

**REGULAR MEETING OF COUNCIL
AGENDA**

DATE: July 12, 2021
TIME: 4:30 p.m.
LOCATION: Enderby City Hall

Please contact Enderby City Hall at 250-838-7230 or info@cityofenderby.com by **3:30 pm 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 June 21, 2021 Page 1

3. DELEGATIONS

3.1. Caravan Farm Theatre: Changes, Current Season and Opportunities Page 5
Kerry MacLeod and Estelle Shook

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

5. DEVELOPMENT MATTERS

5.1. 0006-21-TUP-END (Splatsin Development Corporation Ltd.) Page 6
Legal: Lot 3, Block 11, District Lot 150, Kamloops (formerly Osoyoos)
Division Yale District, Plan 211A
Address: 803 Vernon Street, Enderby BC
Applicant: Splatsin Development Corporation Ltd.
Owner(s): Splatsin Development Corporation Ltd.

5.2. 0036-21-DVP-END (Gopal) Page 17
Legal: 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 (327
Brickyard Road, Enderby)

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 (321 Brickyard Road, Enderby)

Address: 327 and 321 Brickyard Road, Enderby BC
Applicant: Ram Gopal
Owner(s): 1203167 B.C. LTD.

- 5.3. 0002-21-RZ-END (Backus) Page 29
Legal: PARCEL B (PLAN B6868) 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 EXCEPT
PLANS 6122, 6269 AND 16810
Address: 349 Brickyard Road, Enderby BC
Applicant: Brandon Backus
Owner(s): Brandon Backus

6. REPORTS

- 6.1. Mayor and Council Reports Verbal
6.2. Area F Director Report Verbal
6.3. Chief Administrative Officer Report Verbal
6.4. Drinking Water Annual Report 2020 Page 38
Memo prepared by Chief Administrative Officer dated June 27, 2021
6.5. RDNO Building Permit Summary – June 2021 Page 53

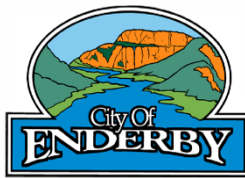
7. BYLAWS

- 7.1. Parks, Recreation and Culture Fees Imposition Bylaw No. 1693, 2020 Page 54
Amendment Bylaw No. 1728, 2021 – adoption
7.2. Business License and Regulation Bylaw No. 1558, 2014 Amendment Bylaw No. Page 56
1729, 2021 – adoption
7.3. Inter-Community Licence Bylaw No. 1430, 2008 Amendment Bylaw No. 1731, Page 57
2021 – 1st, 2nd, and 3rd readings
Memo prepared by Chief Financial Officer dated July 8, 2021

8. NEW BUSINESS

- 8.1. Terms of Reference – Enforcement of Shipping Container Regulations and Page 60
Health and Safety Specifications
Memo prepared by Planner and Deputy Corporate Officer dated July 8, 2021
8.2. UBCM: 2021 CRI FireSmart Economic Recovery Fund Page 67
Correspondence dated June 4, 2021
8.3. City of North Vancouver: REVISED UBCM Resolution on Safe Passing Distance Page 70
for All Road Users
Correspondence dated June 23, 2021

- 8.4. FLNRO: Lack of Funding for Invasive Plant Management Page 78
Correspondence dated June 25, 2021
- 8.5. Ministry of Public Safety and Solicitor General: Human Sex Trafficking, Sexual Page 80
Exploitation and Child Sex Trafficking in B.C.
Correspondence dated June 25, 2021
9. **PUBLIC QUESTION PERIOD**
10. **ADJOURNMENT**



THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held via video conference on Monday, June 21, 2021 at 4:30 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: Press and Public

APPROVAL OF AGENDA

Moved by Councillor Baird, seconded by Councillor Knust
“THAT the June 21, 2021 Council Meeting agenda be approved as circulated.”

CARRIED

ADOPTION OF MINUTES

Council Meeting Minutes of June 7, 2021

Moved by Councillor Knust, seconded by Councillor Shishido
“THAT the June 7, 2021 Council Meeting minutes be adopted as circulated.”

CARRIED

Public Hearing Report for June 7, 2021(Heins)

Moved by Councillor Knust, seconded by Councillor Shishido
“THAT the June 7, 2021 public hearing report for Heins be adopted as circulated.”

CARRIED

Public Hearing Report of June 7, 2021 (Mandair)

Moved by Councillor Knust, seconded by Councillor Shishido
“THAT the June 7, 2021 public hearing report for Mandair be adopted as circulated.”

CARRIED

DELEGATIONS

Caravan Farm Theatre: Changes, Current Season and Opportunities

Delegation postponed.

BUSINESS ARISING FROM THE MINUTES AND/OR UNFINISHED BUSINESS

None

REPORTS

Mayor and Council Reports

Councillor Knust

The Harvest Hut is in operation and has been receiving a lot of produce.

Councillor Schreiner

Attended the National Indigenous Peoples Day walk this morning which was well attended with over 250 people walking through Enderby and Splat-sin to pay tribute to the 215 residential school victims in Kamloops.

Mayor McCune

Staff to send a request to Splat-sin to express interest in meeting.

Councillor Schreiner to attend the U12 Provincial Baseball Opening Ceremonies on July 9, 2021 at 11:30 to speak on behalf of the City of Enderby. Mayor and Council to sponsor a “Big League Chew” welcome package.

Chief Administrative Officer

- Hubert Avenue construction project is in the final stages of completion. Benches were installed today.
- Street sweeping on June 29th to hit the downtown and collector roads with curb and gutter.
- Arborist scheduled to remove branches on a large tree in the Russell Avenue parking lot which are deemed at-risk. Only the at-risk branches will be removed, not the entire tree.
- Volleyball nets were put up at Tuey Park and a new swing set is in the process of being purchased using ParticipACTION funds.
- Refurbishment of the City of Enderby entry signs is underway. Posts had to be replaced due to rot encountered when Public Works tried to drill the break-away holes through them which the Ministry of Transportation and Infrastructure requires. It was probably better that the rot is discovered now, when the signs were already removed, rather than later.

2020 Annual Report

Moved by Councillor Baird, seconded by Councillor Case
“THAT Council approves the 2020 Annual Report.”

CARRIED

There were no comments from the public.

RDNO Building Permit Report – May 2021

Moved by Councillor Baird, seconded by Councillor Shishido

“THAT Council receives and files the RDNO Building Permit Report for May 2021.”

CARRIED

BYLAWS

Parks, Recreation and Culture Fees Imposition Bylaw No. 1693, 2020 Amendment Bylaw No. 1728, 2021

Moved by Councillor Knust, seconded by Councillor Shishido

“THAT Council gives first, second, and third readings of the bylaw cited as the Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1693, 2020 Amendment Bylaw No. 1728, 2021.”

CARRIED

Business License and Regulation Bylaw No. 1558, 2014 Amendment Bylaw No. 1729, 2021

Moved by Councillor Shishido, seconded by Councillor Knust

“THAT Council gives first, second, and third readings of the bylaw cited as the Corporation of the City of Enderby Business License and Regulation Bylaw No. 1558, 2014 Amendment Bylaw No. 1729, 2021.”

AND THAT Council gives notice of its intention to adopt Business License and Regulation Bylaw No. 1558, 2014 Amendment Bylaw No. 1729, 2021 by posting notice at the public notice board at City Hall and provides an opportunity for persons who consider themselves affected by the proposed bylaw to make representations before Council at its Regular Meeting of July 12, 2021.”

CARRIED

NEW BUSINESS

Review of Shipping Container Regulations and Enforcement

Moved by Councillor Schreiner, seconded by Councillor Case

“THAT Council directs staff to continue the existing approach to shipping container regulations and enforcement but implement additional public messaging that includes more prescriptive health and safety specifications.”

DEFEATED

Moved by Councillor Knust, seconded by Councillor Baird

“THAT Council directs staff to continue the existing approach to shipping container regulations but take a more proactive enforcement position to remove unlawful shipping containers and perform random safety inspections for those that are permitted, with a six-month grace period provided to give the public adequate time to make alternate arrangements, before engaging in bylaw compliance activities with respect to existing, non-conforming, shipping containers.”

AND THAT Council directs Staff to develop more prescriptive health and safety specifications for shipping containers.”

CARRIED

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Moved by Councillor Shishido, seconded by Councillor Baird

“That Council receives and files the Ministry of Forests, Lands, Natural Resource Operations and Rural Development correspondence dated June 17, 2021 regarding Invasive Plant Management.”

CARRIED

Civil Resolution Tribunal: Information for Motor Vehicle Accident Disputes

Moved by Councillor Baird, seconded by Councillor Case

“That Council receives and files the Civil Resolution Tribunal: Information for Motor Vehicle Accident Disputes correspondence dated May 28, 2021.”

CARRIED

PUBLIC QUESTION PERIOD

Heather Black asked for clarification on street sweeping dates and confirmed that the delegation was not present for their presentation.

CLOSED MEETING RESOLUTION

Moved by Councillor Schreiner, seconded by Councillor Davyduke (5:08 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) of the Community Charter.”

CARRIED

ADJOURNMENT

Moved by Councillor Knust, seconded by Councillor Davyduke

“That the regular meeting of June 21, 2021 adjourn at 5:31 p.m.”

CARRIED

MAYOR

CORPORATE OFFICER

**CITY OF ENDERBY
TEMPORARY USE PERMIT APPLICATION**



File No.: 0006-21-TUP-END

June 28, 2021

APPLICANT/OWNER: Splatsin Development Corporation Ltd.

LEGAL DESCRIPTION: Lot 3, Block 11, District Lot 150, Kamloops (formerly Osoyoos) Division Yale District, Plan 211A

P.I.D #: 003-486-401

CIVIC ADDRESS: 803 Vernon Street, Enderby BC

PROPERTY SIZE: 0.068 hectare (0.168 acre)

PRESENT ZONING: General Commercial (C.1)

PRESENT OCP DESIGNATION: General Commercial

PROPOSED TEMPORARY USE: Retail sales/food service business to operate out of a temporary building; use shipping container for storage purposes

PROPOSED TERM OF PERMIT: 3 Years

RECOMMENDATION:

THAT Council authorizes the issuance of a Temporary Use Permit for the property legally described as Lot 3, Block 11, District Lot 150, Kamloops (formerly Osoyoos) Division Yale District, Plan 211A and located at 803 Vernon Street to permit a retail sales/food service business to operate out of a temporary building, and to use a shipping container for storage purposes, for a three-year period, subject to the following conditions:

- a) Throughout the duration of the Temporary Use Permit, the applicant must provide adequate dust control measures for the subject property and adjacent parcels also owned by the applicant that are implicated in the proposed use;
- b) Throughout the duration of the Temporary Use Permit, the applicant must remove particulate matter tracked onto Vernon Street from the subject property or adjacent parcels also owned by the applicant that are implicated in the proposed use;
- c) Throughout the duration of the Temporary Use Permit, the applicant must provide sufficient on-site garbage and recycling receptacles which are well-maintained;
- d) The dimensions and siting of the temporary building and parking spaces shall be in general accordance with the attached Schedule 'A';
- e) With regards to the use of a shipping container for storage purposes:

- i. Only one shipping container is permitted on the subject property;
 - ii. The use, siting and sizing of the shipping container must adhere to all relevant City of Enderby health and safety specifications;
 - iii. The use, siting and sizing of the shipping container must adhere to the regulations expressed in the Zoning Bylaw, as if it were a permitted use, unless otherwise varied (except for the provision of screening);
 - iv. The siting and sizing of the shipping container shall be in general accordance with the attached Schedule 'A', except that to the extent of a conflict between Schedule 'A' and the Zoning regulations or health and safety specifications for shipping containers, the Zoning regulations and health and safety specifications shall prevail;
 - v. The exterior of the shipping container shall be complimentary to the aesthetics of the site and surrounding neighbourhood.
- f) The applicant shall provide security in the form of an irrevocable letter of credit, or a cash deposit, in the amount equal to 120% of the estimated costs of removing, transporting and disposing of the temporary building and shipping container from the subject property; and
 - g) The Temporary Use Permit shall expire three years from the date the Permit is issued.

BACKGROUND:

This is a Temporary Use Application which proposes to permit a retail sales/food service business to operate out of a temporary building, and to use a shipping container for storage purposes, on the property located at 803 Vernon Street for a three-year period. Given that the City of Enderby Zoning Bylaw No. 1550, 2014 does not permit principal uses to occur out of a temporary building, nor does it permit shipping containers to be used in the General Commercial (C.1) zone, the applicant is seeking a Temporary Use Permit in accordance with Section 493 of the *Local Government Act*.

A Temporary Use Permit is a tool to allow a short-term use that does not comply with the Zoning Bylaw. A Temporary Use Permit may only be issued for a maximum of 3 years and may be renewed once for an additional 3 years as per Section 497 of the *Local Government Act*. Temporary Use Permits are intended to be temporary in nature, and are not a suitable long term land use solution.

Site Context/History:

The 0.068 hectare (0.168 acre) subject property is located along the eastern side of Vernon Street, which is identified in Schedule 'C' of the City's Official Community Plan as a 'Municipal Major Collector' road. The subject property is relatively flat and access to the property is gained off of Vernon Street.

In 2016, a Temporary Use Permit was issued to Edward and Jennifer Koochin which permitted the use of a temporary building on the subject property for the purposes of food service, retail sales, and fitness/recreational services. Following the issuance of the Temporary Use Permit, a one-storey temporary building on skids was constructed along the eastern edge of the subject property. Given that the construction of a temporary building did not trigger the need to bring the property up to the City of Enderby Zoning Bylaw standard with regards to landscaping and paving, the property was allowed to remain at a gravelled standard. A shipping container was subsequently placed in the southeast corner of

the property, with Council's permission for the use of the shipping container only extending to the end of the Temporary Use Permit period.

Given that the Temporary Use Permit has expired, the use of the temporary building and shipping container is no longer permitted unless a new Temporary Use Permit is issued, or the permanent use of a temporary building and shipping container are secured through a Zoning Text Amendment.

The subject property and the properties to the north, northeast, south and, west are zoned General Commercial (C.1) and are designated as General Commercial in the City of Enderby Official Community Plan (OCP); the property to the east is zoned Transportation Corridor (S.2) and is designated as Transportation Corridor in the OCP.

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



Figure 1: Zoning Map

- Green – General Commercial (C.1)
- Blue – Light Industrial (I.1)
- Red – Service Commercial (C.4)
- Dotted – Transportation Corridor (S.2)

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 has submitted a Temporary Use Application which proposes to permit a retail sales/food service business to operate out of a temporary building, and to use a shipping container for storage purposes, for a three-year period. The application describes the business as a "...seasonal summer store, offering snacks, drinks, ice and tubing supplies, etc. to tourists, catering to the river floating crowds specifically. Parking and garbages made available to downtown users."

The siting of the temporary building and shipping container, along with the parking layout, is shown on the attached Schedule 'A'.

ZONING BYLAW:

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

- Accessory buildings and structures;

- Accommodation including apartments, dwelling units, hotels and motels;
- Assembly and civic use;
- Educational facilities and professional studios;
- Entertainment and recreation facilities;
- Food service (including dairy bars, coffee shops and restaurants);
- Office and commerce facilities;
- Public service use;
- Retail sales (including beverages, candy, clothing, food, fruit, gifts, groceries, produce, sporting goods including rentals, and toys);
- Service and repair; and
- Transportation facilities.

Section 313 of the City of Enderby Zoning Bylaw states that all zones within the City are designated as areas for the issuance of Temporary Use Permits, subject to the following general conditions:

- a. The use is temporary or seasonal in nature;
- b. The use is not noxious or undesirable because of smoke, noise, vibration, dirt, glare, odour, radiation, electrical interference, or an offensive trade within the meaning of the Health Act;
- c. There are no negative impacts on the lands in the vicinity;
- d. There is no significant increases in the level or demand for services;
- e. There are no permanent alterations to the subject site; and
- f. The use complies with all of the conditions specified by Council as a condition of the issuance of the Permit.

Section 307.2.b of the Zoning Bylaw states:

“A temporary building or structure shall not be used as a dwelling and shall not be placed or erected on any lot, except in the case of a mobile home where permitted under the provisions of the Bylaw, and except where a permit for the replacement or erection and use and occupation of such temporary building or structure has been validly issued under the provisions of the Building Bylaw of the authority having jurisdiction and amendments thereto from time to time in force.”

Section 314 of the Zoning Bylaw states that shipping containers are permitted in the following zones:

- Industrial (I.1, I.2);
- Service Commercial (C.4);
- Country Residential (C.R); and
- Assembly, Civic, and Public Service (S.1).

OFFICIAL COMMUNITY PLAN:

Policies contained within the OCP which apply to this development include:

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

- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.
- Policy 5.3.c - Council will work with the business community and stakeholders to promote a diverse local economy that provides the goods and services necessary to competitively meet local demand and attract visitors.
- 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 12.3.c - Council encourages and supports creative and innovative infilling, development, redevelopment and renovation of existing buildings in order to maintain a strong focus on commercial activity in commercial areas.
- Policy 18.1 - Subject to the designation of areas and conditions in the Zoning Bylaw, Council may issue Temporary Use Permits in all areas of the City.
- Policy 20.3.f - Council will encourage infill, redevelopment and brownfield strategies that focus growth towards areas with existing infrastructure.

REFERRAL COMMENTS:

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

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

"If the temporary use is going to be generally the same as previous, I am supportive of the same terms and conditions except for with respect to shipping containers.

With respect to shipping containers on site for permanent storage for the duration of the TUP, it should be made explicit whether they are (a) required to meet the zoning bylaw requirements or (b) permitted to vary all or part of the applicable zoning bylaw regulations through the TUP. The prior permit was silent on shipping container bylaw conformity, largely because it took the view that these shipping containers were temporary (this use has now passed the intended meaning of "temporary" and is well into a "permanent" nature); however, it is important that this be made explicit on the new permit, should it be granted, to avoid any assumptions about implied terms contained in the prior permit that the applicant may be relying upon. Given recent policy decisions around proactive compliance, we should address this at the permit stage. I will defer to your planning judgement on what is appropriate to recommend.

Again, to avoid any implied representation, the health and safety policy for shipping containers should be attached as a required condition. These would not be something that can or should be varied through a TUP.

I think that it is important to communicate to the applicant that the standard expressed in the TUP application is not a desirable long-term / permanent use of the property, and it is the City's expectation that it be brought into conformity with the zoning bylaw standard by the time that this TUP expires. If the applicant wants this standard to be permanent, they should be preparing to advance a Zoning Text Amendment well before the end of the TUP term so that they will still have time to bring the property into conformity with the zoning bylaw should the amendment not

be adopted by Council. It is reasonable to consider granting another TUP to extend the current use, as the applicant is a new owner and should have time to get established, and there does not appear to be a significant change from the prior temporary use. In addition, the highway alignment remains unknown and the rail-trail corridor has not yet been established, so it would add a considerable risk to the owner to proceed with permanent site changes given the dynamic nature of the surrounding area. For that reason, I support this TUP, but I think that it is important that the applicant is aware that an ongoing reliance upon TUPs cannot and should not replace the appropriate measure to address this matter on a permanent basis. At the end of the day, the property should either be brought up to the bylaw standard or the standard permanently varied, if appropriate."

The City of Enderby Fire Chief provided the following comments:

"The use of the shipping container should be subject to the applicant demonstrating adherence to the City's health and safety requirements for shipping containers."

No other comments were received in response to the referral.

PLANNING ANALYSIS:

As noted above, Section 313 of the City of Enderby Zoning Bylaw states that pursuant to Section 920.2 (now Section 492) of the *Local Government Act*, all zones within the City are designated as areas for the issuance of Temporary Use Permits, subject to the following general conditions:

- a. The use is temporary or seasonal in nature;
- b. The use is not noxious or undesirable because of smoke, noise, vibration, dirt, glare, odour, radiation, electrical interference, or an offensive trade within the meaning of the Health Act;
- c. There are no negative impacts on the lands in the vicinity;
- d. There is no significant increases in the level or demand for services;
- e. There are no permanent alterations to the subject site; and
- f. The use complies with all of the conditions specified by Council as a condition of the issuance of the Permit.

Temporary or Seasonal Nature of Use

The applicants' proposal to operate a retail sales/food service business out of an existing temporary building, and to use a shipping container for storage purposes, for a three year period is temporary in nature as there are no proposed permanent alterations to the subject property.

Noxious or Undesirable Use

The proposed use of a temporary building on the subject property for the purposes of retail sales/food service, and using a shipping container for storage purposes, is a relatively low-intensity use; however, the retail sales/food service use will result in additional vehicular traffic on the site which may create issues related to dust given that the lot is maintained to a gravelled standard and the issuance of a Temporary Use Permit would not trigger the need to pave the parking areas and maneuvering aisles. Given this, it is

recommended that issuance of a Temporary Use Permit be subject to the applicant providing adequate dust control measures and removing particulate matter that is tracked onto Vernon Street throughout the duration of the Temporary Use Permit.

Impacts to Adjacent Properties

Given that the proposed use of food services and retail sales will be targeted towards tourists and river users who muster in Belvidere Park, it is anticipated that the proposal will result in a significant increase in foot traffic in the areas surrounding the subject property; given this, it is recommended that the issuance of a Temporary Use Permit be subject to the applicant providing sufficient on-site garbage and recycling receptacles which are well-maintained throughout the duration of the Temporary Use Permit.

Furthermore, requiring the shipping container to be used, sited and sized in accordance with the City's health and safety specifications and Zoning Bylaw, and have an exterior finish that is complimentary to the site and neighbourhood, will ensure that the use of a shipping container will not have any negative impacts to adjacent properties with regards to safety or nuisance.

It should be noted that given that the proposed use of the shipping container is temporary in nature, the Zoning Bylaw requirement to provide screening, which is a permanent alteration to the site, would not be appropriate in this case.

Notwithstanding the above, it is not anticipated that the proposal will result in any negative impacts to lands in the vicinity.

Permanent Alterations to the Site

Given that a temporary building and shipping container are both structures that are relatively easy to remove, coupled with the fact that the applicant is proposing to leave the property in its existing gravelled state, the proposal will not result in any permanent alterations to the subject property and the ability to restore the site to its original state will not be compromised, should the applicant fail to remove or legalize the temporary building/shipping container once the Temporary Use Permit has expired.

It is recommended that the issuance of a Temporary Use Permit be subject to the applicant providing security in the form of an irrevocable letter of credit, or a cash deposit, in the amount equal to 120% of the estimated costs of removing, transporting and disposing of the temporary building and shipping container from the subject property; this condition will ensure that City of Enderby taxpayers are not subsidizing the costs of removing the temporary building/shipping container from the site should the applicants fail to remove or legalize them once the Temporary Use Permit ultimately expires.

Conditions of Temporary Use Permit

A number of conditions for the issuance of a Temporary Use Permit have been identified which will help to mitigate potential impacts and minimize any risks to the City of Enderby and its taxpayers; failure to adhere to the conditions imposed by Council may result in the applicants' Temporary Use Permit being revoked.

Broad Considerations

The City of Enderby Planner raises no objections to the applicant's request for a Temporary Use to permit a retail sales/food service business to operate out of a temporary building, and to use a shipping container for storage purposes, on the property at 803 Vernon Street for a three-year period. Upon consideration of input from adjacent land owners, it is recommended that Council authorize the issuance of the Temporary Use Permit for the following reasons:

- As mentioned by the City's Public Works Manager, there is uncertainty regarding the future highway alignment and use of the rail-trail corridor, both of which will have significant impacts on the future development of the subject property, particularly with regards to access and orientation of a permanent building; a Temporary Use Permit would allow the applicant to use the property in the short-term until such time as there is more information available as to how the highway and rail trail corridor will develop, at which point the applicant will be able to make a well-informed decision on how to permanently develop the site;
- A new Temporary Use Permit is appropriate given that the applicant is a new owner, and is looking to determine how best to establish a long-term use of the property;
- There were minimal impacts associated with the previous use of a temporary building and shipping container on the subject property; and
- It is not anticipated that the proposal would negatively impact the use and enjoyment of the subject or surrounding properties.

SUMMARY

This is a Temporary Use Application which proposes to permit a retail sales/food service business to operate out of a temporary building on the subject property, and to use a shipping container for storage purposes, for a three-year period. Given that the City of Enderby Zoning Bylaw No. 1550, 2014 does not permit principal uses to occur out of a temporary building, nor does it permit shipping containers to be used in the General Commercial (C.1) zone, the applicant is seeking a Temporary Use Permit in accordance with Section 493 of the *Local Government Act*.

The City of Enderby Planner recommends that Council authorize the issuance of a Temporary Use Permit subject to the specified terms and conditions.

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

TEMPORARY USE PERMIT APPLICATION

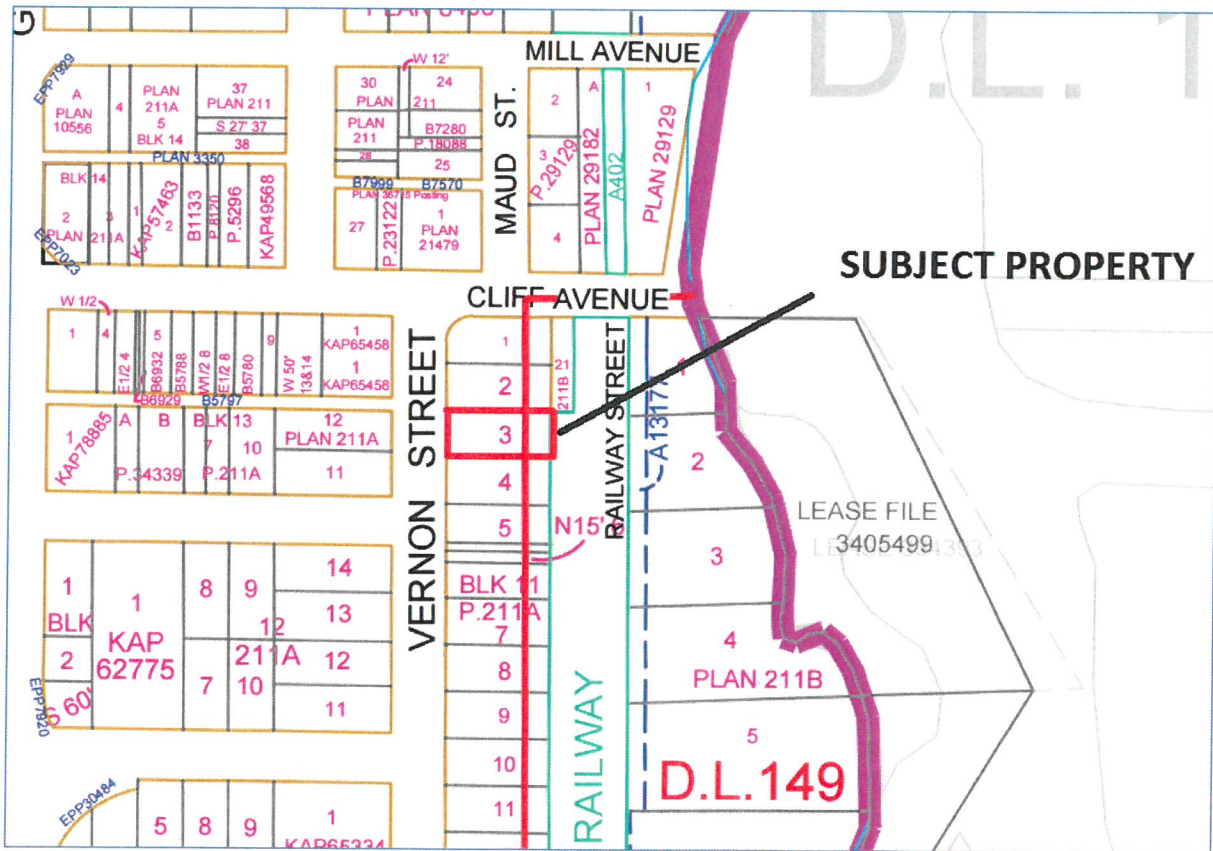
SUBJECT PROPERTY MAP

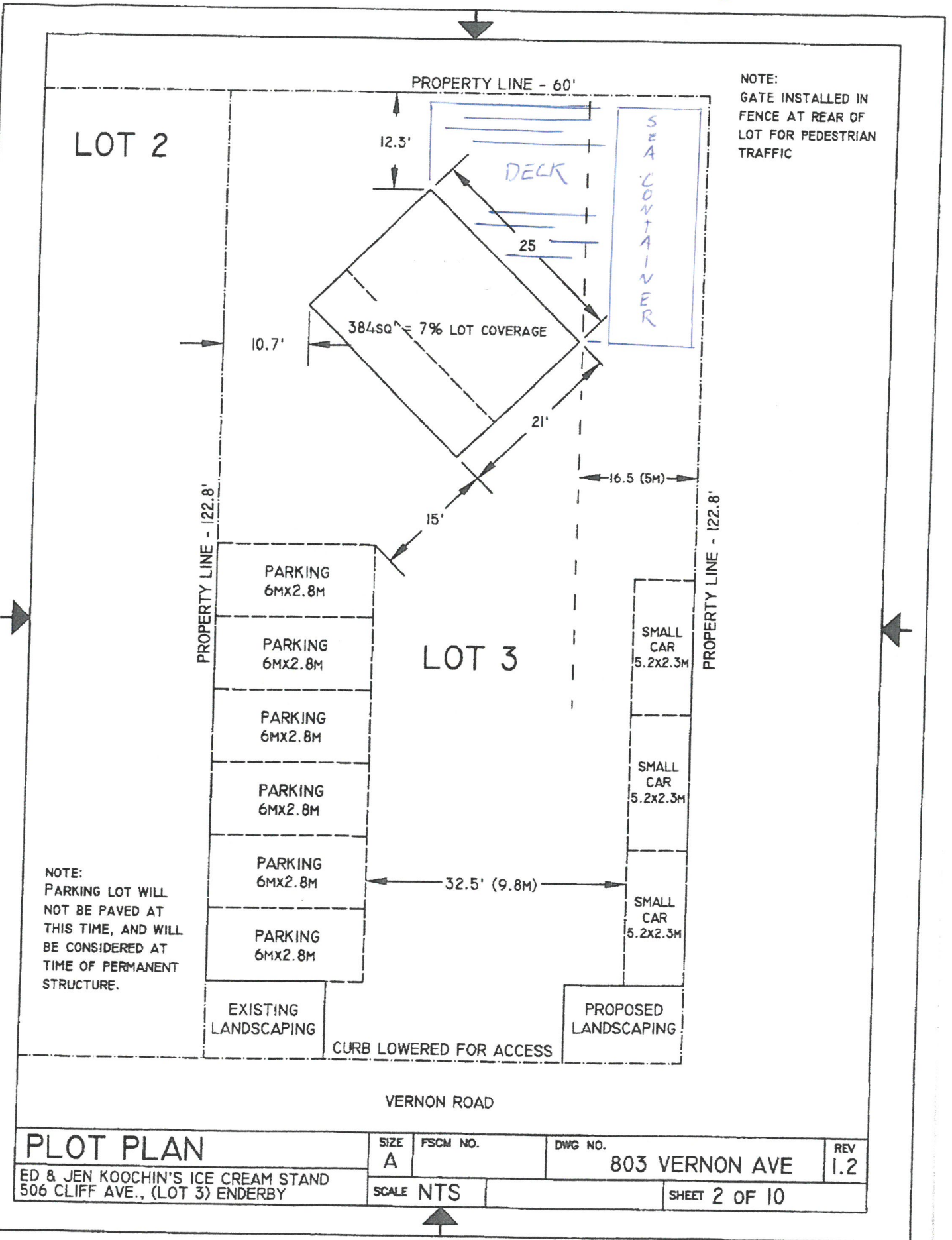
File: 0006-21-TUP-END

Applicant: Nik Vischschraper

Owner: Splatsin Development Corporation

Location: 803 Vernon Street, Enderby BC





NOTE:
GATE INSTALLED IN
FENCE AT REAR OF
LOT FOR PEDESTRIAN
TRAFFIC

NOTE:
PARKING LOT WILL
NOT BE PAVED AT
THIS TIME, AND WILL
BE CONSIDERED AT
TIME OF PERMANENT
STRUCTURE.

PLOT PLAN

ED & JEN KOOCHIN'S ICE CREAM STAND
506 CLIFF AVE., (LOT 3) ENDERBY

SIZE A	FSCM NO.	DWG NO. 803 VERNON AVE	REV 1.2
SCALE NTS		SHEET 2 OF 10	

CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION



File No.: 0036-21-DVP-END

June 29, 2021

APPLICANT/OWNER: Ram Gopal, 1203167 B.C. LTD.

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 (327 Brickyard Road, Enderby)

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 (321 Brickyard Road, Enderby)

P.I.D #: 011-519-878 (327 Brickyard Road, Enderby)

011-519-827 (321 Brickyard Road, Enderby)

CIVIC ADDRESS: 327 and 321 Brickyard Road, Enderby BC

PROPERTY SIZE: 0.37 hectares (0.91 acres) – 327 Brickyard Road

0.67 hectares (1.66 acres) – 321 Brickyard Road

ZONING: General Industrial (I.2)

O.C.P DESIGNATION: Residential Medium Density

PROPOSAL: Construct a 37,000 square foot industrial building for the purposes of modular home manufacturing

PROPOSED VARIANCE: Waive requirement to provide screening for outdoor storage of completed manufactured homes, permit a fence within the required front yard setback area, reduce the minimum width of a landscape buffer area adjacent to a highway, permit alternative landscaping standards, waive requirement for maneuvering aisles and portions of off-street parking areas to be surfaced with asphaltic concrete or cement pavement, waive requirement for parking area to be provided with curbing, waive requirement for loading area to be provided with curbing, waive requirement for off-street loading space to be surfaced with asphalt, concrete or similar pavement

RECOMMENDATION:

THAT Council authorizes the issuance of a Development Variance Permit for the properties legally described as, i) 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 and located at 327 Brickyard Road, Enderby, and ii) 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, Enderby, to permit variances to the following Sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- Section 309.1.a.i by waiving the requirement to provide screening for the outdoor storage of completed manufactured homes, as shown on the attached Schedule 'A';
- Section 309.1.f.iii by permitting a fence greater than 1.2 m (3.937 feet) in height within the required front yard setback area, as shown on the attached Schedule 'A';
- Section 309.2.a.iii by reducing the minimum width of a landscaped buffer area adjacent to a highway from 6 m (19.68 feet) to 3.04 m (10 feet), as shown on the attached Schedule 'A';
- Section 309.2.b by permitting alternative landscaping standards, as shown on the attached Schedule 'B';
- Section 901.2.e.iii by waiving the requirement for maneuvering aisles and off-street parking areas to be surfaced with asphaltic concrete or cement pavement, as shown on the attached Schedule 'A';
- Section 901.2.f by waiving the requirement for a parking area to be provided with curbing, as shown on the attached Schedule 'A';
- Section 1001.6.c by waiving the requirement for a loading area to be provided with curbing, as shown on the attached Schedule 'A'; and
- Section 1001.6.d by waiving the requirement for an off-street loading space to be surfaced with asphalt, concrete, or similar pavement, as shown on the attached Schedule 'A',

subject to the following conditions:

- i. The property owner shall pave and curb the off-street parking areas, maneuvering aisles, and loading zones to the specifications of the City of Enderby Zoning Bylaw No. 1550, 2014, as amended from time to time, within 24 months of the portion of Brickyard Road adjacent to the subject property being paved; and
- ii. The property owner shall register a covenant on the title of the property which shall confirm that the property owner is required to pave and curb the off-street parking areas, maneuvering aisles, and loading zones to the specifications of the City of Enderby Zoning Bylaw No. 1550, 2014, as amended from time to time, within 24 months of the portion of Brickyard Road adjacent to the subject property being paved.

BACKGROUND:

This report relates to a Development Variance Permit application for the properties located at 327 and 321 Brickyard Road. The applicant is in the process of constructing a 37,000 square foot industrial building for the purposes of modular home manufacturing. As part of the proposed development, the applicant is requesting variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- Section 309.1.a.i by waiving the requirement to provide screening for the outdoor storage of completed manufactured homes, as shown on the attached Schedule 'A';

- Section 309.1.f.iii by permitting a fence greater than 1.2 m (3.937 feet) in height within the required front yard setback area, as shown on the attached Schedule 'A';
- Section 309.2.a.iii by reducing the minimum width of a landscaped buffer area adjacent to a highway from 6 m (19.68 feet) to 3.04 m (10 feet), as shown on the attached Schedule 'A';
- Section 309.2.b by permitting alternative landscaping standards, as shown on the attached Schedule 'B';
- Section 901.2.e.iii by waiving the requirement for maneuvering aisles and off-street parking areas to be surfaced with asphaltic concrete or cement pavement, as shown on the attached Schedule 'A';
- Section 901.2.f by waiving the requirement for a parking area to be provided with curbing, as shown on the attached Schedule 'A';
- Section 1001.6.c by waiving the requirement for a loading area to be provided with curbing, as shown on the attached Schedule 'A'; and
- Section 1001.6.d by waiving the requirement for an off-street loading space to be surfaced with asphalt, concrete, or similar pavement, as shown on the attached Schedule 'A'.

Site Context/History:

The subject properties are 0.37 hectares/0.91 acres (327 Brickyard) and 0.67 hectares/1.66 acres (321 Brickyard Road) in size. The parcels are located adjacent to one another on the east side of Brickyard Road. To the west of the subject properties is the former Canadian Pacific Railway corridor and to the east is the Shuswap River. The eastern portion of the properties are within the Riparian Assessment Area.

A Section 219 No Transfer Covenant is registered on the title of both parcels, which restricts the transfer of either parcel unless the parcels are transferred concurrently to the same purchaser, which in effect has consolidated the parcels.

In 2020, Council authorized the issuance of a Development Variance Permit to not require a connection to a community water system or community sanitary sewage system, and to permit an on-site sewage disposal system on a lot less than 2 hectares in size. In addition, in 2020 Council authorized the closure of an ~12 m wide unnamed and unconstructed road dedication directly south of the subject property for the purposes of consolidating it with the subject property; this road closure and transfer was subject to the following

- i. The property owner dedicating an equal portion of land as 'Road' on the property they owned at 275 Brickyard Road;
- ii. The property owner registering 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; and
- iii. The property owner of 275 Brickyard Road entering into an indemnification agreement with the City of Enderby for cost recovery obligations under the Environmental Management Act, if any.

The process of satisfying the above conditions is on-going, and once complete City Staff will work with the property owner to complete the road closure and dedication processes.

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



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

The Proposal

As shown on the attached Schedule 'A', the key elements of the proposed development are as follows:

- The applicant is constructing a 37,000 square foot industrial building in the northwest corner of the lot, for the purposes of modular home manufacturing;
- Primary access to the properties is to be gained off of Brickyard Road via a private access driveway.
- A chain link perimeter fence will be provided at a height of no more than 10 feet;
- A 3.04 m (10 feet) landscape buffer area is to be provided adjacent to Brickyard Road, with the standards of the proposed landscaping to be generally consistent with the photos shown on the attached Schedule 'B';

- 14 parking stalls are to be provided along the western portion of the building, and 50 parking stalls are to be provided in the fenced area to the south; the applicant is proposing for the parking areas to remain unpaved and uncurbed until a later date;
- 9.75 m (30 feet) wide loading areas are to be provided along the southern and eastern portions of the lot, with the applicant proposing for the loading areas to remain unpaved and uncurbed until a later date;
- Outdoor storage of completed manufactured homes is proposed in the central and western portions of the lot, with the applicant proposing for this outdoor storage area to remain unscreened for marketing purposes.

ZONING BYLAW:

The subject properties and the properties to the north and south are zoned General Industrial (I.2) and are designated in the Official Community Plan (OCP) as Residential Medium Density. The properties to the east and west are located within Area 'F' of the Regional District of North Okanagan.

The proposal as compared to the Zoning Bylaw requirements for the I.2 zone is as follows (highlighted items require a variance):

CRITERIA	PROPOSAL	ZONE REQUIREMENTS
Building Height (max.)	< 18 m (59.05 feet)	18 m (59.05 feet)
Lot Area (min.)	12,100 m ² (130,244.4 ft ²)	650 m ² (6,997 ft ²)
Lot Coverage (max.)	< 60%	60%
Lot Frontage (min.)	~119 m (390 feet)	20 m (65.62 feet)
Off-Street Parking (min.)	64 spaces	Office = 12 spaces Manufacturing = 51 spaces TOTAL = 63 spaces
Off-Street Parking Dimensions (min.)	6 m (19.68 feet) in length, 2.8 m (9.186 feet) in width	6 m (19.68 feet) in length, 2.8 m (9.186 feet) in width
Development and Maintenance Standards for Off-Street Parking Areas	Gravel without curbing Maneuvering aisles = 8 m	Curbing and surfaced with asphaltic concrete or cement pavement Maneuvering for right-angle parking = 8 m
Off-Street Loading (min.)	3 spaces	3 spaces
Off-Street Loading Dimensions (min.)	> 9 m (29.53 feet) in length > 2.4 m (7.874 feet) in width	9 m (29.53 feet) in length, 2.4 m (7.874 feet) in width
Development and Maintenance Standards for Off-Street Loading Areas	Gravel without curbing	Curbing and surfaced with an asphalt, concrete, or similar pavement
Setbacks (min.)		
- Front Yard	> 6 m (19.68 feet)	6 m (19.68 feet)
- Interior Side Yard	> 6 m (19.68 feet)	6 m (19.68 feet)
- Rear Yard	> 3 m (9.842 feet)	3 m (9.842 feet)

<p>Screening</p>	<p>No screening</p>	<p>2.5 m fence or wall on the south, east, west, and portion of the north boundaries of outdoor storage area</p> <p>Must conform with front yard setback requirement</p>
<p>Fencing</p>	<p>Chain link fence no greater than 10 feet in height; located <u>inside</u> the front yard setback area</p>	<p>Fences or walls not greater than 2.5 m (8.202 feet) in height to be located <u>outside</u> of the required front yard</p> <p>Chain link fencing may have a maximum height of 3.5 m (11.48 feet)</p>
<p>Landscaping</p>	<p>3.04 m (10 feet) landscape buffer area on western property line</p> <p>Landscape buffer area to consist of alternative landscaping standards in general accordance with Schedule 'B'</p>	<p>Landscaped buffer area shall be provided with a minimum width of 6 m (19.68 feet) on western property line (adjacent to road)</p> <p>Landscape buffer area to consist of:</p> <ul style="list-style-type: none"> i. A grass to shrubbery ratio from 6:4 to 8:2. ii. A minimum of five percent (5%) of the landscaped area shall be planted in trees using the canopy area of the trees as a measure of the number and size of trees required. iii. A maximum of fifteen percent (15%) of the area shall be planted to annuals. <p>Other accepted landscape materials may be utilized under the supervision of a competent landscape</p>

OFFICIAL COMMUNITY PLAN:

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

- Policy 2.2.c - To maintain and enhance the social well-being, development, and the quality of life for all citizens of Enderby.
- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.
- Policy 5.3.f - Council will develop strategies and tools to encourage and facilitate infill and redevelopment within existing developed areas of the community.
- Policy 8.3.h - Council will support infill and redevelopment within the community.
- Policy 8.3.i - Council will support alternative infrastructure standards and urban design principles which promote environmental, economic, and social sustainability.

REFERRAL COMMENTS:

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

The City's Public Works Manager provided the following comments:

“Brickyard Road will eventually be paved and serviced. It will be a high-profile industrial frontage road with clear views from Highway 97A. Given this, the proposed variances should be viewed in light of the future as well as the current state. If a variance is granted without anything to qualify it, we cannot roll it back in the future when the road standard comes into being. As was the case with a property to the north, I think that we can provide some flexibility on a phased basis that is consistent with the upgrade/servicing strategy for Brickyard Road that Council previously approved.

For the surfacing and maneuvering aisle requirements related to asphalt surfacing and curbing, my recommendation would be that Council grants a variance in conjunction with the registration of a covenant that effectively defers the requirements until a specified period of time after Brickyard Road is upgraded (for instance, 24 months after the upgrade).

Any screening within the front yard setback area needs to be sufficiently set back from the road that it will not be at risk of being significantly impacted by snow that is being flung back from the travelled portion of the road. If the landscaped buffer is being reduced, there still should be some landscaping fronting the screen.

With respect to not screening the storage area for the manufactured homes, I think that this variance is fine for a display or showcase as described by the applicant; however, it should be explicitly limited to the screening of completed manufactured homes and not incomplete manufactured homes and/or materials; the latter items should be screened.”

No other comments were received in response to the referral.

PLANNING ANALYSIS:

Fencing

The City of Enderby Planner raises no objections to the applicant's request to vary Section 309.1.f.iii of the Zoning Bylaw to permit a fence greater than 1.2 m (3.937 feet) in height within the required front yard setback area, as shown on the attached Schedule 'A', for the following reasons:

- The proposed location of the fence would be to the rear of the required landscape buffer area;
- The proposed location of the fence would not interfere with sight lines for vehicles on the subject or surrounding properties attempting to gain access on to Vernon Street;
- The proposed location of the fence is sufficiently setback from Brickyard Road such that it will not interfere with snow ploughing operations; and
- It is not anticipated that the proposed variance would negatively impact the use and enjoyment of the subject or surrounding properties.

Landscape Buffer Area

The City of Enderby Planner raises no objections to the applicant's request to vary Section 309.2.a.iii and 309.2.b of Zoning Bylaw No. 1550, 2014 by, i) reducing the minimum width of a landscaped buffer area adjacent to a highway from 6 m (19.68 feet) to 3.04 m (10 feet feet), and ii) permitting alternative landscaping standards, in general accordance with the attached Schedule 'B', for the following reasons:

- Given the significant amount of frontage that the property has, a reduced width for a landscape buffer area is an appropriate request;
- The proposed width and standards for the landscape buffer area is relatively consistent with the landscape buffer area on the property to the north, for which variances were issued to reduce the width and permit alternative standards; and
- It is not anticipated that the proposed variances would have a negative impact on the use and enjoyment of the subject or neighbouring properties.

Screening

The City of Enderby Planner raises no objections to the applicant's request to vary Section 309.1.a.i of Zoning Bylaw No. 1550, 2014 in order to not screen the outdoor storage of completed manufactured homes, as shown on the attached Schedule 'A', for the following reasons:

- The storage of completed manufactured homes is not a high intensity use and would not detract from aesthetics of the area;
- Allowing the outdoor storage for completed manufactured homes to remain unscreened would provide a marketing opportunity for the applicant and their business; and

- The proposed variance would only permit the outdoor storage of completed manufactured homes to remain unscreened, with the applicant still being required to screen the outdoor storage of any other items or materials (incomplete manufactured homes, building materials, etc.).

Development and Maintenance Standards for Off-Street Parking Areas and Loading Zones

The City of Enderby Planner has concerns with the applicant's request to vary Sections 901.2.e.iii, 901.2.f, 1001.6.c, and 1001.6.d of Zoning Bylaw No. 1550, 2014 in order to waive the requirement for maneuvering aisles, off-street parking areas, and off-street loading zones to be surfaced with asphaltic concrete or cement pavement, and to waive the requirement for parking areas and loading zones to be provided with curbing, as shown on the attached Schedule 'A'. As described by the Public Works Manager in his comments noted above, Brickyard Road is a high-profile frontage road and will eventually be constructed and serviced to a much higher standard than currently exists. There is a need to find a balance between ensuring that the subject property is maintained to a proper standard when those road upgrades occur, and not imposing higher standards on the subject property for the short-term that do not fit with the current context. Given this, Staff are recommending that the issuance of these variances be subject to the applicant registering a covenant on the title of the property which shall require the property owner to pave and curb the off-street maneuvering aisles, parking areas, and loading zones to the specifications of the City of Enderby Zoning Bylaw No. 1550, 2014, as amended from time to time, within 24 months of the portion of Brickyard Road adjacent to the subject property being paved. This approach will give the property owner sufficient time to plan for and install the necessary paving and curbing of the subject property once Brickyard Road is upgraded.

SUMMARY:

This is an application for a Development Variance Permit for the properties located at 327 and 321 Brickyard Road, Enderby BC. The applicant is in the process of constructing a 37,000 square foot industrial building for the purposes of modular home manufacturing. As part of the proposed development, the applicant is requesting a series of variances to the City of Enderby Zoning Bylaw No. 1550, 2014.

It is recommended that upon consideration of adjacent land owner's comments, Council issue a Development Variance Permit to authorize the proposed variances subject to the conditions described above.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner and Deputy Corporate Officer

Reviewed By:



Tate Bengtson
Chief Administrative Officer



SCHEDULE 'B'

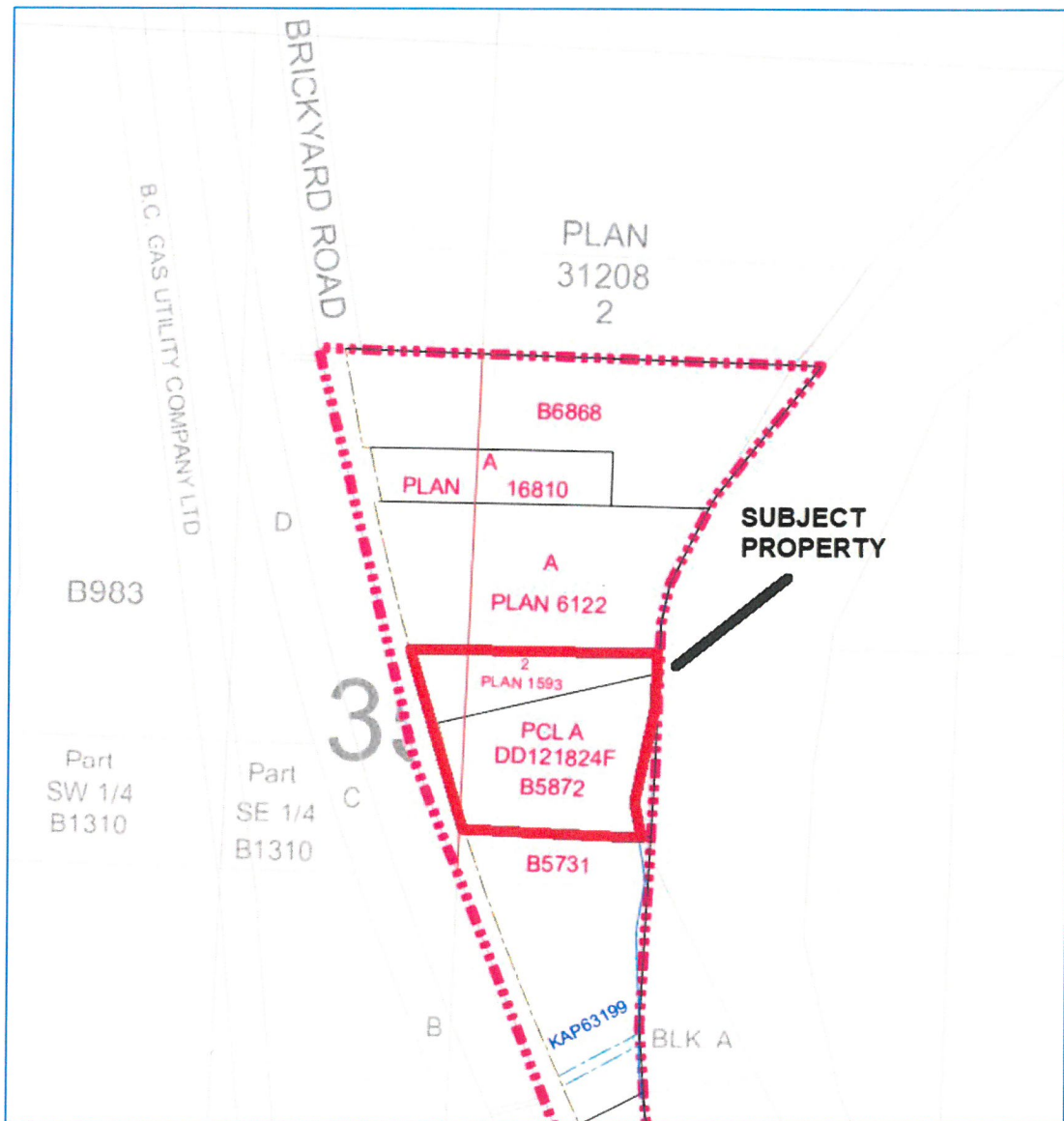
THE CORPORATION OF THE CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION
SUBJECT PROPERTY MAP

File: 0036-20-DVP-END

Applicant: Ram Gopal

Owner: 1203167 B.C. LTD.

Location: 321 and 327 Brickyard Road, Enderby BC



**CITY OF ENDERBY
REZONING APPLICATION**



File No: 0002-21-RZ-END

July 7, 2021

APPLICANT: Brandon Backus

OWNER(S): Brandon Backus

LEGAL DESCRIPTION: PARCEL B (PLAN B6868) 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 EXCEPT PLANS 6122, 6269 AND 16810

PID #: 011-519-797

LOCATION: 349 Brickyard Road, Enderby BC

PROPERTY SIZE: 1.25 hectares (3.09 acres)

PRESENT ZONING: Country Residential (C.R.)

PROPOSED ZONING: General Industrial (I.2)

PRESENT O.C.P DESIGNATION: General Industrial

PROPOSAL: Industrial business involving the storage and dispatch of gravel trucks, septic trucks, heavy equipment and portable toilets.

RECOMMENDATION:

THAT Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1730, 2021 which proposes to rezone the property legally described as PARCEL B (PLAN B6868) 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 EXCEPT PLANS 6122, 6269 AND 16810, and located at 349 Brickyard Road, Enderby BC, from the Country Residential (C.R.) zone to the General Industrial (I.2) zone be given First and Second Reading and forwarded to a Public Hearing.

BACKGROUND:

This report relates to a Rezoning Application for the property located at 349 Brickyard Road, Enderby BC. The applicant is proposing to rezone the property from the Country Residential (C.R.) zone to the General Industrial (I.2) zone, in order to use the parcel for an industrial business involving the storage and dispatch of gravel trucks, septic trucks, heavy equipment and portable toilets.

Site Context

The 1.25 hectare (3.09 acre) subject property is relatively flat and is located along the east side of Brickyard Road, along the northern stretch of the corridor which is constructed to a gravel standard. To the east of the property is the Shuswap River.

A single-family home and detached shop are located in the western portion of the lot, while the eastern portion, which was previously used for agricultural purposes, is now lawn. The central portion of the property remains largely treed. Access to the property is gained via a gravel driveway off of Brickyard Road.

The subject property and one of the properties to the south are zoned Country Residential (C.R.) and are designated in the OCP as *General Industrial*; the other property to the south is zoned General Industrial and is designated in the OCP as *General Industrial*. The property to the east is zoned Transportation Corridor (S.2) and is designated in the OCP as *Transportation Corridor*, while the properties to the north are located in Area 'F' of the Regional District of North Okanagan.

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

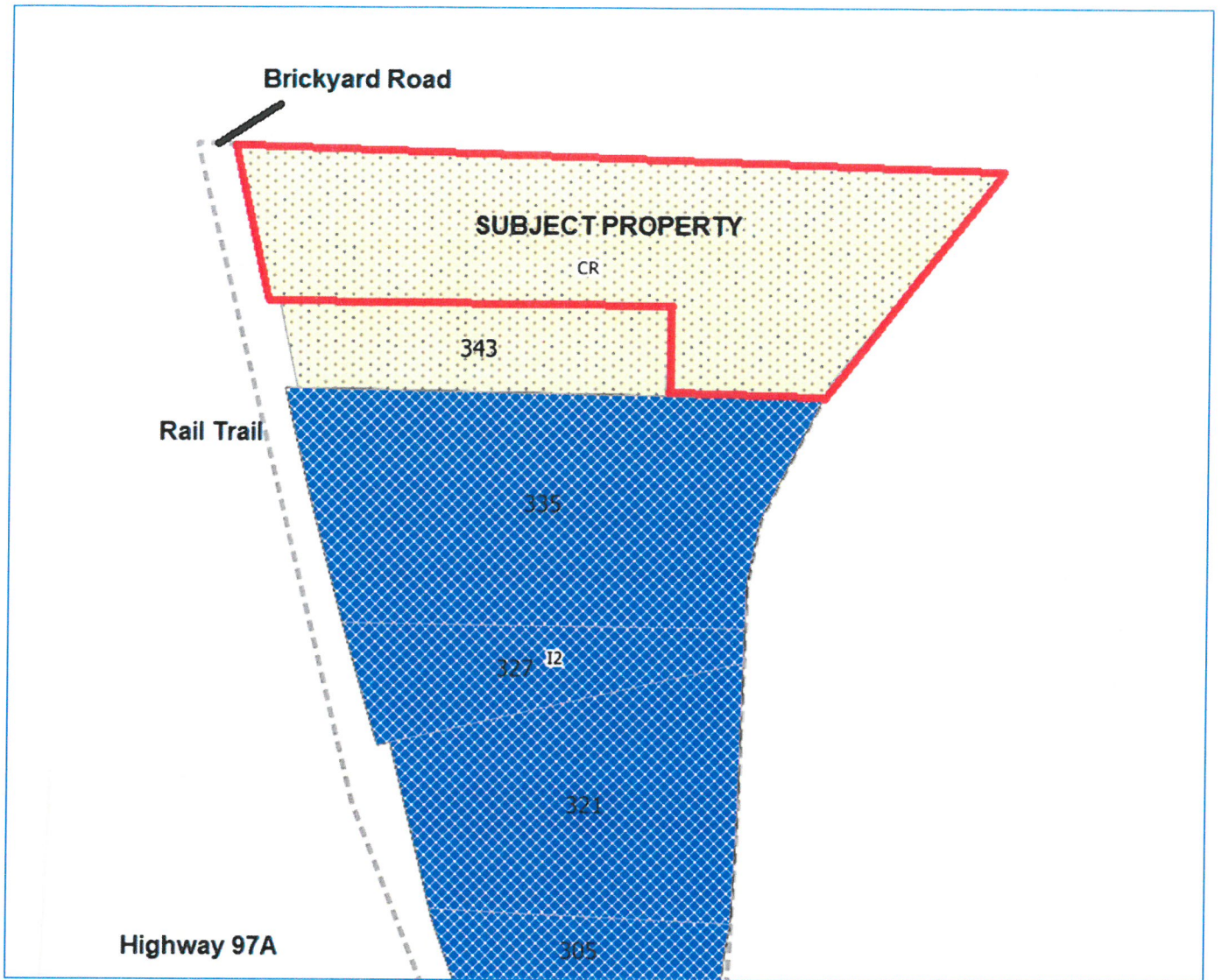


Figure 1. Zoning Map

Dotted – Country Residential (C.R.)

Blue Crosshatch – General Industrial (I.2)

The following orthophoto of the subject and surrounding properties was taken in 2020:

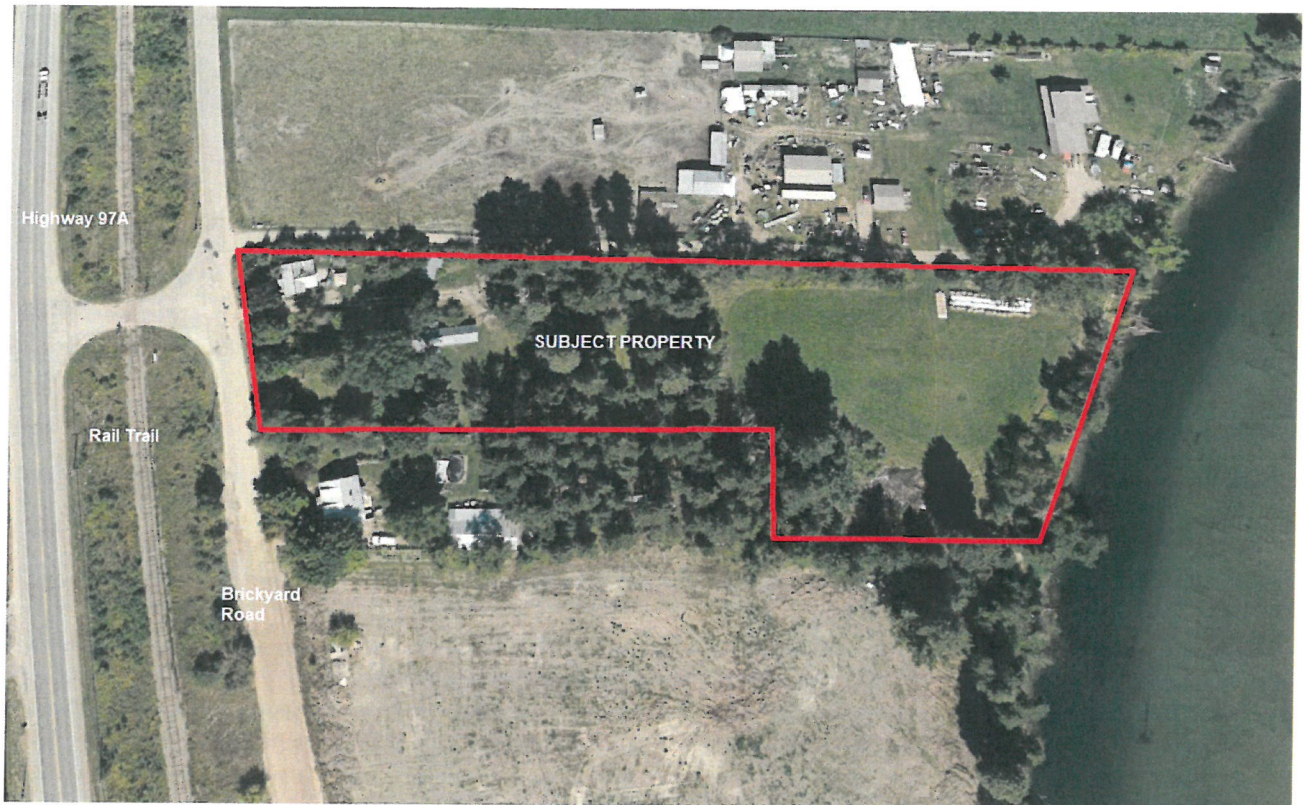


Figure 3: Orthophoto

****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 use the parcel for an industrial business involving the storage and dispatch of gravel trucks, septic trucks, heavy equipment and portable toilets. In order to facilitate this proposal, the applicant is proposing to rezone the property from the Country Residential (C.R.) zone to the General Industrial (I.2) zone.

A site plan has not been provided by the applicant at this time but would be required at the building permit stage, should this application be supported; if the site plan is not able to demonstrate that the development meets all City of Enderby Zoning Bylaw standards (i.e. required setbacks, minimum off-street parking, etc.) they would be required to seek variances through the Development Variance Permit process. It should also be noted that if this Rezoning Application were to be approved, the applicant would not be tied to their proposal involving the storage and dispatch of gravel trucks, septic trucks, heavy equipment and portable toilets. 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.).

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;
- Attached Secondary Suites;
- Bed and breakfasts;
- Kennels.

Uses permitted within the proposed General Industrial (I.2) zone include:

- Accessory buildings and structures;
- Accommodation including one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use;
- Civic use;
- Food service including bakeries and coffee shops;
- Limited agricultural use subject to the regulations of Section 501.10.e. of the Zoning Bylaw;
- Public service use;
- Retail sales (including parts and accessories) of automobiles, building supplies, chemicals, farm equipment (including service), gasoline and motor oil, heavy equipment and machinery, irrigation equipment (including service), lumber, mobile homes (including service), tools and small equipment, trucks, and other products manufactured or processed on site;
- Service and repair including automobile body and paint shops, automobile service and repair, battery shops, boat service and repair, bottling plants, car wash, crematoriums, cold storage plants, frozen food lockers, greenhouses, heavy equipment and machinery, laboratories, machine shops, mini storage facilities, nurseries, petroleum distribution installations, printing shops, recreation vehicle servicing and rental, service stations, sign shops, taxidermists, tire shops, tools and small equipment servicing and rental, trade contractors offices including storage, truck service and repair, truck wash, trucking yards and terminals including cartage and freighting, upholstery shops, warehousing (wholesale and distribution), weigh scales, and welding shops;
- Transportation facilities including passenger transportation depots and taxi dispatch offices;
- Retail sales (including parts and accessories) of heavy equipment and machinery;

- Service and repair including automobile wrecking and junk yards, bulk storage plants, contractors for general and heavy construction, machinery and heavy equipment repair;
- Manufacturing, processing, and storage.

The subject property as compared to the minimum lot requirements of the General Industrial (I.2) zone are as follows:

CRITERIA	PROPOSAL	I.2 ZONE REQUIREMENTS
Minimum Lot Area	12,500 m ² (134,549 square feet)	650 m ² (6,997 square feet)
Minimum Lot Frontage	~55 m (180.4 feet)	20 m (65.62 feet)

OFFICIAL COMMUNITY PLAN:

Policies contained within the OCP which apply to this development include:

- Policy 2.2.c - To maintain and enhance the social well-being, development, and the quality of life for all citizens of Enderby.
- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.
- Policy 5.3.f - Council will develop strategies and tools to encourage and facilitate infill and redevelopment within existing developed areas of the community.
- Policy 8.3.h - Council will support infill and redevelopment within the community.

REFERRAL COMMENTS:

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

The Public Works Manager provided the following comments:

The applicant should be aware that water supply in this area is limited and any change in use will require a review of potential demand, presumably at the building permit stage.

If the proposed change in land use creates a demand that exceeds the current use, the owner may not be permitted to connect to the community system for potable water, non-potable (fire protection) water, or both, or may be allowed to connect only on condition of controlling the demand.

In any case, industrial fireflows cannot be met in this area, so additional fire protection measures may be required as part of any building permit.

I think that it is prudent to ensure that the property is developed in such a way that it will be cost effective for the property owner to connect to community water and sewer services, if and when they are extended.

The Building Inspector provided the following comments:

"I have no concerns from a building perspective. All proposals to conform to the BC Building Code and City of Enderby Building bylaw."

No other comments were received in response to the referral.

PLANNING ANALYSIS:

The City of Enderby Planner raises no objections to the applicant's request to rezone the subject property from the Country Residential (C.R.) zone to the General Industrial (I.2) zone, and upon consideration of input received at a Public Hearing, recommends that Council approve the subject application for the following reasons:

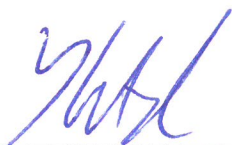
- The proposal is consistent with other land uses occurring within the vicinity, as the subject property is located within an industrial area;
- The Official Community Plan envisions this property developing to an intensive industrial land use over time;
- Given the size of the property and its location within an industrial area, the property is underutilized and developing it to an industrial standard would be the highest and best use of the land;
- The proposal would stimulate additional economic development and job creation within the community;
- Although there is a single-family property directly to the south of the subject property, which may be impacted by the subject property developing to an industrial land use, this neighbouring property is located within an industrial area with existing industrial land uses already occurring within close proximity; furthermore, this neighbouring property is designated as *General Industrial* in the Official Community Plan.

SUMMARY

This report relates to a Rezoning Application for the property located at 349 Brickyard Road, Enderby BC. The applicant is proposing to rezone the property from the Country Residential (C.R.) zone to the General Industrial (I.2) zone, in order to use the parcel for an industrial business involving the storage and dispatch of gravel trucks, septic trucks, heavy equipment and portable toilets.

The City of Enderby Planner is supportive of the application.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner and Deputy Corporate Officer

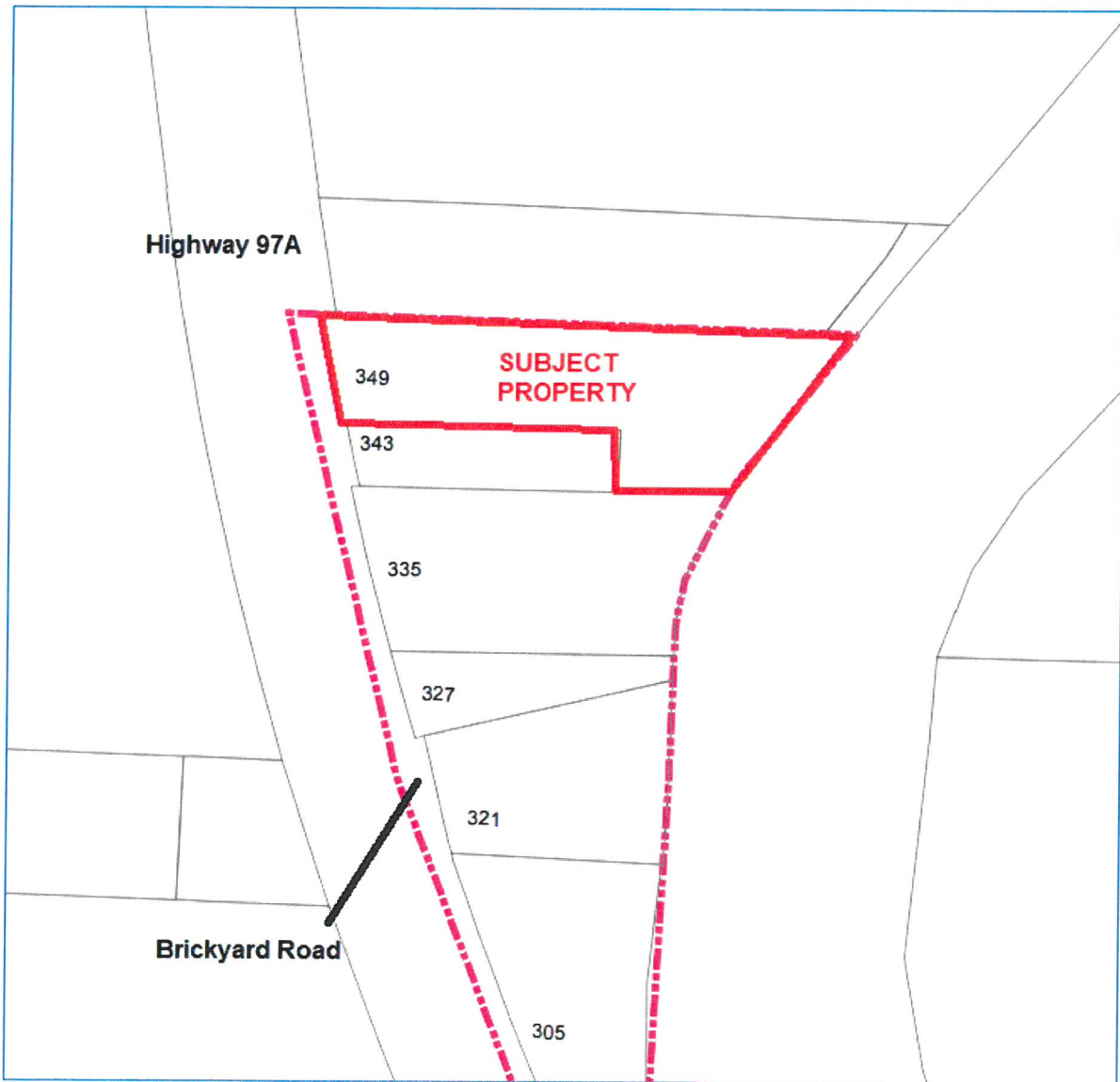
Reviewed By:



Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY
REZONING APPLICATION
SUBJECT PROPERTY MAP

File: 0002-21-RZ-END (Backus)
Applicant: Brandon Backus
Owner: Brandon Backus
Location: 349 Brickyard Road, Enderby BC



THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1730

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. 1730, 2021".
2. The zoning designation of the property legally described as PARCEL B (PLAN B6868) 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 EXCEPT PLANS 6122, 6269 AND 16810, and located at 349 Brickyard Road, Enderby BC, is hereby changed from the Country Residential (C.R) zone to the General Industrial (I.2) zone.

READ a FIRST time this day of , 2021.

READ a SECOND time this day of , 2021.

Advertised on the day of , 2021 and the day of , 2021, and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the day of , 2021.

READ a THIRD time this day of , 2021.

ADOPTED this day of , 2021.

MAYOR

CORPORATE OFFICER

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: June 27, 2020
Subject: Drinking Water Annual Report 2020

RECOMMENDATION

THAT Council receives and files the City of Enderby Drinking Water Annual Report 2020.

BACKGROUND

Pursuant to the British Columbia Drinking Water Protection Act and Regulation, the City of Enderby is required to publish an annual drinking water report.

Highlights

- In 2020, the total water distributed from the City of Enderby Water Treatment Plant was 462,316 m³. The maximum one-day demand was on August 28, 2020 at 3,146 m³.
 - By contrast, in 2019, the total water distributed from the City of Enderby Water Treatment Plant was 474,220 m³ and the maximum one-day demand was on May 14, 2019 at 3,144 m³.
- In 2020, the City of Enderby spent \$1,110,414 to operate and maintain the community drinking water system. Of that value, capital investment represents 58% of the total expended by the City of Enderby in 2020.
- The total replacement value for the water distribution system (such as pipes and pumps) is \$26,178,021. As of December 31, 2020, the total depreciation is \$11,919,716. The total replacement value for the City of Enderby water treatment system (such as buildings, clarifier, chlorinators, and ultraviolet bank) is \$7,833,763. As of December 31, 2020, the total depreciation is \$3,641,500.
- In 2020, \$233,992 was contributed to the City of Enderby water reserve fund and \$315,285 was withdrawn, for a balance at the end of the year of \$456,881.

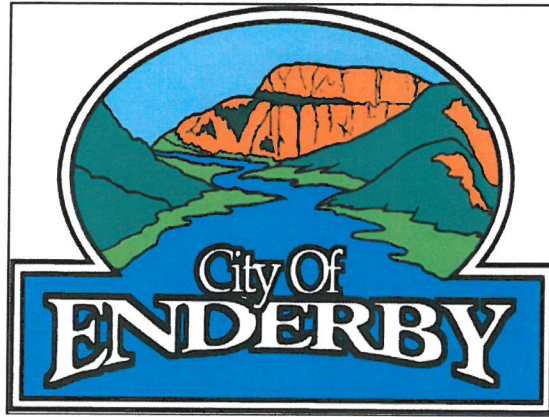
- The major projects undertaken in 2020 include completing the renewal of programmable logic controller (PLC) technology, the renewal of water distribution infrastructure on 3rd Avenue, and the completion of the permanent mains for the Shuswap River crossing.
- The City's Drinking Water Emergency Plan was updated in February.

This report has been submitted to the Interior Health Drinking Water Officer responsible for the City of Enderby water system. Once Council receives the Drinking Water Annual Report for 2020, it will be posted to the City of Enderby website.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer



DRINKING WATER ANNUAL REPORT 2020



June 27, 2021

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Executive Summary

The City of Enderby operates and maintains a community drinking water system in accordance with the Drinking Water Protection Act and the *Guidelines for Canadian Drinking Water Quality*.

In 2020, the total water distributed from the City of Enderby Water Treatment Plant was 462,316 m³. The maximum one-day demand was on August 28, 2020 at 3,146 m³.

In 2020, the City of Enderby spent \$1,110,414 to operate and maintain the community drinking water system. Of that value, capital investment represents 58% of the total expended by the City of Enderby in 2020.

The total replacement value for the water distribution system (such as pipes and pumps) is \$26,178,021. As of December 31, 2020, the total depreciation is \$11,919,716. The total replacement value for the City of Enderby water treatment system (such as buildings, clarifier, chlorinators, and ultraviolet bank) is \$7,833,763. As of December 31, 2020, the total depreciation is \$3,641,500. In 2020, \$233,992 was contributed to the City of Enderby water reserve fund and \$315,285 was withdrawn, for a balance at the end of the year of \$456,881.

The major projects undertaken in 2020 include completing the renewal of programmable logic controller (PLC) technology, the renewal of water distribution infrastructure on 3rd Avenue, and the completion of the permanent mains for the Shuswap River crossing. Planning for an expansion of the Water Treatment Plant is continuing.

The City continues its water quality monitoring program. Nothing of concern was discovered in the drinking water system in 2020.

The City's Public Works staff are working towards obtaining certifications which match the classification of the treatment and distribution systems. The City intends to increase compliance with its Cross Connection Control program in 2021 and will use a risk-based approach.

The City has completed its Source Protection Plan for both sources and has taken action to implement its short-term recommendations. The City also completed its annual update to its Drinking Water Emergency Response Plan.

Introduction

The City of Enderby operates and maintains a community drinking water system in accordance with the Drinking Water Protection Act and Regulations, as well as the *Guidelines for Canadian Drinking Water Quality*. Pursuant to Section 15(b) of the British Columbia Drinking Water Protection Act and Section 11 of the British Columbia Drinking Water Protection Regulation, the City of Enderby provides the following Annual Drinking Water Report for 2020.

The goal of the City of Enderby is to provide clean, safe, and reliable drinking water. This means that the drinking water quality meets the standards specified in the *Guidelines for Canadian Drinking Water Quality* and the operation of the drinking water system is consistent with the BC Drinking Water Protection Act and Drinking Water Protection Regulation.

High quality drinking water must meet requirements with respect to the following:

- Maximum acceptable concentrations of microbiological contaminants such as bacteria, protozoa, and viruses such as *Giardia*, *Cryptosporidium*, and *Escherichia coli*;
- Maximum acceptable levels of turbidity;
- Maximum acceptable chemical and physical parameters; and
- Aesthetic objectives related to taste, colour, and odour.

The City accomplishes these requirements through a multi-barrier approach to treatment. A multi-barrier approach is required as “the limitations or failure of one or more barriers may be compensated for by the effective operation of the remaining barriers. This compensation minimizes the likelihood of contaminants passing through the entire system and being present in sufficient amounts to cause illness to consumers.”¹

There are a variety of potential hazards to drinking water, most of which involve chemical and microbiological contaminants that may be introduced at the source or intake, during treatment, or during distribution. The City has implemented a water quality monitoring regime and uses multi-barrier treatment to manage the risks to public health. The City has a Drinking Water Emergency Response Plan and a Source Protection Plan for both of its sources.

Water System Overview

The Enderby water system consists of two sources:

1. Shuswap Well (ground water; suspected of being under the direct influence of surface water); and
2. Shuswap River (surface water).

The total amount of pipe in the distribution system is 30,962 meters. There are booster stations by the Bawtree Bridge, at the bottom of Gunter-Ellison Road, and between the upper and lower reservoirs.

¹ Federal-Provincial-Territorial Committee on Drinking Water and the CCME Water Quality Task Group, “From Source to Tap: Guidance on the Multi-Barrier Approach to Safe Drinking Water” (Ottawa, Ontario: 2004), 17.

All water is chlorinated prior to distribution. The Shuswap River surface water is filtered through a two-stage rapid filtration system which reduces turbidity and minimizes the threat of giardia and cryptosporidium. The Shuswap Well is normally piped to the Water Treatment Plant clearwell, where it receives ultraviolet treatment in addition to the chlorination received on-site.

Under normal operation, water from the Shuswap River is filtered and chlorinated, then pumped from the clearwell through the UV disinfection system and into the distribution system to a water reservoir. Water from the Shuswap Well is chlorinated on-site and pumped to the clearwell, then through the UV disinfection system and to the reservoirs. There is a total of 3,782 m³ of reservoir capacity. Each system can be isolated and run to the reservoirs alone.

It should be noted that, when the Shuswap Well is supplying water, a number of customers east of the Bawtree Bridge may receive water that is only disinfected with chlorine, meaning that it does not receive the two forms of treatment required for surface water (the Shuswap Well is suspected of being under the influence of surface water). However, when the supply of water is from the Water Treatment Plant, all customers receive fully treated water.

Under current operating parameters, the combined source capacity of the Shuswap River and the Shuswap Well is 4,753 m³ per day. The maximum production capacity of the Water Treatment Plant is 3,150 m³ per day under normal operating conditions at peak demand, although the rate of production is affected by source water turbidity, which increases backwashing frequency and reduces available production time. The ultimate planned source capacity, with expanded infrastructure, operational changes, and assuming the capability to run the Shuswap Well for twenty-four hours per day, is 6,135 m³.

Annual Consumption Data

Note: the below figures only describe the Water Treatment Plant flow meter; this does not reflect the full quantity of water sent from the Shuswap Well, some of which is distributed to residents east of the Bawtree Bridge without being captured by the flow meter.

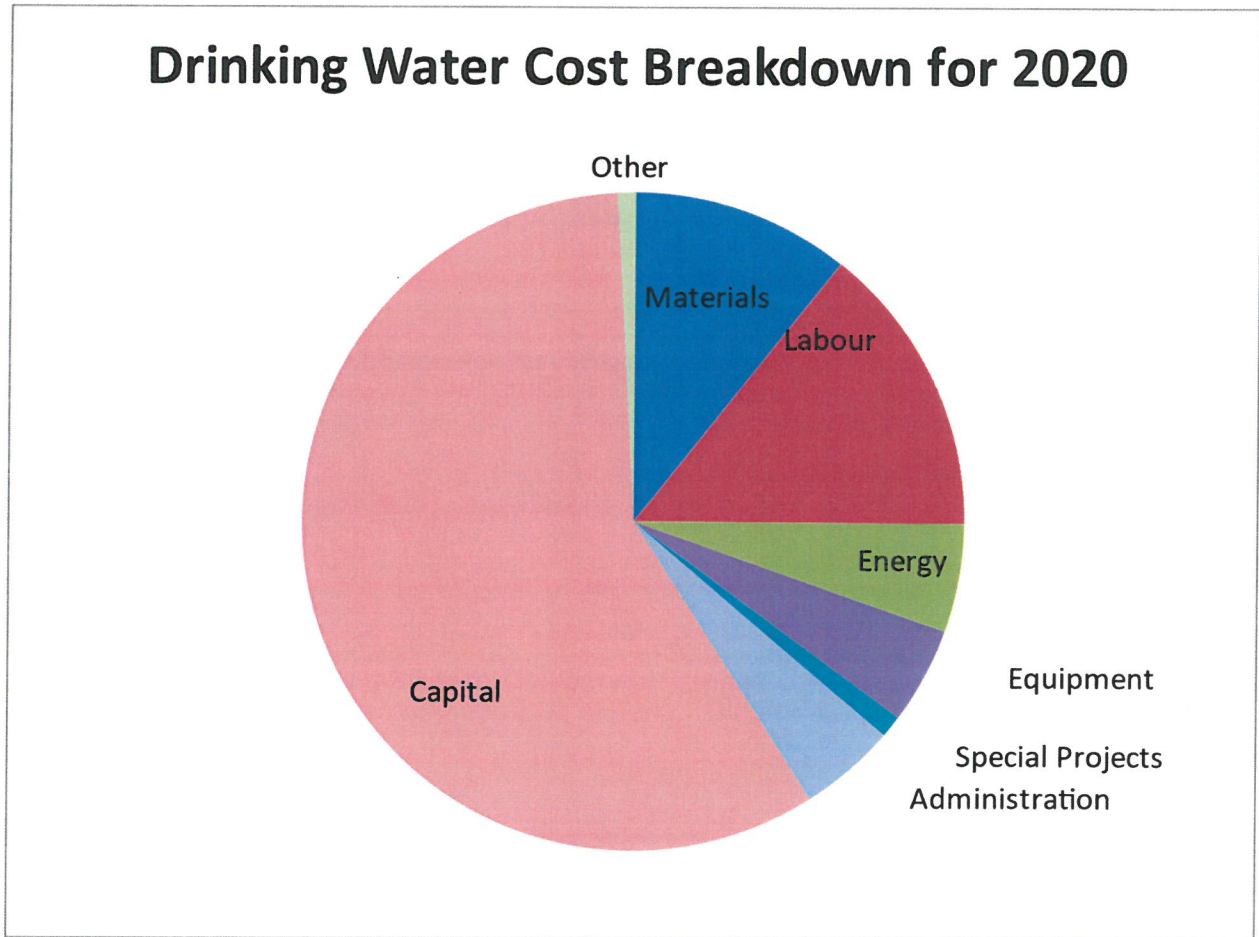
In 2020, the total water distributed from the City of Enderby Water Treatment Plant was 462,316 m³. The maximum one-day demand was on August 28, 2020 at 3,146 m³. By contrast, in 2019, the total water distributed from the Water Treatment Plant was 474,220 m³ and the maximum one-day demand was on May 14, 2019 at 3,144 m³.

The following chart shows maximum and average daily demands from the Water Treatment Plant by month for 2019 and 2020. Variations in demand tend to be influenced by a variety of factors such as population growth and consumption habits, with weather being the most significant factor.

Month	2019 Max. Daily Demand (m ³)	2019 Avg. Daily Demand (m ³)	2020 Max. Daily Demand (m ³)	2020 Avg. Daily Demand (m ³)
January	1409	1021	1225	989
February	1317	1011	1204	932
March	1334	1046	1370	1037
April	1487	972	1368	1028
May	2226	1487	2474	1303
June	2679	1288	2032	1372
July	2053	1592	2536	1747
August	2248	1782	3146	2015
September	1920	1348	2451	1598
October	1611	1179	1493	1120
November	1467	1169	1654	1019
December	1403	1040	1325	1008

Drinking Water Cost Breakdown

In 2020, the City of Enderby spent \$1,110,414 to operate and maintain the community drinking water system. Of that value, capital investment represents 58% of the total expended by the City of Enderby in 2020.



The following chart describes the dollar value associated with each expense category and compares the values to 2020:

Category	2019 Value	2020 Value
Materials	117,232	118,517
Labour	152,918	159,755
Energy	58,455	58,912
Equipment	41,527	52,524
Special Projects	33,976	12,097
Interest	-	-
Administration	49,421	52,393
Capital	272,704	646,417
Other	14,802	9,799
Total	741,035	1,110,414

Water System Assessment and Infrastructure Deficit

The total replacement value for the water distribution system (such as pipes and pumps) is \$26,178,021. As of December 31, 2020, the total depreciation is \$11,919,716.

The total replacement value for the City of Enderby water treatment system (such as buildings, clarifier, chlorinators, and ultraviolet bank) is \$7,833,763. As of December 31, 2020, the total depreciation is \$3,641,500.

The replacement values for both the water distribution system and the water treatment system were substantially revised from the 2018 values to reflect a 2019 appraisal.

In 2020, \$233,992 was contributed to the City of Enderby water reserve fund and \$315,285 was withdrawn, for a balance at the end of the year of \$456,881. In comparison, the balance of the water reserve fund as of December 31, 2019 was \$526,705.

In order to address its infrastructure deficit, the City has committed to an incremental tax increase of 1% per year to the water utility. This amount is dedicated to asset management. The anticipated 2020 contribution to water reserves is \$238,676.

Completed Major Projects and Forthcoming Major Projects

There were a number of major water projects completed or forthcoming as of December 31, 2020:

1. Programmable Logic Controller (PLC) renewal.
2. Water main and services renewed on 3rd Avenue.
3. Installation of permanent mains at the Shuswap River crossing.

4. Planning for Water Treatment Plant expansion (forthcoming).
5. Hubert Avenue from George Street to Sicamous Street water main and service renewal.
6. Knight Avenue from George Street to Belvedere Street water main and service renewal.
7. Water Treatment Plant filter media replacement.
8. Rail-trail right-of-way survey for future trunk main to improve fire flows.

Major Events

A major snow event on January 1, 2020 resulted in significant challenges due to a loss of communications and power. During this time, a portable generator powered the Water Treatment Plant.

In early February, a Water Quality Advisory was issued as a precaution during the final stage of the PLC renewal, as drinking water was served for a period of time without UV treatment (note: chlorine disinfection was provided at all times; this was a precautionary advisory).

In October and November, the Shuswap River water main tie-ins occurred, which affected service to some customers.

Water Quality Monitoring

Daily samples are collected at the Shuswap Well and River and tested for pH, temperature, and turbidity. Daily samples are also collected at the Water Treatment Plant and tested for pH, temperature, turbidity, and colour. The clearwell is tested on a daily basis for pH, temperature, turbidity, colour, and free and total chlorine.

Weekly system checks and distribution samples are tested for chlorine residuals to ensure a minimum of 0.20 mg/L of free chlorine is found throughout the distribution system. Chlorine residuals were above the minimum threshold for all sample locations and dates.

At least once per month, samples are collected at 10 monitoring stations within the distribution system for microbiological testing. No coliforms or E. Coli was detected at any of the sample points within the distribution system.

The filter backwash is sampled on a bi-monthly schedule for pH, conductivity, turbidity, total suspended solids, aluminum, and microbiology.

On a quarterly basis, trihalomethane (THM) samples are collected from the Brash PRV, Booster #1, and Valcain stations. THMs are by-products caused by the chemical reaction between chlorine and organic matter naturally present in water. High levels of THMs can have adverse health effects and, as a result, the *Guidelines for Canadian Drinking Water Quality* set a maximum acceptable concentration of 0.1 mg/L. All THM tests from the above sample stations reported below the maximum acceptable concentration, with concentrations ranging from 0.0056 to 0.0406 mg/L.

The Shuswap Well is tested monthly for nitrogen levels (including nitrates and nitrites) and microbiology. The Shuswap River is sampled monthly for microbiology. Both sources are sampled quarterly for total organic carbon.

The Shuswap River is sampled annually for comprehensive testing. The Shuswap Well is sampled every second year for comprehensive testing. As both sources were tested in 2019, only the Shuswap River was tested in 2020.

Test	Result
Aluminum, total	3.62
Chloride	0.4
Fluoride	<0.10
Nitrate (as N)	0.012
Nitrite (as N)	<0.010
Sulfate	5.8
EPHw10-19	<250
EPHw19-32	<250
LEPHw	<250
HEPHw	<250
Langelier Index	-0.9
Hardness, Total (as CaCO ₃)	45.7
Solids, Total Dissolved (calc)	56
Temperature, at pH	23.4
Colour, True	5.2
Alkalinity, Total (as CaCO ₃)	50.2
Alkalinity, Phenolphthalein (as CaCO ₃)	<1.0
Alkalinity, Bicarbonate (as CaCO ₃)	50.2
Alkalinity, Carbonate (as CaCO ₃)	<1.0
Alkalinity, Hydroxide (as CaCO ₃)	<1.0
Cyanide, Total	<0.0020
Turbidity	1.01
pH	7.67
Conductivity (EC)	97.6
Coliforms, Total	1240
E. coli	8
Acenaphthene	<0.050
Acenaphthylene	<0.200
Acridine	<0.050
Anthracene	<0.010
Benz(a)anthracene	<0.010
Benzo(a)pyrene	<0.010
Benzo(b+j)fluoranthene	<0.050
Benzo(g,h,i)perylene	<0.050
Benzo(k)fluoranthene	<0.050
2-Chloronaphthalene	<0.100
Chrysene	<0.050

Test	Result
Dibenz(a,h)anthracene	<0.010
Fluoranthene	<0.030
Fluorene	<0.050
Indeno(1,2,3-cd)pyrene	<0.050
1-Methylnaphthalene	<0.100
2-Methylnaphthalene	<0.100
Naphthalene	<0.200
Phenanthrene	<0.100
Pyrene	<0.020
Quinoline	<0.050
Aluminum, total	0.0511
Antimony, total	<0.00020
Arsenic, total	<0.00050
Barium, total	0.0108
Boron, total	<0.0500
Cadmium, total	0.000013
Calcium, total	15.4
Chromium, total	0.00059
Cobalt, total	<0.00010
Copper, total	0.00227
Iron, total	0.09
Lead, total	<0.00020
Magnesium, total	1.75
Manganese, total	0.00492
Mercury, total	<0.000010
Molybdenum, total	0.00079
Nickel, total	0.0005
Potassium, total	0.84
Selenium, total	<0.00050
Sodium, total	1.13
Strontium, total	0.0774
Uranium, total	0.000389
Zinc, total	0.0041
Benzene	<0.5
Bromodichloromethane	<1.0
Bromoform	<1.0
Carbon tetrachloride	<0.5
Chlorobenzene	<1.0
Chloroethane	<2.0
Chloroform	<1.0
Dibromochloromethane	<1.0
1,2-Dibromoethane	<0.3
Dibromomethane	<1.0
1,2-Dichlorobenzene	<0.5
1,3-Dichlorobenzene	<1.0

Test	Result
1,4-Dichlorobenzene	<1.0
1,1-Dichloroethane	<1.0
1,2-Dichloroethane	<1.0
1,1-Dichloroethylene	<1.0
cis-1,2-Dichloroethylene	<1.0
trans-1,2-Dichloroethylene	<1.0
Dichloromethane	<3.0
1,2-Dichloropropane	<1.0
1,3-Dichloropropene (cis + trans)	<1.0
Ethylbenzene	<1.0
Methyl tert-butyl ether	<1.0
Styrene	<1.0
1,1,1,2-Tetrachloroethane	<0.5
Tetrachloroethylene	<1.0
Toluene	<1.0
1,1,1-Trichloroethane	<1.0
1,1,2-Trichloroethane	<1.0
Trichloroethylene	<1.0
Trichlorofluoromethane	<1.0
Vinyl chloride	<1.0
Xylenes (total)	<2.0

Environmental Operators Certification

Interior Health requires that the City has a Chief Operator certified at a level that matches the facility classification for Water Treatment and Water Distribution.

In November 2020, the Water Treatment Plant was reclassified from Class III to Class II. In December 2020, the Water Distribution system was reclassified from Class II to Class I.

During 2020, City of Enderby employed the following certified operators:

Name	Title	Water Treatment	Water Distribution
Clayton Castle	Lead Hand	Level II	Level I
Desiree Vetter	Systems Operator I	Level I	-
Ray Brown	Utility Worker III	Level I	Level I

Water Conservation Plan

The City of Enderby’s Water Conservation Plan establishes strategies to reduce water demand throughout the community. Reducing water demand helps to protect our water resources, mitigate requirements for infrastructure expansion, and reduce operating and maintenance costs.

As of December 31, 2020, the City of Enderby has achieved a number of strategies within its Water Conservation Plan, including:

1. Education
 - a. Implementing a Water Conservation Education program.
 - b. Continuing compliance patrols and enforcement of sprinkling regulations.
2. Metering and Rates
 - a. Adopted a rate structure which balances conservation and equity.
 - b. Amended the Building Inspection Bylaw to include requirements for water meters.
 - c. Amended policies and agreements for out-of-town service connections to require water meters.
 - d. Completed water meter installations on all residential, commercial, industrial and civic properties.
3. Loss Control
 - a. Completed a Loss Control Program in 2012, which estimated the total Unaccounted For Water at 6.5% or 12.05 m³ per hour.
 - b. Completed a Leak Detection Audit to identify and repair water leaks within municipal infrastructure.
4. Planning for the Future
 - a. Developing infrastructure upgrade plans for both treatment and distribution, in order to pursue grant funding.

Cross Connection Control Program

In 2003, Interior Health required all large water purveyors (City of Enderby included) to implement a cross connection control program as a condition of operating permit. The purpose of the program is to protect public health by ensuring that the drinking water provided by the City of Enderby is not contaminated due to a backflow incident.

The City adopted a Cross Connection Control Program in 2004 and began the program implementation with assessments of a number of commercial, industrial, institutional and agricultural customers in June, 2004. Under Enderby's program, owners were expected to implement the recommendations in a timely manner and were responsible for all costs associated with their backflow prevention systems.

For a number of reasons, including cost and internal capacity limitations, the Cross Connection Control Program has not been fully implemented. The City of Enderby intends to increase compliance with its Cross Connection Control program in 2021 and will follow a risk-based approach focusing on premises isolation.

Source Protection Plan

In February 2017, the City completed its Source Protection Plan for both the surface water intake and the Shuswap Well. The Source Protection Plan characterized the sources, provided an inventory of

potential contaminants and threats, characterized risks, and recommended various actions to mitigate risk. As a result of this plan, the City has completed analyses of both sources for herbicides, pesticides, and petroleum in order to characterize the source water better. The City has also reached out to relevant third parties to inform them of the locations of the City's drinking water sources and request that they notify the City in the event of an accident, spill, fire, or natural disaster. The City has also requested that the Regional District of North Okanagan refer development applications within the designated groundwater protection area.

Emergency Response Plan

The City of Enderby Drinking Water Emergency Response Plan was completed in 2013. The Emergency Response Plan includes provisions for public notification and response procedures for emergency situations, such as backflow incidents, broken water mains, chlorinator failure, source and/or reservoir contamination, and spills or vehicle accidents affecting the distribution system. It also provides an emergency contact directory.

The Emergency Response Plan was updated on February 18, 2020.

RDNO Building Permits Issued Comparison for Year/Month - Summary

Area: CITY OF ENDERBY

Category: BUILDING PERMITS

Year: 2021 **Month:** 06

Folder Type	2021 / 06		2020 / 06		2021 to 06		2020 to 06	
	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created
ACCESSORY BUILDING	0	0	0	0	0	0	0	0
AGRICULTURAL BUILDING	0	0	0	0	0	0	0	0
COMMERCIAL BUILDING	0	0	0	0	0	0	0	0
DEMOLITION	0	0	0	0	0	0	0	0
END - ACCESSORY BUILDING	0	0	0	1	25,000	0	1	0
END - COMMERCIAL BUILDING	0	0	0	2	635,000	0	3	1
END - DEMOLITION	1	0	20,000	0	0	0	1	0
END - INDUSTRIAL BUILDING	0	0	0	0	0	0	0	0
END - MANUFACTURED HOME	0	0	0	0	0	0	0	0
END - MODULAR HOME	1	1	300,000	0	0	5,000	0	0
END - MULTI FAMILY DWELLING	0	0	0	0	0	300,000	1	1
END - PLUMBING	0	0	0	0	0	0	0	0
END - SIGN	0	0	0	0	0	0	0	0
END - SINGLE FAMILY DWELLING	3	2	1,036,424	2	308,000	4,070,944	5	8
INDUSTRIAL BUILDING	0	0	0	0	0	0	0	0
INSTITUTIONAL	0	0	0	0	0	0	0	0
MANUFACTURED HOME	0	0	0	0	0	0	0	0
MODULAR HOME	0	0	0	0	0	0	0	0
MULTI FAMILY DWELLING	0	0	0	0	0	0	0	0
OLD PIMS PERMITS	0	0	0	0	0	0	0	0
PLUMBING	0	0	0	0	0	0	0	0
POOL	0	0	0	0	0	0	0	0
RETAINING WALL	0	0	0	0	0	0	0	0
SIGN	0	0	0	0	0	0	0	0
SINGLE FAMILY DWELLING	0	0	0	0	0	0	0	0
SOLID FUEL BURNING APPLIANC	0	0	0	0	0	0	0	0
Report Totals	5	3	1,356,424	5	968,000	7,215,944	12	10
								2,347,000

**THE CORPORATON OF THE CITY OF ENDERBY
BYLAW No. 1728**

A bylaw to amend Parks, Recreation and Culture Fees Imposition Bylaw No. 1693, 2020

WHEREAS The Council of the Corporation of the City of Enderby has adopted "The Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1693, 2020";

AND WHEREAS Council wishes to amend the fees;

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

1. This Bylaw may be cited as "The Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1693, 2020 Amendment Bylaw No. 1728, 2021".
2. Schedule "B" of "The Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1693, 2020" is deleted and Schedule "B" attached to and forming part of this bylaw is substituted therefore.

READ a FIRST time this ___ day of _____, 2021.

READ a SECOND time this ___ day of _____, 2021.

READ a THIRD time this ___ day of _____, 2021.

ADOPTED this ___ day of _____, 2021.

Mayor

Corporate Officer

SCHEDULE "B" – ARENA FEES

	2021/22*
Ice (per hour unless otherwise indicated)	
Adult	
- Prime	158.00
- Non-prime	79.00
- Statutory Holiday**	193.00
Youth and Preschool	
- Prime	87.00
- Non-prime	44.00
- Statutory Holiday**	122.00
Family	
- Prime	94.00
- Non-prime	47.00
- Statutory Holiday**	129.00
Senior – rental	
- Prime	114.00
- Non-prime	57.00
- Statutory Holiday**	149.00
Shinny Hockey – Drop-In	
- Youth or Parent & Tot	2.00
- Adult	5.00
SD #83	JOINT USE AGREEMENT
ALF Hockey Academy	JOINT USE AGREEMENT
Public Skate	FREE
Summer Ice	\$9,975*** / week
Dry Floor (per hour unless otherwise indicated)	
Adult	62.00
Youth	28.00
Senior	31.00
Parent & Tot or Youth – Drop-In	2.00
Adult or Senior – Drop In	5.00
Non-Profit (per day)	624.00
Commercial (per day)	1,248.00
SD #83	JOINT USE AGREEMENT

*All rental fees are to be increased by 2% at the beginning of each season. For clarity, this excludes drop-in rates and rentals under a joint use agreement.

**Rental times subject to staffing availability.

*** The Summer Ice fee is based on continuous usage from/to the regular season. For rentals that are not continuous with the regular season, additional costs for installing and removing the ice will be added to the fee. If the arena is to be open for more than eight hours a day, or open for non-consecutive periods in a day, renter will be responsible for additional costs incurred. Summer Ice rentals are subject to availability and staffing resources. Two weeks advance notice must be provided.

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1729

A BYLAW TO AMEND THE CITY OF ENDERBY BUSINESS LICENSE AND REGULATION
BYLAW NO. 1558, 2014

WHEREAS Council of the City of Enderby has adopted "The City of Enderby Business License and Regulation Bylaw No. 1558, 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 Business License and Regulation Bylaw No. 1558, 2014 Amendment Bylaw No. 1729, 2021".
2. *Section 5 - Business Regulations* of "City of Enderby Business License and Regulation Bylaw No. 1558, 2014" is hereby amended by deleting Section 5.i.v.f.

READ a FIRST time this day of , 2021.

READ a SECOND time this day of , 2021.

READ a THIRD time this day of , 2021.

ADOPTED this day of , 2021.

MAYOR

CORPORATE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, CAO
From: Jennifer Bellamy, CFO
Date: July 8, 2021
Subject: Inter-Community Business Licence Bylaw – Boat Rentals

Recommendation

THAT Council gives first, second, and third readings of the bylaw cited as The Corporation of the City of Enderby Inter-Community Licence Bylaw No. 1430, 2008 Amendment Bylaw No. 1731, 2021;

AND THAT Council gives notice of its intention to adopt The Corporation of the City of Enderby Inter-Community Licence Bylaw No. 1430, 2008 Amendment Bylaw No. 1731, 2021 by posting notice at the public notice board at City Hall and provides an opportunity for persons who consider themselves affected by the proposed bylaw to make representations to Council at its Regular Meeting of August 16, 2021.

Background

At the June 8, 2021 meeting of the Inter-Community Business Licence (ICBL) partners, the topic of disallowing an ICBL to boat rental companies was discussed. One of the participating municipalities was having issues managing boat rental companies at municipal boat launches. As a result of the meeting, the group voted in favor of requesting that each jurisdiction amend their bylaw to include boat rental services as an excluded business on Schedule A. Instead of applying for an ICBL, each company would need to apply for a business licence in each jurisdiction it plans to operate in, which will give each jurisdiction more control over the requirements for boat rental services to do business in their own communities. The City of Enderby has not issued an ICBL to any boat rental companies in 2021.

Attached is the amendment bylaw to include boat rental services as an excluded business.

Respectfully submitted,


Jennifer Bellamy
Chief Financial Officer

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1731

A BYLAW TO AMEND THE CITY OF ENDERBY INTER-COMMUNITY LICENCE BYLAW NO.
1430, 2008

WHEREAS Council of the City of Enderby has adopted "The City of Enderby Inter-Community Licence Bylaw No. 1430, 2008";

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 Inter-Community Licence Bylaw No. 1430, 2008 Amendment Bylaw No. 1731, 2021".
2. Schedule "A" of "The Corporation of the City of Enderby Inter-Community Licence Bylaw No. 1430, 2008" is deleted and Schedule "A" attached to and forming part of this bylaw is substituted therefore.

READ a FIRST time this ____ day of _____, 2021.

READ a SECOND time this ____ day of _____, 2021.

READ a THIRD time this ____ day of _____, 2021.

ADOPTED this ____ day of _____, 2021.

MAYOR

CORPORATE OFFICER

Schedule A

The following Business types are Excluded Businesses for the purposes of application for an Inter-Community Business License under the Intermunicipal Business Licensing scheme set out in this Bylaw:

- Social escort services
- Vehicles for hire (for example, taxis, limousines or buses)
- Body-rub services (which includes the manipulating, touching or stimulating by any means, of a Person's body or part thereof, but does not include medical, therapeutic or cosmetic massage treatment given by a Person duly licensed or registered under any statute of the Province of British Columbia governing such activities or a therapeutic touch technique.)
- Boat rental services

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner and Deputy Corporate Officer
Date: July 8, 2021
Subject: Terms of Reference - Enforcement of Shipping Container Regulations and Health and Safety Specifications

RECOMMENDATION

THAT Council considers the Terms of Reference for the enforcement of shipping container regulations and health and safety specifications, as outlined in this memorandum;

AND THAT Council adopts the attached *Shipping Container Health and Safety Policy*.

BACKGROUND

At the Regular Meeting of June 21, 2021, Staff advanced a memorandum outlining the manner in which the City regulates and enforces the use and siting of shipping containers, as well as identifying a number of different approaches for addressing their proliferation in the community.

Council resolved to implement an approach to regulating and enforcing shipping containers which involves:

1. Developing more prescriptive health and safety specifications;
2. Proactive enforcement of all shipping containers that are used or sited contrary to the Zoning Bylaw or health and safety specifications;
3. Providing a 6-month grace period prior to proactive enforcement of unlawful shipping containers;
4. Performing random inspections of permitted shipping containers to ensure compliance with health and safety specifications; and
5. Public messaging.

The following is a Terms of Reference for implementation of the aforementioned approach.

Developing More Prescriptive Health and Safety Specifications

Staff have developed the attached *Shipping Container Health and Safety Policy* which is intended to provide more prescriptive health and safety specifications on the use and siting of shipping containers. This is intended to be read together with the Zoning Bylaw regulations, to form a comprehensive approach. They are combined into a single inspection checklist, which is also attached.

The key elements of the Policy include:

- Institutional, commercial and industrial properties must submit a revised pre-incident plan if they intend to place a shipping container on their property permanently (if permitted under their Zoning designation);
 - May only store a hazardous substance in a shipping container after:
 - Having a Fire Safety Plan and Pre-Incident Plan accepted by the Fire Department;
 - Placing placards on the outside of the shipping container which indicate the name and contact information of the company/person responsible for the storage of the material.
- **Note: Notwithstanding the above, flammable or combustible liquids and gases are not permitted to be stored in a shipping container under any circumstance.*
- Shipping containers may not be sited within 3 metres of power lines;
 - Shipping containers must be sited so that no combustible materials are placed near the container; and
 - Shipping containers must have venting in place, to the specifications outlined in the policy.

The *Shipping Container Health and Safety Policy* would be enforceable under the City's Fire Protection Bylaw or Building Bylaw, and in some circumstances under the *Fire Services Act*. With the forthcoming Zoning Bylaw amendment, regulatory and enforcement authority will be added there as well, consistent with the Policy. A hazardous condition may also be removed or remediated under the *Community Charter*.

Proactive enforcement of all shipping containers that are used or sited contrary to the Zoning Bylaw

Following the end of a 6-month grace period (discussed below), the City's Bylaw Enforcement Officer would begin to engage directly with the owners of unlawful shipping containers requiring that they be removed or relocated. Should voluntary compliance not be achieved, the City would escalate enforcement.

Staff are proposing that proactive enforcement of unlawful shipping containers begins with a focus on those located within residential zones, as these shipping containers are the most visible and prevalent. Once the unlawful shipping containers within residential areas have been largely resolved, focus would shift to achieving compliance in other zones (i.e. commercial, industrial).

Providing a 6-month grace period prior to active enforcement of unlawful shipping containers

There will be a 6-month grace period for the owners of unpermitted shipping containers to have them removed, or for the owners of containers that would be permitted but are sited contrary to the Zoning Bylaw or *Shipping Container Health and Safety Policy* to have them relocated. This approach would provide owners of unlawful shipping containers with a reasonable period of time to make arrangements to have the units removed or relocated. The 6-month grace period would begin in conjunction with the implementation of public messaging.

Notwithstanding the grace period, the City would immediately enforce against any unlawful shipping containers that pose a safety or nuisance concern, as has always been the case, as well as any new unpermitted shipping containers placed after the grace period starts.

Performing random inspections of permitted shipping containers to ensure compliance with health and safety specifications

Although it is relatively straightforward to determine if a shipping container is used and sited in accordance with the City's Zoning Bylaw, interior access will be required to determine whether a shipping container is adhering to the *Shipping Container Health and Safety Policy*. These inspections could be undertaken by either City Staff, the Bylaw Enforcement Officer, or Fire Officials, depending on resource availability. As part of the inspection process, the inspectors would use the attached *Shipping Container Inspection Checklist*. A randomized approach to inspections will help to manage the resource demand and tends to promote stronger compliance over time.

Random inspections of permitted shipping containers would occur when the phased approach shifts to those zones where shipping containers are permitted on a permanent basis.

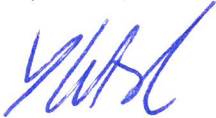
Public messaging

Communicating public messaging will help to achieve the following objectives:

- Promote public awareness of the City's regulations and policies for the use and siting of shipping containers, which will help to i) avoid situations where property owners are unaware of the framework; and ii) ensure that those with permitted shipping containers use and site them in a manner consistent with the Zoning Bylaw and *Shipping Container Health and Safety Policy*;
- Promote public awareness that unlawful shipping containers must be removed or relocated and/or modified after 6 months; and
- Making those with lawful shipping containers aware that they will be subject to randomized inspections moving forward; this will allow them to proactively take steps to adhere to the Zoning Bylaw and *Shipping Container Health and Safety Policy*.

Public messaging would be communicated through a combination of press releases, posts to the City of Enderby website, social media posts, and messaging on the community digital billboard.

Respectfully Submitted,



Kurt Inglis
Planner and Deputy Corporate Officer

Policy Title	Shipping Container Health and Safety Policy
Policy Number	

Effective Date	Adopted by	Replaces
	Council	N/A

PURPOSE: To adopt a policy that will provide more prescriptive health and safety requirements for the siting and use of shipping containers in the City of Enderby.

POLICY: Interpretation

Shipping container uses and siting must conform to this policy and all land use regulations, as well as the BC Building Code, BC Fire Code, and any other relevant health and safety enactment.

This policy is intended to be read in conjunction with section 314 of the City of Enderby Zoning Bylaw No. 1550, 2014.

A shipping container is a “building” as defined by both the BC Building Code and the BC Fire Code: “**Building** means any structure used or intended for supporting or sheltering any use or occupancy.”

Requirements

Institutional, Commercial, and Industrial properties must submit a revised pre-incident plan prior to adding a permanent shipping container to their property, except in emergency circumstances when it must be submitted as soon as reasonably practicable thereafter.

Any material that meets the definition of a hazardous substance other than a flammable or combustible liquid or gas must only be stored in a shipping container after:

1. The acceptance of a Fire Safety Plan and Pre-Incident Plan by the Enderby & District Fire Department;
2. Placards describing the hazardous substances are posted on the two container sides most visible to emergency responders and indicating the name of the company/person responsible for the storage and an

emergency telephone contact number marked in lettering visible from 10 metres.

Shipping containers shall not be sited within 3 metres of power lines.

Shipping containers must be sited such that no combustible materials are placed near the container.

Shipping containers must have the following safety features in place prior to any use for storage, whether temporary or permanent:

- One (1) ventilation opening must be added within 150mm of the floor in the container door primarily used for opening.
- One (1) ventilation opening must be added within 150mm from the top of the container on the opposite end from the doors for cross ventilation.
- The high ventilation opening cannot be directly venting toward a structure.
- Neither ventilation opening can be obstructed by stored materials at any time and must be kept clean of internal and external debris.
- The additional ventilation openings must be constructed based upon the following minimums:
 - Two (2) 0.3 x 0.3 m openings for containers six metres or less.
 - Two (2) 0.5 x 0.5 m openings for containers over six metres.
 - Both openings must be covered by open grate wire mesh with greater than 50% free area.
 - Higher opening will also have a wind vent device, such as a wind turbine.

Standard existing environmental vents normally built into shipping containers are not acceptable as ventilation openings for land-based storage applications. These were designed for air movement based upon atmospheric weather changes only and do not provide adequate air flow.

Implementation

An authorized person, subject to conditions, may enter on property for the purposes of inspection, in accordance with section 16 of the *Community Charter*, section 3.4(a) of the City of Enderby Fire Protection Bylaw No. 1529, 2014, section 101(1) of the City of Enderby Zoning Bylaw No. 1550, 2014, and section 402(5-6) of the City of Enderby Building Bylaw No. 1582, 2015.

The Fire Chief or a person acting under the authority of the Fire Chief may require an owner or occupier of real property to undertake any actions directed by the Fire Chief or Officer for the purpose of removing or reducing anything or condition that the Fire Chief or Officer considers is a fire hazard or increases the danger of fire, in accordance with section 3.4(c) of the City of Enderby Fire Protection Bylaw No. 1529, 2014.

A Local Assistant to the Fire Commissioner may enter and inspect a premises at all reasonable hours for conditions that may endanger life or property or otherwise be a fire hazard and, with the Fire Commissioner's authority, may make an order remedying the dangerous condition or fire hazard, in accordance with sections 21-22 of the Fire Services Act.

A Building Official may administer the City of Enderby Building Bylaw No. 1582, 2015, which includes the ability to post "No Not Occupy" notices, recommend that a Notice on Title be registered against the property, and order the correction of work done in contravention of the Building Bylaw, the Building Code, or any other applicable enactment of local government or the Province of BC.

Shipping Container Inspection Checklist

Inspector Name: _____

Date of Inspection: _____

Address: _____

Intended Use:

- Permanent
- Temporary

ITEM	YES	NO	N/A
Meets minimum setbacks from property lines			
Meets minimum setbacks from other buildings			
Not sited within 3 metres of power lines			
Doors face away from any other building or structure			
No combustible materials placed near the container			
Does not exceed the maximum number of shipping containers			
Shipping containers are not stacked			
Screening provided OR exterior finish matches or compliments exterior finish of buildings on property			
Fire Safety Plan and Pre-Incident Plan, accepted by Fire Department, in place			
Venting in place			
Placards posted if hazardous substances are stored in shipping container			
No flammable or combustible liquids or gases stored in shipping container			

Comments:

Inspector Signature

June 4, 2021

Tate Bengtson, CAO
City of Enderby
Box 400
Enderby, BC V0E 1V0

Re: 2021 CRI FireSmart Economic Recovery Fund – CONFIDENTIAL Approval Agreement and Terms & Conditions of Funding

Dear Mr. Bengtson,

Thank you for submitting an application under the Community Resiliency Investment program for the 2021 FireSmart Economic Recovery Fund.

I am pleased to inform you **in confidence** that the Evaluation Committee recommended your project, *FireSmart Property Assessments & Mitigation Activities*, for funding. A grant in the amount of \$144,000.00 has now been approved.

As outlined in the Program & Application Guide, grant payments will be issued when the approved project is complete and UBCM has received and approved the required final report and financial summary. However, under this funding stream only, approved applicants may request an initial payment of no more than 25% of the approved grant after the signed approval agreement has been returned to UBCM. Please email cri@ubcm.ca with a request to receive an initial payment.

The Ministry of Forests, Lands, Natural Resource Operations and Rural Development has provided funding for this program and the general Terms & Conditions are attached. In addition, and in order to satisfy the terms of the contribution agreement, the following requirements must be met in order to be eligible for grant payment:

- (1) This approval agreement is required to be signed by the CAO or designate and returned to UBCM within 30 days of receipt of this letter;
- (2) To provide the Province of BC with the opportunity to make announcements of funding approvals under this program, please keep information regarding this funding approval in confidence until June 30, 2021;
- (3) The funding is to be used solely for the purpose of the above named project and for the expenses itemized in your approved application;
- (4) All expenditures must meet funding requirements and eligibility as defined in the Program & Application Guide (Sections 5 and 6);

The Community Resiliency Investment program is funded by the Province of BC

- (5) All project activities must be completed within one year and no later than June 3, 2022;
- (6) The Final Report Form is required to be submitted to UBCM within 30 days of project end date and no later than July 8, 2022;
- (7) Any unused funds must be returned to UBCM within 30 days following the project end date;
- (8) For approved projects that include mitigation work for residential areas or farms and ranches:
 - a. Required FireSmart assessments must be completed before and after mitigation work is undertaken
 - b. Mitigation work is limited to homes and properties that are owned, or in the case of Band owned housing occupied by, seniors, elders, people with limited mobility or vulnerable populations that cannot undertake mitigation activities themselves;
- (9) For approved projects that include FireSmart projects for community assets or critical infrastructure, required FireSmart assessments must be completed before and after mitigation work is undertaken;
- (10) For approved projects that include fuel management demonstration projects:
 - a. Fuel management prescriptions must be consistent with BC Wildfire Service 2020 Fuel Management Prescription Guidance document
 - b. Prescribed burns must follow provincial requirements for planning and implementing a burn and use required BCWS templates
 - c. If phased (includes prescription/burn plan development and fuel management treatment for the same treatment units), the completed prescription must be reviewed and supported by a BCWS Wildfire Prevention Officer or FNESS Fuel Management Liaison/Specialist, and the interim reporting requirements identified in Appendix 4 of the Program & Application Guide must be met, prior to initiation of the treatment;
- (11) For approved projects that include skills development, all training must lead to immediate employment.

FireSmart™, Intelli-feu and other associated Marks are trademarks of the Canadian Interagency Forest Fire Center. Use of the word FireSmart™ and associated marks is administered through licensing agreements. Any products/materials that are created using FireSmart brands must be reviewed and approved by the BC FireSmart Committee as the provincial agency representing FireSmart Canada. To request permission to use FireSmart brands, please visit the Marks Use Directive section of the www.FireSmartBC.ca website.

Please review the attached FireSmart BC Information Sheet for information on upcoming training opportunities.

Please note that descriptive information regarding successful applicants will be posted on the UBCM and/or provincial government websites, and all interim, progress and/or final report materials will be made available to the provincial government.

On behalf of the Evaluation Committee, I would like to congratulate you for responding to this opportunity to reduce the risk and impact of wildfires in your community.

If you have any questions, please contact Local Government Program Services at 250 356-2947 or cri@ubcm.ca.

Sincerely,



Peter Ronald, Program Officer

Encls.

cc: *Kurt Inglis, Deputy Corporate Officer, City of Enderby*
Michael Aldred, Wildfire Prevention Officer, Kamloops Fire Centre

Approval Agreement (to be signed by the CAO, Band Manager, or designate)

I, _____, have read and agree to the general Terms & Conditions and the requirements for funding under the 2021 FireSmart Economic Recovery Fund.

Signature

Date

Please return a scanned copy of the signed Approval Agreement to cri@ubcm.ca

June 23, 2021

File: 11-5460-06-0001/2021

Jamee Justason
Information and Resolutions Coordinator
Union of British Columbia Municipalities

AGENDA

By email: jjustason@ubcm.ca

Dear Ms. Justason:

Re: REVISED UBCM Resolution on Safe Passing Distance for All Road Users

This is to advise that the City of North Vancouver Council, at its Regular meeting of Monday, June 21, 2021, unanimously endorsed the following revised resolution:

“WHEREAS the Province of British Columbia encourages cycling and walking for transportation, yet relatively few roads in BC have bike lanes or shoulders, and many do not have sidewalks, directing cyclists and pedestrians to share roads with high-speed motor vehicle traffic, which can result in close passes, poses potentially fatal crash risks, and discourages active transportation;

WHEREAS over 40 jurisdictions across North America, including the provinces of Ontario, Quebec, Nova Scotia, New Brunswick, and Newfoundland and Labrador, have all enacted “safe passing distance” legislation designed to protect vulnerable road users by requiring motor vehicle operators to maintain a minimum distance when passing vulnerable road users, thus creating a better understanding of and expectation for road safety;

THEREFORE BE IT RESOLVED THAT the UBCM request the Province of British Columbia to amend the *Motor Vehicle Act* to better support safe active transportation by requiring drivers to provide 1 metre of space at speeds 50 km/h or less, and 1.5 metres of space at speeds in excess of 50 km/h, when passing people cycling or walking.”

Please find enclosed a certified copy of the Council resolution for your reference. We would ask that the resolution be included in the *Resolutions Book* for consideration at the UBCM convention.

If you require any further information, please feel free to contact me at kgraham@cnv.org or 604-990-4234.

Yours truly,



Karla Graham, MMC
Corporate Officer

Encl.

cc UBCM Member municipalities

Document Number: 2068281

CERTIFIED RESOLUTION OF COUNCIL:

I hereby certify that this is a true copy of a resolution passed by the Council of the City of North Vancouver at its Regular meeting of June 21, 2021:

"Moved by Councillor Bell, seconded by Councillor Back

WHEREAS the Province of British Columbia encourages cycling and walking for transportation, yet relatively few roads in BC have bike lanes or shoulders, and many do not have sidewalks, directing cyclists and pedestrians to share roads with high-speed motor vehicle traffic, which can result in close passes, poses potentially fatal crash risks, and discourages active transportation:

WHEREAS over 40 jurisdictions across North America, including the provinces of Ontario, Quebec, Nova Scotia, New Brunswick, and Newfoundland and Labrador, have all enacted "safe passing distance" legislation designed to protect vulnerable road users by requiring motor vehicle operators to maintain a minimum distance when passing vulnerable road users, thus creating a better understanding of and expectation for road safety;

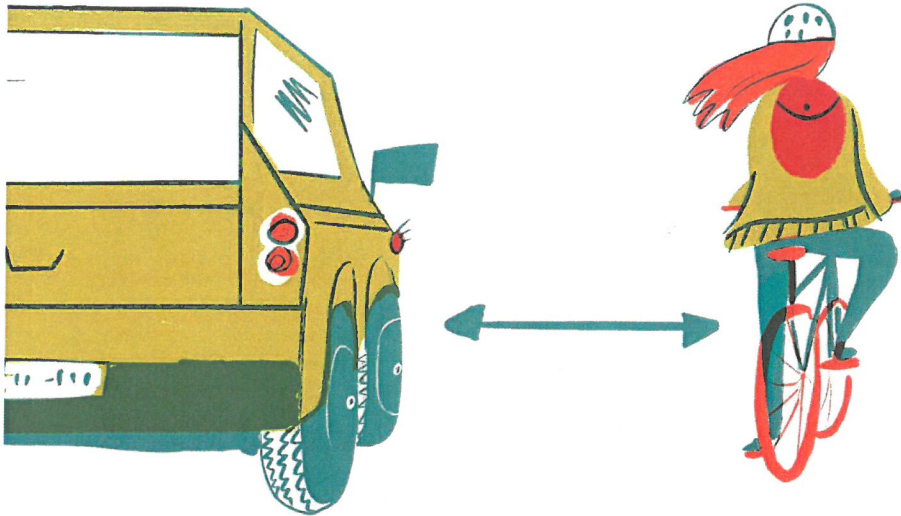
THEREFORE BE IT RESOLVED THAT the UBCM request the Province of British Columbia to amend the *Motor Vehicle Act* to better support safe active transportation by requiring drivers to provide 1 metre of space at speeds 50 km/h or less, and 1.5 metres of space at speeds in excess of 50 km/h, when passing people cycling or walking.

CARRIED UNANIMOUSLY"

Dated at North Vancouver, BC, this
23rd day of June, 2021.



Karla D. Graham, MMC
Corporate Officer



Make Space

A Minimum Passing Distance Law for B.C.

Why Minimum Passing Distance is Important

Minimum passing distance is a road safety law prohibiting ‘close passing’, which occurs when a motor vehicle overtakes a person on a bicycle without providing 1 metre of space.

Evidence from research conducted in the UK shows that new cyclists tend to cycle slower, and that the slower people cycle, the more likely they are to be close passed. Cyclists surveyed also felt that, based on the behaviour of other road users, most close passing incidents were preventable.

As such, close passing is a problem on a few important fronts:

- **Gender equity**—close passes affect more women than men.
- **Active transportation policy**—new cyclists are close passed more than experienced cyclists.
- **Social justice**—cyclists say they feel powerless to do much to prevent close passing, which is largely due to driver behaviour.

Research by Westminster University found that:

- Cycling 12 kph or less on average results in three times more near misses per km, compared to cycling 20 kph or faster.
- Women, who on average cycle more slowly, have higher near miss rates than men.

SOURCE: [Near Miss Project](#)

What Can Be Done About Close Passing

Protected infrastructure can reduce the discomfort, discouragement, and fear experienced by those who cycle and walk for transportation in close proximity to motor vehicle traffic.

However, sufficient infrastructure cannot be built fast enough to mitigate the actual risks and impacts of close passing. By defining and quantifying the minimum distance required to safely pass vulnerable road users via the Motor Vehicle Act (MVA), a Minimum Passing Distance law could meaningfully reduce current crash and injury rates in communities across B.C.

- **Minimum Passing Distance laws** provide an objective standard for safe passing
- **Many North American jurisdictions have enacted Minimum Passing Distance laws**, and promoted the new legislation to establish public information, education, and enforcement programs supporting broader road safety goals and objectives.

Because close passing in B.C. currently counteracts policies and strategies designed to support environmentally sustainable transportation modes like cycling and walking, it is important for the provincial government to move quickly to address this issue via legislation.

Active Transportation in B.C.

Cycling & Walking Growth

The repurposing of road space to facilitate walking and cycling in many communities across British Columbia during COVID-19 is an extension of active transportation policies and strategies that have influenced transportation-oriented development in larger urban centres since the 1980s.

Evidence suggests that these policies and strategies have largely worked¹:

- **Almost one-quarter of British Columbians reported commuting by foot, bike or public transit**; 93% said they expected to spend more time walking or cycling in the future.
- **2.5% of British Columbians commute by bike**; top cycle commuting cities in B.C. include Revelstoke (14%), Victoria (11%), Whistler (10%), Vancouver (6%), and Kelowna (4%).
- British Columbians spend about **one-sixth of their travel time walking or cycling** to typical destinations
- **One-third of B.C. households** have at least one school-aged child walking or cycling to school.

Crashes & Injuries

Recent ICBC data suggests that police under-reporting of crashes over the past 10 years, particularly those involving bicycles, shows that crashes involving motor vehicles are causing more injuries and that cyclists are increasingly and disproportionately at risk,:

- On average, **police attend less than one-quarter of the 2,000 crashes involving a cyclist** each year, yet three-quarters of these crashes result in injury or death.
- **The injury rate from ICBC-reported crashes has increased**, from 29% in 2010 to 31% in 2020.

Evidence suggests that many of the factors contributing to crashes involving cyclists could be mitigated through education and enforcement; 85% of all contributing factors assigned to drivers are the result of driving behaviour, such as distraction, failure to yield, and improper passing and turning.²

¹ B.C. Ministry of Transportation & Infrastructure 2019 Active Transportation Population Survey Report; Statistics Canada, 2016 Census.

² ICBC data.

Advocating for Safe Passing

Advocacy organizations, including the British Columbia Cycling Coalition (BCCC), the Cross Canada Cycle Tour Society, Cycling BC, and GoByBike BC Society, are asking the Government of BC to amend the MVA to include a minimum passing distance.

This recommendation also reflects the work of the Road Safety Law Reform Group of BC, a coalition of member organizations including the BCCC, Capital Bike, HUB Cycling, Mobi Bike Share, Health Officers Council of BC, Fraser Health, Interior Health, Vancouver Coastal Health, BC Injury Research and Prevention Unit, City of New Westminster, City of Victoria, City of Vancouver Active Transportation Policy Council, Modo the Car Co-op, Hastings Crossing Business Improvement Association, and the Trial Lawyers Association of B.C.

In 2016, the Road Safety Law Reform Group of British Columbia issued a position paper entitled [Modernizing the BC Motor Vehicle Act](#), which included the following recommendation:

“[That] the MVA be amended to specify that a motor vehicle must leave at least 1 m between all parts of the vehicle (and any projecting objects) when passing a cyclist or other vulnerable road user at speeds of 50 km/h or less and at least 1.5 m at speeds in excess of 50 km/h.”

Section 157 of the MVA states that an overtaking vehicle “must cause the vehicle to pass to the left of the other vehicle at a safe distance.” Bicycles, however, are not “vehicles” by definition under the Act, hence there is some confusion as to whether the language of the MVA even applies to passing cyclists.

At best, it can be argued that because a cyclist has the same rights as the operator of a vehicle (Sec. 183.1), a cyclist has the right to be passed “at a safe distance.” In any event, even where courts have accepted that motorists have an obligation to pass cyclists safely, what constitutes as a safe passing distance remains unclear.³

The proposed amendment would provide clarification that a motorist has a duty to leave a safe passing distance when passing a cyclist as well as definitive guidance on the minimum such distance. This avoids subjective assessments by motorist as to what constitutes a safe distance, and provide an objective standard for enforcement.

Minimum Passing Distances in North America

Establishing safe passing legislation would help B.C. catch up to other jurisdictions with progressive road safety laws. Currently, 39 provinces and states have legislated minimum passing distances, as do a number of Canadian cities.

Many of these jurisdictions have instituted minimum distances for passing depending on facility type and/or posted speed limits:

- 3 ft / 1m for most roads.
- 5-6 ft / 1.5 m on roads with motor vehicle traffic travelling at speeds of 30 mph / 50 kph or more.

³ See Dupre v. Patterson, 2013 BCSC 1561. The Court did not consider the argument that a vehicle does not include a bicycle.

New Brunswick

Motor Vehicle Act—[Section 149 Part 3 \(c\)](#), which was [passed into legislation](#) in 2017 as Bill 48, “[An Act Respecting Ellen’s Law](#)”:

“...the driver of a vehicle overtaking and passing a bicycle proceeding in the same direction...shall pass to the left at a distance of at least one metre from the bicycle...”

Newfoundland and Labrador

Highway Traffic Act—[Subsection 96\(1\) c.1](#), which was [passed into legislation](#) in 2018:

“...shall, where the vehicle which is being overtaken is a bicycle, pass the bicycle at a distance of at least (i) one metre from the bicycle where the speed limit is 60 kilometres an hour or less, or (ii) one and a half metres from the bicycle where the speed limit is greater than 60 kilometres an hour...”

Nova Scotia

Motor Vehicle Act—[Chapter 293, Section 171B\(1\)](#), which was [passed into legislation](#) in 2010 as Bill 93:

“A driver of a vehicle shall not pass a bicycle travelling in the same direction as the vehicle that is being ridden to the far right of the driver of the vehicle on the roadway, on the shoulder or in an adjacent bicycle lane unless...the driver leaves at least one metre open space between the vehicle and the cyclist.

Notwithstanding subsection 115(2), a driver of a motor vehicle may cross a line to pass a bicycle in accordance with subsection (1) if the driver can do so safely as required by Section 100.”

Ontario

Highway Traffic Act—[Part X, Section 148 \(6.1\)](#), which was [passed into legislation](#) in 2015 as Bill 31, “[Making Ontario’s Roads Safer Act](#)”.

“Every person in charge of a motor vehicle on a highway who is overtaking a person travelling on a bicycle shall, as nearly as may be practicable, leave a distance of not less than one metre between the bicycle and the motor vehicle and shall maintain that distance until safely past the bicycle.

(6.2) The one metre distance required by subsection (6.1) refers to the distance between the extreme right side of the motor vehicle and the extreme left side of the bicycle, including all projections and attachments.”

Quebec

Highway Safety Code—[Chapter 91, Section 341 \(6.1\)](#), which was [passed into legislation](#) in 2018 as Bill 165, “[An Act to amend the Highway Safety Code and other provisions](#)”.

“The driver of a road vehicle may not pass a cyclist within the same traffic lane unless it can be done safely, after reducing the vehicle’s speed and ensuring that a reasonable distance can be kept between the vehicle and the cyclist during the manoeuvre.

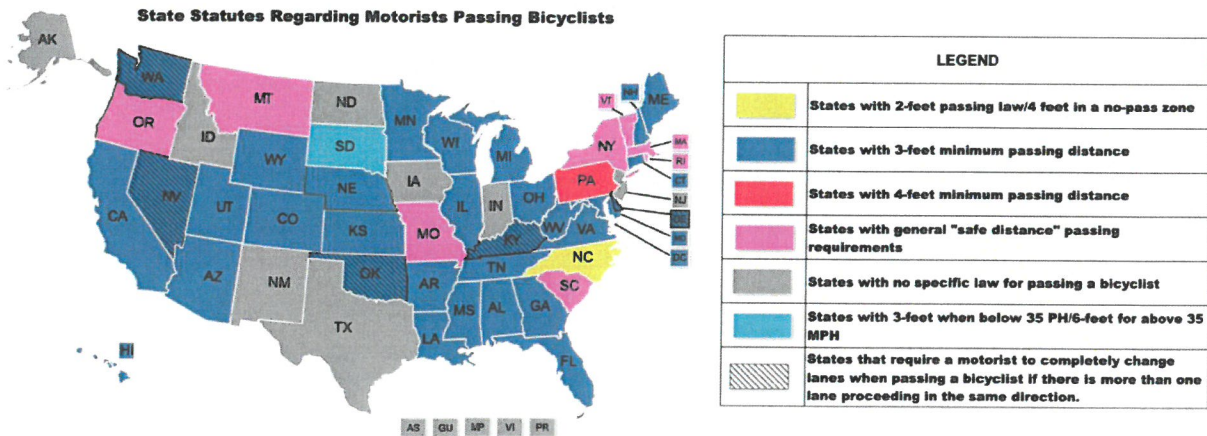
In no case may the driver of a road vehicle perform this manoeuvre if the part of the roadway on which the driver must encroach is not clear of traffic for a sufficient distance, in particular if another vehicle is oncoming or is coming up alongside the vehicle. In such a case, the driver must remain in the lane and reduce the vehicle’s speed, in particular by staying behind the cyclist. ...

A reasonable distance is 1.5 m on a road where the maximum authorized speed limit is more than 50 km/h or 1 m on a road where the maximum authorized speed limit is 50 km/h or less.

This section applies to the driver of a road vehicle when meeting or passing a pedestrian, with the necessary modifications. It also applies to such a driver if the cyclist or pedestrian is travelling on the shoulder or on a cycle lane that is not separated from the roadway by a median strip or any other raised physical device.”

Minimum Passing Distance Laws in the U.S.

According to the [National Conference of State Legislators](#), as of February 2021, 33 states (and the District of Columbia) have enacted minimum passing distance laws that require motor vehicle operators to leave at least 3 feet when passing a bicycle operator:



A Safe Passing Law for B.C.

With strong evidence that close passing contribute to crash risks and injury rates, is a gender equity and social justice issue that works against contemporary transportation policies, and that similar laws have been successfully passed into law and adopted in jurisdictions across North America, it’s appears to be time for B.C. to enact minimum passing distance legislation.

With the province's Active Transportation Strategy calling for walking and cycling rates to double by 2030, and RoadSafetyBC aiming for 'Vision Zero', something must be done. Across North America and in Canada new laws have been successfully passed and adopted.

The time for a Minimum Passing Distance to protect vulnerable road users in B.C. is now.

For more information:

Colin Stein
Executive Director
colin.stein@bccycling.ca

Motor Vehicle Act & Regulatory Reform Subcommittee
admin@bccycling.ca

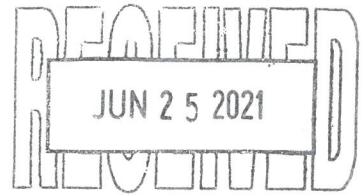
About The BC Cycling Coalition

The BC Cycling Coalition (BCCC) is a non-profit, member-driven society focused on active transportation and mobility in British Columbia. The BCCC works on transportation policy, engages with government, and delivers provincial cycling programs like Bike Sense and Kids on Wheels, in order to help make active transportation safe, practical and enjoyable for all British Columbians. www.bccc.bc.ca



AGENDA

Corporation of The City of Enderby



Reference: 264489

June 25, 2021

VIA EMAIL: lgrimm@cityofenderby.com

Tate Bengtson, Chief Administrative Officer
Corporation of the City of Enderby
PO Box 400
Enderby, British Columbia
V0E 1V0

Dear Tate Bengtson:

Thank you for your letter of May 6, 2021, to Premier John Horgan, Minister Katrine Conroy, Minister Lana Popham and Minister George Heyman, regarding invasive plant management and the City of Enderby's support for funding concerns expressed by the Peace River Regional District. I have been asked to respond.

The Ministry of Forests, Lands, Natural Resource Operations and Rural Development manages invasive plant populations through Invasive Plant Program staff and contracted services with annual program budget allocations. This year we have had increasing budget demands to address incursions of new invasive plant species, to monitor treatment results and delivery mechanisms, and to complete the development of the provincial system for field collection and maintenance of invasive species inventory and management data.

Funding these priorities has meant we cannot address additional invasive plant treatment efforts beyond critical early detection and rapid response species in areas where we do not have operational delivery partners, such as northeastern BC.

Invasive species are a significant problem increasing both here in BC and beyond our borders due to climate change, disturbance, population growth, and increased trade and travel. We have been investing in invasive plant prevention and management, improving cross-ministry collaboration, and providing funding and support to collaborative efforts with various local governments, including the Peace River Regional District, and stakeholder groups for over 30 years. Ensuring there are adequate resources to address invasive plant issues on provincial public lands is a challenge when balancing against other government priorities.

I assure you this ministry remains committed to invasive plant management across all lands, and to delivering effective invasive plant prevention and control actions as resources allow.

Page 1 of 2

Ministry of Forests, Lands,
Natural Resource Operations
and Rural Development

South Area

Mailing Address:
1902 Theatre Road
Cranbrook, BC V1C 7G1

Tel: 250 420-2179
Website: www.gov.bc.ca/for

Tate Bengtson, Chief Administrative Officer

If you would like further information on this year's invasive plant management plans for provincial public lands, please contact Val Miller, Provincial Invasive Plant Officer, at 250-505-4129 or Val.Miller@gov.bc.ca.

Again, thank you for writing to share your concerns.

Sincerely,

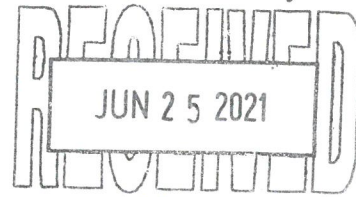


Paul Rasmussen
Assistant Deputy Minister

pc: Honourable John Horgan, Premier of British Columbia
Honourable Katrine Conroy, Minister of Forests, Lands, Natural Resource Operations
and Rural Development
Honourable Lana Popham, Minister of Agriculture, Food and Fisheries
Honourable George Heyman, Minister of Environment and Climate Change Strategy
Val Miller, Provincial Invasive Plant Officer, Ministry of Forests, Lands, Natural
Resource Operations and Rural Development



Corporation of The
City of Enderby



VIA EMAIL

June 25, 2021

His Worship Greg McCune
Mayor of the City of Enderby
PO BOX 400
Enderby BC V0E 1V0
Email: lgrimm@cityofenderby.com

Dear Mayor McCune:

Thank you for your letter dated May 6, 2021, addressed to Premier John Horgan, and me, in which you request that government take specific actions to address human sex trafficking, sexual exploitation, and child sex trafficking in BC. I have also copied the Honourable Attorney General David Eby, with responsibility for the BC Prosecution Service, on this response.

The Ministry of Public Safety and Solicitor General is engaged in actions to combat human trafficking. In addition to providing over \$42M in annual funding to support over 400 victim service and violence against women programs across the province, all of which support trafficked persons, we provide grants to community-based organizations for trafficking-related projects through the Civil Forfeiture Crime Prevention and Remediation Grant Program. In March 2021 approximately \$637,000 was provided to support projects addressing Human Trafficking, Sexual Exploitation, and Vulnerable People in the Sex Trade. Through the grant program, beginning in 2019/20, we provided three year funding to Family Services of Greater Vancouver for a victim service worker in the Vancouver Police Department’s Counter Exploitation Unit to support trafficking victims navigating the criminal justice system and provide emotional and practical support.

Additionally, the Province is directing \$799,200 received from Public Safety Canada towards the project “Building local internet child exploitation unit capacity in BC to combat child sexual exploitation online”. This project will provide additional support to 11 independent municipal police departments in the areas of staffing, training, and equipment – to enhance their capacity to investigate cases of child sexual exploitation online.

.../2

The BC Association of Chiefs of Police has also developed a guidance document for BC police agencies, the *Sex Work Enforcement Guidelines and Principles (2017)*. This document emphasizes collaboration with local service providers, and identifies cases involving the exploitation of persons under 18, activities related to human trafficking, the presence of abuse or violence, the involvement of gangs or organized crime, as priorities for enforcement action.

While my ministry does not specifically provide direction to police on the enforcement of federal legislation, including the *Protection of Communities and Exploited Persons Act*, I recognize the importance of a collaborative approach when addressing this issue and believe that the training and tools mentioned will help support BC police officers when investigating these types of crimes.

The BC Prosecution Service (BCPS) takes cases involving sexual exploitation very seriously and is continually working to ensure that the public interest and victims' rights are protected within the criminal justice system. The BCPS policy framework encourages a proactive case management approach to prosecutions involving sexual exploitation offences, including human trafficking.

When conducting a charge assessment, Crown Counsel are first and foremost guided by the Charge Assessment Guidelines (CHA 1) (available here: www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/cha-1.pdf), which identifies a two-part test for approving charges: Crown Counsel must be satisfied that 1) there is both a substantial likelihood of conviction, and 2) the public interest requires a prosecution. In making an assessment on cases involving human exploitation, Crown Counsel are also guided by BCPS policy on *Sexual Offences Against Adults (SEX 1)* (available here: www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/sex-1.pdf), *Vulnerable Victims and Witnesses (VUL 1)* (available here: www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/vul-1.pdf), and (SEX 3) *Sexual Services – Purchase of and Related Offences* (available here: www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/sex-3.pdf).

Regarding crimes against children, Crown Counsel are also guided by BCPS policy *Children and Vulnerable Youth – Crimes Against (CHI 1)* (available here: www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/chi-1.pdf). This policy encourages the vigorous prosecution of such offences, stating that “Prosecution of physical, sexual, and exploitative crimes against children and vulnerable youth should be pursued whenever the evidentiary test under the policy *Charge Assessment Guidelines (CHA 1)* is met.”

.../3

Such files are assigned to a trial prosecutor early in the court process and are given priority in scheduling to ensure that the case moves expeditiously through the criminal justice system. Crown Counsel are aware that charge assessment decisions should be made in a timely manner, mindful that delay may particularly increase the emotional stress of child and youth victims or witnesses.

With respect to your fourth point about available training, Crown Counsel receive ongoing education, specialized training and key resources and supports to assist in the prosecution of cases involving human exploitation. This includes internal programming and webinars as well as courses and presentations offered by external organizations. Ongoing education spans a range of key issues, including evolving case law in this area. All BCPS personnel have access to Trauma Informed Practice training and education about the impacts of trauma and the removal of barriers for victims and witnesses participating in the justice system. In addition, one of the primary supports provided to BCPS Crown Counsel in prosecuting complex cases involving sexual exploitation, human trafficking and sexual offences against children is an active team of Resource Counsel, who are subject matter experts in the field. Finally, Crown Counsel have ongoing access to online supports with specialized information, resources and case law summaries that assist them in preparing for cases involving sexual exploitation, including crimes against children.

Thank you for taking the time to reach out and for your commitment to this very important issue.

Sincerely,



Mike Farnworth
Minister of Public Safety
and Solicitor General

pc: The Honourable John Horgan
The Honourable David Eby, QC