

REGULAR MEETING OF COUNCIL AGENDA

DATE: October 3, 2022

TIME: 4:30 p.m.

LOCATION: Council Chambers, Enderby City Hall

The public may attend this meeting by means of electronic facilities.

Please contact Enderby City Hall at 250-838-7230 or <u>info@cityofenderby.com</u> 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 those attending the meeting who are 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 <u>Meeting Minutes of September 19, 2022</u>

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3. PUBLIC HEARINGS

3.1 Temporary Use Permit Application #0007-22-TUP-END

Legal: LOT 2 DISTRICT LOT 150 OSOYOOS DIVISION YALE DISTRICT

PLAN 2189

Address: 1009 Belvedere Street, Enderby BC

Applicant: Mountain View Electric Ltd.
Owner: Mountain View Electric Ltd.

4. DEVELOPMENT MATTERS AND RELATED BYLAWS

4.1 <u>Temporary Use Permit Application #0007-22-TUP-END</u> Page 8

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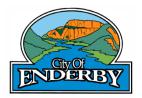
5. CONTINUING BUSINESS AND BUSINESS ARISING FROM COMMITTEES AND DELEGATIONS

5.1. <u>Committee-of-the-Whole</u>

5.2 <u>Decision on Joining BC Rural Health Network</u>

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- 6.1 <u>Mayor and Council Reports</u>
- 6.2 <u>Area F Director Report</u>
- 6.3 <u>Chief Administrative Officer Report</u>
- 7. PUBLIC QUESTION PERIOD
- 8. ADJOURNMENT



THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, September 19, 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 Shawn Shishido

Staff: Chief Administrative Officer – Tate Bengtson

Chief Financial Officer - Jennifer Bellamy

Other: Press and Public

APPROVAL OF AGENDA

Moved by Councillor Davyduke, seconded by Councillor Baird "THAT the September 19, 2022 Council Meeting agenda be approved as circulated."

CARRIED

ADOPTION OF MINUTES

Meeting Minutes of September 6, 2022

Moved by Councillor Knust, seconded by Councillor Davyduke "THAT the September 6, 2022 Council Meeting minutes be adopted as circulated."

CARRIED

DELEGATIONS

BC Rural Health Network

The representatives explained the function of the BC Rural Health Network. The organization is a group that works with healthcare policymakers to advocate for healthcare opportunities in rural communities.

They have 8 communities in the Interior who are members and meetings scheduled with an additional 30. Asking for City of Enderby to become a member. There is a \$50 membership fee.

Noted that Council can visit beruralhealth.org for more information.

Council will decide upon the matter of joining the BC Rural Health Network at its next meeting.

DEVELOPMENT MATTERS AND RELATED BYLAWS

Development Variance Permit Application #0051-DVP-END

The Chief Administrative Officer gave a brief overview of the application.

Mayor McCune asked if any member of the Public would like to make representation regarding this application.

Barry Fawcett, President of Enderby Seniors Housing Society

- Explained the history of parking at this site
- The new parking spaces located more than 30 m from the entrance of the building will be assigned to more able-bodied drivers.
- Spaces A, B, and C will be 6.0 m in length, which he feels will be enough space for drivers to access despite the lane width.
- Feels that parked cars will be able to see if a vehicle is attempting to turn into the lane and will stay in their parking spaces until the turning vehicle has cleared the highway.
- Also feels that, in an emergency, cars attempting to exit could quickly return to their parking spots to clear the lane.
- Stated that the new parking spaces are not to address more tenant parking requests.
- Was informed that going ahead with this project before Council approval would be at his own risk but he felt that the project could not wait and proceeded.

Council discussed concerns with parking spaces A, B, and C regarding emergency access to the building.

Chief Administrative Officer explained that this maneuvering aisle was a cause for concern at the time of construction and this new proposal will further impact the already very small, congested area.

Mayor McCune suggested adding more off-site parking at Barnes Park during construction of the new pool, along Highway 97A.

Moved by Councillor Baird, seconded by Councillor Case

"THAT Council does <u>NOT</u> authorize the issuance of a Development Variance Permit for the property legally described as Lot 1, District Lot 150, Kamloops Division Yale District, Plan KAP77756 and located at 708 Granville Avenue, Enderby B.C. to permit a variance to Section 901.3.b by reducing the minimum width of an unobstructed maneuvering aisle for right angle parking (proposed stalls A, B, and C) from 8 m (26.25 feet) to 4.953 m (16.25 feet), as shown on the attached Schedule 'A':

AND THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as Lot 1, District Lot 150, Kamloops Division Yale District, Plan KAP77756 and located at 708 Granville Avenue, Enderby B.C. to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- 901.2.b by reducing the minimum width of an unobstructed maneuvering aisle for right angle parking (proposed stalls 17-25) from 8 m (26.25 feet) to 7.40 m (24.28 feet), as shown on the attached Schedule 'A'; and
- 901.2.g.i by permitting parking stalls to be located more than 30 m (98.42 feet) from the entrance to the principal building, as shown on the attached Schedule 'A'."

CARRIED

REPORTS

Mayor and Council Reports

Councillor Case

Attended the Passing of Gavel ceremony at the Legion with Councillor Davyduke and Councillor Schreiner.

Councillor Baird

Attended UBCM.

Attended the Memorial for the Queen at the Cenotaph with Councillor Case and Councillor Davyduke.

Attended a Museum board meeting this afternoon. At the meeting there was discussion about organizing a community event to celebrate 50 years. Councillor Baird recommended that representatives from the board attend a Committee of The Whole meeting after the election.

Councillor Shishido

Spoke with a long-time resident of the community who reported that the maintenance of the cemetery is excellent.

Councillor Davyduke

Attended UBCM.

Reported that 60% of people in BC have difficulty accessing a doctor. Also noted that with the upcoming decriminalization of small amounts of illegal substances there is a common concern that there is not enough support for those who want help treating addiction.

Councillor Knust

Visited several boat launches and reported that the Mabel Lake boat launch is in need of repair and improved management.

Chief Administrative Officer responded that this is under the jurisdiction of Area F Parks following the restructuring of the Enderby & District Services Commission.

Chief Administrative Officer

Reported that Mill Avenue construction is complete except for the relocation of the bus stop which is scheduled to occur in mid October.

The one year maintenance inspection was completed on Knight Avenue and a few minor fixes were made including bringing restoring the landscape tie-in front of the church that had settled.

FireSmart mitigation works are ongoing. The mitigation work has been focused in the wildfire interface area and owners have been pleased with the results. Focus to start is on priority areas are closest to homes in accordance with FireSmart principles.

The campground has had a very successful year and has exceeded budget revenues by \$13,000. There are some repairs that need to be done to the manager's house that are expected to be higher than budgeted expenses, so this will offset the degree of unanticipated revenue.

Had a debrief with the Events Coordinator the past week to discuss Friday Night Lights. There was also a brief discussion about Halloween and Christmas events.

A contractor has assessed the roof trusses at the old reservoir, which are not in good condition. Chief Administrative Officer has reached out to Interior Health to discuss temporary and permanent solutions to this problem, as there are concerns about the snow load as winter approaches.

Ice at the Arena is in, and bookings have begun. Bookings for this afternoon were honoured despite the Day of Mourning declared for the Queen, which is consistent with the approach of other recreational facilities in the area.

Renewal of Diamond 1 and infield extension of Diamond 4 will begin tomorrow. A 2-inch skim will be removed from the top of Diamond 2 to replace it with better quality shale.

Our long-serving gardener has advised us that this will be her last year doing the gardening contract as she has been accepted as a paramedic beginning this winter. The contract will be put out for quote soon.

There are a number of applicants thus far for the Public Works Utility Worker I position. Interviewing will begin in early October with a plan to bring the successful applicant on early so that they are sufficiently trained to contribute during the snow plowing season.

RDNO Building Permit Report – August 2022

Moved by Councillor Case, seconded by Councillor Davyduke "THAT the RDNO Building Permit Report – August 2022 be received and filed."

CARRIED

Emergency Management Program Report 2020-22

Moved by Councillor Baird, seconded by Councillor Davyduke "THAT Council receives and files the Emergency Management Program Report 2020-22."

CARRIED

NEW BUSINESS

Community Marketing Video

Moved by Councillor Case, seconded by Councillor Davyduke

"THAT Council allocates \$7,000 from the Community Enhancement Fund as an estimate for procurement purposes, with such costs to be refined in conjunction with the supplier who is awarded the work."

CARRIED

Enderby Jewellers – Road Closure Application for 75th Anniversary Event

Moved by Councillor Baird, seconded by Councillor Case

"THAT Council approves the Road Closure Application from Enderby Jewellers for the closure of Cliff Avenue from Highway 97A to Belvedere Street on Saturday October 1, 2022 from 7:00 am – 4:00 pm, for the purposes of a 75th anniversary celebration for Enderby Jewellers and the Enderby & District Lions Club."

CARRIED

<u>2022 CEPF Extreme Heat Risk Mapping, Assessment and Planning – Approval Agreement & Terms and Conditions of Funding</u>

Moved by Councillor Baird, seconded by Councillor Shishido

"THAT Council receives and files the 2022 CEPF Extreme Heat Risk Mapping, Assessment and Planning – Approval Agreement & Terms and Conditions of Funding"

CARRIED

PUBLIC QUESTION PERIOD

Heather Black of the Okanagan Advertiser asked for clarification about the community marketing video.

ADJOURNMENT

Moved by Councillor Davyduke, seconded by Councillor Case
"THAT the regular meeting of September 19, 2022 adjourn at 6:00 p.m.

CARRIED

MAYOR	CORPORATE OFFICER

AGENDA **CITY OF ENDERBY TEMPORARY USE PERMIT APPLICATION**

File No.: 0007-22-TUP-END

September 29, 2022

APPLICANT/OWNER:

Mountain View Electric Ltd.

LEGAL DESCRIPTION:

LOT 2 DISTRICT LOT 150 OSOYOOS DIVISION YALE DISTRICT PLAN 2189

P.I.D #:

011-166-908

CIVIC ADDRESS:

1009 Belvedere Street, Enderby BC

PROPERTY SIZE:

1.079 acres (4,367 square meters)

PRESENT ZONING:

General Commercial (C.1)

PRESENT OCP

General Commercial

DESIGNATION:

PROPOSED TEMPORARY USE: Place a temporary building/structure for office 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 2 DISTRICT LOT 150 OSOYOOS DIVISION YALE DISTRICT PLAN 2189 and located at 1009 Belvedere Street to allow the placement of a temporary building/structure for office purposes, as shown on the attached Schedule 'A', for a three-year period from the date the Permit is issued, subject to the following conditions:

- a) The temporary building/structure and its siting must be in compliance with the BC Building Code;
- b) The dimensions and siting of the temporary building/structure shall be in general accordance with the attached Schedule 'A', subject to condition (a);
- c) 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 from the subject property.

BACKGROUND:

This report relates to a Temporary Use Permit Application for the property located at 1009 Belvedere Street, Enderby BC. The applicant is proposing to place a temporary building/structure on the property for office purposes, as shown on the attached Schedule 'A', 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/structure, 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 pursuant to 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:

The 1.079 acres (4,367 square meters) subject property is located along the eastern side of Belvedere Street, which is identified in Schedule 'C' of the City's Official Community Plan as a 'Municipal Commercial' road. The subject property is flat and access to the property is gained off of Belvedere Street, although the applicant owns two abutting parcels directly to the south (505 Mill Avenue) which also facilitates access to the site via Mill Avenue.

A commercial building, constructed in 1982, is located in the northwest corner of the property and is used as a contractor office, retail space, and warehousing facility; the remainder of the lot is paved and is used for parking and storage. An unpermitted temporary building/structure is currently located to the south of the commercial building.

The subject property and the properties to the south 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 in the OCP as Transportation Corridor. The properties to the southwest and northwest are zoned Residential Single Family (R.1-A) and are designated in the OCP as Residential Medium Density. The properties to the west and northeast are zoned Residential Multi-Family Medium Intensity (R.3) and are designated in the OCP as Residential Medium Density.

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

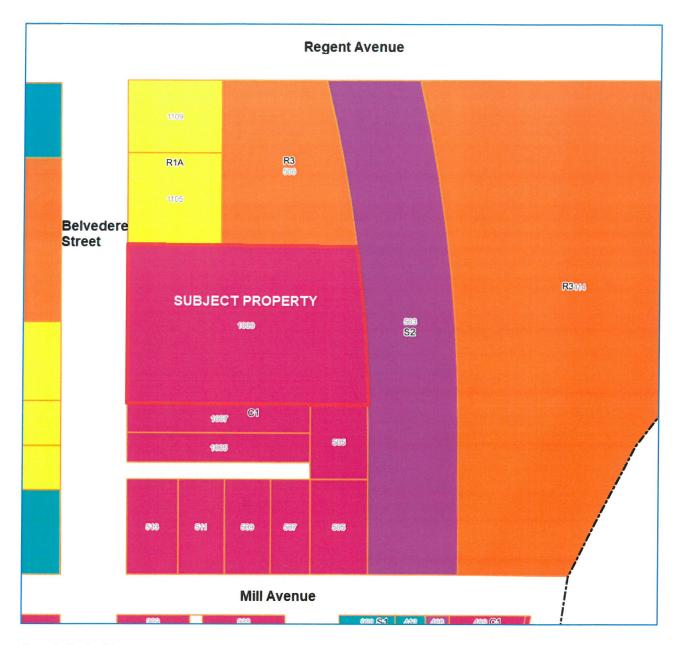


Figure 1: Zoning Map

Magenta – General Commercial (C.1)
Purple – Transportation Corridor (S.2)
Yellow – Residential Single Family (R.1-A)
Orange – Residential Multi-Family Medium Intensity (R.3)
Green – Assembly, Civic and Public Service (S.1)

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 Permit Application which proposes to place a temporary building/structure on the property located at 1009 Belvedere Street for office purposes, for a three-year period; it is intended to replace the existing unpermitted temporary building/structure located to the south of the principal commercial building.

As shown on the attached Schedule 'A', the proposed temporary building/structure is 3.66 m (12 feet) in width and 18.29 m (60 feet) in length and would include electricity but not plumbing. The building/structure is proposed to be placed directly to the south of the existing commercial building and would be setback approximately 1 m (3.28 feet) from the commercial building and 15.24 m (50 feet) from the western property line (adjacent to Belvedere Street). Given the Building Inspector's referral comments below, it is likely that the building will need to be shifted in order to increase the setback from the principal commercial building in order to meet the requirements of the BC Building Code.

ZONING BYLAW:

The subject property is currently zoned General Commercial (C.1) and 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."

OFFICIAL COMMUNITY PLAN:

Policies contained within the OCP 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 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.

REFERRAL COMMENTS:

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

The Building Inspector provided the following comments:

"A building permit will be required to place the unit on site even though it is temporary.

The proposed setback of 1m will not meet the required setback as determined by the BC Building Code.

Section 9.10.14 deals with spatial separation between buildings or in other words, required minimum setbacks to minimize risk of fire spreading to adjacent buildings.

The required setback is calculated by imputing various elements of the buildings on site into a formula. This can be done by a skilled draftsman, code consultant, or an architect."

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 applicant's proposal to place a temporary building/structure for office purposes is temporary in nature as there are no proposed permanent alterations to the property.

Noxious or Undesirable Use

The proposed use of a temporary building/structure on the property for office purposes is a relatively low-intensity use; its not anticipated that the proposal would result in any excessive vehicular traffic to the site and given that building would have limited services (i.e. only electricity), this would further limit the intensity of its use.

Impacts to Adjacent Properties

It is not anticipated that the proposal would result in any negative impacts to lands in the vicinity for the following reasons:

- The proposed use is relatively low-intensity (i.e. limited office floorspace without plumbing) and is occurring on a large commercial property that is over an acre in area;
- The proposed temporary building/structure is not excessive in footprint or height; and
- The proposed temporary building/structure would be screened by the commercial building to the north and the fencing along the western property boundary.

Permanent Alterations to the Site

Given that the temporary building/structure is not proposed to be located on a permanent foundation, and the applicant is not proposing to connect the building/structure to community water or sanitary sewer systems, the proposal would not result in any permanent alterations to the site.

Conditions of Temporary Use Permit

Staff are recommending that a potential issuance of a Temporary Use Permit be subject to a number of conditions, which would help to mitigate potential impacts and minimize any risks to the City of Enderby and its taxpayers; these recommended conditions, along with an overview of the rationale, are as follows:

a. The temporary building/structure and its siting must be in compliance with the BC Building Code;

- o Rationale: Notwithstanding the fact that the proposal to place a temporary building/structure for office purposes is temporary in nature, the building/structure is still subject to the BC Building Code and a Building Permit must be obtained. As mentioned by the Building Inspector in his referral comments, the proposed setback of 1 m (3.28 feet) will not meet the setback required by the BC Building Code; given this, the building/structure and its siting must be in compliance with the BC Building Code.
- b. The dimensions and siting of the temporary building/structure shall be in general accordance with the attached Schedule 'A', subject to condition (a);
 - Rationale: Requiring the dimensions and siting of the temporary building/structure to be in general accordance with the attached Schedule 'A' will ensure that there are no significant changes departing from the application after the issuance of a Temporary Use Permit.
- c. 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 from the subject property.
 - Rationale: Obtaining security will ensure that City of Enderby taxpayers are not subsidizing the costs of removing the temporary building/structure from the site should the applicant fail to remove or legalize the building/structure once the Temporary Use Permit ultimately expires or is otherwise revoked.

Broad Considerations

The City of Enderby Planner raises no objections to the applicant's request for a Temporary Use to place a temporary building/structure on the property located at 1009 Belvedere Street for office purposes, as shown on the attached Schedule 'A', 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:

- Permitting the placement of a temporary building/structure will help to support a local business in the short-term by enabling an increase to the commercial floor space on site, while not impeding or discouraging future permanent development on the site;
- An unpermitted temporary building/structure has already been used on the property for office purposes, and the City has not received any complaints regarding associated nuisances or impacts to adjacent properties; and
- It is not anticipated that the proposal would negatively impact the use and enjoyment of the subject or surrounding properties.

SUMMARY

This report relates to a Temporary Use Permit Application for the property located at 1009 Belvedere Street, Enderby BC. The applicant is proposing to place a temporary building/structure on the property

for office purposes. Given that the City of Enderby Zoning Bylaw No. 1550, 2014 does not permit principal uses to occur out of a temporary building/structure, 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

Reviewed By:

Tate Bengtson

Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY

TEMPORARY USE PERMIT APPLICATION SUBJECT PROPERTY MAP

File:

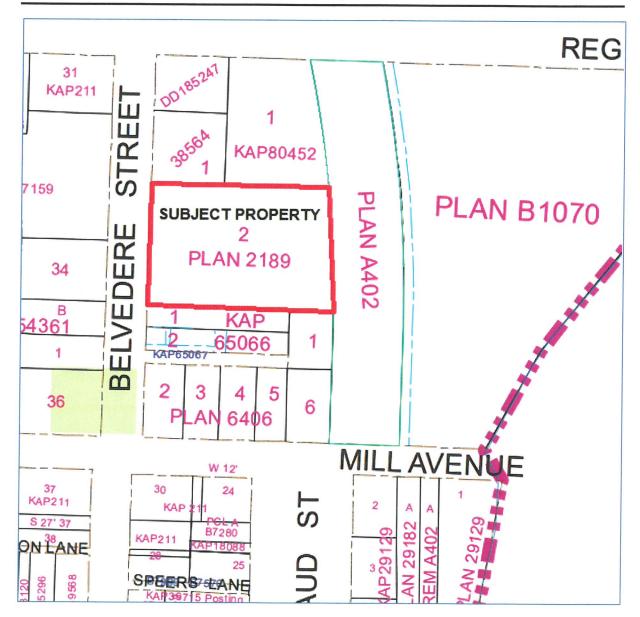
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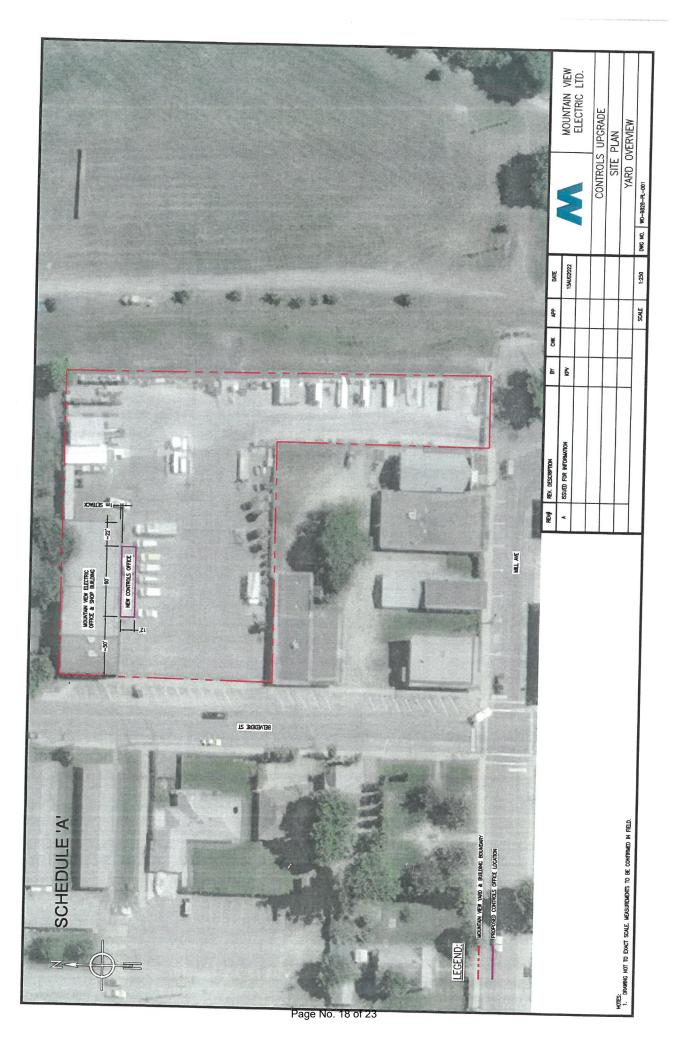
Applicant/Owner:

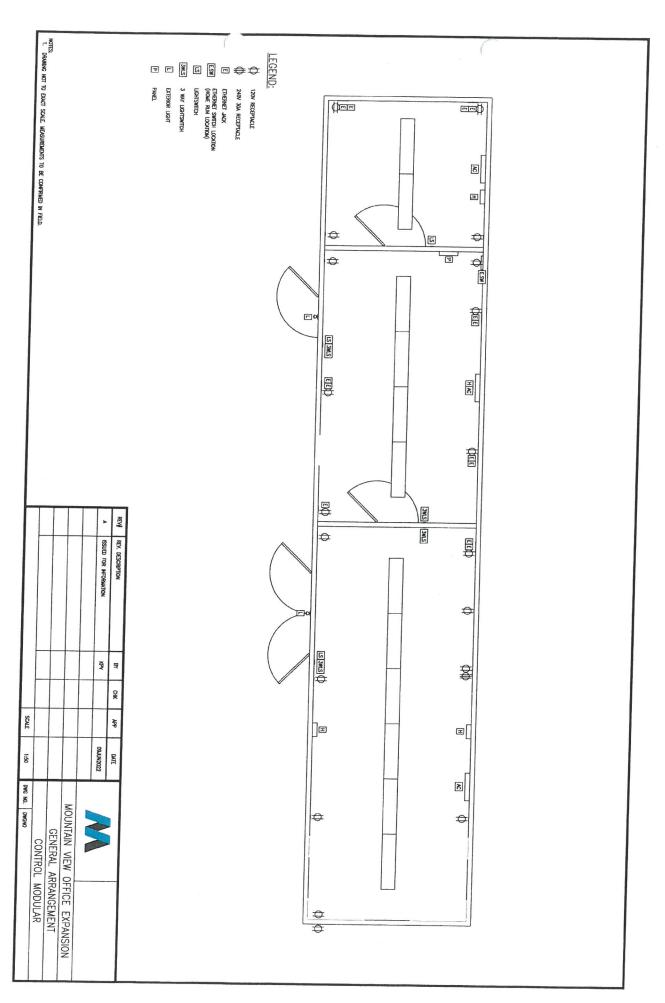
Mountain View Electric Ltd.

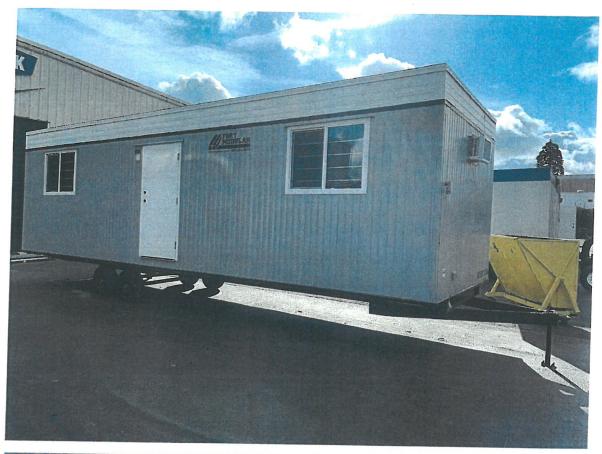
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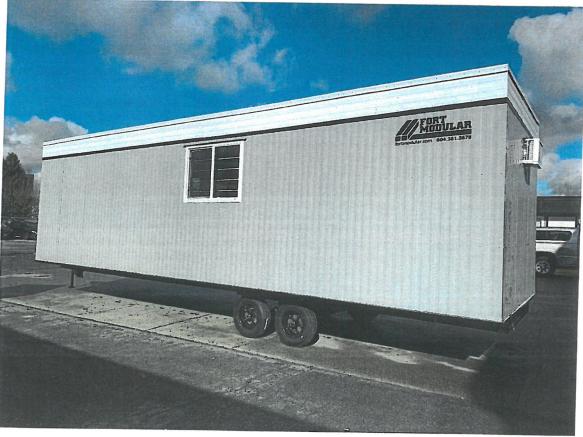
1009 Belvedere Street, Enderby BC



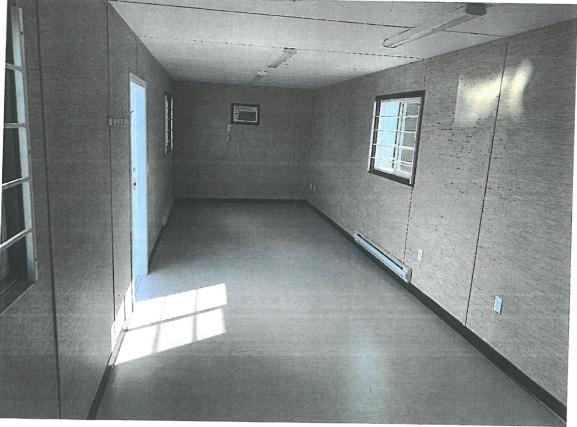


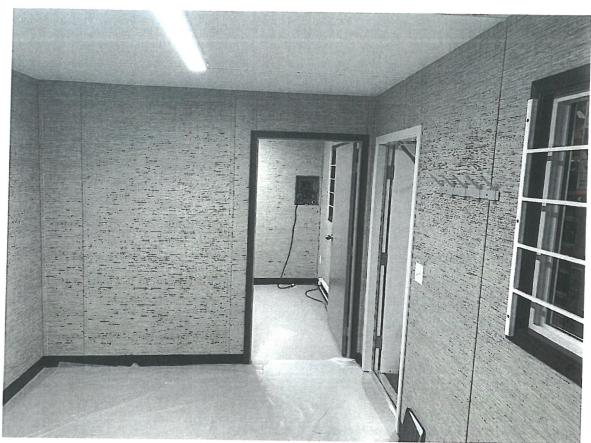






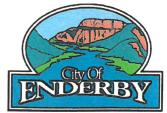








Decision on joining BC Rural Health Network
(\$50 cost) Ab



delegation request.

REQUEST TO APPEAR AS A DELEGATION

on 19 September 2022

ay Month

Year

Date of Request September 7 2022
Name of Person Making Request Paul Adams
Name and Title of Presenter(s) Paul Adams - Administrator Colin Moss - VP
Contact Information paul.adams@bcruralhealth.org
Details of Presentation Requesting membership in the BC Rural Health Network from the City of Enderby
Desired Action from Council (check all that apply)
Information Only
Proclamation
✓ Funding Request Road Closure
Policy or Resolution
Please describe desired action in detail Looking to enhance the rural voice on health across BC.
We will provide a short presentation and provide a background on the Network and why we believe all rural municipalities should join

Please attach any supporting documentation or presentation materials related to your