



## THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, August 15, 2022 at 4:30 p.m. in Council Chambers.

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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 – Kurt Inglis  
Clerk-Secretary – Andraya Holmes

Other: Press and Public

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### **APPROVAL OF AGENDA**

Moved by Councillor Baird, seconded by Councillor Schreiner  
*“THAT the August 15, 2022 Council Meeting agenda be approved as circulated.”*

CARRIED

### **ADOPTION OF MINUTES**

Meeting Minutes of July 18, 2022

Moved by Councillor Case, seconded by Councillor Davyduke  
*“THAT the July 18, 2022 Council Meeting minutes be adopted as circulated.”*

CARRIED

### **DEVELOPMENT MATTERS AND RELATED BYLAWS**

Development Variance Permit Application #0049-22-DVP-END

*Councillor Case and Councillor Baird declared a conflict of interest and left the meeting (4:30pm).*

The Planner gave an overview of the application and asked if there were any questions from Council.

Mayor McCune asked if there are concerns about sight lines at the corner of Regent Avenue and the unnamed lane if setbacks are lessened.

The Planner explained that although the building will sit closer to Regent Avenue with the varied setbacks, there is still at setback of 5.14m (16.86 feet) from the unnamed lane placing the building far enough from the intersection that it will not interfere with sight lines.

Councillor Schreiner asked about the comments from the Public Works Manager regarding the condition of the unnamed lane and its ability to handle the increase in traffic that will occur from four new driveways.

Chief Administrative Officer responded that the requirement of construction to the centerline of the road or cash in lieu, which would typically occur at the subdivision stage, would not be collected at that time as this application involves a building subdivision; as a result, the same value would be collected at the building permit stage, along with any other values that are directly attributable to the subdivision. He noted that the works required to service the lot would likely impact the unnamed lane such that it would be reconstructed in its entirety as part of that process, which would be credited against the centerline construction requirement.

Councillor Knust asked if it is possible that there will be more than four dwellings if suites are added.

The Planner responded that 4 dwelling units is the maximum permitted gross density allowed by the zoning.

Mayor McCune asked if the applicant would like to make representation.

Mr. Eliason explained that the intention of the developer is to pave and service the unnamed lane. He noted that he accepts the covenant condition of permit as it will protect the views of the neighbouring properties.

Mayor McCune asked if there was any member of the public who would like to make representation.

The Planner read one written submission:

**Andrew and Patricia Johanson, 306 Baird Avenue, Enderby BC**

- Concerns about proximity of the new building to their fence and impact on their garden and trees.
- Suggested reducing the structure from a 4 plex to a 3 plex.

Moved by Councillor Schreiner, seconded by Councillor Knust

*“THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as THAT PART OF LOT A SHOWN ON PLAN B544 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 111 EXCEPT:(1) PARCEL 6 ON PLAN B694 (2) PART LYING NORTH OF A LINE DRAWN PARALLEL TO AND PERPENDICULARLY DISTANT 150 FEET NORTH OF THE SOUTH BOUNDARY OF PLAN B544, and located at 307 Regent Avenue, Enderby B.C., to permit variances to the following sections of City of Enderby Zoning Bylaw No. 1550, 2014:*

- *604.a.6.d by reducing the minimum lot area for a four-family dwelling from 1,300 m<sup>2</sup> (13,993 square feet) to 1,010 m<sup>2</sup> (10,872 square feet), as shown on the attached Schedule ‘A’;*

- 604.a.7.b by increasing the maximum lot coverage for a four-family dwelling from 40% to 44.4%, as shown on the attached Schedule 'A';
- 604.10.a by reducing the minimum exterior side yard setback area from 5 m (16.40 feet) to 3.06 m (10.04 feet), as shown on the attached Schedule 'A';
- 604.10.b by reducing the minimum front yard setback area from 6 m (19.68 feet) to 5.14 m (16.86 feet), as shown on the attached Schedule 'A';
- 604.10.e by reducing the minimum side yard setback area from 4 m (13.12 feet) to 1.2 m (3.94 feet), as shown on the attached Schedule 'A'; and
- 901.2.a by reducing the minimum length of an off-street parking space from 6 m (19.68 feet) to 5.14 m (16.86 feet), as shown on the attached Schedule 'A'.

*with the issuance of a variance to reduce the minimum exterior side yard setback area being subject to the owner registering a covenant on the title of the property which restricts the maximum height of any portion of a building or structure that is sited between 3.06 m (10.04 feet) and 5 m (16.40 feet) from the exterior lot line, as permitted by Development Variance Permit 0049-22-DVP-END, to 4.5 m (14.76 feet)."*

CARRIED

*Councillor Baird and Councillor Case returned to the meeting (4:41pm)*

**Development Variance Permit Application #0048-22-DVP-END**

Mayor McCune asked if there is a reason why the owner would not be willing to build the fence behind the City's Statutory Right of Way.

The Planner responded that behind the City's Statutory Right of Way is another Statutory Right of Way belonging to BC Hydro, which takes up a large portion of the yard. The owner is willing to accept the risk that the fence may need to be removed if at some point the City uses the Statutory Right of Way for the intended purpose, but the benefits of building a fence limiting the yard to the area not encumbered by a Statutory Right of Way would not justify the investment in the fence.

Mayor McCune asked if there was any member of the public who would like to make representation.

The Planner read one written submission:

**Herman Halvorson, 1234 Johnston Avenue, Enderby BC**

- Supports the application.

Moved by Councillor Baird, seconded by Councillor Case

*"THAT Council authorize the issuance of a Development Variance Permit for the property legally described as LOT 5 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP90268 and located at 1218 Johnston*

*Avenue, Enderby B.C. to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:*

- *309.2.a.ii by permitting a 2 m (6.56 foot) fence along the front lot line, as shown on the attached Schedule 'A';*
- *309.2.a.iv by permitting a fence along the rear lot line which is greater in height than the height permitted on the side line of an adjoining lot at the point of abutment, as shown on the attached Schedule 'A'; and*
- *309.2.d by permitting a fence over 1 m (3.281 feet) in height in the area described by three (3) lines interconnecting an exterior lot corner, a point on the front lot line 6 m (19.68 feet) from the exterior lot corner and a point on the exterior lot line 6 m (19.68 feet) from the exterior lot corner, the exterior lot corner being the point of intersection of the exterior side lot line and the front lot line, as shown on the attached Schedule 'A',*

*subject to the owner, at their expense, amending the statutory right-of-way instrument (LB364165) to permit fencing on the condition that the fencing must be removed at the owner's expense should the City need to use the statutory right-of-way."*

CARRIED

Development Variance Application #0050-DVP-END

Councillor Knust asked the applicant for some background information on why he would like to build such a large fence at the front of the property.

Mr. Wesley responded that, when building his home, he had to construct retaining walls around the property as part of bringing the building above the flood plain. The fence on top of the retaining wall will act as a barrier to prevent a person from falling off the retaining wall.

Chief Administrative Officer explained that the restriction on the height of the fence does not restrict guard rails for safety.

Moved by Councillor Baird, seconded by Councillor Case

*"THAT Council authorize the issuance of a Development Variance Permit for the property legally described as LOT 3 BLOCK 6 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 1445 and located at 409 Polson Avenue, Enderby B.C. to permit a variance to Section 309.2.g of the City of Enderby Zoning Bylaw No. 1550, 2014 by increasing the maximum combined height of a fence on top of a retaining wall at the property line or within 1.0 m of a property line from 2.0 m (6.56 feet), measured from the natural grade at the property line, to 2.69 m (8.83 feet), as shown on the attached Schedule 'A';*

*THAT Council NOT authorize the issuance of a Development Variance Permit for the property legally described as LOT 3 BLOCK 6 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 1445 and located at 409 Polson Avenue, Enderby B.C. to permit a variance to Section 309.2.a.ii of the City of Enderby Zoning Bylaw No.*

*1550, 2014 by permitting a fence and retaining wall with a combined height of 2.08 m (6.83 feet) within the required front yard setback area, as shown on the attached Schedule 'A'."*

CARRIED

## **BYLAWS**

City of Enderby Bylaw Notice Enforcement Bylaw No. 1581, 2015 Amendment Bylaw No. 1756, 2022 and City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 Amendment Bylaw No. 1757, 2022

Moved by Councillor Knust, seconded by Councillor Davyduke  
*"THAT Council adopts the bylaws cited as City of Enderby Bylaw Notice Enforcement Bylaw No. 1581, 2015 Amendment Bylaw No. 1756, 2022 and City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 Amendment Bylaw No. 1757, 2022."*

CARRIED

## **REPORTS**

### Mayor and Council Reports

#### Councillor Case

Asked for Council's opinion on having a video made to introduce and promote the community to potential business owners, doctors, etc.

Councillor Schreiner asked if this could be attached to the City website.

Chief Administrative Officer responded that if a video were made it could be featured on the website. Staff will investigate this as a project and bring a proposal to Council with approximate costs.

Councillor Case reported that Enderby Jewellers is planning to submit a road closure request for a 75<sup>th</sup> anniversary celebration of the store on October 1, 2022.

#### Chief Administrative Officer

Construction on Mill Avenue is going well. The curbs are in, and the first pour for the sidewalks will occur on Wednesday, with a second to follow. There will be stamped concrete along the bus stop. The project is on track to be completed by the end of the month.

The campground has been very successful so far this season. The online booking system is working well.

There will be a street sweep of the downtown core and other major corridors with curb and gutter prior to Friday Night Lights.

Plans for the McGowan Street subdivision have been approved and work will begin shortly.

Work on the pergolas in the breezeway is nearing completion.

Scheduled work on the ball diamond infields will be beginning in September. Additional drainage will be added to diamond 4.

Restoration work at the Arena is almost complete and will be complete by the time that ice season starts.

Mayor McCune asked how things are going at the pool so far this season.

Chief Administrative Officer responded that the pool is running short staffed but having a successful season. The basin repair completed this spring seems to be holding well so far. For the new pool, conversations are ongoing with the architect about the best procurement method, given the market volatility and inflationary pressures.

Mayor McCune asked about parking at Tuey Park.

Chief Administrative Officer responded that the parking available seems to be working well so far this summer.

Vernon North Okanagan Detachment: 2<sup>nd</sup> Quarter (April to June) 2022

Moved by Councillor Baird, seconded by Councillor Davyduke  
*“THAT the Vernon North Okanagan Detachment: 2<sup>nd</sup> Quarter (April to June) 2022 be received and filed”*

CARRIED

RDNO Building Permit Report – July 2022

Moved by Councillor Case, seconded by Councillor Davyduke  
*“THAT the RDNO Building Permit Report – July 2022 be received and filed.”*

CARRIED

June 2022 Financial Report

Councillor Knust asked if hauling of snow is for the purpose of clearing parking or preventing pooling of water on the street.

Chief Administrative Officer explained that those are a few of the reasons that snow is hauled. Hauling snow is important on narrow roads where there is nowhere to push the snow as the road will become narrower through the winter. When weather turns warmer there is also a need to haul snow to open access to storm drains. Added that there will likely be more hauling needed over time, as more of the community develops.

Moved by Councillor Schreiner, seconded by Councillor Baird  
*“THAT the June 2022 Financial Report from the Chief Financial Officer be received for information.”*

CARRIED

**NEW BUSINESS**

Sidewalk Encroachments Policy

Moved by Councillor Baird, seconded by Councillor Davyduke  
*“THAT Council adopts the revised Sidewalk Encroachments Policy”*

CARRIED

Disclosure of Contracts – Council

Moved by Councillor Knust, seconded by Councillor Davyduke  
*“THAT Council receives and files this memorandum.”*

CARRIED

Temporary Road Closure Application – Enderby Friday Night Lights 2022

Councillor Schreiner asked if the road will remain closed between the farmers market and Friday Night Lights.

Chief Administrative Officer responded that the road will remain closed.

Moved by Councillor Case, seconded by Councillor Knust  
*“THAT Council receives the City of Enderby Event Coordinator’s Temporary Road Closure application (Enderby Friday Night Lights 2022) for information.”*

CARRIED

New Local Government Climate Action Program

Councillor Schreiner asked what the funds from this program could be used for.

Chief Administrative Officer responded that the funds must be used for projects that are aligned with the CleanBC Roadmap and that the funds from the first three years of the program must be used by 2025. As more details about the program are released, Staff will bring a proposal to Council with ideas about how these funds could be used.

Moved by Councillor Baird, seconded by Councillor Davyduke  
*“THAT Council receives this memorandum for information”*

CARRIED

**PUBLIC QUESTION PERIOD**

There were no questions from the public.

**ADJOURNMENT**

Moved by Councillor Baird, seconded by Councillor Case  
*“THAT the regular meeting of August 15, 2022 adjourn at 5:22 p.m.”*

CARRIED

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**MAYOR**

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**CORPORATE OFFICER**