

**REGULAR MEETING OF COUNCIL
AGENDA**

DATE: March 7, 2022
TIME: 4:30 p.m.
LOCATION: Electronic Facilities, hosted at Council Chambers, 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.

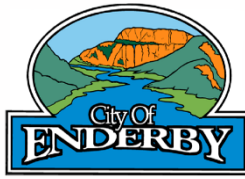
The City of Enderby uses Zoom for its electronic facilities and encourages members of the public unfamiliar with the application to test it in advance; for technical support, please contact Zoom.

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/

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THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held via video conference on Tuesday, February 22, 2022 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 Brian Schreiner

Staff: Chief Administrative Officer – Tate Bengtson
Chief Financial Officer – Jennifer Bellamy
Planner and Deputy Corporate Officer – Kurt Inglis
Clerk-Secretary – Andraya Holmes

Other: Press and Public

APPROVAL OF AGENDA

Moved by Councillor Case, seconded by Councillor Baird
“THAT the February 22, 2022 Council Meeting agenda be approved as circulated.”

CARRIED

ADOPTION OF MINUTES

Meeting Minutes of February 7, 2022

Moved by Councillor Schreiner, seconded by Councillor Knust
“THAT the February 7, 2022 Council Meeting minutes be adopted as circulated.”

CARRIED

PUBLIC HEARINGS

City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1710, 2022

The regular meeting gave way to the public hearing at 4:32 p.m.

The regular meeting re-convened at 4:35 p.m.

DEVELOPMENT MATTERS AND RELATED BYLAWS

City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1710, 2022 and City of Enderby Animal Control Bylaw No. 1735, 2022 (Adoption)

Moved by Councillor Baird, seconded by Councillor Case,
*“THAT Council gives third reading to the City of Enderby Zoning Bylaw No. 1550, 2014
 Amendment Bylaw No. 1710, 2022;*

*AND THAT Council adopts the City of Enderby Zoning Bylaw No. 1550, 2014 Amendment
 Bylaw No. 1710, 2022, with such adoption to come into force and effect subject to the Ministry
 of Transportation and Infrastructure endorsing the Bylaw;*

AND THAT Council adopts the City of Enderby Animal Control Bylaw No. 1735, 2022.”

CARRIED

0041-22-DVP-END (Barroca)

Mayor McCune introduced the application and asked if any member of the public would like to speak to the application.

There were no comments from the public

Moved by Councillor Schreiner, Seconded by Councillor Knust
*“THAT Council authorizes the issuance of a Development Variance Permit for the property
 legally described as LOT A DISTRICT LOT 150 KAMLOOPS DIVISION YALE DISTRICT PLAN
 35976 and located at 130 Cliffview Lane, Enderby B.C. to permit variances to the following
 Sections of City of Enderby Mobile Home Park Bylaw No. 827, 1980:*

1. *Section 606.1 by reducing the minimum area for a Mobile Home Space below 450 m² (4,855 square feet) for Mobile Home Space #2, #4 through 21, and #23, as shown on the attached Schedule ‘A’;*
2. *Section 614.1 by reducing the minimum number of required visitor parking spaces from 19 to 8, as shown on the attached Schedule ‘A’;*
3. *Section 616.2 by reducing the minimum common storage area for the storage of recreation vehicles, boats, etc. from 540 m² (5,812.5 square feet) to 503 m² (5,414.2 square feet), as shown on the attached Schedule ‘A’;*
4. *Section 616.3 by not requiring security fencing along the boundaries of common storage areas for security purposes, as shown on the attached Schedule ‘A’;*
5. *Section 701.5 by not requiring screening or fencing between the recreation area identified as ‘Park 2 (1,113.90 m²)’ and other uses within the modular home park, as shown on the attached Schedule ‘A’;*
6. *Section 901.2.b.i by reducing the minimum paved width of access roads from 8.5 m (27.9 feet) to 6.25 m (20.5 feet), as shown on the attached Schedule ‘A’;*
7. *Section 901.2.b.iii by reducing the minimum right-of-way width of minor roads from 15 m (49.2 feet) to 12 m (39.3 feet), as shown on the attached Schedule ‘A’;*
8. *Section 901.2.b.iii.d by permitting a cul-de-sac to exceed 100 m (328.1 feet) in length, as shown on the attached Schedule ‘A’;*
9. *Section 901.2.c by not requiring roads in a modular home park to be accompanied by a 1 m (3.28 feet) gravel shoulder, as shown on the attached Schedule ‘A’;*
10. *Section 901.2.d by permitting a dead end road/cul-de-sac to have a hammerhead style turnaround in lieu of a turning circle with a minimum radius of 12 m (39.37 feet), as shown on the attached Schedule ‘A’; and*

11. *Section 906 by not requiring street lighting to be installed to illuminate the proposed hammerhead style turnaround at the western terminus of the roadway, as shown on the attached Schedule 'A',*

subject to the following conditions:

- i. The applicant providing the City of Enderby with a letter of undertaking committing to pave the area outlined in red on the attached Schedule 'B' no later than June 30, 2023 ("the Letter of Undertaking"); and*
- ii. The applicant registering a covenant on the title of the property which requires the property owner to:*
 - 1. Maintain a gate along the western property boundary in order to prevent access through the site from the public road network to the west of the subject property;*
 - 2. Provide the City of Enderby and Fire Department with keys to access the gate on an on-going basis;*
 - 3. Prohibit the parking of vehicles along any internal roads located on the property; and*
 - 4. Contain all parking associated with the modular home park on site.*

AND THAT Council confirms that, should further technical review determine that the paving of the area outlined in red on the attached Schedule 'B' is not necessary or preferred from the City's perspective, that the City in its sole discretion, may waive the obligations of the applicant as expressed in the Letter of Undertaking;

AND THAT Council NOT authorize the issuance of a Development Variance Permit for the property legally described as LOT A DISTRICT LOT 150 KAMLOOPS DIVISION YALE DISTRICT PLAN 35976 and located at 130 Cliffview Lane, Enderby B.C. to permit a variance to Section 701.5 by not requiring screening or fencing between the proposed recreation area identified as 'Park (276.10 m²)' and other uses within the modular home park, as shown on the attached Schedule 'A'."

CARRIED

0042-22-DVP-END (Eliason)

Councillor Case and Councillor Baird declared a conflict of interest and left the meeting (4:39pm).

Mayor McCune introduced the application and asked if any member of the public would like to speak to the application.

Chad Eliason, who identified as the owner's representative, gave an overview of the application and stated he would answer any questions from the public.

There were no comments from the public.

Moved by Councillor Schreiner, Seconded by Councillor Knust

"THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as LOT 2 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP46537 EXCEPT PLAN KAP92074 and located at 222 Salmon Arm Drive, Enderby B.C. to permit variances to the

following Sections of City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000:

- Section 2.0 of Schedule “A” by not requiring the dedication and construction of Salmon Arm Drive to the centreline of the road in accordance with the Local Road Standards;
- Section 2.0 of Schedule “A” by not requiring the dedication and construction of Preston Drive West to the centreline of the road in accordance with the Local Road Standards;
- Section 2.0 of Schedule “A” by not requiring the dedication and construction of the unnamed road adjacent to the proposed lots to the centreline of the road in accordance with the Collector Road Standards;
- Section 6.0 of Schedule “A” and Schedule “B” by not requiring the provision of ornamental street lighting; and
- Section 7.0 of Schedule “A” and Schedule “B” by not requiring the provision of underground wiring for power, telephone and cablevision.”

CARRIED

Councillor Case and Councillor Baird re-entered the meeting at 4:42 p.m.

CONTINUING BUSINESS AND BUSINESS ARISING FROM COMMITTEES AND DELEGATIONS

Mayor and Council Reports

Councillor Davyduke

Councillor Davyduke attended a Community Partners meeting where drug addiction and use was discussed. Community Partners is planning an event to increase education and awareness on these topics. Discussed that COVID-19 has had affects on mental health and drug use.

The Area F Director also attended this meeting, and added that the majority of drug-related deaths happen when a person is alone. One of the goals of this event is to address the stigma around drug use. Discussed that often families of people suffering from drug addiction are most affected. There are plans to potentially have a booth at the farmers market providing education on many topics such as drug addiction and mental health, as well as providing training and naloxone kits. Tentative date for the event is April 14th, 2022.

Reported that Work BC has a large amount of job postings on their job board. Doors are now open at Work BC for in person appointments. Safety protocols are in place. Work BC will help with resumes as well.

Councillor Schreiner

The Enderby and District Arts Council is discussing whether to plan an Arts Festival for 2022. The event is large and requires a significant amount of organizing. Councillor Schreiner will encourage the Enderby and District Arts Council to go ahead with planning.

Councillor Knust

Visited the new flower shop in town and met the owner, suggested that the rest of Council should visit as well.

Mayor McCune added that Council should take initiative to introduce themselves when new businesses open in Enderby.

Chief Administrative Officer

Chief Administrative Officer reported that BC Hydro is preparing for the LED streetlight conversion in Enderby. A meeting is scheduled for this Thursday to discuss the project. There will be a change in colour of the streetlights from a yellow to a blue hue.

Street sweeping is upcoming. The plan is similar to that of last year with a pre-sweep of Highway 97A the week before Easter, and a full sweep of streets on Easter weekend. Line painting will occur shortly after.

Phone and security system updates have occurred at City Hall. Some of the systems are still being tweaked.

The Firesmart Coordinator position has closed and Staff is creating a short list of applicants.

Staff has developed an alternate funding strategy for expansion of diamond 4 to accommodate a bantam team after the expansion was not supported by the Enderby and District Services Commission at the meeting last week. The total cost for this expansion will be \$7000 between the City of Enderby and Area F. The City portion of the funding may come from the Community Enhancement Fund that comes from revenue from the Riverside RV Park.

Moved by Councillor Baird, seconded by Councillor Knust

“THAT Council authorizes up to \$3500 to be expended from the Community Enhancement Fund on the Riverside Park Diamond 4 Bantam infield extension, subject to matching funds from the Regional District of North Okanagan.”

CARRIED

Area F Director Report

Mayor McCune asked Director Delisle to clarify what was discussed in the meeting of the Enderby and District Services Commission regarding a potential referendum on a new pool.

Director Delisle clarified that the Commission is waiting to hear back from the federal government if the Commission will receive a grant to build the new pool. If the Commission does not receive the grant or has not received an answer by the end of March, it was suggested that Staff explore the possibility of combining a referendum with the upcoming local government elections.

The Chief Administrative Officer reported that the referendum conversation needs to occur in conjunction with the Regional District staff, as there are two distinctions involved and this is technically a Regional District service that is delivered through the Commission. However, the decision to proceed with a borrowing referendum would involve consent by both parties.

BYLAWS**City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1737, 2022 and City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 Amendment Bylaw No. 1738, 2022**

Moved by Councillor Schreiner, seconded by Councillor Baird

“THAT Council adopts the bylaw cited as the City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1737, 2022.

AND THAT Council adopts the bylaw cited as the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 Amendment Bylaw No. 1738, 2022.”

CARRIED

City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1693, 2020 Amendment Bylaw No. 1739, 2022

Moved by Councillor Baird, seconded by Councillor Davyduke

“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, 2022 Amendment Bylaw No. 1739, 2022.”

CARRIED

NEW BUSINESS**2022-23 Road Projects**

Chief Administrative Officer discussed that the two roads identified for renewal in 2022-23: Mill Avenue from George Street to Sicamous Street and Peacher Crescent. He discussed the rationale for why each road was selected.

Curtis Hodges and Casey Benz with Monaghan Engineering gave a presentation on the proposed renewal of Mill Avenue and Peacher Crescent.

Curtis Hodges discussed that on Peacher Crescent the gutter will be replaced, and 3 catch basins added to address poor drainage. A detention tank similar to that on Reservoir Road will be added. The duration of this project is estimated at 8-10 weeks.

Mayor McCune asked if there will be any work on the easement between Peacher and Red Rock Crescent.

Curtis Hodges responded that, at this time, there will not be work done on the easement but that upgrades to the street at this stage will prepare the infrastructure for future separation of storm sewer from sanitary sewer.

Curtis Hodges explained that on Mill Avenue the water main will be upgraded from 4” to 8” diameter, which will increase the capacity by 3 times. The storm main will be increased from 8” to 21” diameter. The sanitary sewer main will be replaced with PVC. Sidewalks will be replaced with 1.5 metre sidewalks with a vertical curb and gutter. There will be 2 parking, and 2 drive lanes. The bus stop will be relocated, and geogrid will be used to extend the life of the road. A number of catch basins will be added. The duration of this project is estimated at 14-16 weeks.

Mayor McCune discussed that the intersection of Mill Avenue and Sicamous Street and changing the proposed bulbs to a taper in order to make the intersection safer.

Curtis Hodges responded that the bulb on the north side of Mill Avenue could be removed at the intersection and the street could taper onto Sicamous Street, although this would go against the design intent of narrowing intersections to encourage drivers to slow down upon approach. Curtis Hodges will explore ideas with Staff to address Mayor McCune's concerns. The bulb on the south side of Mill Avenue was also raised as a concern.

Mayor McCune asked about the bus stop relocation and discussions with BC Transit.

Chief Administrative Officer responded that the engineering team at BC Transit have reviewed and our plan and found it acceptable, so the timeline will be up to the City. The costs of the relocation would be borne entirely by the City.

Councillor Case asked which project will go ahead first.

Chief Administrative Officer responded that for now the order or projects is flexible to help encourage competitive bids.

Moved by Councillor Schreiner, seconded by Councillor Baird
"THAT Council authorizes staff to tender the renewal of Mill Avenue (between George Street and Sicamous Street) and Peacher Crescent in 2022-23."

CARRIED

COVID-19 Safe Restart Grant – Enderby and District Services Commission

Moved by Councillor Baird, seconded by Councillor Knust
"THAT Council approves the use of funds from its COVID-19 Safe Restart Grant for the City of Enderby's portion of the eligible items related to the Enderby and District Services Commission's pandemic related revenue losses and additional costs for 2021, in the amount of \$18,047;

AND THAT Council approves the use of funds from its COVID-19 Safe Restart Grant for the City of Enderby's portion of ventilation upgrades to the Enderby Arena main washrooms, based on the 2022 cost apportionment for Fortune Parks."

CARRIED

Enderby Farmers Market – Road Closure Application for 2022 Season

Moved by Councillor Case, seconded by Councillor Knust
"THAT Council approves the attached Road Closure Application from the Enderby Farmers Market for the closure of, i) Cliff Avenue from Highway 97A to Vernon Street, and Belvedere Street from Cliff Avenue to Speers Lane, every Friday from 6:00 am – 2:00 pm between April 15, 2022 and October 21, 2022, and ii) Cliff Avenue, between Highway 97A and Belvedere Street, from 6:00 am – 2:00 pm on November 4/18 and December 2/16, 2022, with the approval being subject to the following conditions:

1. *The road closures during November and December cannot begin until snow clearing along Cliff Avenue is complete, and in cases where the road closure is delayed due to*

snow clearing occurring, the Market organizers shall take the necessary steps to ensure that vendors are not staging downtown in a manner that negatively impacts other snow clearing operations or the regular flow of traffic;

- 2. *The Market shall maintain and adhere to a general health and safety plan which is reflective of any applicable public health orders/guidelines that apply to outdoor episodic markets;*
- 3. *The Market shall be responsible for setting up and removing traffic control devices, emptying municipal garbage receptacles, and immediately cleaning up any litter from the road closure area;*
- 4. *The Market shall ensure that porta-potties are properly maintained and are removed at the end of each market event;*
- 5. *The Market shall ensure that the road closure area is re-opened to traffic no later than the end time noted in the application;*
- 6. *The Market shall provide proof of Comprehensive Public Liability and Property Damage Insurance for \$2,000,000 inclusive, with the City of Enderby as additional insured, which shall include, i) a cross liability clause, ii) a waiver of subrogation clause, and iii) a requirement that the policy cannot be cancelled, lapsed or materially changed without at least thirty (30) days written notice to the City of Enderby, delivered to the Corporate Officer; and*
- 7. *The Market Board shall pass a resolution to:*
 - a. *confirm that the City of Enderby is indemnified, saved harmless, and released in all respects arising from the proposed road closure and use of the adjacent sidewalks and walkways, including legal fees;*
 - b. *expressly acknowledge the risks associated with the proposed road closure and that they have sought independent advice on this matter, prior to considering this resolution;*
 - c. *acknowledge that they are responsible for any additional snow and ice clearing that exceeds the City’s bylaw requirements and its Snow and Ice Clearing Policy; and*

confirm that when a road closure is delayed due to snow clearing occurring, the Market will take the necessary steps to ensure that vendors are not staging downtown in a manner that negatively impacts other snow clearing operations or the regular flow of traffic.”

CARRIED

Riverside RV Park Strategic Plan

Moved by Councillor Knust, seconded by Councillor Case
“*THAT Council adopts the 2022 Strategic Plan for the Riverside RV Park.*”

CARRIED

CORRESPONDENCE AND INFORMATION ITEMS

North Okanagan Regional Housing Strategy – Endorsed

Moved by Councillor Baird, seconded by Councillor Davyduke
“*THAT the North Okanagan Regional Housing Strategy – Endorsed correspondence from Regional Planning Projects Manager at the Regional District of North Okanagan be received and filed.*”

CARRIED

PUBLIC QUESTION PERIOD

None

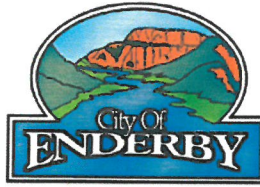
ADJOURNMENT

Moved by Councillor Knust, seconded by Councillor Davyduke
“THAT the regular meeting of February 22, 2022 adjourn at 5:41 p.m.”

CARRIED

MAYOR

CORPORATE OFFICER



THE CORPORATION OF THE CITY OF ENDERBY

Report of a **Public Hearing** held via video conference on February 22, 2022 at 4:32 p.m. in Council Chambers.

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

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

Mayor McCune read the rules of procedure for public hearings and introduced the following Bylaw:

City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1710, 2022

Mayor McCune provided an overview of the background information related to the Bylaw.

There were no comments from the public.

There were no written submissions.

The Mayor opened the floor to Council for questions.

There were no questions from Council.

Mayor McCune made his closing statement and declared the Public Hearing closed at 4:35 p.m. pm.

Pursuant to Section 465 (6) of the *Local Government Act*, I, Tate Bengtson, Corporate Officer, hereby certify this to be a fair and accurate report of the Public Hearing held on February 22, 2022.

Signature

March 3/2022

Date

AGENDA

CITY OF ENDERBY
OFFICIAL COMMUNITY PLAN AMENDMENT AND REZONING APPLICATION

File No: 0011-22-OR-END

March 3, 2022

APPLICANT/OWNER: Ariella Taylor

LEGAL DESCRIPTION: LOT 9 BLOCK 7 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A

and,

THE WEST ½ OF LOT 12 BLOCK 7 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A

PID #(s): 001-725-548
001-725-572

LOCATION: 712 and 710 Cliff Avenue, Enderby BC

PROPERTY SIZE: 1,003 square meters/10,800 square feet (combined)

PRESENT ZONING: General Commercial (C.1)

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

**PRESENT O.C.P
DESIGNATION:** General Commercial

**PROPOSED O.C.P
DESIGNATION:** Residential Low Density

PROPOSAL: Bring the current residential use of the properties into alignment with Official Community Plan Bylaw No. 1549, 2014 and Zoning Bylaw No. 1550, 2014

RECOMMENDATION:

THAT City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1743, 2022 which proposes to change the future land use designations of the properties legally described as, i) LOT 9 BLOCK 7 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A, and located at 712 Cliff Avenue, Enderby BC, and ii) THE WEST ½ OF LOT 12 BLOCK 7 DISTRICT LOT 150

KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A, and located at 710 Cliff Avenue, Enderby BC, from *General Commercial* to *Residential Low Density*, be given First Reading;

AND THAT after First Reading of City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1743, 2022 and in accordance with Sections 473 (2.1) and 477 of the *Local Government Act*, Bylaw No. 1743 be considered in conjunction with the City's Housing Needs Assessment Report, Financial Plan, and Regional Solid Waste Management Plan;

AND THAT after considering City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1743, 2022 in conjunction with the City's Housing Needs Assessment Report, Financial Plan, and Regional Solid Waste Management Plan, Bylaw No. 1743 be given Second Reading and forwarded to a Public Hearing;

AND THAT the referral process which requests that various authorities and organizations review the amendments proposed by City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1743, 2022, as outlined in this Staff Report, be considered appropriate consultation for the purposes of Sections 475 and 476 of the *Local Government Act*;

AND FURTHER THAT City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1744, 2022 which proposes to rezone the properties legally described as, i) LOT 9 BLOCK 7 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A, and located at 712 Cliff Avenue, Enderby BC, and ii) THE WEST ½ OF LOT 12 BLOCK 7 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A, and located at 710 Cliff Avenue, Enderby BC, from the General Commercial (C.1) zone to the Residential Single Family (R.1-A) zone, be given First and Second Reading and forwarded to a Public Hearing.

BACKGROUND:

This report relates to a Joint Official Community Plan Amendment and Rezoning Application for the properties located at 712 and 710 Cliff Avenue, Enderby BC (collectively referred to hereafter as "the subject property"). The applicant is proposing to change the Official Community Plan (OCP) designation for the subject property from *General Commercial* to *Residential Low Density* and to rezone it from the General Commercial (C.1) zone to the Residential Single-Family (R.1-A) zone. The applicant is seeking to bring the current residential use of the subject property into alignment with the City of Enderby Official Community Plan Bylaw No. 1550, 2014 and the City of Enderby Zoning Bylaw No. 1550, 2014.

Site Context

The subject property involves two adjacent lots on the south side of Cliff Avenue, west of Highway 97A/George Street. The lots are relatively flat and have a combined area of 1,003 square meters (10,800 square feet). A single-family dwelling built in 1910 is located on the larger western lot (712 Cliff Avenue) while the smaller eastern lot (710 Cliff Avenue) remains undeveloped.

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

- Subject property - Zoned General Commercial and designated in the OCP as General Commercial
- South, west and northwest properties - Zoned Residential Single Family (R.1-A) and designated in the OCP as Residential Low Density
- Southwest property – Zoned Residential Two Family (R.2) and designated in the OCP as Residential Low Density
- North properties – Zoned Residential Single Family (R.1-A) and designated in the OCP as General Commercial

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



Figure 1. Zoning Map

Yellow – Residential Single Family (R.1-A)
 Orange – Residential Two Family (R.2)
 Purple – General Commercial (C.1)

***Note: 709 Russell Avenue is zoned Residential Multi-Family Low Intensity (R.3-A) but is incorrectly labelled and shaded as Residential Single Family (R.1-A) on the RDNO mapping system.

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

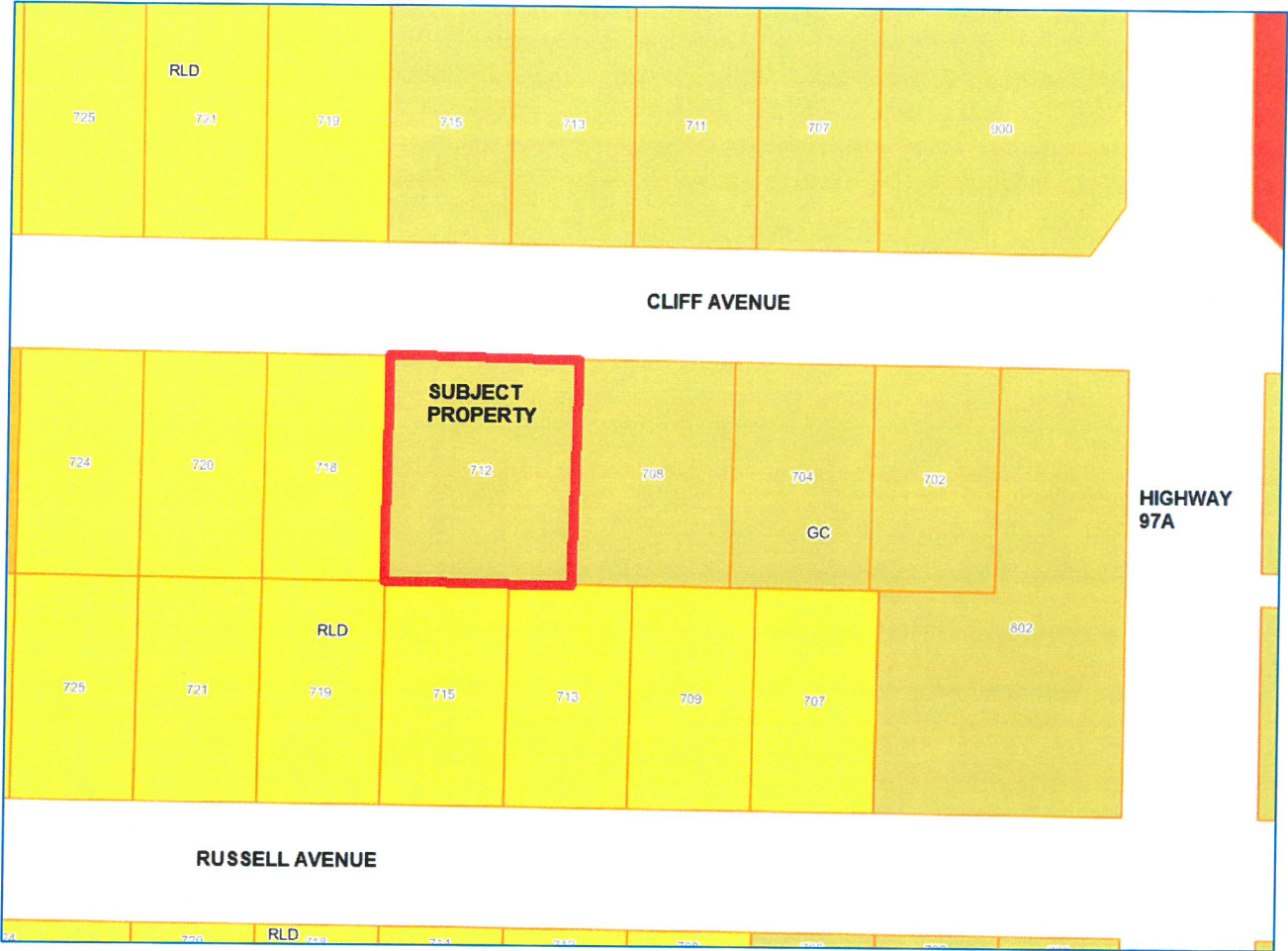


Figure 2. OCP Future Land Use Designations

Yellow – Residential Low Density
Brown – General Commercial

***Note: 709 Russell Avenue is designated in the OCP as Residential Medium Density but is incorrectly labelled and shaded as Residential Low Density on the RDNO mapping system.

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



Figure 3: Orthophoto

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

The Proposal

The applicant is proposing to change the OCP designation of the subject property from *General Commercial* to *Residential Low Density* and to rezone it from the General Commercial (C.1) zone to the Residential Single-Family (R.1-A) zone. The applicant is seeking to bring the current residential use of the property (a single-family dwelling) into alignment with the City of Enderby Zoning Bylaw No. 1550, 2014 and Official Community Plan Bylaw No. 1549, 2014. Given that a single-family dwelling is not a permitted use within the subject property’s General Commercial (C.1) zoning designation, the current residential use is deemed 'legally non-conforming' pursuant to the *Local Government Act*. The applicant has advised that this legally non-conforming status has resulted in the need to finance the property through a commercial mortgage, which comes at a significantly higher interest rate.

Legally Non-Conforming Status

The single-family dwelling located on the subject property was constructed in 1910, at which point there was no Zoning Bylaw in effect for the community. The City of Enderby subsequently adopted a Zoning

Bylaw to regulate uses within the community and the subject property was ultimately zoned to its current General Commercial (C.1) zoning designation.

Given that the subject property's current zoning designation of General Commercial (C.1) does not permit single-family dwellings, but this use was permitted when the single-family dwelling was originally constructed, the use is deemed 'legally non-conforming' (i.e. grandfathered) and is subject to the provisions contained in Division 14 of Part 14 of the *Local Government Act*. Under Division 14 of Part 14 of the *Local Government Act*, a legally non-conforming use is permitted to continue but is subject to a number of restrictions, including:

- Section 530 - Does not authorize the non-conforming use of land to be continued on a scale or to an extent or degree greater than that at the time of the adoption of the land use regulation bylaw.
- Section 531 - A structural alteration or addition must not be made in or to a building or other structure while a non-conforming use is continued in all or any part of it, unless i) required by enactment, ii) permitted by the Board of Variance, or iii) is done to a protected heritage property through a heritage alteration permit.
- Section 532 - If the building associated with a legally non-conforming use is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by the building inspector, the structure must not be repaired or reconstructed except for a conforming use in accordance with the bylaw.

*NOTE: Sections 531 and 532 of the LGA mean that there is an 'expiration date' on a legally non-conforming uses, and that when a building associated with a legally non-conforming use reaches the end of its useful life, the property is to be redeveloped in a manner that is consistent with its base zoning designation.

ZONING BYLAW:

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

- Accessory buildings and structures
- Accommodation including dwelling units, hotels and motels
- Civic use
- Auditoriums, youth centres and social halls
- Educational facilities and professional studios
- Entertainment and recreation facilities
- Cannabis-Related Business
- Food service (excluding drive-through restaurants)
- Office and commerce facilities
- Public service use
- Retail sales
- Service and repair
- Transportation facilities

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

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

OFFICIAL COMMUNITY PLAN:

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

- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.
- Policy 3.3.h - Council will utilize the development approval process, including Phased Development Agreements, to secure an adequate supply of quality affordable, attainable and special needs housing which meets the needs of all residents of the community, regardless of age, mobility, background or socio-economic status.
- Policy 4.4.c - Council will encourage and support a spectrum of housing choices throughout the community, including secondary suites, in order to meet the diverse housing needs of residents.
- Policy 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.

HOUSING NEEDS REPORT

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

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

An overview of how the proposal relates to the outcomes of the Housing Needs Assessment Report is provided in the Planning Analysis section of this report.

REFERRAL COMMENTS:

The application was referred to the following individuals/agencies:

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

The following comments were received in response to the application

City of Enderby Chief Financial Officer

"This application would not have an effect on the Financial Plan."

RDNO Manager of Regional Engineering Services

"The OCP Amendment and Rezoning Application is not near any RDNO waste facilities, so no objection to the Bylaw."

PLANNING ANALYSIS:

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

- The subject property has been used for residential purposes since 1910, and is located in a commercial/residential interface area with residential land uses occurring directly to the south, west, and north;
- The subject property is currently being used for residential purposes and therefore a rezoning would have no immediate impact on reducing commercial floor space within the community;
- Although rezoning the subject property would impact its future commercial development potential, current or future owners of the subject property could always seek to rezone the subject property back to the General Commercial (C.1) zone in the future, should there be economic or contextual changes that increase the demand for commercial development within this interface area (i.e. a future highway realignment that facilitates increased demand for commercial development west of Highway 97A/George Street);
- The rezoning of the property would alleviate significant challenges being faced by the applicant with regards to financing a legally non-conforming property; and
- Given that the rezoning would not result in a change to the current residential use of the property, and would only bring that use into alignment with the Official Community Plan and Zoning Bylaw, it is not anticipated that the rezoning would negatively impact the use and enjoyment of the subject or surrounding properties.

It should be noted that a successful rezoning would help to preserve the residential use of the subject property into the future, which would ultimately work towards achieving objectives within the City of Enderby Housing Needs Assessment Report related to increasing the availability of housing within the community. Having said that, it is recognized that the subject property's current General Commercial (C.1) zoning designation permits residential dwelling units to accompany a principal commercial use, such that a future commercial redevelopment of the property could also accommodate a degree of residential development.

SUMMARY

This report relates to a Joint Official Community Plan Amendment and Rezoning Application for the properties located at 712 and 710 Cliff Avenue, Enderby BC. The applicant is proposing to change the Official Community Plan (OCP) designation for the subject property from *General Commercial* to *Residential Low Density* and to rezone it from the General Commercial (C.1) zone to the Residential Single-Family (R.1-A) zone. The applicant is seeking to bring the current residential use of the subject property into alignment with the City of Enderby Official Community Plan Bylaw No. 1550, 2014 and the City of Enderby Zoning Bylaw No. 1550, 2014.

The City of Enderby Planner is supportive of the application.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner

Reviewed By:



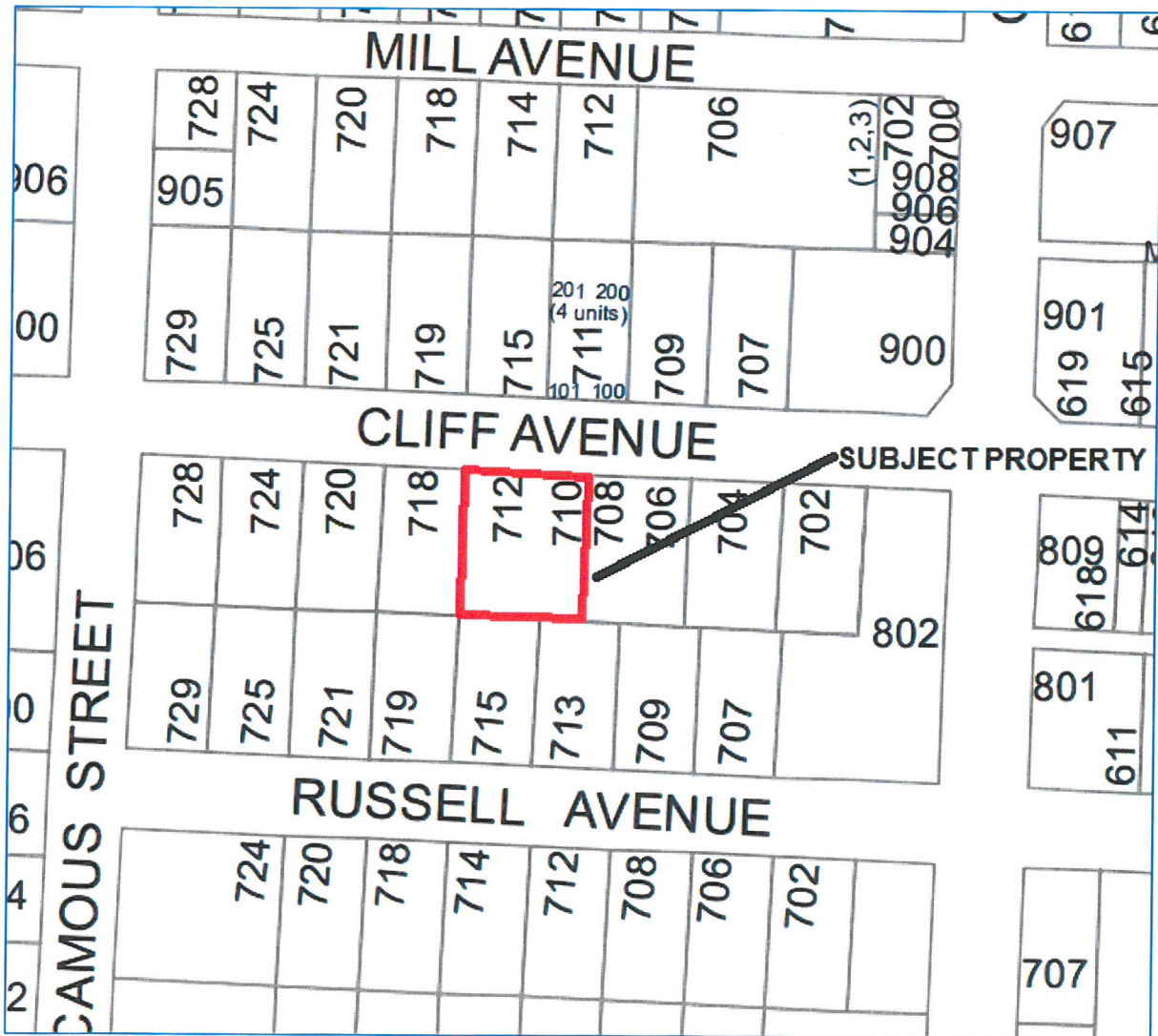
Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY

OCP/REZONING APPLICATION

SUBJECT PROPERTY MAP

File: 0011-22-OR-END (Taylor)
Applicant/Owner: Ariella Taylor
Location: 712/710 Cliff Avenue, Enderby BC



THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1743

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

WHEREAS Council of the City of Enderby has determined to make an amendment to "City of Enderby Official Community Plan Bylaw No. 1549, 2014";

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

1. This bylaw may be cited as the "City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1743, 2022".
2. The future land use designations of the properties legally described as, i) LOT 9 BLOCK 7 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A, and located at 712 Cliff Avenue, Enderby BC, and ii) THE WEST ½ OF LOT 12 BLOCK 7 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A, and located at 710 Cliff Avenue, Enderby BC, are hereby changed from *General Commercial* to *Residential Low Density*.

READ a FIRST time this day of , 2022.

READ a SECOND time this day of , 2022.

Advertised on the day of , 2022 and the day of , 2022, and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the day of , 2022.

READ a THIRD time this day of , 2022.

ADOPTED this day of , 2022.

MAYOR

CORPORATE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1744

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 "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014";

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

1. This bylaw may be cited as the "City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1744, 2022".
2. The zoning designations of the properties legally described as, i) LOT 9 BLOCK 7 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A, and located at 712 Cliff Avenue, Enderby BC, and ii) THE WEST ½ OF LOT 12 BLOCK 7 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A, and located at 710 Cliff Avenue, Enderby BC, are hereby changed from the General Commercial (C.1) zone to the Residential Single Family (R.1-A) zone.

READ a FIRST time this day of , 2022.

READ a SECOND time this day of , 2022.

Advertised on the day of , 2022 and the day of , 2022, and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the day of , 2022.

READ a THIRD time this day of , 2022.

APPROVED pursuant to Section 52(3)(a) of the Transportation Act this day of , 2022.

Development Officer
Ministry of Transportation and Infrastructure

ADOPTED this day of , 2022.

MAYOR

CORPORATE OFFICER

THE CORPORATON OF THE CITY OF ENDERBY BYLAW No. 1739

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. 1739, 2022".
2. Schedule "C" and Schedule "D" of "The Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1693, 2020" is deleted and Schedule "C" and Schedule "D" attached to and forming part of this bylaw is substituted therefore.

READ a FIRST time this 22nd day of February, 2022.

READ a SECOND time this 22nd day of February, 2022.

READ a THIRD time this 22nd day of February, 2022.

ADOPTED this ____ day of _____, 2022.

Mayor

Corporate Officer

SCHEDULE "C" – POOL FEES

Drop In (per visit)				
	Per Swim	10-Visit Pass	1-Month Pass	Season Pass
Public Swim – Adult	4.50	40.50	49.50	n/a
Public Swim – Youth or Senior	3.75	33.75	41.25	n/a
Public Swim – Preschool 3-5 yrs	2.50	22.50	27.50	n/a
Public Swim – 2yrs and under	Free	n/a	n/a	n/a
Public Swim – Family	12.00	108.00	132.00	n/a
Toonie Swim	2.00	n/a	n/a	n/a
Aqua Fit – Youth or Senior	6.00	54.00	69.25	225.00
Aqua Fit – Adult	7.00	63.00	80.75	250.00
Not-for-profit licensed preschool or youth organization:				
	# of Youth/Preschool		Rate per swim	
	8-12		20.00	
	13-20		32.50	
	21-30		52.50	
	30+		52.50 plus \$2.00 for each additional Youth/Preschool	
Rentals (per hour)				
Up to 50 persons			75.50	
51-85 persons			108.00	
Swim club			28.50	
SD #83			JOINT USE AGREEMENT	
Not-for-profit licensed preschool or youth organization			19.50/instructor/hr	

SCHEDULE "D" – PARK FEES

	2022
Park Rates*	
Riverside Park – Youth (per day; includes ball diamond area)	255.00
Riverside Park – Adult / Commercial (per day; includes ball diamond area)	510.00
Gazebo	
Daily Rental	120.00
Kitchen Damage Deposit (per rental)	500.00
Kitchen Clean-up (per rental)	52.00
Ball Diamonds*	
Adult League Play (per hour/per field)**	18.00
Youth League Play (per hour/per field)**	9.00
Adult League Tournament (per diamond/per day)	98.50
Youth League Tournament (per diamond/per day)	49.25
Non-League (per diamond per day)	98.50
Additional maintenance staff for tournament play (per hour)***	42.00
Funtastic	432.50

*Fees are to be increased by 2% annually beginning in 2023.

**To be booked at half hour intervals

***Subject to staffing availability. Any overtime costs incurred will be in addition to this rate.

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer

From: Kurt Inglis, Planner

Date: March 2, 2022

Subject: Backyard Hens and Bees - Corollary Bylaw Amendments to Municipal Ticketing Information (MTI) System Bylaw, Bylaw Notice Enforcement Bylaw, and Fees and Charges Bylaw

RECOMMENDATION

THAT Council gives Three Readings to City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 Amendment Bylaw No. 1740, 2022;

AND THAT Council gives Three Readings to City of Enderby Bylaw Notice Enforcement Bylaw No. 1581, 2015 Amendment Bylaw No. 1741, 2022;

AND FURTHER THAT Council gives Three Readings to City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1742, 2022.

BACKGROUND

At its Regular Meeting of February 22, 2022, Council adopted City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1710, 2022 and City of Enderby Animal Control Bylaw No. 1735, 2022 [“the Animal Control Bylaw”], which together form a regulatory framework for the keeping of backyard hens and bees; Staff are now advancing the following corollary bylaw amendments to complete implementation of the framework:

- City of Enderby Fees and Charges Bylaw No. 1479, 2010;
- City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013; and
- City of Enderby Bylaw Notice Enforcement Bylaw No. 1581, 2015.

Fees and Charges Bylaw

As per the recently adopted Animal Control Bylaw, those looking to keep backyard hens or bees must first apply to license their hens/bees with the City. This licensing process will involve a City representative or Bylaw Enforcement Officer inspecting the property to ensure that all requirements of the Animal Control Bylaw and Zoning Bylaw are satisfied, prior to the issuance of a license. To recover the costs associated with the licensing and inspection processes, Staff are proposing that Fees and Charges Bylaw No. 1479, 2010 be amended to include a one-time license application fee of \$50.

Municipal Ticketing Information (MTI) System Bylaw / Bylaw Notice Enforcement Bylaw

In order for the regulations related to the keeping of backyard hens and bees to be effective, they must also be enforceable. The City’s Municipal Ticketing Information (MTI) System Bylaw and Bylaw Notice Enforcement Bylaw enable the imposition of penalties for bylaw infractions, which are in the form of a Municipal Ticket Information or a Bylaw Notice. These enforcement bylaws must be updated in order to reference specific sections from the Zoning Bylaw and Animal Control Bylaw which regulate the keeping of backyard hens and bees, while also specifying the associated penalty amounts for infractions.

Staff are proposing that the Municipal Ticketing Information (MTI) System Bylaw and Bylaw Notice Enforcement Bylaw be amended as follows:

ZONING BYLAW		
Description	Section	Penalty
Keeping of backyard hens in a manner that is not ancillary to a single-family dwelling within the Residential Single Family (R.1), Residential Single Family (R.1-A), or Residential Two Family (R.2) zones	318.3	\$200
Keeping of more than five (5) backyard hens	318.3	\$200
Keeping of roosters	318.3	\$200
Failure to contain the keeping of backyard hens entirely to the rear of a single-family dwelling	318.4	\$200
Keeping of backyard hens in an area that is not fully enclosed by solid fencing that is at least 1.8 m (5.9 feet) in height	318.4	\$200
Failure to provide a coop and outdoor enclosure for backyard hens that meets the required specifications	318.5	\$200
Keeping of backyard bees in a manner that is not ancillary to a single-family dwelling within the Residential Single Family (R.1), Residential Single Family (R.1-A), or Residential Two Family (R.2) zones	319.3	\$200
Exceed maximum number of beehives, colonies and/or nucleus colonies	319.4	\$200
Failure to contain the keeping of backyard bees entirely to the rear of a single-family dwelling	319.5.i	\$200
Keeping of backyard bees in an area that is not fully enclosed by solid fencing that is at least 1.8 m (5.9 feet) in height	319.5.i	\$200
Failure to orient beehives away from adjacent properties, lanes, and streets and/or failure to site beehive to allow a clear flight path	319.5.ii	\$200

ANIMAL CONTROL BYLAW		
Description	Section	Penalty
Failure to provide a coop and outdoor enclosure for backyard hens that meets required specifications	4.2	\$200
Failure to entirely house backyard hens within a coop or outdoor enclosure at all times	4.3	\$200

ANIMAL CONTROL BYLAW		
Failure to maintain coop and outdoor enclosure to a clean and sanitary condition	4.4	\$400
Failure to provide backyard hens with sufficient food, water, shelter, light, ventilation, veterinary care, and/or opportunities for essential behaviours	4.5	\$400
Failure to promptly remove feces or hygienically store feces in a sealed container	4.6	\$400
Failure to store manure within a sealed container, or store more than 0.08 m ³ (3 cubic feet) of manure at one time, or fail to remove all manure on the property not used for composting or fertilizing	4.7	\$400
Failure to store feed for backyard hens in a sealed container in an area not accessible by pests, wildlife or domestic animals	4.8	\$200
Commercial sales of eggs produced by backyard hens	4.9	\$100
Slaughter or bury backyard hens on residential zoned property	4.10	\$300
Failure to license backyard hen flock with City of Enderby	4.12	\$100
Failure to securely locate beehives	5.2	\$200
Failure to ensure that beehives are maintained in a condition that will reasonably prevent swarming or aggressive behaviour	5.3.i	\$300
Failure to ensure that backyard bees are requeened if they are subject to undue swarming or aggressive behaviour	5.3.ii	\$300
Failure to ensure that backyard bees are provided with adequate water	5.3.iii	\$300
Keeping backyard bees without the Beekeeper being a resident of the property	5.4	\$200
Commercial sales of honey produced by backyard bees	5.5	\$100
Failure to license backyard bees with City of Enderby	5.7	\$100

Once the corollary amendment bylaws have been adopted by Council, the regulatory, licensing, and enforcement frameworks for the keeping of backyard chickens and bees will be in place; Staff will then proceed with updating the City's website to include a comprehensive information page related to the keeping of backyard hens and bees and will begin to communicate this information to the public.

Respectfully Submitted,

Kurt Inglis
Planner

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1740, 2022

A BYLAW TO AMEND THE MUNICIPAL TICKETING INFORMATION (MTI) SYSTEM BYLAW
NO. 1518, 2013

WHEREAS Council of the City of Enderby has adopted "City of Enderby Municipal Ticketing Information System Bylaw No. 1518, 2013";

AND WHEREAS Council wishes to amend Schedule "9" in accordance with the City of Enderby Zoning Bylaw No. 1550, 2014, and introduce Schedule "12" in accordance with the City of Enderby Animal Control Bylaw No. 1735, 2022;

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 Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 Amendment Bylaw No. 1740, 2022".
2. Schedule "A" of City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 is deleted and Schedule "A" attached to and forming part of this bylaw is substituted therefore.
3. Schedule "9" of City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 is deleted and Schedule "9" attached to and forming part of this bylaw is substituted therefore.
3. Schedule "13" attached hereto is hereby established and forms part of City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013.

Read a FIRST TIME this day of , 2022.

Read a SECOND TIME this day of , 2022.

Read a THIRD TIME this day of , 2022.

ADOPTED this day of , 2022.

MAYOR

CORPORATE OFFICER

Schedule "A"

MUNICIPAL TICKETING INFORMATION SYSTEM BYLAW NO. 1518

DESIGNATED BYLAW ENFORCEMENT OFFICERS	DESIGNATED BYLAWS
<ul style="list-style-type: none"> • Chief Administrative Officer • Chief Financial Officer • Corporate Officer • Planner • Bylaw Enforcement Officers • Operations Manager 	<ul style="list-style-type: none"> • Dog Control Bylaw No. 1469, 2010 • Water and Sprinkling Regulations Bylaw No. 1468, 2010 • Business License and Regulation Bylaw No. 1558, 2014 • Good Neighbour Bylaw No. 1517, 2013, excluding Section VI • Sanitary Sewer Regulation Bylaw No. 1470, 2010 • Streets and Traffic Bylaw No. 1471, 2010 • Fire Protection Bylaw No. 1529, 2013 • Cemetery Regulation Bylaw No. 1515, 2013 • Zoning Bylaw No. 1550, 2014 • Building Bylaw No. 1582, 2015 • Public Spaces Bylaw No. 1604, 2016 • Stormwater Protection and Drainage Regulation Bylaw No. 1640, 2017 • Animal Control Bylaw No. 1735, 2022
<ul style="list-style-type: none"> • Dog Control Officers 	<ul style="list-style-type: none"> • Dog Control Bylaw No. 1469, 2010
<ul style="list-style-type: none"> • Business License Inspector 	<ul style="list-style-type: none"> • Business License and Regulation Bylaw No. 1558, 2014
<ul style="list-style-type: none"> • Royal Canadian Mounted Police 	<ul style="list-style-type: none"> • Dog Control Bylaw No. 1469, 2010 • Good Neighbour Bylaw No. 1517, 2013, including Section VI • Streets and Traffic Bylaw No. 1471, 2010 • Fire Protection Bylaw No. 1529, 2013 • Cemetery Regulation Bylaw No. 1515, 2013 • Zoning Bylaw No. 1550, 2014 • Building Bylaw No. 1582, 2015 • Public Spaces Bylaw No. 1604, 2016 • Animal Control Bylaw No. 1735, 2022
<ul style="list-style-type: none"> • Building Inspector 	<ul style="list-style-type: none"> • Streets and Traffic Bylaw No. 1471, 2010 • Zoning Bylaw No. 1550, 2014 • Building Bylaw No. 1582, 2015
<ul style="list-style-type: none"> • Fire Chief 	<ul style="list-style-type: none"> • Good Neighbour Bylaw No. 1517, 2013, excluding Section VI • Fire Protection Bylaw No. 1529, 2013 • Public Spaces Bylaw No. 1604, 2016

SCHEDULE "9"

Zoning Bylaw No. 1550, 2014	Section	Fine \$	Fine if Pd within 30 days \$
Obstructing an inspection or inspector	101	100.	50.
Unlawful use of land, buildings, or structures	303.1	200.	100.
Off-street parking or loading contravention	305	100.	50.
Home occupation contravenes permitted use	307.2.a	100.	50.
Temporary building or structure contravenes permitted use	307.2.b	100.	50.
Boarding use contravenes permitted use	307.2.c	100.	50.
Tent, trailer, or mobile home use contravention	307.3.b	100.	50.
Unenclosed storage of vehicles in state of disrepair nor not licensed	307.3.c	100.	50.
Incineration or processing of fish, animal, or vegetable waste	307.3.d	100.	50.
Annoyance or nuisance to surrounding areas by reason of unsightliness or the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare	307.3.h	200.	100.
Unauthorized parking and storage in residential zones	307.4.a	100.	50.
Failure to maintain screening	309.1.a	100.	50.
Sign not permitted	310.3.a	100.	50.
Prohibited sign	310.3.b	100.	50.
More than one home occupation, real estate or political sign	310.3.d	100.	50.
Illumination not permitted for home occupation, real estate or political signs	310.3.e	100.	50.
Failure to maintain sign	310.3.h	100.	50.
Keeping of backyard hens in a manner that is not ancillary to a single-family dwelling within the Residential Single Family (R.1), Residential Single Family (R.1-A), or Residential Two Family (R.2) zones	318.3	200.	100.
Keeping of more than five (5) backyard hens	318.3	200.	100.
Keeping of roosters	318.3	200.	100.
Failure to contain the keeping of backyard hens entirely to the rear of a single-family dwelling	318.4	200.	100.
Keeping of backyard hens in an area that is not fully enclosed by solid fencing that is at least 1.8 m (5.9 feet) in height	318.4	200.	100.

Failure to provide a coop and outdoor enclosure for backyard hens that meets the required specifications	318.5	200.	100.
Keeping of backyard bees in a manner that is not ancillary to a single-family dwelling within the Residential Single Family (R.1), Residential Single Family (R.1-A), or Residential Two Family (R.2) zones	319.3	200.	100.
Exceed maximum number of beehives, colonies and/or nucleus colonies	319.4	200.	100.
Failure to contain the keeping of backyard bees entirely to the rear of a single-family dwelling	319.5.i	200.	100.
Keeping of backyard bees in an area that is not fully enclosed by solid fencing that is at least 1.8 m (5.9 feet) in height	319.5.i	200.	100.
Failure to orient beehives away from adjacent properties, lanes, and streets and/or failure to site beehive to allow a clear flight path	319.5.ii	200.	100.
Annoyance or nuisance to surrounding areas by reason of unsightliness or the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare	501.10.c	200.	100.
Create or cause a health, fire, or explosion hazard, electrical interference, or undue traffic congestion.	501.10.c	500.	500.

SCHEDULE "13"

Animal Control Bylaw No. 1735, 2022	Section	Fine \$	Fine if Pd within 30 days \$
Failure to provide a coop and outdoor enclosure for backyard hens that meets required specifications	4.2	200.	100.
Failure to entirely house backyard hens within a coop or outdoor enclosure at all times	4.3	200.	100.
Failure to maintain coop and outdoor enclosure to a clean and sanitary condition	4.4	400.	200.
Failure to provide backyard hens with sufficient food, water, shelter, light, ventilation, veterinary care, and/or opportunities for essential behaviours	4.5	400.	200.
Failure to promptly remove feces or hygienically store feces in a sealed container	4.6	400.	200.
Failure to store manure within a sealed container, or store more than 0.08 m ³ (3 cubic feet) of manure at one time, or fail to remove all manure on the property not used for composting or fertilizing	4.7	400.	200.
Failure to store feed for backyard hens in a sealed container in an area not accessible by pests, wildlife or domestic animals	4.8	200.	100.
Commercial sales of eggs produced by backyard hens	4.9	100.	50.
Slaughter or bury backyard hens on residential zoned property	4.10	300.	150.
Failure to license backyard hen flock with City of Enderby	4.12	100.	50.
Failure to securely locate beehives	5.2	200.	100.
Failure to ensure that beehives are maintained in a condition that will reasonably prevent swarming or aggressive behaviour	5.3.i	300.	150.
Failure to ensure that backyard bees are requeened if they are subject to undue swarming or aggressive behaviour	5.3.ii	300.	150.
Failure to ensure that backyard bees are provided with adequate water	5.3.iii	300.	150.
Keeping backyard bees without the Beekeeper being a resident of the property	5.4	200.	100.
Commercial sales of honey produced by backyard bees	5.5	100.	50.
Failure to license backyard bees with City of Enderby	5.7	100.	50.

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1741, 2022

A BYLAW TO AMEND THE BYLAW NOTICE ENFORCEMENT BYLAW NO. 1581, 2015

WHEREAS Council of the City of Enderby has adopted "City of Enderby Bylaw Notice Enforcement Bylaw No. 1581, 2015";

AND WHEREAS Council wishes to amend Schedule "A" in accordance with the City of Enderby Zoning Bylaw No. 1550, 2014 and the City of Enderby Animal Control Bylaw No. 1735, 2022.

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 Bylaw Notice Enforcement Bylaw No. 1581, 2015 Amendment Bylaw No. 1741, 2022".
2. Schedule "A" of City of Enderby Bylaw Notice Enforcement Bylaw No. 1581, 2015 is hereby amended to include the following:

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
ZONING BYLAW						
1550	318.3	Keeping of backyard hens in a manner that is not ancillary to a single-family dwelling within the Residential Single Family (R.1), Residential Single Family (R.1-A), or Residential Two Family (R.2) zones	\$200	\$100	\$225	YES
1550	318.3	Keeping of more than five (5) backyard hens	\$200	\$100	\$225	YES

1550	318.3	Keeping of roosters	\$200	\$100	\$225	YES
1550	318.4	Failure to contain the keeping of backyard hens entirely to the rear of a single-family dwelling	\$200	\$100	\$225	YES
1550	318.4	Keeping of backyard hens in an area that is not fully enclosed by solid fencing that is at least 1.8 m (5.9 feet) in height	\$200	\$100	\$225	YES
1550	318.5	Failure to provide a coop and outdoor enclosure for backyard hens that meets the required specifications	\$200	\$100	\$225	YES
1550	319.3	Keeping of backyard bees in a manner that is not ancillary to a single-family dwelling within the Residential Single Family (R.1), Residential Single Family (R.1-A), or Residential Two Family (R.2) zones	\$200	\$100	\$225	YES
1550	319.4	Exceed maximum number of beehives, colonies and/or nucleus colonies	\$200	\$100	\$225	YES

1550	319.5.i	Failure to contain the keeping of backyard bees entirely to the rear of a single-family dwelling	\$200	\$100	\$225	YES
1550	319.5.i	Keeping of backyard bees in an area that is not fully enclosed by solid fencing that is at least 1.8 m (5.9 feet) in height	\$200	\$100	\$225	YES
1550	319.5.ii	Failure to orient beehives away from adjacent properties, lanes, and streets and/or failure to site beehive to allow a clear flight path	\$200	\$100	\$225	YES
Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
ANIMAL CONTROL BYLAW						
1735	4.2	Failure to provide a coop and outdoor enclosure for backyard hens that meets required specifications	\$200	\$100	\$225	YES
1735	4.3	Failure to entirely house backyard hens within a coop or outdoor enclosure at all times	\$200	\$100	\$225	YES

1735	4.4	Failure to maintain coop and outdoor enclosure to a clean and sanitary condition	\$400	\$200	\$440	YES
1735	4.5	Failure to provide backyard hens with sufficient food, water, shelter, light, ventilation, veterinary care, and/or opportunities for essential behaviours	\$400	\$200	\$440	YES
1735	4.6	Failure to promptly remove feces or hygienically store feces in a sealed container	\$400	\$200	\$440	YES
1735	4.7	Failure to store manure within a sealed container, or store more than 0.08 m ³ (3 cubic feet) of manure at one time, or fail to remove all manure on the property not used for composting or fertilizing	\$400	\$200	\$440	YES
1735	4.8	Failure to store feed for backyard hens in a sealed container in an area not accessible by pests, wildlife or domestic animals	\$200	\$100	\$225	YES
1735	4.9	Commercial sales of eggs produced by backyard hens	\$100	\$50	\$110	YES

1735	4.10	Slaughter or bury backyard hens on residential zoned property	\$300	\$150	\$330	YES
1735	4.12	Failure to license backyard hen flock with City of Enderby	\$100	\$50	\$110	YES
1735	5.2	Failure to securely locate beehives	\$200	\$100	\$225	YES
1735	5.3.i	Failure to ensure that beehives are maintained in a condition that will reasonably prevent swarming or aggressive behaviour	\$300	\$150	\$330	YES
1735	5.3.ii	Failure to ensure that backyard bees are requeened if they are subject to undue swarming or aggressive behaviour	\$300	\$150	\$330	YES
1735	5.3.iii	Failure to ensure that backyard bees are provided with adequate water	\$300	\$150	\$330	YES
1735	5.4	Keeping backyard bees without the Beekeeper being a resident of the property	\$200	\$100	\$225	YES
1735	5.5	Commercial sales of honey produced by backyard bees	\$100	\$50	\$110	YES
1735	5.7	Failure to license backyard bees with City of Enderby	\$100	\$50	\$110	YES

Read a FIRST TIME this day of , 2022.

Read a SECOND TIME this day of , 2022.

Read a THIRD TIME this day of , 2022.

ADOPTED this day of , 2022.

MAYOR

CORPORATE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1742

A BYLAW TO AMEND FEES AND CHARGES BYLAW NO. 1479, 2010

WHEREAS Council of the City of Enderby has adopted “The City of Enderby Fees and Charges Bylaw No. 1479, 2010”;

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

1. This bylaw may be cited as the “The City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1742, 2022”.
2. Schedule “12” attached hereto is hereby established and forms part of Fees and Charges Bylaw No. 1479, 2010.
3. The ‘Table of Contents’ of Fees and Charges Bylaw No. 1479, 2010 is hereby amended to include a reference to ‘BACKYARD HENS AND BACKYARD BEES LICENSING FEES’.

Read a FIRST TIME this day of , 2022.

Read a SECOND TIME this day of , 2022.

Read a THIRD TIME this day of , 2022.

ADOPTED this day of , 2022.

MAYOR

CORPORATE OFFICER

**SCHEDULE 12
BACKYARD HEN AND BACKYARD BEE LICENSING FEES**

- | | |
|-------------------------------------|------|
| 1. Backyard Hen License Application | \$50 |
| 2. Backyard Bee License Application | \$50 |

RDNO Building Permits Issued Comparison for Year/Month - Summary

Area: CITY OF ENDERBY

Category: BUILDING PERMITS

Year: 2022 Month: 02



Folder Type	2022 / 02		2021 / 02		2022 to 02		2021 to 02		Building Value	Building Value
	Permits Issued	Res. Units Created	Permits Issued	Res. Units Created	Permits Issued	Res. Units Created	Permits Issued	Res. Units Created		
ACCESSORY BUILDING	0	0	0	0	0	0	0	0	0	0
AGRICULTURAL BUILDING	0	0	0	0	0	0	0	0	0	0
COMMERCIAL BUILDING	0	0	0	0	0	0	0	0	0	0
DEMOLITION	0	0	0	0	0	0	0	0	0	0
END - ACCESSORY BUILDING	0	0	0	0	0	0	0	0	0	0
END - COMMERCIAL BUILDING	0	0	0	0	0	0	0	0	1	10,000
END - DEMOLITION	0	0	0	0	0	0	0	0	1	5,000
END - INDUSTRIAL BUILDING	0	0	0	0	0	0	0	0	0	0
END - MANUFACTURED HOME	0	0	0	0	0	0	0	0	0	0
END - MODULAR HOME	0	0	0	0	0	0	0	0	0	0
END - MULTI FAMILY DWELLING	1	2	0	0	0	0	0	0	0	5,000
END - PLUMBING	0	0	0	0	0	0	0	0	0	0
END - SIGN	0	0	0	0	0	0	0	0	0	0
END - SINGLE FAMILY DWELLING	0	0	0	0	0	0	0	0	0	0
INDUSTRIAL BUILDING	0	0	0	0	0	0	0	0	0	0
INSTITUTIONAL	0	0	0	0	0	0	0	0	0	0
MANUFACTURED HOME	0	0	0	0	0	0	0	0	0	0
MODULAR HOME	0	0	0	0	0	0	0	0	0	0
MULTI FAMILY DWELLING	0	0	0	0	0	0	0	0	0	0
OLD PIMS PERMITS	0	0	0	0	0	0	0	0	0	0
PLUMBING	0	0	0	0	0	0	0	0	0	0
POOL	0	0	0	0	0	0	0	0	0	0
RETAINING WALL	0	0	0	0	0	0	0	0	0	0
SIGN	0	0	0	0	0	0	0	0	0	0
SINGLE FAMILY DWELLING	0	0	0	0	0	0	0	0	0	0
SOLID FUEL BURNING APPLIANC	0	0	0	0	0	0	0	0	0	0
Report Totals	1	2	2	1	1	3	3	5	2	419,490
			754,432		79,490			1,427,073		

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: February 28, 2022
Subject: Notice of Motion (Councillor Schreiner): SILGA/UBCM Resolution on Transportation Network Services in Small Rural and Remote Communities

NOTICE OF MOTION

THAT Council endorses the 2022 resolution titled “Enabling Legal, Viable and Competitive Transportation Network Services in Small Rural and Remote Communities”;

AND THAT Council directs staff to submit the resolution as a late item to the Southern Interior Local Government Association (SILGA).

BACKGROUND

In 2019, the City of Enderby submitted to the Union of British Columbia Municipalities (UBCM) a resolution with respect to ride-sharing (also known as transportation network service) regulations in small rural and remote communities. The resolution was endorsed by UBCM. A response to the resolution was provided by the Province, which is attached. Importantly, the Provincial response to the 2019 resolution stated:

The Passenger Transportation Act includes a requirement for the Legislative Assembly to appoint a special committee on or before January 1, 2022. This committee will be tasked in part to review whether the Act promotes commercial passenger transportation services, including ride-hail, in small, rural or remote communities.

Since that time, the regulatory framework for ride-sharing has been implemented; the results have been mixed, in part due to the impact of the pandemic, but indicate that the Province’s regulatory framework does not provide a basis for legal, viable, and competitive transportation network services to be established in small rural and remote communities.

Moreover, recent media reports indicate that there has been a proliferation of transportation network service companies that are operating outside of the regulatory framework.

Councillor Schreiner has requested that the resolution be updated and advanced to the Southern Interior Local Government Association (SILGA) for endorsement. Should it be endorsed, SILGA would advance it automatically to UBCM. As the deadline for SILGA resolutions has passed, staff will need to advance it through the “late resolution” process.

The attached resolution, as updated, considers changes since 2019. A “redline” version showing changes is also included for ease of reference.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

TITLE: Enabling Legal, Viable and Competitive Transportation Network Services in Small Rural and Remote Communities

SPONSOR: City of Enderby

WHEREAS the Province of BC has created a regulatory framework permitting transportation network services to operate in BC, which provides a passenger transportation option to address the significant public need for vehicles-for-hire and, in turn, reduce impaired driving, improve the ability of seniors and persons with barriers to access needed resources, and stimulate economic development;

AND WHEREAS the Province's regulatory framework is so onerous that it effectively prohibits the establishment of transportation network services in small, rural, and remote communities where it has the greatest potential to address areas underserved by traditional public transportation options, and has contributed to the proliferation of unregistered transportation network services operating across the Province, which poses a safety risk to consumers;

THEREFORE BE IT RESOLVED that UBCM requests that the Province of BC amends its regulatory framework to establish a transportation network service solution that will enable viable, competitive, and safe services throughout the Province, including in small rural and remote communities.

TITLE: Enabling Legal, Viable and Competitive Transportation Network Services in Small Rural and Remote Communities

SPONSOR: City of Enderby

WHEREAS the Province of BC has created a regulatory framework permitting transportation network services to operate in BC, which provides a passenger transportation option to address the significant public need for vehicles-for-hire and, in turn, reduce impaired driving, improve the ability of seniors and persons with barriers to access needed resources, and stimulate economic development;

AND WHEREAS the Province's regulatory framework is so onerous that it effectively prohibits the establishment of transportation network services ~~outside of the Lower Mainland, and particularly~~ in small, rural, and remote communities where it has the greatest potential to address areas underserved by traditional public transportation options, and has contributed to the proliferation of unregistered transportation network services operating across the Province, which poses a safety risk to consumers;

THEREFORE BE IT RESOLVED that UBCM asks requests that the Province of BC ~~to amend~~ s the Passenger Transportation Act its regulatory framework to establish an ~~area-based, tiered, regulatory~~ transportation network service solution that will enable viable ~~and~~ competitive, and safe ~~transportation network~~ services throughout the Province, including in small rural and remote communities ~~as well as other communities outside of the Lower Mainland.~~

Enabling Viable and Competitive Transportation Network Services in Small Rural and Remote Communities

Year: 2019

Number: LR1

Sponsor: Enderby

Whereas the Province of BC has created a regulatory framework permitting transportation network services to operate in BC, which provides a passenger transportation option to address the significant public need for vehicles-for-hire and, in turn, reduce impaired driving, improve the ability of seniors and persons with barriers to access needed resources, and stimulate economic development; And whereas the Province's regulatory framework is so onerous that it effectively prohibits the establishment of transportation network services outside of the Lower Mainland, and particularly in small, rural, and remote communities where it has the greatest potential to address areas underserved by traditional public transportation options: Therefore be it resolved that UBCM ask the Province of BC to amend the Passenger Transportation Act to establish an area-based, tiered, regulatory solution that will enable viable and competitive transportation network services in small rural and remote communities as well as other communities outside of the Lower Mainland.

Provincial Response

Ministry of Transportation and Infrastructure The Province has worked hard to deliver on its commitment to bring transportation network services, known as ride-hail, to BC Ride-hailing is a complex issue and the Ministry of Transportation and Infrastructure held extensive consultations with industry stakeholders, such as the Accessibility Secretariat, BC Chiefs of Police Association, municipalities, transit authorities and passenger transportation companies to make sure ride-hailing is done right in BC The changes to the Passenger Transportation Act and the Passenger Transportation Regulation, which came into force on September 16, 2019 allow the entry of ride-hail to BC and requires drivers to have a Class 4 licence and undergo a police record and driving record check. Passenger safety in the ride-hailing industry is a priority and these requirements make BC a leader in promoting safety in this industry. Many companies have applied to offer ride-hailing services in BC and the independent Passenger Transportation Board is responsible for reviewing and issuing decisions on applications. The Board is also responsible for determining supply, boundaries and rates for ride-hail companies, and has established five regions of operation for the province. Each region has a dozen or more companies interested in offering ride-hail services, including those with rural and remote communities. The Passenger Transportation Act includes a requirement for the Legislative Assembly to appoint a special committee on or before January 1, 2022. This committee will be tasked in part to review whether the Act promotes commercial passenger transportation services, including ride-hail, in small, rural or remote communities.

Federal Response

Convention Decision

Endorsed