider them when making permitting decisions. It is of course understood this expectation is not limited to local governments: Owners, developers and non-architect designers must also comply with the legislation, which has general application.

Exercising discretion reasonably means ceasing the processing of an application that contravenes the *Architects Act*, at any stage in the permitting process, including at development and building permit stages. The AIBC can be contacted in such cases, and we can assist the local government and the parties involved to understand the application of the *Architects Act* if the parties are uncertain as to its application.

Consultation/Working together in the public interest

The AIBC is aware that confusion and possible conflict may arise in cases where the *Architects Act* and the BC Building Code's requirements for professional design and review do not align. The AIBC would like to remind you that it routinely handles queries from local governments, owners and others about specific projects. The AIBC offers resources to assist local governments such as the Appendix to Bulletin 31, which compares the *Architects Act* requirements for architects to the BC Building Code requirements for professional design and review.

The AIBC is also ready to assist you by stepping in to address applicants who are not complying with the *Architects Act* in your jurisdiction. We appreciate the pressure that building officials face on a daily basis balancing applicants' expectations and rights, local bylaws, the Building Code and other applicable laws such as the *Architects Act*. We are here to help.

Prior to this case, a number of local governments had already taken steps to incorporate reference to compliance with the *Architects Act* into their own bylaws to ensure that the requirements of the *Architects Act* are taken into consideration, and the AIBC applauds and encourages such steps. It should be noted that the *Architects Act* cannot be 'written around' by drafting bylaws that purport to prevent its application. It is a law of general application in the province.

The way forward

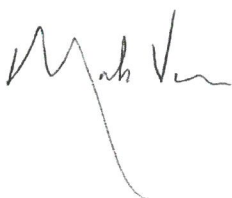
By working with the AIBC and with Engineers and Geoscientists BC, planning staff and building officials can provide accurate information to applicants and other parties about the requirement for the involvement of architects and engineers. This is a public protection matter.

If you have questions about the Langford Decision or the *Architects Act*'s intersection with local government obligations, I invite you to contact AIBC General Counsel Thomas Lutes at tlutes@aibc.ca or 604.305.2690.

If you require assistance to determine whether an architect is required on a particular project, please contact the AIBC's Lead Practice Advisor and Regulatory Liaison, Maura Gatensby Architect AIBC CP, at mgatensby@aibc.ca or 604.305.2699.

The AIBC is committed to continue working with local governments to make sure that the laws enacted to protect the public are complied with. We welcome dialogue with all local governments on achieving compliance through education and discussion, as 'partners in the public interest'.

Sincerely,



Mark Vernon
Chief Executive Officer

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: November 30, 2020
Subject: Notice of Motion (Councillor Schreiner): Twice But Nice Assistance

NOTICE OF MOTION

THAT Council authorizes Staff to draft a partnering agreement between Twice But Nice and the City of Enderby pursuant to section 21 of the *Community Charter*, for the continued provision of support to local residents in need of assistance during the pandemic, with notice of Council's intent to provide assistance published in accordance with section 24 of the *Community Charter*;

AND THAT, subject to considering public representations at the Council meeting following the end of the notice period, Council authorizes Staff to execute the partnering agreement and provide assistance valued at \$1,500 to Twice But Nice from its Pandemic Community Recovery/Response Fund.

BACKGROUND

Twice But Nice is a second-hand thrift store located in the City of Enderby. It is operated by volunteers under the direction of a not-for-profit society. As is the case with many retail operations, COVID-19 has impacted its revenues. This, in turn, affects Twice But Nice's ability to maintain its donations to other recipients, including donations provided to local residents who need assistance. A summary of its donations from June 1 to December 1, 2020, including donations to local residents in need, is attached to this memorandum.

Twice But Nice, as shown on the attached Year-to-Date Income Statement, adjusted its operations such that it is, as of October 31, 2020, maintaining a net income; however, it is projecting a net loss by the end of its fiscal year in March 2021. Staff have reviewed the attached financial statements and confirm that Twice But Nice's actuals are tracking with its projected budget.

Councillor Schreiner met with the board of the Twice But Nice society recently, and requested that staff advance a notice of motion to Council to provide this organization with assistance valued at \$1,500, to be drawn from Council's Pandemic Community Response/Recovery Fund. The intent of this assistance is to support Twice But Nice's donations to local residents who need assistance, during a time when the social need is high and the environment for retail-oriented social enterprises is challenging.

After consulting with legal counsel, Staff have been advised that a partnering agreement is likely required so as not to contravene the *Community Charter's* general prohibition against assistance to business. While Twice But Nice is a non-profit organization, its activity is commercial in nature despite its profits being expended on social objectives. The *Community Charter* defines "business" as including commercial activity, which legal counsel has advised may capture social enterprises. No case law has definitively considered and resolved this matter, at least since the *Community Charter* broadened the definition of "business" in 2004. Even among local government legal experts, there is a range of opinion on whether a partnering agreement is required. However, by entering into a partnering agreement with Twice But Nice, legal counsel has suggested that this will insulate against the possible basis for the expenditure to be challenged.

A partnering agreement must involve a service provided on behalf of the municipality, other than a service that is part of the general administration of the municipality (for which a standard service contract would be appropriate). Council's intention to enter into a partnering agreement must be published in two consecutive issues of a local newspaper. Council may only provide the assistance after the publication requirements have been met.

Councillor Schreiner's notice of motion is consistent with one of the Pandemic Community Recovery Select Committee recommendations, as endorsed by Council at its regular meeting of June 1, 2020, which was to "consult further with local not-for-profit service providers to identify what supports they need to enhance individual and family resiliency further."

Strategic Plan Implications

There are no strategic plan commitments related to this request; however, this is related to an issue that emerged after Council adopted its strategic plan.

Financial and Opportunity Cost Implications

Council created the Pandemic Community Recovery/Response Fund to assist with initiatives designed to mitigate the impact of the COVID-19 pandemic. There is room in the fund for this assistance to be provided to Twice But Nice. There is a minor administrative burden associated with this notice of motion for the drafting of the partnering agreement and the public notice, although this work can serve as a template for similar needs in the future. In addition to the value of the assistance itself, there will be advertising costs associated with publishing notice of Council's intent to provide assistance.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

TWICE BUT NICE

DONATIONS GIVEN FROM JUNE 1, 2020 – DEC 1, 2020

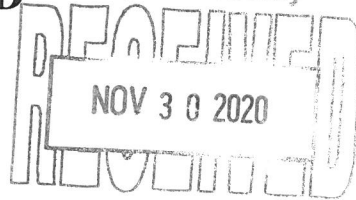
ENDERBY FOOD BANK	\$ 250/ MONTH	\$1500
PARKVIEW PLACE (cable)	\$65.45/month	\$392.70
SENIORS LUNCHEON BUFFET		\$1000.00
M.V.BEATTIE ELEMENTARY SCHOOL		\$997.84
A.L. FORTUNE SCHOOL (scholarship x 2)		\$5000.00
NORTH OKANAGAN HOSPICE		\$1000.00
ROYAL CANADIAN LEGION		\$100.00

ENDERBY PEOPLE IN NEED

Corporation of The
City of Enderby

\$2767.26

TOTAL



\$12757.80

TWICE BUT NICE
Donations Given for 2019

Enderby Food Bank
Enderby & District Garden Club
Enderby Seniors Luncheon Buffet
Enderby & District Arts Council
Enderby Museum
M.V.Beattie Elementary School
Lions Club Auction
Enderby & District Resource Center
A.L.Fortune Scholarship
A.L. Fortune Lunch Program
Chamber of Commerce Christmas
Roots of Empathy
Santas Workshop
Okanagan Hospice
Kingfisher Interpretive Center
Parkview Place
People in Need

Donations	\$ 22339.00
Donations in Kind	\$ 8956.50
Total	\$ 31295.50

ANNUAL BUDGET
April 1,2020– March 31, 2021

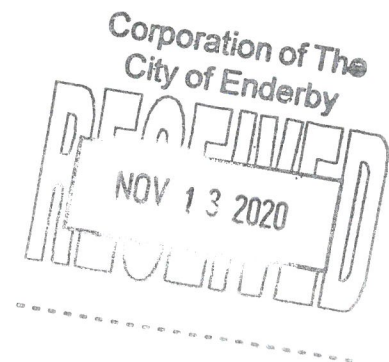
ESTIMATED SALES \$65,000

EXPENSES

Mortgage Payment	26,000.00
Garbage	3100.00
Insurance	6000.00
Janitorial	3000.00
Telephone & Internet	1200.00
Travel	100.00
Donations Given	10,000.00
Entertainment	1500.00
Repairs & Maint	1000.00
Utilities	4000.00
Kitchen Supplies	1000.00
Store Equipment	8500.00
Property Tax	5600.00
<u>Supplies</u>	<u>2000.00</u>

TOTAL **\$ 78,500.00**

<u>Estmated Sales</u>	\$65,000
<u>Expenses</u>	\$78,500
	-\$13,500



Enderby & Dist. Care Society (Twice But Nice)
Balance Sheet As at Oct 31, 2020

ASSET

Current Assets

Debit/Credit Card - On Hold	-1,227.78	
Float	300.00	
Equity Share	6.08	
Chequing Bank Account	18,246.35	
Reserved Interest Savings	11,664.21	
Total Cash		28,988.86
Total Current Assets		<u>28,988.86</u>

Capital Assets

Land		125,000.00
Building - Store & Apartment		304,076.71
20 ft Container Unit		12,897.62
Appliance & Equipment	12,430.35	
Net - Appliances & Equipment		12,430.35
Total Capital Assets		<u>454,404.68</u>

TOTAL ASSET 483,393.54

LIABILITY

Current Liabilities

Accounts Payable		-1,350.00
Bank Loan - Mortgage on Building		146,029.65
Bank Loan - Mortgage on Land		92,048.57
Rental Damage Deposit		330.00
PST Adjustments	287.71	
Net PST Payable		287.71
GST/HST Charged on Sales	482.51	
GST Paid on Purchases	-104.10	
GST Owing/Refund	0.46	
GST/HST Adjustments		378.87
Total Current Liabilities		<u>237,724.80</u>

TOTAL LIABILITY 237,724.80

EQUITY

Equity

Retained Earnings - Previous Year	230,266.14	
Current Earnings	15,402.60	
Total Owners Equity		<u>245,668.74</u>

TOTAL EQUITY 245,668.74

LIABILITIES AND EQUITY 483,393.54

Enderby & Dist. Care Society (Twice But Nice)
Comparative Income Statement

Year to Date
Last year VS This Year

	Actual Apr 01, 2020 to Oct 31, 2020	Actual Apr 01, 2019 to Oct 31, 2019	Difference
REVENUE			
Sales Revenue	<i>2020</i>	<i>2019</i>	
Sales	38,822.92	66,569.41	-27,746.49
Donations	1,067.00	382.00	685.00
Membership	0.00	54.00	-54.00
PST Income	110.00	159.13	-49.13
Interest Income	11.72	63.85	-52.13
Rent from Apartment	4,900.00	4,780.00	120.00
Net Sales	<u>44,911.64</u>	<u>72,008.39</u>	-27,096.75
TOTAL REVENUE	<u>44,911.64</u>	<u>72,008.39</u>	-27,096.75
EXPENSE			
General Expenses			
Charities/Donations	4,769.54	13,370.89	-8,601.35
Security	525.67	0.00	525.67
Total Cost of Goods Sold	<u>5,295.21</u>	<u>13,370.89</u>	-8,075.68
General & Administrative Expenses			
Accounting	1,163.15	1,464.55	-301.40
Professional Fees	0.00	6,752.81	-6,752.81
Licenses, Fees & Dues	95.00	110.00	-15.00
Property Tax	5,281.82	5,731.81	-449.99
Insurance	0.00	5,939.00	-5,939.00
Mortgage Interest	6,409.71	6,726.40	-316.69
Bank Service Charges	23.00	10.00	13.00
Janitorial Cleaning	1,278.82	2,379.48	-1,100.66
Kitchen Supplies	548.34	692.41	-144.07
Equipment Rental	274.80	264.95	9.85
Repair & Maintenance	1,894.75	13,197.88	-11,303.13
Store Equipment	1,698.63	1,058.96	639.67
Entertainment & Meals	0.00	120.43	-120.43
Store Supplies	1,625.50	592.64	1,032.86
Office Supplies & Sundry	133.63	159.14	-25.51
Utilities - BC Hydro	805.50	844.48	-38.98
Utilities - Fortis Gas	363.40	376.08	-12.68
Utilities - Telephone/Internet	760.34	694.89	65.45
Utilities - Garbage	1,248.67	1,722.00	-473.33
Utilities - Water & Sewage	468.66	512.87	-44.21
Net - Utilities	<u>3,646.57</u>	<u>4,150.32</u>	-503.75
Cash Over/Under	0.69	264.32	-263.63
Moneris Commission Fees	139.42	528.37	-388.95
Total General & Admin. Expenses	<u>24,213.83</u>	<u>50,143.47</u>	-25,929.64
TOTAL EXPENSE	<u>29,509.04</u>	<u>63,514.36</u>	-34,005.32
NET INCOME	<u>15,402.60</u>	<u>8,494.03</u>	6,908.57

Enderby & Dist. Care Society (Twice But Nice)
Income Statement Apr 01, 2020 to Oct 31, 2020

Year to Date

REVENUE

Sales Revenue

Sales	38,822.92
Donations	1,067.00
PST Income	110.00
Interest Income	11.72
Rent from Apartment	4,900.00
Net Sales	<u>44,911.64</u>

TOTAL REVENUE

44,911.64

EXPENSE

General Expenses

Charities/Donations	4,769.54
Security	525.67
Total Cost of Goods Sold	<u>5,295.21</u>

General & Administrative Expenses

Accounting	1,163.15
Licenses, Fees & Dues	95.00
Property Tax	5,281.82
Mortgage Interest	6,409.71
Bank Service Charges	23.00
Janitorial Cleaning	1,278.82
Kitchen Supplies	548.34
Equipment Rental	274.80
Repair & Maintenance	1,894.75
Store Equipment	1,698.63
Store Supplies	1,625.50
Office Supplies & Sundry	133.63
Utilities - BC Hydro	805.50
Utilities - Fortis Gas	363.40
Utilities - Telephone/Internet	760.34
Utilities - Garbage	1,248.67
Utilities - Water & Sewage	468.66
Net - Utilities	<u>3,646.57</u>
Cash Over/Under	0.69
Moneris Commission Fees	139.42
Total General & Admin. Expenses	<u>24,213.83</u>

TOTAL EXPENSE

29,509.04

NET INCOME

15,402.60

Enderby & Dist. Care Society (Twice But Nice)
Income Statement Apr 01, 2019 to Mar 31, 2020

REVENUE

Sales Revenue	
Sales	108,342.76
Donations	547.00
Membership	54.00
PST Income	239.79
Interest Income	118.14
Rent from Apartment	8,280.00
Net Sales	<u>117,581.69</u>
TOTAL REVENUE	<u>117,581.69</u>

EXPENSE

General Expenses	
Charities/Donations	28,770.18
Total Cost of Goods Sold	<u>28,770.18</u>

General & Administrative Expenses

Advertising/Promotions	198.00
Accounting	1,972.30
Professional Fees	8,782.81
Licenses, Fees & Dues	110.00
Property Tax	5,731.81
Insurance	11,776.00
Mortgage Interest	11,282.54
Bank Service Charges	20.00
Janitorial Cleaning	4,275.33
Kitchen Supplies	1,183.04
Equipment Rental	529.90
Rent	165.00
Repair & Maintenance	15,466.76
Store Equipment	1,594.80
Entertainment & Meals	1,235.07
Store Supplies	934.17
Office Supplies & Sundry	592.03
Utilities - BC Hydro	1,667.13
Utilities - Fortis Gas	1,155.70
Utilities - Telephone/Internet	1,196.40
Utilities - Garbage	2,952.00
Utilities - Water & Sewage	755.74
Net - Utilities	<u>7,726.97</u>
Cash Over/Under	254.24
Moneris Commission Fees	657.18
Total General & Admin. Expenses	<u>74,487.95</u>
TOTAL EXPENSE	<u>103,258.13</u>
NET INCOME	<u>14,323.56</u>

- IIS from PTE
 application.

REVENUE

Sales Revenue

Sales	97,764.98
Donations	1,178.00
Membership	50.00
PST Income	264.00
Interest Income	195.09
Rent from Apartment	7,920.00
Net Sales	<u>107,372.07</u>

TOTAL REVENUE

107,372.07

EXPENSE

General Expenses

Charities/Donations	26,101.57
Total Cost of Goods Sold	<u>26,101.57</u>

General & Administrative Expenses

Advertising/Promotions	47.10
Accounting	1,408.50
Licenses, Fees & Dues	356.00
Property Tax	3,758.67
Insurance	5,820.00
Mortgage Interest	10,148.17
Bank Service Charges	6.63
Janitorial Cleaning	3,565.52
Kitchen Supplies	972.40
Repair & Maintenance	7,117.87
Store Equipment	1,759.81
Entertainment & Meals	1,469.75
Store Supplies	273.94
Office Supplies & Sundry	1,178.10
Utilities - BC Hydro	849.26
Utilities - Fortis Gas	1,167.09
Utilities - Telephone/Internet	1,142.38
Utilities - Garbage	3,805.85
Utilities - Water & Sewage	<u>709.53</u>
Net - Utilities	7,674.11
Cash Over/Under	258.66
Total General & Admin. Expenses	<u>45,815.23</u>

TOTAL EXPENSE

71,916.80

NET INCOME

35,455.27

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: November 26, 2020
Subject: Holiday Office Closure

RECOMMENDATION

THAT Council approves a holiday office closure from 4:30pm on December 24, 2020 to 8:30am on January 4, 2020.

BACKGROUND

As is the case with other local governments in the region, offices typically close during the holidays. Staff apply vacation hours or banked time to cover that period of time that is not a statutory holiday.

During the closure, the answering service will continue to route emergency calls, Public Works will work its regular hours except for statutory holidays when the employee on call will perform daily duties, and the arena will continue with its activities as scheduled. Check-ins are made by office staff during the closure in the event of a cemetery request or other essential service. Management are generally available as and when a need arises.

Other local governments in the region are closing on either December 23 or 24. After considering vacation scheduling and preferences, there is a sufficient number of staff available to provide service on December 24.

Respectfully submitted,

Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY

Agenda

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Laurel Grimm, Clerk Secretary
Date: November 18, 2020
Subject: 2021 Council Meeting Schedule

RECOMMENDATION

That Council adopt the 2021 Council Meeting Schedule as presented.

BACKGROUND

Attached for consideration of Council are the suggested dates for Council meetings for the 2021 calendar year. With the current uncertainty around future conferences both SILGA and UBCM have been excluded from the schedule.

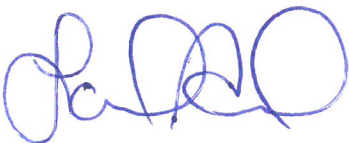
After Council approval, the Schedule will be posted on the City's website and notice given in accordance with the following requirements of the *Community Charter*:

Notice of council meetings

127 (1) A council must

- a) make available to the public a schedule of the date, time and place of regular council meetings, and
- b) give notice of the availability of the schedule in accordance with section 94 [public notice] at least once a year.

Respectfully submitted,



Laurel Grimm
Clerk Secretary

2021

January						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February						
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21	22	23	24	25	26	27
28						

March						
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April						
S	M	T	W	T	F	S
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May						
S	M	T	W	T	F	S
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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

June						
S	M	T	W	T	F	S
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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

July						
S	M	T	W	T	F	S
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September						
S	M	T	W	T	F	S
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19	20	21	22	23	24	25
26	27	28	29	30		

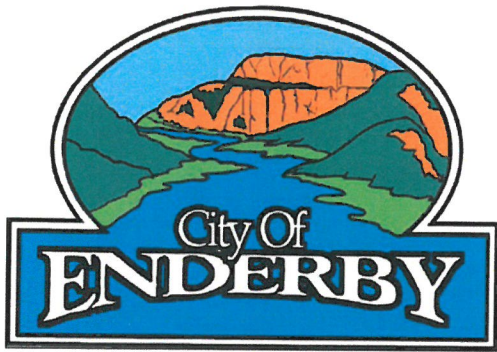
October						
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

November						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

 Proposed Regular Council Meeting

British Columbia Public Holidays 2021		
Date	Week Day	Holiday
January – 1	Friday	New Year's Day
February – 15	Monday	Family Day
April – 02	Friday	Good Friday
May – 24	Monday	Victoria Day
July – 01	Thursday	Canada Day
August – 02	Monday	B.C. Day
September – 06	Monday	Labor Day
October – 11	Monday	Thanksgiving Day
November – 11	Thursday	Remembrance Day
December – 25	Saturday	Christmas



619 Cliff Avenue

Enderby, BC

VOE 1V0

Phone: 250-838-7230

Fax: 250-838-6007

Email: info@cityofenderby.com

Website: www.cityofenderby.com

NOTICE OF 2021 REGULAR COUNCIL MEETING SCHEDULE

(Section 127 *Community Charter*)

Regular Council Meetings are held at 4:30 p.m. on the dates specified below.

Meetings are held in the City of Enderby Council Chambers located at 619 Cliff Avenue, Enderby BC. Until further notice, Council Meetings are being held electronically in accordance with Ministerial Order 192/2020. Instructions for accessing electronic meetings will be included at the top of the current agenda.

January 18, 2021
February 1, 2021
February 16, 2021
March 1, 2021
March 15, 2021
April 6, 2021
April 19, 2021

May 3, 2021
May 17, 2021
June 7, 2021
June 21, 2021
July 12, 2021
August 16, 2021
September 7, 2021
September 20, 2021

October 4, 2021
October 18, 2021
November 1, 2021
November 15, 2021
December 6, 2021
December 20, 2021



THE CORPORATION OF THE CITY OF VERNON

Agenda

November 12, 2020

File: 7125-00

City of Armstrong
3570 Bridge Street
Armstrong, BC V0E 1B0

District of Coldstream
9901 Kalamalka Rd
Coldstream, BC V1B 1L6

Regional Dist of North Okanagan
9848 Aberdeen Road
Coldstream, BC V1B 2K9

City of Enderby
Box 400
Enderby, BC V0E 1V0

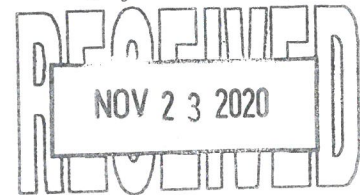
Village of Lumby
1775 Glencaird St
P. O. Box 430
Lumby, BC V0E 2G0

Township of Spallumcheen
4144 Spallumcheen Way
Spallumcheen, BC V0E 1B6

Electoral Area 'B'
c/o 9848 Aberdeen Road
Coldstream, BC V1B 2K9

Electoral Area 'C'
c/o 9848 Aberdeen Road
Coldstream, BC V1B 2K9

Corporation of The
City of Enderby



Dear Councils, Board Members and CAO's:

RE: Withdrawal from the Inter-Municipal Fire Training Centre Service

We write to advise at their Regular meeting held on November 9, 2020, Council for the City of Vernon declassified the following resolution, adopted at their In-Camera meeting earlier on November 9, 2020:

'THAT Council reaffirm their direction to Administration, at their meeting of October 26, 2020, to withdraw from the Inter-Municipal Fire Training Centre Service;

AND FURTHER, that Council directs Administration to initiate the withdrawal process as outlined in the memo from Lidstone & Company, dated October 15, 2020, and attached to the report titled, Withdrawal from Inter-Municipal Fire Training Center Service – Process, dated October 22, 2020;

AND FURTHER, that Council adopts withdrawal Bylaw Number 5836, as attached to the report titled, Withdrawal from Inter-Municipal Fire Training Center Service – Process, dated October 22, 2020;

AND FURTHER, that Council directs Administration to provide notice of the withdrawal from the Fire Training Center Service to the other Parties of the Service on or before December 31, 2020;

AND FURTHER, that Council directs Administration to terminate the Fire Training Center Lease Agreement between the City of Vernon and the Regional District of North Okanagan on the withdrawal date;

AND FURTHER, that Council directs Administration, upon or before the date of withdrawal from the Fire Training Center Service, to close the Fire Training Center Service Account or transfer ownership of the Account to the new Manager of the service;

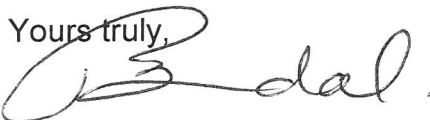
AND FURTHER, that Council, upon withdrawal from the Fire Training Center Service, directs Administration to allocate the 2021 net balance of the City of Vernon's annual Fire Training Center contribution and the Management fee revenue (\$22,000), for the ongoing development and maintenance of training area(s), equipment and props with annual COLA increases.'

CARRIED.'

At this same Regular meeting, Council gave first, second and third readings to **"Intermunicipal Fire Training Centre Service Withdrawal Bylaw Number 5836, 2020"**. It is anticipated that this Bylaw will be brought forward for consideration of adoption at the November 23, 2020 Regular Council Meeting.

A certified true copy of the **"Intermunicipal Fire Training Centre Service Withdrawal Bylaw Number 5836, 2020"** will be provided to all participants upon adoption by Vernon Council.

Yours truly,



Patti Bridal
Deputy CAO
Director, Corporate Services

pc: Mayor & Council
W. Pearce, CAO
D. Lind, Fire Chief



THE CORPORATION OF THE CITY OF VERNON

Agenda

November 25, 2020

File: 7125-00

City of Armstrong
Attention: Corporate Officer
PO Box 40
Armstrong BC V0E 1B0

District of Coldstream
Attention: Corporate Officer
9901 Kalamalka Road
Coldstream BC V1B 1L6

City of Enderby
Attention: Corporate Officer
Box 400
Enderby BC V0E 1V0

Village of Lumby
Attention: Corporate Officer
P.O. Box 430
1775 Glencaird Street
Lumby BC V0E 2G0

Township of Spallumcheen
Attention: Corporate Officer
4144 Spallumcheen Way
Spallumcheen BC V0E 1B6

Regional Dist. of North Okanagan
Attention: CAO/Corporate Officer
9848 Aberdeen Road
Coldstream BC V1B 1L6

Mayor C. Pieper
City of Armstrong
3570 Bridge Street
Armstrong BC V0E 1B0

Electoral Area 'B'
Regional Dist. North Okanagan
9848 Aberdeen Road
Coldstream BC V1B 2K9

Electoral Area 'C'
Regional Dist. North Okanagan
9848 Aberdeen Road
Coldstream BC V1B 2K9

Area D Dir. R. Fairbairn
Regional Dist. North Okanagan
9848 Aberdeen Road
Coldstream BC V1B 2K9

Mayor J. Garlick
District of Coldstream
9901 Kalamalka Road
Coldstream BC V1B 1L6

Councillor G. Taylor
District of Coldstream
9901 Kalamalka Road
Coldstream BC V1B 1L6

Councillor R. Davyduke
City of Enderby
Box 400
Enderby BC V0E 1V0

Mayor K. Acton
Village of Lumby
P.O. Box 430
Lumby BC V0E 2G0

Councillor R. Ostafichuk
Village of Lumby
P.O. Box 430
Lumby BC V0E 2G0

Mayor C. Fraser
Township of Spallumcheen
4144 Spallumcheen Way
Spallumcheen BC V0E 1B6

Councillor J. Van Tienhoven
Township of Spallumcheen
4144 Spallumcheen Way
Spallumcheen BC V0E 1B6

Dear Mayors, Councillors, Electoral Area Directors, Corporate Officers and RDNO CAO:

RE: Certified True Copy of Intermunicipal Fire Training Service Withdrawal Bylaw

Further to our correspondence dated November 12, 2020, we write to advise that at their Regular meeting held on November 23, 2020, Council for the City of Vernon passed the following resolution:

'THAT Bylaw #5836, "Intermunicipal Fire Training Centre Service Withdrawal Bylaw Number 5836, 2020", a bylaw to provide for withdrawal from the Intermunicipal Fire Training Centre Service and termination of the Fire Training Centre lease, be adopted.

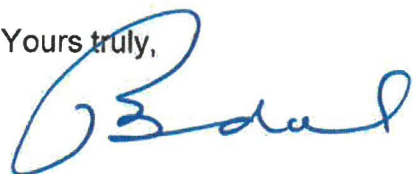
CARRIED.'

Please find enclosed a Certified True Copy of *Intermunicipal Fire Training Centre Service Withdrawal Bylaw No. 5836, 2020* for your records.

In accordance with section 12.2 of the Intermunicipal Fire Training Centre Services Agreement (the "Agreement"), dated for reference, January 1, 2018, the City of Vernon hereby provides notice to the parties to the agreement, those being: the District of Coldstream, the Village of Lumby, the Township of Spallumcheen, the City of Armstrong, The City of Enderby and the Regional District of North Okanagan, that the City of Vernon is exercising withdrawal from the Intermunicipal Fire Training Centre Service effective the earlier of December 31, 2021, or such date that the Intermunicipal Participants may agree in writing, subject to the terms and conditions set out in section 12.2 of the Agreement.

Further, the City of Vernon, pursuant to section 3.2(b) of the lease agreement for the Fire Training premises between the City of Vernon and the Regional District of North Okanagan, dated for reference January 1, 2013 (the "Lease"), hereby terminates the Lease effective the earlier of December 31, 2021 or such date that the Regional District of North Okanagan enters into a new lease agreement for the Fire Training Centre premises with another Intermunicipal Participant.

Yours truly,



Patricia Bridal, CMC
Deputy Chief Administrative Officer

Encl.

pc: K. Bertles, CAO, City of Armstrong
T. Seibel, CAO, District of Coldstream
T. Bengtson, CAO, City of Enderby
T. Kadla, CAO, Village of Lumby
D. Allin, CAO, Township of Spallumcheen
Mayor & Council, City of Vernon
W. Pearce, CAO, City of Vernon
D. Lind, Fire Chief, City of Vernon

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5836

A Bylaw to provide for withdrawal from the Intermunicipal Fire Training Centre Service and termination of the Fire Training Centre lease

WHEREAS the City wishes to withdraw from the Intermunicipal Fire Training Centre Service pursuant to *Intermunicipal Fire Training Centre Service Bylaw No. 5395, 2012*, as amended, and further pursuant to the Intermunicipal Fire Training Centre Service Agreement dated for reference January 1, 2018, as amended;

AND WHEREAS the City wishes to terminate the lease agreement with the Regional District of North Okanagan for the Fire Training Centre premises, dated for reference January 1, 2013;

NOW THEREFORE the Council of the Corporation of the City of Vernon ENACTS AS FOLLOWS:

Citation

1. This bylaw shall be cited for all purposes as "*Intermunicipal Fire Training Centre Service Withdrawal Bylaw Number 5836, 2020.*"

Definitions and Interpretation

2. In this bylaw:

- (a) "**Agreement**" means the Intermunicipal Fire Training Centre Service Agreement dated for reference January 1, 2018, as amended, and entered into by all of the Intermunicipal Participants;
- (b) "**Intermunicipal Participant**" means, subject to section 3 of this bylaw, the City of Vernon, District of Coldstream, Village of Lumby, Township of Spallumcheen, City of Armstrong, City of Enderby, and Regional District of North Okanagan;
- (c) "**Lease**" means the lease agreement for the Fire Training Centre premises between the City of Vernon and the Regional District of North Okanagan, dated for reference January 1, 2013;
- (d) "**Service**" means the Intermunicipal Fire Training Centre Service established under the Service Bylaw, as amended, and the Agreement, as amended;
- (e) "**Service Bylaw**" means the *Intermunicipal Fire Training Centre Service Bylaw No. 5395, 2012*, as amended;

Withdrawal and Termination

3. The City of Vernon hereby exercises its right to withdraw from the Service under section 8 of the Service Bylaw and section 12.2 of the Agreement.
4. The withdrawal is effective the earlier of December 31, 2021, or such date that the Intermunicipal Participants may agree in writing.
5. The City of Vernon hereby terminates the Lease pursuant to section 3.2(b) of the Lease, effective the earlier of December 31, 2021 or such date that the Regional District of North Okanagan enters into a new lease agreement for the Fire Training Centre premises with another Intermunicipal Participant.

Notices

6. The Corporate Officer is directed to deliver a copy of this bylaw to the Corporate Officers of the Intermunicipal Participants under section 15.1 of the Agreement and to the Corporate Officer of the Regional District of North Okanagan under section 29.1 of the Lease.
7. The Mayor and Corporate Officer are authorized to execute such agreements and notices as may be required to deliver notice of the withdrawal from the Service and otherwise formally withdraw from the Service and terminate the Lease.

READ A FIRST TIME the

9th day of November, 2020

READ A SECOND TIME the

9th day of November, 2020

READ A THIRD TIME the


9th day of November, 2020

ADOPTED the

23rd day of November, 2020



Mayor



Corporate Officer

This photocopy is a true copy of the original document
which has not been altered in any way this 26 day of Nov. 2020



Keri-Ann Austin, Corporate Officer
A COMMISSIONER FOR TAKING OATHS AND AFFIDAVITS
IN THE PROVINCE OF BRITISH COLUMBIA
The City of Vernon, 3400 - 30th Street Tel: (250) 545-1361



Agenda

City of Fort St. John
10631 100 Street | Fort St. John, BC | V1J 3Z5
250 787 8150 City Hall
250 787 8181 Facsimile

December 1, 2020

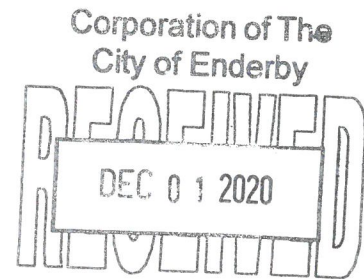
File # 0230-20

Email: jjustason@ubcm.ca

Union of BC Municipalities
Suite 60 - 10551 Shellbridge Way
Richmond, BC V6X 2W9

Attention: Jamee Justason

Dear Ms. Justason,



Reference: UBCM Convention Schedule

City Council has been reviewing its memberships in various organizations, taking into consideration the value provided by the organization versus the expense to be a member. At the July 27, 2020 Council meeting, Council had a robust discussion regarding this topic as well as the current format of the annual UBCM Convention.

The resolutions session, in which many municipalities contribute submissions for discussion, are debated at the same time as individual local government Minister meetings are scheduled. Both are important to attend which leaves local government elected officials conflicted with competing priorities since their resolution submission(s) may be discussed at the same time as they are scheduled to meet with a Minister.

Since the 2020 UBCM convention is virtual, this allowed the Ministers meetings to be scheduled from September 14 to 18 with the convention itself taking place from September 21 to 24. It is recognized that the alternate format was developed due to the pandemic although this change may bode well to incorporate as part of the regular convention schedule moving forward. This would allow local government elected officials to participate in the convention as well as attend requested Minister meetings.

It is acknowledged that UBCM is undertaking a review of its existing resolution process to streamline the number and content of submissions which may result in the number of resolutions being reduced.

... 2

It would be appreciated if UBCM could provide an update on members' response to the resolution submission process changes and the change in Minister meeting scheduling.

If you have any questions, please contact me at (250) 787-8160 or by email at lackerman@fortstjohn.ca.

Yours truly,



Lori Ackerman
Mayor

cc member municipalities